
**Hamburg Township
Zoning Board of Appeals
Wednesday, January 13, 2021
Virtual Meeting using GoToMeeting platform**

To participate in the public hearing go to <https://global.gotomeeting.com/join/433478669>

You can also dial into the meeting using your phone +1 (669) 224-3412
Access code: 433-478-669

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 2020-0021**

Owner: Stanley and Bonnie Wojciechowski
Location: 11663 Algonquin
Pinckney MI 48169
Parcel ID: 15-31-301-034
Request: Variance application to permit the replacement of a non-conforming accessory structure not damaged by natural disaster (Section 11.3.4.). The accessory structure would have a 2.8-foot east rear setback (five-foot rear yard setback permitted, Section 8.3.).
 - b) **ZBA 2020-0022**

Owner: Lewis and Nancy Walker
Location: 9020 Rushside Drive
Pinckney MI 48169
Parcel ID: 15-17-402-126
Request: Variance application to permit the construction of 13-foot by 13-foot enclosed sunroom. The sunroom will have a 22-foot south front yard setback (25-foot front yard setback required, Section 7.6.1.).
 - c) **ZBA 2020-0023**

Owner: Gary Marker
Location: 10281 and 10283 Kress Road
Pinckney MI 48169
Parcel ID: 15-28-200-051 and 15-28-200-052

Request: Variance application to permit a boundary adjustment of two existing WFR-zoned, non-conforming parcels to correct for a driveway encroachment. If approved Parcel 15-28-200-051, currently 0.69 acres, would be 0.80 acres in size and Parcel 15-28-200-052, currently 0.68 acres, would be 0.58 acres. Minimum lot size in the WFR-zoned district is one acre (Section 7.6.1.).

8. New/Old business

Approval of November 12, 2020 meeting minutes

9. Adjournment



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7a



TO: Zoning Board of Appeals
(ZBA)

FROM: Amy Steffens, AICP

HEARING DATE: January 13, 2021

SUBJECT: ZBA 20-0021

PROJECT SITE: 11663 Algonquin
TID 15-31-301-034

**APPLICANT/
OWNER:** Stanley and Bonnie
Wojciechowski

PROJECT: Variance application to permit the replacement of a non-conforming accessory structure not damaged by natural disaster (Section 11.3.4.). The accessory structure would have a 2.8-foot east rear setback (five-foot rear yard setback permitted, Section 8.3.).

ZONING: Waterfront residential (WFR)

Project Description

The subject site is a 6,882 square foot parcel that fronts onto Algonquin Drive to the west and a lagoon of Portage Lake to the north; single-family dwellings are located to the north, east, south, and west. The site is improved with a 2,440 square foot dwelling and a partially constructed 484-square foot detached garage.

On July 15, 2020, Hamburg Township issued a land use permit to re-roof the detached garage and replace trusses. On October 19, 2020, the zoning department was contacted by Justin Lay, a building inspector with the Livingston County Building Department, to advise that work was being undertaken that was not permitted by the county; walls were removed and replaced with a wall plate that was 18 inches taller than what had been removed; the county posted a stop work

order. Mr. Lay indicated that he would ask Jim Rowell, the county building official to also visit the site. A subsequent email from Mr. Rowell on October 21 (Exhibit B) to the property owner and the township indicates that the work being done on the garage was not consistent with the project that was approved by the county plan reviewers.

If approved, the variance would permit the 100 percent replacement of a 22-foot by 22-foot detached garage; the garage would have a 2.8-foot rear yard setback where a five-foot rear yard setback is required per Sections 8.3.2. and 8.3.3.

Section 11.3.4. specifies the following:

11.3.4. Permitted Replacement: *A nonconforming building and its accessory structures and uses damaged by Natural Disaster (i.e. tornado, flood, fire,) or by vandalism may be repaired or replaced subject to the following:*

- A. *A land use and building permit obtained for the replacement shall not increase or alter the footprint (as defined in this Ordinance) of the non-conforming structure, except as provided in this Section.*
- B. *The replacement of a nonconforming building shall commence within one (1) years of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, nonconforming status unless good cause for the delay is accepted at a hearing before the Board of Zoning Appeals.*
- C. *Should a structure be replaced by any other means, it shall not be reconstructed, except in conformity with the zoning regulations. Any improvements that do not meet the zoning regulations shall obtain Zoning Board of Appeals approval under the established variance procedures of the Ordinance.*
- D. *Replacement as used in this section of the ordinance means removal of more than 50% of the exterior perimeter walls of the existing structure, based on the linear feet.*

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 condition of this property that does not apply to other properties in the vicinity. There are multiple locations for the construction of a compliant accessory structure. The proposed location is a result of a design preference, not a condition specific to the property.

- 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.**

The proposed variance is not the minimum necessary for the continued use of the site as single-family residential and a compliant accessory structure. The owner's stipulate that the replacement garage, in the same location as the garage that was removed, will not be detrimental to adjacent properties but do not address the increased height of the replacement structure. It is the bulk of the structure within the setback that raises additional concern about the impact of the reconstructed garage.

Granting this variance request is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity as a smaller structure could be built on the subject site without the requirement of a variance to the setback regulations.

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 intent of the rear yard setback is to require enough space between the roadway and the structure so that structures do not loom over the street and the intent of the lake setback is to reduce the environmental impacts that a structure will have on the lake and also to reduce the visual impact that a structure would have as viewed from the lake.

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

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" the Master Plan discusses preserving and maintaining the existing character of parcels along lakes. The required setback regulations are designed to help maintain the character for the area.

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.

The condition or situation of the specific piece of property is of a general and recurrent nature. An accessory structure is a common and customary accessory structure that is granted relaxed setback requirements in the zoning ordinance. If an accessory structure is located behind the rear line of the primary structure the setbacks are five feet from both rear and side property boundaries.

Additionally, Section 11.3.4. permits a non-conforming structure to be replaced due to a natural disaster. However, a non-conforming structure replaced because of personal preference must comply with the zoning ordinance setback requirements. Not only was the garage removed and replaced without benefit of permits but the bulk of the structure was expanded. The request is not simply, as the owners indicate in their findings of fact, to replace the previous structure but to expand a non-conforming structure.

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.

As stated in standard number 1, because there is a complaint building envelope, the requested variance is not the minimum necessary to permit reasonable use of the land.

“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 20-0021 at 11663 Algonquin (TID 15-31-3010-034) to permit the replacement of a non-conforming accessory structure not damaged by natural disaster (Section 11.3.4.). The accessory structure would have a 2.8-foot east rear setback (five-foot rear yard setback permitted, Section 8.3.).

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.

Approval Motion

Motion to approve variance application ZBA 20-0021 at 11663 Algonquin (TID 15-31-3010-034) to permit the replacement of a non-conforming accessory structure not damaged by natural disaster (Section 11.3.4.). The accessory structure would have a 2.8-foot east rear setback (five-foot rear yard setback permitted, Section 8.3.). Approval is conditioned on the original wall plate height of 8 feet, 4.5 inches being restored.

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

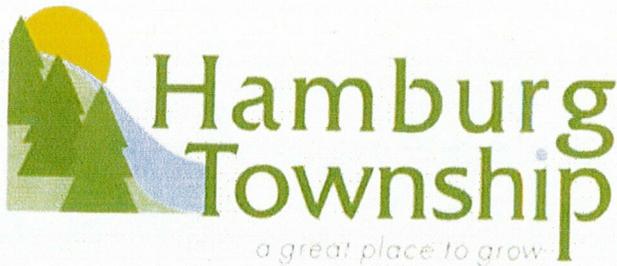
evening and as presented in the staff report. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

Exhibits

Exhibit A: Application Materials

Exhibit B: Staff emails

ZBA Case Number _____



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: 10/30/2020
2. Tax ID #: 15- 31 - 301 - 034 Subdivision: Fox Point Lot No.: 34+35
3. Address of Subject Property: 11663 Algonquin Drive
4. Property Owner: STAN + BONNIE Wojciechowski Phone: (H) _____
 Email Address: _____ (W) _____
 Street: 11663 Algonquin Drive City Pinckney State MI
5. Appellant (If different than owner): _____ Phone: (H) _____
 E-mail Address: _____ (W) _____
 Street: _____ City _____ State _____
6. Year Property was Acquired: 1/15/2015 Zoning District: WFR Flood Plain HAVE A LOMA
7. Size of Lot: Front _____ Rear _____ Side 1 _____ Side 2 _____ Sq. Ft. 6969
11. Dimensions of Existing Structure (s) 1st Floor 42ft x 50ft 2nd Floor 30ft x 18ft Garage 22ft x 22ft
12. Dimensions of Proposed Structure (s) 1st Floor _____ 2nd Floor _____ Garage 22ft x 22ft
13. Present Use of Property: Home
14. Percentage of Existing Structure (s) to be demolished, if any 100 %
15. Has there been any past variances on this property? Yes No
16. If so, state case # and resolution of variance application _____
17. Please indicate the type of variance or zoning ordinance interpretation requested:
see Attached

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.

See Attached

- 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.

See Attached

- 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.

See Attached

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

See Attached

- 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.

See Attached

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

See Attached

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

See Attached

• 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.

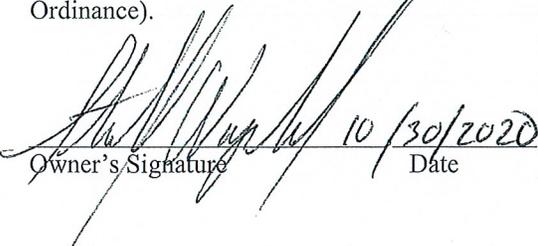
• I acknowledge that filing of this application grants access to the Township to conduct onsite investigation of the property in order to review this application.

• 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

10/30/2020
Date

Appellant's Signature

Date

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

I would like to remove a 22ft x 22ft detached garage structure with a new 22ft x 22ft detached garage structure in the exact location the existing structure resides today. Approximately four (4) sq. ft of the current structures southeast corner of the building resides 2ft-10in from the back property line.

Per Hamburg Township Ordinance – Section 8.3.3

No accessory building shall be located nearer than five (5) feet to any rear lot line or occupy more than thirty (30) percent of any rear yard area. 8.3.4. An accessory building which is detached from the principal building shall not be located nearer than ten (10) feet to any separate building or structure on the lot.

I am requesting a variance allowing the new structure to maintain the current existing footprint which would require approval for the four (4) sq. ft. southeast corner of the buildings to reside 2ft-10in from the back property line.

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

a. That there are exceptional or extraordinary circumstances or conditions to the property involved that do not apply generally to other properties in the same district or zone.

Due to the odd shape of the back property line there are limited opportunities to move the garage without major impacts to the current footprint, drainage to the front across the cement driveway and limits on separation between garage and house which would then create an ordinance violation pertaining to Section 8.3.4 relative to the ten (10) feet separation from the primary house. Shifting the structure southwest would impede the neighbor's view of the lake. We have looked into many different scenarios and truly believe this request best fits our needs along with surrounding neighbors.

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 current garage structure is at the end of its life. When we purchased the house, the garage sheeting to the rear was OSB and a tree limb four inches in diameter was penetrating the rear roof. The garage is not habitable under current conditions with the deteriorating roof and walls. By approving the variance a new structure can be erected which would add visible improvements to the surrounding neighborhood and would allow for us to utilize the structure as a garage.

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.

There are no detrimental effects associated with the project. The proposal is to remove an existing garage and rebuild with the same length and width dimensions. The current structure is at the end of its life and needs to be replaced.

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

There will be no adverse affects to the master plan of the township.

e. That the condition of 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 request is a single request to replace an existing garage. There will be no general or recurrent nature.

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

Agree. Single variance to build a garage in the existing space already occupied.

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

We have researched alternative solutions and have determined that removing and replacing the structure with the same length and width is the minimum necessary to permit reasonable use of the land. The current/future structure's Southeast corner is the only area that extends beyond the five (5) foot required setback. It is currently two feet and ten inches (2ft. – 10in.) from the back property line.

There is a total of four (4) square feet of the overall structure that resides inside the five (5) foot setback, which is a total of less than one percent (1%) of the overall structure.

By moving the structure West (toward the house), the garage will not meet the minimum requirements of ordinance 8.3.4 of the ten (10) feet separation between the structure and the house and will infringe on the walkway, the drain and rear door. Moving it Southwest along the property line and away from the house will significantly impact the rear neighbor's view of the lake and surrounding area.

8.3.4. An accessory building which is detached from the principal building shall not be located nearer than ten (10) feet to any separate building or structure on the lot.

Shane Davis
11660 Portage Lake Ave
Pinckney, Mi 48169

10-24-2020

To Whom It May Concern:

My name is Shane Davis and I live at 11660 Portage Lake Ave. which is directly East of the property in question. In regards to the garage being updated at 11663 Algonquin Dr, I am in full support of Stan and Bonnie Wojciechowski improving their existing structure. I understand that part of the structure is too close to the "easement line" but it does not impact my property or view of the lake in any way. Please contact me via email/phone if you have any questions/concerns regarding this matter.

Thank you,
Shane Davis
810-623-2819
Coachshanedavis@charter.net

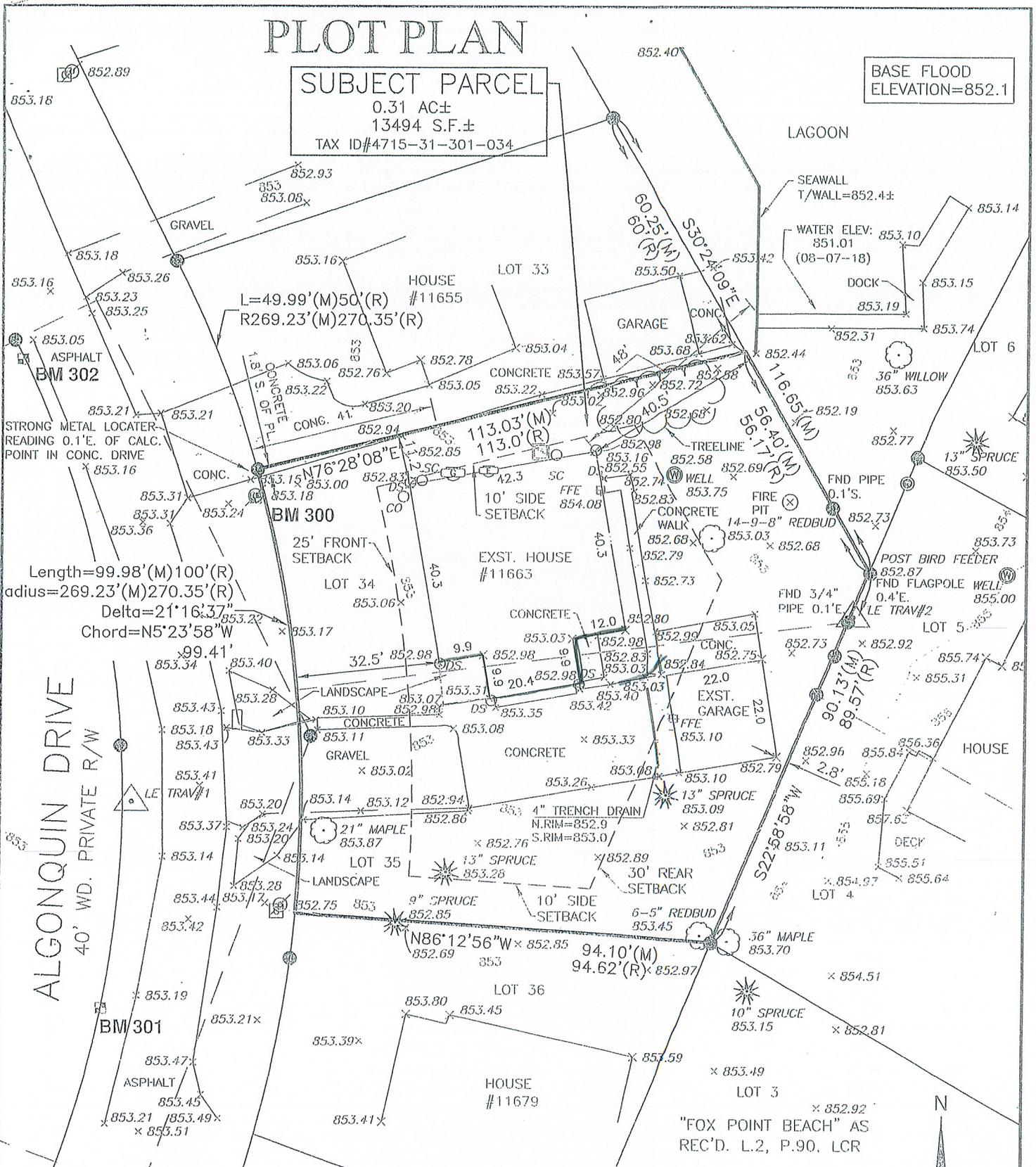


PLOT PLAN

SUBJECT PARCEL

0.31 AC±
13494 S.F.±
TAX ID#4715-31-301-034

BASE FLOOD
ELEVATION=852.1



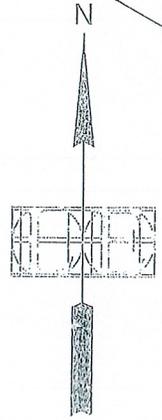
ALGONQUIN DRIVE
40' WD. PRIVATE R/W

Length=99.98'(M)100'(R)
radius=269.23'(M)270.35'(R)
Delta=21°16'37"
Chord=N5°23'58"W

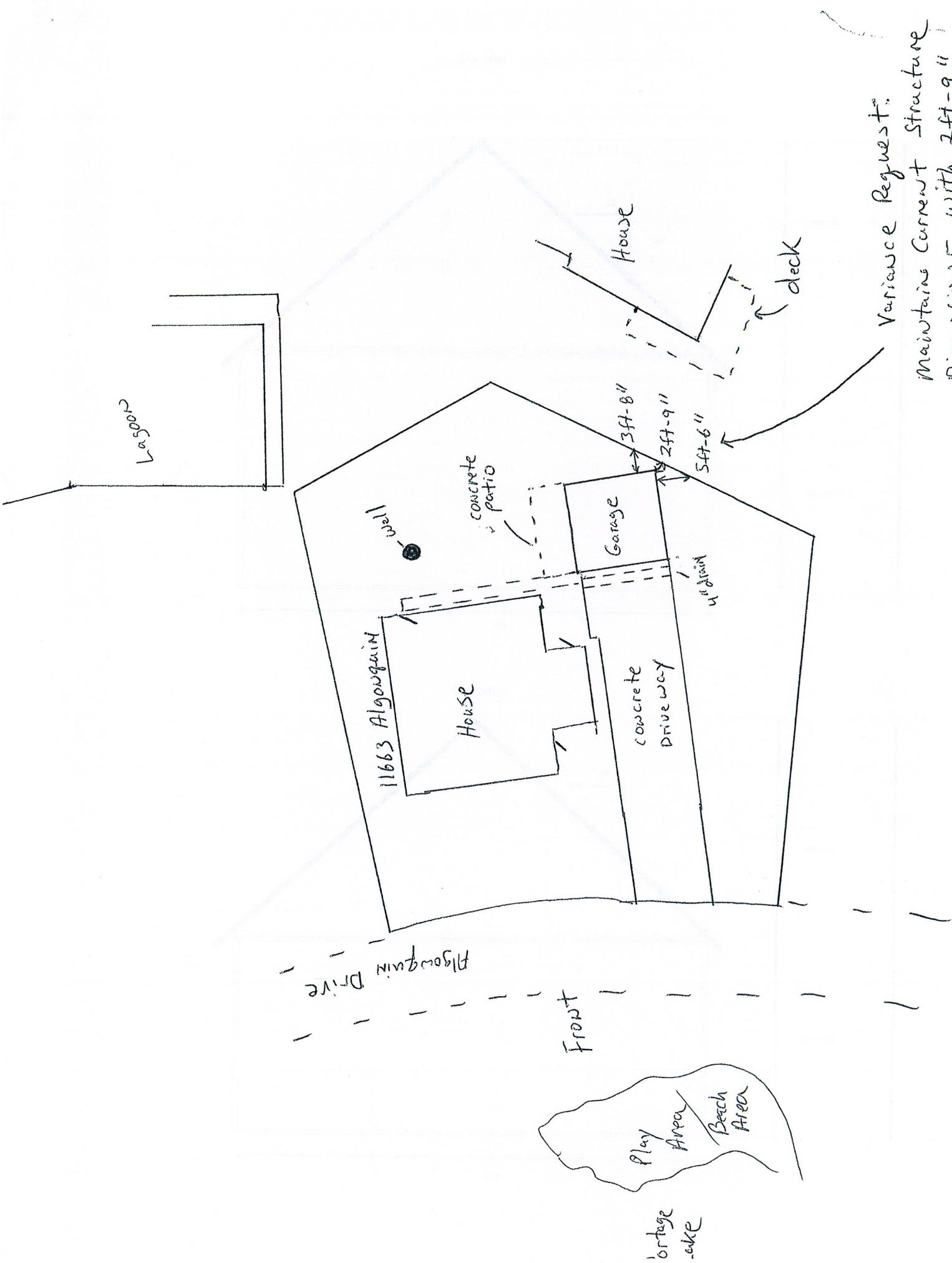
"FOX POINT BEACH" AS
REC'D. L.2, P.90, LCR

LEGEND

- COMMUNICATION BOX
- GAS METER
- ELECTRIC METER
- STORM CLEANOUT
- DOWN SPOUT
- SANITARY CLEANOUT
- AIR CONDITIONING UNIT
- UTILITY POLE
- MAILBOX
- CONIFEROUS TREE
- DECIDUOUS TREE
- TRAVERSE POINT-SET
- BENCHMARK
- FINISHED FLOOR

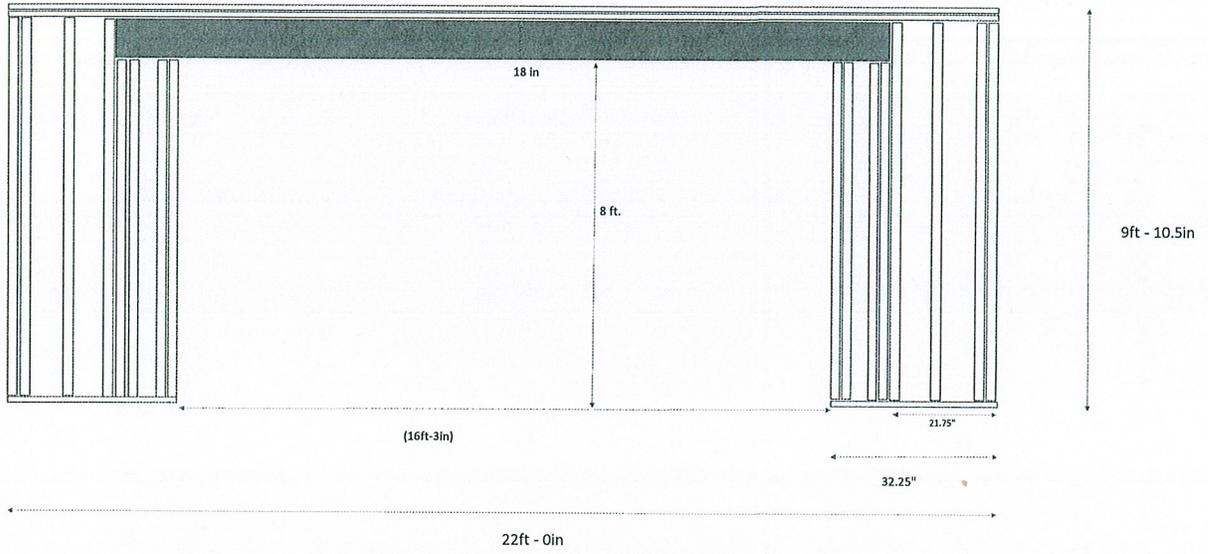


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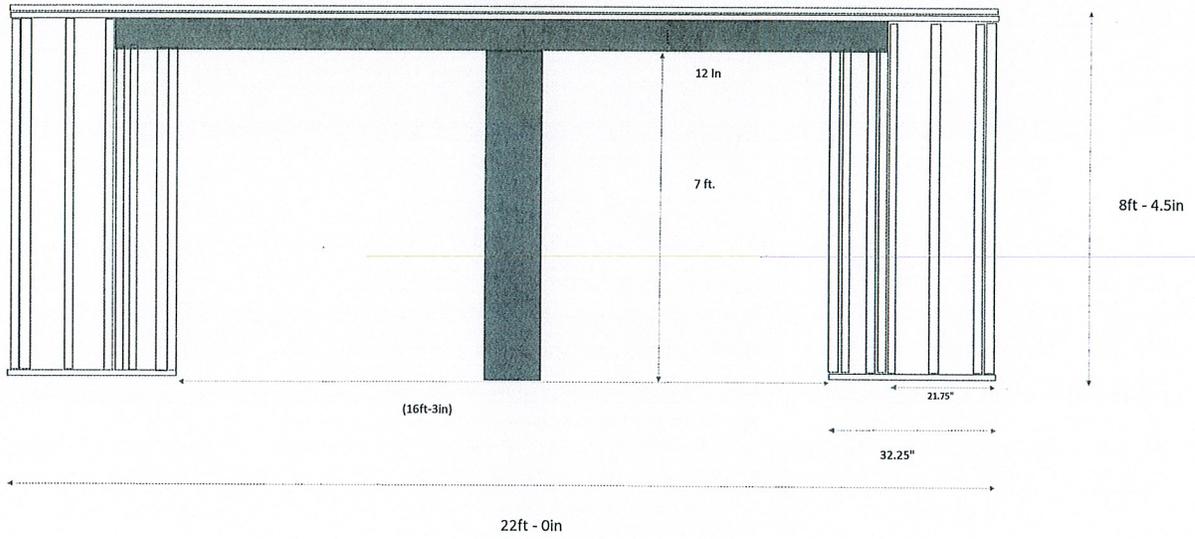


Variance Request:
 Maintains Current Structure
 Dimensions with 2ft-9"
 distance

Front - After



Front - Before





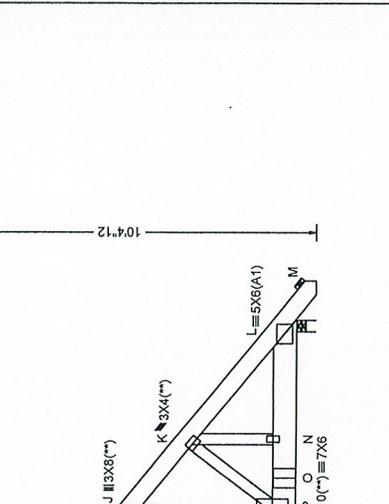
▲ Maximum Reactions (lbs)

Loc	R+	/R-	/Rh	/Rw	/U	/RL	Non-Gravity
Z	1986	-	-	/553	/85	/284	-
L	1986	-	-	/553	/85	-	-

Wind reactions based on MWFRS
 Z Brg Width = 3.5 Min Req = 1.6
 L Brg Width = 3.5 Min Req = 1.6
 Bearings Z & L are a rigid surface.

Maximum Top Chord Forces Per Ply (lbs)

Chords	Tens. Comp.	Chords	Tens. Comp.
A-B	59	G-H	30
B-C	207	H-I	284
C-D	204	I-J	235
D-E	235	J-K	204
E-F	284	K-L	206
F-G	27	L-M	59



Maximum Bot Chord Forces Per Ply (lbs)

Chords	Tens. Comp.	Chords	Tens. Comp.
B-X	1859	S-R	1672
X-W	1859	R-Q	1655
W-V	1859	Q-P	1655
V-U	1655	P-O	1859
U-T	1655	O-N	1859
T-S	1672	N-L	1859

Maximum Web Forces Per Ply (lbs)

Webs	Tens. Comp.	Webs	Tens. Comp.
C-X	207	Y-H	361
C-V	183	R-H	736
D-V	65	P-J	65
F-T	736	P-K	183
F-Y	361	N-K	210
G-Y	245	-	-

Maximum Gable Forces Per Ply (lbs)

Gables	Tens. Comp.	Gables	Tens. Comp.
E-U	70	Q-I	70
Y-S	155	-	-

Defl/CSI Criteria

PP Deflection in loc L/def L/#
 VERT(LL): 0.073 P 999 240 Max TC CSI: 0.167
 Max BC CSI: 0.386
 FT/RT/PT: 20(0)/10(0)/2(0)
 HORZ(TL): 0.053 D - - Max Web CSI: 0.181
 Creep Factor: 2.0
 Mfg Specified Camber:

Code / Misc Criteria

Bldg Code: IRC 2015
 TPI Std: 2014
 Rep Factors Used: Varies by
 Plate Type: WAVE

Snow Criteria

(Pg/Pf in PSF)
 Pg: 35.0 Ct: 1.1
 Pf: 26.9 Ce: 1.0
 CAT: II
 Lu: - Cs: 0.93
 Snow Duration: 1.15

Wind Criteria

Wind Std: ASCE 7-10 Speed: 115 mph
 Enclosure: Closed Risk Category: EXP: C
 TC DL: 4.2 psf BCDL: 6.0 psf
 Mean Height: 15.00 ft
 MWFRS Parallel Dist: 0 to h/2
 C&C Dist at: 3.00 ft
 Loc. from endwall: Any
 GCp1: 0.18
 Wind Duration: 1.60

Wind

VIEW Ver: 19.02.02B.0120.16

Loading

Truss designed to support 1-0-0 top chord outlookers and cladding load not to exceed 2.00 PSF one face and 24.0" span opposite face. Top chord must not be cut or notched, unless specified otherwise.

Bottom chord checked for 10.00 psf non-concurrent and 24.0" OC unless shown otherwise above.

Attic room loading from 5-1-8 to 17-1-8: Live Load: 40 PSF Dead Load: 10 PSF Ceiling: 10 PSF, Knee walls: 10 PSF

Truss designed for unbalanced snow loads.

Purlins

In lieu of structural panels or rigid ceiling use purlins to laterally brace chords as follows:

Chord	Spacing (in oc)	End (ft)
TC	120	11.13
BC	120	0.15
BC	52	8.95
BC	52	13.30

Apply purlins to any chords above or below fillers at 24" OC unless shown otherwise above.

Collar-tie braced with continuous lateral bracing at 24" oc, or rigid ceiling.

Lumber

Top chord: 2x6 SP 2400f-2.0E;
 Bot chord: 2x8 SP 2400f-2.0E;
 B3 2x4 SP 1650f-1.5E;
 Webs: 2x4 SPF #1/#2;

Plating Notes

All plates are 2x4 except as noted.
 (***) 8 plate(s) require special positioning. Refer to scaled plate plot details for special positioning requirements.

****WARNING** READ AND FOLLOW ALL NOTES ON THIS DRAWING!**

Trusses require experienced crane operators, handling, shipping, installing and bracing. Refer to and follow the latest edition of BCSI (Building Component Safety Information, by TPI and SBCA) for safety practices prior to erection. Installers shall provide temporary bracing per BCSI. Unless noted otherwise, top chord shall have properly attached structural sheathing and bottom chord shall have a properly attached ceiling. Connections shown for permanent lateral restraint of webs shall have bracing installed per BCSI sections B3, B7, or B10, as applicable. Apply plates to each face of truss and position as shown above and on the Joint Details, unless noted otherwise. Refer to drawings 160A-Z for standard plate positions.

Alpine, a division of ITW Building Components Group Inc, shall not be responsible for any deviation from this drawing, any failure to build the truss in conformance with ANSIT/PI 1, or for handling, shipping, installation and bracing of trusses. A seal on this drawing or cover page listing this drawing, indicates acceptance of professional engineering responsibility solely for the design shown. The suitability and use of this drawing for any structure is the responsibility of the Building Designer per ANSIT/PI 1 Sec.2

For more information see this job's general notes page and these web sites: ALPINE: www.alpineitw.com; TPI: www.tpinst.org; SBCA: www.sbcaindustry.com; ICC: www.iccsafe.org

Map 5 Zoning Map

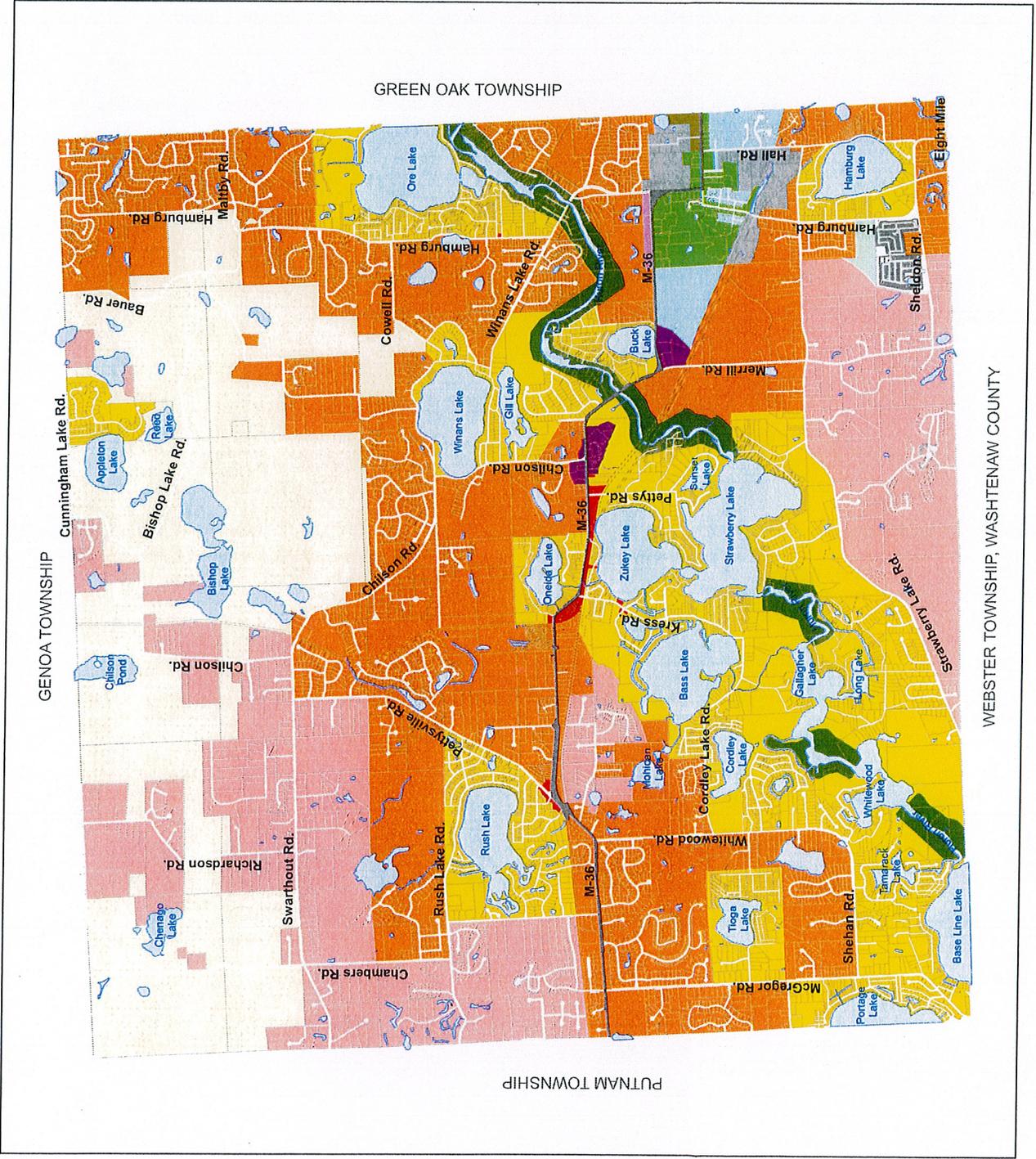
Hamburg Township,
Livingston County, Michigan

Zoning District

- RAA - Low Density Residential
- RA - Medium Density Residential
- RB - High Density Residential
- WFR - Waterfront Residential
- NR - Natural River Residential
- MHP - Mobile Home Park Residential
- NS - Neighborhood Service
- CS - Community Service
- LI - Limited Industrial
- GI - General Industrial
- MD - Mixed Development
- VC - Village Center
- VR - Village Residential
- PPRF - Public and Private Recreational Facilities



Source: Hamburg Township, 2020



GENOA TOWNSHIP

WEBSTER TOWNSHIP, WASHTENAW COUNTY

PUTNAM TOWNSHIP

WARRANTY DEED-(Statutory Form)
C.L. 1948, 565.152 M.S.A. 26.571

Furnished by SELECT TITLE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That ELISABETH M. D'ARCY

Convey(s) and Warrant(s) to STANLEY WOJCIECHOWSKI AND BONNIE WOJCIECHOWSKI HUSBAND AND WIFE

whose address is 44911 EXETER CT., NOVI, MI 48375

the following described premises Situated in the Township of Hamburg, County of Livingston, State of Michigan:

Lots 34 and 35 of FOX POINTE BEACH, according to the plat thereof, recorded in Liber 2 of Plats, page 90, Livingston County Records.

Commonly known as: 11663 Algonquin Dr
Tax No. 15-31-301-034

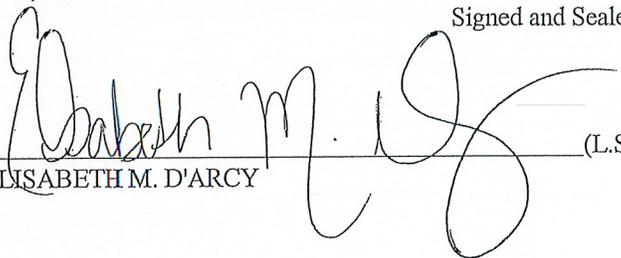
for the full consideration of One Hundred Eighty Five Thousand and 00/100 Dollars (\$185,000.00)

subject to easements, restrictions or reservations of record. Private Road Disclosure attached.

Dated this 15th day of January

, 2015

Signed and Sealed:


ELISABETH M. D'ARCY (L.S.)

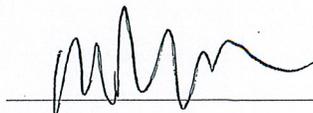
STATE OF MICHIGAN
COUNTY OF LIVINGSTON SS.

On this 15th day of January

, 2015 before me personally appeared

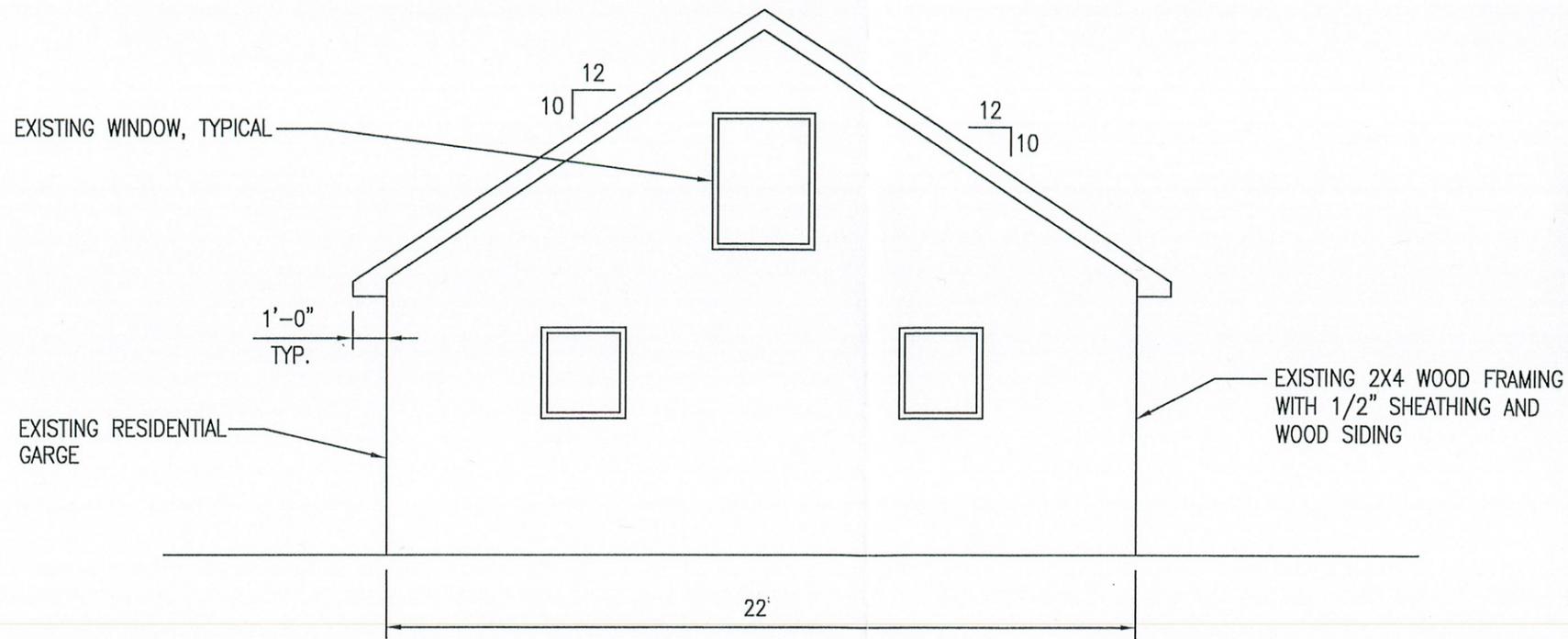
ELISABETH M. D'ARCY, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free act and deed.

My commission expires:

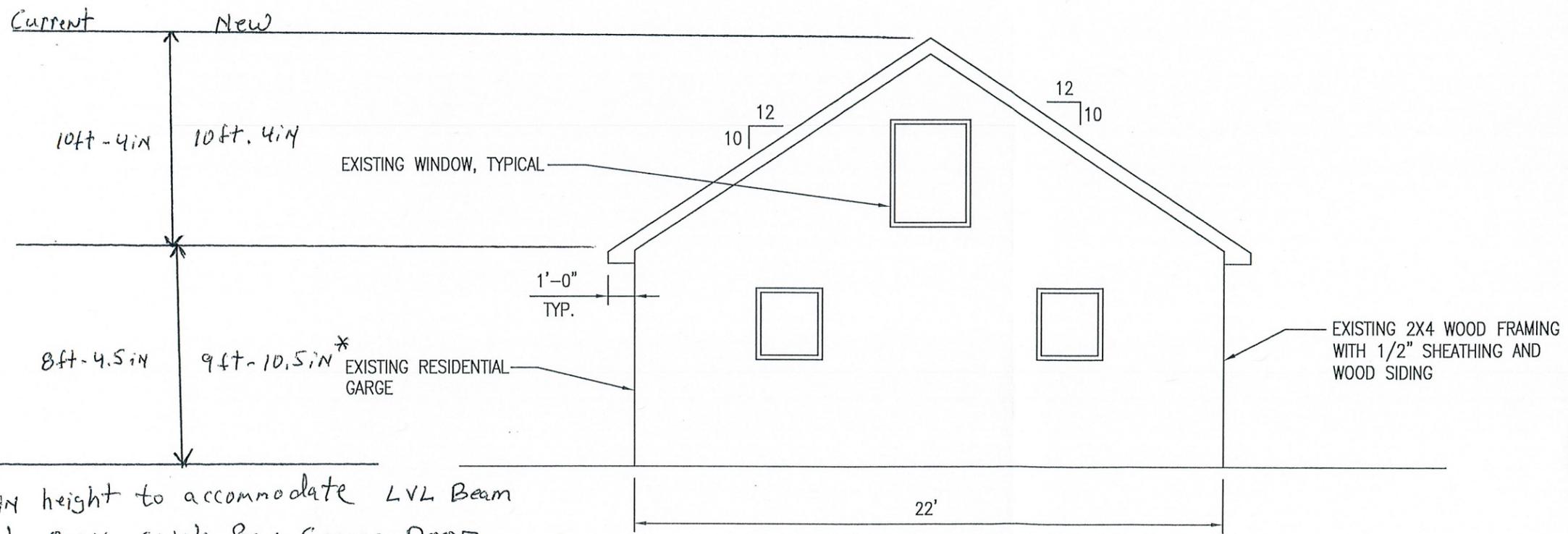


Notary Public

MELISSA ROISEN
Notary Public - Michigan



NORTH ELEVATION



SOUTH ELEVATION

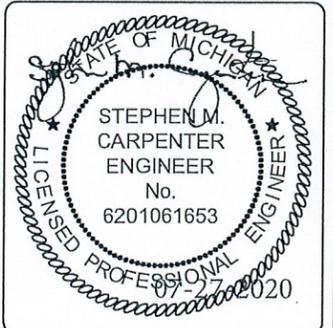


1961 NORTHPOINT BLVD, SUITE 130
 HIXSON, TN 37343
 PH: 423-843-9500
 FAX: 423-843-9509

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

A&E PROJECT #:	TBD
DRAWN BY:	SMC
CHECKED BY:	SMC

REVISIONS		
NO.	DATE	DESCRIPTION
1	07/27/20	ISSUED FOR CONSTRUCTION
2	07/23/20	PRELIMINARY REVIEW



PROJECT No.	TBD
SITE NAME:	11663 ALGONQUIN DRIVE
SITE NUMBER:	TBD
SITE ADDRESS:	11663 ALGONQUIN DRIVE PINCKNEY, MI 48169
DESIGN TYPE:	RESIDENTIAL

SHEET TITLE:
NORTH AND SOUTH ELEVATIONS

DRAWING NO.	REVISION:
A5	0

Amy Steffens

From: Jim Rowell <JRowell@livgov.com>
Sent: Wednesday, October 21, 2020 9:54 AM
To: bonniewoj
Cc: Justin Lay; Amy Steffens; Catherine Haling; Carrie Aulette; Ted Michowski
Subject: RE: 11663 Algonquin

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Mr. Mojciechowski,

I am the Building Official for the county. Due to inspector and TWP concerns, I visited the site yesterday. The garage is completely new (less the foundation) and not consistent with the project that was approved by our plan reviewers. There were many options for the front header that would not require raising the height such as using a different beam system for the header. Also, simply adding a few of the old studs into a brand new wall does not grandfather the garage as "existing". The top and bottom plates are new. The only way to add the old studs in these walls was to build a new wall and subsequently add the old studs back in. If and when this gets approved at the township level, we will ask you to:

1. Verify the existing foundation meets the requirements for a new garage structure. This can be done by digging at least 2 test holes adjacent to the footing for our inspectors to look at. Also, as an observation,
2. The garage walls must be properly anchored to the foundation. It is unlikely that Ramset or Hilti powder actuated nails will not suffice. Please provide engineering or a data sheet qualifying this manner of attachment.
3. All not treated wood must be at least 6" above the exterior grade to prevent rot and decay.
4. There are portal opening requirements for the front wall that may require specific anchoring adjacent to the garage doors. When you get back to work on this project, we can help you to work through these requirements.

This was not a rough inspection, just some basic observations. There may be other issues. Until the Township zoning issues get resolved, you can protect the roof by finishing the sheathing and installing tar paper or ice guard. No further inspections will be allowed.

Regards,

Jim Rowell
Livingston County
Building Department Director
2300 E. Grand River
Howell MI 48843
517-552-6724 Office

-----Original Message-----

From: Amy Steffens <asteffens@HAMBURG.MI.US>
Sent: Tuesday, October 20, 2020 4:05 PM
To: bonniewojo
Cc: Justin Lay <JLay@livgov.com>; Ted Michowski <tmichowski@HAMBURG.MI.US>; Jim Rowell <JRowell@livgov.com>
Subject: [EXT] 11663 Algonquin

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Stan,

As a follow up to our conversation this morning regarding the removal of the walls of the detached garage, the township is fine with your securing the structure against further weather damage. You mentioned that you would finish installing plywood and a felt shield on the roof only; the township is fine with that plan if the LCBD is, too. However, keep in mind that you are assuming the risk that the structure may have to be removed if either the ZBA denies the application or the LCBD does not permit the work that has been done to date.

Because you have removed more than 50 percent of the exterior walls in order to make the structure taller, you will need to go to the Zoning Board of Appeals to ask for variance approval to replace the structure in its non-conforming location. Follow this link to the variance application: [http://cms5.revize.com/revize/hamburgtownship/ZBA Variance Application 2019 - With Checklist - fillable.pdf](http://cms5.revize.com/revize/hamburgtownship/ZBA_Variance_Application_2019_-_With_Checklist_-_fillable.pdf). The next meeting you could go to is December 9, 7:00 pm, at the township hall offices. Application and eight sets of the site plan, exterior elevations, and construction plans are due at least 30 days in advance of the hearing.

Because you are proposing to go to the ZBA for approval, the township will hold off on pursuing code enforcement action. If you do not file for a variance by November 9 the township will pursue code enforcement that could potentially result in the issuance of municipal civil infractions.

Please let me know what further questions you have.

Thanks,

Amy Steffens, AICP
Hamburg Township Planning and Zoning Administrator
(810) 222-1167
(Personal office hours 8 am to 3 pm, Monday, Wednesday, Friday)

-----Original Message-----

From: Brittany Stein <bstein@HAMBURG.MI.US>
Sent: Monday, September 10, 2018 12:57 PM
To: bonnie wojciechowski
Cc: Amy Steffens <asteffens@HAMBURG.MI.US>
Subject: RE: Garage addition to residential home

Bonnie,

Any additions to the home must meet the setback requirements of 25 Ft. off the front property line, 10 Ft. off the side property lines, and 30 Ft. off the rear property line.

5 ft. setback only applies when an accessory structure is proposed completely behind the home.

Thanks,

Brittany Stein
Hamburg Township, Zoning Coordinator

(810) 222-1166

-----Original Message-----

From: bonnie wojciechowski

Sent: Friday, August 31, 2018 8:24 PM

To: Brittany Stein <bstein@HAMBURG.MI.US>

Subject: Re: Garage addition to residential home

Brittany,

We got a survey of our house at 11663 Algonquin to start moving forward with our garage addition. Our next step is to create some drawings of possible additions. But, we first need to confirm if we could build 5ft from the rear property line. Can you please advise on how we can confirm this before creating the drawings?

Thank you,

Bonnie Wojciechowski

Sent from my iPhone

> On Aug 1, 2018, at 1:53 PM, bonnie wojciechowski <bonniewojo@gmail.com> wrote:

>

> Hi Brittany,

> We are going to schedule a survey of the house so we can start moving forward with the garage plans. However, the surveyor was asking if we need to have an Elevation Certificate also. I just wanted to confirm if this is required in addition to the BFE?

> Thanks

> Bonnie Wojciechowski

>

> Sent from my iPhone

>

>> On Jul 16, 2018, at 12:49 PM, Brittany Stein <bstein@HAMBURG.MI.US> wrote:

>>

>> Bonnie,

>>

>> I have attached an aerial view map of your property. The lot lines are highlighted in yellow and are only approximately located, these lines are not always accurate. Also, you may notice the property is nearly covered by a purple layer, this is FEMA's mapped 100-year Floodplain. This is also not accurate, they are only estimated. Therefore we are going to require a Topographical Survey (Including elevations and the Base Flood Elevation-BFE) to determine where the floodplain really is on the property - I have attached a list of common Livingston County Surveyors for this. - This is going to be your very first step.

>>

>> The property is zoned as WFR (Waterfront Residential). Maximum building height is 35 Ft. (& up to 2.5 stories) for the primary structure.

>> The required yard setbacks are: 25 Ft. off the front property line, 10 Ft. off the side property lines, and 30 Ft. off the rear property line. (Zoning Ordinance Article 7.6.1 table) - This is for any additions to the home the primary structure.

>>

>> It appears the backside of the garage and the north side of the home may be legally non-conforming already because it is located on or nearer to the property line than allowed, so please refer to the nonconforming article for additional information on that: [http://www.hamburg.mi.us/ZTA 17-005 Sec. 11.3 and Sec. 7.6.1 footnote 4.pdf](http://www.hamburg.mi.us/ZTA%2017-005%20Sec.%2011.3%20and%20Sec.%207.6.1%20footnote%204.pdf) It appears the garage may be what we consider, completely behind the house, so therefore it may be no closer than 5ft. to the side and rear property lines. And having a survey done will also determine where the property lines really are. Any additions to either the home/garage must be conforming to our zoning ordinance meeting the setbacks listed in the table of Article 7: 7.6.1.

>>
>> Article 7: Zoning District Regulations:
>> [http://www.hamburg.mi.us/Lawroom/Zoning Ordinance/ART07-District
>> rg.mi.us Regs.pdf](http://www.hamburg.mi.us/Lawroom/Zoning%20Ordinance/ART07-District%20rg.mi.us%20Regs.pdf)
>>
>> Article 8: Accessory Structures (Garage, shed, etc):
>> [http://www.hamburg.mi.us/Planning&Zoning/Zoning Text Amendments/A
>> rg.mi.us rticle%208.3%20ZTA%2016-005.pdf](http://www.hamburg.mi.us/Planning&Zoning/Zoning%20Text%20Amendments/Article%208.3%20ZTA%2016-005.pdf)
>>
>> This link is for our Website that has all of our Zoning Ordinance,
>> although, there are some updates and changes (amendments), located
>> towards the bottom half of the page. Ordinance Page:
>> [http://www.hamburg.mi.us/government/lawroom_\(ordinances\)_general_ordi
>> rg.mi.us
>> nances/zoning_ordinance.php](http://www.hamburg.mi.us/government/lawroom_(ordinances)_general_ordinances/zoning_ordinance.php)
>>
>> This Land Use Permit Information Packet may also be helpful:
>> [http://www.hamburg.mi.us/2018 Land Use Packet.pdf](http://www.hamburg.mi.us/2018%20Land%20Use%20Packet.pdf) rg.mi.us
>>
>> Hope this helps. Let me know if you have additional questions.
>>
>> Thanks,
>>
>> Brittany Stein
>> Hamburg Township, Zoning Coordinator
>> (810) 222-1166
>>
>>
>> -----Original Message-----
>> From: bonnie wojciechowski
>> Sent: Monday, July 16, 2018 12:01 PM
>> To: Brittany Stein <bstein@HAMBURG.MI.US>
>> Subject: Re: Garage addition to residential home
>>
>> Brittany
>> Thank you for the quick response. Our house is located at 11663
>> Algonquin, Pinckney Thanks Bonnie Wojciechowski
>>
>> Sent from my iPhone
>>
>>> On Jul 16, 2018, at 9:30 AM, Brittany Stein <bstein@HAMBURG.MI.US> wrote:
>>>
>>> Bonnie,
>>>
>>> May you provide your address? - This will determine which zoning
>>> district you are located for the setback standards and any
>>> nonconformities on the property and if there may be floodplain on
>>> the property. From that I will then be able to provide you with
>>> additional information. In the meantime, here is our land use permit
>>> informational packet:
>>> [http://www.hamburg.mi.us/2018 Land Use Packet.pdf](http://www.hamburg.mi.us/2018%20Land%20Use%20Packet.pdf) urg.mi.us
>>>

>>>
>>> Thanks,
>>>
>>> Brittany Stein
>>> Hamburg Township, Zoning Coordinator
>>> (810) 222-1166
>>>
>>> We are beginning the 20|20 Master Plan Update - Click Here to take the Public Input Survey today!
>>> Click Here to go to our website.
>>>
>>>
>>>
>>> -----Original Message-----
>>> From: bonnie wojciechowski
>>> Sent: Sunday, July 15, 2018 11:29 PM
>>> To: Brittany Stein <bstein@HAMBURG.MI.US>
>>> Subject: Garage addition to residential home
>>>
>>> Hi
>>> We are interested in adding an addition to our detached garage to attach it to the house and to have more storage space. In order to draw up the plans, we need to know what clearance space we need to have from the property line and also if the current clearance space applies to the existing garage?
>>> Thank you
>>> Bonnie Wojciechowski
>>>
>>> Sent from my iPhone
>> <11663 Algonquin.jpg>
>> <Livingston County Surveyors List 2018.pdf>
>> <11663 Algonquin (1).jpg>



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7b



TO: Zoning Board of Appeals
(ZBA)

FROM: Brittany Stein

HEARING

DATE: January 13, 2021

SUBJECT: ZBA 20-0022

PROJECT 9020 Rushside Drive
SITE: Pinckney, MI 48169
TID 15-17-402-126

APPLICANT/ OWNER:

Lewis and Nancy Walker

PROJECT: Variance application to permit the construction of 13-foot by 13-foot enclosed sunroom. The sunroom will have a 22-foot south front yard setback (25-foot front yard setback required, Section 7.6.1.).

ZONING: WFR (waterfront residential district)

Addendum for January 13, 2021 hearing:

At this time, staff recommends to table this variance request to a later ZBA hearing date. Additional information has been requested to complete an adequate review of the request.



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7c



TO: Zoning Board of Appeals
(ZBA)

FROM: Amy Steffens

**HEARING
DATE:** January 13, 2021

SUBJECT: ZBA 20-0023

**PROJECT
SITE:** 10281 and 10283 Kress
Road

TID 15-28-200-051 and 15-
28-200-052

**APPLICANT/
OWNER:** Gary Marker

PROJECT: Variance application to permit a boundary adjustment of two existing WFR-zoned, non-conforming parcels to correct for a driveway encroachment. If approved Parcel 15-28-200-051, currently 0.69 acres, would be 0.80 acres in size and Parcel 15-28-200-052, currently 0.68 acres, would be 0.58 acres. Minimum lot size in the WFR-zoned district is one acre (Section 7.6.1.).

ZONING: WFR (waterfront residential district)

Project Description

The subject sites are two contiguous parcels on Kress Road. Parcel 15-28-200-052, addressed as 10283 Kress, is the western parcel in the above aerial; parcel 15-28-200-051, address as 10281 Kress, is the eastern parcel. The driveway servicing 10281 Kress was inadvertently installed over the shared property boundary. If approved, the variance would permit a boundary adjustment between these two parcels to move the common property boundary to the west to correct for the driveway encroachment.

The minimum lot size in the WFR zoned district is one acre and both parcels are considered non-conforming minimum lot size. If a new parcel were being created the Land Division Act would apply as would the zoning ordinance requirements for minimum lot size and road width. Property boundary adjustments are not addressed in the LDA thus a boundary adjustment is reviewed only in terms of the compliance with the zoning ordinance standards. 10283 Kress is currently 0.68 acre but would be 0.58 acre if the variance were approved and would lose 12 feet of frontage along Kress. 10281 Kress is currently 0.69 acre but would be 0.80 acre and would gain 12 feet of frontage. The dwellings on both parcels have non-conforming rear yard setbacks; any approval of the variance request for the boundary adjustment would not make conforming the existing setbacks. Additionally, the boundary adjustment will need to go through the normal township administrative process for adjustments.

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 boundary adjustment is sought to correct a driveway encroachment, which is a condition or circumstance applicable to the properties involved that do not apply generally to other properties in the same district or zone. While it is true that the driveway installation is a self-created practical difficulty adjusting the property boundary as proposed does not create a situation for either parcel that would not apply to the other parcels accessed off of the private Kress Road. The average lot size of the neighboring six parcels is 0.63 acres.

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.**

The boundary adjustment would correct for an encroachment. While it is true that the encroachment is a self-created practical difficulty the boundary adjustment will not provide to either parcel a property right not possessed by other properties in the same zone or vicinity, and in particular the other four parcels that are accessed off of the private Kress easement.

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.**

As previously stated the proposed boundary adjustment does not create a new lot or create a net loss of total acreage between the two parcels. Adjoining properties will not be materially impacted because the driveway encroachment serves as a

de facto visual boundary between the two subject lots; changing the legal descriptions will not have an impact on adjacent properties or related improvements.

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

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.

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.

The condition of the driveway encroachment is not of so general or recurrent a nature. While the encroachment is a self-created practical difficulty the boundary adjustment does not impact access, improvements, or enjoyment of adjacent properties.

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 use of these sites is single-family residential and the proposed variance would not change the uses of either parcel.

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

See analysis under standards one and two.

“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:

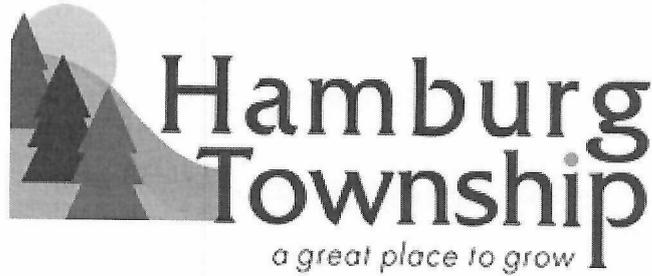
Motion to approve application ZBA 20-0023 at 10281 and 10283 Kress Road to permit a boundary adjustment of two existing WFR-zoned, non-conforming parcels to correct for a driveway encroachment. If approved Parcel 15-28-200-051, currently 0.69 acres, would be 0.80 acres in size and Parcel 15-28-200-052, currently 0.68 acres, would be 0.58 acres. Minimum lot size in the WFR-zoned district is one acre (Section 7.6.1.).

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.

Exhibits

Exhibit A: Application materials

ZBA Case Number _____



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: _____

2. Tax ID #: 15-____ -____ -____ Subdivision: _____ Lot No.: _____

3. Address of Subject Property: **10281 Kress and 10283 Kress**

4. Property Owner: **Gary Marker** Phone: (H) _____

Email Address: _____ (W) _____

Street: **10281 Kress Rd** City: **Pinckney** State: **Mi**

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

E-mail Address: _____ (W) _____

Street: _____ City _____ State _____

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

7. Size of Lot: Front _____ Rear _____ Side 1 _____ Side 2 _____ Sq. Ft. _____

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

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

13. Present Use of Property: **Residence**

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

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

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

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

Boundary adjustment

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.

2018 survey show my 10281 Kr part of my driveway was on 10283 Kress. I bought 10283 Kress

in 2019. I would like to adjust boundary lines so all driveway is on 10281 Kress

- 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.

By adjusting the property lines would not change financial better.

- 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.

correct

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

correct

- 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.

correct

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

correct

- 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

Date

Appellant's Signature

Date

RECEIVED

AUG 27 2019

Hamburg Township
Planning and Zoning Department

EXISTING
CONDITIONS

Set 1/2" Steel Rod
with Cap #47055 on
Property line, 8±
westerly of water's edge

Stone Retaining Wall &
Water's Edge (7-1-19)

PARK
STRAWBERRY DR.
(PLATTED LAKE
VIEW DRIVE)

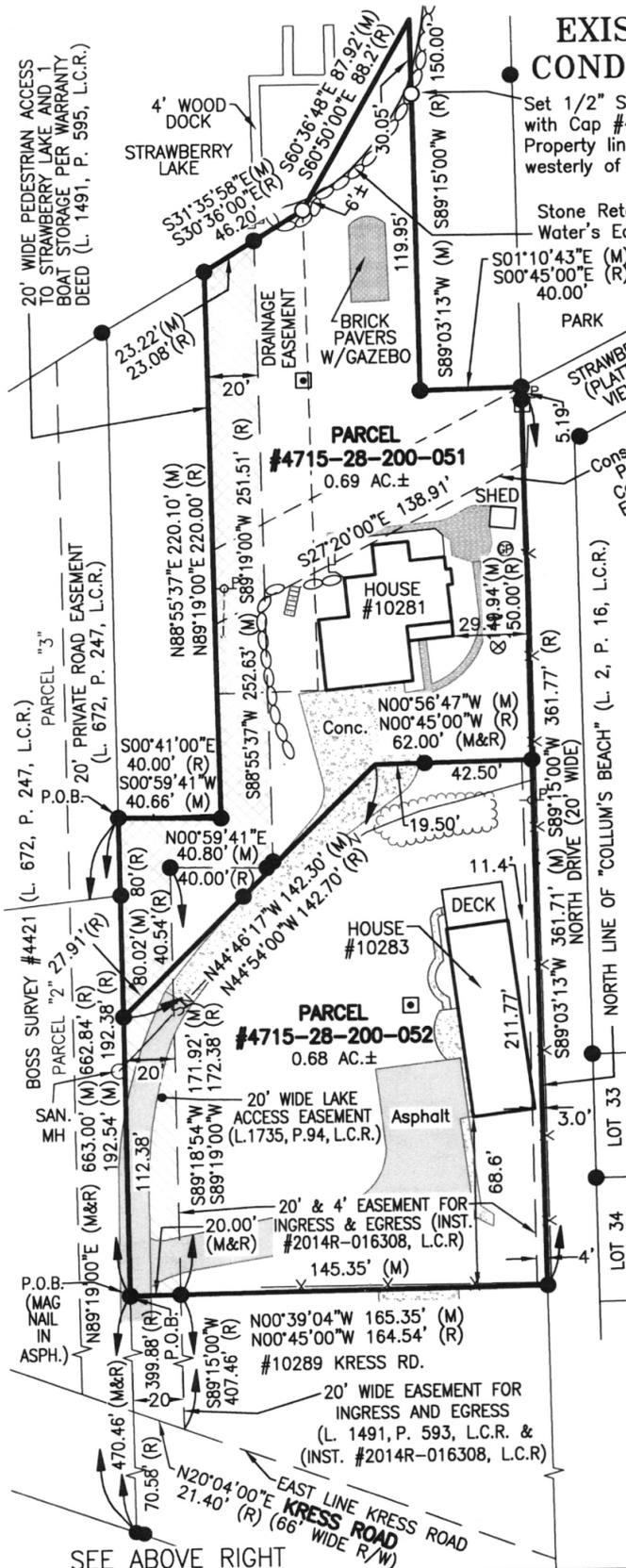
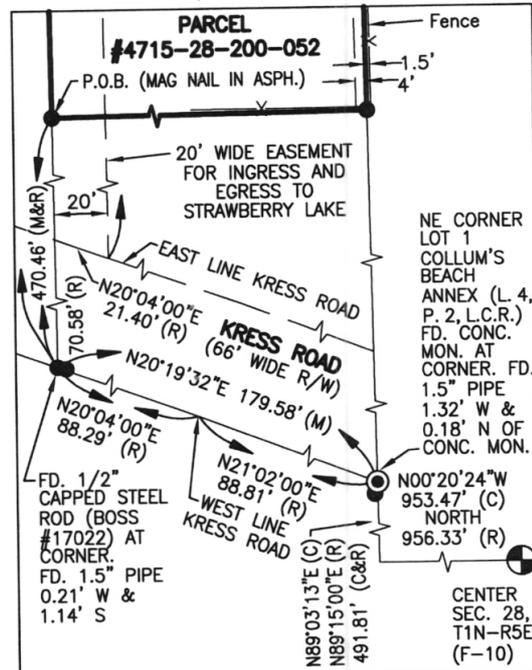
LEGEND

- WELL
- ⊕ GRINDER PUMP
- ⊗ VALVE
- P POWER POLE
- ↓ GUY WIRE
- SN- APPROXIMATE SANITARY SEWER
BASED ON PAINT MARKINGS
AND FLAGGING LOCATED IN
THE FIELD ON 4-3-18

GENERAL SURVEY NOTES:

1. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
2. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

SEE BELOW LEFT



SEE ABOVE RIGHT

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING AND THAT ALL THE REQUIREMENTS OF PUBLIC ACT NUMBER 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

DESCRIPTION:

PART OF THE NORTHEAST FRAGMENTAL 1/4 OF SECTION 28, T1N-R5E, HAMBURG TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

BEBOSS
Engineering

Engineers Surveyors Planners Landscape Architects

3121 E. GRAND RIVER AVE.

HOWELL, MI. 48843

517.546.4836 FAX 517.548.1670

CLIENT:

MARKER

JOB NO. 19-199

DATE 8-16-19

SHEET 1 OF 6

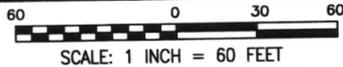
FB 560

CREW GFD/TL

DR. AEB

CHKD.

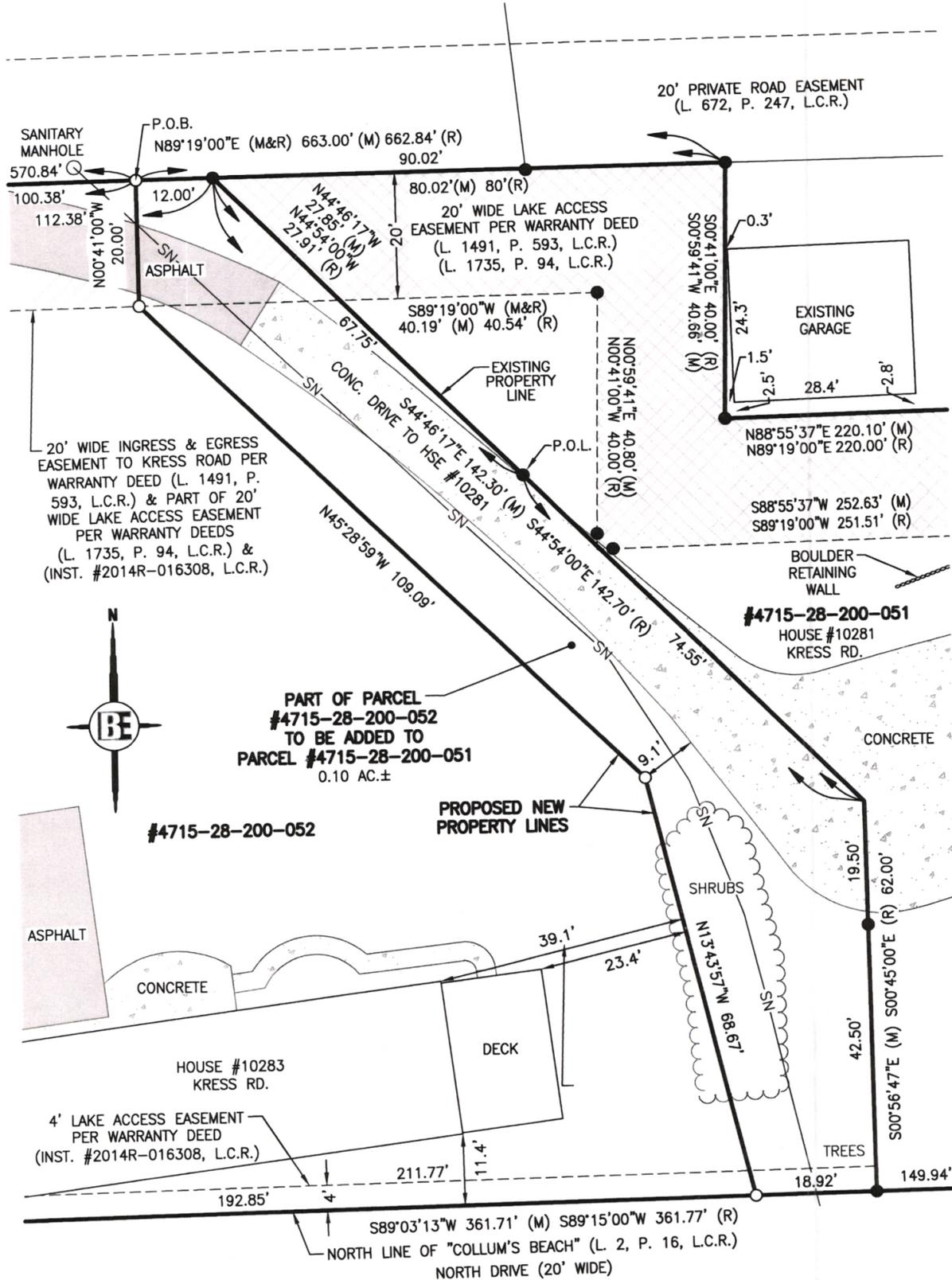
G:\19-199\dwg\19-199.dwg, 8/16/2019 1:25:51 PM, andy



- LEGEND
- = IRON SET
 - = IRON FOUND
 - ⊙ = MONUMENT FOUND
 - ⊗ = FENCE
 - (R) = RECORDED
 - (M) = MEASURED
 - (C) = CALCULATED



PARCEL RECONFIGURATION AREA TO BE ADDED



DESCRIPTION:

PART OF THE NORTHEAST FRACTIONAL 1/4 OF SECTION 28, T1N-R5E, HAMBURG TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN



3121 E. GRAND RIVER AVE.
HOWELL, MI. 48843
517.546.4836 FAX 517.548.1670



CLIENT:	MARKER				
JOB NO.	19-199	DATE	8-16-19		
SHEET	2 OF 6	FB 560	CREW GFD/TL	DR. AEB	CHKD.

LEGEND

- = IRON SET
- = IRON FOUND
- ⊙ = MONUMENT FOUND
- * = FENCE
- (R) = RECORDED
- (M) = MEASURED
- (C) = CALCULATED

PARCEL RECONFIGURATION



LEGEND

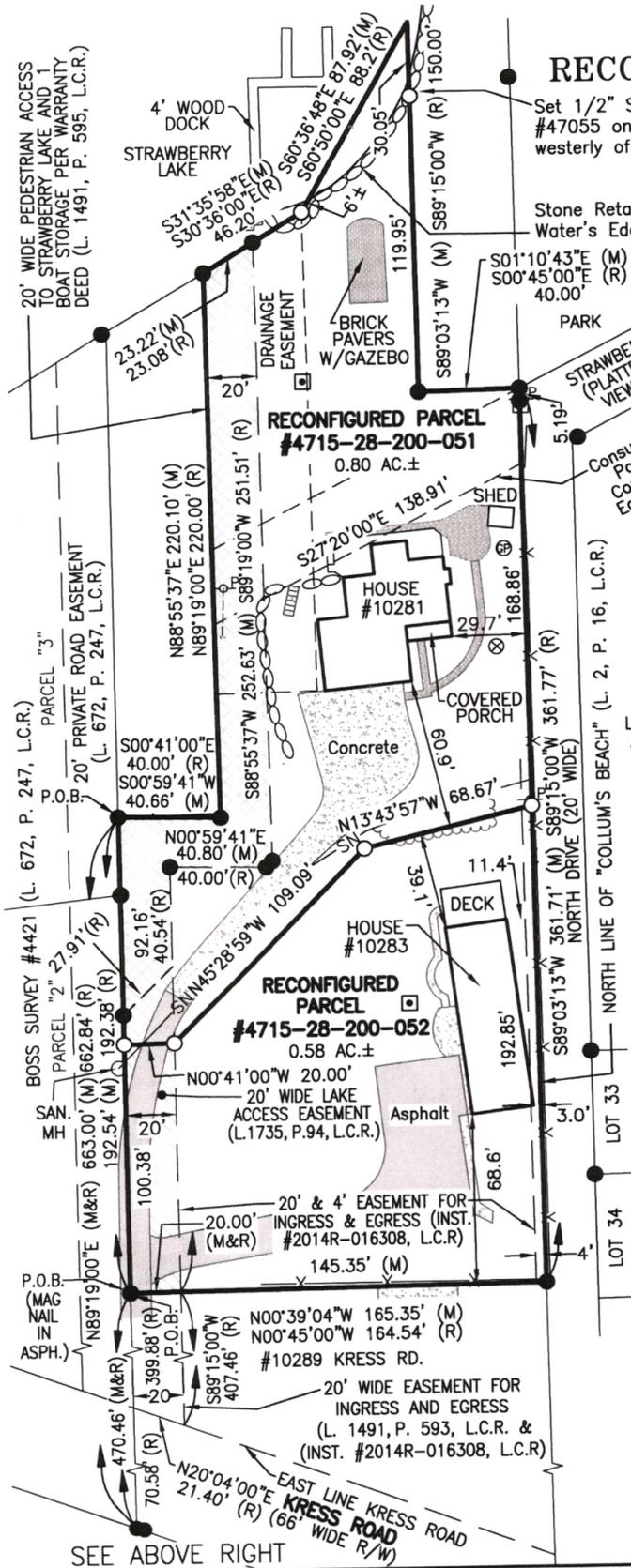
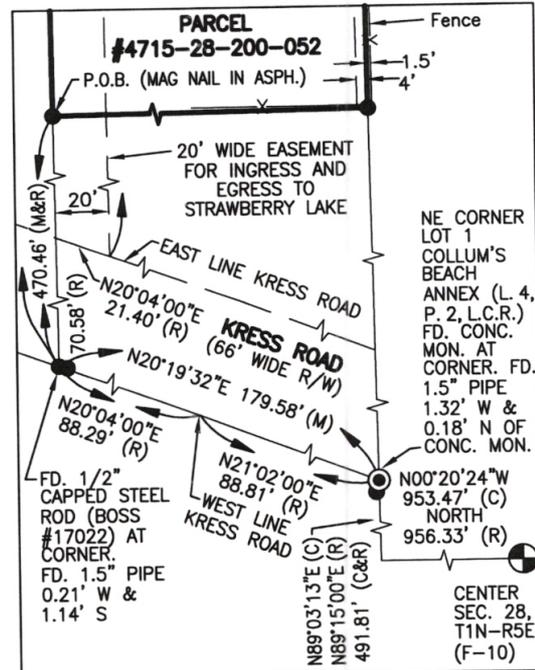
- ☐ WELL
- ⊕ GRINDER PUMP
- ⊗ VALVE
- ⊖ POWER POLE
- ↓ GUY WIRE
- SN — APPROXIMATE SANITARY SEWER BASED ON PAINT MARKINGS AND FLAGGING LOCATED IN THE FIELD ON 4-3-18

ZONING: WFR (Waterfront Residential District)
 MINIMUM SETBACK REQUIREMENTS:
 FRONT = 25 FEET
 SIDES = 10 FEET
 REAR = 30 FEET
 ORDINARY HIGH WATER MARK = 50 FEET
 MIN. LOT AREA = 43,560 SQ.FT.±
 MIN. LOT WIDTH = 125 FEET
 MAX. LOT COVERAGE = 35/40% BLDG/PRKNG

GENERAL SURVEY NOTES:

1. SUBSURFACE UTILITIES NOT LOCATED FOR THIS SURVEY MAY EXIST. IT IS THE RESPONSIBILITY OF THE OWNER OF THE RESPECTIVE UTILITY TO ACCURATELY LOCATE SUCH UTILITIES.
2. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.

SEE BELOW LEFT



DESCRIPTION:

PART OF THE NORTHEAST FRACTIONAL 1/4 OF SECTION 28, T1N-R5E, HAMBURG TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN



Engineers Surveyors Planners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI. 48843
 517.546.4836 FAX 517.548.1670



CLIENT:					
MARKER	SCALE: 1 INCH = 60 FEET				
JOB NO.	19-199	DATE	8-16-19		
SHEET	3 OF 6	FB 560	CREW GFD/TL	DR. AEB	CHKD.
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- LEGEND
- = IRON SET
 - = IRON FOUND
 - ⊙ = MONUMENT FOUND
 - * = FENCE
 - (R) = RECORDED
 - (M) = MEASURED
 - (C) = CALCULATED

DESCRIPTION OF PARCEL #4715-28-200-051 PER WARRANTY DEED, AS RECORDED IN LIBER 1491, PAGE 593, LIVINGSTON COUNTY RECORDS:

Part of the Northeast fractional 1/4 of Section 28, Town 1 North, Range 5 East, described as follows: Commencing at the center of said Section 28; thence North 956.33 feet; thence North 89 degrees 15 minutes 00 seconds East 491.81 feet to the West line of Kress Road and the Northeast corner of Lot 1 of Collum's Beach Annex, as recorded in Liber 4, Page 2, of Plats, Livingston County Records; thence North 21 deg 02' 00" East 88.81 feet along the West line of Kress Road; thence North 20 deg 04' 00" East 88.29 feet along the West line of Kress Road; thence North 89 deg 19' 00" East 662.84 feet to the Point of Beginning of the land to be described: thence South 0 deg 41' 00" East 40.00 feet; thence North 89 deg 15' 00" East 220.00 feet to the shore of Strawberry Lake; thence South 30 deg 36' 00" East 46.20 feet along the shore of Strawberry Lake; thence South 60 deg 50' 00" East 88.20 feet along the shore of Strawberry Lake; thence South 89 deg 15' 00" West 150.00 feet; thence South 0 deg 45' 00" East 40.00 feet to the North line of Collum's Beach, as recorded in Liber 2, Page 16, of Plats, Livingston County Records; thence South 89 deg 15' 00" West 150.00 feet along the North line of Collum's Beach; thence North 0 deg 45' 00" West 62.00 feet; thence North 44 deg 54' 00" West 142.70 feet to the North line of said parcel; thence North 89 deg 19' 00" East 80.00 feet along the North line of said parcel to the point of beginning.

Subject to and including an easement for ingress and egress between subject property and Kress Road over the following described land: Commencing at the center of said Section 28; thence North 956.33 feet; thence North 89 degrees 15 minutes 00 seconds East 491.81 feet to the West line of Kress Road and the Northeast corner of Lot 1 of Collum's Beach Annex, as recorded in Liber 4, Page 2, of Plats, Livingston County Records; thence North 21 degrees 02 minutes 00 seconds East 88.81 feet along the West line of Kress Road; thence North 20 degrees 04 minutes 00 seconds East 88.39 feet along the West line of Kress Road; thence North 89 degrees 19 minutes 00 seconds East 70.58 feet to the point of beginning of the easement to be described: thence North 89 degrees 19 minutes 00 seconds East 399.88 feet; thence South 00 degrees 45 minutes 00 seconds East 20.00 feet; thence South 89 degrees 19 minutes 00 seconds West 407.46 feet to the East line of Kress Road; thence North 20 degrees 04 minutes 00 seconds East 21.40 feet to the point of beginning.

Commonly Known as: 10281 Kress Road, Pinckney, MI 48169

DESCRIPTION OF PARCEL #4715-28-200-052 PER WARRANTY DEED, AS RECORDED IN INSTRUMENT NO. 2014R-016308, LIVINGSTON COUNTY RECORDS:

Part of the Northeast fractional 1/4 of Section 28, Town 1 North, Range 5 East, described as follows: Commencing at the center of said Section 28; thence North 956.33 feet; thence North 89 degrees 15 minutes 00 seconds East 491.81 feet to the West line of Kress Road and the Northeast corner of Lot 1 of Collum's Beach Annex, as recorded in Liber 4, Page 2, of Plats, Livingston County Records; thence North 21 degrees 02 minutes 00 seconds East 88.81 feet along the West line of Kress Road; thence North 20 degrees 04 minutes 00 seconds East 88.29 feet along the West line of Kress Road; thence North 89 degrees 19 minutes 00 seconds East 470.46 feet to the point of beginning of the land to be described: thence South 00 degrees 45 minutes 00 seconds East 164.54 feet to the North line of Collum's Beach, as recorded in Liber 2, Page 16, of Plats, Livingston County Records; thence North 89 degrees 15 minutes 00 seconds East 211.71 feet along the North line of Collum's Beach; thence North 00 degrees 45 minutes 00 seconds West 62.00 feet; thence North 44 degrees 54 minutes 00 seconds West 142.70 feet to the North line of said parcel; thence South 89 degrees 19 minutes 00 seconds West 112.38 feet to the point of beginning.

Subject to and including an easement for ingress and egress between subject property and Kress Road over the following described land: Commencing at the center of said Section 28; thence North 956.33 feet; thence North 89 degrees 15 minutes 00 seconds East 491.81 feet to the West line of Kress Road and the Northeast corner of Lot 1 of Collum's Beach Annex, as recorded in Liber 4, Page 2, of Plats, Livingston County Records; thence North 21 degrees 02 minutes 00 seconds East 88.81 feet along the West line of Kress Road; thence North 20 degrees 04 minutes 00 seconds East 88.39 feet along the West line of Kress Road; thence North 89 degrees 19 minutes 00 seconds East 70.58 feet to the point of beginning of the easement to be described: thence North 89 degrees 19 minutes 00 seconds East 399.88 feet; thence South 00 degrees 45 minutes 00 seconds East 20.00 feet; thence South 89 degrees 19 minutes 00 seconds West 407.46 feet to the East line of Kress Road; thence North 20 degrees 04 minutes 00 seconds East 21.40 feet to the point of beginning.

Also subject to and including the use of easement for ingress and egress between Kress Road and Strawberry Lake across the Northerly 20.00 feet thereof and the Southerly 4 feet thereof; said easement for the use and benefit of the parcel of land immediately to the East and West of the land.

Commonly Known as: 10283 Kress Road, Pinckney, MI 48169

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August 16, 2019

Job Number: 19-199
Sheet: 4 of 6



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PART OF PARCEL #4715-28-200-052 TO BE ADDED TO PARCEL #4715-28-200-051:

Part of the Northeast fractional 1/4 of Section 28, T1N-R5E, Hamburg Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Center of Section 28; thence N 00°20'24" W, 953.47 feet (recorded as due North 956.33 feet); thence N 89°03'13" E (recorded as N 89°15'00" E), 491.81 feet to the West line of Kress Road and the Northeast corner of Lot 1 of "COLLUM'S BEACH ANNEX", as recorded in Liber 4 of Plats, Page 2, Livingston County Records; thence along the West line of Kress Road (66 foot wide Right of Way), N 20°19'32" E, 179.58 feet (previously recorded as the following two (2) courses: 1) N 21°02'00" E, 88.81 feet; 2) N 20°04'00" E, 88.29 feet); thence N 89°19'00" E, 570.84 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing N 89°19'00" E, 12.00 feet; thence S 44°46'17" E, 142.30 feet (recorded as S 44°54'00" E, 142.70 feet); thence S 00°56'47" E (recorded as S 00°45'00" E), 62.00 feet; thence along the North line of "COLLUM'S BEACH ANNEX", S 89°01'20" W (recorded as S 89°15'00" W), 18.92 feet; thence N 13°43'57" W, 68.67 feet; thence N 45°28'59" W, 109.09 feet; thence N 00°41'00" W, 20.00 feet, to the POINT OF BEGINNING, containing 0.10 acres, more or less.

RECONFIGURED PARCEL #4715-28-200-051:

Part of the Northeast fractional 1/4 of Section 28, T1N-R5E, Hamburg Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Center of Section 28; thence N 00°20'24" W, 953.47 feet (recorded as due North 956.33 feet); thence N 89°03'13" E (recorded as N 89°15'00" E), 491.81 feet to the West line of Kress Road and the Northeast corner of Lot 1 of "COLLUM'S BEACH ANNEX", as recorded in Liber 4 of Plats, Page 2, Livingston County Records; thence along the West line of Kress Road (66 foot wide Right of Way), N 20°19'32" E, 179.58 feet (previously recorded as the following two (2) courses: 1) N 21°02'00" E, 88.81 feet; 2) N 20°04'00" E, 88.29 feet); thence N 89°19'00" E, 663.00 feet (recorded as 662.84 feet), to the POINT OF BEGINNING of the Parcel to be described; thence S 00°59'41" W, 40.66 feet (recorded as S 00°41'00" E, 40.00 feet); thence N 88°55'37" E, 220.10 feet (recorded as N 89°19'00" E, 220.00 feet); thence S 31°35'58" E (recorded as S 30°36'00" E, along the shore or Strawberry Lake), 46.20 feet; thence S 60°36'48" E, 87.92 feet (recorded as S 60°50'00" E, 88.2 feet along the shore or Strawberry Lake); thence S 89°03'13" W (recorded as S 89°15'00" W), 150.00 feet; thence S 01°10'43" E (recorded as S 00°45'00" E), 40.00 feet; thence along the North line of "COLLUM'S BEACH ANNEX", S 89°03'13" W (recorded as S 89°15'00" W), 168.86 feet; thence N 13°43'57" W, 68.67 feet; thence N 45°28'59" W, 109.09 feet; thence N 00°41'00" W, 20.00 feet; thence N 89°19'00" E, 92.16 feet, to the POINT OF BEGINNING, containing 0.80 acres, more or less, subject to and including the use of a 20 foot wide Ingress and Egress Easement to Kress Road, as recorded in Liber 1491, Page 595, Livingston County Records. Also subject to and including the use of a 20-foot wide Access Easement to Strawberry Lake, as recorded in Liber 1491, Page 595, Livingston County Records. Also subject to and including the use of a 20-foot wide and 4-foot wide Easement for Ingress and Egress, as recorded in Liber 1735, Page 94, Livingston County Records. Also subject to any other easements or restrictions of record.

RECONFIGURED PARCEL #4715-28-200-052:

Part of the Northeast fractional 1/4 of Section 28, T1N-R5E, Hamburg Township, Livingston County, Michigan, more particularly described as follows: Commencing at the Center of Section 28; thence N 00°20'24" W, 953.47 feet (recorded as due North 956.33 feet); thence N 89°03'13" E (recorded as N 89°15'00" E), 491.81 feet to the West line of Kress Road and the Northeast corner of Lot 1 of "COLLUM'S BEACH ANNEX", as recorded in Liber 4 of Plats, Page 2, Livingston County Records; thence along the West line of Kress Road (66 foot wide Right of Way), N 20°19'32" E, 179.58 feet (previously recorded as the following two (2) courses: 1) N 21°02'00" E, 88.81 feet; 2) N 20°04'00" E, 88.29 feet); thence N 89°19'00" E, 470.46 feet, to the POINT OF BEGINNING of the Parcel to be described; thence continuing N 89°19'00" E, 100.38 feet; thence S 00°41'00" E, 20.00 feet; thence S 45°28'59" E, 109.09 feet; thence S 13°43'57" E, 68.67 feet; thence along the North line of "COLLUM'S BEACH ANNEX", S 89°03'13" W (recorded as S 89°15'00" W), 192.85 feet; thence N 00°39'04" W, 165.18 feet (recorded as N 00°45'00" W, 164.54 feet), to the POINT OF BEGINNING, containing 0.58 acres, more or less, subject to and including the use of a 20 foot wide Ingress and Egress Easement to Kress Road, as recorded in Instrument No. 2014R-016308, Livingston County Records. Also including the use of a 20-foot wide Access Easement to Strawberry Lake, as recorded in Liber 1491, Page 595, Livingston County Records. Also subject to and including the use of a 20-foot wide and 4-foot wide Easement for Ingress and Egress, as recorded in Instrument No. 2014R-016308, Livingston County Records. Also subject to and including the use of a 20-foot wide Access Easement to Strawberry Lake, as recorded in Liber 1735, Page 94, Livingston County Records. Also subject to any other easements or restrictions of record.

Bearings were established from Warranty Deeds, as recorded in Liber 1491, Page 593, Liber 1735, Page 94 and Instrument No. 2014R-016308, Livingston County Records.

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August 16, 2019

Job Number: 19-199
Sheet: 5 of 6

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REFERENCES:

1. Warranty Deed, as recorded in Instrument No. 2014R-016308, Livingston County Records.
2. Warranty Deed, as recorded in Liber 1735, Page 94, Livingston County Records.
3. Warranty Deed, as recorded in Liber 1491, Page 593, Livingston County Records.
4. Previous survey by Boss Engineering, Job No. 4421, as recorded in Liber 672, Page 247, Livingston County Records.
5. Previous survey by Boss Engineering, Job No. 84037, as recorded in Liber 1101, Page 90, Livingston County Records.
6. Plat of "COLLUM'S BEACH ANNEX", as recorded in Liber 4 of Plats, Page 2, Livingston County Records.
7. Plat of "COLLUM'S BEACH", as recorded in Liber 2 of Plats, Page 16, Livingston County Records.
8. Previous survey by Pascal J.A. Viel, Job No. 3002, dated 5-12-93.
9. Previous Survey by Boss Engineering, Job No. 16-263, dated 4-27-18.

WITNESSES:

Center of Section 28, T1N-R5E, Hamburg Township (F-10)
Found Railroad Spike 5'+/- North of centerline Kress Road and Cordley Lake Road (on Curve)

N 74° E	54.57'	Fd. P.K. Nail N/S P. Pole
S 41° E	83.84'	Set Boss Tag/Nail E/S P. Pole
S 73° W	169.49'	Fd. P.K. Nail N/S P. Pole
N 70° W	77.90'	Southwest corner of block garage

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August 16, 2019

Job Number: 19-199
Sheet: 6 of 6



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CHRISTOPHER S. FERGUS, P.S.



Hamburg Township
Zoning Board of Appeals Minutes
Thursday, November 12, 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, Diepenhorst (alternate), Priebe, Rill and Watson

Absent: Dolan

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

4. Correspondence: None

5. Approval of Agenda:

Motion by Auxier, supported by Diepenhorst

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 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.)

Property owners Kim Simecek and Ryan Olson were present. Ms. Simecek thanked the Board for letting them give their presentation. She stated that they believe that the location of the proposed garage is the best location to utilize the property and have minimal impact on the land. This would result in a 4-foot setback. They would still have a 25 setback from the road edge. This is not a design issue, but rather they would like the minimal impact on the land. They do not want their property to be loaded with concrete, asphalt, etc. She discussed their options and driveway configurations. With their proposed location, they would be able to use their current driveway and have a greater

setback from the wetlands. She discussed the language in the NREPA discussing using all uplands to the greatest degree possible, which is what they are trying to do. She discussed the buffer in place. Mr. Olson presented visuals showing the proposed site, how the cars would be moved in and out of the garage, and their options with a new driveway and concrete pad. Ms. Simecek discussed the amount of green space and their goal to preserve the land as much as possible and protect the wetlands.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 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. 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). Prior to issuance of a building permit, an elevation certificate would be required to ensure that any improvements would meet the floodplain development standards. She discussed the seven findings of fact. The ZBA must find that all of the standards are met. There is no exceptional or extraordinary circumstance applicable to this property that does not apply to other properties in the same district or any property in Hamburg Township. The site is a sizable 33,106 square feet and is significantly larger than a typical WFR-zoned parcel. This Board is used to dealing with the smaller lots that are constrained by a shallow lot depth and a waterfront setback. This lot does not have those constraints. There are wetlands on the site, but we have not received a wetlands delineation survey of those wetlands. There is a compliant location, outside of the 50-foot setback of the wetlands and meets all of the requirements of the Zoning Ordinance. The applicant has submitted a site plan that clearly shows multiple locations where this garage could go. The location of the garage is a self-imposed practical difficulty and staff would not support a variance request with no practical difficulty. 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 in regards 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 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. A front yard setback serves multiple purposes. In a typical residential area, you do not want structures right at the setback. In a downtown or high density area, that works well, but this is not one of those areas. The Township has set a 25-foot setback for a reason. It provides a visual buffer between the roadway and the structure, provides safe site lines, and 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. 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. 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 are multiple compliant locations 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. 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. 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. The applicants have indicated that this is not a design preference, but their exhibits clearly show a design preference by not wanting to add a driveway or concrete pad in order to build in a compliant location. An asphalt driveway or concrete pad are not required by the ordinance. Again, this is a design preference. Because staff does not believe that the request meets findings one, two, three, five, or seven, they find that this request is not supportable.

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

Discussion was held on the size of the garage. The question was asked if the applicant could modify the size and still have the use desired. Ms. Simecek stated that they could, but ideally they would like a two-car garage. Mr. Olson stated that at that location, it could not be modified to meet the setback. It was stated that it would have to be moved 21 feet to meet the ordinance. Ms. Simecek stated that would put it in the middle of their yard, and it would impact the use of their property. It does not make sense to them as far as use of the land and environmental impacts.

The question was asked if they thought about adding on to the current garage. Ms. Simecek stated that they have thought about that and asked if that would meet approval. It was stated that adding on would meet the ordinances. Discussion was held on the different options using the current garage. Steffens stated that they would have to meet the 50 foot setback from the wetlands, but again we have not received a wetland delineation. Further discussion was held on modifying the existing garage.

Chairperson Priebe stated that we are being asked to consider the request that is before us, but there is a place that is compliant rather than one that is not.

Motion by Auxier, supported by Rill

To deny variance application ZBA 20-0019 to permit the construction of a new 672-square foot detached accessory building. The proposed accessory building would 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.

Voice vote: Ayes: 5 Nays: 0 MOTION CARRIED

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

Mr. Weiss, applicant, stated that the reason for the change at this point is the historically low interest rates. They are proposing a second story across to the garage, but does not encompass the entire garage. He further discussed his proposal. With the 820 square feet additional, it would be 2570 square feet. The home would be more valuable as a four-bedroom instead of three. They would also move the utility room upstairs and the dimensions of each bedroom would expand. He stated that with the original floor plan, everything was very tight. Neither the original footprint nor the location of the house changed.

Brittany Stein, Zoning Coordinator, stated that 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 where a 50-foot setback required. The under-construction dwelling was approved per ZBA 2019-0017. On August 9, 2017, the ZBA 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 at the same location. Since that approval, the ZBA approved additional changes. A new home design was approved in 2019 to include a different orientation of the dwelling, 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 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. Since that time, she came back to add square footage to the second floor of the dwelling that was approved. Stein discussed the Standards of Review. She stated that 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 at a setback of 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. 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. The bulk of the structure increases when adding a second story over the attached garage 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 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. 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. 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. 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. As stated, the chosen design of the proposed addition to the second story for added living space above the garage is solely based on personal preference. This variance request is not the minimum necessary to permit reasonable use of the land and should be denied.

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

Member Auxier stated that this lot has a very small footprint between the road and the water which is why we have gotten to this point. He discussed the roof line. He discussed the bulk of the structure. He asked if there was consideration of moving the dormer three feet forward. Mr. Weiss stated that as far as the aesthetics, it would look like an after-thought. It was simpler to run a straight line. As discussed in the variance request last year, this footprint is much smaller than the previous ranch style home. He stated that it would look odd if you brought that wall in three feet. Member Auxier stated that the bulk of the structure will still be there regardless. He does not have a problem with the three feet.

Discussion was held on the size of homes and lots in the area.

Member Watson stated that he does not see a problem with the request given the distance to other structures.

Motion by Rill, supported by Watson

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

Voice vote: Ayes: 5 Nays: 0 MOTION CARRIED

New/Old business:

a) Approval of October 14, 2020 minutes

Motion by Auxier, supported by Diepenhorst

To approve the minutes of the October 14, 2020 meeting as written

Voice vote: Ayes: 5 Nays: 0 MOTION CARRIED

8. Adjournment:

Motion by Auxier, supported by Rill

To adjourn the meeting

Voice vote: Ayes: 5 Nays: 0 MOTION CARRIED

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected: _____

Chairperson Priebe