

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
April 26, 2022 - 6:00 P.M. – In Person
310 N. Rush Street – Park Place, Pentwater, MI 49449
Agenda

1. **Opening** – Welcome, Call to Order, Pledge of Allegiance, and Roll Call.
2. **Approval of Agenda and Minutes.**
 - A. Approval of Agenda.
 - B. Approval of Minutes of March 22, 2022.
3. **Public Comments - For items on the agenda.**
4. **Public Hearing: None**
5. **Old Business: None**
6. **New Business:**
 - A. 375 W. Lowell – Request to expand nonconforming principal building (house).
 - B. Discussion – Taking Planning Commissioner comments on first four chapters of the Draft Master Plan.
7. **Department/Committee Reports**
 - A. Zoning Administrator – See attached report.
 - B. Zoning Board of Appeals – The ZBA did not meet in February or March of 2022.
8. **Public Comments**
9. **Communications from Planning Commission Members**
10. **Adjournment**

Next Scheduled Planning Commission Meeting – May 24, 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 – March 22, 2022

Chairperson Bruce Koorndyk called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:03 pm, in-person at Park Place, 310 N. Rush Street, Pentwater, with the Pledge of Allegiance. The regularly scheduled February 22, 2022 meeting of the Planning Commission was cancelled due to inclement weather.

ROLL CALL

Present: Bruce Koorndyk, Mary Temple, Ron Stoneman, Michelle Angell-Powell and Amy Roberson.

Absent: Paul Anderson and Chris Conroy.

Staff Present: Keith Edwards, Zoning Administrator.

APPROVAL OF AGENDA

Motion by Angell-Powell, second by Stoneman to approve the agenda as presented.

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

APPROVAL OF REGULAR MEETING MINUTES

Motion by Angell-Powell, second by Roberson to approve the January 25, 2022, regular meeting minutes.

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. 77 Park Street – Request to expand a nonconforming accessory building.

Zoning Administrator Keith Edwards gave a summary of his staff report on the applicant's request to expand the existing detached accessory building by 4 feet toward the south lot line. The existing building is nonconforming because it is located within 4 feet of the west property line where 6 feet is required. Mr. Edwards reported that the proposed expansion does not exacerbate the

nonconforming setback on the west side and all other relevant portions of the Zoning Ordinance are met with the applicant's proposal.

Motion by Angell-Powell, second by Stoneman to approve the proposed 4-foot expansion to the detached accessory building at 77 Park Street.

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

B. Future Land Use Discussion.

Zoning Administrator Keith Edwards provided an overview of the responses, that Planning Commissioners made to a questionnaire he developed regarding proposed land uses dated January 25, 2022. Planning Commissioners discussed those responses and added additional comments based on that discussion of existing development patterns, infrastructure, and proximity to other land uses. The discussion focused on three general areas of the Village including Chester Street north of the Township limits; Mears State Park and the area north of Park Street to the Township limits; and, The Village Core – south of Park Street to Pentwater Lake and Victoria Street.

A summary of the major suggestions for future land use for each area is provided below:

- Chester Street north of the Township limits:
 - The consensus was to leave the plats of Oceana Beach and Garrison Park as is for now.
 - Medium Density Residential (MDR) uses remain appropriate for the area.
 - No High Density Residential (HDR), multiple family, commercial or industrial are recommended for this area.
 - The area could be considered for municipal sanitary sewer or water services in the future, especially if such services become available in the Township in the future.
 - The end of Manchester Street should be considered for conservation and erosion improvements as it terminates at Pentwater Lake.
 - Chester Street Park could be improved with updated restrooms and the acquisition of property to consider creating a shoreline pathway adjacent to Pentwater Lake.

- Mears State Park and the area north of Park Street to the Township limits:
 - The critical dune areas north of Park Street and west of Hancock Street should remain classified within the Low Density Residential (LDR) area.
 - The HDR areas should be redrafted to remove property owned by Pentwater School and used primarily for athletic purposes to be

reclassified as Public / Semi-Public. Additional area could be considered for adding to the HDR, including “missing middle housing” in proximity to Pentwater School, areas where available utilities exist and are close to Park Street. Such HDR areas could also be considered for mixed-use multiple family housing, a senior community and a possible tiny home community east of North End Park.

- LDR uses should be considered for areas without sewer and water utilities, which also may have some wetlands north of Sands Street.
 - A skatepark, and other recreational opportunities should be considered for North End Park.
 - Sidewalks should be put in place throughout this area.
 - Sanitary sewer and municipal water utilities should be considered for extension into this area.
- The Village Core – south of Park Street to Pentwater Lake and Victoria Street:
 - Considering the area east of Clymer St. and north of Pine Creek, Planning Commissioners had mixed ideas as to whether this area should remain as MDR or changed to LDR. Sanitary sewer and water services are available primarily along Second and Park Street only, and Pine Creek with its associated floodplain bisect the area from west to east. One Planning Commissioner suggested that a linear park be planned adjacent to Pine Creek.
 - Planning Commissioners suggested that areas adjacent to the proposed HDR uses proposed by Pentwater Township could be considered for HDR including vacant lots adjacent to Hancock Street and the Pentwater Wire Factory. HDR could also be planned for areas north of Fifth Street and east of Clymer St.
 - “Missing middle housing” which is housing between large single family lots and urban sized apartments such as duplexes, triplexes and quadplexes could also be considered for the area north of Fifth Street and east of Clymer Street; between Sixth Street and Fourth Street adjacent to Pentwater Wire and perhaps in certain other areas within the Village Core. Mr. Edwards suggested that incremental development of this type may be preferred as existing residents may be concerned about changes in property value.
 - On the topic of “tiny houses”, Planning Commissioners suggested that such dwellings could be clustered as a cottage community; should have definitive regulations, can be a size of from 400 to 700 sq. ft. in area; and suggested that perhaps in close proximity to the school and perhaps on the Old Nickerson Inn property may be appropriate.
 - Accessory Dwelling Units (ADUs) should be considered but allowed only with restrictions and regulated to minimize weekly rentals.
 - Downtown Parking could be addressed with the placement of off-street parking lots on secondary streets (numbered streets), behind businesses or the west end of the Village Green and not allowed on

Hancock Street. A parking garage may be possible on the site of the Pentwater Wire Factory.

- Commercial uses could be expanded from the main artery along Hancock Street one or two blocks east to Carroll east to include the old Pentwater Wire Factory and south to Sixth Street. There was also a suggest to add docks at the road ends at Pentwater Lake to accommodate food trucks, such as at the end of Third & Fourth Streets west of Hancock.
- A boutique hotel should be considered for the Downtown Pentwater Area with space for weddings and special events. Possible sites include the Old Town Hall, Nickerson Inn Property, old Pentwater Wire Factory and the former Chamber and Police Station offices property with existing parking lot.
- Planning Commissioners recommended removing the Industrial future land use category from the Pentwater Wire factory location and suggested uses such as HDR with parking, Commercial, senior housing, multi-generational housing and mixed uses for the property.
- It was also suggested that any property adjacent to Pentwater Lake that becomes available should be acquired for public use and where possible alleys should be used for servicing retail uses and pathways.

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 February 2022.

PUBLIC COMMENTS: None

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS - None

ADJOURNMENT

Motion by Angell-Powell, second by Stoneman to adjourn the meeting at 7:43 pm.

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

Respectfully Submitted,
Keith Edwards, Zoning Administrator

March 28, 2022

Approved by the Village of Pentwater Planning Commission on _____.

MEMORANDUM

To: Village of Pentwater Planning Commission

From: Keith Edwards, Zoning Administrator

Date: March 15, 2022

**Subject: Proposed Addition
Nonconforming Building
375 W. Lowell St., Village of Pentwater – 64-044-430-006-00**

Introduction

Keith Stevens, owner of 375 W. Lowell St. (on the southeast corner of Lowell and Mears Streets), seeks to add a 24 ft. x 21 ft. (504 sq. ft.) single – story addition onto the rear of the exiting detached home and adjacent to the Mears Street lot line. The property is located within the R2, Single Family Residential Zoning District.

The existing home is constructed less than 2 ft. from the west side property line adjacent to the Mears Street right-of-way. Please refer to the enclosed survey / site plan. Planning Commission approval is required in order to issue a Zoning Permit for the proposed addition.

Background

The existing home is located only 1.2 feet from the west lot line adjacent to the Mears Street right-of-way, where 17 feet is required. The applicant seeks to align the proposed addition with the west wall of the existing home, therefore, not exacerbating the nonconforming situation.

Section 3.24.B.1 of the Zoning Ordinance states that “Non-conforming building(s) or structures may only be extended, enlarged, altered, remodeled or modernized when the Planning Commission determines that the following conditions are met:”. I have summarized those conditions in the discussion below.

Details of the Nonconformity and Zoning Ordinance Standards Review

The required front setback from the west property line for the existing principal building is 1.2 feet according to the survey from Hepworth Surveying dated November 26, 2021, where 17 feet is required. The proposed addition would match the existing 1.2 ft. setback along Mears Street and will not exacerbate the existing nonconformity along the west property line.

In order to maintain a maximum of 50% impervious surface on the property as required by Section 6.04.E of the Zoning Ordinance a sidewalk on the east side of the property must be

removed. A total of 2,500 sq. ft. of impervious surfaces are allowed on the property, because the lot is only 5,000 sq. ft. in area. Including the proposed addition, and removing the eastern sidewalk would yield an impervious surface area on the property of approximately 2,470 sq. 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 addition 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 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 is met since the proposed addition does not further encroach upon the west side setback.

Recommendation

At this time, I recommend the Planning Commission consider approval of the requested addition to the existing 24 ft. x 21 ft. addition to the home for 375 W. Lowell Street, in accordance with Section 3.24.B, paragraph 1.a. through 1.d, and paragraph 8, subject to the following condition:

1. The eastern most sidewalk of approximately 75 sq. ft. be removed, and the area restored with the appropriate soil and turf.

**VILLAGE OF PENTWATER
ZONING PERMIT APPLICATION**

(Fences, Decks, Accessory Buildings, New Build, Moving of Building, Demolition, Signs)

Keith Stevens
(Applicant)

375 W. Lowell
(Address)

Pentwater, MI
(City, State, Zip Code)

616-893-2449
(Telephone)

Stevensray@yahoo.com
(E-mail)

OFFICE USE ONLY	
Application number _____	
Date Rec'd _____	
Fee Rec'd \$ _____	
If non-conforming, Approval Date by Planning Commission: _____	
Expiration Date: _____	
ZONING PERMIT # _____	

Parcel Number _____
Name _____
Date: _____

APPLICANT'S CAPACITY IF NOT PROPERTY OWNER (circle one):

Builder / Have Option to purchase / Agent / other _____

** If the applicant is not the property owner, an affidavit must be provided by the property owner that the applicant has the authority to apply on his/her behalf.

CONTRACTOR LICENSE # (IF APPLICABLE) _____

PROPERTY OWNER:		<u>Keith and Susan Stevens</u>	
OWNER'S MAILING ADDRESS:		<u>375 W. Lowell, Pentwater, MI 49449</u>	
OWNER'S PHONE # & E-MAIL:		<u>616-893-2449 Stevensray@yahoo</u>	
PROPERTY ADDRESS:		<u>same as above</u>	
PARCEL NUMBER:		<u>64-044-430-006-00</u>	
RECORDED PLAT:		<u>Middlesex</u>	
BLOCK:	<u>30</u>	LOT(S):	<u>6</u> *OR ATTACH LEGAL DESCRIPTION
ZONING DISTRICT:		PRESENT USE:	<u>Residential</u>
CORNER LOT:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ROADS:
NEW BUILD: (Basement Acknowledgement is required)	WATER: <input type="checkbox"/> Yes <input type="checkbox"/> No		SEWER: <input type="checkbox"/> Yes <input type="checkbox"/> No
CURRENT STRUCTURE ON LOT		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	* IF YES, A DEMOLITION PERMIT IS REQUIRED

PROPOSED PROJECT (Check one):

FENCE	<input type="checkbox"/>	DECK	<input type="checkbox"/>	ACCESSORY BUILDING	<input type="checkbox"/>	NEW BUILD	<input type="checkbox"/>
ADDITION	<input checked="" type="checkbox"/>	MOVING STRUCTURE	<input type="checkbox"/>	SIGN (Sketch Required)	<input type="checkbox"/>	DEMO	<input type="checkbox"/>

<p>NEW BUILD</p> <ol style="list-style-type: none"> 1. The Village of Pentwater advises that basements may not be suitable in all areas of the Village because of the high water table. 2. Sump Pumps are NOT allowed to be connected to the Village Sanitary Sewer (PW Ord §51.05 (A)). 3. All water taps and connections to the main lines of the Village shall be made by Village personnel (PW Ord §50.003 (C)). 4. All sewer taps shall be made under the Supervision of the Village (PW Ord §51.04(L)). 5. All property that is disturbed during the excavations and building of sewer & water installations shall be restored and inspected by the Village of Pentwater at the property owner's expense. (PW Ord §51.04 (M)). A bond at the time of application may be required at the Village's discretion. 6. All water & sewer installation will be inspected by the Village after completion. 7. Water service will not be turned on until the Village Manager inspects and approves all connections. <p>* I, the applicant agree to adhere to all water & sewer requirements. Failure to do so may result in disconnection of services.</p> <p>Signature: _____ Date: _____</p>	
<p>DEMOLITION</p> <p>The contractor must kill the water line at the corporation stop under Village supervision. The sewer lateral will need to be cut, capped and witnessed (by Village Staff) at the property owner's expense, with work completed by the property owner's contractor. A bond at the time of application may be required at the Village's discretion.</p>	

FURTHER EXPLANATION OF PROJECT:

24'x21' addition for 3rd bedroom + full bath

(Attach sheets if necessary) (Attached)

ATTACH A SITE PLAN OR SKETCH FOR PROPOSED PROJECT. (Attached)

SETBACKS FROM PROPERTY LINES

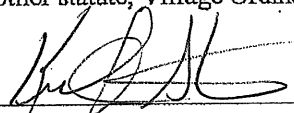
FRONT: 1.2'	RIGHT SIDE: 2.0'	LEFT SIDE: 5.1'
REAR:	OTHER:	HEIGHT: 15'

ATTACH A CERTIFIED SURVEY (IF REQUESTED BY THE ZONING ADMINISTRATOR OR PLANNING COMMISSION), (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)

ATTACH COPIES OF PERMITS FROM OTHER AGENCIES IF REQUIRED FOR CRITICAL DUNES OR WETLANDS. (Attached)

1. <input type="checkbox"/> Legal Description	Number of Pages:
2. <input type="checkbox"/> Proposed Project	Number of Pages:
3. <input type="checkbox"/> Site Plan / Sketch	Number of Pages:
4. <input type="checkbox"/> Survey	Number of Pages:
5. <input type="checkbox"/> Letters or Permits	Number of Pages:
6. <input type="checkbox"/> Acknowledgement of Basement Requirements	Number of Pages:
7. <input type="checkbox"/> Affidavit to Apply:	Number of Pages:
8. <input type="checkbox"/> Other:	

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any Zoning Permits may be revoked. Further, I agree that all applicable sections of the Pentwater Community Zoning Ordinance and the Pentwater Codified Ordinances 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 approved for this application conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, Village Ordinances, building code, deed restriction or other property rights.

Applicant Signature:  Date: 4/15/22

**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**

<u>OFFICE USE ONLY</u>	
SITE PLAN APPROVED _____	SITE PLAN NOT APPROVED _____
PROJECT APPROVED _____	PROJECT NOT APPROVED _____
ZONING ADMINISTRATOR SIGNATURE _____	
DATE _____	EXPIRATION DATE _____
PRE-APPROVAL INSPECTION _____	COMPLETION INSPECTION _____
OTHER INSPECTION DATES _____	
VILLAGE MANAGER SITE PLAN APPROVAL <i>(For projects including Water & Sewer)</i>	
_____	DATE: _____
WATER & SEWER FINAL INSPECTION COMPLETED BY:	
_____	DATE: _____

Village of Pentwater is an equal opportunity Employer and Provider.

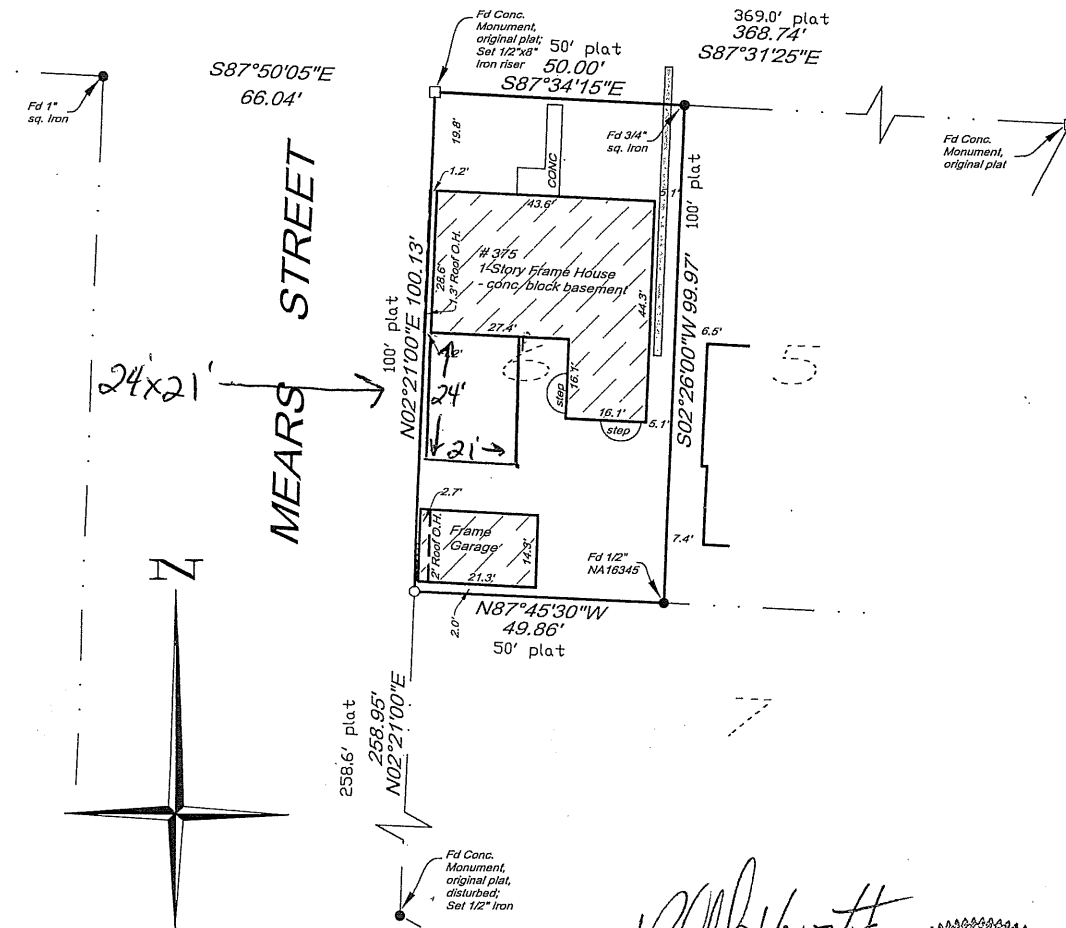
CERTIFICATE OF SURVEY

PP# 64-044-430-006-00

Lot 6 of the REPLAT OF BLOCK 30 AND PART OF VACATED LAKE STREET OF THE PLAT OF MIDDLESEX, according to the recorded plat thereof, Village of Pentwater, Oceana County, Michigan

re: 375 W. Lowell Street
Pentwater MI 49449

LOWELL STREET



J. Randolph Hepworth



BEARING BASIS - MICHIGAN
STATE PLANE GRID, SOUTH ZONE

- = SET 1/2" X 24" IRON
- = FOUND IRON AS SHOWN
- = FOUND CONC. MONUMENT,
Plat Original = 3/4" Pipe encased in
4" sq. conc., unless otherwise stated

SCALE: 1" = 30 FEET

FOR:
KEITH STEVENS

DWN: JRH CHK:

HEPWORTH LAND SURVEYING, LLC

5774 WAYNE AVE
PENTWATER, MI 49449

TEL 231-869-2391

DISK: 2021 CRD: S21136

SCR: S21136

DATE: NOVEMBER 26, 2021

JOB NO.: 21136

SHEET 1 of 1



VILLAGE OF PENTWATER

ON PENTWATER LAKE AND LAKE MICHIGAN
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ZONING ADMINISTRATOR'S REPORT

April 5, 2022

The following is a summary of activity conducted by the Zoning Administrator in March 2022.

Code Enforcement – Nothing significant to report at this time.

Planning Commission - The Planning Commission met on March 22, 2022, to:

- Approve the expansion on an accessory building at 77 Park Street; and,
- Hold a discussion regarding the Future Land Use Map for the Master Plan.

The Master Plan Committee will meet Monday, April 11 to draft the new map and finish its discussion regarding Downtown Pentwater and begin the discussion on the future of housing.

Zoning Board of Appeals - The Zoning Board of Appeals did not meet in March 2022.

Zoning Permits - Five Zoning Permits were issued in March of 2022, including:

1. ZP 22-01 was issued for a detached accessory building at 270 Sands Street.
2. ZP 22-02 was issued for a chain link fence at 80 Bridge Street.
3. ZP 22-03 was issued for a 1,334 sq. ft. ranch home with attached garage and covered front porch at 510 E. Hanover Street.
4. ZP 22-04 was issued for the storage of a pontoon boat at 51 Bridge Street for 6 months.
5. ZP 22-05 was issued for a 64 sq. ft. addition to rear of the existing garage at 77 Park Street.

Other

None.

Sincerely,

Keith J. Edwards

Keith Edwards
Zoning Administrator