

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
OFFICIAL PROCEEDINGS
December 4, 2025**

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, December 4, 2025, located in Room 103 of the Municipal Service Center, 1100 Wright St.

ROLL CALL

Present: Chair Ms. Dombrowski, Mr. Patrick, Ms. Wright, Vice Chair Ms. Hill, Ms. Klein, Mr. Neumann, Ms. Fetter, and Zoning Official A. Landers.

Absent: None.

MINUTES

It was moved by Ms. Hill, seconded by Ms. Klein, and carried 7-0 to approve the minutes of June 5, 2025, as presented.

It was moved by Mr. Patrick, seconded by Ms. Hill, and carried 7-0 to approve the minutes of October 23, 2025, as presented.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

There were none.

PUBLIC HEARINGS

05-VAR-12-25 – 911 W. Ridge Street (PIN: 0261030): Stuart & Terry Bennett Irrev Trust are seeking a 1.1-ft side yard variance from the City of Marquette Land Development Code to allow a 4-ft x 4-ft landing and 4-ft x 9-ft stairs that is less than 3-ft from the side lot line at 911 W. Ridge St.

A. Landers: The Board of Zoning Appeals is being asked to review an application for a 1.1-ft side yard variance from the City of Marquette Land Development Code to allow a 4-ft x 4-ft landing and 4-ft x 9-ft stairs that is less than 3-ft from the side lot line at 911 W. Ridge Street. She referenced the staff report and attachments, and visuals from the agenda packet were shown.

Mr. Neumann: Asked staff if they knew the distance between the two staircases from the two properties or if it is at least 5-ft. A. Landers stated looking at the scale it would be more than 5-ft.

Stuart Bennett, the applicant, resides on Conway Lake in Big Bay: We were told that because it was not commercial, we did not need a permit.

Terry Bennett, the applicant: We have owned this property since 2009. The stairs were over 40 years old, and we decided it was time to replace them. Also, the deck boards above had some burn spots from the tenants.

Stuart Bennett: The reason for the stairs is that it is the required escape route for the upstairs tenants, so we felt we needed to get that taken care of. The whole second floor is one unit.

Terry Bennett: I asked the contractor if we could enlarge the deck, and he said it was up to us but then we would have to get a permit, otherwise, you do not need one. So, we decided the deck was big enough. We did not know we needed a permit for reconstruction of exactly the same footprint.

Stuart Bennett: The house next door on lot 19, to the west of our property, was built around the same time as ours, and by the same builder. We also shared the same water line with that project, but since then we now have our own water line. I think that is probably why they built it to the limit then.

Terry Bennett: It was built within the same footprint, exact reconstruction.

Ms. Wright: When you leave the stairs where do you go from there to get to the front parking area.

Terry Bennett: The steps were built at the same time, and the neighbors agree to still allow our tenants to use the northern steps on their property to get to the upper front area and parking. There is no parking in the alley.

Ms. Dombrowski: I know you talked about it a little bit on the application, but the stairs being situated where they are, why did they need to be on that side of the house. Can you explain that a little bit more.

Stuart Bennett: On this side there is an extension of the roof to cover the stairs. The reason we cannot rebuild the stairs to the alley is because there is no on-site parking there because of the hill and the alley gets plowed last.

Ms. Wright: The eaves or overhang for the stairs, if they were to reconstruct that would they have to do the same thing. A. Landers: They would need to meet the side yard requirement at that time for eave encroachment in the Land Development Code.

Mr. Neumann: So, the stairs that were there before we do not know if they were legal nonconforming or were a violation. A. Landers: If they were legal nonconforming, the July 2025 Land Development Code does not allow you to reconstruct without meeting the side yard setback.

Chair Dombrowski opened the Public Hearing. No one wished to comment. Chair Dombrowski closed the Public Hearing.

The Board read each item in Section 54.1404(B)(5)(a. through j.) of the Land Development Code.

(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;*

Mr. Neumann: The topography of the lots is different and the location of the parking with the garage and driveway, there is no access to second floor unit except going through that garage, but you need a second way of egress.

Ms. Hill: I know that alley because I lived over there and it barely gets plowed. It is not a nice road to drive on, even in dry weather.

Ms. Dombrowski: The way the houses are situated on the property line goes pretty far up to the side lot lines, and the houses are quite large on the property. It makes it a little more difficult to do things like this.

Ms. Hill: Egress stairs need at a minimum of 36-inches clearance between the handrails. The stairs are 4-ft wide, so even if you reduced the stairs to 36-inches they would still be in the 3-ft side yard setback.

Mr. Patrick: Complying with the Fire code is a big deal here.

Ms. Hill: I looked at it and you could not start the stairs sooner to get them to not turn because then they would be in front of windows down below, which is a hazard to have stairs right next to windows.

(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;*

Ms. Hill: Asked staff what is the minimum width in this area to develop a triplex.

A. Landers: It is 75-ft in width for a triplex use in this zoning district.

Ms. Hill: This lot width is only 50-ft.

Mr. Neumann: Holding the property owner to the literal interpretation of the ordinance, so you would need to meet the code, no variance, would we deprive the applicant of rights that are commonly enjoyed by other similar properties. It seems with that grade change and down to the alley the stairs would have to be twice as long, it does seem that they would be deprived with having that kind of commitment with an exit stair.

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

Mr. Patrick: I do not believe this was a result of the applicant, they incurred this as a problem from the previous owner when the structure was originally built.

Ms. Wright: I agree.

(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;*

Ms. Dombrowski: I do not think this is any kind of special privilege to the applicant or for anyone else that is trying to have egress stairs on their properties.

(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.

Ms. Dombrowski: This structure and the way it is situated on the land is on a unique basis and we are not comparing it to other lands, structures, or buildings.

(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;

Mr. Neumann: Strict compliance is saying these stairs would have to go somewhere else. Sending them down the hill into the alley seems unnecessarily burdensome or is an unreasonable way to comply with the ordinance in this case.

(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);

Mr. Neumann: So, part of (g) concerns balancing the interests of both the homeowner and the neighbor. The question is whether granting a lesser variance could reduce the impact on both parties, particularly the neighbor. However, as Ms. Hill noted earlier, a lesser variance would fail to meet the requirements of the building code.

Ms. Hill: 36-inches clearance width for stairs is the minimum. It is quite narrow and uncomfortable if you are carrying a bunch of stuff upstairs. In most buildings it seems 44-inches is what people like to actually use and is the most common minimum.

Mr. Neumann: So, I think that there is this balancing but there are also the Building Code requirements, it does do justice and does not unreasonably impact the neighbor. We have concluded there is at least 5-ft between the two staircases.

(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.

Mr. Patrick: It does not have any negative impacts.

Ms. Dombrowski: This is exactly what Mr. Neumann just spoke to about being able to achieve access.

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

Ms. Hill: For a commercial building with this occupant load would qualify for 36-inches minimum, and that would reduce the stair width but in practicality smaller stairs are not as functional. Especially with regards to ingress/egress if you have anyone with limitations or carrying stuff, 4-ft stairs are quite common.

(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.

Mr. Patrick: It meets this.

It was moved by Mr. Patrick, seconded by Ms. Wright, and carried 7-0 that after conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 05-VAR-12-25, the Board of Zoning Appeals finds that the request demonstrates the standards found in Section 54.1404(B)(5)(a. through j.) of the Land Development Code and hereby approves 05-VAR-12-25 as presented.

NEW BUSINESS

2026 BZA Meeting Dates

It was moved by Ms. Wright, seconded by Ms. Hill, and carried 7-0 to approve the 2026 BZA meeting dates with the change from July 2nd to July 9th due to being too close to the Fourth of July holiday.

Reviewing Zoning Board of Appeals Petitions: Gathering Information article, Michigan Planner magazine (Michigan Assoc. of Planning), Jan.-Feb. 2025

The Board reviewed and discussed the article.

ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

Respectfully Submitted,



Andrea Landers
Zoning Official
Community Development Department,
For the Board of Zoning Appeals