
**Hamburg Township
Zoning Board of Appeals
Hamburg Township Board Room
Thursday, November 12, 2020**

AGENDA

- 1. Call to order**
- 2. Pledge to the Flag**
- 3. Roll call of the Board**
- 4. Correspondence**
- 5. Approval of agenda**
- 6. Call to the public**
- 7. Variance requests**
 - a. ZBA 2020-0019**

Owner: Kim Simecek
Location: 11585 Old Hamburg Road
Whitmore Lake, MI 48189
Parcel ID: 15-36-300-062
Request: Variance application to permit the construction of a new 672-square foot detached accessory building. The proposed accessory building will have a 4-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.)
 - b. ZBA 2020-0020**

Owner: Jeffrey Weiss
Location: Vacant on Baudine Road
Pinckney MI 48169
Parcel ID: 15-17-301-086
Request: Variance application to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017.
- 8. New/Old business**
 - a) Approval of October 14, 2020 minutes
- 9. Adjournment**



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7a



TO: Zoning Board of Appeals
(ZBA)

FROM: Amy Steffens, AICP

HEARING DATE: November 12, 2020

SUBJECT: ZBA 20-0020

PROJECT SITE: 11585 Old Hamburg Road
TID15-36-300-062

**APPLICANT/
OWNER:** Kim Simecek

PROJECT: Variance application to permit the construction of a new 672-square foot detached accessory building. The proposed accessory building will have a 4-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.)

ZONING: Water Front Residential (WFR)

Project Description

The subject site is an 0.76-acre parcel that fronts onto Old Hamburg Road to the west; Hamburg Lake is to the east; vacant parcels and single-family dwellings are located to the west, south, and north. If approved, the variance would permit the construction of a 24-foot by 28-foot detached garage with a four-foot front yard setback where a 25-foot front yard setback is required by Section 7.6.1.

Site History

In 2019, the lot with the dwelling was combined with two lots to the south, which added an additional 0.38-acre to the south side of the lot where the garage is proposed to be constructed.

The subject property is mapped within FEMA's 1 percent floodplain. Hamburg Township participates in the National Flood Insurance Program (NFIP). Proper enforcement of the building code standards is a prerequisite of the community's participation in the NFIP. Prior to issuance of a building permit, an elevation certificate would be required to ensure that any improvements would meet the floodplain development standards of Hamburg Township (Section 9.6.).

Standards of Review

In accordance with Section 6.5.C of the Hamburg Township Zoning Ordinance, the ZBA's decision on this matter is to be based on findings of fact to support the standards provided below. The applicable discretionary standards are listed below in **bold typeface**, followed by Staff's analysis of the request as it relates to these standards. A variance may be granted only if the ZBA finds that all of the following standards are met:

- 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.**

There is no exceptional or extraordinary circumstance applicable to this property that does not apply to other properties in the same district or zone. The site is a sizable 33,106 square feet and is significantly larger than a typical WFR-zoned parcel. Furthermore, the plot plan submitted by the applicant with the variance application clearly shows a complaint location for an accessory structure that would meet all township zoning ordinance requirements. The proposed location is a design preference of the applicant and is not due to a condition of the property. The location of the garage is a self-imposed practical difficulty and staff would not support a variance request with no practical-difficulty.

- 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 50-foot setback is required from a regulated wetland to provide a buffer to a sensitive ecological feature. The submitted plot plan shows that there is a compliant location to the wetlands. The applicant's findings of fact indicate that the proposed location would create less disruption for wetlands, waterfowl and other marine life but nothing has been submitted to support this claim. The 50-foot setback required by the township is 50 feet greater than what EGLE requires for a wetland setback. The entire garage could be moved directly east to meet the wetlands, front yard, and separation setback requirements and would be able to make use of the existing driveway.

- 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.**

A front yard setback serves multiple purposes: creates a visual buffer between the roadway and a structure, provides for safe sight lines as vehicles and pedestrians, and provides for

the orderly development of land. A request for a four-foot front yard setback when multiple compliant locations exist is a self-imposed practical difficulty and is not supportable by staff.

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

This property is located within the Waterfront Residential future land use district in the 2020 Master Plan this district allows for residential properties and is intended to protect the existing character of the area. Because of the size and design of the garage it appears to meet the intent of the Waterfront Residential future land use district.

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.

There is no situation of the subject site that is not of so general or recurrent a nature. The front yard setback applies to all properties in the township and is intended to protect vistas and site vision up and down a roadway. The submitted findings of fact indicate that the wetland setback and right-of-way affects finding a suitable location of the accessory structure. However, there is a compliant location for the accessory structure that meets the front yard setback and the wetlands setback. This site is deeper than a typical WFR-zoned lot and the additional square footage added to the lot in 2019 provides ample room for not only the proposed garage but a garage with a larger footprint.

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 site is zoned for single-family dwellings and related appurtenances. Approval of the variance request would not permit the establishment of a use not permitted by right within the district.

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

This site is zoned, developed, and used for a single-family residential purpose. While a garage is a customary accessory structure approving a structure to have 28 linear feet of bulk at four feet from the right-of-way is not the minimum necessary to permit reasonable use of the land given that the applicant has shown that there is a compliant building envelope.

“Practical difficulty” exists on the subject site when the strict compliance with the Zoning Ordinance standards would render conformity unnecessarily burdensome (such as exceptional narrowness, shallowness, shape of area, presence of floodplain or wetlands, exceptional topographic conditions).

Recommendation

Staff recommends denial of the variance request considering a thorough review and discussion among ZBA members.

Staff recommends the ZBA open the public hearing, take testimony, close the public hearing, evaluate the proposal for conformance with the applicable regulations, and deny or approve the application. In the motion to deny or approve the project, the ZBA should incorporate the ZBA's discussion and analysis of the project and the findings in the staff report. **Denial Motion**

Motion to deny variance application ZBA 20-0020 to permit the construction of a new 672-square foot detached accessory building. The proposed accessory building will have a 4-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.).

The variance does not meet variance standards one, two, three, five, or seven of Section 6.5 of the Hamburg Township Zoning Ordinance, and no practical difficulty exists on the subject site when strict compliance with the Zoning Ordinance standards is applied, as discussed at the meeting this evening.

Exhibits

Exhibit A: Application Materials

Exhibit B: Project Plans

Exhibit C: 2019 lot combination materials

ZBA Case Number 20-0019

\$500

Thurs. Nov. 12th

**APPLICATION FOR A ZONING BOARD OF APPEALS
(ZBA) VARIANCE/INTERPRETATION (FEE \$500, plus \$50
each additional)**

1. Date Filed: 10-13-20

2. Tax ID #: 15-36-300-062 Subdivision: _____ Lot No.: _____

3. Address of Subject Property: 11585 Old Hamburg Rd, Whitmore Lake, MI 48189

4. Property Owner: Kim Simecek Phone: (C) (734) 306-7407

Email Address: kasimecek@gmail.com (W) _____

Street: 11585 Old Hamburg Rd City: Whitmore Lake State: MI

5. Appellant (If different than owner): _____ Phone: (H) _____

E-mail Address: _____

(W) _____

Street: _____ City _____ State _____

6. Year Property was Acquired: 2016 Zoning District: WFR Flood Plain _____

7. Size of Lot: Front: 240 Rear: 240 Side 1: 148.5 Side 2: 95.6 Sq. Ft. 34,000

11. Dimensions of Existing Structure (s) 1st Floor _____ 2nd Floor _____ Garage _____

12. Dimensions of Proposed Structure (s) 1st Floor _____ 2nd Floor _____ Garage: 24x28x8

13. Present Use of Property: *Single Family Home*

14. Percentage of Existing Structure (s) to be demolished, if any: 0%

15. Has there been any past variances on this property? Yes _____ No X _____

16. If so, state case # and resolution of variance application _____

17. Please indicate the type of variance or zoning ordinance interpretation requested:

Non-conforming Buildings and Structures

garage 4 ft. to front lot line

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

Road Hamburg, Michigan
48139

P.O. Box 157 10405 Merrill

18. Please explain how the project meets each of the following standards:

a) 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.

Our lot is laid out differently than most lakefront lots. While most are long and narrow, ours is shallow and wide limiting our area for accessory buildings away from wetland areas.

b) 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.

The requested variance would place the structure further from wetland areas, as well as allow the homeowner to utilize existing driveway instead of creating an additional one. If we needed to add another driveway would likely double the entire footprint (cement pad, driveway, etc). Utilizing current drive will create less disruption for wetlands, waterfowl and other marine life.

c) 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.

Across the street is 23 acres. House is to the southwest, uphill and set back significantly from the road. There is no house directly to the north and one house directly to the south that will not be impacted. It will not obstruct view, air, or light.

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

Requested variance would not impact the master plan of the Township, nor would it obstruct views, light, or air for neighbors.

e) 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.

Unusual lot size and dimensions for lakefront. Wetland setback and road right of way setback affects suitable location. Generally lakefront properties are narrow and deep and this property is wide and shallow, therefore limiting area for suitable location for additional building structure.

f) Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district;

Garage is an accessory to our home therefore not changing the property type ie: multi-family, commercial, etc. The property will remain as a single family residential.

g) The requested variance is the minimum necessary to permit reasonable use of the land.

It will allow us to use the current driveway. Minimum impact on use of land in pertaining to building a driveway. Old Hamburg Road is an underused road and the set back from far edge of road is 25 ft. Set back from lot line/road right of way is 4ft. 2.5 ft from edge of bed.

• I hereby certify that I am the owner of the subject property or have been authorized to act on behalf of the owner(s) and that all of the statements and attachments are true and correct to the best of my knowledge and belief.

• I acknowledge that approval of a variance only grants that which was presented to the ZBA.

• I acknowledge that I have reviewed the Hamburg Township Zoning Ordinance, The ZBA Application and the ZBA Checklist and have submitted all of the required information.

• I acknowledge that filing of this application grants access to the Township to conduct onsite investigation of the property in order to review this application.

• I understand that the house or property must be marked with the street address clearly visible from the roadway.

• I understand that there will be a public hearing on this item and that either the property owner or appellants shall be in attendance at that hearing.

• I understand that a Land Use Permit is required prior to construction if a variance is granted.

• I understand that any order of the ZBA permitting the erection alteration of a building will be void after one (1) year (12 months), unless a valid building permit is obtained and the project is started and proceeds to completion (See Sec. 6.8 of the Township Zoning Ordinance).


Appellant's Signature Date

10/13/20 Owner's Signature Date

VARIANCE (ZBA) APPLICATION CHECKLIST:

Eight (8) sets of plans must be submitted. The sets are for the individual use of the Zoning Board members and for the Township's records. None will be returned to you. The Land Use Permit will not be released until three (3) final construction blueprints and three (3) copies of your site plan are submitted which have been prepared according to the

variances granted and conditions imposed at the appeals meeting.

Zoning Board of Appeals Application Form

Site (plot) Plan with the following information:

- Location and width of road(s) and jurisdiction (public or private road).
- Location and dimensions of existing/proposed construction.
- Dimensions, designation, and heights of existing structures on property clearly marked.
- Dimensions of property (lot lines).
- Location and dimensions of required setbacks.
- Measurement from each side of existing and proposed structure to the property lines.
- All easements.
- Any bodies of water (lake, stream, river, or canal) with water body name.
- Distance proposed structure and existing structures are from any body of water.
- Septic tank and field, sewer (grinder pump), and water well.
- All areas requiring variances clearly marked with dimensions and amount of variance requested.
- Any outstanding topographic features that should be considered (hills, drop-offs, trees, boulders, etc.)
- Any other information which you may feel is pertinent to your appeal.
- If the variance is to a setback requirement a licensed professional stamp shall be on the site plan.

Preliminary sketch plans:

a) Elevation plans:

- Existing and proposed grade
- Finished floor elevations
- Plate height
- Building height

Roof pitch b) Floor plans:

- Dimension of exterior walls
- Label rooms
- Clearly identify work to be done

Location of floor above and floor below **c) All other plans you may need to depict the variance**

you're requesting (surveys, grading plans, drainage plans, elevation certificates, topographical surveys, etc.)

- Proof of Ownership:** Include one of the following: a) Warranty Deed – showing title transaction bearing Livingston County Register of Deeds stamps, OR b) Notarized letter of authorization from seller of property giving the purchaser authorization to sign a Land Use Permit.

VARIANCE PROCESS:

Once a project is submitted: The Zoning Administrator will review your submittal to make sure you have submitted a complete set of project plans (1 week if complete).

Once the project has been deemed complete by the Zoning Administrator: The project will be scheduled for a Zoning Board of Appeals (ZBA) hearing. ZBA hearings are held the second Wednesday of each month. Your project will need to be deemed complete by the Zoning Administrator a minimum of three (3) weeks prior to a hearing in order to be scheduled for that hearing.

Once the project has been scheduled for a ZBA hearing: All property owners within a three hundred (300) foot radius of the subject property shall be notified of the date and time of the public hearing on your variance request and the basic nature of your proposed project and variances being requested, and the owner's name and address of the subject property. Notices will be sent on or before fifteen (15) days prior to the date of the hearing.

A public hearing notice stating all appeals for a given date will be published in the Tuesday edition of the Livingston County Daily Press & Argus fifteen (15) days prior to the date of the hearing.

At the ZBA meeting/hearing:

- You and/or your representative (Lawyer, builder, contractor, relative, friend, etc.) must attend.
- Variance requests/appeals are taken in order of submission.
- Unless your variance request/appeal is tabled due to lack of information, insufficiency of drawings, etc., you will know the disposition of the appeal at the meeting before you leave.
- ***No Land Use Permits will be available for pick up on the night of the meeting, so please do not ask the Zoning Administrator for them that night. You may bring the requirements for the Land Use Permit to the Township Zoning Department on the next business day.***
- In the event that the Zoning Board of Appeals **does not grant** your variance request there will be **no refund** of the filing fee, as it pays for administration costs, the member's reviewing and meeting time, and noticing costs in the newspaper and for postage.
- Rehearing requests may be charged \$200.00 for postage and newspaper costs in addition to the original \$500.00 charge, at the discretion of the Zoning Board of Appeals. Once the project has been approved: You will need to submit a completed Land Use Permit, three (3) sets of your final construction plans and three (3) copies of your site plan from which your project will actually be constructed, before your Land Use Permit will be released. If the Board has made special conditions, they must be met before your Land Use Permit will be released.

If the project is denied: Section 6.8 (C) of the Hamburg Township Zoning Ordinance states that a one (1) year period must elapse before a rehearing of the appeal “except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection of the Zoning Board of Appeals to be valid.”

Section 6.8 (E) of the Zoning Ordinance governs appeals to Circuit Court. If you desire to appeal the decision of the Zoning Board of Appeals, you need to contact your attorney for filing appeals to Circuit Court.

VARIANCE STANDARDS:

Variance: (*definition*) A modification of the literal provisions of the zoning ordinance granted when strict enforcement would cause undue hardship due to circumstances unique to the individual property for which the variance is granted.

Section 6.5 (C) & (D) of the Township Zoning Ordinance:

A. Where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would involve practical difficulties, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Zoning Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Zoning Ordinance shall be granted unless it appears that, at a minimum, the applicant has proven a practical difficulty and that all the following facts and conditions exist:

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. 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. 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. 4. That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township. 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. 6. Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district. 7. The requested variance is the minimum necessary to permit reasonable use of the land.

B. For the purpose of the above, a “practical difficulty” exists on the subject land when the strict compliance with the Zoning Ordinance standards would render conformity unnecessarily burdensome (such as exceptional narrowness, shallowness, shape of area, presence of floodplain or wetlands, exceptional topographic conditions), and the applicant has proven all of the standards set forth in Section 6.5 (C) (1) through (7). Demonstration of practical difficulty shall focus on the subject property or use of the subject property, and not on the applicant personally.

C. In consideration of all appeals and all proposed variations to this Zoning Ordinance, the Zoning Board of Appeals shall, before making any variations from this Zoning Ordinance in a specific case, determine that the standards set forth above have been met, and that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the inhabitants of the Township.



Chelsea Lumber Company Quotation Package

Construction
Maestro[®]
Estimating Software
Pole Barns, Garages & Decks

QUOTATION FOR:

Brian Finrock
Customer Address Not Provided
Saline, MI 48176
Customer Phone Not Provided

CONTACT:

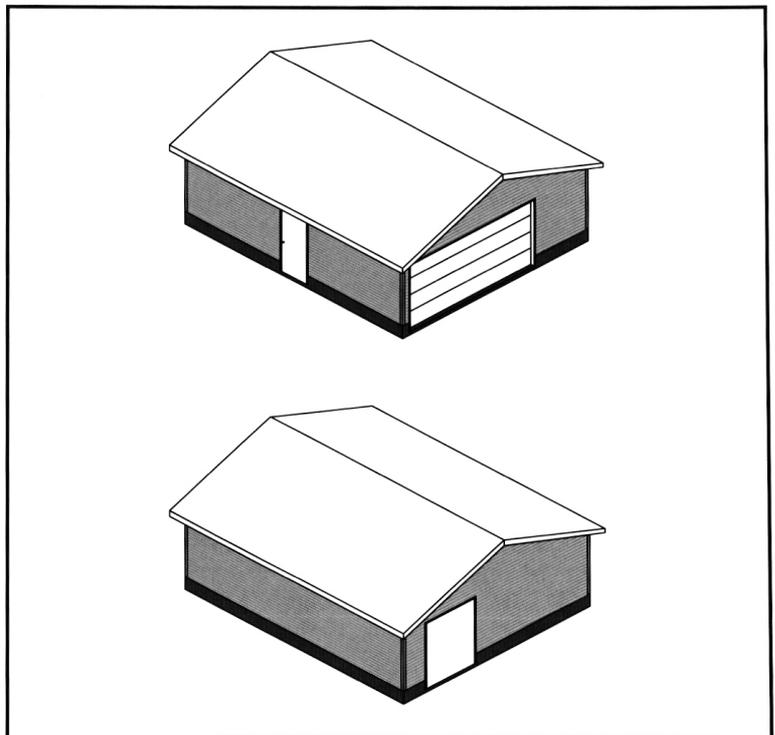
Brandon Smith
600 E. Michigan Ave.
Saline, MI 48176
888-429-5454

CONSTRUCTION: DIMENSIONS:

Stud Frame
24' X 28' X 8'

SPECIFICATIONS FOR 24' X 28' X 8' STUD FRAME PACKAGE:

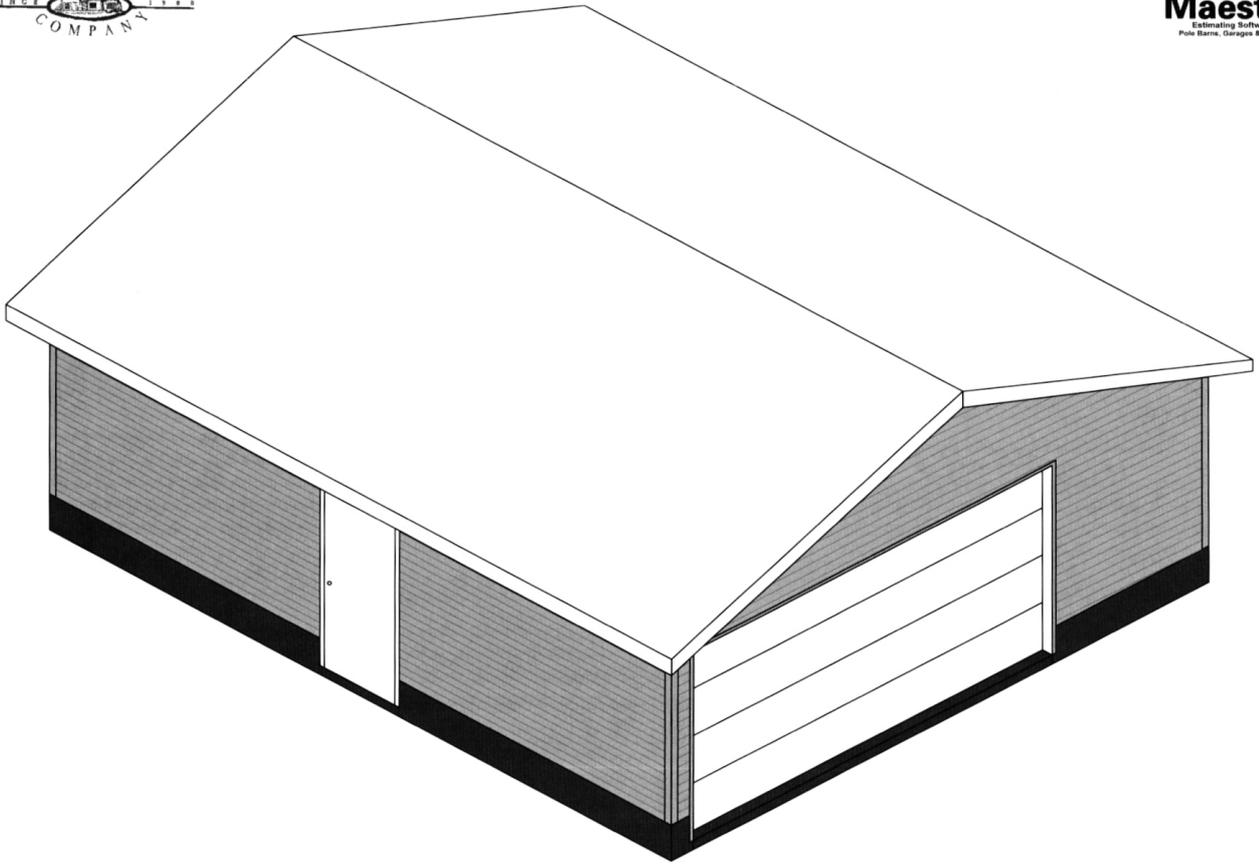
- **MATERIAL PACKAGE**
 - Pre-Engineered Wood Trusses (4/12 Pitch, 2' O/C)
 - 2 x 6 Premium Grade SPF Studs (16" O/C)
 - 2 x 8 Treated Foundation Sill Plate
 - 7/16" OSB on Walls
 - 1/2" OSB on Roof
 - Style Crest Alpine Ridge Clap Board Pebble Clay Vinyl Siding
 - G A F Dimensional Timberline 30 Charcoal Blend Shingle
- **DOORS & WINDOWS**
 - One Haas A2 16X7 Overhead L H R #2580L Insulated Ins.
 - One 3' Flush Entry Door
 - One 6' Double 9 Lite Entry Door
- **12" OVERHANG ON ALL SIDES ALUM. SOFFIT**
- **FASTENERS**
 - 1 1/2 In. Roofing Nails for Vinyl Siding
 - 1 1/4 In. Generic Coil Roofing for Shingles
 - Paslode 3 In. Framing for Studs
- **DETAILED BUILDING PLANS**



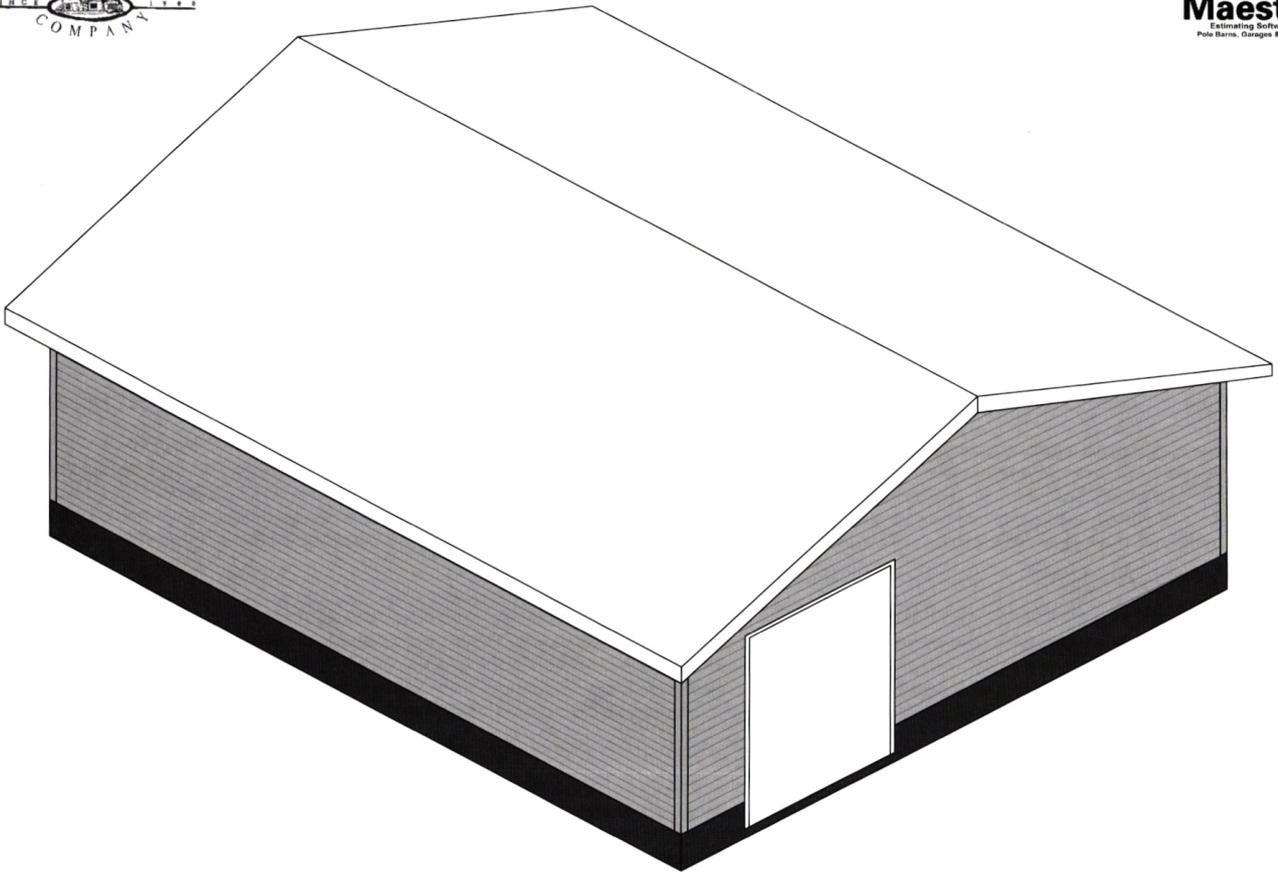
QUOTATION DATE: 10/24/2019

ESTIMATE NUMBER: 3611

Prices are good for 30 days, until 11/23/2019



"Brian Finrock
Estimate Number: 3611
10/24/2019"



"Brian Finrock
Estimate Number: 3611
10/24/2019"

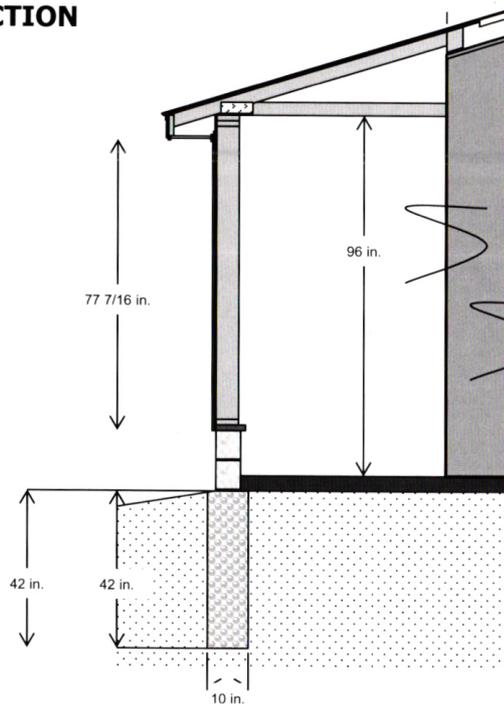


GABLE2 CROSS SECTION

ROOF LAYER 1: 1/2 IN. X 4 FT. X 8 FT. ORIENTED STRAND BOARD
ROOF LAYER 2: #15 FELT PAPER
ROOF LAYER 3: G A F TIMBERLINE 30 CHARCOAL BLEND SHINGLES

SUB FACIA: 2 X 6 PREMIUM GRADE SPF
DRIP FLASHING: QUALITY ALUMINUM PRODUCTS WHITE 10 FT DRIP
FACIA COVERING: QUALITY ALUMINUM PRODUCTS WHITE 6 IN X 12 FT ALUMINUM FACIA
UNDEREAVE: QUALITY ALUMINUM WHITE 12 IN X 12 FT ALUMINUM SOLID SOFFIT

FRAMING: PREMIUM GRADE SPF 2 X 6 16 IN. O.C. STUDS
BOTTOM PLATE: PREMIUM GRADE SPF 2 X 6
WALL LAYER 1: 7/16 IN. X 4 FT. X 8 FT. ORIENTED STRAND BOARD
WALL LAYER 2: HOUSE WRAP (REX, TYVEK, BARRICADE)
WALL LAYER 3: STYLE CREST ALPINE RIDGE PEBBLE CLAY DOUBLE 4 VINYL SIDING



4/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL (HEEL HEIGHT: 0-3-15 OR 4 IN.)
TRUSS SPACING: 24 IN. O.C.
TRUSS LOADING INFORMATION:
TCLL/TCDL/BCLL/BCDL 35-7-0-10
TOTAL TRUSS LOADING = 52 P.S.F.
BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 12 IN. BELOW THE TOP OF THE FOUNDATION
4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH - 3500 P.S.I.
UNDISTURBED SOIL OR COMPACTED SAND FILL

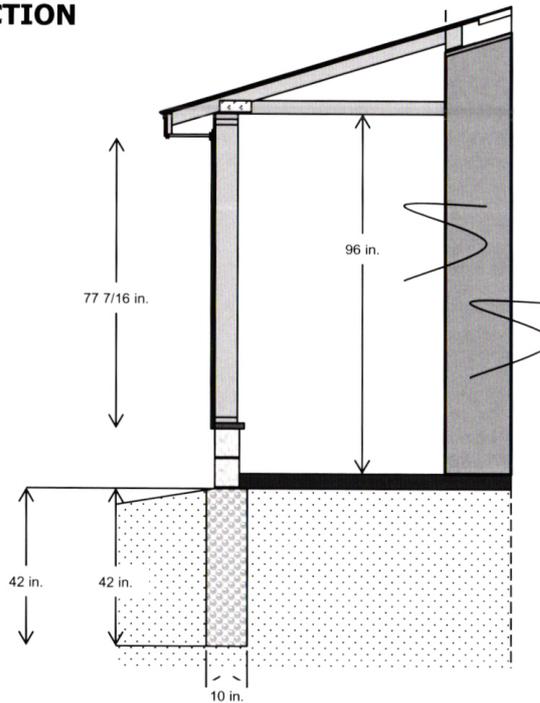


GABLE1 CROSS SECTION

ROOF LAYER 1: 1/2 IN. X 4 FT. X 8 FT. ORIENTED STRAND BOARD
ROOF LAYER 2: #15 FELT PAPER
ROOF LAYER 3: G A F TIMBERLINE 30 CHARCOAL BLEND SHINGLES

SUB FACIA: 2 X 6 PREMIUM GRADE SPF
DRIP FLASHING: QUALITY ALUMINUM PRODUCTS WHITE 10 FT DRIP
FACIA COVERING: QUALITY ALUMINUM PRODUCTS WHITE 6 IN X 12 FT ALUMINUM FACIA
UNDEREAVE: QUALITY ALUMINUM WHITE 12 IN X 12 FT ALUMINUM SOLID SOFFIT

FRAMING: PREMIUM GRADE SPF 2 X 6 16 IN. O.C. STUDS
BOTTOM PLATE: PREMIUM GRADE SPF 2 X 6
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WALL LAYER 3: STYLE CREST ALPINE RIDGE PEBBLE CLAY DOUBLE 4 VINYL SIDING



4/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL (HEEL HEIGHT: 0-3-15 OR 4 IN.)
TRUSS SPACING: 24 IN. O.C.
TRUSS LOADING INFORMATION:
TCLL/TCDL/BCLL/BCDL 35-7-0-10
TOTAL TRUSS LOADING = 52 P.S.F.
BRACE PER TRUSS MANUFACTURER'S RECOMMENDATIONS

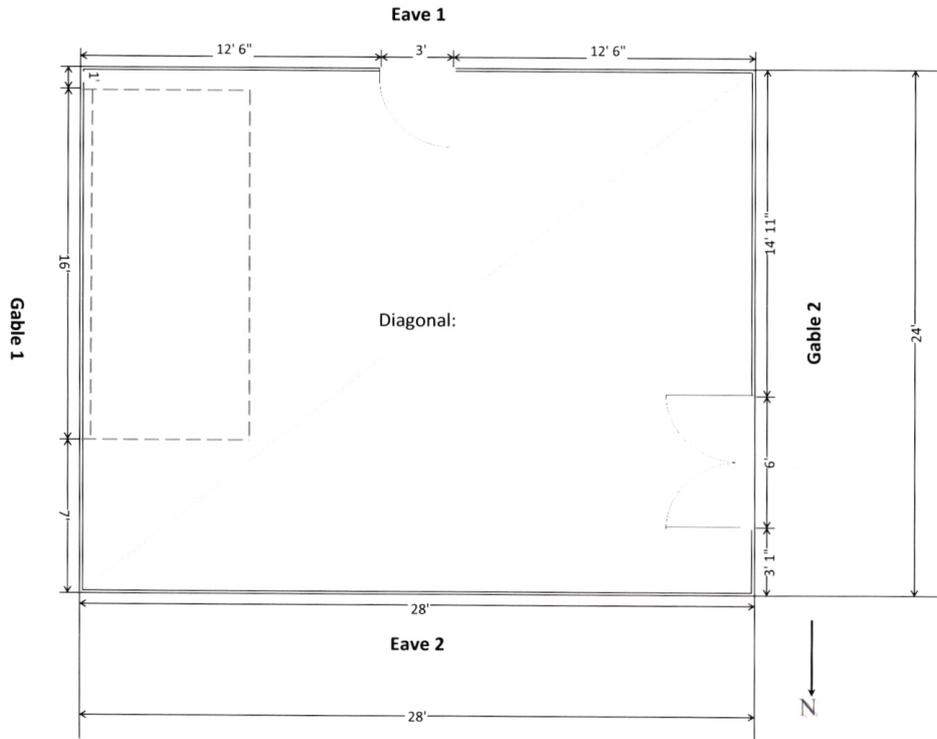
INTERIOR FINISHED FLOOR HT. WILL BE 12 IN. BELOW THE TOP OF THE FOUNDATION
4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH - 3500 P.S.I.
UNDISTURBED SOIL OR COMPACTED SAND FILL

"Brian Finrock
Estimate Number: 3611
10/24/2019"



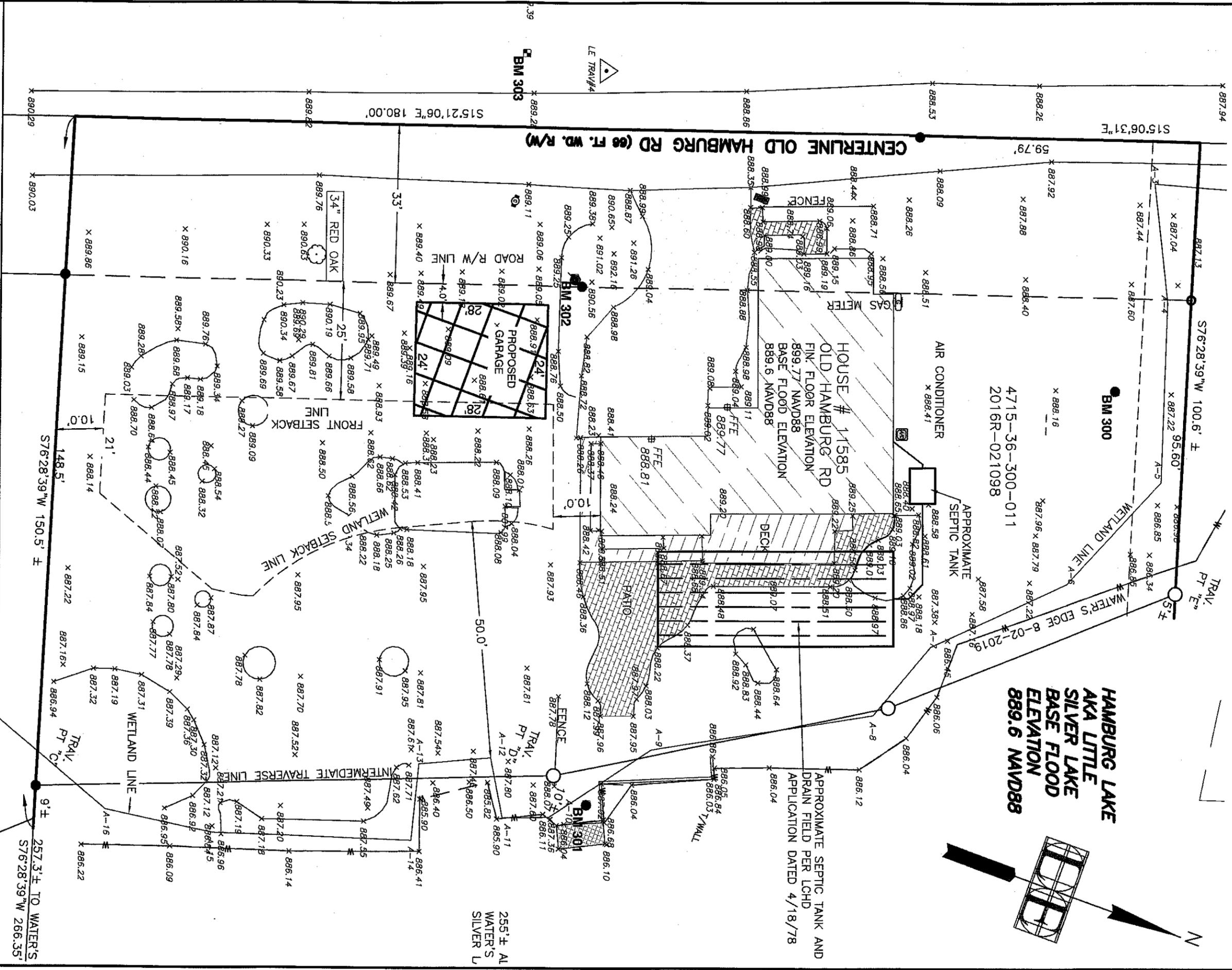
GARAGE FLOOR PLAN

672 sq. ft.

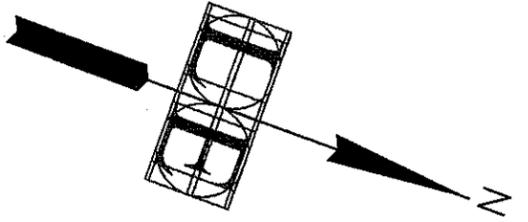


"Brian Finrock
Estimate Number: 3611
10/24/2019"

PLOT PLAN



**HAMBURG LAKE
AKA LITTLE
SILVER LAKE
BASE FLOOD
ELEVATION
889.6 NAVD88**

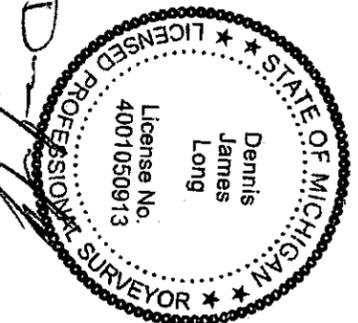


LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING
3300 S. OLD U.S., BRIGHTON, MI 48114
INTERNET: WWW.LIVINGSTONENG.COM PHONE: (810) 225-7100 FAX: (810) 225-7699

CLIENT
KIM SIMECEK

0'	20'	40'
SCALE 1"=20'	JOB No. 18187-1	REV. 09-22-2020
SHEET No. 1 OF 1	DRAWN WRS/DJL	CREW ME/CW

DATE 08-26-2019	DESCRIPTION SW 1/4 SECTION 36 T1N-R5E, HAMBURG TWP LIVINGSTON COUNTY, MI
CHECK	PLLOT PLAN



PLD 19-0010/19-0011/19-0012

APPLICATION FOR LAND COMBINATION / DIVISIONS AND BOUNDARY ADJUSTMENTS

*** NOTICE: NO LAND DIVISIONS/COMBINATIONS WILL BE COMPLETED UNTIL ALL TAXES BILLED ARE PAID IN FULL! *
ONCE COMBINED, PARCEL MAY NOT BE SPLIT IN THE FUTURE, UNLESS ALL TOWNSHIP REQUIREMENTS ARE MET.
(If you have questions please contact your attorney)**

APPLICATION IS HEREBY MADE FOR THE FOLLOWING:

Metes and Bounds Parcels (Parcels Not in Subdivisions):

- Combination
- Division into: ___# Parcels
- Boundary Adjustment

Platted Lots of Record (Lots in Subdivisions):

- Combination of Entire Lots along existing platted lot lines
- Separation of Entire Lots along existing platted lot lines
- Division/Combination of portions of existing platted lots of record
- Boundary adjustment

PROPERTY INFORMATION:

Tax Code Number(s):
 4715 36 300-009 / 10
 4715 36 300-010 058 (011)

Property is:

- Metes and Bounds (Not in a Subdivision)
- In a Subdivision:
 Subdivision Name: _____
 Lot Number(s): _____

STREET ADDRESS: 11585/11599 OLD HAMBURG RD.

ZONING DISTRICT: _____

IS/ARE PARCEL(S) IN A SPECIAL ASSESSMENT DISTRICT:

- NO
- YES, FOR A: -ROAD -DRAINAGE -SEWER

ROAD / DRIVEWAY INFORMATION:

- An existing road, named: OLD HAMBURG, which is a County Road or Private Road, will serve as access to the resulting parcel(s).
- A new road, to be named: _____, which will be a County Road or Private Road, will serve as access to the resulting parcel(s).
- Access to parcels: Each parcel does or does not have its own individual driveway for access off the above road.
- Road variances from the Private Road Ordinance will be required from the Township Board.
- Driveway variances from Section 10.8 of the Zoning Ordinance / Private Road Ordinance will be required from the Township Zoning Board of Appeals / Township Board.
- Shared Access Driveway: Attached is proposed Deed Restriction showing shared access driveway language to be recorded.

DESCRIBE NATURE OF DIVISION / COMBINATION OF PARCEL / LOTS BEING REQUESTED (USE ADDITIONAL SHEET IF NECESSARY):

COMBINING 3 PARCELS

STRUCTURES CURRENTLY ON THE PARCEL(S)/LOT(S):
(Check all that apply)

- None (Vacant)
- Residential: -House -Garage -Shed
-Fence -Pole Barn -Pool -Gazebo
- Commercial/Industrial: -Number of Buildings: _____
-Storage Lot -Other: _____

SURVEY INFORMATION:

A SEALED SURVEY BY A REGISTERED SURVEYOR IS REQUIRED FOR ALL LAND DIVISIONS / COMBINATIONS WITH THE EXCEPTION OF COMBINATIONS OF PLATTED LOTS OF RECORD IN A SUBDIVISION.

NAME OF SURVEYOR: WILLIAM STREBBING
 SURVEYING FIRM NAME: LIVINGSTON ENGINEERING
 ADDRESS: 33005 US OLD 23
BRIGHTON, MI 48114
 PHONE: 810-225-7100 FAX: _____
 DATE OF SURVEY: MARCH 2019 SURVEY NUMBER: _____

OWNER/APPLICANT INFORMATION:

Name: KIM SIMECEK
 Name: _____
 Address: 11585 OLD HAMBURG RD
WHITMORE LAKE MI 48189
 Phone: Home: _____ Work: _____
 Fax: _____ Mobile: 734306-7407

I AM/WE ARE THE LEGAL OWNER(S) OF RECORD OF THE ABOVE-LISTED PARCEL(S)/LOT(S) AND HEREBY REQUEST THAT IT BE DIVIDED/COMBINED INTO INDIVIDUAL LEGAL DESCRIPTIONS WITH NEWLY DESIGNATED TAX CODE NUMBERS. (NOTE: ALL OWNERS OF RECORD MUST SIGN!)

I/we acknowledge that property transferred may be encumbered by mortgage holders and may cloud the title after a transfer.

[Signature] 3/21/19
 Owner Signature Date
 _____ Date
 _____ Date
 _____ Date
 _____ Date

FEE DUE: \$100 PER PARCEL/LOT THAT REQUIRES PREPARATION OF A NEW TAX IDENTIFICATION CARD. EXCEPTION: NO CHARGE FOR COMBINATION OF EXISTING METES & BOUNDS PARCELS/PLATTED LOTS OF RECORD FOR TAX PURPOSES ONLY!

\$ _____ Due Date Paid: _____ Receipt No.: _____

DEPARTMENTAL APPROVALS

(FOR OFFICE USE ONLY)

YES NO ASSESSING:

- These properties are able to be split/combined.
- Ownership records are in order.
- Accurate survey.
- Accurate legal descriptions.

Date: _____

Assessor: _____

YES NO TREASURER:

- As of _____, 20____,
(month) (day) (year)
Township Records show that all taxes billed to date on the above referenced parcel(s) have been paid to date.
- This parcel is in the _____
Special Assessment District.
- Owner name(s) match application.

Date: _____

Treasurer: _____

YES NO ZONING:

- Well approved / Sanitary Sewer Requirements?
- A site inspection is required.
Inspection Date: _____
- Driveway requirements are met.
- Recommend approval.
- Additional requirements: _____

** Lot may NOT be split in the future, unless all Township requirements are met **

Date: _____

Zoning Administrator: _____

DEPARTMENTAL APPROVALS

(FOR OFFICE USE ONLY)

YES NO UTILITIES:

- The parcel(s) is within a Special Assessment District(s).

Describe special assessments and their distribution:

Date: _____

Utilities Coordinator: _____

YES NO ACCOUNTING:

- Distribution of assessments has been allocated.
- Payoff of assessments has been made

If yes, describe the assessment and payoff, and if any remain, describe:

Date: _____

Accounting Clerk: _____

YES NO SUPERVISOR:

- Recommend approval.

Special Conditions: _____

Date: _____

Supervisor: _____

EXISTING PARCELS

N 1/4 COR.
SEC. 36
T1N-R5E

NORTH LINE D.D.HUGHES
SURVEY #88471
DATED 01-10-1989

W 1/4 COR
SEC. 36
T1N-R5E

S88°58'22"E (M) S 88°58'32" E (R) 497.68'

N00°07'36"E
105.26'
S88°45'30"E
1318.94'
NW COR
OF NE 1/4
OF SW 1/4
SEC. 36
AS
MONUMENTED

LITTLE SILVER LAKE
EAST-WEST 1/4 LINE SECTION 36

NORTH-SOUTH 1/4 LINE SECTION 36
S00°17'04"W 153.50'

CENTER
SEC. 36
T1N-R5E
(IN LAKE)

LITTLE SILVER LAKE

**EX. PARCEL
0.15 AC.±**

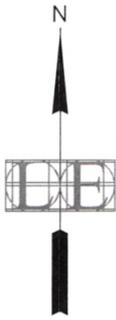
**EX. PARCEL
0.23 AC.±**

**EX. PARCEL
0.38 AC.±**

NORTH-SOUTH 1/4 LINE SECTION 36
S00°17'04"W 442.40'

CENTERLINE OLD HAMBURG RD (66 FT. WD. R/W)

LAKEVIEW SHORES NO. 1 SUBDIVISION L.9, P29 LCR



- LEGEND**
- SECTION CORNER
 - SET IRON ROD
 - FOUND MONUMENT
 - FOUND IRON ROD/PIPE
 - FENCE
 - SOIL BORING

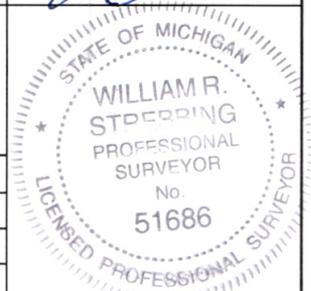
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/150,000 AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT 132-10.



LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING

3300 S. OLD U.S., BRIGHTON, MI 48114
PHONE: (810) 225-7100 FAX: (810) 225-7699

INTERNET: WWW.LIVINGSTONENG.COM



CLIENT SIMECEK	0' 100' 200'	DATE 2019-03-13
DESCRIPTION WEST 1/2 SEC. 36 T1N-R5E, HAMBURG TOWNSHIP LIVINGSTON COUNTY, MI		REV.
	SCALE 1"=100'	JOB No. 18187-1
	SHEET No. 1 of 4	DRAWN WRS
		CHECK

COMBINED PARCEL

N 1/4 COR.
SEC. 36
T1N-R5E

NORTH LINE D.D.HUGHES
SURVEY #88471
DATED 01-10-1989

W 1/4 COR
SEC. 36
T1N-R5E

N00°07'36"E
105.26'
S88°45'30"E
1318.94'

NW COR
OF NE 1/4
OF SW 1/4
SEC. 36
AS
MONUMENTED

S88°58'22"E (M) S 88°58'32" E (R) 497.68'

**LITTLE
SILVER LAKE**

EAST-WEST 1/4 LINE SECTION 36

**NORTH-SOUTH
1/4 LINE
SECTION 36**

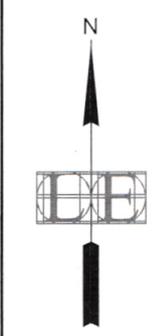
CENTER
SEC. 36
T1N-R5E
(IN LAKE)

**LITTLE
SILVER LAKE**

**COMBINED PARCEL
0.76 AC.±**

**CENTERLINE
OLD HAMBURG
RD (66 FT. WD. R/W)**

NORTH-SOUTH 1/4 LINE SECTION 36



LEGEND	SECTION CORNER	SET IRON ROD	FOUND MONUMENT
	FENCE	FOUND IRON ROD/PIPE	SOIL BORING

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1/150,000 AND THAT SAID SURVEY FULLY COMPLIES WITH THE REQUIREMENTS OF PUBLIC ACT 132-10.

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INTERNET: WWW.LIVINGSTONENG.COM PHONE: (810) 225-7100 FAX: (810) 225-7699



CLIENT SIMECEK	0' 100' 200'		DATE 2019-03-13
DESCRIPTION WEST 1/2 SEC. 36 T1N-R5E, HAMBURG TOWNSHIP LIVINGSTON COUNTY, MI			REV.
	SCALE 1"=100'	JOB No. 18187-1	CREW ME
	SHEET No.2 of 4	DRAWN WRS	CHECK

EXISTING PARCELS

PARCEL

Part of Tax Id No. 4715-36-300-040 conveyed by Warranty Deed in Document 2018R-028946 Livingston County Records

Part of the Southwest 1/4 of Section 36, T1N-R5E, Hamburg Township, Livingston County, Michigan, more particularly described as follows: Commencing at the West 1/4 corner of said Section 36; thence along the East-West 1/4 line of said Section 36, (as monumented) S 88°45'30" E, 1318.94 feet; thence along the centerline of Hamburg Road (66 foot wide Right-of-Way) N 00°07'36" E, 105.26 feet; thence along a line previously surveyed and monumented by Darrell D. Hughes, Job No. 88471, S 88°58'23" E, 851.25 feet; thence along the centerline of Old Hamburg Road (66 foot wide Right of Way), S 00°45'02" W, 264.90 feet to a found iron rod; thence continuing along the centerline of said Old Hamburg Road S 15°06'31" E, 149.18 feet to the POINT OF BEGINNING of the Parcel to be described; thence N 76°28'39" E, 95.60 feet to Traverse Point "F"; thence continuing N 76°28'39" E, 5 feet, more or less to the water's edge of Little Silver Lake; thence Southerly along the water's edge of Little Silver Lake, 73 feet, more or less; thence S 76°28'39" W, 10 feet, more or less to Traverse Point "E", being the endpoint of an intermediate traverse line beginning at aforementioned Traverse Point "F" and having the following course; S 37°59'24" E, 65.66 feet; thence continuing S 76°28'39" W, 121.14 feet; thence continuing along the centerline of Old Hamburg Road N 15°21'06" W, 59.76 feet to the Point of Beginning; containing 0.15 acres, more or less, and subject to the rights of the public over the existing Old Hamburg Road. Also subject to any other easements or restrictions of record.

Parcel Tax Id No. 4715-36-300-009 and 4715-36-300-010 per Warranty Deed 2018R-022029 Livingston County Records.

Situated in the Township of Hamburg, County of Livingston, State of Michigan

A part of the Northeast 1/4 of the Southwest 1/4 of Section 36, T1N, R5E, Hamburg Township, Livingston County, Michigan, described as follows: Beginning in the centerline of the highway, at a point 485 feet South and 942.9 feet East of the Northwest corner of said Northeast 1/4 of Southwest 1/4; thence North 75 degrees East 147.5 feet; thence South 18 degrees 15' East 40 feet; thence South 75 degrees West 148.5 feet; thence North 16 degrees 45' West 40 feet to the place of beginning. ALSO commencing at the Northwest corner of said Northeast 1/4 of the Northwest 1/4; thence South 351 feet; thence East 902 feet; thence South 16 degrees 45' East 105 feet for a place of beginning; thence North 75 degrees East 146.6 feet; thence South 18 degrees 15' East 35 feet; thence South 75 degrees West 147.5 feet to the center of highway; thence North 16 degrees 45' West 35 feet along the centerline of said highway to the place of beginning.

A part of the Northeast 1/4 of the Southwest 1/4 of Section 36, T1N, R5E, Hamburg Township, Livingston County, Michigan, described as follows: Commencing at the Northwest corner of said Northeast 1/4 of the Northwest 1/4; thence South 351 feet; thence East 902 feet; thence South 16 degrees 45' East 70 feet for a place of beginning; thence North 75 degrees East 145.75 feet; thence South 18 degrees 15' East 35 feet; thence South 75 degrees West 146.6 feet to the center of highway; thence North 16 degrees 45' West 35 feet along the centerline of said highway to the place of beginning.

PARCEL Tax Id No. 4715-36-300-011 as surveyed

Part of the Southwest 1/4 of Section 36, T1N-R5E, Hamburg Township, Livingston County, Michigan, more particularly described as follows: Commencing at the West 1/4 corner of said Section 36; thence along the East-West 1/4 line of said Section 36, (as monumented) S 88°45'30" E, 1318.94 feet; thence along the centerline of Hamburg Road (66 foot wide Right-of-Way) N 00°07'36" E, 105.26 feet; thence along a line previously surveyed and monumented by Darrell D. Hughes, Job No. 88471, S 88°58'23" E, 851.25 feet; thence along the centerline of Old Hamburg Road (66 foot wide Right of Way), S 00°45'02" W, 264.90 feet to a found iron rod; thence continuing along the centerline of said Old Hamburg Road S 15°06'31" E, 208.97 feet to a found iron rod at the POINT OF BEGINNING of the Parcel to be described; thence N 76°28'39" E, 121.14 feet to Traverse Point "E"; thence continuing N 76°28'39" E, 10 feet, more or less to the water's edge of Silver Lake; thence Southerly along the water's edge of Silver Lake, 72 feet, more or less; thence S 76°27'57" W 10 feet, more or less to Traverse Point "D", being the endpoint of an intermediate traverse line beginning at aforementioned Traverse Point "E" and bearing S 27°53'38" E, 72.47 feet; thence continuing S 76°27'57" W, 136.89 feet; thence continuing along the centerline of Old Hamburg Road N 15°21'06" W, 70.27 feet to the Point of Beginning; containing 0.23 acres, more or less, and subject to the rights of the public over the existing Old Hamburg Road. Also subject to any other easements or restrictions of record.



L I V I N G S T O N E N G I N E E R I N G

3300 S. Old US-23
Brighton, Michigan 48114
(810) 225-7100 Fax (810) 225-7699
Page 3 of 4

Parcel Tax Id No. 4715-36-300-011 per Warranty Deed 2016R-021098 Livingston County Records.

Part of the Northeast ¼ of the Southwest ¼ of Section 36, Township 1 North, Range 5 East, Hamburg Township, Livingston County, Michigan, described as follows: Commencing at the Northwest corner of said Northeast ¼ of the Southwest ¼, thence South 351 feet; thence East 902 feet for a PLACE OF BEGINNING; thence North 75 degrees East, 144 feet; thence South 18 degrees 15' East, 70 feet; thence South 75 degrees West, 145.75 feet to the centerline of Highway; thence North 16 degrees 45' West, 70 feet along the centerline of said Highway to PLACE OF BEGINNING.

Commonly known as: 11585 Old Hamburg Rd., Whitmore Lake, MI 48189

COMBINED PARCEL

COMBINED PARCEL

Part of the Southwest 1/4 of Section 36, T1N-R5E, Hamburg Township, Livingston County, Michigan, more particularly described as follows: Commencing at the West ¼ corner of said Section 36; thence along the East-West 1/4 line of said Section 36, (as monumented) S 88°45'30" E, 1318.94 feet; thence along the centerline of Hamburg Road (66 foot wide Right-of-Way) N 00°07'36" E, 105.26 feet; thence along a line previously surveyed and monumented by Darrell D. Hughes, Job No. 88471, S 88°58'23" E, 851.25 feet; thence along the centerline of Old Hamburg Road (66 foot wide Right of Way), S 00°45'02" W, 264.90 feet to a found iron rod; thence continuing along the centerline of said Old Hamburg Road S 15°06'31" E, 149.18 feet to the POINT OF BEGINNING of the Parcel to be described; thence N 76°28'39" E, 95.60 feet to Traverse Point "F"; thence continuing N 76°28'39" E, 5 feet, more or less to the water's edge of Little Silver Lake; thence Southerly along the water's edge of Little Silver Lake, 255 feet, more or less; thence S 76°28'39" W, 9 feet, more or less to Traverse Point "C", being the endpoint of an intermediate traverse line beginning at aforementioned Traverse Point "F" and having the following 3 courses:

S 37°59'24" E, 65.66 feet;

S 27°53'38" E, 72.47 feet;

S 17°48'03" E, 110.02 feet;

thence continuing, from Traverse Point "C", S 76°28'39" W, 141.59 feet; thence continuing along the centerline of Old Hamburg Road N 15°21'06" W, 180.00 feet to a found iron rod; thence continuing along the centerline of Old Hamburg Road N 15°06'31" W, 59.76 feet to the Point of Beginning; containing 1.0 acres, more or less, and subject to the rights of the public over the existing Old Hamburg Road. Also subject to any other easements or restrictions of record.

Bearings are based on a previous survey by Boss Engineering Job Number 90196 recorded in Liber 1443 of Deeds on Page 901 of the Livingston County Records.

References:

- 1) Survey by Boss Engineering Job Number 90196, as recorded in Liber1443 of Deeds on Page 901 of the Livingston County Records.
- 2) Survey by Darrell D. Hughes survey Job Number 88471 date 01-10-1989.
- 3) Survey by Herbert Munzel

Witnesses: West 1/4 Cor. Sec. 36, T1N-R5E

Found "Livingston County Monumentation" Brass Disk.

West	2.95'	Found Remon Nail/Tag N/side 21" Oak
S30°E	15.60'	Found Remon Nail/Tag E/side 27" Oak
N74°E	29.93'	Found Livingston Eng. Nail/Tag S/side 32" Oak
S30°W	60.23'	Set Livingston Eng. Nail/Tag NW/side P. Pole
S50°W	9.51	Fd . Nail/Tag Twin 9" Oak



A handwritten signature in blue ink, appearing to read 'W. Steppring', written over the bottom portion of the professional seal.



LIVINGSTON ENGINEERING

3300 S. Old US-23
Brighton, Michigan 48114
(810) 225-7100 Fax (810) 225-7699





Zoning Board of Appeals Staff Report

AGENDA ITEM: 7b



TO: Zoning Board of Appeals
(ZBA)

FROM: Brittany Stein

**HEARING
DATE:** November 12, 2020

SUBJECT: ZBA 20-0020

**PROJECT
SITE:** Vacant on Baudine
TID 15-17-301-086

**APPLICANT/
OWNER:** Jeffrey Weiss

PROJECT: Variance application to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017.

ZONING: WFR (waterfront residential district)

Project Description

The subject site is a 14,402-square foot parcel that fronts onto Baudine Road to the west and a Rush Lake canal to the east; single-family dwellings are located to the north, south, and east. The site is currently unimproved.

If approved, the variance request would allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017.

	Proposed		Required
Proposed house addition over garage	North:	30 feet	10 feet
	East rear/water:	47 feet	50 feet OHM
	South:	56 feet	10 feet
	West front:	15 feet to garage, 30 feet to second story	15 feet garage, 25 feet second story

	Approved Setbacks 10-9-2019	Required
North side	30 feet	10 feet
South side	56 feet	10 feet
West front		
garage	15 feet	15 feet
dwelling	25 feet	22 feet
East rear		
dwelling	31 feet/35 OHM	30 feet/50 feet OHM
deck	39 feet/29 feet OHM	24 feet/44 feet OHM

Based on FEMA’s Flood Insurance Rate Map (FIRM), as well as information provided by the applicant, a portion of the site lies within the 100-year floodplain and the existing grades of the building envelope are below the base flood elevation. Hamburg Township participates in the National Flood Insurance Program (NFIP). Proper enforcement of the building code standards is a prerequisite of the township’s participation in the NFIP. In NFIP communities, flood insurance must be purchased as a condition of obtaining a federally insured mortgage in federally identified 100-year floodplain areas. Elevation certificates must be submitted prior to the issuance of a land use permit, when the foundation is completed and before vertical construction, and when the project is complete. If the project site is within a floodplain over which EGLE has authority, an EGLE permit may be required in order to occupy the floodplain. Should the applicant propose to fill the building envelope to elevate the dwelling in order to obtain a LOMR-F, the township will require the applicant deposit a review escrow for the township engineer to review the plans prior to the zoning administrator signing the community acknowledgement form.

Project History

On August 9, 2017, the Zoning Board of Appeals approved a variance application on this site to allow for the construction of a new 1,699-square foot single-story dwelling with an attached 660-square foot garage; the dwelling would have had a 23.9-foot setback from the OHM (50-foot setback required) and a 23.9-foot rear yard setback (30-foot rear yard setback required). The property owner neither obtained permits nor began construction on the approved dwelling and the variance approval expired on February 9, 2018.

Since the ZBA approval from 2017, the property owner had changed the architectural plans for the home to include a different orientation of the dwelling on the lot, a second story, a larger garage, a covered front porch, and an elevated balcony on the rear of the home.

On October 9, 2019, the Zoning Board of Appeals approved a variance application (Exhibit B) on this site to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage, an 88-square foot covered front porch, and a 68-square foot elevated deck on the rear of the dwelling. The dwelling would have a 22-foot west front yard setback (25-foot setback required), and a 35-foot east rear yard setback from the OHM of Rush Lake (50-foot setback required), and the 68 square foot elevated balcony would have a 29-foot east setback from the OHM of Rush Lake (44-foot setback from the OHM required for elevated decks).

Standards of Review

The Zoning Board of Appeals (ZBA) decision in this matter is to be based on the findings of facts to support the following standards. The applicable discretionary standards are listed below in bold typeface followed by staff's analysis of the project as it relates to these standards. A variance may be granted only if the ZBA finds that all of the following requirements are met.

- 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.**

The property is one-third of an acre and is constrained by two factors: the canal to the east and the shallow lot depth creating a narrow, long building envelope. However, the chosen design of the proposed addition of living space above the garage is solely based on personal preference. There has been an approved two-story 1,660 square foot single family dwelling to be constructed on this lot. Since this variance was approved the floor plan has been revised to create larger bedrooms on the second floor and add a fourth bedroom. The new home will be 2,480 square feet with an attached 1,165 square foot garage. With an 820 square foot second story addition setback 47 feet from the OHM of Rush Lake, where 50-foot setback is required, it is recommended to redesign the floor plan of the second floor to meet the setback requirement.

- 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 substantial property right is not preserved based on granting a variance for a particular architectural design. The 820 square foot second story addition over the garage is a personal preference of the applicant and are the factors that necessitate the variance request. The second floor plan could be redesigned to be setback an additional 3 feet to meet the required 50-foot setback from the OHM.

- 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 bulk of the structure increases when adding a second story over the attached garage (single story) and could potentially be materially detrimental to the property or improvements in the zone in which the property is located. This proposed addition to the approved home creates a dwelling with much larger floor area (2,480 square feet) than the neighboring homes on Baudine Dr. Neighboring homes vary in size from approximately 900 square feet single-story to 1,900 square feet two-story or bi-level homes.

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 a waterfront lot on Rush Lake in the Watson's Rush Lake Subdivision #1. Parcels in this area are primarily residential and zoned in the waterfront residential district. The proposed addition would not adversely affect the 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.

There is no condition or situation of the subject site that is not of so general or recurrent a nature that the second story addition could not meet the required 50-foot setback from the OHM.

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 site is zoned for single-family residential and the proposed variance would not permit the establishment of a use not permitted by right within the district.

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

As stated above, the chosen design of the proposed addition to the second story for added living space above the garage is solely based on personal preference. The second floor plan could be redesigned to be setback an additional 3 feet to meet the required 50-foot setback from the OHM. This variance request is not the minimum necessary to permit reasonable use of the land and should be denied.

"Practical difficulty" exists on the subject site when the strict compliance with the Zoning Ordinance standards would render conformity unnecessarily burdensome (such as exceptional narrowness, shallowness, shape of area, presence of floodplain or wetlands, exceptional topographic conditions).

Recommendation

Staff recommends the ZBA open the public hearing, take testimony, close the public hearing, evaluate the proposal for conformance with the applicable regulations, and deny or approve the application. In the motion to deny or approve the project the ZBA should incorporate the ZBA's discussion and analysis of the project and the findings in the staff report.

Approval Motion:

Motion to approve variance application ZBA 20-0020 at parcel 15-17-301-086 to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017. The variance does meet 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 meeting and as presented in the staff report.

Denial Motion:

Motion to deny variance application ZBA 20-0020 at parcel 15-17-301-086 to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017. The variance does not meet variance standards one, two, three, five, or seven of Section 6.5. of the Township Ordinance and a practical difficulty does not 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.

Exhibits

Exhibit A: Application materials, including site plan and construction plans

Exhibit B: 2019 variance staff report and ZBA minutes (19-0017)

Exhibit C: 2017 ZBA minutes (17-0016)

Exhibit A (for ZBA 20-0020)

HAMBURG TOWNSHIP
Date 10/17/2020 2:56:10 PM
Ref ZBA2000-20
Receipt 1276231
Amount \$500.00

ZBA Case Number 20-0020



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

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

APPLICATION FOR A ZONING BOARD OF APPEALS (ZBA)
VARIANCE/INTERPRETATION
(FEE \$500, plus \$50 each additional)

1. Date Filed: October 12, 2020
2. Tax ID #: 15-173-010-86 Subdivision: Watson's Rush Lake Sub 1 Lot No.: 32, 33 & 34
3. Address of Subject Property: 0000 Baudin Street, Pinckney, MI 48169
4. Property Owner: Jeffrey Weiss Phone: (H) (734) 716-2305
Email Address: jweiss1111@gmail.com (W) (577) 241-5869
Street: 30970 Stone Ridge Drive, Apt 12115 City Wixom State MI
5. Appellant (If different than owner): _____ Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 2017 Zoning District: Residential Flood Plain Yes
7. Size of Lot: Front 150' Rear 150' Side 1 88' Side 2 85' Sq. Ft. 14,402
11. Dimensions of Existing Structure (s) 1st Floor N/A 2nd Floor N/A Garage N/A
12. Dimensions of Proposed Structure (s) 1st Floor 32'x27'-4" 2nd Floor 612'x27'41" Garage 29'3"x39'8"
13. Present Use of Property: Vacant land
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
15. Has there been any past variances on this property? Yes No
16. If so, state case # and resolution of variance application 2019-0017 Rear, front porch and rear balcony variance was granted
17. Please indicate the type of variance or zoning ordinance interpretation requested:

The current building setback for the rear of the attached property does not allow for a proper building envelope of the proposed structure. Setback to the roadway high water mark from the 820 square foot living space above the garage.

18. Please explain how the project meets each of the following standards:

- a) 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.

No, there are none. It would appear that most of the surrounding properties are of moderate size

- b) 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.

No, there are none. It would appear that most of the surrounding properties are of moderate size. Due to current building setbacks, even a moderately size

- c) 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.

No. *how would we have such a variance to build a private residence.*

- d) That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.

No, it is a residential area and the owner plans to build a single family residence.

- e) 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.

No, please see answers to Question 18 a) and b) above.

- f) Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district;

No, it will not.

- g) The requested variance is the minimum necessary to permit reasonable use of the land.

Yes

- I hereby certify that I am the owner of the subject property or have been authorized to act on behalf of the owner(s) and that all of the statements and attachments are true and correct to the best of my knowledge and belief.
- I acknowledge that approval of a variance only grants that which was presented to the ZBA.
- I acknowledge that I have reviewed the Hamburg Township Zoning Ordinance, The ZBA Application and the ZBA Checklist and have submitted all of the required information.
- I acknowledge that filing of this application grants access to the Township to conduct onsite investigation of the property in order to review this application.
- I understand that the house or property must be marked with the street address clearly visible from the roadway.
- I understand that there will be a public hearing on this item and that either the property owner or appellants shall be in attendance at that hearing.
- I understand that a Land Use Permit is required prior to construction if a variance is granted.
- I understand that any order of the ZBA permitting the erection alteration of a building will be void after one (1) year (12 months), unless a valid building permit is obtained and the project is started and proceeds to completion (See Sec. 6.8 of the Township Zoning Ordinance).


Owner's Signature

10/12/2020
Date

Appellant's Signature

Date

VARIANCE (ZBA) APPLICATION CHECKLIST:

Eight (8) sets of plans must be submitted. The sets are for the individual use of the Zoning Board members and for the Township's records. None will be returned to you. The Land Use Permit will not be released until three (3) final construction blueprints and three (3) copies of your site plan are submitted which have been prepared according to the variances granted and conditions imposed at the appeals meeting.

Zoning Board of Appeals Application Form

Site (plot) Plan with the following information:

- Location and width of road(s) and jurisdiction (public or private road).
- Location and dimensions of existing/proposed construction.
- Dimensions, designation, and heights of existing structures on property clearly marked.
- Dimensions of property (lot lines).
- Location and dimensions of required setbacks.
- Measurement from each side of existing and proposed structure to the property lines.
- All easements.
- Any bodies of water (lake, stream, river, or canal) with water body name.
- Distance proposed structure and existing structures are from any body of water.
- Septic tank and field, sewer (grinder pump), and water well.
- All areas requiring variances clearly marked with dimensions and amount of variance requested.
- Any outstanding topographic features that should be considered (hills, drop-offs, trees, boulders, etc.)
- Any other information which you may feel is pertinent to your appeal.
- If the variance is to a setback requirement a licensed professional stamp shall be on the site plan.

Preliminary sketch plans:

a) Elevation plans:

- Existing and proposed grade
- Finished floor elevations
- Plate height
- Building height
- Roof pitch

b) Floor plans:

- Dimension of exterior walls
- Label rooms
- Clearly identify work to be done
- Location of floor above and floor below

c) All other plans you may need to depict the variance you're requesting (surveys, grading plans, drainage plans, elevation certificates, topographical surveys, etc.)

Proof of Ownership: Include one of the following:

- a) Warranty Deed – showing title transaction bearing Livingston County Register of Deeds stamps, OR
- b) Notarized letter of authorization from seller of property giving the purchaser authorization to sign a Land Use Permit.

VARIANCE PROCESS:

Once a project is submitted:

The Zoning Administrator will review your submittal to make sure you have submitted a complete set of project plans (1 week if complete).

Once the project has been deemed complete by the Zoning Administrator:

The project will be scheduled for a Zoning Board of Appeals (ZBA) hearing. ZBA hearings are held the second Wednesday of each month. Your project will need to be deemed complete by the Zoning Administrator a minimum of three (3) weeks prior to a hearing in order to be scheduled for that hearing.

Once the project has been scheduled for a ZBA hearing:

All property owners within a three hundred (300) foot radius of the subject property shall be notified if the date and time of the public hearing on your variance request and the basic nature of your proposed project and variances being requested, and the owner's name and address of the subject property. Notices will be sent on or before fifteen (15) days prior to the date of the hearing.

A public hearing notice stating all appeals for a given date will be published in the Tuesday edition of the Livingston County Daily Press & Argus fifteen (15) days prior to the date of the hearing.

At the ZBA meeting/hearing:

- You and/or your representative (Lawyer, builder, contractor, relative, friend, etc.) must attend.
- Variance requests/appeals are taken in order of submission.
- Unless your variance request/appeal is tabled due to lack of information, insufficiency of drawings, etc., you will know the disposition of the appeal at the meeting before you leave.
- ***No Land Use Permits will be available for pick up on the night of the meeting, so please do not ask the Zoning Administrator for them that night. You may bring the requirements for the Land Use Permit to the Township Zoning Department on the next business day.***
- In the event that the Zoning Board of Appeals **does not grant** your variance request there will be **no refund** of the filing fee, as it pays for administration costs, the member's reviewing and meeting time, and noticing costs in the newspaper and for postage.
- Rehearing requests may be charged \$200.00 for postage and newspaper costs in addition to the original \$500.00 charge, at the discretion of the Zoning Board of Appeals.

Once the project has been approved:

You will need to submit a completed Land Use Permit, three (3) sets of your final construction plans and three (3) copies of your site plan from which your project will actually be constructed, before your Land Use Permit will be released. If the Board has made special conditions, they must be met before your Land Use Permit will be released.

If the project is denied:

Section 6.8 (C) of the Hamburg Township Zoning Ordinance states that a one (1) year period must elapse before a rehearing of the appeal "except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection of the Zoning Board of Appeals to be valid."

Section 6.8 (E) of the Zoning Ordinance governs appeals to Circuit Court. If you desire to appeal the decision of the Zoning Board of Appeals, you need to contact your attorney for filing appeals to Circuit Court.

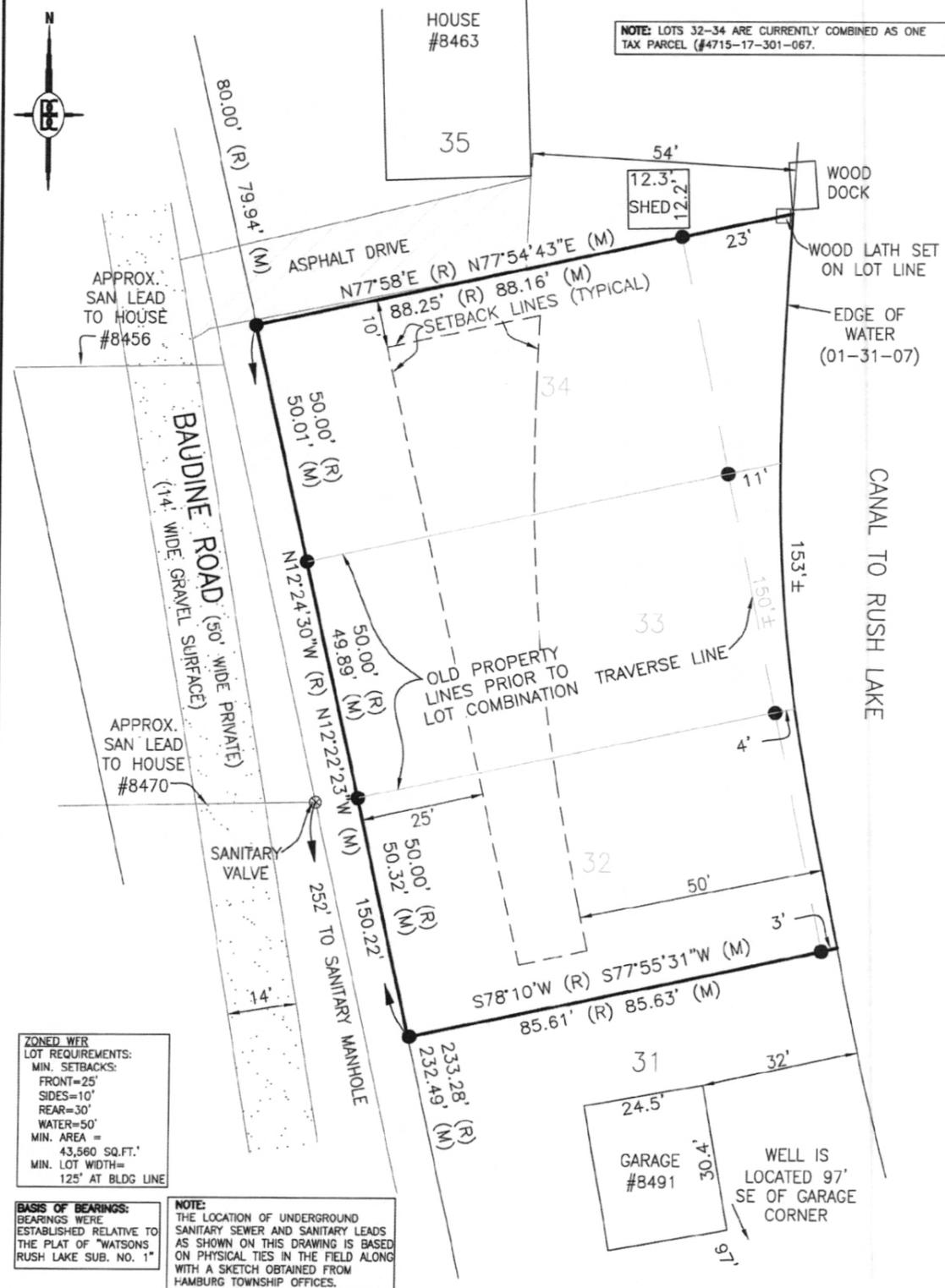
VARIANCE STANDARDS:

Variance: (*definition*) A modification of the literal provisions of the zoning ordinance granted when strict enforcement would cause undue hardship due to circumstances unique to the individual property for which the variance is granted.

Section 6.5 (C) & (D) of the Township Zoning Ordinance:

- A.** Where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would involve practical difficulties, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Zoning Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Zoning Ordinance shall be granted unless it appears that, at a minimum, the applicant has proven a practical difficulty and that all the following facts and conditions exist:
- 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.**
 - 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.**
 - 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.**
 - 4. That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.**
 - 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.**
 - 6. Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.**
 - 7. The requested variance is the minimum necessary to permit reasonable use of the land.**
- B.** For the purpose of the above, a "practical difficulty" exists on the subject land when the strict compliance with the Zoning Ordinance standards would render conformity unnecessarily burdensome (such as exceptional narrowness, shallowness, shape of area, presence of floodplain or wetlands, exceptional topographic conditions), and the applicant has proven all of the standards set forth in Section 6.5 (C) (1) through (7). Demonstration of practical difficulty shall focus on the subject property or use of the subject property, and not on the applicant personally.
- C.** In consideration of all appeals and all proposed variations to this Zoning Ordinance, the Zoning Board of Appeals shall, before making any variations from this Zoning Ordinance in a specific case, determine that the standards set forth above have been met, and that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the inhabitants of the Township.

PLOT PLAN



NOTE: LOTS 32-34 ARE CURRENTLY COMBINED AS ONE TAX PARCEL (#4715-17-301-067).

ZONED WFR LOT REQUIREMENTS:
 MIN. SETBACKS:
 FRONT=25'
 SIDES=10'
 REAR=30'
 WATER=50'
 MIN. AREA = 43,560 SQ.FT.
 MIN. LOT WIDTH= 125' AT BLDG LINE

BASIS OF BEARINGS:
 BEARINGS WERE ESTABLISHED RELATIVE TO THE PLAT OF "WATSON'S RUSH LAKE SUB. NO. 1"

NOTE:
 THE LOCATION OF UNDERGROUND SANITARY SEWER AND SANITARY LEADS AS SHOWN ON THIS DRAWING IS BASED ON PHYSICAL TIES IN THE FIELD ALONG WITH A SKETCH OBTAINED FROM HAMBURG TOWNSHIP OFFICES.

DESCRIPTION: LOT 32, 33 & 34, "WATSON'S RUSH LAKE SUB NO. 1", (L. 6, P. 37, L.C.R.) PART OF W 1/2, SW 1/4, SEC 17, T1N-R5E, HAMBURG TWP., LIVINGSTON COUNTY, MICH.

BEBOSS Engineering
 Engineers Surveyors Planners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI. 48843
 800.246.6735 FAX 517.548.1670

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.



CLIENT: WEISS	SCALE: 1 INCH = 20 FEET	LEGEND
JOB NO. 17-270	DATE 07-06-15 8-29-19	○ = IRON SET
SHEET 1 OF 1	FB 458 CREW GFD	● = IRON FOUND
G:\17-270\dwg\17-270 layout 1 7-7-17.dwg	DR. AEB	⊙ = MONUMENT FOUND
	CHKD.	-*- = FENCE
		(R) = RECORDED
		(M) = MEASURED

3 WORKING DAYS BEFORE YOU DIG
 CALL MISS DIG
 1-800-482-7171
 MISS DIG
 FOR THE GOVERNOR OF MICHIGAN

How to use this lot coverage calculator: Fill in the property address or tax identification number, then fill in the square footage of the lot and the square footages of buildings and impermeable surfaces (purple boxes). Remember that the square footage you fill in on the spreadsheet should be the sum of the existing AND proposed square footages for your project. Lot coverage will be automatically calculated for you. If one of the options, such as a shed or parking pad, does not apply to your lot leave the space blank. Print the page out and submit it with your land use permit application.

Project address or tax identification number

Property ID: 4715-17-301-086

Square footage

Lot size*	14,402
------------------	--------

Building coverage (square feet)

dwelling/principal building (and attached garage)	2,173
detached garage	
pole barn 1	
pole barn 2	
shed	
carport	
Proposed total building square footage	2,173
Total building coverage permitted (35%)	5,041
Percentage building coverage	15.1%

Is proposed building coverage within permissible limit? YES

Impermeable surface coverage (square feet)

driveway (paved and gravel)	1,200
sidewalk (paved and gravel)	180
patio (paved and gravel)	
roads/streets	
parking pad (paved and gravel)	
storage area (paved and gravel)	
Proposed total impermeable surface coverage	1,380

Lot coverage (square feet)

total proposed building coverage	2,173
total proposed impermeable surface coverage	1,380
Total proposed lot coverage	3,553
Total lot coverage permitted (40% of lot)	5,761
Percentage lot coverage	24.7%

Is lot coverage within permissible limit? YES



Jeff Weiss <jweiss1111@gmail.com>

Preliminary Flood Zone Evaluation

5 messages

FLOOD ZONE SPECIALISTS <floodzones@att.net>
Reply-To: FLOOD ZONE SPECIALISTS <floodzones@att.net>
To: Jeff Weiss <jweiss1111@gmail.com>

Tue, May 16, 2017 at 11:10 AM

Mr. Weiss,

Regards: Site at (ID# 4715-17-301-083), Lots 32, 33 and 34, Watsons Rush Lake Sub 1, Baudine Road, Hamburg Township, Livingston County, MI.

We have determined:

1. The aforesaid parcel of Lots 32, 33 and 34, Watsons Rush Lake Sub 1, are not eligible for a Letter of Map Amendment (LOMA) due to 95% of the parcel being below the Base Flood Elevation (BFE).
2. We find that the buildable area of the parcel is approximately 0 to 1.0' below the Base Flood Elevation (BFE) on Rush Lake. Should you wish to pursue a LOMR-F, the permitting process will require approval from the Township of Hamburg and the Michigan Department of Environmental Quality (MDEQ).

We have completed the preliminary field work, if you are interested in having the topographic drawing it will be an additional \$600.

We would be more than happy to help you with the permitting process.

Please let me know if you have any further questions.

David P. Smith, P.S., C.F.M.
Flood Zone Specialists
8615 Richardson Rd, Ste 100
Walled Lake, MI 48390
Phone: 248-363-3069
Toll Free: 855-566-3566
Fax: 248-363-1646
www.floodzonespecialists.us

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Jeffrey Weiss				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 0 Baudine Drive				Company NAIC Number:	
City Pinckney		State Michigan		ZIP Code 48169	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lots 32, 33, & 34, Watson's Rush Lake Sub No. 1. Tax Parcel Number 4715-17-301-086					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) _____					
A5. Latitude/Longitude: Lat. <u>42.474722</u> Long. <u>-083.886389</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>9</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>875.00</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>1177.00</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Hamburg, Township of 260118			B2. County Name Livingston		B3. State Michigan
B4. Map/Panel Number 26093C0432	B5. Suffix D	B6. FIRM Index Date 09-17-2008	B7. FIRM Panel Effective/ Revised Date 09-17-2008	B8. Flood Zone(s) A	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 879.6
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input checked="" type="checkbox"/> Other/Source: <u>FEMA Case No. 12-05-9109A Stillwater Rush Lake</u>					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 0 Baudine Drive			Policy Number:
City Pinckney	State Michigan	ZIP Code 48169	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: See comments Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

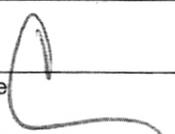
Check the measurement used.

- a) Top of bottom floor (including basement, crawlspace, or enclosure floor) _____ 879.8 feet meters
- b) Top of the next higher floor _____ 883.3 feet meters
- c) Bottom of the lowest horizontal structural member (V Zones only) _____ feet meters
- d) Attached garage (top of slab) _____ 880.6 feet meters
- e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) _____ 879.8 feet meters
- f) Lowest adjacent (finished) grade next to building (LAG) _____ 880.5 feet meters
- g) Highest adjacent (finished) grade next to building (HAG) _____ 880.5 feet meters
- h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support _____ feet meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

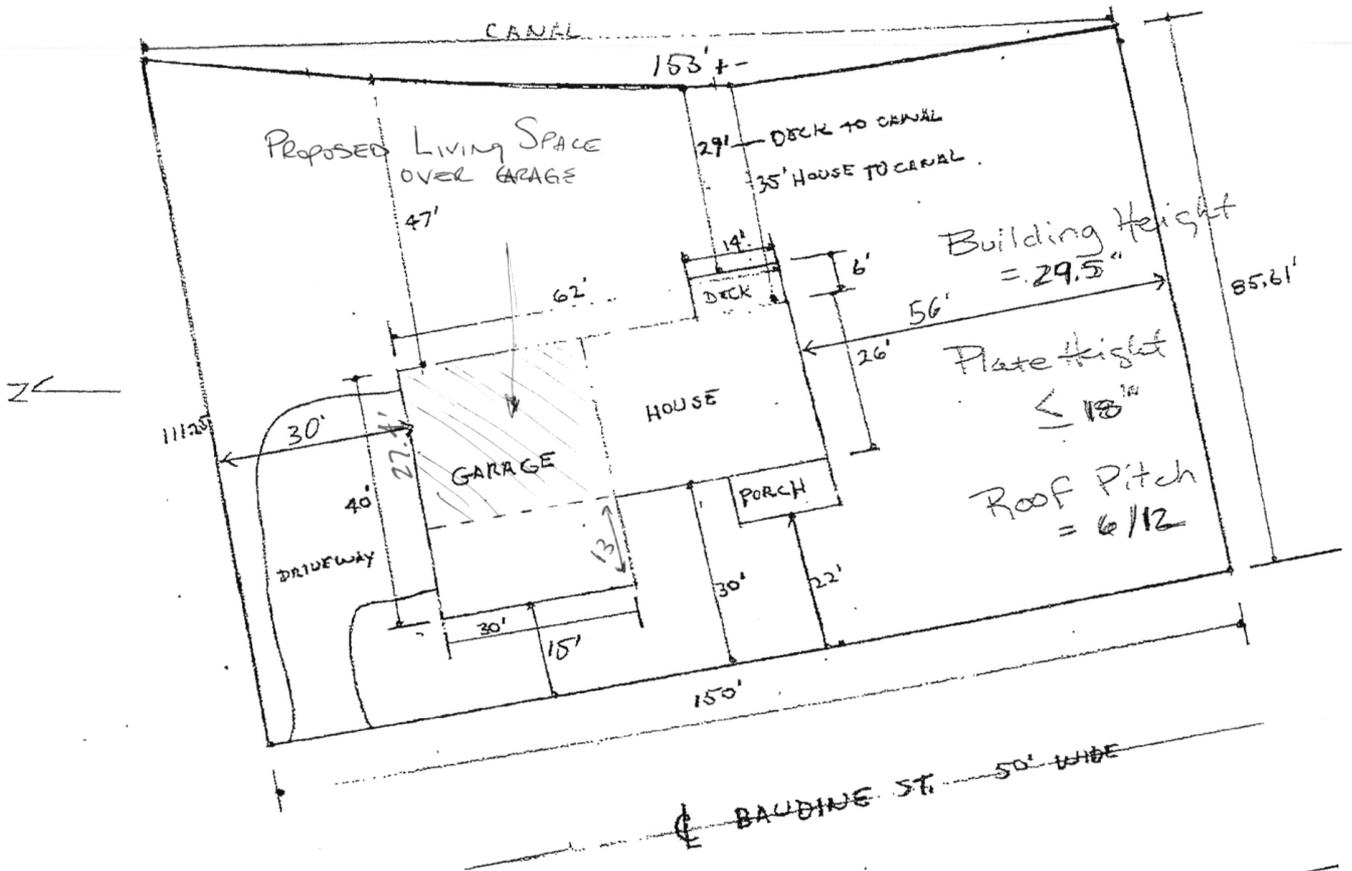
Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

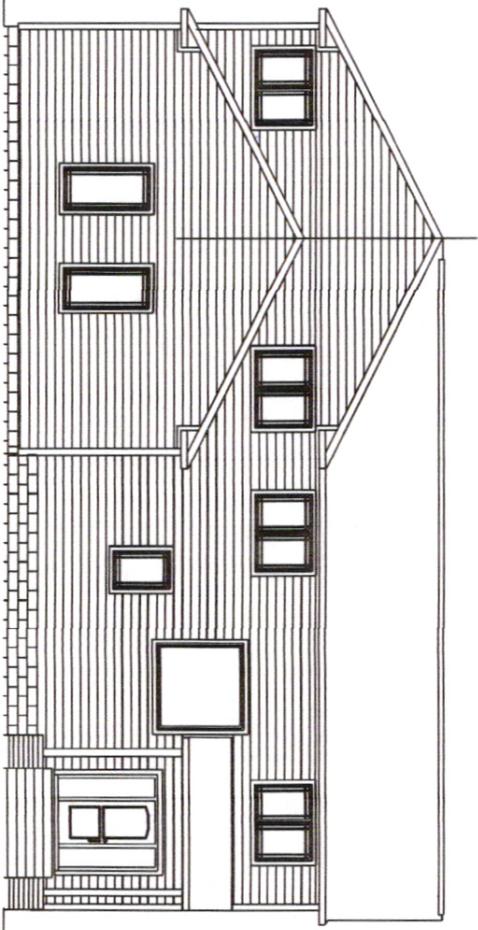
Certifier's Name Christopher S. Fergus	License Number 47055		
Title Director of Surveying			
Company Name Boss Engineering Company			
Address 3121 E. Grand River			
City Howell	State Michigan		ZIP Code 48843
Signature 	Date 10-02-2020	Telephone (517) 546-4836	Ext.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
C2. Benchmark was established with GPS, post processed with OPUS
C2e. Water pressure tank will be on the crawl space floor. All other equipment will be on the first floor.
D. Latitude\longitude were obtained from Google Earth

JEFF WEISE
 VACANT LAND TAX # TD 15-17-301-086
 HAMBURG TWP LIVINGSTON COUNTY
 SCALE 1" = 20' @ SCALE ENG.





Front House Elevation

SCALE: 1/4" = 1'-0"

FIRST FLOOR
1677 SQ. FT.
SECOND FLOOR
1877 SQ. FT.
TOTAL COMBINED
APPROX 3554 SQ. FT.
GARAGE
APPROX 1177 SQ. FT.

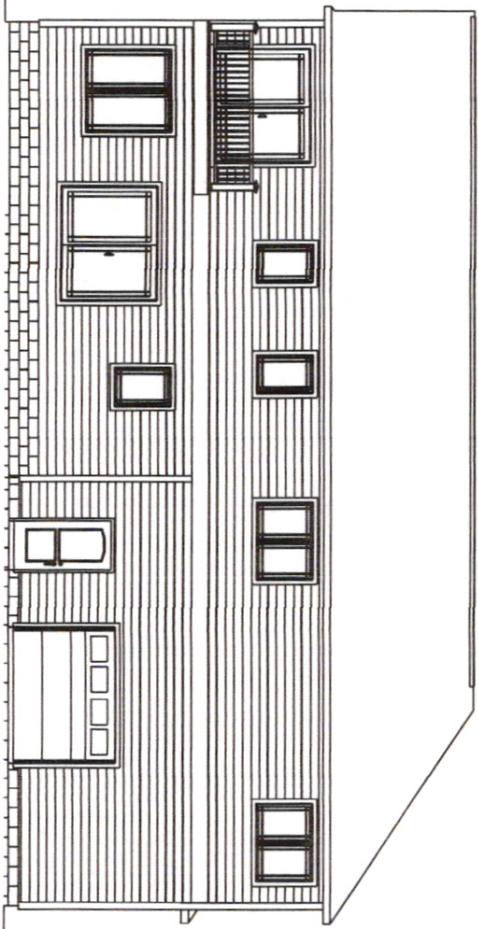
© 2006 JCH Builders

NO.	DESCRIPTION	QTY

JCH BUILDERS
 COMMERCIAL TWP, MI
 (810)240-9310
 JCHBuildersinc@yahoo.com

Jeff Weiss
 000 Baudine Rd.
 Pinckney, MI
 48169

NO.	PLAN/LINE	NO.
1	FRONT LANE	4
2	OCT 2006	6
3	1/4" = 1'	



Rear House Elevation

SCALE: 1/4" = 1'-0"

FIRST FLOOR
 1,000 SQ. FT.
 SECOND FLOOR
 677 SQ. FT.
 TOTAL COMPLETED
 APPROX. 2,247 SQ. FT.
 GARAGE
 APPROX. 1,117 SQ. FT.

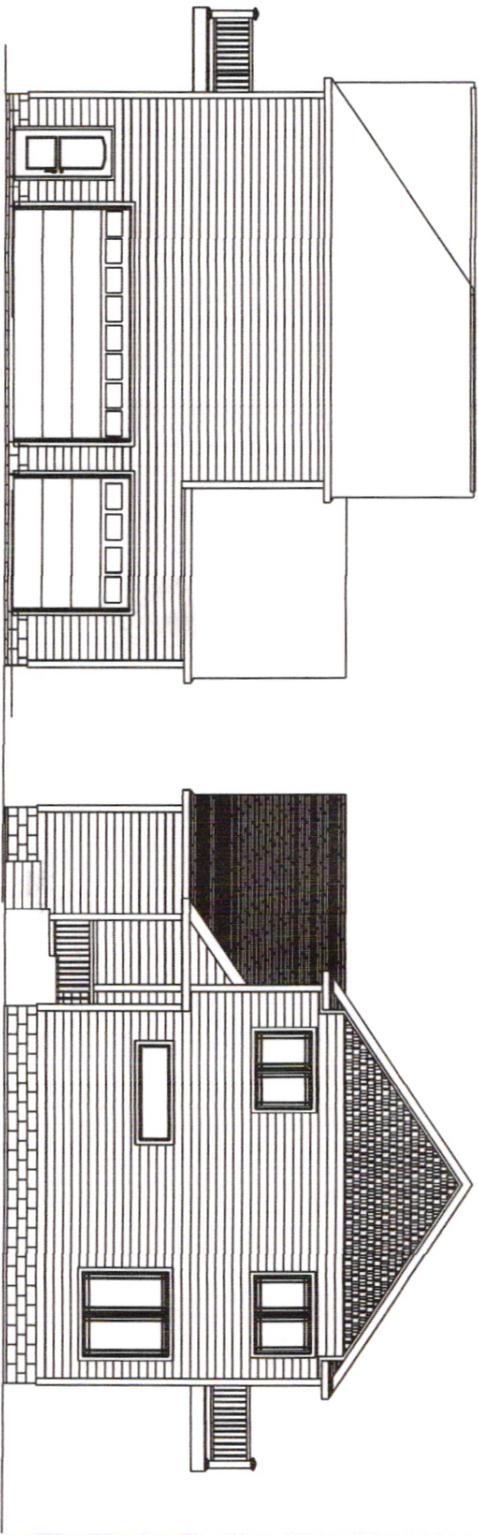
© 2000 JCH Builders

No.	Revisions	Date

JCH BUILDERS
 COMMERCE TWP., MI
 (810)240-9310
 JCHBuildersInc@yahoo.com

Jeff Weiss
 000 Baudine Rd.
 Pinckney, MI
 48169

Drawn By	Right Link	5
Date	OCT 2000	6
Scale	1/4" = 1'	



North & South Elevations

SCALE: 1/4" = 1'-00"

FIRST FLOOR
1,100 SQ. FT.
SECOND FLOOR
1,077 SQ. FT.
TOTAL COMBINED
APPROX. 2,177 SQ. FT.
GARAGE
APPROX. 1,177 SQ. FT.

Sheet No. 6

No.	Revisions	Date

JCH BUILDERS
COMMERCE TWP., MI
 (810)240-9310
JCHbuildersinc@yahoo.com

Jeff Weiss
 000 Baudine Rd.
 Piquette, MI
 48169

Plot Date: 6
 OCT 2020
 1/4" = 1' 6



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7a



TO: Zoning Board of Appeals (ZBA)

FROM: Amy Steffens, AICP

HEARING

DATE: October 9, 2019

SUBJECT: ZBA 19-0017

PROJECT Vacant on Baudine
SITE: TID 15-17-301-086

APPLICANT/

OWNER: Jeffrey Weiss

PROJECT: Variance application to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and a 68 square foot elevated balcony with a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.).

ZONING: WFR (waterfront residential district)

Project Description

The subject site is a 14,402-square foot parcel that fronts onto Baudine Road to the west and a Rush Lake canal to the east; single-family dwellings are located to the north, south, and east. The site is currently unimproved.

If approved, the variance request would allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage, an 88-square foot covered

front porch, and a 68-square foot elevated deck on the rear of the dwelling. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and the 68 square foot elevated balcony will have a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.).

	Proposed	Required
North side	30 feet	10 feet
South side	56 feet	10 feet
West front		
garage	15 feet	15 feet
dwelling	25 feet	22 feet
East rear		
dwelling	31 feet/35 OHM	30 feet/50 feet OHM
deck	39 feet/29 feet OHM	24 feet/44 feet OHM

Based on FEMA’s Flood Insurance Rate Map (FIRM), as well as information provided by the applicant, a portion of the site lies within the 100-year floodplain and the existing grades of the building envelope are below the base flood elevation. Hamburg Township participates in the National Flood Insurance Program (NFIP). Proper enforcement of the building code standards is a prerequisite of the township’s participation in the NFIP. In NFIP communities, flood insurance must be purchased as a condition of obtaining a federally insured mortgage in federally identified 100-year floodplain areas. Elevation certificates must be submitted prior to the issuance of a land use permit, when the foundation is completed and before vertical construction, and when the project is complete. If the project site is within a floodplain over which EGLE has authority, an EGLE permit may be required in order to occupy the floodplain. Should the applicant propose to fill the building envelope to elevate the dwelling in order to obtain a LOMR-F, the township will require the applicant deposit a review escrow for the township engineer to review the plans prior to the zoning administrator signing the community acknowledgement form.

Project History

On August 9, 2017, the Zoning Board of Appeals approved a variance application (Exhibit A) on this site to allow for the construction of a new 1,699-square foot single-story dwelling with an attached 660-square foot garage; the dwelling would have had a 23.9-foot setback from the OHM (50-foot setback required) and a 23.9-foot rear yard setback (30-foot rear yard setback required). The property owner neither obtained permits nor began construction on the approved dwelling and the variance approval expired on February 9, 2018. Since the ZBA approval from 2017, the property owner has changed the architectural plans for the home to include a different orientation of the dwelling on the lot, a second story, a larger garage, a covered front porch, and an elevated balcony on the rear of the home.

Standards of Review

The Zoning Board of Appeals (ZBA) decision in this matter is to be based on the findings of facts to support the following standards. The applicable discretionary standards are listed below in bold typeface followed by staff's analysis of the project as it relates to these standards. A variance may be granted only if the ZBA finds that all of the following requirements are met.

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.

The site, while a considerable one-third acre, is constrained by two factors: the canal to the east and the shallow lot depth. At its deepest, the lot is 111 feet from the front property boundary to the canal and at its shallowest is 88 feet from the front property boundary to the canal. The required 50-foot setback from the OHM and the 25-foot front yard setback leaves a narrow, long building envelope (Exhibit B). Given the configuration of the lot and the setback from the OHM, there does appear to be an exceptional circumstance on this lot that is not applicable to other properties in the same district or zone. Therefore, it could be reasonable to consider that the property deserves some relief from the terms of the zoning ordinance.

However, the chosen design of the proposed structure, with the covered front porch and the elevated deck, are not necessarily reasonable deviations from the zoning ordinance. The design of the dwelling drives the need for the front yard setback for the covered porch to have a 22-foot setback, where a 25-foot setback is required, and an elevated deck with a 29-foot setback where a 44-foot setback would be required. The porch could be uncovered, thus meeting the definition of a patio, and the home moved forward by five feet, thereby negating the need for the front yard setback and increasing the dwelling's OHM setback to 40 feet rather than the proposed 35 feet. Additionally, the elevated deck on the rear of the dwelling is entirely a personal preference. An elevated deck has a visual, aesthetic, and privacy impact such that the township adopted a zoning text amendment in 2016 to address these concerns.

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 substantial property right is not preserved based on granting a variance for a particular architectural design. The covered porch, 30-foot front yard setback rather than the 25-foot setback required, and the elevated deck on the rear of the dwelling are personal preferences of the applicant and are the factors that necessitate the variance request. These appurtenances are not necessary to develop or use the site for single-family residential purposes.

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 elevated deck on the rear of the dwelling could potentially be materially detrimental to the property or improvements in the zone in which the property is located. The setback from the OHM is intended to provide an open vista along waterfront properties and protect off-site views of the water. The reduced OHM setback and the elevated deck, taken together, could negatively impact adjacent properties.

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 a waterfront lot on Rush Lake in the Watson's Rush Lake Subdivision #1. Parcels in this area are primarily residential and zoned in the waterfront residential district. The site is in the West Hamburg/Rush Lake planning area that envisions a concentration of medium density residential, commercial, and public lands that will enhance the Rush Lake area as a secondary center of community activity while protecting the natural features of the waterfront. The proposed project would not adversely affect the 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.

Hamburg Township adopted a zoning text amendment in 2016 that defined a deck and an elevated deck, with associated standards for each. A deck that is less than 24 inches above grade has a less restrictive setback than an elevated deck more than 24 inches above grade because of the privacy and impact concerns associated with an elevated deck. An at-grade deck has no greater impact than a lawn in its natural state but an elevated deck is visually impactful, particularly with a reduced setback to the canal, and presents privacy concerns for adjacent properties.

There is no condition or situation of the subject site that is not of so general or recurrent a nature that the front porch should be covered or the elevated deck constructed on the rear of the dwelling.

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 site is zoned for single-family residential and the proposed variance would not permit the establishment of a use not permitted by right within the district.

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

As stated above, the property is constrained by size and OHM setbacks and it could be reasonable to grant a deviation from the zoning ordinance. However, the covered porch and

the elevated deck are not the minimum necessary to permit reasonable use of the land and should be denied.

“Practical difficulty” exists on the subject site when the strict compliance with the Zoning Ordinance standards would render conformity unnecessarily burdensome (such as exceptional narrowness, shallowness, shape of area, presence of floodplain or wetlands, exceptional topographic conditions).

Recommendation

Staff recommends the ZBA open the public hearing, take testimony, close the public hearing, evaluate the proposal for conformance with the applicable regulations, and deny or approve the application. In the motion to deny or approve the project the ZBA should incorporate the ZBA’s discussion and analysis of the project and the findings in the staff report. The ZBA then should direct staff to prepare a memorialization of the Board’s decision that reflects the Board’s action to accompany the hearing minutes and to be reviewed and approved at the next ZBA hearing.

Approval Motion:

Motion to approve variance application ZBA 19-0017 at parcel 15-17-301-086 to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 40-foot east rear yard 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 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 meeting and as presented in the staff report. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

Denial Motion:

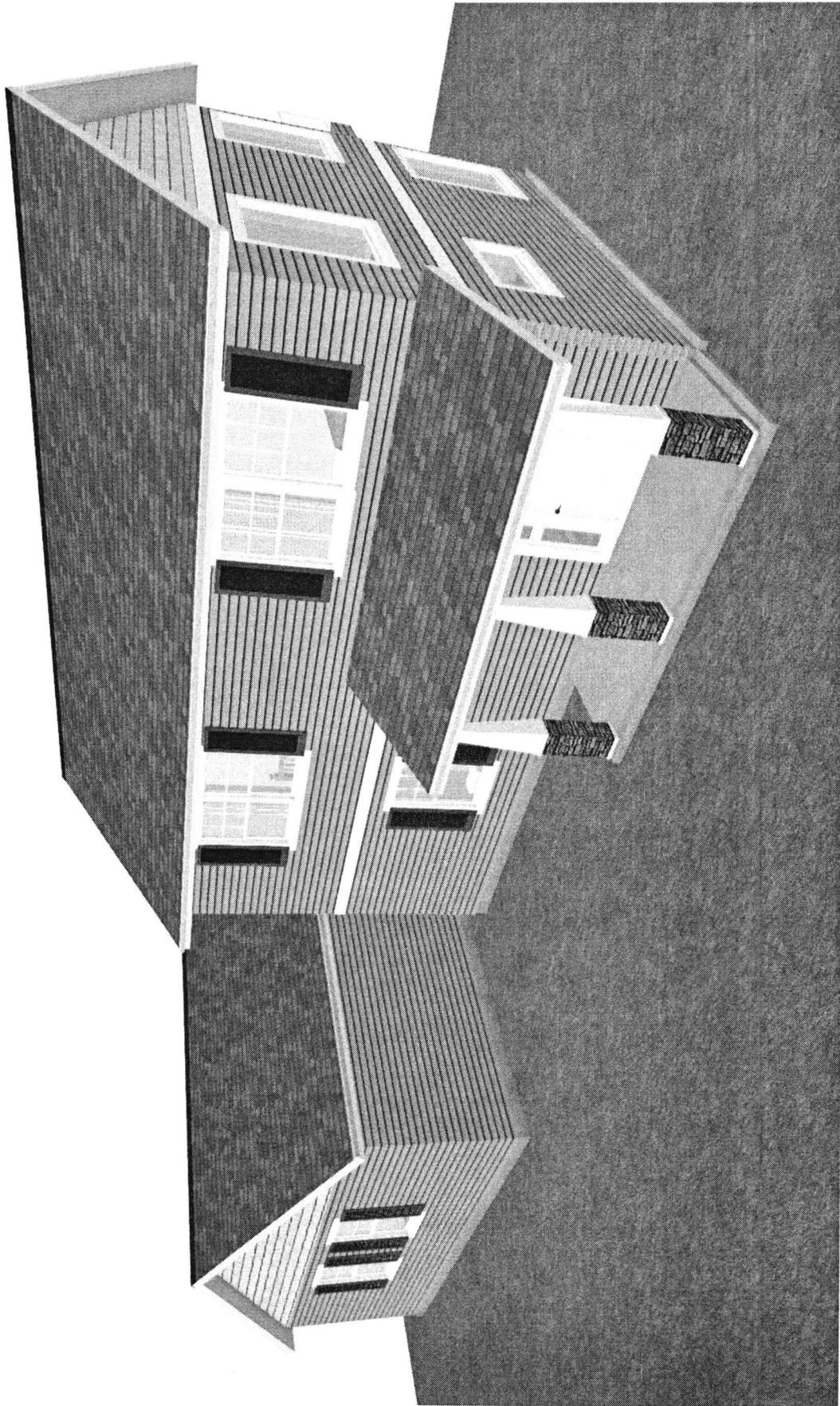
Motion to deny variance application ZBA 19-0017 at parcel 15-17-301-086 to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and a 68 square foot elevated balcony with a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.). The variance does not meet variance standards one, two, three, five, or seven of Section 6.5. of the Township Ordinance and a practical difficulty does not 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. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

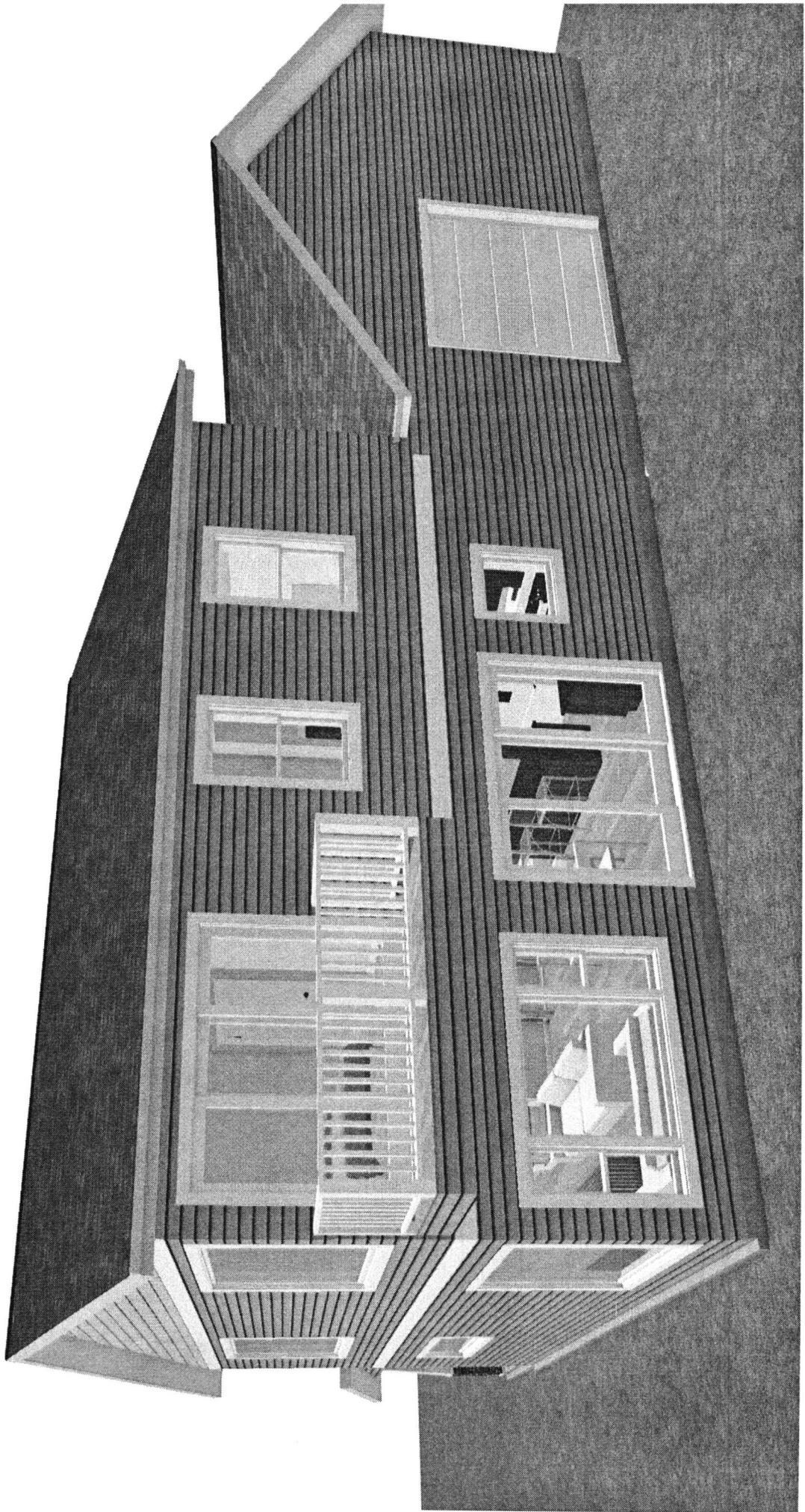
Exhibits

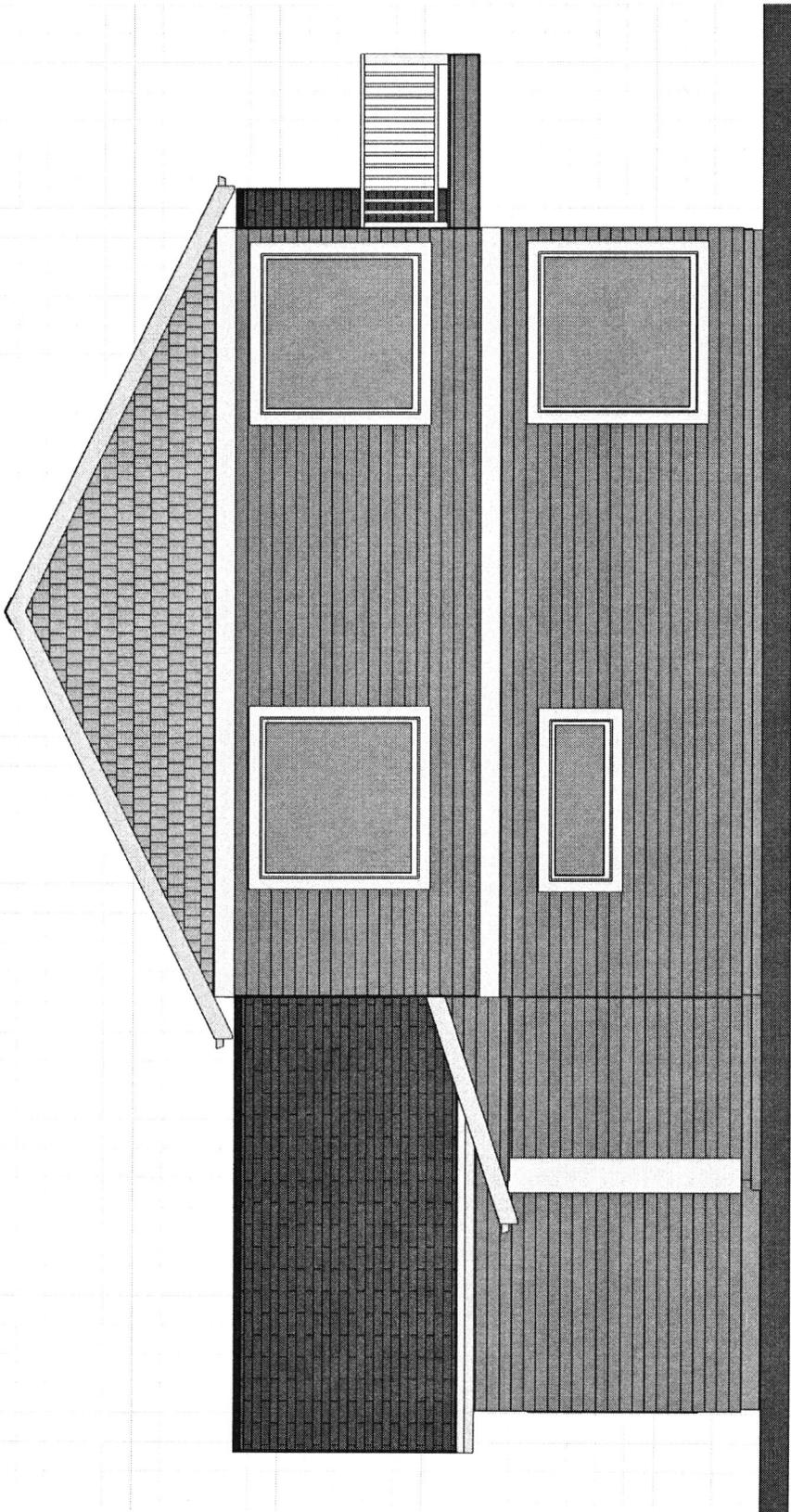
Exhibit A: 2017 variance staff report and ZBA minutes

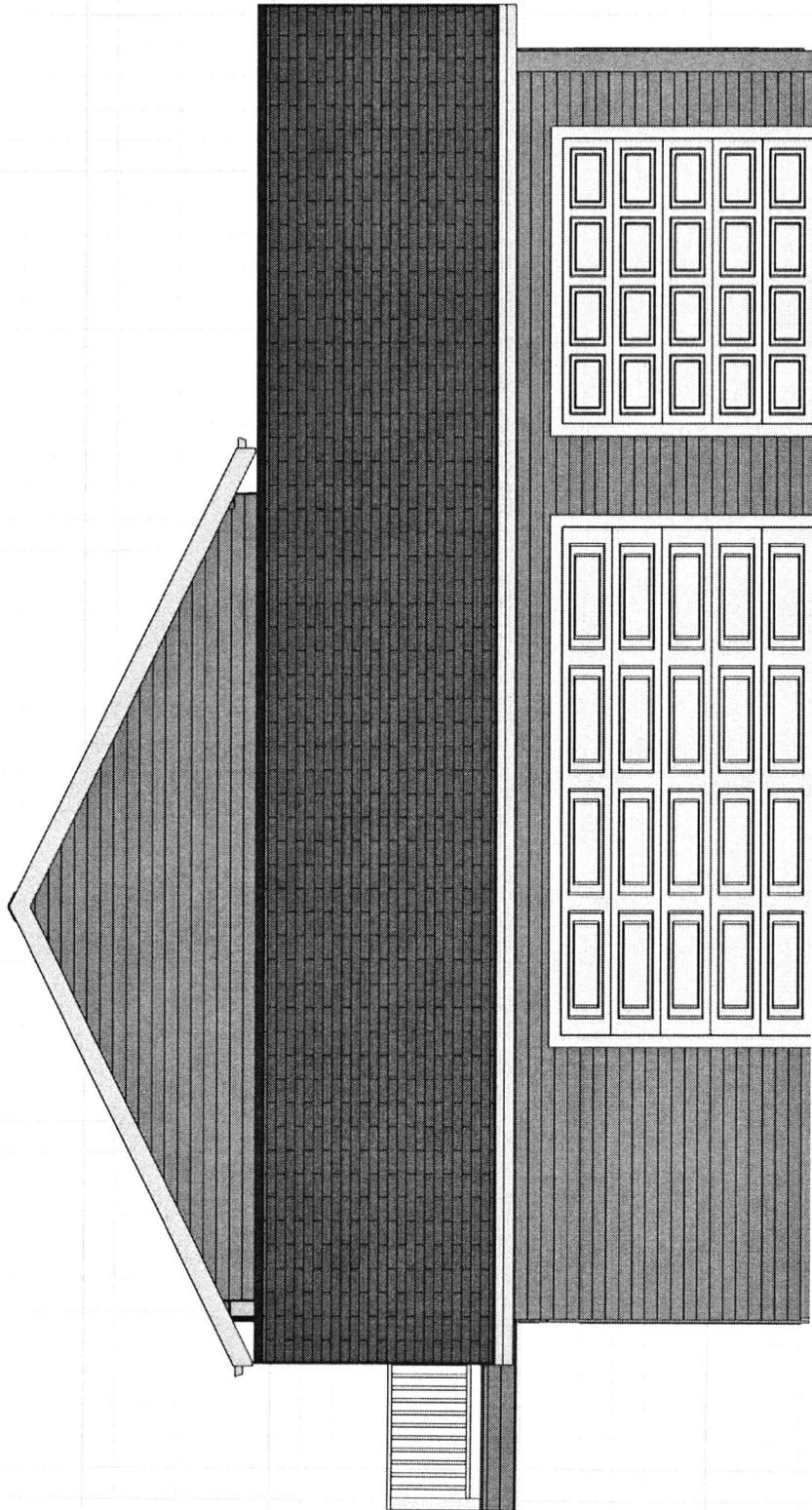
Exhibit B: Application materials

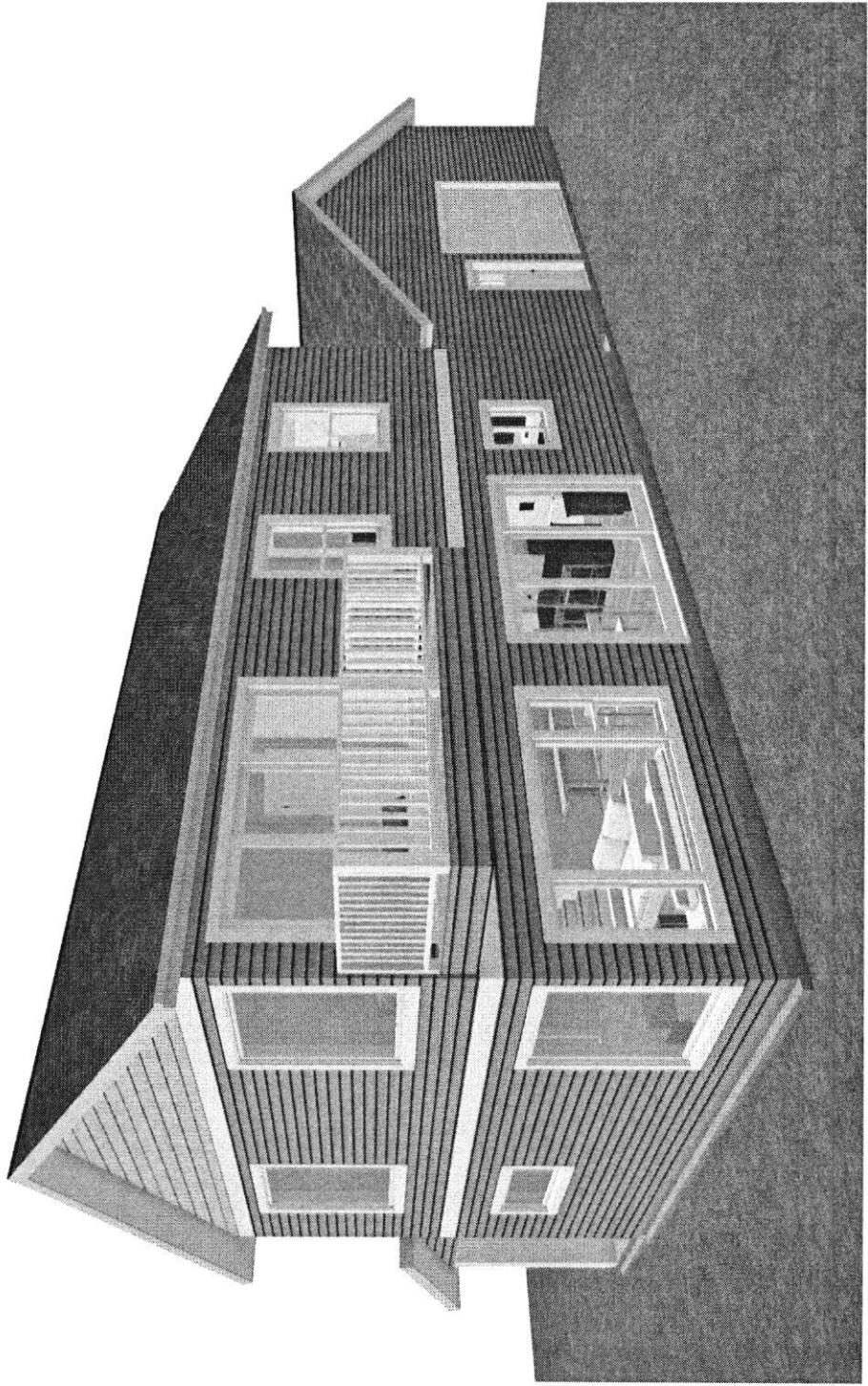
**Exhibit B (Continued) (for ZBA 20-0020)
Construction plans from approved ZBA
for house ZBA 19-0017**

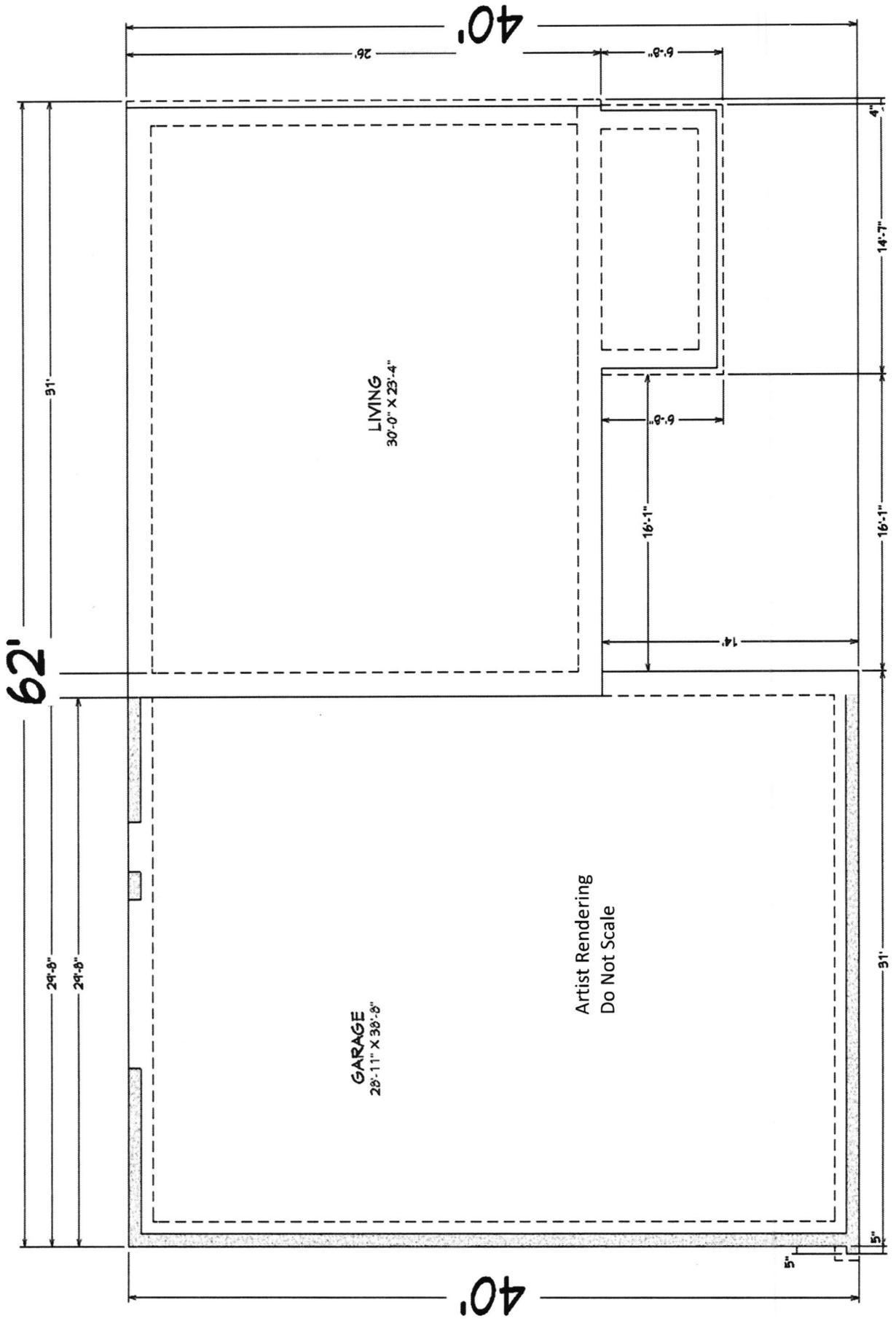












GARAGE
28'-11" X 30'-8"

LIVING
30'-0" X 23'-4"

Artist Rendering
Do Not Scale

62'

40'

40'

29'-8"

29'-8"

31'

26'

6'-8"

4"

14'-7"

6'-9"

16'-1"

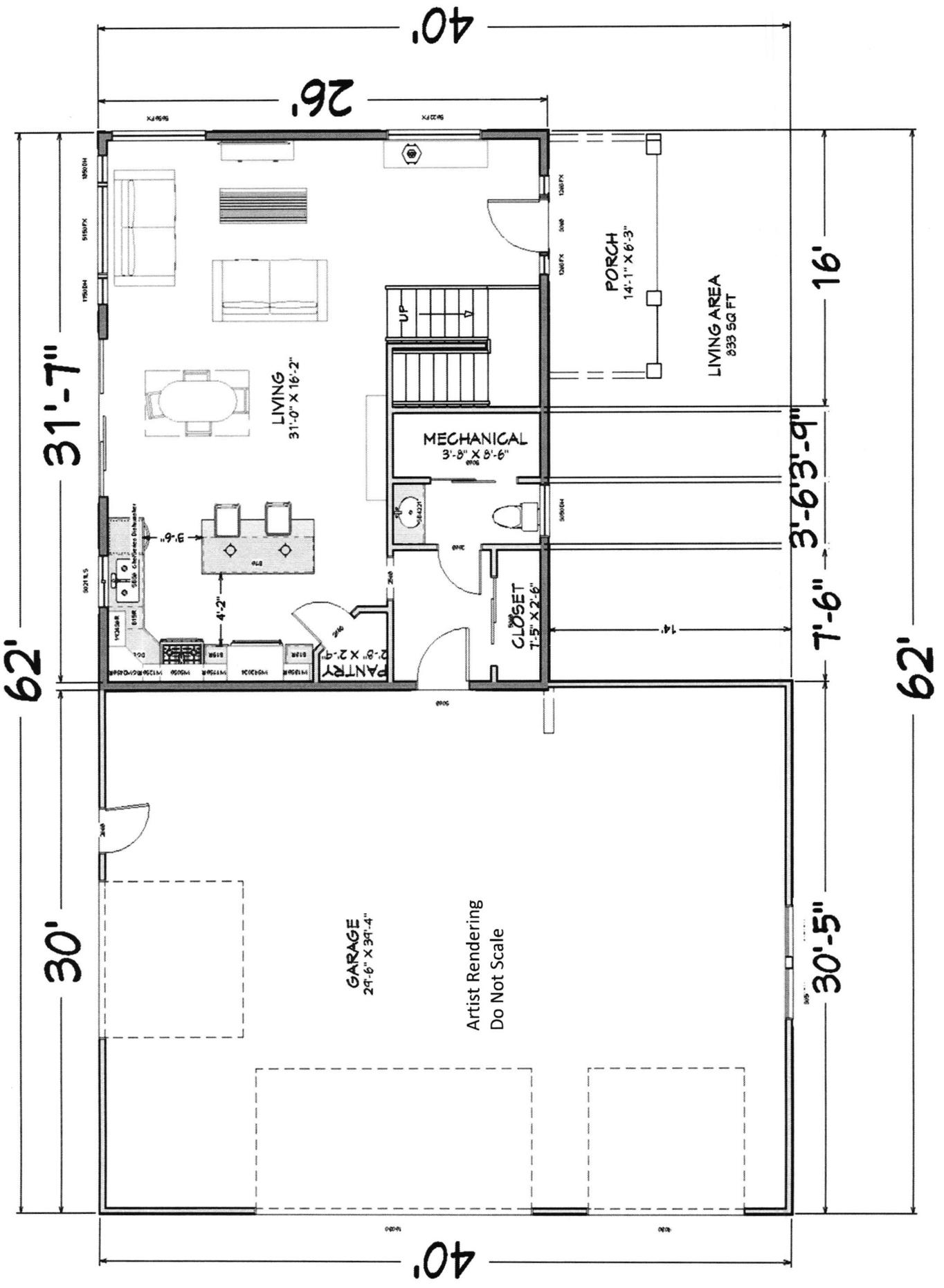
16'-1"

14'

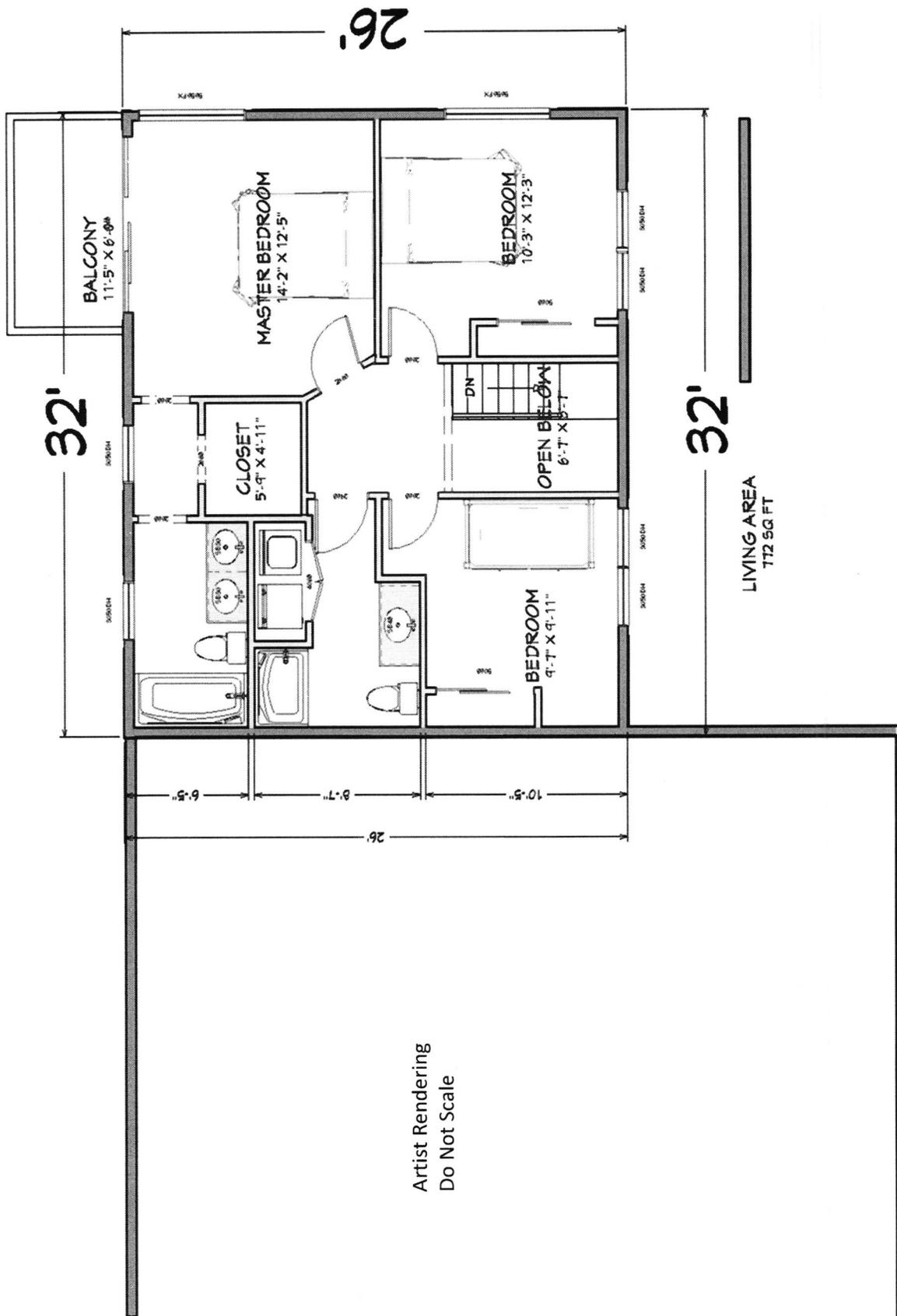
31'

5"

5"



Artist Rendering
Do Not Scale



Artist Rendering
Do Not Scale

Exhibit B (Continued) (for ZBA 20-0020)

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, October 9, 2019
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: Auxier, Hollenbeck, Neilson, Priebe & Watson,

Absent: Rill

Also Present: Amy Steffens, Planning & Zoning Administrator

4. Correspondence: None

5. Approval of Agenda:

Chairperson Priebe stated that we have a request to add a memorandum from Brittany Stein under Old Business regarding a case that was heard at the last meeting.

Motion by Watson, supported by Auxier

To approve the agenda as amended adding a memorandum under Old Business

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:

a) ZBA 19-0017

Owner: Jeffrey Weiss

Location: 0 Baudine Rd. Pinckney MI 48169

Parcel ID: 15-17-301-086

Request: Variance application to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and a 68 square foot elevated balcony with a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.).

Mr. Jeffrey Weiss, applicant stated that he was before the Board approximately two years ago for a different variance on a ranch style house with an attached three-car garage. At a later date and prior to construction, he reconsidered a two-story home to give him a smaller footprint leaving more land. When he made inquiries to the Zoning Department, he found out that the variance had expired. He presented a new plan and stated that he feels that this will work out better on his lot. It is in line and consistent with the architecture of the neighborhood.

Amy Steffens, Planning & Zoning Administrator stated that the subject site is a vacant lot almost to the end of Baudine. It is a fairly good sized lakefront lot, 14,402-square feet in size. If approved, the variance request would allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,200 square foot garage, an 88-square foot covered front porch, and a 68-square foot elevated deck on the rear of the dwelling on the canal side. The dwelling will have a 22-foot west front yard setback where a 25-foot front yard setback is required, and a 35-foot east rear yard setback from the ordinary high water mark (OHM) of Rush Lake where a 50-foot setback is required. The elevated balcony will have a 29-foot east setback from the OHM of Rush Lake. Elevated decks can encroach up to six feet into the required yard, therefore it is required to have a 44 foot setback from the OHM. The garage does not need any variances. It does meet the 15 foot setback from the road. She stated that based on FEMA's Flood Insurance Rate Map (FIRM), as well as information provided by the applicant, a portion of the site lies within the 100-year floodplain. If you look at the elevations, you can see that the existing grades of the building envelope are up to a foot below the base flood elevation. Because we participate in the National Flood Insurance Program (NFIP), we must assure that building code standards are complied with and we meet our own floodplain development ordinance. An elevation certificate must be submitted prior to the issuance of a land use permit, when the foundation is completed and before vertical construction, and when the project is complete. She has inquired if EGLE has authority over this floodplain, but she has not heard back yet. If it is, the applicant may be required to obtain a permit from them first. Should the applicant propose to fill the building envelope to elevate the dwelling in order to obtain a LOMR-F, the township will require the applicant to deposit a review escrow for the township engineer to review the plans. These items have nothing to do with the variance, but they are our permitting standards. She gave a history of the site. On August 9, 2017, the Zoning Board of Appeals approved a variance application on this site to allow for the construction of a new 1,699-square foot single-story dwelling with an attached 660-square foot garage. The dwelling would have had a 23.9-foot setback from the OHM where a 50-foot setback is required and a 23.9-foot rear yard setback where a 30-foot rear yard setback is required. The variance lapsed. The property owner neither obtained permits nor began construction on the approved dwelling and the variance approval expired on February 9, 2018. At that time, variances expired after six months. We just approved an amendment to change the ordinance so people will have a full 12 months. Since that time, the property owner has changed the architectural plans for the home as he has presented. Steffens stated that this site is an example of one that deserves some type of variance relief. Even though it is a far larger site than most of our waterfront lots, it is oddly shaped. The most important question for the ZBA is how much of a variance is reasonable. How much are we willing to deviate from the setback standards.

Steffens reviewed the finding of fact. She stated that the site, while a considerable one-third acre, is constrained by two factors: the canal to the east and the shallow lot depth. At its deepest, the lot is 111 feet from the front property boundary to the canal and at its shallowest is 88 feet from the front property boundary to the canal. The required 50-foot setback from the OHM and the 25-foot front yard setback leaves a narrow, long building envelope. Given the configuration of the lot and the setback from the OHM, there does appear to be an exceptional circumstance on this lot that is not applicable to other properties in the same district or zone. Therefore, it could be reasonable to consider that the property deserves some relief from the terms of the zoning ordinance. However, the chosen design of the proposed structure, with the covered front porch and the elevated deck, are not necessarily reasonable deviations from the zoning ordinance. The design of the dwelling drives the need for the front yard setback for the covered porch to have a 22-foot setback and an elevated deck with a 29 foot setback. The porch could be uncovered, thus meeting the definition of a patio, and the home moved forward by five feet, thereby negating the need for the front yard setback and increasing the dwelling's OHM setback to 40 feet rather than the proposed 35 feet. Additionally, the elevated deck on the rear of the dwelling is entirely a personal preference. An elevated deck has a visual, aesthetic, and privacy impact such that the township adopted a zoning text amendment in 2016 to address these concerns and allow an elevated deck to encroach up to 6 feet

into a required yard as long as you are 8 feet away from the property boundary. We capped it because we also recognize that there is additional impact on neighboring properties. A substantial property right is not preserved based on granting a variance for a particular architectural design. The covered porch, 30-foot front yard setback rather than the 25-foot setback required, and the elevated deck on the rear of the dwelling are personal preferences of the applicant. These could be removed thereby mitigating the impact of the variance request. The elevated deck on the rear of the dwelling could potentially be materially detrimental to the property or improvements in the zone in which the property is located because of the aesthetic impact as well as the privacy concerns. The setback from the OHM is intended to provide an open vista along waterfront properties and protect off-site views of the water. The reduced OHM setback and the elevated deck, taken together, could negatively impact adjacent properties. The house is also encroaching the OHM. There is not much to protect the water views except that 50 foot setback from the OHM. Moving the house forward and eliminating the elevated deck goes a little farther in protecting the intent of the setback from the water. The subject site is zoned for single family, it is going to be used for single family and the Master plan envisions that this area will continue to be used for waterfront residential. Again, the Township already adopted a zoning text amendment that relaxed the standards for an elevated deck, and staff finds that there is no condition or situation specific to the property that does not apply to other properties in this vicinity. The site is zoned for single-family residential and the proposed variance would not permit the establishment of a use not permitted by right within the district. Again, the property is constrained by size and OHM setbacks and it could be reasonable to grant a deviation from the zoning ordinance. However, the covered porch and the elevated deck are not the minimum necessary to permit reasonable use of the land. They could be removed and still use the lot for single family residential but mitigating the impact of the variance request.

Member Auxier discussed the variance request of 2017. He stated that at that time there were concerns from neighbors regarding the line of site. There was an understanding that the applicant would not encroach toward the canal any further than where the house was set. In this plan, they have moved that out with a raised deck. Mr. Weiss stated that at that time, the whole house was 23.9 feet from the OHM and yes now he is proposing a balcony. He further stated that the house now proposed is closer to the road than the original proposal and it was closer to the canal. It was stated that the deck is now 29 feet back and the house is 35 feet back.

Discussion was held on the front porch. Member Auxier stated that it is reasonable to have a covered entry way into your home.

Discussion was held on the elevated deck. Discussion was held on relocating it to the side. Mr. Weiss stated that he did look at that but with the roof trusses, etc., it is more efficient to go in the direction of the trusses and support beams. He also discussed privacy issues. He would be open to reducing the deck to five feet. Auxier stated that if we are trying to bring things more into conformance, and he feels it should be eliminated. However, it is a lot better than when it was originally approved. Mr. Weiss stated that it is in line with the neighbors even with the balcony. He does plan on putting up glass railing or similar to not block people's views.

Discussion was held on the configuration of the lots.

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

Motion by Auxier, supported by Watson

Motion to approve variance application ZBA 19-0017 at parcel 15-17-301-086 to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and a 68 square foot elevated balcony with a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.).The variance does meet standards one through seven of Section 6.5. of the Township Ordinance and a practical difficulty does exist on the subject site. There is

an exceptional circumstance that exists that is not applicable to other properties within the district primarily due to position of the road and canal and the narrow building envelope when the strict compliance with the Zoning Ordinance standards are applied as discussed at tonight's meeting 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 September 11, 2019 ZBA Minutes

Motion by Hollenbeck, supported by Watson

To approve the minutes of the September 11, 2019 Minutes as written including the Special Training

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

- b) Memorandum from Brittany Stein – Update on Tabled Variance Request

Amy Steffens, Planning & Zoning Administrator stated that we saw Mr. Richard Olson of 8772 Rushside Drive a couple of times this year. He received a variance to add a second story and then through construction, the whole house was removed. He came back at the last meeting and the request was tabled at that time in order to give him more time to figure out how he was going to proceed. He talked about boundary adjustment, moving forward with a variance request or re-designing. He decided to re-design the entire structure, and he now complies with all of the zoning ordinances. We have issued the land use permit for a compliant house.

Steffens stated that she does not know if we will have a meeting next month. We have not spoken to anyone who might be coming forward in November.

9. Adjournment:

Motion by Watson, supported by Neilson

To adjourn the meeting

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

The meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected:_____

Chairperson Priebe

P.O. Box 157
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Hamburg, Michigan 48139-0157

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(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, August 9, 2017 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, Hollenbeck, Neilson, Priebe and Watson

Absent: None

Also Present: Scott Pacheco, Planning & Zoning Administrator & Mike Beck, Planning & Zoning Intern

4. Correspondence: None

5. Approval of agenda:

Motion by Neilson and supported by Watson

To approve the agenda as presented.

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

6. Call to the public:

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 2017-016

Applicant: Jeffrey Weiss

Owner: William Bothe

Location: Vacant on Baudine Street

Parcel ID: TID 15-17-301-086

Request: Variance application to permit the construction of a new 1,699-square foot single-story dwelling with an attached 660-square foot garage. The dwelling will have a 23.9-foot setback from the ordinary high water mark of a Rush Lake canal (50-foot setback from the ordinary high water mark of a waterbody required, Section 7.6.1.fn3) and a 23.9-foot rear yard setback (30-foot rear yard setback required, Section 7.6.1.).

Mr. Jeffrey Weiss stated that for clarification, the appeal is to the rear yard setback and water mark. A variance to the front is not required. He stated that they have an agreement to purchase this lot with the contingency that he do his due diligence, which he is in the process of doing now including soil evaluation and this variance request. He stated that the lot is 150x88' and 150x85 with the deepest point being the 88 feet. The current setback requirement is 50 feet from the edge of the house to the canal in the rear and 25 feet from the edge of the house to the edge of the road in the front for a grand total of 75 feet. This gives a building envelope of approximately 10 feet. That is why the request is being made.

Planning & Zoning Administrator Pacheco introduced Mike Beck, our summer intern who received his Master's degree from the University of Michigan.

Intern Beck stated that the applicant is proposing the construction of a new 1,699 square-foot single-story dwelling with an attached 660 square-foot garage. The dwelling will have a 23.9 foot setback from the ordinary high water mark of a Rush Lake canal (50 foot setback from the ordinary high water mark of a waterbody required, Section 7.6.1.fn3) and a 23.9 foot rear yard setback (30 foot rear yard setback required, Section 7.6.1). The minimum size home required by ordinance is 1,000 square feet. As the applicant indicated, the building envelope is quite restrictive.

Member Bohn questioned the purchase of three lots. Pacheco stated that the original plat was three lots that are now combined into one parcel.

Chairperson Priebe opened the public hearing.

Mr. Robert Odonnell of 8463 Baudine stated that he owns the property directly adjacent to the subject parcel. His major concern is that his home sits 54 feet back from the canal. The plan for Mr. Weiss's house would put the rear of his house at 23 feet 9 inches back which would substantially take away from his enjoyment and his views of the lake. The ordinance requires 50 feet for a reason. He is opposed to the request.

Hearing no further public comment, Priebe closed the public hearing.

Priebe stated that we have received two letters one from Mr. Odonnell and one from Janet and Michael DiCarlo both opposed to the variance request.

Member Bohn asked if the canal is a man-made canal. Pacheco stated that it is. Member Bohn stated that it would then not have riparian rights. Discussion was held on the configuration of Mr. Odonnell's home as well as the radius of the curve of the canal. Member Bohn stated that with Mr. Odonnell's shed, most of the view would be onto the canal. Mr. Odonnell stated that he bought the house a year ago with the intent on moving the shed. It was stated that the proposed setback on this side is 36.8 feet and 23.9 on the south side.

Member Bohn asked if there would be any other structures allowed toward the water than what is proposed such as fencing, etc. that would obstruct the vision of the neighbors. Pacheco stated that all houses within the Lakefront District can have a shed within the 50 foot setback as long as it is no greater than 12 feet in height and no greater than 144 square feet.

Member Bohn asked the applicant if he would consider a restriction that there could not be a play structure, shed or other vertical impediment to the view on the north side of the property to limit the concerns of the neighbors and that any of these structures would be placed on the south side of the property. Mr. Weiss stated that would be fine. He further stated that he is dealing with the same issue with the neighbor to the right who has a row of arborvitaes that restrict his view as well. Discussion was held on seawalls to eliminate erosion. Further discussion was held on the proposed style of the home and the roof pitch so that it would not be overpowering. Mr. Weiss stated that the elevation is approximately a foot lower than the property to the north. The elevations have been set by a flood zone specialist. Pacheco stated that we do not have restrictions on people planting vegetation.

Chairperson Priebe stated that in considering a variance, the Board looks at practical difficulty and the unique features of the lot, shape, etc. As the applicant has stated, at the widest part, there is only 12 feet to build a house. Because the lot is narrow, curved and because of the excessive setbacks, it does appear to meet the requirements of practical difficulty.

Member Watson stated that when you are starting new, there should be a way to make it conforming. On this lot, you could not build anything to conform.

Mr. Weiss pointed out that based on the computations and given the lot size, it is not going to be a big house. There will still be plenty of landscaping, etc.

Motion by Bohn and supported by Hollenbeck

Motion to approve variance application ZBA 17-016 at vacant site on Baudine Street (TID 15- 17-301-086) to allow for the construction of 1,699-square feet dwelling and attached 660-square foot garage. The dwelling will have a 23.9 foot setback from the ordinary high water mark of a Rush Lake canal (50 foot setback from the ordinary high water mark of a waterbody required, Section 7.6.1.fn3) and a 23.9 foot rear yard setback (30 foot rear yard setback required, Section 7.6.1). The variance does meet the variance standards of Section 6.5 of the Township Ordinance and a practical difficulty does exist on the subject site, predominantly the building envelope, with the current setbacks as set forth in the ordinance, which would make it virtually impossible to build a home as well as other unique site conditions, when the strict compliance with the Zoning Ordinance standards are applied as discussed at tonight's hearing and as presented in the staff report. And, the applicant voluntarily but in a binding fashion, agrees to not place any more structures in any other area except to the south of the proposed structure and in compliance with all other zoning 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. Approve July 12, 2017 meeting minutes and memorialization of findings for ZBA 17-015

Motion by Hollenbeck, supported by Neilson

To Approve the July 12, 2017 meeting minutes and memorialization of findings for ZBA 17-015 as presented

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

9. Election of Officers

Motion by Bohn, supported by Watson

To re-elect Joyce Priebe as Chairperson

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

Motion by Watson, supported by Watson

To elect Paul Bohn as Vice-Chairperson

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

Planning & Zoning Administrator Pacheco stated that at the Planning Commission meeting next Thursday, the Commission will be considering the amendment to the 50% rule as well as the setbacks for Waterfront Residential district. There are two alternatives being considered, one for all properties within the district, the other for only non-conforming lots. It was stated that once approved, it will eliminate a lot of variance requests.

10. 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 7:31 p.m.

Respectfully submitted,

Julie C. Durkin
Recording Secretary

The minutes were approved
As presented/Corrected: _____

Joyce Priebe, Chairperson

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

(810) 231-1000 Office
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Supervisor: Pat Hohl
Clerk: Mike Dolan
Treasurer: Jason Negri
Trustees: Bill Hahn
Annette Koeble
Chuck Menzies
Patricia Hughes

**Hamburg Township
Zoning Board of Appeals Minutes
Wednesday, October 14, 2020
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: Auxier, Dolan, Priebe, Rill and Watson

Absent: None

Also Present: Amy Steffens, Planning & Zoning Administrator

4. Correspondence: None

5. Approval of Agenda:

Motion by Auxier, supported by Rill

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:

a) ZBA 2020-0012

Owner: Heather and Paul Gowette

Location: 4203 Shoreview Lane Whitmore Lake, MI 48189

Parcel ID: 15-33-110-243

Request: Variance application to permit the construction of a two and a half story, 2,990 square foot dwelling, with a 16-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.), a 40-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3), and an elevated deck on the south façade with a 31.7-foot setback from the OHM (44-foot setback required for elevated decks, Section 8.18.2).

Heather Gowett, applicant, stated that they are full-time residents and it is their desire to build a home across the street from their residence where her mother will reside. They have also taken into consideration her accessibility and mobility. She addressed #2 of the Standards of Review. After research, she has determined that of the 74 lakefront homes on the island, 62 of them have garages. She feels that it is safe to assume that is a reasonable enjoyment and an

asset they could consider. 100% of the homes have either a deck, porch or patio. When considering the footprint of the home, they felt that these are items that are needed to enjoy the lakefront property. She reviewed Review Standard item #1, exceptional or extraordinary circumstance of the lot. She stated that in the diagram included in the Board's packet, you can see clearly how the slope of the road and the slope of the lake impacts their buildable area. She discussed the lake setback and road setback which gives them a buildable area of 30 feet long by 33 feet wide. She further discussed the 22 foot by 22 foot garage and an 8 foot deck, which is reasonable. That leaves them with about 660 square feet to plan the base level of the home. That is not typical of what is on the island. There are small cottages but there are also full-time homes on the island. Their difficulty in trying to fit within the footprint and the slope of the road and the lake is why they went up. The house directly across the street is a 2.5 story house. She disagrees with the comment from the reviewer that said that building within the setbacks would allow an adequately sized home that would permit reasonable use of the land. A reasonable use should include a garage for storage and a deck for enjoyment and reasonable square footage. The reviewer also indicates that most of the properties in the area meet the required setbacks or are smaller. If you drove around the island, you could clearly see that at least 30 homes on the island have garages within feet of the road or the side lot line. The reviewer further indicates that the variances would be materially detrimental to the public welfare or materially injurious to the property and improvements in the area. She stated that she disagrees with comments such as "the structure looms over the street" or "the sheer bulk will impact views". They are not within feet of the road like those other garages. Furthermore, the house across the street, which is 2.5 stories, seems to fit in with the neighborhood and they are aware of other 2.5 story buildings built in Hamburg Township on the chain of lakes. She stated that she would like to hear from the Board and possibly come up with a compromise.

Amy Steffens, Planning & Zoning Administrator, stated that on January 6, 2020 the Property Owners were granted a land division by Hamburg Township. Originally, the subject site was combined for tax purposes with the property across Shoreview. In January 2020, the property owners were granted a land division to split off the subject property from a property they own at 4230 Shoreview Lane, on the north side of Shoreview Drive. That was able to be split because there was no contiguous road frontage, which is much different than most lot splits that we see in the Township. The subject site is approximately 50 feet wide by 110 deep or 5270 square feet. It fronts Shoreview Lane on the north and abuts Long Lake to the south. There is a single family dwelling to the east at 4200 Shoreview Lane on a double lot and to the west is a garage that is used by the property to the north at 4185 Shoreview Lane. The project proposes a new single-family home with square footage as indicated in the staff report or a total of about 4,258 square feet. The variance requests are for the front yard, where 25 feet is required, they are asking for 16 feet. Where a 50 foot setback is required from the Ordinary High Watermark of Long lake, they are asking for 40 feet for the main structure. They are also proposing an elevated deck on the lake side. An elevated deck may project up to 6 feet into any required yard except in the Natural Rivers District. They are asking for a 31.7 foot setback where 44 feet is required. They are not asking for a side yard variance.

Steffens discussed the seven findings of fact. She stated that on the 5,270 square foot lot, the structure is going to have a footprint of 1,632 square feet. The front property line along Shoreview Lane and the rear property line abutting Long Lake does have a slight impact on the angle of the buildable area. However, the lot is mostly flat and there is ample room within the buildable area to build an adequately sized structure that meets the requirements of the code, not the individual needs or desires of the property owners. All of the findings of fact deal with what is so peculiar with the property that you cannot meet the terms of the Zoning Ordinance. This lot already allows for the reduced side yard setbacks of 5 feet minimum and 15 feet aggregate because the lot is under 60 feet wide. The garage space would be allowed to have a 15 foot front setback. Both of these are due to recent text amendments to allow for greater possibilities on our lakefront lots. To have the front yard and rear yard setback requests are due to design preferences of the applicants and not an exceptional or extraordinary circumstance applicable to the property. This is a standard lakefront lot. There is a buildable, compliant area that is 33'x30' which is an adequate building size. There is nothing peculiar about the lot that would warrant a deviation from the requirements. It appears that most of the properties in the area that consist of a single lot of record have homes that either meet the required setback, or if the homes do encroach into the setbacks, the homes are not as large as the proposed structure. The report includes a table that compares the proposal with the surrounding properties. Ultimately, granting the requests with both a variance to the front yard setback and the Ordinary High Watermark for both the house and the deck, is not necessary for the preservation and enjoyment of a substantial property right by other properties in the same zone. A smaller structure could be built on

this site that complies with all the zoning requirements and still takes into account any slope that the applicant argues warrants a front yard and rear yard setback. The intent of the front yard setback is to require enough space between the roadway and the structure so that structures do not loom over the street or adjacent properties. The ZBA can and should consider the bulk of the structure at the setback. You are looking at a plan view, but when it is built, you are not looking at a plan view but the bulk of the structure at the reduced setback that potentially has a detrimental effect not only on the streetscape and the aesthetics of Shoreview, but also on adjacent properties. Because of the size and the height of the proposed structure, placing the structure within the required lake and front setbacks will have a greater impact of the views of the structure from both the lake and Shoreview Lane. She stated that with the staff report, there are two scaled mock-ups showing what happens when you have compliant structures next to each other and single stories and then a second Story addition that meets the setback requirement and finally a second story addition that is setback the same distance as the existing structure. This is a good depiction of what happens when structures get larger and taller and how it impacts structures on adjacent properties. One of the goals of the 2020 master plan is to “Protect, preserve, and enhance, whenever possible, the unique and desirable natural amenities of Hamburg Township”. Building a house there will not affect the intent of the Master Plan, but the setbacks uphold the intent of the Master Plan, and it is up to the ZBA to determine if a variance request upholds that intent. The lot size of the subject site is small, and we have already addressed small waterfront lots in recent zoning text amendments. The entire Cornwell Acres Subdivision was developed with small lots. The lot is relatively flat. It does not appear that there is a condition or situation of the subject property, not the owners’ desires, for which the variance is sought, that is not of a general or recurrent nature. The site is zoned for single-family dwellings and related appurtenances. The proposed project is a single-family dwelling. Finally, there is a completely compliant building envelope on this site for a home. Whether or not that meets the wants of the applicant is not something that the ZBA can consider. The ZBA has to consider whether there is anything peculiar to the property. There is not. Furthermore, an at-grade deck can go up to five feet to the property line. There is no reason to have that elevated deck 31 feet from the Ordinary High Watermark. Staff finds that there is nothing that would warrant a deviation from the ordinance.

Member Watson stated that this is a new build, and with a new dwelling, you need to come closer to meeting the ordinance.

Ms. Gowett stated that as she indicated, the slope affects the buildable area, and it is unreasonably small.

Chairperson Priebe opened the public hearing.

Mr. David Cowhy of 4200 Shoreview stated that their home is directly impacted by the applicant’s lot. He stated that he is favor of their plan. He understands that the slope of the road as well as the lake affects their building. There is a 2.5 story home across the street, which is a beautiful home.

Ms. Carol Kuehne of 4166 Shoreview stated that she agrees that they should be able to build the house as proposed.

Hearing no further comment, Chairperson Priebe closed the public hearing.

Member Auxier asked if the garage being proposed is 22’x22’. Ms. Gowett stated that she was trying to give an example of trying to build on the 33’x 30 buildable area. She was stating that having a reasonable sized garage and a reasonably sized deck left the 660 square foot base level of the house. That is the reason they decided to build up. She was trying to use this as an example. Member Auxier asked the width and length of the house. Ms. Gowett stated that it is 40’x33’. Steffens stated that the lot is 50 feet wide, therefore the width could be 35 feet across by 33 feet deep. The garage can be up to 15 feet to the property line and could be move forward. Ms. Gowett further discussed the deck which leaves 30’33’ for the home. Further discussion was held on other options to get a fairly significant home and still be within the 33’x35 foot building envelope. He stated that would still allow at least at 2,500 square foot home.

Member Rill asked when the project started, did the applicant take into consideration the buildable site on the lot and what the restrictions are. Ms. Gowett stated that it is very difficult to find a plan that meets the requirements and still work with what she was desiring for her mother. They got close and figured that there are variances all over the island.

They also spoke with many of the neighbors. Member Rill stated that if you know what the building envelope is, it appears like you chose what you wanted to do rather than what would fit on the lot. Ms. Gowett stated that she started with an existing plan rather than start from scratch.

Steffens stated that there is one anonymous letter in opposition to the variance that was included in the Board packet.

Member Auxier stated that he is not in support of this plan, but he hears that the applicant is interested in working toward a plan that will work. Chairperson Priebe stated that there is room for the applicant to make some adjustments. She would like to give them an opportunity to come back with a different plan. As is, she does not feel that there would be support for such a large house on this particular piece of property. She stated that tabling the request may be more advantageous than just denying it. If they find a way to meet the requirements, then they would not have to come back before the Board.

Motion by Auxier, supported by Dolan

To table variance application ZBA 20-012 to allow the applicant an opportunity to work within the building envelope

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

b) ZBA 2020-0015

Owner: Donald & Lynn Pettijohn

Location: 3774 Lancaster Drive, Pinckney, MI 48169

Parcel ID: 15-29-202-215

Request: Variance application to permit the construction of a 120-square foot second story addition to the north façade of an existing dwelling. The dwelling will have a 6-foot side yard setback (10-foot side yard setback required, Section 7.6.1.).

Mr. Don Pettijohn, applicant, stated that his grandfather purchased this lot as well as the two adjacent in 1938. His family has been here for a long time. His father lived in the home next to this at 3780 Lancaster Drive, and he passed away in December. He and his wife purchased this home next door and combined the two lots together. They received the approval to combine them in February, and they are attempting to make the two houses look similar. They are looking to add a second story over an existing structure and go out an additional six feet toward the road. It would not affect anyone's view.

Member Dolan asked if it is important for the Zoning Administrator to read her report in its entirety. The Board members receive them in their packets and he assumes that the members read them. Member Auxier stated that he feels that it is helpful to review the high points at the very least.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 21,431-square foot parcel that fronts onto Lancaster Drive to the south and west; Cordley Lake is to the south, and single-family dwellings are located to the west and east of the site. She stated that the three parcels as seen on the map are actually one parcel and reviewed the combination. She stated that it is one parcel that is actually split into two by Lancaster Drive. The parcel on the north side of Lancaster is improved with a 792-square foot garage; the subject site on the south side of Lancaster is improved with a 2,088-square foot dwelling and 293-square foot detached garage as well as a 1,180-square foot dwelling that had the kitchen removed. It had to not be a home when we combined the parcels so they removed the kitchen in anticipation of the Township issuing a land use permit for an addition to connect the two homes. If approved, the variance request would permit the construction of a 120-square foot second story addition to the north façade of the former dwelling on the eastern half of the parcel. The second-story addition would have a six-foot side east side yard setback where a 10-foot side yard setback would be required per Section 7.6.1. The Zoning Ordinance allows on lots that are less than 60 feet wide a reduced side yard setback for an aggregate of 15 feet. By combining the lots, they now have a larger lot that can no longer take advantage of that reduced side setbacks. Any new construction would have to meet the 10 foot setback on both sides. In this case, they are asking for an addition over an existing structure that has a

deficient setback now that they have been combined. They have essentially created a practical difficulty because now they have a larger lot. They have to meet the 10 foot setback even for a second story addition. And, this is a much larger structure than any adjacent properties. The site is not constrained in size and has been zoned, developed and used for residential purposes as is without the second story addition. There is nothing extraordinary about the property that the addition cannot meet the 10 foot setback, and there is nothing peculiar about the property that warrants a variance request. It is a relatively small project at 120 square feet and only 6 linear feet of that is going to be within the setback. In this instance, the second story with a deficient side yard setback, given that it is a small addition, could be considered a reasonable deviation from the terms of the Zoning Ordinance. She further stated that a single architectural design does not advance a substantial private property right. The subject site is notably larger than adjacent properties and has just recently received a land use permit for an addition to connect the two homes on the newly combined larger lot that meets all of the Zoning Ordinance requirements. The applicant's design preference requiring a variance request is a self-imposed practical difficulty. The second-story addition would have a front yard setback of 64 feet, which is an extreme setback, especially in the WFR zoning district. From the front, you will not be able to tell that there is another 120 square foot of second story. The extreme setback will help minimize any aesthetic or privacy impacts that we would be concerned about. This property is located within the waterfront residential-zoned future land use district in the 2020 Master Plan, which is a district that allows for residential properties and is intended to protect the existing character of the area. The proposed project would not adversely affect the purpose or objectives of the 2020 Master Plan. There is no condition or situation of the subject site that is not of so general or recurrent in nature that applies to grant a variance. The use of the site is single-family residential and the proposed variance would not change the use. This is a relatively small addition to an existing second-story and the ZBA will have to determine if the 10 foot setback should not apply for this 120 square foot addition.

Member Dolan stated that this is a unique situation. The fact that combining the two lots created a setback situation is very unique. He stated that this is such a small, minor variance request, and he would be comfortable with approving the project. The other members of the Board concurred.

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

Motion by Dolan, supported by Watson

To approve variance application 2020-0015 at 3774 Lancaster Drive (TID 15-29- 202-215) to permit the construction of a 120-square foot second-story addition to the north facade of an existing dwelling. The dwelling will have a six-foot side yard setback (10- foot side yard setback required, Section 7.6.1.). The variance meets variance standards one (1) through seven (7) of Section 6.5 of the Hamburg Township Zoning Ordinance, and a practical difficulty exists on the subject site when strict compliance with the Zoning Ordinance standards is applied, as discussed at the meeting this evening and as presented in the staff report. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

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

e) ZBA 2020-0016

Owner: Jeffrey and Heather Evans

Location: 4101 Shoreview Lane, Whitmore Lake, MI 48189

Parcel ID: 15-33-110-119

Request: Variance application to permit the enclosure of an existing 320-square foot covered patio on the west façade of the dwelling. The enclosed addition will have 35-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3).

Mr. Jeffrey Evans, applicant, stated that they purchased the property in July. At the closing they were presented plans completed by Dexter Builders for the previous owners dated 2018. The home was built in 1973 including the porch on the west side of the living area. They would like to create a 3-seasons room adding windows and a door to enclose the porch. Adding windows would not impede their neighbors view of the lake. There were also concerns that the porch was in a floodway. A LOMA (Letter of Map Amendment) was created and filed on 9/23/20. It was determined in the

report that the porch is not within the floodplain area. It is worth noting that the finished floor elevation of the home is 855.8, which is 1.8 feet above the floodway elevation. The finished floor of the porch is approximately 4 inches below the finished floor of the house. No excavation will take place anywhere on this project. They are simply adding windows to an existing porch. They realize that the rear yard setback is 50 feet, and the porch is 34 feet from the water. Since the structure has existed since 1973, they respectfully request that the ZBA approve their variance request. He stated that there are three neighboring families present in support of their project.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 14,117-square foot parcel that fronts onto Shoreview Lane to the east; Gallagher Lake channel is to the west, and single-family dwellings are located to the north and south of the site. If approved, the variance request would permit the enclosure of an existing, nonconforming 320-square foot covered patio on the west rear facade of the dwelling. The enclosed addition will have a 34-foot setback from the ordinary high water mark of the lake where a 50-foot setback is required per Section 7.6.1.(fn 3). The reason this request is before the Board is even though the porch is already covered and does not meet the setbacks, under Article 11, which is our non-conforming ordinance, they are actually increasing the nonconformity. The applicant has addressed the floodplain issue. That is not something that the ZBA needs to concern themselves with it. The ordinance requires a 50-foot setback from the ordinary high-water mark of a water body and intended to maintain an open vista of the water from neighboring properties and preserve the shore from encroachment of residential structures. The existing non-conforming covered patio encroaches 16 feet into the required yard setback. It is doubtful that the 50 foot setback was required in 1973 when the structure was built, but it is non-conforming to today's ordinance. The site is zoned for single-family residential uses, has been developed for such uses, and can continue to be used for such use without expanding the nonconforming structure with a deficient setback. An enclosed addition is not necessary for use of the site for residential purposes and is solely a personal preference of the homeowner. It does not preserve a substantial property right. The house has been used as a single family dwelling without the enclosed porch and variance request. The ZBA can determine if this is an acceptable deviation of the requirements of the ordinance. The proposed future land use of the area is envisioned as waterfront residential, with a WFR designation, and would not be adversely affected by the granting of the variance. There is no condition or situation of the subject site that is not of so general or recurrent a nature. This 50 foot setback is a requirement of all properties within the Township regardless of the zoning designation. Requesting a variance to expand a non-conforming structure is a self-imposed practical difficulty. The use of the site is single-family residential and the proposed variance would not change the use. The house was built in 1973 without an enclosed porch, and the site can continue to be used for single family residential without an enclosed porch.

Member Watson stated that it is a nonconforming porch to begin with, and even though it is covered, it is open.

Member Auxier stated that on the plan, it shows a covered porch that is not included in this variance request. Mr. Evans stated that is not going to happen. They are simply asking to enclose the existing structure. No other changes will be taking place. Auxier stated that when he was at the site, he looked to see what the impact would be to the surrounding homeowners and saw none.

Member Dolan stated that there is a uniqueness to the property with regard to where it sits.

Chairperson Priebe opened the public hearing.

Leslie Stalker of 4106 Shoreview stated that she owns the property directly next door to the south. She supports them being able to enclose the porch. It does not impede their view of the water at all.

Tom and Kim Good of 4130 Shoreview stated that they support the request for a variance. They feel that it would add to the community and the property value.

Mr. Greg Karmineke of 4145 Shoreview stated that he lives directly to the east of the applicant. He cannot see their house much from his, but he feels that it would be good for the community.

Discussion was held the location of surrounding buildings.

Hearing no further public comment, Chairperson Priebe closed the public hearing.

Member Dolan stated that taking everything into account on this site, he could agree that this is an acceptable deviation from the regulations.

Member Rill stated that given that the structure was built in 1973 and it conformed at that time, he has no issues.

The question was asked if the Board could make a stipulation that it be glass enclosure only. Steffens stated that the Board can put in any condition they choose. Dolan stated that there would have to be support structure as well as the glass.

Motion by Auxier, supported by Rill

To approve variance application ZBA 20-0016 at 4101 Shoreview Lane to permit the enclosure of an existing 320-square foot covered patio on the west façade of the dwelling. The enclosed addition will have 34-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3). The variance does meet variance standards one (1) through seven (7) 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: 0 MOTION CARRIED

d) ZBA 2020-0017

Owner: James and Sarah Seta

Location: 11190 Algonquin Drive, Pinckney, MI 48169

Parcel ID: 15-31-102-020

Request: Variance application to permit the construction of a new 3,100-square foot two story dwelling with an 862-square foot attached garage. The proposed dwelling will have a 24-foot east front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 16-foot south setback from the ordinary high water mark of a Portage Lake canal (50-foot setback from the OHM required, Section 7.6.1. fn 3).

Mr. Jim Seta, applicant, thanked the Board Members for allowing them to address the Board and for coming out and looking at the property. He stated that since they purchased the home in 2014, they have made some substantial improvements to the property including seawalls, etc. to provide a better environment for the public in general. They do feel that they have a practical difficulty given that their home is currently very close to the canal. You can see on the plans where the home is today as well as where they plan to build. Their plan is to make this their permanent residence versus a summer cottage. The one foot setback variance is for the second story above the garage which will be a rec room. Staff has indicated that the home could be moved back one foot. However, half of the house is going to be where it is today. To move it back one foot would require them to complete tear down the house. They would also be impeding the neighbor's view of the lake, which is why they chose to put the second story where they are proposing. The house across the street is a two-story home as well and they did not want to impede their view either. The home today is 1,600 square feet and they are wanting to go up. They are requesting approval of their plan and believe that it is a betterment to the community. He presented pictures of other garages in the area that are extremely close to the road. Their existing garage, which they will be removing is only 7.2 feet from the property line. Now the garage will be moved back to roughly 19 feet from the property line. They believe that they are making the street view much better. Their home is directly next to the bridge and canal and will make it safer for people to pass because the bridge is only a one lane bridge.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 10,210-square foot lot that fronts onto Algonquin Drive to the east, Portage Lake to the west, and single family dwellings are located to the north and south of the site. The existing dwelling is one-story, approximately 1,600 square foot, with a detached 440 square foot garage.

If approved, the variance request would permit the construction of a new 3,110-square foot two story dwelling with an 862-square foot attached garage. The proposed dwelling will have a 24-foot east front yard setback where 25 feet is required, and a 16-foot south setback from the ordinary high water mark of a Portage Lake canal where 50 feet is required. She provided a table showing what is currently there and what is proposed. This is the kind of lot that the variance process was created for. This subject site is a 10,210 square foot lot, which is almost twice the size of the first lot that we considered this evening, and it is going to be a similarly sized house. However, the lot is 68.8 wide. If it was a normal lot without the canal on the side, we would have a setback requirement of 10 feet on each side. With the 10 foot on one side and 50 feet from the canal side, that leaves them a building envelope of 8 feet wide. There is no compliant location for a house on this lot. The current house is setback 16.1 feet from the canal and the new proposed two-story house will be setback the same 16.1 feet from the canal. The existing structure is one-story, and proposed is two-story. The outside wall of the proposed garage will be 19 feet to the front lot line, where a 15-foot setback is required for an accessory structure located between the dwelling and the water. What is triggering the front yard setback is the new proposed two-story addition. They are proposing 24 feet rather than the required 25 feet. It is the second story that does not meet the setback. They are not proposing to remove the wall on the north side. If it comes down, then we have a problem. They cannot remove more than 50% of that wall. The house could be shrunk down in size. It is up to the ZBA to determine whether or not this is an appropriate sized structure for this lot. There are similar size homes in the surrounding area of the subject site on similar lot sizes that appear to also be nonconforming, both from the front lot line and the canal, but most of the homes are single story. The proposed addition will be a two-story home where a ranch style home existed. The variance preserves a substantial property right possessed by other property in the same zone and vicinity. However, whether it is an appropriate size for the site is up to the ZBA to decide. As proposed, the new dwelling will be setback at nearly the same setbacks as the existing home. However, the proposed dwelling is two-story, and the ZBA should consider the doubling of bulk at the setbacks. The lot has a required north side yard setback of 10 feet. Because the applicant is proposing to keep the non-conforming north side wall of the home, the wall can remain and be attached to the new proposed structure without a variance, unless 50% or more of the wall is removed. The existing garage on the lot is detached from the home and is only 7 feet from the front lot line. The new home will have an attached garage that is 19 feet from the front lot line. This proposed home with an attached garage is less impactful and more conforming to the front lot line at the street. It is not likely that the proposed new dwelling would be materially detrimental to the public welfare or materially injurious to the property or improvements in the WFR District. The proposed future land use of this property and surrounding area envisions waterfront residential zoning district. With the water on two sides, we are constrained by the required setbacks. Furthermore, she believes that this canal is man-made and we are not only asking that this property to be burdened by a natural feature, but a canal that is man-made. The use of the site is single-family residential and the proposed variance would not change the use. The proposed two-story dwelling for a single family is a reasonable use of the land. The question is whether the size is reasonable, and that is up to the ZBA to decide. After the packet was created, we did receive two letters regarding this request. She read an email received October 8th from Greg and Micelle Towler of 11175 Algonquin who feel that they should only be allowed to build a home that would fit into the Township's requirements. She further read a letter from Jennifer Maxum of 2264 Wayne Drive who objects to the plans and is in favor of them building a home within the Township's ordinances. (see attached email and letter as part of the minutes). Steffens addressed the LOMA and stated that this only applies to the structure that is on the lot now. Any development would have to meet our Floodplain Development Ordinance that will require new elevation certificates unless you receive another LOMA once the foundation is put in.

Member Watson stated that he is in favor of the request. It appears to be a plus for the area. Member Auxier asked if the bulk of the structure could be moved further away from the canal. It was stated that it is already at 7 feet. Auxier further stated that it is not an excessively large sized home. The rec room is similar to a basement.

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

Member Auxier addressed the two letters that were received indicating that they would be in favor of building within the Zoning Ordinance, yet nothing would comply.

Chairperson Priebe stated that they have set it back from the road which is an improvement. It was stated that currently it is at 7 feet and the new garage will be 25 feet with a "bump-out" at the top. Mr. Seta stated that it will

actually be 32 feet from the road. There is approximately 9 feet from the property line to the road. He further stated that when they purchased the home, the seawall was falling into the canal, and they spent \$30,000 on a new seawall. It is interesting now that there are neighbors who are saying that they want to be able to go through the canal. Others are enjoying the canal because of the investment they have made. He further stated that he also feels that the applicant should be made aware of any letters received by staff prior to the meeting.

Discussion was held on the canal.

Motion by Rill, supported by Watson

To approve variance application ZBA 20-0017 at 11190 Algonquin Dr. to permit the construction of a new 3,100-square foot two-story dwelling with an 862-square foot attached garage. The proposed dwelling will have a 24-foot east front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 16-foot south setback from the ordinary high water mark of a Portage Lake canal (50-foot setback from the OHM required, Section 7.6.1. fn 3). 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: 0 MOTION CARRIED

e) ZBA 2020-0018

Owner: Judith Majoros

Location: 2496 Baseview Blvd. Pinckney, MI 48169

Parcel ID: 15-31-304-037

Request: Variance application to permit the construction of a new 2,540-square foot two story dwelling. The proposed dwelling will have an 8-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 10-foot east rear yard setback (30-foot rear yard setback required, Section 7.6.1).

Steven Majoros, family member representing the applicant was present. He stated that Judith could not be present this evening. He lives in Farmington, Michigan but has spent a lot of summers here in Hamburg Township. He serves on the Planning and Zoning Committee in his community as well so he appreciates the hard work the Board puts into this. His father came to this area for not only the lakefront living but also because he liked the sense of neighborhood, community and harmony. Their desire is to make their seasonal cottage into a more permanent residence that he and his brother can deal with in succession and estate planning, etc. They want to stay consistent with the neighbors, the standards that have been set for properties like this and lakefront living. They are trying to be respectful of all of that. He stated that Don Maybee, their neighbor, could not be present this evening but he enthusiastically endorses their project.

Mr. Roger Young, Architect, stated that he has been working with Mr. Majoros and his family on the design of their new home on the lake. They want to be sensitive to the neighboring homes not only in terms of scale of the home but also the proximity and protection of the natural features. He discussed the landmark trees in relation to the new proposed construction.

Amy Steffens, Planning & Zoning Administrator, stated that this is an unusual situation and again another reason why there is a ZBA. She stated that the subject site is one lot originally platted as two lots in a plat from almost 100 years ago. If you look at the plat, there is no roadway access to any of these lots to the west, and this lot is the last lot of the plat. At some point, possibly in the 1960s, they re-platted a portion at the north of the plat including an easement so that people had access to their lots. However, that easement dead-ends at the west property boundary of this lot. They cannot legally use Baseview that goes east from the subject site. There is no road frontage for this site. The eastern end of Baseview Drive terminates at the west property line of the subject property. The properties east of the subject site are in the Sunset Cove Subdivision. Like many of the homes along Baseview Drive, the existing and the proposed house on the subject site are oriented toward Baseview Lake to the south. Because the subject site accesses Baseview

Drive from the west side of the property, the front property line according to our Zoning Ordinance, would be considered the west property line, while the east property line would be considered the rear property line. The west property setback would be 25 feet and the east would be 30 feet. The proposed project will demolish the existing home and reconstruct a new main home on the site. The new home is proposed to be 8 feet from the west property line where 25 feet would be required and 10 feet from the east property line where 30 feet is required. The project proposes a new single family home with the total square footage of 3,222 square feet. There is also a 180 square foot covered porch off the south side of the structure that will be 50 feet from the OHM of Baseview Lake and a 230 square foot patio off of the south side of the structure that will be less than 24 inches above grade and therefore can encroach into the water setback. Because of the orientation of the lot, and the way that Baseview easement terminates, the applicant has asked for variances to the front and rear setbacks. The applicant would like the ZBA to consider allowing the reduced front and rear setbacks because the orientation of the house does not match the required setbacks. The house is oriented toward the lake to the south so the applicant would prefer the west and east setbacks be considered side setbacks instead of front and rear setbacks as required by the code. If this was a normal lot and Baseview went through, the setbacks would be 10 feet and 10 feet. The subject property is mapped within FEMA's 1 percent floodplain. Prior to issuance of a building permit, an elevation certificate would be required to ensure that any improvements would meet the floodplain development standards of Hamburg Township. Because Baseview Drive does not traverse the subject property, this site does appear to have an extraordinary circumstance in regards to its access off of the west end of Baseview Drive, and the way the Zoning Ordinance defines the front and rear property boundaries. The access changes the orientation of this lot. There is nothing peculiar about the property itself except for the fact that Baseview terminates and we have the definitions to apply. It is up to the ZBA to determine if the requested setbacks are acceptable. Staff is suggesting that the applicant at least meet the minimum side yard setback of 10 feet and 10 feet. The rest of the lots along Baseview Drive in this location are either accessed off of the north or south sides of Baseview Drive, making the north or south side the front or rear property lines on these properties. The applicant is asking for an 8-foot setback from the west property line and the existing home on the property at 2488 Baseview Drive is only approximately 1 foot from the shared property line. Staff would suggest that the subject property at least maintain a 10 foot minimum setback to allow adequate space between the two homes for access to and from the lake. This additional setback along with the orientation of the house slightly angled away from the house at 2488 Baseview Drive will also help to reduce any impacts the massing of the new structure may have on the neighboring property. Again, this lot has an odd situation due to its access from the end of Baseview Drive. There are no other lots in the area that have this similar situation. The purpose of the front setback is to allow distance between the roadway and the structure so that structure does not loom over the street. The rear setbacks are required to allow room between adjacent home to the rear of the site to allow for open greenspace and yard for the homes. This property is located within the Waterfront Residential future land use district in the 2020 Master Plan. This district allows for residential properties and is intended to protect the existing character of the area. The proposed structure is a reasonably sized 2,550 square feet and is only 22 feet tall to the top of the roof ridge. Because of the size and design of the home, it appears to meet the intent of the Waterfront Residential future land use district. There is something strange about the orientation of this lot. Granting the variance is not going to establish anything other than a single-family dwelling. Approval of the variance request would not permit the establishment of a use not permitted by right within the district. A house could be built on this lot that could meet the required 25 foot front and 30 foot rear yard setbacks. However, the house would be narrower and longer and may require removal of more vegetation from the site. Staff is recommending approval of the request because of these mitigating factors. The ZBA could also consider a condition that the east and west setbacks be maintained at 10 feet.

Member Dolan asked if the orientation of the house could be changed slightly to meet the 10 foot setbacks on the east and west. Mr. Majoros presented a diagram showing that the only area that is encroaching the 10 foot setback is approximately 7.5 square feet. The answer to the question is yes they could rotate the house and rotate it to fit, however they are trying to be respectful to the neighbors. The neighbor, at it's closest point is one foot from the lot line, and the more rotation they do toward the neighbor will actually have more impact. They have moved the structure back to be more respectful to the neighbors on both sides and preserve their site lines. Further discussion was held on the orientation due to the determination of the front yard. Mr. Young discussed the requirements for the narrow waterfront lots and the lack of clear definition on how you determine the exceptionally narrow lot. Steffens stated that it is actually very clear. It is the lot width at the required setback. She further explained that if this were a typical lot, the lot would be greater than 60 feet at the required setback. Discussion was held on the determination of

the front yards. Mr. Young discussed the property owner's access to the lake on the east side of the property and the placement of the neighbor's house and other structures such as air conditioning units, proposed generator, etc.

Member Auxier stated that the proposed placement works and the small portion is minimal. He does like the idea of preserving the trees on the property.

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

Chairperson Priebe stated that the lot does get narrower toward the north. She does not have a problem with the request.

Member Watson stated that if the neighbor to the west installs an air conditioner and generator, nothing will be able to get through that area. Mr. Majoros stated that the air conditioner is already there at the corner of his garage, and the generator has just been a discussion. His point was that their access from back to front is on the east side. It was further stated that there is quite a distance between the garage and the house as well for access. Steffens stated that the house to the west would not be able to put mechanical equipment in that yard. It would have to meet the ordinance.

Discussion was held on the staff recommendation. Member Dolan stated that staff is recommending a minimum of 10 feet on each side. Even with that, the Board is considering a very large variance. He does feel that the 10 feet on each side is a good compromise. He understands the reluctance, but it is minor to accommodate the 10 feet. Mr. Majoros stated that the other consideration when they were considering the pivot point was that the lake front is not straight across. They are almost at the peak of Baseline Lake. They also have a very old maple tree that they have spent considerable amount of money to preserve. They have done a lot of things to preserve the view and would prefer to keep the 8 foot setback and not touch the maple tree or other trees. The question was asked if the trees would have to be removed if they pivot the house. Mr. Majoros stated they would not have to remove them, but they are talking about their views, etc.

Member Watson stated that he would like to see a sketch or diagram showing the house pivoted if the other members feel that it is important to maintain that 10 feet. It was stated that it would not change any of the building plans.

Member Auxier stated that if it were a safety concern, it would be a bigger issue, but it is not. We are talking about a 7.5 square foot corner.

Chairperson Priebe stated that she does not feel that it is a big issue to move the house slightly. However, if it is moved, it does affect the side of the neighbor's house. Discussion was held on privacy of both the applicant and the neighbors.

Member Auxier, supported by Rill

To approve variance application ZBA 20-018 to permit the construction of a new 2,540- square foot two-story dwelling. The proposed dwelling will have a 8-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 10-foot east rear yard setback (30-foot rear yard setback required, Section 7.6.1). The variance meets variance standards one (1) through seven (7) of Section 6.5 of the Hamburg Township Zoning Ordinance, and a practical difficulty exists on the subject site when strict compliance with the Zoning Ordinance standards is applied, as discussed at the meeting this evening and as presented in the staff report. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request

Member Dolan stated that he realizes that a 2 foot variance is not that big, however he does not see a practical difficulty in not slightly changing the orientation of the home to meet the ordinance. It would still give them a tremendous variance.

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

8. New/Old business

- a) Approval of September 9, 2020 minutes

Motion by Auxier, supported by Watson

To approve the minutes of the September 9, 2020 meeting as written

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

- b) Adoption of 2021 Zoning Board of Appeals 2021 meeting dates

Motion by Dolan, supported by Watson

To adopt the 2021 Zoning Board of Appeals meeting dates as presented

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

9. Adjournment:

Motion by Dolan, supported by Watson

To adjourn the meeting

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

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected: _____

Chairperson Priebe