

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 5, 2012

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chamber at the Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Goebel, Graham, Skaggs and Mayor Seibold

Absent: Commissioners Johnson and Miller

Also Present: City Manager Donovan; City Attorney Huff; Public Works Director Feldt; Finance Director Dood; Public Safety Director Herald, Parks & Recreation Director Bunn; Zoning Administrator Faasse; City Clerk Brower

2012-128. No public comment was received.

2012-129. Commissioner Dills thanked Public Works Director Feldt, his staff and the engineers and contractors who completed this year's construction projects.

Commissioner Skaggs reminded everyone to vote on November 6th and to allow plenty of time to wait in line if necessary and time to complete both sides of the long ballot.

City Manager Donovan thanked the residents of Bonnell for their patience during the construction on their street.

Mayor Seibold thanked the city staff members and the election workers who work so hard on Election Day at the precincts and processing the 1,700 absentee ballots received for this election.

2012-130. A zoning variance hearing was held regarding the request of Terrance O'Rourke of 1064 Pinecrest to allow the construction of a roof over an open porch, creating a front yard setback of 20.3' instead of the required 46.0'.

Terrance O'Rourke, 1064 Pinecrest, explained the new porch would be 14' long to accommodate two chairs, but would be the same depth as the existing porch.

Commissioner Graham expressed concern about adding such a wide porch so close to the street.

Mayor Seibold opened a public hearing. The following communications were received at City Hall concerning this variance request:

- Sharon Barkwell, 1051 Pinecrest	In Favor.
- Timothy Ward, 1056 Pinecrest	In Favor.
- Meridith Argyropoulos, 2135 Burchard	In Favor.

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

A. Dills-Skaggs. That the request of Terrance O'Rourke of 1064 Pinecrest to allow the construction of a roof over an open porch, creating a front yard setback of 20.3' instead of the required 46.0' be approved.

Commissioner Dills noted there were no sight distance problems with the porch as he would support the request if the porch was not being made any deeper.

Mayor Seibold agreed the porch was closer to the street than others on this street, but noted that several neighbors were in favor of the request. She felt it would improve the look and functionality of the home.

Yeas: Dills, Goebel, Skaggs and Seibold – 4
Nays: Graham – 1

2012-131. A zoning variance hearing was held regarding the request of Todd and Lori Terpstra, prospective buyers of 917 Princeton, to allow the construction of a new home with a building height at the rear walkout of 30' instead of the allowed 25', and to construct a detached garage in the front yard instead of in the rear or side

yard as required.

Zoning Administrator Faasse explained the applicants wished to tear down the existing home and build a new house with a walkout level. He noted a variance was required because this was a legal nonconforming lot because of the narrow road frontage. The applicants also wished to build a detached garage in the front yard, which is not allowed by ordinance. Mr. Faasse requested that any variance granted be conditional upon the successful completion of the sale by Mr. and Mrs. Terpstra.

Mayor Seibold questioned whether a variance would be needed if the extra garage stalls were attached to the home. Mr. Faasse answered no variance would be required.

Commissioner Goebel questioned which area was the front yard. Mr. Faasse stated the City did not provide a different definition for front yard on a lakefront lot, therefore the area between the street and the home was considered the front yard. Commissioner Dills questioned whether the detached garage would be permitted in the rear yard. Mr. Faasse confirmed it would be permitted in the side or rear yard.

John Boyko, attorney, was present to explain the request and answer questions on behalf of Mr. and Mrs. Terpstra. He asked the City Commission to consider the building height request separate from the detached garage request. The City Commission agreed to this request.

Mr. Boyko addressed the height of the new home by stating the new home would be built in essentially the same location. He reiterated that the narrow street frontage was the only reason this new home was subject to a reduced height allowance.

Mayor Seibold opened a public hearing on the height variance request. No public comment was received. Mayor Seibold closed the public hearing.

- A. Graham-Goebel. That the request of Todd and Lori Terpstra, prospective buyers of 917 Princeton, to allow the construction of a new home with a building height at the rear walkout of 30' instead of the allowed 25' be approved.

Commissioner Dills gave his support to the variance from the height restriction because the narrow frontage was the only reason this was required for a lot this size. Commissioner Skaggs and Mayor Seibold agreed.

Yeas: Dills, Goebel, Graham, Skaggs and Seibold – 5
Nays: -0-

Mr. Boyko addressed the request to place a detached garage in the front yard of the home by stating the applicants had looked at many different scenarios and decided a detached garage would be better than having all five garage stalls attached to the house. He stated Michigan law does not recognize a neighbor's right to have a view from their property and this garage would be a small building compared to the size of the front yard. Mr. Boyko argued there would be no negative impact on property values according to the appraiser the applicants consulted. He listed several lakefront properties in East that have similar structures.

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

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| - Marilyn Lankfer, 933 Princeton | Objected to the proposed placement of the garage because it would sit directly in front of the porch where their family spends a lot of time. Stated the applicants had many other options for storage than placing a garage in this location. |
| - Jeff Schad, 933 Princeton | Objected because of increased noise, activity and lighting than a normal front yard use. Would not object to adding additional stalls to home because that is where noise and lighting belong. |
| - Matt Borgula, 910 Bellclaire | Opposed because a building would block enjoyment from his back yard deck, not landscaping or trees as with other properties. Felt there were other options for storage. |
| - Kevin Einfeld, BDR Builders | Has worked with the new owners and stated the grade of the |

land does not allow very many places to locate garage.

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

- Jeffrey Schad/ Marilyn Lankfer, 933 Princeton	Opposed
- R.H. Seidell, 927 Princeton	In Favor.
- Peter & Patricia Marks, 942 Princeton	Opposed.
- Ted & Gabriela Vecchio, 920 Princeton	In Favor.
- Phil & Cherie Schaafsma, 934 Princeton	Opposed.
- Charles Winslow, 949 Princeton	Opposed.
- Matt Borgula/Jennifer McManus, 910 Bellclaire	Opposed.
- Thomas & Julie Williams, 916 Bellclaire	Opposed
- David & Janice Mann, 956 Princeton	Opposed.
- George Cares, 2633 Frederick	In Favor.
- Nelson Levins, 864 Bellclaire	In Favor.
- Shirley & Lawrence Manning, 928 Princeton	In Favor.

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

- B. Dills-Skaggs. That the request of Todd and Lori Terpstra, prospective buyers of 917 Princeton, to allow the construction of a detached garage in the front yard instead of in the rear or side yard as required be approved.

Commissioner Skaggs agreed this was a large structure to place in the front yard so close to neighboring properties, especially given that vehicles and yard equipment will be in and out of the area frequently.

Mayor Seibold inquired whether approving this request would set a precedent for other requests. City Attorney Huff stated that this lot, while different from many in East Grand Rapids, was very similar to others on this street and would likely be referenced for other requests.

Commissioner Skaggs stated he has looked at other homes on this street and feels this would be detrimental to the neighbors.

Commissioner Goebel stated there seemed to be other options for storage on this property. He felt this would be allowing storage of vehicles and equipment in the front yard, which is against city ordinances.

Commissioner Dills noted that all variance requests are considered individually, regardless of situations with other homes. He felt those who objected to this variance were the ones that would be most affected by the new garage and since the existing home would be demolished and rebuilt, there were even more options available to the new owners in placing the home and extraneous storage.

Mayor Seibold felt that granted variances create precedents and each must be looked at carefully to determine what differences exist. She stated that although the proposed location would be best for the Terpstas, it was not necessarily the best location for surrounding properties. She stated she would not support the variance because other options exist on this property.

Yeas: -0-

Nays: Dills, Goebel, Graham, Skaggs and Seibold – 5

- 2012-132. Consider request to approve the division of land at 1950 Robinson Road.

Zoning Administrator Faasse outlined the 2011 lot split that resulted in two separate parcels and ownership of the main home by Aquinas College. Mr. Cummings now wished to transfer additional property to Aquinas to allow access to an accessory structure.

Todd Hendricks, attorney for Mr. Cummings, was present to explain the request and answer questions.

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

A. Skaggs-Goebel. That the request of Samuel and Janene Cummings, owners of 1950 Robinson Road, and Aquinas College, owner of 250 Plymouth, to transfer a small triangular parcel approximately 5,900 square feet from 1950 Robinson Road to 250 Plymouth as outlined on the submitted applications materials, be approved with the following conditions:

1. The relevant deed(s) or land contract(s) be recorded with the Kent County Registrar of Deeds within 90 days of approval; and
2. The split complies with the surveys presented in the land division application;

Yeas: Dills, Goebel, Graham, Miller and Seibold – 5
Nays: -0-

2012-133. Dills-Skaggs. Motion to approve the consent agenda as follows:

- A. Minutes of the regular meeting held October 15, 2012.
- B. Payroll disbursements of \$476,727.79; county and school disbursements of \$122,551.99, and total remaining disbursements of \$903,225.93.
- C. The quarterly financial reports for the period ending September 30, 2012.
- D. An extension of the contract with Professional Lake Management for three seasons of evaluation and treatment for Reeds Lake on a time and material basis not to exceed \$76,000.00.
- E. A contract for property and liability insurance with Berends-Hendricks-Stuit Insurance Agency representing Travelers Insurance in the amount of \$178,679.00.
- F. The preliminary minutes of the Traffic Commission meeting held September 24, 2012.

The City Commission discussed the internal traffic study recommended by the Traffic Commission for the Rosewood/Alexander/Cambridge area and agreed to this course of action. The Commission also reviewed the Traffic Commission's motion to remove No Parking signs on Belvedere and to remove all on-street parking spaces in front of the Community Center. The motions will take effect automatically.

Yeas: Dills, Goebel, Graham, Skaggs and Seibold – 5
Nays: -0-

G. Dills-Graham. Motion to enter into an executive session to discuss an attorney's opinion and to discuss pending litigation in accordance with Sections 8(h) and 8(e) of the Open Meetings Act. A roll call vote was taken.

Yeas: Dills, Goebel, Graham, Skaggs and Seibold – 5
Nays: -0-

The meeting adjourned at 7:23 p.m., subject to the call of the Mayor until November 19, 2012.

Karen K. Brower, City Clerk