

PENTWATER TOWNSHIP ZONING BOARD OF APPEALS

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August 25, 2015

Jean Russell called the meeting to order at 7:00 Pm. The Pledge of Allegiance was recited. Jean Russell asked for a roll call

Roll Call

<i>Jean Russell</i>	<i>Present</i>
<i>Dave Spitler (Alternate)</i>	<i>Present</i>
<i>Mike Flynn</i>	<i>Present</i>
<i>Dan Kelly</i>	<i>Present</i>
<i>Randy Hepworth</i>	<i>Present</i>

Keith Edwards the Zoning Administration was present at the meeting.

Jean Russell asked for Approval for the minutes from the July 9, 2015 Zoning Board of Appeals meeting. Jean Russell had a question regarding wording on the second page. Clarification was made and it will be corrected. Dave Spit6ler made a motion to approve the minutes and Mike Flynn seconded. All ayes and the minutes were approved with correction noted.

Old Business

Jean Russell will now review the Variance request from Ralph and Mary Kayler property number 64-001-002-100-19 in Duna Vista Resorts. This request was brought up at the July 9, 2015 Zoning Board of Appeals meeting and tabled until this meeting. The Kayler's have requested changing the 30 ft. front setback to 20 ft. requesting a variance of 10 ft. for the front setback to construct a single family home.

Jean Russell stated the Kayler's purchased the property in question in 1992. Rule were in effect at the time of purchase regarding the Critical Dune Area. Norm Dodd stated it's a viable piece of property. Keith Edwards noted The Sand Dune Protection and Movement Act has been in effect since 1976 and since then The Sand Dune Protection

and Movement Act regulations have been in effect since 1994. This is after Kayler's purchased the property.

Jean Russell asked if Norm Dodd would answer some questions regarding erosion and run off of water on the property. The DEQ would request certain things that would not cause erosion on the property. Norm Dodd stated the DEQ has requested the house being built in a certain area and that is why they are requesting the 10 ft. front setback variance. Dan Kelly had two concerns one was is there a request on file with the DEQ? Per Keith Edwards there has been a pre application talked about with the DEQ but a permit has not been received.. Dan Kelly's second concern is regarding the road leading up to the property. Dan Kelly read some information that referred to Duna Vista Drive and not the road that the house and other homes within 200 feet are located on. The Easement that lead to the houses is 16 feet.

Jean Russell has asked for responses sent to owners within 200 feet of variance request. Per Keith Edwards here is a list of the people that responded/

<i>Fitzpatrick</i>	<i>Not In Favor</i>
<i>Lafftkis</i>	<i>Not in Favor</i>
<i>Hamburger</i>	<i>Not in Favor</i>
<i>Cain</i>	<i>In Favor</i>
<i>Barnart</i>	<i>In Favor</i>
<i>Kell</i>	<i>In Favor</i>
<i>Bruggleman</i>	<i>In Favor</i>

See attached comments written regarding the variance request Jean Russell stated a Variance in Michigan does not create a precedence. Each variance is its own specific request.

Public Hearing

Mr. Laffkis has concerns over access to their property due to existing and proposed parking. It is a dangerous area to back out of for parking. Norm Dodd's stated the lane is not in the Laffkis lane. The lane is on Kayler's property. The Kayler's stated they have one car and a Golf Cart. Duane Hamburger is concerned about allowing future variances if this is approved. Diane Fitzpatrick is concerned regarding it being dangerous when other people entering the area where they park. Ralph Kayler stated there is access to the property on either side of a tree in the easement.

Jean Russell closed the Public Hearing.

Mike Flynn recommended additional signage for the area. Randy Hepworth asked Norm Dodd's for an alternative design so a setback variance would not be needed. Norm Dodd's stated that the house is modest in size and less area slopes than the

other houses already constructed. The house is designed with a small amount of stairs. Dan Kelly asked if the house could be constructed with no variance. Norm Dodd's stated yes it could be. Dave Spitler asked if there were any other alternatives for cars backing up into the easement. Norm Dodd's stated backing turns could be made in each direction. This variance had much discussion before Jean Russell reviewed the Standards set in the Zoning Ordinance.

Jean Russell reviewed the six standards set in section 18.08 of the Zoning Ordinance

1. Met
2. Met
3. Practical difficulty with the topography of the property
4. Met
5. Met

See Zoning Ordinance for questions.

A motion was made by Dan Kelly to deny the variance request. It was seconded by Randy Hepworth. A Roll Call Vote was taken.

Dan Kelly	Yes
Randy Hepworth	Yes
Dave Spitler	No
Mike Flynn	No
Jean Russell	No

The motion failed 3/2.

A motion was made by Dave Spitler to approve the ten (10') front setback variance request. It was seconded by Mike Flynn. A Roll Call Vote was taken.

Dave Spitler	Yes
Mike Flynn	Yes
Randy Hepworth	No
Dan Kelly	No
Jean Russell	Yes

The motion passed to allow a (10') front setback for Property Id. 64-001-002-100-19 in Duna Vista Resorts. The request passed 3/2.

Before moving to new business Dave Spitler (Alternate) excused himself and Paula DeGregorio sat in on the remaining time starting with New Business.

New Business

5a. 5394 W. Lakeview Drive-Property ID #64-001-550-001-00 Request for a

Front setback variance of 9 ft. To construct a kitchen and laundry room addition with an attached garage.

Jean Russell asked Keith Edwards for any reply's from residents residing within 200 feet of said request. Keith Edwards had four replies with people living within 200 feet. They all supported the request. Jean Russell asked for any public Comments.

Public Comments

None

Carol Kitt explained the reason for requesting this variance. They have difficulty in the rear of the house due to the slope. They also will need storage above the garage.

Randy Hepworth had concerns over two drawing that do not match. Jean Russell went over the Review of Standards from 18.08 of the Zoning Ordinance.

- 1. Standard is met.*
- 2. Standard is met.*
- 3. Standard is met*
- 4. Lakeview Drive came into existence after house was built, topography prohibits pushing the addition back.*
- 5. Standard is met.*
- 6. Standard is met.*

A motion was made by Randy Heporth to approve 9 ft. front yard setback for Property ID #64-001-550-001-00 at 5394 W. Lakeview Drive. Dan Kelly seconded and a Roll Call Vote was taken.

<i>Randy Hepworth</i>	<i>Yes</i>
<i>Dan Kelly</i>	<i>Yes</i>
<i>Paula DeGregorio</i>	<i>Yes</i>
<i>Mike Flynn</i>	<i>Yes</i>
<i>Jean Russell</i>	<i>Yes</i>

Motion passes 5/0.

5b.5936 Longbridge Road – Prop. ID#64-001-369-010-00-Request for a height variance in order to reconstruct a detached accessory building. A description of the said request was presented. Jean Russell went over the Review of Standards from 18.08 of the Zoning Ordinance.

- 1. Standard is met.*
- 2. Standard is met.*
- 3. Standard is met.*
- 4. Maintain the footprint. Houses on either side of the subject are higher.*
- 5. Standard is met.*
- 6. Standard is met.*

A motion was made by Mike Flynn to approve a 1.5 height variance for Property ID #64-001-369-010-00. Dan Kelly seconded. A Roll Call Vote was taken.

Mike Flynn Yes

Dan Kelly Yes

Randy Hepworth Yes

Paula DeGregorio Yes

Jean Russell Yes

Motion passed 5/0.

5c. 5541 N. Ridge Road Prop. ID#64-001-587-014-00 Request for the 2.5 ft. height variance for an addition to and existing accessory building...

This request was postponed to an undetermined future date.

5d. 5191 N. Perry Ave.-Prop.ID#64-001-516-022-00-Request to locate air condition condensing units and a generator within the required side yard setback. Per Keith Edwards several motions made on this issue. The ones listed below had Roll Call Votes.

A motion was made by Randy Hepworth for Prop ID #64-001-587-014-00 to approve A/C Units and Generator in the side yard setback. Mike Flynn seconded. A Roll Call Vote was taken.

Randy Hepworth Yes

Mike Flynn Yes

Paula DeGregorio No

Dan Kelly No

Jean Russell No

Motion failed 3/2.

A motion was made by Dan Kelly that the ZBA recommend the Planning Commission review the issue for the location of A/C and other mechanical units, LP tanks, etc., within the side yard and side yard setback. Roll call vote: Mike Flynn seconded. A Roll Call Vote was taken.

<i>Dan Kelly</i>	<i>Yes</i>
<i>Mike Flynn</i>	<i>Yes</i>
<i>Paula DeGregorio</i>	<i>Yes</i>
<i>Randy Hepworth</i>	<i>No</i>
<i>Jean Russel</i>	<i>Yes</i>

Motion passed 4/1.

A motion was made by Jean Russell to reconsider the original motion, having found evidence in the Zoning Ordinance that would allow occupation of the side yard by an accessory building (Section 3.08. E.3 and 6). Mike Flynn seconded. A Roll Call Vote was taken.

<i>Jean Russell</i>	<i>Yes</i>
<i>Mike Flynn</i>	<i>Yes</i>
<i>Randy Hepworth</i>	<i>Yes</i>
<i>Dan Kelly</i>	<i>No</i>
<i>Paula DeGregorio</i>	<i>No</i>

Motion passed 3/2.

A motion was made by Randy Hepworth to table the variance request until the Planning Commission and previous Zoning Administrator are consulted and the Planning Commission has completed their review as stated in the previous motion. It was seconded by Jean Russell. A Roll Call Vote was taken.

<i>Randy Hepworth</i>	<i>Yes</i>
<i>Jean Russell</i>	<i>Yes</i>
<i>Dan Kelly</i>	<i>Yes</i>
<i>Paula DeGregorio</i>	<i>No</i>
<i>Mike Flynn</i>	<i>Yes</i>

Motion passed 4/1. This request will be reviewed further before being approved.

Public Comments

None

Dan Kelly made a motion to adjourn the meeting and Mike Flynn seconded. The meeting adjourned at 10:30 Pm. All ayes and the motion to adjourn was approved.

Respectfully submitted by,

Date September 3, 2015

Janet K. Schomberg , Recording Secretary

With notes added from the Zoning Administrator Keith Edwards

Minutes approved as amended by the ZBA on November 10, 2015.