

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held December 4, 2017**

Mayor Seibold called the meeting to order at 6:00 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 Duncan, Favale, Hamrick, Miller, Schad, Walters, Zagel and Mayor Seibold

Absent: Commissioner Dills

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Finance Director Mushong; Parks & Recreation Director Bunn; Zoning Administrator Urquhart; City Clerk Brower

2017-162. No public comment was received.

2017-163. Commissioner Schad thanked her fellow commissioners for their support and encouragement and thanked the city staff who have been so helpful with orientations and questions over the last year. She stated she has had an amazing experience as city commissioner and will miss everyone as her term ends.

Mayor Seibold reported the tree lighting ceremony was well attended last week and thanked everyone who worked to make the event such a great community experience.

Mayor Seibold introduced Madison Bennett as the new reporter for the Cadence Newspaper and welcomed her to the community.

2017-164. Consider request to approve the minutes of the regular meeting held November 6, 2017.

2017- -A. Miller-Schad. To approve the minutes of the regular meeting held November 6, 2017.

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

Nays: -0-

2017-165. Consider request to approve disbursements.

2017- -A. Zagel-Duncan. To approve payroll disbursements of \$219,062.88; county and school disbursements of \$35,562.08, and total remaining disbursements of \$240,260.35.

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

Nays: -0-

2017-166. Mayor Seibold presented Commissioner Schad with a proclamation and a gift commemorating her time as City Commissioner and her for her dedicated service to the residents during the last year.

2017-167. City Clerk Brower administered the oath of office to 1st Ward City Commissioner Kathleen Favale, 2nd Ward City Commissioner Claudine Duncan and 3rd Ward City Commissioner Bryan Walters. The new officials then took their seats on the City Commission.

2017-168. A zoning variance hearing was held regarding the request of Victoria Schnaidt of 1552 Lake Grove to allow the construction of a detached garage with a side setback of 1.3' instead of the required 3.0', a rear yard setback of 0.1' instead of the required 3.0' and a separation from the home of 2.5' instead of the required 10.0'.

Zoning Administrator Urquhart explained the old garage was being removed and a new garage constructed utilizing the same foundation with a small addition to make a full two-car garage. He noted the lot is nonconforming due to the width and the overall lot size. Mr. Urquhart stated the awning over the patio is not enclosed, but is used for calculation of the building separation requirement, thereby necessitating the separation variance request. Without the awning, the garage would meet the building separation requirement.

Commissioner Miller questioned whether the commission could restrict the side and rear setbacks to the specific points shown on the application instead of allowing the entire rear and side of the garage to be one foot or less from the lot line. City Attorney Huff stated the variance could be limited to the drawing submitted.

Commissioner Zagel suggested that any variance should also include the patio and awning remaining unenclosed.

Zoning Administrator Urquhart explained the building separation requirement was meant to limit the spread of fire and to allow access into the back yard.

Victoria Schnaidt, 1552 Lake Grove, explained she wanted to make her garage safer and more useable. She also noted she would be correcting an issue with water runoff from other properties.

Mayor Seibold asked Ms. Schnaidt if she would be willing to take down the awning if necessary to decrease the amount of nonconformity with the new garage. Ms. Schnaidt answered she would be willing to consider removing the awning to have a better functioning garage. Ms. Schnaidt questioned whether a retractable awning would be allowed without a variance. Mr. Urquhart stated he would have to research the issue.

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

2017- -A. Miller-Walters. That the request of Victoria Schnaidt of 1552 Lake Grove to allow the construction of a detached garage with a side setback of 1.3' instead of the required 3.0', a rear yard setback of 0.1' instead of the required 3.0' and a separation from the home of 2.5' instead of the required 10.0' be approved with the condition that the approval be limited to the setbacks shown on the drawing submitted and that the area under the awning remain unenclosed.

Commissioner Zagel felt this was a difficult variance to grant because of the canopy and the small building envelope in the back yard. He appreciated the applicant reusing the existing foundation to the extent possible.

Commissioner Miller expressed concern about the awning's proximity to the garage for both aesthetic and safety reasons. He appreciated the need for an outdoor seating area, but felt the garage and patio would be too close together.

Commissioner Walters agreed with the safety concerns mentioned. City Manager Donovan stated that access for fire, medical and others is always a concern in these situations. He suggested the building separation portion of the variance could be tabled while staff researches the issue of retractable awnings.

Commissioners Miller and Walters agreed to remove the approval of the separation between the garage and the home and the requirement that the area under the awning remain unenclosed from their earlier motion. The motion now reads:

Miller-Walters. That the request of Victoria Schnaidt of 1552 Lake Grove to allow the construction of a detached garage with a side setback of 1.3' instead of the required 3.0', a rear yard setback of 0.1' instead of the required 3.0' be approved with the condition that the approval be limited to the setbacks shown on the drawing submitted.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

Mayor Seibold stated that while the discussion may seem overly detailed to some, it was important to discuss all aspects of the ordinance requirements to come to a consensus about the issues and how to handle them. She noted that the ordinances were in place to regulate many zoning details so that everyone was treated consistently and so that the commission could make decisions based on what was best for the community.

2017- -B. Miller-Duncan. That the request of Victoria Schnaidt of 1552 Lake Grove to allow the construction of a detached garage with a separation from the home of 2.5' instead of the required 10.0' be approved with the condition that the area under the awning remain unenclosed.

2017- -C. Zagel-Hamrick. That this motion be tabled until staff can research the issue of whether a retractable awning would be subject to the same restrictions as a non-retractable awning.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2017-169. Final Reading of an ordinance to amend Chapter 95 of Title IX of the City Code pertaining to fire and explosives.

City Attorney Huff reported that after Chapter 95 was amended in December 2016 it was noted that an earlier amendment concerning outdoor wood furnaces was left out of the amendment. This new Chapter 95 corrects that oversight.

2017- -A. Duncan-Hamrick. That an ordinance to amend Chapter 95 of Title IX of the City Code pertaining to fire and explosives be adopted as set forth in Exhibit "A" attached hereto.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

2017-170. Hamrick-Duncan. To approve the consent agenda as follows:

2017- -. The reappointment of Mayor Amna Seibold to the Interurban Transit Partnership Board for a two-year term ending December 31, 2019.

2017- -A. A contract with Advance Rehabilitation Technology of Bryan, Ohio in the amount of \$20,500 plus a 10% contingency for the repair of manholes and catch basins.

2017- -B. A change to the Wealthy/Plymouth intersection signal flasher to include an all-way flash stop during the 10:00 pm to 6:00 am period as recommended by the traffic engineering review.

Yeas: Duncan, Favale, Hamrick, Miller, Walters, Zagel and Seibold – 7

Nays: -0-

The meeting adjourned at 6:47 p.m., subject to the call of the Mayor until December 18, 2017.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Chapter 95 pertaining to fire and explosives

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