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**Hamburg Township
Zoning Board of Appeals Minutes
Hamburg Township Board Room
Wednesday, April 10, 2019 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: Bohn, Neilson, Priebe, Rill & Watson,

Absent: Auxier

Also Present: Amy Steffens, Planning & Zoning Administrator & Brittney 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: 0 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 2019-004

Applicant: James and Jennifer Gauntlett

Location: 2105 Cardinal Court Pinckney, MI 48169

Parcel ID: 15-31-302-020

Request: Variance application to allow for the demolition of an existing dwelling and construction of a new 1,440 square foot single family dwelling with an attached two-car garage. The dwelling will have a 24.1-foot south front yard setback along Cardinal Court and a 16-foot west front yard setback along Algonquin Drive (25-foot front yard setback required, Section 7.6.1.fn4) and a 15-foot north rear yard setback (30-foot rear yard setback required, Section 7.6.1.).

Mr. Bruce Donovan, Builder for the applicants, stated that for clarification, they are planning to leave the sub-floor and foundation and taking it up from there. Originally, when it was approved, the Board thought that it was

just the second floor and attached garage. He discussed the problems with adding 2x6 studs with the old 2x4 studs.

Brittney Stein, Zoning Coordinator, stated that the subject site is a 6,142-square foot lot that fronts onto Cardinal Court to the south; Algonquin Drive to the west, and single family dwellings are located to the north and east of the site. The existing dwelling has an 864 square foot footprint, and is one and a half story. Additionally, the site plan indicates an existing non-conforming shed in the rear yard. Stein stated that based on FEMA's Flood Insurance Rate Map (FIRM), a portion of the site lies within the 100- year floodplain and any development of this site would require an elevation certificate. If the location of the proposed addition and location of the new dwelling is found to be in the floodplain, the top of the bottom floor must be at least one-foot above the base flood elevation. We did receive a 2009 letter of map amendment from FEMA, but anything new removes that LOMA from the property. Since there is an addition to the house, we will need that elevation certificate.

Stein gave a brief history of the request. She stated that on October 10, 2018, a ZBA hearing for second story addition and two-story addition, including garage onto existing house was approved. In March 2019, the Contractor/Builder wanted to obtain a land use permit for the project, described as removing all walls of existing structure and rebuilding, therefore not meeting the approvals of the ZBA.

Stein discussed the Standards of Review. This site is a corner lot requiring the primary structure to have a front yard setback from both Cardinal Court and from Algonquin Drive. The setback requirements are intended to provide adequate space, open vistas, and privacy throughout neighborhoods and between structures on smaller residential lots. Development of a single family dwelling on this corner lot is constrained by the size of the lot which results in a small building envelope. The property cannot accommodate a compliant single family dwelling. Currently, the lot is improved with an 864-square foot one and half story dwelling with no garage. The site is a corner lot requiring a 25-foot front yard setback from both Cardinal Court and from Algonquin Drive. The proposed two-story dwelling which includes a garage does not meet the ordinance, however corner lots provide reduced side, front and rear yard setbacks to adequately accommodate a detached garage that does meet the standards of the zoning ordinance. Again, a detached garage would meet the ordinance. Having frontage on two sides of this lot, does constrain development possibilities for the single family dwelling. Therefore, the lot may not accommodate a conforming dwelling. The rear yard abuts a lot with only an accessory structure, and the closest neighbor to the west is across Algonquin Drive. A detached garage could have five-foot setbacks from the rear and east side property lines, which staff believes would be more impactful than what is proposed. The provision of a 15-foot rear yard setback for the proposed garage attached to the home might be less detrimental than a detached garage built with a 5-foot rear and side yard setback. The subject site is in the North Chain of Lakes planning area of the Master Plan. The proposed request would not adversely affect the proposed 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 new dwelling cannot comply with the required front and rear setback standards. The surrounding dwellings have been constructed to comply with the required setbacks. The use of the site is single-family residential and the proposed variance would not change the use. Given the small size of the corner lot with double frontage, there is a practical difficulty in constructing a compliant dwelling.

Chairperson Priebe opened the hearing to the public. There was no response. The call was closed.

Chairperson Priebe asked for clarification that the shed would be removed. The applicant indicated that it would.

Motion by Bohn, supported by Watson

Motion to approve variance application ZBA 19-0004 at 2105 Cardinal Court to allow for the demolition of an existing dwelling and construction of a new 1,440 square foot single family dwelling with an attached two-car garage. The dwelling will have a 24.1-foot south front yard setback along Cardinal Court and a 16-foot west front yard setback along Algonquin Drive (25-foot front yard setback required, Section 7.6.1.fn4) and a 15-foot north rear yard setback (30-foot rear yard setback required, Section 7.6.1.). Approval is subject to removal of existing non-conforming shed or moving shed to meet Zoning

Ordinance requirements. 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. In addition, the alternative of an attached garage versus a more impactful detached garage is creative and consistent with the ordinances. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

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

8. New/Old business

- a) Approval of March 13, 2019 minutes and memorialization of findings.

Motion by Bohn, supported by Neilson

To approve the March 13, 2019 minutes and memorialization of findings as written

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

- b) Approval of February 27, 2019 Special Joint Meeting minutes

Motion by Rill, supported by Watson

To approve the February 27, 2019 Special Joint Meeting minutes as written

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

Amy Steffens, Planning & Zoning Administrator stated that there will be five cases for the May 8th meeting.

Discussion was held on the basis for which a member of the ZBA can abstain from voting on a particular case. Steffens reminded the members that they should not have ex-parte communication with any of the applicants scheduled to appear before the Board.

9. Adjournment

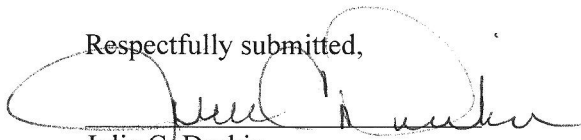
Motion by Neilson, supported by Watson

To adjourn the meeting


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

The meeting was adjourned at 7:21 p.m.

Respectfully submitted,


Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected: 5-8-19


Chairperson Priebe