

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, July 10, 2019
7:00 P.M.**

1. Call to order:

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

2. Pledge to the Flag:

3. Roll call of the Board:

Present: Alternate Diepenhorst, Neilson, Priebe, Rill & Watson,

Absent: Auxier

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

4. Correspondence: None

5. Approval of Agenda:

Motion by Neilson, supported by Watson

To approve the agenda as presented

Voice vote: Ayes: 5 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:

ZBA 2019-0014

Owner: Bradley and Patricia Zalewski

Location: 8491 Baudine Rd., Pinckney MI 48169

Parcel ID: 15-17-301-070

Request: Variance application to allow for the construction of a 736-square foot addition on the south side of an existing dwelling. The addition will have an 11-foot west front yard setback along Baudine Road (25-foot front yard setback required, Section 7.6.1.) and a 35-foot setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3).

Mr. Zalewski stated that they moved here into a 1300 square foot home in March of this year. They are looking to add on to the home toward the water. He provided a brief slide show presentation. He stated that they are proposing a 164 square foot addition with a new master bedroom as well as extending the living room area. He further explained the interior renovations. It will be a better view of the lake and a pleasant view from the lake.

He presented pictures of the view of the home. He explained the proposed building setbacks. He explained what could be built if they met all of the setbacks. He presented pictures of other properties with setbacks less than the required 50 feet from the water as well as those that are less than 25 feet from the road.

Chairperson Priebe stated that we have received an email from Shari Gordy opposing the request.

Brittany Stein, Zoning Coordinator, stated that the variance application is to allow for the construction of a 736-square foot addition on the south side of an existing dwelling. A single-story dwelling is existing and a single-story addition is proposed. The addition will have an 11-foot west front yard setback along Baudine Road where a 25-foot front yard setback is required and a 35-foot setback from the ordinary high water mark of Rush Lake where a 50 foot setback is required. The subject site is a 19,000-square foot lot that fronts onto Baudine Road to the west, Rush Lake to the east and south, and single family dwellings are located to the north, east, and west of the site. The existing dwelling is a one-story, 1,632 square foot dwelling with a detached 270 square foot garage. A portion of the site lies within the 100 year floodplain. If the variance is approved, we will need an Elevation Certificate prior to issuing a land use permit. She discussed the seven findings of fact. This site has water on two sides, requiring a 50-foot setback on both sides, one being the canal and the other Rush Lake. Additionally, all WFR zoned properties are required to have a 25-foot front yard setback. Both setback requirements are intended to provide adequate space, open vistas, and privacy throughout neighborhoods and between structures on smaller residential lots. Development of a compliant single family dwelling addition on this corner lot is constrained by the lot depth which results in a small building envelope. This parcel and home constructed on the lot is considered non-conforming to the Zoning Ordinance. The lot is constrained by multiple factors. The lot is 83 feet deep from west to east, the street frontage is on the west side of the property boundary and requires a 25-foot front yard setback, and there is a required 50-foot setback from water on two sides of the lot. A 25 foot front yard setback is required along Baudine Road to the west and a 50-foot setback from the Ordinary high water mark is required from the east, leaving an approximate 8 foot wide potential buildable area on the site. Development possibilities are constrained on this lot, however it is encouraged to consider constructing a more compliant addition to the home, although no addition of this proposed size to the home would be compliant to the Zoning Ordinance. The existing home is setback 25 feet from the front property line. The proposed addition encroaches towards the front property line 11 feet. This addition would impact the surrounding properties, and the improvements would likely create sight visibility problems given the fact that the dwelling would be about 25 feet from the traveled roadway. These required setbacks are intended to provide adequate space, open vistas, and privacy throughout neighborhoods and between structures on smaller residential lots. The addition which encroaches towards the front property line is more impactful than the proposed setback from the ordinary high water mark of Rush Lake. The existing house meets the required 25-foot front yard setback, but it is currently 26 feet from the ordinary high water mark of Rush Lake. The proposed addition is setback further than the existing home from the Lake, which is likely not impactful for neighboring properties, but the portion of the addition into the front yard setback is going to be most impactful. It is encouraged to shift the proposed addition to meet the 25-foot front yard setback requirement. The subject site is in the West Hamburg/Rush Lake planning area of the Master Plan. This area envisions medium density residential development in the developed areas around Rush Lake. The proposed request would not adversely affect the proposed or objectives of the Master Plan. There is a condition or situation of the subject site that is of so general or recurrent a nature that the proposed addition to the existing dwelling cannot comply with the required front yard setback standards and ordinary high water mark setback standards. The short depth of this waterfront lot constrains development on this site for single family residential purposes. The use of the site is single-family residential and the proposed variance would not change the use. Given the constrained size of the buildable area on the waterfront lot with a front yard setback from the west property line of Baudine Rd. and an ordinary high water mark setback from two sides of the property, there is a practical difficulty in constructing a compliant dwelling and any customary additions on the lot.

Discussion was held on the neighbor's property across the street. Discussion was held on the letter of opposition. It was stated that her home is a canal front home, not a lake front home. It was stated that although we are sensitive to neighbors, there is nothing in our ordinance that guarantees view of the water from neighboring lots.

The question was asked if a vertical addition would comply with the terms of the ordinance. Stein stated that such an addition would not comply because of the non-conforming ordinance. Discussion was held on the very small addition that could be accomplished while meeting the setbacks.

Discussion was held on possible better location for an addition between the garage and the house. Ms. Zalewski stated that they talked about if they were going to put on an addition, they would like it closer to the water for better view given the location of the living room and master bedroom. Further discussion was held on the interior layout. Stein stated that much of this variance is based on personal preference, which cannot be considered when deciding the variance request.

Discussion was held on the road being a dead-end. Discussion was held on the limitations of the site.

Motion by Rill, supported by Watson

Motion to approve variance application ZBA 19-0014 at 8491 Baudine Rd. to allow for the construction of a 736-square foot addition on the south side of an existing dwelling. The addition will have an 11-foot west front yard setback along Baudine Road (25-foot front yard setback required, Section 7.6.1.) and a 35-foot setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3). 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 the meeting tonight and as presented in the staff report. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

Voice vote: Ayes: 5 Nays: 0 Absent: 1 MOTION CARRIED

8. New/Old business:

- a. Approval of June 12, 2019 Meeting Minutes

Chairperson Priebe stated that it should be noted that Member Neilson was absent.

Motion by Watson, supported by Rill

To approve the June 12, 2019 minutes as amended

Voice vote: Ayes: 5 Nays: 0 Absent: 1 MOTION CARRIED

Amy Steffens, Planning & Zoning Administrator, stated that the Township Attorney will be here on September 11th, which is a regularly scheduled meeting date. She will be providing training on ZBA member responsibilities and how to make findings defensible should the Township ever be sued over a ZBA decision. If we have a ZBA case, we will start the case at 6:00 p.m. and the Attorney will begin her presentation at 7:00 p.m. If there is something specific a member would like discussed, please let her know ahead of time. She further discussed other training opportunities that may be available to the board members.

9. Adjournment:

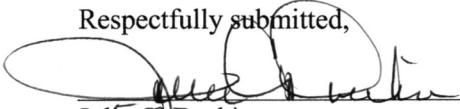
Motion by Neilson, supported by Rill

To adjourn the meeting

Voice vote: Ayes: 5 Nays: 0 Absent: 1 MOTION CARRIED

The meeting was adjourned at 7:39 p.m.

Respectfully submitted,



Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected: _____

Chairperson Priebe