

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
Tuesday, May 3, 2011
7:00 PM**

I. Meeting Called to Order

Mrs. Wietek-Stephen called the meeting to order at 7:00 pm

II. Roll Call

Present: Chairperson: Michele Wietek-Stephens, Vice Chairperson: Karen Alholm, Kendal Milton, John Trudeau and Lee Snooks.

Staff: Jennifer Thum, Planner/Zoning Administrator

III. Approval of Agenda

Mrs. Karen Alholm moved, Mrs. Wietek-Stephens seconded, to approve the May 3, 2011 Agenda.

Ayes 5 Nays 0 Motion Approved

IV. Approval of December 16, 2010 Minutes

Mrs. Alholm moved and Mr. Milton seconded to approve the December 16, 2010 minutes with the suggested changes from the Board.

Ayes 5 Nays 0 Motion Approved

V. Public Comment

None

VI. Public Hearing

A. 2011-01

Mr. and Mrs. Dan Maki, 312 Kawbawgum Rd., Marquette MI, parcel 52-02-018-007-00, are requesting a dimensional variance from the Chocolay Township Zoning Board of Appeals to construct an addition to an existing single family resident. The existing residence is 40 feet from the water's edge and the proposed addition would be a minimum 64 feet from the water's edge. The applicants are seeking a variance from Section 6.8 Waterfront Setback of the Chocolay Township Zoning Ordinance, which requires any structure to be a minimum of 100ft from the water's edge.

Mrs. Thum went over the request and explained the current Township Zoning Ordinance regulation with regards to the township's water bodies, lakes and river, and residential and commercial structures, whereas the old ordinance exempted existing structures. She also explained that the neighboring structures are also approximately the same location as the applicant's camp.

Mrs. Wietek-Stephens asked if this was a full time or seasonal camp and what the status is of the neighboring homes. The applicant, Mr. Maki explained that pretty much the surrounding homes are seasonal with the exception of the Lynch's to the East.

The applicant's explained why they are looking to add onto the camp and the proposed addition is proposed to be built to the North of the

existing camp. Also as part of the proposal the rear porches will be removed and therefore reducing the impact on the water's edge. The roof line would be the same and the siding would be log and blend in with the neighboring homes.

Public hearing closed

B. 2011-02

Mr. and Mrs. Randell Gentz, 353 Gentz Road, Marquette, MI, parcel #52-02-120-014, are requesting a dimensional variance from the Zoning Board of Appeals to have their existing house on a 5 acre parcel in the Agricultural/Forestry (AF), zoning district where the zoning ordinance requires a 20 acre minimum. The applicants are seeking a variance from Section 6.1 General Provisions, minimum lot size.

Mrs. Thum explained the history of the Township Comprehensive Plan and that the residents wanted the Township to remain rural. Also that it recommended that the various Zoning District that represent the rural areas of our Township be condensed into one District and have a larger acreage requirement, the Township settled on the 20 acre lot requirement.

Mrs. Thum also talked about there is a proposal from the Comprehensive Sub-committee to create an AF2 District that would set the lot requirements around 10 acres. It was pointed out that the Gentz's property would not be part of this, but that is subject to change as the map is only in Draft form. The map has to be approved by the Planning Commission and then the Township Board.

Mrs. Thum stated that the Gentz's have a unique situation in that they have a commercial operation on the same lots as their home, whereas they are not trying to make a profit. They are seeking a request because they would like to have only a home mortgage for their home instead of the commercial one. Their bank has recommended that a 5 acre parcel would work best.

The applicants stated that they would like to separate their home from the golf course in order to get a better home mortgage rate, and they are not planning on selling the home. They stated that they were unaware of the zoning ordinance change, until the surveyor told them.

Public hearing closed

VII. Unfinished Business

None.

VII. New Business

A. 2011-01 (312 Kawbawgam Road)

There was further discussion on the proposed variance request and the current ordinance language and previous variances granted.

Mr. Snooks asked about an alternative to adding onto the existing structure, the applicant stated that the existing home would be torn down and moved.

Mr. Trudeau stated that he did not have any problems with the proposed addition encroaching on the 100ft water's edge setback because it's an existing structure. He would not be in favor of a reduction of the waterfront setback if it was a new home.

Mr. Trudeau, moved, Mr. Milton, seconded, that after conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for Variance request #11-01 the Zoning Board of Appeals **finds** that the request **demonstrates** the standards found in Section XIV and XV of the Township Zoning Ordinance and hereby approves variance request #11-01 with the following findings of fact:

The Findings of Fact:

1. All fees, notifications and publication requirements of the ordinance have been met. The Township did receive two written responses from neighboring residents who are in support of the proposed project. These letters were read at the meeting under public comments.
2. Subject property is located in the Waterfront Residential District, (WFR) Zoning District and is approximately .56 acres.
3. The applicant is requesting a dimensional variance from the 100ft Waterfront setback, Section 6.8. of the Chocoday Township Zoning Ordinance.
4. The applicants will seek assistance from the Superior Watershed Partnership if they experience any erosion problems.
5. Special conditions and circumstances exist that are peculiar to 312 Kawbawgam Road, a single-family dwelling which is not applicable to other lands, structures or buildings in the same district.
 - a. The dwelling was built prior to the Township Zoning Ordinance
 - b. The neighboring residential dwellings are set approximately the same distance from Kawbawgam Lake.
 - c. The proposed addition is proposed to be in front of the house and not behind the house, therefore is not increasing its proximity to the water's edge, but reducing it.

Ayes 5 Nays 0 Motion Approved

B. 2011-02

The applicants went over the reasons why they are seeking the dimension variance request. They stated that the bank recommended that they seek a lot size reduction in order to qualify for a better rate on their mortgage. They are trying to separate their home from their business.

Mrs. Thum stated that there was a letter of support from a neighboring parcel and she had two phone calls in support of the proposed variance.

Mrs. Wietek-Stephens asked why they could not get a home mortgage for a 20 acre parcel since the proposed 5 acre parcel would include part of the golf course, as would the 20 acres.

Mr. Trudeau felt that since the Gentz's golf course existed before the zoning ordinance change the lot size requirement affected a lot of parcels that he did not have any problems with the variance request.

There was a comment about the potential of spot zoning in and that variances are not supposed to be granted if the reason has to do with financial.

The applicant stated that there are neighboring parcels in the vicinity that have less than 5 acres and a couple of them were split from their parcel prior to his parents selling it to them.

Mr. Milton expressed his concern about the proposed variance and that they were operating as a commercial operation on the same lot as their home, the problem is with the bank not wanting to give them the right loan and not with the Zoning Board of Appeals.

There was further discussion on whether zoning variances should be granted because of financial reasons.

The applicants stated that they were here before them because the bank suggested it and it would allow them to get a better interest rate.

Mrs. Wietek-Stephens, moved, and Mr. Milton seconded, that After conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for Variance request #11-02 the Zoning Board of Appeals **does not find** that the request **demonstrates** the standards found in Section XIV and XV of the Township Zoning Ordinance and hereby denies variance request 11-02 for the reasons stated above.

Ayes 3 Nays 2 (Snooks, Trudeau) Motion Approved

IX. Public Comment

None

X. Township Board /Planning Commissioners Comment

There was some further discussion on the 2008 Zoning Ordinance.

XI. Informational-Zoning Administrator Comments

None

XII. Adjournment

Mrs. Wietek-Stephens adjourned the meeting at 8:00pm.

CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS

Thursday, May 26, 2011

7:00 PM

I. Meeting Called to Order

Mrs. Wietek-Stephen called the meeting to order at 7:00 pm

II. Roll Call

Present: Chairperson: Michele Wietek-Stephens, Vice Chairperson: Karen Alholm, Kendal Milton, John Trudeau and Lee Snooks.

Staff: Jennifer Thum, Planner/Zoning Administrator

III. Approval of Agenda

Mr. John Trudeau moved, Mrs. Alholm seconded, to approve the May 26, 2011 Agenda.

Ayes 5 Nays 0 Motion Approved

IV. Approval of May 3, 2011 Minutes

Mrs. Wietek-Stephen moved, and Mr. Milton seconded, to approve the May 3, 2011 minutes with the suggested changes from Mrs. Wietek-Stephen.

Ayes 5 Nays 0 Motion Approved

V. Public Comment

None

VI. Public Hearing

A. 2011-03

Ms. Erin Gutzman, 284 Little Lake Road, Marquette MI, parcel 52-02-126-006-00, are requesting a variance from the Chocolay Township Zoning Board of Appeals (11-03). The applicant is seeking a variance from Section 6.1 General Provision, Footnote #6, "no detached structures shall exceed the exterior perimeter dimensions of the principal structure on the lot. The applicant would like to construct a detached garage that would be 1,024 square feet and the existing single-family residence is 880 square feet.

The applicant, Ms. Gutzman stated that she would like to construct a garage larger than her home. She lives in the AF District and has 5 acres. She feels that the proposed garage would not look out of place in her area because there are a number of large garages and pole barns. She stated that she is requesting the large garage to put her snow blower, two personal vehicles, and a boat plus other equipment a building, out of the site of her neighbors.

Marilyn Gentz, 284 Little Lake Road, stated that she is in favor of this request and read a letter that she had written to the ZBA. She stated that this area in our Township is rural and is not sure why the

ordinance does not allow large outbuildings especially in the Agricultural areas.

Public hearing closed

VII. Unfinished Business

None.

VII. New Business

2011-03 (Gutzman, 284 Little Lake Road)

Mrs. Thum went over the request and explained the current Township Zoning Ordinance regulation with regards to the Township's policy on detached accessory structures and that it's been part of our Township ordinance for some time. Mrs. Thum went over the neighboring structures including the square footage of the neighboring garages and pole barns. She also went over what the standard garage size is for residential homes.

Mr. Snooks asked about the construction of the garage and what would happen to the existing shed that was on the property.

Mrs. Alholm inquired why a normal size garage would not work for the applicant.

The applicant stated why she is requesting a larger garage than most, she explained that her home is smaller than most as well. Ms. Gutzman also stated that the home was moved to its current location before the zoning ordinance was in effect. The garage would allow her to locate her boat, winter toys, two personal vehicles and her snow blower into a building and out of the sight.

There was further discussion on the size of her home and that it's smaller than most and that the proposed garage would help improve the overall aesthetics of that area.

Mrs. Alholm, moved, Mrs. Wietek-Stephens, seconded, that after conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for Variance request #11-01 the Zoning Board of Appeals **finds** that the request **demonstrates** the standards found in Section XIV and XV of the Township Zoning Ordinance and hereby approves variance request #11-03 with the following findings of fact:

The Findings of Fact:

1. All fees, notifications and publication requirements of the ordinance have been met. The Township has not received any letter(s) in support or opposed to this variance request.
2. Subject property is located on approximately 5.37 acres and is a legal non-conforming lot.
3. The applicant is requesting a variance from Section 6.1 General Provision, Footnote #6, "no detached structures shall exceed the exterior perimeter dimensions of the principal structure on the lot. The applicant would like to construct a detached garage that would be 1,024 square feet and the existing single-family residence is 880 square feet

4. Special conditions and circumstances exist that are peculiar to 284 Little Lake Road, a single-family dwelling which is not applicable to other lands, structures or buildings in the same district.
 - a. The dwelling was built prior to the Township Zoning Ordinance.
 - b. The home is unusually small for a single family residence
 - c. The proposed detached garage would improve the aesthetics of the lot and the overall area, as the current equipment and vehicles that are stored outside will now be stored inside.
 - d. The Township has issued other ZBA variances dealing with the same issue.

Conditions of Approval

- a. The proposed garage is required to meet the setback distance that are set forth for the AF District and will contact the Zoning Administrator to verify the footing holes are at the correct location.
- b. The applicant is required to remove the temporary garage and shed as the Township does not have a permit for it.
- c. The applicant is required to obtain all necessary county building permits that may be required.

Ayes 5 Nays 0 Motion Approved

IX. Public Comment

None

X. Township Board /Planning Commissioners Comment

There was some further discussion on having different requirements for the size of outbuildings. The zoning board members asked Mr. Milton to talk to the Planning Commission to look into this issue.

XI. Informational-Zoning Administrator Comments

Mrs. Thum stated that the Township Board appointed Mr. Max Engle to the Planning Commission, he replaced Mrs. Estelle DeVooght who has decided not to have another term on the Commission.

XII. Adjournment

Mrs. Wietek-Stephens adjourned the meeting at 7:40pm.

Michele Wietek-Stephens

CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS

Thursday, September 22, 2011

7:00 PM

I. Meeting Called to Order

Mrs. Wietek-Stephen called the meeting to order at 7:00 pm

II. Roll Call

Present: Chairperson: Michele Wietek-Stephens, Lee Snooks and Geno Angeli

Staff: Jennifer Thum, Planner/Zoning Administrator

III. Approval of Agenda

Mrs. Wietek-Stephens moved, and Mr. Geno Angeli seconded, to approve the September 22, 2011 Agenda.

Ayes 3 Nays 0 Motion Approved

IV. Approval of May 26, 2011 Minutes

Mrs. Wietek-Stephen moved, and Mr. Snooks seconded, to approve the May 26, 2011 minutes as written.

Ayes 3 Nays 0 Motion Approved

V. Public Comment

None

VI. Public Hearing

VII. New Business

A. 2011-04

Mr. and Mrs. Leo Goodwin, 6409 US 41S, Marquette, Marquette MI, parcel 52-02-121-009-00, are requesting a dimensional variance from the Chocolay Township Zoning Board of Appeals (11-04). The applicants are seeking a variance from Section 6.1 General Provisions, Section 6.1: Height and Placement Regulations of the R-1 Zoning District. According to the Ordinance their residence at 6409 US 41S is considered a corner lot and must meet the front yard setback regulations on both streets. Their home does not meet the front yard setback on Basil Road. They would like to build an addition onto their existing single family residence. The existing residence

is 22 feet from the front property line along Basil Road and the proposed addition would also be 22 feet from the front property line.

The applicant, Mr. Leo Goodwin, discussed his project and need for the additional room.

Mrs. Thum discussed the application and the setback requirements for corner lots. The proposed addition would not change the character of the neighborhood as majority of the homes in that area are about the same distance from the US 41S and Basil Road.

The ZBA members looked at the pictures of the current home and discussed the location of the proposed addition in relationship to the lot lines and neighboring lots. Mrs. Weitek-Stephens asked about the location of the proposed addition and if it would encroach further into the road than the home does.

Mrs. Thum stated that the proposed addition would not encroach into the setback further than what the current home does.

The ZBA members had further discussion about the overall location of the homes in that area and felt there were a couple of homes that were setback further than the Goodwin's home. Some of the homes are setback at the same distance, but majority if the homes were setback off of Basil Road.

Item was tabled until, September 29, 2011 for a special ZBA meeting to review # 2011-04 variance requests and hold a public hearing.

VIII. Unfinished Business

None.

IX. Public Comment

None

X. Township Board /Planning Commissioners Comment

None

XI. Informational-Zoning Administrator Comments

None

XII. Adjournment

Mrs. Wietek-Stephens adjourned the meeting at 7:40pm.

**CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS**

**Thursday, September 29, 2011
7:00 P.M.**

I. Meeting Called to Order

Mrs. Wietek-Stephen called the meeting to order at 7:00pm

II. Roll Call

Present: Chairperson: Michelle Wietek-Stephens, Vice Chairperson, Mrs. Karen Alholm, John Trudeau, Geno Angeli, and Kendell Milton.

III. Approval of Agenda

Mrs. Alholm moved, and Mr. Trudeau seconded, to approve the agenda as written for the September 29, 2011 meeting.

Ayes: 5 Nays: 0

IV. Approval of September 22, 2011 Minutes

Mrs. Wietek-Stephens moved, and Mr. Angeli seconded, to approve the minutes with one change.

Ayes: 4 Nays: 0 Abstained: 1 (Alholm absent from 9-22-11 meeting)

V. Public Hearing

2011-04

Mr. and Mrs. Leo Goodwin, 6409 US 41S, Marquette, Marquette MI, parcel 52-02-121-009-00, are requesting a dimensional variance from the Chocolay Township Zoning Board of Appeals (11-04). The applicants are seeking a variance from Section 6.1 General Provisions, Section 6.1: Height and Placement Regulations of the R-1 Zoning District. According to the Ordinance their residence at 6409 US 41S is considered a corner lot and must meet the front yard setback regulations on both streets. Their home does not meet the front yard setback on Basil Road. They would like to build an addition onto their existing single family residence. The existing residence is 22 feet from the front property line along Basil Road and the proposed addition would be 22 feet from the front property line.

Mr. Goodwin stated why they were requesting a variance and informed the ZBA that they purchased the home after it was constructed, and that was before the zoning ordinance was in place.

Mrs. Thum discussed the ordinance, the Goodwin's lot size, and the location of the proposed addition.

Mrs. Wietek-Stephens stated that this is a continuation from last week's ZBA meeting and that a motion can be made tonight. Then she explained the location of the proposed addition and that it would not increase the non-conformity of the property.

Mrs. Alholm stated that this is a reasonable request due to the size of the lot and the setback requirements.

VI. New Business

A. None.

VII. Unfinished Business

A. Dimensional Variance Request 2011-04

Mr. Trudeau moved, and Mrs. Alholm seconded, that after conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for Variance request #11-04, the Zoning Board of Appeals **finds** that the request **demonstrates** the standards found in Section XIV and XV of the Township Zoning Ordinance and hereby approves variance request #11-04 with the following findings of fact:

The reasons for the approval were:

- 1 All fees, notifications and publication requirements of the ordinance have been met. The Township has not received any letter(s) in support or opposed to this variance request.
- 2 Subject property is located in the Single Family Residential (R-1) Zoning District and is approximately .33 acres and is a legal non-conforming lot. (due to location of home along US 41S)
- 3 The applicant is requesting a variance from Section 6.1 General Provision, Front Yard Setback for the R-1 Zoning District. The applicant's request is to construct a proposed addition onto their home, approximately 210 square feet. It would be 52 feet from the Center Line of Basil Road, whereas the proposed addition would have to be 63 feet from the Center Line of Basil Road.
- 4 Special conditions and circumstances exist that are peculiar to 6409 US 41S, a single-family dwelling which is not applicable to other lands, structures or buildings in the same district.
 - a. The dwelling was built prior to the Township Zoning Ordinance.
 - b. The applicant did not design or build her home.
 - c. The applicant lives on a small corner lot, abutting a major highway and arterial street.
 - d. The Township has issued other ZBA variances dealing with the reduced front yard setbacks.

VIII. Public Comment

None

IX. Township Board Comment/Planning Commissioners Members Comment

None

X. Informational- Zoning Administrator Comments

None

XI. Adjournment

Mrs. Wietek-Stephens adjourned that meeting at 7:15pm.