

**THE CHARTER TOWNSHIP OF CHESTERFIELD
ZONING BOARD OF APPEALS**

May 11, 2016

On May 11, 2016 a regular meeting of the Chesterfield Township Zoning Board of Appeals was held at the Township Hall located at 47275 Sugarbush, Chesterfield, MI 48047.

1. **CALL TO ORDER:** Chairman Stepnak called the meeting to order at 7:00 P.M.

2. **ROLL CALL:** Present: Marvin Stepnak, Chairman
Thomas Yaschen, Secretary
Carl Leonard, Planning Comm. Liaison
David Joseph, Twp. Board Liaison
Wendy Jones
Brian Carr

Absent: James Klonowski, Vice-Chairman, *excused*

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA PETITION #2016-08: Gary Gendernalik for PGA Marine, 32393 Lakepoint, Chesterfield, MI 48047. Requesting variance to allow outdoor improvements to the sidewalk, parking lot and storage area at the above address for PGA Marine in the Waterfront Zoning District.**

Gary Gendernalik, Au Lac Drive, Chesterfield, MI 48047 addressed the board.

Petitioner state that he was representing Mr. Gary Patchak, the owner of PGA Marine Fiberglass Repairs. He stated that they requested a Special Land Use with the Planning Commission for an outdoor unpaved parking and storage area and that hearing was on March 22nd. They knew at that time that they needed variances from the ZBA. Prior to filing the request with the Planning Commission, he spoke to Patrick Meagher, the Township Planner about procedural issues and based on that discussion between them, they agreed that he would file for a Special Land Use with the Planning Commission and later seek variances with ZBA. The first variance they are requesting is for a gravel parking lot versus a paved parking lot and the elimination of the sidewalk because there is no pedestrian traffic in this area so it would be a waste of money. He remarked that there are no sidewalks in that area so the sidewalk would go to nowhere. He explained that on the aerial they can notice that across from his

clients property is the restaurant and the restaurant has pavement here and this area is unpaved and this is where most of their customers park in proximity to Jefferson. He stated that in the first submission they had a chain-link fence because their neighbors have a chain-link fence so they were just going to continue it along the premises with a gate located over here, so they would have security. In conjunction with that they had some landscaping over here and they requested a simulated wrought iron fence along here similar to what is down by Marine One. They also requested to slide the fence on Lakepoint in off the property line. He mentioned that they brought the fence in and put a simulated wrought fence on Jefferson, eliminated the tall grasses and put in evergreens. He added that there would be 22 parking spaces and the parking is not open to the customers. Customers do not bring their vehicles here. He stated that they pull in where the office and shop are located. He explained that the staff puts the vehicles here because a lot of the vehicles are very large and there is enough maneuvering range for the employees. Most of the time two persons move the vehicles, one driving and one spotting. They wanted an 85' setback which it is and a 10' setback on this side.

Mr. Yaschen asked what are they actually going to be putting in there? Will there be boats and RV's?

Petitioner replied that there would be boats and RV's as he repairs both.

Mr. Yaschen asked how long the culvert runs?

Petitioner replied that the culvert runs from here to here he showed him on the plans it goes under Lakepointe and out.

Petitioner then read a letter from CJ Browns Boatyard Grill that was in favor of the board granting the variance. The letter was retained for the ZBA records.

Petitioner stated that basically it is a Special Land Use requesting a variance in regard to the gravel parking lot, eliminating the sidewalk and in AEW's comments they stated that the parking lot should be paved with gutters. He commented that at the Chesterfield Township's Municipal facility, there is an asphalt drive coming in with open ditches on the side and there is no curb and gutter except where they park out over here; so people can exist without curb and gutter. Attached with the submission, in his letter to the Planning Commission, he stated that there has to be flexibility with regard to zoning requirements and that is why there is a ZBA. People want to see the property maintained and his client has a lawn service that cuts the lawn every week and with the revised plan there is going to be more greenery in front of his facility than any other place along Jefferson, so he feels that on a practical level, it makes common sense to grant the variance request so they can build that gravel parking lot as submitted in the revised plan. He stated that when asked about putting up decorative fencing around the facility, they agreed to put it up along Jefferson on the frontage and the rest would be cyclone fence to match what was there.

Petitioner stated that they also agreed to eliminate the high grass and put in additional shrubbery which they did in conjunction with the site plan that was submitted with this application. He mentioned that the high grass he talked about, which he showed to the Planning Commission is scrub grass that they have at the City of St. Clair Shores Municipal offices and Mr. Leonard stated that he would not want to go over there to clean it up.

Mr. Leonard stated that the one thing he appreciated was that there was an attempt to do something better with the landscaping. A few grasses would not have been bad, but that large area of just high grass looked a little too wild. He will say that the petitioner does maintain that property. He mentioned that the Planning Commission has been working on the Master Plan and Jefferson is a very unique road to the community with the Marina district. He has lived in this area since 1986 and people just become immune to the look of it when driving back and forth. However, they have put some effort into what they have done on 23 Mile, Gratiot and Jefferson. He stated that with Jefferson and people coming into the community going to Brandenburg Park, they really wanted to put an effort in cleaning up the area to provide some curb appeal. He stated that the Planning Commission really did not have an issue with leaving the parking lot unpaved because they realize paving it would be an expensive undertaking and because the lot is only going to be for storage of repaired vehicles and the customers will not be parking in that area, so it seems like it would be something to defer for another day. He mentioned that the Master Plan goes out for 20 years. He stated that in the last 40 or 50 years there have been many opportunities to address these issues and nothing has ever been done about it to clean things up and make it look really nice. He mentioned that was where the fencing and landscaping comes in. He explained that Planning did not really have a problem with the parking lot and as far as the sidewalks, hopefully some time the Macomb County trail will extend in that area or there will be sidewalks put in. The only problem Planning had with the issue is the fencing. They would like a wrought iron decorative fence on both frontages not just on Jefferson.

Chairman Stepnak verified that Planning Commission had a Public Hearing on this and basically they agreed with the gravel parking lot for storage and there were no public comments. Therefore, they are in front of the ZBA for the unpaved parking lot which will have limited access and be used for storage of vehicles being repaired.

Mr. Yaschen asked about the lease with Sun-up property on Lakepointe is that going to expire?

Petitioner replied yes. The reason there was a lease is because Sun-up has no exposure on Jefferson and to get to Sun-up, a person would have to cut through their storage facility and get their building or go down to Jamaica and get across. So the sign has his clients name on it and Sun-up and they share in that expense to some degree. He stated that they tried to buy that strip of land between them and Anchor Bay, but they use it. He commented that AEW stated that they can have a parking lot

separate from their place of business because the ordinance states it is okay as long as it is within 300 feet. The property is on the same side of the road and separated by 50' so it is fine.

Ms. Jones stated that with the landscaping and the property is being kept up, so she does not really have a problem with it.

Mr. Joseph commented that he understood the role of Planning, but this concept of what grasses can be put in or whether it is a wrought iron or cyclone fence gets his blood boiling. It is like his neighbor deciding what plants he should put in his front yard based on the property value because it might impact his house. He really does not like that. They have discussions about aesthetics and financial viability all the time, but when people put a list down to how tall the grass can be, attaching that to a business owner versus his ability to put food on his table; he gets angry about that. He reiterated that he does not like that. He further commented that the petitioner was a community partner an asset to Chesterfield Township and that he was in favor of the board granting the variance. He hoped the only real debate on this particular request would be which one of the board members would get to make the motion to approve.

Mr. Carr stated that most of his questions and comments have been addressed by other member of the panel. However, while he appreciated Mr. Joseph's comments, he probably would agree more with Mr. Leonard comments because being a part of the community for a long time, they really should take into consideration the aesthetics. He stated that obviously financially they do not want to cause any undue hardship for anyone, but at the end of the day, ordinances are in existence for a reason and they create some stability in the development and growth of any community. He remarked that he did not have any issue with the gravel lot or with the sidewalks, although eventually he would like to see the sidewalks installed and linked together. He commented that, in his opinion, the chain link fence is unsightly, although that is not why the petitioner is in front of this board.

Petitioner made some additional comments about the fence.

Public Comments:

Ray Saelens, 48840 Point Lakeview addressed the board.

Mr. Saelens made comments in favor of the board granting the variance.

Ed Meur, Propeller Basin addressed the board.

Mr. Meur stated that Mr. Patchak has been a good neighbor and has always maintained his property. He does not have a problem with the plan at all.

Mr. Leonard reiterated that the Planning Commission did not have a problem with the gravel parking lot at this time and they are not looking to put anyone out of business. However, at some point in time the Township has to take a little bit of a turn to clean things up and make things look right. He mentioned that there are a lot of things that should be cleaned up in the community and at times it seems like Zoning Enforcement lacks the manpower or desire to go out and do these things. Therefore, they kind of look at the Planning Commission to try to do some nice things and hopefully they will change things so everything will look better in 10 or 20 years. He would like his children to look at something different in Chesterfield. He mentioned that he did not think the Planning Commission was too hard core and they do compromise when they can. He explained that they do have ordinances. He was not the only one of the Planning Commissioners who did not like the large swaths of high grass.

Chairman Stepnak stated that basically the only thing they are addressing this evening is the gravel parking lot and the sidewalk. He mentioned that they were not concerned about the landscaping and these other issues.

Mr. Leonard stated that he was just replying to some comments that were made and he mentioned that the only thing the Planning Commission was concerned about was they would like to see an end to the chain link fences and more of the decorative fences. He mentioned again that was not something that was being addressed tonight and they are only dealing with two issues, he was just expressing the opinion of the Planning commission as their liaison.

Mr. Joseph stated that when Chairman Stepnak asked Mr. Leonard to get his take on what was discussed at the Planning Commission, maybe he misunderstood. He then apologized to Mr. Leonard because he thought he was bringing up the ornamental grasses and fence as part of this variance.

Mr. Leonard stated no, he was just giving a synopsis of what happened at Planning.

Mr. Joseph then stated that he agreed with Mr. Carr's comment about the board having an obligation to look at aesthetics in a balanced way. However, it does sometime get to be an undue burden on some of the petitioners that come before them. He explained that they may have great ideas of how they want to enhance the Township and the waterfront, but it is difficult sometimes for a business owner. He stated that in theory they are in the same spot, but they have to keep it all in perspective and there has to be a balance.

Petitioner agreed with Mr. Leonard and stated that the Planning Commission did not have a problem with the sidewalks. He asked that the ZBA approve the petition so they can go back in front of the Planning Commission

Mr. Leonard stated that he did not even think sidewalks came up during that meeting.

Motion by Mr. Joseph to approve Petition #2016-08 as outlined in the agenda.

Supported by Mr. Leonard

Mr. Leonard mentioned for clarity he would like to include that the parking lot is strictly for the business owner to park boats and campers that are being serviced, either in for repair or that have been repaired, and not for customer usage to go in and out.

Chairman Stepnak verified so the addition to the motion would be that they are allowing the gravel parking lot due to the fact that it is not going to be used by the public, but will only be used for storage purposes. He stated that they were also waiving the sidewalk due to the fact that there is no immediate reason for the sidewalk to be part of this development. He added that they are also okay with the outside storage within the marina district.

Mr. Joseph stated that for the Township Board meetings they have counsel and if they have any questions about the wording of the ordinance or motion. He stated that in this case he would go to the counselor who represents the petitioner because he does not even know what they are approving any more.

Chairman Stepnak stated that they cannot say they are approving this because they think it is a good plan or the guy is a good person in the community. He explained that when making the motion, they want to state why they are approving it. Therefore, they spell out the reason they are approving the gravel parking lot and it goes into the minutes. He stated that they are allowing the gravel parking lot because the petitioner stated it would only be used for vehicles being repaired and also they are approving the not having a sidewalk because they do not see an immediate need in the area for a sidewalk. He stated that they are just trying to document what they are doing this evening.

Mr. Joseph stated that if the petitioner is satisfied then he was satisfied.

Mr. Leonard continued support

Ayes: All

Nays: None

Motion Granted

5 OLD BUSINESS:

There was no old business.

6. **NEW BUSINESS:**

There was no new business

7. **APPROVAL OF MINUTES FROM PRIOR MEETING:**

Motion by Mr. Yaschen to approve the minutes from the April, 27, 2016 meeting.

Supported by Mr. Joseph

Ayes: All

Nays: None

Motion Granted

8. **COMMENTS FROM THE FLOOR:**

Jonathan Stanley, 29108 Lesnau Court, Chesterfield, MI addressed the board.

Mr. Stanley was there with other people in his area to complain about a batting cage in their neighborhood.

Chairman Stepnak informed the gentleman that was not something the ZBA would handle.

Mr. Joseph offered to speak to Mr. Stanley and some other people concerned about this problem after the meeting.

9. **ADJOURNMENT:**

Motion by Mr. Yaschen adjourn at 8:08 PM

Supported by Mr. Joseph

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary