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**Hamburg Township
Zoning Board of Appeals Minutes
Hamburg Township Board Room
Wednesday, October 13, 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: Mariani, Masserant, Negri, Priebe, & Rill
Absent: None
Also Present: Chris Madigan, Planning & Zoning Administrator

4. Correspondence:

5. Approval of Agenda:

Motion by Masserant, supported by Negri

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:

ZBA 2021-0012

Owner: Andrew Moore

Location : 9633 Kress Road, Pinkney, MI 48169

Parcel ID: 15-21-400-020

Request: Variance application to permit the construction of a 1,500-square foot attached garage and living space. The attached garage will have a 19-foot front yard setback (25-foot front yard setback required, Section 7.6.1). The proposed living space will have a 39-foot setback from the ordinary high-water mark (OHM) of Zukey Lake (50-foot OHM setback required, Section 7.6.1. fn. 4).

Mr. Andrew Moor, applicant, stated that their plan is to expand the existing house. The reason for the variance is because the house sits at an angle, and in order to follow the plane of the house, it must encroach the setback. They are looking to build a normal sized garage, and in order to do so, they must encroach the setback.

Planning & Zoning Administrator Madigan stated that the applicant has proposed a 1,500 square foot addition to an existing single-family home adjacent to Kress Road. The current home is non-conforming with both the home and patio encroaching the ordinary high-water mark setback. However, the existing home does comply with the front yard setback. He discussed the right-of-way as shown on the applicant's drawings. As noted, the applicant has continued the line of the house to the north. The lake does curve in, which lessens their lot area on that side of the house. He discussed the seven standards for consideration of the variance request. As noted, the existing house is non-conforming, and given the narrow size of the lot, the buildable area is extremely limited. A typical lot in the Waterfront Residential District now has to be an acre in size, and this lot would not be allowed to be created today. Therefore, the lot is much smaller than similar lots within the same zoning district. Given its proximity to a commercial use next door, a single-family home closer to the right-of-way and lake is not materially detrimental to the area. Given the surrounding uses and nature of the area, he does not think that it is materially injurious to those around them. He stated that many of the lots in the community were created at a time when there were different standards. Given the limited lot width, it is difficult to meet the setbacks and have reasonable use of the land. A garage does have to be a certain width for reasonable use. This variance would not permit a use not allowed in this district. If they were proposing the addition closer and not in a straight line, he does not feel that would be a reasonable use. Staff finds that the conditions of the lot presents a practical difficulty and a variance to both the front setback and the high-water mark should be granted.

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

Discussion was held on the road right-of-way. Madigan stated that the road right-of-way is 66 feet wide. Typically, in residential areas, it is less. It was stated that there is 33 feet of right-of-way and the garage is setback 19 feet from the road.

Discussion was held on the contact made with the neighbors. Mr. Moore stated that he spoke with the owner of the marina who has no problem with the request as well as the neighbor two doors down who also owns the home across the street. They were unable to locate the owner of the dilapidated house next door.

Discussion was held on the oddly shaped lot.

Motion by Negri, supported by Rill

To approve variance application ZBA 2021-0012 to permit the construction of a 1,500-square foot addition on the south side of an existing non-conforming dwelling. The proposed addition will have a 39-foot setback from the ordinary high-water mark of Zukey Lake, a 19-foot front yard setback from the road right-of-way, and a 10 foot side yard setback. 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

a) ZBA2021-0013

Owner: Eugene Bough

Location: 15-17-302-088

Request: Variance application to permit the construction of a 1,994-square foot single-family home with a 440 square foot attached garage and 168 square foot attached porch. The single-family home will have a 3-foot front yard setback (25-foot front yard setback required, Section 7.6.1), and 7-foot west side yard setback (10-foot side yard setback required, Section 7.6.1). The proposed porch will have a 42-foot setback from the ordinary high-water mark (OHM) of Rush Lake (50-foot OHM setback required, Section 7.6.1. fn. 4).

Mr. Eugene Bough, applicant, stated that they would like to build a single-family home on a narrow lake lot. They are trying to stay in line with the neighbors' homes to avoid blocking their view.

It was noted that this lot also has a very steep grade which also makes building difficult.

Planning & Zoning Administrator Madigan stated that they are planning a single-family home on a vacant lot. The lot is 40 feet by 84 feet. With a 25-foot front yard setback and a 50-foot setback from the ordinary high-water mark, that would leave less than 10 feet of buildable width. Based on this practical difficulty, staff recommends that a variance be granted. They believe that the applicant has proposed a reasonable footprint for the home and believe that the front and water setbacks are the minimum necessary to obtain a reasonable use of this land. Madigan explained the adoption of an amendment to the Zoning Ordinance for lots that are 60 feet or less to reduce the setbacks to 10 feet on one side and 5 feet on the other. They have complied with the 5 feet on the one side and are requesting a 3-foot variance on the other side. It should be noted that almost all of the lots along this street are the same, and no home there is conforming. If any of those homes were taken down or destroyed, they would have to come before this Board for multiple variances in order to rebuild. He stated that the house, by itself, nearly complies with the water setback. It is the porch mostly that extends into the setback. We need to ensure that we are not depriving the residents full use of the amenities that make our Township great and make sure that they have use of some outdoor space. Even though it encroaches several feet, they do feel it is appropriate. Staff finds that there is practical difficulty. The applicant is requesting the minimum variance necessary to comply.

Chairperson Priebe asked if this is going to be two-story. The applicant indicated that it would be. Discussion was held on aligning with the homes next door. The applicant stated that it would be slightly further back.

The question was asked if the applicant has spoken to the neighbors. Mr. Bough stated that they have had their boat there for three years and have done tree cutting, etc. on the lot. They have spoken to the neighbors.

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

Motion by Rill, supported by Mariani

To approve variance application ZBA 21-0013 to permit the construction of a 1,994-square foot single-family home with a 440 square foot attached garage and 168 square foot attached porch. The single-family home will have a 3-foot front yard setback and 7-foot west side yard setback. The proposed porch will have a 42-foot setback from the ordinary high-water mark of Rush Lake. 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

8. New/Old business

- a) Approval of August 11, 2021 minutes

Motion by Mariani, supported by Masserant

To approve the minutes of the August 11, 2021 meeting as presented

VOTE:

MOTIONCARRIED UNANIMOUSLY

Planning & Zoning Administrator Madigan stated that we made an offer which was accepted to fill the Zoning Coordinator position. She will be starting November 8th and will be attending the next meeting.

9. Adjournment:

Motion by Negri, supported by Masserant

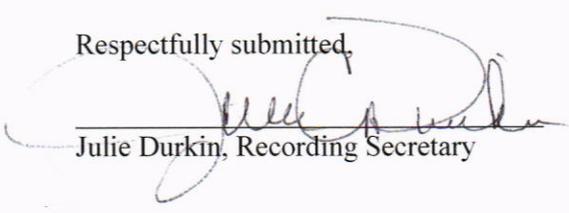
To adjourn the meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,



Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected: _____



Chairperson Priebe