

# CITY OF HARBOR SPRINGS

## Zoning Board of Appeals

August 12, 2009

Chairperson Henry Pfeifer called the August 12, 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, Bob Thoma, Donna Niederstadt, Alan Hegedus, and Cecelia Johnston.

Absent: None

Also Present: Tim Grimm, Tom Richards, Maddy Heinz, Dan Gorman, Clayton Brown, Jean Jardine, Tom Maugh.

### 2. Approval of minutes and decision from the April 8, 2009 meeting.

Motion by Thoma, second by Burrows, to approve the April 8, 2009 minutes and decision as presented.

Motion approved.

### 3. Consideration of a request from Clayton Brown 138 W. Third St.

Chairperson Pfeifer read the request:

*The purpose of the hearing is to hear a variance request from Clayton Brown 138 W. Third St. Harbor Springs Michigan, a B-1 Zoning District. Mr. Brown is requesting a variance to remove and rebuild a commercial building. The proposed reconstructed building would occupy the same footprint as the old building but the roof profile would be higher by an average of four (4) feet. The new building would be thirteen and one half (13.5) feet from the front yard line and five and nine tenths (5.9) feet from the East side yard line, 0 feet from the west side yard and 0 feet from the rear yard line.*

*The Zoning Administrator has determined that the required front yard set back is twenty (20) feet, the required side yard set back is ten (10) feet, and the required rear yard set back is twenty (20) feet, pursuant to Article 13, Section 50.13303, 1,2 and 3.*

Tim Grimm noted there were no letters received from the public.

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

Pfeifer opened the meeting to public input.

Dan Gorman explained the condition of the existing building that he feels necessitates the removal of the existing building. Gorman stated the existing building is in poor condition. Gorman stated the proposed new construction would bring the building up to the requirements of the building code, particularly for handicap access and it would correct the multiple angled roof line.

Maddy Heinz asked if the proposed new east entrance to the building would have a step up. Gorman stated the new entrance would incorporate a ramp and railing.

Burrows asked what the practical difficulty was.

Gorman state the practical difficulty was the condition of the old building and the need for handicap access.

Thoma congratulated the owner for the design of the new building and stated he was in favor of the requested variance.

Pfeifer stated the proposal would correct the deficiencies of the building and he noted the practical difficulty may be the size of the parcel and the loss of area of the lot when the previous owner gave a portion of the parcel to the City for a parking lot.

Motion by Hegedus, second by Johnston, to approve the request as presented on the plan, the practical difficulty noted is the small size of the lot as adjusted and given to the City.

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

Nays - None.

Motion carried.

#### 4. Consideration of a variance request from Clayton Brown, 152 W. Third St.

Chairperson Pfeifer read the request.

*The purpose of the hearing is to hear a variance from Clayton Brown for property located at 152 W. Third St. Harbor Springs Michigan, B-1 zoning district. Mr. Brown is requesting a variance to construct a residential porch addition. The proposed new porch would be ten (10) feet from the front yard line and four (4) feet from the Ease side yard line.*

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*The zoning administrator has determined that the required front yard set back is twenty (20) feet, the required side yard set back is ten (10) feet, pursuant to Article 13, Section 50.13303, 1 and 3.*

Dan Gorman explained the request, stating that the existing residential building has no front door facing Third St. Gorman said the front porch was designed to enhance the architecture of the existing building. Gorman noted the other porches in the neighborhood and stated the other porches ranged from 8 to 14 feet from the front property line. Mr. Gorman noted the proposed porch would be typical for the neighborhood.

Pfeifer noted the side porch would be 4 feet from the east side yard line and the neighboring building. Pfeifer stated that the lot was not in the CBD and the additions should not go from property line to property line.

Gorman noted the new building on the east side of the parcel would have a fire wall.

Thoma stated he like the design and the propose porch would be a plus for the neighborhood.

Maddy Heinz stated she supported a variance, liked the design and it would be an improvement for the neighborhood.

Hegedus noted a porch was reasonable and customary for the neighborhood.

Burrows stated an 8' porch may not be necessary and said she thought the project was too massive. Burrows indicated the east side of the proposed porch would cut off light to the neighboring parcel. Burrows asked if a narrower porch would work.

Thoma stated he thought a smaller porch would not look good on the building.

Johnston noted the porch does look massive but you have to have the porch on the side as well as the front.

Thoma noted that an 8' porch is the size we have asked others to slim down to and he thought the concept for both parcels went together to make a reasonable request.

Niederstadt stated she agreed with Thoma and she thought the request was reasonable.

Pfeifer noted that the Board should keep in mind that there may be future owners of these parcels when considering approval of the proposal.

Hegedus asked if the proposed front door could be moved eliminating the need for the side yard portion of the proposed porch.

Gorman stated the existing floor plan necessitated the location of the entry as drawn.

Motion by Thoma, second by Niederstadt, to approve the variance as drawn on the plan, the practical difficulty noted is the need for a front entry, the small size of the lot, the placement of the existing house and the existing homes' floor plan.

Ayes – Thoma, Niederstadt, Hegedus, Johnston.

Nays – Burrows, Pfeifer.

Motion approved.

#### 5. Adjournment

Motion by Thoma, second by Burrows to adjourn the meeting.

Motion carried. Meeting adjourned at 6:15 P.M.