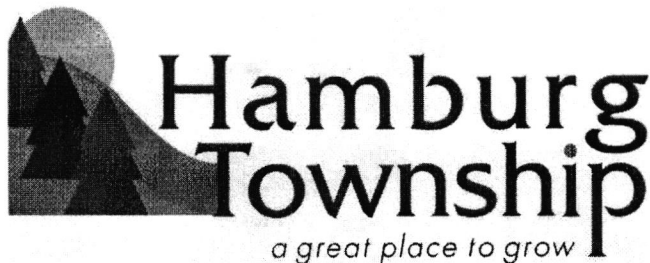


P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139-0157

(810) 231-1000 Office
(810) 231-4295 Fax



Supervisor: Pat Hohl
Clerk: Mike Dolan
Treasurer: Jason Negri
Trustees: Bill Hahn
Annette Koeble
Chuck Menzies
Jim Neilson

**Hamburg Township
Zoning Board of Appeals Minutes
Hamburg Township Board Room
Wednesday, June 13, 2018 Minutes
7:00 P.M.**

1. Call to order:

The meeting was called to order by Chairperson Priebe at 7:00 p.m.

2. Pledge to the Flag:

3. Roll call of the Board:

Present: Hollenbeck, Neilson, Priebe and Watson

Absent: Bohn

Also Present: Amy Steffens, Planning & Zoning Administrator & Brittany Stein, Planning/Zoning Coordinator

4. Correspondence: None

5. Approval of Agenda:

Motion by Neilson, supported by Watson

To approve the agenda as presented

Voice vote: Ayes: 4 Nays: 0 Absent: 1 MOTION CARRIED

6. Call to the public:

Chairperson Priebe opened the hearing to the public for any item not on the agenda. There was no response. The call was closed.

7. Variance requests:

a. ZBA 2018-005

Owner: Daniel and Kristin Hall

Location: 5150 Redding Drive Pinckney MI 48169

Parcel ID: 15-22-300-047

Request: Variance application to allow for the construction of a 732-square foot attached garage with a 3.9-foot east front yard setback (15-foot front yard setback required, Section 8.3.2.).

Mr. Daniel Hall, applicant, thanked the board for their consideration at the last meeting. He stated that he revisited the plans and was not able to come up with anything better than what he originally proposed considering his needs and taking into consideration the neighbors' properties and lake views. He did have a couple of contractors look at the plans and they looked at a couple options, but they were not viable. He

stated that the minutes from the last meeting were very detailed and accurate, and he does not feel the need to make an additional presentation. He stated that a standard garage is 24'x24'. If the Board does not approve the request as submitted, he is asking that they approve the construction of a standard garage rather than the 24'x30' request. That should still allow him to construct another accessory structure.

Planning/Zoning Administrator Steffens stated that staff continues to recommend denial of the project as proposed. She stated that a 24'x24' garage would still require a variance, but it is a less intrusive variance. Staff does not like to add to a non-conforming situation particularly in an area that has been built with nonconformities. On Redding Drive it is difficult to tell where the road is, where people's property lines are, etc. This lot is a peculiar lot without a doubt and there are circumstances that do not apply to other lots in the general vicinity. If the Board does decide that a 24'x24' garage is acceptable, there are a couple conditions. This portion of the lot is identified by FEMA as being in the 100 year flood plain, therefore, a sealed topographical survey would have to be submitted showing the base flood elevation as well as the elevations of the existing structure and the proposed garage. Also, during a site visit on April 25, 2018, staff observed an area of blight in the front yard which is a violation of General Ordinance 38C. No land use permit may be issued until the blight is removed. If the Board approves something other than what has been submitted, we will need corrected construction plans as well as a corrected site plan. She stated that these conditions are required for a land use permit and does not have to be included in the motion

The question was asked if the applicant lives in the residence 12 months out of the year. Mr. Hall stated that he does not currently live there, however once the remodel is done, it is intended to be his residence.

Motion by Neilson, supported by Neilson

Motion to approve variance application ZBA 18-005 at 5150 Redding Drive to allow for the construction of a 24' x 24' attached garage with a 9.9-foot east front yard setback (15-foot front yard setback required, Section 8.3.2.). The variance does meet variance standards one through seven of Section 6.5 of the Township Ordinance and a practical difficulty does exist on the subject site when the strict compliance with the Zoning Ordinance standards are applied as discussed at tonight's hearing and as presented in the staff report based on the architectural plan dated April 13, 2018 and contingent upon the conditions set forth in the staff report. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

Chairperson Priebe stated that it is a unique situation based on the size and configuration of the lot as well as the placement of the home and surrounding neighbors.

Voice vote: Ayes: 4 Nays: 0 Absent: 1 MOTION CARRIED

b. ZBA 2018-006

Owner: Tim and Diane Comperchio

Location: 5591 Seney Circle Hamburg Township MI 48189

Parcel ID: 15-34-401-007

Request: Variance application to allow an enclosed sunroom to encroach 9 feet 11 inches into the required 35-foot rear yard setback (Section 7.6.1.).

Mr. Comperchio stated that in 2015 he received variance approval for a covered deck. At that time he was asked if they intended to enclose it at which time they did not intend to do so. They simply needed a covered area due to the fact that his wife has melanoma. Since that time after living here, they discovered the amount of mosquitos, etc. from the wooded area and they did enclose it. However, they did not know they needed a permit to do so. He apologized for his error.

Discussion was held on the required variance. It was stated that the original variance was for a covered porch, therefore this is a brand new project for an enclosed sunroom.

Planning/Zoning Administrator Steffens stated that the subject site is a 0.30-acre parcel located in the Mystic Ridge subdivision and improved with a 1,935-square foot single-family dwelling. Single-family dwellings are located to the north, south, and east; the west rear yard of the site adjoins the common open space of the subdivision. On June 10, 2015, the ZBA granted variance approval for the construction of a 17-foot by 14-foot covered porch off of the rear of the existing dwelling with a 9-foot, 11-inch encroachment into the required 35-foot rear yard setback. A land use permit was issued and the covered porch was constructed. Sometime between the construction of the porch in 2015 and 2018, the covered porch was converted into an enclosed three season sunroom. Because the enclosure went above and beyond what the ZBA approved, that triggered the need for an additional variance. She reviewed the seven standards of review. She stated that when the subdivision was developed, the rear yard setback was required to be 35 feet, rather than the 30 feet the zoning ordinance requires. The 35-foot rear yard setback does make it impractical for some lots to have accessory structures in the rear yard without variance approval. However, there is ample room to the north and south of the existing dwelling to construct additional enclosed living space and still conform to all setback requirements. While the rear of the site abuts the subdivision's open space, the neighboring properties abutting the open space have developed in accordance with the rear yard setbacks for enclosed living space. She stated that the possibility of increased financial return shall not be deemed sufficient to warrant a variance. An enclosed living space is more impactful than the previously approved covered patio. The ZBA did find in 2015 that a covered patio is a customary residential structure similar to those structures on surrounding properties. Staff can find no other variance approvals for accessory structures or enclosed living space on Seney Circle, indicating that neighboring properties have been developed in accordance with the zoning ordinance. The subject property is designated Low Density Rural Residential development in the future use map and is within the South Hamburg/Strawberry Lake Planning Area in the Township Master Plan. The Plan envisions single family residential development. We do have substantial requests filed for either rear or front yard variances, however they are usually constrained by environmental factors such as water or wetlands or small lot sizes. Most of our variance requests are on waterfront lots. This lot is not constrained by any of those factors. It is a typical subdivision lot. A zoning text amendment recently adopted by the township allows uncovered at-grade appurtenances to extend up to five feet from a lot line. This text amendment allows for greater flexibility for structures that are not as impactful as covered or enclosed structures. No neighboring properties have received variance approval for either accessory structures or enclosed living space. The property is currently used for single-family residential and the use will not change if the proposed variance request is granted. Finally, a covered patio was approved in 2015 and constructed per the variance approval. The decision to enclose the patio, contrary to the previous approval and the permit requirements, creates the self-created practical difficulty that drives the need for variance relief from the rear yard setback requirement. The lot can accommodate enclosed living space in a compliant location. The Board has to find that there is something about the property that is peculiar, that they cannot comply with the ordinance for enclosed living space. Staff does not believe there is a practical difficulty on this site.

The question was asked what would happen if the variance is denied. Steffens stated that they would have to return the enclosed living space to the covered porch that was approved in 2015.

Chairperson Priebe opened the public hearing. Hearing no public comment, the hearing was closed.

Priebe stated that the footprint is not changing. Discussion was held on the addition of the walls partially blocking the neighbors' views. It was stated that in 2015, if they applied for an enclosed porch, the Board may have considered it considering the applicant's wife, mosquitos, etc. Steffens stated that you cannot consider bugs or the applicant's conditions. You have to look at the lot.

Member Hollenbeck stated that he feels that tearing it down would be counter productive. However, he feels there should be some type of fine. It was stated that he was made to come back and pay the fee for the additional variance. Steffens stated that we do have an "after-the-fact" fee. Discussion was held on the applicant needing to pull permits at the County as well. Steffens stated that she understands that they do have an "after-the-fact" fee, however they typically only do that if someone is red-tagged.

The question was asked if the motion should include that the “after-the-fact” fee be applied. Steffens stated that we would apply that fee regardless.

Motion by Bohn, supported by Neilson

Motion to approve variance application ZBA 18-006 at 5591 Seney Circle to allow an enclosed sunroom to encroach 9 feet 11 inches into the required 35-foot rear yard setback (Section 7.6.1.). The variance does meet variance standards one through seven of Section 6.5 of the Township Ordinance and a practical difficulty does exist on the subject site when the strict compliance with the Zoning Ordinance standards are applied as discussed at tonight’s hearing and as presented in the staff report subject to an after-the-fact permit fee. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

Voice vote: Ayes: 4 Nays: 0 Absent: 1 MOTION CARRIED

Discussion was held on the process to obtain the proper land use and building permits.

8. New/Old Business:

- a. Approval of April 11, 2018 minutes and memorialization of findings for ZBA 18-004

Motion by Hollenbeck, supported by Watson

To approve the April 11, 2018 minutes and memorialization of findings for ZBA 18-004 as written

Voice vote: Ayes: 4 Nays: 0 Absent: 1 MOTION CARRIED

- b. Approval of May 9, 2018 minutes

Motion by Neilson, supported by Watson

To approve the May 9, 2018, 2018 as written

Voice vote: Ayes: 4 Nays: 0 Absent: 1 MOTION CARRIED

Brittany Stein, Planning/Zoning Coordinator stated that the Master Plan 2020 website is live which is linked through our Planning and Zoning website. Our survey is out there and we encourage anyone in the Township to take the survey and give us their feedback. We will be at the Hamburg Funfest from 3-8 p.m. Thursday through Saturday. The question was asked how many questions are on the survey. Stein stated that there are 13 questions, but they are multiple-part questions. Steffens stated that it is important to know what our residents want and how they envision the Township growing in the next 20+ years.

9. Adjournment:

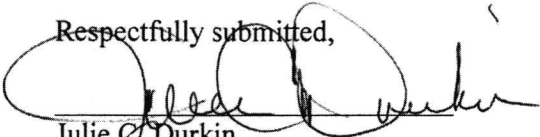
Motion by Hollenbeck, supported by Watson

To adjourn the meeting

Voice vote: Ayes: 4 Nays: 0 Absent: 1 MOTION CARRIED

The meeting was adjourned at 7:41 p.m.


Respectfully submitted,



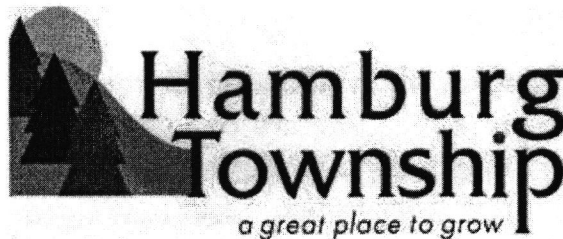
Julie C. Durkin
Recording Secretary

The minutes were approved

As presented/Corrected: 9.12.18



Chairperson Priebe



FAX 810-231-4295
PHONE 810-231-1000

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139

ZONING BOARD OF APPEALS MEMORIALIZATION OF FINDINGS

June 13, 2018

Approval of Variance (18-005)

PROJECT SITE: 5150 Redding Drive
TID 15-22-300-047

APPLICANT/OWNER: Daniel and Kristin Hall

PART I – PROJECT DESCRIPTION

Variance application to allow for the construction of a 24-foot by 24-foot attached garage with a 9.9-foot east front yard setback (15-foot front yard setback required, Section 8.3.2.).

PART II– FINDINGS FOR APPROVAL

The Zoning Board of Appeals approves the project described above because the Board finds that the project complies with the applicable standards of the township ordinance including the applicable variance standards as follows:

Variance Standards

- 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone.**

This portion of Redding Drive has been developed with access easements and non-conforming structures, and the delineation of property boundaries and right-of-way lines is not clear. Because Redding Drive terminates at the subject site there is an exceptional condition applicable to the property involved that does not apply generally to other properties in the same district or zone.

- 2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not be deemed sufficient to warrant a variance.**

A garage is a customary residential structure. The location of the proposed garage is not likely to impede the enjoyment of adjoining properties.

3. **That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.**

This portion of Redding Drive has been developed with access easements and non-conforming structures, and the delineation of property boundaries and right-of-way lines is not clear. Because Redding Drive terminates at the subject site the construction of a garage with a 9.9-foot front yard setback will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

4. **That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.**

The subject site is in the North Chain of Lakes planning area of the Master Plan. This area envisions waterfront and natural river district zoning closely tied to the lakes and Huron River. The proposed request would not adversely affect the purpose or objectives of the Master Plan.

5. **That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature.**

See analysis under standard number three.

6. **Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.**

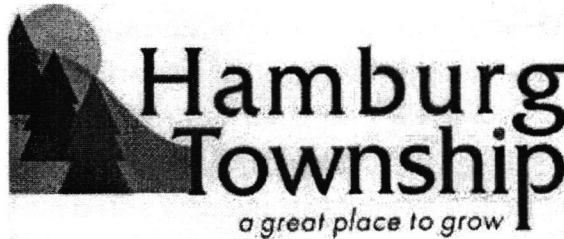
The use of the site is single-family residential and the proposed variance would not change the use.

7. **The requested variance is the minimum necessary to permit reasonable use of the land.**

A garage is a customary residential structure and is commonly found on adjacent properties. The location of the garage will not impede the use of adjoining properties or create a vehicular or pedestrian hazard.

Approved by the Hamburg Township Zoning Board of Appeal at a regular meeting on June 13, 2018 by the following vote:

AYES:	BOARD MEMBERS:	Priebe, Watson, Nielson, Hollenbeck
NOES:	BOARD MEMBERS:	
ABSENT:	BOARD MEMBERS	Bohn



FAX 810-231-4295
PHONE 810-231-1000

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ZONING BOARD OF APPEALS MEMORIALIZATION OF FINDINGS

June 13, 2018

Approval of Variance (18-006)

PROJECT SITE: 5591 Seney Circle N.
TID 15-34-401-007

APPLICANT/OWNER: Tim and Diane Comperchio

PART I – PROJECT DESCRIPTION

Variance application to allow an enclosed sunroom to encroach 9 feet, 11 inches into the required 35-foot rear yard setback (Section 7.6.1.).

PART II– FINDINGS FOR APPROVAL

The Zoning Board of Appeals approves the project described above because the Board finds that the project complies with the applicable standards of the township ordinance including the applicable variance standards as follows:

Variance Standards

- 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone.**
When the subdivision was developed, the rear yard setback was required to be 35 feet, rather than the 30 feet required by Section 7.6.1. of the zoning ordinance. The 35-foot rear yard setback does create a practical difficulty for the subject site to construct a conforming accessory structure to the rear of the dwelling.
- 2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not be deemed sufficient to warrant a variance.**
See analysis under standard number one.

3. **That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.**

The rear of the subject site abuts the subdivision's open space area and will not likely be materially detrimental the public welfare or be materially injurious to the property or improvements in such zone or district in which the property is located.

4. **That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.**

The subject site is designated low density rural residential development in the future use map and is within the South Hamburg/Strawberry Lake Planning Area in the township Master Plan. The plan envisions single family residential development and the proposed sunroom will not adversely affect the purpose or objectives of the master plan.

5. **That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature.**

See analysis under standards one and three.

6. **Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.**

The use of the site is single-family residential and the proposed variance would not change the use.

7. **The requested variance is the minimum necessary to permit reasonable use of the land.**

An enclosed sunroom is a customary and incidental residential use, similar to uses found on adjacent lots.

Approved by the Hamburg Township Zoning Board of Appeal at a regular meeting on June 13, 2018 by the following vote:

AYES:	BOARD MEMBERS:	Priebe, Watson, Neislon, Hollenbeck
NOES:	BOARD MEMBERS:	
ABSENT:	BOARD MEMBERS	Bohn