

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

Keweenaw County Courthouse 4:00 PM

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

Pledge of Allegiance was recited.

A quorum is present, meeting was properly posted.

Approve Agenda

Motion (M) Marty / Second (S) Frank

All in favor – motion carried

Approve minutes from July 14, 2022 Public Hearing.

M Frank / S Steve

All in favor - motion carried.

Discuss 2023 meeting schedule – propose 2nd Monday of the month for 1pm.

January, May, July, and October

Confirmed revised schedule.

Guests:

No comments.

Open Public Hearing to receive public comment on the variance request for reducing the setback from 25 feet off the Public Right-of-Way to 15 feet for a garage on parcel 42-103-51-000-028.

4:05pm

Applicant Comment:

Joyce Lorey reviewed the application and variance request.

Public Comment – Property Owners within 300 feet

In Support – None.

In Opposition – None.

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 – None.

In Opposition – None.

Written Comments from Interested or Affected Persons / Organizations read from Chair

In Support – Road Commission, Mark Ahlborn read the letter into the record.

In Opposition – None.

Questions through the Chairman:

Harvey asked about the snow build up off the road. Philippe Arend explained the plans for a load bearing wall.

Close Public Hearing at 4:17pm

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

Yes. Yes.

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

Comments: Does this support the variance

Yes, critical dunes, limited places to build. 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

No. Yes.

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

Comment: Does this support the variance

No. 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 this would not. 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

This has not been 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. Yes.

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

Comments: Does this support the variance

Yes, permitted by right. 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

Yes. 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:

Does this support the variance

No.

Yes.

LOREY

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 FRANK Seconded by STEVE 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

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.

4:30pm

Applicant Comment:

Connie Hammerstrom reviewed the application – challenges due to septic and 100 foot wide right-of-way.

Public Comment – Property Owners within 300 feet

In Support –

In Opposition – Lauren Oakarinen representing Berin 102-22-350-002 – wants a clearer plan of what is being built.

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 – None.

In Opposition – None.

Written Comments from Interested or Affected Persons / Organizations read from Chair

In Support – Road Commission email read into the record by Mark Ahlborn.

In Opposition – None.

Questions through the Chairman:

Close Public Hearing at 4:45pm

M Frank to table pending a more detailed application / S Marty

All in favor – motion carried.

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.

5:00pm

Applicant Comment:

Lisa Wrate spoke on behalf of the applicants. Reviewed the application and variance request.
Pam Winquist spoke on history of the culvert.

Public Comment – Property Owners within 300 feet

In Support – Barry Koljnen requests the culvert not be moved and that more detail be provided on the site plan. Also, requested the building height.

Todd Lightfoot representing Krista Carlson, requests the culvert not be moved.

In Opposition – None.

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 – None.

In Opposition – None.

Written Comments from Interested or Affected Persons / Organizations read from Chair

In Support – None.

In Opposition – None.

Questions through the Chairman:

Close Public Hearing at 5:10pm

Marty notes misrepresentation in the Hardship Explanation document in water flow direction.

Mark mentions the seawall helps their case.

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

Yes.

Yes.

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

Comments: Does this support the variance

True. 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

No. Yes.

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

Comment: Does this support the variance

Not by the current owners, but by the previous owners. 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

Yes. 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

No – not being 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. Yes.

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

Comments: Does this support the variance

Yes. 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

Yes. 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: Does this support the variance

It won't. 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 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 Harvey Desnick Seconded by Steve Siira to

Approve 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:

The ZBA recognizes this culvert to be unique in nature, installed 60 plus years ago, and will not set a precedent for future variance requests.

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 Harvey Seconded by Steve 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:

See notes.

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

Frank Kastelic left at 5:40

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.

5:45pm

Mark Ahlborn serves on KORC board with the property owner – confirmed no conflict of interest for participation.

Applicant Comment:

Rob Hill on Zoom reviewed application and variance request.

Road commission requires 100' for hammerhead T.

Aaron Rogers reiterated minimizing impact to the aesthetic of Mandan Loop Road.

Public Comment – Property Owners within 300 feet

In Support – None.

In Opposition – None.

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 – None.

In Opposition – None.

Written Comments from Interested or Affected Persons / Organizations read from Chair

In Support – None.

In Opposition – None.

Questions through the Chairman:

Close Public Hearing at 6:00pm

Through discussion with the applicant and the property owner – the variance request for the reduced easements is stricken from the application and all private road easements will be 66 feet wide.

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

Yes for reducing the hammerhead T requirements. Yes
Yes for recording easements following private road permit approval.

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

Comments: Does this support the variance

Ye for reducing the hammerhead T requirements. Yes
Yes for recording easements.

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

Yes, this is a unique request. Yes

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

Comment: Does this support the variance

No. 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

No comparisons. 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. Yes

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

Comments: Does this support the variance

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

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

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

It will not. 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 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 Steve / Seconded by Harvey to

Approve the request for a Variance to reduce the requirements of table 7-2 for private road standards.

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

All private road easements will be 66 feet wide.

The plans will be resubmitted to relocate the hammerhead T's to the end of the private roads. These plans will be designed by a Civil Engineer and submitted to the Zoning Administrator. The private road permit will not be approved by the Zoning Administrator unless the revised design meets the conditions of this approved variance.

Minimum hammerhead T shall include a minimum 30-foot radius and a minimum leg length of 50 feet.

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 at 7:40pm

M Mark / S Steve

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 Steve Seconded by Harvey to

Approve / Deny the request for a Variance to reduce the setback for a ~~sauna~~ private road requirements for development.

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

See notes

Roll Call Vote:

Mark Ahlborn, Chair

Signature Mark Ahlborn

Steve Siira, Planning Commission liaison

Signature Steve Siira

Marty Faassen, Vice-Chair

Signature Marty Faassen

Frank Kastelic

Signature

Harvey Desnick

Signature Harvey Desnick

Sara Beckley, Alt

Signature

Motion to Adjourn

GUEST LIST

NAME / LOREY

10/13/22

RD Lorey
Joyce C Lorey
Arend
Anne Wineman

HAMMERSTROM

Connie Hammerstrom
Julen Dahlgren
Goraine Oikarinen

Wingquist

Lisa Koljonen
Bong K. Kojon
Lisa Wrate-Meholey - Architect
Pam Wingquist - owner
Julie - neighbor - for Keista Carlson - Neighbor
KRAM MAURLEY

Aaron Rogers