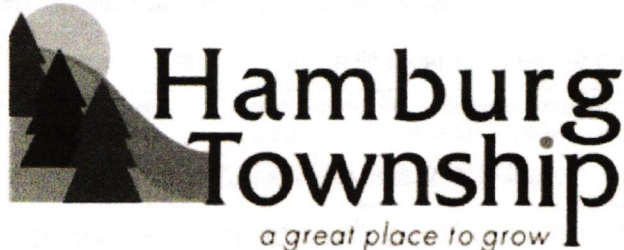


ZBA Case Number 21-009

~~\$500~~ Revised
200



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)**

- Date Filed: 7-12-21
- Tax ID #: 15- 13-103-094 Subdivision: Ore Lake Shores Country Club Lot No.: 4&5
- Address of Subject Property: 8417 Hillpoint Drive, Brighton, MI 48116
- Property Owner: Mark Ramsey Phone: (H) 517-404-5822
Email Address: markramsey@gmail.com (W) _____
Street: 8424 Hillpoint Drive City Brighton State MI
- Appellant (If different than owner): Gerold Danalan Phone: (H) 517-404-0667
E-mail Address: danalanstudies@yahoo.com (W) 510-231-3355
Street: PO Box 801, 10811 Hamburg Rd City Hamburg State MI
- Year Property was Acquired: 2011 Zoning District: WFR Flood Plain no
- Size of Lot: Front 99.7' Rear 80' Side 1 110.9' Side 2 145' Sq. Ft. 9,721.15
- Dimensions of Existing Structure (s) 1st Floor 20'x25' 2nd Floor N/A Garage N/A
- Dimensions of Proposed Structure (s) 1st Floor 44'x40' 2nd Floor N/A Garage 24'x30'
- Present Use of Property: single family residential
- Percentage of Existing Structure (s) to be demolished, if any 100 %
- Has there been any past variances on this property? Yes No
- If so, state case # and resolution of variance application _____
- Please indicate the type of variance or zoning ordinance interpretation requested:
We would like to place the garage of the proposed new home 3' (a variance of 12') from the front property corner.

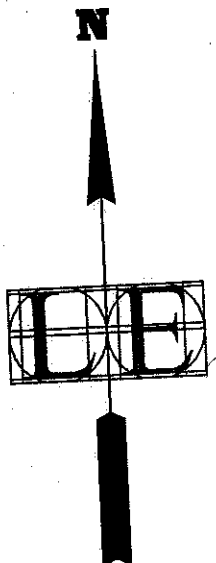
RECEIVED

JUL 12 2021

Hamburg Township
Planning and Zoning Department

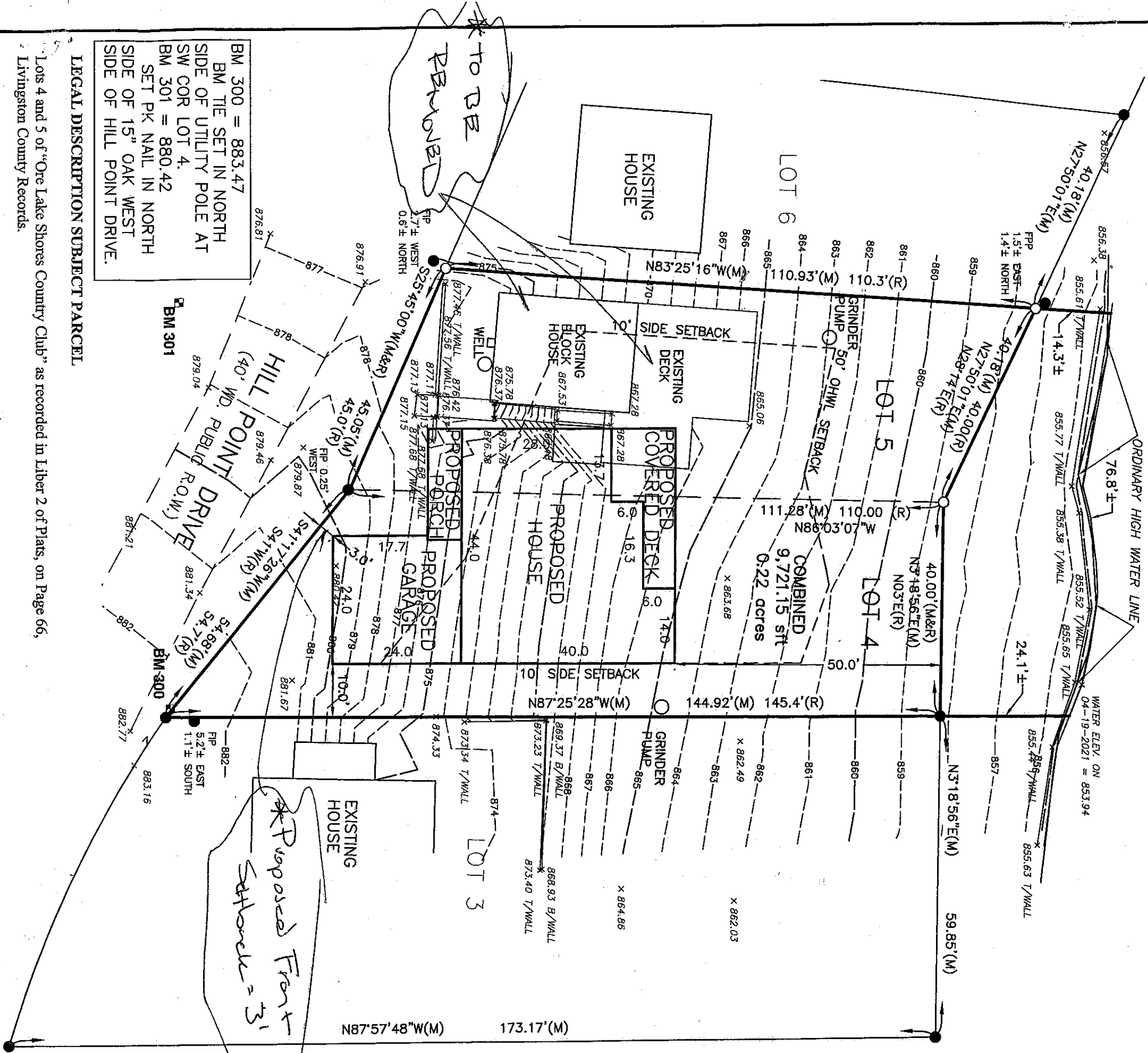
PROPOSED PLOT PLAN

ORE LAKE



CURRENT ZONING: WFR
(GENERAL INDUSTRIAL)

MIN. LOT AREA: 43,560 S.F.
MIN. LOT WIDTH: 125 FEET
MIN. SETBACK REQUIREMENT
FRONT = 25 FEET
SIDES = 10 FEET
REAR = 30 FEET
ORDINARY HIGH WATER LINE
SETBACK REQUIREMENT
OHWL = 50 FEET



BM 300 = 883.47
BM TIE SET IN NORTH
SIDE OF UTILITY POLE AT
SW COR LOT 4.
BM 301 = 880.42
SET PK NAIL IN NORTH
SIDE OF 15" OAK WEST
SIDE OF HILL POINT DRIVE.

LEGAL DESCRIPTION SUBJECT PARCEL

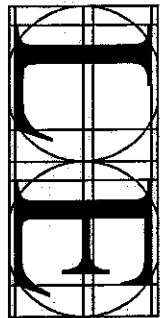
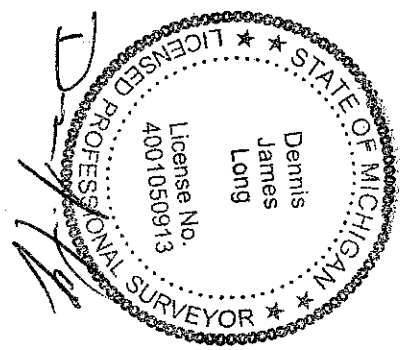
Lots 4 and 5 of "Ore Lake Shores Country Club" as recorded in Liber 2 of Plats, on Page 66,
Livingston County Records.

Tax Id #4715-13-103-084
8417 Hillpoint Dr.

LEGEND

- SECTION CORNER
- FOUND IRON ROD / PIPE

- SET IRON ROD CAP #50913
- FOUND IRON ROD / PIPE
- BENCHMARK
- WETLAND AREA



LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING

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

CLIENT	Donovan	DATE	04/29/2021	DESCRIPTION	LOTS 4 & 5 Ore Lake Shores Country Club L 2 of Plats, Pg 66
SCALE	1"=20'	REV.	06/24/2021	CREW	NW 1/4 Sec. 13 T01N ROSE Hamburg Twp. Livingston Co., MI.
SHEET No. 1 of 1	DRAWN EC	CHECK			



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7c



TO: Zoning Board of Appeals
(ZBA)

FROM: Brittany Stein

**HEARING
DATE:** August 11, 2021

SUBJECT: ZBA 21-0009

**PROJECT
SITE:** 8417 Hillpoint Dr.
TID 15-13-103-094

**APPLICANT/
OWNER:** Mark Ramsey

PROJECT: Variance application to permit the construction of a 2,548-square foot single family dwelling with a covered porch and an attached garage. The attached garage will have a 3-foot west front yard setback (15-foot front yard setback required, Section 8.3.2). The covered porch will have a 9-foot west front yard setback (25-foot front yard setback required, Section 7.6.1).

ZONING: WFR (waterfront residential district)

Project Description

The subject site is a 23,478-square foot parcel that fronts onto Hillpoint Drive to the west and Ore Lake to the east; single-family dwellings are located to the north, south, and west. The site is currently improved with a single family dwelling which is intended to be demolished.

If approved, the variance request would allow for the construction of a 2,548-square foot single family dwelling with a covered porch and an attached garage. The attached garage will have a 3-foot west front yard setback (15-foot front yard setback required, Section 8.3.2). The covered porch will have a 9-foot west front yard setback (25-foot front yard setback required, Section 7.6.1).

	<u>Proposed</u>	<u>Required</u>
North side:	26.5 feet	10 feet
East rear	39.3 feet	30 feet
Water:	77 feet	50 feet OHM
South side:	10 feet	10 feet
West front:	3 feet to garage, 9 feet to house	15 feet to garage, 25 feet to house

Project History

At the June 9, 2021 Zoning Board of Appeals meeting, the board members proceeded to table the variance request for permit the construction of a 2,548-square foot single family dwelling with a covered porch and an attached garage with an 11-foot west front yard setback to the garage and a 19-foot west front yard setback to the covered front porch. The decision to table the variance request was to give the applicant and builder time to consider an alternative design for the house to decrease the total impact and lessen the amount of grading needed on site. (See attached minutes from June 9, 2021).

On August 12, 2020, the Zoning Board of Appeals approved a variance application (Minutes Exhibit B) for a boundary adjustment between lot 15-13-102-068 (8424 Hillpoint) and 15-13-103-084 (8417 Hillpoint), both owned by Mark Ramsey. This created lot A with a lot size of 0.33 acres and lot B with a lot size of 0.25 acres which was combined to 8417 Hillpoint.

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.**

August 11, 2021:

Given the Zoning Ordinance could allow for the attached garage to be just 15 feet from the front lot line, the entire proposed structure could be moved east a few feet to meet all zoning requirements, however this would entail an increased amount of grading and require additional fill to the property. Generally, other existing dwellings along the east side of Hillpoint Drive are non-conforming and are situated close to the front lot line also due to the grade change, making it easier to access the lot at the elevation the road is situated. It is suggested that if the proposed house was setback 25 feet and the garage at 15 feet, additional grading and fill could be of greater impact to lakefront properties than the impact of the proposed garage attached to the house set at only 3-foot from the front lot line.

June 9, 2021:

The property is a sizeable half acre. Hillpoint Drive at this property is situated on higher ground with a gradual grade sloping toward Ore Lake. The site plan for the proposed house shows the house situated where the garage is nearest the road for easier access at grade. Additionally the traveled road, which is gravel, is not situated center to the 40-foot wide platted road right-of-way and is not parallel to the front lot line. Therefore the distance from the traveled roadway to the proposed house is about 28 feet. Given the Zoning Ordinance could allow for the attached garage to be just 15 feet from the front lot line, the entire proposed structure could be moved east a few feet to meet all zoning requirements, however this would entail an increased amount of grading and require additional fill to the property. Generally, other existing dwellings along the east side of Hillpoint Drive are non-conforming and are situated close to the front lot line also due to the grade change, making it easier to access the lot at the elevation the road is situated. It is suggested that if the proposed house was setback 25 feet and the garage at 15 feet, additional grading and fill could be of greater impact to lakefront properties than the impact of the proposed garage attached to the house set at only 11.3-foot from the front lot line.

- 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.**

August 11, 2021:

The proposed dwelling will be situated at a 3-foot setback and distanced from the travelled road more than that of the existing structure. The property owners and builder desires to construct this home at an extremely reduced setback than required. The extreme grade change of the property is what constitutes this variance request.

June 9, 2021:

There is an existing dwelling on the lot currently, however the house is non-conforming at the front and side setbacks and in need of improvements. The proposed dwelling will be situated at an 11.3-foot setback and distanced from the travelled road more than that of the existing structure. The extreme grade change of the property is what constitutes this variance request.

- 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.**

August 11, 2021:

Setting a new single family dwelling at 3 feet from the front lot line may be materially detrimental to the public welfare or materially injurious to the property or surrounding properties within this zoning district. However the extreme grade change and requirement for

substantial grading at a larger setback, this variance request is reasonable given that many other neighboring homes are set at a lessened setback to the front lot line and non-conforming as well.

June 9, 2021:

Granting this variance will not be materially detrimental to the public welfare or materially injurious to the property or surrounding properties within this zoning district. The impact of the house and attached garage could be less than that of increased fill and grading needed if the house would be situated to meet the front setbacks. The travelled road at this property is distanced from the front lot line, than other properties located on this road, leaving ample space for off street parking.

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 Ore Lake in the Ore Lake Shores Country Club plat. Parcels in this area are primarily residential and zoned in the waterfront residential district. 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.

This variance request could be recurring particularly if other property owners along the east side of Hillpoint were to build, due to the natural steep grade change. Though the house could be redesigned or moved to meet the setbacks, this is not an extraordinary request.

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 situated where there is a steep grade change of 20 feet. This could be reasonable to grant a deviation from the zoning ordinance.

“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 21-0009 at parcel 15-13-103-094 to allow for the construction of a 2,548-square foot single family dwelling with a covered porch and an attached garage. The attached garage will have a 3-foot west front yard setback (15-foot front yard setback required, Section 8.3.2). The covered porch will have a 9-foot west front yard setback (25-foot front yard setback required, 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.

Denial Motion:

Motion to deny variance application ZBA 21-0009 at parcel 15-13-103-094 to allow for the construction of a 2,548-square foot single family dwelling with a covered porch and an attached garage. The attached garage will have a 3-foot west front yard setback (15-foot front yard setback required, Section 8.3.2). The covered porch will have a 9-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 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 (construction plans too large for digital packet)

Exhibit B: June 9, 2020 ZBA Minutes

Exhibit C: Utilities (Sewer) Review

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
Patricia Hughes

**Hamburg Township
Zoning Board of Appeals Minutes
Hamburg Township Board Room
Thursday, July 22, 2021
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, Mariani, Masserant, Priebe, & Rill

Absent: Negri

Also Present: Chris Madigan, Planning & Zoning Administrator & Brittany Stein, Zoning Coordinator

Chairperson Priebe welcomed the two new members of the Board.

4. Correspondence: None

5. Approval of Agenda:

Motion by Rill, supported by Mariani

To approve the agenda as presented

Voice Vote: Ayes: 5 Nays: 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 2021-0010

Owner: Edward McLeskey

Location: Vacant on Edgelake Drive, Pinckney, MI 48169

Parcel ID: 15-27-200-030

Request: Variance application to permit the construction of a new 2,920-square foot two-story dwelling with a 1,125-square foot attached garage. The dwelling and attached garage will have a 10-foot setback from a regulated wetland. (50-foot setback from a regulated wetland required, Section 9.9.3.B.).

Mr. Edward McLeskey, applicant, stated that they are requesting a 10 foot setback from the wetlands for 57 feet of the proposed house and porch as well as a corner of the shed. He discussed various documents that they provided including the map of the property and the wetland delineation and wetland inventory map. He stated that Edgelake is a

66 foot wide road that turns into a private road. He stated that the State of Michigan has no setbacks from wetlands. They had a pre-application review in July 2020. Their original plan included a pond and they were asked not to build the pond. He described their plan to include two master bedrooms and room for their daughter and grandkids. He discussed the plans that were approved for fill. That plan requires the variance request. He further discussed the requirements of the State and requested documentation. During the public hearing, they had seven positive comments and two negative comments. The state did require a conservation easement on both sides of the property which is much more stringent than a standard wetland. Mr. McLeskey discussed the setbacks and the buildable area of the lot. Further, the State will allow 15 feet of fill around the foundation of the house, but they feel that 10 feet is more prudent.

Chris Madigan, Planning & Zoning Administrator stated that there are seven items that must be proven in order for a variance to be granted. Staff does find that the first six conditions are met and feel that the seventh can be met as well. As the site is today, without the fill, it is not buildable. With the 280 cubic feet of fill granted by the State, it would be. The building itself would be oddly shaped, and because of that, they do find that there are exceptional and extraordinary circumstances that apply to this piece of property. There is a buildable area on the lot with the fill that was granted, but strict adherence to the Township Standards would be particularly burdensome and ultimately deprive the applicant of the same property rights as others in the area. There may be some individuals that feel that the modifications would be materially detrimental to the public welfare or materially injurious to the property or improvements in the district. However, the applicant has done his best to work with the State to use the least amount of fill to allow for adequate building on the site. Ultimately, they do not find that building a single family home in a single family district would be materially detrimental. They find that the applicant has met items 4, 5 & 6 of the Standards of Review and that there is a practical difficulty on this site. The buildable envelope that the State has given them is burdensome and goes above and beyond what typically would be expected. If EGL will only give 15 feet from the proposed building, then staff finds that 15 feet is the minimum necessary. They do not find that 10 feet is the minimum variance to be requested. Staff finds that there is a practical difficulty present on the site when strict compliance with the Zoning Ordinance would be unnecessarily burdensome, but they do not find that this is the minimum necessary and would defer to the Board to find what is. Staff recommends approval of a variance to allow the construction of a single family home.

The question was asked if the board approved less of a variance than requested, would they have to change the plan or would they add more fill. Madigan stated that a 10 foot setback from the wetlands would be a 40 foot variance. If the structure was setback 15 feet from the wetlands, it would be a 35 foot setback or less of a variance. The applicant would have to find a way to reduce the size of the house. The fill has been established by the State.

Chairperson Priebe discussed the uniqueness of the property and the practical difficulties.

Chairperson Priebe stated that we received the following emails relating to the request:

- John Zeef – in support of the request
- Todd & Cath VanBynen – in support of the request
- Cheri VanBynen – in support of the request
- Randal and Ellen VanBynen – in support of the request
- Charlotte VanBynen – in support of the request
- Cindy Coffey – in support of the request

Chairperson Priebe opened the public hearing.

Tim Przycki, owner of the adjacent parcel, stated that he has been at his current location for over 21 years and has enjoyed the wildlife, etc. He has mowed this property for many years. He discussed the flooding of the property. He discussed Mr. McLeskey's purchase of the property and the condition of the lot at the time as unbuildable. He indicated that he feels that in this case, the applicant cannot meet all seven of the criteria for approving the variance. He discussed Mr. McLeskey filling the property last year over a holiday weekend before the State approved it. He stated

that he asks that this be taken into consideration and deny the request. He further discussed the flooding and where the water will flow and possibility of it flowing onto his property. He further stated that there will be consequences for who approves the construction. Mrs. Przycki discussed the flow of the water through this area and Mr. McLesky's property.

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

Discussion was held on the State's consideration of the flooding when approving the fill. Madigan stated that every property in this area is in a floodplain, and there are additional requirements for every building. Brittany Stein, Zoning Coordinator discussed the NFIP Program and the requirements.

Discussion was held on the filled envelope and the allowable 15 feet around the building. The question was asked if it could be made larger. Mr. McLesky explained the process of submitting the size house and allowing a maximum of 15 feet. He could not get a larger envelope. He further explained the process and stated that the property is being brought up to a safe level. Discussion was held on the standing water on the property and the recent rains.

Mr. McLesky discussed the fill that he had brought in last year to repair some areas caused by the neighbor's sprinklers. Discussion was held on civil matters between property owners.

Discussion was held on the fill already being granted by the State. This is not a decision of the ZBA. Madigan again stated that the building envelope does make it unnecessarily burdensome on the property owner and deprives him of the same rights of those around him and those in the same district. The Board is not deciding on whether or not a house can be built, but rather how far from the wetlands in can be built. The Board does have the ability to grant a lesser variance if they choose.

Discussion was held on the applicant being aware of the setbacks when the property was purchased. Discussion was held on the size and shape of a conforming house if no variance was granted. Further discussion was held on the need to reconfigure the house if a lesser variance was granted.

Motion by Mariani, supported by Masserant

To approve variance application ZBA 21-0010 at vacant property on Edgelake Drive (TID 15- 27-200-030) to construct a single-family dwelling and garage. The dwelling will have a 15-foot setback from a regulated wetland (50-foot setback from a regulated wetland required, Section 9.9.3.B.). 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

VOTE:

MOTION CARRIED (1 OPPOSED)

b) ZBA 2021-0011

Owner: Glenn & Tina Munroe

Location: 8341 Hillpoint Drive, Brighton, MI 48116

Parcel ID: 15-13-103-055

Request: Variance application to permit the construction of a new 25-foot-long privacy fence along north side lot line. The entirety of the fence will be opaque. Further, the eastern 14-feet of the fence will be six-feet in height (Any fence located between the ordinary high water mark of the water body and the principal building shall not exceed a maximum height of four (4) feet and shall be 50% open required, Section 8.15.2.C.).

Glenn Munroe, applicant, explained the conditions of the site when they purchased the home including a cabana type structure with a pitched and shingled roof and a six-foot fence that extended 14 feet toward the water. He further

explained improvements that they have made including an outdoor kitchen and pergola, etc. The variance they are requesting is for the retaining wall that extends beyond the eaves of their neighbors home toward the lake. They are asking to keep the six foot long section with a 22 inch high portion of the retaining wall to enhance their privacy given the location of the neighbor's deck. It would not extend higher than the neighbor's deck railing. The deck is on the property line. Additionally, they would like to replace the fence that stood six feet tall that ran 14 feet to the existing pine trees. It will enhance privacy and cover the exposed portions of the neighbor's deck that they consider to be an eyesore. It will create a barrier to the crumbling foundation of his deck and protect from injury when it collapses. And, it creates a fall barrier from his deck onto their property. They have been accommodating to the neighbor and none of their requests impede onto their property. All of the improvements have not only enhanced the value of their property but also the neighbor's.

Chris Madigan, Planning & Zoning Administrator stated that when the Ordinance Enforcement Office went out to the site, he asked them to remove the pergola because it was along the property line. They did submit a plan which showed the location of the pergola, which was approved and inspected. There are two requests before the board both involving the section of the property from the neighbor's house toward the water. There are two requirements that pertain. The first is that the wall must be 50% open and the second is that it cannot be more than four feet in height. The first six feet has been constructed during the construction of the pergola. Staff does not feel that a fence was requested at the time the plans were submitted to move the pergola. We received a complaint from the neighbor, and as constructed, they believe that it does not meet the 50% open requirement. If the plans that were submitted included the fence, the applicant would have been informed that it did not meet the requirements. Staff does not find that there is an exceptional circumstance on site that would require the western six feet of the fence to be completely opaque. The applicant is concerned about privacy and safety, but there is nothing about the land that requires it to be opaque. They do believe that there are exceptional conditions on site that would warrant the six-foot height, which is the significant elevation change and the existence of a non-conforming deck which does present a safety issue. They do not feel that an opaque fence is necessary for the enjoyment of property rights enjoyed by others in the same zone. However, the elevation change combined with the location and age of the deck on the adjacent property, represent a unique circumstance and potential safety challenges. Should the applicant be required to comply with the zoning standards, we find that they may be denied the enjoyment of substantial property rights possessed by other property in the vicinity. They do not find that the granting of a six foot high fence on the eastern 14 feet of the requested area would be material injurious to nearby property owners or others in the same district or zone. Staff believes that the six foot fence is the minimum necessary to ensure that the safety and unique conditions of the site as well as the presence of the non-conforming structure are addressed. However, the open requirement is an all or nothing, and staff finds that there is no practical difficulty on site that would require a variance to the 50% open standard for fences between the principal structure and the Ordinary High Water Mark. We find that granting of the variance may be materially injurious to property or improvements in the district. We recommend the board deny the variance request to allow the fence to be completely opaque. However, we find that there are exceptional circumstances on site which represent a practical difficulty as it relates to the variance request from the height requirement. We find the request to permit 14 linear feet of fence with a height of six-feet is the minimum necessary to permit reasonable use of the land. We recommend the board approve the second variance request from the maximum height requirement.

The question was asked if the fence that is currently there is opaque. Madigan explained the current fence and retaining wall. If the variance is not approved from the open standard, they would have to submit a plan to show that it is 50% open. Staff does not find a reason for any of it to be opaque. Mr. Munroe further explained his request. Discussion was held on the applicant's submittal to move the pergola. Madigan explained that what had been there before and removed should not be a consideration when reviewing the variance request.

Chairperson Priebe opened the public hearing.

Rick Behr of 8333 Hillpointe Drive stated that he is the adjacent property owner to the north. He discussed the view from his home since the time he moved into his home 27 years ago including the addition of a deck, pillars, plants, etc. He discussed his retaining wall and willingness to work with the applicant. He stated that a four foot fence is more than sufficient and would keep his view open. He further discussed the conditions on the site and the need to meet the requirements. He discussed how to measure the height of the fence per the ordinance.

Chuck Mullen of 8323 Hillpointe Drive expressed his concern about his view.

Jeannine Walsh-Mullen of 8323 Hillpointe Drive stated that a variance is good when all of the conditions are met, but to allow this variance, would open the door for similar variances that are going to impede others views.

Ryan Andrews of 8345 Hillpointe on the south side of the applicant, discussed the cabana that was removed which was higher. He discussed the lack of privacy because of the deck that is on the property line and the house 2-3 feet from the property line. He stated that as a neighbor, he does not have a problem with it. Madigan stated that Mr. Andrews is the applicant's contractor.

Chairperson Priebe closed the public hearing.

Mr. Munroe stated that this is their forever home and want to get along with all of the neighbors. They do not wish to impede anyone's view. The fence would be below the deck that is there. They just want privacy from the deck that is on the property line. He further discussed the neighbor's home very close to the property line, the full length of the structure. Mrs. Munroe discussed some conflicts between them and the neighbor.

Madigan further explained the standards of review and the permit process.

Discussion was held on the change of elevation between properties. Discussion was held on other forms of creative screening that can be used.

Motion by Rill, supported by Mariani

To deny variance application ZBA 21-0011 at 8341 Hillpointe (TID 15-13-103-055) to permit a fence which does not comply with the requirements of Section 8.15.2.C. The section requires the fence to be at least 50% open, the fence is proposed to be completely opaque. The variances do not meet variance standards one (1), two (2), three (3), four (4), five (5), or seven (7) 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 and as presented in this staff report.

VOTE:

MOTIONCARRIED UNANIMOUSLY

Motion Rill, supported by Masserant

To approve variance ZBA 21-0011 at 8341 Hillpointe (TID 15-13-103-055) to permit a fence which does not comply with the requirements of Section 8.15.2.C. The section requires a fence between the principal building and ordinary high-water mark to be a maximum of four-feet in height, the fence is proposed to be six-feet in height. 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.

VOTE:

MOTIONCARRIED UNANIMOUSLY

8. New/Old business

- a) Approval of June 9, 2021 minutes

Motion by Rill, supported by Mariani

To approve the minutes of the June 9, 2021 meeting as written

VOTE: MOTIONCARRIED UNANIMOUSLY

Brittany Stein, Zoning Coordinator stated that we will be having an August 11th meeting.

Discussion was held on site visits by the Board Members and the need for identification.

9. Adjournment:

Motion by Maserant, supported by Rill

To adjourn the meeting

VOTE: MOTIONCARRIED UNANIMOUSLY

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected: _____

Chairperson Priebe