



MARQUETTE CHARTER TOWNSHIP

1000 Commerce Drive
Marquette, Michigan 49855
Ph | 906.228.6220
Fx | 906.228.7337
www.marquettetownship.org

ZONING BOARD OF APPEALS MEETING

MONDAY, AUGUST 8, 2022 – 4:00 PM
MARQUETTE TOWNSHIP COMMUNITY CENTER

NOTE: Pursuant to the Township Board adopted Code of Conduct; Zoning Board of Appeals members are obligated to disclose any potential or actual conflict of interest with any item placed on this agenda.

1. Call Meeting to Order.
2. Roll Call/Election of Officers.
3. Approval of Agenda.
4. Minutes from Previous Meeting – None at this time.
5. Public Comment – Other than Agenda Items
6. New Business.
 - a. **Dimensional Variance Request #080822-1:** Requested dimensional variance of 5 feet from the required 10-foot side yard setback, in the zoned Rural Residential (RR) zoning district, (*per the Marquette Township Zoning Ordinance, Article 24 – Zoning Board of Appeals, Section 24.05 – Variances*), in order site an accessory structure. Address: 200 Eagles Nest Rd, Marquette, MI 49855. The subject parcel Tax ID# is 52-08-212-015-00 and is described as SEC. 11/12 T49N R26W PART OF NE 1/4 OF SE 1/4 SEC. 11 & GOV'T LOT 1, SEC. 12 COM AT INT OF E'LY R/W OF LS & I RR & W LINE OF SAID LOT 1; TH S 21 DEG 51' E 182' TO POB; TH S 68 DEG 09' W TO CO. RD. #550 TH NW'LY ALG R/W 150' TH N 68 DEG 09' E TO LAKE SUPERIOR TH SE'LY ALG SHORE 150' M/L TH S 68 DEG 09' W 72' TO POB. Applicant: Richard & Amy Frieden, 200 Eagles Nest Rd., Marquette, MI 49855.
 - b. **Dimensional Variance Request #080822-2:** Request to allow two (2) 450 square foot dwelling units on a parcel of property smaller than the required 40,000 square foot size required for each unit, in the zoned Rural Residential (RR) zoning district, (*per the Marquette Township Zoning Ordinance, Article 24 – Zoning Board of Appeals, Section 24.05 – Variances*). The subject parcel Tax ID# is 52-08-004-029-10 and is described as SEC. 4 T48N R25W 1 A M/L PART OF W 1/2 OF NE 1/4 OF SE 1/4 BEG AT THE INT OF S LINE & E ROW OF CO RD 550 TH N44DEG 5'E 200' TH E 241.24' TH S 139.14' TH W 384.9' TO POB. Applicant: 550 Outpost, LLC., 117 N. 6th Street, Marquette, MI 49855.
7. Old Business.
8. Correspondence/Reports.
9. Announcements.
10. Public Comment.
11. Additional Comments ZBA Members would like to make.
12. Adjournment.



MARQUETTE CHARTER TOWNSHIP

1000 Commerce Drive
Marquette, Michigan 49855
Ph | 906.228.6220
Fx | 906.228.7337

www.marquettetownship.org

PROPOSED FINDINGS OF FACT

ZBA CASE #080822-1, August 8, 2022

Applicant: Richard & Amy Frieden

Property Address: 200 Eagles Nest Rd., Marquette, MI 49855

Parcel No: 52-08-212-015-00

Property Owner: Richard & Amy Frieden

Proposal: Dimensional variance request of 5 feet from the required 10-foot side yard setback, in the zoned Rural Residential (RR) zoning district, (per the Marquette Township Zoning Ordinance, Article 24 – Zoning Board of Appeals, Section 24.05 – Variances), in order site an accessory structure.

Zoning District: Rural Residential (RR)

Staff Contact: Jason McCarthy

Background:

- 1) All application fees, notification and publication requirements of the Marquette Township Zoning Ordinance have been met.
- 2) Applicant indicated that the variance request is aimed at allowing a 144 SF accessory structure to continue to be located in its current location. In 2017, the applicant experienced a storm that required a previous accessory structure (which was damaged by a storm) to be removed/taken down in order to conduct emergency shoreline repairs.

Applicant indicated that because of the relatively small size of the replacement accessory structure, he was not aware of the requirement for a zoning compliance application (the Marquette County Building Codes Department does not require a building permit for a structure less than 200 SF). As such, and in an attempt to comply with the building setback requirements of the Marquette Township Zoning Ordinance, the applicant applied for a zoning application to approve the current location of the replacement structure. That application was subsequently denied due to the structure not meeting the minimum side yard setback requirement of 10 feet.

Applicant indicated that because the structure has an improved foundation, it would be burdensome to move it. Hence, the application for 5 feet of relief from the required 10-foot side yard setback.

- 3) Also included in the packet are copies of the denied zoning application dated in 2022, copy of the Marquette County Equalization Digital Field Card with legal description and the applicant's narrative.

ORDINANCE CONSIDERATIONS:

Article 16 – Detailed Use Regulations, Section 16.03: Accessory Uses, (B)

Article 19 – Performance Requirements, Section 19.14: Schedule of District Regulations and Minimum Performance Standards

Article 24 – Zoning Board of Appeals, Section 24.05 and 25.06.



Charter Township of Marquette

161 County Road 492, Marquette, Michigan 49855

Phone: 906-228-6220 • Fax: 906-228-7337

www.marquettetownship.org

Parcel Number:
52-00-212-015-1

Permit Number:

Date:

Application for Zoning Board of Appeals

**NOTE: This Application must be completed and submitted to the Marquette Township Offices.*

**Be sure to complete ALL sections of this form. Please Print or type.*

Application for: Variance Interpretation Administrative Approval Other

Applicant Information

Name: Amy & Richard FRIEDEN		Address: 200 Eagles Nest Road Marquette MI 49855	
Project or Business Name:			
Phone: 906 250 3494	Fax:	Name of Contact Person: Richard or Amy Frieden	Contact Phone: 906 250 3494 / 269 519 4876
E-Mail Address: friedenrick@gmail.com OR amyfrieden@att.net			
If Applicant is not the Owner, state the Applicant's relationship to the Owner (i.e. purchaser, land contract vendee, owner's designated agent, etc.):			

Property Owner (if different from applicant)

Name: Same as applicant		Address:	
Phone:	Fax:	Name of Contact Person:	Contact Phone:
E-Mail Address:			

Applicant's Agent (if different from applicant)

Name:		Address:	
Phone:	Fax:	Name of Contact Person:	Contact Phone:
E-Mail Address:			

Property Information

Address: 200 Eagles Nest Road Marquette MI 49855	Parcel I.D. Number(s): 52-08- 212 - 015 - 00
General Location of Property: North of Marquette ~ 8 miles, off Co Rd 550, on Eagles Nest Road	Property Size (acreage or square footage): 0.723 acre
Legal Description(s) (attach pages as necessary): copy attached	

Describe request including the specific section of the ordinance you are appealing and all the reason for appeal. All requests for variances must include the exact amount of the variance requested (attach pages as necessary). You must submit a site plan and/or plot plan showing existing and proposed structures and location(s) of the request. Include all dimensions of structures, property lines, setbacks, parking, etc.

REQUEST:

Specific request for relief from required 10-ft side yard setback, amounting to 5 ft.

REASON FOR REQUEST:

See Attachment #1

RECEIVED

JUN 15 2022

Marquette Township

PAID

JUN 15 2022

#1138
Marquette Township

\$225⁰⁰

Describe all proposed uses of the property (attach pages as necessary)

Garden shed and greenhouse, located on our primary residence property ✓

List all structures related to request

Acres 0.723 Zoning rural residential

Applicant:

I (We) certify that the information I have provided is true to the best of my knowledge.

Signature of Applicant: [Signature] Date: 13 June 2022

Owner's Name (print): Richard & Amy Frieden

Signature of Property Owner: [Signature] Date: 13 June 2022

Owner's Name (print): Richard and Amy Frieden

Signature of Agent: _____ Date: _____

Owner's Name (print): _____

Optional: I hereby grant permission for a member of the Marquette Township Planning Commission, Township Board, Zoning Administrator, Fire Marshal, and Planner to enter the above described property for the purposes of gathering information related to this application. *Note to applicant: This permission is optional and failure to grant permission will not affect any decision on your application.*

Signature of Applicant: _____ Date: 20 May 2022

OFFICIAL USE ONLY

Official Receiving Application (please print): JASON McLEARN Date: JUNE 15, 2022

Fee(s) Paid: Yes No If Yes, Amount Paid: \$ 225.00 CH #1138

Application: Approved Not Approved

Reason: Incomplete Application Other Date: _____

ZBA Case # 20022-1 Hearing Date: 8/8/22 Date Case Decided: _____ Approved: _____ Denied: _____

Approved with Conditions: _____

Condition(s) of Approval:

Signature of Zoning Administrator: _____ Date: _____

REASON FOR VARIANCE REQUEST:

1. Building currently in question replaced an existing structure damaged in storm, autumn 2017. (*we have dated photographic evidence*)
2. The previously existing structure had been closer to the side yard lot line than the building currently in question
3. The previously existing structure had to be removed to allow our contractor access to the shoreline for emergency shoreline repair
4. To relocate this building at this point would be extremely difficult and expensive, as it sits on a concrete pad and its primary loadbearing beams, approximately 1 ft in diameter, are sunk deeply in concrete
5. The current structure is roughly 6 ft from the existing sideyard property boundary
6. Seeking variance of 5 ft from the required sideyard setback requirement of ten (10) ft
7. In our opinion, the variance request does not conflict with the spirit and/or intent of the Marquette Township zoning ordinance.
8. We were unaware that a zoning compliance permit was required for all structures that are proposed to be constructed in Marquette Township, even those not requiring a construction permit

The Mining Journal

Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of: **MARQUETTE**

In the matter of: Notice of Public Hearing
Marquette Township Zoning Board of Appeals
August 8, 2022

Size: 2 x 6.5

RECEIVED
JUL 25 2022
Marquette Township

NOTICE OF PUBLIC HEARING MARQUETTE TOWNSHIP ZONING BOARD OF APPEALS (ZBA)

Notice is hereby given that two (2) Public Hearings will be held by the Marquette Township Zoning Board of Appeals (ZBA) on Monday, August 8, 2022 at 4:00 p.m. the meeting will be held at the Marquette Township Hall, located at 1000 Commerce Drive, Marquette MI 49855, in order to receive comment on the following agenda items:

- 1) Dimensional variance request of 5 feet from the required 10-foot side yard setback, in the zoned Rural Residential (RR) zoning district, (per the Marquette Township Zoning Ordinance, Article 24 – Zoning Board of Appeals, Section 24.05 – Variances), in order site an accessory structure. Address: 200 Eagles Nest Rd, Marquette, MI 49855. The subject parcel Tax ID# is 52-08-212-015-00 and is described as SEC. 11/12 T49N R26W PART OF NE 1/4 OF SE 1/4 SEC. 11 & GOV'T LOT 1, SEC. 12 COM AT INT OF E'LY R/W OF LS & I RR & W LINE OF SAID LOT 1; TH S 21 DEG 51' E 182' TO POB; TH S 68 DEG 09' W TO CO. RD. #550 TH NW'LY ALG R/W 150' TH N 68 DEG 09' E TO LAKE SUPERIOR TH SE'LY ALG SHORE 150' M/L TH S 68 DEG 09' W 72' TO POB. Applicant: Richard & Amy Frieden, 200 Eagles Nest Rd., Marquette, MI 49855.
- 2) Dimensional variance request to allow two (2) 450 square foot dwelling units on a parcel of property smaller than the required 40,000 square foot size required for each unit, in the zoned Rural Residential (RR) zoning district, (per the Marquette Township Zoning Ordinance, Article 24 – Zoning Board of Appeals, Section 24.05 – Variances). The subject parcel Tax ID# is 52-08-004-029-10 and is described as SEC. 4 T48N R25W 1 A M/L PART OF W 1/2 OF NE 1/4 OF SE 1/4 BEG AT THE INT OF S LINE & E ROW OF CO RD 550 TH N44DEG 5'E 200' TH E 241.24' TH S 139.14' TH W 384.9' TO POB. Applicant: 550 Outpost, LLC., 117 N. 6th Street, Marquette, MI 49855.

The Marquette Township Zoning map and text are available for review online at www.marquettetownship.org. The public may provide comment by attending the meeting, or by emailing jasonmccarthy@marquettetownship.org. Written comments regarding the public hearings will be accepted until 5:00 p.m. on Friday, August 5, 2022. For questions, contact Jason McCarthy, Planning & Zoning Administrator at 906-228-6220.

This notice is posted in compliance with Public Act 110 of 2006, as amended, the Open Meetings Act, and the Americans with Disabilities Act (ADA).

State of MICHIGAN, County of Marquette ss.

ANN TROUTMAN

being duly sworn, says that she is

PUBLISHER

of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

July 22, 2022



ANN TROUTMAN

Subscribed and sworn to before me this 22nd day of July, 2022



HOLLY GASMAN

Notary Public for MARQUETTE County, Michigan
Acting in the County of Marquette
My commission expires: May 25, 2025



MARQUETTE Marquette County GIS

Parcel Report: 52-08-212-015-00

5/26/2022

10:44:31 AM



Property Address

200 EAGLES NEST RD
MARQUETTE, MI, 49855

This Parcel has no image on file.

Owner Address

FRIEDEN RICHARD & AMY
--
200 EAGLES NEST RD
MARQUETTE, MI 49855

Unit: 52-08
Unit Name: MARQUETTE TOWNSHIP

General Information for 2021 Tax Year

Parcel Number: 52-08-212-015-00
Property Class: 401
Class Name: RESIDENTIAL
School Dist Code: 52170
School Dist Name: MARQUETTE PUBLIC

PRE 2020: 100%
PRE 2021: 100%

Assessed Value: \$149,900
Taxable Value: \$149,900
State Equalized Value: \$149,900

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2020	\$149,900	\$149,900	\$148,170
2019	\$148,300	\$148,300	\$145,408

Land Information

Acreage: 0.723
Zoning: RR

Legal Description ✓

SEC. 11/12 T49N R26W PART OF NE 1/4 OF SE 1/4 SEC. 11 & GOV'T LOT 1, SEC. 12 COM AT INT OF E'LY R/W OF LS & I RR & W LINE OF SAID LOT 1; TH S 21 DEG 51' E 182' TO POB; TH S 68 DEG 09' W TO CO. RD. #550 TH NW'LY ALG R/W 150' TH N 68 DEG 09' E TO LAKE SUPERIOR TH SE'LY ALG SHORE 150' M/L TH S 68 DEG 09' W 72' TO POB.

Sales Information

Sale Date: 08-24-2017

Sale Price: 316500

Instrument: WD

Grantor: JOHNSON, BARRY & ANN

Grantee: FRIEDEN, RICHARD & AMY BETH

Terms of Sale: 03-ARM'S LENGTH

Liber/Page: 2017R-08560

Sale Date: 04-08-2015

Sale Price: 285000

Instrument: WD

Grantor: MCCREA, ROBERT & CHRISTINE

Grantee: JOHNSON, BARRY & ANN

Terms of Sale: 21-NOT USED/OTHER

Liber/Page: 2015R-03600

Sale Date: 08-27-2007

Sale Price: 299900

Instrument: WD

Grantor: JOHNSON, JOHN JR & ANN

Grantee: MCCREA, ROBERT & CHRISTINE

Terms of Sale: 03-ARM'S LENGTH

Liber/Page: 2007R-9634

Sale Date: 04-02-2007

Sale Price: 187500

Instrument: WD

Grantor: JOHNSON, JOHN SR & DOLORES

Grantee: JOHNSON, JOHN JR & ANN

Terms of Sale: 09-FAMILY

Liber/Page: 2007R-3165

Sale Date: 01-21-2004

Sale Price: 0
Instrument: QC
Grantor: JOHNSON, JOHN & DOLORES
Grantee: JOHNSON FAMILY TRUST
Terms of Sale: 09-FAMILY
Liber/Page: 2005R-5397

Sale Date: 09-24-2003

Sale Price: 1
Instrument: WD
Grantor:
Grantee:
Terms of Sale: 03-ARM'S LENGTH
Liber/Page: 2003R-957

Sale Date: 12-06-2002

Sale Price: 210000
Instrument: WD
Grantor:
Grantee:
Terms of Sale: 03-ARM'S LENGTH
Liber/Page: 0451:0652

Sale Date: 01-10-2000

Sale Price: 163000
Instrument: WD
Grantor:
Grantee:
Terms of Sale: 21-NOT USED/OTHER
Liber/Page: 0428:0337

Building Information

Residential Buildings

RANCH/Single Family - 1968

General Information

Year Built:	1968
Style:	RANCH/Single Family
Exterior:	Wood Siding
Total Living Area:	1158
Heating Type:	Forced Air w/Ducts
Rooms Basement:	0
Rooms 1st Floor:	4

Rooms 2nd Floor:	0
Bedrooms:	2
Baths: Full/Half:	1/0
Fireplaces: Quantity - Type	1 - Interior 1 Story

Area Detail

Height	Ground Floor Area	Foundation	Exterior
1 Story	1158	Crawl Space	Siding

Basement Finished Areas

Recreation:	0
Living Area:	0

Garage/Carport Information

Area	Capacity	Exterior	Type
484		Siding	1 Wall
572		Siding	Detached

Porch/Breezeway Information

Area	Description
100	Porch WSEP (1 Story)
114	Porch WCP (1 Story)

Deck Information

Area	Description
--	--

Delinquent Tax Information as of 3/23/2021

*DOES NOT include unpaid taxes on PERSONAL PROPERTY

Tax Year: 2006

Base Tax: 1211.26

Base Tax Due: 0

Base Tax Paid: 1211.26

Total Due: 0

Last Paid:

Tax Year: 2003

Base Tax: 1374.32

Base Tax Due: 0

Base Tax Paid: 0

Total Due: 0

Last Paid:



Charter Township of Marquette
 1000 Commerce Drive, Marquette, Michigan 49855
 Phone: 906-228-6220 • Fax: 906-228-7337
 www.marquettetownship.org



Zoning Compliance Application

Application for a Zoning Compliance Permit is hereby made for the following purpose(s):

- to Build to Extend New use in existing building
 Other (please specify) _____

Date of Application: ~~4/15/22~~ 5/16/22 Jm

APPLICANT

Name: Rock River Industries LLC Rock River Industries LLC	
Address: 707 W Kays Ave	City, State Zip: Marquette MI 49855
Phone: 906-204-4275	Alternate Phone:
Fax:	E-Mail: ericheutameki@yahoo.com

PROPERTY OWNER

Check box only if Property Owner is the same as the Applicant

Name: Rick and Amy FRIEDEN	
Address: 200 Eagles Nest Rd	City, State Zip: Marquette MI 49855
Phone: 269-519-4876	Alternate Phone:
Fax: FRIEDENRICK@GMAIL.COM	E-Mail: amyfrieden@att.net

The applicant / owner acknowledges review of the site plan requirements in the zoning ordinance (available at www.marquettetownship.org or at the Township Hall)

PROJECT INFORMATION

Location: 200 eagles nest road - Marquette MI	
Property / Parcel I.D. Number(s): (found on tax bill) 52-08-	Zoning District: Marquette, MI 49855
Current Use(s) & Occupancy: Residential property	
Project Name (if any): garden shed	
Estimated Project Costs: \$10,000	Lot Size or Number of Acres: 150' x 200'
Square Footage of Existing Building(s):	Total Area of Site Being Disturbed (including lawn): 180 sq feet
Square Footage of Proposed Building(s): 140	Number of Floors: 1 Total Height: 12'
Number of Off Street Parking Spaces: 10+	Is this Property Accessed via Private Road: no

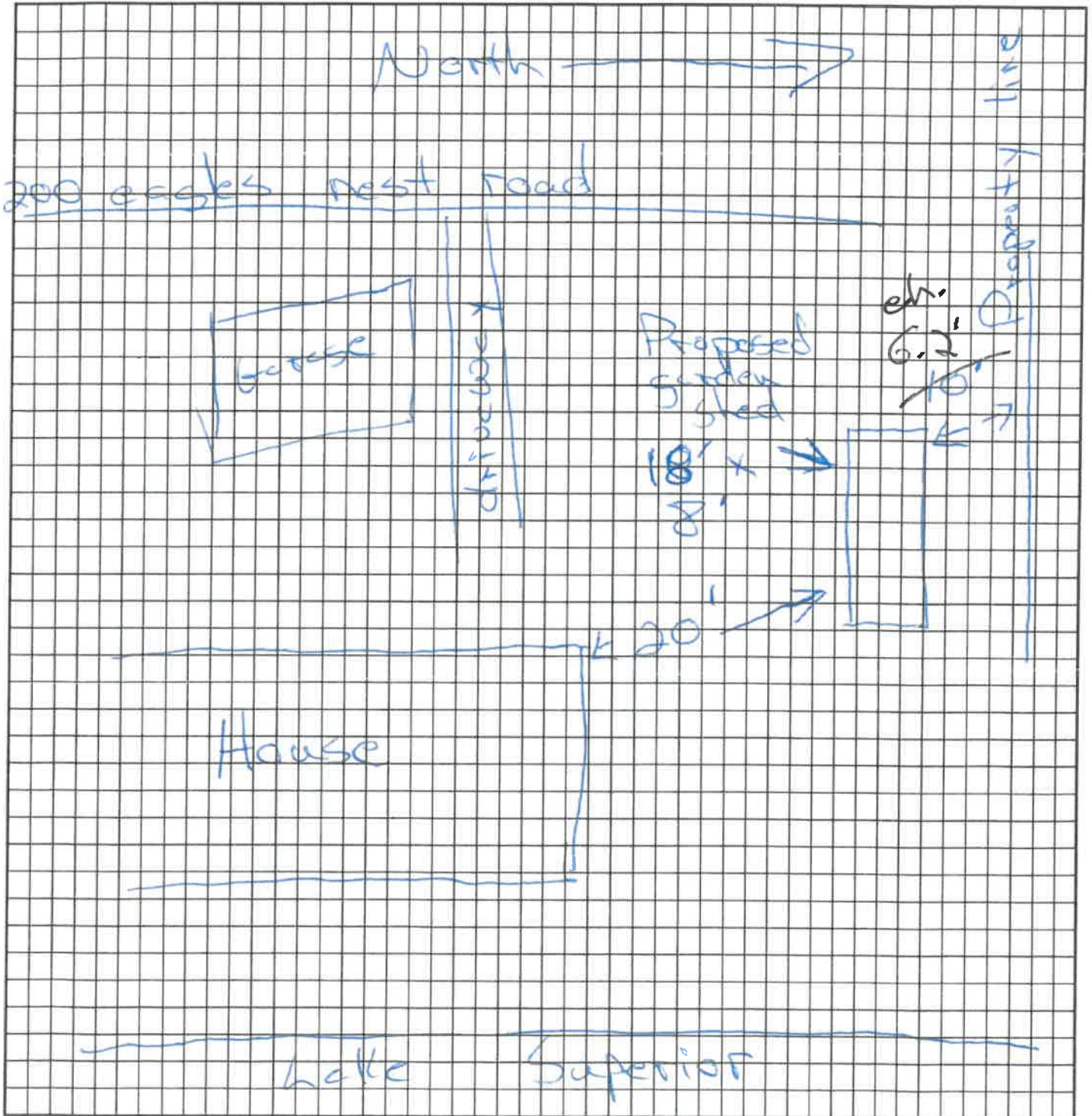
NO WORK – INCLUDING EARTHWORK – MAY COMMENCE UNTIL THIS APPLICATION IS APPROVED

PAID
 JUL 24 2020
 \$3500
 Marquette Township
 #1116

PROVIDE A SITE PLAN DRAWN TO SCALE; ATTACH A SEPARATE SHEET IF NEEDED

Site plans for all non-residential as well as multi-family residential must be drawn by and sealed by a licensed architect, engineer or surveyor (see Zoning ord. Article 17:06)

- Show and label property lines and dimensions
- Show and label adjoining rights-of-way, curb and pavement location(s) and dimensions
- Show and label all structures and their dimensions
- Show all building set back distances from property lines and between structures
- Show driveway location(s) and dimensions and all parking areas / spaces
- Show and label any other features that affect development (i.e. easements, rocks outcrops, etc.)
- Draw in a North Arrow



Office Use

Review Comments / Conditions of Approval:

PROPOSED ACCESSORY STRUCTURE LOCATION DOES NOT MEET MINIMUM SIDE YARD SET BACK REQUIREMENT OF TEN (10) FEET.

Public Works Department

Additional Permits / Fees Required

- Water Connection / Construction Permit
- Sewer Connection / Construction Permit
- Plumbing Permit (Mqt. County Building Codes)
- Electrical Permit (Mqt. County Building Codes)
- Right-of-way Permit
- Other (list)

Public Works Notes:

N/A

Planning / Zoning Department(s)

Additional Permits / Fees Required

- New Business License
- Sign Permit
- Site Plan Review Application
- Grading Permit
- Zoning Board of Appeals Application
- Other (list)

N/A

Planning / Zoning Notes:

SEE ABOVE.

Fire Department

Additional Permits / Fees Required

- Fire Suppression/Detectors & Special Haz. Permit
- Chemical Survey
- Outdoor Wood Furnace
- KNOX Box form
- Other (list)

Fire Department Notes:

N/A

Approved <input type="checkbox"/> Initials: _____	Denied <input checked="" type="checkbox"/> Initials: <i>JM</i>
Denial Comments: _____	

Planning / Zoning
Signature

John Metcalley

Date

3/19/2022

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

L. TRAILS (NON-MOTORIZED)

The land use Trails (non-motorized) shall not be required to comply with the minimum requirements for public road access, public utilities and on site permits, which are normally required in Sections 20.13 through 20.19, unless required by another governing agency or another Charter Township of Marquette ordinance. Trails (non-motorized) shall not be required to comply with the minimum lot size and width, maximum depth: width, and the minimum open space, all of which are normally required in Sections 19.13 through 19.19. These exceptions are not to be construed as applying to any buildings or other land uses on the same lot. Trails (non-motorized) shall not be required to comply with all bufferyard requirements in Sections 19.04 and 19.05. Trails (non-motorized) shall be a minimum of 10 feet from any lot line or easement line except where they cross into a duly authorized adjoining street right-of-way or property. Parking spaces shall not be required but any vehicular or trailer-parking area provided shall comply with Article 21 and be located outside of any street right-of-way.

M. TRAILS (ALL TERRAIN VEHICLES)

The land use Trails (all terrain vehicles) shall not be required to comply with the minimum requirements for public road access, public utilities and on site permits, which are normally required in Sections 19.13 through 19.19, unless required by another governing agency or another Charter Township of Marquette ordinance. The land use Trails (all terrain vehicles) shall not be required to comply with the minimum lot size and width, maximum depth: width, and the minimum open space, all of which are normally required in Sections 19.13 through 19.19. These exceptions are not to be construed as applying to any buildings or other land uses on the same lot. Trails (all terrain vehicles) shall comply with all bufferyard requirements in Sections 19.04 and 19.05, except that trails (all terrain vehicles) shall be allowed to cross through a bufferyard required along a street.

Trails (all terrain vehicles) shall be a minimum of 40 feet from any lot line or easement line except where they cross into a duly authorized adjoining street right-of-way or property. Parking spaces shall not be required but any vehicular or trailer-parking area provided shall comply with Article 21 and be located outside of any street right-of-way.

SECTION 16.03: ACCESSORY USES

A. AUTHORIZATION

Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are authorized and permitted in any zoning district in connection with any principal use lawfully existing within a district. Any question of whether a particular use is permitted as an accessory use by the provisions of this section, shall be determined by the Zoning Administrator.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.03: ACCESSORY USES – (Cont.)

B. COMPLIANCE

An accessory use or structure shall not be established or constructed unless a zoning compliance certificate has been issued by the Zoning Administrator in accordance with Section 25.03.

C. USE LIMITATIONS

Accessory structures shall include but not be limited to attached and detached garages, carports, and storage shed. In addition to complying with all other regulations, an accessory use shall not be permitted unless it complies with the following use limitations:

1. The principal use or structure, together with any accessory use or structure, shall not jointly exceed the land use intensity class criteria specified in Article 19 – PERFORMANCE REQUIREMENTS.
2. All signs are subject to the provisions of Article 22 - SIGNS.
3. An accessory structure or use shall not be constructed or established on any lot prior to the time of the substantial completion of the principal structure to which it is accessory.
4. An accessory structure or use on any lot shall not cause the impervious surface ratio or exterior storage area to exceed the maximum standards permitted on the site by this Ordinance.
5. Accessory structures shall maintain the same minimum front and side yards as required for the principal structure; such structure may in part or whole be located within a required rear yard, but not closer to the rear lot line than the minimum side yard setback applicable to the lot where such structure shall be located.
6. An accessory structure, unless attached and structurally made a part of the principal structure, shall not be closer than ten (10) feet to any other building or structure on the lot or parcel.
7. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.
8. In the RR and SR Districts accessory structures are restricted as follows:

The total area of all accessory buildings/ structures shall not exceed sixteen hundred (1600) sq. ft. On parcels of three (3) acres or more, the total area of all accessory buildings/ structures shall not exceed twenty-five hundred (2500) sq. ft. nor shall the combined area of all accessory buildings/ structures be larger than the square footage of the principal structure.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.03: ACCESSORY USES – (Cont.)

In the UR District, the total sq. ft. area of all accessory structures located on a lot or parcel, including an attached or detached garage, shall not exceed one thousand (1000) sq. ft.

9. Accessory structures in the UR District containing less than 700 square feet shall maintain all of the same required setbacks as the principal structure except that the rear yard setback may be reduced to five (5) feet. Also in the UR District, accessory structures containing 700 or more square feet shall maintain the required rear yard setback for the principal structure. Any accessory structures in the RR, and the SR Districts shall maintain the required setback for the principal structure.

10. The maximum height of detached accessory structures in the UR, RR, and SR Zoning Districts shall not exceed eighteen (18) feet in height, as defined in Article 2, Definitions, Section 2.02, Building Height, except where restricted by other section(s) of the Zoning Ordinance. Accessory structures attached to the principal structure for permitted residential uses shall not exceed the maximum allowed height of the principal structure. Detached accessory structures, for permitted nonresidential uses, may be constructed to equal the permitted maximum height for principal structures in the respective zoning district.

11. Shipping containers, cargo containers, semi-trailers, and soft-sided accessory structures are prohibited.

SECTION 16.04: DETAILED ACCESSORY USE REGULATIONS

The following accessory uses and structures constitute accessory uses and structures when they comply in all respects with the standards set forth below:

A. HOME OCCUPATIONS

It is the intent of this section to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of their existence. Any resident desiring to conduct a home occupation shall initially apply for and receive a zoning compliance certificate in accordance with *Article 26, Administration and Enforcement, Section 26.03, Zoning Compliance Certificate*, and *Section 26.04, Application Requirements for Zoning Compliance Certificates* and annually thereafter apply for and receive a temporary permit, from the Zoning Administrator, subject to the following regulations:

1. Any occupation which is customarily, in whole or in part, conducted in a residence and not in an accessory structure, may be conducted in any dwelling unit, provided that all of the following criteria are met:
 - a. The occupation must be clearly incidental and subordinate to the use of the dwelling as a residence.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.14:

Rural Residential District [RR]

SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

General L.U.I. [Sec. 15.02]	Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access			Public Utilities On Site Facilities Required Permits				Structural Standards			Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
		State Trunkline	Co. Primary Road	Local	Seasonal	Water	Sewer	On-Site Permits			Minimum Floor Area [sq. ft./unit]	Signs Table 22	Site Plan Financial Guarantee [Sec. 18.10]	Minimum Lot Size	Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio [O.S.R.]	Front	Rear	Minimum Yard Setbacks ^f	
								Septic System	Water Well	Soil Erosion										Surf. Drainage	One
I Agriculture	R		R				R	R	R	R	R	A	R	10 Acres	4:1			35'	25'	10'	25'
I Forestry Non-Commercial	R			R				R	R	R	R	A	R					35'	25'	10'	25'
I Recreation Indoor/Outdoor	R			R				R	R	R	R	A	R	40,000	4:1			35'	25'	10'	25'
I Residential Dwelling	R		R				R	R	R	R	R	R	R	40,000	4:1	1.09	.80	35'	25'	10'	25'
II Residential Dwelling	R		R				R	R	R	R	R	R	R	20,000	4:1	2.18	.80	35'	25'	10'	25'
II Public Service	R		R					R	R	R	R	A	R					35'	25'	10'	25'
II Recreation Indoor/Outdoor	R		R					R	R	R	R	A	R	40,000	4:1		.80	35'	25'	10'	25'
II Special Residential & Institutional	R		R					R	R	R	R	A	R	40,000	4:1		.80	35'	25'	10'	25'
III Public Service	R							R	R	R	R	A	R					35'	25'	10'	25'
III Recreation Indoor/Outdoor	R		R					R	R	R	R	A	R	40,000	4:1			35'	25'	10'	25'
III Special Residential & Institutional	R							R	R	R	R	A	R	40,000	4:1			35'	25'	10'	25'
IV Residential Dwelling	R		R					R	R	R	R	A	R	40,000	4:1		.40	35'	25'	10'	25'
[Model Home/Unit]	R		R					R	R	R	R	B		20,000 d	4:1		.80	35'	25'	10'	25'
V Recreation/Commercial	R							R	R	R	R	A	R	40,000	4:1			35'	25'	10'	25'
VI Public Service	R							R	R	R	R	A	R	40,000	4:1		.80	35'	25'	10'	25'

For ALTERNATIVE ENERGY District Regulations and Performance Standards See Section 19.20.

- a. Except sewer where available.
- b. Except water where available.
- c. 1000 sf/single family detached dwelling, except 600 sf/single family detached dwelling converted from a pre-existing seasonal dwelling; and except 400 sf/caretaker dwelling unit.
- d. 20,000 sf & 120' with water & sewer, 40,000 sf & 150' without water & sewer.
- e. Accessory Buildings / Structures attached to the Principal Structure shall not exceed the maximum height of the Principal Structure. The maximum height of all Detached Accessory Buildings/ Structures shall not be greater than Eighteen (18) feet, as defined in Article II, Definitions, Section 2.02: Building Height. (Amend. 08-02-10)
- f. An Accessory Building / Structure, unless attached and structurally made a part of the Principal Building/Structure, shall not be closer than Ten (10) feet to any other Building/ Structure located on the lot or parcel.
- g. The total area of all Accessory Buildings/ Structures shall not exceed Sixteen Hundred (1600) sq. ft. On parcels of Three (3) acres or more, the total area of all Accessory Buildings/ Structures shall not exceed Twenty-five Hundred (2500) sq. ft. The combined area of all Accessory Buildings / Structures shall not be larger than the square footage of the Principal Structure.

ARTICLE 24 – ZONING BOARD OF APPEALS

SECTION 24.04: ADMINISTRATIVE REVIEW – (Cont.)

- C. The Zoning Board of Appeals shall have the authority to:
1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
 3. Determine the off-street parking requirements for any proposed land use not specifically mentioned either by classifying it with one of the groups listed in *Article 21, Off Street Parking Requirements, Section 21.05, Table XX; Use vs. Parking Nomograph*, or by an analysis of the specific needs.

SECTION 24.05: VARIANCES

- A. The Zoning Board of Appeals shall have the authority and duty to authorize, upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulties.
- B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- C. The Zoning Board of Appeals shall make findings that the requirements of this Article have been met by the applicant.
- D. The Zoning Board of Appeals shall find that the reasons set forth in the application justify the granting of a variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- E. The Zoning Board of Appeals shall find that the granting of a variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards. Violations of conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or allow any use expressly or by implication prohibited by the terms of this Ordinance.

ARTICLE 24 – ZONING BOARD OF APPEALS

SECTION 24.05: VARIANCES – (Cont.)

In exercising their authority, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the authority of the public official from whom the appeal was taken.

- H. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within one hundred eighty (180) days after the granting of the variance.

SECTION 24.06: VARIANCE STANDARDS

- A. Prior to the authorization and granting of any variance, the Zoning Board of Appeals shall determine that the following standards have been satisfied:

Practical Difficulty or Dimensional Variance Standards:

The applicant must show practical difficulty by demonstrating:

- a. That strict compliance with area, setback, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- b. That a variance would do substantial justice to the applicant as well as to other property owners in the district, or that a lesser relaxation would give substantial relief and be more consistent with justice to others.
- c. That the variance would not alter the essential character of the area.
- d. That the appeal of the owner is due to unique circumstances of the property and not to general neighborhood conditions.
- e. That the problem is not self-created.

NOTE: In the granting of any variance, the Zoning Board of Appeals shall ensure that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.

SECTION 24.07: APPEALS

- A. Appeals concerning interpretation or the administration of this Ordinance shall be made in accordance with Article 18, Site Plan Review, Section 18.13, Ordinance Interpretation and Appeals, Section 18.14, Zoning Board of Appeals Procedure, or for other contested actions by filing a notice of appeal specifying the ground thereof with the Zoning Administrator within thirty (30) days from the date of the contested decision.



MARQUETTE CHARTER TOWNSHIP

1000 Commerce Drive
Marquette, Michigan 49855
Ph | 906.228.6220
Fx | 906.228.7337

www.marquettetownship.org

PROPOSED FINDINGS OF FACT

ZBA CASE #080822-2, August 8, 2022

Applicant: Aaron Leppanen, Philville, LLC

Property Address: 400 Co Rd 550, Marquette, MI 49855

Parcel No: 52-08-212-015-00

Property Owner: Aaron Leppanen, Philville, LLC, 400 Co Rd 550.
Marquette, MI 49855

Proposal: Request to allow two (2) 450 square foot dwelling units on a parcel of property smaller than the required 40,000 square foot size required for each unit, in the zoned Rural Residential (RR) zoning district, (*per the Marquette Township Zoning Ordinance, Article 24 – Zoning Board of Appeals, Section 24.05 – Variances*).

Zoning District: Rural Residential (RR)

Staff Contact: Jason McCarthy

Background:

- 1) All application fees, notification and publication requirements of the Marquette Township Zoning Ordinance have been met.
- 2) On July 13, 2022, the Marquette Township Planning Commission unanimously approved the special land use of *Tiny Home* on the subject property.
- 3) The dimensional variance request is aimed at allowing two (2) tiny home, single-family, detached dwelling units (450 SF each), on a property that is 40,000 SF.
- 4) *Per Article 16 – Detailed Use Regulations, Section 16.02: Specific Standards for Certain Permitted Uses, Two or More Single Family Detached Dwellings on a Lot,*
“Two or more single family detached dwellings are permitted on a lot, subject to the following conditions:
 1. *Each such dwelling be allotted no less than the minimum site (lot) area, site (lot) width, front, rear, and side yards required of a single family detached dwelling on a single lot in the zoning district in which such dwellings are located, or are to be located, and;*

2. A plot plan, complying with submittal requirements specified in Article 18, Site Plan Review, Section 18.03: Required Plan Approvals, A. Plot Plans, be submitted to, and be approved by the Zoning Administrator for lots proposed to contain fewer than five such dwellings not necessitating the dedication or use of a new public or private street, right of way or access easement...”

- 5) The minimum lot size for the Rural Residential (RR) zoning district is derived from the minimum parcel size to site a well and septic system. For the specific variance request, normally 80,000 SF (roughly 2 acres) would be required. However, the Marquette County Health Department has provided approval of allowing the proposed two tiny homes on a lot of 40,000 SF, provided a 1000 gallon, shared septic system would be installed. (Please see attached correspondence from Marquette County Health Department).
- 6) Also included in the packet are copies of the proposed plot/site plan, mortgage report survey, warranty deed, copy of the Marquette County Equalization Digital Field Card with legal description and applicant’s narrative.

ORDINANCE CONSIDERATIONS:

Article 16 – Detailed Use Regulations, Section 16.02: Specific Standards for Certain Permitted Uses, Two or More Single Family Detached Dwellings on a Lot

Article 19 – Performance Requirements, Section 19.14: Schedule of District Regulations and Minimum Performance Standards

Article 24 – Zoning Board of Appeals, Section 24.05 and 25.06.



Charter Township of Marquette

161 County Road 492, Marquette, Michigan 49855

Phone: 906-228-6220 • Fax: 906-228-7337

www.marquettetownship.org

Parcel Number:
 5208-004-029-10
 Permit Number:
 Date:

Application for Zoning Board of Appeals

*NOTE: This Application must be completed and submitted to the Marquette Township Offices.
 *Be sure to complete ALL sections of this form. Please Print or type.

Application for: Variance Interpretation Administrative Approval Other

Applicant Information

Name: Aaron Leppanen		Address: 400A CRD 550	
Project or Business Name: Philville, LLC			
Phone: 9063616510	Fax:	Name of Contact Person: Aaron Leppanen	Contact Phone:
E-Mail Address:			
If Applicant is not the Owner, state the Applicant's relationship to the Owner (i.e. purchaser, land contract vendee, owner's designated agent, etc.):			

PAID

JUL 26 2022

\$ 225⁰⁰
Marquette Township

#877

Property Owner (if different from applicant)

Name: Philville, LLC		Address: 400 CRD 550	
Phone: 9063616510	Fax:	Name of Contact Person: Aaron Leppanen	Contact Phone:
E-Mail Address: aaron.leppanen@gmail.com			

RECEIVED

JUL 26 2022

Marquette Township

Applicant's Agent (if different from applicant)

Name:		Address:	
Phone:	Fax:	Name of Contact Person:	Contact Phone:
E-Mail Address: aaron.leppanen			

Property Information

Address: 400A CRD 550	Parcel I.D. Number(s): 52-08-004 -029 -10
General Location of Property: Marquette Township	Property Size (acreage or square footage): 44,131 sq ft
Legal Description(s) (attach pages as necessary):	

Describe request including the specific section of the ordinance you are appealing and all the reason for appeal. All requests for variances must include the exact amount of the variance requested (attach pages as necessary). You must submit a site plan and/or plot plan showing existing and proposed structures and location(s) of the request. Include all dimensions of structures, property lines, setbacks, parking, etc.

A dimensional variance request to, "to allow two (2) 450 square foot dwelling units on a parcel of property smaller than the required 40,000 square foot size required for each unit, in the zoned Rural Residential (RR) zoning district."

Describe all proposed uses of the property (attach pages as necessary)

Empty box for describing proposed uses of the property.

List all structures related to request _____

Acres 1 Zoning RR

Applicant:

I (We) certify that the information I have provided is true to the best of my knowledge.

Signature of Applicant: [Signature]

Date: 07-26-22

Owner's Name (print): Aaron Leppanen

Signature of Property Owner: [Signature]

Date: 07-26-22

Owner's Name (print): Aaron Leppanen

Signature of Agent: _____

Date: _____

Owner's Name (print): _____

Optional: I hereby grant permission for a member of the Marquette Township Planning Commission, Township Board, Zoning Administrator, Fire Marshal, and Planner to enter the above described property for the purposes of gathering information related to this application. *Note to applicant: This permission is optional and failure to grant permission will not affect any decision on your application.*

Signature of Applicant: [Signature]

Date: 07-26-22

OFFICIAL USE ONLY

Official Receiving Application (please print): Jason McCreary

Date: 7/26/22

Fee(s) Paid: Yes No If Yes, Amount Paid: \$ 225.00

Application: Approved Not Approved

Reason: Incomplete Application Other Date: _____

ZBA Case # 080822-1 Hearing Date: 8/8/22 Date Case Decided: _____ Approved: _____ Denied: _____

Approved with Conditions: _____

Condition(s) of Approval:

Signature of Zoning Administrator: _____

Date: _____

Monday, February 21, 2022

**COPY FOR YOUR
INFORMATION**

To Whom It May Concern:

We are proposing to add 2 - 450 square foot tiny homes to parcel number 52-08-004-029-10. The parcel is owned by Phil's Outpost LLC, which also owns the Phil's 550 store. The 2 - 450 square foot cabins will be spaced out evenly amongst the 44,130 square foot parcel. They cabins will be rental units or used by the owners when traveling to Marquette. They will share a septic tank and well. The tiny homes will be accessed by an existing drive that runs off of CRD 550. The existing drive will also reduce any unnecessary tree clearing. The current lot was chosen as it is currently vacant with some small growth tree coverage and behind the Phil's 550 store, so not to bother any of the neighbors. We believe this project will have little impact to the area.

As these are relatively small homes we don't believe there will be any impact to the school district and limited to no impact on emergency services. Because this is an existing shared private drive located near the entrance to the MIP association, additional traffic volumes should be unnoticeable. The 1-bedroom tiny homes will share a septic tank and well and should not have significant impact on the surrounding area.

There are currently no known structures on the property.

The property is currently zoned Rural Residential.

Sincerely,

Aaron Leppanen

A handwritten signature in black ink, appearing to read 'A. Leppanen', is written over a horizontal dashed line.

The Mining Journal

Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of: **MARQUETTE**

In the matter of: Notice of Public Hearing
Marquette Township Zoning Board of Appeals
August 8, 2022

Size: 2 x 6.5

State of MICHIGAN, County of Marquette ss.

ANN TROUTMAN

being duly sworn, says that she is

PUBLISHER

of **THE MINING JOURNAL**

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

July 22, 2022



ANN TROUTMAN

Subscribed and sworn to before me this 22nd day of July, 2022



HOLLY GASMAN

Notary Public for MARQUETTE County, Michigan
Acting in the County of Marquette
My commission expires: May 25, 2025

NOTICE OF PUBLIC HEARING MARQUETTE TOWNSHIP ZONING BOARD OF APPEALS (ZBA)

Notice is hereby given that two (2) Public Hearings will be held by the Marquette Township Zoning Board of Appeals (ZBA) on Monday, August 8, 2022 at 4:00 p.m. the meeting will be held at the Marquette Township Hall, located at 1000 Commerce Drive, Marquette MI 49855, in order to receive comment on the following agenda items:

- 1) Dimensional variance request of 5 feet from the required 10-foot side yard setback, in the zoned Rural Residential (RR) zoning district, (per the Marquette Township Zoning Ordinance, Article 24 – Zoning Board of Appeals, Section 24.05 – Variances), in order site an accessory structure. Address: 200 Eagles Nest Rd, Marquette, MI 49855. The subject parcel Tax ID# is 52-08-212-015-00 and is described as SEC. 11/12 T49N R26W PART OF NE 1/4 OF SE 1/4 SEC. 11 & GOV'T LOT 1, SEC. 12 COM AT INT OF E'LY R/W OF LS & I RR & W LINE OF SAID LOT 1; TH S 21 DEG 51' E 182' TO POB; TH S 68 DEG 09' W TO CO. RD. #550 TH NW'LY ALG R/W 150' TH N 68 DEG 09' E TO LAKE SUPERIOR TH SE'LY ALG SHORE 150' M/L TH S 68 DEG 09' W 72' TO POB. Applicant: Richard & Amy Frieden, 200 Eagles Nest Rd., Marquette, MI 49855.
- 2) Dimensional variance request to allow two (2) 450 square foot dwelling units on a parcel of property smaller than the required 40,000 square foot size required for each unit, in the zoned Rural Residential (RR) zoning district, (per the Marquette Township Zoning Ordinance, Article 24 – Zoning Board of Appeals, Section 24.05 – Variances). The subject parcel Tax ID# is 52-08-004-029-10 and is described as SEC. 4 T48N R25W 1 A M/L PART OF W 1/2 OF NE 1/4 OF SE 1/4 BEG AT THE INT OF S LINE & E ROW OF CO RD 550 TH N44DEG 5'E 200' TH E 241.24' TH S 139.14' TH W 384.9' TO POB. Applicant: 550 Outpost, LLC., 117 N. 6th Street, Marquette, MI 49855.

The Marquette Township Zoning map and text are available for review online at www.marquettetownship.org. The public may provide comment by attending the meeting, or by emailing jasonmccarthy@marquettetownship.org. Written comments regarding the public hearings will be accepted until 5:00 p.m. on Friday, August 5, 2022. For questions, contact Jason McCarthy, Planning & Zoning Administrator at 906-228-6220.

This notice is posted in compliance with Public Act 110 of 2006, as amended, the Open Meetings Act, and the Americans with Disabilities Act (ADA).

RECEIVED
JUL 25 2022
Marquette Township

11' - 6"

10 OUTPOST, LLC
PARCEL NO.
52-08-004-030-00

145' - 5 1/4"

EXISTING DRIVE

242' - 5 1/4"

PROPOSED WE

141' - 0 1/4"

PHILVILLE LLC
PARCEL NO.
52-08-004-029-10

44,131 sqft

382' - 11 1/4"

MAILBOXES

199' - 5 1/4"

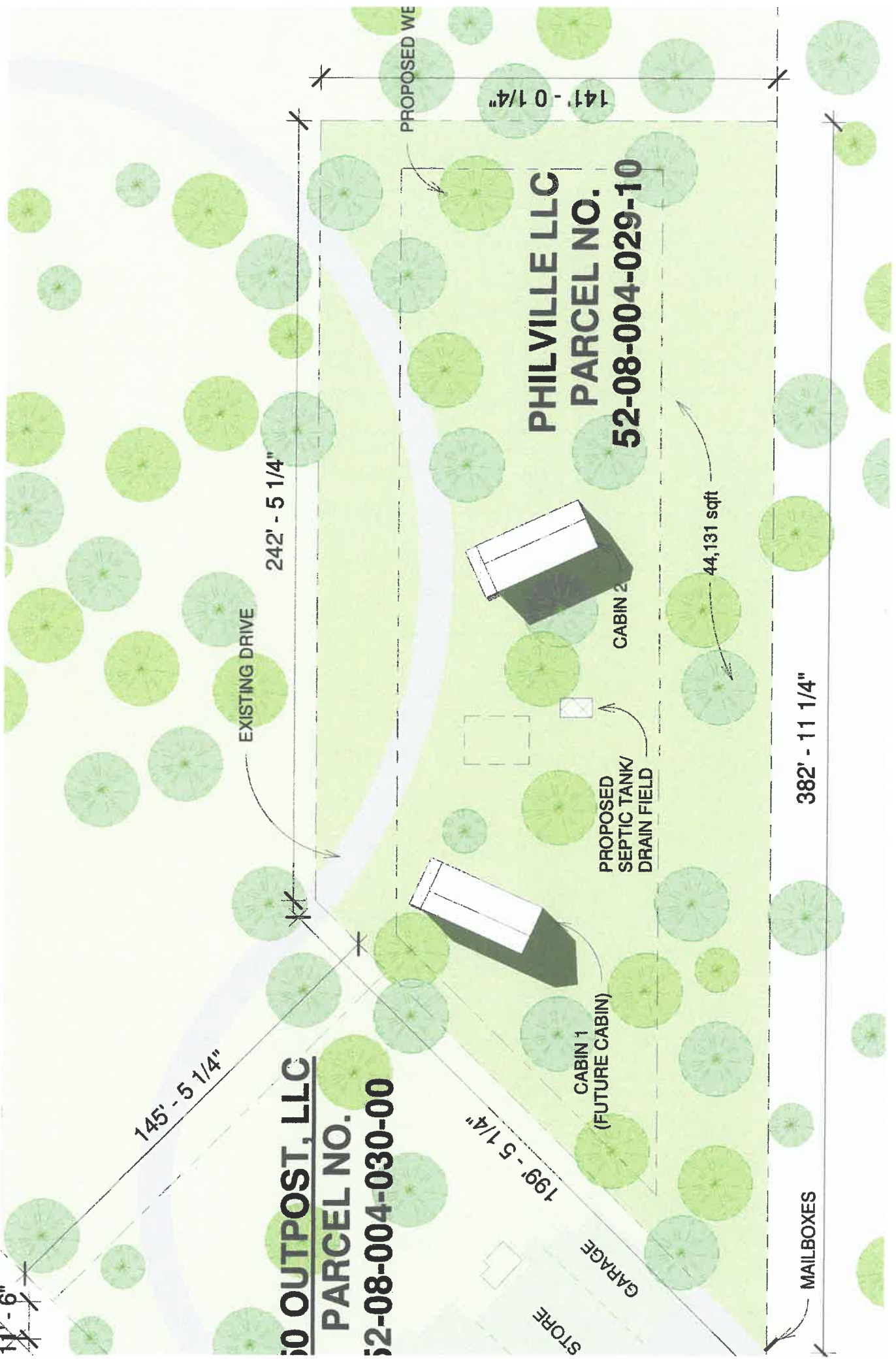
STORE

GARAGE

CABIN 1
(FUTURE CABIN)

PROPOSED
SEPTIC TANK/
DRAIN FIELD

CABIN 2



CLIENT
PHILS OUTPOST LLC

PROJECT
PHIL'S 550 CABIN

PROJECT ADDRESS
**402 CRD 550, MARQUETTE,
MI**

SHEET

SITE

STAMP

DATE

Issue Date

REVISION #

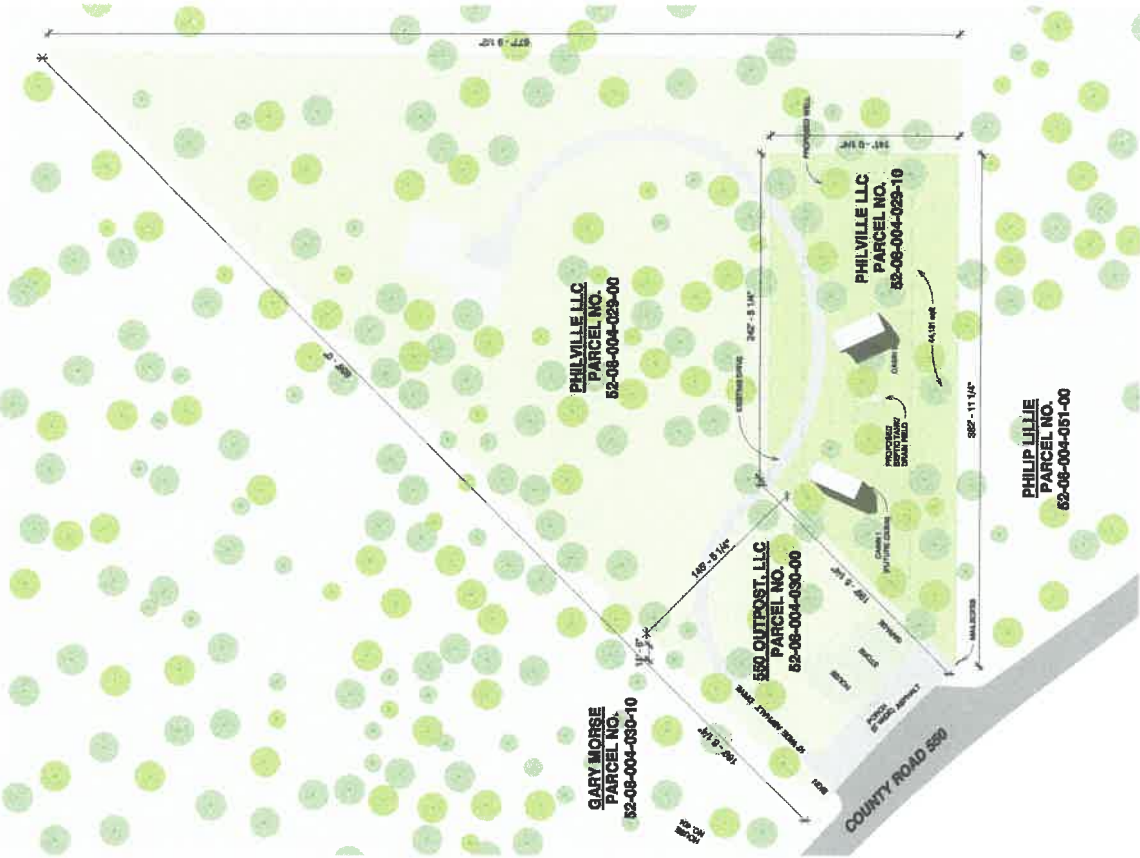
A101

SCALE

1" = 40'-0"

PAGE

Author



AREA SCHEDULE	
CABIN 1 AREA	450 SF
CABIN 2 AREA	450 SF
INTERIOR DRIVEWAY	XXX SF
TOTAL LOT SIZE	22,000 SF

CLIENT
PHILS OUTPOST LLC

PROJECT
PHIL'S 550 CABIN

PROJECT ADDRESS
**402 CRD 550, MARQUETTE,
 MI**

SHEET
FLOOR PLANS

67AMP

DATE _____ Issue Date _____

REVISION # _____

A102

SCALE
 As Indicated

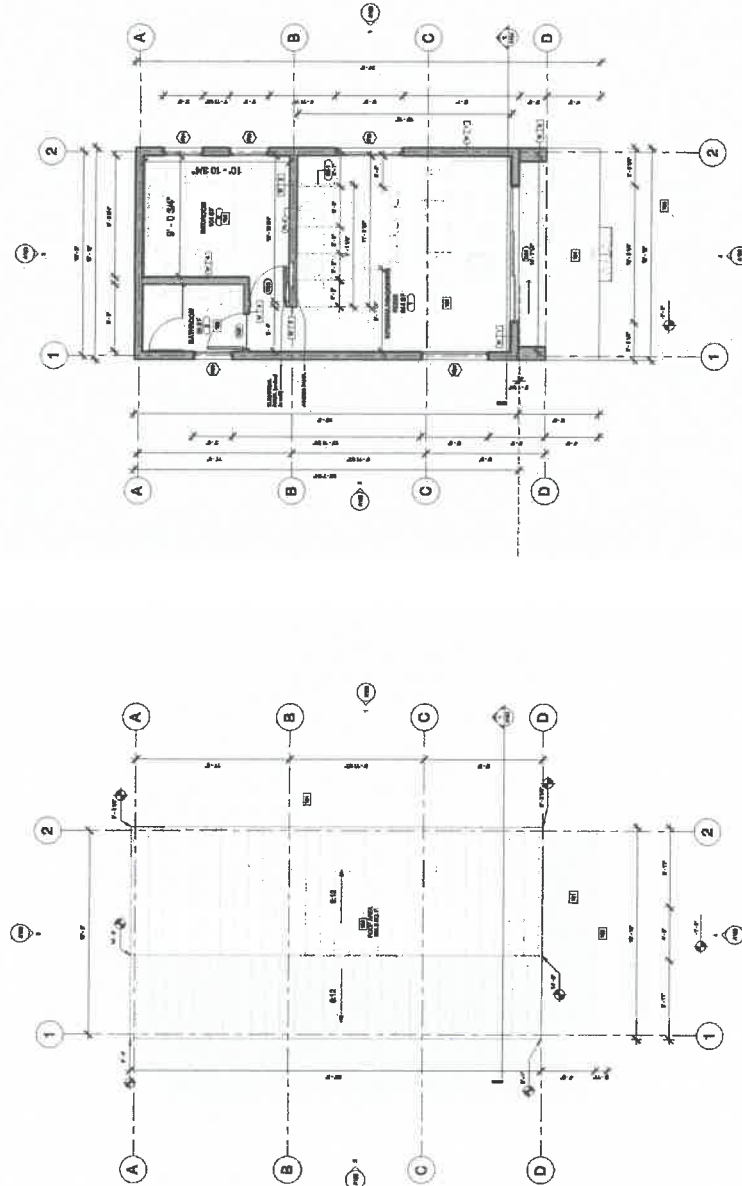
PAGE
 4 of 7

MATERIAL LEGEND

- 101 JACK FLOOR
- 102 CL FLUSH
- 103 100% FLOOR

- 104 METAL FLOOR GIRDS
- 105 SPANITE COUNTERTOP
- 106 100% STEEL PANEL / FALCON SYSTEM BATH 3.0P

**GENERAL NOTE:
 INCLUDE FLASHING AS NEEDED
 ON ALL EXTERIOR METAL SIDING**



1 1/4" = 1'-0"

2 1/4" = 1'-0"

CLIENT
PHILS OUTPOST LLC

PROJECT
PHIL'S 5550 CABIN

PROJECT ADDRESS
402 CRD 550, MARQUETTE,
MI

SHEET
PHILVILLE CABINS

STAMP

DATE

Issue Date

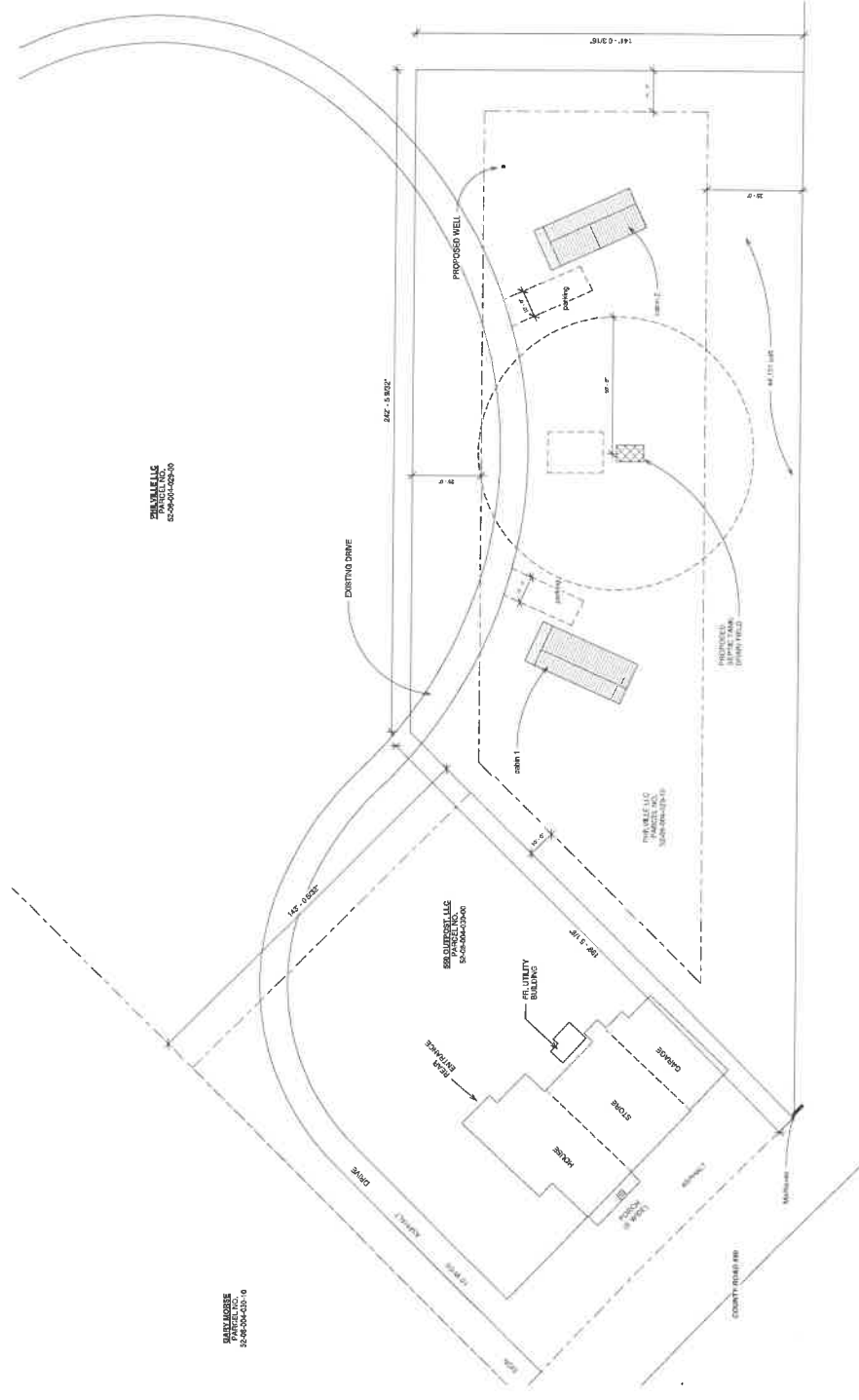
REVISION #

A107

SCALE
1" = 20'-0"

PAGE
Author

**COPY FOR YOUR
INFORMATION**



PHIL'S OUTPOST LLC
402 CRD 550, MARQUETTE, MI
500-304-0257-10

PHIL'S OUTPOST LLC
402 CRD 550, MARQUETTE, MI
500-304-0257-10

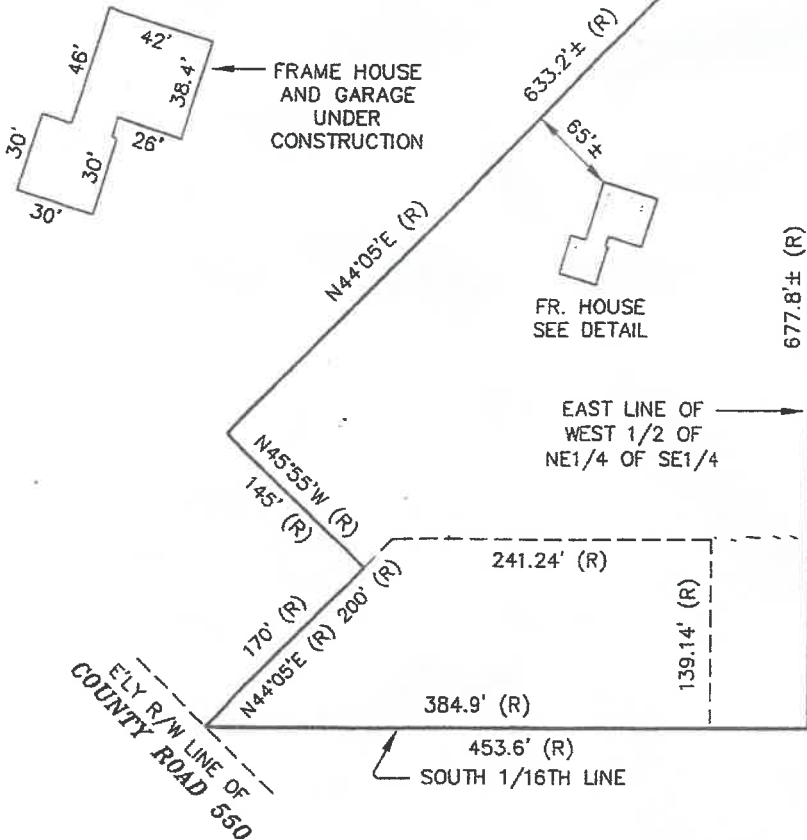
PHIL'S OUTPOST LLC
402 CRD 550, MARQUETTE, MI
500-304-0257-10

MORTGAGE REPORT

ORIGINAL

DETAIL:

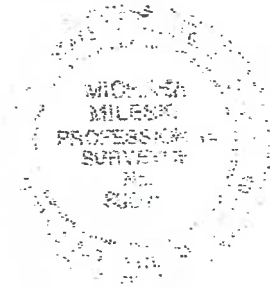
SCALE: 1"=40'



SCALE: 1"=80'

NOTE:

PHYSICAL ACCESS TO SUBJECT PROPERTY IS ALONG A GRAVEL DRIVE THROUGH THE PROPERTY UPON WHICH PHIL'S 550 STORE IS LOCATED.



MICHAEL MILESKI, P.S. 39091
 MICHAEL MILESKI, P.S. 39091
 DATE: 10 MARCH 2014

LEGAL DESCRIPTION (AS PROVIDED)

THE FOLLOWING DESCRIBED PARCELS SITUATED IN THE TOWNSHIP OF MARQUETTE, COUNTY OF MARQUETTE, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE 1/4 OF SE 1/4) OF SECTION (4), TOWNSHIP 48 NORTH, RANGE 25 WEST, MARQUETTE TOWNSHIP, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE 1/4 OF SE 1/4) OF SAID SECTION 4 AND THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 550 FOR A POINT OF BEGINNING (THIS POINT BEING 205.4 FEET MORE OR LESS EAST OF THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER); THENCE NORTH 46°05' EAST 200.00 FEET; THENCE EAST PARALLEL TO THE SOUTH 1/16 LINE 241.24 FEET; THENCE SOUTH 139.14 FEET TO THE SOUTH 1/16 LINE; THENCE ALONG SAID SOUTH 1/16 LINE WEST 384.90 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE 1/4 OF SE 1/4) OF SECTION 4, TOWNSHIP 48 NORTH, RANGE 25 WEST, BEGINNING 205.4 FEET OF THE SOUTHWEST CORNER THEREOF, THENCE

WARRANTY DEED

The Grantor, Deborah J. Pearce, individually and as survivor of Philip S. Pearce, Deceased (Grantor), whose address is 402 County Road 550, Marquette, MI 49855, CONVEYS AND WARRANTS to PHILVILLE, LLC, a Michigan limited liability company, whose address is 400A County Road 550, Marquette, MI 49855, the following described premises situated in the Township of Marquette, County of Marquette and State of Michigan:

A parcel of land in the West Half of the Northeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 4, T48N, R25W Commencing at the point of intersection of the South line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of said Section 4 and the Easterly Right-of-Way line of County Road 550 for a Point of Beginning (this point being 205.4 feet, more or less, East of the Southwest corner of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of said Section 4; thence N44°05'E, 200 feet; thence East parallel to the South 16th line of said Section 4, 241.24 feet; thence South 139.14 feet to the South 16th line of said Section 4; thence along said South 16th line West, 384.90 feet to the Point of Beginning.


for the sum of TEN THOUSAND Dollars (\$10,000.00), subject to easements and building and use restrictions of record.

The Grantors grant to the Grantees the right to make all available divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right To Farm Act.

Dated this 29th day of March, 2022.

Grantor



Deborah J. Pearce



MARQUETTE COUNTY

Marquette County GIS

Parcel Report: 52-08-004-029-10

8/3/2022

8:18:46 AM



Property Address

CO RD 550
MARQUETTE, MI, 49855

This Parcel has no image on file.

Owner Address

PEARCE DEBORAH
—
400 COUNTY ROAD 550
MARQUETTE, MI 49855

Acreage: 1
Zoning: SR

Legal Description

SEC. 4 T48N R25W 1 A M/L PART OF W 1/2 OF NE 1/4 OF SE 1/4 BEG AT THE INT OF S LINE & E ROW OF CO RD 550 TH N44DEG 5'E 200' TH E 241.24' TH S 139.14' TH W 384.9' TO POB.

Sales Information

Sale Date: 09-06-2018

Sale Price: 0

Instrument: AFF

Grantor: PEARCE, DEBORAH

Grantee:

Terms of Sale: 21-NOT USED/OTHER

Liber/Page: 2018R-09266

Sale Date: 01-03-2018

Sale Price: 0

Instrument: OTH

Grantor:

Grantee:

Terms of Sale: 07-DEATH CERTIFICATE

Liber/Page: 2018R-01421

Sale Date: 06-21-1996

Sale Price: 7000

Instrument: WD

Grantor:

Grantee:

Terms of Sale: 03-ARM'S LENGTH

Liber/Page: 0404:0605

Sale Date: 02-21-1991

Sale Price: 0

Instrument: WD

Grantor:

Grantee:

Terms of Sale: 09-FAMILY

Liber/Page: 0378:0653

Building Information

Jason McCarthy

From: Patrick Jacuzzo <PJacuzzo@mqtco.org>
Sent: Thursday, June 02, 2022 9:30 AM
To: Jason McCarthy
Subject: Re: Affordable Housing Discussion

Hi Jason:

Our regulations are not particularly concerned with the size of the residence; however, lot size can be an issue.

The Phil's 550 scenario is a bit unique. Since that lot existed prior to current land division and subdivision rules, we can permit a system there based upon our local environmental health code rather than under the State's administrative rule governing on-site water supplies and waste water for land division and subdivisions. So rules of development on lots less than one acre, or lots resulting from a land division that is in excess of the exempt number of splits under the land division act are dependent upon the date at which they had become a parcel of record. The Phil's site is also unique in that the owner of the lot in question also owns the well.

It is our understanding that the Phil's scenario is not resulting in any new lot splits. If this is incorrect, we will need to put on the brakes and evaluate this proposed split prior to platting and in accordance with the State's Administrative Rules. Please advise if this is a proposed split.

Moving forward with this lot, the individual will need to demonstrate adequate site conditions to support the installation of a compliant on-site wastewater system and we will also need to evaluate the suitability of the existing well.

As this well will be connected to more than one residential structure, its legal classification will change from a private residential well to a Type III non-community public water supply well. The primary difference being required isolation distances.

For future development of new smaller lots, preliminary plat review in accordance with the Administrative Rules will need to occur. Lots will need to have adequate size and site conditions to support the footprint of all structures, a primary and a replacement on-site waste water system.

Regarding water supplies for newly proposed lots, engineering data must support adequate quantity and quality of water. This includes the ability to supply a minimum of 10 gallons per minute per lot for a continuous 4 hour pump test. This proposal can be met through public water supply wells or systems serving more than one home.

Detailed info regarding lot splits and subdivision requirements of on-site wastewater and water supplies can be found here:

https://www.co.marquette.mi.us/departments/health_department/environmental_health/land_divisions_subdivisions_and_site_condominiums.php

Let me know if you have any additional questions.

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.02: **SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)**

MOBILE HOME PARKS

Mobile Home Parks shall be developed in accordance with the applicable standards and regulations of the *State of Michigan Mobile Home Commission* and with the applicable provisions of this Ordinance, including those of *Article 19, Performance Requirements, Sections 19.04 and 19.05* and subject to Planning Commission review and approval.

FUEL/SERVICE STATIONS

1. All services except fuel sales shall be performed within a completely enclosed building.
2. Within seventy-five (75) feet of a residential use, a fuel/service station shall store all refuse and vehicle parts within a completely enclosed building or within an area which is visually screened from the view of residences.

TWO OR MORE SINGLE FAMILY DETACHED DWELLINGS ON A LOT

Two or more single family detached dwellings are permitted on a lot, subject to the following conditions:

1. Each such dwelling be allotted no less than the minimum site (lot) area, site (lot) width, front, rear, and side yards required of a single family detached dwelling on a single lot in the zoning district in which such dwellings are located, or are to be located, and;
2. A plot plan, complying with submittal requirements specified in *Article 18, Site Plan Review, Section 18.03: Required Plan Approvals, A. Plot Plans*, be submitted to, and be approved by the Zoning Administrator for lots proposed to contain fewer than five such dwellings not necessitating the dedication or use of a new public or private street, right-of-way or access easement, or;
3. A site plan, complying with:
 - a. Submittal requirements specified in *Article 18, Site Plan Review, Section 18.06: Required Information*;
 - b. General Standards for Site Plan Approval specified in *Article 18, Site Plan Review, Section 18.07: General Standards for Site Plan Approval*, and;
 - c. Applicable improvements and design standards provisions of the *Charter Township of Marquette Subdivision Ordinance* except that any existing or proposed private street or road is not subject to *Marquette County Road Commission Standards*;

ARTICLE 16 – DETAILED USE REGULATIONS

SECTION 16.02: SPECIFIC STANDARDS FOR CERTAIN PERMITTED USES – (Cont.)

Shall be submitted to the Planning Commission and be subject to its approval, for lots proposed to contain five or more such dwellings and for lots proposed to contain fewer than five such dwellings which necessitate or will necessitate, the dedication of a new public or private street, right-of-way, or access easement.

EXTRACTION OF EARTH PRODUCTS

1. **Intent**

Extraction of earth products includes the extraction and processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium, and/or other minerals. It is the intent of these regulations to:

- a. Provide for proper environmental management during the site planning, operational and reclamation stages of the mineral extraction process;
- b. Provide the Township with information important to overall planning and orderly economic growth, and;
- c. Provide for the right to extract mineral deposits where located.

2. **Exemptions**

The following shall not require an application for a mineral extraction permit:

- a. Any active mining operation at the date of enactment of this Ordinance to continue mineral extraction from existing holes or shafts, which may be enlarged on the land constituting the site on the effective date of this Ordinance. This exemption does not apply to new holes or shafts.
- b. An extraction of less than five hundred (500) cubic yards of minerals from a parcel.
- c. Site development preparation authorized by zoning compliance permit.

ARTICLE 19 – PERFORMANCE REQUIREMENTS

Section 19.14:

Rural Residential District [RR]

SCHEDULE OF DISTRICT REGULATIONS AND MINIMUM PERFORMANCE STANDARDS

General L.U.I. [Sec. 15.02]	Plan Review Req'd [Art. 18]	Minimum Requirements for Public Road Access			Public Utilities On Site Facilities Required Permits				Structural Standards			Detailed Use Regulations Area & Open Space Requirements [See Sec. 19.04, 19.05 & 19.06]									
		State Trunkline	Co. Primary Road	Local	Seasonal	Water	Sewer	On-Site Permits			Minimum Floor Area [sq. ft./unit]	Site Plan Financial Guarantee [Sec. 18.10]	Minimum Lot Size		Maximum Depth : Width	Maximum Gross Density (DU/AC)	Min. Open Space Ratio (O.S.R.)	Front	Rear	One	Two
								Septic System	Water Well	Soil Erosion			Surf. Drainage	AREA sq. ft. or Acres							
I Agriculture	R			R		R	R	R	R	R	A		150'	4:1			35'	25'	10'	25'	
I Forestry Non-Commercial	R			R							A						35'	25'	10'	25'	
I Recreation Indoor/Outdoor	R			R							A		150'	4:1			35'	25'	10'	25'	
I Residential Dwelling	R		R	R		R	R	R	R	R	R	1,000 c	150'	4:1	1.09	.80	35'	25'	10'	25'	
II Residential Dwelling	R		R	R		R	R	R	R	R	R	1,000 c	120'	4:1	2.18	.80	35'	25'	10'	25'	
II Public Service	R		R	R							A						35'	25'	10'	25'	
II Recreation Indoor/Outdoor	R		R	R							A		150'	4:1		.80	35'	25'	10'	25'	
II Special Residential & Institutional	R		R	R							A		150'	4:1		.80	35'	25'	10'	25'	
III Public Service	R		R	R		R a	R b				A		150'	4:1		.80	35'	25'	10'	25'	
III Recreation Indoor/Outdoor	R		R	R		R a	R g	R	R	R	A		150'	4:1			35'	25'	10'	25'	
III Special Residential & Institutional	R		R	R		R a	R b	R	R	R	A		150'	4:1			35'	25'	10'	25'	
IV Residential Dwelling	R		R	R		R a	R b	R	R	R	A		150'	4:1		.40	35'	25'	10'	25'	
[Model Home/Unit]	R		R	R		R a	R b	R	R	R	B	20,000 d	120' d	4:1		.80	35'	25'	10'	25'	
V Recreation/Commercial	R		R	R							A		150'	4:1			35'	25'	10'	25'	
VI Public Service	R		R	R							A		150'	4:1		.80	35'	25'	10'	25'	

For ALTERNATIVE ENERGY District Regulations and Performance Standards See Section 19.20.

- Except sewer where available.
- Except water where available.
- 1000 sf/single family detached dwelling, except 600 sf/single family detached dwelling converted from a pre-existing seasonal dwelling; and except 400 sf/caretaker dwelling unit.
- 20,000 sf & 120' with water & sewer, 40,000 sf & 150' without water & sewer.
- Accessory Buildings / Structures attached to the Principal Structure shall not exceed the maximum height of the Principal Structure. The maximum height of all Detached Accessory Buildings/ Structures shall not be greater than Eighteen (18) feet, as defined in Article II, Definitions, Section 2.02: Building Height. (Amend. 08-02-10)
- An Accessory Building / Structure, unless attached and structurally made a part of the Principal Building/Structure, shall not be closer than Ten (10) feet to any other Building/ Structure located on the lot or parcel.
- The total area of all Accessory Buildings/ Structures shall not exceed Sixteen Hundred (1600) sq. ft. On parcels of Three (3) acres or more, the total area of all Accessory Buildings/ Structures shall not exceed Twenty-five Hundred (2500) sq. ft. The combined area of all Accessory Buildings / Structures shall not be larger than the square footage of the Principal Structure.

ARTICLE 24 – ZONING BOARD OF APPEALS

SECTION 24.04: ADMINISTRATIVE REVIEW – (Cont.)

- C. The Zoning Board of Appeals shall have the authority to:
1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
 3. Determine the off-street parking requirements for any proposed land use not specifically mentioned either by classifying it with one of the groups listed in *Article 21, Off Street Parking Requirements, Section 21.05, Table XX; Use vs. Parking Nomograph*, or by an analysis of the specific needs.

SECTION 24.05: VARIANCES

- A. The Zoning Board of Appeals shall have the authority and duty to authorize, upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulties.
- B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- C. The Zoning Board of Appeals shall make findings that the requirements of this Article have been met by the applicant.
- D. The Zoning Board of Appeals shall find that the reasons set forth in the application justify the granting of a variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- E. The Zoning Board of Appeals shall find that the granting of a variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards. Violations of conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or allow any use expressly or by implication prohibited by the terms of this Ordinance.

ARTICLE 24 – ZONING BOARD OF APPEALS

SECTION 24.05: VARIANCES – (Cont.)

In exercising their authority, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the authority of the public official from whom the appeal was taken.

- H. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within one hundred eighty (180) days after the granting of the variance.

SECTION 24.06: VARIANCE STANDARDS

- A. Prior to the authorization and granting of any variance, the Zoning Board of Appeals shall determine that the following standards have been satisfied:

Practical Difficulty or Dimensional Variance Standards:

The applicant must show practical difficulty by demonstrating:

- a. That strict compliance with area, setback, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- b. That a variance would do substantial justice to the applicant as well as to other property owners in the district, or that a lesser relaxation would give substantial relief and be more consistent with justice to others.
- c. That the variance would not alter the essential character of the area.
- d. That the appeal of the owner is due to unique circumstances of the property and not to general neighborhood conditions.
- e. That the problem is not self-created.

NOTE: In the granting of any variance, the Zoning Board of Appeals shall ensure that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.

SECTION 24.07: APPEALS

- A. Appeals concerning interpretation or the administration of this Ordinance shall be made in accordance with Article 18, Site Plan Review, Section 18.13, Ordinance Interpretation and Appeals, Section 18.14, Zoning Board of Appeals Procedure, or for other contested actions by filing a notice of appeal specifying the ground thereof with the Zoning Administrator within thirty (30) days from the date of the contested decision.