



AGENDA
MARQUETTE CITY BOARD OF ZONING APPEALS
September 7, 2017 at 7:00 PM
Commission Chambers, City Hall

MEETING CALLED TO ORDER

ROLL CALL

MINUTES OF August 3, 2017

ADDITIONS/DELETIONS FROM THE AGENDA

1. CITIZENS WISHING TO ADDRESS THE BOARD
2. PUBLIC HEARINGS
 - A. **20-VAR-09-17 – 751 W. Bluff St. (PIN: 0260160):** Gregory Retaskie is seeking a 1-parking space variance, 5-foot side yard variance, 1900 S.F. lot area variance, and a 25-foot lot width variance from the City of Marquette Zoning Ordinance Conditional Use required conditions for a duplex dwelling unit located at 751 W. Bluff St. The existing structure and lot does not meet the following conditions:
3. UNFINISHED BUSINESS
4. NEW BUSINESS
5. CITIZENS WISHING TO ADDRESS THE BOARD
6. BOARD MEMBER COMMENTS
7. ADJOURNMENT

Agenda Packets for the Board of Zoning Appeals are available at the City of Marquette Web Page: www.mqtcty.org

Public Comment:

A member of the audience speaking during the public comment portion of the agenda shall limit his/her remarks to 3 minutes

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
OFFICIAL PROCEEDINGS
August 3, 2017**

MEETING CALLED TO ORDER

A regular meeting of the Marquette City Board of Zoning Appeals was called to order at 7:00 p.m. on Thursday, August 3, 2017, in the City Commission Chambers of City Hall.

ROLL CALL

Present: Chair Neumann, Mr. Moran, Mr. Patrick, and Mr. Vasseau.

Absent: Mr. Carlson (excused). Vice-Chair Ms. Dombrowski and Mr. Fuller (not excused).

MINUTES

It was moved by Mr. Vasseau, and seconded by Mr. Moran, and carried 4-0 to adopt the July 3, 2017, minutes as presented.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

It was moved by Mr. Moran, and seconded Mr. Vasseau, and carried 4-0 to adopt the agenda as presented.

PUBLIC HEARINGS

17-VAR-08-17 – 212 W. Nicolet Street (PIN: 0520350): Brandon Smith is seeking a 27-foot front yard variance from the City of Marquette Zoning Ordinance to allow for a 26-foot x 26-foot detached garage located at 212 W. Nicolet Street.

A. Landers, Zoning Official, stated the Board of Zoning Appeals is being asked to review an application for a variance from the City of Marquette Zoning Ordinance to allow for a 26-foot x 26-foot detached garage located at 212 W. Nicolet Blvd. She referenced the staff report and attachments, and visuals of the site from the agenda packet were shown. Correspondence from Ryan and Elizabeth Sullivan was read stated they have no problem with the request.

Mr. Neumann asked staff why the lots are not adjacent there. A. Landers stated that this is in two different plats and it is city right-of-way that for some reason never carried over into the other plat. She also stated that when Mr. Van Neste comes up maybe he can explain more about it.

Glenn Van Neste, the surveyor for the applicant, stated that he did the survey work for Mr. Smith. He also stated when looking at the survey this is a very unusual shaped lot. He also stated that there are seven or eight different plats for Shiras Hills and this lot was on the edge of plat three and plat four. He stated that during the course of plat

number one they intended for LaSalle Road to go in a different direction but changed the right-of-way line when they did plat 3. He also stated that you can see that if you do anything on this lot it is going to require a variance because it is such an odd shape and it is so small. He stated that the driveway is at a 16% grade and they have been told that if you park your car there in an icy situation it will end up in the road. He also stated that is unacceptable so Mr. Smith wants to build a garage where the slopes are not extreme like they are in front of the house. He also stated included in what he passed out tonight is a copy of Shiras number one plat, where you will see the oddly shaped lot and how it fits in there.

Mr. Moran asked who the triangular shaped lot that is in between lots 174 and 35 belongs to. A. Landers stated that it is city right-of-way. Mr. Moran asked if the city can grant the right for the applicant to use that property and put a driveway in. A. Landers stated that a driveway can go across a right-of-way but as far as putting a structure on the right-of-way, they would have to get a license from the City Commission to use the right-of-way for placement of structures. She also stated that another option is that they could apply for a street vacation but then the plat has to be amended with the vacation and that is quite a process.

Mr. Vasseau asked how the applicant arrived at the garage dimensions of 26-ft x 26-ft. Brandon Smith, the applicant, stated that a standard car size garage is 24-ft x 24-ft and he chose 26-ft x 26-ft so he could have additional storage. He also stated that there is a small storage shed right where he would like to put the garage so the shed will be removed.

Mr. Patrick asked if the home as it sits now is nonconforming. Mr. Van Neste stated that it is nonconforming as a vast majority of Shiras Hills homes are.

Mr. Vasseau asked where the new driveway is going. Mr. Smith referenced the drawing marked with the centerline of the new driveway.

Mr. Neumann asked Mr. Smith if he were able to obtain the triangular piece of land that belongs to the City would it change his plans of how he would lay this out long term. Mr. Smith stated that the triangular section is quite wooded so it would not right now.

Chairman Neumann opened the public hearing. No one wished to comment. Chairman Neumann closed the public hearing.

Mr. Patrick stated that he would support this but will listen to what his fellow Board Members have to say. He also stated that he would claim that literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district and under the terms of the ordinance it would deny the applicant the right to store two vehicles.

Mr. Moran stated he had the opportunity of owning a house on a corner and it was noncompliant and he can understand what the applicant is going through so he would certainly support.

Mr. Vasseau stated he did conduct a site visit and noticed the unique practical difficulties and the lot is undersized and has multiple fronts to comply with. He also stated that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. He stated that this is an irregular shaped lot. He also stated that he does concur with the applicant's dimensions of the garage and ideas there. He stated that this will encourage long term home ownership and a garage is a necessity in the Upper Peninsula. He also stated that he can support this request.

Mr. Neumann stated that he would encourage the applicants to look into petitioning for the right-of-way and explore their options with it. He also stated that it might be within the realm of possibility to clean that parcel up with obtaining a portion of that right-of-way.

It was moved by Mr. Vasseau, seconded by Mr. Patrick, and carried 4-0 that after conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for 17-VAR-08-17, the Board of Zoning Appeals finds that the request demonstrates the standards found in Section 80.64.4.B.1 (a. through e.) of the Zoning Ordinance and hereby approves 17-VAR-08-17 as presented.

19-VAR-08-17 – 145 W. Ridge Street (PIN: 0150171): Marc and Jungsuk Weinrick are seeking a 2.8-foot side yard variance and a 9-foot rear yard variance from the City of Marquette Zoning Ordinance to allow for the construction of a carport parking structure with deck and balcony above to be completed in phases located at 145 W. Ridge Street.

A. Landers, Zoning Official, stated the Board of Zoning Appeals is being asked to review an application for variances from the City of Marquette Zoning Ordinance to allow for the construction of a carport parking structure with deck and balcony above to be completed in phases located at 145 W. Ridge Street. She referenced the staff report and attachments, and visuals of the site from the agenda packet were shown.

Mark Weinrick, the applicant, stated that he has a corner lot parking issue and has been informed by Ms. Landers that because it is a corner lot two of the four sides of the lot are zero setbacks. He also stated that he is looking for a variance on the southern lot line which is the rear as well as the eastern lot line which is the side lot. He stated that there is a 5-foot setback to the eastern side and a 10-foot setback to the rear. He also submitted to the chair of the Board of Zoning Appeals, and read a letter of support from their neighbors the Peter White Public Library. He stated the library is the closest neighbor that they have been in contact with them since this project began. He also stated that he and his wife purchased the old church on the corner of Ridge Street and Third Street and have been in the process of renovating it into a single-family residential structure. He stated that they have been living there for approximately one and a half years now and they are now at a place financially speaking where they can continue their efforts to renovate and repurpose a historic structure on the exterior. He referenced the support material submitted and what they have in mind. He also stated that the retaining wall is currently the existing earth that is cut back with a snow fence.

He stated that it is their parking area after they acquired the strip of land from the library to meet the required parking turning radiuses. He also stated the land is very constrictive; however, they have come up with an appropriate way to take it to the next step. He stated that having a garage in the Upper Peninsula is almost a necessity and they hope to remedy that with a phased parking structure. He also stated that they do not have intentions of doing a fully enclosed garage so they have come up with a carport with parking underneath for up to three vehicles as well as a deck above the carport which will be built in phases. Mr. Weinrick also stated that phase one with the retaining wall in place will be rebuilding the current entryway.

Mr. Moran asked what the building to the south is. Mr. Weinrick stated that is owned by Peter White Public Library and it is their maintenance garage. Mr. Moran asked where the applicant acquired the 3-foot strip of land from. Mr. Weinrick stated it is from immediately next to that garage. He also stated that the retaining wall would be built on the lot line with footings in place to accommodate phase three of the potential structure. He stated that phase one is the retaining wall put in place with a small deck put above that current entrance which would be rebuilt and made much more attractive. He also stated that phase two is to extend the deck all the way across the back of the building and that would terminate with the existing eastern elevation of the building. He stated that in phase three the deck would extend and serve as a parking structure, a carport, with a deck above.

Mr. Moran asked if in phase two there is a deck above. Mr. Weinrick stated that is a balcony above. Mr. Moran asked if that will be removed in phase three or remain. Mr. Weinrick stated that it will be maintained in phase three. He also stated that it is intended to be in place as part of phase three. He stated that the balcony above goes to the eastern elevation of the building which is nonconforming. He stated that the building was in place long before the lot lines were drawn. Mr. Moran asked how they will access the upper deck. Mr. Weinrick stated that there is a dormer currently from the first floor and they have access to the door and this will be the deck area accessible off of the first floor and there will be no exterior access to the deck. He also stated there is a stairway intended to go up to the balcony off of the deck but no second-floor access. He stated the benefit for them as property owners will be giving them a protected and sheltered parking area as well as outdoor recreational access.

Mr. Neumann asked when phase three is completed what the construction material and surfaces will be. Mr. Weinrick stated that he is still working with an engineer, Bob Cambensy, in order to get the specifications and see how much it would cost to do a green roof. He also stated that the entire carport structure would be comprised of steel and cement and where the deck is above the carport area would potentially be a green roof which is various membranes and aggregate in order to facilitate drainage and some sort of a peat moss combination in order to grow things on top of the roof. He stated that he does not plan on planting a garden or trees up there but typically green roofs are some sort of low rise ground cover.

Mr. Neumann asked about rain and runoff. Mr. Weinrick stated that before they purchased the property he spoke with the city engineer and he stated that because of the surface area and square footage water runoff is not something that needs additional

consideration. He also stated that their parking area would be sloped and in order for runoff, there would be a drainage channel they would accommodate appropriately within their property. He stated just as there is in any driveway there would be water running towards the sidewalk. He also stated that it is a unique property that they have been working hard to try and finesse and make it work to bring a piece of history back into modern usage. He stated that their efforts have been recognized by the Marquette Beautification Committee and they honored them with an award of historic preservation. He also stated many neighborhood residents and former congregation members have let them know their support of the efforts on multiple occasions. He stated the inside is a constant work in progress but all of their permits have been closed out and they have been living there very happily and now trying to continue with the outside.

Mr. Neumann asked what the justification is for the second and third phase besides the cost factor. Mr. Weinrick stated that it is primarily a cost factor, but phase two is not removed and then phase three comes in, phase two grows into phase three. He also stated when phase two is implemented it will be completing about 50% of phase three as well. He stated that he has been working with Bob Cambensy, an engineer, and an architect friend to accommodate all of the various engineering aspects of what needs to transpire. He also stated there are not many site limitations and there should not be any major hiccups as far as implementing it goes. He stated that he is seeking the variance today because for the retaining wall to be built initially, the foundations of the retaining wall must be built with enough vigor in order to carry the load that they are asking phase three for it to be. He also stated if the variance is not granted then the cost of the initial retaining wall and the entire design will completely change, so that is why he is seeking the variance now, to accommodate for phase three some years down the line. He stated financially speaking they are going to be able to make all of this happen within that timeframe.

Mr. Patrick asked if the applicant has applied for a building permit for any of this. Mr. Weinrick stated he has not yet. Mr. Patrick stated that it appears that there will be enough room to exit onto Third Street going forward and not backing out. Mr. Weinrick stated that it is illegal to back out onto Third Street and that is part of the reason they acquired the 3-foot x 45-foot strip of land from Peter White back in 2015, in order to accommodate their parking turning radiuses.

Mr. Moran stated the rendering shows the retaining wall to be quite thick. Mr. Weinrick stated that it has not been specified yet but they are anticipating between 10-inches and 12-inches thick. He also stated the thickness will depend on the rebar used and the grade of concrete that is used. He stated that the height will be approximately 5-½-feet from grade in the parking area. Mr. Moran asked if that would be considered a fence. A. Landers stated no because it is at grade on the other side so it is just a retaining wall.

Mr. Neumann asked staff to remind the Board of Zoning Appeals of the variances granted a few years ago. A. Landers stated previously it was for decks. Mr. Weinrick stated since they have lived there their vision for the property has changed.

Mr. Patrick asked the staff if the applicant shortened the deck on the east side by 2.3-feet he would be within the side setback and on the south approximately 10-feet back to

the rear setback line that he would not be here asking for a variance. A. Landers stated the request is a 2.8-foot side yard variance and a 9-foot rear yard variance.

Chairman Neumann opened the public hearing. No one wished to comment. Chairman Neumann closed the public hearing.

Mr. Vasseau stated he thinks after looking at this and reviewing the applicant's written responses and reviewing chapter 2 of the comprehensive plan when you get into these types of districts where there is mixed residential and core business, this is a request that he can support. He also stated it gets into the concepts of infill and in this case, he is putting up things most people would request anyway, a garage, but it is just a little bit different idea. He stated he can support this request.

Mr. Moran stated that there is not a lot of room on this lot and the only way the applicant can go is up. He also stated by putting the deck up there he will have a great observation of the city. He stated obviously, letters went out and there is no opposition to what is going on and nobody present is opposing it, for that reason he can support.

Mr. Patrick stated that he agrees with his fellow Board Members.

Mr. Neumann stated he is not sure about this one. He also stated in the CBD zoning district there is no minimum lot size so it is hard to say it is an undersized lot. He stated CBD does have zero front yard setbacks. He also stated as Mr. Patrick pointed out there is a bit of latitude that could be taken advantage of with the existing 10-foot rear setback and the 5-foot side setback with modifications to the plan. He stated the rear yard that is present does present some options for still constructing the deck and enjoying some of that parking space. He also stated it could present some challenges entering the property and exiting through the driveway where it is located so he can understand that and it is somewhat unique with the driveway being located there. He stated the location of a support column for a deck that is terminating near the 10-foot rear setback line could be problematic to enter and leave the space. He also stated those are some of his thoughts but the fact that there is not an objection here tonight is not a sufficient reason enough to grant the variance.

Mr. Weinrick stated as far as the eastern property setback line goes the deck would be terminating in accordance with the current existing structure and it would be more aesthetically appropriate rather than losing that 2.8-feet. He also stated it will not be impacting the use of the library's property in any way. He stated speaking to the southern 10-foot rear setback line, support beams or post for the roof of the carport and the deck above would need to be placed directly in the middle of the path of travel for any vehicles entering or exiting the property. He also stated this is the reason the primary supports carry across and then terminate down next to the retaining wall in order to keep the rear setback line in accordance with the structure above but use these termination points for the load bearing points next to the retaining wall so they are impeding on the library's access to their maintenance garage as little as possible. Mr. Neumann asked the applicant if he was clarifying that the upper deck where the balcony ends is in accordance with the 10-foot rear setback line. Mr. Weinrick stated that is correct. Mr. Neumann stated that the space is open from the 10-foot setback line to the

retaining wall. Mr. Weinrick stated that is correct and he sees now looking at the location sketch that it is inaccurately showing that the deck goes into the rear yard setback.

Mr. Patrick stated that the size of this seems excessive to him and there is 2,000 square feet undercover for parking. He also stated a standard garage is 24-feet x 24-feet which is less than 600-square feet so this is more than three times what is accepted as a normal garage size. He stated that he would be a little concerned about water runoff and he does not know how close they have looked at this financially but they could be in for a bit of a shock with all of the concrete and support for this.

Mr. Neumann stated that he agrees with the concern for the square footage there but within the district, the applicant would have the ability to fill that in with building within the setbacks. He also stated that a structure could be built there taking up a similar amount of square footage barring the green roof. He stated with clarification on this about the openness between that 10-foot rear setback line and the rear wall he thinks it is more consistent with the intent of the district. He also stated there is still open space there and there is still some space for a green roof which will help with some of the runoff. He stated that does not help with the cost issue which is the applicant's own issue.

Mr. Patrick asked if the carport area will be clear inside. Mr. Weinrick stated yes, with no support columns inside. He also stated that his vision for the finished product is to have a permeable paver surface underneath the carport for a parking surface and above assuming that finances are in place to have the green roof structure. He stated the green roof structure above will be their only outdoor yard space. He also stated it is a large amount of square footage underneath the carport area, however in a standard 24-foot x 24-foot garage you are allowed to pull a vehicle straight in and back a vehicle straight out but due to site restrictions and considerations, their turning radiuses have to be accommodated for within the structure.

Mr. Moran asked where the deck ends in accordance with the actual lot line. Mr. Weinrick stated it ends in accordance with the rear setbacks to the south. Mr. Moran stated if the variance is granted the applicant could go all the way to the lot line. A. Landers stated the Board of Zoning Appeals could clarify in their conditions. Mr. Neumann stated that he thinks there is a special condition with the limitations of backing out onto Third Street, which is City Code. A. Landers stated only residential districts can back out onto a street. Mr. Neumann stated that is a special condition related to this property. He also stated with a condition clarification in the variance request keeping the mass of the structure essentially within that setback line is more consistent with the intent of the district.

It was moved by Mr. Vasseau, seconded by Mr. Moran, and carried 4-0 that after conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for 19-VAR-08-17, the Board of Zoning Appeals finds that the request demonstrates the standards found in Section 80.64.4.B.1 (a. through e.) of the Zoning Ordinance and hereby approves 19-VAR-08-17 with the condition that the rear deck cease at the 10-ft rear setback line and only the support structures for

the carport can encroach into the rear setback area for the 9-ft rear yard variance.

ADJOURNMENT

It was moved by Mr. Vasseau, seconded by Mr. Patrick, and carried 4-0 to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Andrea Landers
Zoning Official,
Community Development Department,
For Board of Zoning Appeals
Imedat/smc



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MEMORANDUM

TO: Board of Zoning Appeals
FROM: Andrea Landers, Zoning Official
DATE: August 30, 2017
SUBJECT: 20-VAR-09-17 – 751 W. Bluff St. (PIN: 0260160)

The Board of Zoning Appeals is being asked to review an application for variances from the City of Marquette Zoning Ordinance Conditional Use required conditions for a duplex dwelling unit located at 751 W. Bluff St.

Please see the attached STAFF FILE REVIEW/ANALYSIS for more specific information regarding the application.

RECOMMENDED ACTION:

The Board of Zoning Appeals should conduct a public hearing, review the application, and render a decision on whether or not to grant the variance.

If the Board of Zoning Appeals decides to approve the variances, then staff recommends the following conditions:

- That Conditional Use approval from the Planning Commission for a duplex dwelling unit is received.

As always, it is highly recommended that any a motion include finding of fact similar to the following:

After conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for 20-VAR-09-17, the Board of Zoning Appeals (finds/does not find) that the request (demonstrates/does not demonstrate) the standards found in Section 80.64.4.B.1 (a. through e.) of the Zoning Ordinance and hereby (approves/denies) 20-VAR-09-17

...as presented.

...with the following conditions (e.g. with the _____ variance not to exceed _____ number of feet along the side yard, and _____ number of feet along the rear yard).

Or...

After conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for 20-VAR-09-17, the Board of Zoning Appeals does not find that the request demonstrates the standards found in Section 80.64.4.B.1 (a. through e.) of the Zoning Ordinance. The applicant requested a _____ variance, which the facts show is not appropriate; however, a _____ variance is warranted by the facts and demonstrates the standards found in Section 80.64.4.B.1 (a. through e.) of the Zoning Ordinance, and the Board of Zoning Appeals hereby approves 20-VAR-09-17 with the _____ variance.



STAFF FILE REVIEW/ANALYSIS

Completed by Andrea M. Landers – Planning/Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator

File #: 20-VAR-09-17

Date: August 30, 2017

Project/Application: Applicant is seeking a 1-parking space variance, 5-foot side yard variance, 1900 S.F. lot area variance, and a 25-foot lot width variance from the City of Marquette Zoning Ordinance Conditional Use required conditions for a duplex dwelling unit.

Location: 751 W. Bluff St.

Parcel ID: 0260160

Available Utilities: Natural Gas, Electricity, City Water, City Sewer, and Garbage Collection.

Current Zoning: RG – General Residential

Surrounding Zoning:
North: RG – General Residential
South: BG – General Business
East: RG – General Residential
West: RG – General Residential

Year Built: The main dwelling was built in 1923.

Sales: The applicant has owned the home since September 26, 2013.

Relationship to Zoning District Standards (Staff Comments in Bold Text):

Lot size: +/-7,100 square feet. **The minimum lot size in the RG Zoning District is 8,400 square feet.**

Lot Width: +/- 50 feet. **The minimum lot width in the RG Zoning District is 70 feet.**

Front Yard: The existing main structure does not meet this requirement. The front porch meets the allowed encroachments. **The minimum front yard requirement in the RG Zoning District is 20 feet.**

Side Yards: The existing main structure does not meet the side yard requirement to the west but does to the east. **The minimum side yard requirements in the RG Zoning District are 6 & 8 feet.**

STAFF FILE REVIEW/ANALYSIS

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Rear Yard: The existing main structure meets the rear yard requirement. **The minimum rear yard requirement in the RG district is 30 feet.**

Maximum Height: The existing main structure meets the height requirement. **The maximum height requirement for structures in the RG Zoning District is 31.5 in height.**

Relationship to Conditional Use Permit duplex Standards (Staff Comments in Bold Text):

80.65 Conditional Use Permit. (Special Land Use as authorized by PA 110 of 206, Section 502)

4. Required Conditions.

A. RESIDENTIAL DISTRICTS (RS, RG, RM).

All lighting shall be directed away from residential uses.

(11) Duplex dwelling units.

- a. Each duplex shall be located on a lot having at least 75 feet of frontage and 9,000 square feet of lot area.

The lot frontage is 50 feet and the lot area is 7,100 square feet.

- b. Side yards shall be no less than 10 feet on each side.

The west side is 5 feet and the east side is 12.5 feet.

- c. Two parking spaces for each dwelling unit, located behind the front yard shall be provided.

Per the location sketch, there is 3 proposed gravel surface parking spaces in the rear, and there is 1 proposed in the front yard.

- d. On each lot containing a duplex there shall be a minimum outdoor livability space ratio of 0.50.

The outdoor livability space ratio is +/-0.73.

Relationship to Zoning Ordinance Variance Standards (Staff Comments in Bold Text):

80.64.4.B. Variances: Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in practical difficulty. A variance from the terms of this ordinance shall not be granted by the Board of Appeals unless and until:

(1) A written application for a variance is submitted demonstrating:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;*

TBD by the Board of Zoning Appeals.

- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;*

TBD by the Board of Zoning Appeals.

- c. That the special conditions and circumstances do not result from the actions of the applicant;*

TBD by the Board of Zoning Appeals.

- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;*

Similar properties have the same recourse available if the same situation were to arise, therefore, this is not considered to be a special privilege.

- e. That no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.*

This application shall stand on its own and not be precedent setting, nor shall other cases be used in the decision making.

Relationship to Zoning Ordinance Administrative Standards (Staff Comments in Bold Text):

80.60 Administrative Standards. For the purpose of administering this ordinance, the Zoning Administrator, the Planning Commission, the Board of Appeals and any other reviewing body or official shall consider each case as an individual case. Consideration shall be give to the location, size, and character of a use to determine if the use will be in harmony with the intent and appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

- 1. Intent of the Zoning District.*

The intent of the RG Zoning District is to establish and preserve medium density residential neighborhoods which present an environment acceptable to single families. Some additional non-commercial compatible uses may be allowed.

2. *Current use of adjacent lands and neighborhood.*

The neighborhood is comprised of single family and multiple family structures that are both rentals and owner-occupied, American Legion, office, and retail uses.

3. *Physical appearance of existing or proposed structures (location, height, bulk of building as well as construction materials).*

The main structure is listed as being in average condition per the City assessment records.

4. *The suitability of the proposed landscaping in providing ground cover, screening and decoration on the site.*

No landscaping is proposed.

5. *The nature and intensity of operations involved in or conducted in connection with the proposed use.*

No problems anticipated.

6. *The time of use, the physical and economic relationship of one type of use to another.*

The time of use and physical relationship will be similar to some of the surrounding properties.

7. *The assembly of persons or employees, which may be hazardous to the neighborhood or incongruous or conflict with normal traffic in the vicinity.*

The Zoning Ordinance limits the number of unrelated persons living in a single family unit to no more than four (4). In this case, if the variances are approved then the applicant would apply for a Conditional Use permit for a duplex. If that was approved, then there would be no more than eight (8) unrelated individuals allowed to live on this property.

8. *Vehicular and pedestrian traffic volumes and patterns, particularly of children, as well as vehicular turning movements in relation to traffic flows, intersections and site distances.*

No problems anticipated.

9. *The physical characteristics of the site such as: area, drainage, topography, open space, landscaping, and access to minor and/or major streets*

No problems anticipated.

10. *Demands upon public services such as electricity, sewer, water, police, and fire protection, schools and refuse disposal.*

No problems anticipated.

11. *The type and amount of litter, waste, noise, dust, traffic, fumes, glare and vibration which may be generated by such use.*

No problems anticipated.

12. *Area requirements for the proposed use and the potential for the use or its area requirements to expand.*

There is area to the south and east that the proposal could expand but it would need to meet all of the zoning requirements.

13. *Other factors necessary to maintain property values in the neighborhood and guarantee safety, light, air and privacy to the principal uses in the district.*

No problems anticipated.

14. *Compliance with the Master Plan.*

The Board of Zoning Appeals should review Chapter 2 – Master Plan Recommendations (recommendations of Chapter 5 – Demographics and Housing are the most relevant); and the Chapter 3 recommendations for land use and zoning. The following recommendation is found on p.3-16 of the CMP:

Recommendations to improve General and Single Family zoning districts:

** Ordinances should be revised to constrain the widespread conversion of single-family homes to rental units, many of which are poorly suited to accommodate multiple residents and the required parking space for each occupant.*

While this recommendation addresses the revision of ordinances, the intent is clearly contrary to creating more substandard housing in single-family districts.

Additional Comments:

State Law provides that reasonable conditions may be places on a variance request to ensure... *the health, safety, and welfare as well as, the social and economic well-being, of those who will use the land use or activity under construction, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.*

Duplexes are a Conditional Use in the RG Zoning District; as such there are required conditions that a duplex must meet. The applicant has to request a variance of the certain conditions that

STAFF FILE REVIEW/ANALYSIS**Page 6 of 6**

this proposal does not meet before they can go before the Planning Commission and request a Conditional Use Permit for the proposed duplex.

If the Board of Zoning Appeals decides to approve the variances, then staff recommends the following condition:

- That Conditional Use approval from the Planning Commission for a duplex dwelling unit is received.

Attachments:

- Application
- Area Map
- Block Map
- Photos
- Location Sketch

Return to:
City Hall
Community Development Office
300 W. Baraga Ave
Marquette, MI 49855

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
VARIANCE APPLICATION**



CITY STAFF USE

Parcel ID#: 0260160 File #: 20-VAR-09-17
Receipt/INV #: 35568 Check #: Cash Received by and date: MA 8/16/17
Hearing Date: 9-7-17 Application Deadline (including all support material): 8-16-17

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE VARIANCE REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

FEE SCHEDULE

☒ 1 or 2 Family Residential Units \$552
☐ Commercial and all others \$601

If you have any questions please call 228-0425 or e-mail alanders@mqcty.org. Please refer to www.mqcty.org to find the following information:

- ☐ Board of Zoning Appeals page for filing deadline and meeting schedule
- ☐ Excerpts from the City Zoning Ordinance
 - Section 80.64.4 Variances
 - Section 80.60 Administrative Standards
 - Section 80.40 for setback information
 - Section 80.42 for off street parking requirements

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Greg Retaskie
Address: 751 West Bluff
City, State, Zip: Marquette, MI
Phone #: 906 361 3020
Fax #: _____
Email: gregretaskie@yahoo.com

****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****

APPLICANT/OWNERS REPRESENTATIVE

Name: Jennifer Tavernier
Address: 751 West Bluff
City, State, Zip: Marquette, MI 49855
Phone #: 906 373 6814 *
Fax #: 906 226-4638 Attention Salon Manager
Email: Jennifer1.tavernier@gmail.com

****APPLICANTS OR REPRESENTATIVES ARE STRONGLY ENCOURAGED TO BE PRESENT AT THE MEETING****

SURVEYOR

Name: Tri Media Address: 830 W Wash City, State, Zip: Marquette, MI 49855
Phone #: 228-5125 Fax #: _____ Email: _____

*** A current survey (location sketch), prepared by a licensed surveyor and showing all existing and proposed construction must be submitted at least 22 calendar days prior to all public hearings involving dimensional variances.**

VARIANCES REQUESTED

- ☐ Fence
- ☐ Signage
- ☐ Parking (location, # of spaces, screening)
- ☒ Zoning (building size, placement, etc.)
- Size/lot coverage _____
 - Placement/Setbacks _____
 - Height _____
- ☐ Other _____

PROPERTY INFORMATION

Location (Street Address): 757 West Bluff

Zoning District: RG

Total area of site: 50' X 142'

Sq. ft. of Existing Building(s): 2,784 sq ft

Sq. ft. of Proposed Building(s): N/A

Number of floors: 2 Proposed Height: N/A

SETBACKS

	Please circle the appropriate direction	REQUIRED Please fill in the distance	PROVIDED/ PROPOSED Please fill in the distance
FRONT	(N) S E W	20'	17'
SIDE 1	N S (E) W	10'	12.5'
SIDE 2	N S E (W)	10'	5'
REAR	N (S) E W	30'	+30'

EXISTING/PROPOSED USE (Check all that apply)

- ☒ Residential (# of units 2)
- ☐ Office
- ☐ Retail
- ☐ Personal Services
- ☐ Institutional
- ☐ Automotive Services
- ☐ Outdoor Services/Sales
- ☐ Food & Beverage
- ☐ Warehousing (storage) Service
- ☐ Assembly
- ☐ Outdoor Storage (describe) _____
- ☐ Public Use (describe) _____

Multifamily and non-residential development must undergo a formal site plan review - See Section 80.62 of the Marquette City Zoning Ordinance

PRACTICAL DIFFICULTY

- Unique circumstances applying to the property.
- Not adversely affecting adjacent properties.
- Need for variance was not self-created.
- Variance is the minimum necessary.
- Not general or recurrent nature.
- Will not alter the essential character of the area.

State law authorizes the Board of Zoning Appeals upon finding that there are practical difficulties in carrying out the letter of the law, to grant a variance. The Board of Zoning Appeals may impose conditions upon affirmative decisions. Any person having interest affected by the Board may appeals a decision to the Circuit Court within 30 days.

DESCRIPTION OF PROJECT

Specify proposed building style and materials, ultimate ownership, proposed timeline for work, etc. (Use another sheet of paper if necessary). Sketches showing facades, rooflines, window and door placement, etc are encouraged but need not be professionally drawn - photos of similar construction may also be submitted.

requesting Variance to meet the Conditions of a Duplex in RG zoning.

NO WORK - INCLUDING EARTHWORK CAN COMMENCE UNTIL THE CLASS A DESIGNATION IS OBTAINED AND A ZONING COMPLIANCE PERMIT IS ISSUED.

SEC 80.64.B(1)

The Board of Zoning Appeals shall make a finding that the requirements of Sec. 80.64.4.B(1) have been met by the applicant for a variance.

(1) Written application for a variance must be submitted demonstrating:

- a. That special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

Petitioner's Response:

Small lot size. Home has been a one family home and was built with two separate floors since purchasing it in 1993; then reselling to Greg in 2013.

- b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

Petitioner's Response:

Can not enlarge lot - property not for sale on either side. No other construction is needed - Apartment stands as is and ready to go - No nuisance to other neighbors.

- c. That special conditions and circumstances do not result from the actions of the applicant.

Petitioner's Response:

The owner has acted in good faith to follow instructions. Lot can not be made bigger - No property for sale. The home was built with two floors before we bought it including separate entrance. Has been a one family home and now would like to be a duplex for very occasional short term rental.

- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

Petitioner's Response:

¹⁵
1970 → Home has been built like with two floors since before we owned it. No additional Building will need to be done = other houses would need to do some Building or Construction -

- e. That no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Petitioner's Response:

The Home is on its own property and Cannot expand to take over any other property -

SIGNATURE

I hereby certify the following:

1. I am the legal owner of the property for which this application is being submitted.
2. I desire to apply for the variance indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
3. The requested variance would not violate any deed restrictions attached the property involved in the request.
4. I have read Section 80.64 of the Zoning Ordinance and understand the necessary conditions that must be completed; and I have read Section 80.60 Administrative Standards and understand the consideration that will be given in making a decision on this petition.
5. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that is does not assure approval of the plan.
6. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full. Once my application is deemed complete, I will be assigned a date for a public hearing before the Board of Zoning Appeals that may not necessarily be the next scheduled meeting due to notification requirements and Board of Zoning Appeals Bylaws.
7. I acknowledge that this form is not in itself an approval of the variance but only an application for a variance and is valid only with procurement of applicable approvals.
8. I authorize City Staff and the Board of Zoning Appeals members to inspect the site.

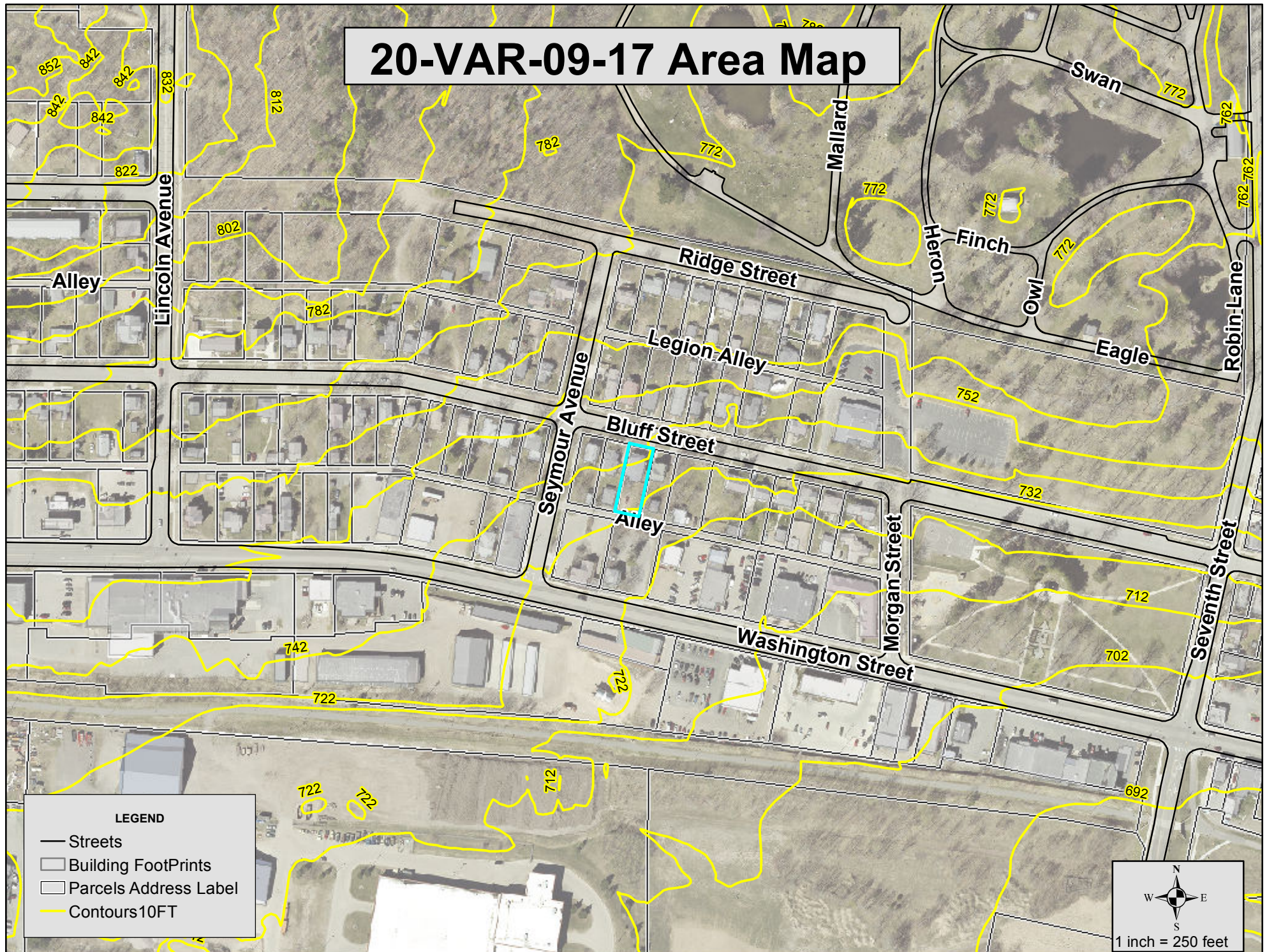
Property Owner Signature:

Gregory P. Detaskie

Date:

8-10-2017

20-VAR-09-17 Area Map



[illegible]

1 inch = 83 feet

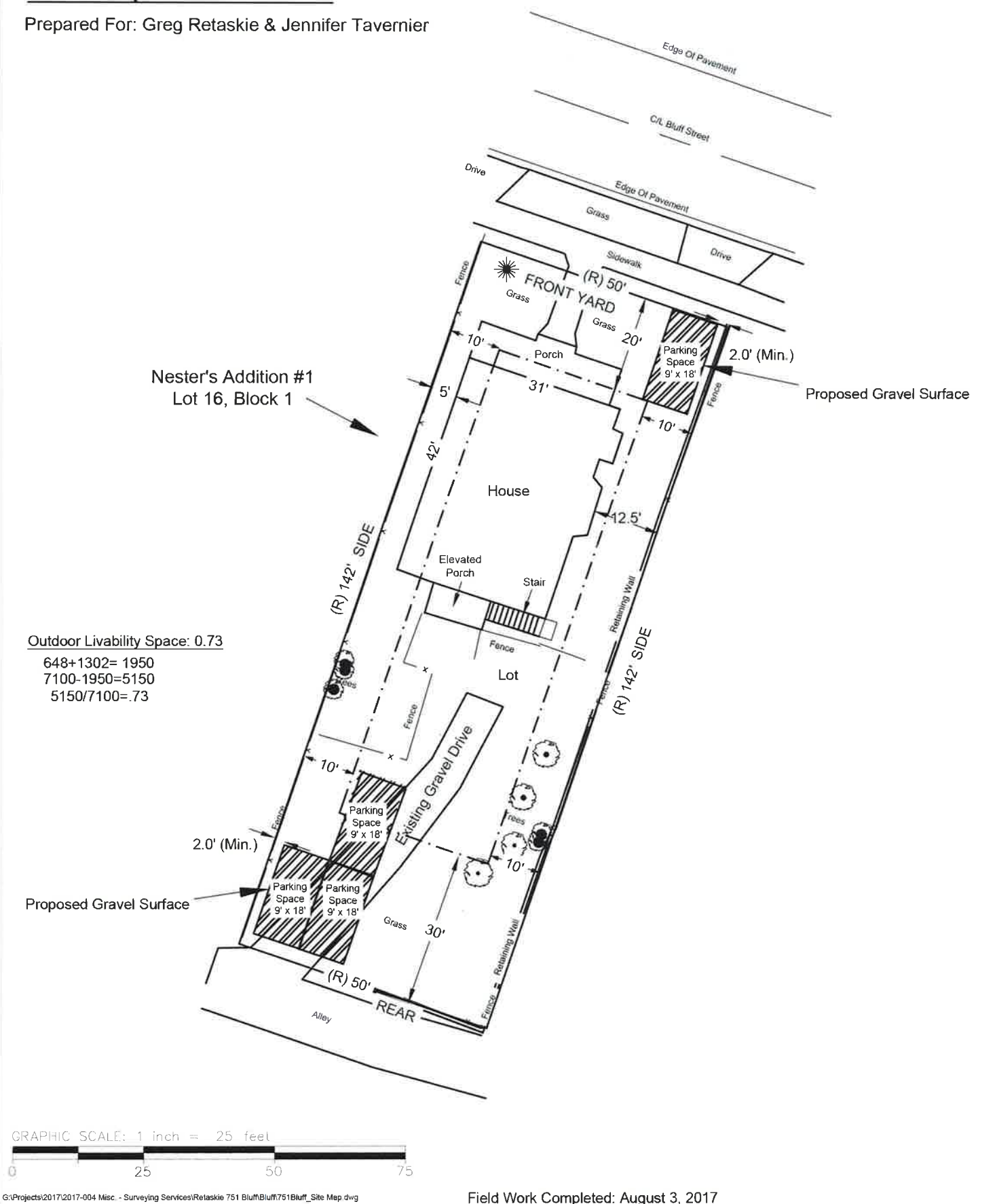









Description Sketch

Prepared For: Greg Retaskie & Jennifer Tavernier



NOTE: THIS SKETCH DOES NOT REPRESENT, AND IS NOT INTENDED TO REPRESENT, A LAND SURVEY UNDER PROVISIONS OF ACT132, MICHIGAN P.A. 1970, AS AMENDED, THIS SKETCH AND/OR DESCRIPTION WAS PREPARED AT THE REQUEST OF, AND FOR THE SOLE USE BY THE ABOVE CLENT.

 830 WEST WASHINGTON STREET MARQUETTE, MICHIGAN 49855 1(906)228-5125 ESCANABA, MICHIGAN PHOENIX, ARIZONA MARSHALL, MICHIGAN MADISON, WISCONSIN		 NORTH BEARING BASIS: COMPASS SEC. TWP RGE 22 T48N R25W MUNICIPALITY: City of Marquette ENCROACHMENTS: SHEET 1 OF 1	TRIMEDIA ENVIRONMENTAL AND ENGINEERING, LLC BY: <u>Sheldon Van Drese</u> Sheldon Van Drese, P.S. NO. 41116 DATE: <u>August 16, 2017</u>
SCALE: 1" = 25'	CLIENT: J. TAVERNEIR & G. RETASKIE		
APPROVED BY: SMV	JOB NO.: 2017-004		
DRAWN BY: MLM	DATE: 08/16/17		
PROJECT DESCRIPTION: Lot 16, Block 1 of Nester's Addition, City of Marquette, Marquette Co, Michigan			