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

ZONING BOARD OF APPEALS MEETING

Wednesday, February 12, 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
Joyce Priebe, Chair
William Rill

ABSENT:

Benedict Russell

CONSENT AGENDA

Approval motion was made by Trustee Hardesty, seconded by Member Rill, to approve the Zoning Board of Appeals Agenda for tonight.

Voice Vote: Ayes: (4) Absent: (1) Member Russell

VOTE: MOTION CARRIED

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.

CURRENT BUSINESS

1. ZBA 25-0001

Owner: Robert & Brandi Straker
Location: 11347 Pleasant View Dr
Parcel ID: 4715-31-201-014
Request: Variance application to permit the construction of a rear yard addition. Applicant requests a variance from the required side yard setback, per Section 36-171 (D)

Chair Priebe asked the applicants to come to the podium to present their new request. The original variance request to build an addition towards the front yard fell through with the builder. The pricing had become astronomical. A new builder Kirk said it would be more advantageous to go out the back with this addition. It would be less expensive since they would not need to move the grinder pump or well. Pat Hughes also mentioned that she would rather than go out the back rather than the front.

Chair Priebe mentioned that she appreciated that the homeowner kept their side gate open so she could review the proposal. The homeowner walked a rendered image of the addition to all the ZBA board members at the front table. Chair Priebe then welcomed David to present his ZBA report on this case, which he did.

Once David was done, she opened the meeting to the public 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 then opened the meeting to the ZBA board members to discuss the variance request and ask any questions that they had.

Trustee Hardesty asked David if the original variance request was granted to this applicant last year. He said yes. Trustee Hardesty mentioned that she had no issue granting this variance request. She asked David if they had a "practical difficulty" here. David said yes, since it was not of their own making, and the problem arises due to the shape of the parcel. Chair Priebe said that she still agrees with her support of this variance request. She read an email from Trustee Hughes that she is the applicant's neighbor and that her husband and her feel that this new request is even more agreeable than the older request since it is in the back yard. Member Ignatowski said that he had to miss the ZBA meeting when the applicant had received the original front yard variance approval due to his busy schedule. Member Rill said that he had no issues with the first variance request, and he thinks this new request is even better since it is in the back yard.

Approval motion by Member Ignatowski, seconded by Member Rill, to approve variance request ZBA 25-0001 at 11347 Pleasant View Dr., Tax ID#4715-31-201-014. Applicants request a 3.4-foot variance from the required side setback of 10 feet., per Section 36-171(D). 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: (4) Absent: (1) Member Russell

VOTE: MOTION CARRIED

APPROVAL OF THE MEETING MINUTES

Approval motion made by Member Ignatowski, seconded by Member Rill, to approve the ZBA Meeting Minutes from November 13, 2024, ZBA as presented.

Voice Vote: Ayes: (4) Absent: (1) Member Russell

VOTE: MOTION CARRIED

ELECTION OF CHAIRPERSON FOR ZBA BOARD

Approval motion made by Trustee Hardesty, seconded by Member Ignatowski, to nominate Joyce Priebe as the Chairperson of the Zoning Board of Appeals Board.

Voice Vote: Ayes: (4) Absent: (1) Member Russell

VOTE: MOTION CARRIED

UPDATE TO THE ZBA BOARD RULES OF PROCEDURE

David stated that the last time that these Rules of Procedure for the ZBA Board got updated was in November 1999. He said that there were some formatting changes and added a conflict-of-interest section and compatibility of office which are guidelines that came from the MTA (Michigan Township Association), APA (American Planning Association), and MPA (Michigan Planning Association). David said the Board of Trustees and the Planning Commission Boards have a conflict-of-interest section in their By-Laws. Adding this section provides guidance and codifies what is and isn't a conflict of interest.

Chair Priebe asked David about line ii) of the Conflict of Interest and Incompatibility of Office when she had a variance case before her. It was neighbor's variance case where she lived across the street from. At the time of that variance, she had asked the chair if it was a conflict of interest. David said that a ZBA member would want to discuss such an issue at that variance meeting, as she had done, to determine if it was a conflict of interest. If it was decided that it was a conflict of interest, then she would excuse herself from that deliberation for that neighboring piece of property, to avoid the appearance of a conflict of interest. David said that being across the street and not next door (adjacent) is a little more of a gray area.

Trustee Hardesty asked David if there is a conflict of interest, does the board have to vote to allow that member to abstain from the variance vote. The board must review this situation. David said that there is a board discussion to decide if that member has a conflict of interest in the case. A conflict of interest doesn't require a formal board vote, but the board member can officially abstain from that deliberation. A formal vote from the board would be required if the situation became contentious and that person is not willing to remove themselves.

Trustee Hardesty mentioned that she had spoken with David about putting some situation examples of an Incompatibility of Office in this updated document, so the board members knew what was meant by this term. The members needed some clarification as to what incompatibility means for a board member. David explained that this is a whole legal structure where there are official elected or appointed offices. It is when a board member has one office and then another office, but the two offices are incompatible (or in conflict) with each other. Trustee Hardesty asked who would police these issues of board members. David said that he, as the Zoning

and Planning Director, would be the person to ensure that no incompatibility of office results in appointing someone to the ZBA or Planning Commission Boards, if they held a position that would hold an unfair advantage over their membership on Zoning Boards.

Approval motion was made by Trustee Hardesty, seconded by Member Ignatowski, to approve the proposed amendments to the Rules of Procedure as submitted by David.

Voice Vote: Ayes: (4) Absent: (1) Member Russell

VOTE: MOTION CARRIED

BOARD OF TRUSTEES MEMO: PARLIAMENTARY PROCEDURES

Trustee Hardesty stated that many board members are following the spirit of Robert's Rules of Order, and we need these rules to be clear and followable. Hardesty took the parliamentary procedures while utilizing Robert's Rules of Order. She used the Michigan Township Association and a few other organizations as a guiding resource in this endeavor. The Township Board did not act on these procedures until Hardesty had a chance to run it past the ZBA and the Planning Commission first. Trustee Hardesty and David agreed that the ZBA could make a formal motion as an addendum to our rules and procedures, so that it is on record.

Approval motion made by Member Ignatowski, seconded by Member Rill, to adopt these Parliament Procedures and Robert's Rules of Order into the 2.4 (d) Board Rules with changes from TB (Township Board) to ZBA (Zoning Board of Appeals), including them as an addendum to the ZBA Board Rules.

Voice Vote: Ayes: (4) Absent: (1) Member Russell

VOTE: MOTION CARRIED

ANNUAL REPORT FOR 2024

David updated the ZBA Board that we will not be holding a Joint Board Meeting this year. David will share the 2024 Annual Report with the ZBA, PC, and the Township Board individually so they can ask questions or get some clarification on an individual group level. Trustee Hardesty said that she heard that this report is very detailed and comprehensive, sharing what has been happening in the Planning and Zoning Department. David let Hardesty know that we are statutorily required to provide such reporting to the Planning Commission every year.

ADJOURNMENT

Approval Motion was made by Member Rill, seconded by Member Ignatowski, to adjourn at 8:44 pm.

Voice Vote: Ayes: (4) Absent: (1) Member Russell

VOTE: MOTION CARRIED

Respectfully submitted,

Lisa Perschke

Planning/Zoning Coordinator & Recording Secretary

David Rohr

Planning & Zoning Director

The minutes were approved as presented/corrected: 3-12-25


Joyce Priebe, Chair