

Keweenaw County Zoning Board of Appeals
Public Hearing
October 13, 2022

Keweenaw County Courthouse 4:00 PM

Roll Call:	Mark Ahlborn, Chair	Steve Siira, Planning Commission Liaison
	Marty Faassen, Vice-Chair	Harvey Desnick
	Frank Kastelic	Sara Beckley, Alt
	Sara Heikkila, Zoning Administrator	

Pledge of Allegiance

A quorum is _____, meeting was properly posted.

Approve Agenda

Approve minutes from July 14, 2022 Public Hearing.

Discuss 2023 meeting schedule – propose 2nd Monday of the month.
January, May, July, and October

Guests:

Open Public Hearing to receive public comment on the variance request for reducing the setback from the Public Right-of-Way to 25 feet for a garage on parcel 42-103-51-000-028.

Applicant Comment:

Public Comment – Property Owners within 300 feet
In Support –
In Opposition –

Written Comments Property Owners within 300 feet read from Chair
In Support – No objection from Victor Buck and Fred & Jan Reese.
In Opposition – None.

Public Comment from Interested or Affected Persons / Organizations
In Support –
In Opposition –

Written Comments from Interested or Affected Persons / Organizations read from Chair
In Support – Road Commission
In Opposition –

Questions through the Chairman:

Close Public Hearing

Section 19.13 FINDINGS OF FACT

The Board of Appeals shall grant no variance or make any determination on an appeal, Ordinance interpretation or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this Ordinance have been met.

- A. Strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.

Comments:

Does this support the variance

- B. The problem is due to a unique circumstance of the property.

Comments:

Does this support the variance

- C. The specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to the Zoning Ordinance, instead of a variance.

Comments:

Does this support the variance

- D. The problem was not created by the action of the applicant.

Comment:

Does this support the variance

- E. Granting the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located.

Comment:

Does this support the variance

- F. The requested variance will relate only to the property under the control of the applicant.

Comment:

Does this support the variance

G. The non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance.

Comments:

Does this support the variance

H. The variance is the minimum variance that will make possible the reasonable use of the land, building, of structure in the zoning district in which it is located.

Comments:

Does this support the variance

I. That the proposed use of the premises is in accord with the Zoning Ordinance.

Comments:

Does this support the variance

J. The variance would do substantial justice to the applicant as well as to other property owners in the district.

Comments:

Does this support the variance

K. The granting of the variance will ensure that the spirit of the Ordinance is observed, public safety secured, and substantial justice applied.

Comments:

Does this support the variance

L. The requested variance shall not amend the permitted uses of the zoning district in which it is located.

Comments:

Does this support the variance

General Procedures and Findings at Public Hearing

Were the proper time limits followed as established in the Ordinance?

- a. Notification of Public Hearing Posted on Website September 23, 2022
- b. Notification of Public Hearing in newspaper September 22, 2022
- c. Property owners within 300 feet were notified by mail on September 22, 2022
- d. Public Hearing held on October 13, 2022

Motion by _____ Seconded by _____ to

Approve / Deny the request for a Variance to reduce the setback from the public right-of-way for a garage

If approved, the following conditions will be required to be satisfied prior to issuing a zoning permit:

Roll Call Vote:

Mark Ahlborn, Chair	Signature
Steve Siira, Planning Commission liaison	Signature
Marty Faassen, Vice-Chair	Signature
Frank Kastelic	Signature
Harvey Desnick	Signature
Sara Beckley, Alt	Signature

Open Public Hearing to receive public comment on the variance request for reducing the setback from the Public Right-of-Way to < 1 foot for an addition on parcel 42-102-22-350-002.

Applicant Comment:

Public Comment – Property Owners within 300 feet
In Support –
In Opposition –

Written Comments Property Owners within 300 feet read from Chair
In Support – No objection from Hammerstrom, Berg, and Tervo.
In Opposition – None

Public Comment from Interested or Affected Persons / Organizations
In Support –
In Opposition –

Written Comments from Interested or Affected Persons / Organizations read from Chair
In Support – Road Commission email.
In Opposition – None.

Questions through the Chairman:

Close Public Hearing

Section 19.13 FINDINGS OF FACT

The Board of Appeals shall grant no variance or make any determination on an appeal, Ordinance interpretation or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this Ordinance have been met.

- A. Strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.

Comments:

Does this support the variance

- B. The problem is due to a unique circumstance of the property.

Comments:

Does this support the variance

C. The specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to the Zoning Ordinance, instead of a variance.

Comments: Does this support the variance

D. The problem was not created by the action of the applicant.

Comment: Does this support the variance

E. Granting the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located.

Comment: Does this support the variance

F. The requested variance will relate only to the property under the control of the applicant.

Comment: Does this support the variance

G. The non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance.

Comments: Does this support the variance

H. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located.

Comments: Does this support the variance

I. That the proposed use of the premises is in accord with the Zoning Ordinance.

Comments: Does this support the variance

J. The variance would do substantial justice to the applicant as well as to other property owners in the district.

Comments:

Does this support the variance

K. The granting of the variance will ensure that the spirit of the Ordinance is observed, public safety secured, and substantial justice applied.

Comments:

Does this support the variance

L. The requested variance shall not amend the permitted uses of the zoning district in which it is located.

Comments:

Does this support the variance

General Procedures and Findings at Public Hearing

Were the proper time limits followed as established in the Ordinance?

- a. Notification of Public Hearing Posted on Website September 19, 2022
- b. Notification of Public Hearing in newspaper September 22, 2022
- c. Property owners within 300 feet were notified by mail on September 19, 2022
- d. Public Hearing held on October 13, 2022

Motion by _____ Seconded by _____ to

Approve / Deny the request for a Variance to reduce the setback for an addition.

If approved, the following conditions will be required to be satisfied prior to issuing a zoning permit:

Roll Call Vote:

Mark Ahlborn, Chair	Signature
Steve Siira, Planning Commission liaison	Signature
Marty Faassen, Vice-Chair	Signature
Frank Kastelic	Signature
Harvey Desnick	Signature
Sara Beckley, Alt	Signature

Open Public Hearing to receive public comment on the variance request for reducing the setback from the highwater mark to 41 feet for a new home on parcel 42-307-53-000-014.

Applicant Comment:

Public Comment – Property Owners within 300 feet
In Support –
In Opposition –

Written Comments Property Owners within 300 feet read from Chair
In Support – No objection from all property owners within 300 feet
In Opposition – None

Public Comment from Interested or Affected Persons / Organizations
In Support –
In Opposition –

Written Comments from Interested or Affected Persons / Organizations read from Chair
In Support –
In Opposition –

Questions through the Chairman:

Close Public Hearing

Section 19.13 FINDINGS OF FACT

The Board of Appeals shall grant no variance or make any determination on an appeal, Ordinance interpretation or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this Ordinance have been met.

- A. Strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.

Comments:

Does this support the variance

- B. The problem is due to a unique circumstance of the property.

Comments:

Does this support the variance

C. The specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to the Zoning Ordinance, instead of a variance.

Comments: Does this support the variance

D. The problem was not created by the action of the applicant.

Comment: Does this support the variance

E. Granting the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located.

Comment: Does this support the variance

F. The requested variance will relate only to the property under the control of the applicant.

Comment: Does this support the variance

G. The non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance.

Comments: Does this support the variance

H. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located.

Comments: Does this support the variance

I. That the proposed use of the premises is in accord with the Zoning Ordinance.

Comments: Does this support the variance

J. The variance would do substantial justice to the applicant as well as to other property owners in the district.

Comments:

Does this support the variance

K. The granting of the variance will ensure that the spirit of the Ordinance is observed, public safety secured, and substantial justice applied.

Comments:

Does this support the variance

L. The requested variance shall not amend the permitted uses of the zoning district in which it is located.

Comments:

Does this support the variance

General Procedures and Findings at Public Hearing

Were the proper time limits followed as established in the Ordinance?

- a. Notification of Public Hearing Posted on Website September 19, 2022
- b. Notification of Public Hearing in newspaper September 22, 2022
- c. Property owners within 300 feet were notified by mail on September 19, 2022
- d. Public Hearing held on October 13, 2022

Motion by _____ Seconded by _____ to

Approve / Deny the request for a Variance to reduce the setback for a new home.

If approved, the following conditions will be required to be satisfied prior to issuing a zoning permit:

Roll Call Vote:

Mark Ahlborn, Chair	Signature
Steve Siira, Planning Commission liaison	Signature
Marty Faassen, Vice-Chair	Signature
Frank Kastelic	Signature
Harvey Desnick	Signature
Sara Beckley, Alt	Signature

Open Public Hearing to receive public comment on the variance request for reducing the standards for building private roads (Table 7-2) on parcel 42-306-01-100-500.

Applicant Comment:

Public Comment – Property Owners within 300 feet
In Support –
In Opposition –

Written Comments Property Owners within 300 feet read from Chair
In Support – No objection from DNR and Barry Family Trust
In Opposition – None

Public Comment from Interested or Affected Persons / Organizations
In Support –
In Opposition –

Written Comments from Interested or Affected Persons / Organizations read from Chair
In Support – None
In Opposition – None

Questions through the Chairman:

Close Public Hearing

Section 19.13 FINDINGS OF FACT

The Board of Appeals shall grant no variance or make any determination on an appeal, Ordinance interpretation or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this Ordinance have been met.

- A. Strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.

Comments:

Does this support the variance

- B. The problem is due to a unique circumstance of the property.

Comments:

Does this support the variance

C. The specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to the Zoning Ordinance, instead of a variance.

Comments: Does this support the variance

D. The problem was not created by the action of the applicant.

Comment: Does this support the variance

E. Granting the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located.

Comment: Does this support the variance

F. The requested variance will relate only to the property under the control of the applicant.

Comment: Does this support the variance

G. The non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance.

Comments: Does this support the variance

H. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure in the zoning district in which it is located.

Comments: Does this support the variance

I. That the proposed use of the premises is in accord with the Zoning Ordinance.

Comments: Does this support the variance

J. The variance would do substantial justice to the applicant as well as to other property owners in the district.

Comments:

Does this support the variance

K. The granting of the variance will ensure that the spirit of the Ordinance is observed, public safety secured, and substantial justice applied.

Comments:

Does this support the variance

L. The requested variance shall not amend the permitted uses of the zoning district in which it is located.

Comments:

Does this support the variance

General Procedures and Findings at Public Hearing

Were the proper time limits followed as established in the Ordinance?

- a. Notification of Public Hearing Posted on Website September 22, 2022
- b. Notification of Public Hearing in newspaper September 22, 2022
- c. Property owners within 300 feet were notified by mail on September 22, 2022
- d. Public Hearing held on October 13, 2022

Motion by _____ Seconded by _____ to

Approve / Deny the request for a Variance to reduce the setback for a sauna.

If approved, the following conditions will be required to be satisfied prior to issuing a zoning permit:

Roll Call Vote:

Mark Ahlborn, Chair	Signature
Steve Siira, Planning Commission liaison	Signature
Marty Faassen, Vice-Chair	Signature
Frank Kastelic	Signature
Harvey Desnick	Signature
Sara Beckley, Alt	Signature

Motion to Adjourn