

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
OFFICIAL PROCEEDINGS
April 6, 2023**

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, April 6, 2023, located in Room 103 of the Municipal Service Center, 1100 Wright St.

ROLL CALL

Present: Chair Ms. Dombrowski (**late*), Mr. Patrick, Ms. Wright, Mr. Williams, and Mr. Neumann

Absent: Vice Chair Ms. Hill (excused).

MINUTES

It was moved by Mr. Patrick, seconded by Ms. Wright, and carried 4-0 to approve the minutes of March 2, 2023, as presented.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

It was moved by Mr. Neumann, seconded by Mr. Patrick, and carried 4-0 to approve the agenda as presented.

**Chair Ms. Dombrowski arrived.*

PUBLIC HEARINGS

01-CAN-04-23 – 530 W. Baraga Ave. (PIN: 0240300): Nicholas Borzick is seeking an expansion of a Class A Non-conforming Use Designation for the existing duplex by requesting residential interior remodeling to remodel the basement and add two more bedrooms for one of the units within the duplex at 530 W. Baraga Avenue.

A. Landers stated the Board of Zoning Appeals is being asked to review an application for an expansion of a Class A Non-conforming Use Designation for the existing duplex by requesting residential interior remodeling to remodel the basement and add two more bedrooms for one of the units within the duplex at 530 W. Baraga Avenue. This existing legal non-conforming duplex in the MDR zoning district is legal non-conforming due to not having a Special Land Use permit for the duplex use, does not meet the required 10-ft side yard setback on the West side, and is deficient in parking as it currently only has 1 legal parking space and four parking spaces are required for duplexes; however, they have submitted a zoning compliance permit to add 5 parking spaces on the site to meet this standard. She stated one piece of correspondence was received from Jennifer Klein and was in the agenda packet. She also stated currently in our Land Development Code one and two-family structures and uses that are non-conforming automatically receive Class A legal non-conforming designation. Visuals of the agenda packet were shown.

Nick Borzick, the applicant, stated he is currently residing at 323 E. Crescent St. and will be moving into 530 W. Baraga Ave. He also stated he is proposing to convert the two existing rooms in the basement into bedrooms. He stated he received permission from the County Building Codes to modify the electric and plumbing. He also stated he received permit approval from the City zoning department to add parking in the rear and add the staircase from the living room down to the basement to make it more accessible and flow better with the bottom unit, and add a bathroom to the downstairs. He stated the upstairs is one unit, and the main floor and basement are the other unit. He stated he is looking to add these two bedrooms to help pay the mortgage for the existing duplex and increase the structure's value. He also stated that he has been saving for a home his entire life, and has lived in Marquette his entire life. He stated there will be four bedrooms total, one in the upstairs unit, and two proposed and one existing for the other unit, and is proposing 5 parking spaces to allow for one parking space for visitors. He also stated he plans to live in the upstairs unit, so this will be an owner-occupied duplex.

Mr. Patrick asked if there was parking on the street for this block. Nick Borzick stated yes, on one side but not much.

Mr. Patrick asked if the downstairs had access to the rear. Nick Borzick stated yes, this is a walk-out basement. He stated he has also had an inspection from the Fire Department which has given him criteria to make it into a bedroom, and they have added egress windows to the proposed bedrooms as well. He also stated they have added hard-wired smoke and carbon monoxide detectors.

Greg Borzick, residing at 317 E. Crescent St., stated he is Nick's dad and they have been partnering on this project. He stated that he has never seen a 24-year-old go through all this work, he goes to work then comes home and works on improving the duplex. He also stated the rooms were already there, but we are proposing to change the use to bedrooms.

Mr. Neumann asked staff if a single-family home can park in the rear as long as it is a hard surface. Ms. Landers stated that is correct, and as long as it meets our Land Development Code. She stated with the proposed gravel parking area, they are still meeting the maximum allowance of impervious surfaces on the parcel. She also stated the proposed parking has been approved through a zoning compliance permit. She stated the only thing she was not able to approve was the bedrooms and that is why they are requesting the expansion of Class A legal non-conforming.

Chair Dombrowski opened the public hearing.

Delynn Klein, 436 Stone Quarry Dr, representing her daughter, who owns the home below this one. She stated they are happy to see the new owner, but they did have a concern about the condition of the 100-year-old cement retaining wall which is deteriorating, and about the snow being placed on 530 W. Baraga and if they plow and store the snow next to the wall when the snow melts it would increase the retaining wall deterioration. She also stated the wall is 10 feet high.

Mr. Patrick asked who owns the retaining wall. Ms. Landers stated it is shown to be on 530 W. Baraga per the location sketch.

Craig Hanson, 513 W. Spring St., stated his concern was similar to Ms. Klein's regarding the parking. He stated looking at the sketch, it seems there is a ton of space from the parking to the rear lot line, so he does not have an issue with it.

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

Chair Dombrowski asked if the tenants currently park behind the house. Nick Borzick stated no.

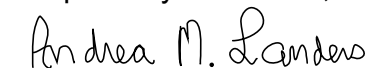
The board discussed each item i. through iv. Regarding i., Chair Dombrowski stated this request is staying a duplex use. Mr. Neumann stated with the existing duplex and one bedroom for each unit, they could still have 4 people for each unit, so that would be the same with this request. He stated he agrees the use would continue pretty much the same. Regarding ii., Chair Dombrowski stated the proposal is utilizing the interior of the building and it is already a duplex. Regarding iii., the use was lawful at the time of its inception. Mr. Neumann stated when it first became a duplex, a special land use permit was not required at that time. Ms. Landers stated that is correct, as the structure was built in 1895. Regarding iv., Chair Dombrowski stated it already is a Class A and a duplex, just proposing to add two bedrooms in one unit. Mr. Neumann asked if there was ever a case that a residential structure is ever a Class B anymore. Ms. Landers stated currently there is not, but we are processing an amendment that existing two single-family structures on one lot are not automatically a Class A. Mr. Neumann stated the automatic allowance partly has to do with lenders expecting assurance that the structures can be re-established if destroyed by fire, etc.

It was moved by Mr. Patrick, seconded by Mr. Neumann, and carried 5-0 that after conducting a public hearing and review of the STAFF FILE REVIEW/ANALYSIS for 01-CAN-04-23, the Board of Zoning Appeals finds that the request demonstrates the standards found in Section 54.1202(B)(1)(b) (i. through iv.) of the Land Development Code and hereby approves 01-CAN-04-23 as presented.

ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Respectfully Submitted,



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