

# VILLAGE OF PENTWATER

65 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 Special Meeting  
November 1, 2022 - 6:00 P.M. – In Person  
Park Place Event Center – 310 N. Rush Street, Pentwater, MI**

## **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 27, 2022.
4. **Public Comments - For items on the agenda.**
5. **Public Hearing: None**
6. **Old Business: None**
7. **New Business:**
  - A. Consideration for Expansion on Nonconforming House – 18 N. Beach Street
8. **Department/Committee Reports**
  - A. Zoning Administrator – See attached report.
  - B. Zoning Board of Appeals – See attached report.
  - C. Master Plan Update.
9. **Public Comments**
10. **Communications from Planning Commission Members**
11. **Adjournment**

**Next Scheduled Planning Commission Meeting – November 22, 2022 at Park Place.**



## VILLAGE OF PENTWATER

### Planning Commission

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

### Regular Meeting Minutes – September 27, 2022

Chairperson Bruce Koorndyk called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:01 pm, in-person at Park Place, 310 N. Rush Street, Pentwater, with the Pledge of Allegiance.

#### ROLL CALL

**Present:** Bruce Koorndyk, Michelle Angell-Powell, Mary Temple, , Amy Roberson, and Paul Anderson.

**Absent:** Chris Conroy and Ron Stoneman.

**Staff Present:** Keith Edwards, Zoning Administrator and Kate Anderson, Village Deputy Clerk/Treasurer.

#### APPROVAL OF AGENDA

**Motion** by Michelle Angell-Powell, second by Paul Anderson to approve the agenda as amended to include item D under New Business, a closed session to receive correspondence from the Village Attorney.

Voice Vote: Aye: 5      Nay: 0      Absent: 2      Motion passed.

#### APPROVAL OF REGULAR MEETING MINUTES

**Motion** by Temple, second by Angell- Powell to approve the August 23, 2022, regular meeting minutes as presented.

Voice Vote: Aye: 5      Nay: 0      Absent: 2      Motion passed.

**PUBLIC COMMENTS FOR ITEMS ON THE AGENDA - None.**

**PUBLIC HEARING - None**

**OLD BUSINESS - None**

#### NEW BUSINESS

- A. 540 Hancock – Parcel ID No. 64-044-580-101-90 Review of Proposed Porch Addition to Nonconforming Building.

**Motion** by Michelle Angell-Powell, second by Amy Roberson to approve the covered porch and handicap ramp addition to the west side of the nonconforming home at 540 N. Hancock Street.

Roll Call Vote: Yes: Angell-Powell, Roberson, Anderson, Temple and Koorndyk  
No: 0  
Absent: 2  
Motion passed.

**B. 721 E. Concord – Site Plan Review for Proposed Two-Family Building – Parcel ID No. 64-044-736-007-00.**

**Motion** by Michelle Angell-Powell, second by Amy Roberson to approve the final site plan for the proposed two-family (duplex) building at 721 E. Concord, subject to review and approval of the storm water management plan for the site.

Roll Call Vote: Yes: Angell-Powell, Roberson, Anderson, Temple and Koorndyk  
No: 0  
Absent: 2  
Motion passed.

**C. Correspondence from Attorney for the Cottages at Lites Woods.**

Planning Commissioners received correspondence dated August 1, 2022 from Thomas Amon of the law firm of Warner-Norcross+Judd, LLP regarding a proposal for rezoning or amending the PUD of the property associated with the Lites Woods Planned Unit Development (PUD). Planning Commission reviewed the letter and Staff's memorandum dated September 20, 2022.

**D. Closed Session to receive correspondence from the Village Attorney.**

**Motion** by Michelle Angell-Powell, second by Mary Temple to temporarily adjourn the regular meeting to go into closed session to review legal advice from the Village Attorney, Brian Monton of the firm Prince and Monton to review a privileged communication not subject to the open meetings act.

Voice Vote: Ayes: 5, Nays: 0 Absent: 2 Motion passed.

**Motion** by Michelle Angell-Powell, second by Paul Anderson to return to the regular meeting.

Voice Vote: Ayes: 5, Nays: 0 Absent: 2 Motion passed.

**COMMITTEE/DEPARTMENT REPORTS**

- A. **Zoning Administrator** – Mr. Edwards’ written report was accepted by the Planning Commission.
  
- B. **Zoning Board of Appeals** – The Zoning Board of Appeals did not meet in August, 2022.

**PUBLIC COMMENTS** – None.

**COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS** – Planning Commissioners welcomed Kate Anderson, the new Village Zoning Administrator appointed by the Village Council on September 12, to begin that appointment on October 1, 2022.

**ADJOURNMENT**

**Motion** by Michelle Angell-Powell, second by Amy Roberson to adjourn the meeting at 6:53 pm.

Voice Vote: Aye: 5      Nay: 0      Absent: 2      Motion passed.

Respectfully Submitted,  
Keith Edwards, Zoning Administrator

September 30, 2022

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

## MEMORANDUM

To: Village of Pentwater Planning Commission

From: Katie Anderson, Zoning Administrator

Date: October 11, 2022

Subject: **Proposed Construction of Home Addition - Nonconforming Building  
18 N. Beach Street, Village of Pentwater – 64-044-403-003-00**

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### Introduction

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

### Background

The existing home is situated on the west side of N. Beach Street, and is located in the R-2, Single Family Residential Zoning District.

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

At this time, the applicant seeks to demo the existing roof and add a new loft area on top of the existing 2<sup>nd</sup> floor. (See attached plans) The additional loft will exceed the 50% of the GFA of the original building or structure. 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) in accordance with Section 3.24.B.1.d of the Zoning Ordinance.

The requirement of no more than 50% lot coverage will be met at 45% on this large property. Additionally, the remaining requirements of the Zoning Ordinance such as the required front, rear and south side setbacks, building height and impervious surface area are met with the proposed addition.

### Details of the Nonconformity

The required front setback is 6 ft., **existing is 4 ft., proposed remains at 4 ft.**

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

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

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

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

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

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

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

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

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

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

**This requirement has not been met since the proposed addition will exceed 50% of the existing GFA, however, the Planning Commission may permit a greater percentage where all yard setbacks are for the district in which the building is located are met without need of a variance to such setback(s) according to Section 3.24.B.1.d of the Zoning Ordinance.**

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

**This requirement is met since the proposed addition does not further encroach upon the north side setback.**

**Recommendation**

At this time, Staff recommends the Planning Commission consider approval of the requested house addition to 18 N. First Street in accordance with Section 3.24.B, paragraph 1.a. through 1.d, and paragraph 8, subject to the following condition:

1. The Planning Commission permits a greater percentage than the 50% of the GFA, as stated in Section 3.24.B.1.d of the Zoning Ordinance, as all yard setbacks for the district in which the building is located are met without need of a variance to such setback(s).

### Village of Pentwater

65 S. Hancock St. P.O. Box 622 Pentwater, MI 49449  
Phone: 231-869-8301 Fax: 231-869-5120

Website: [pentwatervillage.org](http://pentwatervillage.org)

Email: [zoning@pentwatervillage.org](mailto:zoning@pentwatervillage.org)

### APPLICATION FOR ZONING PERMIT

Date Application Prepared: 9/15/22 Application Fee \$ 40.00

Date Application Received: \_\_\_\_\_ Receipt No. \_\_\_\_\_

#### Property Location Information

Parcel ID: 64 - 044 - 403 - 003 - 00 Property Address 18 N Beach St

Property Location \_\_\_\_\_

Section No. \_\_\_\_\_ Subdivision Name \_\_\_\_\_

#### Applicant Information

Applicant (circle one):

Contractor Property Owner Other \_\_\_\_\_

Insignia Homes  
(Applicant)

5168 Beltway Dr  
(Address)

Caledonia, Mi 49316  
(City, State, Zip Code)

616 940 1703  
(Telephone, Home, Cell and/or Business)

lupdegraff@insigniahomesmi.com  
(Email Address)

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

Glenn & Connie Fontaine

18 N Beach

Pentwater Mi

Phone (\_\_\_\_) \_\_\_\_\_

**Land Use and Zoning Information**

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

Single Family

Zoning Map Classification of Property: \_\_\_\_\_

Lot Area: \_\_\_\_\_ sq. ft. or acres. Lot width: \_\_\_\_\_ ft. Waterfront? Yes \_\_\_ No \_\_\_

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

Demo Existing roof, adding new loft area on top of existing 2nd Floor. Minor interior renovation to existing floor.

**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 = \_\_\_\_\_ ft. Proposed = \_\_\_\_\_ ft.

Front Setback: Required = \_\_\_\_\_ ft. Proposed = \_\_\_\_\_ ft.

Corner Lot? Yes \_\_\_ No \_\_\_ Side Street Front Setback: Req. = \_\_\_\_\_ ft. Prop. = \_\_\_\_\_ ft.

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

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

Rear Setback: Required = \_\_\_\_\_ ft. Proposed = \_\_\_\_\_ ft.

**Other Zoning Requirements:**

Percent (%) Lot Coverage (Impervious Surface): Existing = \_\_\_\_\_ % Proposed = \_\_\_\_\_ %

Principal Building Area Required = \_\_\_\_\_ sq. ft. Proposed = \_\_\_\_\_ sq. ft.

Principal Building Height: Allowed = \_\_\_\_\_ ft. from grade to peak. Proposed = \_\_\_\_\_ ft. from grade to peak.

Acc. Building Area: Allowed = \_\_\_\_\_ sq. ft. Proposed = \_\_\_\_\_ sq. ft.

Acc. Building Height: Allowed = \_\_\_\_\_ ft. from grade to peak. Proposed = \_\_\_\_\_ ft. from grade to peak.

Zoning Variance Required? Yes \_\_\_ No \_\_\_

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

Applicant's Signature \_\_\_\_\_

Date: 9/15/22

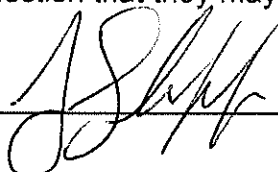
**Miscellaneous**

Check all attached information:

- Plot Plan or Sketch of property and setbacks. Survey (if available).
- Building Elevation Drawings.
- Critical Dune Area, High-Risk Erosion Area or Wetlands? Yes \_\_\_ No X
- MDEQ, MDNR or USACE Permit Required? Yes \_\_\_ No X
- Septic System – Requires DHD #10 Approval
- Sanitary Sewer? – Requires Pentwater Village Manager Approval
- Well – Requires DHD #10 Approval
- Municipal Water? – Requires Pentwater Village Manager Approval
- Soil Erosion Permit May be Required from Oceana County Drain Commissioner's Office
- Date of Zoning Board of Appeals (ZBA) Meeting/Hearing \_\_\_\_\_
- ZBA Decision \_\_\_\_\_

**Authorization for On-Site Inspection**

By signing below, the Applicant and/or Property Owner authorize Village of Pentwater Staff, Elected or Appointed Officials permission to enter the property for the purposes of investigating any question that they may have relative to this Zoning Permit Application.

Applicant Signature  Date: 9/15/22

Property Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Zoning Permit Approval**

Zoning Permit No. \_\_\_\_\_ Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Zoning Administrator

P

# CERTIFICATE OF SURVEY

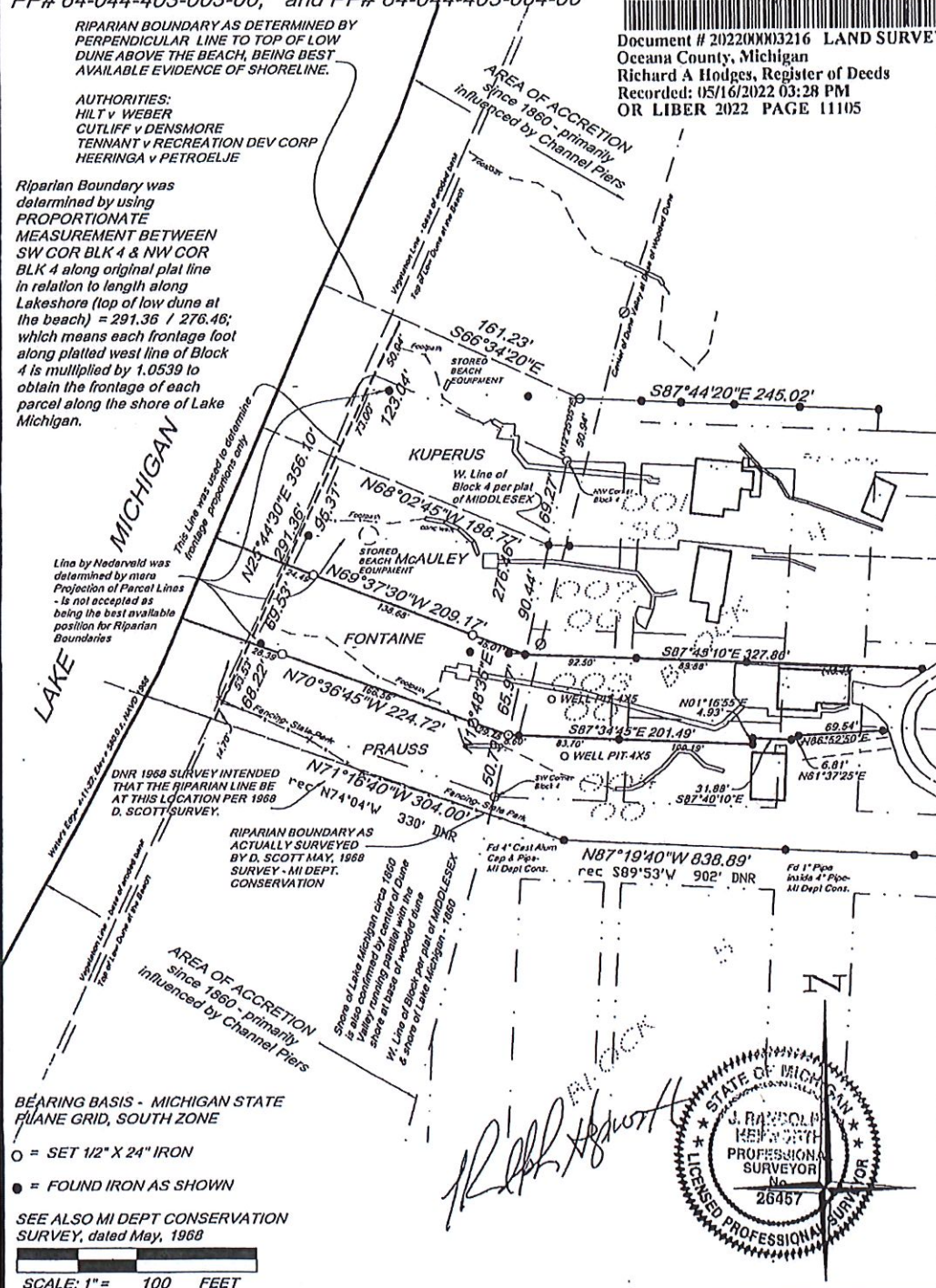
**SURVEY TO DETERMINE the Riparian Boundary Lines of certain parcels in Block 4 of PLAT OF MIDDLESEX, according to the recorded plat thereof, Village of Pentwater, Oceana County, Michigan**  
 Identified by Tax ID Numbers: PP# 64-044-403-001-50; PP# 64-044-403-002-00; PP# 64-044-403-003-00; and PP# 64-044-403-004-00

Document # 202200003216 LAND SURVEY  
 Oceana County, Michigan  
 Richard A. Hodges, Register of Deeds  
 Recorded: 05/16/2022 03:28 PM  
 OR LIBER 2022 PAGE 11105

RIPIARIAN BOUNDARY AS DETERMINED BY PERPENDICULAR LINE TO TOP OF LOW DUNE ABOVE THE BEACH, BEING BEST AVAILABLE EVIDENCE OF SHORELINE.

AUTHORITIES:  
 HILT v WEBER  
 CUTLIFF v DENSMORE  
 TENNANT v RECREATION DEV CORP  
 HEERINGA v PETROELJE

Riparian Boundary was determined by using PROPORTIONATE MEASUREMENT BETWEEN SW COR BLK 4 & NW COR BLK 4 along original plat line in relation to length along Lakeshore (top of low dune at the beach) = 291.36 / 276.46; which means each frontage foot along platted west line of Block 4 is multiplied by 1.0539 to obtain the frontage of each parcel along the shore of Lake Michigan.



Line by Nederveld was determined by mere Projection of Parcel Lines - is not accepted as being the best available position for Riparian Boundaries

This Line was used to determine frontage proportions only

DNR 1968 SURVEY INTENDED THAT THE RIPIARIAN LINE BE AT THIS LOCATION PER 1968 D. SCOTT SURVEY.

RIPIARIAN BOUNDARY AS ACTUALLY SURVEYED BY D. SCOTT MAY, 1968 SURVEY - MI DEPT. CONSERVATION

Shore of Lake Michigan circa 1960 is also confirmed by certain of the shore at base of wooded dune W. Line of Block 4 per plat of MIDDLESEX

BEARING BASIS - MICHIGAN STATE PLANE GRID, SOUTH ZONE

- = SET 1/2" X 24" IRON
- = FOUND IRON AS SHOWN

SEE ALSO MI DEPT CONSERVATION SURVEY, dated May, 1968



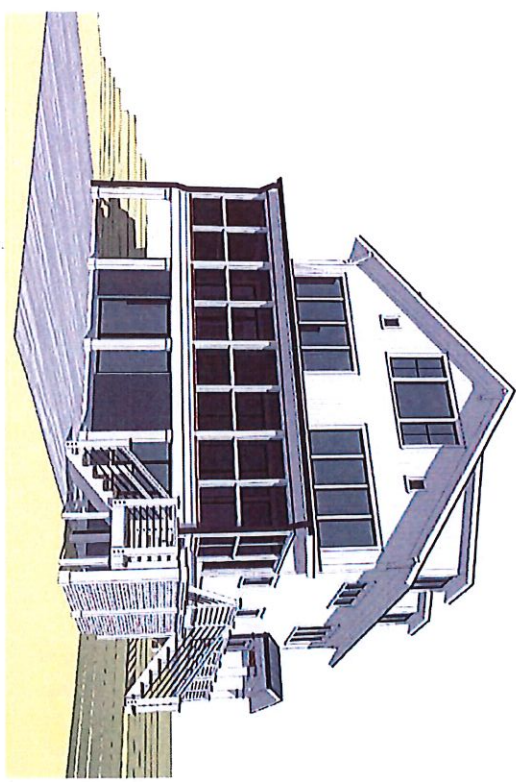
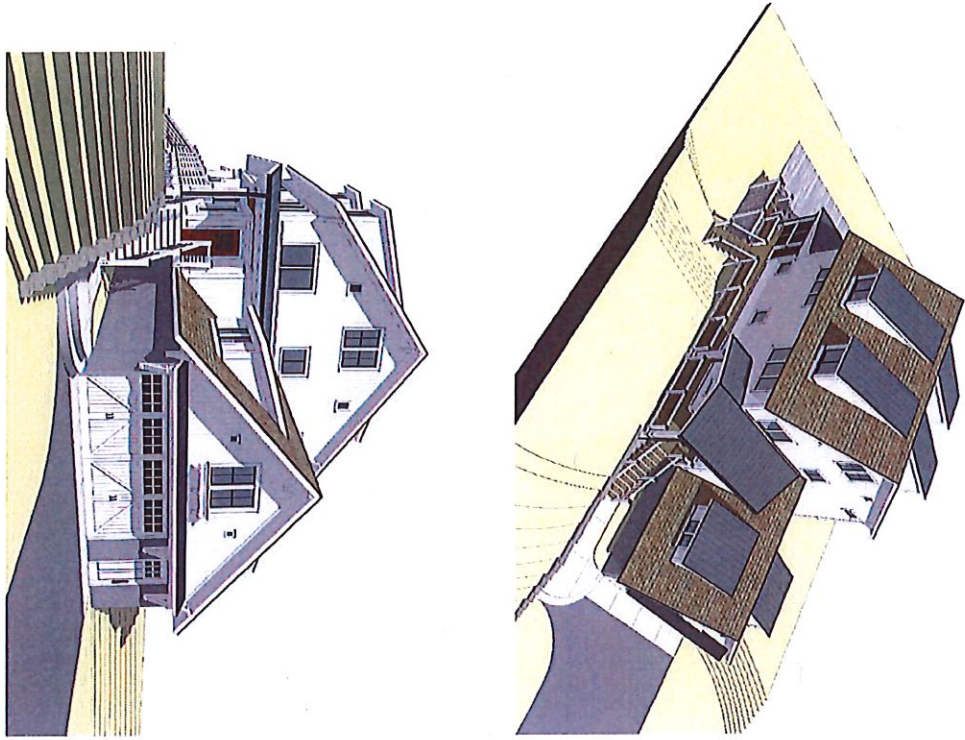
*Richard A. Hodges*



FOR:  
 GLENN & CONNIE FONTAINE

**HEPWORTH LAND SURVEYING, LLC**  
 5774 WAYNE AVE  
 PENTWATER, MI 49449  
 TEL 231-869-2391

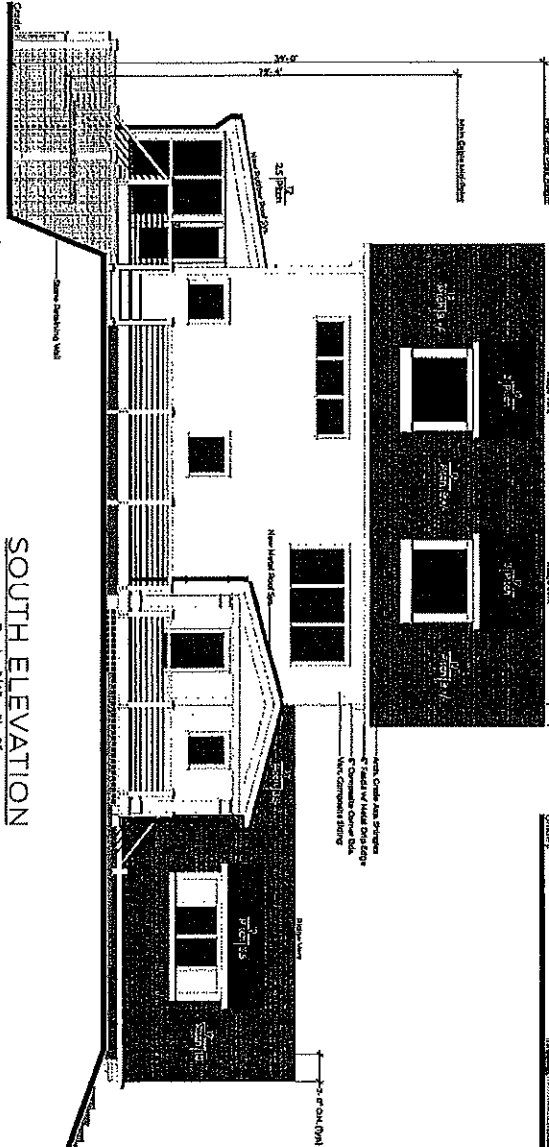
DISK: 2022	CRD: S19136
SCR: S22018	
DATE: MAY 12, 2022	
JOB NO.: 22018	
SHEET 1 of 2	



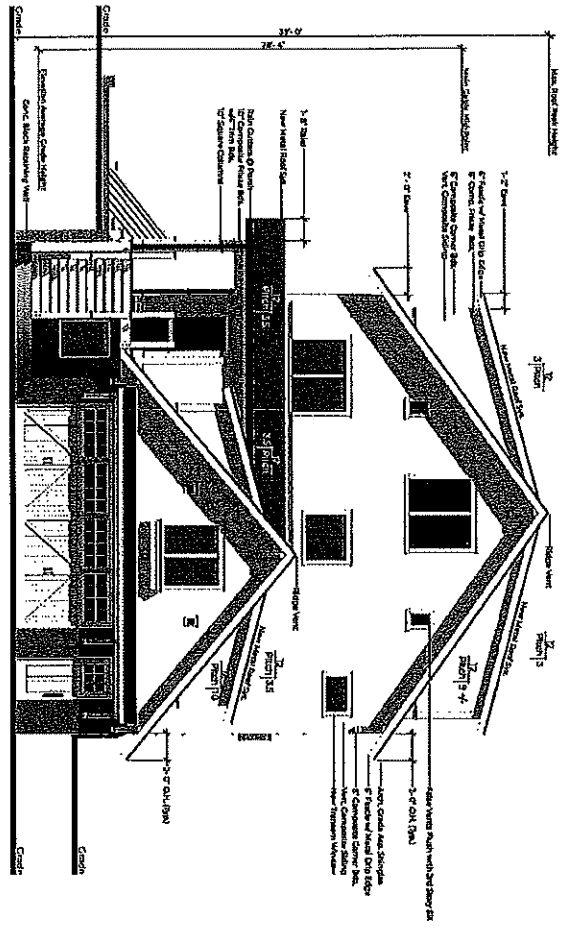
# FONTAINE FAMILY LAKE HOUSE

## CONSTRUCTION PLAN INDEX:

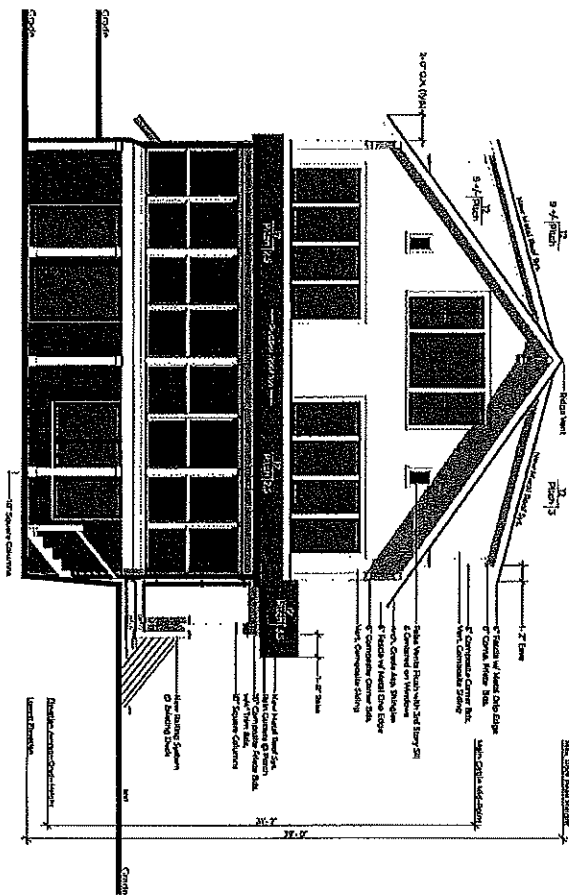
- 1 / 6 - COVER PAGE
- 2 / 6 - EAST & SOUTH ELEVATIONS
- 3 / 6 - WEST & NORTH ELEVATIONS
- 4 / 6 - LOFT & UPPER FLOOR PLAN
- 5 / 6 - MAIN & LOWER FLOOR PLAN
- 6 / 6 - SECTION DETAILS



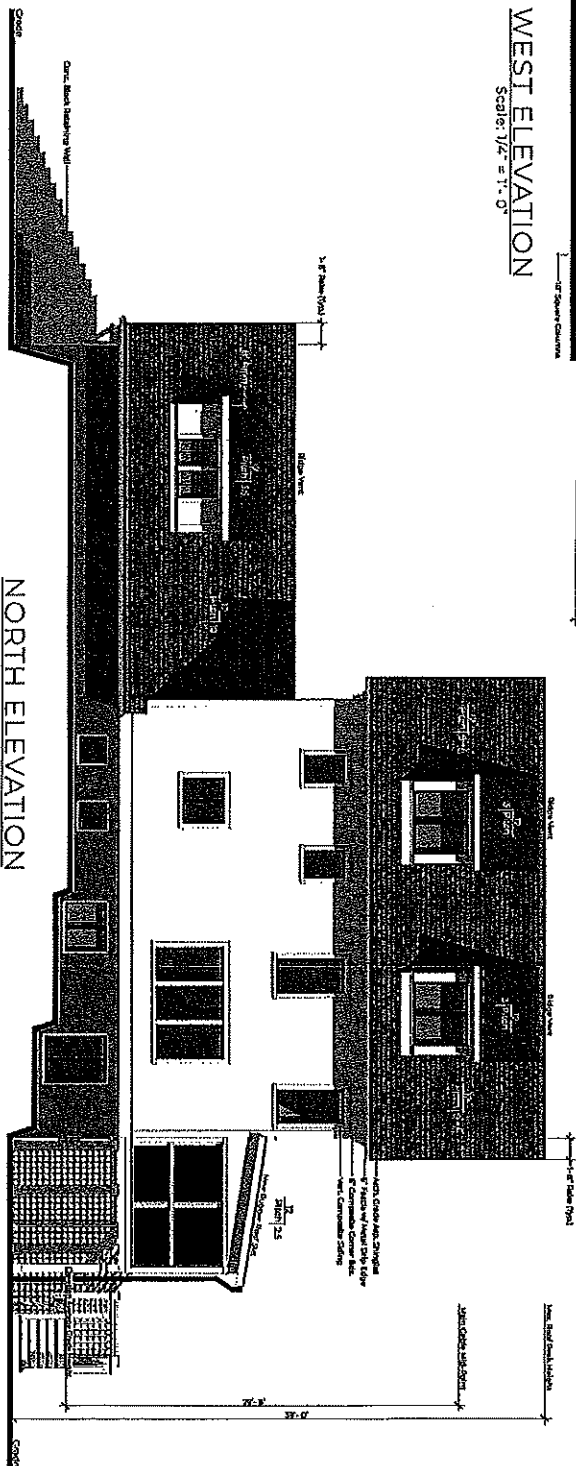
**SOUTH ELEVATION**  
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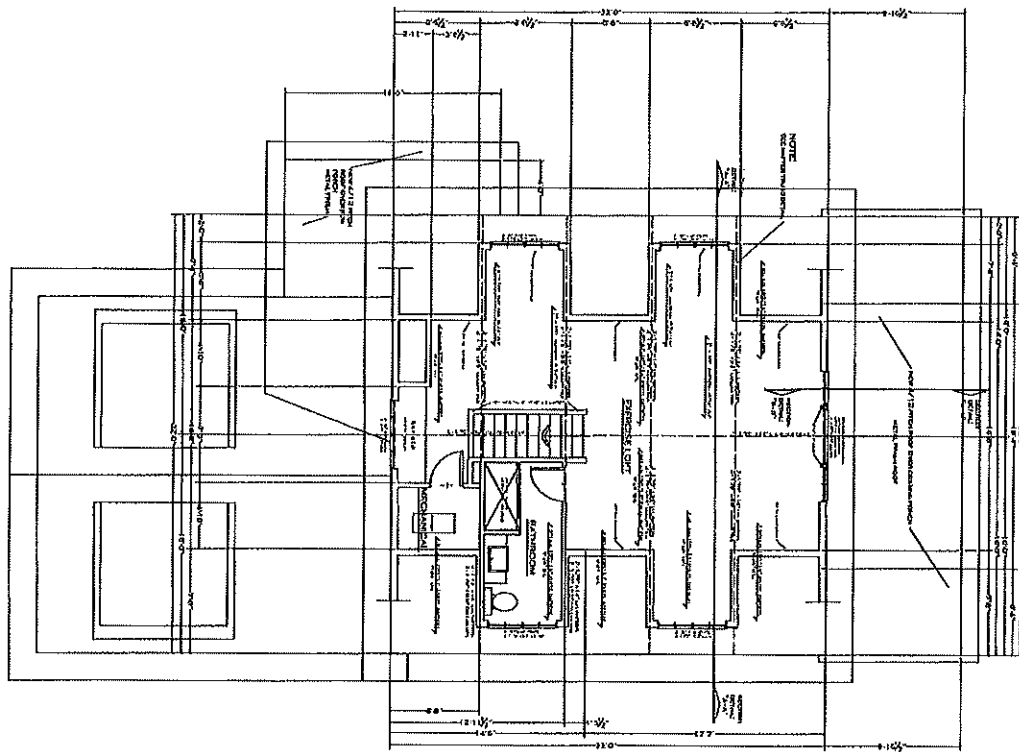
**EAST ELEVATION**  
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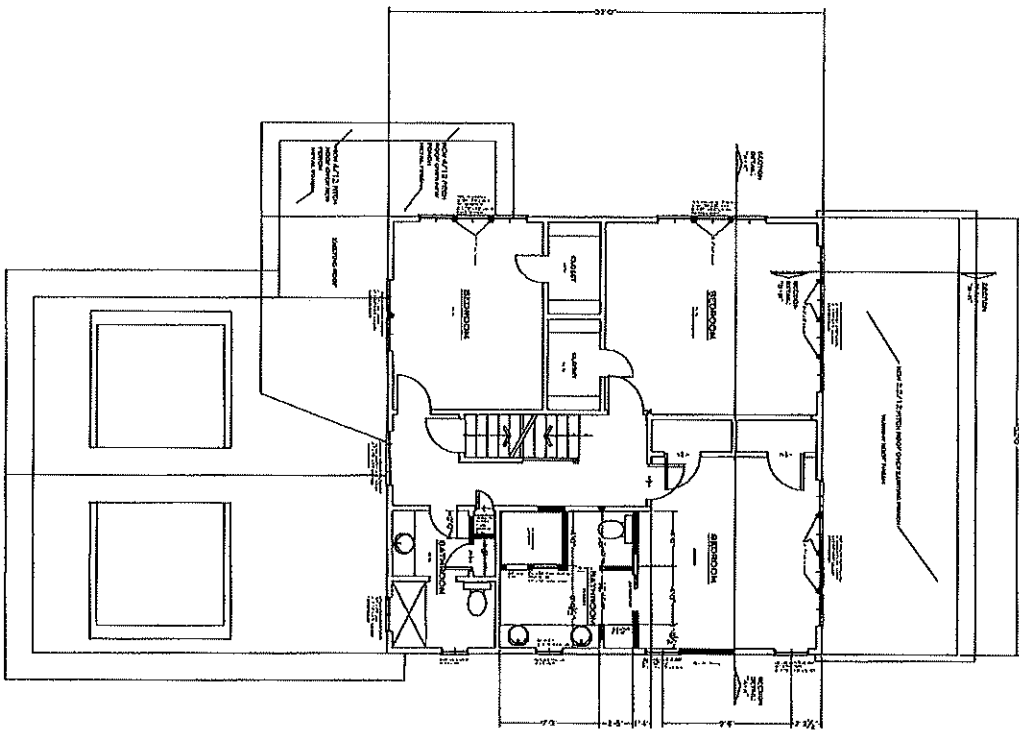
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**NORTH ELEVATION**  
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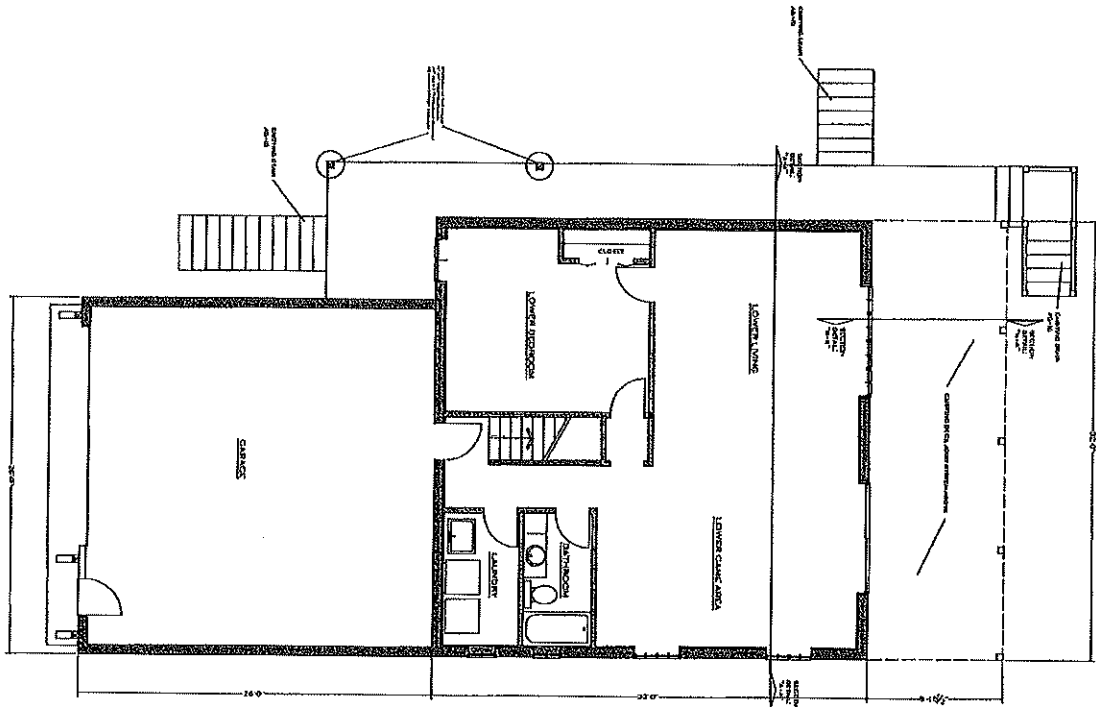


LOFT LEVEL FLOOR PLAN  
SCALE 1/4" = 1'-0"



UPPER LEVEL FLOOR PLAN  
SCALE 1/4" = 1'-0"

LOWER LEVEL FLOOR PLAN  
SCALE 1/4" = 1'-0"



MAIN LEVEL FLOOR PLAN  
SCALE 1/4" = 1'-0"

