

Keweenaw County Zoning Board of Appeals
Public Hearing Minutes
October 14, 2025

Chair called meeting to Order at 1:01pm

Roll Call:

Mark Ahlborn/present	Tom Bryant/present
Larry Butala/present	Frank Kastelic/present
Harvey Desnick/present	Gary Russell/present
Mike Delesha/present	Susan Hockings/present

Pledge of Allegiance: recited

A quorum of 5 was present (plus 2 alternates), meeting was posted
Approve the agenda: M/Butala S/Desnick Motion carried

Approve minutes of September 18, 2025 Special Meeting:

M/Delesha S/ Bryant Motion Carried

Guests included Jessica Voss (5911 Five Mile Point Road) and Justin Mattson (representing the Curry's via DP Construction).

Public Comment on issues not related to the Public Hearing: None

Chair opens Public Hearing at 1:07pm: Curry Variance Request (5919 Five Mile Point Road, Allouez)
The Chair opened the public hearing to consider a setback variance request by Kenneth and Kristina Curry, represented by Justin Mattson of DP Construction Inc, concerning parcel 42-103-53-000-010. The setback requested is a reduction of 10' on the lake front and 4' on the road ROW.
Chair explained procedures for the public hearing: Staff report, applicant statement, public comments from neighbors (within 300 feet) and the general public (oral and written).

Staff Report read aloud by Hockings(see attached ZA Staff Report)

Applicant Statement by Justin Mattson:

The applicant's representative confirmed difficulties due to the lot size and critical dunes limitations. The house design minimizes impact, but setbacks make additions of a deck and covered entrance difficult without a variance allowing better ingress and egress.

Public Comment:

Jessica Voss (neighbor within 300') expressed no objection if the owners understood the risks of erosion from the lake. Discussion clarified property arrangement and use of shared beach/covenant on the deed.

Written comments: Attached is a letter of support from Greg Kingstrom, Keweenaw County Road Commission.

Board Deliberation and Findings of Fact:

The board reviewed KCZO Section 19.5 Non-Use Standards A-L and Section 19.13 Findings of Fact 1-10 to determine if the variance should be granted. Key findings included:

- A. Strict Compliance: Strict compliance would make reasonable ingress/egress unfeasible, posing a health and safety issue.
 - B. Unique Property Conditions: The lot's small, irregular shape presents a unique hardship not common in the zoning district; depth is limited.
 - C. Not General or Recurrent: The specific conditions of this property are not so general or recurrent as to require a zoning amendment.
 - D. Problem Not Applicant-Created: The problem was not created by the applicant, but by the property's inherent conditions.
 - E. No Negative Impact on Property Values: Granting the variance will not cause a substantial detriment to property values. If anything, it would increase values.
 - F. Variance Limited to Applicant's Property: The requested variance relates only to the property under the applicant's control.
 - G. Non-Conforming Dimensions Irrelevant: Non-conforming dimensions of other properties are not the grounds for this variance.
 - H. Minimum Variance Necessary: This variance is the minimum needed to allow reasonable ingress and egress for the safety and welfare of occupants.
 - J. Substantial Justice: The variance would do substantial justice to the applicant and other property owners.
 - K. Ensure Substantial Justice Applied: The granting of the variance will ensure that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice is done.
 - L. No Amendment to Permitted Uses: The requested variance does not amend the permitted uses of the zoning district.
1. Unnecessary Hardship/Practical Difficulty: Applying the zoning ordinance without the variance creates an unnecessary hardship due to hindrance to ingress and egress, creating a health and safety issue.
 2. Unique Physical Circumstances: Unique physical circumstances and conditions create practical difficulties.
 3. No Possibility of Development in Strict Conformity: Due to physical circumstances, there is no possibility that the property can be developed in strict conformity with the zoning ordinance without a variance to establish reasonable use of the land.
 4. Difficulty Not Applicant-Created: The practical difficulty was not created by the applicant and relates only to the property.
 5. Impact of Variance: The variance would not negatively impact property values, use, and enjoyment of property in the neighborhood, or public health, safety, and welfare. It adds aesthetic value.
 6. No New Use Established: The proposed variance does not permit the establishment of any use not permitted by right within the district.
 7. Compliance with Requirements: The proposed development does not comply with the strict regulations of the zoning ordinance. A variance is needed to help make it fit.
 8. No Error in Judgment or Procedure: There were no identified errors in judgment or procedure.
 9. Possible Precedents or Effects: The minor request is explainable and not relevant to other cases. It's specific to this unique location and project.
 10. Ability to Provide Public Services: Approval of the appeal does not impact on the ability of the county or other governmental agency to provide adequate public services and facilities, as all permits are approved.

After discussion and deliberation of the findings of fact presented, a motion was made at 1:47pm regarding Article 5, Section 5.2 Subsection B, table 5.2, for the request by owners Kenneth and Kristina Curry for a setback variance of 10 feet lakeside and 4 feet roadside be approved.

M/Butala S/Bryant Roll call vote was unanimous

effective when minutes are approved at next meeting

Old Business: None

Final Comments:

- A public hearing for the Hermanson variance request (garage on Gratiot Lake Road) was scheduled for November 3, 2025 at 1:00PM due to a right-of-way measurement discrepancy. Planning for noticing publication and a potential site visits was coordinated.
- ZA distributed training materials (ZBA Workbook) to members.
- No updates concerning Eagle Inn Inc.

Motion to Adjourn at 1:58pm M/Butala S/Desnick Motion Carried

To: Keweenaw County Zoning Board of Appeals

From: Keweenaw County Zoning Administrator

Re: ZBA Setback Variance Request

Variances Requested:

1. A reduction in the setback requirements of the Keweenaw County Zoning Ordinance from 75' from the OHWM to 65' to allow construction of an attached raised deck and staircase.
2. A reduction in the setback requirements of the Keweenaw County Zoning Ordinance from 25' of the front ROW to 21' to allow construction of an enclosed front door entryway.
3. Applicable regulations: Article V Section 5.2 Table 5-1 Schedule A: Dimension Requirements for Residential Districts

Property address: 5919 Five Mile Point Road, Allouez, MI 49805

Parcel Number: 103-53-000-010

Zoning: Rural Residential

Property Owners: Kristina & Kenneth Curry

Posted Notice at KC Courthouse & KC website: September 22, 2025

Published in the Daily Mining Gazette September 26, 2025

Notice mailed to 7 property holders within 300' on September 26, 2025

Notice mailed to owner on September 26, 2025

Notice hand delivered to Allouez Township Supervisor Mark Aho on September 29, 2025.

Public Comments: To date we have not received any comments in support or comments disapproving of this variance request.

Requested action and purpose: Addition of a deck with stairs and enclosed front entryway to allow better ingress and egress from the home.

Size and existing land use: This project is a new construction home with attached garage and driveway. All permits from EGLE, WUPHD, KCRC, and Soils & Erosion have been approved with the deck and entryway included.

Surrounding Land use and zoning: Surrounding use is single family residential in RRB zoning district without public sewer and water available (must have private WUPHD approved systems).

Water Frontage: Site plan for new home construction situated between Lake Superior and Five Mile Point Road. The parcel is within EGLE established Critical Dunes area.

Physical Characteristics:

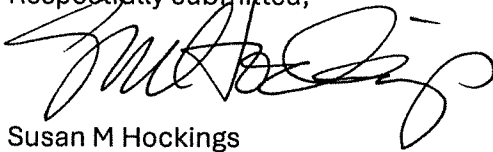
The lot shape and buildable area are irregular and small due to constraints of critical dunes designation, the Lake Superior shoreline, and the Five Mile Point Road ROW. The plans for the home and garage fit within the buildable area, but the addition of a lakeside deck/stairs and a roadside front entrance do not.

Summary: The house and garage plans without the deck and entryway were approved by the zoning administrator and the building permitting clerk. Site work for the house has begun, and a well is in place.

The setback variance needed exceeds what can be approved by the Zoning Administrator as an administrative waiver and therefore cannot be added without variance approval from the Zoning Board of Appeals.

Since the building envelope is so small, and this is a health and safety issue concerning ingress and egress, as Zoning Administrator, I do not have objections to the requested variance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan M. Hockings", written over a horizontal line.

Susan M Hockings
Zoning Administrator

Attachments:

Site visit summary from Greg Kingstrom, KCRC
EGLE permit
WUPHD permit
Soils and Erosion permit
Zoning permit and application
Building permit
Keweenaw County Road Commission permit
Public Notice
GIS map
Zoning Variance Application

Planning

From: Greg Kingstrom <kingstrom@keweenawroads.com>
Sent: Wednesday, October 8, 2025 1:23 PM
To: Planning
Subject: Curry Residence at 5919 Five Mile Point Road

Susan:

KCRC has reviewed the site plan prepared by UPEA for construction of the proposed Curry residence at 5919 Mile Point Road. I also did a site visit on 10/6/2025. The Contractor had the proposed building corners staked and the porch outline identified. It is my understanding that proposed covered porch on the south side of the home and water well encroach approximately 4' +/- into the required 25' setback from the ROW.

Based on KCRC review, we do not have objection to the 4' +/- encroachment of the small entry porch and water well into the 25' required setback.

Furthermore, we do not have objection to the grading required for the proposed absorption field. Currently, it is shown 17' at its closest point to the ROW.

Please contact me if you have further questions or clarifications.

Sincerely,

Greg Kingstrom, P.E.
Engineer/Manager
Keweenaw County Road Commission
1916 Fourth Street
PO Box 379
Mohawk, MI 49950
Office: (906) 337-1610
Cell: (906) 370-1309