

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held February 6, 2017**

Mayor Seibold called the meeting to order at 6:01 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, Hamrick, Miller, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Public Safety Director Herald; Assistant City Manager LaFave; Finance Director Mushong; Zoning Administrator; City Clerk Brower; Communications Specialist Greenleaf

2017-13. Dennis Murphy, 2879 Elwood, Grandville, asked East Grand Rapids to consider adopting an ordinance to require vehicles stay 5' away from walkers, joggers and cyclists. He indicated he was approaching all six cities in the metropolitan area about this issue and offered to assist with grant applications for signage and education for a new ordinance.

Harv Pastunink, 5131 36<sup>th</sup> Ave, Hudsonville, stated his brother had been struck and killed by a vehicle while on his bicycle and encouraged the city commission to consider adopting a 5' separation ordinance.

2017-14. Mayor Seibold noted that the Biggby Coffee shop in Gaslight Village has now closed.

2017-15. Resolution Confirming Assessment Roll for the Lake Drive Sidewalk Special Assessment District.

Assistant City Manager LaFave explained this was the final step in the special assessment process. He noted the project would now move forward with final bids and construction.

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

2017--A. Miller-Duncan. That a resolution confirming the assessment roll for the Lake Drive Special Sidewalk Special Assessment District be approved as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Zagel and Seibold – 6

Nays: -0-

2017-16. A zoning variance hearing was held regarding the request Stephen & Mary Kretschman of 929 San Jose to allow a land division which results in two lots that

- do not meet the R-1 zoning district requirements for lot width at the front setback line and lot area;
- do not meet the R-1 zoning district requirements for lot frontage along the street;
- are 85 feet wide instead of 100 feet;
- are approximately 10,200 square feet in area in the first 120 feet of lot depth, instead of 12,000 square feet required (action requested – 87 notices sent).

Zoning Administrator Faasse explained the request to separate two platted parcels that were combined into one parcel several years ago. Because the lots do not meet the current zoning requirements for frontage and area, variances would be needed in order to move forward with a lot split. Mr. Faasse noted that a variance would be required even if the lots had not been combined into one parcel.

Commissioner Miller asked if dividing the land would create any additional nonconformity for Lot 39. Mr. Faasse stated the only issue would be a concrete slab in the rear yard would be slightly closer to the lot line than was allowed, but he did not feel this was a significant issue.

Stephen Kretschman, 929 San Jose, explained each lot would have 85' of frontage and are large lots because of their depth. He wants to build a new home on the vacant lot and transfer the existing home to his daughter. He felt the lot frontage and size ordinances were likely put in place after this street was developed. He stated a new home they planned to build would fit with the size and style of the neighborhood and would fill in the obvious gap along the road. Mr. Kretschman stated all of the property owners on the street were in favor of the variance request. He stated there was no other appropriate use for this vacant lot as everyone was opposed to having the home torn down and a larger one built on the combined lot.

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

- |                                  |   |
|----------------------------------|---|
| - Mike Bailey, 915 San Jose      | Kretschman shouldn't be penalized as this is a hardship. Would rather have two smaller houses than one larger one that wouldn't fit the area.                                       |
| - Susan Laffrey, 921 San Jose    | Supported the request as most lots on the street are this size and do not conform to the current regulations. Noted this was a family and not a developer looking to make a profit. |
| - Amy Keane, 940 San Jose        | Fully supported as it would be nice to see a new house consistent with others on the street.  |
| - Peter Gallivin, 926 San Jose   | Felt it would be a nice addition to the neighborhood.   |
| - Ray Loeschner, 2565 Frederick  | As a former resident of the street, he felt it would complete the neighborhood and avoid a teardown and monstrous rebuild.  |
| - George Buth, 942 San Lucia     | Please grant variance.  |
| - George Roberts, 900 San Jose   | Agree with all of the above.  |
| - Dennis Donahue, 2019 Argentina | Supports request.   |

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

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|---|-----------|
| - Dani & Mike Bailey, 915 San Jose                  | In Favor. |
| - Andrew & Stphanie Krause, 916 San Jose            | In Favor. |
| - George & Heidi Roberts, 900 San Jose              | In Favor. |
| - Brad & Susan Laffrey                              | In Favor. |
| - Roscoe Johnson, 908 San Jose                      | In Favor. |
| - Mary Rapp, 907 San Jose                           | In Favor. |
| - Patrick & Rachel Scott, 946 San Jose              | In Favor. |
| - Fran Johnson, 908 San Jose                        | In Favor. |
| - Scott & Mary Gorsline, 950 San Jose               | In Favor. |
| - Paul Kratochwill & Deirdre Honnor, 2011 Argentina | In Favor. |
| - Peter & Mary Gallivin, 926 San Jose               | In Favor. |
| - Shannon Hunt, 947 San Jose                        | In Favor. |
| - Mr. and Mrs. Donohue, 2019 Argentina              | In Favor. |
| - Elizabeth Johnson, 908 San Jose                   | In Favor. |
| - Mary Johnson, 908 San Jose                        | In Favor. |
| - Theresa & Sean McLaughlin, 955 San Jose           | In Favor. |
| - Jim & Amy Keane, 940 San Jose                     | In Favor. |
| - Michael McElwee, 961 San Jose                     | In Favor. |
| - Mrs. C.J. Rapp, 907 San Jose                      | In Favor. |
| - Nancy & Tom Doyal, 943 Floral                     | In Favor. |

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

- 2016- -A. Miller-Dills. That the request of Stephen & Mary Kretschman of 929 San Jose to grant four variances described below so that a land division could be considered creating two lots that
- do not meet the R-1 zoning district requirements for lot width at the front setback line and lot area;
  - do not meet the R-1 zoning district requirements for lot frontage along the street;
  - are 85 feet wide instead of 100 feet;
  - are approximately 10,200 square feet in area in the first 120 feet of lot depth, instead of 12,000 square feet required be approved.

City Attorney Huff noted over the years there have been numerous land division requests where the platted lots predated the current zoning ordinance. As a general rule, the City Commission has upheld the merger provisions of the zoning ordinance to reduce non-conformity in the zoning districts. He noted there was a case on Cambridge where a judge overruled the city's decision to deny a lot split by ruling that the city must look at a much larger area than just the street in question when determining what lot size is appropriate. He further noted that case relied upon ordinances which have since been revised or repealed.

Mayor Seibold stated the city commission had to use the ordinances in place and could not approve or deny variance requests based on their popularity with the surrounding residents. She felt it would set a dangerous precedent to pick and choose which requests to approve based on neighbor approval alone.

Mr. Huff stated the two properties at Lake Drive and Bagley, the former Keystone Church property, were treated a bit differently because one of those lots was zoned multi-family and they were not continuous frontage on one street. Mr. Huff further explained the court decision on the Cambridge lawsuit suggesting that the city should consider several surrounding streets and take into account both larger and smaller lots when deciding whether lots resulting from a land division request were appropriately sized. He advised the city commission to look at the entire area surrounding the subject property and noting the differences between streets and the two zoning districts. He also reviewed other land division requests in recent years and answered questions from the city commission.

Commissioner Zagel noted the applicants were given the opportunity to apply for a variance for the two lots to remain separate during the merger process several years but hadn't chosen this option.

Commissioner Duncan stated that while she appreciated what the Kretschman's were trying to accomplish, she could not support the variance request after considering the many other requests, the court decision, and the impact of creating nonconforming lots.

Commissioner Hamrick agreed, stating she was sympathetic to the situation but could not support the creation of nonconforming lots.

Commissioner Miller felt there should be a way to approve this request. He noted that the other requests that were denied were often more substantial variances from the standards and that this street was near the boundary between zoning districts where there were varying size lots in the multi-block area. He felt the risk of demolitions and larger houses being built would not fit in this area. He was willing to take the risk of creating nonconformity and supported the Kretschman's request.

Mayor Seibold stated her belief that this could set a precedent for the whole city. She gave several examples where neighbors were opposed to lot splits, but the city commission was legally bound to approve the division if all of the zoning ordinance standards were met. She also noted previous requests where the city commission upheld the standards and denied requests. She suggested reviewing the ordinances for changes instead of arbitrarily deciding the standards could be waived for some requests and not others.

Commissioner Dills noted this was a very difficult decision that ultimately came down to consistently interpreting and upholding the clearly defined standards contained in the ordinance. He stated he could not support the request because the proposed lots did not meet the ordinance standards.

Yeas: Miller and Zagel – 2

Nays: Dills, Duncan, Hamrick and Seibold – 4

2017-17. The requested land division at 929 San Jose was not considered due to the denial of the variance requests.

2017-18. Resolution recognizing GR Blades/EGRAHA as a nonprofit organization.

John Hoekstra of the East Grand Rapids Amateur Hockey Association explained the role of the organization and requested the City Commission recognize their organization for the purpose of conducting a raffle.

2016- -A. Duncan-Zagel. That a resolution recognizing the East Grand Rapids Amateur Hockey Association as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Zagel and Seibold – 6

Nays: -0-

2017-19. Resolution establishing the polling location for Precinct 3-6.

City Clerk Brower explained the request to relocate the polling location due to security concerns at the current elementary school.

2016- -A. Miller-Zagel. That a resolution establishing the polling place for Precinct 3-6 as the East Grand Rapids High School Performing Arts Center be adopted as set forth in Exhibit "C" attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Zagel and Seibold – 6

Nays: -0-

2017-20. Changes to employee salary schedule.

Finance Director Mushong reviewed the results of the salary study conducted last year and the recommendations to reclassify several positions.

2016- -A. Zagel-Miller. That the revised salary schedule recommended by the Michigan Municipal League and city administrative staff be approved.

Commissioner Zagel noted this was a good mechanism to attract and retain good employees who help provide the high level of services in East Grand Rapids.

Yeas: Dills, Duncan, Hamrick, Miller, Zagel and Seibold – 6

Nays: -0-

2017-21. Appointment of 1<sup>st</sup> Ward City Commissioner.

Mayor Seibold introduced Diana Schad as her recommendation to fill the current vacancy on the city commission. Ms. Schad made brief remarks outlining her background and her interest in serving on the city commission.

2016- -A. Zagel-Miller. That Diana Schad of 448 Cambridge be appointed as 1<sup>st</sup> Ward City Commissioner for the remainder of the term ending December 4, 2017.

Yeas: Dills, Duncan, Hamrick, Miller, Zagel and Seibold – 6

Nays: -0-

Ms. Schad will be sworn in at the February 20, 2017 City Commission meeting.

2017-22. Dills-Zagel. To approve the consent agenda as follows:

- 2017- -. To approve the minutes of the regular meeting held January 16, 2017.
- 2017- -A. Report of Finance Committee on disbursement of funds: payroll disbursements of \$439,464.94; county and school disbursements of \$410,848.62, and total remaining disbursements of \$572,577.43.
- 2017- -B. The appointment of Katie Favale of 2557 Hall Street to the Board of Review for a term ending June 30, 2017.
- 2017- -C. A resolution amending the FY 2016-17 budget for the quarter ending December 31, 2016 as set forth in Exhibit "D" attached hereto.
- 2017- -D. The placement of continental crosswalk pavement markings and signage on Argentina at the intersection of Lakeside Drive.
- 2017- -E. The purchase of gas lanterns from Baylume Inc of Lathrup Village in the amount not to exceed \$10,537.60 plus freight charges.
- 2017- -F. The Public Safety Department quarterly report for the period ending December 31, 2016.

Yeas: Dills, Duncan, Hamrick, Miller, Zagel and Seibold – 6  
Nays: -0-

The meeting adjourned at 7:36 p.m., subject to the call of the Mayor until February 20, 2017.

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Karen K. Brower, City Clerk

Attachments: A – Lake Drive Sidewalk Special Assessment District Resolution Confirming Assessment Roll  
B – Resolution recognizing EGRAHA  
C – Resolution establishing the polling location for Precinct 3-6  
D – Resolution Amending the FY 2016-17 budget

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