

# HARBOR SPRINGS PLANNING COMMISSION

## Minutes

September 16, 2004

### I. ROLL CALL

Fred Walstrom	Absent
Andrew Bowman	Absent
Jack Deegan	Absent
Jeff Ford	Present
Mary Ellen Hughes	Absent
Sheryl McCleery	Present
Pringle Pfeifer	Present
Peter Sears	Present
Sara Smith	Present

Also present were City Planner Larry Nix, City Attorney James T. Ramer and City Manager Fred Geuder.

The meeting was called to order by Vice-Chairman Peter Sears at 6:35 p.m.

### II. MINUTES

Motion by McCleery, seconded by Sears, to approve the minutes of the July 15, 2004, meeting, as presented. Motion carried.

### III. PUBLIC COMMENT AND CORRESPONDENCE

None.

### IV. NEW AND OLD BUSINESS

A. Consideration of SLU-2004-04, Two-Story Accessory Building with Guest Quarters, Van Wormer, 617 East Main

The City Manager notified the Commission that this item had been withdrawn.

B. Consideration of Proposed Lot Split, Megan Jones, 1048 N. Traverse

The City Manager reviewed the proposed lot split from Megan Jones, 1048 N. Traverse. Megan owns Lots 7 and 8 of Block 16 of the Leighton Park Subdivision. Her house is completely on the northerly Lot 8, but it is approximately 2.5 feet from the line of Lot 7, and a porch extends south from the house, encroaching into Lot 7.

The proposal from Jones is to remove the porch, as well as to remove a shed from Lot 7, and then reduce the size of Lot 7 by one foot, adding it to Lot 8. The remainder of Lot 7 would still be 65' wide, which meets the minimum size lot for R-1-C. The Manager noted that this is similar to other lot splits which have been granted, but requires a Planning Commission recommendation and City

Council action, because the existing house would be less than the required setback from the property line.

Planner Larry Nix acknowledged that this was similar to other lot split proposals that had been granted, but offered the suggestion that a condition of the lot split be that the side setback on the north side of Lot 7 be set at 12', rather than 8'. A prospective owner of Lot 7, would still have an adequate building envelope, and the separation between the houses on Lot 7 and 8 would then be more like the required setback.

Motion by Pfeifer, seconded by Smith, to recommend City Council approval of the proposed lot split, with the recommendation that the following conditions be attached to the lot split approval:

1. That the porch on the south side of the existing house on Lot 8 be removed.
2. That the existing shed on Lot 7 be removed.
3. That a stipulation be made that the required side setback on the north side of Lot 7 for a new principal structure be set at 12'.

Motion carried.

#### C. Proposed Addition to the American Legion Building—North Side

City Manager Fred Geuder reviewed the proposed addition, as no representative from the Legion was at the meeting.

The City Manager reported that the proposal is to add a two story addition on the north side of the building. As explained to him, the first story addition would make it possible to have a pool table on site; the second story would provide a new kitchen plus storage space. The existing kitchen area on the second floor would become a food prep area. No additional seating capacity was planned. The City Manager did note that variances would be needed to almost any addition on this site, which is a very compact site.

City Planner Larry Nix said that if there was no additional seating, parking would likely not be required, as the intensity of the site was not increasing.

Several questions came up from Commission members. It should be clarified as to whether or not seating capacity would be enlarged. There was a question of where and how drainage would take place. A concern was raised about the "mirrored" windows. And there was a question as to whether the exterior would have the same finish as the existing structure.

The City Manager also noted that a fire escape on the east side of the building had been approved administratively as a safety measure, but had not yet been constructed.

The Planning Commission tabled consideration of this plan until a representative of the legion would be available. The Legion could seek their variance in the meantime.

D. Petition for Zoning Changes

City Manager Fred Geuder gave a brief summary of a petition from a number of Glenn Drive area residents, requesting changes to the accessory building rules, and a change in zoning for several R-1-B properties.

Planning Commissioners questioned whether or not the people making the request understood the changes that had been made.

It was suggested the Planner Larry Nix review the request and prepare a written report, with his recommendations.

E. Questions on Zoning Issues

The City Manager stated that there were several issues that were involved in the request for the Main Street guest quarters/accessory building that were unresolved, even though the applicant had withdrawn his plan (see IV.A.)

The first issue concerned the definition of the bluff. The rule against building on the bluff has been enforced, but there is no clear definition of what bluff we are talking about, and where the bluff begins.

City Attorney Jim Ramer suggested that we engage an engineer to help us make that determination, and that put it into an ordinance.

The City Manager also noted that a person would not be allowed occupancy in an accessory building, if it were constructed prior to the principal building.

The Commission also discussed whether the 21 consecutive day rule for occupancy of a guest house could be an issue. Varying opinions on the length of stay were noted.

City Attorney Ramer suggested that after 21 days, the rule could be amended to say that the person must be gone for 30 days before re-occupying.

While enforcement is the issue, and having a tool available should it be needed is the reason behind the rules, it was suggested that Ramer prepare an amendment for consideration that would strengthen the tool available for enforcement.

F. Reppard Property

The City Manager noted that no further contact had been received from the realtor looking at this property, so it was not placed on this agenda.

G. Attendance

The Commission briefly discussed the attendance at meetings.

Ford suggested that if Commissioner knew they were not going to be attending the meeting, the City Manager should be contacted as soon as possible, so a meeting could be cancelled. The City Manager said a public hearing could still be held.

The City Manager also said that they would look into whether meetings need to be held every month, under the Commission rules. August, December and March or April might be meetings that could be cancelled. Applicants would know the schedule in advance of their submittals, and Commissioners would also know the schedule.

The Commission will consider the 2005 schedule at a later date.

V. MEMBER COMMENTS

None.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned. The next meeting is scheduled for Thursday, October 20, 2004.

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Frederick W. Geuder, City Manager