



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

Agenda

Village of Pentwater Zoning Board of Appeals

Community Room – 327 Hancock St.

Tuesday, November 20, 2018

7:00 P.M

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of the Minutes of the September 5, 2018 Meeting

Public Hearing

A. 863 Park Street (Parcel #64-044-620-116-25)

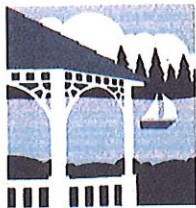
Correspondence / Public Comments

Unfinished Business – None

New Business

A. Variance Request: 863 Park Street

Adjournment



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

Meeting Minutes – September 5, 2018

Chairperson Castor called the meeting of the Pentwater Zoning Board of Appeals Meeting to order at 7:00 PM followed by the Pledge of Allegiance.

ROLL CALL: Present: Bruce Koorndyk, Bill Bainton, Jim Young, Bill O'Donnell, and Mike Castor.

Others present: 40 E. Fifth residents George and Pam Cornell, 863 Park Street residents Dayna and Ray Hasil, Fire Chief Paul Smith, Zoning Administrator Keith Edwards and Village Deputy Clerk/Treasurer Barbara Siok.

APPROVAL OF AGENDA: Motion by Mr. Young, second Mr. O'Donnell to approve the agenda as presented. Voice vote: Unanimous. **Motion carried.**

APPROVAL OF MINUTES of May 30, 2018: Motion by Mr. Young, second Mr. Koorndyk to approve the May 30, 2018 minutes as presented. Voice vote: Unanimous. **Motion carried.**

Chair Mike Castor stated there would be two public hearings regarding separate variance requests: (PARCEL 64-044-680-004-50) – 40 E. FIFTH STREET and (PARCEL 64-044-620-116-25) – 863 PARK STREET.

PUBLIC HEARING I – 40 E. FIFTH STREET (PARCEL 64-044-680-004-50)

Motion to open the Public Hearing I by Mr. Bainton, second by Mr. Young. Voice vote all Ayes. **Motion carried.**

Public Comments – Mr. Cornell said the property is in commercial zoning and wants to replace an existing 8x8 shed with a 9x12 which makes its closer than 10 feet to the house.

Zoning Administrator Keith Edwards stated the background, site observations and purpose of the variance request for 40 E. Fifth Street located within the C3 district (rather than a residential district) to replace an existing shed with a larger shed. Report was received and placed on file.

Applicant comments from George Cornell, 40 E. Fifth Street, explaining the size of the existing shed and requesting approval to replace it with a larger shed and to move back 1 foot further, also alleviate a safety issue.

Motion to close Public Hearing I by Mr. O'Donnell, second by Mr. Koorndyk. Voice vote all Ayes. **Motion carried.**

PUBLIC HEARING II – 863 PARK STREET (PARCEL 64-044-620-116-25)

Motion to open the Public Hearing II by Mr. O'Donnell, second by Mr. Young. Voice vote all Ayes. **Motion carried.**

Zoning Administrator Keith Edwards stated the purpose of the variance request for 863 Park Street is to allow the applicant to construct a covered front porch across a good portion of the facade across the home. Report was received and placed on file.

Applicant comments from Ray Hasil, 863 Park Street, said they purchased the house in January 2018. He explained the design of the home and said the front of the house is ugly and would like to build deck space across the front with a 2-foot overhang to dress up the front of the house.

Motion to close the Public Hearing II by Mr. O'Donnell, second by Mr. Bainton. Voice vote all Ayes. **Motion carried.**

CORRESPONDENCE / PUBLIC COMMENTS: Mr. Edwards said there was no correspondence, only two returned envelopes due to "No forwarding addresses." One return was hand delivered. No comments received.

UNFINISHED BUSINESS: ZBA BY-LAW REVISIONS FROM MAY 30, 2018 MEETING

Motion to accept change of By-Laws presented at the previous meeting, May 30, 2018 by Mr. O'Donnell, second by Mr. Bainton. Voice vote all Ayes. **Motion carried.**

NEW BUSINESS:

A. Variance Request for 40 E. Fifth Street

Motion by Mr. Bainton to approve the variance request for 40 E. Fifth Street, second by Mr. Young. Discussion followed using the worksheet, which will be part of the public record.

Condition #1: (Section 18.08 A (1)): "Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed." Comments: Contrary to the public issue in spirit of the ordinance is not being ignored or withdrawn due to having a unique situation which should be allowed. The setback will increase safety and a benefit to public interest for emergency access. All in agreement.

Condition #2: (Section 18.08 A (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." Comments: All agree there is no adverse effect.

Condition #3: (Section 18.08 A (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." Comments: Agree, the property is unique and not where conditions are recurrent.

Condition #4: (Section 18.08 A (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 of 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 adjoin 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.

Comments: Majority in agreement.

Condition #5: (Section 18.08 A (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." Comments: All agree.

Condition #6: (Section 18.08 A (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." Comments: All agree.

Roll call vote: Bainton, yes; Young, yes; Koorndyk, yes; O'Donnell, yes, Castor, yes.
 Ayes: 5, Nays: 0. Motion carried.
 Variance granted for 40 E. Fifth Street.

B. Variance Request for 863 Park Street

Motion by Mr. Young to approve the variance request for 863 Park Street, second by Mr. Koorndyk. Discussion followed using the worksheet, which will be part of the public record.

Condition #1: (Section 18.08 A (1)): "Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed."
 Comments: All agree not contrary to public interest.

Condition #2: (Section 18.08 A (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."
 Comments: Yes, all agree.

Condition #3: (Section 18.08 A (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."
 Comments: Two in agreement; three say no, in applying to general conditions.

Condition #4: (Section 18.08 A (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 adjoin 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.

Comments: Majority agree, the fact not knowing what ordinances were in effect, if any, when the house was built to the lot line, and now limited by newer rules an exception., but not all exceptions.

Condition #5: (Section 18.08 A (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."

Comments: Agree it does not meet condition but is not denying property right to build a deck that other people have, otherwise saying that anyone that wants to make an exception to the zoning is being denied a property right. Most in the vicinity have room for a covered front porch because of the existing placement of their homes.

Condition #6: (Section 18.08 A (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."

Comments: All agree. No impact.

Agree concept but stated concern regarding overhang.

Roll call vote: Young, yes; Koorndyk, yes; Bainton, no; O'Donnell, no, Castor, no.
Ayes: 2. Nays: 3. Motion failed.
Variance denied for 863 Park Street.

Mr. Castor explained choices to come back with changes or take to court in Hart.

C. 2018-2019 Meeting Schedule proposed (third Tuesday of the month at 7 PM) subject to cancellation except for annual meeting

Motion to accept meeting schedule at presented by Mr. Young, second by Mr. Bainton.
All ayes. Motion carried.

ADJOURNMENT: There being no further business, meeting adjourned at 8:52 PM by Mr. Castor.

Respectfully submitted by:

Keith Edwards, Zoning Administrator
Village of Pentwater

September 5, 2018

Recording Secretary, Barbara Siok

September 5, 2018

Approved _____ by the Zoning Board of Appeals on _____.

MEMORANDUM

To: Pentwater Township Zoning Board of Appeals
From: Keith Edwards, Zoning Administrator
Date: October 23, 2018
Subject: Staff Report - Variance Requested for 863 Park Street

Background

863 Park Street is located within the R2, Single Family Residential Zoning District. The existing home was constructed in 1927 or earlier. The second story addition was constructed by another party in 2014. The purpose of the request is to allow the applicant to construct a covered front porch across the front façade of the home.

The application is complete, contains a site plan and other information provided by the applicant concerning the placement request for the variance.

The original request was reviewed by the Zoning Board of Appeals on September 5, 2018, where the request was denied by a 3-2 vote. Please see the attached minutes for additional information. After the request was denied, the applicant discovered that the information submitted with the original request was in error. Meaning, that the property owner has located the survey pins marking the northeast and northwest corners of the property, indicating that the existing home is nonconforming with respect to the front setback. The existing north wall of the home is setback only 13.5 feet from the front lot line where 17 feet is required. Additionally, the existing covered porch protrudes from the north wall of the home another 6 feet to the overhang. **Therefore, the existing structure is located 7.5 feet from the front property line.**

In accordance with Section 3.24.8 of the Zoning Ordinance the site plan for the proposed front porch was reviewed by the Planning Commission on October 17, 2018. The Planning Commission, limited in its authority by Section 3.24.8, approved the extension of the front porch along the same plane as the existing nonconforming front porch.

At this time, the applicant seeks to extend the covered front porch beyond the plane of the existing nonconforming front porch, thus a **variance of 4.33 feet, to the overhang, is requested from the Planning Commission's previous approval.**

Site Observations and Information Collected

The subject property is located on the south side of Park Street, across from the Artisan Center and east of Clymer Street. The property contains an existing two-story single-family home, rear deck, swimming pool and detached accessory building (garage), with single family homes to the east and west, the school and artisan center across Park Street

to the north. The site is nearly level with little topographic relief to impede construction. Because the pavement of Park Street is located closer to the northern edge of the right-of-way of Park Street, and the sanitary sewer and water utilities are located on the north side of the Park Street right-of-way, there is sufficient space to accommodate the applicant's request.

Lastly, the proposed location of the covered front porch is staked for your on-site review.

Variance Requested

1. Section 6.04.E of the Zoning Ordinance requires a minimum of a seventeen (17) foot setback from the front property line which is also the right-of-way (ROW) line of Park Street. The Planning Commission, in accordance with its limited authority in Section 3.24.8 of the Zoning Ordinance has approved extension of the covered porch along the same plane as the existing nonconforming covered porch toward the driveway on the east side of the property. The applicant seeks a variance of 4 feet 4 inches (4.33 ft.) for the expansion of the covered porch from the plane of the existing covered porch into the required front setback. The resulting setback would be just over 3 feet from the front property line.

Review Standards for Variances

The following is an excerpt from Section 18.08 of the Zoning Ordinance, specifically Section 18.08.A.1 - 6, where the standards for review of requests for non-use variances are listed. Consideration for any non-use variance request are subject to the following standards:

SECTION 18.08 REVIEW STANDARDS FOR VARIANCES

- A. **Non-Use Variance:** A non-use or dimensional variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that ALL of the following conditions are met:
 1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.
 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.
 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.

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.
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.
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.

(Amended 9/10/07 – Village, 1-16-08 Township)

NOTICE OF PUBLIC HEARING

November 20, 2018

Village of Pentwater

Zoning Board of Appeals

The Zoning Board of Appeals (ZBA) for the Village of Pentwater will conduct a public hearing on Tuesday, November 20, 2018 at 7:00 p.m. in the Pentwater Community Hall, 327 S. Hancock, Pentwater, Michigan, to hear a request for and take public comments on the following request for a variance.

1. The applicant for a variance at 863 Park Street seeks to expand the front porch 4 feet, 4 inches toward the front property line from the location of the existing covered front porch. Section 6.04E of the Zoning Ordinance requires a minimum of a seventeen (17) foot setback from the front property line. The Planning Commission, in accordance with its limited authority in Section 3.24.8 of the Zoning Ordinance, has approved the expansion of the covered porch along the same plane as the existing nonconforming covered porch toward the driveway on the east side of the property. The applicant seeks a variance of 4 feet 4 inches (4.33 ft.) for the extension of the covered porch from the plane of the existing covered porch toward the front property line into the required front setback. The resulting setback would be just over 3 feet from the front property line. Written comments to be considered by the Zoning Board of Appeals may be deposited with the Village Zoning Administrator or mailed to: Pentwater Village Zoning Board of Appeals, PO Box 622, Pentwater, Michigan 49449 by 4:00 p.m., November 20, 2018.

A copy of the request as well as the Zoning Ordinance are available for inspection at the Pentwater Village Office, 327 S. Hancock, Pentwater, Michigan during regular business hours.

Village of Pentwater Zoning Board of Appeals

**VILLAGE OF PENTWATER
ZONING BOARD OF APPEALS APPLICATION**
(Pentwater Community Zoning Ordinance – Chapter 18)

Parcel Number:
Name:
Date:

Ray and Dayna Hasil
(Applicant --person filing the appeal)

863 Park St.
(Address)

Pentwater, MI 49449
(City, State, Zip Code)

[REDACTED]
(Telephone)

[REDACTED]
(E-mail)

OFFICE USE ONLY	
Application number _____	
Date Rec'd _____	
Fee Rec'd _____	
Hearing date _____	
Date submitted to ZBA _____	
Action _____	
Date _____	

APPLICANT'S STANDING (INTEREST) IN THE APPEAL:

- Property owner
- Adjacent property owner
- Other affected individual. Explain: _____
- Other. Explain: _____

COMPLETE THE FOLLOWING FOR THE PROPERTY SUBJECT TO THE APPEAL

PROPERTY OWNER:	<u>Raymond and Dayna Hasil</u>		
PROPERTY ADDRESS:	<u>863 Park St.</u>		
PARCEL NUMBER:	<u>044-620-116-25</u>		
RECORDED PLAT OR SUBDIVISION NAME:			
BLOCK:	LOT(S):	*OR ATTACH LEGAL DESCRIPTION	
ZONING DISTRICT:		PRESENT USE:	

ACTION REQUESTED: (check one)

- To interpret a particular section of the ordinance, as it is felt the Zoning Administrator/Planning Commission is not using the proper interpretation:
The Section is: _____

To interpret the zoning map, as it is felt the Zoning Administrator/Planning Commission is not reading the map properly. Describe the portion of the zoning map in question (attach detail maps if applicable): _____

To grant a variance to certain requirements of the zoning ordinance, (parking, setbacks, lot size, height, floor area, location of accessory buildings, maximum amount of lot coverage, etc.):

The Section is: _____

To appeal an action of the Zoning Administrator or Planning Commission. The Zoning Administrator or Planning Commission erred (did not issue a permit, issued an enforcement).

VARIANCE REQUESTED:

We would like to build an 8ft deep covered porch with a 16in overhang. Seeking a 4ft 4in variance from current stoop. The planning Commission sent us back (Attach sheets if necessary) (attached) to ZBA w/ support of variance request

JUSTIFICATION FOR REQUESTED ACTION:

If you are seeking a Non-Use Variance, specify how each of the following conditions are satisfied: (Section 18.08)

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

see attached sheets

- 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.

see attached sheets

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.

See attached sheets

4. That these 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.

See attached sheets

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.

See attached sheets

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.

see attached sheets

(Attach sheets if necessary) (attached)

If you are seeking a Use Variance, specify how each of the following conditions are satisfied.
(Section 18.08)

1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zoning district in which it is located.

2. That there are unnecessary hardships 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 of 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.

3. That the proposed use will not alter the essential character of the neighborhood.

4. That the variance is not necessitated as a result of any action or inaction to the property prior to the variance by the applicant or his/her representative.

(Attach sheets if necessary) (attached)

ATTACH A SITE PLAN FOR VARIANCE REQUESTS, (drawn to a scale of not less than: property under 3 acres, 1 in = 10 ft.) Depicting property, including all proposed and existing structures and other above ground streets/alleys/easements and fences/walks/landscaping/greenbelts proposed and existing.

(attached)

ATTACH A CERTIFIED SURVEY FOR VARIANCE REQUESTS, (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*

(attached)

ATTACH A COPY OF THE INITIAL APPLICATION concerning this issue and the zoning administrator's (or planning commission's) written ruling on this issue.

(attached)

NUMBER OF ATTACHED SHEETS:

1. <input type="checkbox"/> Action Requested	Number of Pages:
2. <input type="checkbox"/> Variance Requested	Number of Pages:
3. <input type="checkbox"/> Justification	Number of Pages:
4. <input type="checkbox"/> Site Plan	Number of Pages:
5. <input type="checkbox"/> Survey	Number of Pages:
6. <input type="checkbox"/> Copy of Initial Application & Denial	Number of Pages:
7. <input type="checkbox"/> Other:	Number of Pages:

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further, I agree, any Zoning Board of Appeals ruling and subsequent permit that may be issued is with the understanding that all applicable sections of the Pentwater Community Zoning Ordinance 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 by the Zoning Board of Appeals conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Signed: Danya Desil Date: 10/19/18

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

Notice of Meeting

A public meeting of the Village of Pentwater Zoning Board of Appeals will be held on _____ day of _____ 20__ at 7:00 p.m. in the Pentwater Community Hall to consider your request before the Zoning Board of Appeals. You may appear in person, or by agent, or attorney. If you do not appear personally, your representative must have a letter of authorization to act on your behalf.

Zoning Administrator Date

OFFICE USE ONLY

Response requested from:

- DPW _____
- Police _____
- Fire _____
- Other _____

Please attach your response and RETURN WITHIN 10 DAYS OF THIS REQUEST to the Zoning Administrator

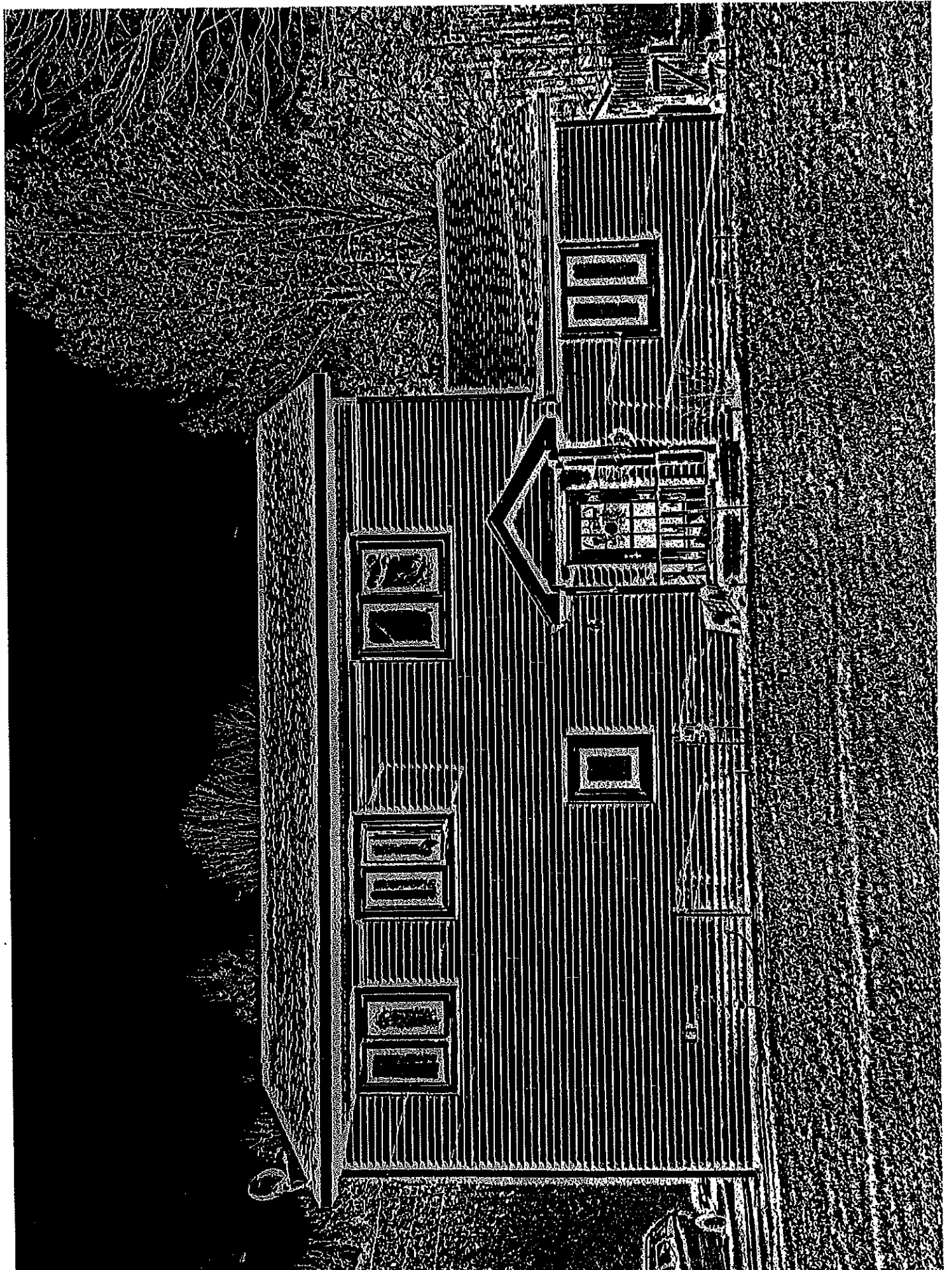
Uniform Residential Loan Application

This application is designed to be completed by the applicant(s) with the Lender's assistance. Applicants should complete this form as "Borrower" or "Co-Borrower," as applicable. Co-Borrower information must also be provided (and the appropriate box checked) when the income or assets of a person other than the Borrower (including the Borrower's spouse) will be used as a basis for loan qualification or the income or assets of the Borrower's spouse or other person who has community property rights pursuant to state law will not be used as a basis for loan qualification, but his or her liabilities must be considered because the spouse or other person has community property rights pursuant to applicable law and Borrower resides in a community property state; the security property is located in a community property state, or the Borrower is relying on other property located in a community property state as a basis for repayment of the loan.

If this is an application for joint credit, Borrower and Co-Borrower each agree that we intend to apply for joint credit (sign below)

Borrower		Co-Borrower	
I. TYPE OF MORTGAGE AND TERMS OF LOAN			
Mortgage Applied for:	<input checked="" type="checkbox"/> VA <input type="checkbox"/> Conventional	<input type="checkbox"/> Other (explain)	Agency Case Number
	<input checked="" type="checkbox"/> FHA <input type="checkbox"/> USDA/Rural Housing Service		Lender Case Number
Amount	Interest Rate	Term of Months	Amortization Type
			<input checked="" type="checkbox"/> Fixed Rate <input type="checkbox"/> ARM (explain)
			<input type="checkbox"/> ARM (explain)
II. PROPERTY INFORMATION AND PURPOSE OF LOAN			
Subject Property Address (street, city, state & ZIP)			
Legal Description of Subject Property (attach deed if available)			
Purpose of Loan			
<input type="checkbox"/> Purchase	<input type="checkbox"/> Refinance	<input type="checkbox"/> Construction	<input type="checkbox"/> Other (explain)
<input type="checkbox"/> Reverse	<input type="checkbox"/> Construction/Refinance		
Date of Acquisition			
Year Acquired			
Type of Property			
Number of Units			
Source of Down Payment (explain)			
III. BORROWER INFORMATION			
Borrower Name (last, first, middle initial)		Co-Borrower Name (last, first, middle initial)	
Address		Address	
City/State/ZIP		City/State/ZIP	
Employer		Employer	
Occupation		Occupation	
Annual Income		Annual Income	
Assets		Assets	
Liabilities		Liabilities	

** House built early 1900's*



~~CONSTANT WIDTH STRIP~~
~~ADJIC. W/ADJ. LOTS~~

-Property line

28ft 5in
Property line
to Road Side.

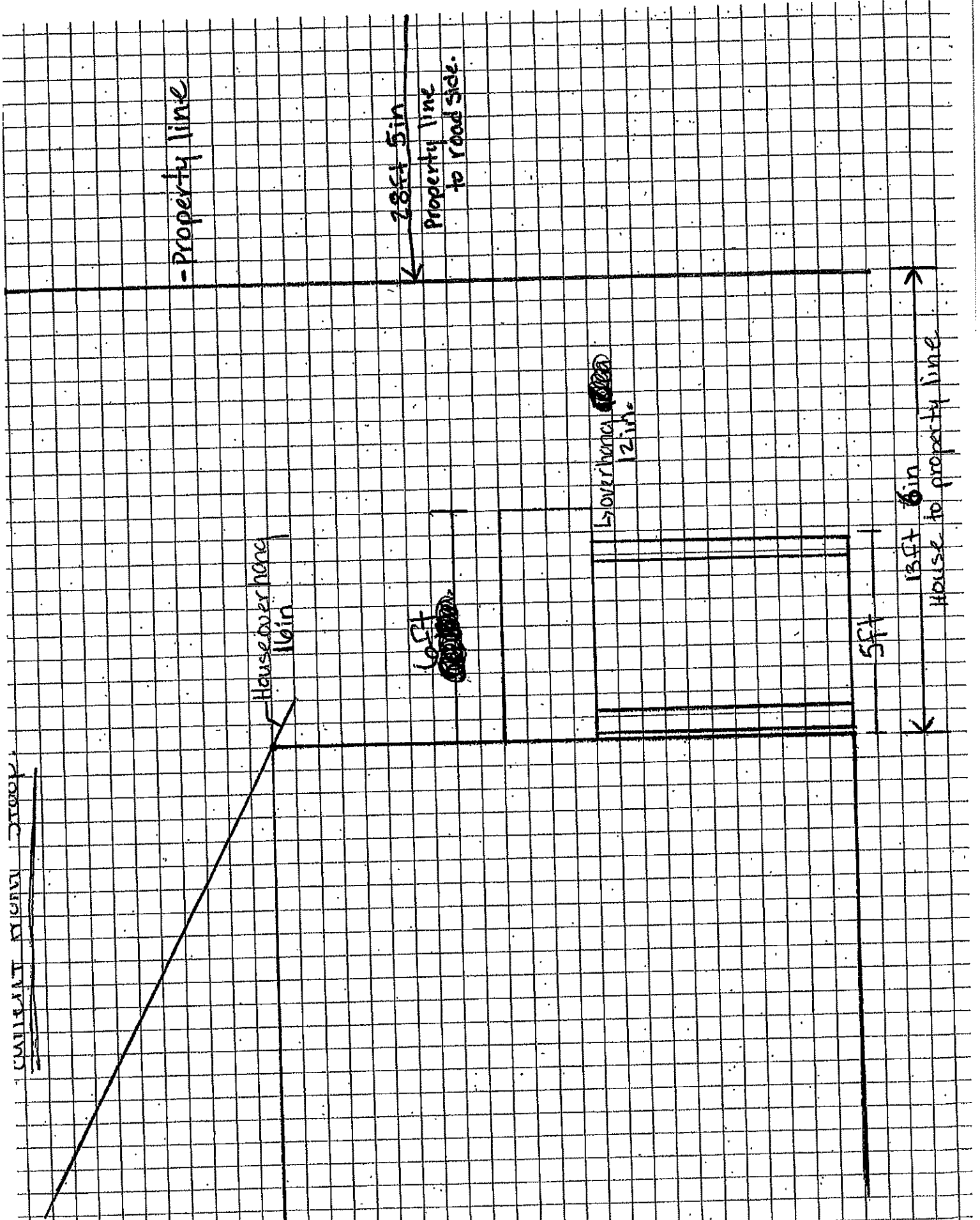
House overhang
11in

60ft

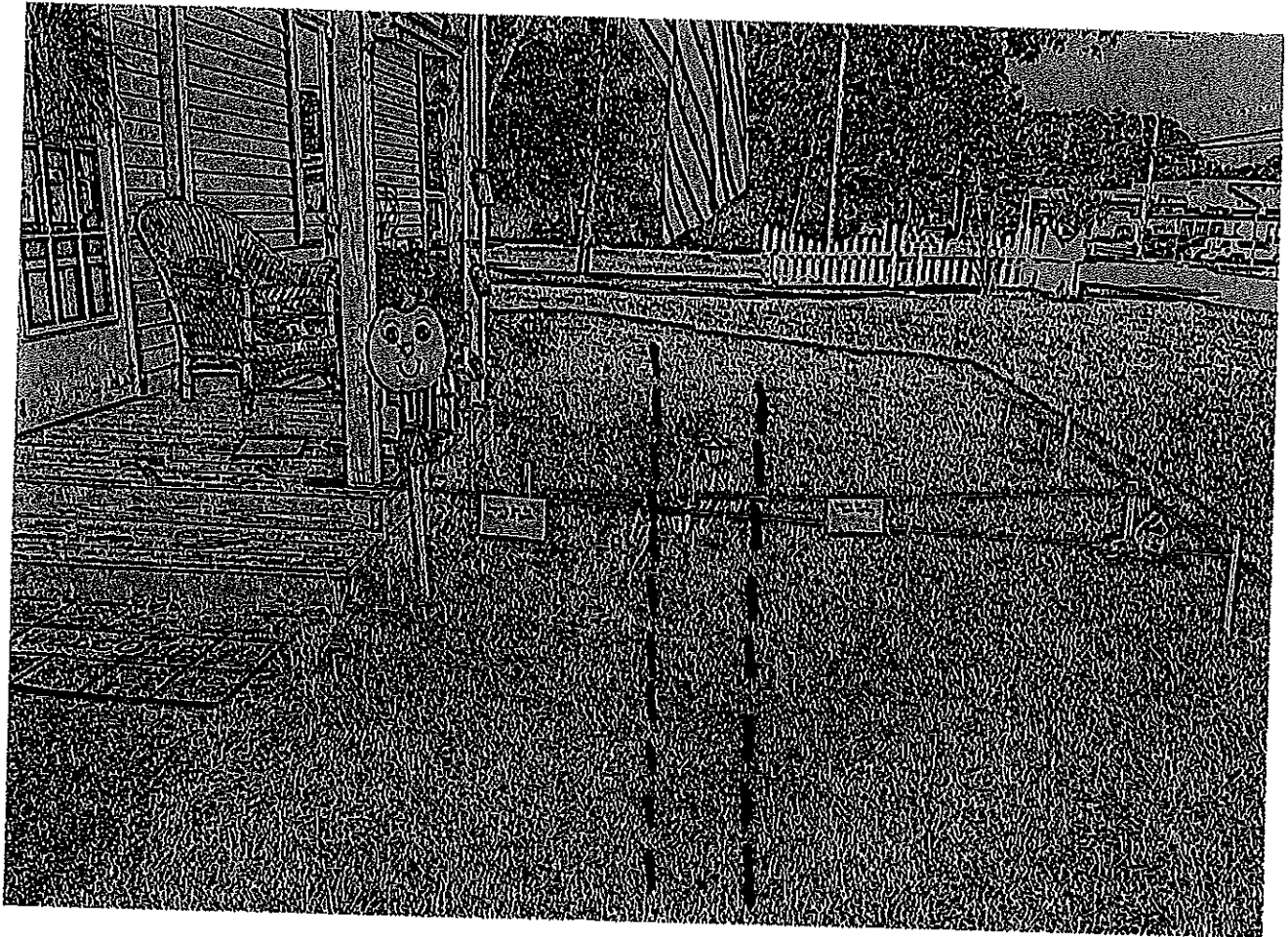
Overhang
2in.

5ft

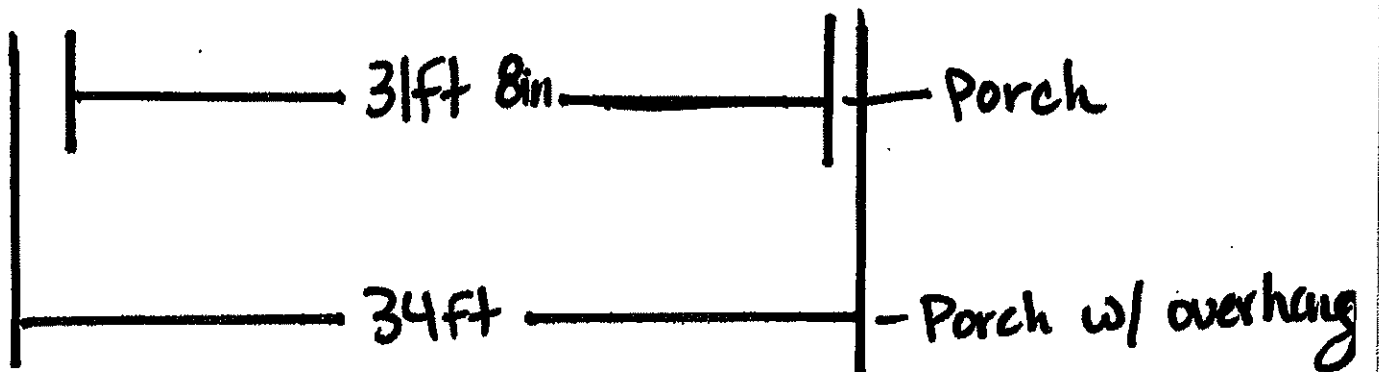
13ft 6in
House to property line

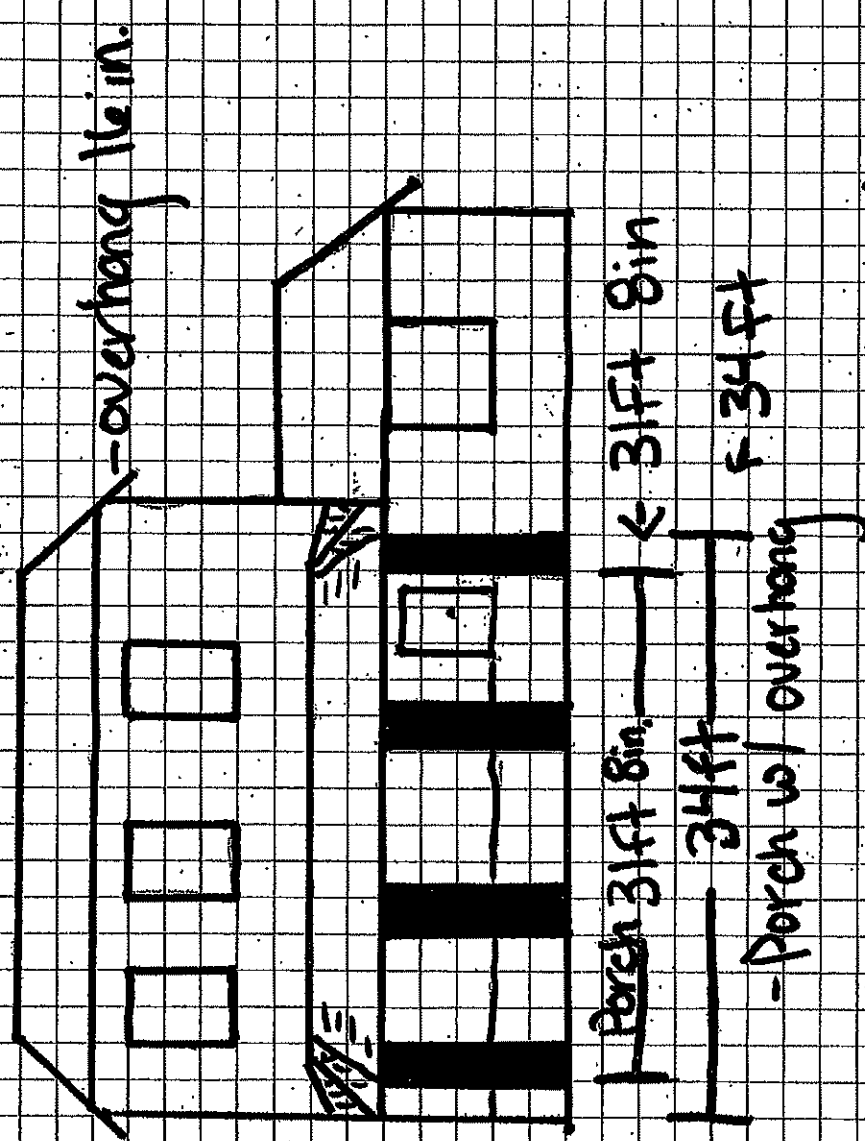


- Seeking a 4ft, 4in Variance!



5ft. Stoop
4ft. porch
11in overhang





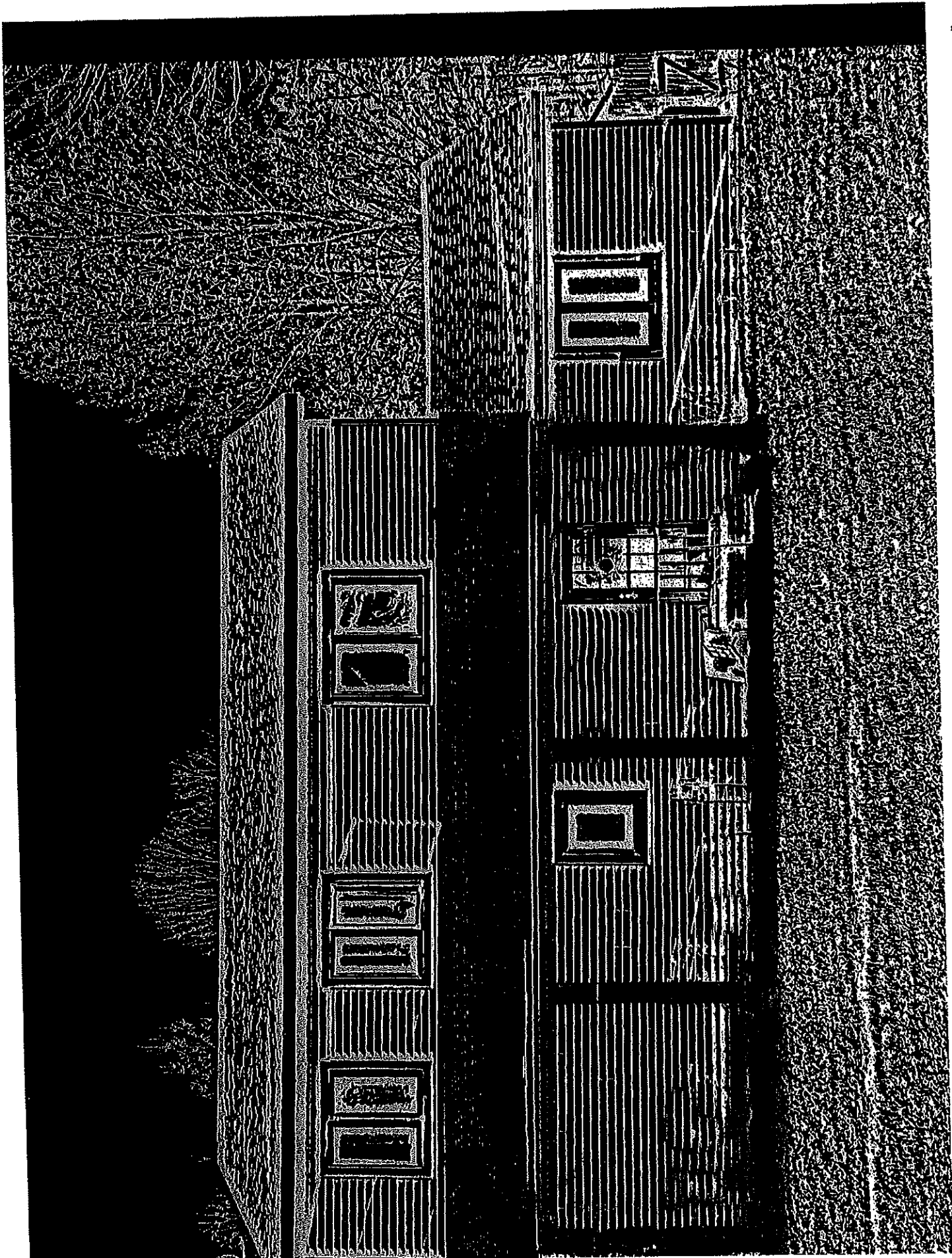
-overhang 16 in.

Porch 31ft 8in. ← 31ft 8in

34ft

-Porch w/ overhang

Overhang 16in to match house overhang.



House lin
13ft 6in

-Property line

-House overhang 16in

-Porch overhang 16in

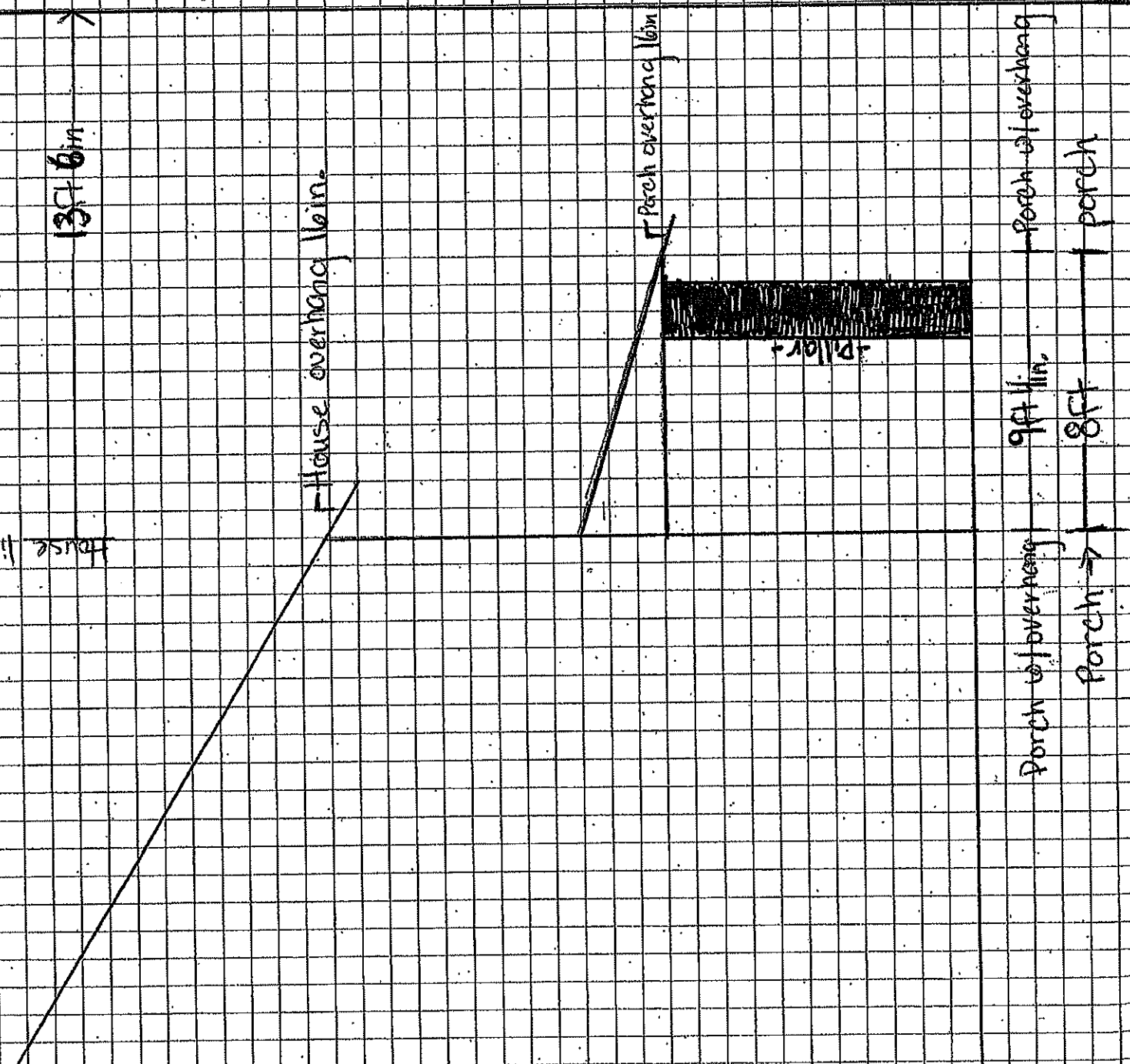
-Porch of overhang

9ft 11in

8ft

Porch of overhang

Porch →



863 Park St Variance Request

A. **Non-Use Variance:** A non-use or dimensional variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that ALL of the following conditions are met:

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed. **ANSWER:** It is clear that this project is not contrary to public interest. Directly across the street from us is the school parking lot and the Pentwater Artisan Center. It has various art pieces very close to the road.
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. **ANSWER:** the variance will allow the opposite of an adverse effect by making the otherwise plain and ugly homefront more visually appealing.
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. **ANSWER:** the conditions of the property are neither general or recurrent in nature. The Planning Commission formally supports this project.
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.

ANSWER: the proposed deck and overhang are not extraordinary and do not conflict with any of these.

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.

ANSWER: Many other properties in our area have front decks and porches with overhangs. Some are even closer to rights of way than our project.

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. **ANSWER:** It is not. We have been working with Village Zoning and have staked off the areas we wish to construct.

Thank you for your consideration.

Sincerely,

Ray & Dayna Hasil







