

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
OFFICIAL PROCEEDINGS
August 3, 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, August 3, 2023, located in Room 103 of the Municipal Service Center, 1100 Wright St.

ROLL CALL

Present: Chair Ms. Dombrowski, Mr. Patrick, Ms. Wright, Mr. Neumann, Mr. Williams, and Zoning Official A. Landers.

Absent: Vice Chair Ms. Hill (*excused*)

MINUTES

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

ADDITIONS TO OR DELETIONS FROM THE AGENDA

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

PUBLIC HEARINGS

05-VAR-08-23 – 914 W. Kaye Ave. (PIN: 0530160): Teresa Delpier is seeking a 3-ft side yard variance, and an 11.36% front area hard surface coverage variance from the City of Marquette Land Development Code to allow an attached garage and mudroom addition and widening a driveway that will cover more than 30% of the front yard area with hard surface located at 914 W. Kaye Avenue

A. Landers stated the Board of Zoning Appeals is being asked to review an application for a 3-ft side yard variance, and an 11.36% front area hard surface coverage variance from the City of Marquette Land Development Code to allow an attached garage and mudroom addition and widening a driveway that will cover more than 30% of the front yard area with hard surface located at 914 W. Kaye Avenue. Visuals of the agenda packet were shown.

Chair Dombrowski stated there is an existing carport that goes to the side yard, and asked how far is that to the side lot line. A. Landers showed the visual of the attached carport they are removing and adding the proposed addition.

Ms. Wright asked if the existing driveway is the one that will be extended. A. Landers stated per the applicant the existing driveway will be removed and a new curb cut and driveway will be placed with the driveway widening per the sketch.

Mr. Neumann stated to park in front of the proposed one-car garage, to fit a second car that needs to be on a paved surface and the width proposed, which we can ask the applicant, but appears to allow for a car to be parked not in front of the garage. Mr. Neumann asked if they could have a driveway up to the side property line. A. Landers stated no, the Land Development Code requires a 1-ft setback from the side property line, and the maximum width of a driveway for this size is 18-ft. She stated then if you wish to widen your driveway then you cannot occupy more than 30% of the front yard area with the proposed driveway, which is why they are requesting an 11.36% front yard hard surface coverage variance which is 171.87 S.F. that they will exceed the 30% with their proposal.

Chair Dombrowski asked the applicants to present the project and history.

Wilbur Jennings, Wilbur Construction 102 W. Washington St, Suite 218, stated Terry came to us last year, and her kitchen is so small that only one person can be in there cooking and so she wanted to expand the kitchen and at the same have a garage. He stated the only way we could do that was to encroach past the side setback and come forward from the front line of the home. He also stated an addition in the backyard would not make sense as we are not able to get equipment back there, the kitchen that she wants to expand is in the front of the home, so logistically the only spot to add on to the kitchen is where it exists unless we were doing a complete demo of the interior which the value is not there. Visuals of the existing and proposed floor plan were shown. He explained the location of the kitchen and how it opens to the driveway on the side. He stated to the south of the kitchen, there is a staircase that goes down to the basement. He also stated so, the kitchen could not be expanded to the front, it has to be expanded to the side. He stated also, to get the proposed attached one-car garage with storage space, we had to go into the side setback as we could not go too much forward as we then would not have any parking in front of it for guests. He also stated with Building Code requirements if we are over 2 feet to 5 feet, we are ok, but if we are less than 2 feet then we have to apply for Building Code variance as well, so we are more than 2 feet. He stated so, that was part of our design plan, as well, to not get too close to the side lot line.

Chair Dombrowski asked how far the existing carport is to the side lot line. Wilbur Jennings stated it is probably about 4 ft to 5 ft from the side lot line.

Mr. Patrick asked if the home had a basement. Wilbur Jennings stated there is a basement, but there will be a crawl space with access to the original basement under the kitchen addition and the garage portion will be a mono slab with frost footings.

Wilbur Jennings stated we did try to keep the aesthetic of the addition to match the existing, though the addition may give it more curb appeal which is why we extended the roofline over the sidewalk to the entrance.

Terry Delpier, 914 W. Kaye Avenue, stated she has lived in this house for more than 30 years and would like to stay there as long as possible. She stated a couple of winters ago when we had snow above the head, because I had no garage I had to shovel by hand and that is not really sustainable. She also stated that I wanted a garage and a better kitchen, and unfortunately, my house is on a really narrow lot. She stated most of the houses that have this floor plan are sideways, so they have a wider front aspect, so I have a really narrow house. She also stated the reason for the widening variance request is that there is no parking on my street when school is in session, and if one car is in the garage and one out no one can visit me without unless we had room in the driveway for them to park.

Mr. Patrick asked Wilbur Construction if they were aware a variance would be required once they got into the design. Wilbur Jennings stated that was probably my oversight for not recognizing earlier on that we would need to apply for a variance, we realized it after we were well-designed. He stated we delayed the project a month, but we got another phase of the project so we were doing interior stuff, baseboard trim, and painting, so Terry could get organized and move things from the living room and the kitchen to the back bedrooms so we can seal those rooms off so we can do the major construction. He also stated that was the stuff we were doing now and in the meantime to get a little jumpstart on this we started doing some roofing and light demos.

Chair Dombrowski asked what would the driveway look like if you did not have the 11.36% or additional 171.87 S.F. Wilbur Jennings stated well then, I do not think the homeowner could park another vehicle there.

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

Chair Dombrowski stated this is a very narrow lot and is interesting the way the existing house sits on it.

Mr. Patrick stated looking at our required standards of review, and he 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. Patrick stated yes this is met, it is a narrow lot.

(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;*

Mr. Patrick stated yes this is met, like having a garage and parking spaces for 2 cars.

(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 stated this is met, as it is not a result of the actions of the applicant.

(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;

Mr. Patrick stated this is met.

(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.

Mr. Patrick stated this is met.

(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. Patrick stated this is met.

(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 stated this one refers to the minimum necessary that we are doing justice to the applicant but at the same time, it is not intruding on the neighbors. He stated it is not so excessive that it is burdening someone else. He also stated it seems there is a balance here with the proposal.

(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 stated this is met.

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

Mr. Patrick stated regarding the coverage variance for the proposed driveway and asked if is that the minimum necessary. Ms. Wright stated not being able to park on the street during school days does make it really hard to have someone at your house if you do not have on-site parking spaces, so I think this is met.

Mr. Neumann stated could the flare be more curvilinear maybe take out 16 S.F. but still require a variance, that extra corner will never be touched by a car, there may be a little extra concrete here. Wilbur Jennings stated that was our intention to do a little curve in that area as it looks better, save a few square feet. Mr. Neumann stated as far as the minimum necessary that is about reasonably what you could shave and be the minimum necessary.

Wilbur Jennings stated we sized the garage as big as we could, but you can still only fit a mid-sized vehicle in there, a truck you are not going to be able to pull in and open both doors. If we had more space, we would have definitely made it bigger, but we are obviously restricted there. The board felt this item was met for the proposed addition.

(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 stated this is met.

It was moved by Ms. Wright, seconded by Mr. Neumann, and carried 5-0 that after conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 05-VAR-08-23, 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 05-VAR-08-23 with the proposed driveway amendment as described by the applicant and with the condition that the amendment is not to exceed the 11.36% front area hard surface coverage variance.

NEW BUSINESS

Training on a Current Court Decision

The board discussed this item.

BOARD MEMBER COMMENT

The Board discussed how much can they approve for “tweaks” or changes to the proposed variances.

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Respectfully Submitted,



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