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## **ZONING BOARD OF APPEALS MEETING**

**Wednesday, September 13, 2023 at 7:00 PM**  
**Hamburg Township Hall Board Room**

### **AGENDA**

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**ROLL CALL OF THE BOARD**

**CORRESPONDENCE**

**APPROVAL OF THE AGENDA**

**CALL TO THE PUBLIC**

**VARIANCE REQUESTS**

[1.](#)

**ZBA 2023-0014**

Owner: Russ and Susan Ives

Location: 11600 Algonquin Dr., Pinckney, MI 48169

Parcel ID: 4715-31-301-043

Request: Variance application to permit the construction of a 6.5 x 26.5-foot (172-square feet) addition on the east side of the home. Applicant requests a 20.6-foot variance from the required front yard 25-foot setback, per Section 36-215(5)., and a 34.2-foot variance from the required waterbody setback of 50 feet, per Section 36-293 (c)(2)(a)

**NEW/OLD BUSINESS**

[2.](#) Approval of August 9, 2023 meeting minutes.

**ADJOURNMENT**



# Zoning Board of Appeals Staff Report



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

**FROM:** David Rohr

**HEARING DATE:** September 13, 2023

**SUBJECT:** ZBA 23-0014

**PROJECT SITE:** Single Family Home  
11600 Algonquin Dr.  
TID 15-31-301-043

**OWNER:** Russ and Susan Ives

**APPLICANT:** Newmyer Remodeling

**PROJECT:** Variance application to permit the construction of a 172-square foot addition on the east side of the home. Applicant requests a 20.6-foot variance from the required front yard 25-foot setback, per Section 36-215(5)., and a 34.2-foot variance from the required waterbody setback of 50 feet, per Section 36-293(c)(2)(a).

**ZONING:** WFR, Waterfront Residential

## Project Description

The subject site is a 0.21-acre parcel with an existing single-family home. The parcel has access from the east by Algonquin Dr. To the north and west is Portage Lake. Single family residence to the south.

The applicant is requesting two (2) variances to build a 172 square foot addition. The Applicant requests a 20.6-foot variance from the required front yard 25-foot setback, per Section 36-215(5), and a 34.2-foot variance from the required waterbody setback (north) of 50 feet, per Section 36-293(c)(2)(a). If approved, the variances would permit the construction of a 172 square foot addition to the east side of the house. The small addition would accommodate a master bedroom and bathroom.

### **Standards of Review**

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

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

The applicant's parcel is very small, 0.21 acres (9,147sqft). Applicant's parcel is a point parcel, with portage lake abutting the west and north parcels lines.

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

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

Granting this variance request is necessary for the preservation and enjoyment of a substantial property right, as there is almost no buildable area on the parcel. Staff believes the modest addition will allow the applicants to age in place in their home.

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

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

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

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

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

The condition or situation of the specific piece of property is not of a general and recurrent nature. The parcel has water on two sides, making it unique in the area.

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

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

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

Staff finds that the proposed structure size of 172 square feet will have minimal impact on the surrounding properties. Staff believes the location of the proposed structure is well placed and will have minimal impact on the surrounding residents.

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

### **Recommendation**

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

### **Approval Motion**

Motion to approve variance application ZBA 23-0014 at 11600 Algonquin Dr. (TID 15-31-301-043) 20.6-foot variance request from the required 25-foot front yard setback, per Section 36-215(5). And 34.2-foot variance from the required waterbody setback of 50 feet, per Section 36-293(c)(2)(a).

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

**Denial Motion**

Motion to deny variance application ZBA 23-0014 at 11600 Algonquin Dr. (TID 15-31-301-043) 20.6-foot variance request from the required 25-foot front yard setback, per Section 36-215(5). And 34.2-foot variance from the required waterbody setback of 50 feet, per Section 36-293 (c)(2)(a).

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 23-0014  
\$550



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: August 7, 2023
2. Tax ID #: 4715-31-301-043 Subdivision: Fox Point Beach Lot No.: 43T South 1/2 of lot 42
3. Address of Subject Property: 11600 Algonquin Drive, Pinkney, MI 48169
4. Property Owner: Russ & Susan Ives Phone: (H) 248-909-8345  
Email Address: russ.ives@att.net (W) cell: 248-588-1005  
Street: 552 Golf View Blvd., City Birmingham State MI
5. Appellant (If different than owner): Newmyer Remodeling Phone: (H) 248-321-3092  
E-mail Address: JNewmyer@Newmyer.com (W) 248-669-3500  
Street: 3081 Haggerty Rd #1 City Walled Lake State MI
6. Year Property was Acquired: 2023 Zoning District: \_\_\_\_\_ Flood Plain No
7. Size of Lot: Front 92.12' Rear 60.08' Side 1 95.69' Side 2 88.21' Sq. Ft. 8,906 Sq Ft \_\_\_\_\_
11. Dimensions of Existing Structure (s) 1st Floor 45' X 41' 2nd Floor 30' X 25' Garage 25' X 25'
12. Dimensions of Proposed Structure (s) 1st Floor 6.5' x 26.5' 2nd Floor 0 Garage 0
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:

We are requesting the addition with a variance for a setback of 20.66' to the east to Algonquin Drive and a variance of 34.27' to the north highwater OHM setback.

ZBA Case Number \_\_\_\_\_

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

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

The shape of the lot is odd. Algonquin Drive runs parallel to the east side of the house. The east property of the boundary along the platted right-of-way of Algonquin would be considered the front yard with a setback requirement of 25'. Normally, side yard set backs are 10'.

- 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.

This variance will allow for a 1st floor master bedroom suite and powder bath which would render the home user friendly for the homeowners. Other homes in the neighborhood have similar situations.

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

No, it will not be detrimental because the property is on a corner lot and not affecting the adjacent properties as most have side yard setbacks of 10' and in some cases have variances or existing structures less than 10'.

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

Once again, it is difficult to determine what are the front and side yards due to Algonquin Dr extending along the east property line towards the lake. This is an unusual lot.

- 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.

It is not a recurrent situation as this is a corner lot with lake front facing North and West, basically this is similar to a corner or point lot. Further, the proposed addition will not impede on the lake front sightlines of the adjoining properties.

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

No, it will not due to the corner lot configuration.

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


The owners would like a 1st floor master suite which is not achievable without a small addition.

- 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.

[Signature] August 3, 2023  
Owner's Signature Date

[Signature] 8-3-2023  
Appellant's Signature Date

Page 1 of 2		Date: June 15, 2009	Case No.: 09-05-3223A	LOMA
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## Federal Emergency Management Agency

Washington, D.C. 20472

### LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION	LEGAL PROPERTY DESCRIPTION								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center; vertical-align: middle;"><b>COMMUNITY</b></td> <td style="padding: 5px;">TOWNSHIP OF HAMBURG, LIVINGSTON COUNTY, MICHIGAN</td> </tr> <tr> <td></td> <td style="padding: 5px;">COMMUNITY NO.: 260118</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;"><b>AFFECTED MAP PANEL</b></td> <td style="padding: 5px;">NUMBER: 26093C0445D</td> </tr> <tr> <td></td> <td style="padding: 5px;">DATE: 9/17/2008</td> </tr> </table>	<b>COMMUNITY</b>	TOWNSHIP OF HAMBURG, LIVINGSTON COUNTY, MICHIGAN		COMMUNITY NO.: 260118	<b>AFFECTED MAP PANEL</b>	NUMBER: 26093C0445D		DATE: 9/17/2008	Lot 43 and a portion of Lot 42, Fox Point Beach, as described in the Warranty Deed recorded in Liber 1482, Page 0186, in the Office of the Register of Deeds, Livingston County, Michigan
<b>COMMUNITY</b>	TOWNSHIP OF HAMBURG, LIVINGSTON COUNTY, MICHIGAN								
	COMMUNITY NO.: 260118								
<b>AFFECTED MAP PANEL</b>	NUMBER: 26093C0445D								
	DATE: 9/17/2008								
FLOODING SOURCE: PORTAGE LAKE	APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 42.431, -83.905 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 4.0      DATUM: NAD 83								

#### DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
42 - 43	--	Fox Point Beach	11600 Algonquin Drive	Structure	X (shaded)	852.1 feet	853.0 feet	--

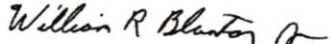
**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

**ADDITIONAL CONSIDERATIONS** (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

  
 William R. Blanton Jr., CFM, Chief  
 Engineering Management Branch  
 Mitigation Directorate

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

*William R. Blanton Jr.*  
William R. Blanton Jr., CFM, Chief  
Engineering Management Branch  
Mitigation Directorate

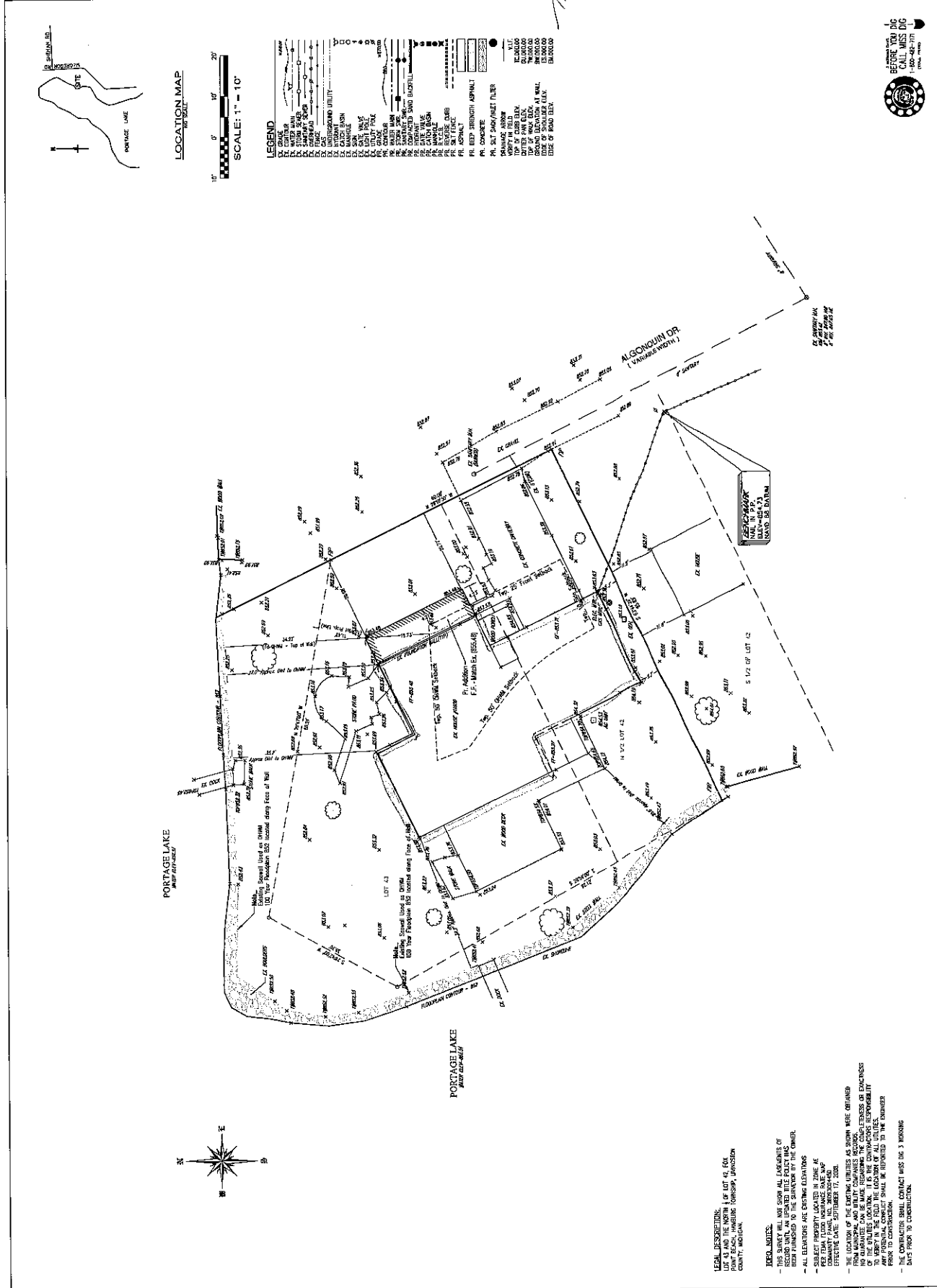
**PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)**  
Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

**LETTER OF MAP AMENDMENT  
DETERMINATION DOCUMENT (REMOVAL)  
ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)**



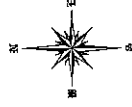
Federal Emergency Management Agency  
Washington, D.C. 20472

<b>11600 Algonquin</b> Humboldt Twp., MI 48169 Parcel # 4715-31-301-043 (23A Submittal) Site Plan		SHEET NO. 1 OF 1 DATE: 10/1/2008 DRAWN BY: J. J. JONES CHECKED BY: J. J. JONES APPROVED BY: J. J. JONES SCALE: 1" = 10' PROJECT NO. 23-021
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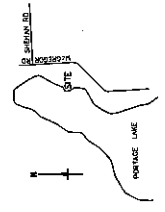


BEFORE YOU DIG  
CALL MISS DIG  
1-800-487-4777  
1-800-487-4777

- LEGAL DESCRIPTION:**
- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD, BUT WILL SHOW ALL EASEMENTS OF RECORD THAT ARE KNOWN TO THE ENGINEER.
  - ALL EASEMENTS ARE SHOWN AS EXISTING.
  - SUBJECT PROPERTY LOCATED IN ZONE AS PER THE FLOOD INSURANCE RATE MAP EFFECTIVE DATE, SEPTEMBER 17, 2008.
  - THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM AERIAL PHOTOGRAPHS AND FIELD SURVEY. IT IS THE ENGINEER'S RESPONSIBILITY TO VERIFY THE LOCATION OF THE UTILITIES LOCATED IN THE FIELD PRIOR TO CONSTRUCTION.
  - THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.



**LOCATION MAP**  
SCALE: 1" = 10'

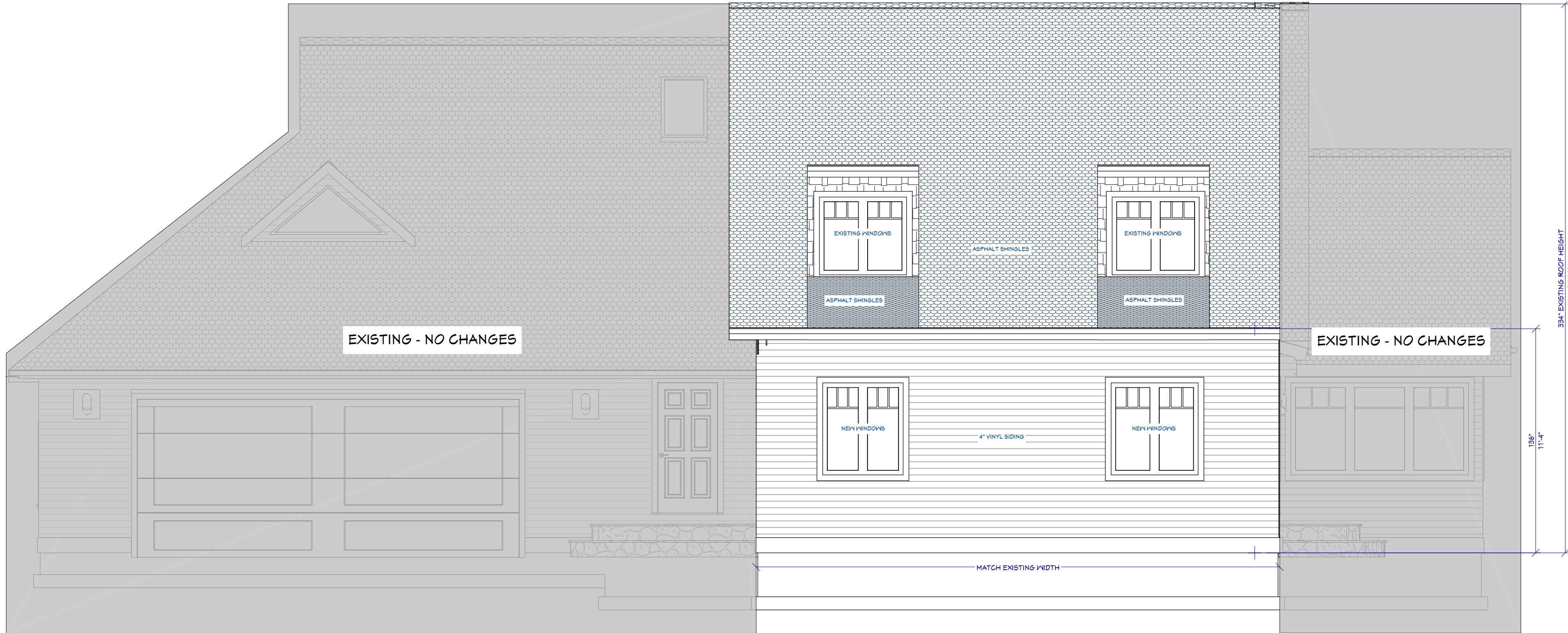



$$1/4'' = 1'$$



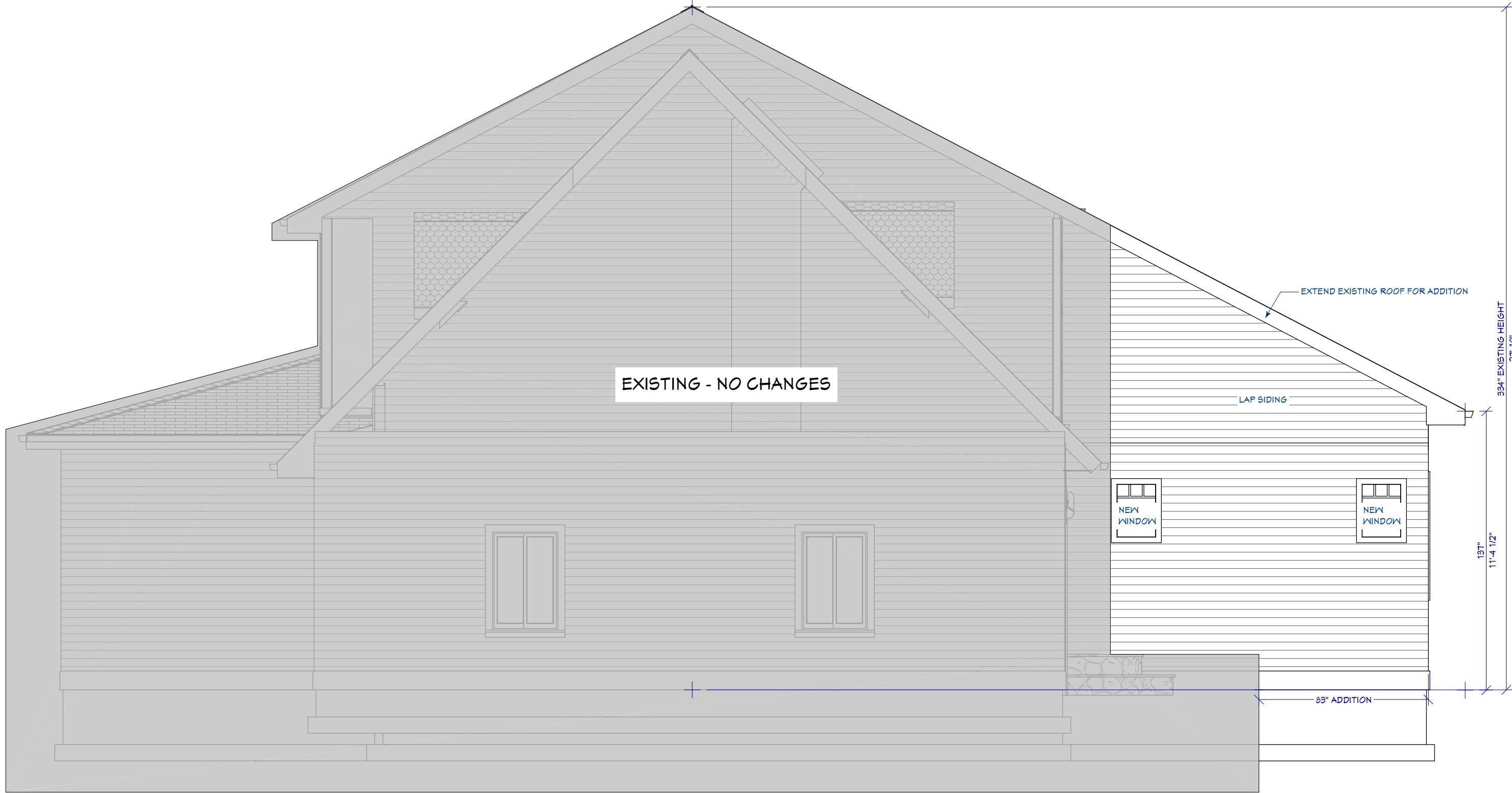
NORTH ELEVATION

1/4" = 1'



EAST ELEVATION

1/4" = 1'



SOUTH ELEVATION

1/4" = 1'



WEST ELEVATION

NO SCALE

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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, August 9, 2023, at 7:00 PM**  
**Hamburg Township Hall Board Room**

### **MINUTES**

#### **CALL TO ORDER**

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

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

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

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

Jim Hollenbeck (Alternative)  
Brian Ignatowski  
Craig Masserant  
Joyce Priebe, Chair  
William Rill

##### **ABSENT:**

Jason Negri

Chair Priebe asked Planning and Zoning Director David Rohr if there was any other correspondence received than what they received in their packets. He said there was a letter with neighbor signatures that had been submitted on August 8 by the applicant. David had copied it and handed it out to all of the board members prior to the meeting.

#### **CONSENT AGENDA**

Approval motion by Member Alternative Hollenbeck, seconded by Member Rill, to approve Zoning Board of Appeals Agenda for tonight as presented.

**Voice Vote: Ayes: (5) Members Hollenbeck, Ignatowski, Masserant, Priebe, Rill**

**Absent: (1) Negri**

**VOTE: MOTION CARRIED UNANIMOUSLY**

**GENERAL CALL TO THE PUBLIC- None****CURRENT BUSINESS****1. ZBA 2023-0013**

Owner: Charles & Deborah Cleavinger  
 Location: 11765 Pleasant View Dr., Pinckney, MI 48169  
 Parcel ID: 4715-31-402-049  
 Request: Variance application to permit the construction of a 10 ft X 20 ft sunroom, encroaching 10 ft into the required rear yard setback. Section 36-186(F).

Chair Priebe asked the applicant, Charles Cleavinger to come up to the podium to discuss his proposed project. The sun room is going to be used for therapy to get more UV sun rays that will have special windows.

Chair Priebe then asked David to present his staff report. He stated that the project meets all 7 of our ZBA Standards of Review. Chair Priebe opened and closed the Public Hearing as there were no other audience members other than the applicant and his family.

**Approval motion** by Member Rill, seconded by Member Ignatowski, to approve variance application ZBA 23-0013 at 11765 Pleasant View Dr (TID# 15-31-402-049) a 20- foot variance request from the required 30-foot rear yard setback, per Section 36-186 (F). The variance meets variance standards 1 (one) through 7 (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 the staff report.

**Voice Vote: Ayes: (5) Members Hollenbeck, Ignatowski, Masserant, Priebe, Rill**

**Absent: (1) Negri**

**VOTE: MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF THE MEETING MINUTES**

**Approval motion** by Member Masserant, seconded by Member Ignatowski, to approve the July 12, 2023, ZBA Meeting Minutes as amended by Chair Priebe.

**Voice Vote: Ayes: (5) Members Hollenbeck, Ignatowski, Masserant, Priebe, Rill**

**Absent: (1) Negri**

**VOTE: MOTION CARRIED UNANIMOUSLY**

## ADJOURNMENT

**Approval motion** by Member Masserant, seconded by Member Ignatowski to adjourn at 8:19 pm.

**Voice Vote: Ayes: (5) Members Hollenbeck, Ignatowski, Masserant, Priebe, Rill**

**Absent: (1) Negri**

**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