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**Hamburg Township
Zoning Board of Appeals Minutes
Hamburg Township Board Room
Wednesday, May 8, 2019 Minutes
7:00 P.M.**

1. Call to order:

The meeting was called to order by Chairperson Priebe at 7:00 p.m.

2. Pledge to the Flag:

3. Roll call of the Board:

Present: Auxier, Bohn, Neilson, Priebe, & Watson,
Absent: None

Also Present: Amy Steffens, Planning & Zoning Administrator & Brittany Stein, Zoning Coordinator

4. Correspondence: None

5. Approval of Agenda:

Motion by Auxier, supported by Watson

To approve the agenda as presented

Voice vote: Ayes: 5 Nays: 0 Absent: 0 MOTION CARRIED

6. Call to the public:

Chairperson Priebe opened the hearing to the public for any item not on the agenda. There was no response. The call was closed.

7. Variance requests:

a. ZBA 2019-0005

Owner: Edward Murawski

Location: 10311 Kress Road, Lakeland, MI 48143

Parcel ID: 15-28-203-015

Request: Variance application to allow for the construction of a 100-square foot shed with a five-foot north side yard setback and a 10-foot east rear yard setback (10-foot side yard and 30-foot rear yard setbacks required, Sections 7.6.1. and 8.

Mr. Edward Murawski, applicant, stated that they are in a unique position because they are surrounded by alleys. There are also unusual wetlands in the rear of the property and the road right-of-way in the front. He was recently disabled and needs to park his vehicle in the garage and must move the lawn equipment, etc. somewhere else. He is asking for a minimal shed, which is 10'x10' to be placed near the north alley.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 7,492-square foot parcel improved with a 1,394-square foot single-family dwelling with a 360-square foot attached garage. The site is a triple frontage lot, which means that it has platted right-of-way on three sides. Single-family dwellings are located to the north, west, and south; a vacant parcel is to the east, which is developable. The site received ZBA approval in 1995 to remove an existing home and install a new manufactured home in the same location, resulting in deficient east and south yard setbacks. The ZBA also approved a variance in 1999 to allow for the construction of the attached garage, resulting in a deficient south front yard setback. Our ordinance only addresses corner lots. It does not address triple frontage lots or through lots, which is a lot that has right-of-way on two sides running parallel. When we look at a corner lot, the primary structure must meet front yard setbacks on both street frontages. Accessory structures we look at differently, because we recognize that on a corner lot, you are constrained by right-of-way. Accessory structures must meet the primary front yard setback and the side yard setback for the district, which gives some leeway for an accessory structure that may not be as impactful than a primary structure. In this case, we are looking at a primary front yard setback for an accessory structure of 25 feet and a 10 foot side yard setback. The applicant is proposing to put a very small shed in the north yard on the unimproved right-of-way side so that it would have a 5 foot setback rather than the required 10 foot. He would then have a 10 foot rear yard setback rather than the required 30 feet. In staff's opinion, this is the type of situation why variances were created. She discussed the Standards of Review. She stated that the site is constrained by the location of the existing house. The house location was created by variance, and the ZBA at that time found that the variance met the findings of fact for the request and granted the approval. That, along with the triple frontage, does mean that there is an extraordinary circumstance or condition that you may not find on other properties within the same zoning district. She stated that the shed is not necessary for the preservation of substantial property rights, but it is a customary residential accessory structure commonly found on other single family residential property. The proposed shed would have a 10 foot setback from the east property boundary which abuts a vacant lot that could accommodate a single-family dwelling and a five-foot setback from the unimproved right-of-way of Norene Drive that could be improved in the future. However, staff does not believe that the proposed 5 foot setback from an improved right-of-way would be detrimental to the public welfare. It would not create a site distance issue. The shed would be no more impactful at a 10-foot than the home would be at 10 feet. The subject property is designated Medium Density Rural Residential development in the future use map and is within the North Chain of Lake Planning Area in the Township Master Plan. This site would not change the character or the intent of the Master Plan. This site is severely constrained by the triple frontage and the way the site has been developed. The property is currently used for single-family residential and the use will not change if the proposed variance request is granted. She discussed the drawing showing the building envelope, house footprint and required setbacks. There is one compliant location for the shed in front of the main door to the dwelling. The proposed location is a less impactful location aesthetically and functionally than the single compliant location available for an accessory structure.

Chairperson Priebe opened the hearing to the public. There was no response. The call was closed.

Motion by Auxier, supported by Watson

To approve variance application ZBA 19-005 at 10311 Kress Road to allow for the construction of a 100-square foot shed with a five-foot north side yard setback and a 10-foot east rear yard setback (10-foot side yard and 30-foot rear yard setbacks required, Sections 7.6.1. and 8.3.). The variance does meet variance standards one through seven of Section 6.5 of the Township Ordinance and a practical difficulty does exist on the subject site when the strict compliance with the Zoning Ordinance standards are applied as discussed at tonight's hearing and as presented in the staff report. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

Voice vote: Ayes: 5 Nays: 0 Absent: 0 MOTION CARRIED

- b. ZBA 2019-0006
Owner: Jeffery Settle
Location: 10450 Kress Rd., Pinckney, MI 48169