

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

June 15, 2016

On June 15, 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 James Klonowski, Vice-Chairman Thomas Yaschen, Secretary Carl Leonard, Planning Comm. Liaison Wendy Jones Brian Carr
Absent:	David Joseph, Twp. Board Liaison, <i>excused</i>

Mr. DeMaster attended the meeting as the representative from the Building Dept.

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA PETITION #2016-09: Robert Yenna, 52057 Kingspointe, Chesterfield, MI 48051. Requesting a variance to be over the allowed square footage for accessory buildings for a proposed new residence with 3 car attached garage located at 52470 Baker Road.**

Robert Yenna, 52057 Kingspointe, Chesterfield, MI 48047 addressed the board.

Petitioner stated that he purchased property on Baker Road and it is one acre parcel. He mentioned that there is a one story cinder block garage already on the property with an old home. He explained that they are proposing to keep the garage, demolish the home and would like to build a new ranch home with a three-car attached garage in line with the other homes in the area. He stated that they have five children and they will have a number of cars, so they would like to have at least three cars parked in the garage out of the elements.

Mr. DeMaster explained that the garage has been there and it is not in the rear yard. He stated that he does not feel it would encroach any more on what is already there and it is an old house and tearing it down will improve the neighborhood with the new house. He mentioned that stating a person can only have a 1 and ½ garage for a house on this large piece of property is ridiculous.

Ms. Jones verified so the old garage is not coming down.

Petitioner replied that is correct.

Mr. Leonard asked if the petitioner was going to update up the old garage so that it matches the new home?

Petitioner replied yes. They plan to use vinyl siding and roof to match their new home so it will fit in with what they are building.

Mr. Carr did not have any questions.

Mr. Yaschen had no comments.

Mr. Klonowski remarked that he believed they had a similar situation in the past and looked favorably on it. He would have no problem with this.

Chairman Stepnak stated that he had no comments or concerns and he thought this would fit in with the area.

There were no comments from the Public.

Mr. Carr asked how when the petitioner goes for the building permits do they enforce that the petitioner is going to upgrade the existing structure?

Mr. DeMaster stated that the information will be part of the motion in the minutes.

Mr. Carr just wanted to make sure that it actually gets done in accordance to what they agree to. He thought that the board all agreed it was okay as long as the old garage is brought up to current standards and aesthetics.

Motion by Leonard to approve ZBA Petition # 2016-09 to allow the existing 20' x 50' accessory structure to remain on the property. He stated that the petitioner has agreed to match the siding, roofing and aesthetics of the new house and the existing garage.

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

5. ZBA PETITION #2016-10: Paul Hinderliter, President of Progressive Finishing, Inc., located at 50800 E. Russel Schmidt, Chesterfield, MI 48051. Requesting a 20' height variance for a proposed exhaust stack in the general manufacturing district at the above address.

Paul Hinderliter, 50800 E. Russel Schmidt, Chesterfield, MI 48051 addressed the board.

Petitioner stated that he was requesting a stack variance height from 55' to 75' for his facility.

Mr. Carr went out to the property and he asked if they already started the air permitting process?

Petitioner replied yes.

Mr. Carr asked if it was on track to meet the petitioner's time line?

Petitioner answered yes.

Mr. Carr asked so this work that is coming up with GM is it contingent on the capability of this stack?

Petitioner replied yes, for him to be able to spray it, yes. He mentioned it was for a soft touch material for the dash board.

Mr. Carr verified that the work on this will commence in January?

Petitioner replied yes. He stated that the stack would take about 12 to 14 weeks to get in place.

Mr. Carr asked if the petitioner had an engineer on record who is designing this for him?

Petitioner stated that he had some quotes done for the free standing stack. He explained that it will be anchored to the ground. It will be put in a 2' deep pad x 5'. He added that obviously everything will go through the Building Department.

Mr. Carr mentioned that the paperwork indicated that it would be steel, but painted.

Petitioner mentioned that they could either go with the galvanized stack or galvanized with paint. They would like it to blend in with the skyline and not stand out like bright red or yellow.

Mr. Carr stated that the only reason he brought up the paint is because he has experience with stacks and typically the paint does not stand up over time. He realized that the petitioner has a 5-year contract with GM but obviously after that the petitioner will still want the stack to remain. He explained that his concern is with the material and he thought the petitioner should have something that would stand up over time with minimal maintenance. He added that a structure that high will be seen even though it will be hidden somewhat in that area. He commented that the petitioner stated he had two quotes one for galvanized and one with paint.

Petitioner stated that he could use either/or. They just wanted to use something that would blend in with the skyline.

Mr. Carr mentioned that his only concern would be the maintenance. He explained that the metal tends to rust and with it being that high it will be visible. Therefore, the petitioner's intent of having it blend it, if not maintained, will not blend in.

Mr. Klonowski asked if because of the height the petitioner had any correspondence for the Township from DEQ?

Petitioner replied that they have just received the request for the permit to install. He has gone through a professional consultant agency NTH Consultants who do all the environmental stuff for Michigan and all over the United States. He stated that they took all of his information and the type of materials they are going to spray, they did dispersion models, cost analysis and they got all these things and then submitted the information to the DEQ for permit modifications. He mentioned that they came up with a 73' stack to meet the requirements, but he asked to go 2 additional feet which will further improve the dispersion model. DEQ got the information and let them know they received it and they are now going over all the information from the consultants.

Mr. Klonowski stated so the petitioner will have the paperwork from DEQ explaining their reasons for the height.

Petitioner replied yes.

Mr. Klonowski mentioned that when the petitioner receives the correspondence from DEQ to give the Township a copy of the paperwork because that should be on file for our records.

Mr. DeMaster brought up the fact that the petitioner would have to submit that to the Building Department to get the permits anyway.

Mr. Yaschen went out to the site and noticed a cell tower not too far from there and mentioned that it is in an industrial area anyway. He read in the paperwork that this would bring in 27 new jobs to the area. He asked if it was a three year contract?

Petitioner stated that it was a 5 year contract and would start in January of 2017. He mentioned that sometimes it could be lessened to a 3 year contract in case the model doesn't sell at the end of that time frame. The part they will be working on is for the Equinox.

Ms. Jones had no questions.

Mr. Leonard had no comments.

Chairman Stepnak stated that it was good the building was going to be utilized and he does not have a problem with it as long as all the safeguards are in place for the community.

There were no Public Comments.

Motion by Mr. Carr to approve ZBA Petition # 2016-10 contingent on the material selection is something that is sustainable for long term and would require limited maintenance in the future.

Supported by Ms. Jones

Chairman Stepnak stated that this is in a manufacturing district and this fits in with what is already in that area.

Mr. Carr agreed with the addition to his motion.

Ms. Jones continued support.

Ayes: All

Nays: None

Motion Granted

6. **ZBA PETITION #2016-11: Eric Dietz of Med Express, 370 Southpointe Blvd., Suite #200, Canonsburg, PA 15317. Request is for two variances first for a setback variance and the other for natural screening in lieu of masonry wall located at 34875 23 Mile Road for a proposed Med Express Urgent Care Medical Building.**

David Eberhard, 28790 Coleridge, Harrison Twp., MI 48045 addressed the board.

Mr. Eberhard stated that he was the attorney for Med Express. He explained that they are requesting two different variances the first being a side yard setback of 30'. He mentioned that the ordinance requires a 40' setback when commercial property abuts residential property. However, when looking at the site plan to the east of the property is the VFW Hall and they have a secondary vacant lot here with only a play-scape with

a pavilion and the actual VFW Hall is located in New Baltimore. He stated that there is already a buffer between this commercial property and the residential property of the VFW. He mentioned that on the west side of the property similarly there are two different vacant lots that go all the way to the side street with no improvements and no residential homes. Therefore, essentially there are already buffers between the two properties. He explained that this property is unique in that it is 600' x 120' with three buildings on it that are used by a landscape business. The Petitioner's use will be for a single building urgent care facility and they are requesting the variance because they are a commercial zoned property squeezed between two residential properties. He explained that the second variance relates to natural screening in lieu of a 6' decorative masonry wall. He mentioned that in order to meet all the other requirements for parking and grading, they have pushed the building to the east and there are already matured trees in line and in addition they are proposing to put in arborvitae that are 5' on center, 5' tall and if they look at the VFW Hall with the arborvitae, the playscape and pavilion will be total blocked and on the other side there are no residents and the arborvitae will totally block the view on that side. He reiterated that there are currently three buildings on the property that they will be demolishing and they will be putting up a nice professional looking medical building on the property. He stated that he does not feel this will impair the adjacent property owners and they will be providing the screening. He mentioned that the representative from Med Express and the Engineer are also in attendance and they are here to answer any questions.

Mr. Leonard stated that the Planning Commission really did not have any major concerns about either variance, they are just waiting for the vote tonight and the petitioners will be coming back to Planning.

Chairman Stepnak verified so basically the petitioners were very cooperative with the Planning Commission.

Mr. Leonard replied yes everything went well and this is just a procedural matter.

Ms. Jones just felt this would be a very nice improvement to the property.

Mr. Yaschen asked the petitioner to come up and explain the location of the their property on the paperwork.

Mr. Eberhard showed him the location of the property and the location of the proposed building.

Mr. Yaschen had no further questions.

Mr. Carr agreed that the landscape approach is a much softer approach he stated but with that comes maintenance. He asked if they had any irrigation system going in there to maintain the arborvitae.

Eric Dietz, project manager of Med Express, 370 Southpointe Blvd., Suite 100, Canonsburg, PA addressed the board.

Petitioner stated that they do not currently have an irrigation system going in but if it was required under the zoning ordinance, they would not have a problem putting it in.

Mr. Carr stated that it is not required but arborvitaes can die and there is nothing holding them to replace them so the original intent to provide a screening wall that divides the two properties five years from now could become a blotchy mess with an arborvitae here and another twenty feet away. He just wanted to make sure if the variance is granted that it will be maintained for a long period of time.

Mr. Eberhard stated that Med Express has several of these facilities throughout the country and he thought Mr. Dietz could speak to the quality of their facilities and their commitment to maintaining their properties in excellent condition.

Petitioner explained that the arborvitaes are a low maintenance and low water use plant and there is currently no landscape irrigation proposed. He reiterated that it could be added, however, all of our facilities have a landscape area around the building and they have a maintenance agreement with a landscape company to come through and mow the lawn, fertilize, weed, and mulch. So they do have maintenance agreement on the property.

Chairman Stepnak stated that when there is a separation between commercial and residential they require a wall and the idea is because usually in a commercial type of set up there can be a lot of garbage so they want to protect and safeguard the residential areas. He explained that in this case the arborvitaes would fit and he does understand Mr. Carr's concern over the maintenance, but the community does have quite a few commercial facilities that have arborvitaes and most of the time they are maintained and as explained Med Express does have a landscape agreement with a company to maintain the property.

Mr. Klonowski thought everything had been covered and he has no problem with it and he feels that the arborvitaes will be much nicer than a wall. He stated that furthermore, he has no problem with the setback.

Chairman Stepnak stated that he did not have a problem with either variance and he thought Med Express would be an asset to the community.

There were no Public Comments.

Mr. DeMaster agreed with all the comments.

Motion by Ms. Jones to approve Petition # 2016-11 for the variance setbacks as stated in the Petition and she noted that the petitioner has promised to keep up with the landscaping, the appearance and the aesthetics of the outside of the building.

Supported by Mr. Klonowski with the addition that the arborvitaes will be used for screening instead of a brick wall.

Chairman Stepnak stated that he would also like to add that due to the location of the project on 23 Mile Road which is heavily traveled and they do not believe it is necessary to have a wall to separate properties and basically the greenery being put up would adequately safeguard the community.

Ms. Jones agreed to both additions to her Motion.

Mr. Klonowski continued Support.

Ayes: All

Nays: None

Motion Granted

7. ZBA PETITION #2016-12: Bill Tundo, 37160 Hobarth Road, Chesterfield, MI 48047. Requesting a square footage and height variance for a proposed pole barn on a 15 acre parcel located at the above address.

Bill Tundo, 37160 Hobarth Road, Chesterfield, MI addressed the board.

Petitioner stated that he was looking for a variance for a pole barn that he wants to put on his property on Hobarth.

Ben Hewitt, 3922 Tunstall, Clinton Twp., MI addressed the board.

Mr. Hewitt stated that he was the contractor for the project. He stated that it would be approximately 1500 more square feet over the allowable square footage. He stated that the property is 14.8 acres and is zoned A-1. He explained that the petitioner has a 1500 square foot home with a small 2-car garage and wants to put his boat, tractors, and lawn equipment in the pole barn. The neighboring homes have similar structures and there are all big parcels in that area, so they will not be obstructing views

Mr. Klonowski stated that the area is primarily large lots with agricultural in that part of the community. He agreed that there are similar structures of that size in the area and he really does not have a problem with it.

Mr. Carr had no comments.

Mr. Leonard asked the size of the lean-to off to the one side?

Mr. Hewitt replied that it would be 10' off the building and would run the entire length of the structure. He stated that the lean-to would be on pillars every 12'.

Mr. Leonard asked if there would be a slab under it?

Mr. Hewitt replied no, it would be on gravel.

Mr. Leonard asked the purpose of the lean-to?

Mr. Hewitt answered that it would be for wood for his fire pit, patio furniture and stuff of that nature.

Mr. Leonard asked if the petitioner planned to run a business out of the structure?

Petitioner replied that it would be for personal usage and he may want to do a little bit of farming on the property.

Mr. Leonard asked if the petitioner would be putting in some electricity or heat?

Petitioner stated that he would like to put in some electricity so he has some lights in there.

Mr. Yaschen had no questions.

Ms. Jones had no comments.

Chairman Stepnak stated that he had no problems with it and the board has always looked favorably on larger pole barn structures in rural areas.

Mr. DeMaster stated that he did not have any problems with the variance. He mentioned however, in the past, some of these lean-to areas have been enclosed adding to the square footage of the pole barn and he would like the minutes to reflect that the lean-to portion of the pole barn is never to be enclosed. He stated that if the petitioner has no problem stating that he will not enclose the lean-to area, he does not have a problem with it.

Petitioner replied that he would not be enclosing the lean-to.

Motion by Mr. Klonowski to approve Petition # 2016-12. It would be harmonious with other properties in that agricultural area. He stated that the lean-to is to remain open and not to be enclosed in any way.

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

8. OLD BUSINESS:

There was no old business.

9. NEW BUSINESS:

There was no new business

10. APPROVAL OF MINUTES FROM PRIOR MEETING:

Motion by Mr. Yaschen to approve the minutes from the May 11, 2016 meeting.

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

11. COMMENTS FROM THE FLOOR:

There were no comments from the floor.

12. ADJOURNMENT:

Motion by Mr. Yaschen to adjourn at 7:44 PM

Supported by Mr. Leonard

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary