

VILLAGE OF GRAND BEACH
ZONING BOARD OF APPEALS HEARING
May 17, 2006

President James Bracewell called the Zoning Board of Appeals Hearing to order at 6:52 P.M. EST. Present in addition to Bracewell were John Boden Jr., Pete Carroll, Bob Grim and Debbie Lindley.

The Zoning Board of Appeals meeting was held on a request by Martin and Marcy Dunne of 45302 Putters Lane for a variance from the setback requirement for a swimming pool and an adjoining property.

The Zoning Ordinance requires a twenty (20) feet setback between the outside pool wall and the adjoining property. The applicants requested a thirteen (13) feet variance to allow the pool to be located seven (7) feet from the adjoining property.

The applicants requested a ZBA hearing in March and the hearing was held and continued for 30 days. Prior to the April Hearing, the Dunes withdrew their original request and applied for this new variance.

Attorney Larry Frankle was in attendance representing the Dunes. He told the council that the new drawings for this recent request were much less intrusive than the last ones.

Frankle talked about the issue of self created hardship. He told the council that his client did not build the house and did not create the hardship. It was originally built as a spec house for sale. According to Frankle the houses in this development, Golfmore Estates II, are expected to be large and beautiful. This house is a large house and the plans were approved by the developers.

According to Frankle, when the Dunes purchased the house, they along with their realtor Karen Larkin Johnson believed that there wouldn't be a problem with the installation of a pool. But, because of the shape of the lot, the size of the house and the large amount of street frontage there is no place to put a pool that would conform to the setback requirements. He stated that this is a unique situation in the shape of the lot. Most of the other lots that are located in the Golfmore Estates II subdivision are rectangular in shape.

Frankle stated that this house was built with the developer's approval. The developer owns lot 46 which adjoins the property on the back side of the lot along with several other lots surrounding the property.

Frankle stated that the Dunes are not asking to do something that all of the neighbors are not doing, but are trying to do something that all of the neighbors are allowed to do.

According to Frankle, the setbacks for swimming pools are required for the noise and safety issues. The safety issue will be taken care of with a fence around the pool. The Dunes also agreed not to put lights up that will shine in the neighbor's yard at night.

Realtor Karen Larkin Johnson addressed the council concerning the swimming pool. She stated that she is a realtor and a resident of Grand Beach. She said that she didn't think

there would be a problem with a pool on this property after seeing all of the other pools going up in the Village.

She said that she had talked to the Building Inspector who told her that most of the problems with swimming pools involve lot coverage issues. With the big lots in Golfmore Estates II, he didn't think there would be a lot coverage issue.

She added that she has talked to the neighbors and they are in favor of the pool.

According to Johnson there is a misconception that she told the Dunnes that they could have a pool. She stated that she told them they would need a variance.

Attorney Eric Geurin addressed the council on behalf of the Golfmore Estates, Inc. Mr. Geurin stated that there had been some discussion about self-inflicted hardship. He stated that it is not a right to have a swimming pool and variances should be handed out sparingly.

He added that the Village has a zoning ordinance regarding setbacks for pools and also has an ordinance #43 regarding pools which deals with health, safety and welfare. He feels that the Zoning Board of Appeals can not grant a variance for this pool because they are not allowed to grant variances regarding ordinance #43. He said that most variances are requested for accessory buildings and that is not what this is. He added that moving the setback from twenty (20) feet back to seven (7) feet is a 65% variance.

Bob Grim stated that all of the lots surrounding the property are owned by Golfmore Estates, Inc. and that lot 46 will be the most effected by this variance.

Jim Bracewell asked if the owners of lot 46 and the Dunnes have explored every possibility there is to see if they could work something out to allow for the pool. Richard Farina of Golfmore Estates, Inc. stated that he is very open to speaking with the Dunnes. They have discussed different issues, but maybe not every issue although he doesn't believe that a pool can be placed on lot 47.

Frankle added that this is not a use variance, it is a dimensional usage and it is a deviation from the setback requirements. He stated that setbacks can be changed and have been changed. Due to the shape of this lot, it is almost impossible to put a pool in. He believes that any house that will be built on lot 46 will be built closer to the front lot line to allow room for a swimming pool in the rear. If this is the case, there will not be an issue with the swimming pool.

Debbie Lindley said that the council has always honored the owner's of the adjacent properties requests and in this case the owners of the adjacent property do not approve.

Pete Carroll stated that he thinks the problem is being caused by the triangular shape of the property and wondered if there was another way to measure this property for the setback requirements.

Marty Dunne addressed the board and stated that Mr. Farina has been very generous by spending a lot of time with them on the telephone and trying to work this out.

Bob Grim suggested contacting the Village Attorney to see what his feelings are on the validity of the points made by Attorney Guerin in a letter submitted to the council.

Bob Grim moved, with support from John Boden Jr. to continue the hearing until the June meeting, to consult with the Village Attorney and to make a decision at the June meeting. Motion carried unanimously 5-0.

With no further business, the meeting was closed at 7:50 PM EST.

Respectfully submitted,

Mary J. Robertson
Clerk/Treasurer

VILLAGE OF GRAND BEACH
ZONING BOARD OF APPEALS HEARING
MAY 17, 2006

President Jim Bracewell called the Zoning Board of Appeals Hearing to order at 7:55 p.m. EST. Present in addition to Bracewell were Pete Carroll, Debbie Lindley, John Boden Jr. and Bob Grim.

The purpose of the meeting was to hear a request from Frank and Gertrude Ward for a variance regarding lot coverage. The property is located at 51005 Lake Park Drive and described as lot 2 of Eiffel Towers Bluff, Grand Beach, Michigan.

Attorney Larry Frankle told the Zoning Board that the Wards purchased the home on Lake Park Drive from the Wondraseks. When Wondraseks built the home the driveway, parking area and walkways were constructed of pea gravel because of lot coverage issues.

The Wards are requesting a variance to replace the pea gravel with patio pavers. The pea gravel is difficult to plow and also soft to walk on. They have a handicapped grandson and would like to be able to allow him use of the walkways.

According to Frankle, the ADA would allow for the walkways to be paved and they would also like to use pavers in the other areas.

Frankle stated that the contractor suggested Aqua Pavers that interlock, have a hole in them and allow for drainage.

Building Inspector Bill Owens stated that he had gone to Illiana Block and there are several pavers that allow 100% drainage.

John Boden stated that he understood the accessibility issue and would like to iron out what is included in lot coverage.

Debbie Lindley moved, with support from Bob Grim to allow for the use of patio pavers on the walkways because of handicap issues and the ADA. As soon as Bill Owens gets information that the pavers will be 100% permeable he will review the plans and then approve the permit. Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 8:06 PM EDT.

Respectfully submitted,

Mary J. Robertson
Clerk/Treasurer

VILLAGE OF GRAND BEACH

BUDGET HEARING

MAY 17, 2006

President Jim Bracewell called the budget hearing to order at 8:10 PM EDT. Present in addition to Bracewell were Pete Carroll, Debbie Lindley, John Boden Jr. and Bob Grim.

Bracewell explained to the audience that there was a committee that included members of the community that prepared the budgets for fiscal year 06/07 and presented them to the council for review. He explained the budgeting process regarding the truth in taxation hearing and the approval of the budgets.

He told the audience that the council had previously agreed to an increase in golf cart fees to help with the upkeep of the golf course.

He added that the Village Auditor has suggested that the Village maintain one year's revenue in fund balance. Due to the renovation of the hall and other expenditures, the fund balance has fallen below the suggested one year's revenue. We will be trying to build the fund back up to the necessary level.

The audience had no questions concerning the proposed budgets.

There being no further business, the hearing was closed at 8:15 P.M. EDT.

Respectfully submitted,

Mary J. Robertson
Clerk/Treasurer

VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
MAY 17, 2006

President Jim Bracewell called the regular council meeting to order at 8:20 PM EDT. Present in addition to Bracewell were John Boden Jr., Pete Carroll, Bob Grim and Debbie Lindley.

J. Bracewell asked everyone to pause for a moment of silence for the loss of Hanni Hamburger who was a long time resident of Grand Beach, and who's husband was responsible for so much of what we know as Grand Beach.

B. Grim moved, with support from J. Boden to approve the minutes of the regular council meeting of April 19, 2006. Motion carried unanimously 5-0.

Committee reports:

Building & Zoning: John Boden told the council that he was still waiting for the revised and corrected zoning ordinance. Clerk Mary Robertson told him that she had received the new revised ordinance but has not looked it over yet.

Parks, Beaches & Golf: Pete Carroll stated that Pro-Shop Manager Don Butler had looked at sales figures for April and they have gone up a percentage over last year.

Streets & Water: Bob Grim stated that Merritt Engineering has submitted information to the various agencies whose approval we need to move forward on the water project.

Police: Debbie Lindley stated that Officer Patty Mattson has finished her course work and will be receiving her college degree.

Nick Sinnott of ServiScape reported that they have hired their third and final employee for the season. He added that they have received three greens mowers and have one in operation.

The Superintendent, Police Chief and Building Inspector had nothing to add to their written reports.

D. Lindley moved, with support from B. Grim to approve the bills to be paid as presented with written additions. Motion carried unanimously 5-0.

The first item on the agenda was a discussion led by Wendy Ogilvie of Fishbeck, Thompson, Carr and Huber, Inc. regarding the Storm Water Pollution Prevention Initiative. The State of Michigan, Department of Environmental Quality requires this program regarding storm water runoff.

Ms. Ogilvie discussed a table in the report which included a timeline to be sent to the DEQ showing what the Village and other communities in Berrien County plan to do to educate the public and municipal employees regarding storm water runoff.

The Southwest Michigan Commission will be preparing educational materials for the Village to hand out to its residents for a fee to the Village.

The Village is under contract with Fishbeck, Thompson, Carr & Huber, Inc. through the end of 2006 to help implement the Illicit Discharge and Storm water Runoff Programs.

D. Lindley asked if the State of Michigan had any grants available to the Village to help cover the costs of implementing the program. Ogilvie said that there are currently no grants available. Lindley then suggested using the Village website to educate the public so that it would not be so costly.

J. Bracewell moved, with support from J. Boden to accept the contract as written between the Village and the Grand Beach Social Club for rental of the hall in 2006. Motion carried unanimously 5-0.

J. Bracewell moved, with support from P. Carroll to increase the employee mileage reimbursement rate to 44.5 cents per mile. Motion carried unanimously 5-0.

B. Grim told the council that he and the Village Superintendent had obtained bids from two companies to resurface streets in the Sun Valley Falls Subdivision and also the Village Circle. The reason he obtained the bids at this time is because he recently read that the cost of asphalt could increase by 75% due to the increase in oil prices.

He stated that the bids that they received were excellent with the lowest bids for McKean Drive East, Sun Valley Falls and Knob Hill at \$19,980 and the Village Circle and additional aprons at \$19,449.

The council has proposed to budget \$20,000 in the 06/07 fiscal year to resurface the Sun Valley Falls Subdivision. According to the Village Clerk and Village Auditor, the Village does not have funds available to push this project forward into the current fiscal year.

J. Boden moved, with support from J. Bracewell to approve a hall rental request for Roberta Ready on June 24, 2006. Motion carried unanimously 5-0.

The council discussed a letter from Chris Korbakes with an offer to spruce up the corner of Royal and Station Road in front of his property as a memorial to his late wife. The council was in favor of the offer, but requested that Korbakes work with a landscape company and present a drawing to the Village showing what type of plants and landscaping materials will be used.

The council received a letter from Ermalynn Scherrer regarding the condition of her neighbor's property. Zoning Administrator Bill Owens told the council that he had spoken with the resident's son and it had already been taken care of.

During her police report, D. Lindley discussed Officer Mattson's graduation.

Larry Frankle of Grand Beach Land Development discussed a billboard that his company owns in the Village which is in need of paint and repair. He stated that he does not want to remove the sign; because once he removes it he will not be able to replace it as it was grandfathered in.

He asked the council to consider leasing the sign from his company for \$1.00 per year, renewable annually to use to welcome people to the Village of Grand Beach. He added that Grand Beach Land Development would pay to have the sign done in any way that the Village would like to help promote the Village. He added that the sign would look much nicer than what is currently there. The council will discuss this offer at a future meeting.

B. Grim moved, with support from D. Lindley to adjourn the meeting. Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 9:10 PM EDT.

Respectfully Submitted,

Mary J. Robertson
Clerk/Treasurer