

Village of Bellaire

PLANNING COMMISSION

Commissioners: Dan Bennett, Butch Dewey, Bill Drollinger, Fred Harris, and Don Seman

PLANNING COMMISSION PUBLIC HEARING MINUTES

August 6, 2019

5:00 p.m.

1. **Call to Order:** Chairman Drollinger called the meeting to order at 5:02 p.m.
2. **Roll Call Attendance:**
 - Present:** Butch Dewey, Fred Harris, Don Seman and Bill Drollinger
 - Absent:** Dan Bennett
 - Staff Present:** Lori Luckett, Zoning Administrator
 - Also Present:** George Wilks, Nanette McClellan, William McClellan and Georgia Jean Burns
3. **Welcome to the Public:** Chairman Drollinger welcomed the members of the public.
4. **Opening of the Public Hearing:** Chairman Drollinger opened the public hearing announcing that the Village of Bellaire Planning Commission will hold a public hearing on Tuesday, August 6, 2019 at 5:00 p.m. in the village council chambers at 202 North Bridge Street. The purpose of this hearing is to solicit comments and opinions regarding a Special Use Permit application request submitted by Nanette McClellan and William McClellan, to operate Restoration Services of Michigan, a Home Business - Cottage Industry as defined in the Village of Bellaire Zoning Ordinance, on Parcel Number 05-46-124-020-00, commonly known as 6658 Bellaire Highway.
5. **Determination of Time Limit for Addressing the Planning Commission:** No time limit was set.
6. **Staff Report:** Zoning Administrator Luckett noted that the staff report had been included in the meeting packets. The report included an outline of the property description, zoning district, setbacks, and the request. She explained that because the home business will operate from their home and accessory building, it is considered a cottage industry. There may be some additional information that members would like. Based on the application, the perform general cleaning, water and fire clean-up and drying services in customers' homes and businesses. No services are performed on site. Hours of operation have not been provided. Zoning Administrator Luckett stated that notice of the public hearing was published in the newspaper and provided to property owners within 300 feet of the boundaries. Mr. Wilks was acknowledged. Zoning Administrator Luckett reported that she had not received any correspondence or emails in regard to the request.
7. **Presentation by the Applicants, Applicants' Attorney or Other Agents:** Chairman Drollinger asked if the applicant wished to address the Planning Commission and tell them about their business. Nanette McClellan explained that Restoration Services is a fire and water clean-up and restoration company; all their business is conducted off-site in people's homes and businesses. If there is a flood, fire, or anything requiring drying out they have equipment, dehumidifiers and fans, in the pole building. They do not use any hazardous materials. They dry sites out. They use water soluble and biodegradable cleaning products and operate 24/7. If someone calls, they address the situation. Deliveries to the property are made during the day. Chairman Drollinger asked if they get a call and leave? Ms. McClellan said yes, they get in their van and go to assess the situation. Their van is equipped for water extraction.
8. **Correspondence and/or Persons Speaking in Favor of the Application:** Chairman Drollinger asked if there was anyone present to speak in favor of the applicant. Applicants identified as being in favor.
9. **Correspondence and/or Persons Speaking in Opposition to the Application:** Chairman Drollinger asked if anyone wished to speak in opposition. George Wilks stated that he had property across the road. The property is currently for sale and likely to be sold for development. He stated that he was not notified about the steel building or anything else there. He was notified about the U-Haul request down the road and approved of it because it was further away from his property. This is directly across the road. If someone buys it and develops it; what is going on across the road may hinder sales.
10. **Rebuttal by the Applicants, Applicants' Attorney or Other Agents:** Mrs. McClellan explained the condition of the property when they purchased it. It had garbage and a dump, including hazardous materials. Mr. Wilks acknowledged

that the property looked better. He questioned why he did not receive notice of the building. Chairman Drollinger explained that he would not have been notified of the request to put up a building. Mr. Wilks stated that there is a business there. The building was put up for the business. Zoning Administrator Luckett explained that at the time the permit for the building was issued, there was no indication there was going to be a business there. When she learned they were operating a business, the applicants were notified that they needed to make application for a special use permit. Chairman Drollinger noted that was the purpose of the hearing. Commissioner Harris noted that this was the first time the Planning Commission had dealt with this parcel.

11. Compilation of List of Exhibits: Chairman Drollinger identified the exhibits for the record. Exhibit 1 Special Use Application with attachments; Exhibit 2 Village of Bellaire Zoning Ordinance; and Exhibit 3 Village of Bellaire Master Plan.

12. Closing of Public Hearing: Chairman Drollinger closed the public hearing at 5:14 p.m.

13. Deliberation by Members: Chairman Drollinger identified the District Regulations: Minimum Lot Area = 6,000 square feet; minimum width-50 feet; front setback-25 feet; rear setback- 25 feet; side setback-5 feet. Applicants are requesting special use approval to operate a business from their home and accessory building. Under the Village of Bellaire Zoning Ordinance, Section 2.02, a “home business” is an occupation or trade that is accessory to a principal residential use conducted within a dwelling or an accessory building. A “Cottage Industry is an occupation or trade conducted within a detached accessory building, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes”. Home Businesses are regulated by Section 3.07.

Restoration Services of Michigan, LLC is a Michigan limited liability corporation. The current location has been the registered office since December 15, 2017. Restoration Services performs general cleaning, water and fire clean-up and drying services in customers’ homes or businesses. Applicants are the only employees. A permit to build a 28’ x 40’ accessory building with a 10’ x 40’ attached storage area was issued November 6, 2017. The building is used for storage of equipment and vehicles. Hours of operation had not been provided but have been identified as 24/7.

Chairman Drollinger continued with the standards of approval.

Approval of a Special Use Permit shall be based on the determination that the proposal will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in **Article 6** and applicable supplemental standards for the specific use set forth in **Article 8**. The Planning Commission shall approve, or approve with conditions an application for a Special Use Permit only upon finding that the proposed special land use complies with the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

The Planning Commission finds:

The property is located in the Village Commons Zoning District wherein a Cottage Industry is allowed by Special Land Use. (Exhibit 2)

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

B. Compatibility with Adjacent Land Uses

a. The proposed use subject to a Special Use Permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

The Planning Commission finds:

1. The subject property has the Barnard property formerly identified as Semrau Estates to the west, north and east.
2. The property to the south, across Bellaire Highway, is vacant land located outside of the village limits.

Motion by Commissioner Seman, seconded by Chairman Drollinger, that this standard has been met. Motion carried by unanimous voice vote.

- b. The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public street or seen from any adjacent land owned by another person.

The Planning Commission finds:

- 1. The accessory building is used for storage of equipment and vehicles. (Exhibit 1)
- 2. Services associated with the business are provided off-site. (Exhibit 1)
- 3. There are no hazardous materials stored on site. (Exhibit 1)
- 4. Vehicles associated with the business travel off-site for services. (Exhibit 1)

**Motion by Commissioner Harris, seconded by Commissioner Dewey, that this standard has been met.
Motion carried by unanimous voice vote.**

- c. If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.

The Planning Commission finds:

- 1. Hours of operation have been provided as 24/7.
 - 2. Business services are not performed at this location. (Exhibit 1)
- There was brief discussion about the hours of operation. Applicants receive calls at all hours; then leave. There is very little traffic there.

**Motion by Commissioner Dewey, seconded by Chairman Drollinger that this standard has been met.
Motion carried by unanimous voice vote.**

- d. The proposed use is compatible with the Village of Bellaire Master Plan.

The Planning Commission finds:

- 1. The current Master Plan identifies the area as multi-family residential. The future land use map identifies the area as Mixed-Residential. (Exhibit 3)
- 2. According to the Master Plan, Mixed-Residential is designated to accommodate higher density residential use, such as apartments or a modular home development, with a recommended density not to exceed eight dwelling units per acre. (Exhibit 3, pages 7-3 and 7-4)
- 3. Mixed-Residential area are suggested accommodate compatible personal services and office uses. (Exhibit 3, page 6-4)
- 4. Applicants' home business involves an in-home office and storage of equipment, vehicles and supplies in the accessory building. (Exhibit 1)

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

C. Public Services

- a. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- b. The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

The Planning Commission finds:

- 1. Applicants are the only employees. (Exhibit 1)

2. Equipment and supplies are kept in the accessory building on site. (Exhibit 1)
3. Professional services are performed off site. (Exhibit 1)
4. Water and sewer are available at the road; however, the property is currently on a private well and septic.
5. There are no trash receptacles specific to the business identified. (Exhibit 1)

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

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

The Planning Commission finds:

1. Applicant is a local company offering water and fire damage property restoration services. (Exhibit 1)
2. Business vehicles parked in the driveway and a temporary sign are the indications of a home business. Commissioner Harris suggested that Mr. Wilk's concerns would be considered under this standard. Mr. Wilks stated that there are two parties interested in his property. This request could impact their decision.

**Motion by Chairman Drollinger, seconded by Commissioner Dewey, that this standard has not been met.
Motion carried by unanimous voice vote.**

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Village or the natural environment as a whole.

The Planning Commission finds:

1. Applicants do not store hazardous or flammable chemicals or materials in the accessory building. (Exhibit 1)

**Motion by Commissioner Dewey, seconded by Commissioner Harris, that this standard has been met.
Motion carried by unanimous voice vote.**

F. Compliance with Supplemental Development Standards

The proposed special land use complies with all applicable Supplemental Development Standards required under this Ordinance.

The Planning Commission finds:

1. Section 3.07 of the Village of Bellaire Zoning Ordinance regulates the operation of home businesses. (Exhibit 3)
2. A cottage industry may operate in a primary dwelling or accessory building. Applicants use the accessory for storage of equipment and vehicles.
3. Outdoors storage or display is allowed, if screened and screening is approved by the Planning Commission. Applicants have not requested outdoor storage or display. Parking of vehicles in the driveway is not considered outdoor storage.
4. Limited retail sales are allowed. There are no retail sales associated with Applicants' business.
5. Traffic shall not exceed that normally created by a residential use. Applicants' services are provided off-site.
6. Parking may not exceed the number of spaces set by the Planning Commission after consideration of the standards set in 3.14.B.6. Business vehicles are parked in the accessory building or driveway.
7. The appearance of the property shall not detract from the residential character of the premises or neighborhood. Applicants' property is located in the Village Commons zoning district and has a residence and accessory building.
8. The operation of a home business shall not create a nuisance, due to objectionable levels of noise,

vibration, glare, fumes, odors or electrical interference detectable off-site. Applicants store materials, equipment and vehicles on site but perform all restoration services at customer locations.

9. Hours of operation are to be approved by the Planning Commission. Hours of operation 24/7 have been approved.
10. A sign of four-square feet is allowed.

There was brief discussion about the signage. There is currently a temporary sign on site. Temporary has a time limit. A permanent sign size is limited to 4 square feet. Ms. McClellan asked whether their current sign could be considered their permanent sign. Chairman Drollinger indicated it could so long as it was 4 square feet or less.

**Motion by Commissioner Seman, seconded by Chairman Drollinger, that this standard has been met.
Motion carried by unanimous voice vote.**

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a Special Use Permit, pursuant to **Section 10.06** of this Ordinance.

The Planning Commission finds:

1. Section 10.06 allows special conditions that are: 1. Designed to protect natural resources, the health, safety, and welfare and social and economic well-being of the those who will use the land use or activity, the landowners of adjacent properties, and the community as a whole; 2. Related to the valid exercise of police power and purposes affected by the proposed use or activity; 3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance, and be necessary to insure compliance with those standards. (Exhibit 2)

There was brief discussion about parking, business vehicles. No conditions were recommended.

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

H. Meets the Site Plan review requirements of **Article 6** of this Ordinance. Chairman Drollinger indicated that he would only read the proposed findings.

The Planning Commission finds:

- A.
 1. The Master Plan Existing Land Use Map identifies the property as Multi-Family Residential; Future Land Use identifies the property as Mixed Residential. This property is zoned Village Commons. (Exhibits 3 and 2)
 2. The requested use is permitted by special use. (Exhibit 2)
 3. The home and building meet the setback requirements. (Exhibit 1 and Exhibit 2)
- B.
 1. The site is developed with a principal dwelling and accessory building.
 2. The surrounding property is approved for residential development.
- C.
 1. The site is developed. (Exhibit 1)
- D.
 1. The property and storm water patterns are developed. (Exhibit 1)
 2. There are no topographical alterations to the property proposed that affect site drainage or neighboring properties.
- E.
 1. The site is fully developed and landscaped.
 2. Adjacent properties within the village limits are either approved for residential development or currently vacant
- F.
 1. Fire Chief Shumaker has reviewed the application and site plan. (Exhibit 1)

- G. 1. Emergency vehicle access to the dwelling and accessory building is from Bellaire Highway.
- H. 1. The Applicants' home and accessory building are accessible from Bellaire Highway.
2. There are no developed walkways along Bellaire Highway.
- I. 1. Applicants are operating within the footprint of their home and accessory building that are accessible from Bellaire Highway.
2. Applicant will not be developing roads to this project.
3. There are no walkways proposed. (Exhibit 1)
- J. 1. Applicants have a motion activated light above the garage door of the accessory building and one small light by the walk-in door. (Exhibit 1)
- K. 1. Vehicular routes to this site are established.
- L. 1. This standard is not applicable to the application under consideration.
- M. 1. On-site parking is available in the driveway, attached garage, and accessory building.
2. Section 3.14.B.2 provides that residential off-street parking space shall consist of a parking strip, driveway, garage or any combination located on the premises they are intended to serve. In a residential district, a licensed commercial vehicle may be parked provided it is owned or operated by someone residing on the premises. (Exhibit 3)
- N. 1. Access to the property is developed.
2. There are two access points; Applicants are not proposing additional access points.
- O. 1. The site is not currently connected to Village water and sewer.
2. Natural gas and electric are on site.
- P. 1. Permits are not required for the storage of equipment.
- Q. 1. Applicants' use of the property does not involve storage or use of hazardous materials. (Exhibit 1)

**Motion by Commissioner Dewey, seconded by Chairman Drollinger, that A through Q have been met.
Motion carried by unanimous voice vote.**

14. Motion for a Decision: Chairman Drollinger made a motion to approve the request

Motion by Chairman Drollinger, seconded by Commissioner Seman, to approve based on the findings of fact, the site plan review standards, and the special use permit review standards Applicants' request to operate Restoration Services of Michigan, LLC. a home business – cottage industry as defined in zoning ordinance, at 6658 Bellaire Highway subject to the following: there is no outdoor of storage of materials; hours of operation have been set; one four-square foot sign is allowed but must comply with Section 3.11.

15. Closing of Member and/or Public Comment

16. Adjourn: The public hearing was adjourned at 5:33 p.m.

Minutes compiled by:
Lori Lockett, Zoning Administrator & Recording Secretary

Approved: _____
William Drollinger, Chairman

Date: _____