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Supervisor Pat Hohl Clerk Mike Dolan Treasurer Jason Negri Trustees Chuck Menzies, Patricia Hughes, Nick Miller, Joanna Hardesty

## **ZONING BOARD OF APPEALS REGULAR MEETING**

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

### **AGENDA**

#### **CALL TO ORDER**

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

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

#### **CORRESPONDENCE**

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

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

#### **VARIANCE REQUESTS**

##### 1. **ZBA 25-0001**

Owner: Robert & Brandi Straker

Location: 11347 Pleasant View Dr.

Parcel ID: 4715-31-201-014

Request: Variance application to permit the construction of a rear yard addition. Applicant requests a variance from the required side setback, per Section 36-171(D).

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

2. Approval of the November 13, 2024 Meeting minutes.

3. Election of Chairperson

4. Proposed updates to the ZBA Rules of Procedure

5. Board of Trustees Memo: Parliamentary Procedures

6. Planning and Zoning 2024 Annual Report

#### **ADJOURNMENT**



# Zoning Board of Appeals Staff Report



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

**FROM:** David Rohr

**HEARING DATE:** February 12, 2025

**SUBJECT:** ZBA 25-0001

**PROJECT** Single Family Home

**SITE:** 11347 Pleasant View Dr.  
TID 15-31-201-014

**OWNER:** Robert & Brandi Straker

**APPLICANT:** Robert & Brandi Straker

**PROJECT:** Variance application to permit the construction of a rear yard addition. Applicant requests a variance from the required side setback, per Section 36-171(D).

**ZONING:** WFR, Waterfront Residential

## **Project Description**

Variance application to permit the construction of a rear yard addition to the house. Applicant requests a 3.4-foot variance from the required side setback of 10 feet, per Section 36-171(D). The variance request will allow the addition of master bedroom closet and bathroom. The applicants intend to age in place. This variance request also accommodates the existing grinder pump on the front side of the house.

## **Standards of Review**

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

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

The applicant's parcel has a limited buildable area due to the nature of the parcel and house location. Staff supports the variance request.

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

Granting this variance request is necessary for the preservation and enjoyment of a substantial property right, as the existing home location is very close to the site lot line.

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

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

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

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

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

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

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

The site is zoned for single-family dwellings and related appurtenances. Approval of the variance 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 addition will have minimal impact on the surrounding properties. Staff believes the location of the proposed minor addition is well placed and will have minimal impact on the surrounding residents.

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

### **Recommendation**

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

### **Approval Motion**

Motion to approve variance application ZBA 25-0001 at 11347 Pleasant View Dr. TID 15-31-201-014. Applicant requests a 3.4-foot variance from the required side setback of 10 feet., per Section 36-171(D).

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

**Denial Motion**

Motion to deny variance application ZBA 25-0001 at 11347 Pleasant View Dr. TID 15-31-201-014. Applicant requests a 3.4-foot variance from the required side setback of 10 feet., per Section 36-171(D).

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

ZBA Case Number # 25-0001

Item 1.



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

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

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

1. Date Filed: 1-15-2025
2. Tax ID #: 15- 31 - 201.014 Subdivision: Tamarra Park Lot No.: 14
3. Address of Subject Property: 11347 Pleasant View Dr.
4. Property Owner: Rob & Brandi Straker Phone: (H) 248-345-9444  
Email Address: Brandistraker@gmail.com (W) \_\_\_\_\_  
Street: 11347 Pleasant View Dr. City Pinckney State MI
5. Appellant (If different than owner): \_\_\_\_\_ Phone: (H) \_\_\_\_\_  
E-mail Address: \_\_\_\_\_ (W) \_\_\_\_\_  
Street: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_
6. Year Property was Acquired: 2017 Zoning District: \_\_\_\_\_ Flood Plain \_\_\_\_\_
7. Size of Lot: Front 143.05 Rear 45.84 Side 1 357.06 Side 2 350 Sq. Ft. 29,370.08
11. Dimensions of Existing Structure (s) 1st Floor 1,866 sf 2nd Floor \_\_\_\_\_ Garage \_\_\_\_\_
12. Dimensions of Proposed Structure (s) 1st Floor 607 sf 2nd Floor \_\_\_\_\_ Garage \_\_\_\_\_
13. Present Use of Property: Single Family Home
14. Percentage of Existing Structure (s) to be demolished, if any \_\_\_\_\_ %
15. Has there been any past variances on this property? Yes X No \_\_\_\_\_ Amending Request
16. If so, state case # and resolution of variance application 24-0009 - Approved
17. Please indicate the type of variance or zoning ordinance interpretation requested:  
Same variance as previous request just reconfigured  
moving front 16.5 ft to back yard. 6'8" + 6'5" from property line.

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

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

- 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.

- 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.

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

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

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

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

- 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.



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

***The lot is oddly shaped and the placement of the house is not centered on the property. See attached Exhibit A***

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

***The primary bedroom has 7 ft ceilings and lacks a closet, as well as there is only 1 bathroom for a 4 bedroom home.***

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

***The proposed variance has been carefully evaluated by our new builder and neighbor on the West side, and has been determined that this option is less impact on the land as well as will not adversely impact public welfare or cause harm to the adjacent properties or improvements in the surrounding zone or district. The adjustment will respect the existing character of the area while ensuring that it aligns with both safety standards and community well-being. The modifications proposed will not result in material detriment or injury to the surrounding property values, it will only add to the value of the area.***

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

***The proposed variance is to make a more efficient livable home which will not adversely affect or undermine the master plan of the township.***

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

***The lot has an irregular shape, and the home is positioned closer to the West side of the property line than the East side. The intended use of the property for which the variance is being requested is not of a common or recurring nature.***

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

***The approval of this variance will not allow the introduction of any use within the district that is not already permitted. This variance strictly pertains to this specific request and does not alter or expand the allowable uses defined for the district. It remains consistent with permitted uses in the area.***

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

***We are requesting only the minimum relief required to use the property effectively. We would not be encroaching closer to the property line, we will maintain the same alignment as the existing house.***

- 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).

B. Stutz      1-15-2025  
Robert Stutz      1-15-2025  
Owner's Signature      Date

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

**VARIANCE (ZBA) APPLICATION CHECKLIST:**

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

☐ **Zoning Board of Appeals Application Form**

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

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

☐ **Preliminary sketch plans:**

a) Elevation plans:

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

b) Floor plans:

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

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

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

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

**Robert & Brandi Straker**  
11347 Pleasant View Dr  
Pinckney, MI 48169

January 14, 2025

Zoning Board Members  
Hamburg Township  
10405 Merrill Rd  
Hamburg, MI 48139

Re: Request for Amendment to Setback Variance - 11347 Pleasant View Dr

Dear Members of the Zoning Board,

We are writing to request an amendment to the previously approved setback variance for our property. Our initial request stemmed from the challenges of having a bedroom with a 7-foot ceiling, no closet, and only one bathroom in our home.

The reason for this amendment request is due to several concerns that arose with the original builder. Issues such as poor communication, mispricing, and escalating costs significantly higher than initially quoted. This caused us to lose confidence in their ability to complete the project. As a result, we decided to consult a new builder for an alternative opinion.

The new builder proposed a more cost-effective and streamlined plan that involves building out only the back of our home. This approach eliminates the need for:

- Disrupting the incoming water line from the well to the home.
- Removing the roof & several exterior walls.
- Constructing 3 separate foundations.
- Relocating the grinder pump and main sanitary pipe.
- Moving incoming electrical line and meter.

This revised plan consolidates construction into a single area, significantly reducing costs while increasing square footage, functionality, and value to the home. Additionally, the design maximizes the lake view and positions the addition further away from the neighboring house on the West side.

We respectfully request a variance to allow for an addition off the back of the home, to accommodate a bathroom and closet in the master bedroom. The addition would align with the existing line of the home, and not extend beyond that current line. The proposed improvement would add 25ft off the back of the home, which would simply square off the back of the house, vs the previous variance was asking for 16.5ft off the front of the home and 8.6ft off the back (25.1ft).

Thank you for your time and consideration of our request. We believe this amendment will meet our basic needs while preserving the character and value of the neighborhood.

Sincerely,

Robert & Brandi Straker  
(248) 345-9444

P.O. Box 374  
20524 Waterloo Road  
Chelsea, MI 48118  
(734) 730-8570  
piattlandsurveying.com

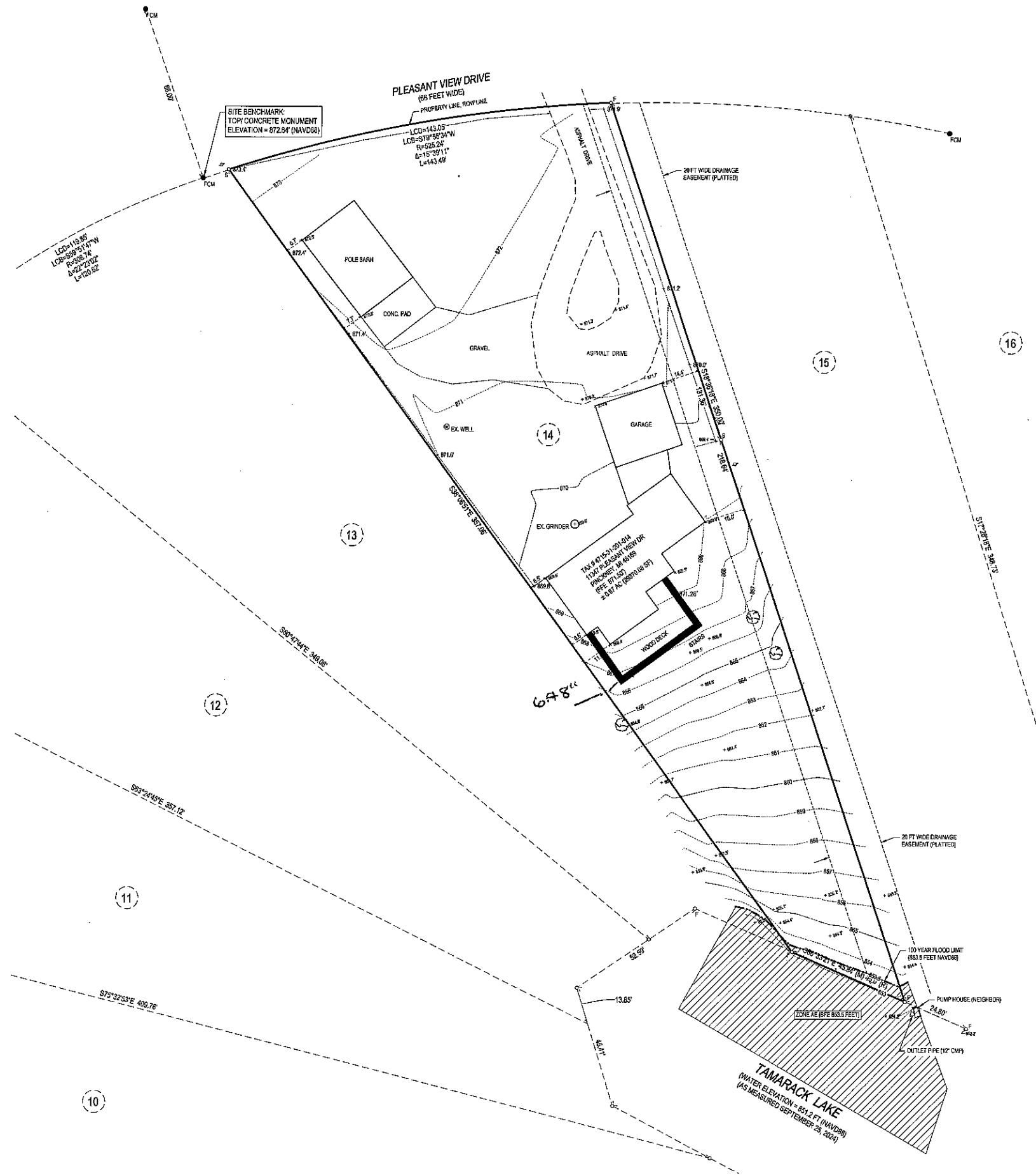
PROJECT:  
BOUNDARY AND  
TOPOGRAPHIC  
SURVEY

PLOT PLAN

Part of the East 1/2 of  
Section 31, and the West  
1/2 of Section 32, T1N, R5E,  
Hamburg Township,  
Livingston County,  
Michigan

CLIENT:  
ROBERT & BRANDI  
STRAKER

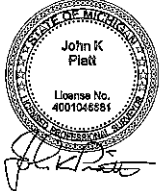
11347 PLEASANT VIEW DRIVE  
PINCKNEY, MI  
48169



- NOTES:
1. HORIZONTAL DATUM IS ACCORDING TO NAD83, STATE PLANE COORDINATES, MICHIGAN SOUTH ZONE (2113), LINEAR FEET.
  2. VERTICAL DATUM IS ACCORDING TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
  3. NO UTILITIES WERE LOCATED OR RESEARCHED AS PART OF THIS SITE WORK, BEYOND THE LOCATION OF WELL AND GRINDER PUMPS.
  4. FEMA FLOODPLAIN REFERENCE IS ZONE AE, BASE FLOOD ELEVATION DETERMINED, 853.5 FEET (NAVD88), FEMA FIRM MAP 26083C0445D, EFFECTIVE DATE 9-17-2008.

LEGAL DESCRIPTION:  
Lot 14, "TAMARINA PARK SUBDIVISION," being a part of the East 1/2 of Section 31, and part of the West 1/2 of Section 32, T1N, R5E, Hamburg Township, Livingston County, Michigan.

CERTIFICATE:  
I hereby certify that I have surveyed and mapped the land above platted, and or described, and that the ratio of closure on the unadjusted field observations of such survey was no greater than 1:5000, and that all of the requirements of P.A. 132, as amended, have been complied with.

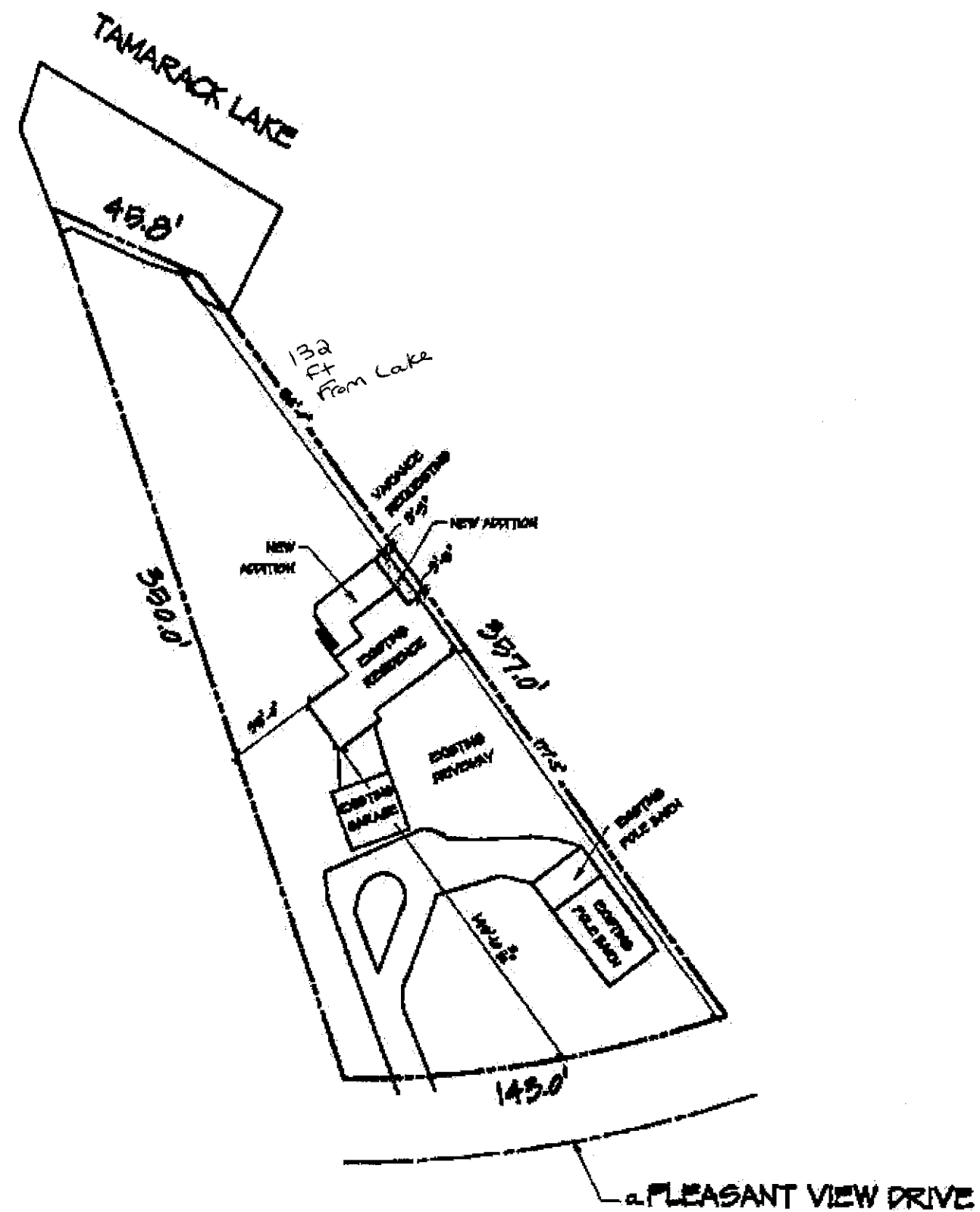


LEGEND	
	SECTION CORNER
	FIRE HYDRANT
	UTILITY POLE
	FOUND IRON PIPE
	SET IRON PIPE
	RECORD DIMENSION
	MEASURE DIMENSION
	WELL (EXISTING)
	GRINDER PUMP (SEWAGE)
	EXISTING FENCE LINE
	PROPOSED FENCE LINE
	DEED LINE
	LOT LINE "ORIG. PLAT"
	ZONING SETBACK
	STRUCTURE DISTANCE

SCALE: 1" = 20'  
0 10 20 40  
DATE: 09/30/2024  
REV:  
JOB NO. 2024-3987  
SHEET: 1 OF 1

OWNER: MR. & MRS. STRAKER  
11347 PLEASANT VIEW DR.  
PINCKNEY, MICHIGAN 48160

DESIGNER: MEH DESIGN  
1043 JEWELL RD.  
MILAN, MICHIGAN 48160  
(734) 664-7400

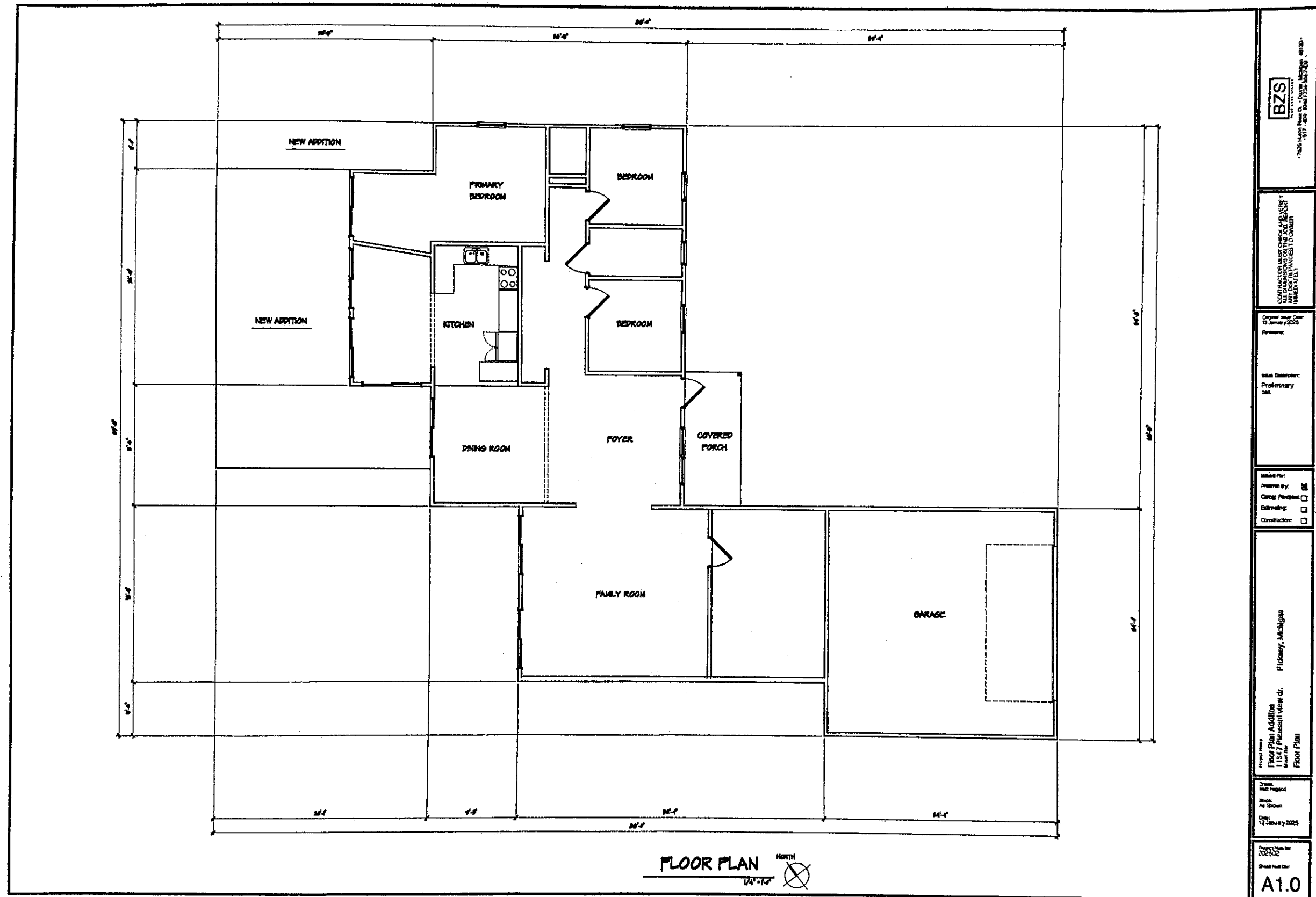


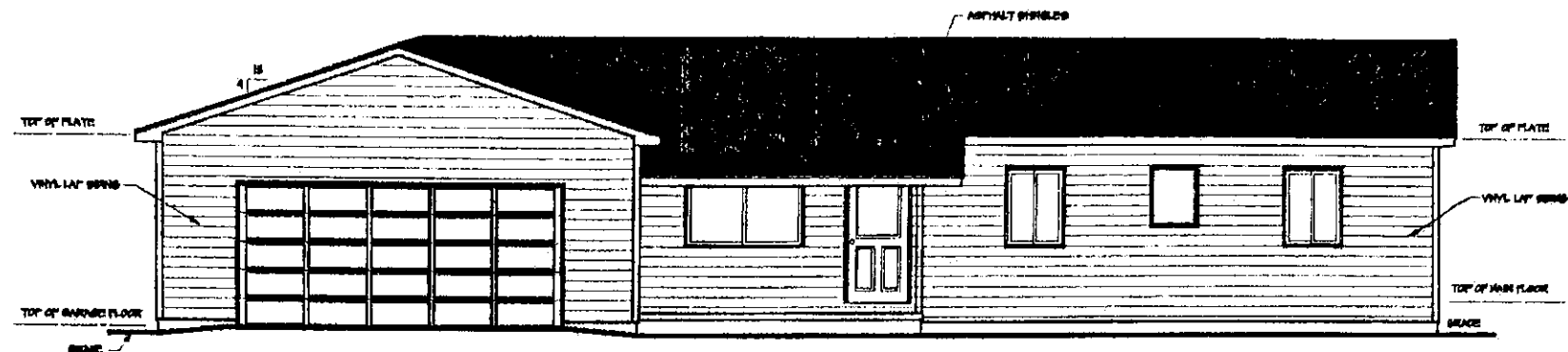
SITE PLAN

NORTH

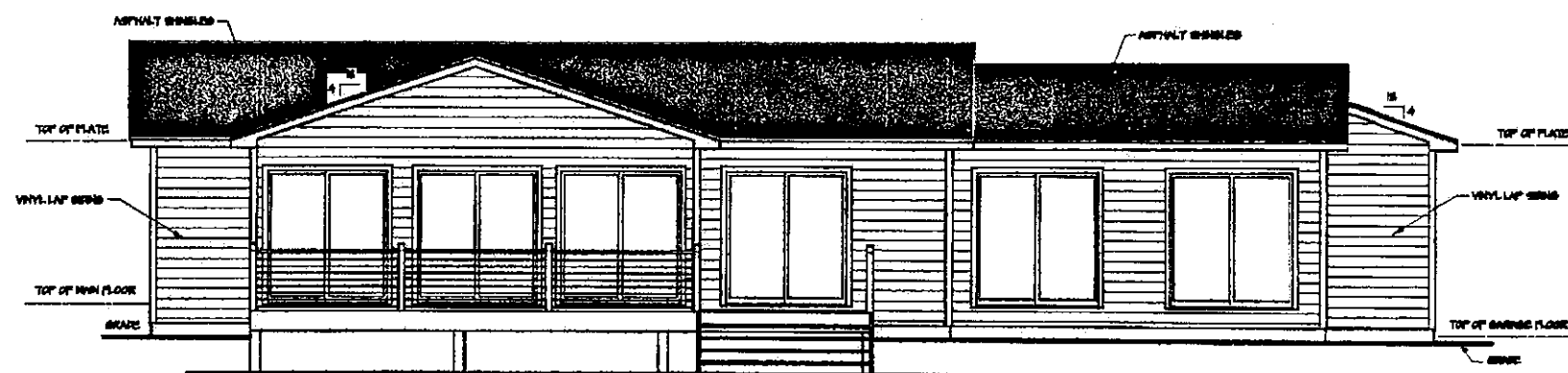
1" = 40'-0"







**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**LAKESIDE ELEVATION**  
SCALE: 1/4" = 1'-0"

**BZS**

• 2025 HUMAN RES. CO. • CHASE, MICHIGAN 48130 •  
• 517-401-1049 / 734-507-700 •

CONTRACTOR MUST OBTAIN AND VERIFY  
LOCAL PERMITS AND REGULATIONS  
AND FOLLOW ALL APPLICABLE  
REGULATIONS

Original issue date  
13 January 2025

Issue Description  
Preliminary  
set

Issued for  
Preliminary ☒  
Design Review ☐  
Estimating ☐  
Construction ☐

Project Name  
Shaker Addition  
1154 / Pleasant View Dr.  
Pleasant View  
1 level  
1 level  
Pleasant View, Michigan

Drawn  
Vicki  
Scale  
1/8" = 1'-0"

Project Number  
1154-02

Sheet Number  
A2.0



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, November 13, 2024, at 7:00 PM**  
**Hamburg Township Hall Board Room**

### **MINUTES**

#### **CALL TO ORDER**

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

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

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

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

Benedict Russell  
Jason Negri  
Joyce Priebe, Chair  
William Rill

##### **ABSENT:**

Brian Ignatowski

#### **CONSENT AGENDA**

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

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

**GENERAL CALL TO THE PUBLIC-** No public response.

## CURRENT BUSINESS

### 1. ZBA 2024-0008

Owner: Cumnueng Henry

Location: 3255 Orchard Dr

Parcel ID: 4715-20-110-034

Request: Variance application to permit the construction of a new detached two car garage. Applicant requests a variance from the required front setback, per Section 36-171 (D)

Chair Priebe invited the applicant to come to the podium. He stated that he is seeking a 3 ft front yard setback instead of the required 15 ft setback when abutting a body of water. This is a lake lot which has very limited space, so we are trying to utilize the front yard for the size garage that we need.

Chair Priebe invited David Rohr, the Planning and Zoning Director to discuss the staff report and the variance case requesting a variance of 12 feet from the streetside property line. The existing garage is currently 2 ft from the streetside property line. The new 2-car detached garage will be setback 3 ft from the street.

Chair Priebe asked David to clarify the difference between a notation of the garage's dimensions which stated the garage would be 24 ft X 30 ft verses the site plan drawing of the garage which shows 25 ft X 22 ft, which don't match. David stated that he based his report on the site plan drawing and did not consider any garage dimension notations on the drawing. The drawing shows the lot is 44 feet wide, where there would be 10 ft from the east side property line and 5 ft from the west side property line. He said that the applicant could address her question.

Chair Priebe asked the applicant to come up to the podium to discuss this issue. The applicant said he had an updated, unprofessional drawing that he brought up to Chair Priebe. David asked the applicant if the garage was 24 ft wide, then he would have 10 ft from the east side property line still. Priebe asked the applicant if he would still be 3 ft from the street. He said yes. She asked him if the garage will be 30 ft in length, then how far would it be from their home. The applicant said the garage would be 15 ft from the home. Treasurer Negri reviewed the new submitted drawing at the table, and Priebe shared the drawing with Member Russell. Negri asked if David had a chance to review the new drawing and he said he had not. Russell walked the new drawing to David. Negri asked David if this new submittal would require any additional variances from the side setback requirements of the Zoning Ordinance. David confirmed since the garage width was now 24 ft, he would not need a variance from any of the side setbacks. David gave Member Rill the drawing and he handed it over to Negri.

Chair Priebe opened the call to the public for this variance case.

- Steve Harrison -3245 Orchard Dr- stated that he has no issue and is supportive with this variance request.

No other public response so Chair Priebe closed the call to the public section.

Chair Priebe asked the applicant to come back to the podium. She stated that it was good that he would be moving the new garage back 1 ft thus making it more compliant. She asked the other ZBA members if

they had any questions or comments. Treasurer Negri stated that the other homes on their road had garages that were very close to the streetside property line too.

**Approval motion** by Treasurer Negri, seconded by Member Rill, to approve variance application ZBA 24-0008, to permit the construction of a detached two-car garage. Applicant requests a 3-foot variance from the required front yard setback of 15 feet., per Section 36-215(3) The variance meets variance standards one (1) through seven (7) of Section 36-137 of the Hamburg Township Zoning Ordinance, and a practical difficulty exists on the subject site when strict compliance with the Zoning Ordinance standards is applied, as discussed at the meeting this evening and as presented in the staff report.

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

## 2. ZBA 24-0009

Owner: Robert & Brandi Straker

Location: 11347 Pleasant View Dr

Parcel ID: 4715-31-201-014

Request: Variance application to permit the construction of an addition. Applicant requests a variance from the required side setback, per Section 36-171 (D).

Chair Priebe invited the applicants to come to the podium. Brandi stated that they were seeking a 3.5 ft variance from the west side setback from their home. The proposal would not be going closer to the front or rear property lines, but just continue the distance that their current home is from the west property line which is 6.5 ft from the west side property line. They need to square off the home to allow for a second bathroom and closet. The current bedroom has 7 ft ceilings which is a hardship for the husband who is tall. The current bathroom has a 23-inch doorway which doesn't allow for wheelchair access. The home to the west of their parcel is staggered so it wouldn't be close to this addition. On the east side, the home is 14.4 ft from the side property line. Chair Priebe mentioned they might want to take down the fence, and Brandi said that was their plan since the fence was in bad shape.

Chair Priebe invited David Rohr to present his staff report on this variance case. David stated that the applicants want to age in place and with these modifications, they would be able to. According to the site plan submitted, the closest point to the west side property line is 6.6 ft. David clarified that only a 3.4 ft variance would be needed.

Chair Priebe opened the call to the public for this variance case.

- Jason their builder came up to the podium to explain that he was there to assist them with this addition, and he had built their pole barn. He could answer any questions that the ZBA members had.

No other public response so Chair Priebe closed the call to the public section.



Chair Priebe stated that this was a unique piece of property, since it is angled, which makes building anything very difficult to fit on the parcel. Priebe stated that the applicants had several letters from their neighbors of support for this variance, one of which was Hamburg Trustee Pat Hughes and her husband Ron. And a letter of support from Michael and Dianna Brunner.

Treasurer Negri asked David a clarifying question regarding the distance being requested for this variance would keep this home within its existing nonconformity, but it will not lessen the nonconformity. David said this request is just squaring off the home and not increasing the nonconformity of the existing home without adding odd angles to the home. Chair Priebe showed him her drawing. Chair Priebe asked the ZBA members if they had any questions or other comments.

**Approval Motion** by Member Rill, seconded by Member Russel, to approve variance application ZBA 24-0009 at 11347 Pleasant View Dr. TID 15-31-201- 014. Applicant requests a 3.4-foot variance from the required side setback of 10 feet., per Section 36-171(D).

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

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

## **APPROVAL OF THE MEETING MINUTES**

**Approval motion** by Treasurer Negri, seconded by Member Russell, to approve the 10-9-2024 ZBA Meeting Minutes as presented.

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

## **Zoning Administrator's Report**

1. No agenda items for December.
2. David considering doing an end-of-the-year review meeting with each individual board rather than doing a joint meeting together. This process would help David dig in with a more focused look at the zoning ordinance with each body.
3. We are on an annual cycle to renew the chair, vice chair and secretary board members for both the ZBA and the PC. David said he will implement a January 1<sup>st</sup> cycle for this board renewal process.

4. Treasurer Negri mentioned training of the ZBA board members. Negri said maybe on the second Wednesday of the month if there are no variance cases, then that might be a great time for training. David said he had sent but he could resend MTA and MSUE trainings that are offered to ZBA members. David said he could go over what constitutes practical difficulties and such at such meetings.
5. Negri also asked that when ZBA members go out to visually inspect an upcoming variance case site, he asked if the applicant gives them permission to go onto their property to prepare for the case. David said the zoning ordinance explicitly states that we, the ZBA board members, have legal right to be on the ZBA applicant's property if they have submitted for a variance. David stated that members should pick a normal time to view the property. Chair Priebe asked the ZBA members if they had a ZBA member badge to wear while onsite. Everyone said no. She said that Brenda used to make these badges. David said he will make sure to get everyone a badge. Priebe said she keeps her badge in her car, and she clips it on to her coat when she gets out to visually inspect the site. Member Rill asked if the board members should knock on the door to announce their presence. David said not necessarily but it is not a bad idea. Priebe mentioned that it is not good to engage with the homeowner, as this could constitute as swaying your vote.

## ADJOURNMENT

**Approval motion** by Member Rill, seconded by Member Russell to adjourn at 7:27 pm.

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

Respectfully submitted,

**Lisa Perschke**

*Planning/Zoning Coordinator & Recording Secretary*

**David Rohr**

*Planning & Zoning Director*

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

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

## Hamburg Township Zoning Board of Appeals Rules of Procedures

Authority granted as set forth in the State of Michigan Township Rural Zoning Act, Act 184, 1943, as amended, Section 20. "The Township Board of Appeals...may fix rules and regulations to govern its procedures sitting as such a Board of Appeals."

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### Section~~ARTICLE~~**I: OFFICERS AND THEIR DUTIES**

• ~~SECTION 1.~~ The officers of the Board of Appeals shall consist of a Chairman.

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• ~~SECTION 2.~~ The Chairman shall preside at all meetings of the Board.

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~~SECTION 3.~~ The Township Clerk shall keep the minutes of the Board's proceedings.

### ~~ARTICLE~~Section**II: ELECTION AND TERMS OF OFFICERS**

~~SECTION 1.~~ Nomination and election of the chairperson shall be held annually on the first meeting of the year. The term of office shall become effective at the following meeting.

~~SECTION 2.~~ A candidate receiving a majority vote of the entire membership shall be declared elected and shall serve for one (1) year, or until his successor shall take office.

~~SECTION 3.~~ Vacancy – In the event of a vacancy in the office of chairperson, the Board of Appeals shall immediately fill the vacancy for the unexpired term by regular election procedure.

### 1) Section~~ARTICLE~~**III. CONFLICT OF INTEREST AND INCOMPATIBILITY OF OFFICE**

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a. Each member of the Appeals Board shall avoid situations that are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

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i) Issuing, deliberating on, voting on, or reviewing a case concerning him or her.

ii) Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.

iii) Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.

iv) Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.

v) Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.

vi) Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:

- (1) an applicant or agent for an applicant, or  
 (2) has a direct interest in the outcome.
- b) When a conflict of interest exists, the member of the Appeals Board, shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
- i) declare a conflict exists at the next meeting of the Appeals Board,  
 ii) cease to participate at the Appeals Board meetings, or in any other manner, or represent one's self before the Appeals Board, its staff, or others, and  
 iii) during deliberation of the agenda item before the Appeals Board leave the meeting, or remove one's self from the front table where members of the Appeals Board sit, until that agenda item is concluded.
- c) If a member of the Appeals Board is appointed to another office, which is an incompatible office with his or her membership on the Appeals Board, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Appeals Board. If a member of another office is appointed to the Appeals Board, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Appeals Board, that shall result in an automatic resignation from the other office.

#### **ARTICLE ~~IIII~~: MEETINGS**

- SECTION 1-1 All Board meetings shall be open to the public.
  - SECTION 2-2 All Board meetings shall be held at the call of the chairperson, and at such times as the Board may decide.
  - SECTION 3-3 The regular Board meeting shall be held on the second Wednesday of the month at 7:0030 p.m. in the place and time designated by the Board. The chairperson may cancel this meeting.
- SECTION 4. A special meeting may be called by the chairperson. All members of the Board shall be informed by written notice, or a call by phone, of the purpose and time of the meeting not less than seven (7) days prior to the date set. A special meeting called at a regular meeting shall satisfy this requirement, providing absent members are informed of the special meeting. An appeal heard at a special meeting must meet the notification requirements of Article IV, Section 3.
- SECTION 5. Members of the Board shall be sent by mail or receive all information pertinent to an appeal five (5) days prior to a meeting.
- SECTION 6. A majority of the membership of the Board shall constitute a quorum. A concurring vote of the majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative decision, or determination of any administrative official, or to decide any matter upon which the Board is required to pass by law, or the effect any variation in the terms of the Zoning Ordinance.

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A tie vote is considered a non-vote and the issue shall be placed on the next available agenda.

**SECTION 7.** The order of business at Board meetings shall be as follows:

- a. Call to Order
- b. Pledge to the Flag
- c. Roll Call of the Board
- d. Approval of the Agenda
- e. Call to the Public (three (3) minute time limit)
- e. Variances Requested
- f. Old Business
- g. New Business
- h. Approval of Minutes
- i. Adjournment

#### **ARTICLE IV: APPEALS**

**SECTION 1.** All applications to the Zoning Board of Appeals shall be made in writing on forms provided for that purpose and adopted by the board or any forms satisfactory to the Board. Applications shall be made at the office of the township Zoning Administrator. One copy of such application shall be served upon the administrative official from whom the appeal is taken, and such official shall transmit to the Board all papers constituting the record upon which the action of appeal was taken.

**SECTION 2.** In addition to the information required in said forms, all appeals shall contain the following information and data that is applicable thereto:

- a. The principal points on which the appeal is made based on the decision, order, or Section of Ordinance being appealed.
- b. Existing layout of site plan and proposed site plan drawn to scale showing if applicable the following: 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, measurement from each side of existing and proposed structure to the property lines, all easements, any bodies of water (lake, stream, river, canal) with waterbody name, distance from any body of water, septic tank and field, sewer tap, water well, north arrow, 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.).
- c. A clear and accurate description of the proposed use or work.

**SECTION 3.** Notification of the pending appeal hearing shall be made by first class mail to the appellant and to all property owners within 300 feet of the appellant's property. The notice shall be mailed at least seven (7) days prior to the ZBA hearing of the



appeal. A notice of the ZBA meeting listing appeals to be heard shall be published one week in advance of the hearing in the Township's paper of record for legal notice. Appeals upon which an official decision is deferred do not require further notification to surrounding property owners but their reconsideration will be included in newspaper notification of the meeting. (These notification procedures are not a legal requirement, but rather are being included in these Rules of Procedure as a courtesy to nearby property owners. The Township cannot be responsible for notifications that may have been lost in the mail.)

**SECTION 4.** An appeal shall be filed by the applicant within 60 days of the date of order, or determination of such department from which the appeal is taken provided the Board may in exceptional cases for good reason grant additional time.

**SECTION 5.** Applications of appeals for interpretation, adjustment, special exception, or modification of the requirements of the Zoning Ordinance shall be made in the name of the owner, or in the discretion of the Board, by persons having substantial interests and rights in the premises affected. Such applicant may appear in his own behalf or be represented by attorney or agent at the hearings.

**SECTION 6.** The order of procedure shall be:

- a. Presentation of official records of the case.
- b. Applicant's presentation of his case.
- c. Township official's presentation of the case.
- d. Interested property owner's presentation of the case.
- e. Rebuttals in similar order.

**SECTION 7.** The chairperson may require of the applicant additional information and data as is deemed essential to fully advise the Board with reference to the appeal. Refusal or failure to comply shall be grounds for denial of the application by the Board.

**SECTION 8.** An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be re-submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

**SECTION 9.** An appeal stays all proceedings in furtherance of the action appealed from subject to the conditions enumerated in the State Statutes.

#### **~~ARTICLE V:~~ REHEARING**

**SECTION 1.** No rehearing of any decision of the Board will be considered unless new evidence is submitted which could not reasonably have been presented at the original hearing of the appeal, or unless there has been a material change in the facts of the case.

~~SECTION 2.~~ Application for rehearing of a case shall be in writing and subject to the same rules, fees, and notification procedures as an original hearing.

#### ~~ARTICLE VI: DISPOSITION OF APPEAL~~

~~SECTION 1.~~ The Board may reverse, affirm, vary, or modify any order, requirement, decision, or determination as in its opinion should be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

~~SECTION 2.~~ The final decision shall be in writing and, so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and finds of the Board. The applicant shall be sent the decision by mail within twelve (12) days of the hearing unless the Board moves for a continuation of such hearing.

~~SECTION 3.~~ Any applicant may, with the consent of the Board, withdraw his application at any time prior to final action thereon. The administrative portion of the fee is not refundable. The Board shall recommend to the Township Board any of the remaining fees that may be refundable.

~~SECTION 4.~~ Any decision of the Board favorable to the applicant shall remain valid only as long as the information or data relating thereto is found to be correct, and the conditions upon which the resolution was based are maintained.

~~SECTION 5.~~ Whenever any variation or modification of the strict application of the terms of the Zoning Ordinance is authorized by resolution of the Board, a Land Use Permit shall be obtained within six (6) months from the date of the grant. Failure to obtain such permit within the specified time shall, invalidate and terminate this grant.

#### ~~ARTICLE VII: CONFLICT~~

Should any provision of these Rules of Procedures be in conflict with the State of Michigan Township Rule Zoning Act, Act 184, P.A. 1043, as amended or amended in the future, the provision shall become inoperative.

#### ~~ARTICLE VIII: AMENDMENTS~~

These Rules of Procedures may be amended at any regular meeting upon an affirmative vote of at least three (3) members of the Board.

#### ~~ARTICLE IX: RULES OF ORDER~~

Robert's Rules of Parliamentary Procedure (latest edition) shall govern the deliberations of this Board suspended or modified by a majority vote of the Board.

Adopted by the Zoning Board of Appeals on April 14, 1999.  
Amended and Adopted November 10, 1999.



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P.O. Box 157  
Hamburg, MI 48139  
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Item 5.

Item 2.

**TO:** Board of Trustees

**FROM:** Mike Dolan, Twp Clerk

**DATE:** January 16, 2025

**AGENDA ITEM TOPIC:** Parliamentary Procedures

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**Requested Action**

**Background**

Trustee Hardesty took on the assignment to prepare suggested procedures for adoption. Attached are what she is submitting for discussion.

**Current Wording****2.4(d) Board Rules**

**~~All Board meetings shall be conducted in the spirit of modified Robert's Rules of Order. However, the Chairman of the meeting may deviate as necessary.~~**

**Suggested Wording:**

Orderly meetings will be conducted using parliamentary procedure and utilizing Robert's Rules of Order simplified per the following guide to conduct meetings fairly and efficiently.

**Motions**

- All motions must be seconded, and are adopted by a majority vote unless otherwise noted.
- All motions may be debated.
- Each motion presented for consideration is entitled to full and free debate with each Board member being given fair and equal time for discussion.
- Every member has rights equal to every other member and shall fully participate in the meetings.

**Points**

- Point of Order: When a Board member believes that the rules of the Board are being violated, he/she can make a Point of Order (or raise a question of order) thereby calling upon the chair for a ruling and an enforcement of the rules.
- Point of Information: a request for information on a specific question, either about process or about the content of the motion.

**Amendments**

- An amendment is a motion to change, to add words to, or to omit words from, a pending motion.

**Table**

- A motion to table is to set aside temporarily without setting a time for resuming its consideration but with the provision that the motion can be taken up again whenever the majority decides.

**Abstaining**

- A Board member must abstain (refrain from voting) when he/she has a conflict of interest. A Township Board member has a conflict of interest when he or she, individually, has a direct personal financial interest in the matter before the Board.
- If a Board member or commission member has a conflict of interest, he or she shall recuse him or herself. The person must remove him or herself from participating in any discussions, hearings deliberations and information gathering regarding that decision.
- A Township Board cannot force a member to abstain. Where there is no conflict of interest, a Board Member has a duty to vote.



## ROBERTS RULES OF ORDER

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).



# Hamburg Township

## **Planning Commission Zoning Board of Appeals Planning & Zoning Department**



## **2024 Annual Report**

Prepared by: Planning & Zoning Department Staff  
January 30, 2025

# Introduction

## **Planning Commission**

- **Purpose**
- **Members**
- **Meetings**

## **Zoning Board of Appeals**

- **Purpose**
- **Members**
- **Meetings**

## **Planning & Zoning Department**

- **Staff**
- **Land Use Permits**
- **Floodplain Activity**
- **CRS Activity**
- **FEMA Activity**
- **Land Splits, Combos, etc.**
- **Code Enforcement**

# Planning Commission

## Purpose

The Hamburg Township Planning Commission reviews and approves site plans, special use permits, planned unit developments, zoning text and map amendments, and master plans. The Planning Commission advises the Township Board concerning site plans, zoning text and map amendments, and the Master Plan.

## Members

**Chair:** Jeff Muck

**Township Board Representative:** Patricia Hughes

**ZBA Representative:** Joyce Priebe

**Member:** Ron Muir

**Member:** John Hamlin

**Member:** Victor Leabu

**Member:** Deborah Mariani

## 2024 PC Meetings

<u>PC Case Number</u>	<u>Applicant/Parcel ID/Address</u>	<u>Project Description Considered</u>	<u>Result / Status</u>
<b>January 17, 2024 – No Meeting</b>			
<b>February 21, 2024</b>			
<b><u>PCPUD23-0001</u></b>	7620 M-36	Preliminary site plan application for General Planned Unit Development (PCPUD23-0001) Project located at 10303 Hamburg Road (Parcel A) and 7620 M-36 (Parcel B). Parcel A will consist of 40 attached two-story multi-family units (38,800 SF) and a community center (1,400 SF). Parcel B will include a gas station building (2-story, 5,475 SF) attached to a mixed-use retail/residential building (2-story, 2,400 SF), as well as a gas station canopy with 12 stalls and a height of 17'. The Retail building will be used as offices for the apartment use.	Approved/Conditions
<b>March 20, 2024</b>			
<b><u>PZTA24-0001</u></b>	9300 Hamburg Rd.	Zoning Map Amendment 24-0001. Change zoning of the parcel commonly known as 9300 Hamburg Rd. (TID 4715-24-103-038) from Medium Density Residential (RA) to Neighborhood Service (NS). (Zoning Ordinance Section 36-177).	Approved
<b>April 17, 2024</b>			
<b><u>PCPUD23-0001</u></b>	7620 M-36	Final site plan application for General Planned Unit Development (PCPUD23-0001) Project located at 10303 Hamburg Road (Parcel A) and 7620 M-36 (Parcel B). Parcel A will consist of 40 attached two-story multi-family units (38,800 SF) and a community center (1,400 SF). Parcel B will include a gas station building (2-story, 5,475 SF) attached to a mixed-use retail/residential building (2-story, 2,400 SF), as well as a gas station canopy with 12 stalls and a height of 17'. The Retail building will be used as offices for the apartment use.	Approved/Conditions

<b>May 15, 2024</b>			
<b><u>PPAM24-001</u></b>	10564 Learning Lane	Preliminary site plan application for General Planned Unit Development (GPUD) regulations (Section 36-439). The proposed project proposes a 208-unit apartment complex with a club house. The complex will be located on old Hamburg Elementary Site. The subject property consists of five existing parcels (15-25-200-056 (VC), 15-25-200-062(GI), 15-25-400-013 (VC), 15-25-400-042 (VC), and 15-25-101-084 (VR)) totaling 15.4 acres. The apartment complex will consist of 22 residential structures, 14 structures with 8 residential units and 15 structures with between 8-16 residential units: a community club house with offices, a gym, a community recreational room, and a pool.	Approved/Conditions
<b>June 19, 2024</b>			
<b><u>PZTA24-0002</u></b>	Text Amendment	Zoning Ordinance Article 3, Section 36-429, Elderly Cottage Housing Opportunity (ECHO) Planned Unit Development.	Recommended Approval
<b>July 17, 2024 – No Meeting</b>			
<b>August 21, 2024 – No Meeting</b>			
<b>September 18, 2024</b>			
<b><u>PPAM24-001</u></b>	10564 Learning Lane	Final site plan application for General Planned Unit Development (GPUD) regulations (Section 36-439). The proposed project proposes a 208-unit apartment complex with a club house. The complex will be located on old Hamburg Elementary Site. The subject property consists of five existing parcels (15-25-200-056 (VC), 15-25-200-062(GI), 15-25-400-013 (VC), 15-25-400-042 (VC), and 15-25-101-084 (VR)) totaling 15.4 acres. The apartment complex will consist of 22 residential structures, 14 structures with 8 residential units and 15 structures with between 8-16 residential units: a community club house with offices, a gym, a community recreational room, and a pool.	Tabled
<b>October 16, 2024</b>			
<b><u>PPAM24-001</u></b>	10564 Learning Lane	Final site plan application for General Planned Unit Development (GPUD) regulations (Section 36-439). The proposed project proposes a 208-unit apartment complex with a club house. The complex will be located on old Hamburg Elementary Site. The subject property consists of five existing parcels (15-25-200-056 (VC), 15-25-200-062(GI), 15-25-400-013 (VC), 15-25-400-042 (VC), and 15-25-101-084 (VR)) totaling 15.4 acres. The apartment complex will consist of 22 residential structures, 14 structures with 8 residential units and 15 structures with between 8-16 residential units: a community club house with offices, a gym, a community recreational room, and a pool.	Approved/Conditions
<b><u>PZTA24-0004</u></b>	Text Amendment	Zoning Ordinance Article 3, Sec. 36-482. Sign regulation enforcement.	Recommended Approval
<b><u>PZTA24-0005</u></b>	Text Amendment	Zoning Ordinance Section 36-434. - Cottage housing planned unit development (CHPUD)	Recommended Repeal
<b>November 20, 2024 – No Meeting</b>			
<b>December 18, 2024 – No Meeting</b>			

# Zoning Board of Appeals

## Purpose

Variance approval from the Zoning Board of Appeals is necessary when a proposed project does not comply with the bulk and setback standards of the ordinance. The ZBA may also issue interpretations of the Zoning Ordinance and hear appeals of the activities of the Zoning Administrator. Below is a summary of the variance process:

1. The variance or ordinance interpretation application and project plans are submitted to the Planning and Zoning Department at least four weeks prior to the ZBA hearing.
2. After review to ensure the application is complete, staff prepares legal notices that are mailed to adjoining property owners and occupants within 300 feet of the subject site; legal notice is published in the Press and Argus. Legal notice must be made 15 days prior to the hearing.
3. Staff prepare the report and exhibits. The staff report packet is published 7 days prior to the hearing; board members and applicants receive the packet via email.
4. Staff prepare the meeting room and attends the board meeting.
5. After hearing, staff prepares memorialization of findings for board approval at next hearing.

## Members

**Chair/PC Representative:** Joyce Priebe

**Township Board Representative:** Jason Negri

**Member:** Brian Ignatowski

**Member:** Bill Rill

**Member:** Ben Russell

## Meetings

The number of variance applications per year has fluctuated based on multiple factors such as the health of the economy, the constrained size of waterfront lots available for residential construction, code enforcement activity, and staff working with homeowners to design a project that would comply with the ordinance.

## 2024 ZBA Meetings

<u>ZBA Case Number</u>	<u>Owner/Applicant/Parcel ID/Address</u>	<u>Project Description/Variance Requested/Appeal</u>	<u>Result / Status</u>
<b>January 10, 2024</b>			
<u><b>ZBA 23-0016</b></u>	8727 Pleasant Lake Dr. (15-14-301-017)	Variance application to permit the construction of a patio roof on the lake side of the home. Applicant requests a 22-foot variance from the required waterbody setback of 50-feet, per Section 36-293 (C)(2) b.	Granted
<u><b>ZBA 23-0017</b></u>	10910 Bob White Beach (15-27-401-037)	Variance application to permit the construction of a 24x40 foot pole barn on the out parcel across from the principal home. Applicant requests three variances; 1) variance of 11.2 feet from the required front yard setback of 25 ft., per Section 36-186(F). 2) variance of 37.8 feet from the required wetland setback of 50 feet., per Section 36-293(C)(2) a. 3) variance for additional 160 sq ft from the maximum accessory structure size allowed of 800 sq ft, per Section 36-215(10).	Granted
<b>February 14, 2024 - No Meeting</b>			

<b>March 13, 2024</b>			
<b><u>ZBA</u></b> <b><u>24-0002</u></b>	6365 Riverdale Dr. (15-23-306-020)	Variance application to permit the construction of an addition, second story and deck. Applicant requests four variances. 1) 85-foot variance from the required 125 feet natural rivers setback, per section 36-175(e)(1). 2) 1.7-foot variance from the required side yard setback of 10 ft., per Section 36-186(G). 3) 2-inch variance from the required side yard setback of 10 ft., per Section 36-186(G). 4) 3.6-foot variance for 10 feet building to building requirement, per Section 36-215(4).	Granted
<b>April 10, 2024</b>			
<b><u>ZBA</u></b> <b><u>43-0001</u></b>	8651 Pleasant Lake Dr. (15-14-301-053)	Variance application to permit the construction of a 30x35 pole barn. Applicant requests a 14.5-foot variance from the required wetland setback of 50 feet., per Section 36-293(C)(2)a.	Granted
<b><u>ZBA</u></b> <b><u>24-0003</u></b>	4831 Downing Dr. (15-28-402-002)	Variance application to permit the construction of garage with storage above. Applicant requests one variance. 1) 5.7-foot variance from the required 25-foot front setback, per section 36-171(d).	Granted
<b>May 8, 2024 - No Meeting</b>			
<b>June 12, 2024 - No Meeting</b>			
<b>July 10, 2024 - No Meeting</b>			
<b>August 14, 2024 - No Meeting</b>			
<b>September 11, 2024</b>			
<b><u>ZBA</u></b> <b><u>24-0005</u></b>	Beach Lane (15-33-110-174)	Variance application to permit the construction of a single-family home. Applicant requests a 21.2-foot variance from the required wetland setback of 50 feet., per Section 36-293(C)(2) a.	Granted
<b>October 9, 2024</b>			
<b><u>ZBA</u></b> <b><u>24-0006</u></b>	10210 Buhl Dr. (15-27-101-024)	Variance application to permit the construction of a new attached two car garage. Applicant requests a variance from the required side setback of 10 feet., per Section 36-171(D).	Granted
<b><u>ZBA</u></b> <b><u>24-0007</u></b>	10232 Buhl Dr. (15-27-101-046)	Variance application to permit the construction of a new pole barn. Applicant requests a variance from maximum structure size permitted, per Section 36-215 (11)(c).	Granted

November 13, 2024			
<b><u>ZBA</u></b> <b><u>24-0008</u></b>	3255 Orchard Dr. (15-20-110-034)	Variance application to permit the construction of a new detached two car garage. Applicant requests a variance from the required front setback, per Section 36-171(D).	Granted
<b><u>ZBA</u></b> <b><u>24-0009</u></b>	11347 Pleasant View Dr. (15-31-201-014)	Variance application to permit the construction of an addition. Applicant requests a variance from the required side setback, per Section 36-171(D).	Granted
December 11, 2024 - No Meeting			

The table below illustrates the number of cases the ZBA has heard in previous years.

<b><u>2024</u></b>	<b><u>2023</u></b>	<b><u>2022</u></b>	<b><u>2021</u></b>	<b><u>2020</u></b>
<b>11</b>	<b>19</b>	<b>12</b>	<b>21</b>	<b>20</b>



# Planning & Zoning Department

## Staff

**Planning & Zoning Director:** David Rohr

**Zoning Coordinator:** Lisa Perschke

**Code Enforcement Officer / Permit Tech.:** Ted Michowski

## Land Use Permits

Land use permits are issued by the Township Zoning Department to certify that a project or use meets the standards of the Zoning Ordinance. Land use permits are required for the following projects, including, but not limited to: the erection of a new building, accessory structure or the alteration of an existing structure (i.e.: house, garage, shed, deck, fence, interior remodel, patio, gazebo, porch, pool, generator, etc.), the excavation, alteration or filling of land, a new use or change in use of land or an existing building, home occupations, seasonal sales, and signs. The replacement of a door, window, siding, roof, and gutter work require a land use permit waiver.

### When an applicant applies for a land use permit, the following process is followed:

1. A completed land use permit application is submitted to the Planning and Zoning Department (either in person, or via email or mail), along with three copies of project construction plans and three copies of the site plan. The site plan must accurately show property boundaries, location of grinder pump, well, septic field, and all existing and proposed improvements. The site and project footprint must be staked prior to the submittal of the land use permit.
2. After the application is reviewed for completeness, zoning staff conduct a site inspection, if necessary, depending on the project, to verify the information on the plans. (Repairs, such as siding, windows, and roofs, do not require an inspection prior to issuing the land use permit waiver).
3. The land use permit must be approved by Treasury and Utilities Departments prior to the Zoning Department issuing the permit. Once the permit is approved and issued, the applicant is contacted to pay for and pick-up the approved plans and permit.
4. If required, the applicant files for permits from the Livingston County Building Department.
5. Upon project completion, the applicant must contact the Planning and Zoning Department for a final inspection. Staff will visit the site to verify that the project appears to be built to plan and that all final zoning compliance requirements, such as final grading, removal of construction debris, or drainage management, are complete. Once the inspection is complete, staff contact the building department to inform them that the final zoning inspection has been approved.

## 2024 Land Use Permits

Hamburg Township issued 900+ land use permits in 2024. The following table shows how many permits were issued per month by permit type.

Category	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Issued
Accessory Dwelling Unit													0
Addition	1		1		3	1	1	1	1	1			10
Alteration, Interior Remodel	1	2	2	5	7	1	5	2	1	4	3	1	34
Bed and Breakfast													0
Change of Use	1				1		1						3
Commercial New Construction													0
Commercial Tenant Improvement										1			1
Deck	6	4	3	9	3	9	7	5	6	4	5	2	63
Demolition	1		4		2		4	1	1	2	1	2	18
Fence			1	3	3	2	2	3	4	1	3		22
Garage	3			3	1			2		2	1		12
Grading			1										1
Home	1		2			4	2	1	1	3	2		16
Home Occupation					1					2	2		5
Mechanical Equipment	12	13	10	10	9	12	12	16	12	16	7	9	138
Mobile Home		1											1
Multi-family													0
Other	1		4	1	6	5	9	3	3	2	4	2	40
Patio				2	1	1	2		1				7
Pole Barn	1		3	1	2	3	2	1	1	1	2	2	19
Pool, above ground													0
Pool, inground		1	1			1							3
Porch		1		2	1		1	2					7
Repair, Reroof, Windows	20	34	63	52	60	67	52	42	45	30	20	15	500
Seasonal Sales						1						1	2
Seawall													0
Shed	1		2	2		1	3	2	1		3	2	17
Short Term Rentals		1	2	1	1	2	3	2			3		15
Sign	1												1
Solar Panels				1	2		1	1	2	1		1	9
Temporary Building or Use									2				2
Wireless Communication Facilities													0
<b>TOTALS:</b>	<b>50</b>	<b>57</b>	<b>99</b>	<b>92</b>	<b>103</b>	<b>110</b>	<b>107</b>	<b>84</b>	<b>81</b>	<b>70</b>	<b>56</b>	<b>37</b>	<b>946</b>

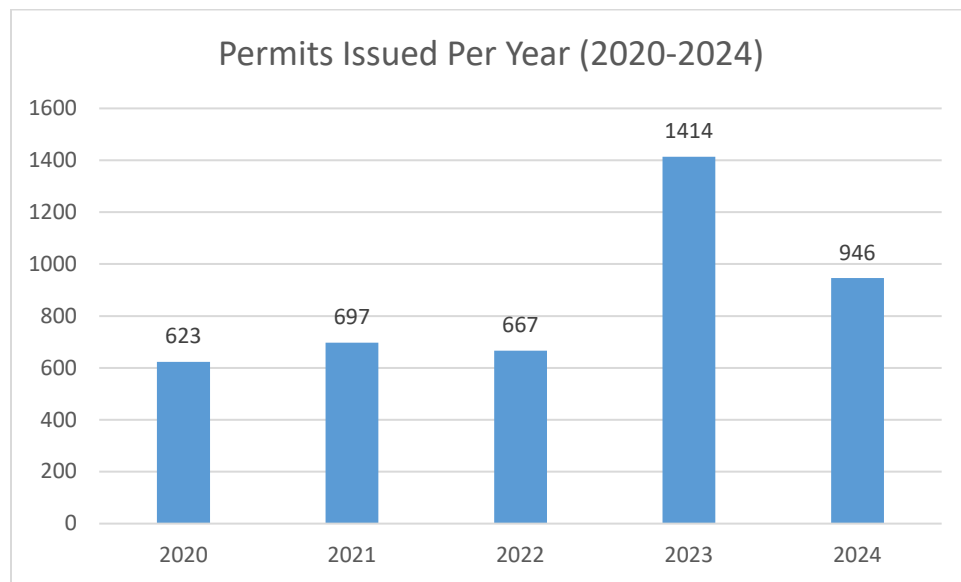
## **Land Use Permits Issued per Year:**

### **2024**

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
50	57	99	92	103	110	107	84	81	70	56	37	<b>946</b>

### **2023**

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
38	27	60	57	83	86	207	264	220	197	118	59	<b>1414</b>



From 2023 to 2024 there was a 33% decrease in the number of total land use permits issued (decrease of 468 permits). The decrease in the number of permits issued came after a historic increase the previous year. Staff encountered no significant operational disruptions and anticipates a similar number of permits in 2025.

## Code Enforcement

### Ted Michowski, Code Enforcement Officer 2024 New Code Enforcement Complaints

Type	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Total
Accessory Structure													
Animals	1										1	1	3
Blight	1	1	1	3	2	3	1	2	1	2		4	21
Building no Permit			2		1		1	1		2	2		9
Business – not permitted				1		1	1				2		5
Grading – no permit													
Commercial vehicles – not permitted							1	1			1		3
DEQ Permit required													
Dumping					1					1		3	5
Fence Violation						1	1						2
General Nuisance		1										2	3
Illegal Storage													
Illegal Temp. Structure											1		1
Illegal Yard Sale													
Lighting Violation													
Other					1	2	2	1	1	2	1	1	11
Outside Storage													
Seawall Permit Req.									1		1		2
Sign Violation													
Structure in ROW													
Tall Grass/Weeds						4	2	1			1	4	12
Temporary Structure													
Unlicensed Inoperable Vehicle					1	1			1	1		1	5
Unsafe Structure									1				1
<b>Total</b>													<b>83</b>

# Code Enforcement

## Ted Michowski, Code Enforcement Officer 2023 New Code Enforcement Complaints

<u>Type</u>	<u>Jan.</u>	<u>Feb.</u>	<u>Mar.</u>	<u>Apr.</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sep.</u>	<u>Oct.</u>	<u>Nov.</u>	<u>Dec.</u>	<u>Total</u>
Animals			1				3				1	1	6
Blight	1		1	1			2	2		2		5	16
Building no Permit			1	1		1					1	1	5
Business – not permitted			3	1		1	1				1		7
Grading – no permit			1			2			1			1	5
Commercial vehicles – not permitted		2											2
DEQ Permit required				1	1	1							3
Dumping						1							1
Fence Violation				1									1
General Nuisance						1	1						2
Illegal Storage													
Illegal Temp. Structure													
Illegal Yard Sale													
Lighting Violation												1	1
Other	2		1				2	1			2	2	10
Outside Storage													
Seawall Permit Req.													
Sign Violation													
Structure in ROW			1										1
Tall Grass/Weeds					1	2						1	4
Temporary Structure											1		1
Unlicensed Inoperable Vehicle				1	1		2	1		1		1	7
Unsafe Structure													
<b>Total</b>	<b>3</b>	<b>2</b>	<b>9</b>	<b>6</b>	<b>3</b>	<b>9</b>	<b>11</b>	<b>4</b>	<b>1</b>	<b>3</b>	<b>6</b>	<b>13</b>	<b><u>72</u></b>

The position of Code Enforcement is much more labor intensive requiring multiple trips to the subject property, inspect/confirm, take photographs, meet with the property owners, meet with neighbors, post notices/send letters, if necessary, prepare violations and lastly, when necessary, court appearance. The existing policy in Planning & Zoning is complaint based, meaning I respond when a resident/passers-by feels aggrieved. There are complaint forms at the front desk, or we take phone complaints, and many are also received through emails. We also accept and investigate anonymous complaints. There are two exceptions to the complaint required code enforcement action: building without a permit and activity in the wetlands. I will investigate buildings without permits because unpermitted construction could constitute a danger to public safety and welfare and is more expensive for the property owner to correct after-the-fact. Unpermitted activity in the wetlands not only could constitute a drainage or flooding hazard for adjacent properties but is also extremely expensive to remediate after-the-fact if the activity does constitute a violation of local and state laws.

Issuing violations is a last resort as residents are given a minimum of three warnings before a violation is written. Please note that each progressive step necessitates a separate trip to the property to check on compliance. Typically, residents eventually conform to the ordinance after a letter or meeting. Some are closed quickly with an educational meeting related to the ordinance and why it is in place and the impact it has on one's quality of life. Pursuing frequent violators is expensive if we must engage our township attorney to begin court proceedings. Code enforcement works with the property owner to comply, which results in a more positive outcome for the owner and the township.

We must remember that the complainant is also typically a township resident. Many times, a resident/complainant does not like the lifestyle of their neighbor and wants to impose their life's standard on the neighbor. This is where diplomacy is important. Acknowledging the frustration of the complainant, while educating them about the ordinance and the limits of my enforcement arm. Some complaints simply are not enforceable.

A Code Enforcement Officer is a mediator. Think about how many times a typical resident has some sort of interaction with a township representative. Each of us can articulate in every detail about our last interaction with a police officer, fire marshal, zoning official, building inspector. They do not occur very often and should have a positive impact on the residents. For the complainant, it was important enough to take time out of their day to file a complaint, even though it may appear very petty at times. For the violator, you may be asking them to remove or dispose of their personal property, rearrange their yard which may be conceived as violating their personal space.

## **Code Enforcement Process**

- 1) Received Code Compliance Request Form via in person, written, phone or email.
- 2) Create a code enforcement file in BS&A where it is assigned a number. Visit the site, speak with homeowner, (if they answer the door), verify a code violation, and take pictures. Return to the office and write a warning letter, file scan letter and update BS&A file. Typically, a resident is given 14 days to rectify the violation.
- 3) Revisit site after 14 days have passed. If the violation still exists, more pictures may be warranted, another attempt to speak with the resident, a second notice is prepared and mailed, and the computer is updated.
- 4) Revisit site again to see if the violation still exists, more pictures may be warranted, another attempt to speak with the resident.
- 5) Revisit the site after the time has passed. If the conditions have not improved or worsened a third and final letter is prepared. This letter is sent as certified mail with return receipt or hand delivered. The letter clearly indicates this is the **final** warning.
- 6) After the time period has elapsed, a civil infraction violation is prepared as an E-ticket. If personal service cannot be made a copy is mailed first-class mail and an additional copy is posted on the property per the Civil Infraction Ordinance #71.

- 7) Once the court appearance date has passed and the property owner has not addressed the initial violation the ordinance does provide for another violation to be written. The second violation assesses the fine at twice the listed amount in the ordinance.
- 8) Prior to any court proceeding, another pass is made by the location in question where pictures are taken depicting the condition of the property.

*(These are recommended steps. Each complaint is handled in the best interest of all individuals involved.)*

## **2025 Goals**

1. Prioritize blighted properties.
2. Continuing to familiarize myself with the Zoning Ordinances.
3. Assist each resident make every home or business a little better for each of their neighbors in Hamburg Township.

## **Land Divisions, Boundary Adjustments, and Combinations**

In 2024, staff processed applications for 13 applications. However, there are some applications that are still pending, either for incorrect legal descriptions, surveys required, or for delinquent taxes. There was an increase in the number of land divisions processed due to the splitting of several larger parcels.

	<u>2024</u>	<u>2023</u>	<u>2022</u>
<b><u>Lot Combinations</u></b>	8	7	4
<b><u>Land Divisions</u></b>	3	0	0
<b><u>Boundary Adjustments</u></b>	2	5	1

### **This is the process for applying for a land division, combination, or boundary adjustment:**

1. An application for a division, combination, or adjustment is submitted to the Planning and Zoning Department.
2. Planning staff review the application to ensure that it complies with G.O. 95A and the Land Division Act (for land divisions).
3. Planning staff distributes the application materials to the Assessing, Utilities, Treasury, and Accounting Departments.
4. Once the departments have signed off on the application, planning staff gives the approved application to the Assessing Department for processing, which includes assignment of a property identification number and preparation of final paperwork.
5. The Assessing Department staff sends an approval letter and necessary paperwork to the applicant.



## Floodplain Activity

The flood-inundation study and maps, prepared in cooperation with U.S. Army Corps of Engineers, Hamburg Township and Green Oak Township, have been released to Hamburg Township. According to the the USGS website “Digital flood-inundation maps for an 8-mile (mi) reach of the Huron River near Hamburg, Michigan (station number 04172000), from downstream of Rickett Road to Strawberry Lake, were created by the U.S. Geological Survey (USGS), in cooperation with Green Oak and Hamburg Townships, Michigan, and the U.S. Army Corps of Engineers. The flood-inundation maps also include a 1.16-mi reach of the Ore Lake Tributary until it joins the Huron River, approximately 2.22 mi downstream of Rickett Road. The flood-inundation maps, which can be accessed through the USGS Flood Inundation Mapping Science website at [http://water.usgs.gov/osw/flood\\_inundation/](http://water.usgs.gov/osw/flood_inundation/), depict estimates of the areal extent and depth of flooding corresponding to selected water levels (stages) at the USGS stream gage on the Huron River near Hamburg, Michigan (station number 04172000). Near real-time stages at this stream gage may be obtained on the Internet from the USGS National Water Information System at <http://waterdata.usgs.gov/> or the National Weather Service (NWS) Advanced Hydrologic Prediction Service at <http://water.weather.gov/ahps/>. The NWS Advanced Hydrologic Prediction Service also provides forecasted flood hydrographs at this website.”

When property owners ask the township whether or not a property is in the floodplain, typically what they want to know is whether they will be required to purchase flood insurance. Flood insurance is required for structures in the floodplain that carry a federally back mortgage. However, for insurance requirements for these mortgages, FEMA cares only about the floodplain they have identified--the special flood hazard area (SFHA). FEMA defines the SFHA as that area that will be inundated by a flood event having a one percent chance of being equaled or exceeded in any given year; this area is commonly referred to as the 100-year flood or the base flood.

FEMA’s Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study (FIS) identify the 100-year flood zones and the base flood elevations for the flood zones. FEMA defines the base flood elevation (BFE) as “the computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.”

FEMA adopted the SFHA maps, or the 100-year flood zone maps, for Hamburg Township in 2008; the 2008 maps replaced maps that were originally adopted in 1986. The township relies heavily on the FIRM and the FIS to determine the BFE and if further floodplain information is required by the property owner. The scale of FEMA’s maps is 1:1,000, making using the maps at the parcel level nearly impossible. When there is a question as to whether or not the structure or property is within the SFHA, staff asks for a topographical survey. A topographical survey shows the elevations of the existing structure, the lowest adjacent grades to the structure, the finished floor elevation, and most importantly, the limit of the BFE. If it clear from the FEMA map that the structure is located in the SFHA, we require that an elevation certificate be submitted. The elevation certificate is a FEMA document that is filled out by a surveyor or engineer and provides critical information about the structure’s location in or out of the floodplain.

Michigan Residential Building Code regulates floodplains based on elevations and not the SFHA and requires that a home in the floodplain be elevated at least one foot above the BFE; this elevation is called one-foot freeboard. The one-foot freeboard requirement applies to new construction as well as lateral additions to existing homes. (An accessory structure, because it has a different insurance rating than a home, has different elevation requirements.)

There is only one way to determine if a structure is truly in the floodplain based on elevations and that requires a topographical survey. Once the determination has been made that the structure is in the floodplain—whether by

the mapped SFHA or by elevations—an elevation certificate is required at three points during the construction process: prior to receiving a land use permit; when the foundation is installed and prior to vertical construction; and prior to final certificate of occupancy.

Hamburg Township property owners are able to purchase flood insurance policies because we participate in the National Flood Insurance Program (NFIP). The NFIP underwrites flood insurance coverage only in communities that adopt and enforce floodplain management regulations through an ordinance that meets or exceeds NFIP criteria. Because we participate in the NFIP, it is essential that the township enforce our floodplain ordinance for every property in the SFHA.

Our ordinance mirrors the Michigan building requirement that all substantial improvements of residential structures shall have the lowest floor elevated at least one foot above the BFE. FEMA defines a substantial improvement as any improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure prior to commencement of the improvement.

## CRS Activity

The township voluntarily participates in NFIP's Community Rating System. CRS is an incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Because of our participation in the CRS and because we undertake additional regulatory activities, such as the one-foot freeboard requirement, Hamburg Township property owners are able to purchase flood insurance at a discounted premium rate. Every part of our participation in the CRS program is administrative, residents do not know that we undertake these activities on their behalf to reduce their flood insurance premiums.

The township earns points for various administrative activities, such as sending floodplain informational letters to lenders, realtors, and insurers; sending informational letters to homeowners in the repetitive loss areas of the township; maintaining elevation certificates for every project in the SFHA; updating our flood maps; and ensuring that projects in the SFHA are properly permitted.

FEMA audits CRS communities on a five-year cycle. Hamburg Township was audited on April 9, 2019. In addition to the routine administrative tasks associated with being a CRS participant, staff spent upwards of 80 hours preparing for the audit and responding to the auditor's requests for additional information. After the auditor reviewed township's documents and activities, we were advised that we remain a Class 8 CRS community, which offers homeowners a ten percent discount on flood insurance premiums. The 2024 five-year CRS review is currently in the review process.

## Staff Training & Professional Activities of 2024

The planning department attended the following training and continues to be involved in the following professional activities:

- December 2022-January 2024: Retook the MSU Extension Master Citizen Planner (6 section course) online and at home.
- January-April 2024: Took and passed the MSU Extension Zoning Administrator Certificate Course.
- January to September 2024: FEMA NFIP 101: Introduction to Floodplain Management (reference guide only) online- completed.
- March 1, 2024: Site Plan Review and Master Planning Process in Mt. Pleasant (MAP training)
- March 14, 2024: Advanced ZBA: Beyond the Fundamentals (MAP training)
- March 21 & 22, 2024: Planning and Zoning Essentials (MAP training)
- March 21, 2024: Zoning Administration (MAP training)