



Brian Thorsen, Chair  
Don Curran, Member  
Tyler Anthony, Planning & Zoning

Christopher Renner, Vice Chair  
Paul Harvey, Member

Richard Clark, Member  
Jon Liss, Member  
Ronald Beauchamp, City Council

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## ZONING BOARD OF APPEALS

### Special Meeting Agenda – Tuesday, April 16, 2024, 6:00 PM

Council Chambers, Rm. 104 – Escanaba City Hall – 410 Ludington Street, Escanaba, MI 49829

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**CALL TO ORDER**

**ROLL CALL**

**APPROVAL/ADJUSTMENT TO AGENDA**

**CONFLICT OF INTEREST DECLARATIONS**

**PUBLIC HEARINGS**

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

The ZBA will hear a variance request from Lisa Temple. The applicant requests a variance from the restriction against accessory buildings in front yard space. Currently, no accessory buildings are allowed in front yards per Zoning Ordinance Sec. 509.2.

**PUBLIC COMMENT ON AGENDA ITEMS NOT HAVING A PUBLIC HEARING**

**HOUSEKEEPING BUSINESS**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

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

**ADJOURNMENT**

Respectfully submitted,

Tyler Anthony  
Planning & Zoning Administrator  
On behalf of the Zoning Board of Appeals



Brian Thorsen, Chair  
Don Curran, Member  
Tyler Anthony, Planning & Zoning

Christopher Renner, Vice Chair  
Paul Harvey, Member

Richard Clark, Member  
Jon Liss, Member  
Ronald Beauchamp, City Council

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## ZONING BOARD OF APPEALS

### Public Participation Procedures

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The City of Escanaba will provide all necessary, reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon five days' notice to the City of Escanaba Clerk's Office by writing or calling (906) 786-9402.

Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any material shall be made available without cost to members of the public by request before the meeting.

Preference will be given to those persons who have notified the City in advance of the meeting. Such preference will be done by placing a person's name on the agenda, and they will be recognized by the presiding officer without further action. To have a name placed on the agenda, please contact the Planning & Zoning Department at least seven days before the meeting.

During the agenda item, when the floor is opened for public comment by the chair, individuals wishing to comment should:

1. Approach the podium.
2. Speak into the microphone.
3. State your full name and address for the record (providing spelling as necessary)
4. Direct all comments/questions to the Chairperson only.
5. Be guided by the following time limits:
  - Petitioner/aggrieved party – 15 minutes (unless amended by the Chair)
  - General public – 3 minutes (unless amended by the Chair)

The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson.

Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Zoning Board of Appeals, may be requested to leave the podium.

The Zoning Board of Appeals may be addressed regarding their business at any time by direct mail or by addressing the Planning & Zoning Department.



**Zoning Board of Appeals**  
 PO Box 948 - 410 Ludington St., Second Floor  
 Escanaba, MI 49829  
 906-789-7302

**AGENDA ITEM REPORT**  
**Tuesday, April 16<sup>th</sup>, 2024, 6:00 PM**

**PH1: VARIANCE REQUEST, 421 2<sup>ND</sup> AVENUE SOUTH**

The ZBA will hear a variance request from Lisa Temple. The applicant requests a variance from the restriction against accessory buildings in front yard space. Currently, no accessory buildings are allowed in front yards per Zoning Ordinance Sec. 509.2

**BACKGROUND**

<i>Case #</i>	ZBA24-0001	<i>Property Owner:</i>	Lisa Temple
<i>Tax Parcel #</i>	051-010-2929-336-001	<i>Applicant:</i>	Lisa Temple
<i>Address:</i>	421 2 <sup>nd</sup> Avenue South	<i>Zoning District:</i>	A – Single-Family

*Property Description:*  
 West 75’ of Lot 6 of Block 17 of the Original Plat.

**Variations**

The Zoning Board of Appeals, in accordance with Sec. 304.2, may authorize a dimensional variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in practical difficulty (Sec. 303.1.3).

The Zoning Board of Appeals may authorize upon appeal in specific cases such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in practical difficulty in accordance with this section. A variance from the terms of the Ordinance shall not be granted by the Zoning Board of Appeals unless and until all requirements of the variance process are fulfilled (Sec. 304.2).

**Application History**

An application to appear before the Zoning Board of appeals was received on November 20, 2023, although it was incomplete. A second, complete application was received the following day, November 21, and the appropriate fees were paid. Since this application was not appealing any administrative decision, there is no 15-day filing requirement to be met.

**Public Hearing Notices**

The Zoning Administrator shall set and notice a public hearing in accordance with Section 201.5 and transmit to the Zoning Board of Appeals all papers and records regarding the appeal (Zoning Ordinance Sec. 304.2.2).



## Zoning Board of Appeals

PO Box 948 - 410 Ludington St., Second Floor  
Escanaba, MI 49829  
906-789-7302

Public hearing notification requirements have been fulfilled as follows:

- Newspaper notice: 29 March 2024.
- Mailed notice: 26 March 2024.

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### ANALYSIS

The Zoning Board of Appeals shall make findings that a “practical difficulty” has been shown by the applicant by finding that all of the following requirements have been met by the applicant for a variance (Sec. 304.2.3).<sup>1</sup>

To more concisely approach this case, the ZBA might do well to observe a higher court’s variance approach. The Michigan Court of Appeals has applied the following principles in cases on variances:

1. To obtain a dimensional variance, the applicant must show practical difficulty by demonstrating that:
  - (a) Strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
  - (b) 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;
  - (c) The plight of the owner is due to unique circumstances of the property; and
  - (d) The problem was not self-created.
2. The ZBA must ensure that the “spirit of the zoning ordinance is observed, public safety secured, and substantial justice done” (MCL 125.604(7)).

### Staff Opinion

The root issue here is that the dwelling on the property is a nonconforming building. Since the original Zoning Ordinance was adopted on April 12, 1929, there existed a chance that the building was illegal from the start. However, this was disproven when the dwelling was found on a Sanborn Fire Insurance map dated November 1921.<sup>2</sup> It is worth noting, however, that two addresses are shown for the dwelling (421 2<sup>nd</sup> Ave. S, 303 S 5<sup>th</sup> St.), and for a second dwelling at the full lot’s rear (415 2<sup>nd</sup> Ave. S), which is now on a separate, partial lot.

Speaking of 415 2<sup>nd</sup> Ave. S, that partial lot was created by a split done through a deed from July

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1 See attachment 2.

2 See attachment 3.



## Zoning Board of Appeals

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1927.<sup>3</sup> This, then, also dates to before the original Zoning Ordinance. Given these facts, the current lack of rear and side yards is cemented as a nonconforming status for the dwelling. It is also worth noting that this status evolved nearly a century ago, well before Lisa Temple owned it.

Because the lot is a corner one, the lot lines on 2<sup>nd</sup> Ave. S and S 5<sup>th</sup> St. are considered front lot lines, with front setbacks taken from each. This also means that the space between those front lot lines and the dwelling are front yard spaces. Per Zoning Ordinance sec. 509.2, “detached accessory buildings shall not occupy front yard space.”<sup>4</sup> But since the only usable yards on the property are front yards, there is nowhere to place an accessory building. The vast majority of properties in the City have rear yards large enough to accommodate an accessory building, and a good number of them have side yards in the same way. It is incredibly rare to find a dwelling without a rear yard.

The questions, then, are:

1. Is the owner unreasonably prevented from placing an accessory building on the property?
2. Would a variance do substantial justice to the owner and to others in the A – Single-Family zoning district?
3. Is the owner’s plight due to unique circumstances of the property? and
4. Is the problem self-created?

From the staff perspective:

1. The owner is unreasonably prevented from placing an accessory building. This is because there are no acceptable yards on the property which could be used for such a building.
2. A variance would indeed do substantial justice to the owner and to others zoning district. Since most other properties in the A – Single-Family zoning district can (and do) have accessory buildings, justice is not done by denying such an ability to this owner.
3. The owner’s plight is due to unique circumstances of the property. Since rear and side yards were gone by the time our Zoning Ordinance was adopted, no accessory building could have ever been placed on this property – so long as the dwelling remained.
4. The problem was not self-created. Again, these conditions have existed since day one of the Zoning Ordinance, plus two years.

With all of this in mind, it is staff’s opinion that a variance should be granted in this case.

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## RECOMMENDATIONS

- 3 See attachment 4.
- 4 See attachment 5.



## **Zoning Board of Appeals**

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### **1. Determine findings of fact**

When the ZBA has weighed all relevant information, they must make findings of fact. Sample language:

*"I move to adopt the following resolution:*

*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 26 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; and*
- 7. The Zoning Ordinance was adopted on 12 April 1929.*

### **2. Make conclusions and issue a decision**

Given the facts, the ZBA must then make conclusions based on the findings of fact and issue a decision on the case. Sample language:

*"I move to adopt the following resolution:*

*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."*



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### ATTACHMENTS

1. Zoning Ordinance Variance Application, 421 2<sup>nd</sup> Ave. S (including attached documents)
2. City of Escanaba, Michigan, *City Code of Ordinances*, appdx. A, sec. 304.2.3
3. Sanborn Map Company, *Sanborn Fire Insurance Map from Escanaba, Delta County, Michigan*, November 1921, 19
4. County of Delta, Michigan, *Liber 87 of Deeds*, 284
5. City of Escanaba, Michigan, *City Code of Ordinances*, appdx. A, sec. 509.2

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## ZONING ORDINANCE VARIANCE APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

### PROPERTY IDENTIFICATION

Address

421 2nd Ave S

Parcel #

051-010-2929-336-001

**VARIANCES.** The Zoning Board of Appeals may authorize a dimensional variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty.

**TIME LIMIT.** An appeal shall only be considered if filed within fifteen (15) days after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the Zoning Administrator shall be considered final.

**REPRESENTATION AT HEARING.** The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the direction of the Board.

**PUBLIC HEARING NOTICE.** Notice of the public hearing will be made to property owners within 300 feet of the appealed property, as well as published in the newspaper so that they may appear before the Zoning Board of Appeals to voice any objections, support, or to further inquire.

**CIRCUIT COURT REVIEW.** A decision of the Zoning Board of Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision of the Zoning Board of Appeals may appeal to the Circuit Court if such appeal is made to the Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing, or within twenty-one (21) days after the Zoning Board of Appeals approves its minutes.

Further information regarding the Zoning Board of Appeals is outlined in Chapter 3 of the City Zoning Ordinance. The Ordinance can be found on our website at [escanaba.org](http://escanaba.org).

### VARIANCE DESCRIPTION

Please describe the standard(s) from which you are petitioning for a variance, the practical difficulty stemming from those standards, and any other relevant information.

Attach any evidence you may need to this application.

Ordinance section(s) (i.e.: 505.2.3)

505.1.1, 505.2, 505.3, 509.1, 509.2, 509.3, 509.4

Description of Variance

Property is non-conforming (legal) per title conveyed upon purchase. Lot is smaller than typical with house set on rear and side lines without currently legal setbacks leaving 1-2 1/2 feet on each property line per recent survey by neighbor. Essentially there is no rear or side yard per ordinance requirements as home is on a corner lot. Accessory building cannot be placed anywhere on this non-conforming lot that complies with setbacks. Building is a garden/storage shed, 4' x 8' wide. Requesting a variance in order to place accessory building on west side of home, toward rear line+forward.

You may submit this form in person, by USPS or by email. Please make checks payable to "City of Escanaba".

Credit cards may be accepted in-person.

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Additional processing fee applies.

PHI

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## ZONING ORDINANCE VARIANCE APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

### REQUIRED STANDARDS OF REVIEW

The Zoning Board of Appeals shall make findings that a "practical difficulty" has been shown by the applicant by finding that all the following requirements have been met by the applicant for a variance. If your case does not meet all these standards, it is likely that your variance will be denied.

#### Special Conditions and Circumstances Unique to the Land, Structure, or Building.

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.

There is no side or rear yard for accessory building to be placed due to non-conforming set backs of existing house. Corner lot is considered two front yards.

#### Rights of Similar Properties in the Same Districts.

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other similar properties in the same district under the terms of this Ordinance.

Literal interpretation of the ordinance would deprive me of the right to an accessory building used for storage of lawn + garden equipment + tools, which are used for property maintenance + landscape maintenance.

#### Not a Result of Actions of the Applicant.

That the special conditions and circumstances do not result from the actions of the applicant.

This property was identified as legal non-conforming when acquired in 2009. House was already there since 1928, and not a result of my actions.

#### Special Privileges Prohibited.

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

No special privileges will be conferred, none requested beyond variance to locate accessory building in the only place it will fit.

#### Comparison to Other Lands, Structures, or Buildings Not a Factor.

That no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be grounds for the issuance of a variance.

I am not aware of other uses pertaining to this request.

You may submit this form in person, by USPS or by email. Please make checks payable to "City of Escanaba".

Credit cards may be accepted.

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additional processing fee applies.

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## ZONING ORDINANCE VARIANCE APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

### Strict Compliance is Unnecessarily Burdensome.

That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons.

Strict compliance is not possible and thus creates an un-reasonable burden. Area, setbacks + street frontage requirements cannot be met per current ordinance due to lot size + home placement on lot.

### Substantial Justice.

That a variance would do substantial justice to the applicant, as well as to other property owners in the district (the ZBA, however, may determine that a reduced relaxation would give substantial relief and be more just).

Granting this variance would allow the use of an accessory building. It is important to me to keep my yard clean, attractive + maintained. Proper storage of tools + maintenance items keeps property neat for neighbors.

### Impact.

That the proposed variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets; that the variance will not increase the hazard of fire or flood or endanger public safety; that that the variance will not unreasonably diminish or impair established property values within the surrounding area; and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Variance will not impair light, air, traffic patterns + would not create hazards. I do not believe it will diminish property values or otherwise injure neighbors or the public. It will create a positive impact by enhancing

### Minimum Variance Necessary.

That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Minimum variance of 8x8 square foot print (includes pad for accessory building) will make possible the reasonable use of land + structure.

### Purpose and Intent of the Zoning Ordinance.

That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance.

This variance will be in harmony with purpose stated in section 101.2, especially health, safety, comfort + convenience. Orderly development is important in this case to properly + safely store outdoor items.

You may submit this form in person, by USPS  
Credit cards may be accepted in-p

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Checks payable to "City of Escanaba".  
Additional processing fee applies.

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## ZONING ORDINANCE VARIANCE APPLICATION

Planning & Zoning Department – City of Escanaba

906-786-9402 – permits@escanaba.org – 410 Ludington St. Escanaba, MI 49829

### FEE, CONTACT INFORMATION, & AGREEMENT

Fee due upon submittal: **\$400**

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 the submittal requirements and procedures, and that this application is complete. I further understand that an incomplete submittal may cause my application to be deferred.

If any of these entities are a company and not an individual, write: "Company Name (Contact's Name)"

Owner Name: Lisa M Temple      Email: Ltemple421@yahoo.com

Address, City, State, ZIP: 421 2nd Ave S, Escanaba, MI 49829      Phone: 906-282-3683

Signature: Lisa M Temple      Date: 03/01/2024

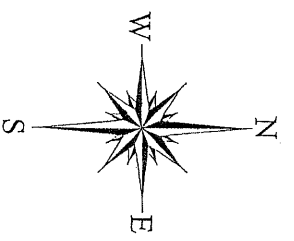
Applicant or Representative (if not the Owner) Name:      Email:

Address, City, State, ZIP:      Phone:

Signature:      Date:

\*\*\*\*\* THIS SECTION FOR STAFF USE ONLY \*\*\*\*\*

Date Submitted: 3/1/24      Application correct?  Yes  No      Receipt #: 93799999      Case #: PZBA24-0001

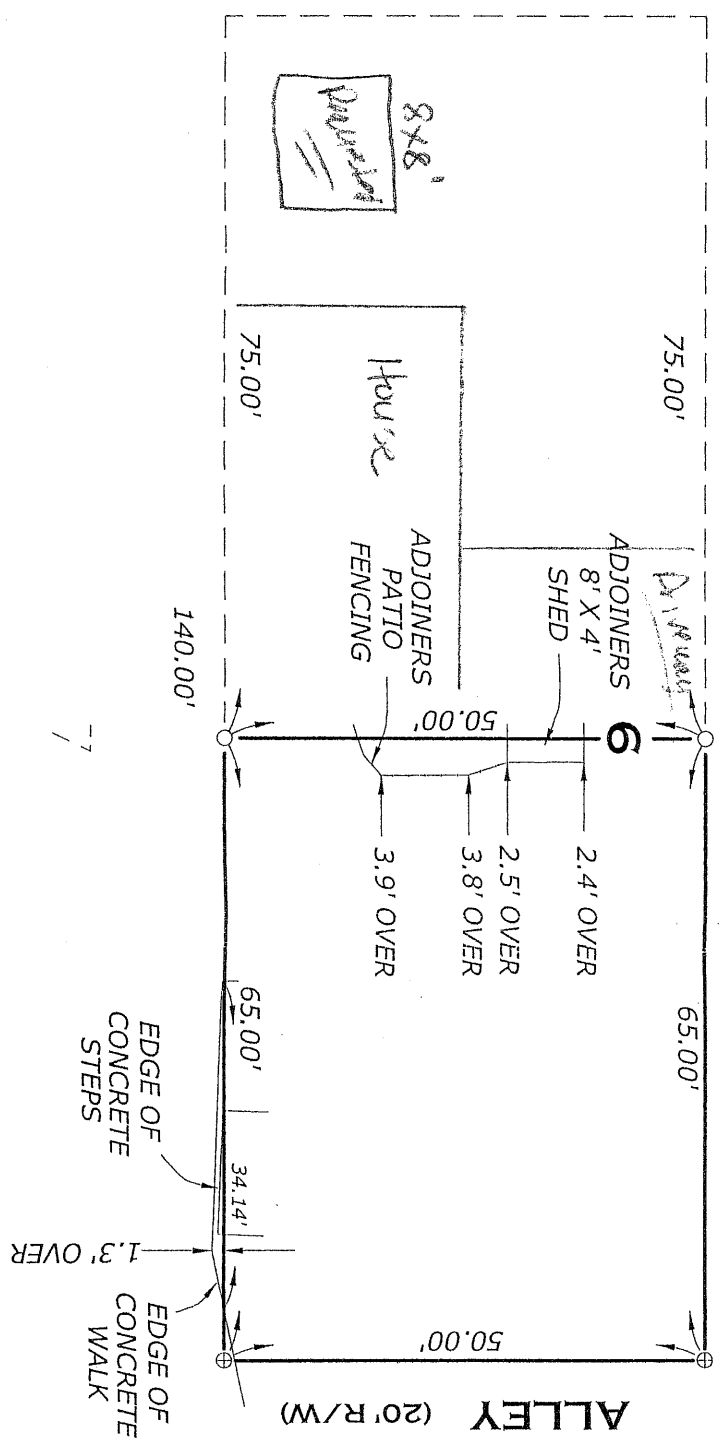


SCALE: 1"=20'

ORIGINAL PLAT OF CITY OF ESCANABA  
RECORDED IN LIBER "A" OF DEEDS PAGE 74.

Plat of Survey of  
**East 65.0' feet of Lot 6 of Block 17 of**  
**Original Plat of**  
City of Escanaba  
Delta County, Michigan

**SECOND AVENUE SOUTH (80' R/W)**  
140.00'

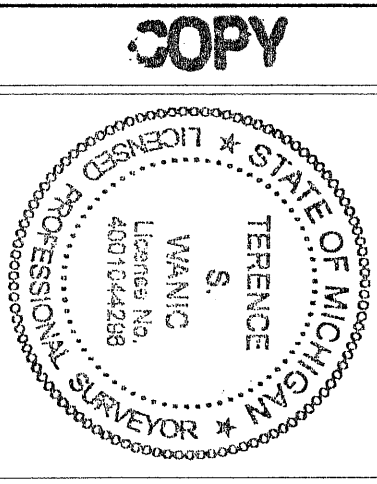


JOB NUMBER	23219-2306
SURVEY FOR	PAULA SHAPPY
SUBJECT	BOUNDARY SURVEY
DATE OF SURVEY	JUNE 23, 2023
DATE OF MAPPING	JUNE 23, 2023
CERTIFICATE OF SURVEY TO:	PAULA SHAPPY

I, TERENCE S. WANIC, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY: 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 THE SURVEY IS LESS THAN THE RATIO OF 1 PART IN 10,000.

*Terence S. Wanic* 6/23/23

TERENCE S. WANIC, Professional Surveyor No. 44296



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**DAVIS**  
LAND SURVEYORS, P.C.

1410 Ludington Street  
Escanaba, Michigan 49829  
Phone (906)786-1755,  
Fax 786-6487  
info@daviswanic.com

- LEGEND
- INDICATES A LINE NOT DRAWN TO SCALE
  - IRON MONUMENTS SET
  - IRON MONUMENTS FOUND
  - CONC. MONUMENTS SET
  - CONC. MONUMENTS FOUND
  - ⊕ CHISELED CROSS IN CONCRETE
  - (M) MEASURED DISTANCE AND/OR BEARING
  - (R) RECORDED DISTANCE AND/OR BEARING
  - ⊕ SECTION CONTROL CORNERS

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**Notice of Assessment, Taxable Valuation, and Property Classification**

This form is issued under the authority of P.A. 206 of 1893, Sec. 211.24 (c) and Sec.211.34c, as amended. This is a model assessment notice to be used by the local assessor.

FROM: CITY OF ESCANABA ASSESSOR'S OFFICE PO BOX 948 ESCANABA, MI 49829	<b>PARCEL IDENTIFICATION</b>  PARCEL NUMBER: <b>051-010-2929-336-001</b>  PROPERTY ADDRESS: <b>421 2ND AVE S</b> <b>ESCANABA, MI 49829</b>
OWNER'S NAME & ADDRESS/PERSON NAMED ON ASSESSMENT ROLL:  TEMPLE LISA M 421 2ND AVE S ESCANABA MI 49829-3935	<b>PRINCIPAL RESIDENCE EXEMPTION</b> % Exempt As "Homeowners Principal Residence": <b>100.00%</b> % Exempt As "Qualified Agricultural Property": <b>.00%</b> % Exempt As "MBT Industrial Personal": <b>.00%</b> % Exempt As "MBT Commercial Personal": <b>.00%</b> Exempt As "Qualified Forest Property": <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Exempt As "Development Property": <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

LEGAL DESCRIPTION:  
W 75 FT OF LOT 6 OF BLK 17 OF THE ORIGINAL PLAT

**ACCORDING TO MCL 211.34c THIS PROPERTY IS CLASSIFIED AS: 401 (RESIDENTIAL-IMPROVED)**

**PRIOR YEAR'S CLASSIFICATION: 401 (RESIDENTIAL-IMPROVED)**

The change in taxable value will increase/decrease your tax bill for the 2024 year by approximately: <b>\$77</b>	PRIOR AMOUNT YEAR: <b>2023</b>	CURRENT TENTATIVE AMOUNT YEAR: <b>2024</b>	CHANGE FROM PRIOR YEAR TO CURRENT YEAR
1. TAXABLE VALUE:	36,695	38,529	1,834
2. ASSESSED VALUE:	43,200	48,500	5,300
3. TENTATIVE EQUALIZATION FACTOR:           1.000			
4. STATE EQUALIZED VALUE (SEV):	43,200	48,500	5,300
5. There WAS or WAS NOT a transfer of ownership on this property in2023 <b>WAS NOT</b>			

**6. Assessor Change Reason:**

**The 2024 Inflation rate Multiplier is: 1.05**  
 Questions regarding the Notice of Assessment, Taxable Valuation, and Property Classification may be directed to the Following:

Name: JAMES MCNEIL	Phone: (906) 789-7321	Email Address:
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**March Board of Review Appeal Information. The board of review will meet at the following dates and times:**  
 THE CITY OF ESCANABA BOARD OF REVIEW WILL MEET: MONDAY, MARCH 11TH, BY APPOINTMENT ONLY FROM 9:00AM - NOON & 1:00PM - 4:00PM. CALL (906) 789-7321 OR (906) 789-7322 TO SET UP AN APPOINTMENT. WEDNESDAY, MARCH 13TH, WALK-IN ONLY FROM 2:00PM - 5:00PM & 6:00PM - 9:00PM. MEETINGS WILL BE HELD AT ESCANABA CITY HALL ROOMS 101 AND 102, 410 LUDINGTON ST.  
 YOU MAY SUBMIT A LETTER AND PETITION TO THE CITY ASSESSORS OFFICE IF YOUR LETTER IS RECEIVED PRIOR TO BOARD OF REVIEW MEETINGS. CONTACT THE ASSESSORS OFFICE FOR PETITION ASSISTANCE OR ANY QUESTIONS RELATED TO THIS NOTICE OF ASSESSMENT.



August 8, 2023

TEMPLE LISA M  
421 2<sup>nd</sup> Ave S  
Escanaba, MI 49829

re: Accessory Building

Lisa,

I kindly ask that you make an appointment to visit this office at your earliest convenience. We have found that your accessory building, the shed in your driveway, has presented some issues. In addition to not having a permit, it encroaches into your neighbor's yard by 2.5 feet, and exceeds allowable lot coverage by 22 square feet. See the enclosed survey for notes of this encroachment. Please do not be alarmed. I only wish to work with you towards a solution.

Best regards,

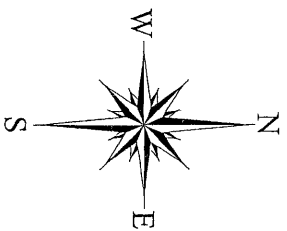
A handwritten signature in black ink that reads "Tyler Anthony". The signature is written in a cursive style.

Tyler Anthony  
Planning & Zoning Administrator

encl: Survey (E 65', Lot 6, Block 17, Original Plat, dated June 23, 2023)





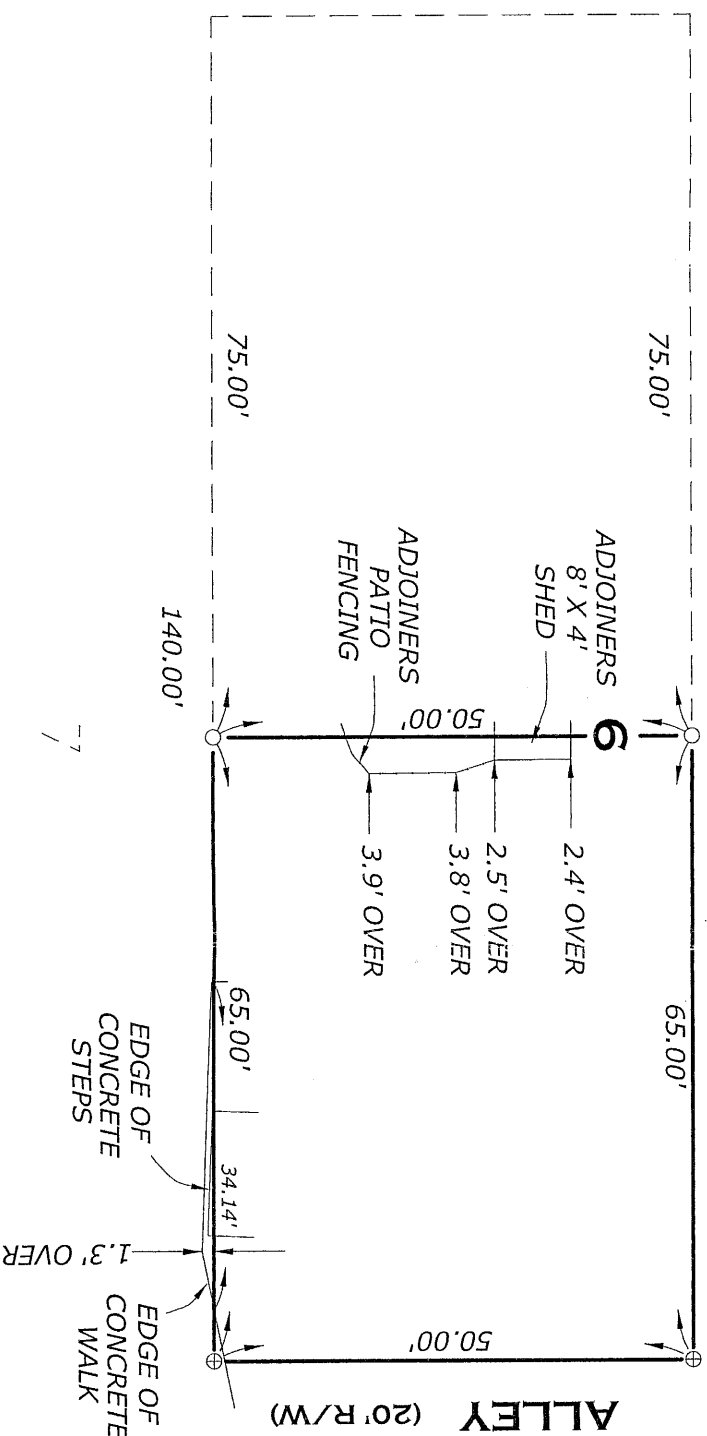


SCALE: 1"=20'

ORIGINAL PLAT OF CITY OF ESCANABA  
RECORDED IN LIBER "A" OF DEEDS PAGE 74.

Plat of Survey of  
**East 65.0' feet of Lot 6 of Block 17 of**  
**Original Plat of**  
City of Escanaba  
Delta County, Michigan

**SECOND AVENUE SOUTH** (80' R/W)  
140.00'

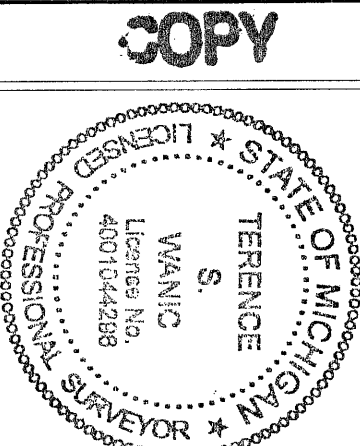


JOB NUMBER	23219-2306
SURVEY FOR	PAULA SHAPY
SUBJECT	BOUNDARY SURVEY
DATE OF SURVEY	JUNE 23, 2023
DATE OF MAPPING	JUNE 23, 2023
CERTIFICATE OF SURVEY TO:	PAULA SHAPY

I, TERENCE S. WANIC, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY, 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 THE SURVEY IS LESS THAN THE  $\frac{1}{10,000}$  PART OF THE TOTAL SURVEYED DISTANCE.

*Terence S. Wanic* 6/23/23

TERENCE S. WANIC, Professional Surveyor No. 44296



17 of 31  
PHI

**PAVINS**  
LAND SURVEYORS, P.C.  
1410 Ludington Street  
Escanaba, Michigan 49829  
Phone (906)786-1755,  
Fax 786-6487  
info@daviswanic.com

LEGEND

- INDICATES A LINE NOT DRAWN TO SCALE
- IRON MONUMENTS SET
- IRON MONUMENTS FOUND
- CONC. MONUMENTS SET
- CONC. MONUMENTS FOUND
- ⊕ CHISELED CROSS IN CONCRETE
- (M) MEASURED DISTANCE AND/OR BEARING
- (R) RECORDED DISTANCE AND/OR BEARING
- ⊕ SECTION CONTROL CORNERS

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# ZONING ANALYSIS WORKSHEET

NOTE: THIS IS NOT A ZONING PERMIT.

For preliminary informational purposes only. See full Zoning Ordinance for full regulations.

Measurements for this analysis are based on GIS maps and other available data and are not guaranteed to be accurate. Measurements for zoning projects are taken to DRIP EDGES of structures (not walls/foundations).

Date  Requested by  Property Address

## PROPERTY INFORMATION

Zoning District

### Lot Dimensions/Type

Lot Type:  Corner Lot?  Yes

Regular Lot: Width  Depth  Total Area

Irregular Lot:  Total Area

### Existing Structures

	Description	s.f.	Rear Yard?
#1	House	1,302	No
#2	Shed	32	No
#3			

Total Existing Structure Area

Rear Yard Existing Structure Area

### Easements/Right-of-Ways

## LOT DENSITY

### Maximum Buildable Area - Total Property

3,750 x 0.35 = Max. Buildable Area - Total Property

1,313 - 1,334 = Remaining Buildable Area - Total Property

### Maximum Buildable Area - Rear Yard

Note: If 50% of rear yard is greater than total property remaining area, rear yard building area will be limited to the total remaining buildable area.

50 x  x 0.5 = 70 s.f. Max. Area - Rear Yard

70 - 0 = 70 Remaining Buildable Area - Rear Yard

## SETBACKS (Primary Structure)

### Front Yard

75 x 0.35 = 26.25 ft. Front Setback

### Side Yard

Individual side: 10% of lot width (min. 4'/max. 15')  
Both sides together: 25% of lot width (max. 45')  
On corner lots, both sides abutting streets must follow front yard setbacks

Ind. Sides 50 x 0.1 = <sup>19 of 31</sup> PHI Side Setback - Ind.

Both Sides 50 x 0.25 = 12.5 ft

Side Setback - Both 12.5 ft.

(Note: If Side 1 = 5.0 ft. Then Side 2 must be at least 7.5 ft.)

**Rear Yard**

505.3.1 20' (+ 4' per story over 1 story)

Stories 1 Rear Setback 20 ft.

**BUILDING HEIGHT (Primary Structure)**

**Maximum Height**

508.1 Dwelling = 35' max  
Non-Dwelling = 45' max.

**ACCESSORY STRUCTURES**

**Distance Between Buildings**

509.1 10' from any dwelling situated on the same lot and 6' from any other building on adjacent lot or accessory building on the same lot.

**Front Yard Space**

509.2 May not occupy front yard space.

**Side Yard Space**

509.3 May occupy that portion of the side yard which is in excess of the side yard requirements for the primary building.

**Side Yard Setback**

509.5 3' from side property line

**Rear Yard Setback**

509.5 5' from rear property line

**Maximum Height - Accessory Structure**

509.6 Private Garage - 18' max.  
Other Accessory Structure - 12' max.

**Materials**

NA NA

**SUMMARY/NOTES**

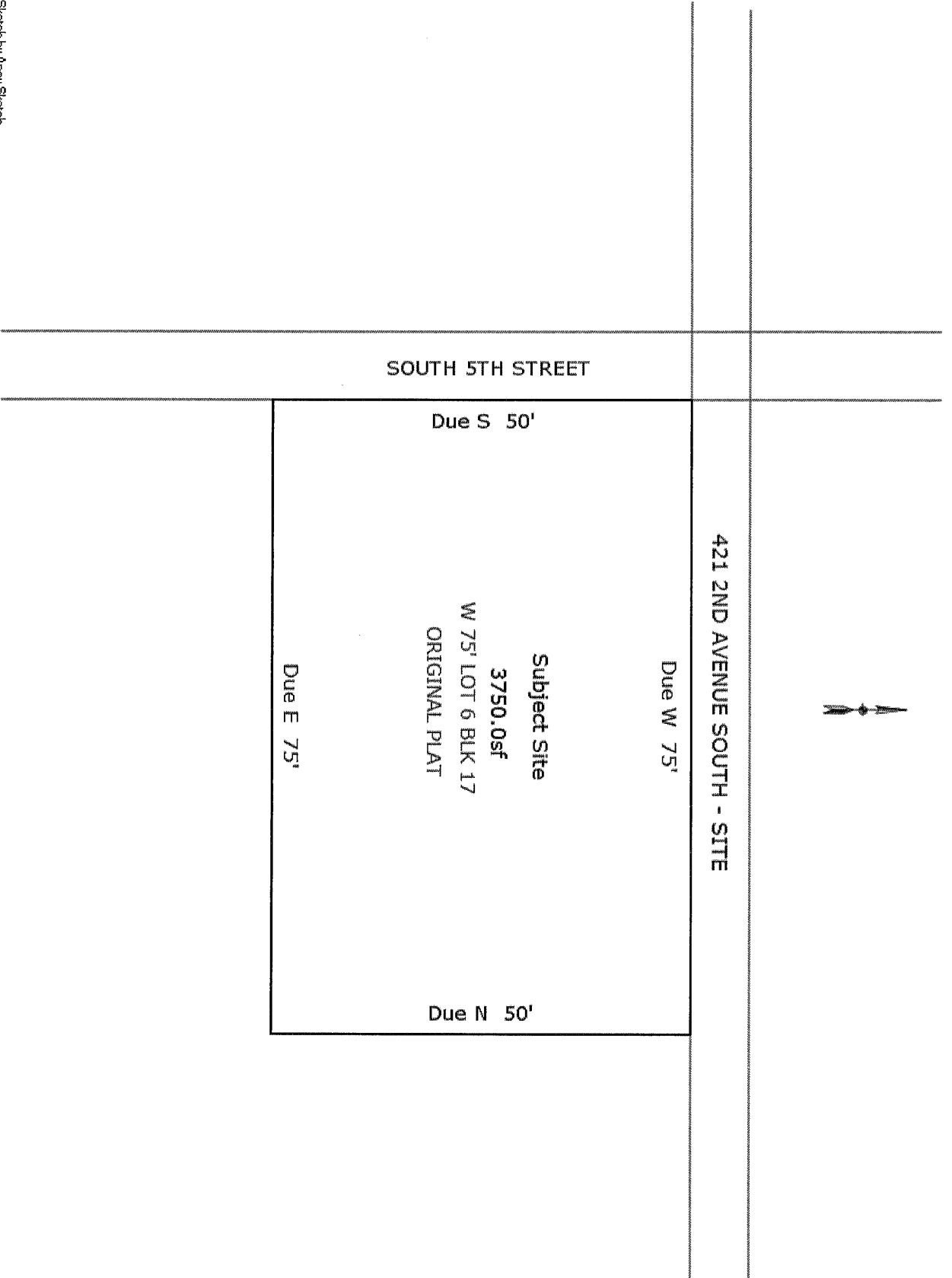
[Empty box for summary/notes]

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Libers & Page	Verified By	Pront. Trans.
BOCKMAN LINDA J	TEMPLE LISA M	39,000	03/20/2009	WD	03-ARM'S LENGTH	947/322	DEED	0.0
GADNIS MARGARET M	BOCKMAN LINDA J	53,500	09/06/2006	WD	03-ARM'S LENGTH	858/300	DEED	0.0
	GADNIS	0	12/06/1985	WD	03-ARM'S LENGTH	291/42	DEED	0.0
Property Address		Class: RESIDENTIAL-IMPRO		Zoning: A SIN		Building Permit(s)		Status
421 2ND AVE S		School: ESCANABA AREA PUBLIC SCHOOLS		P.R.E. 100% 03/20/2009				
Owner's Name/Address		Map #:		2024 Est TCV 89,404 TCV/TFA: 68.67				
TEMPLE LISA M 421 2ND AVE S ESCANABA MI 49829-3935		X Improved		Vacant				
Tax Description		Public Improvements		Land Value Estimates for Land Table 07.RES 7				
W 75 FT OF LOT 6 OF BIK 17 OF THE ORIGINAL PLAT		Dirt Road		Frontage 75.00		Depth 50.00		Rate 265
Comments/Influences		Gravel Road		Front Depth 1.0000		Rate 0.5976		Land Value =
		Paved Road		75 Actual Front Feet, 0.09 Total Acres		Total Est. Land Value =		
		Storm Sewer						
		Sidewalk						
		Water						
		Sewer						
		Electric						
		Gas						
		Curb						
		Street Lights						
		Standard Utilities						
		Underground Utills.						
		Topography of Site						
		Level						
		Rolling						
		Low						
		High						
		Landscaped						
		Swamp						
		Wooded						
		Pond						
		Waterfront						
		Ravine						
		Wetland						
		Flood Plain						
		Who		When		What		Year
		CM		08/22/2019		Picture Up		2023
		CM		08/22/2019		Inspected		2022
		KD		07/07/2017		Data Enter		2021
		Land Value		Building Value		Assessed Value		Board of Review
		5,900		38,800		44,700		
		5,900		37,300		43,200		
		6,200		31,600		37,800		
		6,200		29,100		35,300		
		Taxable Value		Taxable Value		Taxable Value		
		36,695C		36,695C		36,695C		
		34,948C		34,948C		34,948C		
		33,832C		33,832C		33,832C		



The Equalizer. Copyright (c) 1999 - 2009. Licensed To: City of Escanaba, County of Delta, Michigan

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

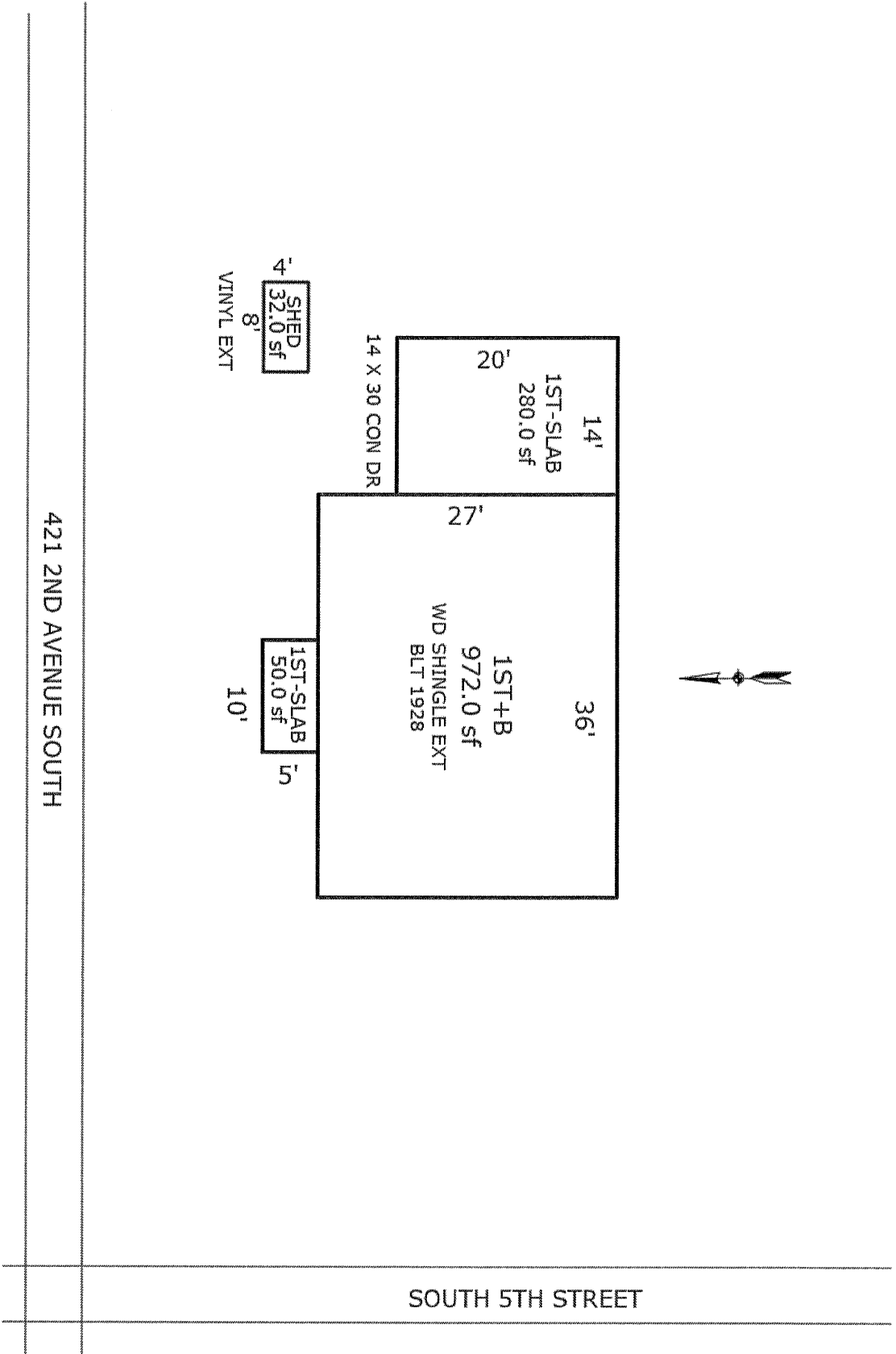


Sketch by Apex Sketch

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

Building Type	(3) Roof (cont.)	(11) Heating/Cooling	(15) Built-ins	(15) Fireplaces	(16) Porches/Decks	(17) Garage
X Single Family Mobile Home Town Home Duplex A-Frame	X Eavestrough X Insulation 12 Front Overhang 12 Other Overhang	X Gas Wood Oil Coal Elec. Steam Forced Air w/o Ducts Forced Air w/ Ducts Electric Baseboard Electric Hot Water Elec. Ceil. Radiant Radiant (in-floor) Electric Wall Heat Space Heater Wall/Floor Furnace Forced Heat & Cool Heat Pump No Heating/Cooling	Appliance Allow. Cook Top Dishwasher Garbage Disposal Bath Heater Vent Fan Hot Tub Unvented Hood Vented Hood Intercom Jacuzzi Tub Jacuzzi repl. Tub Oven Microwave Standard Range Self Clean Range Sauna Trash Compactor Central Vacuum Security System	Interior 1 Story Interior 2 Story 2nd/Same Stack Two Sided Exterior 1 Story Exterior 2 Story Prefab 1 Story Prefab 2 Story Heat Circulator Raised Hearth Wood Stove Direct-Vented Ga	Area Type	Year Built: Car Capacity: Class: Exterior: Brick Ven.: Stone Ven.: Common Wall: Foundation: Finished ? Auto. Doors: Mech. Doors: Area: & Good: Storage Area: No Conc. Floor: Basmt Garage: Carport Area: Roof:
X Wood Frame	(4) Interior Drywall X Plaster Paneled Wood T&G Trim & Decoration Ex X Ord Min Size of Closets Ig X Ord Small Doors Solid X H.C. (5) Floors Kitchen: Vinyl Other: Carpeted Other:	Central Air Wood Furnace (12) Electric 100 Amps Service No./Qual. of Fixtures Ex. X Ord. Min No. of Elec. Outlets Many X Ave. Few (13) Plumbing Average Fixture(s) 1 3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan	Cost Est. for Res. Bldg: 1 Single Family RANCH (11) Heating System: Forced Air w/ Ducts Ground Area = 1302 SF Floor Area = 1302 SF. Phy./Bd. Phy./Func/Econ/Comb. & Good=45/100/100/100/45 Building Areas Stories Exterior 1 Story Siding 1 Story Siding Foundation Basement Slab Total: Size 972 330 177,920 Cost New 1,072 1,430 1,430 6,236 188,088 80 Depr. 482 643 643 2,806 84,639 75,075	Class: C Effec. Age: 55 Floor Area: 1,302 Total Base New: 188,088 Total Depr Cost: 84,639 Estimated T.C.V.: 75,075		
(1) Exterior X Wood/Shingle Aluminum/Vinyl Brick X Insulation	(6) Ceilings X Plaster					
(2) Windows Many Avg. X Large Avg. Small Few	(7) Excavation Basement: 972 S.F. Crawl: 0 S.F. Slab: 330 S.F. Height to Joists: 8.0					
X Wood Sash Metal Sash Vinyl Sash X Double Hung Horiz. Slide Casement Double Glass Patio Doors X Storms & Screens	(8) Basement Conc. Block 8 Poured Conc. Stone Treated Wood X Concrete Floor					
(3) Roof X Gable Hip Flat X Asphalt Shingle	(9) Basement Finish Recreation SF Living SF Walkout Doors (B) No Floor SF Walkout Doors (A)	(14) Water/Sewer 1 Public Water 1 Public Sewer Water Well 1000 Gal Septic 2000 Gal Septic Lump Sum Items:	Other Additions/Adjustments Plumbing Ceramic Tile Floor Water/Sewer Public Water Public Sewer Fireplaces Exterior 1 Story Notes: ECF (Res 7) 0.887 => TCv: 75,075			
X Chimney: Brick	(10) Floor Support Joists: 2 X 8 Unsupported Len: 13 Cntr. Sup: WD BEAM					

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*



Sketch by Open Sketch

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*



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**Section 304. Appeals and Variances.**

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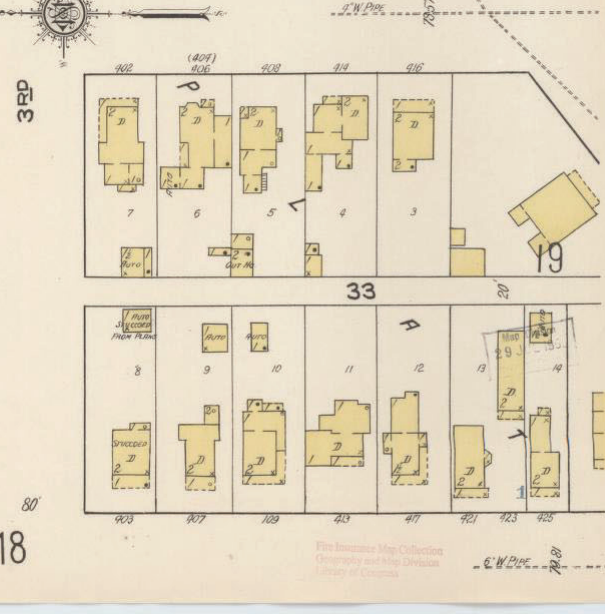
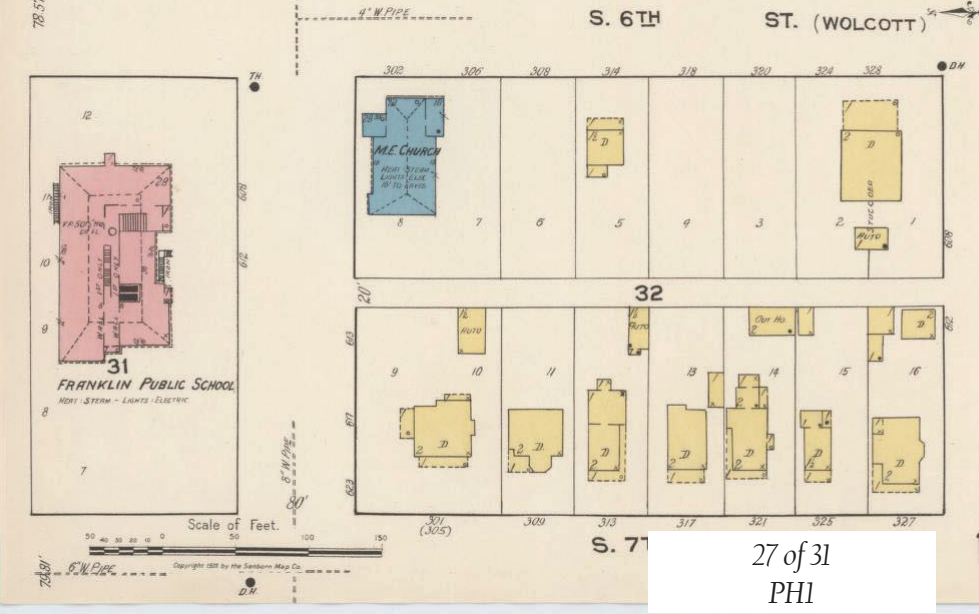
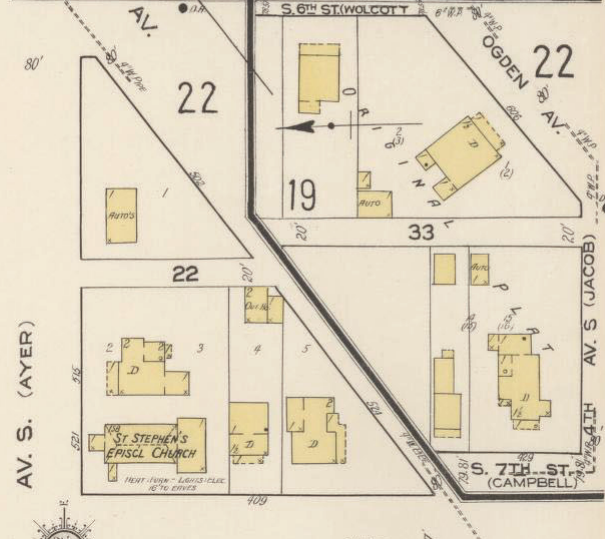
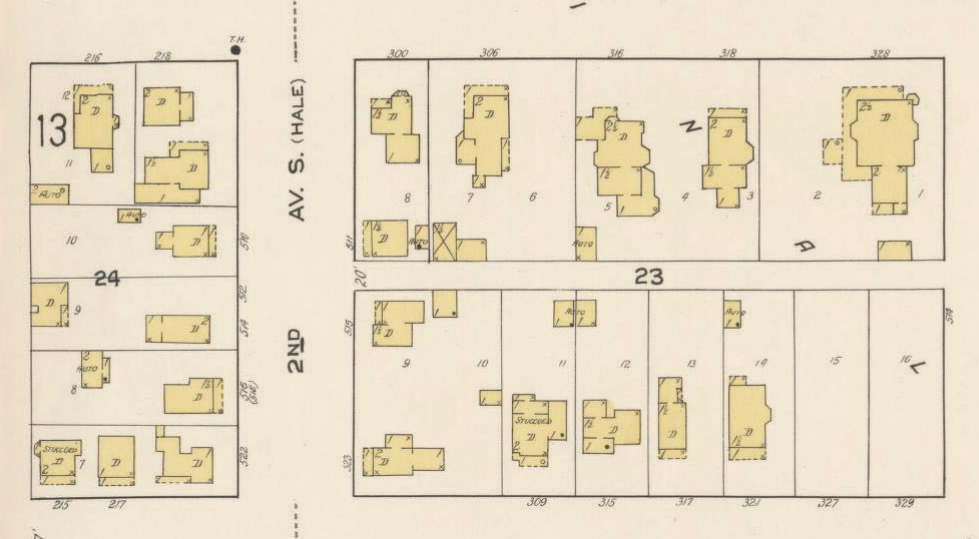
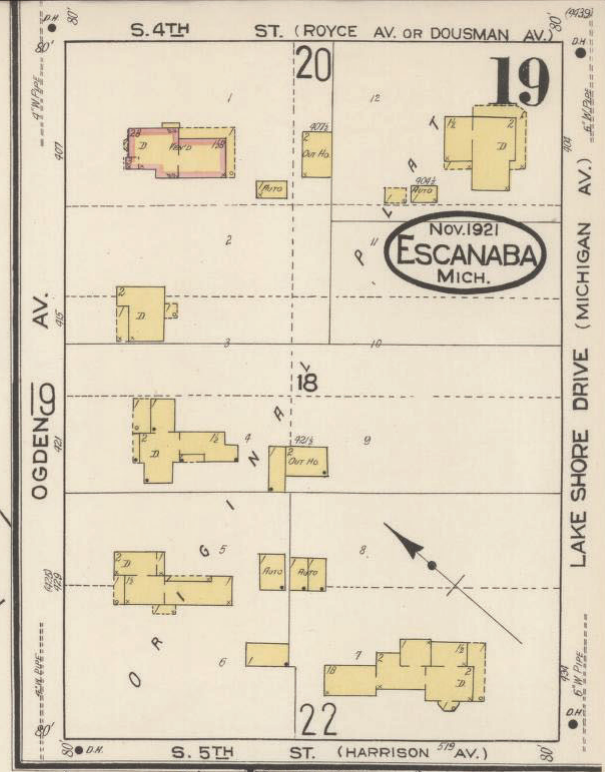
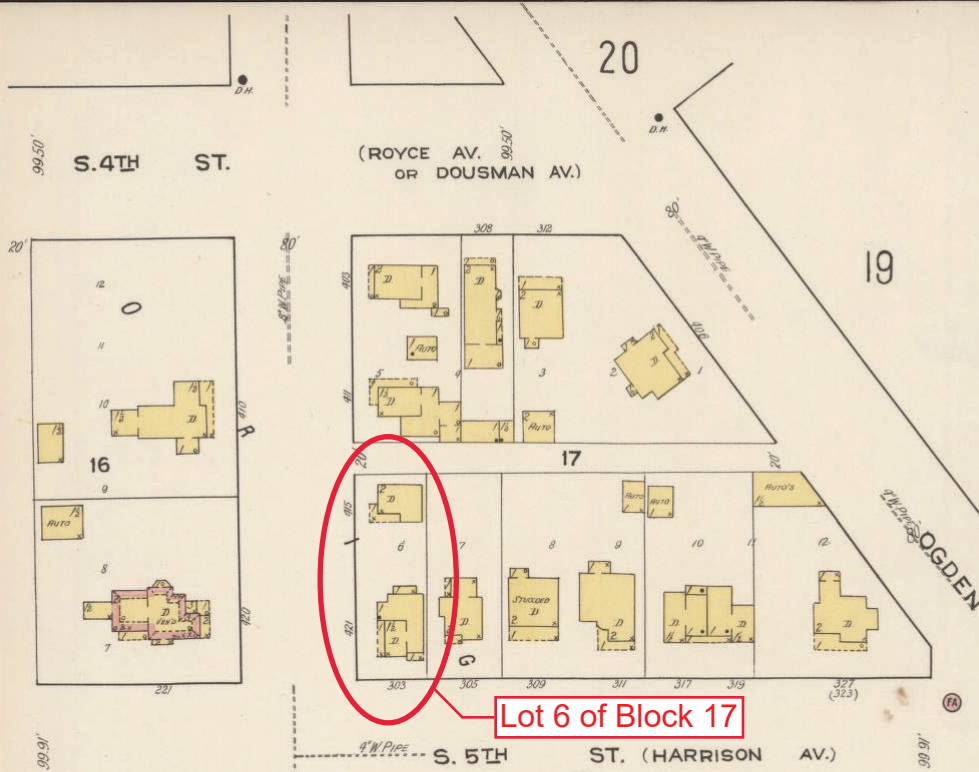
304.2.3. *Required Standards of Review.* The Zoning Board of Appeals shall make findings that a "practical difficulty" has been shown by the applicant by finding that all of the following requirements have been met by the applicant for a variance.

- A. *Special Conditions and Circumstances Unique to the Land, Structure, or Building.* That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district;
- B. *Rights of Similar Properties in the Same Districts.* That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other similar properties in the same district under the terms of this Ordinance;
- C. *Not a Result of Actions of the Applicant.* That the special conditions and circumstances do not result from the actions of the applicant;
- D. *Special Privileges Prohibited.* That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;
- E. *Comparison to Other Lands, Structures, or Buildings Not a Factor.* That no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance;
- F. *Strict Compliance is Unnecessarily Burdensome.* That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons;
- G. *Substantial Justice.* That a variance would do substantial justice to the applicant, as well as to other property owners in the district (the ZBA, however, may determine that a reduced relaxation would give substantial relief and be more just);
- H. *Impact.* That the proposed variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets; that the variance will not increase the hazard of fire or flood or endanger public safety; that that the variance will not unreasonably diminish or impair established property values within the surrounding area; and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
- I. *Minimum Variance Necessary.* That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- J. *Purpose and Intent of the Zoning Ordinance.* That the granting of the variance, will be in harmony with the general purpose and intent of this Ordinance.

...

(Ord. No. 1259 , Ch. I, 5-5-22)

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Lot 6 of Block 17

Nov. 1921  
ESCANABA  
MICH.

ST. STEPHEN'S  
EPISCOPAL CHURCH

FRANKLIN PUBLIC SCHOOL

M.E. CHURCH

27 of 31  
PHI

Fire Insurance Map Collection  
Geography and Map Division  
City of Escanaba

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Received for Record this 2nd day of August, A. D. 1927, at 1:35 o'clock P. M., (as a proper certificate was furnished in compliance with Section 3957, Compiled Laws of Michigan, 1897).

Sarah J. Barras TO

Frank J. Hess, Register of Deeds.

This Indenture

Made this 26 day of July

George F. McEwen in the year of our Lord one thousand nine hundred and twenty seven BETWEEN Sarah J. Barras, a woman of lawful age, of Grand Rapids, Michigan, party of the first part, and George F. McEwen, of Escanaba, Michigan, party of the second part,

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of Thirteen Hundred (\$1300.00) dollars to her in hand paid by the said part y of the second part, the receipt whereof is hereby confessed and acknowledged, do ss by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said part y of the second part, and her heirs and assigns, FOREVER, ALL that certain piece or parcel of land, situate and being in the City of Escanaba, County of Delta, and State of Michigan, and described as follows, to-wit:

The West seventy-five (W 75) feet of Lot Numbered Six (6) of Block Numbered Seventeen (17) of the Original Plat of the Village, now City, of Escanaba, Michigan.

Including an easement through or under the surface of the East sixty-five (E. 65) feet of said Lot Six (6) of Block Seventeen (17) Original Plat, for any existing or necessary water pipes, gas pipes and sewer pipes used in connection with the house located on the West 75 feet of said lot; reserving however, from the effect of this conveyance, an easement through or under the West 75 feet of Lot Numbered Six (6) Block Seventeen (17) Original Plat, for any water pipes, gas pipes and sewer pipes now existing or becoming necessary in the future for the use of the house located on the East sixty-five (E. 65) feet of said lot numbered six - Block Numbered Seventeen Original Plat, Provided, that if the right under either of these easements is exercised, no existing improvements shall be seriously injured and the surface of the land disturbed shall be restored as nearly as possible to its original condition by the owner exercising said rights.

Together with all and Singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining; To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said part y of the second part, and to her heirs and assigns, FOREVER. And the said Sarah J. Barras, a woman of lawful age, of Grand Rapids, Michigan, party y of the first part, for herself, her heirs, executors, and administrators, do ss covenant, grant, bargain and agree to and with the said part y of the second part, her heirs and assigns, that at the time of the ensembling and delivery of these presents, she is well seized of the above granted premises IN FEE SIMPLE; that they are free from all incumbrances whatever;

and that she will, and her heirs, executors, and administrators, shall Warrant and Defend the same against all lawful claims whatsoever;

In Witness Whereof, The said part y of the first part ha hereunto set her hand and seal the day and year first above written. Signed, Sealed and Delivered in Presence of

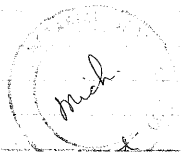
L. W. Braley, Clarence Parsons

Sarah J. Barras (with four seals)

STATE OF MICHIGAN, } ss. COUNTY OF Kent } On this 26 day of July, in the year one thousand nine hundred and twenty seven, before me, a Notary Public, in and for said County, personally appeared Sarah J. Barras, a woman of lawful age, of Grand Rapids, Michigan, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be her free act and deed.

My commission expires Aug. 21 1930.

Lyle W. Braley, Notary Public, Kent County, Michigan



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**Section 509. Accessory Buildings.**

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509.2. *Front Yard Space.* Detached accessory buildings may not occupy front yard space.

...

(Ord. No. 1259 , Ch. I, 5-5-22)