

# Keweenaw County Zoning Board of Appeals

## *Draft Agenda* Public Hearing & Regular Meeting May 13, 2024

Keweenaw County Courthouse 1:00 PM

Roll Call:	Mark Ahlborn, Chair	AJ Kern, Planning Commission Liaison
	Marty Faassen, Vice-Chair	Thomas Bryant
	Frank Kastelic	Larry Butala, Alternate
	Sara Heikkila, Zoning Administrator	Mike Delsha, Alternate

Pledge of Allegiance

A quorum is \_\_\_\_\_, meeting was properly posted.

Approve Agenda

Motion (M) \_\_\_\_\_ / Second (S) \_\_\_\_\_

Approve minutes from April 30 Special Meeting.

Motion (M) \_\_\_\_\_ / Second (S) \_\_\_\_\_

Guests: To address the ZBA with topics other than in regards to the Public Hearing to follow.

**Open Public Hearing to receive public comment on the variance request for reducing the setbacks from the Public Right-of-Way to 3.2 feet for an existing addition on parcel 42-403-51-001-005.**

ZBA Chair to summarize Public Hearing procedures:

Zoning Administrator to present the Public Hearing Request and Staff Report:

ZBA questions through the Chair:

Applicant to present their request:

ZBA questions through the Chair:

Public Comment – Property Owners within 300 feet

In Support –

In Opposition –

Written Comments Property Owners within 300 feet (4 letters were sent)

In Support (received on or before May 10)/ No Objection –

Micheal Kolb; Chris Bryant; Ted & Debra Burkhart

In Opposition – Marissa Sullivan (emails/letter)

Public Comment from Interested or Affected Persons / Organizations

In Support –

In Opposition –

Written Comments from Interested or Affected Persons / Organizations

In Support –

In Opposition –

ZBA questions through the Chair:

Chair to close Public Comment portion of the hearing and Open Fact Finding Session of the hearing:

ZBA to deliberate on the request:

**Section 19.13 FINDINGS OF FACT**

The Board of Appeals shall grant no variance or make any determination on an appeal, Ordinance interpretation or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this Ordinance have been met.

- A. Strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.

Comments:

Does this support the variance

- B. The problem is due to a unique circumstance of the property.

Comments:

Does this support the variance

- C. The specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to the Zoning Ordinance, instead of a variance.

Comments:

Does this support the variance

- D. The problem was not created by the action of the applicant.

Comment:

Does this support the variance

E. Granting the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located.

Comment: Does this support the variance

F. The requested variance will relate only to the property under the control of the applicant.

Comment: Does this support the variance

G. The non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance.

Comments: Does this support the variance

H. The variance is the minimum variance that will make possible the reasonable use of the land, building, of structure in the zoning district in which it is located.

Comments: Does this support the variance

I. That the proposed use of the premises is in accord with the Zoning Ordinance.

Comments: Does this support the variance

J. The variance would do substantial justice to the applicant as well as to other property owners in the district.

Comments: Does this support the variance

K. The granting of the variance will ensure that the spirit of the Ordinance is observed, public safety secured, and substantial justice applied.

Comments: Does this support the variance

- L. The requested variance shall not amend the permitted uses of the zoning district in which it is located.

Comments:

Does this support the variance

Chair to Close Deliberation portion of the hearing, dismiss the alternates from further hearing participation, and Open the Decision and Vote portion of the hearing:

**General Procedures and Findings at Public Hearing**

**Were the proper time limits followed as established in the Ordinance?**

- a. Notification of Public Hearing Posted on Website April 26, 2024
- b. Notification of Public Hearing in newspaper April 26, 2024
- c. Property owners within 300 feet were notified by mail on April 22, 2024
- d. Public Hearing held on May 13, 2024

M by \_\_\_\_\_ S by \_\_\_\_\_ to

Chair to entertain motion(s):

Approve / Deny the request for a Variance to reduce the setback from the public right-of-way for an existing addition.

If approved, the following conditions will be required to be satisfied prior to issuing a zoning permit:

Roll Call Vote:

Mark Ahlborn, Chair	Signature
Marty Faassen, Vice-Chair	Signature
Frank Kastelic	Signature
Thomas Bryant	Signature
AJ Kern, Planning Commission Liaison	Signature

Chair to advise any party having an interest affected by this order, determination or decision by the ZBA may obtain a review in the Circuit Court; provided the application is made to the Court within 21 days after delivery of a final decision. <Section 19.18>

### **Regular Meeting**

Chair to adjourn public hearing and invite ZBA alternates to return and resume the Regular Meeting:

Guests:

**New Business:** None.

**Old Business:**

Updating format for public hearings

MSU Zoning Board of Appeals Online Certificate Course – updated completions.

Final Comments:

Next Meeting July 22, 2024, 1:00 PM

Motion to Adjourn