

CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS
MINUTES: 2-25-93

- I. The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:33 p.m., February 25, 1993 in the meeting room of the township hall.

Zoning Board of Appeals members present were Sam Oslund, Robert Pecotte, Carol Hicks, and Bill Sanders. Staff member Mark Maki and township attorney Harley Andrews were also present. It was to be noted that ZBA member Mike Summers has resigned his position and a new member will be forthcoming.

- II. Public Comment - None

- V. Unfinished Business: (It was to be noted that the ZBA was asked to skip to item V. Consider Issue of having a Supplemental Hearing/Public Park Definition- Steve Blondeau/Sand River Aggregate). Letter from Township Supervisor Ivan Fende, dated February 10, 1993.

Mark Maki reported on the chronological of events leading to this meeting and the request for a rehearing. Mr. Blondeau indicated that he did not know about the Public Hearing and therefor was not present on December 3, 1992. The regular scheduled meeting date would have been November 26, 1992 (Thanksgiving Day) and therefore, it was advanced to December 3, 1992.

Mark Maki indicated that he had phone conversations with Mike Farrell in regards to this issue. He then read into the record a letter from Mike Farrell dated February 12, 1993. The Board was requested to review the letter sent on this issue.

Township attorney Harley Andrews spoke to address the question whether or not we have the right to rehear a case once a decision is rendered. Is this a rehearing or another hearing on the same issue or is this a supplemental hearing. It is quite possible through the circuit court of appeals the case could be remanded back to the ZBA for a supplemental hearing.

Sam Oslund asked Mark Maki if indeed the newspaper notification of the public hearing was published. Answer yes it was.

Bill Sanders questioned whether the ZBA should use the same procedure as used by the Planning Commission in giving public notice.

Sam Oslund questioned if we could use Registered mail or Certified mail.

Steve Blondeau spoke and stated that he did not receive a second phone call indicating the scheduled date of the Public Hearing.

A motion was made by Sam Oslund that we schedule a rehearing on the Public Park Definition on the Sand River Aggregate (Steve Blondeau) for March 25, 1993 due to the reasonable doubt that proper notice was not given to all parties involved. Seconded by Bill Sanders. Motion passed 4-0

A motion was made by Sam Oslund that we as a ZBA amend the notification policy to be similar to that used by the Planning Commission and that a DRAFT of the minutes be sent out within 10 working days to the applicant, thus allowing time for appeals. Seconded by Bill Sanders. Motion passed 4-0

Carol Hicks made a motion to send notification of this Public

rehearing to all interested parties as can be identified by the ZBA minutes of December 3, 1992. Seconded by Bob Pecotte. Motion passed 4-0

III. Approval of the December 3, 1992 Meeting Minutes.

A motion was made by Bill Sanders to approve the ZBA minutes dated 12-3-92 as presented. Seconded by Bob Pecotte. Motion passed 4-0

IV. New Business:

- A. Home Occupation #93-1 Mr. Kevin Clayton 2933 M-28 E., Computer System Consultant.

A motion was made by Bob Pecotte to table any action on this case due to the fact that Mr. Clayton was not present. Seconded by Sam Oslund. Motion passed 4-0

- B. Variance 93-1 Michael Miller - 215 Cedar Lane, Front Setback on Cul-de-sac.

Mark Make reported on the case and referenced a similar case with Mr. Miller's neighbor Mr. Trudeau who was granted a similar request.

A motion was made by Carol Hicks to approve variance request 93-1 for Michael Miller 215 Cedar Lane with a 20 foot front yard variance allowing him to build up to 10 feet from his property line. Seconded by Bill Sanders. Motion passed 4-0

- C. Chairperson Bob Pecotte instructed secretary to draft a letter of thanks to Mr. Mike Summers for his past service on the ZBA.

D. Discussion on the new replacement member for the ZBA. The Chairperson instructed Mark Maki to request that the Township Board expedite an appointment to the ZBA by the March 25 meeting if at all possible so that a full complement of membership might be present to avoid a tie vote on any issue.

VI. Public Comment: None

VII. Adjournment was declared at 8:27 p.m.

Respectfully submitted:
Carol Hicks, Secretary

Carol Hicks

CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS
MINUTES: 3-25-93

- I. The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:35 p.m., March 25, 1993 in the meeting room of the township hall.

Zoning Board of Appeals members present were Mike Summers, Sam Oslund, Robert Pecotte, Carol Hicks, and Bill Sanders. Staff member Mark Maki and township attorney Harley Andrews were also present.

- II. Public Comment:

-Catherine Jacobs, 232 South Capitol Ave., Suite 1000, Lansing, Mi., attorney for Sand River Aggregate spoke indicating that she would address their side of the issue when we reach that agenda item.

Elaine Hodge, 320 Shot Point Dr. requested time to address the Sand River Aggregate hearing.

-Robert Wallinger, 149 E. Main, Harvey requested time to address the Sand River Aggregate hearing.

- III. Approval of the February 25, 1993 Meeting Minutes. A motion was made by Sam Oslund and seconded by Bill Sanders to approve the ZBA minutes dated 2-25-93 as presented. Motion passed 5-0.

- IV. New Business:

- A. Variance 93-2 - Kevin Downs etal, 872 Lakewood Lane

Mark Maki reported that the parcel is 240' wide and that zoning required 125' width per lot. The zoning variance request is for 5' per lot. Twelve letters were sent to property owners within that area and an advertisement of this hearing was in the Mining Journal. No written responses were received. Some lot widths in that area are much smaller than 125' with the average being approximately 100'. The standards for a variance are that the parcel is unique due to the fact that there are few lots in that area with adequate width and this is the last undeveloped parcel in that area. He felt that in that vain of thought a variance could be granted.

Kevin Downs spoke to affirm Mark Maki's observations.

Mike Summers asked if this request falls under the lot split ordinance and what is the practical difficulty? Mark Maki responded that it did not fall under the lot split ordinance and that it's unique aspect is that it is only 10' total short for two lots and that it is the last lot in that area.

Carol Hicks questioned Kevin Downs where as his address if 872 Lakewood is this lot contiguous with the parcel in question. Mr. Downs responded that his fathers estate has three parts to it with one fronting on the south side of Lakewood Lane, another passing out to the M-28 highway and the one in question being the Lake Superior frontage with 240' of width.

Frank Richardson 1713 Mildred, Marquette spoke and indicated that he owned a cottage next to Mr. Downs and that he had no objections to the request.

A motion was made by Carol Hicks to approve variance 93-2 to Kevin Downs, etal, 872 Lakewood Lane to allow a 5' variance for each lot thus creating two 120' lot widths due to the uniqueness in that this is the last lot as such in the neighborhood and that most lots are averaging only

approximately 100' of width. Seconded by Bill Sanders. Motion passed 5-0.

7:50 p.m.

V. Unfinished Business:

A. Supplemental Hearing on Appeal 92-5 of Public Park definition/Sand River Flooding Area by Steve Blonedau, Sand River Aggregate.

Mark Maki reported by reviewing the packet of materials sent ZBA members:

- Supplemental Hearing to review the application from Sand River Aggregate to refute the Township Z o n i n g A d m i n i s t r a t o r ' s position that the Sand River Flooding Area is a "public park" as stated in Zoning Ordinance Section 404 (b) (1).

-Zoning ordinance as adopted by the Township along with definition (Section 404 (b) (1)).

-Copy of Zoning District Section 213-District OS. Mark Maki read into the record (A) Intent, (B) Permitted Principal Uses, and (C) Conditional Uses.

-Background information on "Public Park" term. Dated November 25, 1992.

-Planning Commission worked on Sec. 404 with the 3,000 ft. setback distance on November 4, 1991 and as adopted October 19, 1992.

-Copy of Chocolay Plat Map T47N-R23W.

-Copy of Chocolay Township Recreation Plan mentioning Michigan DNR Flooding Area-Sand River.

-County Resolution A-95 with comments to the Sand River Flooding on the Shiras Wildlife Area.

-Mark Maki stated that he feels that the designation of that land is as a park and falls within the definition of a park and is consistent with township board resolutions.

-Catherine Jacobs spoke and presented the ZBA with handout materials. She read into the record the following items:

A. "Chocolay Township Mining and Mineral Extraction Ordinance"

B. A letter from Mr. David Spalding DNR Forest Management Division, Lansing Mich. dated March 23, 1993.

She indicated that the road is the issue not the mining of a gravel pit, the road is in Open Space, a public park should be a designated park, Mr. Spalding states that the property has never been designated as a state park.

-Bill Sanders questioned Ms. Jacobs indicating that she had a letter from Mr. Spalding from the Forest Management Division did she have a letter from the Wildlife Division or from a Wildlife biologist. Ms. Jacobs responded the Mr. Spalding spoke for the DNR.

-Elaine Hodge spoke indicating that she was not clear on some of the issues and that she has followed this case throughout its inception. She feels that there is a clear violation in that this wetlands is partly on State lands. Petitions were obtained and submitted into this hearings public record. The petition opposing Sand River Aggregate contained 13 pages and approximately 350-400 names.

-Harley Andrews spoke indicating that the issue is to look at the administrative determination as to a definition of public park and that this public hearing is to agree or disagree with that determination.

-Robert Wallinger representing the Michigan Wildlife Association spoke indicating that he has been at all of these meeting and is here to protect the wildlife and to reaffirm what has been done.

-John Hongisto, Deerton spoke and asked board members to postpone action for one month because many people who would like to speak on this issue are out of the area and will be back. He read a statement referring to wildlife and nesting areas within wetlands. He asked for a copy of information that was given to us. Chairperson Bob Pecotte said that he could obtain it from Mr. Maki.

-Kevin Clayton spoke indicating that he lives close to that area and feels that he is opposed to the further development of the road.

-Catherine Jacobs spoke and asked that her memo be entered into the record and requested a copy of the tape.

-Mark Maki spoke indicating that further down the agenda we have a proposed by-law amendment that addresses some of these issues. He does not disagree that mining can sometimes be permitted on state lands and that this is not a state park.

-Cliff Waters, Negaunee spoke indicating that he owns a cottage on Lake Kawbawgam and would like copies of all papers.

-Mike Summers spoke and stated his position of support to the Zoning Administrators determination of this being a park. Just because it is not a state park does not mean that is not a park. The question is whether it meets a reasonable definition of a public park and he will vote to uphold the Zoning Administrators definition that it is a public park.

-Steve Blondeau spoke indicating that he has spent two years working on this and that both boards that voted on it did not designate this as being a park.

-Discussion evolved around the fact that our vote was to either uphold or overturn Mr. Maki's determination that this was a public park. There was reason to believe that a variance could be requested from the 3,000 ft. distance between a park and mining and mineral extraction.

-Bill Sanders made a motion to concur with Zoning Administrator Mark Maki's determination 92-5 that the parcel of land owned by the State of Michigan and known as the James Jeske Flooding Project is a public park as defined in the Zoning ordinance amendment Section 404 for the following reasons:

-The intended use of the Sand River Flooding on the Shiras Wildlife Area as originally defined in Chocolay Township resolution A-95 "WHEREAS, it will also increase the region's recreational opportunities, specifically for hunting, trapping and wildlife viewing."

-As listed in the Chocolay Township Recreation Plan, providing non-traditional recreational facilities and opportunities for Township residents.

-As defined in the Zoning Administrator's memo dated December 3, 1992 "Public Park shall refer to a tract of land developed, held out, designated and maintained by either a public and or private entity for public recreational enjoyment, including but not limited to playgrounds, sports field, campgrounds, beaches, etc."

-This land has been developed by the State of Michigan as can be seen by the resolution A-95 for the initial funding of this project. This land has been held out and maintained by the State of Michigan and known as the James Jeske Flooding Project. The property has been developed along with a public access boat launch.

-The Mining & Mineral Extraction Text Amendment Ordinance

Number 34 Charter Township of Chocolay, Zoning Ordinance, as submitted by the Chocolay Township Planning Commission amended Section 404 to include a definition of "public park."

The motion was seconded by Robert Pecotte. The motion passed 4-1.

V. Unfinished Business:

B. Home Occupation - 93-1 Mr. Kevin Clayton - Computer Consultant. 2933 East M-28.

-Mark Maki reported that notice was given to all within 300 feet and that no written correspondence came back. He did have one phone call requesting a copy of the application. There shall be no signs on the property. Mr. Maki has no particular objections to this request.

-Mike Summers made a motion to grant Home Occupation 93-1 to Kevin Clayton with the usual conditions pending the receipt of written complaints and the three year limitation. Sam Oslund seconded the motion. Motion passed 5-0.

C. By-Law Amendments.

The ZBA addressed the proposed Rules of Procedure by comparing the existing rules and the proposed rules.

-Sam Oslund made a motion to adopt the proposed new Rules of Procedure as presented and to add them into the Zoning Ordinance. Seconded by Bill Sanders. Motion passed 5-0.

VI. Public Comment: NONE

VII. Adjournment at 9:05 p.m.

Respectfully submitted:
Carol Hicks, Secretary

Carol Hicks

CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS
MINUTES: 4-22-93

I. The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte. Opened public comment at 7:35 p.m., April 22, 1993 in the meeting room of the township hall.

Zoning Board of Appeals members present were Mike Summers, Sam Oslund, Robert Pecotte, and Bill Sanders. Staff member Mark Maki was also present. Carole Hicks was absent.

II. Public Comment:

-4 people received time to speak during item 4.B.

III. Approval of the March 25, 1993 Meeting Minutes. A motion was made by Sam Oslund and seconded by Mike Summers to approve the ZBA minutes dated 3-25-93 as presented. Motion passed 4-0.

IV. New Business:

A. Variance 93-3 - Bob read variance request at 7:40 p.m. for Thomas and Heidi Johnson, 549 Lakewood.

Mark Maki gave a description of the request as well as a background of the ZBA application of the term "customary accessory structure" and the 14' height limit. Mark read the list of 5 practical difficulties from the application. Mark also voiced the concern that tall storage areas (i.e. two story garage) pose an enforcement problem with their use as apartments. Mark felt that the appeal should be denied due to no practical difficulty. Mark said that the applicant has the option to petition the Planning Commission to change the ordinance to allow an 18' detached accessory structure. Mark did not know anyone besides himself who had officially requested that the Planning Commission define the height in the ordinance. Mark again stressed the importance of being consistent in applying the 14' height limitation. Mark said he received no response to notices sent to those within 300'.

Mr. Johnson said he understands that guidelines need to be set. He did not think that it would be out of character and the neighbors he talked to did not have a problem with it. The 6-7' sidewall is the lowest he could use and serve his needs.

Mrs. Johnson said the site is not large enough to build another building.

Mark pointed out that a site plan dated April 4, 1993 was also submitted.

Mrs. Johnson said they don't like the present look of the garage and that they planned a new roof and stucco anyway.

Bob said that he couldn't support the application due to past decisions.

Mike clarified the use of 14' as the maximum height and that variances in the past were of only a foot or so to get 7' maximum height at the ridge. Mark added that they included an attempt to get a roof pitch similar to the house.

Mark agreed that it is a difficult problem but that without action of the Planning Commission and Township Board, 14' he feels is customary.

Mrs. Johnson said that their drive in basement is a garage for 5 motorcycles, exercise equipment and woodworking equipment.

Mike asked if they could modify the design to meet the 14' request.

Applicant said it would not be high enough to suit his needs.

Mike clarified with the applicant that the height is submitted as 6-8'.

Bill asked if the site plan was to scale, applicant indicated it was.

Mike asked what the second floor would be used for, applicant indicated recreation equipment, woodworking equipment and Mrs. Johnsons' office supplies. Mike also asked if the ground floor could be expanded, applicant said that's possible but they would rather not lose the yard space.

Mike clarified the size of the lot as 100' X 540' 1.25 acres +/- with applicant.

Bill indicated that there did not appear to be a hardship and that he could not support the variance request.

Mike said that he also had difficulty with the variance request but that since the ZBA has been unsuccessful in getting the height defined, they have been strictly applying the 14' rule, and that also, this is not a marginal request for a foot or so, and that he would support a motion to deny and that he wishes the Township Board would adopt a height definition.

Bill made a motion to deny variance request 93-3 due to no practical hardship. Seconded by Mike Summers. Motion passed 4-0.

B. Variance 93-4 - Raymond Hosking, 1534 East, Apt. 43, West Ridge Street.

Mark indicated that a letter had been sent to everyone within 300' and read 3 letters received into the record from Dan Mattson, Bob Cambensy and Jim Jarvis. Mark said the 66' R.O.W. requirement for private roads is to avoid problems similar to Willow Road. Mark indicated that the 1988 subdivision left the Cambensy/Bolitho parcel without the frontage requirement. Mark indicated to the applicant that the Cambensy letter refers to a deed restriction prohibiting further subdivision until 1998. Applicant wanted to pursue variance request to see how it was accepted. Mark didn't know if such a short public road would be a problem, but that review and approval would be by the Planning Commission and the County Road Commission. ZBA needs to look at whether or not there is a hardship in complying with the ordinance and that if this request is granted then they would reasonably have to grant the same for all five outlots. Mark said that there is no reason why the applicant could not build a private road and comply with the ordinance. Mark said that the applicant could build a private road and one house on the parcel and comply with the ordinance and that there is no hardship that would prevent reasonable use of the property.

Mr. Hosking said his development plans were for the best use of the property. With his request he could put in a road with minimal impact. He said the hardship is that a private road would take the open space that people like. Plans to build a home on lot A and sell lot B.

Mr. Robarge opposes the plan. Does not oppose a road, but it must meet standards. Anything other than an improved road would change the character of the neighborhood. No hardship has been shown.

Mr. Erickson thinks that an improper road could cause drainage

problems. He would rather not see a road, but if one goes in he'd like it constructed to meet the standards. The only hardship is financial.

Mr. Legacy feels that granting the request would result in a real mess. No problem with a road as long as it's built according to the standards.

Mr. Liubakka's major concern is that if this request is granted there may be others in the future.

Mr. Wahlstrom thinks the outlots were intended as roads and that no one should tell anyone what they can do with their land.

Mark said that he didn't feel that the applicant was trying to avoid meeting the rules but that he was trying to minimize disruption by building a road with a 66' right of way. The issue is that the applicant has reasonable use of his property without a variance and therefore none should be granted.

Mr. Hosking's problem with a private road is that it would be more disruptive and he doesn't want a cul-de-sac. He thinks that everyone would be happier if the variance was granted.

Mike asked if the land left could be platted using the outlots for roads. Mark saw no reason why they couldn't.

Sam said he lives adjacent to one of the other outlots and sees no practical difficulty or hardship. Wonders if Mark sees a conflict on his voting on this issue. Mark said no.

Bob made a motion to deny variance request 93-4 because the ordinance can be met in compliance with Section 300. Seconded by Mike Summers. Motion passed 4-0.

C. Variance 93-5 - Ron Di Salvio, P.O. Box 181, Homer, MI 49245.

Mark notified owners within 300'. Read one letter in opposition into the record from Mike Magel. Mark indicated that under Section 212, the minimum lot size in RP for a home is 20 acres. The RP district starts about 1 1/4 miles to the north. The surrounding property was developed by Di Salvio in 1977. One and 10 acre subdivisions were done in accordance with the plat act. Mark pointed out a 1979 ZBA decision: Di Salvio wanted to create a building site by splitting 965 and 965-0-3. His argument was that since there are other 10 acre parcels it would be okay. The request was denied. Applicant subsequently deeded off 20 acres leaving a 14 acre parcel. The applicant is now appealing the ordinance to build on a lot smaller than the 20 acre request. Mark said the problem with approval is that it would set a precedent for splitting 40 acre parcels into 10 acre in the RP district. The RP district was originally established to prevent further splitting of rural property less than 20 acres. Mark indicated that the applicant knowingly created a hardship for himself and that he could request a rezoning.

Tom Clark clarified that Sandra Lesong divided the parcels to the north of the applicants and that the 10 acre parcels east of the road were subdivided by the Elder Agency prior to the 1977 ordinance. This 1/4 section contains at least 14 parcels averaging 8.5 acres in size. By zoning this area RP, 14 nonconforming lots were created.

Divorce required division of the property and the two residences. The result was a house on a parcel of 11 acres and one on a parcel of 34 acres. Due to the variance in the value of the homes, the applicant received 14 acres of the split 34 acres, which was ultimately deeded back to Sandra Lesong. She now owns 965, 965-0-3 and Ron owns 965-0-2. The

hardship is that the property should never have been zoned RP. The property is residential and is not appropriate to be used as RP.

Bob asked if Di Salvio could buy 4 acres from Sandra Leroy.

Mark said she has to maintain that parcel size in accordance with the ZBA approval. Also that the applicant knew at the time they split off the lot that it was too small for a building site.

Tom Clark indicated that there is no RP use in this area.

Mike Summers agreed that it doesn't make sense to treat the parcel as RP when it is surrounded with residential property.

Sam agreed that rezoning may be more logical.

Mike Summers said that a variance would give the same result, but that rezoning would be the more obvious solution.

Tom Clark indicated that zoning of this parcel as RP created an anomaly. Also that a pending sale provides a practical reason for approval and that 12 of the 15 parcels are smaller.

Tom Clark and Mark discussed whether or not contiguous parcels owned by the same person are one lot or two.

Mark reiterated that RP zoning is to discourage residential development in rural areas. Discussed the fact that this parcel was created with the knowledge that it was not in compliance. If approved, why would anyone else in RP have to comply. Must show practical difficulty or change the law.

Tom Clark said it was not a voluntary split. The husband/wife could not have otherwise split their assets unless they sold their houses.

Mark said it's unreasonable to let the divorce courts do the planning of the township.

Sam said he sees a difference between the applicants case and other areas of RP requesting the same consideration.

Mark reiterated that the hardship can not be self created, and that is what happened.

Tom Clark said that use of the land as RP i.e. clearcutting timber is not appropriate but that residential use is.

Mike said that it is a close question and doesn't see approval as a threat to the RP district but is bothered by the self created circumstances.

ZBA members discussed the similarity between this case and recent Lakewood Lane case.

Bill asked if there was anyway to get in this predicament unless it was self created. Mark said no.

Mike Summers moved that request 93-5 for variance from Section 212 be granted. Seconded by Bill. A brief discussion reiterated the above. No decision 2 ayes/2 nays. Mark explained the 3 vote requirement and that it would be rescheduled for the May 27 meeting.

V. Public Comment: NONE

VI. Adjournment at 9:45 p.m.

Respectfully submitted,
Bill Sanders, Secretary

Bill Sanders

CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS
MINUTES: 5-27-93

- I. The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:30 p.m., May 27, 1993 in the meeting room of the township hall.

Zoning Board of Appeals members present were Mike Summers, Sam Oslund, Robert Pecotte, Carol Hicks, and Bill Sanders. Staff member Mark Maki was also present.

II. Public Comment:

-Bill Lambert, 125 Anderson Rd., Skandia requested time to speak on item IV. B

-Mike Magel, 2106 Wilkinson, Marquette requested time to speak on item IV. A

- III. Approval of the April 22, 1993 Meeting Minutes. A motion was made by Sam Oslund and seconded by Mike Summers to approve the minutes with the only amendment being the closing submittal by Bill Sanders, Secretary not Chairperson. Motion passed 5-0

IV. New Business:

- A. Variance #93-5 (continuation) - Tom Clark for Ron Di Salvio, P.O. Box 181, Homer, Mi. 49245.

Mark Maki reported by reviewing the material presented to ZBA members. He read into the record the letter of opposition submitted by Mike Magel. This is in a RP district which requires 20 acres to build a house. Mr. Di Salvio requested a variance in 1979 and at that time the ZBA allowed the property to be split into two lots. This is a self created issue by the applicant. Other sub-divisions of parcels of 10 acres have been made in that area prior to the plat act. The area could be rezoned to allow for development by the Planning Commission and then the Township Board.

-Mr. Magel spoke to explain his opposition the applicant's request.

-Mr. Clark, attorney for the applicant, spoke to address Mr. Di Salvio's request for a variance. There are parcels in the area that are subdivided long before the zoning ordinance of 1976 with as many as 14 nonconforming parcels. In 1979 the request for a split into three parcel was denied with the ZBA allowing for 2 splits one of which is nonconforming. In 1985 an application was made to approve the 14.8 acres that also was denied. The self created problem was addressed an not being a desire for a quick sale in that the applicant has been patiently working on it over the years. Mr. Clark sites similar cases where the ZBA allowed smaller divisions of lands.

-Carol Hicks asked if there were separate tax code listings for the two parcels and did the divorce judge dictate how the land was to be originally divided. Mark Maki answered that there were two tax codes with the two houses. Mr. Clark said that he doubted that the judge dictated how to divide the land but simply required a division of assets. Carol Hicks questioned that at the original time of the division of the two houses could not a more creative survey have been made to divide the 46 acres with each having at least 20 acres instead of the 11 acres and 35 acres.

- Bill Sanders wished a clarification of the sizes of each part as listed on the tax codes. Mark Maki responded.

-Mike Summers spoke that if a motion is made to grant the variance he will vote for it for the following reasons. It's on a main artery with many parcels being smaller than 20 acres and it's a completely unique situation. We have this one anomaly. These are residential lots. If the 11 acre lot is ok in 1979 why isn't a 14.8 acre lot ok now. If we grant this request there will be no mad dash to subdivide property with similar requests.

-Bob Pecotte spoke indicating that it's a self created hardship and it's against the ordinance.

-Mike Magel spoke that the owner knew when he sold off 20 acres and kept the 14.8 acres that it was nonconforming.

-Mike Summers made a motion to approve variance #93-5. Seconded by Bill Sanders. Aye 2, Nay 3. Motion denied.

B. Appeal #93-1 Bill Lambert 2306 U.S. 41 South, Marquette, Mi 49855. Appeal zoning administration decision.

-Mark Maki reported that it is the zoning administrators decision that a 30 x 80 foot garage workshop/storage building is not a customary accessory building to an office building in a C-2 zoning district. No written correspondence has been received. Mr. and Mrs. Bob Carter owners of the Antique Shop adjacent to Mr. Lambert were present.

-The question is what is a customary accessory building. The primary building is usually the larger building with the secondary building being the smaller. Mark Maki indicated he has looked for comparisons throughout the township and then sites the Antique Shop with a 40' x 60' storage building erected in 1975. The ordinance does not specifically define contractors shop. He concluded that it's not a traditional C-2 office building and not a customary building to an office.

-Carol Hicks indicated that he will be abstaining from this issue due to a conflict of interest.

-Bob Pecotte questioned Mark Maki in that Mr. Lambert does not conform with this building request, what can he do to conform. Discussion evolved with no one resolution.

-Bill Sanders asked about the plumbing shops in Beaver Grove are they in a C-2 or a C-3 district. Answer C-3.

-Bob Carter spoke that it doesn't really bother them either way in that the request would neither attract nor distract from their business.

-Mike Summers questioned Mr. Lambert as to how the existing office was being leased and that these lessees would in turn rent a portion of this proposed storage building.

-Sam Oslund spoke indicating Mr. Lambert was trying to provide some square footage for vehicles and some for contractors supplies thus it's a vehicle garage and a storage garage.

-Mike Summers asked Mark Maki is this multiple use of a lot not customary for contractors to have their office and their warehouse close by and on the same lot.

-Bill Sanders feels that there are big warehouses on neighboring lots and this is clearly a contractors yard and would be used to warehouse their vehicles and supplies.

-Mike Summers questioned Bill Lambert as to how much would be used for cars and vehicles vrs. storage. Mr. Lambert indicated it would be hard to say by each lessee would have at least one vehicle parked in the garage.

-Bill Sanders spoke that in reference to neighboring buildings what were in place when the zoning ordinance was passed in now grandfathered and today its zoned C-2.

-Bob Pecotte stated that if and when a motion is made and if the vote is a tie we would need to press the Township Board for an alternate member.

-Bill Sanders asked how much C-3 zoned areas are available within the township. Mark Maki responded that basically its the area by the Varvil Center, Fraco Block, and Beaver Grove.

-If the building were to be attached it resolved the question of accessory building but is still a question of customary use.

-Bill Sanders made a motion that if the structure were attached it would be a different issue but as submitted he moves to deny approval of appeal #93-1 and concur with Zoning Administrator Mark Maki's ruling. Seconded by Bob Pecotte. Aye 3, Nay 1, Abstained 1.

V. Information Correspondence none

VI. Public Comment - None

VII. Adjournment at 9:19 p.m.

Respectfully submitted:
Carol Hicks, Secretary

Carol Hicks

CHARTER TOWNSHIP OF CHOLOLAY
 ZONING BOARD OF APPEALS
 MINUTES: 6-24-93

- I. The Zoning Board of Appeals of the Charter Township of Chololay was called to order by Chairperson Robert Pecotte at 7:30 p.m., June 24, 1993 in the meeting room of the township hall.

Zoning Board of Appeals members present were Sam Oslund, Robert Pecotte, Carol Hicks, and Bill Sanders. Staff member Mark Maki was also present. Absent Mike Summers.

- II. Public Comment: None

- III. Approval of the May 27, 1993 Meeting Minutes. A motion was made by Sam Oslund and seconded by Bill Sanders to approve the minutes of May 27, 1993 as submitted. Motion passed 4-0.

- IV. New Business:

A. Variance #93-6 - Billy Merritt, 355 County Road 480 Marquette, MI 49855.

Request for variance from Section 300 B to permit a detached garage with a total of 1056 square feet to be located 20 feet to a rear lot line in R-1. Existing garage is 672 square feet in area (Addition is 392 square feet).

Mark Maki reported that the existing garage was built in 1986 under a variance for 20 foot rear set back due to the existing location of his house which is setback further than most dwellings on Co. Rd. 480. The original ordinance allowed 20 ft. from the rear lot line if the structure was under 720 sq. ft. The ordinance has been recommended for change due to our 14 ft. height rule. The planning commission is still looking at it. Mr. Merritt could build another detached garage as long as it met the 14 ft. height rule but his desire is to add a third stall to the existing garage. The size with the addition will be 1056 sq. ft. and the structure will be 16 ft. from the side lot line and 20 ft. from the rear.

No written correspondence was received.

Several board members questioned and discussed with Mr. Merritt the alternative choices that he has with reference to the appearance and placement of the garage.

A motion was made by Bill Sanders and seconded by Sam Oslund to approve variance 93-6 allowing the 20 foot rear lot line setback and placement of the garage addition onto the existing garage. Motion passed 4-0.

- V. Information Correspondence Received: None

- VI. Public Comment: None

- VII. Adjournment at 8:40 p.m.

Respectfully submitted:
 Carol Hicks, Secretary

Carol Hicks

CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS
MINUTES: 7-22-93

- I. The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:38 p.m., July 22, 1993 in the meeting room of the township hall.

Zoning Board of Appeals members present were Mike Summers, Robert Pecotte, and Carol Hicks. Staff member Mark Maki was also present. Absent were Sam Oslund, and Bill Sanders.

- II. Public Comment: None

- III. Approval of the June 24, 1993 Meeting Minutes. A motion was made by Mike Summers and seconded by Carol Hicks to approve the minutes of June 24, 1993 as submitted. Motion passed 3-0.

- IV. New Business:

A. Variance #93-7 - Steve Blondeau / Superior Development, 5087 U.S. 41 South, Marquette, MI 49855

Request for variance from Section 513 Parking Lot Planting. Regarding: Landscaped open space within the parking lot where 50 or more off street parking spaces are required.

Mark Maki reported that no correspondence has been received with regards to this request. As per the zoning ordinance Section 513 if 50 or more parking spaces are required the parking site must be landscaped. With the existing two buildings (one office, one rental with Mr. Movies Video and Headlines Hair Salon) no landscaped parking layout is required. Now that Superior Development has a building permit and wished to construct a third building the required number of parking stalls will exceed 50. The owner has submitted on file the original plan showing a landscaped parking layout that complies with Section 513. Mr. Maki feels that the plan as submitted should be adhered to in that the requirements for Section 513 can be met, that no practical difficulty exists and no alternative proposal has been made.

Steve Blondeau spoke and reported that his plan provided for over 1152 sq. ft. of green area and that the Silver Creek set back with landscaped plantings has been met. The number of parking stalls are as follows: Mr. Movies 21, Headlines 8, His Office 5 and the proposed new building 20, thus he will exceed the 50. Presently the entire parking lot surface in front of the buildings have asphalt and that the landscape plantings would have to be dug out of the existing paving. Snow removal would be a problem with the plantings in place.

Mark Maki feels that it should be a PUD project and not requesting a series of variances. When a PUD plan is placed on file any changes would have to have prior approval with a resubmission of a plan. Mr. Maki raised the question what if in the future it is subdivided and sold as individual buildings.

Bob Pecotte asked Mark Maki if there was an alternate means to the variance. Mark Maki responded yes that it would be PUD.

Mike Summers wanted to know if we were acting on a variance or an interpretation. This was indeed a request for a variance from Section 513. Mr. Summers questioned Mr. Blondeau if he had an alternate plan or was he proposing to eliminate those green areas. Mr. Blondeau responded he wished to eliminate the green area plantings around the parking spaces.

A motion was made by Mike Summers that variance request 93-7 be granted due to the practical difficulty caused by snow

removal around the peninsula plantings. Seconded by Carol Hicks. Aye 2, Nay 1 Motion neither passes nor is denied.

B. Variance #93-8 - Gary and Cindy Shaffer, 678 Cherry Creek Road, Marquette, MI 49855

Request for a variance from Section 403 - 100 ft. water setback to allow a dwelling 75 ft. to water/Cedar Creek thus a 25 ft. variance request.

Mark Maki reported that notice was placed in the Mining Journal under a separate ad and that notice went out to property owners within 300 ft. Section 403 requires all new structures to be placed a minimum of 100 ft setback from the edge of lakes, rivers, streams, and creeks. There is a sharp jog in the creek at the location where the owners wish to build. The Shaffer's plan to sell their existing house on a 3+ acre parcel and keeping the remaining 34 acres. His position is that the owner can meet the ordinance and therefore no variance should be granted.

One letter was received from Mike Millinger stating that he had no problem with the request.

Mr. Gary Shaffer spoke that his chosen building site was the logical choice due to the minimum disruption of the trees. Couldn't we use the average setback distance which in many areas exceeds the 100 ft. It's a stable creek with no flooding. He presented a copy of the proposed house plans showing the southern exposure windows.

Mike Summers asked what is the practical difficulty could you not simply position the house differently and meet the 100 ft. setback. Mr. Shaffer responded that the setback could be met but he would have to remove more trees.

Marvin Brewall, 682 Cherry Creek Road spoke indicating that with 30 plus acres he shouldn't have any problem meeting the ordinance.

Mr. Shaffer spoke and indicated that he wanted it entered into the record that Mr. Brewall has some existing buildings that don't meet the ordinance.

Dick Ogle, 642 Cherry Creek Road spoke stating that he has acreage and that he shouldn't have any problem meeting the ordinance.

Elmer Alanen, 534 Co. Rd. 480 asked how many acres are there. Answer 30-34 acres remaining after the house sale along with 3+ acres. The property was presently being surveyed.

Bob Pecotte asked Mark Maki that as an adjoining property owner does he have any conflict of interest. Mark Maki responded no in that you have nothing to gain or lose in acting on this request.

Carol Hicks asked what was or would be immediately across the creek from this new house. Answer no house and that the property across the creek is already occupied with a house located a substantial distance to the East.

Mr. Brewall spoke and stated that with all that property Mr. Shaffer could locate his house and meet the ordinance.

A motion was made by Bob Pecotte to approve variance 93-8. Seconded by Carol Hicks. Mike Summers spoke indicating that he intends to vote against the motion and wants it to be known why. There is a standard to be met and he feels that there is no practical difficulty. Aye 2, Nay 1. Motion is neither passed nor denied.

C. Variance #93-9 - Scott Emerson, 119 Lakewood Lane, Marquette, MI 49855

Requests a variance to allow a basement under existing house at 0 setback to side lines.

Mark Maki reported that Mr. Emerson (through his builder Pat O'Boyle) is requesting to add a basement under his existing house. The original house was a camp with limited crawl space and they wished to simply lift up the existing house excavate and build a basement under the exact structure. When completed it will be as is. No correspondence was received. Mr. O'Boyle has indicated that an agreement has been made with the immediate neighbor to allow for temporary excavation onto the neighbor's property along with grading and landscape replacement upon completion of the project.

A motion was made by Mike Summers and seconded by Bob Pecotte to grant variance request 93-9 due to the practical difficulty that this is the only place where a basement could be located and that the final result will appear as is. Aye 3 - Nay 0 Motion passed.

- V. Information Correspondence: An informational workshop would be available for ZBA members on August 4, 1993 in Marquette. The registration fee of \$75 would be paid by the Township. Carol Hicks indicated he would be interested in attending.

VI. Public Comment: None

VII. Adjournment at 9:05 p.m.

Respectfully submitted:
Carol Hicks, Secretary

Carol Hicks

CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS
MINUTES: 8-26-93

- I. The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:37 p.m., August 26, 1993 in the meeting room of the Township hall.

Zoning Board of Appeals members present were Sam Oslund, Robert Pecotte, Carol Hicks, and Bill Sanders. Staff member Mark Maki was also present. Absent was Mike Summers.

- II. Public Comment: None

- III. Approval of the July 22, 1993 Meeting Minutes. A motion was made by Sam Oslund and seconded by Bill Sanders to approve the minutes of July 22, 1993 as submitted. Motion passed Aye 4, Nay 0.

- IV. New Business:

A. Public Hearing
Class A Request #23
Patrick Dudley
2413 M-28 East
Marquette, MI 49855

Request for Class A designation and expansion of an existing dwelling at 2413 M-28 East.

Mark Maki reported that no written correspondence has been received from either the published ad nor the immediate neighbors. A written letter from Rod and Holly Aldrich who sold Mr. and Mrs. Dudley the property was received. The background is that the property was developed prior to the 1962 ordinance and that there are many encroachments along the Westerly lot lines. Many properties were originally camps and are now residential homes. The ordinance requires setback distances thus the request for a Class A designation of non conforming which states that it can not be enlarged without ZBA approval. The ZBA would have to take a two part action. First, a motion to grant a Class A designation. Secondly, a variance for the requested expansion.

Bob Pecotte questioned the owners as to how far does the present dwelling encroach over the property line. Answer approximately two feet at the front end and the back of the cabin is on their property.

Sam Oslund asked Mark Maki if there were other parcels in that area with similar problems. Mark Maki indicated that there were indeed many lots with miss aligned lot lines and encroachments.

Carol Hicks questioned that if the house were expanded what would be the setback distances of the addition primarily the 100 ft. setback from the lake. Mark Maki indicated that they were ok with the setback distance.

Mr. Dudley spoke and indicated that the property is a single family residence and with the expansion it will remain as a single family residence.

Sam Oslund made a motion that a Class A status be granted due to the uniqueness that the building existed prior to the ordinance, that other properties have similar situations within that area and a written agreement has been reached with the immediate neighbor. Seconded by Carol Hicks. Motion passed. Aye 4, Nay 0

Bill Sanders made a motion that permission be granted for the expansion of the present structure as long as all conditions

comply with the requirements of the zoning ordinance. Seconded by Sam Oslund. Motion passed. Aye 4, Nay 0

B. Variance #93-7 (Continuation)
 Steve Blondeau
 5087 US 41 South - Harvey
 Marquette, MI 49855

Request for variance from Section 513 Parking Lot Planting

Mark Maki reported and gave the background on the request. The number of buildings and the required number of parking stalls initiates this request. When the parking lot requirements exceed 50 stalls the Plantings are required as per Section 513. Mr. Maki indicated that the plantings are not always an island design but can be along the edge or perimeter. Reference was given to the ZBA action in 1979 for Jack's IGA store, the Armory and various churches. Mark Maki's concern is that presently there is no proposal nor building permit for another building and that Mr. Blondeau has submitted a plan showing that the ordinance can be met.

ZBA members raised questions for Mark Maki on the background of the project.

Steve Blondeau spoke and presented a drawing of the proposed site plan indicating what buffers and green areas would be present around the perimeter of the buildings and parking lot.

Bill Sanders spoke in reference to the unique geometry of the site and praised the general layout of the design but wishes to reserve green areas. He felt that both objectives could be met and with some alterations Mr. Blondeau could have a trouble free parking layout and green planting areas that meet the requirements of Section 513 of the ordinance.

Bill Sanders made a motion to deny the variance request because no particular hardship was presented to show that compliance to Section 513 can not be met. Motion seconded by Bob Pecotte. Aye 2, Nay 2. Motion neither passes nor is denied.

C: Home Occupation #93-2
 Mary Jane Lynch
 271 Riverside Road
 Marquette, MI 49855

Requests - Marquette Munchies Caramel Corn at 271 Riverside Road.

Mark Maki reported that no written correspondence was received and that the only question he had about the operation was as to whether or not the Marquette County Health Department had any jurisdiction in the matter.

Mary Jane Lynch spoke and indicated that she must get licensed from the State of Michigan through the U.S. Dept. of Agriculture.

Deliveries of supplies would be 4-5 times a year by UPS. No additional employees nor customers would be coming to her home.

Carol Hicks made a motion to approve Home Occupation 93-2 under the usual conditions of three year duration and pending receipt of any written complaints. Seconded by Bob Pecotte. Motion passed. Aye 4, Nay 0

D. Variance #93-10
 Eileen Urbaniak
 235 Orchard Lane
 Skandia, MI 49885

Requests a variance from Section 403 waterfront setback to allow a swimming pool 80' setback to waters edge.

Mark Maki reported that no written correspondence was received in response to the ad and neighboring notifications. Originally an above ground pool as installed and later removed and the inground pool was installed at the same location. When the electrical permit was requested it was found that the setback of 100' would be required from the water's edge and with the pool already built a variance would be required after the fact. Mr. Maki felt that three factors should be met: (1) Some sort of assurance would be necessary from either the County Health Department or the DNR that the close proximity of the pool to O'Neil Creek would not cause either contamination nor erosion when the pool is drained and maintained. (2) That it is not a visual obstruction across a clear line of sight and that no additional structures would be built such as a fence, sauna etc. (3) The green buffer zone would be maintained as per the ordinance along the water course.

Sam Oslund questioned Mark Maki as to what is meant by no obstructions of visual sight. Answer- basically additional structures such as enclosed fences, sauna's etc.

Bill Sanders spoke indicating his support to Mark Maki's recommendations but stated that if in fact the owner had to pull up and remove 20' of the pool so be it and that such a hardship should not have any bearing on our decision.

Sam Oslund made a motion to approve the variance request for a 20 ft. setback with the following conditions: (1) The County Health Dept or the DNR would have to give an assurance of no erosion or drainage problems. (2) No visual obstructions can be made by any additional structures for the line of sight across the below ground pool area. (3) The green buffer area must be maintained as per the ordinance. Seconded by Carol Hicks. Motion passed. Aye 4, Nay 0

E. Variance #93-11
Bryan Buck
421 County Road 480
Marquette, MI 49855

Setback variance for an addition in RR-2 district.

Mark Maki reported that no written correspondence was received. The request is to construct a second story screened in porch over the existing flat roof garage.

Bill Sanders asked if the height standard would be met. Mark Maki indicated that this is an attached garage and that the second story would be ok.

Becky Buck spoke and indicated that the flat roof garage leaked and that the solution was to construct a pitched roof that is raised with a screened in area over the existing garage.

Bill Sanders made a motion to approve Variance 93-11. Seconded by Sam Oslund. Motion passed Aye 4, Nay 0.

F. Home Occupation #93-3
Sara Menzel
146 Lakewood Lane
Marquette, MI 49855

Central Office Service (Electronic Medical Billing)

Mark Maki reported that no written correspondence was received and that this business was a clean quiet business and that he has no problem with her request.

Carol Hicks asked if there would be any additional traffic at the home site due to deliveries or customers coming to your home and how much area of the house was to be used for the business. Mr. Menzel indicated that there would be no deliveries other than UPS every 4 months and that no clients would be coming to her home. The space that she would be using would be approximately 50 square feet.

Sam Oslund made a motion to approve Home Occupation 93-3 under the usual conditions of three year period and upon receipt of any written complaints. Seconded by Bill Sanders. Motion passed. Aye 4, Nay 0.

G. Home Occupation #93-4
 Mark Maki
 3027 M-28 East
 Marquette, MI 49855

Land Consultation and Appraisal Office at 3027 M-28 East.

Mark Maki reported that no written correspondence was received. (After his report Mr. Maki took a set in the public sector as a township citizen).

Mark Maki spoke and indicated that he plans to practice land consultation and appraisal services. He is licensed as a land appraiser and under the new national requirements after the S&L failures realtors can no longer conduct bank appraisals and these must be done by licensed individuals. He will not conduct appraisals within Chocolay Township but will be providing his services to other districts. There will be no additional traffic at home and no clients will visit his home. He will be using minimal office space with his home computer.

Carol Hicks made a motion to approve Home Occupation 93-4 with the usual conditions of three years and upon receipt of any written complaints. Seconded by Bill Sanders. Motion passed. Aye 4, Nay 0.

V. Information Correspondence Received: No Correspondence.
 Sam Oslund made a motion that the Township refund the variance fee to Gary and Cindy Shaffer from July 93 in that they withdrew their variance request. Seconded by Bob Pecotte. Motion passed. Aye 4, Nay 0.

VI. Public Comment:
 Mike Schwemin, 225 Orchard Lane spoke and indicated that he supports the green area concept for parking lots as in the ordinance.

VII. Adjournment at 8:55 p.m.

Respectfully submitted:
 Carol Hicks, Secretary

Carol Hicks

CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS
MINUTES: 9-23-93

- I. The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:30 p.m., September 23, 1993 in the meeting room of the Towhship hall.

Zoning Board of Appeals members present were Sam Oslund, Mike Summers, Robert Pecotte, Carol Hicks, and Bill Sanders. Staff member Mark Maki was also present.

- II. Public Comment: None

- III. Approval of the August 26, 1993 Meeting Minutes. A motion was made by Bill Sanders and seconded by Sam Oslund to approve the minutes of August 26, 1993 as submitted. Motion passed Aye 5, Nay 0.

- IV. New Business:

- A. Continuation of Case-Variance 93-7
Steve Blondeau
5087 U.S. 41 South
Marquette, MI 49855

Mark Maki reported that he received a letter from Mr. Blondeau requesting that we table taking any action on his variance request for 90 days. During that time Mr. Blondeau could further develop his plan and/or withdraw his request.

Mike Summers made a motion that variance request 93-7 be tabled for 90 days from tonight's meeting and the Mr. Blondeau be notified in writing of the 90 day delay. If at any time during the 90 days Mr. Blondeau wished the ZBA to take action on 93-7 he can simply request for it's hearing during regular monthly meetings. Mr. Blondeau must notify the Township ZBA when and if he wishes to return to the agenda. Seconded by Bill Sanders. Motion passed Aye 5, Nay 0.

- B. Variance 93-12
Mary Quaintance
196 Riverside Road
Marquette, MI 49855

Mark Maki reported that from all notifications only one letter was received from Michael Haley opposing the variance request by asking that we don't change the ordinance.

Mark Maki's reservations on the request it that an accessory building is subordinate to a primary building. The primary building (usually a house) comes first and then a request for a secondary accessory building. The two could be requested at the same time. The land is zoned RR-2 which permits single family residences. The parcel was purchased in June of 1992. Some confusion was indicated on the appeals request as to what information was conveyed from the Township to the purchaser prior to buying the property. Mrs. Quaintance was under the impression that she specifically asked if she could build a pole structure. Mr. Maki could not recall all the particulars of the conversations and whether they were in person or by telephone. Also, it was noted that Mr. Maki felt that his response could have been in reference to both a home and a pole garage permit. Mr. Maki informed the Board that on only one prior request in twelve years had the ZBA been asked to grant a variance to build a garage before the house. In that particular case the variance was granted with the provision that the house be started within one year.

Mrs. Quaintance spoke indicating that she was under the impression that she could build the pole building on RR-2

property and had spoken with the Township prior to the purchase.

Mr. Pecotte asked Mr. Maki if copies of the zoning ordinance were available for anyone to review. Mr. Maki responded that they were in deed available at the township hall.

Carol Hicks asked what is the size of the parcel and is it large enough to permit a single family residence. Answer- 8.5 acres and RR-2 requires a minimum of 5 acres to build a house.

Mike Summers spoke about the differences between a use and a structure. The ordinance addresses uses without being explicit about structures. RR-2 uses are for low density, growing and harvesting of timber, and raising of livestock, agricultural, recreational etc. and wouldn't structures such as barns be customary for certain particular uses.

Considerable discussion and debate ensued on terminology and definitions as addressed on our ordinance.

Carol Hicks asked Mrs. Quaintance specifically how large of a garage was going to be constructed how tall might it be when completed. Mrs. Quaintance responded that it was to be 26'x 28' and tall enough for 12' door for her boat. She wishes to store her boat and recreational vehicle inside. She further indicated that she is working on a similar project in Florida and wishes to use her Marquette property in the summers only.

Discussion evolved around the length of time that one can park and camp in a recreational vehicle. It is believed that the ordinance allows for only 30 days.

Bill Sanders spoke and indicated that it appears that the property's use would be primarily recreational and with it's close proximity to the Lake Superior beach area across the highway would lend itself to seasonal recreational use.

Mr. Quaintance passes around pictures showing the property.

A motion was made by Bill Sanders to grant variance 93-12 to permit a pole garage to be constructed on site because it's adjacent to recreational property along M-28 and Lake Superior. The structure is to be used for recreational equipment and storage. The reason for the variance is that the practical difficulty lies in the definition of structures and the permitted uses as worded in the ordinance. Motion seconded by Mike Summers. Motion passed Aye 4, Nay 1.

V. Information Correspondence Received: None

VI. Public Comment: None

VII. Adjournment at 9:05 p.m.

Respectfully submitted:
Carol Hicks, Secretary

Carol Hicks