

Keweenaw County
Zoning Board of Appeals Regular Meeting
Minutes – March 24, 2016
6:00 PM

DRAFT MINUTES

Jan Cole requested a delay.

The Chairman called meeting to order 6:20 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: James Vivian Jr., Chairman
 Frank Kastelic, Vice Chair
 Pauline Johnson, Member
 Steve Peters, Member
 Tom Hall, Planning Commission Member
 Peter Mace, Alternate
 Melvin Jones, Alternate

All members present. Guests – Matt Wojda, Ray Chase, James Rovano, Mark Vichich, Mary Long, Gary & Audrey Erickson, Jan Cole & Michelle Halley.

M/S Frank/Tom to accept the agenda, passed

M/S Frank/Tom to approve the Minutes – January 14, 2016 regular meeting, passed

The Chairman called for public comment – there were none.

New Business

The Chairman asked Ann to read the findings of fact as presented. She read into the record the following:

FINDINGS OF FACT

The Keweenaw County Zoning Board of Appeals makes the following factual findings regarding properties owned by Edward Cole and Edochi, LLC (“collectively Cole”) following remand from the Keweenaw County Circuit Court:

1. We have reviewed the Keweenaw County Circuit Court’s Opinion and Order dated February 23, 2016 (“The Opinion”).
2. We understand that we must determine whether Cole has been aggrieved by the Zoning Administrator’s interpretation of Ordinance Section 10.12.3. Cole may be aggrieved if we find that Section 10.12.3 applies to the Cole properties.
3. Although its first sentence references tourist homes and bed and breakfast establishments, Section 10.12.3 plainly regulates bed and breakfast establishments.
4. Ordinance Section 2.3 defines bed and breakfast as “a commercial use which is subordinate to the principal use of a building as a single-family dwelling unit, and in which transient guests are provided a sleeping room in return for remuneration. Meals may also be provided.”
5. Cole’s use is not a bed and breakfast because (a) Cole does not actually reside in the homes being rented out, and (b) guests rent the entire home in return for remuneration, not a single room.
6. Therefore, Section 10.12.3 does not apply to the Cole properties.
7. It appears as though Cole’s properties are used primarily as rental properties or tourist homes. However, neither rental properties nor tourist homes are defined within the Ordinance.
8. Section 4.2.3 provides as follows:
“Unlisted uses: where a proposed use of land owned or a use of buildings is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted,

** Public Comments are limited to 3 minutes at a time, not to exceed 20 minutes. This meeting is open to the public and complies with the Open Meetings Act.

involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request the Planning Commission to consider the proposed use, and if deemed appropriate, to then initiate the necessary amendment to this Ordinance to provide for the requested use in appropriate districts and according to standards recommended by the Planning Commission...”

9. The Zoning Administrator has indicated that she believes Section 4.2.3 applies to this case, and has requested that this matter be submitted to the Planning Commission.

10. Therefore, pursuant to Section 4.2.3 and to the Court’s Opinion, this matter shall be submitted to the Planning Commission for further proceedings.

The Chairman stated he believed several items needed to be defined such as tourist home as one of the pertinent issued. He asked the Board if there was any discussion, there was no comment. He then asked for a motion to remit tourist home / rental home to the planning commission and draw up whatever ordinance changes are necessary to apply. **M/S Frank/Steve to remit to Planning Commission the necessary changes, passed.**

The Chairman asked the board if they believed 10.12.3 applied. After slight discussion the board agreed 10.12.3 does not apply since they do not operate a bed and breakfast. Frank stated the Coles were not aggrieved since they do not. The Chairman called for a vote if the board was in agreement. **M/S Frank/Tom the Coles are not an agreed party, passed.** Matt Wojda asked for verification regarding the findings of fact being accepted by the Board. Chairman Vivian replied with the the we agree to the findings of fact.

The Chairman then stated, According to what we have agreed to, under section 4.2.3, this matter shall be submitted to the Planning Commission to do their job expediently.

The Chair Called for Public Comment – Michelle Halley stood and thanked the ZBA for their hard work and dedication to the process.

There were no comments around the table

M/S Frank/Tom to adjourn at 6:32.

