

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

January 11, 2017

On January 11, 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
Thomas Yaschen, Secretary
Carl Leonard, Planning Comm. Liaison
Hank Anderson, Twp. Board Liaison
Wendy Jones
Brian Carr

Others: Gary DeMaster, Building Department Administrator

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience.

4. **ZBA PETITION #2016-22: Double Vision, LLC 35207 Cricklewood, New Baltimore, MI 48047. Requesting several variances in conjunction with a used car sales office & outdoor sales of automobiles located on the east side of New Haven Road, north of the I-94 expressway at 55800 New Haven Road.**

Motion by Ms. Jones to take ZBA Petition #2016-22 off the Table.

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

Chairman Stepnak stated that this issue came before them, they had a lengthy discussion on it and then it went to the Township Board regarding the sidewalks and utilities. He believes there has been an agreement between the Township Engineer, the petitioner, his counsel, the Township counsel, and the Township Supervisor

regarding the sidewalk issue, the utility issue. He stated that there were also some discussions on curb and gutter and once again that would fall under engineering so that is something the Township engineers, Township Board, and Planning would be dealing with. He stated that the only thing he believes that they have that is pertinent is the requirements between a new car lot and used car lot. He added that the petitioner's counsel brought it up that new car lots are in the process of selling used cars and do not have the proper setbacks from residential properties.

Mr. Carr asked for some clarity as far as what the petitioners are requesting? He mentioned that the last time there were seven variances and he was not sure what they are actually reviewing for today.

Chairman Stepnak stated that he thought what they should be concentrating on is the setback from residential.

Mr. Leonard asked what is actually in front of them tonight?

Gary Gendernalik, 52624 Lauren Oak Lane, Chesterfield, MI addressed the board.

Petitioner stated that they are all in front of them because some are concurrent jurisdiction between the ZBA and the Township Board. He stated that basically they have approved everything but the setback between the used car lot and residential. He drafted the sidewalk agreement and Mr. Siebert approved it. He also submitted the extension of the water main and Mr. Siebert approved it and that has now been submitted to the Water Department and AEW for their approval. He stated that his client has also agreed to give the Township a 10' easement across his client's frontage so that if and when they put the water main across, they will have access.

Chairman Stepnak stated that he thought what they should be concentrating on is the setback from residential.

Petitioner replied that he was requesting the ZBA approved the other variances. He mentioned that he and his client went to the pre-engineering meeting the Planner, Gary and the Township Supervisor and they worked out an arrangement and then the Township Board approved it. So all of those issues have been approved and covered and they would like ZBA approval on those and he will talk about the setback issue. He mentioned that Car Rite was a new car facility and now it is a used car lot and the setbacks are less than 100' from residential.

Mr. Leonard remarked that looking at the engineer's report the only things that are mentioned are the sidewalks and the sewer. He asked where is all the other stuff that the petitioner claimed was approved. He asked what about the parking lot and the fence?

Petitioner replied that they said they were okay with that because the front parking lot is basically going to get rebuilt and as to the fencing it is in good shape. The reason they did not put the fence in the paperwork is that then people in the future might say that the Board gave them approval of the fence. He reiterated the fence has been there and it is in good shape. He stated that the front parking lot is basically going to be a display area, open to the general public while the back lot where the fence is would be for cars being processed for being sold and not open to the public. He stated that at the engineering meeting they decided that they would let the things stay that are in good shape and they would pave the front parking lot.

Chairman Stepnak stated that he did not want to rehash this over and over because it was already reviewed by the Township Engineer.

Mr. Leonard asked if there was correspondence on all of these things that were discussed?

Mr. Yaschen asked who did this three acres, indicating an area on the paperwork, property belong to?

Petitioner replied it belonged to the people who owned the Harron Cable site that his clients purchased.

Mr. Yaschen asked who gave deed to the Township for the portion of property for Pollard Park?

Petitioner replied the people who owned the property before and the Township got their three acres where the ball park is at.

Mr. Yaschen asked so it was actually donated to the Township?

Mr. DeMaster stated that it not donated; the Township paid for the property.

Petitioner reiterated that basically all of the issues were solved in the engineering meeting and approved by the Township Board.

Mr. Klonowski stated that he has the same concerns as Mr. Leonard. He asked if the parking lot was going to be redone in the front?

Petitioner replied that the parking lot in the front is going to be redone and the existing parking lot in the back that is already fenced in would stay.

Mr. Klonowski asked if the parking lot would be done to engineering standards?

Petitioner replied yes.

Mr. DeMaster stated that at the meeting they decided not to address the existing fence and parking lot because they would just be leaving them as part of the existing facility. He explained then Planning would deal with the new parking lot and any changes to be made to the property in the future. He explained that the only variance the petitioners would need from the board is the setback from the property to residential property because they already got Township Board approval on the other matters. He stated that the petitioners would still have to iron out all their issues with Planning. He reiterated that the only variance that is required tonight is the variance on the setback.

There were no comments from the Public.

Mr. Leonard brought up the fact that there really should be sidewalks and he showed pictures that were about 60 years old of Jefferson and the street looks the same. He has seen people on bikes and even in wheelchairs that have to go into the street because there are no sidewalks and it is dangerous and is a safety issue.

Mr. DeMaster informed the board that they are now getting agreements on sidewalks; he and Jonathon Palin are working on this matter.

Chairman Stepnak stated that the main issue is #76.516 and he asked what are the calculations on the actual setback?

Mr. DeMaster stated that the request would be for a 50' variance.

Motion by Ms. Klonowski to approve ZBA Petition #2016-22 for the variance request from Section #76-516 B. 3 the variance would be for the distance from residential single family zoning of 50'.

Supported by Mr. Yaschen

Chairman Stepnak stated that any other issues on the Petition would be handled by Engineering, Building and at the Planning level.

Ayes: All

Nays: None

Motion Granted

5. ZBA PETITION #2017-01: LaBelle Development Inc. 34546 Twenty-One Mile Rd. Macomb, MI 48042. Requesting relief to setback requirements of Sec. 76-334(I).1 for lots 7 and 170 of Harbor Drive.

Chris LaBelle, 24546 21 Mile Rd., Macomb, MI 48042 addressed the board.

Jeff Himanek, owner of the property, 48658 Harbor Drive, Chesterfield, MI 48047

Mr. LaBelle stated that he was the developer of the property and that he was there on behalf of Mr. Himanek. He explained that they were asking for variance setbacks because of the peculiar lots and setbacks that exist on Harbor Drive so that his client can build a new home on his property. He stated that the setbacks are on the last page of his submission and when using the averages it would really infringe on the front yard setback. He added that the rear setback appears to be minimal. He stated that basically they would just like to build the home submitted on the plans with the engineering paperwork that Lehner put together.

Mr. Leonard stated that everything kind of zig zags all the way down the street and he does not see any major problems as far as the placement of the home.

Mr. Carr had no problems and stated that everything looks good.

Ms. Jones stated that everything looked good.

Mr. Yaschen asked Mr. DeMaster if there were any concerns from the Building Department?

Mr. DeMaster replied no.

Mr. Yaschen asked if this was always a vacant lot?

Mr. LaBelle replied no there is a house on the property where the petitioner is currently living which has to be torn down.

Mr. Klonowski stated that he previously discussed this with Mr. DeMaster and asked him about Lot 170 which is not really part of the variance.

Mr. DeMaster replied that Lot 170 would require a Special Land Use which will be handled by the Planning Commission and the variance is for Lot 7.

Chairman Stepnak stated that evidently Mr. LaBelle has been developing homes in the community. He asked Mr. DeMaster if he has been cooperative with the Building Department in the past?

Mr. DeMaster replied that Mr. LaBelle has been very cooperative and works well with the Building Department.

Public Comments:

Mr. Stan Masakowski, next door neighbor of the petitioner addressed the board.

Mr. Masakowski had concerns because he already had a drainage issue with the house to the left of his property.

Mr. DeMaster explained that by ordinance they have to maintain the water on their property. He stated that a civil engineer will have to do a drainage plan and the petitioner will have to have the property engineered which will be a long process. He explained the draining will be addressed by Engineering and Building Department.

Mr. LaBelle commented that with the last home they built in this area they had to put in three separate catch basins along the properties edge that took the water to the lake and they created swales.

Motion by Mr. Leonard to approve ZBA Petition #2017-01 to allow the buildable footprint of the home to be placed on the property as shown.

Supported by Mr. Jones

Ayes: All

Nays: None

Motion Granted

6. ZBA PETITION #2017-02: Dominic Palazzolo 47380 Pinewood Chesterfield, MI 48051. Requesting variance to Sec. 76-331.(a).3 to allow a 160 square foot shed.

Dominic Palazzolo 47380 Pinewood Chesterfield, MI addressed the board.

Petitioner stated that he was applying for a variance in size and height for a new shed. He explained that he planned to knock down his 8' x 10' shed and replace it with a 10' x 16' shed which would be 8' away from the property line and 16' away from his home. He added that there is nothing behind him but a park. He stated the shed is a Tuff Shed from Home Depot and it will be done right and painted the color of his home. He explained that it will be on a slab and since he already has a slab and ratwall what he would like to do is just add to the slab he already has, if that is possible.

Chairman Stepnak stated that the board can approve the size of the shed, but the ratwall and slab would have to be addressed by the Building Department.

Mr. DeMaster remarked that if the shed is approved the petitioner can add on to the ratwall and slab.

Mr. Klonowski commented that the petitioner has a rather sizeable yard to maintain in the back of the property.

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Petitioner replied that is actually a park that belongs to the Greenview Woods Homeowners Association which does not really exist. He stated that he has cut the grass and maintained the property for 28 years. He just bought a commercial lawnmower because he went through two regular mowers and now he needs a place to store it.

Mr. Klonowski stated that was a practical difficulty and he does not have a problem with it.

Mr. Yaschen had no questions.

Ms. Jones asked how high the shed is going to be?

Petitioner replied that it is on the paperwork.

Mr. Leonard stated that the paperwork stated 12' 10" so it is under 13'.

Mr. DeMaster remarked that the shed is under the allowable height.

Ms. Jones commented that the only reason she asked was because at the beginning he asked for a variance for size and height.

Mr. Anderson stated that his concern was clarified.

Mr. Carr had no concerns.

Mr. Leonard stated that the size of his garage is 19' x 20' and he does not know how the petitioner even gets two cars in there with a residential lawnmower, so he had no problems with it. He asked if the petitioner was requesting to put electric in the shed?

Petitioner replied yes and a side door.

There were no Public Comments.

Motion by Mr. to approve ZBA Petition #2017-02 to allow the petitioner to put up a shed of 10' x 16' with the total square footage at 160 square feet and that the petitioner would be allowed to have electrical in the shed.

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

7. **ZBA PETITION #2017-03: Erik Rowlett 33624 Clipper Ct. Chesterfield, MI 48047. Requesting variance to Sec. 76-331.(a).8 to allow a swimming pool in the side yard.**

Erik Rowlett 33624 Clipper Ct. Chesterfield, MI 48047 addressed the board.

Petitioner stated that he wanted to put in an in-ground pool and he believed everyone had a copy of the sketch. He mentioned that he has little to no back yard and needs a variance based on the uniqueness of his property. He lives at the very end of a court and right behind his home is Jefferson. He stated that the easement runs right across where the patio is to the left side, so they would like to put a pool on the left side of his property. He stated that the size he put down on the paperwork is the maximum size it could be but most likely the pool will be smaller. He explained that since they are only a family of four, they will probably go with the 14' x 30' pool.

Mr. Anderson had no questions at the time.

Mr. Yaschen asked if the Building Department had any concerns?

Mr. DeMaster replied that he got together with Jon in Planning and there is no other place to put this pool. He does not have a problem with it and actually they were the ones that recommended coming for a variance.

Ms. Jones looked at the property and this was the ideal place and the only spot for the pool.

Mr. Carr stated that his only concern would be visibility from the front of the house. He asked if the petitioner planned to put up any screening at the front or would it be wide open to the street?

Petitioner asked what he meant by screening?

Mr. Carr replied that he would like to know if the petitioner planned to put in some arborvitaes or landscaping for screening because usually pools are tucked behind the home. He stated that other than that he has no issue with it from a location stand point.

Petitioner answered that yes there will be some type of landscaping around the area.

Mr. Klonowski had no comments.

Mr. Leonard stated that there were all kinds of stuff going on with that property. He added that the lot is odd shaped, with sump lines, cold water lines, and easements. He remarked that the proposed area is a great place for the pool, but he agrees with Brian that there needs to be some type of screening there besides the fence.

Chairman Stepnak stated that this is kind of a text book example of a practical difficulty and it does make sense.

There were no Public Comments.

Motion by Mr. Yaschen to approve ZBA Petition #2017-03 on the variance to allow a swimming pool in the side yard. He stated that the petitioner had a practical difficulty because of the size and shape of his property. He added that the petitioner has agreed to put in landscaping and screening.

Supported by Ms. Jones

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 meeting minutes from November 23, 2016 and December 14, 2016.

Supported by Mr. Anderson

Ayes: All

Nays: None

Motion Granted

11. **COMMENTS FROM THE FLOOR:**

Chairman Stepnak welcomed Mr. Anderson back to the Zoning Board.

Mr. Yaschen mentioned that he will be in Florida for a month and may miss two meetings.

12. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:07 PM

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary