

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

**Planning Commission Meeting Agenda
Community Room – 327 S. Hancock St.
Wednesday, May 17, 2017
7:00 P.M.**

- I. Opening
 - A. Call to Order and Pledge of Allegiance.
 - B. Roll Call.

- II. Approval of Agenda and Minutes
 - A. Approval of Agenda.
 - B. Approval of Minutes of the Meeting held April 19, 2017.

- III. Public Comments

- IV. Department/Committee Reports
 - A. Zoning Administrator – See attached report.
 - B. Zoning Board of Appeals – None.

- V. Old Business - None

- VI. New Business
 - A. Proposed Improvements to Nonconforming Building – 424 S. Chester Street
 - B. Proposed Improvements to Nonconforming Building – 85 Mears (a.k.a. 174 Channel Lane)

- VII. Communications from Planning Commission Members

- VIII. Public Comments

- IX. Adjournment



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Planning Commission
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Regular Meeting Minutes – April 19, 2017

Chairperson Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 7:02 pm with the Pledge of Allegiance.

ROLL CALL

Present: Ron Christians, Kirstin McDonough, Mark Benner (left at 8:15 pm), Bruce Koorndyk, & Paul Anderson

Absent: Michelle Angell-Powell (excused)

Staff Present: Keith Edwards, Zoning Administrator

APPROVAL OF AGENDA

Motion by Benner, second by McDonough to approve the Agenda as presented.

Voice Vote: Aye: 5 Nay: 0 Absent: 1 Motion carried.

APPROVAL OF REGULAR MINUTES

Motion by Koorndyk, second by Anderson to approve the February 15, 2017 regular meeting minutes as presented.

Voice Vote: Aye: 5 Nay: 0 Absent: 1 Motion carried.

PUBLIC COMMENTS ON AGENDA ITEMS

Rand Gee, 416 N. Rush – expressed concerns about the road project, future sanitary sewer system improvements and that the Planning Commission should be involved.

Terry Valenzano, 44 N. Wythe – a member of the Road Project Committee stated that the road project is based on the current need for repairs, and based on the current master plan which does not call for any population growth.

Jeff Hodges, Village President explained that the road project is still in the planning stages with the Village's engineering firm

COMMITTEE/DEPARTMENT REPORTS

A. Zoning Administrator

Edwards reported that only three Zoning Permits had been used since the last Planning Commission meeting, for a shed, deck and a front porch.

B. Zoning Board of Appeals

No meeting. No report.

OLD BUSINESS

A. Discussion of the Comprehensive Planning Process

The Planning Commission reviewed the presentation of the practice of planning and the Michigan Planning Enabling Act and also introduced Form-Based Zoning Codes as a tool for plan implementation. No action required by the Planning Commission

B. Discussion of Zoning Ordinance Amendments

The Planning Commission reviewed the memorandum dated March 14, 2017 from Zoning Administrator Keith Edwards regarding Accessory Buildings. Planning Commissioners will review the information and discuss a Zoning Ordinance Amendment to be proposed by Edwards at the next meeting.

NEW BUSINESS – None.

PUBLIC COMMENTS

Rand Gee, 416 N. Rush Street initiated more conversation about the street plan and keeping a view of the big picture of Pentwater's future.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS

None.

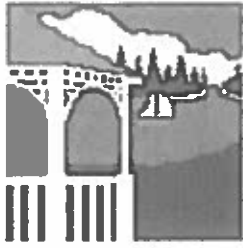
ADJOURNMENT

Christians adjourned the meeting at 9:15 p.m.

Respectfully Submitted,

Keith J. Edwards
Keith Edwards
Zoning Administrator

April 24, 2017
Date



VILLAGE OF PENTWATER

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ZONING ADMINISTRATOR'S REPORT

May 2, 2017

The following is a summary of activity conducted by the Zoning Administrator in April, 2017.

Code Enforcement

Nothing outstanding at this time.

Planning Commission

The Planning Commission met on April 19, 2017 to continue my presentation on land use planning and the Michigan Planning Enabling Act. I also presented an overview of some Zoning Ordinance changes to consider for Accessory Buildings in Chapter 3 – General Provisions.

Zoning Board of Appeals

The Zoning Board of Appeals did not meet in April, 2017.

Zoning Permits

The following Zoning Permits were issued in April 2017.

1. 136 Park Street to replace the front porch.
2. 174 N. Rutledge to replace the sidewalk.
3. 85 5th Street to install a roof top deck while they are remodeling the interior.
4. 51 Bridge St. to construct an attached garage with enclosed main level, single-story breezeway.
5. 146 Mears to remove an old shed and replace it with a larger shed.

Sincerely,

Keith J. Edwards

Keith Edwards
Zoning Administrator

MEMORANDUM

To: Pentwater Township Planning Commission

From: Keith Edwards, Zoning Administrator

Date: May 9, 2017

Subject: **Proposed Expansion of Existing Nonconforming Building
424 Chester Street, Village of Pentwater – 64-044-452-008-00**

Introduction

The owner of 424 Chester Street, is proposing to remove approximately 141 sq. ft. of existing deck to replace it with a single story 141 sq. ft. addition (approx.) to the circa 1976, 1.5-story, house on the west side of Pentwater Lake. The proposed addition consists of a bathroom and sunroom. A dormer window is also proposed for the south side of the home.

Neither the proposed building addition nor the new dormer window would exacerbate the existing nonconforming conditions of the existing house and property.

Background

The existing home is situated on the east side of Chester Street, south of Hanover Street on an interior lot comprised of lot 8 within the Middlesex Subdivision in the Village of Pentwater. The property is located within the R2, Single Family Residential Zoning District, and the WD, Waterfront Zoning District.

A portion of the existing home, the septic tank and septic field are located within the platted right-of-way of Chester Street. However, the home is situated approximately 39 to 40 feet from the edge of the pavement of Chester Street, where 30 feet of setback from the right-of-way line would be required. Additionally, the existing deck touches the lot line of the property to the south of the subject lot.

Assessing records indicate that the small lot contains approximately 3,230 sq. ft. of land area, where 8,000 sq. ft. is required today by the R2 Zoning District.

Details of the Nonconformities

The required front setback (waterfront) is 30 ft., existing is 25 ft., proposed is 25 ft.
The required rear setback (Chester St.) is 30 ft., existing is -10 ft., proposed is -10 ft.
The required north side setback is 6 ft., existing is 10 ft., proposed is 10 ft.
The required south side setback is 6 ft., existing is 9 ft., proposed is 9 ft.
The height of the building will not change and is less than 30 ft. as required.

The existing foot print of the home is approximately 1,324 sq. ft. The existing deck is 818 sq. ft., with 812 sq. ft. of paved surface. Thus, the lot coverage and total impervious surface existing today is 2954 sq. ft. or 91% of the lot area. The maximum lot coverage in the R2 Zoning district is 50% of the land area and the maximum impervious surface area on lots in WD Zoning Districts is also 50%, however, since the proposed addition will not exceed the footprint of the deck, the request does not exacerbate this nonconforming condition.

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 expansion of the building 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.

The existing nonconforming lot coverage and impervious surface conditions will not be exacerbated since the proposed addition will replace the footprint of the deck on the north side of the building.
 - 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).

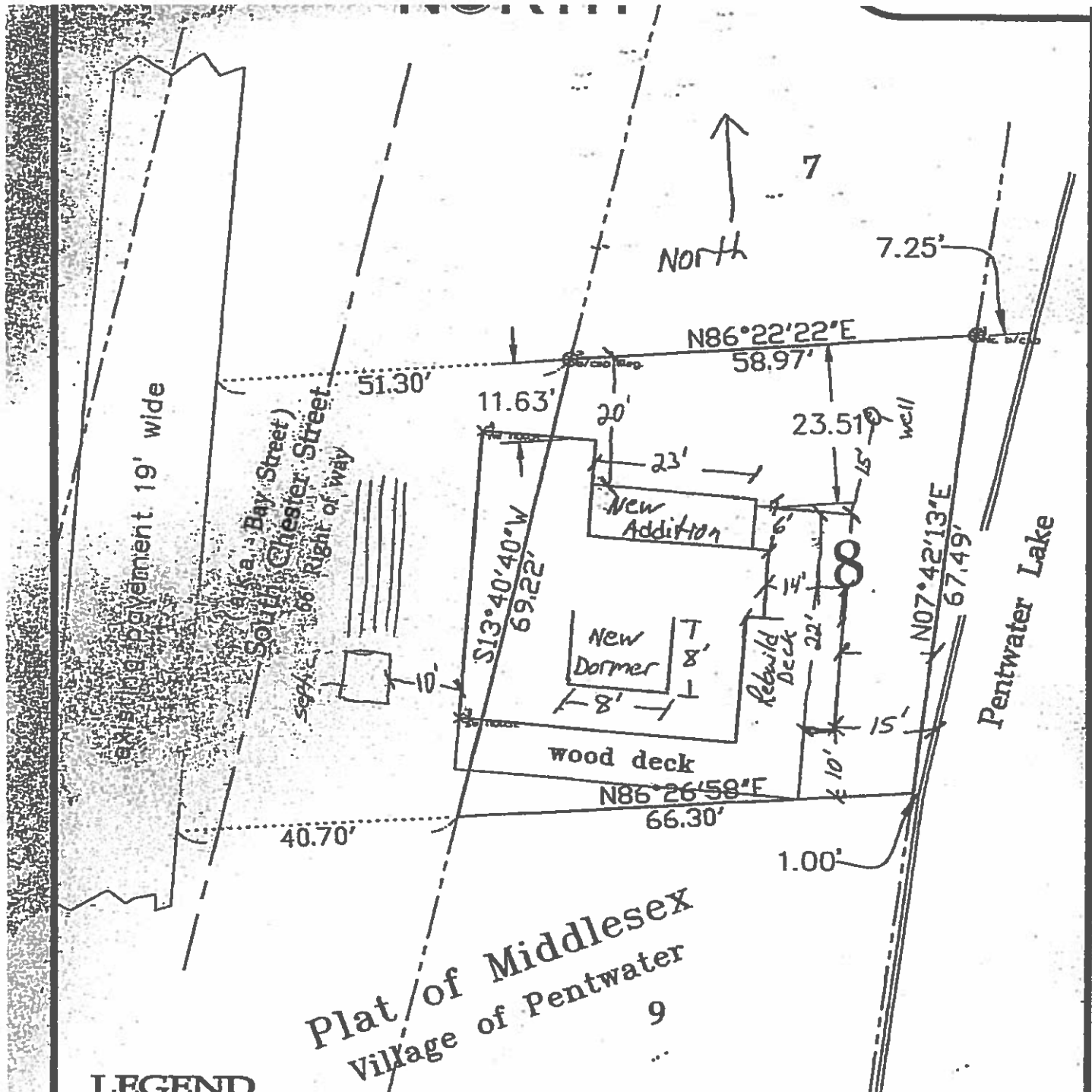
This requirement is met since the proposed addition is only 11% of the existing GFA.

- 8. Where a building or structure is nonconforming for setback by a distance equal to or less than on-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.

The required setbacks are not further reduced by the applicant's proposal, therefore this condition is met.

Recommendation

At this time, Staff recommends the Planning Commission consider approval of the requested addition to 424 Chester Street subject to confirming staff's review that Sections 3.24.B.1 et seq. and 3.24.B.8 have been met.



Plat of Middlesex
Village of Pentwater

LEGEND

- = FOUND CORNER
- = SET CORNER
- ⊗ = FOUND MONUMENT
- ⊠ = SET MONUMENT
- R = RECORDED
- M = MEASURED
- △ = P.K. NAIL



Graphic Scale in feet
1 inch = 20 feet

I HEREBY CERTIFY that to the best of my professional knowledge and belief, I have surveyed the property as described and shown herein and that there are no visible encroachments on said property unless noted and that this survey is in accordance with Public Act 132 of 1970, as amended. The survey was performed in accordance with a description furnished by others. The actual error of closure of the boundary of this survey was not greater than 1 in 5000.

FILE: S17 - 013

DATE: April 12, 2017

DRAWN:

REGISTERED SURVEYOR



Providing Complete
Engineering

Nordlund & Associates, Inc.

515 E. Ludington Ave. 267 River Street

MEMORANDUM

To: Pentwater Township Planning Commission

From: Keith Edwards, Zoning Administrator

Date: May 9, 2017

Subject: **Proposed Expansion of Existing Nonconforming Building
85 Mears, Village of Pentwater – 64-044-431-006-01**

Introduction

Integrity Builders, on behalf of the owners of 85 Mears Street, is proposing to demolish an existing 230 sq. ft. garage and most of the decking on the west side of the home to replace it with a 1372.4 sq. ft. addition with a 196 sq. ft. screen porch and 436 sq. ft. of decking. The new construction conforms to the current Zoning Ordinance requirements.

The proposed building addition will not exacerbate the existing nonconforming conditions of the existing house which are nonconforming along Mears Street and Channel Lane.

Background

The existing 1384 sq. ft. home, which was remodeled in 2004, is located on a corner lot on the north side of Channel Lane and on the west side of Mears Street. A lot combination and split was previously approved in 2016 to provide the land area to allow the new construction. The proposed addition consists of a master bedroom, guest room two bathrooms and a screened in porch between the existing home and proposed addition. The property is located within the R2, Single Family Residential Zoning District.

The east side of the existing home is within 5 ft. of the property line adjacent to Mears Street where 17 feet is required, and the south side of the existing home is within 10 ft. of Channel Lane where 17 feet is required. Thus the house is no conforming with respect to the required front setbacks on Mears Street and Channel Lane.

Assessing records indicate that the lot today contains approximately 0.2 acres or 8712 sq. ft. of land area, where 8,000 sq. ft. is required by the R2 Zoning District.

Details of the Nonconformities

The required front setback (Mears Street) is 17 ft., **existing is 5 ft., proposed to remain at 5 ft.**

The required front setback (Channel Lane) is 17 ft., **existing is 10 ft., proposed to remain at 10 ft.**

The required north side setback is 6 ft., existing is 0.3 ft., proposed is 6.5 ft.

The required west side setback is 6 ft., existing is ft., proposed is 27.5 ft.

The height of the building will remain as a single story and is less than 30 ft. as required.

Thus, the proposed addition will not exacerbate the existing non-conforming front setbacks on the east and south sides of the existing home.

The existing foot print of the home is approximately 1,384 sq. ft., not including the existing decking or the 230 sq. ft. detached garage. The proposed addition will cover approximately 1,372 sq. ft. with 436 sq. ft. of decking and screened in porch. Thus the total impervious surface or lot coverage is proposed to be 3,388.4 sq. ft. or 39% of the lot area, where a maximum of 50% is allowed.

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 expansion of the building 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.

The existing nonconforming front setbacks will not be exacerbated since the proposed addition will observe all required setbacks of the current Zoning Ordinance.

- 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.

Due to the previously approved lot combination and new division, 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).

The applicant seeks Planning Commission approval for an increase in GFA of 99% and all new construction will meet the R2, Single Family Residential building setbacks.

- 8. Where a building or structure is nonconforming for setback by a distance equal to or less than on-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.

The required setbacks are not further reduced by the applicant's proposal, therefore this condition is met.

Recommendation

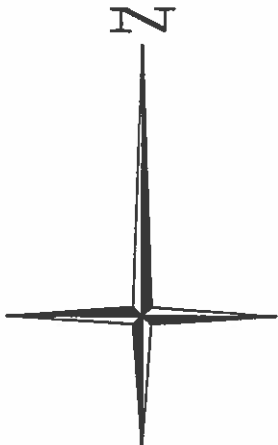
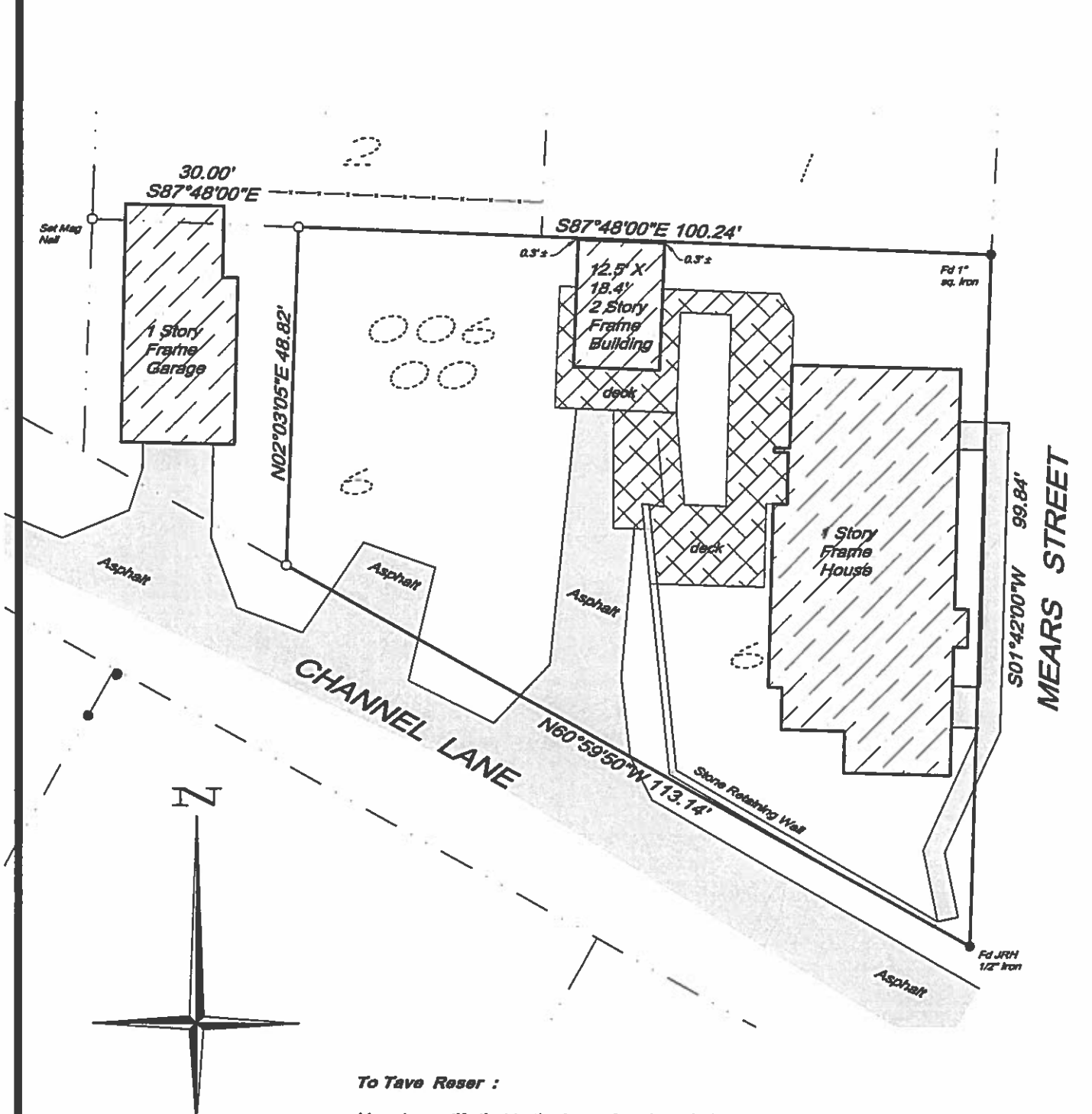
At this time, Staff recommends the Planning Commission consider approval of the requested addition to 85 Mears Street subject to confirming staff's review that Sections 3.24.B.1 et seq. and 3.24.B.8 have been met.

CERTIFICATE OF SURVEY

PP# 64-044-431-006-00

Lot 6 of Block 31 of the plat of MIDDLESEX, according to the recorded plat thereof, Village of Pentwater, Oceana County, Michigan; AND ALSO, all that part of vacated Lake Street adjoining the southerly boundary of Lot 6 described above; EXCEPT the West 30 feet thereof.

re: 85 Mears Street, Pentwater MI 49449



To Have Reser :

I hereby certify that to the best of my knowledge, information and belief I have surveyed and mapped the property as described and platted herein; that the ratio of closure of such survey was less than one part in 5000; and that I have substantially complied with the requirements of PA 132 of 1970 as amended

BEARING BASIS - MICHIGAN STATE PLANE GRID, SOUTH ZONE