

CONSTRUCTION BOARD OF APPEALS MEETING MINUTES
Tuesday, April 30, 2019 at 2:00 P.M.

1. Call to Order and Roll Call –

The Clinton County Construction Board of Appeals met on Tuesday, April 30, 2019 at 2:00 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' Vice-Chair, Dennis Baese, in view of the fact that there is no appointed Chair. Building Department Secretary, Erin McElroy, did a member roll call – all present.

Members present –Dennis Baese, Robert McComb, James Rademacher (Secretary), Leon Schneider
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, Karol Grove, Joel Cardenas, Jack Powell, Al Hoard.

2. Pledge of Allegiance –

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

3. Election of Officers (2019) –

CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by Rademacher, support by Schneider to nominate Dennis Baese as Chair of the CBA. Baese called for a vote on the motion to nominate Dennis Baese as Chair. Motion carried (Vote of 4-0, all in favor, none opposed).

CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by Schneider nominate Robert McComb as Vice-Chair of the CBA. McComb thanked the Board but declined the nomination due to the fact that he will be out of town for five (5) months of the upcoming year.

CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by Rademacher, support by McComb to nominate Leon Schneider as Vice-Chair of the CBA. Baese called for a vote on the motion to nominate Leon Schneider as Vice-Chair. Motion carried (Vote of 4-0, all in favor, none opposed).

4. Approval of Agenda –

CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by Vice-Chair Schneider, support by Secretary Rademacher to approve the April 30, 2019 CBA agenda, as presented. There being no further discussion, motion carried unanimously (Vote of 4-0, all in favor, none opposed).

5. Approval of Per Diem Vouchers -

CONSTRUCTION BOARD OF APPEALS ACTION/MOTION

Motion by McComb, support by Vice-Chair Schneider to approve the April 30, 2019 per diem vouchers, as presented. There being no further discussion, motion carried (Vote of 4-0, all in favor, none opposed).

6. Approval of June 8, 2017 Meeting Minutes –

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Motion by Vice-Chair Schneider, support by McComb to approve the June 8, 2017 meeting minutes, as presented. There being no further discussion, motion carried unanimously (Vote of 4-0, all in favor, none opposed).

7. Communications –

There were no communications.

8. Public Comments -

There were no public comments presented.

9. Old Business –

There was no old business presented.

10. New Business

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

An appeal request submitted by owners, Marshall and Bridget Wing. Applicant is appealing the Building Official's interpretation of the 2015 Michigan Residential Code, Section R322. The subject property is located within the Hicock County Drain flood plain "Zone A"; 3522 S. Hollister Road, Ovid, Parcel ID#19-120-026-400-004-00, Section 26 of Ovid Township. The map panel is 26037C100, revised May 3rd 2011. The surveyor has submitted a site map indicating a portion of land above the 100-year flood elevation. This 100-year flood elevation has been established at 762.0 feet above sea level. Approximate grade height at proposed home is 766 feet above sea level with a 9 foot walk-out basement proposed. This will put the basement floor approximately 5 feet below the required height, also putting the mechanical, plumbing, and electrical systems below the 100-year flood elevation.

Vice-Chair Schneider questioned the type of soil and owner, Bridget Wing, answered clay soil. Secretary Rademacher questioned if a perk test passed inspection of the Mid-Michigan Health Department and Mrs. Wing answered that it did in fact pass. Schneider questioned the placement of the septic field and was answered by owner Marshall Wing that it is beside the (existing) barn. Rademacher asked if the proposed basement (lowest floor) will be below the 4 foot flood zone. The building official, Joel Haviland, confirmed that, yes it is.

Mr. Haviland presented photos of a side view of the proposed home that showed the lowest floor being below the base flood elevation. He also presented the site map from GIS that shows flood plain on the property. McComb asked if the property was a fill site. Mr. Haviland offered it could have been since the previous owner had a landscaping business. Mr. Baese concluded that excavation would confirm what the fill matter is. Schneider questioned if the main concern was the floodplain or soil type. Mr. Haviland answered that the main question is if floodplain applies in this situation.

Baese questioned if the LOMA (Letter of Map Amendment) lowered the floodplain. Mr. Haviland stated that the flood survey established the 100 year elevation and the LOMA established a portion of the land above the 100 year flood elevation. McComb questioned if the supposed fill at the site was raised up above the floodplain. Mr. Haviland stated that Donna Cervelli from the DEQ (Department of Environmental Quality) did not have any permits on that site to fill and there are specific soils used to fill. Mr. McComb clarified that a LOMA is primarily used for flood insurance and not flood plain. He continued to say that a LOMA could meet insurance requirements but the house would still not be above the required 762.0 foot.

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Rademacher questioned if the fill dirt that could be brought in would have to be engineered fill. Mr. Haviland confirmed that, yes, it would have to be engineered fill.

Mrs. Wing and Karol Grove, Flood Surveyor, approached the podium. Mrs. Wing stated that she understood that their 2018 survey would bring their property out of the flood zone. Mrs. Wing stated that the email from Donna Cervelli (DEQ) said “within” flood zone but Mrs. Wing’s understanding was that she was out of the flood zone. Mrs. Wing also stated that an email was sent from Matthew Occhipinti (a Floodplain Engineer from the DEQ) that said that the LOMA is Federal Emergency Management Agency’s (FEMA) official revision to the Flood Insurance Rate Map (FIRM). Mr. Occhipinti’s email states that the 2015 Michigan Residential Code references the FIRM as the area where the floodplain regulations of the code apply. He concludes in his email that the area is no longer within the mapped floodplain and therefore, the floodplain restrictions no longer apply.

Ms. Grove claims that the Building Official has no proof that the new home construction would expose the soil and house to flood water. Mr. Wing commented that the basement would be 8 foot in the ground.

Mr. Rademacher questioned if the DEQ determined the site was out of the floodplain if that conflicts with the Building Code. Mr. Haviland responded by saying that the blueprints submitted by Mr. and Mrs. Wing state that the proposed home is within the floodplain. Mr. McComb requested that a new site plan be submitted showing that the lowest level is above the 762 foot floodplain level.

Mr. Baese addressed Mr. Haviland and asked what he would require in order to move this project forward. Mr. Haviland pointed out that he had suggested options in the provided packet; one being the berm and the other being a soil bearing test. Mr. Baese added that he would like a new site drawing from the Wings’.

Mr. McComb wondered how the Wings’ would deal with the 762 foot floodplain. He asked if they would need a variance and inspections verifying it. Mr. Rademacher asked if the soil compaction test delineates the flood zone. Mr. Haviland confirmed that having the soil compaction test would also be an option for a solution.

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Motion by Chair Baese to table the request. Supported by McComb. The Community Development Director, Doug Riley, approached the podium to clarify that tabling the request requires a site plan review and to have a follow-up CBA meeting to discuss.

Mr. McComb addressed Mr. Haviland and asked him if he prefers that they approve or deny the request and leave the approvals of the new site plan and soil compaction test be reviewed by Mr. Haviland administratively. Mr. Haviland responded by saying that the decision is ultimately up to the CBA members to decide- but that he would prefer the members be the ones to review any new information/testing. Motion by Robert McComb to table with the stipulation that Mr. and Mrs. Wing provide soil bearing testing, an updated site plan, and a plan for the final grading of the property. He added that the time frame in which this is done is to the owners’ discretion. Support by Secretary Rademacher.

- 11. Other Business –**
There was no other business presented.

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12. Adjournment –

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Motion by McComb, support by Schneider to adjourn the meeting. There being no further discussion, motion carried (Vote of 4-0, all in favor, none opposed). The April 30, 2019 CBA meeting adjourned at 3:30 p.m.

Minutes prepared and respectfully submitted by,



Erin McElroy, Building Secretary
Community Development Department