

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
OFFICIAL PROCEEDINGS
June 3, 2021**

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, June 3, 2021, by remote means (due to the COVID-19 pandemic).

ROLL CALL

It was moved by Mr. Neumann, seconded by Mr. Vasseau, and carried 6-0 to excuse the absences of Ms. Dombrowski and Mr. Constance.

Present: Chair Mr. Ottaway, Vice-Chair Ms. Wright, Mr. Vasseau, Mr. Dunn, Ms. Perhach, Mr. Neumann.

Excused Absent: Ms. Dombrowski and Mr. Constance (alternate).

MINUTES

It was moved by Mr. Vasseau, seconded by Mr. Neumann, and carried 6-0 to approve the minutes of April 1, 2021 as presented

ADDITIONS TO OR DELETIONS FROM THE AGENDA

It was moved by Mr. Vasseau, seconded by Ms. Wright, and carried 6-0 to add a new business item 4.A. BZA meeting dates 2021 and additional correspondence for the two public hearings.

PUBLIC HEARINGS

02-VAR-06-21 – 238 Craig St. (PIN: 0040150): Keith Ellis is seeking a 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 St.

A. Landers stated the Board of Zoning Appeals is being asked to review an application for a 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 St. She referenced the staff report and attachments, and visuals from the agenda packet were shown. The additional piece of correspondence from Lee Ballon and Dana Ballon at 239 Craig Street, in favor of the request was read into the

record. The additional piece of correspondence from John and Diane Becker at 232 Craig Street, in favor of the request was read into the record.

Mr. Dunn asked what the distance is off of Adams so from the street right of way to the proposed deck. A. Landers stated from the curb to the deck is approximately 15-ft.

Mr. Neumann asked about the stop sign situation and stated there is a 2 way stop on Adams Street and Craig Street does not have a stop sign at this intersection.

Mr. Ottaway stated he wanted to point out that the current placement of the existing home is within the setbacks. A. Landers stated yes, it is, and showed the location sketch on the screen.

Keith Ellis, the applicant at 238 Craig Street, stated the main goal of the proposal is that the current stoops and railing are crumbling and rusting on both sides. He stated so the initial goal was to you know ultimately replace it but in in in this case upgraded them to connect the two stoops into a small deck. He also stated for us it is a matter of safety, but also improving the visual aesthetics of the house as well, so those are sort of the main goals here. He stated having a nice, connected deck where you can put some flower boxes or things like that would be sort of the goal.

Mr. Neumann asked if the deck was going to be the same height approximately as the existing concrete stoops are. Mr. Ellis stated yes because you are connecting 2 doors at the same level. Mr. Neumann stated the reason I asked is regarding visibility from Craig Street traffic coming up the hill with that deck extending out into the into the yard, a little bit, and he is just trying to visualize what that might be like. He asked from that corner of the deck what the height to grade is. Sam Halcomb from Cherry Creek Construction stated he is the builder on the project if it should move forward and he was just here to answer any questions. He stated he does know specifically at that corner it is about 3 feet above grade. He also stated its slopes down a little bit further as you get to the Craig Street set of stairs by the garage, and slopes up pretty steeply at that corner where the deck would protrude into the toward the intersection we'd be at about 3 feet above the existing grade.

Chair Ottaway opened the public hearing. No one wished to comment. Chair Ottaway closed the public hearing.

Mr. Vasseau stated that he concurs with written response and he thinks they satisfied items a-j. He stated when he looks at the request we are looking at accessibility into a home, and the proposal would have good accessibility and encourage long-term home ownership, which is part of the comprehensive plan of increasing the housing stock. He also stated he concurs with the application and can support the request.

Ms. Wright stated she concurs with Mr. Vasseau and during her site visit today, she did not see any reason why it would encroach in any way. She stated the existing stoop is already right next almost to the road anyways, then it would look really a lot better.

Mr. Neumann stated well, I guess this may be a question for the applicant in terms of just getting a sense of scale. He stated we see some mature trees and asked if the deck will be inside of those trees. Keith Ellis stated the branches will be overhanging.

Mr. Neumann stated then just confirming in your application you show that the railing will be aluminum right, and asked if this will be see through. He stated that regarding the traffic visibility at the corner of the property that the vehicles will be able to see through this when approaching that intersection as it's proposed to be constructed. Keith Ellis stated yes, it will be see through and they will be able to see through it at the intersection.

Ms. Perhach stated Ms. Landers did note that along Craig Street the proposed stairs would be in the exact same location that the proposed stairs are in. She stated being the the main road that is probably more of a concern if it extended out farther that would not be that great, but since especially along Craig Street it is pretty much the same boundary as the existing and then on Adam Street, as everyone kind of points out, I do not think it will affect any traffic vision and it's within those mature trees. She stated she does not think it is going to impede on anyone else or affect anyone else, so she is in favor.

Mr. Dunn stated his main concern was the clear vision triangle and without doing a full study on it just by by looking at the site when he drove by, and looking at the pictures he believes that the vision around the corner is going to be just fine. He stated so he is inclined to be in favor of the request.

Mr. Ottaway stated that he walks by that house all the time, and I could tell you walking around the neighborhood, that he cannot see any sort of issues with vision or anything else. He stated he thinks it is certainly an improvement and that the request meets the standards a-j.

It was moved by Ms. Wright, and seconded by Mr. Vasseau, and carried 6-0 that after conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 02-VAR-06-21, 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-06-21 as presented

03-VAR-06-21 – 340 E. Ridge Street (PIN: 0170111): James and Julie Kelly are seeking a 7.2% front area hard surface coverage variance from the City of Marquette Land Development Code to allow widening a driveway that will cover more than 30% of the front yard area with hard surface located at 340 E. Ridge Street.

A. Landers stated the Board of Zoning Appeals is being asked to review an application for a 7.2% front area hard surface coverage variance from the City of Marquette Land Development Code to allow widening a driveway that will cover more than 30% of the front yard area with hard surface located at 340 E. Ridge Street. She referenced the staff report and attachments, and visuals from the agenda packet were shown. The additional piece of correspondence from Frank Jeff Verito 350 E. Ridge Street, against

the request was read into the record.

Ms. Wright asked if the applicant knew that most of the homes had a single driveway before they built their home and was it with the intention of having a double car driveway. A. Landers stated correct, they would have known what it looked like when they bought it. She stated there was a previous variance, but it was a lesser variance than what is being applied for now. Ms. Wright asked if there will be a new curb cut. A. Landers stated that is correct, their proposal would be for a new curb cut and driveway. Ms. Wright asked about the location sketch. The location sketch was shown on the screen. A. Landers described the proposal, and stated at the sidewalk it will be 20-ft wide then when you're 2 feet past the sidewalk one can start widening, which is required by the ordinance, then it widens to the 27.1-ft wide at the garage. Ms. Wright asked if he did not ask for a variance what would they be allowed to have. A. Landers stated they could have a 20 feet straight driveway in, or their proposal could show a driveway and widening, but that does not go over 30% of that front yard area. Ms. Wright asked how the 30% is calculated. A. Landers showed the visual and stated it is measured from the curb to the garage, that is the front yard area for this parcel.

Mr. Dunn asked what changed from 2018 till now that they need to have an additional variance request, did they just change their plans, or was there something that was missed in the first meeting. A. Landers stated they changed their plans, but if you want to know why that would be a question for the applicant.

Mr. Dunn asked if most of the lots on this block had the required 100-ft wide lot frontage. A. Landers stated that she cannot give exact measurements but showed a visual of the block map indicating the different lot sizes visually. Mr. Dunn stated so there are quite a few of them that are not conforming to the lot width.

Ms. Wright asked how many variances have they had for this property. A. Landers stated the current owner applied for the variances in 2018 and that the excerpt of the minutes were attached in the agenda. Ms. Wright asked so they were they were going wider with their home or more closer towards the front of the property and asked did they ask for a front yard variance. A. Landers stated at the meeting in 018 they were seeking a side yard variance, another side yard variance, and a 2% front area hard surface variance.

Mr. Neumann asked staff if they could explain how the land development code has changed since the first variance request in terms of impervious surface, and is it is it even possible to explain the different calculations in a logical way from the first impervious surface request to now. A. Landers stated that she had to make sure there were not any new variance requests because like you said, we have the new Land Development Code, and now you have a maximum for impervious surface percentage for parcels. She stated this new proposal meet that requirement, but when dealing with the statement about the 30% of coverage of the front yard area, those are actually the same requirements that was in the previous zoning ordinance that is in this land development code. She stated however, the previous variance request was for 2%. and now they are asking for a 7.2% variance, so they're asking for 5.2% more what they

previously asked for. Mr. Neumann that's kind of where I was going is it 9.2% more or is it 5.2% more. A. Landers stated it is 5.2% more.

Mr. Neumann asked pervious surface such as stone at the edge of the existing concrete slab or pervious pavers would be permissible and that would not count as impervious surface, according to the ordinance, correct.

A. Landers stated correct it would not count towards impervious surface, however the pea stone that is currently there would not even be allowed to be used as a parking area because it is not compacted gravel, it is just pea gravel which does not meet the definition of a hard surface. She stated per the ordinance when you are widening, provided the hard parking surface areas of the driveway or driveways and parking spaces utilized no more than 30% of the front area and the definition of the hard parking service can be impervious surface which includes pavers but that area that they are using for the hard surface parking cannot exceed the 30%. She also stated so even if they went with impervious pavers, they still cannot cover more than 30% of the front area.

James Kelly, the applicant stated he lives at 340 East Ridge Street and just a little bit of background, in 2018 my wife and I purchased the property in question and there was an existing structure on the lot. He stated what we wanted to do was use the same footprint of the structure of the house and increase the size of the garage 14 feet towards the street, which is still 50 feet from the sidewalk. He also stated so our front yard setback was not a question, we went to the Board of Zoning Appeals in July of 2018 and were approved for our 2 side yard setback variances as well as our 2% increase in hard surface parking parking area in the front of the house. He stated that he has since been working on the project himself for the last 3 years, and it is time to put in the driveway and it's kind of our last thing to do and dress up the front yard. He also stated the 2% hard surface parking area in front of the house originally was before we started the project and we were going to reuse the existing driveway so that it would be as wide as the garage in front of the house and taper down at the sidewalk, and widen the curb cut a little bit and we were approved for that. He stated when I went to start to do it or design it and kind of this part of the project is coming to fruition, I looked at it and we've known that we were going to take out the existing driveway because ultimately the South end of it is higher than my garage floor now because of the way that everything is graded. He also stated so it has been all along our plan to tear out the existing driveway looking at that old variance. He stated I thought it would be a lot more aesthetically pleasing than having it just taper on the West side and straight on the East side to have it symmetrical and regarding the increase in square footage I am not exactly sure how that was computed. He also stated he tried to contact Bob Cambensy, his engineer before the meeting to discuss the calculations, but he was not able to get ahold of him. He stated it starts at 27.01 feet, which is the width of my garage, then down to 20 feet at the sidewalk. He also stated well, 2 feet inside the sidewalk and then straight up, which was the same width at the garage and the same width at the sidewalk that was originally improved in 2018. He stated that he is usually pretty good with numbers and he does not know exactly where the additional 5% came in. He also stated he is going to order the same amount of concrete as he would have for that original driveway, but somehow the numbers

changed between other way the engineer calculated them. He stated what he is asking for is just to have it as wide as my garage at the garage and come out 30 feet then neck down to 20 and then the slight widening at the curb. He also stated the hard surface coverage he knows is both an aesthetic thing, but also a stormwater runoff concern with all the hard surfaces in the city. He stated he does not know if it's any extra credit but the whole house drains off to the East and West side of the house and backwards onto my own property, and none of the runoff from the house actually ends up on the driveway. He also stated it is all gable ends on the North side and he thinks that should be a consideration if the board is worried over the 30% hard service coverage. He stated part of the problem is also the width of the lot, most of the houses on the South side of Ridge Street are 100 feet or bigger and it would not even be a concern if I had a normal size lot width.

Ms. Wright asked if they will be parking in the garage or the driveway. James Kelly stated both, though we do try to park in the garage as much as they can and especially in the winter months but varies day to day.

Mr. Dunn asked the width of the driveway right at the sidewalk. James Kelly stated the proposed width is 20 feet at the sidewalk, which actually does not require a variance, the variance he seeking is the hard surface percentage of my front yard.

Mr. Dunn stated he understands that we are talking about the percentage, but the reason I'm asking about the width is that you are not going to be pulling in 2 vehicles at the same exact time, right. He stated so he is wondering if there is a way that the driveway could be narrower at the sidewalk but then still get the width at the garage.

James Kelly stated that could potentially be possible but the way that it functions in reality since we have been there is that from the garage to the sidewalk is 50 feet and to get lined up and straight in front of your parking spot, and he personally happens to drive a rather large vehicle. He stated to get lined up, you end up kind of swinging over to one side or the other, just so you are straight when you do get into the garage. He also stated we feel that the 20 feet is necessary to not have to get a little corner grass there, and he feels like it would be driven over constantly just so you can get straightened out by the time you need to get into the garage.

Mr. Dunn stated he is just trying to think of any other ways that we might be able to trim down the overall area that is covered there and still address your needs because as he looks at it with the plans the way they are it, it seems like it is a lot compared to the others. He stated when you look at the Google images and the satellite images it looks like the driveway is going to be taken up an awful lot of the front yard, so he just trying to come up with any other possibilities. He thanked the applicant for his input.

Mr. Neumann stated the extra width to the west would help with what the applicant is describing in terms of squaring up to the drive. He asked if the applicant said the proposal is to keep with symmetry. James Kelly stated yes. Mr. Neumann stated the extension to the east makes a lot of sense, as your garage door is almost split with the concrete part and asked the applicant if that is a fair understanding of the situation that the extension to the east is more critical as far as your function of the garage and of the

property. James Kelly stated yes, absolutely, the west side of the driveway and the west wall of the garage is exactly where the existing driveway is and the extension to the east is very important because currently it goes right through the middle of the door. He stated to try to make it feasible to get in and out of the driveway and get parked in front of either of the doors within 50 feet as my truck is 22 feet long, and it just takes some space and if we do shrink it down narrower at the side or come in sooner, then that corner of grass will just get driven over every day.

Mr. Vasseau stated that he remembers this case back a few years ago and asked the applicant to refresh his memory on how he removes snow. James Kelly stated that he uses a snow blower and he blows all the snow into the east side of the driveway and all of the snow is stored on his own property. Mr. Vasseau asked the applicant what kind of car does your wife drive. Mr. Kelly stated she drives a small sport utility car.

Mr. Ottaway stated that he has concerns and kind of a lot of questions with this. He stated we have a 2018 variance request that was approved for this garage and he is kind of confused at how we have a difference in the amount of concrete at this point, and the applicants is not sure how the difference is there and he wishes Bob Cambensy was there to kind of explain where these numbers are varying and kind of what's going on. Mr. Ottaway asked staff if they could shed any light on on the number difference here and what is different. A. Landers stated no, I just took the numbers that the Engineer gave me that were the breakdown sheets that we attached to the agenda, and she added it all up and provided the percentage.

Ms. Perhach asked the applicant in your current condition along the existing side, the side that actually goes back to the garage not into the doorway, where your truck is parked in the photos, do you currently already drive over the grass when you are trying to back your truck in. James Kelly stated yes.

Ms. Wright asked the applicant if we did not grant a variance what were you planning on doing. James Kelly stated they would have to go back to the drawing board and try to stay right at 30% and drive over his lawn for the rest of his life.

Ms. Wright asked how much of the percentage is your driveway now. James Kelly stated he did not compute that and asked staff if they would have that number for existing percentage. A. Landers stated she would need to calculate it.

Mr. Ottaway stated he thinks the thing to remember here is in 2018 his variance request was approved for an increased percentage as well, asked what that increase was. A. Landers stated it was approved for a 2% increase, so it was requested for 32% of front yard coverage.

Ms. Perhach stated with 2% be basically mirroring what is happening on the one side on the other side that has all gravel back to the garage. James Kelly stated 27 feet at the garage coming out 30 feet and then just the west side, angling in necking down to 20 feet, and that was the variance I received, and we went ahead and built with that rather than neck down entirely on the west side from from 27 to 20, which is 7 feet, and we wanted to make it symmetrical so it is down 3 1/2 feet on each side. He also stated

so ultimately, in my mind I don't know, and he apologizes and I know it sounds uneducated, but he does not know where the big difference came from because if you draw that on a piece of paper, in my mind it comes up with the exact same square footage. He stated he knew that he changed it from tapering on the west side and not the east is symmetrical, and that is kind of the only thing that he is changing from his original variance in 2018. He also stated he hates saying he does not know where that extra 4 or 5% came from.

A. Landers stated I can answer the calculation now for using the Engineer's calculations for the existing prior to the proposed. She stated the existing is at 28%. Mr. Ottaway stated so the original proposal in 2018 would have added 4% to the original driveway.

Mr. Ottaway stated I understand the plans have changed and that happens, however in 2018 the variance request was enough why is the proposal for an increase in hard surface now. He asked if Mr. Kelly could shed some light on that. Mr. Kelly stated a couple months ago he contacted Andrea because he knew that he would need the permit even though he had the variance in 2018 and she informed him that his variance had expired for the driveway and that he would need to apply for another request. He stated so no matter what he was coming back to this meeting, even if he was going to propose exactly as it was proposed in 2018. He also stated they looked at it and said rather than taper all on one side, they wanted to do it on both sides to make it symmetrical, better aesthetically and functionally, more practical. He stated so he had the Engineer provide the new drawings and he thought we were just shifting the entrance over so it was right in the center of the garage rather than skewed to one side and did not realize it was going to change the square footage again. He also stated he is sorry that he does not know where that came from, but all we did was just take the center of the entrance and move it over 3 1/2 feet to center it.

Mr. Dunn asked if Mr. Kelly would be agreeable to lower the variance request and go back to one side tapering and one side with a straight edge. Mr. Kelly stated that he did not think he can do either side straight all the way to the sidewalk and still stay under the 30%. Mr. Dunn asked if he normally parks his truck on one side or the other. Mr. Kelly stated yes, my side is normally the west side.

Ms. Perhach stated so the driveway comes out 30 feet then it start tapering, and asked what the existing driveway comes out to before it tapers. Mr. Kelly stated I think 27 to 30 feet.

Ms. Wright asked the size of the existing and the proposed curb cut. A. Landers stated 18.5 feet for the existing and the proposed is 26 feet, and it meets the engineering guidelines. Ms. Perhach stated basically this comes down to is if his lot was 100 feet wide which is the standard minimum for this zoning district, he would probably not be over the 30% and asked if Staff could calculate that. A. Landers stated estimating it that yes, the proposal would be under the 30%.

Chair Ottaway opened the public hearing. No one wished to comment. Chair Ottaway closed the public hearing.

Mr. Neumann asked staff if the vehicles could be stored on the hard surface right up to the sidewalk. A. Landers stated they are not allowed to park within 2-ft of the city sidewalk.

Mr. Vasseau asked for the survey sketch to be shown on the screen. He stated if you look at the rear of his property due to the topography that cannot be used and the property owner loses a big chunk of his property. He also stated the property owner is trying to maximize his front yard and trying to make it so he can drive in. He stated regarding sustainability he rather see somebody drive over concrete then keep driving over grass, so looking at practicality why taper it down when they would need to drive over it. He also stated he can support the request as presented.

Mr. Dunn stated he did not want to get into micromanaging someone's design but at the same time I am worried with this much concrete at the front of the house. He stated the ability to have 4 vehicles parked there that is not going to fit in with the historic nature of the neighborhood. He also stated that he wondered if it would be worth putting a condition about limiting the amount of parking.

Mr. Neumann stated that this neighborhood has a lot of apartments that look like single-family homes, and some of them have a lot of off-street parking as well. He stated if you go east half a block there is significant off-street parking that is not behind the structures and not necessarily all in the front yard but not totally screened either. He also stated so this district is mixed with single-family, duplexes, and multiple family uses, so in terms of character it is not a single-family street it is multiple family which comes with more off-street parking. He stated if this lot was conforming with the 100-ft lot width the proposal would meet the 30% requirement.

Mr. Ottaway stated one of the standards we review is if this is a minimum request and in 2018 there was a lesser variance granted, so we have already set a standard ourselves for saying this can be done with less. He also stated or is there a good reason why the number would change for a bigger request.

Ms. Wright asked staff if the board would not grant the variance as requested and because he already ran out of time for his original variance, would he have to come back again with the original variance or would we at this time be able to approve the variance as it was presented in 2018. A. Landers stated the previous City Attorney has stated that the board would be allowed to discuss a change to the request for a lesser variance request, however they would not be allowed to discuss a change for an increased request as that would have to go through the state noticing requirements. She stated the board would have to include in their motion who reviews the amended plan, whether staff or if the board wants to see the lesser variance request at another meeting. She also stated that she would recommend discussing this with the applicant prior to making a motion for any proposed reasonable changes and the board would have to provide sound reasons on why they are proposing the changes.

Ms. Perhach stated if this lot was 100 feet wide, we would not even be having this discussion, and when you look at the site plan the applicant has a lot of green space. She stated however 2% worked in 2018, and she is stuck on the question why does it

have to be this much larger now.

Mr. Dunn asked if the discrepancy in the numbers in the original variance did not have the west side and the addition was just the east side. Mr. Kelly stated in 2018, the variance request has the east side of the driveway coming straight all the way to the sidewalk, it was not tapering at all, and the west side was tapering as existing. He stated so we are adding some to the west side but we are also taking 3.5 feet of taper off of the east side in our current proposal so it should be the same number or close to the previous request. He also stated this is my forever home and the current proposal is usable for the rest of my life. He stated it is more useful if I am driving over concrete instead of grass. Mr. Dunn stated that the applicant had addressed his concerns and he can support the request. Mr. Ottaway stated that the applicant answering the question of why the change, he can support this. Ms. Perhach stated that from what the applicant has said this is what they need to function, and if this was a conforming lot we would not even be here.

It was moved by Ms. Wright, and seconded by Mr. Vasseau, and carried 6-0 that after conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 03-VAR-06-21, 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 03-VAR-06-21 as presented

NEW BUSINESS

BZA 2021 Meeting Dates

A. Landers stated the following meetings from July through December will be in person again, as we are no longer using zoom. She stated starting July 1st, the meetings will be in the Commission Chambers of City Hall again.

It was moved by Mr. Vasseau, and seconded by Ms. Wright, and carried 6-0 to approve the amended meeting dates for the meetings to now be held in the Commission Chambers of City Hall.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

Respectfully Submitted,



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