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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, October 9, 2024, 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:

Brian Ignatowski
Jason Negri
Joyce Priebe, Chair
William Rill

ABSENT:

Benedict Russell

CONSENT AGENDA

Approval motion by Treasurer Negri, seconded by Member Rill, to approve Zoning Board of Appeals Agenda for tonight.

Voice Vote: Ayes: (4)

Absent: (1)

VOTE: MOTION CARRIED

GENERAL CALL TO THE PUBLIC -no one came forth

CURRENT BUSINESS

1. ZBA 2024-006

Owner: Christopher & Katherine Markey
Location: 10210 Buhl Dr.
Parcel ID#: 4715-27-101-024
Request: Variance application to permit the construction of a new attached two car garage. Applicant requests a variance from the required side setback of 10 feet, per Section 36-171 (D).

Chair Priebe invited the applicant to address the ZBA members. The contractor, Todd Hallett, spoke on the homeowner's behalf. Todd said the homeowner wants to demo the detached garage and build an attached garage closer to the existing home so the homeowner can age in place. The contractor stated that the homeowner finds that having a detached garage makes dealing with ice and snow in the winter a difficulty. Since the detached garage sits so close to the road, the homeowner is finding that backing out of the garage very dangerous.

Chair Priebe invited David to address the ZBA members. David shared his experience when visiting the site and shared his staff report with the members. David said that this new construction would make the home more conforming to the character of the surrounding neighborhood. Next Chair Priebe opened the public meeting for this case, but no one came forward to address the members, so she closed it.

Chair Priebe invited the ZBA members to make comments and ask questions. She continued to state that she supported and was pleased that the homeowner was making the site more conforming to the zoning ordinance by removing the detached garage that was located too close to Buhl Dr. Member Ignatowski and Member Rill also supported the project because they felt it more conforming. Treasurer Negri stated that he was concerned about the side yard setback. The reason for this distancing to a neighboring lot is to keep structures from encroaching too close to their neighbor's lot and feeling a tight confinement. Negri stated that when he saw the two neighbor letters of support for this project, he was then able to share in the approval this variance.

Approval motion made by Treasurer Negri, seconded by Member Ignatowski, to approve variance application ZBA 24-0006 at 10210 Buhl Dr. TID 15-27-101-024. Applicant requests a 5-foot variance from the required side setback of 10 feet, per Section 36-171 (D).

The ZBA finds that the variance meets variance standards one (1) through seven (7) of Section 36-137 of the Hamburg Township Zoning Ordinance, and we find that 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)

VOTE: MOTION CARRIED

2. ZBA 2024-007

Owner: Todd & Katie Hallett
Location: 10232 Buhl Dr.
Parcel ID#: 4715-27-101-046
Request: Variance application to permit the construction of a new pole barn. Applicant requests a variance from maximum structure size permitted, per Section 36-215 (11) (c).

Chair Priebe invited the applicant to address the ZBA members. Todd Hallett is the homeowner at this address. Todd explained that his home resides on the lake side and that he has two small barns on the land across the street from his home. He is proposing to build a 21 X 67 ft pole barn behind the two barns. The length of the parcel across the street is 400 feet deep. Todd stated that he meets maximum lot coverage for the zoning district even with this pole barn proposal. Todd showed that many of the neighboring lots also have very large pole barns in this area. Treasurer Negri asked Todd if his proposed barn was the one in white on the presentation slide. He said yes. Todd said that he is building this pole barn to house old cars that he restores and collects as a hobby. He wants to age in place and would like to do this at this home. Todd said that he secured his wetland permit from EGLE and ensured that he would not build in the 100-yr floodplain. Then he secured an elevation certificate but then it was discovered that such a outbuilding couldn't be built across the street without a variance.

Chair Priebe invited David to address the ZBA members. He said that our zoning ordinance limits Waterfront lots on the size of accessory structures on their out lots to a maximum of 800 sq. ft. This was due to the WFR lots being so much smaller than a regular residential lot. The homeowner here does already own 2 accessory structures that equal 800 sq ft. This variance would allow for a 1407 sq ft structure to be built in addition to these two existing structures. David said he had visited the site and now he is able to understand why the homeowner is looking for this additional structure. David said there are large pole structures out there next door to this parcel. This out lot is unusually large for the home water parcel across the street. David said that he felt that the limit of 800 sq ft for accessory structures is regarding the small size of the water home lots. 800 is an arbitrary number which has been in our ordinance for many years.

Next Chair Priebe opened the public meeting for this case, but no one came forward to address the members, so she closed it. Chair Priebe invited the ZBA members to make comments and ask questions. Treasurer Negri asked David what Lisa Perschke thought of this variance. David said that he did not ask Lisa what she thought, nor did she volunteer any information on this case. Treasurer Negri asked on what basis is for this size prohibition to be. Negri repeated David's closing arguments that this size number was arbitrary. A standard pole barn is 30 X 40 feet which is 1200 sq ft. David said that he was unsure if the ordinance recognizes the building patterns of today, and they might need to update the ordinance. These types of variances can help to determine and lead the ZBA to examine parts of the ordinance to see if they actually make sense. David continued to ask if limiting the resident to 800 sq ft on a 2400 sq ft parcel make sense. David said in his opinion, no. Does this size limitation make sense when a owner has a small out lot which is typical of the lakes? It does because it discourages people from requesting lots of additional variances. David said he reviewed past variance cases for this out lot issue, and he remembered a case in 2023 where a homeowner was building an 800 sq ft accessory structure on an out lot with a wetland. He had a small home waterfront parcel across the street. David said he has not seen any other cases such as this one where there is a request to build an accessory structure larger than 800 sq ft.

Chair Priebe asked if the 800 sq ft limitation was seen in other residential zoned districts or just the waterfront residential (WFR) lots? David said it was only in the WFR lots where the home waterfront parcel is attached to an out lot. Livingston County considers these two lots as one whole lot with a road right of way cutting through it. In a normal residence the accessory structure would be limited by other factors other than its size, such as setbacks and maximum lot coverage.

Member Ignatowski asked if the applicant had any neighborly support emails or letters. Todd pointed over to Mr. Markey who was his client from the earlier ZBA variance case. Mr. Markey came to the podium to state that he has no problem with Todd building this pole barn since no one can live there and the size of the lot is so large that it shouldn't be a problem. Many pole barns exist on that side of the road allowing it to blend with the community aesthetics. Member Ignatowski said when he went out to the site to check the area, he talked with the other neighbor on the other side, and he knew nothing about this project. He said that was a big deal that the neighbor wasn't made away of this proposal and variance. With Mr. Markey's support, Ignatowski said he supports this variance, as did Member Rill. He said that the pole barn conforms to what exists already on neighboring lots. Treasurer Negri asked how far away the wetland will be from this proposed pole barn. Todd said it was 260 feet from the pole barn. Chair Priebe said she was torn on this variance because when the ZBA grants a variance it is based on a hardship or a practical difficulty due to the property. She said that she is having difficulty in finding this practical difficulty.

The applicant, Todd, asked if he could address the ZBA again at the podium. Todd said the practical difficulty is that this is a WFR lot but there is a road running through it. This project is not on a lot that is sitting on the water, but it has a road and easement running through it. He said he couldn't build a bigger home due to the size of his waterfront parcel. Treasurer Negri said he did not believe that met the definition of a practical difficulty. Negri asked if the applicant needed a garage that large. Negri said he doesn't feel that this proposed pole barn will offend anyone, including the neighbors but it doesn't meet the actual requirement standards to be given the variance approval. Negri said he doesn't see the practical difficulty when abiding by the ordinance. Todd came back up to the podium to explain that this out lot is unusually large and that is the burden. A size limitation was placed on the smaller WFR lots which this lot is not on the water. David said that the road and easement running through the two parcels make them each subject to other lot setbacks, and if they were not divided by the road, this variance request would not have been brought here today.

Member Ignatowski asked if these two parcels could be separated. David clarified that once the parcels were combined, they can't be uncombined since their total is under two acres. He said they were nonconforming before and still are unconforming. Chair Priebe clarified that the reason for the combination of lots in the community is due to the special assessment districts that are charged for each of the 2 parcels. Chair Priebe mentioned that this is an unusual case with the out lot being so large. She said that we look at how many people this would affect before we change the ordinance. Not many cases like this appear before the ZBA.

Approval motion made by Member Ignatowski, seconded by Member Rill, to approve variance application ZBA 24-0007 at 10232 Buhl Dr. TID 15-27-101-046. ZBA approves to permits the construction of a detached pole barn on a non-waterfront lot. Applicant requests to a 1407 sq ft variance from the maximum accessory structure size of 800 sq ft., per Section 36-215 (11) (c).

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)

VOTE: MOTION CARRIED

APPROVAL OF THE MEETING MINUTES

Approval motion by Treasurer Negri, seconded by Member Ignatowski, to approve the September 11, 2024, ZBA Meeting Minutes as presented.

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

VOTE: MOTION CARRIED

ADJOURNMENT

Approval motion by Treasurer Negri, seconded by Member Ignatowski, to adjourn at 7:34 pm.

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

VOTE: MOTION CARRIED

Respectfully submitted,

Lisa Perschke

Planning/Zoning Coordinator & Recording Secretary

David Rohr

Planning & Zoning Director

The minutes were approved as presented/corrected: 11-15-24


Joyce Priebe, Chair