

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held December 7, 2015

Mayor Seibold called the meeting to order at 6:04 p.m. in the City Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Graham, Hamrick, Johnson, Miller, Skaggs, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Finance Director Mushong; Parks & Recreation Director Bunn; Public Safety Director Herald; City Clerk Brower; Communications Specialist Greenleaf

2015-123. Chris Afendoulis, 73rd District State Representative, gave an update on issues in Lansing, including energy legislation, the Detroit Public Schools and proposed tax breaks. He congratulated the new members of the city commission and thanked the retiring commissioners for their service.

2015-124. Commissioner Johnson thanked the citizens, staff and her fellow commissioners for the great honor of serving as a city commissioner.

Commissioner Skaggs reminded everyone this was the last week for leaf pickup. He thanked Bill Graham and Cindy Johnson for their service, stating had been a pleasure to work with them over the last few years.

Commissioner Graham stated he had enjoyed every minute of his eight years on the Planning Commission and then eight years on the City Commission.

Mayor Seibold congratulated Parks & Recreation Director Fred Bunn on his world championship title in the Men's 50-54 Duathlon in Adelaide, Australia in October.

2015-125. Consider request to approve the minutes of the regular meeting held November 16, 2015.

2015- -A. Johnson-Graham. To approve the minutes of the regular meeting held November 16, 2015.

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

Nays: -0-

2015-126. Consider request to approve disbursements.

2015- -A. Graham-Johnson. To approve payroll disbursements of \$208,626.85; county and school disbursements of \$14,924.11, and total remaining disbursements of \$445,705.99.

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

Nays: -0-

2015-127. Mayor Seibold presented Commissioners Graham and Johnson with gifts commemorating their time as City Commissioner and thanked them for their dedicated service to the residents during their terms.

2015-128. City Clerk Brower administered the oath of office to 1st Ward City Commissioner Chad Zagel, 2nd Ward City Commissioner Karey Hamrick, 3rd Ward City Commissioner Brian Miller and Mayor Anna Seibold. The new officials then took their seats on the City Commission.

2015-129. A zoning variance hearing was held regarding the request of J. Peterson Homes on behalf of the owner of 455 Lakeside to allow the construction of a new home with a corner lot side yard setback of 12' instead of the required 14', and to allow the construction of a detached garage closer to the street than the principal building.

Zoning Administrator Faasse noted there had been an error in calculation with a result that the side yard variance was no longer required. However, the applicant has requested the city commission consider a 2' side yard variance of 10' instead of the required 12.'

Commissioner Miller stated his concern about granting a variance given the notice sent to residents gave the side yard setback proposal at 12.'

Mr. Faasse noted this lot looks wider because of the city right-of-way along Lansing. Unless the road is widened at some point, there will continue to be a strip of land that looks as if it is part of this lot. Future sidewalks would be located in the right-of-way. He also way explained that because the zoning code requires a detached garage to be located behind the front setback line of the neighboring house, it would be impossible to place a detached garage on this property unless a variance is granted. An attached garage would require a larger setback than a detached garage.

Joel Peterson of J. Peterson Homes, stated he felt this project would result in a nice little house on a narrow lot without being a detriment to the neighborhood. He stated they were proposing a detached garage so that the patio and back yard area could be placed directly behind the house instead of farther away behind a garage and to allow natural light into the west side of the home. The proposal would still allow 50' of space between structures. He asked the commission to consider allowing them to move the home two feet north to allow more separation from the home to the south. He noted the current home sits even closer to Lansing than the proposed home.

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

- Ben Sietsma, 2155 Lansing. Fully supported the proposal and noted there would still be plenty of greenspace in the area.
- Diane Lange, 2150 Lansing Felt this was a good use of a very small lot.

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

- Martha Mackay, 2156 Lansing Opposed due to green space concerns.

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

2015- -A. Duncan-Miller. That the request of J. Peterson Homes on behalf of the owner of 455 Lakeside to allow the construction of a single-family home with a detached garage closer to the street than the principal building on the adjoining lot be approved.

Commissioners agreed it would not be appropriate to discuss the revised side yard variance request until proper notice could be given to property owners in the area.

Commissioner Skaggs felt the construction of a new home on a soon to be vacant lot could likely be built without a variance and he could not support a variance request.

Commissioner Miller stated his agreement that it would be nearly impossible to build a detached garage because of the size of the lot and the setback of neighboring properties.

Commissioner Dills agreed that he did not like to give variances for new homes, but agreed the size of the lot made this situation unique. Commissioner Duncan agreed, noting this would be a better use of space and natural lighting.

Commissioner Hamrick felt it made more sense to put the patio behind the home instead of behind the garage.

Mayor Seibold stated she could not support this request because the home to the west would then be looking at a garage. She felt an attached garage would be better for the neighbor.

Yeas: Dills, Duncan, Hamrick, Miller and Zagel– 5
Nays: Skaggs and Seibold – 2

2015-130. A zoning hearing on the request of Matt & Allisandra Kruer, owners of 2713 Reeds Lake Boulevard, for a determination of the definition of “double frontage or through lot” in the city ordinance.

Zoning Administrator Faasse asked the commission to assist with the interpretation of the zoning code regarding a through lot as it relates to the property at 2713 Reeds Lake Blvd. He explained that Meadowvale Road was originally platted, but has never been improved or used as a street, and exists only in legal definition on city plat maps. The applicants wish to build a new home on their property, but the new through lot ordinance would prevent most of the land from being used as a building site. The applicants feel this lot does not meet the definition of a through lot because Meadowvale is not being used as a street and the platted location of Meadowvale is not parallel to Reeds Lake Blvd as detailed in the ordinances.

Mayor Seibold noted many residents of the area had been discussing the idea of vacating Meadowvale and deeding the property to the homes on either side, but that request has not been made and would not be discussed this evening.

Rob Sears, architect for the applicants, stated the lot was deemed a through lot by city consultants because it had frontage on two more or less parallel streets. He requested the city commission determine that Meadowvale and Reeds Lake Blvd are not parallel streets because of the angle at which the two streets run.

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

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| - E Aaron Henderson-King, 245 Hodenpyl | Felt the roads do seem parallel with the front and rear property lines. |
| - Rob Sears, Sears Architects | Noted the definition addressed the streets, not property lines. |
| - Donna Henderson-King, 245 Hodenpyl | Concerned there had been mixed messages about plans and the larger implications of vacating the street, making her uncomfortable with making this decision until some issues were clarified. |
| - Matt Abraham, 2705 Reeds Lake Blvd | Felt the focus should be on whether the two roads are considered parallel and not other issues. |

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

City Attorney Huff noted the city code defined a street as an easement, right-of-way or other interest that has been conveyed to and accepted by a governmental body for the purpose of providing access to abutting land. While this right-of-way has not been developed or improved, he felt it had been accepted as a right-of-way when the plat was accepted.

2015- -A. Skaggs-Miller. That this lot be determined to be a through lot according to Section 5.12H.

Commissioner Skaggs felt the ordinance was trying to avoid strange situations in the middle of existing neighborhoods. He was hesitant to set a precedent by stating this lot was not a through lot. Mr. Skaggs stated he would rather keep the city commission oversight of these situations by addressing them individually and seeking input from neighbors.

Commissioner Miller stated that if the road was paved it would be obvious that this was a through lot.

Commissioner Dills felt the two streets were much closer to parallel than to perpendicular. He further noted the definition of a street per the ordinance makes it very clear that Meadowvale is a legal street according to the ordinance. Mr. Dills noted that not following the ordinance would allow an enormous building envelope that may disrupt the neighborhood with a structure much larger than those surrounding it.

Commissioner Duncan agreed the commission had an obligation to consider the intent of the ordinance and not just the wording. She also supported the determination because of the potential building envelope size.

Commissioner Zagel noted the disparity between the aerial photo that shows greenspace and the plat map that shows the road. He agreed that by legal definition this property is a through lot.

Mayor Seibold stated that determining this to not be a through lot would set a precedent for others. She agreed the intent was to prevent back-to-back platted lots from being developed in a manner inconsistent with the other homes around it. She suggested the applicants consider applying for a variance to allow a larger building envelope than permitted on a through lot.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7
Nays: -0-

2015-131. Election of President for the remainder of FY 2015-16.

2015- -A. Miller-Skaggs. That Commissioner Dills be elected as President for the remainder of FY 2015-16 to serve in the absence of the Mayor.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7
Nays: -0-

2015-132. Duncan-Miller. To approve the consent agenda as follows:

2015- -A. Assignments to advisory boards and committees as recommended by Mayor Seibold.

2015- -B. A resolution approving the creation of the Municipal Street Fund for funds related to the Street and Sidewalk Millage and outlining budget amendments to account for this new fund.

2015- -C. The purchase of a portable pool Lift for Wealthy Pool from O.P. Aquatics in the amount of \$5,915.60.

2015- -D. The purchase of a fuel management system from VanManen Petroleum Group in the amount of \$8,126.00.

2015- -E. Improvements to the Briarwood lift station from Franklin Holwerda Company in the amount of \$107,992.00.

2015- -F. The purchase of road salt for the 2015-16 winter season from North American Salt-Compass Minerals for the early supply delivery of 400 tons at \$64.24 per ton and up to an additional 1,100 tons at a cost of \$66.63 per ton.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7
Nays: -0-

The meeting adjourned at 7:16 p.m., subject to the call of the Mayor until December 21, 2015.

Karen K. Brower, City Clerk

Attachments: A – Resolution creating a Municipal Street Fund.

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