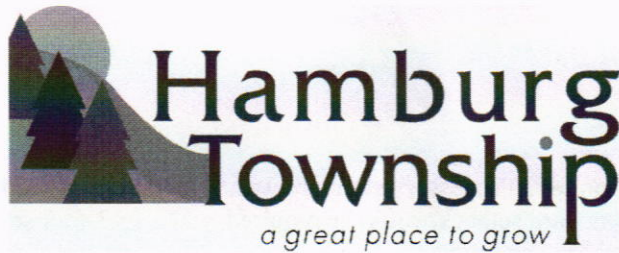


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Clerk: Mike Dolan
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Trustees: Bill Hahn
Annette Koeble
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**Hamburg Township
Zoning Board of Appeals Minutes
Wednesday, August 12, 2020
7:00 P.M.**

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: Diepenhorst, Dolan, Priebe, Rill and Watson

Absent: Auxier

Also Present: Amy Steffens, Planning & Zoning Administrator

4. Correspondence: None

5. Approval of Agenda:

Motion by Dolan, supported by Diepenhorst

To approve the agenda as presented

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

6. Call to the public:

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

7. Variance requests:

a) ZBA 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.).

Planning & Zoning Administrator Steffens stated that due to a medical reason, the applicant who is currently in California, was unable to attend this meeting. Neither our Zoning Ordinance nor the Zoning Enabling Act requires that the applicant appear in person. Given the circumstances, it was felt that it would be appropriate for staff to read into the record the applicant's responses to each of the findings of fact as their testimony.

Steffens stated that this is an application for an accessory structure with 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.

Steffens read the following response from Michael Dolen, applicant:

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.