

**CITY OF MARQUETTE
BOARD OF ZONING APPEALS
OFFICIAL PROCEEDINGS
October 23, 2025**

MEETING CALLED TO ORDER

A special meeting of the Marquette City Board of Zoning Appeals was called to order at 7:00 p.m. on Thursday, October 23, 2025. located in Room 103 of the Municipal Service Center, 1100 Wright St.

ROLL CALL

Present: Chair Ms. Dombrowski, Mr. Patrick, Ms. Fetter, Vice Chair Ms. Hill, Ms. Wright, and Zoning Official A. Landers.

Absent: Mr. Neumann and Ms. Klein (both excused).

PUBLIC HEARINGS

04-VAR-10-25 – 401 W. Washington St. (PIN: 0220130): 401 W. Washington St, LLC is seeking a 25-ft curb cut and driveway separation variance and a 9.49-ft rear yard variance from the City of Marquette Land Development Code to allow a driveway that does not have a separation between the adjacent curb cut and driveway and a three-story building with a lower-level parking garage that is proposed to not meet the 10-ft setback from the rear lot line requirement at 401 W. Washington St.

A. Landers: The Board of Zoning Appeals is being asked to review an application for a 25-ft curb cut and driveway separation variance and a 9.49-ft rear yard variance from the City of Marquette Land Development Code to allow a driveway that does not have a separation between the adjacent curb cut and driveway and a three-story building with a lower level parking garage that is proposed to not meet the 10-ft setback from the rear lot line requirement at 401 W. Washington St. Please note, there was a clerical error stating that the rear yard setback was 5 ft, but it is a 10-ft setback, and the survey and the site plan sheet show it as 5 ft, but it is actually 10 ft. Therefore, we sent an amended Mining Journal notice. She referenced the staff report and attachments, and visuals from the agenda packet were shown.

Ms. Wright: The building in the rear will remain as it is now, correct. A. Landers: I believe the back wall is remaining, and then they are building up from it.

Dax Richer, Architect at RG Design and located at 829 Croix St, Negaunee, MI 49866: There was a collapse in the roof a couple of years ago, so we are maintaining the existing footprint and the basement structure, but everything else will be new.

Mr. Patrick: Will this be going to the Planning Commission? A. Landers: No, this is a small enough project that has already started going through Administrative Site Plan

Review. During the first review of the site plan, it was then the staff stated the variances and License were required. The applicant has submitted site plans to meet staff comments. So, we are now at the level of whether the variances and the license are approved, then if they are, the staff are able to sign off on the zoning permit.

Ms. Dombrowski: Can you explain the separation between the curb cuts and driveway variance? A. Landers showed the existing photos on the screen and showed the site plan sheet with the proposed curb cut and driveway.

Ms. Hill: The existing curb cut is for the alley. A. Landers: No, this is private property, not an alley; this is a curb cut and driveway for the property to the south. Engineering prefers the proposed curb cut and driveway to be further away from the intersection, and if they had to be 25 feet from each other, then it would be too close to the intersection.

Ms. Fetter: Is the maximum height just 40 feet, or is it more than 40 feet?

Dax Richer: No, it is an approximation within inches.

Ms. Wright: So, in other words, they could never use the rear to get into their building because that is not an alley. A. Landers: Correct.

Brian Savolainen, Engineer at Wickwire Consultants and located at 3224 US-41W #240, Marquette, MI 49855: They did try to work a deal with the adjacent property owner, but could not come to an agreement.

Dax Richer: The existing basement footprint and garage door are there. Instead of putting what was back, they wanted to add the housing and have a couple of commercial spaces. We met the parking requirements, and it is a good design.

Ms. Wright: How many units? Dax Richer: We are proposing 11 residential units and 2 commercial units.

Ms. Dombrowski: Can you tell us how you arrived at the proposed curb cut and driveway design?

Brian Savolainen: The garage door has always been there as access, but for some reason, there was not a curb cut in front of that garage door. It would require mounting the curb, and the drive dips back down to the building. I met with the City Engineer and some of the staff at the site, and we discussed this. Right across the street, there is a very similar situation where there is a garage, but in that case, it is an alley. We first looked at making a curb cut between the two catch basins you see in the photo, but City staff recommended that we continue the curb cut past the catch basin and remove the backing on it, and put a low casting on it, which is pretty typical in a curbed area. Our design follows exactly what the City Engineering staff recommended, and we agree that it was the best solution. By grading that down a little bit, it gives us better access to the garage. Site distance is not affected at all for the adjacent driveway; there is room there to stop, and you can see all the way up to the stop sign.

Mr. Patrick: So that will be access to the indoor parking. Brian Savolainen: That is access to the seven indoor parking spaces only for the residents.

Ms. Fetter: For the garage door, is there proof or evidence that the garage door was there for the purchase? My thought is that someone could potentially put a garage door somewhere and then say, now this is part of it, so now I need a curb cut for it.

Stosh Wasik, one of the owners of 401 W. Washington St LLC: I have owned the building since 2015, and then we sold the building to the new partnership. When I bought the building, it was from Earl's Carpet Shop, and they built it new in 1977. It was my understanding that they put the garage door in when they built it in 1977.

Ms. Fetter: Interesting if they always had to mount the curb to use it. Ms. Wright: No, I have lived in that area. They used to have their big trucks park and then unload the carpets into the building; they never drove in.

Ms. Fetter: Are you considering putting up a stop sign or some kind of signage since it will be increasing traffic across the sidewalk?

Brian Savolainen: It is a driveway, so you do not have a stop sign outside of your driveway. You are going to come out and look both ways and make your decision, just like coming out of your personal drive.

Ms. Fetter: The parking garage is for multiple people, not like a home. Brian Savolainen: It is for the seven residents who will be using it.

Stosh Wasik: We are happy to commit to adding stop signs on the inside of the building, so people are aware and pay attention to the pedestrians.

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

The Board 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: This is met with both variances. The board agreed.

(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: This is met with both variances. Ms. Wright agreed.

(c) Not a Result of Actions of the Applicant. *That the special conditions and circumstances do not result from the actions of the applicant;*

Ms. Dombrowski: This is met, the building exists, and building up makes sense. The garage door exists. Mr. Patrick agreed.

(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: It would not confer a special privilege. The board agreed.

(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.*

Ms. Dombrowski: We are not comparing it to other properties or buildings, so this is met. Ms. Wright and Mr. Patrick agreed.

Ms. Fetter: One of their answers was comparing it to others. Ms. Dombrowski: That is good to note, and that we are not using that as a factor with our review.

(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: This is met. Ms. Hill: Especially since they are using the existing footprint and garage opening.

(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);*

Ms. Dombrowski: Other property owners can do this, and they are making a building that is almost blighted usable.

Ms. Hill: You could say, well, they can use the existing and not build up, but I am sure the existing building would not meet the state energy codes. So, tearing down the first floor so the building meets energy codes, because the codes have changed a lot since the 70s.

(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.*

Ms. Dombrowski: The proposed curb cut and driveway have no impact on air and light. I believe that not meeting the 10-foot rear setback will not have any negative effect on the air and light of the surrounding areas. Mr. Patrick agrees.

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

Ms. Dombrowski: After listening to the applicants and them talking to the City engineering staff, this is the best way for the proposal to work. I believe both are a minimum request.

Ms. Hill: I agree, the minimum to keep the existing to work, if they were constructing a whole new building, then it might not be minimum.

(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.*

The board agreed that it would.

It was moved by Ms. Wright, seconded by Ms. Fetter, and carried 5-0 that after conducting a public hearing and review of the STAFF REPORT/ANALYSIS for 04-VAR-10-25, 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 04-VAR-10-25 as presented with the condition that a License be approved by the City Commission for the proposed encroachment into the Washington Street right-of-way.

ADJOURNMENT

The meeting was adjourned at 7:26 p.m.

Respectfully Submitted,



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