



10405 Merrill Road
P.O. Box 157
Hamburg, MI 48139
(810) 231-1000
www.hamburg.mi.us

Supervisor Pat Hohl Clerk Mike Dolan Treasurer Jason Negri Trustees Bill Hahn, Patricia Hughes, Chuck Menzies, Cindy Michniewicz

ZONING BOARD OF APPEALS MEETING
Wednesday, September 10, 2025, at 7:00 PM
Hamburg Township Hall Board Room

MINUTES

CALL TO ORDER

Chair Priebe called the meeting to order at 7:00 pm.

PLEDGE TO THE FLAG

ROLL CALL OF THE BOARD

Members PRESENT:

Joanna Hardesty, Trustee
Brian Ignatowski
Benedict Russell
Joyce Priebe, Chair
William Rill

ABSENT:

CONSENT AGENDA

Approval Motion by Member Rill, seconded by Member Ignatowski, to approve Zoning Board of Appeals Agenda for tonight, as presented.

Voice Vote:Ayes: (5)

VOTE: MOTION CARRIED UNANIMOUSLY

GENERAL CALL TO THE PUBLIC

Chair Priebe opened the general call to the public, but no one came up to speak so she closed the session.

NEW BUSINESS

1. ZBA 25-0007

- Owner:** Michael & Sarah Arden
Location: 5844 Fernlands Ave
Parcel ID: 4715-27-201-038
Request: Variance application to permit construction of a new single-family home
- Front setback of 13 feet where 25 feet are required (Section 36-171 (E))
 - Rear setback of 10 feet where 30 feet is required (Section 36-171 (E))

Chair Priebe invited the applicants up to the podium to discuss this variance request. They explained that they wanted to demo the existing home which was built in the 1940's and rebuild their house with the listed variances. The homeowner said he wants to improve the energy efficiency of the home, while increasing the property value of their home with those around them. The applicants sat down.

Chair Priebe invited David to present his staff report. David stated that the parcel is a nonconforming, small corner lot with nonexistent buildable area on the parcel. He said that after visiting the site, he believed what the applicants are requesting is very modest. Building anything on this parcel will require a need for some type of variance. Member Russell asked which side of the home is nonconforming. David clarified the home is nonconforming on the front and the rear. David also explained that our zoning ordinance treats fences differently than other developments by giving such a corner lot a side street line. It would be overly burdensome for a homeowner to deal with the setbacks from two corners that were abutting roads. So, in this situation, you get to choose a side setback line which they assigned to Elmira, which has a 10 feet setback. Member Russell asked David if that was supposed to be a 10 feet setback. David assured him that it was.

Trustee Hardesty asked David if the existing and proposed rear yard setback was set at 10 feet. He said yes. She mentioned that the proposed site plan shows a patio in the rear yard that will be 4 feet X 8 feet. David explained that ground level patios are allowed to encroach into the setback of the home since it is a non-roof structure. Hardesty asked if the ZBA members needed to consider this patio in their decision. David said that a ground level patio and steps down that would allow ingress and egress to the home should not be considered. What we need to be concerned about is the footprint of the house. Hardesty said that the patio takes away 6 feet from the rear setback. She felt that this was very close to the rear lot line.

Member Ignatowski stated that the applicants reached out to their neighbors on Fernlands, Beechwood and River Lane. He asked if the applicants had contacted any of their neighbors on Elmira due to their rear yard setback variance request. Sarah came back up to the podium and said that they had walked around the neighborhood on a weekend to talk with their neighbors. The Sokols supported their variance request. They live on both Beechwood and Elmira. The Sokols do not reside close to their home. The neighbor directly to the south is a renter whom the applicants tried to contact to no avail. They left a note on his doorstep to let him know if he objected, to let them know. They hadn't heard back from him.

Once Member Ignatowski had all his questions answered, and the applicants sat back down, Chair

Priebe opened the meeting to the public to comment on this ZBA proposal. No one came up to talk at the podium, so Chair Priebe closed that portion of the meeting.

Chair Priebe stated that she didn't know that the homeowner could pick a side setback line. She said she had always thought if the parcel resided on a corner of two streets, that it needed to always meet the 25-foot setback for both yards that abutted a street. David clarified that type of requirement is the norm, with a lot of ordinances. This is required for fences with two front yards. It all goes into the definitions and how you define lot lines (side lot line, front lot line, rear lot line, and a side street lot line which is specifically for these corner lots. Defining these things helps to make life much easier and makes this more manageable so you don't have two rears and two fronts. Trustee Hardesty also asked David to clarify that his definition of this part of the ordinance was correct. David stated yes, this side of the applicant's yard would be a "side street yard". He said they do not need to give the applicant a variance on that side.

Approval Motion by Member Rill, seconded by Trustee Hardesty, to approve variance application ZBA # 25-0007 at 5844 Fernlands Ave (TID) 4715-27-201-038 to grant applicants a front setback of 13 feet where 25 feet is required per Section 36-171 (E) and rear setback of 10 feet where 30 feet is required per Section 36-171 (E).

The variance meets variance standards one (1) through seven (7) of Section 36-137 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.

Voice Vote:Ayes: (5)

VOTE: MOTION CARRIED UNANIMOUSLY

2. ZBA 25-0008

Owner: Steven Diguseppe & Melinda Mackey
Location: 9217 Riverside Dr
Parcel ID: 4715-24-102-125
Request: Variance application to permit the renovation and expansion of the front entry.

- Front setback of 15 feet where 25 feet are required (Section 36-171 (E))

Chair Priebe invited the applicants up to the podium to discuss this variance request. Steven stated that they are looking to bump out the front entry which is on the north side of the garage. The garage is very close to the road. The driveway is on a very steep angle. We are just looking to expand the entry to allow them to build a mud room off the garage with a roof covered deck, which would need a 15-foot set back. This addition will remain behind the front of the garage. On the south side of our parcel, a new home was built. That homeowner will not be able to see the addition where it will be located. On the north side of the parcel, there is an absent owner who rents out to clients. They keep their lawn and garden equipment near the property line, as well as their garden. There is a privacy fence there so they will not

be able to see the addition unless they are working in their side yard. Once finished the applicants had a seat. Chair Priebe opened the meeting to the public for comment on this ZBA proposal. No one came up to talk at the podium, so Chair Priebe closed that portion of the meeting. She then opened the meeting to the comments and questions of the ZBA members.

Chair Priebe asked how far back the garage was from the street. David then went ahead to present his staff report on this ZBA case. David said this was an unusual parcel. At the beginning it appeared that the applicant didn't need a variance, but the survey showed it was close, so they ahead to file the variance application. David said that the garage is 20 feet from the north property line. The applicant said the garage is 25-30 ft from the south side property line. David continued to say that the north property line is angle weird, cutting into the required yard setback needed for this addition. The only place they can build anything is in the front of the home due to the NR (natural river district zoning) which requires 125 feet from the OHM.

Chair Priebe asked if the ZBA members had any comments or questions. Trustee Hardesty said she supported the variance, as did Member Russell.

Approval Motion by Member Ignatowski, seconded by Trustee Hardesty, to approve variance application ZBA # 25-0008 at 9217 Riverside Dr (TID) 4715-24-102-125 to grant applicants a front yard setback of 15 feet where 25 feet is required, per Section 36-171 (E).

The variance meets variance standards one (1) through seven (7) of Section 36-137 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.

Voice Vote:Ayes: (5)

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF THE MEETING MINUTES

Approval motion made by Trustee Hardesty, seconded by Member Russell, to approve the July 9, 2025 ZBA Meeting Minutes as presented.

Voice Vote:Ayes: (5)

VOTE: MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

Approval motion made by Trustee Hardesty, seconded by Member Rill to adjourn the meeting at 7:22pm.

Voice Vote:Ayes: (5)

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

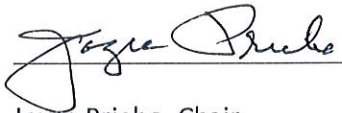
Lisa Perschke

Planning/Zoning Coordinator & Recording Secretary

David Rohr

Planning & Zoning Director

The minutes were approved as presented/corrected: 10-12-25



Joyce Priebe, Chair