

PENTWATER TOWNSHIP
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ZONING BOARD OF APPEALS
March 1, 2016

Minutes of the March 1, 2016 Meeting of the Pentwater Township Zoning Board of Appeals.

1. **Call to Order** - The Pentwater Township Zoning Board of Appeals (ZBA) Meeting was called to order at 7:00 pm by Jean Russell.

2. **Pledge of Allegiance** - The Pledge of Allegiance was recited.

3. **Roll Call** - Jean Russell asked for attendance via 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.

4. **Minutes from December 15, 2015 meeting.**

Jean Russell asked for approval for the minutes from the meeting held on December 15, 2015. Mike Flynn made a motion to approve the minutes and Randy Hepworth seconded. All ayes and the minutes were approved with corrections.

5. **Agenda**

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

6. **Old Business** - None.

7. **New Business**

Property ID #64-001-550-037-00 a.k.a. 5353 W. Monroe Road.

The variances requested are to construct a covered porch within the required rear (street side) setback (a variance of 12 feet is requested) and to construct a covered deck within the required front (lake side) setback (a variance of 5 feet is requested), per Section 6.04.E of the Zoning Ordinance.

The request for variances was explained in person by the O'Mara's builder, Jon Tuthill and Gary Boersma from Tut Construction.

Jean Russell asked Keith Edwards for comments from all neighbors within 300 ft. of said request. No comments were received by mail according to Zoning Administrator, Keith Edwards.

Jean Russell opened the Public Hearing.

No one from the public was in attendance. No public comments.

Jean Russell closed the Public Hearing

Jean Russell stated each variance is handled individually. See Section 18.08 Review Standards for a Variance. The ZBA reviewed the six standards of section 18.08.A of the Zoning Ordinance for Non-Use Variances. Each standard must be met in order to approve one or more variances from the Zoning Ordinance.

Section 18.08.A - Paragraphs 1-6:

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

The ZBA agreed that standard no. 1 is met.

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.

The ZBA agreed that standard no. 2 is met by maintaining the existing views of the lake from neighboring properties.

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.

The ZBA agreed that standard no. 3 is met.

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;

The ZBA agreed that standard no. 4a is met due to the existing non-conforming size of the property.

b. exceptional topographic conditions;

The ZBA agreed that standard no. 4b is met due to the existing non-conforming size of the property.

c. by reason of the use or development of the property immediately adjoining the property in question; or

The ZBA agreed that standard no. 4c is met since the adjacent properties on the lake side of Monroe Road are all existing non-conforming due to their size and location between Monroe Road and Pentwater Lake.

d. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.

The ZBA agreed that standard no. 4d is met due to the existing non-conforming size of the property.

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.

The ZBA agreed that standard no. 5 is met.

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.

The ZBA agreed that standard no. 6 is met.

Dan Kelly made a motion to grant the variances as requested to allow the covered lake side deck and covered road side porch. Randy Hepworth 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

8. **Public Comment** - None

9. **Adjournment** - Jean Russell made a motion to adjourn and Mike Flynn seconded. The meeting adjourned at 7:40 pm.

Respectfully submitted by
Keith Edwards, Zoning Administrator

Date: May 5, 2016