

CHOCOLAY TOWNSHIP
ZONING BOARD OF APPEALS

Thursday, May 25, 2017

7:00 PM

I. Meeting Called to Order

Chairperson Michelle Wietek-Stephens called the meeting to order at 7:00 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, Community Development Coordinator

III. Approval of Agenda

Moved by Milton and seconded by Alholm, to approve the agenda for May 25, 2017 as written.

Vote Ayes: 5 Nays: 0 Motion Carried

IV. Approval of February 23, 2017 Minutes

Moved by Maki, and seconded by Wietek Stephens, to approve the minutes for February 23, 2017 as corrected. *(Maki indicated that even though there were six members present, which included the alternate, only five members would be allowed to vote. The alternate would not be allowed to vote unless filling in for one of the regular members. Votes on all motions should be changed from 6 to 5.)*

Vote Ayes: 5 Nays: 0 Motion Carried

V. Public Comment

June Rydholm, 221 Lakewood Lane – they live two camps over from the applicant for the variance. She has lived in this neighborhood since 1954, and has known all the owners of the property and has observed how the properties have changed over the years. At the beginning they were “fish camps” with the bathroom being an outhouse and the septic being a pipe from the house running to a tin in the woods. In order to keep children interested, they would make improvements to these “fish camps”. The body of water (bayou) was alive, and began at Lakewood Lane. A couple of residents did not like having to row a mile to get to the lake, so they made a new “mouth” and blocked the river, which resulted in no moving water, with more swamp with vegetation. She feels that the measurement should be from Lake Superior. She is in support of Gray-Ritchie’s addition to her property. She feels the Township needs to encourage people to make improvements to their property.

Deborah Mulcahey, 633 Lakewood Lane – Mulcahey indicated she has a different perspective as she worked with Natural Resources for 30+ years, and during that time one of her responsibilities was the protection of our resources and wetlands. She does not see anything that is proposed for 209 Lakewood Lane that would be endangering our natural resources. One concern for her is why this is even coming before the ZBA. The correspondence that was in the materials from Ryan McConnell (DEQ) was that he would consider the open portion of water as a body of water, but the vegetative growth surrounding the pond would be a wetland. She feels there needs to be some common sense used. She is in 100% support of a bedroom being added, but is questioning the plans that seem to show two separate units, so she has concern about short term rentals on this property. She questioned the redacting of certain phone numbers and emails in the packet.

VI. Unfinished Business

None

VII. New Business

A. Variance Application ZB 17-01

Staff Introduction

Throenle indicated that there were new maps on the Board table – the map included in the packet identified the wrong portion of the Bayou. Also on the table was a piece of correspondence in support of the project, which was received after the distribution of the packets.

Throenle introduced the applicant, Joyce Gray-Ritchie. She would like to add an extension onto her property, which would consist of a bedroom. All comments received have been in support of her project. Gray-Ritchie is in WFR, with 107' of frontage. Total lot size is 2.08 acres, which is conforming according to the ordinance. The existing dwelling was built in 1905, with an addition added in 1974, which was prior to the enactment of the zoning ordinance. The waterfront setback was established in the 1977 ordinance. Distance from the closest corner of the house to the bayou is 51', with the distance across the bayou being 100'. The dwelling edge to Lake Superior is 353'. There are three non-conformances that exist on the property – setback from the nearest body of water, lot width measurements, and existing structure is below minimum floor area for dwelling units. The addition of the bedroom will be attached to the house by the porch. This will then take care of the non-conformance of minimum floor area for dwelling units.

DEQ has provided information that there is not a state regulation on setback for a body of water – the Township is the one that sets this.

Throenle brought up a map to show alternate locations for the addition, and provided information on why these locations would not be feasible. Throenle also did not feel that the structure could be moved because of its age.

Throenle then went over the condition requirements that the ZBA should consider when deciding on granting the variance.

Board Discussion

Alholm questioned if the addition would negate one of the non-conformities. Throenle indicated that it would make the minimum floor area conforming. Alholm also questioned who the actual owner was, as information provided showed Gray Family Camp LLC as owner with Joyce Gray-Ritchie as additional. Gray-Ritchie indicated that she was half owner, and that she did not understand why it was listed as an LLC. Throenle indicated that it was actually a trust, with all the correspondence going to Joyce Gray-Ritchie.

Wietek Stephens asked if Gray-Ritchie would like to make a statement. Gray-Ritchie indicated that she had married into the family, and they came to the Lakewood Lane property on their honeymoon in 1951. At that time, they noticed the roof was leaking and made repairs, and continued to make repairs on the property on subsequent visits. In 1965, they became owners of the property, and no matter where life took them, they would come back to the property every year. In the beginning, the place was declared uninhabitable. Every summer on their vacation of three weeks, they would come to the property and do repairs. She has four children that spent their vacations on Lakewood Lane.

Throenle indicated that Gray-Ritchie is requesting this addition, as she lives in Oklahoma, but prefers to spend her summers in Marquette due to the heat. This would give her the additional space needed to be able to spend time with family and not feel overcrowded.

Alholm questioned the blueprint and where the addition would be attached. Throenle indicated that all the addition was going to be was a bedroom, with no bathroom. These blueprints have been modified. Throenle directed the ZBA to look at Item VII.A.2. Maki indicated that this was a foundation and footing plan. Throenle stated that all that was proposed was a bedroom on this.

Wietek-Stephens asked if the Township would inspect to see if it was being constructed as a bedroom, and not the full dwelling depicted. Throenle indicated that we do. In order to get the building permit from the County, the landowner needs a zoning compliance permit from the Township.

Maki asked about the size of the proposed addition. Throenle indicated that it is 20' x 24' bedroom. Maki asked why this was not shown in the packet material. Throenle indicated he had stated it changed in the narrative. Maki was concerned that in the light of short term rentals, we need to be careful on what is being approved. Maki questioned there had not been updated plans showing what is actually being considered. Maki also questioned the setbacks which were different in the texts from the diagrams, and questioned the actual lot width. After discussion, it was decided that the shed was actually on the lot line, not as shown on the

diagram. Maki also questioned the distance between the addition and the Bayou. Throenle indicated that this information was given to the ZBA in the staff report. Maki indicated that going forward it may be advisable to also provide a map showing the actual measurements that are consistent with the staff report.

Throenle explained the measurement process from the existing structure to the Bayou, and then going to Lake Superior.

Wietek Stephens indicated that pictures are worth a thousand words in the packet, so in the future if there are inaccurate pictures, they should be flagged somehow to indicate they are original application material, and that they are no longer pertinent. Throenle indicated that his understanding was that the entire application needed to be submitted to the ZBA.

Wietek Stephens asked about the connection between the house and bedroom. Gray-Ritchie indicated it would be through the existing porch. Wietek Stephens also asked about the age of the septic system. Gray-Ritchie indicated that it is approximately 20 years old, with regulations for use by three bedrooms.

Wietek Stephens acknowledged a comment from the audience:

Deborah Mulcahey, 633 Lakewood Lane – wondered if there was some restriction on putting a bathroom in the bedroom. Throenle indicated there were restrictions.

Wietek Stephens asked why the addition was not being attached more securely to the house, rather than using the porch. Gray-Ritchie indicated that she had done it that way, so as not to obscure the view of the lake from the neighbors, and the fact that it would also take out some of the windows. Maki wondered why she would not be able to have a master bath on the bedroom. Throenle indicated he was trying to avoid the requirements of an accessory structure. Alholm asked if it would be permissible if the bedroom was built as a suite. Throenle indicated that this would be something that should be decided by the ZBA.

Alholm asked what the size of the bathroom would be. Gray-Ritchie indicated that it would just be small bathroom. There was discussion on what was considered a separate dwelling. Wietek Stephens stressed that there would need to be caution taken in this case, as it could appear as a separate dwelling due to where it is situated.

Wietek Stephens moved, Angeli seconded that after conducting a public hearing and review of the Staff Review and Analysis for Variance Request ZB 17-01 for parcel 52-02-300-013-00 at 209 Lakewood Lane, Marquette, MI, the Zoning Board of Appeals finds that the request demonstrates the standards pertaining to the granting of non-use variances, and hereby approves Variance Request ZB 17-01 with the following findings of fact:

- (a) Strict enforcement of the Zoning Ordinance would cause practical difficulty because purchases of neighboring properties to widen the lot is not practical because it would create other non-conformities on adjacent*

parcels. Relocating the existing dwelling elsewhere on the lot to remove the waterfront setback requirement would prove to be an unreasonable hardship,

- (b) Granting the variance would not be contrary to the public interest because direct neighbors are in support of this project, indicate no adverse effect of the addition to the dwelling would occur and lake views and neighbor property access would not be disturbed. The setbacks as described are consistent with the existing structure and with the neighboring property use,*
- (c) There are circumstances unique to this property, including the dwelling was built before any zoning regulations, and the property will never be compliant with the 125' width requirement unless additional property is purchased which creates other non-conforming parcels and there are two different waterfront distances within the parcel,*
- (d) The variance request is not due to actions of the applicant, but is a result of subsequently adopted government regulation after the property was purchased and the dwelling was built. In addition, the enlargement of the structure removes one of the non-conformities from the parcel, namely the issue of inadequate square footage for a dwelling.*

Approval of this variance request is contingent upon meeting the following conditions:

- (a) Staff will be diligent in following up to inspect for plumbing during construction to ensure that there is not plumbing and that this will not be a standalone dwelling, and*
- (b) The addition will be a 20' x 24' bedroom / sitting area, with an 8' porch as described in the text, not the diagram.*

AYES: 5 NAYS: 0 MOTION CARRIED

Additional comment by Milton clarified that a bathroom is not part of the variance approval. Wietek Stephens commented that the applicant can come back in the future with a variance request if she wants to put a bathroom in that addition.

Gray-Ritchie thanked the ZBA for their approval of her variance.

VIII. Public Comment

June Rydholm, 221 Lakewood Lane – feels that Chocolay Township wants to increase the tax base. The Township needs to satisfy the needs of the next generation.

Deborah Mulcahey, 633 Lakewood Lane – cannot believe it took 1 ½ hours to make a decision on this issue. Feels it is dangerous for people to take waterfront / wetland measurements that don't know what they are doing.

IX. Township Board Member/Planning Commission Member Comment

Maki (Board Member) – has been on the Board for 8 years, was the Zoning Administrator at the Township for 25 years, retiring in 2002. Maki feels like he is still the Zoning Administrator, constantly trying to get the Township to enforce the ordinance. No one wants to deal with the issues. Since the 2008 Zoning Ordinance rewrite, there have been approximately 26 amendments. There are still issues with short term rentals, outside storage, and signs. Also talked about public concern in the Kawbawgam area in connection with the KBIC casino expansion.

Milton (Planning Commission member) - None

X. Informational

Throenle indicated that there is a new Assessor starting on June 1 – Sam Gerber. The new Community Development Coordinator is Suzanne Sundell. There is a new Administrative Assistant who started on May 14 – Kristin Cannoot.

Throenle addressed Maki’s concerns on enforcement – there has been a significant increase in the number of calls and complaints. There are also a variety of projects coming up that are taking a majority of his time to prepare for site plan reviews. The Zoning Ordinance is very hard to interpret at times, and at the last meeting of the Planning Commission, it was decided to forward information to the Board to find funds in the current budget to submit an RFP for a complete rewrite of the Zoning Ordinance. He indicated that the issues are being addressed, just slowly.

Regarding short term rentals, there is State legislation being reviewed, which if approved, would create a different language for the short term rental concept. This would open up short term rentals to all districts. Townships would still have control on issues in the Zoning Ordinance, such as noise, etc.

XI. Adjournment

Wietek-Stephens adjourned the meeting at 8:40 PM

Respectfully Submitted By:

Kendell Milton, Zoning Board of Appeals Secretary