

June 3, 2021 Public Hearings Borlee, Fortin & Nordstrom

Agenda
Keweenaw County Zoning Board of Appeals
June 3, 2021
1:00 PM

Call to Order: 1:00

Roll Call: ✓ Mark Ahlborn, Chair ✓ Marty Faassen, Vice-Chair
 ✓ Steve Siira ✓ Leslie duTemple
 ✓ Frank Kastelic
 ✓ Ann Gasperich ZA

← All in person

Members excused: All Present

Pledge of Allegiance: WAS Recited

Agenda Approval and Additions: zoning ordinance addition Marty/Steve - PASSED
Did not provide

○ Minuets from January 5, 2021 Public Hearing for Burger. Tanya Bastian (2)
TABLE TILL NEXT MEETING HARVEY Desnick (2)

Guests: Mik Sue Borlee, Lindsay + Brent Fortin, Michelle Nordstrom

Open Public Hearing Michael & Susan Borlee 12419 Washington Mine Rd, Grant Township.

1:00

Request for a 25' variance of the setback for a sauna from 35' to 10'.

Applicant Comment: WATER LEVEL Question - zoning Allows for flexibility

Public Comment -- Property Owners within 300' **

In Support -
In Opposition -

Written Comments Property Owners within 300' read by ZA

In Support - Tim and Nancy Baroni
In Opposition - Karen Eldevick

Public Comment from Interested or affected persons/organizations**

In Support -
In Opposition -

Written Comments from Interested or affected persons/organizations

In Support - Charles/Jane Miller, Grant Township Tyler/Jessica Harju
In Opposition -

1:25

ZBA Questions through the Chairman --
Close Public Hearing

Setback known of E.H. 10' setback
S.S. Question of gray water
FK Location of Sauna was determined by -

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

M.F. At what stage did you learn a zoning permit was required? -
if variance is not required granted? -

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.

Property
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

Yes/No

*Strict compliance does not prevent the use of the property.
The owner is prevented from using the foundation for the sauna.*

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

Comments

Does this support the variance

NO

The problem is not due to a unique circumstance of the property.

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

NO

*to 2. ordinance,
No amendment is requested
this variance does not expose something that
needs to be reviewed*

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

Comments

Does this support the variance

NO

The problem was created by the applicant -

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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

granting would not affect property values

Does this support the variance

Yes

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

Comments

will only relate to this property -
cannot be transferred

Does this support the variance

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

Not applicable

Does this support the variance

N/A

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

The variance requested is the minimum to use the existing foundation.
Reasonable use of the land is not restricted.

Does this support the variance

No

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

Comments

The support of the closest neighbor exists and it would increase the value - it would do substantial justice to the applicant but not other

Does this support the variance

No

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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

Granting the variance does not support the spirit of the ordinance.

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

True

Motion by Marty Seconded by Frank to

Affirm the Variance Request of Mike and Susan Borlee for a 10' setback from the ordinary high-water mark.

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

Following discussion no conditions were included

Roll Call Vote:

Ahlborn NO

Faassen YES

duTemple NO

Siira NO

Kastelic NO

Signature




Signature



Signature



Signature



Signature



motion does not pass.

2:15 end

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Open Public Hearing Brent and Lindsay Fortin 8770 Gay Park Road, Sherman Township.

Request for a variance to allow placement of an accessory structure, 200 sq ft or less, no foundation, not habitable, no kitchen or bathroom and only one story in height.

2:40

Applicant Comment: Lindsay spoke to location & zoning of property

Public Comment -- Property Owners within 300' **

In Support - Wendy
In Opposition - Wendy Strombeck

Phone Calls and Written Comments Property Owners within 300' read by ZA.

In Support - Nancy Sanderson, Lori Christensen, Walter Campeau, Ron Adkins, Bastian/Roznik
In Opposition -

Public Comment from Interested or affected persons/organizations**

In Support -
In Opposition -

Written Comments from Interested or affected persons/organizations.

In Support - Bruce & Christine Fountain
In Opposition - John Wilhelm

ZBA Questions through the Chairman --
Close Public Hearing

Frank - Should this go to the planning Commission
2:55

New Business: Discussion, documentation, and determination of the Fortin 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 property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome

Comments

Does this support the variance

Due to size & location the restrictions are unnecessarily burdensome.

Yes

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

Comments

Does this support the variance

The proximity to RR and in the tail of R-1 District is unique
5 | Due to the size of the lot

Yes

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- C. The Specific conditions relating to the property are no 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 *Yes*

*The property is unique -
An AMENDMENT TO THE MAP is in order -*

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

Comments

Does this support the variance

*True - it was not created by the
action of the applicant* *Yes*

- 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

*True -
neighbor support is strong - and no adverse
effect to immediate vicinity -* *Yes*

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

Comments

Does this support the variance

True

Yes

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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

yes

True - this is not being compared to anything else

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

200 sq ft is what would be allowed in RR.

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

Yes, true substantial justice will be served.

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

This is unique, due to size and location - the ZBA is ensuring the spirit of the ordinance.

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

No, it 'the variance' will not change permitted uses in R-1.

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Motion by Marty Seconded by Leslie to

Affirm the Variance Request to allow placement of an accessory structure, 200 sq ft or less, no foundation, not habitable, no kitchen or bathroom and only one story in height.

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

No further discussion

Roll Call Vote:

YES Ahlborn
YES Faassen
YES duTemple
YES Siira
NO Kastelic

Signature Marty
Signature Leslie
Signature Wendy
Signature Siira
Signature EHK

motion PASSES

Vote taken at 3:20

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Open Public Hearing Kurt and Michelle Nordstrom

3:20
Request for a variance to split one lot, which was two individual lots combined in 1999, split back into the original lots.

Applicant Comment: *unsub. house - 1997 - see application -*

Public Comment -- Property Owners within 300' **

In Support -

In Opposition -

Written or Phone Comments Property Owners within 300' read by the ZA

In Support - Tyler/Jessica Harju, Judith Anderson, Susan Koljonen

In Opposition -

Public Comment from Interested or affected persons/organizations**

In Support -

In Opposition -

Written Comments from Interested or affected persons/organizations.

In Support - Ron Lahti

In Opposition -

3:35
ZBA Questions through the Chairman --
Close Public Hearing

New Business: Discussion, documentation, and determination of the Nordstrom 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

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

Comments

Does this support the variance

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- C. The Specific conditions relating to the property are no 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.**

Comments

Does this 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

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

Comments

Does this support the variance

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- 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

- 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. *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

- 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

- 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

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Motion by Leslie Seconded by Frank to

Affirm the Variance Request split one lot, which was two individual lots combined in 1999, split back into the original lots..

Open for discussion - Closed

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

Called for vote -

Roll Call Vote:

Yes Ahlborn

Yes Faassen

Yes duTemple

Yes Siira

Yes Kastelic

Signature 

Signature 

Signature 

Signature 

Signature 

Motion Passes

Zoning Ordinance Update

Public Comment

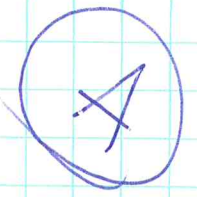
Commissioners Comment

Next Meeting: October 7, 2021 at 4:30 or as called by the Chairman.

Motion to adjourn

4:02 Frank/Leslie

Borlee



ME Previously installed Foundation

F - asking forgiveness vs permission
as for not using the property - there is
enough room for a Saure

St - not our concern

MA - if had complied - we wouldn't
be here -

F we have a zoning ordinance

ME - struggle with Communicator regarding
ordinance - it is the reason these
folks are here

MA - what year did you build the garage -

L.D. - well aware for 20 years - even a
small gazebo - known through Contractor
property owners

SS agree with Frank - why has an ordinance

Barker

B

unique Circumstance of property

US - Steve, Frank - not unique to property

Marty - a Cove - not as noticeable -

Healthy looking trees - Sauna nestled in
the spot -

Especially it is a good location -

Acresage Question from Leslie

Frank - not need to amend its not
narrow -

Leslie - its not a unique property

Mark - if EH Twp is 10' is that a
Requirement? we change

~~Steve~~ Mark - The planning + BOC approved
the setback from 75' down to 35'

Barlee

Created by the action of
the applicant -

D

Marty = he was well into the project
before he was aware of the need
for a zoning permit

Granting not Advers effect E

Leslie True = The reasonable man would say
But Eldevick doesn't want to disturb
the shoreline

Not amending anything

1 Variance

1 Land

F

Porter

G

~~Step~~

The ^{other} non-conforming dimensions are
all ^{not} grandfathered

H

Variance is minimum make possible -
there is no wiggle - the foundation is already poured
if it is denied he still has a reasonable use
of land

Substantial Justice

H

is that fair since they have started already -

Spirit of ordinance

4

MF: NO Safety issues

Spirit of ordinance is 35'

LD
FK
SS.

Permitted use

K

True - will not change -

Applicant spoke - Fortin page 1

Wendy Strambeck in opposition to resort

FRANK = put up outbuilding in R.R.

why can't I put one up in R-1

Nordstrom

leslie made a motion with out
going through all findings of fact -
to affirm - Frank -

Keweenaw County ZBA
Borlee, Fortin, Nordstrom

Are you experiencing any COVID Symptoms

Name

Comments

No

Michael Borlee

No

Suzi Borlee

No

Michelle Nordstrom

NA

Brent + Lindsay Fortin