

**PENTWATER TOWNSHIP
500 N. HANCOCK ST.
P.O. BOX 512
PENTWATER, MICHIGAN 49449**

**Zoning Board of Appeals Meeting
May 12, 2022, In-Person
7:00 P.M.**

CALL TO ORDER

Jean Russell called the meeting to order at 7:12 pm.

ROLL CALL

Jean Russell	Present
Randy Hepworth	Absent
Mike Flynn	Present
Terry Cluchey	Present
Mark Trierweiler	Present
Jeffrey Wisley (Alternate)	Present

Keith Edwards the Zoning Administrator was present during the meeting.

APPROVAL OF THE AGENDA

Mike Flynn moved to approve the agenda of May 12, 2022, and Mark Trierweiler seconded. All ayes and the agenda was approved.

APPROVAL OF MINUTES

Mark Trierweiler made a motion to approve the minutes of December 16, 2021 as written, and Mike Flynn seconded. All ayes and the minutes were approved.

OLD BUSINESS – None

NEW BUSINESS

- 7a. 6045 W. Longbridge Road, Property ID #64-001-374-004-70, Parcel B, Part of Block 74, Mears Addition to Middlesex Plat.**

The purpose of the request is to allow the applicant to construct a covered but unenclosed porch onto the west side of a permitted 864 sq. ft. detached accessory building (pole barn). The applicant seeks to add a 10ft. x 36ft. (320 sq. ft.) covered but unenclosed porch to the west side of the 864 sq. ft. pole barn. Section 3.08.D.2.a of the Pentwater Township Zoning Ordinance allows a maximum of 1,000 sq. ft. for detached accessory buildings, where the applicant is proposing a total of 1,224 sq. ft. Thus, a 224 sq. ft. variance is requested.

Chairperson Jean Russell opened the public hearing at 7:20 pm and asked for comments from the public.

Per Keith Edwards, Zoning Administrator, received no written responses. Mike Smith, property owner at 6036 Longbridge Road spoke in favor of the request.

Public hearing closed at 7:20 pm.

Property owner Robert Johnson provided a photograph of the proposed porch to be constructed for members of the ZBA to review.

Jean Russell asked for a voice vote from the ZBA members on each of the following Review Standards for variances in Section 18.08 of the Zoning Ordinance.

- 1. First Standard – Practical Difficulty.** ZBA members found that the definition of “Building” within the Zoning Ordinance is overly burdensome to limit the space under a roof, but unenclosed based on the restrictions of Section 3.08 regarding allowable area. The home sits atop a hill from the road and the building will be hidden from public view, while not providing any more enclosed space than is otherwise allowable by the Zoning Ordinance.

VOTE: 5 Yes, 0 no – vote passes.

2. **Second Standard – Special or Unusual Circumstances.** The proposed building is less than the maximum area allowed, and it is covered by unenclosed that puts the area of the building over the limit. The Planning Commission should review the Definition of “Building” within the Zoning Ordinance to reevaluate the desired outcome of regulation

VOTE: 5 yes, 0 no – vote passes.

3. **Third Standard – Substantial Justice.** There is substantial justice in awarding the variance as the enclosed portion of the building is less than the available 1,000 sq. ft.

VOTE: 5 yes, 0 no – vote passes.

4. **Fourth Standard – Protecting Neighborhood Properties.** The Zoning Board of Appeals finds that the request will not generate substantial detriment or harm to other lands and uses, nor is the request contrary to the spirit and purpose of the Zoning Ordinance Regulations.

VOTE: 5 yes, 0 no – vote passes.

5. **Fifth Standard – Not Self-Created.** the Zoning Board of Appeals determines that the applicant or the applicant’s representatives were not involved in any action or inaction with respect to the property, prior to the variance request, where such action or inaction created the circumstances which prompts the variance request.

VOTE: 5 yes, 0 no - vote passes.

6. **Sixth Standard – Minimum Variance Necessary.** After review of the site plan submitted, the Zoning Board of Appeals finds the applicant is requesting the minimum variance necessary from current Zoning Ordinance provisions to afford the applicant the relief necessary by the requested variance.

VOTE: 5 yes, 0 no – vote passes.

7. **Seventh Standard – Voting.** Cluchey moved to grant the 224 sq ft. variance from Section 3.08.D.2 of the Zoning Ordinance for the size of Accessory Buildings with the condition that the covered but unenclosed porch shall not be enclosed.

VOTE: 5 yes, 0 no – Motion Passes.

7b. Election of Officers (Annual Meeting)

Mike Flynn moved to re-elect Jean Russell as Chairperson and Randy Hepworth as Vice Chairperson, seconded by Jeff Wrisley.

All ayes and the motion to elect Jean Russel as Chairperson and Randy Hepworth as Vice Chairperson was approved.

Zoning Administrator Keith Edwards distributed revised Zoning Maps based on the Township Board's approval of the change in zoning of Parcel No. 64-001-023-300-01 from RR, Rural Residential to R-1, Single Family Residential.

ADJOURNMENT – Mike Flynn moved to adjourn the meeting at 8:10 pm. Jeff Wrisley seconded. All Ayes and the motion to adjourn was approved.

Respectfully submitted by,

Keith Edwards, Zoning Administrator

May 16, 2022

Approved by the Zoning Board of Appeals on September 13, 2022