

CITY OF HARBOR SPRINGS

Zoning Board of Appeals

April 8, 2009

Chairperson Henry Pfeifer called the April 8, 2009 meeting of the Harbor Springs Zoning Board of Appeals (ZBA) to order at 5:30 p.m., at the City Council Chambers, 160 Zoll Street, Harbor Springs, MI.

1. Roll Call and Verification of Quorum

Present: Ann Burrows, Henry Pfeifer, Michael Smelt, Donna Niederstadt, Alan Hegedus, and Cecelia Johnston.

Absent: Robert Thoma

Also Present: Tim Grimm, Tom Richards, Marcela Fisher, Joe Richardson, Christopher Ameel.

2. Approval of minutes and decision from the August 13, 2008 meeting.

Motion by Niederstadt, second by Hegedus, to approve the August 13, 2008 minutes as presented.

Motion approved.

3. Consideration of a request from William & Linda Demmer, 257 E. Third St.

Chairperson Pfeifer read the request:

The purpose of the hearing is to hear a variance request from William and Linda Demmer for property located at 257 Third St. Harbor Springs Michigan, a B-1 Zoning District. Mr. & Mrs. Demmer are requesting a variance to construct a residential addition and pergola. The proposed new structures would be ten (10) feet from the East corner side yard line, (Gardner St.).

The Zoning Administrator has determined that the required corner side yard set back is twenty (20) feet, pursuant to Article 13, Section 50.1303, 1.

Tim Grimm noted one letter was received from Mr. Lundeen in favor of the request.

Grimm pointed out the specifics of the variance request noting the existing building location and the proposed building additions.

Pfeifer opened the meeting to public input.

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Alan Hegedus suggested that each of the two variance requests be acted on independently.

Christopher Ameel, representing the Demmers, explained the need for a small mud room and that the proposed location for the mud room was the most logical. Mr. Ameel also noted that putting the mud room at the rear of the house would interfere with the electrical service and in the front of the home would block needed window area.

Hegedus asked how thick the pergola rafters would be, Mr. Richardson stated about 15 inches in height.

Niederstadt stated the existing non conforming house location is the practical difficulty. She also noted the street is a dead end and only serves two homes and the board walk.

Hegedus stated the Street did serve as an important access and could not be abandoned.

Marcela Fisher, a Third St. neighbor, stated she wanted to make sure that parking was preserved on the street and the board walk access was not blocked.

Chairman Pfeifer asked for any further public input, hearing none he closed the public input portion of the meeting and asked the members of the board for their comments.

Hegedus suggested that they first tackle the mud room request.

Pfeifer stated he did not think there was a safety issue and noted that an addition of the mud room would increase the bulk of the building and he saw no practical difficulty.

Burrows noted that this portion of Gardner Street is not a through street.

Smelt stated he thought the mud room addition was a nice idea.

Motion by Hegedus, second by Niederstadt to approve the mud room request, the practical difficulty being the existing home is a non-conforming structure that is subject to corner side yard setbacks that are not reasonable for this parcel.

Ayes – Johnston, Smelt, Burrows, Niederstadt.

Nays – Hegedus, Pfeifer.

Motion carried.

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Chairperson Pfeifer opened the discussion for the consideration of the variance request to construct a pergola.

Hegedus stated the pergola would look nice but he could not see a hardship.

Smelt stated the street was the practical difficulty as it was for the mud room.

Burrows stated the pergola was no problem but it would add to the bulk of the building.

Niederstadt noted the pergola would be mostly open and she saw no problem.

Johnston stated the pergola was not necessary and could be relocated on the property.

Motion by Smelt, second by Niederstadt to grant the variance requested for the pergola, the practical difficulty being the existing home is a non-conforming structure that is subject to corner side yard setbacks that are not reasonable for this property.

Ayes – Niederstadt, Smelt.

Nays – Johnston, Hegedus, Pfeifer, Burrows.

Motion denied.

4. Adjournment

Motion by Burrows, second by Johnston to adjourn the April 8, 2009 meeting of the ZBA at 6:15 p.m.

Motion carried.

Henry Pfeifer, Chairperson

Tim Grimm, Zoning Administrator

