

**PENTWATER TOWNSHIP  
327 SOUTH HANCOCK  
P.O. BOX 518  
PENTWATER, MICHIGAN 49449**

**Zoning Board of Appeals Meeting  
Thursday, November 14, 2019  
7:00 P.M.**

**CALL TO ORDER**

Jean Russell called the meeting to order at 7:00 pm. Jean Russell asked for the Pledge of Allegiance.

**ROLL CALL**

Jean Russell	Present
Randy Hepworth	Present
Mike Flynn	Present
Terry Cluchey	Present
Glenn Beavis	Present

Keith Edwards the Zoning Administrator was present at the meeting.

**APPROVAL OF MINUTES**

Jean Russell asked that the minutes from the July 16, 2019 meeting be approved. Randy Hepworth made a motion to approve the minutes with correction as noted, and Jean Russell seconded. All ayes and the minutes were approved with a spelling correction.

**OLD BUSINESS – None**

## NEW BUSINESS

- 7a.** Property ID #64-001-690-010-00 Smiths Subdivision – a.k.a. 5786 W. Longbridge Rd. Thomas and Diane Timmermans request a 7 ft. south side setback variance to construct a deck per section 6.04.E. of the Zoning Ordinance.

Jean Russell asked for comments from the public. Per Keith Edwards he received one response from Nancy DeNolf 5784 W. Longbridge Rd. Pentwater, Michigan 49449. She said she had no problems with the request.

Terry Cluchey felt the request was okay but it needs a stipulation that no roof be put over that portion of the deck that is within 10 feet of the south side lot line. Glenn Beavis had no objections.

Jean Russell asked for a roll call vote according to the review standards for variances in Section 18.08 of the Zoning Ordinance:

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

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Terry Cluchey	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Glenn Beavis	Yes

Randy Hepworth made a motion to approve the requested variance to allow the deck to be within three (3) feet of the south lot line, subject to the condition that no part of the deck within 10 feet of the south lot line can be covered with a roof or enclosed. Terry Cluchey seconded. All ayes and the variance request was approved.

- 7b.** Property ID #64-001-516-014-00 Smiths Subdivision -a.k.a. Lots 8, 14,15 & 16 of Block 16 of Pentwater Addition No. 3. David & Lucy Ordoobadi (a.k.a James Family Trust) are requesting to construct a detached garage (detached accessory structure) 40 feet closer to the front lot line (Perry Ave.) than ½ the distance to the house per Section 3.08.E.2.b and of the Zoning Ordinance.

Jean Russell asked if there were any public comments. There were no public comments so a Roll Call Vote was taken according to the review standards for variances in Section 18.08 of the Zoning Ordinance:

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

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

4. That there are practical difficulties in the way of carrying out the strict letter of these regulations which re 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.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

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 district.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

Glenn Beavis made a motion to approve the requested variance for the detached garage to be within 35 feet of the front lot line and Randy Hepworth seconded. A roll call vote was taken

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

- 7c.** Property ID #64-001-150-013 Crestview Shores Subdivision, Lots 13 & 1, a.k.a. 6581 N. Ridge Rd. Sueanne McVie and Susan Tolbert are requesting to construct an attached garage with 2 levels of living space above, where the proposed height of the building will be 32.33 feet tall where only 30 feet is allowed by Section 8.04.D of the Waterfront District of the Zoning Ordinance. Thus, the applicant seeks a 2.33 ft. height variance.

Jean Russell asked for any comments from neighbors. Per Keith Edwards the Zoning Administration he had one letter from Matthew Halbower and he supported the request.

Jean Russell asked for a roll call vote according to the review standards for variances in Section 18.08 of the Zoning Ordinance.

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

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes



Terry Cluchey	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

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.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

Jean Russell made a motion to approve the request for a 2.33 height variance and Terry Cluchey seconded. A roll call vote was taken.

VOTE:

Jean Russell	Yes
Randy Hepworth	Yes
Mike Flynn	Yes
Terry Cluchey	Yes
Glenn Beavis	Yes

**PUBLIC COMMENTS - None**

Jean Russell asked for a motion to adjourn. Randy Hepworth made a motion to adjourn and Mike Flynn seconded all ayes and the meeting adjourned at 8:27 pm.

Respectfully submitted by,

Janet K. Schomberg, Recording Secretary

November 21, 2019

Approved by the Zoning Board of Appeals on June 2, 2020.