



**VILLAGE OF PENTWATER  
Zoning Board of Appeals**

65 South Hancock Street – P.O. Box 622  
Pentwater, Michigan 49449  
(231) 869-8301

**Regular Meeting Minutes – October 15, 2024  
Park Place - 310 N. Rush St., Pentwater, MI 49449**

Chairperson Bainton called the meeting of the Pentwater Zoning Board of Appeals Meeting to order at 6:00p.m. with the Pledge of Allegiance.

**ROLL CALL:**           **Present:** Jim Young, Ron Stoneman, Bill Bainton, and Lisa Wells.  
                                  **Absent:** Nancy Ceton – resigned, no alternates could attend.

**Others present:**       Zoning Administrator, Katie Anderson, John and Amy Perles, and Trustee Don Palmer.

**APPROVAL OF AGENDA:**

*Motion* by Ron Stoneman, second by Lisa Wells to approve the agenda as presented.  
Voice Vote: Ayes: 4   Nays: 0       Absent: 0       **Motion carried.**

**APPROVAL OF MINUTES of June 18, 2024:**

*Motion* by Lisa Wells, second by Bill Bainton to approve the minutes of June 18, 2024 with correction to the adjournment motion.  
Voice Vote: Ayes: 4   Nays: 0       Absent: 0       **Motion carried.**

**PUBLIC COMMENTS (Items on the Agenda):** None

**UNFINISHED BUSINESS:** None

**The Public Hearing was opened at 6:01pm.**

**PUBLIC HEARING: 212 W. Lowell St. (Parcel ID No. 64-044-425-003-50)**

The Perles residence, 212 W. Lowell St., is located on the northwest corner of Lowell St. and Plymouth St. The existing property is approximately 8,250 sq. ft. with 62.5 ft. of road frontage along Lowell St. The applicants seek a 10 ft. front yard setback variance. In accordance with Section 6.04.E, R-2 District Regulations, Front Yard Setback requirements are 17 feet from the lot line. Where the applicant seeks to be within 7 ft. of the front lot line adjacent to Plymouth St.

**PUBLIC COMMENTS (Public Hearing):**

Twenty-nine letters were received prior to the meeting in regard to 212 W. Lowell St.: Twenty-seven in support of the variance and two opposed.

No public comments were received in regards to 212 W. Lowell St.

**The Public Hearing was closed at 6:02pm.**

**NEW BUSINESS:**

**A. Variance Request – 212 W. Lowell St. – 10 feet front yard setback (on the secondary front of Plymouth St.)**

Discussion: (Members reviewed Section 18.08 Review Standards for Variances)

A. **First Standard** – Practical Difficulty or Unnecessary Hardship. The applicant shall demonstrate that the circumstances constitute **either** a practical difficulty (the standard for a non-use variance) or an unnecessary hardship (the standard for a use variance), as follows:

1. Dimensional (Non-Use Variance). A non-use or dimensional variance would permit the modification or waiver of a non-use zoning regulation (such as minimum requirements for setbacks, lot width, lot area, building separation, or other dimensional regulations that do not alter the fundamental type of building or use permitted).

For a non-use variance - the First Standard will be satisfied only if the Zoning Board of Appeals finds that a “**practical difficulty**” exists that prevents compliance with the non-use zoning regulation. A practical difficulty exists when there are exceptional or extraordinary circumstances or conditions applying to the property (such as exceptional narrowness, shallowness or shape of the property, topographic conditions, conditions caused by the use or development of the property immediately adjoining the property in question), where such practical difficulty would unreasonably prevent the owner from using the property for a permitted use or would render conformity unnecessarily burdensome.

--or--

2. Use Variance. A use variance permits a land use that is not otherwise permitted in the relevant zoning district.

For a use variance - the First Standard will only be satisfied if the Zoning Board of Appeals finds that an “**unnecessary hardship**” will exist as to the applicant’s land if the requested use is not permitted. An “unnecessary hardship” exists when the property, as a whole, cannot be put to a conforming use because the applicant has demonstrated that the land cannot yield a reasonable rate of return when used for a use that complies with the ordinance.

**Comment:** The Board found that a practically difficulty is viable in the case and the first standard has been satisfied.

- B. **Second Standard** – Special or Unusual Circumstances. The circumstances creating the need for the variance must be peculiar to the land, structures or buildings involved and shall not be recurrent or applicable as to a sufficient number of other lands, structures, or buildings in the same zoning district, to a degree that the ZBA concludes that a general zoning ordinance amendment would be more appropriate.

**Comment:** The Board found that there were special or unusual circumstances peculiar to the land and found the second standard to be satisfied.

- C. **Third Standard** – Substantial Justice. The Zoning Board of Appeals should find that strict application of the ordinance provisions would deprive the applicant of property rights that are commonly enjoyed by other properties in the same zoning district.

**Comment:** The Board found that strict application of the ordinance would deprive the applicant of property rights enjoyed by other properties in the same zoning district and the third standard has been satisfied.

- D. **Fourth Standard** – Protecting Neighborhood Properties. The Zoning Board of Appeals shall not grant the variance if it would cause a substantial detriment or harm to other lands and uses, or if in the judgment of the Zoning Board of Appeals, the variance would be contrary to the spirit and purpose of the Zoning Ordinance Regulations.

**Comment:** The Board found that granting a variance would not cause substantial detriment and would not be a contradiction of the Zoning Ordinance.

- E. **Fifth Standard** – Not Self-Created. If the Zoning Board of Appeals determines that the applicant or the applicant's representatives were 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, no variance shall be granted.

**Comment:** The Board found that the applicants were not involved in any action in regards to the circumstances of the property.

- F. **Sixth Standard** – Minimum Variance Necessary. The Zoning Board of Appeals shall grant only the minimum necessary variance from current Zoning Ordinance provisions to afford the applicant the relief created by the requested variance.

**Comment:** The Board agreed that granting the minimum variance of 10 feet would afford the applicant relief.

- G. **Seventh Standard** – Voting. An affirmative vote of a majority of the members of the Zoning Board of Appeals is required to grant a dimensional (non-use variance). For a use variance, an affirmative vote of two-thirds of the members of the Board of Appeals is required.

**Motion** by Lisa Wells, second by Jim Young to grant the 10-foot front yard setback variance requested on the east front yard setback on Plymouth Street.

Roll Call Vote: Wells, yes. Young, yes. Stoneman, yes. Bainton, yes.

Absent: 0      Motion carried.

**ADJOURNMENT:** Motion by Ron Stoneman, second by Lisa Wells to adjourn the meeting at 6:58 pm. Ayes: 4      Nays: 0      Absent: 0      Motion carried.

Respectfully submitted by:

*Katie Anderson*

Katie Anderson, Zoning Administrator  
Village of Pentwater

October 16, 2024

Approved by the Zoning Board of Appeals on \_\_\_\_\_.