

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

**Zoning Board of Appeals Meeting  
March 25, 2025 - 7:00 P.M.**

**CALL TO ORDER**

Chairperson Jean Russell called the meeting to order at 7:01 pm.

**ROLL CALL**

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

Keith Edwards the Zoning Administrator was present during the meeting.

**APPROVAL OF THE AGENDA**

Randy Hepworth moved to approve the agenda of March 25, 2025, and Jeff Wrisley seconded. All ayes and the agenda was approved.

**APPROVAL OF MINUTES**

Randy Hepworth made a motion to approve the minutes of the October 22 & 25, 2024 as written, and Terry Cluchey seconded. All ayes and the minutes of the October 22 & 25, 2024 meeting were approved.

## **OLD BUSINESS – None**

## **NEW BUSINESS**

### **A. Property ID #64-001-033-400-12, Ridge Road, south of Jackson Road.**

A request from John Frazier, Property ID #64-001-034-013-400-10, located in section 34 off of Ridge Road in Pentwater Township. The applicant seeks to construct a new home on a parcel where the detached Accessory Building already exists. The home would setback far enough from the front lot line, that the existing accessory building would be rendered a nonconforming building, in terms of its location, in the front yard between the house and Ridge Road.

Section 3.08, paragraph H, subparagraph 2.b. requires that “The accessory building shall not be located nearer to the front lot line than one-half the distance between the front lot line and the main building...” The proposed location of the new home is 584 feet from the front lot line (right-of-way line of Ridge Road) and the existing accessory building is located 256 feet from the front lot line, where 292 feet is allowed. Therefore, a variance of 36 feet is requested.

**Chairperson Jean Russell opened the public hearing at 7:12 pm and asked for comments from the public.**

Zoning Administrator Keith Edwards stated that one comment from the public had previously been received by email. Ms. Jan Hall stated that “The requested 36-foot setback variance is unlikely to have any negative effects on surrounding properties, so I have no objections to the variance being granted.”

No other members of the public were present in the room.

The applicant, John Frazier, explained the topographic problems with moving the house closer to the east including a ravine that is currently full of water.

**Chairperson Jean Russell, hearing no further public comment closed the public hearing at 7:15 pm.**

Chairperson Jean Russell 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 property between the proposed location of the home, the existing location of the garage and Ridge Road. The property slopes downward toward a ravine which is located between the existing garage and the proposed home which would not allow for the installation of a septic field and may be too wet to build upon.

**VOTE:        Yes = Hepworth, Flynn, Wrisley, Cluchey and Russell.  
                 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 the sloping site and the existence of the barn and then trying to construct the house in a location that would both meet the ordinance and allow the construction of a septic field.

**VOTE:        Yes = Russell, Hepworth, Flynn, Cluchey and Wrisley.  
                 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 construction of the home would also correct a situation where an accessory building already exists as the Zoning Ordinance does not allow an accessory building without a principal or main building. Additionally, it is impractical to move the existing garage west of the proposed home.

**VOTE:        Yes = Wrisley, Cluchey, Flynn, Hepworth, and Russell.  
                 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.

The Zoning Board of Appeals found no hard to neighborhood properties associated with the variance request and received support from the only public comment provided via email from Jan Hall of 4950 Ridge Road, across the street from the subject site.

**VOTE: Yes = Wrisley, Cluchey, Flynn, Hepworth and Russell.**  
**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 construct the existing garage, as it was already there when he purchased the property.

**VOTE: Yes = Cluchey, Wrisley, Flynn, Hepworth and Russell**  
**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 variance necessary due to the practical difficulty of the topography of the subject site.

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

7. **Seventh Standard – Voting.** Hepworth moved to grant the 36 ft. variance from Section 3.08, paragraph H, Subparagraph 2b, of the Zoning Ordinance for the for the distance between the home and an accessory building in the front yard.

Seconded by Wrisley.

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

## **PUBLIC COMMENT**

None.

**ADJOURNMENT** – Randy Hepworth moved to adjourn the meeting at 7:25 pm. Mike Flynn seconded. All Ayes and the motion to adjourn was approved.

Respectfully submitted by,

Keith Edwards, Zoning Administrator

March 28, 2025

Approved by the Zoning Board of Appeals on June 17, 2025