

**CITY OF ESCANABA**  
**ZONING BOARD OF APPEALS**  
**Official Minutes – Tuesday, April 16, 2024**

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**CALL TO ORDER**

A meeting of the Escanaba Zoning Board of Appeals (ZBA) was held on Tuesday, April 16, 2024 at 6:00 PM in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

*Chair Thorsen called the meeting to order at 5:59 PM.*

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**ROLL CALL**

Chair Brian Thorsen.....	Present	Mbr. Jon Liss.....	Absent
Vice Chair Christopher Renner.....	Present	Mbr. Don Curran.....	Present
Mbr. Paul Harvey.....	Present	Mbr. Richard Clark.....	Present

With five in attendance, a quorum of the ZBA was present.

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**ALSO PRESENT**

**City Administration:**

- Tyler Anthony, Planning & Zoning Admin
- Brianna Ecklid-LaVigne, Confidential Sec.
- Ronald Beauchamp, City Council Liaison

**Others:**

- Lisa Temple, 421 2<sup>nd</sup> Ave. S

3 other unnamed individuals were present.

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**AGENDA**

**Renner moved to approve the agenda as proposed. Curran seconded.**

**A voice vote was taken. MOTION PASSED.**

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**CONFLICT OF INTEREST DECLARATIONS**

Renner declared a conflict of interest; he owned land within 300 feet of the property subject to the variance request which was under review at this meeting. Thorsen noted that, per the Rules of Procedure, Renner had to leave the meeting room and wait until that business was finished.<sup>1,2</sup>

*Renner left the meeting at 6:01 PM.*

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**PUBLIC HEARINGS**

**PH1: Variance Petition – 421 2<sup>nd</sup> Avenue South**

Thorsen described the nature and process of public hearings before the ZBA. He then introduced the variance request.<sup>3</sup>

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<sup>1</sup> “Each member .. shall avoid situations that are conflicts of interest ... . As used here, a conflict of interest shall ... include ... issuing, deliberating on, voting on, or reviewing a case ... concerning work on land ... which is within 300 feet of land owned by [the member]” (sec. 301).

<sup>2</sup> “When a conflict of interest exists, the member ... shall[,] ... during deliberation [on a given item of business], leave the meeting room entirely until that [business] is completed” (sec. 302).

<sup>3</sup> See exh. A, PH1.

*Chair Thorsen opened the public hearing at 6:02 PM.*

Temple, the variance's applicant, presented her case. She purchased the property in March 2009. During that process, she had asked both her appraiser and the title company to explain why the property was tagged with "legal nonconforming"; both failed to explain this in detail and told her not to worry. Since that time, she had done lots of work to improve the property, including landscaping, garden work, and removal of junk.

After a year or so, Temple explained, she decided to erect a shed on the property. She had spoken with her neighbor, the then-owner of 415 2<sup>nd</sup> Ave. S, who found it to be a good idea. That neighbor then told her that their shared property line was in a row of shrubs between their lots.

Temple then reported to have called the City – likely the City Clerk's Office – for information about permits. She was told that, since the type she had considered was manufactured off-site, then no permit was needed.<sup>4</sup> With that, Temple had the accessory building moved onto the property along its east side.

The shed's placement only came into question after new owners moved into 415, two ownerships after the original neighbor, and 15 years after the shed was placed.<sup>5</sup> They had planned to do some yard work, and they had a "mortgage"-type survey done for their lot.<sup>6</sup> Through that survey, it was found that the property line was not in the shrubs, but closer to Temple's dwelling – this put her shed one foot over the line, into the neighbor's yard.

After this finding, Temple then approached Anthony, the Zoning Administrator, to see where on her lot she could move the shed. It was found that, due to the odd nature of her property and dwelling – including the fact that it was a corner lot – the only yard spaces left were front yards. Because of this, the only option was to apply to the ZBA for a variance.

Temple asked that her variance request be granted since she did not intend to break the law. She wished to fix the shed issue, and it seemed that moving it to another place on the lot was the only solution. Losing it would have been upsetting, since that was where she kept her garden tools. Given the hard work that Temple had done to improve the property – and several compliments therefor – she hoped that the ZBA would recognize this and allow her to continue working. Without the shed, she would not have had any place to store her tools.

Thorsen asked Temple if he correctly understood that she had an existing shed which was to be moved; she replied that he was correct.

Thorsen then sought discussion from Members. Clark assured Temple that she should not feel like a criminal over this case, given the known issues with the Zoning Ordinance. He added that she had obviously become well-versed in the Ordinance; Temple agreed, finding it a difficult text.

In addition to Temple's presentation, Members also considered a single written comment.<sup>7</sup>

*With no further comments, Chair Thorsen closed the public hearing at 6:18 PM.*

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<sup>4</sup> Permits have always been required for accessory buildings, site-built or not. However, with the City's historic administrative performance, it is very possible that Temple was told this falsehood.

<sup>5</sup> Temple had reported these neighbors for a possible zoning violation. Indeed, a violation was present, and it was resolved. This did, however, draw attention to her own shed.

<sup>6</sup> See exh. A, NBI att. 1.

<sup>7</sup> See exh. B.

Anthony noted a suggestion he had for this case. The shed also ran afoul of lot coverage limits, and he felt that it made sense to address that matter, too. Brief discussion ensued.

**Clark offered, Curran seconded:**

**RESOLUTION No. 24-01  
RESOLUTION TO ESTABLISH FACTS  
IN THE MATTER OF CASE No. ZBA24-0001**

**RESOLVED**, That the Zoning Board of Appeals, in the matter of Case No. ZBA24-0001, has made these findings of fact:

1. Lisa Temple, hereinafter ‘the Applicant’, submitted a request for variance, hereinafter ‘the Request’, which would grant permission to place an accessory building in front yard space;
2. The Applicant made the Request for the following described property, hereinafter ‘the Property’:  
The west 75 feet of Lot 6 of Block 17 of the Original Plat of the City of Escanaba, as recorded in Liber ‘A’ of Plats, Page 74, Delta County Records, Parcel No. 051-010-2929-336-001, Commonly known as 421 2<sup>nd</sup> Avenue South;
3. The Applicant is the Property’s owner;
4. Placement of accessory buildings in front yards is prohibited by section 509.2 of the Zoning Ordinance;
5. A dwelling on the Property is located such that there is no rear or side yard;
6. The Property was created on the 26<sup>th</sup> of July 1927, wherein the west 75 feet of the lot were granted to another person by that owner of the remaining east 65 feet of the lot;
7. The Zoning Ordinance was adopted on the 12<sup>th</sup> of April 1929;
8. An accessory building which will be subject to a variance in this case is 32 square feet in area; and
9. The remaining allowable lot coverage, exclusive of any accessory building, is 10 square feet per section 507 of the Zoning Ordinance.

**A roll call vote was taken with the following results:**

**Yes: Curran, Thorsen, Harvey, Clark;**

**No: None;**

**Absent: Renner, Liss;**

**MOTION PASSED.**

**Clark offered, Curran seconded:**

**RESOLUTION No. 24-02  
RESOLUTION TO MAKE CONCLUSIONS AND ISSUE A DECISION  
IN THE MATTER OF CASE No. ZBA24-0001**

Whereas, The Zoning Board of Appeals, in the matter of Case No. ZBA24-0001, made certain findings of fact; therefore, be it

**RESOLVED**, That the Applicant has shown a practical difficulty by demonstrating that:

1. Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the Applicant from using the Property for a permitted purpose;
2. A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
3. The plight of the Applicant is due to unique circumstances of the Property; and
4. The problem was not self-created;

**RESOLVED**, That the Zoning Board of Appeals approves the Request; and

**RESOLVED**, That the following conditions are imposed:

1. No accessory building shall be placed any closer to 2<sup>nd</sup> Avenue South than the Property's dwelling;
2. All other requirements which apply to accessory buildings shall be followed.

**A roll call vote was taken with the following results:**

**Yes: Curran, Thorsen, Harvey, Clark;**

**No: None;**

**Absent: Renner, Liss;**

**MOTION PASSED.**

Thorsen congratulated Temple on the granting of her variance.

*Renner reentered the meeting at 6:27 PM.*

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#### **PUBLIC COMMENT ON AGENDA ITEMS**

None.

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#### **HOUSEKEEPING BUSINESS**

Thorsen noted that there were no minutes to approve. Anthony explained that the April 2<sup>nd</sup> regular meeting was accidentally canceled instead of being rescheduled. This meeting was then scheduled as a special one. With that, the ZBA had to wait until the next regular meeting to conduct regular business, such as approving minutes.

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#### **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

None.

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#### **ADJOURNMENT**

**Curran moved to adjourn the meeting. Harvey seconded.**

**A voice vote was taken. MOTION PASSED.**

The meeting adjourned at 6:29 PM.

**EXHIBITS TO THESE MINUTES**

- A. The meeting agenda and packet
- B. Tami Lynaugh-Kenny, *Special meeting dated 4/16/24 for variance located at 421 2<sup>nd</sup> Ave S*

**APPROVAL**

I, Tyler Anthony, Secretary of the Escanaba Zoning Board of Appeals, hereby certify that the foregoing constitutes the true and complete proposed minutes of a meeting of the Zoning Board of Appeals of the City of Escanaba, County of Delta, State of Michigan, held on 16 April 2024; that I have reviewed said proposed minutes; and that said proposed minutes shall be made publicly available.

REVIEWED:

  
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 Tyler Anthony, Secretary  
 Escanaba Zoning Board of Appeals

Draft reviewed on: 4/18/2024

Draft available on: 4/18/2024

I, Brian Thorsen, Chair of the Escanaba Zoning Board of Appeals, hereby certify that the foregoing proposed minutes are now approved; that these approved minutes shall be made publicly available; and that all the foregoing was/is made/given/kept in accordance with the Open Meetings Act (MCL 15.261 et seq.), the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), said City's Code of Ordinances, and said Board's Rules of Procedure.

APPROVED:

\_\_\_\_\_  
 Brian Thorsen, Chair  
 Escanaba Zoning Board of Appeals

Final approved on: \_\_\_\_\_

Final available on: \_\_\_\_\_