

**Village of Bellaire**  
**PLANNING COMMISSION**

**William Drollinger, Chairman**

**Commissioners: Butch Dewey, Ken Fedraw, Fred Harris, Robert Shumaker**

**PUBLIC HEARING MINUTES**

September 11, 2012

- 1. Call to Order:** Chairman Drollinger called the meeting to order at 5:00 p.m.
- 2. Roll Call Attendance**
  - Present:** Chairman Drollinger, Butch Dewey, Ken Fedraw, Fred Harris, and Robert Shumaker
  - Absent:** None
  - Staff Present:** Janet Koch, Zoning Administrator
  - Also Present:** Larry Harris, applicant, and Colette Stanish.
- 3. Welcome to the Public:** Chairman Drollinger welcomed the public to the public hearing.
- 4. Announcement of Matter to be Heard, Establishment of Hearing Format**

Chairman Drollinger announced that the purpose of the public hearing was to discuss the application for Property Classification “A” at 105 Broadway Street. The five standards that needed to be met were in commissioner’s packets. Drollinger said he saw no need to place a time limit on addressing the Planning Commission.
- 5. Opening of Public Hearing**

Drollinger opened the public hearing.
- 6. Compilation of List of Exhibits**

The original application for a request for property classification “A” dated August 13, 2012 was presented as exhibit a. The application is for 105 Broadway, parcel number 05-41-175-012-00.
- 7. Presentation by the Applicant, Applicant’s Attorney or Other Agents.**

Drollinger asked Koch to explain why the hearing was required. Koch said the hearing was necessary because the applicant’s garage had burned down earlier in the summer and he wished to rebuild it in the same location. Koch, as Zoning Administrator, could not issue a zoning permit for the project because current zoning ordinance setbacks would be violated. To rebuild in the same location, the applicant needs his property to be designated Nonconforming Class A.
- 8. Correspondence and/or Persons Speaking in Favor of the Application.**

An email from property owner Lisa Morris noted that she was fine with the applicant rebuilding in the original location.

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**9. Correspondence and/or Persons Speaking in Opposition to the Application.**

None presented.

**10. Rebuttal by the Applicant, Applicant's Attorney or Other Agents.**

None presented.

**11. Closing of the Public Hearing**

Drollinger closed the public hearing.

**12. Deliberations**

**Findings of Fact:** The Planning Commission examined the five standards that the Village of Bellaire Zoning Ordinance requires to be met to grant a Class A designation for a nonconforming building.

**1. The nonconforming use, building, or structure was lawful at the time of its inception.**

Koch said the first ordinance enacted in the village regarding land use was in 1954. The Planning Commission found that the building was lawful at the time it was erected.

**2. The continuation of the nonconforming use, building, or structure will not significantly and adversely affect surrounding properties and will not significantly depress property values in the immediate area.**

The Planning Commission found that building the garage will not significantly and adversely affect surrounding properties and will not significantly depress property values in the immediate area.

**3. If the nonconforming structure is a sign, the nonconformity is due to dimensional regulations other than the limitation on the area of the sign surface or the limitation on the height of the sign.**

The Planning Commission found that the nonconforming structure is not a sign.

**4. The nonconforming use, building, or structure does not significantly and adversely impact on steep slopes as regulated in Section 3.17 of this Ordinance, is not located within the greenbelt required by Section 3.18 of this Ordinance (except as otherwise permitted by Section 3.21), and is not located within a wetland regulated by the State of Michigan or as regulated in Section 3.19 of this Ordinance.**

The Planning Commission found that the building does not significantly and adversely impact steep slopes as regulated in Section 3.17. The Planning Commission also found that the building is not within the greenbelt required by Section 3.18 and is not within a regulated wetland.

**5. The nonconforming use, building, or structure is of economic benefit to the Village.**

The Planning Commission found that the building is of economic benefit to the Village.

**13. Motion for a Decision**

**Motion by Harris, seconded by Shumaker, that the Planning Commission accept the application by Larry Harris for a Class A designation for a nonconforming building. Motion carried by unanimous voice vote.**

**14. Closing Member and/or Open Public Comment**

None presented.

**15. Adjourn:** meeting adjourned at 5:14 p.m.

Minutes compiled by:  
Janet Koch, Zoning Administrator

Approved: \_\_\_\_\_  
William Drollinger, Chair

Date: \_\_\_\_\_