

Keweenaw County  
Zoning Board of Appeals Staff Report

November 9, 2020  
2020-VAR-04  
42-101-11-101-004

**Meeting Date:** Noon 12:00 PM, December 1, 2020

**Article 5,** Schedule C, Table 5-3 Dimensions Requirement for Non-Residential and Mixed-Use Districts.

**Attachments:**

Application Package  
Site Plan

**GENERAL INFORMATION**

**Property Owner Petitioner**

Paul & David Moyryla

**Requested Action and Purpose**

To construct a camp on a parcel less than 10 acres as required in the TR district. Request a variance to the minimum acreage, to construct a 24' x 24' camp.

**Location and Existing Zoning**

Cliff Drive, two miles South of the North-end intersection of Cliff Drive and US 41. Current Zoning is Timber Resource.

**Size and Existing Land Use**

The 6-acre parcel is the Easterly portion of the 80-acre parent parcel located on the South East side of Cliff Drive.

**Surrounding Land Use and Zoning**

North – TR, Forest  
South – TR, Forest  
East – TR, Forest  
West – TR, Forest

**Applicable Regulations**

Page 5-6, TR (camp options) 10 acres, width 330' 35' setback from all lot lines, 75' from the OHWM, 35' in height and a maximum of 5% lot coverage.

**Water Frontage**

None

**Physical Characteristics**

The wooded lot is a triangle with approximately 1,100 feet fronting Cliff Drive, 600' as the South Boundary and over 900' on the East Boundary.

**Summary**

The zoning on the Future Land Use Map is set to convert to Agriculture. The minimum acreage to construct a building on AG is five (5) acres. The situation is unique regarding the split of the large parcel. Similar splits will result in smaller parcels, which will not conform to the five (5) acres minimum.



# 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.

**ALL INFORMATION IS REQUIRED**

Date 8/17/20	Parcel ID (tax) Number 101-11-101-002		
Property Owner(s) Name Paul / Dave Moryla		Applicant(s) Name same	
Mailing Address P.O. Box 406		Mailing Address (344 Central)	
City Mohawk	State MT	Zip code 49950	
Day Phone 906-275-9067	Evening Phone	Day Phone	Evening Phone
Current Zoning of Property	Property Address NA 5349 Cliff Dr	Location of Property: East side of Cliff Drive	
Lot Size and Total Existing Acreage 6 acres		Between	and
Owner Email Address: davidmoryla@gmail.com	Applicant Email Address:		
List below or attach legal description of property.			
Describe what this property will be used for and any structural work to be performed. seasonal cottage.			
NEED variance or zoning change			

**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.*

Signature and Date Applicant(s) Paul Moryla 8/17/20 Signature (if other than owner):

**DO NOT WRITE BELOW THIS LINE – KEWEENAW COUNTY USE ONLY**

Date Received 8/18/2020	Zoning Permit # P220-0068	Scheduled Site Visit Date N/A	911 Address Number 5349
Septic Permit Number	Well Permit Number	Soil Erosion Permit Number	Culvert Permit Number
Critical Dune Permit Number	DEQ Permit Number	Addnl Site Survey Fees (\$50.00 Each)	Receipt #
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED reason over Signed		Zoning Administrator	Date

NOTICE OF APPOINTMENT



Notice of Appointment... (mirrored text)

APPOINTMENT INFORMATION

Form with various fields and handwritten notes including 'MORNING', 'ADP', and 'ADP-215-218'.

Handwritten signature or name.

26-00001 / 2010-02

NOTICE OF APPOINTMENT... (mirrored text)

NOTICE OF APPOINTMENT... (mirrored text)

APPOINTMENT INFORMATION

Form with various fields and handwritten notes, including a signature.



# KEWEENAW COUNTY ZONING BOARD OF APPEALS PUBLIC HEARING REQUEST

Fee: \$350.00 for a special meeting and public hearing  
\$250.00 for a regular meeting and public hearing

Date <b>9/4/20</b>		Parcel ID Number <b>101-11-101-002</b>		<b>ALL INFORMATION IS REQUIRED</b>			
Property Owner(s) Name <b>Paul Moyryla &amp; David Moyryla</b>				Applicant(s) Name <b>same</b>			
Mailing Address <b>54715 Golf Course Rd.</b>				Mailing Address Same <b>same</b>			
City <b>Calumet</b>		State <b>MI</b>	Zip Code <b>49913</b>	City <b>same</b>		State	Zip Code
Day Phone <b>906-370-2426</b>		Evening Phone <b>-</b>		Day Phone <b>same</b>		Evening Phone	

**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 <b>Timber Resource (TR)</b>	Property Address <b>5349 Cliff Dr.</b>	Total Acreage single lot <b>6 acres</b>
Location of Property: <b>Cliff Dr</b>		Road Between 7 <sup>th</sup> and <b>Cliff Dr. &amp; US 41</b> and Road

<p style="text-align: center;"><b>Type of Request</b></p> <input checked="" type="checkbox"/> A variance of a requirement of the Zoning Ordinance <input type="checkbox"/> A review of an administrative decision <input type="checkbox"/> An appeal of a special approval denial <input type="checkbox"/> An interpretation of the Zoning Ordinance text <input type="checkbox"/> An interpretation of the Zoning Map	<p>Article and/or Section of the Zoning Ordinance being appealed</p> Article _____ Section _____ Subsection _____
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Variance requested (The difference between what is required and what is proposed)

*Requesting to build a small cabin on 6 acre parcel. Current zoning doesn't allow for a camp on parcels under 10 acres.*

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. Please see the attached documents.

*This 6 acre parcel is remote & surrounded by larger tracts of land. With access to utilities at the property & the small cabin being in the middle of the parcel we don't see this as negatively affecting the surrounding*

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

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): **Paul Moyryla 9/4/20 Paul Moyryla 9/4/20**

**DO NOT WRITE BELOW THIS LINE -KEWEENAW COUNTY USE ONLY**

Date Received <b>9-6-2020</b>	Application Fee	Receipt Number	Case Number <b>2020 VAR 04</b>
Zoning Administrator Signature & Date			

Publication Date <b>11/4/2020</b>	Date Notices Mailed <b>11/9/2020</b>	Public Hearing Date <b>12/1/2020</b>	Other
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Supplemental Information  
Zoning Board of Appeals Case No. \_\_\_\_\_

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?

current zoning prohibits the building of a cabin. The parcel is a 6 acre parcel that was split off of an 80 acre parent parcel years back. It would be an unnecessary burden as the current zoning affects this one off parcel.

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

property is remote & the 6 acres is plenty large enough to build a small cabin without affecting other property owners. Cabin would be in the middle of the parcel and nowhere close to the property lines. It would be similar to other property across the road from our parcel.

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

We are planning on building a small cabin & feel that this building on this parcel in this location would not negatively affect nearby property owners. Also, there is a small cabin on a different parcel in close proximity to our parcel so it would be similar to surrounding property.

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

It has road access with access to power & is plowed in the winter so is set up well to accommodate a cabin. There is another property with a small cabin on it in very close proximity to this parcel.

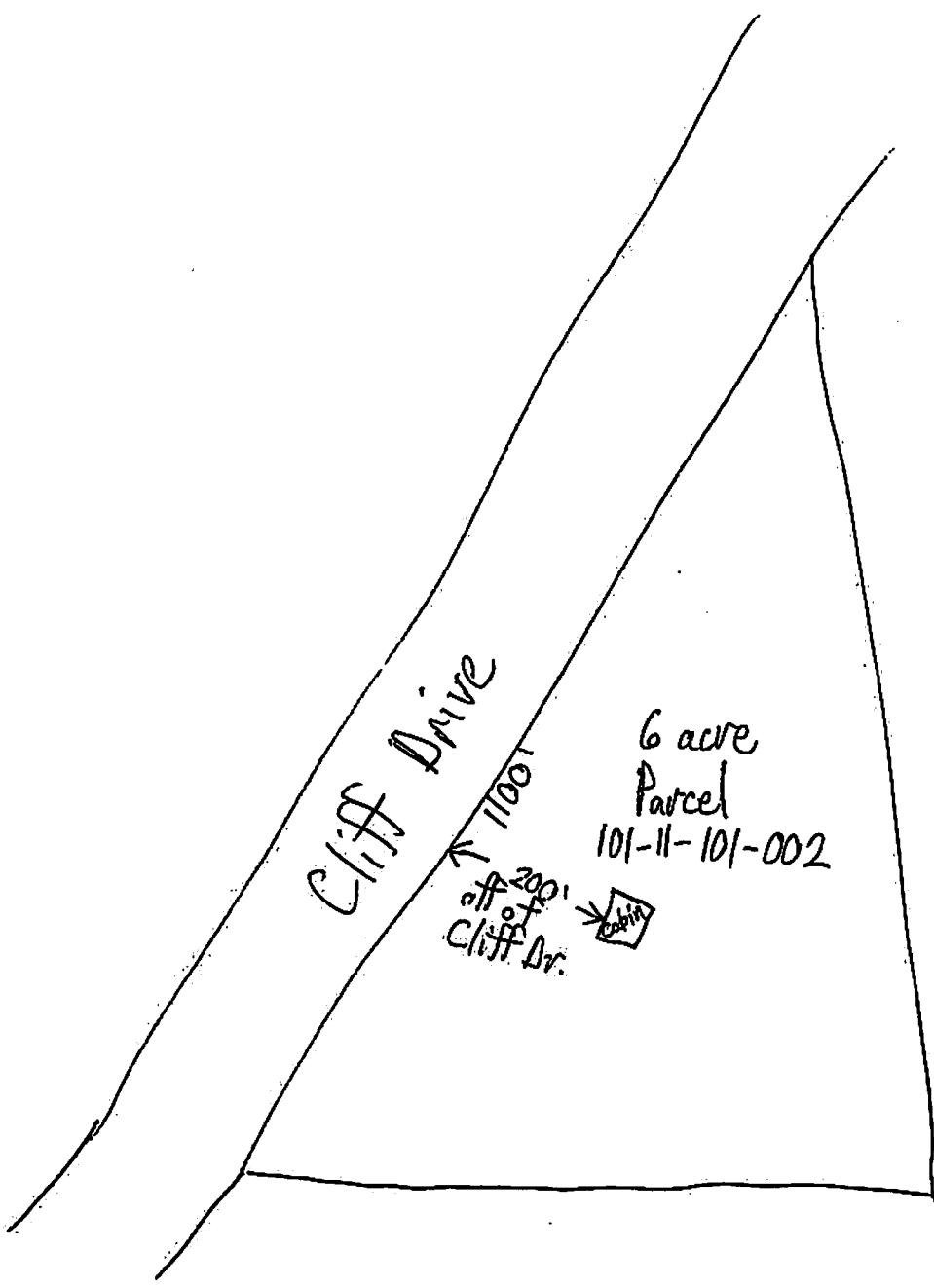
5. Explain why the requested variance is not due to the actions of the applicant, owner, or their predecessors.

Requested variance is due to the desire to build a cabin on the parcel & use it for what it is ideally set up for.

Signed: Paul Moya

Printed Name: Paul Moya

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



Cliff Drive

1100'  
off Cliff Dr.

6 acre  
Parcel  
101-11-101-002

Cabin

