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

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## ZONING BOARD OF APPEALS MEETING

Wednesday, April 10, 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  
Benedict Russell  
Jason Negri  
Joyce Priebe, Chair  
William Rill

##### ABSENT:

#### CONSENT AGENDA

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

Voice Vote: Ayes: (5)

VOTE: MOTION CARRIED UNANIMOUSLY.

GENERAL CALL TO THE PUBLIC- No public response.

## CURRENT BUSINESS

### 1. ZBA 24-0001

Owner: Rex & Debra Blair  
Location: 8651 Pleasant Lake Dr.  
Parcel ID: 4715-14-301-053  
Request: Variance application to permit the construction of a 30x35 pole barn. Applicant requests a 14.5-foot variance from the required wetland setback of 50 feet., per Section 36-293(C)(2) a.

Chair Priebe invited the applicants up to the podium to speak to the ZBA board. Mr. & Mrs. Blair stated that they are limited with space for storage and doing repairs without a basement or a garage, so they need a modest pole barn to facilitate their needs. Next Chair Priebe invited David Rohr to briefly discuss his staff report and go over the Standards of Review, which this variance request meets.

Chair Priebe opened the meeting to the ZBA board members before she opened the meeting to public comment. No one said anything so she opened the public hearing.

1. Jerry Bennett-8820 Hendricks Dr. stated his approval for this variance request.
2. Nick Mastenbrook-8728 Pleasant Lake Dr stated their approval for this variance request.
3. The applicant also included a letter of support from several neighbors.

Chair Priebe opened the meeting to the ZBA board. Treasurer Negri asked David for some clarity on the Standard of Review #1. David explained that this property is a little unusual from normal properties located in the Waterfront Residential district (WFR) in that the wetland delineation shows a good portion of it is in a regulated wetland. He stated that their proposal for building is the only area on the parcel that is out of the wetland. Chair Priebe asked the applicant if the open water is a small pond that comes off of Winas Lake. The applicant explained that yes, the water flows from Winas Lake to this water body. Treasurer Negri stated that he appreciated that the applicants shared neighbor's letters of support for their variance request.

**Approval motion** by Treasurer Negri, seconded by Member Rill, to approve variance application ZBA 24-001 at 8651 Pleasant Lake Dr (TID 15-14-301-053) for a 14.5-foot variance from the required wetland setback of 50 feet, per Section 36-293 (c) (2) a.

The variance meets variance standards one through seven of Section 36-137 of the Hamburg Township Zoning Ordinance, and a practicality 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 24-0003-**

Owner: Ann Marie Boyles  
Location: 4831 Downing Dr.  
Parcel ID: 4715-28-402-002  
Request: Variance application to permit the construction of a garage. Applicant requests one variance. A variance of 5.7 feet the required 25-foot front setback, per section 36-171(d).

Chair Priebe invited the applicants to the podium. Ms. Boyles stated that she is seeking to build a garage since this home did not have one when she purchased it a few years ago. Brad Hixton of Design Build who is the builder explained the home has no basement, and there are no closets in the three bedrooms. Brad stated that Ms. Boyles wishes to age in place and requires a garage to facilitate her storage needs.

Chair Priebe then opened the meeting to David Rohr to briefly go over his staff report and go over the Standards of Review, which this variance request meets. Chair Priebe then opened the meeting to the public hearing.

1. Kent Morris- 4843 Downing Dr. stated that he was in support of this variance request.
2. Scott Booth – 4837 Downing Dr. stated that he was in support of this variance request.

Member Ignatowski asked how soon this project would start. Ms. Boyles said May 1, 2024. Treasurer Negri clarified that he isn't sympathetic to homeowners seeking variances to make changes to homes that they purchased, knowing of the structure's limitations. People need to be aware that variances are not easily given just because of their home space limits. Member Russell asked where the Zoning Ordinance considered the front lot line. Is it the center of the road or the front property line of the parcel? David said it is measured where the front property line exists.

**Approval motion** by Member Ignatowski, seconded by Member Russell, to approve variance application ZBA 24-003 at 8431 Downing Dr (TID 15-28-402-002) for one variance (1)a 5.7-foot variance from the required 25-foot front setback, per Section 36-171 (d).

The variance meets variance standards one through seven of Section 36-137 of the Hamburg Township Zoning Ordinance, and a practicality 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** Treasurer Negri, seconded by Member Russell, to approve the ZBA March 13, 2024, Meeting Minutes with the name change correction.

**Voice Vote: Ayes: (5)**

**VOTE: MOTION CARRIED UNANIMOUSLY.**

Chair Priebe opened the meeting to discuss the 50-foot setback from wetlands. She said that the distance from wetlands was an arbitrary number that utilized the 50-foot setback from bodies of water. She mentioned that a lot of the variances that we are getting seem to be involving the 50-foot setback from wetlands. She asked if this was something that the ZBA and PC boards needed to look at regarding the state requirements for wetlands. Treasurer Negri said that 50 feet is not a very far limitation in locating a building. He sees no reason to change this setback standard. He did agree that maybe a review of what the state of Michigan standards are for wetland setbacks from buildings. Member Ignatowski said he would support a state and local government review of our wetland standards. Chair Priebe mentioned that the Brighton Township did not have any setback requirements from wetlands or lakes. Member Rill said that we are working between a rock and a hard place regarding our work to amend existing structures and older developments near state lands and rivers and streams. Green Oak Township is building a great deal of new development which gives them more wiggle room. David clarified to the ZBA board that a wetland and a lake are both wetlands, but of different types. Issues with shortening a wetland setback, you risk construction occurring in the wetland. The fifty feet is a standard buffer to ensure that construction debris and equipment will not impede that mucky, sensitive area. Soil erosion permits are calculated with that 50-foot buffer in mind as well. Member Ignatowski said that he has family members who work with DTE, and the County Drain Commissioner stated that their large projects have a great deal of limitations due to EGLE requirements. David Rohr likened this situation to widening the freeway which would help to further increase traffic flows rather than reduce them. People will always want to push the envelope when developing, no matter how much you reduce the wetland setback. David clarified that our county wetland maps on our desk top computers are limited in their accuracy as compared to an actual certified survey or a wetland delineation study. With these required studies, then we know where the wetlands are. Then the property owners know where their wetlands are.

**Approval motion** Treasurer Negri, seconded by Member Rill, to have David review the wetland setback requirements found in the state regulations.

**Voice Vote: Ayes: (5)**

**VOTE: MOTION CARRIED UNANIMOUSLY.**

## **ADJOURNMENT**

Approval motion made by Member Ignatowski, seconded by Member Rill to adjourn at 7:43 pm.

**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: 9-11-24

  
Joyce Priebe, Chair