

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held May 19, 2014

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, Duncan, Graham, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Goebel

Also Present: City Manager Donovan; City Attorney Huff; Acting Public Works Director Lark; Finance Director Mushong; Parks & Recreation Director Bunn; Public Safety Director Herald; City Clerk Brower

2014-54. Mayor Seibold announced there would be a presentation on the historic preservation district issue at one of the June City Commission meetings. She noted the study committee would have its first meeting next week.

2014-55. Rachel Smith, 919 Orchard, spoke against a new home to be built on Lakeside that would be placed on a double frontage lot with the rear yard facing Orchard. She asked the City Commission to protect their neighborhood from becoming an alley by enacting an ordinance prohibiting double frontage lots.

Joanie Dowling, 437 Briarwood, thanked the members of the City Commission who attended the historic preservation information session last week at the community center.

Bruce Smith, 915 Orchard, asked the City to address the new issue of double frontage through lots with frontage on two streets. He stated this situation was never the intention of the city planners. He urged the commission to hold the permit for the new home until this matter could be resolved to the satisfaction of the neighborhood.

Jane Kropewnicki, 932 Orchard, stated she had not been notified of the proposed plans for a new home on Lakeside and stated the elected officials were failing those they were supposed to protect. She asked the commission to stop the demolition before June and to allow residents to review the new home plans before damage is done to their neighborhood.

Eric Wendling, 1934 Sherman, asked the city to continue efforts to establish a historic district bordered by Robinson, Lakeside, Argentina and Gladstone. He felt all concerns and comments should be taken into consideration so that the project could be done correctly.

Jennifer Gale, 503 Cambridge, felt the city was wasting taxpayer money and using stall tactics on the historic district issue. She asked why the city spent \$2,800 on an outside consultant when volunteers would have done the research for free, why is the city not following the steps to create the historic district, and why Plymouth was not included in the study. She also asked for a moratorium on the demolition of homes. Mayor Seibold stated the process was proceeding at a pace that ensured all questions would be answered because once a historic district is established, many rules would be in place and she wanted to make sure everyone was comfortable with these rules. She stated the City hired an outside firm to get an independent review of the process and that boundaries had not yet been discussed, so no street had been left out.

Andy Behler, 915 Lakeside, stated he was the owner of the two lots in question on Lakeside and Orchard. He stated he was born on Orchard and currently lives on Lakeside and cared deeply about the neighborhood. He denied there would be a large garage facing Orchard and offered to talk with any neighbors who were concerned about the project.

Gordon Jones, 325 Rosewood, thanked the Commission for setting up the meetings to discuss historic preservation, but asked for more specific information on dates, times and public access to hold the city

accountable to the residents and not to special interests. He referenced the recently proposed waterfront ordinance that would require stormwater management and asked why variances were being considered later on tonight's agenda for building along the lakeshore. He felt the commission set too many precedents by granting variances and that zoning ordinances should be followed and not waived with variances.

Eric Gollanek, 2306 Burchard, supported efforts to increase awareness and action on the growing threat of teardowns to the community. He expressed concern about replacing beautiful homes with dramatically larger, out of scale structures that change the feeling of the streets. Requested a moratorium be enacted now because all the home sales were creating an urgency to save these homes.

Janet Smith, 915 Orchard, also requested the demolition of the home on Orchard be stopped now and not later when the commission holds a special presentation. She wanted the existing home to remain with a family and not turned into an alley.

Jennifer Metz, 303 Briarwood, reminded the Commission of the number of people who have been attending meetings regarding demolition and the need for historic preservation. She asked the City to pay attention to all the people who are asking for a moratorium on demolition and the preservation of historic homes.

2014-56. Commissioners Dills and Miller thanked the residents attending the meeting to speak about these issues.

Commissioner Skaggs stated the commissioners are listening to all the residents who have spoken at meetings and contacted them over the last several weeks. He stated it takes time to set things up and organize schedules for meetings.

Commissioner Graham also agreed many good points had been raised and would be considered when the committee began its research.

Commissioner Duncan stated she had also had many conversations on these topics and looked forward to beginning the research phase.

Mayor Seibold addressed the lakefront development issue by stating that there were many opinions to be considered and the commission ultimately decided not to pursue the ordinance after listening to the residents affected. She noted that historic preservation was another example of the city commission having to balance property rights with the good of the entire community.

2014-57. A zoning variance hearing was held regarding the request of Allison Sevensma of 3055 Manhattan Lane to allow the construction of a detached garage with a total area of 614 square feet instead of the permitted 336 square feet.

Zoning Administrator Faasse explained the city's new zoning ordinance limited the number and size of outbuildings such as this proposed garage.

Allison Sevensma, 3055 Manhattan Lane, was present to explain the request and answer questions. She noted other remodeling projects had already been completed and that the new garage would match the home.

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

A. Dills-Miller. That the request of Allison Sevensma of 3055 Manhattan Lane to allow the construction of a detached garage with a total area of 614 square feet instead of the permitted 336 square feet be approved.

Commissioner Skaggs noted this was a large lot that could potentially be split and suggested placing a condition on the variances that the lot not be divided in the future.

B. Skaggs-. To amend 2014-57-A. to include a condition that the approval is for a minimum lot size of 1.28 acres.

The motion died due to lack of second.

Commissioner Dills stated he felt there seemed to be plenty of room for this garage to fit on the lot without overcrowding.

Commissioner Graham added the new garage was in a slightly wooded area and close to the existing garage and would not be obtrusive to the neighbors.

Commissioner Miller agreed a split would be possible in the future as others in the plat have been.

Commissioner Dills noted conditioning the variance would restrict the owner's future rights to divide this lot.

Ms. Sevensma stated the chain link fence on the property was the line where a split would be allowed in the future.

Mayor Seibold noted the ordinance was put in place to prevent overbuilding on residential lots, and a potential lot split was a valid concern once this garage was in place.

- C. Duncan-Graham. Motion to table this request until information on the existing deed restriction can be obtained and reviewed.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6
Nays: -0-

- 2014-58. A zoning variance hearing was held regarding the request of Matthew & Patricia Williams, 1120 Breton, to allow the construction of an attached garage with a rear yard setback of 4.6' instead of the required 25', and to allow the enlargement of a nonconforming structure.

Zoning Administrator Faasse explained the request to extend the existing garage toward the rear lot line and explained the required setbacks for attached and detached garages.

Kurt Griffiths of Lighthouse Construction explained many options had been considered and an attached garage was viewed as the best solution to the need for additional garage space. He stated the new addition would not be seen from the street and would match the architectural style of the existing home. He also noted the properties behind the proposed garage are lower in elevation than the applicant's home and would likely not be able to see much of the addition.

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

- Scott & Ellen Custer, 1110 Breton	In Favor.
- Greg & Rashel Workman, 1130 Breton	In Favor.

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

- A. Graham-Skaggs. That the request of Matthew & Patricia Williams, 1120 Breton, to allow the construction of an attached garage with a rear yard setback of 4.6' instead of the required 25', and to allow the enlargement of a nonconforming structure be approved.

Commissioner Graham noted the many improvements already made to the home and felt a detached garage would detract from the home and property.

Commissioner Miller felt granting a variance for an attached garage would be better than seeing a detached garage on this property.

Commissioner Skaggs supported the request because neighboring properties were not opposed and the proposed roof height seemed reasonable.

Commissioner Dills questioned whether a second story could be added above the garage at a later time. Mr. Faasse stated a variance would be needed to enlarge a non-conforming structure.

Mayor Seibold also felt the request was reasonable and noted the grade change meant the homes behind will be see the addition. She felt a detached garage would not be as attractive as this proposed addition.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6
Nays: -0-

- 2014-59. A zoning variance hearing was held regarding the request of Marney Salmon, owner of 2861 Bonnell, to allow the construction of a detached accessory building not in the rear yard.

Zoning Administrator Faasse explained the frontage on lower Reeds Lake Blvd created a second front yard for this property requiring a variance to place an accessory building on the lakefront.

Mayor Seibold questioned whether the lot split proposed for consideration at an upcoming meeting would affect the placement of this structure.

Mike Corby, architect for Mrs. Salmon, explained the proposed building met all setback requirements and only required a variance because this home has effectively two front yards. He stated the drawings had changed slightly to make the rooftop all vegetation and remove the stairway to the roof. He noted the Salmons have a land division request pending to move the line dividing the two lots and are considering the possibility of moving the house to the east. The new accessory structure will be on the same lot as the home once the land division is completed, but it is the applicant's intent to build the accessory structure in the proposed location no matter the outcome of the land division.

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

- A. Miller-Dills. That the request of Marney Salmon, owner of 2861 Bonnell, to allow the construction of a detached accessory building not in the rear yard be approved.

Commissioner Miller noted this structure would be allowed without a variance if not for the gravel road. He appreciated the larger setback than required, the rooftop vegetation and the pervious materials being used.

Commissioner Skaggs stated he would support the request, and added that a 25' setback would be even better.

Commissioner Dills agreed he would like to see the building set further back, but supported the variance because it was only the gravel road that prohibited the proposed placement.

Mayor Seibold thanked Mr. and Mrs. Salmon for the efforts to minimize the building's environmental impact.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6
Nays: -0-

- 2014-60. A zoning variance hearing was held regarding the request of Mark Fowler, 2905 Bonnell, to allow the construction of a detached accessory building not in the rear yard.

Zoning Administrator Faasse explained the new owners of the home had decided against completing the construction started by the previous owner in the exact manner proposed by the previous owner and instead would proceed in a slightly different position.

Commissioner Dills questioned whether the total square footage of all accessory structures exceeded the maximum allowed. Mr. Faasse stated he had not made that calculation because the original building permit was issued under the former zoning ordinance that did not have a maximum square footage limit.

Mayor Seibold opened a public hearing.

Ed Twohey, architect for the owner, stated they would be keeping the old foundation, adding pervious deck materials, a wooden boardwalk and would be restore a portion of the lawn to a natural area with native plants.

City Attorney Huff gave his opinion that the prior ordinance required only that all structures covered less than 35%, and these buildings would have been nowhere near that limit. The new ordinance uses a limit of 25% and these properties are also under that limit. So the only question is whether the new owners should be held to the limit of 1296 square feet that was put into place after the building permit was issued last year.

Mayor Seibold expressed concern about large construction vehicles damaging the gravel road in this area and asked whether the applicants would be willing to repair. Mr. Twohey stated all property owners who have done construction work should be asked to share the cost to repair the road.

Pamela MacDougal, 500 Cambridge, stated she felt the applicants should have to meet the requirements of the new ordinance.

Commissioner Dills asked if the size/shape of the proposed building was substantially the same as the prior permit allowed, and whether the applicant could choose to go ahead and continue the construction already begun by the previous owner. Mr. Faasse stated construction could continue under the original permit and that the size of the new structure was very close to the same size as the original plan.

Elizabeth Goede, 363 Forest Hills, stated the new owner should have to start over in the process if they were not continuing to build the same structure.

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

- A. Dills-Graham. That the request of Mark Fowler, 2905 Bonnell, to allow the construction of a detached accessory building not in the rear yard be approved.

City Attorney Huff agreed with the statement that the new owner had the right to continue to build under the permit issued to the previous owner if constructing the original structure. He felt the commission should take the prior permit under consideration and make note of any changes approved if the variance request is granted. Mr. Huff stated the commission should at the very least rule on whether the new structure could be constructed.

City Manager Donovan stated that variances typically run with the land regardless of who owns the property.

- B. Duncan-Miller. That the request of Mark Fowler, 2905 Bonnell, be tabled until a future meeting.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6
Nays: -0-

- 2014-61. Skaggs-Miller. Motion to approve the consent agenda as follows:

- A. To approve the minutes of the regular meeting held May 5, 2014.
- B. To approve payroll disbursements of \$199,614.24; county and school disbursements of \$1,321.70, and total remaining disbursements of \$101,668.12.
- C. A hearing date of June 2, 2014 for public hearings on the proposed FY 2014-15 budget and the placement of delinquent accounts on the summer property tax bill.
- D. A resolution entering into a contract with the Michigan Department of Transportation in order to obtain federal funds for the reconstruction of Lakeside Drive from Wealthy Street to Greenwood Avenue as set forth in Exhibit "A" attached hereto.

- E. The replacement of the boiler system at Wealthy Pool in the amount of \$49,100.00 from Northwest Kent Mechanical Company of Cedar Springs.
- F. The preliminary minutes of the Planning Commission meeting held February 11, 2014.
- G. The preliminary minutes of the Joint Facilities Committee meeting held March 28, 2014.
- H. The preliminary minutes of the Library Commission meeting held April 28, 2014.

Yeas: Dills, Duncan, Graham, Miller, Skaggs and Seibold – 6

Nays: -0-

The meeting adjourned at 7:55 p.m., subject to the call of the Mayor until June 2, 2014.

Karen K. Brower, City Clerk

Attachments: A – Resolution approving a contract for the Lakeside Drive reconstruction project.

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