

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF FEBRUARY 22, 2001**

- I. Meeting called to order by Chair Robert Pecotte at 7:30 p.m. in the meeting room of the Township Hall.
Members present: Lois Sherbinow, Bill Sanders, Robert Pecotte, Carol Hicks and Michele Wietek. Also present, Mark Maki, Zoning Administrator.
- II. PUBLIC COMMENT: NONE
- III. APPROVAL OF MEETING MINUTES: Motion was made by Lois Sherbinow and seconded by Bill Sanders to approve the minutes of October 26, 2000 as submitted. Motion passed Aye 5, Nay 0.
- IV. NEW BUSINESS:
- A. Variance 2001-1 Paul and Judith Ring, 128 East Main St. Harvey. Requesting a variance for an 18' x 22' addition at a 7' setback to the east side.
-Public notice was given and no correspondence was received.
-Mark Maki reported that there is a 100 ft. parcel of land that is a leftover after the Rail Road abandonment. Our zoning requires a 10' side yard distance. Presently, the house is 25' from the line and his request is to build an 18' addition that would be 7' from that lot line.
-Mr. Ring spoke and indicated that he did not know about the setbacks and only when a building permit was applied for did he realize what was needed. That abandoned RR strip provided a strip of clearance to adjoining property.
-Mark Maki indicated that this was a part of the old village plat of Harvey with only a few 100' wide lots along this old abandoned rail road grade and that granting this variance should not cause similar requests.
-Motion by Bill Sanders and seconded by Bob Pecotte to approve variance request 2001-1 for Paul Ring allowing up to a 16' wide by 24' of depth addition. This would place the structure 9' from the property line thus only a 1' variance from the required 10'. Motion passed Aye 5, Nay 0.
- B. Request for determination and suggested amended language regarding Section 403 Waterfront setback / exemption.
-Mark Maki reported that the language refers to every aspect of the project and would like to spell out the language to clarify that the 100' setback is with the structure and not the buffer.
-Discussion continued.
-Motion by Carol Hicks and seconded by Michele Wietek to establish the proposed language of clarification to change Section 403 Waterfront setback. This proposed language was to be forwarded to the Planning Commission along with our recommendation. Motion passed Aye 5, Nay 0.
- V. UNFINISHED BUSINESS:
-We have been receiving inquiries about variance information for towers, windmills etc and they all refer to height variances. These issues should be addressed sometime in the future and perhaps further language changes would be in order to spell-out and clarify this.
- VI. INFORMATION / CORRESPONDENCE: NONE
- VII. PUBLIC COMMENT: NONE
- VIII. ADJOURNMENT AT 8:00 p.m.

Respectfully submitted:

Carol Hicks, Secretary

Carol Hicks

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF APRIL 26, 2001**

- I. Meeting called to order by Chair Robert Pecotte at 7:30 p.m. in the meeting room of the Township Hall.
Members present: Lois Sherbinow, Robert Pecotte, Bill Sanders, Michele Wietek, and Carol Hicks. Also present, Mark Maki Zoning Administrator.
- II. PUBLIC COMMENT: NONE
- III. APPROVAL OF MEETING MINUTES: Motion was made by Bill Sanders and seconded by Lois Sherbinow to approve the minutes of February 22, 2001 as submitted. Motion passed Aye 5, Nay 0.
- IV. NEW BUSINESS:
- A. Variance 2002-2 Brad LaPine, 600 Brookfield, Requesting a variance from Sec 300 (F) to allow a 28 x 50 garage, which exceeds the perimeter of the principal dwelling.
- Mark Maki reported that the proposed project meets all other requirements such as lot setbacks, height etc. but, the existing house is 900-1,000 square feet and the garage is to be 1400 square feet. He could build two garages and it would be ok. The lineal footage of the house is 128 where as the garage is to be 156 L.F. The lot is zoned R-2 allowing mobile homes.
- ZBA members questioned aspects of the variance and what the owner had in mind for the use of the structure.
- Public notice had been properly given.
- Dick Arnold, CO. RD. 545 spoke indicating that this garage would be unsightly and not representative of a residential area.
- Motion was made by Bill Sanders and seconded by Lois Sherbinow to approve variance 2001-2 for Brad LaPine, 600 Brookfield allowing a secondary accessory building to have a larger perimeter than the house due to the unique small size of the existing house. The house being built before 1976 and in a R-2 zoned district. Motion passed Aye 5, Nay 0.
- B. Request for interpretation on attached structures (ie. breezeway, underground tunnels, etc.)
- Mark Maki briefed the ZBA on the request and presented the ordinance language pertaining to this question. A discussion continued.
- Marcia Thieme, M-28 East, spoke and gave a definition from the Dictionary of Architecture of an "attached" building. Basically, it was when roof connects between the two structures.
- Paul Uimari, Architect, representing Paul and Marcia Thieme, spoke and indicated that a research of the definition varies and that if any physical connection can be made it should be deemed as attached.
- A motion was made by Carol Hicks to table any action on this definition / interpretation and requesting that the Zoning Administrator research comparable ordinances from surrounding areas and return to the ZBA with a proposed language for discussion and consideration. The motion was seconded by Bill Sanders. Motion passed Aye 5, Nay 0.

V. UNFINISHED BUSINESS: NONE

V. UNFINISHED BUSINESS: NONE

VI. INFORMATION / CORRESPONDENCE:

A. Zoning Administrator letter regarding definition of contractors' yards/parking of commercial vehicles in residential zones.

B. Zoning Administrator letter to Allen Blondeau regarding previous home occupation application.

C. Information regarding variances for land division ordinance.

VII. PUBLIC COMMENT:

Dick Arnold spoke about the ordinance in general and the difficulty to enforce aspects of the ordinance.

VIII. ADJOURNMENT: AT 9:14. p.m.

Respectfully submitted:



Carol Hicks, Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF MAY 24, 2001**

- I. Meeting called to order by Chair Robert Pecotte at 7:30 p.m. in the meeting room of the Township Hall.
Members present: Lois Sherbinow, Robert Pecotte, Michele Wietek. Also present, Mark Maki, Zoning Administrator.
- II. PUBLIC COMMENT: Lee Blondeau, Tracy Lane, had a question about the meeting being posted on the outside display case and indicated that the definition of a semi-trailer in the zoning ordinance is flawed as it could include a boat.
- III. APPROVAL OF MEETING MINUTES: Chair Robert Pecotte noted that the recording secretary is out of town, and that the meeting minutes will have to be considered at the next meeting.
- IV. NEW BUSINESS:
- A. Variance 2001-3. Glen Kassel for 6400 US 41 South, Marquette
-Mr. and Mrs. Kassel were present and explained the need for a front setback variance for a 20 x 24 canopy to the clear vision area near County Road 480 and US 41 south. The pumps have existed prior to the 1977 Zoning Ordinance and are located near the clear vision area. They will have to be actually moved back to allow the canopy to cover both islands. The canopy will be at a 0 foot setback from the clear vision area as the State Highway Department will not allow the canopy to extend over the clear vision area. The canopy will be at a greater setback than a typical right-of-way due to the clear vision area.
-Mark Maki, Zoning Administrator, noted that the Township had dealt with similar canopy variances for the Holiday Gas Station, Shaw's Gas Station and Citgo Station in Harvey, as canopies traditionally are in the front of the buildings.
-Motion by Lois Sherbinow, second Michele Wietek, to approve a 20' x 24' canopy at a 0 foot setback to the clear vision area.
- B. Variance 2001-4. Ivan and Colleen Fairfield for 829 Lakewood Lane, Marquette are requesting a variance to build a detached 30 x 40 garage with a height of 17' 2" as defined by our Zoning Ordinance. The Zoning Ordinance height as defined allows a height of 14 feet in the R-1 Zoning District.
-Mr. Fairfield indicated that he had reduced the garage down from 40 x 50 to 30 x 40 and that the roof pitch was the minimum that he could get by with. The boat on the trailer is 12' 18" and this creates a minimum of 14 feet at the eaves. With a 5/12 pitch, this puts the peak at 20' 3" = average height of 17' 2". The garage will be sided similar to the house and will be a nice looking building. Mr. Fairfield responded to a question about reducing the width that he felt he had reduced it as small as he could for his needs.
-Member Pecotte raised concerns about the height variances and what other heights had been approved.
-Motion by Pecotte, second by Lois Sherbinow to table until the other two members are present. Carried 3-0
- C. Interpretation/Accessory Uses/Contractors Yard
-Mark Maki, Zoning Administrator, identified the need to define some issues regarding what is allowed as an accessory use to residential use as identified in Section 107 and what constitutes a contractor's yard. The issue is due to the proliferation of commercial type vehicles in residential areas, including larger vehicles including contractor's equipment and even semis. The problem is that these types of vehicles are not compatible with single family neighborhoods.

Possible solutions include revising home occupation language in rural areas (RR-2 & RP). As they do require some review procedure, as they vary in the size and activity level.

The problem is where does it cross the accessory use to residence line in R-1 type zones.

-Mark Maki put forth the following language for consideration to define accessory uses relative to residential zones:

Accessory use as identified in Section 107 does not include: the parking of commercial equipment and/or vehicles, including semi trailers, not used as a customary personal family vehicle, unless a home occupation permit has been obtained.

-This language requires a review of any specific "vehicle parking" issue by way of a home occupation review, but is more flexible than the requirements of the City of Marquette, which prohibit all commercial type vehicles in residential zones.

We need to define as best possible vehicles allowed without a home occupation. One approach would be to amend the Zoning Ordinance and/or define what constitutes a "commercial vehicle." Typically light utility van type vehicles or pickups used by residents and parked at home are not what he would consider out of the ordinary. However, large commercial vehicles, school buses, semi-trailers, etc. generally are not typical in residential zones. Residents operating a business out of their home, including the storage of some vehicles used in conjunction with that business are currently a violation unless they have home occupation approval. Some existing home businesses grandfathered to some degree in that they were active prior to the 1977 Zoning Ordinance. These have been considered grandfathered. Item tabled for further information.

V. PUBLIC COMMENT:

1. Lee Blondeau commented on the broad definition of contractor's being one who contracts to perform work and indicated that contractors like Sunrise and Lambert keep nice looking properties on US 41.
2. Dick Arnold was concerned more about junk vehicles as being unsightly. It is unfair to clean-up contractors, as junk and junk cars are worse.
3. John Smith feels this request is circumventing the normal procedure, as this was reviewed before by the Planning Commission and Township Board.
4. Bob LaJuenesse Jr. commented on the need to have some requirements other than home occupation, as this language may prohibit people from operating contractor businesses. He hasn't had any problems with neighbor's complaints. He would like to build a building to store his equipment, but that Mark won't let him, as the current language would not allow this big of a building for this purpose.
5. Mrs. Albrecht, Lakewood Lane, commented on her concerns that she doesn't feel a semi-tractor is appropriate next door. She has a problem with noise and also view, as it does not fit in.
6. A question was raised if the noise problem could be handled under the Noise Ordinance.

VI. ADJOURNMENT AT 9:00 P.M.

Respectfully submitted:

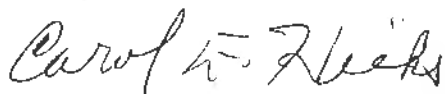
Mark Maki

Mark Maki, Acting Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF JUNE 28, 2001**

- 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, Bill Sanders, Robert Pecotte, and Carol Hicks. Also present, Mark Maki, Zoning Administrator.
- II. PUBLIC COMMENT: Tim Hawkins spoke on behalf of Ivan Fairfield variance request and will reserve to make comments on that agenda item.
- III. APPROVAL OF METING MINUTES: Motion was made by Bill Sanders and seconded by Lois Sherbinow to approve the minutes of April 26, 2001 as submitted. Motion passed Aye 4, Nay 0.
- IV. NEW BUSINESS: NONE
- V. UNFINISHED BUSINESS:
- A. Variance 2001-4 Ivan and Collene Fairfield for 829 Lakewood Lane. Request a variance to allow a 30 x 40 detached garage with a height of 17 feet 2 inches (Peak 20 feet 4 inches)
- Mark Maki reported that this item was tabled from the last meeting. Since 1995 we have had six requests for higher than normal garages a list was provided for ZBA members.
- The question came up with respect to the re-posting of public notice when and if an item becomes tables to a later meeting. Mr. Maki responded that perhaps a full public posting should be published for a re-hearing. Notice for the regular meeting along with agenda items is in the newspaper five days prior to the meeting.
- Tim Hawkins spoke to explain the variance request and that one stall was for a 12x13 door.
- Ivan Fairfield spoke indicating his intended use and that there were four similar oversize garages along Lakewood.
- ZBA members offered some possible alternatives in design and various methods that would help to reduce the overall height and still achieve his objective for use.
- A motion was made by Carol Hicks and seconded by Bill Sanders to approve variance 1001-4 for Ivan and Collene Fairfield at 829 Lakewood Lane allowing for a 1'-6" variance above the required 14' average, thus allowing for a maximum height of the structure to be 15'6". Motion passed Aye 4, Nay 0.
- ITEMS B - Interpretation/Contractor's yard, and ITEM C -Request for interpretation on attached structures (ie. brcezeway, underground tunnels, etc.) relative to height and setback issues, was tabled until the next meeting due to the lack of public re-notice.
- VI. Information/Correspondence: None
- VII. Public Comment: NONE
- VIII. Adjournment at 8:15 p.m.

Respectfully submitted:



Carol Hicks, Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF JULY 26, 2001**

- I. Meeting called to order by Chairperson Robert Pecotte at 7:35 p.m. in the meeting room of the Township Hall.
Members present: Lois Sherbinow, Robert Pecotte, Bill Sanders (arrived late), and Michele Wietek. Also present, Mark Maki, Zoning Administrator.
- II. **PUBLIC COMMENT:** Jim Boyer, 350 Karen Road. Complaint regarding late start of meetings and 3 postponements to earlier meetings of contractor's issue making it difficult to participate in the process.
- Bob LaJenuesse, 407 Little Lake Road. Requests that contractors' yard issue be moved up to 3rd on the agenda.
- III. **APPROVAL OF MEETING MINUTES:** Minutes from June meeting not submitted to the board. Item postponed until next meeting.
- IV. **NEW BUSINESS:**
- A. **VARIANCE 2001-5.** Chris Kinnunen, 105 Deerview Trail. Request for variance to allow a 24' x 32' detached garage to be built prior to home.
- Public notice was given and no comments received.
 - Mark Maki summarized the lot situation and the history of these types of requests. Mark Maki reported that most instances of the garage being built first were not a problem.
 - Robert Pecotte asked if we have approved these requests in the past; Michelle Wietek asked if we had ever required a signed agreement stating that a house would be built.
 - Mark Maki reported that we usually granted the request, usually with conditions, or that, because of enforcement difficulties, signed agreements were not requested.
 - Robert Pecotte motioned and Michelle Wietek seconded to approve Variance 2001-5 request to allow a 24' x 32' garage to be built before dwelling on the condition that the dwelling would be built as soon as possible and the condition that no outdoor storage be permitted until the house is constructed.
 - Motion passed. Ayes 3 (Bill Sanders not present yet), Nays 0.
- B. **VARIANCE 2001-6** Jeff Trudeau, 211 Cedar Lane. Allow a 40' x 40' detached garage to be built on Lot #4.
- Mark Maki reported that notice was given and no comments received.
 - Mark Maki reported that no house was intended to be built on this lot and that the garage would serve a house to be built on an adjacent lot where wetlands and a pond made a garage difficult.
 - Robert Pecotte asked why he couldn't combine the adjacent lots into a parcel and expressed concern that the lot with the garage could be sold as a separate unit.
 - Mark Maki reported that combining the lots would be difficult because they were platted lots, although they could be put together for tax purposes.
 - Motion to build garage on Lot 4 approved on the conditions of no exterior storage and that a house will be built on the adjacent lot, which meets or exceeds the perimeter dimensions of the garage as it is accessory. Ayes 3 (Bill Sanders not yet present) 0 Nays.
- C. **VARIANCE 2001-7.** Mr. and Mrs. Carl Linna, 508 County Road 480. Request to allow a 12' x 8' porch addition with a 24' setback (30' required).
- Mark Maki described the house, lot and neighborhood.
 - Robert Pecotte expressed concerns regarding road expansion in future.
 - Mark Maki reported that the 12' expansion would require a 24' setback and that, when the area was developed, only a 25' setback was required. Therefore, the request was consistent with the standards met by other houses originally built in the neighborhood.
 - Bill Sanders (now present) asked about the dates of setback zoning changes and Mark Maki provided dates.

- Lois Sherbinow asked about the use of the porch and if it would be used seasonally or was it more of a house addition.
- The Linna's reported that it would be a 3-season structure.
- Motion was made by Lois Sherbinow and seconded by Bill Sanders to approve Variance 2001-7 allowing the porch addition at a 24 foot front setback. Ayes 4, Nays 0.

V. UNFINISHED BUSINESS:

Lois Sherbinow requested that the contractors' issue be moved up the agenda to V. A. and that the attached structure issue be dealt with as V. B.

A. Interpretation/Request by Zoning Administrator regarding commercial vehicles/contractors' yards in residential zones.

- Mark Maki reported that contractors' yards are not residential uses and are not permitted in residential areas. Home occupation uses are permitted in residential areas with a home occupation permit. However, contradictory language in the Ordinance makes it very unlikely that a contractor would be allowed to get a home occupation permit due to outside storage issues. Mark Maki referenced language in the 7-23-2001 memo to Zoning Board of Appeals.
- Mark Maki stated that this would not change the Ordinance, it would clarify the home occupation language to clear up whether outdoor storage was allowed or not. This would give existing contractors an opportunity to get a permit and be in compliance with the Ordinance.
- Mark Maki read letter by anonymous contractor's opposing any restriction on contractors' activities and saying that there have not been enough complaints to warrant taking action to enforce the Ordinance.
- Mark Maki responded that it was illegal for him to act only on complaints and that that would amount to unequally enforcing the Ordinance. Problems such as selective enforcement issues would result and open the Township from being barred from enforcement.
- Mark Maki also responded to the issues raised in the letter saying that the Planning Commission had already dealt with this issue. Mark Maki responded by saying that the Planning Commission had dealt with the parking issues, but that their language did not make contractors' yards in residential areas acceptable.
- Lee Blondeau asked about the number of complaints the Township had received regarding contractors.
- Mark Maki reported that there had been three recently regarding semis and contractors.
- Bill Sanders asked Mark Maki for clarification regarding his enforcement intent pertaining to commercial vehicles similar to residential vehicles, such as pick-ups or cars.
- Mark Maki indicated that it was not his intent to consider these violations.
- Bill Sanders noted that it would be a benefit to the contractors to have the Ordinance language changed to allow them to operate in compliance with the Ordinance.
- Robert Pecotte asked about enforcing against contractors using the Noise Ordinance.
- Mark Maki responded that that was not an effective way to achieve the goals of the Zoning Ordinance because other issues than just the noise exist.
- Michelle Wietek noted that the board was not changing the Ordinance but was merely making a suggestion to the Planning Committee on contradictory language.
- Lee Blondeau commented that making the permit language more open to contractors' activities is good but that the definition of contractors' yard should be dropped.
- Jim Boyer stated that the definition would pull too many people into the Ordinance.
- Bob LaJeunesse stated that other more disruptive uses would be allowed in his area but that his contractors' business would be prohibited.
- Motion made by Robert Pecotte to recommend that the Planning Commission review the contractors' yard definition and home occupation additions including correcting any conflicts as suggested by Mark Maki for possible inclusion into the Ordinance. Bill Sanders seconded. Ayes 4, Nays 0.

B. Request for interpretation on attached structures' definition.

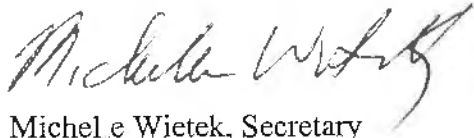
- Mark Maki reported that there are different requirements for attached and detached garages, but no definition of attached is provided. The issue had been raised to him regarding a garage and a house with a subsurface passage between them, or something like a breezeway.

- Mark Maki referenced language he suggested in 7-23-2001 memo that attached means having a common wall, common foundation and common roofline.
- Marcie Theme asked if an attached structure had to have all three components.
- Bill Sanders provided some examples of garages that would and would not fit the proposed definition and expressed concern about dictating how people build their houses.
- Bill Sanders suggests that definition be changed so that attached is any structure that has two of the three common elements.
- Motion made by Bill Sanders to support Mark Maki's definition of attached with the condition that it be changed to have attached mean two of the three following elements: common roofline, common wall, common foundation. Ayes 4, Nays 0.

VI. **PUBLIC COMMENT:** None

VI. **ADJOURNMENT**

Respectfully submitted:



Michele Wietek, Secretary

**CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS
MINUTES: AUGUST 23, 2001**

- I.** The Zoning Board of Appeals of the Charter Township of Chocolay was called to order by Chairperson Robert Pecotte at 7:30 in the meeting room of the Township Hall. Members present: Lois Sherbinow, Bill Sanders, Robert Pecotte, and Carol Hicks. Also present, Mark Maki, Zoning Administrator.
- II. PUBLIC COMMENT: NONE**
- III. APPROVAL OF MEETING MINUTES:** A motion was made by Bill Sanders and seconded by Lois Sherbinow to approve the minutes of July 26, 2001 as corrected. (Item V-B). Motion passed: Aye 4, Nay 0.
- IV. NEW BUSINESS:**
- I.** Variance 2001-8 Variance from Sec 300 setback and 300 F as accessory building exceeds perimeter of dwelling. John Sandin, 146 Lakewood Lane. To allow an addition of 30x60 sq. Ft. to an existing garage which is 400 sq. Ft. and which exceeds the perimeter dimensions of the dwelling. (Perimeter of existing house is 144 l.f. while addition and existing perimeter would be 220 l.f. The accessory addition to the garage does not meet the front lot line setback of 30 feet. The accessory addition/garage is setback 7 feet to the railroad right of way.
- Mark Maki reported that public notice was given and one letter of support was received from Christine and Robert Yuill. The Yuell's being an adjacent neighbor had no objections to the variance request.
 - Roberta Kisslinger spoke and explained why her and her fiancée (John Sandin) were requesting this variance. They plan to build an addition onto the house within the next few years.
 - Mark Maki indicated there was a third issue in that what was labeled as a wood working area looks like an apartment with a bath room and a kitchen sink etc.
 - The ZBA questioned aspects of the request and the possibility of building only the garage part as Phase I and then the workshop as Phase II when and if the house addition is completed.
 - A motion was made by Bill Sanders and seconded by Carol Hicks to grant a variance for applicant John Sandin 146 Lakewood Lane allowing for only a garage portion of the addition (28 x 30) added to the existing garage yielding a perimeter of 164 l.f. thus exceeding the house by 20 l.f. A variance of 20 l.f. over the perimeter of 144 being the existing house. The 30 x 30 workshop (Phase II) could be added when the addition was constructed onto the existing house. In addition this variance would allow for a 20' deviation from the required 30' setback. (Allowing the garage to be within 10' of the property line). Motion passed Aye 4, Nay 0.
- 2.** Interpretation/clarification on requirements for home occupation language.
- Our ordinance in reference to Home Occupations, Item A, and numbers 3 and 4 need an interpretation and possibly a re-write. Items three and four addresses "outdoor display" and are in conflict with one-another. The reference to signs and outdoor storage are in conflict.
 - Lee Blondeau spoke and agreed that a conflict appears to be present in the wording of the ordinance.
 - A motion was made by Carol Hicks and seconded by Bob Pecotte to recommend to the Board that line item #3 should be limited to signs and not outdoor storage and that item #4 should pertain to storage. Motion passed Aye 4, Nay 0.
- 3.** Interpretation of Accessory Structures Size in RR-2, RP and OS zones.
- Mark Maki reported that accessory structures in the zoned districts for RR-2, RP, and OS are getting larger and that numerous requests have been made over the years for these larger than normal structures. In R-1 districts we have the 14' height requirements etc

however, no height reference to RR-2, RP and OS districts. No clear language specifically to accessory buildings.

-Accessory buildings as expected usage that are designated as "customary" to that zoned area. The overall question is what is "customary"? We need guidelines for what is customary accessory along with some numbers on height, square footage, and lineal footage.

-Lee Blondeau spoke that customary characteristics vary with different areas or districts. The lineal footage issue would be the same for R-1 as for OS if that were the only characteristic of distinction.

-Bob LaJeunesse spoke with regards to the issue.

-The ZBA was in agreement that this should go before the Planning Commission for some language clarification. We simply provide some input to assist future variance interpretations and suggested language.

V UNFINISHED BUSINESS: NONE

VI INFORMATION/CORRESPONDENCE: The Planning Commission is holding a public hearing on height issue with the recommendation to increase the detached accessory building from 14' to 15'.

VII PUBLIC COMMENT:

-Bob LaJeunesse spoke and discussed his issue with regards to a zoning compliance check and approval by Mark Maki for a 30' x 60' accessory garage building that was later revoked with Mr. Maki indicating he would approve a 30' x 50' building.

-Lee Blondeau spoke to support Mr. LaJeunesse interpretation of accessory buildings.

-Mark Maki and the ZBA members discussed this issue with no formal resolution.

VIII ADJOURNMENT: AT 9:15 p.m.

Respectfully Submitted: Carol Hicks, secretary



**CHARTER TOWNSHIP OF CHOCOLAY
ZONING BOARD OF APPEALS
MINUTES: SEPTEMBER 27, 2001**

- 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. in the meeting room of the Township Hall. Members present: Lois Sherbinow, Bill Sanders, Robert Pecotte, Carol Hicks and Michelle Wietek. Also present, Mark Maki, Zoning Administrator.
- II. Public Comment: Bob Pasco spoke and indicated he would address his upcoming variance. Carol Lamirand spoke indicating that she was only an observer.
- III. Approval of August 23, 2001 minutes: Mark Maki suggested that this be tabled to a later date due to the fact that they were only received a few days ago and due to our long agenda. Carol Lamirand spoke and questioned as to why the minutes were not available.
- IV. NEW BUSINESS:
- A. Variance 1001 - 9 Scott Stephenson, 103 Cindy Lane. Request a variance to allow a 28' x 40' garage at a questionable setback to the front lot line.
- Mark Maki reported that his site visit and measurements showed that the front setback is unknown and could range from as 11' to 21' thus requiring a variance from the required 30' setback of from 9' to 19'.
 - Scott Stephenson spoke and told the ZBA that the garage was to be 28' x 28' being for cars and the last 12' x 28' was for a workshop. Cindy Lane is a private road and he resides at the end of the road and that the true Right-Of-Way is unknown.
 - Carol Hicks asked if a survey was ever made of his property. How can we as ZBA members put a number on the requested setback when it is an unknown.
 - ZBA continued to discuss the variance request.
 - A motion was made by Bill Sanders and seconded by Bob Pecotte to grant Variance 1002-9 for Scott Stehpenson, 103 Cindy Lane allowing him to construct a 28' x 40' garage at a setback distance resulting in no more than 11' from the front line. Motion passed Aye 5, Nay 0.
- B. Variance 2001 -10 Bob Pasco, 825 Willow Road. Request a variance to allow a 30' x 56' garage/accessory building, which exceeds the perimeter dimension of the dwelling on site.
- Bob Pasco spoke indicating that he has since revised the size to 28' x 56'.
 - Mark Maki reported that this new size garage would have 1008 sq. ft. and 168 lineal feet. The house has only 132 l.f. thus a variance of 36 l.f. His original garage and combined out-buildings, which was destroyed by fire last January, had a total of 1888 sq. ft. This new garage/accessory building would be small and consolidate all yard materials.
 - A motion was made by Carol Hicks and seconded by Bill Sanders to approve variance 2001-10 for Bob Pasco, 825 Willow Road, allowing for a 168 l.f. garage to be constructed that exceeded his house by 36 l.f. with the provision that no items were to be stored behind nor alongside the new structure. Motion passed Aye 5, Nay 0.
- C. Home Occupation 2001-1 Mark Maki, 370 Karen Road. Office for Township business contracts.
- Mark Maki reported that he was requesting an Home Occupation just to make sure that no loose ends were left and to clean-up and questions as to his home occupation.
 - A motion was made by Bill Sanders and seconded by Michelle Wietek to approve Home Occupation 2001-1 for Mark Maki, 370 Karen Road with the standard provisions.
 - Before the question was called discussion was conducted as to phone calls, signage, and additional traffic, etc.
 - Lee Blondeau spoke and questioned exactly to what degree of involvement was that business and what was the nature of his home business.
 - Mark Maki responded indicating that he has contractual obligations with up to nine different townships and he serves as the zoning administrator for West Branch Township

and that nobody comes to his home for business.

-The question was called and the motion passed Aye 5, Nay 0.

D. Appeal 2001-1 Robert LaJuenesse, 407 Little Lake Road. An appeal of the Zoning Administrator definition regarding the limits on size of customary accessory garage.

-Robert Pecotte read into the record a letter dated 09/27/01 from Township Supervisor Ivan Fende. This letter encouraged the ZBA to reinstate the original Zoning Compliance Permit.

-Two letters of correspondence were received: One from MaryLou Shimmon, 130 Shimmon Court expressing no objections to the LaJuenesse request. The second from Frank and Madilene Zimmerman 407 Little Lake with no objections.

-A motion was made by Robert Pecotte and seconded by Lois Sherbinow to approve appeal 2001-1 from Robert LaJuenesse, 407 Little Lake Road to build a 30' x 60' garage.

-Discussion ensued prior to the question and vote.

-Michelle Wietek spoke indicating that she needed further information in that she was not present at last month's meeting.

-Mark Maki reported that the Township attorney indicated that he was perfectly within his right to revoke the original zoning compliance. He would have no problem with a 30' x 50' building and has indicated this to Mr. LaJuenesse.

-Mark Maki read into the record his long standing issues with Mr. LaJuenesse starting with June 11, 1984 to present.

-It was questioned as to the decision of what is a "customary accessory structure", is it a 30' x 50' or 30' x 60' and does that 10' difference change things.

-Mr. LaJuenesse spoke in answer to ZBA questions and indicated that he proceeded with the building as planned and now has the roof on, without any building permit.

-Lee Blondeau spoke that we allow RR-1 smaller garages and RR-2 should be allowed to have a larger garage. Confusion of dimensions and historical disputes better Mr. Maki and Mr. LaJuenesse have been long standing.

-Carol Lamirand spoke inquiring as to why did the Zoning Administrator change his decision. Mark Maki answered.

-The question was called and the vote was taken. Appeal 2001-1 for Robert LaJuenesse, 407 Little Lake Road passed. Aye 3, Nay 2.

E. Appeal 2001-11 Tod Pentecost, 2368 M-28 East, Marquette, Mi. Request to build a 32' x 60' garage/workshop prior to the house.

-Mark Maki reported that this was another garage proposed before the house. He has 23 acres and a lot of setback in a wooded area. A future house is proposed for Spring of 2002 and it will also have an attached garage.

-The ZBA had several questions with respects to this request. Historically, the ZBA has granted similar requests but has been burnt on several occasions in that the house was never built.

-Chair Robert Pecotte read into the record a second letter submitted by Township Supervisor Ivan Fende dated 09/27/01 noting the request for yet another very large garage to be built prior to a home being constructed. He has asked to Planning Commission to look into this issue at their earliest convenience. He encouraged the ZBA to refrain from future requests until the Planning Commission can review these standards.

-A motion was made by Carol Hicks and seconded by Bill Sanders to table request 2001-11 for Tod Pentecost, 2368 M-28 East pending further information about the garage and the proposed house size, lineal footage, etc. and the potential outcome from our Township Planning Commission. Motion passed Aye 5, Nay 0.

F. Variance 2001-12 Charles Mankiewicz, 441 Cherry Creek Road. Request to build 28' x 30' garage at a 17' setback in a RR-2 zone. (30' required)

-Mark Maki reported that the original site had two detached garages and a wood shed and that this new 3-car garage would be replacing the original two garages. This new garage would be attached to the house with a breezeway.

-A motion was made by Bill Sanders and seconded by Bob Pecotte to approve variance 2001-12 for Charles Mankiewicz at 441 Cherry Creek Road allowing for a new 28' x 30' garage at 17' setback thus a variance of 13'. Motion passed Aye 5 Nay 0.

**CHOCOLAY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 11, 2001**

- 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, Bill Sanders, Robert Pecotte, and Carol Hicks.
Members absent: Michele Wietek
Also present, Mark Maki, Zoning Administrator and Cathy Phelps, Recording Secretary, Kathryn and Carl Menze.
- II. PUBLIC COMMENT: None
- III. APPROVAL OF MEETING MINUTES:
June 28, 2001 minutes: Bill Sanders moved, Lois Sherbinow supported to approve the minutes as presented. Aye: 4, Nay: 0. Motion passed.
August 23, 2001 minutes: Lois Sherbinow moved, Bill Sanders supported to approve the minutes as presented. Aye: 4, Nay: 0. Motion passed.
September 27, 2001 minutes: Bill Sanders made correction regarding Page 3, F. (should be: Aye 5, Nay 0 to replace Aye 0). Bill Sanders moved, Robert Pecotte supported to approve the minutes with correction. Aye: 4, Nay: 0. Motion passed.
- IV. NEW BUSINESS:
- A. Appeal 2001 – 2. Carl Menze, 2210 US 41 South, Marquette, MI 49855
Wolverine Door Service.**
- Discussion: Mark Maki explained the construction of the new addition to building. The old lean to was 8' x 50' and the new addition plan is 16' x 30'. The old section was no longer functional and in bad repair. Carl Menze described his type of business and why he needed the addition. Accessory Buildings have a height restriction of 14' and setback of 5'. Maki mentioned Zoning Board of Appeal denial of the Lambert case in 1994, which was similar. He explained Section 300 (F). He has no authority to give a zoning permit to a nonconforming structure. The Zoning Board of Appeals only has the authority in this case. Mark Maki said the accessory building is encroaching on the adjoining property. He stated that if the building burned down, it could not be rebuilt at its present height and setback.
- Carl Menze showed a picture of the old section that he wants replaced. He does not have a building permit at this time. Some engineer told him if it was less than 100 square feet he did not have to get a permit. He felt the C-3 zoning was intended for medium to large size contractors and that he fit into C-2. Being a sales and service contractor.
- Robert Pecotte stated that Carl Menze has no building permit, his addition is nonconforming, the main building is encroaching on the neighboring property. He felt if they approved the Menze request, they would have to approve it for everyone else. They cannot do that.
- Carl Menze questioned the encroachment.
- Bill Sanders asked Mark Maki what he uses to test the ordinance for additions/replacing buildings?
- Maki read from the Ordinance book giving four things for qualification.
- Kathryn Menze said the original building was built in 1945 by McDonald Construction, and the lean-to was built at that time.
- Carol Hicks stated that the Lambert case was denied.
- Mark Maki noted that it is a problem because Section 300 (F) came after the Lambert case.
- Lois Sherbinow noted that the Lambert case was a new building, and Menze is replacing a section of the building.
- Mark Maki said that when the old section fell down it's gone and the new addition is a different size. He stated that you cannot add on to a nonconforming structure without approval of the Zoning Board of Appeals.
- Carol Hicks asked what if they deny the Menze's? They have it half built, do they have to tear it down?
- Mark Maki answered, "yes, it is in violation because they have no building permit." He suggested they apply for a Class A designation, but the ZBA cannot grant a Class A designation tonight. He has already given them the application, and has partially filled it out.
- Bill Sanders made a motion to deny Carl Menze Appeal 2001-2, appeal of Zoning Administrator's determination that a 16' x 30' addition for storage to an existing 32.7' x 56' shop/storage building in a C-2 zoning district is not authorized except as an expansion of a

line runs on the property? Tim L'Hote said the line ran near the river. Hicks mentioned saving the tree line and that it would hide the new garage. L'Hote mentioned he has talked to his neighbor nearest the area where he plans his garage and they have no problem with it.

Carol Hicks moved, Michele Wietek second to approve the variance from Section 300 to allow a 22' x 24' garage at a 10' front lot line setback (30' required) to Timothy and Kathy L'Hote at 149 E. Main Street, as it is located on a unique, dead end street and that the lot has limited building area due to slope. Aye 4, Nay 0. Motion passed.

C. Interpretation 2001-3.

Request by Zoning Administrator for determining Section 704 and Zoning Permit regarding failure to allow inspection resulting in revocation of Zoning Permit or request for injunction to require inspection.

V. INFORMATION/CORRESPONDENCE:

Mark Maki indicated that the zoning permit application requires authorization to inspect the site. Section 704 refers to zoning permits and requires revocation if obtained under false statements. Recently a zoning permit was approved, which authorized site inspection, but it was later reversed verbally and threats were made if the Zoning Officer came on site.

Mark Maki is looking at options such as amending the ordinance (Section 704) to be more specific on conditioned approval.

In this case, Mark Maki thinks an injunction should be secured requiring inspections. The issue may be resolved, as the District Court has allowed inspection of the same site on a different issue.

Mark Maki recommended that the Zoning Board of Appeals table this as the issue may resolve itself based on this District Court order and that amendments will be made to the Zoning Ordinance.

Lee Blondeau had questions on inspections and if inspections could be done prior to issuing of the permit to insure compliance. It was noted this is done in many areas but it would add time to the permit approval process.

VI. PUBLIC COMMENT:


Mark Maki gave brief notice on a court proceeding regarding Carl Besola and a contractors' yard in R-1 zone. Carl Besola gave testimony of a pre-existing use. Maki believes there was a break in business activity. The judge granted the status as a nonconforming use, although he was not specific.

Mark Maki also updated the Zoning Board of Appeals on a zoning violation case regarding another contractors' yard and a ticket issued to Bob LaJuenesse, Jr. at 407 Little Lake Road. A motion was made by Mr. LaJuenesse's attorney to throw out the case because contractors' yard as used is too vague. The Judge denied the motion and a trial date has to be set.

VII. ADJOURNMENT AT 8:25 P.M.

Respectfully submitted:


Cathy Phelps, Recording Secretary


Carol Hicks, Secretary

**CHOCOLAY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF NOVEMBER 8, 2001**

- 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 Michele Wietek.
Members absent: Bill Sanders.
Also present, Mark Maki, Zoning Administrator and Cathy Phelps, Recording Secretary, Kathy and Carl Menze, Kathy and Tim L'Hote, and Lee Blondeau.
- II. PUBLIC COMMENT: Lee Blondeau requested a copy of agenda.
- III. APPROVAL OF MEETING MINUTES:
May 24, 2001 minutes: Lois Sherbinow moved, Carol Hicks supported to approve the minutes as presented. Aye: 4, Nay: 0. Motion passed.
October 11, 2001 minutes: Carol Hicks moved, Michele Wietek supported to approve the minutes as presented. Aye: 4, Nay: 0. Motion passed.
- IV. NEW BUSINESS:
- A. Class A and Expansion Request 2001-1 Carl Menze, 2210 US 41 South**
Mark Maki reported that property owners were notified and an ad was put in the Mining Journal. He has received no written comments. There are two areas to look at: 1) Height in C-2 zone, and 2) Not meeting 5' setback. Maki recommends approval of existing building with provision that if it is destroyed, it needs to be rebuilt with conforming setbacks, and he recommends granting approval for the storage addition. Approval is based on compliance with standards in Section 601A and Section 604 (C) as per his letter and review.
- Carl Menze noted that he had no additional information. Bob Pecotte questioned the parking. Maki answered there were no parking problems.
- Carol Hicks motioned that approval be made for Carl Menze (Wolverine Door Service) to allow Class A designation for the nonconforming existing structure based on compliance with standards as noted in the zoning report. Lois Sherbinow seconded the motion. Aye 4, Nay 0. Motion passed.
- Carol Hicks motioned that approval be given for Carl Menze (Wolverine Door Service) to build a 16' x 30' addition for storage once Mr. Menze gets a zoning permit from the Zoning Administrator based on meeting the standards for expansion. Michele Weitek seconded the motion. Aye 4, Nay 0. Motion passed.
- B. Variance 2001-13, Timothy and Kathy L'Hote, 149 E. Main Street Marquette, MI**
Maki explained the L'Hote's are asking for a variance from Section 300 to allow a 22' x 24' garage at a 10' front line setback (30' is required). Maki has informed the property owners within 300' of the L'Hote property. Maki has received one response from Don Salo, Lakewood Lane and Alice Salo, 145 E. Main Street, they have no objection.
- Discussion was had on the L'Hote's plans. Their house is on a dead end road, they live approximately in the middle of the block. Presently the garage is attached to the house, there is no direct entrance from the house to the basement at this time. They would like to build a new garage and redesign the present garage into a family room with access to the basement. They would prefer to use the flat area of their lot as a play area for children. Maki sees no problem with this plan, it blends in well with the surrounding neighborhood. Pecotte questioned the slope of the yard and where the doors and windows were located. Timothy L'Hote noted that they do foster care in their home and would like to keep a safe area in their yard for children to play. They have the Chocolay River in the back yard, and would rather that the children do not play near the river. They want to be able to watch the play area from the house. This plan would allow them to keep the existing driveway, and the new garage would be hidden behind a row of trees. Michele Wietek questioned if the planned garage height was conforming? Maki answered, "yes." Tim L'Hote said he was very conscious about having the new garage blend in with the existing house and neighborhood. Carol Hicks asked if the basement was finished? Tim L'Hote stated that one half of the basement was finished. Hicks also asked where the sewer

G. ELECTION OF OFFICERS

Nominations were made for Robert Pecotte to continue as Chair and Carol Hicks to continue as Secretary. A motion was made by Lois Sherbinow and seconded by Bill Sanders to approve the slate of Officers as nominated. Motion passed Aye 5, Nay 0

V. UNFINISHED BUSINESS: NONE

VI. INFORMATION/CORRESPONDENCE RECEIVED:

- Those already read into the record
- Letter to Bob LaJueness, Jr. re: complaint
- MSPO- Packet Handout to follow

VII. PUBLIC COMMENT:

- Carol Lamirand questioned what was the letter of complaint. This letter was then read.
- Discussion ensued with regards to the original motion for Robert LaJuenesse in that his request for a 30' x 60' garage is an addition onto and existing 30' x 50' garage and not a stand-alone 30' x 60' garage. Our original motion might need to be amended somewhat.
- A motion was made by Robert Pecotte and seconded by Lois Sherbinow to amend and clarify Appeal 2001-1 to read 30' x 60' addition onto an existing garage. Motion passed Aye 5, Nay 0.

VIII. ADJOURNMENT AT 9:12 p.m.

Respectfully Submitted:




Carol Hicks, Secretary

**CHOCOLAY TOWNSHIP ZONING BOARD OF APPEALS
MINUTES OF NOVEMBER 29, 2001**

- I. Meeting called to order by Chair Robert Pecotte at 7:30 p.m. in the meeting room of the Township Hall.
Members present: Lois Sherbinow, Robert Pecotte, Carol Hicks, and Michele Wietek.
Bill Sanders.
Also present, Mark Maki, Zoning Administrator and Cathy Phelps, Recording Secretary.
- II. PUBLIC COMMENT: Bill Lambert, builder, mentioned he was representing Duane Kern.
- III. APPROVAL OF MEETING MINUTES:
November 11, 2001 minutes: Carol Hicks moved, Bill Sanders supported to approve the minutes as presented. Aye: 5, Nay: 0. Motion passed.
- IV. NEW BUSINESS:
- A. Variance 2001-14 Duane Kern for 6413 US 41 South**
Mark Maki reported that property owners were notified and an ad was put in the Mining Journal. He has received one written comment from Leo Goodwin at 6309 US 41 South. Mr. Goodwin had no objection.
- Duane Kern wants to replace existing porch and extend his kitchen with double doors, which would bring his home 2 feet closer. Most of the other houses in the neighborhood are setback a long way, except for two houses. If this variance is approved, Kern's house would be even with the house to the north.
- Bill Lambert, representing Mr. Kerns, explained he needed the extra length for the roof pitch to have the proper header for a double sliding door off the dining room.
- Michele Weitek motioned that approval be made for Duane Kern to allow variance from Section 300 for front setback for an addition with a 22' setback with condition that nothing be added closer to the front lot line. Bill Sanders seconded the motion. Aye 5, Nay 0. Motion passed.
- B. Variance 2001-15, Patrick Healy, 125 County Road 545, Marquette, MI**
Mark Maki explained the parcel layout being only 100' wide with 30' setbacks in the RR-2 zone. This makes it difficult to build on. He also explained that no one would be able to build north of his lot, as a 50 feet wide strip is unbuildable. Mark Maki has informed the property owners within 300' of the property. Maki has not received any response. The addition is setback 1 foot from the existing house relative to the front setback.
- Carol Hicks moved, Michele Wietek second to approve variance from Section 300 for front setback 24'6" and side setback 22' with the understanding that nothing be constructed closer to the front lot line. Lois Sherbinow seconded the motion. Aye 5, Nay 0. Motion passed.
- V. UNFINISHED BUSINESS :
Mark Maki mentioned the need to review the bylaws. They could not act on them at this meeting. The bylaws fee language needs to be changed to read "fees as established by resolution of the Township Board".
- VI. INFORMATION/CORRESPONDENCE None.
- VII. PUBLIC COMMENT:
The next meeting will be held on Thursday, December 27, 2001. If there are any changes, Mark Maki will inform the Zoning Board of Appeals.
- VII. ADJOURNMENT AT 7:53 P.M.

Respectfully submitted:


Cathy Phelps, Recording Secretary


Carol Hicks, Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF DECEMBER 27, 2001**

- I. Meeting called to order by Chair Robert Pecotte at 7:36 p.m. in the meeting room of the Township Hall.
Members present: Lois Sherbinow, Bill Sanders, Robert Pecotte, and Michele Wietek.
Members absent Carol Hicks.
Staff present: Mark Maki, Zoning Administrator, Cathy Phelps, Recording Secretary, Doug Riley, Director of Planning.
Others Present: Ron Katers, Nick LaFayette, Jennifer Pickering, Dan Landers, Randy Bertram, Steve Owen, Elaine Reff, Steve White, and Lee Blondeau.

II. PUBLIC COMMENT:

Dan Landers of 2010 Granite, Marquette. Wants to reserve time to discuss the sign issue, as he represents Cook Sign Service and Northern Michigan Bank and First National of Negaunee.

Randy Bertram, 202 Van Epps, Marquette. Would like more information regarding the possible Movie Shop along US 41 South.

III. APPROVAL OF MEETING MINUTES:

November 29, 2001 minutes: Lois Sherbinow moved, Bill Sanders supported to approve minutes as presented.
Aye 4, Nay 0. Motion passed.

IV. NEW BUSINESS:

A. **Variance 2001 – 16.** Wells Fargo Bank/M-K Enterprises for 2366 US 41 South, Setback variance abutting R-1 zone for Movie Shop building. A 30-foot setback is required.

Michele Wietek noted that she needs to abstain on this appeal as the company she works for is working with Wells Fargo Bank on clean-up. She would like permission to participate in the discussion however. There was no objection.

Discussion:

Maki explained that his review requires additional review of where the zoning district line is as it is unclear. He also explained that the scale of the map is incorrect. The zoning history on this 20-foot strip needs to be studied. Another issue Maki noted is parking. A minimum of 24 feet is needed for an aisle. To be in total compliance, the building would have to be set on the property differently. Maki does not support variance as applied for. He stated that there are requirements for landscaping (planting to separate business from residential area). Maki also feels that there could be a traffic problem along US 41 in that area due to the intersections of Main Street and Van Epps.

Ron Katers stated that the building could be built at a different angle so as to comply. He would rather have the parking in the front of the building.

Wietek asked Maki if he supports the zoning change on the 20-foot strip from R-1 to C-2?

Maki stated that the Planning Commission and Township Board would have to consider the zoning change.

Steve White mentioned that the garage, which has been taken down but the slab is still on the property, would have been nonconforming, as it does not meet the 30-foot setback.

Elaine Reff stated that the slab is fairly new. The garage that was on the property only had a dirt floor. The garage and house were built there long before the Township had a

zoning ordinance, so at that time there were no setbacks.

Bill Sanders asked if the application would allow a 20-foot setback on the south side (R-1/C-2 boundary line)?

Mark Maki said a 30-foot setback is required but it is unclear as to where the R-1/C-2 zone is. He stated that this building was used as a home up to this point in time. It is important that we arrive at a decision as to where the R-1 zoning district is located. He feels that he should do some checking as to the history of the zoning of the 20-foot parcel. He will then inform the Zoning Board of Appeals of the map determination.

Bob Pecotte suggested that this issue be tabled until more information is known.

Lois Sherbinow asked if there are any other areas in the Township with this type of problem?

Maki stated the zoning map is generally okay, but with a 20-foot it is hard to determine without checking further. Hopefully the past will provide an answer.

Bill Sanders noted that if tabled and the 20-foot strip is in R-1, then the request can be changed.

Maki stated that the applicant can change the application at that time. If it is found that the area is in a C-2 zone, they may not need a variance, if they change the building plans to meet the 30-foot setback.

Sanders moved that they table Variance 2001-16 until the zoning district boundary line is determined and the Zoning Board of Appeals can then make a decision. Lois Sherbinow seconded.

Aye 3, Nay 0. Motion passed

B. Appeal 2001-4/2001-5. Cook Sign Service for Northern Michigan Bank at 5096 US 41 South and First National Bank of Negaunee at 216 West Terrace Street, regarding electronic message center signs.

Dan Landers from Cook Sign Service, Representing Northern Michigan Bank and First National of Negaunee Bank, described what he thinks "similar" signs are. He feels electronic message center signs and time and temperature signs are similar because they use interchangeable parts. He does not believe they change light intensity, and states that they do not have flashing or blinking lights. Some of the old signs used open bulbs and did flash. He used an example of pointing arrows. There are two kinds of electronic message signs: 1) Fixed electronic sign; and 2) Computer controlled variable.

Landers said the Township should be careful not to restrict the rights of businesses in Chocolay. He does not believe the Chocolay Township Ordinance is clear. The local businesses want to have equal opportunity to advertise as the businesses in outlying communities. He showed a video of some U.P. message center signs.

Bill Sanders stated that it does allow a larger message in less space. He questioned if Chocolay could limit the size of signs?

Dan Landers thought that Chocolay could limit sizes. He noted that he did not discuss with Marquette City and Marquette Township regarding the changes in their ordinances. The City had changed theirs prior to his working at Cook Sign Service.

Bob Pecotte asked why this issue is brought to the Zoning Board of Appeals since it is also being discussed by the Planning Commission at the same time?

Dan Landers noted that the local businesses would like to hurry the process of changing the Ordinance in Chocolay, they do not want to wait for a year or more for the change. The Ordinance needs to be clarified, they want to know what "similar" means. They have two options; the Planning Commission and by legal means.

Bill Sanders said the Planning Commission will continue to work on clarifying the ordinance.

Bob Pecotte does not feel that the Zoning Board of Appeals should approve any changes when the Planning Commission is seeking clarification.

Mark Maki stated that six months ago he was approached on this issue when the Northern Michigan Bank purchased property in the Township. Some areas have taken time and temperature signs out of their ordinances. Some communities like Marquette and Marquette Township have recently added these types of signs. He feels that when Chocolay's Ordinance was written in the 70's, and included similar signs that does not think they wrote it regarding electronic message center signs, as there was no such thing at that time. They were not in existence then, so we cannot take the word "similar" and use that to decide if they meant it was appropriate to use electronic message centers. They accepted time and temperature signs at that time, but rejected flashing, fluttering signs, etc. specifically. He believes that electronic message center signs can have different looks, but they can have changing light intensities, heightness of color, animation and moving symbols, which are specifically prohibited. Maki also referred to his review in the December 5, 2001 memo to the Zoning Board of Appeals.

Bill Sanders feels it should be left up to the Planning Commission and the Board to consider the issue in its entirety.

Bob Pecotte moved that Appeals 2001-4 and 2001-5 be denied. Electronic message signs are not allowed in Chocolay Township as stated in Section 810 SIGN ILLUMINATIONS as based on the reasons set forth in the Zoning Administrator's letter of 12-05-2001. Bill Sanders seconded.

Aye 4, Nay 0. Motion passed.

Lois Sherbinow stated that "similar" does need to be clarified.

Bill Sanders thanked everyone for giving good suggestions and that it will be looked at by the Planning Commission.

V. UNFINISHED BUSINESS

Mark Maki noted that the Bylaws regarding fees paragraph #4 in Rules of Procedure be changed from "Application Fee for a variance \$50.00, application fee for an appeal \$50.00, home occupation fee - no fee." Be changed to: Fees are established as per resolution of the Township Board. (No value will be included).

Bill Sanders moved to approve the above changes, Bob Pecotte seconded.
Aye 4, Nay 0. Motion passed.

VI. INFORMATION/CORRESPONDENCE RECEIVED: None

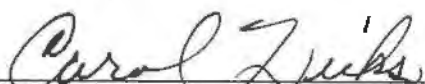
VII. PUBLIC COMMENT:

Lee Blondeau questioned a statement by Attorney Summers regarding Minutes of July 26, 2001 of the Zoning Board of Appeals, if the Zoning Board of Appeals approved definition of "contractor's yard" or if they just recommended the definition to the Planning Commission?

Bill Sanders explained that the Zoning Board of Appeals did not make a change in the ordinance, they only recommend to the Planning Commission to review specific language, which should be considered.

VIII. Adjournment at 8:55 p.m.

Respectfully submitted:


Carol Hicks, Secretary


Cathy Phelps, Recording Secretary