

Village of Bellaire
PLANNING COMMISSION

William Drollinger, Chairman

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

MEETING MINUTES

August 2, 2011

- 1. Call to Order: Chairman Drollinger called the meeting to order at 5:02 p.m.**
- 2. Roll Call Attendance**
 - Present:** Butch Dewey, Robert Shumaker, Clarence Bennett, William Drollinger
 - Absent:** Ken Fedraw
 - Staff Present:** Janet Koch, Zoning Administrator and Ken Stead, DPW Superintendent
 - Also Present:** Mr. and Mrs. Dennis Spillane, Don Lash, Dave Fischbach.
- 3. Approval of Agenda:** The agenda was approved as written.
 - Motion by Shumaker, seconded by Bennett, to approve the agenda as written.**
 - Motion carried by unanimous voice vote.**
- 4. Approval of the June 28, 2011 Public Hearing and Regular Meeting Minutes:** The minutes were approved as written.
 - Motion by Bennett, seconded by Dewey, to approve the minutes as written.**
 - Motion carried by unanimous voice vote.**
- 5. Public Comment on Agenda Items:** Don Lash asked to speak when the agenda item regarding 638 Willow was discussed.
- 6. Zoning Administrator's Report:** Drollinger asked if anything needed to be noted on the report. Koch said permit 2011-12 was a result of a complaint from a neighbor who said the property owners at 603 Hasting Hill Lane had installed a shed with electricity and were operating a business out of it. The Antrim County Building Inspector was contacted regarding the issue. The property owners applied for a zoning permit and said they were working with Antrim County to be in compliance with the building codes and were not operating a home business out of the structure. A field check confirmed that the shed was outside of the required setback and the permit was issued.
 - Motion by Dewey, seconded by Shumaker, to approve the Zoning Administrator's Report as written. Motion carried by unanimous voice vote.**
- 7. Old Business:** None presented.
- 8. New Business**

Since no one from Forest Home Township was present, the Planning Commission reversed the order of the two items of new business.

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a) 638 Willow Drive

Koch said improvements were being made at 638 Willow Drive, specifically flatwork that needed a zoning permit, and that the property owner was in attendance to get some direction from the Planning Commission. Koch said she'd talked with Heidi Schaffer of the Antrim Conservation District.

Dennis Spillane, co-owner of 638 Willow Drive with his brother, Sean Spillane, said the property contained an existing structure serviced by private road with 6 properties. He said he'd talked to the DPW and found that the roadway hadn't been built to the county standards, that the village doesn't maintain the road, that the property owners do. His wife handed out a survey of the property and a copy of the tax map.

Spillane asked for confirmation that there was a sanitary sewer through the easement, and that there was no storm sewer in the area. Stead confirmed. Spillane said he'd been on the site that day while it was raining and that the water runs straight from M-88 west to Birch Street. He said there is about a 3' difference between M-88 and Birch Street. Spillane said other properties on Willow Drive have had flatwork done in the past and didn't see any evidence of storm water containment. He said his surveyor would verify grades on the easement. He added that he'd taken pictures and that the flatwork they plan is all level and said that his property has the highest elevation of the properties serviced by the private road.

Spillane said he was intending to lease the property for commercial purposes. He said that since the building had been two apartments that they assumed the property was residential, but had been told by Koch that it was commercial. Spillane said he was pleased it was commercial property since that was one less step they'd have to take. What they were trying to do was improve a building and make it more presentable. Some of the neighbors have been doing that, he said, adding that this group of properties serviced by the private road have been a bad situation that should have been handled with zoning issues in the past. He said the water damage in the building had been quite significant; that they've replaced the windows and resided it.

The intent of the flatwork, Spillane said, is to provide designated off-street parking with the proper number of handicap parking for employees and customers. The Building Dept. said they needed to show a plan providing handicap access and parking prior to commercial use. That's what they were attempting to do when they were notified by the zoning dept. to stop work. Spillane said that Heidi Schaffer told him that there was nothing else that could be done on that location, that she was okay with everything they were doing, and that they didn't need any permits from her.

Drollinger asked what Spillane thought the zoning should have addressed. Spillane said they were given notice to stop work and to get a permit, and that he wanted clarification regarding the private road and water drainage.

Drollinger said he understood his point, but that the zoning administrator has to act if there is an infraction or violation. Spillane was happy that he was notified that it was commercial property. Drollinger said the main concern is that water runoff from his property not encroach upon the neighboring property.

Spillane said that the neighboring properties haven't done anything to contain water and that nothing he's doing is going to impact the existing drainage. Spillane asked Ken Stead how he saw the drainage situation. Stead said he hadn't been to the site in while.

Drollinger asked Don Lash about his concerns. Lash said he was concerned about the water and the grade. He said the water situation before the excavation across the road, that the high point was the center of the existing road, so that all the water from the roof of 638 Willow Drive stayed on that side of the road. He said that the current grade of the proposed cement is 6" to 12" higher than the current grade. Lash said that will mean water coming off the roof and onto the concrete – which used to have a sidewalk with dirt between the building and sidewalk to catch that water – will be hitting concrete and running across the property line. He said that 6" to 8" of fill or gravel will need to be added to the existing grade to meet up with the proposed concrete.

Lash said he works hard to get a crown in the road, but that the crown will not exist any longer because of the proposed grades of the concrete. He said the runoff from parking lots of the real estate company and the Chinese restaurant on M-88 creates a lake because there's no place for the water to go. Lash said there is a low spot on his west property line and that they try to feed the water to the properties behind them, where there is a water line easement. He said there is also a low lying area behind McDonald's that takes runoff.

The original easement, Lash said, runs along the north 33' of his property, across onto Mr. Spillane's property and onto the body shop, and onto Dave Fishbach's property. He is very concerned about adding more volume of runoff to the situation.

Lash said the original easement set by John Apfel allows Mr. Spillane about 33 feet to enter his property. Lash said this is fine, but that he (Lash) owns both sides of the easement. For Mr. Spillane to be able to use the easement to get to the piece of property in front of the building, which he assumed it was going to be parking on concrete, that would limit his access significantly.

Drollinger asked Mr. Spillane if there was any way, in the construction of the parking lot, that he could prevent encroachment. Spillane said the drawings weren't completed, but that runoff from the roof would be going into sand and rocks. He said there wouldn't be any parking on the south side of the building. He said water runoff has been an issue in the area; that there is no storm sewer there. Drollinger said there won't be.

Spillane said he'd hired an engineer to locate grades and where the actual road easement is located. Spillane said Mr. Lash's boats have blocked the legal easement and the people have been using his (Spillane's) property to access the other buildings. Spillane said Mr. Lash was correct in saying that the road, as it exists now, goes across his (Lash's) property in one portion of it, and that's the grade that now exists, which is higher than the floor of his (Lash's) building. Spillane said he can't do anything about where the grade of his building was set, and that he'll have his engineer confirm that, but that the water runs down from M-88.

Drollinger wanted all parties to know that when it comes to the easement, that it is a civil issue, that zoning has nothing to do with it. Spillane thanked Drollinger for the clarification. Drollinger said water runoff and snow removal is each landowner's responsibility.

Spillane said that in the plan being worked on, that runoff from the roof will be going into sandy soil. He said he's using existing grades. An audience member commented that excavators removed old concrete and that's where the sand came from.

Bob Shumaker asked if a catch basin could be installed. Koch said Heidi Schaffer's suggestion had been to slope the concrete north to create a swale. Spillane said that's neighboring property. Spillane said if water containment needs to be done that they will try and catch the runoff and keep their concrete as level as possible. He said there's an area to install a dry cistern, but it's right in the area where his property is being used for an access road.

Drollinger said the water needed to be contained as best they could. Spillane said he'll apply for a permit when the drawings are complete. Drollinger said that he can't adversely affect his neighbors. Spillane said there's been improvements in the area on other businesses, flat work and paving done. Drollinger said there haven't been any grade changes. Spillane said he wasn't changing grades. Drollinger said that he was creating a hard surface, and that adds runoff. Spillane said it will be handled in the plan. Drollinger said that's what his fellow property owners would like to see. Spillane said what he's doing is not what's causing the water runoff issue down the private road. He said some people are concerned that the situation is going to make an existing problem worse, but they're going to have a plan that attempts to contain their water, but that he can't do anything about the existing situation.

Spillane asked about fencing. Koch referred him to Section 3.22 of the zoning ordinance and said basically fencing has a maximum height of 6' on the rear and sides, 4' on the front, with no chain link on the front.

Koch said that some of the existing buildings were constructed before the village had a zoning ordinance. Dewey added that Willow Drive had been an issue for years.

No action was taken by the Planning Commission.

- b) **Forest Home Township deck** – no representative of Forest Home Township appeared to present a site plan of the proposed deck walk directly south of the township hall. Koch presented the rough sketch of the deck provided by Terry Smith, the Forest Home Township Supervisor in July.

No action was taken by the Planning Commission.

- 9. **Discussion:** Koch told the Planning Commission that the current Parks and Recreation Plan will expire at the end of 2011. A Parks and Recreation Plan is required to apply for DNR grants. Drollinger said in the past the Parks Committee and Planning Commission worked together on the plan. Dewey said he'd ask the village council how to proceed at the council meeting the following night.

- 10. **Communications/Informational:** None presented.

- 11. **Member/Public Comment:** Chairman Drollinger thanked Ken Stead for attending the meeting.

- 12. **Adjournment: Meeting adjourned at 5:40 p.m.**

Minutes compiled by:
Janet Koch
Zoning Administrator

Approved: _____
William Drollinger, Chair

Date: _____