

CITY OF HARBOR SPRINGS

Zoning Board of Appeals

May 9, 2007

Chairperson Jim Grogan called the May 9, 2007 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: James Grogan, Ann Burrows, Bob Thoma, Henry Pfeifer, Cecelia Johnston, Donna Niederstadt.

Absent: None

Also Present: Tim Grimm, Jean Jardine, John Tobin, Nancy Kenyon, Arnie Saviano, Linda and Fred Rachwitz, Bill Horwath, Carol Ryan, Fred Hackl, Dan Gorman, Laura Kors, Debra and Larry Borrusch, Al Secrest, Alan Hegedus

2. Approval of minutes from the March 14, 2007 meeting.

Motion by Thoma, second by Burrows, to approve the March 14, 2007 minutes.

Motion carried.

Chairperson Grogan took a moment to thank former Chair Bob Thoma for his past two years as Chair of the ZBA, followed by thanks from the rest of the ZBA members.

Chairperson Grogan then suggested that the minutes of meetings be written as in the past, showing the intent of what is stated at meetings and not a word for word transcript, the ZBA agreed to this by consensus.

Chairperson Grogan went over the function of the ZBA and the procedures to be followed at meetings.

3. Request for consideration of a variance from Jacquelyn Burley, 297 Ingalls Street.

Chairperson Grogan read the request.

A letter from Patty and Mark Malcolm opposed the proposed variance.

Letters from Darrell Smith and Clarinda and Dick Ray were in favor of the request.

Bob Michels, speaking on behalf of the owner presented the proposal to the ZBA

Michels stated the proposed variances were needed because of the non conforming size

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size of the parcel. Michels also noted the proposal would create two off street parking spaces that currently do not exist and eliminate the non-conforming storage shed.

John Tobin, property owner next to the subject parcel, stated he was concerned that the proposed taller building would encroach on his rear yard privacy. Mr. Tobin stated he thought the project would be for monetary gain and it should not be allowed. Tobin stated he would like to see the house remain one story; he thought the proposal was too big, too high, too much.

Fred Rachwitz asked if the house would be required to be built as shown on the plan. Rachwitz stated he was in favor of the house as proposed.

Linda Rachwitz stated that she thought the property would benefit the neighborhood and she encouraged approval of the proposal.

With no further public comment, chairperson Grogan closed the public hearing and asked the ZBA members for their comments.

Burrows stated that the proposed house was not too big and would work well on the site.

Pfeifer stated he liked the proposal but the shed on the parcel would have to be removed.

Thoma stated the height of the proposed building is not an issue and does not need a variance.

Niederstadt noted the allowable footprint is too small.

Johnston stated the request meets the standards for allowing a variance.

Grogan noted the allowable footprint (per code) is too small.

Motion by Thoma, second by Burrows to allow a front and rear-yard variance as drawn on the plan with the condition the existing shed is removed from the parcel. The practical difficulty noted is the non-conforming size of the property.

Ayes – Burrows, Pfeifer, Thoma, Grogan, Niederstadt, Johnston.

Nays – None

Motion approved.

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4. Consideration of a variance request for a Narthex addition at 150 West Main Street, Holy Childhood of Jesus Church.

Chairperson Jim Grogan read the request and noted that there were two variances requested and each variance would be presented and voted on separately.

A letter in favor of the requests was received from Ann Phillips and Bernard Clark.

A letter opposed to the requests was received from William Horwath.

Fred Hakel and Dan Gorman presented the request for a height variance for a Narthex addition to the church building to the ZBA.

Hakel noted the proposed Narthex would match the height of the existing Church and an addition that was given a height variance in 1997.

Chairperson Grogan asked for any public comment.

William Horwath stated he saw no practical purpose for a height variance for either building. Horwath stated any new building should be as low as possible in this residential district.

Carol Ryan strongly supported the variance request. Ryan stated the addition to the Narthex would be on the side of the existing building and would not affect any street side view. Ryan also stated the proposed parish hall would look better than what it replaces.

Chairperson Grogan closed the public hearing and asked for comments from the ZBA.

Johnston stated she saw no problem with the variance request for the narthex.

Niederstadt thought the request was reasonable.

Thoma stated he saw no problems with the request, noting it would match the existing building and would not block views.

Pfeifer stated his support for the variance and noted it was consistent with the existing building.

Grogan noted the proposed addition would match the old structure.

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Motion by Pfeifer, second by Thoma, to approve the variance for the Narthex addition as presented on the plan. The practical difficulty being the literal interpretation of the code would deprive the owner of the reasonable use of the property and the proposal is consistent with the existing building height.

Ayes – Johnston, Niederstadt, Grogan, Thoma, Pfeifer, Burrows.

Nays – None

Motion approved.

5. Consideration of a variance request for a new Parish Hall at 150 West Main Street, Holy Childhood of Jesus Church.

Chairperson Grogan read the request for a height variance for the proposed Parish Hall.

Fred Hakel stated the proposed building greatly reduces the volume from what is currently at the site. Hakel also noted they tried to match the existing architecture.

Dan Gorman stated the parishioners studied and approved the proposed plan. He noted the proposed hall would be less volume than the buildings it replaces and it would serve the community well.

Pfeifer asked what the inside of the ceiling of the proposed hall would look like.

Gorman stated it would be a vaulted ceiling about 16 feet above the floor.

Arnie Saviano presented a drawing that illustrated the volume of the new building would be much less than the old building. Saviano also stated he thought the neighbors would be little affected by the proposed Parish Hall.

Alan Hegedus asked if the pitch of the proposed Parish Hall could be reduced to match the pitch of other parts of the new building and thus reduce the buildings height.

Thoma said he thought if the proposed height was reduced it would be an eye sore.

William Horwath stated his home was directly across the street from the proposed hall where the current building is 24 feet in height. Horwath also noted the proposed hall is not in the same location as the old parish hall.

Carol Ryan stated she felt the new structure would enhance the neighborhood and prefers the proposed building height to a lower roof.

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Chairperson Grogan closed the public hearing portion of the meeting and asked the ZBA for their views.

Pfeifer stated that this is a new building, why can't it be designed to meet the code?

Thoma stated he liked the proposal and noted the mass of the proposed structure would be much less than the old building.

Burrows stated the new parish hall is not attached to the old building so there is no need for it to be 45 feet tall. Burrows stated the new building could be redesigned to 40 feet.

Niederstadt stated she liked the proposal and thought it would look better as designed.

Johnston stated she could not see why the new building could not be built to code.

Grogan stated the height limit in the C district is 40 feet and the designers knew this going in. Grogan stated he saw no justifiable means to grant a variance; there are no practical difficulties.

Motion by Pfeifer, second by Niederstadt, to approve the variance as proposed on the plan.

Ayes – Thoma, Niederstadt.

Nays – Burrows, Pfeifer, Grogan, Johnston.

Motion denied.

Chairperson Grogan called a 5 minute recess at 6:35pm.

6:40 pm ZBA member Thoma had to leave for an appointment and was replaced by ZBA alternate Alan Hegedus.

Chairperson Grogan reconvened the meeting at 6:42 pm.

6. Consideration of a variance request for 572 Arbor Street, Patrick and Georgianna Gibbons.

Chairperson Grogan read the request and noted a letter in support of the variance from Elizabeth Rahaley.

Alan Secrest represented the Gibbons and presented the request. Secrest stated the variance was requested because the house and lot were non-conforming and the house was located too close to the south property line. Secrest noted that the proposed porch should be located to match up with the side of the house so there would be enough room for the required porch safety rails.

Jean Jardine asked if the porch would be covered and possibly enclosed. Secrest stated the porch would be covered but not enclosed.

Without further comments Grogan closed the public hearing and asked the ZBA members for their comments.

Johnston stated she had no problem with the request because the lot was non-conforming.

Niederstadt stated she had no objections to the request.

Burrows stated she supported the request and she thought the porch would not pose a problem for neighboring parcels.

Pfeifer agreed with Burrows' statements.

Hegedus stated he saw no problems granting the request.

Grogan noted the non-conforming width of the lot, but it would be possible to move the porch in 1.5 feet and need no variance.

Motion by Pfeifer, second by Niederstadt, to approve the variance as shown on the plan. The practical difficulty noted was the non-conforming lot width and the non-conforming position of the house on the lot. The request is reasonable for the neighborhood.

Ayes – Johnston, Niederstadt, Pfeifer, Hegedus, Burrows.

Nays – Grogan.

7. Adjournment.

With no further business, Chairperson Grogan adjourned the meeting at 7:10 pm.

James Grogan, Chairperson

Tim Grimm, Zoning Administrator

