

# McKenzie Water Setback Variance Public Hearing

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Minutes  
Keweenaw County Zoning Board of Appeals  
August 13, 2020  
5:00 PM

Call to Order: The Chair called the meeting to order at 5:00 PM.

Roll Call:       Mark Ahlborn, Chair               Mel Jones, Vice-Chair  
                  Frank Kastelic                   Steve Siira  
                  Marty Faassen  
                  Ann Gasperich ZA

Members excused: Leslie duTemple

The Pledge of Allegiance was recited.

Agenda Approval and Additions: M/S Frank/Mel, voice vote, passed.

Minutes from January 10, 2020 M/S to include the dates and time in the minutes, Marty/Steve, voice vote, passed.

Guests: Doug and Melissa McKenzie, Don Keith

The Chair opened the Public Hearing for Douglas and Melissa McKenzie 4934 Lac La Belle Rd, Grant Township at 5:03PM.

Request for a variance to setback requirements of the ordinary high water mark, to construct a 20' x 36' addition to their home.

Applicant Comment: Doug and Melissa both spoke to their request, the history of the property and existing house.

There was no one to speak for Public Comment of Property Owners within 300' \*\*  
Two Written Comments were received and presented of Property Owners within 300', both in support and are attached to the minutes. Bausano and Owens.

ZBA Questions through the Chairman -  
Design and style of additional retaining wall;  
Maintaining integrity of the shoreline; and  
Improvements to the new foundation for stability to the existing structure.

The Chair closed the Public Hearing at 5:33.

New Business: Discussion, documentation, and determination of the McKenzie Findings of Fact

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Minutes ~~XXXX~~  
Agenda  
Keweenaw County Zoning Board of Appeals  
August 13, 2020  
5:00 PM

5:03

Call to Order:

Roll Call: ✓ Mark Ahlborn, Chair      ✓ Mel Jones, Vice-Chair  
              ✓ Frank Kastelic            ✓ Steve Siira  
              ✓ Marty Faassen            Leslie duTemple  
              ✓ Ann Gasperich ZA

✓ Members excused: Leslie duTemple

✓ Pledge of Allegiance:

✓ Agenda Approval and Additions: FRAVR/MEL

✓ Minuets from January 10, 2020 include dates + times of meetings, MARTY/steve

Guests: Douglas + Melissa McKenzie, Don Keith

Open Public Hearing Douglas and Melissa McKenzie 4934 Lac La Belle Rd, Grant Township.

Request for a variance to setback requirements of the ordinary high water mark, to construct a 20' x 36' addition to their home.

Applicant Comment:

Public Comment -- Property Owners within 300' \*\*

In Support -  
In Opposition - NONE

Written Comments Property Owners within 300' read from the Chair

In Support - 1) Donna Bausano 2) Curtis Owens  
In Opposition - NONE

Public Comment from Interested or affected persons/organizations\*\*

In Support --  
In Opposition - NONE

Written Comments from Interested or affected persons/organizations

In Support -  
In Opposition - NONE

ZBA Questions through the Chairman --  
Close Public Hearing

New Business: Discussion, documentation, and determination of the McKenzie Findings of Fact

# McKenzie Water Setback Variance Public Hearing

## 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 for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome**

Comments

Does this support the variance

Yes  
it would prevent their use of the property as they desire - they built in 2005 and were in compliance at that time.

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

Comments

Does this support the variance

Yes  
The geology of the lot allows for the request.

- C. The Specific conditions relating to the property are no 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

Yes  
They are adding to an existing legal non-conforming structure. A newly developed Home request would be denied. no ordinance amendment necessary.

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

Comments

Does this support the variance

The existing legal non conforming was conforming in 2005. This is an addition.

YES



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E. Granting of 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

Does this support the variance

it may increase local value. yes

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

Comments

Does this support the variance

One specific lot,  
One specific Action. yes

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

Comments

Does this support the variance

The variance is  
unique to this parcel. yes

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

Comments

Does this support the variance

The proposed addition  
is not Any closer to  
the OHWM. yes

**I. \*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

It would allow the  
owners to proceed with  
request. Neighbors sent letters of support. yes

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

Comments The proper documents Does this support the variance

for the foundation and seawall Yes  
will maintain the spirit and secure public safety

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

Comments Does this support the variance

This is an approved use as Yes  
a single family residence by  
Right in RR-B.

Motion by Frank Seconded by Steve to

Affirm the Variance Request of \_\_\_\_\_ setback from the ordinary high-water mark.

AS submitted on the drawings with the application. To include the following conditions:

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

in accordance certified drawings for the foundation and the seawall by a P.E.

Roll Call Vote:

Yes Ahlborn

Yes Jones

Yes Kastelic

Yes Siira

Yes Faasson

Signature




Signature



Signature



Signature



Signature



Public Comment

Next Meeting: October 8, 2020 at 5:00

Motion to adjourn

Yes 6:23