

# CITY OF HARBOR SPRINGS

## Zoning Board of Appeals

June 13, 2007

Chairperson Jim Grogan called the June 13, 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, Nancy Kenyon, Cecilia Johnston, Bob Thoma, and Donna Niederstadt.

Absent: None

Also Present: Tim Grimm, Jean Jardine, Dennis Wiggins, Robin Pearsall, Mr. Pearsall, David O'Neil.

### 2. Approval of minutes and decision from the May 9, 2007 meeting

Burrows noted the minutes did not include a statement from Pfeifer stating the Holy Childhood Church received a previous height variance for an addition to the church so the addition could match the existing height.

Motion by Burrows, second by Thoma, to amend the May 9, 2007 minutes, page 3, paragraph 15, to read; Pfeifer also noted the previous ZBA approval for a height variance to match the existing church height.

Motion by Burrows, second by Thoma, to approve the May 9, 2007 minutes as amended.

Motion carried.

### 3. Consideration of a variance request for side yard and front yard variances at 440 W. Third St., Robin Pearsall.

Chairperson Grogan read the request.

Tim Grimm noted that no correspondence was received for or against the request.

Ms. Pearsall presented her request to the ZBA stating the variance was needed because of the placement of the home so close to the side and front yard lines prior to zoning.

Pearsall stated she did not realize the house was so close to the property lines when she purchased the property.

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Ms. Pearsall stated that in addition to the practical difficulty of the house placement on the lot a 7 foot deep porch would be an additional practical difficulty, a 7 foot deep porch would not be functional for porch seating, tables etc. Pearsall also stated there were other 10 foot porches in the neighborhood.

Dennis Wiggins stated he was a property owner in the neighborhood and he thought a 7 foot porch was not usable. Wiggins stated his support for a variance of a 10 foot porch.

David O'Neil, architect for the project, stated a 10 foot porch is much more functional.

Grogan asked if they ever planned to enclose the proposed front porch. Ms. Pearsall said no.

Chairperson Grogan closed the public hearing.

Pfeifer proposed the ZBA consider each variance separately beginning with the side yard variance request. The ZBA members agreed.

#### Side Yard Variance Request.

Johnston stated she has no problem with the side yard request and it should be granted.

Niederstadt said she agreed with Johnston and noted that lot coverage was not an issue.

Motion by Johnston, second by Niederstadt, to approve the side yard variance as presented on the plan to the ZBA, the practical difficulty being the location of the home on the lot, with the condition the porch never be enclosed.

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

Nays – None

Motion carried.

#### Front Yard Variance Request.

Burrows noted the recent Zoning Code changes in the neighborhood and stated she thought a 7 foot deep porch would work and noted her opposition to the variance.

Pfeifer stated he agreed with Burrows and the porch could be 10 deep on the east side of the house. Pfeifer stated a variance denial would not inhibit the use of a porch.

Niederstadt stated a 10 foot porch was needed so you could get around furniture and the placement of the existing home was the problem.

Johnston stated she has a 7 foot deep porch and it is adequate.

Grogan stated the other homes on the street are as close to the front property line as the new proposed front porch, refusing the variance would deny what others in the area have, and approval would not injure any of the neighbors.

Motion by Niederstadt, second by Pfeifer, to approve the front yard variance as proposed on the plan with the condition that the porch never be enclosed.

Ayes – Niederstadt, Grogan, Thoma.

Nays – Johnston, Pfeifer, Burrows.

Motion denied.

#### 4. Adjournment

With no further business, Chairperson Grogan adjourned the meeting at 6:10 p.m.

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James Grogan, Chairperson

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Tim Grimm, Zoning Administrator