

**VILLAGE OF GRAND BEACH  
ZONING BOARD OF APPEALS HEARING  
DECEMBER 15, 2004**

President James Bracewell called the Zoning Board of Appeals Hearing to order at 7:15 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 from Gene and Barb Kucharski for a variance from the side yard setback requirements on their property located at 49001 SkyHi Road, described as lots 61 and 62 of the New Park Addition to Grand Beach Springs. The petitioners are requesting a variance to put an addition on their home.

Attorney Larry Frankle addressed the board in regards to the variance request. He stated that the Kucharskis would like to put an addition on their home, but because of the extreme slope of their lot the only place to put the addition would be on the north side of the home. The back of their property goes straight down the hill and the slope is more than one in three, so the DEQ will not allow them to do anything on the back of their property. He said the Kucharskis could not reach an agreement on a purchase price for a small piece of property to the north.

The original request was for a variance from the 10' side yard setback requirement to a 5' side yard setback on the north side of the home. Mr. Frankle stated that the Kucharskis had revised their plans after their initial request and are now requesting a variance from the 10' side setback to 9' on the front corner of the house. The house sits at an angle on the property, so the variance is only necessary for the front of the house. As the addition reaches the middle of the house, the setback is 10' as required. The total variance would be for an area of approximately 8 square feet.

Jim Bracewell asked building inspector Bill Owens if the lot to the north was a buildable lot. He said that the lot may be buildable according to our requirements, but the DEQ would probably not allow it. Larry Frankle added that there is an area on lot 64 that is buildable.

Dick Lindblade lives within 300 feet of the property and send a letter objecting to the variance request. He was in attendance and asked to be given a copy of the new drawing so that he could study it to see how it would affect his property.

The board also received a letter objecting to the variance from Dennis Grether and Catherine Kelly who own the property to the north of the Kucharskis.

Bob Grim stated that he finds that the board is basically within the guidelines required by statute for granting this variance. He does not think that this variance would adversely affect the adjoining property owners or any other neighbors. He stated that the practical difficulty was stated in the letter from Larry Frankle with regards to the extreme slope of the land. He added that the natural shape of the existing land would certainly necessitate a variance. He does not feel it will cause any effect on the contiguous property owners. He finds that the one foot variance is in complete harmony with the village, as is their home.

The board agreed with the findings and a motion was made by B. Grim with support from D. Lindley that in accordance with these comments and findings the board should grant the variance as presented. The variance was granted on a vote of 5-0.

With no further business, the hearing was closed at 7:25 pm EST.

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING  
DECEMBER 15, 2004**

President James Bracewell called the regular scheduled meeting of the Grand Beach Village Council to order at 7:30 PM EST. Present in addition to Bracewell were Pete Carroll, Debbie Lindley, John Boden Jr. and Robert Grim.

Minutes of the regular council meeting of November 17, 2004 were approved unanimously 5-0 on a B. Grim/J. Boden motion.

Building and Zoning Commissioner John Boden Jr. stated that he has been working with the building inspector on the zoning ordinance and hopes to be ready to report the proposed changes at the next meeting.

Parks and Beaches Commissioner Pete Carroll had nothing to report.

Water and Street Commissioner Bob Grim reported that the Village had patched the edges of some of the Village streets that are beginning to crumble. He also added that he, Bob Dabbs and Mary Robertson are working together on different areas of the water project. Bob Dabbs will be getting bids for the third booster pump for the water department.

Police Commissioner Debbie Lindley had nothing to report.

Pro-Shop and Golf Course Commissioner Jim Bracewell stated that the golf course is now closed and the greens, trap areas and tees have all been staked off. He hopes to have a complete financial report for the January meeting.

Jim welcomed ServiScape superintendent Jim Dolemba to the meeting after his recent back surgery. The ServiScape report showed that ServiScape was \$2332.00 under budget so far this year.

Village Superintendent Bob Dabbs informed the council that he received permission from St. Mary's of the Lake to put the ice skating liner together in their gymnasium. He also thanked Larry Frankle and Keith Carlson for the donated sand to be used for the rink.

A motion by J. Bracewell/D. Lindley was approved unanimously 5-0 to approve the request for a payment in the amount of \$10,878.00 to Pagel & Frey.

Bills to be paid with written additions were approved unanimously 5-0 on a J. Bracewell/J. Boden motion.

The first item on the agenda under old business was a land division request from Grand Beach Land Development. Larry Frankle of Grand Beach Land Development explained to the council that they recently had their large parcel of land surveyed. The land division would divide a piece of property off of the large parcel. The property is located at Deer Park and Golfview and would be accessed from Golfview. He stated that the parcel meets all of the village requirements regarding lot size. Mr. Frankle stated that the property would be large enough to build a cottage approximately 1800 to 2000 square feet. He assured the board that he would not request a variance for this property when they build on it.

The Building Inspector told the council that he does not see a problem with the land division. A motion by D. Lindley/P. Carroll was approved unanimously 5-0 to approve the division of the parcel as requested by Grand Beach Land Development.

The council discussed a request from the Village of Baroda to form a Village Association made up of all of the villages located in Berrien County. The council stated that Grand Beach is a unique village and differs from some of the other villages in the county as it is a small village with no retail or business districts.

After discussion the council directed the clerk to send a letter to the Village of Baroda informing them that Grand Beach has decided to decline their offer.

A motion by J. Boden/J. Bracewell to approve the revisions from Pagel and Frey regarding the drywall in the office, portable dance floor, new lights in the pro-shop storage room and office and cleaning of all interior limestone passed unanimously 5-0.

A motion by J. Bracewell/D. Lindley to approve change orders #4 and #5 from Pagel & Frey was approved unanimously 5-0.

A motion by B. Grim/P. Carroll passed unanimously 5-0 to add an additional paid holiday for the village employees by giving them an additional half day off for Christmas Eve and New Years Eve with pay this year and in future years. The employees currently have a half day off with pay for each of these holidays, but will now have the full day off with pay on Christmas Eve and New Years Eve.

A motion by B. Grim/J. Boden to approve the employee Christmas bonuses which include a \$25.00 increase over last year passed unanimously 5-0.

A motion by J. Bracewell/J. Boden to extend the 3 year contract with Information Systems for property tax bills through the Berrien County Courthouse passed unanimously 5-0. The county will charge 81 cents per parcel to prepare the tax bills this year with a slight increase for the following years.

Larry Frankle asked the council to extend the preliminary plat approval for the Hamburger-Mathias Nature Preserve for one more year. Mr. Frankle stated that the property is low and they are interested in offering a sewer system, but needed to get permission from Amtrak to run the line under the train track. He said that Amtrak would give them a utility easement under the tracks, but would charge them a large amount of money for an easement for up to 100 years. He is concerned with who will pay the fee after the first 100 years. A motion by J. Bracewell/J. Boden passed unanimously 5-0 to extend the preliminary plat approval for the Hamburger-Mathias Nature Preserve for one more year.

The council discussed two glass display cabinets, a safe and cash register that are no longer in use. They agreed to donate the two glass display cabinets to the Michiana Volunteer Fire Department. An audience member expressed an interest in the safe and the council agreed to sell the safe to him if he is interested. Chief Schroeder offered to list these items on EBay, but said that if the items were not purchased regionally, the shipping would not be possible. The council directed him to sell the extra items on EBay.

A motion by J. Bracewell/ J. Boden to approve a hall rental request for Laretta Kenny for November 24, 2005 was approved unanimously 5-0.

President Bracewell spoke about several letters that the council received regarding the demolition of a Frank Lloyd Wright home.

With no further business, the meeting was adjourned at 8:30 PM EST.

Respectfully Submitted,

Mary J. Robertson  
Clerk/Treasurer