

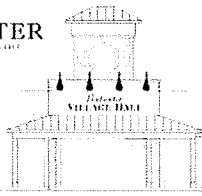
VILLAGE OF PENTWATER

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

**Planning Commission Regular Meeting
October 22, 2024 - 6:00 P.M.
Park Place Event Center – 310 N. Rush Street**

Agenda

1. **Opening** – Welcome, Call to Order, and Pledge of Allegiance
2. **Roll Call**
3. **Approval of Agenda and Minutes**
 - A. Approval of Agenda
 - B. Approval of Minutes of September 24, 2024
4. **Public Comments:** For items on the agenda.
5. **Public Hearing:** None.
6. **Old Business:** None.
7. **New Business:**
 - A. 212 W. Lowell St. – Nonconforming Review
8. **Department/Committee Reports**
 - A. Zoning Administrator – See Attached Report.
 - B. Zoning Board of Appeals – 212 W. Lowell St. Variance Request – See Attached Minutes
9. **Public Comments**
10. **Communications from Planning Commission Members**
11. **Adjournment**



Pentwater Planning Commission Regular Meeting Minutes – September 24, 2024

Chairperson Chris Conroy called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:00 pm, at Park Place, 310 N. Rush Street, Pentwater, with the Pledge of Allegiance.

ROLL CALL

Present: Kyle Jansen, Ron Stoneman, Phil Frame, Tim Kelley, Amy Roberson, and Chris Conroy.

Absent: Mary Marshall.

Staff Present: Katie Anderson, Zoning Administrator.

APPROVAL OF AGENDA

Motion by Frame, second by Roberson to approve the agenda as presented.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed.

APPROVAL OF REGULAR MEETING MINUTES

Motion by Frame, second by Jansen to approve the August 27, 2024, regular meeting minutes as presented.

Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed.

PUBLIC COMMENTS FOR ITEMS ON THE AGENDA

None.

PUBLIC HEARING

118 E. Lake Rd. Rezoning Request.

The regular meeting was put to rest and the public hearing was opened at 6:05pm. Hearing no comments from the public, the public hearing was closed and the regular meeting was reopened at 6:07pm.

OLD BUSINESS

None.

NEW BUSINESS

A. 118 E. Lake Rd. Rezoning Request

Motion by Stoneman, second by Roberson to recommend the rezoning of 118 E. Lake Rd. Parcel ID 64-044-600-133-00 from C-3, Central Business District to R-2, Single Family Residential.

Roll Call Vote: Aye: Stoneman, Roberson, Jansen, Frame, Kelley, and Conroy.

Nay: 0 Absent: 1 Motion passed.

SECTION 20.04 CRITERIA FOR AMENDMENT OF THE ZONING MAP (REZONING)

In considering any petition for an amendment to the official Zoning Map (rezoning), the Planning Commission and the Village Council shall consider the following criteria in making its findings, recommendations, and decision:

- A. Consistency with the goals, policies, and future land use guidelines of the Village of Pentwater Master Plan, including all applicable subarea and corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
 - All agree, that the change in zoning is consistent with recent development trends in the area and follow what the upcoming Master Plan's Future Land Use Map has proposed in that area.
- B. Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district;
 - All agree, the site's compatible with the potential uses allowed in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning;
 - All agree, there is evidence that the applicant cannot receive a reasonable return on investment as Single-family homes are not permitted under the C-3 zoning district.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values;
 - All agree, the potential uses allowed in the proposed zoning district is compatible with the surrounding uses and zoning.

- E. The capacity of Village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety, and welfare” of the Village residents;
 - All agree, the Village infrastructure and services are sufficient to accommodate the uses permitted in the requested district and would not compromise the “health, safety, and welfare” of the Village residents.
- F. The apparent demand for the types of uses permitted in the requested zoning district in the Village in relation to the amount of land in the Village currently zoned to accommodate the demand; and
 - All agree, there is demand for more single-family housing in the Village, rezoning to R-2, Single Family Residential would help accomplish this demand and the future designations within the Village’s Future Land Use Map and Master Plan reflect the R-2 zoning.
- G. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.
 - All agree, at this time it would be a more reasonable action to change the zoning district of the parcel rather than amend the list of permitted or special land uses within the C-3 zoning district.

COMMITTEE/DEPARTMENT REPORTS

- A. Zoning Administrator** – Ms. Anderson’s written report was accepted by the Planning Commission.
- B. Zoning Board of Appeals** – No Meeting, No Report.

PUBLIC COMMENTS

None.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS

Chris Conroy – The Façade Design Guidelines drawn up by the DDA, along with the Façade Design ordinance that was designated in 2010, even though repealed, should still be utilized as a “free resource” guide for future development. I have a letter from Mary Stiphany, former DDA Board Member, about the Façade Design Guidelines that I would like submitted for the public record.

ADJOURNMENT

Motion by Frame, second by Roberson to adjourn the meeting at 6:25pm.
Voice Vote: Aye: 6 Nay: 0 Absent: 1 Motion passed.

Respectfully Submitted,

Katie Anderson, Zoning Administrator

Approved by the Village of Pentwater Planning Commission on _____

MEMORANDUM

To: Pentwater Village Planning Commission

From: Katie Anderson, Zoning Administrator

Date: October 16, 2024

Subject: **Staff Report - 212 W. Lowell Street – Nonconforming Parcel ID No. 64-044-425-003-50**

Introduction

John and Amy Perles, owners of 212 W. Lowell St. seek to construct a new 1,350 sq. ft. home with a 688 sq. ft. attached garage and 488 sq. ft. covered porch, please see attached.

Background

The Perles property is located on the northwest corner of Lowell St. and Plymouth St. The existing property is approximately 8,250 sq. ft. with 62.5 ft. of road frontage. The current home on the property is approximately 694 sq. ft. and will be moved from the property before construction. The Perles residence is situated on the East half of Lots 3 and 4, of Block 25 of the Plat of Middlesex.

Details of the Nonconformity and Zoning Ordinance Standards Review

The Perles property currently has 62.5 ft. of road frontage, Section 6.04.E. states the minimum lot width requirement 66 feet, therefore the property is nonconforming due to the narrowness of the lot.

The Perles sought a variance request of 10 feet to the secondary front yard setback located on the east side of their property parallel to Plymouth St. The variance was granted by the ZBA on October 15, 2024.

The Planning Commission should direct its focus to Section 3.24.B.1 et seq. and 3.24.B.8 of the Zoning Ordinance to consider the following conditions for approval:

Section 3.24.B Nonconforming Buildings or Structures

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

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

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

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

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

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

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

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

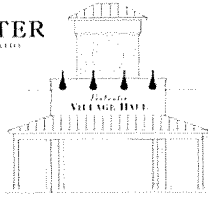
This condition has been met in accordance with the applicant's proposal.

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

This requirement has been met by way of a variance granted by the ZBA on October 15, 2024.

Recommendation

At this time, Staff recommends the Planning Commission consider approval for 212 W. Lowell St. due to its nonconforming lot width.



Zoning Permit Application

Date Application Prepared: 10/01/2024 Application Fee \$ 40.00

Date Application Received: _____ Receipt No. _____

Property Location Information

Parcel ID: 64 - 044 - 425 - 003 - 50 Property Address 212 West Lowell Street

Property Location Corner of West Lowell and Plymouth

Section No. 14 Subdivision Name Plat of Middlesex, Block 25

Applicant Information

Applicant (circle one): Contractor Property Owner Other _____

John & Amy Perles

(Applicant)

224 Third Street. PO Box 297

(Address)

Pentwater, Michigan 49449

(City, State, Zip Code)

616. 821-5164 (Cell)

(Telephone, Home, Cell and/or Business)

jperles@sbcglobal.net

(Email Address)

Property owner's name and address (if not the applicant)

Above

_____ Phone (____) ____ - _____

Land Use and Zoning Information

Proposed Land Use (i.e., Single, Duplex or Multiple Family Residential, Commercial or Industrial Use)

Single Residential

Zoning Map Classification of Property: R2

Lot Area: 8,184 sq. ft. or acres. Lot width: 62 ft. Waterfront? Yes ___ No x

Size(s) and Type(s) of building, addition, accessory building, deck, fence or other structure,

House with porch and garage. 1 1/2 story house of 2,241 sq ft. Pouch of 496 sq ft.

Garage of 718 sq. ft.

Minimum setbacks (Minimum 8 1/2 x 11-inch Plot Plan or Sketch Required):

(Setbacks for accessory buildings are measured from lot lines to the drip edge or eave of the building)

Waterfront Setback Required = N/A ft. Proposed = ___ ft.

Front Setback: Required = 17 ft. Proposed = 36 ft.

Corner Lot? Yes x No ___ Side Street Front Setback: Req. = 17 ft. Prop. = 7 ft.

Side Setback: Required = (N or E) ___ ft. Proposed = ___ ft.

Side Setback: Required = (S or W) 6 ft. Proposed = 6 ft.

Rear Setback: Required = 6 ft. Proposed = 6 ft.

Other Zoning Requirements:

Percent (%) Lot Coverage (Impervious Surface): Existing = 12 % Proposed = 32 %

Principal Building Area Required = 750 sq. ft. Proposed = 1,367sq. ft.

Principal Building Height: Allowed = 35 ft. from grade to peak. Proposed = 30 ft. from grade to peak.

Acc. Building Area: Allowed = 720 sq. ft. Proposed = 718 sq. ft.

Acc. Building Height: Allowed = 35 ft. from grade to peak. Proposed = 19 ft. from grade to peak.

Zoning Variance Required? Yes x No ___

I Attest that the above information is true, to the best of my knowledge:

Adrian Ferrer
Applicant's Signature

October 1, 2024

Date

Revised December 2022

Plymouth Street

Driveway

Garage

Porch

House



Images are artist renderings and may contain optional and/or on-site items. Consult your Builder/Dealer for details.



Confirm #
50513223
Date
10/4/2023
Scale

Drawings Provided By:
Ritz-Craft Corporation
ritz-craft.com
Designer: Taylor Porter

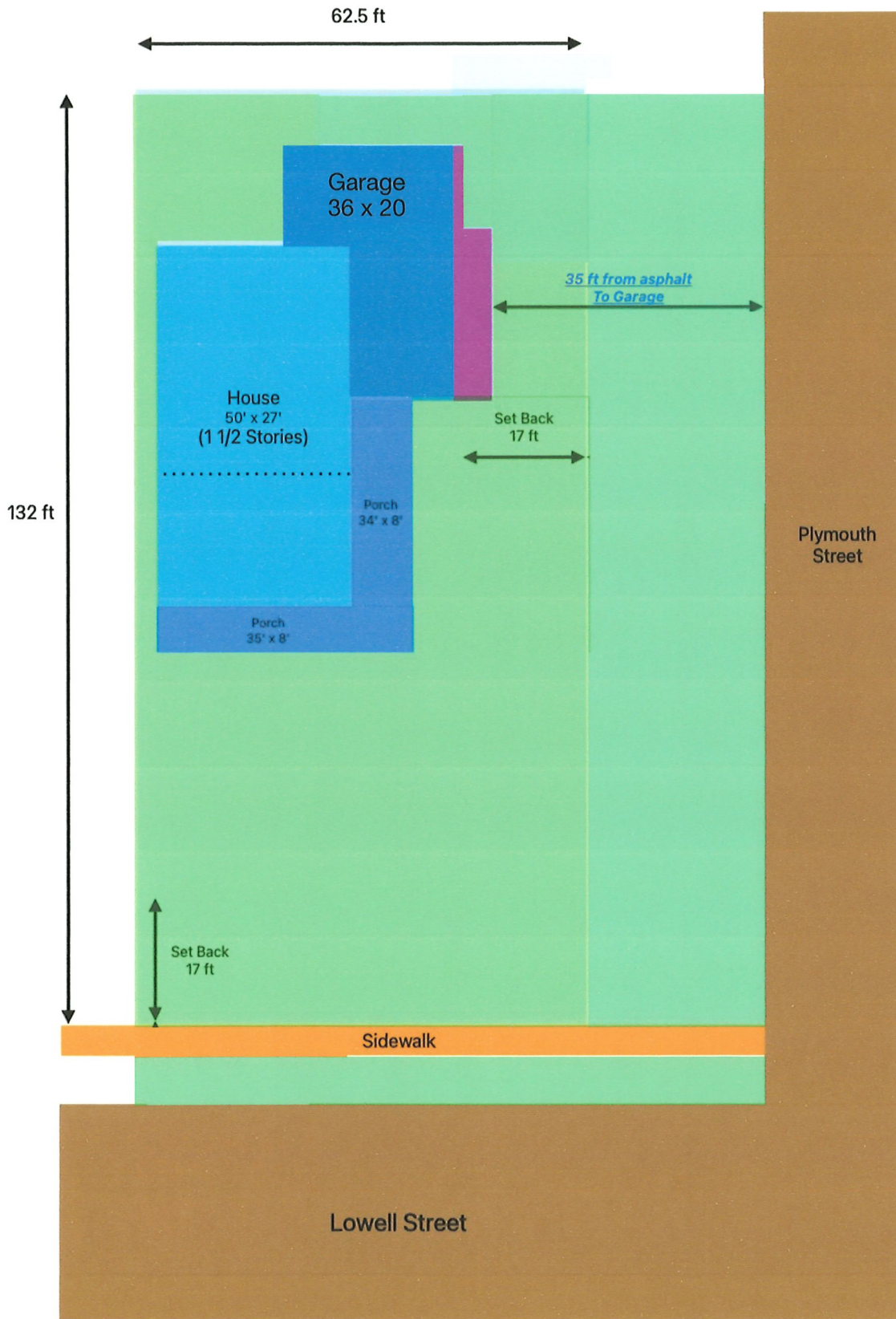
Project Description:
American Living Homes OH
Customer: Perles
Salesman: Dave Scartelli



Description	By
Preliminary	DKS

SHEET #
9

212 West Lowell Street



Village Of Pentwater

65 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
(231) 869-8301 FAX (231) 869-5120
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ZONING ADMINISTRATOR'S REPORT October 1, 2024

The following is a summary of activity conducted by the Zoning Administrator in September 2024:

Code Enforcement – Critical Dunes Area investigation; EGLE is still working on their investigation. Stop Work Orders have been issued for the property. Sands St. investigation. Beach St. fence violation, remediation in progress.

Planning Commission – The Planning Commission met on September 24th to:

1. Hold a public hearing regarding the rezoning of 118 E. Lake Rd. from C-3, Central Business District to R-2, Single-Family Residential.
2. The Planning Commission recommends to the Village Council to approve the rezoning of 118 E. Lake Rd.

Zoning Board of Appeals – Did not meet.

Zoning Permits – The following Zoning Permits were issued in September of 2024:

1. ZP 24-34 was issued to Great Lakes Pet Fencing: 171 N. Rutledge St. to install a 5' x 16' custom lattice privacy fence.
2. ZP 34-35 was issued to Great Lakes Pet Fencing: 366 N. Wythe St. to install a 6' x 80' scalloped privacy fence and a 4' x 82' wood framed hog panel fence.

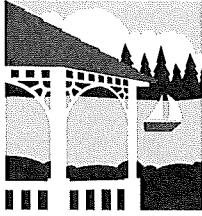
Other – Zoning Violation Complaints

None at this time.

Sincerely,

Katie Anderson

Zoning Administrator



**VILLAGE OF PENTWATER
Zoning Board of Appeals**

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

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

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

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

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

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES of June 18, 2024:

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

PUBLIC COMMENTS (Items on the Agenda): None

UNFINISHED BUSINESS: None

The Public Hearing was opened at 6:01pm.

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

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

PUBLIC COMMENTS (Public Hearing):

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

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

The Public Hearing was closed at 6:02pm.

NEW BUSINESS:

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

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

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

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

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

--or--

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

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

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

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

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

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

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

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

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

- E. **Fifth Standard** – Not Self-Created. If the Zoning Board of Appeals determines that the applicant or the applicant’s representatives were involved in any action or inaction with respect to the property, prior to the variance request, where such action or inaction created the circumstances which prompts the variance request, no variance shall be granted.

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

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

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

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

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

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

Absent: 0 Motion carried.

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

Respectfully submitted by:

Katie Anderson

Katie Anderson, Zoning Administrator
Village of Pentwater

October 16, 2024

Approved by the Zoning Board of Appeals on _____.

DRAFT