

CITY OF HARBOR SPRINGS

ZONING BOARD OF APPEALS

MEETING MINUTES

MAY 10, 2006

Chairperson Thoma called the May 10, 2006 meeting of the Harbor Springs Zoning Board of Appeals (ZBA) to order at 5:30 p.m. in the City Council Chambers, City Hall, 160 Zoll Street, MI 47940.

1. Roll Call and Verification of Quorum

Present: Robert Thoma, Ann Burrows, Nancy Kenyon, Donna Niederstadt, Henry Pfeifer and Dennis Wiggins (Alternate Member)

Absent: James Grogan

Also Present: Cecilia Johnston, Alternate Member, Jim Ramer, City Attorney and Ron McRae, City Clerk, Beverly & Charles Ironside, Keith Lutz, Jessica Moore.

2. Approval of Minutes

Chairperson Thoma asked if there were any changes or amendments to the December 14, 2005 ZBA meeting minutes. A correction was noted for the spelling of the name "Bennington". In the minutes, the name was spelled "Benington".

Board Member Pfeifer stated he had two corrections to the 12/14/05 minutes. Board Member Pfeifer reviewed his proposed changes to page 3 as follows, insert after paragraph 5, *Pfeifer asked Episcopo if there is any reason the applicant couldn't get everything he wanted by choosing one of the other available alternatives. Episcopo stated that there are drawbacks to building the new structure up against the house but gave no reason why one of the other alternatives would not be satisfactory. Burrows stated that one of her neighbors built an accessory building larger than the main house and that building now dominates the neighborhood.* Other Board members questioned some of the wording as proposed. Chairperson Thoma asked if the approval of the December meeting minutes could be tabled until the next meeting to give Board Members Pfeifer and Burrows the opportunity to meet with Zoning Administrator Grimm to rework the December 14, 2005 ZBA meeting minutes? City Clerk McRae stated that the ZBA could entertain and approve such a motion.

[Enter Cecilia Johnston 5:32 p.m. and Donna Niederstadt 5:34 p.m.]

Motion by Pfeifer, second by Kenyon, to table approval of the December 14, 2005 ZBA meeting minutes to give Board Members Pfeifer and Burrows the opportunity to review the December 14, 2005 ZBA Meeting minutes with Zoning Administrator Grimm.

Motion carried with the following voice vote:

Ayes – 6

Nays – 0

3. Variance Request for 515 E. Bay Street, Chris Rebhun

Chairperson Thoma read the variance request. Jessica Moore, Architect, representing Mr. Rebhun, and Keith Lutz, the builder, were present. Moore reviewed the proposed project with the ZBA. Moore stated that a previous owner actually built the deck encroaching into the rear set back area feet without a permit. Now, Mr. Rebhun would like to cover the deck with a roof.

A ZBA member asked what the “practical difficulty” or “hardship” was to justify a variance. Moore stated that the deck currently exists. Chairperson Thoma stated that to him the practical difficulty was the small non-conforming lot. Board Member Kenyon questioned if the deck could be cut back to the required set back. Moore stated that the home on the lot was actually not square to the lot. If the deck were to be cut back, there would be plenty of room on the east side of the house, but on the west side of the house the deck would be only six inches to a foot wide.

Board Member Kenyon asked if Chris Rebhun planned to enclose the deck once the roof was built? Moore stated that she did not know. After further discussion, the following motion was offered:

Motion by Kenyon, second by Niederstadt, to approve a five (5) feet rear yard variance to construct a roof over the rear deck, as presented. Further, to approve a five (5) feet rear yard variance for the already constructed deck. The approvals are subject to the condition that the deck shall not be enclosed, which includes screening. The practical difficulties noted are that the lot is a smaller non-conforming lot and that the house does not sit squarely on the lot.

Ayes – Kenyon, Burrows, Niederstadt, Pfeifer, Wiggins and Thoma

Nays - None

4. Variance Request for 549 Harrison Street, Charles and Beverly Ironside

Chairperson Thoma read the variance request.

Ironside stated that he received a phone call from Zoning Administrator Grimm concerning the construction of the deck that was omitted from the original drawings presented at the May 14, 2003 meeting of the ZBA. Ironside stated that the omission of the deck was an accident. Ironside went on to state that due to the topography of the rear yard, he could not build a patio at ground level.

It was noted that a patio would either be under water or at such a grade that a patio would not be able to be used. This issue was discussed by the ZBA. After the discussion the following motion was offered:

Motion by Kenyon, second by Niederstadt, to approve the variance request for a sixteen (16) feet rear yard set back to construct a deck, as presented to the ZBA on May 10, 2006. The practical difficulty noted was the topography of the rear yard.

Ayes – Burrows, Niederstadt, Pfeifer, Wiggins, Thoma and Kenyon
Nays - None

After the deck was discussed, it was noted that the enclosed breezeway was not built in conformance to the plans approved on May 14, 2003, too.

Ironside explained that the enclosed breezeway had to be widened because the rooflines of the proposed breezeway would create a safety hazard for people using the service door into the garage. The ZBA discussed this issue.

After the discussion, the following motion was offered:

Motion by Thoma, second by Kenyon, to approve the enlarged breezeway constructed in conformance to the plans presented to the ZBA at their May 10, 2006 meeting. The practical difficulties being noted are the rear yard topography and the rooflines of the proposed breezeway not being in conformance with the rooflines of the existing garage.

Ayes – Niederstadt, Wiggins, Thoma, Kenyon and Burrows
Nays – Pfeifer

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5. Adjournment

With no further business, Chairperson Thoma adjourned the meeting at 6:37 p.m.

Respectfully submitted,

Ronald B. McRae, City Clerk

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