

Keweenaw County Planning Commission

Regular Meeting Minutes

September 30, 2014

Meeting held at Keweenaw County Courthouse was called to order at 6:00 PM

Roll Call: Jon Soper, Chairman Jim Huovinen, Member
 Tom Hall, Member Ray Chase, Commissioner
 Ned Huwatschek, Member Richard Schaefer, Member
 Steve Siira, Member John Parsons-Member

Excused: Ann Gasperish, Zoning Administrator

The Pledge of Allegiance was recited.

Agenda: M/S Chase/Huwatschek to approve the agenda as presented. Passed.

Meeting Minutes: M/S Huovinen/Hall to approve the Regular Meeting minutes of August 26, 2014 as presented. Passed.

Attendees: Jan Cole, Jim Vivian, Mary Long, Shari Chase, Kathy McEvers, Mark McEvers, Sam Raymond, Shelby Laubhan, Mark Rea, Art Davis, Miranda Davis, Gary Erickson, Don Kauppi, Vic Betterley, Alex Protzel

Guest on the agenda: Alex Protzel. Issue: Zoning Setbacks in Copper Harbor

Prior to Mr. Protzel's presentation, Chairman Soper read the following from the August 26, 2014 Regular Meeting Minutes regarding *Section 9.2 Nonconforming Lots Subsection A. B. C. & D*, which may have some bearing on the issue of zoning setbacks in Copper Harbor:

Subsection C: Provided that adequate potable water and proper and safe septic or sewerage disposal can be provided, as determined by the District Health Department, the Zoning Administrator shall permit single lots of record or combinations of single lots of record (those in subsection B above) that are nonconforming because they are substandard in area, width, or depth to be built

on without variances provided the requirements for yards, width, depth and area is no less than the average of neighboring lots to the left and right of the lot in question with a minimum setback of twenty feet (20') from the ordinary high water mark.

Motion by John, seconded by Tom, passed with one abstain, Ray Chase.

Alex Protzel presented the commissioners with drawings of Blocks 1-11 in Copper Harbor. Points of discussion included the following:

- Setbacks on historic platted areas zoned RS1 and RS2 in Copper Harbor
- Waterfront properties in Copper Harbor are zoned RS1 requiring a 50 foot waterfront setback creating an unbuildable zone
- Two-thirds of the lots in Copper Harbor are “non-conforming”
- Immediate Goals/Recommendations to the Planning Commission:
 - Reduce waterfront setbacks to 15 feet in historical platted areas
 - Relax rear and side lot setback requirements
 - Recommend 10-15 feet front yard setbacks in all cases with plat limits
 - More guidance to the ZBA from the Planning Commission
 - Notification and enforcement of zoning infractions
 - Section 7.9.3 (C) in Zoning Ordinance. PC review requested

Schaefer introduced the concept of considering the entire Platt, reviewing the setbacks on existing buildings and averaging setback requirements in Copper Harbor. Safety and accessibility issues must be considered. Commissioners concurred to pursue averaging setback requirements provided the majority of Copper Harbor property owners agree. Public Comment:

- Art Davis-Miranda Davis: Copper Harbor property owners have verbally stated they are in favor of modifying the zoning setback requirements.

Soper requested official input in the form of a signed letter from the Grant Township Board regarding recommendations for setbacks in Copper Harbor. Planning Commission would be willing to hold a meeting in Copper Harbor to accommodate property owners.

- Jim Vivian: Inquired if recommended modifications to setback requirements in Copper Harbor would have a bearing on Zoning Board litigation. PC, no comment on pending litigation.

New Business:

- Copper Harbor Setback Presentation: Covered in Public Comment session
- Multiple Family Housing & Two Family Dwelling – RC in RS Table 4: Soper explained two family dwellings are permitted only in R2. Ordinance allows for “echo dwellings” under single family dwellings (Table 4, page 146). Issue: Should zoning allow two family dwellings in RS? Sam Raymond, Copper Harbor resident, would like to built a duplex type building to rent to seasonal employees to house two/three people per unit. Don Kauppi also supported the concept of multiple family housing and two family dwellings in Copper Harbor to maximize space in buildings that are currently under utilized to serve as employee rental housing.

M/S Parsons/Huovinen to modify the zoning ordinance to allow Multiple Family Housing and Two Family Housing in RS1 and RS2 by right with conditions. Motion passed with Chase abstaining.

- 7.26.3 One Driveway per Parcel: Discussion tabled. Future agenda item.
- Right of Way Setbacks: Setbacks for distance from road right-of-way discussed. Zoning Administrator Gasperich researched the issue and compiled the following data and recommendations:

The Road Commission currently has a three-tiered designation for County Roads:

State Primary – US 41 & M-26

County Primary – Mohawk Gay Road, Five Mile Point, Eagle Harbor Cut Off

Local

Gasperich proposed the following setbacks along with a breakdown of Local into three sub categories:

County & State Primary	Setback 25' from the Right of way
Local Road with speed limit over 35	Setback 20'
Local Road with speed limit under 35 mph	Setback 15' from the Right of way
Local dead end roads	Setback 10' from the Right of way

M/S Soper/Parsons to modify Table 5.1 to include the road designations and road right of way setbacks as listed the Zoning Administrator's proposals. Motion passed with Chase abstaining.

Unfinished Business:

- Parking in RR for Tourist Homes and B&B's: Jan Cole did not prepare a parking plan for the rental establishment in Eagle River as requested by the Planning Commission because "tourist home" is not defined in the zoning ordinance and the establishment is not a B&B. The building is a private residence. Rental contracts are signed by one person, but may include multiple persons and/or vehicles. Soper: In the ordinance, "tourist home" is listed with B&B's. They are the same type of establishment, which require parking spaces. By use, the establishment is not a private residence. The issue is safety. Given the number of bedrooms available for rent, five, a parking plan has been requested. Cole will present parking plan at the October Planning Commission Meeting. Parsons: Planning Commission review "tourist home" and B&B definitions. Future agenda item.
- Off-Premise Sign Enforcement: Discussion tabled.

Zoning Administrator's Report: Report attached to agenda.

Public Comments:

- Kathy McEvers: Current parking on Main Street is a safety issue. Consider NO PARKING on west side of Main Street during summer months to accommodate pedestrian traffic. Rental establishment in RR must operate within the confines of the zoning ordinances.

- Mark Rea: The Eagle River Inn has 12 rental units/rooms and has adequate parking.
- Mark McEvers: “No Parking” on west side of Main Street during winter months would facilitate snow removal. Snow plows now have to avoid cars parked on both sides of the street.
- Commission Final Comments: None

Next Regular Meeting is scheduled for October 28, 2014, 6 PM

Jim Huovinen moved to adjourn at 8:10 PM

Minutes Recorded by:

Darleen M. Huovinen