
**Hamburg Township
Zoning Board of Appeals
Hamburg Township Board Room
Wednesday, August 12, 2020**

AGENDA

- 1. Call to order**
- 2. Pledge to the Flag**
- 3. Roll call of the Board**
- 4. Correspondence**
- 5. Approval of agenda**
- 6. Call to the public**
- 7. Variance requests**

ZBA 20-008

Owner: Michael Dolen

Location: 10910 Bob White Beach Boulevard
Whitmore Lake MI 48189

Parcel ID: 15-27-40-037

Request: Variance application to permit the construction of a 1,010-square foot accessory structure with a 15-foot front yard setback (25-foot front yard setback required, Section 8.3.) and a 15.3-foot setback from a regulated wetlands (50-foot setback from a regulated wetlands required per Section 9.9.3.B.).

ZBA 20-009

Owner: Linda Lee Lamb

Location: 8633 Country Club Drive
Pinckney, MI 48169

Parcel ID: 15-17-404-006

Request: Variance application to permit the construction of a ten-foot by thirty-foot patio structure with up to a one-foot south side yard setback (five-foot south side yard setback required, Section 8.18.1).

ZBA 20-010

Owner: Phillip Hatfield

Location: 3840 Langley Drive
Pinckney, MI 48169

Parcel ID: 15-29-202-030

Request: Variance application to permit the addition of a twelve-foot by twenty-three-foot attached accessory structure to the west facade of the existing dwelling, with up to a three-foot aggregate side yard setback (fifteen-foot aggregate side yard setback required, Section 7.6.1.fn4).

ZBA 20-011

Owner: Mark S. Ramsey IV

Location: 8424 Hillpoint Drive
Brighton MI 48116

Parcel ID: 15-13-102-068

Request: Variance application to allow a land division of parcel 15-13-102-068 to create lot A with a lot size of 0.33 acres and lot B with a lot size of 0.25 acres (one-acre minimum lot size required in the waterfront residential zoning district per Section 7.6.1.).

8. New/Old business

- a) Approval of July 8 and July 27, 2020 minutes
- b) Memo of findings

9. Adjournment



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7a

TO: Zoning Board of Appeals
(ZBA)

FROM: Amy Steffens, AICP

HEARING

DATE: August 12, 2020

SUBJECT: ZBA 20-008

PROJECT 10910 Bob White Beach
SITE: Boulevard
TID 15-27-401-037

APPLICANT/

OWNER: Michael Dolen



PROJECT: Variance application to permit the construction of a 1,010-square foot accessory structure with a 15-foot front yard setback (25-foot front yard setback required, Section 8.3.) and a 15.3-foot setback from a regulated wetland (50-foot setback from a regulated wetland required, Section 9.9.3.B.).

ZONING: WFR—Waterfront Residential

Project Description

The subject site is a 0.26-acre parcel. Strawberry Lake is to the west; single-family dwellings and associated accessory structures are located to the north, south, and east. Bob White Beach Boulevard traverses the site and the eastern portion of the site is the subject area.

If approved, the variance request would allow for the construction of a two-story, 1,010-square foot accessory structure, with a building height of 16 feet, 9 inches. The structure would have a 15-foot front yard setback from Bob White Beach Boulevard, where a 25-foot front yard setback would be required, and a 15.3-foot setback from a regulated wetland, where a 50-foot setback would be required. The subject area is developed with a 450-square foot garage with a 15.8-foot setback

from the wetlands, a two-foot south side yard setback, and a 34-foot front yard setback.

Wetlands Setback Standard

Section 9.9.3. requires a 50-foot setback from the boundary of a regulated wetland. However, *the Zoning Administrator or body undertaking plan review may reduce or eliminate the setback upon review of a request which details the future protection of the natural feature(s) and or mitigation of the natural feature(s).* The ZBA may either deny or grant the variance based on findings related to the proposed variance, or request that the owner detail the future protection of the wetland and direct the zoning administrator to administratively approve the encroachment.

The ZBA could request a property owner protect the wetlands with one of the following methods -.

1. The homeowner could submit an engineered drainage plan for the property, prepared either by a civil engineer or registered landscape architect that would ensure runoff from the garage does not drain into the wetlands.
2. The homeowner could construct a physical barrier along the wetlands to preserve the wetland from further encroachment by lawn equipment or any other trampling of the area.
3. The homeowner could record an open space or wetland easement over the wetland portion of the site to restrict development and interference with the natural vegetation of the area in the future.



example method #2 – physical wetland barrier

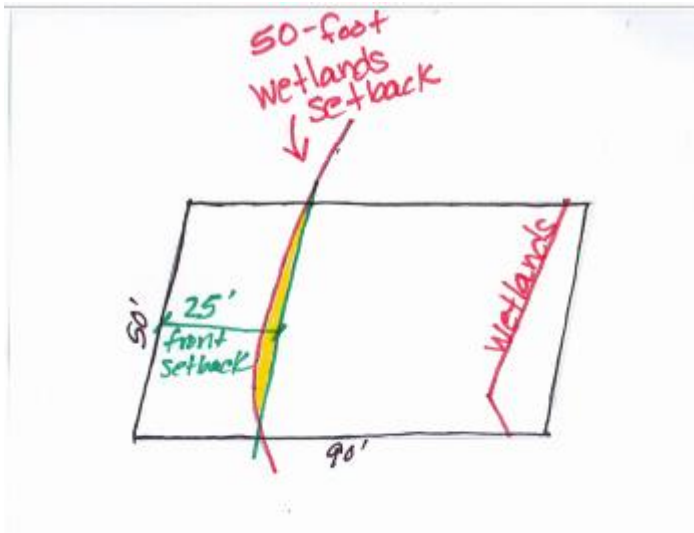
A wetlands delineation report has been submitted to Hamburg Township and forwarded to EGLE's Water Resources Division for comment. Exhibit B is an email exchange between the property owner and EGLE. The applicant should show the limits of grading on the plot plan prior to the issuance of any permits for earth work or construction. Any allowed setback variance granted as a result of this hearing will apply to the identified boundary of the wetland.

Standards of Review

The Zoning Board of Appeals (ZBA) decision in this matter is to be based on the findings of facts to support the following standards. The applicable discretionary standards are listed below in bold typeface followed by staff's analysis of the project as it relates to these standards. A variance may be granted only if the ZBA finds that the requested project meets all seven findings.

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 subject area is 50 feet wide at the street and 90 feet deep from west to east. Regulated wetlands encroach into the eastern portion of the site, placing the required wetland setback approximately 21 feet from the front property boundary. The structure also would require a 25-foot front yard setback from the front property boundary. The drawing below illustrates the wetlands setback in red, the front setback in green, and the overlapping setbacks in yellow. There is no compliant location on this portion of the parcel to construct a structure of any size.



The 50-foot regulated wetlands setback requirement applies generally to all properties in Hamburg Township. The presence of this regulated wetland encroachment onto the parcel is not a circumstance that generally is found on other properties in the same zone or district. The location of the wetland on this property adds practical difficulty to constructing an accessory structure within all required setbacks. However, the size of the proposed structure could be reduced in size to further reduce the variance request.

There is an exceptional or extraordinary circumstance or condition applicable to the property involved that does not apply to other properties in the same district or zone although it is the design preference of the applicant that necessitates the extreme wetlands setback 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.

The wetlands and front yard setback requirements result in no complaint building envelope for any sized accessory structure. While the proposed accessory structure is a customary and reasonable residential use approval of the variance request does not preserve or advance property rights as the parcel is developed for its zoned and intended use of single-family residential.

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 parcels to the south north are improved with accessory structures, and the parcel to the east is regulated wetlands. It is not likely that the reduced front yard setback will be aesthetically impactful to the adjacent properties.

See the analysis under standard four below with respect to the function of wetlands.

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

Below is an excerpt from the Hamburg Township Master Plan, Natural Resources Management Strategies chapter (page 100):

Natural Feature Setback Standards: The Township may enact general zoning standards that apply to all zoning districts. This could be in the form of a natural features setback requirement. The Zoning Ordinance could require that natural buffers be maintained along natural features such as waterways and wetlands. To protect the stability of bluffs surrounding these natural features, the setback requirement should be increased as the slope of the land increases. Standards could also be established to require that this setback be maintained in a natural condition.

There is a strong basis for this type of requirement. Development surrounding water features, particularly wetlands, affects the function of the water feature. Development immediately adjacent to a water feature may have the effect of increasing the disturbance to this natural ecosystem and reduce the water feature 's ability to perform these functions.

For example, wetlands are dependent upon an interaction between the wetland and the surrounding upland. In terms of hydrology, water enters a wetland from the surrounding upland area in a number of ways: overland flow, through the upper layers of the soil and through groundwater. The upland soil and vegetation surrounding the wetland all affect the amount, the means and the rate at which water enters the wetland following a storm or snow melt. Development of the surrounding upland will alter the relative balance between the overland (surface) flow and infiltration, resulting in a greater peak discharge to the wetland. In other instances, physical improvements such as structures, roads and storm sewer systems can intercept surface flow to the wetlands. These alterations to hydrology can result in much greater fluctuations in water levels between wet and dry seasons. The undisturbed soil between the site improvements and the wetlands acts as a buffer to try to maintain the natural upland/wetland interaction that existed prior to development.

In addition to the hydrologic function, waterways are natural open space corridors which serve as wildlife habitat. Animals move through suburban areas along remaining undeveloped natural

corridors, such as the numerous drainage ways that cross the Township. Development immediately adjacent to these natural features has a detrimental impact on wildlife habitat by moving structures and disturbance further into these natural corridors and increase the constriction of development on these habitats. Protection of the area that lines natural features is also important to wildlife because this is the interface between the aquatic and terrestrial (upland) ecosystems system. This interface is important to animals such as land mammals that need water or birds that will perch on trees while hunting for fish.

The intent of the 50-foot setback is to protect the environmental features that serve important ecological purposes. Wetlands protect against flooding, provide wildlife habitat, and naturally filter contaminants from water. The ZBA should consider requiring the property owner to either create a recorded conservation easement for the portion of wetlands on the parcel or construct a physical or vegetative barrier to further limit encroachment into the wetlands.

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.

Because of the wetland encroachment on the property the request for the variance is not of so general or recurrent a 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 residential and the proposed variance 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.

As discussed under standard number five, the Master Plan recommendations and the Zoning Ordinance requirements for wetlands setbacks clearly intend to protect the integrity of ecological features and their ability to continue to function without impediment. Staff also is considerate of the property rights of the owner and the intended purpose of the subject site to be used for single-family residential uses. The ZBA should balance the ecological importance of the wetlands, impact of the structure on the wetlands, and the property rights of the applicant. Requesting that the accessory structure be reduced in size to provide a greater wetlands setback, placing the wetlands into a recorded conservation easement, or creating a physical barrier to the wetlands would be appropriate conditions of approval.

“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. The ZBA then should direct staff to prepare a memorialization of the Board's decision that reflects the Board's action to accompany the hearing minutes and to be reviewed and approved at the next ZBA hearing.

Approval Recommendations:

The Zoning Board of Appeals should consider one or more of the following as a condition of project approval. Any conditions of approval should be enacted prior to the issuance of a land use permit:

1. An engineered drainage plan, prepared either by a civil engineer or registered landscape architect, for the property that would ensure runoff from the accessory structure does not drain into the wetlands.
2. Construct a physical barrier along the wetlands to preserve the wetland from further encroachment by lawn equipment or any other trampling of the area.
3. Record an open space or wetland easement over the wetland portion of the site to restrict development and interference with the natural vegetation of the area in the future.
4. The accessory structure size shall be reduced to further reduce the encroachment into the wetlands setback, allowing for a setback determined by the ZBA at the August 12, 2020 hearing.

Approval Motion:

Motion to approve variance application ZBA 20-008 at 10910 Bob White Beach Boulevard to permit the construction of a 1,010-square foot accessory structure with a 15-foot front yard setback (25-foot front yard setback required, Section 8.3.) and a 15.3-foot setback from a regulated wetlands (50-foot setback from a regulated wetland required, Section 9.9.3.B.), as shown on the plans filed dated June 17, 2020 and the wetlands identification report file dated June 2, 2020.

Variance approval is granted based on the following conditions: the applicant shall show the limits of grading on the plot plan at the time of land use permit issuance and (INSERT CONDITIONS FROM ABOVE). The variance does meet 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 meeting and as presented in the staff report. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

Exhibits

Exhibit A: Application materials, including wetlands delineation report

Exhibit B: email from EGLE

ZBA Case Number 20-0008
\$550

ZBA 20-0008

HAMBURG TOWNSHIP
Date: 07/10/2020 11:07:15 AM
Ref ZBA2000-08
Receipt 1230038
Amount \$550.00

Aug. 12



**Hamburg
Township**
a great place to grow

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: 7-6-2020
2. Tax ID #: 15- 27 - 401 - 037 Subdivision: Bob White Beach Lot No.: 35
3. Address of Subject Property: 10910 Bob White Beach Blvd.
4. Property Owner: Michael Dolen Phone: (H) 619-796-5355
Email Address: michaeldolen@gmail.com (W) 310-403-0085
Street: 10910 Bob White Beach Blvd. City Hamburg Twp. State MI
5. Appellant (If different than owner): same as owner Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 2019 Zoning District: WFR Flood Plain No
Lot 1*: 52' 50' 140.6' 133.5'
7. Size of Lot: Front Lot 2*: 50' Rear 50' Side 1 90' Side 2 90' Sq. Ft. 11,464 (combined)
*same tax ID, road runs between lots
11. Dimensions of Existing Structure (s) 1st Floor 29'2" x 56' 2nd Floor 29'2" x 56' Garage 20'7" x 22'6"
12. Dimensions of Proposed Structure (s) 1st Floor 29'2" x 56' 2nd Floor 29'2" x 56' Garage 28'10" x 35'0"
13. Present Use of Property: Personal residence
14. Percentage of Existing Structure (s) to be demolished, if any 100 % (garage only)
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:
Variance to build garage within 50 ft of regulated wetlands, with a reduced front setback of
15 ft instead of 25 ft.

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.

Please see attached.

- 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.

Please see attached.

- 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.

Please see attached.

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

Please see attached.

- 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.

Please see attached.

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

Please see attached.

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

Please see attached.

• 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.

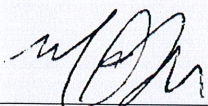
• I acknowledge that filing of this application grants access to the Township to conduct onsite investigation of the property in order to review this application.

• I understand that the house or property must be marked with the street address clearly visible from the roadway.

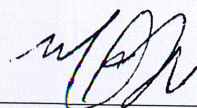
• I understand that there will be a public hearing on this item and that either the property owner or appellants shall be in attendance at that hearing.

• I understand that a Land Use Permit is required prior to construction if a variance is granted.

• 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

7-6-2020
Date

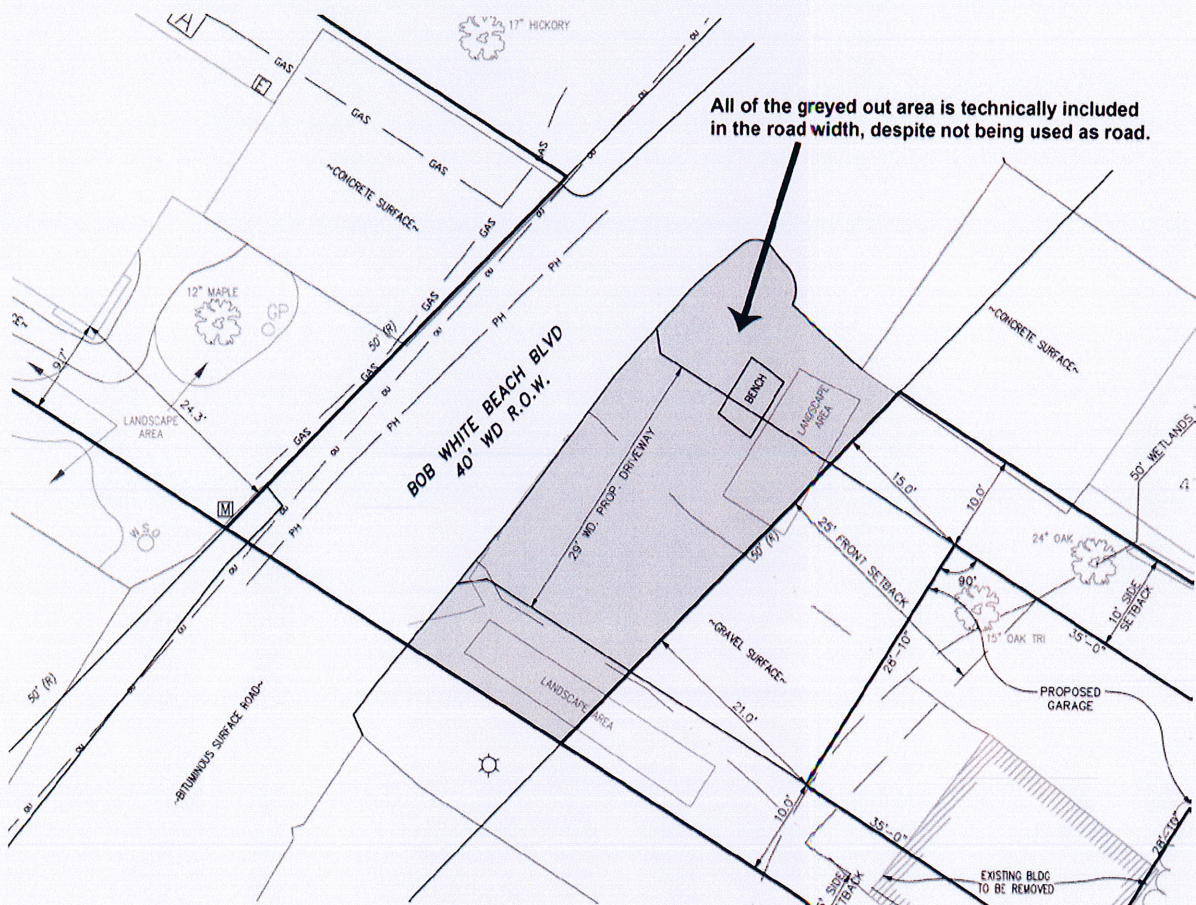

Appellant's Signature

7-6-2020
Date

18. 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.

On the southern half of Bob White Beach, lakefront homes have their garages in back, across the street. Our lot happens to have what may be the smallest piece of land for its garage; 50 by 90 foot. Normally, that would allow for the construction of a 30 by 35 foot garage. However, because the lot is in the shape of a slanted rectangle (parallelogram), that is not possible. The practical difficulty of building an asymmetric parallelogram shaped structure to follow the shape of this lot would render conformity unnecessarily burdensome.

By allowing the garage to encroach the front setback 10 feet, it would allow for a rectangular garage of the same allowable 35 foot depth which would otherwise be permitted, if the lot was rectangular. In order to respect the wetlands in back, an encroachment on the front is preferable versus the rear.



The survey data records the road as being 40 feet wide. In actuality, the literal paved road is between 17 to 19 feet wide. The remaining 21 to 23 feet of “road” is actually a lawn and a gravel driveway. It’s entirely on one side of the road – the same side as the garage lot.

This additional land, which is 21 to 23 feet in depth, consists of grass, planters, small trees, and a permanent bench carved out of old tree stumps (all of these were placed by prior owners, not us). It was erroneously assumed to be part of the property by prior owners, as well as us.

Because of this anomaly, even with a 10 foot encroachment on the front setback, the garage is still much further than 25 feet from the actual paved road (it's 35 to 40 ft away). In turn, it still holds true to the spirit of the 25 foot front setback.

For the existing garage, new garage, as well as neighboring garages, these all sit closer than 50 feet from regulated wetlands. Due to the particularly small lot size, it would not be possible to construct a garage that sat 50+ feet away. The average distance from the wetlands for the new garage is no closer than that of the existing garage.

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.

On the east side of Bob White Beach Blvd, where the houses' garages are located, others enjoy having a 2-car (or larger) garage, with depth and storage for watercraft, etc.

While it is true our property currently has a 2-car garage, it's made of old rotted logs, dilapidated, and is subject to wind, rain, and snow getting in. When we purchased the home in 2019, we did sand, paint and repair the garage as much as possible, but it remains unsafe to park cars inside and as such, is only being used as a very large storage shed. As a result, we are unable to enjoy the benefit of having a garage which is customary for the neighborhood.

Nearby properties have built garages which are 40+ feet in depth to accommodate storing boats on trailers. For example, the direct neighboring garages on both the left and right side of us are approximately 47 and 41 feet deep, respectively. Our replacement is less, at 35 feet. Even when encroaching the front setback by 10 feet, its distance to the paved street will be comparable to that of these neighboring garages.

During the off-season, our property's driveway has historically allowed for an unobtrusive placement of a pontoon boat. This is how we have stored it for the past year, as well as the prior owner for at least two decades. However, given the discovery that up to 23 feet of our driveway is government property since it's classified as being a road, it would not be right to continue storing it in such a manner, as it should be clearly and comfortably be on our property. Therefore, it is particularly important that we have adequate depth in our garage, similar to our adjacent neighbors, so we have the ability to store a pontoon inside. Furthermore, we want to respect the line of site for road traffic and neighbors backing out of their driveways.

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 granting of such variance will be an improvement to the public welfare, as well as neighboring properties.

The existing garage sits barely 2 feet from the southern property line. The new garage abides by the 10 foot required setbacks on both sides. Hence, it conforms to current standards and eliminates the crowding next to my neighbor's garage.

Wetland protection has been thoughtfully considered. Gutters will be used on the roof with downspout runoff designed to flow away from the direction of the wetlands. On the existing garage, at its closest point which is its southern corner, the distance is 15.8 feet from wetlands. The average distance for the new garage is no closer than that. Much of it is at a greater distance than 15.8 feet – up to approximately 35 feet away from wetlands, at its northern corner.

Jeff Pierce is the Environmental Quality Analyst assigned to our region from the Michigan Department of Environment, Great Lakes, and Energy (EGLE). He reviewed our wetland delineation report, as well as the site plot showing the locations of the existing and proposed garages. He said this plan *"would not have direct impacts on the wetland."* His letter is attached.

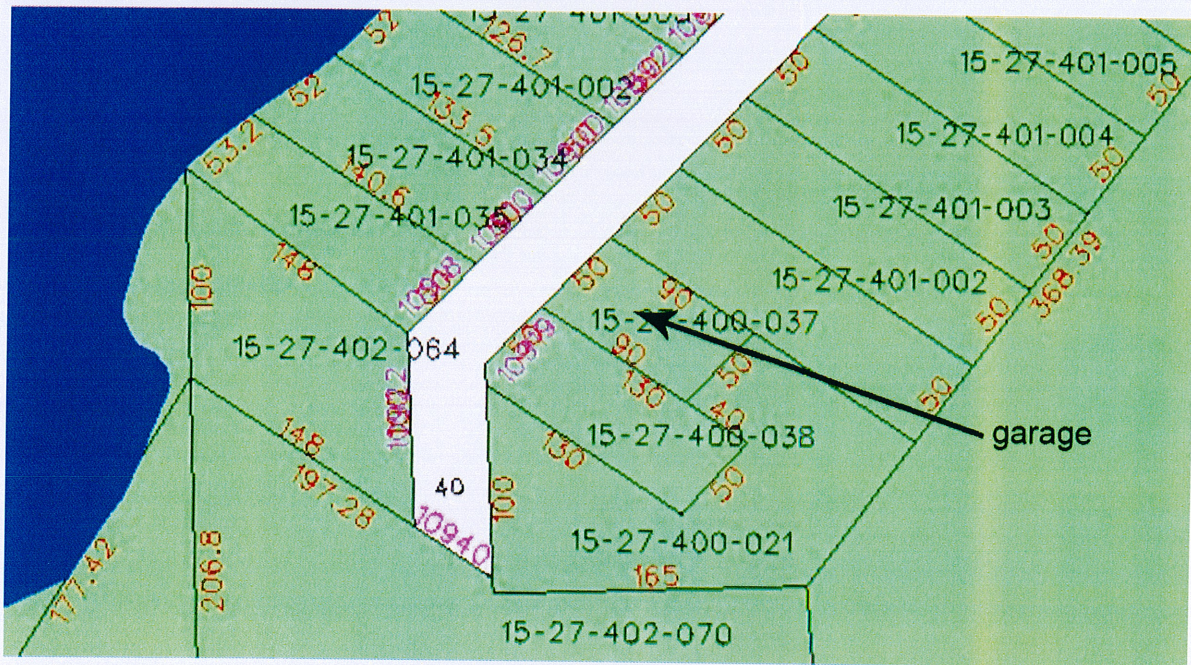
d) That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.

Dating back to the prior owners, the existing garage has long been a running joke with neighbors because it is an eyesore that does not even remotely match the styling of the associated house, or any neighboring houses. The Master Plan Community Goals state Waterfront Residential parcels *"should maintain their existing character and setbacks from the lakes."*

The new garage has been designed to match the existing character and styling of the associated house. This beautifies the neighborhood. Furthermore, since only other garages are found on this side of the road, no houses will have view corridors affected. Since the lake is on the opposite side of the road, with a house between the lake and the road, the garage does not affect lake setbacks, or any aesthetic characteristics of the coastline when viewed from the water.

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 a unique situation specific to this address, as the neighbors' garages to the left and right, as well as along this southern portion of Bob White Beach, have deeper pieces of land for their garages. As such, there is more flexibility in placement.



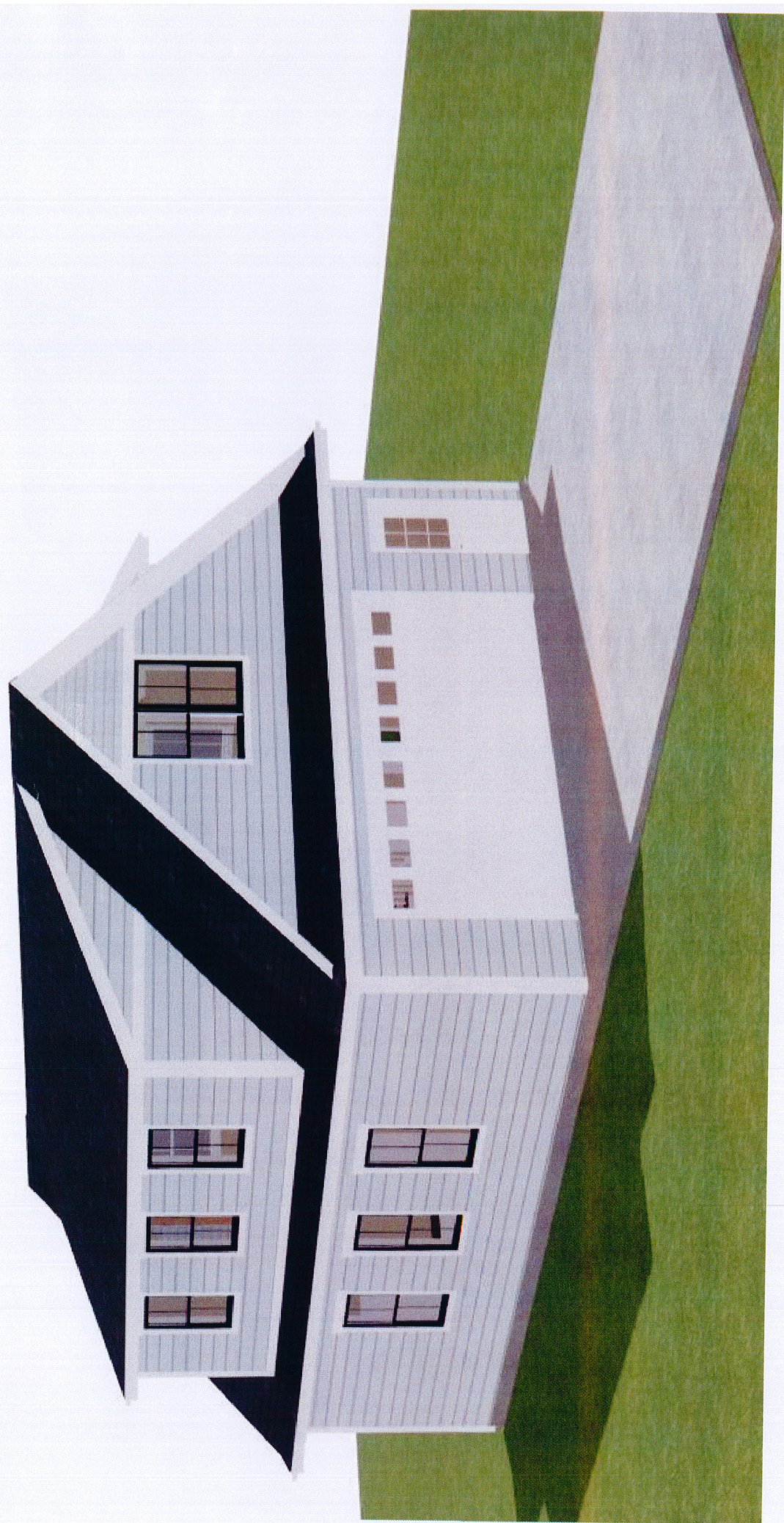
As you can see, the back of our lot was carved out for an unusual U-shaped lot which abuts the back of it. On a related note, this U-shaped lot is wetlands and does not have a house on it. There is a garage, but it's on the other end of the U, where you see the number 100.

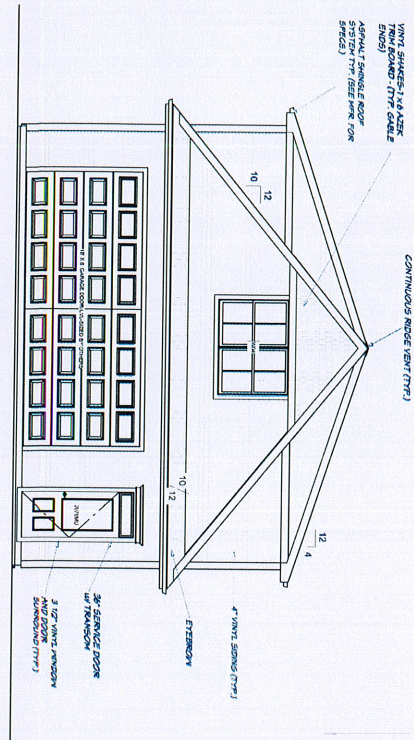
f) Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.

With the granting of the variance, the use of the property does **not** change. It remains a Single Family Residence with detached 2-car garage.

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

A 15 foot front yard setback is a reasonable deviation from 25 foot considering the unusually small lot size (50 x 90 feet), the parallelogram shape, and the fact that there is an additional 21 to 23 feet of open space in front of the lot, before the paved road. The partial encroachment of the 50-foot wetlands setback as required by ordinance is reasonable, given that its average distance to the wetlands is no closer than that of the existing garage.

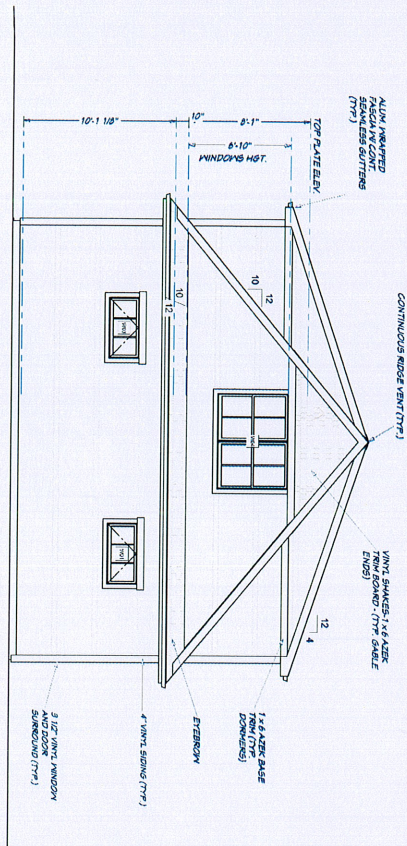




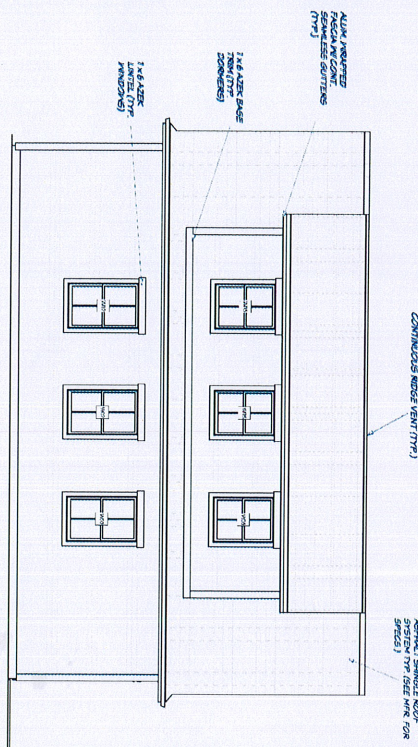
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

0.2

1 of 4

Elevations

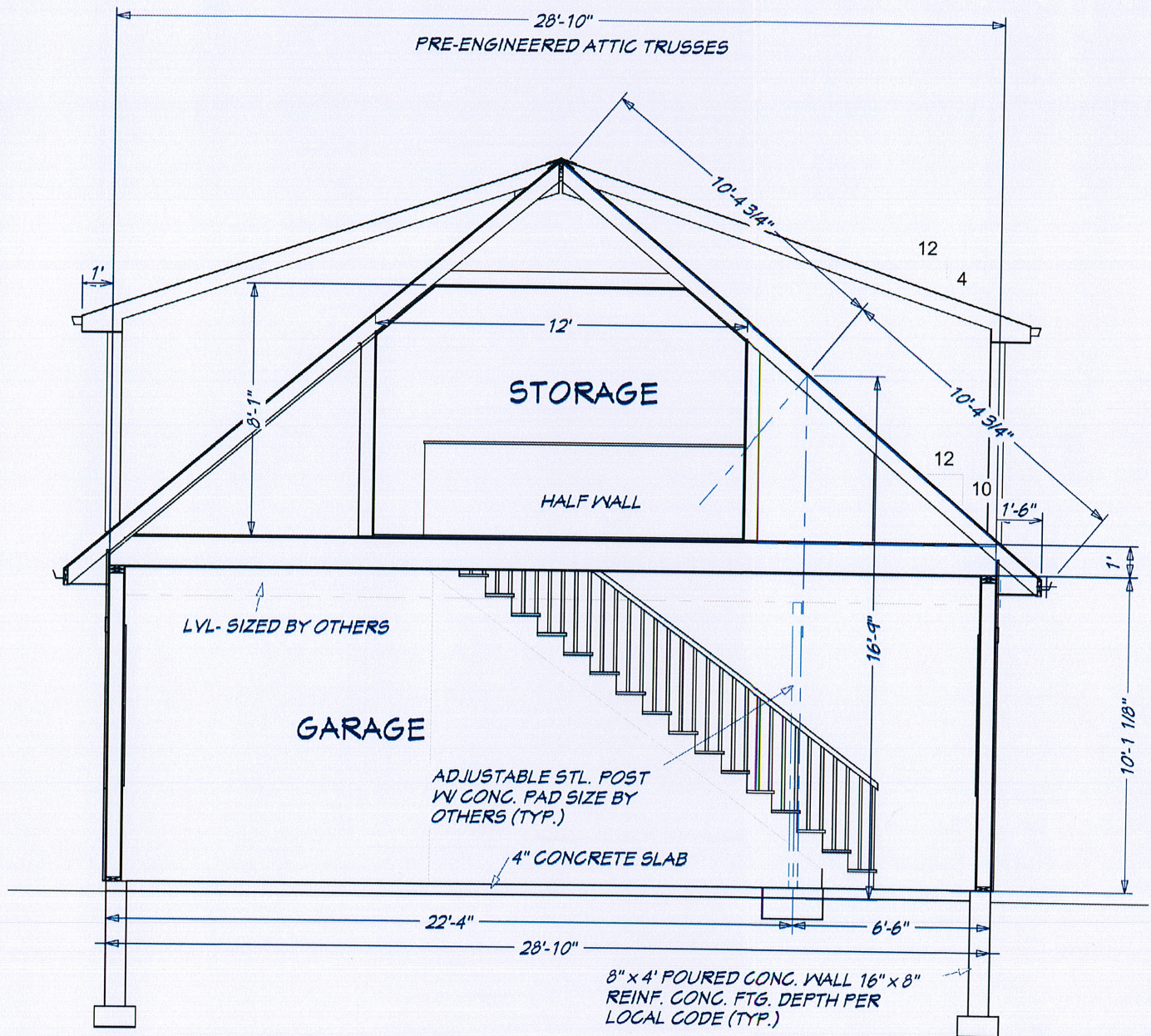
CADPRO DESIGN
7251 Hague Ave • Jackson, Michigan 49201
• 517 • 784 • 6051 •
• cadprodesignservices.com •

Cadpro Design Services, not being an architectural or engineering firm, does not intend to provide architectural or engineering design services. Any effort has been made to ensure all drawings are correct and government regulations have been met. If an error or omission does occur in the design, the user and/or architect is responsible and not the responsibility of Cadpro Design Services LLC.

Project Name:
Dolen Garage
10910 Bob White Blvd.
Whitmore Lake, Michigan

Drawn by:
Checked by:
Date:
12 June 2022
Revisions:
Name:
Description:

Sheet Title:
Elevations



SECTION A

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

Mailing Address:
P.O. Box 2160
Brighton, MI 48116-2160800 395-ASTI
Fax: 810.225.3800

www.asti-env.com

June 2, 2020

Mr. Michael Dolen
10910 Bob White Beach Road
Whitmore Lake, MI 48189

RE: *Wetland Delineation and Jurisdictional Assessment with GPS Survey*
10910 Bob White Beach Road
Sidwell No. 4715-27-401-037
Hamburg Township, Livingston County, Michigan
ASTI File No. 11501

Dear Mr. Dolen:

A site investigation was completed on May 22, 2020 by ASTI Environmental (ASTI) to delineate wetland boundaries on the above-referenced property located at 10910 Bob White Beach Road (Parcel No. 4715-27-401-037), Hamburg Township, Livingston County, Michigan (Property). The Property includes frontage along Strawberry Lake and is separated into two (east and west) by Bob White Beach Road: the home is located lakeside on the west side of Bob White Beach Road and a garage is located on the east side of Bob White Beach Road. One waterbody (Strawberry Lake) regulated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) was found on the Property and one wetland also regulated by EGLE was found adjacent to the Property (see Figure 1 – *GPS-Located Wetland Boundaries*). Waterbody and wetland boundaries, as depicted on Figure 1, were located by ASTI using a professional grade, hand-held global positioning system unit (GPS).

SUPPORTING DATA

The United States Geological Survey (USGS) Hamburg, Michigan 7.5' Quadrangle Map, the USDA Web Soil Survey (WSS), the National Wetland Inventory Map (NWI), the EGLE Wetlands Map Viewer web site, and digital aerial photographs were all used to support the wetland delineation and subsequent regulatory status determination. The EGLE map indicated the presence of wetland in the eastern portion of the Property. No other data indicated the presence of wetland on the Property. All reviewed data indicated Strawberry Lake adjacent to the northern portion of the Property.

The WSS indicates the Project Area is comprised of the soil map units of Warners loam and Carlisle muck (0-2% slopes). Both soil units are hydric soils according to the WSS.

FINDINGS

ASTI investigated the Project Area for the presence of lakes, ponds, wetlands, and watercourses. This work is based on MCL 324 Part 301, Inland Lakes and Streams and Part 303, Wetlands Protection.

The delineation protocol used by ASTI for this delineation is based on the US Army Corps of Engineers' *Wetland Delineation Manual*, 1987, the *Regional Supplement to the Corps of Engineer Wetland Delineation Manual: Midwest Region*, and related guidance/documents, as appropriate. Wetland vegetation, soils, and hydrology indicators were used to determine wetland boundaries.

Wetland A

Wetland A is a forested wetland located adjacent to the eastern property boundary line (Figure 1). Dominant vegetation found within Wetland A included silver maple (*Acer saccharinum*), green ash (*Fraxinus pennsylvanica*), and American elm (*Ulmus americana*). Soils within Wetland A were comprised of mucky sands and are considered hydric because the hydric soil criteria of sandy mucky mineral were met. Indicators of wetland hydrology observed within Wetland A included observations of water stained leaves, sparsely vegetated concave surfaces, and saturated soils.

Vegetation in the upland adjacent to Wetland A was dominated by Kentucky blue grass (*Poa pratensis*) and silver maple. Soils in the upland adjacent to Wetland A were comprised of loamy sands that did not exhibit hydric soils characteristics. No indicators of wetland hydrology were observed.

It is ASTI's opinion that Wetland A is regulated by EGLE under Part 303 because it is a portion of a wetland complex that is greater than five acres in size and is directly connected to Strawberry Lake to the west. Strawberry Lake exhibits an area of permanent open water greater than five acres in size and thus, meets the definition of an inland lake under Part 301.

Additionally, Hamburg Township requires a 50-foot setback from regulated wetlands per the Hamburg Township Zoning Ordinance, Article 9.9.3, Setback Standards. ASTI has indicated the location of this setback on Figure 1 as it applies to Wetland A.

Strawberry Lake

The northern portion of the Property includes Strawberry Lake frontage. As stated above, Strawberry Lake meets the definition of an inland lake under Part 301.

On-Site Flagging

On-site Strawberry Lake boundaries were marked in the field with day-glo pink pin flags stamped "WETLAND DELINEATION." All flagging was located with GPS and numbered as follows:

Strawberry Lake = B-1 through B-2

Off-site wetland boundaries (Wetland A) were not flagged, but were located with GPS and numbered as follows:

Wetland A = A-1 through A-7

SUMMARY

Based upon the data, criteria, and evidence noted above, it is ASTI's professional opinion that the Property includes one inland lake (Strawberry Lake) regulated by EGLE. It is also ASTI's professional opinion a wetland adjacent to the southeastern boundary (Wetland A) is also regulated by EGLE. However, EGLE has the final authority on the extent of regulated wetlands, lakes, and streams in the State of Michigan.

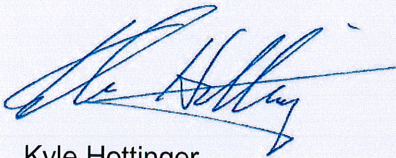
Attached are Figure 1, which shows the GPS-surveyed inland lake boundaries within the Project Area, adjacent off-site wetland boundaries, and completed US Army Corps of Engineers (ACOE) Wetland Data Forms.

Please note that Hamburg Township requires a setback of 50 feet from any EGLE-regulated wetlands for site development purposes.

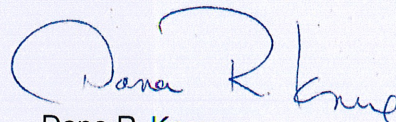
Thank you for the opportunity to assist you with this project. Please let us know if we can be of any further assistance in moving your project forward.

Cordially,

ASTI ENVIRONMENTAL

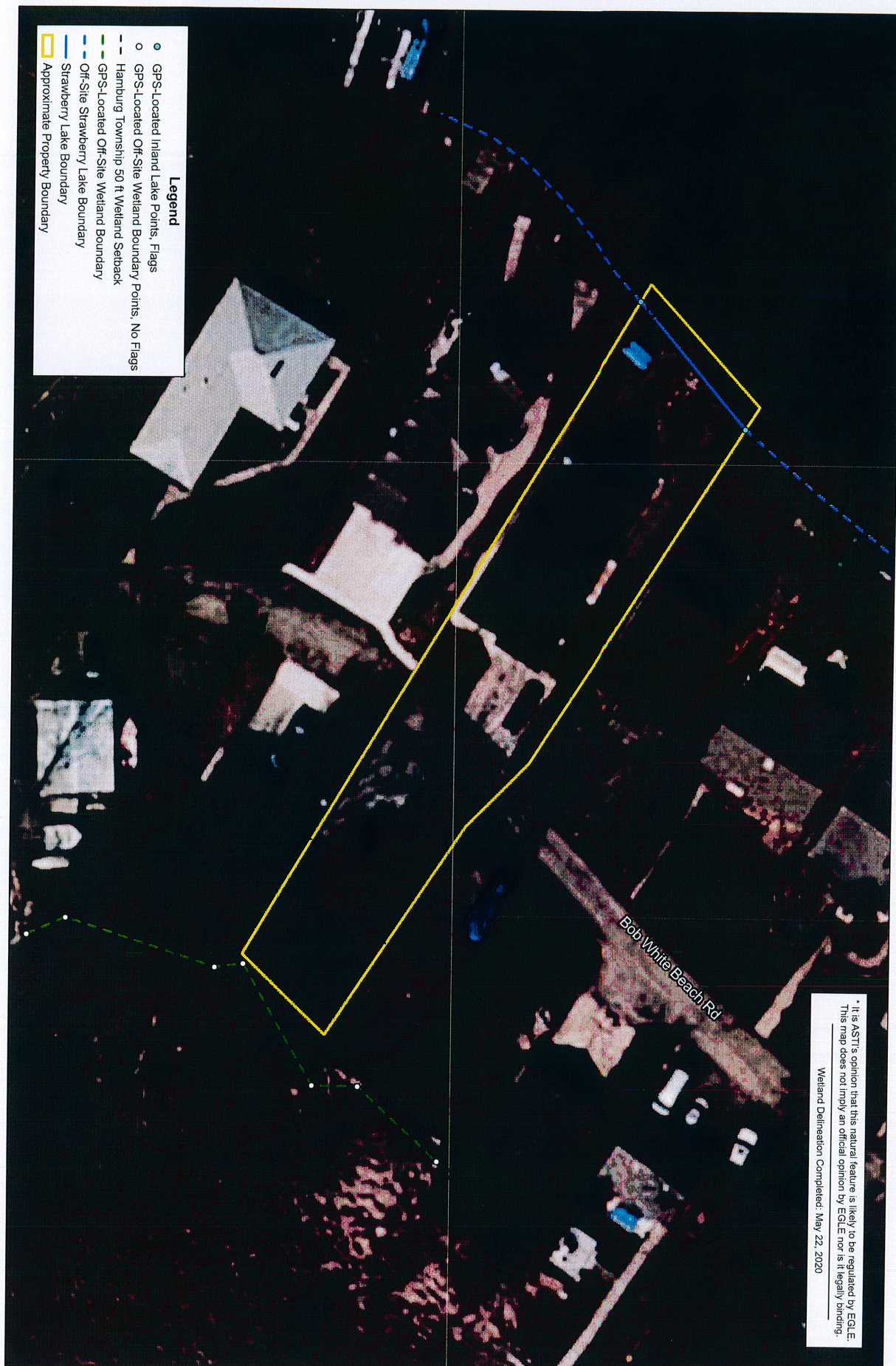


Kyle Hottinger
Wetland Ecologist
Professional Wetland Scientist #2927



Dana R. Knox
Wetland Ecologist
Professional Wetland Scientist #213

Attachments: Figure 1 – GPS-Located Wetland Boundaries
Completed ACOE Wetland Data Forms



10910 Bob White Beach Road
Sidwell No. 4715-27-401-037

Hamburg Twp.,
Livingston Co., MI

0 12.5 25 50
Feet



ASTI
ENVIRONMENTAL

Client: Michael Dolen
Created by: RMH, June 2, 2020, ASTI Project 11501
Imagery: SEMCOG, Maxar

Figure 1 - GPS-Surveyed Wetland Boundaries

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: 10910 Bob White Beach City/County: Hamburg Twp.-Livingston Co. Sampling Date: 5-22-20
 Applicant/Owner: Michael Dolen State: MI Sampling Point: UP-A4
 Investigator(s): ASTI- KAH Section, Township, Range: Sec 27 T1N R5E
 Landform (hillside, terrace, etc.): slight slope Local relief (concave, convex, none): slope
 Slope (%): 2-3 Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Carlisle muck (0-2% slopes) NWI classification: none
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes x No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks: Upland adjacent to Wetland A at flag A4 (on-site)	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Acer saccharinum</u>	<u>25</u>	<u>Yes</u>	<u>FACW</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
	<u>25</u> =Total Cover		
Sapling/Shrub Stratum (Plot size: <u>15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Lonicera tatarica</u>	<u>5</u>	<u>Yes</u>	<u>FACU</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
	<u>5</u> =Total Cover		
Herb Stratum (Plot size: <u>5'</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Poa pratensis</u>	<u>80</u>	<u>Yes</u>	<u>FAC</u>
2. <u>Alliaria petiolata</u>	<u>5</u>	<u>No</u>	<u>FAC</u>
3. <u>Glechoma hederacea</u>	<u>10</u>	<u>No</u>	<u>FACU</u>
4. <u>Taraxacum officinale</u>	<u>5</u>	<u>No</u>	<u>FACU</u>
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
	<u>100</u> =Total Cover		
Woody Vine Stratum (Plot size: <u>15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
	_____ =Total Cover		

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 66.7% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>25</u>	x 2 = <u>50</u>
FAC species <u>85</u>	x 3 = <u>255</u>
FACU species <u>20</u>	x 4 = <u>80</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>130</u> (A)	<u>385</u> (B)
Prevalence Index = B/A = <u>2.96</u>	

Hydrophytic Vegetation Indicators:

1 - Rapid Test for Hydrophytic Vegetation

X 2 - Dominance Test is >50%

3 - Prevalence Index is ≤3.0¹

4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: UP-A4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-3	10YR 4/3	100					Sandy	
3-18	10YR 4/3	70	10YR 6/3	30	C	M	Sandy	Faint redox concentrations with gravel and coarse sand

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- | | |
|--|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Gleyed Matrix (S4) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Sandy Redox (S5) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Stripped Matrix (S6) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Dark Surface (S7) |
| <input type="checkbox"/> Stratified Layers (A5) | <input type="checkbox"/> Loamy Mucky Mineral (F1) |
| <input type="checkbox"/> 2 cm Muck (A10) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) |
| <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) | <input type="checkbox"/> Redox Depressions (F8) |

Indicators for Problematic Hydric Soils³:

- ☐ Coast Prairie Redox (A16)
- ☐ Iron-Manganese Masses (F12)
- ☐ Red Parent Material (F21)
- ☐ Very Shallow Dark Surface (F22)
- ☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: none

Depth (inches):

Hydric Soil Present?

Yes No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

Secondary Indicators (minimum of two required)

- | | | |
|--|---|--|
| <input type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Water-Stained Leaves (B9) | <input type="checkbox"/> Surface Soil Cracks (B6) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Aquatic Fauna (B13) | <input type="checkbox"/> Drainage Patterns (B10) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> True Aquatic Plants (B14) | <input type="checkbox"/> Dry-Season Water Table (C2) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) | <input type="checkbox"/> Crayfish Burrows (C8) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) | <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) | <input type="checkbox"/> Stunted or Stressed Plants (D1) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) | <input type="checkbox"/> Geomorphic Position (D2) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Thin Muck Surface (C7) | <input type="checkbox"/> FAC-Neutral Test (D5) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | <input type="checkbox"/> Gauge or Well Data (D9) | |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | <input type="checkbox"/> Other (Explain in Remarks) | |

Field Observations:

- | | | | |
|------------------------|-------------|-------------|-------------------------|
| Surface Water Present? | Yes <u></u> | No <u>x</u> | Depth (inches): <u></u> |
| Water Table Present? | Yes <u></u> | No <u>x</u> | Depth (inches): <u></u> |
| Saturation Present? | Yes <u></u> | No <u>x</u> | Depth (inches): <u></u> |
- (includes capillary fringe)

Wetland Hydrology Present? Yes No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: 10910 Bob White Beach City/County: Hamburg Twp.-Livingston Co. Sampling Date: 5-22-20
 Applicant/Owner: Michael Dolen State: MI Sampling Point: UP-B1
 Investigator(s): ASTI - KAH Section, Township, Range: Sec 27 T1N R5E
 Landform (hillside, terrace, etc.): slight slope Local relief (concave, convex, none): slope
 Slope (%): 2-3 Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Warners loam NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present? Yes _____ No <u>X</u>	
Wetland Hydrology Present? Yes _____ No <u>X</u>	
Remarks:	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30'</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Acer platanoides</u>	<u>10</u>	<u>Yes</u>	<u>UPL</u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
<u>10</u> =Total Cover			
Sapling/Shrub Stratum (Plot size: <u>15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
_____ =Total Cover			
Herb Stratum (Plot size: <u>5'</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Poa pratensis</u>	<u>95</u>	<u>Yes</u>	<u>FAC</u>
2. <u>Taraxacum officinale</u>	<u>5</u>	<u>No</u>	<u>FACU</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
<u>100</u> =Total Cover			
Woody Vine Stratum (Plot size: <u>15'</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
_____ =Total Cover			

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 50.0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>0</u>	x 2 = <u>0</u>
FAC species <u>95</u>	x 3 = <u>285</u>
FACU species <u>5</u>	x 4 = <u>20</u>
UPL species <u>10</u>	x 5 = <u>50</u>
Column Totals: <u>110</u> (A)	<u>355</u> (B)

Prevalence Index = B/A = 3.23

Hydrophytic Vegetation Indicators:

1 - Rapid Test for Hydrophytic Vegetation _____

2 - Dominance Test is >50% _____

3 - Prevalence Index is ≤3.0¹ _____

4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet) _____

Problematic Hydrophytic Vegetation¹ (Explain) _____

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: UP-B1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	10YR 4/3	100					Sandy	
5-18	10YR 4/3	70	10YR 6/3	30	C	M	Sandy	Faint redox concentrations

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.²Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators:**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Gleyed Matrix (S4)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Sandy Redox (S5)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Stripped Matrix (S6)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Dark Surface (S7)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Mucky Mineral (F1)
<input type="checkbox"/> 2 cm Muck (A10)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)	<input type="checkbox"/> Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Red Parent Material (F21)
<input type="checkbox"/> Very Shallow Dark Surface (F22)
<input type="checkbox"/> Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.**Restrictive Layer (if observed):**
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No X
Remarks:
 This data form is revised from Midwest Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> True Aquatic Plants (B14)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Gauge or Well Data (D9)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes _____	No <u>x</u>	Depth (inches): _____
Water Table Present?	Yes _____	No <u>x</u>	Depth (inches): _____
Saturation Present?	Yes _____	No <u>x</u>	Depth (inches): _____
(includes capillary fringe)			

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: 10910 Bob White Beach City/County: Hamburg Twp.-Livingston Co. Sampling Date: 5-22-20
 Applicant/Owner: Michael Dolen State: Sampling Point: WET-A4
 Investigator(s): ASTI-KAH Section, Township, Range: Sec 27 T1N R5E
 Landform (hillside, terrace, etc.): slight depression Local relief (concave, convex, none): concave
 Slope (%): 1-2 Lat: Long: Datum:
 Soil Map Unit Name: Carlisle muck (0-2% slopes) NWI classification: none

Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No (If no, explain in Remarks.)
 Are Vegetation, Soil, or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes x No
 Are Vegetation, Soil, or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No	Is the Sampled Area within a Wetland? Yes <u>X</u> No
Hydric Soil Present? Yes <u>X</u> No	
Wetland Hydrology Present? Yes <u>X</u> No	
Remarks:	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 30')	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>8</u> (A) Total Number of Dominant Species Across All Strata: <u>8</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100.0%</u> (A/B)																
1. <i>Acer saccharinum</i>	60	Yes	FACW																	
2. <i>Ulmus americana</i>	20	Yes	FACW																	
3. <i>Fraxinus pennsylvanica</i>	20	Yes	FACW																	
4. _____																				
5. _____																				
	100	=Total Cover																		
Sapling/Shrub Stratum (Plot size: 15')				Prevalence Index worksheet: <table border="1"> <thead> <tr> <th>Total % Cover of:</th> <th>Multiply by:</th> </tr> </thead> <tbody> <tr> <td>OBL species <u>10</u></td> <td>x 1 = <u>10</u></td> </tr> <tr> <td>FACW species <u>155</u></td> <td>x 2 = <u>310</u></td> </tr> <tr> <td>FAC species <u>0</u></td> <td>x 3 = <u>0</u></td> </tr> <tr> <td>FACU species <u>10</u></td> <td>x 4 = <u>40</u></td> </tr> <tr> <td>UPL species <u>0</u></td> <td>x 5 = <u>0</u></td> </tr> <tr> <td>Column Totals: <u>175</u> (A)</td> <td><u>360</u> (B)</td> </tr> <tr> <td colspan="2">Prevalence Index = B/A = <u>2.06</u></td> </tr> </tbody> </table>	Total % Cover of:	Multiply by:	OBL species <u>10</u>	x 1 = <u>10</u>	FACW species <u>155</u>	x 2 = <u>310</u>	FAC species <u>0</u>	x 3 = <u>0</u>	FACU species <u>10</u>	x 4 = <u>40</u>	UPL species <u>0</u>	x 5 = <u>0</u>	Column Totals: <u>175</u> (A)	<u>360</u> (B)	Prevalence Index = B/A = <u>2.06</u>	
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OBL species <u>10</u>	x 1 = <u>10</u>																			
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UPL species <u>0</u>	x 5 = <u>0</u>																			
Column Totals: <u>175</u> (A)	<u>360</u> (B)																			
Prevalence Index = B/A = <u>2.06</u>																				
1. <i>Lonicera tatarica</i>	10	No	FACU																	
2. <i>Frangula alnus</i>	20	Yes	FACW																	
3. <i>Fraxinus pennsylvanica</i>	20	Yes	FACW																	
4. <i>Ribes americanum</i>	5	No	FACW																	
5. _____																				
	55	=Total Cover																		
Herb Stratum (Plot size: 5')				Hydrophytic Vegetation Indicators: 1 - Rapid Test for Hydrophytic Vegetation X 2 - Dominance Test is >50% X 3 - Prevalence Index is ≤3.0 ¹ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.																
1. <i>Symplocarpus foetidus</i>	5	Yes	OBL																	
2. <i>Impatiens capensis</i>	10	Yes	FACW																	
3. <i>Iris versicolor</i>	5	Yes	OBL																	
4. _____																				
5. _____																				
6. _____																				
7. _____																				
8. _____																				
9. _____																				
10. _____																				
	20	=Total Cover																		
Woody Vine Stratum (Plot size: 15')				Hydrophytic Vegetation Present? Yes <u>X</u> No																
1. _____																				
2. _____																				
		=Total Cover																		
Remarks: (Include photo numbers here or on a separate sheet.)																				

SOIL

Sampling Point: WET-A4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-22	10YR 2/1	100					Mucky Sand	22' + mucky sand

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- | | |
|--|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Gleyed Matrix (S4) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Sandy Redox (S5) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Stripped Matrix (S6) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> ? Dark Surface (S7) |
| <input type="checkbox"/> Stratified Layers (A5) | <input type="checkbox"/> Loamy Mucky Mineral (F1) |
| <input type="checkbox"/> 2 cm Muck (A10) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) |
| <input checked="" type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) |
| <input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) | <input type="checkbox"/> Redox Depressions (F8) |

Indicators for Problematic Hydric Soils³:

- ☐ Coast Prairie Redox (A16)
- ☐ Iron-Manganese Masses (F12)
- ☐ Red Parent Material (F21)
- ☐ Very Shallow Dark Surface (F22)
- ☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: none

Depth (inches):

Hydric Soil Present? Yes ☒ No ☐

Remarks:

This data form is revised from Midwest Regional Supplement Version 2.0 to include the NRCS Field Indicators of Hydric Soils, Version 7.0, 2015 Errata. (http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051293.docx)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Surface Water (A1) | <input checked="" type="checkbox"/> Water-Stained Leaves (B9) |
| <input checked="" type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Aquatic Fauna (B13) |
| <input checked="" type="checkbox"/> Saturation (A3) | <input type="checkbox"/> True Aquatic Plants (B14) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Presence of Reduced Iron (C4) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Thin Muck Surface (C7) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | <input type="checkbox"/> Gauge or Well Data (D9) |
| <input checked="" type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | <input type="checkbox"/> Other (Explain in Remarks) |

Secondary Indicators (minimum of two required)

- ☐ Surface Soil Cracks (B6)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Crayfish Burrows (C8)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Stunted or Stressed Plants (D1)
- ☒ Geomorphic Position (D2)
- ☒ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Depth (inches):	
Water Table Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Depth (inches):	12
Saturation Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Depth (inches):	2

(includes capillary fringe)

Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:



Michael Dolen <michaeldolen@gmail.com>

Fw: Wetlands Delineation - 10910 Bob White Beach Blvd, Whitmore Lake, MI 48189

Michael Ackermann <mjackermann@yahoo.com>
To: "michaeldolen@gmail.com" <michaeldolen@gmail.com>

Mon, Jun 22, 2020 at 1:41 PM

----- Forwarded Message -----

From: Pierce, Jeff (EGLE) <piercej2@michigan.gov>
To: Michael Ackermann <mjackermann@yahoo.com>
Sent: Monday, June 22, 2020, 01:01:49 PM PDT
Subject: RE: Wetlands Delineation - 10910 Bob White Beach Blvd, Whitmore Lake, MI 48189

Hi Michael,

Thank you for providing the wetland delineation and project plans for your proposed garage construction. Based on my review of the materials you provided, the proposed construction of the garage would not involve construction or filling within regulated wetland and would not have direct impacts on the wetland. Therefore, a permit would not be required under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, for the construction of the garage as proposed.

IF you have any additional questions regarding your project please contact me by phone or email.

Jeff Pierce

Environmental Quality Analyst

Water Resources Division, Lansing District Office

Michigan Department of Environment, Great Lakes, and Energy

517-416-4297 | piercej2@Michigan.gov

[Follow Us | Michigan.gov/EGLE](#)

Due to temporary layoffs of State employees, I will not be working every Friday through July 24. I will not be able to respond to emails or phone calls on those days. Thank you.

From: Michael Ackermann <mjackermann@yahoo.com>
Sent: Friday, June 19, 2020 3:50 PM
To: Pierce, Jeff (EGLE) <PierceJ2@michigan.gov>
Subject: Fw: Wetlands Delineation - 10910 Bob White Beach Blvd, Whitmore Lake, MI 48189



Zoning Board of Appeals Staff Report

**AGENDA ITEM: 7 B**

TO: Zoning Board of Appeals
(ZBA)

FROM: Erik Perdonik

HEARING DATE: August 12, 2020

SUBJECT: ZBA 20-0009

PROJECT SITE: 8633 Country Club Dr.
TID 15-17-404-006

**APPLICANT/
OWNER:** Linda Lee Lamb

PROJECT: Variance application to permit the construction of a ten-foot by thirty-foot patio structure with up to a one-foot south side yard setback (five-foot south side yard setback required, Section 8.18.1).

ZONING: Waterfront Residential District (WFR)

Project Description

The subject site is an approximately 6,400-square foot (0.15-acre) property that fronts on Country Club Drive to the west. An existing single-story, single-family dwelling with an attached garage is located on the site, with a combined footprint of approximately 1,540 square feet. Single-family dwellings are located to the north, east, south, and west of the site. According to a February 28, 2019 email from Jeff Pierce with EGLE, wetlands are not present on the site.

If approved, the variance request would permit the construction of a ten-foot by thirty-foot patio structure with up to a one-foot south side yard setback (five-foot south side yard setback required, Section 8.18.1).

Project History/Context Overview

Staff issued a Land Use Permit (19-0141) for the construction of the existing single-family dwelling and attached garage on May 1, 2019. The plans approved for that permit include a proposed *five-foot* by thirty-foot patio structure in the same location as the proposed *ten-foot* by thirty-foot patio structure that is the subject of this variance request. It appears that the approved *five-foot* by thirty-foot patio structure was never constructed.

The applicant formally applied for the variance before you this evening on July 08, 2020. In his application, he cites a desire “to have a patio next to [the] kitchen,” and wanting to provide “an outdoor eating area in an otherwise unused area” as reasons for granting the variance request. Since an existing sliding door on the south wall of the house would provide access to the proposed patio, the chosen location is logical.

Drainage

The site plan dated June 26, 2020 submitted for this variance request shows a proposed drainage system that should ensure that any additional stormwater runoff generated on-site by the proposed patio would be managed on-site. The proposed system would use a curb/gutter to direct stormwater into a four-inch PVC pipe that empties into a detention basin near the subject site’s east property line.

Standards of Review

In accordance with Section 6.5.C 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 five-foot side yard setback required for patio structures under Section 8.18.1 of the Zoning Ordinance applies generally to all properties in the WFR District and Township-wide rather than just the subject site. However, the subject site is

exceptionally narrow with an average lot width of just 42.5 feet. In addition, the existing dwelling is sited approximately ten feet from the south property line in compliance with the setback requirements of Section 7.6.1 of the Zoning Ordinance. As a result, the buildable area for a patio structure along the south side of the dwelling is just five-feet in width, which limits the usability of the structure.

Nevertheless, Staff issued a Land Use Permit on May 1, 2019 for the existing dwelling on the subject site with a compliant five-foot by thirty-foot patio structure proposed in the same location as the proposed ten-foot by thirty-foot patio structure that is the subject of this 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.**

There are several locations on the subject site where a compliant and usable patio structure could be constructed, and thus granting a variance to allow a noncompliant patio structure in a particular location is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. However, a compliant patio structure along the south side of the existing dwelling in particular would be limited in terms of usability in light of the required five-foot setback, narrow lot width, and location of the existing dwelling.

- 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 primary concern with regard to the addition of impermeable surface in a required yard setback by constructing the patio structure is increased stormwater runoff onto property adjoining the subject site. So long as the applicant constructs the drainage system for the patio structure in accordance with the site plan dated June 26, 2020, submitted for the subject variance request, granting of the variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the zone or district in which the property is located, the WFR District, as all stormwater runoff would be managed on the subject site.

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

The subject site is within the West Hamburg/Rush Lake planning area of the Master Plan, which envisions medium-density (one dwelling unit per acre) residential, commercial, and public land uses which enhance the Rush Lake area as a secondary center of community activity. In addition, the subject site is classified as High Density Single Family Residential (one dwelling unit per quarter-acre) on the Future Land Use Map. Because the variance request is not based upon an increase in residential density, but rather the addition of a patio structure, granting the request will not adversely affect the purpose or objectives of 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 subject property for which the variance is sought is not of so general or recurrent nature in light of the subject site's exceptionally narrow average lot width of 42.5 feet. In addition, no other variances have been requested for the subject property.

- 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 use of the subject site is presently single-family residential, which is a use permitted by right in the WFR District in which it is located, and granting a variance to permit the construction of a patio structure will not change the present use.

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

With the construction of the dwelling and garage, reasonable use of the land is already permitted. In addition, a complaint patio structure can be constructed along the south side of the dwelling, despite the required five-foot south side yard setback, as evidenced by the applicant's plans issued a Land Use Permit on May 1, 2019 for the existing dwelling on the subject site with a proposed five-foot by thirty-foot patio structure meeting the required five-foot south side yard setback. Nevertheless, a patio just five feet in width would be limited in terms of its usability.

"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 approval of the variance request considering a thorough review and discussion among ZBA members.

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. The ZBA then should direct Staff to prepare a memorialization of the Board's decision that reflects the Board's action to accompany the hearing minutes and to be reviewed and approved at the next ZBA hearing.

Approval Recommendations

The ZBA should consider the following as a condition of project approval:

1. Prior to final inspection by the Township, the stormwater management system for the proposed patio provided on the site plan dated June 26, 2020 shall be installed and functioning.

Approval Motion

Motion to approve variance application ZBA 20-0009 at 8633 Country Club Drive to permit the construction of a ten-foot by thirty-foot patio structure with up to a one-foot south side yard setback (five-foot south side yard setback required, Section 8.18.1).

Variance approval is granted based on the following condition(s): (INSERT CONDITION(S) FROM ABOVE). The variance meets variance standards one (1) through seven (7) of Section 6.5 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. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

Denial Motion

Motion to deny variance application ZBA 20-0009 at 8633 Country Club Drive to permit the construction of a ten-foot by thirty-foot patio structure with a one-foot south side yard setback (five-foot south side yard setback required, Section 8.18.1).

The variance does not meet variance standards one (1), two (2), or seven (7) of Section 6.5 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. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

Exhibits

Exhibit A – Application Materials

Exhibit B – Site Plan

Exhibit C – Construction Plans

Exhibit D – Land Use Permit 19-0141 issued May 1, 2019 for existing dwelling

Exhibit E – Approved Site Plan for existing dwelling including 5' x 30' patio

Exhibit F – Hamburg Township Utilities Review

EXHIBIT A - APPLICATION MATERIALS

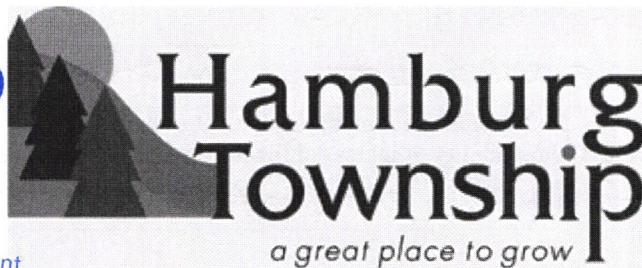
HAMBURG TOWNSHIP
 Date 07/08/2020 3:24:13 PM
 Ref ZBA2020-009
 Receipt 1229965
 Amount \$500.00

ZBA Case Number 20-009
\$500

RECEIVED

JUL 08 2020

Hamburg Township
 Planning and Zoning Department
 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: JULY 8 2020
2. Tax ID #: 15- 17 404 006 Subdivision: HERNDONS RUSH LK. Lot No.: 252
3. Address of Subject Property: 8633 COUNTRY CLUB ST
4. Property Owner: LINDA LAMB Phone: (H) 734-776-6925
 Email Address: Lindaleelamb@hotmail.com (W) Retired
 Street: 8633 Country Club Dr. City Pinckney State MI
5. Appellant (If different than owner): MARSHALL SMITH Phone: (H) 734 878 1650
 E-mail Address: MARSHALL@SMITHBUILDERSLLC.COM (W)
 Street: 4670 EM 36 PINCKNEY MI 48169 City HAMBURG State MI
6. Year Property was Acquired: 2017 Zoning District: _____ Flood Plain _____
7. Size of Lot: Front 40' Rear 45' Side 1 147.6 Side 2 155.2 Sq. Ft. 6,417.5
11. Dimensions of Existing Structure (s) 1st Floor 1276 # 2nd Floor 0 Garage 264 #
12. Dimensions of Proposed Structure (s) 1st Floor _____ 2nd Floor _____ Garage _____
13. Present Use of Property: RANCH HOME, 1 CAR GARAGE
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
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:
PATIO OF 5' WIDE X 30' VARIANCE TO ADD TO
ALLOWED 5' X 30' SEE SKETCH

3MAY
13:00
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.

LOT IS LONG (160' AVERAGE) AND 40' WIDE AT STREET AND
45' WIDE, THE OTHER LOTS ON STREET ARE SOMEWHAT WIDER

- 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 IS DESIRED TO HAVE A PATIO NEXT TO KITCHEN

- 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.

WILL ENHANCE THE SUBJECT BY PROVIDING AN OUTDOOR
EATING AREA IN AN OTHERWISE UNUSED AREA

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

IT CAN ENHANCE THE OUTDOOR ENJOYMENT

- 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.

ONLY ON EXTREMELY NARROW LOTS

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

THE AREA IS ALMOST FULLY DEVELOPED

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

10' IS SOMEWHAT NARROW, BUT WILL BE DESIGNED TO

FUNCTION PROPERLY.

- 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.
- 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).

 7-8-2020
Owner's Signature Date

 7-7-2020
Appellant's Signature Date

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 4/12

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.

VARIANCE PROCESS:

Once a project is submitted:

The Zoning Administrator will review your submittal to make sure you have submitted a complete set of project plans (1 week if complete).

Once the project has been deemed complete by the Zoning Administrator:

The project will be scheduled for a Zoning Board of Appeals (ZBA) hearing. ZBA hearings are held the second Wednesday of each month. Your project will need to be deemed complete by the Zoning Administrator a minimum of three (3) weeks prior to a hearing in order to be scheduled for that hearing.

Once the project has been scheduled for a ZBA hearing:

All property owners within a three hundred (300) foot radius of the subject property shall be notified if the date and time of the public hearing on your variance request and the basic nature of your proposed project and variances being requested, and the owner's name and address of the subject property. Notices will be sent on or before fifteen (15) days prior to the date of the hearing.

A public hearing notice stating all appeals for a given date will be published in the Tuesday edition of the Livingston County Daily Press & Argus fifteen (15) days prior to the date of the hearing.

At the ZBA meeting/hearing:

- You and/or your representative (Lawyer, builder, contractor, relative, friend, etc.) must attend.
- Variance requests/appeals are taken in order of submission.
- Unless your variance request/appeal is tabled due to lack of information, insufficiency of drawings, etc., you will know the disposition of the appeal at the meeting before you leave.
- ***No Land Use Permits will be available for pick up on the night of the meeting, so please do not ask the Zoning Administrator for them that night. You may bring the requirements for the Land Use Permit to the Township Zoning Department on the next business day.***
- In the event that the Zoning Board of Appeals **does not grant** your variance request there will be **no refund** of the filing fee, as it pays for administration costs, the member's reviewing and meeting time, and noticing costs in the newspaper and for postage.
- Rehearing requests may be charged \$200.00 for postage and newspaper costs in addition to the original \$500.00 charge, at the discretion of the Zoning Board of Appeals.

Once the project has been approved:

You will need to submit a completed Land Use Permit, three (3) sets of your final construction plans and three (3) copies of your site plan from which your project will actually be constructed, before your Land Use Permit will be released. If the Board has made special conditions, they must be met before your Land Use Permit will be released.

If the project is denied:

Section 6.8 (C) of the Hamburg Township Zoning Ordinance states that a one (1) year period must elapse before a rehearing of the appeal "except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection of the Zoning Board of Appeals to be valid."

Section 6.8 (E) of the Zoning Ordinance governs appeals to Circuit Court. If you desire to appeal the decision of the Zoning Board of Appeals, you need to contact your attorney for filing appeals to Circuit Court.

VARIANCE STANDARDS:

Variance: (*definition*) A modification of the literal provisions of the zoning ordinance granted when strict enforcement would cause undue hardship due to circumstances unique to the individual property for which the variance is granted.

Section 6.5 (C) & (D) of the Township Zoning Ordinance:

- A. Where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would involve practical difficulties, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Zoning Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Zoning Ordinance shall be granted unless it appears that, at a minimum, the applicant has proven a practical difficulty and that all the following facts and conditions exist:
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.
 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.
 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.
 4. That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.
 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.
 6. Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.
 7. The requested variance is the minimum necessary to permit reasonable use of the land.
- B. For the purpose of the above, a “practical difficulty” exists on the subject land 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), and the applicant has proven all of the standards set forth in Section 6.5 (C) (1) through (7). Demonstration of practical difficulty shall focus on the subject property or use of the subject property, and not on the applicant personally.
- C. In consideration of all appeals and all proposed variations to this Zoning Ordinance, the Zoning Board of Appeals shall, before making any variations from this Zoning Ordinance in a specific case, determine that the standards set forth above have been met, and that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the inhabitants of the Township.

TOPOGRAPHIC SURVEY OF LOT #252 OF "HERNDON'S RUSH LAKE ESTATES" SUBDIVISION

RECEIVED

JUL 08 2020

Hamburg Township
Planning and Zoning Department

LOT #140

LOT #139

LOT #252

LOT #251

LOT #253

NOTE: THIS IS NOT A
BOUNDARY SURVEY. LOT
LINES SHOWN ARE
APPROXIMATE & POTENTIAL
SITE IMPROVEMENTS ARE
SUGGESTIONS ONLY.

SCALE: 1"=20'

LEGEND

EXISTING ELEVATION 999.99
PROPOSED ELEVATION X[999.99]
TOP OF CONCRETE T/CONC
FINISHED GRADE F/G
DRAINAGE FLOW

SANITARY
SHUT-OFF
E-ONE
GRINDER
PUMP

COUNTRY CLUB DR.
66' WD. R/W
GRAVEL



SH. 1 of 1

DATE: 6/26/2020

JOB# 20-4273

B.F. THOMPSON, P.C.
517/ 548-3142
FAX 517/ 548-0049

Brad Thompson, P.E., P.S.#23828
Registered Professional Engineer & Land Surveyor
1520 ... Road, Howell, Michigan 48843

COUNTRY CLUB
APPEAL

N ←

PERMITTED USE

House

PORCH

10' x 30' Porch

REQUESTED

Property Line

THIS 5' x 30'
IS APPEAL

ROAD
↓

Driveway

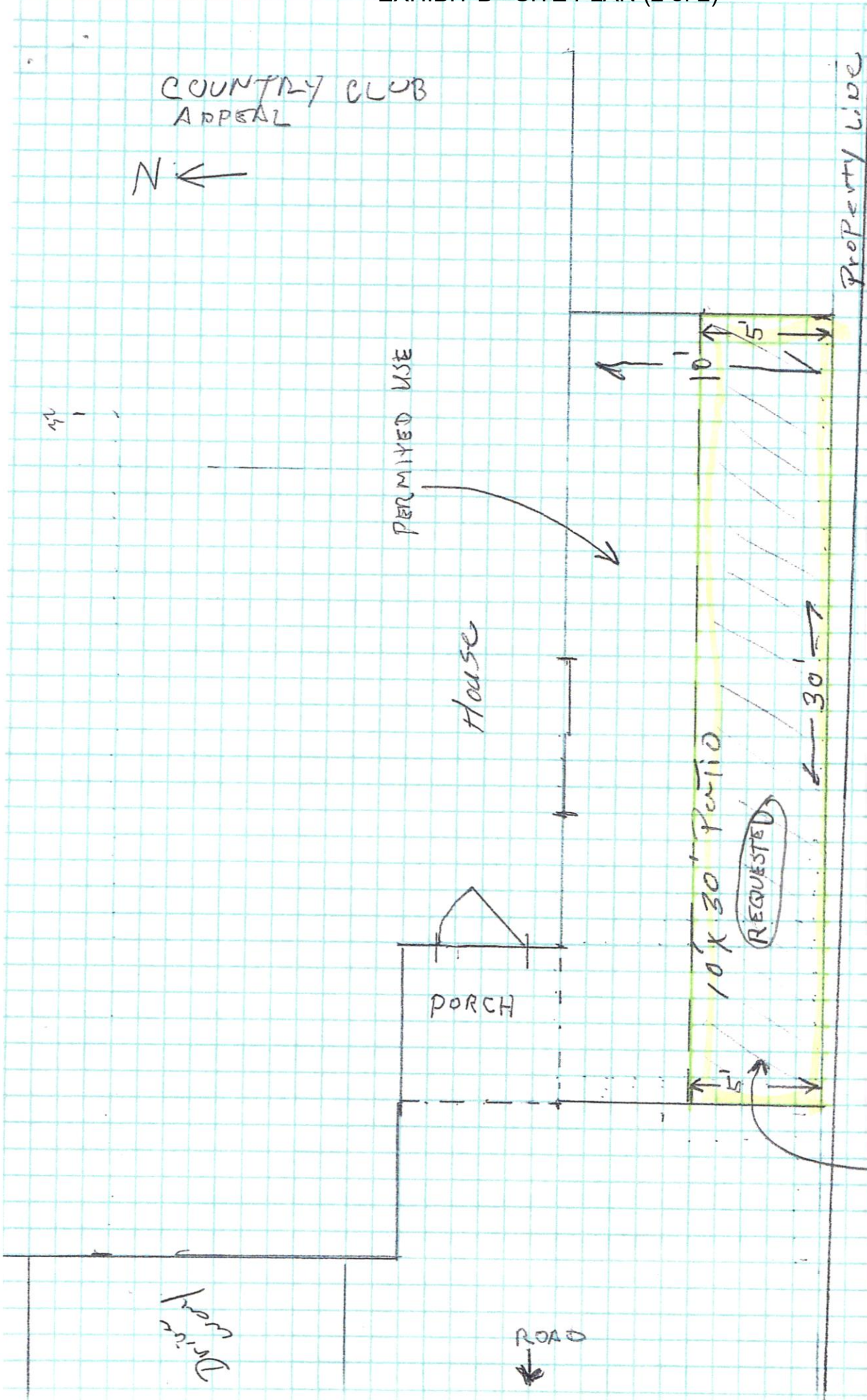
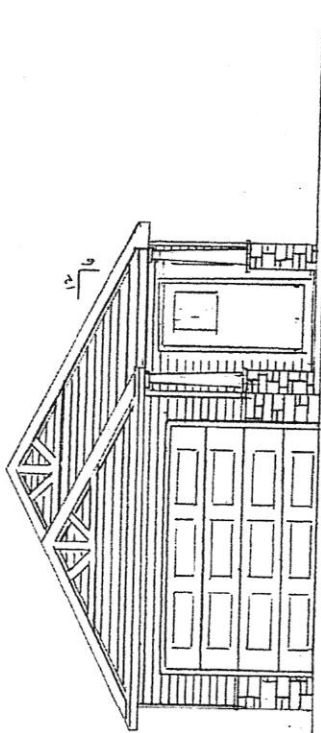
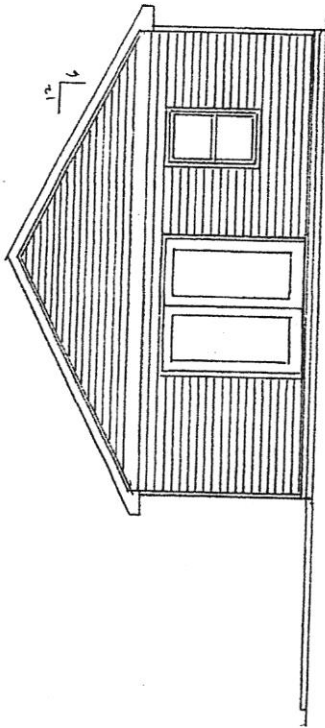


EXHIBIT C - CONSTRUCTION PLANS

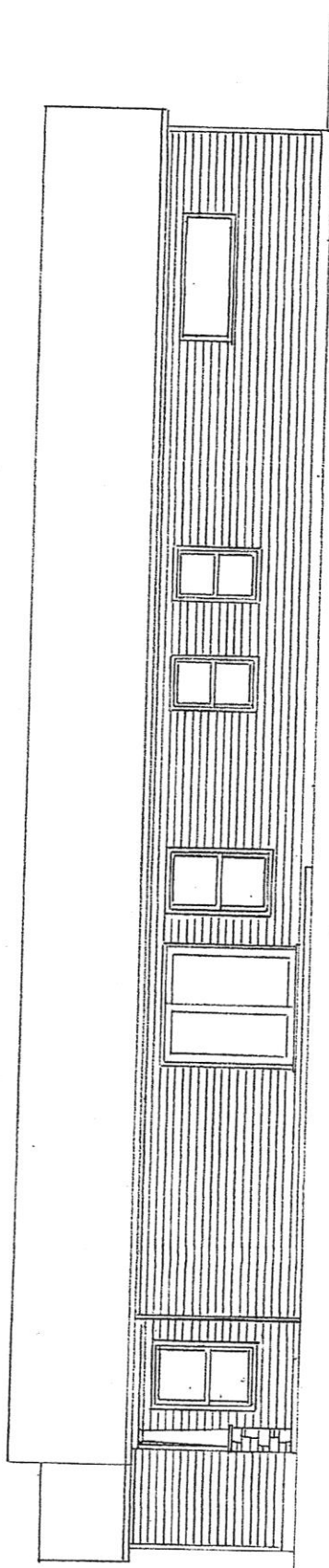
COUNTY CLUB S



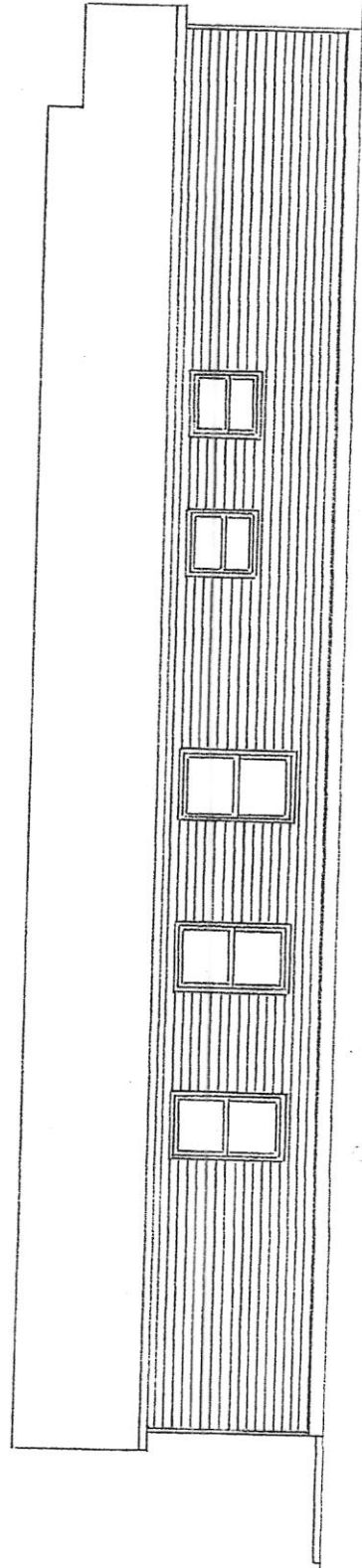
FRONT ELEVATION
Scale: 1/4" = 1'0" (H/S)



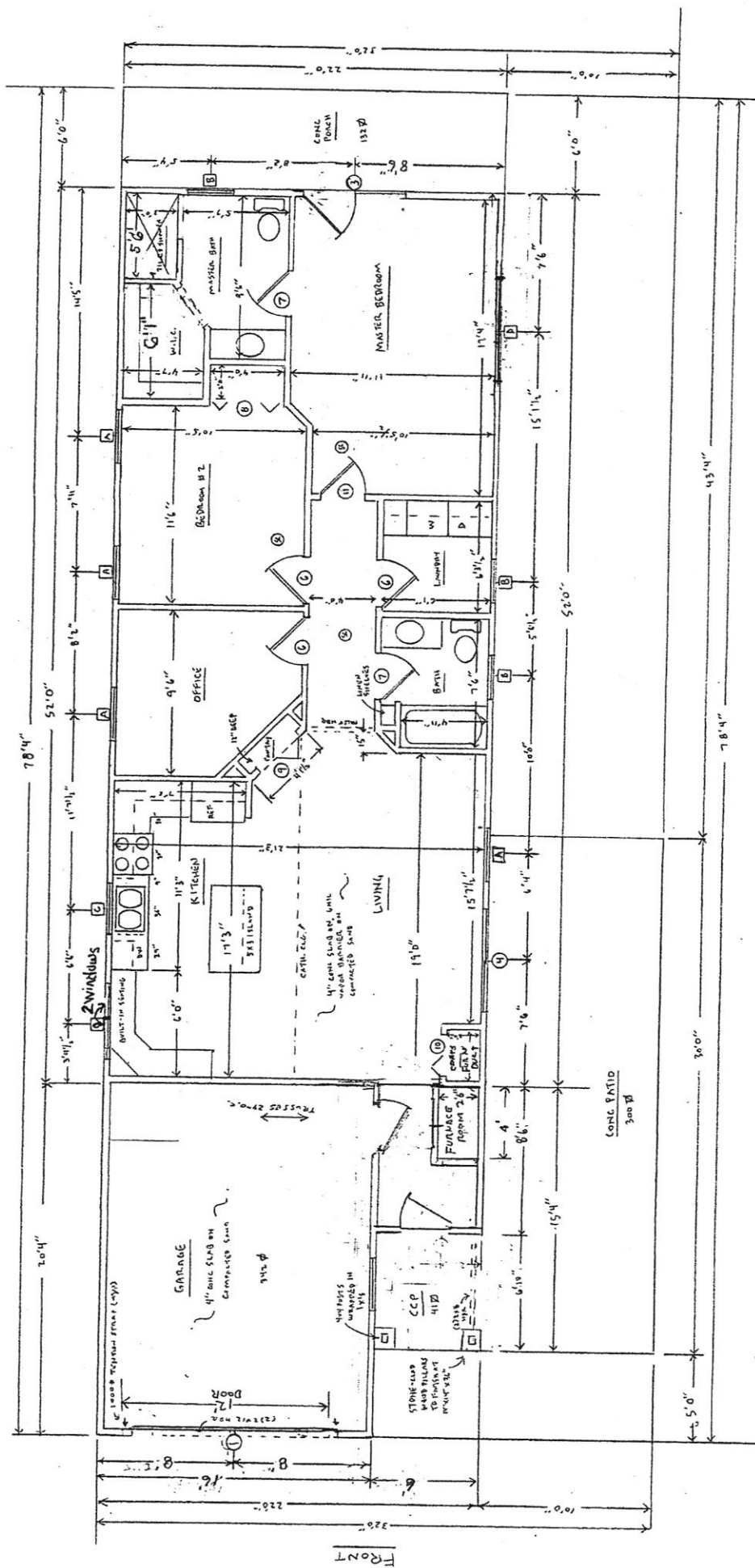
REAR ELEVATION
Scale: 1/4" = 1'0"



RIGHT ELEVATION
Scale: 1/4" = 1'0"



LEFT ELEVATION
Scale: 1/4" = 1'0"



FLOOR PLAN

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

NOTE: ALL WALLS BUILT WITH 1/2" THICK

NOTE: 2nd FLOOR HAS 6FT DEEP FRONT PORCH

NOTE: 1st FLOOR HAS 6FT DEEP FRONT PORCH

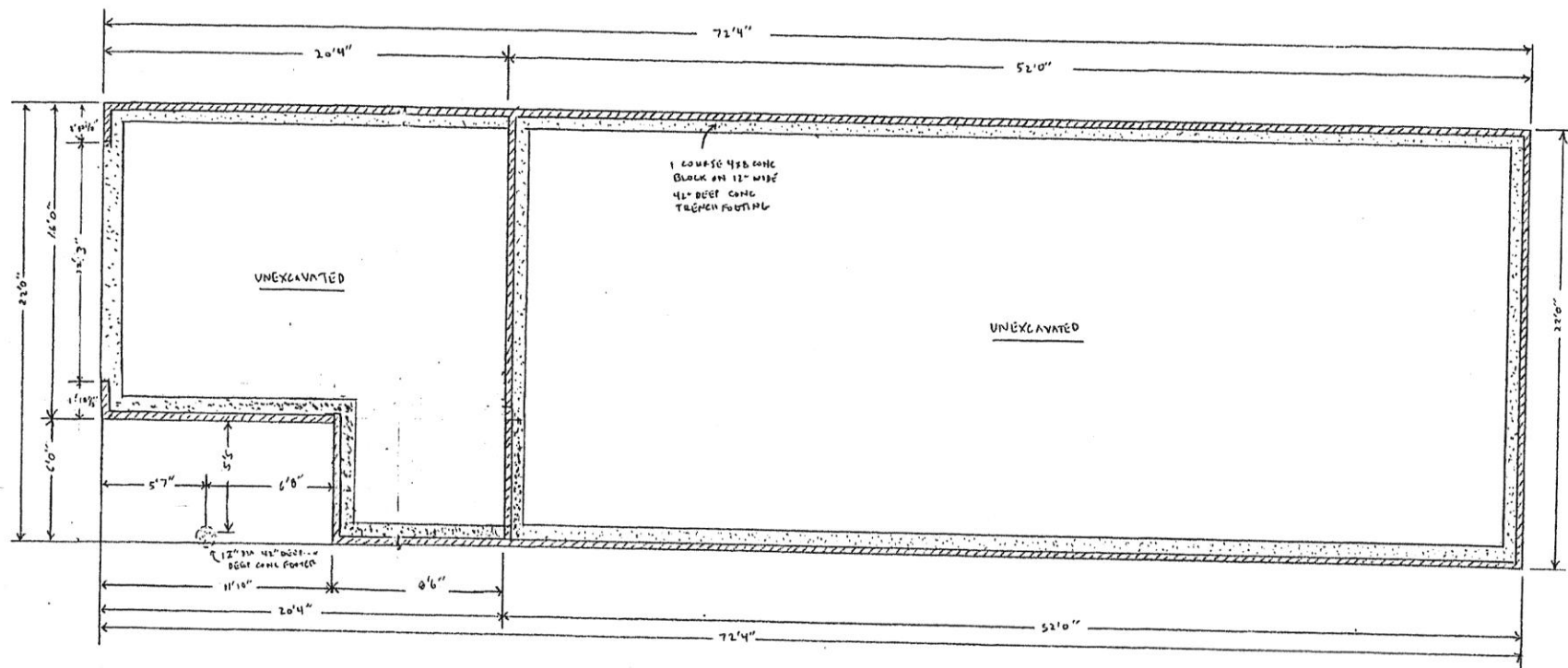
NOTE: 1st FLOOR HAS 6FT DEEP FRONT PORCH

NOTE: 1st FLOOR HAS 6FT DEEP FRONT PORCH

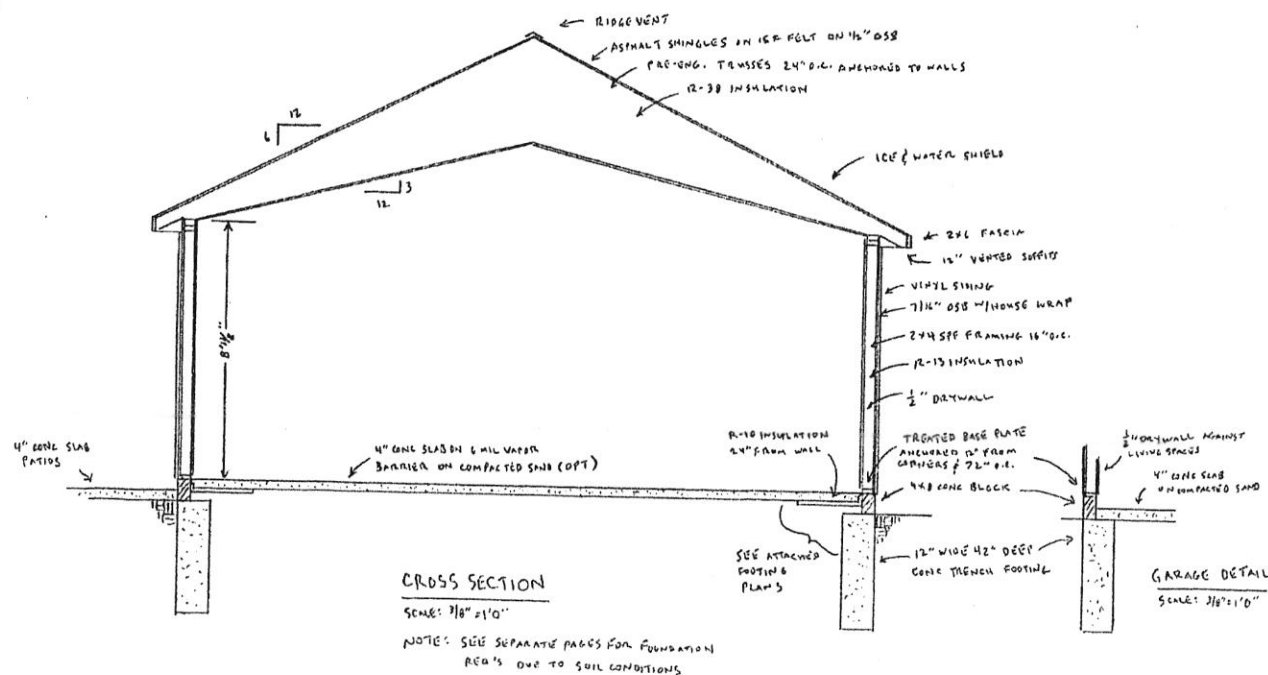
NOTE: 1st FLOOR HAS 6FT DEEP FRONT PORCH

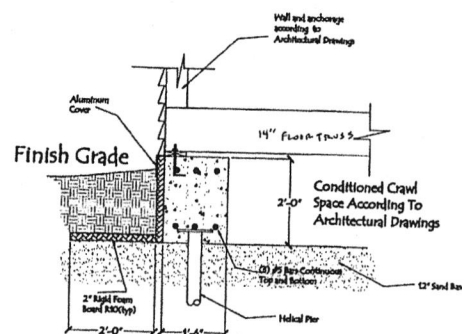
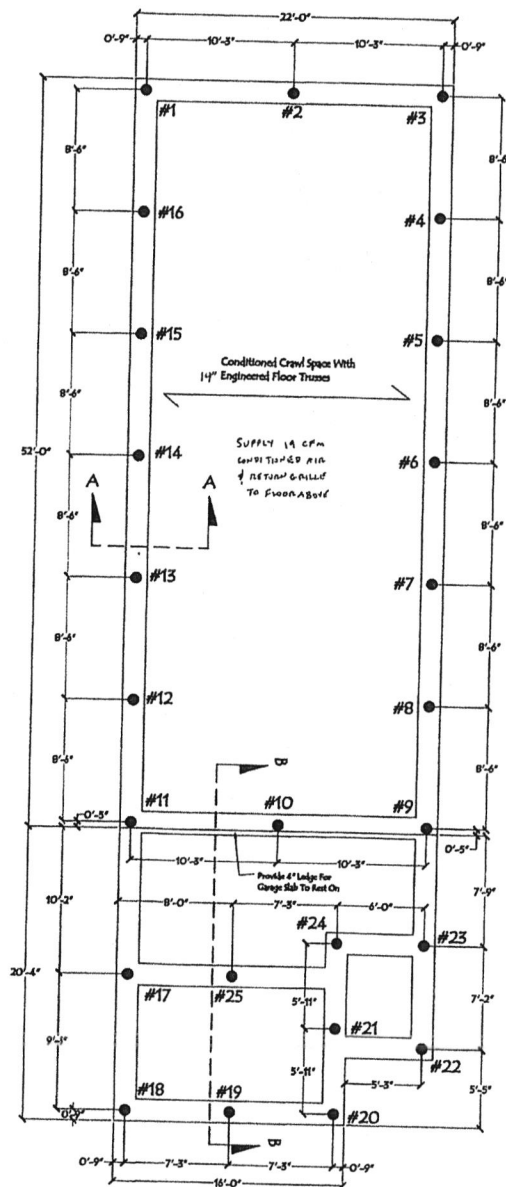
DOOR SCHEDULE		
NO.	SIZE	TYPE
1	7'0" x 2'0"	1.00
2	7'0" x 2'0"	1.00
3	6'0" x 2'0"	1.00
4	6'0" x 2'0"	1.00
5	6'0" x 2'0"	1.00
6	6'0" x 2'0"	1.00
7	6'0" x 2'0"	1.00
8	6'0" x 2'0"	1.00
9	6'0" x 2'0"	1.00
10	6'0" x 2'0"	1.00
11	6'0" x 2'0"	1.00

WINDOW SCHEDULE		
NO.	SIZE	TYPE
1	3'0" x 4'0"	1.00
2	3'0" x 4'0"	1.00
3	3'0" x 4'0"	1.00
4	3'0" x 4'0"	1.00
5	3'0" x 4'0"	1.00
6	3'0" x 4'0"	1.00
7	3'0" x 4'0"	1.00
8	3'0" x 4'0"	1.00
9	3'0" x 4'0"	1.00
10	3'0" x 4'0"	1.00
11	3'0" x 4'0"	1.00

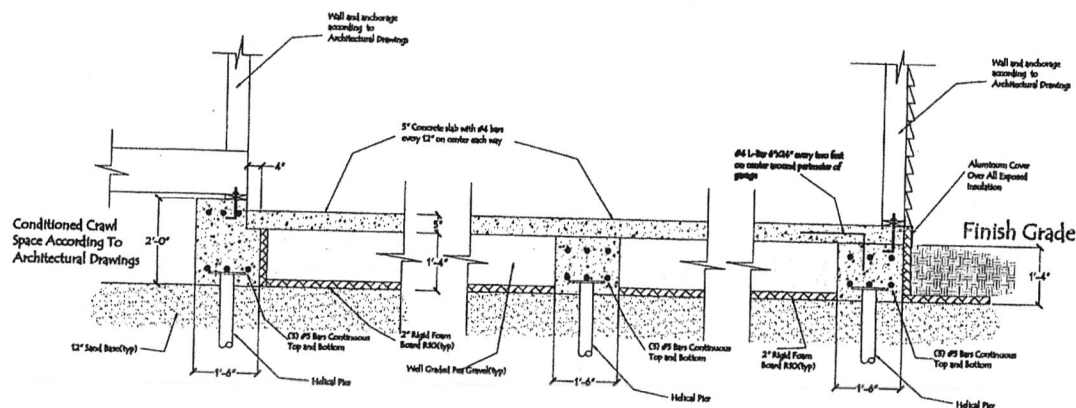


FOUNDATION PLAN (OPTIONAL SLAB)
SCALE: 1/4" = 1'0"





Footing Grade Beams (Section A-A)
Do Not Scale



Footing Grade Beams (Section B-B)
Do Not Scale

Detail Notes:

Helical Piers

- Helical piers to be installed to a minimum ultimate capacity of 45 KIPS
- Helical piers to be made of 2 3/8" O.220 wall round steel, with helix configuration of 8"-10"-12".

Concrete

- All concrete shall have a minimum compressive strength of 4000 PSI at 28 days.
- Concrete shall be poured at a maximum slump of four inches.
- All CMU shall be grouted solid with 3000 psi grout.
- All concrete work shall conform to the latest ACI codes.

Reinforcement

- All Reinforcing steel shall be grade 60.
- All Reinforcement shall have a minimum of three inches of concrete cover.
- Reinforcement shall bend around corners a minimum of two feet.
- All continuous reinforcement shall have two feet of overlap.

Insulation

- The insulation shown is for the footing frost protection only. Addition insulation may be required to meet building code energy requirements.
- All insulation shall be rigid 2" extruded polystyrene foam board with a minimum R value of 10.

Note:

- Hastings Testing Engineers and Environmental Inc., shall be called 24 hours prior to concrete placement to inspect reinforcement and concrete.
- Drawing is for helical pier placement, footing size and rebar schedule only. Please refer to Architectural drawings for footing elevations, sleeve locations, house dimensions, crawl space vent details, insulation requirements, etc.

HASTINGS TESTING ENGINEERS AND ENVIRONMENTAL INC.
4841 GOLF CLUB
HOWELL MI, 48843

OFFICE 517-546-6121
FAX 517-546-1478

PROJECT : Smith Builders
8663 Country Club Drive, Pinckney, MI
Helical Pier And Grade Beam Plan

DRAWN BY M.S.

Date: 07-18-2019

Page 1 of 1

EXHIBIT D - LAND USE PERMIT FOR EXISTING DWELLING



Hamburg Township

10405 Merrill Rd P.O. Box 157 Hamburg MI 48139 (810) 231-1000

ZONING DEPARTMENT

HAMBURG TOWNSHIP
Date 05/01/2019 11:04:41 AM
Ref: LUP01-90141
Amount \$100.00

PLUP19-0141

Issued: 05/01/2019
Expires: 04/30/2020

Land Use

Home

SCANNED

Flood Plain: No

JOB LOCATION	OWNER	CONTRACTOR
COUNTRY CLUB DR 4715-17-404-006 Lot: Plat/Sub: ZONING WFR	SMITH MARSHALL R 4670 E M-36 HWY PINCKNEY MI 48169 Phone: Email:	Smith Builders LLC 4670 E M-36 Pinckney MI 48169 Phone: (810) 986 9985 Email: mos2004@sbcglobal.net

Permit Item	Work Type	Fee Basis	Item Total
		Fee Total:	\$0.00
		Amount Paid:	\$0.00
		Balance Due:	\$0.00

\$125

WORK DESCRIPTION:

New SFH one-story 1,149 Sq. Ft. with an attached 16' x 22' garage.
* Concrete patio indicated on plans must maintain at least 5 feet from side property lines.
Per 2/28/19 email from Jeff Pierce, wetlands are not present on the site (mapped with hydric soils but not wetlands).

REQUIREMENTS FOR FINAL ZONING COMPLIANCE:

All Construction Debris Removed.
Final Grading of Site.
All storm water run-off to be managed on site.
Two (2) canopy (deciduous) trees along any collector or local street within 20 feet of the front line.

<input checked="" type="checkbox"/>	Utilities Review	Brittany	04/30/2019
	Comment: Sewer Agreement, Easement form submitted and sewer fees paid in full.		
<input checked="" type="checkbox"/>	Zoning Review	Public4	05/01/2019
	Comment:		
<input checked="" type="checkbox"/>	Treasurers Review	TriciaB	04/30/2019
	Comment:		
<input checked="" type="checkbox"/>	Assessing Review	BrendanS	05/01/2019
	Comment:		

APPLICANT CERTIFICATION: I hereby certify that all structures and uses for which this application is made shall conform to the Ordinances of Hamburg Township, Livingston County and the State of Michigan. All information submitted for this permit is to my knowledge accurate. If the information is determined either now or in the future to be inaccurate the permit shall be void and any structures built or uses approved may be in violation of the required ordinances and must otherwise be brought into compliance with all regulations.

Applicant Signature

Date: 05/01/2019

Date Received: _____

ZONING ADMINISTRATOR

DATE:

05/01/2019

The accuracy of the lot lines, dimensions and other information presented in the project plans are the sole responsibility of the property owner and in NO way does the Zoning Inspector signature on this permit guarantee the accuracy of the information provided by the applicant for this permit. A site inspection can be required by Hamburg Township; however a site inspection also does not guarantee the location of the property boundaries.

Please call 1-810-231-1000, Ext. 230 to schedule your inspections (requirements listed above). This will help to eliminate any delays in the issuance of the Certificate of Occupancy from the Livingston County Building Department.

If the above marked items cannot be completed prior to the request for Final Zoning Compliance, the Zoning Department will require a cash bond for issuance of a Temporary Zoning Compliance. A re-inspection fee will be required. The bond will be returned when items are completed.

FINAL ZONING COMPLIANCE INSPECTION

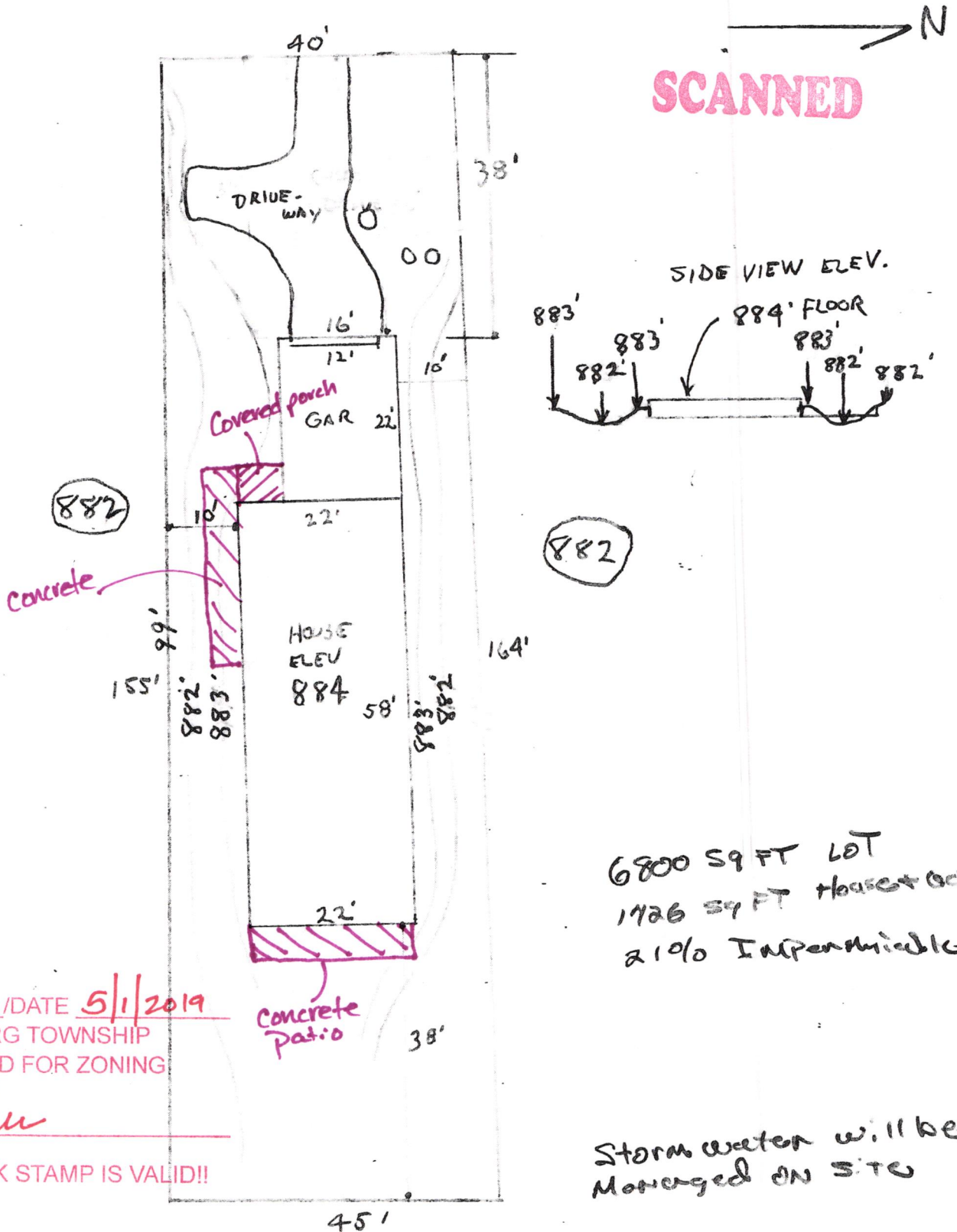
Lot 252

HERNDON'S RUSH LK EST.

HAMBURG TWP

COUNTRY CLUB ST.

SCALE 1"=20' ENG,



LUP# 19-0141 / DATE 5/1/2019

HAMBURG TOWNSHIP
APPROVED FOR ZONING

BY:

Steffen

ONLY RED INK STAMP IS VALID!!



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7 C



TO: Zoning Board of Appeals
(ZBA)

FROM: Erik Perdonik

HEARING DATE: August 12, 2020

SUBJECT: ZBA 20-0010

PROJECT SITE: 3840 Langley Dr.
TID 15-29-202-030

**APPLICANT/
OWNER:** Phillip Hatfield

PROJECT: Variance application to permit the addition of a twelve-foot by twenty-three-foot attached accessory structure to the west facade of the existing dwelling, with up to a three-foot aggregate side yard setback (fifteen-foot aggregate side yard setback required, Section 7.6.1.fn4).

ZONING: Waterfront Residential District (WFR)

Project Description

The subject site is an approximately 3,480-square foot (0.08-acre) property that fronts on Langley Drive to the north and Cordley Lake to the south. An existing single-family dwelling and detached accessory structure are located on the site, with a combined footprint of approximately 987 square feet. Single-family dwellings are located to the north, east, and west of the site.

If approved, the variance request would permit the addition of a twelve-foot by twenty-three-foot attached accessory structure to the west facade of the existing dwelling, with up to a three-foot aggregate side yard setback (fifteen-foot aggregate side yard setback required, Section 7.6.1.fn4).

Project History/Encroachments

As you can see in the provided site plan (**Exhibit A**), the existing dwelling encroaches upon the subject site's property lines. The lot to the east onto which the dwelling encroaches is a common use lot. According to assessing records, the dwelling was constructed in 1950, which predates the current Zoning Ordinance.

Staff found a 2002 real property settlement agreement that addresses the dwelling encroachment in which the subdivision agreed to permit the encroached-upon portion of the common lot for continued use and occupancy by the property owner. Staff then consulted with the Township Attorney as to whether such agreement precludes the proposed expansion sought via this variance request. After researching the issue, the Attorney found that the agreement does not preclude the proposed expansion. Once the applicant was told that the proposed expansion is not prohibited by law, they submitted the variance request before you this evening on July 8, 2020.

Standards of Review

In accordance with Section 6.5.C 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 fifteen-foot aggregate side yard setback required for the proposed structure under Section 7.6.1.fn4 of the Zoning Ordinance applies to all parcels sixty feet or less in width in the WFR District rather than just the subject site. However, the subject site is exceptionally narrow with an average lot width of approximately forty feet. The subject site is also exceptionally shallow with an average lot depth of 97.4 feet. In addition, the existing dwelling is oddly sited such that it is angled significantly towards the west, encroaching upon the east property line. The west side yard setback for the existing dwelling is conforming but does not leave much room for a usable garage,

especially in light of the angled position of the dwelling. As a result, the buildable area for a compliant attached garage of any usable dimensions on the subject site is extraordinarily constrained, especially with regard to meeting the west side yard setback in particular.

Nevertheless, it appears that the applicant could slightly shorten and/or shift the garage to the south so as to slightly reduce the proposed encroachment into the required fifteen-foot aggregate side yard setback.

- 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.**

The variance preserves a substantial property right possessed by other property in the same zone and vicinity; in this case, the right to construct a compliant attached accessory structure in a district in which it is customarily permitted, the WFR District. Several properties in the same zone and vicinity as the subject site have a single-car garage, and several properties in the immediate neighborhood have attached garages as well. The exceptionally short lot width and depth of the subject site, as well as the angled position of the existing dwelling, make constructing an attached accessory structure that is both usable and compliant with the Zoning Ordinance difficult.

Nevertheless, it appears that the applicant could slightly shorten and/or shift the garage to the south so as to slightly reduce the proposed encroachment into the required fifteen-foot aggregate side yard setback.

- 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 proposed attached garage is designed to integrate seamlessly with the existing dwelling and will be compatible with surrounding properties in the WFR District. The scale of the proposed garage is appropriate to the existing dwelling and does not appear to create a foreseeable potential for significant obstruction of views or ingress and egress. So long as all additional stormwater runoff from the proposed garage is managed on-site, granting of the variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the zone or district in which the property is located, the WFR District.

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

The subject site is within the North Chain of Lakes planning area of the Master Plan, which will continue largely as residential areas very closely tied to lake waterfronts. The subject site would continue to be compatible with such pattern. In addition, the subject site is classified as Waterfront Residential (one dwelling unit per acre) on the

Future Land Use Map. Because the variance request is not based upon an increase in residential density, but rather the addition of an attached accessory structure to be used for storage, granting the request will not adversely affect the purpose or objectives of 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 subject property for which the variance is sought is not of so general or recurrent a nature in light of the subject site's exceptionally narrow forty-foot average lot width, exceptionally shallow 97.4-foot average lot depth, and the angled position of the existing dwelling.

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

The use of the subject site is presently single-family residential, which is a use permitted by right in the WFR District in which it is located, and granting a variance to permit the construction of an attached accessory structure will not change the present use.

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

The exceptionally short lot width and depth of the subject site, as well as the angled position of the existing dwelling, make constructing an attached accessory structure that is both usable and compliant with the Zoning Ordinance difficult.

At 276 square feet, the proposed garage is appropriately sized to be usable for a variety of vehicle types. For example, a large full-size SUV is approximately nineteen feet in length, which would leave just two feet at the front and back of the proposed garage if one were parked at center in it. At approximately seven feet in width, a large full-size SUV parked at center would also leave just two-and-a-half feet along each side of the proposed garage. In this light, the proposed garage's dimensions are not excessive but the minimum necessary to accommodate a larger vehicle.

Nevertheless, it appears that the applicant could slightly shorten and/or shift the garage to the south so as to slightly reduce the proposed encroachment into the required fifteen-foot aggregate side yard setback.

"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 approval of the variance request considering a thorough review and discussion among ZBA members.

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. The ZBA then should direct Staff to prepare a memorialization of the Board's decision that reflects the Board's action to accompany the hearing minutes and to be reviewed and approved at the next ZBA hearing.

Approval Motion

Motion to approve variance application ZBA 20-0010 at 3840 Langley Drive to permit the addition of a twelve-foot by twenty-three-foot attached accessory structure to the west facade of the existing dwelling, with up to a three-foot aggregate side yard setback (fifteen-foot aggregate side yard setback required, Section 7.6.1.fn4)

The variance meets variance standards one (1) through seven (7) of Section 6.5 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. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

Denial Motion

Motion to deny variance application ZBA 20-0010 at 3840 Langley Drive to permit the addition of a twelve-foot by twenty-three-foot attached accessory structure to the west facade of the existing dwelling, with up to a three-foot aggregate side yard setback (fifteen-foot aggregate side yard setback required, Section 7.6.1.fn4).

The variance does not meet variance standards one (1), two (2), or seven (7) of Section 6.5 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. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

Exhibits

Exhibit A – Application Materials

Exhibit B – Site Plan

Exhibit C – Construction Plans

Exhibit D – Hamburg Township Utilities Review

ZBA Case Number 20-008

\$500 Aug. 12, 2020

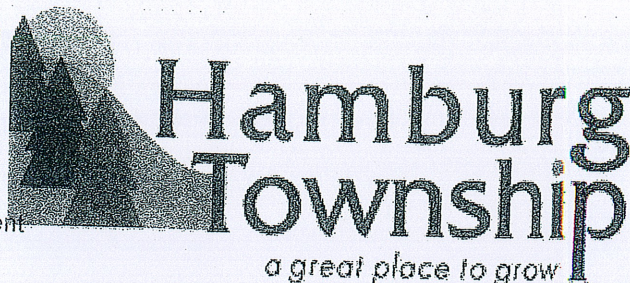
HAMBURG TOWNSHIP
Date 07/08/2020 11:22:56 AM
Ref ZBA2020-008
Receipt 1229846
Amount \$500.00

RECEIVED

JUL 08 2020

Hamburg Township
Planning and Zoning Department

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

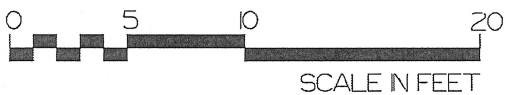
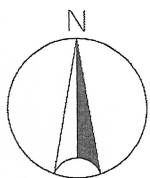
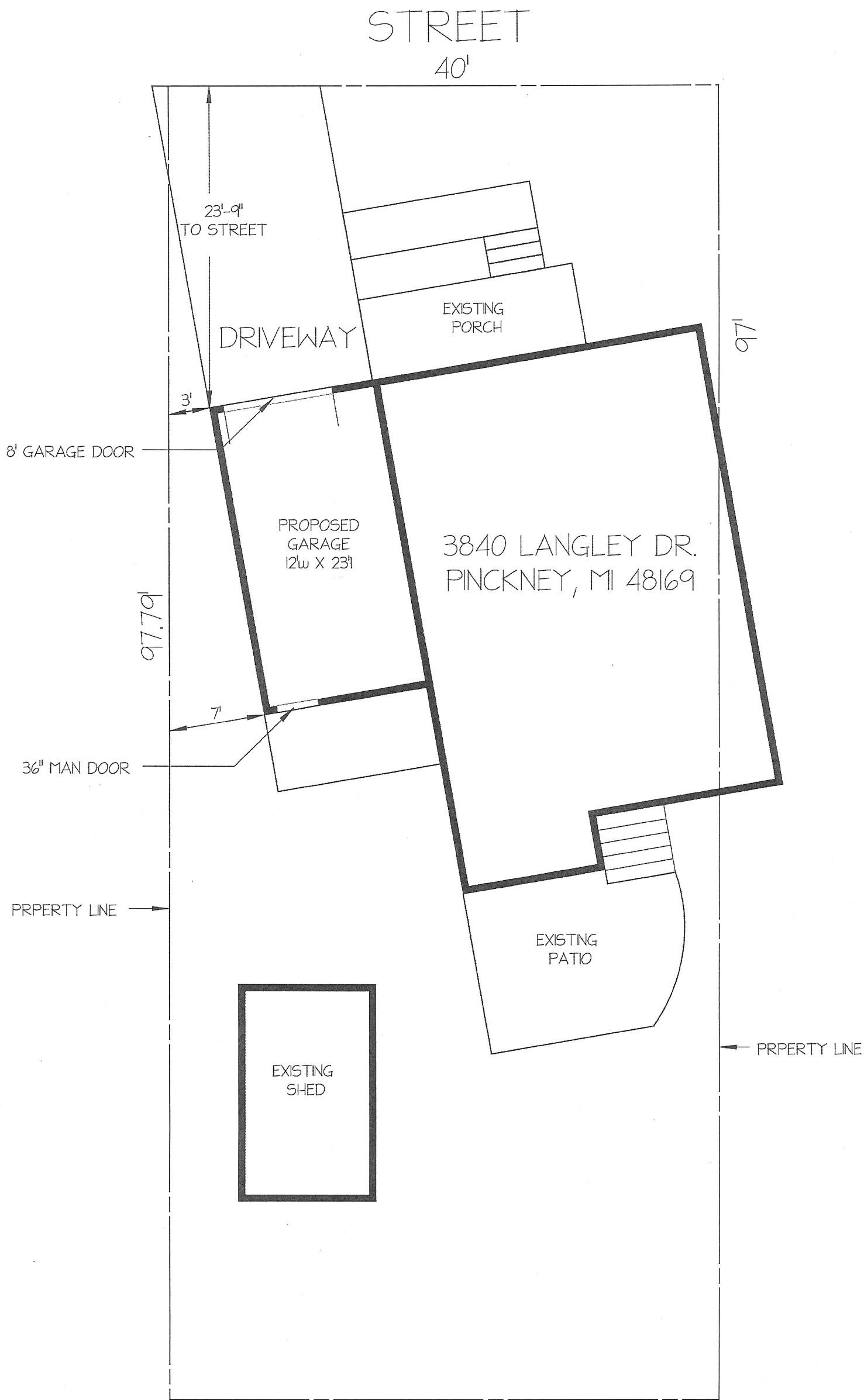


P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139

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

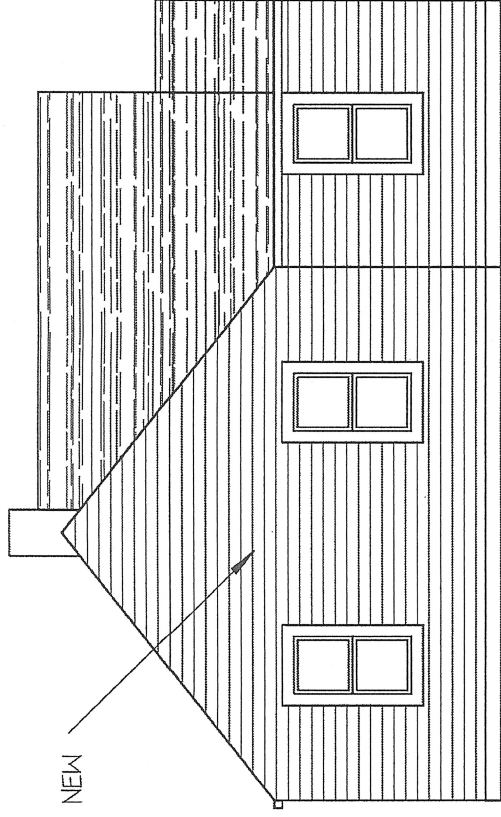
1. Date Filed: 06/24/2020
2. Tax ID #: 15- _____ Subdivision: _____ Lot No.: _____
3. Address of Subject Property: 3840 Langley Dr.
4. Property Owner: Phillip Hatfield Phone: (H) 810-588-8989
Email Address: phil.hatfield@live.com (W) _____
Street: 3840 Langley Dr. City Pinckney State Mi
5. Appellant (If different than owner): Phillip Hatfield Phone: (H) 810-588-8989
E-mail Address: _____ (W) 810-588-8989
Street: _____ City _____ State _____
6. Year Property was Acquired: 2015 Zoning District: _____ Flood Plain _____
7. Size of Lot: Front _____ Rear _____ Side 1 _____ Side 2 _____ Sq. Ft. _____
11. Dimensions of Existing Structure (s) 1st Floor _____ 2nd Floor _____ Garage _____
12. Dimensions of Proposed Structure (s) 1st Floor _____ 2nd Floor _____ Garage _____
13. Present Use of Property: Permenant Residence
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
15. Has there been any past variances on this property? Yes ☒ No ☐
16. If so, state case # and resolution of variance application Shed location approved
17. Please indicate the type of variance or zoning ordinance interpretation requested:
Garage will be only 3 feet from property line in front corner

SITE PLAN

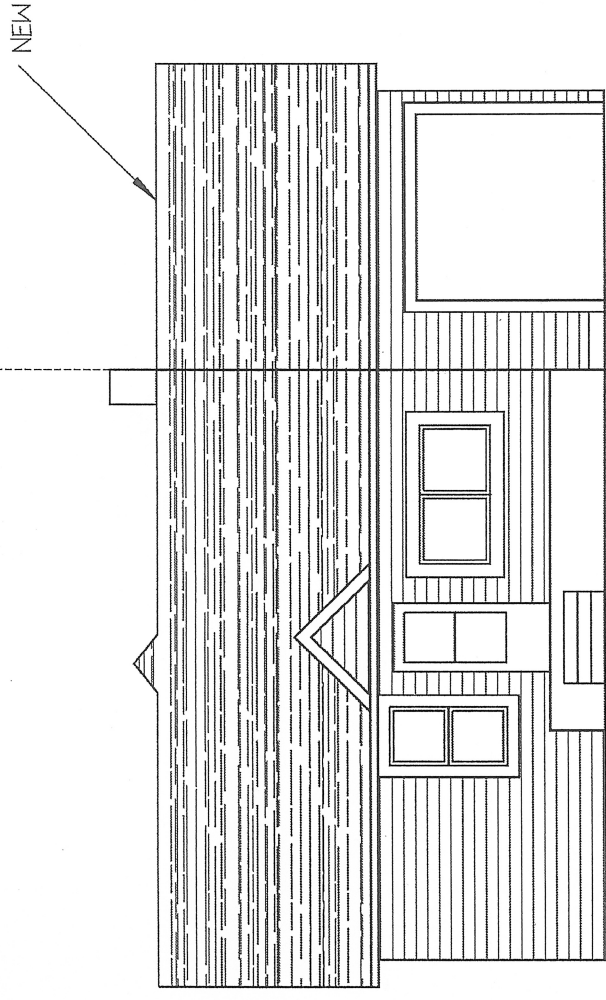


PHILLIP HATFIELD RESIDENCE 3840 LANGLEY DR. PINCKNEY MI 48169		
client:		
scale	1" = 8'	date 5/29/2020
drawn by	RS	checked by KB
		revision 0
		drawing # 1 - SITE PLAN

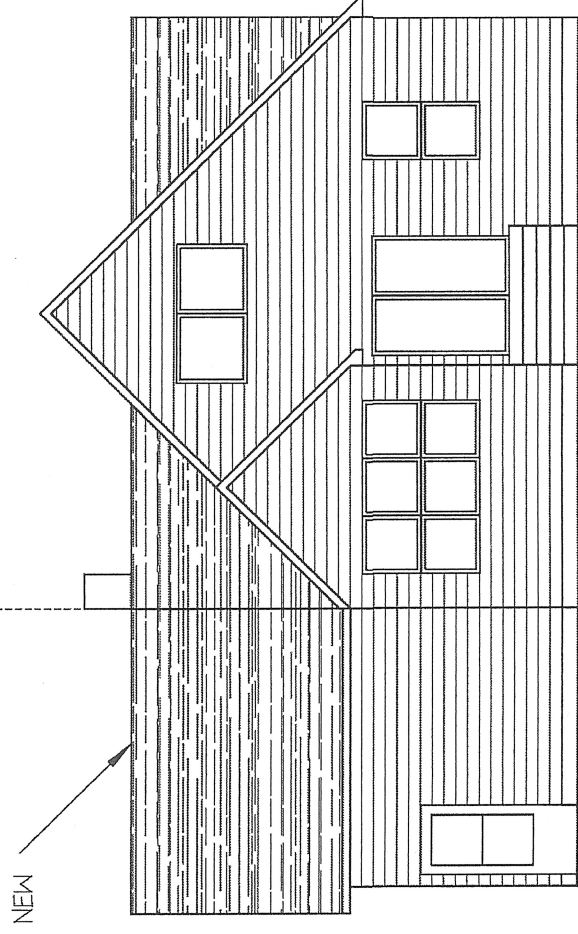
ELEVATIONS



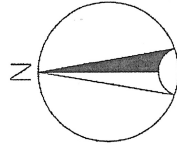
WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



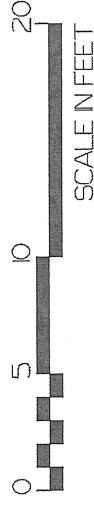
RECEIVED

JUL 08 2020

Hamburg Township
Planning and Zoning Department

PHILLIP HATFIELD RESIDENCE
3840 LANGLEY DR.
PINCKNEY MI 48169

client:	scale	date	revision
	1" = 8'	5/29/2020	0
drawn by	RS	checked by	drawing #
		KB	2 - ELEVATIONS



BUILDING SECTIONS

ENGINEERED ROOM TRUSSES 24" O.C.

NEW

UNINSULATED SPACE

OPTIONAL WINDOWS

UNINSULATED SPACE

2X4 - 16" O.C.

WALL CONSTRUCTION

1 COURSE 6" BLOCK

12" w X 42" d TRENCH FOOTING

WEST ELEVATION

NEW

ENGINEERED ROOM TRUSSES 24" O.C.

UNINSULATED SPACE

2X4 - 16" O.C.

WALL CONSTRUCTION

2 PLY 10" LAM HEADER

ABOVE DOOR

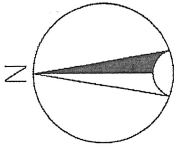
36" DOOR

1 COURSE 6" BLOCK

12" w X 42" d TRENCH FOOTING

UNINSULATED SPACE

SOUTH ELEVATION



NEW

ENGINEERED ROOM TRUSSES 24" O.C.

UNINSULATED SPACE

2 PLY 12" LAM HEADER
ABOVE GARAGE DOOR

2X4 - 16" O.C.

WALL CONSTRUCTION

1 COURSE 6" BLOCK

12" w X 42" d TRENCH FOOTING

NORTH ELEVATION

PHILLIP HATFIELD RESIDENCE
3840 LANGLEY DR.
PINCKNEY MI 48169

client:

scale

1" = 8'

drawn by

RS

date

5/29/2020

checked by

KB

revision

0

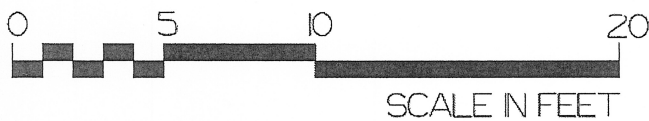
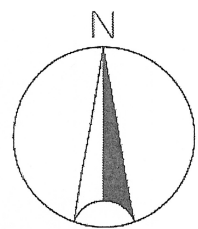
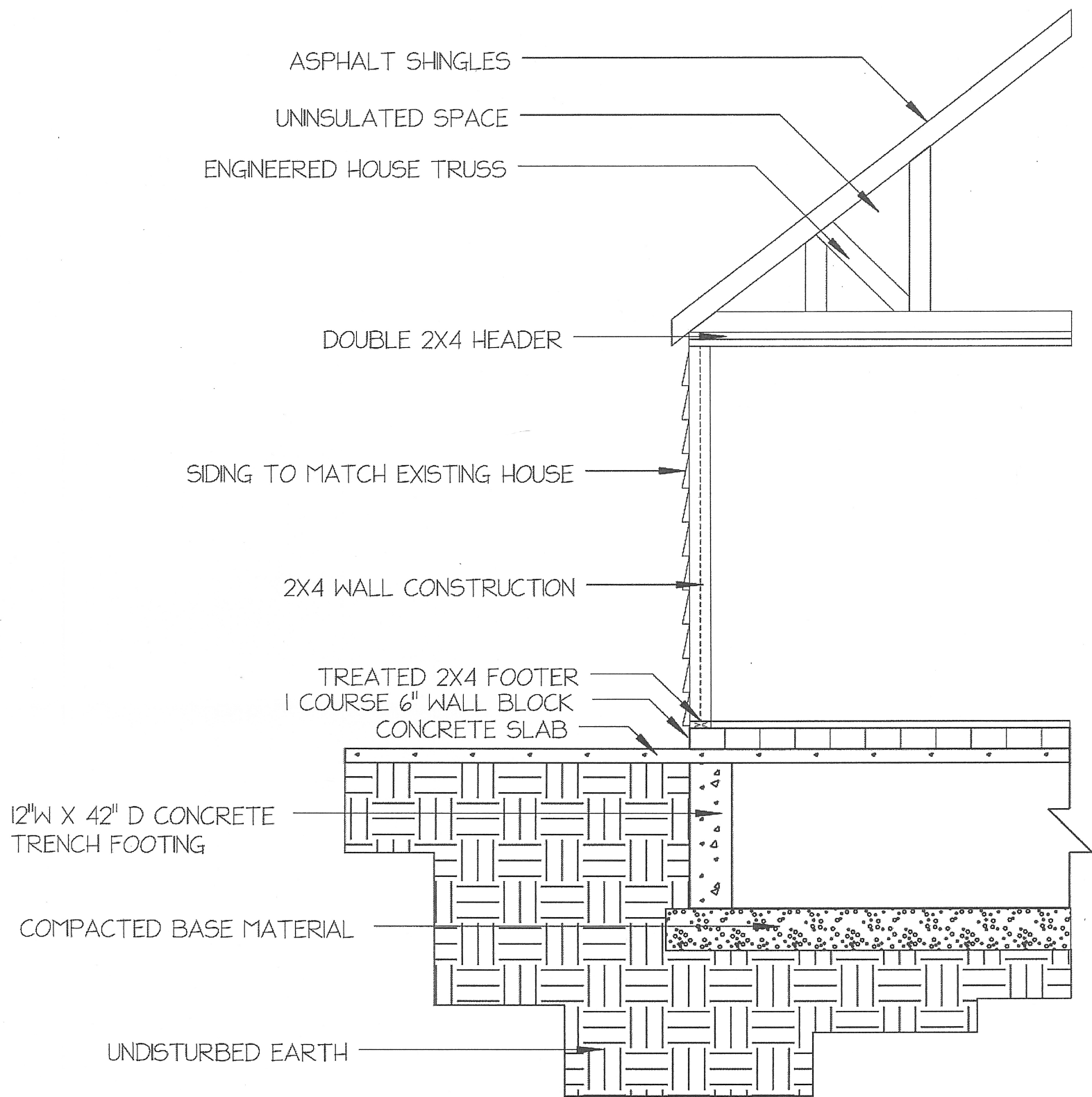
drawing #

3 - BLDG SECTION



SCALE IN FEET

WALL SECTION



PHILLIP HATFIELD RESIDENCE		
3840 LANGLEY DR.		
PINCKNEY MI 48169		
client:		
scale	1" = 8'	date 5/29/2020
drawn by	RS	checked by KB
		revision 0
		drawing # 4 - WALL SECTION

**HAMBURG TOWNSHIP ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING
WEDNESDAY, AUGUST 12, 2020, 7:00 P.M.
HAMBURG TOWNSHIP OFFICES
10405 MERRILL ROAD, HAMBURG, MICHIGAN**

PLEASE TAKE NOTICE that the Hamburg Township Zoning Board of Appeals will hold a special public hearing to consider the following variance requests:

ZBA 2020-008

Owner: Phillip Hatfield
Location: 3840 Langley Drive
Pinckney, MI 48169
Parcel ID: 15-29-202-030
Request: Variance application to permit the addition of a twelve-foot by twenty-three-foot attached accessory structure to the west facade of the existing dwelling, with up to a three-foot aggregate side yard setback (fifteen-foot aggregate side yard setback required, Section 7.6.1.fn4).

The variance requests are available for review at the Township offices during regular business hours. Monday – Friday, 8:00 a.m. – 5:00 p.m. Comments will be heard from the public at the hearing. Written comments will be accepted until 4:00 p.m. the day of the hearing.

Sign language interpreter, or other assistance, available upon 72-hour notice to the Township Clerk.

Michael Dolan
Hamburg Township Clerk
10405 Merrill Road, P.O. Box 157
Hamburg, Michigan 48139

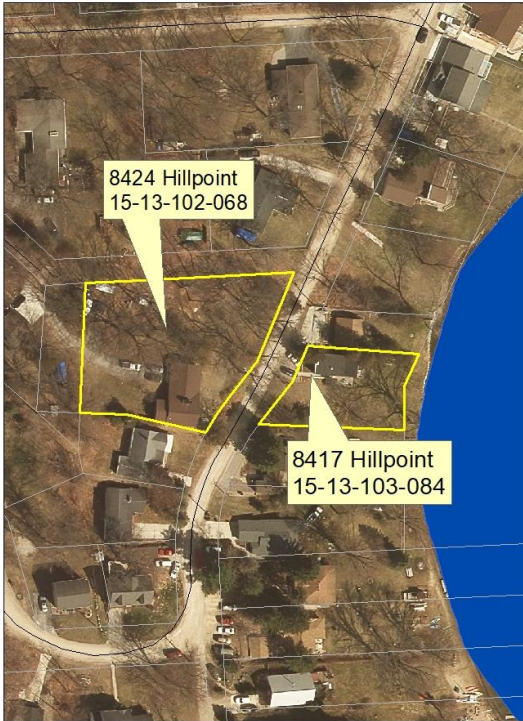
8/03/2020

Neels –
We live on Langley Drive, but not adjacent to this property.
We feel the variance should be denied, as leaving only a 3' yard setback is not enough. Set-back requirements are there for obvious reasons, please adhere to them. Thank you.



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7D



TO: Zoning Board of Appeals
(ZBA)

FROM: Scott Pacheco, AICP

HEARING

DATE: August 12, 2020

SUBJECT: ZBA 20-011

PROJECT 8424 Hillpoint
SITE: TID 15-13-102-068

APPLICANT/

OWNER: Mark S. Ramsey IV

PROJECT: Variance application to allow a land division of parcel 15-13-102-068 at 8424 Hillpoint Drive to create two lots; lot A with a lot size of 0.3358 acres and lot B with a lot size of 0.2523 acres (one-acre minimum lot size required in the waterfront residential zoning district per Section 7.6.1.).

ZONING: Water Front Residential (WFR)

Project Description

The applicant would like to split the existing developed, 25,487 square foot, parcel 15-13-102-068 at 8425 Hillpoint Drive into two lots. Lot A would be 14,627 and would contain the existing house and Lot B would be 10,990 square feet and would be vacant.

The applicant currently owns the subject property at 8424 Hillpoint Drive and the property to the east across Hillpoint Drive at 8417 Hillpoint Drive. The applicant has indicated to staff that the intent is to construct a garage on Lot B to accompany the house owned at 8417 Hillpoint Drive.

In 2007 the applicant combined 6 parcels into the existing single parcel an 8424 Hillpoint Drive.

In the WFR zoning district the minimum lot size is 43,560 square feet. The intent of restricting the size of new lots within the WFR zoning district is to limit the amount of new development around the lakes. Limiting the development both protects the environmental sensitive areas around the lake and limits the density of development in this already densely developed area.

Standards of Review

The Zoning Board of Appeals (ZBA) decision in this matter is to be based on the findings of facts to support the following standards. The applicable discretionary standards are listed below in bold typeface followed by staff's analysis of the project as it relates to these standards. A variance may be granted only if the ZBA finds that all of the following requirements 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.**

There is no exceptional or extraordinary circumstance or condition applicable to the property involved that does not apply generally to other properties in the same district. If the Planning Commission allowed the 25,487 sq. ft. subject site to be divided into two smaller lots, both less than the allowed lot size of 43,560 square feet in the zoning district, what would be the reason to not allow land divisions that do not meet the lot size on all lots in the zoning district?

However, a lot line adjustment could be permitted that would create Lot A, with the existing house, and combine Lot B with the parcel owned by the applicant to the east. The lot line adjustment would increase the non-conformity of Lot A but it would decrease the non-conformity of 8417 Hillpoint.

- 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.**

The owner of the subject property is allowed to develop their existing property under the WFR regulations the same as all other properties in the same zone and vicinity. If a land division was allowed it would allow the property owner to develop two non-conforming properties in the WFR zoning district instead of one. This would allow this property owner twice the development as other properties in the same zone and vicinity. Staff recommends that if the ZBA grants approval to request that a lot line adjustment be required.

- 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.**

Dividing the existing non-conforming lot into two smaller non-conforming lots would allow Lot B to be developed with any of the allowed uses in the WFR zoning district. The property owners have stated that they would like to build a garage on this lot for their other property at 8417 Hillpoint Drive. This would be an allowed use of this new lot under section 8.3.10 of the zoning regulations because the properties would be within 66 feet of each other and the project could meet the other regulations under this section. Other uses that would be permitted on this property if divided would be a new single family home, essentials service facility, a family care home along with other allowed accessory uses and structures would also be allowed.

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

The future land use map for this property is High Density Residential which would allow for properties to be as small as $\frac{1}{4}$ of an acre. However some of the goals of the master plan are to protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township; preserve the natural and historic character of Hamburg Township by accommodating a reasonable amount of development, but ensuring the development is in harmony with the natural features and the unique environmental requirements of the Township. Because of this lot's proximity to the lake and the small size of the existing site future divisions of this property for development would not appear to preserve or be in harmony with the natural features and unique environmental requirements of the Township. A lot line adjustment would not create a non-conforming parcel would be essentially transfer a non-conformity from 8417 Hillpoint to 8424 Hillpoint.

- 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.**

It appears that allowing a land division of an already non-conforming lots (25,487 sq. ft) in the WFR zoning district may be very general and recurrent in nature as many of the lots in the WFR zoning district are smaller than the required 43,560 sq. ft. minimum lot size.

- 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 uses allowed on the lots would be the same as the current uses allowed in the WFR zoning district. However, this single legal non-conforming site would be able to have twice as many of these allowed uses if the ZBA allows the property to be divided into two even more non-conforming sites. Permitting the lot line adjustment, however,

assuages the concerns regarding over development of the waterfront district and would permit the property owner to develop both Lot A, Lot B, and 8417 Hillpoint in full compliance with the zoning ordinance.

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

The existing property may be developed with all the uses allowed in the WFR zoning district as long as all the regulations can be met. Therefore, the property as it exists today allows for reasonable use of the land.

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 approve or deny the application. In the motion to approve or deny the project the ZBA should incorporate the ZBA's discussion and analysis of the project and the findings in the staff report. The ZBA then should direct staff to prepare a memorialization of the Board's decision that reflects the Board's action to accompany the hearing minutes and to be reviewed and approved at the next ZBA hearing.

Denial Motion:

Motion to deny variance application ZBA 20-001 at 8424 Hillpoint Drive (TID 15-13-102-068) to allow the divisions of the existing 25,487 square foot parcel into two parcels, Lot A (14,627sq. ft.) and Lot B (10,990 sq. ft.) both lots would be smaller than the minimum lot size for the area of 43,580 sq. ft. (Section 7.6.1). The variance does not meet standards one through seven of Section 6.5. of the Township Ordinance and a practical difficulty does not exist on the subject site when the strict compliance with the Zoning Ordinance standards are applied as discussed at tonight's meeting and as presented in the staff report. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

Approval Motion:

Motion to approve variance application ZBA 20-001 at 8424 Hillpoint Drive (TID 15-13-102-068) to allow the lot line adjustment between 15-13-102-068 and 15-13-103-084, as indicated in the staff report, and permitting Lot A to have a lot size of 14,627 square feet. Variance does meet standards one through seven of Section 6.5. of the Township's Ordinance and a practical difficulty does exist on the subject site when the strict compliance when the strict compliance with the Zoning Ordinance standards are applied as discussed at tonight's meeting and as presented in the staff report. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

Exhibits

Exhibit A: Application materials

ZBA Case Number 20-0011
~~\$500~~ \$550

Aug-12

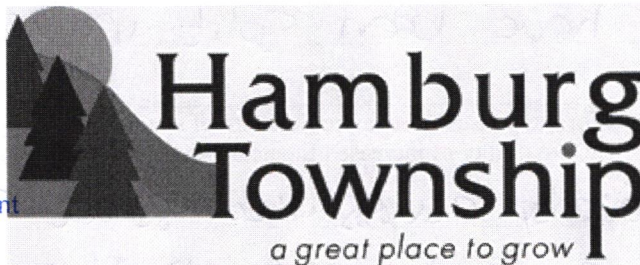
HAMBURG TOWNSHIP
Date 07/13/2020 3:46:23 PM
Ref ZBA2020-011
Receipt 1230594
Amount \$550.00

RECEIVED

JUL 13 2020

Hamburg Township
Planning and Zoning Department

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: 7-10-2020
2. Tax ID #: 15- 13 - 102 - 008 Subdivision: Cree Lake Shores Country Club No. 56, 7, 8, 9, 10
3. Address of Subject Property: 8424 Hillpoint Dr.
4. Property Owner: Mark S. Ramsey IV Phone: (H) 517-404-5822
Email Address: marksramsey4@gmail.com (W) 517-404-5822
Street: 8424 Hillpoint Dr. City Brighton State MI
5. Appellant (If different than owner): N/A Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 2003 Zoning District: _____ Flood Plain _____
7. Size of Lot: Front 179.58 Rear 135.90 Side 1 212.10 Side 2 121 Sq. Ft. 25,617
11. Dimensions of Existing Structure (s) 1st Floor 30x30.5 2nd Floor N/A Garage 20.26.5
12. Dimensions of Proposed Structure (s) 1st Floor N/A 2nd Floor _____ Garage _____
13. Present Use of Property: Primary home @ 8424 Hillpoint New Construction
out built use (Pole barn and storage)
14. Percentage of Existing Structure (s) to be demolished, if any _____ %
15. Has there been any past variances on this property? Yes _____ No X
16. If so, state case # and resolution of variance application N/A
17. Please indicate the type of variance or zoning ordinance interpretation requested:

Deviation from the minimum lot size for a garage structure.
Variance request per non-conforming lot size preperched out (8424)
Parcel "A" 14,629 sqft (.3358 acres) Parcel "B" 10,988 (.2523 acres)
Read reference Land Survey & 2007 approval via Hamburg Twp

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.

Other properties have been split in 2007-2009.

- 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.

We own the property across the street 8417 and plan to build a new home in the next 12 mo.

- 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.

We plan on building a pole barn for storage and boat/indoor storage.

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

this was approved in 2007 and combine with other approval.

- 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 property was surveyed in June 2007 with the intent to combine all 7 lots and into one for a split lot A & B

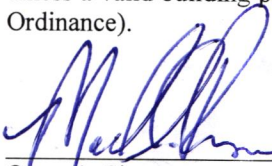
- f) Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district;

We need to build a pole barn in the future for our new construction @ 8417 hillpoint.

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

Yes we maintain the land and use it as we own. and would live @ 8417 new construction in the next 12 mo.

- 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.
- 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

7-10-2020

Date

Appellant's Signature

Date

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.

VARIANCE PROCESS:

Once a project is submitted:

The Zoning Administrator will review your submittal to make sure you have submitted a complete set of project plans (1 week if complete).

Once the project has been deemed complete by the Zoning Administrator:

The project will be scheduled for a Zoning Board of Appeals (ZBA) hearing. ZBA hearings are held the second Wednesday of each month. Your project will need to be deemed complete by the Zoning Administrator a minimum of three (3) weeks prior to a hearing in order to be scheduled for that hearing.

Once the project has been scheduled for a ZBA hearing:

All property owners within a three hundred (300) foot radius of the subject property shall be notified if the date and time of the public hearing on your variance request and the basic nature of your proposed project and variances being requested, and the owner's name and address of the subject property. Notices will be sent on or before fifteen (15) days prior to the date of the hearing.

A public hearing notice stating all appeals for a given date will be published in the Tuesday edition of the Livingston County Daily Press & Argus fifteen (15) days prior to the date of the hearing.

At the ZBA meeting/hearing:

- You and/or your representative (Lawyer, builder, contractor, relative, friend, etc.) must attend.
- Variance requests/appeals are taken in order of submission.
- Unless your variance request/appeal is tabled due to lack of information, insufficiency of drawings, etc., you will know the disposition of the appeal at the meeting before you leave.
- *No Land Use Permits will be available for pick up on the night of the meeting, so please do not ask the Zoning Administrator for them that night. You may bring the requirements for the Land Use Permit to the Township Zoning Department on the next business day.*
- In the event that the Zoning Board of Appeals **does not grant** your variance request there will be **no refund** of the filing fee, as it pays for administration costs, the member's reviewing and meeting time, and noticing costs in the newspaper and for postage.
- Rehearing requests may be charged \$200.00 for postage and newspaper costs in addition to the original \$500.00 charge, at the discretion of the Zoning Board of Appeals.

Once the project has been approved:

You will need to submit a completed Land Use Permit, three (3) sets of your final construction plans and three (3) copies of your site plan from which your project will actually be constructed, before your Land Use Permit will be released. If the Board has made special conditions, they must be met before your Land Use Permit will be released.

If the project is denied:

Section 6.8 (C) of the Hamburg Township Zoning Ordinance states that a one (1) year period must elapse before a rehearing of the appeal "except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection of the Zoning Board of Appeals to be valid."

Section 6.8 (E) of the Zoning Ordinance governs appeals to Circuit Court. If you desire to appeal the decision of the Zoning Board of Appeals, you need to contact your attorney for filing appeals to Circuit Court.

VARIANCE STANDARDS:

Variance: (*definition*) A modification of the literal provisions of the zoning ordinance granted when strict enforcement would cause undue hardship due to circumstances unique to the individual property for which the variance is granted.

Section 6.5 (C) & (D) of the Township Zoning Ordinance:

- A.** Where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would involve practical difficulties, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Zoning Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Zoning Ordinance shall be granted unless it appears that, at a minimum, the applicant has proven a practical difficulty and that all the following facts and conditions exist:
- 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.**
 - 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.**
 - 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.**
 - 4. That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.**
 - 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.**
 - 6. Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.**
 - 7. The requested variance is the minimum necessary to permit reasonable use of the land.**
- B.** For the purpose of the above, a "practical difficulty" exists on the subject land 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), and the applicant has proven all of the standards set forth in Section 6.5 (C) (1) through (7). Demonstration of practical difficulty shall focus on the subject property or use of the subject property, and not on the applicant personally.
- C.** In consideration of all appeals and all proposed variations to this Zoning Ordinance, the Zoning Board of Appeals shall, before making any variations from this Zoning Ordinance in a specific case, determine that the standards set forth above have been met, and that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the inhabitants of the Township.

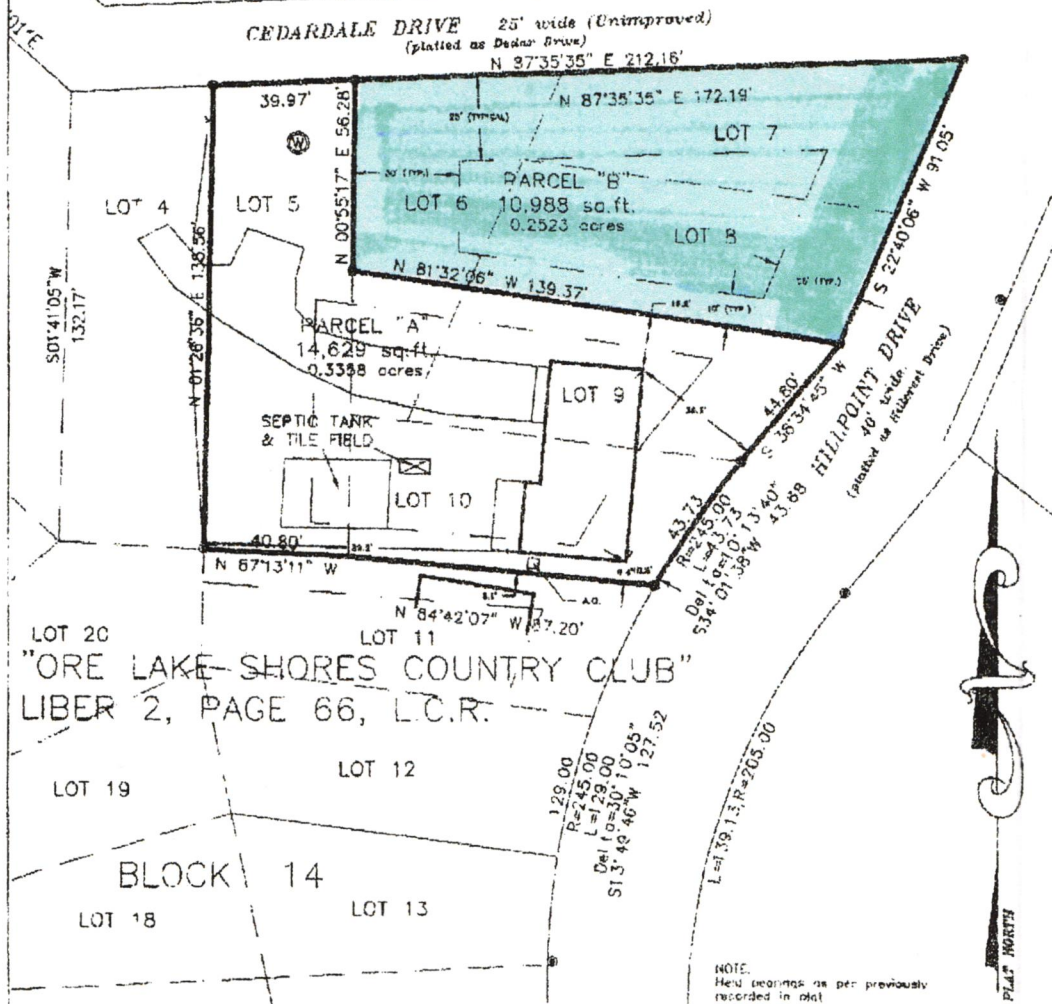
CERTIFICATE OF LAND SURVEY

This Certificate is Valuable, File It With Your Deed Or Abstract Of This Property



(IN FEET)
1 inch = 40 ft.

S88°22'27"W
174.34'



Client: Mark S. Ramsey IV
Date: June 20, 2007
Scale: 1" = 40'
Sheet No. 1 of 2

Section 13 T.1N., R.5E.
Hamburg Township
Livingston County
Job No. 06-0605

Legend
R = Recorded FM = Found Monument
M = Measured FIP = Found Iron Pipe
C = Calculated FIR = Found Iron Rod
S = Set SIR = Sec Capped Iron Rod

We certify that we have surveyed the property herein described, and have set markers at all corners shown thus (D), and that there are no existing encroachments except as shown thereon.

DONALD W. ROSS ASSOCIATES
REGISTERED LAND SURVEYORS
11550 Hyne Road, Brighton, MI 48114
(810) 227-5196 / (810) 227-2163 Fax

By:
DONALD W. ROSS, Registered Land Surveyor, Michigan #19005

CERTIFICATE OF LAND SURVEY

This Certificate is Valuable, File It With Your Deed Or Abstract Of This Property

Legal Descriptions:

Parcel "A"

Lots 5, 9, 10 and part of Lot 6, Block 14, of "Ore Lake Shores Country Club" a subdivision of a part of the East Half of the Northeast Quarter of Section 13, Town 1 North, Range 5 East, Hamburg Township, Livingston County, Michigan, as recorded in Liber 2 of Plats, Page 66, of Livingston County Records. Beginning at the Northeast corner of said Lot 9, Thence along the East line of said Lot 9, being the West line of Hillpoint Drive, South 38 degrees 34 minutes 45 seconds West 44.80 feet; Thence along the East line of said Lot 10, being a non-tangent curve to the left being the West line of Hillpoint Drive, having a radius of 245.00 feet and a Delta angle of 10 degrees 13 minutes 40 seconds, an arc distance of 43.73 feet, whose long chord bears South 34 degrees 01 minutes 38 seconds West 43.68 feet to the Southeast corner of said Lot 10, Thence along the South line of Lot 10 North 84 degrees 42 minutes 07 seconds West 87.20 feet; Thence along the South line of Lot 5 North 87 degrees 13 minutes 11 seconds West 40.80 feet to the Southwest corner of said Lot 5; Thence along the West line of Said Lot 5 North 01 degrees 26 minutes 36 seconds East 135.56 feet to a point of the South line of Cedardale Drive, a 25 foot wide (unimproved) road; Thence along said South line, being the North line of said Lot 5, North 87 degrees 35 minutes 35 seconds East 39.97 feet; Thence along the East line of said Lot 5 South 00 degrees 55 minutes 17 seconds West 56.28 feet; Thence across Lot 6 on the extension of the South line of said Lot 9, South 81 degrees 32 minutes 06 seconds East 139.37 feet, to the place of beginning. Containing 0.3358 acres of land. Also subject to other easements and restrictions of record, if any.

Parcel "B"

Lots 7, 8 and part of Lot 6, Block 14, of "Ore Lake Shores Country Club" a subdivision of a part of the East Half of the Northeast Quarter of Section 13, Town 1 North, Range 5 East, Hamburg Township, Livingston County, Michigan, as recorded in Liber 2 of Plats, Page 66, of Livingston County Records. Beginning at the Northeast corner of said Lot 7; Thence along the East line of said Lots 7 and 8, being the West line of Hillpoint Drive, South 22 degrees 40 minutes 06 seconds West 91.05 feet; Thence along the South line of said Lot 8 North 81 degrees 32 minutes 06 seconds West 139.37 feet to a point on the West line of said Lot 6; Thence along the West line of Said Lot 6 North 00 degrees 55 minutes 17 seconds East 56.28 feet to a point of the South line of Cedardale Drive, a 25 foot wide (unimproved) road; Thence along said South line, being the North line of said Lots 6 and 7, North 87 degrees 35 minutes 35 seconds East 172.19 feet to the place of beginning. Containing 0.2523 acres of land. Also subject to other easements and restrictions of record, if any.

I hereby certify that I have surveyed and mapped the land above and/or described on June 18, 2007 and that the ratio of closure on the unadjusted field observations of such survey was 1 part in 38,734 and that all of the requirements of P.A. 132 1970 as amended, have been complied with.

Client:	Mark S. Ramsey JV	Section 13	T.1N., R.5E.
Date:	June 20, 2007	Hamburg Township	
Scale:	1" = 40'	Livingston County	
Sheet No.	2 of 2	Job No. 06-0605	

Legend
R = Recorded FM = Found Monument
M = Measured FIP = Found Iron Pipe
C = Calculated FIR = Found Iron Rod
S = Set SHR = Set Capped Iron Rod

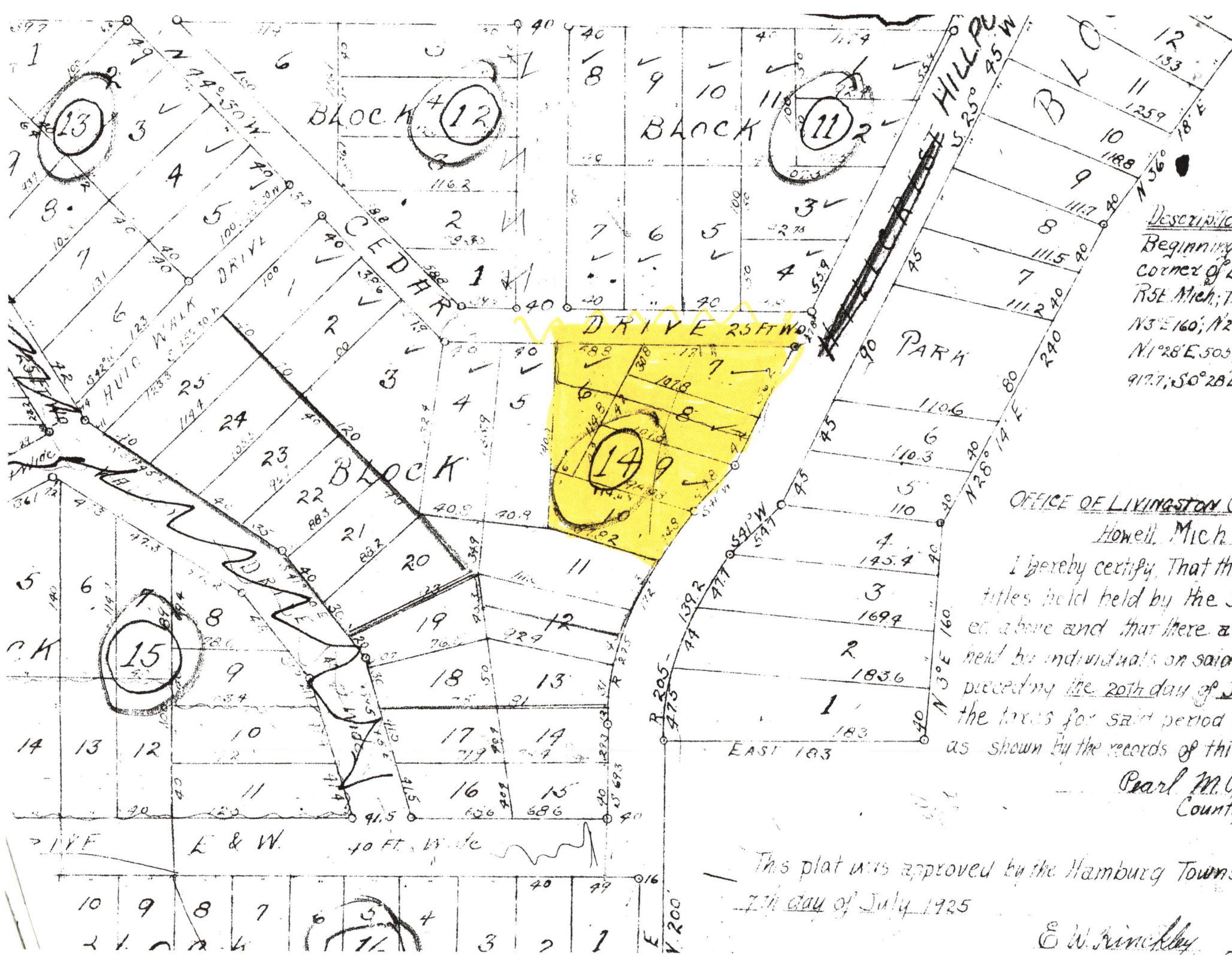
We certify that we have surveyed the property herein described, and have set markers at all corners shown thus (0), and that there are no existing encroachments except as shown thereon.

DONALD W. ROSS ASSOCIATES

REGISTERED LAND SURVEYORS
11550 Hyne Road, Brighton, Mi. 48114
(810) 227-5161 (810) 227-2163 Fax

By:

DONALD W. ROSS, Registered Land Surveyor, Michigan #19005



Description
 Beginning
 corner of
 R5E Mich; T.
 N3°E 160; N2.
 N1°28'E 505.
 917.7; S0°28'E

OFFICE OF LIVINGSTON
 Howell, Mich.

I hereby certify, That the
 titles held by the
 ed above and that there a.
 held by individuals on said
 preceding the 20th day of J
 the taxes for said period
 as shown by the records of this

Pearl M.
 County

This plat was approved by the Hamburg Towns
 7th day of July 1925

E. W. Kinckley

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



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

A GREAT PLACE TO GROW

May 2, 2007

Mr. Mark S. Ramsey IV
8424 Hillpoint Drive
Brighton, MI 48116

Dear Mr. Ramsey,

Your application for a land combination of parcel numbers 15-13-102-014, 15-13-102-015, 15-13-102-016, 15-13-102-026, 15-13-102-027 and 15-13-102-028 has been reviewed and approved. Your new Parcel ID number is as follows:

15-13-102-068

Sincerely,

Kathleen H. Semenuk
Administrative Assistant



10405 Merrill Road ♦ P.O. Box 157
Hamburg, MI 48139
Phone: 810.231.1000 ♦ Fax: 810.231.4295
www.hamburg.mi.us

August 27, 2007

Mr. Mark Ramsey
8424 Hillpoint Drive.
Brighton, MI 48116

Subject: Garage construction on Parcel Identification number 15-13-102-068 for the owner of Parcel Identification number 15-13-103-064

I have reviewed the parcels in question and would approve a garage that met the requirements for a detached garage accessory structure of Section 8.3.10, provided that a legally recorded deed restriction were to be recorded against both parcels prohibiting the sale of the lot with the Principal structure separate from the structure with the Accessory structure. This agreement would need to be reviewed by the Township's Legal Counsel at the cost of the applicant. The document would need to meet the requirements as deemed necessary by the Township's Legal Counsel.

If you have any questions regarding this matter, do not hesitate to contact me at (810) 231-1000 ext. 219

Sincerely,

Patrick L. Hagman
Planning and Zoning Administrator

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139-0157

(810) 231-1000 Office
(810) 231-4295 Fax



Supervisor: Pat Hohl
Clerk: Mike Dolan
Treasurer: Jason Negri
Trustees: Bill Hahn
Annette Koeble
Chuck Menzies
Patricia Hughes

Hamburg Township
Zoning Board of Appeals Minutes
Wednesday, July 8, 2020
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, Dolan, Priebe, Rill and Watson

Absent: None

Also Present: Amy Steffens, Planning & Zoning Administrator

4. Correspondence: None

5. Approval of Agenda:

Amy Steffens, Planning & Zoning Administrator, stated that we need to add ZBA20-007 & ZBA20-008 because they were noticed, but they will be tabled.

Motion by Dolan, supported by Watson

To approve the agenda with the addition of ZBA20-007 & ZBA20-008

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) ZBA20-006

Owner: Katherine Pancza/Keith Phillips

Location: 9049 and 9039 Riverside Drive, Brighton, MI 48116

Parcel ID: 15-24-102-085 and 15-24-102-086

Request: Variance application to permit the construction of a patio structure with a 108.3-foot setback from the ordinary high water mark or river's edge of the Huron River (125-foot setback from the ordinary high water mark or river's edge required, Hamburg Township Zoning Ordinance Section 7.6.1.fn3 and Department of Natural Resources Natural Rivers Zoning Rule 51 (1)(a)(i)).

Amy Steffens, Planning & Zoning Administrator, stated that this request was published and notified. However, at 4:00 today we received notice from the applicants' agent that they wished to completely withdraw the appeal. They do understand that any new request would require a new application and filing fee.

Motion by Dolan, supported by Watson

That the record reflect that the variance request ZBA20-006 has been completely withdrawn by the applicant

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

b) ZBA20-007

Owner: Tyler and Kara Lenling

Location: 5156 Girard Drive, Pinckney, Michigan 48169

Parcel ID: 15-22-300-010 and 15-22-300-060

Request: Variance application to permit the construction of a 2,830 square foot addition to an existing dwelling. The addition would have up to a 12.5 foot east rear yard setback (30-foot rear yard setback required per Section 7.6.1)

Steffens stated that it was improperly noticed. It has been re-noticed. We will be holding a special meeting on this case on Monday, July 27, 2020. The Board will need to table this until July 27th.

Motion by Dolan, supported by Rill

To table ZBA20-007 until the July 27, 2020 Special Meeting

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

c) ZBA20-008

Owner: Michael Dolen

Location: 10910 Bob White Beach Blvd, Whitmore Lake, Michigan 48139

Parcel ID: 15-27-401-037

Request: Variance application to permit the construction of a 1,015 square foot accessory structure with a 24.3 foot rear yard setback and up to a 22 foot setback from a regulated wetlands (30 foot rear yard setback required per Section 7.6.1, and a 50 foot setback from a regulated wetlands required per Section 9.9.3B)

Steffens stated that when Mr. Dolen received his wetlands delineation, they found that the setback request was greater than what was shown on his site plan. We will re-notice it and he will come back at the August hearing.

Motion by Auxier, supported by Watson

To table ZBA20-008 until the August meeting

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

8. New/Old business

a) Approval of June 10, 2020 Meeting Minutes

b) Memo of Findings for ZBA 20-003

c) Memo of Findings for ZBA 20-005

Motion by Auxier, supported by Rill

To approve the minutes of the June 10, 2020 meeting minutes as written

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

Steffens stated that at the next meeting of the Planning Commission on July 15th, they will be holding the final Public Hearing for the Master Plan 2020 update. Hopefully, we will have a favorable recommendation by the Planning Commission and it will be sent to the Township Board for final adoption. She thanked Chairwoman Priebe for serving on the Master Plan Steering Committee. We are very excited to wrap up this project that they have been working on for over two years.

9. Adjournment:

Motion by Auxier, supported by Rill

To adjourn the meeting

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

The meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected:_____

Chairperson Priebe

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139-0157

(810) 231-1000 Office
(810) 231-4295 Fax



Supervisor: Pat Hohl
Clerk: Mike Dolan
Treasurer: Jason Negri
Trustees: Bill Hahn
Annette Koeble
Chuck Menzies
Patricia Hughes

**Hamburg Township
Zoning Board of Appeals Minutes
Special Meeting
July 27, 2020
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, Dolan, Priebe, Rill and Watson

Absent: None

Also Present: Erik Perdonik, Zoning Department

4. Correspondence: None

5. Approval of Agenda:

Motion by Auxier, supported by Dolan

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) ZBA20-007

Owner: Tyler and Kara Lenling

Location: 5156 Girard Drive, Pinckney, Michigan 48169

Parcel ID: 15-22-300-010 and 15-22-300-060

Request: Variance application to permit the construction of an approximate 4,700-square foot, two-story addition to an existing dwelling. The addition would have up to a 20.5-foot east rear yard setback (30-foot rear yard setback required per Section 7.6.1.).

Mr. Tyler Lenling stated that with the existing and the new, it is actually a total of 3,786 square feet. He stated that they did receive a permit, which has been closed out for the demolition of the building at 5150 Girard. He presented pictures of the property. He further presented and explained pictures depicting the property staked off and where the structure will sit on the property. He stated that the existing shed will be removed from the property and explained the setbacks from the property lines.

Erik Perdonik of the Zoning Department stated that the subject site is a 22,651-square foot parcel that is in the process of being combined with the parcel to the north. It fronts onto Girard Drive to the west and Zukey Lake to the south; single-family dwellings are located to the west and east. The site is improved with a single-story 1,176- square foot dwelling and a 1,200-square foot detached accessory structure. The structures on the northern parcel have been demolished. This variance request was originally on the agenda for the July 8th meeting, however the legal notice was not provided to the property to the east of the site due to a technical error. Therefore, the request was continued to tonight's special meeting, and this meeting has been properly noticed. Based on FEMA's Flood Insurance Rate Map, a portion of the structure lies within the 100-year floodplain. An elevation certificate must be provided to the township prior to issuance of a land use permit, at foundation prior to vertical construction, and at final zoning compliance. Alternatively, the applicant could provide a map amendment that would remove their structure from the floodplain. Because the project would be considered a substantial improvement, the entire structure, including the existing dwelling's elevations, must have the lowest floor elevated to at least one foot above the base flood elevation. Perdonik discussed the findings of fact. He stated that the existing dwelling has a 20-foot rear yard setback, with approximately 280 square feet of the existing single-family dwelling encroaching into the required 30-foot rear yard setback. The proposed addition would add approximately 26 linear feet within the required rear yard setback and a bulk of approximately 398 square feet of second-story façade within the required setback. While the combined lot will be a sizeable one-half acre, the existing dwelling was constructed with a front yard setback in excess of 70 feet where a 25-foot front yard setback is required. The development of the parcel does create a practical difficulty in complying with the required rear yard setback. However, given the large lot size and excessive front yard setback, there is adequate room on the lot to design an addition that would comply with all zoning setback requirements. He stated that a substantial property right is not preserved based on granting a variance for a particular architectural design and the addition could be redesigned as a lateral addition to meet all setback requirements. Although, as previously stated, the existing dwelling is sited on the lot with a large front setback that hampers rear yard setback compliance for future development. The side yard of the dwelling to the east will be directly impacted by the addition and staff would be concerned about the impact of a second-story dwelling within the required setback. There are mitigating factors that could be considered by the ZBA in granting the variance, including the unusual angle at which the road right-of-way traverses the subject site and the fact that the adjacent dwelling to the east gains access to the north and views to the south. The subject site is in the North Chain of Lakes planning area. This area envisions a mixture of residential densities closely tied to the lakes. The proposed additions would not affect the purpose or objectives of the master plan. The subject site is a residentially zoned, developed, and used property. The site is one half acre in size, with adequate room for a compliant addition to the north, east, and south facades of the dwelling. The proposed location of the addition is a personal preference and is not a condition specific to the subject site although the large front setback could be considered conditions of the property not of so general or recurrent a nature. The site is zoned for single-family residential and the proposed variance would not permit the establishment of a use not permitted by right within the district. The proposed addition could be reduced in size to comply with the zoning ordinance requirements for the rear yard setback because the design is a personal preference, but the extreme front yard setback could present a practical difficulty in future development of the site.

Chairperson Priebe opened the hearing to the public.

Dwayne Combs of 5164 Girard stated that he and his father in-law are present in support of the Lenling's request.

Hearing no further public comment, Chairperson Priebe closed the public hearing.

It was stated that the lot is unusual with Girard going through part of the property. Member Dolan stated that it is nice to see the lot cleaned up and that they are going to save the older trees. He would agree that there is a practical difficulty there.

Chairperson Priebe stated that the rear setback is actually to the existing foundation.

Discussion was held on the configuration of the lot and making Girard the front and the lake the back. Perdonik stated that it essentially turns the side yard into a rear yard.

Member Auxier asked the applicant if they considered going eight feet forward. Mr. Lenling stated that they did try that initially, however the problem was that there would not be enough room to get a car into the garage and it would affect the root boundary of those trees. He further discussed the soil tests and soil conditions.

Motion Auxier, supported by Watson

To approve variance application ZBA 20-0007 at 5156 Girard Drive to allow for the construction of an approximate 3,786-square foot, two-story addition to an existing dwelling. The addition would have up to a 20.5-foot east rear yard setback (30-foot rear yard setback required per Section 7.6.1.) The variance does meet 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 meeting 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

8. New/Old business

9. Adjournment:

Motion by Dolan, supported by Auxier

To adjourn the meeting

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

The meeting was adjourned at 7:23 p.m.

Respectfully submitted,

Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected: _____

Chairperson Priebe