

**VILLAGE OF GRAND BEACH
ZONING BOARD OF APPEALS HEARING
AUGUST 16, 2006**

President Jim Bracewell called the Zoning Board of Appeals Hearing to order at 7:20 p.m. EDT. Present in addition to Bracewell were Debbie Lindley, John Boden Jr. and Bob Grim. Pete Carroll was not in attendance due to family illness.

President Bracewell stated that the purpose of the meeting was to hear a request from Jacqueline and Charles Barlow for a variance from the side yard setback requirement of 15' on their property located at 52210 Main Drive, Dunes of Grand Beach.

Bracewell stated that if granted, the variance would allow for the existing home to be located on the property line shared by lots 24 and 25, reducing the side yard setback from fifteen (15) feet to zero.

Attorney Larry Frankle represented the Barlows at the hearing and told the council that they own lots 24 & 25 with their house located on lot 24. They would like to sell lot 25 to the Thompsons who live on lot 23.

Frankle stated that the lot is 115' X 254' deep and that there is the possibility of the Barlows retaining 15' of the lot and selling the 100' wide lot to the Thompsons. The problem is that the covenants for the Dunes of Grand Beach state that homes can only be built on full lots. This was done in order to avoid people purchasing multiple lots and then dividing them into smaller lots later.

He said that in order to build on a lot smaller than the original full lot, all property owners in the subdivision would be required to sign off, saying that it is all right with them that the home be built on a lot that is smaller than a full lot.

Instead, Frankle would like to put a deed restriction on lot 25 stating that when a home is built on that lot, it would have to be built 30' from the side lot line adjoining lot 24 so that the homes would be 30' away from each other. He stated that the deed restriction would run with the property and new owners.

Building Inspector, Bill Owens stated that when the houses were built in that section of the Village, they were not using registered surveyors to survey the lots. He now requires a survey after the footings to ensure that the house meets the setback requirements.

He told the council that he felt it would be much cleaner to require the Barlows to retain 15' of lot 25 so that the house had the required 15' setback. He was concerned that 10 years from now he or the Village Clerk may not be here, and the next person might not realize that there was a deed restriction placed on the property.

Owens stated that this is a hardship that was created by the builder, homeowner and anyone else involved in building the house. He said that he doesn't feel that it should be the burden of the Village, but should be the burden of the homeowner and that he should retain 15' of lot 25 to meet the zoning requirements.

Mr. Barlow addressed the council and apologized for the mistake in building the home on the property line rather than the required 15' from the line. He told the council that they want to preserve the character of the neighborhood and would like to sell the lot to their neighbors in a way that is reasonably convenient.

Jim explained to him that a variance is an adjustment to the zoning ordinance and that he prefers to have Larry Frankle send letters out to property owners to sign off on the covenant to allow for the property owner to build on less than a full lot.

Debbie Lindley stated that other councils have put this council in a difficult position in the past and she does not want to put a future council in a difficult position. She said if they had come to the council with plans for a new house on this lot with the deed restriction now, she would not have a problem with it. She, along with the other council members felt that putting a deed restriction on a lot could cause future problems.

Larry Frankle said that he would send a letter to all of the property owners in the Dunes of Grand Beach to see if they would sign off on the covenant for lot 25. He felt he could send the letter out fairly quickly, but was not sure how fast he would receive responses to the letter. He also thought that this would be the cleaner way to go, but felt that it might be difficult to get everyone to sign off.

Jim Bracewell moved, with support from John Boden to continue the Zoning Board of Appeals Hearing for 30 days to allow Larry Frankle to send out the letter and receive responses. Motion carried unanimously 4-0.

With no further business, the meeting was adjourned at 7:45.

Respectfully submitted,

Mary J. Robertson
Clerk/Treasurer

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
AUGUST 16, 2006**

President Jim Bracewell called the regular council meeting to order at 7:50 PM EDT. Present in addition to Bracewell were John Boden Jr., Bob Grim and Debbie Lindley. Pete Carroll was not in attendance due to family illness.

J. Bracewell moved, with support from B. Grim to approve the minutes of the regular council meeting of July 19, 2006 and the minutes of the ZBA hearing-Trainor of July 19, 2006. Motion carried 3-0, with D. Lindley abstaining since she was not in attendance at the July 19th meeting.

Committee reports:

Building & Zoning: John Boden had nothing to report.

Parks & Beaches: Pete Carroll was not in attendance.

Streets & Water: Bob Grim told the council that he and Bob Dabbs took a ride around the Village after a heavy rain storm and with the configuration of the sand and sea grass, a lot of sand pours down onto the streets after a heavy rain. He requested the purchase of a street broom be put on the agenda, but after consideration decided that the Village should continue to rent a street broom when necessary. He also told the council that he is still waiting for Merritt Engineering to get the necessary approvals from the DEQ and other authorities for the water project.

Police: Debbie Lindley told the council that Chief Schroeder had purchased a set of elevator keys for the Village. Chief Schroeder added that there are several elevators in the Village and the keys were necessary for emergency situations.

Pro Shop & Golf Course: Pete Carroll was not in attendance.

Nick Sinnott of ServiScape reported that they are currently approximately \$2500 under budget for the year. He told the council that there are three issues of concern on the golf course. The first is a serious case of brown patch on number 1, 2, 7 and 8 greens and they are trying to take care of the problem. The second issue is that the bladder tank for the irrigation system is bad and Peerless Midwest is preparing a bid to replace the tank. The third issue is the golf course equipment, some of which is not operable currently. Jim Bracewell asked him to get a price on a used fairway mower, which is expected to cost around \$35,000.

Superintendent Bob Dabbs had nothing to add to his written report. He was asked to explain the situation with the ditch on the number seven fairway and what he was planning to do to improve it. He said that the biggest problem comes from landscapers and residents who dump their leaves and grass clippings in the ditch. Dabbs plans to pull everything out of the ditch, grate it so that it can be mowed and install a drywell to tie into the drainage tile.

In addition to his written report, Chief Schroeder reminded Village residents to remove their keys from their vehicles and golf carts.

Jim Bracewell moved, with support from John Boden to approve the bills with additions as presented. Motion carried unanimously 4-0.

The Building Inspector had nothing to add to his written report.

B. Grim moved, with support from J. Bracewell to approve the bills with the written additions. Motion carried unanimously 4-0.

OLD BUSINESS:

J. Bracewell moved, with support from J. Boden to approve the new fee schedule as presented by the clerk. Motion carried unanimously 4-0. The new fee schedule includes fees for demolition permits, street opening permits, swimming pool permits and a new fee structure for ZBA hearings to require the applicant to pay for all fees associated with the hearing, including legal and professional fees.

NEW BUSINESS:

D. Lindley moved, with support from J. Boden to approve a bid from Midwest Security Systems for fire alarm protection for the maintenance building and Village hall and an intrusion alarm at the water tower. Motion carried unanimously 4-0. The bid for the maintenance building was \$1460 and the Village hall was \$1160. The cost of the alarm at the water tower is anticipated to be approximately \$300. The Village also received a bid from Security Systems for the maintenance building in the amount of \$2290 and the Village hall in the amount of \$3984.

J. Bracewell moved, with support from J. Boden to accept a bid from Harbor Electric in the amount of \$1897 for updating and replacement of outside lighting along with troubleshooting costs of \$60 per hour for a journeyman and \$45 per hour for a helper to locate light switches that were covered up, with a maximum cap at \$2500. Motion carried unanimously 4-0. Other bids included Current Electric at a cost of \$2620 and New Buffalo Electric at a cost of \$2750.

J. Bracewell moved, with support from J. Boden to accept a bid from New Buffalo Electric in the amount of \$3200 to replace the antiquated 400 amp fuse panel in the Village office. The cost is capped at \$3500 to cover any unforeseen problems. Motion carried unanimously 4-0. Other bids included Current Electric for \$3597 and Harbor Electric for \$4800.

Street Commissioner, Bob Grim spoke during his commission report regarding the street broom. He will add the street broom to a future budget.

D. Lindley moved, with support from J. Boden to adopt an ordinance to repeal certain ordinances as presented by Village Attorney, Louis Desenberg. Motion Carried unanimously 4-0. The ordinances that will be repealed with this new ordinance are ordinance numbers 7, 9, 10, 13, 14, 15, 22, 23, 24, 29, 30, 31, 32, 38, 43 and 47.

Jim Bracewell explained that the Village Attorney has stated that these ordinances were surpassed by state law, redundant or superseded by state statute.

The item listed to rescind a resolution to vacate a portion of East McKean Drive was tabled until a later date to allow Mike Kerhoulas to attend the meeting.

The council recently accepted an offer from Grand Beach Land Development for the use of a billboard along Grand Beach Road and payment of the expenses associated with painting it.

The council discussed ideas on creating the design of the billboard, including a contest among village residents or a notice in the newspaper for local artists to design it

B. Grim moved to adjourn the meeting.

With no further business, the meeting was adjourned at 8:50 PM EDT.

Respectfully Submitted,

Mary J. Robertson
Clerk/Treasurer