

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



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

**Hamburg Township
Zoning Board of Appeals
Special Meeting
Monday, July 27, 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 2020-007

Owner: Tyler and Kara Lenling

Location: 5156 Girard Drive

Pinckney MI 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.).

- 8. New/Old business**
- 9. Adjournment**



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7



TO: Zoning Board of Appeals
(ZBA)

FROM: Amy Steffens, AICP

HEARING

DATE: July 27, 2020

SUBJECT: ZBA 20-007

PROJECT 5156 Girard

SITE: TID 15-22-300-010/-060

APPLICANT/

OWNER: Kara and Tyler Lenling

PROJECT: 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.)

ZONING: WFR—Medium density residential

Project History

This variance request was originally docketed for the regularly-scheduled July 8, 2020 ZBA hearing. However, required notice pursuant to MCL 125.3103 was not provided to the property owner to the east. Therefore, the request was continued to the July 27, 2020 special meeting in order for legal notices to be properly served. The special meeting was posted pursuant to MCL 15.265 on July 23, 2020.

The July 27 legal notice was written as follows: "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.)” Plans submitted July 20, 2020 indicate that the addition of approximately 4,700 square feet will have a 20.5-foot setback from the rear property boundary, where a 30-foot rear yard setback is required. Because the variance request was reduced in scope no further action is needed.

Project Description

The subject site will be combined with the lot to the north (northern lot outlined in yellow in aerial picture above) once the township assessor’s office processes the application. Once the application is processed land use permits may be issued. The combined subject site (southern lot outlined in yellow in aerial picture above) will be a 22,651-square foot parcel that 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.

If approved the variance request would permit the construction of an approximate 4,700-square foot addition to an existing dwelling. The addition would have a 20.5-foot east rear yard setback (30-foot rear yard setback required per Section 7.6.1.)

Based on FEMA’s Flood Insurance Rate Map (FIRM), a portion of the structure lies within the 100-year floodplain. Hamburg Township participates in the National Flood Insurance Program (NFIP). Proper enforcement of the building code standards is a prerequisite of the township’s participation in the NFIP. In NFIP communities, flood insurance must be purchased as a condition of obtaining a federally insured mortgage in FEMA’s special flood hazard areas. 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. Because the project would be considered a substantial improvement under NFIP guidance the entire structure, including the existing dwelling’s elevations, must comply with the current Michigan Residential code for freeboard. Preliminary reports from the surveyor indicate that the existing house is constructed on a crawl that is partially below the base flood elevation and the existing lowest adjacent grade is partially below BFE.

Prior to issuance of a land use permit, the location of the sewer line must be identified to verify that the proposed development would comply with the required grinder pump and sewer line easements. Questions regarding the sewer setback requirements should be directed to the utilities department.

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.**

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.

- 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.**

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.

- 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 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.

- 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 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.

- 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 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.

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.

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.

“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 Motion:

Motion to approve variance application ZBA 20-0007 at 5156 Girard Drive to allow for 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.) 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

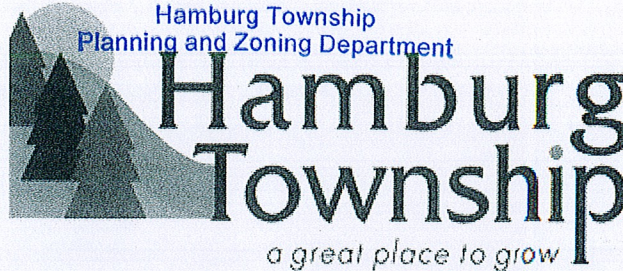
Exhibit A: Application materials

ZBA Case Number _____

RECEIVED

JUN 08 2020

HAMBURG TOWNSHIP
Date 06/08/2020 4:21:48 PM
Ref ZBA0000-000
Receipt 1229134
Amount \$500.00



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

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

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

1. Date Filed: 6/8/2020
2. Tax ID #: 15- 060_060_060 Subdivision: N/A Lot No.: _____
3. Address of Subject Property: 5156 Girard Drive, Pinckney, MI 48169
4. Property Owner: Tyler & Kara Lenling Phone: (H) Cell 734-954-0875
Email Address: kara@tekenvironmental.com (W) 734-878-5588
Street: 3937 Green Hills Drive City: Pinckney State: MI
5. Appellant (If different than owner): Tyler & Kara Lenling Phone: (H) Cell 734-954-0875
E-mail Address: _____ (W) Cell 734-954-0875
Street: _____ City: _____ State: _____
6. Year Property was Acquired: 2010 Zoning District: _____ Flood Plain AE
7. Size of Lot: Front 121 Rear 151 Side 1 212 Side 2 113 Sq. Ft. _____
11. Dimensions of Existing Structure (s) 1st Floor 800 2nd Floor ~~800~~ Garage _____
12. Dimensions of Proposed Structure (s) 1st Floor 800 2nd Floor 800 Garage _____
13. Present Use of Property: Residential
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
15. Has there been any past variances on this property? Yes ☐ No ☒
16. If so, state case # and resolution of variance application _____
17. Please indicate the type of variance or zoning ordinance interpretation requested:
Building Setbacks for residential addition. Existing residence Non-Conforming

20007

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.

Property and neighboring properties do not comply with the setbacks. The property front is on the side of the lot and adjacent to the lakefront.

- 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.

The variance of setback would allow for the renovation of an existing cottage on Zukey Lake. Set backs will not be infringed further than the existing structure.

The renovation will benefit the neighborhood appeal and providing a structure for fitting with other properties of the lake.

- 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.

This variance 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.

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

This variance will conform to the Master Plan of the Township

- 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.

Agreed

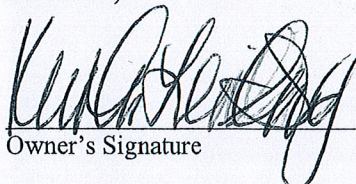
- f) Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district;

Property use will remain residential as currently permitted.

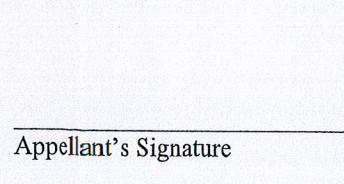
- g) The requested variance is the minimum necessary to permit reasonable use of the land.

Construction Drawings are being revised to the absolute minimum necessary to permit current intended use of the residential property.

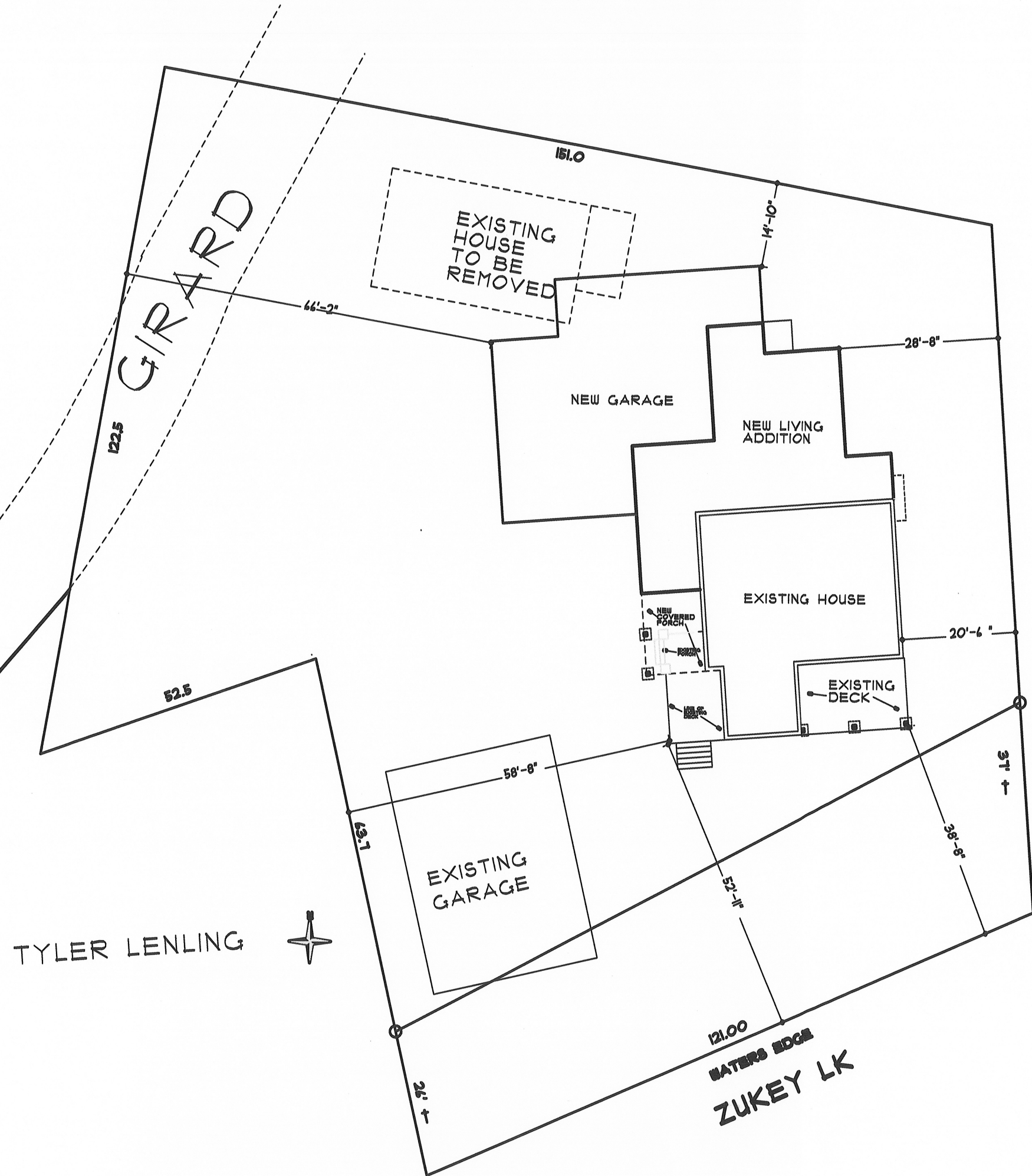
- I hereby certify that I am the owner of the subject property or have been authorized to act on behalf of the owner(s) and that all of the statements and attachments are true and correct to the best of my knowledge and belief.
- I acknowledge that approval of a variance only grants that which was presented 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).

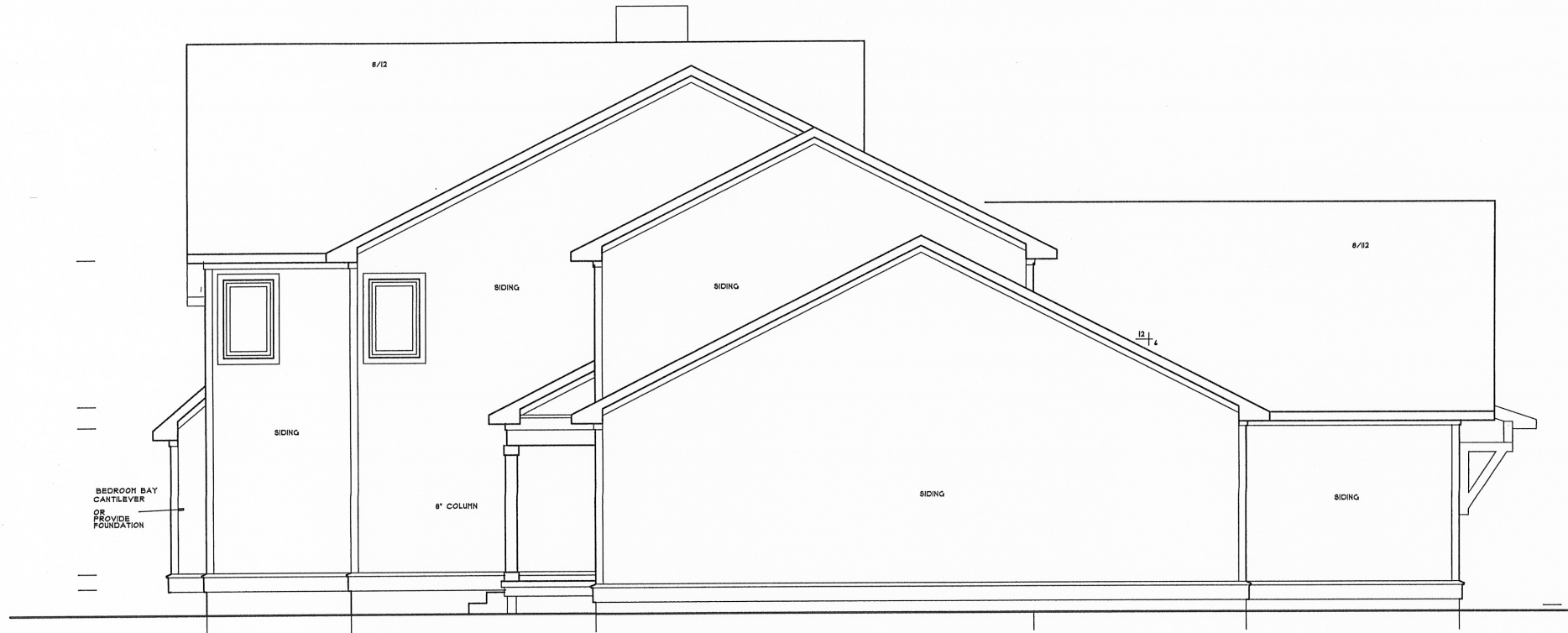

Owner's Signature

6/8/2020
Date


Appellant's Signature

6/8/2020
Date





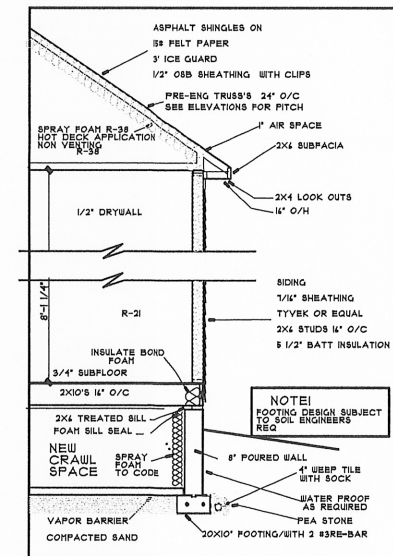
NORTH ELEVATION SCALE 1/4" = 1'-0"



EAST ELEVATION

CONSTRUCTION NOTES

- FOUNDATION**
#3000 PSI CONCRETE FOR ALL FOOTINGS
MIN. DEPTH BELOW GRADE 40" AS PER FAIRWAY ENG LLC DATED 9-12-2019
- FLOORING**
#ALL FLOORING TO BE 4000 PSI WITH AIR ENTRAINMENT CONCRETE
#4" THICK, 4"x4" W/REIN, PROVIDE 1/2" HILLY VISQUEEN VAPOR BARRIER ON 4" COMPACTABLE SAND MIN.
#SLOPE TO DRAINS
#ONLY NON-CORROSIVE ADHESIVES PERMITTED-ADHESIVES CONTAINING CHLORIDE IONS ARE NOT PERMITTED
#EXPANSION JOINT MAT AT ALL CONC. SLABS ABUTTING CONCRETE OR MASONRY WALLS
#EXPANSION JOINTS AS PER LOCAL CODES
- SOIL**
#ALL LOADS BASED ON 2500 PSI SOIL
#BENCH FOOTINGS TO VIRGIN SOIL
- MASONRY**
#USE TYPE N MORTAR
#WALL ANCHORS STRAPS 1 FOOT FROM CORNERS, 4 FOOT O/C
#USE LOAD BEARING MASONRY BLOCK ONLY
- WOOD FRAMING**
#SILL FLOOR SEALER
#TREATED SILL PLATES WITH CONTACT WITH MASONRY OR CONCRETE
#2X4 STUD GRADE 14" O/C UNLESS NOTED 2X4 EXTERIOR WALLS
#2 TOP PLATES
#ALL FLOOR JOISTS SIZED AS PER PLAN
#LADDERS OR DOUBLERS UNDER ALL PARALLEL LOAD BEARING PARTITIONS
#1 1/2" OSB SHEATHING EXTERIOR WALLS
#ALL MANUFACTURED JOISTS TO BE INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS
#MANUFACTURED PRODUCTS, JOISTS OR TRUSSES, TO BE SIZED & VERIFIED BY MANUFACTURER
#MANUFACTURER TO PROVIDE COMPLETE INSTALLATION INSTRUCTIONS TO INSTALLER, AS REQUIRED
#USE APPROVED HANGERS, ANGLES AND NAILS AS REQUIRED
#BRIDGING METAL OR WOOD 8" O/C
#ALL TRUSSES INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS
#1/2" OSB ROOF SHEATHING WITH CLIPS
#2X4 HEADERS ON ALL NON LOAD BEARING INTERIOR WALLS
#2X10 HEADERS 3' OR LESS 1/2" SOLID PLY BETWEEN
#2X12 HEADERS 3' OR MORE 1/2" SOLID PLY BETWEEN UNLESS NOTED
#INTERIOR WALLS ARE DIMENSIONED STUD TO STUD
#CHECK LOCAL CODES FOR SPECIAL STRAPS, HURRICANE CLIPS, ETC.
- ROOFING**
#3" OF ICE GUARD AT START OF OVERHANG AND VALLEYS
#15# FELT PAPER IF REQUIRED
#240# ASPHALT SHINGLES
#BRIDGE VENT NOT REQUIRED WITH SPRAYFOAM
#VENT ROOF AS MARKED AS PER SECTIONS
- INSULATION**
#5 1/2" BATT W/VAPOR BARRIER WALLS R-21
#R-38 ICYNENE OR SPRAY FOAM EQUAL
#USE RAFFELS AS REQUIRED
#8" BATT IN FLOORS EXPOSED TO OUTSIDE
#PROVIDE SCUTTLE HOLE AS REQUIRED
#INSULATE BASEMENT WALLS
- DRYWALL**
#1/2" WALLS
#1/2" WATER RESISTANT IN BATHS
#5/8" FIRE CODE IN UTILITY AND AS REQUIRED IN CARPORT/FIREWALLS
- WINDOWS AND DOORS**
#R.O. OF DOORS AND WINDOWS AT 4'-10" UNLESS NOTED
#ALL BEDROOMS TO HAVE EGRESS WINDOWS-CHECK PLAN WITH LOCAL CODES
#EXAMPLE: 2850 CASEMENT # 2'-8"x5'-0"
#FIRE CODE DOORS AS REQUIRED
#CHECK LOCAL CODES FOR MINIMUM DOOR SIZE
- MISC.**
#SLOPE GRADE 1 IN 12 AWAY FROM STRUCTURE
#ALL WOOD FRAMING 9" ABOVE GRADE
#SMOKE DETECTORS AS REQUIRED BY CODE
#PRE-FABRICATED FIREPLACES SHALL BE UL APPROVED
#FLUES, CHIMNEY CHASE SHALL BE APPROVED BY AND INSTALLED AS PER MANUFACTURER'S SPECIFICATIONS
#DESIGN IS BASED ON COMMON CONSTRUCTION PRACTICES
#AND SUBJECT TO LOCAL CODES
#ANY SPECIAL ENGINEERING REQUIRED WILL BE THE RESPONSIBILITY OF OWNER/BUILDER



MATERIAL SECTION

DESIGN BY THOMAS B. COATES JR
213 W. MAIN ST
BRIGHTON, MICH 48102-2299-8916

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FOR TYLER AND KARA LENLING
ZUKEY LK

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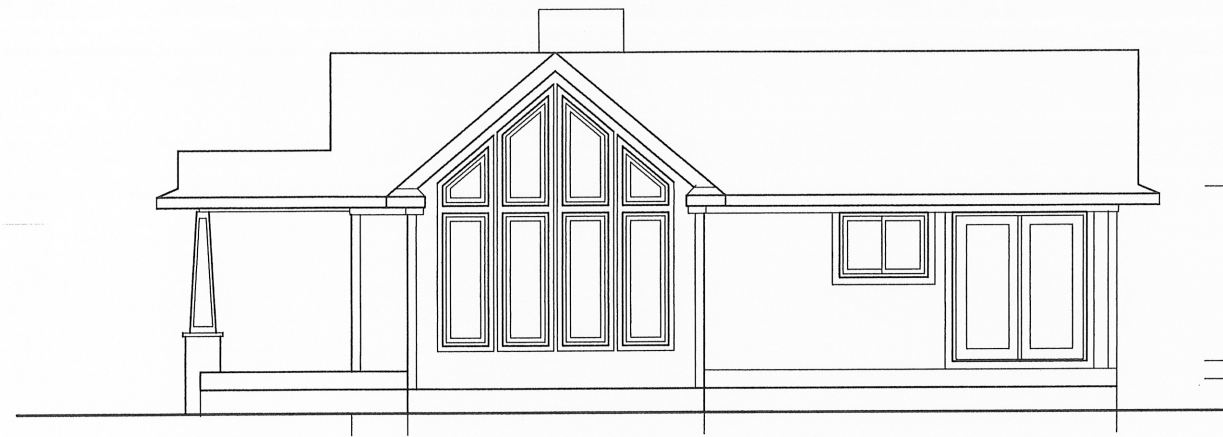
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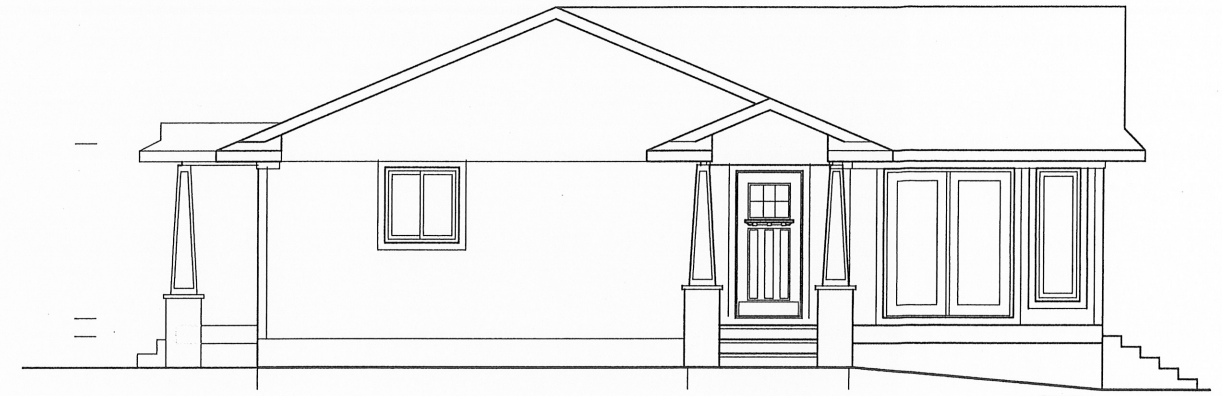
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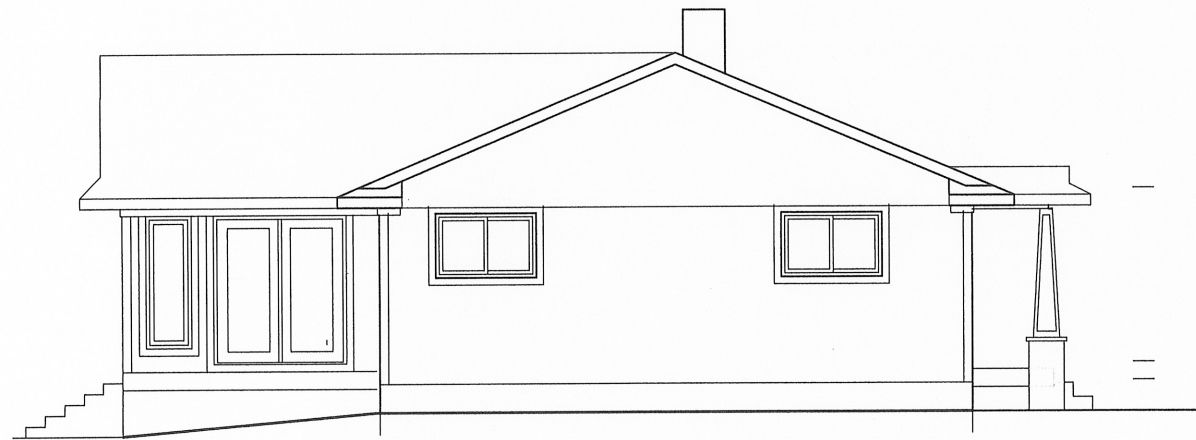
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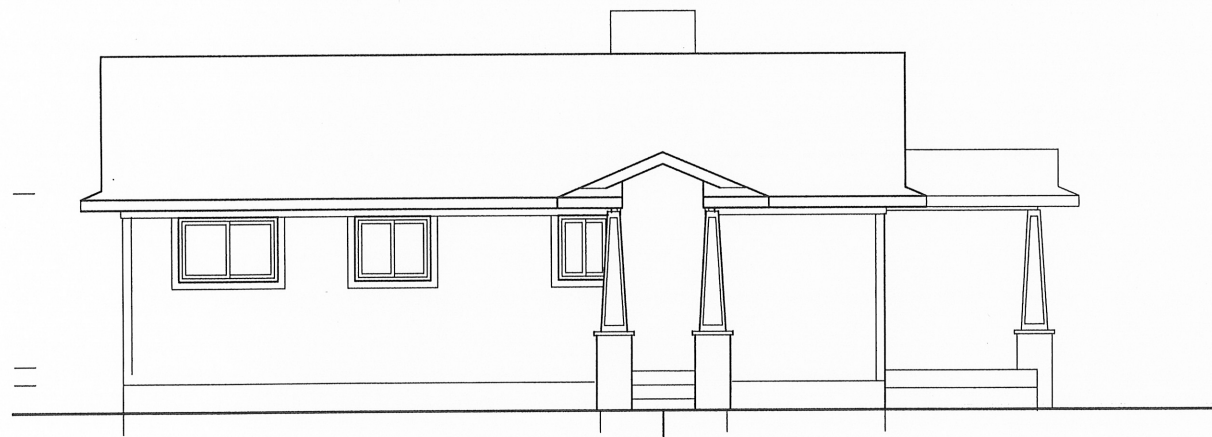
SOUTH ELEVATION



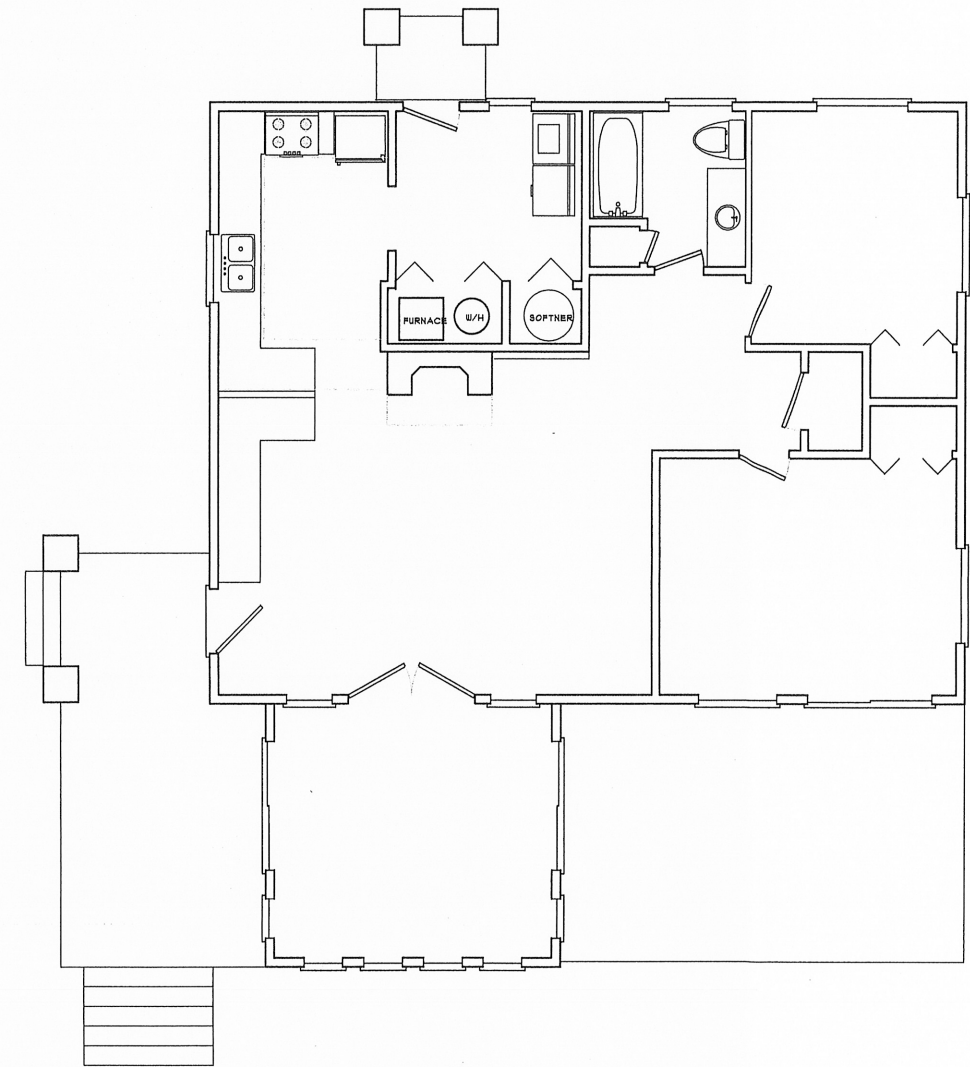
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION



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designer
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DESIGN BY THOMAS B. COATES JR
213 W. MAIN ST
BRIGHTON, MICH 48104-2299

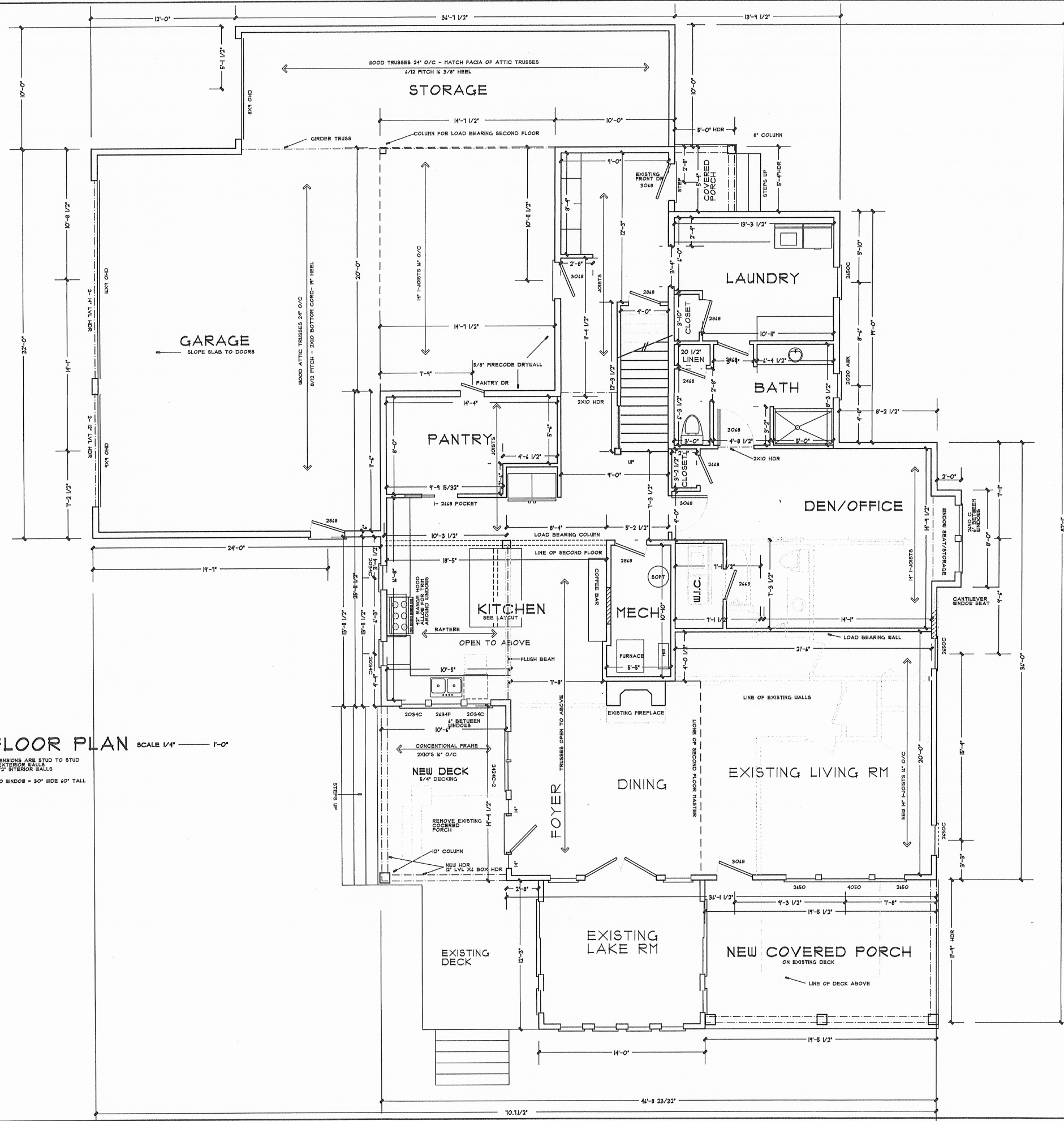
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FOR TYLER AND KARA LENING
ZUKEY LK

DATE

FIRST FLOOR PLAN SCALE 1/4" = 1'-0"

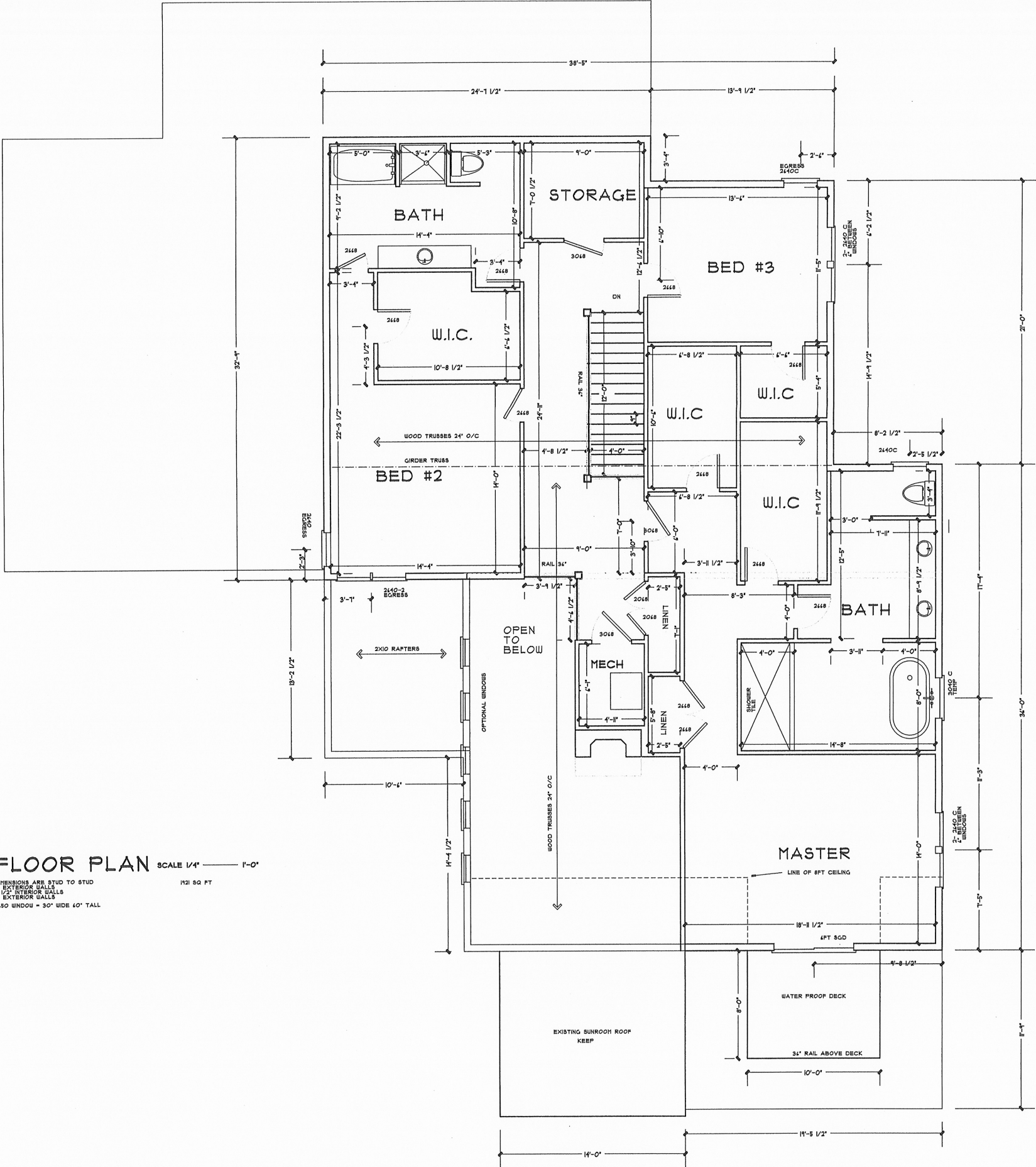
DIMENSIONS ARE STUD TO STUD
 1/2" EXTERIOR WALLS
 5/8" INTERIOR WALLS
 2450 WINDOW = 30" WIDE 60" TALL



SECOND FLOOR PLAN SCALE 1/4" = 1'-0"

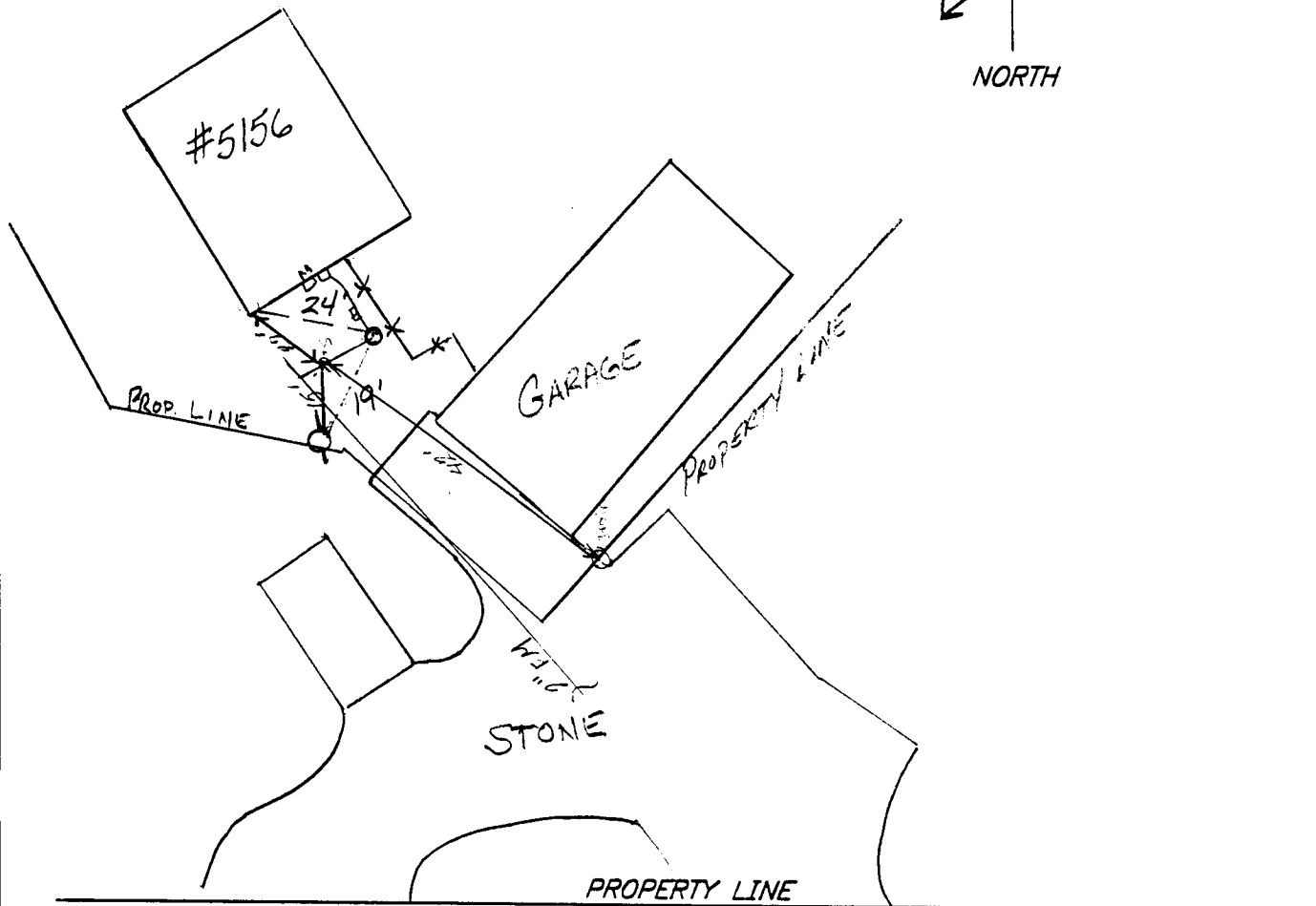
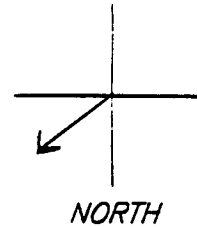
DIMENSIONS ARE STUD TO STUD
2" EXTERIOR WALLS
3/4" INTERIOR WALLS
4" EXTERIOR WALLS
24" WINDOW = 30" WIDE 40" TALL

121 SQ FT





NUMBER 14-9



GIRARD
STREET NAME

1. LOCATION OF CORPORATION STOP/CHECK VALVE WITH WITNESSES.
2. FORCE MAIN ROUTE FROM PROPERTY LINE TO HOUSE.
3. _____
4. _____

GRINDER PUMP LOCATION SHEET

MPS| 9999| 60: / GRPMPLOC.DWG 01-16-95 KMU 1