

**VILLAGE OF GRAND BEACH  
ZONING BOARD OF APPEALS HEARING  
JUNE 20, 2007**

President Jim Bracewell called the Zoning Board of Appeals Hearing to order at 7:20 p.m. EDT. Present in addition to Bracewell were Pete Carroll, Bob Grim, Debbie Lindley and Kaye Moriarty.

President Bracewell explained that the ZBA hearing was being held on a request for property located at 50246 Golfview Road and described as lot 165 of the New Park Addition to Grand Beach Springs. Applicants for the ZBA hearing were Christie McMahan and Jerry Isokoff.

Christie McMahan addressed the council and explained that they would like to add an addition to their house which would include a breezeway, to be used as a green house, a den-media room on top of the existing garage, an elevated screened porch and a deck on the back of the house.

She added that there are no neighbors close to their house that will be affected, there is not a safety issue involved and she feels that the improvements will add to the beauty of Grand Beach. She stated that their neighbor owns a lot in between the two houses and he has told her that he has no plans to build on the lot.

Village Attorney Lou Desenberg told the council that the request is for a non-use variance which relates to set backs, and that the applicants are requesting a variance to reduce the setbacks required on the rear of the house.

Desenberg explained that the house and garage are non-conforming structures because they are built within the required setbacks. He told the council that once the council gives a variance to a non-conforming structure, it is no longer considered to be non-conforming and the structure can be added onto, as long as the addition meets the current zoning ordinance.

Lou explained that Section 12.10 of the Zoning Ordinance on non-conforming structures states that is the intent of the Zoning Ordinance to permit only minimum variances which may be granted by the Zoning Board of Appeals upon application by a property owner or a representative of the owner.

He added that the Michigan Zoning Enabling Act allows the ZBA to grant non-use variances, but only if there is proof of an undue hardship and that a minimum variance should be granted.

Larry Frankle, speaking on behalf of Grand Beach Land Development stated that this is a dimensional issue for a non-use variance. He stated that he felt that the council is able to grant a variance because of the unusual, unique property which includes dramatic elevation changes. He felt that the house was probably placed in the current location on the lot because it was the only place to put the house because of the elevation changes. He added that the Nature Conservancy abuts the rear property line and that nothing will ever be built on that property, but noted that there should be care taken during construction near the Nature Conservancy so as not to disturb any part of the Conservancy.

Jim Bracewell asked Larry Frankle to submit a letter of approval on behalf of Grand Beach Land Development. He also asked the applicants to have their neighbors to the east of them submit a letter showing that they have no objections to the project.

Debbie Lindley stated her concern with setting precedence by granting this variance, since most of the homes in the older section of the Village are non-conforming. She stated that it is easy to say that there will never be a problem, but from experience, there have been problems in the past when granting variances.

Attorney Desenberg stated that he does not think that there is enough proof of undue hardship to grant a variance at this time. He stated that the evidence needs to be documented and that they must have pretty strong evidence to tell the council why they need to put the deck in that location.

Pete Carroll stated that he would be willing to grant a variance to eliminate the non-conforming structure, but felt that this would not satisfy the applicants as it would not allow them to build within the required setbacks. It would allow them to build on their property as long as they were able to meet the zoning requirements.

Jim Bracewell moved, with support from Bob Grim to close the hearing which will be continued on July 18<sup>th</sup>. Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 7:55 p.m. EDT.

Respectfully submitted,

Mary J. Robertson  
Clerk/Treasurer

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING  
JUNE 20, 2007**

President Jim Bracewell called the regular council meeting to order at 8:00 PM EDT. Present in addition to Bracewell were Pete Carroll, Bob Grim, Debbie Lindley and Kaye Moriarty.

Bob Grim moved, with support from Pete Carroll to approve the minutes of the Budget Hearing of May 16, 2007, the Regular Council Meeting of May 16, 2007, the Truth in Taxation Hearing of May 30, 2007 and the Special Council Meeting of May 30, 2007. Motion carried unanimously 5-0.

Commission reports:

**Building & Zoning:** Kaye Moriarty told the council that she is still researching the rules regarding a master plan and she understands that there might be changes made to the current rules.

**Parks & Beaches:** Pete Carroll stated that the lifeguards are in place and will be located at the Pine Street easement for better communication with the police. This location will also make it easier for the police to see the lifeguards.

**Streets & Water:** Bob Grim stated that we are still working with the DEQ on the water project. He told the council that the list has been established for communities that will be eligible for funding and that Grand Beach has made the list. According to Grim, there are many communities in less favorable financial situations than Grand Beach and if the DEQ does not want to give Grand Beach the approval for the bonding, he will speak with our financial advisor to seek out other funding sources.

Grim had nothing to report on the streets.

**Police:** Debbie Lindley had nothing to report.

**Pro Shop & Course:** Pete Carroll told the council that he had contacted the Golf Association of Michigan to make sure that the re-rating and handicap cards are here by the first week of July. He also mentioned that Grand Beach Land Development was very kind to drop off 30 yards of sand for the sand traps.

Nick Sinnott of ServiScape stated that two of the greens were replaced with sod. He told the council that the irrigation system still has minor problems, but they are working their way through them as they come up.

In addition to his written report, Superintendent Bob Dabbs told the council that the water tower was recently pressure cleaned and looks great. He added that he plans on painting the arch in the next couple of weeks.

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

Bob Grim moved, with support from Kaye Moriarty to approve the bills as presented with written additions. Motion carried unanimously 5-0.

Village Clerk, Mary Robertson asked representatives of Fifth Third Bank to give a presentation to the council regarding the Village funds on deposit at their bank. Over 95% of the Village funds are on deposit at Fifth Third Bank, with only \$100,000 covered by FDIC insurance.

Bob Basselman and David Foote of Fifth Third Bank explained the strength and ratings of Fifth Third Bank to the council. The bank representatives told the council that most clients look at bank ratings from Moodys and Standard & Poor. They stated that there are over 7,000 banks nationwide, with the vast majority of them not even rated. According to Basselman, Fifth Third Bank is one of the highest ranked banks in the country, rated among the top ten. They told the council that the Village should feel safe when investing Village funds with Fifth Third Bank.

Village Attorney, Lou Desenberg told the council that the State of Michigan has decided that all municipalities should fall under one ordinance in regards to the cable television franchise. The statute states that the cable franchise ordinance goes into effect 30 days after submitted to the municipality, with or without their approval.

The council had the option of increasing the cable franchise fees from 3% to 5%. The 3% fee is paid by the subscriber to Comcast Cable, who in turns submits the payment to the Village. If the council would have increased the fee by 2%, the subscribers would have received an increase on their cable bill.

Jim Bracewell read a prepared resolution which stated that the fees would remain at 3%. Bob Grim moved, with support from Kaye Moriarty to adopt the resolution as presented to include the 3% franchise fee. Motion carried unanimously 5-0.

Jim Bracewell told the council that he has been involved with a group of home owner's associations and condo associations located along the lake, south of the New Buffalo Harbor, in a request to the Army Corps of Engineers to conduct a study to try and find a solution to the problem of beach erosion in the area. Under the regulations, a sponsor of the study must be a taxing unit of government, which makes Grand Beach the only group able to be a sponsor of the study.

Carter Eckert of Forest Beach addressed the council and explained to them that the ACOE has agreed to perform the study at a cost of \$150,000. The ACOE would pay one-half of the cost, or \$75,000, and the other home owner's associations, condo associations and Village of Grand Beach would be responsible for the remaining \$75,000 expense.

Jim Bracewell prepared a letter to be mailed out to Village residents requesting donations to help pay the Village's share of the study which is approximately \$40,000. The remaining \$35,000 will be split among the other organizations that are involved in the study. The ACOE needs a commitment from the Village for the \$75,000 expense of the study by June 30<sup>th</sup>.

Kaye Moriarty moved, with support from Bob Grim to accept a bid from Wayne Heating & Air Conditioning for annual furnace and air conditioning maintenance in the amount of \$1,278. Motion carried 4-1 with Jim Bracewell, Pete Carroll, Bob Grim and Kaye Moriarty voting aye and Debbie Lindley voting nay. The Village received another bid from Cook Heating and Air Conditioning in the amount of \$828. Council members were more familiar with Wayne Heating and have been satisfied with their work and chose to accept their bid, although higher than the

bid of Cook Heating. The fee of \$1,278 includes the annual maintenance of all furnaces and air conditioning units located at the Village Hall and the Village Garage.

Debbie Lindley moved, with support from Kaye Moriarty to approve the expenditure of up to \$1,000 for a new printer for the clerk's office. Motion carried unanimously 5-0.

Jim Bracewell moved, with support from Pete Carroll to accept a bid from The Tree Mann in the amount of \$1,305.60 for the removal of a tree located near Royal and Perkins. The council approved the expenditure of up to \$1,400 for the removal of the tree. Motion carried unanimously 5-0. One other bid in the amount of \$1,500 was received from Pat's Tree Service.

Jim Bracewell moved, with support from Kaye Moriarty to approve a hall rental request from Marge Walsh for July 16, 2007. Motion carried unanimously 5-0. A hall rental request listed on the agenda from Rhonda Sobecki was withdrawn by the applicant prior to the council meeting.

Jim Bracewell moved, with support from Kaye Moriarty stating that the Village Council is in support of a project to sponsor the Army Corps of Engineers with a need to raise \$75,000 as the local match to fund the project. The Village Council, through its representatives, will attempt to raise 80% of the Village portion and expects other responsible parties to raise 100% of their share. The Village Council will hold a special meeting to determine whether to move forward, and how to finance the project if said funds are committed. Motion carried unanimously 5-0.

Jim Bracewell moved, with support from Bob Grim to adjourn the meeting. Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 9:30 PM EST.

Respectfully Submitted,

Mary J. Robertson  
Clerk/Treasurer