



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

Supervisor Jason Negri **Clerk** Mike Dolan **Treasurer** Jennifer Daniels **Trustees** Chuck Menzies, Patricia Hughes, Nick Miller, Joanna Hardesty

ZONING BOARD OF APPEALS REGULAR MEETING

Wednesday, November 12, 2025 at 7:00 PM
Hamburg Township Hall Board Room

AGENDA

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL OF THE BOARD

CORRESPONDENCE

APPROVAL OF THE AGENDA

CALL TO THE PUBLIC

VARIANCE REQUESTS

1. **ZBA 25-0009**

Owner: Nick Passucci

Location: 3168 Nisbet

Parcel ID: 4715-17-301-005

Request: Variance application to permit construction of a new deck on rear of house.

Variance requests:

*Ordinary High-Water Mark setback, per section 36-171(D)(*4)*

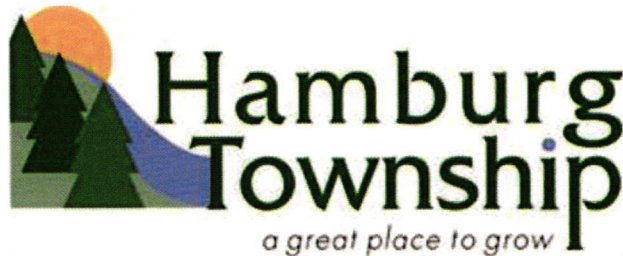
Side setback, per section 36-171(D)Side

NEW/OLD BUSINESS

2. Approval of the September 9, 2025 ZBA meeting minutes.

ADJOURNMENT

ZBA Case Number 25-0001
\$500.00



FAX 810-231-4295
PHONE 810-231-1000

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139

**APPLICATION FOR A ZONING BOARD OF APPEALS (ZBA)
VARIANCE/INTERPRETATION
(FEE \$500 plus \$50 each additional)**

1. Date Filed: 10-6-25
2. Tax ID #: 15-17-301-5 Subdivision: Section 17 TIN RSE Watsons Rush Land Lot No.: 5
3. Address of Subject Property: 3168 Nisbet, Pinckney, MI 48169
4. Property Owner: NICK PASSUCCI Phone: (H) 734-564-4053
Email Address: NPASSUCCI@GMAIL.COM (W) _____
Street: 3168 Nisbet City Pinckney State MI
5. Appellant (If different than owner): _____ Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 2019 Zoning District: _____ Flood Plain _____
7. Size of Lot: Front 70.00' Rear 71.84' Side 1 83.90' Side 2 90.37' Sq. Ft. 6143.44 SF
11. Dimensions of Existing Structure (s) 1st Floor 2060 SF 2nd Floor _____ Garage _____
12. Dimensions of Proposed Structure (s) Deck 60x16 = 960 SF 1st Floor _____ 2nd Floor _____ Garage _____
13. Present Use of Property: Primary home
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
15. Has there been any past variances on this property? Yes X No _____
16. If so, state case # and resolution of variance application _____
17. Please indicate the type of variance or zoning ordinance interpretation requested:
Set back Variance

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Hamburg Township
Planning and Zoning Department

ZBA Case Number _____

18. Please explain how the project meets each of the following standards:

- a) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone.

Lake Front Lot with minimal lot SF, many properties on lake
not able to meet setback restrictions

- b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not be deemed sufficient to warrant a variance.

Main Structure was required to be built up due to Flood Zone interference,
House requires deck w/ stairs to use back yard and stairs to get to ground level.

- c) That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

Will not impact neighbor who has deck extending close to the
same position in relation to the lake

- d) That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.

Will not impact adversely any objectives of the master Plan of the
Township

- e) That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature.

This requested variance will comply w/e) and is not general
or recurrent in nature

- f) Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district;

project does not violate rules of the district to my knowledge.

- g) The requested variance is the minimum necessary to permit reasonable use of the land.

Deck must extend length of the rear of the house, to accommodate
all door walks for safe passage of people. Depth is sized to allow necessary steps to

- I hereby certify that I am the owner of the subject property or have been authorized to act on behalf of the owner(s) and that all of the statements and attachments are true and correct to the best of my knowledge and belief.
- I acknowledge that approval of a variance only grants that which was presented to the ZBA.
- I acknowledge that I have reviewed the Hamburg Township Zoning Ordinance, The ZBA Application and the ZBA Checklist and have submitted all of the required information.
- I acknowledge that filing of this application grants access to the Township to conduct onsite investigation of the property in order to review this application.
- I understand that the house or property must be marked with the street address clearly visible from the roadway.
- I understand that there will be a public hearing on this item and that either the property owner or appellants shall be in attendance at that hearing.
- I understand that a Land Use Permit is required prior to construction if a variance is granted.

Adrian Prosser, 10-1-25
 Owner's Signature Date

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Hamburg Township
 Planning and Zoning Department

Appellant's Signature _____

Date _____

Extend into the deck to limit
 Encroachment into setback area.

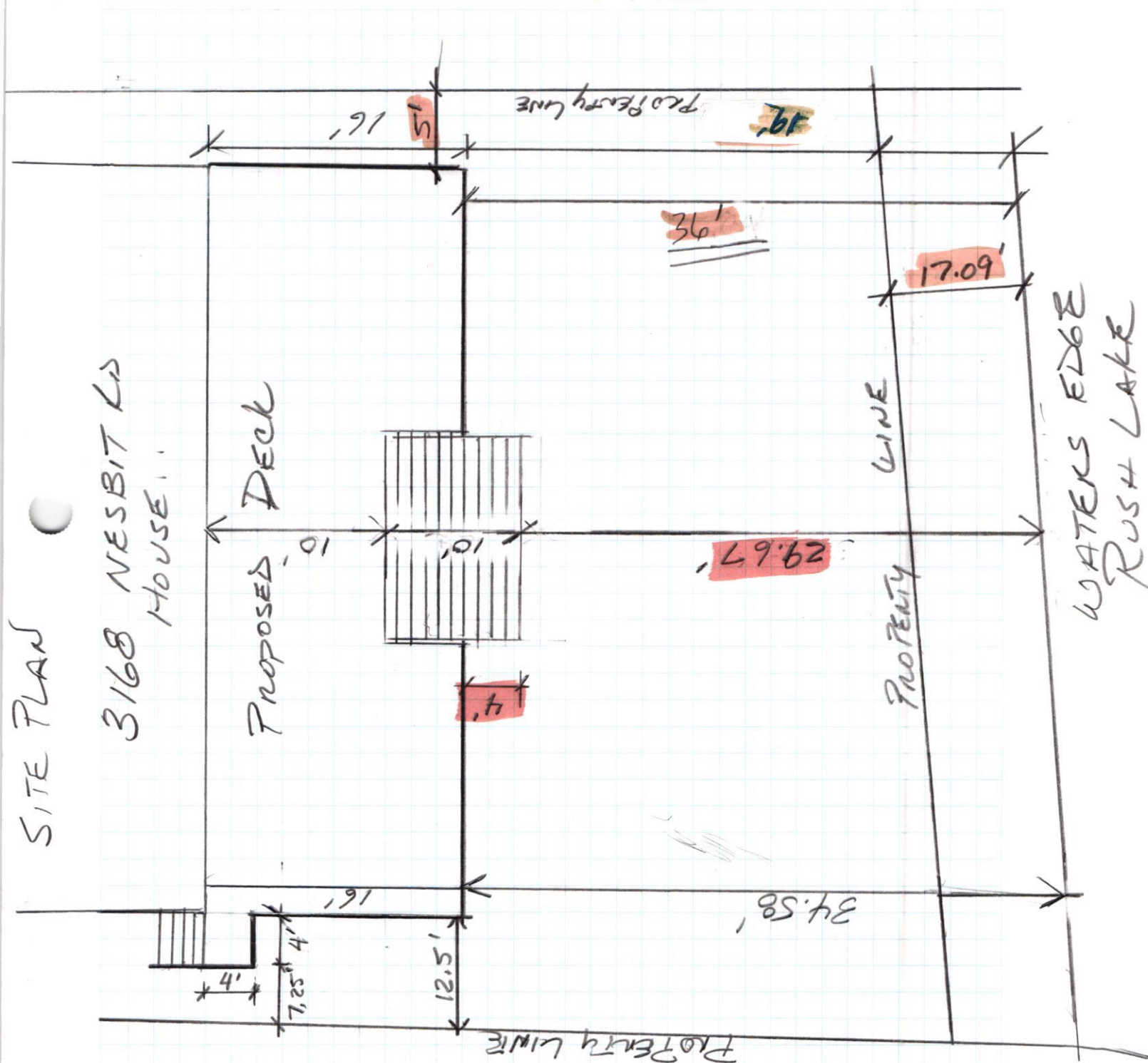


OCT 13 2025

To build trust and important facilities with great people and organizations, driven to help each other and our communities thrive.

Item 1.

Carpentry



Northern Michigan Regional Office
800 Hastings Street, Suite A
Traverse City, MI 49686
ph (231) 947-7824
fx (231) 995-0114

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1973

Printing and Stationery Co.
Huntington, West Virginia

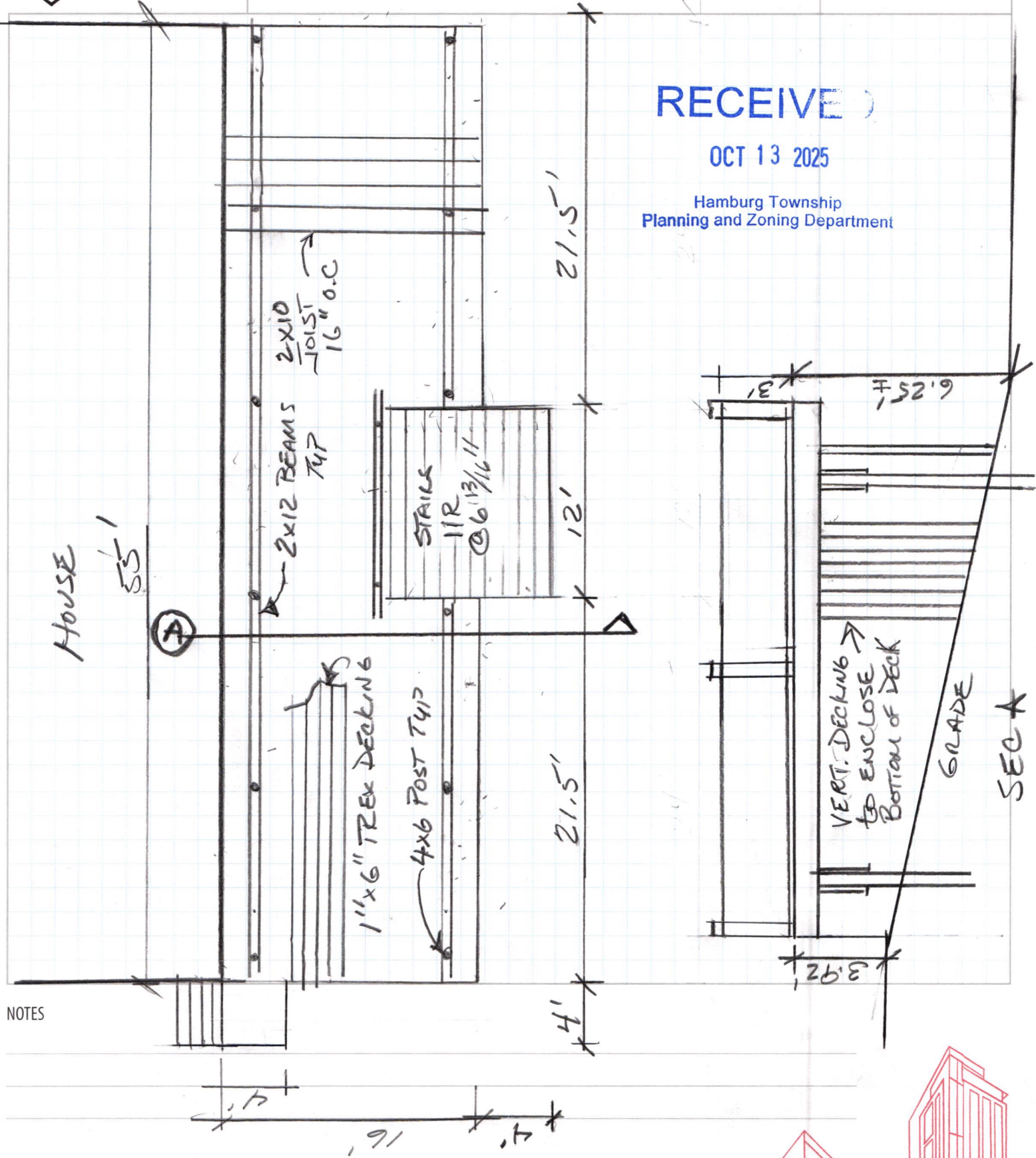
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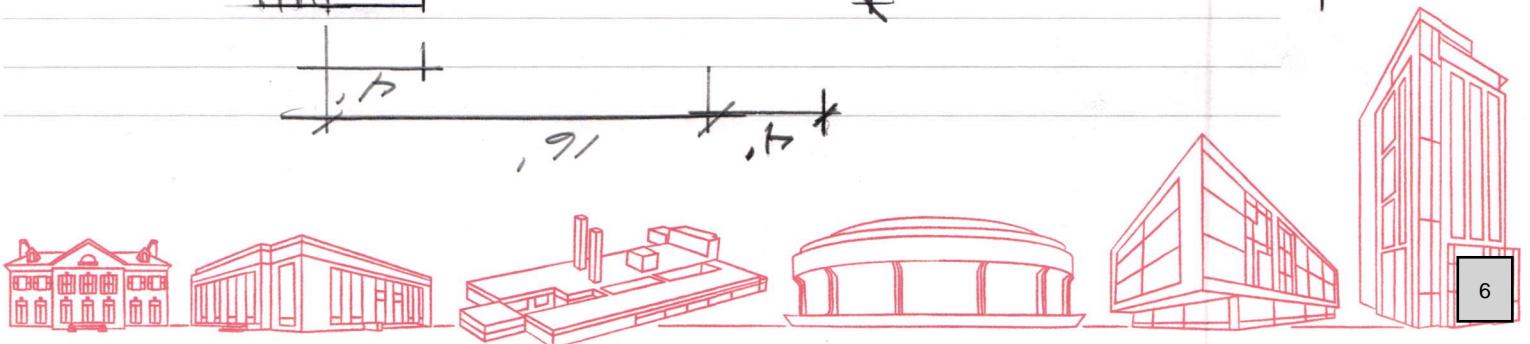
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OCT 13 2025

Hamburg Township
Planning and Zoning Department



NOTES





Zoning Board of Appeals Staff Report



TO: Zoning Board of Appeals
(ZBA)

FROM: David Rohr

HEARING DATE: November 12, 2025

SUBJECT: ZBA 25-0009

PROJECT New deck

SITE: 3168 Nisbet
TID 4715-17-301-005

OWNER: Nick Passucci

APPLICANT: Nick Passucci

PROJECT: Variance application to permit the construction of a new deck in the rear yard.
Variance request:

- Ordinary High-Water Mark setback of **34 feet** rather than 50 feet, per section 36-171(D)(*4)
- Side setback of **5 feet** rather than 10 feet, per section 36-171(D)Side

ZONING: WFR- Waterfront Residential

Project Description

Variance application to permit the construction of a new deck at the rear of the house. With no buildable area at the rear of the house and a significant grade changes on the parcel, the applicant requests multiple variances to construct a deck.

- Ordinary High-Water Mark setback of **34 feet** rather than 50 feet, per section 36-171(D)(*4)
- Side setback of **5 feet** rather than 10 feet, per section 36-171(D)Side

Standards of Review

In accordance with Section 36-137 of the Hamburg Township Zoning Ordinance, the ZBA's decision on this matter is to be based on findings of fact to support the standards provided below. The applicable discretionary standards are listed below in **bold typeface**, followed by Staff's analysis of the request as it relates to these standards. A variance may be granted only if the ZBA finds that all of the following standards are met:

- 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone.**

The applicant's parcel has limited buildable area on the rear side of the house. Staff supports the request for variances.

- 2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not be deemed sufficient to warrant a variance.**

Granting these variance requests is necessary for the preservation and enjoyment of a substantial property right.

- 3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.**

The variance setback requests is not likely to be materially detrimental to the public welfare or materially injurious to the property or improvements in the district.

4. That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.

Granting this variance will not adversely affect the 2020 Master plan.

5. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature.

The condition or situation of the specific piece of property is not of a general and recurrent nature.

6. Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.

The site is zoned for single-family dwellings and related appurtenances. Approval of the variance requests would not permit the establishment of a use not permitted by right within the district.

7. The requested variance is the minimum necessary to permit reasonable use of the land.

Staff finds that the proposed new deck will provide a safe means to access the rear yard and act will have minimal impact on the surrounding properties. Staff believes the location and size of the proposed deck is reasonable and will have minimal impact on the surrounding residents.

“Practical difficulty” exists on the subject site when the strict compliance with the Zoning Ordinance standards would render conformity unnecessarily burdensome (such as exceptional narrowness, shallowness, shape of area, presence of floodplain or wetlands, exceptional topographic conditions).

Recommendation

Staff recommends the ZBA open the public hearing, take testimony, close the public hearing, evaluate the proposal for conformance with the applicable regulations, and deny or approve the application. In the motion to deny or approve the project, the ZBA should incorporate the ZBA’s discussion and analysis of the project and the findings in the staff report.

Approval Motion

Motion to approve variance application ZBA 25-0009 at 3168 Nisbet. TID 4715-17-301-005.

- Ordinary High-Water Mark setback of **34 feet** rather than 50 feet, per section 36-171(D)(*4)
- Side setback of **5 feet** rather than 10 feet, per section 36-171(D)Side

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.

Denial Motion

Motion to deny variance application ZBA 25-0009 at 3168 Nisbet. TID 4715-17-301-005.

- Ordinary High-Water Mark setback of **34 feet** rather than 50 feet, per section 36-171(D)(*4)
- Side setback of **5 feet** rather than 10 feet, per section 36-171(D)Side

The variance does not meet variance standards one (1), two (2), or seven (7) of Section 36-137 of the Hamburg Township Zoning Ordinance, and no 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 this staff report.

Attachments:

Application
Project plans



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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, 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: _____

Joyce Priebe, Chair