

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
OFFICIAL PROCEEDINGS
May 4, 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, May 4, 2023, located in Room 103 of the Municipal Service Center, 1100 Wright St.

ROLL CALL

Present: Chair Ms. Dombrowski, Mr. Patrick, Ms. Wright, Mr. Williams, and Vice Chair Ms. Hill.

Absent: Mr. Neumann and Mr. Constance (both excused).

MINUTES

It was moved by Ms. Wright, seconded by Mr. Patrick, and carried 5-0 to approve the minutes of April 6, 2023, as presented.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

It was moved by Ms. Hill, seconded by Ms. Wright, and carried 5-0 to approve the agenda as presented.

PUBLIC HEARINGS

02-VAR-05-23 – 3206 Island Beach Rd. (PIN: 0500320): Melburne and Melissa Lemieux are seeking a 3-ft height variance, 1.4-ft side yard variance, and a 1.9-ft eave encroachment variance from the City of Marquette Land Development Code to allow a 24-ft x 20-ft detached garage with a height of 19.5-ft and eaves that encroach more than the maximum of 2.5-ft from the property line located at 3206 Island Beach Rd.

A. Landers stated the Board of Zoning Appeals is being asked to review an application for a 3-ft height variance, 1.4-ft side yard variance, and a 1.9-ft eave encroachment variance from the City of Marquette Land Development Code to allow a 24-ft x 20-ft detached garage with a height of 19.5-ft and eaves that encroach more than the maximum of 2.5-ft from the property line located at 3206 Island Beach Rd. Visuals of the agenda packet were shown.

B. Wright asked they're asking for what, 1 foot on the property line?

A. Landers stated it's a 3-ft required set-back from the side yard so they are proposing that this wall right here where I've got the hand is 1.6-ft away so they're asking for a 1.4-ft side yard variance but the eaves are also 0.6-ft, that's away from the side lot line and they have to be 2.5-ft, so that's a 1.9-ft ease encroachment variance and the height is 16.5-ft maximum and they're asking for 19.5-ft so they're asking for a 3-ft height variance for this proposed garage shown here. They do meet the 5-ft separation from the home and they meet the 15-ft front yard requirement.

B. Wright asked so we're just looking at the property line one and the height.

A. Landers stated also the eaves.

H. Dombrowski stated that there are no other questions for staff. If there is somebody here that can speak to the variance request, we'd like you to state your name and your address for the record, but then just kind of tell us why and present your case.

Ben Lemieux, 770 Erickson Street, Marquette, Michigan, stated the reason for the variance is that we looked at the project and we looked at green space and we realized if we were to put a garage anywhere else, we would be knocking down the trees, and given the pavement already took away the line of sight to the water, we would not be compromising any view to the water so, therefore, the green space would not be changing for our neighbors. We also chose to keep the garage away from the house because we're worried about the structural integrity of the existing structure as it goes through the elements of all the seasons. We looked at the aesthetics of the house, of the existing structure versus a new garage, and I think you're looking at an approximately 63-year time gap, so it would present a sore thumb if you will to the rest of the neighborhood. Then another reason for our decision is that in the future, we do plan to do something with the existing structure and by putting the garage closer, even attaching it, it would limit our opportunities to move forward with that plan. Then we also looked at the size. Initially, we thought about a 16-ft wide garage. In the 16-ft wide garage, you have two car doors open, that's approximately 13-ft which leaves a foot and a half on each side for a person to maneuver. That's a very limited space for anyone to move in, and so we considered the option of a 20-ft wide garage which would allow all parties to move great, my folks, myself, everybody, and then allow for existing storage. We also looked at the 20-ft wide proposal, in understanding that we were getting close to the neighbor's property line, we did approach the neighbor and I have correspondence in front of me if you would like to see it, but the neighbor completely approved of the plan. They viewed everything and they're in full agreement with it. If everybody's in agreement around us, the two nearest property owners, it serves as a benefit to the family. We plan to be there longer than the garage hopefully, and I know the existing neighboring property owner, they're a family and they're kind of doing the same thing, and they have expressed that they want to be there just as long, if not longer, so that is a summary of the rationale that led us to ask for the variance.

Chair Dombrowski opened the public hearing.

Carol O'Neill, 3224 Island Beach Rd, asked how close the road was to the detached garage proposed to be placed. A. Landers showed the location sketch on the screen and stated the front property line starts at 38 feet from the edge of the asphalt of the road, and then it is proposed to be 15 feet from the front property line.

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

H. Dombrowski stated now we're going to move to the commissioner comments and again we're talking about Section 54.1404(B)(5)(a. through j.) of the Land Development Code, so make sure that any of the things that you speak about you speak to the a. through j. requirements that have to be met. She stated where they are situated and the way the lots are cut, this proposal would meet "(a) *Special Conditions and Circumstances Unique to the Land, Structure, or Building*", as the new owner did not choose where the house went on the land that just is there and if they were to move it closer, then they have the problem being too close on

that side, too, which would require variance also and I can understand why they applied for that.

N. Williams stated, yeah, just long skinny lots, and as far as putting the garage on a lot that is long and skinny, it's going to have to be close to a property line.

K. Hill stated, I would also say that the depth of the garage is 24 feet and they pitch the roof to not shed onto the neighbors but maintain this watershed onto their property because that pitch is over the 24-ft depth and they do have a pretty good roof pitch, 12/12 which is great for snow and loading that the height of it being above the zoning requirement, I would say that's appropriate.

B. Wright stated although we never gave the two other property owners the extra 3-ft when they were looking for it because of their mechanical issues, probably hanging on the Best Western.

H. Dombrowski stated well, and I'll also say we can't compare case to case, but in that case, it was a monetary gain, or in some cases it's monetary which we can't consider. I can understand wanting to have a normal amount of space in a garage that's justifiable for the comparison, the land around them, people want a garage where you can actually get out of your car.

B. Wright stated, but you could make a 6/12 pitch or a 9/12 pitch and not have to have the extra 3 feet.

K. Hill asked if the height taken from the average grade or is it taken from the door because it does appear to be on a slope, so if you took it from the average grade, I'm not sure what the zoning is for here when they do. I don't know that one off the top of my head.

A. Landers stated, where it's being built, it's flatter, so they would go from the average grade where it's being built. The height would be the average grade to the midpoint between the ridge and the eaves.

B. Wright asked so that gives you a 10-ft, or 11-ft ceiling upstairs for the bedroom.

N. Williams stated it says 9 feet on the first floor, and 8 feet on the second floor.

K. Hill stated, but I don't think it's as much as you think because of the roof pitch. Most of that's taken away from the slope.

H. Dombrowski stated, well I do think, especially when it comes to the "(i) *Minimum Variance Necessary*", especially on the side lot, the 1.9 foot is probably as minimal as you can get and they talked about where they placed it, and why they placed it and if they were to go closer to the house, they would need the other variance so I do see that.

G. Patrick stated I agree with you on the side yard and the eave variance, and the proposed garage is the minimum size you could make and have practical use of a garage. The height, I'm not so sure about. I'd like to hear what the rest of the commissioners think about the height. When you look at it, it seems that the garage is going to be on that lower portion of the property. What's the top of the roof of the garage going to be compared to the house,

any idea?

Mike Milesky, the surveyor for the applicant, stated the finished floor on that's approximately 615, which is about level with the walk-out basement double door, it's 616. Where it's 619 right there so at that point, I think that peak, you probably have about just over an 8-ft wall and the peak is probably about from the top of the seal on that wall maybe an additional 6-ft so you'd be at about 17-ft which would put you at an elevation of so you'd be about 636. We're at 615 on the finished floor, plus say 20, we'd be at 635. The peak of the roof would be slightly lower, 2 to 3 feet in the existing peak of the existing residence. So, it doesn't extend above it. That lower left picture, you can see the in the back there, that's probably about an 8-ft wall you've got at the back corner. Where that 619 elevation was, you're going to pick a few feet up and then the top of the roof, I'm not even sure if it's 6 feet above the top of the sill on that corner.

G. Patrick stated so, in the plan details, it's the heated square foot of the second floor, that's the loft? What else are you using the loft for?

Ben Lemieux stated yes and using it for family space. My folks are going to be the primary residents there.

G. Patrick asked will somebody be sleeping up in the loft in the garage.

Ben Lemieux stated yeah, there's potential for that, yes. We plan to do so make it either a play area, storage, or sleep area, not fully defined.

G. Patrick stated, how are you going to heat it?

Ben Lemieux stated gas.

G. Patrick stated, a unit heater or furnace in there?

Ben Lemieux stated the plans that I am known to understand, they are going to be moving the gas line if the variances are agreed upon.

A. Landers stated, so just for the record, you cannot have people sleeping up there. You can have family spaces, etc. but it cannot be a dwelling where you're going to have a bedroom, with or without a kitchen, things like that.

Ben Lemieux stated yeah, we did not know that, so fair enough we will not do that.

G. Patrick stated, how is it that we're seeing - the second-floor square foot is 386, but the downstairs is 514.

K. Hill stated that due to the roof pitch, usable space is always up to a certain height and so it comes down and when it gets to a certain point it's too low to be considered usable.

G. Patrick stated that would be a stairway going up there.

H. Dombrowski asked for any other thoughts from board members.

B. Wright asked if are there a lot of other detached garages in the area.

Ben Lemieux stated there's one to the north and there is one I know that's just down to the south or that shoots down to the south, and there's a garage almost right past that, a detached garage.

K. Hill stated, Andrea, I have a question, if this were an attached garage, they could still put like a second story that would be the same height as the existing house, so putting a detached garage, even though its height is above zoning requirements, the roof is still lower than that.

A. Landers stated, well if you attached it, they won't even be here because they'd be meeting the setbacks as well, though.

H. Dombrowski stated I don't know if anybody has any thoughts of the (a. through j.) sections or if they want to separate the different variances they're applying for.

B. Wright stated I think the "*(i) Minimum Variance Necessary*", is being met. I think if everybody is supposed to be 16.5-ft and just because you want to have extra storage, you go for the extra 3-ft.

Mike Milesky stated I'm the one who prepared that, and I think the reason for that increase in height is to allow extra storage space, that was decreased by the narrowing down of the building footprint. If the building footprint could have been larger than 20 x 24, that probably wouldn't have been necessary. That was the reason why.

G. Patrick stated when we look at our required standards of review, (a. through j.), I think I could say we're acceptable on all of them except as you noted on the height. Could somebody convince me if the height variance meets our requirements.

H. Dombrowski stated I guess that one sticking point for me, except for where it's situated, where it's almost going to be level. It's not as though you're putting it smack dab and then all of a sudden there's something that's bigger and it's almost unique to the land there and that's the only way, I can see that to fit, where I talk about special conditions in the land or those kinds of things, but it kind of goes either way.

N. Williams stated, it's just unique with the house being up on the hill and so it makes it seem like 19-ft is less than what it actually is.

B. Wright stated that a 9/12 pitch would give you a height of 16.5-ft which meets the ordinance but is 3 feet less than their request.

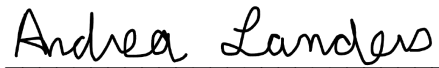
H. Dombrowski stated it's just the pitch, the top almost unusable part that's going to be above the 16.5-ft, so if they built flat roof, they could have it to 16.5-ft., correct, and it's just this pitch where they're trying to be respectful for snow and water run-off.

It was moved by Mr. Williams, seconded by Ms. Hill, and carried 5-0 that after conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 02-VAR-05-23, 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 02-VAR-05-23 as presented.

ADJOURNMENT

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

Respectfully Submitted,

A handwritten signature in black ink that reads "Andrea Landers". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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