
ZONING BOARD OF APPEALS MEETING

Wednesday, October 09, 2024 at 7:00 PM
Hamburg Township Hall Board Room

AGENDA

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL OF THE BOARD

CORRESPONDENCE

APPROVAL OF THE AGENDA

CALL TO THE PUBLIC

VARIANCE REQUESTS

1. **ZBA 2024-006**

Owner: Christopher & Katherine Makey

Location: 10210 Buhl Dr.

Parcel ID: 4715-27-101-024

Request: 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).

2. **ZBA 2024-007**

Owner: Todd & Katie Hallett

Location: 10232 Buhl Dr.

Parcel ID: 4715-27-101-046

Request: 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).

NEW/OLD BUSINESS

3. Approval of the September 11, 2024 ZBA meeting minutes.

ADJOURNMENT

ZBA Case Number 24-0006
\$500

HAMBURG TOWNSHIP
Date 09/05/2024 1:09:34 P
Ref ZBA2024-006
Receipt 1315384
Amount \$500.00

Item 1.



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

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

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

1. Date Filed: 9-5-24
2. Tax ID #: 15- 27 - 101 - 024 Subdivision: Allyn Burton's Lakeshore Sub Lot No.: 24+25
3. Address of Subject Property: 10210 Buhl Drive
4. Property Owner: Christopher + Katherine Markey Phone: (H) 248-891-3642
Email Address: Brianbark@1@comcast.net (W) _____
Street: 10210 Buhl Drive City Pineckney State MI
5. Appellant (If different than owner): _____ Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 2018 Zoning District: _____ Flood Plain _____
7. Size of Lot: Front 85 Rear 85 Side 1 150 Side 2 150 Sq. Ft. 12,750
11. Dimensions of Existing Structure (s) 1st Floor 64x52 2nd Floor _____ Garage 28x22
12. Dimensions of Proposed Structure (s) 1st Floor 28x15 2nd Floor _____ Garage 46x25
13. Present Use of Property: Residential
14. Percentage of Existing Structure (s) to be demolished, if any 20 %
15. Has there been any past variances on this property? Yes _____ No X
16. If so, state case # and resolution of variance application _____
17. Please indicate the type of variance or zoning ordinance interpretation requested:
setback

RECEIVED

SEP 05 2024

Hamburg Township
Planning and Zoning Department

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

THE UNIVERSITY OF THE STATE OF NEW YORK

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
125 SOUTH WASHINGTON STREET
ALBANY, NEW YORK 12242

STATE EDUCATION DEPARTMENT
125 SOUTH WASHINGTON STREET
ALBANY, NEW YORK 12242

APPLICANT INFORMATION SHEET FOR THE STATE EDUCATION DEPARTMENT

1. Name (Last, First, Middle Initial): _____

2. Address (Street, City, State, Zip): _____

3. Address of person from whom you were recommended: _____

4. Proposed position (Title, Department, School): _____

5. Date when you will begin work: _____

6. Education (Degree, Institution, Year): _____

7. Experience (Employer, Position, Dates): _____

8. Other relevant information: _____

9. Signature of Applicant: _____

10. Signature of Recommender: _____

11. Date of Application: _____

12. Contact Information (Phone, Email): _____

RECEIVED
STATE EDUCATION 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.

safety to back out a vehicle given close proximity to street
Please see attachment for additional comments

- 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.

It will allow safe exit from the garage. It will also allow garage to be attached to the 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.

It will improve aesthetics, values and safety to the neighborhood

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

It will have no effect on the township master plan.

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

This is not of a general or recurrent nature. It is specific to this lot.

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

It will not permit the establishment of any use not permitted.

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

Yes. It allows for a front entry 2 car garage

- 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 applicant shall be in attendance at that hearing.
- I understand that a Land Use Permit is required prior to construction if a variance is granted.

RECEIVED

SEP 05 2024

Hamburg Township
Planning and Zoning Department

[Faint, mostly illegible text consisting of several paragraphs. The text appears to be a document or report, possibly related to the 'Item 1.' header. It contains various words and phrases that are difficult to decipher due to low contrast and blurring.]

RECEIVED

9/5/2024
Application For Zoning Board of Appeals
Christopher and Katherine Markey
10210 Buhl Drive

Circumstances and Conditions

-Safety. The existing garage is unique to much of the neighborhood. The detached garage is located very close to the street. There is very little space between the garage and the street which creates an unsafe environment when backing out a vehicle. A pickup truck will be nearly in the street before a line of sight is opened by passing the overhead door. This is dangerous for passing drivers as well.

-Pushing the garage back and attaching it to the house allows us to pull in and out of the garage safely.

-We are a retired couple. This is our only residence and plan so to stay in this home. To age in place. Attaching the garage will allow us to get in in out of the vehicles without having to traverse through snow or ice in the winter.

-We currently rent a storage unit in Pinckney. The home is on a slab with limited storage. This will allow us to keep our storage items at home.

- There is one window in the kitchen that allows us to see someone approaching the home from the street. The variance allows us a clear sightline. The kitchen cannot be relocated. The other front windows are in a bedroom and bathroom.

RECEIVED
SEP 05 2024
Hamburg Township
Planning and Zoning Department

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

[Handwritten Signature] 9/5/24
Owner's Signature Date

[Handwritten Signature] 9/5/24

Appellant's Signature Date

RECEIVED

SEP 05 2024

Hamburg Township
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.

RECEIVED

SEP 05 2024

Hamburg Township
Planning and Zoning Department



Zoning Board of Appeals Staff Report



TO: Zoning Board of Appeals
(ZBA)

FROM: David Rohr

**HEARING
DATE:** October 9, 2024

SUBJECT: ZBA 24-0006

**PROJECT
SITE:** Single Family Home
10210 Buhl Dr.

TID 15-27-101-024

OWNER: Christopher & Katherine
Markey

APPLICANT: Christopher & Katherine
Markey

PROJECT: Variance application ZBA 24-0006, to permit the construction of a attached two-car garage. Applicant requests a 5-foot variance from the required side yard setback of 10 feet., per Section 36-171(D)

ZONING: WFR, Waterfront Residential

Project Description

The applicant is requesting a variance to construct an attached two-car garage. Currently there is a detached non-conforming garage on the property. Due to safety concerns of using a garage so close to the road, the applicant intends to attach the new garage. The location of the proposed garage will accommodate the existing home without necessitating a major interior redesign.

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 non-conforming. Because of this, and the locating of house, applicant has limited buildable area for attached garage.

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

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

Granting this variance request is necessary for the preservation and enjoyment of a substantial property right, as there is limited buildable area on the parcel.

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

The variance setback 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 size will have minimal impact on the surrounding properties. Staff believes the location of the proposed structure is well placed and will have minimal impact on the surrounding residents.

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

Recommendation

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

Approval Motion

Motion to approve variance application ZBA 24-0006 at 10210 Buhl Dr. TID 15-27-101-024. Applicant requests a 5-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 24-0006 at 10210 Buhl Dr. TID 15-27-101-024. Applicant requests a 5-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.

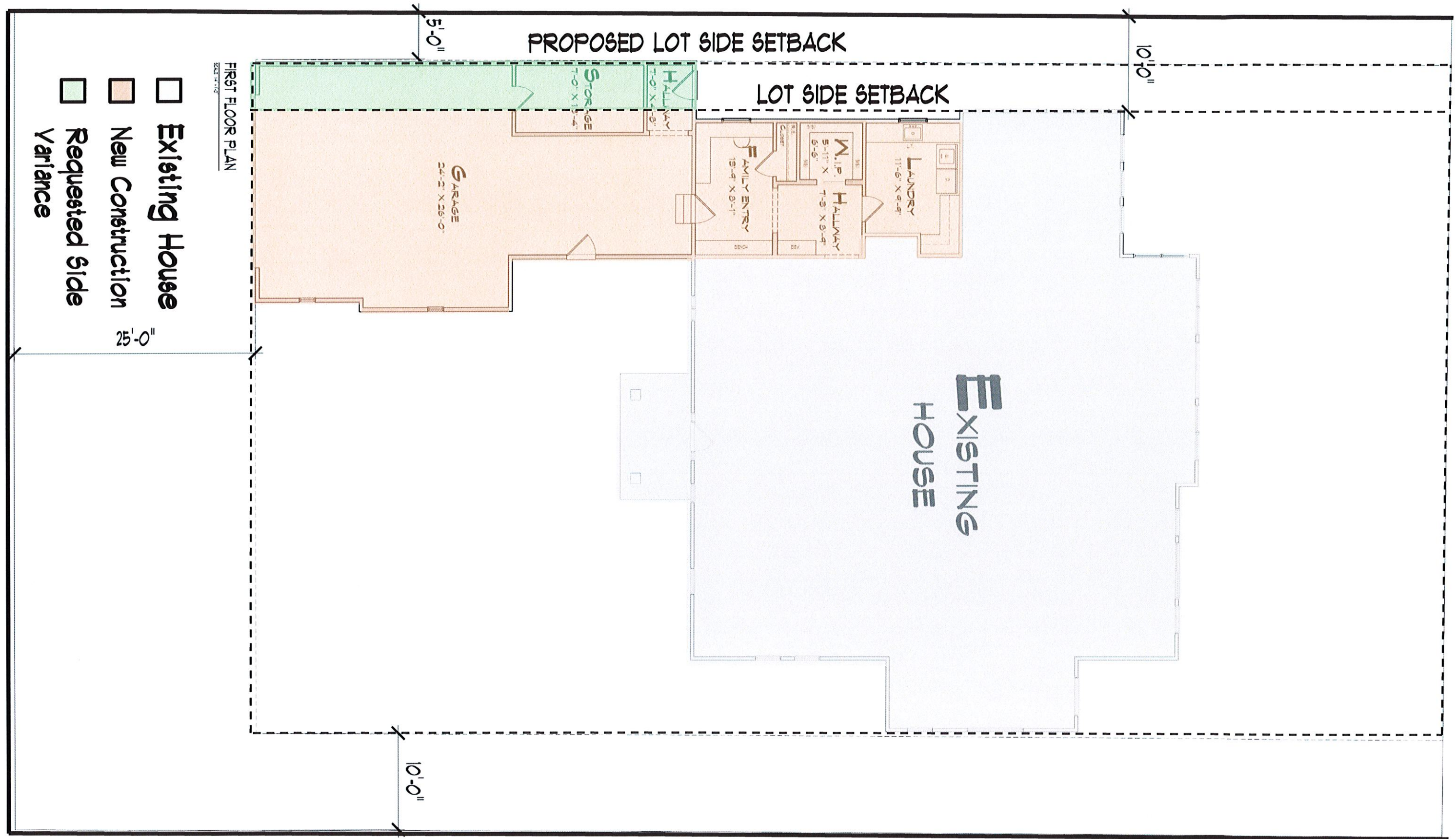
Attachments:

- Application
- Project plans

MARKEY RESIDENCE



RECEIVED
SEP 05 2024
Hamburg Township
Planning and Zoning Department



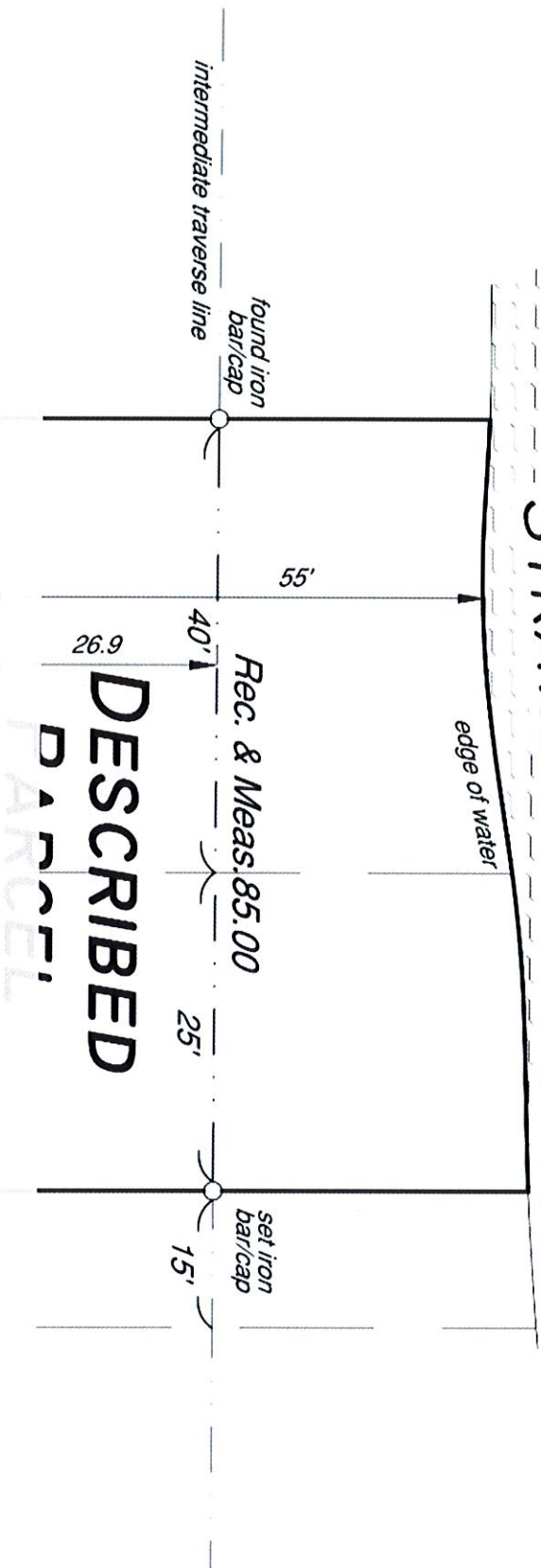
FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

- Existing House
- New Construction
- Requested Side Variance

LEGAL DESCRIPTION

LOT 24 AND LOT 25, EXCLUDING THE WEST 15.00 FEET OF LOT 25, OF "ALYN BURTON'S LAKESHORE SUBDIVISION", A PART OF GOVERNMENT LOT 2 OF THE EAST PART OF THE NORTHWEST ¼ OF SECTION 27, TOWN 1 NORTH, RANGE 5 EAST, HAMBURG TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, AS RECORDED IN LIBER 6 OF PLATS ON PAGE 27, LIVINGSTON COUNTY RECORDS. PARCEL CONTAINS APPROXIMATELY 15,470 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

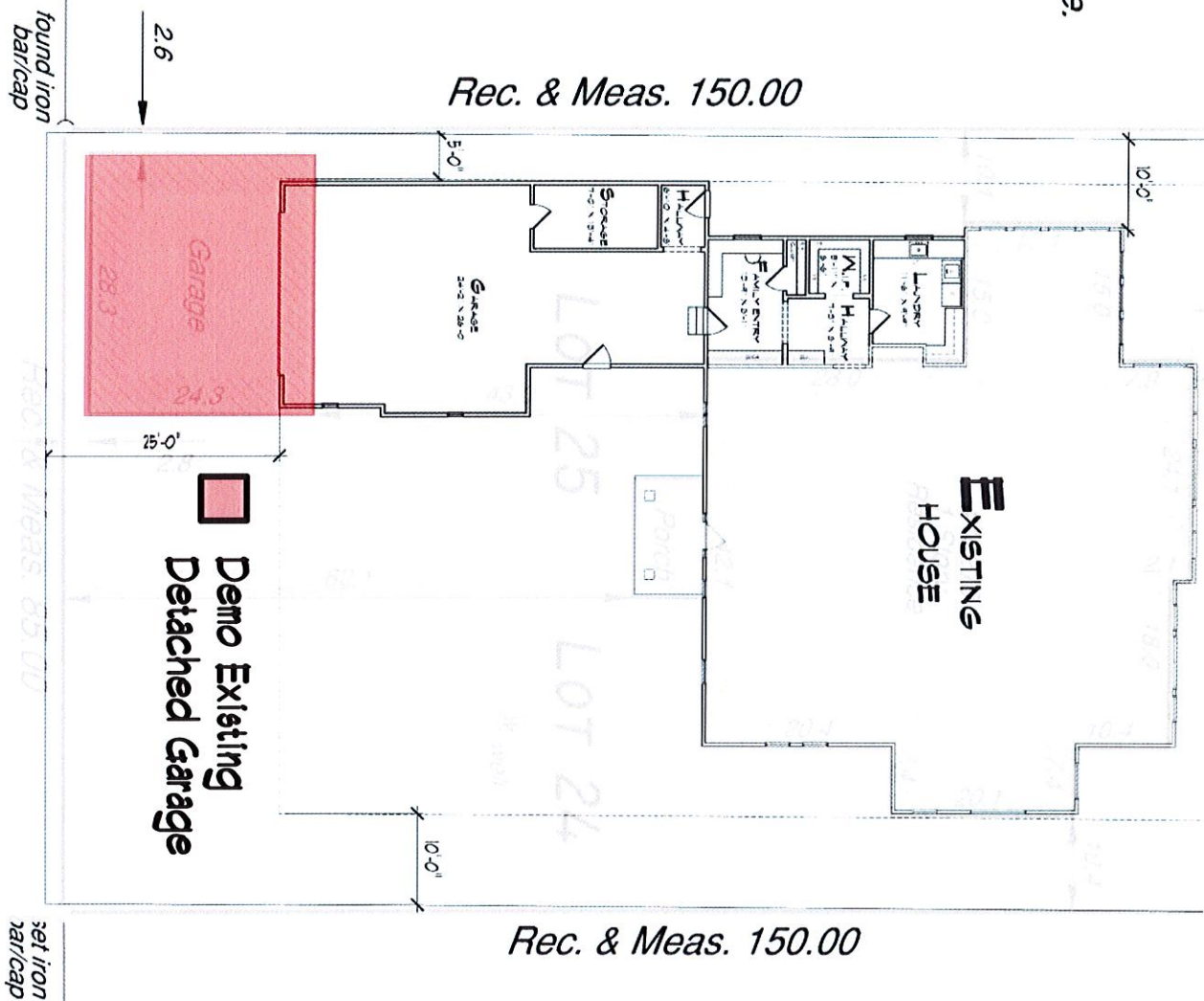
STRAWBERRY LAKE



Note: Lots extend to water's edge.

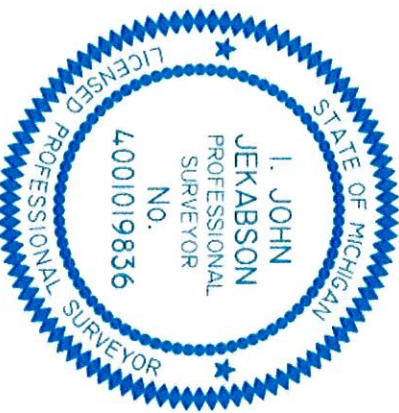
LOT 26

LOT 23



BUHL DRIVE (50' Wide)

811
Know what's below.
Call before you dig.



CERTIFICATE OF SURVEY

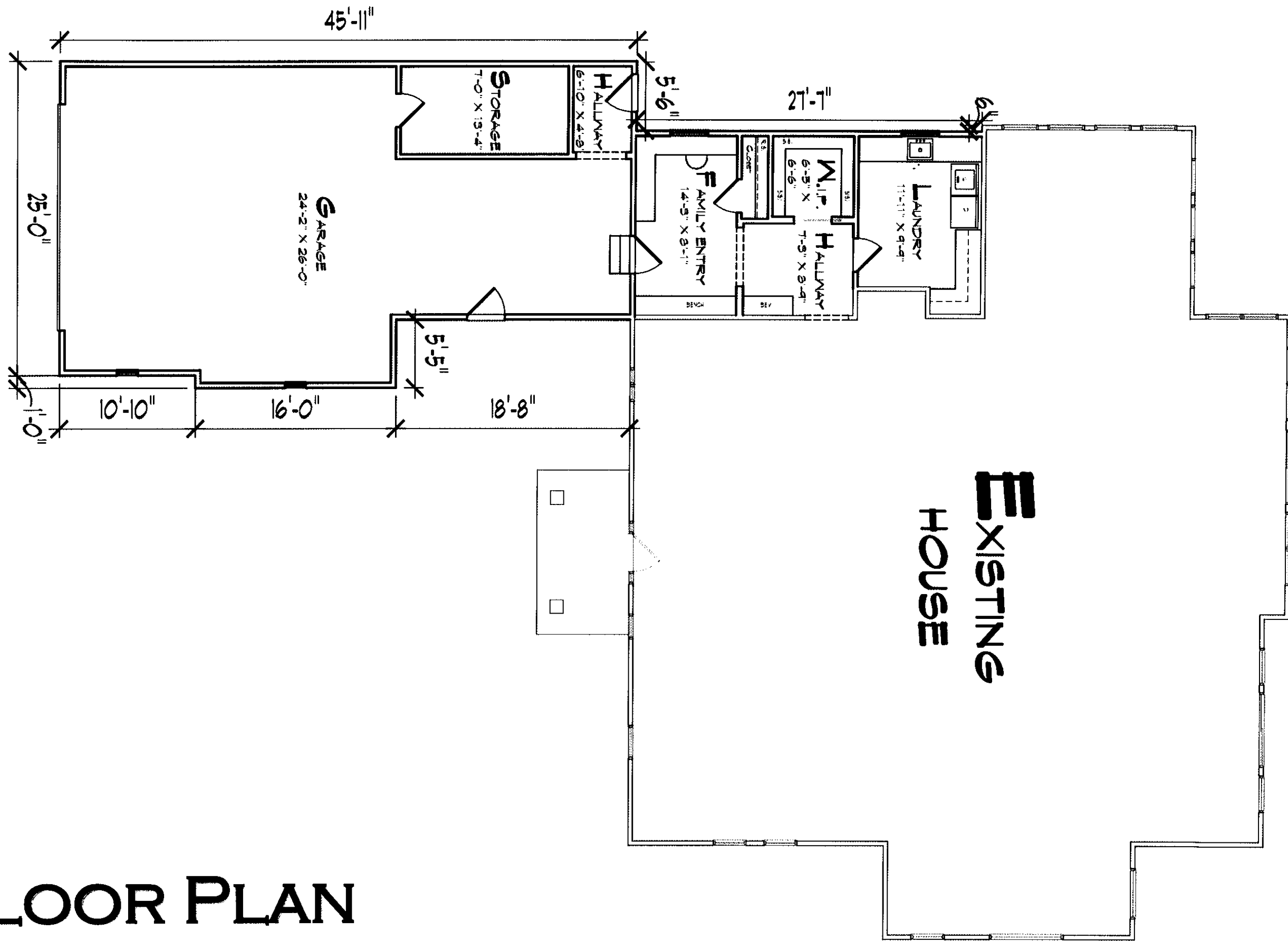
Prepared For: Chris Markey
10210 Buhl Dr.
Pinckney, MI 48169
(248) 891-3642

Jekabson & Associates, P.C.
Professional Land Surveyors
1320 Goldsmith, Plymouth, MI 48170
(734) 414-7200 (734) 414-7212 fax



Date	29 Jan 2021
Job No.	21-01-011
Scale	1" = 20'
Drawn	AAH
Checked	JGE
Sheet	1 OF 1

by: *[Signature]*



EXISTING
HOUSE

FLOOR PLAN

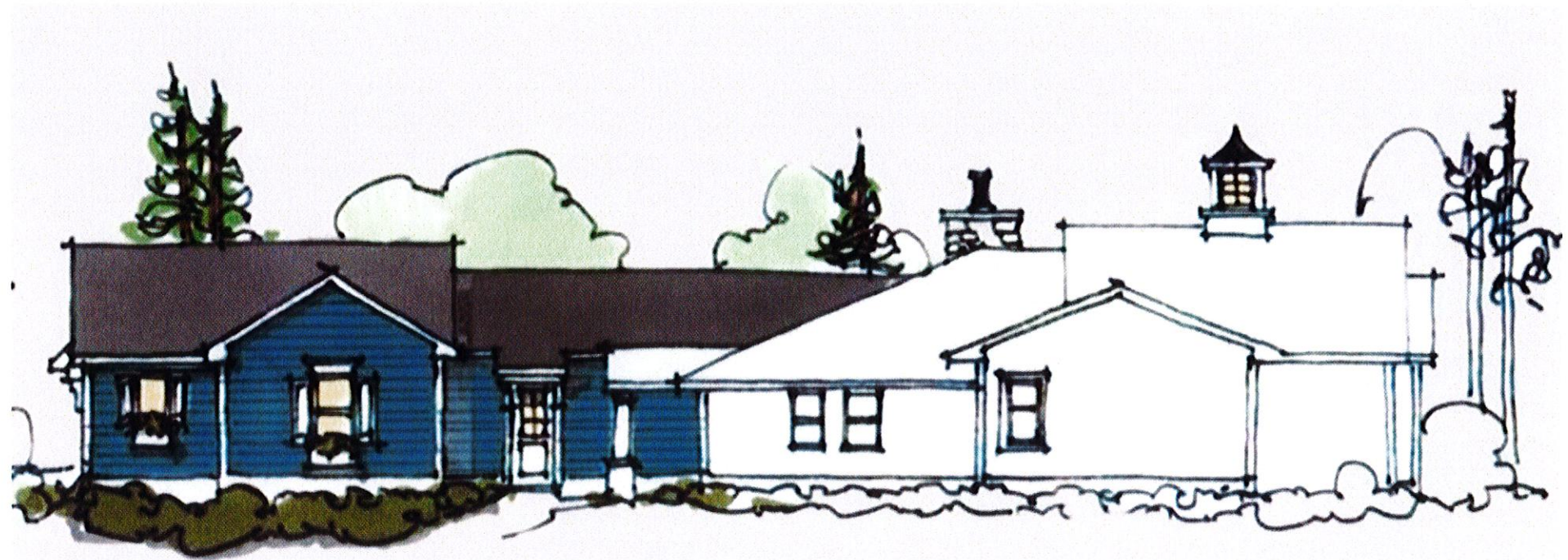


FRONT ELEVATION

Height Calculation

Average Building Height: (+/-) 15' - 4 1/2"

RIGHT ELEVATION



REAR ELEVATION



Plate Height

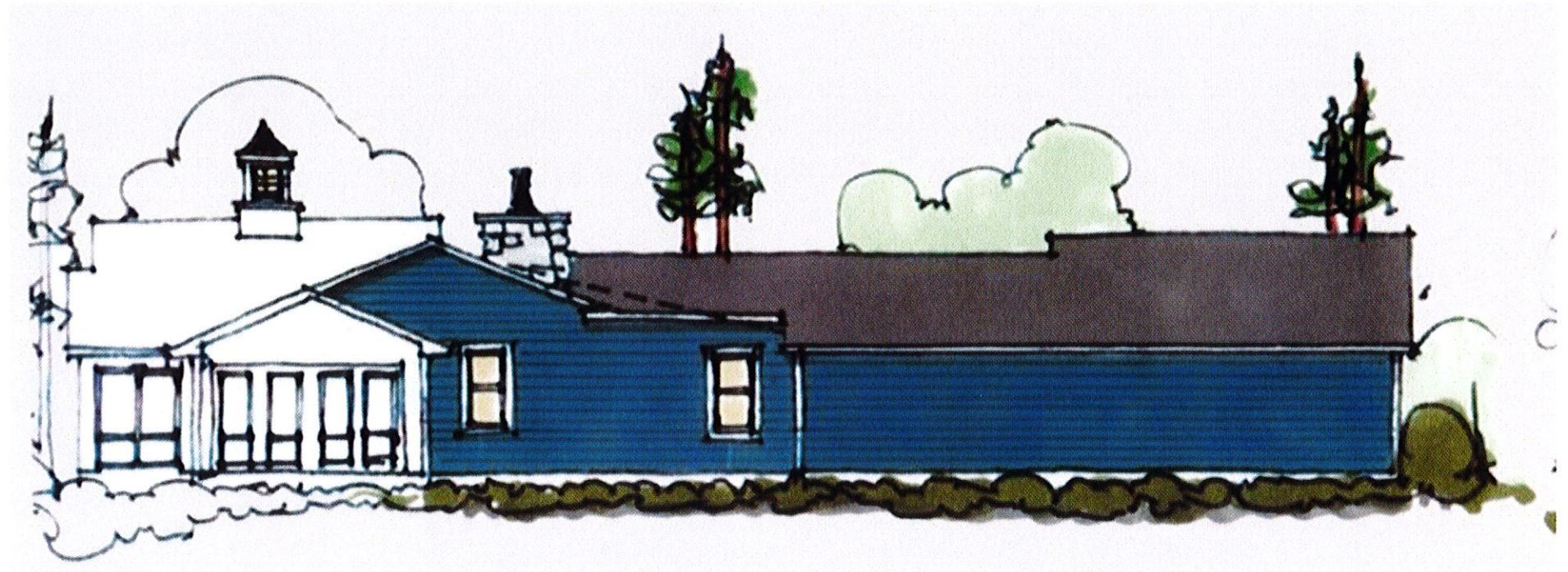
8'-0" Existing

9'-0" Proposed

Roof Pitch

at addition 6/12

LEFT ELEVATION



Eric Schroeder <eric@clearstrategyteam.com>

To brianboru01@comcast.net

Chris Markey-10210 Buhl Dr

8/28/2024 8:43 PM

I'm writing you Today to confirm that I have reviewed the plans for the project at 10210 Buhl Dr, for Chris Makey. I approve of the project and requested variance and hope to see it carried through. My home is next door at 10226 Buhl Dr, Pinckney, MI 48169.

Sincerely,

Eric Schroeder

CEO & Financial Advisor

[Click here to book an appointment](#)



Office [800.960.4560](tel:800.960.4560) ext. 101
Mobile [248.730.2615](tel:248.730.2615)
Fax [810.355.2444](tel:810.355.2444)
Email eric@clearstrategyteam.com

www.myclearstrategy.com

[7305 Grand River Ave.](#)
[Brighton, MI 48114](#)



Confidentiality Disclosure: This message and any attachments contain information, which may be confidential and/or privileged, and is intended for use only by the intended recipient, any review, copying, distribution or use of this transmission is strictly prohibited. If you have received this transmission in error, please (i) notify the sender immediately and (ii) destroy all copies of this message. If you do not wish to receive marketing emails from this sender, please reply to this email with the word REMOVE in the subject line.



RECEIVED

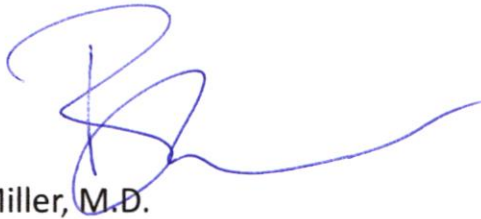
SEP 05 2024

Hamburg Township
Planning and Zoning Department

9/5/2024
Zoning Board of Appeals
10405 Merrill Rd.
Hamburg Township, MI 48139

Re: Variance Request
Chris and Katie Markey
10210 Buhl Drive

I live next door to Chris and Katie Markey. I have reviewed the plans for a new attached garage and an addition to their home. I support the variance request.



Bruce S. Miller, M.D.
10202 Buhl Drive

RECEIVED
SEP 05 2024
Hamburg Township
Planning and Zoning Department

ZBA Case Number 24-0007
\$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: _____
2. Tax ID #: 15- 27 - 101 - 046 Subdivision: Allyn Burton's Lakeshore Annex No. 1 Lot No.: 28 + 40
3. Address of Subject Property: 10232 Buhl Dr, Pinckney
4. Property Owner: Todd + Katie Hallett Phone: (H) 810-560-9883
Email Address: THallett@tkhomedesign.com (W) 248-446-1960
Street: 10232 Buhl 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: 2015 Zoning District: WFR Flood Plain zone AE
7. Size of Lot: Front 50 Rear 50 Side 1 150 Side 2 150 Sq. Ft. 29534
11. Dimensions of Existing Structure (s) 1st Floor 35 x 78 2nd Floor _____ Garage 20 x 20 + 20 x 20
12. Dimensions of Proposed Structure (s) 1st Floor _____ 2nd Floor _____ Garage 21 x 67
13. Present Use of Property: Residential
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
15. Has there been any past variances on this property? Yes _____ No X
16. If so, state case # and resolution of variance application _____
17. Please indicate the type of variance or zoning ordinance interpretation requested:
a dimensional variance is requested

RECEIVED

SEP 11 2024

Hamburg Township
Planning and Zoning Department

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

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

This is a lakefront property with a road bi-sectioning the land.
lot across from the lake is extra deep + very unique from most
lakefront lots in Township.

- 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 extra deep lot portion only allows auxiliary storage units
which is what lot is only suitable for + hope to build.

- 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 portion of the lot seeking variance for is across from
the lakefront properties + is keeping with surrounding property
auxiliary buildings.

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

The granting of this variance would keep within 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 variance sought would not be of 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.

Granting the variance will not permit any use which
is not permitted.

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

yes the requested variance is necessary to permit
reasonable use of the land.

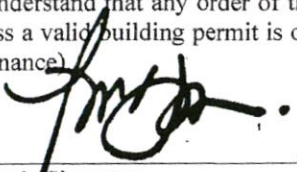
- I hereby certify that I am the owner of the subject property or have been authorized to act on behalf of the owner(s) and that all of the statements and attachments are true and correct to the best of my knowledge and belief.
- I acknowledge that approval of a variance only grants that which was presented 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.

RECEIVED

SEP 11 2024

Hamburg Township
Planning and Zoning Department

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



Owner's Signature Date 9-10-24

Appellant's Signature Date

RECEIVED

SEP 11 2024

Hamburg Township
Planning and Zoning Department



Zoning Board of Appeals Staff Report



TO: Zoning Board of Appeals (ZBA)

FROM: David Rohr

HEARING DATE: October 9, 2024

SUBJECT: ZBA 24-0007

PROJECT SITE: Single Family Home
10232 Buhl Dr.
TID 15-27-101-046

OWNER: Todd and Katie Hallett

APPLICANT: Todd and Katie Hallett

PROJECT: Variance application to permit the construction of a detached pole barn on non-waterfront lot. Applicant requests a 1,407 sq ft variance from the maximum accessory structure size of 800 sq ft., per Section 36-215(11)(c).

ZONING: WFR, Waterfront Residential

Project Description

The applicant is requesting a variance to permit the construction of a detached pole barn on non-waterfront lot. Applicant requests a 1,407 sq ft variance from the maximum accessory

structure size of 800 sq ft., per Section 36-215(11)(c). Applicant's parcel has two existing 20x20sqft garages.

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 (non-waterfront lot) is a large lot (20,750sq ft). Because of this, applicant does not need any setback or lot coverage variance(s). Considering the large parcel size, the proposed pole barn will have minimal effect of the area.

Because of the large parcel size, staff supports the variance request.

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

Granting this variance request is necessary for the preservation and enjoyment of a substantial property right, as there is extensive buildable area, yet applicant is limited by maximum structure size.

- 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 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.**

One of the goals of the 2020 master plan is to "Protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township" the Master

Plan discusses preserving and maintaining the existing character of parcels along lakes. Granting of this variance request will not adversely affect the master plan.

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

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

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

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

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

Staff finds that the proposed structure size will have minimal impact on the surrounding properties. Staff believes the location of the proposed structure is well placed and will have minimal impact on the surrounding residents.

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

Recommendation

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

Approval Motion

Motion to approve variance application to permit the construction of a detached pole barn on non-waterfront lot. Applicant requests a 1,407 sq ft variance from the maximum accessory structure size of 800 sq ft., per Section 36-215(11)(c).

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.

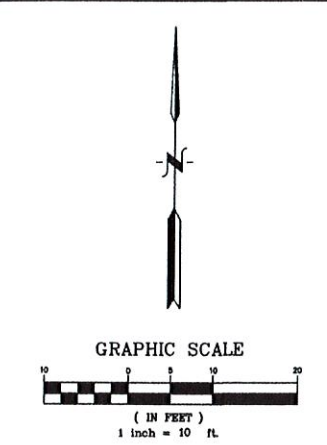
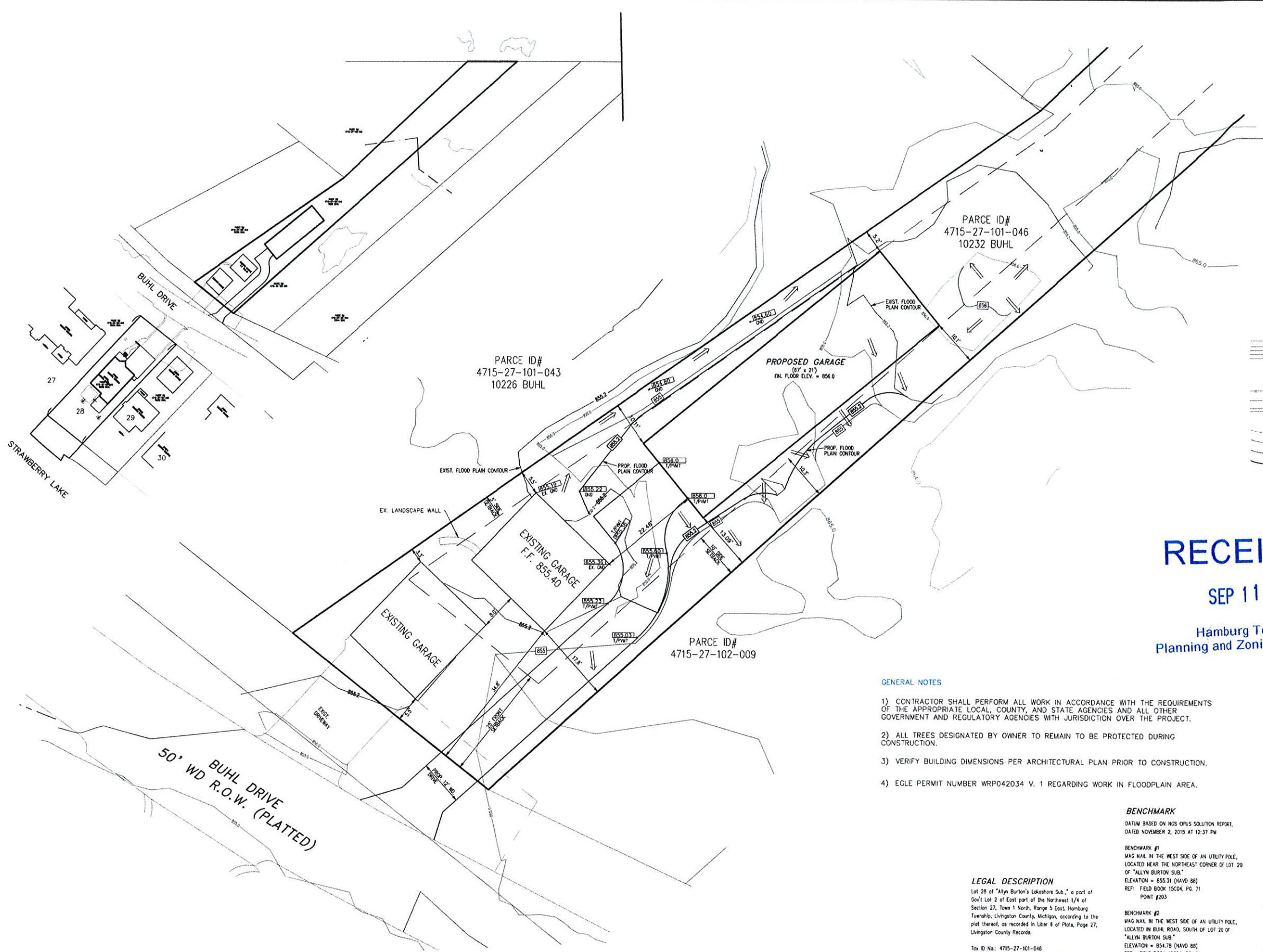
Denial Motion

Motion to deny variance application to permit the construction of a detached pole barn on non-waterfront lot. Applicant requests a 1,407 sq ft variance from the maximum accessory structure size of 800 sq ft., per Section 36-215(11)(c).

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



- LEGEND**
- = MISC. STRUCTURE (AS LABELED)
 - = SOH
 - □ □ □ □ = UTILITY METERS & BOXES (ELECTRIC METER, GAS METER, WATER METER, PHONE BOX, CATV BOX, MAIL BOX)
 - = AIR CONDITIONER UNIT
 - = UTILITY MANHOLE (AS LABELED)
 - ⊕ = UTILITY POLE W/GUY WIRE
 - — — — — = OVERHEAD UTILITY LINES (ELECTRIC/PHONE/CABLE)
 - — — — — = U/G UTILITY LINES (ELECTRIC/PHONE/CABLE)
 - = DECIDUOUS TREE W/IDENTIFIER
 - = CONIFEROUS TREE W/IDENTIFIER
 - — — — — = FENCE (CHAIN LINK UNLESS OTHERWISE STATED)
 - — — — — = EDGE OF GRAVEL
 - — — — — = CONCRETE CURB (UNLESS OTHERWISE STATED)
 - = SPOT ELEVATION
 - — — — — = EXISTING 1' CONTOUR
 - — — — — = EXISTING 5' CONTOUR
 - — — — — = PROPOSED 1' CONTOUR
 - — — — — = PROPOSED 5' CONTOUR
 - = DRAINAGE FLOW ARROW

RECEIVED
 SEP 11 2024
 Hamburg Township
 Planning and Zoning Department

- GENERAL NOTES**
- 1) CONTRACTOR SHALL PERFORM ALL WORK IN ACCORDANCE WITH THE REQUIREMENTS OF THE APPROPRIATE LOCAL, COUNTY, AND STATE AGENCIES AND ALL OTHER GOVERNMENT AND REGULATORY AGENCIES WITH JURISDICTION OVER THE PROJECT.
 - 2) ALL TREES DESIGNATED BY OWNER TO REMAIN TO BE PROTECTED DURING CONSTRUCTION.
 - 3) VERIFY BUILDING DIMENSIONS PER ARCHITECTURAL PLAN PRIOR TO CONSTRUCTION.
 - 4) EGLE PERMIT NUMBER WRP042034 V. 1 REGARDING WORK IN FLOODPLAIN AREA.

BENCHMARK
 DATUM BASED ON NGS OPUS SOLUTION REPORT, DATED NOVEMBER 2, 2015 AT 12:37 PM

BENCHMARK #1
 MAG NAIL IN THE WEST SIDE OF AN UTILITY POLE, LOCATED NEAR THE NORTHEAST CORNER OF LOT 29 OF "ALVIN BURTON SUB."
 ELEVATION = 855.31 (NAVD 88)
 REF: FIELD BOOK 15C04, PG. 71
 POINT #203

BENCHMARK #2
 MAG NAIL IN THE WEST SIDE OF AN UTILITY POLE, LOCATED IN BUHL ROAD, SOUTH OF LOT 20 OF "ALVIN BURTON SUB."
 ELEVATION = 854.78 (NAVD 88)
 REF: FIELD BOOK 15C04, PG. 71
 POINT #202

LEGAL DESCRIPTION
 Lot 28 of "Alvin Burton's Lakeshore Sub.," a part of Gov't Lot 2 of East part of the Northwest 1/4 of Section 27, Town 1 North, Range 5 East, Hamburg Township, Livingston County, Michigan, according to the plat thereof, as recorded in Liber 8 of Plats, Page 27, Livingston County Records.

Tax ID No: 4715-27-101-046
 Also known as: 10232 Buhl Drive, Hamburg, MI

811
 Know what's BELOW.
 Call before you dig.

3 WORKING DAYS BEFORE YOU DIG
 CALL 811 OR 1-800-482-7171 (TOLL FREE)
 OR VISIT CALL811.COM

TK DESIGNS INC
 (810) 227-9533
 CIVIL ENGINEERS
 LAND SURVEYORS
 2183 PLESS DRIVE
 BRIGHTON, MICHIGAN 48114

DESIGN/SVB	REVISION #	DATE	REVISION-DESCRIPTION	REVISION #	DATE	REVISION-DESCRIPTION
DRAFT: JHG	1	8-29-24	REV. OUTBUILDING PER CLIENT			
CHECK: SVB						

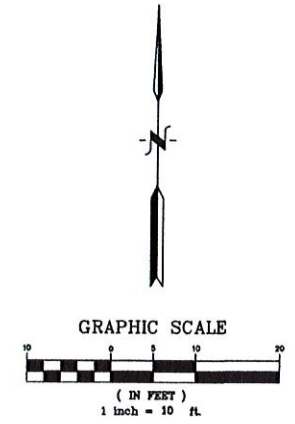
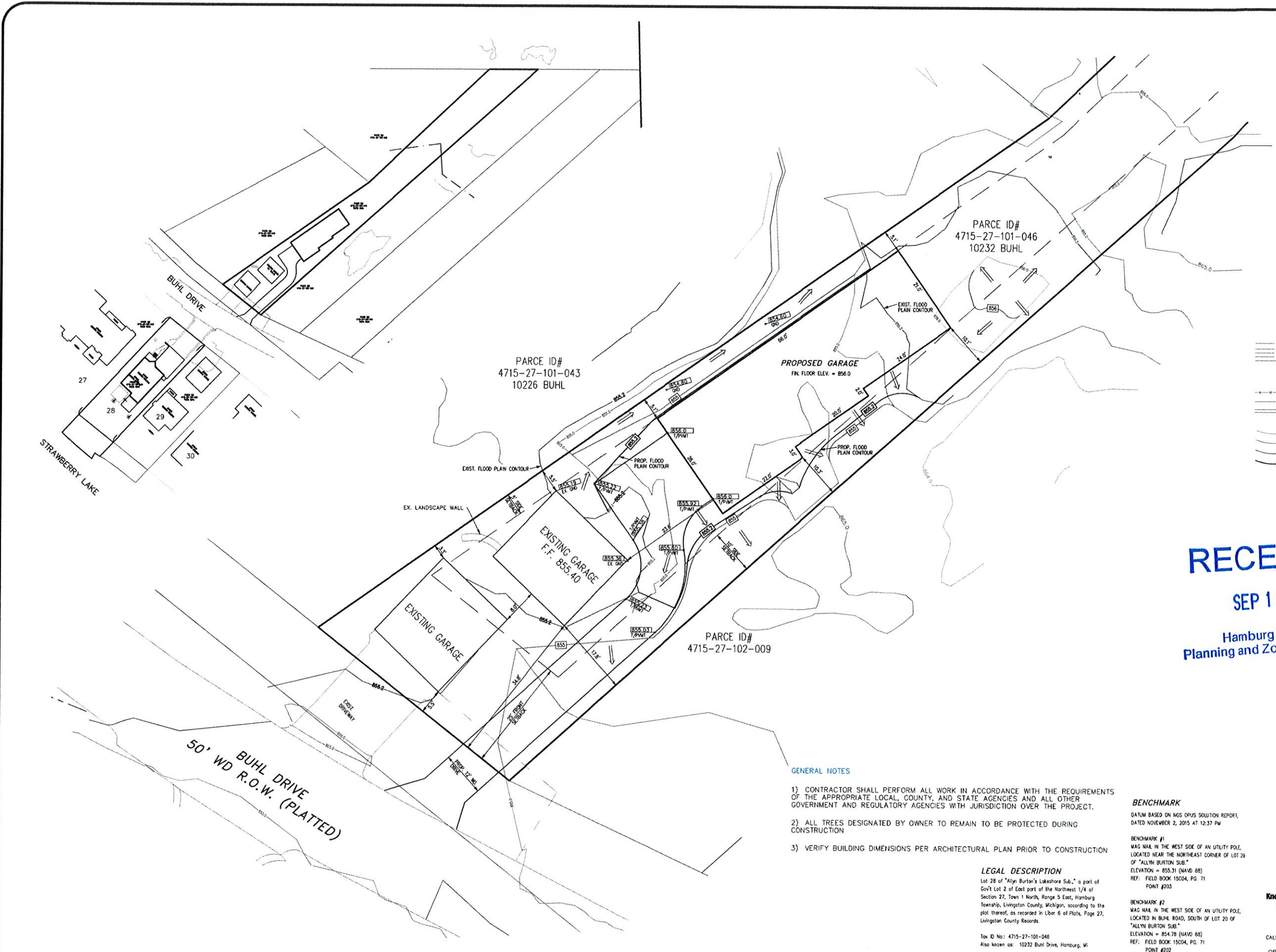
10232 BUHL DRIVE
4715-27-101-046

PROPOSED OUT BUILDING PLOT PLAN

CLIENT: TK DESIGNS
 26030 PONTIAC TRAIL
 SOUTH LYON, MICHIGAN, 48178
 810-560-9003

SCALE: 1in = 10ft
 PROJECT No.: 9284541
 DWG NAME: 4541 PP
 ISSUED: AUG. 29, 2024

1



- LEGEND**
- = MISC. STRUCTURE (AS LABELED)
 - = SKIN
 - □ □ □ □ = UTILITY METERS & BOXES (ELECTRIC METER, GAS METER, WATER METER, PHONE BOX, CATV BOX, MAIL BOX)
 - = AIR CONDITIONER UNIT
 - = UTILITY MANHOLE (AS LABELED)
 - = UTILITY POLE W/GUY WIRE
 - — — — — = OVERHEAD UTILITY LINES (ELECTRIC/PHONE/CABLE)
 - — — — — = U/G UTILITY LINES (ELECTRIC/PHONE/CABLE)
 - = DECIDUOUS TREE W/IDENTIFIER
 - = CONIFEROUS TREE W/IDENTIFIER
 - — — — — = FENCE (CHAIN LINK, UNLESS OTHERWISE STATED)
 - — — — — = EDGE OF GRAVEL
 - — — — — = CONCRETE CURB (UNLESS OTHERWISE STATED)
 - = SPOT ELEVATION
 - — — — — = EXISTING 1' CONTOUR
 - — — — — = EXISTING 5' CONTOUR
 - — — — — = PROPOSED 1' CONTOUR
 - — — — — = PROPOSED 5' CONTOUR
 - = DRAINAGE FLOW ARROW

RECEIVED
 SEP 11 2024
 Hamburg Township
 Planning and Zoning Department

GENERAL NOTES

- 1) CONTRACTOR SHALL PERFORM ALL WORK IN ACCORDANCE WITH THE REQUIREMENTS OF THE APPROPRIATE LOCAL, COUNTY, AND STATE AGENCIES AND ALL OTHER GOVERNMENT AND REGULATORY AGENCIES WITH JURISDICTION OVER THE PROJECT.
- 2) ALL TREES DESIGNATED BY OWNER TO REMAIN TO BE PROTECTED DURING CONSTRUCTION
- 3) VERIFY BUILDING DIMENSIONS PER ARCHITECTURAL PLAN PRIOR TO CONSTRUCTION

LEGAL DESCRIPTION

Lot 28 of "Allyn Burton's Lakeshore Sub.," a part of Gov't Lot 2 of East part of the Northeast 1/4 of Section 27, Town 1 North, Range 5 East, Hamburg Township, Livingston County, Michigan, according to the plat thereof, as recorded in Liber 6 of Plots, Page 27, Livingston County Records.
 Tax ID No: 4715-27-101-046
 Also known as: 10232 Buhl Drive, Hamburg, MI

BENCHMARK

DATUM BASED ON MGS OPUS SOLUTION REPORT, DATED NOVEMBER 2, 2015 AT 12:37 PM
 BENCHMARK #1
 MAG NAIL IN THE WEST SIDE OF AN UTILITY POLE, LOCATED NEAR THE NORTHEAST CORNER OF LOT 29 OF "ALLYN BURTON SUB."
 ELEVATION = 855.31 (NAVD 88)
 REF: FIELD BOOK 15004, PG. 71
 POINT #203
 BENCHMARK #2
 MAG NAIL IN THE WEST SIDE OF AN UTILITY POLE, LOCATED IN BUHL ROAD, SOUTH OF LOT 20 OF "ALLYN BURTON SUB."
 ELEVATION = 854.78 (NAVD 88)
 REF: FIELD BOOK 15004, PG. 71
 POINT #202

811
 Know what's below.
 Call before you dig.
 3 WORKING DAYS BEFORE YOU DIG
 CALL 811 OR 1-800-482-7171 (TOLL FREE)
 OR VISIT CALL811.COM

DESIGN INC
 (810) 227-9533
 CIVIL ENGINEERS
 LAND SURVEYORS
 2183 PLESS DRIVE
 BRIGHTON, MICHIGAN 48114

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

10232 BUHL DRIVE
 4715-27-101-046

PROPOSED
 OUT BUILDING
 PLOT PLAN

CLIENT:
 TK DESIGNS
 26030 PONTIAC TRAIL
 SOUTH LYON, MICHIGAN 48178
 810-560-6003

SCALE: 1in = 10ft
 PROJECT No.: 6264541
 DWG NAME: 4541 PP
 ISSUED: JUNE 6, 2024

1

LEGAL DESCRIPTION

Lot 28 of "Allyn Burton's Lakeshore Sub.," a part of Gov't Lot 2 of East part of the Northwest 1/4 of Section 27, Town 1 North, Range 5 East, Hamburg Township, Livingston County, Michigan, according to the plat thereof, as recorded in Liber 6 of Plats, Page 27, Livingston County Records.

Tax ID No.: 4715-27-101-046

Also known as: 10232 Buhl Drive, Hamburg, Mi

BENCHMARKS

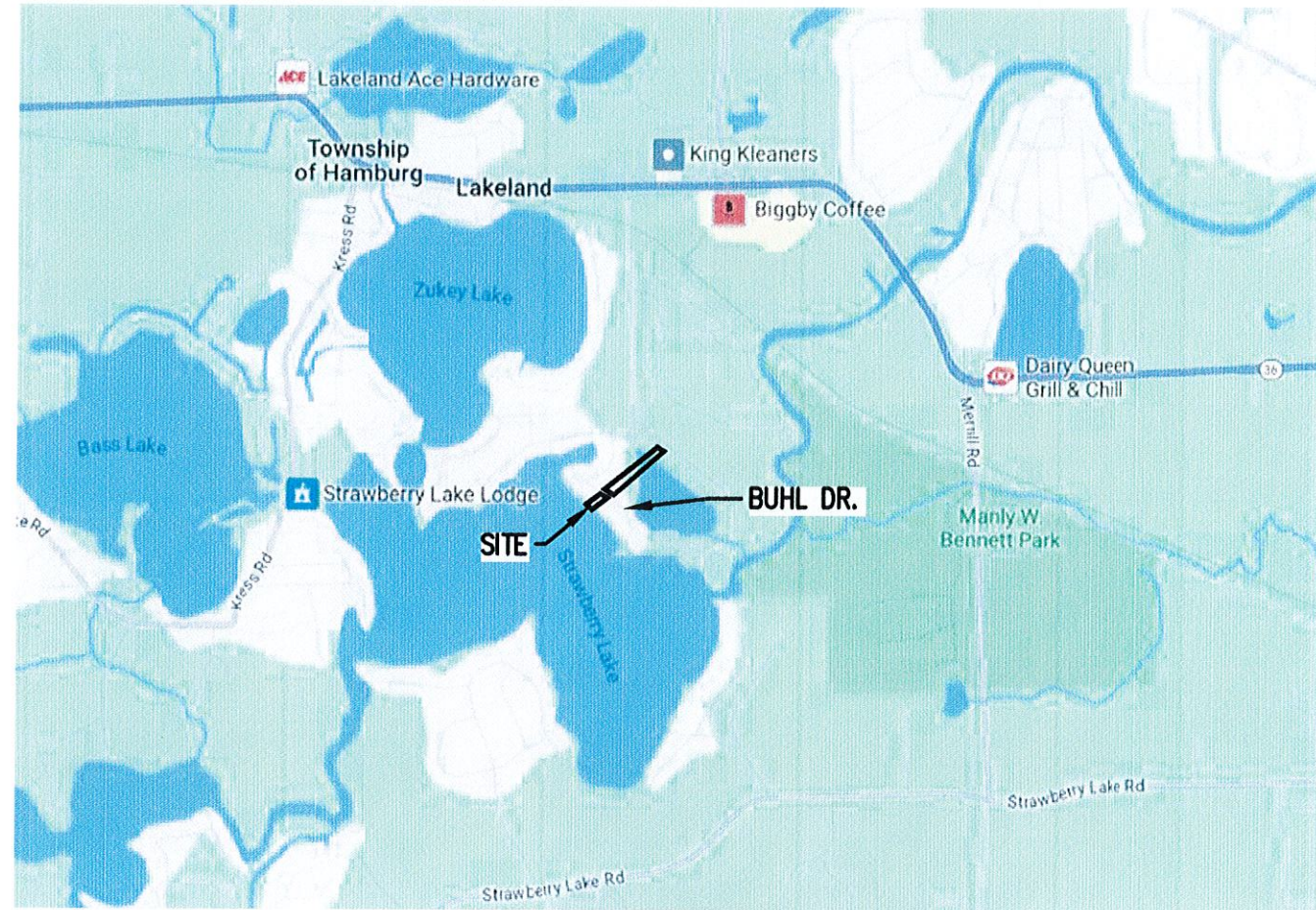
DATUM BASED ON NGS OPUS SOLUTION REPORT, DATED NOVEMBER 2, 2015 AT 12:37 PM

BENCHMARK #1

MAG NAIL IN THE WEST SIDE OF AN UTILITY POLE, LOCATED NEAR THE NORTHEAST CORNER OF LOT 29 OF "ALYN BURTON SUB."
 ELEVATION = 855.31 (NAVD 88)
 REF: FIELD BOOK 15C04, PG. 71
 POINT #203

BENCHMARK #2

MAG NAIL IN THE WEST SIDE OF AN UTILITY POLE, LOCATED IN BUHL ROAD, SOUTH OF LOT 20 OF "ALYN BURTON SUB."
 ELEVATION = 854.78 (NAVD 88)
 REF: FIELD BOOK 15C04, PG. 71
 POINT #202



LOCATION MAP
NOT TO SCALE

RECEIVED

SEP 11 2024

Hamburg Township
Planning and Zoning Department

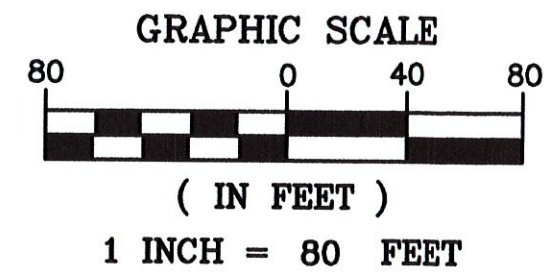
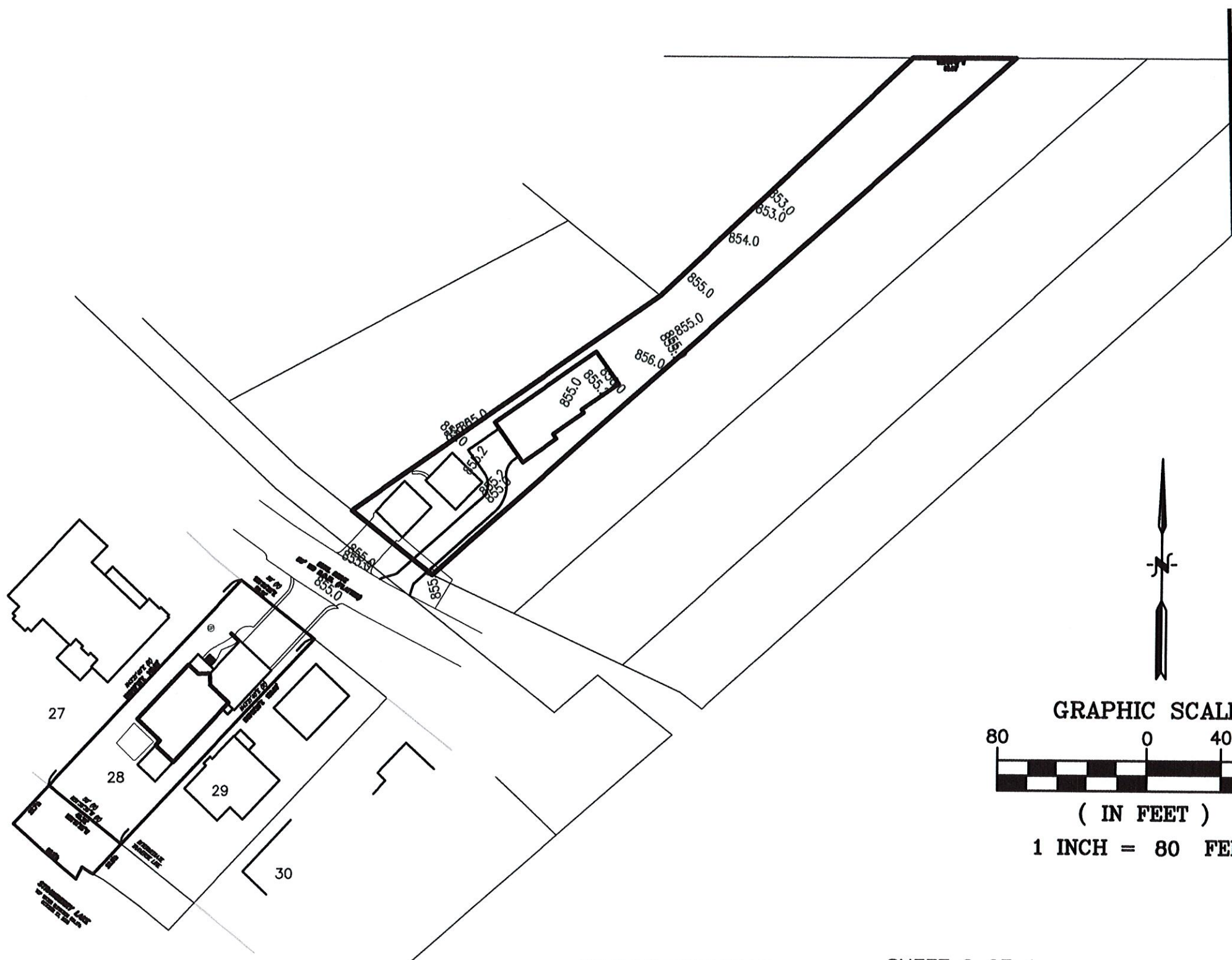
SHEET INDEX

- SHEET 1 COVER SHEET**
- SHEET 2 OVERALL SITE PLAN**
- SHEET 3 FLOODPLAIN FILL PLAN**
- SHEET 4 FLOODPLAIN FILL CROSS-SECTIONS**

SHEET 1 OF 4

PROJECT: 10232 BUHL DRIVE SECTION 27 T1N, R5E HAMBURG TOWNSHIP LIVINGSTON COUNTY, MICHIGAN	CLIENT: TK DESIGNS 28030 PONTIAC TRAIL SOUTH LYON, MICHIGAN 48178 810-560-9003	SCALE: N/A PROJECT No.: 9234541 DWG NAME: 4541 DEQ JUNE 06, 2024
---	---	---





RECEIVED

SEP 11 2024

Hamburg Township
Planning and Zoning Department


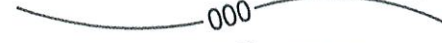




OVERALL SITE PLAN

SHEET 2 OF 4

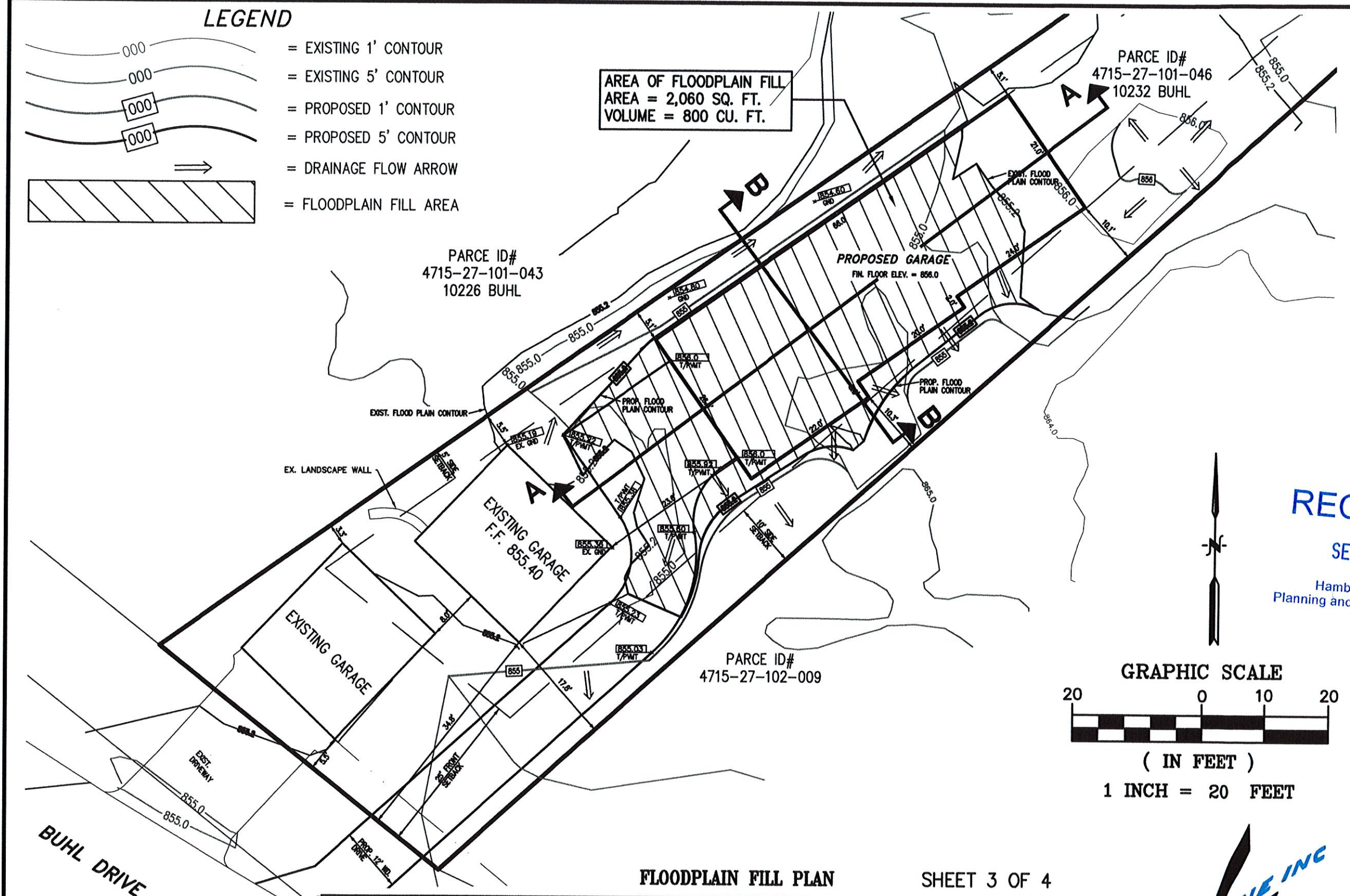
<p>PROJECT:</p> <p>10232 BUHL DRIVE SECTION 27 T1N, R5E HAMBURG TOWNSHIP LIVINGSTON COUNTY, MICHIGAN</p>	<p>CLIENT:</p> <p>TK DESIGNS</p> <p>28030 PONTIAC TRAIL SOUTH LYON, MICHIGAN 48178 810-560-9003</p>	<p>SCALE: 1"=80'</p> <p>PROJECT No.: 9234541</p> <p>DWG NAME: 4541 DEQ</p> <p>JUNE 06, 2024</p>
---	--	---

(810) 227-9533
CIVIL ENGINEERS
LAND SURVEYORS
2183 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

LEGEND

-  = EXISTING 1' CONTOUR
-  = EXISTING 5' CONTOUR
-  = PROPOSED 1' CONTOUR
-  = PROPOSED 5' CONTOUR
-  = DRAINAGE FLOW ARROW
-  = FLOODPLAIN FILL AREA

AREA OF FLOODPLAIN FILL
 AREA = 2,060 SQ. FT.
 VOLUME = 800 CU. FT.



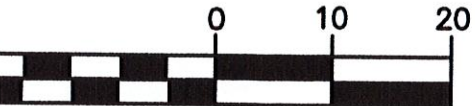
RECEIVED

SEP 11 2024

Hamburg Township
 Planning and Zoning Department

N

GRAPHIC SCALE



(IN FEET)

1 INCH = 20 FEET

BUHL DRIVE

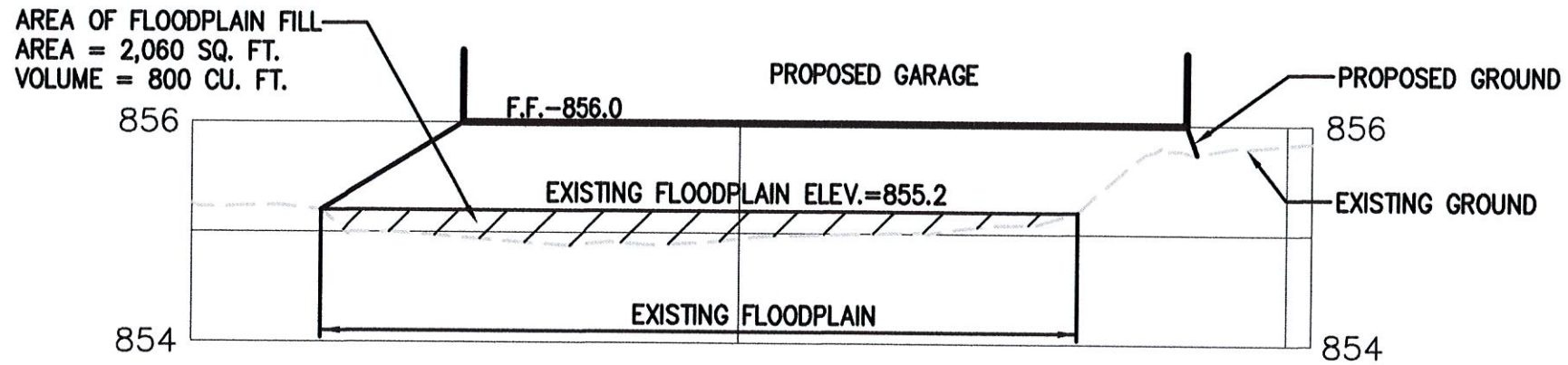
FLOODPLAIN FILL PLAN

SHEET 3 OF 4

<p>PROJECT:</p> <p>10232 BUHL DRIVE SECTION 27 T1N, R5E HAMBURG TOWNSHIP LIVINGSTON COUNTY, MICHIGAN</p>	<p>CLIENT:</p> <p>TK DESIGNS</p> <p>28030 PONTIAC TRAIL SOUTH LYON, MICHIGAN 48178 810-560-9003</p>	<p>SCALE: 1"=20'</p> <p>PROJECT No.: 9234541</p> <p>DWG NAME: 4541 DEQ</p> <p style="color: red; font-weight: bold; font-size: 1.2em;">JUNE 06, 2024</p>
--	--	---

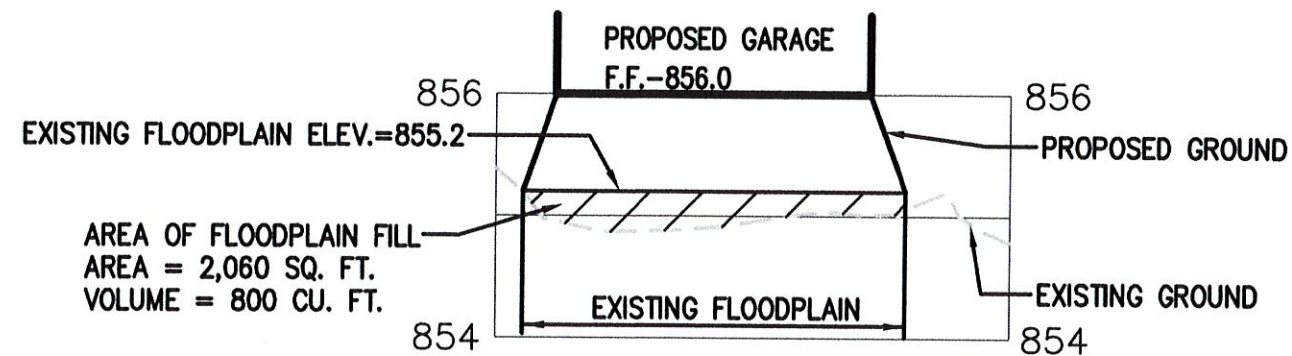
DESINE INC

(810) 227-9533
**CIVIL ENGINEERS
 LAND SURVEYORS**
 2183 PLESS DRIVE
 BRIGHTON, MICHIGAN 48114



FLOODPLAIN CROSS-SECTION A-A

SCALE: HOR. 1"=20' / VERT. 1"=2'



FLOODPLAIN CROSS-SECTION B-B

SCALE: HOR. 1"=20' / VERT. 1"=2'

SHEET 4 OF 4

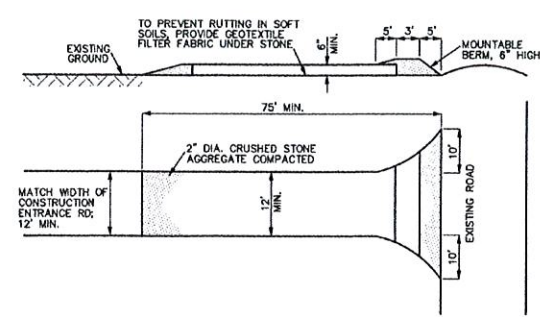
PROJECT: 10232 BUHL DRIVE SECTION 27 T1N, R5E HAMBURG TOWNSHIP LIVINGSTON COUNTY, MICHIGAN	CLIENT: TK DESIGNS 28030 PONTIAC TRAIL SOUTH LYON, MICHIGAN 48178 810-560-9003	SCALE: 1"=20' PROJECT No.: 9234541 DWG NAME: 4541 DEQ JUNE 06, 2024
--	--	--



RECEIVED

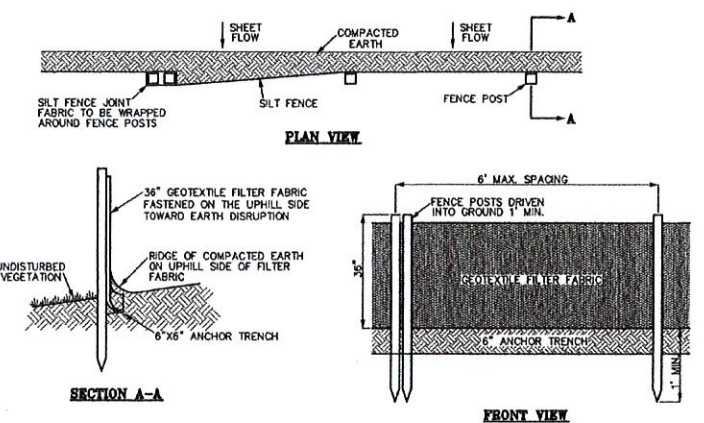
SEP 11 2024

Hamburg Township
 Planning and Zoning Department



14 MUD TRACKING CONTROL DEVICE
NOT TO SCALE

NOTE: WHEN ACCEPTABLE TO ENGINEER, CONTRACTOR MAY INSTALL STONE BELOW THE SUBGRADE ELEVATION; THIS STONE MAY BE LEFT IN PLACE BELOW PAVEMENT.



55 SILT FENCE
NOT TO SCALE

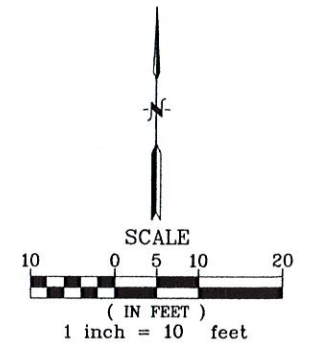
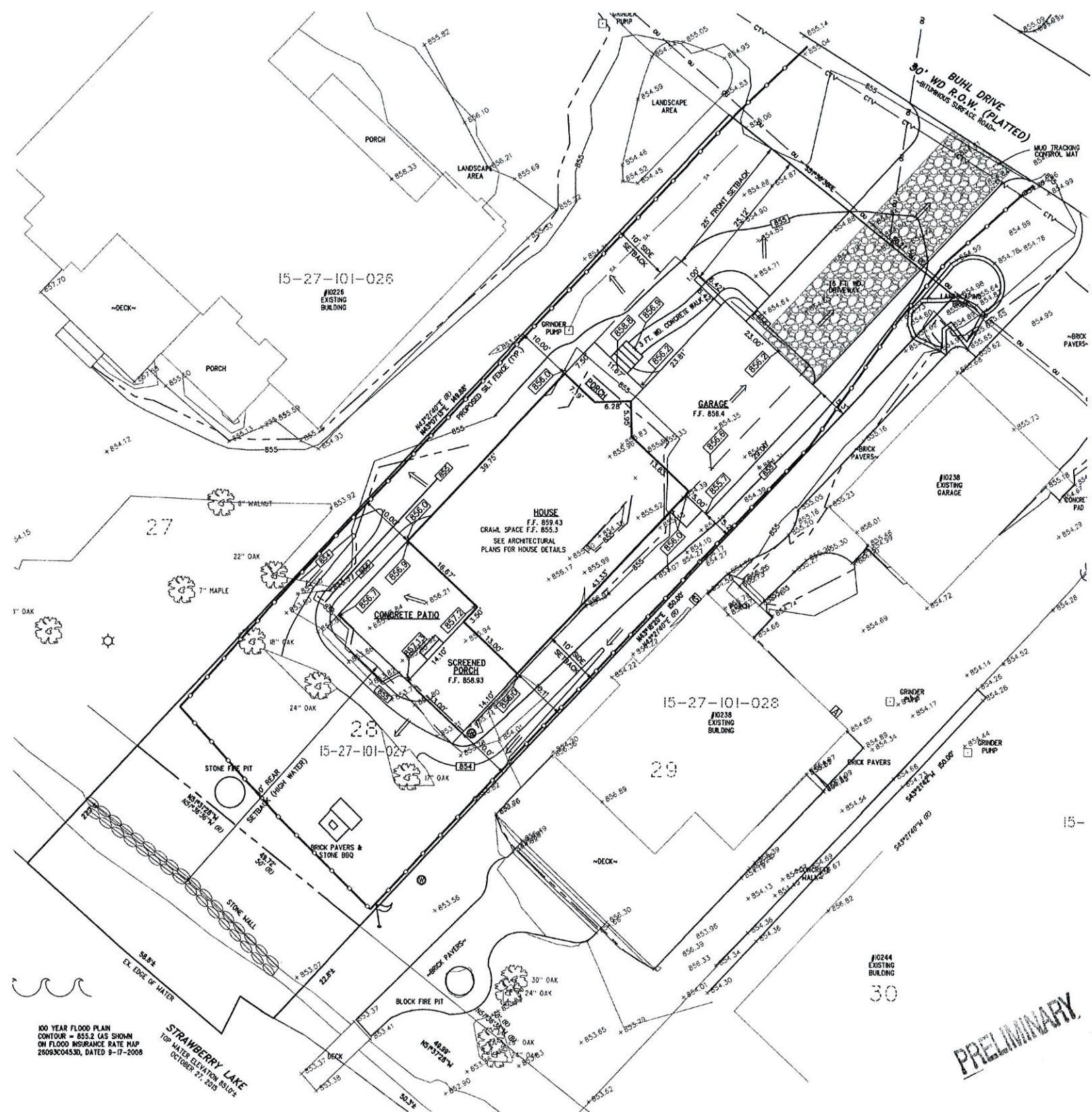
- NOTES:
1. REPAIR AND REPLACE SILT FENCE AS NEEDED, INCIDENTAL.
 2. FIELD LOCATE SILT FENCE TO FOLLOW CONSTANT CONTOUR ELEVATIONS.
 3. OVERLAP FENCES AT JOINTS.
 4. INSTALL FILTER BERM AT LOW POINTS WHERE INDICATED ON PLANS.

SITE DATA

HOUSE/PATIO AREA =	2,449 S.F.
DRIVEWAY/WALK AREA =	524 S.F.
TOTAL SITE AREA =	2,973 S.F.
TOTAL LOT COVERAGE	2,973 S.F. / 8,813 S.F. = 33.7%

100 YEAR FLOOD PLAN
CONTOUR = 855.2 (AS SHOWN
ON FLOOD INSURANCE RATE MAP
26093C04530, DATED 9-17-2008)

STRAWBERRY LAKE
TOP WATER ELEVATION 851.4
OCTOBER 27, 2018



- LEGEND**
- PROPERTY LINE
 - EASEMENT LINE
 - BUILDING SETBACK LINE
 - EXISTING 1' CONTOUR
 - EXISTING 5' CONTOUR
 - EXISTING FLOODPLAIN CONTOUR 855.2
 - EXISTING STORM SEWER
 - EXISTING GAS MAIN
 - EXISTING UTILITY
 - EXISTING UTILITY POLE W/ GUY WIRE
 - PROPOSED 1' CONTOUR
 - PROPOSED 5' CONTOUR
 - PROPOSED SANITARY LEAD
 - PROPOSED WATER LEAD
 - PROPOSED SPOT ELEVATION
 - PROPOSED SILT FENCE
 - MUD TRACKING CONTROL MAT
 - DRAINAGE FLOW ARROWS

LEGAL DESCRIPTION

Lot 28 of "Allyn Burton's Lakeshore Sub.," a part of Gov't Lot 2 of East part of the Northeast 1/4 of Section 27, Town 1 North, Range 5 East, Hamburg Township, Livingston County, Michigan, according to the plat thereof, as recorded in Liber 6 of Plats, Page 27, Livingston County Records.

Tax ID No.: 4715-27-202-027
Also known as: 10232 Buhl Drive, Homburg, MI

BENCHMARK

DATUM BASED ON NCS OPUS SOLUTION REPORT, DATED NOVEMBER 2, 2015 AT 12:37 PM

BENCHMARK #1
MAG NAIL IN THE WEST SIDE OF AN UTILITY POLE, LOCATED NEAR THE NORTHEAST CORNER OF LOT 29 OF "ALLYN BURTON SUB." ELEVATION = 855.31 (NAVD 88) REF: FIELD BOOK 15004, PG. 71 POINT #03

BENCHMARK #2
MAG NAIL IN THE WEST SIDE OF AN UTILITY POLE, LOCATED IN BULH ROAD, SOUTH OF LOT 20 OF "ALLYN BURTON SUB." ELEVATION = 854.78 (NAVD 88) REF: FIELD BOOK 15004, PG. 71 POINT #02

RECEIVED

SEP 11 2024

Hamburg Township
Planning and Zoning Department

811
Know what's below.
Call before you dig.
3 WORKING DAYS
BEFORE YOU DIG
CALL 811 OR 1-800-487-7171
(TOLL FREE)
OR VISIT CALL811.COM

DRISNE INC.
(810) 227-9833
CIVIL ENGINEERS
LAND SURVEYORS
2163 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

PRELIMINARY

DESIGN: JMB	REVISION #	DATE	REVISION-DESCRIPTION	REVISION #	DATE	REVISION-DESCRIPTION
DRAFT: LAH						
CHECK: JMB						

PLOT PLAN

LOT 28
ALLYN BURTON
LAKESHORE SUBDIVISION

CLIENT:
TODD HALLET
3831 WOODRIDGE
HOWELL, MI. 48843
248 445-1760

SCALE: 1"=10'
PROJECT No.: 9152731
DWG NAME: 2731 PP
ISSUED: NOV 24, 2015

PP



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

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

ZONING BOARD OF APPEALS MEETING
Wednesday, September 11, 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:

Brian Ignatowski
Benedict Russell
Jason Negri
Joyce Priebe, Chair
William Rill

ABSENT: none

CONSENT AGENDA

Approval motion to approve Zoning Board of Appeals Agenda for tonight as presented was made by Treasurer Negri, supported by Member Ignatowski.

Voice Vote: Ayes: (5)

VOTE: MOTION CARRIED UNANIMOUSLY

GENERAL CALL TO THE PUBLIC-

NONE

CURRENT BUSINESS**1. ZBA 2024-005**

Owner: Benjamin Cameron

Location: Beach Ln.

Parcel ID: 4715-33-110-174

Request: Variance application to permit the construction of a single-family home. Applicant requests a 20.2-foot variance from the required wetland setback of 50 feet., per Section 36-293(C)(2) a.

Chair Priebe invited the applicant to the podium to present their variance request. He just stated that the wetland that is in the corner of the parcel is a very limiting factor to do much with the parcel. This is why he is seeking this variance. After the applicant finished his opening statement, Chair Priebe invited David Rohr to present his staff report on this case.

David presented that the wetland delineation showed that a substantial amount of this parcel is a wetland. There is a small sliver of usable land on the southwest corner of the lot. In order to build a single family home onsite, he will need relief from the 50-foot setback from wetlands to do this project. David said that staff supports this variance request.

Chair Priebe invited the ZBA Members to ask questions or make comments before she opened the meeting to public comment. None of the commissioners had anything to say. Chair Priebe opened the ZBA Meeting to public comment, but no one was present, so she immediately closed that portion of the meeting. She again opened the meeting to the board members. Chair Priebe said she was out onsite to review the site plan for this variance request. She commented that there were several deer out there by her car. She stated that the home would not be able to have a basement even though the proposal mentioned one.

Member Ignatowski asked the applicant if he noticed that the wetland soils get wet anytime during the year. The applicant said he has been there for over 1 ½ years and he has never seen an amount of water that would be concerning regarding the build of a slab home onsite, except for that wetland corner that is low lying. He said that the lot is higher than the road itself. Member Ignatowski asked the applicant if there was going to be any filling of the lot for this project. The applicant said that with the footings, that there would be no need for a lot of fill.

Treasurer Negri asked David for some clarification regarding the permeability of the wetland after building near or on such locations. If the ZBA waived the 50-foot setback from the wetland, would this take into account the less permeability of the soil? David responded to Negri by stating that if the applicant did receive this variance to build closer to the wetland, he and his builder would still be required to maintain the storm water that the parcel has onsite through bioswales or French drains or moving the storm to another part of the parcel. Negri continued by asking, "if it is the homeowner's responsibility to mitigate the water run-off, isn't that going to exacerbate potential flooding in the wetlands area in the community or the road?" David answered Negri by saying that the applicant would be responsible to manage the storm water onsite. Treasurer Negri expressed his concern that adding a home to this parcel would further cause flooding to this area due to the impermeable surfaces like the roofs and driveways.

David reminded Negri that if we have concerns that the applicant will not be able to manage the stormwater onsite, then we will require him to mitigate that stormwater, so it is managed onsite. We request that the applicant provide a grading plan with contours so that our township engineer can review the grading of the project to ensure that these requirements are being met before we issue such permits. David said that these wetland parcels are last to be developed and so they are burdened with the surrounding, previously developed parcels of land. These applicants are dealing with an additional burden.

Chair Priebe reminded the ZBA members that the Livingston County Building Department will require that the applicant apply for a soil erosion permit with the Livingston County Drain Commission to ensure they have silt fences. They will look at these issues before they even start. She had worked in a building department before being on the ZBA board. David also stated the EGLE (Environment, Great Lakes and Energy) will also require permits with projects in close approximately to wetlands. Member Ignatowski wanted to confirm that there are other agencies reviewing these types of requests as well.

Chair Priebe asked if anyone else had any questions or comments. Treasurer Negri asked if anyone else had an issue with someone purchasing a lot in a wetland, and then they file for a variance to build there. Are we encouraging this type of behavior? Chair Priebe explained that these applicants sometimes have a parcel that is not buildable, but they have certain rights to build with a variance. If a government doesn't allow someone to build on that parcel, it is considered a taking. Treasurer Negri, who is also a lawyer, stated that not granting a variance is not considered a taking. Chair Priebe said that she saw that if someone purchased a wetland parcel and then took care of it, as advantageous to the township.

Member Ignatowski said that the ZBA is trying to be thoughtful and considerate in ensuring that the applicant exercises care with whatever project they are proposing near a wetland. Treasurer Negri asked if the ZBA has ever denied a variance regarding a wetland setback. Chair Priebe said yes, but very few. Negri said he has been on the ZBA board for the past two years and he has not seen the ZBA deny such a request. Member Ignatowski said that this is not a big structure. Treasurer Negri stated that he could see if the structure was proposed much smaller than it is currently, he would approve such a variance. Member Ignatowski said that township residents should not have useless property. Negri expressed that he felt that when a resident purchases a parcel with a huge wetland, that we are encouraging them to come before the ZBA for approval to build in the wetlands.

David explained that the applicant must demonstrate a hardship regarding the parcel, such as its topography. When adhering to the zoning ordinance as presented, essentially makes this parcel unbuildable. If the applicant can demonstrate such a hardship, then that is the whole process of the variance with the ZBA. It is a permission to break the law in these circumstances because of the uniqueness of this property. Chair Priebe said that most of the variances that the ZBA gets is based on the limitations of the land. She said we get some hard things. We look at these difficulties and then determine practical hardships and get applicants some relief. David said that staff can't administratively squeeze the project on the parcel, so the ZBA is their last resort as top get something built. Negri said it sounds like the ZBA is trying to make it their goal to allow building in the wetlands a goal. David said that staff at all agencies are trying to administratively approve projects that follow their rules, and laws without making applicants go to extra boards, jump more hurdles, add more costs. When staff can't administratively approve proposals, then that is why the ZBA exists.

Chair Priebe said that when she was appointed to the ZBA board, they had about 8 variances per meeting. The changes that they have implemented regarding ordinance over the years has prevent so many variances. The applicant also mentioned that over 10 years ago that sewers were installed, making many properties more developable than before.

Approval motion by Member Ignatowski, seconded by for variance application ZBA #24-0005 at Beach Ln. TID# 15-33-110-174. Applicant is requesting a 20.2-foot variance from the required wetland setback of 50 feet per section 36-293 (C) (2) a. According to the ZBA board, this variance meets variance standards one through seven of Section 36-137 of the Hamburg Township Zoning Ordinance, and a practical difficulty exists on the subject site when strict compliance with the Zoning Ordinance standards is applied, as discussed at the meeting this evening, and as presented in this staff report.

Voice Vote: Ayes (4) Nays: (1) Treasurer Negri

VOTE: MOTION CARRIED

APPROVAL OF THE MEETING MINUTES

Approval motion to approve the April 10, 2024, ZBA meeting minutes as presented by Treasurer Negri, seconded by Member Ignatowski.

Voice Vote: Ayes: (5)

VOTE: MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

Approval Motion to adjourn at 8:23 pm made by Member Ignatowski, supported by Member Rill.

Voice Vote: Ayes: (5)

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Lisa Perschke

Planning/Zoning Coordinator & Recording Secretary

David Rohr

Planning & Zoning Director

The minutes were approved as presented/corrected: _____

Joyce Priebe, Chair