

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held July 16, 2012

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Goebel, Johnson, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Graham

Also Present: City Manager Donovan; City Attorney Huff; Public Works Director Feldt; Public Safety Director Dood; Zoning Administrator Faasse; City Clerk Brower

2012-84. No public comment was received.

2012-85. Commissioner Skaggs thanked his fellow commissioners for “holding down the fort” while he was on an extended vacation recently.

Mayor Seibold thanked all employees and volunteers for the fabulous Reeds Lake Run on June 30th, the Trail Blazer on July 4th and the parade and events at John Collins Park on July 4th. She felt the fireworks were awesome and she has had many compliments on the events.

2012-86. A zoning variance hearing was held regarding the request of Legend Wonders LLC, owner of 2172 Wealthy, to allow the construction of a dumpster enclosure on the west and south property lines instead of three feet from each property line.

Dave Alkema, development manager for Starbucks properties, explained the proposed location would prevent debris behind the enclosure and would maximize parking and turning areas in the parking lot.

Mayor Seibold opened a public hearing. No other public comment was received. Mayor Seibold closed the public hearing.

A. Dills-Johnson. That the request of Legend Wonders LLC, owner of 2172 Wealthy, to allow the construction of a dumpster enclosure on the west and south property lines instead of three feet from each property line be approved.

Mayor Seibold suggested Starbucks shovel areas of the rear parking lot where the snow accumulates from the plow trucks to make sure parking spaces are not crowded.

Yeas: Dills, Goebel, Johnson, Miller, Skaggs and Seibold – 6

Nays: -0-

2012-87. A zoning variance hearing was held regarding the request of David & Mary Jablonski, prospective buyers of 1516 Andover, to allow the use and occupation of the property as a single-family residence, to allow a lot area of 7,078.33 square feet instead of the 7,200 square feet required in the first 100’ of dept, to allow a lot width of 71.92 feet instead of the required 72’, and to allow a side yard setback of 4.4’ instead of the required 6.9.’

Zoning Administrator Faasse stated this property had been a conforming use until the parcel containing the home had been separated from an adjacent undersized vacant lot at 1526 Andover in a tax sale in 2011. With the vacant lot now under separate ownership, the property containing the home is no longer conforming and requires variances in order to be occupied.

David Jablonski, prospective buyer of 1516 Andover, stated he was not aware of the issues with the property until he submitted his offer to purchase the home. He stated he has offered to purchase the vacant lot next door to combine the properties, but has not been able to do so.

Mayor Seibold opened a public hearing. The following people were present to express their opinions:

- Dr. Dave Hamm, 1530 Andover Stated many neighbors were opposed to cramming a home onto the small vacant lot and wished the two parcels could be recombined and the home occupied and improved. Felt the city was complicit with the bank to create the non-conformity. Read portions of an internal city memo suggesting the city purchase the vacant land. Felt the city should do the right thing.
- Jim Rabaut, Warner Norcross Representing owners of 1526 Andover who oppose the variance request for 1516 Andover and want the parcels combined. Felt the split was illegal since variance was not granted prior to division and that the parcels remain one for zoning purposes. Owners will seek a variance to build on the vacant lot to achieve a return their investment if lots cannot be recombined.

The following communications were received at City Hall concerning this variance request:

- James Raubaut, Warner Norcross Opposed to variance and presenting several arguments and potential side effects of granting approval.
- Phyllis & Scott Kladder, 2742 Richards Opposed.

No other public comment was received. Mayor Seibold closed the public hearing.

- A. Dills-Johnson. That the request of David & Mary Jablonski, prospective buyers of 1516 Andover, to allow the use and occupation of the property as a single-family residence, to allow a lot area of 7,078.33 square feet instead of the 7,200 square feet required in the first 100' of dept, to allow a lot width of 71.92 feet instead of the required 72', and to allow a side yard setback of 4.4' instead of the required 6.9' be approved

Commissioner Dills felt the best outcome would be to recombine the properties and favored allowing the parties to continue working on this.

Commissioner Johnson questioned who currently owned 1516 Andover and what would happen to the property if the variance request were denied. City Manager Donovan stated the property was owned by a bank that has consented to the application for the variance. City Attorney Huff stated the city would not allow the property to be occupied without the variance, but that current or future owners could reapply for the same or a different variance at a future date if there were a change in circumstances.

Commissioners Johnson and Goebel favored recombining the parcels and felt additional time would allow the parties to attempt to work together and would allow the city to research the issues surrounding this matter. Commissioner Johnson suggested contacting the bank to determine their willingness to work toward a solution of the issue.

Commissioner Dills stated he was not opposed to granting a variance for the home at 1516 Andover, but was concerned about the effect such a variance and the resulting possibilities the vacant lot would have on the surrounding area. He favored taking additional time to research the issue. Mr. Dills asked Mr. Jablonski if there were time restrictions on his offer to purchase the property. Mr. Jablonski answered there were specific dates contained in his purchase order and he was not sure if those would or could be changed.

- B. Dills-Johnson. That the request of David & Mary Jablonski, prospective buyers of 1516 Andover, to allow the use and occupation of the property as a single-family residence, to allow a lot area of 7,078.33 square feet instead of the 7,200 square feet required in the first 100' of dept, to allow a lot width of 71.92 feet instead of the required 72', and to allow a side yard setback of 4.4' instead of the required 6.9' be tabled until the next City Commission meeting. A roll call vote was taken.

Yeas: Dills, Goebel, Johnson, Miller, Skaggs and Seibold – 6
Nays: -0-

2012-88. Public Safety Director Herald presented the Public Safety Department's 2011 Annual Report.

Mayor Seibold congratulated Mr. Herald and all the members of his department for the safety and security of the East Grand Rapids community. She felt one of the main reasons families choose to move to East Grand Rapids is the safe neighborhoods. Mayor Seibold reminded residents to lock their homes and vehicles to assist the public safety department in reducing theft occurrences.

2012-89. City Assessor Mesik summarized a report on the consolidation of parcels for tax and zoning purposes and answered questions from the City Commission. She stated she would be sending notices to property owners and working to combine undersized, non-conforming lots into a single parcel number over the next several months to clear up confusion and to avoid future problems. She stated owners would be given the opportunity to appeal any decision to combine parcels to the City Commission.

Commissioner Dills suggested the City Commission waive the variance application fee for property owners who apply for variances due to this combination project.

2012-90. Johnson-Miller. Motion to approve the consent agenda as follows:

- A. Minutes of the regular meeting held July 2, 2012.
- B. Payroll disbursements of \$430,085.15; county and school disbursements of \$-0-, and total remaining disbursements of \$111,921.59.
- C. The preliminary minutes of the Parks & Recreation Commission meeting held June 11, 2012.

Yeas: Dills, Goebel, Johnson, Miller, Skaggs and Seibold – 6
Nays: -0-

The meeting adjourned at 7:15 p.m., subject to the call of the Mayor until August 6, 2012.

Karen K. Brower, City Clerk