
JOINT MEETING - BOARD OF TRUSTEES, PLANNING COMMISSION, ZBA

**Tuesday, April 02, 2024 at 7:00 PM
Hamburg Township Hall Board Room**

AGENDA

CALL TO ORDER

PLEDGE TO THE FLAG

APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

CALL TO THE PUBLIC

OLD BUSINESS

NEW BUSINESS

1. Planning & Zoning department 2023 year in review
2023 Code enforcement year in review

ZONING ADMINISTRATOR'S REPORT

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Hamburg Township

Planning Commission Zoning Board of Appeals Planning & Zoning Department



2023 Annual Report

Prepared by: Planning & Zoning Department Staff
December 31, 2023

Introduction

Planning Commission

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Zoning Board of Appeals

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Planning & Zoning Department

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

Planning Commission

Purpose

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

Members

Chair: Jeff Muck

Township Board Representative: Patricia Hughes

ZBA Representative: Joyce Priebe

Member: Ron Muir

Member: John Hamlin

Member: Victor Leabu

Member: Deborah Mariani

2023 PC Meetings

<u>PC Case Number</u>	<u>Applicant/Parcel ID/Address</u>	<u>Project Description Considered</u>	<u>Result / Status</u>
January 18, 2023			
<u>22-003</u>	9704 Kress Rd. (15-21-405-016)	Public hearing for Special Use Permit (22-003) to consider a request to construct two residential units in a proposed second-story addition at 9704 Kress Road (15-21-405-016).	Tabled (2/15/2023)
<u>SPA 22-0006</u>	9706 Kress Rd. (15-21-405-016)	Site Plan Review (SPA 22-0006) to consider a second-story addition over an existing commercial building to accommodate two residential units at 9704 Kress Road (15-21-405-016). Project will include exterior renovations to commercial building, removal of asphalt parking areas to north and west, and installation of new parking lot to the south. Applicant has requested waivers to the landscaping and parking requirements.	Tabled
February 15, 2023 – No Meeting			
March 15, 2023			
<u>SUP 22-003</u>	9704 Kress Road (15-21-405-016)	Special Use Permit (SUP 22-003) to consider a request to construct two residential units in a proposed second-story addition at 9704 Kress Road (15-21-405-016).	Approved/Conditions
<u>SPA 22-0006</u>	9704 Kress Road (15-21-405-016)	Preliminary Site Plan Review (SPA 22-0006) for a second-story addition over an existing commercial building to accommodate two residential units. Project will include exterior renovations to commercial building, removal of asphalt parking areas to north and west, and installation of new parking lot.	Approved/Conditions
	9700 Chilson Commons Circle (15-22-402-001)	Waiver to the sign regulations to permit four wall signs on the east front elevation of Kroger grocery store, totaling 481.2 square feet, and two wall signs on the south side facade totaling 31.65 square feet (one wall sign with a maximum size of 198 square feet permitted per Section 36-477) at 9700 Chilson Commons Circle (TID 15-22-402-001). Waiver to the sign regulations to permit four wall signs on an existing gas station canopy totaling 113.5 square feet (one sign with a	Approved

		maximum size of 48 square feet permitted per Section 36-477) at 9528 Chilson Commons Circle (TID 15-22-402-007).	
April 19, 2023			
<u>SPA 22-0006</u>	9704 Kress Road (15-21- 405-016)	Final Site Plan Review (SPA 22-0006) for a second-story addition over an existing commercial building to accommodate two residential units at 9704 Kress Road (TID 15-21- 405-016).	Approved/Conditions
<u>ZNA 23-001</u>	6716 Winans Lake Road (15-14-400-008 and 15-23-100-002)	ZMA 23-001: Zoning Map Amendment to change the zoning of the parcel commonly known as 6716 Winans Lake Road (TID 4715-14-400-008 and 4715-23-100-002) from Waterfront Residential (WFR) to Public and Private Recreation Facilities (PPRF) (Zoning Ordinance Section 36-185).	Approved
<u>SUP 23-001</u>	6716 Winans Lake Road (15-14-400-008 and 15-23-100-002)	SUP 23-001: Special use review to permit a public or private campground and lodge with associated private outdoor recreational areas and indoor recreational buildings for military veterans and their families at parcel commonly known as 6716 Winans Lake Road (TID 4715-14-400-008 and 4715-23-100-002) (Zoning Ordinance Section 36-185).	Approved/Conditions
May 31, 2023			
<u>SPA 23-0007</u>	10776 Hall Road (15-25-400-014)	Site Plan Review (SPA 22-0007) to consider the model of the existing building and construction of 10 new storage buildings at 10776 Hall Road (parcel number 15-25-400-014).	Approved/Conditions
<u>SPA 23-0001</u>	7749 E M-36 (15-25-200-068)	Site Plan Review (SPA 23-0001) for the construction of a 27,461 multi-tenant commercial building, with associated parking and site improvements. The applicant is requesting waivers to the landscaping standards. Site location 7749 E M-36; TID 15-25-200-068.	Approved/Conditions
<u>SUP 23-002</u>	10409 Merrill Road (15-26-100-017)	SUP 23-002: Public hearing for Special use permit review to allow an addition to the Hamburg Township Police Department building located at 10409 Merrill Road (TID 15-26-100-017) per Sections 36-171 and 36-36 of the Township Zoning Ordinance.	Approved
<u>SPA 23-0004</u>	10409 Merrill Road (15-26-100-017)	Site Plan Review (SPA 23-0004) for a 2,100-square foot addition to the Hamburg Township Police Department building at 10409 Merrill Road.	Approved
<u>PSP 23-005</u>	15-13-204-901	Preliminary site plan review (PSP 23-005) Amend Ore Lake Estates site condo development to reduce the number of lots to 7, removing a portion of the common elements, and adding a portion of the property (formerly unit 8) to the common area. Parcel IDs 15-13-204-901, -001, -002, -003, -004, -005, -006, -007	Approved/Conditions

June 21, 2023			
<u>SPA 23-0001</u>	7749 E M-36 (15-25-200-068)	Final Site Plan Review (SPA 23-0001) for the construction of a 22,360 square-foot multitenant commercial building, with associated parking and site improvements. Site location 7749 E M-36; TID 15-25-200-068.	Approved/Conditions
<u>SPA 23-0001</u>	6716 Winans Lake Road (15-14-400-008 and 15-23-100-002)	Site Plan Review (SPA 23-0001) for a private campground dedicated to use by United States military veterans and their families to include sports fields, tent camping area, cabins, recreational vehicle parking area, walking trail, service dog training facility, welcome center, memorial plaza, chapel, accessory structures, and docks on Gull Lake and Huron River at 6716 Winans Lake Road (TID 4715-14-400-008 and 4715-23-100-002).	Approved/Conditions
July 19, 2023 – No Meeting			
August 16, 2023			
<u>SPA 23-0001</u>	6716 Winans Lake Road (15-14-400-008 and 15-23-100-002)	Final Site Plan Review (SPA 23-0001) for a private campground dedicated to use by United States military veterans and their families to include sports fields, tent camping area, cabins, recreational vehicle parking area, walking trail, service dog training facility, welcome center, memorial plaza, chapel, accessory structures, and docks on Gull Lake and Huron River at 6716 Winans Lake Road (TID 4715-14-400-008 and 4715-23-100-002).	Approved/Conditions
September 20, 2023 – No Meeting			
October 18, 2023 – No Meeting			
November 15, 2023 – No Meeting			
December 20, 2023			
<u>PCPUD23-0001</u>	76200 M-36 and 10303 Hamburg Road	Preliminary Site Plan Application for General Planned Unit Development (GPUD23-001) The proposed project will utilize the General Planned Unit Development (GPUD) regulations (Section 36-439). The proposed project includes 40 for-rent Townhomes in eight buildings with between 4-7 units in each building and a 1,400 square foot community center/office management building. The project will extend the utilities and pedestrian trails/sidewalk systems from the M-36 intersection with Hamburg Road to Livingston Street to the south and Campbell Ct. to the east. The project also includes a 81,447 shared open space area (Parcel A).	Tabled to future meeting

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Zoning Board of Appeals

Purpose

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

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

Members

Chair/PC Representative: Joyce Priebe

Township Board Representative: Jason Negri

Member: Brian Ignatowski

Member: Bill Rill

Member: Craig Masserant

Meetings

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

2023 ZBA Meetings

<u>ZBA Case Number</u>	<u>Owner/Applicant/Parcel ID/Address</u>	<u>Project Description/Variance Requested/Appeal</u>	<u>Result / Status</u>
January 11, 2023			
<u>ZBA 22-0013</u>	3264 Rush Lake Rd. (15-17-302-088)	Variance application to allow the construction of a 62" tall retaining wall 35 feet for the ordinary high-water mark (OHM) of Rush Lake where 50 feet is required by the code (Section 36-293 (c)). Also, section 36-227 (b) of the Zoning Ordinance only allows a 48-inch-tall wall between the primary structure and the 50-foot waterbody setback and the proposed wall is 62-inches tall.	Granted
March 8, 2023			
<u>ZBA 23-001</u>	8882 Rushside Dr. (15-17-402-018)	Variance application to permit the construction of an 18-foot by 20-foot pergola with a 3- foot south side yard setback and a 36-foot setback from the ordinary high-water mark of Rush Lake (10-foot south side yard setback and 50-foot setback from the ordinary high-water mark required, Section 36-186).	Denied

<u>ZBA</u> <u>23-002</u>	2602 Baseview Blvd. (15-31-401-010)	Variance application to permit the construction of a two-and-a-half story dwelling with an 18-foot front north yard setback and a 5-foot, 10-inch east side yard setback (25-foot north front yard and 10-foot east side yard setback required, Section 36-186).	Tabled
<u>ZBA</u> <u>23-003</u>	Vacant (15-31-401-021)	Variance application to permit the construction of a 715-square foot accessory structure with a 20-foot front yard setback from Baseview Boulevard and an eight-foot encroachment into a regulated wetland (25-foot front yard setback required, Section 36- 215; 50-foot setback from a regulated wetland required, Section 36-293).	Tabled
<u>ZBA</u> <u>23-004</u>	10191 Imus Rd. (15-28-200-003)	Variance application to permit the construction of a 13.5-foot tall, 627-square foot accessory structure with a 3.5-foot south side yard setback and a two-foot setback from the ordinary high-water mark of Devil's Basin (maximum 10-foot tall, 144-square foot accessory structure permitted within 50 feet of the ordinary high-water mark, Section 36- 215; 10-foot side yard setback required, Section 36-186).	Granted
April 12, 2023			
<u>ZBA</u> <u>23-005</u>	4364 Old Mill Rd. (15-16-301-026)	Variance application to permit the construction of a covered porch with a 45-foot setback from the ordinary high water mark of Ibis Lake (50-foot setback required, Section 36-186).	Granted
<u>ZBA</u> <u>23-006</u>	9155 Riverside Dr. (15-24-102-099)	Variance application to permit the construction of a two-story addition to an existing dwelling. The addition will have a 5.25-foot south side yard setback (10-foot south side yard setback required, Section 36-186).	Granted
<u>ZBA</u> <u>23-007</u>	7749 E. M-36 (15-25-200-068)	Variance application to permit the relocation of a commercial driveway that will not meet the commercial driveway spacing requirements (Section 36-339).	Granted
May 10, 2023			
<u>ZBA</u> <u>23-002</u>	2602 Baseview Blvd. (15-31-401-010)	Variance application to permit the construction of a new single-family dwelling within the required 25-foot front north yard setback and within the required 10-foot east side yard setback (Section 36-186).	Granted
<u>ZBA</u> <u>23-003</u>	Vacant (15-31-401-021)	Variance application to permit the construction of an accessory structure within the required 25-foot front yard setback from Baseview Boulevard and encroaching into a regulated wetland (25-foot front yard setback required, Section 36-215; 50-foot setback from a regulated wetland required, Section 36-293).	Granted
<u>ZBA</u> <u>23-008</u>	10350 Half Moon Dr. (15-30-201-149)	Variance application to permit the construction of a new single-family dwelling within the 50-foot wetlands setback and 25-foot front yard setback (Section 36-186 and 36- 215).	Granted
June 14, 2023			
<u>ZBA</u> <u>22-008</u>	9960 Tioga Ct. (15-19-303-160)	Variance application to permit the construction of a 12-foot by 24-foot elevated deck encroaching more than six feet into the required setback (Section 36-230) at 9960 Tioga Court (TID 15-19-303-160).	Granted

<u>ZBA</u> <u>22-009</u>	2496 Baseview Dr. (15-31-304-037)	Variance application to permit the construction of a new single-story dwelling. The proposed dwelling will have an eight-foot west front yard setback (25-foot front yard setback required) and a 17-foot east rear yard setback (30-foot rear yard setback required) Section 36-186 at 2496 Baseview Drive (TID 15-31-304-037).	Granted
July 12, 2023			
<u>ZBA</u> <u>23-003</u>	Vacant (15-31-401-021)	Variance application to permit the construction of an accessory structure within the required front yard and wetlands setbacks per Sections 36-215 and 36-293.	Denied
<u>ZBA</u> <u>23-011</u>	8064 Kildeer (15-13-101-069)	Variance application to allow construction of a 720-square foot pole barn in the required front yard setback of a corner lot per Section 36-215(5).	Denied
<u>ZBA</u> <u>23-012</u>	8695 Beach Ave. (15-13-301-062)	Variance application to permit the construction of a second-story addition within the required side, front and ordinary high water mark setbacks per Section 36-186.	Granted
August 9, 2023			
<u>ZBA</u> <u>23-013</u>	11765 Pleasant View Dr. (15-31-402-049)	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).	Granted
September 13, 2023			
<u>ZBA</u> <u>23-014</u>	11600 Algonquin Dr. (15-31-301-043)	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)	Granted
October 11, 2023			
<u>ZBA</u> <u>23-015</u>	3168 Nisbet Rd. (15-17-301-005)	Variance application to permit the construction of a 2,060-square two-story foot single family home. Applicant is requesting three variances. Applicant requests a 19.6-foot variance from the required front yard 25-foot setback, per Section 36-186., a 1.7-foot variance from the required west side setback of 10 feet, per Section 36-186., and., a 6.5-foot variance from the required east side setback of 10 feet, per Section 36-186.	Granted

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

<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
19	12	21	20	21

Planning & Zoning Department

Staff

Planning & Zoning Director: Amy Steffens/David Rohr

Zoning Coordinator: Lisa Perschke

Code Enforcement Officer / Permit Tech.: Ted Michowski

Land Use Permits

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

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

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

2023 Land Use Permits

Hamburg Township issued 1000+ land use permits in 2023. The following table shows how many permits were issued per month by permit type.

Category	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Issued
Accessory Dwelling Unit	1				1			1					3
Addition			1	1	1	3	4	1	1	1			13
Alteration, Interior Remodel	5			2	3	4	1	5	1	3	1	1	26
Bed and Breakfast													0
Change of Use													0
Commercial New Construction			1						1				2
Commercial Tenant Improvement							2				1		3
Deck	1	2	8	6	8	8	9	3	6	3	2	1	57
Demolition	1			2			2	2		2	2	1	12
Fence	1		1	4	5		1	5	2	8	2	1	30
Garage	2		3		1	2	1				1		10
Grading				1		3	2						6
Home	5	2	1	3	4	3	3	6	3			1	31
Home Occupation											1		1
Mechanical Equipment	5	13	12	9	15	5	12	9	10	30	11	13	144
Mobile Home								1		1			2
Multi-family													0
Other	1	1	1	1	3	2	1	3	2	4	6	1	26
Patio		1	2		1	2		1		3	1		11
Pole Barn				1	1	2	1				1	3	9
Pool, above ground				1	1	1							3
Pool, inground			1			2		1					4
Porch					1			2	1				4
Repair, Reroof, Windows	13	8	26	25	33	37	164	218	188	137	85	32	966

Seasonal Sales						2							2
Seawall						2			1				3
Shed	1			1	1	3	3	3	2	2	3		19
Short Term Rentals	1				1	2				1	1		6
Sign			2		1			1	1	1		1	7
Solar Panels					1	2	1	1	1	1		1	8
Temporary Building or Use	1		1		1	1		1				1	6
Wireless Communication Facilities													0
TOTALS:	38	27	60	57	83	86	207	264	220	197	118	59	1414

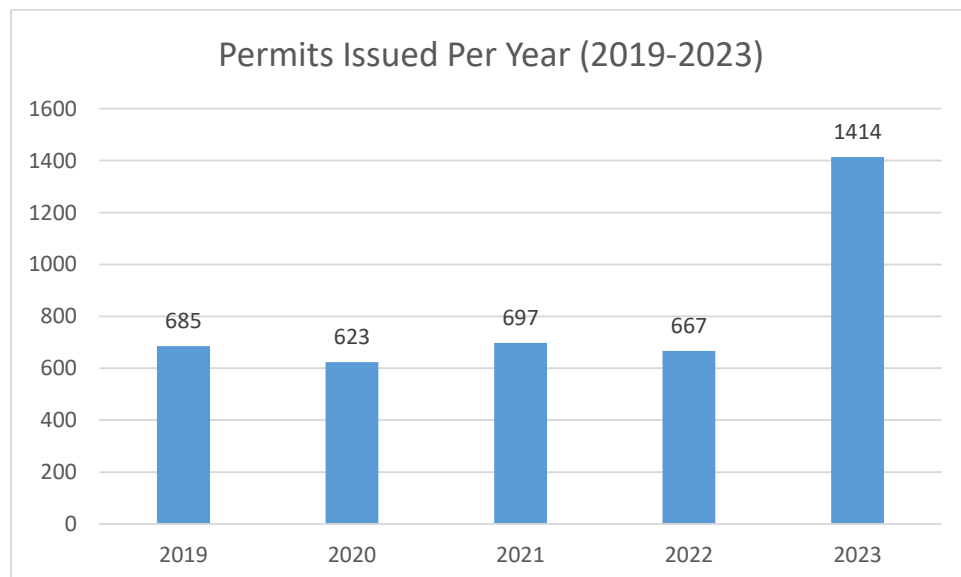
Land Use Permits Issued per Year:

2023

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

2022

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
24	40	53	62	77	71	66	62	69	73	40	30	667



From 2022 to 2023 there was a 111% increase in the number of total land use permits issued (increase of 774 permits). The significant increase in the number of issued permits was largely due to the significant weather event in July 2023. Significant hail damage resulted in 966 Roof/Window permits being issued. For comparison, 249 Roof/Window permits were issued in 2022. Importantly, even with the significant increase in permit numbers, there were no significant operational disruptions. Staff anticipates that the number of permits for 2024 will decline.

Code Enforcement

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

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

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

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

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

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

Code Enforcement Process

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

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

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

2023 Goals

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

Land Divisions, Boundary Adjustments, and Combinations

In 2023, staff processed applications for 18 applications. However, there are some applications that are still pending, either for incorrect legal descriptions, surveys required, or for delinquent taxes. There was an increase in the number of lot combinations processed due to the creation of a few special assessment districts for road maintenance. By combining platted lots of common ownership, this alleviates multiple assessments per property owner.

	<u>2023</u>	<u>2022</u>	<u>2021</u>
<u>Lot Combinations</u>	7	4	17
<u>Land Divisions</u>	0	0	3
<u>Boundary Adjustments</u>	5	1	4

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

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

Floodplain Activity

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

When property owners ask the township whether a property is in the floodplain, typically what they want to know is whether they will be required to purchase flood insurance. Flood insurance is required for structures in the floodplain that carry a federally back mortgage. However, for insurance requirements for these mortgages, FEMA cares only about the floodplain they have identified--the special flood hazard area (SFHA). FEMA defines the SFHA as that area that will be inundated by a flood event having a one percent chance of being equaled or exceeded in any given year; this area is commonly referred to as the 100-year flood or the base flood.

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

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

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

There is only one way to determine if a structure is truly in the floodplain based on elevations and that requires a topographical survey. Once the determination has been made that the structure is in the floodplain—whether by the mapped SFHA or by elevations—an elevation certificate is required at three points during the construction

process: prior to receiving a land use permit; when the foundation is installed and prior to vertical construction; and prior to final certificate of occupancy.

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

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

CRS Activity

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

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

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

Staff Training & Professional Activities of 2023

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

Lisa attended the trainings and participated in the professional activities listed below:

- December 2022-January 2023: Retook the MSU Extension Master Citizen Planner (6 section course) online and at home.
- January-April 2023: Took and passed the MSU Extension Zoning Administrator Certificate Course.
- January to September 2023: FEMA NFIP 101: Introduction to Floodplain Management (reference guide only) online- completed.
- March 1, 2023: Site Plan Review and Master Planning Process in Mt. Pleasant (MAP training)

- March 14, 2023: Advanced ZBA: Beyond the Fundamentals (MAP training)
- March 21 & 22, 2023: Planning and Zoning Essentials (MAP training)
- March 21, 2023: Zoning Administration (MAP training)
- August, September, October: FEMA and CRS training webinars.