

Village of Bellaire

PLANNING COMMISSION

William Drollinger, Chairman

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

PLANNING COMMISSION MEETING MINUTES

September 17, 2013

1. **Call to Order:** Chairman Drollinger called the meeting to order at 6:01 p.m., which was immediately following the conclusion of the 5:00 p.m. public hearing.
2. **Roll Call Attendance**
 - Present:** Chairman Drollinger, Butch Dewey, Ken Fedraw, Fred Harris, Robert Shumaker
 - Absent:** None absent
 - Staff Present:** Janet Koch, Zoning Administrator
 - Also Present:** Mark Edwards
3. **Approval of Agenda:** The agenda was approved.
 - Motion by Dewey, seconded by Shumaker, to approve the agenda as written.**
 - Motion carried by unanimous voice vote.**
4. **Approval of Minutes:** The minutes were approved.
 - Motion by Harris, seconded by Shumaker, to approve the minutes of the August 6, 2013 meeting as written. Motion carried by unanimous voice vote.**
5. **Public Comment on Agenda Items:** None presented.
6. **Old Business**
 - a) **Land division/transfer – 114 and 116 E. Fourth St.**

The Planning Commission reviewed the standards for approval of divisions or property transfers, Section 49-6 of the village code of ordinances. It was noted that an application to divide a lot, parcel, or tract of land or to affect a property transfer shall be granted when the standards are met.

 - 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.
 - The Planning Commission found that the proposed division and property transfer complies with all requirements of the Land Division Act as described in Section 49-6.A.**
 - 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

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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.

The Planning Commission found that the proposed division and property transfer complies with all requirements of the Village of Bellaire Zoning Ordinance, as amended.

- 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.

The Planning Commission found that the proposed parcels have legal descriptions as described in § 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 Township Zoning Ordinance. This standard shall not apply to a property transfer. [Amended by Ord. 04-2007 on 06-06-07]

The Planning Commission found that the proposed parcels have a depth of not more than four times its width.

- 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.

The Planning Commission found that the proposed parcels will be development sites.

- 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.

The Planning Commission found that the proposed property transfer conforms with all requirements of the Land Division Act as described in Section 49-6.F, the Village of Bellaire Zoning Ordinance, as amended, and Chapter 49 Land Division of the village code of ordinances.

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

The Planning Commission found that the proposed parcels are accessible.

- 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.

The Planning Commission found that the owner of the parcels does possess the right to divide the parcels.

- 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.

The Planning Commission found that the proposed property lines are consistent and in harmony with the existing property lines.

Motion by Shumaker, seconded by Fedraw, to approve the land division application Motion carried by unanimous voice vote.

- 7. **New Business:** None presented.
- 8. **Discussion Items (Non-action):** Koch said that there might be an upcoming amendment proposed to the zoning ordinance and a special use permit for the downtown area. She said she'll need to clarify some things with the village attorney.
- 9. **Communications/Informational:** None presented.
- 10. **Member/Public Comment:** Dewey said that Koch had done a great job getting the Special Use Permit in order. The rest of the Planning Commission agreed.
- 11. **Adjournment: Meeting adjourned at 6:15 p.m.**

Minutes compiled by:
Janet Koch, Zoning Administrator & Recording Secretary

Approved: _____
William Drollinger, Chair

Date: _____