

**CHOCOLAY TOWNSHIP**  
**ZONING BOARD OF APPEALS**

**Thursday, February 23, 2017**

**5:30 PM**

**I. Meeting Called to Order**

Chairperson Michelle Wietek-Stephens called the meeting to order at 5:32 PM.

**II. Roll Call**

Members Present: Chairperson – Michelle Wietek Stephens; Vice Chairperson – Karen Alholm; Secretary - Kendell Milton; Board Member – Mark Maki; Member - Geno Angeli; Alternate – Paul Charboneau

Members Absent: None

Staff Present: Dale Throenle, Planning Director/Zoning Administrator; Suzanne Sundell, Administrative Assistant

**III. Approval of Agenda**

Moved by Alholm and seconded by Angeli, to approve the agenda for February 23, 2017 as written.

*Vote        Ayes: 5        Nays: 0        Motion Carried*

**IV. Approval of March 17, 2016 Minutes**

Moved by Milton, and seconded by Maki, to approve the minutes for March 17, 2016 as written.

*Vote        Ayes: 5        Nays: 0        Motion Carried*

**V. Public Comment**

Michael Cain, resides at 1603 Division St., Marquette – has property at 104 Railroad in Chocoday Township which was bought 20 years ago. At the time, he was told that the property was grandfathered in. He decided to put up a garage, so when the contractor came in to get the permits, he was told that it was not allowed because of setbacks. He only has a quarter of an acre in the AF district, so he cannot build anything. Also, if his place burns down, it cannot be rebuilt. He was wondering if there is some type of “grandfather act” that would cover this.

**VI. Unfinished Business**

None

**VII. New Business**

**A. Appointment of Officers**

Throenle indicated that they should elect officers in order of Chair, Vice-Chair, and Secretary.

*Maki moved, Alholm seconded to nominate Wietek-Stephens as Chair.*

*AYES: 5                      NAYS: 0              MOTION CARRIED*

*Wietek-Stephens moved, Milton seconded to nominate Alholm as Vice-Chair.*

*AYES: 5                      NAYS: 0              MOTION CARRIED*

*Alholm moved, Maki seconded to nominate Milton as Secretary.*

*AYES: 5                      NAYS: 0              MOTION CARRIED*

It was recommended that staff should pull existing applications to consider a second alternate.

## **B. Review of 2017 Calendar**

*Alholm moved, Wietek-Stephens seconded to approve the 2017 Meeting Calendar as presented.*

*AYES: 5              NAYS: 0              MOTION CARRIED*

## **C. Variance Questions**

Throenle indicated that he had included this for guidance. There are quite a few non-conforming parcels in the Township that are basically not able to do anything on their property. Throenle was asking for guidance on how to handle these situations, short of taking each case before the Zoning Board of Appeals.

Angeli pointed out that consideration of those types of cases is a job for the Zoning Board of Appeals. Maki indicated that is the case. Wietek-Stephens stated there are no guarantees, and the ZBA looks at the facts on a case by case basis. The Planning Commission are the ones that would set up the zoning regulations. One of the purposes of the ZBA is to give relief, especially when it is not the fault of the landowner. The ZBA and the Zoning Administrator cannot offer people blanket relief from the zoning ordinance – that would have to come from the Planning Commission and the Township Board.

Maki stated the only option would be to take this back to the Planning Commission to review the setbacks.

Throenle indicated that he is starting to get requests from people that bought the property 30 – 40 years ago, and are now looking at retiring and would like to update the existing house. He also has an elderly woman who would like to make some improvements, but would not be able to travel to Chocolay Township for the ZBA Hearing. Wietek-Stephens indicated that there have been cases where the owner's contractor has represented them.

Throenle also asked about the selling of property and the non-conformance or variance. Maki indicated that the non-conformity or a granted variance runs with the land.

Wietek-Stephens and Maki reminded Throenle that he should get everything in writing – it makes it much easier for everyone involved. Wietek-Stephens also indicated that if there is a pattern of issues, it should be taken to the Planning Commission.

Milton asked about the acreage breakdown that had been provided by Throenle, which indicated on some parcels that there was no district assigned. Throenle indicated that this was taken off the assessing database, and some had not been updated.

**VIII. Public Comment**

None

**IX. Township Board Member/Planning Commission Member Comment**

Milton (Planning Commission) – none

Maki (Board Member) – updated the ZBA on the KBIC Casino expansion and the water supply at Kawbawgam (high iron, lack of water). KBIC also came to the Board in January to request comments on their application to Bureau of Indian Affairs for Trust Status. The Board finally approved a motion to not oppose the process for Trust application but asked that it not be put into Trust until the current project is complete.

Maki was also concerned about a sign on a trailer at Lakenland, which may have just been there because of the Dog Sled races.

Wietek-Stephens asked that Board Member comment be added back to the agenda.

**X. Informational**

Throenle indicated that there is a Joint Meeting with the Planning Commission and Township Board on March 20, 2017 starting at 5:30 PM.

**XI. Adjournment**

Wietek-Stephens adjourned the meeting at 6:14 PM

Respectfully Submitted By:

---

Kendell Milton, Zoning Board of Appeals Secretary