

CITY OF HARBOR SPRINGS

Zoning Board of Appeals

November 8, 2006

Vice Chairperson Bob Thoma called the November 8, 2006 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: Bob Thoma, Ann Burrows, Cecelia Johnston (alternate), Henry Pfeifer, Jim Grogan, Nancy Kenyon.

Absent: Donna Neiderstadt

Also Present: Tim Grimm, Marcella Fisher, Rob Cumming, David Lundeen, Alan Hegedus.

2. Approval of minutes and decision from the October 11, 2006 meeting

Motion by Kenyon, second by Pfeifer, to approve the October 11, 2006 minutes as presented.

Motion carried

3. Request for consideration of a variance from David Lundeen, 325 E Third St.

Chairperson Thoma read the request.

Tim Grimm presented an overview of the request and site plan. Grimm noted letters supporting a variance from John Garr and Henry Velleman.

Rob Cumming, representative for David Lundeen explained the process he and the owner went through to get to the plan they were proposing. Cumming noted the existing building was beyond repair, the Bluff restricted area reduced the usable yard area, and they wanted to retain useable green space in the plan.

Cumming noted the building would be conforming to the side and rear yard setbacks and would be 31 feet tall, which is under the maximum 35 feet allowed.

Cumming stated the variance request for the front yard setback would allow the proposed building to be constructed at a distance that was in line with the rest of the homes in the area.

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Johnston asked if the proposed building would fit in the allowed building envelope?

Grimm noted he had heard similar concerns from other members of the ZBA and called City Planner Larry Nix for his opinion.

Grimm stated Nix thought the variance could be approved on the basis of moving the proposed building toward the street to be in line with the existing buildings in the neighborhood.

Kenyon stated she had come to the same conclusion as Nix.

Burrows asked if the driveway cut would be moved and asked what would happen to the existing tree along the curb.

Mr. Lundeen stated the driveway cut would be moved and he would replace any trees that had to be removed.

Kenyon asked if the plan depicted a third story.

Cumming stated there would not be a third story.

Chairperson Thoma asked if there were any comments from the audience.

Marcella Fisher stated the existing house needs to go. Fisher also stated she has seen animals entering holes in the house and its foundation.

Alan Hegedus stated he liked the proposal and he thought the proposed site plan would allow views of the bluff side.

Chairperson asked for further comment. Hearing none he closed the public hearing.

Grogan stated it would be a big mistake to deny the request because all of the other houses on the street are close to the front yard line and the proposed building would not fit in the required building envelope.

Johnston stated Grogan had a good point and she agreed with Nix's analysis.

Pfeifer stated he saw no practical difficulty and he thought the building could be built within the required setback.

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Burrows stated she thought the bluff restricted the yard area; she liked the size of the proposed house and the preservation of green space in the side yard.

Grogan stated that City Attorney Jim Ramer, along with Planner Nix had addressed the issue in this request at the ZBA educational workshops and had concluded a variance could be allowed in this situation.

Kenyon noted that the bluff squeezes the parcels in this area.

Pfeifer stated the bluff is not relevant in this case.

Thoma asked if there would be any future additions to this home.

Lundeen said there would not be.

Thoma congratulated the owner on the best scale home for the site.

Motion by Kenyon, second by Johnston to approve the variance as presented on the plan with the condition that the curb cut and tree be removed and replaced by the owner.

Ayes – Burrows, Kenyon, Thoma, Johnston, Grogan.

Nays – Pfeifer

Motion carried.

Grogan asked Grimm to check with City Attorney Ramer about conditions the board could impose on variances.

4. Adjournment

With no further business, Chairperson Thoma adjourned the meeting at 6:30 p.m.

Bob Thoma, Chairperson

Tim Grimm, Zoning Administrator

