

KEWEENAW COUNTY ZONING BOARD OF APPEALS
Minutes of Public Hearing
November 3, 2025

Chair called meeting to order at 1:00pm

Roll Call:

Mark Alborn, Chair/present

Tom Bryant, Vice Chair/absent

Larry Butala, Secretary/present

Harvey Desnick, PC Liaison/present

Frank Kastelic/present

*Mike Delesha, First Alternate/present

Gary Russell, Second Alternate/absent

Susan Hockings, Zoning Admin/present

*Delesha to sit for Bryant at this meeting

The Pledge of Allegiance was recited.

A quorum of five members was present. The meeting was properly posted.

Approve Agenda:

M/Butala

S/Delesha

Agenda Approved

Approve October 14, 2025 Public Hearing minutes:

M/Delesha

S/Kastelic

Minutes Approved

Guests: Applicant Nathan Hermanson and neighbor Greg Kingstrom, KCRC Manager.

Public Comment: None

Open Public Hearing on Variance Request:

Public hearing opened for the ZBA variance request by Nathan Hermanson, concerning parcel 42-403-26-200-000, for a reduction in the right-of-way setback from Gratiot Lake Road from 25 feet to 1 foot.

Zoning Staff Report and Applicant Presentation:

The zoning administrator read the staff report into the record and noted the attachments submitted with the report which were included in member packets. (See attached)

The applicant then presented his request. (a copy of his request is included in the staff report)

ZBA Questions through the chair to staff and the applicant:

The Board asked questions of the zoning administrator and the applicant to clarify the sequence of approvals, confusion over setback rules, and limitations posed by the septic field.

Public Comments:

Greg Kingstrom (neighbor within 300' and the Keweenaw County Road Commission manager) reiterated his support for the variance. There were no additional comments or opposition from the public.

Chair closed public comments portion of the hearing.

Board Deliberation and Standards Review:

The board reviewed ordinance-mandated variance standards (A-L) and findings of fact (1-10) based on the evidence presented.

Key points from Section 19.5 Non-Use Standards review included:

- A. Unreasonable Burden: Strict compliance with the ordinance would unreasonably prevent the owner from using the property for a permitted purpose (building a garage).
- B. Unique Circumstance: The problem is due to the unique circumstance of the atypical 100-foot right-of-way on Gratiot Lake Road.
- C. Not General/Recurrent: The specific conditions relating to the property are not so general or recurrent in nature in the zoning district as to require an amendment to the zoning ordinance.
- D. Problem Not Applicant-Created: The problem was not created by action of the applicant.
- E. No Negative Impact: Granting the variance will not cause substantial effects upon property values in the immediate vicinity or in the district.
- F. Property-Specific: The requested variance will relate only to the property under control of the applicant.
- G. No Conformity Justification: The conforming dimensions of other land structures or buildings in the same zoning district were not considered grounds for the issuance of a variance.
- H. Minimum Variance: The variance is the minimum variance that will make possible reasonable use of the land, building, and structure in the residential zoning district.
- I. In Accord with Zoning: The proposed use of the premises is in accord with the zoning ordinance.
- J. Justice to Applicant/District: The variance would do substantial justice to the applicant as well as to other property owners in the district.
- K. Spirit of Ordinance: Granting of the variance will ensure that the spirit of the ordinance is observed, public safety is secured, and substantial justice applied.
- L. No Use Amendment: The requested variant shall not amend the permitted uses in the zoning district in which it is located.

The Board reviewed Section 19.13 Findings of Fact (1-10), confirming:

1. Strict application of the ordinance would cause hardship for the property owner.
2. Unique circumstances existed from the unusually wide right-of-way and septic system location.
3. The condition is specific to this property.
4. The difficulty was not created by the applicant.
5. There are no negative impacts on neighbors, property values, or public safety.
6. The proposed use remains consistent with residential zoning.
7. The process was followed, no procedural errors.
8. No new precedent is set by this case.
9. County/public services are unaffected by this variance.
10. All proper procedural steps and deadlines were met.

Decision and Roll Call Vote:

After discussion and review of the Findings of Fact regarding Article 5, Section 5.3.2 Subsection A, and Article V section 5.2 Subsection B, a motion was made to approve the 24' setback variance requested by owner Nathan Hermanson from the Gratiot Lake Road ROW (the variance reduces the setback from 25' to 1') to allow construction of a garage.

M/Delesha S/Desnick Roll Call Vote unanimously approved.

The decision order was signed by all voting members present and certified by the ZBA Secretary and the Keweenaw County Zoning Administrator. The variance permit will be issued to the applicant after adjournment of today's hearing.

Final Comments:

The Board discussed process improvements for better verification of right-of-way distances, potentially revising administrative rules or requiring survey data for new projects with ambiguous setbacks.

Future Meeting Schedule:

The 2026 tentative meeting schedule was set for the first Monday of February, May, July, and October. The next meeting date was set for February 2, 2026, at 1:00pm.

Motion to adjourn at 2:10pm

M/Delesha

S/Butala

Motion carried

DRAFT