

Moyryla Lot Size Variance Public Hearing

Agenda
Keweenaw County Zoning Board of Appeals
December 1, 2020
12:04 PM

Call to Order:

Roll Call: Mark Ahlborn, Chair Mel Jones, Vice-Chair, Zoom
Steve Siira, Zoom Leslie DuTemple, Zoom
Marty Faassen, Zoom
Ann Gasperich ZA

All Members were present

The Pledge of Allegiance was recited.

M/S Mel Jones, Marty Faassen to approve the Agenda with the additions of membership and meeting dates. Roll Call Vote, all in favor, passed.

The notes from the work session were approved to be received and placed on file, Motion by Marty, seconded by Steve, roll call vote, all in favor, motion passed. The Minuets from August 13, 2020 McKenzie and Horizons School on September 23 will be approved during the next regular meeting in January.

Guests: Paul Moyryla, Zoom

The public hearing was opened at 12:15 for David Moyryla and Paul Moyryla 5349 Cliff Drive, Allouez Township.

Request for a variance to the lot size requirements of the Timber Resource Zoning District, to construct a 24' x 24' camp.

Applicant Comment: Paul provided background to the project which was not included in previous correspondence, the land was purchased in 2019 and a building permit was issued on August 25th.

Public Comment -- Property Owners within 300' **

There were none

Written Comments Property Owners within 300' read from the Chair

In Support – Michael Toth

In Opposition – there were none

Public Comment from Interested or affected persons/organizations**
there were none

Written Comments from Interested or affected persons/organizations
there were none

ZBA Questions through the Chairman –

Mark called for questions, Marty had no questions after the 'narrative' of the phone call conversation between Ann and Michael Toth was read aloud. Mel, no questions, Leslie, no questions with the exception of the well and septic as asked by Mr. Toth, Steve has no questions, and a comment regarding the

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future land use map being converted to the Zoning map in the future would support this request.

Mark Closed the Public Hearing at 12:28

New Business: Discussion, documentation, and determination of the Moyryla Findings of Fact

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 for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome

Comments Does this support the variance
Correct, the owner would be prevented from using the property for a permitted use.
Yes, it does support the variance.

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

Comments Does this support the variance
Yes, it is due to a unique circumstance.
Yes, it does 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
Correct, this lot is very specific,
Yes, it does support the variance.

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

Comments Does this support the variance
Correct,
Yes, it does support the variance.

E. Granting of 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.

Comments Does this support the variance
Correct, Lot lines are not visible, there is no impact
Yes, it does support the variance.

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

Comments

Correct, this variance will only impact this one parcel.
Yes, it does support the variance.

Does this support the variance

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

Comments

Correct, other lands are not being considered.
Yes, it does support the variance.

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

This is a request to allow a camp on six acres. The underlying Future Land Use Map will allow for construction on a five-acre lot when it is adopted.
Yes, it does support the variance.

Does this support the variance

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

Comments

Correct, the variance would allow the owner the opportunity to use the land as desired.
Yes, it does support the variance.

Does this support the variance

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

Comments

Yes, to the applicant.
Yes, it does support the variance.

Does this support the variance

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

Comments

A camp is permitted in Timber Resource.
Yes, it does support the variance.

Does this support the variance

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Motion by _____Marty Faassen_____ Seconded by _____Steve Siira_____ to

Affirm the Variance Request of lot size of Six-Acres in Timber Resource.

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

Roll Call Vote:

Ahlborn

Signature

Jones

Signature

duTemple

Signature

Siira

Signature

Faassen

Signature

Public Comment

Next Meeting: January 7th 2021 at 4:00 PM

Motion to adjourn by Steve, seconded by Marty at 1:10 PM

Moyryla Lot Size Variance Public Hearing

Agenda
Keweenaw County Zoning Board of Appeals
December 1, 2020
12:00 PM

Call to Order: 12:04

Roll Call: ✓ Mark Ahlborn, Chair ✓ Mel Jones, Vice-Chair *Vote*
✓ Steve Siira ✓ Leslie duTemple
Dan Basto ✓ Marty Faassen
✓ Ann Gasperich ZA

Members excused: *all present*

Pledge of Allegiance:

Agenda Approval and Additions: *Membership: Date*

Minutes from August 13, 2020 and notes from work session on October 27th

Guests: *Paul Moyryla*

Open Public Hearing David Moyryla and Paul Moyryla 5349 Cliff Drive, Allouez Township.

Request for a variance to the lot size requirements of the Timber Resource Zoning District, to construct a 24' x 24' camp.

Applicant Comment:

Public Comment -- Property Owners within 300' **

In Support - *no comments - made -*
In Opposition -

Written Comments Property Owners within 300' read from the Chair

In Support - Michael Toth

In Opposition - *no comments in opposition received*

Public Comment from Interested or affected persons/organizations**

In Support -- *> no comments*
In Opposition -

Written Comments from Interested or affected persons/organizations

In Support - *> no comments received -*
In Opposition -

ZBA Questions through the Chairman --

Close Public Hearing *12:28*

New Business: Discussion, documentation, and determination of the *Moyryla* Findings of Fact *McKenzie*

Moyryla Lot Size Variance 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 for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome

Comments

Does this support the variance

Correct - the owner would be prevented from using the property for a permitted use.

Yes

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

Comments

Does this support the variance

Yes -

Yes

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

This lot is specific -

Yes

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

Comments

Does this support the variance

Correct -

Yes

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- E. Granting of 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.

Comments

Does this support the variance

it will not affect property in the area or vicinity.

Yes

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

Comments

Does this support the variance

Correct -

Yes

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

Comments

Does this support the variance

Other Lands are not being considered

Yes

- 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

Yes, 6 ACHS not 5A

Yes

- I. ***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

Yes, to the applicant.

Yes

Moyryla Lot Size Variance Public Hearing

J. 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

Yes, to the applicant

Yes

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

Comments

Does this support the variance

Camp is a permitted use in TR

YES

Motion by Marty Seconded by Steve to

Affirm the Variance Request of 4A to allow ~~setback from the ordinary high-water mark.~~

Lot size in Timber resource

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

Roll Call Vote:

Ahlborn yes

Signature

Jones Yes

Signature

duTemple Yes

Signature

Siira Yes

Signature

Faassen Yes

Signature

Public Comment

Next Meeting: October 8, 2020 at 5:00

Motion to adjourn

NOTICE OF PUBLIC HEARING
Keweenaw County Zoning Board of Appeals

The Keweenaw County Zoning Board of Appeals will meet on December 1, 2020 via the Zoom application. The public may attend by Zoom, in person attendance will not be permitted. The information for attending the meeting by Zoom is available on the county website.

Property Owner/Applicant: Paul & David Moyryla
Contact: 906-370-2426
Property Address: 5349 Cliff Drive, Allouez Township
Parcel Number 42-101-11-101-002
Zoning: TR
Request: A variance of Lot Size to construct a small cabin on a TR Parcel.
Public Hearing Time: Noon

Two other public hearing scheduled for this date will be rescheduled. Public Notice the dates will be posted prior to the hearing.

A copy of the complete application package as well as the zoom instructions are available on the County Website, <http://keweenawcountyonline.org/index.php>

the Michigan Department of Health & Human Services issued an Emergency Order that prohibits most in-person gatherings through December 8, 2020. The public and counsel may attend via **ZOOM**, be heard and submit evidence and written comments with respect to the application. Written comments will be received until 4:00 PM, November 30th at the County Courthouse at 5095 Fourth Street Eagle River. In person attendance will not be permitted. Ann Gasperich, Zoning Administrator 906-337-3471

AG
11/23/2020