

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held August 19, 2013

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, Johnson, Miller, Skaggs and Mayor Seibold

Absent: None

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

2013-90. Dennis McKee, Communications Director with Consumers Energy, was present to announce the utility company was implementing a new program to install residential smart meters. He explained the new meters would allow remote reading and outage awareness as well as allow customers to monitor their electricity usage. The program will likely begin in East Grand Rapids sometime in 2014.

2013-91. Commissioner Dills reported the Gaslight Village Criterium on Sunday, August 18th was a fun event to watch. He also noted the Taste of East Grand Rapids event would take place on Thursday, August 22nd in Gaslight Village with food and fun for the community.

Commissioner Miller announced the Reeds Lake Triathlon was still in need of volunteers and participants. Those interested should contact the Parks & Recreation Department.

Commissioner Goebel also noted the bike race was a great event.

Commissioners Skaggs, Johnson and Mayor Seibold extended their sympathies to the Johns family on the death of their family member in an auto accident over the weekend.

Commissioner Graham thanked the bike patrol officers for the great job they did over the summer working with residents on safety and assisting with community events.

2013-92. A zoning variance hearing was held regarding the request of Jennifer Beckett of 855 Bellclaire to allow the expansion of a nonconforming structure.

Public Works Director Feldt explained the updated request to replace the existing detached garage with a new two-stall attached garage, a rear-yard addition and a second story to the home. He noted the only variance required was to allow the upward expansion of a non-conforming structure.

Jennifer Beckett, 855 Bellclaire, was present to explain the request and answer questions. She stated she had spoken with many neighbors about her revised plans and had resolved the objections from the earlier plans.

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

- James & Mary Black, 861 Bellclaire In Favor.

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

- A. Graham-Johnson. That the request of Jennifer Beckett of 855 Bellclaire to allow the expansion of a nonconforming structure by adding an attached garage, a second story and an addition on the south side of the home be approved.

Commissioner Graham noted the small lot made expansion difficult, but he felt the proposal would be an improvement for the home and the neighborhood.

Commissioner Dills thanked Ms. Beckett for working with the neighbors to gain support for the revisions.

Commissioner Johnson expressed support for the proposal because of the additional greenspace that would be provided.

Mayor Seibold also thanked the applicant for taking the neighbors' concerns into account and adjusting her expansion plans accordingly.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

- 2013-93. A zoning variance hearing was held regarding the request of Richard & Vivian Minnema of 3037 Mary to allow the construction of an accessory building not in the rear or side yard as required, and which is to be set back approximately 17' from the gravel road and 50' north of the Reeds Lake Blvd right-of-way instead of the 60' required.

Public Works Director Feldt explained the proposal to build an outbuilding near Reeds Lake. He noted the wording of the variance request was due to the difference between the platted location and right-of-way for Reeds Lake Blvd and the actual location of roadway. He stated the applicants would be in compliance with the proposed regulations for lakefront properties and outlined a requested condition that the variance be contingent on the construction of a vegetation strip along the shore to filter runoff.

Commissioner Skaggs questioned how the City would make sure that sleeping facilities were not constructed in the structure. Mr. Feldt noted a preliminary zoning review would look for this and that the building permit process and final inspection would make sure the facility was not intended for sleeping.

Rick Minnema, 3037 Mary, explained the structure was meant for daytime use while down near the water and not for sleeping quarters. He stated he had no objection to the requirement of installing the vegetative strip along the water.

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

- A. Johnson-Miller. That the request of Richard & Vivian Minnema of 3037 Mary to allow the construction of an accessory building not in the rear or side yard as required, and which is to be set back approximately 17' from the gravel road and 50' north of the Reeds Lake Blvd right-of-way instead of the 60' required be approved.

Commissioner Miller expressed his support for the request an appreciation for compliance with the proposed ordinance regulations.

Mayor Seibold thanked Mr. and Mrs. Minnema for agreeing to put in the vegetation buffer as a way to filter rainwater and runoff that would normally enter the lake.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7
Nays: -0-

2013-94. Consider request to approve the division of land at 1728 Breton.

Public Works Director Feldt outlined the request to divide the land at 1728 Breton into two parcels that both meet all the ordinance requirements. He explained the staff's recommended conditions of a drainage easement and the immediate removal of the accessory building that sits on the new parcel.

Commissioner Dills questioned what would be required of the drainage system. Mr. Feldt explained the current home drained eastward over the vacant area to the street behind the home. He stated the drainage could be either in underground tiles or by sloping the surface of the new parcel.

Michael Ellis, owner of 1728 Breton, was present to explain he has a buyer for the new parcel who will be building a new home on the site. He stated the drainage easement was not a problem, but asked the condition regarding removal of the second accessory building be waived or extended to 90 days because the new owner would be starting construction of their new home immediately and could remove the garage at that point. He stated the property closing was already scheduled for next week and there was not time to remove the building prior to the transfer of the land.

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

- George England, 2438 Berwyck

Welcomed the change to the neighborhood and the idea of only having one new home built instead of two on this large piece of vacant land. He thanked both parties for addressing the drainage easement, questioned where the new driveway will be placed, and hoped the mature foliage will be kept where possible.

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

A. Miller-Graham. That the request of the Michael Ellis Trust, owner of 1728 Breton, to divide the property into two conforming parcels with Parcel A consisting of 0.30 acres with 119 feet of frontage on Breton Road and containing the existing house and garage, and Parcel B containing 0.30 acres and 155 feet of frontage on Arundel and Berwyck, 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;
3. An easement, approved by the Director of Public Works, granting the right for Parcel A to discharge storm water drainage across Parcel B, be recorded with the Kent County Register of Deeds prior to or in conjunction with the transfer of any property.
4. The removal of the accessory building from Parcel B prior to any property transfer.

City Attorney Huff stated that the ordinance prohibits an accessory building on any property where there is not a primary dwelling, so all accessory buildings must be removed prior to the creation of a new lot or the new owner would be in immediate violation of the City's ordinances. He stated the City did have enforcement measures to ensure the removal of any structure if it violated ordinances.

Commissioner Dills did not favor granting an extension on the removal of the accessory structure because he did not like putting the new owners in hardship with an immediate zoning violation. Commissioner Miller agreed and felt the responsibility should be held by the person that creates the situation.

Commissioner Graham asked City Attorney Huff if the current motion requiring the removal of the structure prior to the transfer protected the new buyer. Mr. Huff responded that motion protected the buyer since the condition prohibits the lot split from taking effect until the building is removed.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

2013-95. Johnson-Skaggs. Motion to approve the consent agenda as follows:

- A. Minutes of the regular meeting held August 5, 2013.
- B. Payroll disbursements of \$198,662.60; county and school disbursements of \$8,014,137.42, and total remaining disbursements of \$209,856.48.
- C. Adoption of a resolution approving Amendment #36 to the Grand Valley Metro Council Articles of Incorporation as set forth in Exhibit "A" attached hereto.
- D. The appointment of Parks & Recreation Director Fred Bunn as the officer delegate to the 2013 annual meeting of the Michigan Employee Retirement System.
- E. A new sign for Manhattan Park from Postema Sign & Graphics in the amount of \$7,375.00.
- F. New posts for the city's entrance signs from Bedford Technology in the amount of \$2,678.82.
- G. The preliminary minutes of the Traffic Commission meeting held June 24, 2013. The City Commission took no action on the Traffic Commission's motion to install "No Parking" signs on Lake Drive from Laurel to Locust. The motion will take effect automatically.
- H. The preliminary minutes of the Parks & Recreation Commission meeting held July 8, 2013.
- I. The preliminary minutes of the Planning Commission meeting held July 9, 2013.

Yeas: Dills, Goebel, Graham, Johnson, Miller, Skaggs and Seibold – 7

Nays: -0-

The meeting adjourned at 6:50 p.m., subject to the call of the Mayor until September 3, 2013.

Karen K. Brower, City Clerk

Attachments: A – Resolution approving Amendment #36 to the GVMC Articles of Incorporation.

Attachments listed above are available for inspection at the office of the City Clerk.