
ZONING BOARD OF APPEALS MEETING

Wednesday, January 10, 2024 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 2023-0016**

Owner: Nicholas & Sandra Mastenbrook
Location: 8728 Pleasant Lake Drive
Parcel ID: 4715-14-301-017
Request: Variance application to permit the construction of a patio roof on the lake side of the home. Applicant requests a 22-foot variance from the required waterbody setback of 50-feet, per Section 36-293 (C)(2) b.

ZBA 2023-0017

Owner: Scott Greenhalgh
Location: 10910 Bob White Beach
Parcel ID: 4715-27-401-037
Request: Variance application to permit the construction of a 24x40 foot pole barn on the out parcel across from the principal home. Applicant requests three variances; 1) variance of 11.2 feet from the required front yard setback of 25 ft., per Section 36-186(F). 2) variance of 37.8 feet from the required wetland setback of 50 feet., per Section 36-293(C)(2) a. 3) variance for additional 160 sq ft from the maximum accessory structure size allowed of 800 sq ft, per Section 36-215(10).

2. Meeting Packet

ADJOURNMENT

NEW/OLD BUSINESS

3. Approval of October 11, 2023 meeting minutes

HAMBURG TOWNSHIP
Date 12/12/2023 9:07:19 AM
Ref ZBA2023-016
Receipt 1301576
Amount \$500.00

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



HAMBURG TOWNSHIP
Date 12/12/2023 9:02:16
Ref ZBA2023-016
ZBA Case Number 23-0016
Receipt 1301574
Amount \$500.00

Item 2.

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: _____
2. Tax ID #: 15- 14 - 301 - 017 Subdivision: Pleasant Lake Hills Annex #2 Lot No.: 162
3. Address of Subject Property: 8728 Pleasant Lake Drive
4. Property Owner: Nicholas & Sandra Mastenbrook Phone: (H) 517-404-8183
Email Address: g3plumb@yahoo.com (W) 517-404-8183
Street: 8728 Pleasant Lake Dr. City Brighton State MI
5. Appellant (If different than owner): N/A Phone: (H) N/A
E-mail Address: N/A (W) N/A
Street: N/A City N/A State N/A
6. Year Property was Acquired: 2006 Zoning District: WFR Flood Plain N/A
7. Size of Lot: Front 50' Rear 60' North Side 1 160.29' South Side 2 175.75' Sq. Ft. 9,058'
11. Dimensions of Existing Structure (s) 1st Floor 935.22 sq. ft. 2nd Floor 412.78 sq. ft. Garage 537.75 sq. ft.
12. Dimensions of Proposed Structure (s) 1st Floor 285 sq. ft. 2nd Floor _____ Garage _____
13. Present Use of Property: Homestead
14. Percentage of Existing Structure (s) to be demolished, if any <10 %
15. Has there been any past variances on this property? Yes _____ No X
16. If so, state case # and resolution of variance application N/A
17. Please indicate the type of variance or zoning ordinance interpretation requested:
22 foot variance within a 50 foot setback from the highwater mark

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.

The extraordinary circumstances are that this house was built in the 1940s within the current setback and is located directly east of Winans Lake which positions it to be directly effected by the intense sunsets.

- 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.

The request for this variance is to increase the usability and enjoyment of the property and is in no way requested for financial gain.

- 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.

The modification for which we are seeking a variance will not affect any neighboring properties or be detrimental to the public welfare in any way.

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

After reviewing the Township's master plan document, we are confident that our variance request and construction of our new patio roof will in no way adversely affect the master plan of the Township nor change the residential nature of our property or impact the lake.

- 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.

Our situation is unique in the fact that our house was built within and prior to the current setback regulations as well as the loss of a large tree, which now affects the usability of the property on the lakeside.

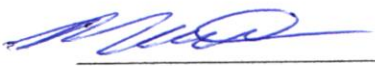
- f) Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district;

We are only seeking the variance to build our roof covering and nothing further.

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

The requested 22' variance is the minimum needed in order to properly build our patio roof while also maintaining adequate waterfront setback and keeping in common development of neighboring properties.

- 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.

 12-6-23
 Owner's Signature Date

 Appellant's Signature Date

Letter of Support for land use Variance

Nick and Sandy Mastenbrook, located at 8728 Pleasant Lake Drive, lot 162 of Pleasant Lake Hills Annex No.2 are seeking a land use variance from the Hamburg Township Zoning Board of Appeals.

We would like to modify our existing lakeside patio area by removing 4' of overhang and replacing it with a new patio roof that will extend 5 to 6 feet further to the west than the current 4' overhang. (10' maximum from the existing house west facing wall).

As our house was built in the 1940s, and already located closer to the lake than the 50' setback, we would need approximately a 22' variance in order to install the posts that will support the new roof. This new roof will not change in width from north to south.

Unfortunately, this past summer, we had to remove a large Maple tree that was dying, on the lakeside of our house. This tree was a wonderful provider of shade that allowed us to sit lakeside and enjoy our summer evenings. However, with this tree gone, we have noticed a significant change in being able to sit outside during the summer when the sun is so intense. We feel confident that this new patio roof will not obstruct or cause any watershed issues to any neighboring properties.

Therefore, Sandy and I would gratefully appreciate our neighbors supporting the ZBA issuing the Land use variance by signing this letter of approval.

Thank you for your time and consideration on this matter.

Address:

Name and signature

8747 Pleasant Lake Dr
8754 Pleasant Lake Dr.
8651 Pleasant Lake Dr
8664 Pleasant Lake Dr.
" "
8718 Pleasant Lake Dr.

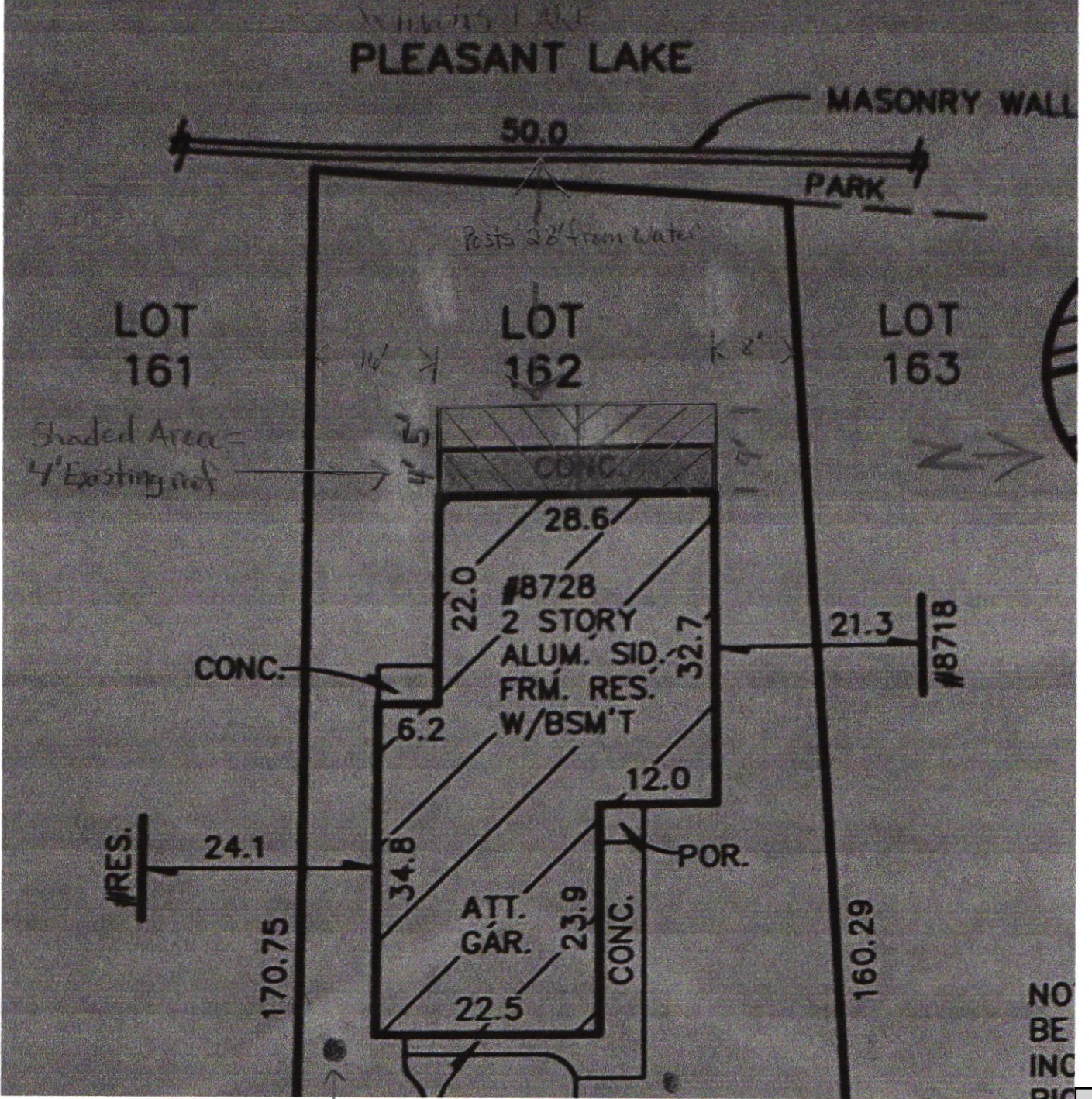
Russ LARSON Russ Larson 248-308-6915
Roxann K. DeWulf Roxann K. DeWulf
810-923-8749
Rex BLAIR Rex S. Blair 810-844-4474
John E. Hett 734-604-7847
Madelon Marshall " "
Kathy Gilbert Kathy Gilbert

Description:

PLEASANT LAKE HILLS ANNEX NO. 2, subdivision of part
1N, R5E, Hamburg Township, Livingston County, Michigan
Plats, Page 29, Livingston County Records.

$1/16" = 1'$

PLEASANT LAKE



Shaded Area =
4' Existing

LOT 161

LOT 162

LOT 163

50.0

MASONRY WALL

PARK

Posts 28' from Water

28.6

#8728

2 STORY
ALUM. SID.
FRM. RES.
W/BSM'T

21.3

#8718

CONC.

22.0

32.7

6.2

12.0

POR.

#RES.

24.1

ATT.
GAR.

23.9

22.5

CONC.

170.75

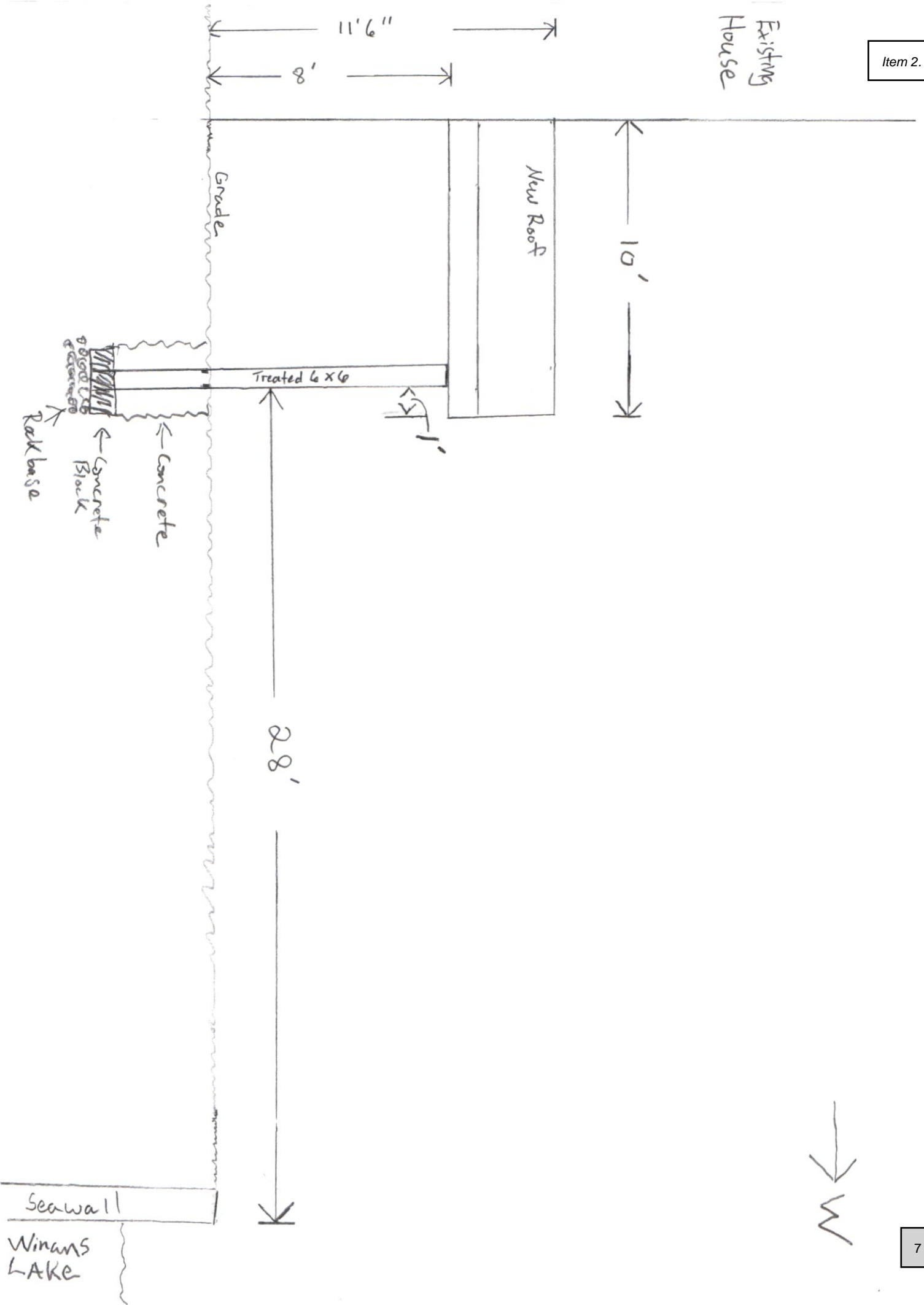
160.29

Sewer Tank

Well

NO
BE
INC
PIC

Existing House





< Hieght 11'6" to peak >

2 posts if possible / 4 post if needed.

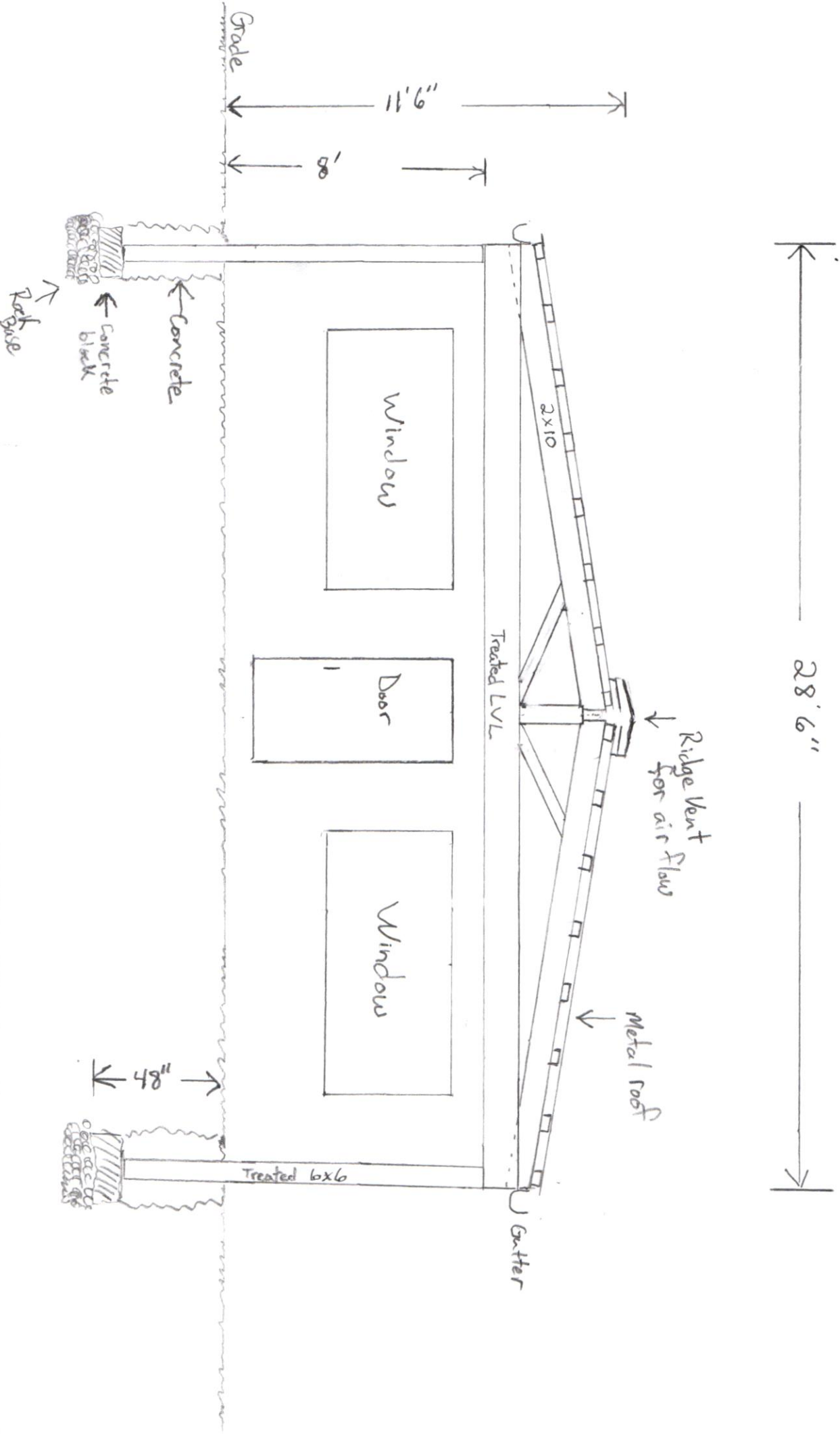
Roof

From: Nick Mastenbrook (g3plumb@yahoo.com)

To: g3plumb@yahoo.com

Date: Tuesday, November 21, 2023 at 08:17 PM EST





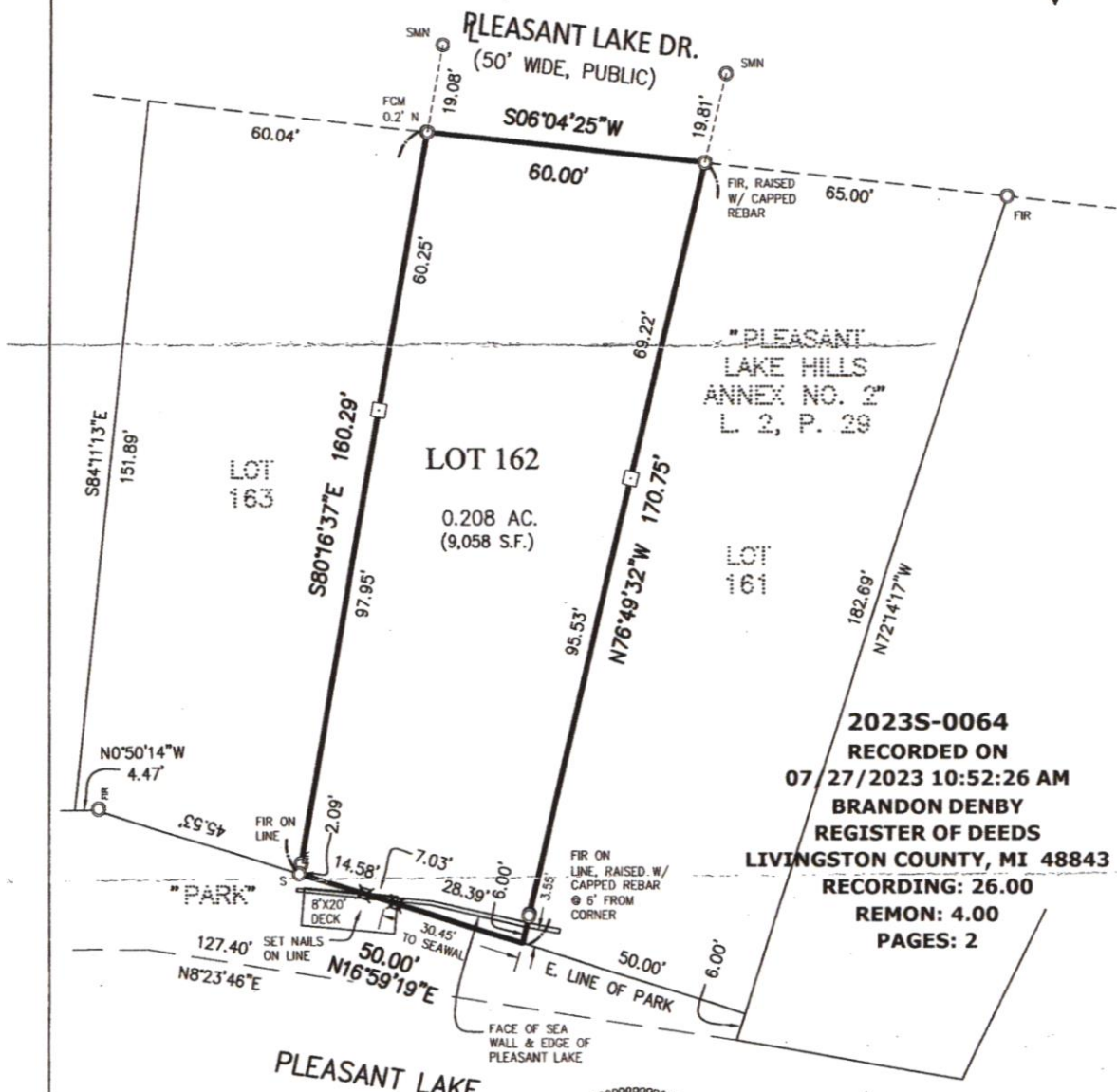
2

CERTIFICATE OF SURVEY

BEARINGS BASED ON MICHIGAN STATE PLANE
COORDINATES, SOUTH ZONE, NAD '83



Item 2.



2023S-0064
RECORDED ON
07/27/2023 10:52:26 AM
BRANDON DENBY
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI 48843
RECORDING: 26.00
REMON: 4.00
PAGES: 2

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON JUNE 8, 2023, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1:5000, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.



LOT 162, "PLEASANT LAKE HILLS ANNEX NO. 2", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 2 OF PLATS, PAGE 29, LIVINGSTON COUNTY RECORDS.

CLIENT: MASTENBROOK

BOUNDARY SURVEY

#8728 PLEASANT LAKE
 IN THE W 1/2 OF
 SECTION 14, T1N, R5E
 HAMBURG TOWNSHIP,
 LIVINGSTON COUNTY,
 STATE OF MICHIGAN.

LEGEND:

- SECTION CORNER
- FOUND IRON PIPE
- FOUND IRON ROD
- SET "MAG" NAIL
- FOUND MONUMENT
- SET IRON PIPE
- SET WOOD LATH
- RECORDED
- CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 14723 DATE: 6-22-2023

FLD. BOOK: 23-3 REVISED: -

SHEET 1 OF 1 BY: KJG

SCALE: 1" = 30'

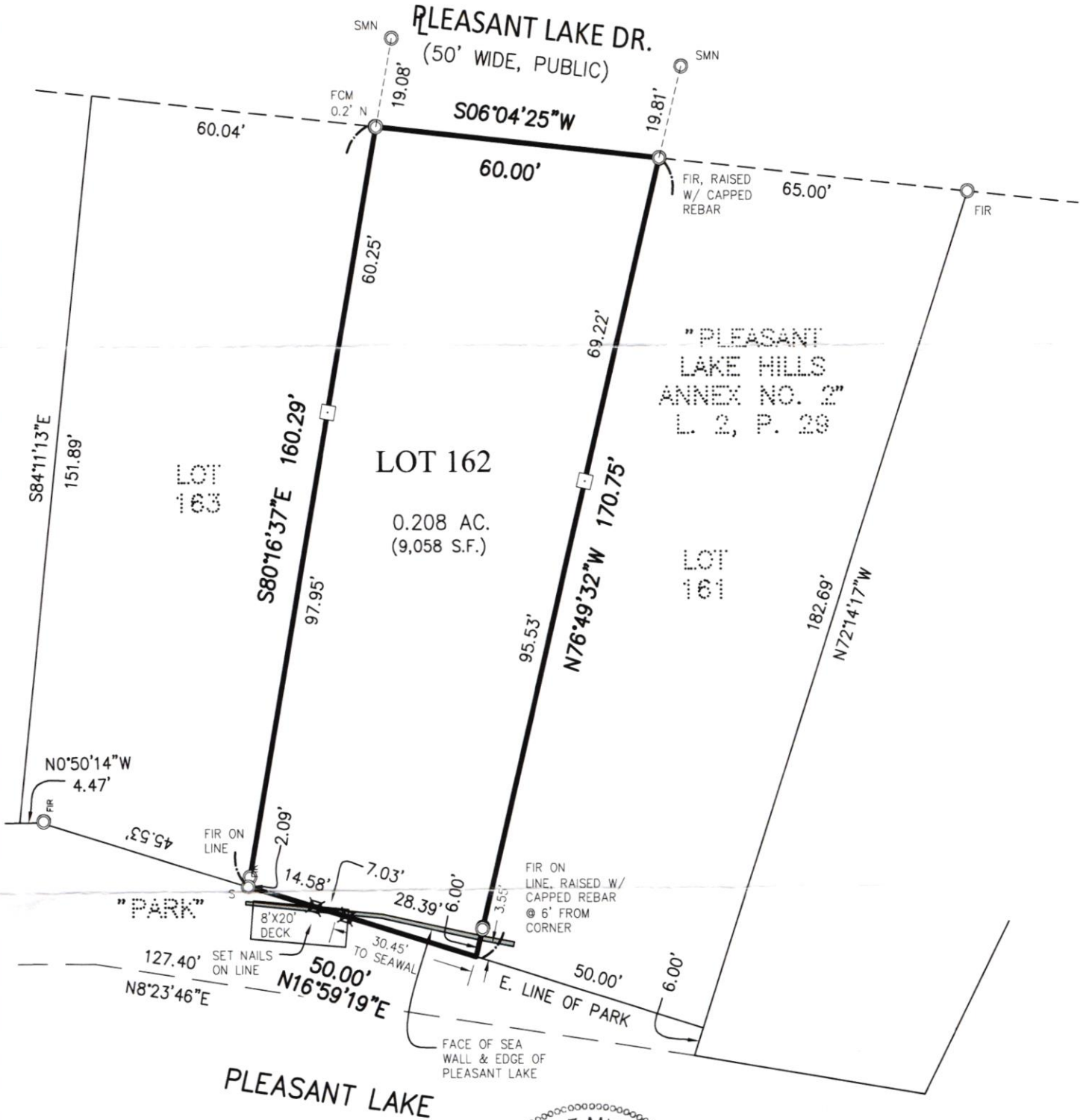
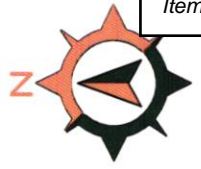
27 JUL '23 AM 10:41

2

CERTIFICATE OF SURVEY

BEARINGS BASED ON MICHIGAN STATE PLANE
COORDINATES, SOUTH ZONE, NAD '83

Item 2.



I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON JUNE 8, 2023, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1:5000, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.



LOT 162, "PLEASANT LAKE HILLS ANNEX NO. 2", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 2 OF PLATS, PAGE 29, LIVINGSTON COUNTY RECORDS.

CLIENT: MASTENBROOK

BOUNDARY SURVEY

#8728 PLEASANT LAKE
IN THE W 1/2 OF
SECTION 14, T1N, R5E
HAMBURG TOWNSHIP,
LIVINGSTON COUNTY,
STATE OF MICHIGAN.

LEGEND:

- SECTION CORNER
- FIP FOUND IRON PIPE
- FIR FOUND IRON ROD
- SMN SET "MAG" NAIL
- FCM FOUND MONUMENT
- S SET IRON PIPE
- R SET WOOD LATH
- (R) RECORDED
- (C) CALCULATED



6653 Schneider Rd. • Manchester, MI • 48158

(734) 669-2960 • arborlandinc.com

JOB NO.: 14723	DATE: 6-22-2023
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FLD. BOOK: 23-3	REVISED: -
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SHEET 1 OF 1	BY: KJG
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SCALE: 1" = 30'

27 JUL '23 AM 10:41

Return to:

Nick Mastenbrook

8728 Pleasant Lk. Dr.

Brighton MI. 48116



Nick Mastenbrook
and
Hamburg Township Board

December 7, 2023

Dear Mr. Mastenbrook,

It was great talking to you the other night about the variance that you are seeking for shade over your porch. I was happy to sign since I also have the same trouble with the sunshine in the warmer months.

As a neighbor on the Eastern Shore of Winan's Lake, I can attest to the fact that we have a few issues with the weather. While the wind is a real challenge on the low side of the lake, it is the sun that can limit the time one can spend on our property during the Summer months.

Having some sort of overhang, whether on a porch or free-standing, is a MUST during the warmer weather. While the breeze off the lake helps, we as property owners require something to cover at least a small portion of our property to combat the effects of the sun.

Having the proper shade cover is not only needed to enjoy our property but it is more important to protect our skin from the pounding UV Rays. There is a safe way to enjoy the water and our view. On the East Side of the lake we require something substantial to create shade. It is not possible to really enjoy the lake front from 1PM to 9PM in the Summer months without it.

I hope you are successful in getting your variance and the Township understands the importance to you and your family and your health.

Sincerely,
John Edward Hett
8664 Pleasant Lake Drive
Hamburg Township, MI 48116
734-604-7847

PS: As for aesthetics, it will only enhance your already lovely lakefront home.

HAMBURG TOWNSHIP ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING
WEDNESDAY, January 10, 2024 at 7:00 P.M.
HAMBURG TOWNSHIP OFFICES
10405 MERRILL ROAD, HAMBURG, MICHIGAN

Item 2.

PLEASE TAKE NOTICE that the Hamburg Township Zoning Board of Appeals will meet to consider the following:

ZBA 2023-0016

Owner:

Location:

Parcel ID:

Request:

Nicholas & Sandra Mastenbrook

8728 Pleasant Lake Drive

4715-14-301-017

Variance application to permit the construction of a rooted patio on the waterbody side of home. Applicant requests a variance from the required 50-foot setback, per Section 36-293 (C)(2) a.



Ms Roxann Dewulf

8754 Pleasant Lake Dr

Brighton, MI 48116

Totally Support their Request

ZBA 2023-0017

Owner:

Location:

Parcel ID:

Request:

Scott Greenhalgh

10910 Bob White Beach

4715-27-401-037

Variance application to permit the construction of a 24x40 foot pole barn on the out parcel across from the principal home. Applicant requests three variances; 1) variance from the required front yard setback of 25 ft., per Section 36-186(F). 2) variance from the required wetland setback of 50 feet., per Section 36-293(C)(2) a. 3) variance from the maximum accessory structure size, per Section 36-215(10).

The variance requests are available for review at the Township offices during regular business hours. Monday – Friday, 8:00 a.m. – 5:00 p.m. Comments will be heard from the public at the hearing. Written comments will be accepted until 4:00 p.m., the day of the hearing.

Sign language interpreter, or other assistance, available upon 72-hour notice to the Township Clerk.

Michael Dolan
Hamburg Township Clerk
10405 Merrill Road, P.O. Box 157
Hamburg, Michigan 48139
(810) 231-1000



Zoning Board of Appeals Staff Report



TO: Zoning Board of Appeals
(ZBA)

FROM: David Rohr

HEARING DATE: January 10, 2024

SUBJECT: ZBA 23-0016

PROJECT SITE: Single Family Home
8728 Pleasant Lake Dr.
TID 15-14-301-017

OWNER: Nicholas & Sandra
Mastenbrook

APPLICANT:
Nicholas & Sandra
Mastenbrook

PROJECT: Variance application to permit the construction of a patio roof on the lake side of the home. Applicant requests a 22-foot variance from the required waterbody setback of 50-feet, per Section 36-293 (C)(2) b.

ZONING: WFR, Waterfront Residential

Project Description

The subject site is a 8,523 sq ft parcel with an existing single-family home. The parcel has access from the east by Pleasant Lake Dr., to the north and south are single family homes, and to the west is Winans Lake.

The applicant is requesting a variance to construct a patio roof on the lake side of the home. The applicant will remove a four-foot overhang and replace it with a new patio roof that will extend 5 more feet. This new roof will provide the necessary shade from the sun. Applicant requests a 22-foot variance from the required waterbody setback of 50-feet, per Section 36-293 (C)(2) a.

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 is very small, 0.2 acres (8,523sqft). Applicant's house is currently 33 feet from the high-water mark.

The applicant's parcel has an extremely limited buildable area due to the nature of the parcel. Staff supports the variance request.

- 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 this variance request is necessary for the preservation and enjoyment of a substantial property right, as there is almost no buildable area on the parcel. Staff believes the modest roof over the patio will provide the applicant with shade and enjoyment from the setting sun.

- 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 are 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.**

One of the goals of the 2020 master plan is to “Protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township” the Master Plan discusses preserving and maintaining the existing character of parcels along lakes. Granting of these variance request will not adversely affect the 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 request 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 structure size will have minimal impact on the surrounding properties. Staff believes the location of the proposed structure is well placed 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 23-0016 at 8728 Pleasant Lake Dr. (TID 15-14-301-017) 22-foot variance request from the required 50-foot waterbody setback, per Section 36-293 (C)(2) b.

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 23-0016 at 8728 Pleasant Lake Dr. (TID 15-14-301-017) 22-foot variance request from the required 50-foot waterbody setback, per Section 36-293 (C)(2) b.

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



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: 12/04/23_____
2. Tax ID #: 15-27-401-037 -----Subdivision: Bob White Beach _____ Lot No.: 35_____
3. Address of Subject Property: 10910 Bob White Beach
4. Property Owner: Scott Greenhalgh_____ Phone: (H) 614-496-8581_____
- Email Address: scottgreenhalgh@spectrum.net _____ (W)_____
- Street: 10910 Bob White Beach_____ City: Whitmore Lake State MI
5. Appellant (If different than owner): Same as Owner _____ Phone: (H)_____
- E-mail Address: _____ (W)_____
- Street: _____ City _____ State _____
6. Year Property was Acquired: 2023_____ Zoning District: WFR _____ Flood Plain No _____
7. Size of Lot: Front 50' _____ Rear 50' _____ Side 1 90' Side 2 90' _____ Sq. Ft. 4500_____
11. Dimensions of Existing Structure (s) 1st Floor _____ 2nd Floor _____ Garage 20'7" x 22'6" _____
12. Dimensions of Proposed Structure (s) 1st Floor _____ 2nd Floor _____ Garage 24' x 40' _____
13. Present Use of Property: Personal Residence _____
14. Percentage of Existing Structure (s) to be demolished, if any 100 _____ %
15. Has there been any past variances on this property? Yes _____ No X _____
16. If so, state case # and resolution of variance application _____
17. Please indicate the type of variance or zoning ordinance interpretation requested:
Variance to build garage within 50 ft of regulated wetlands, with a variance of 160 sq ft larger than allowed 800 sq ft.

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.

See Attachment

- 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.

See Attachment

- 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.

See Attachment

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

See Attachment

- 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.

See Attachment

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

See Attachment

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

See Attachment

- 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.

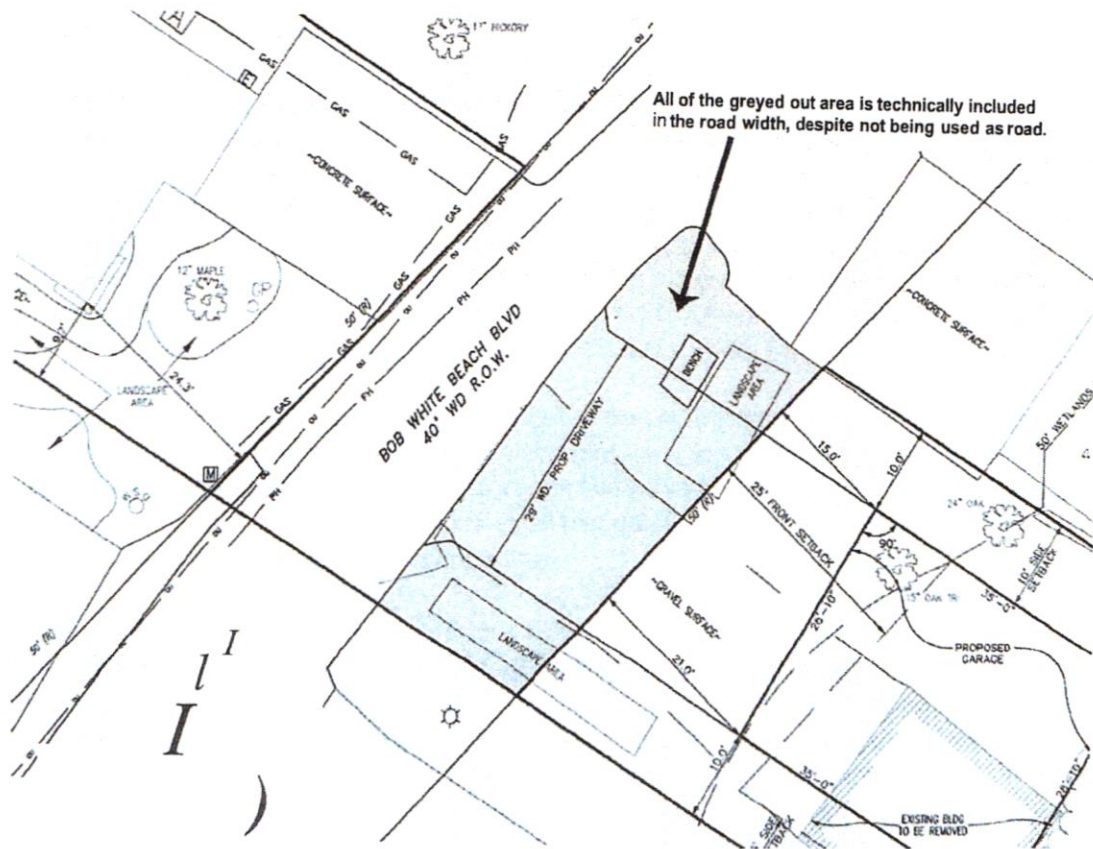
Owner's Signature _____ Date _____

Appellant's Signature _____ Date _____

18. 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.

On the southern half of Bob White Beach, lakefront homes have their garages in back, across the street. Our lot happens to have what may be the smallest piece of land for its garage; 50 by 90 foot. Normally, that would allow for the construction of a 30 by 40-foot garage. However, because the lot is in the shape of a slanted rectangle (parallelogram), that is not possible. The practical difficulty of building an asymmetric parallelogram shaped structure to follow the shape of this lot would render conformity unnecessarily burdensome.

By allowing the garage to encroach the 50-foot setback of wetlands, it would allow for a rectangular garage of the same allowable 40-foot depth which would otherwise be permitted, if the lot was rectangular.



The survey data records the road as being 40 feet wide. In actuality, the literal paved road is between 17 to 19 feet wide. The remaining 21 to 23 feet of "road" is actually a lawn and a gravel driveway. It's entirely on one side of the road - the same side as the garage lot.

For the existing garage, new garage, as well as neighboring garages, these all sit closer than 50 feet from regulated wetlands. Due to the particularly small lot size, it would not be possible to construct a garage that sat 50+ feet away. The average distance from the wetlands for the new garage is no closer than that of the existing neighbor's garages.

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.

On the east side of Bob White Beach Blvd, where the houses' garages are located, others enjoy having a 2-car (or larger) garage, with depth and storage for watercraft, etc.

While it is true our property currently has a 2-car garage, it's made of old rotted logs, dilapidated, and is subject to wind, rain, and snow getting in. Remains unsafe to park cars inside and as such, is only being used as a very large storage shed. As a result, we are unable to enjoy the benefit of having a garage which is customary for the neighborhood.

Nearby properties have built garages which are 40+ feet in depth to accommodate storing boats on trailers. For example, the direct neighboring garages on both the left and right side of us are approximately 47 and 41 feet deep, respectively. Our replacement is at 40 feet. Our new garage will be comparable to that of our neighboring garages.

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.

The granting of such variance will be an improvement to the neighboring properties.

The existing garage sits barely 2 feet from the southern property line. The new garage abides by the 10-foot required setbacks on both sides. Hence, it conforms to current standards and eliminates the crowding next to my neighbor's garage.

Wetland protection has been thoughtfully considered. Gutters will be used on the roof with downspout runoff designed to flow away from the direction of the wetlands. On the existing garage, at its closest point is 15'8" to wetlands, which is its southern corner, the new garage distance is 14 feet from wetlands. The average distance for the new garage is no closer than that. The rest of the rear garage is at a greater distance than 14 away from wetlands.

Jeff Pierce is the Environmental Quality Analyst assigned to our region from the Michigan Department of Environment, Great Lakes, and Energy (EGLE). He reviewed our wetland delineation report, as well as the site plot showing the locations of the existing and proposed garages. He said this plan "would not have direct impacts on the wetland." His letter is attached. This letter was provided by previous owner.

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

Dating back to the prior owners, the existing garage has long been a running joke with neighbors because it is an eyesore that does not even remotely match the styling of the associated house or any neighboring houses.

The new garage has been designed to match the existing character and styling of the associated house. This beautifies the neighborhood. Furthermore, since only other garages are found on this side of the road no houses will have view corridors affected. Since the lake is on the opposite side of the road with a house between the lake and the road, the garage does not effect lake setbacks, or any aesthetic characteristics of the coastline when viewed from the water.

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 is a unique situation specific to this address, as the neighbors' garages to the left and right, as well as along this southern portion of Bob White Beach, have deeper pieces of land for their garages. As such, there is more flexibility in placement.



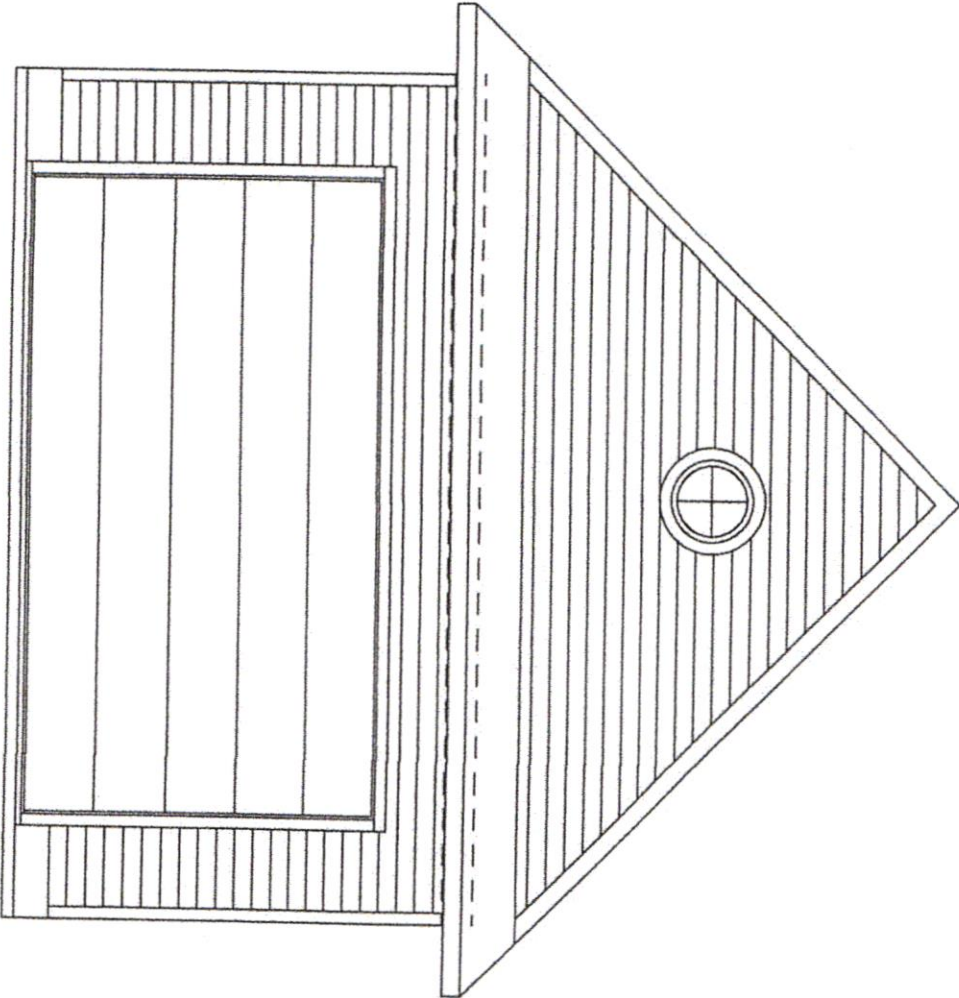
As you can see, the back of our lot was carved out for an unusual U-shaped lot which abuts the back of it. On a related note, this U-shaped lot is wetlands and does not have a house on it. There is a garage, but it's on the other end of the U, where you see the number 100.

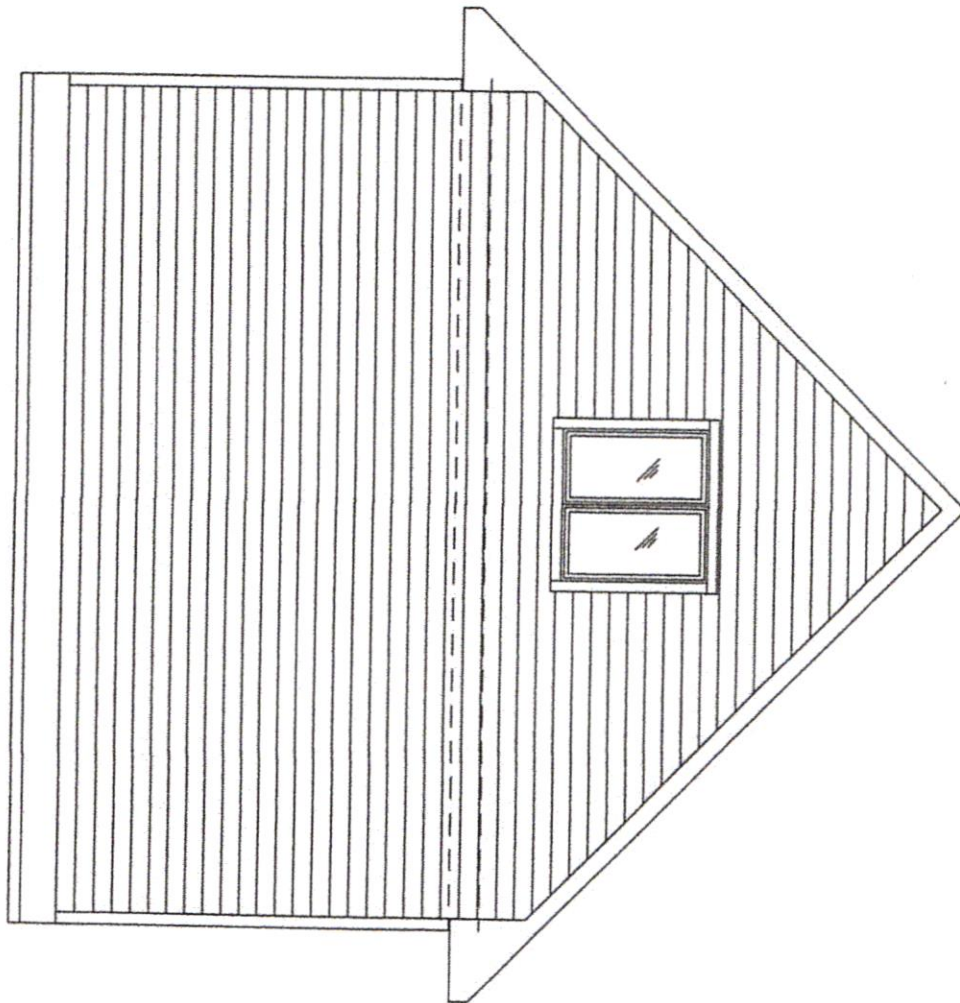
f) Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.

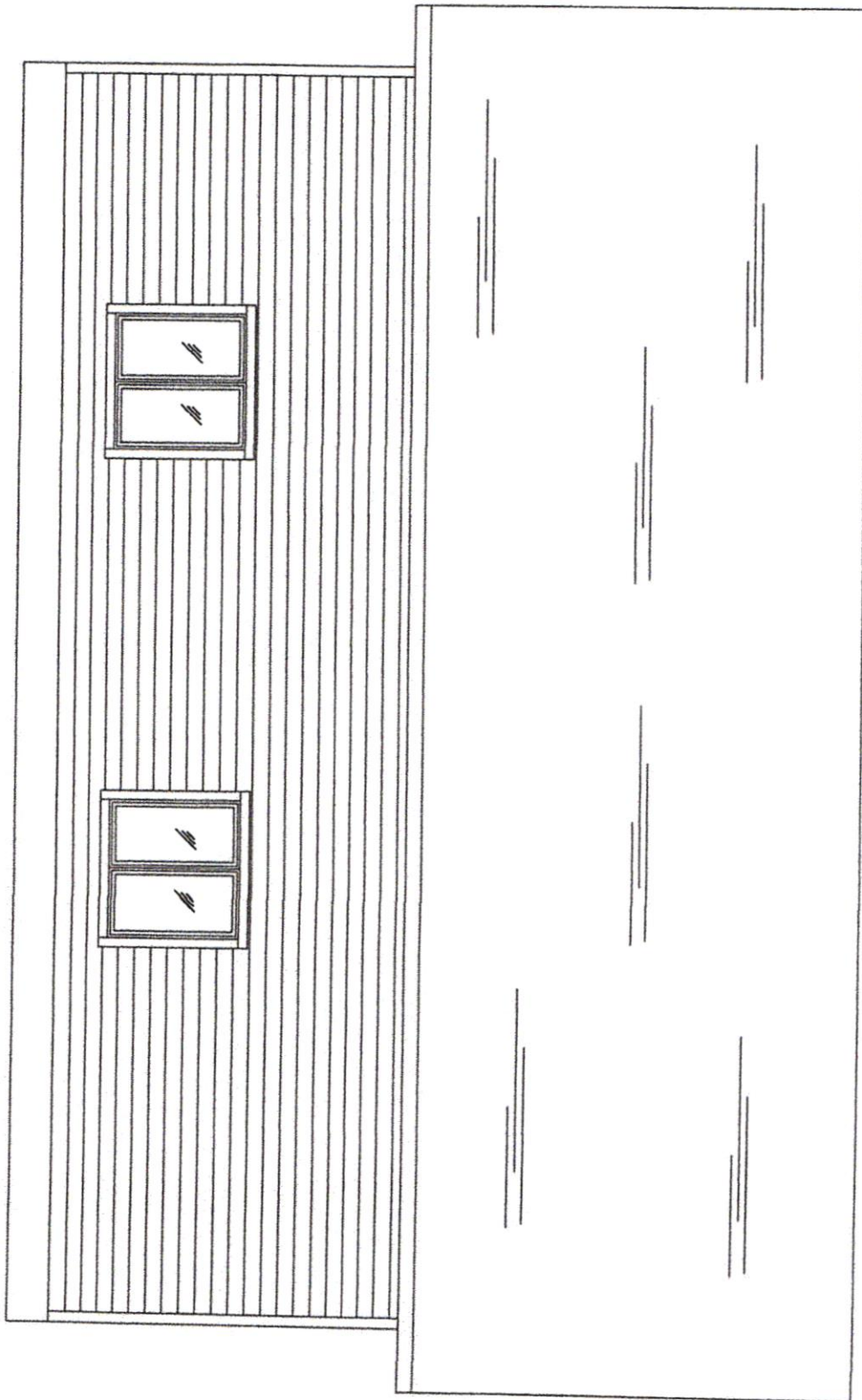
With the granting of the variance, the use of the property does not change. It remains a Single-Family Residence with detached 2-car garage.

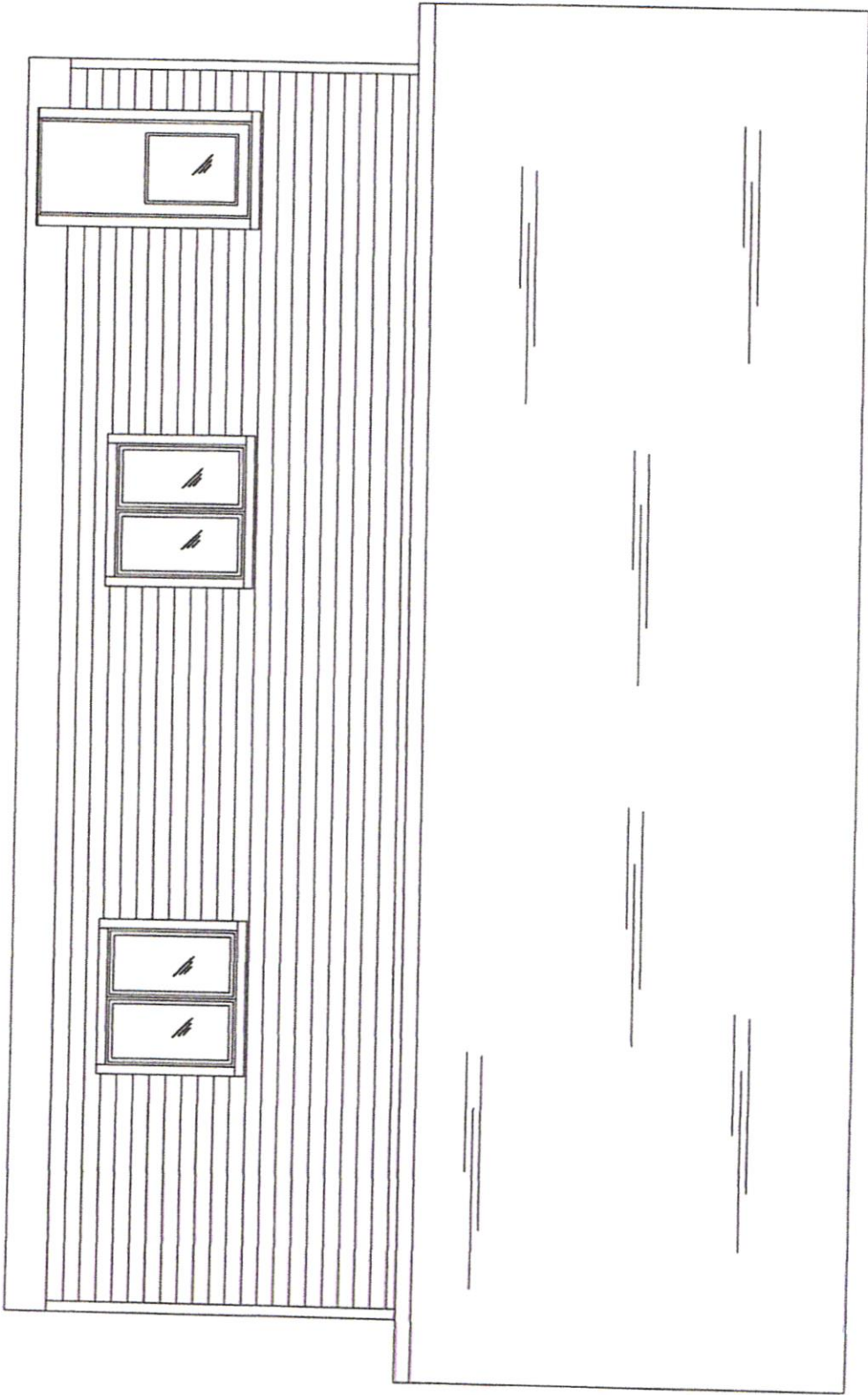
g) The requested variance is the minimum necessary to permit reasonable use of the land.

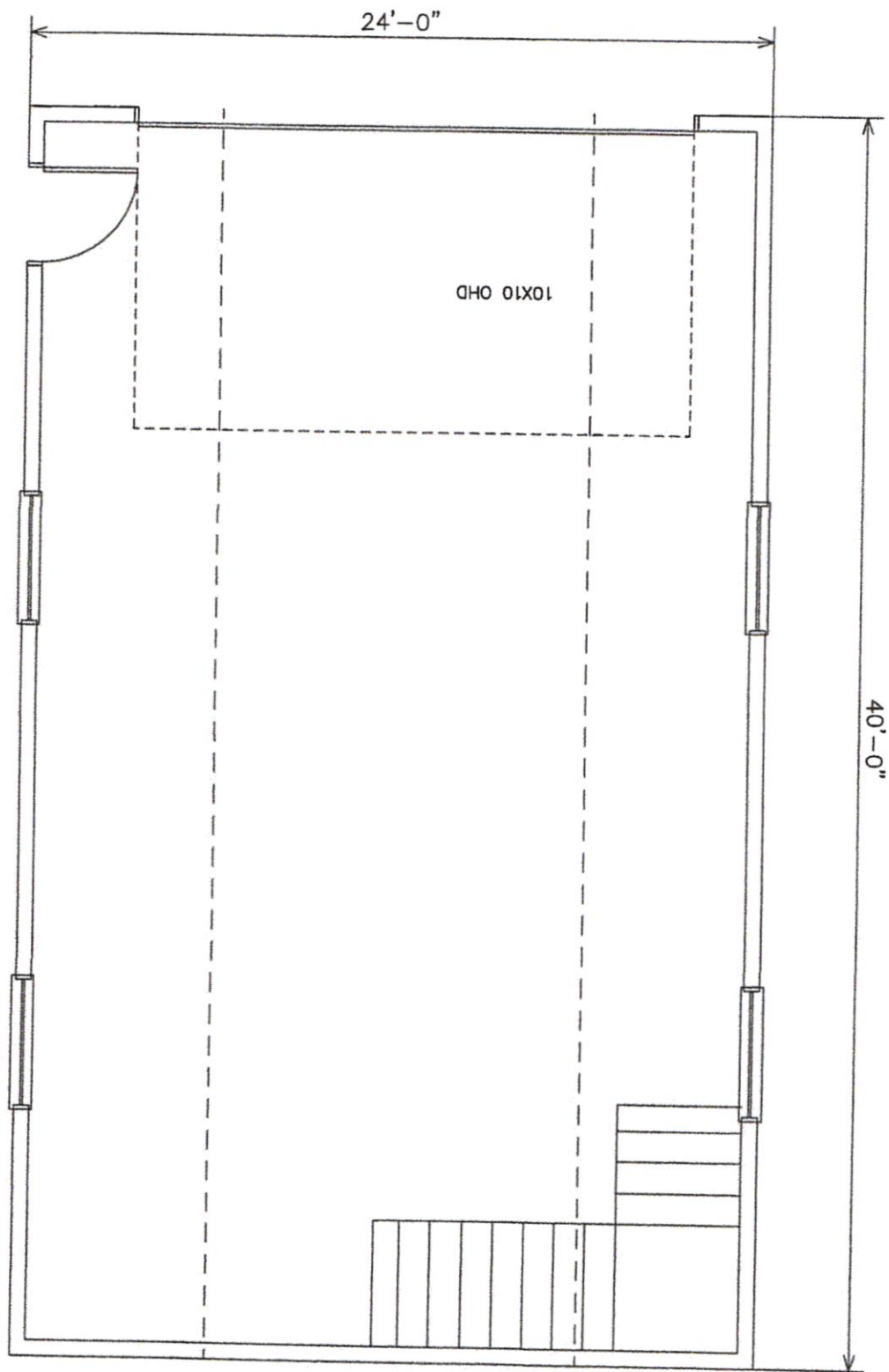
The partial encroachment of the 50-foot wetlands setback as required by ordinance is reasonable, given that its average distance to the wetlands is approximately 1'6" closer than that of the existing garage.

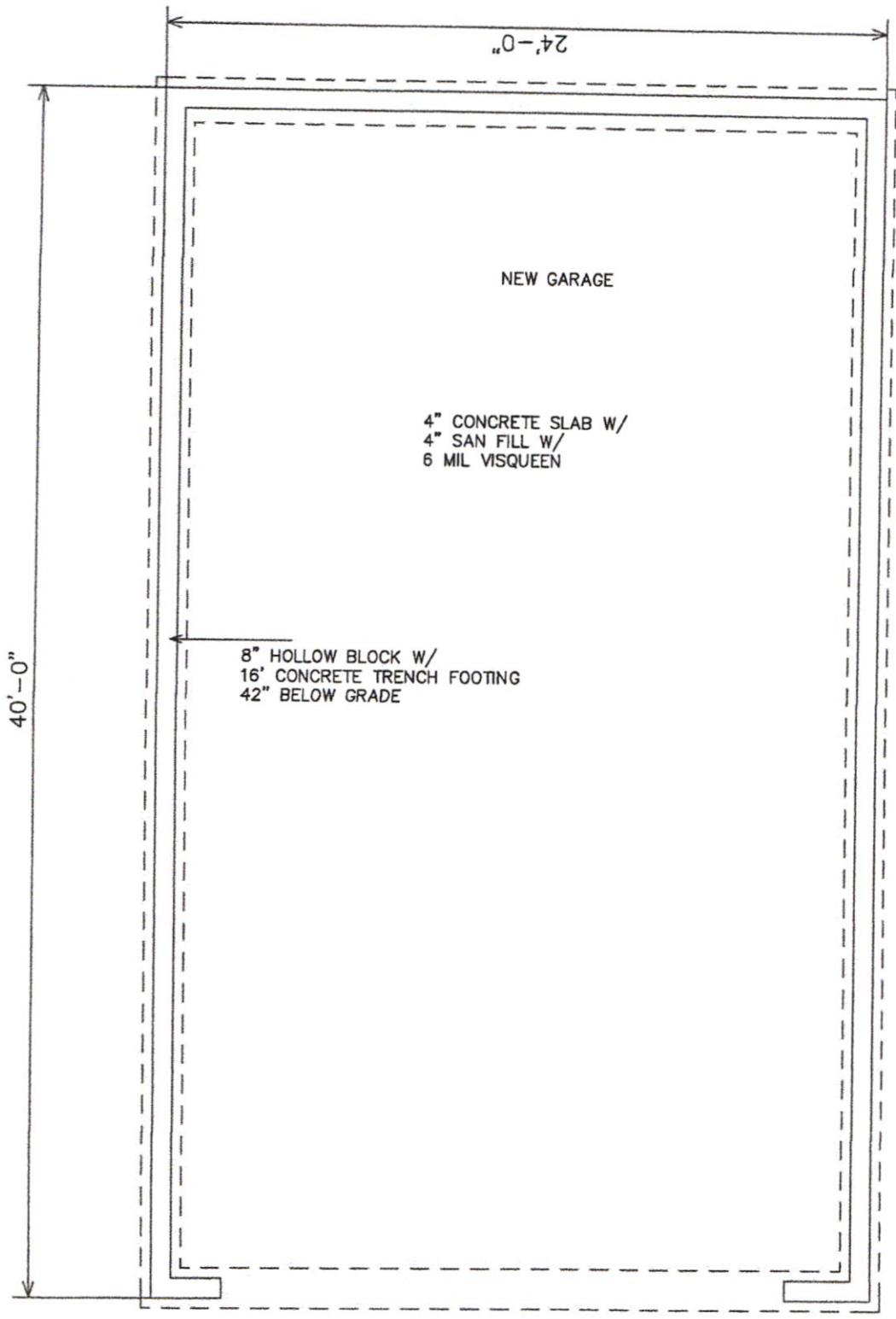












FOUNDATION 1/4"=1'-0"

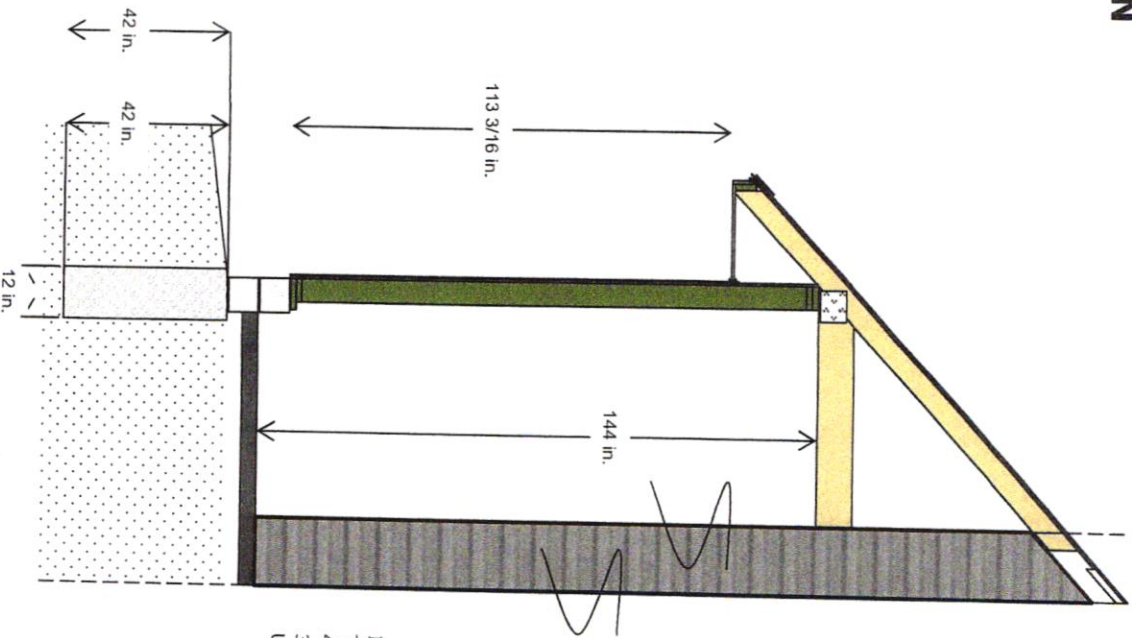


GABLE1 CROSS SECTION

ROOF LAYER 1: 1/2 IN. X 4 FT. X 8 FT. ORIENTED STRAND BOARD
 ROOF LAYER 2: CUSTOM PROFELT 30 VAPOR BARRIER
 ROOF LAYER 3: G A F/ELK TIMBERLINE 30 STANDARD COLOR SHINGLES

SUB FACIA: 2 X 6 SPF-PREMIUM
 DRIP FLASHING: ROLLEX STANDARD COLOR 10 FT
 DRIPEDGE WHITE 10 FT
 FACIA COVERING: PRIMED MIRATEC 1 X 6
 UNDEREAVE: 4X8 PRIMED SMART SOFFIT NO GROOVE

FRAMING: SPF-PREMIUM 2 X 6 16 IN. O.C. STUDS
 BOTTOM PLATE: SPF-PREMIUM 2 X 6
 WALL LAYER 1: 1/2 IN. X 4 FT. X 8 FT. ORIENTED STRAND BOARD
 WALL LAYER 2: 10 X 150 TYVEK HOUSE WRAP
 WALL LAYER 3: LP LAP SIDING 6 IN EXPOSE .375 IN X 6 IN X 16 FT

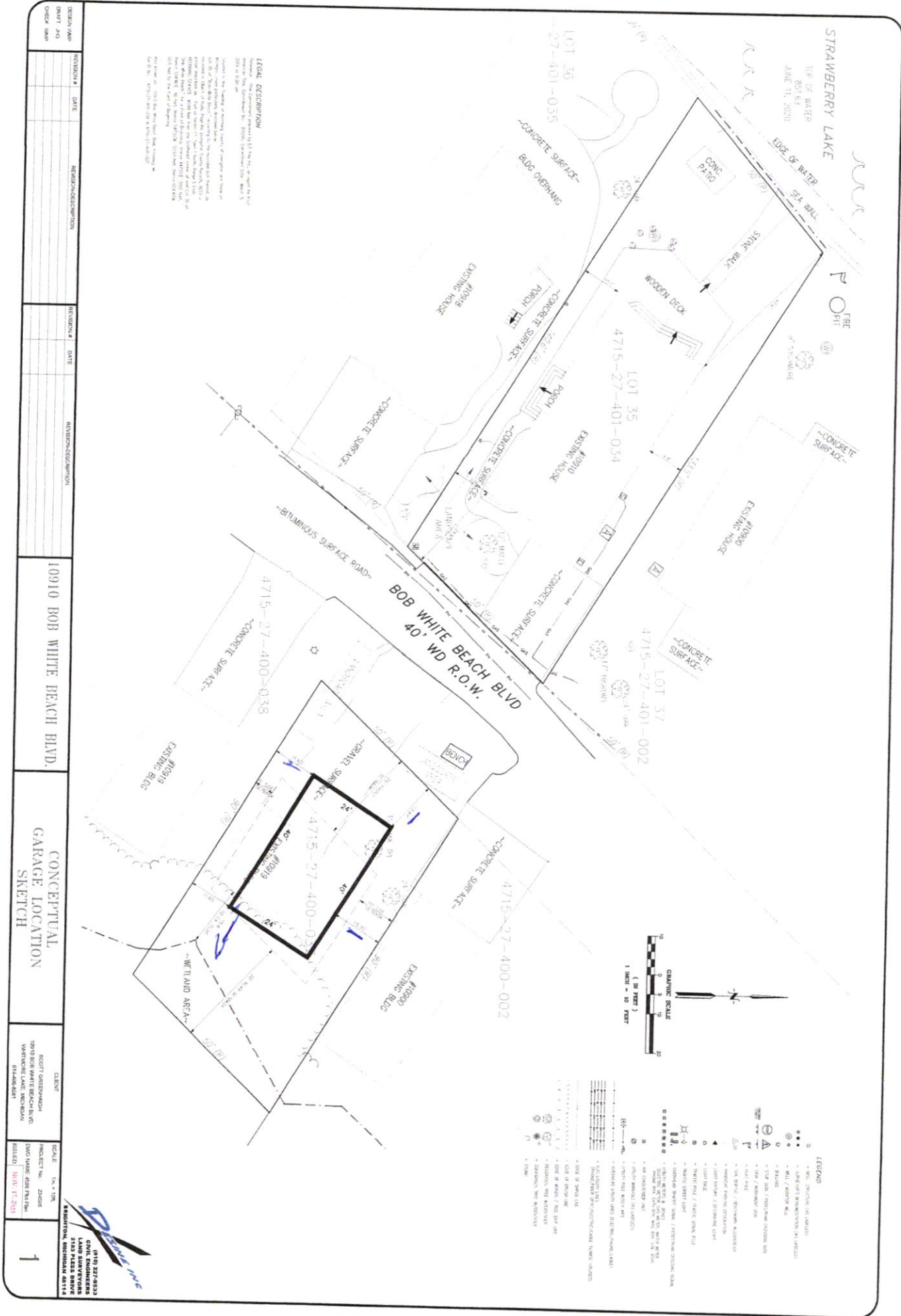


12/12 PITCH TRUSS SYSTEM WITH A STANDARD HEEL
 (HEEL HEIGHT: 0-7-11 OR 7 11/16 IN.)
 TRUSS SPACING: 24 IN. O.C.
 TRUSS LOADING INFORMATION:
 TCU/TCDL/BCL/BODL 35-7-0-10
 TOTAL TRUSS LOADING = 52 P.S.F.
 BRACE PER TRUSS MANUFACTURERS
 RECOMMENDATIONS

INTERIOR FINISHED FLOOR HT. WILL BE 8 IN. BELOW
 THE TOP OF THE FOUNDATION
 4 IN. CONCRETE FLOOR W/STRUCTURAL STRENGTH -
 3500 P.S.I.
 UNDISTURBED SOIL OR COMPACTED SAND FILL

"Ben Ann Arbor Remod
 Estimate Number: 7546
 1/12/2023"







Michael Dolen <michaeldolen@gmail.com>

Fw: Wetlands Delineation - 10910 Bob White Beach Blvd, Whitmore Lake, MI 48189

Michael Ackermann <mjackermann@yahoo.com>
To: "michaeldolen@gmail.com" <michaeldolen@gmail.com>

Mon, Jun 22, 2020 at 1:41 PM

----- Forwarded Message -----

From: Pierce, Jeff (EGLE) <piercej2@michigan.gov>
To: Michael Ackermann <mjackermann@yahoo.com>
Sent: Monday, June 22, 2020, 01:01:49 PM PDT
Subject: RE: Wetlands Delineation - 10910 Bob White Beach Blvd, Whitmore Lake, MI 48189

Hi Michael,

Thank you for providing the wetland delineation and project plans for your proposed garage construction. Based on my review of the materials you provided, the proposed construction of the garage would not involve construction or filling within regulated wetland and would not have direct impacts on the wetland. Therefore, a permit would not be required under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, for the construction of the garage as proposed.

IF you have any additional questions regarding your project please contact me by phone or email.

Jeff Pierce

Environmental Quality Analyst

Water Resources Division, Lansing District Office

Michigan Department of Environment, Great Lakes, and Energy

517-416-4297 | piercej2@Michigan.gov

[Follow Us | Michigan.gov/EGLE](https://www.michigan.gov/EGLE)

Due to temporary layoffs of State employees, I will not be working every Friday through July 24. I will not be able to respond to emails or phone calls on those days. Thank you.

From: Michael Ackermann <mjackermann@yahoo.com>
Sent: Friday, June 19, 2020 3:50 PM
To: Pierce, Jeff (EGLE) <PierceJ2@michigan.gov>
Subject: Fw: Wetlands Delineation - 10910 Bob White Beach Blvd, Whitmore Lake, MI 48189



Investigation • Remediation
Compliance • Restoration

10448 Citation Drive, Suite 100
Brighton, MI 48116

Mailing Address:
P.O. Box 2160
Brighton, MI 48116-2160

800 395-ASTI
Fax: 810.225.3800

www.asti-env.com

June 2, 2020

Mr. Michael Dolen
10910 Bob White Beach Road
Whitmore Lake, MI 48189

*RE: Wetland Delineation and Jurisdictional Assessment with GPS Survey
10910 Bob White Beach Road
Sidwell No. 4715-27-401-037
Hamburg Township, Livingston County, Michigan
ASTI File No. 11501*

Dear Mr. Dolen:

A site investigation was completed on May 22, 2020 by ASTI Environmental (ASTI) to delineate wetland boundaries on the above-referenced property located at 10910 Bob White Beach Road (Parcel No. 4715-27-401-037), Hamburg Township, Livingston County, Michigan (Property). The Property includes frontage along Strawberry Lake and is separated into two (east and west) by Bob White Beach Road: the home is located lakeside on the west side of Bob White Beach Road and a garage is located on the east side of Bob White Beach Road. One waterbody (Strawberry Lake) regulated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) was found on the Property and one wetland also regulated by EGLE was found adjacent to the Property (see Figure 1 – *GPS-Located Wetland Boundaries*). Waterbody and wetland boundaries, as depicted on Figure 1, were located by ASTI using a professional grade, hand-held global positioning system unit (GPS).

SUPPORTING DATA

The United States Geological Survey (USGS) Hamburg, Michigan 7.5' Quadrangle Map, the USDA Web Soil Survey (WSS), the National Wetland Inventory Map (NWI), the EGLE Wetlands Map Viewer web site, and digital aerial photographs were all used to support the wetland delineation and subsequent regulatory status determination. The EGLE map indicated the presence of wetland in the eastern portion of the Property. No other data indicated the presence of wetland on the Property. All reviewed data indicated Strawberry Lake adjacent to the northern portion of the Property.

The WSS indicates the Project Area is comprised of the soil map units of Warners loam and Carlisle muck (0-2% slopes). Both soil units are hydric soils according to the WSS.

FINDINGS

ASTI investigated the Project Area for the presence of lakes, ponds, wetlands, and watercourses. This work is based on MCL 324 Part 301, Inland Lakes and Streams and Part 303, Wetlands Protection.

The delineation protocol used by ASTI for this delineation is based on the US Army Corps of Engineers' *Wetland Delineation Manual*, 1987, the *Regional Supplement to the Corps of Engineer Wetland Delineation Manual: Midwest Region*, and related guidance/documents, as appropriate. Wetland vegetation, soils, and hydrology indicators were used to determine wetland boundaries.

Wetland A

Wetland A is a forested wetland located adjacent to the eastern property boundary line (Figure 1). Dominant vegetation found within Wetland A included silver maple (*Acer saccharinum*), green ash (*Fraxinus pennsylvanica*), and American elm (*Ulmus americana*). Soils within Wetland A were comprised of mucky sands and are considered hydric because the hydric soil criteria of sandy mucky mineral were met. Indicators of wetland hydrology observed within Wetland A included observations of water stained leaves, sparsely vegetated concave surfaces, and saturated soils.

Vegetation in the upland adjacent to Wetland A was dominated by Kentucky blue grass (*Poa pratensis*) and silver maple. Soils in the upland adjacent to Wetland A were comprised of loamy sands that did not exhibit hydric soils characteristics. No indicators of wetland hydrology were observed.

It is ASTI's opinion that Wetland A is regulated by EGLE under Part 303 because it is a portion of a wetland complex that is greater than five acres in size and is directly connected to Strawberry Lake to the west. Strawberry Lake exhibits an area of permanent open water greater than five acres in size and thus, meets the definition of an inland lake under Part 301.

Additionally, Hamburg Township requires a 50-foot setback from regulated wetlands per the Hamburg Township Zoning Ordinance, Article 9.9.3, Setback Standards. ASTI has indicated the location of this setback on Figure 1 as it applies to Wetland A.

Strawberry Lake

The northern portion of the Property includes Strawberry Lake frontage. As stated above, Strawberry Lake meets the definition of an inland lake under Part 301.

On-Site Flagging

On-site Strawberry Lake boundaries were marked in the field with day-glo pink pin flags stamped "WETLAND DELINEATION." All flagging was located with GPS and numbered as follows:

Strawberry Lake = B-1 through B-2



Off-site wetland boundaries (Wetland A) were not flagged, but were located with GPS and numbered as follows:

Wetland A = A-1 through A-7

SUMMARY

Based upon the data, criteria, and evidence noted above, it is ASTI's professional opinion that the Property includes one inland lake (Strawberry Lake) regulated by EGLE. It is also ASTI's professional opinion a wetland adjacent to the southeastern boundary (Wetland A) is also regulated by EGLE. However, EGLE has the final authority on the extent of regulated wetlands, lakes, and streams in the State of Michigan.

Attached are Figure 1, which shows the GPS-surveyed inland lake boundaries within the Project Area, adjacent off-site wetland boundaries, and completed US Army Corps of Engineers (ACOE) Wetland Data Forms.

Please note that Hamburg Township requires a setback of 50 feet from any EGLE-regulated wetlands for site development purposes.

Thank you for the opportunity to assist you with this project. Please let us know if we can be of any further assistance in moving your project forward.

Cordially,

ASTI ENVIRONMENTAL

Kyle Hottinger
Wetland Ecologist
Professional Wetland Scientist #2927

Dana R. Knox
Wetland Ecologist
Professional Wetland Scientist #213

Attachments: Figure 1 – GPS-Located Wetland Boundaries
Completed ACOE Wetland Data Forms



10910 Bob White Beach Road
Sidwell No. 4715-27-401-037

Hamburg Twp.,
Livingston Co., MI

Client: Michael Dolen
Created by: RMH, June 2, 2020, ASTI Project 11501
Imagery: SEMCOG, Maxar

Figure 1 - GPS-Surveyed Wetland Boundaries

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: 10910 Bob White Beach City/County: Hamburg Twp.-Livingston Co. Sampling Date: 5-22-20
 Applicant/Owner: Michael Dolen State: MI Sampling Point: UP-A4
 Investigator(s): ASTI- KAH Section, Township, Range: Sec 27 T1N R5E
 Landform (hillside, terrace, etc.): slight slope Local relief (concave, convex, none): slope
 Slope (%): 2-3 Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Carlisle muck (0-2% slopes) NWI classification: none
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes x No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____ Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks: Upland adjacent to Wetland A at flag A4 (on-site)	

VEGETATION – Use scientific names of plants.

<u>Tree Stratum</u> (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Acer saccharinum</u>	25	Yes	FACW	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>66.7%</u> (A/B)																
2. _____																				
3. _____																				
4. _____																				
5. _____																				
	25	=Total Cover																		
<u>Sapling/Shrub Stratum</u> (Plot size: <u>15'</u>)																				
1. <u>Lonicera tatarica</u>	5	Yes	FACU	Prevalence Index worksheet: <table style="width:100%; border:none;"> <tr> <td style="text-align:right;">Total % Cover of:</td> <td style="text-align:center;">Multiply by:</td> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>25</u></td> <td>x 2 = <u>50</u></td> </tr> <tr> <td>FAC species <u>85</u></td> <td>x 3 = <u>255</u></td> </tr> <tr> <td>FACU species <u>20</u></td> <td>x 4 = <u>80</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>130</u> (A)</td> <td><u>385</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>2.96</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>25</u>	x 2 = <u>50</u>	FAC species <u>85</u>	x 3 = <u>255</u>	FACU species <u>20</u>	x 4 = <u>80</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>130</u> (A)	<u>385</u> (B)	Prevalence Index = B/A = <u>2.96</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>25</u>	x 2 = <u>50</u>																			
FAC species <u>85</u>	x 3 = <u>255</u>																			
FACU species <u>20</u>	x 4 = <u>80</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>130</u> (A)	<u>385</u> (B)																			
Prevalence Index = B/A = <u>2.96</u>																				
2. _____																				
3. _____																				
4. _____																				
5. _____																				
	5	=Total Cover																		
<u>Herb Stratum</u> (Plot size: <u>5'</u>)																				
1. <u>Poa pratensis</u>	80	Yes	FAC	Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
2. <u>Alliaria petiolata</u>	5	No	FAC																	
3. <u>Glechoma hederacea</u>	10	No	FACU																	
4. <u>Taraxacum officinale</u>	5	No	FACU																	
5. _____																				
6. _____																				
7. _____																				
8. _____																				
9. _____																				
10. _____																				
	100	=Total Cover																		
<u>Woody Vine Stratum</u> (Plot size: <u>15'</u>)																				
1. _____				Hydrophytic Vegetation Present? Yes <u>X</u> No _____																
2. _____																				

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: UP-A4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-3	10YR 4/3	100					Sandy	
3-18	10YR 4/3	70	10YR 6/3	30	C	M	Sandy	Faint redox concentrations with gravel and coarse sand

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- | | |
|--|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Gleyed Matrix (S4) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Sandy Redox (S5) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Stripped Matrix (S6) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Dark Surface (S7) |
| <input type="checkbox"/> Stratified Layers (A5) | <input type="checkbox"/> Loamy Mucky Mineral (F1) |
| <input type="checkbox"/> 2 cm Muck (A10) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) |
| <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) | <input type="checkbox"/> Redox Depressions (F8) |

Indicators for Problematic Hydric Soils³:

- Coast Prairie Redox (A16)
- Iron-Manganese Masses (F12)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: none
 Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Water-Stained Leaves (B9) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Aquatic Fauna (B13) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> True Aquatic Plants (B14) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Thin Muck Surface (C7) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | <input type="checkbox"/> Gauge or Well Data (D9) |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | <input type="checkbox"/> Other (Explain in Remarks) |

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No x Depth (inches): _____
 Water Table Present? Yes _____ No x Depth (inches): _____
 Saturation Present? Yes _____ No x Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: 10910 Bob White Beach City/County: Hamburg Twp.-Livingston Co. Sampling Date: 5-22-20
 Applicant/Owner: Michael Dolen State: MI Sampling Point: UP-B1
 Investigator(s): ASTI - KAH Section, Township, Range: Sec 27 T1N R5E
 Landform (hillside, terrace, etc.): slight slope Local relief (concave, convex, none): slope
 Slope (%): 2-3 Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Warners loam NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u> Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks:	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status																	
1. <u>Acer platanoides</u>	10	Yes	UPL	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50.0%</u> (A/B)																
2. _____																				
3. _____																				
4. _____																				
5. _____																				
<u>10</u> =Total Cover																				
Sapling/Shrub Stratum (Plot size: <u>15'</u>)																				
1. _____				Prevalence Index worksheet: <table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align:right;">Total % Cover of:</td> <td style="text-align:center;">Multiply by:</td> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>95</u></td> <td>x 3 = <u>285</u></td> </tr> <tr> <td>FACU species <u>5</u></td> <td>x 4 = <u>20</u></td> </tr> <tr> <td>UPL species <u>10</u></td> <td>x 5 = <u>50</u></td> </tr> <tr> <td>Column Totals: <u>110</u> (A)</td> <td><u>355</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>3.23</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>95</u>	x 3 = <u>285</u>	FACU species <u>5</u>	x 4 = <u>20</u>	UPL species <u>10</u>	x 5 = <u>50</u>	Column Totals: <u>110</u> (A)	<u>355</u> (B)	Prevalence Index = B/A = <u>3.23</u>	
Total % Cover of:	Multiply by:																			
OBL species <u>0</u>	x 1 = <u>0</u>																			
FACW species <u>0</u>	x 2 = <u>0</u>																			
FAC species <u>95</u>	x 3 = <u>285</u>																			
FACU species <u>5</u>	x 4 = <u>20</u>																			
UPL species <u>10</u>	x 5 = <u>50</u>																			
Column Totals: <u>110</u> (A)	<u>355</u> (B)																			
Prevalence Index = B/A = <u>3.23</u>																				
2. _____																				
3. _____																				
4. _____																				
5. _____																				
_____ =Total Cover																				
Herb Stratum (Plot size: <u>5'</u>)																				
1. <u>Poa pratensis</u>	95	Yes	FAC	Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation ___ 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
2. <u>Taraxacum officinale</u>	5	No	FACU																	
3. _____																				
4. _____																				
5. _____																				
6. _____																				
7. _____																				
8. _____																				
9. _____																				
10. _____																				
<u>100</u> =Total Cover																				
Woody Vine Stratum (Plot size: <u>15'</u>)																				
1. _____				Hydrophytic Vegetation Present? Yes _____ No <u>X</u>																
2. _____																				
_____ =Total Cover																				
Remarks: (Include photo numbers here or on a separate sheet.)																				

SOIL

Sampling Point: UP-B1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	10YR 4/3	100					Sandy	
5-18	10YR 4/3	70	10YR 6/3	30	C	M	Sandy	Faint redox concentrations

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- | | |
|--|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Gleyed Matrix (S4) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Sandy Redox (S5) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Stripped Matrix (S6) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Dark Surface (S7) |
| <input type="checkbox"/> Stratified Layers (A5) | <input type="checkbox"/> Loamy Mucky Mineral (F1) |
| <input type="checkbox"/> 2 cm Muck (A10) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) |
| <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) | <input type="checkbox"/> Redox Depressions (F8) |

Indicators for Problematic Hydric Soils³:

- Coast Prairie Redox (A16)
- Iron-Manganese Masses (F12)
- Red Parent Material (F21)
- Very Shallow Dark Surface (F22)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____
Depth (inches): _____

Hydric Soil Present? Yes ___ No X

Remarks:

This data form is revised from Midwest Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Water-Stained Leaves (B9) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Aquatic Fauna (B13) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> True Aquatic Plants (B14) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Thin Muck Surface (C7) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | <input type="checkbox"/> Gauge or Well Data (D9) |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | <input type="checkbox"/> Other (Explain in Remarks) |

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Stunted or Stressed Plants (D1)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes ___	No <u>x</u>	Depth (inches): _____
Water Table Present?	Yes ___	No <u>x</u>	Depth (inches): _____
Saturation Present? (includes capillary fringe)	Yes ___	No <u>x</u>	Depth (inches): _____

Wetland Hydrology Present? Yes ___ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: 10910 Bob White Beach City/County: Hamburg Twp.-Livingston Co. Sampling Date: 5-22-20

Applicant/Owner: Michael Dolen State: _____ Sampling Point: WET-A4

Investigator(s): ASTI-KAH Section, Township, Range: Sec 27 T1N R5E

Landform (hillside, terrace, etc.): slight depression Local relief (concave, convex, none): concave

Slope (%): 1-2 Lat: _____ Long: _____ Datum: _____

Soil Map Unit Name: Carlisle muck (0-2% slopes) NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes x No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X</u> No _____
Hydric Soil Present? Yes <u>X</u> No _____	
Wetland Hydrology Present? Yes <u>X</u> No _____	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:																
1. <u>Acer saccharinum</u>	60	Yes	FACW		Number of Dominant Species That Are OBL, FACW, or FAC: <u>8</u> (A) Total Number of Dominant Species Across All Strata: <u>8</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100.0%</u> (A/B)															
2. <u>Ulmus americana</u>	20	Yes	FACW																	
3. <u>Fraxinus pennsylvanica</u>	20	Yes	FACW																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
100 =Total Cover																				
Sapling/Shrub Stratum (Plot size: <u>15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:																
1. <u>Lonicera tatarica</u>	10	No	FACU		<table border="0"> <tr> <td>Total % Cover of:</td> <td>Multiply by:</td> </tr> <tr> <td>OBL species <u>10</u></td> <td>x 1 = <u>10</u></td> </tr> <tr> <td>FACW species <u>155</u></td> <td>x 2 = <u>310</u></td> </tr> <tr> <td>FAC species <u>0</u></td> <td>x 3 = <u>0</u></td> </tr> <tr> <td>FACU species <u>10</u></td> <td>x 4 = <u>40</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>175</u> (A)</td> <td><u>360</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>2.06</u></td> </tr> </table>	Total % Cover of:	Multiply by:	OBL species <u>10</u>	x 1 = <u>10</u>	FACW species <u>155</u>	x 2 = <u>310</u>	FAC species <u>0</u>	x 3 = <u>0</u>	FACU species <u>10</u>	x 4 = <u>40</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>175</u> (A)	<u>360</u> (B)	Prevalence Index = B/A = <u>2.06</u>
Total % Cover of:	Multiply by:																			
OBL species <u>10</u>	x 1 = <u>10</u>																			
FACW species <u>155</u>	x 2 = <u>310</u>																			
FAC species <u>0</u>	x 3 = <u>0</u>																			
FACU species <u>10</u>	x 4 = <u>40</u>																			
UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>175</u> (A)	<u>360</u> (B)																			
Prevalence Index = B/A = <u>2.06</u>																				
2. <u>Frangula alnus</u>	20	Yes	FACW																	
3. <u>Fraxinus pennsylvanica</u>	20	Yes	FACW																	
4. <u>Ribes americanum</u>	5	No	FACW																	
5. _____	_____	_____	_____																	
55 =Total Cover																				
Herb Stratum (Plot size: <u>5'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:																
1. <u>Symplocarpus foetidus</u>	5	Yes	OBL		_____ 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% <u>X</u> 3 - Prevalence Index is ≤3.0 ¹ _____ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.															
2. <u>Impatiens capensis</u>	10	Yes	FACW																	
3. <u>Iris versicolor</u>	5	Yes	OBL																	
4. _____	_____	_____	_____																	
5. _____	_____	_____	_____																	
6. _____	_____	_____	_____																	
7. _____	_____	_____	_____																	
8. _____	_____	_____	_____																	
9. _____	_____	_____	_____																	
10. _____	_____	_____	_____																	
20 =Total Cover																				
Woody Vine Stratum (Plot size: <u>15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present? Yes <u>X</u> No _____																
1. _____	_____	_____	_____																	
2. _____	_____	_____	_____																	
_____ =Total Cover																				

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: WET-A4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-22	10YR 2/1	100					Mucky Sand	22' + mucky sand

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:		Indicators for Problematic Hydric Soils³:	
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Coast Prairie Redox (A16)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Iron-Manganese Masses (F12)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (F21)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> ? Dark Surface (S7)	<input type="checkbox"/> Very Shallow Dark Surface (F22)	
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Other (Explain in Remarks)	
<input type="checkbox"/> 2 cm Muck (A10)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)		
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)		
<input checked="" type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	<input type="checkbox"/> Redox Depressions (F8)		

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed): Type: <u>none</u> Depth (inches): _____	Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
---	---

Remarks:
This data form is revised from Midwest Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

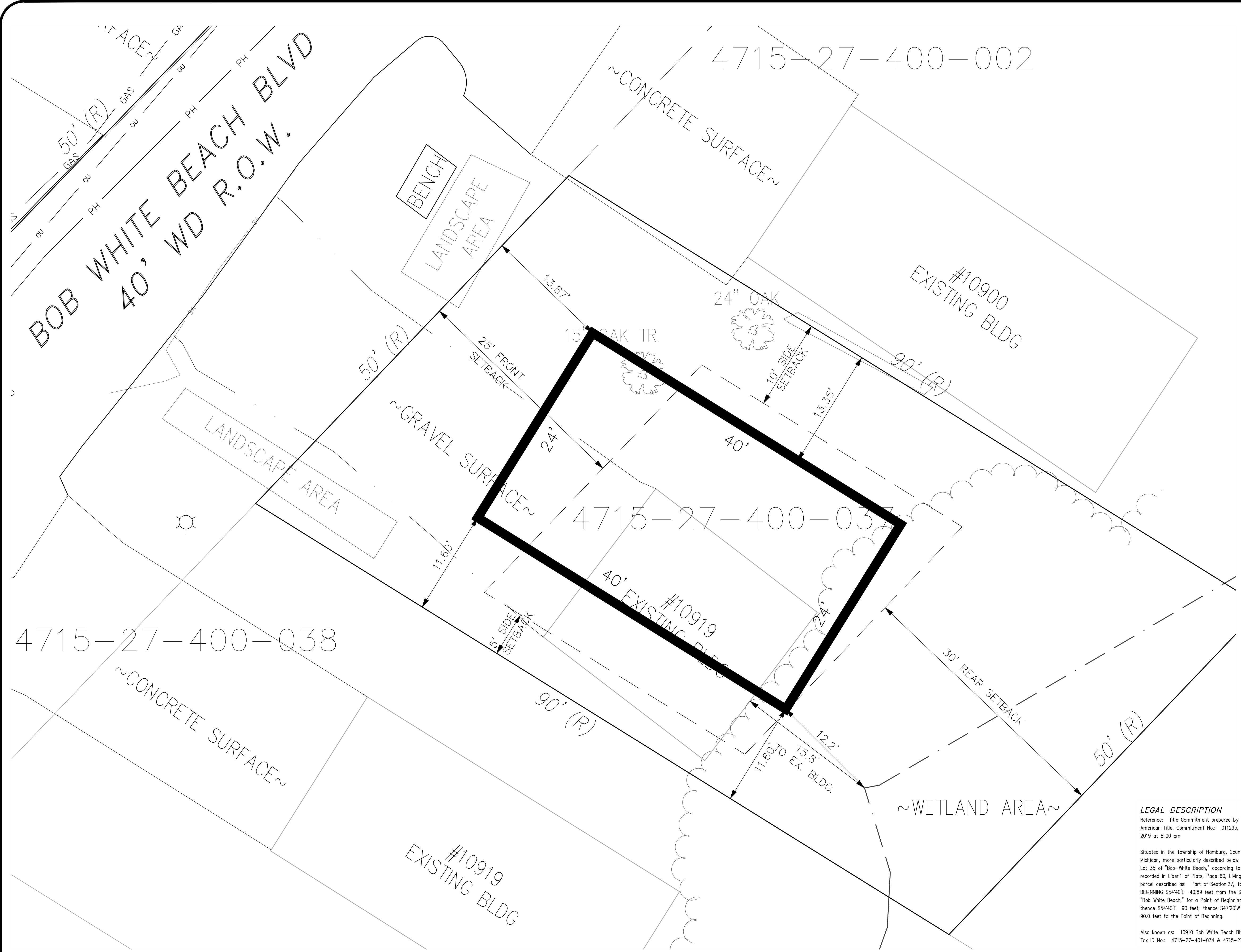
HYDROLOGY

Wetland Hydrology Indicators:	
<u>Primary Indicators (minimum of one is required; check all that apply)</u>	<u>Secondary Indicators (minimum of two required)</u>
<input type="checkbox"/> Surface Water (A1)	<input checked="" type="checkbox"/> Water-Stained Leaves (B9)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> True Aquatic Plants (B14)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Gauge or Well Data (D9)
<input checked="" type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Other (Explain in Remarks)

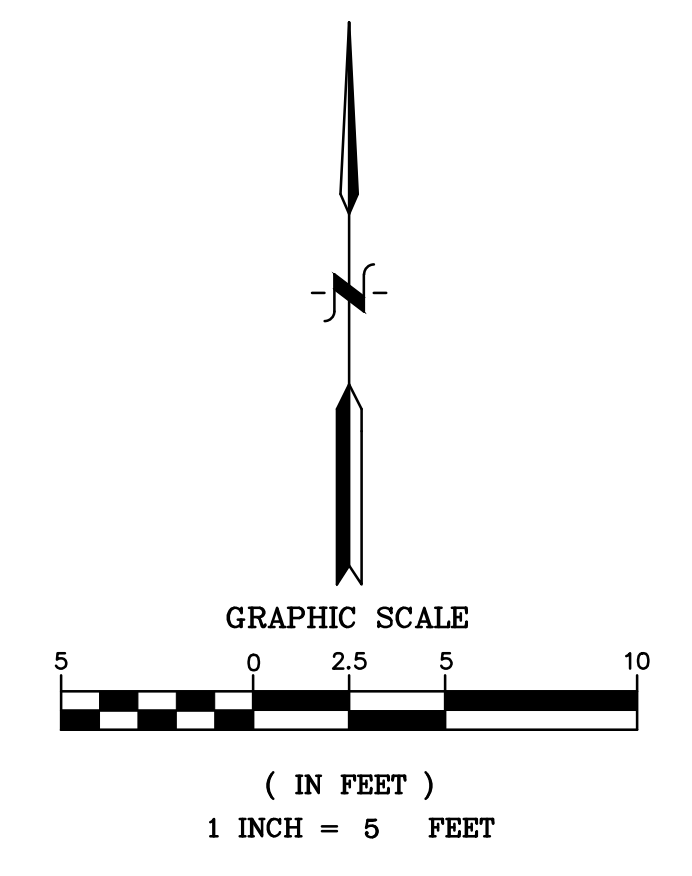
Field Observations:	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	
Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>12</u>	
Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>2</u>	
(includes capillary fringe)	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:



- LEGEND**
- = MISC. STRUCTURE (AS LABELED)
 - = SURVEYOR'S MONUMENTATION (AS LABELED)
 - ⊙ = WELL / MONITOR WELL
 - ⊗ = BOLLARD
 - ⊘ = STOP SIGN / PEDESTRIAN CROSSING SIGN
 - ⊙ = SIGN / MONUMENT SIGN
 - ⊙ = FLAG POLE
 - ⊙ = SOIL BORING / BENCHMARK W/IDENTIFIER
 - ♿ = HANDICAP PARKING DESIGNATION
 - ⊙ = LIGHT FIXTURE / DECORATIVE LIGHT
 - ⊙ = LIGHT BASE
 - ⊙ = TRAFFIC POLE / TRAFFIC SIGNAL POLE
 - ⊙ = TRAFFIC STREET LIGHT
 - ⊙ = OVERHEAD TRAFFIC SIGNAL / PEDESTRIAN CROSSING SIGNAL
 - ⊙ = UTILITY METERS & BOXES (ELECTRIC METER, GAS METER, WATER METER, PHONE BOX, CATV BOX, MAIL BOX, UTIL. BOX)
 - ⊙ = AIR CONDITIONER UNIT
 - ⊙ = UTILITY MANHOLE (AS LABELED)
 - ⊙ = UTILITY POLE W/GUY WIRE
 - ⊙ = OVERHEAD UTILITY LINES (ELECTRIC/PHONE/CABLE)
 - ⊙ = U/G UTILITY LINES (PHONE/FIBER OPTIC/ELECTRIC/CABLE TV/MISC UTILITIES)
 - ⊙ = EDGE OF SHRUB LINE
 - ⊙ = EDGE OF BRUSH LINE
 - ⊙ = EDGE OF WOODS / TREE DRIP LINE
 - ⊙ = DECIDUOUS TREE W/IDENTIFIER
 - ⊙ = CONIFEROUS TREE W/IDENTIFIER
 - ⊙ = STUMP



LEGAL DESCRIPTION

Reference: Title Commitment prepared by EIT Title Inc., an agent for First American Title, Commitment No.: D11295, Commitment Date: March 5, 2019 at 8:00 am

Situated in the Township of Hamburg, County of Livingston and State of Michigan, more particularly described below:
 Lot 35 of "Bob-White Beach," according to the recorded plat thereof, as recorded in Liber 1 of Plats, Page 60, Livingston County Records, ALSO a parcel described as: Part of Section 27, Town 1 North, Range 5 East, BEGINNING S54°40'E 40.89 feet from the Southeast corner of said Lot 35 of "Bob-White Beach," for a Point of Beginning; thence N47°20'E 50.0 feet; thence S54°40'E 90 feet; thence S47°20'W 50.00 feet; thence N54°40'W 90.0 feet to the Point of Beginning.

Also known as: 10910 Bob White Beach Blvd, Pinckney, MI
 Tax ID No.: 4715-27-401-034 & 4715-27-400-037



DESIGN: WMP	REVISION #	DATE	REVISION-DESCRIPTION	REVISION #	DATE	REVISION-DESCRIPTION
DRAFT: JHG						
CHECK: WMP						

10910 BOB WHITE BEACH BLVD.

CONCEPTUAL GARAGE LOCATION SKETCH

CLIENT:
 SCOTT GREENHAIGH
 10910 BOB WHITE BEACH BLVD.
 WHITMORE LAKE, MICHIGAN
 614-496-8581

SCALE: 1in. = 5ft.
 PROJECT No.: 234596
 DWG NAME: 4596 Plot Plan
 ISSUED: DEC. 13, 2023

2

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139-0157

(810) 231-1000 Office
(810) 231-4295 Fax



Supervisor: Pat Hohl
Clerk: Mike Dolan
Treasurer: Jason Negri
Trustees: Bill Hahn
Annette Koeble
Chuck Menzies
Patricia Hughes

**Hamburg Township
Zoning Board of Appeals Minutes
Wednesday, August 12, 2020
7:00 P.M.**

1. Call to order:

The meeting was called to order by Chairperson Priebe at 7:00 p.m.

2. Pledge to the Flag:

3. Roll call of the Board:

Present: Diepenhorst, Dolan, Priebe, Rill and Watson
Absent: Auxier
Also Present: Amy Steffens, Planning & Zoning Administrator

4. Correspondence: None

5. Approval of Agenda:

Motion by Dolan, supported by Diepenhorst

To approve the agenda as presented

Voice vote: Ayes: 5 Nays: 0 Absent: 0 MOTION CARRIED

6. Call to the public:

Chairperson Priebe opened the hearing to the public for any item not on the agenda. There was no response. The call was closed.

7. Variance requests:

a) ZBA 20-008

Owner: Michael Dolen
Location: 10910 Bob White Beach Boulevard Whitmore Lake MI 48189
Parcel ID: 15-27-40-037

Request: Variance application to permit the construction of a 1,010-square foot accessory structure with a 15-foot front yard setback (25-foot front yard setback required, Section 8.3.) and a 15.3-foot setback from a regulated wetlands (50-foot setback from a regulated wetlands required per Section 9.9.3.B.).

Planning & Zoning Administrator Steffens stated that due to a medical reason, the applicant who is currently in California, was unable to attend this meeting. Neither our Zoning Ordinance nor the Zoning Enabling Act requires that the applicant appear in person. Given the circumstances, it was felt that it would be appropriate for staff to read into the record the applicant's responses to each of the findings of fact as their testimony.

Steffens stated that this is an application for an accessory structure with a 15-foot front yard setback from Bob White Beach Boulevard, where a 25-foot front yard setback would be required, and a 15.3-foot setback from a regulated wetland, where a 50-foot setback would be required.

Steffens read the following response from Michael Dolen, applicant:

18. 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.

On the southern half of Bob White Beach, lakefront homes have their garages in back, across the street. Our lot happens to have what may be the smallest piece of land for its garage; 50 by 90 foot. Normally, that would allow for the construction of a 30 by 35 foot garage. However, because the lot is in the shape of a slanted rectangle (parallelogram), that is not possible. The practical difficulty of building an asymmetric parallelogram shaped structure to follow the shape of this lot would render conformity unnecessarily burdensome.

By allowing the garage to encroach the front setback 10 feet, it would allow for a rectangular garage of the same allowable 35 foot depth which would otherwise be permitted, if the lot was rectangular. In order to respect the wetlands in back, an encroachment on the front is preferable versus the rear.

The survey data records the road as being 40 feet wide. In actuality, the literal paved road is between 17 to 19 feet wide. The remaining 21 to 23 feet of "road" is actually a lawn and a gravel driveway. It's entirely on one side of the road – the same side as the garage lot.

This additional land, which is 21 to 23 feet in depth, consists of grass, planters, small trees, and a permanent bench carved out of old tree stumps (all of these were placed by prior owners, not us). It was erroneously assumed to be part of the property by prior owners, as well as us.

Because of this anomaly, even with a 10 foot encroachment on the front setback, the garage is still much further than 25 feet from the actual paved road (it's 35 to 40 ft away). In turn, it still holds true to the spirit of the 25 foot front setback.

For the existing garage, new garage, as well as neighboring garages, these all sit closer than 50 feet from regulated wetlands. Due to the particularly small lot size, it would not be possible to construct a garage that sat 50+ feet away. The average distance from the wetlands for the new garage is no closer than that of the existing garage.

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.

On the east side of Bob White Beach Blvd, where the houses' garages are located, others enjoy having a 2-car (or larger) garage, with depth and storage for watercraft, etc.

While it is true our property currently has a 2-car garage, it's made of old rotted logs, dilapidated, and is subject to wind, rain, and snow getting in. When we purchased the home in 2019, we did sand, paint and repair the garage as much as possible, but it remains unsafe to park cars inside and as such, is only being used as a very large storage shed. As a result, we are unable to enjoy the benefit of having a garage which is customary for the neighborhood.

Nearby properties have built garages which are 40+ feet in depth to accommodate storing boats on trailers. For example, the direct neighboring garages on both the left and right side of us are approximately 47 and 41 feet deep, respectively. Our replacement is less, at 35 feet. Even when encroaching the front setback by 10 feet, its distance to the paved street will be comparable to that of these neighboring garages.

During the off-season, our property's driveway has historically allowed for an unobtrusive placement of a pontoon boat. This is how we have stored it for the past year, as well as the prior owner for at least two decades. However, given the discovery that up to 23 feet of our driveway is government property since it's classified as being a road, it would not be right to continue storing it in such a manner, as it should be clearly and comfortably be on our property. Therefore, it is particularly important that we have adequate depth in our garage, similar to our adjacent neighbors, so we have the ability to store a pontoon inside. Furthermore, we want to respect the line of site for road traffic and neighbors backing out of their driveways.

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.

The granting of such variance will be an improvement to the public welfare, as well as neighboring properties.

The existing garage sits barely 2 feet from the southern property line. The new garage abides by the 10 foot required setbacks on both sides. Hence, it conforms to current standards and eliminates the crowding next to my neighbor's garage.

Wetland protection has been thoughtfully considered. Gutters will be used on the roof with downspout runoff designed to flow away from the direction of the wetlands. On the existing garage, at its closest point which is its southern corner, the distance is 15.8 feet from wetlands. The average distance for the new garage is no closer than that. Much of it is at a greater distance than 15.8 feet – up to approximately 35 feet away from wetlands, at its northern corner.

Jeff Pierce is the Environmental Quality Analyst assigned to our region from the Michigan Department of Environment, Great Lakes, and Energy (EGLE). He reviewed our wetland delineation report, as well as the site plot showing the locations of the existing and proposed garages. He said this plan *"would not have direct impacts on the wetland."* His letter is attached.

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

Dating back to the prior owners, the existing garage has long been a running joke with neighbors because it is an eyesore that does not even remotely match the styling of the associated house, or any neighboring houses. The Master Plan Community Goals state Waterfront Residential parcels *"should maintain their existing character and setbacks from the lakes."*

The new garage has been designed to match the existing character and styling of the associated house. This beautifies the neighborhood. Furthermore, since only other garages are found on this side of the road, no houses will have view corridors affected. Since the lake is on the opposite side of the road, with a house between the lake and the road, the garage does not affect lake setbacks, or any aesthetic characteristics of the coastline when viewed from the water.

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 is a unique situation specific to this address, as the neighbors' garages to the left and right, as well as along this southern portion of Bob White Beach, have deeper pieces of land for their garages. As such, there is more flexibility in placement.

As you can see, the back of our lot was carved out for an unusual U-shaped lot which abuts the back of it. On a related note, this U-shaped lot is wetlands and does not have a house on it. There is a garage, but it's on the other end of the U, where you see the number 100.

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

With the granting of the variance, the use of the property does not change. It remains a Single Family Residence with detached 2-car garage.

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

A 15 foot front yard setback is a reasonable deviation from 25 foot considering the unusually small lot size (50 x 90 feet), the parallelogram shape, and the fact that there is an additional 21 to 23 feet of open space in front of the lot, before the paved road. The partial encroachment of the 50-foot wetlands setback as required by ordinance is reasonable, given that its average distance to the wetlands is no closer than that of the existing garage.

Planning & Zoning Administrator Steffens stated that the subject site is a 0.26-acre parcel. Strawberry Lake is to the west; single-family dwellings and associated accessory structures are located to the north, south, and east. Bob White Beach Boulevard traverses the site and the eastern portion of the site is the subject area. If approved, the variance request would allow for the construction of a two-story, 1,010-square foot accessory structure, with a building height of 16 feet, 9 inches. The structure would have a 15-foot front yard setback from Bob White Beach Boulevard, where a 25-foot front yard setback would be required, and a 15.3-foot setback from a regulated wetland, where a 50-foot setback would be required. The subject area is developed with a 450-square foot garage with a 15.8-foot setback from the wetlands, a two-foot south side yard setback, and a 34-foot front yard setback. Section 9.9.3 of the Hamburg Township Zoning Ordinance requires a 50-foot setback from the boundary of a regulated wetland. However, the Zoning Administrator or body undertaking plan review may reduce or eliminate the setback upon review of a request which details the future protection of the natural features and or mitigation of the natural features. The ZBA may either deny or grant the variance based on findings related to the proposed variance, or request that the owner detail the future protection of the wetland and direct the zoning administrator to administratively approve the encroachment. The ZBA could request a property owner protect the wetlands with one of the following methods - 1. The homeowner could submit an engineered drainage plan for the property, prepared either by a civil engineer or registered landscape architect that would ensure runoff from the garage does not drain into the wetlands. 2. The homeowner could construct a physical barrier along the wetlands to preserve the wetland from further encroachment by lawn equipment or any other trampling of the area. 3. The homeowner could record an open space or wetland easement over the wetland portion of the site to restrict development and interference with the natural vegetation of the area in the future. The applicant did submit a wetlands delineation report and forwarded to EGLE's Water Resources Division for comment. Exhibit B is an email exchange between the property owner and EGLE. The site is very flat and there would be minimal grading at the building envelope. She would strike the notion that a grading plan be required. If there was to be topographical changes or a considerable amount of grading, she would suggest that be a course of action that the ZBA should take. Any variance granted as a result of this request will apply to the identified boundary of the wetlands as indicated in the wetland delineation report.

Steffens reviewed the staff's response to the seven findings of fact. She stated that the subject area is 50 feet wide at the street and 90 feet deep from west to east. Regulated wetlands encroach into the eastern portion of the site, placing the required wetland setback approximately 21 feet from the front property boundary. The structure also would require a 25-foot front yard setback from the front property boundary. Staff provided a drawing that illustrates the wetlands setback in red, the front setback in green, and the overlapping setbacks in yellow. There is no compliant location on this portion of the parcel to construct a structure of any size. The 50-foot regulated wetlands setback requirement applies generally to all properties in Hamburg Township. The presence of this regulated wetland encroachment onto the parcel is not a circumstance that generally is found on other properties in the same zone or district. The location of the wetland on this property adds practical difficulty to constructing an accessory structure within all required setbacks. However, the size of the proposed structure could be reduced in size to further reduce the variance request. There is an exceptional or extraordinary circumstance or condition applicable to the property involved that does not apply to other properties in the same district or zone although it is the design preference of the applicant that necessitates the extreme wetlands setback request. The wetlands and front yard setback requirements result in no complaint building envelope for any sized accessory structure. While the proposed accessory structure is a customary and reasonable residential use, approval of the variance request does not preserve or advance property rights as the parcel is developed for its zoned and intended use of single-family residential. The parcels to the south north are improved with accessory structures, and the parcel to the east is regulated wetlands. It is not likely that the reduced front yard setback will be aesthetically impactful to the adjacent properties because there is a considerable road easement between the traveled roadway and the property boundary. She read an excerpt from the current Hamburg

Township Master Plan, Natural Resources Management Strategies chapter. The intent of the 50-foot setback is to protect the environmental features that serve important ecological purposes. Wetlands protect against flooding, provide wildlife habitat, and naturally filter contaminants from water. The ZBA should consider requiring the property owner to either create a recorded conservation easement for the portion of wetlands on the parcel or construct a physical or vegetative barrier to further limit encroachment into the wetlands. EAGL permit is not required because they found that there would be no direct impact to the wetlands. It is fairly vegetated at the setback, a natural vegetation berm, but it is mostly scrub material. The applicant suggested that he leave that buffer, however her preference would be to have a physical barrier installed, possibly a short fence to keep foot traffic or lawn mower from accidentally trampling the wetlands. A conservation easement is another option, but given the smaller size of the wetlands, it may not be the best option. Staff is recommending a physical barrier along the length of the structure. Because of the wetland encroachment on the property, the request for the variance is not of so general or recurrent a nature. The site is zoned for single-family residential and the proposed variance would not permit the establishment of a use not permitted by right within the district. As discussed under standard number four, the Master Plan recommendations and the Zoning Ordinance requirements for wetlands setbacks clearly intend to protect the integrity of ecological features and their ability to continue to function without impediment. Staff also is considerate of the property rights of the owner and the intended purpose of the subject site to be used for single-family residential uses. The ZBA should balance the ecological importance of the wetlands, impact of the structure on the wetlands, and the property rights of the applicant. Requesting that the accessory structure be reduced in size to provide a greater wetlands setback, placing the wetlands into a recorded conservation easement, or creating a physical barrier to the wetlands would be appropriate conditions of approval.

Chairperson Priebe opened the public hearing.

Robert Siebert of 10884 Bob White Beach stated that the existing garage is ready to fall down. It is an eyesore. Their boat sits in front of it which blocks the site distance from the road. The new garage would be better for the neighborhood.

Hearing no further public comment, Chairperson Priebe closed the public hearing.

Motion by Watson, supported by Dolan

To approve variance application ZBA 20-008 at 10910 Bob White Beach Boulevard to permit the construction of a 1,010-square foot accessory structure with a 15-foot front yard setback (25-foot front yard setback required, Section 8.3.) and a 15.3-foot setback from a regulated wetlands (50-foot setback from a regulated wetland required, Section 9.9.3.B.), as shown on the plans file dated June 17, 2020 and the wetlands identification report file dated June 2, 2020. Variance approval is granted based on the following condition: Construct a physical barrier along the wetlands to preserve the wetland from further encroachment by lawn equipment or any other trampling of the area. The variance does meet standards one through seven of Section 6.5. of the Township Ordinance and a practical difficulty does exist on the subject site when the strict compliance with the Zoning Ordinance standards are applied as discussed at tonight's meeting and as presented in the staff report. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

Voice vote: Ayes: 5 Nays: 0 Absent: 0 MOTION CARRIED

b) ZBA 20-009

Owner: Linda Lee Lamb

Location: 8633 Country Club Drive Pinckney, MI 48169

Parcel ID: 15-17-404-006

Request: Variance application to permit the construction of a ten-foot by thirty-foot patio structure with up to a one-foot south side yard setback (five-foot south side yard setback required, Section 8.18.1).



Zoning Board of Appeals Staff Report



TO: Zoning Board of Appeals
(ZBA)

FROM: David Rohr

HEARING DATE: January 10, 2024

SUBJECT: ZBA 23-0017

PROJECT SITE: Single Family Home
10910 Bob White Beach.
TID 15-27-401-037

OWNER: Scott Greenhalgh

APPLICANT: Scott Greenhalgh

PROJECT: Variance application to permit the construction of a 24x40 foot pole barn on the out parcel across from the principal home. Applicant requests three variances; 1) variance of 11.2 feet from the required front yard setback of 25 ft., per Section 36-186(F). 2) variance of 37.8 feet from the required wetland setback of 50 feet., per Section 36-293(C)(2) a. 3) variance for additional 160 sq ft from the maximum accessory structure size allowed of 800 sq ft, per Section 36-215(10).

ZONING: WFR, Waterfront Residential

Project Description

The subject site is 4,500 sq ft (Total parcel is 11,087 sq ft) with an existing 600 sq ft garage. The parcel has access from the west by Bob White Beach, single family homes to the north and south, and wetlands to the east.

The applicant intends to demolish the existing garage and replace it with a new 24x40 garage. The applicant's parcel is non-conforming (4,500 sq ft) and has extensive wetlands that extend onto the parcel in the east. To build a new garage applicant requests three variances.

- 1) variance of 11.2 feet from the required front yard setback of 25 ft., per Section 36-186(F).
- 2) variance of 37.8 feet from the required wetland setback of 50 feet., per Section 36-293(C)(2) a.
- 3) variance for additional 160 sq ff from the maximum accessory structure size allowed of 800 sq ft, per Section 36-215(10).

ZBA 20-008 was approved for a similar structure on August 12, 2020. (Minutes attached)

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 is very small with extensive wetlands on the east side of the parcel. The presence of wetlands on this site makes it difficult to place a structure compliant with the Zoning Ordinance standards so there is validity to granting relief to the property. The applicant's parcel has an extremely limited buildable area due to the natural features. Staff supports the variance requests.

- 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 this variance request is necessary for the preservation and enjoyment of a substantial property right, as there is almost no buildable area on the parcel.

- 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 are 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.

One of the goals of the 2020 master plan is to “Protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township” the Master Plan discusses preserving and maintaining the existing character of parcels along lakes. Granting of these variance request will not adversely affect the 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. This is a small parcel with wetlands.

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 request 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 structure, size and location will have minimal impact on the surrounding properties. Staff believes the location of the proposed structure is well placed 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 23-0017 at 10910 Bob White Beach. (TID 15-27-401-037) Three variances:

- 1) variance of 11.2 feet from the required front yard setback of 25 ft., per Section 36-186(F).
- 2) variance of 37.8 feet from the required wetland setback of 50 feet., per Section 36-293(C)(2) a.
- 3) variance for additional 160 sq ft from the maximum accessory structure size allowed of 800 sq ft, per Section 36-215(10).

The variances meet 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 23-0017 at 10910 Bob White Beach. (TID 15-27-401-037) Three variances:

- 1) variance of 11.2 feet from the required front yard setback of 25 ft., per Section 36-186(F).
- 2) variance of 37.8 feet from the required wetland setback of 50 feet., per Section 36-293(C)(2) a.
- 3) variance for additional 160 sq ff from the maximum accessory structure size allowed of 800 sq ft, per Section 36-215(10).

The variances do 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
August 12, 2020, ZBA minutes