

Village of Bellaire
PLANNING AND ZONING COMMISSION

William Drollinger, Chairman

Commissioners: Clarence Bennett, Butch Dewey, Ken Fedraw, Robert Shumaker

MEETING MINUTES

August 3, 2010

1. Call to Order: Chairman Drollinger called the meeting to order immediately following the 5:00 p.m. public hearing.

2. Attendance

Present: Chairman Drollinger, Clarence Bennett, Butch Dewey, Robert Shumaker

Absent: Ken Fedraw

Staff Present: Janet Koch, Zoning Administrator

Also Present: Colette Stanish

3. Additions to the Agenda and Approval of Agenda: The agenda was approved with the addition to New Business of item b) Land Division.

Motion by Dewey, seconded by Shumaker, to approve the agenda with the addition. Motion carried by voice vote.

4. Approval of June 29, 2010 Public Hearing Minutes: The minutes were approved as written.

Motion by Dewey, seconded by Bennett, to approve the minutes. Motion carried by voice vote.

5. Approval of June 29, 2010 Regular Meeting Minutes: The minutes were approved as written.

Motion by Dewey, seconded by Shumaker, to approve the minutes. Motion carried by voice vote.

6. Public Comment on Agenda Items: None presented.

7. Old Business: None presented.

8. New Business

a) Area Seniors, Inc. site plan

Drollinger asked Koch to give the commission a summary of the discussions she'd had with Ray Mills of the Area Seniors, Inc. regarding the proposed Senior Activity Community Center. Koch reported that she'd sent a letter to Mr. Mills in June detailing what needed to be included on a commercial site plan.

She said that Mr. Mills delivered a set of revised plans with the proposed building located inside rights-of-way currently in the process of being vacated. She reported that she told Mr. Mills that the Planning Commission would not approve that site plan until the vacation process was complete. Koch said a few days later Mr. Mills

delivered a set of plans with two options for the proposed building. The first option showed the building located with a zero setback at the intersection of Allcott Avenue and Maple Street. The other option had the proposed building 25' south of the right-of-way of Allcott Ave and 10' west of the right-of-way of Maple Street.

Koch said Mr. Mills had asked if the building could be located with zero setbacks without a variance in light of the upcoming vacation process, but she told him a variance would be required. Mr. Mills then provided 5 sets of plans with the building located at 25' south of the right-of-way of Allcott Avenue and 10' west of the right-of-way of Maple Street.

Drollinger said that he would prefer the commission have time to study the plans and review the site plan standards (Section 10.3 of the zoning ordinance) before entering into the findings of fact for the project. Drollinger asked the commission members to review the site plan and standards and bring any inconsistencies or missing information to the attention of Koch so she could communicate the issues to Mr. Mills before the next meeting. It was agreed that the commission would meet on Thursday, August 12, 2010 at 5:00 pm to review the site plan.

b) Land Division

Koch said the application by the Whites involved two long skinny parcels and that the intent of the application was to split off the northern 200' of parcel 05-41-030-002-00 as a single parcel and combine the remainder with parcel 05-41-030-002-00. The Whites own both parcels.

Drollinger felt there should be a new survey performed that included placement of irons at the new southern boundary of the proposed parcel. Koch said that while the standards do not state a survey is required, Chapter 49 of the Village Code (Land Division) does require a survey by a land surveyor licensed by the State of Michigan. (Chapter 49-4 (B)(5)).

Findings of Fact

- A. The proposed division or property transfer shall comply with all requirements of the Land Division Act of 1967, being Act 288 of the Public Acts of 1967, as amended.

Finding: Application meets requirements of Chapter 49 of Land Division and 49-2 titled Purpose.

- B. The lots, parcels, or tracts of land that will result from the division or property transfer shall comply with all requirements of the Village of Bellaire Zoning Ordinance, as amended, including but not limited to the requirements relating to area and width for the newly created lots, parcels, or tracts of land, the requirements relating to lake and/or road frontages, and the requirements relating to setbacks if the newly created lots, parcels, or tracts of land have buildings or structures on them. The addition of land to an already lawful nonconforming lot or parcel is permitted without a zoning variance, provided that the lot or parcel from which the land is taken will not become a nonconforming lot or parcel or, if already nonconforming will not become more nonconforming.

Finding: Application meets requirements of Section 5.8 Schedule of Regulations.

- C. Each lot, parcel, or tract of land that will result from the division or property transfer shall have an adequate and accurate legal description certified by a land surveyor licensed by the State of Michigan.

Finding: Applicant did not provide a legal description of land resulting from property transfer. Application does not meet requirements of Chapter 49-6 (C).

- D. Except for the remainder of the parent parcel or parent tract of land retained by the owner each new lot, parcel, or tract of land that will result from the division, including those lots, parcels, and tracts of land greater than 10 acres, shall have a depth of not more than four times its width as measured under the requirements of the Bellaire Zoning Ordinance. This standard shall not apply to a property transfer. [Amended by Ord. 4-2007 on 06-06-07]

Finding: Application has a depth of less than four times its width. Application meets requirements of Chapter 49-6 (D).

- E. If a lot, parcel, or tract of land that will result from the division or property transfer will be a development site, then each such resulting lot, parcel, or tract of land shall have adequate easements for public utilities from each such resulting lot, parcel, or tract of land to existing public utility facilities.

Finding: Adequate public utilities are available to both parcels. Application meets requirements of Chapter 49-6 (E).

- F. If the land proposed to be transferred between two (2) or more adjacent lots or parcels does not independently conform to the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended, the Village of Bellaire Zoning Ordinance, as amended, and this Ordinance, then the land proposed to be transferred shall not thereafter be independently considered a development site, but may only be used in conjunction with an adjoining lot(s), parcel(s), or tract(s) of land.

Finding: Application meets requirements of Chapter 49-6 (F).

- G. Each lot, parcel, or tract of land that will result from the division or property transfer shall be accessible.

Finding: Both parcels are accessible from East Cayuga Street. Application meets requirements of Chapter 49-6 (G).

- H. The owner of the parcel or tract of land shall possess the right to divide the parcel or tract of land. This standard shall not apply to a property transfer.

Finding: Applicant provided survey with Applicant's name. Zoning Administrator accessed county website for ownership information which indicates ownership by the Applicants. Application meets requirements of Chapter 49-6 (H).

- I. The property lines of the lots, parcels, or tracts of land that will result from the division or property transfer shall be consistent and in harmony with the property lines of the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, and/or the property lines of adjacent lots, parcels, or tracts of land.

Finding: Resulting property lines are in harmony with the property lines of the lot to be divided. Application meets requirements of Chapter 49-6 (I).

- J. The lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer or division, shall have no delinquent taxes, fees, or special assessment payments due or levied against it or against them. In addition, the lot, parcel, or tract of land to be divided, or the lots or parcels involved in a property transfer, shall have no municipal liens filed against it or against them that are due and payable. [Added by Ord. 4-2009 on 7-15-09]

Finding: Parcel 05-41-030-002-10 owes 2008 property taxes. Application does not meet requirements of Chapter 49-6 (J).

Motion by Dewey, seconded by Bennett, to approve a motion to approve the land division if standards (C) and (J) are met. Motion carried by voice vote.

Koch said she would write a letter to the applicants indicating that the proposed land division would be approved if standards (C) and (J) of Section 6 of Chapter 49 are met.

- 9. Discussion:** Dewey asked if there were requirements for commission members to be certified to stay on the Planning Commission. Dewey said he was asking due to a letter he'd received regarding the viewing of the Planner's Moments DVD series. Koch said the DVD was part of the materials each Planning Commission members had recently received from the Northwest Michigan Council of Governments. Drollinger mentioned that the commission had once had some training conducted via a Powerpoint presentation during a regular meeting.

- 10. Communications/Informational:** A number of communications regarding the Area Seniors, Inc. proposed building were presented. Communications from the following were noted:

Area Seniors, Inc, signed by Raymond G. Mills, dated 7-23-10

Area Seniors, Inc, signed by Raymond G. Mills, dated 7-7-10

Antrim County Commission on Aging, signed by Michael D. Neubecker, dated 7-12-10

Jim & Nancy White, dated 6-20-10

Caren C. Wagoner, dated 7-26-10

Phone notes from a conversation with Koch and Marjorie Fleet, dated 6-18-10

- 11. Public Comment:**

Collette Stanish asked if there was any training available for her as a Zoning Board of Appeals member. Drollinger mentioned past training sessions.

Drollinger mentioned that the Planning Commission might consider presenting a certificate or plaque to Darlene Sexton for her years of service to the Planning Commission.

- 12. Adjournment: Meeting adjourned at 5:35 p.m.**

Compiled by: _____
Janet Koch, Clerk

Approved: _____
William Drollinger, Chair

Date: _____