

**PENTWATER TOWNSHIP  
327 S. HANCOCK STREET  
PENTWATER, MICHIGAN 49449**

**Zoning Board of Appeals  
Thursday September 20, 2018**

**CALL TO ORDER**

Jean Russell called the meeting to order at 7:03 pm. Jean Russell asked for the Pledge of Allegiance.

**ROLL CALL**

Paula DeGregorio	Present
Mike Flynn	Present
Jean Russell	Present
Randy Hepworth	Present
Stan Roose	Excused

Keith Edwards the Zoning Administrator was present at the meeting.

**APPROVAL OF MINUTES**

Jean Russell asked that the minutes from the June 7, 2018 meeting be approved. Paula Degregorio made a motion to approve the minutes and Mike Flynn seconded. All ayes and the minutes were approved as written.

**APPROVAL OF AGENDA**

Jean Russell asked for a motion to approve the Agenda of tonight's meeting. Randy Hepworth made a motion to approve the Agenda and Jean Russell seconded. All ayes and the minutes were approved as written.

**OLD BUSINESS**

Jean Russell asked for a motion to change the by-laws to change the name of Zoning Ordinance within the document as presented at the June 7, 2018 Annual Meeting. A motion

was made by Mike Flynn to change the wording and Randy Hepworth seconded. All ayes and the motion to change the wording in the ZBA By-Laws from Pentwater Community Zoning Ordinance to the Pentwater Township Zoning Ordinance.

## **NEW BUSINESS**

- A. Property owners Johnny Graettinger and Ali Bloomfield are requesting a variance of seven and one-half (7.5) foot variance for the height of a new home. The Property ID #64-001-452-004-00 a.k.a. Block 22, lots 20 & 21, part of lots 4 & 5, Pentwater Beach Addition Plat 1. Bert Stiphany is the Contractor. He had to get approval from the MDEQ and there was only one area available where they could construct the house on.

Jean Russel asked Keith Edwards if there were any responses from neighbors within 200 feet of said property. Per Keith Edwards he only received response from Thomas and Patricia McKeoun. Bert Stiphany the Contractor explained why the variance was needed due to the building site and required given to them by the MDEQ. Jean Russell went over SECTION 18.08 REVIEW STANDARDS FOR VARIANCES. They are listed below.

Non-Use Variance: A non-use or dimensional variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that ALL of the following conditions are met:

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

***This condition has been 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.

***This condition has been met.***

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.

***This condition has been 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;
  - 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.
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.

***This condition has been 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.

***This condition has been met.***

The majority of the Zoning Board members felt the requirements were all met. There were some questions regarding 5. Jean Russell asked for a motion regarding the variance request.

A motion was made by Randy Hepworth, seconded by Mike Flynn to approve the variance request for Property no. 64-001-452-004-00 to allow the height of the proposed Building to exceed the height limits of 35 feet by 7.5 feet for a maximum of 42.5 feet from the average grade to the peak of the building.

A Roll Call Vote was taken from each Zoning Board member present.

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

The motion passed 3 to 1.

- B. The second request under new business is a request from Jay Harris for Property ID #64-001-250-004-00 a.k.a. Lot 4 of Gable's Subdivision. He would like the Zoning Board to interpret Section 3.24.9 et. Seq. seeking to voluntarily demolish the existing garage with additions and construct a new 1,044 sq ft. detached accessory building where the Zoning Administrator would only permit 1,000 sq. ft.

Keith Edwards stated the provisions of Section 3.24 Nonconforming Buildings and Structures, subsection 9, paragraph "b", which is slightly different than the preceding paragraph "a" that pertains to the single-family dwelling which allows for the same lot coverage, however, this does not apply to accessory buildings. The issue was

discussed by the Zoning Board and it was decided to present it The Pentwater Planning Commission at there October 9, 2018 meeting.

Jean Russell asked for a motion was made by Randy Hepworth and seconded by Mike Flynn, that the intent of paragraph "b" that pertains to accessory buildings is unclear in the context of subsection 9 of Section 3.24 as to whether nonconforming accessory buildings can cover the same amount of space as a house if the accessory building is nonconforming with respect to size. The ZBA is referring the question to the Planning Commission for their October 9, 2018 meeting for clarification.

Jean Russell asked for a Roll Call Vote.

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

The motion was approved.

**PUBLIC COMMENT - None**

**ADJOURNMENT**

Jean Russell asked for a motion to adjourn. Mike Flynn made a motion to adjourn and Randy Hepworth seconded. All ayes and the meeting adjourned at 8:28 pm.

**RESPECTFULLY SUBMITTED BY**

Janet K. Schomberg, Recording Secretary on September 26, 2018

Approved by the Zoning Board of Appeals on June 18, 2019

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Terry Cluchey, Secretary