

Keweenaw County Planning Commission  
Regular Meeting held in Copper Harbor  
Minutes October 28, 2014

The Chariman called the meeting to order at 6:00 PM in the Grant Township Hall.

Roll Call:    Jon Soper, Chairman                    John Parsons  
                  Jim Huovinen, member                    Tom Hall, member  
                  Ray Chase, Commissioner                Ned Huwatschek  
                  Steve Siira                                        Richard Schaefer  
                  Ann Gasperich Zoning Administrator

All Members were present.

The Pledge of Allegiance was recited.

M/S Parsons/Huwatschek to approve the agenda, passed

M/S Hall/Siira to approve the minutes of the regular meeting on September 30, 2014 with the following corrections – Jon reminded the committee and the public All motions to amend the zoning ordinance are recommendations to the Board of Commissioners. Two motions were made during the September 30<sup>th</sup> meeting. The first adding Multiple Family and Two Family Housing as a right with conditions in RS-1 & RS-2. The second to modify Table 5.1 to include road designations and road right of way setbacks. Both of those motions shall be changed to recommend to the Board of Commissioners. Another motion from the August 26<sup>th</sup> meeting was also corrected to read, "Motion by John, seconded by Tom, to recommend to the Board of Commissioner the change," referring to paragraph C section 9.2 nonconforming lots. Passed.

Guests: Alex Protzel, Steve Peters, Meta Adams, Clayton Adams, Donald Kauppi, Peg Kauppi, George Bailey, Gail English, Judy Davis, Shelby Laubhan, Dennis Sotala, Leslie Sotala, William Quackenbush, MaryAnn Quackenbush, Ken Stigers, Michael Musiel, Bill Eddy, Marc Rae, Mike LaMotte, Mark Ahlborn, Mark McEvers, Kathy McEvers, Miranda Davis, Art Davis, James Rovano, Tom Boost, Staci Gibson, Jan Cole, Jim Vivian and any others that may have been missed.

Public Comment –  
    Miranda Davis  
    Alex Protzel  
    James Rovano

New Business

7.26.3 One driveway per parcel --  
M/S John/Jim to recommend to the Board of Commissioners to allow two driveways with the correct permits being obtained from the proper Highway Authority, the Road Commission or the State of Michigan Department of Transportation. The driveway permits must be obtained prior to granting a zoning permit. Motion passed with Ray Chase abstaining.

## Unfinished Business

### Setbacks for non-conforming lots in Keweenaw County

Jon gave some background then proceeded:

- Jon Soper I appreciate the letter from the Grant Township Board. We had looked at recommending setbacks for non-conforming lots be the average of neighboring structures, with a minimum setback of 20'. Grant township is supporting and recommendation the waterfront be 15', the side yard setback be 7.5 feet. Our statement for side yard setback being the average of the neighbors may allow for less than 7.5 feet. Instead of being the average of neighboring lots left and right, is the average with no less than 7.5 feet for side yard setbacks. It can be the average but no less than 7.5 feet.
- Richard Schaefer How many lots don't meet the 7.5  
Alex Protzel Many of them are closer than 7.5 feet. It is a better number for the Community of Copper Harbor.
- Jon Soper Are you satisfied with the 7.5 feet as the minimum setback?  
Alex Protzel Yes.  
Jon Soper On the front yard and back yard on a lakefront property the choice is up to the property owner. The waterfront setback is no less than 15' we were recommending 20'.
- Ray Chase I don't think you'll have a problem with 15'  
Richard Schaefer I'd like to see some numbers. As a general rule what do we do for the ones that can't meet the setback? I suggest we put the standards out there. If the standards can't be met, then we look at the average. We got in trouble with the standard setbacks.
- Jon Soper If they don't meet the setbacks, then they can go for a variance.  
Art Davis When the Township Board discussed it with Alex's input stated no less than 7.5.
- Richard Schaefer What about the ones that can't do that? If I want to add a porch or a new room? What do we do to help out people use their own property.
- Art Davis We made our recommendations based on Copper Harbor.  
Jon Soper We should put something down in the ordinance. If there is a need for more flexibility, then that's where dimensional variances come in?
- Ann Gasperich Tom Boost, Fire Chief -- Please consider the Public Health and Safety aspect. You don't need to answer now, we can come back to you.
- Jim Huovinen That brings up privacy fences -- looking at it as a firefighter, privacy fence -- does that pose a problem for public safety?
- Art Davis Calumet Township is 5' to the side lines  
Richard Schaefer Thank you to Grant township for standing up and saying this is what we want -- if it doesn't work, get a variance
- Art Davis We have tried to get a variance and it doesn't work.  
Jim Huovinen When you had the township meeting, was there anyone with opposition?
- Art Davis The people I have talked to have had no opposition.

Richard Schaefer	If we make a motion to recommend this, we still will hold the public hearing and everyone will have an opportunity to speak.
Jon Soper	The public hearing won't happen until the snow is gone and the summer people have come back.
Alex Protzel	IT was my understanding from the last planning meeting that this was about setbacks for Copper Harbor and not for the non-conforming lots. If you need me to reiterate the reasons I'd be happy to do that.
Jon Soper	That's not necessary Alex, We're concerned about all the small lots, platted lots in the county. Copper Harbor is just one example. If there are conforming lots in CH they should conform to the ordinance standard setbacks.
Alex Protzel	There is a hodgepodge of conforming and non-conforming lots in Copper Harbor. Neighbor to neighbor would have different setbacks.
Jon Soper	You didn't hear what I said, those people would be excellent candidates for a variance.
Alex Protzel	I believe almost every project will require a variance. It would be better if this was taken as a zoning district overlay for the plat of Copper Harbor.
Jon Soper	We don't want to isolate Copper Harbor as a special district. We want it included as part of all of the small villages in the County.
Alex Protzel	if that is what you would like to do, I believe it to be better to have zoning overlay district for the small communities. It would give the people of Gay the same opportunity. It would be better if we had zoning overlays, if they were asked for. It's the better way to get more fine tuned. That is my opinion. It is a big direction to go. I am not speaking for the plat of Lac La Belle. I don't know enough about Lac La Belle to make those kinds of decisions.
Jon Soper	Thank you Alex. Any comments from the Commissioners? What about the ideas of Overlays?
Ray Chase	All of these letters recommend the same setbacks -- each of them. I have read them all the way through. They are all from Copper Harbor and all in agreement. This appears to be the consensus of the community
Clayton Adams	I have a place at the end of town. I'm not supportive of 15' setback from the waterfront. How many non-conforming lots are there.
Jon Soper	It's the waterfront lots that are people are concerned about.
Clayton Adams	Is there any real data
Alex Protzel	I received your email an hour before
Clayton Adams	more information will help me to figure out how many lots are we talking about. There is 20 lots maybe 30 along the water.
Jon Soper	How far from the waterfront are your places?
Clayton Adams	10' and 30' That's not the average. It's higher than that. I have data that I put together myself.
Jon Soper	Do you think the 15' is too small
Clayton Adams	I believe the average is much higher.

Meta Adams	I wasn't at your last meeting. I am very interested in water setbacks. I have a question about minutes on page 2, where Alex brought up the statements 2/3 of the lots are non conforming
Alex Protzel	If you look at the plat of Copper Harbor, I believe I was referring to the waterfront lots on Copper Harbor.
Ray Chase	Yes, that is what I understood you to say that 2/3'rd of the waterfront lots are non-conforming.
Meta Adams	It's the buildings that are non-conforming.
Alex Protzel	The buildings are 90% non-conforming.
Meta Adams	At the bottom of page 2 Mr. Schaefer introduced the concept of the entire plat. I think that is where the confusion is. It says in order to do the averaging needs to be done in a good way and the majority of the copper Harbor property owners.
Richard Schaefer	That was put in as a suggestion.
Meta Adams	I like what you said. That you were open to consideration, I appreciate the quote. The confusion is, you were suggesting the plat of Copper Harbor.
Richard Schaefer	The suggestion in my mind was to consider the properties within this geographical area. We have the challenge to look and see if the it applies here as other places in the county
Meta Adams	RS-1 Can be considered by itself.
Jon Soper	There are other RS-1 districts in the County. Alex had presented a lengthy discussion regarding Copper Harbor.
Richard Schaefer	When I made the comment, Mark McEvers stood up and said Hey if I'm on this property in Eagle River -- Why can't I go to where my neighbor is. No matter what solution we have or find. It's not a panacea for everyone. Each option has it challenges. This is a challenging opportunity. All we can do is start somewhere and see what we can do with the most amount of information we have. Thank you Alex for all the data you provided. All I can hope for is more input. It the residents and property owners we are trying to satisfy.
Clayton Adams	I request the data be reviewed for accuracy. The information that Alex supplied is quite different depending on how you do the analysis. There is a blend of considerations and accuracy that needs to request strongly the board do due diligence. Our numbers aren't that much different, it is the way it can be analyzed.
Alex Protzel	as far as the analysis, the waterfront setbacks were taken from the high water mark and where does the structure sit in relationship to that. It did include the public piers and the marina itself. Also Claytons home at 12' off the water even though he isn't on the plat. copper Harbor averaged 9' on the west side the east side averaged 19'. The data is reviewable but not published anywhere. There was no fudging necessary or desired. Those are the numbers and make of it what you will. If one property like the motel that is four lots, is that four numbers or just one -- how do you want to slice it. It doesn't change the averages that much.

Richard Schaefer When you listen to Alex and I listen over here it tells me there is still a huge variance from lot to lot to lot -- and when I said average it all out, the more I hear the less I like that idea. If you go to the property to the right and the property to the left. What do you have and to be consistent with the current structure and fair to the individual that wants to do something. that makes the most sense. Look on my right and look on my left --

Clayton Adams When this first came up. I did a lot of reading about township zoning. I found out a lot of places do the left and right -- many use 6 and get and average for shoreline. One to the left and one to the right may not be enough --

Jon Soper The last motion was to look at the neighboring parcels and do the average. We'd leave it to the descresion of the Zoning Administrator to say yes or no and the distance.

Clayton Adams Are you using docks? A 6' high concrete pier  
Jon Soper We are going to qualify the structures as the principal structure. We are talking about setbacks of dwellings on non-conforming lots for the plat. Should we exclude docks and boathouses. Please let us work on this, we'll be back to you in the spring.

Alex Protzel I have included structures that are required to have a zoning and building permit. We don't want it crowed to much --

Jon Soper I understand what you're saying Alex, I think we need to exclude docks, decks, walkways and boat houses

Bill Eddy You need to distinguish between primary structures and accessory structures. The primary reason for setback from the water is for protection of the waterway. There needs to be changes along the waterfront in Copper Harbor, I'd hate to see those set backs be reduced so much that we end up building huge homes on the little tiny lots. I believe most of the lots a reasonable home can be built without going 7 feet on the side and 15 feet on the water. I haven't heard any discussion on the setback from the street. My personal opinion is that 10' from the street is a reasonable setback. With the right of way of 20' plus the 10' from setback that is plenty of setback. The other thing I would like to say, I made the same comment at the ZBA meeting. This problem, the one they were addressing, to only address the issue on non-conforming lots and not the entire plat, you're still going to be leaving a situation where a bunch of people will need a variance. The basic rule for zoning is if it is a repetitive variance request, then the ordinance should be changed to allow. I would think that from the data I have looked at. The Average setbacks of residences, you're probably looking at certainly more than 15'. A technical issue of 9.2 C, reducing the setback, that addresses residential districts, RS-1 is not residential but mixed use and it may need to be technically fixed. The chart has a specific residential setback.

Miranda Davis This issue has been going on for 18 months -- now you're saying we need to wait another 6-8 months?

Jon Soper You're not alone in your frustration.  
 Miranda Davis We are discussing 5 or 10 feet -- does it make sense for anyone to have a 50' setback?

Jon Soper I live in an area where the setbacks are  
 Miranda Davis If the new ordinance says the lots need to be 100' wide then all of the 60' lots should be none conforming?

Jon Soper We are not going to generate any new 60' lots. If any new plats come around they must be 100' lots.

Art Davis Conforming lot in RS 1 must be 6000 sq feet.  
 Miranda Davis With a 50' setback if it is a conforming lot? And 15 if it's non-conforming

Jon Soper We looked at Alex's drawing where there was a conforming lot in the middle of a half of dozen - a prime reason to get a variance  
 Art Davis If you can get a variance.  
 Miranda Davis This County is coming under litigation because of the ZBA not granting variances. Let's correct this.

Jon Soper Any last comments?  
 Alex Protzel I think you guys should take a stand. You're not going to make everyone happy, but most happy. As I said, there is a continuing crisis on this community with the existing ordinance.

Richard Schaefer Do you think it's fair to have a public hearing to have it in July or January. What's going to happen between now and July. It's our responsibility.

Alex Protzel This is a really big turnout.  
 Richard Schaefer The more people that come and offer comment give us a better idea of the feeling of the community.

Jon Soper We will give serious consideration to the recommendation of the township board.

Staci Gibson I've been listening to all of this. I have written letters. It's specific to Copper Harbor itself. It seems you're trying to fit a square peg in a round hole. I understand you're trying to make it work for everyone. As Bill said, if the request for a variance continues to come up again and again. Can't we change this for the unique setting of Copper Harbor? I just wanted to add that I appreciate your position and your challenge. We are a small community that would like to be able to grow. We would like to see the opportunity to be realized.

Jon Soper Trying to get high speed internet and cell phone to Copper Harbor. We are working on trying to help your community grow. Mohawk, Gay, Lac Labelle, all of our little communities are unique. We can't have separate rules for each.

John Parsons There are very few county wide ordinances in the state of Michigan. It's clearly what it should be is a township ordinance. Each Township should have their own zoning. It's a decision that the townships should make.

Jon Soper	We really appreciate your comments; understand your frustrations and your desires. We will take the recommendation from the township board to be very important and will take that as the recommendation.
Art Davis	We are hoping for quicker action. Not wait until next year.
Jon Soper	We would have a lot of people complaining if we held the public hearing in the winter.
Miranda Davis	In two months we will gather more support for these changes.
Art Davis	You have our Township support on record for these changes to the ordinance.

Jon thanked everyone for their comments and reminded them the topic will be discussed again at the December meeting.

#### Parking in RR for Tourist Homes & B&B's

Jon read the parking plan that was submitted by Jan Cole for the tourist home the old B&B. There are five rooms in the big house. The zoning ordinance requires 1 space for sleeping room for B&B's and for boarding houses 1 space for a boarding house. Jon read the definitions of B&B and Boarding House. John asked that we define Vacation Home/Tourist Home. Will be an agenda item for December meeting.

Jon read the plan out loud. The Plan submitted by Jan is received and will be placed on file.

#### Follow up letter to politicians re fiber optic

Jon gave background on the battle for connecting the fiber optic cable that. This will be the third letter to AT&T and the second letter to the Senators and Congressman for our district. Jon then read the letter. Ray recommended that the main word needs to be 'connected' to the fiber. We are on the right track, just need to make sure they understand the difference of connected vs running.

Jim Huovinen asked if we can be flexible on the time for the December 9<sup>th</sup> meeting to accommodate Mr. Norman from AT&T.

#### Off Premise Signs

Jon gave the history on the chapter of signs regarding location and allowable signs. There was a complaint on some signs on US 41 South of Copper Harbor. The two signs in Mohawk are leased and are also licensed through the state of Michigan Department of Transportation. The sign for Grandpa's Barn is on the owners property. The sign for the Isle Royal Ferry Service is a legal seasonal sign.

#### The Zoning Administrator's Report

Ann presented her report and commented that she will be out of the office for 6-8 weeks beginning Wednesday November 5<sup>th</sup>.

Final Public Comments -

Peg Kauppi – I'm not sure where it got left, if we are waiting until next summer for a public hearing. It is nice that you want to get consider all opinions. We live here year round. We have the Township Board, the Volunteer Fire Department and our school. If people don't want to live here year round it certainly is their choice. We live here year round. I don't think we should have to wait for summer to put into place these changes that have been supported by the Township Board already.

Tom Boost, Fire Chief, -- First on scene does the size up which includes obstructions, rocks, fences, outbuildings. I would never place a truck within 50 – 75 feet of the structure. If you have fire between adjacent structures, there isn't a whole lot of space between to protect. The first and most important is to protect the fire fighters. The Harbor has its own hydrant system from end to end. Outside of town we would need to tanker water.

Commission Final Comments -- none

M/S Chase/Siira Schedule Next Regular Meeting December 9<sup>th</sup> 6:00 PM Courthouse passed.

Motion to Adjourn – Richard at 8:50