



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 Chuck Menzies, Patricia Hughes, Nick Miller, Joanna Hardesty

ZONING BOARD OF APPEALS REGULAR MEETING

Wednesday, July 09, 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 25-0006**

Owner: Barbara Toth
Location: 8932 Rushside Dr.
Parcel ID: 4715-17-402-139
Request: Variance application to permit the expansion of the existing sunroom.
Variance request: High-water mark setback per section 36-171(4)

NEW/OLD BUSINESS

2. Approval of the June 11, 2025 ZBA meeting minutes.

ADJOURNMENT



Zoning Board of Appeals Staff Report



TO: Zoning Board of Appeals
(ZBA)

FROM: David Rohr

HEARING DATE: July 9, 2025

SUBJECT: ZBA 25-0006

PROJECT Sunroom

SITE: 8932 Rushside Dr.
TID 4715-17-402-139

OWNER: Barbara Toth

APPLICANT: Barbara Toth

PROJECT: Variance application to permit the expansion of the existing sunroom. Variance request:

- High-water mark setback of 41 feet rather than 50 feet, per section 36-171(4)

ZONING: WFR– Waterfront Residential

Project Description

Variance application to permit an addition to existing sunroom. The current sunroom is 7 feet wide and is approximately 48 feet from the high-water mark. The expansion will make the room 14ft wide and 41 feet from the high-water mark. Because of the existing parcel conditions, there is limited buildable area. A High-water setback of 41 feet, instead of 50 feet is requested.

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 limited buildable area. Staff support the request for the variance.

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.

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 will have minimal impact on the surrounding properties. Staff believes the location and size of the sunroom is reasonable 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 25-0006 at 8932 Rushside Dr. TID 4715-17-402-139. Applicant requests:

- High-water mark setback of 41 feet rather than 50 feet, per section 36-171(4)

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 25-0006 at 8932 Rushside Dr. TID 4715-17-402-139.
Applicant requests:

- High-water mark setback of 41 feet rather than 50 feet, per section 36-171(4)

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 # 25-0006
\$500.00



Hamburg
Township
a great place to grow

HAMBURG TOWNSHIP
Date 06/12/2025 2:00:23
Ref
Receipt 1328126
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: 6/12/2025
2. Tax ID #: 15- 17-402-139 Subdivision: _____ Lot No.: _____
3. Address of Subject Property: 8932 Rushside Drive
4. Property Owner: Barbara Toth Phone: (H) 734-634-1549
Email Address: Michael Toth@gmail.com (W) _____
Street: Rushside Drive City Pinckney State MI
5. Appellant (If different than owner): _____ Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 2000 Zoning District: _____ Flood Plain _____
7. Size of Lot: Front 80ft Rear 74ft Side 1 71ft Side 2 73ft Sq. Ft. 5400
11. Dimensions of Existing Structure (s) 1st Floor 32ft x 40ft 2nd Floor 12 x 30 Garage detached
12. Dimensions of Proposed Structure (s) 1st Floor 14 x 20 2nd Floor _____ Garage _____
13. Present Use of Property: residential
14. Percentage of Existing Structure (s) to be demolished, if any: 7 x 20 %
15. Has there been any past variances on this property? Yes _____ No ☒
16. If so, state case # and resolution of variance application _____
17. Please indicate the type of variance or zoning ordinance interpretation requested:
Distance from water will be 41 feet.
18. Please explain how the project meets each of the following standards:

RECEIVED

JUN 12 2025

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).

Barbara Gork June 11, 2025
Owner's Signature Date

Barbara Gork June 11, 2025
Appellant's Signature Date

RECEIVED

JUN 12 2025

Hamburg Township
Planning and Zoning Department

MIKE & BARB TOTH
8932 RUSHIDE

APPROVED
Livingston County Department

Name: _____

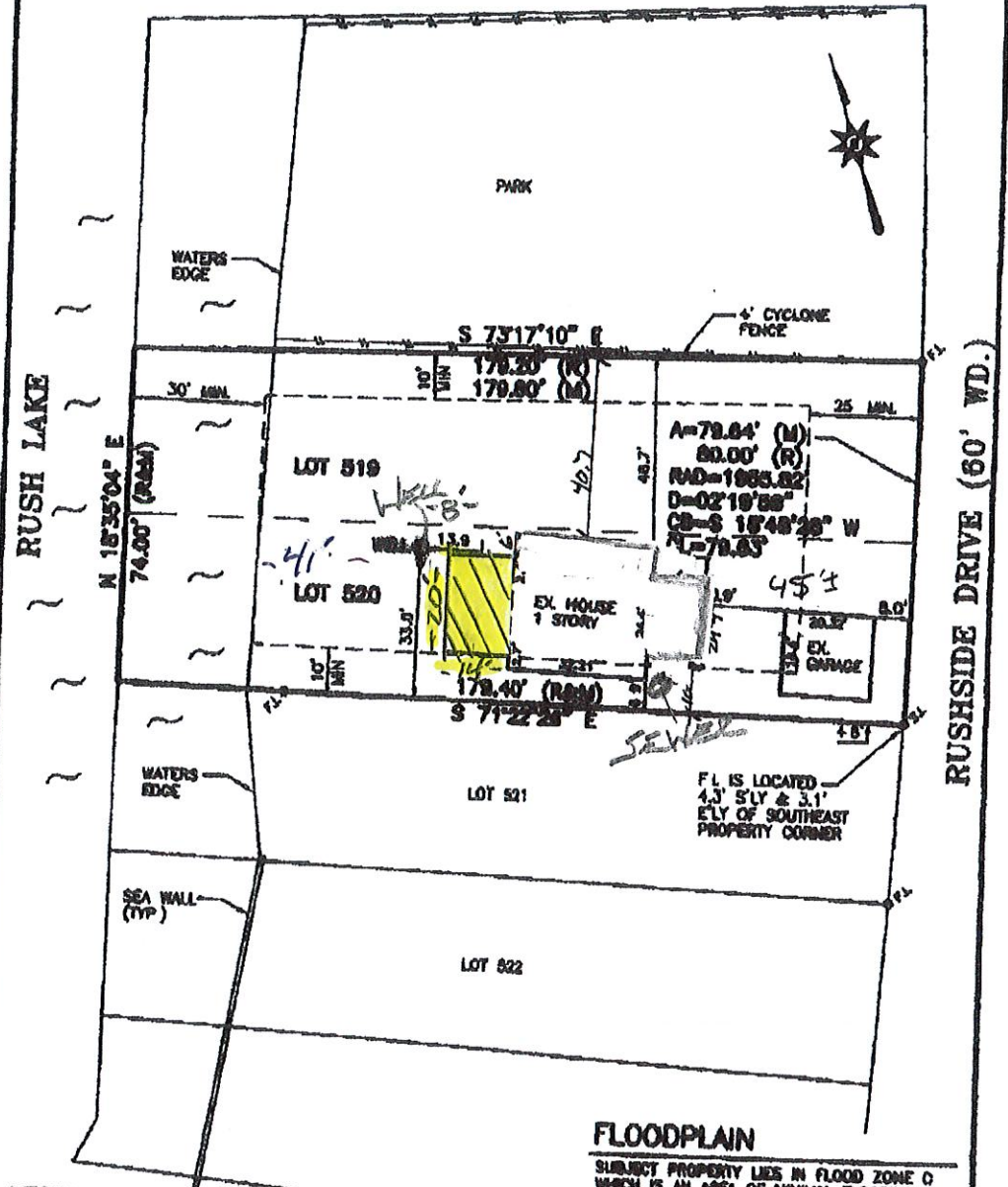
Date: _____

Hamburg Township
Planning and Zoning Department

RECEIVED

JUN 17 2025

CERTIFICATE OF SURVEY



LEGEND

[illegible]

LEGAL DESCRIPTION

LOVE 810 AND 820 OF "HARRISON'S FLUKE
LIME EXCAVES" A TERRACE OF PART OF
THE QUADRANT 1/4 OF SECTION 17, T 1
N, R. 5 E., HARRISON TOWNSHIP
JACKSON COUNTY, INDIANA.

UTILITY NOTE

UNRECORDED COPY SENT AND SUBSTANTIAL
REPLY FOR THE REASONING OF THE
REPLY. IN THE REPLY, AND IN THE REPLY
REPLY. ALL INFORMATION AND REPLY
REPLY. REPLY. REPLY. REPLY. REPLY.
FOR THE REASONING OF ALL OTHERS FOR TO

FLOODPLAIN

SUBJECT PROPERTY LIES IN FLOOD ZONE C
WHICH IS AN AREA OF MINIMAL FLOODING
PER FLOOD INSURANCE RATE MAP FOR THE
TOWNSHIP OF HAMBURG, LIVINGSTON COUNTY,
MICHIGAN.
COMMUNITY-PANEL NUMBER 260118 0010 C
EFFECTIVE DATE, FEBRUARY 10, 1986

ZONING & SETBACKS

ZONED: WFR (WATER FRONT RESIDENTIAL)

SETBACK REQUIREMENTS.

FRONT 25 MIN.
SIDES: 16' MIN.
REAR: 30' (WATER SIDE PROPERTY LINE)
50' (FROM HIGH WATER MARK)

GLA SURVEYORS & ENGINEERS

8134 GOTTFREDSON RD.
PLYMOUTH, MI 48170
PHONE (734) 416-8845
FAX (734) 416-8866
www.globeinvestor.com

CLIENT

MIKE AND BARB TOTH
39779 DUN ROVIN DRIVE
NORTHVILLE, MI 48167

DATE
10/23/03

JOB NO
2324-519

SCALE:
1" = 30'

SHEET
1 OF 1

DRAWN BY
MKE

RECEIVED

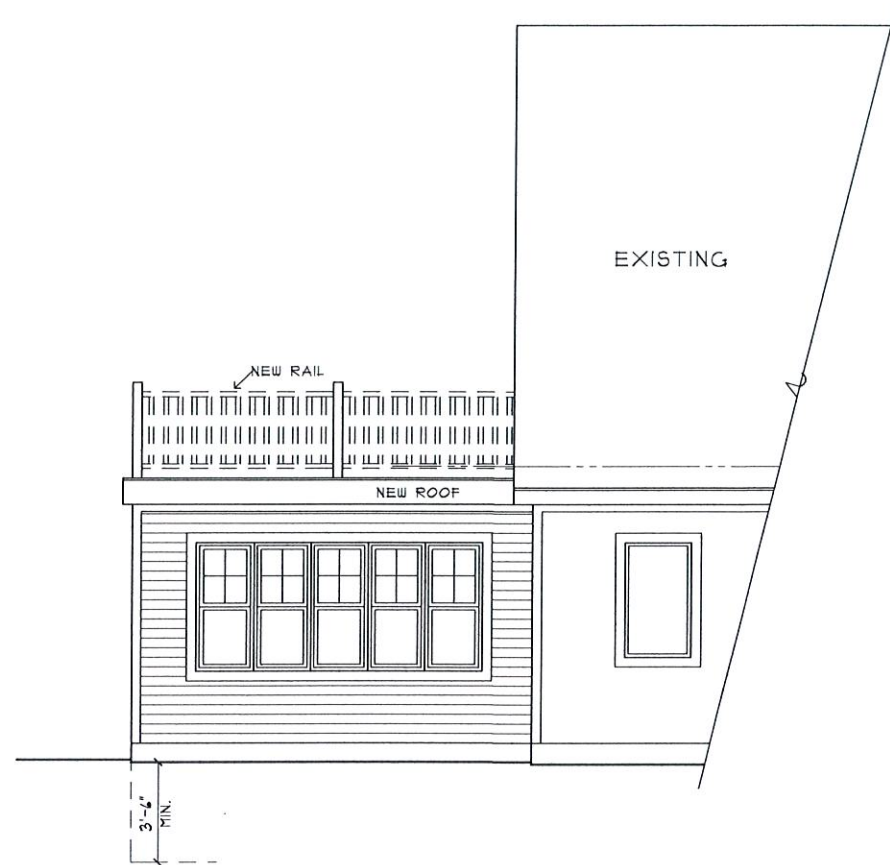
JUN 12 2025

Hamburg Township
Planning and Zoning Department



FRONT ELEVATION

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



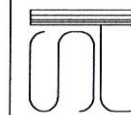
REAR ELEVATION

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



RIGHT SIDE

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



STIRLING DESIGNS LLC
RESIDENTIAL PLANS
P. O. BOX 465 HOWELL, MI 48844
PHONE: (517) 546-9299

NO: RT50416E

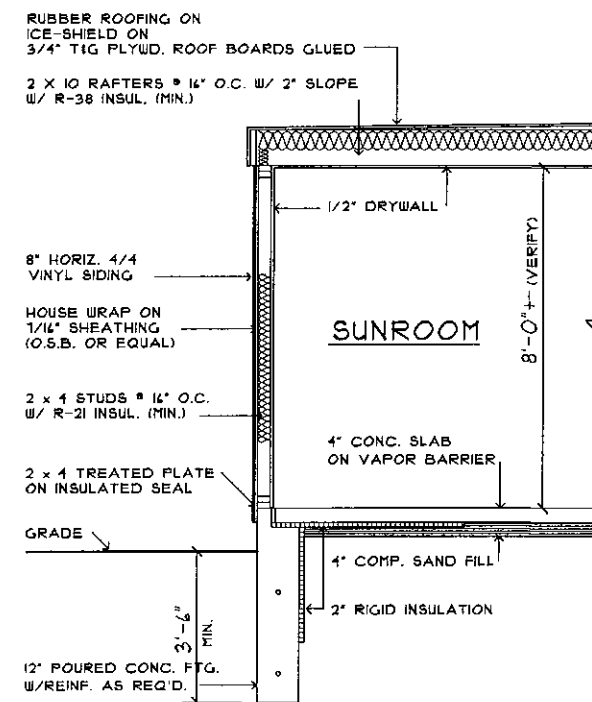
SHEET NO:

1

OF 2 SHEETS

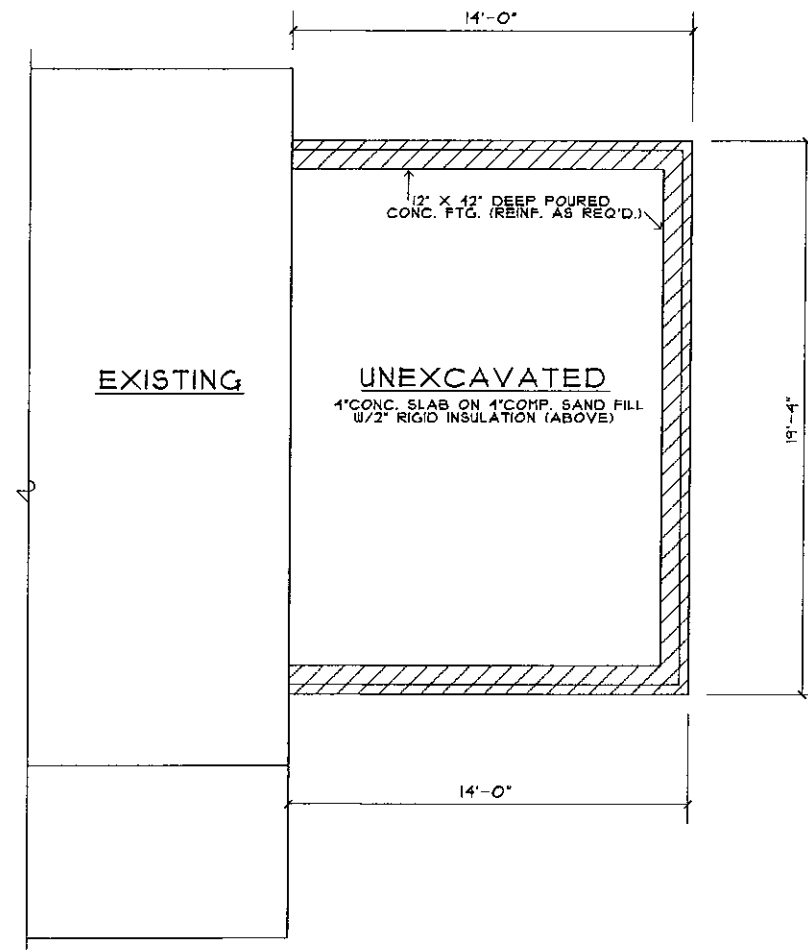
BUILDER: RENAISSANCE RENOVATIONS

RESIDENCE FOR: MIKE & BARB TOTH



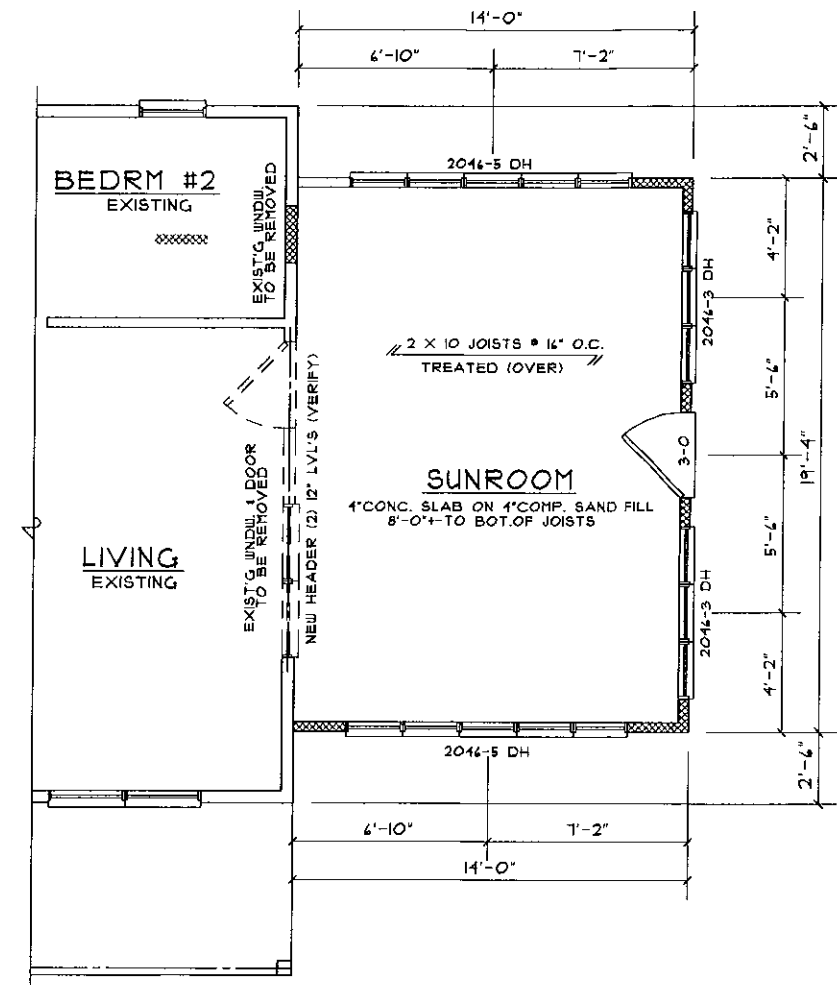
SECTION

SCALE: 3/8" = 1'-0"



FOUNDATION

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



FIRST FLOOR

SCALE: 1/4" = 1'-0" SUN PORCH: 270 SQ. FT.

NOTE: DIMENSION WITNESS LINE INDICATES FINISH SIDE
OF SHEATHING OR DRYWALL.
FIRST FLOOR WALL HT. = 8'-0" UNLESS OTHERWISE NOTED.
SHADED WALLS INDICATE NEW.

WINDOW NOTE:

WINDOW SIZES ARE APPROXIMATE. A WINDOW SCHEDULE
MUST BE OBTAINED FROM THE WINDOW MANUFACTURER
FOR R.O. SIZES. 2046 INDICATES A 2'-0" X 4'-4" WINDOW.

BUILDER/CONTRACTOR NOTE:

PLANS SHOWN ARE A CONCEPT DERIVED FROM SEVERAL MEETINGS WITH BUILDER AND/
OR OWNER AND ARE TO BE USED AS A REFERENCE FOR CONSTRUCTION.
BUILDER/CONTRACTOR IS RESPONSIBLE FOR MEETING ALL CURRENT BUILDING CODES
PERTAINING TO THESE PLANS REGARDLESS IF SHOWN OR NOT SHOWN.
BUILDER/CONTRACTOR IS ALSO RESPONSIBLE FOR ACQUIRING ANY ENGINEERING
REQUIRED FOR ANY PART OF DRAWINGS SHOWN SUCH AS BUT NOT LIMITED TO FOOTINGS,
FOUNDATION, HEADERS, BEAMS, FLOOR JOISTS, RAFTERS, TRUSSES, ETC.
ALL SIZES SHOWN FOR FOOTINGS, FOUNDATION, BEAMS, FLOOR JOISTS, AND RAFTERS,
ETC., MUST BE VERIFIED BY A QUALIFIED ENGINEER OR SUPPLIER.
CURRENT BUILDING CODES FOR THE AREA IN WHICH THIS STRUCTURE IS TO BE BUILT IN
SUPERSEDE ANYTHING SHOWN ON THESE PLANS.
STIRLING DESIGNS ASSUMES NO RESPONSIBILITY FOR ANY CONSTRUCTION PROJECT.

NO: RT50414F

SHEET NO:

2

OF 2 SHEETS

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

ZONING BOARD OF APPEALS MEETING

**Wednesday, June 11, 2025 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
Joyce Priebe, Chair
William Rill

ABSENT:

Joanna Hardesty, Trustee

CONSENT AGENDA

Approval motion made by Member Ignatowski, seconded by Member Russel, to approve Zoning Board of Appeals Agenda for tonight as presented.

Voice Vote: Ayes: (4) Absent: (1)

VOTE: MOTION CARRIED

GENERAL CALL TO THE PUBLIC:

Chair Priebe opened the general call to the public, but no one came up to speak so she closed the session.

CURRENT BUSINESS

1. ZBA 25-0005

Owner: David & Grace Griese
 Location: 11519 West Lane. Parcel ID: 4715-33-110-001
 Request: Variance application to permit the construction of a new single-family home. Variance request: Front setback of 12.5 feet, instead of 25 feet, per section 36-171. (D)

Chair Priebe invited Abby Cooper, the applicant's lawyer, to the podium to present her case before the ZBA board. Cooper said this parcel is unique because it has been defined by Hamburg Township's ordinance as a corner lot, due to multiple front yard setbacks. This variance is needed since the home abuts an undeveloped road right-of-way which consists of woods. Her client is requesting that a front yard setback from this undeveloped right-of-way roadway could be 12.5 ft instead of the required 25 feet prescribed by Hamburg Township's ordinance. Cooper also let the ZBA board know that the applicant has filed in Livingston County Circuit Court a plat vacation of multiple undeveloped roads right-of-ways going through her long parcel.

Chair Priebe invited David Rohr to present his staff report on this case. David stated that it was difficult to find the parcel due to the dense wooded area of the area. David let the board know that this long parcel is separated into four separate parcels by three undeveloped road rights-of-way that run through it, in an east and west manner, but all four parcels have been combined into one parcel. He stated that staff support this variance request since it is reasonable with this situation. He said that the builder and the applicant have been accommodating with the design and placement of the home on the parcel despite the unusual nature of the property.

Chair Priebe asked David about the gravel east road easement near the home. David stated that this is a private driveway access easement that allows a second home access from the north end of the easement. Both homes are owned by the applicant. Chair Priebe opened the meeting to the public comment on this ZBA proposal. No one came up to talk at the podium, so Chair Priebe closed that portion of the meeting. Chair Priebe then opened the meeting to the ZBA board members to discuss the variance request and ask questions that they had.

Member Russell asked David what the original use of these undeveloped right-of-way roads were created for. David let him know that all plated roads come originally from the state. It was intended to be an actual road right of way. The road would have gone all the way to the lake. Each of these roads would have cut through. If you look at the plat map of any of the lakes in this township you will see that many roads that have been plated but have not been developed yet. Over time the roads were not developed. Many of the plat maps date back over a 100 years ago. It was envisioned to be this area with a spider network of streets and parcels, which many of them never materialized. Member Ignatowski said that was a very good question.

The applicant and owner of this parcel was invited to come up to the podium to address the ZBA board. Grace Griese stated that she purchased the parcels from Ottawa Morley who had owned it since 1952. She said Ottawa had the original plat map from 1925. She said that they had purchased both properties from him.

Member Ignatowski said that when he went out to view the property, he parked and went to the neighbor's door who owned some dogs. The neighbor told Ignatowski that she had been served with court papers about the

vacation of the undeveloped road rights-of-way. She told Ignatowski that she was in favor of this variance. He had asked this neighbor if she had provided an email or was planning to come to tonight's meeting to show her support. She said no. Ignatowski said their names were Tim and Tracy Carpenter. He said he doesn't often knock on people's doors, but he had in this instance and wanted to share with the ZBA members. Ignatowski asked if they were still needing this variance if the courts allowed the vacation of the undeveloped roads running through and next to her parcels. She said yes, because they were planning on this land to be a multi-generational home for their family. She felt that cleaning up those road rights-of-ways seemed to be the thing to do. She said that Cornwell is not going to be vacated but resituated where it really exists today. Her neighbors are supportive of the vacation of the undeveloped roads because they are shown on pieces of their homes and driveways. Ignatowski asked where Cornwell existed. She said to the south of their parcel.

Member Rill mentioned that there should be a sign stating that this is a private road with no turnaround at the end of it. Rill said he did make it down the road, but he did not knock on anyone's doors. Grace, the applicant, came back up to the podium to address Rill. She said the neighbor's had a "no turnaround" sign there but they took it down once her family purchased the property. She said they plan to put that sign back in. Grace also mentioned that when you search for their area on Google it calls it Dun Lavy. She said many Amazon trucks come down the road thinking that they can get across the lake but unfortunately can't. She sat back down. Chair Priebe said that this was a unique property that they don't see often in the township. She said as far as a practical difficulty, this property has met their requirements of showing such difficulty.

Debi Samuels arrived late but wanted to present her support and concern for this variance request. Chair Priebe mentioned that they closed the public hearing portion of this ZBA variance hearing, but she would allow Debi to come up to the podium and address the member, which she did. Debi Samuels stated she lives at 4302 Cornwell Lane. Debi mentioned that Amazon drivers turn into her driveway, so she has divots into her yard due to this difficulty. Debi stated that she has lived here for 5 years now. This home used to belong to her aunt and uncle, so Debi has grown up in this home. She said that numerous vehicles have crashed into her elevated yard with a telephone pole or the neighboring retaining rock wall kitty corner to her. She said that winter ice makes gravel driveway a hazard to drive, so she is concerned about how close the Griese's are allowed to place their home to it. Debi stated that she would miss seeing the woods that would be cleared for this new home, but she didn't want to keep anyone from their dreams. She went back to her seat.

Chair Priebe asked David which road was the variance request for. David said that the change was allowing the new home to be closer to an undeveloped road right-of-way, not an actual road. Member Ignatowski asked Debi some clarifying questions about where she lived. It appeared she lives right off Cornwell Lane but the variance request putting the home closer to West Lane which is undeveloped right now. Abby Cooper met Debi at the podium and showed her where the home variance proposal would be. Ignatowski stated he wanted to make sure where Debi's concerns existed.

Approval motion by Member Russell, seconded by Ignatowski, to approve variance application ZBA 25-0005 at 11519 West Lane, TID 4715-33-110-001 to construct a new single-family home with a front back setback distance of 12.5 feet from West Lane, instead of the required 25 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, a practical difficulty exists on the subject site when the strict compliance of the Zoning Ordinance standards is applied, as discussed at the meeting this evening and as presented in the staff report.

Vote: Ayes: (4)

VOTE: MOTION CARRIED

APPROVAL OF THE MEETING MINUTES

Approval motion was made by Member Ignatowski, seconded by Member Russell, to approve Zoning Board of Appeals May 14, 2025, Meeting Minutes, as presented.

Voice Vote: Ayes: (4) Absent: (1)

VOTE: MOTION CARRIED

Chair Priebe asked David if he had anything else. He said there will not be a July 2025 Zoning Board of Appeals Meeting for July 2025 due to no variance requests.

ADJOURNMENT

Approval motion was made by Member Rill, seconded by Member Russell, to adjourn at 7:24pm.

Vote: Ayes: (4)

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