

CITY OF HARBOR SPRINGS

Zoning Board of Appeals

November 9, 2005

Chairperson Bob Thoma called the November 9, 2005 meeting of the Harbor Springs Zoning Board of Appeals (ZBA) to order at 5:30 p.m., at the City Council Chambers, 170 Zoll Street, Harbor Springs, MI.

1. Roll Call and Verification of Quorum

Present: Bob Thoma, Nancy Kenyon, Ann Burrows, James Grogan, and Henry Pfeifer.

Absent: Donna Neiderstadt

Also Present: Tim Grimm, Jean Jardine, Larry Haras, Carrie Wiggins, and Dennis Wiggins.

2. Approval of Minutes and Decision from the October 12, 2005 Meeting.

Pfeifer pointed out a spelling error on page two, paragraph 4. The spelling was corrected from “was” to “is”. Pfeifer also noted that on page 2, at the end of paragraph 5 Dick Crawford stated there is no code or legal requirement to make a deck/walkway wheel chair accessible.

Burrows noted that page two paragraph 6 should state, “Burrows also said a six foot walkway would be excessive, a four foot walkway would be adequate”.

Motion by Pfeifer, second by Kenyon, to approve the October 12, 2005 minutes as amended.

Motion carried.

3. Reconsideration of a variance request from Larry Haras, 145 W. Summit St.

Chairperson Thoma read the rehearing request from Haras, a memo from Tim Grimm and a letter from Benchmark Engineering that indicated they measured the distance from the rear property line to the existing rear wall of the house.

Motion by Kenyon, second by Grogan, to rehear the request for a six-foot deck based on new information provided by Benchmark Engineering.

Motion carried.

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Mr. Haras made an apology to the ZBA for showing the wrong dimensions on his original plan. Haras said he used the wrong stakes in his measurements.

Kenyon asked if the current proposal was for a six-foot deck/walkway. Mr. Haras said it was.

Thoma pointed out the variance now asked for was 2.1 feet.

Burrows asked what can be placed there without a variance, Thoma stated a 3'11" deck.

Thoma asked what the practical difficulty would be in this case.

Haras stated the practical difficulty is the depth of the rear yard and the topography of the rear yard.

Haras stated he thought a six-foot deck was a reasonable request. Haras further stated that with the required railings the actual usable deck width would be closer to five and a half feet. Haras also mentioned a six foot deck would be better for his mother who has trouble getting around. Haras stated he has talked with the neighbors and they all thought the request was reasonable.

Burrows stated she would like to see a compromise.

Pfeifer said he thought the request was reasonable.

Kenyon stated she like the proposal.

Grogan stated he thought six feet would be excessive, but if approved it should be made clear that no roof would be allowed.

Motion by Pfeifer, second by Kenyon, to approve a 2.1-foot variance to allow a six-foot deck without a roof. The practical difficulty noted was the sharp slope in the rear yard and the depth of the lot.

Ayes – Pfeifer, Thoma, Kenyon, Grogan.

Nays – Burrows

Motion carried.

4. Consideration of a variance request from Jamie Reynolds, 345 W. Fourth St.

Thoma read the request.

Carrie Wiggins represented the owners.

Wiggins pointed out other porches and house fronts in the neighborhood that were non-conforming and stated the owners wanted to improve the look of the home.

Grimm used the overhead projector to show a drawing of the neighborhood illustrating the current property lines and placement of other houses.

Burrows asked what the practical difficulty was.

Thoma said it is the way the house sits on the lot.

Grogan referred to a previous discussion with the City Attorney, and noted what was customary within the neighborhood could be part of the consideration for a variance.

Motion by Grogan, second by Kenyon, to approve the request to extend the porch as drawn on the plan so as to be in conformity with other porches in the neighborhood.

Thoma asked for any further discussion.

Pfeifer asked if a full porch was customary?

Grogan stated that other homes in this neighborhood encroach more than the propose porch in this request.

Kenyon stated she thought the request would be an improvement.

Grogan stated the planning commission is working on the possibility of redefining the setbacks in this neighborhood.

Burrows pointed out the home has three existing porches but the owners have brought up good points.

Thoma called the question.

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

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Nays – None.

Motion carried.

5. Adjournment

With no further business, Chairperson Thoma adjourned the meeting at 6:40 p.m.

Bob Thoma Chairperson

Tim Grimm, Zoning Administrator