

CITY OF HARBOR SPRINGS

Zoning Board of Appeals

August 10, 2005

Chairperson Bob Thoma called the August 10, 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, Bob Thoma, Ann Burrows, James Grogan, Henry Pfeifer, Cecelia Johnston (Alternate).

Absent: Donna Neiderstadt

Also Present: Tim Grimm, Jean Jardine, Laura Kors, Matt Gove, Mike Pattullo, Dennis Wiggins.

2. Approval of Minutes and Decision from the July 13, 2005 Meeting.

Motion by Pfeifer, second by Grogan, to table discussion and approval of the July 13, 2005 minutes until the end of the meeting.

Motion carried.

3. Consideration of a variance request from John and Elaine Kenzie, 520 W. Bluff St.

Chairperson Thoma read the request.

Correspondence was received from John Baker and Barry Baccus both stating they thought the variance should be allowed.

Mike Pattullo, Architect representing the Kenzies', stated the owners wanted to renovate the existing home and place a new basement under the house. Their idea would be to lift the house, dig a new basement and reset the home 10 feet from the corner side yard line. The side yard setback would go from 0 feet to 10 feet as drawn on the plan.

Nancy Kenyon asked why the owners could not comply with the required 25-foot corner side yard setback?

Mr. Pattullo stated the owners did not want to get too close to the neighbor to the west and they wanted to save trees located on the property.

Kenyon asked how close the home and addition would be from the west property line. Mr. Pattullo stated about 25 feet.

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Thoma stated the home was non-conforming and the new location would be more conforming.

Pfeifer asked if the only reason to move the house was to get 10 feet further from the street?

Pattullo stated the owners would also get a better basement with the move.

Pfeifer read from the Zoning Code regarding non-conforming buildings.

Burrows stated the distance from the neighbors did not appear to be a problem but would the trees pose a problem?

Pattullo stated the trees were a problem.

Grogan stated he did not agree, the two trees on the west side were not big and if they moved the house further north the large oak in front would not be a problem.

Pattullo stated the owners were not in favor of moving the house any further than proposed and may leave the house where it is if denied.

Motion by Pfeifer, second by Burrows to approve the requested variance as presented on the plan.

Ayes – Burrows, Kenyon, Thoma.

Nays – Pfeifer, Johnston, Grogan.

Motion denied. (Four affirmative votes are needed for adoption of a variance.)

4. Approval of minutes of the July 13, 2005 meeting.

Pfeifer presented corrections and amendments to July 13, 2005 ZBA meeting minutes. The ZBA discussed the proposed corrections.

The corrections are as follows:

#3, insert new paragraph following paragraph 3,

Ms Racine stated the variance is needed to construct a narrow deck to provide access to a new deck from an existing door. The narrow deck would be continued across the front of the new neck and expand its size into the setback.

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#3, paragraph 9, corrected to read:

Motion by Kenyon second by Neiderstadt, to approve the request as presented on the plan, to provide access to the new deck and expand the size of the new deck on the west side of the house.

#4, insert new paragraph following paragraph 2,

The Zoning Administrator reported to the board that the applicant stated that water accumulated during wet periods in the part of the property where the new deck is proposed.

#4, paragraph 7, corrected to read:

Motion by Kors, second by Kenyon, to approve the request as presented on the plan to provide relief from water in the deck/patio area.

#5, paragraph 3, line 2, corrected to read:

Mrs. Rondel stated the variance is needed so they can build a roof over an existing one-story area that has had a continual rainwater problem.

Motion by Kenyon, second by Burrows to approve the July 13, 2005 minutes as corrected.

Motion passed.

The ZBA then discussed the decision making process and how to best determine the practical difficulty and hardships for any variance request. The ZBA asked Grimm to ask the City Attorney to appear at an upcoming meeting to answer questions about the process.

5. Adjournment

With no further business, Chairperson Thoma adjourned the meeting at 7:00 p.m.

Bob Thoma, Vice Chairperson

Tim Grimm, Zoning Administrator