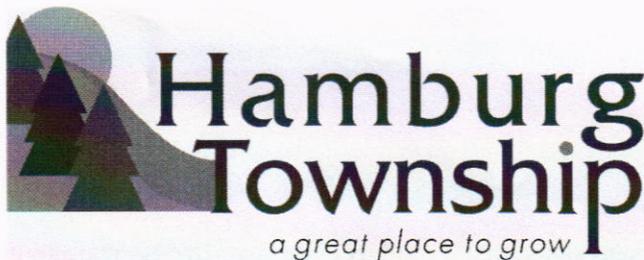


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Annette Koeble
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**Hamburg Township
Zoning Board of Appeals Minutes
Special Meeting
July 27, 2020
7:00 P.M.**

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: Erik Perdonik, Zoning Department

4. Correspondence: None

5. Approval of Agenda:

Motion by Auxier, supported by Dolan

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) ZBA20-007

Owner: Tyler and Kara Lenling

Location: 5156 Girard Drive, Pinckney, Michigan 48169

Parcel ID: 15-22-300-010 and 15-22-300-060

Request: Variance application to permit the construction of an approximate 4,700-square foot, two-story addition to an existing dwelling. The addition would have up to a 20.5-foot east rear yard setback (30-foot rear yard setback required per Section 7.6.1.).

Mr. Tyler Lenling stated that with the existing and the new, it is actually a total of 3,786 square feet. He stated that they did receive a permit, which has been closed out for the demolition of the building at 5150 Girard. He presented pictures of the property. He further presented and explained pictures depicting the property staked off and where the structure will sit on the property. He stated that the existing shed will be removed from the property and explained the setbacks from the property lines.

Erik Perdonik of the Zoning Department stated that the subject site is a 22,651-square foot parcel that is in the process of being combined with the parcel to the north. It fronts onto Girard Drive to the west and Zukey Lake to the south; single-family dwellings are located to the west and east. The site is improved with a single-story 1,176- square foot dwelling and a 1,200-square foot detached accessory structure. The structures on the northern parcel have been demolished. This variance request was originally on the agenda for the July 8th meeting, however the legal notice was not provided to the property to the east of the site due to a technical error. Therefore, the request was continued to tonight's special meeting, and this meeting has been properly noticed. Based on FEMA's Flood Insurance Rate Map, a portion of the structure lies within the 100-year floodplain. An elevation certificate must be provided to the township prior to issuance of a land use permit, at foundation prior to vertical construction, and at final zoning compliance. Alternatively, the applicant could provide a map amendment that would remove their structure from the floodplain. Because the project would be considered a substantial improvement, the entire structure, including the existing dwelling's elevations, must have the lowest floor elevated to at least one foot above the base flood elevation. Perdonik discussed the findings of fact. He stated that the existing dwelling has a 20-foot rear yard setback, with approximately 280 square feet of the existing single-family dwelling encroaching into the required 30-foot rear yard setback. The proposed addition would add approximately 26 linear feet within the required rear yard setback and a bulk of approximately 398 square feet of second-story façade within the required setback. While the combined lot will be a sizeable one-half acre, the existing dwelling was constructed with a front yard setback in excess of 70 feet where a 25-foot front yard setback is required. The development of the parcel does create a practical difficulty in complying with the required rear yard setback. However, given the large lot size and excessive front yard setback, there is adequate room on the lot to design an addition that would comply with all zoning setback requirements. He stated that a substantial property right is not preserved based on granting a variance for a particular architectural design and the addition could be redesigned as a lateral addition to meet all setback requirements. Although, as previously stated, the existing dwelling is sited on the lot with a large front setback that hampers rear yard setback compliance for future development. The side yard of the dwelling to the east will be directly impacted by the addition and staff would be concerned about the impact of a second-story dwelling within the required setback. There are mitigating factors that could be considered by the ZBA in granting the variance, including the unusual angle at which the road right-of-way traverses the subject site and the fact that the adjacent dwelling to the east gains access to the north and views to the south. The subject site is in the North Chain of Lakes planning area. This area envisions a mixture of residential densities closely tied to the lakes. The proposed additions would not affect the purpose or objectives of the master plan. The subject site is a residentially zoned, developed, and used property. The site is one half acre in size, with adequate room for a compliant addition to the north, east, and south facades of the dwelling. The proposed location of the addition is a personal preference and is not a condition specific to the subject site although the large front setback could be considered conditions of the property not of so general or recurrent a nature. 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. The proposed addition could be reduced in size to comply with the zoning ordinance requirements for the rear yard setback because the design is a personal preference, but the extreme front yard setback could present a practical difficulty in future development of the site.

Chairperson Priebe opened the hearing to the public.

Dwayne Combs of 5164 Girard stated that he and his father in-law are present in support of the Lenling's request.

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

It was stated that the lot is unusual with Girard going through part of the property. Member Dolan stated that it is nice to see the lot cleaned up and that they are going to save the older trees. He would agree that there is a practical difficulty there.

Chairperson Priebe stated that the rear setback is actually to the existing foundation.

Discussion was held on the configuration of the lot and making Girard the front and the lake the back. Perdonik stated that it essentially turns the side yard into a rear yard.

Member Auxier asked the applicant if they considered going eight feet forward. Mr. Lenling stated that they did try that initially, however the problem was that there would not be enough room to get a car into the garage and it would affect the root boundary of those trees. He further discussed the soil tests and soil conditions.

Motion Auxier, supported by Watson

To approve variance application ZBA 20-0007 at 5156 Girard Drive to allow for the construction of an approximate 3,786-square foot, two-story addition to an existing dwelling. The addition would have up to a 20.5-foot east rear yard setback (30-foot rear yard setback required per Section 7.6.1.) 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

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

8. New/Old business

9. Adjournment:

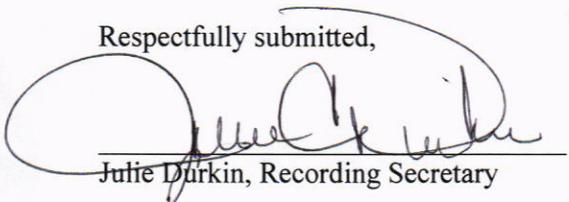
Motion by Dolan, supported by Auxier

To adjourn the meeting

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

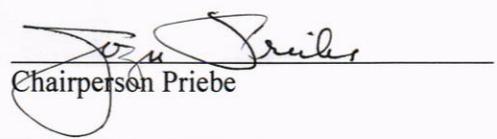
The meeting was adjourned at 7:23 p.m.

Respectfully submitted,



Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected: 8-7-20



Chairperson Priebe