Keweenaw County
Zoning Board of Appeals Staff Report
May 17, 2017
2017-VAR-01
42-307-52-000-034

Meeting Date: 5:00 PM June 1, 2017

Subject: Hardship Exemption Section 9.9

Attachments:
Staff Report
Application Package
Site Plan

GENERAL INFORMATION

Property Owner Petitioner
Georgia Benney

Requested Action and Purpose
To request a hardship variance on the waterfront lot at Lake Medora. To construct a 12' x 18' addition to include a bathroom and kitchen.

Location and Existing Zoning
12853 US 41, Grant Township, Lake Medora, property is zoned RRA. Location is just west of the Boat Launch.

Size and Existing Land Use
The 1.34 acre parcel is divided by US 41. The family cottage is between US 41 and Lake Medora.

Surrounding Land Use and Zoning
North – Water
South – Forest, RRA & B
East – State of Michigan Boat Launch, RRA
West – Cottage, RRA

Applicable Regulations
Section 9.9 Hardship Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alterations, or enlargements may be granted only with a finding by the Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

Frontage
Approximately 125 feet on US 41 and 140 feet along Lake Medora.

Physical Characteristics
A small waterfront lot with cottage that was constructed probably in the 60's. A new well was installed in 2014 and the new septic was installed in 2010.

Summary
The petitioner requests a hardship variance to construct an addition that would include a full bathroom, laundry facilities and a kitchen. The addition will be added to the west of the cabin where there is approximately 65' to the lot line. The existing small concrete block building will be removed prior to construction. It is the desire of the owner to have a single family dwelling with year round capabilities.

KEWEENAW COUNTY
EQUALIZATION DEPARTMENT

5095 4th Street
Eagle River, MI 49950
Phone: (906) 337-3471 Fax: (906) 337-2253

OLD FOR REVIE'

Received: 05/01/2017
Issued:
Expires:

Zoning

PZ17-0020

APPLICANT	OWNER	LOCATION
BENNEY GEORGIA 816 DAKOTA AVE. GLADSTONE MI 49837	BENNEY GEORGIA 816 DAKOTA AVE. GLADSTONE MI 49837	12853 US 41 **PID:** **42-**307-52-000-034 **Lot:** **Block:**
Phone: (906) 630 2742 **Cell:**	**Phone:** (906) 630 2742 **Cell:**	**Plat/Sub:** **Zoning:** **RRA**

Work Description: CONSTRUCT A 12' X 18' ADDITION TO WEST SIDE OF COTTAGE.

Stipulations: DENIED DUE TO VARIENCE FROM ZBA REGARDING 9.9 HARDSHIP REQUEST

Permit Item	Fee Basis	Amt Billed	Discount	Item Total
APPLICATION FEE	1.00	50.00	50.00	0.00
APPLICATION FEE	1.00	250.00	0.00	250.00

All work shall be complete in accordance with applicable codes, ant not occupied or put into operation until an use or occupancy permit has been issued through Keweenaw County.

Fee Total:	$250.00
Amount Paid:	$0.00
Balance Due:	$250.00

Receipt Transaction:

PERMIT REQUIREMENTS

WATER	W 14-42-008
SEWER	S-10-42-0030
DRIVEWAY	DOT PERMIT TO ALLOW SEPTIC SO CLOSE TO ROW 42-012-007-09-073 ISH
SOIL EROSION AND SEDIMENTATION	TBD
LOT COVERAGE	LESS THAN 30%

ISSUED DENIED BY: _____

DATE: _____

ZONING PERMIT APPLICATION

Keweenaw County Zoning Ordinance Sections 18.8.1 **requires** an approved Zoning Permit for all work. The permit is **required prior to** beginning any work.
A zoning permit must be issued prior to application of a building permit. Zoning Permits are **free and include one site visit. Additional site visits are $50.00 each.**

Date	Parcel ID (tax) Number	ALL INFORMATION IS REQUIRED
4-29-17		

Property Owner(s) Name: GEORGIA L. BENNEY	Applicant(s) Name: GEORGIA L. BENNEY
Mailing Address: 816 DAKOTA AVE	Mailing Address: 816 DAKOTA AVE
City: GLADSTONE; State: MI; Zip code: 49837	City: GLADSTONE; State: MI; Zip code: 49837
Day Phone: 906-630-2742; Evening Phone: SAME	Day Phone: 906-630-2742; Evening Phone: SAME
Current Zoning of Property	Property Address: 12853 US HWY 41 PROMONTORY, MI 49965
Lot Size and Total Existing Acreage: 106 X 200 FEET	Location of Property: 12853 US 41 N side of US 41 Road; Between WASHINGTON MINE RD and BOAT LAUNCH Roads

List below or attach legal description of property.

Describe what this property will be used for and any structural work to be performed.

Masonry Foundation, Typical Wood construction, Trussed Roof System

A SURVEY OR SCALE DRAWING SHOWING ALL DIMENSIONS, (*adjacent roads, existing buildings, proposed work, proposed structures and setbacks*) **MUST ACCOMPANY THIS APPLICATION.**

THIS APPLICATION **MUST** BE SIGNED BY THE PROPERTY OWNER OR THEIR AUTHORIZED AGENT

I hereby grant permission for members of the Planning Commission and Zoning Administrator to enter the above described property for the purpose of gathering information related to this application.

Georgia L. Benney 4-29-17
Signature and Date Applicant(s)

Signature (if other than owner):

DO NOT WRITE BELOW THIS LINE – KEWEENAW COUNTY USE ONLY

Date Received	Zoning Permit #	Scheduled Site Visit Date	911 Address Number
5-1-17	PZ17-0020	5-22-17	12853
Septic Permit Number	Well Permit Number	Soil Erosion Permit Number	Culvert Permit Number
		TBD	N/R
Critical Dune Permit Number	DEQ Permit Number	Addtnl Site Survey Fees ($50.00 Each)	Receipt #
N/R	N/R		

☐ APPROVED ☒ DENIED reason over Signed [signature] Zoning Administrator Date 5/2/17

KEWEENAW COUNTY
ZONING BOARD OF APPEALS
ZONING VARIANCE REQUEST

Application Fee is $250.00

Date	Parcel ID Number
4-24-17	

ALL INFORMATION IS REQUIRED

Property Owner(s) Name			Applicant(s) Name		
GEORGIA BENNEY			GEORGIA BENNEY		
Mailing Address			Mailing Address		
816 DAKOTA AVE			816 DAKOTA AVE		
City	State	Zip Code	City	State	Zip Code
GLADSTONE	MI	49837	GLADSTONE	MI	49837
Day Phone	Evening Phone		Day Phone	Evening Phone	
906-630-2742	SAME		906-630-2742	SAME	

THIS APPLICATION MUST BE SIGNED BY THE PROPERTY OWNER(S) OR THE OWNER(S) MAY PROVIDE A LETTER AUTHORIZING THE APPLICANT TO ACT ON THEIR BEHALF.

Current Zoning of Property	Property Address	Total Acreage
	12853 US Hwy 41	

Location of Property:	side of	Road	Between	and	Roads
N	US 41		WASHINGTON MINE RD	PUBLIC ACCESS	

Type of Request	Article and/or Section of the Zoning Ordinance being appealed
☒ A variance of a requirement of the Zoning Ordinance	Article 9
☐ A review of an administrative decision	Section 9
☐ An appeal of a special approval denial	Subsection Hardship
☐ An interpretation of the Zoning Ordinance text	
☐ An interpretation of the Zoning Map	

Variance requested (The difference between what is required and what is proposed)

In order for a variance to be granted, applicant must demonstrate a hardship or practical difficulty pursuant to the Keweenaw County Zoning Ordinance. Describe the reason(s) for seeking this variance.

ADDITIONAL SPACE IS NEEDED TO MAKE IMPROVEMENTS TO NEEDED BATHROOM, KITCHEN & LAUNDRY FACILITY.

A COMPLETE SITE PLAN CONTAINING ALL OF THE APPLICABLE DATA OUTLINED IN THE KEWEENAW COUNTY ZONING ORDINANCE MUST ACCOMPANY THIS APPLICATION.

I certify the information on and accompanying this application to be complete, true and correct under penalty of perjury by the laws of the State of Michigan. I also hereby grant permission for members of the Planning Commission, Zoning Board of Appeals and county staff to enter the above described property for the purpose of gathering information related to this application.

Authorized Signature(s) & Date (Letter of authorization required if other than property owner):	Georgia L. Benney 4-29-17

DO NOT WRITE BELOW THIS LINE –KEWEENAW COUNTY USE ONLY

Date Received	Application Fee	Receipt Number	Case Number
5/1/17	$250.00		2017-VAR-01

Zoning Administrator Signature & Date: M. Ann Zupek

Publication Date	Date Notices Mailed	Public Hearing Date	Other
5/15/17	5/15/17	6/1/17	

Supplemental Information
Zoning Board of Appeals Case No. 2017-VAR-01

Please answer each of the following questions which correspond to the findings required for variance approval. The responses will be used by the Zoning Board of Appeals in its review of this case. The case will be heard whether or not the questions are completely answered. It is to **your advantage** to provide as detailed and complete a response to each question since it is your responsibility to provide information on each of the approval standards.

1. Why would strict compliance with the applicable Zoning Ordinance Standard(s) prevent the owner from using the property for a permitted purpose or be unnecessarily burdensome?

CANNOT BUILD TO NORTH OR EAST DUE TO WATER LINE, OR SOUTH DUE TO EXISTING SEPTIC

2. How will the requested variance ensure substantial justice (fairness) to **both** the applicant as well as other property owners?

ADDITION TO ALLOW FOR FULL BATHROOM, KITCHEN IMPROVEMENTS AND LAUNDRY WOULD THEN EQUAL THE EXISTING NEIGHBORS.

3. Why would a lesser variance that would be more fair to other property owners **not** give substantial relief to the applicant?

WOULD NOT HAVE ROOM FOR A FULL BATH OR LAUNDRY AREA

4. What is unique about the property that is different from other properties in the area or the same zoning district?

CAN ONLY EXPAND IN ONE DIRECTION - TO THE WEST

5. Explain why the requested variance is not due to the actions of the applicant, owner, or their predecessors.

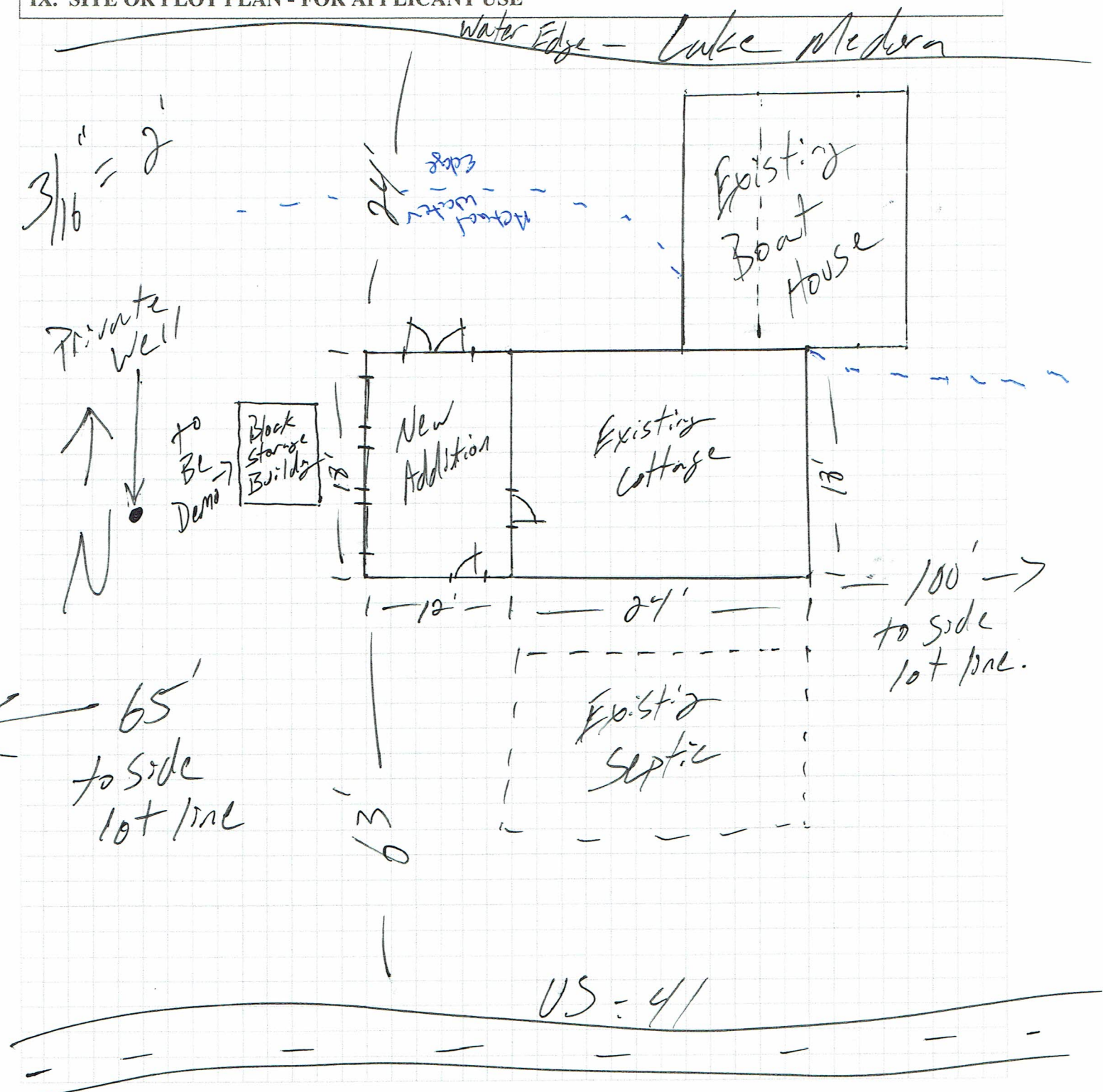
ORIGINAL FOOT PRINT WAS BUILT BEFORE ZONING CODES (1960)

Signed: Georgia Benney

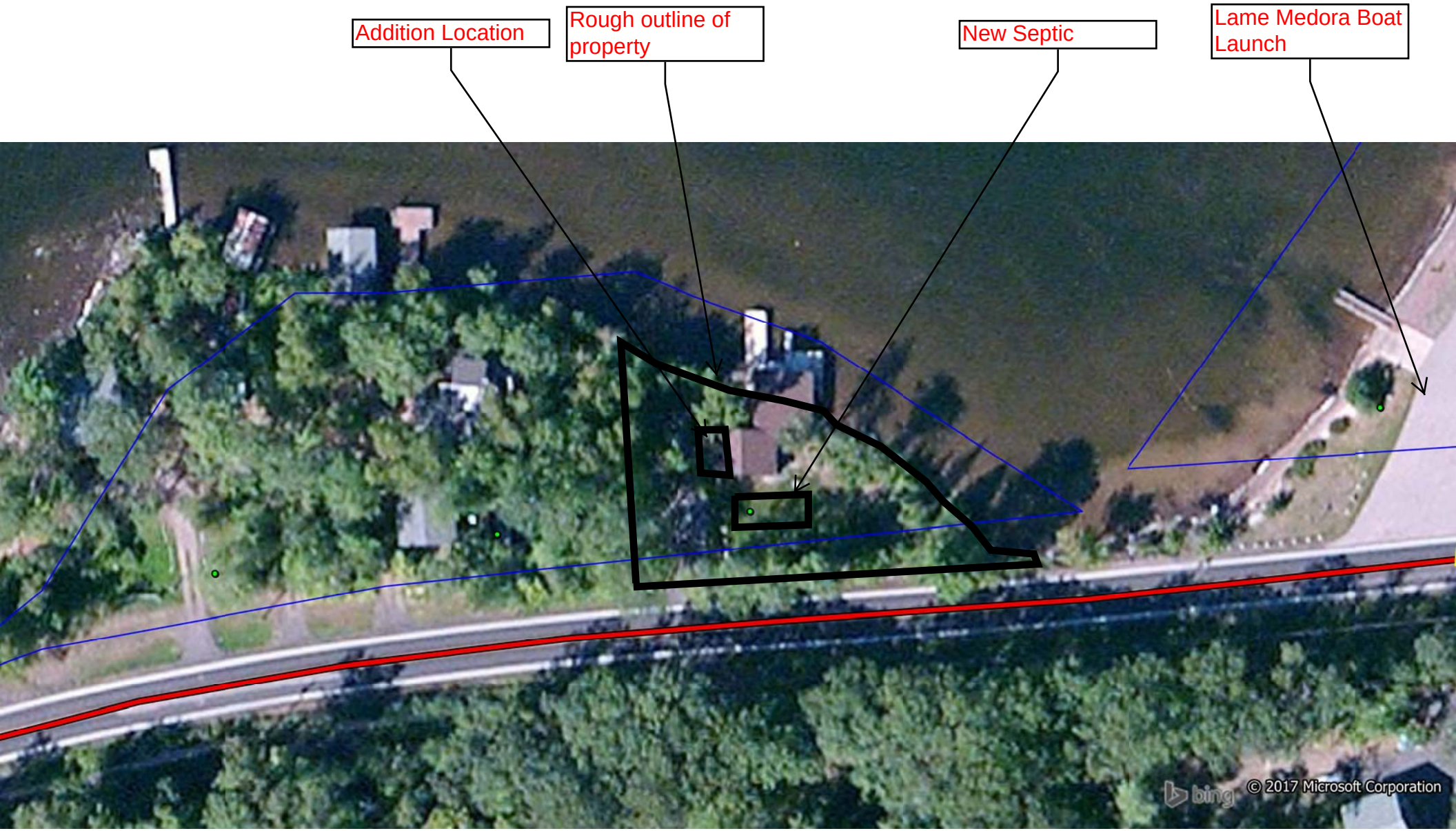
Printed Name: GEORGIA BENNEY

This form **must be submitted** along with the application form, plans, and fee. Applications which do not include this form will **not** be accepted.

IX. SITE OR PLOT PLAN - FOR APPLICANT USE



Expiration of Permit: A permit remains valid as long as work is progressing and inspections are requested and conducted. A permit shall become invalid if the authorized work is not commenced within 180 days after issuance of the permit or if the authorized work is suspended or abandoned for a period of 180 days after the time of commencing the work. **A PERMIT WILL BE CLOSED WHEN NO INSPECTIONS ARE REQUESTED AND CONDUCTED WITHIN 180 DAYS OF THE DATE OF ISSUANCE OR THE DATE OF A PREVIOUS INSPECTION. CLOSED PERMITS CANNOT BE REFUNDED. THE CHARGE TO RE-OPEN A CLOSED PERMIT IS $100.00.**



Georgia Benney, 12853 US 41, Grant Township
near Lake Medora State Boat Launch

12881 US 41
12853 US 41
12842 US 41
12830 US 41
12888 US 41
12791 US 41
12801 US 41
12820 US 41
12810 US 41
© 2017 Microsoft Corporation

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed 05/17/2017 2:28 PM

Parcel:	307-52-000-034	**Current Class:**	401.401-RESIDENTIAL
Owner's Name:	BENNEY GEORGIA	**Previous Class:**	401.401-RESIDENTIAL
Property Address:	12853 US 41	**Gov. Unit:**	3 GRANT TOWNSHIP
	,	**Map #**	49837
		School:	42030 GRANT TWP SCHOOLS
		Neighborhood:	04 MEDORA RES
Liber/Page:		**Created:**	/ /
Split:	/ /	**Active:**	Active
Public Impr.:	None		
Topography:	None		

Mailing Address:

BENNEY GEORGIA
816 DAKOTA AVE.
GLADSTONE MI 49837

Description:

GM-34 R LOTS 34 & 60 & IMPS ASSESSOR'S PLAT OF LAKE MEDORA 0.24A

Most Recent Sale Information

None Found

Most Recent Permit Information

None Found

Physical Property Characteristics

2017 S.E.V.:	88,628	**2017 Taxable:**	32,877	**Lot Dimensions:**	
2016 S.E.V.:	89,208	**2016 Taxable:**	32,584	**Acreage:**	1.27
Zoning:	RRA	**Land Value:**	146,269	**Frontage:**	401.0
PRE:	0.000	**Land Impr. Value:**	0	**Average Depth:**	142.1

Improvement Data

of Residential Buildings: 1
Year Built: 1951
Occupancy: Single Family
Class: CD
Style: TWO-STORY
Exterior: Wood Siding
% Good (Physical): 77
Heating System: Space Heater
Electric - Amps Service: 100
# of Bedrooms: 2
Full Baths: 0 Half Baths: 1
Floor Area: 472
Ground Area: 472
Garage Area: 0
Basement Area: 0
Basement Walls:
Estimated TCV: 30,986

Image

12853 US 41 2012 034

12853 US 41 2012 10-034

12853 US 41

12853 US 41 2012 4

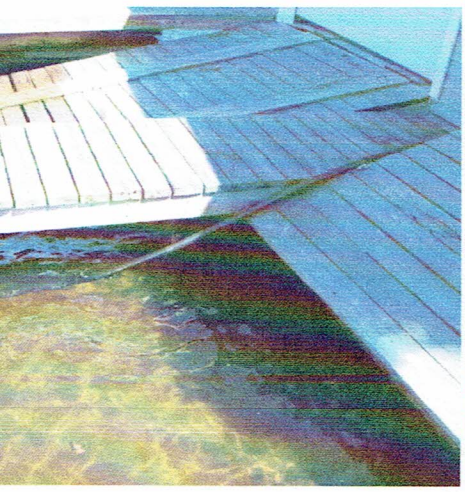
12853 US 41 2012 FR-034

12853 US 41

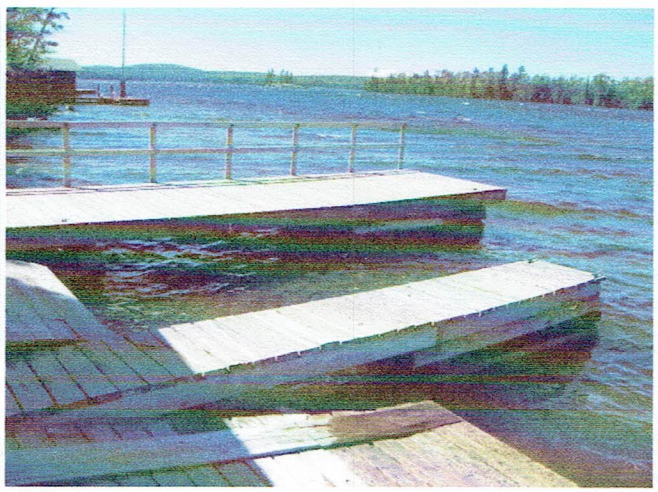
53 US 41 2012BLOC

12853 US 41 2012BLO34

12853 US 41



12853 US 41 2012 D34



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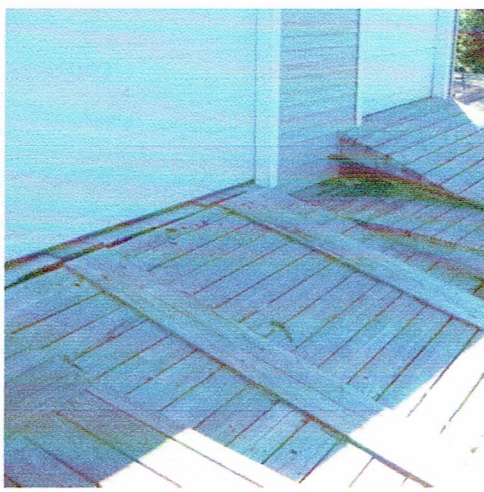
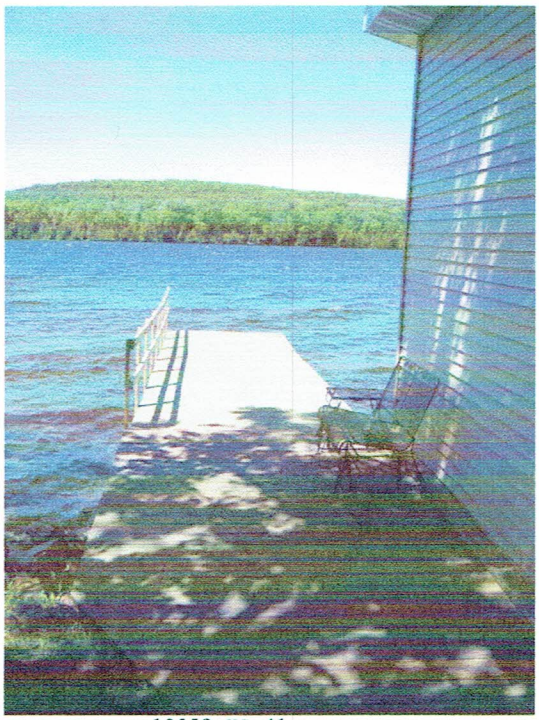


12853 US 41

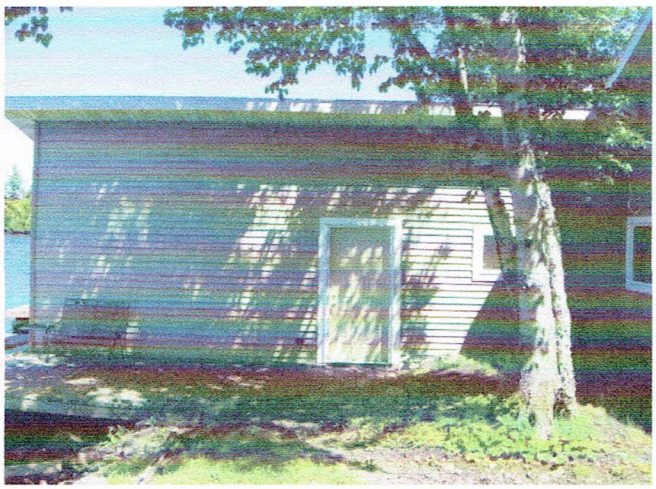
12853 US 41



20-034 12853 US 41

2012 12853 US 41

3 US 41



2012 HOUS:034 12853 US 41

201200-034 12853 US 41

Keweenaw County
Zoning Board of Appeals Staff Report

May 17, 2017
2017-VAR-02
42-310- 31-100-002

Meeting Date: 5:00 PM June 1, 2017

Subject: Sign Variance Application

Attachments:
Staff Report
Application Package
Site Plan

GENERAL INFORMATION

Property Owner Petitioner
Rustic Manor LLC / Aaron Rogers and John Meilahn

Requested Action and Purpose
To request a variance from the height requirements for a permitted sign in RR.

Location and Existing Zoning
14203 M-26, RRB

Size and Existing Land Use
Total 38 A. The Trails End Campground is finalizing its' licensing with the State of Michigan.

Surrounding Land Use and Zoning
North – Forest, RRB
South – Forest, RRB
East – Forest, RRB
West – Forest, RRB

Applicable Regulations
Section 16.5 Permitted Signs in CE, R-1, R-2, RR, and PD Districts
b. Non-dwelling use signs. A non-dwelling use in a residential area, such as a school, a religious facility, an institutional use, a club house, etc., is permitted to have one ground sign and one wall sign, neither of which shall exceed twenty (20) square feet in area. Total sign area is permitted to increase one (1) percent for each additional foot signs are set back behind the building line. The height of a ground sign may not exceed eight (8) feet above uniform finished grade, unless the placement of the sign is below the grade of the road from which access is taken, in which case it shall not be more than eight (8) feet above the grade of the road.

Frontage
Approximately ½ mile on M-26.

Physical Characteristics
38 acre parcel is a licensed campground with improved and rustic campsites.

Summary
The petitioner requests a variance to erect the sign by the driveway in excess of the 8 feet above the grade of the road. The natural materials of the sign structure create meet much of the criteria in item B section 6.1 of the ordinance. The sign is of a hanging nature as you will see in the sketch presented by the applicant.

KEWEENAW COUNTY
EQUALIZATION DEPARTMENT

5095 4th Street
Eagle River, MI 49950
Phone: (906) 337-3471 Fax: (906) 337-2253

OLD FOR REVIE'

Received: 05/15/2017
Issued:
Expires: 11/11/2017

Zoning

PZ17-0018

APPLICANT	OWNER	LOCATION
RUSTIC MANOR LLC 84 GRATIOT ST COPPER HARBOR MI 49918	RUSTIC MANOR LLC 84 GRATIOT ST COPPER HARBOR MI 49918	14203 US HWY M-26
Phone: (906) 289 4788 **Cell:**	**Phone:** (906) 289 4788 **Cell:**	**PID:** **42-**310-31-100-002 **Lot:** **Block:** **Plat/Sub:** **Zoning:** **RRB**

Work Description: TRAILS END CAMPGROUND 4 X 5 CEDAR POST SIGN. REQUESTED TO BE PLACED NO HIGHER THAN 8' ABOVE ROAD GRADE.

Stipulations: INITIAL REQUEST DENIED. ZBA VARIANCE PENDING ON JUNE 1, 2017

Permit Item	Fee Basis	Amt Billed	Discount	Item Total
APPLICATION FEE	1.00	250.00	0.00	250.00

All work shall be complete in accordance with applicable codes, ant not occupied or put into operation until an use or occupancy permit has been issued through Keweenaw County.

Fee Total:	$275.00
Amount Paid:	$250.00
Balance Due:	$0.00

Receipt Transaction: #00000076

PERMIT REQUIREMENTS

WATER	N/A
SEWER	N/A
DRIVEWAY	EXISTING
SOIL EROSION AND SEDIMENTATION	N/A
LOT COVERAGE	N/A

ISSUED DENIED BY: _____

DATE: _____

KEWEENAW COUNTY
ZONING BOARD OF APPEALS
ZONING VARIANCE REQUEST

Application Fee is $250.00

Date: 5/15/17	Parcel ID Number: 310-31-100-002		
Property Owner(s) Name: Rustic Manor LLC		Applicant(s) Name: John Meilahn	
Mailing Address: PO Box 100		Mailing Address: PO Box 100	
City: Copper Harbor	State: MI Zip Code: 49918	City: Copper Harbor	State: MI Zip Code: 49918
Day Phone: 906 289 4919	Evening Phone:	Day Phone: 906-289-4919	Evening Phone: 906 289 4919

ALL INFORMATION IS REQUIRED

THIS APPLICATION MUST BE SIGNED BY THE PROPERTY OWNER(S) OR THE OWNER(S) MAY PROVIDE A LETTER AUTHORIZING THE APPLICANT TO ACT ON THEIR BEHALF.

Current Zoning of Property: RR	Property Address: 14303 M-26	Total Acreage: 37 +
Location of Property: ½ Mile west of the side of Road	Between: Copper Harbor and: Marina Roads	

Type of Request

- [x] A variance of a requirement of the Zoning Ordinance
- [ ] A review of an administrative decision
- [ ] An appeal of a special approval denial
- [ ] An interpretation of the Zoning Ordinance text
- [ ] An interpretation of the Zoning Map

Article and/or Section of the Zoning Ordinance being appealed
Article: XVI
Section: 5
Subsection: A

Variance requested (The difference between what is required and what is proposed)
Additional 7' of height

In order for a variance to be granted, applicant must demonstrate a hardship or practical difficulty pursuant to the Keweenaw County Zoning Ordinance. Describe the reason(s) for seeking this variance.
The design that has been figured is not feasable at the 8' high Maximum.

A COMPLETE SITE PLAN CONTAINING ALL OF THE APPLICABLE DATA OUTLINED IN THE KEWEENAW COUNTY ZONING ORDINANCE MUST ACCOMPANY THIS APPLICATION.

I certify the information on and accompanying this application to be complete, true and correct under penalty of perjury by the laws of the State of Michigan. I also hereby grant permission for members of the Planning Commission, Zoning Board of Appeals and county staff to enter the above described property for the purpose of gathering information related to this application.

Authorized Signature(s) & Date (Letter of authorization required if other than property owner): [signature] 5/15/17

DO NOT WRITE BELOW THIS LINE –KEWEENAW COUNTY USE ONLY

Date Received: 5-15-17	Application Fee: $250	Receipt Number: 80	Case Number: 2017 VAR 02
Zoning Administrator Signature & Date			

Publication Date: 5/17/17	Date Notices Mailed: 5/16/17	Public Hearing Date: 6/1/17	Other

Rev 1 April 24, 2007

Supplemental Information
Zoning Board of Appeals Case No. 2017-VAR-02

Please answer each of the following questions which correspond to the findings required for variance approval. The responses will be used by the Zoning Board of Appeals in its review of this case. The case will be heard whether or not the questions are completely answered. It is to **your advantage** to provide as detailed and complete a response to each question since it is your responsibility to provide information on each of the approval standards.

1. Why would strict compliance with the applicable Zoning Ordinance Standard(s) prevent the owner from using the property for a permitted purpose or be unnecessarily burdensome?

The signage for the Trails End Campground has been designed & created to fit the business plan & overall creativity of the campground. Careful consideration has been put into the design in order to compliment natural surroundings.

2. How will the requested variance ensure substantial justice (fairness) to **both** the applicant as well as other property owners?

The proposed signage is very similar to existing signs in the Copper Harbor area. Nearly every sign in the area is either greater than 20 sq ft or higher than 8 ft.

3. Why would a lesser variance that would be more fair to other property owners **not** give substantial relief to the applicant?

The sign height is an important factor when considering the visibility and the speed limit of 55 mph

4. What is unique about the property that is different from other properties in the area or the same zoning district?

The Trails End Campground is located on a large parcel. The campground is a wide open and rustic space. The campground is not located in the downtown area of the Copper Harbor Village.

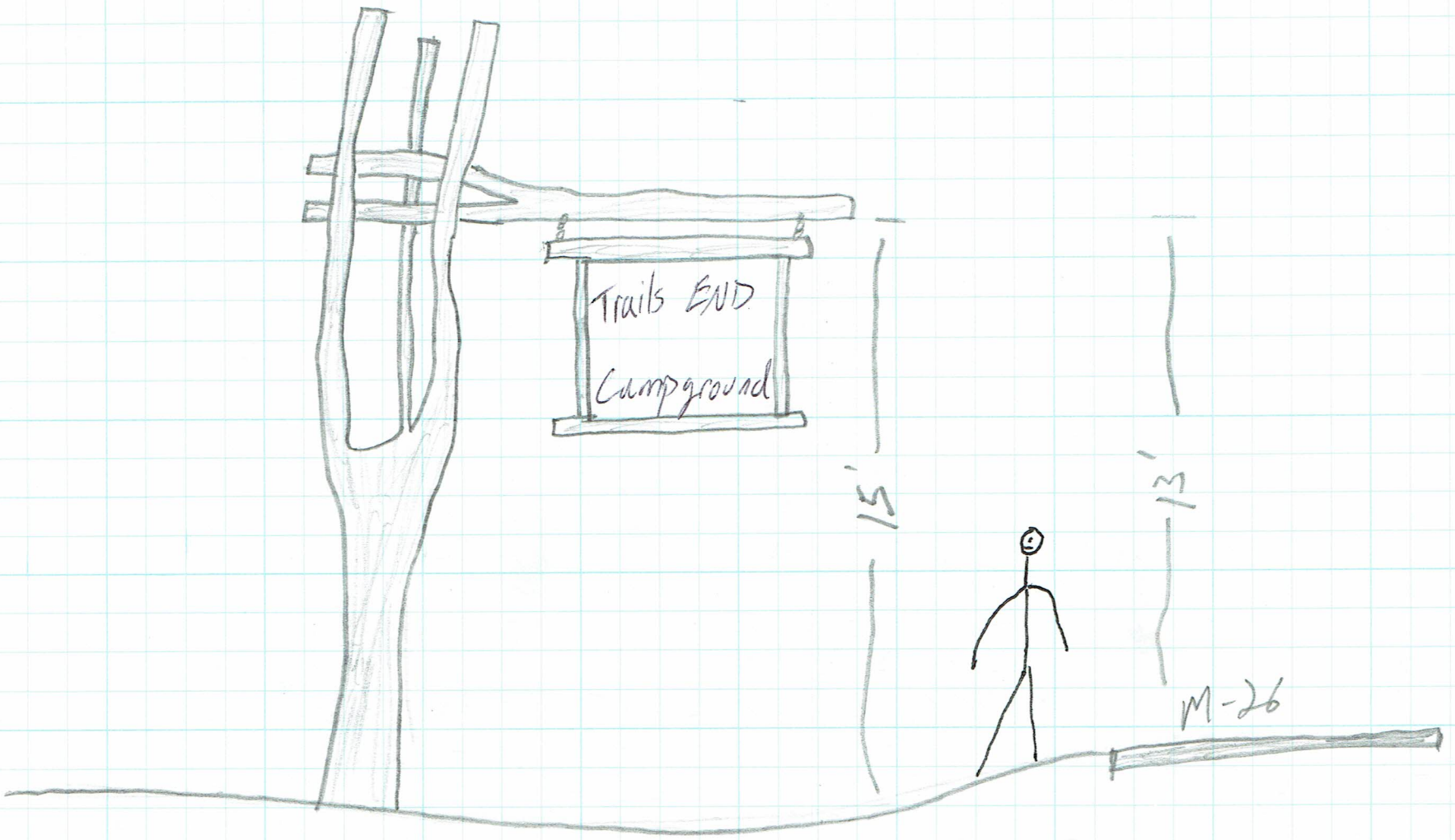
5. Explain why the requested variance is not due to the actions of the applicant, owner, or their predecessors.

We feel it is important to have the sign high enough to work with the speed limit and also be out of the way of snow removal. When considering safety, it is important to have the sign high enough so as to not block the view in and out of the campground entrance.

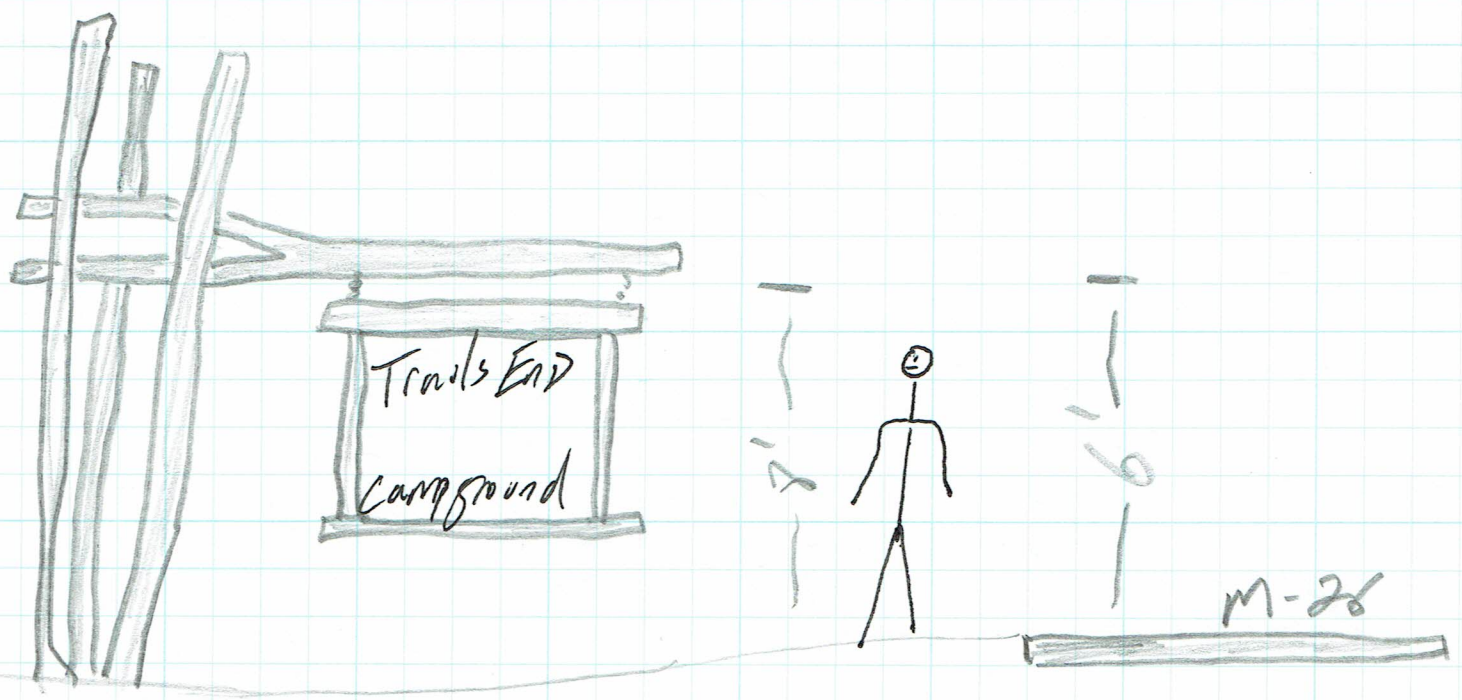
Signed: _____

Printed Name: John Meilahn 5/15/17

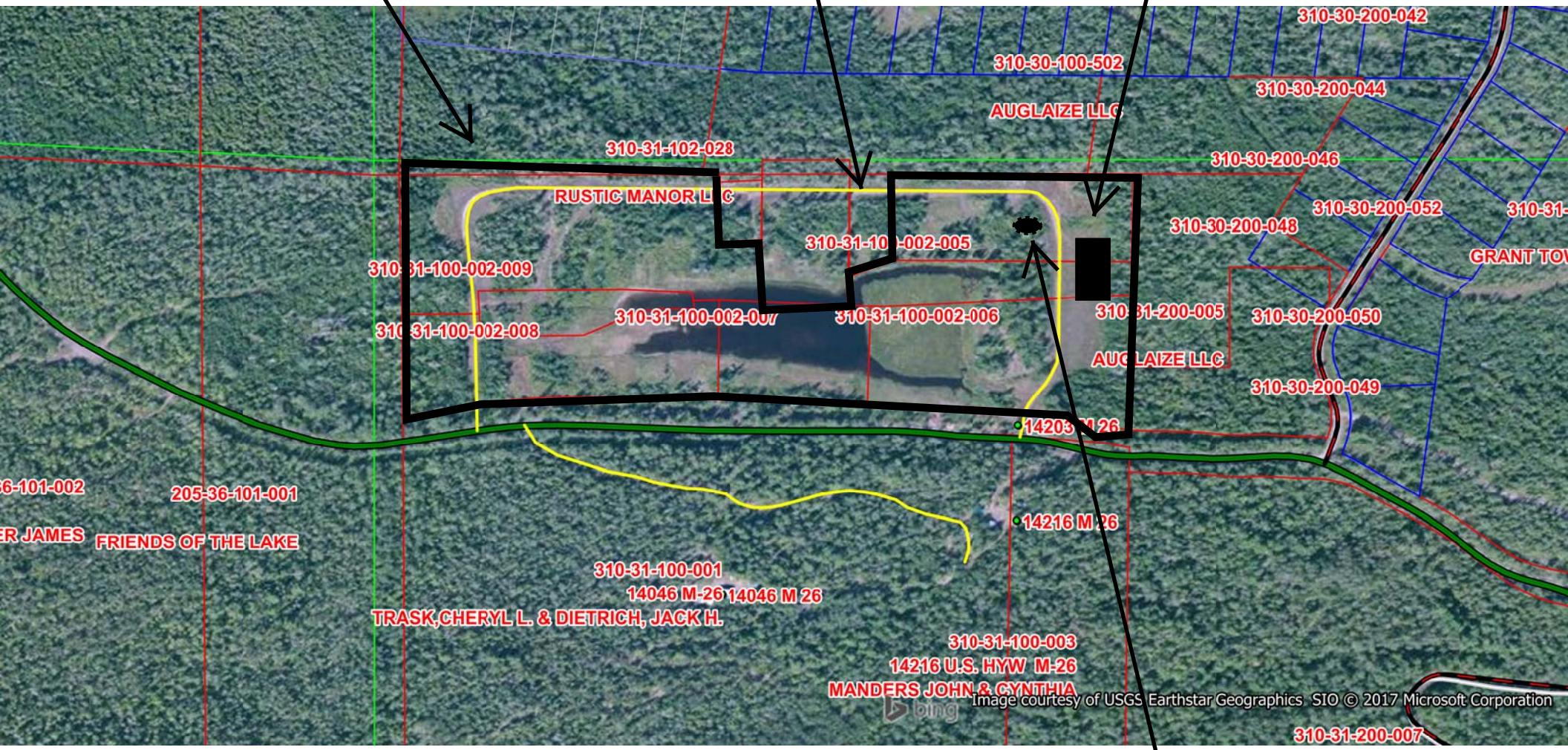
This form **must be submitted** along with the application form, plans, and fee. Applications which do not include this form will **not** be accepted.



Proposed Sign at the Trails End Campground.



The current Design complying w/ the 8' Maximum.



Rustic Manor, LLC, Trails End Campground
14203 M-26, approximately 1/2 mile west of
the Copper Harbor Marina

Real Estate Summary Sheet

Information herein deemed reliable but not guaranteed 05/17/2017 11:39 AM

Parcel:	310-31-100-002	**Current Class:**	401.401-RESIDENTIAL
Owner's Name:	RUSTIC MANOR LLC	**Previous Class:**	401.401-RESIDENTIAL
Property Address:	14203 U.S. HWY M-26 COPPER HARBOR, MI 49918	**Gov. Unit:**	3 GRANT TOWNSHIP
		Map #	
		School:	42030 GRANT TWP SCHOOLS
		Neighborhood:	07 ACRE PARCELS

Liber/Page: **Created:** 02/15/2001

Split: 02/15/2001 **Active:** Active

Public Impr.: None
Topography: None

Mailing Address:

RUSTIC MANOR LLC
84 GRATIOT ST
COPPER HARBOR MI 49918

Description:

G10-31-3 R PART OF NW 1/4 LYING N OF HWY M-26 FRL 38A M/L S31 T59 R28 SPLIT ON 02/15/2001 INTO 42-310-31-102-028, 42-310-31-102-001, 42-310-31-102-002;

Most Recent Sale Information

Sold on 04/10/2015 for 100,000 by SUPERIOR NATIONAL BANK & TRUST.

Terms of Sale: Invalid Sale **Liber/Page:**

Most Recent Permit Information

Permit 2015-58 on / / for $0 category POLE BARN.

Physical Property Characteristics

2017 S.E.V.:	146,186	**2017 Taxable:**	146,186	**Lot Dimensions:**	
2016 S.E.V.:	114,493	**2016 Taxable:**	114,493	**Acreage:**	38.00
Zoning:		**Land Value:**	200,189	**Frontage:**	0.0
PRE:	0.000	**Land Impr. Value:**	0	**Average Depth:**	0.0

Improvement Data

of Agricultural Buildings: 2
Estimated TCV: 92,183
Cmts:

Image