

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

***April 26, 2017***

On April 26, 2017, 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  
Carl Leonard, Planning Comm. Liaison  
Hank Anderson, Twp. Board Liaison  
Wendy Jones  
Brian Carr

Excused: Thomas Yaschen, Secretary

Others: Gary DeMaster, Building Department Administrator

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA PETITION #2017-06: James T. Hall 20400 Hall Road, Clinton Twp., MI 48038  
Request is for a 10' rear yard setback variance. Petitioner is proposing a 25' rear yard in lieu of the 35' required by ordinance, located at 32134 Persimmon Lane.**

Mr. Stepnak stated that he wanted to ask the opinion of the building administrator Gary DeMaster

Mr. DeMaster stated that the petitioner did come into the office and apply for a permit however he was denied due to the rear yard setback. I did tell him he would have to meet practical difficulty, a hardship and uniqueness of the property to get a variance and I didn't see any of that.

Mr. Stepnak asked Mr. DeMaster if the petitioner was working with him in the situation.

Mr. DeMaster stated that yes he was working with him however there are other places in the rear yard that the sunroom can be placed. They could remove the patio or it

could be placed on the side, etc.

Mrs. Jones had no comment

Mr. Carr stated that he agreed with Gary and that while it is a large lot, we do have setbacks and easements for reasons and he believes that it could go in another location as well. The restrictions were well-known when it was purchased and the plot plan has been available to the homeowner.

No comments from Mr. Anderson

No comments from Mr. Klonowski

Mr. Leonard asked about the location where they are looking to put the sunroom - what is that room inside the home?

Mr. Hall stated that that room was the family room

Mr. Leonard asked where the patio is – what room that area was?

Mr. Hall stated that that was the kitchen/dining room area.

Mr. Leonard then stated that it would work there as well. It could go off the dining room or family room or a bedroom.

Mr. Hall said that it could not go off of the bedroom due to the egress. He also stated that the issue is that the patio is raised and has rather large steps/stairs

Mr. Leonard stated he could see it both ways - in that the lot does he have some irregularities.

Miss Jones asked about putting it over and egress.

Mr. Hall explained what an egress is.

Mr. Leonard stated that the sunroom is on the back of the family room and that why couldn't it go off the side of the family room.

Mr. Hall stated I don't know what's on the interior in that location and wasn't sure what issues that may cause. So it would have either have to be on the north side or where the patio is. And without tearing the patio and starting from scratch it would be real difficult to have it there.

Mr. Stepnak stated that he wanted to elaborate on a few things that we do have ordinances in place and that every time we grant a variance we are chipping farther

away from the ordinance and I know people do enjoy their yards. And I also know as a business person the difficulty you're facing. The board understands that however we really do have to take into consideration what we are chipping away at the ordinance.

Mr. Stepnak opened the public hearing.

No one from the public spoke.

Mr. Stepnak stated that as a board we have a statement of practical difficulty that was in our packet, we do not have any additional communication from anyone on this other than the fact that it does go to the surrounding neighbors so they are aware of this and it is posted at the Township as well as the local paper.

Mr. Hall did state that the lot does present a real practical difficulty because of the front garage sitting so far up and that pushed the house so far back, one side is very deep and one side is very shallow and 120 feet on a cul-de-sac is a real sharp angle to work with, the other thing is it does back up to the school and wooded area and no one will be coming up behind the property.

No additional comments from the board

**Motion** by Mr. Carr to deny Petition # 2017-06. The petitioner did not clearly show practical difficulty to the setbacks. The fact there is no practical difficulty and there are other places it could be placed on the site and those areas need to be taken into consideration to meet the ordinance.

**Supported** by Mr. Klonowski

**Ayes:** Jones, Anderson, Stepnak, Carr, Klonowski

**Nays:** Leonard

**Motion Granted**

5. **ZBA PETITION #2017-07: Kenneth Rushing 48525 Shady Glen Chesterfield MI, 48051 requesting relief from Sec.76-331, Residential provisions (1), Yards & special rules for certain locations. Any lot of record in Anchor Bay Gardens, Anchor Bay Harbors or Anchor Bay Shores which borders a canal shall meet the following front & rear setbacks "The distance of the setback shall be a distance of the first six like structures to the left and the first six like structures to the right of the proposed structure, request is for a proposed new residence located at 45740 Edgewater.**

Erik Heiderer, 44045 Gratiot, Clinton Twp., MI 48036 addressed the board.

Mr. Heiderer addressed the board, he stated that his client, a Chesterfield Township resident, has purchased a lot in the township on Edgewater Drive. Which is a vacant lot to build a new house on. With the intent of the ordinance in the R1C district the average setback requirements are 30 foot in the front and 35 foot in the rear, now this lot is in the Anchor bay shores subdivision which has the average setback of six houses on the right and six houses on the left. The vacant lot is 120 feet deep with the average of the houses added up the buildable area is only about 20 feet. So the hardship is that where event of the average setback makes it unbuildable lot, now if we were able to use the R1C setbacks which is 30 foot in the front and 35 foot in the rear that we would be able to build a house on the property.

Mr. Leonard stated that he would meet the front and rear setback and what you're trying to do his lineup with the other homes

Mr. Heiderer stated with the eight that we have measured out - six of the eight match up to the 35 foot setback required with the R-1-C district and only two do not

Mr. Leonard said it looks like the fronts sort of line up but the rears not so much, so it's a irregularity that exist with most of these lots on the water. I've built 3 different times on the water and you run into these kind of problems a lot. Along the water there is no continuity like in a new subdivision. If it is just a matter of where it's being placed – I mean it may not line up exactly, but I think I see things that are already existing that are similar to that and I don't seem to have a problem with that. I do have a question asked to the house is it a two-story and what is the square footage?

Mr. Heiderer stated that it was 1900 ft.<sup>2</sup> and the first floor is 900 ft.<sup>2</sup>

Mr. Leonard asked if the garage is out front with a pass-through.

Mr. Leonard asked if they had plans because they just like to kind of see what's going up.

Mr Heiderer stated that they did not bring the plans and that they wouldn't even need to be here if the lot setbacks just followed the R-1-C district.

Mrs. Jones had no comment

Mr. Anderson had not comment

Mr. Carr had not comment

Mr. Klonowski stated that it all seemed to line up with neighbors and that he has no issues

Mr. Stepnak stated that all of the lots on the water tends to go back to the old

supervisors plan and a lot of them we're old cottages.

Mr. DeMaster stated that he agreed with Mr. Leonard.

Mr. Leonard did ask about a propose lot split?

Mr. Rushing did say that he owns both lots and that it would be a possible future split down the road and more for retirement, he also stated that this home will be his primary residence.

Mr. Stepnak said that the chair has no problem with it

Mr. Stepnak asked if there were any comments from the public

No one from the public spoke

**Motion** by Mr. Leonard to approve petition number #2017-07 to allow the variance to place the house as shown on the site plan, to allow some relief from the lining up of the houses on the north and the south end of the street due to the fact that the properties have difference in sizes, depths, road curves, etc. just the normal waterfront issues.

**Supported** by Mrs. Jones

**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 Mrs. Jones to approve the meeting minutes from April 12, 2017.

**Supported** by Mr. Stepnak

**Ayes: All**

**Nays: None**

**Motion Granted**

**8. COMMENTS FROM THE FLOOR:**

Mr. DeMaster stated that Cabela's is very close to getting a temporary certificate of occupancy for interior finish work.

Mr. DeMaster wanted the board to know that he appreciated their help today and with enforcing the rules of the Township.

Mr. Stepnak stated that the board also appreciates having Mr. DeMaster there as well.

**9. ADJOURNMENT:**

**Motion** by Mr. Klonowski to adjourn at 7:31 PM

**Supported** by Mrs. Jones

**Ayes: All**

**Nays: None**

**Motion Granted**

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*Thomas Yaschen, Secretary*

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*Jennifer Burden, Recording Secretary*