

**PENTWATER TOWNSHIP
327 SOUTH HANCOCK STREET, P.O. BOX 512
PENTWATER, MICHIGAN 49449
ZONING BOARD OF APPEALS MEETING**

September 22, 2016

CALL TO ORDER

Jean Russell called the meeting to order at 7:02 Pm. The Pledge of Allegiance was recited. Jean Russell asked for roll call.

ROLL CALL

Paula DeGregorio	Present
Stanley Roose	Present
Jean Russell	Present
Mike Flynn	Present
Randy Hepworth	Present

Keith Edwards the Zoning Administrator was present at the meeting.

APPROVAL OF AGENDA

Keith Edwards asked if the New Business and Old Business could be switched around due to the Attendance at the Meeting for the Variance Request.

Stanley Roose made a motion to approve the corrected Agenda and Randy Hepworth seconded. All ayes and the Agenda was approved.

APPROVAL OF MINUTES FROM MEETING HELD ON JUNE 21, 2016

Mike Flynn made a motion to approve the minutes from June 21, 2016 and Randy Hepworth seconded. All ayes and minutes were approved as written.

NEW BUSINESS

Jerry & Lynn Richardson are requesting three variances to construct a new home at Property ID #64-001-740-012-00 Lot 12 of the Whispering Sands subdivision. The applicant is requested the following dimensional variances:

A sixteen (16') foot rear setback (road side) variance, a four (4') foot side setback variance on the north side and a four (4') side setback variance on the south side of the proposed new home are requested. Each of the north and south side setbacks is proposed to be reduced from ten (10) feet to six (6) feet, and the rear (road side) setback is proposed to be reduced from thirty (30) feet to fourteen (14) feet per Section 6.04.E of the Pentwater Community Zoning Ordinance.

Jean Russell stated that every variance request is handled individually. It will set no precedence as every variance request has different circumstances. Refer to Section 18.08 Review Standards for Variances. See attached. Jean Russell asked Keith Edwards the Zoning Administrator for comments from residents living within 300 feet of said property making the request. Mr. Edwards read from the forms and letters received by his office on the applicant's request. Below is a summary of support for or lack of support for the request:

K Craig Place	Support
James Humpreys	I do not Support
Nick & Jean Gallo	I do not Support
Suzanne Lahti	See comments on file with Zoning Administrator.
Barry Rought	I do not Support
Nicholas Boyaris	I do not Support
Mary Sue Rischar	I do not Support
Pat & Pete Hirsch	I do not Support - Peake Family Holding Company
Stephen Nelson	I do not Support
Nancy Zielinski	I do not Support
Eugene Jankowski	I do not Support
Robert McPartlin	I do not Support
Paul Thelen	I do not Support
Susan Law	did not return form but stood up and stated I do not Support.

Chairperson Jean Russell open the public hearing and has asked for comments from the audience.

PUBLIC COMMENTS

Ted Cuchna, a Pentwater resident stated a lot of work has gone in to reach these Guidelines for Variance Requests and the Zoning Board of Appeals need to really consider the outcome of this request.

Jeremy Horton the Architect stated the reason the variances have been requested are due to the DEQ not issuing a permit until the variances are approved by the Pentwater Township Zoning Board of Appeals

Keith Edwards the Zoning Administrator stated he received information from the DEQ which stated they wanted approval from the Pentwater Zoning Board of Appeals before they would issue a special exception for said property making requests.

Chairperson Jean Russell Closed the Public Hearing at 7:55 pm.

Chairperson Jean Russell stated we need to go over the guidelines for consideration of the request.

REVIEW STANLEYDARDS SECTION 18.08 OF THE ZONING ORDINANCE

Per Randy Hepworth and Mike Flynn noted that the people living within 300 feet are against the proposed variances.

Russell stated the houses looked ok in the area but the new house would set up higher on the dune. This could cause some problems with neighbors behind the proposed new house, topographic problems due to the width of the lot and being set in the critical dune area.

The DEQ will not allow the permit to be issued until the Township Zoning Issues have been resolved.

Jean Russell asked for a vote on each variance individually. The ZBA Secretary has prepared a resolution of the decisions made based on the ZBA's discussion of the Standards for Review of each requested variance in reference to Section 18.08 et seq. of the Zoning Ordinance. See the attached resolution.

1. Randy Hepworth made a motion to approve the requested four foot variance from the required side setback on the north side of the property per Section 6.04. E, where ten feet is required. Paula DeGregorio seconded.

ROLL CALL VOTE

Paula DeGregorio	Yes
Stanley Roose	No
Jean Russell	Yes
Mike Flynn	No
Randy Hepworth	Yes

Motion passed three yes votes two no votes.

2. Randy Hepworth made a motion to approve a four foot variance from the required side setback on the south side of the property per Section 6.04.E, where ten feet is required.

ROLL CALL VOTE

Paula DeGregorio	No
Stanley Roose	No
Jean Russell	Yes
Mike Flynn	No
Randy Hepworth	Yes

Motion did not pass three no votes two yes votes.

3. Randy Hepworth made a motion to approve a sixteen foot variance from the required rear setback (Montgomery Blvd. Frontage of the waterfront property) per Section 6.04.E, where thirty feet is required. Jean Russell seconded.

ROLL CALL VOTE

Paula DeGregorio	No
Stanley Roose	No
Jean Russell	No
Mike Flynn	No
Randy Hepworth	Yes

Motion did not pass. Four no votes One yes vote.

OLD BUSINESS

Keith Edwards asked for consideration to approve the changes on the Pentwater Zoning Board of Appeals By-Laws and Rules of Procedure. Jean Russell made a motion to accept the changes and Stanley Roose seconded. All ayes and motion carried.

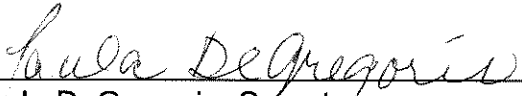
Keith Edwards thought it might be a good idea to do an Educational Session on conducting our meetings now that the ZBA has approved the By-Laws and Rules of Procedure.

Randy Hepworth made a motion to adjourn and Mike Flynn seconded. The meeting adjourned at 8:50 Pm.

Respectfully submitted by, Janet K. Schomberg, Recording Secretary

Date: September 26, 2016

Approved by the Zoning Board of Appeals on May 16, 2017.



Paula DeGregorio, Secretary