

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
OFFICIAL PROCEEDINGS
May 5, 2022**

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 5, 2022, located in Room 103 of the Municipal Service Center, 1100 Wright St.

ROLL CALL

Present: Chair Mr. Ottaway, Mr. Vasseau, Ms. Perhach, Mr. Frischkorn, and Ms. Wright
Absent: Vice-Chair Ms. Dombrowski (not excused)

MINUTES

It was moved by Mr. Vasseau , seconded by Ms. Perhach, and carried 4-0 (Ms. Wright abstained) to approve the minutes of April 7, 2022, as presented.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

It was moved by Mr. Frischkorn, seconded by Mr. Vasseau, and carried 5-0 to approve the agenda as presented.

PUBLIC HEARINGS

02-VAR-05-22 – 730 High St. (PIN: 0361010): Tonya and Sean Darner are seeking a 3.5-ft side yard variance, 2.0-ft eave variance, 3.2-ft front yard variance, 2-ft fence height variance, and 50% open construction fence variance from the City of Marquette Land Development Code to allow a second story 8-ft x 20-ft addition to the home with 1-ft eaves, 4-ft x 7.58-ft steps, and 6-ft high closed construction fence located in the side yard at 730 High Street.

A. Landers stated the Board of Zoning Appeals is being asked to review an application for a 3.5-ft side yard variance, 2.0-ft eave variance, 3.2-ft front yard variance, 2-ft fence height variance, and 50% open construction fence variance from the City of Marquette Land Development Code to allow a second story 8-ft x 20-ft addition to the home with 1-ft eaves, 4-ft x 7.58-ft steps, and 6-ft high closed construction fence located in the side yard at 730 High Street. She referenced the staff report and attachments, and visuals from the agenda packet were shown.

Chair Ottaway asked if there were any questions for Andrea. And asked Andrea to state for the record what the size requirement is in the district and what the actual lot size is.

A. Landers stated in the staff report it states that the lot size for the MDR Zoning District required at a minimum is 4,500 square feet and this parcel's lot size is 5,159 square feet. The minimum lot width in the MDR Zoning District is 37.5 feet and their width along Prospect St. is 50 feet.

Chair Ottaway asked if there were any more questions for Andrea. He asked the applicant to come up.

Wilbur Jennings, representing the applicant, stated I am Wilbur Jennings I own Wilbur Construction. The project is for Tonya and Sean Darner. We are trying to make an improvement to add a bathroom on the second floor like a master suite bathroom. The nice thing about is that prior to them purchasing the house there was an addition made to the house which comes off on the east side and there are laundry facilities in that area. That is the area that does not meet the current ordinance, but it is existing and so we are just going straight up from that. We are not making it more out of variance than what it already is right now on that whole addition on that side. Also, the existing front porch is very basic, there is not really any room to sit on it or anything like that so that is why we are doing the addition on the front or in this case it would be the west porch. It is going to be a concrete porch with matching the existing foundation, kind of wrapped around with like a 4-inch concrete flat and then concrete stairs coming down to meet the sidewalk and then we'll blend that into the sidewalk, a little walkway blending into the sidewalk. It will be very much in nature with the existing home style. We are not changing the style of the house; we are just upgrading the siding. We are going to stick with the lap-siding on there so it will be very similar to what the house was originally built with, so we are not moving away from any of the historical value of the house. Then there will be a south porch that we are going to be adding on. We are removing two additions that are on the south side, they do not blend well with the house currently. They do not make a lot of sense with the flow or with the way their lifestyle is right now and the removal of those will actually bring it back to more of its original scale and scope and add a little bit of green space to the backyard there too.

Ms. Wright asked Mr. Jennings to verify the area where the additions will be removed.

Mr. Jennings stated that is one of the south additions there, and on the plan it says to be removed, along with the deck and another little addition.

Ms. Wright stated okay.

Mr. Ottaway asked just to confirm, that the only thing that is being built that is outside of what is already there is those concrete steps. Am I wrong on that? As far as the setbacks go?

A. Landers showed the proposed location sketch and stated the black line is the existing and the gray the proposed, so the proposed steps are encroaching closer to the front yard lot line. They are proposing a 24-ft x 7-ft covered porch, which is bigger than the existing, but this portion meet the encroachments portion of the Land Development Code. So, the proposed porch meets the code because it is at least 5-ft away. It is the proposed steps that do not meet the current code as they are not 5-ft away from the front lot line.

Mr. Jennings stated yeah. So that is getting much larger so there are going to be two sitting areas on each side.

Mr. Ottaway stated I see, okay.

Mr. Jennings asked Andrea if she could scroll to the elevations, the next three elevations, please. There you go, so that bottom right picture shows an elevation view of that side of the porch, so now we are kind of encompassing those two windows and we are centering the door there. Where the door is that sticks out from the house a couple of feet so that is why we had to bring the porch out even further. We normally probably would not do a 7-ft wide porch there, but we have already got 2-ft coming out, so we need that space right outside the door, so it does not get too congested right there. I wanted to create a safety issue there, so it almost creates like two little nooks kind of tucked back in by the windows there. But the roof style we tried to keep is very similar to the existing roof style with the hip roofs. Even the way that we are blending in the addition on the roof, I mean that is just kind of our style with most of these east side homes that we are trying to keep the original aesthetic value there too. Then the back deck, which will be a wood frame deck there, not a concrete deck like the front.

Mr. Ottaway asked the board members if they had any more questions for the applicant.

Mr. Frischkorn stated I have got a couple of questions. I guess for the porch would it be possible for the steps to go up the sides, so they are not encroaching in the set back?

Mr. Jennings stated we did look at that. So, you are suggesting coming off like the south side or the north side of the front porch. We did think about that. The north side just does not make much sense to run it off on your front yard to have steps going off in your front yard. We did consider the south side, but there is a window right there too and then running the stairs past it there was another sidewalk there. And there is a tree right there too.

Tonya Darner, the applicant, stated and one of the things we considered too is moving furniture in and out of the house now because we're losing like our large deck door so if you're moving like a mattress or something it's going to be nice to go up the steps into the door as opposed to if you're coming in the side and then trying to maneuver large furniture.

Mr. Jennings stated there is a tree that is not shown on the plans. Maybe if we saw a picture. The photos were brought up on the screen.

Mr. Frischkorn stated you can see the branches there.

Mr. Jennings stated yeah. You can see it up on that far left picture there. You can see it behind that truck or behind that car, there is a tree right there and those steps would come down and you would kind of be going, kind of going into that tree there too.

Mr. Ottaway stated I think it's unique given that it's a corner lot also, and you guys have a sidewalk that's already existing there so, you know, making those steps on the side might not be the best.

Mr. Jennings stated there's only about 3-ft of sidewalk between the stairs and the sidewalk there and we would be coming like a foot and a half closer to the sidewalk.

Mr. Frischkorn stated I have got a question about the bathroom addition unless someone else has more questions about the porch. I guess if you can go up to page 20 that upper right picture. The bathroom will be on top of that?

Mr. Jennings stated correct.

Mr. Frischkorn stated okay. I guess my concern is looking at factor (h) under the code it seems to me like that would cut off a lot of light that is not being cut off right now in raising that roof up there. It seems like that side of the neighboring house would just get less light during the day.

Mr. Jennings stated the tree canopies probably prevent more light from coming in there than the house and we are taking all those trees down on that lot line so I would imagine it is probably going to be just as light if not lighter in that back area with the trees being gone. I did speak with the neighbor. She did not seem to have any concern with it. She was just concerned that it was not going to cost her money. But we did not do like a solar report, we did not do that on that.

Mr. Frischkorn stated I guess I did not realize those trees were coming down. I do not know if I missed that in the application or if it was not in there. That addresses my concerns about the light if those trees are coming down.

Mr. Jennings stated I do not know that it was in the application. I do not know if that was required to be in the application, the tree removal there. The neighbor seems to be happy that the trees were coming down and she did not have to pay for it.

Mr. Ottaway asked how high is that roof going to line up compared to where that upper soffit is there? Is it exceed it?

Mr. Jennings stated if you can go back to the elevation views on the screen.

Ms. Perhach stated it looks like the soffit aligns all the way around.

Mr. Jennings stated yeah. So that bottom left, the south elevation there that shows how high the addition roof is going to come up, and we kind of ran it up there, so it does not go as high as the existing roof. We are several feet below that.

Ms. Perhach stated yeah, the ridge is below, but the soffit still aligns.

Mr. Ottaway asked any other questions?

Mr. Jennings stated thank you, guys. We are playing around with a couple of little design changes, but that is just like the material uses on the porch and the placement of windows. Other than that, it is very much what it is.

Ms. Wright asked are you right on the lot line on that back? There is that fence right there.

A. Landers stated it is 1.5-ft.

Mr. Jennings stated pretty close.

Ms. Wright asked if there is going to be water a problem once the addition is built.

A. Landers asked are you putting a gutter on that end?

Mr. Jennings stated we did not plan on it. I do not know that there is an existing gutter on there because the existing roof overhang is the same as what the new roof overhang is going to be, and I do not know that that is a problem right now.

Ms. Wright asked is the building going to be as long as the existing or is it.

Mr. Jennings stated nope it is just essentially that same addition that is on the back we are just going up one story with it and then we are just tying the roofs together.

Mr. Ottaway stated any other questions for the applicant? Okay, thank you.

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

Chair Ottaway asked the board members, any questions, comments or concerns, or actions?

Mr. Vasseau stated when I looked at this the first time I just went okay, this is a corner lot. You know, is there a front, is there a rear lot. So, if you come from the front where the steps are you go what appears to be along Prospect Street. The house bottoms out at the rear of the lot almost instantly. They have no place to go. They are going up. They are removing stuff. They are trying to come into compliance. This is usually what happens, you know, you run into one thing after another which I am sure you are well aware of. So, when it is all said and done, I have read the application. I pretty much concur with what they are saying. The situation of the lot in itself is no fault of the owners, so I can support the request as presented. I think it would be something like with social justice you are encouraging long-term home ownership which means they will probably want to stay there for a long time so yeah, I can understand their situation. Even though they exceed the ordinance in some areas, what just struck me was the front from the concrete steps to the current to the rear is like, they practically have no rear lot in that case. You know it is a requirement so they are stuck in a rock in a hard place, so I can support their request.

Ms. Perhach stated I would agree with that, especially with item (i) the minimum variance necessary. It is not that much more. They are going up on the back side, so they are not increasing the footprint on the rear side. And then on the front, it is a sitting porch that is within it and the steps are a foot over, so it is minimal to gain some useable space.

Mr. Ottaway stated yeah and I will add I guess my only issue and concern with this entire proposal was with those front steps since I noticed that was the one spot that looked like it was outside of existing and kind of like the applicant pointed out, it is only about a foot. But my bigger answer there is they are building onto an existing walkway basically that is there. High Street is very unique in itself. Very narrow lots, east side of town, one way, so like the other board members said, I fully agree with this also.

Mr. Frischkorn stated my biggest concern after reviewing the application was the impact of light. I think the fact that those trees along that line are coming down addresses that concern that I had.

Ms. Wright stated I agree with everybody because I think it will look a lot better.

Mr. Ottaway stated okay, well if I could get a motion, guys. It sounds like we are all in agreement here.

It was moved by Mr. Vasseau, seconded by Ms. Wright, and carried 5-0 that after conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 02-VAR-05-22, 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-05-22 as presented.

NEW BUSINESS

02-VAR-06-21 – 238 Craig Street (PIN: 0040150): First Extension request

A. Landers stated in the agenda packet was the attached correspondence from Keith Ellis, and an excerpt of the June 3, 2021, Board of Zoning Appeals minutes. She stated he is requesting an extension to the previously approved 4-ft front yard encroachment variance adjacent to the Adam's Street front property line and a 4-ft front yard encroachment variance adjacent to the Craig Street front property line from the City of Marquette Land Development Code to allow a 7-ft x 32-ft and 10-ft x 5-ft deck addition to the home with 3-ft x 2-ft steps and 4.5-ft x 6-ft steps located at 238 Craig Street. She also stated this project will currently expire on 6-3-22.

The Board discussed the request.

It was moved by Mr. Frischkorn, seconded by Mr. Vasseau, and carried 5-0 that the Board of Zoning Appeals approve the request for an extension for case 02-VAR-06-21 with the expiration date to be 06-03-23.

Training Article: "A Brief History of Sign Regulations" from *Michigan Planner*, November/December 2021

The BZA and staff discussed the article.

ADJOURNMENT

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

Respectfully Submitted,



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