

# CITY OF HARBOR SPRINGS

## Zoning Board of Appeals

May 11, 2005

Chairperson Bob Thoma called the May 11, 2005 meeting of the Harbor Springs Zoning Board of Appeals (ZBA) to order at 5:30 p.m., at the City Council Chambers, 170 Zoll Street, Harbor Springs, MI.

### 1. Roll Call and Verification of Quorum

Present: Nancy Kenyon, Donna Neiderstadt, Bob Thoma  
Ann Burrows, James Grogan, Henry Pfeifer, Laura Kors, Alternate.

Absent: None

Also Present: Tim Grimm, Marcia O'Conner, Dean Gokee, Jean Jardine, Vickie Heinz, Don Heinz, Dan Gorman, Tom Maugh.

### 2. Approval of Minutes and Decision from the March 9, 2005 Meeting.

Motion by Burrows, second by Kenyon, to amend the minutes to include Burrows comments regarding the Kenny request, as follows: Burrows indicated the requested variance was a desire and not a need.

Ayes – Kenyon, Burrows, Neiderstadt, Thoma, Grogan, Pfeifer.

Nays – None

Motion carried

Motion by Pfeifer, second by Neiderstadt, to approve the March 9, 2004 minutes as amended.

Ayes – Kenyon, Burrows, Neiderstadt, Thoma, Grogan, Pfeifer.

Nays – None

Motion carried.

### 3. Consideration of a Variance Request from Marcia O'Conner, 106 Fairview St.

Chairperson Thoma read the request.

Tim Grimm noted correspondence had been received from Mary Ketvirtis, Shauna Bezilla, and Lanny and Mary Lou Thompson indicating they did not support the variance request.

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Marcia O'Conner stated they were requesting the variance because the house had been located in error by the contractor. The location of the house created a wedge shape between the house and the building envelope. Ms. O'Conner stated that if they built an open porch there would be less privacy.

Pfeifer asked if the practical difficulty would be the incorrect location of the house. Pfeifer then stated that if the house had been located correctly the owner would have needed a larger variance than what was approved last year for the front porch.

Kenyon stated a variance would not be needed if they stayed within the building envelope.

Ms. O'Conner stated that a building less than eight feet in depth would be impractical.

Kenyon asked how many times could we use the same practical difficulty to grant a variance.

Grogan stated no matter where you would have put the house two variances would have been needed.

Motion by Kenyon, second by Grogan to deny the variance request as presented on the plan.

Ayes – Grogan, Kenyon, Burrows, Pfeifer, Thoma, Neiderstadt.

Nays – None

Motion approved. Request denied.

#### 4. Consideration of a Variance Request from Donald and Vicki Heinz, 412 Second St.

Chairperson Thoma read the request.

Tim Grimm noted no correspondence had been received regarding the request.

Dan Gorman introduced himself as the designer and representative for the Heinz's.

Gorman asked the ZBA to consider this as two separate requests, the request for a front yard variance and the request for adding third floor living space.

Mr. Heinz stated there has always been third floor living space in the existing home.

Gorman stated that they want to raise the existing peak of the home and this results in the need for the front yard variance.

Kenyon stated the ZBA was the wrong place to seek relief from the two story maximum zoning requirement.

Pfeifer asked what the practical difficulty was here.

The builder, Tom Maugh, stated the roof needed to be raised to allow for better ventilation and to straighten out the ridge of the home.

Kenyon stated she had no problem with granting the front yard variance but she had a problem with expanding the 3<sup>rd</sup> floor non-conforming use.

Pfeifer stated the topography of the rear yard is probably why the house was located so close to the front yard line and presents a practical difficulty now for the front yard setback.

Motion by Kenyon to grant the front yard variance to allow a ridge height of 32 feet as presented on the plan. The practical difficulty noted was the location of the existing house due to the rear yard topography. Second by Burrows.

Ayes – Burrows, Kenyon, Pfeifer, Thoma, Neiderstadt, Grogan

Nays – None.

Motion carried.

Motion by Kenyon, second by Grogan, to deny the request to add third floor living space by expanding the non-conforming use.

Ayes – Burrows, Kenyon, Pfeifer, Neiderstadt, Grogan.

Nays – Thoma

Motion carried.

5. Consideration of a Variance Request by Roger Blaser, 410 Glenn Dr.

Chairperson Thoma read the request.

Tim Grimm noted letters from John Giampetroni, John Jansing, and John Faily against the proposed variance and letters from Don Street of the Glenn Woods Architectural Committee, and Maureen & Robert Burskey, in favor of the request.

Ann Burrows noted that this is a vacant site.

Nancy Kenyon stated the zoning ordinance allows a maximum of 35 feet of height.

Bob Michels, builder and representative for Roger Blaser, stated that the design proposed had a twelve/twelve roof pitch with a 38 foot height, but to lower the roof peak they could use an eleven/twelve pitch. Michels stated the lot was the lowest site in the neighborhood and presented some problems with grade. Michels proposed raising the grade two feet and asking for a compromise height of 37 feet.

Grimm noted that grade changes would have to be approved by the Planning Commission.

Grogan asked what is the maximum height allowed by the association by laws. Michels stated the association maximum height is 35 feet but that the letter from the association approved a 38-foot height as requested.

Pfeifer asked why they could not build to a maximum height of 35 feet.

Michels stated the increased height is needed due to the design of the home and the topography of the site.

Motion by Grogan, second by Burrows to deny the request as presented. The stated reason for the denial was the lack of a practical difficulty.

## 6. Adjournment

With no further business, Chairperson Thoma adjourned the meeting at 7:15 p.m.

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Bob Thoma, Vice Chairperson

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Tim Grimm, Zoning Administrator