

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS MINUTES
APRIL 13, 2000**

I. 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 April 13, 2000, in the main office area of the Township Hall.

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

II. **PUBLIC COMMENT: NONE**

III. **APPROVAL OF MEETING MINUTES**

The minutes for our last meeting of November 18, 1999 were tabled due to the fact that a section was missing from the distributed copy.

IV. **NEW BUSINESS**

The agenda item number 2000-1 was moved to the end of the list waiting for the applicant.

-2 Variance 2000-2, Rick Mallo – 2025 M-28 East. Request a variance to allow a garage at a 2-foot front setback and a 14-foot side setback in OS (30 foot setback required.)

Mark Maki reported that public notice was given and that this lot is on the shore of Lake Superior. A letter from Russell and Jill Henderickson was read into the record.

-Discussion continued on the merits of this variance and the possible adjustments that could be made.

-A motion was made by Bill Sanders and seconded by Bob Fisher to grant variance 2000-2 for Rick Mallo at 2025 M-28 East to allow a 10-foot setback to the easterly line and that the size of the garage will not exceed 28' x 32'.

Motion passed Aye 5, Nay 0.

-4 Home Occupation 2000-1, Taxi Tycoon-Allan Blondeau – 6245 US 41 South. To operate Taxi Tycoon at this address.

-Mark Maki reported public notice was given. He continued to read a letter from Ed and Cynthia LaMere who owns property adjacent to the driveway to 6245 US 41 South.

They are opposed to the operation and raised questions as to the number of vehicles, time of operation, employee parking, mechanical repair of vehicles etc. Patty Bell spoke and explained the business operations and addressed questions that had been raised. Many questions continued to arise.

-A motion was made by Bill Sanders and seconded by Carol Hicks to table this item until the next meeting and pending more information and clarification to be provided.

Motion passed Aye 5, Nay 0.

-3 Variance 2000-3, Chocolay Township –5010 US 41 South. Requests a variance for a front setback at 14-foot off a seasonal County Road right of way for a basketball court at 131 Kawbawgam Road (40-foot setback required).

-Mark Maki reported and explained how this property came about along County Road BAA and that the right of way requirement is close to the proposed basketball court area. The area is presently used as a parking lot for the recently developed cross-country ski trail. A letter from the County Road Commission was read into the record. The county sees no problems with this and it is the desire of the Township that the County does not abandon the road.

-Linda Johnson who resided in the Kawbawgam neighborhood spoke and basically supports the project but raised questions as to vandals and police patrolling of the area. Discussion evolved around these issues and as to the pole lighting of that area and how that light might encourage it to become a "hang-out" area.

-A motion was made by Carol Hicks and seconded by Bill Sanders to grant variance request 2000-3 to allow the construction of a basketball court with 26' variance.

Motion passed Aye 5, Nay 0.

-1 Variance 2000-1, Greg Dupras- 123 Blemhuber. Request a variance to allow a 15.8 acre lot in RP and a garage before a single family dwelling in Section 33 T47NR24. (20 acres minimum lot size) Lot address is at 700 Little Lake Road.

-Mark Maki reported that public notice was given and that one letter from Bruce Dupras' adjoining neighbor raised the question of hunting and gun shots close to residential housing. It was noted that the ordinance addresses the minimum distance required in the close proximity to residential housing. It was noted that the ordinance addresses the minimum distance required in close proximity to residential homes. This property was acquired from the father and the land on the east side of Little Lake Road went to his brother, Darren, and that Greg obtained the property on the west side of Little Lake Road (15.8 acres). This size was not precisely determined but approximated from area maps. Discussion ensued about the County Road Act under the 1930's system. Discussion evolved as to whether or not this situation could not be corrected now by having a quit-claim deed drafted to divide the property with the westerly 20 acres being signed to Greg Dupras.

-A motion was made by Bill Sanders and seconded by Bob Fisher to approve variance 2000-1 to allow a single-family house to be built due to the unique configuration of division due to the location of Little Lake Road. This approval is for parcel 133-011-50 as a permanent building site and that no additional building sites be allowed. This variance is also to allow the construction of a garage prior to the construction of a single family dwelling, no outside storage of materials shall be allowed around this garage. This variance is due to the uniqueness of the road division and that no useful purpose would be served by the strict interpretation of the ordinance.

Motion passed Aye 4, Nay 1.

V. UNFINISHED BUSINESS

- a. Variance 97-11 Chocolay Township – Plantings/Chocolay Office/Police Department Addition. A letter was read from Township officials attempting to justify why the letter of the variance was not carried out and the alternate planting had been made. The ZBA members wish to have a further clarification as to why the variance was not followed up as granted.

VI. INFORMATION/CORRESPONDENCE: None

VII. PUBLIC COMMENT: None

VIII. ADJOURNMENT at 9:22 PM

Carol Hicks

Respectfully submitted by Carol Hicks, Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF MAY 25, 2000**

L The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chair Robert Pecotte at 7:35 p.m. on May 25, 2000 in the meeting room of the Township Hall.

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

II. PUBLIC COMMENT:

1. No public comment.

III. APPROVAL OF MEETING MINUTES:

April 13, 2000 minutes not available.

IV. UNFINISHED BUSINESS:

Variance Request: 2000-4 - Jennifer Walther for 1065 Mangum Road. Read Anna Hultgren's letter into record; supported.

Public notice advertised in paper.

- ◆ Mark explained history of the area and suggested conditions.
- ◆ Applicant gave an overview of house plans to be completed by 2003; framed-in, etc. by November 2001.

Motion by Bob Fisher and supported by Bill Sanders to accept with the following conditions. Motion carried Aye 4, Nay 0.

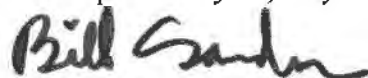
1. Only one dwelling be occupied at any one time.
2. The 14 x 70 dwelling are removed within 30 days of occupancy of the new house.
3. New house must be framed-in by November 2001 or applicant will be informed of noncompliance and need to obtain approval of the 14 x 70 dwelling as a recreational use only from the Planning Commission.

Variance Request: 2000-5 - John West for Co. Rd. BX - 80 acres W1/2 of SE1/4

- ◆ Public notice advertised in paper.
- ◆ Lewis Peters' letter read into the record; supported.
- ◆ Mark gave overview. Not many, if any, similar requests. Existing structure is in good shape; new well, etc.
- ◆ Old house intended to be used as a temporary incidental guest lodging (summer only) for family only.
- ◆ Mark suggested that no additional house be built on the SW1/4 of SE1/4, part if variance is granted, so that the density is limited.

A motion was made by Bill Sanders and seconded by Bob Pecotte to approve the variance request 2000-5 for John West, 400 Mangum Road to allow a single family dwelling and further provided that the original dwelling be used for recreational purposes, specifically guest lodging summer only on an 80 acre parcel in a resource production district in addition to the existing seasonal use construction on the site provided no additional dwelling be constructed on the SW ¼ of the SE ¼ of Section 22 T47N R24W.

Motion passed Aye 4, Nay 0.



Submitted by Bill Sanders, Acting Recording Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF JUNE 22, 2000**

Meeting called to order by Chair Robert Pecotte at 7:42 p.m. in the main office area of the Township Hall.

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

I. **PUBLIC COMMENT:** NONE

II. **APPROVAL OF MINUTES:**

Motion by Sanders, support Sherbinow to approve minutes of April 13, 2000 meeting as submitted. Motion passed Aye 4 Nay 0. Motion by Sherbinow, support Fisher to approve minutes of May 25, 2000 meeting as submitted. Motion passed Aye 4 Nay 0.

III. **NEW BUSINESS:**

Variance 2000-6. Request by Dan Coats, 133 Dana Lane, for variance from Sec 300 to allow a 28 x 40 detached garage at a 6' side setback. No written correspondence rec'd on this request. Discussion focused on possible alternative locations for the garage. Current location of well and septic placement presented some limits. An unusual topography was the limiting factor for this variance request. Motion by Sanders, support by Pecotte to approve as submitted because of topography limits. Motion passed Aye 4 Nay 0.

Variance 2000-7. Request by Chris Burnett, 550 Karen Road, for variance from Sec 300 for an addition at a 6' front setback; variance from Sec 604(C)(D)(3) for an addition at a 6' front setback; request for a Class A #34 expansion per Sec 604(C)(D)(3) 1-5.

Board determined that the Class A request met the four (4) necessary requirements. After considerable discussion re: history, road placement by the county, other area residences, the Board saw no useful purpose would be served by strict application of the current ordinance on a very rural road. Motion by Sanders, support Sherbinow to approve the Class A request. Motion passed Aye 4 Nay 0. Motion by Sanders, support Pecotte to approve variance for a 6' front setback with the condition that there be no future structural encroachment including such things as a porch, etc. Motion passed Aye 4 Nay 0.

III. **UNFINISHED BUSINESS:** \

Variance 2000-1. Taxi Tycoon. No further development. Mark Maki will send correspondence to Allan Blondeau. Tabled until next regularly scheduled meeting.

IV. **INFORMATION CORRESPONDENCE:** NONE

V. **PUBLIC COMMENT:** NONE

VI. **ADJOURNMENT:**

Meeting was adjourned at 8:35 p.m.

Submitted by  Acting Recording Secretary, Bob Fisher

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF JULY 27, 2000**

- I. Meeting called to order by Chair Robert Pecotte at 7:35 p.m. in the meeting room of the Township Hall.
Members present: Lois Sherbinow, Robert Pecotte, Carol Hicks and Robert Fisher, (Bill Sanders arrived a few minutes later). Also present, Mark Maki, Zoning Administrator.
- II. PUBLIC COMMENT: NONE
- III. APPROVAL OF MEETING MINUTES: Motion by Lois Sherbinow and seconded by Carol Hicks to approve the minutes of June 22, 2000 as submitted. Motion passed Aye 4, Nay 0.
- IV. NEW BUSINESS
Variance 2000-8 Request by Kari Stordahl and Terry Seethoff, 171 East Main, for variance from Sec 300 to allow a 24' x 30' detached garage at 1' side setback from alley side and 4' from other side.
-Mark Maki reported that public notice was given and no correspondence was received. The unusual use of an alley to serve as a private driveway for several homes in the area creates the request for this variance. Discussion evolved around the possible solutions.
-A motion was made by Carol Hicks and seconded by Bill Sanders to approve variance request 2000-8 allowing for a 24' x (up to 30') detached garage at 2' setback from the Westerly alley side and 2' from the closest point on the Northerly side due to the uniqueness of the property and the alley location. Motion passed Aye 5, Nay 0.
- Interpretation Number: Mark Maki had requested an interpretation on the C-2 to C-3 "Motor Vehicle Sales" and "Motor Vehicle Service".
Auto Body repair is allowed in C-2 but only as a conditional use. Where does the accessory use such as replacement of parts, minor repairs, etc. stop as it related to the sale of these products, and where does motor vehicle service as only permitted in the C-3 zoning district begin?
When a business sells a product it would be assumed that a certain amount of service would be customarily associated with that product. If the service is minor (ie. only a small part of the company's income source such as 25% or less) it would appear to be in line with the intent of that operation. If the "service" element became greater than 50% or the majority of the income source it now dominates the business and would be inappropriate.
-A motion was made by Bill Sanders and seconded by Carol Hicks to affirm Mark Maki's interpretation that minor service of small motor vehicles would be appropriate as an accessory to the sales of those products. If the company is in sales of a product and then provided a service of only that product as an minor accessory of their business it would appear to be in line with the intent of the ordinance. Motion passed Aye 5, Nay 0.
- V. HOME OCCUPATION UPDATE: Taxi Tycoon has not responded to the ZBA's request and no action was taken on their request.
-Scott Ely - garage/outdoor storage. Mark Maki reported that he has observed and written Mr. Ely a letter with respect to the storage of items including race cars outside of his garage. This outside sotrage was in violation to the stipulated agreement given at the time of the variance request. A follow-up letter would be sent.
-Chocolay Township Board. Mark Maki asked the ZBA for guidance on the issue of the variance that was given to the Township to allow for the addition to the Police office in reference to the stipulated re-landscaping along that side of the building. It is the ZBA's stance that this stipulated agreement has not been met.
- VI. INFORMATION/CORRESPONDENCE
Mark Maki reported to the ZBA about the letter regarding judgment against Timothy Menbennick in regards to the six year law suit brought against the Township. The Township has invested over \$15,000 in costs and the case was thrown out of court and Mr. Menhennick was billed court cost of approximately \$3,000.

VII. PUBLIC COMMENT: NONE

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

Respectfully submitted:

Carol Hicks, Secretary

Carol Hicks

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF AUGUST 24, 2000**

- I.** Meeting called to order by Chair Robert Pecotte at 7:37 p.m. in the meeting room of the Township Hall.
Members present: Lois Sherbinow, William Sanders, Robert Pecotte, Carol Hicks. Also present, Mark Maki, Zoning Administrator.

II. PUBLIC COMMENT: NONE

- III. APPROVAL OF MEETING MINUTES:** Motion by Bill Sanders and seconded by Lois Sherbinow to approve the minutes of July 27, 2000 as submitted. Motion passed Aye 4, Nay 0.

IV. NEW BUSINESS

A Variance 2000-9 Frank Stabile - 121 Vista View Trail. Proposed garage before house/variance from Section 107 & 208, which requires house before garage.

-Mark Maki reported that public notice was properly given and no correspondence was received. He had sent out 10-11 letters. There is a 95 acre parcel and the owner will be selling off some 5 acre parcels keeping approximately 50-60 acres for himself. There is no height or perimeter limits in this zoning district. Discussion evolved with regards to the ordinance requiring a house before a garage.

-A motion was made by Carol Hicks and seconded by Bill Sanders to approve variance request 2000-9 for Frank Stabile to build a detached garage prior to the house with the provision that no outside storage of materials and debris would be allowed around the perimeter of the building and that the zoning administrator would be allowed to visit and inspect the building upon completion. The motion passed Aye 4, Nay 0.

B Variance 2000-10 Michael James - 1642 M-28 East. Variance to build a 36 x 36 storage building at an 11 foot rear setback to lot line adjacent to old railroad right-of-way.

Mark Maki reported that public notice was given and that no correspondence was received. The building size has been approved in that it does not exceed the perimeter of the house. The uniqueness lies with the M-28 ROW and the Railroad ROW both tapering to the East where things are rather narrow. The rear setback is suppose to be 35 feet.

-Discussion evolved around the abandonment of the railroad and what happens to that strip of land.

-A motion was made by Bill Sanders and seconded by Carol Hicks to approve variance 2000-10 for Michael James allowing a 36' x 36' garage within 11 feet from the rear lot line, thus a 24 foot variance, due to the uniqueness of the Right-of-Ways of both M-28 and the railroad. Motion passed Aye 4, Nay 0.

C Variance 2000-11 Luke Palmer - 911 S. Willow Road. Request a variance to allow a detached garage at a height of 16 feet, 3 inches. 4 feet is the height limit.

-Mark Maki reported that public notice was given and that no correspondence was received. It meets the ordinance except for the height limit. The proposed design has a loft second floor for storage. The roof has a 7/12 pitch.

-Mr. Palmer spoke indicating that the loft storage space would only have a pull down stairs and that the height with the steep roof was to match the existing roof pitch of the entry of his existing house, thus the design look was important to him.

-Discussion evolved about possible solutions.

-A motion was made by Bill Sanders and seconded by Lois Sherbinow to approve variance request 2000-11 for Luke Palmer allowing a garage to be build with a height of

16', 3" thus an allowance for the additional 2',3" with the condition that the space in the attic was for storage purposes only. The motion passed Aye 4, Nay 0.

V. UNFINISHED BUSINESS: NONE

VI. INFORMATION/CORRESPONDENCE - LAND DIVISIONS

VII. PUBLIC COMMENT: NONE

VIII. ADJOURNMENT AT 8:15

Respectfully submitted:

Carol Hicks, Secretary



CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF SEPTEMBER 28, 2000

- I. Meeting called to order by acting chair William Sanders at 7:35pm in the meeting room of the township hall. Members present: Lois Sherbinow, William Sanders, Robert Fisher. Also present, Mark Maki, Zoning Administrator.
- II. **PUBLIC COMMENT: NONE**
- III. **APPROVAL OF MEETING MINUTES:** Motion Sherbinow, support Fisher to approve the minutes of August 24, 2000 as submitted. Motion passed Aye 3, Nay 0.
- IV. **NEW BUSINESS:**
- A. Variance 2000-12, Carl N. Miller, 685 Magnum Rd. To allow a storage building at a 5 foot setback to a side lot line(30 foot required). Public notice was properly given and no correspondence was received. There are two buildings (house and barn) already in place on the property. The Board perceived no adverse effects because of this variance. Motion Sanders support Sherbinow to approve the variance request. Motion passed Aye 3, Nay 0.
- B. Variance 2000-13, Andrew Beck, 513 Lakewood Ln. To allow two additions to an existing single family dwelling at a 5 foot setback to a west side lot line(30 foot required). Public notice was properly given and one letter was received from Marla Buckmaster-not in favor of the variance. Mark Maki also received one phone call in support of the variance. Discussion by the Board saw no adverse effects because of this variance. Motion Fisher, support Sanders to approve the variance request. Motion passed Aye 3, Nay 0.
- V. **UNEFINISHED BUSINESS: NONE**
- VI. **INFORMATION/CORRESPONDENCE:** Two letters were presented for information only. The first letter was from Mark Maki to the Chocolay Township Board regarding expansion of L. Blondeau & Sons Trucking in a C-2 Zone. The second letter was from Mark Maki to attorney Mike Summers regarding rehearings.
- VII. **PUBLIC COMMENT: NONE**
- VIII. **ADJOURNMENT:** Meeting was adjourned at 8:05pm.

Respectfully submitted:


Bob Fisher, Acting Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 26, 2000**

I. Meeting called to order by Chairperson Robert Pecotte at 7:35 in the meeting room of the Township Hall. Members present: Lois Sherbinow, Robert Pecotte and Carol Hicks. Also present, Mark Maki, Zoning Administrator.

II. PUBLIC COMMENT: NONE, However individuals wished to speak during specific agenda items.

III. APPROVAL OF MEETING MINUTES: Motion by Lois Sherbinow and seconded by Carol Hicks to approve the minutes of Sept. 28, 2000 as submitted. Motion passed Aye 3, Nay 0.

IV. NEW BUSINESS:

A. VARIANCE 2000-14, Ted Sulik, 177 Lakewood Lane, add a second story at a 2-foot setback and a 6'-9" setback.

-Public notice was given and no correspondence was received.

-Mark Maki reported that the existing house is legal and non-conforming but does not meet the current setback standards. Up to 1977 5' setbacks were required and now it's 10'. The wish to add a second floor is for additional living and bedroom space along with another bath. It was noted that a neighboring garage is 7' to the lot line. It was believed that this addition would have little impact to the neighboring properties.

-Motion was made by Carol Hicks and seconded by Bob Pecotte to approve Variance request 2000-14 allowing a second story addition over the existing structure at the 6'-9" setback but not over the first floor bath area that is at 2' setback. Any additional new construction would be at the setback of 6'-9" instead of the required 10', thus a variance for 3'-3". Motion passed Aye 3, Nay 0.

B. VARIANCE 2000-15, Karen Pekkala and Bobbi Jo Twewhella, 225 J.H. Lane, Section 36T47NR24W. Variance from Section 401 (A) (B) (C) (E), standards for dwelling. Section 401 General Standards for single family dwellings.

-Mark Maki reported that public notice was given and correspondence was received as well as personal inquiries. The Townships history with mobile homes has lead to the language found in Section 401 General Standards for single family dwellings that was adopted in 1994. A manufactured single family home must meet certain standards pertaining to foundations, framing and general construction specifications. These dwellings must meet current code issues such as roof load designs. Section 401 states: Requires a minimum width at 20 feet for a dwelling, Requires permanent attachment to foundation, If a mobile home-wheels and undercarriage must be removed, and Requires that dwelling meet certain fire codes/roof load codes, etc. It was noted that most mobile homes would not meet these standards. The applicant wishes to place a trailer on site for a temporary period of time. A new structure 12'x66' would be built along side the trailer. The addition is to be framed in no later than November, 2001. The addition is to be completed by November 2002. The trailer will be removed no later than June of 2003 and a second addition will replace the trailer. The second addition will be on a permanent foundation and completed by November 2003.

-Letters were read into the record from the following:

-Pattie Greenhurst and Duane Rogers stating that they had no problems with the request.

-Robert and Marva Ittner, 240 J H Lane, requesting that we approve the request with conditions.

-Michelle Hastings, 6263 U.S. 41, stating that we should approve the request.

-Bill Harris, 42 Quarry Rd., Sands Township spoke that he owns adjacent property and

that there are no trailers on JH Lane. He strongly opposes the variance request and indicates that his property would be de-valued.

-Sharon Gardner, 170 Orchard Lane spoke to indicate that she owns 10.1 acres backing onto this property. She does not oppose and supports the request.

-Dick Andrews spoke against the request.

-Kelly Klatt spoke indicating that he is opposed to the request and would not purchase land in the area if there were a trailer located on this property.

-Paul Marin (attorney) representing Mrs. Pekkala spoke. The trailer would be approximately 100' in from the road, one person Mr. Ittner lives down the road. He then listed her hardships. No renderings or drawings were provided.

-Mr. Harris spoke again, indicating where his property was in relationship to this property. He again strongly opposed any variance request.

-Mr. Marin indicated that with Mrs. Pekkala's approval the request would be tabled until a later ZBA meeting date and that would give them time to draft a plan along with designated drawing as to how it would look.

-Chairperson Robert Pecotte accepted the request to table.

-Mr. Harris spoke again opposing the request to place a trailer on the property and requested that the ZBA go and take a look at the property.

V. UNFINISHED BUSINESS: NONE

VI. INFORMATION/CORRESPONDENCE

A letter from Carol and Fred Margrif was presented pertaining to a 10 acre parcel across the river from Timberland that has been proposed for building a house for Mr. Van Neste. The questions of wetlands etc. was raised. Mark Maki indicated that the issue was before the planning commission and was a variance denial in the 1980's. It also went to circuit court and was decided in favor of the Township.

VII. PUBLIC COMMENT

-Mr. Harris spoke regarding property values.

VIII. ADJOURNMENT: Meeting was adjourned at 8:45 p.m.

Respectfully submitted

Carol Hicks, Secretary