

CONSTRUCTION BOARD OF APPEALS MEETING MINUTES

Tuesday, May 21, 2019 at 1:00 P.M.

1. Call to Order and Roll Call –

The Clinton County Construction Board of Appeals met on Tuesday, May 21, 2019 at 1:00 p.m. in the Clinton County Commissioners' Chambers, Clinton County Courthouse in St. Johns, Michigan.

The meeting was called to order by the Construction Board of Appeals' Chair, Dennis Baese. The Building Department Secretary, Erin McElroy, did a member roll call – all present.

Members present –Dennis Baese (Chair), Robert McComb, James Rademacher (Secretary), and Leon Schneider (Vice-Chair). Staff present – Wendy Ward, Planning and Zoning Secretary; Erin McElroy, Building Department Secretary; Joel Haviland, Building/Zoning Administrator; Daniel Hufnagel, Building Inspector.

Visitors present – Bridget and Marshall Wing.

2. Pledge of Allegiance –

The pledge of allegiance was given to the flag of the United States of America.

3. Approval of Agenda –

CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by Vice-Chair Schneider, support by McComb to approve the May 21, 2019 CBA agenda, as presented. There being no further discussion, motion carried unanimously (vote of 4-0, all in favor, none opposed).

4. Approval of Per Diem Vouchers -

CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by McComb, support by Secretary Rademacher to approve the May 21, 2019 per diem vouchers, as presented. There being no further discussion, motion carried (vote of 4-0, all in favor, none opposed).

5. Approval of April 30, 2019 Meeting Minutes –

CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by McComb, support by Secretary Rademacher to approve the April 30, 2019 meeting minutes, as presented. There being no further discussion, motion carried unanimously (vote of 4-0, all in favor, none opposed).

6. Communications –

There were no communications.

7. Public Comments -

There were no public comments presented.

8. Old Business –

A. Case CBA 01-19 – Marshall & Bridget Wing

An application for an appeal of the interpretation decision made by the Clinton County Building Official of Section R322 of the 2015 Michigan Residential Code has been submitted by Marshall and Bridget Wing and is forwarded to the Construction Board of Appeals for their review and consideration. Property is located at 3522 S. Hollister, Ovid, MI, Parcel ID#19-120-026-400-004-00, Section 26, Ovid Township. Case CBA 01-19 was tabled at the April 30th, 2019 meeting pending further review and satisfaction of stipulations.

CONSTRUCTION BOARD OF APPEALS MEETING MINUTES

Tuesday, May 21, 2019 at 1:00 P.M.

Chair Baese asked the Clinton County Building official, Joel Haviland, to start the meeting by explaining the current situation. Mr. Haviland reiterated that the decision from the last meeting held on April 30, 2019 was tabled with the following stipulations: soil bearing testing, an updated site plan, and a plan for final grading of the property. Mr. Haviland stated that the stipulations required by the Wings' has been provided to him. He also informed the members that the Building Inspector, Dan Hufnagel, was present during the soil testing and provided pictures in the meeting packet.

Secretary Rademacher asked if the testing met the standard at 4,000 PSI. Mr. Haviland confirmed that, yes, it does. The Michigan Residential Code Book requires a minimum soil bearing of 1,500.

Marshall and Bridget Wing, applicants, were both present and approached the podium. Chair Baese asked members if they had any questions for them. Secretary Rademacher asked how far from the County Drain the proposed house will be. Mr. Wing answered that it will be 68 feet from the edge. Mr. Wing stated that the Clinton County Drain office requires a minimum of 50 feet from the center of the drain. Mr. Wing also added that they have removed the walk-out basement on their proposed building plans. Rademacher asked if the flood level is 762 feet above sea level. Mrs. Wing claims she is not in the flood zone because she has a Letter of Map Amendment (LOMA). Rademacher pointed out that the LOMA doesn't indicate that the site in question is out of the flood zone. He read the LOMA which said, "Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management." Rademacher asked Mr. Haviland if he was good with that. Mr. Haviland confirmed that he was good with it. Mrs. Wing insisted that she is not in the flood zone because she contacted the state of Michigan. Rademacher pointed out that they still included that wording in their letter. Mrs. Wing responded that the area is not in the flood zone and that it was never in the flood zone.

Chair Baese asked Mr. Haviland if he had any questions or input about the situation. Mr. Haviland said that since Mr. and Mrs. Wing are planning on maintaining the grade between the basement of the new home and the flood zone, the grade will be protecting their home. He continued to say that since the Wings' changed their drawings to exclude the walk-out basement, the foundation won't be exposed to the flood zone.

Mr. Wing asked regarding, the spoils, if he's allowed to taper that down on the back of the house or if he will need to pull a permit since it will be going into the flood zone. Mr. Haviland answered that any extra infill into the flood zone may require a Department of Environmental Quality (DEQ) permit. Mr. Wing confirmed that he would check with the State for any DEQ permits when he has his basement put in but he wouldn't know how many yards of dirt would come out of the ground when they dig the basement. Mr. Haviland said that their excavator could calculate the amount of dirt that is removed. Mr. McComb added that the amount of dirt would depend on what the basement floor level is set at. Rademacher asked if the lowest floor would be below the bottom of the ditch. Mr. Wing said that the lowest floor will be built 5 foot above.

Chair Baese asked if anyone had any further questions; if not, then it was time for a motion to approve the appeal.

CONSTRUCTION BOARD OF APPEALS MEETING MINUTES
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CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by Vice-Chair Schneider to approve the appeal request. Supported by Secretary Rademacher. The Planning and Zoning Secretary, Wendy Ward, asked the board members to state their rationale for their approval of the appeal request. Vice-Chair Schneider said that based on the information provided by the Wings', all of the standards have been met. (Vote of 4-0, all in favor, none opposed).

9. New Business

There was no new business presented.

10. Other Business –

There was no other business presented.

11. Adjournment –

CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by Secretary Rademacher, support by Vice-Chair Schneider to adjourn the meeting. There being no further discussion, motion carried (vote of 4-0, all in favor, none opposed). The May 21, 2019 CBA meeting adjourned at 1:15 p.m.

Minutes prepared and respectfully submitted by,

Erin McElroy 10-28-19

Erin McElroy, Building Secretary
Community Development Department

Minutes Approved by,

James Rademacher 11-4-19

James Rademacher, Construction Board of Appeals Secretary