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## **ZONING BOARD OF APPEALS MEETING**

**Wednesday, June 14, 2023 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. Variance application to permit the construction of a 12-foot by 24-foot elevated deck encroaching more than six feet into the required setback (Section 36-230) at 9960 Tioga Court (TID 15-19-303-160).
2. Variance application to permit the construction of a new single-story dwelling. The proposed dwelling will have an eight-foot west front yard setback (25-foot front yard setback required) and a 17-foot east rear yard setback (30-foot rear yard setback required) Section 36-186 at 2496 Baseview Drive (TID 15-31-304-037).

#### **NEW/OLD BUSINESS**

3. Approval of May 10, 2023 Zoning Board of Appeals meeting minutes

#### **ADJOURNMENT**



# Zoning Board of Appeals Staff Report



**TO:** Zoning Board of Appeals  
(ZBA)

**FROM:** Amy Steffens, AICP

**HEARING DATE:** June 14, 2023

**SUBJECT:** ZBA 23-009

**PROJECT SITE:** 9960 Tioga Court  
TID15-19-303-160

**APPLICANT/  
OWNER:** Gina DiCiuccio

**PROJECT:** Variance application to permit the construction of a 12-foot by 24-foot elevated deck encroaching more than six feet into the required setback (Section 36-230).

**ZONING:** RA (single-family residential)

## Project Description

The subject site is a 0.17-acre parcel in the Whispering Pines condominium development that fronts onto Tioga Court cul-de-sac to the north. Single-family dwellings are adjacent to the east and west; open space wetlands are to the south.

If approved, the variance would allow for a 12-foot by 24-foot elevated deck with an 18-foot rear yard setback. Section 26-230, yard encroachments, allows for an elevated deck to encroach up to six feet into the required setback; proposed deck exceeds to allowable encroachment by six feet.

## **Standards of Review**

In accordance with Section 36-137(c) 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 subject dwelling was constructed with a compliant 30-foot rear yard setback and a sliding patio door over the walk-out basement. There is no doubt that the house should have had a deck or stoop constructed to provide access to the rear yard from the main floor of the dwelling. While staff would have concerns about granting variance approval for an elevated deck with a reduced rear yard setback on a lot with more constraints than the subject site, such as a waterfront lot, staff finds that the open space wetlands to the south is a condition not generally applicable to other properties in the same district or zone and thus is a unique characteristic of this site. Additionally, the adjacent dwelling has an elevated deck with no discernable adverse impact to the neighborhood.

- 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 not necessary for the preservation and enjoyment of a substantial property right, as a smaller structure could be built on the subject site to comply with the Ordinance requirements. However, staff believes that the open space to the south and the manner in which adjacent residential dwellings have been constructed would mitigate any concerns of encroaching six feet into the required rear yard setback.

- 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.**

There are two dwellings adjacent to the subject site that would be immediately impacted by an elevated deck in the required rear yard. However, those dwellings take their views of the open space wetlands to the south and the proposed deck is not likely to impact those views. Furthermore, the open space to the south will not be developed and will not be impacted by the deck.

- 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. The reduced rear yard setback will not be immediately noticeable from Tioga Court or any residential development to the north, nor will it have an undesirable impact on the open space wetlands to the south.

- 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.**

See discussion under standards 2 on page 3.

- 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 and used for a single-family dwelling 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.**

An elevated deck could be constructed within the required setback that would provide for a six-foot by 24-foot space. The chosen design of the deck necessitates the variance request.

*“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 denial of the variance request considering a thorough review and discussion among ZBA members.

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. The ZBA then should direct Staff to prepare a memorialization of the Board’s decision that reflects the Board’s action to accompany the hearing minutes and to be reviewed and approved at the next ZBA hearing.

### **Approval Motion**

Motion to approve variance application ZBA 23-009 at 9960 Tioga Court to permit the construction of a 12-foot by 24-foot elevated deck encroaching more than six feet into the required setback (Section 36-230).

The variance meets variance standards one (1) through seven (7) of Section 36-137(c) 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. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

**Denial Motion**

Motion to deny variance application ZBA 23-009 at 9960 Tioga Court to permit the construction of a 12-foot by 24-foot elevated deck encroaching more than six feet into the required setback (Section 36-230).

The variances do not meet variance standards (please indicate which standards are not met) of Section 36-137(c) 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. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

**Exhibits**

Exhibit A: Application Materials

Exhibit B: Project Plans

Exhibit C: DPW review

ZBA Case Number 23-009  
\$500.00

HAMBURG TOWNSHIP  
Date 05/09/2023 9:42:11  
Ref ZBA2023-009  
Receipt 1290019  
Amount \$500.00

Item 1.



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: May 9, 2023
2. Tax ID #: 15- 19 - 303 - 160 Subdivision: Fairways of Whispering Pines Lot No.: 160
3. Address of Subject Property: 9960 Tioga Court Pinckney, MI 48169
4. Property Owner: Gina DiCiuccio Phone: (H) (248) 933 - 5405  
Email Address: gina.diciuccio@gmail.com (W) \_\_\_\_\_  
Street: 9960 Tioga Court City Pinckney State MI
5. Appellant (If different than owner): \_\_\_\_\_ Phone: (H) \_\_\_\_\_  
E-mail Address: \_\_\_\_\_ (W) \_\_\_\_\_  
Street: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_
6. Year Property was Acquired: 2021 Zoning District: RA Flood Plain No
7. Size of Lot: Front 62 Rear 62 Side 1 120 Side 2 120 Sq. Ft. 7044
11. Dimensions of Existing Structure (s) 1st Floor 40.75' x 37.9' 2nd Floor N/A Garage 26' x 21.5' attached
12. Dimensions of Proposed Structure (s) 1st Floor 12' x 24' 2nd Floor N/A Garage N/A
13. Present Use of Property: Residential
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
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:

The home was constructed at 30 feet from the rear lot line. The home is a walk-out and currently has a 6ft door-wall at the rear of the 1st floor, which is blocked off because an elevated deck was never constructed. We are proposing to install a deck consistent in both size and appearance with the homes on Tioga Court. Sec. 36-230-Yard Encroachments indicates that elevated decks may project into a required yard setback a distance not to exceed 6 feet.

This request is for a variance in Sec. 36-230-Yard Encroachments paragraph (2). We are requesting that the 'not to exceed projection' into the setback extend from 6ft to 12ft which will allow the construction of a 12ft deep deck.

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

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- 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 home was constructed at 30 feet from the rear property line which limits the proposed elevated deck depth to 6 feet. We believe that a 6 foot deep deck is neither functional nor practical. The rear of the home faces swampy wetlands. The fact that the home does not have rear neighbors differs from other properties where encroaching on a rear set back could violate a neighbor's privacy. Please refer to photos 1 & 2.

- 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 home was constructed in anticipation of the construction of a raised deck off the back of the house. The rear of the house currently has a 6 foot door wall (approximately 10 ft above grade) which has been blocked off for safety reasons. Please refer to photos 3 & 4. The proposed deck is consistent in size and appearance with other homes on the street.

- 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 proposed deck is consistent in both size and appearance with other homes on the street.  
Its building will not affect any other residences.

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

The proposed deck will be consistent with the Fairways of Whispering Pines Condo Association by-laws and modification agreement requirements.

- 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.

The request for variance is limited to the construction of an elevated deck only at 9960 Tioga Court and has no impact on adjacent properties.

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

The request for variance is limited to the construction of an elevated deck that is in accordance with the Fairways of Whispering Pines Condo Association by-laws and modification agreement requirements.  
The proposed deck is consistent with elevated decks of other homes on Tioga Court.


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

The request for variance will align with similar homes on Tioga Court. Please refer to photos 4 & 5.

- 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.

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Planning and Zoning Department

• I understand that any order of the ZBA permitting the erection alteration of a building will be void after one (1) year (12 months), unless a valid building permit is obtained and the project is started and proceeds to completion (See Sec. 6.8 of the Township Zoning Ordinance).

      5/9/23  
Owner's Signature      Date

\_\_\_\_\_  
Appellant's Signature      Date

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PLANNING & ZONING DEPARTMENT  
TOWNSHIP OF ...



Gina DiCivecchio  
9960 Tioga Ct,  
Pinckney MI. 48169

Item 1.



## Land Use Permit (LUP) Submittal Requirements Checklist

Along with the Land Use Permit Application-

- For Residential projects, please submit three (3) sets of plans.
- Commercial projects, please submit four (4) sets of plans and an electronic copy of the items below.

### 1. SITE PLAN (Required for all projects)

- ☒ North arrow.
- ☒ Legend.
- ☒ scale.
- ☒ All property lines and dimensions.
- ☒ All required setbacks (the 'buildable envelope').
- ☒ All public and private roads, street names, right-of-ways and on-site easements.
- ☒ Footprint of all **existing and proposed** buildings with new building/addition dimensions to all property lines.
- ☒ **Existing and proposed** retaining walls and fences.
- ☒ **Existing and proposed** sanitary sewers, grinder pumps, and wells.
- ☒ All impervious surfaces and decks.
- ☒ All water bodies and wet lands.
- ☒ A note stating that all storm-water runoff will be managed on the subject site.

- Check boxes to indicate elements are included on plans
- Initial below when all required elements are included on plans.

Initials

GD

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Planning and Zoning Department

### 2. LOT COVERAGE CALCULATIONS: (Required for all project except grading and fences. Can be included on site plan, elevations or floor plans)

- ☒ Building lot coverage; the total footprint of buildings, parking, paved and gravel storage yards, driveways, streets, roads and sidewalks divided by the size of the site, excluding water bodies and wetlands.
- ☒ Total impermeable surface; the total footprint of buildings, parking, paved and gravel storage yards, driveways, streets, roads, and sidewalks divided by the size of the site, excluding water bodies and wetlands.

Checklist continued on page 2

### 3. EXTERIOR BUILDING ELEVATIONS: (Required for all new structures and additions)

- ☐ All proposed exterior elevations showing existing and proposed exterior walls, roof, architectural features, doors, windows, trim, down spouts, exterior wall, roofing materials.
- ☐ Include full exterior dimensions.

Additional Elevation requirements, if requested by Township staff:

- ☐ Indicate both colors and materials for all exterior walls, trim, and roofing.
- ☐ Building section(s) indicating building height and eave height to the proposed or existing grade.
- ☐ Profile of existing and finished grades.

### 4. FLOOR PLAN(S): (Required for accessory structures over 200 square feet, additions and new homes)

- ☐ All proposed usable floor level area (including basements, attics, detached accessory structures, etc.)
- ☐ All areas to be demolished with proposed walls and existing walls clearly indicated.
- ☐ All proposed rooms clearly identified and labeled for each floor level.
- ☐ All proposed decks, balconies, porches, garages/carports, etc.
- ☐ Exterior building dimensions.
- ☐ Doors, windows, bay windows, chimneys, stairways, etc.

### 5. ADDITIONAL REQUIREMENTS if requested by township staff.

For all properties within a FEMA special flood hazard area the following items will be needed:

- ☐ An elevation certificate will be required prior to issuance of a Land Use Permit, prior to foundation inspection, and prior to the final zoning compliance. \
- ☐ The building will be required to meet the regulations for flood hazard area areas in section 9.6 of the Township zoning ordinance.
- ☐ Landscaping shall be included on the site plan or on additional landscape plan if required under Section 9.4 of the Township Zoning Ordinance.
- ☐ A survey prepared and stamped by a licensed surveyor.
- ☐ A plan showing all drainage improvements may be required.
- ☐ Property boundaries and project staked for inspection.

### 6. CONSTRUCTION DOCUMENTS as required by the Livingston County Building Department.

- ☐ (i.e. electrical, plumbing and structural plans)

## LIVINGSTON COUNTY TREASURER'S CERTIFICATE

I hereby certify that there are no TAX LIENS OR TITLES held by the State or any individual against the within description, and all TAXES on same are paid for five years previous to the date of this instrument or appear on the records in this office, except as stated.

Sep 17, 2021 Jennifer M. Nash, Treasurer By MO 28536

2021 TAX NOT AVAILABLE FOR EXAMINATION

STATE OF  
**MICHIGAN**  
LIVINGSTON COUNTY  
09/20/2021  
2021R-038390



REAL ESTATE  
TRANSFER TAX  
352.00 CO  
2,400.00 ST  
TTX # 6346500

2021R-038390

RECORDED ON

09/20/2021 08:32:21 AM

BRANDON DENBY

REGISTER OF DEEDS

LIVINGSTON COUNTY, MI 48843

RECORDING: 26.00

REMON: 4.00

PAGES: 3

Item 1.

WARRANTY DEED-(Statutory Form)  
C.L. 1948, 565.152 M.S.A. 26.571

Received eRecord 9/17/2021 at 11:23 AM  
LivCo, MI ROD by

Furnished by EIT TITLE

KNOW ALL MEN BY THESE PRESENTS: That **Joseph P Patrell**  
whose address is **9960 Tioga Court, Pinckney, MI 48169**

Convey(s) to **Gina DiCiuccio**  
whose address is **4431 Hunt Club Drive, Ypsilanti, MI 48197**

Situated in the Township of Hamburg, Livingston County, Michigan.

SEE ATTACHED LEGAL DESCRIPTION

Commonly Known As: **9960 Tioga Court**  
Tax Number: **4715-19-303-160**

for the full consideration **Three Hundred Twenty Thousand and 00/100 Dollars (\$320,00.00)**

subject to easements, restrictions or reservations of record.

The property may be located within the vicinity of farmland or farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. The grantor grants to the grantee the right to make \_\_\_\_\_ division(s) under section 108 of the land division act, Act No 288 of the Public Acts of 1967. (If no number is inserted, the right to make divisions stays with the portion of the parent tract retained by the grantor; if all of the parent tract is conveyed, then all division rights are granted.)

RECEIVED

Page 1 of 2 of a Warranty Deed dated August 11, 2021 By Joseph P Patrell as Grantor  
To Gina DiCiuccio, as Grantee

Hamburg Township  
Planning and Zoning Department

11



D12111

WARRANTY DEED-(Statutory Form)  
C.L. 1948, 565.152 M.S.A. 26.571

Furnished by EIT TITLE

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RECEIVED

Page 1 of 2 of a Warranty Deed dated August 11, 2021 By Joseph P Patrell, as Grantor  
To Gina DiCiuccio, as Grantee

May 09 2023  
Hamburg Township  
Planning and Zoning Department



NOTE: This conveyance is being executed and delivered with the following notification: Notice is hereby given by Seller(s) to Purchaser(s) that the lands being conveyed abut upon a certain street or road which may not have been accepted as public and said street or road is a private street or road and may not be required to be maintained by the Board of County Road Commissioners. Said written notice has been documented separately. This notice is being given pursuant to the statutes of the State of Michigan, MCLA 560.261.

Dated this **11th** day of **August, 2021**

Signed and Sealed:

*Joseph P. Patrell* (L.S.)  
**Joseph P Patrell**

\_\_\_\_\_(L.S.)

STATE OF MICHIGAN  
 COUNTY OF LIVINGSTON SS.

On this **11th** day of **August, 2021** before me personally appeared **Joseph P Patrell, a Single Man** who did provide proof of their identity; to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free act and deed.

*Deborah Webb*  
**Deborah Webb, Notary Public**  
**Livingston County, Michigan**  
**My Commission Expires: 8/24/2027**  
**Acting in Livingston County**

Instrument Drafted by: **Joseph P Patrell, 9960 Tioga Court, Pinckney, MI 48169**

Recording Fee \$30.00  
 Transfer Tax \$2752.00  
 PNTI Ins. # D12111  
 Tax identification no: H 11-01-227-004

When recorded return to GRANTEE

*G DiCiuccio*  
*9960 TIOGA CRT*  
*PINCKNEY MI 48169*

Page 2 of 2 of a Warranty Deed dated August 11, 2021 By Joseph P Patrell as Grantor  
 To Gina DiCiuccio, as Grantee

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 Hamburg Township  
 Planning and Zoning Department

- Situated in the Township of Hamburg, Livingston County, Michigan.

Unit 160 of Fairways of Whispering Pines Condominium, according to the Master Deed thereof, as recorded in Liber 2441, Pages 704 through 792, inclusive, and any amendments thereto, Livingston County Records, and designated as Livingston County Condominium Plan No. 154, together with rights in general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Commonly Known As: 9960 Tioga Ct  
Tax Number: 4715-19-303-160

The above and referenced property address or commonly known as; and the tax identification number listed are provided solely for informational and reference purposes only. They are without warranty as to accuracy or completeness and are not insured.

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(D12111.PFD/D12111/7)

Hamburg Township  
Planning and Zoning Department



## LAND USE PERMIT FORM

Hamburg Township Zoning Department  
10405 Merrill Rd., P.O. Box 157  
Hamburg, MI 48139 (810) 231-1000

Item 1.

## PROJECT ADDRESS/TAX IDENTIFICATION NUMBER:

## OWNER

Name: Gina D'iciuccio Phone Number(s): 248-933-5405Address: 9900 Tioga CourtCity: Pinckney State: MI Zip: 48169E-Mail: gina.diciuccio@gmail.com

## CONTRACTOR

Name: - All work to be self performed - Phone Number(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

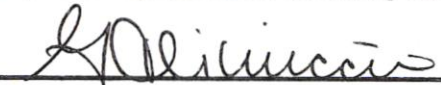
E-Mail: \_\_\_\_\_

## DESCRIBE WORK TO BE DONE:

Addition of a raised deck on back side of house.Composite railings on three sidesNo stair.

**APPLICANT CERTIFICATION:** I hereby certify that all structures and uses for which this application is made shall conform to the Ordinances of Hamburg Township, Livingston County and the State of Michigan. All information submitted for this permit is to my knowledge accurate. If the information is determined either now or in the future to be inaccurate the permit shall be void and any structures built or uses approved may be in violation of the required ordinances and must otherwise be brought into compliance with all regulations.

The accuracy of the lot lines, dimensions and other information presented in the project plans are the sole responsibility of the property owner and in NO way does the Zoning Inspector signature on the permit guarantee the accuracy of the information provided by the applicant for this permit. Applications to construct fences, decks, accessory structures, new construction and additions require staking property boundaries and project boundaries for inspection prior to issuance of the land use permit. However, a site inspection also does not guarantee the location of the property boundaries.

Applicant Signature:  Date: 5/9/23

If the applicant is not the owner of the property a signed copy of a contract for the work to be completed or a letter authorizing the work to be done by another party will be required with the submittal of the LUP form.

Please review the Land Use Permit checklist on pages 2 and 3 of the Land Use Permit Packet on-line at <http://www.hamburg.mi.us/2018%20Land%20Use%20Packet.pdf>. If all items of the checklist are not submitted your LUP may be denied based on lack of information.

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Hamburg Township  
Planning and Zoning Department





▼ 9960 tioga ct X 🔍  
Show search results for 9960 t...







PHOTO 2



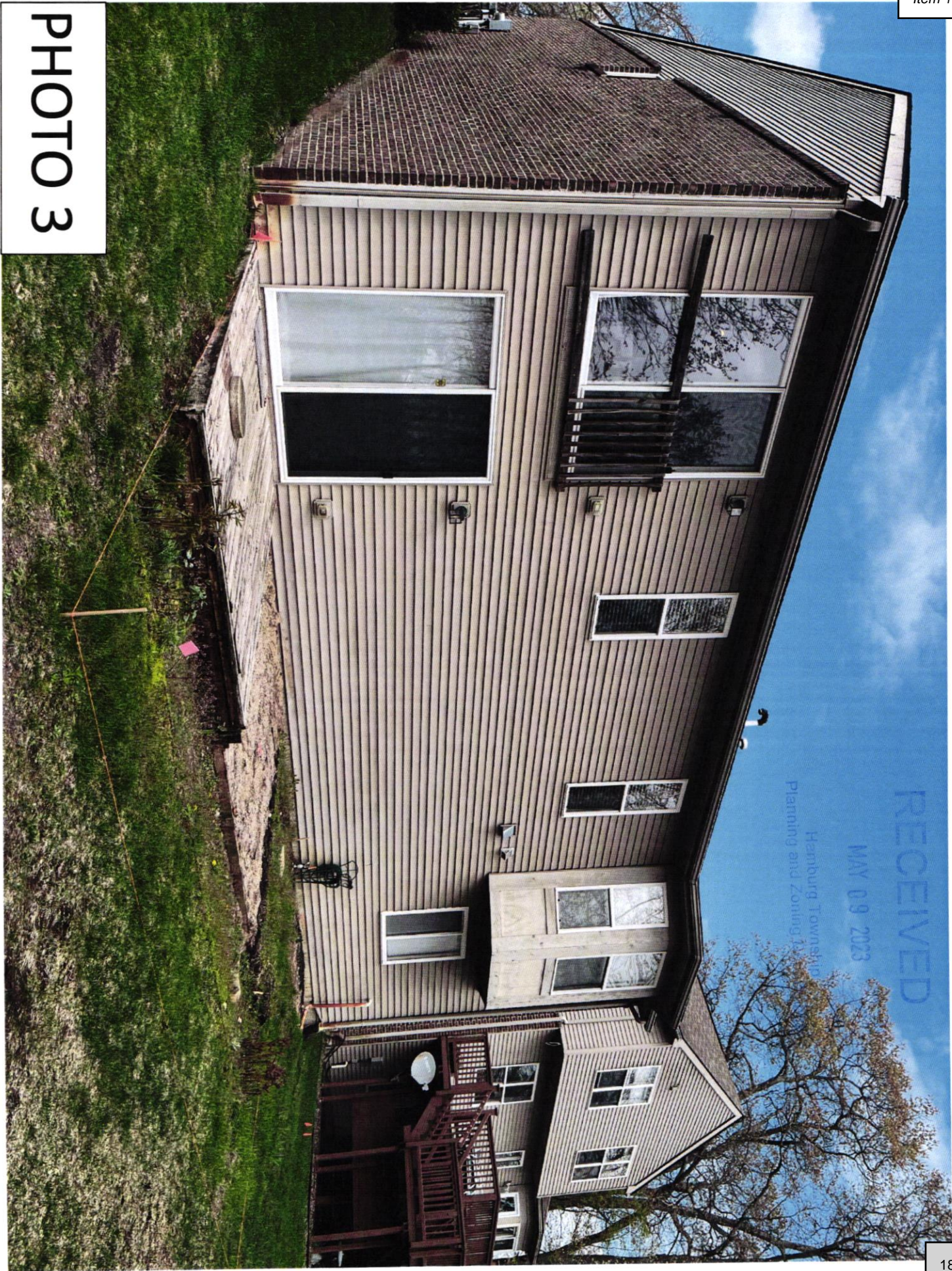


PHOTO 3





PHOTO 4

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MAY 09 2023  
Hamburg Township  
Planning and Zoning Department



RECEIVED

MAY 09 2023

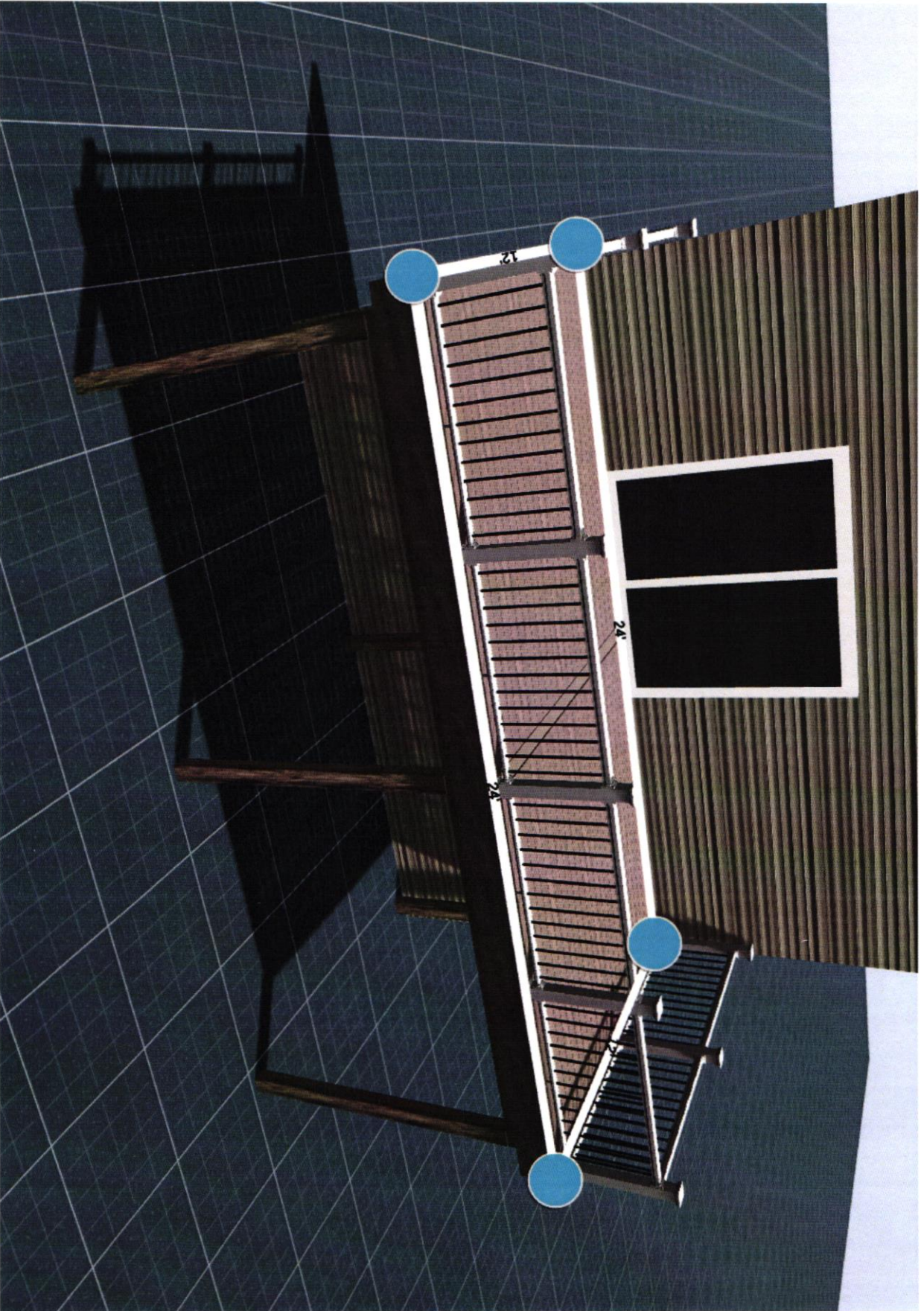
Hamburg  
Planning and Zoning



PHOTO 5



Gina DiCiuccio  
9960 Tioga Court  
Pinckney, MI 48169



## SOUTH ELEVATION

No Scale



*Item 1.*

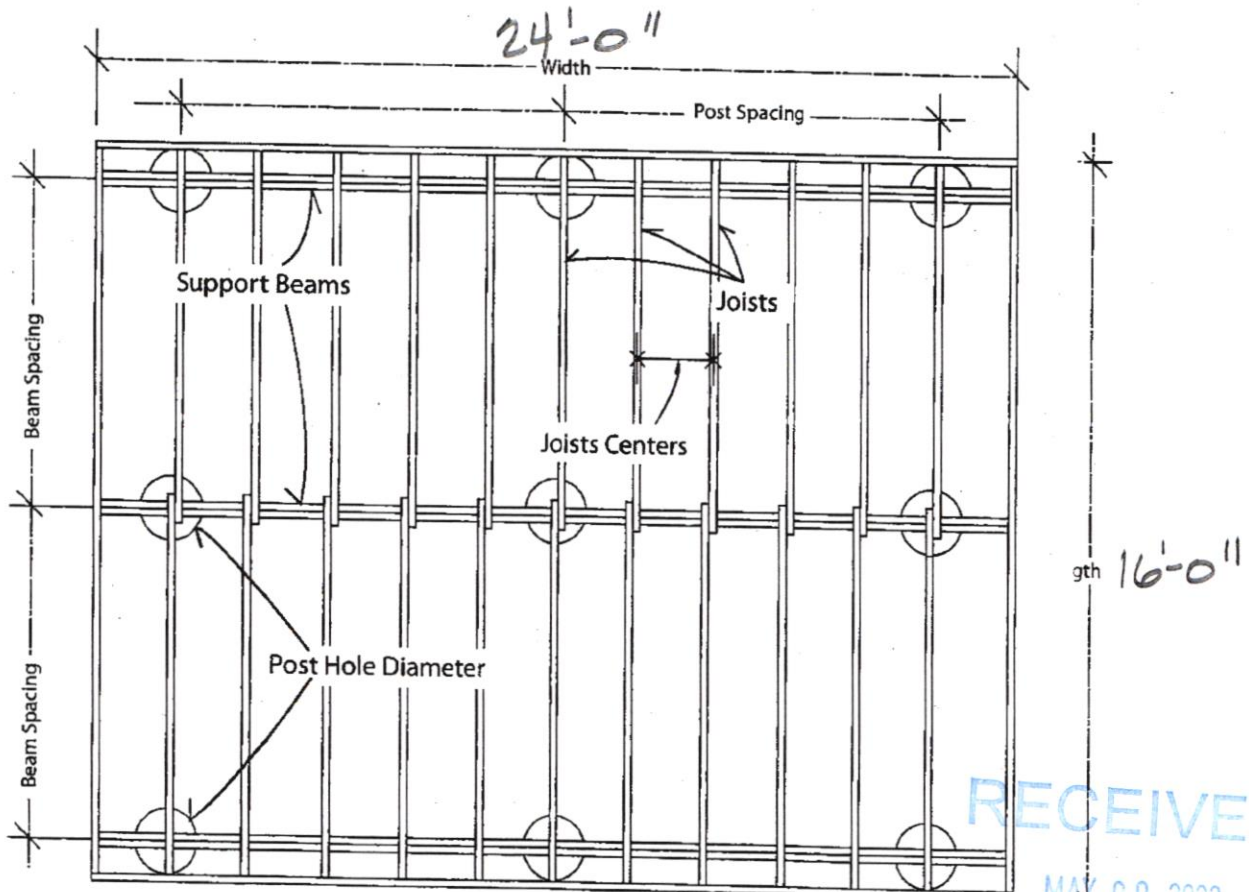
22



# Livingston County Building Department

## Deck Information Worksheet

- Name Gina DiCiuccio
- Address 9960 Tioga Ct., Pinckney MI. 48169
- Joist Size 2x8 TREATED
- Joist Centers 16 inch (max)
- Support Beam Size 2-2x12 TREATED
- Post Size 6x6 TREATED
- Post Spacing 8'-6" (MAX.)
- Height Above Grade ± 9'-0"
- Post Hole Diameter 20 inch (min.)



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Page 3



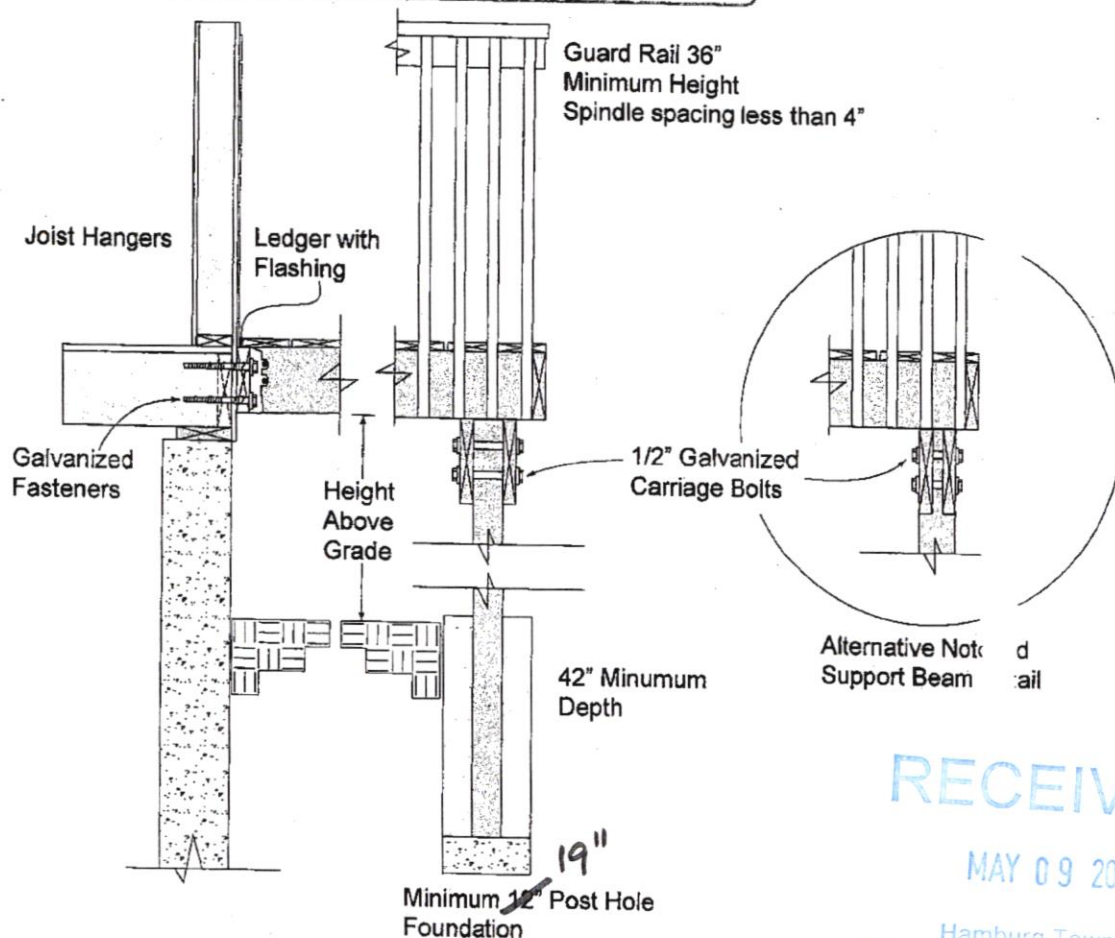


## Livingston County Building Department

### Deck Information Section

- Name Gina DiGiovanna
- Address 9960 Tioga Ct., Pinckney MI 48169
- Height Above Grade ± 9'-0"
- Support Beam Size 2 - 2x12 TREATED
- Post Hole Diameter 19" inch (min.)
- Joist span and longest span of joist 9'-6" (TYP.)
- Post size and on-center spacing 6x6 TREATED / 8'-6" (MAX.)

Typical Section Drawing of a  
Deck Attached to a House

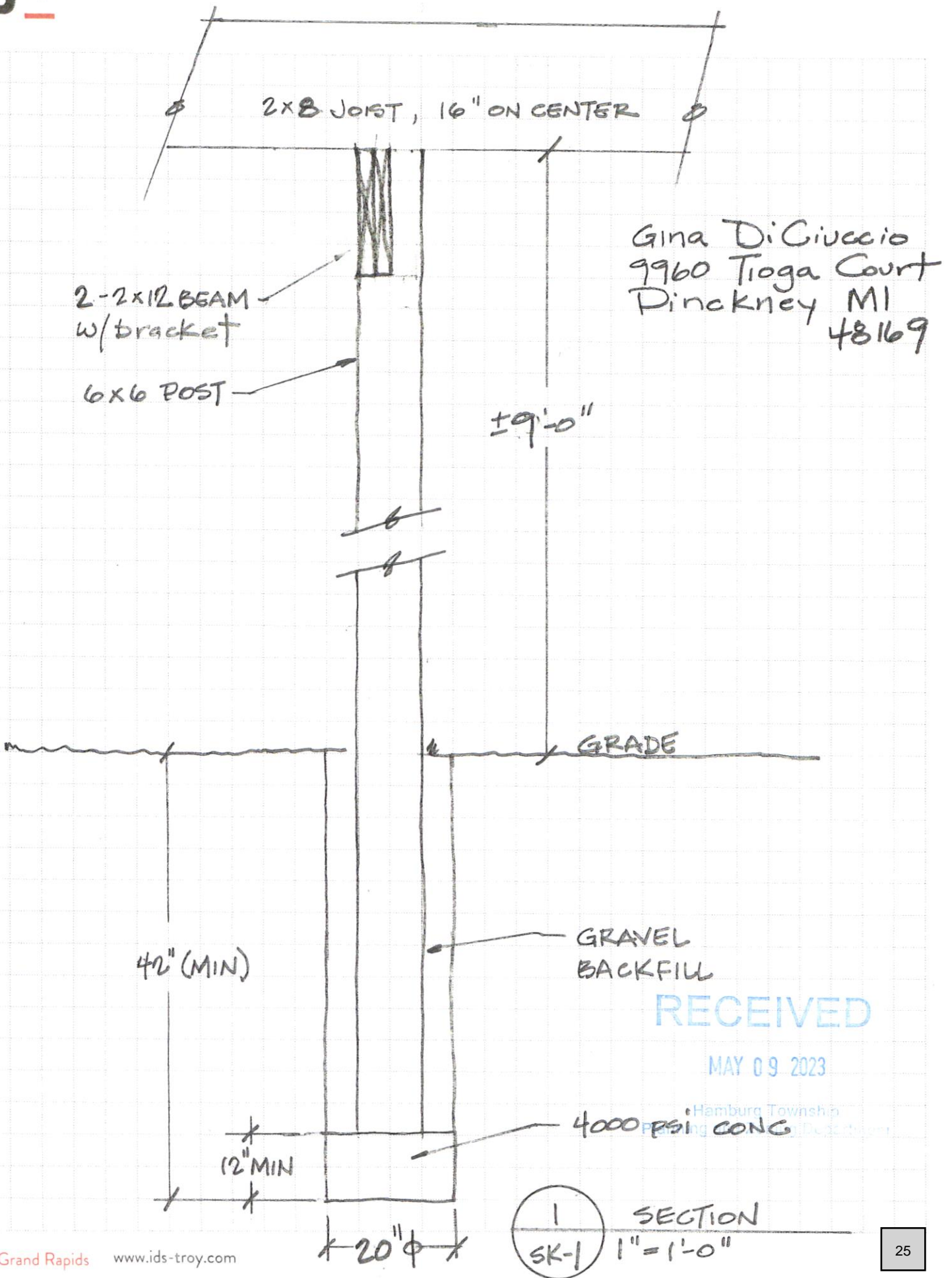


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MAY 09 2023

Hamburg Township  
Planning and Zoning Department

Page 2



**From:** [Brittany Campbell](#)  
**To:** [Lisa Perschke](#)  
**Cc:** [Amy Steffens](#); [Tony Randazzo](#)  
**Subject:** RE: Your variance case ZBA23-009 is scheduled for Wednesday, June 14, 2023 at 7pm  
**Date:** Tuesday, May 9, 2023 10:08:51 AM

---

Good morning Lisa & Amy – based on the location of the proposed deck on the rear of the house there will be no interference with the location of the grinder pump station or the sewer lateral location. The Utilities Department will have no objections to this variance if granted. Please let me know if you need anything else since there is no issue with this request. Thank you.

Brittany

**From:** Lisa Perschke <lperschke@hamburg.mi.us>  
**Sent:** Tuesday, May 9, 2023 10:04 AM  
**To:** Brittany Campbell <bcampbell@hamburg.mi.us>  
**Subject:** Your variance case ZBA23-009 is scheduled for Wednesday, June 14, 2023 at 7pm

Hello Gina,  
Your variance case 23-009 is scheduled for Wednesday, June 14, 2023 at 7pm in the Hamburg Township Board Room located at 10405 Merrill Rd, Hamburg, MI 48139. Please let us know if you have any questions.

Sincerely,  
Planning and Zoning Dept.



# Zoning Board of Appeals Staff Report

## AGENDA ITEM: 7e



**TO:** Zoning Board of Appeals  
(ZBA)

**FROM:** Amy Steffens, AICP

**HEARING DATE:** June 14, 2023

**SUBJECT:** ZBA 23-0010

**PROJECT SITE:** 2496 Baseview Drive  
TID15-31-304-037

**APPLICANT/ OWNER:** Judith Majoros

**PROJECT:** Variance application to permit the construction of a new single-story dwelling. The proposed dwelling will have an eight-foot west front yard setback (25-foot front yard setback required) and a 17-foot east rear yard setback (30-foot rear yard setback required) Section 36-186.

**ZONING:** Water Front Residential (WFR)

### Project History

On October 14, 2020, the Zoning Board of Appeals granted variance approval for this property to permit the construction of a 2,550-square foot two-story dwelling. The proposed dwelling will have an 8-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 10-foot east rear yard setback. The October, 2020 ZBA meeting minutes are attached.



Due to the covid pandemic, construction of the approved dwelling was delayed and the variance approval from 2020 expired; per Section 36-140 *no order of the zoning board of appeals permitted the erection of a building shall be valid for a period longer than one year (12 months) unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.*

The current proposal is to construct a single-story dwelling in the same location as the existing dwelling. The proposed dwelling would have an eight-foot front yard setback, where 25 feet is required, and a 17-foot rear yard setback, where 30 feet is required. Because no zoning ordinance requirements have changed from the previous approval in 2020 to today, staff is reissuing the October 14, 2020 ZBA report, amended to reflect the application under consideration.

### **October 14, 2020 Staff report (amended to reflect current proposal)**

#### **Project Description**

The subject site is located in the Sill Ro Ken Beach Subdivision and is accessed off the end of Baseview Drive from the west. The eastern end of Baseview Drive terminates at the west property line of the subject property. The properties east of the subject site are in the Sunset Cove Subdivision. Like many of the homes along Baseview Drive the existing and the proposed house on the subject site are oriented toward Baseview Lake to the south. There is no access through the subject site by Baseview Drive. Because the subject site accesses Baseview Drive from the west side of the property, the front property line would be considered the west property line, while the east property line would be considered the rear property line under the Hamburg Township Zoning Regulations.

The proposed project will demolish the existing home and reconstruct a new main home on the site. The new home is proposed to be 8 feet from the west property line where 25 feet would be required and 17 feet from the east property line where 30 feet is required.

Because of the orientation of the lot, the orientation of the proposed home and the access to the site the applicant have asked for variances to the front and rear setbacks. The applicant would like the ZBA to consider allowing the reduced front and rear setbacks because the orientation of the house does not match the required setbacks. The house is oriented toward the lake to the south so the applicant would prefer the west and east setbacks be considered side setbacks instead of front and rear setbacks as required by the code. This seems to be a valid reason for a variance. However, the applicant would also like the ZBA to consider the subject site to have further reduced side setbacks for lot width as they believe the lot width should be measured from an imaginary line where the existing site is the narrowest. The location where the proposed house is being constructed is over 60 feet wide. The narrowest point of the lot where the house is proposed will be 76 feet wide which would require a minimum of 10 foot side yard setbacks.

The subject property is mapped within FEMA's 1 percent floodplain. Hamburg Township participates in the National Flood Insurance Program (NFIP). Proper enforcement of the building code standards is a prerequisite of the community's participation in the NFIP. Prior to issuance of a building permit, an elevation certificate would be required to ensure that any improvements would meet the floodplain development standards of Hamburg Township (Section 9.6.).



## **Standards of Review**

In accordance with Section 6.5.C 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.**

Because Baseview Drive does not traverse the subject property, this site does appear to have an extraordinary circumstance in regards to its access off of the west end of Baseview Drive, which terminates at the west property boundary of the subject site. The access changes the orientation of this lot as considered by the Township Zoning Ordinance, requiring the west property line to be considered the front and the east property line to be considered the rear property lines. The rest of the lots along Baseview Drive in this location are either accessed off of the north or south sides of Baseview Drive, making the north or south side the front or rear property lines on these properties.

Although there does appear to be an extraordinary circumstance or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone, the applicant is also requesting that the setback from the west property line be 8 feet. If this lot line was considered the side setback the lot width would need to be less than 60 feet wide in order to be have a reduced side yard setback of 7.5 feet.

### **Staff Suggestion:**

Staff suggests that the ZBA condition project approval on a minimum 10-foot setback from the east and west property boundaries.

- 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.**

As stated before the lots in the surrounding area are mostly accessed from the north or south side of Baseview Drive and therefore their side yard setback are considered from the east and west property lines and the properties that are on Baseview Lake have their rear property line adjacent to the lake.

- 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.**

Because this property has an unusual orientation due to its access off the dead end of Baseview Drive to the west and the fact that the new home will be oriented toward Baseview Lake to the south, similar to other homes in this area it does not appear that the

granting of such variance or modification to the east and west setbacks would 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. However, the applicant is asking for an 8-foot setback from the west property line; the existing home on the property at 2488 Baseview Drive is only approximately 1 foot from the shared property line. Staff would suggest that the subject property at least maintain a 10 foot minimum setback to allow adequate space between the two homes for access to and from the lake. This additional setback along with the orientation of the house slightly angled away from the house at 2488 Baseview Drive will also help to reduce any impacts the massing of the new structure may have on the neighboring property.

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

Again this lot has an odd situation due to its access from the end of Baseview Drive. There are no other lots in the area that have this similar situation. The purpose of the front setback is to allow distance between the roadway and the structure so that the structure does not loom over the street. The rear setbacks are required to allow room between adjacent homes to the rear of the site to allow for open greenspace and yard for the homes; because of the orientation of this lot and the proposed home, this reduces front and rear setbacks.

This property is located within the Waterfront Residential future land use district in the 2020 Master Plan; this district allows for residential properties and is intended to protect the existing character of the area. The proposed structure is a modestly-sized one-story dwelling. Because of the size and design of the home, it appears to meet the intent of the Waterfront Residential future land use district.

**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.**

See discussion under standard 2.

**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. The proposed project is a single-family dwelling. 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.**

A house could be built on this lot that could meet the required 25 foot front and 20 foot rear yard setbacks. However, the house would be narrower and longer and may require removal of more vegetation from the site.

*“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 denial of the variance request considering a thorough review and discussion among ZBA members.

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. The ZBA then should direct Staff to prepare a memorialization of the Board’s decision that reflects the Board’s action to accompany the hearing minutes and to be reviewed and approved at the next ZBA hearing.

### **Approval Motion**

Motion to approve variance application ZBA 23-0010 to permit the construction of a new one-story dwelling. The proposed dwelling will have an eight-foot west front yard setback (25-foot front yard setback required) and a 17-foot east rear yard setback (30-foot rear yard setback required) Section 36-186.

The variance meets variance standards one (1) through seven (7) of Section 36-137(c) 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. The Board directs Staff to prepare a memorialization of the ZBA’s findings for the request.

### **Denial Motion**

Motion to deny variance application ZBA 23-0010 to permit the construction of a new one-story dwelling. The proposed dwelling will have an eight-foot west front yard setback (25-foot front yard setback required) and a 17-foot east rear yard setback (30-foot rear yard setback required) Section 36-186.

The variances do not meet variance standards (please indicate which standards are not met) of Section 36-137(c) 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. The Board directs Staff to prepare a memorialization of the ZBA’s findings for the request.

### **Exhibits**

Exhibit A: Application Materials

Exhibit B: Project Plans (hard copies only)

Exhibit C: DPW review

Exhibit D: October 14, 2020 ZBA meeting minutes

ZBA Case Number 23-0010

HAMBURG TOWNSHIP  
Date 05/17/2023 3:43:29 P  
Ref ZBA2300-10  
Receipt 1290372  
Amount \$550.00

Item 2.



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: 05-16-2023 31-304-037
2. Tax ID #: 15- 037-037-037 Subdivision: SILL-RO-KEN BEACH Lot No.: 26-30
3. Address of Subject Property: 2496 Baseview Drive, Pinckney, MI 48169
4. Property Owner: Mary & Mark Majoros and Family Phone: (H) (571)422-8769  
Email Address: m.majoros@yahoo.com (W) \_\_\_\_\_  
Street: 2496 Baseview Drive City Pinckney State MI
5. Appellant (If different than owner): Mary & Mark Majoros and Family Phone: (H) (571)422-8769  
E-mail Address: \_\_\_\_\_ (W) (571)422-8769  
Street: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_
6. Year Property was Acquired: \_\_\_\_\_ Zoning District: WFR Flood Plain Yes
7. Size of Lot: Front 293.52 Rear 49.99 Side 1 92.50 Side 2 222.24 Sq. Ft. 20,991
11. Dimensions of Existing Structure (s) 1st Floor \_\_\_\_\_ 2nd Floor \_\_\_\_\_ Garage Existing
12. Dimensions of Proposed Structure (s) 1st Floor \_\_\_\_\_ 2nd Floor \_\_\_\_\_ Garage Existing
13. Present Use of Property: Single Family Residential
14. Percentage of Existing Structure (s) to be demolished, if any 50 %
15. Has there been any past variances on this property? Yes ☒ No ☐
16. If so, state case # and resolution of variance application 2020-0018 (Oct). Approved.
17. Please indicate the type of variance or zoning ordinance interpretation requested:  
Applicant is requesting a dimensional variances to construct a new single family residence.  
2' West Front Yard (actual side) Setback and 17' East Rear Yard Setback (actual side).

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Hamburg Township  
Planning and Zoning Department

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 property is unique in that the existing Baseline road easement does not continue to the North (West) front.

Therefore, the West (side) boundary is considered the front.

- 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 existing owners wish to construct a new single family home to replace the existing cottage.

- 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 proposed residence share the same front & rear orientation as the existing cottage and neighboring homes.

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

The proposed variance will not adversely affect the Township Master Plan.

- 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.

The condition/situation of the property is unique to this parcel.

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

Correct.

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

Yes. The dimensional variances requested are consistent with ordinance setbacks for narrow WFR 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.
- I understand that any order of the ZBA permitting the erection alteration of a building will be void after one (1) year (12 months), unless a valid building permit is obtained and the project is started and proceeds to completion (See Sec. 6.8 of the Township Zoning Ordinance).

Owner's Signature

Date

Appellant's Signature

Date

**VARIANCE (ZBA) APPLICATION CHECKLIST:**

Eight (8) sets of plans must be submitted. The sets are for the individual use of the Zoning Board members and for the Township's records. None will be returned to you. The Land Use Permit will not be released until three (3) final construction blueprints and three (3) copies of your site plan are submitted which have been prepared according to the variances granted and conditions imposed at the appeals meeting.

☐ **Zoning Board of Appeals Application Form**

☒ **Site (plot) Plan with the following information:**

- ☒ Location and width of road(s) and jurisdiction (public or private road).
- ☒ Location and dimensions of existing/proposed construction.
- ☐ Dimensions, designation, and heights of existing structures on property clearly marked.
- ☒ Dimensions of property (lot lines).
- ☒ Location and dimensions of required setbacks.
- ☒ Measurement from each side of existing and proposed structure to the property lines.
- ☒ All easements.
- ☒ Any bodies of water (lake, stream, river, or canal) with water body name.
- ☒ Distance proposed structure and existing structures are from any body of water.
- ☐ Septic tank and field, sewer (grinder pump), and water well.
- ☒ All areas requiring variances clearly marked with dimensions and amount of variance requested.
- ☒ Any outstanding topographic features that should be considered (hills, drop-offs, trees, boulders, etc.)
- ☐ Any other information which you may feel is pertinent to your appeal.
- ☒ If the variance is to a setback requirement a licensed professional stamp shall be on the site plan.

☒ **Preliminary sketch plans:**

a) Elevation plans:

- ☒ Existing and proposed grade
- ☒ Finished floor elevations
- ☐ Plate height
- ☒ Building height
- ☐ Roof pitch

b) Floor plans:

- ☒ Dimension of exterior walls
- ☒ Label rooms
- ☒ Clearly identify work to be done
- ☒ Location of floor above and floor below

c) All other plans you may need to depict the variance you're requesting (surveys, grading plans, drainage plans, elevation certificates, topographical surveys, etc.)

☐ **Proof of Ownership:** Include one of the following:

- a) Warranty Deed – showing title transaction bearing Livingston County Register of Deeds stamps, OR
- b) Notarized letter of authorization from seller of property giving the purchaser authorization to sign a Land Use Permit.

2000 NOV -9 A 10: 08

NANCY HAYLAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI.  
48843

LIVINGSTON COUNTY TREASURER'S CERTIFICATE  
I hereby certify that there are no TAX  
LIES or TITLES held by the state or any  
individual against this without description.  
and the TAXES are some as paid for free  
years. I refer to this date of this instrument  
of record. If the record in this  
office except as stated.

11-8-00 *Thomas H. Hardy*  
500 *Thomas H. Hardy*  
Thomas H. Hardy, Treasurer  
Sec. 185 Act 269, 1992 as Amended  
Taxes Not Examined

HOMESTEAD DENIALS NOT EXAMINED

7/2  
WARRANTY DEED #161

**KNOW ALL MEN BY THESE PRESENTS:** That GEORGE L. MAJOROS and JUDITH MAJOROS, his wife,  
whose address is 2496 Baseview Drive, Pinckney, Michigan,

Conveys and Warrants to GEORGE L. MAJOROS, Trustee, or any Successor Trustee, of the GEORGE L. MAJOROS  
LIVING TRUST, dated October 30, 2000, as it may be now or hereafter amended,

whose address is 2496 Baseview Drive, Pinckney, Michigan,

the following described premises situated in the Township of Hamburg, County of Livingston and State of Michigan, to-wit:

Lots 26, 27 and part of Lot 28, lying North of and between the East line of Lot 27, as extended  
and the Southwesterly line of Lot 26, as extended of SIL-RO-KEN BEACH, according to the plat  
thereof as recorded in Liber 1 of Plats, page 28, Livingston County Records, and Lot 30 of SILL-  
RO-KEN BEACH NO. 2, according to the plat thereof as recorded in Liber 18 of Plats, page 17,  
Livingston County Records.

More commonly known as: 2496 Baseview

for the full consideration of One Dollar (\$1.00) and no other valuable consideration. This instrument is exempt from  
transfer tax pursuant to MCLA 207.505(a) and MCLA 207.526(a).

Subject to easements and building and use restrictions of record, if any.

Dated October 30, 2000

WITNESSES:

Signed and Sealed:

*Helen Cole*  
HELEN COLES (ST)

*George L. Majoros*  
GEORGE L. MAJOROS (L.S.)

*Sarah A. Tiltman*  
SARAH A. TILTMAN (ST)

*Judith Majoros*  
JUDITH MAJOROS (L.S.)

STATE OF MICHIGAN )  
COUNTY OF OAKLAND ) ss.

The foregoing instrument was acknowledged before me on October 30, 2000 by GEORGE L.  
MAJOROS and JUDITH MAJOROS, his wife.

My commission expires:

HELEN COLES  
Notary Public, Wayne County, MI  
My Commission Expires Dec. 20, 2001  
Acting in Oakland County, MI

*Helen Cole*  
Notary Public  
County, Michigan

Instrument Drafted by: LISA J. WALTERS, Esq., of Couzens, Lansky, Fealk, Ellis, Roeder & Lazar, P.C.  
Business Address: 39395 West Twelve Mile Rd., Suite 200, Farmington Hills, Michigan 48331

County Treasurer's Certificate

City Treasurer's Certificate

Recording fee \_\_\_\_\_

When recorded return to \_\_\_\_\_ Drafter

State Transfer Tax Exempt

County Transfer Tax Exempt

Send subsequent tax bills to \_\_\_\_\_ Grantee

Tax Parcel # 15-31-304-032/15-31-304-022/15-31-305-001  
O:\PARA\IDZ\majogewd.zza  
(REV. 7/23/97)

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MAY 17 2003

LANDMARK TITLE SERVICES, INC.

## WARRANTY DEED

RECORDED

DEC 5 8 32 AM '94

NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
48843

KNOW ALL MEN BY THESE PRESENTS: That

Homer Roland Hargrove and Sonie L. Hargrove, his wife

whose address is  
2496 Baseview, Pinckney, MI 48169

Convey(s) and Warrant(s) to

George L. Majoros and Judith Majoros, his wife

whose address is  
32804 White Oaks Trail, Beverly Hills, MI 48025the following described premises situated in the Township of Hamburg  
County of Livingston and state of Michigan, to wit:

SEE ATTACHED RIDER FOR LEGAL DESCRIPTION

COMMONLY KNOWN AS :2496 Baseview  
TAX I.D. #:15-31-304-032/15-31-304-022/15-31-305-001For the full consideration of (\$\*\*\*210,000.00)  
TWO HUNDRED TEN THOUSAND & 00/100subject to ALL BUILDING AND USE RESTRICTIONS AND EASEMENTS,  
IF ANY, OF RECORD.

Dated this 15th day of November 1994

Signed and Sealed

Witness: Claude M. Howard  
CLAUDE M. HOWARD  
Witness: Robert Chudik  
ROBERT CHUDIKSeller: Homer Roland Hargrove  
Homer Roland Hargrove  
Seller: Sonie L. Hargrove  
Sonie L. HargroveState of Michigan  
County of ~~XXXXXXXXXX~~ } ss.  
OAKLANDThe foregoing instrument was acknowledged before me on November 15, 1994  
by Homer Roland Hargrove and Sonie L. Hargrove, his wifeMy commission expires  
11/2/96Notary Public, ~~XXXXXXXXXX~~ County, Michigan  
ROBERT CHUDIK MACOMB ACTING IN OAKLANDPrepared by: Claude M. Howard  
8660 Dexter-Pinckney Rd  
Pinckney, MI 48169

County Treasurer's Certificate

City Treasurer's Certificate

STATE OF MICHIGAN  
Dept of Taxation  
Livingston County  
0000784  
REAL ESTATE  
TRANSFER TAX  
\$231.00-C  
05 Dec 1994  
#0000438Recording Fee \$12.00 Transfer Tax \$231.00 File: L-09606  
Tax Parcel No.: 15-31-304-032/15-31-304-022/15-31-305-001  
When Recorded Return To: GRANTEE Send Subsequent Tax Bills To: GRANTEERETURN TO  
STANDARD FEDERAL BANK  
2600 W. BIG BEAVER RD.  
TROY, MICHIGAN 48064LIVINGSTON COUNTY TREASURER'S CERTIFICATE  
I hereby certify that there are no TAX  
LIFE or TITLES held by the state or any  
individual except as paid for five  
years prior to the date of this instrument,  
except as noted in this  
office except as stated.12-2-94  
19  
24  
Dorine H. Hardy, Treasurer  
Sec. 125 Act 206, 1993 as Amended  
Taxes not examined.RETURN TO  
STANDARD FEDERAL BANK  
2600 W. BIG BEAVER RD.  
TROY, MICHIGAN 48064

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MAY 17 2023

231.00

Hamburg Township  
Planning and Zoning Department



## EXHIBIT A

Commitment No.: L-09606

Situated in the Township of Hamburg, Livingston County,  
Michigan.

Lots 26, 27 and part of Lot 28, lying North of and between the  
East line of Lot 27, as extended and the Southwesterly line of  
Lot 26, as extended of SILL-RO-KEN BEACH, according to the plat  
thereof as recorded in Liber 1 of Plats, page 28, Livingston  
County Records, and Lot 30 of SILL-RO-KEN BEACH NO. 2, according  
to the plat thereof as recorded in Liber 18 of Plats, page 17,  
Livingston County Records.

2496 Baseview

LIBER 1085 PAGE 2174

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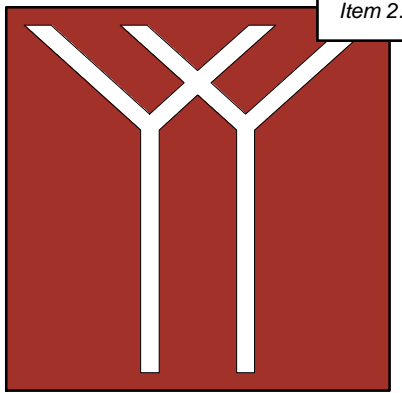
Hamburg Township  
Planning and Zoning





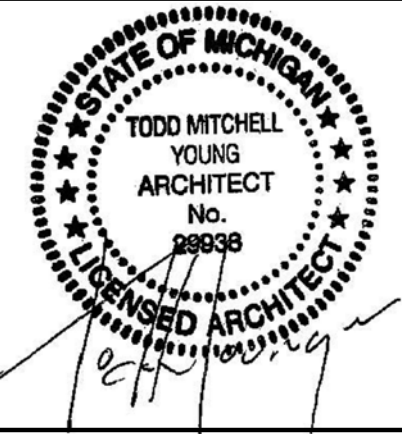






YOUNG & YOUNG  
ARCHITECTS INC

1133 WEST LONG LAKE ROAD  
BLOOMFIELD HILLS, MICHIGAN  
PHONE: (248) 646-4900  
WWW.YYARCHITECTS.COM



THE MAJORS LAKE HOUSE  
2496 BASEVIEW DRIVE  
HAMBURG TOWNSHIP, MICHIGAN

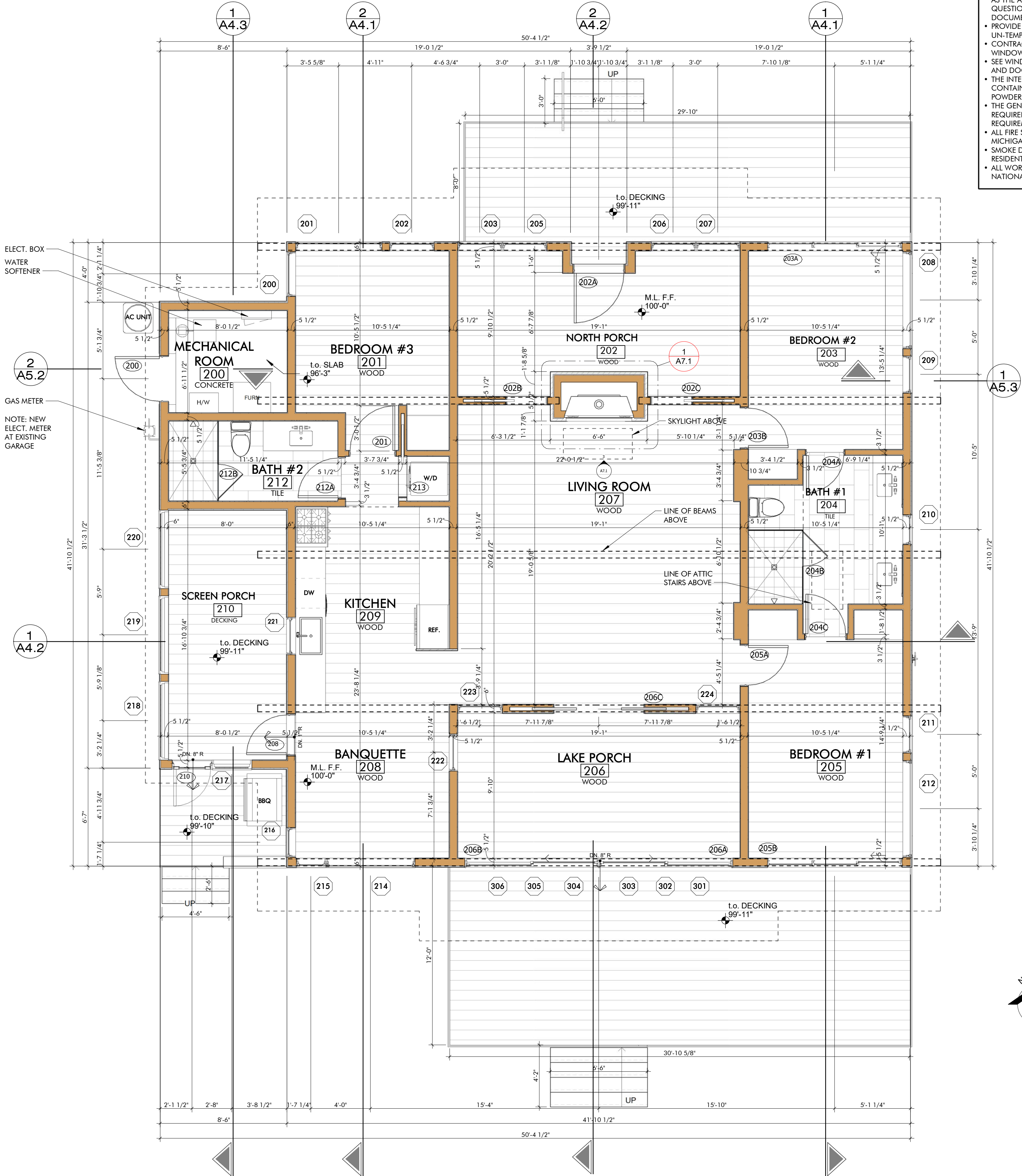
NO.	DESCRIPTION	DATE

SHEET ISSUE DATE: 03-15-2022  
PERMIT  
DRAWN: BFW  
CHECKED: TAH  
SHEET TITLE: MAIN LEVEL FLOOR PLAN

PROJECT NUMBER:  
YY1904  
SHEET NUMBER:  
A2.2

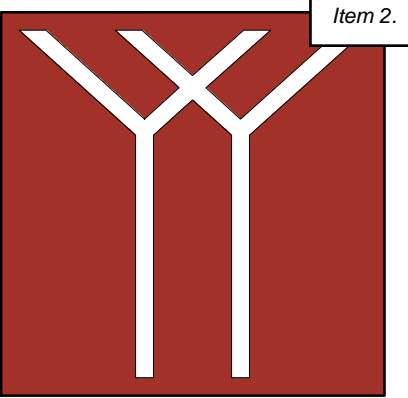
GENERAL FLOOR PLAN NOTES:

- ALL EXTERIOR DIMENSIONS ARE FIGURED TO EXTERIOR FACE OF MASONRY OR TO EXTERIOR SHEATHING, UNLESS NOTED OTHERWISE.
- ALL INTERIOR DIMENSIONS ARE FIGURED TO FACE OF ROUGH STUD UNLESS NOTED OTHERWISE.
- THE GENERAL CONTRACTOR SHALL COORDINATE ALL APPLICABLE TRADES TO ENSURE PROPER ROUTING, DROPS, ETC. FOR THE H.V.A.C., ELECTRICAL, PLUMBING, ETC. DURING THE ROUGH FRAMING.
- ALL GLASS ADJACENT TO DOORS, TUB AND SHOWER AREAS SHALL BE SAFETY GLASS.
- IF ANY QUESTIONS ARISE AS TO THE ARCHITECTURAL INTENT OF THESE DOCUMENTS, IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO ASK SUCH QUESTIONS OF THE ARCHITECT, AS THE ARCHITECT IS THE SOLE INTERPRETER OF THESE DOCUMENTS. IF NO SUCH QUESTIONS ARE ASKED, IT IS ASSUMED THAT THE ARCHITECTURAL INTENT OF THE DOCUMENTS IS UNDERSTOOD.
- PROVIDE PIPE INSULATION FOR ALL PLUMBING LINES PASSING THROUGH OR CONTAINED IN UN-TEMPERED CAVITIES.
- CONTRACTOR IS TO VERIFY THAT THE WINDOW MANUFACTURER HAS PROVIDED EGRESS WINDOWS IN ACCORDANCE WITH THE LOCAL BUILDING CODE.
- SEE WINDOW AND DOOR SCHEDULES FOR ROUGH OPENING REQUIREMENTS FOR WINDOWS AND DOORS.
- THE INTERIOR WALLS, FLOOR, AND CEILING SPACE OF THE FOLLOWING ROOM TYPES SHALL CONTAIN SOUND ATTENUATION BATT INSULATION: LAUNDRY ROOMS, BATHROOMS, POWDER ROOMS, BEDROOMS, AND MECHANICAL ROOMS.
- THE GENERAL CONTRACTOR IS TO COORDINATE THE LOCATION OF ALL FLOOR DRAINS REQUIRED FOR MECHANICAL EQUIPMENT IN ACCORDANCE WITH LOCAL BUILDING CODE REQUIREMENTS.
- ALL FIRE STOPPING AND SEALING SHALL MEET THE REQUIREMENTS OF SECTION R602.8 OF MICHIGAN RESIDENTIAL CODE 2015.
- SMOKE DETECTORS IN THE ENTIRE HOUSE SHALL MEET THE REQUIREMENTS OF THE MICHIGAN RESIDENTIAL CODE 2015 / NATIONAL ELECTRIC CODE 2017 (WHICH EVER IS GREATER).
- ALL WORK SHALL COMPLY WITH THE 2015 MICHIGAN RESIDENTIAL CODE AND 2017 NATIONAL ELECTRIC CODE.



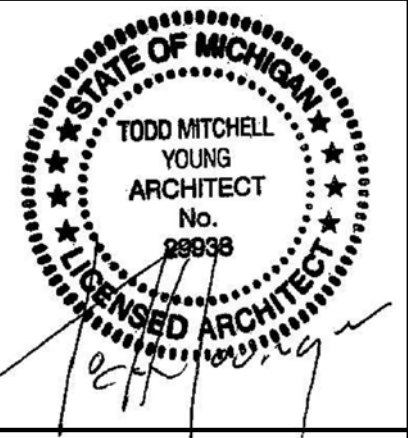
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A2.2 MAIN LEVEL FLOOR PLAN  
SCALE : 1/4" = 1'-0"





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ARCHITECTS INC

1133 WEST LONG LAKE ROAD  
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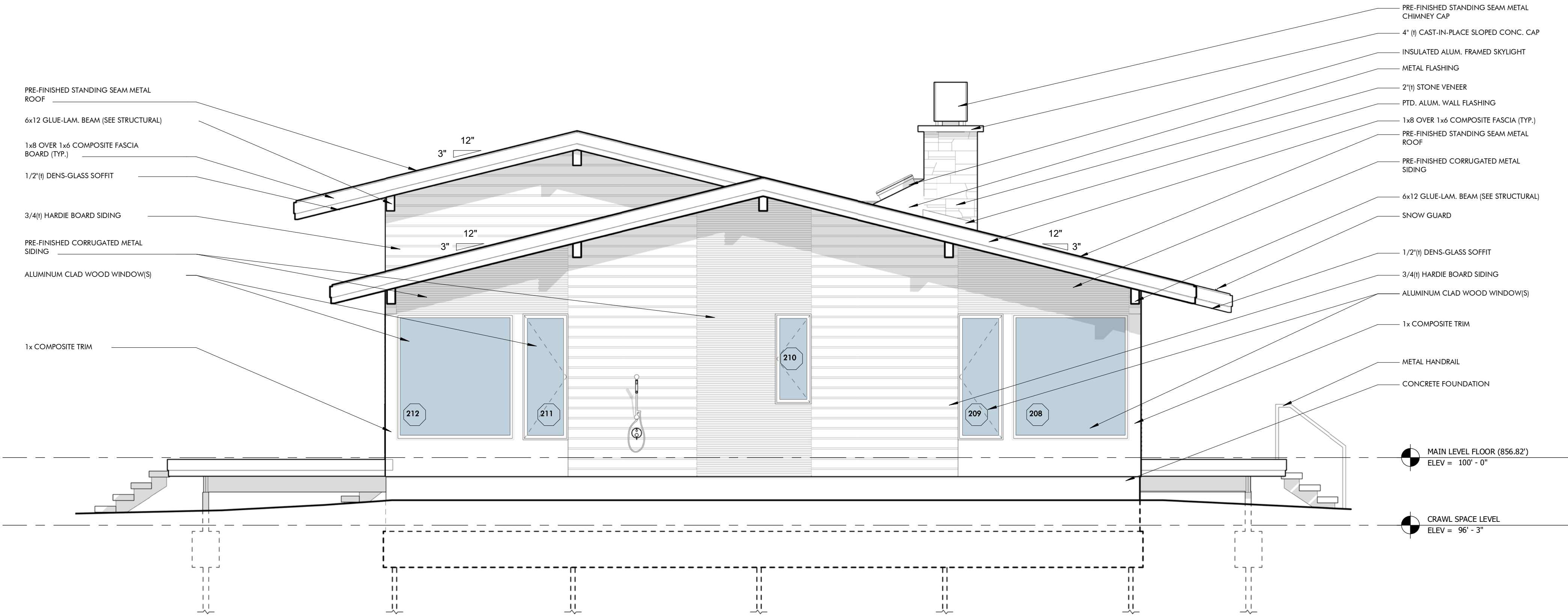


THE MAJORS LAKE HOUSE  
2496 BASEVIEW DRIVE  
HAMBURG TOWNSHIP, MICHIGAN

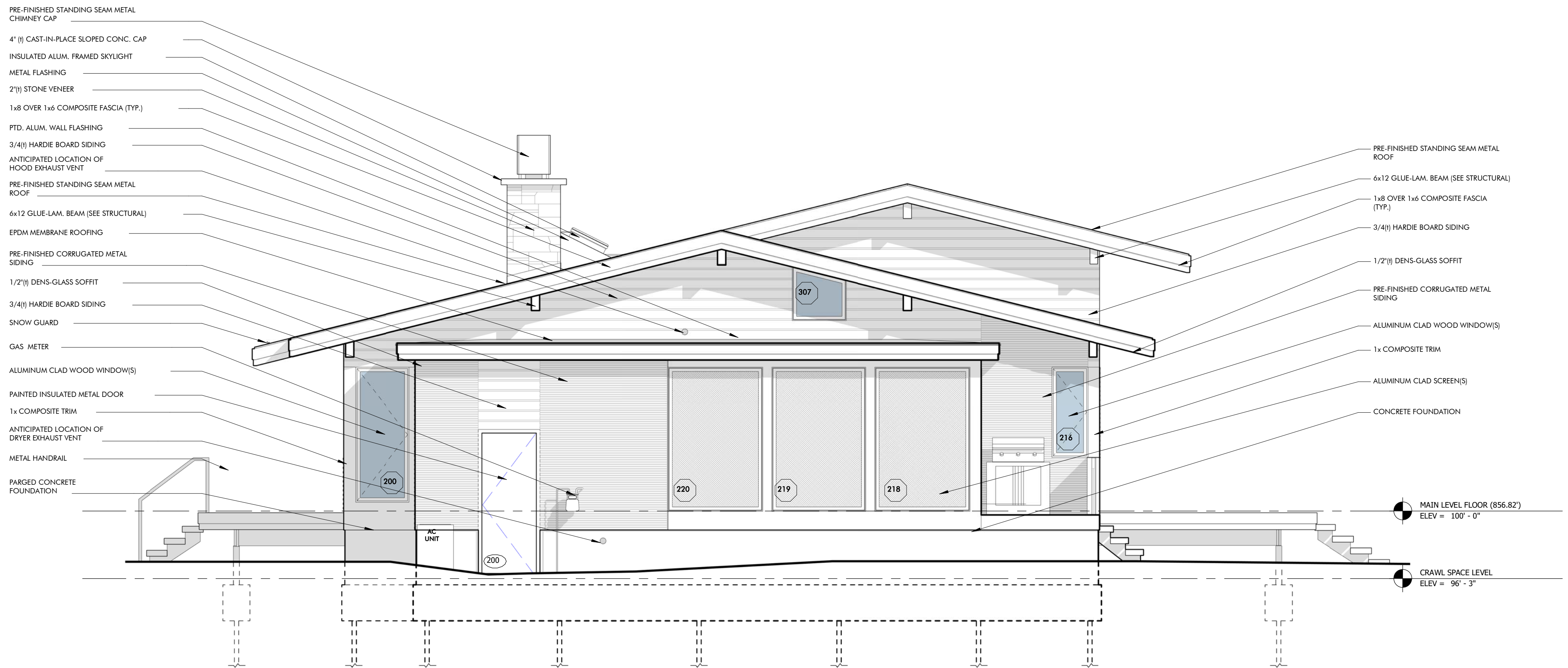
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DRAWN: BFW  
CHECKED: TAH  
SHEET TITLE: ELEVATIONS

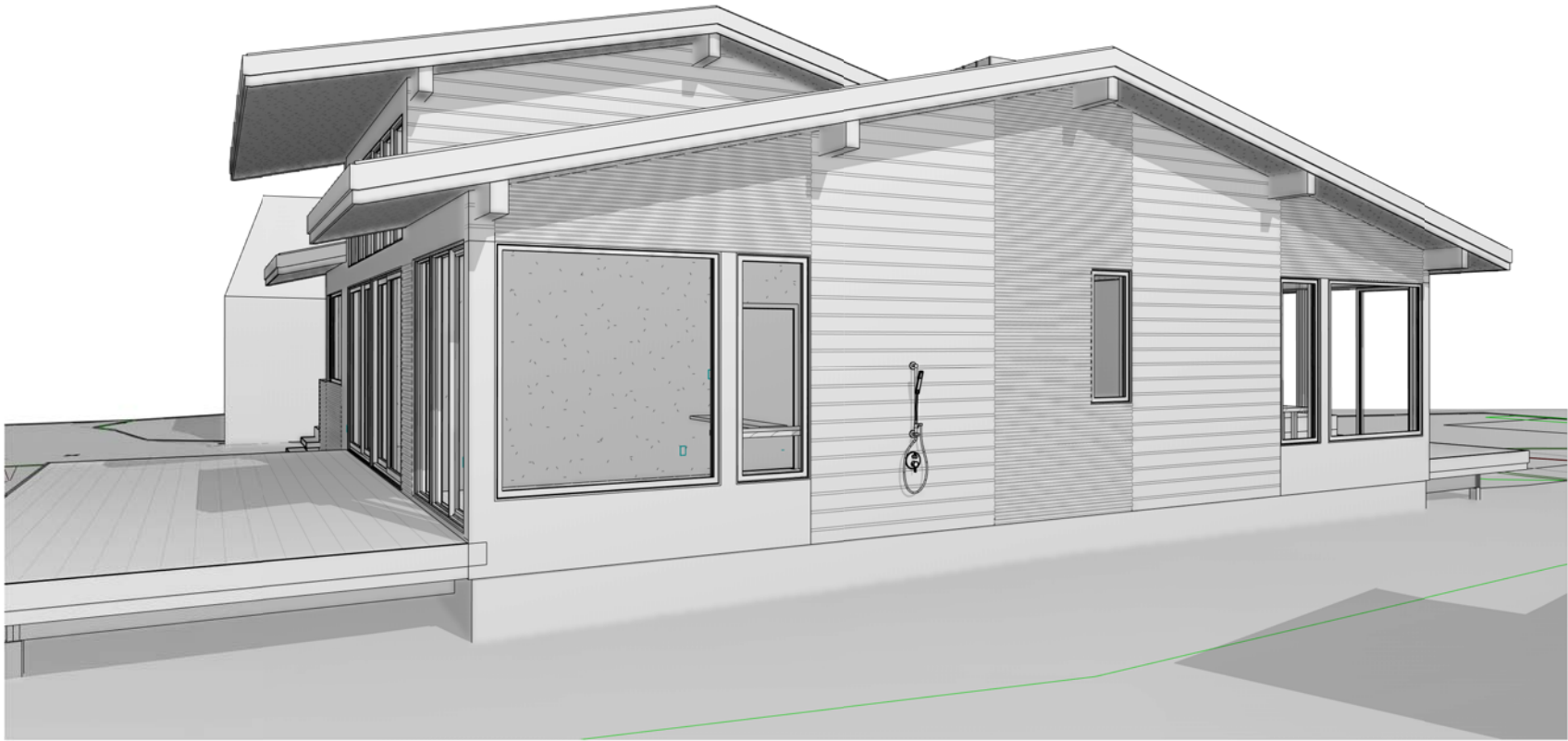
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YY1904  
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A3.1



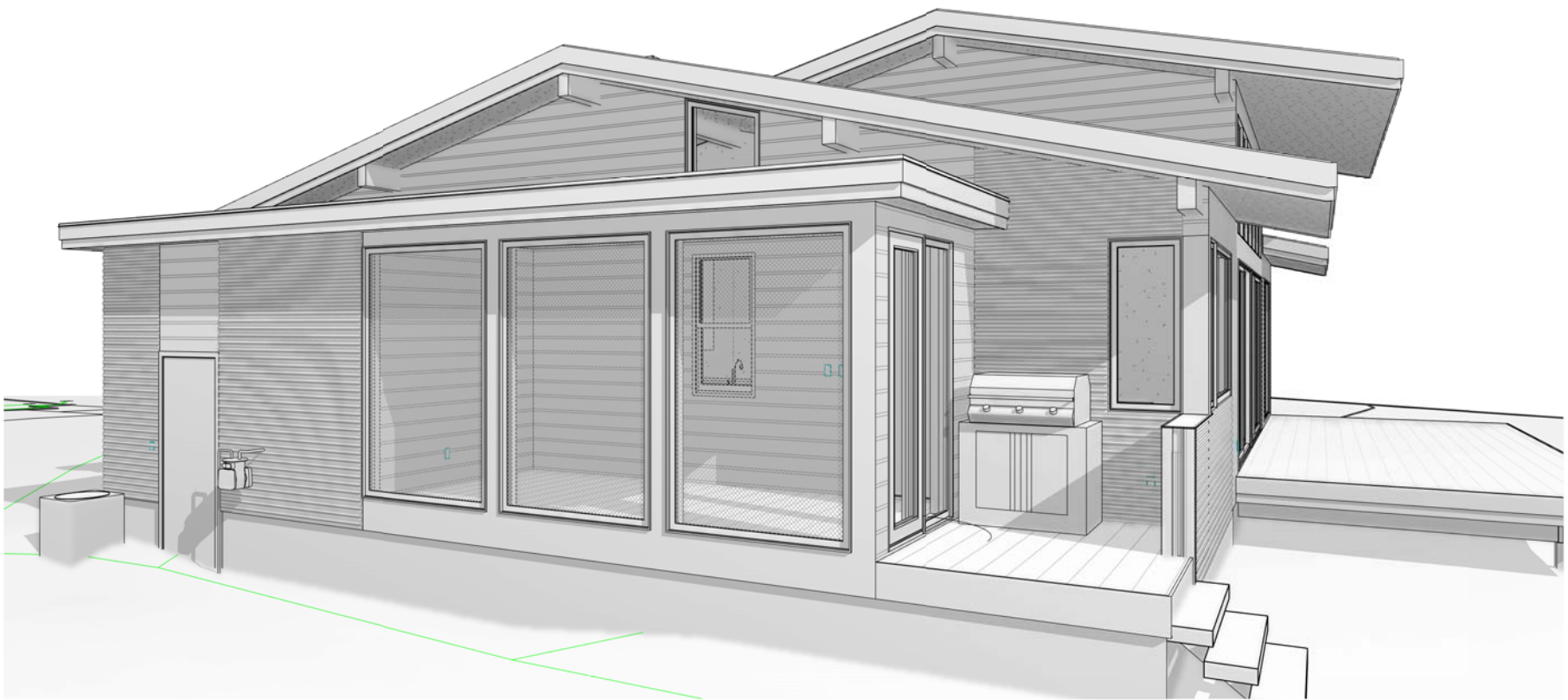
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SCALE : 1/4" = 1'-0"



2 WEST ELEVATION  
SCALE : 1/4" = 1'-0"

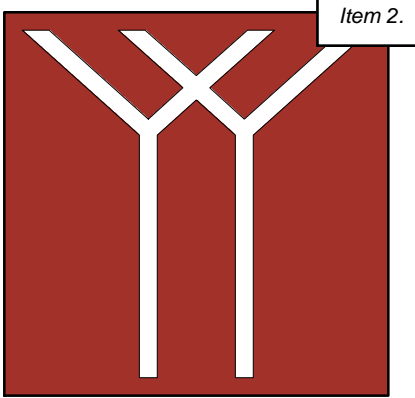


3 EAST PERSPECTIVE VIEW  
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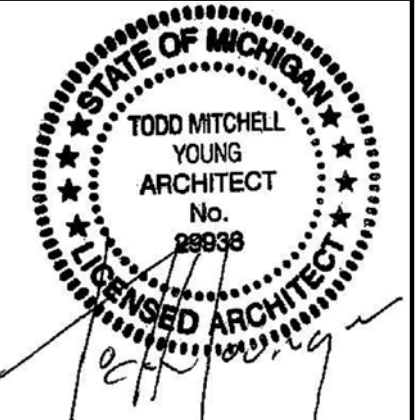
4 WEST PERSPECTIVE VIEW  
SCALE :





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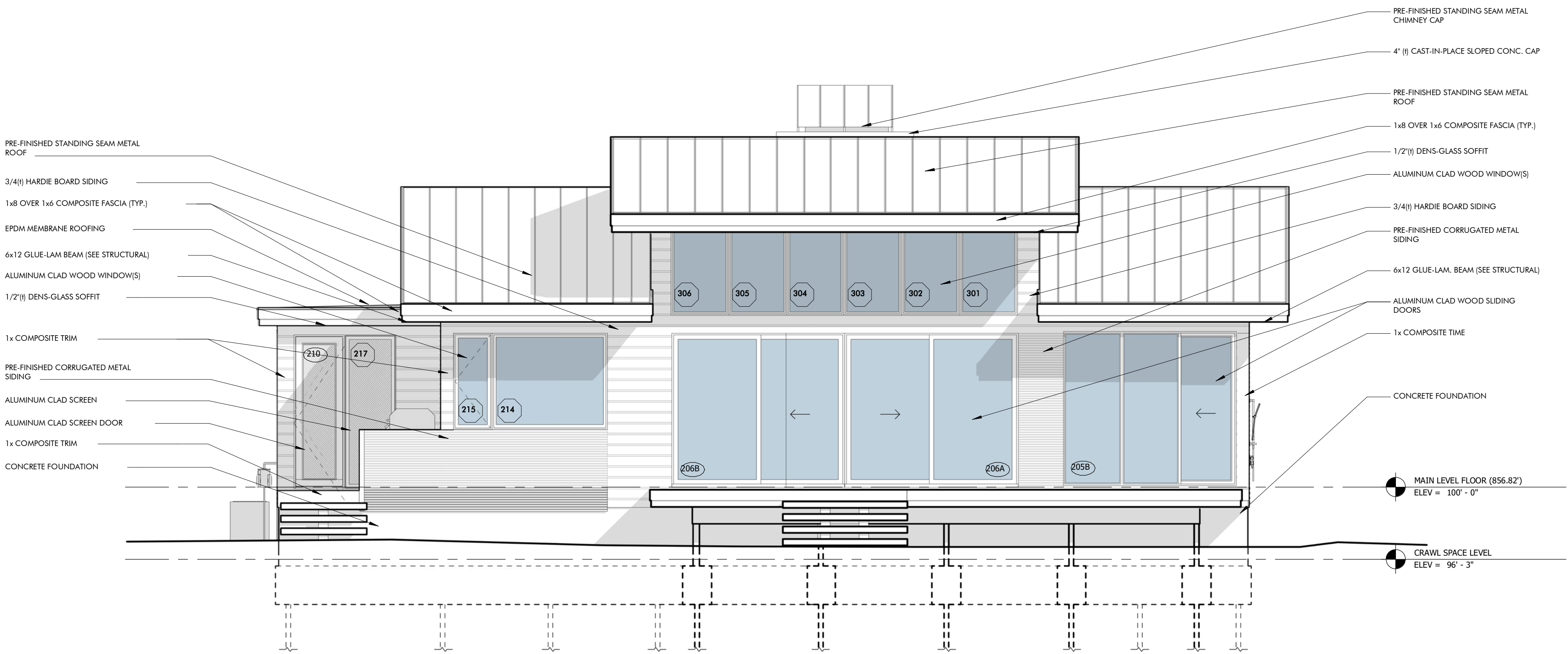
THE MAJORS LAKE HOUSE  
2496 BASEVIEW DRIVE  
HAMBURG TOWNSHIP, MICHIGAN

NO.	DESCRIPTION	DATE

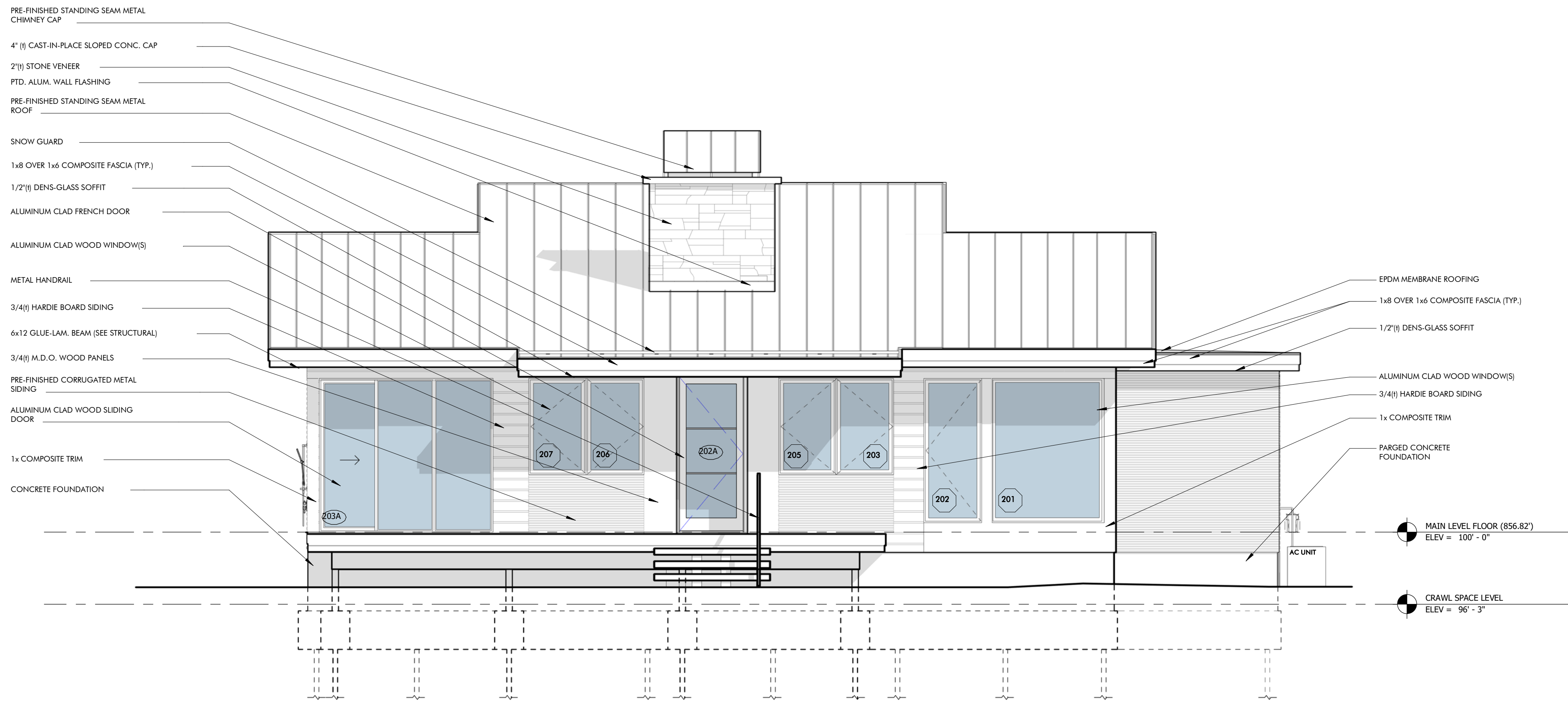
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DRAWN: BFW  
CHECKED: TAH  
SHEET TITLE: ELEVATIONS

PROJECT NUMBER:  
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SHEET NUMBER:  
A3.2

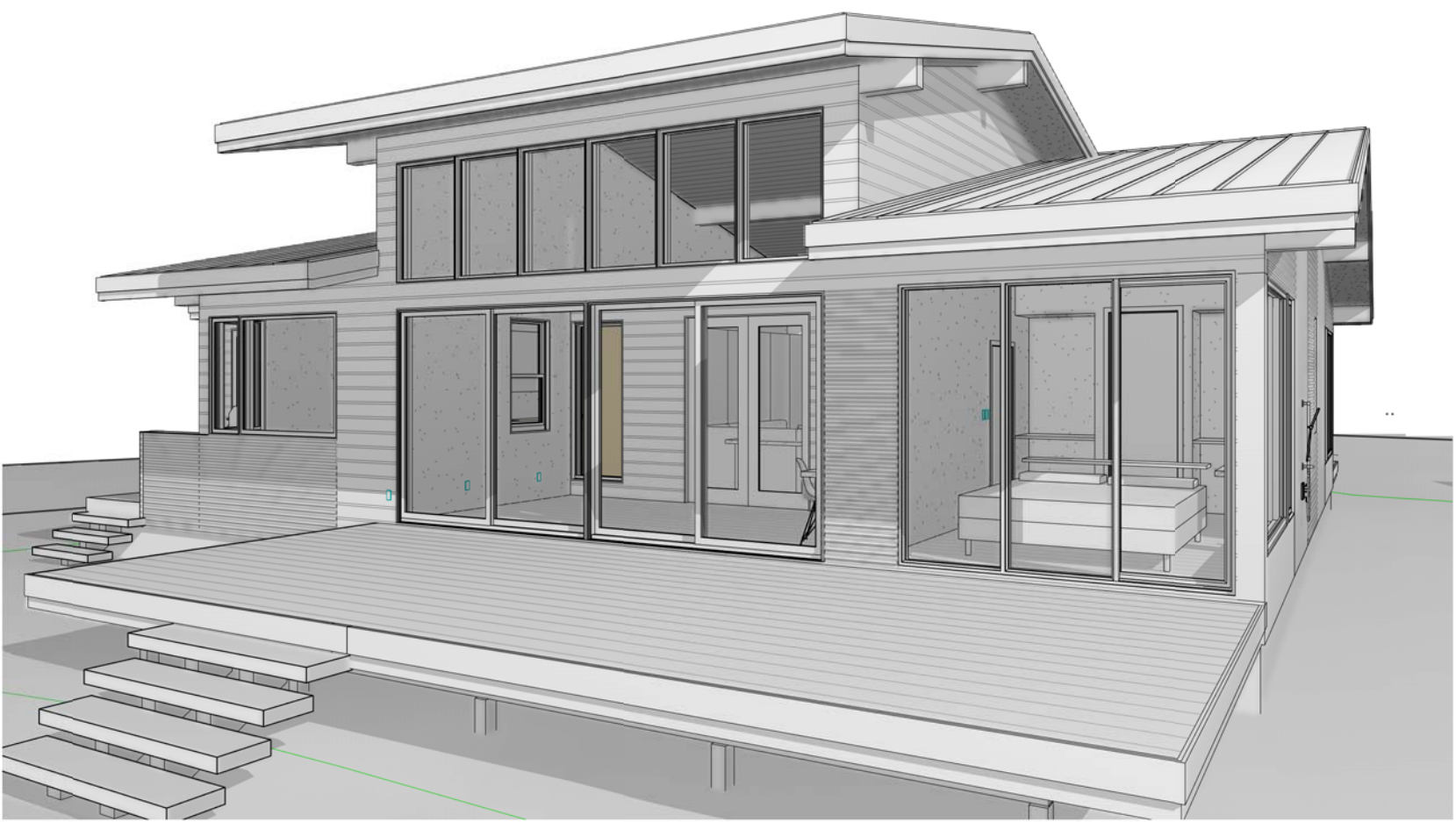
DO NOT SCALE DRAWINGS  
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1 SOUTH ELEVATION  
SCALE : 1/4" = 1'-0"



2 NORTH ELEVATION  
SCALE : 1/4" = 1'-0"



3 SOUTH PERSPECTIVE VIEW  
SCALE :



4 NORTH PERSPECTIVE VIEW  
SCALE :



10405 Merrill Road ♦ P.O. Box 157  
Hamburg, MI 48139  
Phone: 810.231.1000 ♦ Fax: 810.231.4295  
www.hamburg.mi.us

## **DPW/UTILITIES DEPT. REVIEW**

I have reviewed ZBA Case # ZBA20-018 located at 2496 Baseview Drive and offer the following:

[ ] The parcel is not on sewers.


[X] The parcel is serviced by the **Portage-Base Lakes Area Water & Sewer Authority**.

- The owner is requesting a variance to construct a new 2,550 square foot two-story home on the property.
- The Portage-Base Lakes Area sanitary sewer system is a gravity-style sewer system with the building sewer line (from the house out to the sewer main in the street) the responsibility of the property owner. The Property Owner will be responsible for the relocation of their building sewer line during the construction project.
- If the sewer line is to be disconnected during the demolition of the existing home, the Property Owner or Builder will need to schedule a sewer de-activation with Tony Randazzo. There is a \$50.00 sewer deactivation inspection fee that must be paid prior to the sewer disconnection.
- The owner or Builder must contact Tony Randazzo at (810) 231-1000 x 214 or via email at [trandazzo@hamburg.mi.us](mailto:trandazzo@hamburg.mi.us) for completion of the PBLAWSA review and sign-off.

The property owner or Builder must contact Miss Dig at 1-800-482-7171 at least 3 days prior to any digging or excavation work to confirm the location of the sewer and other utility locations.

Dated: October 7<sup>th</sup>, 2020

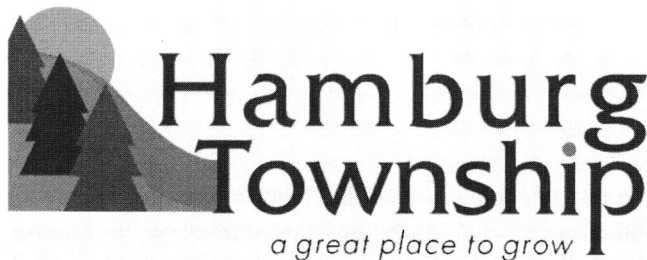
Respectfully submitted,

  
Brittany K. Campbell  
Hamburg Township Utilities Coordinator



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

Item 2.

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**Hamburg Township  
Zoning Board of Appeals Minutes  
Wednesday, October 14, 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: Auxier, Dolan, Priebe, Rill and Watson

Absent: None

Also Present: Amy Steffens, Planning & Zoning Administrator

**4. Correspondence:** None

**5. Approval of Agenda:**

Motion by Auxier, supported by Rill

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 2020-0012

Owner: Heather and Paul Gowette

Location: 4203 Shoreview Lane Whitmore Lake, MI 48189

Parcel ID: 15-33-110-243

Request: Variance application to permit the construction of a two and a half story, 2,990 square foot dwelling, with a 16-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.), a 40-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3), and an elevated deck on the south façade with a 31.7-foot setback from the OHM (44-foot setback required for elevated decks, Section 8.18.2).

Heather Gowett, applicant, stated that they are full-time residents and it is their desire to build a home across the street from their residence where her mother will reside. They have also taken into consideration her accessibility and mobility. She addressed #2 of the Standards of Review. After research, she has determined that of the 74 lakefront homes on the island, 62 of them have garages. She feels that it is safe to assume that is a reasonable enjoyment and an



asset they could consider. 100% of the homes have either a deck, porch or patio. When considering the footprint of the home, they felt that these are items that are needed to enjoy the lakefront property. She reviewed Review Standard item #1, exceptional or extraordinary circumstance of the lot. She stated that in the diagram included in the Board's packet, you can see clearly how the slope of the road and the slope of the lake impacts their buildable area. She discussed the lake setback and road setback which gives them a buildable area of 30 feet long by 33 feet wide. She further discussed the 22 foot by 22 foot garage and an 8 foot deck, which is reasonable. That leaves them with about 660 square feet to plan the base level of the home. That is not typical of what is on the island. There are small cottages but there are also full-time homes on the island. Their difficulty in trying to fit within the footprint and the slope of the road and the lake is why they went up. The house directly across the street is a 2.5 story house. She disagrees with the comment from the reviewer that said that building within the setbacks would allow an adequately sized home that would permit reasonable use of the land. A reasonable use should include a garage for storage and a deck for enjoyment and reasonable square footage. The reviewer also indicates that most of the properties in the area meet the required setbacks or are smaller. If you drove around the island, you could clearly see that at least 30 homes on the island have garages within feet of the road or the side lot line. The reviewer further indicates that the variances would be materially detrimental to the public welfare or materially injurious to the property and improvements in the area. She stated that she disagrees with comments such as "the structure looms over the street" or "the sheer bulk will impact views". They are not within feet of the road like those other garages. Furthermore, the house across the street, which is 2.5 stories, seems to fit in with the neighborhood and they are aware of other 2.5 story buildings built in Hamburg Township on the chain of lakes. She stated that she would like to hear from the Board and possibly come up with a compromise.

Amy Steffens, Planning & Zoning Administrator, stated that on January 6, 2020 the Property Owners where granted a land division by Hamburg Township. Originally, the subject site was combined for tax purposes with the property across Shoreview. In January 2020, the property owners where granted a land division to split off the subject property from a property they own at 4230 Shoreview Lane, on the north side of Shoreview Drive. That was able to be split because there was no contiguous road frontage, which is much different than most lot splits that we see in the Township. The subject site is approximately 50 feet wide by 110 deep or 5270 square feet. It fronts Shoreview Lane on the north and abuts Long Lake to the south. There is a single family dwelling to the east at 4200 Shoreview Lane on a double lot and to the west is a garage that is used by the property to the north at 4185 Shoreview Lane. The project proposes a new single-family home with square footage as indicated in the staff report or a total of about 4,258 square feet. The variance requests are for the front yard, where 25 feet is required, they are asking for 16 feet. Where a 50 foot setback is required from the Ordinary High Watermark of Long lake, they are asking for 40 feet for the main structure. They are also proposing an elevated deck on the lake side. An elevated deck may project up to 6 feet into any required yard except in the Natural Rivers District. They are asking for a 31.7 foot setback where 44 feet is required. They are not asking for a side yard variance.

Steffens discussed the seven findings of fact. She stated that on the 5,270 square foot lot, the structure is going to have a footprint of 1,632 square feet. The front property line along Shoreview Lane and the rear property line abutting Long Lake does have a slight impact on the angle of the buildable area. However, the lot is mostly flat and there is ample room within the buildable area to build an adequately sized structure that meets the requirements of the code, not the individual needs or desires of the property owners. All of the findings of fact deal with what is so peculiar with the property that you cannot meet the terms of the Zoning Ordinance. This lot already allows for the reduced side yard setbacks of 5 feet minimum and 15 feet aggregate because the lot is under 60 feet wide. The garage space would be allowed to have a 15 foot front setback. Both of these are due to recent text amendments to allow for greater possibilities on our lakefront lots. To have the front yard and rear yard setback requests are due to design preferences of the applicants and not an exceptional or extraordinary circumstance applicable to the property. This is a standard lakefront lot. There is a buildable, compliant area that is 33'x30' which is an adequate building size. There is nothing peculiar about the lot that would warrant a deviation from the requirements. It appears that most of the properties in the area that consist of a single lot of record have homes that either meet the required setback, or if the homes do encroach into the setbacks, the homes are not as large as the proposed structure. The report includes a table that compares the proposal with the surrounding properties. Ultimately, granting the requests with both a variance to the front yard setback and the Ordinary High Watermark for both the house and the deck, is not necessary for the preservation and enjoyment of a substantial property right by other properties in the same zone. A smaller structure could be built on

this site that complies with all the zoning requirements and still takes into account any slope that the applicant argues warrants a front yard and rear yard setback. The intent of the front yard setback is to require enough space between the roadway and the structure so that structures do not loom over the street or adjacent properties. The ZBA can and should consider the bulk of the structure at the setback. You are looking at a plan view, but when it is built, you are not looking at a plan view but the bulk of the structure at the reduced setback that potentially has a detrimental effect not only on the streetscape and the aesthetics of Shoreview, but also on adjacent properties. Because of the size and the height of the proposed structure, placing the structure within the required lake and front setbacks will have a greater impact of the views of the structure from both the lake and Shoreview Lane. She stated that with the staff report, there are two scaled mock-ups showing what happens when you have compliant structures next to each other and single stories and then a second Story addition that meets the setback requirement and finally a second story addition that is setback the same distance as the existing structure. This is a good depiction of what happens when structures get larger and taller and how it impacts structures on adjacent properties. 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". Building a house there will not affect the intent of the Master Plan, but the setbacks uphold the intent of the Master Plan, and it is up to the ZBA to determine if a variance request upholds that intent. The lot size of the subject site is small, and we have already addressed small waterfront lots in recent zoning text amendments. The entire Cornwell Acres Subdivision was developed with small lots. The lot is relatively flat. It does not appear that there is a condition or situation of the subject property, not the owners' desires, for which the variance is sought, that is not of a general or recurrent nature. The site is zoned for single-family dwellings and related appurtenances. The proposed project is a single-family dwelling. Finally, there is a completely compliant building envelope on this site for a home. Whether or not that meets the wants of the applicant is not something that the ZBA can consider. The ZBA has to consider whether there is anything peculiar to the property. There is not. Furthermore, an at-grade deck can go up to five feet to the property line. There is no reason to have that elevated deck 31 feet from the Ordinary High Watermark. Staff finds that there is nothing that would warrant a deviation from the ordinance.

Member Watson stated that this is a new build, and with a new dwelling, you need to come closer to meeting the ordinance.

Ms. Gowett stated that as she indicated, the slope affects the buildable area, and it is unreasonably small.

Chairperson Priebe opened the public hearing.

Mr. David Cowhy of 4200 Shoreview stated that their home is directly impacted by the applicant's lot. He stated that he is favor of their plan. He understands that the slope of the road as well as the lake affects their building. There is a 2.5 story home across the street, which is a beautiful home.

Ms. Carol Kuehne of 4166 Shoreview stated that she agrees that they should be able to build the house as proposed.

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

Member Auxier asked if the garage being proposed is 22'x22'. Ms. Gowett stated that she was trying to give an example of trying to build on the 33'x 30 buildable area. She was stating that having a reasonable sized garage and a reasonably sized deck left the 660 square foot base level of the house. That is the reason they decided to build up. She was trying to use this as an example. Member Auxier asked the width and length of the house. Ms. Gowett stated that it is 40'x33'. Steffens stated that the lot is 50 feet wide, therefore the width could be 35 feet across by 33 feet deep. The garage can be up to 15 feet to the property line and could be move forward. Ms. Gowett further discussed the deck which leaves 30'x33' for the home. Further discussion was held on other options to get a fairly significant home and still be within the 33'x35 foot building envelope. He stated that would still allow at least at 2,500 square foot home.

Member Rill asked when the project started, did the applicant take into consideration the buildable site on the lot and what the restrictions are. Ms. Gowett stated that it is very difficult to find a plan that meets the requirements and still work with what she was desiring for her mother. They got close and figured that there are variances all over the island.

They also spoke with many of the neighbors. Member Rill stated that if you know what the building envelope is, it appears like you chose what you wanted to do rather than what would fit on the lot. Ms. Gowett stated that she started with an existing plan rather than start from scratch.

Steffens stated that there is one anonymous letter in opposition to the variance that was included in the Board packet.

Member Auxier stated that he is not in support of this plan, but he hears that the applicant is interested in working toward a plan that will work. Chairperson Priebe stated that there is room for the applicant to make some adjustments. She would like to give them an opportunity to come back with a different plan. As is, she does not feel that there would be support for such a large house on this particular piece of property. She stated that tabling the request may be more advantageous than just denying it. If they find a way to meet the requirements, then they would not have to come back before the Board.

Motion by Auxier, supported by Dolan

To table variance application ZBA 20-012 to allow the applicant an opportunity to work within the building envelope

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

**b) ZBA 2020-0015**

Owner: Donald & Lynn Pettijohn

Location: 3774 Lancaster Drive, Pinckney, MI 48169

Parcel ID: 15-29-202-215

Request: Variance application to permit the construction of a 120-square foot second story addition to the north façade of an existing dwelling. The dwelling will have a 6-foot side yard setback (10-foot side yard setback required, Section 7.6.1.).

Mr. Don Pettijohn, applicant, stated that his grandfather purchased this lot as well as the two adjacent in 1938. His family has been here for a long time. His father lived in the home next to this at 3780 Lancaster Drive, and he passed away in December. He and his wife purchased this home next door and combined the two lots together. They received the approval to combine them in February, and they are attempting to make the two houses look similar. They are looking to add a second story over an existing structure and go out an additional six feet toward the road. It would not affect anyone's view.

Member Dolan asked if it is important for the Zoning Administrator to read her report in its entirety. The Board members receive them in their packets and he assumes that the members read them. Member Auxier stated that he feels that it is helpful to review the high points at the very least.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 21,431-square foot parcel that fronts onto Lancaster Drive to the south and west; Cordley Lake is to the south, and single-family dwellings are located to the west and east of the site. She stated that the three parcels as seen on the map are actually one parcel and reviewed the combination. She stated that it is one parcel that is actually split into two by Lancaster Drive. The parcel on the north side of Lancaster is improved with a 792-square foot garage; the subject site on the south side of Lancaster is improved with a 2,088-square foot dwelling and 293-square foot detached garage as well as a 1,180-square foot dwelling that has had the kitchen removed. It had to not be a home when we combined the parcels so they removed the kitchen in anticipation of the Township issuing a land use permit for an addition to connect the two homes. If approved, the variance request would permit the construction of a 120-square foot second story addition to the north façade of the former dwelling on the eastern half of the parcel. The second-story addition would have a six-foot side east side yard setback where a 10-foot side yard setback would be required per Section 7.6.1. The Zoning Ordinance allows on lots that are less than 60 feet wide a reduced side yard setback for an aggregate of 15 feet. By combining the lots, they now have a larger lot that can no longer take advantage of that reduced side setbacks. Any new construction would have to meet the 10 foot setback on both sides. In this case, they are asking for an addition over an existing structure that has

deficient setback now that they have been combined. They have essentially created a practical difficulty because now they have a larger lot. They have to meet the 10 foot setback even for a second story addition. And, this is a much larger structure than any adjacent properties. The site is not constrained in size and has been zoned, developed and used for residential purposes as is without the second story addition. There is nothing extraordinary about the property that the addition cannot meet the 10 foot setback, and there is nothing peculiar about the property that warrants a variance request. It is a relatively small project at 120 square feet and only 6 linear feet of that is going to be within the setback. In this instance, the second story with a deficient side yard setback, given that it is a small addition, could be considered a reasonable deviation from the terms of the Zoning Ordinance. She further stated that a single architectural design does not advance a substantial private property right. The subject site is notably larger than adjacent properties and has just recently received a land use permit for an addition to connect the two homes on the newly combined larger lot that meets all of the Zoning Ordinance requirements. The applicant's design preference requiring a variance request is a self-imposed practical difficulty. The second-story addition would have a front yard setback of 64 feet, which is an extreme setback, especially in the WFR zoning district. From the front, you will not be able to tell that there is another 120 square foot of second story. The extreme setback will help minimize any aesthetic or privacy impacts that we would be concerned about. This property is located within the waterfront residential-zoned future land use district in the 2020 Master Plan, which is a district that allows for residential properties and is intended to protect the existing character of the area. The proposed project would not adversely affect the purpose or objectives of the 2020 Master Plan. There is no condition or situation of the subject site that is not of so general or recurrent in nature that applies to grant a variance. The use of the site is single-family residential and the proposed variance would not change the use. This is a relatively small addition to an existing second-story and the ZBA will have to determine if the 10 foot setback should not apply for this 120 square foot addition.

Member Dolan stated that this is a unique situation. The fact that combining the two lots created a setback situation is very unique. He stated that this is such a small, minor variance request, and he would be comfortable with approving the project. The other members of the Board concurred.

Chairperson Priebe opened the public hearing. Hearing no public comment, the public hearing was closed.

Motion by Dolan, supported by Watson

To approve variance application 2020-0015 at 3774 Lancaster Drive (TID 15-29- 202-215) to permit the construction of a 120-square foot second-story addition to the north facade of an existing dwelling. The dwelling will have a six-foot side yard setback (10- foot side yard setback required, Section 7.6.1.). The variance meets variance standards one (1) through seven (7) of Section 6.5 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. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

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

c) ZBA 2020-0016

Owner: Jeffrey and Heather Evans

Location: 4101 Shoreview Lane, Whitmore Lake, MI 48189

Parcel ID: 15-33-110-119

Request: Variance application to permit the enclosure of an existing 320-square foot covered patio on the west façade of the dwelling. The enclosed addition will have 35-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3).

Mr. Jeffrey Evans, applicant, stated that they purchased the property in July. At the closing they were presented plans completed by Dexter Builders for the previous owners dated 2018. The home was built in 1973 including the porch on the west side of the living area. They would like to create a 3-seasons room adding windows and a door to enclose the porch. Adding windows would not impede their neighbors view of the lake. There were also concerns that the porch was in a floodway. A LOMA (Letter of Map Amendment) was created and filed on 9/23/20. It was determined in the



report that the porch is not within the floodplain area. It is worth noting that the finished floor elevation of the home is 855.8, which is 1.8 feet above the floodway elevation. The finished floor of the porch is approximately 4 inches below the finished floor of the house. No excavation will take place anywhere on this project. They are simply adding windows to an existing porch. They realize that the rear yard setback is 50 feet, and the porch is 34 feet from the water. Since the structure has existed since 1973, they respectfully request that the ZBA approve their variance request. He stated that there are three neighboring families present in support of their project.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 14,117-square foot parcel that fronts onto Shoreview Lane to the east; Gallagher Lake channel is to the west, and single-family dwellings are located to the north and south of the site. If approved, the variance request would permit the enclosure of an existing, nonconforming 320-square foot covered patio on the west rear facade of the dwelling. The enclosed addition will have a 34-foot setback from the ordinary high water mark of the lake where a 50-foot setback is required per Section 7.6.1.(fn 3). The reason this request is before the Board is even though the porch is already covered and does not meet the setbacks, under Article 11, which is our non-conforming ordinance, they are actually increasing the nonconformity. The applicant has addressed the floodplain issue. That is not something that the ZBA needs to concern themselves with it. The ordinance requires a 50-foot setback from the ordinary high-water mark of a water body and intended to maintain an open vista of the water from neighboring properties and preserve the shore from encroachment of residential structures. The existing non-conforming covered patio encroaches 16 feet into the required yard setback. It is doubtful that the 50 foot setback was required in 1973 when the structure was built, but it is non-conforming to today's ordinance. The site is zoned for single-family residential uses, has been developed for such uses, and can continue to be used for such use without expanding the nonconforming structure with a deficient setback. An enclosed addition is not necessary for use of the site for residential purposes and is solely a personal preference of the homeowner. It does not preserve a substantial property right. The house has been used as a single family dwelling without the enclosed porch and variance request. The ZBA can determine if this is an acceptable deviation of the requirements of the ordinance. The proposed future land use of the area is envisioned as waterfront residential, with a WFR designation, and would not be adversely affected by the granting of the variance. There is no condition or situation of the subject site that is not of so general or recurrent a nature. This 50 foot setback is a requirement of all properties within the Township regardless of the zoning designation. Requesting a variance to expand a non-conforming structure is a self-imposed practical difficulty. The use of the site is single-family residential and the proposed variance would not change the use. The house was built in 1973 without an enclosed porch, and the site can continue to be used for single family residential without an enclosed porch.

Member Watson stated that it is a nonconforming porch to begin with, and even though it is covered, it is open.

Member Auxier stated that on the plan, it shows a covered porch that is not included in this variance request. Mr. Evans stated that is not going to happen. They are simply asking to enclose the existing structure. No other changes will be taking place. Auxier stated that when he was at the site, he looked to see what the impact would be to the surrounding homeowners and saw none.

Member Dolan stated that there is a uniqueness to the property with regard to where it sits.

Chairperson Priebe opened the public hearing.

Leslie Stalker of 4106 Shoreview stated that she owns the property directly next door to the south. She supports them being able to enclose the porch. It does not impede their view of the water at all.

Tom and Kim Good of 4130 Shoreview stated that they support the request for a variance. They feel that it would add to the community and the property value.

Mr. Greg Karmineke of 4145 Shoreview stated that he lives directly to the east of the applicant. He cannot see their house much from his, but he feels that it would be good for the community.

Discussion was held the location of surrounding buildings.

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

Member Dolan stated that taking everything into account on this site, he could agree that this is an acceptable deviation from the regulations.

Member Rill stated that given that the structure was built in 1973 and it conformed at that time, he has no issues.

The question was asked if the Board could make a stipulation that it be glass enclosure only. Steffens stated that the Board can put in any condition they choose. Dolan stated that there would have to be support structure as well as the glass.

Motion by Auxier, supported by Rill

To approve variance application ZBA 20-0016 at 4101 Shoreview Lane to permit the enclosure of an existing 320-square foot covered patio on the west façade of the dwelling. The enclosed addition will have 34-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3). The variance does meet variance standards one (1) through seven (7) 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 the meeting tonight 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

**d) ZBA 2020-0017**

Owner: James and Sarah Seta

Location: 11190 Algonquin Drive, Pinckney, MI 48169

Parcel ID: 15-31-102-020

Request: Variance application to permit the construction of a new 3,100-square foot two story dwelling with an 862-square foot attached garage. The proposed dwelling will have a 24-foot east front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 16-foot south setback from the ordinary high water mark of a Portage Lake canal (50-foot setback from the OHM required, Section 7.6.1. fn 3).

Mr. Jim Seta, applicant, thanked the Board Members for allowing them to address the Board and for coming out and looking at the property. He stated that since they purchased the home in 2014, they have made some substantial improvements to the property including seawalls, etc. to provide a better environment for the public in general. They do feel that they have a practical difficulty given that their home is currently very close to the canal. You can see on the plans where the home is today as well as where they plan to build. Their plan is to make this their permanent residence versus a summer cottage. The one foot setback variance is for the second story above the garage which will be a rec room. Staff has indicated that the home could be moved back one foot. However, half of the house is going to be where it is today. To move it back one foot would require them to complete tear down the house. They would also be impeding the neighbor's view of the lake, which is why they chose to put the second story where they are proposing. The house across the street is a two-story home as well and they did not want to impede their view either. The home today is 1,600 square feet and they are wanting to go up. They are requesting approval of their plan and believe that it is a betterment to the community. He presented pictures of other garages in the area that are extremely close to the road. Their existing garage, which they will be removing is only 7.2 feet from the property line. Now the garage will be moved back to roughly 19 feet from the property line. They believe that they are making the street view much better. Their home is directly next to the bridge and canal and will make it safer for people to pass because the bridge is only a one lane bridge.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 10,210-square foot lot that fronts onto Algonquin Drive to the east, Portage Lake to the west, and single family dwellings are located to the north and south of the site. The existing dwelling is one-story, approximately 1,600 square foot, with a detached 440 square foot garage

If approved, the variance request would permit the construction of a new 3,110-square foot two story dwelling with an 862-square foot attached garage. The proposed dwelling will have a 24-foot east front yard setback where 25 feet is required, and a 16-foot south setback from the ordinary high water mark of a Portage Lake canal where 50 feet is required. She provided a table showing what is currently there and what is proposed. This is the kind of lot that the variance process was created for. This subject site is a 10,210 square foot lot, which is almost twice the size of the first lot that we considered this evening, and it is going to be a similarly sized house. However, the lot is 68.8 wide. If it was a normal lot without the canal on the side, we would have a setback requirement of 10 feet on each side. With the 10 foot on one side and 50 feet from the canal side, that leaves them a building envelope of 8 feet wide. There is no compliant location for a house on this lot. The current house is setback 16.1 feet from the canal and the new proposed two-story house will be setback the same 16.1 feet from the canal. The existing structure is one-story, and proposed is two-story. The outside wall of the proposed garage will be 19 feet to the front lot line, where a 15-foot setback is required for an accessory structure located between the dwelling and the water. What is triggering the front yard setback is the new proposed two-story addition. They are proposing 24 feet rather than the required 25 feet. It is the second story that does not meet the setback. They are not proposing to remove the wall on the north side. If it comes down, then we have a problem. They cannot remove more than 50% of that wall. The house could be shrunk down in size. It is up to the ZBA to determine whether or not this is an appropriate sized structure for this lot. There are similar size homes in the surrounding area of the subject site on similar lot sizes that appear to also be nonconforming, both from the front lot line and the canal, but most of the homes are single story. The proposed addition will be a two-story home where a ranch style home existed. The variance preserves a substantial property right possessed by other property in the same zone and vicinity. However, whether it is an appropriate size for the site is up to the ZBA to decide. As proposed, the new dwelling will be setback at nearly the same setbacks as the existing home. However, the proposed dwelling is two-story, and the ZBA should consider the doubling of bulk at the setbacks. The lot has a required north side yard setback of 10 feet. Because the applicant is proposing to keep the non-conforming north side wall of the home, the wall can remain and be attached to the new proposed structure without a variance, unless 50% or more of the wall is removed. The existing garage on the lot is detached from the home and is only 7 feet from the front lot line. The new home will have an attached garage that is 19 feet from the front lot line. This proposed home with an attached garage is less impactful and more conforming to the front lot line at the street. It is not likely that the proposed new dwelling would be materially detrimental to the public welfare or materially injurious to the property or improvements in the WFR District. The proposed future land use of this property and surrounding area envisions waterfront residential zoning district. With the water on two sides, we are constrained by the required setbacks. Furthermore, she believes that this canal is man-made and we are not only asking that this property to be burdened by a natural feature, but a canal that is man-made. The use of the site is single-family residential and the proposed variance would not change the use. The proposed two-story dwelling for a single family is a reasonable use of the land. The question is whether the size is reasonable, and that is up to the ZBA to decide. After the packet was created, we did receive two letters regarding this request. She read an email received October 8<sup>th</sup> from Greg and Micelle Towler of 11175 Algonquin who feel that they should only be allowed to build a home that would fit into the Township's requirements. She further read a letter from Jennifer Maxum of 2264 Wayne Drive who objects to the plans and is in favor of them building a home within the Township's ordinances. (see attached email and letter as part of the minutes). Steffens addressed the LOMA and stated that this only applies to the structure that is on the lot now. Any development would have to meet our Floodplain Development Ordinance that will require new elevation certificates unless you receive another LOMA once the foundation is put in.

Member Watson stated that he is in favor of the request. It appears to be a plus for the area. Member Auxier asked if the bulk of the structure could be moved further away from the canal. It was stated that it is already at 7 feet. Auxier further stated that it is not an excessively large sized home. The rec room is similar to a basement.

Chairperson Priebe opened the public hearing. Hearing no public comment, the hearing was closed.

Member Auxier addressed the two letters that were received indicating that they would be in favor of building within the Zoning Ordinance, yet nothing would comply.

Chairperson Priebe stated that they have set it back from the road which is an improvement. It was stated that currently it is at 7 feet and the new garage will be 25 feet with a "bump-out" at the top. Mr. Seta stated that it will



actually be 32 feet from the road. There is approximately 9 feet from the property line to the road. He further stated that when they purchased the home, the seawall was falling into the canal, and they spent \$30,000 on a new seawall. It is interesting now that there are neighbors who are saying that they want to be able to go through the canal. Others are enjoying the canal because of the investment they have made. He further stated that he also feels that the applicant should be made aware of any letters received by staff prior to the meeting.

Discussion was held on the canal.

Motion by Rill, supported by Watson

To approve variance application ZBA 20-0017 at 11190 Algonquin Dr. to permit the construction of a new 3,100-square foot two-story dwelling with an 862-square foot attached garage. The proposed dwelling will have a 24-foot east front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 16-foot south setback from the ordinary high water mark of a Portage Lake canal (50-foot setback from the OHM required, Section 7.6.1. fn 3). The variance does meet variance 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 the meeting tonight 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

e) ZBA 2020-0018

Owner: Judith Majoros

Location: 2496 Baseview Blvd. Pinckney, MI 48169

Parcel ID: 15-31-304-037

Request: Variance application to permit the construction of a new 2,540-square foot two story dwelling. The proposed dwelling will have an 8-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 10-foot east rear yard setback (30-foot rear yard setback required, Section 7.6.1).

Steven Majoros, family member representing the applicant was present. He stated that Judith could not be present this evening. He lives in Farmington, Michigan but has spent a lot of summers here in Hamburg Township. He serves on the Planning and Zoning Committee in his community as well so he appreciates the hard work the Board puts into this. His father came to this area for not only the lakefront living but also because he liked the sense of neighborhood, community and harmony. Their desire is to make their seasonal cottage into a more permanent residence that he and his brother can deal with in succession and estate planning, etc. They want to stay consistent with the neighbors, the standards that have been set for properties like this and lakefront living. They are trying to be respectful of all of that. He stated that Don Maybee, their neighbor, could not be present this evening but he enthusiastically endorses their project.

Mr. Roger Young, Architect, stated that he has been working with Mr. Majoros and his family on the design of their new home on the lake. They want to be sensitive to the neighboring homes not only in terms of scale of the home but also the proximity and protection of the natural features. He discussed the landmark trees in relation to the new proposed construction.

Amy Steffens, Planning & Zoning Administrator, stated that this is an unusual situation and again another reason why there is a ZBA. She stated that the subject site is one lot originally platted as two lots in a plat from almost 100 years ago. If you look at the plat, there is no roadway access to any of these lots to the west, and this lot is the last lot of the plat. At some point, possibly in the 1960s, they re-platted a portion at the north of the plat including an easement so that people had access to their lots. However, that easement dead-ends at the west property boundary of this lot. They cannot legally use Baseview that goes east from the subject site. There is no road frontage for this site. The eastern end of Baseview Drive terminates at the west property line of the subject property. The properties east of the subject site are in the Sunset Cove Subdivision. Like many of the homes along Baseview Drive, the existing and the proposed house on the subject site are oriented toward Baseview Lake to the south. Because the subject site accesses Baseview

Drive from the west side of the property, the front property line according to our Zoning Ordinance, would be considered the west property line, while the east property line would be considered the rear property line. The west property setback would be 25 feet and the east would be 30 feet. The proposed project will demolish the existing home and reconstruct a new main home on the site. The new home is proposed to be 8 feet from the west property line where 25 feet would be required and 10 feet from the east property line where 30 feet is required. The project proposes a new single family home with the total square footage of 3,222 square feet. There is also a 180 square foot covered porch off the south side of the structure that will be 50 feet from the OHM of Baseview Lake and a 230 square foot patio off of the south side of the structure that will be less than 24 inches above grade and therefore can encroach into the water setback. Because of the orientation of the lot, and the way that Baseview easement terminates, the applicant has asked for variances to the front and rear setbacks. The applicant would like the ZBA to consider allowing the reduced front and rear setbacks because the orientation of the house does not match the required setbacks. The house is oriented toward the lake to the south so the applicant would prefer the west and east setbacks be considered side setbacks instead of front and rear setbacks as required by the code. If this was a normal lot and Baseview went through, the setbacks would be 10 feet and 10 feet. The subject property is mapped within FEMA's 1 percent floodplain. Prior to issuance of a building permit, an elevation certificate would be required to ensure that any improvements would meet the floodplain development standards of Hamburg Township. Because Baseview Drive does not traverse the subject property, this site does appear to have an extraordinary circumstance in regards to its access off of the west end of Baseview Drive, and the way the Zoning Ordinance defines the front and rear property boundaries. The access changes the orientation of this lot. There is nothing peculiar about the property itself except for the fact that Baseview terminates and we have the definitions to apply. It is up to the ZBA to determine if the requested setbacks are acceptable. Staff is suggesting that the applicant at least meet the minimum side yard setback of 10 feet and 10 feet. The rest of the lots along Baseview Drive in this location are either accessed off of the north or south sides of Baseview Drive, making the north or south side the front or rear property lines on these properties. The applicant is asking for an 8-foot setback from the west property line and the existing home on the property at 2488 Baseview Drive is only approximately 1 foot from the shared property line. Staff would suggest that the subject property at least maintain a 10 foot minimum setback to allow adequate space between the two homes for access to and from the lake. This additional setback along with the orientation of the house slightly angled away from the house at 2488 Baseview Drive will also help to reduce any impacts the massing of the new structure may have on the neighboring property. Again, this lot has an odd situation due to its access from the end of Baseview Drive. There are no other lots in the area that have this similar situation. The purpose of the front setback is to allow distance between the roadway and the structure so that structure does not loom over the street. The rear setbacks are required to allow room between adjacent home to the rear of the site to allow for open greenspace and yard for the homes. This property is located within the Waterfront Residential future land use district in the 2020 Master Plan. This district allows for residential properties and is intended to protect the existing character of the area. The proposed structure is a reasonably sized 2,550 square feet and is only 22 feet tall to the top of the roof ridge. Because of the size and design of the home, it appears to meet the intent of the Waterfront Residential future land use district. There is something strange about the orientation of this lot. Granting the variance is not going to establish anything other than a single-family dwelling. Approval of the variance request would not permit the establishment of a use not permitted by right within the district. A house could be built on this lot that could meet the required 25 foot front and 30 foot rear yard setbacks. However, the house would be narrower and longer and may require removal of more vegetation from the site. Staff is recommending approval of the request because of these mitigating factors. The ZBA could also consider a condition that the east and west setbacks be maintained at 10 feet.

Member Dolan asked if the orientation of the house could be changed slightly to meet the 10 foot setbacks on the east and west. Mr. Majoros presented a diagram showing that the only area that is encroaching the 10 foot setback is approximately 7.5 square feet. The answer to the question is yes they could rotate the house and rotate it to fit, however they are trying to be respectful to the neighbors. The neighbor, at it's closest point is one foot from the lot line, and the more rotation they do toward the neighbor will actually have more impact. They have moved the structure back to be more respectful to the neighbors on both sides and preserve their site lines. Further discussion was held on the orientation due to the determination of the front yard. Mr. Young discussed the requirements for the narrow waterfront lots and the lack of clear definition on how you determine the exceptionally narrow lot. Steffens stated that it is actually very clear. It is the lot width at the required setback. She further explained that if this were a typical lot, the lot would be greater than 60 feet at the required setback. Discussion was held on the determination of

the front yards. Mr. Young discussed the property owner's access to the lake on the east side of the property and the placement of the neighbor's house and other structures such as air conditioning units, proposed generator, etc.

Member Auxier stated that the proposed placement works and the small portion is minimal. He does like the idea of preserving the trees on the property.

Chairperson Priebe opened the public hearing. Hearing no public comment, the hearing was closed.

Chairperson Priebe stated that the lot does get narrower toward the north. She does not have a problem with the request.

Member Watson stated that if the neighbor to the west installs an air conditioner and generator, nothing will be able to get through that area. Mr. Majoros stated that the air conditioner is already there at the corner of his garage, and the generator has just been a discussion. His point was that their access from back to front is on the east side. It was further stated that there is quite a distance between the garage and the house as well for access. Steffens stated that the house to the west would not be able to put mechanical equipment in that yard. It would have to meet the ordinance.

Discussion was held on the staff recommendation. Member Dolan stated that staff is recommending a minimum of 10 feet on each side. Even with that, the Board is considering a very large variance. He does feel that the 10 feet on each side is a good compromise. He understands the reluctance, but it is minor to accommodate the 10 feet. Mr. Majoros stated that the other consideration when they were considering the pivot point was that the lake front is not straight across. They are almost at the peak of Baseline Lake. They also have a very old maple tree that they have spent considerable amount of money to preserve. They have done a lot of things to preserve the view and would prefer to keep the 8 foot setback and not touch the maple tree or other trees. The question was asked if the trees would have to be removed if they pivot the house. Mr. Majoros stated they would not have to remove them, but they are talking about their views, etc.

Member Watson stated that he would like to see a sketch or diagram showing the house pivoted if the other members feel that it is important to maintain that 10 feet. It was stated that it would not change any of the building plans.

Member Auxier stated that if it were a safety concern, it would be a bigger issue, but it is not. We are talking about a 7.5 square foot corner.

Chairperson Priebe stated that she does not feel that it is a big issue to move the house slightly. However, if it is moved, it does affect the side of the neighbor's house. Discussion was held on privacy of both the applicant and the neighbors.

Member Auxier, supported by Rill

To approve variance application ZBA 20-018 to permit the construction of a new 2,540- square foot two-story dwelling. The proposed dwelling will have a 8-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 10-foot east rear yard setback (30-foot rear yard setback required, Section 7.6.1). The variance meets variance standards one (1) through seven (7) of Section 6.5 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. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request

Member Dolan stated that he realizes that a 2 foot variance is not that big, however he does not see a practical difficulty in not slightly changing the orientation of the home to meet the ordinance. It would still give them a tremendous variance.

Voice vote: Ayes: 4    Nays: 1    Absent: 0    MOTION CARRIED



**8. New/Old business**

a) Approval of September 9, 2020 minutes

Motion by Auxier, supported by Watson

To approve the minutes of the September 9, 2020 meeting as written

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

b) Adoption of 2021 Zoning Board of Appeals 2021 meeting dates

Motion by Dolan, supported by Watson

To adopt the 2021 Zoning Board of Appeals meeting dates as presented

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

**9. Adjournment:**

Motion by Dolan, supported by Watson

To adjourn the meeting

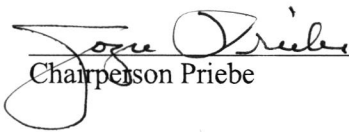
Voice vote: Ayes: 5    Nays: 0    Absent: 0    MOTION CARRIED

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

\_\_\_\_\_  
Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected: 11-12-20

  
\_\_\_\_\_  
Charpenson Priebe



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

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## **ZONING BOARD OF APPEALS MEETING**

**Wednesday, May 10, 2023, at 7:00 PM**  
**Hamburg Township Hall Board Room**

### **MINUTES**

#### **CALL TO ORDER**

Priebe called the meeting to order at 7:00 pm.

#### **PLEDGE TO THE FLAG**

#### **ROLL CALL OF THE BOARD**

##### **Members PRESENT:**

Jim Hollenbeck (Alternative)  
Brian Ignatowski  
Craig Masserant  
Jason Negri, Chair  
William Rill

##### **ABSENT:**

Joyce Priebe

#### **CONSENT AGENDA**

Motion to approve Zoning Board of Appeals Agenda for tonight with the amendment to add as item #5, ZBA #23-004 (to request for a 45-day extension at 10191 Imus Rd), made by Member Rill and seconded by Member Masserant.

**VOTE: MOTION CARRIED UNANIMOUSLY**

**GENERAL CALL TO THE PUBLIC-** no response from the public.

## NEW BUSINESS

### 1. ZBA 2023-002

Owner: Mounir and Tamra Haurani  
 Location: 2602 Baseview Boulevard  
 Parcel ID: 4715-31-401-010  
 Request: Variance application to permit the construction of a new single-family dwelling within the required 25-foot front north yard setback and within the required 10-foot east side yard setback (Section 36-186).

Member Negri asked the applicant to speak at the podium. The applicant said they made changes to their proposed project, moving the living space above the garage back from the road 10 feet, and expanded the home in width (16 inches).

Member Negri asked Amy Steffens, the Planning and Zoning Director had any additional facts to share with the ZBA. She stated the updated building plans were received from the Zoning Office on April 12, 2023. She went back through the March 8 ZBA Report for our new Member Ignatowski, so he understood where this case stood. She stated that staff finds that the 22-foot front yard setback for the second story living space would be a minor deviation from the Ordinance. While the east side yard setback has been further reduced with the plans under present consideration, it could be considered an acceptable compromise to encroach on the unimproved road to the east to increase the front yard setback and not encroach into the west side yard setback or south OHM setback.

Member Negri opened the meeting for the ZBA Members. Member Masserant asked if the board had requested that the applicant move the living space above the garage to where the present home is set. The applicant came back to the podium to clarify that the original plans had a 23-foot front yard setback from the road. The contract came up to the ZBA board table to show Member Masserant how the new plans met their request from March. Then Member Negri stated that he was opening the public comment for this project so that this process of open discussion was on record. **(CALL TO THE PUBLIC).**

### Approval Motion

Member Rill made a motion, seconded by Member Masserant, to approve variance application ZBA #23-002 at 2602 Baseview Boulevard (TID 15-31-401-010) to permit the construction of a new two-and-a-half story single-family dwelling with a 18-foot front north yard setback and with a 5' 10" foot east side yard setback, where a 25-foot front yard setback and a 10-foot side yard setback is required (Section 36-186).

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. The board directs that staff to prepare a memorization of the ZBA Finding of Facts for this request.

**VOTE: MOTION CARRIED UNANIMOUSLY**

### 2. ZBA 2023-002

Owner: Mounir and Tamra Haurani  
 Location: Vacant parcel on Baseview Boulevard (nearest 2602 Baseview Boulevard)  
 Parcel ID: 4715-31-401-021



Request: Variance application to permit the construction of an accessory structure within the required 25-foot front yard setback from Baseview Boulevard and encroaching into a regulated wetland (25-foot front yard setback required, Section 36-215; 50-foot setback from a regulated wetland required, Section 36-293).

Amy Steffens let the board know that the applicant would like to table this case until they receive their EGLE decision and resulting permit.

**Approval Motion**-Member Negri made a motion, seconded by Member Rill, to table case #23-002 until a future meeting pending on information from EGLE.

**VOTE: MOTION CARRIED UNANIMOUSLY**

**3. ZBA 2023-008**

Owner: Justin McKnight  
 Location: 10350 Half Moon Drive  
 Parcel ID: 4715-30-201-149  
 Request: Variance application to permit the construction of a new single-family dwelling within the 50-foot wetlands setback and 25-foot front yard setback (Section 36-186 and 36-215).

Member Negri asked the applicant to approach the podium. Piyush Anam, the applicant explained that he is seeking two variances from the Zoning Ordinance for the front and back of the property (3 ½ feet from water's edge and 5 feet from the street).

Member Negri asked Amy Steffens to address the ZBA board. She presented her report. She stated that this is a .29-acre parcel that is situated off of Tioga Lake to its west. If granted, this variance request would permit the construction of a new 2-story, single family dwelling with a 47.25-foot setback from a regulated wetland (Tioga Lake) where a 50-foot setback is required per Section 36-215) and a 20-foot front yard setback along Half Moon Drive where a 25-foot setback is required per Section 36-186).

Amy reviewed the 7 Standards of Review in accordance with Section 36-137 of the Hamburg Township Zoning Ordinance. They are as follows; **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.** According to EGLE documentation, there would be no impact to the wetlands and no EGLE permit would be required due to the minimal size of this proposed project's footprint. **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.** Staff believes that the small pocket of wetlands on this parcel could create an atypical building envelope that would not be consistent with the surrounding neighborhood. **3. That the granting of such a 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.** Staff believes that a reduced wetland setback is not likely to be materially detrimental to the public welfare or materially injurious to the property or improvements in the district because the setback request is less than 3 feet request. As for the front yard setback variance request could be more materially detrimental to the public welfare due to aesthetics of having a structure constructed closer to the roadway but given the historical development of the neighboring properties, this might be minor. The applicant could redesign the garage and house at the required setbacks of 15 feet and 25 feet respectively to maintain the wetland setback in the rear. **4. That the granting of such variance will not adversely affect the purposed or objectives of the master plan of the Township.** The reduced front yard setback protects the OHW mark setback for the wetlands, and help in preserving the unique and natural amenities of Hamburg Township in accordance to the 2020 Master Plan. **5. That the condition or situation of the specific piece of property, or the intended use of**

said property, for which the variance is sought, is not of so general or recurrent a nature. The setbacks from the wetlands and for front yards is to protect the aesthetic views from both adjacent parcels, the traveled roadway and to preserve wetlands. The State of Michigan (EGLE) has no wetland setback requirements. **6. Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.** This parcel is zoned for single-family dwellings and this variance approval will not permit the establishment of a use not permitted within this district. **7. The requested variance is the minimum necessary to permit reasonable use of the land.** Staff finds that a modest-sized dwelling such as this proposal would be consistent in size and front yard setback minimizes the impact of the site.

Member Masserant asked if the Township has a “viewshed” ordinance. Amy said we do not guarantee water views. She mentioned that there was 3 ft available in the rear of the proposed home to allow the home to have a 23-foot setback in the front yard. Member Ignatowski asked some clarifying questions on the well and septic placement on site, and if allowing the home to be shifted, would that impact these elements of the site plan. Amy said that this site plan was for a boring plan and would not be impacted by this shift towards the west (closer to Lake Tioga).

Member Negri opened up the public hearing for audience members to make comments about this case.

- Courtney Jackson -10376 Half Moon Dr asked how far the home would be located on the parcel in relation to the lake. She asked about the septic system being installed for this site. She then asked about the road end, and how narrow it is, where would the construction trucks park in the neighborhood. Member Negri let her know that the ZBA board does not have the authority to manage that issue. He reminded the parties to maintain open communication so to prevent damage to neighboring septic fields and other structures.

The applicant did state that he is very willing to ensure that the construction trucks park in a manner as to not cause any damage or other access issues to his neighbors.

Member Negri closed the public hearing.

Member Masserant asked for clarification as to what the applicant is asking for. Amy and Member Negri confirmed that it was a 20-foot setback from the street, and that is in keeping with the front yard line with the surrounding homes. He said he did not have any issue with this request.

**Approval Motion-** Member Masserant made a motion, seconded by Member Hollenbeck, to approve variance application ZBA #23-008 at 10350 Half Moon Drive (TID 15-30-201-149) to permit the construction of a new single-family dwelling within the 50-foot setback and the 25-foot front yard setback (Section 36-186 and 36-215).

The variance meets variance standards one through seven of Section 36-137 of the Hamburg Township Zoning Ordinance, and a practical difficulty exists on the subject site when strict compliance with the Ordinance standards is applied, as discussed at the meeting this evening, and as presented in the staff report.

**VOTE: MOTION CARRIED UNANIMOUSLY**

## **APPROVAL OF THE MEETING MINUTES**

**Approval Motion-** Member Masserant made a motion, seconded by Member Ignatowski, to approve the ZBA April 12, 2023, meeting minutes as presented.

**VOTE: MOTION CARRIED UNANIMOUSLY**

**OLD BUSINESS:****1. ZBA 2023-004**

Owner: Jim Becker  
 Location: 10191 Imus Rd  
 Parcel ID: 4715-28-200-003

ZBA case from March 8, 2023, meeting, a variance request to permit the construction of an accessory structure, but was approved, subject to compliance with all other applicable laws and ordinances within 60 days of approval of this variance. This also includes compliance with all local, state, and federal floodplain requirements and receiving a Part 31 EGLE floodplain permit, as to the prior issuance of a Hamburg Township land use permit for the completion of this structure. Unfortunately, EGLE has not yet responded. Since our approval was contingent on a 60-day approval, we need to extend what we originally allowed.

**Approval motion-** Member Rill made a motion, seconded by Member Masserant, to approve a 45-day extension to the variance approval ZBA #23-004 at 10191 Imus Rd (TID #15-28-200-003) to allow additional time for the Department of Environment, Great Lakes, and Energy to proceed required permit application, in order for Hamburg Township to issue a required land use permit.

**VOTE: MOTION CARRIED UNANIMOUSLY**

**ADJOURNMENT**

Member Hollenbeck, seconded by Member Ignatowski, moved to adjourn the ZBA Meeting at 7:44pm.

**VOTE: MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

**Lisa Perschke**

*Planning/Zoning Coordinator & Recording Secretary*

**Amy Steffens**

*Planning & Zoning Director*

The minutes were approved as presented/corrected: \_\_\_\_\_

\_\_\_\_\_  
 Joyce Priebe, Chair