



Planning Commission
97 North Broad Street
Hillsdale, Michigan 49242-1695
(517) 437-6440 Fax: (517) 437-6450

Planning Commission Agenda
December 20, 2023

- I. Call to Order 5:30 pm**
 - A. Pledge of Allegiance
 - B. Roll Call

- II. Public Comment**
 - Any agenda item – 3 min. limit

- III. Consent Items**
 - A. Approval of agenda
 - B. Approval of Planning Commission 11/15/2023 minutes
 - C. 2024 Meeting dates

- IV. New Member Welcome**
 - A. Jacob Bruns
 - B. Matthew Kniffen

- V. Officer Elections**
 - A. Elections

- VI. Old Business**
 - A. Sec. 36-431 & 36-432
 - 1. Council directives

- VII. New Business**
 - A. Land Division
 - 1. 115 Reading St.

- VIII. Zoning Administrator Report**

- IX. Commissioners' Comments**

- X. Public Comment**
 - Any Commission related item – 3 min. limit

- XI. Adjournment**
 - Next meeting: **Wednesday, January 17, 2024 at 5:30 pm**

Planning Commission Meeting Minutes
Hillsdale City Hall
Council Chambers
November 15, 2023
5:30 pm

I. Call to Order

Meeting opened at 5:30 pm followed by the Pledge of Allegiance and Roll Call.

II. Members Present

- A. Members Present: Chairman Eric Moore, Commissioner William Morrissey, Commissioner Elias McConnell, Commissioner Kerry Laycock, Commissioner Penny Swan, Commissioner Roma Rogers
- B. Public Present: Zoning Administrator Alan Beeker, Lorissa Mekelburd, Jack McLain, Lisa Martin, Aaron Freese
- C. Members Absent: Vice Chair Ron Scholl

III. Public Comment

None

IV. Consent Agenda and Minutes

- A. Motion to approve the Consent items with change of Carolyn Freese not being a victim of the flooding made by Commissioner Swan, seconded by Commissioner Morrissey, motion approved unanimously.

V. Public Hearing

- A. Sec. 36-436 Accessory Structure Ordinance
 - i. No public comment
 - ii. Motion to approve and send to council by Commissioner Swan, second by Morrissey, motion approved unanimously
- B. Citizen Participation Plan
 - i. Commissioner comments
 - 1. Morrissey asks about motion of library board, suggest library board should be on it
 - ii. Motion to approve/move in amended form by Commissioner Morrissey, second by Commissioner Swan, motion approved unanimously

VI. Old Business

- A. Rezoning 3005 W Carlton
 - i. The plan is to fence the entire area and rezone for self storage
 - ii. Conversation regarding easement access and which properties will have easement access in perpetuity
 - iii. Conversation regarding cutting down of trees and assured minimal trees will need harvested for storage building and lots
 - iv. Homelessness issue behind “Wicker Works” building should be solved by this building

- v. Motion for council to approve rezoning by commissioner Swan, second by Commissioner Rogers, motion approved unanimously

VII. New Business
None

VIII. Zoning Administrator Report
None

IX. Commissioner's Comments

- A. Airport informational meeting suggested by Commissioner Morrissey to bring in airport engineers to explain what is going on
B. Motion by Commissioner Morrissey to have informational meeting regarding airport topography, drainage for both airport and surrounding neighborhoods for the future January PC meeting, seconded by commissioner Swan, approved unanimously

X. Public Comment

Aaron Freese – asks what is going on with airport, what is Planning Commission doing regarding alleged flooding issue regarding airport
Lorissa Meckelberg– Lives on Wildwood Dr., flood victim, thanks Planning Commission for their work, wants responsibility taken by whomever is at fault
Lisa Martin – lives on Wildwood Dr., concerned that original engineering is at fault and possibly the same engineering firm that caused the flooding
Jack McLain – asks about who approves the building at airport due to the property technically residing in Adams Township

XI. Adjournment

Commissioner Laycock moved to adjourn the meeting, Commissioner Swan seconded. Approved unanimously. Meeting adjourned at 6:30 pm.

XII. Next meeting: December 20, 2023 at 5:30 pm.

2024 Planning Commission Meeting Dates
City Hall
3rd Floor Council Chambers
5:30 p.m.

January 17
February 21
March 20
April 17
May 15

June 26 (4th Wednesday)
July 17
August 21
September 18
October 16
November 20
December 18



TO: Planning Commission

FROM: Zoning Administrator

DATE: December 20, 2023

RE: Secs. 36-431 & 36-432

Background: The recent Planning Commission amendments were presented to Council for adoption during the December 4th regular council meeting. During review of the proposed ordinance, Council disagreed with the overall allowable maximum height of ground mounted solar energy systems. They also disagreed with the prohibition of wind energy systems. Council requested that the Planning Commission review and make the requested revisions prior to requesting Council to adopt.

Sec. 36-431. - Accessory buildings.

Definitions:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A solar energy system that is an integral part of a primary or accessory building or structure (rather than separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on support posts, like a rack or pole that are attached to or rest on the ground.

MAXIMUM TILT: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

MINIMUM TILT: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

PRINCIPAL-USE SOLAR ENERGY SYSTEM: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

SOLAR ARRAY: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.

SOLAR CARPORT: A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

SOLAR ENERGY SYSTEM (SES): A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

Accessory buildings and accessory structures shall be subject to the following regulations, which shall apply in all zone districts:

1. All accessory buildings and accessory structures are permitted in all zone districts subject to compliance with all of the following:
 - a. The accessory building and/or accessory structure is customarily and clearly incidental to a use that is permitted under this chapter and/or is a permitted use in the zone district in which it is to be located;
 - b. The accessory building and/or accessory structure does not create a nuisance or hazard; and

- c. The accessory building and/or accessory structure meets and is in accordance with all applicable limitations, requirements and provisions of this article and the applicable zone district.
2. No accessory buildings or accessory structures shall be established until the principal use to which it is an accessory has been established or a building, placement or construction permit for the principal use has been obtained.
3. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all yard regulations of this title, applicable to the main buildings.
4. Accessory buildings or other accessory structures shall not be erected, placed or established in any required yard, unless otherwise permitted by this chapter.
5. No detached accessory building or other accessory structure shall be located closer than ten feet to any main building or structure, unless it can conform to all other yard regulations as required for the main building or structure. It shall not be located any closer than three feet to any side or rear lot line, unless otherwise permitted by this chapter. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building or accessory structure shall be no closer than one foot to such rear lot line. In no instance shall an accessory building or accessory structure be located within a dedicated easement right-of-way.
6. When an accessory building or accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the accessory building or accessory structure shall not project beyond the front line of the existing main structure on the lot in rear of such corner lot. An accessory building or accessory structure shall not be located within ten feet of a street right-of-way line.

An On-site Ground-Mounted Solar Energy System is an accessory use which shall meet the following standards:

1. **Ground-Mounted SES shall not exceed 15 feet measured from the ground to the top of the system when oriented at maximum tilt. Ground mounted SES may not be placed in the front yard. Ground mounted SES shall be subject to and must conform to all yard regulations of this title, applicable to the main buildings as measured when oriented at minimum design tilt.**
2. **A Small Principal-Use SES is a permitted use in all zoning districts subject to site plan review and shall meet all of the following requirements:**
 - a. **Total height shall not exceed 15 feet measured from the ground to the top of the system when oriented at maximum tilt.**
 - b. **Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:**
 - c. **A Ground-Mounted SES shall follow the setback distance for primary buildings or structures for the district in which it is sited.**

- d. A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.
 - e. A Small Principal-Use SES shall be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of 6 feet in height. Additional screening may be required upon review.
3. Roof-Mounted SES shall not exceed the combined height of the building and the roof mounted SES, when oriented at maximum tilt, for principal structures in any zoning district. A Roof-Mounted SES or Building-Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.

All Ground mounted SES applications must include a site plan and drawings that show the height and dimensions of the SES. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. All SES drawings shall include dimensions of the minimum and maximum tilt. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties. Any connection to the public utility grid shall be inspected and approved by the appropriate public utility.

All solar energy equipment shall be maintained and kept in good working order. If it is determined by the Zoning Administrator or other City Staff that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended function for six consecutive months, the property owner shall be given 30 day notice for removal of unit and all equipment. If the solar energy system is not removed within 30 days, any person, or anyone acting in behalf of the person, violating any of the provisions of this section shall be guilty of a misdemeanor. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

Sec. 36-432. - Accessory buildings in residential districts.

Accessory buildings and accessory structures located in any residential zone districts shall be subject to the following regulations except as otherwise permitted in this chapter:

1. No detached accessory building or accessory structure in an R-1, RD-1, or RM-1 district shall exceed one story or ~~15 feet in height~~ **or 25 feet to ridge.**
2. No accessory building or accessory structure inclusive of the main structure may exceed the required density requirements of section 36-411.
3. Playhouses, greenhouses and gazebos may not be located in side and rear yards within three feet of the property line.
4. Swimming pools shall be regulated by the Michigan Residential Building Code. Swimming pools, excepting inflatable swimming pools having a length or diameter of less than five feet and/or a depth of less than 18 inches, shall be placed in the rear yard only. Inflatable swimming pools having a length or diameter of five feet or more and/or a depth of 18 inches or more shall be located within the rear or side yards only. No hot tub or swimming pool shall be located within three feet of the property line.
5. Porches and decks must conform to all yard setback, bulk and height requirements. Construction of new porches and decks and the reconstruction of existing porches and decks shall be subject to compliance with the requirements of sections 36-411 and 36-787.
6. Game courts, as defined in section 36-6, excepting basketball hoops, are allowed within the rear and side yards only. Notwithstanding anything herein to the contrary, basketball hoops may be located in the driveway to the main residential building or to an accessory building, to an attached or detached accessory building or accessory structure. No game courts, playground or other recreational equipment may be located within three feet of the property line.
7. Garbage and trash containers are allowed in the side and rear yards only, except at designated times of pickup, during which they may be located at the property line in accordance with and subject to the provisions of chapter 28 of this Code.
8. Clothes lines, supporting poles and similar natural laundry drying equipment are allowed within the side or rear yard but shall not be located within three feet of the property line.
9. Pet shelters, pens, cages and runs are allowed only in the rear yard but shall not be located within three feet of the property line.
10. The use of semi-trailers, enclosed trailers, trucks, rail cars or vehicles as storage buildings or structures or as accessory buildings or structures is prohibited.
11. **Ground-Mounted Solar Energy System shall meet the requirements listed in Sec. 36-431.**
12. **Roof-Mounted Solar Energy System shall meet the requirements listed in Sec. 36-431.**
13. **No wind generating energy system shall be permitted.**

Sec. 36-431. - Accessory buildings.

Definitions:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: *A solar energy system that is an integral part of a primary or accessory building or structure (rather than separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.*

GROUND-MOUNTED SOLAR ENERGY SYSTEM: *A solar energy system mounted on support posts, like a rack or pole that are attached to or rest on the ground.*

MAXIMUM TILT: *The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.*

MINIMUM TILT: *The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.*

PRINCIPAL-USE SOLAR ENERGY SYSTEM: *A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.*

ROOF-MOUNTED SOLAR ENERGY SYSTEM: *A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.*

SOLAR ARRAY: *A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.*

SOLAR CARPORT: *A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.*

SOLAR ENERGY SYSTEM (SES): *A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.*

DECIBEL *means the unit of measure used to express the magnitude of sound pressure and sound intensity.*

ON SITE WIND ENERGY SYSTEM *means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.*

ROTOR *means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.*

SHADOW FLICKER *means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.*

SOUND PRESSURE *means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.*

SOUND PRESSURE LEVEL means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Accessory buildings and accessory structures shall be subject to the following regulations, which shall apply in all zone districts:

1. All accessory buildings and accessory structures are permitted in all zone districts subject to compliance with all of the following:
 - a. The accessory building and/or accessory structure is customarily and clearly incidental to a use that is permitted under this chapter and/or is a permitted use in the zone district in which it is ~~or they are located~~ or to be located;
 - b. The accessory building and/or accessory structure does not create a nuisance or hazard; and
 - c. The accessory building and/or accessory structure meets and is in accordance with all applicable limitations, requirements and provisions of this article and the applicable zone district.
2. No accessory buildings or accessory structures shall be established until the principal use to which it is an accessory has been established or a building, placement or construction permit for the principal use has been obtained.
3. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all yard regulations of this title, applicable to the main buildings.
4. Accessory buildings or other accessory structures shall not be erected, placed or established in any required yard, unless otherwise permitted by this chapter.
5. No detached accessory building or other accessory structure shall be located closer than ten feet to any main building or structure, unless it can conform to all other yard regulations as required for the main building or structure. It shall not be located any closer than three feet to any side or rear lot line, unless otherwise permitted by this chapter. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building or accessory structure shall be no closer than one foot to such rear lot line. In no instance shall an accessory building or accessory structure be located within a dedicated easement right-of-way.
6. When an accessory building or accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the accessory building or accessory structure shall not project beyond the front line of the existing main structure on the lot in rear of such corner lot. An accessory building or accessory structure shall not be located within ten feet of a street right-of-way line.

An On-site Ground-Mounted Solare Energy System is an accessory use which shall meet the following standards:

1. **Ground-Mounted SES shall not exceed 15 feet measured from the ground to the top of the system when oriented at maximum tilt. Ground mounted SES may not be placed in the front yard. Ground mounted SES shall be subject to and must conform to all yard regulations of this title, applicable to the main buildings as measured when oriented at minimum design tilt.**

2. *A Small Principal-Use SES is a permitted use in all zoning districts subject to site plan review and shall meet all of the following requirements:*
 - a. *Total height shall not exceed 15 feet measured from the ground to the top of the system when oriented at maximum tilt.*
 - b. *Setback distance shall be measured from the property line or road right-of-way to the closest point of the solar array at minimum tilt or any SES components and as follows:*
 - c. *A Ground-Mounted SES shall follow the setback distance for primary buildings or structures for the district in which it is sited.*
 - d. *A Ground-Mounted SES is not subject to property line setbacks for common property lines of two or more participating lots, except road right-of-way setbacks shall apply.*
 - e. *A Small Principal-Use SES shall be secured with perimeter fencing to restrict unauthorized access. If installed, perimeter fencing shall be a maximum of 6 feet in height. Additional screening may be required upon review.*
3. *Roof-Mounted SES shall not exceed the combined height of the building and the roof mounted SES, when oriented at maximum tilt, for principal structures in any zoning district. A Roof-Mounted SES or Building-Integrated SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.*

All Ground mounted SES applications must include a site plan and drawings that show the height and dimensions of the SES. Applications for Roof-Mounted SES must include horizontal and vertical elevation drawings that show the location and height of the SES on the building and dimensions of the SES. All SES drawings shall include dimensions of the minimum and maximum tilt. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties. Any connection to the public utility grid shall be inspected and approved by the appropriate public utility.

All solar energy equipment shall be maintained and kept in good working order. If it is determined by the Zoning Administrator that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended function for six consecutive months, the property owner shall be given 30 day notice for removal of unit and all equipment. If the solar energy system is not removed within 30 days, any person, or anyone acting in behalf of the person, violating any of the provisions of this section shall be guilty of a misdemeanor. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

An On-site Wind Energy System (WES) is an accessory use which shall meet the following standards:

1. *Designed to primarily serve the needs of a home or small business.*
2. *Shall have a tower height of 15 meters or less.*
3. *Property Set-back: The distance between an On-site Use wind energy system and the owner's property lines shall be equal to the height of the wind energy system*

tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

4. Sound Pressure Level: On-site Use wind energy systems shall not exceed 50 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
5. Construction Codes, Towers, & Interconnection Standards: On-site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and;
 - a. local building permit requirements. On-site Use wind energy systems including towers shall;
 - b. comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations.
 - c. An interconnected On-site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
 - d. Off-grid systems are exempt from this requirement.
6. Safety: An On-site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

All On-site Wind Energy System applications must include a site plan and drawings that show the height and dimensions of the WES. Any connection to the public utility grid shall be inspected and approved by the appropriate public utility.

All wind energy equipment shall be maintained and kept in good working order. If it is determined by the Zoning Administrator that a wind energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended function for six consecutive months, the property owner shall be given 30 day notice for removal of unit and all equipment. If the wind energy system is not removed within 30 days, any person, or anyone acting in behalf of the person, violating any of the provisions of this section shall be guilty of a misdemeanor. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.

Sec. 36-432. - Accessory buildings in residential districts.

Accessory buildings and accessory structures located in any residential zone districts shall be subject to the following regulations except as otherwise permitted in this chapter:

1. No detached accessory building or accessory structure in an R-1, RD-1, or RM-1 district shall exceed one story or 15 feet in height.
2. No accessory building or accessory structure inclusive of the main structure may exceed the required density requirements of section 36-411.
3. Playhouses, greenhouses and gazebos may not be located in side and rear yards within three feet of the property line.
4. Swimming pools shall be regulated by the Michigan Residential Building Code. Swimming pools, excepting inflatable swimming pools having a length or diameter of less than five feet and/or a depth of less than 18 inches, shall be placed in the rear yard only. Inflatable swimming pools having a length or diameter of five feet or more and/or a depth of 18 inches or more shall be located within the rear or side yards only. No hot tub or swimming pool shall be located within three feet of the property line.
5. Porches and decks must conform to all yard setback, bulk and height requirements. Construction of new porches and decks and the reconstruction of existing porches and decks shall be subject to compliance with the requirements of sections 36-411 and 36-787.
6. Game courts, as defined in section 36-6, excepting basketball hoops, are allowed within the rear and side yards only. Notwithstanding anything herein to the contrary, basketball hoops may be located in the driveway to the main residential building or to an accessory building, to an attached or detached accessory building or accessory structure. No game courts, playground or other recreational equipment may be located within three feet of the property line.
7. Garbage and trash containers are allowed in the side and rear yards only, except at designated times of pickup, during which they may be located at the property line in accordance with and subject to the provisions of chapter 28 of this Code.
8. Clothes lines, supporting poles and similar natural laundry drying equipment are allowed within the side or rear yard but shall not be located within three feet of the property line.
9. Pet shelters, pens, cages and runs are allowed only in the rear yard but shall not be located within three feet of the property line.
10. The use of semi-trailers, enclosed trailers, trucks, rail cars or vehicles as storage buildings or structures or as accessory buildings or structures is prohibited.
11. **Ground-Mounted Solar Energy System shall meet the requirements listed in Sec. 36-431.**
12. **Roof-Mounted Solar Energy System shall meet the requirements listed in Sec. 36-431.**
13. **On-site Wind Energy System shall meet the requirements listed in Sec. 36-431.**



TO: Planning Commission

FROM: Zoning Administrator

DATE: December 20, 2023

RE: Land Division – 115 Reading St.

Background: The owner of the parcel located at 115 Reading St. would like to divide the existing lot. The City ordinance requires that platted lots may only be divided after review and permission has been granted by the Assessor, Zoning Administrator, Planning Commission and City Council. Parcel B does not meet lot size requirements as a standalone lot. The intent is to combine Parcel B with Parcel A (as referenced in the included survey). The combination will be required in order to meet zoning requirements.

Approved
 Approved with Conditions
 Denied

* Please refer to the attached sheet for explanation behind the decision.

Date: _____



Application Fee: \$75.00

Receipt #: 89312

Signature: OCs

Date Received: 12/18/2023 OCs
(by City Clerk or City Treasurer)

LAND DIVISION APPLICATION

You **MUST** answer all questions and include all attachments or **this application will be returned to you.**

Bring or mail to: City of Hillsdale **Questions:** Hillsdale City Assessor
City Clerk/Treasurer (517) 437-6456
97 N Broad St assessor@cityofhillsdale.org
Hillsdale, MI 49242

This form is designed to comply with Sections 18-82 and 18-83 of the City of Hillsdale Land Division Ordinance and Section 109 of the Michigan Land Division Act (formerly the Subdivision Control Act), P.A. 288 of 1967, as amended (particularly by P.A. 591 of 1996) MCL 560.101 et seq. Land in the City of Hillsdale shall not be divided without the prior review and approval by the City Council or their designated agent, in accordance with the City of Hillsdale Land Division Ordinance and the State of Michigan Land Division Act.

Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

1. **LOCATION** of Parent Parcel or Tract to be split:

“Tract” means two (2) or more parcels that share a common property line and are under the same ownership.

- a. Primary Address: 115 Reading Ave
- b. Parent Parcel Number: 30 - 006 - 334 - 202 - 07
- c. Attach Additional Sheets (if more than one parent parcel in the tract)

2. **PROPERTY OWNER** Information:

- a. Name: Rogers, Leon and Sally
- b. Phone Number: (517) 425 - 2501
- c. Address: 1095 Emory Dr.
City: Hillsdale State: MI Zip Code: 49242
- d. Email: leonsr@hillsdalemi.gov
rogerssally@yahoo.com

3. **PROPOSAL** – Describe the Division(s) being proposed:

- a. Reason for proposed division (i.e. sale, lease greater than one year, development, etc.):
Sale to adjacent property owner
- b. Number of New Parcels: 2 (this should include parcel(s) retained by the owner)
- c. Intended Use (i.e. Residential, Commercial, etc.): Residential

* Note: All resulting parcel must meet the minimum size requirements of the zoning district in which the parcel is located (refer to Hillsdale Municipal Code Section 36-411)

d. Access (check one):

- Each new division has frontage on an existing public street.
- A new public street, proposed name: _____ (street name cannot duplicate existing street)
- A private street or easement, proposed name: _____ (street name cannot duplicate existing street)
- A recorded easement (driveway)

* e. The proposed division will be added to an existing parcel (complete below only if true)

Parcel Address: 167 Goodrick Ave

Parcel Number: 30 - 006 - 334 - 202 - 09

Legal Description (attach extra sheets as needed): A + B Combined

** If approved, combination will be processed upon receipt of deed establishing identical ownership.*

4. **ATTACHMENTS** (all attachments **MUST** be included) *Letter each attachment as shown:*

- A. A scale drawing or survey that complies with the requirements of P.A. 591 of 1996 as amended for the proposed division(s) of the parent parcel showing:
 - a) Current **boundaries**;
 - b) All previous divisions **made after** March 31, 1997 (indicate when made or none);
 - c) **Dimensions** of the proposed divisions;

- d) Any existing improvements (building, wells, septic system, driveways, house, garage, etc.) and setback(s) from proposed parcel lines, and
 - e) Proof of fee ownership (most recent deed of parcel to be divided)
- B. A certificate from the County Treasurer that complies with the requirement of P.A. 23 of 2019, establishing that all property taxes and special assessments due on the parcel or tract subject to the proposed divisions for the 5 years preceding the date of the application have been paid.
- C. Indication of approval, or permit from City of Hillsdale Department of Public Services that a proposed easement provides vehicular access to an existing road or street and meets applicable location standards (Right of Way permit). (if applicable)
- D. A copy of any transferred division rights (§109(2) of the Act) of the parent parcel (Form L-4260a)
- E. A \$75.00* application fee.

* Checks should be made payable to the City of Hillsdale

5. ACKNOWLEDGMENT

The undersigned acknowledges that any approval of the within application is not a determination that the resulting parcels comply with other ordinances, rules, or regulations which may control the use or development of the parcels. Finally, even if this division is approved, I understand ordinances, laws, and regulations are subject to change and that any approved parcel division is subject to such changes that may occur before the recording of the division or the development of the parcel.

PROPERTY OWNER'S SIGNATURE: Sam Rogan DATE: 12-15-23
Julie Rogan 12-15-23

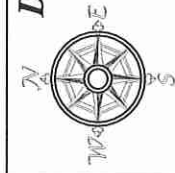
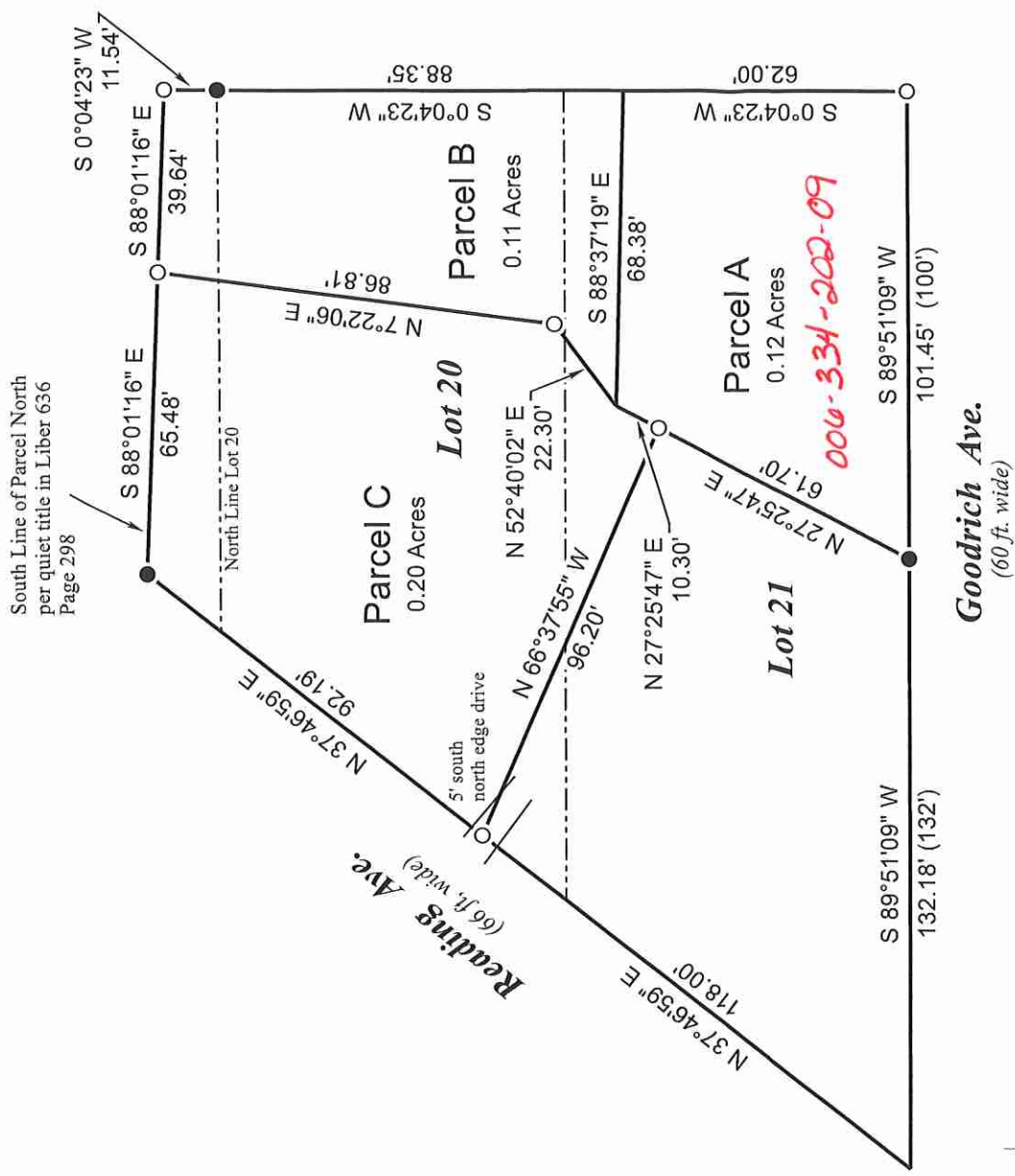
All complete application packages will be acted upon within 45 days of receipt. If the application package does not conform to the City of Hillsdale Land Division Ordinance requirements and/or the State of Michigan Land Division Act, the administrator shall return the same to the applicant for completion and refile in accordance with same.

MAP OF SURVEY

Basis of Bearing is State Plane,
Michigan South zone, grid azimuth

Note:

parcel is defined by Lots 20 and Lot 21, the parcel to the North went thru a quiet title to establish their South Line along an existing fence line, with this being done it is my opinion this re-define the North Line. As this may be true the area between North Line of Lot 20 and the South Line described in quiet title Liber 636 and Page 298 may need to go thru its own quiet title to clear title.



DUE NORTH SURVEYING, INC.
 6316 Kirsch Drive
 Jonesville, MI 49250
 (517) 849-9677 fax (517) 439-1858
 email: duenorthsurveying@gmail.com

SHEET	1 of 2
JOB#	003-23
SCALE	1" = 40'
DATE:	12-4-2023
Heath Hodgson	

- Set iron w/cap #41093
- Found iron
- Found Monument
- Section Corner
- (xx.xx) recorded measurement

I, Jeffrey A. Bieszk, Professional Surveyor, hereby certify that I have surveyed and mapped the parcel (s) herein described and the relative positional precision on each corner is within the limits accepted by the practice of Professional Surveying and that all requirements of P.A. 132 of 1970, as amended, have been complied with.



MAP OF SURVEY

Parcel A and B combined:

Land in the Southwest Quarter Section 34, Township 6 South, Range 3 West, City of Hillsdale, Hillsdale County, Michigan and Part of Lot 20 and 21, Lynwood Parkway, according to the recorded Plat thereof, as recorded in Liber 2 of Plats, Page 45, Hillsdale County records, described as follows:

BEGINNING at the Southeast Corner of Lot 21 of said Plat; Thence South 89° 51' 09" West 101.45 feet (recorded as 100 ft.) to a found iron; Thence North 27° 25' 47" East 72.00 feet; Thence South 88° 37' 19" East 68.38 feet; Thence North 52° 40' 02" East 22.30 feet; Thence North 7° 22' 06" East 86.81 feet to the South Line of Parcel as described in Liber 636 Page 298; Thence South 88° 01' 16" East along said Line 39.64 feet to the East Line of said Lot 20 extended; Thence South 00° 04' 23" West along said East Line 161.89 feet to the Point of Beginning; containing 0.23 Acres more or less.

Subject to any easements and restrictions of record.

Parcel B: *To be deeded to Hodgson*

Land in the Southwest Quarter Section 34, Township 6 South, Range 3 West, City of Hillsdale, Hillsdale County, Michigan and Part of Lot 20 and 21, Lynwood Parkway, according to the recorded Plat thereof, as recorded in Liber 2 of Plats, Page 45, Hillsdale County records, described as follows:

BEGINNING at the Southeast Corner of Lot 21 of said Plat; Thence North 00° 04' 23" East along the East Line of said Lot 20 a distance of 62.00 feet to the Point of Beginning of this description; Thence North 88° 37' 19" West 68.38 feet; Thence North 52° 40' 02" East 22.30 feet; Thence North 7° 22' 06" East 86.81 feet to the South Line of Parcel as described in Liber 636 Page 298; Thence South 88° 01' 16" East along said Line 39.64 feet to the East Line of said Lot 20 extended; Thence South 00° 04' 23" West 99.89 feet to the Point of Beginning; containing 0.11 Acres more or less.



Subject to any easements and restrictions of record.

Parcel C *Remainder - to be retained by logs*

Land in the Southwest Quarter Section 34, Township 6 South, Range 3 West, City of Hillsdale, Hillsdale County, Michigan and Part of Lot 20 and 21, Lynwood Parkway, according to the recorded Plat thereof, as recorded in Liber 2 of Plats, Page 45, Hillsdale County records, described as follows:

BEGINNING at the Southwest Corner of Lot 21 of said Plat; Thence North 37° 46' 59" East along the West Line of Lots 20 and 21 of said Plat 118.00 feet to the Point of Beginning of this description; Thence continuing North 37° 46' 59" East along said West Line 92.19 feet to the South Line of Parcel as described in Liber 636 Page 298; Thence South 88° 01' 16" East along said Line 65.48 feet; Thence South 7° 22' 06" West 86.81 feet; Thence South 52° 40' 02" West 22.30 feet; Thence South 27° 25' 47" West 10.30 feet; Thence North 66° 37' 55" West 96.20 feet to the Point of Beginning; containing 0.20 Acres more or less.

Subject to any easements and restrictions of record.

	<p>DUE NORTH SURVEYING, INC. 6316 Kirsch Drive Jonesville, MI 49250 (517) 849-9677 fax (517) 439-1858 email: duenorthsurveying@gmail.com</p>	<p>I, Jeffrey A. Bieszk, Professional Surveyor, hereby certify that I have surveyed and mapped the parcel (s) herein described and the relative positional precision on each corner is within the limits accepted by the practice of Professional Surveying and that all requirements of P.A. 132 of 1970, as amended, have been complied with.</p>
<p>SHEET 2 of 2</p>	<p><input type="radio"/> Set iron w/cap #41093 <input checked="" type="radio"/> Found iron <input type="checkbox"/> Found Monument <input checked="" type="checkbox"/> Section Corner (xx.xx) recorded measurement</p>	
<p>JOB# 003-23</p>	<p>SCALE 1" =</p>	
<p>DATE: 12-4-2023</p>	<p>Heath Hodgson</p>	

2023



Parent Parcel Number:
006-334-202-07

Owner:
Rozeis

Date: 12-19-2023



Land Division Review Checklist (to be completed by Assessor and Zoning Administrator)

1. **Administrative Review** for determination of authority to approve or deny application
 - a. Is the property in question part of a **recorded plat**?
 - i. Yes – Planning Commission Review and Council Approval Required
 1. Does the proposed division result in more than 4 parcels split out of a single platted lot?
 - a. Yes – Recommend denial (HMC 18-82(b))
 - b. No
 - ii. No
 1. Does the proposed Division involve **dedication of a new street**?
 - a. Yes – Planning Commission Review and Council Approval Required
 - b. No – Approval/Disapproval may be made by Assessor
2. **Zoning Review – Zoning District(s)** of the parcel or tract to be divided: R-1
 - a. Do all of the parcels resulting from this proposed division (including the remainder parcel) meet or exceed the minimum area required for the zoning district in which they are located?
 - i. Yes
 - ii. No – recommend application be DENIED (HMC 18-82; 36-411)
 - b. Do all of the parcels resulting from this proposed division (including the remainder parcel) meet or exceed the minimum lot width for the zoning district in which they are located?
 - i. Yes
 - ii. No – recommend application be DENIED (HMC 18-82; 36-411)
 - c. For existing improvements:
 - i. Do all of the parcel boundaries for this proposed division (including the remainder parcel) allow for minimum yard setbacks from existing improvements?
 1. Yes
 2. No – recommend application be DENIED (HMC 18-82; 36-411)
 - ii. Do all of the parcels resulting from this proposed division (including the remainder parcel) allow for maximum percentage of lot are covered by all existing buildings?
 1. Yes
 2. No – recommend application be DENIED (HMC 18-82; 36-411)
 - d. Zoning Administrator Signature:
 - e. Date Reviewed: 12/19/2023
3. **Planning Commission Review & Council Approval** Required under item 1?
 - a. Yes
 - i. Date of Planning Commission Meeting (attach minutes):
12/20/2023

ii. Date of Council Meeting (attach minutes): _____

b. No – Skip to Assessor Review

4. Assessor Review (Skip to item 5 if Council Approval Required under item 1)

a. Is the parcel to be divided part of a larger **parent tract** as defined by MCL 560.102(h) (based on ownership as of March 31, 1997)?

i. Yes – total acreage of tract: _____ (For Table 1 calculations)

ii. No – total acreage of parcel: _____ (For Table 1 calculations)

b. **Number of resulting parcels allowed (including remainder) under MCL 560.108** - Do the boundaries of the parcel or tract to be divided match the parcel or tract in existence on March 31, 1997?

i. Yes – Refer to Table 1 below:

Table 1 – Total number of resulting parcels allowed under MCL 560.108(2) and (3) based on total Acreage of parent parcel or tract as it existed on March 31, 1997:

First 10 Acres		4
20 acres or more:	+1 for each additional whole 10 acres up to 120 total acres (maximum of 11)	+
	+2 if both of the following statements are true: <ul style="list-style-type: none"> • The proposed division includes establishment of 1 or more new roads so that there are no new driveway accesses to an existing public road for any of the resulting parcels. • One of the resulting parcels comprises not less than 60% of the area of the parent parcel or tract. 	+ _____
120 acres or more:	+1 for each additional whole 40 acres	+
Total number of Resulting Parcels Allowed:		

ii. No - Parcel or tract to be divided was created by an exempt split or a division (after March 31, 1997)

1. Have 10 years or more elapsed since the parcel or tract to be divided was created?

a. No – Is the parcel or tract to be divided a “new parent”/remainder parcel from a prior division?

i. Yes – How many unallocated divisions were retained for this parcel (refer to deeds and/or form 3278 NOTICE TO ASSESSOR OF TRANSFER OF THE RIGHT TO MAKE A DIVISION OF LAND for any resulting “child” parcels)?

ii. No - Were any unallocated divisions transferred to this parcel from the parent parcel or tract (refer to deeds and/or form 3278 NOTICE TO ASSESSOR OF TRANSFER OF THE RIGHT TO MAKE A DIVISION OF LAND for this parcel)?

1. Yes – How many? _____

2. No - Application is DENIED (MCL 560.108(5)(a))

b. Yes – Refer to Table 2 below:

Table 2 – Total number of resulting parcels allowed under MCL 560.108(5) based on total acreage of parcel or tract created by exempt split or division occurring 10 years or more before current request:

First 10 Acres		2
20 acres or more: +1 for each additional whole 10 acres	up to 5 additional	+ _____
	Up to 8 additional if one of the resulting parcels from the proposed division comprises not less than 60% of the parcel or tract to be divided	
Total number of Resulting Parcels Allowed (not more than 10):		

c. **Total number of resulting parcels** – does this number exceed the number of parcels allowed?

i. No

ii. Yes – application is DENIED (MCL 560.108)

Table 3 – Divisions of original parent parcel or tract - total number of parcels created since 1997 with proposed division:

Number of new parcels created by prior divisions (since March 31, 1997 for parent or remainder of parent parcel or tract; since creation of this parcel or tract for exempt split or child parcel or tract):	_____
Number of parcels (including remainder) created under proposed division:	_____
-1 for each resulting parcel of 40 acres or more if it is accessible:	- _____
Total number of resulting parcels created:	

5. Application is

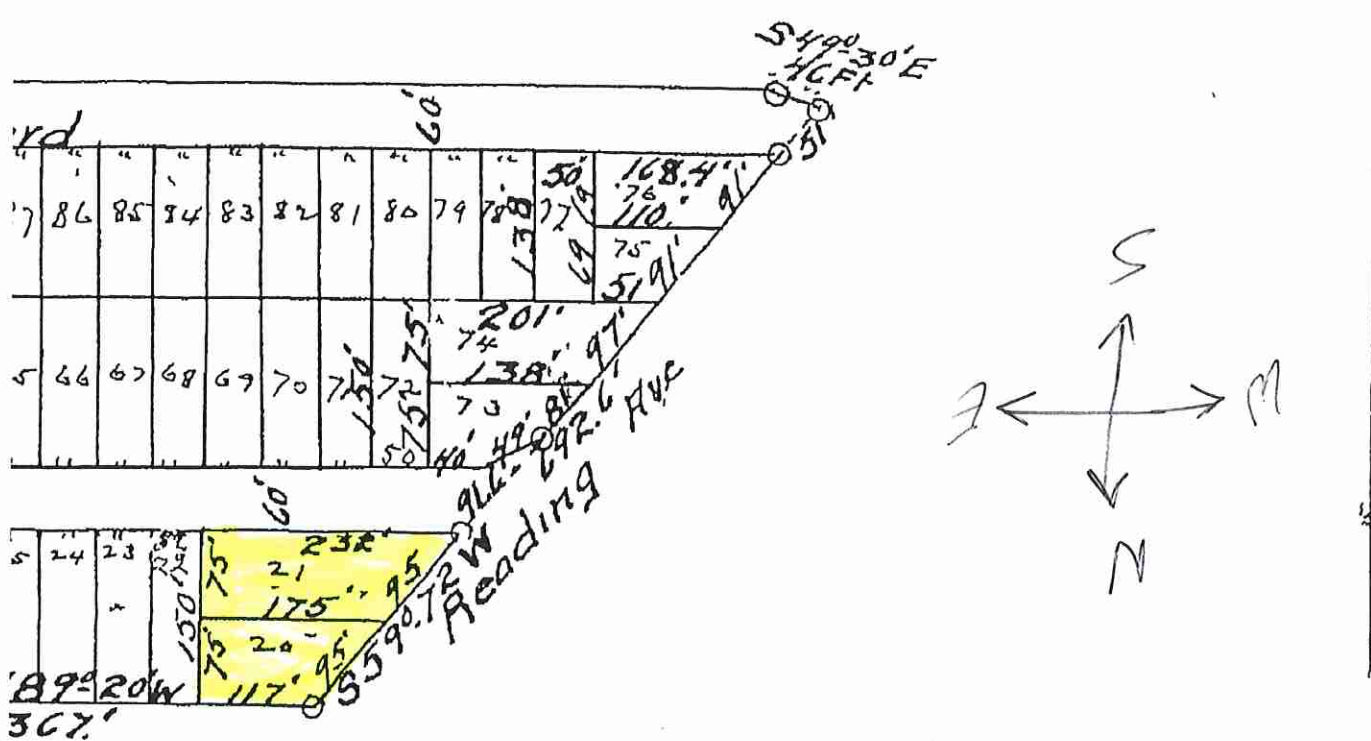
a. Approved

b. Approved with Condition(s):

c. Denied – explain reason(s):

Liber : 2

Page : 45



measured and Approved -
April 30-1915
P. J. Hansen
Deputy Auditor General.

WAY

Rogers
Parcels B + C to be divided



General Property Information

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map and report is a compilation of records, information and data provided by various township, city, village, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The user of this map and report acknowledges that the Township/City/County shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the Township/City/County from any and all claims brought by the User, its employees or agents, or third parties which arise out of the User's access or use of the data provided.

Report and Property Data
compiled as of
July 20, 2023



Parcel ID: 30 006-334-202-07
Property Address: 115 READING AVE
City/Twp/Village: CITY OF HILLSDALE

Assessor Acreage: 0.19
Property Class: 401
School District: HILLSDALE COMM PUBLIC SCHS

Tax Description

W3 L308-P575 COM AT NW COR LOT 20 TH SWLY ALG ELY LN READING AVE 72 FT TH S 65 DEG 43 MIN E 96.2 FT TH N 27 DEG 9 MIN E 10.3 FT TH E 70FT TH N 88 FT TH W 117 FT TO POB PCL BEING PRT OF LOTS 20 and 21 LYNWOOD PARKWAY THIRD WARD.

Tax Information

PRE/Qual Ag %: 0	2023 SEV: 34,000	2022 SEV: 32,300
Land Value: 8,388	2023 Taxable Value: 18,886	2022 Taxable Value: 17,675
Land Imp Value: 1,203	Liber/Page(1-2-3):	
Building Value: 58,379	ECF Table: 34LP.WARDS 3 & 4 LYNWOOD PARKWAY	
True Cash Value: 67,970	Land Table: 3.WARD 3	

	Summer Taxes 2023	Winter Taxes 2022	Village Taxes 2023
Base Tax:	\$ 823.08	\$ 276.50	0
Special Asmt:	0	0	0
Admin Fee:	\$ 8.23	\$ 2.77	0
Total Tax:	\$ 831.31	\$ 279.27	0
Amount Paid:	0	\$ 279.27	0
Interest:	0	0	0
Paid Date:	*	12/07/2022	*
Balance Due:	\$ 831.31	0	0

Total Delinquent Tax: \$0.00

* Tax Payment data is provided by some, but not all local Treasurers and is current with data provided as of Report Date above
* Please contact the appropriate City/Village/Township Treasurer for up to date information.
* For payoff amounts or a breakdown of delinquent taxes contact the County Treasurer's office at (517) 437-4700

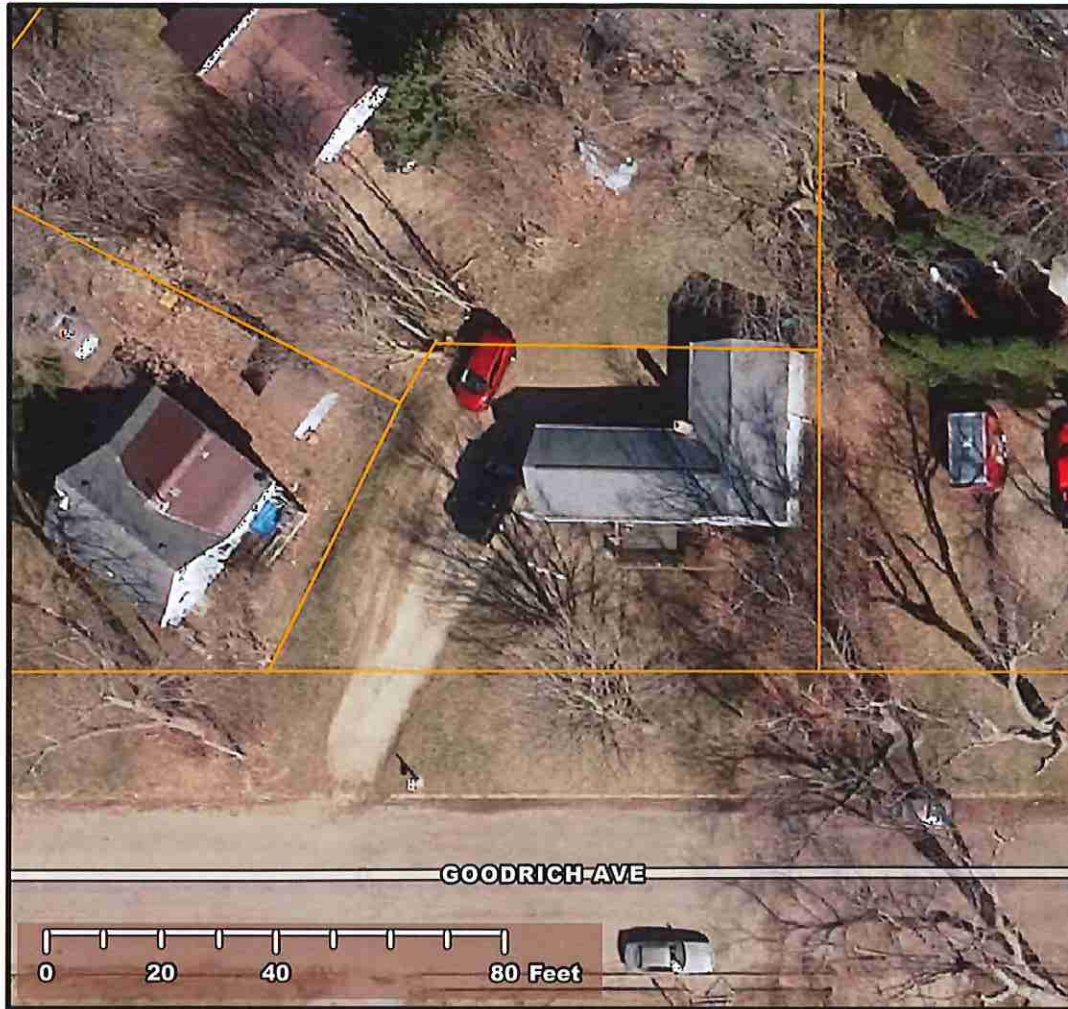
Hodgson Parcel A to be Combined w/ Parcel B



General Property Information

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Report and Property Data compiled as of July 20, 2023



Parcel ID: 30 006-334-202-09
Property Address: 67 GOODRICH AVE
City/Twp/Village: CITY OF HILLSDALE

Assessor Acreage: 0.14
Property Class: 401
School District: HILLSDALE COMM PUBLIC SCHS

Tax Description

W3 L453-P293 COM AT SE COR LOT 21 TH N 62 FT, TH W 70FT TH S 27 DEG 09 MIN W 72 FT TH E 100 FT TO POB LYNWOOD PARKWAY THIRD WARD.

Tax Information

PRE/Qual Ag %: 100	2023 SEV: 32,100	2022 SEV: 30,800
Land Value: 8,300	2023 Taxable Value: 16,194	2022 Taxable Value: 15,423
Land Imp Value: 0	Liber/Page(1-2-3): 1444/737 - 1284/540 - 906/15	
Building Value: 55,885	ECF Table: 34LP.WARDS 3 & 4 LYNWOOD PARKWAY	
True Cash Value: 64,185	Land Table: 3.WARD 3	

	Summer Taxes 2023	Winter Taxes 2022	Village Taxes 2023
Base Tax:	\$ 563.01	\$ 105.31	0
Special Asmt:	0	0	0
Admin Fee:	\$ 5.63	\$ 1.05	0
Total Tax:	\$ 568.64	\$ 106.36	0
Amount Paid:	0	\$ 106.36	0
Interest:	0	0	0
Paid Date:	*	12/29/2022	*
Balance Due:	\$ 568.64	0	0

Total Delinquent Tax: \$0.00

* Tax Payment data is provided by some, but not all local Treasurers and is current with data provided as of Report Date above
 * Please contact the appropriate City/Village/Township Treasurer for up to date information.
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