

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

**William Drollinger, Chairman**

**Commissioners: Patrick Boyd, Butch Dewey, Fred Harris, and Don Seman**

**PLANNING COMMISSION MEETING MINUTES**

**August 4, 2020**

**5:00 PM**

**I. Call to Order:** Meeting was called to order at 5:00 PM

**II. Roll Call – Attendance:**

**Present:** Patrick Boyd, Fred Harris, and Don Seman

**Absent:** Butch Dewey, and Bill Drollinger

**Staff Present:** Nicole E. Essad, Zoning Administrator

**Also Present:** Mike Walsh and Richard Skendzel

Zoning Administrator Essad stated that the Chair and Vice Chair were absent but there was still a quorum of the Commission. She stated that there needed to be a motion for an Acting Chair for this meeting.

**Motion by Seman, seconded by Boyd, to have Harris be Acting Chair. Motion Passed by unanimous voice vote.**

**III. Approval of Agenda:** The agenda was approved as presented.

**Motion by Boyd, seconded by Seman, to approve the agenda as presented. Motion Passed by unanimous voice vote.**

**IV. Approval of Minutes:** The minutes of the June 23, 2020 meeting were approved as presented.

**Motion by Boyd, seconded by Seman, to approve the minutes of the June 23, 2020 meeting as presented. Motion Passed by unanimous voice vote.**

**V. Conflict of Interest:** None presented.

**VI. Public Comment:** None presented.

**VII. Old Business**

**a. Fee Schedule:** There was discussion about moving this item to the next meeting so that all members could discuss it.

**Motion by Harris, seconded by Seman to table this item until the next meeting. Motion Passed by unanimous voice vote.**

## VIII. New Business

a. **Public Hearing - Class A Non-Conformity Designation for 401 E Cayuga (Parcel ID 05-41-010-047-00):** Acting Chair Harris opened the public hearing at 5:03 PM. Zoning Administrator Essad stated that this public hearing was for a current Class B Non-Conformity to be changed into a Class A Non-Conformity. She then explained that under the Zoning Ordinance all non-conforming structures, lots, signs, etc. are classified a Class B Non-Conformity. This means that they can be maintained for incidental repairs, but if the building or structure was damaged then it could not be repaired because the general goal of zoning is to eliminate nonconformities. Zoning Administrator Essad then stated that a Class A Non-Conformity can continue to exist, even if the non-conforming building was destroyed. She then stated that the subject lot is a 34-foot lot which is smaller than the what the Zoning District requires, and she stated that the building is within the side setbacks. She stated that the building was built in 1925 but she was unsure of when the lot was split. She stated that the Plat had the lot at 50 feet wide, but sometime between when the Plat was recorded (about 1879) and now this lot was split, so now it is only 34-feet wide. Acting Chair Harris clarified that the task before the Commission was to review the five (5) standards. Zoning Administrator Essad stated yes. She then went on to explain the six (6) proposed exhibits. There were two written public comments submitted in support of the reclassification. – **Copies of each letter are attached and incorporated herein to these minutes.** – The Applicant did not speak, but relied upon the application and reports submitted to the Commission. Acting Chair Harris closed the public hearing at 5:15 PM.

**\*Attached and incorporated herein to these minutes is the signed Class A Designation Decision and Order dated 08-04-2020\***

Deliberations began with Zoning Administrator Essad reading the seven (7) general findings of fact. (See **Attached Class A Designation Decision and Order, pg. 2**).

**Motion by Boyd, seconded by Seman that the General Findings of Fact, above, are approved. Motion Passed by unanimous voice vote.**

Acting Chair Harris stated that we have now covered the pre-existing conditions. Zoning Administrator Essad stated that the Commission has approved the General Findings of Fact and now we move on to the Specific Findings of Fact under 5.03.C. She then when on to read the first standard under that section, and the proposed findings for that standard. (See **Attached Decision and Order, pg. 2**). Zoning Administrator Essad also stated that if the Commission has any other findings it would like to add, then this is the time to do so.

**Motion by Harris, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad then read the second standard, and the proposed findings for it. (See **Attached Class A Designation Decision and Order, pg. 3**). Zoning Administrator Essad also stated that if the Commission has any other findings it would like to add, then that can be done.

**Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad then read the third standard, and the proposed findings for it. (See Attached Class A Designation Decision and Order, pg. 3).

**Motion by Harris, seconded by Boyd that this standard is not applicable. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad then read the fourth standard, and the proposed findings for it. (See Attached Class A Designation Decision and Order, pg. 3).

**Motion by Boyd, seconded by Seman that this standard is not applicable. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad then read the fifth standard, and the proposed findings for it. (See Attached Class A Designation Decision and Order, pg. 4).

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

Acting Chair Harris then stated that the next motion needed would be the overall motion to deny or grant the request. Zoning Administrator Essad stated that the Commission can entertain a motion to either grant or deny the request based upon the findings of fact, with or without conditions.

**Motion by Harris, seconded by Boyd, that the designation of a Class A Nonconformity for property located at 401 E. Cayuga Street, Bellaire, Michigan (Parcel ID 05-41-010-047-00) be granted based upon findings of fact and pursuant to the following conditions, if any. Roll Call Vote: Boyd-Aye; Seman-Aye; Harris-Aye; Absent: Drollinger and Dewey. Motion Carried.**

**\*Attached and incorporated herein to these minutes is the signed Class A Designation Decision and Order dated 08-04-2020\***

**b. Site Plan Review for 401 E Cayuga (Parcel ID 05-41-010-047-00):** Acting Chair Harris stated that now we move on to the site plan review. Zoning Administrator Essad explained that this was not a public hearing, this item is a site plan review for the proposed hotel use at 401 E Cayuga (Parcel ID 05-41-010-047-00). She then stated that in the packets there was a proposed exhibit list, with six (6) exhibits. She explained what those exhibits were: 1. Zoning Ordinance; 2. Master Plan; 3. Application for site plan review, with architectural drawings; 4. Assessing Card; 5. Zoning Variance; 6. Zoning Administrator's report. Zoning Administrator Essad also explained that there was a proposed decision and order within the packets, that the Commission would go through. She then asked the applicant and his architect if they would like to speak. Richard Skendzel, the architect working on this

project, stated that he would not go into great detail as he thought everything was well laid out. He further stated that he would answer any questions the Commission had, and stated that he brought full sized drawings to show the Commission. He stated that the changes to the inside of the building would be significant but the changes to the outside would not be as significant. He stated that the owner (Mr. Walsh) intends to maintain the character of the historic building, he intends to revitalize it and to fix it up. Mr. Skendzel also stated that there would be barrier free access, so that as a commercial establishment it will meet the State's requirements for access for those with disabilities. He went on to state that the site plans show that there will be added parking, storm water drainage, and landscaping. Commissioner Seman asked what the applicant had for parking. Mr. Skendzel stated that under the Zoning Ordinance this site needed four parking spaces, and one of those had to be barrier free. He then stated that the barrier free space needs to be a hard surface and close to the main entry for barrier free. He went on to explain that this is what is proposed on the site plan, shaded in darker grey or medium grey shade. Mr. Skendzel then stated that the other three parking spaces are already existing on the site, in the gravel shoulder on Maple St. He stated that parking for the new proposed use will not differ greatly from what has happened in the past on the site regarding parking. Acting Chair Harris asked what the structure was to the east of the Subject Property – was is multi-family, single-family. Mr. Walsh stated that it was a rental, but was unsure of it was multi-family or single-family. Zoning Administrator Essad stated that she believed it was single-family. Commissioner Boyd stated that there is a multi-family structure two parcels down from the Subject Property. Acting Chair Harris asked if the residents received notice of this hearing. Zoning Administrator Essad stated that everyone within 300 feet of the parcel received notice about the public hearing for a Class A Designation, but that site plans do not require a public hearing. Zoning Administrator Essad asked the Mr. Walsh if he had spoken to the owner of the neighboring parcel about the proposed fence. Mr. Walsh stated that he had and that the owner was all for it. He also stated that if he needed to get a letter of approval, he would. Acting Chair Harris stated he had no further questions. Commissioner Boyd stated that he did not have any questions. Zoning Administrator Essad stated that the Commission could now go over the standards for a site plan review.

**\*Attached and incorporated herein to these minutes is the signed Site Plan Review Decision and Order dated 08-04-2020\***

Deliberations began with Zoning Administrator Essad stating that she would go through the standards and the proposed findings of fact, and if the Commission had questions or wanted to add any findings then they could do so. She then read the seven (7) general findings of fact. (See Attached Site Plan Review Decision and Order, pg. 2).

**Motion by Boyd, seconded by Seman to accept the General Findings of Fact, above. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad stated that now we move on to the Specific Findings of Fact under Section 6.05 of the Zoning Ordinance. She then read the Standard A and the proposed findings of fact for that standard. (See Attached Site Plan Review Decision and Order, pg. 2). She also stated that if the Commission wanted to add any findings, they could do so now.

**Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard B and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 3**). She then stated that if the Commission wanted to add any findings, they could do so now.

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard C and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 3**). She then stated that if the Commission wanted to add any findings, they could do so now.

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard D and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 3-4**).

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard E and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 4**).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard F and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 4**).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard G and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 4**).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard H and the proposed findings of fact for that standard. (See **Attached Site Plan Review Decision and Order, pg. 5**).

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard I and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 5).** She also stated that the Commission could add findings if they wanted to.

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard J and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 5).** She also stated that the Commission could add findings.

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard K and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 5).**

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard L and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 6).**

**Motion by Boyd, seconded by Harris that this standard is not applicable. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard M and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 6).** She also stated that the Commission could add findings.

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard N and the proposed findings of fact for that standard. **(See Attached Site Plan Review Decision and Order, pg. 6).** She also stated that the Commission could add findings.

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard O and the proposed findings of fact for that standard. (See Attached Site Plan Review Decision and Order, pg. 6-7).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard P and the proposed findings of fact for that standard. (See Attached Site Plan Review Decision and Order, pg. 7). She stated that there was only one proposed finding of fact. She went on to explain that the applicant gave a list of all permits that may be required within his application, and that the Commission could make obtaining all required permits a condition of approval. Acting Chair Harris stated that there should be another finding of fact stating that. Zoning Administrator Essad stated that the finding would say: The Commission finds that all applicable permits are listed in Exhibit 3a.

**Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.**

Zoning Administrator Essad read the Standard Q and the proposed findings of fact for that standard. (See Attached Site Plan Review Decision and Order, pg. 7).

**Motion by Seman, seconded by Boyd that this standard is not applicable. Motion Passed by unanimous voice vote.**

Acting Chair Harris stated that now we are to the overall motion. Zoning Administrator Essad pointed out that a condition of approval is listed as the applicant must receive all applicable state and federal permits prior to start of construction.

**Motion by Boyd, seconded by Seman, that the site plan for property located at 401 E. Cayuga Street, Bellaire, Michigan (Parcel ID 05-41-010-047-00) be granted based upon findings of fact and pursuant to the following conditions, if any. Roll Call: Boyd- Aye, Seman- Aye, Harris- Aye. Absent: Drollinger, and Dewey.**

**\*Attached and incorporated herein to these minutes is the signed Site Plan Review Decision and Order dated 08-04-2020\***

**IX. Correspondence/Reports**

a. **Zoning Administrator's Report:** Zoning Administrator Essad stated there was a permit report as of July 31, 2020. She stated that at the meeting in June there were only 13 and now we are up to 15 and there are number 18 and 19 on her desk currently.

**X. Member/Public Comment:** Acting Chair Harris stated that a lot of the streets are named for places in upstate New York. He then stated that Cayuga was named for a lake there. A lot of streets in the terrace are named for places there as well.

Mr. Walsh stated that the sidewalk in front of the 401 E. Cayuga is getting bad, and asked if that was a Village issue or an MDOT issue. Zoning Administrator Essad stated that it is a contested issue – that the Village and MDOT have gone back and forth on the issue. She will let the DPW Supervisor know about the issue.

**XI. Adjourn:** The meeting was adjourned at 5:45 PM to the call of the Acting Chair.

Minutes compiled by:  
Nicole E. Essad, Zoning Administrator & Recording Secretary

**Minutes are subject to approval.**

**Approved:** \_\_\_\_\_  
William Drollinger, Chairman

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

# Haggard's

## PLUMBING and HEATING

"Business of Quality and Service"

"Charlevoix-the-Beautiful"

haggardsinc@hotmail.com

July 21st, 2020

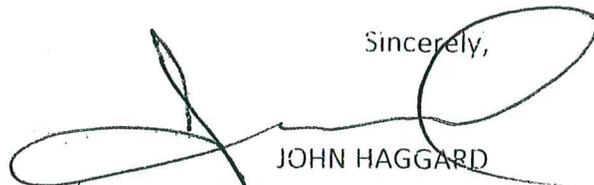
Bellaire Planning Commission  
P.O. Box 557  
Bellaire, MI 49615

RE: Request submitted by Mike Walsh to designate property located at 401 E. Cayuga Parcel#05-41-010-047-00 as a Class A Nonconformity.

To Whom it May Concern,

Upon reviewing the above Article, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changed of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.

Sincerely,



JOHN HAGGARD



## PARADISE PROPERTIES USA, INC.

9047 HELENA  
P.O. BOX 398  
ALDEN, MI 49612

[WWW.MYTORCHLAKE.COM](http://WWW.MYTORCHLAKE.COM)

231.331.4423 LOCAL  
231.331.7154 FAX  
800.977.3386

July 26, 2020

To Whom It May Concern:

My name is Jenifer Taylor (formally Jenifer McKolay), and I am a Realtor with Paradise Properties.

I am writing this letter for a very good acquaintance, neighbor & builder, Mr. Michael Walsh. Michael and I have not only known each other for years, but also have a nice working relationship. He has assisted me, personally when I was planning on buying a home in Bellaire, on ideas for expansion on the house and he has also assisted clients of mine with building projects.

I have been with Paradise Properties for over 2 years & was previously part of the Coldwell Banker Schmidt Family for over five years. Before becoming a Realtor, I was a Civil Engineer who worked for a General Contractor / Construction Manager in the Metro Detroit Area and worked on Commercial Construction Projects for 13+ years. Over this duration of my career, I had the opportunity to work on quite a few Downtown Projects. The one project in particular that I worked on which reminds a lot of Bellaire, was the Downtown Northville Pavilion, Clock Tower & Fountain Project. I remember how quaint it was working in such an adorable small downtown and how there was very limited places to stay for those who were coming in to visit.

I have reviewed Mike's plans for the renovation of the property located at 401 East Cayuga Street in Bellaire, Michigan. I believe that the design is fantastic and will be a great utilization of space and allow visitors a beautiful place to stay and visit while still keeping the historic home in place. I have kept an issue of the Northern Express Newspaper, Volume 28 No. 35, Dated September 2, 2018, which has Bellaire on the front page stating it is a "Small Up North Towns on the Rise." With Bellaire becoming a popular and growing destination location, options for visitors to stay at is a need and a want by not only tourists, but also those who may be coming here to work or to visit family. I do believe that this proposed construction project will be an asset to the community and allow visitors an opportunity to experience a "Small Up North Town" by staying in this boutique hotel.

Please let me know if I can be of any further assistance!

Sincerely,

Jenifer Taylor, Realtor  
Cell: (231) 384-1921  
Email: [Jenifer@mytorchlake.com](mailto:Jenifer@mytorchlake.com)

**VILLAGE OF BELLAIRE  
PLANNING COMMISSION**

DECISION AND ORDER

CLASS A DESIGNATION

Applicant: Mike Walsh  
6947 Cottage Dr.  
Bellaire, Michigan 49615  
(231) 350-0069  
mwalshconst@hotmail.com

Hearing Date: August 4, 2020 at 5:00 P.M. at 202 N Bridge St, Bellaire, Michigan

Owner of the property: Michael J. Walsh  
6947 Cottage Dr.  
Bellaire, Michigan 49615  
(231) 350-0069  
mwalshconst@hotmail.com

PROPERTY DESCRIPTION

The property subject to the variance is located at 401 E. Cayuga, Bellaire, Michigan (Parcel ID 05-41-010-047-00). This property is described as follows:

*Lot 14, Block D, except the East 16 feet thereof, the Plat of the Village of Bellaire, as recorded in Liber 1 of Plats, Page 11, Antrim County Records.*

Hereinafter, the above described property will be referred to as the “Subject Property”.

APPLICATION

WHAT THE APPLICANT SEEKS:

Mr. Walsh wishes to turn the principal structure on the Subject Property into a four-suite boutique hotel. Mr. Walsh has received a variance from the ZBA to build an ADA accessible ramp on the West side of the principle building. However, in order to move forward with the hotel project, Mr. Walsh must now seek a designation of a Class A Nonconformity.

The Commission having considered all of the comments and letters submitted by members of the public, as well as all comments and materials submitted by the applicant and/or the applicant’s representative and other materials, the Commission have considered 6 exhibits, and the Commission having reached a decision on this matter, states as follows:

### GENERAL FINDINGS OF FACT

1. The Commission finds that the Applicant, Mike Walsh (a/k/a Michael J. Walsh), is the owner of the Subject Property. (See Exhibit 3).
2. The Commission finds that the Subject Property is currently zoned Village Commons. (See Exhibit 1).
3. The Commission finds that the proposed use (hotel) is a permitted use (use by right) within the Village Commons Zoning District. (See Exhibit 1).
4. The Commission finds that the Subject Property does not meet the width requirements for the zoning district. (See Exhibit 1).
5. The Commission finds that the Subject Property is a Lot of Record as defined under the Zoning Ordinance. (See Exhibit 1).
6. The Commission finds that the principle building is within most of the setbacks for the zoning district. (See Exhibit 1).
7. The Commission finds that because the lot is a lot of record and the principle building is within the setbacks, the Subject Property is a nonconforming Class B designation. (See Exhibit 1).

**Motion by Boyd, seconded by Seman that the General Findings of Fact, above, are approved. Motion Passed by unanimous voice vote.**

### SPECIFIC FINDINGS OF FACT UNDER SECTION 5.03.C

The Commission shall now review the standards under Section 5.03.C and provide findings of fact for each standard.

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

1. The Commission finds that the principle building was built prior to zoning in 1925. (See Exhibit 4).
2. The Commission finds that the lot was spilt prior to zoning.

**Motion by Harris, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**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.**

1. The Commission finds that the Subject Property has been used as a commercial use for many years. (See Exhibit 3).
2. The Commission finds that the proposed use (hotel) is a permitted use within the Village Commons Zoning District. (See Exhibit 1).
3. The Commission finds that the principle building has been there for approximately 95 years. (See Exhibit 4).

**Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.**

**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.**

1. The Commission finds that the nonconforming structure is the principle building because it is within the setbacks. (See Exhibit 1).
2. The Commission finds that the nonconforming structure is not a sign, and therefore this standard does not apply. (See Exhibit 3).

**Motion by Harris, seconded by Boyd that this standard is not applicable. Motion Passed by unanimous voice vote.**

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

1. The Commission finds that the Subject Property is relatively flat, is not located within a waterfront greenbelt, and is not located within a wetland; therefore, this standard does not apply. (See Exhibit 1, Exhibit 3, and Exhibit 4).

**Motion by Boyd, seconded by Seman that this standard is not applicable. Motion Passed by unanimous voice vote.**

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

1. The Commission finds that the revitalization of the principle building into a small hotel would benefit the Village because it would employ local contractors for the initial remodel, and then it would serve as a place the tourists would be able to stay near the downtown area. (See Exhibit 3).

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

DECISION

Motion by **Harris**, seconded by **Boyd**, that the designation of a Class A Nonconformity for property located at 401 E. Cayuga Street, Bellaire, Michigan (Parcel ID 05-41-010-047-00) be **granted** based upon findings of fact and pursuant to the following conditions, if any.

Aye: **Boyd, Seman, Harris**  
Nay: **None**  
Absent: **Drollinger, Dewey**

MOTION CARRIED.

CONDITIONS, IF ANY

1. None

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person aggrieved by the decision of the Planning Commission may appeal to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed withing twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Date: August 4, 2020

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Fred Harris, Acting Chair

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Nicole E. Essad, Clerk/Zoning Administrator

**VILLAGE OF BELLAIRE  
PLANNING COMMISSION**

**DECISION AND ORDER**

**SITE PLAN REVIEW**

Applicant: Mike Walsh  
6947 Cottage Dr.  
Bellaire, Michigan 49615  
(231) 350-0069  
mw Walshconst@hotmail.com

Meeting Date: August 4, 2020 at 5:00 P.M. at 202 N Bridge St, Bellaire, Michigan

Owner of the property: Michael J. Walsh  
6947 Cottage Dr.  
Bellaire, Michigan 49615  
(231) 350-0069  
mw Walshconst@hotmail.com

**PROPERTY DESCRIPTION**

The property subject to the variance is located at 401 E. Cayuga, Bellaire, Michigan (Parcel ID 05-41-010-047-00). This property is described as follows:

*Lot 14, Block D, except the East 16 feet thereof, the Plat of the Village of Bellaire, as recorded in Liber 1 of Plats, Page 11, Antrim County Records.*

Hereinafter, the above described property will be referred to as the “Subject Property”.

**APPLICATION**

**WHAT THE APPLICANT SEEKS:**

Mr. Walsh seeks to use the Subject Property as a four-suite boutique hotel. Mr. Walsh has received a variance from the ZBA to build an ADA accessible ramp on the West side of the principle building. The Subject Property was designated a Class A Nonconformity. Mr. Walsh now seeks approval of the site plan for the four-suite boutique hotel.

The Commission having considered all of the comments and letters submitted by members of the public, as well as all comments and materials submitted by the applicant and/or the applicant’s representative and other materials, the Commission have considered 7 exhibits, and the Commission having reached a decision on this matter, states as follows:

## GENERAL FINDINGS OF FACT

1. The Commission finds that the Applicant, Mike Walsh (a/k/a Michael J. Walsh), is the owner of the Subject Property. (See Exhibit 3).
2. The Commission finds that the Subject Property is currently zoned Village Commons. (See Exhibit 1).
3. The Commission finds that the proposed use (hotel) is a permitted use (use by right) within the Village Commons Zoning District. (See Exhibit 1).
4. The Commission finds that the Subject Property does not meet the width requirements for the zoning district. (See Exhibit 1).
5. The Commission finds that the Subject Property is a Lot of Record as defined under the Zoning Ordinance. (See Exhibit 1).
6. The Commission finds that the principle building is within most of the setbacks for the zoning district. (See Exhibit 1).
7. The Commission finds that because the lot is a lot of record and the principle building is within the setbacks, the Subject Property is a nonconforming Class B designation. (See Exhibit 1).

**Motion by Boyd, seconded by Seman to accept the General Findings of Fact, above. Motion Passed by unanimous voice vote.**

## SPECIFIC FINDINGS OF FACT UNDER SECTION 6.05

The Commission shall now review the standards under Section 6.05 and provide findings of fact for each standard.

- A. The site plan shall comply with the Village of Bellaire Master Plan and any other applicable Village adopted planning documents.**
1. The Commission finds that the Subject Property is currently zoned Village Commons, which allows commercial uses, such as a hotel, by right. (See Exhibit 1).
  2. The Commission finds that the Subject Property is within the Village Commercial District on the Future Land Use Map in the Bellaire Master Plan. (See Exhibit 2).
  3. The Commission finds that the proposed use (Hotel) is consistent with the Master Plan for future land use and is consistent with the current Zoning Ordinance. (See Exhibit 1, Exhibit 2, and Exhibit 3).

**Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.**

**B. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.**

1. The Commission finds that the site plan is harmoniously and efficiently organized to the character of the surrounding properties, because the existing building shall remain aesthetically like a residential building. (See Exhibit 3).
2. The Commission finds that the site plan takes into account the limitation of the lot size, and is consistent with the existing building size. (See Exhibit 3).
3. The Commission finds that the development of the site will not impede the development or improvement of surrounding properties for uses permitted in the Zoning Ordinance. (See Exhibit 1 and Exhibit 3).

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

**C. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts. Landscaping, buffering, and screening shall conform with the requirements of this Ordinance.**

1. The Commission finds that the proposed landscaping, buffering, and screening, as shown on the site plan, will minimize negative impacts of the hotel use on adjoining properties and will be in harmony with surrounding properties. (See Exhibit 3 and Exhibit 3a).
2. The Commission finds that the existing Maple Tree located within the Maple Street right-of-way shall be preserved by the owner of the property. (See Exhibit 3).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**D. Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties.**

1. The Commission finds that a stone drain adjacent to the proposed barrier-free parking area has been designed to accommodate a 100-year, 24-hour rainfall over the new asphalt paved driveway and barrier-free parking area. (See Exhibit 3).

2. The Commission finds that there are two existing storm water catch basins to the south of the property and near the southwest corner of the property. (See Exhibit 3).
3. The Commission finds that neighboring properties will not be adversely affected by storm water runoff generated from this project. (See Exhibit 3).

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

**E. The site plan shall provide reasonable, visual, and sound privacy for the proposed development, as well as the adjacent properties. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.**

1. The Commission finds that the existing 6-foot privacy fence is being extended along the East property line and landscaping hedges are also shown on the site plan to screen the hotel use from neighboring residential uses. (See Exhibit 3).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**F. A fire and safety preplan review shall be required and coordinated by the applicant with the Bellaire District Fire Department chief or his/her designee.**

1. The Commission finds that the Bellaire District Fire Department Chief has reviewed the site plan and has initialed it. (See Exhibit 3).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**G. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.**

1. The Commission finds that the existing buildings on site permit emergency vehicle access. (See Exhibit 3).
2. The Commission finds that the interior of the building shall be consistent with building, fire and other applicable codes. (See Exhibit 3).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**H. Every building or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.**

1. The Commission finds that the existing building has access to three public streets/alleys. (See Exhibit 3).
2. The Commission finds that each of the four hotel sleeping units shall have direct access to public streets. (See Exhibit 3).

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

**I. Walkways shall be provided, separate from the road system, where feasible.**

1. The Commission finds that the site plan proposes new walkways and a new barrier-free ramp, giving access to the building separate from the road system and sidewalk. (See Exhibit 3).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**J. Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties, and shall be directed downward so as not to unnecessarily illuminate the night sky. Flashing or intermittent lights shall not be permitted.**

1. The Commission finds that exterior lighting fixtures will be directed downward and not unnecessarily illuminate the night sky. (See Exhibit 3).
2. The Commission finds that there are no proposed flashing lights, and that all outside light fixtures are arranged so that light is deflected away from adjacent streets and adjoining properties. (See Exhibit 3).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**K. The proposed arrangement of vehicular and pedestrian routes shall respect the pattern of existing or planned streets and nonmotorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.**

1. The Commission finds that the proposed arrangement of vehicular and pedestrian routes is consistent with the pattern of existing adjacent streets, alleys, and sidewalks. (See Exhibit 3).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**L. All streets shall be developed in accordance with Village specifications.**

1. The Commission finds that there are no proposed streets that will developed according to the site plan. (See Exhibit 3).

**Motion by Boyd, seconded by Harris that this standard is not applicable. Motion Passed by unanimous voice vote.**

**M. All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting streets, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.**

1. The Commission finds that one of the proposed parking areas is to remain as it currently exists, using the Maple Street right-of-way gravel parking area, which allows for safe and efficient vehicular and pedestrian circulation. (See Exhibit 3).
2. The Commission finds that finds that a new proposed asphalt-paved parking area will facilitate efficient and safe vehicular and pedestrian circulation and accommodate barrier-free parking. (See Exhibit 3).
3. The Commission finds that both parking areas will have landscaping, where applicable to minimize the negative visual impact of those areas. (See Exhibit 3).

**Motion by Seman, seconded by Boyd that this standard has been met. Motion Passed by unanimous voice vote.**

**N. Residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists unless precluded by substantial practical difficulties.**

1. The Commission finds that there are no new curb cuts proposed on the site plan. (See Exhibit 3).
2. The Commission finds that there are existing drives that will be utilized, and that there are no shared drives or service drives proposed. (See Exhibit 3).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**O. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.**

1. The Commission finds that the site plan shows a new underground water service line for fire suppression for the project. (See Exhibit 3).

2. The Commission finds that that site plan indicates that all other utilities will remain as they are. (See Exhibit 3).

**Motion by Boyd, seconded by Seman that this standard has been met. Motion Passed by unanimous voice vote.**

**P. Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the Zoning Permit is issued.**

1. The Commission finds that the project will comply with all applicable requirements of the state and federal statutes. (See Exhibit 3).
2. The Commission finds that all applicable permits are listed in Exhibit 3a. (See Exhibit 3a).

**Motion by Boyd, seconded by Harris that this standard has been met. Motion Passed by unanimous voice vote.**

**Q. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment, including:**

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
  2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
  3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.
1. The Commission finds that the project site is a proposed hotel use, therefore, it is not anticipated that any hazardous substances will be transported, stored, or used on site. (See Exhibit 3).

**Motion by Seman, seconded by Boyd that this standard is not applicable. Motion Passed by unanimous voice vote.**

DECISION

Motion by **Boyd**, seconded by **Seman**, that the site plan for property located at 401 E. Cayuga Street, Bellaire, Michigan (Parcel ID 05-41-010-047-00) be **granted** based upon findings of fact and pursuant to the following conditions, if any.

Aye:           **Boyd, Seman, Harris**  
Nay:           None  
Absent:       **Drollinger, Dewey**

**MOTION CARRIED.**

CONDITIONS, IF ANY

1. Receive all applicable state and federal permits prior to start of construction.

TIME PERIOD FOR JUDICIAL REVIEW

State law provides that a person aggrieved by the decision of the Planning Commission may appeal to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Planning Commission.

DATE DECISION AND ORDER ADOPTED

Date: August 4, 2020

\_\_\_\_\_  
Fred Harris, Acting Chair

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Nicole E. Essad, Clerk/Zoning Administrator