

Keweenaw County
Zoning Board of Appeals Staff Report

November 9, 2020
2020-VAR-05
42-501-20-000-002

Meeting Date: 1:30 December 1, 2020

Subject: Article 5, Schedule B Dimensions Requirement for RRB, Setback from the Ordinary High-Water Mark.

Attachments:

Application Package
Site Plan

GENERAL INFORMATION

Property Owner Petitioner

Edward and Janet Burger

Requested Action and Purpose

To request a variance to the setback of the OHWM of 75', to construct a 13' x 20' sunroom attached to the house and deck.

Location and Existing Zoning

1148 Potato Patch Road is West of the Gay Lac La Belle Road and is North of the thread of the river. This parcel and neighboring parcels are all zoned RRB.

Size and Existing Land Use

The 77-acre parcel has the thread of the tobacco river along the far Southwest boundary. The Burgers have made their home here for the last six years.

Surrounding Land Use and Zoning

North – RRB
South – RRB
East – RRB
West – RRB

Applicable Regulations

Article 5 table 5-3, Schedule B Dimensions Requirement for RRB, Setback from the Ordinary High-Water Mark.

Water Frontage

Approximately 600' feet of frontage on the Tobacco River.

Physical Characteristics

Nice, wooded lot, home constructed between 2002 & 2007. Garage constructed in 2008 and Variance request for a dining room and porch, granted in 2012.

Summary

Burgers purchased the house and land in 2007. When the house was constructed the setback was *fifty (50') to the edge of a lake, river, or stream: however, in special type developments where high banks border lakes or waterways, dwellings may be closer if the soil structure lends itself to load bearing and the type of construction is engineered for such sites..* In 2012 a variance was requested and granted for the addition of a dining room and deck on the opposite side of the house.



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 10/21/20		Parcel ID (tax) Number 42-501-20-000-003		ALL INFORMATION IS REQUIRED			
Property Owner(s) Name Edward Janet Burger			Applicant(s) Name Joe Johnson Robert E. Johnson Contracting				
Mailing Address 1148 Potato Patch Road			Mailing Address 56043 Twprock Valley RD				
City Lake Linden		State MI	Zip code 49945	City Lake Linden		State MI	Zip code 49945
Day Phone 906-296-0603		Evening Phone Same		Day Phone 906-296-0289		Evening Phone Same	
Current Zoning of Property RR B		Property Address 1148 Potato Patch		Location of Property: off Hwy La La Belle RD			
Lot Size and Total Existing Acreage 75 acres				Between _____ side of _____ Road and _____ and _____ Roads			
Owner Email Address: jburger800@gmail.com				Applicant Email Address: re.johnsoncontracting@party.net			
List below or attach legal description of property. Lot # 2,3,4,7 Township - Sherman - ZIP-49945							

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

Add 260 sqft addition. Addition to be used for a Sun Room. Addition shall be set on post on one side, and the other attached to the existing house. Addition to be single story.

need public hearing for setback

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] _____ 10/23/20 _____
Signature and Date Applicant(s) **Signature** (if other than owner):

DO NOT WRITE BELOW THIS LINE – KEWEENAW COUNTY USE ONLY

Date Received 10-21-2020	Zoning Permit # P220-0009	Scheduled Site Visit Date 11/4/2020	911 Address Number 1148
Septic Permit Number Existing	Well Permit Number EXISTING	Soil Erosion Permit Number N/A	Culvert Permit Number N/A
Critical Dune Permit Number N/A	DEQ Permit Number N/A	Adthl Site Survey Fees (\$50.00 Each)	Receipt #

APPROVED DENIED reason over Signed _____ Zoning Administrator Date _____



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 <i>10/21/20</i>		Parcel ID Number <i>42-501-20-000-003</i>		ALL INFORMATION IS REQUIRED			
Property Owner(s) Name <i>ED and Janet Bungor</i>			Applicant(s) Name <i>Joe Johnson Robert E. Johnson Construction</i>				
Mailing Address <i>1148 Potato Patch Road</i>			Mailing Address Same <i>56043 Traprock Valley RD</i>				
City <i>Lake Linden</i>		State <i>MI</i>	Zip Code <i>49945</i>	City <i>Lake Linden</i>		State <i>MI</i>	Zip Code <i>49945</i>
Day Phone <i>906-296-0603</i>		Evening Phone <i>same</i>		Day Phone <i>906-296-0607</i>		Evening Phone <i>same</i>	

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 <i>RRB</i>	Property Address <i>1148 Potato Patch Road Lake Linden MI 49945</i>	Total Acreage single lot
Location of Property: <i>off of Gay La Belle RD</i>		Between 7 th and _____ and _____ Road

<p style="text-align: center;"><u>Type of Request</u></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 <u><i>V</i></u> Section <u><i>5.2</i></u> Subsection <u><i>Table 5-1</i></u>
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Variance requested (The difference between what is required and what is proposed)

Minimum set back from high water mark is 75', the current house is 46' from the high water mark. the difference is 29'.

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.

the current home is not in compliance with the current high water set back.

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]

DO NOT WRITE BELOW THIS LINE -KEWEENAW COUNTY USE ONLY

Date Received <i>10/22/2020</i>	Application Fee <i>350-</i>	Receipt Number <i>#1310</i>	Case Number <i>2020 VAR 05</i>
Zoning Administrator Signature & Date			

Publication Date <i>11-14-2020</i>	Date Notices Mailed <i>11/9/2020</i>	Public Hearing Date <i>12-1-2020</i>	Other <i>SITE VISIT</i> <i>11-4-2020</i>
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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?

Home is too close to the Tobacco River High water mark.
So it does not comply with today's Zoning Regulations.

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

The property across the river is in the flood plane and is unbuildable. The location of the existing home and proposed addition do not interfere with the view from other riparians.

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

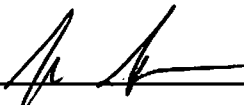
A lesser variance would not change what is visible by neighbors or change risk of flood damage to home.

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

The river bank is exceptionally high for the area. The Tobacco River channel has cut into the Sandstone at this area.

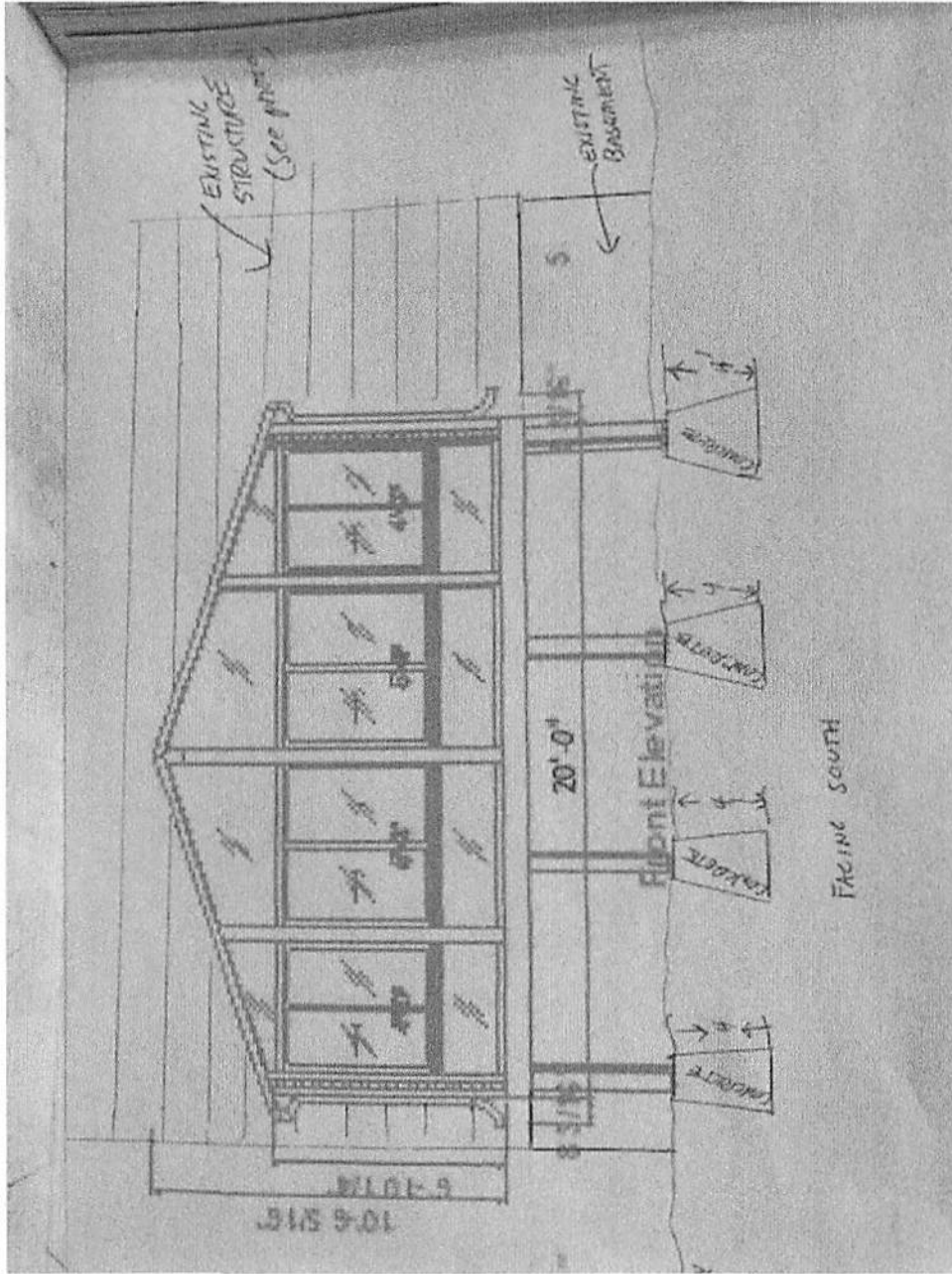
5. Explain why the requested variance is not due to the actions of the applicant, owner, or their predecessors.

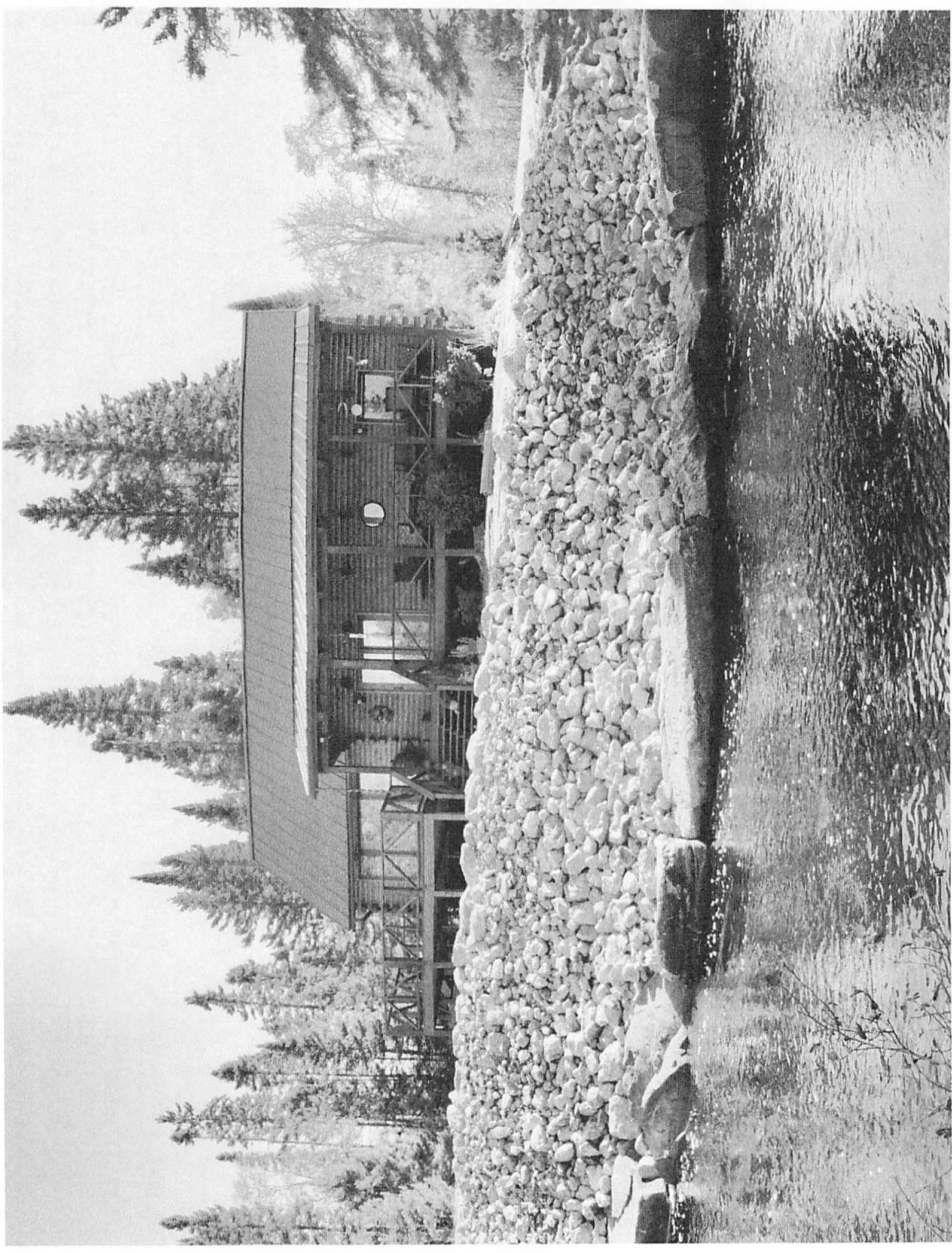
The proposed addition is to be added to a home that is not in compliance with today's Zoning Ordinance. The proposed addition does not extend the home any closer to the river than the existing home.

Signed:  _____

Printed Name: Joseph Johnson

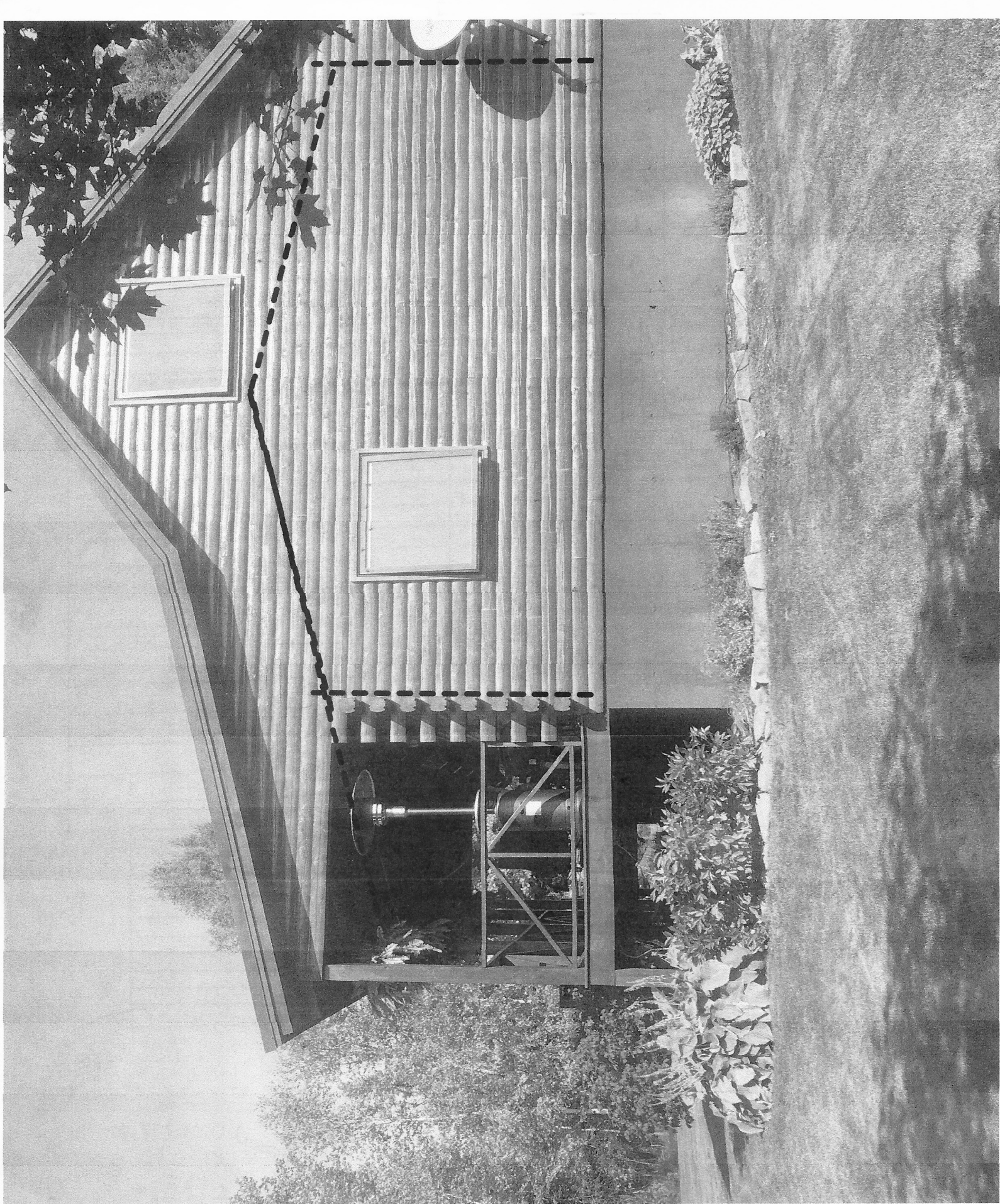
This form must be submitted along with the application form, plans, and fee. Applications which do not include this form will not be accepted.









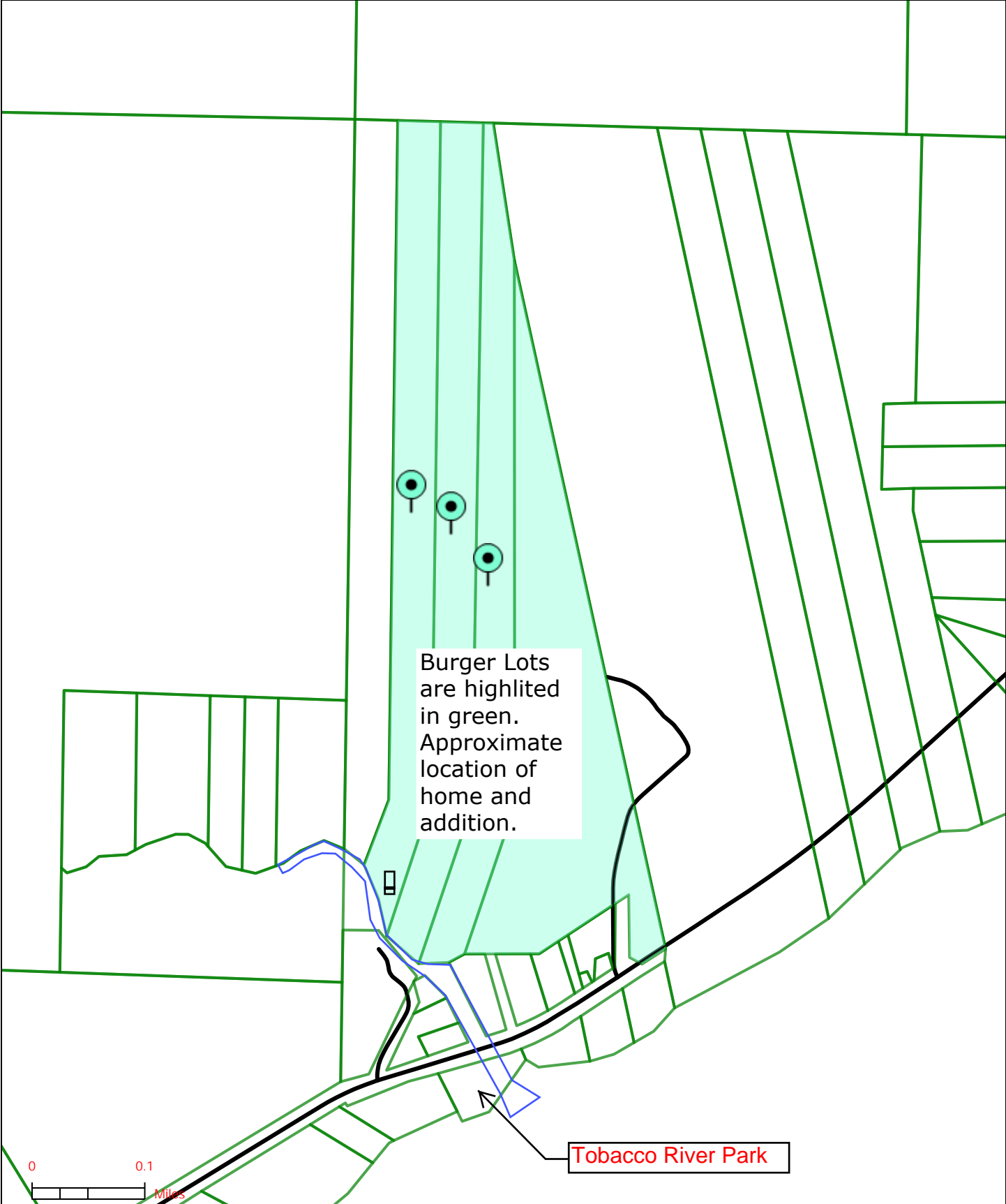




Redlawski

Bekkala

Cockery



Burger Lots are highlighted in green. Approximate location of home and addition.

Tobacco River Park

0 0.1 Miles

501-18-100-500

501-17-100-001
Jourdan

501-19-100-501 GMO

501-20-000-001 Jarve

Burger

Burger

Burger

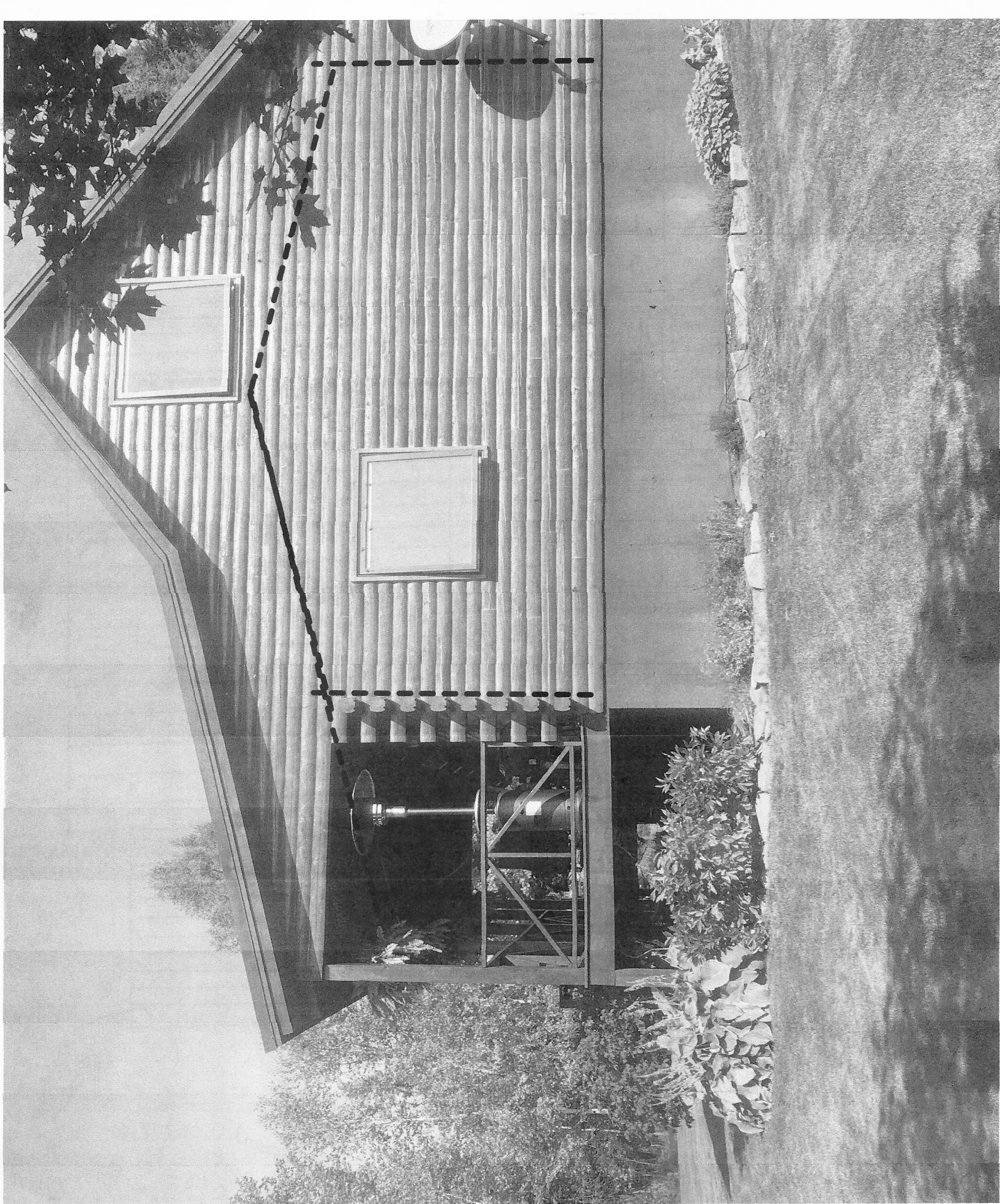
Burger

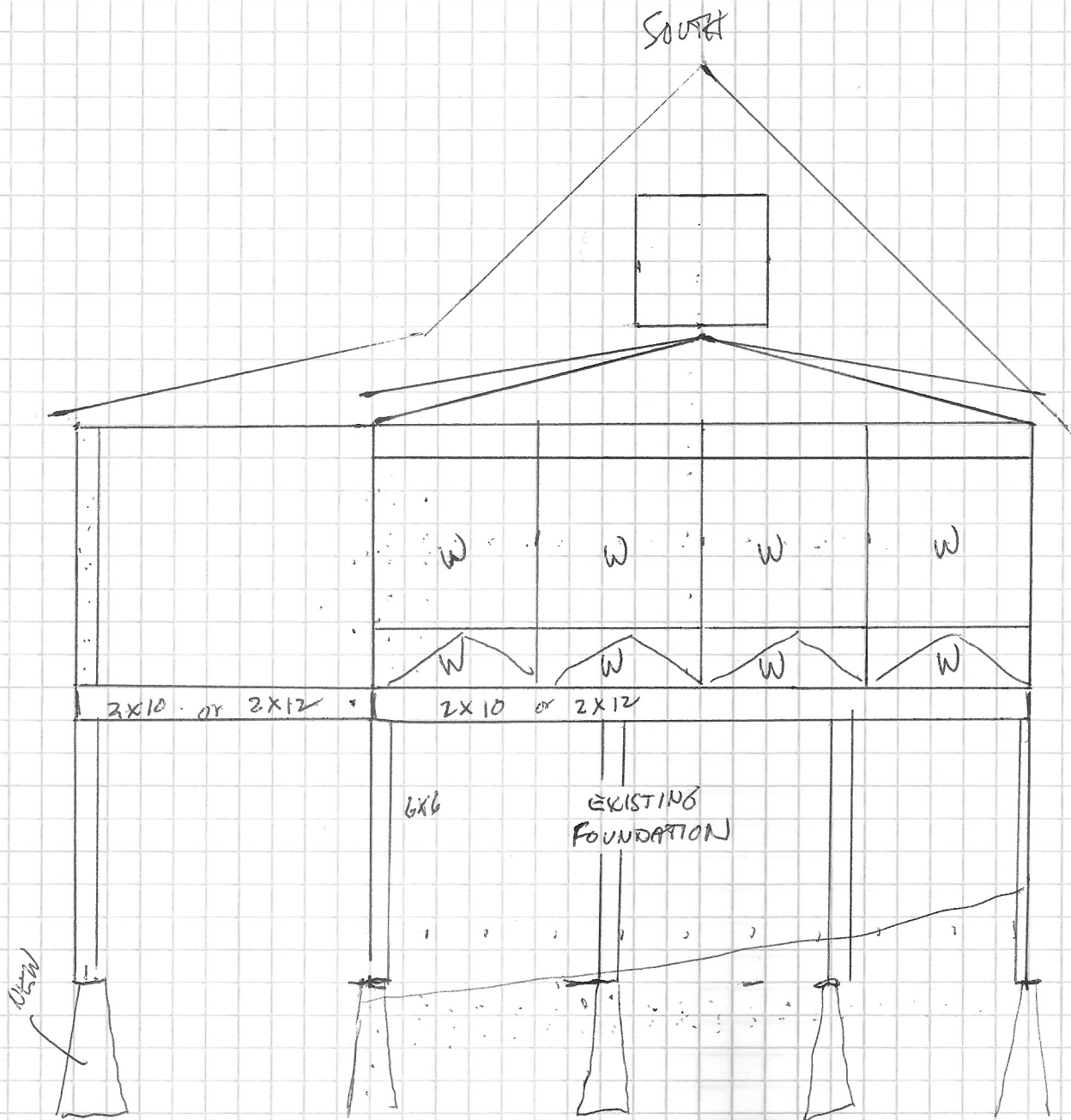
501-20-000-008
Kauppi



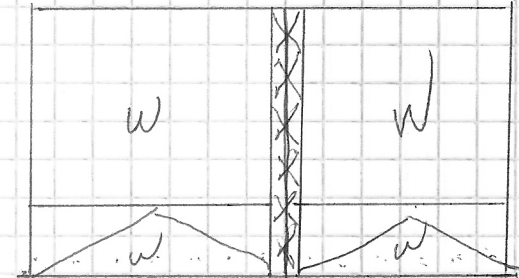


0 50 100 150 feet

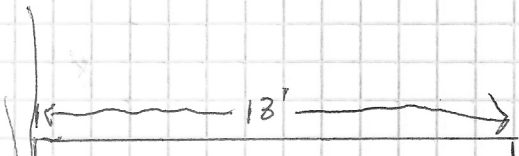
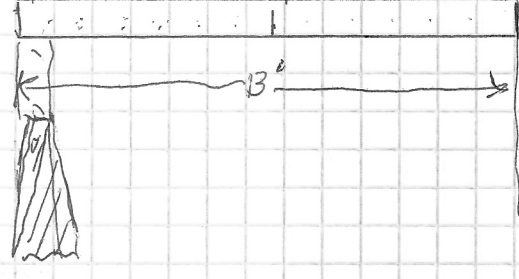




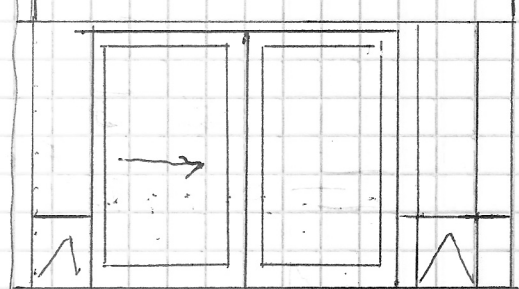
HOUSE



EAST



WEST



HOUSE

2x10 or 2x12



