

CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF APRIL 28, 2005

I. Meeting called to order by Michele Wietek at 7:31 p.m. in the meeting room of the Township Hall.

Members present: Michele Wietek, William Sanders, Carol Hicks, Dan Maki and Albert Denton

Members absent: None

Also present: Randy Yelle, Zoning Administrator and Lori DeShambo, Recording Secretary.

II. ROLL CALL – Welcome new member, Dan Maki.

III. APPROVAL-MINUTES OF THE OCTOBER 28, 2004 MEETING

Carol Hicks Motioned, Bill Sanders Seconded that the October 28, 2004 Minutes be approved. Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA

Adding variance request #05-01. Placed as Item B under new business

Albert Denton Motioned, Dan Maki Seconded that the agenda for the April 28, 2005 Zoning Board of Appeals meeting be approved with the above noted addition. Aye 5, Nay 0 Motion approved.

V. SCHEDULED PUBLIC HEARING

A. Application Class A Non-Conforming Classification and approval for entrance renovation #05-01

Discussion was had regarding a meeting attended by new owners of hotel, MDOT representative and Dennis Stachewicz regarding the request to reclassify the Marquette Motor Lodge to a Class A thus allowing renovations. MDOT is okay with proposed renovations as long as approval obtained from ZBA and Planning Commission.

B. Variance request #05-01

Discussion was had regarding the request to build a garage before a home is built.

VI. PUBLIC COMMENT

Michele Wietek addressed the public – any comments? There were none, thus, public comment was closed at 7:36 p.m.

VII. UNFINISHED BUSINESS

A. Waselesky – fence update.

The new fence has yet to be constructed and the old fence has not been removed. Mr. Yelle spoke with Mr. Waselesky who stated he did not want to remove the existing fence until he had the materials available to build the new fence due to possible theft.

May of 2005 and October of 2005 – crusher will be coming to pick up junk cars.

Mr. Waselesky *was not in attendance* at this meeting.

VIII. NEW BUSINESS

A. Class A Non-Conforming Classification/entrance renovation #05-01.

Michele Wietek asked for a summary of the difference between Class A and Class B. Bill Sanders cited several paragraphs from the **Chocolay Township Zoning Ordinance**.

It was again discussed that the new owners had a meeting with MDOT, Randy Yelle and Dennis Stachewicz in an effort to gain approval for the Class A application/renovation request.

Jim Beckman – owner/representative of Marquette Motor Lodge and Richard Uren of Northern Design Works addressed the ZBA with their thoughts and plans as to the renovation of the hotel, right of way issues, snowmobiles still having access on the highway, as well as the bike path being open.

Carol Hicks asked where the Marquette Motor Lodge sign would be placed.

Mr. Uren remarked that it is shown on the plans that were laid out on the ZBA table allowing access to proposed plans (enhanced from packet material) and indicated this to Mr. Hicks.

Bill Sanders Motioned to support the request of the Marquette Motor Lodge for a Class A Non-conforming structure/use designation to parcel #52-02-107-005-00, Section 7-47N-R24W; Albert Denton seconded the Motion.

Aye 5, Nay 0. Motion approved.

The ZBA members agreed that the proposed renovations would enhance the community and falls within the criteria necessary with the ordinance.

Carol Hicks Motioned and Michele Wietek Seconded to grant a Class A non-conforming Structure/Use Designation to Marquette Motor Lodge parcel #52-02-107-005-00, Section 7-47N-R24W including approval of the requested “Entrance Renovation” as presented in the site plan prepared by Northern Design Works for Marquette Motor Lodge (Entrance Renovation project no. 0421 dated March 29, 2005). Marquette Motor Lodge must acquire approval from MDOT and Chocolay Township Planning Commission.

Aye 5, Nay 0. Motion approved.

B. Variance 05-01 is requesting to construct a garage prior to the home being built.

Dan Trotochaud of 439 Lakewood Lane advised the ZBA that he was in attendance as a representative of Christopher Knuff who is the applicant looking for the variance. Mr. Trotochaud explained that Mr. Knuff would be relocating to this area soon and desired to build a large garage to house materials and items prior to his relocating and building a home.

Randy Yelle pointed out to the ZBA that this has been done in the past, however, there have been a handful of bad outcomes wherein a home is not built and a garage is left on property as a single structure.

A preliminary drawing of the proposed building(s) had been provided to the ZBA members. It was discussed at length the need for a site development plan, should this issue be tabled, what type of stipulations could be put on the variance, how large the proposed garage would be, and the fact that the property was located in a “wet” area.

Randy Yelle directed the ZBA members to the fact that a variance is to be granted **only** if the board finds a practical difficulty or unnecessary hardship.

Dan Maki pointed out that the ordinance is not clear the way it is currently worded.

Bill Sanders pointed out that the Township needs to incorporate young people into Chocolay Township, allowing them to build homes and raise their children here.

The dimensions of the proposed garage were discussed and clarified between Mr. Trotochaud and Carol Hicks. Apparently, Mr. Trotochaud had miscalculated and Mr. Hicks advised of the proper dimensions. Also discussed were the two overhead doors and access to each.

Michele Wietek pointed out that many times issues have come back to haunt them and that they should be cautious in their decision.

Motion by Dan Maki, Seconded By Albert Denton finding no practical difficulty or unnecessary hardship and whereas a local developer is contracted for this project, Variance #05-01 allowing the construction of an accessory building (garage) prior to the principle structure is denied.

Aye 4, Nay 1. Motion approved.

New business concluded at 8:25 p.m.

IX. PUBLIC COMMENT

Jim Beckman remarked on how difficult it is to adhere to the ordinances within the Township.

**X. TOWNSHIP BOARD MEMBERS COMMENT
PLANNING COMMISSION MEMBERS COMMENT**

Dan Maki remarked that a good look should be made at these ordinances as they are ambiguous and require updating. Bill Sanders pointed out the Comprehensive Plan which is being finalized at this time by the Planning Commission will allow for these ordinances to be reviewed and revised if need be. A meeting is planned for May 12, 2005 wherein the Comprehensive Plan will be presented to the public.

XI INFORMATIONAL REPORTS AND COMMUNICATIONS

A. Information – MTA Legislative Updates

Randy Yelle pointed advised the ZBA that a particular gazebo was not built in conformance to the granted permit and that he would be addressing this issue with the owner, and the owner has the option to appeal.

Randy Yelle is compiling a list of violations that are being addressed at this time. This information is being provided to Mr. Stachewicz updating him of the Zoning Department actions. The ZBA members asked if the junk car issue was on the list and this was briefly discussed. Michele Wietek requested that the members be provided a copy of that list of which Mr. Yelle agreed to provide.

XII. ADJOURNMENT

Michele Wietek adjourned the meeting at 8:36 p.m.

Respectfully submitted:

Carol Hicks, Secretary

Lori DeShambo, Recording Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF MAY 26, 2005**

I. Meeting called to order by Michele Wietek at 7:35 p.m. in the meeting room of the Township Hall.

Members present: Michele Wietek, Dan Maki and Albert Denton

Members absent: Carol Hicks and William Sanders

Also present: Randy Yelle, Zoning Administrator and Lori DeShambo, Recording Secretary.

II. ROLL CALL – Albert Denton was asked to replace Carol Hicks as secretary for this meeting in lieu of his absence. Moved by Michele Wietek and Seconded by Dan Maki. Aye 3, Nay 0. Motion approved.

III. APPROVAL-MINUTES OF THE APRIL 28, 2005 MEETING

Albert Denton Motioned, Michele Wietek Seconded that the April 28, 2005 Minutes be approved. Aye 3, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA

Dan Maki Motioned, Al Denton Seconded that the agenda for the May 26, 2005 Zoning Board of Appeals meeting be approved. Aye 3, Nay 0 Motion approved.

V. SCHEDULED PUBLIC HEARING

A. Application Class A Non-Conforming Classification/entrance renovation #05-01 revised.

The Marquette Motor Lodge had revised their original site plan and these changes were discussed, i.e.: angle parking, landscaping and parking

VI. PUBLIC COMMENT

Mark Maki of 370 Karen Road, Marquette, Michigan voiced his displeasure at not having access to the materials presented before the Zoning Board of Appeals' meeting for this evening. He stated that this public hearing was in violation of the law as he could not have access to the records. The fact that he was unable to review these materials makes it impossible for him to have any public comment. He stated he wanted a copy of the cassette recording taken by the recording secretary during each Zoning Board of Appeals meeting.

Although Mr. Maki did not have the necessary information, he believed that the Marquette Motor Lodge should be presenting itself to the Planning Commission and not the Zoning Board of Appeals.

VII. UNFINISHED BUSINESS – None.

VIII. NEW BUSINESS

A. Class A Non-Conforming Classification/entrance renovation #05-01 revised.

Dan Maki asked if this revision does indeed belong before the Planning Commission and not the Zoning Board of Appeals. Pursuant to Randy Yelle, once the Class change has been granted by the ZBA, then the Marquette Motor Lodge will present itself to the Planning Commission.

Dan Maki Motioned, Albert Denton Seconded, to approve the revised Entrance Renovation of the Marquette Motor Lodge 5057 US-41 South, as presented in the Revised Site Plan dated May 5, 2005 by Northern Design Works project number 0421.

Aye 3, Nay 0. Motion approved.

IX. PUBLIC COMMENT – None.

**X. TOWNSHIP BOARD MEMBERS COMMENT
PLANNING COMMISSION MEMBERS COMMENT**

Dan Maki asked Randy Yelle about zoning materials he was interested in of which Mr. Yelle stated was forthcoming.

XI INFORMATIONAL REPORTS AND COMMUNICATIONS

A. Information – MTA Legislative Updates

Randy Yelle stated there was information to review in the handouts. .

B. Information – New Zoning Board of Appeals Alternate. The ZBA was pleased to hear that Lois Sherbinow has agreed to become an alternate.

XII. ADJOURNMENT

Michele Wietek adjourned the meeting at 7:44 p.m.

Respectfully submitted:

Albert Denton, Acting Secretary

Lori DeShambo, Recording Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF JUNE 23, 2005**

- I. Meeting called to order by Carol Hicks at 7:32 in lieu of the absence of Michele Wietek p.m. in the meeting room of the Township Hall. Carol Hicks would be the acting chair for this evening's meeting with Al Denton presiding as acting secretary.**

Members present: Michele Wietek (albeit 5 minutes late) William Sanders , Carol Hicks and Albert Denton

Members absent: Dan Maki

Also present: Randy Yelle, Zoning Administrator and Lori DeShambo, Recording Secretary.

- II. ROLL CALL – Noted as above – substitution of positions in lieu of member absences.**

- III. APPROVAL-MINUTES OF the May 26, 2005 MEETING**

Al Denton Motioned, Bill Sanders Seconded that the May 26, 2005 Minutes be approved. Aye 3, Nay 0. Motion approved.

- IV. APPROVAL OF AGENDA**

Al Denton Motioned, Carol Hicks Seconded that the Agenda be approved as is.

- V. SCHEDULED PUBLIC HEARING**

A. Variance #2005-02. Jim Pickett of 9433 U.S. 41 South spoke out above his request for a variance for the construction of a single family dwelling.

- VI. PUBLIC COMMENT**

Carol Hicks addressed the public – any comments? There were none, thus, public comment was closed at 7:34 p.m. Note at this time, arrival of Michele Wietek at 7:35 who presumed chair.

- VII. UNFINISHED BUSINESS -None**

- VIII. NEW BUSINESS**

A. Variance #2005-02

Jim and Dawn Pickett of 9322 U.S. 41 South, are requesting a 70-foot lot variance to allow for a single family dwelling on a 9.77 acre parcel number 52-02-121-068-66, with a 230 foot lot width on Little Lake Road.

Per Randy Yelle, said property was in dispute during a divorce and underwent a parcel split in December of 1977. The new Township ordinances were adjusted in May of 1977. It was properly assumed at that time in 1977 that the attorneys involved in the divorce did not think to have the new quit claim deeds drawn up during the divorce reviewed by the Township regarding lot size and registers the deeds with the county. Therefore, being that this lot was created after the adoption of the Zoning Ordinance, it requires a variance. .

Michele Wietek asked the Pickett's if this would be a sectional home of which they responded yes.

Carol Hicks asked the Pickett's how long ago did they purchase this land of which the response was six months ago. They had no idea that they would encounter a variance problem.

Bill Sanders pointed out that there must have been three owners of that property prior to the Pickett's purchasing and this 70-foot lot variance must have been overlooked for many years.

Al Denton Motioned and Michele Wietek Seconded finding evidence supporting practical difficulty and unnecessary hardship, the requested 70-foot variance 2005-02 is approved, allowing a single family dwelling on parcel number 52-01-121-068-00 with a front lot width on

Little Lake Road of 230 feet rather than the 300 feet required by the Chocolay Township Zoning Ordinance. Aye 4, Nay 0. Motion approved.

At this time, Bill Sanders directed a conversation to Randy Yelle regarding particular language found in this month's agenda regarding single family homes, sectionals and mobile homes. Mr. Sanders simply commented to ensure all Zoning Board of Appeals members are on the "same page" as to the language and it's meaning as far as placement of homes on property.

IX. PUBLIC COMMENT - None

**X. TOWNSHIP BOARD MEMBERS COMMENT
PLANNING COMMISSION MEMBERS COMMENT**

Carol Hicks complimented Randy Yelle on the thoroughness of this month's packet commenting that all questions he may have asked were covered in the agenda packet.

Bill Sanders remarked that the Comprehensive plan would be put before the Commission on August 4, 2005.

XI INFORMATIONAL REPORTS AND COMMUNICATIONS

A. Information – MTA Legislative Updates

XII. ADJOURNMENT

Michele Wietek adjourned the meeting at 7:44 p.m.

Respectfully submitted:

Carol Hicks, Secretary

Lori DeShambo, Recording Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF JULY 28, 2005**

I. Meeting called to order by Michele Wietek at 7:31 p.m. in the meeting room of the Township Hall.

II. ROLL CALL

Members present: Michele Wietek, William Sanders, Carol Hicks, Dan Maki and Albert Denton

Members absent: None

Also present: Randy Yelle, Zoning Administrator and Lori DeShambo, Recording Secretary.

III. APPROVAL-MINUTES OF THE JUNE 23, 2005 MEETING

It was noted that the minutes of the Zoning Board of Appeals meeting of June 23, 2005 reflected an adjournment of the meeting at 8:44 p.m. The precise time this meeting ended was at 7:44 p.m.

Albert Denton Motioned, Carol Hicks Seconded that the minutes of the June 23, 2005 meeting are approved with the above referenced time closing adjustment. Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA

Bill Sanded Motioned, Albert Denton Seconded that the agenda for the July 28, 2005 Zoning Board of Appeals meeting be approved. Aye 5, Nay 0 Motion approved.

V. SCHEDULED PUBLIC HEARING

A. Variance number 2005-03

Randy Yelle advised the Zoning Board members that variance number 2005-03 was a request to extend an existing garage. Albert Denton asked Mr. Yelle is there were any problems with the size of an extended garage in comparison with the existing home which Mr. Yelle stated there would not be.

B. Variance number 2005-04

Randy Yelle explained to the Zoning Board members that Peggy Loy of Century 21, representing the buyer of said property, is requesting a variance for the building of an addition on a cottage located at 320 Shot Point. Mr. Yelle went into detail as to the setback limits, Lake Superior Shoreline/Dune Protection Overlay District not applying to Shot Point and that the

parcel is currently zoned LS/R. It was his recommendation to deny the request to build an addition due to the fact that the cottage is currently non-conforming structure stating that the rear of the building is built on the property line and the required 30-foot water setback is not there as it's only 25 feet to the waters edge.

Donna Heikkila of 200 Shot Point (and a representative of Century 21/Prime Realty) stated to the Zoning Board of Appeals that she was in attendance at this meeting not as representative of Elaine Hodge but that of a knowledgeable real estate agent familiar with setback limits, codes, etc.

Ms. Heikkila made several statements: this property should be grandfathered; therefore, the rules do not apply to the Hodge property and that this cottage can be sold if the buyers can build upwards (apparently the cottage is small) or add an addition.

Mr. Yelle advised that a neighbor of Ms. Hodge had called him and stated they did not approve of an extension to the cottage.

Peg Loy (Century 21) of 329 W. Washington Street, Marquette, asked the ZBA why she could not improve the structure that was currently there so she could sell the parcel/structure and generate more revenue for the Township.

Michelle Wietek intervened at this time stating there would be time in the upcoming agenda to address these issues and the agenda is to be followed.

VI. PUBLIC COMMENT

Michele Wietek addressed the public – any comments? There were none, thus, public comment was closed.

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS

- A. Variance number 2005-03
- B. Variance number 2005-04

Variance number 2005-03 proposes to extend an existing garage to accommodate the parking of a boat in the garage. Mr. Yelle provided the requested details to the ZBA members with the members asking several questions, i.e; were the photographs provided recent, exactly how far back of a variance is the applicant asking for, what is situated behind the applicant's property where the garage is, concerns of the neighborhood and the aesthetics of extending the building.

One concern was raised by Albert Denton who pointed out that eve ducts would have to be added to control the flow of water. The applicant stated he had no problem with making sure the addition/extension had the proper water drainage equipment.

Bill Sanders Motioned, Dan Maki, Seconded, approving Variance #2005-03 allowing the addition to the rear of the existing garage of eighteen (18) feet, therefore granting a side setback variance of seven (7) feet and a rear setback variance of four (4) feet. Finding practical difficulty and unnecessary hardship, whereas the existing garage was built prior to the adoption of the ordinance and whereas, offsetting the addition would look like an afterthought and whereas shorting the requested depth could not allow for the boat and trailer to be parked inside the addition. That control of the rain water run off onto the adjoining property.
Aye 5 Nay 0. Motion approved.

Variance number 2005-04 is requesting a variance to allow the building of an addition on a cottage located at 320 Shot Point. Michelle Wietek addressed the ZBA members asking them if they had any questions or concerns. The conversation was turned over to Randy Yelle at that time who advised that he had visited the lot/site in question, had measured the property, and noted that the structure had been moved due to the severe weather and finished with the fact that the cottage is a non-conforming structure.

Discussion was had regarding the request for an addition that would be impossible to grant, however, it would be possible to go up, extending the existing ceiling and making the structure taller rather than out as an addition, however, this structure was still non-conforming.

Carol Hicks advised that this structure (cottage) had been constructed by an officer from K.I. Sawyer AFB when the base was operating. This building was constructed without Zoning and Building Permits.

Dan Maki asked about the position taken by the neighbors of which Donna Heikkila answered. She also volunteered that the potential buyer of this cottage is a tall man and that he would like to purchase the cottage as a summer home.

Peggy Loy asked the ZBA members if Elaine Hodge would be allowed to add a second floor to the cottage including a bedroom. Mr. Yelle pointed out that this is still a non-conforming structure.

Carol Hicks asked Ms. Heikkila if she knew what the value of the land was without the cottage on it. Ms. Heikkila stated that she does not want to sell the property without the building, because without the building, only the rich would be able to buy it.

If a variance were granted to allow a second story, the following issues were raised: the DEQ would become involved and the health department along with the County Building Codes Department, and the fact that they would require a new septic system.

Mr. Heikkila stated that property taxes have been paid on that land for 17 years. They should have the ability to at least raise the ceiling and be able to sell the property with the existing building.

Bill Sanders advised that if this cottage were changed from its Class B to a Class A structure, the building could be expanded with the proper permits.

Michelle Wietek pointed out that if a Class A were permitted, then the owners would be open for other changes.

More discussion was had between the ZBA members regarding non-conforming and set back feet.

Dan Maki pointed out that a hardship has been pointed out to the members in that this house was built before the ordinance was adopted in May of 1977.

Michelle Wietek stated that the life expectancy of this house is limited as it sits so close to the water.

Carol Hicks pointed out that if the structure was changed from B to A, it does not create a problem as A allows a further investment.

Again, more discussion was had between the ZBA members as to their thoughts and which direction to go in as far as adjusting the classification, granting a variance to raise the roof or add an addition.

At this time, Michelle Wietek asked the ZBA members if they could make a decision.

Carol Hicks made a motion to adjust the classification from the Class B non-conforming to a Class A non-conforming structure. Bill Sanders supports adjusting the classification.

Michelle Wietek stated that she was not comfortable approving that if we are not going to be tying it in with the other ...

All members discussed at the same time that two issues were being addressed in this variance allowance.

Michelle Wietek advised that we have a motion and we have it seconded. (Bill Sanders supports adjusting classification and raising the roof.) Aye 5, Nay 0. Motion approved.

Carol Hicks made a motion, Bill Sanders Seconded that variance number 2005-04 for 320 Shot Point parcel be granted a variance allowing up to a 2' expansion of roof/ceiling.

Aye 5, Nay 0. Motion approved.

IX. PUBLIC COMMENT – None.

**X. TOWNSHIP BOARD MEMBERS COMMENT
PLANNING COMMISSION MEMBERS COMMENT**

None – Closed.

XI INFORMATIONAL REPORTS AND COMMUNICATIONS

- A. Information – MTA Legislative Updates
- B. Maki Fax from City of Munising
- C. Well Testing Golf Courses

XII. ADJOURNMENT

Michele Wietek adjourned the meeting at 8:46 p.m.

Respectfully submitted:

Carol Hicks, Secretary

Lori DeShambo, Recording Secretary

CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF AUGUST 25, 2005

I. Meeting called to order by Michelle Wietek at 7:30 p.m. in the meeting room of the Township Hall.

II. ROLL CALL

Members present: Michelle Wietek, William Sanders, Carol Hicks, Dan Maki and Albert Denton
Members absent: None
Also present: Randy Yelle, Zoning Administrator and Lori DeShambo, Recording Secretary.

III. APPROVAL-MINUTES OF THE JULY 28, 2005 MEETING

Albert Denton Motioned, Carol Hicks Seconded that the minutes of the July 28, 2005 meeting are approved. Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA

It was noted that the agenda for the August 25, 2005 meeting reflected approval of the minutes of June 23, 2005 meeting. This should have read July 28, 2005 minutes.

Michelle Wietek Motioned, Bill Sanders Seconded that the agenda for the August 25, 2005 Zoning Board of Appeals meeting be approved. Aye 5, Nay 0 Motion approved.

V. SCHEDULED PUBLIC HEARING

- A. Variance #2005-05
- B. Variance #2005-06
- C. Variance # 2005-07

A. **Variance #2005-05-** Mr. James Bradbury of 310 W. Wright Place is requesting a 20-foot front set back variance that will allow him to build a new two story single-family dwelling. It has been determined by Mr. Yelle that should this variance be approved, it would be conditional to removing an old existing structure and replacing it with the newly proposed structure.

B. **Variance #2005-06** – Ms. Barbara Carberry of 614 Lakewood Lane would like to split her property. If this were to be approved, Randy Yelle states it is a non-conforming lot that she will be attempting to sell.

C. **Variance #2005-07** – Mr. Bernie Stanaway of 240 West Main Street is requesting a variance for a 20-foot rear setback variance so he could build a 26 foot x 30 garage in his back yard. Randy Yelle advised that the old existing garage would have to be removed prior to building a new garage.

VI. PUBLIC COMMENT

Michele Wietek addressed the public in attendance if they had any issues to comment on and Barbara Carberry who is requesting variance number 2005-06 asked when she would be able to talk. She was advised that under VII – New Business, her request would be addressed.

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS

- A. Variance #2005-05

Randy Yelle advised the Zoning Board members that variance number 2005-05 was a request for a 20 foot variance from Section 300 of the Chocoday Township Zoning Ordinance

requirement of 30 feet to allow the building of a new home at 302 W. Wright Place, 10 feet off the County right-of-way

Randy Yelle pointed out that there is an easement on this property with a right of way. This is a corner lot. It requires a 30 foot setback. The County has no problem with Mr. Bradbury's variance being approved. Mr. Yelle advised that the 10 foot setback was approved by the County.

Bill Sanders asked if this road on the property was a country road. Mr. Yelle advised that this road is not developed; there is nothing there. It is a county easement that may or may not be developed at some future date.

Bill Sanders asked if that road could ever be used. Mr. Yelle stated that yes it could, but there are no plans to develop this area to date.

Carol Hicks advised the Zoning Members that he is currently engaged in the design of Mr. Bradbury's home and, therefore, will have to abstain from voting.

Mr. Bradbury advised that the original building plan has been revised.

Michelle Wietek asked if the new building would be more conforming (legal) than the existing building. Mr. Yelle stated yes, the building will be centered on the lot.

Bill Sanders pointed out that corner lots do not get special exemptions.

Bill Sanders asked Mr. Bradbury if that road next to his home would bother you and he stated no.

Dan Maki Motioned and Albert Denton Seconded to approve Variance #2005-05 allowing the building of a single-family dwelling on parcel #52-02-213-008-00 ten (10) feet from the east lot line, therefore granting a twenty (20) foot variance from the thirty (30) foot required by the Chocoday Township Zoning Ordinance Section 300, sighting practical difficulty and unnecessary hardship. Aye 4, Nay 0 and 1 Abstention. Motion approved.

B. Variance #2005-06

Randy Yelle advised the Zoning Board members that variance #2005-06 was a variance request from Section 300 of the Chocoday Township Zoning Ordinance allowing the creating of a non-conforming lot from the owner's property located at 614 Lakewood Lane. The requested lot would be fronted on M-28 East with a lot width of 101 feet. The Ordinance requires 125 feet with 25,000 sq. ft. required and if approved, this lot will be less than 18,000 sq. ft.

Mr. Yelle advised the Zoning Board members that if the proposed split were approved, it would create a non-conforming lot. Ms. Carberry discussed the issue of her property, where she proposes to split, where her neighbors have split, the size of lots, where septic fields have been placed, variances from M-28, etc.

After much discussion, the Zoning Board members asked Ms. Carberry if this issue could be tabled until the next meeting so the issue could be further investigated. A check with the assessor would be made regarding a split of property located near Ms. Carberry's property. Also investigated would be when this was done and the legality of the split.

Al Denton asked Ms. Carberry if it were okay to table her variance request until the members had an opportunity to fully review the matter and she was kind enough to agree. This variance request will be heard at the next ZBA meeting under VII. Unfinished Business.

Carol Hicks Motioned that we table variance request 2005-06 pending Mr. Yelle's investigation into the neighboring lot to the west as to how and when it was split. Al Denton Seconded the motion. Aye 5, Nay 0. Motion approved.

Michelle Wietek asked Ms. Carberry if she could have the letters of approval from the neighbors so they may be copied and entered as exhibits to the minutes. It was pointed out to

the applicant that opposition had been received by the Zoning Board of Appeals for this split as well and would be worked into the minutes.

C. Variance #2005-07

Mr. Yelle advised this variance request of 2005-07 is a request for a 20-foot rear setback variance from Section 300 of the Chocolay Township Zoning Ordinance. If approved, this would allow the building of a 26 x 30 foot garage in the back yard of Mr. Stanaway, which would put him at 15 feet from the rear lot line rather than the required 35-foot setback.

Mr. Yelle stated that he has received negative feedback from his correspondence to Mr. Stanaway's neighbors.

Michelle Wietek asked if she could see what the correspondence looked like that was sent to Mr. Stanaway's neighbors. Mr. Yelle advised that copies are in the board packets.

Carol Hicks asked Mr. Guy Paananen of 1603 M-28 East (designer of the Stanaway garage) regarding footage behind the existing house on which to build a new garage.

Bill Sanders was interested in the depth of the lot.

Michelle Wietek asked Randy Yelle if the proposed garage meets all the necessary requirements of which Mr. Yelle stated it did.

Motion by Bill Sanders, Seconded by Al Denton, to approve Variance #2005-07 allowing the construction of an accessory building (garage) to be located 15 feet from the rear lot line, therefore, granting a variance of 20 feet from the Zoning Ordinance requirement of 35 feet per Section 300. Sighting lot size deeded prior to the adoption of the Ordinance, therefore, creating a practical difficulty. Aye 5, Nay 0. Motion approved

IX. PUBLIC COMMENT – None.

**X. TOWNSHIP BOARD MEMBERS COMMENT
PLANNING COMMISSION MEMBERS COMMENT**

There were no comments from the Township Board Members. Bill Sanders advised that the Planning Commission has reviewed and approved the Comprehensive Plan.

XI INFORMATIONAL REPORTS AND COMMUNICATIONS

- A. Information – MTA Legislative Updates
- B. Communication;
- C. Reports; Waselesky

Randy Yelle advised the members that an attorney who practices in Marquette and has served on the Zoning Board of Appeals for Sands Township would be interested in being a second alternate to Lois Sherbinow. Her name is Joy Verlinden.

The Waselesky matter was briefly touched on. Randy Yelle had a death in his immediate family recently, therefore, did not have the time to research this topic thoroughly. He did state that there has been progress with the fence. Mr. Yelle will fully apprise the members regarding this issue at the next meeting.

XII. ADJOURNMENT

Michele Wietek adjourned the meeting at 8:25 p.m.

Respectfully submitted:

Carol Hicks, Secretary

Lori DeShambo, Recording Secretary

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF SEPTEMBER 22, 2005**

I. Meeting called to order by Michelle Wietek at 7:31 p.m. in the meeting room of the Township Hall.

II. ROLL CALL

Members present: Michelle Wietek, William Sanders, Dan Maki, Lois Sherbinow and Albert Denton

Members absent: Carol Hicks

Also present: Randy Yelle, Zoning Administrator and Lori DeShambo, Recording Secretary.

III. APPROVAL-MINUTES OF THE AUGUST 25, 2005 MEETING

Dan Maki Motioned, Albert Denton Seconded that the minutes of the August 25, 2005 meeting are approved. Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA

Albert Denton Motioned, Michelle Wietek Seconded that the agenda for the September 22, 2005 Zoning Board of Appeals meeting be approved. Aye 5, Nay 0 Motion approved.

V. PUBLIC COMMENT - None

VI. UNFINISHED BUSINESS

A. Variance #2005-06 (Tabled from the August 25, 2005 meeting)

Randy Yelle addressed this issue with the Chocolay Township Assessor and was told that the parcel that Barb Carberry believes was split was indeed not split nor did the owner of that parcel of property ever intend on splitting the lot.

Barbara Carberry provided an additional letter of support authored by Ann Crandall of 618 Lakewood Lane. She also pointed out that this evening's agenda packet contained two other letters of approval for Mrs. Carberry request to split her lot.

Bill Sanders confirmed with Randy Yelle that Mrs. Carberry's lot presently is non-conforming.

Michelle Wietek asked the public if anyone in attendance is there to support this request of which there were none.

Al Denton pointed out that this issue had been discussed at length during the previous meeting and the ZBA had come to the agreement of waiting to see what the assessor had to say.

Michelle Wietek stated that allowing this variance/parcel split would set precedence for others to request the same.

Michelle Wietek Motioned to deny Variance Request #2005-06 (Tabled from the August 25, 2005 meeting), Albert Denton Seconded because of lack of practical difficulty, no unnecessary hardship, the fact that splitting the lot would add additional road cuts to M-28 and pose potential water and sewer issues as well as creating a non-conforming lot.
Aye 5, Nay 0 Motion to deny variance approved.

VII. NEW BUSINESS - None

VIII. PUBLIC COMMENT

Walter and Kim Racine were in attendance and asked several questions regarding Walt's Auto Body Shop, rezoned to C-2, the setbacks that would be required if the lot were split. The ZBA pointed out to the Racines' that their board was not the board to be talking to; they needed to discuss this issue with Dennis Stachewicz and the Planning Commissioners.

**IX. TOWNSHIP BOARD MEMBERS COMMENT (Dan Maki)
PLANNING COMMISSION MEMBERS' COMMENT (William Sanders)**

X INFORMATIONAL REPORTS AND COMMUNICATIONS

- A. Information – Zoning Map Change. Randy Yelle pointed out that changes have been made to the zoning map
- B. Communication; MTA Updates
- C. Reports; Waselesky. Michelle Wietek asked about the status of Mr. Waselesky and how close he was to completing his commitments. Randy advised that the DEQ went to the Waselesky junk yard as they had been told that he was now taking batteries. Al Denton and Bill Sanders discussed the subject of titles for these junk cars that are being crushed.

Michelle Wietek asked Mr. Yelle if Mr. Waselesky was making progress on the fence. Mr. Yelle advised that he hadn't gotten that far into the conversation or inspection but noted some building materials were on site.

Michelle Wietek wanted to know if the fence would be done by winter of which Mr. Yelle doubted. Michelle Wietek wanted to know if the ZBA was going to grant another extension to Mr. Waselesky. It was not decided upon what action would be taken but that Randy Yelle would be making a house call to remind Mr. Waselesky of his deadline.

XII. ADJOURNMENT

Michele Wietek adjourned the meeting at 7:47 p.m.

Respectfully submitted:

Carol Hicks, Secretary

Lori DeShambo, Recording Secretary

CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF OCTOBER 27, 2005

I. Meeting called to order by Michelle Wietek at 7:30 p.m. in the meeting room of the Township Hall.

II. ROLL CALL

Members present: Michelle Wietek, Lois Sherbinow and Albert Denton, Carol Hicks
Members absent: Dan Maki and Bill Sanders
Also present: Randy Yelle, Zoning Administrator and Lori DeShambo, Recording Secretary.

III. APPROVAL-MINUTES OF THE September 22, 2005, MEETING

Two changes were noted to the September 22, 2005 meeting minutes: Under Section X Informational Reports and Communications; second paragraph of item C, the paragraph should read:

- ✓ Michelle Wietek asked Mr. Yelle if Mr. Waselesky was making progress on the fence. Mr. Yelle advised that he hadn't gotten that far into the conversation or inspection but noted some building materials *were on site*.

Under Section X Informational Reports and Communications; the third paragraph of item C, the paragraph should read:

- ✓ Michelle Wietek wanted to know if the fence would be done by winter of which Mr. Yelle doubted. Michelle Wietek wanted to know if the ZBA was going to grant another extension to Mr. Waselesky. **The actual comment was that Mr. Waselesky had never applied for one so it would be whether the ZBA would review another extension request.**

Al Denton Motioned, Carol Hicks Seconded that the minutes of the September 22, 2005 meeting are approved with the above referenced changes. Aye 4, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA

Michelle Wietek Motioned, Al Denton Seconded that the agenda for the October 27, 2005 Zoning Board of Appeals meeting be approved. Aye 4, Nay 0 Motion approved.

V. PUBLIC HEARING

- A. Variance 05-09
- B. Class A-non-conforming 05-02
- C. Class A-non-conforming 05-03
- D. Variance 05-08
- E. Class A-non-conforming 05-04

Michele Wietek narrated the 5 items that would be heard during this meeting. Mr. Yelle laid out the variance request of Jill Hendrickson (05-09).

Carol Hicks stated that he had to abstain from voting as he was the designer of this home. He may comment on the variance request, however, may not vote. He pointed out that all other members of the Zoning Board of Appeals must be in unison for a motion to pass with his abstention.

Jill Henderickson demonstrated to the ZBA members a map outlining the proposed change. Carol Hicks explained the layout of the home to the members.

Mr. Yelle next addressed 05-02 and 05-03 (Class A nonconforming – Steve Wahlstrom) Mr. Wahlstrom is asking that his property be placed as Class A non-conforming so he may present to the Planning Commission the proposed changes he would like to make to his business.

Lee Jay Blondeau and Walt Racine supported this change. So did Steve Wahlstrom.

The next issue briefly discussed was 05-08 (Variance to create a non-conforming lot, splitting 75 feet x 530 feet). Mr. Wahlstrom presented to the ZBA members a site plan taking off the building currently titled Sweets & Treats as a potential buyer for Wahlstrom's restaurant does not want the hardship of a non-conforming building and this would prohibit the selling of the restaurant.

Mr. Yelle presented 05-04 (Class A non-conforming use allowing the single-family apartment with the Sweets & Treats building.)

Lee Jay Blondeau requested time to address the ZBA members regarding the above issues once the panel had discussed the requests and was given approval.

VI. PUBLIC COMMENTS - None

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS

- A. Variance 05-09
- B. Class A-non-conforming 05-02
- C. Class A-non-conforming 05-03
- D. Variance 05-08
- E. Class A-non-conforming 05-04

Variance Request 05-09 was discussed by Mr. Yelle and the ZBA members. As the site plan looks good and there are no other options for Jill Hendrickson, the following motion was made:

Motion by Al Denton, Seconded by Lois Sherbinow to approve variance #05-09 granting a four (4) foot front yard setback variance from the third (30) foot required within the open space district Section 300 of the Chocolay Township Zoning Ordinance. Finding partial difficulty and unnecessary hardship, whereas this non-conforming lot has a frontage of 100 feet and depth of 150 feet with Lake Superior dunes to the north and M-28 to the south, this lot was created prior to the present Zoning Ordinance therefore is considered buildable.

Aye 3, Nay 0, Abstention 1. Motion passed

Carol Hicks asked how best to address the four (4) separate requests by Steve Wahlstrom. It was noted that Class A Non-Conforming structure request 05-02 and Class A Non-Conforming structure request 05-03. Mr. Hicks noted the lot split request which does not have the required frontage and offered another option utilizing an L shape outline. Carol Hicks asked Randy Yelle if this suggestion would meet the ordinance. Mr. Yelle did not think the Township assessor would approve due to depth. Michelle Wietek pointed out that this parcel could be made conforming using the suggestions of Carol Hicks. Mr. Denton pointed out if this variance is denied this evening, Mr. Wahlstrom would simply represent with an L shaped design in the near future.

Lee Jay Blondeau addressed the ZBA members that there are many zoning issues related to non-conforming structures along the highway in Harvey and that most of the owners are not even aware of this. The comprehensive plan commission was told of this and Mr. Blondeau had asked that this be included in the new plan.

Steve Wahlstrom pointed out that his business was conforming *before* the highway was moved.

Motion by Carol Hicks, Seconded by Michelle Wietek to approve Class A Non-Conforming structure request 05-02. Granting a Class A non-conforming structure classification to Sweets & Treats building located at 5045 US 41 South Chocolay Township. Owner must comply with Sections 601 through and including 604 of the Chocolay Township Zoning Ordinance. Sighting unnecessary hardship complying with the Zoning Ordinance front setback requirement of 40 feet. Aye 4, Nay 0. Motion Approved.

Motion by Carol Hicks, Seconded by Michelle Wietek to approve Class A Non-Conforming structure request 05-03. Granting a Class A non-conforming structure classification to Wahlstrom's Restaurant building located at 5043 U.S 41 South Chocolay Township. The owner must comply with Sections 601 through and including 604 of the Chocolay Township Zoning Ordinance, sighting practical difficulty and unnecessary hardship with complying with the required 40 foot front setback
Aye 4, Nay 0. Motion Approved.

Variance 05-08 is a request to allow the creation of a non-conforming lot splitting of 75 feet x 530 feet. Mr. Wahlstrom will bring the depth of the requested lot to 300 feet if necessary to meet the 1 to 4 depth to width requirement.

Motioned by Al Denton and Seconded by Lois Sherbinow, to disapprove variance request #05-08 allowing the creation of a non-conforming lot housing a Class B non-conforming use for the follow reasons:

- 1) No practical difficulty is noted.
- 2) No unnecessary hardship is noted.
- 3) Property is marketable as is, without creating a non-conforming lot, this lot, houses a Class B non-conforming structure/use.
- 4) The owner has other options to alter his property and based on Sections 601 through and including 604 of the Chocolay Township Zoning Ordinance laid out in variance approval for 05-02 and 05-03
Aye 4, Nay 0. Motion is denied.

E. Class A-non-conforming 05-04 is requesting a Class A non-conforming use classification allowing him to maintain the existing apartment (Single-Family) that shares the building with Sweets & Treats, at 5045 US 41 South Marquette, Michigan 49855.

Motion by Carol Hicks, Seconded by Al Denton, to approve Class A non-conforming use request #05-04 allowing the operation of a single-family dwelling rental unit occupying the back half of the Sweets and Treats building within a commercial zoned district for the following reasons:

- 1) It is a practical difficulty.
- 2) Unnecessary hardship is noted by the owner

Aye 4, nay 0. Motion is approved.

IX. TOWNSHIP BOARD MEMBERS COMMENT (Dan Maki) – None as Dan Maki was not in attendance

PLANNING COMMISSION MEMBERS' COMMENT (William Sanders) None as Bill Sanders

X INFORMATIONAL REPORTS AND COMMUNICATIONS

A. Communication; MTA Updates

XII. ADJOURNMENT

Michele Wietek adjourned the meeting at 8:20 p.m.

Respectfully submitted:

Carol Hicks, Secretary

Lori DeShambo, Recording Secretary