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Building permits for substandard lots in town could get advisory review

In an attempt to resolve drainage problems before they occur, Town of Belgium Zoning Administrator Charles Parks suggested holding meetings between a homeowner and neighbors before issuing a building permit for a substandard lot.

“I can see both sides of what I’m saying,” Parks told the Plan Commission on Feb. 17. “We can say, ‘This is a civil matter. Let neighbors sue each other and work it out themselves,’ or we can say, ‘We’ll try to involve the parties in a discussion of the possible issues.’”

Parks said he can usually tell when reviewing a building permit application if there will be an issue with neighbors.

“It’s on substandard lots and it’s usually down by the lake (Lake Michigan),” he said.

Larger municipalities have engineers who review drainage and landscape plans to make sure the project doesn’t adversely impact neighbors, Parks said.

“But the county and state do not have an ordinance governing the disposition of surface water,” he said.

If after the discussion, it appears there will be a problem, Parks said, the town could require its engineering firm review the plans at the homeowner’s expense.

Commission member John Paulus questioned the town’s liability if it gets involved.

“What if we approve it and it starts to run off on the neighbors. Then are we responsible?” he asked.

“It must be only advisory,” Parks said. “If neighbors are made aware and have a chance to voice opinions, I think we’ve done our job.”

The Plan Commission recommended the zoning code be changed to include a possible review by the commission “to examine impact on neighboring properties with regards to building height, storm water runoff and drainage problems.”

Paulus was the lone dissenter.

The issue came to a head when William Sarles built a house on Lower Forest Beach Road, Parks said. The contractor hit water at two feet when digging the basement foundation, so the foundation was raised two feet.

“It solved the architect’s problem, but created problems for the neighbors,” Parks said.

The extra two-foot height made the surface water run off even faster onto neighboring properties, including a cottage owned by Catherine Urness, a commission member.

“The water went right into the house,” she said. “I dug a ditch to keep the water out.”

The water went around Anne Chasin’s house on the other side, Urness said.

“We couldn’t get anywhere with him until we threatened to sue. Then he came up with a beautiful landscape plan that solved the problem,” she said.

To avoid a similar situation, the town could require foundation heights be verified before construction resumes, Parks said.

“It will be more work for me, but I think it’s a good idea,” he said.

The commission will continue to update the town’s zoning code on Wednesday, March 17. A public hearing on the changes will be held prior to recommending the ordinance to the Town Board.