



**Zoning Board of Appeals
Charter Township of Chocolay**

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on January 23, 2020.

The meeting was cancelled.



**Zoning Board of Appeals
Charter Township of Chocolay**

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on February 27, 2020.

The meeting was cancelled.



Zoning Board of Appeals
Charter Township of Chocolay

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on March 26, 2020.

The meeting was cancelled.



Zoning Board of Appeals
Charter Township of Chocolay

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on April 23, 2020.

The meeting was cancelled.



**Zoning Board of Appeals
Charter Township of Chocolay**

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on May 28, 2020.

The meeting was cancelled.



**Zoning Board of Appeals
Charter Township of Chocolay**

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on June 25, 2020.

The meeting was cancelled.



Zoning Board of Appeals
Charter Township of Chocolay

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on July 23, 2020.

The meeting was cancelled.



**Zoning Board of Appeals
Charter Township of Chocolay**

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on August 27, 2020.

The meeting was cancelled.



**Zoning Board of Appeals
Charter Township of Chocolay**

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on September 24, 2020.

The meeting was cancelled.

CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS
Thursday, October 22, 2020

I. Meeting Called to Order By:

Chairperson Michelle Wietek-Stephens called the meeting to order at 7:00 PM.

II. Roll Call

Members Present:

Michelle Wietek-Stephens – Chairperson
Kendell Milton – Secretary
Mark Maki, Township Board representative
Geno Angeli, member
Paul Charboneau, member
Anthony Giorgianni, alternate

Members Absent:

None

Staff Present:

Dale Throenle, Planning Director / Zoning Administrator

III. Approval of Agenda

Moved by Maki, seconded by Milton, to approve the agenda as written.

Vote: Ayes: 5 Nays: 0 Motion Carried

IV. Approval of Minutes

A. November 1, 2019 Zoning Board of Appeals meeting minutes.

Maki requested a clarification on his motion request on page ten of the minutes. He stated the minutes reflected he seconded a motion regarding the requirement for parking at the property. Throenle stated the reason was Maki said he would second the motion to get the discussion going on that item, then Maki voted against it.

Wietek-Stephens asked staff to review the minutes to clarify that section of the minutes.

Moved by Wietek-Stephens, seconded by Charboneau, to hold off on approving the minutes until the voting record is checked.

Vote: Ayes: 5 Nays: 0 Motion Carried

V. Public Comment

None

VI. Unfinished Business

None

VII. New Business

A. Appointment of Officers

Moved by Maki, seconded by Milton, to appoint Wietek-Stephens as the Chairperson for another year.

Vote: Ayes: 5 Nays: 0 Motion Carried

Moved by Wietek-Stephens, seconded by Charboneau, to appoint Milton as the Secretary for another year.

Vote: Ayes: 5 Nays: 0 Motion Carried

B. Variance Application ZV 20-66

Staff Introduction

Throenle stated Danny and Carol Smith, who reside at 111 West Main Street wished to add an addition on the rear of their conforming structure that would extend ten feet into the waterfront setback.

Throenle gave an overview of the information in the packet. He stated he had sent 51 final notifications out on September 4, 2020 and indicated three were returned as undeliverable two days prior to the meeting. He said there were no comments received from the public via phone, mail, or by email.

He stated the parcel is located at the corner of Green Bay Street and Main Street and is zoned waterfront residential. He pointed out one property located to the northwest of the applicant is zoned residential and that properties across the street on West Main and Green Bay street are also zoned residential.

He stated the structure, the former Harvey railroad depot, was moved to the property prior to the first Township zoning ordinance. Throenle stated the property is in the flood plain, but the structure decision is not affected as the structure and the proposed additions are outside of the flood plain. He stated measurements for the property were taken within the last ten days.

Throenle then proceeded to show pictures of the property with the approximate measurements on the pictures. He pointed out that the rear deck, even though it is in the setback, is not involved in the discussion as the deck is not connected to the principle structure. He explained the slope to the water is approximately 31 feet from the back of the structure, and that it was difficult to see the bottom of the house from the water's edge.

Board Discussion

Wietek-Stephens started the discussion by asking the applicants why the addition should be in the back and not to the sides or to the front. Carol Smith replied that it would be the easiest to manage; the applicants did not want to add onto the front. Danny Smith added that the contractors had recommended that they approach the ZBA first prior to laying out their project. Wietek-Stephens further questioned if the applicants had considered adding the addition on the deck end of the house for the laundry and bathroom. Danny Smith commented that room on the lot would be a potential problem as well as the roof line. He further explained that it would be more expensive; Carol Smith added that the sewer line location would be a problem.

Maki asked for a clarification on the extension. Carol Smith explained that the upper level would be the addition; the lower portion would remain open and the basement would not be expanded. Maki asked how they chose to go twelve feet instead of eight feet. Carol Smith explained the decision was to provide more room, as the dining room was to be moved to that area, the bathroom would be expanded, and the laundry facilities would be moved to the first floor.

Maki asked if the house was only twenty feet wide. Danny Smith replied that it was. He asked if the extension would be twelve by thirty-six, the Smiths confirmed that size. Maki asked if part of that would be the dining room, the extension of the bathroom, and the extension of the living room; the Smiths confirmed that they would.

Milton asked if the extension would be supported by piers; the Smiths replied that would be the plan. They further explained that the area would remain open under the extension.

Wietek-Stephens asked Throenle if he took the measurements from the house to the edge of the bluff; Throenle replied he had. Wietek-Stephens stated it really did not look that big; Throenle further explained the perspective was hard to capture in the photographs, but that the approximate measurements were taken from the house to the edge of the bluff.

Wietek-Stephens expressed a concern regarding the flood plain. She stated she was concerned about erosion of the bank in a flood event and the possibility that future erosion may reach the addition. Carol Smith stated that they saw several flooding events since they have lived in the house and did not experience erosion on the bank. Throenle pointed out that previous flood events and heavy recent rains have not encroached further on the bank. He pointed out that the measurements for the application were taken after five days of rain and that the bank was still heavily vegetated. Carol Smith pointed out that the water rose to the bridge when the Lake LeVasseur dam blew out in the 1980s and that the water did not rise above the bluff.

Maki asked if decks or other additions would be added. Carol Smith explained that no additions would not be added to the deck. Maki further asked what was in the lower area. Carol Smith stated the living room, kitchen, bathroom, and dining area were in the bottom level. She stated the bedrooms and the kitchen were upstairs. Wietek-Stephens asked if water was connected to the kitchen. Carol Smith replied that there was. Charboneau asked for clarification as to the location of the kitchen. Carol Smith stated the kitchen was on the deck end of the house, and Danny Smith pointed out that the stairwell is in the middle of the house; he also indicated where the original foundation was located. Carol Smith pointed out that there was no basement under the kitchen as that was a crawl space.

Maki stated that from a history standpoint many of the houses in that particular area built in the 1910s, 1920s, 1930s, and 1940s were built closer to the river than the applicant.

Wietek-Stephens stated she did not see a need to encroach into the waterfront setback as there were other options, though not the easiest, but doable. Maki replied that the applicants wanted to extend the bathroom, living room, and the dining room and he believed the only way to do that was to extend on the rear side.

Wietek-Stephens replied that the application stated that the applicants wanted to bring the laundry room upstairs and have a handicap-accessible bathroom, and it was possible to do that on the garage side of the property. She understood the desire, but she was not sure as to approval for extending into the setback. Throenle asked Wietek-Stephens to clarify if she was suggesting a second bathroom; Wietek-Stephens replied no. She asked if it would take a twelve foot extension to develop a handicap-accessible bathroom at the current location; Milton replied that three feet was necessary to get to the toilet. Wietek-Stephens stated they had two feet to play with; she was willing to grant a variance for three feet. Angeli asked Wietek-Stephens if she was suggesting expansion toward the chimney side of the house. She said no, as the chimney would present a problem for expansion. She further clarified that she was recommending the kitchen side as the applicants did not want to expand the front. Angeli asked Wietek-Stephens if side expansion would require a variance; she stated the applicants had room on that side to expand without the need for a variance. Angeli stated the costs should be considered as part of the request; Wietek-Stephens reminded the Board that cost cannot be considered as part of the application.

Wietek-Stephens and the Smiths further discussed the location of the bathroom and the expansion effect on the inside of the house. Danny Smith approached the Chair and explained locations of existing and expansions within the house and existing foundations on the application documents.

Maki asked if the documents represented where everything was located. Danny Smith further described where all of the different rooms were located.

Maki stated he was not really concerned about the expansion, except for the justification of the final size of the expansion being eight feet versus twelve feet. He stated all through the period of the 1970s, 1980s, 1990s, 2000s up until 2008 you were exempt from the 100 foot setback because you had an existing building. He said that all structures in 2008 were then required to meet the setback for all additions and structures. He further stated he believed the Smith's house was the only one the Chocoy River area for a mile or so that actually met the waterfront setback. Wietek-Stephens asked if it made sense to make the only compliant house on the river non-compliant. Maki stated he was not concerned about flooding as the house is high enough on the bank to prevent that.

Angeli asked how many feet they were going to be into the setback. Maki replied that the variance would be ten feet. Wietek-Stephens stated that the request was based on the current level of the river but there was only thirty feet of usable space on the bluff, and a good portion of that would be absorbed as part of the project. Throenle displayed the picture with the measurements to the bluff for visual purposes.

Board Decision

Wietek-Stephens motioned, Charboneau seconded, after conducting a public hearing and review of Variance Request ZV 20-66 for parcel 52-02-203-009-00 at 111 West Main Street, Marquette Michigan, the Zoning Board of Appeals denies Variance Request ZV 20-66 with the following findings of fact:

- a) Strict enforcement of the Zoning Ordinance would not cause practical difficulty because there are options at several locations for expansion on the structure*
- and*

b) *Granting the variance would be contrary to the public interest because it would move the structure towards the bank possibly presenting erosion concerns and esthetic concerns making the structure more obtrusive from the river*

and

c) *There are no circumstances unique to this property that would conclude expanding to other sides that would necessitate encroaching into the setback*

and

d) *The variance request is due to actions of the applicant desiring to expand into the easiest location*

Vote: Ayes: 2 Wietek-Stephens, Charboneau

Nays: 3 Milton, Maki, Angeli

Motion Failed

Maki motioned that the variance be granted with the following conditions:

1) No further encroachment beyond twelve feet be permitted, including decks, etc.

2) Bottom below the addition would remain open for the 12 feet of extension

Maki further pointed out that the house is over 100 years old, there is a history of flooding in the lowland area but not at the house, that the house is 20 feet wide, eight feet of expansion is not enough, and that the setback would be 90 feet after expansion, and there would not be impact on the adjoining properties.

Wietek-Stephens asked Maki to address the four findings of facts. Maki stated:

a) Strict enforcement will cause practical difficulty because the only practical place to build the additions to get the desired result is going towards the water

b) The variance would not be contrary to the public interest because they will still have a 90 foot setback which would be greatly in excess of most properties along the Chocolay River

and

c) There are some circumstances unique to this property including the fact the house has been there over 100 years and there is no adjoining property owner on the east side

and

d) The variance request is not due to the owners need for a variance request; the building is there and it is a small house.

Milton seconded the motion.

Vote: Ayes: 3 Milton, Maki, Angeli

Nays: 2 Wietek-Stephens, Charboneau

Motion Passed

VIII. Public Comment

Danny Smith, 111 West Main Street

He suggested the measurements be tied to the flood plain instead of the setback.

Board members discussed the issue briefly, reflecting on insurance and accuracy of the flood plain maps.

Public comment closed at 6:46 pm.

IX. Township Board Member/Planning Commission Member Comments

Mark Maki (Board representative)

Stated this would be his last meeting with the Zoning Board of Appeals as he was not running for reelection to the Board. He expressed he would be moving out of the Township after 44 years, and that it had been quite the experience.

Wietek-Stephens thanked Maki for his service and making meetings interesting for her during Maki's time on the Board.

Kendall Milton (Planning Commission representative)

Milton stated he had no report. Wietek-Stephens asked Milton if the Planning Commission had addressed the tiny house question. Milton stated he brought up the idea, but that were not very many Planning Commission meetings since that occurred, so it has not gone any further.

Wietek-Stephens commented that she stopped by the project on 218 West Fairbanks that was approved at the last meeting and pointed out the project was bold architectural statement.

Angeli asked what happened with the project. different in its look. Wietek-Stephens indicated the project was finished on the outside, and Angeli stated the neighbor across the street was satisfied with the project.

Dale Throenle (Zoning Director)

He stated there would be no meeting in November. He thanked Maki for his service to the Township and expressed thanks for the he had learned from Maki during that timeframe.

X. Informational Items and Correspondence

A. Township Board Minutes – 09.09.19

B. Township Newsletter – October 2019

XI. Adjournment

Wietek-Stephens adjourned the meeting at 7:51 PM.

Respectfully Submitted By:

Kendell Milton, Zoning Board of Appeals Secretary



**Zoning Board of Appeals
Charter Township of Chocolay**

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Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on November 19, 2020.

The meeting was cancelled.



**Zoning Board of Appeals
Charter Township of Chocolay**

5010 US 41 South
Marquette, MI 49855
Phone: 906-249-1448 Fax: 906-249-1313

There are no minutes for the meeting on December 17, 2020.

The meeting was cancelled.