

**TOWNSHIP OF PENTWATER**  
**COUNTY OF OCEANA, MICHIGAN**

At a regular meeting of the Township Board of the Township of Pentwater, held at the Pentwater Township Hall, 500 N. Hancock Street, within the Township, on the 11th day of June 2025, at 6:00 p.m.

PRESENT: Members: Cavazos, Douglas, Flynn, Holub, & Murphy

ABSENT: Members: None

The following ordinance was offered by Member DOUGLAS and seconded by Member MURPHY:

**ORDINANCE NO. 2025-04**

**AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE  
[Zoning Board of Appeals and Variances]**

THE TOWNSHIP OF PENTWATER ORDAINS:

Section 1. Section 18.08 - Review Standards for Variances is hereby amended to read in its entirety as follows:

**Section 18.08 VARIANCES.** In limited circumstances, the Zoning Board of Appeals may waive application of one or more zoning ordinance provisions by granting a “variance” from such provision(s) according to this Section so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.

A. Dimensional Variances. A dimensional or non-use variance is a variance concerned with dimensional regulations such as area, height, setback, lot coverage, or similar characteristics of a parcel, building or structure that do not affect the fundamental type of building or use permitted. A dimensional variance may be granted only when all of the following conditions are found to be met:

1. Strict compliance with the Ordinance would cause practical difficulties which would either (1) prevent improvement of the property in a manner which is reasonable and customary and consistent with other properties in the area, or (2) result in significant

or unjustified expense, destruction or demolition of attractive features of the property absent the variance, or similar reasons.

2. Relief would not be a substantial detriment to adjacent property or change the essential character of the area and would not materially impair the purposes of the Ordinance or the public interest.
3. The practical difficulty complained of was not created by or a result of an affirmative action of the applicant.
4. The variance requested addresses some extraordinary circumstance or condition applying to the property itself, such as:
  - a. Exceptional narrowness, shallowness or shape of a specific property which existed on the effective date of this chapter;
  - b. Exceptional topographic conditions;
  - c. The presence of unbuildable areas such as wetlands or a floodplain;
  - d. Conditions caused by the use or development of an immediately adjoining property; or
  - e. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
5. The variance requested must be the minimum necessary to address the practical difficulty complained of. If the Zoning Board of Appeals finds that a variance is justified, but that the extent of the variance requested is greater than necessary to address the practical difficulty, the Zoning Board of Appeals may approve a lesser variance than applied for.

B. Use Variances. A use variance is a request for permission for a use of land which the Zoning Ordinance would otherwise prohibit for the property in question. A use variance may be granted only in cases where there is reasonable evidence in the official record of an “unnecessary hardship” to the applicant if the use requested is not permitted and if all of the following conditions are met:

1. The applicant has demonstrated that the building, structure or land cannot yield a reasonable return if required to be used for any conforming use allowed in the zoning district in which it is located.
2. The proposed use would not cause a substantial detriment to adjacent property or change the essential character of the area.

3. The unnecessary hardship was caused by extraordinary circumstances or conditions applying to the property itself that do not generally apply to other properties or uses in the area within the same zoning district. An applicant's economic hardship or potential for financial profit shall not be grounds for the granting of a use variance.
4. The unnecessary hardship complained of (i.e. inability to use the property for any conforming use) was not created by or a result of an affirmative action of the applicant.
5. The variance requested must be the minimum necessary to address the unnecessary hardship complained of. If the Zoning Board of Appeals finds that a variance is justified, but that the extent of the variance requested is greater than necessary to address the unnecessary hardship, the Zoning Board of Appeals may approve a lesser variance than applied for.
6. The Zoning Board of Appeals may include terms and conditions and requirements in the granting of a land use variance, for the purpose of carrying out the intent and purposes of this Ordinance and for the protection or advancement of the public interest.

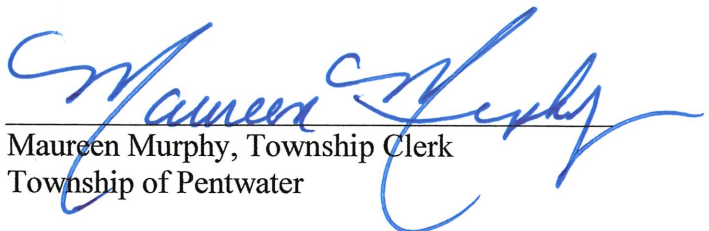
C. Voting. An affirmative vote of a majority of the members of the Zoning Board of Appeals is required to grant a dimensional (non-use variance). For a use variance, an affirmative vote of two-thirds of the members of the Board of Appeals is required. In approving a variance, the Zoning Board of Appeals may include in its ruling such terms and conditions as the Zoning Board of Appeals may deem to be reasonably necessary to carry out the intent and purposes of this Ordinance and to protect and advance the public interest, including the interests of neighboring property owners.

Section 2.     **Effective Date.** This ordinance shall become effective seven (7) days after its publication or seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES:            Members: **Douglas, Murphy, Flynn, Holub, & Cavazos**

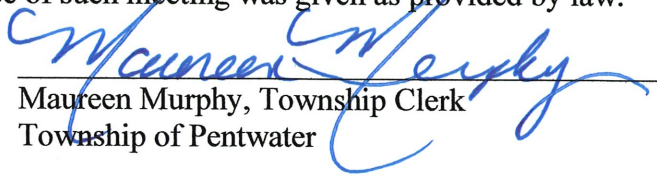
NAYS:           Members: **None**

ORDINANCE DECLARED ADOPTED.

  
 Maureen Murphy, Township Clerk  
 Township of Pentwater

STATE OF MICHIGAN     )  
                                      ) ss.  
COUNTY OF OCEANA     )

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
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Maureen Murphy, Township Clerk  
Township of Pentwater