

**PENTWATER TOWNSHIP
327 SOUTH HANCOCK
P.O. BOX 518
PENTWATER, MICHIGAN 49449**

**Zoning Board of Appeals Meeting
August 20, 2020 Via Zoom
7:00 P.M.**

CALL TO ORDER

Jean Russell called the meeting to order at 7:04 pm.

ROLL CALL

Jean Russell	Present
Randy Hepworth	Present
Mike Flynn	Present
Terry Cluchey	Present
Glenn Beavis	Present

Keith Edwards the Zoning Administrator was present during the meeting.

APPROVAL OF MINUTES

Jean Russell asked that the minutes from the June 2, 2020 meeting be approved. Terry Cluchey made a motion to approve the minutes as written, and Glenn Beavis seconded. All ayes and the minutes were approved.

OLD BUSINESS – None

NEW BUSINESS

- 7a. Property ID #64-001-080-139-00 Apache Hills Subdivision, Lot 139 – Matthew and Jennifer Perry are requesting a 14.3 foot variance between the rear lot line and the proposed new home adjacent to Longbridge Road where 30 feet is required; or a five foot variance from the required front setback, where 30 feet is required adjacent to Pentwater Lake and a 9.9 ft. variance from the rear lot line adjacent to Longbridge Road. See Section 6.04.E. of the Zoning Ordinance.

Chairperson Jean Russell opened the public hearing and asked for comments from the public. Per Keith Edwards, Zoning Administrator, he received one response from Susan Phelan via email recommending that the house be pushed toward Longbridge Road, rather than the lake. Jerry Wilson supported the variance request for encroaching upon the Longbridge Road setback but did not support a request to be closer to Pentwater Lake. Lastly, Susan Spreenbergh spoke during the meeting also in favor of a variance from the Longbridge Road setback.

Matthew and Jennifer Perry gave a presentation of the house they would like to build on the irregularly shaped lot 139 of the Apache Hills Subdivision and would also prefer the 14.3 variance requested from the Longbridge Road setback to the alternative variance request from the lake side of the property.

Public hearing closed at 7:20 pm.

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, based on the request of a 14.3 ft. variance from the 30 feet required to the rear yard setback adjacent to the Longbridge Road right-of-way.

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.

VOTE:

Jean Russell	Yes
Terry Cluchey	No
Randy Hepworth	Yes
Mike Flynn	Yes
Glenn Beavis	Yes

2. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	No
Mike Flynn	Yes
Glenn Beavis	Yes

3. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Glenn Beavis	Yes

4. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
- b. Exceptional topographic conditions;
- c. By reason of the use or development of the property immediately adjoining the property in question; or
- d. Any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	No
Mike Flynn	Yes
Glenn Beavis	Yes

5. That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	No
Mike Flynn	Yes
Glenn Beavis	Yes

6. That the variance is not necessitated as a result of any action or inaction to the property prior to the variance request by the applicant or his/her representative.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Glenn Beavis	Yes

Glenn Beavis made a motion to approve the requested the request for a 14.3 ft. variance from the 30 feet required to the rear yard setback adjacent to the Longbridge Road right-of-way. Terry Cluchey seconded. All ayes and the variance request was approved.

PUBLIC COMMENTS – Sue Spreenberg stated that she appreciated the ZBA members.

Jean Russell asked for a motion to adjourn. Randy Hepworth made a motion to adjourn and Mike Flynn seconded all ayes and the meeting adjourned at 8:00 pm.

Respectfully submitted by,

Keith Edwards, Zoning Administrator

August 28, 2020

Approved by the Zoning Board of Appeals on March 18, 2021.

Terry Cluchey, Secretary