

# CITY OF HARBOR SPRINGS

## Zoning Board of Appeals

August 9, 2006

Vice Chairperson Nancy Kenyon called the August 9, 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: Ann Burrows, Cecelia Johnston (alternate), Henry Pfeifer, Donna Niederstadt, Jim Grogan, Nancy Kenyon.

Absent: Bob Thoma.

Also Present: Tim Grimm, Jeff Ford, Jean Jardine, Rob Cumming, Walter Pfander, Marcella Fisher, Dennis Wiggins.

### 2. Request for reconsideration of the Pfander decision (from the July 12, 2006 meeting).

At the request of the chair, Tim Grimm read the request for reconsideration written by Jeff Ford.

Grogan stated he could not find anything that he considered new information in the request. Grogan stated the vote of the Planning Commission was irrelevant and that the ZBA knew it would go to the Planning Commission. Grogan noted that the letters from Linda Demmer, Marcella Fisher, Alan Hegedus and Jim Kopka were all positive and supported the reconsideration but their support was not new information.

Motion by Grogan, second by Burrows to deny the request for a rehearing from Ford, for lack of new information.

Kenyon asked for discussion on the motion.

Kenyon stated there was new information to be considered and noted the standards checklist from the ZBA packet and the memo from the City Manager.

Kenyon read through some of the noted standards stating she thought the variance request met most of them and that a practical difficulty did exist.

Pfeifer stated this was not new information.

Burrows stated the lot is not exceptionally narrow or shallow.

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Kenyon read through portions of “Standards For Variances” prepared by the City Attorney James Ramer stating she thought it was pertinent to a rehearing.

Niederstadt stated the original variance request met the standards to allow a variance.

Grogan stated the question was is there new evidence to allow a rehearing, if there is no new evidence then no rehearing.

With no further discussion Vice Chairperson Kenyon asked for a vote on the motion to deny the rehearing.

Ayes – Burrows, Pfeifer, Johnston, Grogan.

Nays – Kenyon, Niederstadt.

Motion carried.

### 3. Approval of the Minutes and Decision from the July 12, 2006 meeting.

Grogan noted that a request for an explanation by Jeff Ford came after the public comment portion of the meeting was closed and therefore should not be included in the meeting minutes.

*Motion by Grogan, second by Pfeifer, to strike from the minutes, Ford asked the ZBA if he could have an explanation from those members who voted no. Pfeifer stated he thought the proposed addition would be an overbuild of the parcel. Thoma stated he thought there would be too much building on the property and that the request was not a critical issue. Johnston stated there would be too much on the property and that she thought there were other options besides granting a variance for this parcel.*

Ayes – Burrows, Pfeifer, Johnston, Grogan

Nays – Kenyon, Niederstadt.

Motion carried.

Grogan noted that Wiggins although initially seated at the July meeting was replaced by member Niederstadt at 5:38 pm and should not be shown as being present. After some discussion it was decided to leave Wiggins as being present.

Motion by Johnston, second by Grogan to include the words *and is seated* to item 3 paragraph 4 of the July 12, 2006 minutes.

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Motion carried unanimously.

4. Consideration of a variance request from David Lundeen, 333 E. Third St.

Rob Cumming representing Mr. Lundeen, requested that each variance request be considered independently. He then gave a power point presentation illustrating the requests being made.

Mr. Cumming first presented information for the variance request for an elevated balcony in the front of the existing house. Cumming noted that the initial square footage of the proposed balcony was incorrect; the correct increase in balcony square footage would be 69.5 feet.

Cumming noted problems with snow and ice that he thought would be alleviated by enlarging the existing balcony.

Cumming also presented letters of support from three neighbors of the subject property, John Garr, Allen Hegedus and James Nordlie.

One letter from David DeWindt was against the variance.

Grogan stated he did not think adding to the balcony would solve the ice and snow problem and that no matter what you do you may have the same problem.

Johnston suggested enlarging the deck might increase the problem.

Cumming stated he believed the new balcony with a radius would not allow a snow buildup.

Burrows asked if this might be a self-created problem.

Kenyon noted the existing balcony was not part of the original building.

Cumming noted the previous owner built the existing balcony.

Cumming then presented the request for a variance for a new dormer over the existing garage stating the practical difficulty is the existing non-conforming building. He also noted that the owner was going to remodel the area above the garage and opening up the roof for a new dormer would allow them to blow in necessary insulation between the existing rafters.

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Cumming noted letters from neighbors Garr, Nordlie and Hegedus in support of the variance. Cumming stated he agreed with the Garr request to lower the ridge of the proposed dormer to be in line with the existing ridgeline.

Cumming noted the existing original church area is non-conforming and built into the bluff.

Grogan stated he did not see any practical difficulty created by the insulation problem.

Pfeifer asked what the current total living area was in the building.

Cumming state about 7,000 square feet.

Cumming noted that the dormer would not increase the lot coverage of the building and he did not believe the balcony addition would qualify as additional lot coverage.

Burrows noted that although lot coverage may not increase visually the mass would.

Kenyon asked if there was any further public comment. Hearing none Kenyon closed the meeting to further public comment.

Motion by Grogan, second by Burrows, to approve the requested balcony variance to alleviate the problems of ice and snow buildup.

Ayes – Kenyon, Niederstadt, Grogan.

Nays – Burrows, Pfeifer, Johnston.

Motion denied.

Motion by Burrows, second by Pfeifer, to approve a variance as requested to allow the construction of a dormer on the east side of the garage.

Ayes – None

Nays – Burrows, Pfeifer, Kenyon, Niederstadt, Johnston, Grogan.

Motion denied.

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5. Other Business.

Grimm asked if September 26, 2006, 10a.m. would be a good time for a workshop/meeting with Larry Nix. ZBA members stated they could all attend the meeting and asked Grimm to confirm that date with alternate Dennis Wiggins.

6. Adjournment

With no further business, Vice Chairperson Kenyon adjourned the meeting at 6:50 p.m.

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Nancy Kenyon, Vice chair

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Tim Grimm, Zoning Administrator