

PENTWATER TOWNSHIP
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ZONING BOARD OF APPEALS

December 15, 2015

The Pentwater Township Zoning Board of Appeals Meeting was called to order at 7:00 Pm by Jean Russell. The Pledge of Allegiance was recited. Jean Russell asked for Roll Call.

Roll Call

Randy Hepworth	Present
Mike Flynn	Present
Dan Kelly	Present
Paula DeGregorio	Present
Jean Russell	Present

Keith Edwards the Zoning Administrator was present at the meeting.

Minutes from November 10, 2015 meeting.

Jean Russell asked for approval for the minutes from the meeting held on November 10, 2015. Mike Flynn made a motion to approve the minutes and Randy Hepworth seconded. All ayes and the minutes were approved with corrections.

Agenda

Jean Russell asked for a motion to approve the Agenda for tonight's meeting. The Agenda was approved.

Old Business

Jean Russell stated we have Old Business for a request to locate air condition condensing units and a generator within the required side setback at

Property ID #64-001-516-022-00, at 8191 N. Perry Avenue.

Keith Edwards the Zoning Administrator stated the required side setback after it was reviewed by the Pentwater Township Planning Commission should have nothing within 10 feet of the lot line. Jeremy Horton the builder stated the Previous Zoning Administrator who handled the permits for this house never discussed the side yard setback being clear of any mechanical equipment. Jeremy Horton stated if the variance is not allowed it would cause a hardship to the owner. Jeremy Horton stated the problem is the difference between the Old and the New Zoning Administration. No specific Mechanical requirements are stated in the Ordinance. Jean Russell closed the Zoning Board of Appeals Meeting and opened up the Public Hearing at 7:17 Pm.

Jean Russell asked for any Public Comments. Eric Fox the Attorney representing the people that made a complaint about the Mechanical Equipment causing a noise problem stated the home at 8191 N. Perry is in violation of the ordinance and should not be allowed to have any mechanical equipment in the required side setback.

Dan Kelly stated the owners of 9181 N. Perry built their house under good faith and they should not have to move the equipment. Dan Kelly looked around the township and found many buildings with mechanical equipment placed within 10 ft. of side yard setbacks. Randy Hepworth stated the rule is a difference in the interpretation. How do you accommodate. Eric Fox stated the neighbor has a right to complain. Paula DeGregorio asked if the owners were occupying the home. Mike Flynn stated people need to work together to solve the problem.

Jean Russell closed the Public Hearing at 7:45 Pm.

Jean Russell went over Section 18.08 Review Standards for Variances. Dan Kelly asked why they were asking for a Variance. Keith Edwards explained he received a complaint from the neighbor. Keith Edwards contacted the owners and stated they needed to request a variance due to issues with the zoning language for side yards.

Jean Russell made a motion to grant the Variance at 9181 N. Perry so the mechanical equipment can be located within the 10 ft. side yard setback. Mike Flynn seconded. Jean Russell asked for a Roll Call Vote:

Roll Call Vote

Randy Hepworth	Yes
Mike Flynn	Yes
Jean Russell	No
Dan Kelly	Yes
Paula DeGregorio	No

The Variance Request was approved 3 – 2.

New Business

The first request is for an 8 ½ height variance for Property ID #64-00-350-002-00 Lots 2 and 15 in McCall Estates off of Timber Shores Drive. Jean Russell asked Keith Edwards for comments from all neighbors within 300 ft. of said request.

Peter Carruthers	do not support
Don & Doris Thompson	do not support
David and Cindy Webster	do not support
Dennis Houk	do not support
Thomas Hicks	do not support
James Jacques	I do support
Graced M. Vernon Andrees	I do support

Jean Russell opened the Public Hearing at 8:15 Pm.

Mr. Jacques stated this will have no effect on his view. It will not have any issues with the neighbors. There will be no home behind the house. Just 10% of the Roof will be above the height restriction.

Jean Russell closed the Public Hearing at 8:30 Pm.

Jean Russell stated each variance is handled individually. See Section 18.08 Review Standards for a Variance. Paula DeGregorio just asked if the Mechanical Room was needed for the Elevator.

Dan Kelly made a motion to grant an 8 ½ ft. height variance of the Penthouse Roof for the purpose of installing mechanical equipment allowing access to the roof of the structure. Mike Flynn seconded. Jean Russell called for a Roll Call Vote.

Roll Call Vote

Randy Hepworth	Yes
Mike Flynn	Yes
Jean Russell	Yes
Paula DeGregorio	Yes
Dan Kelly	Yes

Variance Granted 5 -0

The next Variance request is for Property ID #64-001-740-017-00 in Whispering Sands, address 9444 Montgomery Blvd. Jeffrey and Susan Law are seeking a 4 ft. south side setback variance to construct a deck per section 6l.04.E, and a 3 ft. North side variance to construct an addition to the home, per section 6.04 E. Jean Russell opened the Public Hearing at 8:45 Pm.

Keith Edwards asked the Board to review the drawings. Jean Russell asked Keith Edwards to review the comments from neighbors living within 300 ft. of said variance request.

Eugene Jankowski	I do support.
Art Lund	I Do Support
James Humphries	I Do Support but make sure measurements are correct.
K. Craig	I Do Not Support
Barry Watt	I Do Support
Nancy Zielinski	I Do Support
Tina Walker	I Do Support
Suzanne Lahle	I Do Support

Per Jeremy Horton the lots in Whispering Sands are 60 ft. so that creates problems. Per Jean Russell every variance is handled separately. See Section 18.08 Review Standards for a variance. Jean Russell closed the Public Hearing at 9:10 Pm. Jean Russell has asked for a motion. Dan Kelly made a motion of granting the requested variance which will allow a three foot variance into the north side setback for total setback of seven feet and a 4 Ft. variance into the south side setback for a total setback of six feet. Mike Flynn seconded. Jean Russell asked for a Roll Call Vote.

Roll Call Vote

Randy Hepworth	Yes
Mike Flynn	Yes
Jean Russell	Yes
Dan Kelly	Yes
Paula DeGregorio	Yes

The motion passed 5-0.

Keith Edwards stated he has a Draft of By-Laws for the Zoning Board of Appeals. He would like the Board to review and discuss these By-Laws at the next meeting.

Jean Russell made a motion to adjourn and Mike Flynn seconded. The meeting adjourned at 9:27 Pm.

Respectfully submitted by

Date_____

Janet K. Schomberg, Recording Secretary

Minutes of December 15, 2015 - approved as corrected by the ZBA on March 1, 2016.