

PENTWATER TOWNSHIP
500 N. HANCOCK ST.
P.O. BOX 512
PENTWATER, MICHIGAN 49449

Zoning Board of Appeals Meeting
April 11, 2024, In-Person at 7:00 P.M.

CALL TO ORDER

Vice Chairperson Randy Hepworth called the meeting to order at 7:03 pm.

ROLL CALL

Jean Russell	Absent
Randy Hepworth	Present
Mike Flynn	Absent
Terry Cluchey	Present
Mark Trierweiler	Present
Jeff Wrisley – alternate	Present

Keith Edwards the Zoning Administrator was present during the meeting.

APPROVAL OF THE AGENDA

Jeff Wrisley moved to approve the agenda of April 11, 2024, and Mark Trierweiler seconded. All ayes and the agenda was approved.

APPROVAL OF MINUTES

Terry Cluchey made a motion to approve the minutes of June 22, 2023 as written, and Jeff Wrisley seconded. All ayes and the minutes of June 22, 2023 were approved.

OLD BUSINESS – None

NEW BUSINESS

A. Property ID #64-001-512-001-00 & 64-001-512-016-00, Lots 1 & 16 of Block 16 of the Pentwater Beach Addition No. 3 Plat.

Charles (Chip) and Janice Herndon, property owners of Lots 1 and 16 of Block 16, Parcel ID Nos. 64-001-512-001-00 and 64-001-512-016-00, are requesting the following variance from the Pentwater Township Zoning Ordinance to construct a 1260 sq. ft. residential building:

Section 6.04.E requires a minimum front yard setback of 30 feet from the north lot line adjacent to Clarendon Avenue, where 10 ft. is proposed.

Vice Chairperson Randy Hepworth opened the public hearing at 7:09 pm and asked for comments from the public.

Zoning Administrator Keith Edwards stated that one comment in favor of the variance was received in writing from Dennis Meritt of 8140 N. Perry Ave. Steve DeBrabander, owner of Shoreline Development Assistance answered questions regarding the property on behalf of the applicant.

The public hearing closed at 7:12 pm.

Vice Chairperson Randy Hepworth asked for a roll call vote from the ZBA members on each of the following Review Standards for variances in Section 18.08 of the Zoning Ordinance.

1. **First Standard – Practical Difficulty.** A practical difficulty exists when there are exceptional or extraordinary circumstances or conditions applying to the property (such as exceptional narrowness, shallowness or shape of the property, topographic conditions, conditions caused by the use or development of the property immediately adjoining the property in question), where such practical difficulty would unreasonably prevent the owner from using the property for a permitted use or would render conformity unnecessarily burdensome.

The practical difficulty is the existing topography of the critical dune area on the south side of the property that restricts where the proposed building can be located and is too steep to build upon.

**VOTE: Yes = Wrisley, Cluchey, Trierweiler, and Hepworth.
 No = Zero.**

2. **Second Standard – Special or Unusual Circumstances.** The circumstances creating the need for the variance must be peculiar to the land, structures or buildings involved and shall not be recurrent or applicable as to a sufficient number of other lands, structures or buildings in the same zoning district, to a

degree that the ZBA concludes that a general zoning ordinance amendment would be more appropriate.

The special circumstance is that the subject site is surrounded on three sides by platted roadway requiring 30-foot setbacks on those three sides and the existence of the critical dune area on the south side.

**VOTE: Yes = Wrisley, Cluchey, Trierweiler, and Hepworth.
 No = Zero.**

3. **Third Standard – Substantial Justice.** The Zoning Board of Appeals should find that strict application of the ordinance provisions would deprive the applicant of property rights that are commonly enjoyed by other properties in the same zoning district.

The proposed home is smaller than many new homes in the area and the same Zoning District, yet large enough to meet the minimum requirements of the Zoning Ordinance.

**VOTE: Yes = Wrisley, Cluchey, Trierweiler, and Hepworth.
 No = Zero**

4. **Fourth Standard – Protecting Neighborhood Properties.** The Zoning Board of Appeals shall not grant the variance if it would cause a substantial detriment or harm to other lands and uses, or if in the judgment of the Zoning Board of Appeals, the variance would be contrary to the spirit and purpose of the Zoning Ordinance Regulations.

Because of the low number of homes that can be constructed in the area to the north and east of the subject site, and the unlikelihood that any municipal sewer or water utilities will be provided to the site, and the fact that the utilized roadways are not where they were originally platted, thereby providing a setback from occupied roadway larger than platted, neighboring properties will not be adversely impacted.

**VOTE: Yes = Wrisley, Cluchey, Trierweiler, and Hepworth.
 No = Zero.**

5. **Fifth Standard – Not Self-Created.** If the Zoning Board of Appeals determines that the applicant or the applicant's representatives were involved in any action or inaction with respect to the property, prior to the variance request, where such action or inaction created the circumstances which prompts the variance request, no variance shall be granted.

The property owner did not change the configuration or size of the property and has combined two properties together to provide adequate space for the proposed home.

**VOTE: Yes = Wrisley, Cluchey, Trierweiler, and Hepworth..
 No = Zero.**

6. **Sixth Standard – Minimum Variance Necessary.** The Zoning Board of Appeals shall grant only the minimum necessary variance from current Zoning Ordinance provisions to afford the applicant the relief created by the requested variance.

The ZBA finds that the variance requested is the minimum dimensional standard needed for the modest sized home.

**VOTE: Yes = Wrisley, Cluchey, Trierweiler, and Hepworth..
 No = Zero.**

7. **Seventh Standard – Voting.** Trierweiler moved to grant the 20 ft. variance from Section 6.04, paragraph E, of the Zoning Ordinance for the required front setback of 30 ft. Seconded by Wrisley.

**VOTE: Yes = Wrisley, Cluchey, Trierweiler, and Hepworth..
 No = Zero.**

ADJOURNMENT – Jeff Wrisley moved to adjourn the meeting at 7:30 pm. Mike Trierweiler seconded. All Ayes and the motion to adjourn was approved.

Respectfully submitted by,

Keith Edwards, Zoning Administrator

April 19, 2024

Approved by the Zoning Board of Appeals on June 6, 2024