

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES 3-25-99**

**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., March 25, 1999 in the meeting room of the Township Hall.

Zoning Board of Appeals members present were Lois Sherbinow, Robert Pecotte, and Bill Sanders.

ABSENT: Carol Hicks, Robert Fisher.

Zoning Administrator Mark Maki was also present.

**II. PUBLIC COMMENT: NONE**

**III. APPROVAL OF THE MEETING MINUTES OF DECEMBER 22, 1998**

Motion made by Lois Sherbinow, second by Bill Sanders to approve the minutes of 12-22-98 as submitted. Motion passed Aye 3, Nay 0.

**IV. NEW BUSINESS:**

**A. Variance 99-1 Lindberg & Sons/Ted Wittler**

Variance request from Sec 404 setback for a mining operation in Sec 27 T47N R24W. The proposed mining operation is within 3000 feet of a Church and within 1500 feet of several private wells.

The zoning ordinance has established setbacks to control mining impacts. Comments received from the Pastor of the Green Garden Church indicating he did not see any problems with the mining operation affecting the church use except for special services which he cannot predict.

Mark Maki explained the 3-mile road project this summer and the plan to take fill and possibly bury concrete on the Wittler site. This should not affect the church use, as the road project will not be in operation on weekends. All private wells are 1000 to 1200 feet away and no activities are involved which should be of concern.

A mining permit from the Township Board will still be required even if the variance is granted.

Motion by Bill Sanders second by Lois Sherbinow to grant the variances from the church 3000 ft setback and the 1500 foot private well setback due to the fact that the operation will not be in use on Sunday and the fact that the operation is limited in time (summer 99) and has no activities which would affect private wells. Ayes: 3 Nays: 0

**B. Variance 99-2 St. Louis Church 264 Silver Creek Road**

**Variance request to:**

1. Allow a 20-foot setback for the rectory on east line.
2. Allow parking spaces 9 feet wide instead of 10 feet wide
3. To allow required parking to include existing parking with 75 spaces on site and 30 spaces in current use.

-Letter received from John Hlinak 234 Silver Creek Road opposed to the variance for a 20-foot setback.

-Public comment received by Mrs. Hahka concerned about the requested 20-foot setback and concern about existing buffer as this abuts her property.

Motion by Bill Sanders second by Lois Sherbinow to grant the variance to allow 9 foot parking stall widths due to the fact that the spacing are only used primarily one day a week and to require 70 new on site parking spaces to meet the current requirement of 105

spaces for 300 seating capacity, due to the fact that the church has 30 spaces currently in use on the west and north side of the existing church this will allow the rectory to realign with a 30-foot east lot line setback. Ayes: 3 Nays: 0

Note: Total on-site spaces once the seating capacity is expanded from 300 to 450 will require 123 spaces on site.

**C. Variance 99-3 Jim & Marlene Fisher for 278 Lakewood Lane**

Variance request to allow a garage prior to the construction of the house and to permit a garage with a height of 16 feet. The ordinance only permits a 14 foot height. Applicant indicate the house will be built this summer and that the garage is to be used to house a recreational vehicle and that the roof pitch 6/12 is designed to compliment the future house design.

Motion by Bill Sanders second by Lois Sherbinow to grant the variance noting that the garage is setback in excess of the 10' required and is about 30 feet to the lot lines and that the garage pitch is consistent with the proposed house roof pitch with a condition that no outdoor storage is permitted until the house is constructed.

Ayes: 3 Nays: 0

**V. UNFINISHED BUSINESS: None.**

**VI. INFORMATION/CORRESPONDENCE: None**

**VII. PUBLIC COMMENT: NONE**

**VIII. ADJOURNMENT AT 8:15 p.m.**

Respectfully submitted:



Bill Sanders, Acting Secretary

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES 4-22-99**

- 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., April 22, 1999 in the meeting room of the Township Hall.

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

II. **PUBLIC COMMENT: NONE**

III. **APPROVAL OF THE MEETING MINUTES OF MARCH 25, 1999.**

Motion made by Bill Sanders and seconded by Lois Sherbinow to approve the minutes of 3-25-99 as submitted. Motion passed Aye 5, Nay 0.

IV. **NEW BUSINESS:**

- A. Variance 99-4 Andy Griffin, 518 Riverside Road, Marquette, Mi. A request to add a 16 x 18 addition to an accessory building. The addition is setback 19 feet to the M-28 lot line.

-Mark Maki reported that public notice was given. He did receive one inquiry from the Prince of Peach Church however, there were no objections to the request. The addition is onto an existing accessory building the has had a prior variance due to the setback distance to the M-28 right-of-way. A similar request is being made today for the addition.

Due to the property being a corner lot it must meet 30 ft. Setbacks from three sides as is all are fronting on a street. The ordinance requires 30 ft. and the addition will only be 19 ft. thus a variance for 11 ft. is being requested.

-It was questioned as to the total lineal footage of the house in comparison to the L.F. around the accessory building. The house has 172 L.F. and the accessory building with the addition will total 160 L.F., thus it would meet that requirement.

-A motion was made by Carol Hicks and seconded by Bob Fisher to approve variance 99-4 for Andy Griffin, 518 Riverside Road allowing for the 16 x 18 addition onto his accessory building being built 19 ft. setback from M-28 R.O.W. instead of the required 30 ft. due to the unique corner lot configuration requiring three sides to meet this setback distance, provided that no placement of materials and debris be placed outside the structure. Motion passed Aye 5, Nay 0.

- B. Home Occupation 99-1 Dawn Wood, 105 Alderbrook. A request to conduct a manicuring salon at 105 Alderbrook.

-Mark Maki reported that public notice was given and no correspondence nor inquiries was received. A careful review of the application seems to be in order and that questions should be raised as to the sign size and if additional traffic will be generated within the neighborhood and is any unnecessary noise will be generated. He sees no specific problem with the application.

-Dawn Wood spoke and indicated that one additional car would be in the driveway when a client arrives for an appointment. The sign was to be a small neon sign placed in the front window. No chemicals will be used nor disposed on on the premises and the salon will be in one of their bedrooms.

-A motion was made by Bill Sanders and seconded by Lois Sherbinow to approve Home Occupation 99-1 for Dawn Wood at 105 Alderbrook to operate a Manicuring Salon

within her home. This approval is for the standard three year term and subject to review upon any written complaint. Motion passed Aye 5, Nay 0.

**V. UNFINISHED BUSINESS:**

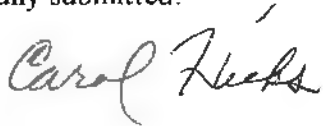
-Mark Maki made mention that he will be writing a letter to the owners of the Drydock Bar in reference to their landscaping obligation as well as Chocolay Township with regards to the landscaping requirements placed on the variance granted for the police office addition.

**VI. INFORMATION/CORRESPONDENCE: NONE**

**VII. PUBLIC COMMENT: NONE**

**VIII. ADJOURNMENT AT 7:52 p.m.**

Respectfully submitted:



Carol Hicks, Secretary

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES 5-27-99**

- 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., May 27, 1999 in the meeting room of the Township Hall.

Zoning Board of Appeals members present were Robert Fisher, Lois Sherbinow, Bill Sanders, Robert Pecotte. Absent: Carol Hicks. Zoning Administrator Mark Maki was also present.

- II. **PUBLIC COMMENT: NONE**

- III. **APPROVAL OF THE MEETING MINUTES OF APRIL 22, 1999.**

Motion made by Bill Sanders and seconded by Lois Sherbinow to approve the minutes of 4-22-99 as submitted. Motion passed Aye 4, Nay 0.

- IV. **NEW BUSINESS:**

Variance 99-5 Rodney and Victoria Weisinger, 300 Ford Road, Marquette, MI. A request to allow an attached garage at an 11 foot front yard setback (30 feet required).

Mark Maki reported on the above request. As a corner lot a 30 foot setback is required on both sides. The lot was developed before Aspen Drive was built. There is a good clear distance from both Aspen and Ford Road. There is actually 29 feet of vegetation from the garage to the road line. It was suggested that should a variance be granted that a condition of no future curb cut off Aspen Drive be attached.

A motion was made by Bill Sanders and seconded by Bob Fisher that Variance 99-5 be approved with a condition that no future curb cut off Aspen Drive be allowed. The approval was given based on the lot development prior to the building of Aspen Drive and clear vision distances involved. Motion passed Aye 4, Nay 0.

- V. Unfinished Business:

- A. The Catholic Church project is proceeding as per variances and plans.
- B. Mark Maki is working on the "Drydock" variance process.
- C. Mark Maki has sent a letter to DPW Supervisor Larry Gould re: Chocolay Township variance process.

- VI. Information/Correspondence: None

- VII. Public Comment: None

- VIII. Adjournment was at 7:50 p.m.

Respectfully submitted,



Bob Fisher, Acting Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES 6-24-99**

- 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., June 24, 1999 in the meeting room of the Township Hall.

Zoning Board of Appeals members present were Lois Sherbinow, Bill Sanders, Robert Pecotte. Absent: Carol Hicks, Robert Fisher.  
Zoning Administrator Mark Maki, Jim Blondeau, Fire Chief was also present.

**II. PUBLIC COMMENT: NONE**

**III. APPROVAL OF THE MEETING MINUTES OF MAY 27, 1999.**

Motion made by Bill Sanders and seconded by Lois Sherbinow to approve the minutes of 5-27-99 as submitted. Motion passed Aye 3, Nay 0.

**IV. NEW BUSINESS:**

- A.** Variance 99-6 Denis Kallery, Co Rd BX. Height for dwelling in excess of 30 feet. Clarification given on proposed building height. Height as proposed is about 35 feet as building is exposed 3 feet 6 inches (basement) and roof pitch 12/12. Mr. Kallery is tearing down a log house and rebuilding it. The house currently has a 2 foot exposed (basement) and has a 10/12 pitch with a height of 31 as it sits in Palmer.

Mark Maki, Zoning Administrator commented that the building meets other zoning codes as they use the average height. Chocolay's Zoning Ordinance has stricter requirements and refers to peak height of 30. Memo received from Mark Maki dated June 17, 1999 regarding past height variances.

Memo received from Township Board with the following motion:

*"Fende Moved, Bohjanen Second, that the Board send a letter to the Zoning Board of Appeals that they should not approve any structure over 30' until hearing the recommendation of the Chocolay Township Fire Department as to whether height and/or other unique features will impede saving the structure and/or lives."*

It was noted that the Fire Department routinely receives the Zoning Board of Appeals agenda.

Jim Blondeau, Fire Chief, commented on need for all concerned to be aware of the Fire Department's ability to fight fires and the issue of having construction accessible to fire fighters that are safe for all concerned. Memo received from the Fire Department dated June 22, 1999 regarding Mr. Kallery's variance request this memo was reviewed.

No public comment/letters received on the application.

Discussion on the ability to revise plans by having the basement only exposed 2 feet and keeping a 10/12 pitch which would bring the access roof to 21 feet 6 inches and would reduce the height to 31 feet.

Motion by Bob Pecotte, second by Lois Sherbinow to modify the variance request to allow a 1-foot deviation since this will allow reasonable development but still come very close to the current height requirement. This structure could then be more accessible to fire department personnel. Carried 3-0

- B.** Variance 99-7 Gary & Loretta Revord for a lot at 7001 US 41 South request a

variance a variance to construct a 30 x 36 garage prior to the dwelling. The house dwelling will be constructed next year. The lot is 11 acres in size and the garage is in excess of 150 feet to all lot lines including 400 feet to US 41 and not visible.

No public comment/letters received.

Discussion on approach to review these types of request. Mark feels that these should either be allowed with a condition or a conditional use rather than a variance.

Motion by Bill Sanders, second by Lois Sherbinow to allow the garage construction as proposed and as shown on the site plan providing no outdoor storage of materials and providing that the use be limited to storage. Carried 3-0.

**V. UNFINISHED BUSINESS:**

1. Review of Paul Watters, Dry Dock Bar variance condition regarding green area. Noted that some work has been done and the Zoning Administrator should monitor to insure that the area is not used for parking.
2. Review of Township Police Addition variance conditions regrading replacement of shrubs (cedars) and shade tree on north side of the building. It was noted Larry Gould had a response to inquiry with concerns about moisture problems and building foundation damage as well as maple tree planted in southeast corner of the building. Zoning Administrator requested to draft letter to Supervisor requesting that if the township feels they cannot comply with the conditions to approach the ZBA for presentation of reasons and/or alternatives.
3. Togo's Building-Variance requirements regarding height conditions. Zoning Administrator to draft a letter for review about possibility of adding these items.
4. St. Louis the King Church-Height variance-Discussion about reference of fire breaks. ZBA noted that while fire breaks were an issue it would appear that these are building code requirements not necessarily related to the height variance.

This could have been addressed when the Chocolay Township Planning Commission reviewed the site plan but the Fire Dept. was not notified at that time.

**I. INFORMATION/CORRESPONDENCE:**

1. ZBA received court of appeals case regarding Tim Menhennick lawsuit, which has been denied for having no basis for complaint.

**VII. PUBLIC COMMENT: NONE**

**VIII. ADJOURNMENT AT 9:00 p.m.**

Respectfully submitted:



Bill Sanders  
Acting Recording Secretary

**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES 7-22-99**

- 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., July 22, 1999 in the meeting room of the Township Hall.

Zoning Board of Appeals members present were Robert Fisher, Lois Sherbinow, Bill Sanders, Robert Pecotte. Absent: Carol Hicks. Zoning Administrator Mark Maki was also present.

**II. PUBLIC COMMENT: NONE**

**III. APPROVAL OF THE MEETING MINUTES OF JUNE 24, 1999.**

Motion made by Sanders and seconded by Sherbinow to approve the minutes of 6-24-99 as submitted. Motion passed Aye 4, Nay 0.

**IV. NEW BUSINESS:**

1. Public Hearing Class A non conforming designation #32 and Variance 99-8 Stephen and Sandra Johnson, 2424 US 41 South/Request to replace a roof on a garage which does not meet setbacks/structural alteration.

This request is regarding an old building (garage) which was built in the 1930's to 1950's. Four criteria must be met to change from Class B to a Class A nonconforming see Section 601-DEFINITION AND CLASSIFICATION OF LAWFUL NONCONFORMING USES AND STRUCTURES. Discussion was held by the Board and it was agreed that the four criteria were being met.

There was no public correspondence received from any neighbors.

Motion by Sanders, support Sherbinow for approval from a Class B to a Class A nonconforming use and structure. Motion passed Aye 4, Nay 0.

Motion by Sanders, support Sherbinow to approve replacement of a garage roof as submitted per Class A structural alteration and Variance 99-8 as submitted. Motion passed Aye 4, Nay 0.

2. There was a general presentation by Mark Maki for awareness and informational purposes re: the Chocolay ZBA Budget for year 2000.

**V. UNFINISHED BUSINESS**

1. A letter from Mark Maki to Mr. Joe Fountain was reviewed.
2. Mark Maki will also review the issue re: proposed grounds maintenance around the Township building.

**VI. INFORMATION CORRESPONDENCE: None.**

**VII. PUBLIC COMMENT: NONE**

**VIII. ADJOURNMENT AT 7:50 p.m.**

Respectfully submitted,



Bob Fisher, Acting Recording Secretary



**CHARTER TOWNSHIP OF CHOCOLAY  
ZONING BOARD OF APPEALS  
MINUTES 8-26-99**

- 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., August 26, 1999 in the meeting room of the Township Hall.

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

**II. PUBLIC COMMENT: NONE**

**III. APPROVAL OF MEETING MINUTES OF JULY 22, 1999.**

A Motion was made by Bill Sanders and seconded by Lois Sherbinow to approve the minutes of 7-22-99 as submitted. Motion passed Aye 4, Nay 0. Member Bill Sanders was not present as of this time).

**IV. NEW BUSINESS:**

1. Randy Gentz/Homestead Golf Course - Request for a golf course directional sign per Sec. 812.

-Mark Maki reported that public notice was given and no correspondence was received. Section 812 calls for 24 sq. ft. of directional signage. This directional sign should not be a problem and his ZBA request is to allow him to continue with the County Road system to allow for the sign.

-A motion was made by Carol Hicks and seconded by Bill Sanders to approve the request for directional signage for Homestead Golf Course along Co. Rd. 480 as per Section 812. Motion passed Aye 5, Nay 0.

2. Variance 99-10 Family Dollar Store-Kerry Sorensen, 190 W. Wright Place.

-Mark Maki reported that public notice was given and no written comments were received. Mark had spoken with Silver Creek Public School (back yard adjoining property) There is a large buffer of trees separating the properties. A 30 ft backyard setback is required and they wish to build 12 ft from the lot line.

-Discussion centered around the 30 setback due to adjoining residential neighborhoods and that the school playground is to that side. It was questioned if this setback were to include the roof overhang.

-A motion was made by Carol Hicks and seconded by Lois Sherbinow to approve the variance request for the 12 ft setback thus granting an 18 ft variance provided that they keep as much of the trees as possible around the rear of the building. Motion passed Aye 5, Nay 0.

3. Variance 99-11 James McDonald for a parcel at 2288 US 41 S. Variance from Sec. 300 to allow a cabinet shop with 7 spaces for parking and 12 foot aisle serving 2 of the spaces. 9 spaces are required.

-Mark Maki reported that public notice was given and no written correspondence was received. Variance from Sec 300 is to have 5 parking stalls and 2 parking spaces in the aisle area for a total of 7 spaces whereas the ordinance requires 9 stalls.

-Bob Carter (owner of parcel immediately to the South) spoke up and said that he had problems with the width of the sideyard aisle (driveway). After some discussion as to the location of the property line his objections were withdrawn and he had no problems with the request. He strongly wishes that no snow is to be pushed over onto his property, as has been the case with the prior owners.

-A motion was made by Bill Sanders and seconded by Bob Pecotte to approve variance request 99-11 allowing for 7 parking spaces instead of the required 9 with the condition that if parking ever becomes a problem with business growth and additional spaces are required he must address the parking issue. If the property undergoes a change in use this

issue of parking must return to the ZBA and that this variance applies only to the present Carpenter Shop business. Motion passed Aye 5, Nay 0

4. Variance 99-12 Glen Kassel, 6400 US41 South, Beaver Grove. Variance to allow a sign to be placed at a 5 foot setback. Sec. 400 requires a 30 setback.

-Mark Maki reported that public notice was given and one objection was made by Jerry Labine (neighbor next door to the South). This is a small parcel zoned C-2 adjoining to R-1 property thus the 30 ft setback. The shape of the parcel and the existing curbcuts to US41 somewhat cause the problem. The size of the sign would be 8'x8' and on a pole. The pole height might be an issue.

-Mr. and Mrs. Labine spoke indication that there are some trees as a buffer but an illuminated pole sign that close would illuminate their house.

-Joe Kassel spoke and said that the only location for the sign without blocking traffic flow to the gas pumps was in that little triangle corner.

-Much discussion evolved as to the sign size, location and height. The sign could be 30 ft high and it was surmised that at 30 ft it would place it above the trees and thus further illuminate onto the Labine's property. An agreement was reached that seemed to satisfy both parties.

-A motion was made by Carol Hicks and seconded by Bill Sanders to allow a variance of sign placement at 5 ft setback instead of the required 30 ft and that the maximum sign height shall not exceed 20 ft. The sign would be brought forward to the highway property line pending a survey to establish the lines. Motion passed Aye 5, Nay 0

**V. UNFINISHED BUSINESS:**

1. Letter to Joe Fountain/Togas Food Court. Mark Maki has not received any word on the height and ventilation conditions.

2. Letter to Township Board/ Landscaping/Conditions. The requested letter has not been sent.

3. Letter to Dry Dock Bar / Landscaping/Conditions. Mark Maki will continue to work with Mr. Waters on the original conditions as outlined by the ZBA when the variance was granted.

**VI. PUBLIC COMMENT: NONE**

**VII. ADJOURNMENT: AT 8:45 p.m.**

*Carol Hicks*

Respectfully submitted: Carol Hicks, Secretary

Chocolay Township  
Zoning Board of Appeals  
Minutes October 7, 1999

The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chair Robert Pecotte at 7:30 p.m. on October 7, 1999 at the meeting room.

PRESENT: Robert Pecotte, Bill Sanders, Lois Sherbinow

ABSENT: Carol Hicks, Robert Fisher

ALSO PRESENT: Mark Maki, Zoning Administrator

PUBLIC COMMENT: None.

NEW BUSINESS:

Variance 99-13 Gary & Cathy Peterson 6341 US 41 South to allow a detached garage to be setback 20' to a newly created lot line.

Mark Maki, Zoning Administrator reported on the variance and that the problem could have been avoided if the lot line was jogged around the existing building but didn't feel that this was necessary because the setback of 20' should be sufficient as it abuts a driveway. Additionally, a jogged lot line is odd and should be avoided where possible. Bill Sanders asked if the lot line could be made 10' to the east end and it was noted that the topography drops off on the east end of the 5.5 acre lot.

Cathy Peterson noted that the garage building will be moved in the next two years.

Motion by Bill Sanders, second by Lois Sherbinow to allow the new lot line to be setback 20' the garage due to the topography and the limited impact of the setback to a driveway. Carried 3-0

Variance 99-13 Gary & Cathy Peterson-Variance regarding drive

Cathy Peterson stated that she was going to get the drive access from the state and put the curbcut in, but not actually use it. Cathy Peterson stated that she will not use the drive as she will access through the existing drive at 6341 US 41 South. If the parcel is sold the new owner would have to use the drive as they will not have access over her land. After discussion it was determined that as long as the drive is constructed no variance was needed.

Variance 99-14 Sorenson Development for Family Dollar Store.

A variance is requested to reduce the parking spaces from 42 to 33 was made as the company feels that a maximum of 28 to 30 spaces would be needed based on experience with 4,500 stores nationwide and the fact that the Planning Commission had reviewed the site plan and was trying to retain green area and existing trees. Additionally, the Planning Commission had requested the access drive be located westerly of what was originally proposed. This also eliminated some of the 42 spaces originally provided.

Motion by Robert Pecotte, second by Bill Sanders to allow 33 parking spaces due to the shape of the parcel and the need to accommodate the existing natural site characteristics (trees, drainage, and access). Carried 3-0

(Note: the revised site plan indicated 35 spaces and two spaces on lot 15 could be removed to allow for the natural tree line to remain)

Variance 99-15 Family Dollar c/o Allen Industries

A request for a variance to allow 117 sq. ft. of sign area on the building. Sec 804 only permits one sign to have 100 sq. ft. of area. Mark Maki, Zoning Administrator, noted that due to the site characteristics and location in relation to US 41 that the sign on the building would be about 120 feet to the roadway versus the typical 83 foot setback of most buildings. In addition, the parcel has no direct access to US 41. It was also noted that only two signs are proposed which include a 96 sq. ft pole sign and 117 sq. ft. of lettering on the building.

Allen Industries referenced the location of the building and its angular position making it difficult for viewing from US 41. The sign band area on the building is large and a small sign would be out of proportion.

Motion by Lois Sherbinow, second by Robert Pecotte to grant a variance to allow the lettering sign of 117 sq. ft. based on the location and position of the building due to setbacks and the location angle of the lot to US 41 provided no other signs are located on the building. Carried 3-0.

UNFINISHED BUSINESS:

Mark Maki gave updates to the three on going reviews regarding Togo's building fire prevention issues, Police Addition-landscaping, and Dry Dock landscaping. Mark will continue to monitor and report back in October 1999.

The Zoning Board of Appeals will have a meeting on October 28, 1999.

Public Comment: None

Meeting adjourned at 9:15 p.m.



Submitted by Bill Sanders, Acting Secretary

150  
~~240~~

**CHOCOLAY TOWNSHIP  
ZONING BOARD OF APPEALS MINUTES  
OCTOBER 28, 1999**

I. The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by the Chair Robert Pecotte at 7:32 p.m. on October 28, 1999, in the meeting room.

Members present: Lois Sherbinow, Bill Sanders, Robert Pecotte, Carol Hicks and Robert Fisher. Also present was Mark Maki, Zoning Administrator

II. **PUBLIC HEARINGS - CLASS A #32 DRB PROPERTIES INC 5025 US 43 S  
CLASS A #33 LEROY BLONDEAU 112 E WRIGHT PLACE**

#32 Mark Maki reported that the property in question is the old moving and storage building now owned by Blondeau. It is the intention to convert the use from moving and storage to a contractor's yard. In order to bring about this change it (1) cannot be reasonably changed, (2) it must be objectionable that it's present use. One letter was received from Mrs. John Freeman.

-Mr. Lee Blondeau spoke indicating that he has no intention to place Blondeau trucks over there and that it would be used for other purposes.

-Maggie Meiss, 105 W Wright Place spoke opposing any expansion.

#33 Mark Maki reported that this request is to add onto the existing Blondeau Trucking building and to add a truck wash building. Two letters were read into the record: (1) Tom and Steve Shaw for Shaw's Service endorsed the modernization of the Blondeau Maintenance facility. (2) Jake Amon, 158 E. Wright Place, objects to any expansion.

-The ZBA has acted upon expansion requests in 1986 and 1988 and in 1994 a Stipulated Agreement was made between Chocolay Township and Blondeau with a limit of 59 vehicles,

-Maggie Meiss spoke opposing any expansion.

III. **APPROVAL OF MEETING MINUTES OF AUGUST 26, 1999 AND OCTOBER 7, 1999**

-A motion was made by Bill Sanders and seconded by Lois Sherbinow to approve the ZBA minutes of 8-26-99 as submitted. Motion passed Aye 5, Nay 0.

-A motion was made by Bob Pecotte and seconded by Bill Sanders to approve the ZBA minutes of 10-7-99 as submitted. Motion passed Aye 5, Nay 0.

IV. **NEW BUSINESS**

Variance 99-16 Michael K. James, Sr. 1642 M-28 East Variance from Section 300 (F) to allow a 26 x 48 garage (exceeds perimeter of house) and a height of 16 feet. 18" height at peak. 14' at eaves.

-Mark Maki reported that public notice was given and that no written correspondence was received. The height is 2 feet above the requirement. The garage is to be at 11 ft setback. The perimeter exceed that of the house by 18 ft. it is zoned R-1 and is on a 100 ft lot.

-Bob Dewey 1634 M-28 East spoke indicating that he has questions as to the height and the pole building construction. He indicated that a pole building would not be too appealing to the neighborhood. He was informed that the ZBA cannot dictate building mater choices as long as what is being complies with the zoning ordinance.

-Dale Gordy, 1638 M-28 East spoke. He has concerns with the run off of water from the building onto his property. If it is backfilled it would cause drainage onto his land. He felt that the project was oversized for the lot and area.

-Mike James spoke to inform that he would not be filling in the area to raise the grade causing drainage onto his neighbors' property. He is contemplating the use of cedar siding to match l house. The size of the garage is to accommodate the storage of his boat.

-A motion was made by Carol Hicks and seconded by Bill Sanders to approve Variance 99-16 with the conditions that the height does not exceed 16 ft., no drainage would be made onto neighboring property and pending a legal lot survey to identify the property line. Motion passed Aye 5, Nay 0.

Variance 99-17 Mark and Patricia Liana 321 Apple Trail variance from Section 300 to allow an indoor riding arena at a 26' setback to Apple Trail/Hidden Creek.

-Mark Maki reported the public notice was given and no correspondence was received. The zoning requirements were all met except for the fact that after construction it was found to be 26' from the existing road and 30' was required. Apple Trail is a private road and it appears not to be a major problem. There are only a limited number of homes beyond this building.

-Mark Liana 321 Apple Trail spoke indicating that he owns the property across the road from the building and he has no problems with it being 4 ft. closer to the road. If push comes to shove, he would be willing to donate property to realign the road over 4 ft.

-A motion was made by Bill Sanders and seconded by Carol Hicks to approve variance 99-17 to allow 26' setback from Apple Trail allowing the present building to remain as in that no particular difficulty is foreseen.

Motion passed Aye 5, Nay 0.

Variance 99-18 William Mahan, Deerview Trail, variance from Section 403 to allow a dwelling at a 75 foot setback to Cherry Creek. 100 foot setback required.

-Mark Maki reported that public notice was given and one letter was received from Carl Lindquist representing the Chocolay Watershed project. He opposes the setback in that the 100 ft setback is to maintain vegetation for erosion control and that it would set a bad precedence for future development in that area.

-Mr. Mahan spoke indicating that the only logical building site was at this setback. The topography drops off beyond this point and would require massive fill to raise the house. He distributed copies of his drawings showing the elevation of the house and the profile of the hill.

-ZBA members suggested some alternatives to keep the setback closer to compliance and to reduce the amount of fill required.

-A motion was made by Carol Hicks and seconded by Bill Sanders to approve variance 99-18 with the following conditions: The setback from Cherry Creek is to be held to 80 ft thus allowing a 20 ft variance with the condition that the vegetation be allowed to re-grow to its original state within the first 60 ft from the creek and that existing ground cover remaining be undisturbed. This variance is in no way to be construed as a precedence for future setbacks on lots within this area. Motion passed Aye 5, Nay 0.

Home Occupation 99-2 Mathew M. Wall, 677 Lakewood Lane (counseling services) Sec. 107 provides standards for home occupations.

-Mark Maki reported that public notice was given and the Jim and Sandy Meibur, 669 Lakewood Lane, opposes this home occupation. Margaret Norman, 681 Lakewood Lane, is not opposed to the request. His only question is the type of services allowed for home occupation. Whenever they become professional, should they not be located in a professional office.

-Mr. Wall spoke to clarify the type of services he offers and the possible number of clients arriving to his home. It meets the square footage requirements.

-A motion was made by Bill Sanders and seconded by Lois Sherbinow to approve Home Occupation 99-2 with the conditions that it be for a three year period, the maximum area of the office be no more than  $\frac{1}{4}$  the dwelling area, no signs be permitted, and subject to review upon written complaint. Motion passed Aye 5, Nay 0.

Class A Nonconforming request 33 (#33 was requested to be heard before #32 by Mr. Blondeau) for expansion and enlargement for 112 E Wright Place. Expansion to permit building addition and new separate washing facility.

-Mark Maki reported that public notice was given and that correspondence received was previously presented during the Public Hearing.

-Steve Wahlstrom, 1371 Ortman Road, spoke indicating that he gives his 100% support to the Blondeau request.

-Mark Maki continued to report the background to this request. He took the ZBA through the history since 1947 to the present. The question about the number of trucks allowed was presented to the ZBA Board in 1986 and again in 1988. The number of allowable trucks was 15. In 1994 a Stipulated Injunctive Order was agreed upon between the Chocolay Board and Blondeau Trucking with set the allocated number of vehicles to 75 (15 of which are tractors).

-Lee Blondeau gave a presentation including a video leading the ZBA through a point-by-point rebuttal to arguable issues. In 1983, Class A non-conforming status was granted. In 1986 ZBA modified and set limits of 15 trucks with parking for 35 vehicles, in 1988 ZBA reconfirmed it to be 15 trucks, then the 1994 Stipulated Agreement outlined the present conditions of operation.

-Discussion evolved around these issues and the report prepared by Michael G. Summers, Township Attorney. Mr. Summers concluded that Mr. Blondeau could (1) file application with ZBA requesting an expansion or 2) file a petition to the Township Board requesting a change in zoning classification from C-2 to C-3.

-Mr. Blondeau spoke indicating that he did not have a chance to review the report and requested that the ZBA table the issue allowing for his review of the materials.

-A motion was made by Bill Sanders and seconded by Bob Fisher that we table the Class A non-conforming request #33 pending the findings on the legality of the ZBA to act on this issue. Motion passed Aye 5, Nay 0.

-Discussion as what to do with Class A Non-conforming Request #32. Mr. Blondeau requested that this also be tabled.

-A motion was made by Bill Sanders and seconded by Bob Fisher to table request #32. Motion passed Aye 5, Nay 0.

V. **UNFINISHED BUSINESS: NONE**

VI. **PUBLIC COMMENT: NONE**

VII. **ADJOURNMENT AT 10:40 P.M.**

Submitted by Carol Hicks, Secretary



**CHOCOLAY TOWNSHIP  
ZONING BOARD OF APPEALS MINUTES  
NOVEMBER 4, 1999**

The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by the Chair Robert Pecotte at 7:38 p.m. on November 4, 1999, in the meeting room.

Members present: Lois Sherbinow, Bill Sanders, Robert Pecotte, Carol Hicks and Robert Fisher.  
Also present was Mark Maki, Zoning Administrator

**I. PUBLIC COMMENT:**

Maggie Meiss, 105 W. Wright Place, spoke indicating her opposing to any expansion.

**II. APPROVAL OF MEETING MINUTES OF OCTOBER 28, 1999**

It was reported that they were still being drafted and would be prepared shortly.

**III. UNFINISHED BUSINESS**

1. Consider Class A #33 Applicant: Leroy Blondeau

A. Review legal status of ZBA Authority

B. Consider proposed expansion/extension/additions/new structures

-Mark Maki reported that Township Attorney, Michael Summers, was present to answer any questions that the ZBA might have. He presented a copy outlining the Zoning Chronology for Blondeau Trucking and walked the ZBA members through this listing. A copy of the report dated November 2, 1999, from Attorney Michael Summers, was presented along with a copy of excerpts from that report.

-Lee Blondeau arrived and spoke to clarify the Stipulated Injunctive Order. He stated that he was under the assumption that he would receive a copy of the Township's attorney's report and have a chance to review it. Mr. Michael Summers spoke and indicated how tight the time frame was to prepare his report and that it was delivered to the Township hall this morning.

-A motion was made by Carol Hicks and seconded by Lois Sherbinow to table issue Class A Nonconforming #33 until the next officially scheduled ZBA meeting, thus allowing Mr. Lee Blondeau time to review the recent materials. Motion passed Aye 5, Nay 0.

-Discussion as what to do about Class A Nonconforming Designation #32. A request was made by Mr. Lee Blondeau to also table #32.

-A motion was made by Carol Hicks and seconded by Lois Shebinow to table issue #32 until the next officially scheduled ZBA meeting. Motion passed Aye 5, Nay 0.

**IV. NEW BUSINESS:**

1. First National Bank of Negaunee in Harvey request for Class A Nonconforming to alter the roof structure on the Drive-Thru.

-Mark Maki reported that he had a problem with this new business in that he did not have sufficient time to give public notice and have it published for the allotted time.

-A motion was made by Carol Hicks and seconded by Bill Sanders to table any action on Nonconforming request #34 for First National Bank of Negaunee allowing time for proper public notice. Motion passed Aye 5, Nay 0.

**V. PUBLIC COMMENT:**

Maggie Meiss spoke indicating the proper notice must be given and that she opposed any expansion at Blondeau Trucking.

**VI. ADJOURNMENT AT 8:29 P.M.**

*Carol Hicks*

Submitted by Carol Hicks, Secretary



**CHOCOLAY TOWNSHIP  
ZONING BOARD OF APPEALS MINUTES  
NOVEMBER 18, 1999**

The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by the Chair Robert Pecotte at 7:30 p.m. on November 18, 1999, in the meeting room.

Members present: Lois Sherbinow, Bill Sanders, Robert Pecotte, Carol Hicks and Robert Fisher.  
Also present was Mark Maki, Zoning Administrator

**I. PUBLIC COMMENT:**

1. Joseph E. Morgan, 111 E. Wright Place, lives close by and hears little noise and supports the addition.
2. Elwin Leach, 425 Green Bay Street, spoke indicating that he believes that complaints are not warranted. He is in favor of the addition and very supportive as he feels he should support his neighbor. He saw the article in the paper.
3. Steve Wahlstrom, Wahlstrom's Restaurant, spoke giving his support to the Blondeau's.
4. Mildred Morgan, 111 E. Wright Place, supports the expansion.
5. Maggie Meiss, 105 W Wright Place, opposes any expansion because of her documented health reasons and the continual pattern of expansion/contrary to the zoning laws.
6. Scott Jaeger, Tri-Media Consultants, spoke indicating that his firm has an ongoing environmental assessment of the Blondeau operation and that they are in full compliance and meet DEQ compliance with their action plan. Mark Maki took exception at least with respect to the last time he checked with DEQ as they were not in full compliance but were doing some clean-up as required.
7. Public Comment closed at 7:47.

**II. APPROVAL OF MEETING MINUTES**

A motion was made by Lois Sherbinow and seconded by Bob Fisher to approve the minutes of October 28, 1999, as revised including the setting of the November 4, 1999 meeting. Motion passed Aye 5, Nay 0.

A motion was made by Bob Fisher and seconded by Bill Sanders to approve the minutes of November 4, 1999, as revised including the setting of the November 18, 1999 meeting. Motion passed Aye 5, Nay 0.

**III. UNFINISHED BUSINESS**

Items 1 & 2. Mr. Blondeau requested that item Class A #33 be heard before item Class A #32.

Mr. Lee Blondeau gave a brief review of events:

Driveway Issue

CDL Testing

Newspaper article of October 28, 1997, and a claim that the Township gave to the media 1994 Stipulated Order of Agreement

Quotes from Michael Summers Letter of Opinion

Guidelines for notice of public meetings and comments on how conveniently the ZBA amended their minutes regarding the meeting schedule.

Mr. Lee Blondeau commented on how the ZBA votes on this will tell him a whole lot on their honesty and character. Mr. Lee Blondeau then requested to withdraw his Class A #33 application and also requested that the ZBA table his Class A #32 request until Arlene Hill, Clerk, reviews the notice requirements.

-Bill Sanders spoke indicating that the ZBA should give written notice to all applicants prior to any meeting.

-A motion was made by Carol Hicks and seconded by Bill Sanders to accept Mr. Lee Blondeau's withdrawal of Class A #33 application and to table Class A #32 request until the next regulely scheduled ZBA meeting on the 4<sup>th</sup> Thursday in January.

-Discussion evolved as to the ZBA's actions and the last two special ZBA meetings. The ZBA has on numerous occasions scheduled special meetings in order to accommodate township residents and when they do they seem to have problems. Perhaps they should make special attempts to accommodate the various requests whenever possible.

-All five ZBA members specifically addressed the November 4, 1999 meeting and it was all their recollection that Mr. Lee Blondeau was present and clearly was aware of the setting November 4, 1999 meeting on October 28<sup>th</sup>.

3. Class A Nonconforming Designation #34 First National Bank of Negaunee in Harvey, Request for Class A and alter roof structure on drive-thru.

-Mark Maki reported that public notice has been given. The request was to simply take off the flat roof to the drive-thru and replace it with a new pitched roof connecting to the existing roof with a slight increase of 1 foot in overhang at the same size. He had no problems with the request.

-It was established that the present drive-thru encroaches within the 40-foot setback requirement.

-The existing canopy is about 3 or 4 feet set back to the front lot line.

-A motion was made by Bill Sanders and seconded by Bob Pecotte to approve Class A Nonconforming request #34 for First National Bank of Negaunee to allow them to construct a new roof over the existing drive-thru as submitted in the application.

Motion passed Aye 5, Nay 0.

IV. **NEW BUSINESS:** None

V. **INFORMATION/CORRESPONDENCE:** None

VI. **PUBLIC COMMENT:**

-Elwin Leach spoke indicating that when one is dealing with the public one has to precisely cover all bases and follow established guidelines and feels that the ZBA has been conducting a difficult job.

VII. **ADJOURNMENT AT 8:28 P.M.**

*Carol Hicks*

Submitted by Carol Hicks, Secretary