

Keweenaw County Zoning Board of Appeals
Public Hearing
June 6, 2022

Keweenaw County Courthouse 4:00 PM

Roll Call:	Mark Ahlborn, Chair - Present	Steve Siira - Present
	Marty Faassen, Vice-Chair - Present	Sara Beckley, Alt - Absent
	Frank Kastelic - Present	Harvey Desnick - Zoom
	Sara Heikkila, Zoning Administrator - Present	

Pledge of Allegiance was recited.

A quorum is present, meeting was properly posted.

Approve Agenda

Motion (M) to approve Marty Faassen / Second (S) Frank Kastelic

Guests:

Bruce & Carol Tusa, Staci Gibson, Dan Fosner, Michael & Christine Musiel, Dan Yoder, Don & Peg Kauppi, Janet Barnes, Mary Jo Beveridge, Paul & Cathy Lavanway

Zoom Guests:

Erika Vye, Steve Brimm, Jim Ash, Tamara Anderson, Tanya Holmes Strahan

Open Public Hearing to receive public comment on the **variance request for operating a home business processing and selling wood** for parcel 42-310-51-003-003.

Sara Heikkila gave the staff report, summarized below.

Excerpts from the Zoning Ordinance and zoning application below:

Home Occupation: A commercial activity, not involving the conduct of an on-site retail business, whether for profit or otherwise, carried on by an occupant of a dwelling unit as a secondary use which is clearly subordinate and incidental to the use of the dwelling unit as a residence.

10.12.18 Home Occupations:

Home occupations are permitted as a Conditional Use in AG, CE, R-1, R-2, RR, RS-1, RS-2, and B-1 Districts when in conformance with the following requirements:

A. Uses Allowed: Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited. The home occupation must be clearly subordinate and incidental to the use of the dwelling as a dwelling unit, and no more than one home occupation is permitted in a dwelling.

→ *Firewood sales is not prohibited.*

→ *The proposed business is clearly subordinate to the to the use of the dwelling as a home.*

→ They are only proposing one home business selling firewood.

B. Size: A home occupation may not occupy more than twenty-five percent (25%) of the gross area of any one story used for the home occupation.

→ The occupation is proposed outside of the home and would occupy ~640 square feet maximum. They receive a load of pulp logs that totals approximately 20 full cords. Cord = 4' wide x 8' long. The property is 0.77 of an acre or 33,541 square feet. The home is 2,039.5 square feet. The business would be occupying ~2% of the property at maximum capacity.

C. Prohibited Uses: The following uses are prohibited as home occupations in the RR, R-1, and R-2 Districts:

1. Vehicle and Large Equipment Storage/Repair: Any type of repair, assembly or storage of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to motor vehicles and their parts.

→ NA

2. Animal Boarding Facilities: This includes kennels, commercial stables and all other similar uses.

→ NA

3. Restaurants are prohibited as home occupations in all districts.

→ NA

D. Resident Operator: The operator of a home occupation must be a full-time resident of the subject dwelling unit and be on the premises during the hours of operation of the home occupation.

→ The applicants are full-time residents, the dwelling is listed as their PRE.

E. Employees: A maximum of one (1) nonresident employee may be on the premises at any one time. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, independent contractor, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

→ No nonresident employees are proposed on the application.

F. Location: All work areas and activities associated with home occupations must be conducted and located inside the principal dwelling unit, or in accessory buildings or garages. If in a detached accessory structure, the space allocated to the home occupation shall not exceed four hundred (400) square feet.

→ The business is proposed outside and not within an accessory building or garage. The cord wood storage areas are located adjacent to the primary dwelling, indicated on application. The total area would be greater than the 400 square feet.

Applicant does not meet condition F.

G. Exterior Appearance: There may be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot, except there may be one (1) non-illuminated sign advertising the home occupation, no larger than two (2) square feet and firmly affixed to the dwelling unit as a wall sign. There may be no change in the exterior appearance of the dwelling

unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting or signs.

→ There is a vacant lot to the west, a heavily wooded portion of their property to the east, and a residence to the south that would not be readily able to see the operations. The operations are visible from north on Highway 41. No signs are proposed. No changes to the primary dwelling are proposed.

Applicant does not meet condition G.

H. Operational Impacts: No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage, or light beyond that customary for residential uses that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.

→ Wood splitting and cutting is a common practice in Keweenaw County. There would be no odor, vibration, electrical interference or fluctuation in voltage, or light beyond what is customary in residential districts in the County. There would be operation of a small wood splitter and chainsaw during the proposed business hours of 8:30am – 2:30 pm, this would not be out of the ordinary for a residential neighborhood in the County.

I. Retail Storage, Sales and Display: No stock-in-trade may be stored, produced or sold upon the premises, other than within the allowed area used for the home occupation.

→ Wood shall be stored in the designated areas provided on the application.

J. Deliveries: Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. Tractor-trailers or semi-trucks are expressly prohibited.

→ There would be a maximum of 3 annual deliveries of a tractor-trailer load of pulp wood. Vehicles proposed for wood pick-ups will be pick-up trucks and pick-ups with trailers, normal for residential neighborhoods.

Applicant does not meet condition J.

K. Traffic: No traffic shall be generated by any home occupation in greater volume than would normally be expected in a residential neighborhood.

→ No major traffic increase is anticipated.

L. Registration: Any person conducting a home occupation shall register with the Zoning Administrator, on a form to be provided by the Zoning Administrator, within thirty (30) days of beginning that use, or within sixty (60) days of the effective date of this Ordinance, whichever is later.

→ The zoning permit shall serve as the registration form if a variance is approved.

Applicant Comment:

Bruce Tusa spoke. He described the operation and contended it is not a commercial operation and showed the ZBA members a picture of the size of the wood splitter and wheelbarrow they use. There are no signs, no wood cubby on the side of the road. Their primary customers are Copper Harbor residents, some elderly, and businesses. Bruce stated they run the splitter and chainsaw from 8:30am to 2:30pm.

Public Comment – Property Owners within 300 feet
In Support – Janet Barnes, Michael & Christine Musiel
In Opposition – Paul & Cathy Lavanway, Jim & Cathy Ash

Written Comments Property Owners within 300 feet read from Chair
In Support – Michael Musiel
In Opposition – Jim & Cathy Ash

Public Comment from Interested or Affected Persons / Organizations
In Support – Mary Jo Boveridgi, Staci Gibson, Erika Vye, Don & Peg Kauppi, Steve Brimm, Tanya Holmes Strahan
In Opposition –

Written Comments from Interested or Affected Persons / Organizations read from Chair
In Support – Meg & Jim North, Cheryl Trask & Jack Dietrich, George Twardzik, and Art Davis
In Opposition –

Questions through the Chairman:
Marty Faassen – Has anyone complained about the noise face-to-face?
Bruce Tusa – No.

Close Public Hearing at 5:12pm.

Findings of Fact Required

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 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 judgment 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.

General Procedures and Findings at Public Hearing

- 1. Were the proper time limits followed as established in the Ordinance?**
 - a. Notification of Public Hearing Posted on Website May 20, 2022
 - b. Notification of Public Hearing in newspaper May 23, 2022
 - c. Property owners within 300 feet were notified by mail on May 20, 2022
 - d. Public Hearing held on June 6, 2022

- 2. Keweenaw County Planning Commission Discussion:**
 - a. Has the appropriate summary of information relevant been presented?
Yes
 - b. Is a summary of all documentary evidence submitted into the record?
Yes
 - c. What findings were applied with respect to the relevant review standards?

Motion by Marty Faassen / Seconded by Steve Siira to

Approve the request for a Variance to operate a Home Occupation processing and selling firewood.

Roll Call Vote:

Mark Ahlborn, Chair - Yay
Marty Faassen, Vice-Chair – Yay
Frank Kastelic – Nay

Steve Siira, Planning Commission liaison - Yay
Sara Beckley, Alt - Absent
Harvey Desnick - Zoom

Motion to Adjourn Frank Kastelic / Seconded by Steve Siira