

CITY OF HARBOR SPRINGS

Zoning Board of Appeals

September 12, 2007

Vice Chairperson Bob Thoma called the September 12, 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: Ann Burrows, Henry Pfeifer, Cecilia Johnston, Bob Thoma, Donna Niederstadt, Dennis Wiggins (alternate)

Absent: James Grogan

Also Present: Tim Grimm, Alan Hegedus, Emmet and Katherine Byrne.

2. Approval of minutes and decision from the June 13, 2007 meeting

The ZBA noted that James Grogan attended the June 13, 2007 meeting.

Motion by Pfeifer, second Burrows, to correct the minutes, page 2, paragraph 9, to read *“the practical difficulty is the non-conforming location of the home and the small size of the porch addition.”*

Ayes – Pfeifer, Thoma,

Nays – Burrows, Wiggins, Niederstadt, Johnston.

Motion denied.

Motion by Pfeifer, second by Johnston to correct the minutes, page 2, paragraph 13 to read, “Burrows noted the recent Zoning Code changes in the neighborhood *where the Planning Commission allowed an eight foot front yard setback for porches in that neighborhood* and stated she thought a 7 foot porch would work and noted her opposition to the variance.

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

Nays - None

Motion carried.

3. Consideration of a variance request for a side yard fence by Emmet Byrne, 671 Pine St.

ZBA

September 12, 2007

Page 2

Vice chairperson Thoma read the request.

Tim Grimm noted that four letters were received supporting the request.

Mr. Byrne presented his request to the ZBA stating the variance was needed to replace a fence that had been removed by his neighbor stemming from a property line dispute.

Mr. Byrne showed the ZBA pictures of the old 6' fence and noted on the plan it's former location. Mr. Byrne stated the property line dispute had been resolved and he would like to replace the fence along the new property line about 5 feet west of the old fence location. Byrne stated he had considered using shrubs in the side yard along the house but felt shrubs would not work there.

Johnston asked if the fence would be the same style as the fence that was removed.

Byrne stated he had not made that determination.

Pfeifer stated if lattice was used for the top 12 inches of the fence in the side yard only a one foot variance was needed. Pfeifer noted he could see no practical difficulty.

Burrows noted that the ZBA should not allow more fence height than the original fence.

Wiggins stated it should be looked at as a non conforming fence that could be rebuilt as it previously existed.

Thoma noted that Byrne did not remove the fence, so it was not an owner created situation. Thoma stated he had no opposition to the proposal.

Niederstadt stated she agreed there was no reason to deny and she had no opposition to the variance.

Johnston stated the proposed fence would be fine if built as it existed previously.

Motion by Wiggins, second by Niederstadt, to allow a side yard fence height variance to reconstruct the former fence up to 6 feet tall with the top 1 foot to be lattice from the rear of the home to the center line of the east most wall of the house.

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

Nays – None

Motion carried.

ZBA
September 12, 2007
Page 3

Adjournment

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

Motion carried.

With no further business Vice Chairperson Thoma adjourned the meeting at 6:15 pm.

Bob Thoma, Vice Chairperson

Tim Grimm, Zoning Administrator