

# 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](http://www.PentwaterVillage.org)

## **Planning Commission Meeting Agenda Wednesday, October 18, 2017 7 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 September 26, 2017.
- III. Public Comments
- IV. Department/Committee Reports
  - A. Zoning Administrator – See attached report.
  - B. Zoning Board of Appeals – See Zoning Administrator report and item VI.B below.
- V. Old Business – None.
- VI. New Business
  - A. Proposed Improvements to Nonconforming Building – 135 Channel Lane.
  - B. Proposed Amendments to ZBA By-laws – Zoning Ordinance Amendment.
  - C. Master Plan Amendment – Downtown Plan – Requirements of the Michigan Planning Enabling Act.
- VII. Communications from Planning Commission Members
- VIII. Public Comments
- IX. Adjournment



## VILLAGE OF PENTWATER

### Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN  
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(231) 869-8301 – FAX (231) 869-5120

## Regular Meeting Minutes – September 26, 2017

Chairperson Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 5:35 pm at the Friendship Center, 310 N. Rush Street, with the Pledge of Allegiance.

### ROLL CALL

**Present:** Ron Christians, Michelle Angell-Powell, Mark Benner, Kirstin McDonough & Bruce Koorndyk, Paul Anderson

**Absent:** None

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

### APPROVAL OF AGENDA

**Motion** by Angell-Powell, second by Anderson to approve the Agenda as presented.

Voice Vote: Aye: 6      Nay: 0      Absent: 0      **Motion carried.**

### APPROVAL OF REGULAR MINUTES

**Motion** by Angell - Powell, second by Koorndyk to approve the August 23, 2017 regular meeting minutes as presented.

Voice Vote: Aye: 6      Nay: 0      Absent: 0      **Motion carried.**

**PUBLIC COMMENTS – None**

### COMMITTEE/DEPARTMENT REPORTS

#### A. Zoning Administrator

Mr. Edwards referred to his written report.

#### B. Zoning Board of Appeals

The ZBA meeting met on September 6 at 7 pm to discuss an update to the ZBA By-laws primarily regarding changing the number of regular members from 7 to 5, the number of alternates would remain as 2. Recognizing that such a change would also require an amendment to the Zoning Ordinance, the ZBA referred the discussion to the Planning Commission. This item will be on the agenda for the October meeting of the Planning Commission. The ZBA also discuss a review of the ZBA members' tool-kit, which provides education for ZBA members.

**OLD BUSINESS – None.**

**NEW BUSINESS - New Business – Proposed Improvements to Nonconforming Building – 136 S. Wythe Street by Harbor Design and Construction.**

Mr. Edwards reviewed the applicant's file his report prepared on September 19, 2017 addressing the

proposed additions to the home at 136 S. Wythe. The existing home is non-conforming because the north side setback is only four (4) feet six (6) feet is required. The proposed addition which includes an attached garage with bonus room above and a covered porch meets the Zoning Ordinance requirements for the R2, Single Family Residential Zoning District, accessory buildings and Section 3.24 of the Zoning Ordinance for the expansion of non-conforming buildings. Mr. Edwards recommended approval by the Planning Commission.

**Motion** by Koorndyk, second by Angell - Powell, to approve the expansion of 136 S. Wythe as presented since the house was not being expanded on the non-conforming side and that the proposed addition meets the requirements of the Zoning Ordinance.

Voice Vote: Aye: 6            Nay: 0            Absent: 0    **Motion carried.**

**PUBLIC COMMENTS - None**

**COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS - None**

None.

**ADJOURNMENT**

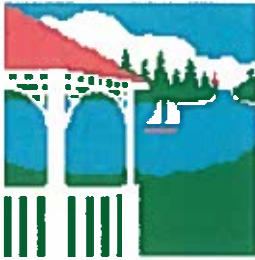
Motion by McDonough, second by Benner to adjourn the meeting at 5:45 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Keith Edwards  
Zoning Administrator

September 29, 2017  
Date

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



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## **ZONING ADMINISTRATOR'S REPORT**

**October 3, 2017**

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

### **Code Enforcement**

Nothing outstanding at this time.

### **Planning Commission**

The Planning Commission met on September 26 at the Friendship Center to hold its regular meeting where they approved an addition to the non-conforming home at 136 S. Wythe Street. After the regular meeting, the Planning Commission, DDA and Buildings and Grounds Committee hosted a presentation of the Pentwater Design by Steve Bass for about 80 members of the public. We were very happy to get some many people to see and support the presentation.

### **Zoning Board of Appeals**

The Zoning Board of Appeals met on September 6 to discuss an amendment to the ZBA by-laws to reduce the number of regular members from 7 to 5, while maintaining two alternates. Such a change will require an amendment to the Zoning Ordinance which I will introduce to the Planning Commission at their October meeting.

### **Zoning Permits**

The following Zoning Permits were issued in September, 2017.

1. 136 S. Wythe for the demolition of the existing garage.
2. 629 E. Sands for a new house with attached garage.

3. 298 E. Sands for a 278 sq. ft. single-story addition.
4. 412 S. Rutledge for the demolition of the existing garage.
5. 136 S. Wythe for the addition of an attached garage with bonus room.

Sincerely,

*Keith J. Edwards*

Keith Edwards  
Zoning Administrator

## MEMORANDUM

To: Planning Commission  
From: Keith Edwards, Zoning Administrator  
Date: October 10, 2017  
Subject: **Proposed change in ZBA By-laws requires Zoning Ordinance Amendment**

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Earlier this year, at the ZBA's June meeting I introduced some proposed amendments to the ZBA By-laws, including a request to change the total number of regular ZBA members from seven (7) to five (5). The ZBA would retain the 2 alternates. I requested the change because it is not necessary, in accordance with the Michigan Zoning Enabling Act to have more than five members, and our ZBA has two alternates, which should be more than enough to adequately serve the ZBA. A ZBA can have as few as three (3) members and I have seen as many as nine (9) in some communities. Reducing the number of members helps Staff and the Village President with recruitment efforts, reduces wages, and is easier for Staff to manage.

On September 6, 2017, the ZBA passed a motion to approve the changes to the ZBA By-laws, in the case of the number of regular members, the motion was subject to the Planning Commission consideration for changing Section 18.02.A of the Zoning Ordinance as follows:

### **Section 18.02 MEMBERSHIP – TERMS OF OFFICE**

The Board of Appeals of the Village of Pentwater shall consist of ~~seven (7)~~ five (5) members appointed by the Legislative Body. The Board of Appeals of Pentwater Township shall consist of five (5) members appointed by the Legislative Body.

For your review, I have included the minutes of the last two ZBA meetings and draft ZBA By-laws.

In order to consider a Zoning Ordinance Amendment, the Planning Commission must decide on a date for a public hearing, publish it in the newspaper at least 15 days before the public hearing, hold the public hearing and furnish a recommendation to Village Council on the amendment. Only the Village Council can approve a Zoning Ordinance amendment.

At this time, I am requesting that the Planning Commission set a date of November 15 as the date for a public hearing on the above amendment and to publish the appropriate notice of the public hearing.

**PENTWATER VILLAGE  
ZONING BOARD OF APPEALS  
BY-LAWS AND RULES OF PROCEDURE**  
~~(AMENDED MARCH 4, 2015)~~  
Proposed Revision June 7, 2017

**ARTICLE I: NAME**

Sec. 1 The name of the organization shall be the "PENTWATER VILLAGE ZONING BOARD OF APPEALS."

**ARTICLE II: AUTHORITY AND DUTIES**

Sec. 1 These by-laws and rules of procedure are adopted by the Pentwater Zoning Board of Appeals pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Sec 2 The Zoning Board of Appeals shall perform such legally permissible duties and shall carry out such processes and procedures as may be required by the Michigan Zoning Enabling Act or the Pentwater Community Zoning Ordinance including the following:

- A. Act on applications for variances, appeals, interpretations, or other matters as required by the zoning ordinance and Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et seq.
- B. Prepare an annual budget for the Zoning Board of Appeal's activities and submit to the Village Council.
- C. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a Zoning Board of Appeals member, and for which appropriations of funds have been approved by the Village Council as needed.
- D. Perform other duties and responsibilities as requested by the Village Council or as may be specified in another Village ordinance.
- E. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

**ARTICLE III: MEMBERS**

Sec. 1 MEMBERSHIP COMPOSITION. The Pentwater Village Zoning Board of Appeals shall consist of ~~seven~~ **five** members appointed by the Pentwater Village Council. In addition, the Village Council may appoint not more than two (2) alternate members.

Sec. 2 COMPENSATION. All appointed and alternate members of the Board may be compensated at a rate to be determined by the Village Council.

Sec. 3 RESTRICTIONS. An alternate member shall only serve on the board in the absence of a regular member or during the abstention of a regular member for reasons of a conflict of interest. The alternate members shall serve in the case until a final decision, in accordance with the Pentwater Community Zoning Ordinance, has been made.

Sec. 4 TERMS OF OFFICE. The terms of office of regular and alternate members shall be three (3) years arranged such to provide as nearly as possible for the appointment of an equal number of members each year.

Sec. 5 VACANCIES. A vacancy on the Board occurring otherwise than through the expiration of the term shall be filled for the unexpired term by the Village Council.

Sec. 6 VOTING RIGHTS OF ALTERNATE MEMBERS. Alternate members shall only have the right to vote upon those specific matters in which they have been called upon to serve in the absence of a regular member or called upon to serve due to the abstention of a regular member as a result of a conflict of interest. The alternate member shall then continue to hear those cases for which they were called to serve until final disposition of those cases.

#### ARTICLE IV: OFFICERS

- Sec. 1 SELECTION. At the first regular meeting in May of each year, the Pentwater Village Zoning Board of Appeals shall elect its Chairman and Vice Chairman from amongst the regular members of the Board. The Board may create and fill such other of its offices as it may determine to be necessary.
- Sec. 2 TERMS OF OFFICERS. The terms of the Chairman and Vice Chairman shall be one (1) year in length or until their successors are elected, with eligibility for re-election.
- Sec. 3 OFFICER DUTIES. The chairman shall preside over all meetings of the Board and shall perform the duties prescribed by these by-laws and by the parliamentary authority adopted by the Board. The Vice Chairman shall perform the duties of the Chairman in the absence or disability of the Chairman.
- Sec. 4 PLANNING COMMISSION REPRESENTATIVE. The planning commission representative to the Board shall report the actions of the Board to the planning commission and update the Board on actions by the planning commission that relate to the functions and duties of the Board.
- Sec. 5 VACANCIES. If a vacancy should occur in any office, the Board shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.
- Sec. 6 RECORDING SECRETARY. The Recording Secretary shall be responsible for keeping a written record in the English language of the resolutions, transactions, findings, and determinations of the Board, which record shall be a public record subject to the provisions of the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended. The Recording Secretary shall also be responsible for the preparation and dissemination of Board meeting and public hearing notices pursuant to the Michigan Open Meeting Act, Public Act 267 of 1976, as amended. The Recording Secretary shall also perform other duties as prescribed by these by-laws, State and local laws, and the parliamentary authority adopted by the Board.

#### ARTICLE V: MEETINGS

- Sec. 1 REGULAR MEETING. Regular meetings of the Zoning Board of Appeals shall be held as needed in Pentwater Village Hall on a date established by the Board. The dates and times shall be posted at the Pentwater Village Hall and a notice should be published in accordance with the Open Meetings Act. Any changes in the date or time or location of the regular meetings shall be posted and noticed in the same manner as originally established.
- Sec. 2 ANNUAL MEETING. The regular meeting of the Board in May of each year shall be known as the Annual Meeting and shall be for the purpose of electing offices, receiving annual reports of offices and committees, and for any other business that may arise.
- Sec. 3 SPECIAL MEETINGS. Special meetings may be called by the Chairman. The purpose of the meeting shall be stated in the call. The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with the Michigan Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act, and the Village Clerk shall send written notice of a special meeting to Board members not less than one (1) day in advance of the meeting, except that any such meeting at which all regular members of the Board are present or have waived notice in writing shall be a legal meeting for all purposes without notice, subject to the Michigan Open Meetings Act. Applicants to the Zoning Board of Appeals may request a special meeting, of which all costs shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants.
- Sec. 4 QUORUM. ~~Four (4)~~ **Three (3)** members of the Board shall constitute a quorum of the Board for the conduct of business, except that it shall be necessary to have a minimum of ~~five (5)~~ **four (4)** members present and voting in the affirmative to approve land use variances permitted in the



Zoning Ordinance. When a quorum is not present, no official action of the Board, except for closing of the meeting, may take place. Due to its quasi-judicial nature, the Zoning Board of Appeals shall not engage in discussion on any matter during any time in which a quorum of the Board is not present for the conduct of business. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting and no additional public notice shall be required, provided that the date, time and a place for the rescheduled public hearing is announced at the meeting.

Sec. 5 **ORDER OF BUSINESS.** A written agenda for all regular and special meetings shall be prepared and followed. The order of business shall, at a minimum, be:

Call to Order  
Roll Call  
Approval of Agenda  
Approval of Minutes  
Scheduled Public Hearings  
Correspondence  
Unfinished Business  
New Business  
Adjournment

Sec. 6 **HEARINGS.** Hearings shall be scheduled and due notice given in accordance with the provisions of the Michigan Open Meeting Act and the Michigan Zoning Enabling Act under which the public hearing is being held. The applicant or representative of the applicant must be present at the scheduled public hearing for an appeal or the complaint, or the issue will be tabled by the Board. Public hearings conducted by the Board shall be run in an orderly and timely fashion, which shall be accomplished by adhering to the following public hearing procedure:

- A. **OPENING ANNOUNCEMENT.** The Chairman shall give an official opening announcement of the public hearing indicating the basic nature of the request and citing how public notice was provided of the hearing.
- B. **ANNOUNCEMENT OF ORDER OF HEARING.** The Chairman shall explain the order of the public hearing as being as follows:
  - (1) Comments and explanations by the Zoning Administrator
  - (2) Comments and explanations by the Applicant
  - (3) Questions by the Board
  - (4) Responses by the applicant and/or Zoning Administrator
  - (5) Opening of hearing for public comments
  - (6) Closing of hearing to public comments
  - (7) Consideration of action by Board.
- C. **RULES OF CONDUCT.** The Chairman shall then announce the rules of conduct of the public hearing as follows:
  - (1) All comments shall be addressed to the Chair;
  - (2) Each person shall be given an opportunity to be heard, but second comments; will not be permitted until every person has had the opportunity to speak for the first time;
  - (3) In the interest of fairness to the public, statements from the floor should be as concise as possible;
  - (4) The Chairman reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand;
  - (5) For large hearings, a time limit of three (3) minutes per person shall be placed

- on public comments;
    - (6) At all times during the public hearing, the Chair expects courtesy from all participants. Catcalls, booing, or other outbursts from the public shall not be tolerated; and
    - (7) Decision of the Board shall be based upon accurate fact and the authority vested in the Board by State statute and Pentwater Community Zoning Ordinance.
  - D. PRESENTATION OF PROPOSAL. The Chairman shall recognize the Zoning Administrator and applicant for presentations. The Zoning Administrator presents a report outlining the request and the specific sections and requirements of the Zoning Ordinance that are impacted by the subject request. The applicant then presents a concise review of the reasons for the appeal and responds to questions raised by the Board.
  - E. OPENING OF HEARING TO FLOOR. The Chairman then opens the public hearing to comments from the floor, reminds the public of the rules of conduct, and indicates that once a person has been recognized by the Chair they shall stand and give their name and address and a concise statement of their questions and/or concerns. In the event of large hearing, the Chairman may encourage groups in attendance to be represented by a spokesperson. When individual time limits have been imposed, the Chairman reserves the right to limit the amount of time allocated to be a spokesperson to avoid filibustering. The Chairman may elect during the course of public comments to obtain clarification of facts from the Village administration or from the applicant if such comments may expedite the hearing. The Chairman shall receive for the official record any letter and/or petitions received by the Board regarding the matter at hand and shall read and/or summarize these materials.
  - F. CLOSING OF PUBLIC HEARING. When all public comments have been received, the Chairman shall close the public hearing.
  - G. CONSIDERATION OF MATTER BY BOARD. Once the public hearing has been closed to public comments, the Chairman may recognize any Board member to discuss and seek additional information from others concerning the matter at hand. Board members shall address the Chairman when speaking and shall request additional information through the Chairman. When discussion and fact finding on the matter at hand by Board members has been completed, the Board may take one of the following four actions on the matter: (1) Approve the request as presented; (2) Approve the request with conditions; (3) Deny the request as presented; or (4) ~~Table/adjourn~~ **postpone** the matter to a future meeting.
- Sec. 7 MOTIONS. Motions for approvals or denials and motions to ~~table or adjourn~~ **postpone** a matter to a future meeting should include reasons for such actions. Motions for ~~tabling~~ **postponing** ~~or adjournment~~ should also include the date, time, and place at which the matter will be further considered. Motions shall be restated by the Chairman before a vote is taken. The name of the maker and those who seconded the motions shall be recorded. Motions should be considerate of the following:
- A. The Board shall determine whether the respective requirements of the Pentwater Community Zoning Ordinance have been met by the applicant and;
  - B. The Board shall determine whether the reasons set forth by the applicant justify the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
- Sec. 8 VOTING. An Affirmative vote of the majority of the Board's regular membership shall be required for the approval of any requested action or motion placed before the Board, except that at least ~~five~~ **four** ~~(5)~~ **(4)** members voting in the affirmative shall be required to approve a variance of any land use permitted under the Pentwater Community Zoning Ordinance. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested

by any Board member or directed by the Chairman. All members of the Board including the Chairman shall vote on all matters, but the chairman shall vote last.

Sec. 9 **NOTICE OF DECISIONS.** A written notice containing the decision of the Zoning Board of Appeals shall be sent by the Village Clerk to petitioners and originators of a request.

Sec. 10 **MEETING MINUTES.** Board minutes shall be prepared by the Office of the Village Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the Village Clerk upon approval by the Board.

#### **ARTICLE VI: ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES AND ALTERNATES**

Sec. 1 To be excused, zoning board of appeals members shall notify the Village Clerk or Zoning Board of Appeals Chairperson or other zoning board of appeals member when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.

Sec. 2 Members of the Zoning Board of Appeals may be removed by the Village Council, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office or upon failure to declare a conflict of interest. For purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Alternates shall be notified to attend a meeting any time a regular member will be absent for one or more meetings.

Sec. 3 A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Village Clerk, Village Council or Zoning Board of Appeals Chairperson.

Sec. 4 Vacancies shall be filled by the Village Council as soon as possible after a resignation or removal of a member of the zoning board of appeals. Successors shall serve out the unexpired term of the member being replaced, with the exception of the planning commission representative, whose term shall run consecutively with the term as planning commissioner. The Zoning Board of Appeals, in its recommendation to the Village Council, should give priority to elevate Alternates to become members to fill such vacancies.

Sec. 5 The Village Council may appoint not more than two alternates to the Zoning Board of Appeals. The alternate member may be called to sit as a regular member as provided in the zoning ordinance and the Michigan Zoning Enabling Act.

#### **ARTICLE VII: CONFLICT OF INTEREST**

Sec. 1 Zoning Board of Appeals members shall declare a conflict of interest and abstain from participating in hearings, deliberations or voting on a request when:

- A. A relative or other family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision;
- B. The Zoning Board of Appeals member has a business, organizational or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency or association;
- C. There is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.

#### **ARTICLE VIII: OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS**

Sec. 1 All meetings of the Board shall be open to the public and shall be held in a place available to the general public. All deliberations and decisions of the Board shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the Board under the rules established by these by-laws. A person shall not be excluded from a meeting of the Board except for breach of the peace committed at a meeting. All records, files, publications, correspondence, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

**ARTICLE IX: EMPLOYEES**

Sec. 1 The Board may appoint employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Village.

**ARTICLE X: CONTRACTS**

Sec. 1 The Board may contract with city planners, engineers, architects and other consultants for such services as it may require, subject to Council approval as to expenditures.

**ARTICLE XI: EXPENDITURES**

Sec. 1 All expenditures of the Board shall be within the amount appropriated for Board purposes by Council. The Council shall provide the funds, equipment and accommodations necessary for the Board's work. The Board, through the Zoning Administrator, shall prepare the recommended budget for the ensuing fiscal year for submission to the Village Manager.

**ARTICLE XII: PARLIAMENTARY AUTHORITY**

Sec. 1 The rules contained in the current edition of ROBERTS RULES OF ORDER NEWLY REVISED shall govern the Zoning Board of Appeals in all cases to which they are applicable and in which they are not inconsistent with these by-laws and any special rules of order the Board may from time to time adopt.

**ARTICLE XIII: CONFLICTING PROVISIONS**

Sec.1 In the event of a conflict of provisions between these Bylaws and the Pentwater Community Zoning Ordinance, the provisions contained in the Zoning Ordinance shall prevail.

**ARTICLE XIV: AMENDMENT OF BY-LAWS**

Sec. 1 These by-laws may be adopted and amended at any regular meeting of the Board by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting. All by-laws amendments shall be subject to final approval by the Village Council.

THESE BY-LAWS WERE DULY ADOPTED BY A TWO-THIRDS VOTE OF THE PENTWATER VILLAGE ZONING BOARD OF APPEALS DURING ITS REGULAR MEETING HELD ON THE 4<sup>th</sup> DAY OF MARCH , 2015 2017.

**Pentwater Zoning Board of Appeals**

\_\_\_\_\_  
Michael S. Castor, Chairperson

This \_\_\_\_ Day of \_\_\_\_\_ 2017

Proposed Revision: June 7, 2017  
Updated Revision: September 6, 2017



**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

**Regular Meeting Minutes – June 7, 2017**

Chairperson Castor called the regular meeting of the Pentwater Zoning Board of Appeals Meeting to order at 7:02 P.M. with the Pledge of Allegiance.

**ROLL CALL: Present:** Andrew Witt, Nancy Ceton (Alternate), Bill Bainton (Alternate) and Mike Castor. **Absent:** Bill O'Donnell, and Jim Young

**Others present:** Zoning Administrator Keith Edwards, Deputy Clerk/Treasurer Barbara Siok and Village President Jeff Hodges.

**APPROVAL OF AGENDA:** *Motion* by Bill Bainton, second by Nancy Ceton to approve agenda as presented. Voice Vote: Ayes: 4, Nays: 0. **Motion carried.**

**APPROVAL OF MINUTES MAY 4, 2016:** *Motion* by Nancy Ceton, second by Bill Bainton to approve May 4, 2016 minutes as presented. Voice Vote: Ayes: 4, Nays: 0. **Motion carried.**

**PUBLIC COMMENTS:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**ELECTION OF OFFICERS:** *Motion* by Bainton to elect Mike Castor as Chair and Bill O'Donnell as Vice-Chair, second by Ceton. Roll call vote: Ayes: 4, Opposed: None. Motion passed. *Motion* by Bainton to close the elections, second by Ceton.

**STATUS OF BATES LAWSUIT:** Keith Edwards said Bates may have appealed to the State Supreme Court due to a Constitutional challenge. Chair Castor stated to that Bates did not meet the criteria and that it was well documented and emphasized reasons were given for the board's voting.

**INTRODUCTION OF SUGGESTED AMENDMENTS TO ZBA BY-LAWS:** Edwards explained proposed amendments to the ZBA By-laws recommending voting at the next meeting.

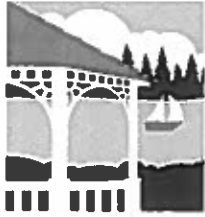
**ZONING BOARD OF APPEALS TOOLKIT:** Chair Castor explained the purpose of the book and emphasized the importance of the ZBA authority and documentation suggesting members to write any questions in the margins to be discussed at the next meeting.

Chair Castor asked for comments. Village President Hodges thanked members for their service.

The next ZBA meeting is scheduled for September 6, 2017 at 7:00 PM

**ADJOURNMENT:** *Motion* to adjourn by Andrew Witt second by Nancy Ceton. All Ayes. Castor adjourned the meeting at 7:26 PM

Respectfully submitted by  
Barbara Siok, Deputy Clerk/Treasurer



**VILLAGE OF PENTWATER**  
**Zoning Board of Appeals**  
ON PENTWATER LAKE AND LAKE MICHIGAN  
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**Regular Meeting Minutes – September 6, 2017**

Chairperson Castor called the regular meeting of the Pentwater Zoning Board of Appeals Meeting to order at 7:02 p.m. with the pledge of allegiance.

**ROLL CALL: Present:** Andrew Witt, Nancy Ceton (Alternate), Bill Bainton (Alternate arrived at 7:10 pm.), Jim Young and Mike Castor. **Absent:** Bill O'Donnell.

**Others present:** Zoning Administrator Keith Edwards

**APPROVAL OF AGENDA:** *Motion* by Nancy Ceton, second by Jim Young to approve the agenda as presented. Voice Vote: Ayes: 5, Nays: 0. **Motion carried.**

**APPROVAL OF MINUTES of June 7, 2017:** *Motion* by Nancy Ceton, second by Andrew Will to approve the June 7, 2017 minutes as presented. Voice Vote: Ayes: 5, Nays: 0. **Motion carried.**

**PUBLIC COMMENTS:** None

**UNFINISHED BUSINESS:**

**DISCUSSION OF THE SUGGESTED AMENDMENTS TO ZBA BY-LAWS AS PROPOSED AT THE PREVIOUS MEETING, JUNE 7, 2017:** After reviewing the introduction from the last meeting and discussing each suggested change, the ZBA made the following motions:

- *Motion* by Andrew Young, second by Nancy Ceton to recommend the Planning Commission consider amending the Zoning Ordinance, Chapter 18, Section 18.02.A to reflect the change in membership from seven (7) to five (5). Voice Vote: Ayes: 5, Nays: 0. Motion carried.
- *Motion* by Andrew Witt, second by Bill Bainton to change the term “table” to “postpone” in Section 6 and Section 7 of Article VI: Meetings as applicable to the context of those sections. Voice Vote: Ayes: 5, Nays: 0. Motion Carried.
- *Motion* by Andrew Young, second by Nancy Ceton to change the ZBA By-Laws. Article III, Section 1- Membership Composition from seven (7) to five (5) members, and Article VI, Sections 4, 6 and 8 to reflect the appropriate values for quorum and required number of positive votes required to approve dimensional and use variances conditioned upon the Planning Commission and Village Council agreeing to amend the Zoning Ordinance, Chapter 18, Section 18.02 to reflect the change in membership from seven (7) to five (5). Voice Vote: Ayes: 5, Nays: 0. Motion carried.

**NEW BUSINESS:**

**ZONING BOARD OF APPEALS TOOLKIT:** Chair Castor presented an overview of the training manual prepared by the Michigan Association of Planning and discussed dimensional variances, use variances, members conflict of interest, the importance of documentation should there be a review of the record of the ZBA in any case they make a decision on. Chair Castor then asked for questions from the Board which were answered by Chair Castor and Zoning Administrator Keith Edwards.

**ADJOURNMENT:** *Motion* to adjourn by Jim Young second by Bill Bainton. All Ayes. Castor adjourned the meeting at 8:05 pm.

Respectfully submitted by

Keith Edwards  
Zoning Administrator  
Village of Pentwater

## MEMORANDUM

To: Pentwater Township Planning Commission

From: Keith Edwards, Zoning Administrator

Date: September 19, 2017

Subject: **Proposed Expansion of Existing Nonconforming Building  
135 Channel Lane, Village of Pentwater – 64-044-432-004-00**

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### Introduction

Insignia Homes, on behalf of the owners of 135 Channel Lane, is proposing to construct two small additions onto the first floor and second floor ½ story addition on the east side of the cottage. However, the home is existing non-conforming with respect to the required building setback along Channel Lane. The proposed building additions will not exacerbate the existing nonconforming conditions of the existing house and the new construction conforms to the current Zoning Ordinance requirements.

### Background

The existing 1,344 sq. ft. home, which was built in 1940, is located on the south side of Channel Lane, west of Mears Street. The property has a total area of 12,196 sq. ft. The proposed addition consists of a 96 sq. bedroom on the southwest corner of the first floor, a 180 sq. ft. to the east side first floor and a 345 sq. ft. ½ story addition with dormers on the east side of the home. The architecture has been designed to complement the historic nature of the existing home. The property is located within the R2, Single Family Residential Zoning District, and the WD, Waterfront Zoning District. Even though the property does not have access to Pentwater Lake, the Channel or Lake Michigan, it is considered to be within the WD, Waterfront Zoning District because such an interpretation is consistent with the other homes that have been reviewed on the same side of the street in recent years.

### Details of the Nonconformity and Zoning Requirements

The north side of the existing home is within 15 ft. of the north property line, causing the nonconformity, where 17 feet is required. Thus the house is non-conforming with respect to the required setback on the north property line on Channel Lane. The proposed additions are on the southwest corner and east side and new second level of the home. **Thus, the proposed additions will not exacerbate the existing non-conforming front setback on the north side of the existing home.** The height of the building will be 22 ft., which is less than the allowable 30 ft. as required.



The lot area is 12,196 sq. ft. and all impervious area existing and proposed totals 2,420 sq. ft. or 20% of the lot area, including the proposed parking 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 and WD, Waterfront Zoning District requirements of 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 setback on the north side of the existing home 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.  
**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 existing home contains 1,344 sq. ft. and the proposed additions total 621 sq. ft. or an enlargement of 46% of the GFA of the original building, where up to 50% is allowed.**
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 135 Channel Lane subject to confirming staff's review that Sections 3.24.B.1 et seq. and 3.24.B.8 have been met.

## Memorandum

To: Village of Pentwater Planning Commission

From: Keith Edwards, Zoning Administrator

Date: October 13, 2017

Subject: **Downtown Pentwater Plan Outline for Discussion  
Formulation of Work Plan and Organization of Work Groups**

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After further review of my August, 2017 memorandum regarding an outline for the Downtown Pentwater Plan – a Sub-Area Amendment the Master Plan, I am suggesting the following revisions for your consideration:

### **Downtown Pentwater Sub-Area Plan Outline**

#### **A. Introduction**

- a. Purpose
- b. Determine Geographic Area (including waterfront)
- c. Summarize Existing Conditions
- d. Conclusion

#### **B. Asset Inventory and Review of Existing Conditions**

- a. Inventory and Review
  - i. Assets
  - ii. Review Existing Land Use and Proposed Land Use Map
  - iii. Review Existing Zoning Map
  - iv. Review Existing Zoning District Regulations
- b. SWOT(B) Analysis
  - i. Strengths
  - ii. Weaknesses
  - iii. Opportunities
  - iv. Threats (Barriers)

#### **C. Develop Goals**

- a. Waterfront Community
- b. Garden Community
- c. Arts Community
- d. Historic Heritage
- e. Downtown Economy

**D. Strategies for Overcoming Barriers: Implementing Change, Completing Projects and Reaching Goals**

- a. **Develop Project List and Assign Responsibility to Subcommittees**
  - i. Amend Master Plan Text and Future Land Use Map
  - ii. Amend Zoning Regulations and Map
  - iii. Build Strategies and Plans for Branding, Marketing and Advertising
  - iv. Develop Downtown Design Guidelines, i.e. facades, signs, redevelopment, etc.
  - v. Develop Site Specific work plans including costs timelines for specific projects such as:
    1. Pentwater Design Project – Trees, Landscaping, Furniture and Seasonal Decorations including:
      - a. Fish Station
      - b. Bell Park
      - c. Shopper’s Dock
      - d. Water Tower Park
      - e. Other site projects like:
        - i. Village Green Amenities
        - ii. Waterfront and Marina Amenities
        - iii. Etc.
    2. Complete Streets Infrastructure Improvements like:
      - a. Non-motorized Travel including sidewalks and respite areas.
      - b. Lighting
      - c. Storm Water Management and Infrastructure
      - d. Sanitary Sewer Capacity and Transmission
      - e. Municipal Water Supply Volume and Pressure, etc.
- b. Evaluate and Revise above as necessary

So, to get us started, I am suggesting the Planning Commission review and discuss the outline above and consider assignments for Planning Commissioners, Staff and other interested persons to take part in forming the components of the Downtown Pentwater Sub-Area Plan.

At the October Planning Commission meeting, I will be spelling out the necessary procedures in accordance with the Michigan Planning Enabling Act. Should the Planning Commission wish to pursue the assignment of tasks and formation of sub-committees, those steps would be a convenient path forward toward organization of this planning effort as we plan for the kick-off in November.