



**SPECIAL MEETING AGENDA
MARQUETTE CITY BOARD OF ZONING APPEALS
October 23, 2025, at 7:00 PM
Room 103, Municipal Service Center at 1100 Wright Street**

MEETING CALLED TO ORDER

ROLL CALL

1. CITIZENS WISHING TO ADDRESS THE BOARD
2. PUBLIC HEARINGS
 - **04-VAR-10-25 – 401 W. Washington St. (PIN: 0220130):** 401 W. Washington St, LLC is seeking a 25-ft curb cut and driveway separation variance and a 9.49-ft rear yard variance from the City of Marquette Land Development Code to allow a driveway that does not have a separation between the adjacent curb cut and driveway and a three-story building with a lower-level parking garage that is proposed to not meet the 10-ft setback from the rear lot line requirement at 401 W. Washington St.
3. CITIZENS WISHING TO ADDRESS THE BOARD
4. ADJOURNMENT

Agenda Packets for the Board of Zoning Appeals are available at following location:
<https://marquette.novusagenda.com/Agendapublic/>

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
PLANNING AND ZONING
1100 WRIGHT STREET
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Andrea Landers, Zoning Official
DATE: October 15, 2025
SUBJECT: 04-VAR-10-25 – 401 W. Washington St. (PIN: 0220130)

The Board of Zoning Appeals is being asked to review an application for a 25-ft curb cut and driveway separation variance and a 9.49-ft rear yard variance from the City of Marquette Land Development Code to allow a driveway that does not have a separation between the adjacent curb cut and driveway and a three-story building with a lower-level parking garage that is proposed to not meet the 10-ft setback from the rear lot line requirement at 401 W. Washington St.

Please see the attached STAFF REPORT/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.

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

*After conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 04-VAR-10-25, the Board of Zoning Appeals (*finds/does not find*) that the request (*demonstrates/does not demonstrate*) the standards found in Section 54.1404(B)(5)(a. through j.) of the Land Development Code and hereby (*approves/denies*) 04-VAR-10-25*

...as presented with the following condition that a License be approved by the City Commission for the proposed encroachment into the Washington Street right-of-way.

...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 REPORT/ANALYSIS for 04-VAR-10-25, the Board of Zoning Appeals does not find that the request demonstrates the standards found in Section 54.1404(B)(5) (a. through j.) of the Land Development Code. 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 54.1404(B)(5) (a. through j.) of the Land Development Code, and the Board of Zoning Appeals hereby approves 04-VAR-10-25 with the _____ variance.

TAFF REPORT/ANALYSIS

Completed by Andrea Landers – Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator



File #: 04-VAR-10-25

Date: October 14, 2025

Project/Application: Applicant is seeking a seeking a 25-ft curb cut and driveway separation variance and a 9.49-ft rear yard variance from the City of Marquette Land Development Code to allow a driveway that does not have a separation between the adjacent *curb cut and driveway* and the proposed three-story building, with a lower-level parking garage that is proposed to not meet the 10-ft setback from the rear lot line requirement.

Location: 401 W. Washington Street

Parcel ID: 0220130

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

Current Zoning: CBD – Central Business District

Surrounding Zoning:
North: CBD – Central Business District
South: CBD – Central Business District
East: CBD – Central Business District
West: CBD – Central Business District

Year Built: The structure was built in 1975 and remodeled in 2001 according to the assessing records.

Sales: The applicants have owned the structure since October 16, 2024.

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

Section 54.402 Schedule of Regulations

Lot size: There is no minimum lot size in the CBD Zoning District.

This parcel's lot size is +/- 8,174 S.F.

Lot Width: The minimum lot width in the CBD Zoning District is 24 feet.

This parcel's lot width is 100.12-ft on Washington Street or 80.40-ft on Fifth Street.

Front Yard: The minimum front yard requirement in the CBD Zoning District is 0 feet.

The proposed structure is to be 0-ft from the front property line and to encroach 0.1-ft and 0.2-ft into the Washington Street right-of-way, and a License for the encroachment has been prepared by the City Attorney and will be on the 10/27/25 City Commission agenda. The proposed structure is 1.32-ft from the Fifth Street front property line.

STAFF REPORT/ANALYSIS

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Side Yards: The minimum side yard requirements in the CBD Zoning District is a minimum of 5-ft. and the 10-ft. total of both sides.

This is a corner lot so there is only one side yard, and it is more than 5-ft. wide.

Rear Yard: The minimum rear yard requirement in the CBD district is 10 feet.

The proposed structure is 0.51 ft. from the rear parcel line, therefore a 9.49 ft rear yard variance is requested.

Maximum Height: The maximum height requirement for primary buildings in the CBD Zoning District is 74 feet in height.

The proposed height is +/- 40-ft per the application.

Section 54.905 Parking Layout, Design, Construction, and Maintenance

(E) Driveway Requirements. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. There shall be a minimum of 25 feet between curb cuts or cuts and intersections. There shall be a clear vision triangle at each intersection pursuant to [Section 54.704](#).

The proposal is to allow a driveway that does not have a separation between the adjacent curb cut and driveway, therefore a 25-ft curb cut and driveway separation variance is requested.

Relationship to the Land Development Code Variance Standards (Staff Comments in Bold Text):

54.1404 Variances and Appeals

(B) Variances. *The Board of Zoning Appeals may 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 in accordance with this Section. A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until all of the following are fulfilled:*

(1) Application. *A complete written application for a variance is submitted.*

An application has been submitted.

(2) Payment of Fees. *All fees, as set by the City Commission, must be paid by the applicant to cover the administrative costs of such application.*

The required fee has been submitted.

(3) Notice of Public Hearing. *Notice of public hearing shall be given as in Section 54.1406.*

Notices have been made in accordance with Section 54.1406.

- (4) Public Hearing. *The public hearing shall be held. Any party may appear in person, or by a duly authorized agent or by attorney to act on behalf of the applicant.*

The public hearing is to be held at a special meeting on October 23, 2025.

- (5) Required Standards of Review. *The Zoning Board of Appeals shall make findings that a “practical difficulty” has been shown by the applicant by finding that all of the following requirements have been met by the applicant for a variance.*
- (a) Special Conditions and Circumstances Unique to the Land, Structure, or Building. *That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district;*

TBD by the Board of Zoning Appeals.

- (b) Rights of Similar Properties in the Same Districts. *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other similar properties in the same district under the terms of this Ordinance;*

TBD by the Board of Zoning Appeals.

- (c) Not a Result of Actions of the Applicant. *That the special conditions and circumstances do not result from the actions of the applicant;*

TBD by the Board of Zoning Appeals.

- (d) Special Privileges Prohibited. *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) Comparison to Other Lands, Structures, or Buildings Not a Factor. *That no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming 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.

STAFF REPORT/ANALYSIS

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- (f) Strict Compliance is Unnecessarily Burdensome. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons;

TBD by the Board of Zoning Appeals.

- (g) Substantial Justice. That a variance would do substantial justice to the applicant, as well as to other property owners in the district (the BZA, however, may determine that a reduced relaxation would give substantial relief and be more just);

TBD by the Board of Zoning Appeals.

- (h) Impact. That the proposed variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets; that the variance will not increase the hazard of fire or flood or endanger public safety; that that the variance will not unreasonably diminish or impair established property values within the surrounding area; and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

TBD by the Board of Zoning Appeals.

- (i) Minimum Variance Necessary. That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

TBD by the Board of Zoning Appeals.

- (j) Purpose and Intent of the Land Development Code. That the granting of the variance, will be in harmony with the general purpose and intent of this Ordinance.

TBD by the Board of Zoning Appeals.

Additional Comments:

State Law provides that reasonable conditions may be placed 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.

Please note, there was a clerical error stating that the rear yard setback was 5-ft., but it is a 10-ft setback, and the survey and the site plan sheet shows it as 5-ft., but it is actually 10-ft. Therefore, please see the amended Mining Journal notice language below.

- The Marquette City Board of Zoning Appeals will hold public hearing at a special meeting on the following: **04-VAR-10-25 – 401 W. Washington St. (PIN: 0220130):** 401 W. Washington St, LLC is seeking a 25-ft curb cut and driveway separation variance and a 9.49-ft rear yard

STAFF REPORT/ANALYSIS**Page 5 of 5**

variance from the City of Marquette Land Development Code to allow a driveway that does not have a separation between the adjacent curb cut and driveway and a three-story building with a lower-level parking garage that is proposed to not meet the 10-ft setback from the rear lot line requirement at 401 W. Washington St.

Background:

A license has been submitted for the building encroachment into Washington Street right-of-way, and a Hold Harmless application has been submitted for the canopy in Washington Street right-of-way.

Attachments:

- Application
- Area Map
- Block Map
- Photos
- Architect sketches
- Location sketch

PRINT

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



CITY STAFF USE

Parcel ID#: 0220130

File #: 04-VAR-10-25

Receipt/INV #: 401327

Check #: 00300771

Received by and date: 9-18-25 EP

Hearing Date: Special mtg 10-23-25

Application Deadline (including all support material): _____

- Location Sketch prepared by a surveyor submitted: (Y) / N (fence height or % of construction variance N/A)

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 (We can only accept Cash or Check (Written to the City of Marquette))

☐ 1 or 2 Family Residential Units \$845

☒ Commercial and all others

\$1,120

+ \$340 for special mtg

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

Board of Zoning Appeals page for filing deadline and meeting schedule
Excerpts from the Land Development Code

- **Section 54.1404:** Variances and Appeals
- **Article 4** for setback and height information
- **Article 9** for off street parking requirements

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

401 WEST WASHINGTON LLC

Name: _____

Address: 16 S. ELM STREET

City, State, Zip: ZEELAND, MI 49464

Phone #: _____

Email: _____

APPLICANT/OWNERS REPRESENTATIVE

MIDWEST CONSTRUCTION GROUP

Name: _____

Address: 205 W. FURNACE STREET

City, State, Zip: MARQUETTE, MI 49855

Phone #: _____

Email: _____

NORTH COUNTRY ENGINEERING

SURVEYOR

706 CHIPPEWA STREET

MARQUETTE, MI 49855

Name: _____ Address: _____ City, State, Zip: _____

Phone #: _____ Email: _____

*** A current survey (location sketch), prepared by a licensed surveyor and showing all existing and proposed construction must be submitted at least 20 business days prior to all public hearings involving dimensional variances.**

Bldg Setback Variances Request

VARIANCES REQUESTED

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

PROPERTY INFORMATION

Location (Street Address): 401 W. WASHINGTON

Zoning District: CBD

Total area of site: ± 8,174 sq (0.188 ac)

Sq. ft. of Existing Building(s): 3,940 ±

Sq. ft. of Proposed Building(s): 11,820 ±

Number of floors: 3 Proposed Height: 40' ±

SETBACKS

	Please circle the appropriate direction				REQUIRED Please fill in the distance	PROVIDED/ PROPOSED Please fill in the distance
FRONT	<u>N</u>	S	E	W	<u>0'</u>	<u>0'</u>
SIDE 1	N	S	E	<u>W</u>	<u>10'</u>	<u>40' ±</u>
SIDE 2	N	S	<u>E</u>	W	<u>0'</u>	<u>0'</u>
REAR	N	<u>S</u>	E	W	<u>5' 10'</u>	<u>0.51'</u>

EXISTING/PROPOSED USE

(Check all that apply)

Existing Use: COMMERCIAL / RETAIL

Proposed Use: COMMERCIAL / RESIDENTIAL

Multifamily and non-residential development must undergo a formal site plan review - See Section 54.1402 of the Marquette City Land Development Code.

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 appeal 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.

New three-story building with a lower level parking garage.
The existing lower level will remain + the existing upper street level will be demolished

NO WORK - INCLUDING EARTHWORK CAN COMMENCE UNTIL A VARIANCE IS OBTAINED (APPLICATION SUBMITTAL DOES NOT GUARANTEE APPROVAL) AND A ZONING COMPLIANCE PERMIT IS ISSUED.

SEC 54.1404(B)(5):

The Zoning Board of Appeals shall make findings that a "practical difficulty" has been shown by the applicant by finding that all of the following requirements have been met by the applicant for a variance.

(a) Special Conditions and Circumstances Unique to the Land, Structure, or Building.

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

Petitioner's Response: _____

This property contains an existing building constructed at the rear property line (0' setback), a condition that is characteristic of legacy CBD development patterns but not generally present in later infill. The lot's developed footprint, rear retaining conditions/grades, and service access pattern constrain any ability to "move" the structure forward to create new rear yard clearance without disproportionate demolition and structural re-work. These circumstances are unique to this parcel and its existing, long-standing building configuration.

(b) Rights of Similar Properties in the Same Districts. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other similar properties in the same district under the terms of this Ordinance;

Petitioner's Response: _____

Strict application of a five-foot rear setback would deprive us of rights commonly enjoyed by similar CBD properties that maintain a zero rear setback, including 419 W. Washington and multiple businesses immediately west of our lot. We are not creating a new encroachment; we are continuing an established footprint and building upward. Granting this variance preserves parity with neighboring properties and the block's historic urban form.

(c) Not a Result of Actions of the Applicant. That the special conditions and circumstances do not result from the actions of the applicant;

Petitioner's Response: _____

The rear yard nonconformity predates this application and was not created by the applicant. Our proposal does not expand the existing footprint at the rear property line; it only continues vertically from the established lower-level footprint. The practical difficulty arises from historical siting, not from any action taken by the applicant.

- (d) **Special Privileges Prohibited.** 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: _____

Approval would not confer a special privilege, it would maintain an existing, customary condition shared by numerous CBD properties. We are seeking only to recognize the established rear line and to build upward within the allowable height and use parameters, not to extend beyond what peer properties have been allowed or historically maintain.

- (e) **Comparison to Other Lands, Structures, or Buildings Not a Factor.** That no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Petitioner's Response: _____

While adjacent CBD properties illustrate the district pattern, our request is justified on the subject parcel's specific conditions: an existing 0' rear setback and structural system that cannot be reasonably altered without significant demolition and disruption. The variance rests on these site-specific circumstances and the proposal's absence of any new encroachment, rather than on unrelated nonconformities elsewhere.

- (f) **Strict Compliance is Unnecessarily Burdensome.** That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons;

Petitioner's Response: _____

Requiring a new five-foot rear setback would necessitate removing and rebuilding the existing rear structural wall and foundations across the building width, disrupting load paths and life-safety systems, and impairing access/egress and service functions. It would also reduce functional floor area on all levels above, limiting the building's ability to accommodate permitted mixed-use. These physical and operational burdens, independent of cost, would unreasonably prevent use of the property for its permitted purpose.

- (g) **Substantial Justice.** That a variance would do substantial justice to the applicant, as well as to other property owners in the district (the BZA, however, may determine that a reduced relaxation would give substantial relief and be more just);

Petitioner's Response: _____

Granting the variance supports substantial justice by enabling a code-compliant, compact, mixed-use infill that is consistent with CBD character and block conditions, while avoiding unnecessary demolition solely to "create" a rear yard that has never existed on this parcel. The Board may impose standard conditions (e.g., fire-rated, opening-free rear wall and no rear projections) to ensure relief is appropriately tailored. This delivers relief to the applicant without detriment to neighboring owners who enjoy similar rear yard conditions.

- (h) **Impact.** That the proposed variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets; that the variance will not increase the hazard of fire or flood or endanger public safety; that the variance will not unreasonably diminish or impair established property values within the surrounding area; and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Petitioner's Response: _____

Because no new footprint is proposed at the rear, the variance will not impair light and air to adjacent property, nor will it increase street congestion. Fire safety will be addressed by providing required fire-resistance ratings and maintaining an opening-free rear wall where applicable; drainage will be managed per civil design to avoid impacts. The proposal maintains the block's established massing pattern, avoids new encroachments, and is not injurious to the neighborhood or detrimental to public welfare.

- (i) **Minimum Variance Necessary.** That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Petitioner's Response: _____

This request is the minimum relief necessary: recognition of the existing 0' rear setback so the structure can extend vertically from the current footprint. No additional setback relief (front or sides) is requested in connection with this variance, and no rearward expansion is proposed.

- (j) **Purpose and Intent of the Land Development Code.** That the granting of the variance, will be in harmony with the general purpose and intent of this Ordinance.

Petitioner's Response: _____

The CBD's purpose is to promote a compact, pedestrian-oriented urban form and reinvestment in mixed-use buildings. Allowing vertical expansion over an existing zero-setback footprint advances those aims—activating upper floors with housing, supporting ground-floor commercial use, and strengthening downtown vitality—while remaining within applicable height, use, and life-safety standards. The variance harmonizes with the Code's intent by enabling context-appropriate infill without introducing new rear yard intrusions.

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 54.1404 of the Land Development Code and understand the necessary conditions that must be completed and 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: _____

Date: _____

Applicant Signature: _____

Date: _____

Curb Cut / Driveway Variance Request

VARIANCES REQUESTED

- ☐ Fence
- ☐ Signage
- ☐ Parking (location, # of spaces, screening)
- ☐ Zoning (building size, placement, etc.)
- Size/lot coverage _____
 - Placement/Setbacks _____
 - Height _____
- ☒ Other Article 9, Sec 54.905(E) 25' Drive Separation
curb cut

PROPERTY INFORMATION

Location (Street Address) 401 W. Washington

Zoning District: CBD

Total area of site: .22 acres

Sq. ft. of Existing Building(s): 3940

Sq. ft. of Proposed Building(s): 11,820

Number of floors: 3 Proposed Height: 40

SETBACKS

	Please circle the appropriate direction	REQUIRED Please fill in the distance	PROVIDED/ PROPOSED Please fill in the distance
FRONT	N S E W	0	0
SIDE 1	N S E W	10	40
SIDE 2	N S E W	0	0
REAR	N S E W	5	0

EXISTING/PROPOSED USE (Check all that apply)

Existing Use: Commercial/retail

Proposed Use: Commercial/Residential

Multifamily and non-residential development must undergo a formal site plan review - See Section 54.1402 of the Marquette City Land Development Code.

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.

Plan is attached for proposed curb cut / driveway

NO WORK - INCLUDING EARTHWORK CAN COMMENCE UNTIL A VARIANCE IS OBTAINED (APPLICATION SUBMITTAL DOES NOT GUARANTEE APPROVAL) AND A ZONING COMPLIANCE PERMIT IS ISSUED.

SEC 54.1404(B)(5):

The Zoning Board of Appeals shall make findings that a "practical difficulty" has been shown by the applicant by finding that all of the following requirements have been met by the applicant for a variance.

(a) Special Conditions and Circumstances Unique to the Land, Structure, or Building.

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

Petitioner's Response: _____

Existing Garage Door is already in Place, we are only adding curb cut to access this.

We met with City Engineer and recommendation was to combine drive with neighbor

(b) Rights of Similar Properties in the Same Districts. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other similar properties in the same district under the terms of this Ordinance;

Petitioner's Response: _____

Garage door is already in place and is for underground parking.

The neighbor on East side of 5th has exact same condition.

(c) Not a Result of Actions of the Applicant. That the special conditions and circumstances do not result from the actions of the applicant;

Petitioner's Response: _____

Owner is reusing the existing lower level floor plan and garage

Garage will be used to meet parking needs.

- (d) **Special Privileges Prohibited.** 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: _____

The neighbor to the East has same combined driveway for a Garage

- (e) **Comparison to Other Lands, Structures, or Buildings Not a Factor.** That no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Petitioner's Response: _____

Owner to the East has same combine driveway we are requesting

- (f) **Strict Compliance is Unnecessarily Burdensome.** That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons;

Petitioner's Response: _____

Owner would not be able to meet parking requirements

- (g) **Substantial Justice.** That a variance would do substantial justice to the applicant, as well as to other property owners in the district (the BZA, however, may determine that a reduced relaxation would give substantial relief and be more just);

Petitioner's Response: _____

The parking would less the hit to on-street parking and other DDA
Parking lots already overburdened.

- (h) **Impact.** That the proposed variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets; that the variance will not increase the hazard of fire or flood or endanger public safety; that that the variance will not unreasonably diminish or impair established property values within the surrounding area; and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Petitioner's Response: _____

The Door already exists previous access required to drive over
Curb. This improvement will be safer and more obvious to both
Vehicles and Pedestrians

- (i) **Minimum Variance Necessary.** That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Petitioner's Response: _____

Just need variance to do a combined driveway which should already have existed.

- (j) **Purpose and Intent of the Land Development Code.** That the granting of the variance, will be in harmony with the general purpose and intent of this Ordinance.

Petitioner's Response: _____

This is already existing conditions just needing safer improvements
which is being created by the combined driveway.

SIGNATURE

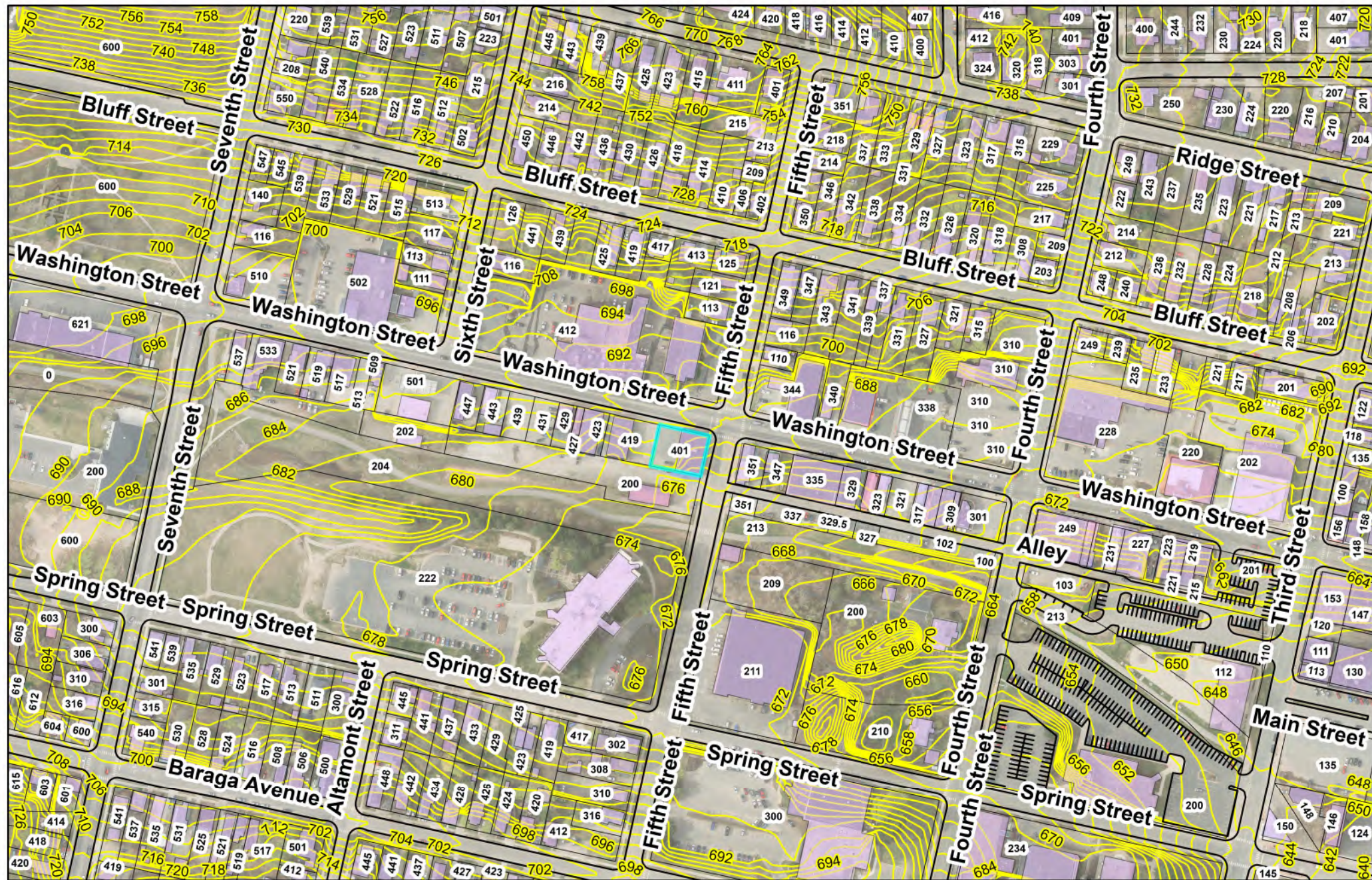
I hereby certify the following:

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 54.1404 of the Land Development Code and understand the necessary conditions that must be completed and 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: BVR Date: 9-18-2025

Applicant Signature: BVR Date: 9-18-2025

04-VAR-10-25 Area Map



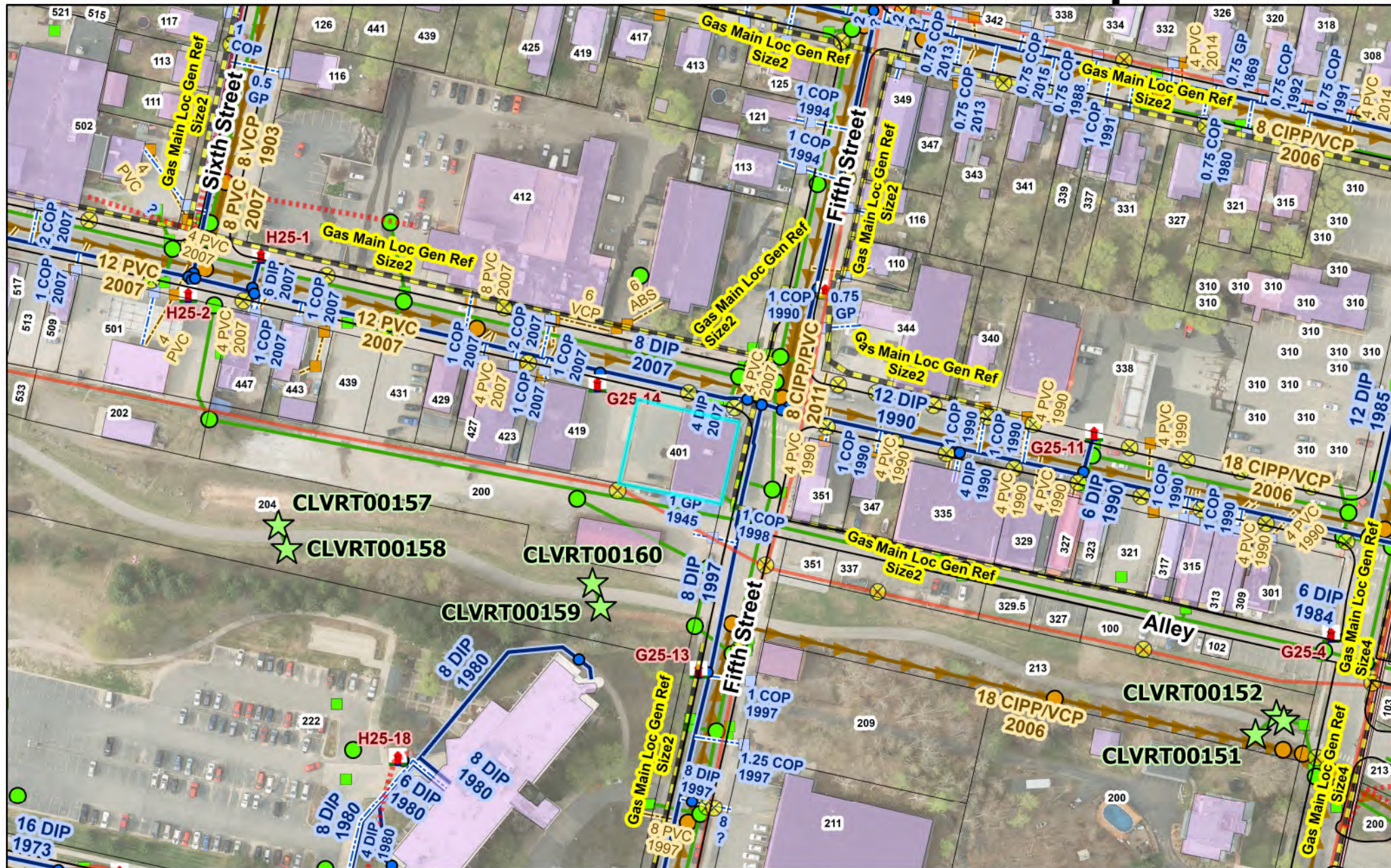
1 inch equals 250 feet

Parcels_Address
Number Labels

Building Footprints
Streets

Contours2FT_From_200

04-VAR-10-25 Block Map




 The information contained on this map is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an on-site land survey. The information contained herein does not replace information that may be obtained by consulting the information's official source. In no event shall the City of Menasha be liable for any damages, direct or consequential, from the use of the information.
 1 inch equals 125 feet

- Parcels_Address - Number Labels - Building Footprints - Streets - BLP Streetlights - Overhead	- Underground - Natural_Gas_GPMS_Pipe (General Ref) - Semco_Gas_Mains_2017 (General Ref) - FiberLines	- Fire Hydrants - WaterShutOff - Water Valves & Gates - Water Lateral Lines - Watermains	- Water Structures - Storm Manholes - Storm Catch Basins - swCulverts_Inlets_Outle - Storm Pipes	- swTreatmentUnits - DAYLIGHT - IN ROAD/BRIDGE - CULVERT - IN STORM SEWER	- Sewer_Lift_Stations - SewerCleanOuts - Sewer System Valves - Sewer Manholes	- Sewer Lateral Lines - Sewer Pressurized Mains - Sewer Gravity Mains - EAST - NORTH	- SOUTH - WEST
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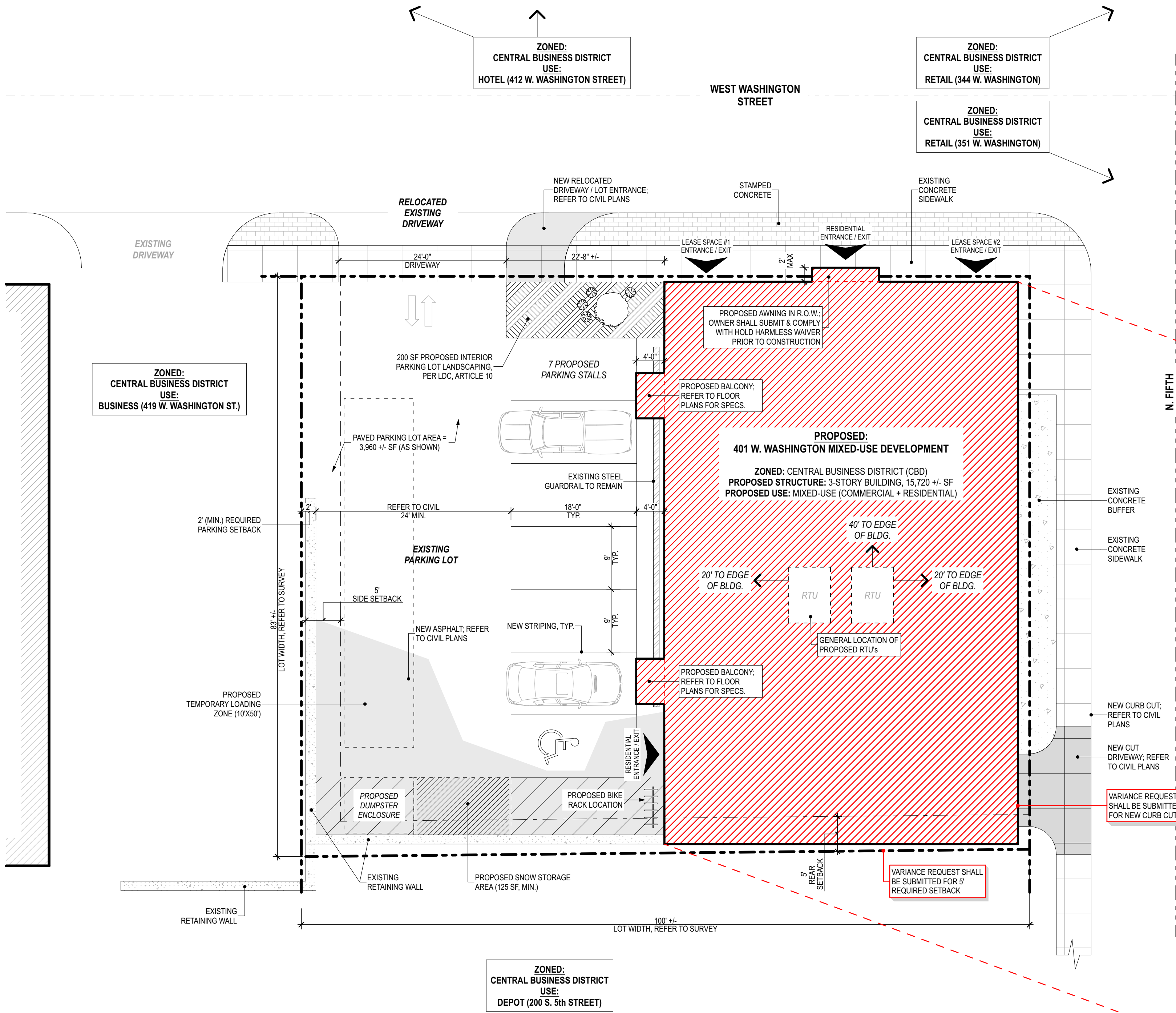




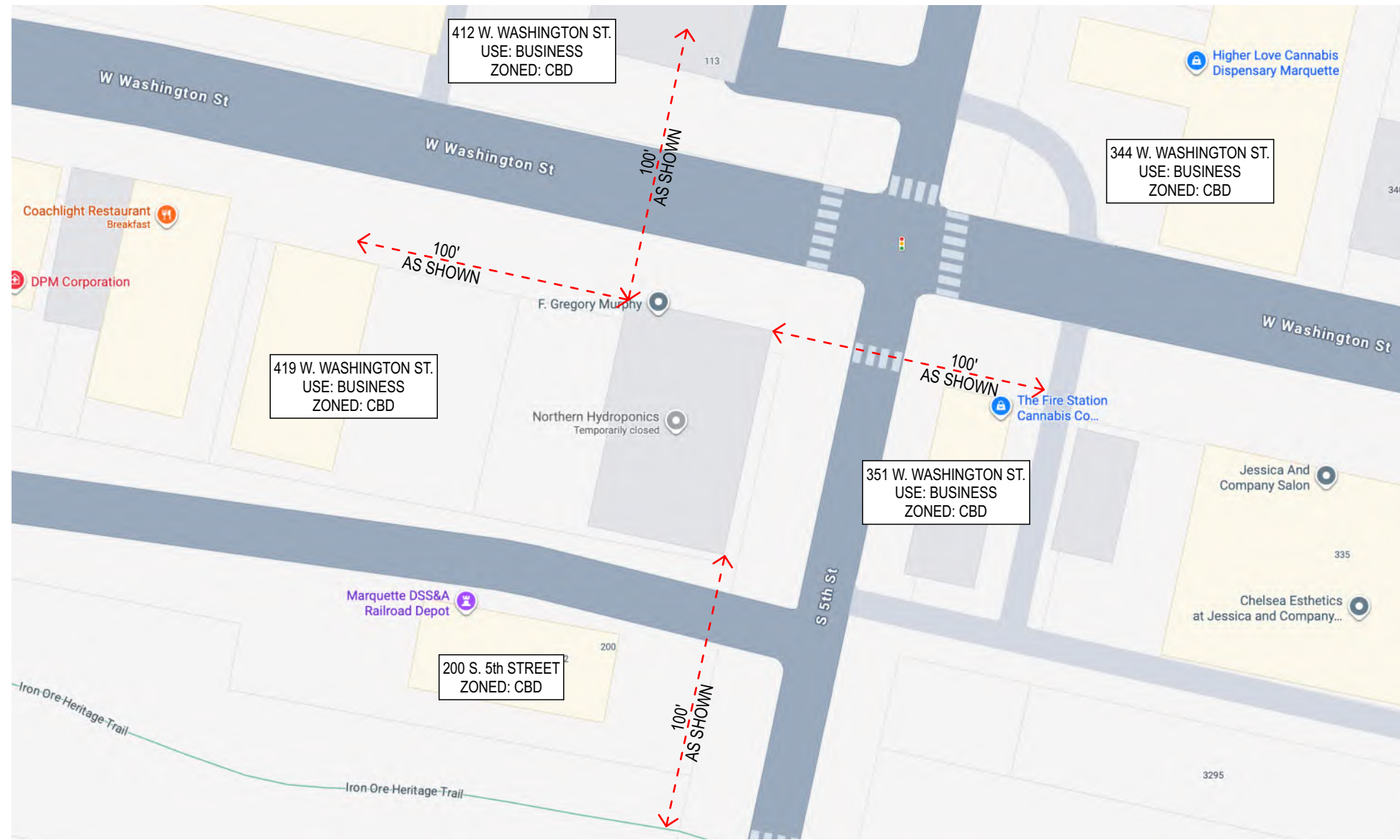




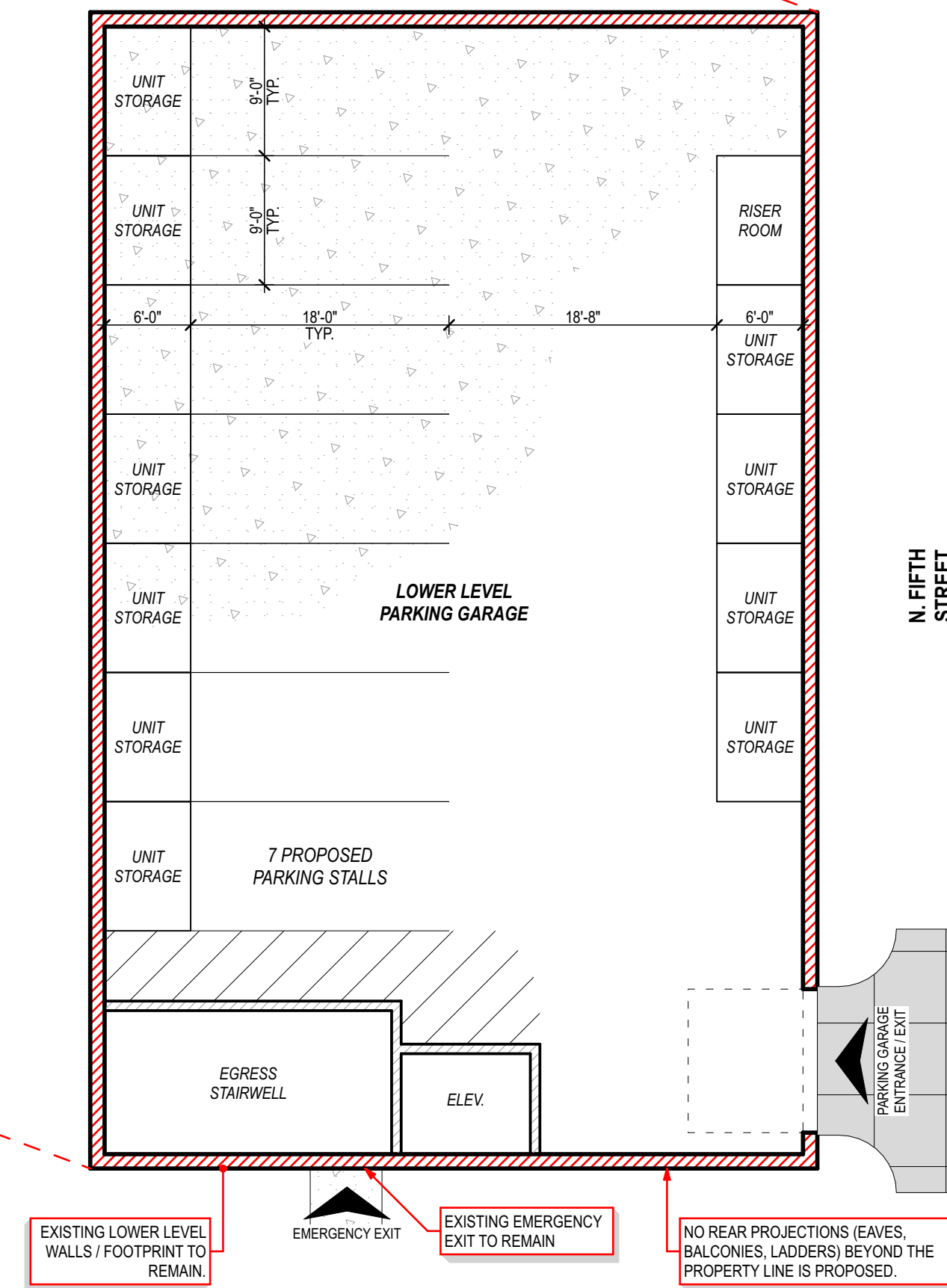




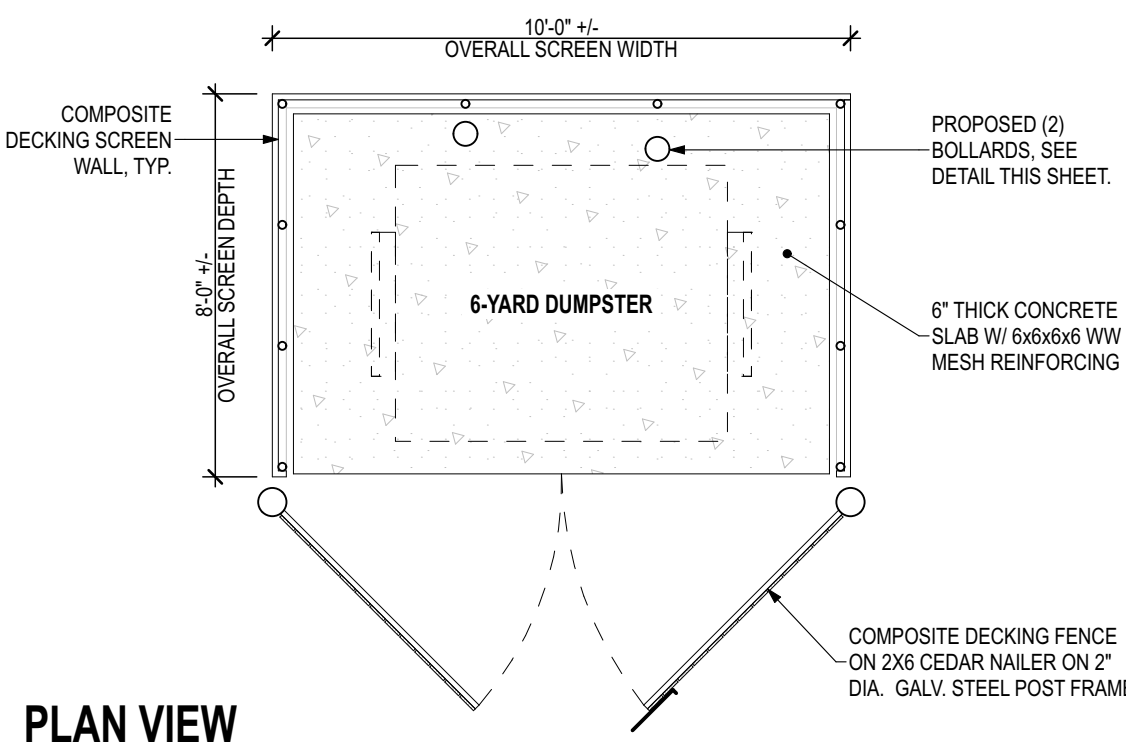
1 ARCHITECTURAL SITE PLAN
SCALE: 1" = 10'



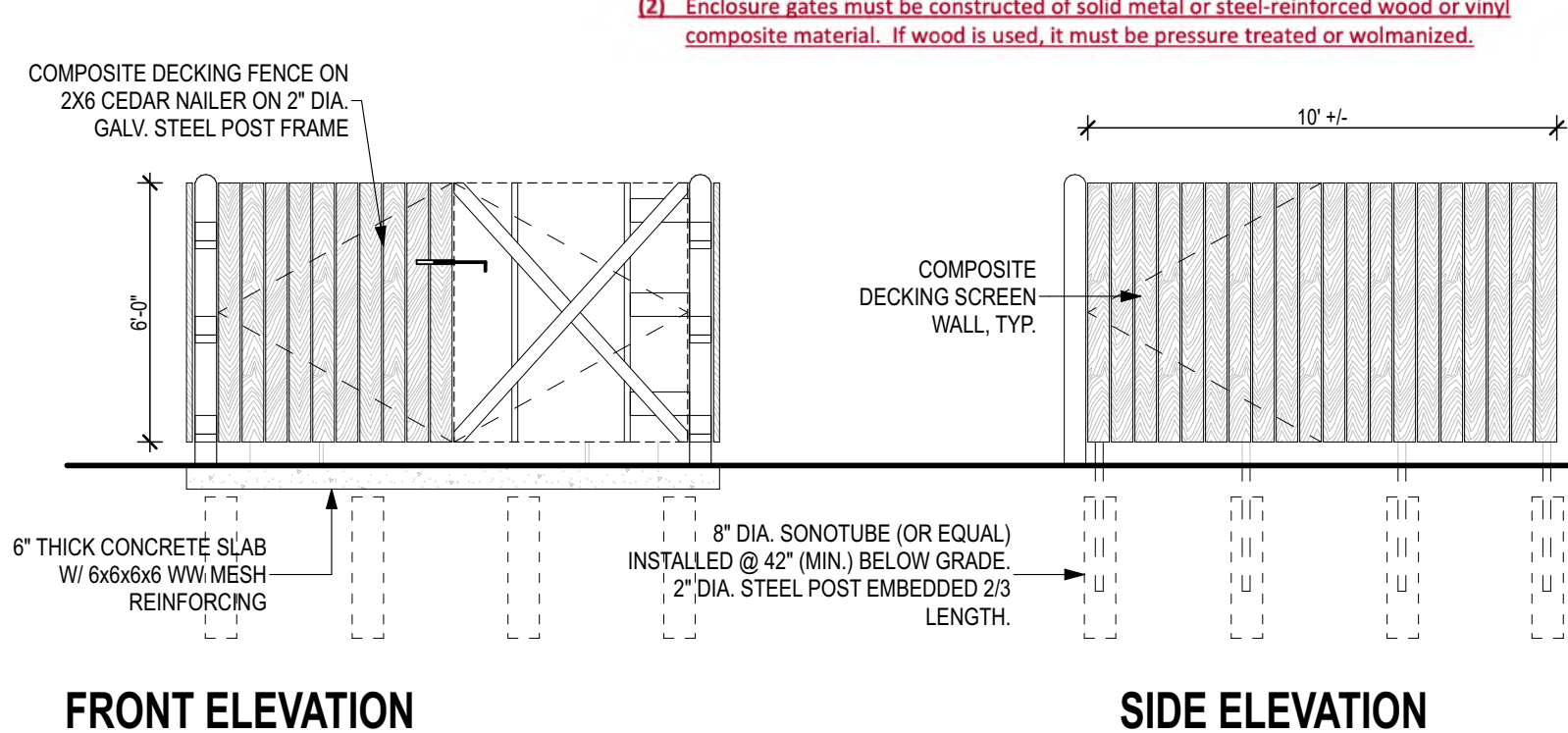
5 ZONING VICINITY MAP
SCALE: 1" = 50'



LOWER LEVEL -PARKING GARAGE



PLAN VIEW



FRONT ELEVATION

SIDE ELEVATION

4 DUMPSTER ENCLOSURE DETAIL
SCALE: 1/4" = 1'-0"

ZONING / SITE ANALYSIS

ZONING DISTRICT: SECTION 54.312

401 W. WASHINGTON STREET
CBD, CENTRAL BUSINESS DISTRICT

DIMENSIONAL REGULATIONS

MIN. LOT AREA (SF): NONE
EXISTING LOT SIZE: 9,685 SF +/- (0.22 ACRES)
MAX. BUILDING HEIGHT: 74'
PROPOSED BUILDING HEIGHT: 40'-0" +/- (SEE EXTERIOR ELEVATIONS)
MIN. FRONT YARD SETBACK: 0' @ WASHINGTON STREET
MIN. SIDE YARD SETBACK: 5' (TOTAL OF 2 = 10')
MIN. REAR YARD SETBACK: 10'

SETBACK NOTE: (1) (J) Reduced Side Yard Setbacks in the M-U, CBD, and GC Districts. In the M-U, CBD, and GC districts the side yards may be eliminated under the following conditions: (1) The side walls are of fireproof construction and are wholly without opening. (2) The zoning of the adjacent property is M-U, CBD, GC, Marquette Downtown Waterfront District, or Third Street Corridor District. Modified Rear Yard Setbacks in the M-U and CBD Districts. In the M-U and CBD districts the required rear yard may be measured from the center of an alley abutting the rear lot line, provided the structure is not located in the alley.

PROPOSED BUILDING USE: MIXED-USE (SECTION 54.312)
COMMERCIAL (TBD) OFFICE, RETAIL OR SERVICE
RESIDENTIAL (DWELLING, MULTIPLE FAMILY 5+ DWELLING UNITS)

GROSS BUILDING AREA: PROPOSED: 15,720 +/- TOTAL SQUARE FEET
0. LOWER / GARAGE LEVEL = 3,940 +/- SF
1. MAIN FLOOR = 3,940 +/- SF
2. SECOND FLOOR = 3,940 +/- SF
3. THIRD FLOOR = 3,940 +/- SF

INTERIOR PARKING LOT LANDSCAPING

ARTICLE 10, 2(A) — 5% OF ALL PAVED PARKING AREAS

PROPOSED PAVED PARKING AREA: 3,960 SF x .05 = 198 SF
INTERIOR LANDSCAPING AREA: 200 SF (AS SHOWN)
REQUIRED NUMBER OF PLANTS: 1 DECIDUOUS TREE, PER 300 SF OF INTERIOR LANDSCAPING.

PARKING COUNT

ARTICLE 9: PARKING LOADING, AND ACCESS MANAGEMENT

(6) CBD: PARKING SPACE REQUIREMENTS FOR PRINCIPAL USERS IN THE CBD APPLY ONLY TO RESIDENTIAL USES, AND ALL OTHER PRINCIPAL USES IN THE CBD ARE EXEMPT FROM PARKING SPACE REQUIREMENTS.

(3) LAND USE: TWO (2) SPACES PER EACH DWELLING UNIT WITH MORE THAN ONE BEDROOM; ONE (1) PARKING SPACE MUST BE PROVIDED FOR EACH ONE-BEDROOM DWELLING UNIT, EXCEPT THE M-U AND CBD ZONING DISTRICTS REQUIRE 1.125 SPACE PER ANY DWELLING UNIT. 2 MOTOR VEHICLE PARKING SPACES PER DWELLING UNIT IS THE MAXIMUM ALLOWED.

REQUIRED PARKING SPACES (1.125) SPACE PER DWELLING UNIT
14 REQUIRED STALLS / SPACES
13.375 SPOTS FOR 11 DWELLING UNITS

PROPOSED PARKING SPACES
14 PROPOSED STALLS / SPACES

SNOW STORAGE REQUIRED: PER ARTICLE 10, PARKING STALL AREA X 10%
SNOW STORAGE PROVIDED: (162 SF X 7 STALLS = 1,134 SF X .10 = 113.4 SF)
125 SQUARE FEET

LANDSCAPING LEGEND

DECIDUOUS TREE(S) BRODIE COLUMNAR CEDAR, 7'-8" w/ 3' SPREAD AT INSTALLATION
SHRUB(S) BAILEY'S RED-OSIER DOGWOOD, 48" HEIGHT 30" SPREAD AT INSTALLATION

THE OWNER MAY SUBSTITUTE LANDSCAPING ITEMS WITH THOSE IDENTIFIED IN THE CITY OF MARQUETTE ORDINANCE. THE OWNER SHALL CONTACT THE MARQUETTE ZONING OFFICES WITH ANY REQUESTED CHANGES PRIOR TO PLACEMENT.

INTERIOR LANDSCAPING REQUIREMENTS (SECTION C2, ARTICLE 10 pg. 10-6):
INTERIOR LANDSCAPING SHALL ACCOUNT FOR A MINIMUM OF FIVE PERCENT (5%) OF ALL PAVED PARKING AREAS, INCLUDING PARKING AND LOADING SPACES, DRIVEWAYS, AND AISLES. SIDEWALKS WITHIN THE RIGHT-OF-WAY SHALL BE EXCLUDED FROM THE CALCULATION OF PAVED AREA. EACH SEPARATE INTERIOR LANDSCAPING AREA MUST BE A MINIMUM OF 360 SQUARE FEET IN AREA OR FIVE PERCENT (5%) OF ALL PAVED PARKING AREAS, WHICHEVER IS LESS.

(F) Garbage and Dumpster Screening (new Section). An enclosure of sufficient height to completely screen the dumpster is required on three (3) sides of the dumpster with a solid, opaque gate on the fourth side. The height of the enclosure shall be not less than six (6) feet or at least one (1) foot above the height of the dumpster, whichever is greater. Enclosures shall meet the following standards:

- The enclosure must be constructed of brick, decorative concrete, vinyl composite material which matches or complements the principal building or structure.
- Enclosure gates must be constructed of solid metal or steel-reinforced wood or vinyl composite material. If wood is used, it must be pressure treated or wolmanized.

RG DESIGN COMPANY
829 CROIX STREET
NEGAUNEE, MI 49866
P: 906.273.1041
WWW.RG-Design.CO

401 W. WASHINGTON - MIDWEST CONDOS
#RGD 24-016

MIDWEST CONSTRUCTION GROUP, INC.
401 W. WASHINGTON STREET
MARQUETTE, MICHIGAN 49855

ARCHITECTURE
INTERIOR DESIGN
PROJECT MANAGEMENT
KITCHENS + BATHROOMS + CLOSETS



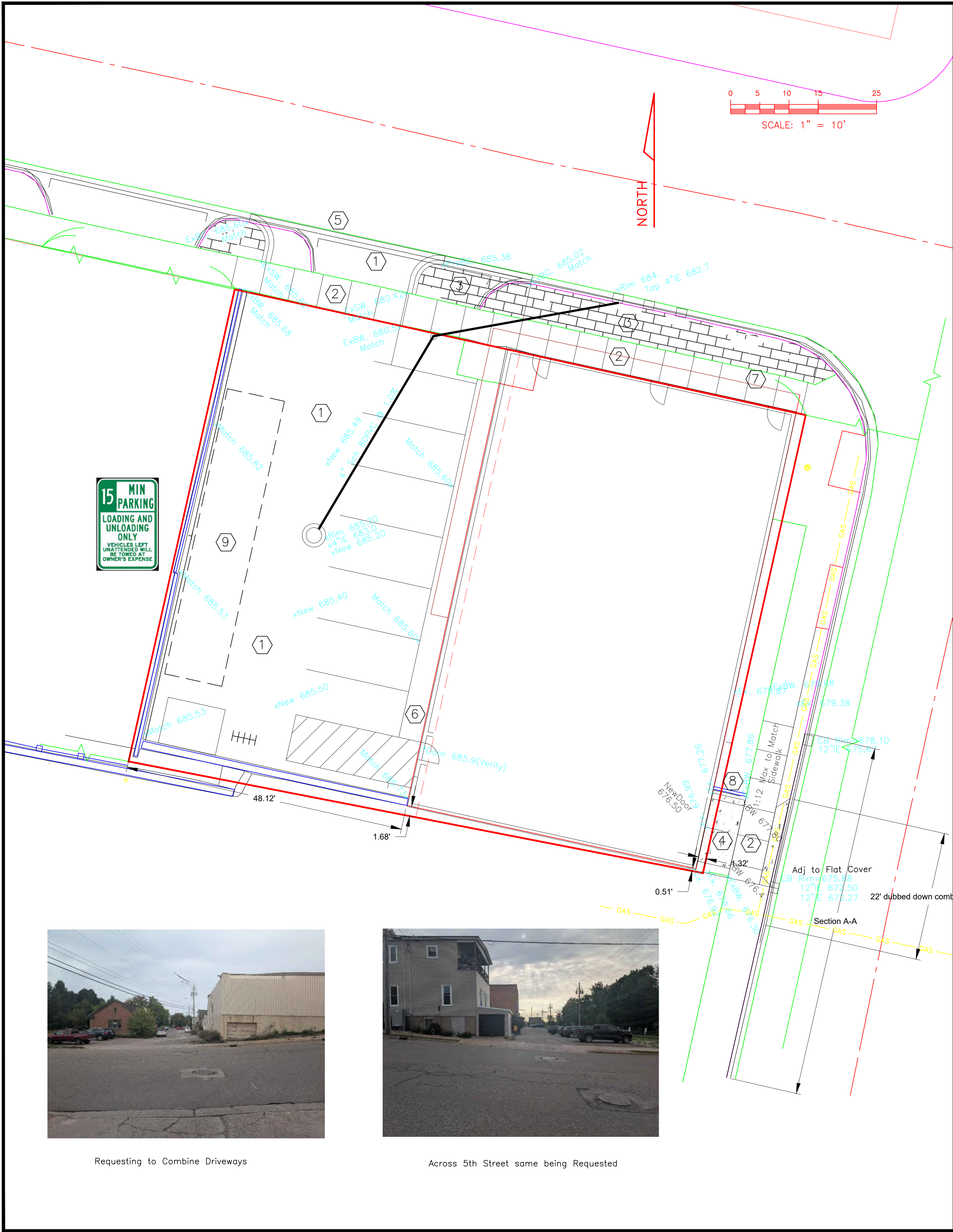
1" = 10' SCALE
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN BALANCED OR REDUCED, AFFECTING ALL LABELED SCALES.

BY	PHASE	DATE
RGD	DDA SET	7.28.25
RGD	CITY ZONING SET	8.5.25
RGD	ZONING REVISED	9.3.25
DATE:	9/3/25	
SCALE:	AS NOTED	
DRAWN:	JLG	
JOB #:	24-016	
SHEET		

AS1.0

PLOTTED ON: 9/3/25

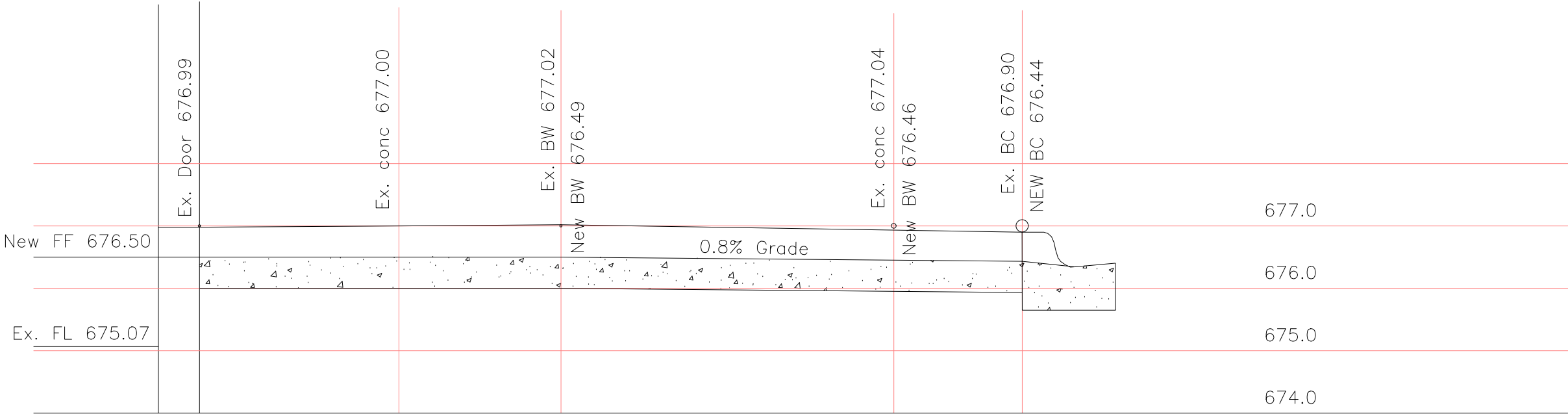
ARCHITECTURAL SITE PLAN



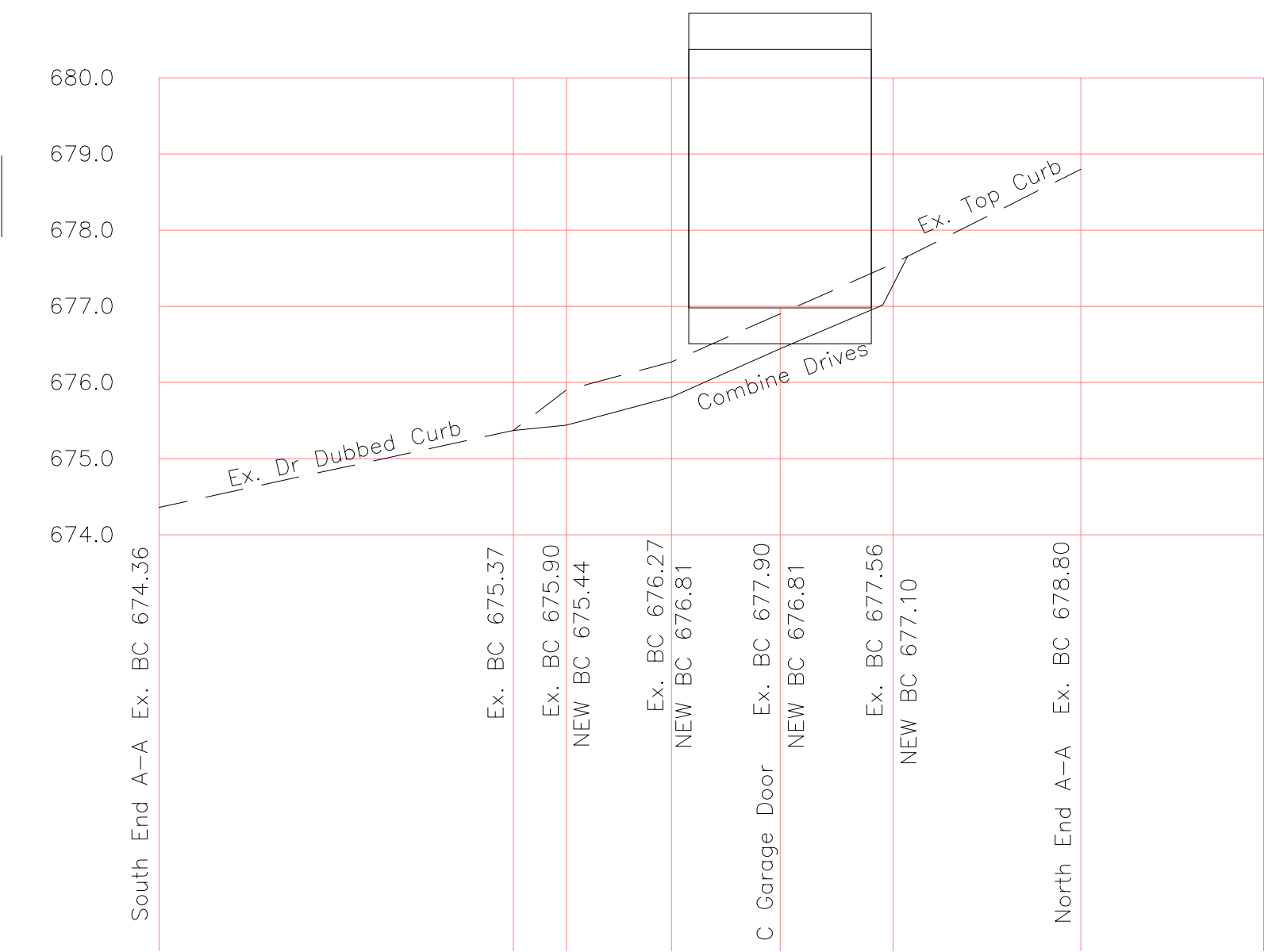
"All utility construction work to be accepted by the City of Marquette into their utility system and all work done in public rights-of-way or easement must be done in accordance with Michigan Department of Transportation and City of Marquette standards and specifications"



- # Construction Notes this Sheet
1. Pavement removal areas shall be re-surfaced with HMA 3" min. Match Ex. Grading.
 2. Replace removed concrete sidewalk in-kind. Min 6" through Drive.
 3. Replace Colored Stamped Concrete in-kind.
 4. New Concrete Drive, to Overhead Door, per detail.
 5. New MDOT Type "M" Opening, per detail.
 6. Handicap Parking Sign, per detail.
 7. Existing Sanitary and Water Services to Remain, see sheet C1 Utility Plan.
 8. New 8" Decorative Retaining Wall Block by Owner
 9. 50'x10' Temporary Loading Zone and sign.
 10. Bicycle Parking Area owner will provide rack.



Centerline of Drive Existing vs Proposed



Top of Curb Existing with Proposed Additional Dub Down
(Curb matches road grades, Only change is dubbed down)

401 W WASHINGTON STREET
MARQUETTE, MI 49855

SITE PLAN

Attention: 1" = 1'

If this scale bar does not measure 1" then drawing is not original scale.

Designed By:	
Checked By:	
Drawn By:	
Approved By:	
Project No:	
Sheet No:	04

DWG. NO.
C-03

LEVEL 1 / BOUNDARY SURVEY AND TOPOGRAPHIC SURVEY BASE MAP
401 WEST WASHINGTON STREET, MARQUETTE, MICHIGAN

PROPERTY OWNED BY 401 W WASHINGTON LLC
LEGAL DESCRIPTION RECORDED AT MARQUETTE
COUNTY DOCUMENT NUMBER 2024R-08562

LOTS NINE (9) AND TEN (10) HARLOW'S
ADDITION NO. 3, TO THE CITY OF MARQUETTE,
COUNTY OF MARQUETTE, STATE OF MICHIGAN,
ACCORDING TO THE RECORDED PLAT THEREOF,

PROPERTY CONTAINS 8,174 SQUARE FEET
(0.188 ACRES)

ZONING: CBD, CENTRAL BUSINESS DISTRICT

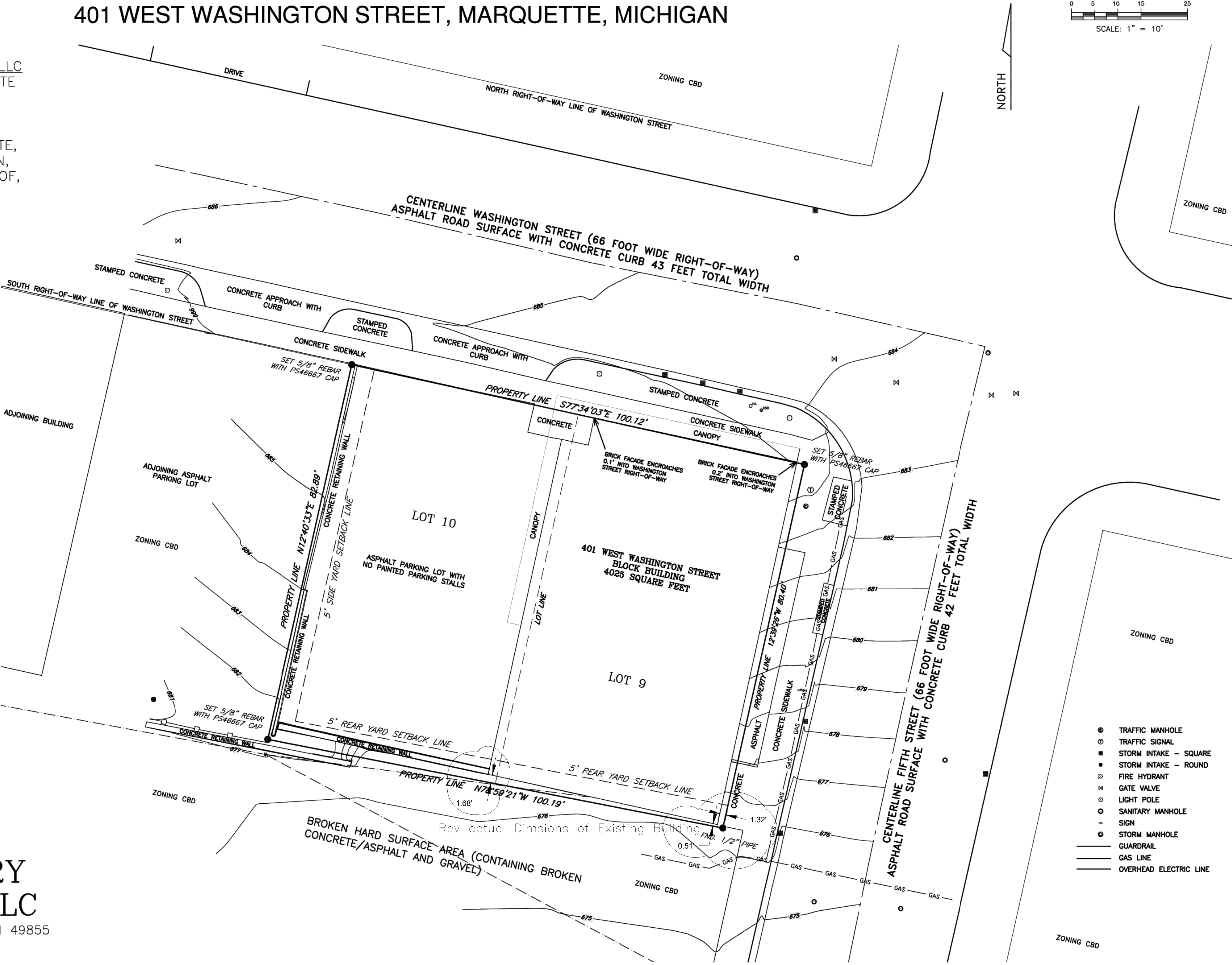
MINIMUM YARD SETBACKS – CORNER LOT
FRONT YARD 0 FEET
FRONT YARD 0 FEET
SIDE YARD 5 FEET
REAR YARD 5 FEET

UTILITIES ARE SHOWN FROM PHYSICAL
EVIDENCE ONLY. FOR UNDERGROUND
UTILITIES A MISSDIG LOCATE WOULD
BE REQUIRED.

PREPARED FOR:
401 W WASHINGTON LLC
16 SOUTH ELM STREET
ZEELAND, MI 49864



**NORTH COUNTRY
SURVEYING, PLLC**
554 LITTLE LAKE ROAD – MARQUETTE, MI 49855
PHONE (906)250-3148
thad@northcountrysurveying.com



Short_Orange_TM.jpg

WICKWIRE P.C.
715 Selden Road
Iron River, MI 49935
tel 906-265-9865
wickwiresolutions.com

401 W WASHINGTON
STREET
MARQUETTE, MI 49855

EXISTING CONDITIONS

Attention: 1"

If this scale bar does not
measure 1" then drawing is
not original scale.

ISSUE DATE

FOR

Designed By:

Checked By:

Drawn By:

Approved By:

Project No:

Sheet No: 02

DWG. NO.

C-01