

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES: FEBRUARY 27, 1997**

- I.** The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:34 p.m. on February 27, 1997 in the Township Meeting Room.

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

- II. PUBLIC COMMENT:** None

- III. APPROVAL OF MEETING MINUTES OF DECEMBER 5, 1996.**

A motion was made by Bill Sanders and seconded by Mike Summers to approve the minutes of 12-5-96 as submitted. Motion passed Aye 4, Nay 0

- IV. NEW BUSINESS:**

**A. HOME OCCUPATION 97-1** Ron L'Huillier, 109 Carriage Lane, Internet Services Company.

-Mark Maki reported that public notice had been given to those within 300 ft. and the newspaper advertisement had been in place. No written correspondence was received. The business was in the production of computer web pages and that no signs will be placed at the home location, no deliveries will be received and that only 250 sq. ft. of floor space will be used. Mr. Maki saw no problems with this application.

-Mr. L'Huillier spoke describing his business.

-ZBA members questioned some of the activities.

-A motion was made by Carol Hicks and seconded by Bill Sanders to approve Home Occupation 97-1 for Ron L'Huillier at 109 Carriage Lane for his Internet services company under the following standard conditions: That the application was for the stipulated three year period and that it would come under review if any written complaints are received by the Township. Motion passed Aye 4, Nay 0.

**B. HOME OCCUPATION 97-2 RICH DEPRO, 232 SILVER CREEK RD. #44**  
Computer Repair

-Mark Maki reported that public notice had been given both by written letters to those within 300 feet and by public newspaper advertisement. No written correspondence had been received. His business is strictly computer repair and will be conducted in a 10' x 10' area of his home. There will be no signs, no traffic, and an UPS delivery approximately once a month.

-Mr. Depro spoke indicating that he will be doing some trouble shooting with software problems as well as computer repair.

-ZBA members questioned his operation asking if any retail sales will be conducted at his business and will people be delivering systems to him home? Mr. Depro answered that there will be no retail sales and that his repairs are most often conducted on the spot at his clients homes and that when shop repair is necessary he generally hauls the computer home and then delivers it after being repaired.

-A motion was made by Bill Sanders and seconded by Mike Summers to approve Home Occupation 97-2 for Rich Depro, 232 Silver Creek Rd #44 for the stipulated three year period and that it would come under review if any written complaints are received by the Township. Motion passed Aye 4, Nay 0.

**C. VARIANCE 97-1 Phil & Paula Lutey, 701 Lakewood Lane**

1. To permit a side setback of approximately 7 feet for an existing attached garage.
2. To permit an existing deck at 0 foot setback.

-Mark Maki reported by providing some sketches of the site while explaining that prior to 1990-91 a small home was on the property and that two additions have been made to the structure. One being the addition of a garage. A copy of the original Application for Zoning Compliance Permit, with the owners sketch, showing 11 ft. of distance between the garage and the side property line. A copy was provided to ZBA members. A recent survey showing the actual distance of 5 ft. at the North corner of the garage and 7 ft. at the South corner of the garage to the angled property line was provided. Howard and Mary Blomiley, 705 Lakewood Lane had submitted a twelve item grievance which Mark Maki read into the record. Accompanying the grievances were photography which were shown to the ZBA. Mark Maki continued to report that a 10 foot side yard is required by our ordinance.

-Paula Lutey spoke addressing the belief that the distance was thought to be 11 ft. based upon a measurement from the original old fence that has since been removed. She further confirmed that the decking around the storage shed was in deed up to the property line and had been placed to provide an area up to the doors entrance.

-The ZBA agreed to hear these as two separate issues and addressing the garage setback first.

-Mark Maki indicated that public notice had been given to those within 300 ft. and that an advertisement was placed in the newspaper. The 12 item grievances submitted by the Blomiley's had been received.

-Mr. Blomiley spoke indicating that he has contacted the prior owner of his property and that he had placed the old fence over 3 ft. into his property so that he could maintain both sides of the fence.

-Mark Maki indicated that he had in fact received two letters confirming the original fence placement. One letter from Whitley Robinson and the other from Allen Robertson from California. Mr. Maki read the letters dated 10-25-96 into the record.

-The ZBA surmised that the dispute and controversy arose more due to the dog pen issue being attached to that side of the garage over to the property line than from the actual location of the garage.

-Mike Summers asked for a definition of a "Fence" and a "Dog Pen". After some discussion Mark Maki indicated that presently, there is no ordinance in Chocalay that addresses fences and dog pens.

-Bill Sanders questions the depth of the lot and the actual distance from Lakewood Lane to the front of the house. Mrs. Lutey indicated that it was approximately 400 feet. Mr. Sanders asked Mrs. Lutey if in fact the dog pen could be located somewhere else than along side of the garage.

-It was questioned as to why hadn't the garage location been disputed for the past 4-5 years and why is it only surfacing now? The Blomiley's indicated that they had only recently purchased the property and that the owners (Robertson's) resided in California and had been renting the property.

-The ZBA discussed the choices available in resolving this issue and concluded that an amicable agreement could be arranged to create a free open space without fences or structures, or the Lutey's could be required to remove approximately 5 feet from their structure thus, bringing it into compliance of the 10 foot setback.

-A motion was made by Mike Summers that the application by Phil and Paula Lutey, 701 Lakewood Lane, for Variance 97-1 (That portion dealing with the garage setback) be granted, allowing only 7 foot distance of sideyard at the Southernly corner of the garage to the property line and only 5 foot distance of sideyard at the Northerly corner of the garage to the property line,

on condition that the setback area that remains between the garage and the property line be retained as open space and not be enclosed or having any fence or structures what-so-ever. This free open space shall be established for privacy and fire protection to access the other side of the house if the need arises. The existing East-West dog pen fences shall be removed by May 15, 1997 and the existing North-South property line fence can remain. Seconded by Bob Pecotte. Motion passed Aye 4, Nay 0.

-The second issue dealing with the storage shed deck constructed over to the property line was now undertaken. Mark Maki reporting that the storage shed was over 100 sq. ft. and had not been built under any permit and recently had been decked over to the property line. The deck, while allowed under our ordinance, is required to be held to within 6 feet of any property lines.

-Mrs. Lutey indicated that the storage shed had been built by a prior owner and was there when they purchased the property but, they had in deed constructed the deck.

-Bill Sanders question Mrs. Lutey as to how high is the deck? Both Mr. Lutey and Mark Maki indicated that the deck was only approximately one foot off the ground.

-A motion was made by Bill Sanders for Variance request 97-1, Part 2 be granted in that the storage shed could remain and the decking be allowed around the shed with a zero distance of setback. Seconded by Bob Pecotte. Motion passed Aye 4, Nay 0.

#### V. UNFINISHED BUSINESS

A. Update on the Home Occupation amendments, that has been discussed in the past, indicating that the language has been passed on to the Township Board.

B. Update on the Vivian Glass case at 100 Kawbawgam Rd.. Harley Andrews, the Township attorney, has drawn up some language referring to the fact that the building is to be moved in order to bring it into compliance.

#### VI. INFORMATION/CORRESPONDENCE

Mark Maki reported to the ZBA members that a Planning and Zoning Program was being offered by the Michigan Society of Planning Officials, on March 20, 1997 at the Holiday Inn here in Marquette, let him know if you are interested in attending.

#### VII. PUBLIC COMMENT: NONE

#### VIII. ADJOURNMENT AT 9:01 p.m.

Respectfully Submitted:



Carol Hicks, Secretary

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES: MAY 22, 1997**

- I.** The Zoning Board of Appeals of the Charter Township Of Chocolay was called to order by Acting Chairperson Bill Sanders at 7:33 on May 22, 1997 in the Township Meeting Room.

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

- II. PUBLIC COMMENT:** Five people present reserved time to speak on Home Occupation 97-3:
- Cindy Kleinschmidt, 128 Juliet St.
  - Karen Gimse, 205 Jean St.
  - Jim Dwyer, 129 Juliet St.
  - Linda Hopper, 218 Jean St.
  - Joe Mahaney, 234 Jean St.

**III. APPROVAL OF MEETING MINUTES OF FEBRUARY 27, 1997**

-Mark Maki indicated that a letter had been received from Mr. and Mrs. Blomiley 705 Lakewood Lane questioning the wording of the minutes. The letter was read into the record. The original motion made by then Board member Mike Summers indicated the removal of the East-West fences enclosing a dog kennel by May 15. Those fences have been removed and the Blomiley's are objecting to the North-South fence that remains at the property line.

-Bill Sanders and Carol Hicks confirm their belief that the motion as recorded is correct and that a North-South fence at the property line can remain or even reconstructed by the now new owners.

A motion was made by Carol Hicks to table the approval of the minutes of 2-27-97 until Bob Pecotte and Mike Summers can have an opportunity to review the content of the minutes. Seconded by Bill Sanders. Motion passed Aye 4, Nay 0.

**IV. NEW BUSINESS:**

**A. 97-2 PAUL WATTERS, DRY DOCK BAR** Entry Porch and Deck, Variance from Sec. 300

-Mark Maki reported that public notice has been given and no correspondence was received. Mr. Watters, 5029, US 41 South has requested a variance to allow the construction on a side entry into his bar. Mr. Maki's only concern is with the entry driveway and parking in that if parking is allowed at this side it could restrict traffic flow. The new concrete entry pad and ramp would be rather close to the curb cut.

-ZBA members questioned the set back requirements and the lot area for parking. The issue is that the angle of the highway to the building would converge closer than the required 40 ft. setback requirement placing the new entry at approximately 20 from the front property line.

-A motion was made by Carol Hicks and seconded by Bill Sanders to approve variance 97-2 for Paul Watters, Dry Dock Bar allowing the addition to be within 20 ft. to the front line setback providing that no parking would be allowed immediately to the South of the building entry (South West corner) for the first 20 feet. To assure no parking a landscape barrier shall be constructed with planting of trees and shrubs within that area. Motion passed Aye 4, Nay 0.

**B. HOME OCCUPATION 97-3 DONALD TILLERY, 213 JEAN STREET, Fire Arms Sales.**

-Mark Maki reported that public notice was given and the he received three written letters: Jean and George Hannemann, 133 Juliet, May 21,97 Strongly Opposed.  
Jim and Maria Dwyer, 129 Juliet St. Opposed.  
Beth and John VanDreel, 121 Juliet St. Opposed.

-Mark Maki continued to report that the issue before the ZBA in does it meet the Home Occupation requirements and does it pass the test of those requirements and is there a need for new ordinance language addressing compliance. Mr. Maki directed our attention to the "Repealer and Amendment" copy as adopted by the Charter Township on May 9, 1997 ("Sec. 107 the requirements for a home occupation approval").

-Mr. Tillery spoke and explained his business. He has been operating as a federally licensed firearm dealer out of his home on Jean St. for the past three years. The home occupation issue can to light upon his renewal of his license.

-Mark Maki indicated that the Bureau of Alcohol Tobacco and Firearms contacted the Township for a zoning compliance check and thus the request for a Home Occupation.

-ZBA members questioned the wording of the new amendment and if any other gun dealers were operating under H.O. permits. It was indicated that we have had gun smithing.

-Sam Oslund questioned Mr. Tillery if he carries and sell any ammunition. Answer NO

-Cindy Kleinschmidt questioned the difference between a home occupation of selling arms compared to a commercial store and indicated that she is opposed to the sale of arms within the neighborhood.

-Phil Schneeberger, 205 Judy St. asked for a comparison with other home occupation business requests within residential neighborhoods. Mark Maki spoke about the test of does it create undue noise any additional traffic and is it out of character for the neighborhood.

-Karen Gimse spoke about out ability to govern firearms. Mark Maki responded that perhaps the avenue for governance change is through changes to the ordinance language through the Township Board.

-Mrs. Toni Roberts, 131 Aspen Dr. questioned subdivision covenants with language restricting such items as firearms sales. It was indicated that Elder Subdivision does have restrictive covenants and those restrictions are above and beyond those imposed by the Township Ordinances.

-Cindy Kleinschmidt spoke indicating that this issue created anxiety and a sense of security for the neighborhood and she is opposed to it.

-Mr. Jim Dwyer spoke to emphasize his letter of opposition.

-Joe Mahaney opposes the request.

-Linda Hopper spoke indicating that she does not like the idea and opposes any sign saying guns.

-Mr. Tillery spoke indicating that there would be no signs for his business what-so-ever.

-A motion was made by Sam Oslund that Home Occupation request 97-3 for Donald Tillery, 213 Jean St. be approved and that the application if for a three year period and subject to review upon any written complaint and that no signs be on the property to indicate home occupation and that no public advertisement be made. This Home

Occupation is specific and exclusive to Donald Tillery and there shall be no storage or display of merchandise and if the H.O. is revoked before the end of the three year period the Township shall notify the Bureau of Alcohol Tobacco and Firearms. Seconded by Carol Hicks, Motion passed Aye 4, Nay 0.

**V. UNFINISHED BUSINESS:**

A. Update on Home Occupation Amendment

**VI. INFORMATION / CORRESPONDENCE: NONE**

**VII. PUBLIC COMMENT:**

Mark Maki spoke as a public member indicating the Township Boards attempt to spell out the wording of an ordinance and how it affect various township members.

**VIII. ADJOURNMENT: AT 9:27 P.M.**

Respectfully submitted:



Carol Hicks, Secretary

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES JULY 17, 1997**

- I.** The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:34 on July 17, 1997 in the Township Meeting Room.

Zoning Board of Appeals members present were Lois Sherbinow, Robert Pecotte, Carol Hicks, and Bill Sanders. Staff member Mark Maki, Zoning Administrator, was also present.

- II. PUBLIC COMMENT:** Terry Huffman, Realtor, 518 South Front St. Marquette reserved time to speak on Variance 97-5

James Boyle reserved time to speak on Variance 97-3.

- III. APPROVAL OF MEETING MINUTES OF MAY 22, 1997**

A motion was made by Lois Sherbinow and seconded by Bill Sanders to approve the minutes of 5-22-97 as submitted. Motion passed Aye 4, Nay 0.

- IV. NEW BUSINESS:**

**A. Home Occupation 97-4** Kenneth Mayotte, 6457 US 41 South, Licenced Firearms Dealer.

-Mark Maki reported that Mr. Mayotte has had a firearms licenses for 12 years and just moved to 6457 US 41 South. No correspondence was received and that public notice was given. The ZBA should question the inventory to be held, test firing or if ammunition was being sold.

-Mr. Mayotte spoke and explained his business operation indicating that he does not test fire any guns at his home and that ammunition was not sold nor carried in his inventory. There will be no signs nor unnecessary traffic at his home.

-A motion was made by Bill Sanders and seconded by Carol Hicks to approve HO 97-4 for Kenneth Mayotte for the standard three year period and subject to any written complaints and that no signs nor public published advertisement be made and that this Home Occupation was specific to Ken Mayotte at 6457 US 41 South only. Motion passed Aye 4, Nay 0.

**B. VARIANCE 97-3** Lloyd Peterson, Flushing MI, request a side setback variance at 2945 M-28 East for an 8x14 Porch at 7 ½ feet.

-Mark Maki reported that public notice has been given and that no correspondence was received. The lot is only 88 ft. wide and when the original camp was build the ordinance only required a 5 ft. setback and presently our ordinance required 10 ft setback.

-Bill Sanders questions why not set back to 10 ft.? James Boyle spoke indicating that it's because of the location of the existing windows and doors. A photo was shown verifying the placement of bedroom and living room windows thus the practical location of the screened in porch would be held to the West. The proposed porch will not extend over to the existing westerly wall of the house but it will be held 2 ft. back.

-A motion was made by Carol Hicks and seconded by Bill Sanders to approve Variance request 97-3, Lloyd Peterson, 2945 M-28 East allowing an 8x14 porch to be built at 7 ½ ft sideyard instead of the required 10 ft. because of the practical difficulty of compliance to the present ordinance whereas the original ordinance was only 5 ft. setback and that the proposed porch would not extend over to the end of the existing house that is 5 ½ ft from the property line. Motion passed Aye 4, Nay 0.

**C. VARIANCE 97-4** Robert Ball, Zephyrhills, Florida, request a variance to permit an accessory building 28x40 (Garage and Storage) prior to the house at 381 Co. Rd. 480.

-Mark Maki reported that public notice was given and that no correspondence was received. The property is zoned R-1 single family residence and it wide enough to perhaps build two houses on it. Our ordinance requires that the primary structure (house) be built prior to any accessory structures (detached garage) Mr. Ball request to build a 28x40 garage prior to building his house so that he may use it for storage of building materials and tools. There is another detached older structure on the property that is approximately 20x24 that he plans to demolish and remove. He plans to construct his house in the Fall or 1997 or Spring 1998.

-ZBA members questioned if the proposed 28x40 building would be characteristic to a residential garage or would it become an isolated workshop. It was indicated that it would be finished with the same materials as the house and used to house antique cars.

-Lori Nelson, 60 Edgewood Dr. spoke voicing her concerns. Her property abuts the rear of Mr. Ball's and as indicated on the application the garage would be located at the Northeast corner of the property and would be quite visible from her home. She was concerned about noise and visual appearance if junk were to be stored outside behind the garage.

-A motion was made by Carol Hicks and seconded by Bob Pecotte to approve variance 97-4 by Robert Ball at 381 Co Rd. 480 allowing a 28x40 detached garage to be built prior to the construction of the house under the following conditions: that all materials will be stored inside the garage and not outside or around the building and upon the removal of the existing old dilapidated building (as indicated in the application) prior to the construction of the new garage. Motion passed Aye 4, Nay 0.

**D. VARIANCE 97-5** David Thomas/Terry Huffman, agent for Jim Drobney requests a variance to permit a 60' waterfront setback at 311 Main St..

-Mark Maki reported that public notice was given and two letters of correspondence were received. Paul Smith, 308 W. Main was opposed. Choccolay Watershed Assoc., Carl Lindquist was opposed. The railroad was abandoned in about 1981 and the right-of-way property reverted back to the original ownership. Our zoning ordinance does have a water frontage setback of 100 ft. There is no exemption clause in this area for new subdivided lots, although all existing buildings on existing lots are exempt from the 100' setback.

-ZBA members questions whether or not the 100 ft. setback can be met without any variance. Mark Maki indicated that it could but, it would place the house site rather close to Main street with a short driveway.

-Terry Huffman spoke indicating that his client Mr. Thomas plans to build his retirement home on the property and wishes to build on the high area at the railroad grade within 60 ft. of the Bayou. He wishes to purchase 310 ft. of road frontage and place the house within 40 ft. to the easterly line as indicated on the application.

-Sue Schenk-Drobney, 733 Lakewood Lane spoke indicating that she too had looked at the property and the placement closer to the water afforded the best view and avoided the low dip between the railroad grade and the road.

-Dan Diloreto, 301 W. Main spoke indicating that he has concerns for the variance in that he purchased his property for having privacy in 1985 and he is opposed to the variance as requested in that the house placement would be only 40 ft. from his property line.

-Mark Maki obtained a topo map of the area and scaled the setback in reference to the railroad grade and Bayou.



-A motion was made by Bill Sanders and seconded by Carol Hicks to approve variance request 97-5 for David Thomas/Terry Huffinan allowing a 75 ft. setback from the waterfront thus a 25 ft. variance from the required 100 ft. upon the following condition that not only must the house location be 75 ft. from the water it must be relatively centered on the 310 ft. width parcel. Motion passed Aye 4, Nay 0.

**V. UNFINISHED BUSINESS:** approval of ZBA minutes of February 27, 1997

-Discussion over the wording of the Variance 97-1 Phil & Paula Lutey, 701 Lakewood Lane. At the May 22, 1997 ZBA meeting the approval of the Feb. 27, 1997 minutes as tabled pending a review from other board members present at that meeting.

-Bob Pecotte spoke and indicated that the motion as presented was exactly as he remembered.

-A motion was made by Carol Hicks and seconded by Bob Pecotte to officially approve the minutes of February 27, 1997 as submitted. Motion passed Aye 4, Nay 0.

**VI. INFORMATION/CORRESPONDENCE: NONE**

**VII. PUBLIC COMMENT: NONE**

**VII. ADJOURNMENT AT 9:25 p.m.**

Respectfully submitted:



Carol Hicks, Secretary

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES AUGUST 28, 1997**

- I.** The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:32 p.m. on August 28, 1997 in the Township Meeting Room.

Zoning Board of Appeals members present were Lois Sherbinow, Robert Pecotte, and Carol Hicks. Staff member Mark Maki, Zoning Administrator, was also present.

- II. PUBLIC COMMENT:** Terry Huffman, Realtor and Sue & Jim Drobney reserved time to speak on agenda item "C" variance 97-8 David Thomas.

**III. APPROVAL OF MEETING MINUTES OF JULY 17, 1997**

A motion was made by Bob Pecotte and seconded by Lois Sherbinow to approve the minutes of-7-97 as submitted. Motion passed Aye 3, Nay 0.

**IV. NEW BUSINESS:**

**A. Variance 97-6** Jeffery Green, 148 Riverland, Request a variance from Sec. 300 for a 9-foot setback for a detached garage.

-Mark Maki reported that public notice has been given and no correspondence was received. This is a large lot with 230 feet of road frontage and being a corner lot it has a double set back requirement of 30 feet in both directions. It is 109 ft. from the center line of M-28.

-Bob Pecotte questioned if we have had any similar situation. Answer, not really but we have had several setback requests due to the highway right-of-way.

-Carol Hicks questioned if there was a "clear site distance" setback due to this being a county road intersection onto a state highway with a stop sign. Mark Maki went to his office and retrieved the original plat and upon study it was found that no restriction was placed on the lot for vision setbacks.

-A motion was made by Carol Hicks and seconded by Lois Sherbinow to approve variance 97-6 for Jeffery Green at 148 Riverland allowing the 9 ft. setback for a detached garage due to the hardship imposed by the dual 30 ft. setback onto corner lots with the condition that a wooded area be maintained between the garage and the highway. Motion passed Aye 3, Nay 0.

**B. Variance 97-7** Jack Tripp 2999 M-28. Request a variance from Sec. 300 and Sec. 300F for a detached garage.

-Mark Maki reported that public notice had been given and no correspondence was received. Mr. Tripp had to purchase and acquire a part of the right-of-way from the State in order to build this garage. When this transaction is completed he would be 10 ft. from his property line and 110 ft. from the highway centerline. His proposed garage must be 10 ft. from the overhead power line, thus causing the problem. Our ordinance requires a 30 ft. setback and that would place the garage directly under the power line.

-Discussion ensued with Mr. Tripp addressing the ZBA questions.

-A motion was made by Carol Hicks and seconded by Bob Pecotte to approve variance 97-7 for Jack Tripp, 2999 M-28 allowing the garage to be built 2 ft. from the M-28 right-of-way under the following conditions: The 32 x 24 garage shall be turned 90 degrees with the 32 ft dimension running North-South and the 24 ft dimension running East-West with the garage doors facing onto the existing driveway and not generating an additional driveway onto M-28. This variance is granted due to the hardship imposed by the overhead power line requiring maintenance clearance distances. Motion passed Aye 3, Nay 0.

**C. Variance 97-8 David Thomas. Setback on Bayou at 311 W. Main Street, Harvey.**

-Mark Maki reported that this was the second variance request on the parcel and that public notice had been given with one correspondence received. Paul and Marilyn Smith, 308 West Main wrote voicing their objection to the variance request. They were of the impression that no one could build across the street. Mark Maki indicated that was not the case and in fact there were two build able lot areas.

-Mrs. Thomas spoke indicating that they planned to build a Cape Code style house on a slight angle to have the best view of the water. They are requesting to build 85 ft. from the water edge instead of the required 100 ft.

-The ZBA members questioned the house choice location and reasoning behind it.

-Dan Diloreto, 301 W. Main spoke indicating his concerns for the house being placed so close to his property line.

-Sue Drobney spoke indicating that a lot split could not occur.

-A motion was made by Bob Pecotte and seconded by Lois Sherbinow to approve variance 97-8 for David Thomas allowing for a 19 ft. variance allowing the house to be placed back 81 ft. minimum from the water providing that it be held a minimum of 40 ft. from the easterly property line. Motion passed Aye 3, Nay 0.

**V. UNFINISHED BUSINESS:**

The Vivian Glass case is due for a court deposition on September 2.

ZBA replacement member is being worked out with the Township Board.

ZBA's next meeting will be September 18.

**VI. INFORMATION/CORRESPONDENCE: NONE**

**VII. PUBLIC COMMENT: NONE**

**VIII. ADJOURNMENT at 8:45 p.m.**

Respectfully submitted:



Carol Hicks, Secretary

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES SEPTEMBER 18,1997**

- I. The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:32 p.m. on September 18, 1997 in the Township Meeting Room.

Zoning Board of Appeals members present were Lois Sherbinow, Robert Pecotte, Carol Hicks, and Bill Sanders. Staff member Mark Maki, Zoning Administrator, was also present.

- II. **PUBLIC COMMENT: NONE**

- III. **APPROVAL OF MEETING MINUTES OF AUGUST 28, 1997**

A motion was made by Lois Sherbinow and seconded by Bill Sanders to approve the minutes of 8-28-97 as submitted. Motion passed Aye 4, Nay 0.

- IV. **NEW BUSINESS:**

A. **VARIANCE 97-9** Elwin Leach, 425 Green Bay Street. Request a variance from Sec. 300 for a 8 x 20 front porch, 14 feet setback.

-Mark Maki reported that public notice was given and one correspondence was received. Joe and Elinor Morgan, 111 E. Wright Place wrote indicating that they had no problems with the request and therefore, support Mr. Leach's variance. Presently, there is a 4 x 8 porch with steps down to a sidewalk and the owner wishes to remove this porch and construct a new porch that is 8 x 20 running along the front of the house. The new porch will have a side door entrance. Past variances have been given in the Village of Harvey due to the small lot sizes and house placements. The streets are narrow and other homes in the neighborhood are in line with this request. There are no clear sight problems with this addition being on a corner lot with two streets.

-Mr. Leach spoke to clarify and respond to several of Mr. Maki's concerns.

-ZBA members posed questions.

-A motion was made by Bill Sanders and seconded by Carol Hicks to approve variance 97-9 for Elwin Leach at 425 Green Bay St. allowing an addition onto his home being 14 ft. setback from Green Bay St. Right-of-way with the conditions that the entrance be to the East side of the addition and that no further additional encroachments be given. Motion passed Aye 4, Nay 0.

B. **HOME OCCUPATION 97-5** Elwood R. Bengry & Jeanette L. Chadwick, 389 Mangum Rd. Manufacture furniture (including repair & refinish), various wood crafts, wreaths, dolls & teddy bears.

-Mark Maki reported the public notice was given and no correspondence was received. Mark also submitted the application to the Chocolay Township Fire Department for their concerns. The fire department would only request that Mr. Bengry submit to them a list of flammable materials so that in case of a fire they would know what they would be up against. The questions that the ZBA might wish to address are the sign size and disposal of hazardous materials. As with any H.O. it must meet the following three characteristics, change in traffic, noise, or does it alter the characteristic of the neighborhood. It was noted that the applicant was to display a 4 x 3 sign, which would exceed the 2 sq. ft. ordinance.

-Elwood Bengry spoke addressing Mr. Maki's concerns.

-Discussion was made as to where and how to dispose of hazardous materials and several suggestions were given.

-Mr. Bengry has a detached workshop that is 12' x 26' (312 sq. ft.) whereas the ordinance only allows 300 sq. ft. of detached space to be used for home occupations.

-A motion was made by Carol Hicks and seconded by Bob Pecotte to approve Home Occupation 97-5 for Elwood R. Bengry & Jeanette L. Chadwick, 389 Mangum Rd. under the following conditions:

- A. These would be treated as two separate home occupations: one for Elwood Bengry utilizing only 300 sq. ft. of the 312 sq. ft. of the detached workshop for furniture making. The other being for Jeanette Chadwick using 264 sq. ft. of the house space for crafts.
- B. The sign for their business shall not exceed 2 sq. ft. of detached signage or 4 sq. ft. if attached to the house.
- C. Proper procedures be adapted and documented for disposal of hazardous waste.
- D. Notification and inventory of flammable materials be given to the Chocolay Fire Department.
- E. This H.O. falls under the standard three year condition and pending any written complaints.

Motion passed Aye 4, Nay 0.

**V. UNFINISHED BUSINESS:**

A. Update on Dry Dock Variance. Mark Maki reported that he has written to the owners requesting the completion of the variance agreement pertaining to landscaping and no parking near the South-West corner of the building. A copy of the letter was given to ZBA dated Sept. 9, 1997. The owners have indicated that they plan to landscape and comply next spring. Mark will keep an eye on this project.

B. Update on Vivian Glass appeal. Mark Maki reported that depositions have been taken by both parties and that the case may resurface to the ZBA. Possibly, allowing the owners to keep their building located as is with the conditions that extensive re-excavation, removal of Westerly driveway, new parking area, landscaping, and privacy fence with plantings be placed at West property line.

**VI. INFORMATION/CORRESPONDENCE: NONE**

**VII. PUBLIC COMMENT: NONE**

**VIII. ADJOURNMENT: at 8:20 p.m.**

Respectfully submitted:



Carol Hicks, Secretary

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES OCTOBER 23, 1997**

- 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. on October 23, 1997 in the Township Meeting Room.

Zoning Board of Appeals members present were Lois Sherbinow, Robert Pecotte, Carol Hicks, and Robert Fisher. Staff member Mark Maki, Zoning Administrator, was also present.

**II. PUBLIC COMMENT: NONE**

**III. APPROVAL OF MEETING MINUTES OF SEPTEMBER 18, 1997**

It was noted that item IV B. Home Occupation 97-5 for Elwood Bengry & Jeanette Chadwick was missing the vote outcome of the motion. The correction is to be that the motion passed Aye 4, Nay 0. A motion was made by Lois Sherbinow and seconded by Bob Pecotte to approve the minutes of 9-18-97 as amended. Motion passed Aye 4, Nay 0.

**IV. NEW BUSINESS:**

**A. CLASS A DESIGNATION #30 Expansion-** Jim and Darlene Herkins, 203 Hotel Place-Chocolay Shores Apartments.

-Mark Maki reported that public notice was given and no correspondence was received. Six to seven years ago the ZBA granted the parcel as a Class A designation. The request today is for a 30'x50' garage. It was noted that a single family dwelling was not being requested. The lot has a township sewer pumping station and an electric line which creates difficulties with finding a suitable building location.

-ZBA members questioned the setback dimensions to the garage and as to what types of materials would be stored in the garage. These issues were addressed.

-A motion was made by Carol Hicks and seconded by Bob Pecotte to approve the Class A permit #30 for Mr. and Mrs. Herkins allowing them to construct a 30'x50' garage as planned with the stipulation that no outdoor storage would be permitted and that all storage of materials would be confined within the building, due to the difficulty imposed by the location of power lines and the sewer pumping station location. Motion passed Aye 4, Nay 0.

**B. VARIANCE 97-10** Geoffrey and Susan Weston for 1809 M-28 East to construct a garage prior to the single family dwelling.

**C.** -Mark Maki reported that public notice had been given and that one letter was received from a neighboring property owner, Mr. Glen Shaw who had no problem or objection to the variance request. The Weston's are planning to construct a 24'x30' detached garage prior to building their home. The garage would meet all zoning requirements such as setbacks etc. and that they planned to start their home construction next year and use the garage to store building supplies and tools while constructing the house.

-A motion was made by Bob Pecotte and seconded by Bob Fisher to approve variance request 97-10 for Geoffrey & Susan Weston at 1809 M-28 East allowing them to build a detached garage prior to building a house under the following condition that all materials be stored within the garage and that it be used for storage purposes only. Motion passed Aye 4, Nay 0.

**C. Variance 97-11** Chocolay Township Board for 5010 US-41 South, request a variance from front setback for a 12'x30' police department addition.

Mark Maki reported that public notice was given and no correspondence was received. The present police department is operating in rather tight quarters and there is a need for expansion with the choices to expand the existing area or relocate to the far end of the building. The zoning ordinance requires a 40' front setback and the original building was constructed prior to any highway expansion let alone the present five lanes. The attached sketch showed that the proposed addition would be in keeping with the original buildings shape and form.

-ZBA members questioned the need, design, and exterior landscaping requirements.

-A motion was made by Carol Hicks and seconded by Lois Sherbinow to approve variance request 97-11 for Chocolay Township Board at 5010 US 41 South allowing for a 12'x30' addition with a setback distance of 27'-4" thus a variance of 12'-8" under the following conditions that all landscaping be restored to it's existing or better state. In particular a large birch tree that may have to be taken down must be replaced with a substantial shade tree and that all decorative trees and shrubs at the building perimeter are replaced in a comparable manner. Motion passed Aye 4, Nay 0.

- V. **UNFINISHED BUSINESS:** The ZBA wished to welcome on board it's new member Mr. Robert Fisher and noted that this now brings our Board up to it's full membership.
- VI. **INFORMATION / CORRESPONDENCE: NONE**
- VII. **PUBLIC COMMENT: NONE**
- VIII. **ADJOURNMENT:** at 8:15 p.m.

Respectfully submitted:  
Carol Hicks, Secretary

