

## Keweenaw County Zoning Board of Appeals

### Agenda

#### Public Hearing

September 4, 2025 at 1:00 PM

Keweenaw County Courthouse, 5095 Fourth Street, Eagle River, MI 49950

#### Roll Call:

Mark Ahlborn, Chair

Thomas Bryant, Vice-Chair

Larry Butala, Secretary

Harvey Desnick, Planning Commission Liaison

Frank Kastelic, Member

Mike Delesha, First Alternate

Gary Russell, Second Alternate

Susan Hockings, Zoning Administrator

#### Pledge of Allegiance

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

#### Approve Agenda

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

Approve minutes of February 3, 2025 Regular Meeting.

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

#### Guests:

***Public Comments: 3 minutes each to address the ZBA with comments/topics other than those relating to the Public Hearing***

**Open Public Hearing** to receive public comments on the ZBA variance requested by Mike Lamotte and Eagle Inns, Inc. concerning Parcel: 42-403-51-001-005, having been remanded back to the ZBA for Public Hearing and Findings of Fact by order of the 12th Circuit Court Judge, Brittany A. Bulleit on July 9, 2025.

- ZBA Chair to summarize Public Hearing procedures:
- Zoning Administrator to present the Public Hearing Request and Staff Report:  
ZBA questions to the ZA through the Chair:
- Applicant to present their request:  
ZBA questions to the applicant through the Chair:

Public Comment (written or spoken) from property Owners within 300 feet

In Support:

In Opposition:

Written Comments from Property Owners who received personal letters of notice. (27 letters sent)

In Support:

In Opposition:

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 to the Public through the Chair:

***Chair to close Public Comment portion of the hearing and begin deliberations on the request to include:***

### **Section 19.5 Non-Use Standards**

The Board of Appeals shall have the power to authorize, upon appeal, a dimensional non-use variance from requirements of the Zoning Ordinance, provided the applicant has proven a “practical difficulty”, by demonstrating as follows:

A. That 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:

B. That the problem is due to a unique circumstance of the property. Comments:

C. That 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:

D. That the problem was not created by the action of the applicant. Comments:

E. That 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. Comments:

F. That the requested variance will relate only to the property under the control of the applicant. Comments:

G. That 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:

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

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

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

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

L. That the requested variance shall not amend the permitted uses of the zoning district in which it is located. Comments:

## **General Procedures**

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

- a. Notification of Public Hearing Posted on Website & Courthouse August 18, 2025
- b. Notification of Public Hearing in newspaper August 20, 2025
- c. Property owners within 300 feet were notified by letters deposited to USPS on August 18, 2025
- d. Public Hearing held on September 4, 2025

## **Section 19.13 Findings of Fact**

- A. 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 evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this Ordinance have been met.
- B. Said findings of fact shall include, but are not limited to the following information:
  1. How the application of the Zoning Ordinance creates unnecessary hardship or practical difficulty in the use of petitioner's property.
  2. Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.
  3. Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance. That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.
  4. Finding that the practical difficulty was not created by the appellant and is related only to the property that is owned or occupied by the appellant.
  5. A statement of the impacts of the variance if authorized, the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.
  6. The proposed variance does not permit the establishment of any use which is not permitted by right within the district.

7. Findings on whether the proposed development complies with the requirements, standards or procedures given in the Zoning Ordinance or an interpretation of the disputed Ordinance provisions, if applicable.
8. Findings on any error in judgement or procedure in the administration of the relevant zoning provisions.
9. The possible precedents or affects which might result from the approval or denial of the appeal.
10. Findings on the impact if the appeal is approved, on the ability of the County or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably require in the future if the appeal is approved.

**Chair to entertain motions** to Approve, Deny, or Approve with Conditions (If approved, the following conditions will be required to be satisfied prior to issuing a zoning permit)

Motion by \_\_\_\_\_ Second by \_\_\_\_\_

Roll Call Vote:

Mark Ahlborn, Chair \_\_\_\_\_

Thomas Bryant, Vice-Chair \_\_\_\_\_

Larry Butala, Secretary \_\_\_\_\_

Harvey Desnick, Planning Commission Liaison \_\_\_\_\_

Frank Kastelic, Member \_\_\_\_\_

Mike Delesha, First Alternate \_\_\_\_\_

Gary Russell, Second Alternate \_\_\_\_\_

Final Comments:

Motion to adjourn at \_\_\_\_\_

(M) \_\_\_\_\_ (S) \_\_\_\_\_