

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
OFFICIAL PROCEEDINGS
August 5, 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, August 5, 2021, located in the Commission Chambers of City Hall, 300 W. Baraga Ave.

ROLL CALL

Present: Chair Mr. Ottaway, Vice-Chair Ms. Wright, Mr. Vasseau, Ms. Perhach, Mr. Constance, Ms. Dombrowski. and Mr. Dunn.

MINUTES

It was moved by Mr. Vasseau, seconded by Ms. Perhach, and carried 7-0 to approve the minutes of July 1, 2021, as presented

ADDITIONS TO OR DELETIONS FROM THE AGENDA

It was moved by Mr. Vasseau, seconded by Ms. Perhach, and carried 7-0 to add 3 pieces of correspondence to item 1.B. for the public hearing.

PUBLIC HEARINGS

05-VAR-08-21 – 224 W. Ridge St. (PIN: 0230010): John and Rachel Harris are seeking a 2.2-ft front yard encroachment variance and a 2.94-ft side yard encroachment variance from the City of Marquette Land Development Code to allow a 5.3-ft x 24-ft covered (unenclosed) porch addition to the home.

A. Landers stated the Board of Zoning Appeals is being asked to review an application for a 2.2-ft front yard encroachment variance and a 2.94-ft side yard encroachment variance from the City of Marquette Land Development Code to allow a 5.3-ft x 24-ft covered (unenclosed) porch addition to the home located at 224 W. Ridge Street. She referenced the staff report and attachments, and visuals from the agenda packet were shown.

Mr. Dunn asked for information regarding the dimensions of the current existing porch regarding the setback to the City sidewalk. A. Landers informed Mr. Dunn that the new porch, if approved, would not be encroaching closer to the sidewalk than the current existing porch. Mr. Dunn acknowledged the response and closed his line of questioning.

Mr. Constance asked if this was a duplex because page 2 references side yards for a single-family home. A. Landers stated it is a duplex and the side yards for a duplex are

10-ft, and he is correct that should have been added to the staff report. She also stated while the side setback is 10-ft there are allowed encroachments for an unenclosed porch. Mr. Constance acknowledged this answer and closed his line of questioning.

John Harris, the applicant, stated his name and provided his residential address of 825 North Front Street in the City of Marquette. Mr. Harris stated that he owned the duplex in question and that the duplex required a new roof this year according to a stipulation of his insurance company to keep his policy. Mr. Harris stated that this request for a variance is part of the goal of fulfilling the demand of the insurance company while improving the aesthetics of the front side of the property.

Ms. Wright asked about the shed roof on the side of this property and whether it would be removed. John Harris stated that the shed roof would not be removed from the side of the property and is used as a side entrance. Mr. Harris stated the project they were proposing pertains only to the front of the property and referenced a photograph that showed the relevant entrance. Ms. Wright acknowledged his answer and stated that she had been looking at a different rendering of the property. Mr. Harris reaffirmed the project only pertained to the front of the property and Ms. Wright acknowledged his response.

Mr. Constance asked whether the new porch would be enclosed or used as a living space. John Harris reaffirmed that the newly proposed porch would neither be enclosed nor used as a living space.

Mr. Dunn asked if the hipped roof was going to be changed to a gable roof. Mr. Harris acknowledged that the hipped roof would be converted to a gable. Mr. Dunn inquired whether the gable would be directly over the exterior wall of the living space and that the exterior wall would extend straight up into the gable. Mr. Harris responded in the affirmative and Mr. Dunn acknowledged his answer. Mr. Dunn then inquired about the plans for the shed roof on the side of the property. Mr. Harris said that he did not have any specific plans for that area. Mr. Harris stated that this portion was used just as a side entrance. Mr. Dunn acknowledged that it was not relevant, but that he wanted to imagine the completed project. Mr. Harris stated he had not worked on that portion of the property, the shed roof, but Ms. Harris stated she had plans and ideas regarding the shed roof portion on the side of the property. Mr. Harris stated that they both wanted to improve the aesthetics of the property and that since they needed to replace the roof and did not like the look of the hipped roof and were trying to harmonize the look of the front and back of the property. Mr. Harris explained that during his research into the history of the property, he discovered that the joining of two neighborhoods explained the contrasting aesthetics of two parts of the duplex.

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

Mr. Ottaway stated it is a minimal request.

Mr. Vasseau stated that he concurred with the applicant's written response. He stated that he acknowledged that the property was not of a suitably symmetrical appearance

and that he supports the request for modification as it has been presented.

Mr. Constance stated that he supports the modification because he agrees that the proposed plan would be an improvement to the property and not a liability.

Ms. Perhach stated that she concurs with the other board members and that the proposed modifications would not impact the neighbors or be more intrusive to the street. Ms. Perhach stated that the modifications would improve the house and its usability.

It was moved by Ms. Wright, and seconded by Mr. Vasseau, and carried 7-0 that after conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 05-VAR-08-21, 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 05-VAR-08-21 as presented.

06-VAR-08-21 – 403 E. Arch St. (PIN: 0170950): Peter and Kathleen Albrecht are seeking a 1-ft rear yard variance from the City of Marquette Land Development Code to allow a 25.75-ft x 26.5-ft attached garage addition located at 403 E. Arch Street.

A. Landers stated the Board of Zoning Appeals is being asked to review an application for a 1-ft rear yard variance from the City of Marquette Land Development Code to allow a 25.75-ft x 26.5-ft attached garage addition located at 403 E. Arch Street. She referenced the staff report and attachments, and visuals from the agenda packet were shown.

Three pieces of correspondence were read into the record all in support of the request from William and Carolyn McDonald at 505 E. Arch Street, Karen Ventro Stookey at 426 Spruce Street, and Catherine and Roger Crimmins at 422 E. Michigan Street.

Ms. Wright stated she owned a property which is located across the street from the property in question. Ms. Wright wanted to confirm that she was not violating the by-laws of the Board of Appeals by having a conflict of interest.

Mr. Ottoway inquired if she knew the applicants personally. Ms. Wright stated no. Mr. Ottoway stated unless Ms. Wright wanted to recuse herself, he did not see any conflict of interest. Mr. Ottoway requested a motion be made by the board members regarding a possible conflict of interest.

It was moved by Mr. Vasseau, seconded by Mr. Constance, and carried 6-0 that Ms. Wright did not have a conflict of interest.

Mr. Dunn asked about the rules of determining which is the side yard and which is the rear yard when the property in question is located on a corner lot. A. Landers stated that with existing structures normally the rear yard would be the yard with the largest setback in order to meet the Land Development Code. Mr. Dunn acknowledged the

location of the yard with the largest setback.

Wilbur Jennings, contractor representing the applicants, stated the location of his business office of 102 West Washington Street in the City of Marquette. Mr. Jennings stated that the existing garage is dilapidated, and the concrete is broken and cracked, and the foundation was not worth salvaging. Mr. Jennings stated that he wished to give the applicants more garage space because the size of the existing garage was not appropriate to the size of the house and required a two-car garage rather than a one-car garage. Mr. Jennings stated that the variance requested was necessary to allow enough space for two vehicles to be stationed in the new garage. Mr. Jennings stressed that the new garage plan would not interfere with traffic or the adjacent properties and would remain in the same style of the property and the style of the façade would remain the same.

Mr. Ottoway stated that initially, we wanted to know about the necessity of a 1-foot extension, but that Wilbur Jennings had already sufficiently explained the issue to his satisfaction.

Wilbur Jennings discussed which types and sizes of vehicles would fit into the new garage space and how much storage space would be available inside the garage when it was completed.

Ms. Dombrowski inquired whether the existing garage was currently practically usable for one car.

Wilbur Jennings stated that the previous owner had a small car, and that said owner was able to practically use the garage; however, Wilbur Jennings also stated that said owner had used the space for storage and so did not indeed utilize the garage.

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

Mr. Constance stated that his only question was about the man-door, but upon consideration for a man-door was justifiable because of its practical use for seasonable equipment and chores. Mr. Constance stated that he approved the request and that it was a justifiable and minimal variance request and would be an improvement.

Ms. Perhach stated she agreed and it meets the substantial justice item g, as it has the ability to remove an additional vehicle from parking along the street and blocking the sidewalk and stated the project would help.

Mr. Vasseau stated that he agreed to the variance and stressed the significance of being able to keep personal equipment such as lawnmowers and other personal property locked up and secure, deter theft and promote safety in the district and also would keep such items out of sight and present a nicer overall appearance. Mr. Vasseau also stated that the request for the variance was justifiable and reasonable and that he supported the project.

It was moved by Mr. Constance, and seconded by Mr. Vasseau, and carried 7-0 that after conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 06-VAR-08-21, 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 06-VAR-08-21 as presented.

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Andrea M. Landers". The signature is written in black ink and is positioned above a horizontal line.

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