

Village of Bellaire
PLANNING COMMISSION

William Drollinger, Chairman

Patrick Boyd

Butch Dewey

Fred Harris

Don Seman

PLANNING COMMISSION MEETING MINUTES

September 1, 2020

5:00 PM

I. Call to Order: Chairperson Drollinger called the meeting to order at 5:00 PM

II. Roll Call - Attendance:

Present: Patrick Boyd, Butch Dewey, Fred Harris, Don Seman, Bill Drollinger

Absent: None

Staff Present: Nicole E. Essad, Zoning Administrator/Clerk

Also Present: David and Kristine Nichols

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 August 4, 2020 meeting were approved as presented.

Motion by Harris, seconded by Boyd to approve the minutes of August 4, 2020 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:** Chairperson Drollinger stated that he and Zoning Administrator Essad have talked about this item, and that under the current fee schedule it is not clear. Chairperson Drollinger then asked if Mr. Nichols, who was in attendance, could find the fee schedule clear to read. Mr. Nichols stated that they could not. Chairperson Drollinger stated that when the previous zoning administrator left, he was in that position. He further stated that while in that position, he, along with other staff, were looking up fence permits, and it was not clear what the application or the fee was for that. He stated that he thinks it should be made clear. Chairperson Drollinger then stated that he looked up what the fees were in other municipalities around Northern Michigan. He stated that when Zoning Administrator Essad was hired, he and her came up with what they thought was fair. Zoning Administrator Essad explained that there was a proposed fee schedule in the packets with blanks for fees. Zoning Administrator Essad went on to explain the proposed fee schedule and she suggested

fees for various permits/applications based upon what Chairperson Drollinger had gathered; what the current fees were; and what the current per diem is. She also explained that the ZBA or Commission can ask for escrow fees as well as normal fees. She then asked if the Commission had any questions or wanted to change any of the fees she outlined. Chairperson Drollinger clarified that he had no fee for minor accessory buildings. Zoning Administrator Essad stated that is correct because minor accessory buildings do not need a permit.

Motion by Dewey, seconded by Seman to recommend to council the fee schedule as amended during discussion. Motion Passed by unanimous voice vote.

VIII. New Business

a. Site Plan Amendment for 734 E Cayuga (Parcel ID: 05-41-030-002-01):

Chairperson Drollinger introduced Dave and Kristine Nichols and stated that they are here because they want to revise the site plan for their building located at 734 E Cayuga. Chairperson Drollinger then gave the floor to the Mr. and Mrs. Nichols for their presentation. Mr. Nichols explained where the building was and the previous plan, where there would be five (5) apartments in the building. He stated that they have built three (3) of the original apartments, and after reconsidering they decided to combine the last two (2) apartments into more senior living. He also stated that someday he and Mrs. Nichols may live there. He noted that they would remove the balcony on the second floor – it would be a small balcony or just a physical protection. Mr. Nichols also stated that there will be a portico over a door and a covered sidewalk.

Attached and incorporated herein to these minutes is the signed Second Amended Site Plan Review Decision and Order dated 09-01-2020

Deliberations began with Zoning Administrator Essad reading the six (6) proposed general findings of fact. (See **Attached Second Amended Site Plan Review Decision and Order, pg. 2**). She then changed the last proposed finding to include the changes of adding a portico and to add a covered walkway.

Motion by Boyd, seconded by Dewey to accept the General Findings of Fact as amended. Roll Call: Boyd -yes; Dewey- yes; Harris- yes; Seman- yes; Drollinger- yes. Motion Passed.

Zoning Administrator Essad then read the first standard under Section 6.07.A.1, and the proposed findings of fact for that standard. (See **Attached Second Amended Site Plan Review Decision and Order, pg. 2**). She also asked if the Commission wanted to change or add any findings.

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

Zoning Administrator Essad then read the second standard under Section 6.07.A.1, and the proposed findings of fact for that standard. (See **Attached Second Amended Site Plan**

Review Decision and Order, pg. 2-3). She also asked if the Commission wanted to change or add any findings.

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

Zoning Administrator Essad then read the third standard under Section 6.07.A.1, and the proposed findings of fact for that standard. (See **Attached Second Amended Site Plan Review Decision and Order, pg. 3).**

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

Motion by Drollinger, seconded by Boyd, that the Second Amended Site Plan for property located at 734 E. Cayuga Street, Bellaire, Michigan (Parcel ID 05-41-030-002-01) be granted based upon findings of fact and pursuant to the following conditions, if any. Roll Call: Drollinger – yes; Boyd – yes; Dewey – yes; Harris –yes; Seman – yes. Motion Passed.

Attached and incorporated herein to these minutes is the signed Second Amended Site Plan Review Decision and Order dated 09-01-2020

IX. Correspondence/Reports

- a. Zoning Administrator’s Report:** Zoning Administrator explained that there were three new permits that were issued since the last Commission meeting. She stated that in her written report there were three items that she wanted to bring to the Commission’s attention. The first of which was short term rentals. She explained that she has been getting a number of questions regarding if this is allowed, and she tells the public that currently it is not regulated, but it may be in the future. Zoning Administrator Essad also explained that she has not received many complaints about short term rentals. Chairperson Drollinger also stated that he has not received many complaints about them. Commissioner Harris stated that the last time we looked at this, it was more about safety issues. Chairperson Drollinger stated that it never went anywhere because the State was possibly passing a law about it. Zoning Administrator Essad stated that she wanted to let the Commission know that she was getting questions and the Village may be getting more of them in future. She then went on to ask about residential use of solar panels. Commissioner Boyd stated that he thought that it would fall under the existing permits. Chairperson Drollinger also stated that the majority are being put on the roof as tiles. Zoning Administrator Essad then asked about tiny homes, and if the Zoning Ordinance should regulate these. She also explained that currently there is no minimum dwelling square footage, but there is a minimum dwelling width. She also stated that the County does not regulate tiny homes, nor does it have a minimum square footage for dwellings. Zoning Administrator Essad asked the Commission if they thought the Village should regulate this. Commission Boyd stated that there is only one dwelling per lot. Zoning Administrator Essad stated yes as of right now. She also explained about getting a call

about the tiny house with wheels. She told that person that she, as zoning administrator, would classify that more as a camper/RV. She asked if the Commission wanted to regulate this subject. Zoning Administrator Essad stated that she included an excerpt of Briley Township Zoning Ordinance that included a definition of tiny house in the packet. Commission Harris asked about sub-dividing lots to offset cost of tiny houses. Zoning administrator Essad stated that currently there is a minimum lot square footage. She also explained that what Commissioner Harris was talking about was more of a PUD. Commissioner Boyd asked about what the rules about mobile homes – do they need to take the wheels off? Chairperson Drollinger stated no, but if they remove them then they are taxed differently. Commissioner Harris stated that if Zoning Administrator Essad sees things that need to be changed or formalized she'll bring them to the Commission. Chairperson Drollinger stated that he like Briley Township's verbiage regarding tiny homes.

X. Member/Public Comment: None presented.

XI. Adjourn: The meeting was adjourned at 5:51 PM to the call of the Chair.

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

Minutes are subject to approval.

Approved: _____

Date: _____

**VILLAGE OF BELLAIRE
PLANNING COMMISSION**

DECISION AND ORDER

AMENDED SITE PLAN REVIEW

Applicant: David and Kristine Nichols
6510 Cottage Drive
Bellaire, MI 49615

Meeting Date: September 1, 2020 at 5:00 PM at 202 N Bridge St, Bellaire, Michigan

Owner of the property: David and Kristine Nichols
6510 Cottage Drive
Bellaire, MI 49615

PROPERTY DESCRIPTION

The property subject to this Amended Site Plan Review is located at 734 E. Cayuga, Bellaire, Michigan (Parcel ID 05-41-030-002-01). This property is described as follows:

PARCEL A. COM AT THE NE COR OF SEC 30; TH S 00 DEG W 33 FT TO S LINE OF E CAYUGA ST FOR POB; TH CONT S 00 DEG W 384.89 FT TO SLY LINE OF FORMER EJ&S RR R/W; TH S 84 DEG W 202.03 FT ALG R/W; TH N 00 DEG W 201.66 FT; TH N 89 DEG E 100 FT; TH N 00 DEG W 200 FT TO S LINE OF ST; TH N 89 DEG E 104.11 FT TO THE POB; BEING PART OF THE NE 1/4 OF THE NE 1/4 SEC 30 T30N R7W 1.370 A M/L

Commonly known as 734 E. Cayuga

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

APPLICATION

WHAT THE APPLICANT SEEKS:

Mr. Nichols would like to change the original plan of having five (5) apartments units in the building to only having four (4). Currently, there are three (3) units that have been built. It is his intention to combine the last two (2) into a single unit that will have two (2) floors. The main floor (ground floor) will be the main living area and the upstairs will be for guests. It is Mr. Nichols' intention to eventually retire to this new apartment.

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 six (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 Applicants, David Nichols and Kristine Schrock, own the Subject Property. (See Exhibit 3).
2. The Commission finds that the Subject Property is in the Village Commons Zoning District. (See Exhibit 1).
3. The Commission finds that Multiple Family Dwellings are an allowed use by Special Use Permit within the Village Commons District. (See Exhibit 1).
4. The Commission finds that a Special Use Permit and the original Site Plan Review were granted in 2018. (See Exhibit 4).
5. The Commission finds that the First Amended Site Plan was granted in 2019. (See Exhibit 5).
6. The Commission finds that the changes to the site plan are to combine the two (2) unfinished units into one unit, with two (2) floors; to add a portico; and to add a covered walkway. (See Exhibit 3).

**Motion by Boyd, seconded by Dewey to accept the General Findings of Fact as amended.
Roll Call: Boyd -yes; Dewey- yes; Harris- yes; Seman- yes; Drollinger- yes. Motion Passed.**

SPECIFIC FINDINGS OF FACT UNDER SECTION 6.07.A.1

The Commission shall now review the standards under Section 6.07.A.1 and provide findings of fact for each standard.

a. Such changes will not adversely affect the initial basis for granting approval.

1. The Commission finds that the proposed changes will not affect basis for the approval of the Original Site Plan issued in 2018. (See Exhibit 4).
2. The Commission finds that the proposed changes will not affect the basis for the approval of the First Amended Site Plan issued in 2019. (See Exhibit 5).

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

b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article.

1. The Commission finds that the proposed changes will not have an adverse impact on the overall project, because it will still be a multiple family

dwelling under its Special Use Permit. (See Exhibit 3, Exhibit 4, and Exhibit 5).

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

c. Such changes shall not result in the reduction of open area as required herein.

1. The Commission finds that the proposed changes are for the inside configuration of the last two (2) units to be built, and will not change any open spaces that are required. (See Exhibit 3).

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

DECISION

Motion by **Drollinger**, seconded by **Boyd**, that the Second Amended Site Plan for property located at 734 E. Cayuga Street, Bellaire, Michigan (Parcel ID 05-41-030-002-01) be **granted** based upon findings of fact and pursuant to the following conditions, if any.

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

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: September 1, 2020



William Drollinger, Chairperson



Nicole E. Essad, Clerk/Zoning Administrator