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## **ZONING BOARD OF APPEALS MEETING**

**Wednesday, July 12, 2023 at 7:00 PM  
Hamburg Township Hall Board Room**

### **AGENDA**

#### **CALL TO ORDER**

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

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

#### **CORRESPONDENCE**

1. Follow-up correspondence from applicant Majoros re: ZBA 23-0010 (2496 Baseview)

#### **APPROVAL OF THE AGENDA**

#### **CALL TO THE PUBLIC**

#### **VARIANCE REQUESTS**

2. **ZBA 2023-003**  
Owner: Mounir and Tamra Haurani  
Location: Vacant parcel on Baseview Boulevard (nearest address to the south 2602 Baseview Boulevard)  
Parcel ID: 4715-31-401-021  
Request: Variance application to permit the construction of an accessory structure within the required front yard and wetlands setbacks per Sections 36-215 and 36-293.
3. **ZBA 2023-011**  
Owner: Robert and Jacqueline Sifton  
Location: 8064 Kildeer  
Parcel ID: 4715-13-101-069  
Request: Variance application to allow construction of a 720-square foot pole barn in the required front yard setback of a corner lot per Section 36-215(5).
4. **ZBA 2023-012**  
Owner: Christopher Withorn  
Location: 8695 Beach Avenue  
Parcel ID: 4715-13-301-062  
Request: Variance application to permit the construction of a second-story addition within the required side, front and ordinary high water mark setbacks per Section 36-186.

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

- [5.](#) Approval of June 14, 2023 ZBA meeting minutes

## **ADJOURNMENT**

Mark W. Majoros  
2496 Baseview Drive  
Pinckney, MI. 48169

July 5, 2023

Amy Steffens  
Hamburg Township  
Planning and Zoning Department  
P.O. Box 157  
Hamburg, MI. 48139

Dear Amy,

On June 14, 2023, my brother and I brought before the Zoning Board of Appeals (ZBA) an application for variances (ZBA 23-0010) regarding our property at 2496 Baseview Drive, Pinckney, Michigan. During the ZBA's deliberations, board member Jason Negri sought more detail about an alleged easement mentioned in an email from the property owner at 2438 Baseview Drive (Attachment A). The following, for the record, are the results of a document search we conducted with the Livingston County Registrar of Deeds regarding the alleged easement.

**Summary: There exists a private access easement on Baseview Drive, but it does not traverse our property at 2496 Baseview Drive.**

Background: Hazel G. Davis, proprietor, on July 18, 1975, caused the land in question to be surveyed, divided, mapped, and dedicated as Sill-Ro-Ken-Beach No.2 subdivision. The subdivision had twelve lots numbered 30 through 41. We own Lot 30.

The original plat (Attachment B) depicts a 33-foot wide private access easement across Lots 31 through 41 for the purpose of ingress and egress. Notably, the plat clearly indicates the easement ends at the easterly edge of Lot 31. The easement does not cross Lot 30, our property.

Furthermore, the owners of Lots 30 through 41 on April 22, 1978, amended the easement through an access right-of-way agreement within Sill-Ro-Ken Beach No.2 (Attachment C). This agreement abandoned the original easement as shown on the plat (Attachment B), and moved the easement across the northerly 33 feet of Lots 31 through 41. Again, the easement specifically does not traverse Lot 30.

In his email, Mr. Wright claims the easement passes through our property, suggesting "This easement is the same as the easement that the Majoros (sic) share thru (sic) my

property and that of my neighbors so they can drive to and from their property.” This statement is factually incorrect. Mr. Wright also suggests that we are “privatizing” the easement. Because Lot 30 is not part of the easement, the land is indeed the private property of the Majoros family.

Attachments B and C in their entirety are available at the Livingston County Registrar of Deeds, 200 E Grand River Avenue #2, Howell, Michigan. We are available at your convenience to discuss the documentation and our findings.

Very Respectfully,

/s/ Mark W. Majoros

Attachments:

- A: Email from Carl A. Wright to Hamburg Township Board of Appeals
- B: Original Plat of Sill-Ro-Ken Beach No.2
- C: Access Right-of-Way Agreement for Sill-Ro-Ken Beach No.2

CC: Joyce Priebe  
Brian Ignatowski  
Craig Masserant  
Jason Negri  
William Rill



14 June 2023

**From:**

Carl A. Wright  
7006 Suncrest Drive  
Saline, MI 48176

**Township related property:**

2438 Baseview Drive  
Pinckney, MI

**To:**

Hamburg Township Board of Appeals  
Public Hearing  
June 14, 2023

**Regarding:**

ZBA 2023-010  
Location: 2496 Baseview Dr., Pinckney, MI  
Variance application

**Issues**

**Water Runoff**

I request the addition of an "over-engineered" water drain toward the lake portion of the proposed new home. I'd like it to be capable of carrying peak rain/water flow.

Because my property is the lowest of the lots both east and west of our lot, when it rains heavily the water from all the lots flow downward to me. It is further aggravated by the road grading which crowns the road surface to prevent water flow northward.

This represents a rare opportunity to divert toward the lake some of the of the water flow that now ends up in my garage and lakeside parking space. Please modify the development plan to drain the rear (the away from lake side) to the lake side.



**Attachment A**  
**Email from Carl A. Wright to Hamburg Township Board of Appeals**  
**14 June 2023**

Item 1.

Right of Way Interference

For a least 20 years we have enjoyed a clear easement supporting our passage and that of your neighbors along the "road right of way" shown in our deeds. In the last years the Majoros have put a fire ring in position that makes it necessary to pass thru what feels like private space to use the easement. Also appearing are signs telling passers something like "DO NOT ENTER"

This easement is the same as the easement that the Majoros share thru my property and that of my neighbors so they can drive to and from their property.

Attached is an image of the easement with an "open door" gap in the wall and fence. Please back off "privatizing" our easement. I'm requesting the return of the open path previously available.

Public Safety

By reducing the set backs from the neighbors in #2488 and #2496, we make it harder for the Fire Department to isolate any fire from its neighbors.

Are these shrinking set backs approved by the Fire Department?

End of comments





The space on the left of the garage has been filled with a fire pit and other personal objects. There are also signs urging folks to **NOT ENTER** and not use the easement.



Here you can see the passer's view of the OPEN PATH that was present in July 2019 when Google imaged it

We used to be able to walk, run or bicycle directly to and thru the OPENING in the wall.







**Attachment C**  
**Access Right-Of-Way Agreement for Sill-Ro-Ken Beach No. 2**  
 (On file with Livingston County Registrar of Deeds)

ACCESS RIGHT-OF-WAY AGREEMENT  
 WITHIN SILL-RO-KEN BEACH NO. 2

THIS INSTRUMENT, made this 22nd day of April, 1978 by Hazel G. Davis, whose address is 1680 Cliffs Landing Drive, Ypsilanti, Michigan 48197; John Richard Faust, whose address is 2458 Baseview Drive, Pinckney, Michigan 48169; Marilyn H. Bohlander, whose address is 2448 Baseview Drive, Pinckney, Michigan 48169; Lee M. Augustus, whose address is 1680 Cliffs Landing Drive, Ypsilanti, Michigan 48197; Herman and Ernestine E. Shelton, whose address is 3784 New Salem Avenue, Okemos, Michigan 48864; Cornelia and Olga Everard, whose address is 310 Olive, Ypsilanti, Michigan 48197; and John T. and Maxine Cieluch, whose address is 523 Roe Street, Plymouth, Michigan 48170, being owners of Lots 30 through 41 inclusive of SILL-RO-KEN BEACH NO. 2, a subdivision of part of the SW  $\frac{1}{4}$  of Section 31, T1N, R5E, Hamburg Township, Livingston County, Michigan as recorded in Liber 18 of Plats, pages 17 and 18 of Livingston County Records, hereby abandon the 33 foot wide private access easement as shown on the plat of SILL-RO-KEN BEACH NO. 2, as recorded in Liber 18 of Plats, pages 17 and 18 of Livingston County Records, and do hereby create a 33 foot wide private access easement across the northerly 33 feet of Lots 31-41 of said Sill-Ro-Ken Beach No. 2. Said easement is to be for the use of the lot owners of SILL-RO-KEN BEACH as recorded in Liber 1 of Plats, page 28, Livingston County Records, and the lot owners of said SILL-RO-KEN BEACH NO. 2.

Said easement is not exclusive for the use of owners of said properties, but shall be used in common with others.

IN WITNESS THEREOF:

John T. Cieluch  
 John T. Cieluch

John L. Snyder  
 John L. Snyder

Hazel G. Davis  
 Hazel G. Davis  
 1680 Cliffs Landing Drive  
 Ypsilanti, Michigan 48197  
 1680 Cliffs Landing Dr  
 JGD

On April 22, 1978, the owners of Lots 30-41 modified the original private access easement (as created in the original Sill-Ro-Ken Beach No. 2 plat, July 18, 1975)

The access right-of-way agreement made 22 April 1978 was established by and was binding on the owners of Lots 30 through 41

"... do hereby create a 33 foot wide private access easement across the northerly 33 feet of Lots 31-41 of said Sill-Ro-Ken Beach No. 2." The agreement specifically omitted Lot 30 because it was the last lot of Sill-Ro-Ken Beach No. 2 subdivision.

NANCY HAYLAND  
 REGISTRAR OF DEEDS  
 LIVINGSTON COUNTY, MICH.

MAY 11 11 39 AM '78

RECORDED



# Zoning Board of Appeals Staff Report



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

**FROM:** Amy Steffens, AICP

**HEARING DATE:** July 12, 2023

**SUBJECT:** ZBA 23-003

**PROJECT SITE:** 2620 Baseview Boulevard  
TID 15-31-401-021

**OWNER/  
APPLICANT:** Mounir and Tamra Haurani

**PROJECT:** 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).

**ZONING:** Waterfront residential (WFR)

## Addendum for July 12, 2023

The ZBA has not held a public hearing on the proposed accessory structure within the required setback of a regulated wetland. The variance request was originally received on February 8, 2023, in conjunction with a variance request for a new single-family dwelling on the applicant's parcel to the south. The current variance request was continued in March while the applicant had a wetland delineation survey completed and again in May while the applicant awaited EGLE's determination on a permit application to place fill in a regulated wetland. On June 12, 2023, EGLE issued a permit to allow 28 cubic yards of fill material in 0.01 acre of wetland.

If approved, the variance would allow for the construction of a 712-square foot accessory structure with a zero-foot setback from a regulated wetland (50-foot setback required). Staff continues to recommend denial of the request as discussed in the staff report below from the May 10, 2023 ZBA meeting.

## **May 10, 2023 Staff Report**

### **Project Description**

The subject site is a 4,356-square foot lot on the north side of Baseview Boulevard; Maplevista is to the east; single-family dwellings are located to the east, west, and south. The site is improved with a 900-square foot dwelling. If approved, the variance would allow for the demolition of the dwelling and construction of an accessory structure placed on fill in the regulated wetland and Special Flood Hazard Area.

The applicant has submitted to EGLE an application to fill approximately 0.1 acres of wetlands and a portion of the 1 percent floodplain. No permit determination has been made by EGLE.

### **Standards of Review**

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

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

The presence of wetlands on this site makes it difficult to place a structure compliant with the Zoning Ordinance standards so there is some validity to granting relief to the property for setback standards, but the question of which setback standards that require relief is of paramount importance. Section 36-293 of the township's Zoning Ordinance, below, specifies the intent of the setback requirements from natural features.

#### **Sec. 36-293. Natural features setback requirements.**

*(a) Intent and purpose. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare and the intent and purpose of this article. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the Township Rural Zoning Act. The setback requirements shall achieve the following objectives in relation to the required setback areas:*

*(1) Protect unique wildlife habitat and habitat transition, including, without limitation, feeding, nesting, resting and traveling areas for numerous animals.*

*(2) Protection of surface water runoff and water quality for pollution prevention purposes, and assistance in beneficial water recharge for drinking, irrigation and other purposes.*

*(3) Provide water storage area in storm events.*

*(4) Provide areas for recreational or other functional uses which are unique due to geographic relationship to natural features.*

*(5) Preserve aesthetic views and areas for the enjoyment of natural resources.*

*(6) Preserve threatened and endangered species habitat, including upland species.*

*(7) Reduce the need for on-site and off-site stormwater storage capacity based upon the availability of a greater area or absorption and a smaller impervious area.*

*(8) Stabilize and protect soil resources, including the prevention of erosion and prohibition of loss due to moving water resulting in destruction of upland, structures and infrastructure and infrastructure on the upland, and prevention of the alteration of the course of moving waters.*

The 50-foot setback from a regulated wetlands applies to the whole of the township. While the State of Michigan does not have a setback requirement from a wetland, the township has made a concerted effort to preserve and protect from undue development pressure the township's wetlands system.

Staff could support a smaller structure with reduced setbacks along Baseview and Maple Vista and offers an alternative placement of a 576-square foot accessory structure as shown below. The structure would have a zero-foot from the wetlands, a ten-foot setback from Maple Vista, and a 15-foot setback from Baseview Boulevard. Staff would defer to EGLE staff for determination of Part 31 and Part 303 permit requirements for this configuration.





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.

A substantial property right is not advanced from a preferred architectural design, in this case, a design that requires not only setback variances but filling in of the township's wetlands.

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

The applicant indicates that "the proposed accessory garage is an improvement to the existing aged shed that stands today." It is staff's opinion that removing a dilapidated shed is not an acceptable trade-off for filling in wetlands that provide for natural flood prevention, among the environmental benefits as outlined in Section 36-293 under standard number one. Furthermore, fill was placed on this lot per an MDNR permit issued in 1989 as well as the two lots to the west to provide for development.

Staff finds that this property has previously received adequate wetlands relief and that granting the variance could be materially detrimental to the public welfare or materially injurious to the property improvements in the adjacent parcels.

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 required setback regulations are designed to help maintain the character for the area.

**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.**

Wetlands and floodplain are features of many parcels throughout Hamburg Township, which is why the Zoning Ordinance contemplates setback standards from a regulated wetlands.

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

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.**

Granting the variance is not the minimum necessary to permit reasonable use of the land as outlined in standards one and three.

**Denial Motion**

Motion to deny variance application ZBA 23-003 at 2602 Baseview Boulevard (TID 15-31-401-021) 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).

The variances do not meet variance standards one (1), two (2), three (3), four (4), five (5), or seven (7) of Section 36-137 of the Hamburg Township Zoning Ordinance, and no practical difficulty exists on the subject site when strict compliance with the Zoning Ordinance standards is applied, as discussed at the meeting this evening and as presented in this staff report.

Attachments:

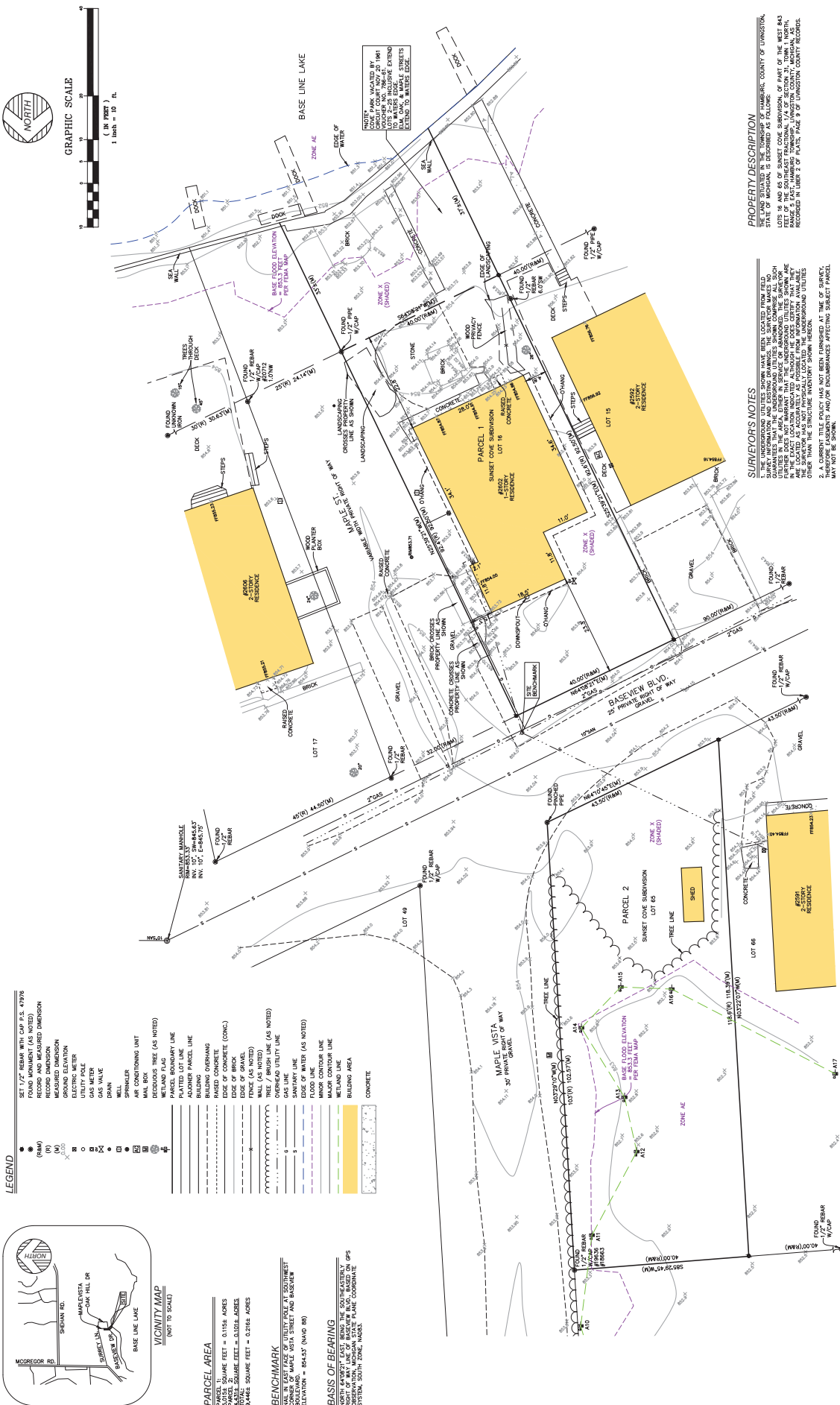
Application

Plans

REVISION	DATE	BY	DESCRIPTION
1	02/10/23	MRL	REVISED FLOOD LINE
2	03/27/23	ATS	ADD WETLANDS

BOUNDARY/TOPOGRAPHIC SURVEY  
PREPARED FOR: TAMARA HAJURANI  
BASEVIEW BLVD. & VACANT LOT, HAMBURG TWP., MICHIGAN,  
TOWN 1 NORTH, RANGE 5 EAST  
PART OF SECTION 31.

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**PROPERTY DESCRIPTION**

THE LAND SITUATED IN THE TOWNSHIP OF HAMBURG, COUNTY OF LIVINGSTON, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOTS 16 AND 65 OF SUNSET COVE SUBDIVISION, OF PART OF THE WEST 643 FEET OF THE SOUTHEAST FRACTIONAL 1/4 OF SECTION 31, TOWN 1 NORTH, RANGE 5 EAST, HAMBURG TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, AS RECORDED IN LIBER 2 OF PLATS, PAGE 9 OF LIVINGSTON COUNTY RECORDS.

## SURVEYOR'S NOTES

**SURVEYOR'S CERTIFICATION**

**FLOOD NOTE**  
SUBJECT PARCEL LIES WITHIN:  
SPECIAL FLOOD HAZARD AREA (ZONE AE): BASE FLOOD ELEVATIONS

ANTHONY T. SYCKO, JR., P.S.  
PROFESSIONAL SURVEYOR  
MICHIGAN LICENSE NO. 47976  
22556 GRATIOT AVE., EASTPONTE, MI 48021  
Sycko@kemtrec-survey.com

**PROPOSED SCOPE OF WORK**

THE OWNER PROPOSES IMPROVEMENTS TO DEROLISH EXISTING HISTORY 1000 SOUTHERN AVENUE, 1000 SOUTHERN AVENUE, WORK PROBABLY ON PARCEL 1 TO CONSTRUCT NEW 25-STORY RESIDENCE WITH ATTACHED 2-CAR GARAGE. SECONDLY WITH SIMILAR INTENT OF ADJACENT WATERFORD LOTS TO ERECT A GARAGE TO STORE NEWLY ACQUIRED PROPERTY ACROSS THE PRIVATE DRIVE ON PARCEL 2. THE UNDERGROUND OVERHEAD SITE UTILITIES SHALL BE INSTALLED AND HOOKED-UP BY CONTRACTOR. ELECTRICAL, MECHANICAL, CIVIL, LANDSCAPING AND STRUCTURAL ENGINEERING, AND PERMITS SHALL BE OBTAINED BY CONTRACTOR. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING WITH ALL AGENCIES AND AGENCIES FOR ACCESS TO PROPERTY, AND CERTIFICATE OF OCCUPANCY.

MUNICIPALITY: TOWNSHIP	
DRAINAGE AND ZONING DEPARTMENT	
PO BOX 690	
10405 HERRILL ROAD	
HARBURG, MICHIGAN 4887	
PH: 503-281-0000	
FAX: 503-281-0000	
E-MAIL: JEFFREY@PLANNING.ZONING.COORDINATOR	
* SITE PLAN APPLICATION	
LIVINGSTON COUNTY, DEPARTMENT OF	
PLANNING AND ZONING	
23400 E. GRAND RIVER, SUITE 104	
HOBELL, MI 48849	
RT-544-3240	
RT-544-3240	
* RESIDENTIAL BUILDING PERMIT	
ENVIRONMENTAL HEALTH DEPARTMENT	
RT-544-9698	
* WELL PERMIT AS NEEDED	
DRAIN CORRISSONER	
RT-544-0040	
* SOIL EROSION PERMIT AS NEEDED	
LIVINGSTON COUNTY ROAD COMMISSION	
3535 GRAND OAKS DRIVE	
RT-544-0040	
* DRIVEWAY PERMIT AS REQUIRED	

The map shows a network of roads and lakes. Roads include M-34, M-54, ZIMMERMAN LANE RD, STANBURY LANE RD, EAST RD, and MCNEIL RD. Lakes shown are ZIMMERMAN LAKE, STANBURY LAKE, and MCNEIL LAKE. A specific 'SITE' is marked with a circle and crosshair near the intersection of M-54 and MCNEIL RD. A north arrow is located in the bottom right corner.

RODNEY  
L  
KOMAROMI  
ARCHITECT  
HARTLAND, MI  
734-624-4388

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FOR NEW CONSTRUCTION BY  
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ADDRESS: 2602 BASEVIEW BLVD., PINKNEY, MI 48169  
PARCEL 1 ID: 4115-31-401-010  
PARCEL 2 ID: 4115-31-401-021  
PROPERTY DESCRIPTION: SEC 31 TIN R5E SUNSET COVE LOT 14  
SEC 31 TIN R5E SUNSET COVE LOT 45  
GENERAL LOCATION OF SITE:  
HARBURG EAST OF MCGRORON ON NORTH SHORE OF BASE LINE LAKE  
HAMBURG TOWNSHIP ZONING ORDINANCE

[illegible]

MAIN LEVEL = 849 SQ. FT. (CALCULATED/HABITABLE)  
UPPER LEVEL = 540 SQ. FT. (CALCULATED/HABITABLE)  
ATTIC LEVEL = 540 SQ. FT. (CALCULATED/HABITABLE)  
ATTACHED GARAGE = 540 SQ. FT.  
PAVEMENT/SIDEWALKS, PARCEL 1 = 440 SQ. FT.  
TOTAL (IRC) HABITABLE AREA: 2029 SQ. FT.  
TOTAL FOOTPRINT PARCEL 1 = 1519 SQ. FT.  
ACCESSORY GARAGE, PARCEL 2 = 440 SQ.  
PAVEMENT/SIDEWALKS, PARCEL 2 = 110 SQ.  
TOTAL FOOTPRINT PARCEL 2 = 550 SQ. FT.

1. PARCEL D PERMIT PARCEL I SIDE YARD AGGREGATE 10 FEET IN LIEU OF 15 FEET. THIS IS IN LIGHT OF VACATED PARK/ROVJ. LOT DUE EAST. NOTE THAT PROPOSED SIDE YARD IS LESS THAN EXISTING BUILDING SIDE YARD. THE VARIANCE IS USED TO MEET PARKING REQUIREMENTS (SECTION 36-334) AND ALLOW FRONT PORCH.

AX20

SCALE = 1/16" = 1'-0"



 SCALE = 1/16" = 1'-0"

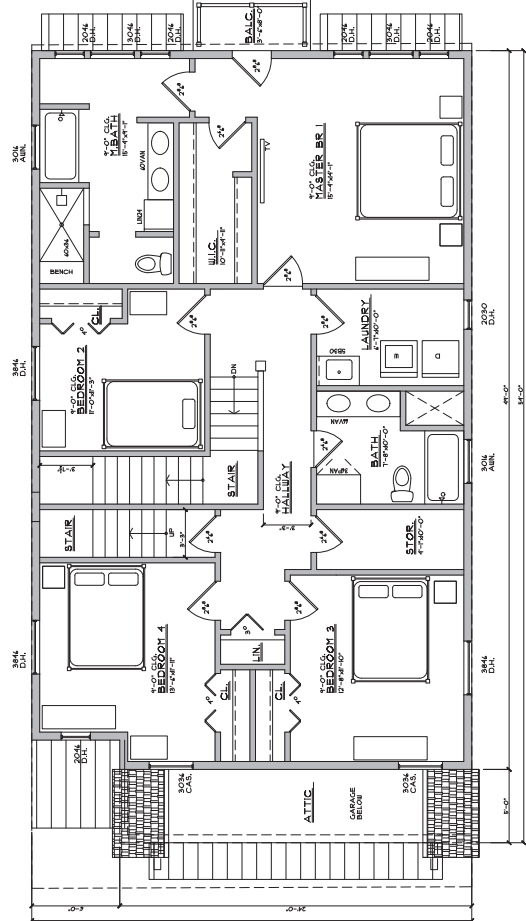
ARCHITECTURAL DRAWINGS	COVER SHEET AND NOTES
A100	ARCHITECTURAL SITE PLAN SKETCH
A180	VARIANCE SITE SKETCH
210	MAIN LEVEL/SECOND FLOOR/ATTIC
A250	GARAGE FLOOR PLAN
A300	EXTERIOR ELEVATIONS
A350	GARAGE EXTERIOR ELEVATIONS
A400	SECTIONS AND DETAILS

1

*Item 2.*



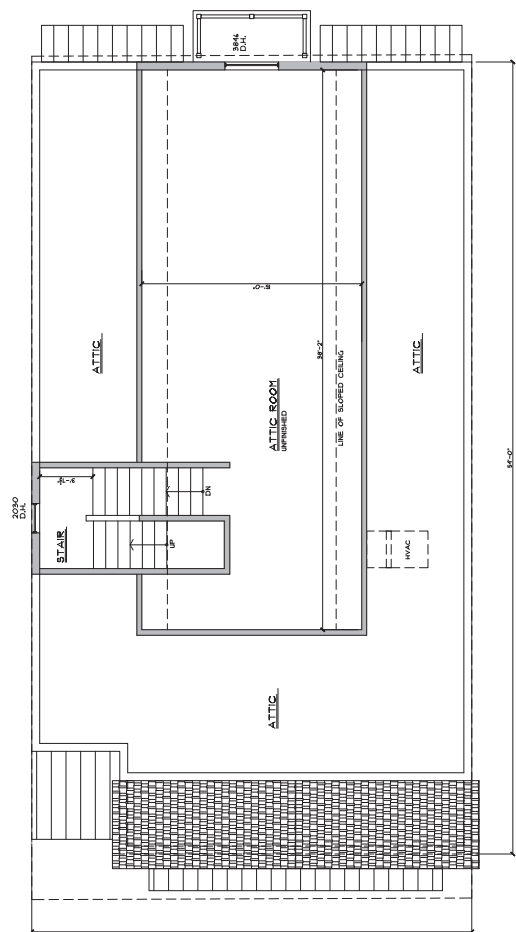


PRELIMINARY DRAWING  
NOT FOR CONSTRUCTION

SECOND FLOOR PLAN

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

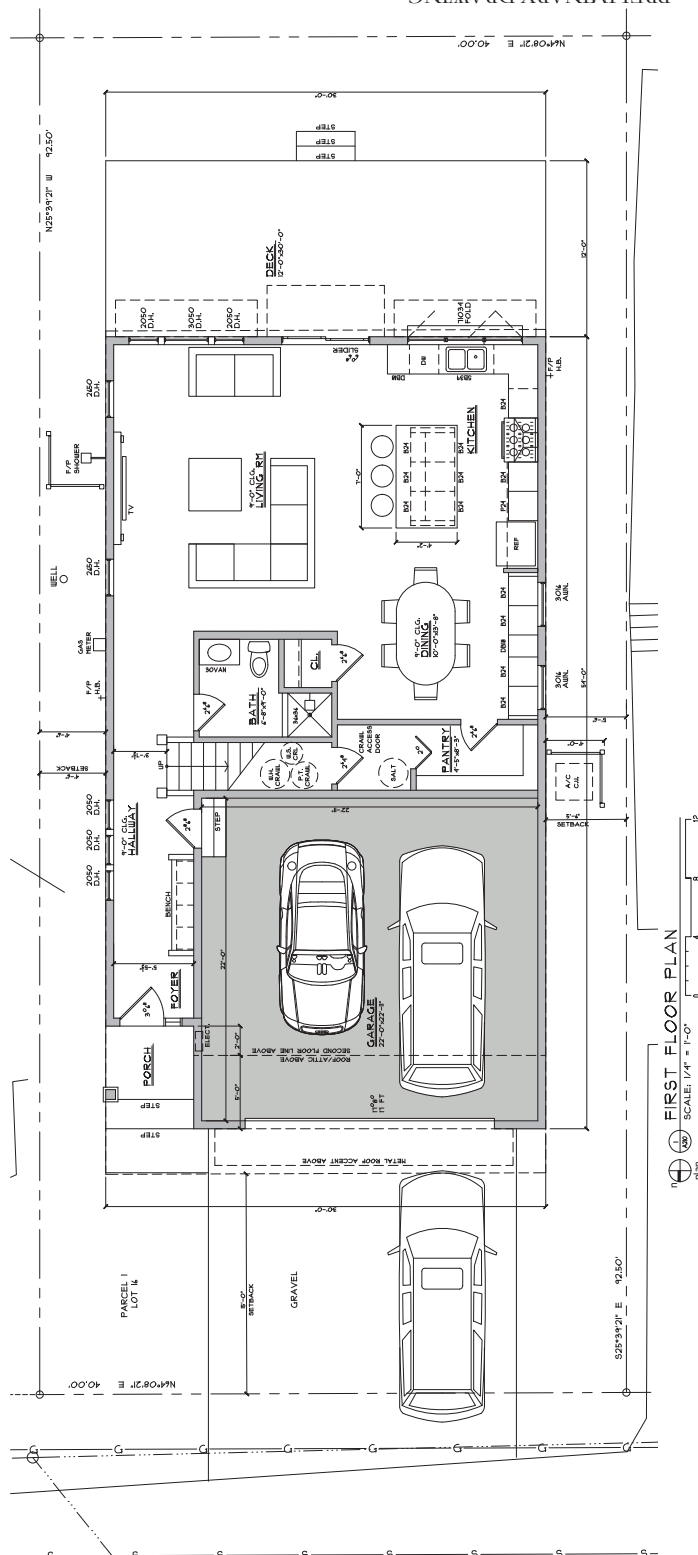
plan



ATTIC FLOOR PLAN (UNFIN.)

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

plan



plan

1  
ASD

FIRST FLOOR PLAN

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

0 4 8 12



PRELIMINARY DRAWING  
NOT FOR CONSTRUCTION

SHEET NO.

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

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

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

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

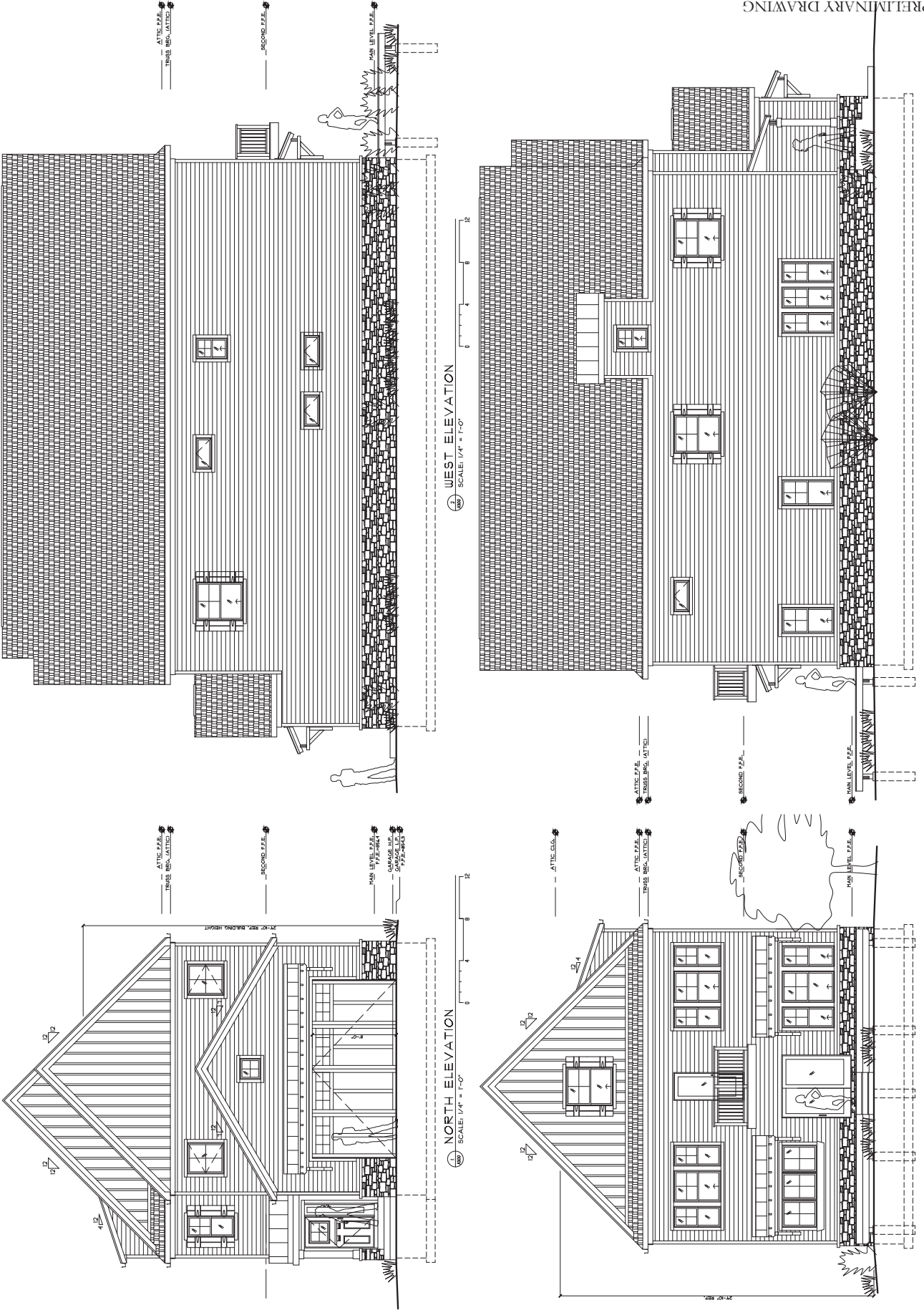
DO NOT SCALE DRAWING  
TITLE  
EXTERIOR  
ELEVATIONS

DR. B.L.C.  
DATE: 03-2022  
CN.  
DATE  
PROJECT  
ISSUED FOR:  
OWNER REVIEW  
1-20-2023  
OWNER/GC REVIEW  
1-28-2023  
ZBA - VARIANCE  
2-4-2023  
OWNER/GC REVIEW  
3-10-2023  
ZBA-ADDENDUM 01  
4-10-2023

PROJECT LOCATION:  
Plymouth, MICHIGAN Township: Hamburg County: Livingston  
Haurami Residence  
2602 Baseview Blvd.

RODNEY  
KOMARONI  
ARCHITECT  
HARTLAND, MI  
313-684-4355

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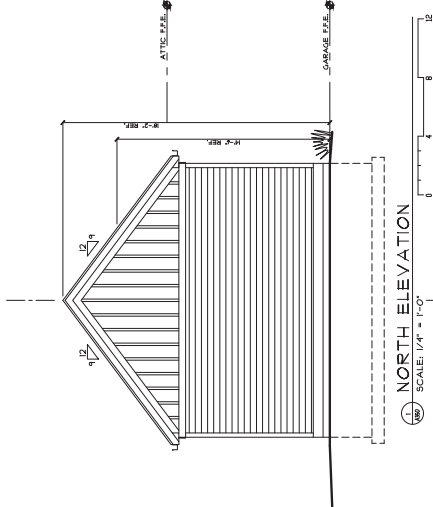




DO NOT SCALE DRAWING

TITLE
EXTERIOR ELEVATIONS PARCEL 2 + PARCEL 1 REFERENCE

**PROJECT LOCATION:** Pinckney, MICHIGAN Township: Hamburg County: Livingston





**From:** [Michael Thompson](#)  
**To:** [Amy Steffens](#)  
**Subject:** ZBA-2023-002 (2602 Baseview Drive)  
**Date:** Tuesday, March 7, 2023 9:04:11 AM

---

Ms. Steffens

We live on Baseview Drive to the east of the Hauran's property. We received the notice of the Hearing, and the Haurans stopped by and let us review their plans.

The variance request regarding the proposed home construction on 2602 Baseview does not concern us and has our support. The only caveat we would have is that the parking on the ROW be abandoned--the past owner used it as a personal driveway.

As to the vacant parcel and auxiliary building, my only concerns are the wetland concerns which I know are being studied and determined for delineation. If proper permitting can be secured without disturbing the wetland it would have our support as well.

As I managed the private road maintenance contract, a few neighbors have asked me about the application--after discussing it they indicated (at least to me) that they had no issue with it either.(I'm also an attorney so not atypical for them to ask me what "does this mean"). For what all that is worth.

Sincerely  
Michael Thompson



**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY  
WATER RESOURCES DIVISION  
PERMIT**

**Issued To:**

**Tamra Haurani  
7598 Southview Court  
Columbus, Ohio 43235**

**Permit No: WRP037705 v.1  
Submission No.: HPS-SSYE-BFWMY  
Site Name: 47-0 Baseview Blvd-Pinckney  
Issued: June 12, 2023  
Revised:  
Expires: June 12, 2028**

**This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:**

- |   |  |
|---|--|
| <input type="checkbox"/> <b>Part 301, Inland Lakes and Streams</b>                                    | <input type="checkbox"/> <b>Part 323, Shorelands Protection and Management</b> |
| <input type="checkbox"/> <b>Part 303, Wetlands Protection</b>   | <input type="checkbox"/> <b>Part 325, Great Lakes Submerged Lands</b>          |
| <input type="checkbox"/> <b>Part 315, Dam Safety</b>  | <input type="checkbox"/> <b>Part 353, Sand Dunes Protection and Management</b> |
| <input type="checkbox"/> <b>Part 31, Water Resources Protection (Floodplain Regulatory Authority)</b> |  |

**EGLE certifies that the activities authorized under this permit are in compliance with the State Coastal Zone Management Program and certifies without conditions under the Federal Clean Water Act, Section 401 that the discharge from the activities authorized under this permit will comply with Michigan's water quality requirements in Part 31, Water Resources Protection, of the NREPA and associated administrative rules, where applicable.**

**Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:**

**Authorized Activity:**

Place approximately 28 cubic yards of fill material in 0.01 acre of wetland.

All work shall be completed in accordance with the attached plans and specifications of this permit.

**Waterbody Affected: Wetland, Base Line Lake  
Property Location: Livingston County, Hamburg Township, Town/Range/Section 01N05E31,  
Property Tax No. 4715-31-401-021**

**Authority granted by this permit is subject to the following limitations:**

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit.
- J. This permit shall not be assigned or transferred without the written approval of EGLE.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the

proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.

- Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
  - 1. Prior to the initiation of any permitted construction activities, a sedimentation barrier shall be constructed immediately down gradient of the construction site. Sedimentation barriers shall be specifically designed to handle the sediment type, load, water depth, and flow conditions of each construction site throughout the anticipated time of construction and unstable site conditions. The sedimentation barrier shall be maintained in good working order throughout the duration of the project. Upon project completion, the accumulated materials shall be removed and disposed of at an upland (non-wetland, non-floodplain) site and stabilized with seed and mulch. The sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.
  - 2. Prior to the start of construction, all adjacent non-work wetland areas shall be protected by properly trenched sedimentation barrier to prevent sediment from entering the wetland. Orange construction fencing shall be installed as needed to prohibit construction personnel and equipment from entering or performing work in these areas. Fence shall be maintained daily throughout the construction process. Upon project completion, the accumulated materials shall

be removed and disposed of at an upland site, the sedimentation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.

3. All raw areas in uplands resulting from the permitted construction activity shall be effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner to prevent erosion and any potential siltation to surface waters or wetlands. Temporary stabilization measures shall be installed before or upon commencement of the permitted activity, and shall be maintained until permanent measures are in place. Permanent measures shall be in place within five (5) days of achieving final grade.
4. All raw earth within 100 feet of a lake, stream, or wetland that is not brought to final stabilization by the end of the active growing season shall be temporarily stabilized with mulch blankets in accordance with the following dates: September 20th for the Upper Peninsula, October 1st for the Lower Peninsula north of US-10, and October 10th for the Lower Peninsula south of US-10.
5. All earth moving equipment shall be properly cleaned prior to entering the work site to prevent contamination by invasive plant species.
6. All fill/backfill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
7. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.  
Upon completion of the project, the disturbed wetland areas shall be restored to the original contour elevation, revegetated and reseeded with species native to Michigan appropriate to the site, and mulched to prevent erosion.
8. Dredging is not authorized by this permit.
9. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit <https://www.michigan.gov/egle/about/organization/water-resources/soil-erosion/sesc-overview> and select "Soil Erosion and Sedimentation Control Agencies".
10. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
11. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.

12. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
13. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.
14. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.



Issued By: \_\_\_\_\_

Matthew Rogers  
Lansing District Office  
Water Resources Division  
517-388-6869

THIS PERMIT MUST BE SIGNED BY THE PERMITTEE TO BE VALID.

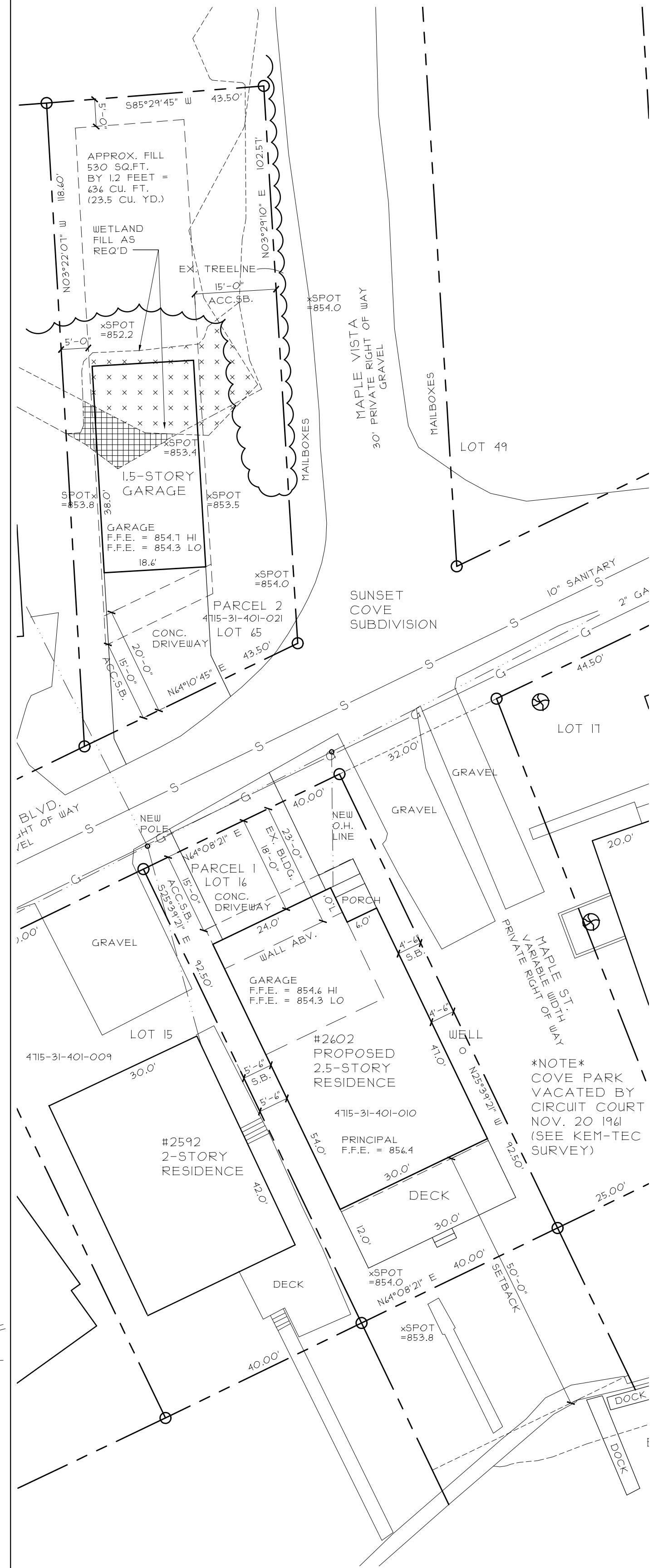
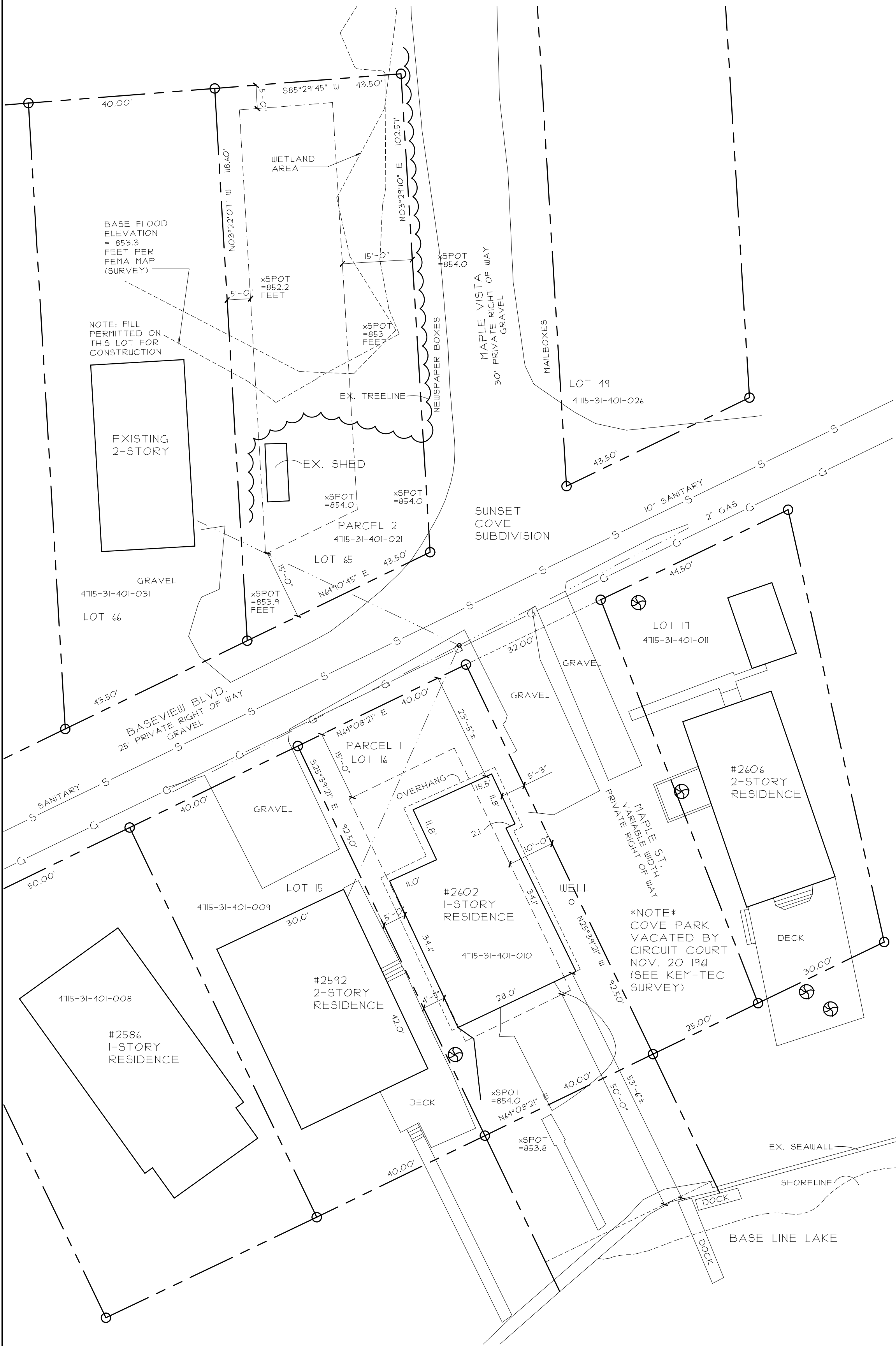
I hereby assure that I have read, am familiar with, and agree to adhere to the terms and conditions of this permit.

\_\_\_\_\_  
Permittee Signature\_\_\_\_\_  
Date

cc: Hamburg Township Clerk  
Livingston County Drain Commissioner  
Livingston County CEA  
Brooks Williamson



Haurani Residence  
Demo/New Build/New Garage  
Hamburg, MI



PROPOSED SCOPE OF WORK

THE OWNER PROPOSES IMPROVEMENTS TO DEMOLISH EXISTING 1-STORY 1000 SQ.FT. RESIDENCE AT WATERFRONT PROPERTY. WORK PRIMARILY ON PARCEL 1 TO CONSTRUCT NEW 2.5-STORY RESIDENCE WITH ATTACHED 2-CAR GARAGE. SECONDLY WITH SIMILAR INTENT OF ADJACENT WATERFRONT LOTS TO ERECT A GARAGE TO STORE SEASONAL PROPERTY ACROSS THE PRIVATE DRIVE ON PARCEL 2. NEW UNDERGROUND OR OVERHEAD SITE UTILITIES SHALL BE INSTALLED AND HOOKED-UP BY CONTRACTOR. ELECTRICAL, MECHANICAL, CIVIL, LANDSCAPING, AND STRUCTURAL ENGINEERING, AND PERMITS SHALL BE COORDINATED BY OWNER/CONTRACTOR. SITE WORK SHALL COMPOSE OF BUT NOT LIMITED TO AREAS BOTH ESSENTIAL FOR ACCESS TO PROPERTY AND CERTIFICATE OF OCCUPANCY.

CONTACT INFORMATION

MUNICIPALITY:  
HAMBURG TOWNSHIP  
PLANNING AND ZONING DEPARTMENT  
P.O. BOX 151  
10405 MERRILL ROAD  
HAMBURG, MICHIGAN 48189  
810-231-1000  
LISA PERSCHKE / PLANNING/ZONING COORDINATOR  
\* SITE PLAN APPLICATION

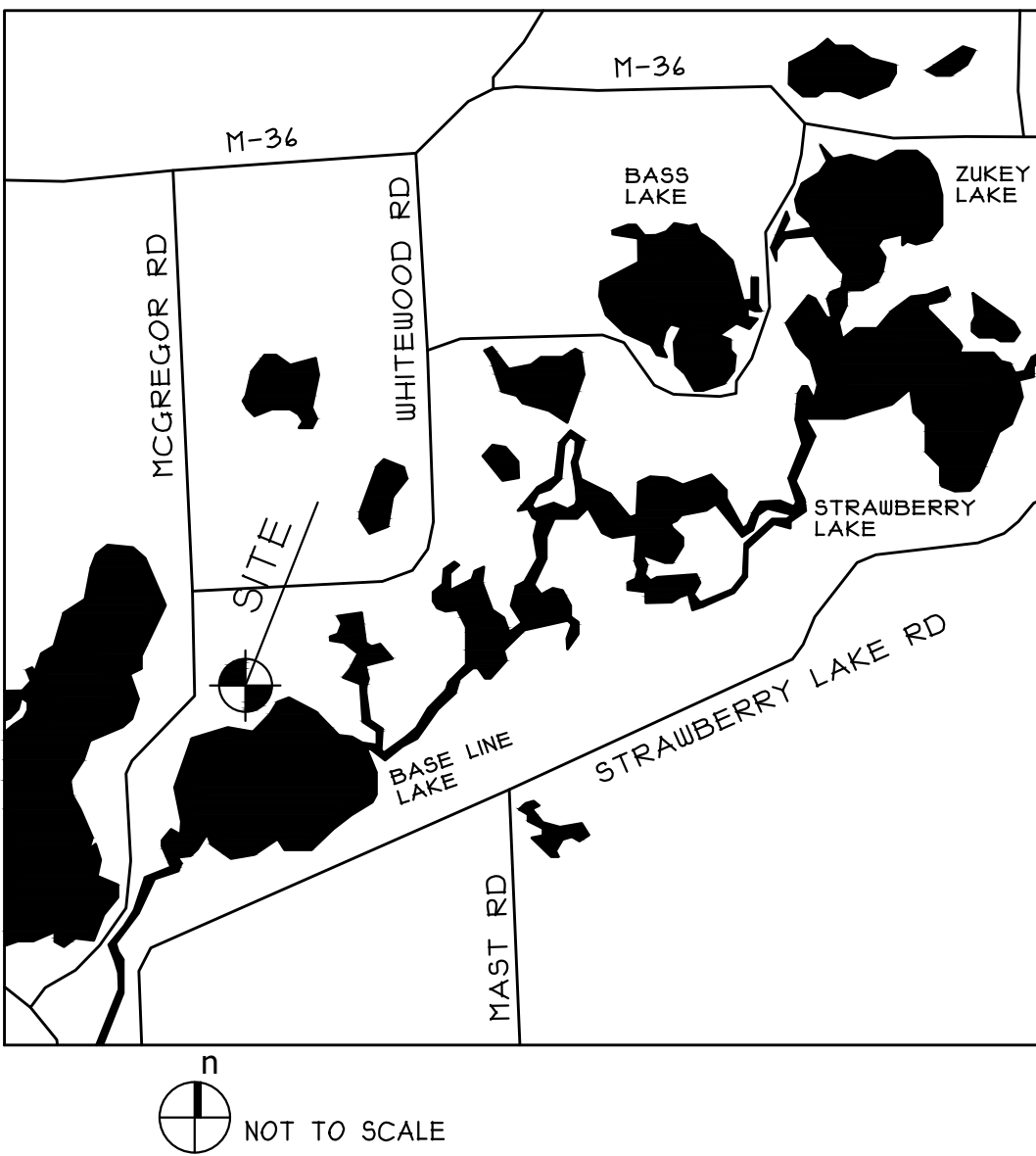
LIVINGSTON COUNTY DEPARTMENT OF  
BUILDING AND SAFETY ENGINEERING  
2300 E. GRAND RIVER, SUITE 104  
HOWELL, MI 48843  
517-546-3240  
\* RESIDENTIAL BUILDING PERMIT

ENVIRONMENTAL HEALTH DEPARTMENT  
517-546-9858  
\* WELL PERMIT AS NEEDED

DRAIN COMMISSIONER  
517-546-0040  
\* SOIL EROSION PERMIT AS NEEDED

LIVINGSTON COUNTY ROAD COMMISSION  
3535 GRAND OAKS DRIVE  
517-546-4250  
\* DRIVEWAY PERMIT AS REQUIRED

LOCATION MAP



RODNEY  
KOMAROMI  
ARCHITECT  
HARTLAND, MI  
734-624-4388

© COPYRIGHT 2023  
THESE DRAWINGS ARE PREPARED FOR NEW CONSTRUCTION BY OWNER FOR THE SOLE USE OF THIS PROJECT ONLY. ALL DOCUMENTATION HEREIN ARE THE PROPERTY OF RODNEY L. KOMAROMI AND COPYRIGHTED. DO NOT DUPLICATE, REPRODUCE, COPY, SELL, LICENSE, OR DISTRIBUTE FOR REASONS OTHER THAN PROJECT STATED.

PROJECT DRAWINGS FOR:  
**Haurani Residence**  
**2602 Baseview Blvd.**  
PROJECT LOCATION:  
Pinckney, MICHIGAN Township: Hamburg County: Livingston

SITE DATA / ZONING SECTION 36 (SECTION 7)

ADDRESS: 2602 BASEVIEW BLVD., PINCKNEY, MI 48169  
PARCEL 1 ID.: 4715-31-401-010  
PARCEL 2 ID.: 4715-31-401-021  
PROPERTY DESCRIPTION: SEC 31 TIN R5E SUNSET COVE LOT 16  
SEC 31 TIN R5E SUNSET COVE LOT 45  
GENERAL LOCATION OF SITE:  
LOCATED EAST OF MCGREGOR ON NORTH SHORE OF BASE LINE LAKE  
HAMBURG TOWNSHIP ZONING ORDINANCE

ZONED: WFR WATERFRONT RESIDENTIAL DISTRICT  
PERMITTED USE: SINGLE-FAMILY DWELLING SEC. 36-164  
SEC. 36-184 SCHEDULE OF AREA, HEIGHT, AND BULK REG.  
MINIMUM LOT AREA: 1 ACRE 43,560 SQ. FT.\*  
MINIMUM LOT WIDTH AT ROW: 125 FT.\*  
MINIMUM LOT WIDTH AT BLDG. LINE: 100 FT.\*  
MAXIMUM LOT COVERAGE BLDG/PARKING: 35%/40%\*  
MINIMUM YARD SETBACK:  
FRONT: 25 FT.\* SEE 36-215 2.a.  
SIDE: 10 FT.\* N/A  
5. REDUCED SIDE: 5 FT. / 15 FT. AGGREGATE  
REAR: 30 FT.  
HIGH WATER MARK SETBACK: 50 FEET  
MAXIMUM BUILDING HEIGHT: 35 FT, 2.5 STORIES

SEC. 36-215 ACCESSORY BUILDINGS AND STRUCTURES  
2.a. ABUTS THE STREET, FRONT: 15 FEET  
2.a. ABUTS THE STREET, SIDE 1: 5 FT. / SIDE 2: 10 FT.  
3. REAR: 5 FEET / 30% OF REAR YARD AREA  
8. DETACHED, LESS THAN 8/12 ROOF PITCH: 14 FT. HT.  
8. DETACHED, 8/12 ROOF PITCH OR MORE: 11 FT. HT.  
10.c. USE ONLY: GARAGE OR STORAGE FACILITY  
10.c. MAX. GROUND FLOOR AREA: 800 SQ.FT.  
SEC. 36-217 SINGLE-FAMILY DWELLINGS  
6. STORAGE AREA: 10% OR 100 SQ.FT., WHICHEVER LESS  
7. ROOF OVERHANG: NOT LESS THAN 6 INCHES  
SEC. 36-230 YARD ENCROACHMENTS  
9. DECKS, PATIOS, TERRACES MAY ABUT A WATERBODY AND THE FOLLOWING CONDITIONS SHALL APPLY...\*\*\*

EXISTING PARCEL 1	PARCEL 2	PROPOSED PARCEL 1	PARCEL 2
5,015 SQ.FT.	4,431 SQ.FT.	5,015 SQ.FT.	4,431 SQ.FT.
40 FEET	40 FEET	NO CHANGE	NO CHANGE
40 FEET	40 FEET	NO CHANGE	NO CHANGE
23% / 25%	1% / 1%	31% / 40%	16% / 21%
FRONT: 15 FT	FRONT: 15 FT	FRONT: 15 FT.	FRONT: 15 FT
SIDE: 3.1 & 3.6 FT. / 6.1 AGGREGATE REAR: 50 FT. FROM WATER FRONT HIGH WATER MARK SETBACK: 50 FT. 12'-2" FT. / 1 STORY	SIDE: 5.5 & 4.5 FT. / 10.0 AGGREGATE NO CHANGE NO CHANGE 29'-10" FT. / 2.5 STORIES	SIDE: 5.5 & 4.5 FT. / 10.0 AGGREGATE NO CHANGE NO CHANGE 29'-10" FT. / 2.5 STORIES	SIDE: 5.5 & 4.5 FT. / 10.0 AGGREGATE NO CHANGE NO CHANGE 29'-10" FT. / 2.5 STORIES
9'-0" FT. / 1 STORY STORAGE SHED 51 SQ. FT.	14'-6" FT. / 1 STORY ACCESSORY GARAGE / STORAGE 710 SQ. FT.	14'-6" FT. / 1 STORY ACCESSORY GARAGE / STORAGE 710 SQ. FT.	14'-6" FT. / 1 STORY ACCESSORY GARAGE / STORAGE 710 SQ. FT.
		DECK (DETACHED) 360 SQ. FT.	

BLDG DATA:

EXISTING BUILDING FOOTPRINT = 1148 SQ. FT.  
EXISTING SHED FOOTPRINT = 10 SQ. FT.

MAIN LEVEL = 849 SQ. FT. (CALCULATED/HABITABLE)  
UPPER LEVEL = 641 SQ. FT. (CALCULATED/HABITABLE)  
ATTIC LEVEL = 439 SQ. FT. (CALCULATED/HABITABLE)  
ATTACHED GARAGE = 541 SQ. FT.  
PAVEMENT/SIDEWALKS, PARCEL 1 = 442 SQ. FT.

TOTAL (MRC) HABITABLE AREA: 1,929 SQ. FT.

TOTAL FOOTPRINT PARCEL 1 = 1,518 SQ. FT.

ACCESSORY GARAGE, PARCEL 2 = 710 SQ. FT.  
PAVEMENT/SIDEWALKS, PARCEL 2 = 490 SQ. FT.

TOTAL FOOTPRINT PARCEL 2 = 710 SQ. FT.

INDEX OF DRAWINGS(ZBA)

ARCHITECTURAL DRAWINGS  
A100 COVER SHEET AND NOTES  
A110 ARCHITECTURAL SITE PLAN SKETCH  
A120 VARIANCE SITE SKETCH  
A250 MAIN LEVEL/SECOND FLOOR/ATTIC  
A300 GARAGE FLOOR PLAN  
A350 EXTERIOR ELEVATIONS  
A400 EXTERIOR ELEVATIONS  
A450 SECTIONS AND DETAILS

DO NOT SCALE DRAWING  
TITLE  
COVER SHEET  
DATA  
SITE PLAN  
SKETCH

DR.	R.L.K.
DATE	12-11-2022
CH.	
DATE	
PROJECT NO.	2022-H-002
ISSUED FOR:	OWNER REVIEW 1-20-2023
OWNER/GC REVIEW	1-28-2023
ZBA - VARIANCE	2-6-2023
OWNER/GC REVIEW	3-10-2023
ZBA-ADDENDUM 01	4-12-2023

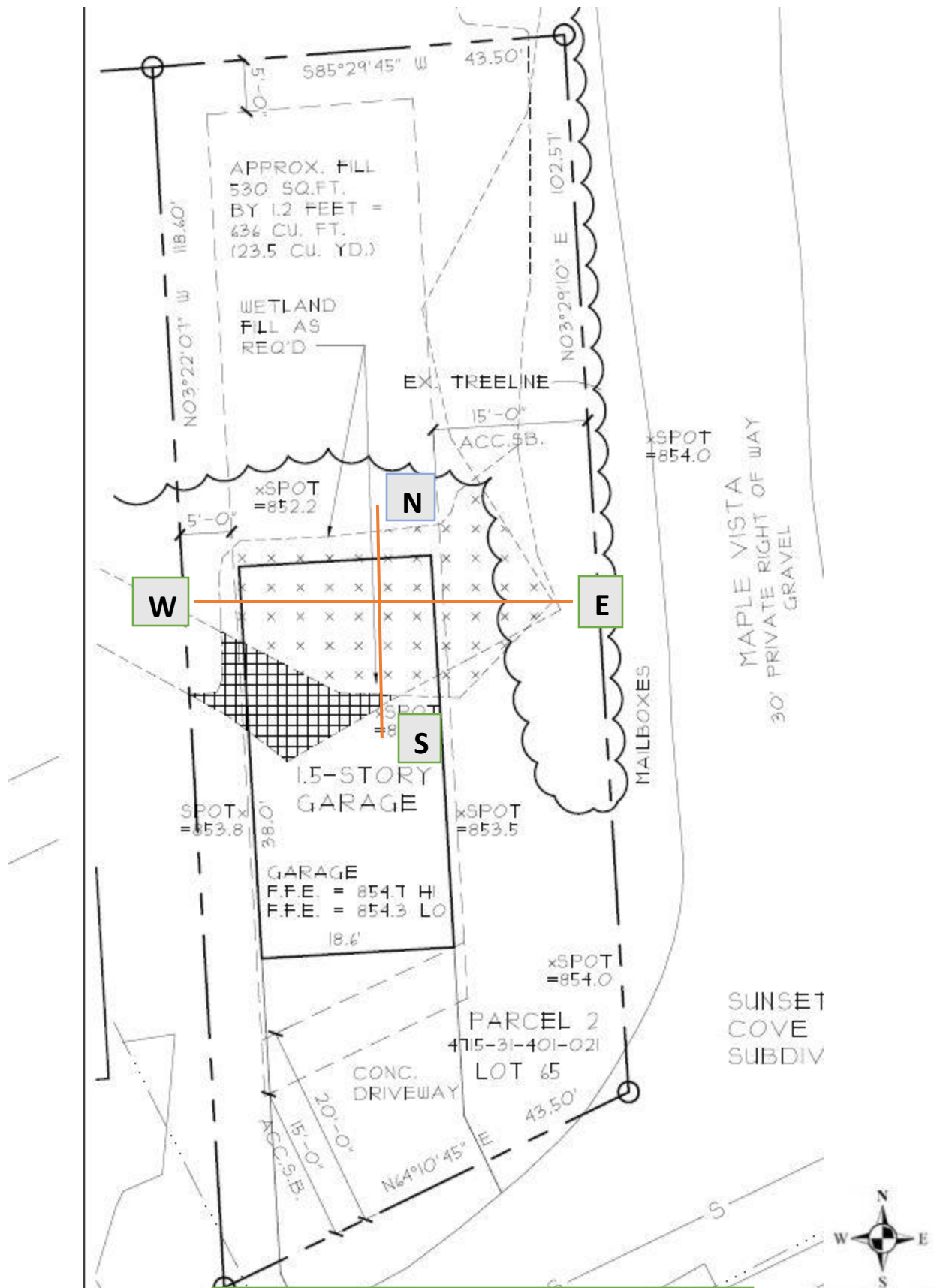
SHEET NO.  
A100

PRELIMINARY DRAWING  
NOT FOR CONSTRUCTION

PROPOSED VARIANCES

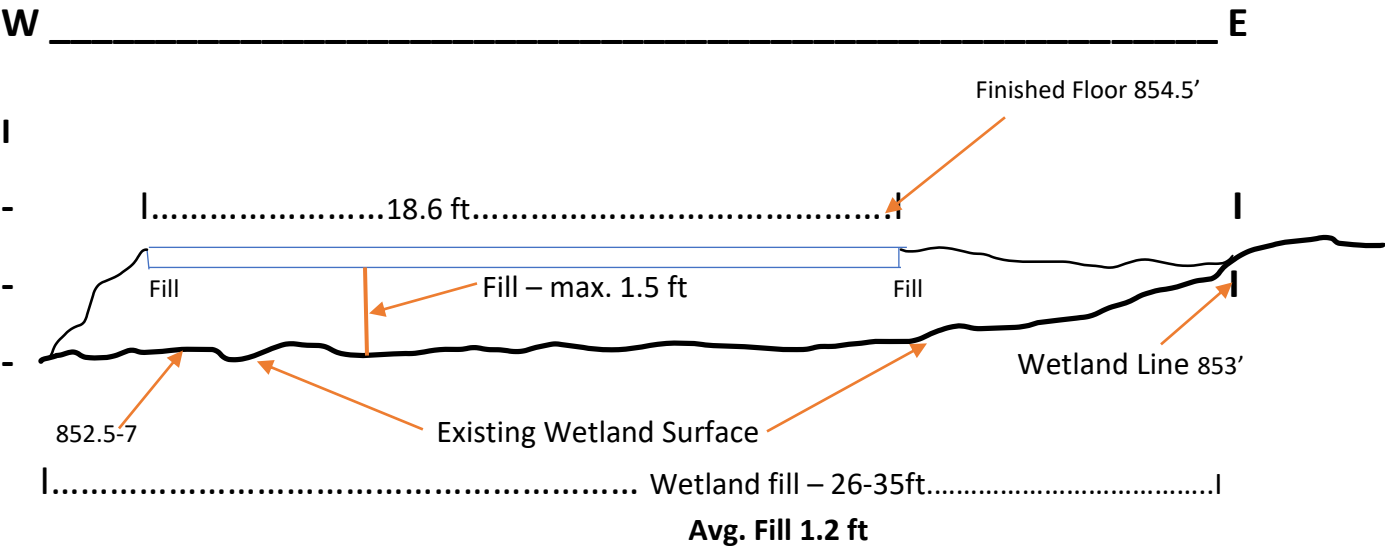
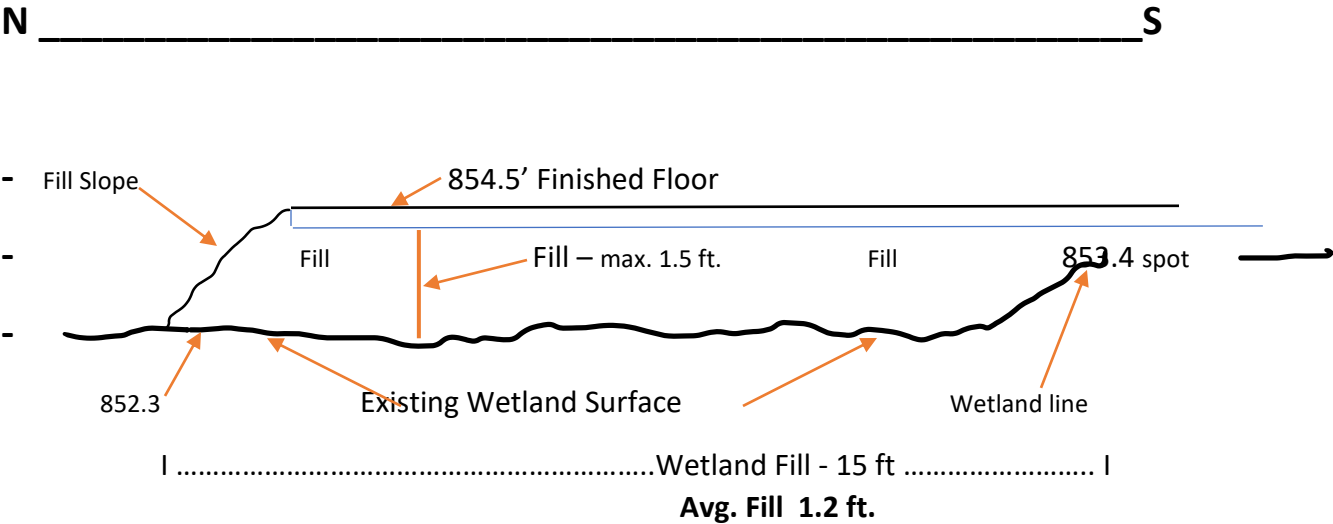
- (PARCEL 1) PERMIT PARCEL 1 SIDE YARD AGGREGATE 10 FEET IN LIEU OF 15 FEET. THIS IS IN LIGHT OF VACATED PARK/R.O.W. LOT DUE EAST. NOTE THAT PROPOSED SIDE YARD IS LESS THAN EXISTING BUILDING SIDE YARD. THE VARIANCE IS USED TO MEET PARKING REQUIREMENTS (SECTION 36-334) AND ALLOW FRONT PORCH.
- (PARCEL 1) PERMIT ACCESSORY FRONT SETBACK OF 15 FEET AT GARAGE AND 23 FEET ABOVE FOR SECOND FLOOR BEDROOMS
- (PARCEL 2) PERMIT EXEMPTION FROM SPECIAL USE PERMIT DUE TO WETLAND FILL OF APPROXIMATELY 530 SQ.FT BY DEPTH REQUIRED AT PARCEL 2 PROPOSED ACCESSORY GARAGE. SURVEY SPOT ELEVATIONS ARE RATHER FLAT ACROSS PARCEL 2 THUS MINOR FILL OF APPROXIMATELY 29 CU. FT. IS CALCULATED. IN PAST COUNTY APPROVALS, LOT 46 PERMITTED SAME WETLAND FILL. BUILDING SITUATED TO ACCOMMODATE LEAST DISTURBANCE TO WETLAND AS ZONED ON PROFESSIONAL SURVEY. (SECTION 36-215;c:a)





## CROSS-SECTION LOCATIONS

(Based on Komaromi Plans)



**CROSS-SECTIONS**  
(Not to Scale – Vertical exaggerated)

ZBA Case Number 23-003

HAMBURG TOWNSHIP  
Date 02/08/2023 11:17:3  
Ref ZBA2023-003  
Receipt 1285578  
Amount \$600.00

Item 2.

garage



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: 2-7-2023
2. Tax ID #: 15-31 - 401 - 021 Subdivision: Sunset Cove Lot No.: 65
3. Address of Subject Property: 2602 Baseview Dr., Pinckney, MI 48169
4. Property Owner: Mounir & Tamra Haurani Phone: (H) 248-212-8132  
Email Address: thaurani@gmail.com (W) --  
Street: 7598 Southview Ct. City Columbus State OH
5. Appellant (If different than owner): \_\_\_\_\_ Phone: (H) \_\_\_\_\_  
E-mail Address: \_\_\_\_\_ (W) \_\_\_\_\_  
Street: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_
6. Year Property was Acquired: 2022 Zoning District: WFR Flood Plain partial, see survey
7. Size of Lot: Front 43.5' Rear 40' Side 1 118.6' Side 2 102.57' Sq. Ft. 4431
11. Dimensions of Existing Structure (s) 1st Floor n/a 2nd Floor n/a Garage 57 sq.ft. storage shed
12. Dimensions of Proposed Structure (s) 1st Floor n/a 2nd Floor n/a Garage 18.8' x 38'
13. Present Use of Property: Residential, Single-Family accessory
14. Percentage of Existing Structure (s) to be demolished, if any 100 %
15. Has there been any past variances on this property? Yes \_\_\_\_\_ No XX
16. If so, state case # and resolution of variance application n/a
17. Please indicate the type of variance or zoning ordinance interpretation requested:  
Water Front Residential (WFR)  
Permit exemption from special use permit due to wetland fill of approximately 400 sq.ft by depth required at parcel 2 proposed  
accessory garage. Survey spot elevations are rather flat across parcel 2 thus minor fill of approximately 27 cu. ft. is calculated.  
In past county approvals, lot 66 permitted same wetland fill. Building situated to accommodate least disturbance to wetland as  
zoned on professional survey.  
(Section 36-275;c;a)
18. Please explain how the project meets each of the following standards:



- a) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

Correct. Full use and intent of the water front district does accommodate neighboring lots also featuring a single-family residence on a lakeside lot with customary or seasonal-use garage on the second lot; as would the proposed accessory garage building.

- b) The variance will do substantial justice to the applicant, as well as other property owners.

Correct. Full use and intent of the water front district does accommodate neighboring lots also featuring a single-family residence on a lakeside lot with customary or seasonal-use garage on the second lot; as would the proposed accessory garage building.

- c) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

Correct. A customary less than 800 square foot accessory Garage facility (36-215;10;c) with adequate single garage door is reasonable, conforming, and fulfills the intent of the district. There is no significant adverse impact to site lines or existing newspaper boxes, or other lots. The reduction of FEMA Zone AE wetland by proper fill would allow all buildings to be located only on Flood Zone X (shaded); common to most buildings of Sunset Cove. Proposed garage conforms to the district use and less than maximum allowed area.

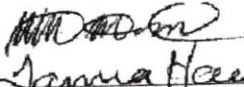
- d) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

Correct. The professional survey uniquely delineates the area of wetland on the lot for proposed accessory use. The survey notes specific spot elevations and wetland designations specific to the lot. The proposed use is conforming and fulfills the intent of the district. Permitting fill is minor but necessary to level and grade sufficiently for the proposed accessory garage.

- e) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

Correct. The proposed accessory garage is an improvement to the existing aged shed that stands today. There is no detriment from the conforming use of property. Existing newspaper boxes/posts at the corner will not be effected by the new garage structure. Furthermore, Lot 66 due west has had Township approval of wetland fill at time of permit in the past according to County records.

- 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).

  
 Janina Haenau, 2/7/2023  
 Owner's Signature Date

Appellant's Signature Date

RECEIVED

FEB 7 2023

Hamburg Township  
 Planning and Zoning Department

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# Zoning Board of Appeals Staff Report



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

**FROM:** David Rohr

**HEARING  
DATE:** July 12, 2023

**SUBJECT:** ZBA 23-0011

**PROJECT  
SITE:** Vacant  
TID 15-13-101-059

**OWNER:** Robert and Jacqueline  
Sifton

**APPLICANT:** Robert Sifton

**PROJECT:** Variance application to permit the construction of a 720-square foot pole barn which will need to be 10 feet from the front yard parcel line. Applicant requests a 10-foot variance from the required front yard 25-foot setback, per Section 36-215(5).

**ZONING:** WFR, waterfront residential

## Project Description

The subject site is a 0.08-acre parcel with an existing 10x14 shed. The parcel has access from the west by Hubbard Rd. Single-family dwellings are located to the north, east, and south.

If approved, the variance would permit the construction of a new 720 square foot pole barn 10 feet from the front yard parcel line. The applicant has a large garden on the parcel and would like to maintain as much of the garden as possible. Shifting the proposed pole structure to the west would accomplish this.

### **Standards of Review**

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

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

The applicant's parcel is very small, 0.08 acres (3,933sqft). Many of the parcels in the area are approximately the same size. The applicant wishes to build a 24x30x10 pole structure. The applicant is requesting a 10-foot variance from the front setback requirement of 25 feet, primarily to preserve his existing garden. Staff thinks a smaller structure could be built in the buildable area, while still maintaining a large garden.

- 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 there is buildable area for the proposed structure. Staff thinks there is room for both a new pole structure and the existing garden on the parcel.

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

A reduced front yard setback is not likely to be materially detrimental to the public welfare or materially injurious to the property or improvements in the district. The reduced front yard setback could be even less materially detrimental if the proposed structure was shifted east, thereby reducing the need for a variance.

- 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 required setback regulations are designed to help maintain the character of the area.

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

The condition or situation of the specific piece of property is of a general and recurrent nature. The setback from the front yard applies to all parcels in the township and serves to protect aesthetic views from both adjacent parcels, the traveled roadway.

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

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

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

Staff finds that the proposed structure size of 720 square feet will have minimal impact on the surrounding properties. However, Staff believes the proposed structure could be built in the parcel's buildable area without the need for a variance.

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

### **Recommendation**

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

### **Approval Motion**

Motion to approve variance application ZBA 23-0011 at Hubbard Dr. (TID 15-13-101-059) 10-foot variance request from the required 25-foot front yard setback, per Section 36-215(5).

The variance meets variance standards one (1) through seven (7) of Section 36-137 of the Hamburg Township Zoning Ordinance, and a practical difficulty exists on the subject site when strict compliance with the Zoning Ordinance standards is applied, as discussed at the meeting this evening and as presented in the staff report.

### **Denial Motion**

Motion to deny variance application ZBA 23-011 Hubbard Dr. (TID 15-13-101-059) 10-foot variance request from the required 25-foot front yard setback, per Section 36-215(5).



The variance does not meet variance standards one (1), two (2), or seven (7) of Section 36-137 of the Hamburg Township Zoning Ordinance, and no practical difficulty exists on the subject site when strict compliance with the Zoning Ordinance standards is applied, as discussed at the meeting this evening and as presented in this staff report.

**Attachments:**

Application  
Project plans  
Letter

ZBA Case Number 23-0011  
\$500.00



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

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

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

1. Date Filed: 6-12-2023
2. Tax ID #: 15- 13-101-059-48R Subdivision: ORE LAKE HEIGHTS Lot No.: 38
3. Address of Subject Property: VACANT, HUBBARD DR
4. Property Owner: ROBERT + JACQUELINE SIFTON Phone: (H) 517 861 7641  
Email Address: BOBSIFTON@YAHOO.COM (W) \_\_\_\_\_  
Street: 8064 KILDEER City: BRIGHTON State: MI
5. Appellant (If different than owner): \_\_\_\_\_ Phone: (H) \_\_\_\_\_  
E-mail Address: \_\_\_\_\_ (W) \_\_\_\_\_  
Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_
6. Year Property was Acquired: 1978 Zoning District: WFR Flood Plain: NO
7. Size of Lot: Front 40 Rear 40 Side 1 82 Side 2 80 Sq. Ft. \_\_\_\_\_
11. Dimensions of Existing Structure (s) 1st Floor 8x10 2nd Floor \_\_\_\_\_ Garage \_\_\_\_\_
12. Dimensions of Proposed Structure (s) 1st Floor 24x30 2nd Floor \_\_\_\_\_ Garage \_\_\_\_\_
13. Present Use of Property: GARDEN + SHED, STORAGE FOR FIREWOOD + PORTLAND BOAT
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
15. Has there been any past variances on this property? Yes \_\_\_\_\_ No ☒
16. If so, state case # and resolution of variance application \_\_\_\_\_
17. Please indicate the type of variance or zoning ordinance interpretation requested:  
I WOULD LIKE TO REDUCE THE 25' SETBACK DOWN TO 10' FEET  
from street

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

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Hamburg Township  
Planning and Zoning Department

- 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.

PARCEL IS SITED ON 3 SIDES WITH EASEMENTS

I NEED A POLE BARN TO GET MY EQUIPMENT INSIDE FROM THE WEATHER. I ALSO HEAT WITH WOOD AND I NEED THE EXTRA SPACE FOR MY FUEL

- 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.

MY HOME + PROPERTY IS IN A TRUST TO MY CHILDREN. NOT TO BE SOLD IN THE FUTURE GENERATION

- 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.

NO IT WONT

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

NO IT WONT AS OTHERS ON SAME STREET HAVE POLE BARN OR GARAGES

- 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.

~~YES~~ YES - NOT RECURRENT IN NATURE - OTHERS HAVE POLE BARN NEXT DOOR POLE BARN IS ON COMBINED LOTS WITH NEW PLAN - COLOR WILL MATCH HOUSE

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

COLLECT STORAGE ONLY

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

YES - MY GARDEN IS BEING SHORTENED BY MORE THAN 50% WITH THE VARIANCE + WITHOUT IT, IT WILL BE OF LITTLE USE. I GIVE VEGGIES TO THE CONSERVATION CLUB

- ✓ 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).

Robert Lytle      6-13-2023  
Owner's Signature      Date

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

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Planning and Zoning Department



**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:

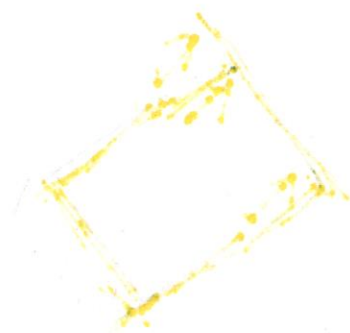
- ☐ Dimension of exterior walls
- ☐ Label rooms
- ☐ Clearly identify work to be done
- ☐ Location of floor above and floor below

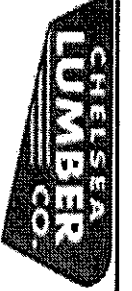
c) All other plans you may need to depict the variance you're requesting (surveys, grading plans, drainage plans, elevation certificates, topographical surveys, etc.)

☐ **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.







# CHELSEA LUMBER Quotation Package



**QUOTATION FOR:**

Bob Sifton  
Customer Address Not Provided  
Brighton, MI 48118  
Customer Phone Not Provided

**CONTACT:**

Jeff Swanson  
1 OLD BARN CIRCLE  
CHELSEA, MI 48118  
800-875-9126

**CONSTRUCTION:  
DIMENSIONS:**

Post Frame  
24' X 30' X 10'

**SPECIFICATIONS FOR 24' X 30' X 10' POST FRAME PACKAGE:**

• **MATERIAL PACKAGE**

- Pre-Engineered Wood Trusses (4/12 Pitch, 2' O/C)
- 4 x 6 Treated Eave Posts (8' O/C)
- 4 x 6 Treated Gable Posts (8' O/C)
- 6 x 6 Treated Corner Posts
- 2 x 6 Treated Center Match Skirt Boards (3 Rows)
- 2 x 4 Wall Girts (24" O/C)
- 2 x 10 Top Girt Exterior With A 1.75 x 9.25 Top Girt Interior
- 1/2" OSB on Walls
- 1/2" OSB on Roof
- standard colors ultra 2000 steel Steel Siding w/ 45 -Year Paint Wa
- Standard Colors Ultra 2000 Steel Steel Roof w/ 45 -Year Paint Warr
- Two Bags of Concrete Mix per Post Hole

• **DOORS & WINDOWS**

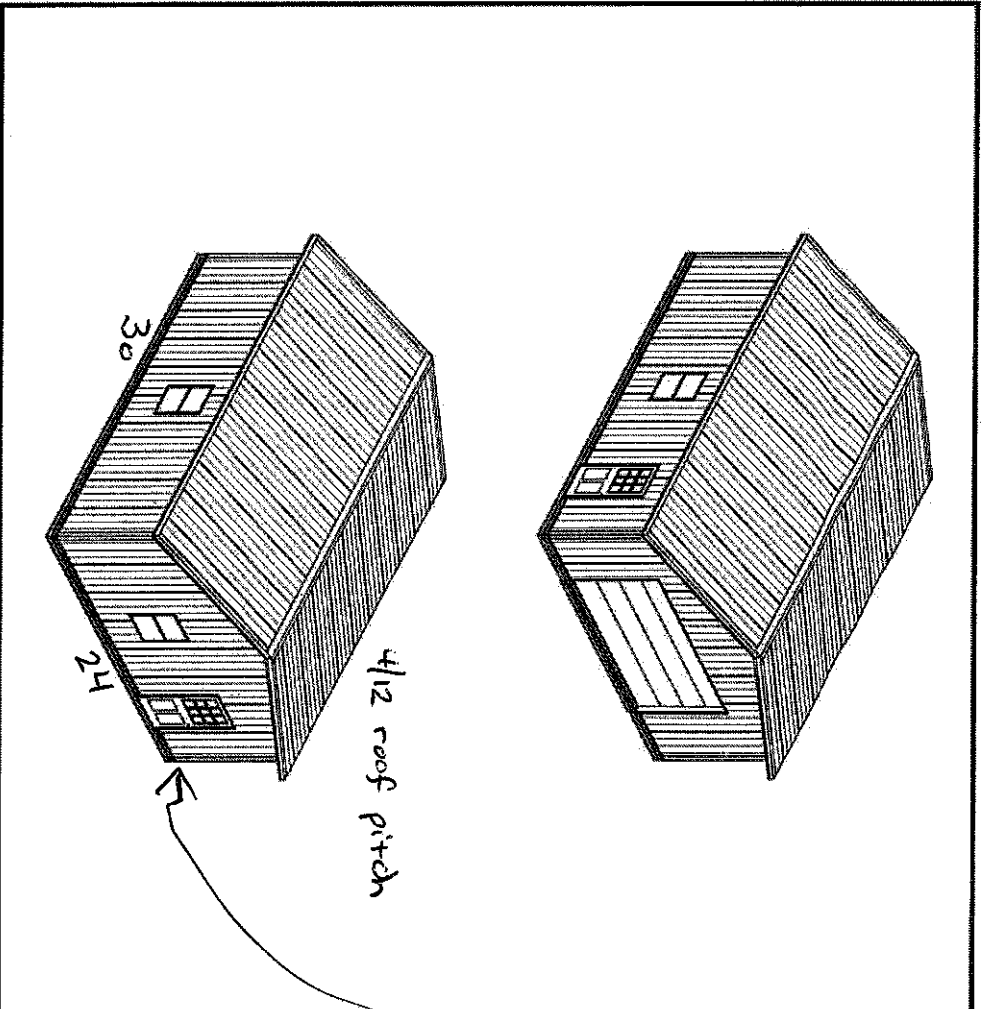
- One Ann Arbor Door 14X8 #600 Oh Door Installed Ins. St
- Two 3' 9 Lite Entry Doors
- Three Jeld-Wen Vinyl Stock 3' x 4' Single Hung Windows

• **12" OVERHANG ON ALL SIDES ALUM. SOFFIT**

• **FASTENERS**

- 100Ct Std Color 10X1-1/2 Neo Screw for Steel Wall, Roof Panels
- 5/16 X 4 In Lag Screw 100Ct Grt12225 for Truss Carrier
- 4 In. Pole Barn Galv. Ht 5Lb for Skirt Board
- Galvanized Steel Framing Nails

• **DETAILED BUILDING PLANS**



Subtotal  
Tax  
GRAND TOTAL

\$23,878.35  
\$988.70  
\$24,867.05

QUOTATION DATE: 6/16/2023

ESTIMATE NUMBER: 40208

Prices are good for 15 days, until 7/1/2023

(CABOR 22 \$1400)

WABOR  
INCLUDES



**From:** [Brittany Campbell](#)  
**To:** [Lisa Perschke](#)  
**Subject:** RE: Variance case #23-0011 scheduled for Wednesday, July 12, 2023 at 7pm  
**Date:** Monday, June 12, 2023 4:07:03 PM

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Hi Lisa - I will not have any issues with this variance request. The pole barn will be constructed on a vacant lot located across the street from 8064 Kildeer Avenue where the property owner lives and where the sewer connection is located. There are no sewer structures on the vacant Parcel #15-13-101-059 that will be affected by this request. I have no objections to this variance request. Thank you.

Brittany

**From:** Lisa Perschke <lperschke@hamburg.mi.us>  
**Sent:** Monday, June 12, 2023 3:48 PM  
**To:** Brittany Campbell <bcampbell@hamburg.mi.us>  
**Subject:** Variance case #23-0011 scheduled for Wednesday, July 12, 2023 at 7pm

Hello,

Your variance case ZBA #23-0011 for 8064 Kildeer Ave is schedule for Wednesday, July 12, 2023 at 7pm in the Hamburg Township Board Room at 10405 Merrill Rd, Hamburg, MI 48139. We will need 6 copies of the building plans and plot plans for the ZBA board asap for this case to be heard.

Please let us know if you have any questions.

Sincerely,  
Planning and Zoning Department

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

To: Zoning Board of Appeals

From: Amy Steffens, AICP

Date: July 12, 2023

RE: **ZBA 2023-012**

Owner: Christopher Withorn

Location: 8695 Beach Avenue

Parcel ID: 4715-13-301-062

Request: Variance application to permit the construction of a second-story addition within the required side, front and ordinary high water mark setbacks per Section 36-186.

On June 14, 2023, the property owner of 8695 Beach Avenue filed a variance request to add a half story to an existing non-conforming two-story dwelling. However, after staff further reviewed the construction plans it was determined that the proposed project would not expand an existing non-conforming structure or violate the maximum height allowed in the WFR district.

The proposed project would re-pitch the roof to allow for usable attic space, which would not be a half-story under the Ordinance definitions: *Story, half, means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living units shall be counted as a full story.*

Therefore, it is staff's opinion that a variance request is not required and the project could be permitted via the normal land use permit process.

Attachments:  
Application  
Email correspondence



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

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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, June 14, 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 (Alternate)  
Brian Ignatowski  
Craig Masserant  
Jason Negri  
Joyce Priebe, Chair

##### ABSENT:

William Rill

#### CONSENT AGENDA

**Approval motion** made by Treasurer Negri, seconded by Member Ignatowski, to approve tonight's agenda as presented.

**Voice Vote:** Ayes: (5) Absent: (1)

**VOTE:** MOTION CARRIED UNANIMOUSLY

**GENERAL CALL TO THE PUBLIC** -no public comments

## NEW BUSINESS

### CALL TO THE PUBLIC

A call was made with no response.

#### 1. ZBA 2022-009

Owner: Gina DiCiuccio  
 Location: 9960 Tioga Court  
 Parcel ID: 15-19-303-160  
 Request: 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)

Amy Steffens, zoning administrator, presented the staff report, recommendations and went through the 7 Standards of Review. **1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involve that do not apply generally to other properties in the same district or zone.** This site is unique in that if granted a variance, backs up to adjacent wetlands and thus would not have adverse impact to the golf course to the south or neighboring sites. **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 increase financial return shall not be deemed sufficient to warrant a variance.** Since this parcel is adjacent to open wetlands to the south and has similar residential conditions on neighboring lots, there should be no adverse encroachment conditions if they were granted a variance. **3) That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.** The two neighboring lots could be impacted by such an elevated deck but since they take their views to the open space wetlands to the south, this proposed elevated deck will not likely impact those views. The open space wetland area will not be developed and thus will not be impacted by this deck. **4) That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.** The 2020 Master Plan's goals is to "protect, preserve and enhance whenever possible the unique and desirable natural amenities of Hamburg Township." This deck will not be immediately noticeable from Tioga Court or any residential development to the north and it will not 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.** Please refer to standards 2 and 3. Staff believes that the open wetland space to the south is a mitigating factor on this property. **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 site is zoned and used for a single-family dwelling and related appurtenances. Approval of this variance request would not permit the establishment of a use not permitted by right within the district. **7) The request variance is the minimum necessary to permit reasonable use of the land.** A deck could be constructed within the required setback, but the chosen design of this current purposed deck necessitates this variance request. Staff believes that since this deck is located at the end of a cul-de-sac, the adjacent properties on either side have a similar elevated deck, and there are open area wetlands to the south, this would be a reasonable deviation from the zoning ordinance.

Treasurer Negri asked for clarification from Amy regarding Standard of Review #1 and how it is applied in this case. The applicant is seeking a variance from the set back standards for an elevated deck that has open space wetlands to the south that will not be developed. He stated that he did not feel that a mitigating factor of these open space wetlands does not mean an extraordinary or exceptional circumstance in his mind.



Amy let Chair Priebe know that the neighbor at 9972 Tioga Ct (David Truesdell) did submit a letter of support of this variance request.

#### CALL TO THE PUBLIC

- **9948 Tioga Ct- Dennis Schmoekel** addressed the ZBA board from the podium. He expressed his support for this deck variance.
- **6118 Mission Dr-David DiCiuccio (applicant's father)** engineer by trade. He discussed the preservation of the enjoyment of substantial property rights. Their intention, when building the house, was to build an elevated deck in the rear of the home. He agreed that a 6 ft deck could be permitted here which would result in a stoop, but not a deck.

Chair Priebe closed the call to the public period. She mentioned that she used to work in a building department. She said when they put the door wall brace on a rear door for temporary use. There is a necessity for an egress here, but the previous homeowner did not put a deck in. She admitted, in support with David DiCiuccio, that a 6 ft deep deck is not sufficient for the rear of the home, in her opinion. She asked the applicant if her intent would be to leave it as a deck alone or have stairs leading down to the ground. She stated she would only have a stand-alone deck. Chair Priebe stated that the Whispering Pines Golf Course left open spaces so it would allow for heavier development in certain areas and less in others. With open space planning, lots are made smaller to minimize development in this open area of development.

Member Ignatowski mentioned that he visited the parcel a few days ago. He stated that he had met Dennis the neighbor to the applicant. He asked his permission to walk between the homes which Dennis granted. While he was out there, he noticed that all the homes in this area are very staggered. Member Ignatowski stated that he felt this variance would blend in with the surrounding neighborhood.

Member Masserant showed that the neighboring home has the same sized deck and the same encroachment towards the southern wetland open space. He stated that he would not have an issue with allowing this variance.

Treasurer Negri chimed in with support as well of this variance request. He stated that his clarifying question was to help with future interpretation of this Standard of Review. Treasurer Negri stated that he had visited the property yesterday and felt that this request would be supportable.

**Approval motion** made by Treasurer Negri, seconded by Member Ignatowski, 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). This variance meets variance standards one through seven of Section 36-170 (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 this request.

**Voice Vote: Ayes: (5) Absent (1)**

**VOTE: MOTION CARRIED UNANIMOUSLY**

## 2. ZBA 2022-010

Owner: Judith Majoros  
 Location: 2496 Baseview Dr  
 Parcel ID: 15-31-304-037  
 Request: 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.

The applicant Steve Majoros approached the podium to address the ZBA Members. He stated that he currently lives at 33745 Schulte, Farmington, MI. He expressed that he shares this property with his brother, Mark. Their engineer is Roger Young who was present at the meeting. He also stated that he serves on the Farmington Planning Commission. We had to reapply for two variances that were granted two years ago since they expired due to the supply chain disruption and economic decline due to the COVID Pandemic. We realized that this is a new situation that needs to be reheard again. This property is unique in how the home sits on the parcel and the shape of the home. We want to enhance this property as it is currently harmonious with neighboring lots and the lake homes on the northside of this lake area. This is a corner lot without the true “corner street lot” defining factors.

Chair Priebe invited Amy Steffens, zoning administrator, to present to the ZBA Members. She briefly read through her staff report, providing her recommendations and 7 Standards of Review. She reminded the members that this case was heard on October 14, 2020, and the applicant was approved to construct a 2,550-square foot, two-story dwelling. Since no building permit was attained nor any building completed, this variance had expired. This time the variance seeks to build a one-story home, with an 8-foot west front yard setback and a 10 -foot east rear yard setback. Since no zoning ordinance regulations have changed since 2020, this is the same report with changes to reflect the setback changes. This lot is odd and is the reason that the Zoning Board of Appeals exists. The west property line is the front yard. The rear property line then becomes the east property line. This proposal will demolition the existing home and build a new one-story home. The parcel is in the FEMA 100-year flood zone and will require three Elevation Certificates (one at pre-construction, one during construction, and one after final construction) if home is built in the SHFA.

Amy read through the 7 Standards of Review. **1) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to the other properties in the same district or zone.** Because Baseview does not run along this subject site, an extraordinary circumstance would exist at this location. Staff suggests that the ZBA condition the project approval on a minimum 10-foot setback from the east and west property boundaries. That is what the ZBA did in 2020. **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.** Adjacent properties in this area, access Baseview from the north and south so their side yard setbacks are east and west property lines. This parcel has an unique orientation and so does not follow this normal pattern of accessibility. **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 improvement in such zone or district in which the property is located.** This property does have an unusual orientation and granting this variance on the east and west wouldn't appear to be materially detrimental to the public welfare. Staff 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 **4) That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.** The 2020 Master Plan dictates proper setbacks, but it doesn't envision a situation such as this one. Staff believes that this house is modestly sized since it is a one-story dwelling, and due to its design 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. Due to the odd orientation of the lot in relation to the orientation of Baseview. **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 site is zoning for single family dwellings and this proposed project is a single-family dwelling. Approving this variance would not permit a use not permitted by right within this district. **7) The requested variance is the minimum necessary to permit reasonable use of the land.** If a home was built to meet all of the required setbacks of our ordinance, the home would be very narrow and long, and would require the removal of more vegetation on the lot than this proposed dwelling does and would not be characteristic of the homes in the neighborhood.

## CALL TO THE PUBLIC

- **Don Maybee -2488 Baseview Dr** addressed the ZBA board from the podium. He expressed his support for this house variance. He praised the brothers for the dedicated time and energy to explore what options that they have regarding this unique parcel. He stated the existing home that exists here is in need of demolishing and replacement, but they have taken care of it. We feel that this would be an improvement to the neighborhood.

Amy let Chair Priebe know that an email was sent from Carl Wright discussing civil matter issues that are not addressed with this hearing, nor can be addressed by Hamburg Township. With no other public comments, Chair Priebe closed the public hearing portion.

The architecture, Roger Young, approached the podium to address the ZBA members. He stated that the brothers wished to honor the heritage of their parents by keeping the natural features (mature trees onsite) of the site and the existing cottage (maintain modesty). Bruce Donovan will be the builder of this project.

Chair Priebe thanked the applicant for considering the height of the proposed project and amending the proposal to a one-story dwelling.

Treasurer Negri asked for clarification regarding the proposed structure being built on the exact footprint of the existing home. Amy clarified that the new dwelling will be close to the existing structure. The proposed dwelling will not encroach closer to the lake but will encroach to the west property line than the existing home. He also asked Amy if we will be issuing a NFIP variance since the applicant will be rebuilding this structure in the floodplain. She said no because they are not asking for a NFIP variance. Amy explained that the township should never grant a NFIP floodplain variance. Treasurer Negri asked for clarification regarding the home to the west of this site, and the members explained that the address of that home is 2488 Baseview (homeowner the Maybees) who spoke tonight. His third comment was regarding the received email from Carl Wright. He supported that there was nothing that could be done regarding the water runoff. He did state that this email expressed that the applicants are blocking a legitimate use of an easement that is shared by the neighbors. Treasurer Negri explained that he is an attorney that deals with easements a good deal of the time. He stated that he would like to hear a response to this easement issue from the applicants.

Mark Majoros approached the podium to address Treasurer Negri about this issue. He explained that the whole parcel that is north and south of Baseview to the west is part of their parcel here. He has put up a plastic chain to block vehicle access from the west to the east on Baseview, so FedEx and delivery drivers do not endanger the life of neighbors who they allow to access across their property via foot traffic who walk their dogs.

**Don Maybee -2488 Baseview Dr** asked to address Treasurer Negri's question as well. He explained that the applicants have put in flag stones and a bird bath to block vehicle access to this dead-end, but he has an open invitation to the foot traffic of neighbors. Negri explained that the applicants might want to look further into what the scope of this easement is and what it allows, since it might prohibit foot traffic as well. If this easement

allows for the movement of vehicle traffic, then the applicant does not have the right to prohibit it. This is relevant since the neighbor brought it to the ZBA member's attention. Mark came back to the podium and stated that there has been a physical barrier in that dead-end of Baseview since their parents owned the property. There are trees blocking vehicle access. Mark stated that is a condition that has existed since they have owned the property.

Member Masserant asked for clarification regarding what is being request, and if this was a normal lot, what we would have allowed.

**Approval motion** made by Member Masserant, seconded by Member Ignatowski, 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 set back is required) and a 17-foot east rear yard setback (30-foot rear yard setback required) in Section 36-186.

The variance meets variance standards one through seven 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 this request.

**Voice Vote: Ayes: (5) Absent (1)**

**VOTE: MOTION CARRIED UNANIMOUSLY**

#### **APPROVAL OF THE MEETING MINUTES**

**Approval motion** was made by Member Hollenbeck, and seconded by Member Ignatowski, to approve the May 10, 2023, ZBA Meeting Minutes as presented.

**Voice Vote: Ayes: (5) Absent: (1)**

**VOTE: MOTION CARRIED UNANIMOUSLY**

#### **ADJOURNMENT**

Approval motion made by Treasurer Negri, seconded by Member Masserant to adjourn at 7:56 pm.

**Voice Vote: Ayes: (5) Absent (1)**

**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