



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, SEPTEMBER 26, 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/ Re-Election of Officers.
3. Approval of Agenda.
4. Minutes from Previous Meeting – August 8, 2022
5. Public Comment – Other than Agenda Items
6. New Business.
 - a. **Dimensional Variance Request #092622-1:** Dimensional variance request of 10 feet from the required 35-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: 2180 Grove Street, Marquette, MI 49855. The subject parcel Tax ID# is 52-08-400-002-00 and is described as Grandview Subdivision lot #3. Applicant: Douglas Kozeluh, 2180 Grove 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 Township Zoning Board of Appeals
Monday, August 8, 2022 – 4 PM
Marquette Township Community Center**

Acting Chairperson Johnson called the meeting to order at 4:00 PM.

MEMBERS PRESENT: William Truscott, John Markes, Jim Becker (Atlernate), Jim Johnson

MEMBERS ABSENT: Greg Place (Excused)

STAFF PRESENT: Jason McCarthy, Planning & Zoning Administrator

STAFF ABSENT: None

OTHERS PRESENT: Richard & Amy Frieden, Eric Hautamaki, Patricia (Pish) Cianciolo, Lars Larson, Stephanie Quinnell, Kevin Thomsen, Aaron Leppanen.

ELECTION OF OFFICERS

MOTION: To appoint John Markes as ZBA Chairperson for 2022.

***Johnson, Moved
Truscott, Supported***

Carried: Unanimously

Chairperson Markes presided over the rest of the meeting.

MOTION: To appoint Jim Johnson as ZBA Vice Chairperson for 2022.

***Markes, Moved
Becker, Supported***

Carried: Unanimously

MOTION: To appoint William Truscott as ZBA Secretary for 2022.

***Markes, Moved
Johnson, Supported***

Carried: Unanimously

APPROVAL OF THE AGENDA:

MOTION: To approve the agenda.

***Johnson, Moved
Becker, Supported***

Carried: Unanimously

MINUTES FROM PREVIOUS MEETING: None.

PUBLIC COMMENT: None

NEW BUSINESS:

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.

Background information and proposed Findings of Fact provided by Planner McCarthy.

Markes opened the public hearing at 4:12 PM.

Richard Frieden (applicant) explained the history of subject accessory structure with regard to the previous structure and the one that was reinstalled after the storm that occurred in 2017 which necessitated the prior structure's removal. In his opinion and if granted, the variance would maintain the spirit and intent of the zoning ordinance.

Hautamaki commented on his role as the general contractor for Mr. & Mrs. Frieden. He indicated that the storm of 2017 necessitated the removal of the previous accessory structure in order to get heavy equipment onto the lakeshore to construct the seawall. He indicated that the previous accessory structure was also damaged by a falling tree branch at that time.

Hautamaki provided additional background and stated that at the time, the priority was to establish the seawall to save the house. After that was completed, he reconstructed a garden shed (accessory structure) per the Frieden's request. This new accessory structure was smaller and located further away from the side yard property line than the previous structure. Because the new shed was under 200 SF in size, he did not believe that a zoning permit was required.

Larson relayed that he was the property owner to the south of the Frieden property. He commented that from an aesthetic standpoint, he was relieved that the old accessory structure was removed and replaced with a newer structure.

Quinnell (the Frieden's legal representative) indicated that there is a significant natural buffer between Cianciolo's home and the location of the accessory structure. She also indicated that there was a significant time delay from the time when the replacement shed was constructed to the time when the zoning complaint came from Cianciolo.

Cianciolo provided background on her and her late husband's ownership of her property at 202 Eagles Nest Road since 1994. She indicated that her property is affected by the non-compliance of the shed, per the Marquette Township Zoning Ordinance requirement of a ten (10) foot side yard setback in the Rural Residential zoning district.

She stated that there was a significant amount of time between the old shed being removed and the new shed being constructed. When the new shed commenced, she was

anxious about its location and contracted with Van Neste Surveying to survey her property. The survey denoted that the shed was four (4) feet out of compliance with the side yard setback requirement. At that time, she contacted the Marquette Township Planning & Zoning Department to complain about the violation.

She also stated that after talking with her attorney that there was not a practical difficulty with the variance request and that there was sufficient room to move the accessory structure, so as to comply with the zoning ordinance.

Hautamaki indicated that movement of the shed would be difficult due to the construction type and concrete foundation, as is a custom hand-built structure.

Markes closed the public hearing at 4:30 PM.

Becker asked when the construction of the shed started and when was there objection from Cianciolo.

Frieden stated it was approximately one year after the commencement of the structure and the complaint(s) from Cianciolo. He also stated that Cianciolo was frequently present during the construction of the shed and that she had multiple opportunities to view the process. He also indicated that Cianciolo complimented the Frieden's on the new structure and how nice it looked.

Cianciolo replied that there is also a drainage pipe that comes from the shed that drains towards her property.

Johnson asked how far Cianciolo's home is from the shed.

Quinnell responded that there is about 200 feet between the Cianciolo home and the southern property line.

Johnson asked if the old shed was closer to the property line than the new one.

Frieden stated that yes, the new shed was relocated further away from the property line.

Markes asked if the variance was granted, would the Frieden's move the drainage pipe.

Frieden answered affirmatively.

MOTION: To APPROVE the Dimensional Variance Request #080822-1, contingent on moving the drainage pipe away from the adjacent property.

***Johnson, Moved
Truscott, Supported***

Carried: Unanimously

***Roll Call Vote: Ayes – Truscott, Johnson, Markes, Becker. Nays – None.
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.

Background information and proposed Findings of Fact provided by Planner McCarthy.

Markes opened the public hearing at 5 PM.

Markes asked if these structures would be the only structures permitted on the property.

McCarthy responded affirmatively.

Thomsen presented the ZBA with schematics of what the structures would look like and how they would be placed on the property. He indicated that he and his partner (Leppanen) were there to answer any questions that the ZBA may have.

Leppanen stated that two long-term rental units instead of one would allow some cost recovery for the required 1000-gallon septic tank that would be required for even one dwelling unit.

Markes closed the public hearing at 5:10 PM.

MOTION: To APPROVE the Dimensional Variance Request #080822-2, as presented.

**Becker, Moved
Johnson, Supported**

Carried: Unanimously

Roll Call Vote: Ayes – Truscott, Johnson, Markes, Becker. Nays – None.

UNFINISHED BUSINESS: None

CORRESPONDENCE/REPORTS: None

ANNOUNCEMENTS: None

PUBLIC COMMENT: None

ADDITIONAL COMMENTS ZBA MEMBERS WOULD LIKE TO MAKE: None.

ADJOURNMENT:

Markes adjourned the meeting at 5:15 PM

William Truscott – ZBA Secretary



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PROPOSED FINDINGS OF FACT

ZBA CASE # 092622-1, SEPTEMBER 26, 2022

Applicant(s): Douglas Kozeluh

Property Address: 2180 Grove St

Parcel No: 52-08-400-002-00

Property Owner: Douglas Kozeluh

Proposal: Request to consider a dimensional variance from the required front yard setback in order to construct an accessory structure at 2180 Grove St, Marquette, MI 49855, in the zoned Rural Residential (RR) District.

Zoning District: Rural Residential (RR)

Staff Contact: Jason McCarthy / Erik Powers

- 1) All application fees, notification, and publication requirements of the Zoning Ordinance have been met.
- 2) Upon review of the petitioner's Marquette Township Permit Application for Zoning Compliance, staff noted that the southern wall of the proposed accessory structure does not meet the required minimum setback distance of thirty-five (35) feet, as described in Section 19.14- Schedule of District Regulations and Minimum Performance Standards, from what is considered the Front Lot Line, as defined in Section 2.02, Definitions. To this end, the applicant was notified that in order to construct the proposed structure, approval to do so shall not be granted without a variance granted by the Zoning Board of Appeals.
- 3) Parcel ID# 52-08-400-002-00 is approximately .835 acres in size and is considered to be the subject parcel.
- 4) Applicant has stated that the proposed accessory structure is intended to be used for storage of recreational and utility equipment current being stored on the exterior premises.
- 5) Applicant has stated that the proposed location is ideal due to minimal excavation needed and proximity to existing driveway. Other locations on the property have been considered, however there would be considerable costs associated with tree removal, extensive excavation, driveway alterations, and fencing alterations.

ORDINANCE CONSIDERATIONS:

Article 4 – Rural Residential District (RR)

Article 16 – Detailed Use Regulations

Article 19 – Performance Requirements

Article 24 – Zoning Board of Appeals



MARQUETTE COUNTY

Marquette County GIS

Parcel Report: 52-08-400-002-00

9/20/2022

08:51:19



Property Address

2180 W GROVE ST
MARQUETTE, MI, 49855

This Parcel has no image on file.

Owner Address

KOZELUH DOUGLAS
-
2180 W GROVE ST
MARQUETTE, MI 49855

Unit: 52-08
Unit Name: MARQUETTE TOWNSHIP

General Information for 2021 Tax Year

Parcel Number: 52-08-400-002-00
Property Class: 401
Class Name: RESIDENTIAL
School Dist Code: 52170
School Dist Name: MARQUETTE PUBLIC

PRE 2020: 100%
PRE 2021: 100%

Assessed Value: \$146,900
Taxable Value: \$143,472
State Equalized Value: \$146,900

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2020	\$146,900	\$146,900	\$141,492
2019	\$144,700	\$144,700	\$138,854

Land Information

Acreage: 0.835
Zoning: RR

Legal Description

GRANDVIEW PLAT LOT 3.

Sales Information

Sale Date: 08-28-2019

Sale Price: 0

Instrument: QC

Grantor: KOZELUH, CANDY

Grantee: KOZELUH, DOUGLAS

Terms of Sale: 09-FAMILY

Liber/Page: 2019R-08160

Sale Date: 12-16-2016

Sale Price: 270000

Instrument: WD

Grantor: NEIHEISEL, STEVEN & CYNTHIA

Grantee: KOZELUH, DOUGLAS & CANDY

Terms of Sale: 03-ARM'S LENGTH

Liber/Page: 2016R-12316

Sale Date: 12-16-2013

Sale Price: 267000

Instrument: WD

Grantor: MARTIN, JAMES & SARAH

Grantee: NEIHEISEL, STEVEN & CYNTHIA

Terms of Sale: 03-ARM'S LENGTH

Liber/Page: 2013R-13603

Building Information

Residential Buildings

RANCH/Single Family - 1976

General Information

Year Built: 1976
Style: RANCH/Single Family
Exterior: Wood Siding

Total Living Area:	2361
Heating Type:	Forced Air w/Ducts
Rooms Basement:	0
Rooms 1st Floor:	0
Rooms 2nd Floor:	0
Bedrooms:	4
Baths: Full/Half:	2/1
Fireplaces: Quantity - Type	1 - Interior 1 Story

Area Detail

Height	Ground Floor Area	Foundation	Exterior
1 Story	2361	Crawl Space	Siding

Basement Finished Areas

Recreation:	0
Living Area:	0

Garage/Carport Information

Area	Capacity	Exterior	Type
576		Siding	1 Wall

Porch/Breezeway Information

Area	Description
55	Porch CCP (1 Story)
192	Porch WGEP (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: 1630.6

Base Tax Due: 0

Base Tax Paid: 1630.6

Total Due: 0

Last Paid:



Charter Township of Marquette

161 County Road 492, Marquette, Michigan 49855

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

www.marquettetownship.org

Parcel Number:

52-08-400-002-00

Permit Number:

Date:

RECEIVED 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.

SEP 06 2022

Application for: Variance Interpretation _____ Administrative Approval _____ Other _____

Applicant Information

Name: Douglas Kozeluh		Address: 2180 Grove Street, Marquette, MI 49855	
Project or Business Name: Garage build			
Phone: 715-482-3684	Fax:	Name of Contact Person: Douglas Kozeluh	Contact Phone: 715-482-3684
E-Mail Address: dwkozuluh@gmail.com			
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:		Address:	
Phone:	Fax:	Name of Contact Person:	Contact Phone:
E-Mail Address:			

PAID

SEP 06 2022

#1290

Marquette Township

\$ 21500

Applicant's Agent (if different from applicant)

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

Property Information

Address: 2180 Grove Street, Marquette, MI 49855	Parcel I.D. Number(s): 52-08- 400 - 002 - 00
General Location of Property: 3 lots east of grove/vandenboom intersection on the north side of grove street	Property Size (acreage or square footage): .835 acres
Legal Description(s) (attach pages as necessary): Grandview subdivision lot #3, see 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.

Section 19.14, "Schedule of District Regulations and Minimum Performance Standards", Rural Residential Zone Districts.

Variance request for minimum front setback for building a detached garage. Current setback is 35' and only allows for approximately 12' structure in this dimension and location. The proposed building is intended to be 20' at this dimension. A garage less than 20' in this dimension would not be worth the building cost. Further setback of building site would not comply with 10' setback from existing structure ordinance. I am asking for the 35' front setback to be reduced to 20' for this building. Other locations on the property have been considered, however there would be a considerable increase in cost for tree removal, extensive excavation, driveway alterations, fencing alterations. The proposed location is ideal for daily function, ease of access, snow removal and is already a relatively suitable building location in regard to available space on property, minimal excavation, and proximity to existing driveway. Furthermore, the space is underutilized and accumulates unsightly clutter of stored recreational and utility equipment in the front of the house. A garage at this site could accommodate this equipment would make this space more aesthetically pleasing to the neighborhood and passersby, and also add value to the property and nearby homes

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

The property is residential and my primary home. The proposed detached garage would be used for storage of recreational and utility equipment

List all structures related to request Proposed garage

Acres .835 acres 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: 9/5/22

Owner's Name (print): Douglas Kozeluh

Signature of Property Owner: [Signature]

Date: 9/5/22

Owner's Name (print): Douglas Kozeluh

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. * Property ok, but not in home. 24hr notice requested.

Signature of Applicant: [Signature]

Date: 9/5/22

OFFICIAL USE ONLY

Official Receiving Application (please print): Erik Powers

Date: 9/6/2022

Fee(s) Paid: Yes No If Yes, Amount Paid: \$215.00

Application: Approved Not Approved

Reason: Incomplete Application Other Date: _____

ZBA Case # 092622-1 Hearing Date: 9/26/22 Date Case Decided: _____ Approved: _____ Denied: _____

Approved with Conditions: _____

Condition(s) of Approval:

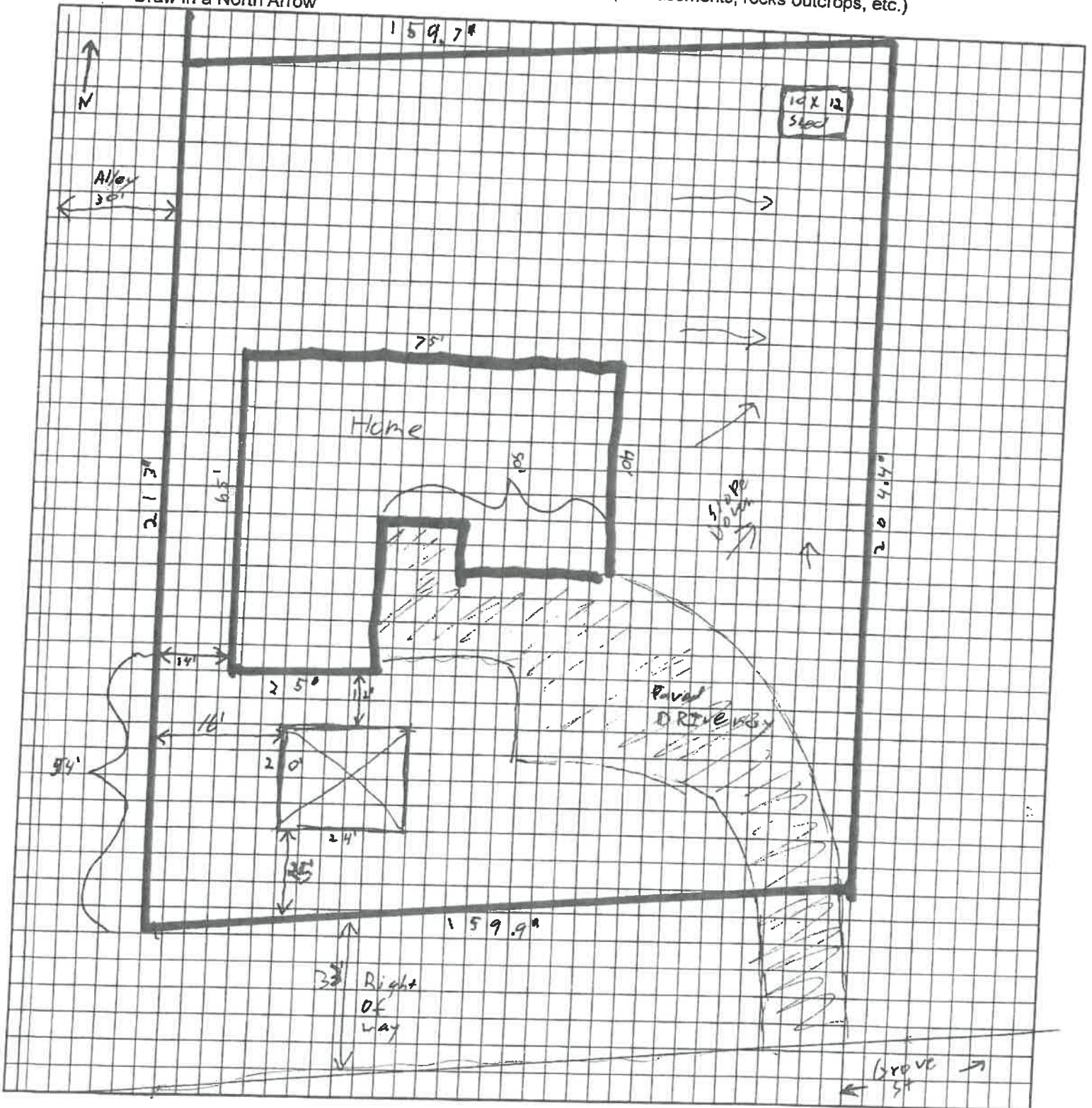
Signature of Zoning Administrator: _____

Date: _____

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

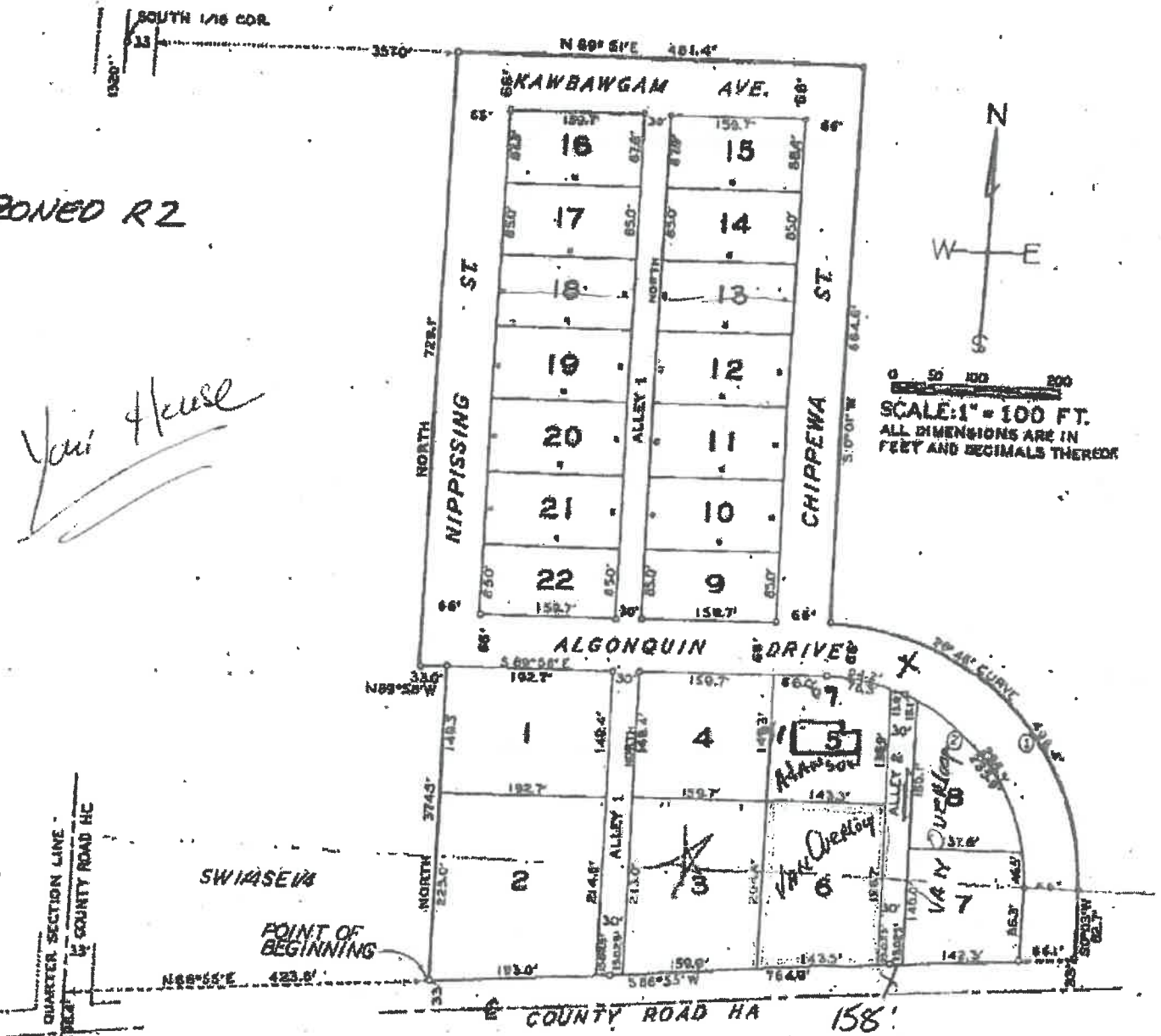


GRANDVIEW SUBDIVISION

A SUBDIVISION OF PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 21, T.48N.-R.25W. IN MARQUETTE TOWNSHIP, MARQUETTE COUNTY, MICHIGAN.

ZONED R2

** Your House*



CURVE DATA

CURVE NO.	TANGENT (T)	BACKSIGHT	DEGREE OF CURVE	CENTRAL ANGLE	LENGTH OF BEARING OF TANGENT	LENGTH OF BEARING OF CHORD
1	318.0'	318.0'	28°46'	98°	446.3'	540.87E
2	250.0'	250.0'	22°34'	98°	323.3'	368.57E

Robert D. Vanhousen
Registered Land Surveyor, #6844
Marquette, Michigan

N.A.S. NORTH 21
IRON PIPE 28
1/4 COR. BET. SECTIONS 21 & 28
T48N - R25W



Kozeluh Variance Request 0926222-1

300 FT Buffer Map

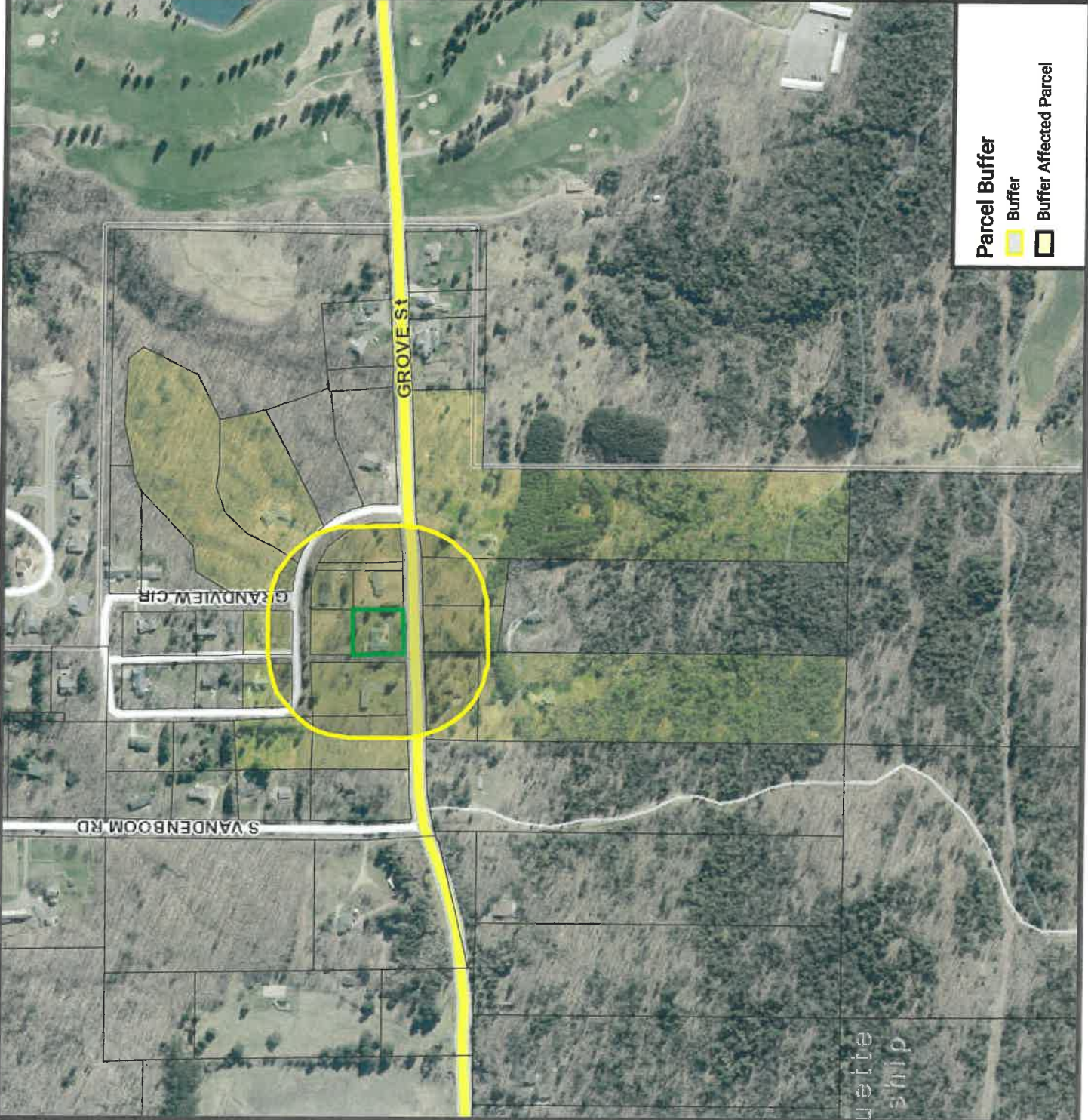


Map Publication:
09/20/2022 8:58 AM





Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Marquette County expresses no warranty for the information displayed on this map document.

FetchGIS



Parcel Buffer

-  Buffer
-  Buffer Affected Parcel