



Special Board of Appeals
Meeting Agenda
June 14, 2016, at 6:00 p.m.

Jon Liss, Chairperson
Open, Vice-Chairperson
Joe Klem, Member
Judi LaCrosse, Member
Dennis Renken, Member

Mark Hannemann, Member
Blaine DeGrave, Code Official
Dr. Ralph Blaiser, City Council Liaison

Escanaba City Hall, Council Chambers, 410 Ludington Street, Escanaba, MI 49829
Tuesday June 14, at 6:00 p.m.

CALL TO ORDER
ROLL CALL
APPROVAL/CORRECTION(S) TO MINUTES – September 1, 2015
APPROVAL/ADJUSTMENTS TO THE AGENDA
CONFLICT OF INTEREST DECLARATION
UNFINISHED BUSINESS

Public Hearing -

1. Public Hearing – 3086 Lakeshore Dr. – Zoning Ordinance.

Explanation: A hearing on a request from Beverly and Claude Kobasic of, for a Use Variance from Zoning Ordinance Requirements as specified in Section 501.1 and Section 504 for the property located at 3086 Lakeshore Drive. The appellant is requesting a use variance from the zoning requirements be granted which would allow them to install a detached garage at the property without having a primary permitted use such as a single-family dwelling on the premises which is zoned as a Residence "A" Single Family District.

GENERAL PUBLIC COMMENT
COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS
ADJOURNMENT

The City of Escanaba will provide all necessary, reasonable aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting/hearing upon five days notice to the City of Escanaba. Individuals with disabilities requiring auxiliary aids or services should contact the City of Escanaba by writing or calling City Hall at (906) 786-9402.

Respectfully Submitted,

Jon Liss, Chairperson
Board of Appeals

**ESCANABA ZONING BOARD OF APPEALS
ROOM C101, CITY HALL, ESCANABA, MI
September 1, 2015**

A meeting of the Escanaba Zoning Board of Appeals was held on Tuesday, September 1, 2015, at 6:00 p.m. at the City Hall, 410 Ludington Street, Escanaba, MI 49829.

PRESENT: Chairman Jon Liss, Vice Chairperson Nathan Gauss, Member Dennis Renken, Member Mark Hannemann, Member Judy LaCosse, Code Official Blaine DeGrave, Executive Assistant Buffy Smith, City Manager Jim O'Toole, and President of PK Development Pete Potterpin.

ABSENT: Member Joe Klem

Meeting called to order at 6:00 p.m. by Chairman Jon Liss

ROLL CALL

Executive Assistant Buffy Smith conducted the roll call.

APPROVAL/CORRECTION OF THE AUGUST 25, 2015 BOARD OF APPEALS MINUTES

A motion was made by Vice Chairperson Gauss, seconded by Member Hanneman, to approve the August 25, 2015 Meeting Minutes as submitted. Ayes were unanimous.

APPROVAL/ADJUSTMENTS TO THE AGENDA

None.

CONFLICT OF INTEREST DECLARATIONS

None.

UNFINISHED BUSINESS

None.

PUBLIC HEARING

617 and 623 Ludington Street/608 and 630 1st Avenue South – Dimensional Parking Variance – Zoning Ordinance

A hearing on a request from PK Development Group, LLC, for a dimensional variance to Section 1702 Parking Space Requirements and Table 1702 of the Escanaba Zoning Ordinance. The PK Development Group, LLC is requesting a dimensional variance be granted, which would allow them to reduce the number of required and combined off street parking spaces from 74 spaces to 51 for a proposed mixed use commercial and 37 unit affordable housing project.

Blaine DeGrave gave the following staff overview of the request:

The City of Escanaba Zoning Ordinance, Section 1702.1 (Table 1702) requires two (2) off street parking spaces per each dwelling unit. Because the existing building footprint occupies most of the property, the developer is requesting a dimensional variance on parking requirements be approved due to what the developer perceives to be a practical difficulty in that they believe there are circumstances which are beyond their control and that a practical difficulty exists at the property because of exceptional and/or extraordinary circumstances and physical limitations due to the existing building density and the historical lack of existing off street parking for a similar existing use.

Section 1701.3.1. Required Parking of the Escanaba Zoning Ordinance mandates off street parking in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

Section 1701.3.2. Remodeling/Rebuilding of the Escanaba Zoning Ordinance states that no additional parking spaces need be provided when remodeling or rebuilding of structures, provided usable for area of existing all buildings existing within all districts excepting districts "A," "B," and "C", when remodeling or rebuilding of structures, provided the usable floor area of existing structures on such site is not increased in the remodeling or rebuilding. Where floor area is increased, parking space must be provided for such increased floor area in accordance with the provisions of the Zoning Ordinance. With this project comes a change of use in that the buildings located on Ludington Street originally contained former uses such as a bank, retail space, office space and lodge. The property on 1st. Avenue South was used as a warehouse (which has recently been demolished) and a single family home. Under the concept of the project the properties would be remodeled and rebuilt with approximately 4,500 square feet of commercial space and thirty seven (37) affordable dwelling units. Historically there has been no off street parking provided for at the two building on Ludington Street. The property located at 630 1st. Avenue South which a warehouse was located upon occupied the entire property. The property located at 608 1st. Avenue South is a single family dwelling and adequate parking was/is present.

Because this project is a change of use, Section 1701.3.3. Change of Use of the Escanaba Zoning Ordinance states that whenever the use of an existing building is changed to a category or classification which requires more parking than the former established use, the additional demand for parking spaces created by the use change shall be provided for. Also whenever a business use is changed to a residential use, the minimum on-site parking requirements shall be provided.

Blaine DeGrave offered the following proposed findings:

1. Clean Green Energy, LLC is the owner of record for the property of 617 and 623 Ludington Street. Todd Caron is the owner of record for 630 1st. Avenue South. Theresa Brown is the owner of record for 608 1st. Avenue South. In accordance with the requirements of Section 304.1.7 of the Zoning Ordinance, the property owners have given the PK Development Group, LLC authorization to act on their behalf in obtaining a dimensional zoning variance for a potential project.
2. In accordance with Section 304.1.4 Advertisements of the Zoning Ordinance, all fee and notification requirements of the Zoning Ordinance have been accommodated for. Meeting notices were placed in the Escanaba Daily Press (August 27, 2015) indicating the nature of the appeal and the date of the hearing between seven (7) and twenty (20) days before the hearing date. Letter notices were sent out to all property owners within 400 feet of the property indicating the nature of the appeal and the date of the hearing on August 27, 2015).

A meeting notice was also placed on the City Website and on the City Facebook page on August 27, 2015.

3. A dimensional variance on parking is required to be approved before the request for site plan review can be brought before the Escanaba Planning Commission at a later date (tentatively scheduled for September 10, 2015). The Planning Commission will be responsible for performing a site plan review which is intended to ensure developments are designed to integrate well with adjacent developments, minimize nuisance impacts on adjoining parcels, ensure safe and functional traffic access and parking and minimize impacts on sensitive environmental resources.

4. On August 10, 2015 the PK Development Group, LLC filed a Zoning Board of Appeals Application. In the application the developer was asked to answer the following questions:

(1) **(Q) Could you describe the reason(s) for requesting a variance from zoning ordinance requirements?** *(A) We are requesting a variance to allow for the redevelopment of the property into a vibrant, walkable community which will provide affordable workforce housing and retail options for downtown residents and visitors. The project will contain 37 apartment units (13 2-bedroom units and 24 1-bedroom units for a total of 50 bedrooms) and 3 retail storefronts. The current site plan proposes 51 total parking spaces which will entirely be available for residents of the apartment units (one space per bedroom). There is ample street parking available along 7th and Ludington streets, which will be available for customers and employees of the retail businesses. The current parking requirements will not allow for the kind of density needed to allow the project to be financially feasible, which is why a variance is being requested. The project will result in the substantial renovation of two (2) vacant, historic downtown structures and put these great buildings back into productive use.*

(2) **(Q) Describe why the problem is not self-created.** *(A) The problem is not self-created, as the property is simply not large enough to contain enough parking spaces that the development will require. We have used best efforts to obtain as much property as we can to create as much parking as possible. Our original plan did not include 608 1st Avenue South, but through conversations with the City of Escanaba we recognized that more parking would be needed, and so we also obtained an option to buy property and add it to the parking lot.*

(3) **(Q) Describe any negative impact to the adjacent parcel(s) that may result from granting of a variance.** *(A) No negative impact will result on the adjacent parcels. If anything, the adjacent property owners will receive an increase in their property values due to the additional downtown development. There will also be more residents living downtown who will*

work and shop at the various adjacent retail stores. The entire space will be upgraded, enhanced, and landscaped to provide a more vibrant space.

(4) (Q) Does the property possess unique characteristics (not common to the general area)? *(A) The property is unique in that it contains two (2) large historic structures. The property at 630 1st Avenue South was also a blighted warehouse structure that was demolished recently. This development project will bring these buildings and parcels back into productive use.*

5. Within the existing Downtown Development Authority Master Plan (2011), community members were asked to rate the importance of community recommended goals as obtained through a community survey and planning charrette. Each goal was prioritized and numerically rated as “Mandatory”, “Necessary”, or “Desired”. Currently a goal exists, which calls for the creation of an upper story residential redevelopment program. This goal was prioritized as “Desired” with 53.8% of the vote. Lastly, the Community Master Plan (2006) addresses a need for additional housing, particularly apartment, condo, and senior housing. The Master Plan speaks of the increased desire for housing that is part of mixed use and suitable for younger people starting out or senior who are ready to give up the responsibilities of owning a home.
6. In addition to the Downtown Development Authority Master Plan, the Downtown Development Authority created a “Downtown Development Authority 2020 Vision” in 2000. The purpose of the visioning plan was to have a strategy for implementing and coordinating the vision plan once opportunities arise. Within that plan there is a recommended direction under vision themes that the Escanaba Downtown Development Authority works to enhance conditions that will allow higher density residential developments such as condominiums and townhouses. A recommendation also exists to create a redevelopment plan to define potential reuses of building space and building improvement plans that will encourage reinvestment into the properties through Obsolete Property Rehabilitation and similar programs. There is also a goal to plan and initiate funding programs that facilitate improvements to facades of downtown businesses and provide for architectural and landscape guidelines for improvement. There is also a goal in the 2020 Vision Plan to improve parking downtown by enhancing the existing downtown parking lots and promoting shared parking.
7. In 2012, the City of Escanaba applied to the United States Department of the Interior – National Park Service, to have the entire downtown placed on the National Register of Historic Places. On April 21, 2014 the City of Escanaba was notified by the National Park Service that the City of Escanaba downtown was awarded a historical designation and registered on the National Register of Historic Places. In the City of Escanaba filing a report was completed which inventoried all building uses in downtown Escanaba to include the property located at 617 and 623 Ludington Street.
8. Historically the existing property and use has no existing off street parking spaces for the former uses of banking, retail space, office space and a private lodge. In the past all parking was provided on publically owned right of way.
9. On June 23, 2015 the Escanaba Downtown Development Authority conducted a study session to begin discussing the need to update zoning parking specifications and requirements within the Downtown Development District. That discussion and work is

ongoing and will be addressed in the completion of the upcoming Community Master Plan update.

10. On June 30, 2015, the developer appeared before the Escanaba Historical Commission to pitch and review the project concept. The Escanaba Historical Commission recommended the project be advanced for further consideration by the Escanaba City Council, Zoning Board of Appeals, and Escanaba Planning Commission.
11. On July 1, 2015, the developer appeared before the Escanaba Downtown Development Authority to pitch and review the project concept. The Escanaba Downtown Development Authority recommended the project be advanced for further consideration by the Escanaba City Council and Escanaba Planning Commission.
12. On July 16, 2015, the developer appeared before the Escanaba City Council to pitch and review the project concept. The Escanaba City Council recommended the project be advanced to the Zoning Board of Appeals for parking requirement review and the Escanaba Planning Commission for site plan review.

Blaine DeGrave advised the Board of their Powers and Duties of the Board of Appeals:

In accordance with Chapter 3, Board of Appeals, the ordinance allows the Board of Appeals the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination, or interpretation of the code by the Code Official. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the appeal and shall make an order, requirement, decision, or determination as in the Board's opinion ought to be made on the matter.

If there are practical difficulties or unnecessary hardships in carrying out the strict letter of the ordinance, the Board of Appeals may, in passing appeals, grant a dimensional variance in any of the provisions relating to the construction, or structural changes in equipment, or alteration of buildings or structures, or the use of land, buildings, or structures, so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.

The Board of Appeals is a quasi-judicial body (*) that has two principal functions:

1. Deciding appeals of administrative decisions and interpretations made in implementing the zoning ordinance; and
2. To hear and decide requests for variances from the strict terms of the Zoning Ordinance or interpreting the requirements of the Zoning Ordinance (text and map)

* (When the Board of Appeals is called upon formally to hear facts and make a decision, they are performing a quasi-judicial function since this is similar to what judges do in court. This duty most commonly arises for requests for variances and conditional uses when applied to the Zoning Ordinance).

The presence of four (4) members is necessary to constitute a quorum and a majority vote of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or to decide in favor of the applicant in the case of a variance, exception or interpretation, except that the concurring vote of four (4) of the members shall be necessary to grant a variance from uses of land permitted by the Zoning Ordinance. In the case of a dimensional variance request, a simple majority of the quorum present is necessary to grant or deny a variance.

The request before the Board is for a dimensional variance. As previously stated, it is the opinion of the property owner/developer that a practical difficulty exists at the property in that there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape, or topography of the property involved, that do not generally apply to other property or uses in the same zoning district.

The Board has the power to authorize specific variances or departures from the Zoning Ordinance, if all of the basic conditions are satisfied as defined in Section 305.4 Basic Conditions of the Zoning Ordinance and provided there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Zoning Ordinance. A variance from the dimensional requirements of the Zoning Ordinance may only be granted if it is determined that all basic conditions have been satisfied and that there is a practical difficulty in carrying out the requirement.

The basic conditions are:

- A. The spirit of the Zoning Code shall be observed, public safety secured, and substantial justice done.
- B. There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- C. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.
- D. The practical difficulties or unnecessary hardships are unique to property under consideration and not to the general neighborhood, and shall apply only to property that is under the control of the applicant.
- E. It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- F. There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Zoning Ordinance.
- G. The alleged hardship or difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
- H. It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or concert with the applicant.

The Board of Appeals needs to determine if there is a practical difficulty or unnecessary hardship prior to granting any variance. The granting of any variance should be in harmony with the general purpose and intent of such documents such as the Zoning Ordinance, Community Master Plan, Downtown Master Plan, and Downtown Vision Plan 2020. The Board of Appeals should determine if a literal interpretation of the provisions of these documents could deprive the property owner of rights commonly enjoyed by other properties in the same district under the terms of the documents and that the variance is the minimum necessary. Before any variance is granted, the following questions should also be considered:

1. Can the property be reasonably used as zoned?
2. Are there unique circumstances related to the property?
3. Does the proposed use alter the essential character of the area?
4. Is the need for a non-dimensional variance a self-created hardship or is it the result of a circumstance or special condition related to the property such as size, shape, and existing structures?
5. Does the variance, if approved, impair or conflict with the intent and purpose of the Zoning Ordinance, the Master Plan, the Downtown Master Plan, or the Downtown 2020

Vision Plan?

6. Is the project, if completed, expected to support a reasonable rate of return on the property owner's investment?

Blaine DeGrave advised the Board that the owner/applicant demonstration of a hardship and need for variance is required:

In order for a variance to be considered, the developer should be able to demonstrate that the following conditions have been addressed/met/demonstrated to the satisfaction of the Board of Appeals:

- A. That the spirit of the Zoning Ordinance is observed, public safety secured and substantial justice done. "Public Safety Secured" indicates that the variance, if approved, will not create an unsafe condition. "Substantial Justice" directly addresses fairness to the applicant, but it also applies to others that might be affected by the variance. The substantial justice requirement should dictate that the variance would not undermine the purpose and intent of ordinances and plans. The developer also needs to provide assurance that the variance being asked for is the minimum necessary to afford relief.
- B. That there is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- C. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.
- D. The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood and apply only to property that is under the control of the applicant.
- E. The variance is necessary for the preservation of a substantial property right.
- F. There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by the Zoning Ordinance.
- G. The alleged hardship or difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.

Blaine DeGrave provided a staff summary:

The Board of Appeals does not have the authority to alter or change the requirements of the Zoning Ordinance without first establishing that a hardship exists. The Board of Appeals must determine if there is a hardship or difficulty, which is not a result of an act, created by the owner and is not solely economic in nature. Variances are not intended to relieve requirements of the Zoning Ordinance that are simply preventing the developer from doing what they wish. Instead, the Board of Appeals is intended to serve as a safety valve in those cases where the application of the zoning requirements results in a practical difficulty or unnecessary hardship. Provided, however, that in interpreting and applying the provisions of the Ordinance, the requirements shall be deemed to be the spirit and intent of the Ordinance and would not constitute the granting of a special privilege.

In the case of the application before the Board of Appeals, it is believed that any off street parking improvements at 617 and 623 Ludington Street and 608 and 630 1st. Avenue South improves the parking situation that currently exists with the installation of fifty one (51) new off street parking spaces (which is consistent with the goal to improve off street parking in the area). However, because the potential development will include a change of use, and the change of use is residential in nature, the minimum on-site parking requirements must be provided until a dimensional variance is approved. Without approval of such variance, along with a site plan

approval from the Escanaba Planning Commission, a zoning land use application cannot be issued by the City of Escanaba for the project nor can a building permit be issued by the Delta County Building and Zoning Department.

In accordance with Escanaba Zoning Ordinance and state law, a decision of the Board of Appeals shall be final. However, any party having a substantial interest affected by an order, determination, or decision of the Board of Appeals, may appeal to the Circuit Court if such appeal is made to the Court within twenty-eight (28) days after rendering of the final board decision.

John Liss asked the President of PK Development, Pete Potterpin, to explain the project in detail.

Pete Potterpin stated he is familiar with the area and currently working in the area. He stated they are trying to develop this building into apartments and retail space. They are trying to use a combination of historical tax credits, a housing tax credit, and a USDA loan to finance the property. The apartments are for affordable workforce housing. There is no subsidy involved with the residents. The rates are approximately \$500 - \$600 for a one (1) bedroom apartment and \$650 - \$700 for two (2) bedroom apartments. He understands that parking is an issue for this project. When the building was built several years ago, parking wasn't an issue. A couple of adjacent parcels are available for parking, are under the contract, and included in the proposal. With the property and two (2) additional parcels it allows fifty-one (51) parking spaces. It was difficult to find additional space for more parking and it also does not fit well financially to purchase more than what is proposed. He believes this is a good proposal and will bring more people down town. This project will improve the area and put this building back into use.

John Liss stated when you expand a property as proposed, you have to meet code. Since PK Development is adding square footage and flats that require parking, they created their own hardship. He questioned Mr. Potterpin if it is a financial issue as to why they need so many units. He questioned what is the reasoning for the hardship created.

Pete Potterpin stated in order to make it economically feasible PK Development has to have the suggested thirty (37) units to pay the bills. The income from the proposed amount of units and retail space is needed financially.

Mark Hannemann stated that this project is targeted toward people who will be driving since it is aimed toward the workforce. And that twenty-three (23) vehicles wouldn't have any place to park. He also stated conditions during winter would be difficult.

Pete Potterpin said his company found some surveys on parking in situations such as this for the Upper and Lower Peninsula. Studies show that one (1) to one and a half (1 ½) cars per unit is where they would need to be. So fifty-one (51) spaces for fifty (50) bedrooms would be acceptable.

Dennis Renken stated the house at 602 1st Avenue South (Lot 12) is going into foreclosure. And another house, located at 608 1st Avenue South hasn't paid any taxes since 2010. With the purchase of these two (2) properties, it would provide twenty (20) additional parking spaces. He asked Mr. Potterpin if he looked into these two (2) options.

Mr. Potterpin stated that if they incurred additional costs, it wouldn't be an economically feasible project.

Mr. Renken mentioned the plan for snow removal, which will be an issue. He agrees with Matt Sviland and believes additional parking needs to be further researched, just as Matt had to do with the Lofts on Ludington.

Mr. Potterpin said he's satisfied with the parking as proposed.

John Liss asked Blaine DeGrave if he has received any letters for this project. Blaine DeGrave stated the only letter is the one from Matt Sviland, which was read at the August 25th meeting.

John Liss opened the floor for public comment to all residents within 400 feet of the proposed project. He reminded the public that the proposal at hand is for parking only and comments should be strictly on parking.

Monique Ciofu read for the record a letter written by Carolyn Stacey, resident at 320 South 6th Street, who was unable to attend (see attached).

Sue Roll, the Business Director at the Bonifas Fine Arts Center located at 700 1st Avenue South, across the street from the proposed housing unit, stated several concerns. First, the proposed parking is a big concern for the Art Center who is truly dependent on city street parking. There are many evening events, over 200, and with this project, it puts a lot of pressure on the Bonifas Arts Center for parking. The Players De Noc has four (4) performances a year (over 30 events total), which bring in 200 or more guests per event. They also have week night rehearsals, over 40 rehearsals per show. She questioned where all the people would park. Having to compete with residents for parking is not how she would like to see the community develop. She feels this is a self-imposed problem. She believes that the number of apartments should be lowered. Past developers (such as Matt Sviland) have had to meet the parking code and this project should have to follow the same guidelines. She would like to maintain the integrity of this area and ensure the safety for the residents.

Dave Pinozeck, property owner at 112 South 6th Street (Lot 10 and 15) and 605 Ludington Street stated he has owned the property for roughly twenty-five (25) years now and that he knows the areas needs for parking pretty well. Lot fifteen (15) is his empty back lot and he is concerned people will park on his property after working hours and on the weekend when nobody is around if the proposed fifty-one (51) spots are all full. He also questioned what the plan is for snow removal and plowing, where the cars will park as snow needs are being handled. If the snow removal is handled the same as Harbor Towers, it will not work well for this area (cars have to be moved into the streets). With the addition of possible lots, it would provide twelve (12) more spaces for parking per lot, giving them the required seventy-four (74) spaces.

Pasqua Warstler, Executive and Calvary Director of the Bonifas Art Center, started discussion with concerns and questions from the Players De Noc members. First, what will the process for garbage pickup be, what will be the location of a dumpster, and will there be any bins. They believe there should be access from the alley to the parking area. They are concerned about the snow removal plan. They questioned if there will be more green space. The stakeholders stated that the basic needs for this project have to be met, including safety, having no adverse effect, and including the property rights of neighbors and their property. They feel safety will be an issue with the limited parking. They would like more information from Public Safety's point of view with reports and statistics on safety in this type of situation. Lastly, they would like more green space for more visibility to the Bonifas Art Center.

Paul Fix of Northern Insurance Agency, located at 529 South 9th Street, stated that the process for the Lofts, owned by Matt Sviland, required him to get additional parking space. He also

commented how fourteen (14) years ago when he bought the business, they had to meet the parking needs. He feels this project should have to follow the same requirements.

Paul Neumeier, property owner at 205 South 7th Street, stated he agrees with Sue Roll. There will be an overflow of parking with the church, shows, and Bonifas all needing parking. He also thinks there will be a problem with sewage since the system is older.

Craig Taylor, located at 6825 M.5 Lane, stated that all the rules should be the same for everyone. And if they were to allow special consideration for this property, it should be for something other than affordable housing.

Matt Sviland, owner of Lofts on Ludington, stated this area needs new development. He was granted a variance for the Lofts when he was five (5) spaces short. Then property became available. He has fifteen (15) apartments with three (3) commercial spaces for the forty-three (43) spots of parking. He feels affordable housing consists of an income of \$30,000 or less. For the fifteen (15) apartments at the Lofts, they have twenty (20) cars that need parking. They did need extra parking for the commercial portion of the building. He realizes the importance of adequate parking. Going forward, he would like to see further parking proposed with this project or he feels elimination of one (1) of the two (2) story flats would correct the problem. He also suggested ideas of snow removal. He stated that at the Lofts, which is a prime location, there are not many after-hours visitors. He previously looked at this property but found it would not fit his need. Lastly, he is in favor of any and all projects in Escanaba but he believes that seventy-four (74) spaces to fifty-one (51) is a stretch. He hopes the developer is not discouraged and would look at an additional lot or the elimination of a flat.

Todd Caron, owner of property at 630 1st Avenue South, stated he is in favor of the project. He understands there may be a couple of additional lots available, but he understands that additional financing would be an issue. He believes part of the Master Plan is to bring housing in to Escanaba. This project would contribute to that plan.

Maria Caron compared parking for the Bonifas Art Center to the parking at a Green Bay Packers game. If they can accommodate parking, parking should be ok at this location.

Pete Potterpin stated this project will maintain the integrity of the building and surrounding area. They have researched all options and this is the best fit. He believes the fifty-one (51) new parking spaces is good as is and covers the needs of the residents. And that this project will be a great benefit to the City.

Ralph Blasier, acting as a citizen and not a Council member, located at 700 Lake Shore Drive, stated that if the tenants are older they may not need two (2) spaces per unit, which is the difference between this project and the House of Ludington project.

Craig Taylor questioned what the difference is between low income and affordable housing and that they may need two (2) spaces per unit since the tenants will not be elderly.

John Liss opened comment to the Board Members:

Judy LaCrosse stated that she worked at Harbor Towers for twenty-eight (28) years and that they may have had a parking issue five (5) times during this period and the City granted extra street parking space during these issues. This building has a lot of employees and that there really are no issues with parking.

Mark Hannemann stated he is not convinced on the project. He stated that if a sixteen year old is living in this building, they look forward to getting a car and driving, so where would they park. People will not have a place to park.

John Liss agreed with Mr. Hannemann. He stated that Matt Sviland was forced to fix the parking issue at the Lofts. He was able to correct the problem but he does not believe it would be fixed at this location. He appreciates all the work done by the developer but he has some concerns.

Nathan Gauss stated the citizens brought up good concerns. He believes this is a good project and he supports it.

Dennis Renken said he would like the developer to look into the previously mentioned lots for purchase for additional parking. He also agreed with the points made by Matt Sviland. As it stands, he cannot agree unless additional parking is added to the plan. He stated that Mr. Sviland survived his process but that we should not repeat it again. And if a variance is granted, it would be the same problem. He would like the developer to look into the two (2) possible lots for purchase.

Judy LaCosse asked Mr. Renken how this project would be any different than the parking variance that was granted for the House of Ludington.

John Liss replied the House of Ludington may only have one (1) car per tenant because housing is for the elderly. So consideration for this project is different than that of the House of Ludington.

Judy LaCosse stated her family has two (2) cars and one (1) motorcycle and she is over the age of fifty-five (55).

Mark Hannemann stated this location and project does not apply to seniors, it applies to the workforce. Therefore, tenants will have to drive and could be on different daily schedules for work or for personal. This plan would not work.

Blaine DeGrave stated that a brand new development, with no existing buildings, would require ninety-one (91) parking spaces. If we would grant the same parking variance for PK Development as was granted for the House of Ludington, this development would need one (1) for one (1) for the twenty-four (24) existing building units, seventeen (17) for retail space, and twenty-six (26) for the thirteen (13) new units, for a total of sixty-seven (67) spaces. Leaving the project short of sixteen (16) spaces.

Nathan Gauss said we need to say yes to developing projects to better our community.

A motion was made by Vice Chairperson Gauss to accept the parking variance request from PK Development for a dimensional variance to Section 1702 Parking Space Requirements and Table 1702 of the Escanaba Zoning Ordinance, allowing them to reduce the number of required and combined off street parking spaces from seventy-four (74) to fifty-one (51) spaces for a proposed mixed use commercial and thirty-seven (37) unit affordable housing project, seconded by Member Judy LaCosse.

A Roll Call vote, which needs majority vote, was conducted by Buffy Smith.

Ayes: Member Judy LaCosse, Vice-Chairperson Nathan Gauss

Nays: Member Mark Hannemann, Chairperson John Liss, and Member Dennis Renken

John Liss stated a majority vote has not been met.

City Manager Jim O'Toole stated the parking variance is denied and will not be going to the Planning Commission or to the City Council for review until there is adequate parking per code.

John Liss believes there are options available to the developer and suggested they look into them. He believes that Mr. Hannemann is correct and since the building will not be elderly tenants, two (2) spaces per unit would be needed. It could be a viable plan with a little more parking.

Jim O'Toole stated this item will be scratched from the Planning Commission agenda.

John Liss asked if there is any other comments from the Board.

John Liss asked if there is any other general public comments.

Paul Neumeier asked if the House of Ludington was able to purchase additional space for parking. Mr. Liss replied yes, property behind the building close to the back.

Jim O'Toole stated the property is located at 216 1st Avenue South, which may allow them twenty-six (26) additional parking spaces. Some minor adjustments still need to be made to the plan.

John Liss asked if there are any additional comments.

Jesse Benson, resident at 6825 M.5 Lane, stated the current plan should include a second access into the parking structure. She asked if they are considering buying other properties. She asked Judy LaCosse why she would agree with the approval of the parking variance if Judy believes there could be more than one (1) vehicle per unit. Even though Judy was not present at the Board of Appeals meeting regarding the House of Ludington, she replied she does approve of the parking variance for the House of Ludington, which applies to people fifty-five (55) years and older.

No other comments were made.

ADJOURNMENT

A motion was made by Member Renken, seconded by Vice-Chairperson Gauss, to adjourn the meeting. Ayes were unanimous.

The meeting adjourned at 7:27 p.m.

Jon Liss, Chairperson
Escanaba Zoning Board of Appeals

Blaine DeGrave, Ex-Officio
City of Escanaba



**CITY OF ESCANABA
BOARD OF APPEALS
June 14, 2016**

CASE: BOA061416-01

APPLICANT: Beverly and Claude Kobasic
4764 11.5 Rd
Escanaba, MI 49829

STAFF CONTACT: Blaine R. DeGrave
Code Official, City of Escanaba
410 Ludington Street
(906) 786-9402
Email: bdegrave@escanaba.org

REQUEST: A hearing on a request from Beverly and Claude Kobasic for a use variance from Zoning Ordinance Requirements in accordance with Chapter 5. Residence "A" Districts, Sections 501.1 and 504 of the City's Zoning Ordinance.

The Kobasic's are requesting a use variance be granted which would allow them to build a detached garage at the property without first constructing a primary permitted use (i.e. single-family dwelling) on the premises.

LOCATION: 3086 Lakeshore Drive, Escanaba, MI 49829

PRESENT ZONING: Residence "A" District.

Mission Statement:



STAFF OVERVIEW:

The City of Escanaba Zoning Ordinance, Section 502.1 and 504 requires that a "Principle Use" structure be established before the development of an "Accessory Use", as defined in Chapter 1 General Provisions, Section 111, and General Definitions under "Principal Use", "Accessory Use" and "Yard – Rear" (see attachment 1). In this case, a "Principle Use" structure within a designated "Residential "A" zoning district, would be a Single-family dwelling.

In accordance with Section 501.1. Purpose of the Escanaba Zoning Ordinance, the single-family dwelling district is for the purpose of primarily accommodating conventional single-family dwellings which are constructed in accordance with applicable County and State building code requirements as adopted by the State of Michigan and Delta County under the "Michigan Residential Code". A single-family dwelling is also allowed to have an accessory use such as the proposed detached garage only when the primary use is in existence. An accessory use means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

In the application for the Board of Appeals, the appellant is requesting a variance be granted which would allow them to construct a 70'x42'x12' detached garage on the rear portion of the property located at 3086 Lakeshore Drive without having first built a primary use structure such as a single-family home. The applicant has stated their intent is to build a single family home in the future.

PROPOSED FINDINGS:

1. Claude and Beverly Kobasic is the owner of record for the property located at 3086 Lakeshore Drive. (see Attachment #2)
2. In accordance with Section 304.1.4 Advertisements of the Zoning Ordinance, all fee and notification requirements of the Zoning Ordinance have been accommodated for. Meeting notices were placed in the Escanaba Daily Press on Tuesday, June 7, 2016 (See Attachment #3) indicating the nature of the appeal and the date of the hearing between seven (7) and twenty (20) days before the hearing date.
3. Letter notices were sent out to all property owners with 400 feet of the property indicating the nature of the appeal and the date of the hearing on June 14, 2016 (See Attachment 4). A meeting notice was also placed on the City Website and on the City Facebook page on Friday June 3, 2016.

4. On May 5, 2016 Beverly and Claude Kobasic filed an application to appear before the Board of Appeals. In the application the appellants were asked to answer the following questions. (See Attachment 5)

(a) (Question) PLEASE DESCRIBE THE REASON(S) FOR REQUESTING A VARIANCE FROM ZONING ORDINANCE REQUIREMENTS:

(Answer) Would like to build a detached garage at the rear property area prior to building the house to work out of while building and to house tools and equipment as our present home will be sold.

(b) (Question) DESCRIBE WHY THIS PROBLEM IS NOT SELF-CREATED:

(Answer) Left blank by the appellant.

(c) (Question) DESCRIBE ANY NEGATIVE IMPACT TO THE ADJACENT PARCELS(S) THAT MAY RESULT FROM GRANTING OF THIS VARIANCE:

(Answer) Appellant answered "None".

(d) DOES THE PROPERTY POSSESS UNIQUE CHARACTERISTICS (NOT COMMON TO THE GENERAL AREA):

(Answer) Left blank by the appellant.

POWERS AND DUTIES OF THE BOARD OF APPEALS

In accordance with Chapter 3, Board of appeals, the ordinance allows the Board of Appeals the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination, or interpretation of the code by the Code Official. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the appeal and shall make an order, requirement, decision, or determination as in the Board's opinion ought to be made on the matter.

If there are practical difficulties or unnecessary hardships in carrying out the strict letter of the ordinance, the Board of Appeals may, in passing appeals, grant a

variance in any of the provisions relating to the construction, or structural changes in equipment, or alteration of buildings or structures, or the use of land, buildings, or structures, so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.

The presence of four (4) members is necessary to constitute a quorum and a majority vote of the members of the board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or to decide in favor of the applicant in the case of a variance, exception or interpretation, except that the concurring vote of four (4) of the members shall be necessary to grant a variance from uses of land permitted by the Zoning Ordinance.

The Board shall have the power to authorize specific variances or departures from this Zoning Code, if all of the basic conditions are satisfied as defined in Section 305.4 Basic Conditions of the Zoning Ordinance, and if there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Zoning Code. A variance from the use requirements of this Zoning Ordinance may only be granted if it is determined that all basic conditions have been satisfied and that there is an unnecessary hardship created by those use restrictions.

The basic conditions are as follows along with staff opinion (in bold):

- A. The spirit of the Zoning Code shall be observed, public safety secured, and substantial justice done.
- B. There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located. **Staff Comment: If a single-family structure is not constructed, the presence of a large commercial type garage could have an adverse effect upon property values.**
- C. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable. **Staff Comment: Staff believes this would be the only residentially zoned property within 300 feet that would not have a primary use such as a single-family home located on the lot before an accessory structure is built.**
- D. The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood, and shall apply only to property that is under the control of the applicant.
- E. It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

- F. There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Zoning Ordinance. **Staff Comment: Staff Comment: Staff believes the only unnecessary hardship that could be claimed is one of financial which is not specific to the land.**
- G. The alleged hardship or difficulty is not solely economic and is based on the reasonable use of a particular parcel of land. **Staff Comment: based on comments made by the applicant, the alleged hardship or difficulty is solely economic and based on their ability to sell their existing home located outside the City limits.**
- H. It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or concert with the applicant. **Staff Comment: Staff believes passage of a variance would be the allowance of a special privilege not available to all residents.**

The Board of Appeals needs to determine if there is a practical difficulty or unnecessary hardship prior to granting any variance. The granting of a variance should be in harmony with the general purpose and intent of such documents as the Zoning Ordinance. The Board of Appeals should determine if a literal interpretation of the provisions of these documents could deprive the property owner of rights commonly enjoyed by other properties in the same district.

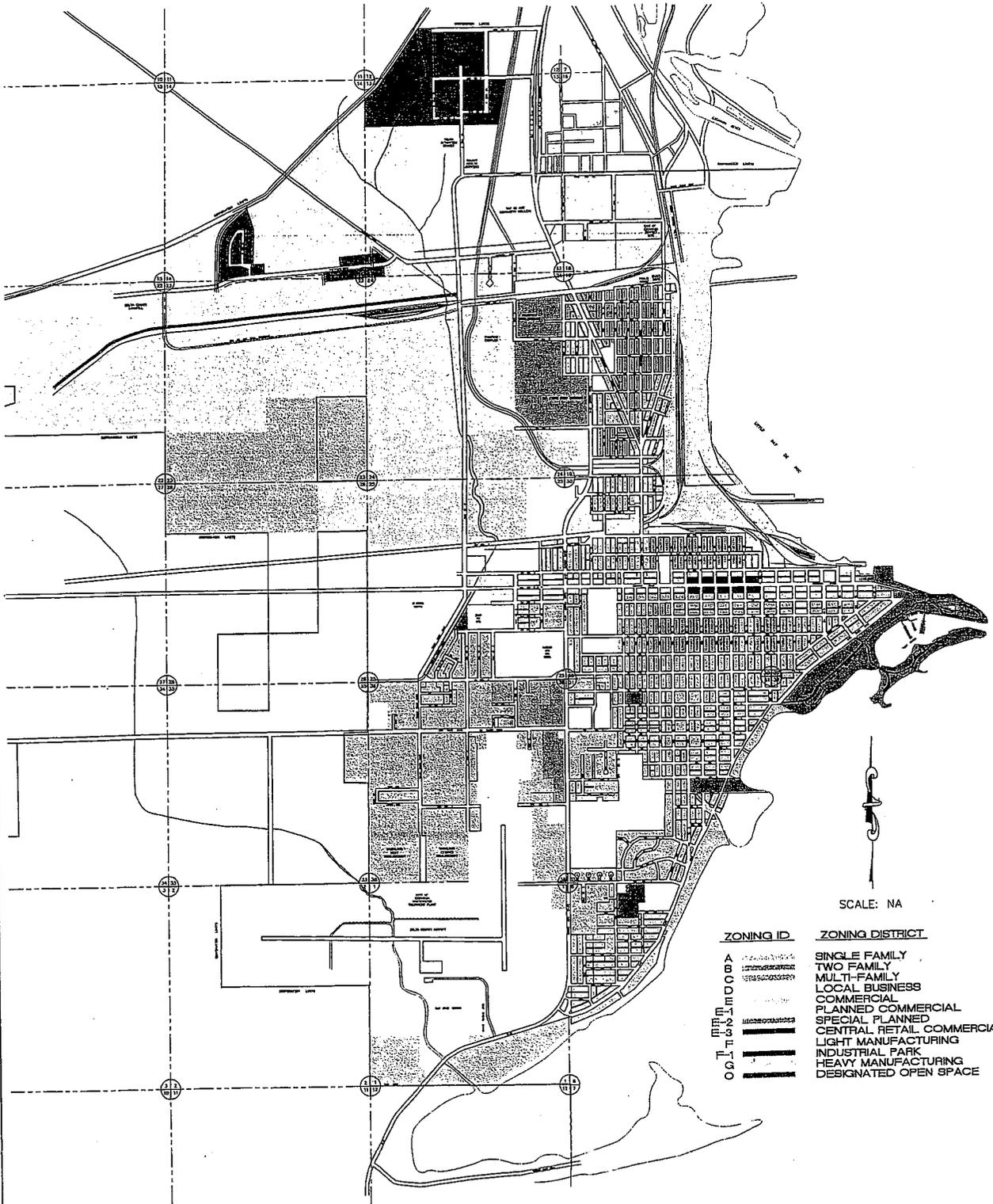
STAFF SUMMARY:

The Board of Appeals does not have the authority to alter or change the requirements of the Zoning Ordinance without first establishing that a hardship exists. The Board of Appeals must determine if there is a hardship or difficulty, which is not a result of an act, created by the owner and is not solely economic in nature. Variances are not intended to relieve requirements of the Zoning Ordinance that are preventing the owner from doing what they wish. Instead the Board of appeals is intended to serve as a safety valve in those cases where the application of the zoning requirements results in a practical difficulty or unnecessary hardship. Provided, however, that in interpreting and applying the provisions of the Ordinance, the requirements shall be deemed to be the spirit and intent of the Ordinance and would not constitute the granting of a special privilege.

In the case of the application before the Board of Appeals, it is believed that relating to the basic conditions, that the spirit of the Zoning Code would not be properly served and that there is no clear showing of a substantial difficulty or

hardship relating to the property which is not a result of an act created by the owner and is solely economic in nature. The property was also recently purchased by the applicant with the knowledge that the property was zoned as a Single-family Residence District and that a primary use would have to be built before an accessory use could be built.

In accordance with the Escanaba Zoning Ordinance and state law, a decision of the Board of Appeals shall be final. However, any party having a substantial interest affected by an order, determination, or decision of the Board of Appeals, may appeal to the Circuit Court if such appeal is made to the Court within twenty-eight (28) days after rendering of the final board decision.



CITY OF ESCANABA ZONING MAP



5/27/2016 8:27



5/27/2016 8:28



5/27/2016 8:29



5/21/2010 8:31

James V. O'Toole
City Manager



410 Ludington Street
Escanaba, Michigan 49829
Phone (906)786-0240

April 27, 2016

Mr. & Mrs. Claude Kobasic
3086 Lakeshore Drive
Escanaba, MI 49829

RE: 3086 Lakeshore Drive, Escanaba, MI 49829

Dear Mr. and Mrs. Kobasic:

I have reviewed your recently submitted Zoning Approval Form for approval to install a detached garage at property you own or control at 3086 Lakeshore Drive which is zoned as a Residence "A". Your request for zoning approval as submitted is hereby denied for the following reason(s):

1. The primary purpose of the single-family residential dwelling district is for the purpose of accommodating conventional single-family dwellings (or other permitted uses by right or special land use permit) which are constructed in accordance with building code requirements as defined and adopted by the State of Michigan and Delta County under the "Michigan Residential Code". In your application you are proposing to construct a detached garage now and a single-family structure in the future. However, in accordance with Section 502.1 Principal Uses Permitted by Right of the Escanaba Zoning Ordinance, a single-family home or other permitted use by right must be constructed before any customarily incidental accessory use can be permitted.
2. In accordance with Section 504 Accessory Uses Permitted in a Residence A District – When located on the same lot with the principal use, uses customarily incident to any permitted use is allowed when located on a properly zoned lot provided all area and yard requirements are met and provided there is a principal use such as a single family structure legally permit and constructed on the property.

In accordance with Chapter 3, Board of Zoning Appeals of Escanaba's Zoning Ordinance, I would like to advise you of your right to appeal my findings to the City of Escanaba Zoning Board of Appeals. Should you wish to apply for a variance because you feel there was an error in my interpretation of code requirements, please complete the enclosed form and return to City Hall with the applicable filing fee (\$200.00). Please be advised that the Zoning Board of Appeals does not have the authority to alter or change the requirements of the Ordinance to allow a use which would be inconsistent with the requirements of the Zoning Ordinance. For your information and review, I have enclosed the Zoning Ordinance Chapter pertaining to the Board of Zoning Appeals.

Please feel free to contact me with questions or further assistance. I can be reached at 786-9402 or e-mail me at citymanager@escanaba.org.

Sincerely,

James V. O'Toole
City Manager

Enc: Application for Zoning Approval
Zoning Board of Appeals Application
Zoning Board of Appeals Chapter 3

Copy: Blaine DeGrave, Code Official

Mission Statement:

Enhancing the enjoyment and livability of our community by providing quality municipal services to our citizens.

APPLICATION FOR ZONING LAND USE
CITY OF ESCANABA, ESCANABA, MI 49829

PO 4-26-14
V# 12534 \$ 2500

We, the undersigned, owner(s)/agent(s) of the following described property hereby apply to you for a Zoning Land Use permit with a sketch drawn to scale, showing actual dimensions and shape of the lot, exact sizes, and locations of existing buildings on the lot and locations and dimensions of the proposed buildings or alterations. The property owner(s) shall verify any existing easement(s) and/or right-of-way(s). The applicant certifies the information submitted is accurate. The applicant states that he/she has the property owner's authority to execute this agreement and permit. Any certificate issued upon a false statement of any fact which is material to the issuance hereof, shall be void. All questions must be answered.

LEGAL DESCRIPTION OF PROPERTY: Sec 1 T38N R23W com @ S 1/8 COR ON N/S CL THS TO N Row Hwy M-35 TH WELY 156.2 FT TH HWY 217 FT TO PT C&S 1/4 LN 100 FT E of N/S CL TH W 100 FT TO Pt 3086 Lakeshore Drive Ac #36

ASSESSOR #: _____
LOT INFORMATION:
PROPERTY OWNER(S): Beverly + Claude Kobasic
PHONE NUMBER: 906-786-5904
PROPERTY ADDRESS: 3086 Lake Shore Dr. Escanaba, MI
TYPE OF LOT: (circle one) Corner Lot Interior Lot Other: _____

*Please note the dimensions on your site plan as well.
SIZE OF LOT: 1.18 Acres LENGTH OF LOT: 330 WIDTH OF LOT: 156
IRREGULAR LOT: _____ PROPERTY ZONED: Residential

BUILDING INFORMATION: 70x42 Garage at rear of property. Inter home to be
TYPE OF BUILDING: (please check one) Built at center of property.

- Construction, alteration, or addition of to a single-family, two-family, or multiple-family dwelling with three (3) to four (4) residential dwellings or accessory structures.
- A building addition of 20% or less of an existing building not to exceed 5,000 square feet.
- A building addition up to 5,000 square feet that does not modify any other site characteristics such as parking, traffic circulation, and drainage.
- A mobile home park.
- A parking lot or addition containing five (5) or more spaces.
- A garage or accessory structure over 100 square feet in size.
- Other: _____

SIZE OF BUILDING: 70x42 12' high EXISTING FLOOR AREA: _____
PROPOSED % OF LOT COVERED BY STRUCTURE(S): _____

PROPOSED USE: Garage to be built first to work out of to build home and to move some ->
OF STORIES: 1 HEIGHT OF BUILDING: (feet and stories): 12' 1 story

GARAGE: (circle one) Attached Detached
ROOF TYPE: (circle one) Gambrel Mansard Flat Gable Hip 6-12 Pitch Roof

SETBACKS: (from property line) FRONT: _____ SIDES: _____ and _____ REAR: _____
IS THE PROPERTY IN A 100 YEAR FLOOD PLAIN? NO YES PANEL # _____ PANEL DATE _____

ESTIMATED VALUE OF CONSTRUCTION: \$50,000+ (estimate)
APPROVED VARIANCES: _____

*In Residence "A", "B", and "C" no buildings or structures can occupy more than 35% of the area of the lot. *All building lots must be buildable as defined by the State of Michigan Subdivision Control Act and City of Escanaba Zoning Ordinance. *The Escanaba Zoning Code requires a six (6) foot wide public sidewalk be installed along streets/avenues adjacent to the property on which a building is erected or moved. A Certificate of Occupancy will not be issued by the Delta County Building and Zoning Department until sidewalks are installed.

(Please print)
COMPANY NAME/APPLICANT: Claude + Beverly Kobasic DATE: _____
SUBMITTED BY: Beverly + Claude Kobasic
SIGNATURE: Beverly Kobasic PHONE: 906-786-5904

*****OFFICE USE ONLY*****
DATE RECEIVED: 4/26/17 APPROVED: _____ DISAPPROVED: 4/27/17
IF APPLICATION IS DENIED, REASON FOR DENIAL: _____

SPECIAL REQUIREMENTS OF APPROVAL: See ATTACHED Letter and Review
SHEET
SIGNATURE OF REVIEWER: Dee Zales DATE: 4/27/16

(DENIED)

SKETCH/AREA TABLE ADDENDUM

File No 3086LSD-LAND

Parcel No 051-420-3501-400-015

Property Address 3086 LAKE SHORE DRIVE VACANT

City ESCANABA

County Delta

State MI

Zip 49829

Owner KOBASIC CLAUDE & BEVERLY

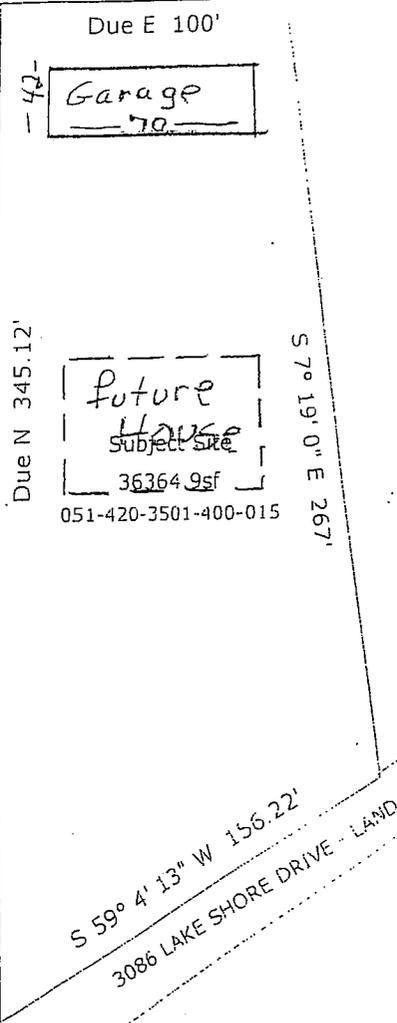
Drawn Date 4-29-14

Appraiser Name KEVIN DUBORD

Modified By

SUBJECT

IMPROVEMENTS SKETCH



Scale: 1" = 65'

Subject Site
 Beginning at a point of the Tract described by Metes and Bounds as follows:
 THENCE Due North, a distance of 345.12 Feet;
 THENCE Due East, a distance of 100.00 Feet;
 THENCE South 7° 19' 0" East, a distance of 267.00 Feet;
 THENCE South 59° 4' 13" West, a distance of 156.22 Feet to point of beginning;
 Said tract containing 0.83 acres (36364.90 sf) of land, more or less.
 Perimeter = 868.34 Feet
 No significant error of closure.

SURVEY DESCRIPTION

bing maps

Notes

3086 Lakeshore Drive
Escanaba, MI

3086
L.S.D.

Alipport Rd

Holy Cross Cemetery

Lake Shore Dr 35

bing

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PROJECT: 3086 L.S.D.
JOB: Kobasic
BY: [Signature]
DATE: 4/29/16
SCALE: _____
OTHER: _____

DETACHED GARAGE.
NO PRIMARY USE:
Single-Family Res.

Zoning - Residence "A"

USE - Single-Family Residence *

REQUEST - ACCESSORY STRUCTURE - DETACHED GARAGE
WITHOUT ~~BE~~ A PERMITTED USE OF A
Single-Family House. **

DENIED.

[Signature]

4/27/16

* Applicant is proposing to install a use allowed by Risk - A
Single-Family Home - AT A LATER DATE. (502.6.A.)

** A Single-Family lot must have a principal permitted use in
order to have a permitted accessory use - DETACHED GARAGE.

*** USES CUSTOMARILY INCIDENT TO ANY PERMITTED USE
AND LOCATED ON THE SAME LOT ARE ALLOWED PROVIDED
ALL AREA AND YARD REQUIREMENTS ARE MET.
THE USE OF A DETACHED GARAGE IS ONLY
ALLOWED IF A SINGLE-FAMILY HOUSE OR OTHER
PRINCIPAL USE BY RIGHT IS LOCATED ON THE
PROPERTY. (504.1.)

PROPERTY INFORMATION

Property Assessed To:

KOBASIC CLAUDE & BEVERLY
P O BOX 173
ESCANABA, MI 49829

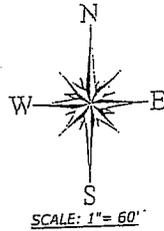
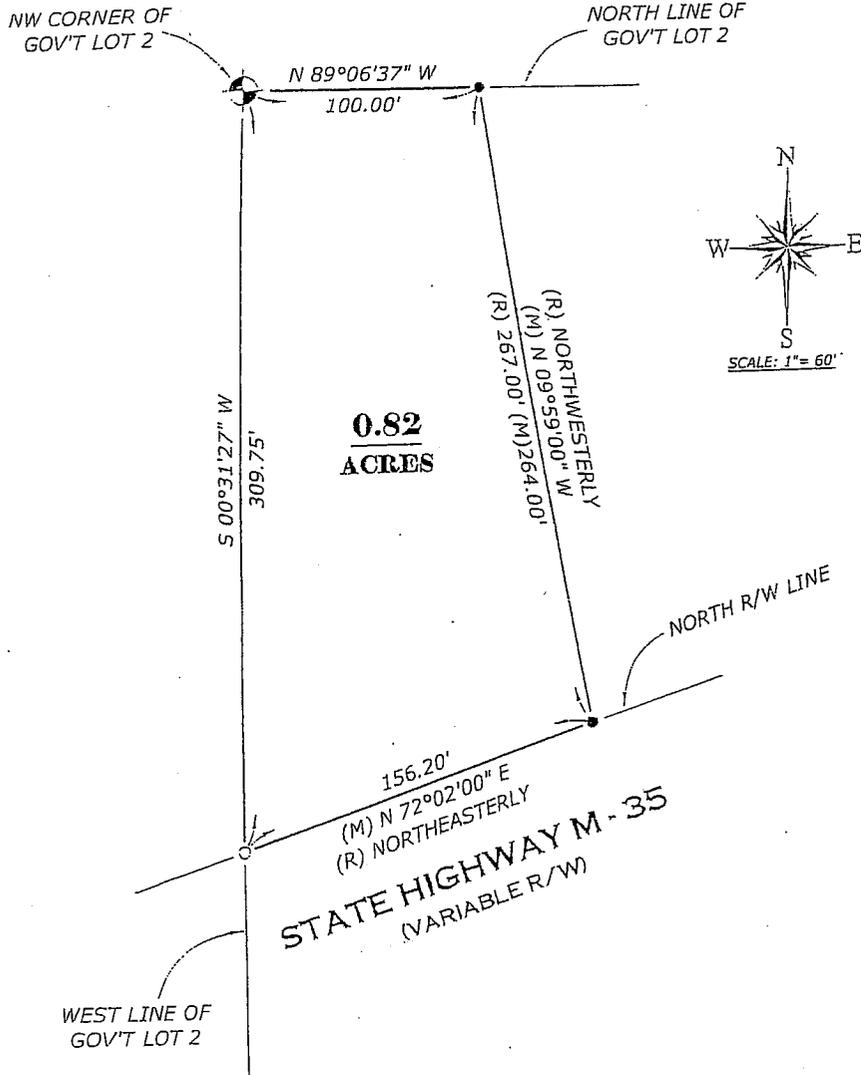
Prop #: 051-420-3501-400-015 School: 21010

Prop Addr: 3086 LAKE SHORE DRIVE VACANT

Legal Description:

~~SBC 1 T30N R23W COM & S 1/8 COR ON N/S CL TH S TO N ROW HWY M-25 TH~~
NELY 156.2 FT TH NWLY 267 FT TO PT ON S 1/8 LN 100 FT E OF N/S CL TH W
100 F T TO POB 3086 LAKESHORE DRIVE AC #36

Plat of Survey of
Part of Government Lot 2 of
Section 1 T.38N., R.23W.
 City of Escanaba
 Delta County, Michigan



SURVEY FOR CLAUDE KOBASIC	JOB NUMBER 15377-1512	LEGEND
SUBJECT BOUNDARY SURVEY	COPY	-/- INDICATES A LINE NOT DRAWN TO SCALE
DATE OF SURVEY DECEMBER 31, 2015		○ IRON MONUMENTS SET
DATE OF MAPPING DECEMBER 31, 2015		● IRON MONUMENTS FOUND
CERTIFICATE OF SURVEY TO: CLAUDE KOBASIC		□ CONC. MONUMENTS SET
TERENCE S. WANIC, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFIES THAT I HAVE MADE A SURVEY OF THE ABOVE DESCRIBED LANDS. THAT IRON MONUMENTS TOGETHER WITH THOSE FOUND HAVE BEEN PLACED OR LOCATED AT THE POSITIONS INDICATED HEREON. THAT THERE ARE NO VISIBLE PHYSICAL ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN. THAT THE RELATIVE ERROR OF CLOSURE OF THE UNADJUSTED FIELD MEASUREMENTS OF THIS SURVEY IS LESS THAN THE PERMITTED ERROR OF 1/40,000. <i>Terence S. Wanic</i> 12/31/15		■ CONC. MONUMENTS FOUND
TERENCE S. WANIC, Professional Surveyor No. 44298		⊕ CHISELED CROSS IN CONCRETE
		(M) MEASURED DISTANCE AND/OR BEARINGS
		(R) RECORDED DISTANCE AND/OR BEARINGS
		⊙ SECTION CONTROL CORNER
		 1410 Hampton Street Escanaba Michigan 49829 Phone 907.756.1751 Fax 907.756.2457 info@wanicland.com

General Property Information

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 051-420-3501-400-015 Unit: City of Escanaba

Parcel is Vacant

Property Address [collapse]

3086 LAKE SHORE DRIVE VACANT
ESCANABA, MI 49829

Owner Information [collapse]

KOBASIC CLAUDE & BEVERLY
PO BOX 173
ESCANABA, MI 49829-0173

Unit: 051

Taxpayer Information [collapse]

KOBASIC CLAUDE & BEVERLY
PO BOX 173
ESCANABA, MI 49829-0173

General Information for Tax Year 2015 [collapse]

Property Class: 401 - Residential, 401 Assessed Value: \$20,280
 School District: 21010 - Escanaba Schools Taxable Value: \$17,169
 State Equalized Value: \$20,280 Map # N/A
 User Num Idx: 0 Date of Last Name Chg: 02/19/2016
 Date Filed:
 Notes: N/A
 Historical District: N/A Census Block Group: N/A

Principal Residence Exemption June 1st Final
 2016 0.0000 % -
 2015 0.0000 % 0.0000 %

Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable
2014	\$20,280	\$20,280	\$16,899
2013	\$20,280	\$20,280	\$16,633

Land Information [collapse]

	Frontage	Depth
Lot 1:	N/A	N/A
Lot 2:	N/A	N/A
Lot 3:	N/A	N/A
Total Frontage:	N/A	Average Depth: N/A

Total Acreage: N/A
 Zoning Code:

Total Estimated Land Value: N/A
 Land Improvements: \$0

Mortgage Code:
 Lot Dimensions/Comments: N/A

Renaissance Zone: N/A
 Renaissance Zone Expiration Date: N/A

Legal Information for 051-420-3501-400-015 [collapse]

SEC 1 T38N R23W COM @ S 1/8 COR ON N/S CL TH S TO N ROW HWY M-35 TH NELY 156.2 FT TH NWLY 267 FT TO PT ON S 1/8 LN 100 FT E OF N/S CL TH W 100 F T TO POB 3086 LAKESHORE DRIVE AC #36

Sales Information

3 sale record(s) found.

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber/Page
02/25/2008	\$30,000.00	WD	HANSON RICHARD & WILLIAM & THERESA	KOBASIC CLAUDE & BEVERLY	ARMS-LENGTH	909/299
09/20/1999	\$30,305.00	WD	NORTHERN MICHIGAN BANK	HANSON RICHARD A &	FC SALE	546/166
02/23/1999	\$23,385.00	SD	HANSON HEIDI A	NORTHERN MICHIGAN BANK	FORECLOSURE	529/048

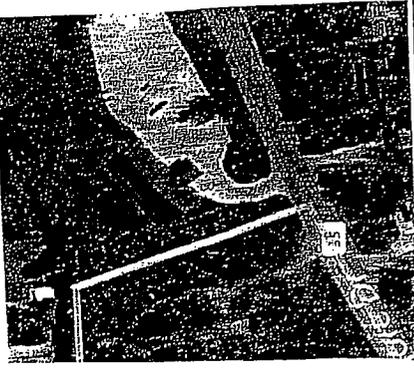
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[Privacy Policy](#)

A # 36

Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
KOBASIC CLAUDE & BEVERLY	30,000	02/25/2008	WD	ARMS-LENGTH	909/299		0.0
HANSON RICHARD & WILLIAM	30,305	09/20/1999	WD	FC SALE	546/166		0.0
NORTHERN MICHIGAN BANK	23,385	02/23/1999	SD	FC	529/048		0.0

Class: Residential, 401 Zoning:		Building Permit(s)	Date	Number	Status
School: Escanaba Schools 21010					
P.R.E. 0%					
Map #: 36					
2015 Est TCV Tentative		Land Value Estimates for Land Table 7. Res 7			
Improved	X	Vacant			
Public Improvements	* Factors * 156 X 330				
Dirt Road	Description Front Depth Rate %Adj. Reason Value				
Gravel Road	RES7-BASE RATE 156.00 330.00 1.0000 1.0000 200 130 DEPTH 40,560				
Paved Road	156 Actual Front Feet, 1.18 Total Acres Total Est. Land Value = 40,560				
Storm Sewer					
Sidewalk					
Water					
Sewer					
Electric					
Gas					
Curb					
Street Lights					
Standard Utilities					
Underground Utils.					

Year	Land Value		Building Value		Assessed Value		Board of Review		Taxable Value	
	Tentative	2015	Tentative	2014	Tentative	2014	Tentative	2014	Tentative	2014
2015	20,280	20,280	0	0	20,280	20,280			16,899C	
2014	20,280	20,280	0	0	20,280	20,280			16,633C	
2013	20,280	20,280	0	0	20,280	20,280			16,244C	
2012	20,280	20,280	0	0	20,280	20,280				



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Information herein deemed reliable but not guaranteed***

SKETCH/AREA TABLE ADDENDUM

File No 3086LSD-LAND

Parcel No 051-420-3501-400-015

Property Address 3086 LAKE SHORE DRIVE VACANT

City ESCANABA

County Delta

State MI

Zip 49829

Owner KOBASIC CLAUDE & BEVERLY

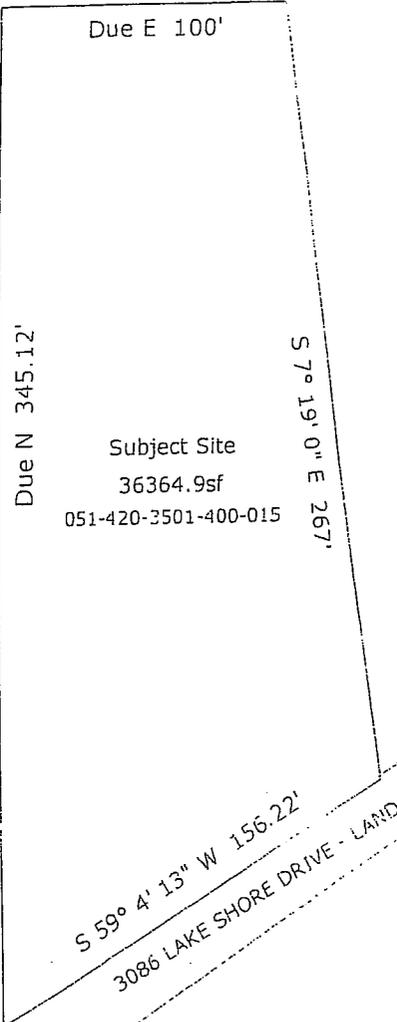
Appraiser Name KEVIN DUBORD

Drawn Date 4-29-14

Modified By

SUBJECT

IMPROVEMENTS SKETCH



Subject Site
36364.9sf
051-420-3501-400-015

Scale: 1" = 65'

SURVEY DESCRIPTION

Subject Site
Beginning at a point of the Tract described by Metes and Bounds as follows:
 THENCE Due North, a distance of 345.12 Feet;
 THENCE Due East, a distance of 100.00 Feet;
 THENCE South 7° 19' 0" East, a distance of 267.00 Feet;
 THENCE South 59° 4' 13" West, a distance of 156.22 Feet to point of beginning;
 Said tract containing 0.83 acres (36364.90 sf) of land, more or less.
 Perimeter = 868.34 Feet
 No significant error of closure.

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Section 111. - General Definitions.

Abutting means a lot or parcel which shares a common border with the subject lot or parcel.

Accessory building is a subordinate building or structure on the same lot with a main building, or a portion of the main building, occupied or devoted exclusively to an accessory use, such as a storage building. When an accessory building is attached to a main building in a substantial manner by a wall or roof, such as a storage building, such accessory building shall be considered part of the main building.

Accessory use means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Aggrieved person means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Airport terminal means the main passenger location of an airport and includes all office, hotel, and retail uses commonly occurring at such locations.

Alley means a way which functions primarily as a service corridor no less than fifteen (15) feet in width and provides access to properties abutting thereon. "Alley" does not mean "street".

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

Assembly Group means the use of a building or structure, or portion thereof, for the gathering together of persons for purposes such as civic, social, or recreation functions.

Basement means that portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story. A cellar is a basement.

Bed and breakfast uses. A bed and breakfast operation is a use which is subordinate to the dwelling unit and the use in which transient guests are provided sleeping rooms and breakfast only, in return for payment.

Berm means a constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

Block means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Block, face. "Face block" means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boat house means an enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

Boat livery means any structure, site or tract of land utilized for the storage, servicing, docking or rental of watercraft for a fee.

Brew pub means a facility as defined by the State of Michigan.

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building front is the front of the building that the facade most nearly parallel to and nearest to the front lot line.

Building, height of. See "Height of building".

Building principal. "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located.

Campers/van. See "trailer".

Cemetery means property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human being or household pets.

City Plan means the official statement of policy by the Planning Commission pursuant to 1931 PA 285 (MCL 125.31 et seq), for a desirable physical pattern for future community development.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists or similar professions.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open to members and not to the public.

Cluster means a development design technique that concentrates building on a portion of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

Code Official means the head of the City Community Preservation or the designee of that person.

Communication tower means a radio, telephone or television relay structure of a monopole or skeleton framework, attached directly to the ground or to another structure, used for the transmission

or reception of radio, television, microwave, or any other form of telecommunications signals. Communication tower does not include an air traffic control tower or a satellite dish one (1) square meter or less in a Residential District or two (2) square meters or less in a Nonresidential District.

Community building. A building or group of buildings for a community's educational and recreational activities.

Convenience store means a retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross-floor area of less than five thousand (5,000) square feet.

Country club. See "golf course".

Court. A court is an open unoccupied space, other than a yard, and bounded on at least two (2) sides by a building. A court not extending to the street or front yard or rear yard is an outer court.

Critical root zone means a circular area surrounding a tree, the radius of which is measured outward from the trunk of a tree one (1) foot for each one (1) inch of diameter at breast height. The critical root zone shall also extend to a depth of four (4) feet below the natural surface ground level.

Cul-de-sac shall mean a minor street with only one (1) outlet and culminated by a turnaround.

Cultural facilities means facilitating for activities for the preservation and enhancement for the cultural well-being of the community.

Development means all structures and other modifications of the natural landscape above and below ground or water on a particular site.

Diameter at breast height means the diameter of a tree trunk in inches measured by diameter at four and one-half (4½) feet above the ground.

District means a section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, setbacks and the intensity of use are uniform.

Dripline means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Drive-in means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service or obtain goods while remaining in their motor vehicles.

Drive-through means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service or obtain goods intended to be consumed off-premises.

Driveway means a means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

Dwelling means any building or portion thereof which is designed for or used exclusively for residential purposes and containing one (1) or more dwelling units. In cases of mixed occupancy where a building is occupied by two (2) or more principal uses, one (1) of which is that of a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance, and shall comply with the provisions thereof relative to dwellings.

Dwelling, multiple family. "Multiple family dwelling" means a building or portion thereof containing three (3) or more dwelling units and designated for or occupies as the home of three (3) or more families living independently of each other.

Dwelling, single-family. "Single-family dwelling" means a detached building containing one (1) dwelling unit and designed for or occupied by only one (1) family.

Dwelling, two-family. "Two-family dwelling" means a building designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one (1) family for living, cooking and sleeping purposes. The existence of a food preparation area within a room or rooms shall be evidence of the existence of a dwelling unit.

Easement shall mean a grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential services means the installation, construction, alteration or maintenance by public utilities or governmental agencies of underground, surface or overhead communication, telephone, electrical, gas, steam, fuel, or water distribution systems, collections, supply or disposal systems, streets, alleys, sidewalks, or trails, including pavement, traffic control devices, signs, poles, wires, mains, drains, sewers, pipes, conduits, cables, padmount transformers, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or government agency for the public health, safety, convenience or welfare and including buildings or structures eight hundred (800) cubic feet or less which are enclosures or shelters for service equipment.

Facade means the exterior wall of a building exposed to public view.

Fall-out shelter. A fall-out shelter is a structure of specific design for protection from radioactive fall-out.

Family means one (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel.

Fence means a constructed barrier made of wood, metal, stone, brick or any manufactured materials erected for the enclosure of yard areas.

Flood plain, 100-year. A 100-year flood plain" means the lowland areas of adjoining inland and coastal waters which are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency) and which are estimated to have a one (1) percent chance of flooding in a given year.

Floor area. See "Gross Floor Area".

Front lot line. In the case of a lot abutting upon only one (1) street, the front lot line is the line separating such lot from such street. In the case of a lot abutting on two (2) or more streets, one (1) lot line shall be elected to be the front lot line for the purposes of this Ordinance, provided, it shall be so designated on the building plans filed for approval with the Code Official.

Frontage means the total continuous width of the front lot line.

Garage, community. A community garage is a space or structure, or series of structures, for the storage of motor vehicles, having no public shop or service in connection therewith, and separated into compartments or sections with separate vehicular entrances, for the use of two (2) or more owners or occupants of property in the vicinity.

***Garage, private.* A building or a portion of a building not more than one thousand (1,000) square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. When a private garage is attached to a main building in a substantial manner by a wall or roof, shall be considered part of the main building.**

Garage, public use. A public use garage is a space or structure, other than a private or a community garage, for the storage, care, repair, refinishing, or servicing of motor vehicles, except that a structure or a room used solely for the display and sale of such vehicles, in which they are not operated under their own power, and in connection with which there is no storage, care, repair, refinishing or servicing of vehicles other than those displayed for sale, shall not be considered a garage for the purpose of this Ordinance.

Gasoline service station. A gasoline service station shall mean that portion of a property and all facilities essential thereto, where inflammable liquids, used as motor fuels, are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Greasing and oil changes, tire repairs, washing and servicing cars and trucks, and the sale of tires, batteries and other accessories are considered to be accepted functions of a gasoline service station.

Golf course/country club means any golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges and miniature golf courses as a principal use.

Grade means:

A.

For buildings having walls adjoining one (1) street only: the elevation of the public sidewalk, top of curb, or centerline of the street right-of-way, whichever is closest to the building, where a building wall adjoins a street.

B.

For buildings having walls adjoining more than one (1) street: the average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.

C.

For buildings having no wall adjoining the street: the average of the lowest and highest ground surface elevations in an area within six (6) feet of the foundation line of a building or structure.

Any building or structure wall within thirty-five (35) feet of a public or private street shall be considered as adjoining the street.

Greenbelt means a strip of land of definite width and location upon which existing vegetation is preserved or an area is reserved for the planting of living plant materials to serve as an obscuring screen or buffer strip in carrying out the requirements of this Code.

Grocery store means a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Height of building means the vertical distance from the grade to the highest point on a mansard, quonset, flat roof or to the median height between the eaves and the ridge for gable, hip and gambrel roofs.

Home. Home shall mean an abode for convalescents; for religious orders or groups; for nurses, for students and other related purposes.

Home occupation. Home occupation means a use conducted entirely within an enclosed building, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home, occupation, and any activity

involving any building alterations, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from off the lot on which it is located. Such use shall not become noxious or endanger public health, sanitation or general welfare.

Hotel means a building in which lodging or boarding are provided and offered to the public for compensation and in which ingress to and egress from all rooms is made through an inside lobby or office normally supervised at all hours. As such, it is open to the public as distinguished from a boarding house, lodging house or apartment.

Impervious surface means any material which prevents, impedes or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

Impervious surface ratio means the area of impervious surface less those areas used exclusively for pedestrian circulation or outdoor recreational facilities divided by the gross site area.

Interior side lot line. An interior side lot line is a side line separating a lot from another lot or lots.

kennel means any lot or premises used for the sale, boarding, or breeding of dogs and cats or the keeping of four (4) or more dogs and cats over the age of six (6) months.

Land clearing means:

A.

The clearing over eight thousand (8,000) square feet of vegetation from any site; or

B.

The removal of more than two hundred (200) trees more than six (6) inches in diameter at breast height within fifty (50) feet of a public or private street or river.

Mowing, trimming or pruning of vegetation to maintain it in a healthy, viable condition is not considered land clearing.

Landing area means a landing pad, area, strip, deck or building roof used to launch or receive aircraft, including, but not limited to, power-driven winged or delta-winged aircraft, gliders, balloons and helicopters.

Landscaping means the finishing and adjournment of unpaved yard areas using the combination of planted trees, vines, ground cover, flowers or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, pools, art work, screens, walls, fences, and benches.

Laundromat means a business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including one (1) principal building together with accessory buildings, open spaces and parking areas required by this Zoning Code, and having its principal frontage upon a street or upon an officially approved private street. The word "lot" includes the words "plot", "tract" or "parcel".

Lot, interior. An interior lot is a lot other than a corner lot.

Lot, irregular. An irregularly shaped lot means a lot which provides a minimum of thirty (30) feet of street frontage, provides a minimum width of sixty (60) feet at the proposed building line and complies with all other yard, area, height, and similar requirements for the Zoning District in which it is located.

Lot, corner means a lot which has at least two (2) contiguous sides abutting on and at the intersection of two (2) or more streets.

Lot of record means a lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat.

Lot, through means an interior lot having frontage on two (2) more or less parallel streets.

Lot width means the horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Manufacturing means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

Marina means a commercial mooring, berthing, or docking facility for watercraft with or without provisions for launching, haulout, servicing, fueling or sales of accessory supplies.

Mechanical amusement arcade means any place, premises, room or establishment in which a substantial and significant portion of the business is devoted to the operation of mechanical amusement devices, or in which more than five (5) mechanical amusement devices are located and available for operation. For purposes of this Zoning Code, a mechanical amusement arcade shall not include the following:

A.

Mechanical/electronic amusement devices located in bars, taverns and cocktail lounges which are properly licensed by the State when the devices are located so as to be an integral part of the licensed operation and are available only to tavern patrons; and

B.

Mechanical amusement devices located in motels or hotels when the devices are generally available only to registered guests.

Mechanical amusement device means any machine which, upon the insertion of a coin, slug, token, plate or disk, or upon payment of a price, may be operated by the public generally for use as a game, entertainment or amusement, including, but not limited to, games registering a score; electronic video games; mechanical and/or electronic devices, such as marble machines, pinball machines, mechanical grab machines, shuffle board game machines, pool tables and billiard tables; and all game operations or transactions similar thereto, whether operated by hand, electric power or a combination thereof.

"Mechanical amusement device" shall not include:

A.

A juke box or other similar device which plays only music for money;

B.

A full-size bowling lane or alley;

C.

A movie theater seating more than ten (10) persons; and

D.

A vending machine dispensing food, drink, tobacco, toys or written material, which material can be utilized away from the premises where the machine is located and does not require further participation by the person inserting the item or paying the price at the location of the machine. A mechanical amusement device located on property used solely for a residential purpose or a private club, which device is not available for use by the general public, shall be exempt from this definition.

Micro brewery means a facility as defined as such by the State of Michigan.

Motel means a building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy primarily by automobile travelers and usually providing separate entrances for the units.

Nonconforming structure, permitted. A permitted nonconforming structure is a structure lawfully existing at the time of adoption of this Ordinance, or any amendments thereto, which does not conform to the regulations of the district in which it is located, and for which a certificate of occupancy has been issued and is in force.

Nonconforming use, permitted. A permitted nonconforming use is a use which lawfully occupies a structure or land at the time of adoption of this Ordinance, or any amendments thereto, which does not conform with the regulations of the district in which it is located, and for which a certificate of occupancy has been issued and is in force.

Nursing home. See "Residential care and treatment facility".

Off-street parking. The following definitions shall apply to vehicle parking in all areas except parking in garages and parking along streets and alleys:

A.

Business parking area. A parking area owned and operated by a business or professional establishment (such as a doctor's or lawyer's office) and used as a convenience in connection therewith.

B.

Commercial parking area. A parking area owned and operated by a private individual or concern for the purpose of charging a fee for parking privileges.

C.

Public and quasi-public parking areas. A parking area owned and operated by a governmental unit, educational institution, church, charitable institution, or other comparable public or quasi-public unit, association, corporation, or institution.

Open space, common. "Common open space" means land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctively from the upland.

Owner means any person having an ownership interest in a premises as shown on the latest City of Escanaba tax records.

Parcel. See "Lot".

Parking area means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, driveways and legally designated areas of public streets.

Parking area, commercial. "Commercial parking area" means a tract of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot and which contains parking space rented to the general public or reserved for individuals by the hour, day, week or month.

Parking area, off-street. "Off-street parking area" means a land surface or facility providing vehicular parking space off a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of motor vehicles.

Parking area, private. "Private parking area" means a parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking space means an area of land provided for vehicles exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

Parking structure means a building or structure consisting of more than one (1) level and used to store motor vehicles.

Pavement. "Pavement" and "paved" mean permanent and completely covered with concrete, a bituminous surface, brick or other surface approved by the City Engineer.

Pedestrian scale means design and construction considerations based upon the scale of a human being which imbue occupants and users of the built environment with a sense of comfort and security.

Pedestrian travel way shall mean a paved walk for pedestrians at the side of a street such as the sidewalk.

Person means a corporation, association, partnership, trust, firm or similar activity as well as an individual.

Place of worship means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Plat means a map of a subdivision of land recorded with the register of deeds pursuant to state statute.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Public utility means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage, disposal, communication, cable, telephone, telegraph, transportation or water.

R-District means a residence district, namely in Residence "A", "B", "C", and "C-2" District.

Radius. A measurement consisting of a straight line, without regard to intervening structures or objects, from the nearest property line of the lot or lots to the nearest existing property line of the nearest existing lot or lots.

Rear lot line. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Recreational facilities means a public or private non-profit facility for athletic activities such as ice arenas, stadiums, indoor sports arenas, community recreation centers, fitness centers, indoor and outdoor swimming pools.

Recreational vehicle means a vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Residential care and treatment facility means a facility providing:

- A. Services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation;
 - B. Temporary emergency shelter and services for battered individuals and their children in a residence structure; and
 - C. Housing and personal services such as nursing, recreation, housekeeping and food preparation in a residential structure for persons who are not otherwise able to provide those services themselves and are dependent upon others for doing so.
- But not including an adult or juvenile correction institution or transitional housing.

Restaurant, family means an establishment where food and drink are prepared and served to seated customers. Customer turnover rates are typically less than one (1) hour. Generally, these establishments serve breakfast, lunch, and dinner and sometimes are open twenty-four (24) hours a day. It may include cafeteria-style facilities.

Restaurant, fast food means an establishment where food and drink are served to customers at a counter. Such establishments may or may not have seating facilities. Generally, food and drink is ordered and taken to be consumed outside the restaurant building.

Restaurant, fine means an establishment where food and drink are prepared and served. Customer turnover rates are typically one (1) hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch.

Right-of-way means a public or private street, alley or easement permanently established for the passage of persons or vehicles.

Roadway shall mean that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back-to-back of curbs.

Rooming house means a residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not

include hotels, motels, apartment houses, two (2) and multi-family dwellings or fraternity and sorority houses.

School means an educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

Screen means a structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be nonstructured, consisting of shrubs or other growing materials.

Screen, opaque means a masonry wall, fence sections, earthen berm, evergreen hedge or a combination of these elements which completely interrupt visual contact and provide spatial separation.

Setback means the distance required between a lot line and a building wall.

Setback, front. "Front setback" means the minimum required distance, extending the full lot width, between the principal building and the front lot line.

Setback, rear. "Rear setback" means the minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front line.

Setback, side. "Side setback" means the minimum required distance, extending from the front setback to the rear setback, between the principal building and accessory building and the side lot line.

Shopping center means those structures which will have five (5) or more separate occupancies and are in excess of fifteen thousand (15,000) square feet of gross floor area.

Side lot line. A side lot is any lot boundary line not a front lot line or a rear lot line.

Sidewalk means a paved walk for pedestrians at the side of a street.

Site diagram means a drawing, drawn to scale, showing the location of buildings and structures on a lot, as well as driveways, curb cuts, alleys, streets, easements and utilities.

Site plan means a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

Special care facilities. A special care facility shall include any dwelling unit intended to be occupied (partially or entirely) for purposes of providing residential care for persons physically or mentally handicapped, mentally ill, drug or alcohol addicts, and including any dwelling units used for similar occupants that are state licensed or state supported, but not including penal or correctional

institutions, nor shall the conditions apply to any family-related persons living within a single-family unit.

Stop work order means an administrative order which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Code.

Story. A story is that portion of a building between one (1) floor level and the floor level next above it, or between the uppermost floor and the roof. Any story lying more than fifty (50) percent by volume below the highest level of the adjoining ground, and any mezzanine, balcony or similar story having a floor area of less than fifty (50) percent of the floor area of the story immediately above it, (or where there is no story above, less than fifty (50) percent of the floor area of the story immediately below it) shall not be counted as a story in measuring the height of buildings under this Ordinance.

Story, half. A half-story is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it, and not used or designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling.

Street shall mean all property dedicated or intended for public or private use, for access to abutting lands or subject to public easements, therefore, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, land, place, circle, or however otherwise designated. Street does not mean alley. See also "Street, private".

Street, access. "Access street" means a street or alley designed primarily to provide access to properties.

Street lot line. A "Street lot line" is a lot line separating a lot from a street.

Street, major (principal/arterial). "Major street" means a street designed to carry high traffic volumes through the community and is designated as a major street in the Major Street Plan for the City. The right-of-way width for major streets shall conform to the Major Street Plan of the Comprehensive Plan and to all subsequent amendments or additions thereto.

Street, minor. "Minor street" means a street not designated as a major street in the Major Street Plan for the City. The minimum right-of-way for minor streets shall be sixty (60) feet, or as designed on a precise plat.

Street, private. "Private street" means an interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to private buildings or land uses, to parking and service areas, and which is not maintained by the public.

Street, urban collector. "Urban Collector" means a street designated as a major street in the Major Street Plan for the City. The minimum right-of-way for urban collector streets shall be eighty (80) feet, or as designated on a precise plat.

Structural alterations means any change in a building requiring a building permit.

Structure means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but not limited to, freestanding signs, billboards, back stops for tennis courts, wireless towers, and pergolas.

Subdivide or Subdivision means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representative, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of land less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of the State of Michigan Land Division Act 591, PA of 1996, Act 87, and PA of 1997, as amended. Subdivide or subdivision does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State of Michigan Land Division Act or the requirements of an applicable Escanaba Land Division Ordinance.

Subdivider shall mean any person dividing or proposing to divide land so as to constitute a subdivision and includes any agent of the subdivider.

Trailer means any enclosure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which has been or reasonably may be equipped with wheels or devices for transporting the enclosure from place to place. "Trailer" includes motor homes, travel trailers and camper vans.

Transitional housing means a facility which is operated by a government or a nonprofit agency providing interim sleeping and bath accommodations; interim eating and cooking facilities; and professional services to assist individuals or families in locating permanent housing.

Treelawn means the area of public right-of-way lying between the curb line of a curbed street or developed travelway of a noncurbed street and the nearest private property line substantially parallel to said street.

Trip end means the total of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

Tourist home means a single-family dwelling owned and occupied by a person renting out not more than three (3) rooms for compensation to persons who do not stay for more than seven (7) consecutive days.

Townhouse means a multiple dwelling in which each dwelling unit share a common wall with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and has a separate ground-floor entrance.

Usable floor area means the area used for or intended to be used for the sale of merchandise or services, or use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Wall shall mean a barrier made of masonry, wood, metal, or natural hedging forming a long rampart.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Zoning Code.

Yard, front means all land extending across the width of a property and lying between the building line and the front lot line.

Yard, rear means all land extending across the width of the property and lying between the principal building and the rear lot line.

Yard, side means all land lying between a principal building and the side lot lines and extending from the front to the rear of the principal building.

Zoning Code means Ordinance No. 1028, as amended, of the Code of Ordinances of the City of Escanaba and includes the text of this Zoning Code as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

Detailed Tax Information

City of Escanaba

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 051-420-3501-400-015

2

Property Address [collapse]

3086 LAKE SHORE DRIVE VACANT
ESCANABA, MI 49829

Owner Information [collapse]

KOBASIC CLAUDE & BEVERLY
PO BOX 173
ESCANABA, MI 49829-0173

Unit: 051

Taxpayer Information [collapse]

KOBASIC CLAUDE & BEVERLY
PO BOX 173
ESCANABA, MI 49829-0173

Legal Information for 051-420-3501-400-015 [collapse]

SEC 1 T38N R23W COM @ S 1/8 COR ON N/S CL TH S TO N ROW HWY M-35 TH NELY 156.2 FT TH NWLY 267 FT TO PT ON S 1/8 LN 100 FT E OF N/S CL TH W 100 F T TO POB 3086 LAKESHORE DRIVE AC #36

Enter Future Interest Date:

5/12/2016



Re-Calculate

****Note:** On March 1 at 00:00, local taxes become ineligible for payment at the local unit. The total due shown for prior year taxes is as of the annual settlement date with the County for that particular tax year and does not reflect any payments, fees, or interest accrual that may have occurred after the settlement date. For updated tax information, please check with the local County.

Use the +/- button to expand and collapse the Tax Detail Information.

Year / Season	Total Amt	Total Paid	Last Paid	Total Due
+ 2015, Winter	\$498.20	\$0.00		\$498.20 **Read Note Above
+ 2015, Summer	\$556.83	\$0.00		\$556.83 **Read Note Above
+ 2014, Winter	\$492.10	\$0.00		\$492.10 **Read Note Above
+ 2014, Summer	\$548.06	\$0.00		\$548.06 **Read Note Above
+ 2013, Winter	\$484.35	\$0.00		\$484.35 **Read Note Above
+ 2013, Summer	\$539.44	\$0.00		\$539.44 **Read Note Above
+ 2012, Winter	\$476.42	\$0.00		\$476.42 **Read Note Above
+ 2012, Summer	\$526.82	\$0.00		\$526.82 **Read Note Above
+ 2011, Winter	\$461.44	\$0.00		\$461.44 **Read Note Above
+ 2011, Summer	\$507.88	\$0.00		\$507.88 **Read Note Above

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**CITY OF ESCANABA
BOARD OF APPEALS**

At a special meeting of the Escanaba Board of Appeals, on Tuesday June 14, at 6:00 P.M. at the Escanaba City Hall, 410 Ludington Street, Escanaba, MI 49829, the following matter will be on the agenda:

A called meeting of the Board of Appeals has been scheduled for June 14, at 6:00 p.m. in the Council Chambers of City Hall, 410 Ludington Street, Escanaba, MI 49829. The following item will be on the agenda and may affect your property:

REQUEST FOR VARIANCE FROM ZONING ORDINANCE REQUIREMENTS

A hearing on a request from Beverly and Claude Kobasic of 4764 11.5 Rd. Escanaba, MI 49829, for a Variance from Zoning Ordinance Requirements according to Section 501.1 and Section 504. The Kobasic's are requesting a variance from the zoning ordinance requirements which would allow them to install a detached garage at property they own or control at 3086 Lakeshore Drive which is zoned as a Residence "A" district.

The public is invited to attend this meeting. If any member of the public has concerns, but is unable to attend this meeting, please submit your written concerns to the Community Preservation Department, P.O. Box 948, Escanaba, MI 49829, prior to June 14, 2016. All written correspondence will be read into the public record.

Blaine R. DeGrave, Code Compliance Officer
Escanaba Board of Appeals



#4

P.O. Box 948 • Escanaba, MI 49829-0948 • (906) 786-0240 • fax (906) 786-4755

TDD (800) 649-3777

May 25, 2016

«Name»
«Address»
«Address_2»
«City_State_Zip»

Dear «Name»:

A called meeting of the Board of Appeals has been scheduled for **June 14, at 6:00 p.m. in the Council Chambers of City Hall, 410 Ludington Street, Escanaba, MI 49829.** The following item will be on the agenda and may affect your property:

Public Hearing – 3086 Lakeshore Dr. – Zoning Ordinance Use Variance.

A hearing on a request from Beverly and Claude Kobasic of 4764 11.5 Rd. Escanaba, MI 49829, for a Use Variance from Zoning Ordinance Requirements according to Section 501.1 and Section 504. The Kobasic’s are requesting a Use variance from the zoning ordinance requirements which would allow them to build a detached garage at property they own or control at 3086 Lakeshore Drive which is zoned as a Residence "A" district.

You are cordially invited to attend this meeting should you have any comment concerning this agenda item. If you have concerns, but are unable to attend this meeting, please submit your written concerns to the Community Preservation Department prior to June 14, 2016. All written concerns will be read into the record.

The City of Escanaba will provide all necessary, reasonable aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting/hearing upon five (5) days notice to the City of Escanaba. Individuals with disabilities requiring auxiliary aids or services should contact the City of Escanaba by writing or calling the Community Preservation Department at (906) 786-9402. A copy of the full application and background paperwork for the referenced case can be viewed at City Hall, Second Floor, 410 Ludington Street, Escanaba, MI, Monday through Friday, 7:30 a.m. to 4:00 p.m.

Sincerely,

Blaine R. DeGrave, Ex-Officio
Escanaba Board of Appeals
(906) 786-9402

PROOF OF SERVICE – MAILING

This document was enclosed in sealed envelope, first class postage fully prepaid, and deposited in the U.S. Government Mail.

Addressee(s): «Name»

Mailing Date: May 25, 2016

Attested To By: Lisa M. Glish,
Escanaba City Hall

Mission Statement:



Enhancing the enjoyment and livability of our community by providing quality municipal services to our citizens.
The City of Escanaba is an equal opportunity employer and provider.

300 Feet from 3086 Lake Shore Drive - Kobasic

Name	Address	Address_2	City_State_Zip
St. Joseph's Cemetery		3026 Lake Shore Dr.	Escanaba, MI 49829
St. Ann's Cemetery		3026 Lake Shore Dr.	Escanaba, MI 49829
Land & Mineral Serv Division	Mdnr Office Of Financial Services	P O Box 30735	Lansing, MI 48909
Delta County Airport	Delta County	310 Ludington St - Ste. 171	Escanaba, MI 49829
Claude and Beverly Kobasic		Po Box 173	Escanaba, MI 49829
Escanaba Jehovahs Witnesses		3110 Lake Shore Dr.	Escanaba, MI 49829
Alan and Lois Lobsinger	P O Box 661	3085 Lake Shore Dr.	Escanaba, MI 49829
John and Mary Vrancic		3087 Lake Shore Dr.	Escanaba, MI 49829
Andrew and Heather Holmio		3109 Lake Shore Dr.	Escanaba, MI 49829
Daryl and Francis Prey		3105 Lake Shore Dr.	Escanaba, MI 49829

CITY OF ESCANABA BOARD OF APPEALS APPLICATION

PAK
✓ # 12546
\$200.00
5/15/16
UMS

5

All information must be completed in full before this application will be processed and scheduled for a Zoning Board of Appeals (ZBA) hearing.

PROPERTY OWNER(S):

Name(s): Beverly + Claude Kobasic
Address: PO Box 173 (4764 11.5 Rd)
City: Escanaba State: MI Zip: 49829
Phone: 906-786-5904 Fax: _____
E-Mail Address: bkobasic@wildblue.net

AGENT: (If not Property Owner)

If the Property Owner(s) will have an agent serve on his or her behalf, the owner(s) must complete the attached Letter of Authorization.

Name(s): _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____
E-Mail Address: _____

SUBJECT PROPERTY:

Street Address: 3086 Lakeshore DR. Escanaba, MI
Subdivision Name: _____ Lot Number(s): _____
Property Identification Number(s): 051-420-3501-400-015
Zoning District(s): _____

FEE:

The application fee is \$200.00. Make checks payable to the City of Escanaba.

CHECK ALL THAT APPLY:

To appeal an order, requirement, decision or determination of the Zoning Administrator when an error is alleged. You must attach a copy of the written determination of the Zoning Administrator that you are appealing. An appeal must be filed no later than thirty (30) days after the determination was rendered by the Zoning Administrator. The appeal must be filed with the Zoning Administrator.

To request a variance. Identify the type and amount of variance(s) below. Example: Five foot (5') reduction of the twenty-five (25') rear yard setback (use additional paper, if necessary). Please state below:

received
5 5 14

DESCRIBE THE REASON(S) FOR REQUESTING A VARIANCE FROM ZONING ORDINANCE REQUIREMENTS:

would like to build detached garage at rear of property prior to building house to work out of while building and to house tools + equipment as our present home will be sold.

DESCRIBE WHY THIS PROBLEM IS NOT SELF-CREATED:

—

DESCRIBE ANY NEGATIVE IMPACT TO THE ADJACENT PARCEL(S) THAT MAY RESULT FROM GRANTING OF THIS VARIANCE:

none

DOES THE PROPERTY POSSESS UNIQUE CHARACTERISTICS (NOT COMMON TO THE GENERAL AREA):

—

By signing below I certify that the information contained in this application is true and correct to the best of my knowledge and belief at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures, and that this application is a complete applicable submittal. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline meeting date.

Sueley Hobasie
Signature

05-05-16
Date

INSTRUCTIONS:

1. Have your completed Application turned into the Zoning Administrator's Office located at 410 Ludington Street, 2nd Floor by the first Tuesday of the month with the \$200 fee paid.
2. Clearly state in your request exactly what you are asking the Board for (e.g. time extension, use variance, set-back variance, over-turnment, etc.)
3. If you are requesting a time extension from the Board, have a completion date in mind.
4. When you appear before the Zoning Board, have all evidence and documentation concerning your appeal with you (e.g. any drawings or plans of any proposed change. If requesting a variance from yard set-back requirements, submit a plot plan indicating all set-backs).
5. Keep in contact with the Community Development and Planning Department so you can minimize any possible oversights or errors.
6. The complete appeal process will consist of an administrative review and an appearance before the Zoning Board. All neighbors within 300 feet of your property will be notified of the public hearing and may appear before the Board to voice any objections, support, or to further inquire.

**PROCEDURE FOR ZONING VARIANCE
FOR LAND USE OR FENCE PERMITS**
(Reference Ordinance No. 1028, Zoning Ordinance, Chapter 3., Board of Zoning Appeals)

