

Keweenaw County Zoning Board of Appeals
Public Hearing & Regular Meeting Minutes
October 9, 2023

Keweenaw County Courthouse 1:00 PM

Roll Call: Mark Ahlborn, Chair Present AJ Kern, Planning Commission Liaison Present
Marty Faassen, Vice-Chair Present Harvey Desnick Present
Frank Kastelic Present
Sara Heikkila, Zoning Administrator Present

Pledge of Allegiance was recited.

A quorum is present, meeting was properly posted.

Approve Agenda

Motion to Approve (M) Marty / Second (S) AJ

Approve minutes from May 8, 2023 Regular Meeting.

M AJ / S Harvey

Guests: Bob Porkoski, Brian and Jean Fettig

Open Public Hearing to receive public comment on the variance request for reducing the setbacks from the Public Right-of-Way to 2 feet, side lot to 4 feet, and from primary structure to 9 feet for a garage on parcel 42-302-52-000-023.

Opened at 1:05pm

Staff Report: Sara reviewed her report and summarized the request.

Applicant Comment: Jean Fettig spoke about her request.

Public Comment – Property Owners within 300 feet

In Support – 3

In Opposition – 0

Written Comments Property Owners within 300 feet read from Chair

In Support – Valsa Trust

In Opposition – 0

Public Comment from Interested or Affected Persons / Organizations

In Support – 0

In Opposition – 0

Written Comments from Interested or Affected Persons / Organizations read from Chair
In Support – Road Commission letter, Gruver support letter
In Opposition – 0

Questions through the Chairman:
Were the survey pins verified by the ZA? No.
Are the pins easily identified?

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
It would.	Yes

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

Comments:	Does this support the variance
Yes, non-conforming lot.	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
Would not.	Yes

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

Comment:	Does this support the variance
It was not, existing conditions	Yes

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
No. Yes

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

Comment: Does this support the variance
Yes. Yes

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
These conditions were not considered Yes

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
Yes. The building size was reduced. Yes
Utilities prevent building the garage as an addition.

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

Comments: Does this support the variance
It is. Yes

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
It would. Yes

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
Yes Yes

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

Comments:
It will not.

Does this support the variance
Yes

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 25, 2023
- b. Notification of Public Hearing in newspaper September 21, 2023
- c. Property owners within 300 feet were notified by mail on September 25, 2023
- d. Public Hearing held on October 9, 2023

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

Contingent on property lines being verified by remeasuring property lines based on survey pins currently in place.

Motion by Marty / Seconded by Frank to

Approve the request for a Variance to reduce the setbacks from the public right-of-way, side lot line, and primary structure for a garage.

Roll Call Vote:

Mark Ahlborn, Chair	Y	Signature
Marty Faassen, Vice-Chair	Y	Signature
Frank Kastelic	Y	Signature
Harvey Desnick	Y	Signature
AJ Kern, Planning Commission Liaison		Signature

General Procedures and Findings at Public Hearing

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Motion by _____ Seconded by _____ to

Approve / Deny the request for a Variance to reduce the setbacks from the public right-of-way, side lot line, and primary structure 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

Marty Faassen, Vice-Chair

Signature

Frank Kastelic

Signature

Harvey Desnick

Signature

AJ Kern, Planning Commission Liaison

Signature

Regular Meeting

Guests: Bob, Brian and Jean Fettig

New Business:

Winqvist Variance approval and violation – discuss enforcement.
Review Keweenaw County Ordinance No. 2007-3: Civil Infraction Ordinance
(keweenawcountyonline.org)

Bete Grise small lots and reduced setback documentation.

Old Business:

MSU Zoning Board of Appeals Online Certificate Course – self paced.
Let Sara know if interested.

Zoning Ordinance Amendment progress update
Recommending 3rd party review for the amendments.
Sara recommends attending the PC meeting and making recommendations.

Final Comments:
Check member renewal dates.

Next Meeting January 8, 2024, 1:00 PM

Motion to Adjourn Frank / S Harvey