



# VILLAGE OF PENTWATER

327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449  
(231) 869-8301 - FAX (231) 869-5120  
www.PentwaterVillage.org

## Planning Commission Meeting Agenda August 25, 2020 - 6:00 P.M.

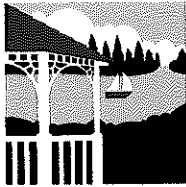
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Passcode: 443687

1. **Opening** – Welcome, Call to Order, Pledge of Allegiance, and Roll Call.
2. **Approval of Agenda and Minutes**
  - A. Introduction of new Planning Commissioners
  - B. Approval of Agenda.
  - C. Approval of Minutes of May 25, 2020.
3. **Public Comments**
4. **Public Hearing** – Zoning Ordinance Amendment – Section 18.08 et. seq. Review Standards for Variances.
5. **Old Business** – Consideration for Zoning Ordinance Amendment – Section 18.08 et. seq. Review Standards for Variances.
6. **New Business:**
  - A. Consideration for Amendment to the Site Plan for the deck previously approved for 189 S. Hancock St. - Dan Nugent.
  - B. Consideration for Rebuilding Porch at 82 E. Lowell St. - a nonconforming building – Pfeifer Residence.
  - C. Appointment of Planning Commissioner to the Master Plan Steering Committee.
7. **Department/Committee Reports**
  - A. Zoning Administrator – See attached report.
  - B. Zoning Board of Appeals – The ZBA did not meet in June or July 2020.
  - C. Master Plan Steering Committee – Chris Conroy.
8. **Communications from Planning Commission Members**
9. **Public Comments**
10. **Adjournment**

**Next Scheduled Planning Commission Meeting – September 22, 2020 at 6 pm**



# VILLAGE OF PENTWATER

## Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN  
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449  
(231) 869-8301 – FAX (231) 869-5120

### Regular Meeting Minutes – May 26, 2020

Vice-Chairperson Michelle Angell-Powell called the regular meeting of the Pentwater Village Planning Commission Meeting to order via Zoom at 6:12 pm, with the Pledge of Allegiance.

#### ROLL CALL

**Present:** Chris Conroy, Bruce Koorndyk and Michelle Angell-Powell, Paul Anderson and Ron Christians joined at 6:20pm due to technical difficulties.

**Absent:** None.

**Staff Present:** Keith Edwards, Zoning Administrator.

#### APPROVAL OF AGENDA

**Motion** by Anderson, second by Koorndyk to approve the agenda as presented.

Voice Vote: Aye: 4    Nay: 0    Absent: 1    Motion passed.

#### APPROVAL OF REGULAR MEETING MINUTES

**Motion** by Conroy, second by Anderson to approve the January 28, 2020 regular meeting minutes as presented.

Voice Vote: Aye: 4    Nay: 0    Absent: 1    Motion passed.

**PUBLIC COMMENTS** – None.

**PUBLIC HEARING** – None.

**OLD BUSINESS** – None.

**New Business:**

#### A. Consideration for Expansion of Nonconforming Building – 473 E. Second Street.

Zoning Administrator Keith Edwards reviewed the Zoning Permit application and his report for Planning Commission consideration to expand the nonconforming home at 473 E. Second Street. The applicant proposes to construct a 10' x 23' addition to the west side of the home. The existing building is nonconforming for the front setback to the covered front porch on this corner lot at Second St. and Ellery St. The report revealed that the proposed expansion will meet all Zoning Ordinance requirements and will not exacerbate the nonconforming condition.

**Motion** by Koorndyk, second by Conroy to approve the expansion of the home at 473 E. Second Street as presented. Voice Vote: Aye: 4      Nay: 0      Absent: 1 Motion passed.

**B. Review of Zoning Ordinance Amendment – Section 18.08 et. seq. Review Standards for Variances - Request for Public Hearing.**

Zoning Administrator Keith Edwards reviewed the proposed amendment which is intended to add clarity to the standards by which the Zoning Board of Appeals will consider either a dimension or a use variance.

**Motion** by Conroy, second by Angell-Powell to schedule the public hearing for the Zoning Ordinance amendments to Section 18.08 et seq. of the Zoning Ordinance for the next available regular meeting of the Planning Commission. Voice Vote: Aye: 5  
Nay: 0      Absent: 0 Motion passed.

**C. Election of Planning Commission Officers.**

**Motion** by Koorndyk, second by Conroy to re-elect Ron Christians as Planning Commission Chairperson, Michelle Angell-Powell as Vice Chairperson and Paul Anderson as Secretary.

Voice Vote: Aye: 5      Nay: 0      Absent: 0 Motion passed.

**D. Appointment of Planning Commissioner to the Zoning Board of Appeals.**

**Motion** by Angell-Powell, second by Anderson to re-appoint Bruce Koorndyk as the Planning Commission Representative to the Zoning Board of Appeals (ZBA).

Voice Vote: Aye: 5      Nay: 0      Absent: 0 Motion passed.

**E. Appointment of Planning Commissioner to the Master Plan Steering Committee.**

After discussion of the vacancy left on the Master Plan Steering Committee by the resignation of Mark Benner, the Planning Commission decided to postpone a decision on the appointment of two new Planning Commissioners expected at the June 8, 2020 Village Council Meeting. The Planning Commission also set a date of June 9, 2020 for a Special Planning Commission meeting to appoint a member to the Master Plan Steering Committee.

**NEW BUSINESS – None.**

**COMMITTEE/DEPARTMENT REPORTS**

- A. Zoning Administrator – Mr. Edwards' written report was accepted by the Planning Commission.**

**B. Zoning Board of Appeals** – The ZBA did not meet in April, 2020.

**C. Master Plan Steering Committee** – Chris Conroy provided the following report:

The Steering Committee is building off the Pentwater Vision Team's grassroots findings through community assessment as presented at the January 28<sup>th</sup> joint Planning Commission meeting.

The Steering Committee is made up of two representatives from the Township (Tony Monton and Terry Cluchey), two representatives from the Village (Chris Conroy, and awaiting replacement for Mark Benner), and key members from the community at large representing residents, businesses, and the economic development committee of the Village Council. Additional members may be added as the efforts of the Master Plan Steering committee unfold.

Since our January 28<sup>th</sup> meeting, we have met to:

- 1) review the 2008 Community Survey & resulting 2009 Master Plan and subsequent Master Plan updates – Village 2015 & Township 2016, and compare with the 2019 Community Assessments/Surveys and resulting priorities of needs themes
  - a) Affordable housing for all stages of life
  - b) Address Short term rentals in single family neighborhoods
  - c) High speed internet service throughout the community
  - d) Too short retail season – unsustainable seasonal economy
  - e) Lack of basic goods & services for residents
  - f) Infrastructure, Transportation, Parking
  - g) Nurture a community wide continuous collaborative planning culture
  - h) Pursue expressed community support and interest in joint use school facilities & continuing adult education/special interest classes/activities
- 2) Supplemental community assessment/interviews held via Zoom on May 7<sup>th</sup> with Families of young children.
- 3) Review of the 2015 Small Harbor Study for incorporation into 2020 Master Plan
- 4) Propose a Preliminary Discussion of the Planning Commissions to adoption of a Comprehensive Community Plan with the Master Plan embedded. The Master Plan would incorporate the Michigan Planning Enabling Act -mandated Land Use/Zoning Ordinance elements, and be incorporated into the Comprehensive Plan since many of the community recognized needs extend beyond the scope of the Master Plan yet are vital to the implementation of solutions to the expressed needs of the community and could all reside in a single plan for continuity and unity.

Our Next meeting is June 1 @ 4pm (most likely via Zoom). We plan to review neighboring community plans, updated maps purchased for our review, nomination of committee chairperson, and welcome replacement for Mark Benner on the Steering Committee.

**COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS – None.**

**PUBLIC COMMENTS:**

Claudia Ressel-Hodan asked about the timing for the complete streets improvements to Lowell Street and the status of golf carts on the public streets. Michelle Angell-Powell responded that golf carts are now legal everywhere and that the Lowell Street improvement project is in the preliminary engineering stage of development.

**ADJOURNMENT** - The meeting was adjourned by Chairperson Ron Christians at 7:20 PM.

Respectfully Submitted,  
Keith Edwards, Zoning Administrator

June 2, 2020

Approved by the Village of Pentwater Planning Commission on \_\_\_\_\_.

DRAFT

**MEMORANDUM**

To: Village of Pentwater Planning Commission  
From: Keith Edwards, Zoning Administrator  
Date: August 21, 2020  
Subject: **Zoning Ordinance Amendment for Zoning Variance Review Standards  
Sections 18.08 and 18.06**

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A portion of our Zoning Ordinance that required updating is the section that Zoning Board of Appeals (ZBA) members use to review requests for variances. This section has been confusing for the ZBA members, Staff and the public for a long time. The proposed change simplifies a request for a variance into two pathways; a dimensional variance which primarily covers variances for setbacks, height and building area, or a use variance which is for a use that is currently not allowed in the respective Zoning District.

Dimensional variance requests require that an applicant demonstrate a “practical difficulty” – basically, that there is something about the property, i.e. lot geometry, topography, neighbor’s encroachment, etc., that the strict application of the Zoning Ordinance would not allow property owners use of their property in the same way as other properties in the same Zoning District. In the absence of the demonstration of a “practical difficulty” that the ZBA agrees with, a variance cannot be awarded.

Use variances, on the other hand, are extremely rare, but require the demonstration of a “hardship” – that is that they cannot obtain reasonable use of their property within the confines of what is allowed in the Zoning District.

We previously discussed this amendment at the Planning Commission, where the Planning Commission approved the amendment to go before a public hearing to consider amending the language regarding the Standards for Use Variances. Subsequently, I had conversations with former Circuit Court Judge Tony Monton and Attorney Mark Van Allsburg, regarding some of the language that Tony Monton and I thought was a bit cumbersome, in the context of the Township Planning Commission’s review of the language. Thus, the following change in the language was drafted by the Attorney to replace the previous version as follows:

Section 18.08.A.

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 ~~(either because the land cannot yield a reasonable rate of return when used for a use that complies with ordinance or because the existing zoning ordinance provision is arbitrary, unreasonable, or confiscatory).~~ 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.

As you are aware, Zoning Ordinance amendments require a public hearing prior to a final recommendation to the Village Council.

Enclosed, please find the full amendment, as edited, in the form of an ordinance and the edited application for variances to be utilized for the Zoning Board of Appeals applications. The public hearing has been published for August 25, 2020.

The Planning Commission, after taking public comment may make a recommendation on the amendment to Village Council or retain the topic for further discussion and a future recommendation to the Village Council.

**VILLAGE OF PENTWATER**  
**COUNTY OF OCEANA, MICHIGAN**

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of the Village of Pentwater will hold a public hearing on August 25, 2020, at 6:00 p.m., via Zoom to hear and consider comments regarding proposed amendments to the Village Zoning Ordinance. The proposed amendments would establish new standards as an amendment to Section 18.08 of the Village of Pentwater Zoning Ordinance to be used by the Zoning Board of Appeals for use variances and for dimensional (non-use) variances. Details of accessing the hearing via Zoom will be placed on the Planning Commission agenda on the Township's website at [www.pentwatervillage.org](http://www.pentwatervillage.org).

The proposed zoning ordinance amendment is available for review at the Village offices at the above-stated address. All interested persons may attend the public hearing and comment on the proposed amendments. Written comments may be submitted to the Village offices, at the above-stated address, up to and including the time of the public hearing.

Dated: August 6, 2020.

PLANNING COMMISSION OF THE  
VILLAGE OF PENTWATER

**VILLAGE OF PENTWATER**  
**COUNTY OF OCEANA, MICHIGAN**

At a regular meeting of the Village Council of the Village of Pentwater, held at the Village Hall, 327 Hancock Street, Pentwater, Michigan, on the \_\_\_\_ day of \_\_\_\_\_, 2020, at 6:00 p.m.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following ordinance was offered by Member \_\_\_\_\_ and seconded by Member \_\_\_\_\_:

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE VILLAGE ZONING ORDINANCE**  
**[Zoning Board of Appeals and Variances]**

THE VILLAGE OF PENTWATER ORDAINS:

Section 1. Section 18.08 Review Standards for Variances is hereby amended to read in its entirety as follows:

**Section 18.08 REVIEW STANDARDS FOR VARIANCES.** In limited circumstances, the Zoning Board of Appeals may waive application of one or more zoning ordinance provisions by granting a "variance" from such provision(s). The Zoning Board of Appeals may only grant a variance if the applicant is found to have satisfied each of the following seven Standards, based on competent material and substantial evidence on the record. The Zoning Board of Appeals must base its decision on such evidence, and its findings shall be consistent with (a) the facts and circumstances presented to it, and (b) the deductions that can be reasonably made from such facts and circumstances. The Zoning Board of Appeals shall base its decisions only on these Standards and not on matters unrelated to these Standards.

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.

- 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.
- 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.
- 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.

- 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.
  
- 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.
  
- 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.

In approving a variance, the Zoning Board of Appeals may include in its ruling such terms and conditions as the Zoning Board of Appeals may deem to be reasonably necessary to carry out the intent and purposes of this Ordinance and to protect and advance the public interest, including the interests of neighboring property owners.

Section 2. Section 18.06.A is hereby amended to replace the reference to Section 18.08.B with a reference only to Section 18.08.

Section 3. **Effective Date.** This ordinance shall become effective seven (7) days after its publication or seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

AYES:           Members: \_\_\_\_\_

NAYS:           Members: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
 Rande S. Listerman, Village Clerk  
 Village of Pentwater

STATE OF MICHIGAN     )  
                                  ) ss.  
COUNTY OF OCEANA     )

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

---

Rande S. Listerman, Village Clerk  
Village of Pentwater

Village of Pentwater  
327 S. Hancock Street  
P.O. Box 622  
Pentwater, MI 49449  
Phone: (231) 869-8301 Fax: (231) 869-5120

**ZONING APPLICATION – VARIANCE**

Application Date \_\_\_\_\_ # \_\_\_\_\_

Applicant \_\_\_\_\_ Email: \_\_\_\_\_

Owner of Property (if different from Applicant): \_\_\_\_\_

Owner's signature (consent to application): \_\_\_\_\_

Property Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Zoning District \_\_\_\_\_ of the Village of Pentwater Zoning Ordinance

Permanent Parcel Number \_\_\_\_\_

I am requesting a \_\_\_\_\_ Dimensional (Non-Use) or \_\_\_\_\_ Use Variance

**Attach Legal Description**

1. Does land use conform to current zoning? \_\_\_\_\_ Yes \_\_\_\_\_ No
2. Current use(s) of adjoining properties \_\_\_\_\_  
\_\_\_\_\_
3. Who will represent applicant? \_\_\_\_\_
4. What is applicant's interest in property? \_\_\_\_\_  
\_\_\_\_\_

Applicant Signature \_\_\_\_\_

**ZONING BOARD MEMBERS MAY MAKE ON SITE INSPECTIONS  
REGARDING THIS APPLICATION  
\*\*\*\*\* ZONING BOARD ACTION \*\*\*\*\***

NOTICES MAILED: \_\_\_\_\_ PUBLIC HEARING: \_\_\_\_\_

DATE, FINAL ACTION AND CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

DATE \_\_\_\_\_ VARIANCE # \_\_\_\_\_ SECTION \_\_\_\_\_

**APPLICANT MUST SATISFY EACH OF THE FOLLOWING STANDARDS:**

A. **First Standard – Practical Difficulty or Unnecessary Hardship.** The applicant shall indicate which type of variance it requests and shall demonstrate that the circumstances constitute **either a practical difficulty or unnecessary hardship**, as follows:

For a 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-**

For a 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 ordinance.

*Applicant asserts the following to satisfy this Standard for a [Dimensional/Use] variance (attach additional pages as needed):* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*ZBA’s findings (ZBA to complete): This First Standard, for a [Dimensional/Use] variance, is [satisfied/not satisfied] based on the following:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**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.

*Applicant asserts the following to satisfy this Standard:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*ZBA's findings (ZBA to complete): This Second Standard is [satisfied/not satisfied] based on the following:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**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.

*Applicant asserts the following to satisfy this Standard:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*ZBA's findings (ZBA to complete): This Third Standard is [satisfied/not satisfied] based on the following:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**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.

*Applicant asserts the following to satisfy this Standard:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*ZBA's findings (ZBA to complete): This Fourth Standard is [satisfied/not satisfied] based on the following:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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.

*Applicant asserts the following to satisfy this Standard:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*ZBA’s findings (ZBA to complete): This Fifth Standard is [satisfied/not satisfied] based on the following:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

*Applicant asserts the following to satisfy this Standard:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*ZBA’s findings (ZBA to complete): This Sixth Standard is [satisfied/not satisfied] based on the following:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

**Additional Terms or Conditions:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Variance request is **[approved/denied]** based on the forgoing ZBA findings, pursuant to the following vote:

AYES:           Members: \_\_\_\_\_

NAYS:           Members: \_\_\_\_\_

### Procedures and Policies

1. **Meeting Attendance:** The applicant or representative of the applicant **MUST** attend all hearings related to the application.
2. **Application Fee:** \$ \_\_\_\_\_ to be paid at time of application. Regular meetings are held on the \_\_\_\_\_ of the month.
3. **Special Meetings:** \$ \_\_\_\_\_ to be paid at the time of application. Special meetings are held at the request of the applicant, if possible.
4. **Refunds/Withdrawals:** Request to withdraw applications must be in writing. No refund of the application fee will be made.
5. **Application Submittal Deadline:** \_\_\_\_\_ of the month.
6. **Applications MUST be complete.** Applications will not be processed if any documentation is missing.

**Site Plan**

Use the space below or attach separate pages to detail the following: property boundary lines, existing and proposed buildings, building elevations, existing and proposed roads and utilities, existing zoning, existing natural features, setback lines, vehicle egress and ingress, parking (if applicable), loading area (if applicable), landscaping, scale, who prepared drawing and the date prepared, and NORTH arrow. Additional information may be required by the zoning department.

**NORTH**

**WEST** **EAST**

**SOUTH**

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_

ZONING DISTRICT \_\_\_\_\_

**Site Plan Review Amendment  
189 S. Hancock Street  
Pentwater, Michigan**

**Staff Report  
August 21, 2020**

**By Keith Edwards**

## **Introduction**

The owners of the former Gustafson building located at 189 S. Hancock were granted Special Land Use Approval and Site Plan Approval on October 22, 2019 (see attached minutes) to allow a formerly commercial space, office, storage and Masonic Temple to be converted to a single residential space. The entire third floor and part of the second floor will be used for a single residential unit. The remainder of the second floor will be retail/storage use.

At this time, the applicant seeks an amendment to the approved site plan to add a second deck directly above the previously approved deck on top of the first-floor extension of the first floor on the Second Street side of the building (See attached images).

No further Village Board or Commission approvals are required. However, a Zoning Permit from the Village and a Building Permit from the Oceana County Building Department will be required for the decks and stairs.

## **Zoning Analysis**

The proposed third-story deck addition is wholly within the footprint of the existing building and previously approved second story deck/entrance to the residential portion of the building. The proposed deck addition would not be accessible from the lower second-story deck, but only from the interior of the building's existing third story. The overall height of the third-story deck, including the railing is 35 feet above average grade, and lower than the height of the existing building, in compliance with the C3, Central Business District regulations of the Zoning Ordinance.

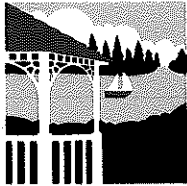
The existing conditions of the previous special land use and site plan approval of October 22, 2019 shall remain, including construction of the landscaped area with bicycle racks at ground level that were previously approved by the Village Council.

## **Recommendation**

Staff recommends approval of the Site Plan Amendment with the same conditions as the previous Special Land Use and Site Plan approval as follows:

1. Satisfaction of the Village Council conditions of landscaping and bicycle racks for a portion of the Second-Street right-of-way.
2. The off-street parking space must be designated as resident parking only.

- 
- 
3. The applicant must satisfy the requirements of the Michigan Building Code for residential use as administered by the Oceana County Building Department.



## VILLAGE OF PENTWATER

### Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN  
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449  
(231) 869-8301 – FAX (231) 869-5120

### Regular Meeting Minutes – October 22, 2019

Chairperson Ron Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:00 pm, with the Pledge of Allegiance.

#### ROLL CALL

**Present:** Chris Conroy, Bruce Koorndyk and Michelle Angell-Powell, Kirstin McDonough, Ron Christians, Mark Benner, and Paul Anderson.

**Absent:** None.

**Staff Present:** Keith Edwards, Zoning Administrator.

#### APPROVAL OF AGENDA

**Motion** by Angell-Powell, second by Conroy to approve the agenda as presented.

Voice Vote: Aye: 7      Nay: 0      Absent: 0      Motion passed.

#### APPROVAL OF REGULAR MEETING MINUTES

**Motion** by Benner, second by McDonough to approve the September 24, 2019 regular meeting minutes as presented.

Voice Vote: Aye: 7      Nay: 0      Absent: 0      Motion passed.

**PUBLIC COMMENTS** – None.

**PUBLIC HEARING** – Special Land Use request for 189 S. Hancock (former Gustafson Building).

Chairperson Christians opened the public hearing for the Special Land Use request to convert a commercial office/storage space into a residential unit at 6:05 pm.

No member of the audience spoke. A letter of support was received from Susan and Barry Monroe of 215 S. Hancock.

Chairman Christians closed the public hearing at 6:08 pm.

#### OLD BUSINESS

**A. Report from the Pentwater Visioning Team – Christ Conroy and Mark Benner**

Mark Benner gave a brief update that the Summer Poll results would be coming out in October and that the Residents Survey would likely be finished for distribution within the next week.

## **NEW BUSINESS**

### **A. Discussion and Consideration of the Proposed Special Land Use Request and Site Plan for 189 S. Hancock (former Gustafson Building)**

Zoning Administrator, Keith Edwards gave his report with the following highlights:

- The building has historically been used for commercial and assembly space uses such as the former Masonic Temple.
- The applicant seeks to convert the third and part of the second floor to a 1 unit of residential use. The proposed residential unit will require one parking space provided for parallel to Division Street (alley). The applicant seeks a secondary exterior access over the former vault part of the building adjacent to Second Street
- The remaining commercial space will contain 1,796.82 sq. ft. and the total residential space will be 3,061.14 sq. ft. meeting the Zoning Ordinance requirements.

Upon review of the Special Land Use request and Site Plan by the Planning Commission, Staff recommended approval subject to certain conditions.

Motion by Angell-Powell, second by McDonough to approve the Special Land Use request and Site Plan subject to the following conditions:

1. Satisfaction of the Village Council conditions for final approval for the acquisition of a portion of the Second-Street right-of-way for the property occupied by the existing building (vault room and rear entrance), deck and the proposed stairs.
2. The off-street parking space must be designated as resident parking only.
3. The applicant must satisfy the requirements of the Michigan Building Code for residential use as administered by the Oceana County Building Department.

Voice Vote: Aye: 7      Nay: 0      Absent: 0      Motion passed unanimously.

### **B. Consideration for Expansion of nonconforming house – 18 N. Beach Street.**

Insignia Homes, on behalf of the owners of 18 N. Beach Street (west of Hanover), seeks to construct an addition on to the existing attached garage. The Fontaine residence is located on the west side of N. Beach Street, west of Hancock Street (in line with Hanover Street).

According to the survey and drawings submitted, the existing attached house and garage is located approximately 4 feet south of the north side property line. Six (6) feet is the required setback to the north side property line. Thus, the existing attached garage is nonconforming with respect to the side setback. At this time, the applicant







## MEMORANDUM

To: Pentwater Township Planning Commission

From: Keith Edwards, Zoning Administrator

Date: August 21, 2020

**Subject: Proposed reconstruction of existing front porch - Nonconforming Building  
82 E. Lowell St., Village of Pentwater – 64-044-685-005-00**

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### Introduction

Harbor Design & Construction, on behalf of the owner of 82 E. Lowell Street (at the corner of Carrol; Street), seeks to reconstruct the existing front porch on the south side of the existing home. The Pfeifer residence is located on the north side of Lowell Street, and the west side of Carroll Street. Corner survey pins are currently in place within the sidewalk.

### Background

The existing home is situated on the northwest corner of Lowell Street and Carroll Street, and is located in the R2, Single Family Residential Zoning District.

According to the site plan submitted the existing covered front porch of the house is setback approximately 10.66 feet north of the Lowell Street lot line. Because the required setback is 17 feet to the front lot line, the house is existing nonconforming with respect to this setback. At this time, the applicant seeks to replace the existing covered front porch within the same place and footprint as the existing porch, therefore, the nonconformity will not be exacerbated.

There will be no change to the existing lot coverage on this property. Additionally, the remaining requirements of the Zoning Ordinance such as the required front, side setbacks, and building height are met with the proposed addition.

### Details of the Nonconformity and Zoning Ordinance Standards Review

The required front setback is 17 ft., **existing is 10.8 ft., the proposed reconstruction of the covered front porch will be the same as existing, thus the nonconformity will not be exacerbated.**

The residential use of the property as a single-family residential use conforms to the permitted uses within the R-2, Single Family Residential Zoning District requirements of Chapter 6 of the Zoning Ordinance. The proposed reconstruction of the front porch does not change the permitted uses of the property. Thus, the Planning Commission should direct its focus to Section 3.24.B.1 et seq. and 3.24.B.8 of the Zoning Ordinance to consider the following conditions for approval:

**Section 3.24.B Nonconforming Buildings or Structures**

1. Nonconforming building(s) or structures may only be extended, enlarged, altered, remodeled or modernized when the Planning Commission determines that the following conditions are met:

- a. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.

**This condition has been met in accordance with the applicant's proposal.**

- b. The enlargement or extension is limited to the same parcel the nonconforming building or structure was located on at the time of the adoption of this Ordinance.

**This condition has been met in accordance with the applicant's proposal.**

- c. The enlargement or extension will not interfere with the use of other properties in the vicinity.

**This condition has been met in accordance with the applicant's proposal.**

- d. The enlargement or extension shall not exceed fifty percent (50%) of the GFA of the original building or structure when it became nonconforming; except that the Planning Commission may permit a greater percentage where all yard setbacks for the district in which the building is located are met without need of a variance to such setback(s).

**This requirement is met in accordance with the applicant's proposal.**

8. Where a building or structure is nonconforming for setback by a distance equal to or less than one-half of the distance required by this ordinance, the nonconforming setback (may) be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced and all other required setbacks are met.

**This requirement is met since the proposed reconstruction of the front porch does not further encroach upon the front setback.**

**Recommendation**

At this time, Staff recommends the Planning Commission consider unconditional approval of the requested replacement of the front porch of 82 E. Lowell Street.

## VILLAGE OF PENTWATER ZONING PERMIT APPLICATION

(Fences, Decks, Accessory Buildings, New Build, Moving of Building, Demolition, Signs)

Parcel Number 044-685-005-00  
 Name STEVE PFEIFFER  
 Date: \_\_\_\_\_

HARBOR DESIGN & CONSTRUCTION  
(Applicant)

4870 W. SHARBY RD  
(Address)

SHARBY ME 49455  
(City, State, Zip Code)

231.861.6841  
(Telephone)

jeff@harbordesign.net  
(E-mail)

OFFICE USE ONLY	
Application number _____	
Date Rec'd <u>8/21/20</u>	
Fee Rec'd \$ _____	
If non-conforming, Approval Date by Planning Commission: _____	
Expiration Date: _____	
ZONING PERMIT # _____	

APPLICANT'S CAPACITY IF NOT PROPERTY OWNER (circle one):

Builder Have Option to purchase / Agent / other \_\_\_\_\_

\*\* If the applicant is not the property owner, an affidavit must be provided by the property owner that the applicant has the authority to apply on his/her behalf.

CONTRACTOR LICENSE # (IF APPLICABLE) \_\_\_\_\_

PROPERTY OWNER:	<u>STEVE PFEIFFER</u>		
OWNER'S MAILING ADDRESS:	<u>1079 FOREST LANE BLOOMFIELD ME 48301</u>		
OWNER'S PHONE # & E-MAIL:	<u>sdpfeiffer@gmail.com</u>		
PROPERTY ADDRESS:	<u>82 E LOWELL ST</u>		
PARCEL NUMBER:	<u>044-685-005-00</u>		
RECORDED PLAT:			
BLOCK:	LOT(S):	<u>1</u>	*OR ATTACH LEGAL DESCRIPTION
ZONING DISTRICT:	<u>R2</u>	PRESENT USE:	<u>VACATION</u>
CORNER LOT:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ROADS:	<u>CORNER LOWELL CARROLL</u>
NEW BUILD: (Basement Acknowledgement is required)	WATER: <input type="checkbox"/> Yes <input type="checkbox"/> No		SEWER: <input type="checkbox"/> Yes <input type="checkbox"/> No
CURRENT STRUCTURE ON LOT <u>Home w/ DETACHED GARAGE</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		* IF YES, A DEMOLITION PERMIT IS REQUIRED

PROPOSED PROJECT (Check one):

FENCE		DECK	<input checked="" type="checkbox"/>	ACCESSORY BUILDING		NEW BUILD	
ADDITION		MOVING STRUCTURE		SIGN (Sketch Required)		DEMO	

*Village of Pentwater is an equal opportunity Employer and Provider.*

<p><b>NEW BUILD</b></p> <ol style="list-style-type: none"> <li>1. The Village of Pentwater advises that basements may not be suitable in all areas of the Village because of the high water table.</li> <li>2. Sump Pumps are <b>NOT</b> allowed to be connected to the Village Sanitary Sewer (PW Ord §51.05 (A)).</li> <li>3. All water taps and connections to the main lines of the Village shall be made by Village personnel (PW Ord §50.003 (C)).</li> <li>4. All sewer taps shall be made under the Supervision of the Village (PW Ord §51.04(L)).</li> <li>5. All property that is disturbed during the excavations and building of sewer &amp; water installations shall be restored and inspected by the Village of Pentwater at the property owner's expense. (PW Ord §51.04 (M)). A bond at the time of application may be required at the Village's discretion.</li> <li>6. All water &amp; sewer installation will be inspected by the Village after completion.</li> <li>7. Water service will not be turned on until the Village Manager inspects and approves all connections.</li> </ol> <p style="background-color: yellow; padding: 2px;">* I, the applicant agree to adhere to all water &amp; sewer requirements. Failure to do so may result in disconnection of services.</p> <p>Signature: _____ Date: _____</p>	
<p><b>DEMOLITION</b></p> <p>The contractor must kill the water line at the corporation stop under Village supervision. The sewer lateral will need to be cut, capped and witnessed (by Village Staff) at the property owner's expense, with work completed by the property owner's contractor. A bond at the time of application may be required at the Village's discretion.</p>	

**FURTHER EXPLANATION OF PROJECT:**

REMOVE AND REPLACE EXISTING COVERED PORCH W/ CONCRETE FOUNDATION, REPLACE W/ SAME SIZE PORCH & CONCRETE FOUNDATION  
 (Attach sheets if necessary)  Attached

ATTACH A SITE PLAN OR SKETCH FOR PROPOSED PROJECT.  Attached

**SETBACKS FROM PROPERTY LINES**

FRONT: 10' 8"	RIGHT SIDE: 19' 2"	LEFT SIDE: 61' 6"
REAR: 9' 3"	OTHER:	HEIGHT:

**ATTACH A CERTIFIED SURVEY (IF REQUESTED BY THE ZONING ADMINISTRATOR OR PLANNING COMMISSION),** (completed by a professional surveyor or engineer for the property at issue [including a written drawing showing structures and stakes set on the property boundaries or corners] in order to insure that all requirements of the Zoning Ordinance will be met.) (See Pentwater Community Zoning Ordinance – Section 19.15)

**ATTACH COPIES OF PERMITS FROM OTHER AGENCIES IF REQUIRED FOR CRITICAL DUNES OR WETLANDS. ( Attached)**

1. <input type="checkbox"/> Legal Description	Number of Pages:
2. <input type="checkbox"/> Proposed Project	Number of Pages:
3. <input checked="" type="checkbox"/> Site Plan / Sketch	Number of Pages:
4. <input type="checkbox"/> Survey	Number of Pages:
5. <input type="checkbox"/> Letters or Permits	Number of Pages:
6. <input type="checkbox"/> Acknowledgement of Basement Requirements	Number of Pages:
7. <input type="checkbox"/> Affidavit to Apply:	Number of Pages:
8. <input type="checkbox"/> Other:	

**AFFIDAVIT:** I agree the statements made above are true, and if found not to be true, any Zoning Permits may be revoked. Further, I agree that all applicable sections of the Pentwater Community Zoning Ordinance and the Pentwater Codified Ordinances will be complied with. Also, I agree to notify the Zoning Administrator for the Village of Pentwater for inspection before the start of construction and when locations of proposed uses are marked on the ground. Further, I agree to give permission for officials of Village of Pentwater to enter the property subject to this permit application for purposes of inspection. Also, I understand any zoning action approved for this application conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, Village Ordinances, building code, deed restriction or other property rights.

Applicant Signature: Jeff Payne Date: 8/21/2020

When completed send to: Village of Pentwater Zoning Administrator  
 327 S. Hancock Street – P.O Box 622, Pentwater, Michigan 49449  
 Phone: (231) 869-8301 Fax: (231) 869-5120

<u>OFFICE USE ONLY</u>	
SITE PLAN APPROVED _____	SITE PLAN NOT APPROVED _____
PROJECT APPROVED _____	PROJECT NOT APPROVED _____
ZONING ADMINISTRATOR SIGNATURE _____	
DATE _____	EXPIRATION DATE _____
PRE-APPROVAL INSPECTION _____	COMPLETION INSPECTION _____
OTHER INSPECTION DATES _____	
VILLAGE MANAGER SITE PLAN APPROVAL <i>(For projects including Water &amp; Sewer)</i>	
_____	DATE: _____
WATER & SEWER FINAL INSPECTION COMPLETED BY:	
_____	DATE: _____





# **VILLAGE OF PENTWATER**

ON PENTWATER LAKE AND LAKE MICHIGAN  
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449  
(231) 869-8301 FAX (231) 869-5120  
www.Pentwatervillage.org

## **ZONING ADMINISTRATOR'S REPORT** **August 6, 2020**

The following is a summary of activity conducted by the Zoning Administrator in July 2020.

**Code Enforcement** – Nothing to report at this time.

### **Planning Commission**

The Planning Commission did not meet in July.

**Zoning Board of Appeals** - The Zoning Board of Appeals did not meet in July.

### **Zoning Permits**

The following Zoning Permits were issued in June.

1. ZP 20-21 for a picket fence at 220 E. Lowell.
2. ZP 20-22 for a privacy fence at 412 N. Hancock.
3. ZP 20-23 for a shed at 678 Birch Lane in the Lakewood Mobile Home Park.
4. ZP 20-24 for a new home at 40 Kenneth St. in the Cottages at Lites Woods.
5. ZP 20-25 for a new home in the Lakewood Mobile Home Park.
6. ZP 20-26 for remodeling of Doctor Nelson's old building for the new Pentwater Township Hall at 500 N. Hancock.
7. ZP 20-27 for a shed at 58 S. Carroll St.

### **Other**

The Master Plan Steering Committee continues to its work and is focused on the discussion of affordable housing for all.

Sincerely,

*Keith J. Edwards*

Keith Edwards  
Zoning Administrator