

VILLAGE OF GRAND BEACH
ZONING BOARD OF APPEALS HEARING
February 18, 2004

President James Bracewell called the Zoning Board of Appeals Hearing to order at 7:00 P.M. EST. Present in addition to Bracewell were Walter Carroll, Debbie Lindley, John Boden Jr. and Robert Grim.

The Zoning Board of Appeals meeting was held on a request by Daniel & Patricia Joyce of 50201 Golfview for a variance from the setback requirements for a swimming pool on their property.

Attorney Larry Frankle represented Mr. & Mrs. Joyce and explained to the zoning board of appeals that Marjeanette is a platted street on the west side of lot 126 of Hidden Valley. Even though the street does not exist, the property owners must still meet the front yard setbacks on two sides, along both Marjeanette and Golfview. The zoning ordinance requires a swimming pool to be no closer than 50' from the front property line.

Jim Bracewell stated that the board had received three letters from two concerned neighbors and he puts great value on the opinions of the neighbors. Robert Wiesemann, whose property adjoins the Joyce property on the east side, was in attendance with Attorney Terry Redamak. The proposed plan places the pool 16' from their property line. The ordinance requires that the pool be at least 20' from the adjoining property. Terry Redamak stated that his client would be happy if the pool were moved 4' to the west to meet the 20' set back requirement. Also in attendance were Judie and John Deaner, who were not in favor of the variance. John Deaner stated that he did not see a hardship in this case and he is against the granting of the variance. He stated that when they built their home, they had to meet the setback requirements. He stated that granting this variance would set precedence in the village and urged the board not to grant the variance.

After much discussion, the board agreed to continue the hearing on March 17, 2004. Mr. Frankle will meet with Mr. and Mrs. Joyce to come up with a plan that might be more pleasing to the neighbors.

With no further business, the meeting was closed at 7:28 PM EDT.

Respectfully submitted,

Mary J. Robertson
Clerk/Treasurer

VILLAGE OF GRAND BEACH
ZONING BOARD OF APPEALS HEARING
February 18, 2004

President James Bracewell called the Zoning Board of Appeals Hearing to order at 7:42 P.M. EST. Present in addition to Bracewell were Walter Carroll, Debbie Lindley, John Boden Jr. and Robert Grim.

The Zoning Board of Appeals meeting was held on a request by David Hogaboom and Colleen Gaughan of 49005 SkyHi Road for a variance from the side yard setback requirement of 10' to zero for the placement of a garage on their lot.

Attorney Larry Frankle explained to the zoning board of appeals that lot 65 of the New Park Addition is an unusual lot located in the critical dune area. Because of critical dune regulations and the topography of their property, there is not an area available on their lot for placing a garage. Since the property is located in the critical dune area, the DEQ will not allow them to cut the dune in order to build the garage closer to the home. The only place they would be able to build the garage would be along the lot line on the north side of the property. This property adjoins the property of Mrs. Shannon. Ms. Gaughan stated that she had contacted Mrs. Shannon to see if she would be interested in selling them a portion of her property to make their lot more buildable, but she was not interested in selling.

Several board members stated that they would be more comfortable if they knew how Mrs. Shannon felt about the variance.

After discussion, the board agreed to continue the hearing on March 17, 2004. Larry Frankle will contact Mrs. Shannon to get her feelings on the requested variance.

With no further business, the meeting was closed at 7:42 PM EDT.

Respectfully submitted,

Mary J. Robertson
Clerk/Treasurer

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
February 18, 2004**

President James Bracewell called the regular scheduled meeting of the Grand Beach Village Council to order at 7:50 PM EST. Present in addition to Bracewell were Walter Carroll, Debbie Lindley, John Boden Jr. and Robert Grim.

Minutes from the regular council meeting of January 21, 2004 were approved unanimously 5-0 on a J. Bracewell/J. Boden motion.

Commission reports were as follows: Building & Zoning, Parks & Beaches, Police and Golf had nothing to report. Streets & Water Commissioner Robert Grim reported that the DEQ had upgraded our water system rating to satisfactory.

The superintendent, police chief and building inspector had nothing to add to their written report.

In his president's report, James Bracewell mentioned that the bids had been received for the hall renovation and each council member will receive copies. He and the clerk are working on a schedule for the upcoming budget & finance committee meetings.

Bills to be paid with written additions were approved on a R. Grim/J. Boden motion. Unanimous 5-0.

Retired state police officer, John Behnke introduced himself as a candidate for Berrien County Sheriff.

Don Jackson of The Jackson Group presented the 2002/2003 audit review to the council. He stated that the Village should continue to plan for the future by adding to the capital projects fund for future projects. He stated that one of the large increases in revenues is in the Building Department Fund. He explained that building inspection fees are only to be used to cover building department costs. The Village should consider changing the permit fee schedule in the future so as not to create a problem with the State of Michigan. The Golf Fund showed a large increase due to the higher golf rates and he felt that it is necessary to develop some type of internal control in the Pro-Shop and golf fund since we are handling a lot of cash. There is not a problem currently, but we should make sure that there is not potential for a problem with the handling of the cash. He stated that the Water Fund is doing fine, but at this point we are not able to handle a big water project. He also recommended looking at different ways to earn higher rates of return on our cash, possibly investing in CD's. He stated that the Village is a healthy government and is in a good position.

A motion by J. Bracewell/R. Grim to adopt the amended golf budget for the fiscal year 03/04 as presented was approved unanimously 5-0.

A motion by J. Bracewell/R. Grim was approved unanimously 5-0 to go into a closed session meeting to discuss pending litigation.

The council returned to the open meeting at 8:45 and continued to discuss a zoning ordinance violation by Kevin Killerman. Mr. Killerman and his attorney Larry Frankle

spoke to the council. Mr. Killerman does not feel that he has violated the ordinance and invited the council to come to his property to look at what was done. He said if the council believes that what was done was not what was agreed to, he would remove the pavers. He said that he will do whatever it takes. President James Bracewell stated that the council will stand behind the building inspector in all matters and that we will be in contact with Mr. Frankle and Mr. Killerman in a short time.

A motion by R. Grim/J. Boden to approve the additional expenditure of \$3200.00 to purchase computer equipment for the control panel in the water department was approved unanimously 5-0. The council previously approved the expenditure of over \$25,000 for control panel work. The additional purchase will make the control panel accessible from remote areas via a computer.

A motion by R. Grim/J. Boden to adopt the Berrien County Hazard Mitigation Plan Resolution as presented and to designate Chief Dan Schroeder as the coordinator was approved unanimously 5-0.

A motion by J. Bracewell/J. Boden to appoint Robert Grim as the street administrator for ACT 51 was approved unanimously 5-0.

A motion by R. Grim/J. Boden to adopt the framework mileage box received from the State of Michigan as the certified mileage for ACT 51 funds was approved unanimously 5-0.

A hall rental request for Judith Freeman on 9/11/04 was approved unanimously 5-0 on a motion by J. Bracewell/J. Boden.

The Village received a letter from the DEQ which stated that the Village Water System had been upgraded to satisfactory condition.

Jim Bracewell read a letter from Richard Lindblade pertaining to meeting the candidates that are running for Village Council. It was suggested that the Village invite the candidates to the council meeting prior to the election in the future in order to introduce themselves as candidates.

With no further business, the meeting was adjourned at 9:15 PM EST.

Respectfully Submitted,

Mary J. Robertson
Clerk/Treasurer