
**Hamburg Township
Zoning Board of Appeals
Wednesday, February 10, 2021
Virtual Meeting using GoToMeeting platform**

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Access code: 348-929-213

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**

a) ZBA 2020-0012

Owner: Heather and Paul Gowette
Location: 4203 Shoreview Lane, Whitmore Lake, MI 48189
Parcel ID: 15-33-110-243
Request: Variance application to permit the construction of a two and a half story, 2,754 square foot dwelling and an attached 990-square foot garage. The dwelling will have a 12-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.).

b) ZBA 2020-0022

Owner: Lewis and Nancy Walker
Location: 9020 Rushside Drive, Pinckney MI 48169
Parcel ID: 15-17-402-126
Request: Variance application to permit the construction of 13-foot by 13-foot enclosed sunroom. The sunroom will have a 19-foot south front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 41-foot setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1. fn. 3).

Variance application to permit an elevated deck on the north façade with a 7-foot setback from the OHM (44-foot setback required, Section 8.18.2).

c) ZBA 2021-0001

Owner: Tom and Kristine Carlson

Location: 11981 Yankee Ln. Pinckney MI 48169
Parcel ID: 15-31-300-011
Request: Variance application to permit the vertical height expansion of a non-conforming second story of an existing dwelling. The expansion will have a 3.1-foot north side yard setback (10-foot side yard setback required, Section 7.6.1).

d) ZBA 2021-0002

Owner: Jeffrey Weiss
Location: Vacant on Baudine Road, Pinckney MI 48169
Parcel ID: 15-17-301-086
Request: Variance application to allow for the construction of a two-story 2,547-square foot dwelling with attached 1,177-square foot garage. The dwelling will have a 35-foot setback from the ordinary high water mark (OHM) of Rush Lake canal (50-foot OHM setback required, Section 7.6.1. fn.4) and a 22-foot west front setback (25-foot front setback required, Section 7.6.1.). An elevated deck on the east façade will have a 29-foot setback from the OHM of the canal (44-foot OHM setback required, Sections 7.6.1.fn 4 and 8.18.2.).

8. New/Old business

Approval of January 13, 2021 meeting minutes

9. Adjournment



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7A



TO: Zoning Board of Appeals
(ZBA)

FROM: Scott Pacheco, AICP

HEARING DATE: February 10, 2021

SUBJECT: ZBA 20-012

PROJECT SITE: Shoreview Lane (vacant)
TID 15-33-110-243

APPLICANT/ OWNER: Heather and Paul Gowette

PROJECT: Variance application to permit the construction of a two and a half story, 2,688 square foot dwelling and an attached 990-square foot garage. The dwelling will have a 12-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.).

ZONING: Waterfront residential (WFR)

February 10, 2021 addendum

On October 14, 2020, the Zoning Board of Appeals held a public hearing for the following proposed project:

Variance application to permit the construction of a two and a half story, 2,990 square foot dwelling, with a 16-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.), a 40-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3), and an elevated deck on the south façade with a 31.7-foot setback from the OHM (44-foot setback required for elevated decks, Section 8.18.2).

After taking testimony from the applicant, staff, and the public, the ZBA continued the request to allow the applicant additional time to revise the plans to bring the proposed dwelling into compliance

with the zoning ordinance requirements (October, 2020 ZBA minutes attached as Exhibit A).

Variance application to permit the construction of a two and a half story, 2,990 square foot dwelling, with a 16-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.), a 40-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3), and an elevated deck on the south façade with a 31.7-foot setback from the OHM (44-foot setback required for elevated decks, Section 8.18.2).

On January 12, 2021, the applicant submitted revised plans that reduced the footprint of the proposed structure by 264 square feet, the length by eight feet, structure's living space by 302 square feet, and brought the elevated deck into compliance with the 44-foot OHM setback requirement. Legal notice of the amended project plans was made pursuant to MCL 125.3103.

Staff amended the findings of fact for the February 10, 2021 hearing. The original October 14, 2020 staff report follows the conclusion of the amended report.

If approved the variance would permit the construction of a two and a half story, 2,688-square foot dwelling, with an attached 990-square foot garage. The footprint of the house will have a 15-foot front yard setback from Shoreview Lane but the proposed awning will project an additional three feet into setback. The living space above the first floor will have a 15-foot front yard setback. The proposed elevated deck on the south rear façade

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 subject site is 5,270 square feet in size, which is a typical sized waterfront lot. The zoning ordinance has undergone multiple zoning text amendments to relax setback requirements to allow for greater development potential. The proposed dwelling could be further reduced in size to comply with the zoning ordinance. However, the revised plans indicate that 400 square feet of structure, which includes vertical space above grade to the top floor, would be constructed within the required 25-foot front yard setback. The parcel to the west is improved with an accessory structure and the parcel to the east is improved with a single-family dwelling. The proposed dwelling would sit forward of the dwelling to the east but the dwelling to the east takes views of the lake to the south, so the proposed dwelling on the subject site would not impede water views of either parcel to the east or west.

- 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.**

Granting this variance request is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity as a smaller structure could be built on the subject site without the requirement of a variance to the setback regulations. However, the nominal bulk of the structure within the setback could be considered a minor deviation from the ordinance.

- 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.**

See analysis under standard number one.

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

One of the goals of the 2020 master plan is to “Protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township” the Master Plan discusses preserving and maintaining the existing character of parcels along lakes. The required setback regulations are designed to help maintain the character for the area.

- 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 lot size of the subject site is small; however, the entire Cornwell Acres Subdivision was developed with small lots. The lot is relatively flat. It does not appear that there is a condition or situation of the subject property for which the variance is sought that is not of a general or recurrent 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 dwellings and related appurtenances. The proposed project is a single-family dwelling. Approval of the variance request 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 stated in standard number 1, the buildable area outside of the required setback would allow an adequately sized home to be built that would permit the reasonable use of the land. However, staff finds that the nominal amount of square footage proposed in the required setback could be considered an acceptable deviation from the ordinance.

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.

Denial Motion

Motion to deny variance application ZBA 20-012 to permit the construction of a two and a half story, 2,688 square foot dwelling and an attached 990-square foot garage. The dwelling will have a 12-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.).

The variances do not meet variance standards one (1), two (2), three (3), four (4), five (5), 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. *ZBA members to state specific findings of fact in the motion.*

Approval Motion

Motion to approve variance application ZBA 20-012 to permit the construction of a two and a half story, 2,688 square foot dwelling and an attached 990-square foot garage. The dwelling will have a 12-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.).

The variances do meet variance standards one through seven 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. *ZBA members to state specific findings of fact in the motion.*

Exhibits:

Exhibit A: October, 2020 ZBA meeting minutes

Exhibit B: Application materials

Exhibit C: Amended project plans

Exhibit D: DPW review

Exhibit E: Letter of remonstrance received October 5, 2020

October 14, 2020 ZBA staff report:

Parcel History

On January 6, 2020 the Property Owners where granted a land division by Hamburg Township to split off the subject property from a property they own at 4230 Shoreview Lane, on the north side of Shoreview Drive from the subject site, because the parcels did not have contiguous road frontage. The subject site included a garage which was removed from the site by the owners in January 2020.

Project Description

The subject site is an approximately 50 feet wide by 110 deep (5270 square foot), it fronts Shoreview Lane on the north and abuts Long Lake to the south. There is a single family dwelling to the east at 4200 Shoreview Lane on a double lot and to the west is a garage that is used by the property to the north at 4185 Shoreview Lane.

The project proposes a new single-family home (NSFH) with the following square footage (all spaces calculated have ceiling heights 7 feet or greater):

- 1) Level 1 (ground level)
 - a. Living Space: 364 square feet
 - b. Garage: 1268 square feet
- 2) Level 2 (main level):
 - a. Living Space: 1559 square feet
- 3) Level 3 (1/2 Story):
 - a. Living Space: 1067 square feet

The total square footage of the areas over seven feet in height within this proposed structure would be 4,258 square feet.

If approved, the variance request would permit the construction of a NSFH with a 16 foot setback from the front property line where 25 feet is required, a 40 foot setback from the OHM of Long Lake for the main structure where 50 feet is required and a 31.7 foot setback for the elevated deck where 44 feet is required.

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 subject site is 5,270 square feet and the proposed structure will have a footprint of 1,632 square feet. The front property line along Shoreview Lane and the rear property line abutting Long Lake take sight visibility from the side property lines, which does have a

slight impact on the angle of the buildable area. However, the lot is mostly flat and there is ample room within the buildable area to build an adequately sized structure that meets the requirements of the code. Especially because this lot already allows for the reduced sideyard setbacks of 5 feet minimum and 15 feet aggregate because the lot is under 60 feet wide, and would allow the garage space to have a 15 foot front setback. The variance request is due to the design preference of the applicants and not an exceptional or extraordinary circumstance applicable to the property.

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.**

It appears that most of the properties in the area that consist of a single lot of record have homes that either meet the required setback, or if the homes do encroach into the setbacks the homes are not as large as the proposed structure. As shown in the table below the proposed project would be the largest structure of the immediate properties.

Address	Home Size	Garage	Total
4200 Shoreview (west of Subject Site)	2260	576	2,836
Shoreview (east of the subject site attached to 4185 Shoreview)	0	864	864
4185 Shoreview (across the street to the east)	1416	0	1,416
4191 Shoreview(Directly across the street)	1950	400	2,350
4203 Shoreview (across the street to the west)	3053	420	3483
Proposed Project	2990	1268	4,258

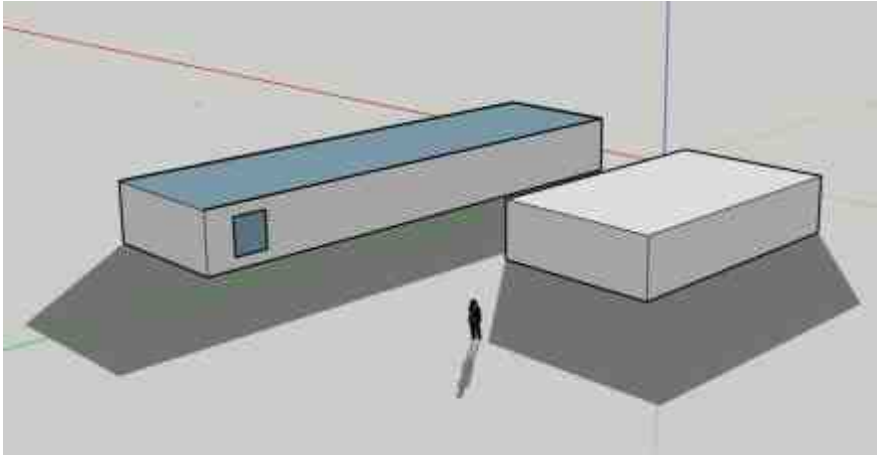
Granting this variance request is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity as a smaller structure could be built on the subject site without the requirement of a variance to the setback regulations.

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.**

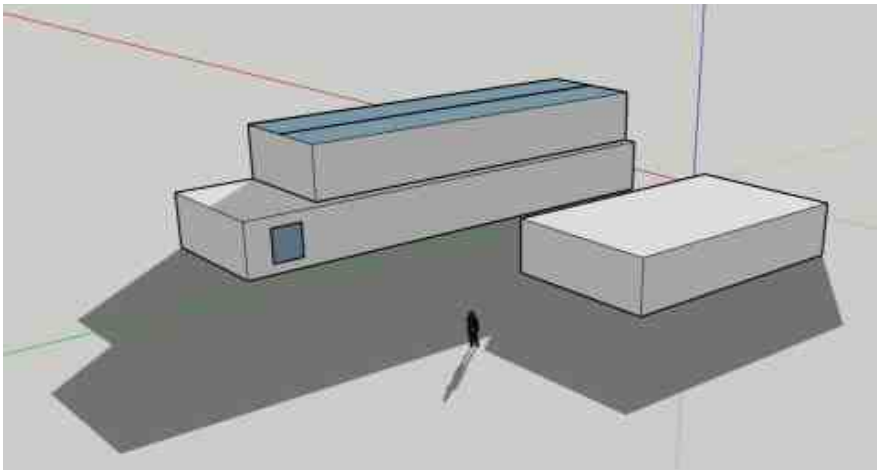
The intent of the front yard setback is to require enough space between the roadway and the structure so that structures do not loom over the street and the intent of the lake setback is to reduce the environmental impacts that a structure will have on the lake and also to reduce the visual impact that a structure would have as viewed from the lake.

The proposed structure will be 4,258 square feet, 2 1/2 stories tall and will meet the maximum height requirement. However, the ZBA should consider the sheer bulk of the structure at the proposed setbacks, not just the plan view. Because of the size and height of the proposed structure placing the structure within the required lake and front setbacks will have a greater impact of the views of the structure from both the lake and Shoreview Lane.

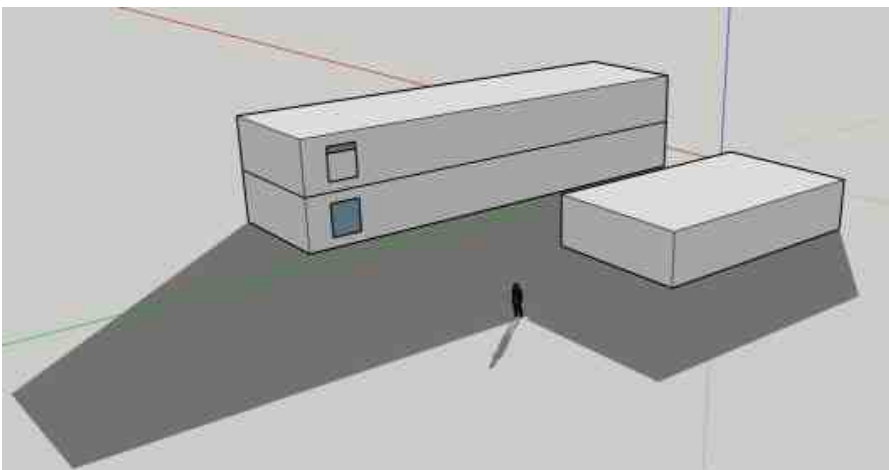
Picture 1: Existing Single Story:



Picture 2: Second Story Addition that meets the setback requirement



Picture 3: Second Story Addition that is setback the same distance as the existing structure:



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

One of the goals of the 2020 master plan is to “Protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township” the Master Plan discusses preserving and maintaining the existing character of parcels along lakes. The required setback regulations are designed to help maintain the character for the area.

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 lot size of the subject site is small; however, the entire Cornwell Acres Subdivision was developed with small lots. The lot is relatively flat. It does not appear that there is a condition or situation of the subject property for which the variance is sought that is not of a general or recurrent 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 dwellings and related appurtenances. The proposed project is a single-family dwelling. Approval of the variance request 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 stated in standard number 1, the buildable area outside of the required setback would allow an adequately sized home to be built that would permit the reasonable use of the land.

“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 denial 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.

Denial Motion

Motion to deny variance application ZBA 20-012 to permit the construction of a two and a half story, 2,990 square foot dwelling, with a 16-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.), a 40-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3), and an elevated deck on the south façade with a 31.7-foot setback from the OHM (44-foot setback required for elevated decks, Section 8.18.2).

The variances do not meet variance standards one (1), two (2), three (3), four (4), five (5), 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: Project Plan (for variance)

Exhibit C: DPW review

Exhibit D: letter of remonstrance

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Trustees: Bill Hahn
Annette Koeble
Chuck Menzies
Patricia Hughes

**Hamburg Township
Zoning Board of Appeals Minutes
Wednesday, October 14, 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:

Motion by Auxier, supported by Rill

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 2020-0012

Owner: Heather and Paul Gowette

Location: 4203 Shoreview Lane Whitmore Lake, MI 48189

Parcel ID: 15-33-110-243

Request: Variance application to permit the construction of a two and a half story, 2,990 square foot dwelling, with a 16-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.), a 40-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3), and an elevated deck on the south façade with a 31.7-foot setback from the OHM (44-foot setback required for elevated decks, Section 8.18.2).

Heather Gowett, applicant, stated that they are full-time residents and it is their desire to build a home across the street from their residence where her mother will reside. They have also taken into consideration her accessibility and mobility. She addressed #2 of the Standards of Review. After research, she has determined that of the 74 lakefront homes on the island, 62 of them have garages. She feels that it is safe to assume that is a reasonable enjoyment and an

asset they could consider. 100% of the homes have either a deck, porch or patio. When considering the footprint of the home, they felt that these are items that are needed to enjoy the lakefront property. She reviewed Review Standard item #1, exceptional or extraordinary circumstance of the lot. She stated that in the diagram included in the Board's packet, you can see clearly how the slope of the road and the slope of the lake impacts their buildable area. She discussed the lake setback and road setback which gives them a buildable area of 30 feet long by 33 feet wide. She further discussed the 22 foot by 22 foot garage and an 8 foot deck, which is reasonable. That leaves them with about 660 square feet to plan the base level of the home. That is not typical of what is on the island. There are small cottages but there are also full-time homes on the island. Their difficulty in trying to fit within the footprint and the slope of the road and the lake is why they went up. The house directly across the street is a 2.5 story house. She disagrees with the comment from the reviewer that said that building within the setbacks would allow an adequately sized home that would permit reasonable use of the land. A reasonable use should include a garage for storage and a deck for enjoyment and reasonable square footage. The reviewer also indicates that most of the properties in the area meet the required setbacks or are smaller. If you drove around the island, you could clearly see that at least 30 homes on the island have garages within feet of the road or the side lot line. The reviewer further indicates that the variances would be materially detrimental to the public welfare or materially injurious to the property and improvements in the area. She stated that she disagrees with comments such as "the structure looms over the street" or "the sheer bulk will impact views". They are not within feet of the road like those other garages. Furthermore, the house across the street, which is 2.5 stories, seems to fit in with the neighborhood and they are aware of other 2.5 story buildings built in Hamburg Township on the chain of lakes. She stated that she would like to hear from the Board and possibly come up with a compromise.

Amy Steffens, Planning & Zoning Administrator, stated that on January 6, 2020 the Property Owners where granted a land division by Hamburg Township. Originally, the subject site was combined for tax purposes with the property across Shoreview. In January 2020, the property owners where granted a land division to split off the subject property from a property they own at 4230 Shoreview Lane, on the north side of Shoreview Drive. That was able to be split because there was no contiguous road frontage, which is much different than most lot splits that we see in the Township. The subject site is approximately 50 feet wide by 110 deep or 5270 square feet. It fronts Shoreview Lane on the north and abuts Long Lake to the south. There is a single family dwelling to the east at 4200 Shoreview Lane on a double lot and to the west is a garage that is used by the property to the north at 4185 Shoreview Lane. The project proposes a new single-family home with square footage as indicated in the staff report or a total of about 4,258 square feet. The variance requests are for the front yard, where 25 feet is required, they are asking for 16 feet. Where a 50 foot setback is required from the Ordinary High Watermark of Long lake, they are asking for 40 feet for the main structure. They are also proposing an elevated deck on the lake side. An elevated deck may project up to 6 feet into any required yard except in the Natural Rivers District. They are asking for a 31.7 foot setback where 44 feet is required. They are not asking for a side yard variance.

Steffens discussed the seven findings of fact. She stated that on the 5,270 square foot lot, the structure is going to have a footprint of 1,632 square feet. The front property line along Shoreview Lane and the rear property line abutting Long Lake does have a slight impact on the angle of the buildable area. However, the lot is mostly flat and there is ample room within the buildable area to build an adequately sized structure that meets the requirements of the code, not the individual needs or desires of the property owners. All of the findings of fact deal with what is so peculiar with the property that you cannot meet the terms of the Zoning Ordinance. This lot already allows for the reduced side yard setbacks of 5 feet minimum and 15 feet aggregate because the lot is under 60 feet wide. The garage space would be allowed to have a 15 foot front setback. Both of these are due to recent text amendments to allow for greater possibilities on our lakefront lots. To have the front yard and rear yard setback requests are due to design preferences of the applicants and not an exceptional or extraordinary circumstance applicable to the property. This is a standard lakefront lot. There is a buildable, compliant area that is 33'x30' which is an adequate building size. There is nothing peculiar about the lot that would warrant a deviation from the requirements. It appears that most of the properties in the area that consist of a single lot of record have homes that either meet the required setback, or if the homes do encroach into the setbacks, the homes are not as large as the proposed structure. The report includes a table that compares the proposal with the surrounding properties. Ultimately, granting the requests with both a variance to the front yard setback and the Ordinary High Watermark for both the house and the deck, is not necessary for the preservation and enjoyment of a substantial property right by other properties in the same zone. A smaller structure could be built on

this site that complies with all the zoning requirements and still takes into account any slope that the applicant argues warrants a front yard and rear yard setback. The intent of the front yard setback is to require enough space between the roadway and the structure so that structures do not loom over the street or adjacent properties. The ZBA can and should consider the bulk of the structure at the setback. You are looking at a plan view, but when it is built, you are not looking at a plan view but the bulk of the structure at the reduced setback that potentially has a detrimental effect not only on the streetscape and the aesthetics of Shoreview, but also on adjacent properties. Because of the size and the height of the proposed structure, placing the structure within the required lake and front setbacks will have a greater impact of the views of the structure from both the lake and Shoreview Lane. She stated that with the staff report, there are two scaled mock-ups showing what happens when you have compliant structures next to each other and single stories and then a second story addition that meets the setback requirement and finally a second story addition that is setback the same distance as the existing structure. This is a good depiction of what happens when structures get larger and taller and how it impacts structures on adjacent properties. One of the goals of the 2020 master plan is to "Protect, preserve, and enhance, whenever possible, the unique and desirable natural amenities of Hamburg Township". Building a house there will not affect the intent of the Master Plan, but the setbacks uphold the intent of the Master Plan, and it is up to the ZBA to determine if a variance request upholds that intent. The lot size of the subject site is small, and we have already addressed small waterfront lots in recent zoning text amendments. The entire Cornwell Acres Subdivision was developed with small lots. The lot is relatively flat. It does not appear that there is a condition or situation of the subject property, not the owners' desires, for which the variance is sought, that is not of a general or recurrent nature. The site is zoned for single-family dwellings and related appurtenances. The proposed project is a single-family dwelling. Finally, there is a completely compliant building envelope on this site for a home. Whether or not that meets the wants of the applicant is not something that the ZBA can consider. The ZBA has to consider whether there is anything peculiar to the property. There is not. Furthermore, an at-grade deck can go up to five feet to the property line. There is no reason to have that elevated deck 31 feet from the Ordinary High Watermark. Staff finds that there is nothing that would warrant a deviation from the ordinance.

Member Watson stated that this is a new build, and with a new dwelling, you need to come closer to meeting the ordinance.

Ms. Gowett stated that as she indicated, the slope affects the buildable area, and it is unreasonably small.

Chairperson Priebe opened the public hearing.

Mr. David Cowhy of 4200 Shoreview stated that their home is directly impacted by the applicant's lot. He stated that he is favor of their plan. He understands that the slope of the road as well as the lake affects their building. There is a 2.5 story home across the street, which is a beautiful home.

Ms. Carol Kuehne of 4166 Shoreview stated that she agrees that they should be able to build the house as proposed.

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

Member Auxier asked if the garage being proposed is 22'x22'. Ms. Gowett stated that she was trying to give an example of trying to build on the 33'x 30 buildable area. She was stating that having a reasonable sized garage and a reasonably sized deck left the 660 square foot base level of the house. That is the reason they decided to build up. She was trying to use this as an example. Member Auxier asked the width and length of the house. Ms. Gowett stated that it is 40'x33'. Steffens stated that the lot is 50 feet wide, therefore the width could be 35 feet across by 33 feet deep. The garage can be up to 15 feet to the property line and could be move forward. Ms. Gowett further discussed the deck which leaves 30'x33' for the home. Further discussion was held on other options to get a fairly significant home and still be within the 33'x35 foot building envelope. He stated that would still allow at least at 2,500 square foot home.

Member Rill asked when the project started, did the applicant take into consideration the buildable site on the lot and what the restrictions are. Ms. Gowett stated that it is very difficult to find a plan that meets the requirements and still work with what she was desiring for her mother. They got close and figured that there are variances all over the island.

They also spoke with many of the neighbors. Member Rill stated that if you know what the building envelope is, it appears like you chose what you wanted to do rather than what would fit on the lot. Ms. Gowett stated that she started with an existing plan rather than start from scratch.

Steffens stated that there is one anonymous letter in opposition to the variance that was included in the Board packet.

Member Auxier stated that he is not in support of this plan, but he hears that the applicant is interested in working toward a plan that will work. Chairperson Priebe stated that there is room for the applicant to make some adjustments. She would like to give them an opportunity to come back with a different plan. As is, she does not feel that there would be support for such a large house on this particular piece of property. She stated that tabling the request may be more advantageous than just denying it. If they find a way to meet the requirements, then they would not have to come back before the Board.

Motion by Auxier, supported by Dolan

To table variance application ZBA 20-012 to allow the applicant an opportunity to work within the building envelope

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

b) ZBA 2020-0015

Owner: Donald & Lynn Pettijohn

Location: 3774 Lancaster Drive, Pinckney, MI 48169

Parcel ID: 15-29-202-215

Request: Variance application to permit the construction of a 120-square foot second story addition to the north façade of an existing dwelling. The dwelling will have a 6-foot side yard setback (10-foot side yard setback required, Section 7.6.1.).

Mr. Don Pettijohn, applicant, stated that his grandfather purchased this lot as well as the two adjacent in 1938. His family has been here for a long time. His father lived in the home next to this at 3780 Lancaster Drive, and he passed away in December. He and his wife purchased this home next door and combined the two lots together. They received the approval to combine them in February, and they are attempting to make the two houses look similar. They are looking to add a second story over an existing structure and go out an additional six feet toward the road. It would not affect anyone's view.

Member Dolan asked if it is important for the Zoning Administrator to read her report in its entirety. The Board members receive them in their packets and he assumes that the members read them. Member Auxier stated that he feels that it is helpful to review the high points at the very least.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 21,431-square foot parcel that fronts onto Lancaster Drive to the south and west; Cordley Lake is to the south, and single-family dwellings are located to the west and east of the site. She stated that the three parcels as seen on the map are actually one parcel and reviewed the combination. She stated that it is one parcel that is actually split into two by Lancaster Drive. The parcel on the north side of Lancaster is improved with a 792-square foot garage; the subject site on the south side of Lancaster is improved with a 2,088-square foot dwelling and 293-square foot detached garage as well as a 1,180-square foot dwelling that has had the kitchen removed. It had to not be a home when we combined the parcels so they removed the kitchen in anticipation of the Township issuing a land use permit for an addition to connect the two homes. If approved, the variance request would permit the construction of a 120-square foot second story addition to the north façade of the former dwelling on the eastern half of the parcel. The second-story addition would have a six-foot side east side yard setback where a 10-foot side yard setback would be required per Section 7.6.1. The Zoning Ordinance allows on lots that are less than 60 feet wide a reduced side yard setback for an aggregate of 15 feet. By combining the lots, they now have a larger lot that can no longer take advantage of that reduced side setbacks. Any new construction would have to meet the 10 foot setback on both sides. In this case, they are asking for an addition over an existing structure that has a

deficient setback now that they have been combined. They have essentially created a practical difficulty because now they have a larger lot. They have to meet the 10 foot setback even for a second story addition. And, this is a much larger structure than any adjacent properties. The site is not constrained in size and has been zoned, developed and used for residential purposes as is without the second story addition. There is nothing extraordinary about the property that the addition cannot meet the 10 foot setback, and there is nothing peculiar about the property that warrants a variance request. It is a relatively small project at 120 square feet and only 6 linear feet of that is going to be within the setback. In this instance, the second story with a deficient side yard setback, given that it is a small addition, could be considered a reasonable deviation from the terms of the Zoning Ordinance. She further stated that a single architectural design does not advance a substantial private property right. The subject site is notably larger than adjacent properties and has just recently received a land use permit for an addition to connect the two homes on the newly combined larger lot that meets all of the Zoning Ordinance requirements. The applicant's design preference requiring a variance request is a self-imposed practical difficulty. The second-story addition would have a front yard setback of 64 feet, which is an extreme setback, especially in the WFR zoning district. From the front, you will not be able to tell that there is another 120 square foot of second story. The extreme setback will help minimize any aesthetic or privacy impacts that we would be concerned about. This property is located within the waterfront residential-zoned future land use district in the 2020 Master Plan, which is a district that allows for residential properties and is intended to protect the existing character of the area. The proposed project would not adversely affect the purpose or objectives of the 2020 Master Plan. There is no condition or situation of the subject site that is not of so general or recurrent in nature that applies to grant a variance. The use of the site is single-family residential and the proposed variance would not change the use. This is a relatively small addition to an existing second-story and the ZBA will have to determine if the 10 foot setback should not apply for this 120 square foot addition.

Member Dolan stated that this is a unique situation. The fact that combining the two lots created a setback situation is very unique. He stated that this is such a small, minor variance request, and he would be comfortable with approving the project. The other members of the Board concurred.

Chairperson Priebe opened the public hearing. Hearing no public comment, the public hearing was closed.

Motion by Dolan, supported by Watson

To approve variance application 2020-0015 at 3774 Lancaster Drive (TID 15-29- 202-215) to permit the construction of a 120-square foot second-story addition to the north facade of an existing dwelling. The dwelling will have a six-foot side yard setback (10- foot side yard setback required, Section 7.6.1.). 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 the staff report. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

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

c) ZBA 2020-0016

Owner: Jeffrey and Heather Evans

Location: 4101 Shoreview Lane, Whitmore Lake, MI 48189

Parcel ID: 15-33-110-119

Request: Variance application to permit the enclosure of an existing 320-square foot covered patio on the west façade of the dwelling. The enclosed addition will have 35-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3).

Mr. Jeffrey Evans, applicant, stated that they purchased the property in July. At the closing they were presented plans completed by Dexter Builders for the previous owners dated 2018. The home was built in 1973 including the porch on the west side of the living area. They would like to create a 3-seasons room adding windows and a door to enclose the porch. Adding windows would not impede their neighbors view of the lake. There were also concerns that the porch was in a floodway. A LOMA (Letter of Map Amendment) was created and filed on 9/23/20. It was determined in the

report that the porch is not within the floodplain area. It is worth noting that the finished floor elevation of the home is 855.8, which is 1.8 feet above the floodway elevation. The finished floor of the porch is approximately 4 inches below the finished floor of the house. No excavation will take place anywhere on this project. They are simply adding windows to an existing porch. They realize that the rear yard setback is 50 feet, and the porch is 34 feet from the water. Since the structure has existed since 1973, they respectfully request that the ZBA approve their variance request. He stated that there are three neighboring families present in support of their project.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 14,117-square foot parcel that fronts onto Shoreview Lane to the east; Gallagher Lake channel is to the west, and single-family dwellings are located to the north and south of the site. If approved, the variance request would permit the enclosure of an existing, nonconforming 320-square foot covered patio on the west rear facade of the dwelling. The enclosed addition will have a 34-foot setback from the ordinary high water mark of the lake where a 50-foot setback is required per Section 7.6.1.(fn 3). The reason this request is before the Board is even though the porch is already covered and does not meet the setbacks, under Article 11, which is our non-conforming ordinance, they are actually increasing the nonconformity. The applicant has addressed the floodplain issue. That is not something that the ZBA needs to concern themselves with it. The ordinance requires a 50-foot setback from the ordinary high-water mark of a water body and intended to maintain an open vista of the water from neighboring properties and preserve the shore from encroachment of residential structures. The existing non-conforming covered patio encroaches 16 feet into the required yard setback. It is doubtful that the 50 foot setback was required in 1973 when the structure was built, but it is non-conforming to today's ordinance. The site is zoned for single-family residential uses, has been developed for such uses, and can continue to be used for such use without expanding the nonconforming structure with a deficient setback. An enclosed addition is not necessary for use of the site for residential purposes and is solely a personal preference of the homeowner. It does not preserve a substantial property right. The house has been used as a single family dwelling without the enclosed porch and variance request. The ZBA can determine if this is an acceptable deviation of the requirements of the ordinance. The proposed future land use of the area is envisioned as waterfront residential, with a WFR designation, and would not be adversely affected by the granting of the variance. There is no condition or situation of the subject site that is not of so general or recurrent a nature. This 50 foot setback is a requirement of all properties within the Township regardless of the zoning designation. Requesting a variance to expand a non-conforming structure is a self-imposed practical difficulty. The use of the site is single-family residential and the proposed variance would not change the use. The house was built in 1973 without an enclosed porch, and the site can continue to be used for single family residential without an enclosed porch.

Member Watson stated that it is a nonconforming porch to begin with, and even though it is covered, it is open.

Member Auxier stated that on the plan, it shows a covered porch that is not included in this variance request. Mr. Evans stated that is not going to happen. They are simply asking to enclose the existing structure. No other changes will be taking place. Auxier stated that when he was at the site, he looked to see what the impact would be to the surrounding homeowners and saw none.

Member Dolan stated that there is a uniqueness to the property with regard to where it sits.

Chairperson Priebe opened the public hearing.

Leslie Stalker of 4106 Shoreview stated that she owns the property directly next door to the south. She supports them being able to enclose the porch. It does not impede their view of the water at all.

Tom and Kim Good of 4130 Shoreview stated that they support the request for a variance. They feel that it would add to the community and the property value.

Mr. Greg Karmineke of 4145 Shoreview stated that he lives directly to the east of the applicant. He cannot see their house much from his, but he feels that it would be good for the community.

Discussion was held the location of surrounding buildings.

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

Member Dolan stated that taking everything into account on this site, he could agree that this is an acceptable deviation from the regulations.

Member Rill stated that given that the structure was built in 1973 and it conformed at that time, he has no issues.

The question was asked if the Board could make a stipulation that it be glass enclosure only. Steffens stated that the Board can put in any condition they choose. Dolan stated that there would have to be support structure as well as the glass.

Motion by Auxier, supported by Rill

To approve variance application ZBA 20-0016 at 4101 Shoreview Lane to permit the enclosure of an existing 320-square foot covered patio on the west façade of the dwelling. The enclosed addition will have 34-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3). The variance does meet variance standards one (1) through seven (7) 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 the meeting tonight 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

d) ZBA 2020-0017

Owner: James and Sarah Seta

Location: 11190 Algonquin Drive, Pinckney, MI 48169

Parcel ID: 15-31-102-020

Request: Variance application to permit the construction of a new 3,100-square foot two story dwelling with an 862-square foot attached garage. The proposed dwelling will have a 24-foot east front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 16-foot south setback from the ordinary high water mark of a Portage Lake canal (50-foot setback from the OHM required, Section 7.6.1. fn 3).

Mr. Jim Seta, applicant, thanked the Board Members for allowing them to address the Board and for coming out and looking at the property. He stated that since they purchased the home in 2014, they have made some substantial improvements to the property including seawalls, etc. to provide a better environment for the public in general. They do feel that they have a practical difficulty given that their home is currently very close to the canal. You can see on the plans where the home is today as well as where they plan to build. Their plan is to make this their permanent residence versus a summer cottage. The one foot setback variance is for the second story above the garage which will be a rec room. Staff has indicated that the home could be moved back one foot. However, half of the house is going to be where it is today. To move it back one foot would require them to complete tear down the house. They would also be impeding the neighbor's view of the lake, which is why they chose to put the second story where they are proposing. The house across the street is a two-story home as well and they did not want to impede their view either. The home today is 1,600 square feet and they are wanting to go up. They are requesting approval of their plan and believe that it is a betterment to the community. He presented pictures of other garages in the area that are extremely close to the road. Their existing garage, which they will be removing is only 7.2 feet from the property line. Now the garage will be moved back to roughly 19 feet from the property line. They believe that they are making the street view much better. Their home is directly next to the bridge and canal and will make it safer for people to pass because the bridge is only a one lane bridge.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 10,210-square foot lot that fronts onto Algonquin Drive to the east, Portage Lake to the west, and single family dwellings are located to the north and south of the site. The existing dwelling is one-story, approximately 1,600 square foot, with a detached 440 square foot garage.

If approved, the variance request would permit the construction of a new 3,110-square foot two story dwelling with an 862-square foot attached garage. The proposed dwelling will have a 24-foot east front yard setback where 25 feet is required, and a 16-foot south setback from the ordinary high water mark of a Portage Lake canal where 50 feet is required. She provided a table showing what is currently there and what is proposed. This is the kind of lot that the variance process was created for. This subject site is a 10,210 square foot lot, which is almost twice the size of the first lot that we considered this evening, and it is going to be a similarly sized house. However, the lot is 68.8 wide. If it was a normal lot without the canal on the side, we would have a setback requirement of 10 feet on each side. With the 10 foot on one side and 50 feet from the canal side, that leaves them a building envelope of 8 feet wide. There is no compliant location for a house on this lot. The current house is setback 16.1 feet from the canal and the new proposed two-story house will be setback the same 16.1 feet from the canal. The existing structure is one-story, and proposed is two-story. The outside wall of the proposed garage will be 19 feet to the front lot line, where a 15-foot setback is required for an accessory structure located between the dwelling and the water. What is triggering the front yard setback is the new proposed two-story addition. They are proposing 24 feet rather than the required 25 feet. It is the second story that does not meet the setback. They are not proposing to remove the wall on the north side. If it comes down, then we have a problem. They cannot remove more than 50% of that wall. The house could be shrunk down in size. It is up to the ZBA to determine whether or not this is an appropriate sized structure for this lot. There are similar size homes in the surrounding area of the subject site on similar lot sizes that appear to also be nonconforming, both from the front lot line and the canal, but most of the homes are single story. The proposed addition will be a two-story home where a ranch style home existed. The variance preserves a substantial property right possessed by other property in the same zone and vicinity. However, whether it is an appropriate size for the site is up to the ZBA to decide. As proposed, the new dwelling will be setback at nearly the same setbacks as the existing home. However, the proposed dwelling is two-story, and the ZBA should consider the doubling of bulk at the setbacks. The lot has a required north side yard setback of 10 feet. Because the applicant is proposing to keep the non-conforming north side wall of the home, the wall can remain and be attached to the new proposed structure without a variance, unless 50% or more of the wall is removed. The existing garage on the lot is detached from the home and is only 7 feet from the front lot line. The new home will have an attached garage that is 19 feet from the front lot line. This proposed home with an attached garage is less impactful and more conforming to the front lot line at the street. It is not likely that the proposed new dwelling would be materially detrimental to the public welfare or materially injurious to the property or improvements in the WFR District. The proposed future land use of this property and surrounding area envisions waterfront residential zoning district. With the water on two sides, we are constrained by the required setbacks. Furthermore, she believes that this canal is man-made and we are not only asking that this property to be burdened by a natural feature, but a canal that is man-made. The use of the site is single-family residential and the proposed variance would not change the use. The proposed two-story dwelling for a single family is a reasonable use of the land. The question is whether the size is reasonable, and that is up to the ZBA to decide. After the packet was created, we did receive two letters regarding this request. She read an email received October 8th from Greg and Micelle Towler of 11175 Algonquin who feel that they should only be allowed to build a home that would fit into the Township's requirements. She further read a letter from Jennifer Maxum of 2264 Wayne Drive who objects to the plans and is in favor of them building a home within the Township's ordinances. (see attached email and letter as part of the minutes). Steffens addressed the LOMA and stated that this only applies to the structure that is on the lot now. Any development would have to meet our Floodplain Development Ordinance that will require new elevation certificates unless you receive another LOMA once the foundation is put in.

Member Watson stated that he is in favor of the request. It appears to be a plus for the area. Member Auxier asked if the bulk of the structure could be moved further away from the canal. It was stated that it is already at 7 feet. Auxier further stated that it is not an excessively large sized home. The rec room is similar to a basement.

Chairperson Priebe opened the public hearing. Hearing no public comment, the hearing was closed.

Member Auxier addressed the two letters that were received indicating that they would be in favor of building within the Zoning Ordinance, yet nothing would comply.

Chairperson Priebe stated that they have set it back from the road which is an improvement. It was stated that currently it is at 7 feet and the new garage will be 25 feet with a "bump-out" at the top. Mr. Seta stated that it will

actually be 32 feet from the road. There is approximately 9 feet from the property line to the road. He further stated that when they purchased the home, the seawall was falling into the canal, and they spent \$30,000 on a new seawall. It is interesting now that there are neighbors who are saying that they want to be able to go through the canal. Others are enjoying the canal because of the investment they have made. He further stated that he also feels that the applicant should be made aware of any letters received by staff prior to the meeting.

Discussion was held on the canal.

Motion by Rill, supported by Watson

To approve variance application ZBA 20-0017 at 11190 Algonquin Dr. to permit the construction of a new 3,100-square foot two-story dwelling with an 862-square foot attached garage. The proposed dwelling will have a 24-foot east front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 16-foot south setback from the ordinary high water mark of a Portage Lake canal (50-foot setback from the OHM required, Section 7.6.1. fn 3). The variance does meet variance standards one through seven of Section 6.5 of the Township Ordinance and a practical difficulty does exist on the subject site when the strict compliance with the Zoning Ordinance standards are applied, as discussed at the meeting tonight 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

e) ZBA 2020-0018

Owner: Judith Majoros

Location: 2496 Baseview Blvd. Pinckney, MI 48169

Parcel ID: 15-31-304-037

Request: Variance application to permit the construction of a new 2,540-square foot two story dwelling. The proposed dwelling will have an 8-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 10-foot east rear yard setback (30-foot rear yard setback required, Section 7.6.1).

Steven Majoros, family member representing the applicant was present. He stated that Judith could not be present this evening. He lives in Farmington, Michigan but has spent a lot of summers here in Hamburg Township. He serves on the Planning and Zoning Committee in his community as well so he appreciates the hard work the Board puts into this. His father came to this area for not only the lakefront living but also because he liked the sense of neighborhood, community and harmony. Their desire is to make their seasonal cottage into a more permanent residence that he and his brother can deal with in succession and estate planning, etc. They want to stay consistent with the neighbors, the standards that have been set for properties like this and lakefront living. They are trying to be respectful of all of that. He stated that Don Maybee, their neighbor, could not be present this evening but he enthusiastically endorses their project.

Mr. Roger Young, Architect, stated that he has been working with Mr. Majoros and his family on the design of their new home on the lake. They want to be sensitive to the neighboring homes not only in terms of scale of the home but also the proximity and protection of the natural features. He discussed the landmark trees in relation to the new proposed construction.

Amy Steffens, Planning & Zoning Administrator, stated that this is an unusual situation and again another reason why there is a ZBA. She stated that the subject site is one lot originally platted as two lots in a plat from almost 100 years ago. If you look at the plat, there is no roadway access to any of these lots to the west, and this lot is the last lot of the plat. At some point, possibly in the 1960s, they re-platted a portion at the north of the plat including an easement so that people had access to their lots. However, that easement dead-ends at the west property boundary of this lot. They cannot legally use Baseview that goes east from the subject site. There is no road frontage for this site. The eastern end of Baseview Drive terminates at the west property line of the subject property. The properties east of the subject site are in the Sunset Cove Subdivision. Like many of the homes along Baseview Drive, the existing and the proposed house on the subject site are oriented toward Baseview Lake to the south. Because the subject site accesses Baseview

Drive from the west side of the property, the front property line according to our Zoning Ordinance, would be considered the west property line, while the east property line would be considered the rear property line. The west property setback would be 25 feet and the east would be 30 feet. The proposed project will demolish the existing home and reconstruct a new main home on the site. The new home is proposed to be 8 feet from the west property line where 25 feet would be required and 10 feet from the east property line where 30 feet is required. The project proposes a new single family home with the total square footage of 3,222 square feet. There is also a 180 square foot covered porch off the south side of the structure that will be 50 feet from the OHM of Baseview Lake and a 230 square foot patio off of the south side of the structure that will be less than 24 inches above grade and therefore can encroach into the water setback. Because of the orientation of the lot, and the way that Baseview easement terminates, the applicant has asked for variances to the front and rear setbacks. The applicant would like the ZBA to consider allowing the reduced front and rear setbacks because the orientation of the house does not match the required setbacks. The house is oriented toward the lake to the south so the applicant would prefer the west and east setbacks be considered side setbacks instead of front and rear setbacks as required by the code. If this was a normal lot and Baseview went through, the setbacks would be 10 feet and 10 feet. The subject property is mapped within FEMA's 1 percent floodplain. Prior to issuance of a building permit, an elevation certificate would be required to ensure that any improvements would meet the floodplain development standards of Hamburg Township. Because Baseview Drive does not traverse the subject property, this site does appear to have an extraordinary circumstance in regards to its access off of the west end of Baseview Drive, and the way the Zoning Ordinance defines the front and rear property boundaries. The access changes the orientation of this lot. There is nothing peculiar about the property itself except for the fact that Baseview terminates and we have the definitions to apply. It is up to the ZBA to determine if the requested setbacks are acceptable. Staff is suggesting that the applicant at least meet the minimum side yard setback of 10 feet and 10 feet. The rest of the lots along Baseview Drive in this location are either accessed off of the north or south sides of Baseview Drive, making the north or south side the front or rear property lines on these properties. The applicant is asking for an 8-foot setback from the west property line and the existing home on the property at 2488 Baseview Drive is only approximately 1 foot from the shared property line. Staff would suggest that the subject property at least maintain a 10 foot minimum setback to allow adequate space between the two homes for access to and from the lake. This additional setback along with the orientation of the house slightly angled away from the house at 2488 Baseview Drive will also help to reduce any impacts the massing of the new structure may have on the neighboring property. Again, this lot has an odd situation due to its access from the end of Baseview Drive. There are no other lots in the area that have this similar situation. The purpose of the front setback is to allow distance between the roadway and the structure so that structure does not loom over the street. The rear setbacks are required to allow room between adjacent home to the rear of the site to allow for open greenspace and yard for the homes. This property is located within the Waterfront Residential future land use district in the 2020 Master Plan. This district allows for residential properties and is intended to protect the existing character of the area. The proposed structure is a reasonably sized 2,550 square feet and is only 22 feet tall to the top of the roof ridge. Because of the size and design of the home, it appears to meet the intent of the Waterfront Residential future land use district. There is something strange about the orientation of this lot. Granting the variance is not going to establish anything other than a single-family dwelling. Approval of the variance request would not permit the establishment of a use not permitted by right within the district. A house could be built on this lot that could meet the required 25 foot front and 30 foot rear yard setbacks. However, the house would be narrower and longer and may require removal of more vegetation from the site. Staff is recommending approval of the request because of these mitigating factors. The ZBA could also consider a condition that the east and west setbacks be maintained at 10 feet.

Member Dolan asked if the orientation of the house could be changed slightly to meet the 10 foot setbacks on the east and west. Mr. Majoros presented a diagram showing that the only area that is encroaching the 10 foot setback is approximately 7.5 square feet. The answer to the question is yes they could rotate the house and rotate it to fit, however they are trying to be respectful to the neighbors. The neighbor, at it's closest point is one foot from the lot line, and the more rotation they do toward the neighbor will actually have more impact. They have moved the structure back to be more respectful to the neighbors on both sides and preserve their site lines. Further discussion was held on the orientation due to the determination of the front yard. Mr. Young discussed the requirements for the narrow waterfront lots and the lack of clear definition on how you determine the exceptionally narrow lot. Steffens stated that it is actually very clear. It is the lot width at the required setback. She further explained that if this were a typical lot, the lot would be greater than 60 feet at the required setback. Discussion was held on the determination of

the front yards. Mr. Young discussed the property owner's access to the lake on the east side of the property and the placement of the neighbor's house and other structures such as air conditioning units, proposed generator, etc.

Member Auxier stated that the proposed placement works and the small portion is minimal. He does like the idea of preserving the trees on the property.

Chairperson Priebe opened the public hearing. Hearing no public comment, the hearing was closed.

Chairperson Priebe stated that the lot does get narrower toward the north. She does not have a problem with the request.

Member Watson stated that if the neighbor to the west installs an air conditioner and generator, nothing will be able to get through that area. Mr. Majoros stated that the air conditioner is already there at the corner of his garage, and the generator has just been a discussion. His point was that their access from back to front is on the east side. It was further stated that there is quite a distance between the garage and the house as well for access. Steffens stated that the house to the west would not be able to put mechanical equipment in that yard. It would have to meet the ordinance.

Discussion was held on the staff recommendation. Member Dolan stated that staff is recommending a minimum of 10 feet on each side. Even with that, the Board is considering a very large variance. He does feel that the 10 feet on each side is a good compromise. He understands the reluctance, but it is minor to accommodate the 10 feet. Mr. Majoros stated that the other consideration when they were considering the pivot point was that the lake front is not straight across. They are almost at the peak of Baseline Lake. They also have a very old maple tree that they have spent considerable amount of money to preserve. They have done a lot of things to preserve the view and would prefer to keep the 8 foot setback and not touch the maple tree or other trees. The question was asked if the trees would have to be removed if they pivot the house. Mr. Majoros stated they would not have to remove them, but they are talking about their views, etc.

Member Watson stated that he would like to see a sketch or diagram showing the house pivoted if the other members feel that it is important to maintain that 10 feet. It was stated that it would not change any of the building plans.

Member Auxier stated that if it were a safety concern, it would be a bigger issue, but it is not. We are talking about a 7.5 square foot corner.

Chairperson Priebe stated that she does not feel that it is a big issue to move the house slightly. However, if it is moved, it does affect the side of the neighbor's house. Discussion was held on privacy of both the applicant and the neighbors.

Member Auxier, supported by Rill

To approve variance application ZBA 20-018 to permit the construction of a new 2,540- square foot two-story dwelling. The proposed dwelling will have a 8-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.) and a 10-foot east rear yard setback (30-foot rear yard setback required, Section 7.6.1). 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 the staff report. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request

Member Dolan stated that he realizes that a 2 foot variance is not that big, however he does not see a practical difficulty in not slightly changing the orientation of the home to meet the ordinance. It would still give them a tremendous variance.

Voice vote: Ayes: 4 Nays: 1 Absent: 0 MOTION CARRIED

8. New/Old business

- a) Approval of September 9, 2020 minutes

Motion by Auxier, supported by Watson

To approve the minutes of the September 9, 2020 meeting as written

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

- b) Adoption of 2021 Zoning Board of Appeals 2021 meeting dates

Motion by Dolan, supported by Watson

To adopt the 2021 Zoning Board of Appeals meeting dates as presented

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

9. Adjournment:

Motion by Dolan, supported by Watson

To adjourn the meeting

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

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,

Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected:_____

Chairperson Priebe

ZBA Case Number _____

RECEIVED

JUL 13 2020

Hamburg Township
 Planning & 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: 07/01/2020
2. Tax ID #: 15- 33 - 110 - 243 Subdivision: Cornwell Acres Lot No.: 30
3. Address of Subject Property: 4194 Shoreview Lane
4. Property Owner: Heather & Paul Gowette Phone: (H) _____
 Email Address: finkiegirls@yahoo.com (W) 7348347743
 Street: Shoreview Lane City Whitmore Lake State MI
5. Appellant (If different than owner): Heather & Paul Gowette Phone: (H) _____
 E-mail Address: _____ (W) _____
 Street: _____ City _____ State _____
6. Year Property was Acquired: 2013 Zoning District: WFR Flood Plain X500
7. Size of Lot: Front 50 Rear 50 Side 1 111.2 Side 2 107.1 Sq. Ft. 0.125
11. Dimensions of Existing Structure (s) 1st Floor na 2nd Floor na Garage _____
12. Dimensions of Proposed Structure (s) 1st Floor na 2nd Floor na Garage _____
13. Present Use of Property: vacant land
14. Percentage of Existing Structure (s) to be demolished, if any na %
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:
10' variance from required 50' OHM setback for dwelling,
12' - 4" variance from the required 44' OHM for the elevated deck, 9' variance from the required 25' front yard setback

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.

The existing sites within the Cornwell Acres development are smaller than typical with irregularly shaped lots.

- 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.

Submitted plans are consistent with existing structures within the development - having typical size with garage and decking amenities.

The majority of the properties within the development encroach upon the recommended building setbacks due to size and irregularity of lots.

- 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 not impact neighbors sight lines. Surrounding neighbors are in favor of this proposed construction.

Have submitted letters of recommendation from surrounding neighbors.

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

- 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.

One time variance

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

single family residential use is permitted

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

Submitted plans are consistent with existing structures within the development - having typical size with garage and decking amenities.

- 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

7/13/20
Date

Appellant's Signature

Date

LIVINGSTON COUNTY TREASURER'S CERTIFICATE

I hereby certify that there are no TAX LIENS OR TITLES held by the State or any individual against the within description, and all TAXES are same as paid for five years previous to the date of this instrument or appear on the records in this office except as stated.

11/1/13 Jennifer M. Nash, Treasurer
2013 Taxes not examined Certificate # 19787

2013R-041498
 RECORDED ON
 11/01/2013 2:24:16 PM
 SALLY REYNOLDS
 REGISTER OF DEEDS
 LIVINGSTON COUNTY, MI 48843
 RECORDING: 13.00
 REMON: 4.00
 PAGES: 2

2

WARRANTY DEED *Barth*

BARRISTERS SETTLEMENT & TITLE AGENCY
 File No: 13-05-10646

The Grantor, Hermanus Luitink and Judith Luitink, Trustees of the Hermanus and Judith Luitink Trust
 Dated February 1, 2010
 whose address is 7808 Island Lake Road, Manistique, MI 49854
 conveys and warrants to Paul Gowette and Heather Gowette, husband and wife *J.D. HGL*
 whose address is 45980 Bartlett Dr., Canton, MI 48187
 the following described premises, to wit:
 Property located in the Township of Hamburg, County of Livingston, State of Michigan, to-wit:
 Lots 30 and 57, Plat of Cornwell Acres, according to the Plat thereof, recorded in Liber 2 of Plats, Pages 50 and 51, Livingston County Records.
 Being commonly known as 4203 Shoreview Lane, Whitmore Lake, MI 48189
 Parcel ID No. 4715-33-110-060
 for the sum of Four Hundred Thousand And 00/100 Dollars (\$400,000.00),
 subject to easements, reservations and restrictions of record.

Dated: October 25, 2013

STATE OF
 MICHIGAN
 Livingston County
 11/01/2013
 2013R-041498

REAL ESTATE
 TRANSFER TAX
 \$440.00 CO
 \$3000.00 ST
 TTX# 6075624

THE HERMANUS AND JUDITH LUITINK TRUST DATED
 FEBRUARY 1, 2010

By: Hermanus Luitink Trustee By: Judith Luitink Trustee
 Hermanus Luitink, Trustee Judith Luitink, Trustee

State of Michigan
 County of Washtenaw

The foregoing instrument was acknowledged before me this 25 day of October, 2013, by Hermanus Luitink and Judith Luitink, Trustees of the Hermanus and Judith Luitink Trust Dated February 1, 2010.

MAURA M. ROBBINS
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF WASHTENAW
 My Commission Expires January 31, 2018
 Acting in the County of Washtenaw

Maura M. Robbins
 Maura M. Robbins Notary Public
 Washtenaw County, Michigan
 Acting in the County of Washtenaw
 My commission expires 1-31-2018

County: \$440.00 State: \$3,000.00 Tax Parcel No: 4715-33-110-060
 Drafted by: Marjorie M. Dixon, 350 S. Main St., #400, Ann Arbor, MI 48104
 When recorded, return to: Barristers Title, 1880 W. Stadium, Ann Arbor, MI 48103



DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY STANDARD FLOOD HAZARD DETERMINATION FORM (SFHDF)		<i>See The Attached Instructions</i>	<i>O.M.B. No. 1660-0040 Expires May 30, 2015</i>
SECTION I - LOAN INFORMATION			
1. LENDER NAME AND ADDRESS DFCU FINANCIAL 400 Town Center Drive #330 Dearborn, MI 48126 L02 - 97900608		2. COLLATERAL (Building/Mobile Home/Property) PROPERTY ADDRESS AND PARCEL NUMBER (See instructions for more information) PAUL L & HEATHER M GOWETTE 4203 SHOREVIEW LANE WHITMORE LAKE, MI 48189	
3. LENDER ID. NO.	4. LOAN IDENTIFIER 102059854A	5. AMOUNT OF FLOOD INSURANCE REQUIRED \$	
SECTION II			
A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION			
1. NFIP Community Name HAMBURG, TOWNSHIP OF	2. County(ies) LIVINGSTON	3. State MI	4. NFIP Community Number 260118
B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING / MOBILE HOME			
1. NFIP Map Number or Community-Panel Number <small>(Community name, if not the same as "A")</small> 26093C0453 D	2. NFIP Map Panel Effective/Revised Date 09/17/08	3. LOMA/LOMR Number	4. Flood Zone SHX
C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply)			
1. <input checked="" type="checkbox"/> Federal flood insurance is available (Community participates in the NFIP). <input checked="" type="checkbox"/> Regular Program <input type="checkbox"/> Emergency Program of NFIP 2. <input type="checkbox"/> Federal flood insurance is not available because community is not participating in the NFIP. 3. <input type="checkbox"/> Building/Mobile Home is in a Coastal Barrier Resources Area (CBRA) or Otherwise Protected Area (OPA). Federal Flood Insurance may not be available. CBRA/OPA Designation date: _____			
D. DETERMINATION:			
IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA (ZONES CONTAINING THE LETTERS "A" OR "V")? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, flood insurance is required by the Flood Disaster Protection Act of 1973. If no, flood insurance is not required by the Flood Disaster Protection Act of 1973. Please note, the risk of flooding in this area is only reduced, not removed.			
E. COMMENTS (Optional) Date of Original Determination: 09/25/14 Program Entry Date: 02/19/86		Service Type: Life of Loan Determination #: 14092512096253 Requester: Melissa Account ID: L02 - 97900608	
Census Data: STATE CODE #: 26 COUNTY CODE #: 093 MSA/MD: N/A CENSUS TRACT #: N/A BLOCK GROUP #:			
THIS FLOOD DETERMINATION IS PROVIDED TO THE LENDER PURSUANT TO THE FLOOD DISASTER PROTECTION ACT AND FOR NO OTHER PURPOSE			
This determination is based on examining the NFIP map, and Federal Emergency Management Agency revisions to it, and any other information needed to locate the building/mobile home on the NFIP map.			
F. PREPARER'S INFORMATION		DATE OF DETERMINATION	
NAME, ADDRESS, TELEPHONE NUMBER (If other than Lender) CBCInnovis 875 Greentree Road, 8 Parkway Center Pittsburgh, PA 15220 PHONE: 800-841-0662 / FAX: 800-841-0663		09/25/14	

**LIFE OF LOAN FLOOD ZONE DETERMINATION
NOTIFICATION OF TRANSFER OF MORTGAGE HOLDER**

From: DFCU FINANCIAL

400 Town Center Drive #330

Dearborn, MI 48126

Borrower: PAUL L & HEATHER M GOWETTE

Property: 4203 SHOREVIEW LANE

WHITMORE LAKE, MI 48189

Determination #: 14092512096253

Loan No: 102059854A

The Life of Loan flood determination service requires lender notification upon changes in flood hazard status. Please complete the following when the mortgage holder changes or upon retirement of the loan.

Please mail to:

To: CBCInnovis

875 Greentree Road, 8 Parkway Center

Pittsburgh, PA 15220

Or Fax to: 800-841-0663

Thank you for your cooperation.

_____ Mortgage Holder Change _____ Loan Not Processed
(cancelled) _____ Loan Retirement

Transfer To:

New Mortgage Holder:

Address:

City, State, Zip:

New Loan Number:

Requested By:

Signed: _____

Date: _____

Internal Use Only

New Vendor #: _____

**NOTICE OF PROPERTY NOT IN SPECIAL FLOOD HAZARDS AND
AVAILABILITY OF FEDERAL DISASTER RELIEF ASSISTANCE**

Borrower: PAUL L & HEATHER M GOWETTE
4203 SHOREVIEW LANE
WHITMORE LAKE, MI 48189

Determination #: 14092512096253
Zone: SHX

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is not located in an area known as a Special Flood Hazard Area (SFHA).

The area has been identified by the Federal Emergency Management Agency (FEMA) as not being an SFHA using FEMA's Flood Insurance Rate Map or the Flood Hazard Boundary Map for the community **HAMBURG, TOWNSHIP OF**.

If, however, at any time during the term of your loan the improved real estate or mobile home securing your loan is, due to re-mapping by FEMA or otherwise, located in an area that has been identified by the Director of FEMA as an area having special hazards and in which flood insurance is available under the National Flood Insurance Act of 1968, you will be so notified and advised that you should obtain flood insurance in an amount not less than the amount we advise you is appropriate. If, within 45 days after we send you such notification, you fail to purchase flood insurance in an amount not less than the amount we advise you is necessary, we shall purchase such flood insurance on your behalf at your own expense, as we are authorized to do in accordance with the provisions of the National Flood Disaster Protection Act of 1973, as amended.

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in an SFHA. If you would like to make such a request, please contact us for further information.

☒ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP).

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through a Write Your Own (WYO) company that has agreed to write and service NFIP policies on behalf of FEMA. Flood insurance also may be available from private insurers that are not Federally backed.

Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

☐ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a federally declared flood disaster.

If, during the life of your loan, there is a change in FEMA community status and/or the FEMA flood map, a new flood hazard determination may be required. Also, you may be required to obtain flood insurance or an additional amount of flood insurance or your lender can purchase flood insurance coverage at your expense.

**THE FLOOD HAZARD DETERMINATION IS PROVIDED TO THE LENDER PURSUANT TO THE
FLOOD DISASTER PROTECTION ACT AND FOR NO OTHER PURPOSE.**

Signature of Borrower _____

Date _____

Signature of Co-Borrower _____

Date _____

July 8, 2020

Hamburg Township

To whom it may concern:

This letter is in regards to the property located and owned by Paul & Heather Gowette next to our property. We are at 4200 Shoreview Lane, Whitmore Lake, MI 48189.

This is to inform you that we are in favor of approving the variances the Gowette's are requesting to build their house on. If there is a choice, we would prefer the variance be greater on the road side as opposed to the lake side.

Feel free to contact us with any questions or concerns.

David & Michelle Cowhy
4200 Shoreview Lane
Whitmore Lake, MI 48189
mdcowhy@gmail.com

Sincerely,

David & Michelle Cowhy

Handwritten signatures of David and Michelle Cowhy. The signature for Michelle is written above the signature for David. Both signatures are in cursive and appear to be in black ink.



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

January 9, 2020

Heather and Paul Gowette
4203 Shoreview Drive
Whitmore Lake, MI 48189

RE: 4715-33-110-060

Dear Mr. and Mrs. Gowette,

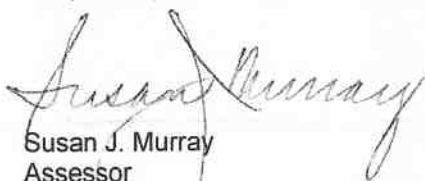
The split you requested regarding the above referenced parcel is complete. The new parcel number representing lot 57 is 4715-33-110-242 and 4715-33-110-243 is the new parcel number for lot 30.

Any future correspondence from the township will reflect these new parcel numbers.

I have included forms for you to fill out and return to the township. These forms will remove the Principal Residence Exemption from the deleted parcel and apply it to the newly created parcel.

Should you have any questions or concerns, please call the township at 810 231-1000.

Respectfully,


Susan J. Murray
Assessor



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

DPW/UTILITIES DEPT. REVIEW

I have reviewed ZBA Case # ZBA20-012 located at Vacant – Shoreview Lane and offer the following:


[X] The parcel is on sewer.

[X] The parcel is serviced by the Hamburg Township Sanitary Sewer System (HTSSS).

- The property owner is requesting a number of variances to construct a new two and a half story, 2990 square foot home on the vacant lot.
- The new home will be located within 400 feet of the available sanitary sewer main located on Shoreview Lane and therefore will be required to connect to the sewer system pursuant to Hamburg Township Ordinance No. 69H.
- The Property Owner(s) will have to purchase a new sewer tap, a grinder pump station, and pay all of the estimated sewer connection fees up-front in cash prior to receiving a Land Use Permit to build a new home on this lot.
- The Township grinder pump easement right-of-way requires a 15-foot wide area clear of any structures, driveways, asphalt, concrete walkways, sidewalks, etc. Based on the plans submitted by the property owners it **does not** appear that there will be adequate space for the grinder pump installation on this lot. I would recommend a Hold Harmless Agreement be signed by the property owners regarding placement of the sewer structures on this lot due to the high amount of lot coverage.
- The DPW/Utilities Department does not object if a variance is granted to construct a new home on this lot if the other requirements as noted above are met by the property owners.
- The property owner or Builder must contact Miss Dig at 1-800-482-7171 at least 3 days prior to any digging or excavation work to confirm the location of the sewer and other utility locations.

Dated: October 7th, 2020

Respectfully submitted,



Brittany K. Campbell

Hamburg Township Utilities Coordinator

October 14th ZBA meeting
Regarding 4203 Shoreview, ID: 15-33-110-243

Dear ZBA,

I am writing anonymously as Gallagher Island is a tight community and this letter requesting variance has placed me in an uncomfortable situation.

It is my understanding that the Board shall have the power to grant variances to Ordinance requirements under strict guidelines laid down in the law.

My concern is, do you really want to grant these variances to all persons coming after this variance that want a giant house on a small property?

I believe Hamburg Township has land dimension rules for a reason.

Lake levels raising higher year after year.

No land for rain water to drain off on.

Is the owner going to add soil raising his land higher than that of his neighbors?

The larger the house foot print, the more cement, and less grass.

May I please note that a variance applies to the **property**, and not the need for the current owner to have a bigger house?

Also, since the property ownership may change over time, and the perceived need or preference may no longer exist for a subsequent owner. The property itself remains, and must be the basis of approving or not approving a variance request.

My additional questions are:

Why is there a need for such a large house on such a small piece of property?

Why can't the planned construction be in compliance with the existing Hamburg Township Ordinance codes?

What physical land problem prevents this building from being in compliance?

Is this oversized architectural plan a want or a need?

Does this oversized architectural house serve the community, the wet lands or impact the topography ie: flooding?

Will Hamburg Township allow this type of oversized architectural plan for all property owners who come after this property owner?

Once this property land and soil is raised with a new house, and a seawall is added, what problems will this create for the neighboring properties?

Does this property have its own address? Is this property getting split off from 4203 Shoreview? I thought a property needs to be divided before adding a second house.

Will the ZBA take responsibility for all future problems that the ZBA will create if you approve this variance request?

In conclusion, I am NOT in favor of allowing this variance as I believe an oversized house is detrimental to Gallagher Island's land drainage, water levels and overall esthetics.

Please deny the variance for 4203 Shoreview or whatever the new address will be once the property is split off.

Lastly, know that other neighbors are concerned, but, are not willing to speak up.

Thank you for the consideration.

RECEIVED

OCT 05 2020

Hamburg Township
Planning and Zoning Department

**HAMBURG TOWNSHIP
ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING
WEDNESDAY, OCTOBER 14, 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 public hearing to consider the following variance requests:

ZBA 2020-0012

Owner:	Heather and Paul Gowette
Location:	4203 Shoreview Lane Whitmore Lake, MI 48189
Parcel ID:	15-33-110-243
Request:	Variance application to permit the construction of a two and a half story, 2,990 square foot dwelling, with a 16-foot north front yard setback (25-foot front yard setback required, Section 7.6.1.), a 40-foot setback from the ordinary high water mark of Long Lake (50-foot setback from the OHM required, Section 7.6.1. fn 3), and an elevated deck on the south façade with a 31.7-foot setback from the OHM (44-foot setback required for elevated decks, Section 8.18.2).

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
(810) 231-1000



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7b



TO: Zoning Board of Appeals
(ZBA)

FROM: Brittany Stein

HEARING

DATE: February 10, 2021

SUBJECT: ZBA 20-0022

PROJECT 9020 Rushside Drive
SITE: Pinckney, MI 48169
TID 15-17-402-126

APPLICANT/

OWNER: Lewis and Nancy Walker

PROJECT: Variance application to permit the construction of 13-foot by 13-foot enclosed sunroom. The sunroom will have a 19-foot south front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 41-foot setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1. fn. 3).

Variance application to permit an elevated deck on the north façade with a 7-foot setback from the OHM (44-foot setback required, Section 8.18.2).

ZONING: WFR (waterfront residential district)

Project Description

The subject parcel is approximately 21,000-square foot in size. The property fronts onto Rushside Drive to the south and Rush Lake to the north; single-family dwellings are located to the east, west, and south. The property is a platted lot and is accessed at the end of Rushside Drive. A small section of a platted road, Higgins Drive, was vacated where the driveway of the house is located. However a section of Higgins Drive on the property, just south of the house was never vacated.

If approved, the variance request would allow for the construction of 13-foot by 13-foot enclosed sunroom. The sunroom will have a 19-foot south front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 41-foot setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1. fn. 3).

Variance application to permit an elevated deck on the north façade with a 7-foot setback from the OHM (44-foot setback required, Section 8.18.2).

	Existing	Proposed	Required
North (lake side) (Variance for deck)	House: 15 feet Deck: 10 feet	House: N/A Deck: 7 feet	House: 50 feet Deck: 44 feet
South (front/road side) (Variance for sunroom)	6 feet	Sunroom: 19 feet	25 feet
West side	15 feet	15 feet	10 feet
East side	34 feet	34 feet	10 feet

Based on FEMA's Flood Insurance Rate Map (FIRM), a portion of the site 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 federally identified 100-year floodplain areas. According to the maps the deck may be within the floodplain. If the deck is found to be in the floodplain and is attached to the house, an elevation certificate will be required for the house, to ensure the house and all attached appurtenances meet the required 1-foot freeboard above the base flood elevation. A LOMA was issued for the home in 2011, however with improvements and additions made to the home since that date, this LOMA is now null and void. It is recommended that if the home and attached appurtenances are found to be out of the mapped floodplain to either remove a portion of the property,

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 property is nearly half an acre in size with frontage on Rush Lake. The existing house is built into the hillside with an existing elevated deck on the lake side and west side of the house. The deck on the west where the sunroom is proposed, covers a portion of the lower

level of the home. The proposed sunroom addition to the home is 19 feet from the front right of way of Higgins Drive. Although there may be other space among the property to construct a sunroom addition, this is the least impactful location for it. The same property owners own lot 15, a vacant lot connecting to Junior Dr. and because it is proposed to be constructed over an existing structure, there is no visual impact from neighboring properties. There are exceptional or extraordinary conditions and circumstances of the property which do not generally apply to other properties in the waterfront residential district.

In regards to the variance request for the elevated deck on the rear of the house, however, the impact is greater. The house is existing nonconforming, being only 15 feet to the water's edge of Rush Lake. An existing 3-foot wide balcony the full length of the house on the lake side was expanded without permits. The zoning ordinance allows for an elevated deck or balcony to project into the required yard setback 6 feet, in other words, must be at least 44 feet from the ordinary high water mark of Rush Lake. However, the chosen design of the elevated deck is by personal preference and is not necessarily a reasonable deviation from the zoning ordinance. An elevated deck has a visual, aesthetic, and privacy impact such that the township adopted a zoning text amendment in 2016 to address these concerns.

- 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. The enclosed sunroom addition and the elevated deck on the rear of the dwelling are personal preferences of the applicant and are the factors that necessitate the variance request. These appurtenances are not necessary to develop or use the site for single-family residential purposes, as evidenced by its existing use for 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 proposed sunroom will have minimal impact to the public welfare and will not be materially injurious to the property nor other surrounding properties.

The elevated deck on the rear of the dwelling could potentially be materially detrimental to the property or improvements in the zone in which the property is located. The setback from the OHM is intended to provide an open vista along waterfront properties and protect off-site views of the water. The reduced OHM setback and the elevated deck, taken together, could negatively impact adjacent properties.

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 a waterfront lot on Rush Lake. Parcels in this area are primarily residential and zoned in the waterfront residential district. The master plan recommends setback standards be preserved on waterfront lots.

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.

Given the short distance between the existing house and unimproved platted road right of way there is a special condition of the property that is not of so general or recurrent a nature to grant the sunroom addition variance.

Hamburg Township adopted a zoning text amendment in 2016 that defined a deck and an elevated deck, with associated standards for each. A deck that is less than 24 inches above grade has a less restrictive setback than an elevated deck more than 24 inches above grade because of the privacy and impact concerns associated with an elevated deck. An at-grade deck has no greater impact than a lawn in its natural state but an elevated deck is visually impactful, particularly with a reduced setback to the OHM, and presents privacy concerns for adjacent properties.

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 site is single-family residential and the proposed variance would not change the use.

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

Although a sunroom is not the minimum necessary to permit reasonable use of the land, as there exists a single family home currently, there will be minimal impact to surrounding properties.

However, the elevated deck variance is not the minimum necessary to permit reasonable use of the land and should be denied.

“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 20-0022 at parcel 15-17-402-126 to allow for the construction of a 13-foot by 13-foot enclosed sunroom. The sunroom will have a 19-foot south front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 41-foot setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1. fn. 3). 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.

Denial Motion:

Motion to deny variance application ZBA 20-0022 at parcel 15-17-402-126 to permit an elevated deck on the north façade with a 7-foot setback from the OHM (44-foot setback required, Section 8.18.2). The variance does not meet variance standards one, two, three, five, or 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 hearing and as presented in the staff report.

Exhibits

Exhibit A: Application Materials, site plan, construction plans

Exhibit B: Staff pictures of the deck

Exhibit C: Emails between staff, property owner, builder, and LCBD

ZBA Case Number 20-0022
\$500

Jan. 13th
Feb. 10th

HAMBURG TOWNSHIP
Date 12/11/2020 3:28:24 PM
Ref ZBA2000-22
Receipt 1240871
Amount \$500.00

RECEIVED

DEC 11 2020

Hamburg Township
Planning and Zoning Department

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



Hamburg
Township

a great place to grow

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: 12-11-2020
2. Tax ID #: 15- 17-402-126 Subdivision: HERNDON'S RUSH LAKE EST. Lot No.: 534/533
3. Address of Subject Property: 9020 RUSH LAKE^{SIDE} DR.
4. Property Owner: LEWIS WALKER Phone: (H) 734-928-8502
Email Address: LEWIS.WALKER@gmail.com (W) _____
Street: 9020 RUSH LAKE City PILGRIM State MI.
5. Appellant (If different than owner): ANN ARBOR SUNROOMS Phone: ^{CELL} (H) 248-787-6306
E-mail Address: SUNROOMCLARK@gmail.com (W) _____
Street: 6055 JACKSON RD. City ANN ARBOR State MI.
6. Year Property was Acquired: APPROX 20 YRS. Zoning District: _____ Flood Plain _____
7. Size of Lot: Front 133 Rear 144 Side 1 129' Side 2 120 Sq. Ft. 18,576
11. Dimensions of Existing Structure (s) 1st Floor 2300' 2nd Floor _____ Garage NONE
12. Dimensions of Proposed Structure (s) 1st Floor 169' 2nd Floor _____ Garage _____
13. Present Use of Property: SINGLE FAMILY HOME
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
15. Has there been any past variances on this property? Yes ☐ No ☐ NOT TO OUR KNOWLEDGE
16. If so, state case # and resolution of variance application _____
17. Please indicate the type of variance or zoning ordinance interpretation requested:

IT IS FOR A SET BACK. THE EXISTING HOUSE APPROX. 9'
WHERE THE SUNROOM IS BEING PLACED (IT IS OVER THE LOWER SECTION OF THE HOUSE)
THE SET BACK IS APPROX. 22' OF A REQUIRED 25'

HAMBURG TOWNSHIP
Date 01/13/2021 2:09:48 PM
Ref ZBA2020-022
Receipt 1242809
Amount \$210.00

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.

THERE WAS A PERIOD OF HIGHWAYS 120 THAT WAS VACATED ON LOT ~~533~~
IF THE VACATED ARE HAD EXTENDED BACK ON LOT 534 IT WOULD
SATISFY THE SET BACK

- 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.

HOME OWNER IS TRYING TO HAVE A SMALL 13x13 SUNROOM ADDITION
ADDED OVER THE EXISTING FOUNDATION OF THE LOWER SECTION OF THE HOME.

- 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.

BEING THE ROOM WILL NOT EXCEED THE EXISTING FOOT PRINT
OF THE HOME IT WILL NOT CAUSE A LINE OF SITE ISSUE OR DETRIMENT TO NEIGHBORS

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

NOT AT ALL.

- 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.

NO IT IS NOT.

- 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 UNDERSTAND.

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

SUNROOM ONLY 13x13 = 169' OVER THE EXISTING STRUCTURE / BUILDING ENVELOPE

- 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

Date

12/10/20

Appellant's Signature

Date

Robert (A)

BCE

KEE

DFFE

HWE

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.

MORTGAGE SURVEY

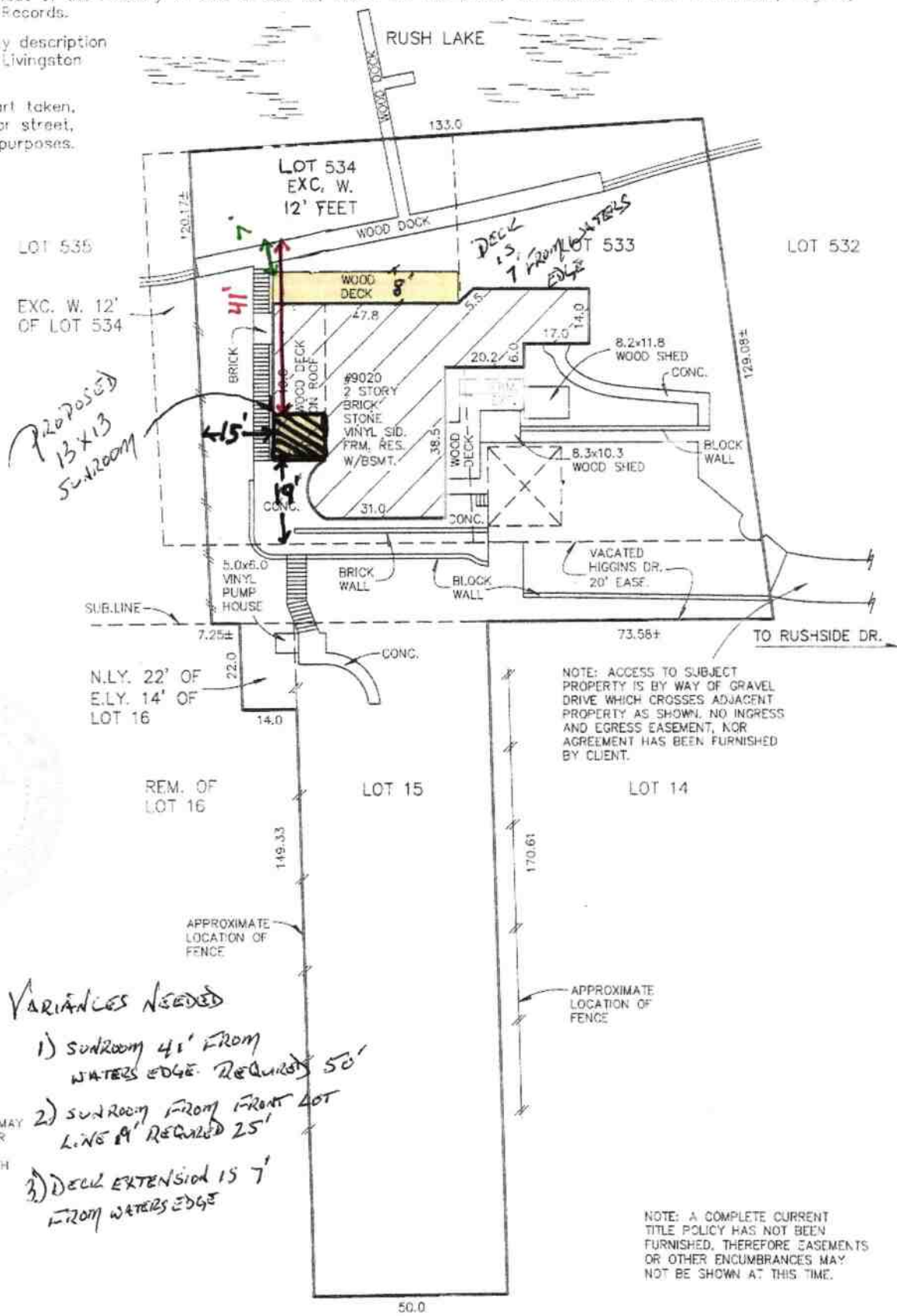
Certified to: FOUR SEASONS SUNROOMS OF ANN ARBOR

Property Description:

Land in the Township of Hamburg, Livingston County, Michigan, described as:
Lot 534 except the Westerly 12 feet, all of Lot 535; also that portion of Higgins Drive contiguous to rear of Lot 533;
HERNDON'S RUSH LAKE ESTATES, as recorded in Liber 2 of Plats, Page 87, Livingston County Records. Also Lot 15 AND
THE Northerly 22 feet of the Easterly 14 feet of Lot 16; VISTA ON THE LAKE; as recorded in Liber 3 of Plats, Page 5,
Livingston County Records.

Note: The property description
is as taken from Livingston
County Tax Rolls.

Subject to any part taken,
used or deeded for street,
road, or highway purposes.



NOTE: A BOUNDARY
SURVEY IS NEEDED TO
DETERMINE EXACT SIZE
AND/OR LOCATION OF
PROPERTY LINES, AND
FENCE LOCATIONS.

NOTE: THIS PROPERTY MAY
BE SUBJECT TO AND/OR
INCLUDE THE RIPARIAN
RIGHTS ASSOCIATED WITH
RUSH LAKE.

VARIANCES NEEDED

- 1) SUNROOM 4' FROM
WATER'S EDGE. REQUIRED 50'
- 2) SUNROOM FROM FRONT
LINE A' REQUIRED 25'
- 3) DECK EXTENSION 15'
FROM WATER'S EDGE

NOTE: A COMPLETE CURRENT
TITLE POLICY HAS NOT BEEN
FURNISHED, THEREFORE EASEMENTS
OR OTHER ENCUMBRANCES MAY
NOT BE SHOWN AT THIS TIME.

CERTIFICATE: We hereby certify that we have surveyed the above-
described property in accordance with the description furnished for

JUNIOR DR. 60 WD.

LEWIS WALKER
9020 RUSHSIDE DR.
PINCKNEY, MI 48169
(734) 928-8502

	APPROVAL	DATE
	DESIGN: _____	_____
	SALES REP.: _____	_____
	SUPERINTENDENT: _____	_____
	CUSTOMER: _____	_____
	CUSTOMER: _____	_____

DATE: 9/7/20

MODEL: 230 SUN & STARS CATHEDRAL GRAPHIC 1/2 W/ MODIFIED PROJECTION

WALL FRAME COLOR: BRONZE ALUMINUM INT. & EXT.

ROOF FRAME COLOR: BRONZE ALUMINUM INT. & EXT.

FLOOR SYSTEM: EXISTING FLOOR, FOUNDATION, & BASEMENT AREA. ADD 30" OF JOISTS @16" O.C. TO MATCH EXIST., SPRAY FOAM INSULATION, & 3/4" T&G ADVANTECH SUBFLOOR

FOUNDATION TYPE: EXISTING FLOOR, FOUNDATION, & BASEMENT AREA. ADD (2) 16"x42" CONCRETE PIERS, (2) 6x6 TREATED POSTS, & 2x10 TREATED BEAMS

ROOF SYSTEM: CONSERVAGLASS PLUS CODE 7B GLAZING, DOUBLE TEMPERED

SKYLIGHTS: NONE

TRANSOMS: (2) STANDARD GLASS TRAPEZOIDS- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

WINDOWS: (1) 6'x5' SLIDER, (1) 6'x5' REV. SLIDER, (2) 3'x6'-8" FIXED, (1) 3'x5' FIXED- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

DOORS: (2) 5' SLIDING DOORS- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

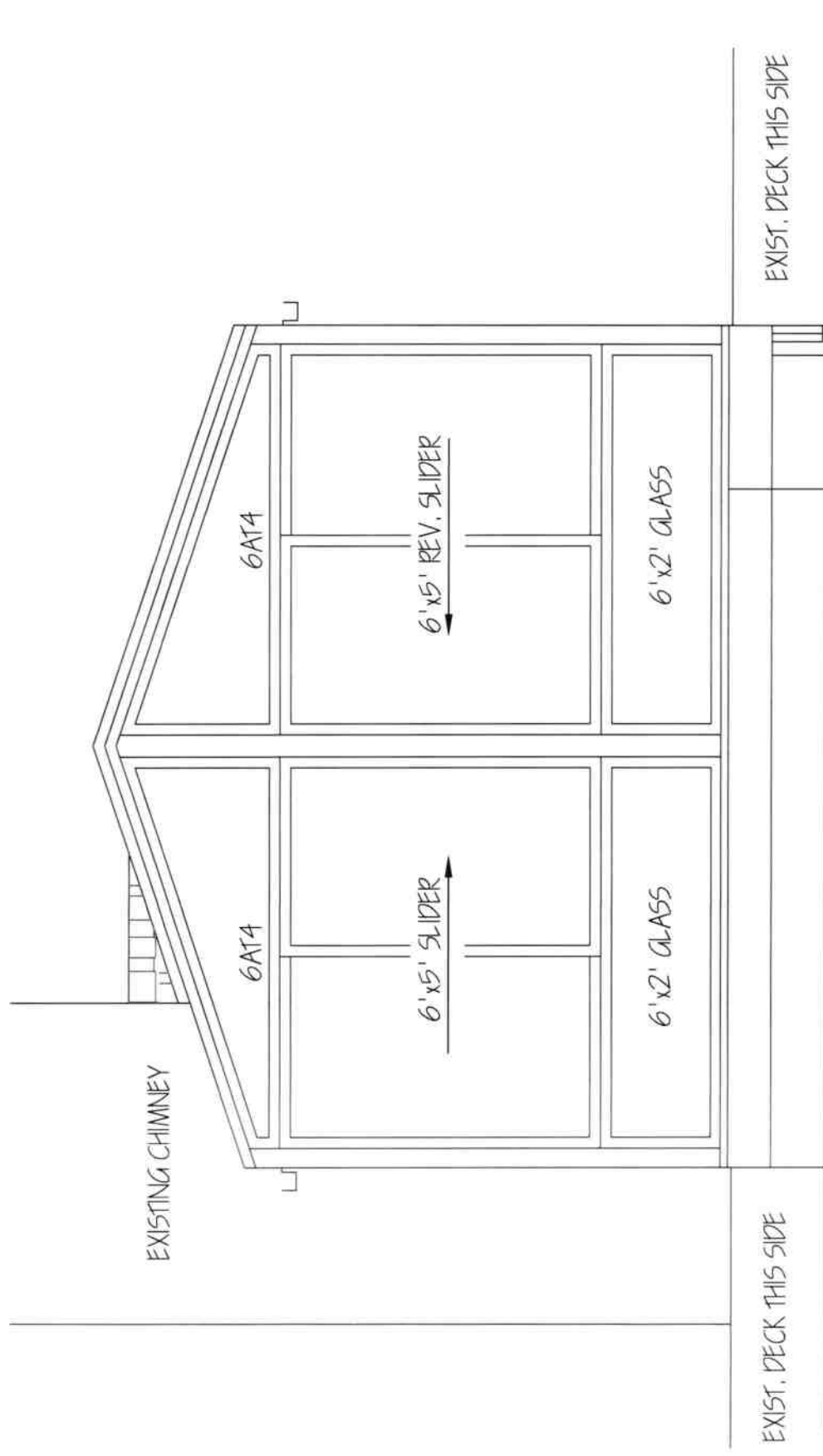
KNEEWALL: (2) 6'x2' GLASS, (1) 3'x2' GLASS- CONSERVAGLASS PLUS CODE 7E GLAZING, DOUBLE TEMPERED

FANS & VENTS: (1) CEILING FAN (PROVIDED BY HOMEOWNER) W/ SWITCH

ELECTRIC: OUTLETS TO CODE, (2) EXT. LIGHTS (PROVIDED BY HOMEOWNER) W/ SWITCHES, 2 TON HVAC

HEAT: 2 TON HVAC SPLIT ZONE

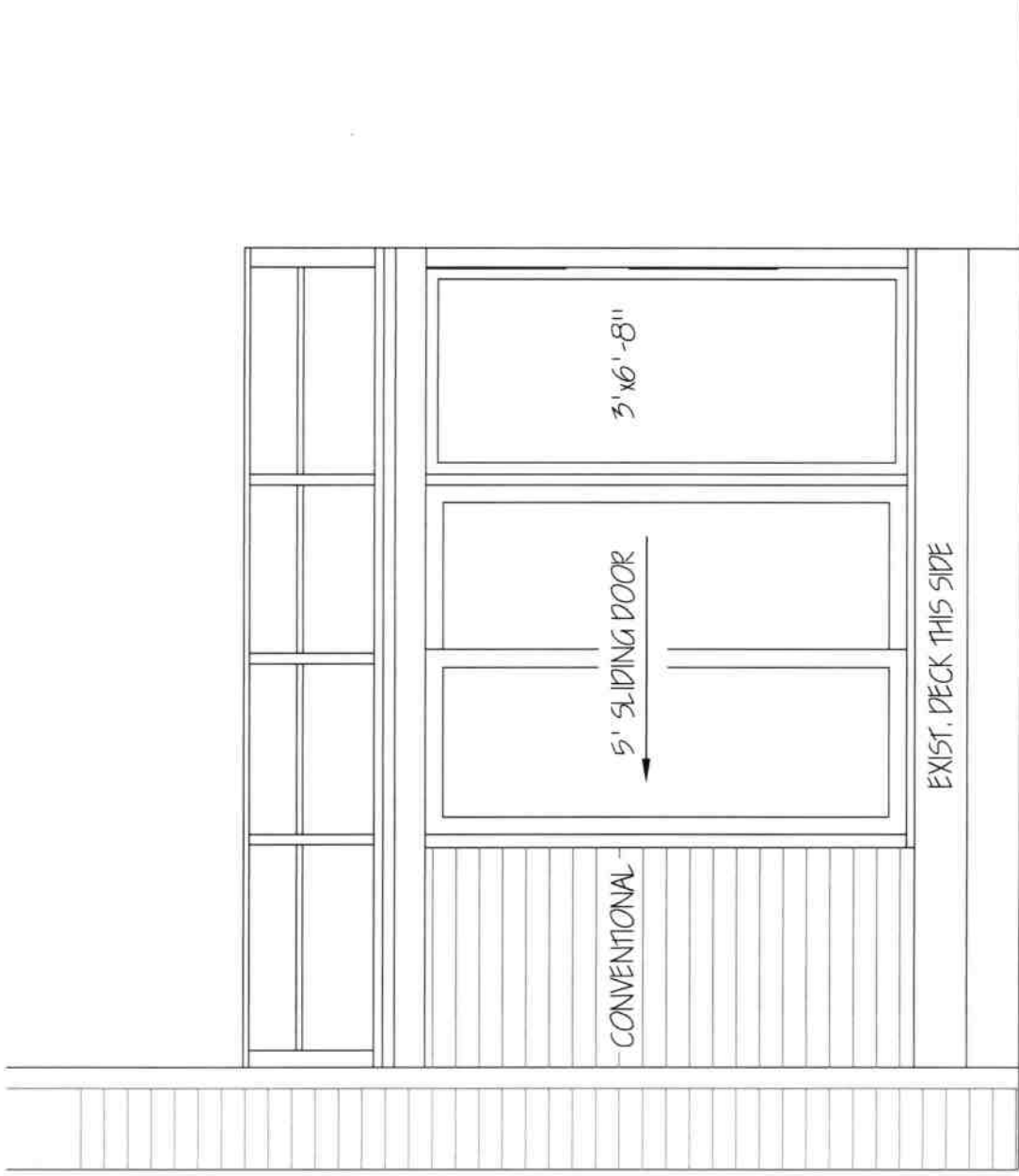
FINISH WORK: DRYWALL REMAINING HOUSE WALL & PEAK AREA, REMOVE EXIST. WINDOW & WALL, INSTALL FRENCH DOOR (PROVIDED BY HOMEOWNER), TRIM OUT



FRONT ELEVATION- WALKER

INITIALS

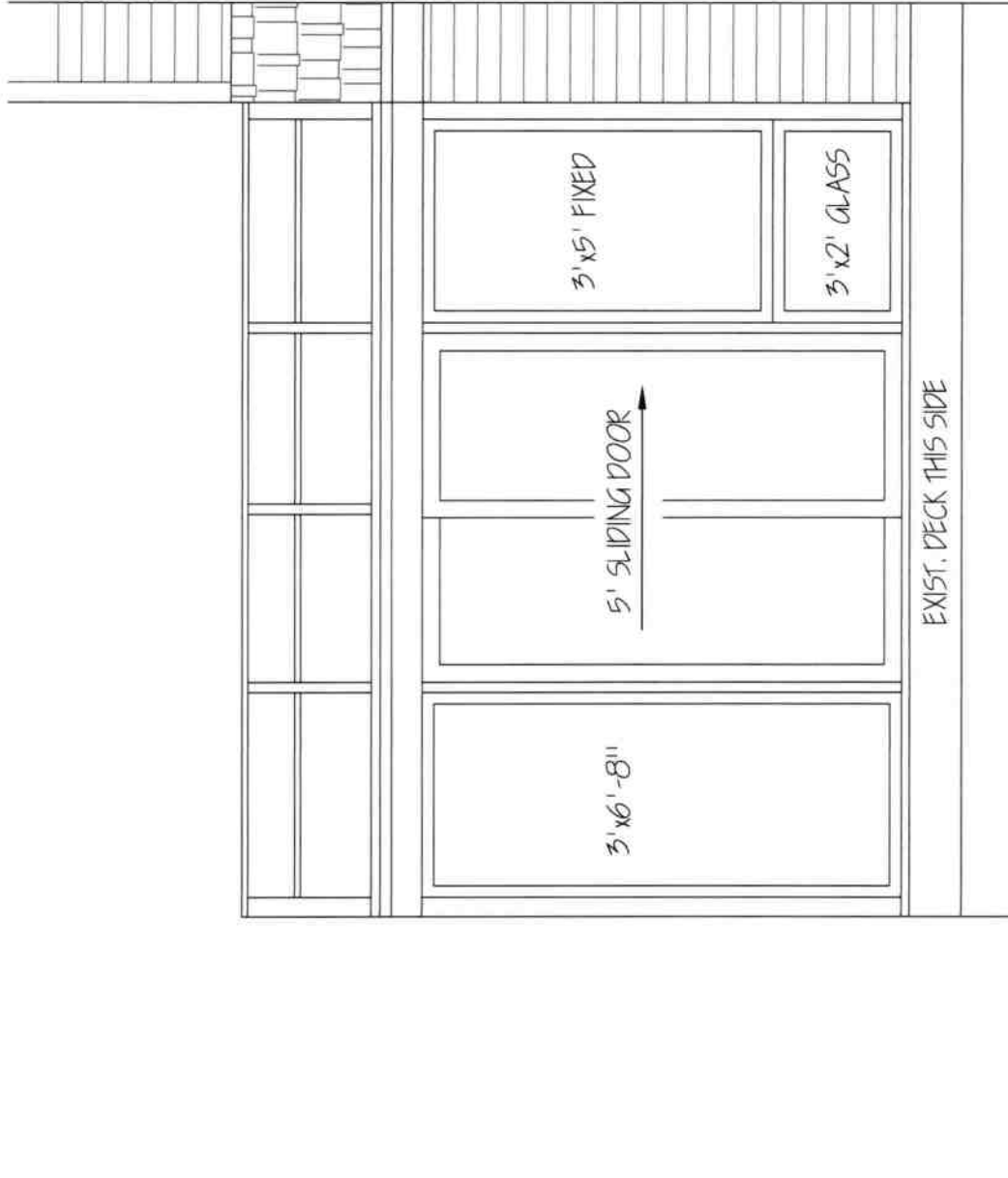
SCALE: 1/4" = 1'-0"



LEFT ELEVATION- WALKER

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

INITIALS



RIGHT ELEVATION- WALKER

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

INITIALS

Architectural elevation drawing of a building facade. The drawing includes the following elements and dimensions:

- Overall Dimensions:**
 - Top horizontal dimension: $13'-0\frac{8}{8}"$ TOTAL PROJECTION
 - Left vertical dimension: $4'-10\frac{1}{2}"$
 - Right vertical dimension: $9'-10"$
 - Bottom horizontal dimension: $12'-10"$ UNIT LENGTH
- Structural and Material Details:**
 - EXIST. CHIMNEY:** Located on the left side.
 - EXIST. WINDOW:** Located in the upper left section, with a width of $5'-8\frac{1}{2}"$.
 - 2x6 WALL @ 16" O.C. W/ 1x12" SHEATHING & TWECHOUSE WRAP, VINYL SIDING EXT., DRYWALL INT.**: A central vertical section.
 - 2" x 7" BRONZE ALUM. TUBE BEAM:** A horizontal beam crossing the central wall section.
 - EXIST. BASEMENT BELOW:** Indicated in the lower central area.
 - EXIST. DECK:** Located at the bottom of the facade.
- Door and Window Specifications:**
 - 5' SLIDING DOOR:** Two doors are shown, one on the left and one on the right.
 - 3'x6'-8" FIXED:** Two fixed window units, one on the left and one on the right.
 - 6'x5' SLIDER:** Two slider door units, one on the left and one on the right.
 - 6'x5' REV. SLIDER:** A reverse slider door unit on the right.
 - U.H. & POST:** A unit with a post located between the two sliding doors.
- Other Labels:**
 - H:** A label indicating a height or horizontal dimension.
 - EXIST. DECK:** Labeled at the bottom right.

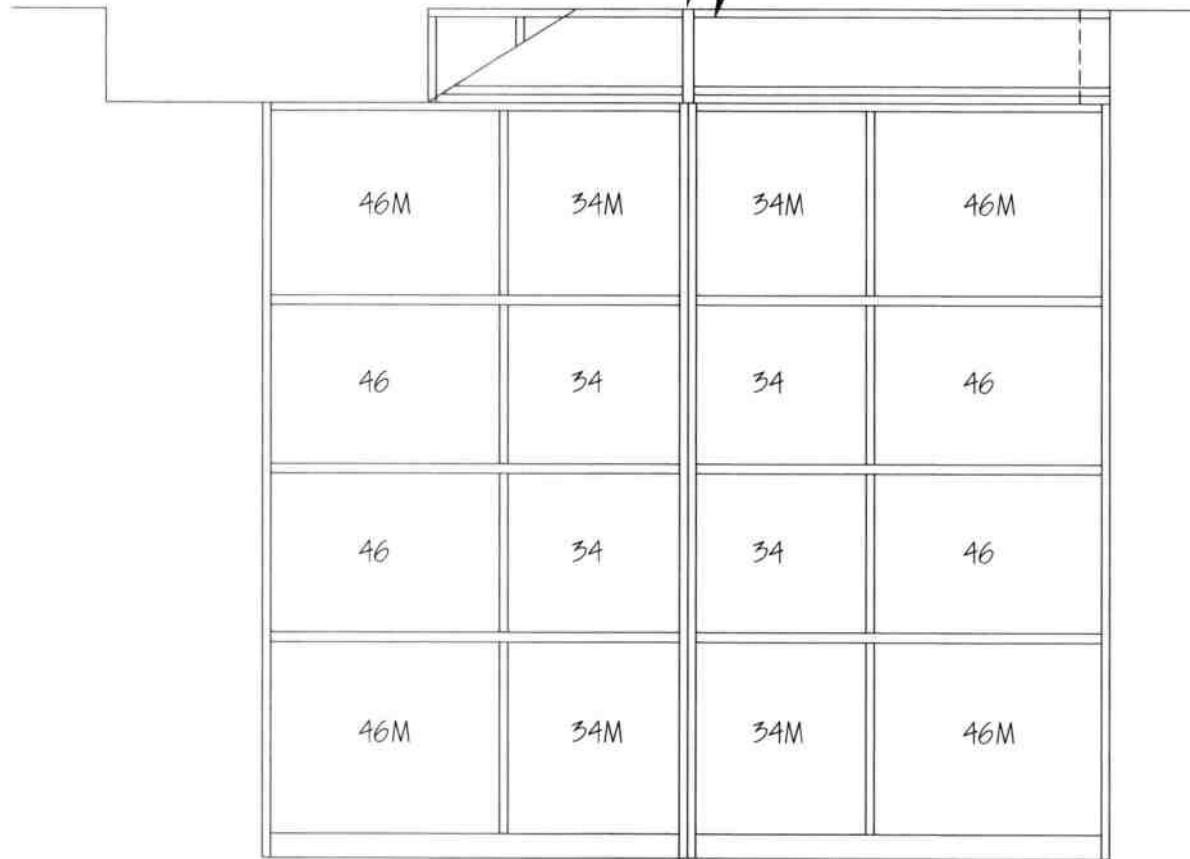
FLOOR PLAN-WALKER

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

INITIALS

14' LONG 2"x7" BRONZE ALUM. TUBE BEAM FROM F.S.

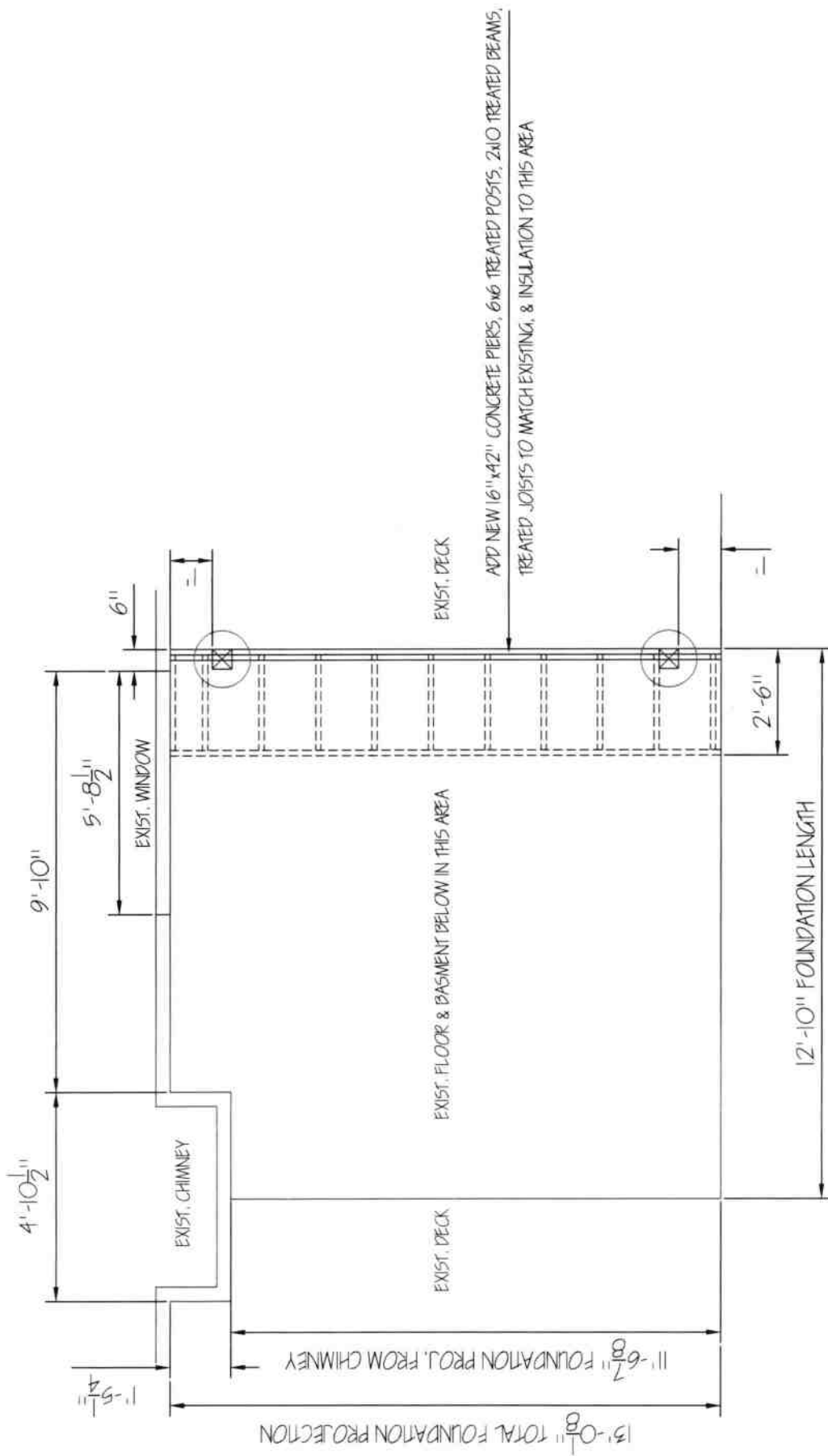
CONVENTIONAL ROOF W/ 2x RAFTERS @16" O.C., 1/2" SHEATHING W/ ICE & WATER SHIELD,
SHINGLES TO MATCH EXIST. AS CLOSE AS POSSIBLE, INSULATION & DRYWALL INT.



ROOF PLAN- WALKER

INITIALS

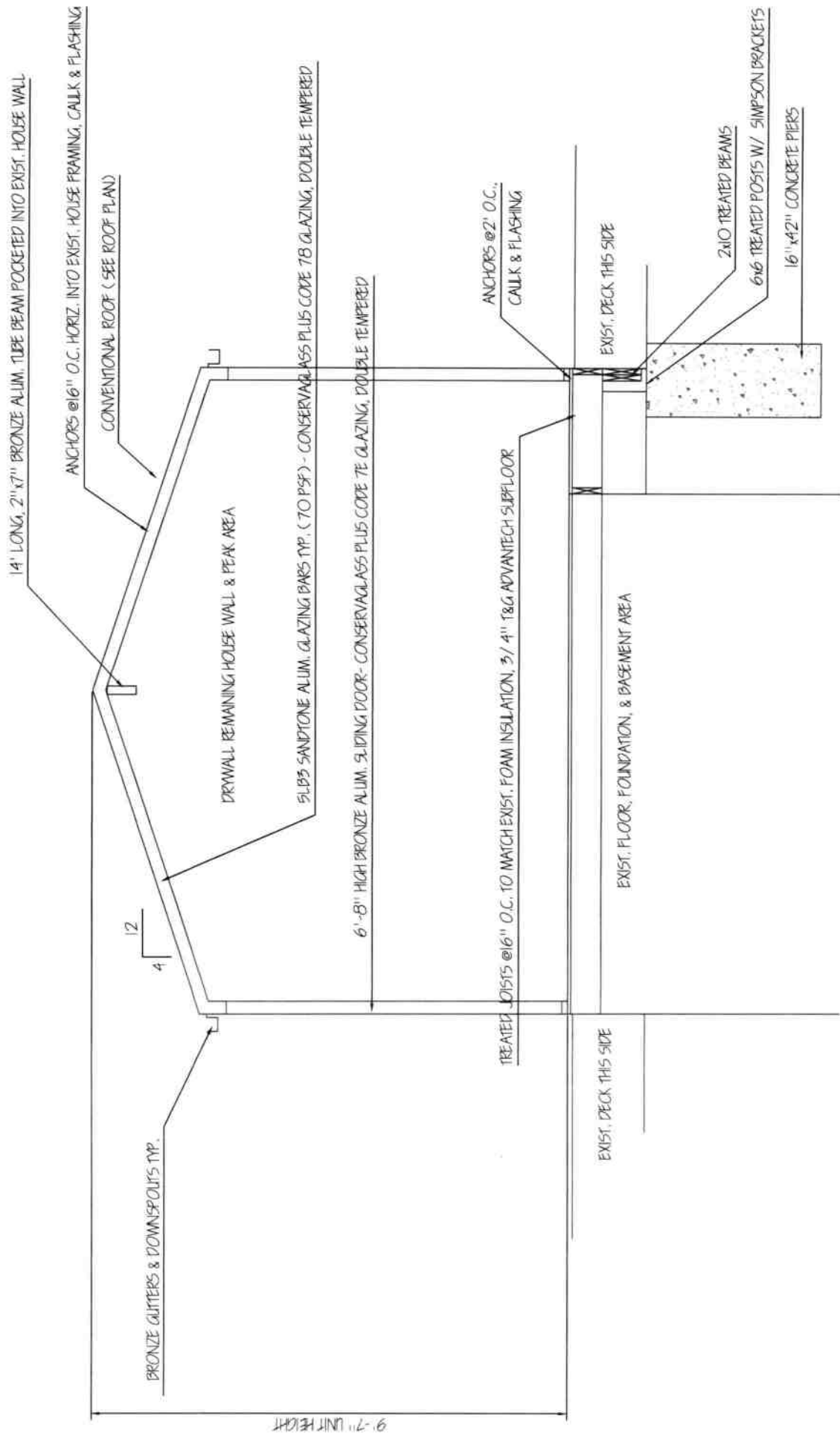
SCALE: 1/4" = 1'-0"



FOUNDATION PLAN- WALKER

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

INITIALS



INITIALS

SECTION - WALKER

SCALE: 1/2" = 1'-0"

9020 Rushside Dr.

2010



January 2021



Proposed
Sunroom

Brittany Stein

From: Rick Swanson <RSwanson@livgov.com>
Sent: Friday, January 8, 2021 9:20 AM
To: Brittany Stein
Cc: Amy Steffens
Subject: RE: 9020 Rushside

Hello Brittany,

We have no record of any deck permits for this property or enforcement case history for a deck. A re-roof permit was pulled in August of 2015 and finalized on 9/1/15. The roofing permit note "Not re-roofing area under existing deck at this time, Deck probably built without permit)

I don't see any Inspector comments recorded about the deck at time of completing the roof inspection so I presume the note refers to the gray painted roof deck and not the green wolmanized extension. From your pictures I can tell this extension (bright green lumber and posts) is very recent. It's also not built to code (excessive cantilever and framing methods not to structural codes).

Here's a summary of permits we show for the property:

PBLD2015-12373 (re-roof issued 8/24/15) *under 9020 Rushside
PBLD2013-10272 (16 replacement windows issued 4/19/13) *under 3509 Junior
PBLD2013-11363 (18' x 20' carport issued 7/7/13) *under 3509 Junior
PELE2005-10394 (Electrical for sewer grinder pump issued 2/16/05) *under 3509 Junior
PELE2002-00189 (Replace Electrical service riser for DTE service issue 2/3/06) *under 3509 Junior
PPLM2005-10293 (Sewer Hook-up issued 2/16/05 *under 3509 Junior

The extended deck is very new, structurally inadequate and will not comply with code. We will need to start an enforcement case and have our Building Inspector leave a violation notice on-site.

Please feel free to contact me for further assistance or questions.

Rick Swanson
Deputy Building Official
Livingston County
T: (517) 552-6726
E: rswanson@livgov.com

From: Brittany Stein <bstein@HAMBURG.MI.US>
Sent: Thursday, January 7, 2021 4:49 PM
To: Rick Swanson <RSwanson@livgov.com>
Cc: Amy Steffens <asteffens@HAMBURG.MI.US>
Subject: [EXT] 9020 Rushside

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Rick,

We were supposed to have a variance request go to the January 13th ZBA hearing, as a proposed addition to the house will not meet the setbacks. However, this one particular property appears to have a history of non-compliant construction/permits. Ted and I did an inspection today to confirm the distance to the water the existing house is and the distance the new addition will be to the water. We will have to re-notice the case due to the addition not meeting another required setback that was not noticed. I found that the proposed sunroom addition will be about 41 feet to the water when our ordinance requires 50 feet. The main reason for the variance was due to not meeting the front yard setback from the south (only a portion of the road was vacated). So, at this time we are tabling the variance request until a later date, but we have additional issues.

Anyways, I pulled our file on this one, and compared assessing records as well. There is an elevated deck off the rear of the house (lake side). This was a 3 1/2 -foot balcony style deck with no posts. It appears sometime in the last 10 years the deck has been added on to without permits. The deck extends from the side, which is a deck covered roof over single story lower level living space. The deck appears to be attached to the house and is now about 8-foot wide. There is the 'A' floodzone mapped here as well.

Upon reviewing our file I discovered a permit & CO for a re-roof in 2015. A deck without a permit is mentioned, but may not have been followed up on, but I do not know if this is this deck or not. Can you tell by looking at the attached pictures how long ago this deck was done? The deck boards are new above too (appear to be trex maybe). Can you tell me if LCBD has any record of this deck being extended?

Can you give me a brief list of the permits LCBD has issued for this property? Are there any other open permits/enforcements on this property?

I will add, sometime in the mid-2010s they changed (corrected) the address from 3509 Junior to 9020 Rushside.

I know this may be confusing and a lot of information, If this is easier to call me, we can set up a time to do so. Or if you would have another LCBD person handle this that is also fine too.

Thanks,

Brittany Stein

Hamburg Township, Zoning Coordinator
(810)-231-1000 Ext. 231

Brittany Stein

From: Brittany Stein
Sent: Monday, January 11, 2021 12:52 PM
To: 'Robert Clark'
Cc: 'Lewis Walker'; Amy Steffens (asteffens@HAMBURG.MI.US)
Subject: RE: 9020 Rushside - Walker
Attachments: 2020 Land Use Packet.pdf

Good Afternoon,

We will have to table this variance request from the Jan 13th hearing to a later hearing date, the next one will be Feb. 10th.

We measured the distance from the proposed sunroom to the water at approximately 40 feet, however the zoning ordinance requires a 50 foot setback. The published notice did not indicate the variance request for the setback to the water. The notices will have to be re-published to reflect this additional request.

However, following the inspection on Thursday we have found that the deck off the rear of the home (Lakeside) has been extended and constructed without any land use permits or building permits seemingly recently and may not be constructed to the residential building code, and it does not meet the requirements of an elevated deck according to the township zoning ordinance. The siding on the house has been replaced with new sometime between 2013 and present, the windows have also been replaced and the sizes have changed. We are unaware of any interior remodel work, but if any changes have been made inside the home, a permit is required for that as well. I bring this up because in January 2019 a door was installed where a window once was, this raises the concern that the interior of the house has been remodeled.

Prior to moving forward with the variance request, the home and any peripherals and attachments must come into compliance.

Please provide accurate site plans, including setbacks from the elevated deck, the home, and the proposed sunroom to all lot lines. the information listed in the checklist within the attached packet on pages 2 and 3.
Please also include a floor plan if the interior layout of the home has been updated.

Robert,

We are asking for the following to be done, prior to moving forward with the ZBA variance request:

1. During a recent site visit by myself and Ted, our inspector, we observed some additional work that had been done to the house, which no permits were issued for...
 - a. An elevated deck off the rear (Lakeside) had been extended and rebuilt (it appears it does not meet building code either).
 - b. Siding has been replaced.
 - c. Windows sizes were changed.
 - d. If any interior layout (walls) have been changed in the last 10 years, there has been no permit obtained for that as well.
2. We must issue valid permits for the work listed above, in which must meet our Zoning Ordinance requirements, or it must be fixed to the way it was before, or we can add this as an additional variance request (This will add an additional \$50 for the non-compliant deck).
3. The site plan did not indicate the setback distance from the water, we inspected and measured approximately 40/41 feet. This does not meet the required 50-foot setback. This was not included in the notice that was published.

- a. We must re-notice the variance request for ZBA to include the 50-foot variance. This entails additional fees to cover the notice to be published in the newspaper and sent to all properties within 300 feet of this property. The additional fee totals \$160. If the owners would like to keep the deck as is, we can add it as an additional variance request with the addition of \$50.
4. At the minimum, I am requesting the following additional information, in addition to 1-3:
 - a. Please provide accurate site plans, including setbacks from the elevated deck, the home, and the proposed sunroom to all lot lines. The information listed in the checklist within the attached packet on pages 2 and 3.
 - b. Please also include a floor plan if the interior layout of the home has been updated.

PLEASE NOTE: To go before the ZBA at the next hearing of February 10th. We must have the above items complete no later than this Wednesday January 13th.

Thanks,

Brittany Stein
Hamburg Township, Zoning Coordinator
(810)-231-1000 Ext. 231

From: Robert Clark <sunroomclark@gmail.com>
Sent: Monday, January 11, 2021 11:54 AM
To: Brittany Stein <bstein@HAMBURG.MI.US>
Subject: Good Morning

Wanted to check in as to what we need to supply to expedite and place us on the february ZBA meeting.

Please let me know cover sheet attached.

Thanks,

Robert Clark, Owner
Four Seasons Sunrooms of Ann Arbor
6055 Jackson Road
Ann Arbor, MI 48103
sunroomclark@gmail.com
248-787-6306 cell
734-769-9700 office
734-769-7858 fax



Brittany Stein

From: Lewis Walker <lewis.n.walker@gmail.com>
Sent: Thursday, January 14, 2021 4:30 PM
To: Brittany Stein; Robert Clark
Cc: Amy Steffens
Subject: Interior of House at 9020 Rushside Dr.

There has been no interior redesign or restructuring work done in the house. The door you mentioned went into the laundry room and it still is the laundry room. It was not part of any interior restructuring but merely to allow easier access to the house for us and guests. We have painted, wallpapered and replaced carpet.

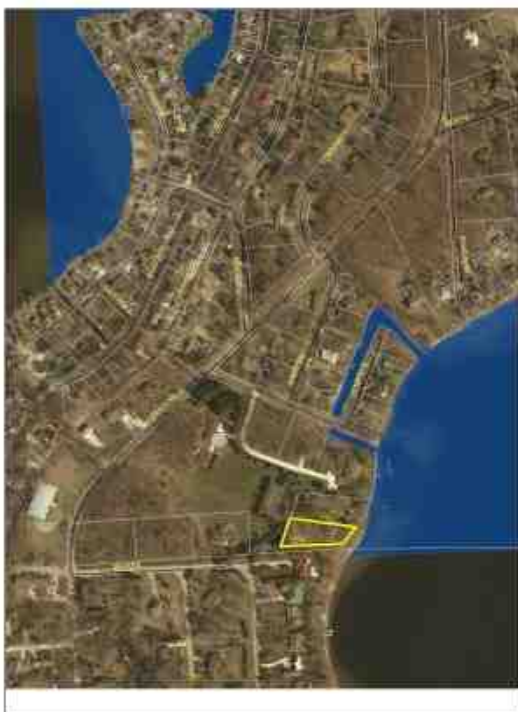
Lewis Walker

Sent from my iPhone



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7c



TO: Zoning Board of Appeals
(ZBA)

FROM: Amy Steffens, AICP

HEARING DATE: February 10, 2021

SUBJECT: ZBA 21-0001

PROJECT SITE: 11981 Yankee Lane
TID 15-31-300-011

APPLICANT/ OWNER: Tom and Kristine Carlson

PROJECT: Variance application to permit the vertical height expansion of a non-conforming second story of an existing dwelling. The expansion will have a 3.1-foot north side yard setback (10-foot side yard setback required, Section 7.6.1).

ZONING: Waterfront residential (WFR)

Project Description

The subject site is a 0.56-acre site that fronts onto Yankee Lane to the west and Base Line Lake to the east; single-family dwellings are located to the north, south, and west. The site is improved with an existing 1,638-square foot dwelling and a 572-square foot detached garage.

If approved, the variance request would permit a vertical height expansion of a non-conforming second story of the existing dwelling; the expansion would have a 3.1-foot north side yard setback where 10-foot setback is required per Section 7.6.1.

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.**

According to assessor's records the dwelling was constructed in 1906, 62 years before Hamburg Township first adopted a zoning ordinance. The existing dwelling is non-confirming to the current setback requirement of ten-foot setback from each side yard lot line. Because the dwelling is non-conforming, Section 11.3. requires variance approval for the change in bulk within the required setback. The proposed vertical extension to make the second story compliant with building code for headroom. Sheet A-5 of the applicant's construction plans shows the area of existing roof to be removed and the proposed new roof pitch; 60 square feet of bulk within the ten-foot setback will have the vertical extension.

- 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.**

Granting this variance request is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity as a smaller structure could be built on the subject site without the requirement of a variance to the setback regulations. However, the nominal height increase within the setback could be considered a minor deviation from the ordinance.

- 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.**

See analysis under standard number one.

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

One of the goals of the 2020 master plan is to "Protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township" the Master Plan discusses preserving and maintaining the existing character of parcels along lakes. The required setback regulations are designed to help maintain the character for the area.

- 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.**

As stated under finding number one, the dwelling was constructed in 1906 with headroom

that does not meet current building code. While the dwelling has been in use with the deficient headroom since 1906 the proposed vertical addition will make the dwelling more compliant and more usable. The overall height of the dwelling will not change; the peak will remain the same height above grade.

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 dwellings and related appurtenances. The proposed project is a single-family dwelling. Approval of the variance request 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 nominal amount of square footage proposed in the required setback could be considered an acceptable deviation from the ordinance and thus would be the minimum necessary to permit 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 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.

Approval Motion

Motion to approve variance application ZBA 21-0001 to permit the vertical height expansion of a non-conforming second story of an existing dwelling. The expansion will have a 3.1-foot north side yard setback (10-foot side yard setback required, Section 7.6.1).

The variances do meet variance standards one through seven 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. *ZBA members to state specific findings of fact in the motion.*

Exhibits:

Exhibit A: Application materials

ZBA Case Number 21-0001

Feb. 10, 2021

\$500

HAMBURG TOWNSHIP

Date 01/06/2021 10:11:24 AM

Ref ZBA2100-01

Receipt 1242214

Amount \$500.00

RECEIVED

JAN 06 2021



**Hamburg
Township**
a great place to grow

FHamburg Township
Planning & Zoning
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: 1-6-2021
2. Tax ID #: 15- 31-300-011 Subdivision: _____ Lot No.: _____
3. Address of Subject Property: 11981 Yankee Lane Pinckney, MI 48169
4. Property Owner: TOM & KRIS CARLSON Phone: (H) (517) 323-0996
Email Address: KrisCarl@sbcglobal.net (W) _____
Street: 11981 Yankee Lane City Pinckney State MI 48169
5. Appellant (If different than owner): _____ Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 1959 Zoning District: WER Flood Plain NO
7. Size of Lot: Front 107.14' Rear 119.39' Side 1 247.50' Side 2 269.56' Sq. Ft. 0.623 AC
11. Dimensions of Existing Structure (s) 1st Floor 1330.7 2nd Floor 453 Garage 832
12. Dimensions of Proposed Structure (s) 1st Floor _____ 2nd Floor _____ Garage _____
13. Present Use of Property: SINGLE FAMILY HOME
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:
Asking permission to work in the side setback to correct
unsafe stairway to 2ND FLOOR

January 5, 2021

To: Mike Hagen / Jeff Hatto
MBK Constructors

Re: Carlson Lake House
11981 Yankee lane

Hamburg Township / ZBA Application

18.

a) Our proposed renovation does not modify the exiting building footprint and does not increase the square footage of the structure. We are modifying an existing non-conforming structure by raising the roof in part of the existing second floor area. 2 of the existing 3 bedrooms at the second floor level do not meet the minimum 7'-0" ceiling height requirement. We are raising the roof to accommodate a minimum 7' ceiling height for these 2 existing bedrooms. Additionally, the stair that serves the second floor does not meet code requirements – a minimum 36" x 36" landing area is not provided at the top of the stair and the tread/riser geometry is not safe. We are modifying the stair to meet code and to assure a safe condition for the homeowner. We will need to adjust the roof to provide headroom at the renovated stair. These conditions are unique to this property.

b) Our goal is to renovate the existing second floor areas to provide a safe and useable bedroom area and stairway that meets applicable building codes.

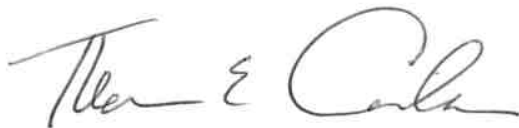
c) While we are raising the roof for a portion of the existing second floor area, we will not be making the overall structure any taller – the new roof will align with the existing high ridge for the existing roof thereby maintaining the existing high roof limit. Adjacent properties will not be impacted.

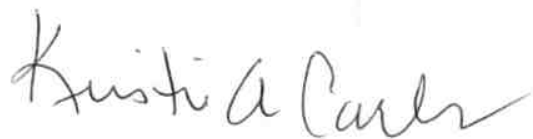
d) The master plan will not be impacted. Building use and building footprint areas are not being modified.

e) The circumstances of this property are unique. The safety conditions we will be correcting in the renovation are unique to this particular property.

f) The use of the structure as a private home and single family residence will not be modified.

g) The proposed modifications will not increase building square footage – we are modifying the roof only as necessary to accommodate minimum required bedroom ceiling heights and to accommodate a new stairway to replace the existing stair that will meet necessary stairway egress codes ensuring a safe condition and useability for the homeowners.


1-6-21


1-6-21

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.

- 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.

- 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.


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

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

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

- 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).



 1-6-21

Owner's Signature

Date

Appellant's Signature

Date



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7d



TO: Zoning Board of Appeals
(ZBA)

FROM: Brittany Stein

HEARING

DATE: February 10, 2021

SUBJECT: ZBA 21-0002

PROJECT Vacant on Baudine
SITE: TID 15-17-301-086

APPLICANT/

OWNER: Jeffrey Weiss

PROJECT: Variance application to allow for the construction of a two-story 2,547-square foot dwelling with attached 1,177-square foot garage. The dwelling will have a 35-foot setback from the ordinary high water mark (OHM) of Rush Lake canal (50-foot OHM setback required, Section 7.6.1. fn.4) and a 22-foot west front setback (25-foot front setback required, Section 7.6.1.). An elevated deck on the east façade will have a 29-foot setback from the OHM of the canal (44-foot OHM setback required, Sections 7.6.1.fn 4 and 8.18.2.).

ZONING: WFR (waterfront residential district)

Project Description

The subject site is a 14,402-square foot parcel that fronts onto Baudine Road to the west and a Rush Lake canal to the east; single-family dwellings are located to the north, south, and east. The site is currently unimproved.

If approved, the variance request would allow for the construction of a two-story 2,547-square foot dwelling with attached 1,177-square foot garage. The dwelling will have a 35-foot setback from the ordinary high water mark (OHM) of Rush Lake canal and a 22-foot west front setback. Also

included in the variance request is a 72-square foot elevated deck on the east façade which will have a 29-foot setback from the OHM of the canal.

	<u>Proposed</u>	<u>Required</u>
North side:	30 feet	10 feet
East rear/water:	35 feet	50 feet OHM
Elevated Balcony:	29 feet	44 feet OHM
South side:	56 feet	15 feet garage,
West front:	15 feet to garage, 30 feet to house	25 feet house

Based on FEMA's Flood Insurance Rate Map (FIRM), as well as information provided by the applicant, a portion of the site lies within the 100-year floodplain and the existing grades of the building envelope are below the base flood elevation. 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 federally identified 100-year floodplain areas. Elevation certificates must be submitted prior to the issuance of a land use permit, when the foundation is completed and before vertical construction, and when the project is complete. If the project site is within a floodplain over which EGLE has authority, an EGLE permit may be required in order to occupy the floodplain. Should the applicant propose to fill the building envelope to elevate the dwelling in order to obtain a LOMR-F, the township will require the applicant deposit a review escrow for the township engineer to review the plans prior to the zoning administrator signing the community acknowledgement form. The property owner has had an elevation certificate completed for the proposed home construction, dated October 2, 2020.

However, since the elevation certificate was completed, the zoning ordinance has been amended. The mechanical equipment must be elevated a minimum of one-foot above the base flood elevation. A revised elevation certificate must be submitted to the zoning department prior to issuing land use permits on the property.

Project History

On August 9, 2017, the Zoning Board of Appeals approved a variance application (Minutes Exhibit D) on this site to allow for the construction of a new 1,699-square foot single-story dwelling with an attached 660-square foot garage; the dwelling would have had a 23.9-foot setback from the OHM (50-foot setback required) and a 23.9-foot rear yard setback (30-foot rear yard setback required). The property owner neither obtained permits nor began construction on the approved dwelling and the variance approval expired on February 9, 2018.

Since the ZBA approval from 2017, the property owner had changed the architectural plans for the home to include a different orientation of the dwelling on the lot, a second story, a larger garage, a covered front porch, and an elevated balcony on the rear of the home.

On October 9, 2019, the Zoning Board of Appeals approved a variance application (Exhibit C) on this site to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage, an 88-square foot covered front porch, and a 68-square foot elevated deck on the rear of the dwelling. The dwelling would have a 22-foot west front yard setback (25-foot setback required), and a 35-foot east rear yard setback from the OHM of Rush Lake (50-foot setback required), and the 68 square foot elevated balcony would have a 29-foot east setback from the OHM of Rush Lake (44-foot setback from the OHM required for elevated decks).

In October 2019 a zoning text amendment was approved to amend Section 6.8 to change the variance approval period from six months to 12 months. The property owner was informed and made aware of this change. However the approved house plans from the variance was not submitted to the township zoning department for a land use permit until October 6, 2020, nearly 12 months after the approval. The zoning department was prepared to issue the permit the day of application but the required sewer paperwork had not been completed. Staff indicated to the property owner that in acknowledgement of the covid-19 delays in construction work we would hold his permit in anticipation of the necessary sewer paperwork being submitted.

The property owner filed a third variance application for the second story over the garage (ZBA 20-0020). On November 12, 2020, the Zoning Board of Appeals approved a variance application (Exhibit B) on this site to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3).

The entire house was not included in the variance application because it was staff's understanding that land use permit issuance was imminent as DPW had scheduled an appointment to visit the site and determine grinder pump location. To date, neither the sewer agreement, sewer easement, nor sewer payment have been submitted to Utilities Coordinator, Brittany Campbell. Although the approved plans were submitted to the zoning department, a land use permit was never issued for the house, because the utilities department must sign off on the land use permit application.

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 property is one-third of an acre and is constrained by two factors: the canal to the east and the shallow lot depth creating a narrow, long building envelope. At its deepest, the lot is 111 feet from the front property boundary to the canal and at its shallowest is 88 feet from the front property boundary to the canal. The required 50-foot setback from the OHM and the 25-foot front yard setback leaves a narrow, long building envelope (Exhibit A). Given the configuration of the lot and the setback from the OHM, there does appear to be an exceptional circumstance on this lot that is not applicable to other properties in the same

district or zone. Therefore, it could be reasonable to consider that the property deserves some relief from the terms of the zoning ordinance.

However, the chosen design of the proposed structure, with the covered front porch and the elevated deck, are not necessarily reasonable deviations from the zoning ordinance. The design of the dwelling drives the need for the front yard setback for the covered porch to have a 22-foot setback, where a 25-foot setback is required, and an elevated deck with a 29-foot setback where a 44-foot setback would be required. The porch could be uncovered, thus meeting the definition of a patio, and the home moved forward by five feet, thereby negating the need for the front yard setback and increasing the dwelling's OHM setback to 40 feet rather than the proposed 35 feet. Additionally, the elevated deck on the rear of the dwelling is entirely a personal preference. An elevated deck has a visual, aesthetic, and privacy impact such that the township adopted a zoning text amendment in 2016 to address these concerns.

- 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. The covered porch, 30-foot front yard setback rather than the 25-foot setback required, and the elevated deck on the rear of the dwelling are personal preferences of the applicant and are the factors that necessitate the variance request. These appurtenances are not necessary to develop or use the site for single-family residential purposes.

- 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 elevated deck on the rear of the dwelling could potentially be materially detrimental to the property or improvements in the zone in which the property is located. The setback from the OHM is intended to provide an open vista along waterfront properties and protect off-site views of the water. The reduced OHM setback and the elevated deck, taken together, could negatively impact adjacent properties.

- 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 a waterfront lot on Rush Lake in the Watson's Rush Lake Subdivision #1. Parcels in this area are primarily residential and zoned in the waterfront residential district. The proposed project would not adversely affect the 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.

Hamburg Township adopted a zoning text amendment in 2016 that defined a deck and an elevated deck, with associated standards for each. A deck that is less than 24 inches above grade has a less restrictive setback than an elevated deck more than 24 inches above grade because of the privacy and impact concerns associated with an elevated deck. An at-grade deck has no greater impact than a lawn in its natural state but an elevated deck is visually impactful, particularly with a reduced setback to the canal, and presents privacy concerns for adjacent properties.

There is no condition or situation of the subject site that is not of so general or recurrent a nature that the front porch should be covered or the elevated deck constructed on the rear of the dwelling.

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 stated above, the property is constrained by size and OHM setbacks and it could be reasonable to grant a deviation from the zoning ordinance. However, the covered porch and the elevated deck are not the minimum necessary to permit reasonable use of the land and should be denied.

“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.

Approval Motion:

Motion to approve variance application ZBA 21-0002 at parcel 15-17-301-086 to allow for the construction of a two-story 2,547-square foot dwelling with attached 1,177-square foot garage. The dwelling will have a 35-foot setback from the ordinary high water mark (OHM) of Rush Lake canal (50-foot OHM setback required, Section 7.6.1. fn.4) and a 22-foot west front setback (25-foot front setback required, Section 7.6.1.). An elevated deck on the east façade will have a 29-foot setback from the OHM of the canal (44-foot OHM setback required, Sections 7.6.1.fn 4 and 8.18.2.). 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.

Denial Motion:

Motion to deny variance application ZBA 21-0002 at parcel 15-17-301-086 to allow for the construction of a two-story 2,547-square foot dwelling with attached 1,177-square foot garage. The dwelling will have a 35-foot setback from the ordinary high water mark (OHM) of Rush Lake canal (50-foot OHM setback required, Section 7.6.1. fn.4) and a 22-foot west front setback (25-foot front setback required, Section 7.6.1.). An elevated deck on the east façade will have a 29-foot setback from the OHM of the canal (44-foot OHM setback required, Sections 7.6.1.fn 4 and 8.18.2.). The variance does not meet variance standards one, two, three, five, or 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 hearing and as presented in the staff report.

Exhibits

Exhibit A: Application materials, including site plan and construction plans (21-0002)

Exhibit B: 2020 variance staff report and ZBA minutes (20-0020)

Exhibit C: 2019 variance staff report and ZBA minutes (19-0017)

Exhibit D: 2017 ZBA minutes (17-0016)

ZBA Case Number 21-0002

HAMBURG TOWNSHIP
Date 01/11/2021 2:25:36 PM
Ref ZBA2021-002
Receipt 1242564
Amount \$600.00



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: January 11, 2021
2. Tax ID #: 15- 17301086 - 17301086 - 17301086 Subdivision: Watson's Rush Lake Subdivision Number 1 Lot No.: 32, 33 & 34
3. Address of Subject Property: 0000 Baudine Drive, Pinckney, MI 48169
4. Property Owner: Jeffrey Weiss Phone: (H) (734) 716-2205
Email Address: jweiss1111@gmail.com (W) (517) 241-5869
Street: 30970 Stone Ridge Drive, Apt. 12115 City Wixom State MI
5. Appellant (If different than owner): _____ Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 2017 Zoning District: Residential Flood Plain Yes
7. Size of Lot: Front 150' Rear 150' Side 1 88' Side 2 85' Sq. Ft. 14,402
11. Dimensions of Existing Structure (s) 1st Floor _____ 2nd Floor _____ Garage _____
12. Dimensions of Proposed Structure (s) 1st Floor 32' x 27'-4" 2nd Floor 61'-2" x 27'-4" Garage 29'-8" x 39'-8"
13. Present Use of Property: Vacant land
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 ZBA# 19-0017 & ZBA# 20-0020, both variances approved

17. Please indicate the type of variance or zoning ordinance interpretation requested:

The current building setbacks for the rear, front porch, second floor balcony and 820 square-foot living space above the garage of the aforementioned

property does not allow for a proper building envelope of the proposed structure. Setback to the ordinary high watermark from house, balcony and 820 square-foot living space above the garage.

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.

No, there are none. It would appear that most of the surrounding properties are of moderate size.

- 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.

No, there are none. It would appear that most of the surrounding properties are of moderate size. Due to the current building setbacks

even a moderately sized home would require such a variance to build a permanent residence.

- 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.

No.

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

No, it is a residential area and the owner plans to build a single family residence.

- 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.

No, please see answers to Question 18 a) and b) above.

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

No, it will not.

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

Yes.

- 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).

 01/11/2021
Owner's Signature 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.

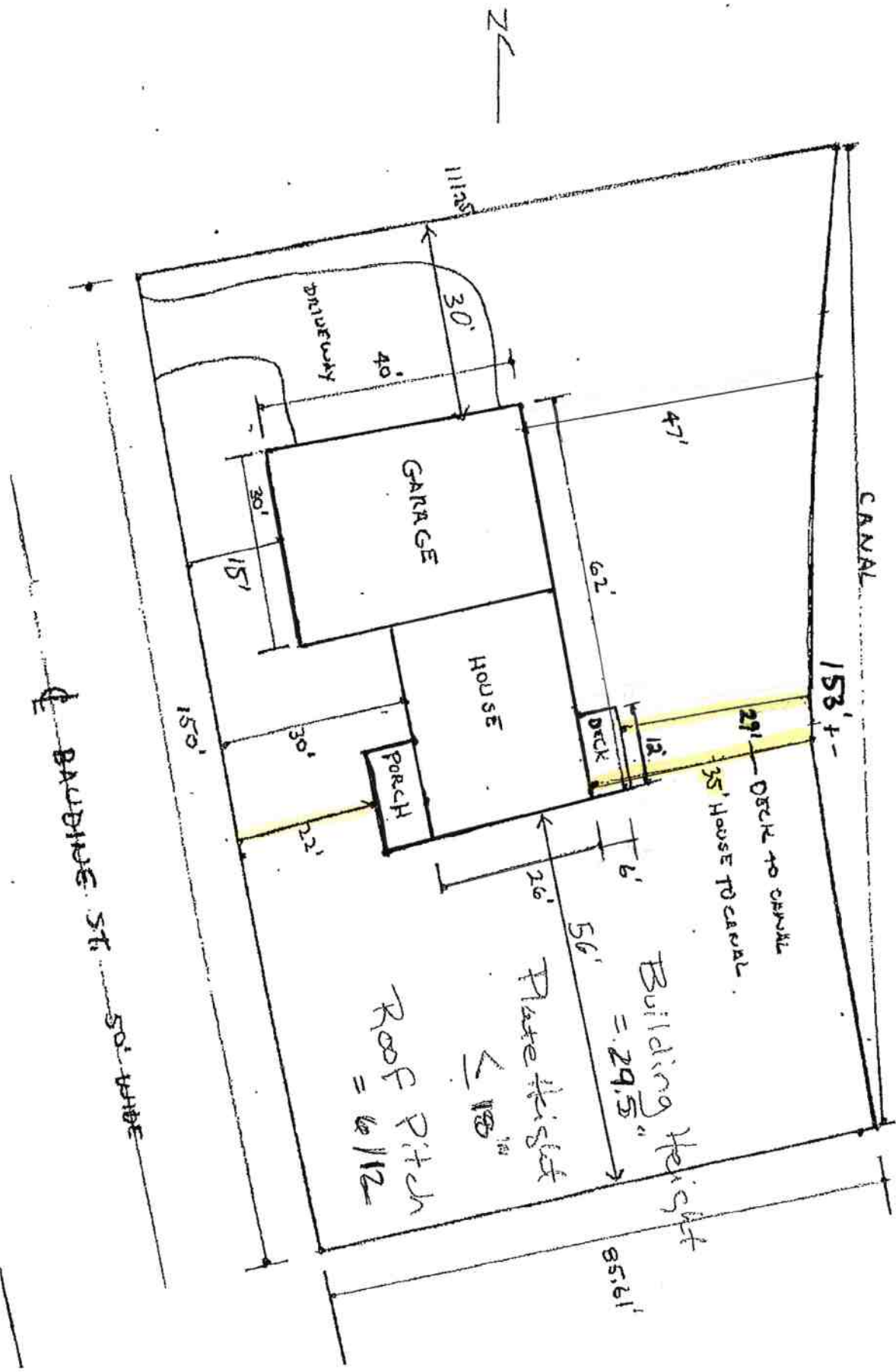
VARIANCE STANDARDS:

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.

DEFF WISE
 VACANT LAND TAX # T10 15-17-301-086
 HAMBURG TWP 21 IN CUYAHOGA COUNTY
 STATE 11-30' 10 SECT 8405,



ZC

NOTE: LOTS 32-34 ARE CURRENTLY COMBINED AS ONE TAX PARCEL. (#4715-17-301-067.)

ZONED WFR LOT REQUIREMENTS:
 MIN. SETBACKS:
 FRONT=25'
 SIDES=10'
 REAR=30'
 WATER=50'
 MIN. AREA = 43,560 SQ.FT.
 MIN. LOT WIDTH= 125' AT BLDG LINE

BASIS OF BEARINGS:
 BEARINGS WERE ESTABLISHED RELATIVE TO THE PLAT OF "WATSON'S RUSH LAKE SUB. NO. 1"

LEGEND
 ○ = IRON SET
 ● = IRON FOUND
 ⊙ = MONUMENT FOUND
 * = FENCE
 (R) = RECORDED
 (M) = MEASURED

DESCRIPTION: LOT 32, 33 & 34, "WATSON'S RUSH LAKE SUB NO. 1", (L 6, P. 37, L.C.R.) PART OF W 1/2, SW 1/4, SEC 17, T1N-R5E, HAMBURG TWP., LIVINGSTON COUNTY, MICH.

CLIENT: WEISS

JOB NO. 17-270 **DATE:** 07-06-15 **8-29-19**

SHEET 1 OF 1 **FB 458** **CREW GFD** **DR. AEB** **CHKD.**

SCALE: 1 INCH = 20 FEET

NOTICE: THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

STATE OF MICHIGAN
CHRISTOPHER S. FERGUS
 PROFESSIONAL SURVEYOR
 NO. 47055
 LICENSED PROFESSIONAL SURVEYOR


ZONED WFR
LOT REQUIREMENTS:
MIN. SETBACKS:
FRONT=25'
SIDES=10'
REAR=30'
WATER=50'
MIN. AREA =
43,560 SQ.FT.
MIN. LOT WIDTH=
125' AT BLDG LINE

BASIS OF BEARINGS: BEARINGS WERE ESTABLISHED RELATIVE TO THE PLAT OF "WATSON'S" RUSH LAKE SUB. NO. 1"	NOTE: THE LOCATION OF UNDERGROUND SANITARY SEWER AND SANITARY LEADS AS SHOWN ON THIS DRAWING IS BASED ON PHYSICAL TIES IN THE FIELD ALONG WITH A SKETCH OBTAINED FROM HAMBURG TOWNSHIP OFFICES.
--	--

DESCRIPTION: LOT 32, 33 & 34, "WATSON'S
PART OF RUSH LAKE SUB NO. 1",
(L 6, P. 37, L.C.R.) PART
OF W 1/2, SW 1/4, SEC 17,
T1N-R5E, HAMBURG TWP.,
LIVINGSTON COUNTY, MICH.

BEBOSS
Engineering
Engineers Surveyors Planners Landscapes Architects
3121 E. GRAND RIVER AVE.
HOWELL, MI. 48843
800.246.6735 FAX 517.548.1670

THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

CLIENT: WEISS		 SCALE: 1 INCH = 20 FEET			
JOB NO.	17-270	DATE	07-06-15	8-29-19	
SHEET	1 OF 1	FB 458	CREW GFD	DR. AEB	CHKD.
G:\17-270\dwg\17-270 layout 1 7-17-17.dwg, 8/29/2019 12:04:53 PM, andy					

LEGEND
○ = IRON SET
● = IRON FOUND
⊙ = MONUMENT FOUND
* = FENCE
(R) = RECORDED
(M) = MEASURED

 3 WORKING DAYS
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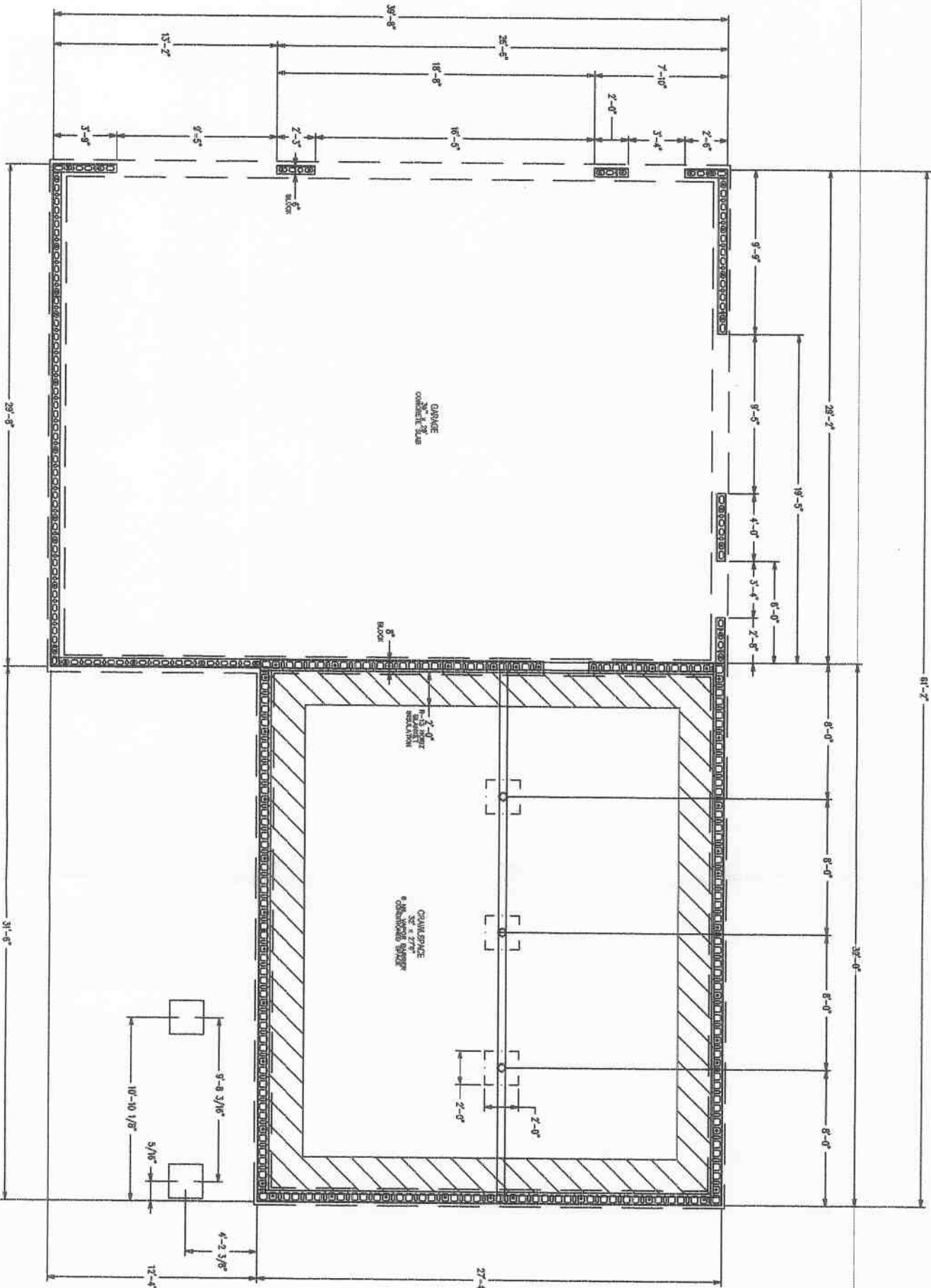


CRAWLSPACE NOTES

RODENT-RESISTANT CRAWL SPACE VENTILATION OPENINGS IN UNDER FLOOR SPACES SHALL NOT BE REQUIRED AS SPECIFIED IN 2504.1-1.0-2.1 WHERE THE FOLLOWING ITEMS ARE PROVIDED:

1) EXPOSED EARTH IS COVERED WITH A CONTINUOUS CLASS 1 VAPOR BARRIER. JOINTS SHALL OVERLAP 6" AND BE TAPED. THE EDGES OF THE VAPOR BARRIER SHALL NOT EXCEED LESS THAN 6" UP THE STEM WALL AND SHALL BE ATTACHED AND SEALED TO THE INSULATION.

2) CONDENSED AIR SUPPLY SIZED TO DELIVER AT A RATE EQUAL TO 1 CIRC. FT. PER SQUARE FOOT OF UNDER FLOOR AREA. INSULATING A RETURN AIR DUCT TO THE COMMON AREA SUCH AS A DUCT OR TRANSFER GALLERY AND RECONNECTED DUCTS ARE INSULATED IN ACCORDANCE WITH 2502.2.1.



Foundation Plan

SCALE 1/4" = 1' FOOT

FIRST FLOOR
873 SQ. FT.
SECOND FLOOR
1672 SQ. FT.
TOTAL COMBINED
APPROX. 2547 SQ. FT.
GARAGE
APPROX. 1177 SQ. FT.

No.	Revision/Issue	Date

JCH BUILDERS
COMMERCE TWP, MI
(810)240-9310
JCHBuildersInc@yahoo.com

Jeff Weiss
000 Baudine Rd.
Pinckney, MI
48169

Page	Sheet
1	1
Date	Jan 2021
Scale	1/4" = 1'



No.	Revision/Remarks	Date

Project Director and Advisor

Rush Lake

Project	Rush Lake	Draw	2
Date	Jan 2024		<hr/>
Scale	1/4" = 1'		6

STAIRWAYS SHALL NOT BE LESS THAN 3'6" IN CLEAR WIDTH AT ALL POINTS ABOVE REPAIRED HANDRAIL HEIGHT AND BELOW REPAIR HEIGHT.

E011.72.2 HEADBOARD
THE HEADBOARD IN STAIRWAYS SHALL NOT BE LESS THAN 6'-8" MEASURED VERTICALLY FROM THE SLOPED RISE ADJOINING THE TREAD RISING OR FLOW TO THE FLOOR SURFACE OF THE LANDING ON BOTH PORTION OF THE STAIRWAY.

E011.72.3 RISERS
RISERS SHALL NOT EXCEED $\frac{1}{4}$ INCHES MEASURED VERTICALLY BETWEEN THE TOP OF ONE TREAD AND THE TOP OF THE NEXT HIGHER TREAD.

E011.72.4 TREADS
THE TREAD DEPTH SHALL NOT BE LESS THAN 10 INCHES. THE TREAD DEPTH IS TO BE MEASURED HORIZONTALLY BETWEEN THE PERPENDICULAR PLUMES OF THE FURROEST PROJECTION OF ADJACENT TREADS AND AT A RIGHT ANGLE TO THE TREADS LEADING EDGE. THE GREATEST DEPTH SHALL NOT EXCEED THE SHALLEST BY MORE THAN $\frac{1}{4}$ INCH

E011.72.5 BALUSTERS
THE FININGS OF THE COUNTERPART OF THE MOVER SHALL NOT BE GREATER THAN $\frac{1}{4}$ INCH. A ROUGH PROTECTION NOT LESS THAN $\frac{1}{4}$ INCH AND NOT MORE THAN 1 INCH MUST PROTECT EACH SIDE OF THE STAIRS FROM FALLS ARISING FROM THE OPENINGS OF THE BALUSTERS. SUCH PROTECTION SHALL NOT REST HANGING DOWN AT THE LEVEL OF FLOORS AND LANDINGS.

E011.72.6 LANDINGS
THERE SHALL BE A FLOOR AT THE TOP AND BOTTOM OF EACH STAIRWAY, THE WITH PERPENDICULAR TO THE DIRECTION OF TRAVEL. SHAFTS SHALL NOT BE LESS THAN THE WIDTH OF THE FLIGHT SERVED. WHERE THE STAIRWAY HAS TWO FLIGHTS, THE LENGTH IN THE DIRECTION OF TRAVEL SHALL NOT BE LESS THAN 4 FEET MINUS.

E011.72.7 HANDRAILS
HANDRAILS SHALL BE PROVIDED ON NOT LESS THAN ONE SIDE OF EACH CONTINUOUS RUN OF TREADS OR FLIGHT WITH FOUR OR MORE RISERS.

E011.72.8 HANDRAIL HEIGHT
HANDRAIL HEIGHT, MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD RISING, SHALL NOT BE LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES.

E012.1 GENERAL
GUARDRAILS SHALL BE PROVIDED IN ACCORDANCE WITH E012.1.1 - E012.1.4 OTHERS SHALL BE A MINIMUM OF 36" HIGH ALONG OPENED FLOORS 20 INCH OR MORE ADJACENT FLOOR. HANDRAIL-SPACING SHALL BE SUCH THAT A 4 INCH SPACER STRING CANNOT PASS THROUGH.

BOARD EXTERIOR, SURROUND ALUMINUM
INTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE TO ILLUMINATE THE LANDINGS AND THE TREADS TO LEVELS OF NOT LESS THAN 700-CANDIES (1 LUX) AS HE ASSIGNED AT THE CENTER OF TREADS AND LANDINGS. THERE SHALL BE A WALL SWITCH AT EACH FLOOR LEVEL TO CONTROL THE LIGHT SOURCE WHERE THE STAIRWAYS HAS 6 OR MORE RISERS.

BOARD EXTERIOR, SURROUND ALUMINUM
EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED AT THE TOP LANDING OF THE STAIRWAYS.

BOARD - RISIS SOURCE / COORD INTERLOCKS
SMALL INTERLOCKS / COORD INTERLOCKS TO BE PROVIDED AND LOCATED PER RISA 3 / ELEC 3

WALLS LIGHTING EQUIPMENT
NOT LESS THAN 75% OF THE LUMENS PERMANENTLY INSTALLED EQUIPMENT SHALL BE HIGH-EFFICIENCY LUMENS

[illegible]

SURFACE DRAINAGE SHALL BE DIVERTED TO DRAINAGE DITCHES, DRAINAGE CANALS, OR TO DRAINAGE DRAINAGE DITCHES. SHALL BE GRADED TO DRAIN SURFACE WATER AWAY FROM THE FOUNDATION WALLS. THE GRADE SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10' MEASUREMENTS SURVEYED WITHIN 10 FEET OF THE BUILDING FOUNDATION SHALL BE SLOPED A MINIMUM OF 2" AWAY FROM THE BUILDING.

5. SURFACE DRAINAGE SHALL BE DIRECTED TO PROPOSED
TERRACE/PAVING, SIMILE LOCATIONS, LOT SHALL BE GRADED TO DRAIN
SURFACE WATER AWAY FROM THE FOUNDATION WALLS. THE GRADE
SHALL FALL A MINIMUM OF 8" WITHIN THE FIRST 10' MEASUREMENTS
SURFACES WITHIN 10 FEET OF THE BUILDING FOUNDATION SHALL
BE SLOPED A MINIMUM OF 2" AWAY FROM THE BUILDING.

6. ALL CEMENTS SHALL HAVE A CONTROLLED METHOD OF PLACING
WATER PROOFING. ROOM ROOFS THAT WILL COLLECT AND DISCHARGE
ROOF DRAINAGE TO THE GROUND SURFACE NOT LESS THAN 5' AWAY
FROM FOUNDATION WALLS FOR TO AN APPROVED DRAINAGE SYSTEM.
7. ALUMINUM STAINLESS ROOFERS AND DOWNSPOUTS TO BE
INSTALLED IN ACCORDANCE.

8. EXIST. EMERGENCY ESCAPE ROUTINGS
EGRESSIBLES, HARBORABLE AREAS, AND EVERY SLEEPING ROOM
SHALL HAVE AN EXIST. EMERGENCY ESCAPE ROUTING.
9. MECHANICAL EQUIPMENT USED TO HOSE ONLY

EXIST. WINDOW FALL PROTECTION
WINDOW FALL PROTECTION SHALL BE IN ACCORDANCE
ENR 5312.1 - 5312.2

PROVIDE EMBEDDED 2x6 SILL PLATE WITH SILL STUDS AND 4x4 ANCHOR BOLTS (NOT SPACED W/ GALVANIZED ANCHORS) 7" MIN FOUNDATION, AT 6" O.C., MIN. 12" FROM EACH END OF FOUNDATION WALL. REINFORCED CONCRETE WALLS TO BE REINFORCED WITH #4 BARS @ 16" O.C. (SEE SPECIFICATIONS FOR REINFORCEMENT WALLS TO BE PROVIDED). REINFORCEMENT WALLS TO BE PROVIDED AT ALL EXCHANGE AREAS OF ALL EXISTING WALLS INCLUDING AREAS ABOVE AND BELOW OPENINGS. GRADED WALL PANELS SHALL BE IN ACCORDANCE WITH LPILE RIGID WALLS (R001) - R002 TO R004.

ALL EXISTING WALLS TO BE REINFORCED AGAINST DECK BY REINFORCED CONCRETE WALLS TO BE PROVIDED AT ALL EXCHANGE AREAS. ALL EXISTING WALLS TO BE REINFORCED AT ALL EXCHANGE AREAS TO BE SOLID REINFORCED THROUGHOUT THE ENTIRE STRUCTURE. ALL EXCHANGE AREAS TO BE REINFORCED SOLID. STEEL JOISTS SHALL NOT BE LESS THAN A 3" HIGH DEEPER, AND BE GIVEN A THROUGH JOISTING OF CORROSION RESISTANT PANEL. ALL JOISTS ARE TO BE REINFORCED TO PREVENT LATERAL BUCKLING AT THE ENDS. ALL STEEL JOIST FLANGES TO BE REINFORCED WITH 2x4x8 PLATE TO BE WELDED TO JOIST FLANGES TO PROVIDE A CONTINUOUS JOIST THROUGHOUT THE ENTIRE STRUCTURE. ALL EXISTING JOIST FLANGES TO BE REINFORCED WITH 2x4x8 PLATE TO BE WELDED TO JOIST FLANGES TO PROVIDE A CONTINUOUS JOIST THROUGHOUT THE ENTIRE STRUCTURE. ALL EXISTING JOIST FLANGES TO BE REINFORCED WITH 2x4x8 PLATE TO BE WELDED TO JOIST FLANGES TO PROVIDE A CONTINUOUS JOIST THROUGHOUT THE ENTIRE STRUCTURE.

REINFORCEMENT WALLS TO BE PROVIDED IN LOCATIONS AS DESCRIBED AND WITH MATERIALS LISTED.

2100.021, 0% TOTAL ATTIC SPACE
REQUIRED, (1487.50 FT²) OF TOTAL VENTILATION
REQUIRED, 45% FREE AREA, 50% FROM PERFORATED
SCREENS, 5% FROM SOLID MATERIALS.
REMAINING NETION BALANCE FROM EXIST. VENTS
187.2 LIFT, ROOF REQ'D. / 90 CU FT. ACTUAL
UPPER VENTILATION BALANCE 455.4 SOLN.
REQUIRE (9) CAN STOVE ROOF VENTS, 11% SOLN, E.A.
REMAINING LOWER VENTILATION BALANCE 37.2 LIFT.
51% STOVE CASE VENT = 41.5 SOLN PER LIFT.
10 CU FT. MAX. REQ'D. / 159 CU FT. ACTUAL.

A MINIMUM 1" CLEARANCE BETWEEN ROOF SHEETING
AND INSULATION SHALL BE MAINTAINED BY USE OF
VENTILATION SPACERS PER HUD-2.3

ROOF ATTIC ACCESS:
WHERE THE ACCESS IS LOCATED IN THE CEILING,
IT SHALL BE MINIMUM 36" WIDE AND 30"
AT SOME POINT ABOVE THE ACCESS UNBARRERED
VERTICALLY FROM THE BOTTOM OF THE CEILING FINISHING
MEMBERS. THE ACCESS OPENING SHALL NOT BE LESS
THAN 22 INCHES X 20 INCHES AND SHALL BE LOCATED
IN A HALLWAY OR OTHER INTRINSICLY ACCESSIBLE LOCATION.

MINERAL STEELS
 PROGRAMMABLE THERMOSTAT TO BE
 PROVIDED FOR EACH SEPARATE HVAC SYSTEM
 BRILLYA, 30001 SELLERS
 PROTECTIVE COATING FOR PLASTER ROOFS SHALL
 BE 100% SOLIDS CONTENT
 WITH THE MC HIGGINS 4.50
 MINIMUM 3.50 DUCT INSULATION
 DUCTS SHALL BE PRESSURE TESTED TO DETERMINE
 AIR LEAKAGE

MECHANICAL SPECIFICATIONS

WATER HEATING TO BE SUPPLIED BY A 50-GALLON PERMISTANT STEEL
 HIGH EFFICIENCY NATURAL GAS WATER HEATER

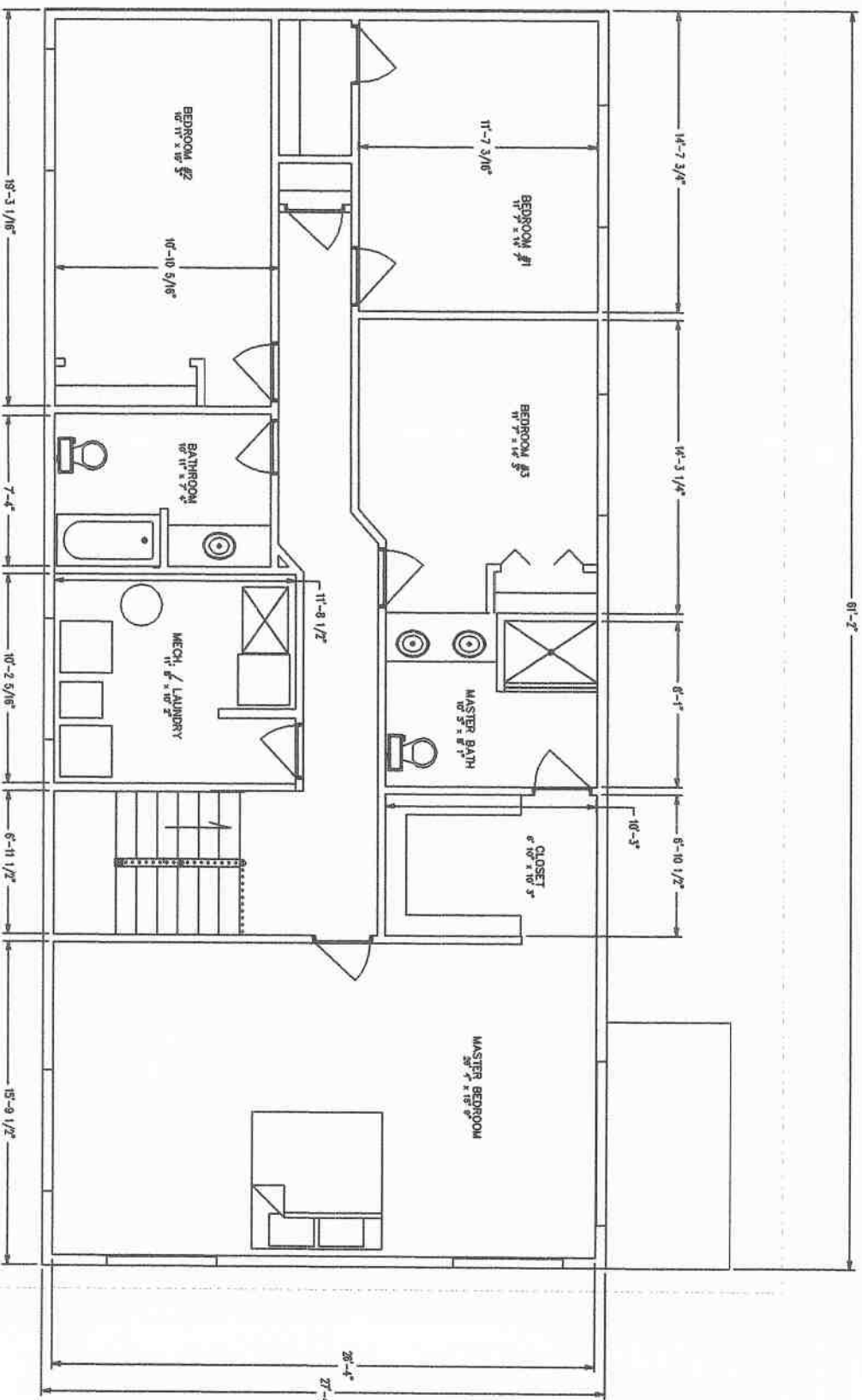
FURNACES - (2) LENOX ML90L9000P488 80% EFFICIENCY
 A/C UNITS - (2) LENOX 340K-P42-230
 1-4 CAPACITY 13 SEER W/ANODIZED COILS
 MAINTAINER - (1) LENOX HD9P-17 FLOW THERM

CONTROLS - (2) BUDENCO FT-700 DIGITAL PROGRAMMABLE THERMOSTATS

Build Section

SCALE 1" = 1 FOOT

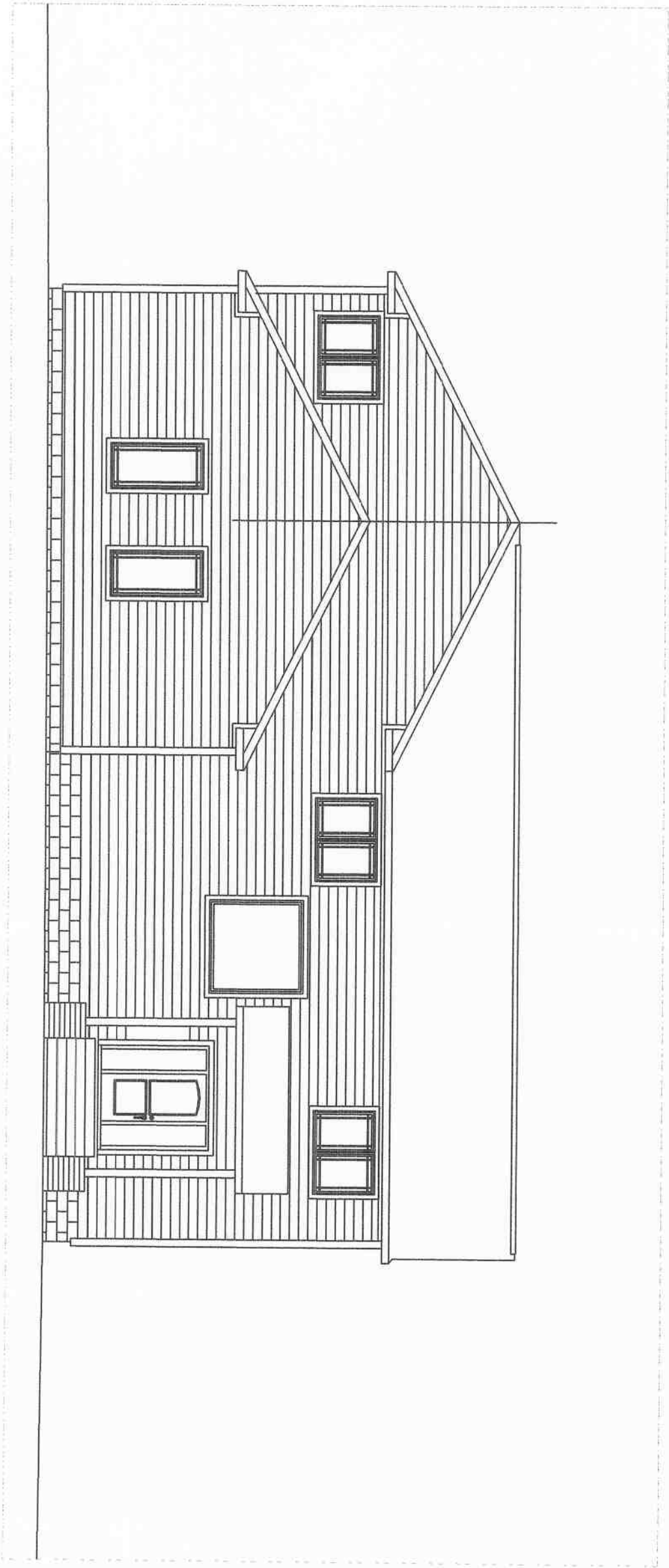
SCALE 1/4" = 1 FOOT



FIRST FLOOR
875 SQ. FT.
SECOND FLOOR
1572 SQ. FT.
TOTAL COMBINED
APPROX. 2547 SQ. FT.
GARAGE
APPROX. 1177 SQ. FT.

JCH BUILDERS
COMMERCE TWP, MI
(810)240-9310
JCHBuildersInc@yahoo.com

Jeff Weiss
000 Baudine Rd.
Pinckney, MI
48169



Front House Elevation

SCALE 1/4" = 1 FOOT

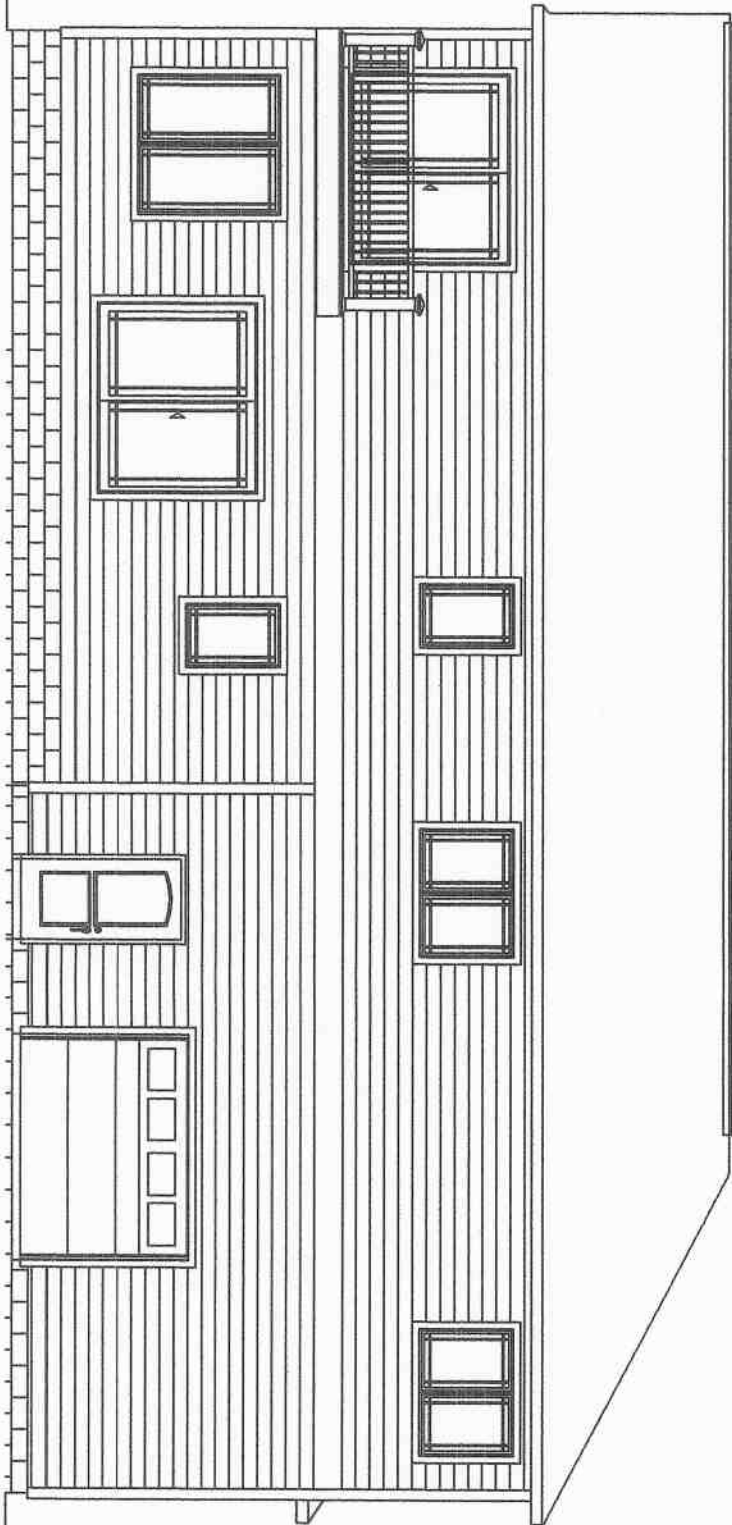
FIRST FLOOR
873 SQ. FT.
SECOND FLOOR
1672 SQ. FT.
TOTAL COMBINED
APPROX 2547 SQ. FT.
GARAGE
APPROX 1177 SQ. FT.

Jeff Weiss
000 Baudine Rd.
Pinckney, MI
48169

JCH BUILDERS
COMMERCE TWP, MI
(810)240-9310
JCHBuildersInc@yahoo.com

No.	Revision/Issue	Date

Project	Sheet	Scale
Rush Lake	4	1/4" = 1'
Jan 2021	6	



Rear House Elevation

SCALE 1/4" = 1 FOOT

FIRST FLOOR

875 SQ. FT.

SECOND FLOOR

1672 SQ. FT.

TOTAL COMBINED
APPROX. 2547 SQ. FT.

GARAGE

APPROX. 1177 SQ. FT.

Prepared and Created by

JCH BUILDERS
COMMERCE TWP, MI
(810)240-9310
JCHBuildersInc@yahoo.com

Project Owner and Address

Jeff Weiss
000 Baudine Rd.
Pinckney, MI
48169

No. Revision/Issue

Date

Project Rush Lake

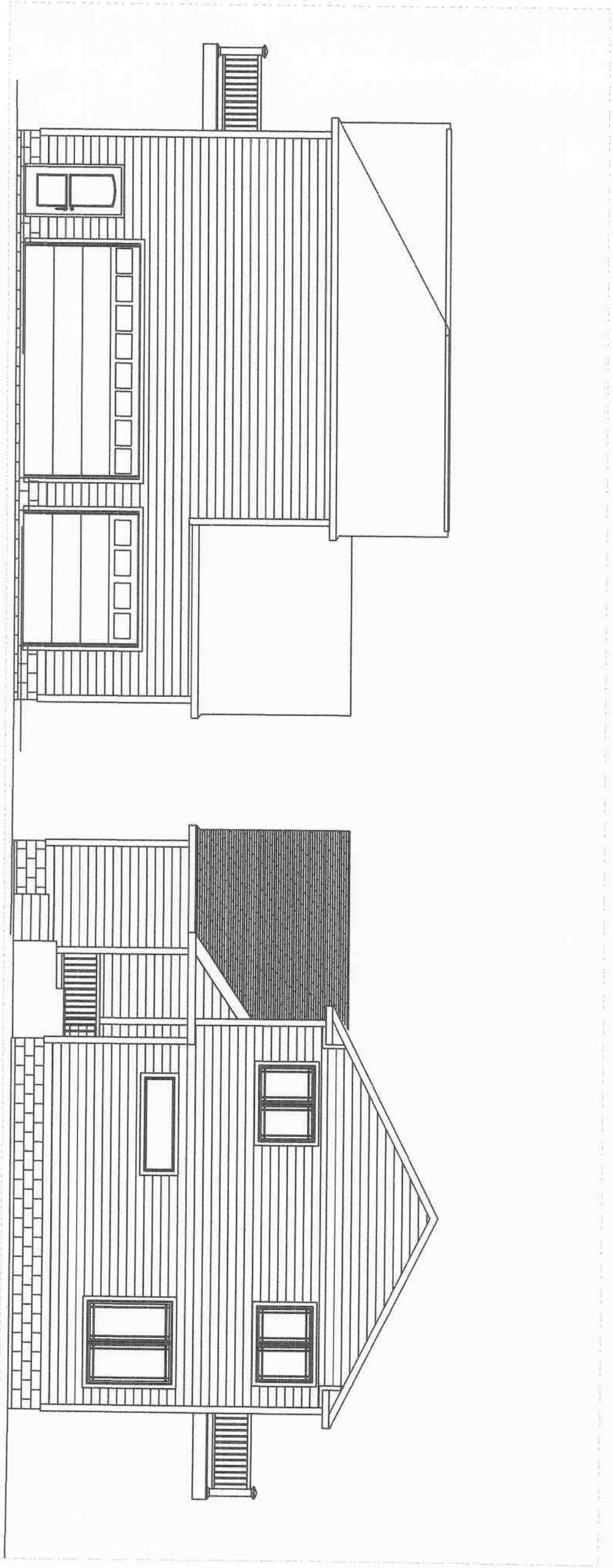
Sheet

Date Jan 2021

5

Scale 1/4" = 1'

6



North & South Elevations

SCALE 1/4" = 1 FOOT

FIRST FLOOR
876 SQ. FT.
SECOND FLOOR
1672 SQ. FT.
TOTAL COMBINED
APPROX. 2547 SQ. FT.
GARAGE
APPROX. 1177 SQ. FT.

Jeff Weiss
000 Baudine Rd.
Pinckney, MI
48169

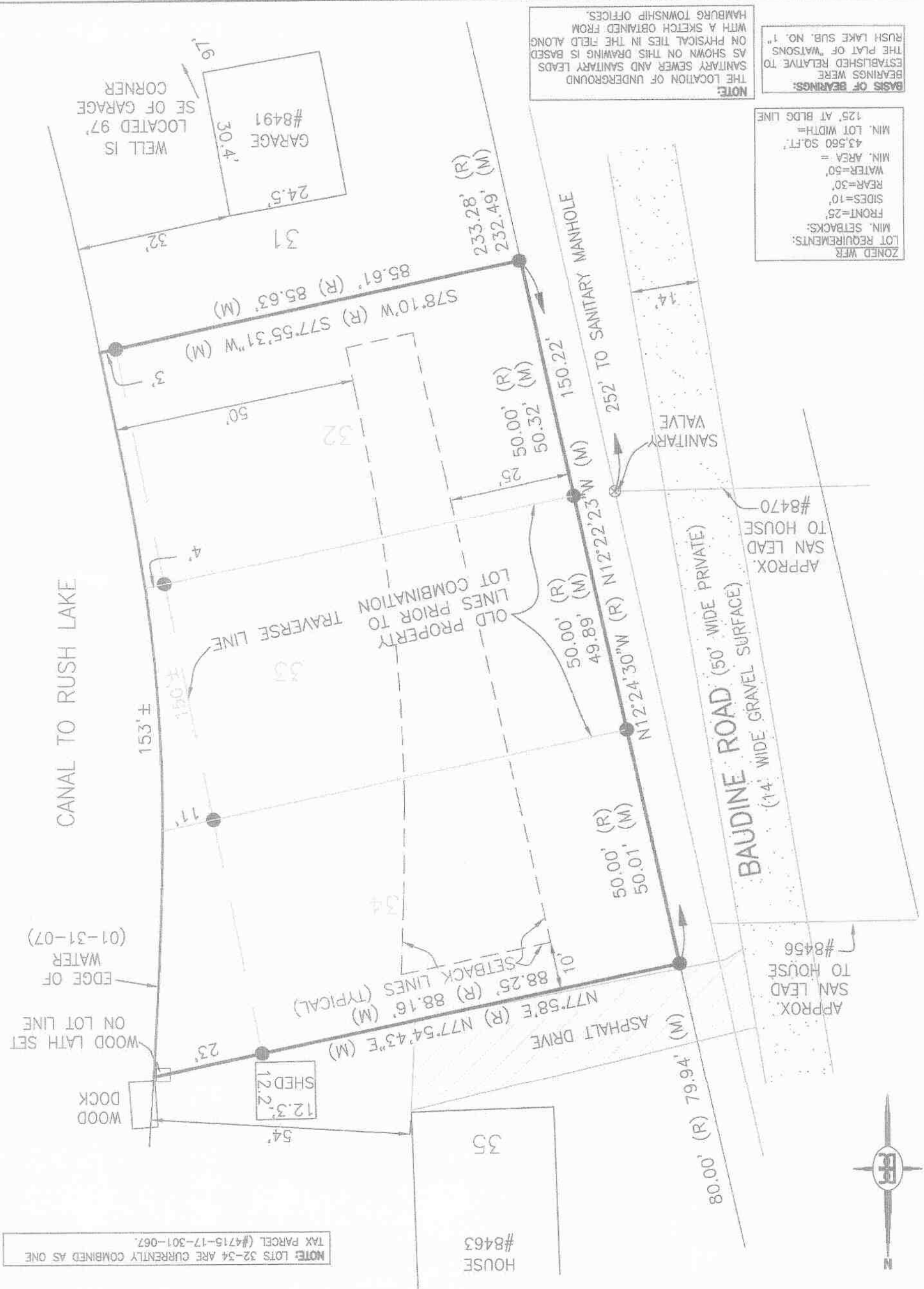
JCH BUILDERS
COMMERCE TWP., MI
(810)240-9310
JCHBuildersInc@yahoo.com

No.	Revision/Issue	Date

Project	Drawn	Scale
Rush Lake	6	1/4" = 1'
Date	Jan 2021	6

PLOT PLAN

NOTE: LOTS 32-34 ARE CURRENTLY COMBINED AS ONE TAX PARCEL (#4715-17-301-067).



BASIS OF BEARINGS:
THE PLAT OF "WATSONS" ESTABLISHED RELATIVE TO BEARINGS WERE RUSH LAKE SUB. NO. 1."

ZONED WFR
LOT REQUIREMENTS:
FRONT=25'
SIDES=10'
REAR=30'
WATER=50'
MIN. AREA = 43,560 SQ. FT.
MIN. LOT WIDTH= 125' AT BLDG LINE

NOTE:
THE LOCATION OF UNDERGROUND SANITARY SEWER AND SANITARY LEADS AS SHOWN ON THIS DRAWING IS BASED ON PHYSICAL TIES IN THE FIELD ALONG WITH A SKETCH OBTAINED FROM HAMBURG TOWNSHIP OFFICES.

DESCRIPTION: LOT 32, 33 & 34, "WATSON'S" RUSH LAKE SUB. NO. 1," (L. 6, P. 37, L.C.R.) PART OF W 1/2, SW 1/4, SEC 17, T1N-R5E, HAMBURG TWP., LIVINGSTON COUNTY, MICH.

CIENT: WEISS
JOB NO. 17-270
DATE 07-06-15
FB 458 CREW CFD
DR. AEB CHKD.
SHEET 1 OF 1
G:\17-270\dwg\17-270 layout 1 7-7-17.dwg, 8/29/2019 12:04:53 PM, andy

LEGEND
○ = IRON SET
● = MONUMENT FOUND
* = FENCE
(R) = RECORDED
(M) = MEASURED

BEBOSS Engineering
Engineers, Surveyors, Planners, Landscape Architects
3121 E. GRAND RIVER AVE.
HOWELL, MI. 48843
800.246.6735 FAX 517.548.1670



THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AND PROPOSED UTILITY CROSSINGS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CONFLICTS ARE APPARENT OR IF THE LOCATION OR DEPTH DIFFERS SIGNIFICANTLY FROM THE PLANS.

How to use this lot coverage calculator: Fill in the property address or tax identification number, then fill in the square footage of the lot and the square footages of buildings and impermeable surfaces (purple boxes). Remember that the square footage you fill in on the spreadsheet should be the sum of the existing AND proposed square footages for your project. Lot coverage will be automatically calculated for you. If one of the options, such as a shed or parking pad, does not apply to your lot leave the space blank. Print the page out and submit it with your land use permit application.

Project address or tax identification number

Property ID: 4715-17-301-086

Square footage

Lot size*	14,402
-----------	--------

Building coverage (square feet)

dwelling/principal building (and attached garage)	2,173
detached garage	
pole barn 1	
pole barn 2	
shed	
carport	
Proposed total building square footage	2,173
Total building coverage permitted (35%)	5,041
Percentage building coverage	15.1%

Is proposed building coverage within permissible limit? YES

Impermeable surface coverage (square feet)

driveway (paved and gravel)	1,200
sidewalk (paved and gravel)	180
patio (paved and gravel)	
roads/streets	
parking pad (paved and gravel)	
storage area (paved and gravel)	
Proposed total impermeable surface coverage	1,380

Lot coverage (square feet)

total proposed building coverage	2,173
total proposed impermeable surface coverage	1,380
Total proposed lot coverage	3,553
Total lot coverage permitted (40% of lot)	5,761
Percentage lot coverage	24.7%

Is lot coverage within permissible limit? YES

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Jeffrey Weiss				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 0 Baudine Drive				Company NAIC Number:	
City Pinckney		State Michigan		ZIP Code 48169	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lots 32, 33, & 34, Watson's Rush Lake Sub No. 1. Tax Parcel Number 4715-17-301-086					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) _____					
A5. Latitude/Longitude: Lat. 42.474722 Long. -083.886389 Horizontal Datum: <input type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>9</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>875.00</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>1177.00</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>N/A</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Hamburg, Township of 260118			B2. County Name Livingston		B3. State Michigan
B4. Map/Panel Number 26093C0432	B5. Suffix D	B6. FIRM Index Date 09-17-2008	B7. FIRM Panel Effective/ Revised Date 09-17-2008	B8. Flood Zone(s) A	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 879.6
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input checked="" type="checkbox"/> Other/Source: FEMA Case No. 12-05-9109A Stillwater Rush Lake					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 0 Baudine Drive			Policy Number:
City Pinckney	State Michigan	ZIP Code 48169	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☒ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: See comments Vertical Datum: NAVD 1988

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- | | | | |
|---|--------------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | <u>879.8</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | <u>883.3</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | <u>880.6</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | <u>879.8</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | <u>880.5</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | <u>880.5</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | _____ | <input type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☐ Yes ☒ No ☐ Check here if attachments.

Certifier's Name
Christopher S. Fergus

License Number
47055

Title
Director of Surveying

Company Name
Boss Engineering Company

Address
3121 E. Grand River

City
Howell

State
Michigan

ZIP Code
48843

Signature

Date
10-02-2020

Telephone
(517) 546-4836

Ext.



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

C2. Benchmark was established with GPS, post processed with OPUS

C2e. Water pressure tank will be on the crawl space floor. All other equipment will be on the first floor.

D. Latitude/longitude were obtained from Google Earth



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7b

TO: Zoning Board of Appeals
(ZBA)

FROM: Brittany Stein

HEARING

DATE: November 12, 2020

SUBJECT: ZBA 20-0020

PROJECT Vacant on Baudine
SITE: TID 15-17-301-086

APPLICANT/

OWNER: Jeffrey Weiss



PROJECT: Variance application to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017.

ZONING: WFR (waterfront residential district)

Project Description

The subject site is a 14,402-square foot parcel that fronts onto Baudine Road to the west and a Rush Lake canal to the east; single-family dwellings are located to the north, south, and east. The site is currently unimproved.

If approved, the variance request would allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017.

Proposed house addition over garage	Proposed		Required
	North:	30 feet	10 feet
	East rear/water:	47 feet	50 feet OHM
	South:	56 feet	10 feet
	West front:	15 feet to garage, 30 feet to second story	15 feet garage, 25 feet second story

Approved Setbacks 10-9-2019		Required
North side	30 feet	10 feet
South side	56 feet	10 feet
West front		
garage	15 feet	15 feet
dwelling	25 feet	22 feet
East rear		
dwelling	31 feet/35 OHM	30 feet/50 feet OHM
deck	39 feet/29 feet OHM	24 feet/44 feet OHM

Based on FEMA's Flood Insurance Rate Map (FIRM), as well as information provided by the applicant, a portion of the site lies within the 100-year floodplain and the existing grades of the building envelope are below the base flood elevation. 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 federally identified 100-year floodplain areas. Elevation certificates must be submitted prior to the issuance of a land use permit, when the foundation is completed and before vertical construction, and when the project is complete. If the project site is within a floodplain over which EGLE has authority, an EGLE permit may be required in order to occupy the floodplain. Should the applicant propose to fill the building envelope to elevate the dwelling in order to obtain a LOMR-F, the township will require the applicant deposit a review escrow for the township engineer to review the plans prior to the zoning administrator signing the community acknowledgement form.

Project History

On August 9, 2017, the Zoning Board of Appeals approved a variance application on this site to allow for the construction of a new 1,699-square foot single-story dwelling with an attached 660-square foot garage; the dwelling would have had a 23.9-foot setback from the OHM (50-foot setback required) and a 23.9-foot rear yard setback (30-foot rear yard setback required). The property owner neither obtained permits nor began construction on the approved dwelling and the variance approval expired on February 9, 2018.

Since the ZBA approval from 2017, the property owner had changed the architectural plans for the home to include a different orientation of the dwelling on the lot, a second story, a larger garage, a covered front porch, and an elevated balcony on the rear of the home.

On October 9, 2019, the Zoning Board of Appeals approved a variance application (Exhibit B) on this site to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage, an 88-square foot covered front porch, and a 68-square foot elevated deck on the rear of the dwelling. The dwelling would have a 22-foot west front yard setback (25-foot setback required), and a 35-foot east rear yard setback from the OHM of Rush Lake (50-foot setback required), and the 68 square foot elevated balcony would have a 29-foot east setback from the OHM of Rush Lake (44-foot setback from the OHM required for elevated decks).

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 property is one-third of an acre and is constrained by two factors: the canal to the east and the shallow lot depth creating a narrow, long building envelope. However, the chosen design of the proposed addition of living space above the garage is solely based on personal preference. There has been an approved two-story 1,660 square foot single family dwelling to be constructed on this lot. Since this variance was approved the floor plan has been revised to create larger bedrooms on the second floor and add a fourth bedroom. The new home will be 2,480 square feet with an attached 1,165 square foot garage. With an 820 square foot second story addition setback 47 feet from the OHM of Rush Lake, where 50-foot setback is required, it is recommended to redesign the floor plan of the second floor to meet the setback requirement.

- 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. The 820 square foot second story addition over the garage is a personal preference of the applicant and are the factors that necessitate the variance request. The second floor plan could be redesigned to be setback an additional 3 feet to meet the required 50-foot setback from the OHM.

- 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 bulk of the structure increases when adding a second story over the attached garage (single story) and could potentially be materially detrimental to the property or improvements in the zone in which the property is located. This proposed addition to the approved home creates a dwelling with much larger floor area (2,480 square feet) than the neighboring homes on Baudine Dr. Neighboring homes vary in size from approximately 900 square feet single-story to 1,900 square feet two-story or bi-level homes.

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 a waterfront lot on Rush Lake in the Watson's Rush Lake Subdivision #1. Parcels in this area are primarily residential and zoned in the waterfront residential district. The proposed addition would not adversely affect the 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.

There is no condition or situation of the subject site that is not of so general or recurrent a nature that the second story addition could not meet the required 50-foot setback from the OHM.

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 stated above, the chosen design of the proposed addition to the second story for added living space above the garage is solely based on personal preference. The second floor plan could be redesigned to be setback an additional 3 feet to meet the required 50-foot setback from the OHM. This variance request is not the minimum necessary to permit reasonable use of the land and should be denied.

"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.

Approval Motion:

Motion to approve variance application ZBA 20-0020 at parcel 15-17-301-086 to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017. 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.

Denial Motion:

Motion to deny variance application ZBA 20-0020 at parcel 15-17-301-086 to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017. The variance does not meet variance standards one, two, three, five, or 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 hearing and as presented in the staff report.

Exhibits

Exhibit A: Application materials, including site plan and construction plans

Exhibit B: 2019 variance staff report and ZBA minutes (19-0017)

Exhibit C: 2017 ZBA minutes (17-0016)



Hamburg Township
Zoning Board of Appeals Minutes
Thursday, November 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: Auxier, Diepenhorst (alternate), Priebe, Rill and Watson

Absent: Dolan

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

4. Correspondence: None

5. Approval of Agenda:

Motion by Auxier, supported by Diepenhorst

To approve the agenda as presented

Voice vote: Ayes: 5 Nays: 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 2020-0019

Owner: Kim Simecek

Location: 11585 Old Hamburg Road, Whitmore Lake, MI 48189

Parcel ID: 15-36-300-062

Request: Variance application to permit the construction of a new 672-square foot detached accessory building. The proposed accessory building will have a 4-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.)

Property owners Kim Simecek and Ryan Olson were present. Ms. Simecek thanked the Board for letting them give their presentation. She stated that they believe that the location of the proposed garage is the best location to utilize the property and have minimal impact on the land. This would result in a 4-foot setback. They would still have a 25 setback from the road edge. This is not a design issue, but rather they would like the minimal impact on the land. They do not want their property to be loaded with concrete, asphalt, etc. She discussed their options and driveway configurations. With their proposed location, they would be able to use their current driveway and have a greater

setback from the wetlands. She discussed the language in the NREPA discussing using all uplands to the greatest degree possible, which is what they are trying to do. She discussed the buffer in place. Mr. Olson presented visuals showing the proposed site, how the cars would be moved in and out of the garage, and their options with a new driveway and concrete pad. Ms. Simecek discussed the amount of green space and their goal to preserve the land as much as possible and protect the wetlands.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 0.76-acre parcel that fronts onto Old Hamburg Road to the west; Hamburg Lake is to the east. Vacant parcels and single-family dwellings are located to the west, south, and north. If approved, the variance would permit the construction of a 24-foot by 28-foot detached garage with a four-foot front yard setback where a 25-foot front yard setback is required. In 2019, the lot with the dwelling was combined with two lots to the south, which added an additional 0.38-acre to the south side of the lot where the garage is proposed to be constructed. The subject property is mapped within FEMA's 1 percent floodplain. Hamburg Township participates in the National Flood Insurance Program (NFIP). Prior to issuance of a building permit, an elevation certificate would be required to ensure that any improvements would meet the floodplain development standards. She discussed the seven findings of fact. The ZBA must find that all of the standards are met. There is no exceptional or extraordinary circumstance applicable to this property that does not apply to other properties in the same district or any property in Hamburg Township. The site is a sizable 33,106 square feet and is significantly larger than a typical WFR-zoned parcel. This Board is used to dealing with the smaller lots that are constrained by a shallow lot depth and a waterfront setback. This lot does not have those constraints. There are wetlands on the site, but we have not received a wetlands delineation survey of those wetlands. There is a compliant location, outside of the 50-foot setback of the wetlands and meets all of the requirements of the Zoning Ordinance. The applicant has submitted a site plan that clearly shows multiple locations where this garage could go. The location of the garage is a self-imposed practical difficulty and staff would not support a variance request with no practical difficulty. A 50-foot setback is required from a regulated wetland to provide a buffer to a sensitive ecological feature. The submitted plot plan shows that there is a compliant location in regards to the wetlands. The applicant's findings of fact indicate that the proposed location would create less disruption for wetlands, waterfowl and other marine life but nothing has been submitted to support this claim. The 50-foot setback required by the township is greater than what EGLE requires for a wetland setback. The entire garage could be moved directly east to meet the wetlands, front yard, and separation setback requirements and would be able to make use of the existing driveway. A front yard setback serves multiple purposes. In a typical residential area, you do not want structures right at the setback. In a downtown or high density area, that works well, but this is not one of those areas. The Township has set a 25-foot setback for a reason. It provides a visual buffer between the roadway and the structure, provides safe site lines, and orderly development of land. A request for a four-foot front yard setback when multiple compliant locations exist is a self-imposed practical difficulty and is not supportable by staff. This property is located within the Waterfront Residential future land use district in the 2020 Master Plan. This district allows for residential properties and is intended to protect the existing character of the area. Because of the size and design of the garage, it appears to meet the intent of the Waterfront Residential future land use district. The front yard setback applies to all properties in the Township and is intended to protect vistas and site vision up and down a roadway. The submitted findings of fact indicate that the wetland setback and right-of-way affects finding a suitable location of the accessory structure. However, there are multiple compliant locations for the accessory structure that meets the front yard setback and the wetlands setback. This site is deeper than a typical WFR zoned lot and the additional square footage added to the lot in 2019 provides ample room for not only the proposed garage but a garage with a larger footprint. The site is zoned for single-family dwellings and related appurtenances. Approval of the variance request would not permit the establishment of a use not permitted by right within the district. This site is zoned, developed, and used for a single-family residential purpose. While a garage is a customary accessory structure, approving a structure to have 28 linear feet of bulk at four feet from the right-of-way is not the minimum necessary to permit reasonable use of the land given that the applicant has shown that there is a compliant building envelope. The applicants have indicated that this is not a design preference, but their exhibits clearly show a design preference by not wanting to add a driveway or concrete pad in order to build in a compliant location. An asphalt driveway or concrete pad are not required by the ordinance. Again, this is a design preference. Because staff does not believe that the request meets findings one, two, three, five, or seven, they find that this request is not supportable.

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

Discussion was held on the size of the garage. The question was asked if the applicant could modify the size and still have the use desired. Ms. Simecek stated that they could, but ideally they would like a two-car garage. Mr. Olson stated that at that location, it could not be modified to meet the setback. It was stated that it would have to be moved 21 feet to meet the ordinance. Ms. Simecek stated that would put it in the middle of their yard, and it would impact the use of their property. It does not make sense to them as far as use of the land and environmental impacts.

The question was asked if they thought about adding on to the current garage. Ms. Simecek stated that they have thought about that and asked if that would meet approval. It was stated that adding on would meet the ordinances. Discussion was held on the different options using the current garage. Steffens stated that they would have to meet the 50 foot setback from the wetlands, but again we have not received a wetland delineation. Further discussion was held on modifying the existing garage.

Chairperson Priebe stated that we are being asked to consider the request that is before us, but there is a place that is compliant rather than one that is not.

Motion by Auxier, supported by Rill

To deny variance application ZBA 20-0019 to permit the construction of a new 672-square foot detached accessory building. The proposed accessory building would have a 4-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.). The variance does not meet variance standards one, two, three, five, or seven 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.

Voice vote: Ayes: 5 Nays: 0 MOTION CARRIED

b. ZBA 2020-0020

Owner: Jeffrey Weiss

Location: Vacant on Baudine Road, Pinckney MI 48169

Parcel ID: 15-17-301-086

Request: Variance application to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under construction dwelling was approved per ZBA 2019-0017

Mr. Weiss, applicant, stated that the reason for the change at this point is the historically low interest rates. They are proposing a second story across to the garage, but does not encompass the entire garage. He further discussed his proposal. With the 820 square feet additional, it would be 2570 square feet. The home would be more valuable as a four-bedroom instead of three. They would also move the utility room upstairs and the dimensions of each bedroom would expand. He stated that with the original floor plan, everything was very tight. Neither the original footprint nor the location of the house changed.

Brittany Stein, Zoning Coordinator, stated that the subject site is a 14,402-square foot parcel that fronts onto Baudine Road to the west and a Rush Lake canal to the east. Single-family dwellings are located to the north, south, and east. The site is currently unimproved. If approved, the variance request would allow for the construction of an 820-square foot second story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake where a 50-foot setback required. The under-construction dwelling was approved per ZBA 2019-0017. On August 9, 2017, the ZBA approved a variance application on this site to allow for the construction of a new 1,699-square foot single-story dwelling with an attached 660- square foot garage at the same location. Since that approval, the ZBA approved additional changes. A new home design was approved in 2019 to include a different orientation of the dwelling, a second story, a larger garage, a covered front porch, and an elevated balcony on the rear of the home. On October 9, 2019, the Zoning Board of Appeals approved a variance application to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square

foot garage, an 88-square foot covered front porch, and a 68-square foot elevated deck on the rear of the dwelling. Since that time, the came back to add square footage to the second floor of the dwelling that was approved. Stein discussed the Standards of Review. She stated that the property is one-third of an acre and is constrained by two factors: the canal to the east and the shallow lot depth creating a narrow, long building envelope. However, the chosen design of the proposed addition of living space above the garage is solely based on personal preference. There has been an approved two-story 1,660 square foot single family dwelling to be constructed on this lot. Since this variance was approved the floor plan has been revised to create larger bedrooms on the second floor and add a fourth bedroom. The new home will be 2,480 square feet with an attached 1,165 square foot garage. With an 820 square foot second story addition at a setback of 47 feet from the OHM of Rush Lake, where 50- foot setback is required, it is recommended to redesign the floor plan of the second floor to meet the setback requirement. The 820 square foot second story addition over the garage is a personal preference of the applicant and are the factors that necessitate the variance request. The second floor plan could be redesigned to be setback an additional 3 feet to meet the required 50-foot setback from the OHM. The bulk of the structure increases when adding a second story over the attached garage and could potentially be materially detrimental to the property or improvements in the zone in which the property is located. This proposed addition to the approved home creates a dwelling with much larger floor area than the neighboring homes on Baudine Dr. Neighboring homes vary in size from approximately 900 square feet single-story to 1,900 square feet two-story or bi-level homes. The subject site is a waterfront lot on Rush Lake in the Watson's Rush Lake Subdivision #1. Parcels in this area are primarily residential and zoned in the waterfront residential district. The proposed addition would not adversely affect the objectives of the Master plan. There is no condition or situation of the subject site that is not of so general or recurrent a nature that the second story addition could not meet the required 50-foot setback from the OHM. 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. As stated, the chosen design of the proposed addition to the second story for added living space above the garage is solely based on personal preference. This variance request is not the minimum necessary to permit reasonable use of the land and should be denied.

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

Member Auxier stated that this lot has a very small footprint between the road and the water which is why we have gotten to this point. He discussed the roof line. He discussed the bulk of the structure. He asked if there was consideration of moving the dormer three feet forward. Mr. Weiss stated that as far as the aesthetics, it would look like an after-thought. It was simpler to run a straight line. As discussed in the variance request last year, this footprint is much smaller than the previous ranch style home. He stated that it would look odd if you brought that wall in three feet. Member Auxier stated that the bulk of the structure will still be there regardless. He does not have a problem with the three feet.

Discussion was held on the size of homes and lots in the area.

Member Watson stated that he does not see a problem with the request given the distance to other structures.

Motion by Rill, supported by Watson

To approve variance application ZBA 20-0020 at parcel 15-17-301-086 to allow for the construction of an 820-square foot second-story addition to an under-construction dwelling. The second-story addition will have a 47-foot setback from the ordinary high water mark of Rush Lake (50-foot setback required, Section 7.6.1.fn.3). The under-construction dwelling was approved per ZBA 2019-0017. 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

Voice vote: Ayes: 5 Nays: 0 MOTION CARRIED

New/Old business:

a) Approval of October 14, 2020 minutes

Motion by Auxier, supported by Diepenhorst

To approve the minutes of the October 14, 2020 meeting as written

Voice vote: Ayes: 5 Nays: 0 MOTION CARRIED

8. Adjournment:

Motion by Auxier, supported by Rill

To adjourn the meeting

Voice vote: Ayes: 5 Nays: 0 MOTION CARRIED

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected: _____

Chairperson Priebe



Zoning Board of Appeals Staff Report

AGENDA ITEM: 7a

TO: Zoning Board of Appeals
(ZBA)

FROM: Amy Steffens, AICP

HEARING

DATE: October 9, 2019

SUBJECT: ZBA 19-0017

PROJECT Vacant on Baudine
SITE: TID 15-17-301-086

APPLICANT/

OWNER: Jeffrey Weiss



PROJECT: Variance application to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and a 68 square foot elevated balcony with a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.).

ZONING: WFR (waterfront residential district)

Project Description

The subject site is a 14,402-square foot parcel that fronts onto Baudine Road to the west and a Rush Lake canal to the east; single-family dwellings are located to the north, south, and east. The site is currently unimproved.

If approved, the variance request would allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage, an 88-square foot covered

front porch, and a 68-square foot elevated deck on the rear of the dwelling. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and the 68 square foot elevated balcony will have a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.).

	Proposed	Required
North side	30 feet	10 feet
South side	56 feet	10 feet
West front		
garage	15 feet	15 feet
dwelling	25 feet	22 feet
East rear		
dwelling	31 feet/35 OHM	30 feet/50 feet OHM
deck	39 feet/29 feet OHM	24 feet/44 feet OHM

Based on FEMA's Flood Insurance Rate Map (FIRM), as well as information provided by the applicant, a portion of the site lies within the 100-year floodplain and the existing grades of the building envelope are below the base flood elevation. 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 federally identified 100-year floodplain areas. Elevation certificates must be submitted prior to the issuance of a land use permit, when the foundation is completed and before vertical construction, and when the project is complete. If the project site is within a floodplain over which EGLE has authority, an EGLE permit may be required in order to occupy the floodplain. Should the applicant propose to fill the building envelope to elevate the dwelling in order to obtain a LOMR-F, the township will require the applicant deposit a review escrow for the township engineer to review the plans prior to the zoning administrator signing the community acknowledgement form.

Project History

On August 9, 2017, the Zoning Board of Appeals approved a variance application (Exhibit A) on this site to allow for the construction of a new 1,699-square foot single-story dwelling with an attached 660-square foot garage; the dwelling would have had a 23.9-foot setback from the OHM (50-foot setback required) and a 23.9-foot rear yard setback (30-foot rear yard setback required). The property owner neither obtained permits nor began construction on the approved dwelling and the variance approval expired on February 9, 2018. Since the ZBA approval from 2017, the property owner has changed the architectural plans for the home to include a different orientation of the dwelling on the lot, a second story, a larger garage, a covered front porch, and an elevated balcony on the rear of the home.

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 site, while a considerable one-third acre, is constrained by two factors: the canal to the east and the shallow lot depth. At its deepest, the lot is 111 feet from the front property boundary to the canal and at its shallowest is 88 feet from the front property boundary to the canal. The required 50-foot setback from the OHM and the 25-foot front yard setback leaves a narrow, long building envelope (Exhibit B). Given the configuration of the lot and the setback from the OHM, there does appear to be an exceptional circumstance on this lot that is not applicable to other properties in the same district or zone. Therefore, it could be reasonable to consider that the property deserves some relief from the terms of the zoning ordinance.

However, the chosen design of the proposed structure, with the covered front porch and the elevated deck, are not necessarily reasonable deviations from the zoning ordinance. The design of the dwelling drives the need for the front yard setback for the covered porch to have a 22-foot setback, where a 25-foot setback is required, and an elevated deck with a 29-foot setback where a 44-foot setback would be required. The porch could be uncovered, thus meeting the definition of a patio, and the home moved forward by five feet, thereby negating the need for the front yard setback and increasing the dwelling's OHM setback to 40 feet rather than the proposed 35 feet. Additionally, the elevated deck on the rear of the dwelling is entirely a personal preference. An elevated deck has a visual, aesthetic, and privacy impact such that the township adopted a zoning text amendment in 2016 to address these concerns.

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. The covered porch, 30-foot front yard setback rather than the 25-foot setback required, and the elevated deck on the rear of the dwelling are personal preferences of the applicant and are the factors that necessitate the variance request. These appurtenances are not necessary to develop or use the site for single-family residential purposes.

- 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 elevated deck on the rear of the dwelling could potentially be materially detrimental to the property or improvements in the zone in which the property is located. The setback from the OHM is intended to provide an open vista along waterfront properties and protect off-site views of the water. The reduced OHM setback and the elevated deck, taken together, could negatively impact adjacent properties.

- 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 a waterfront lot on Rush Lake in the Watson's Rush Lake Subdivision #1. Parcels in this area are primarily residential and zoned in the waterfront residential district. The site is in the West Hamburg/Rush Lake planning area that envisions a concentration of medium density residential, commercial, and public lands that will enhance the Rush Lake area as a secondary center of community activity while protecting the natural features of the waterfront. The proposed project would not adversely affect the 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.**

Hamburg Township adopted a zoning text amendment in 2016 that defined a deck and an elevated deck, with associated standards for each. A deck that is less than 24 inches above grade has a less restrictive setback than an elevated deck more than 24 inches above grade because of the privacy and impact concerns associated with an elevated deck. An at-grade deck has no greater impact than a lawn in its natural state but an elevated deck is visually impactful, particularly with a reduced setback to the canal, and presents privacy concerns for adjacent properties.

There is no condition or situation of the subject site that is not of so general or recurrent a nature that the front porch should be covered or the elevated deck constructed on the rear of the dwelling.

- 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 stated above, the property is constrained by size and OHM setbacks and it could be reasonable to grant a deviation from the zoning ordinance. However, the covered porch and

the elevated deck are not the minimum necessary to permit reasonable use of the land and should be denied.

“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 19-0017 at parcel 15-17-301-086 to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 40-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3). 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.

Denial Motion:

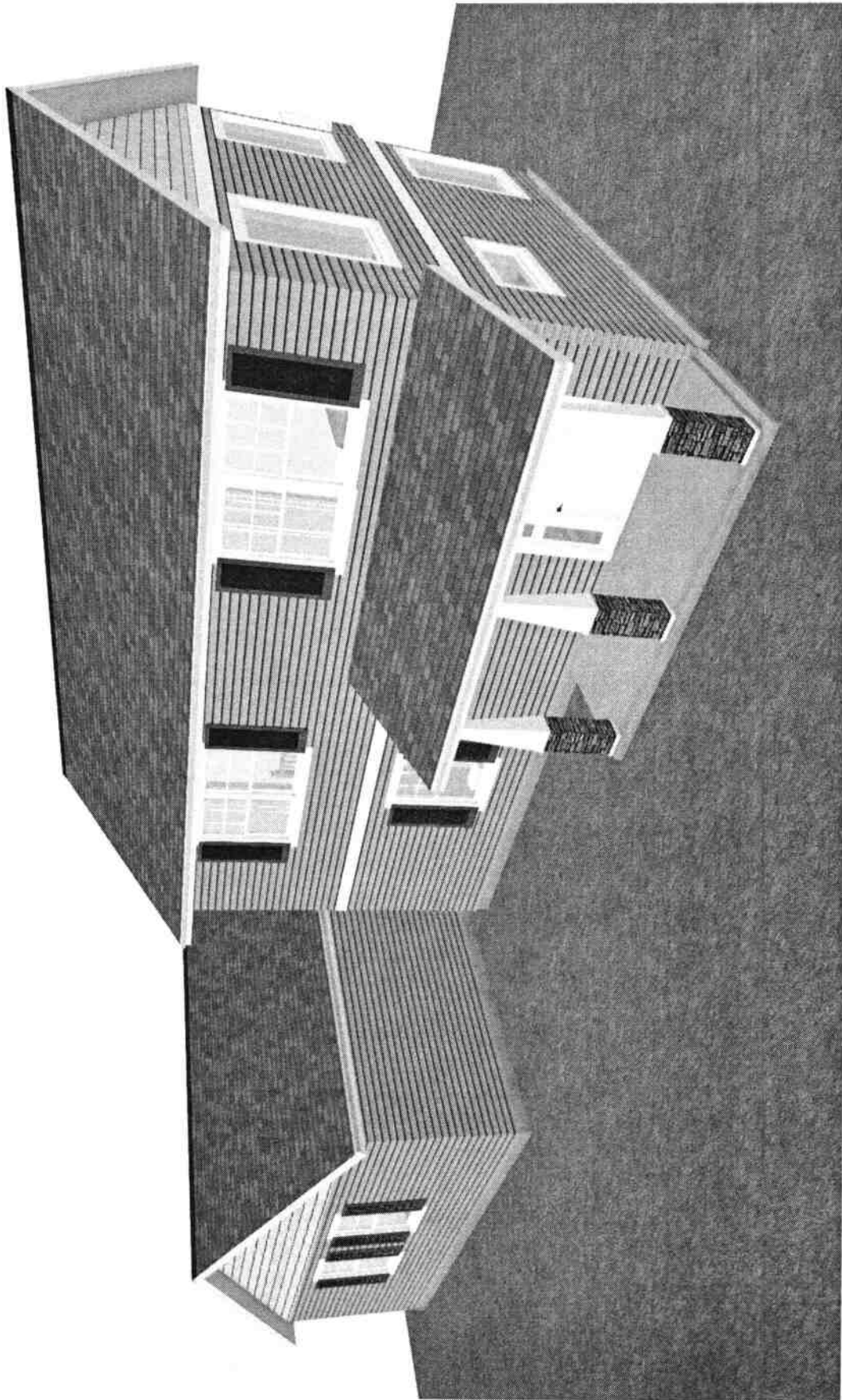
Motion to deny variance application ZBA 19-0017 at parcel 15-17-301-086 to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and a 68 square foot elevated balcony with a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.). The variance does not meet variance standards one, two, three, five, or 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 hearing and as presented in the staff report. The Board directs staff to prepare a memorialization of the ZBA findings for the project.

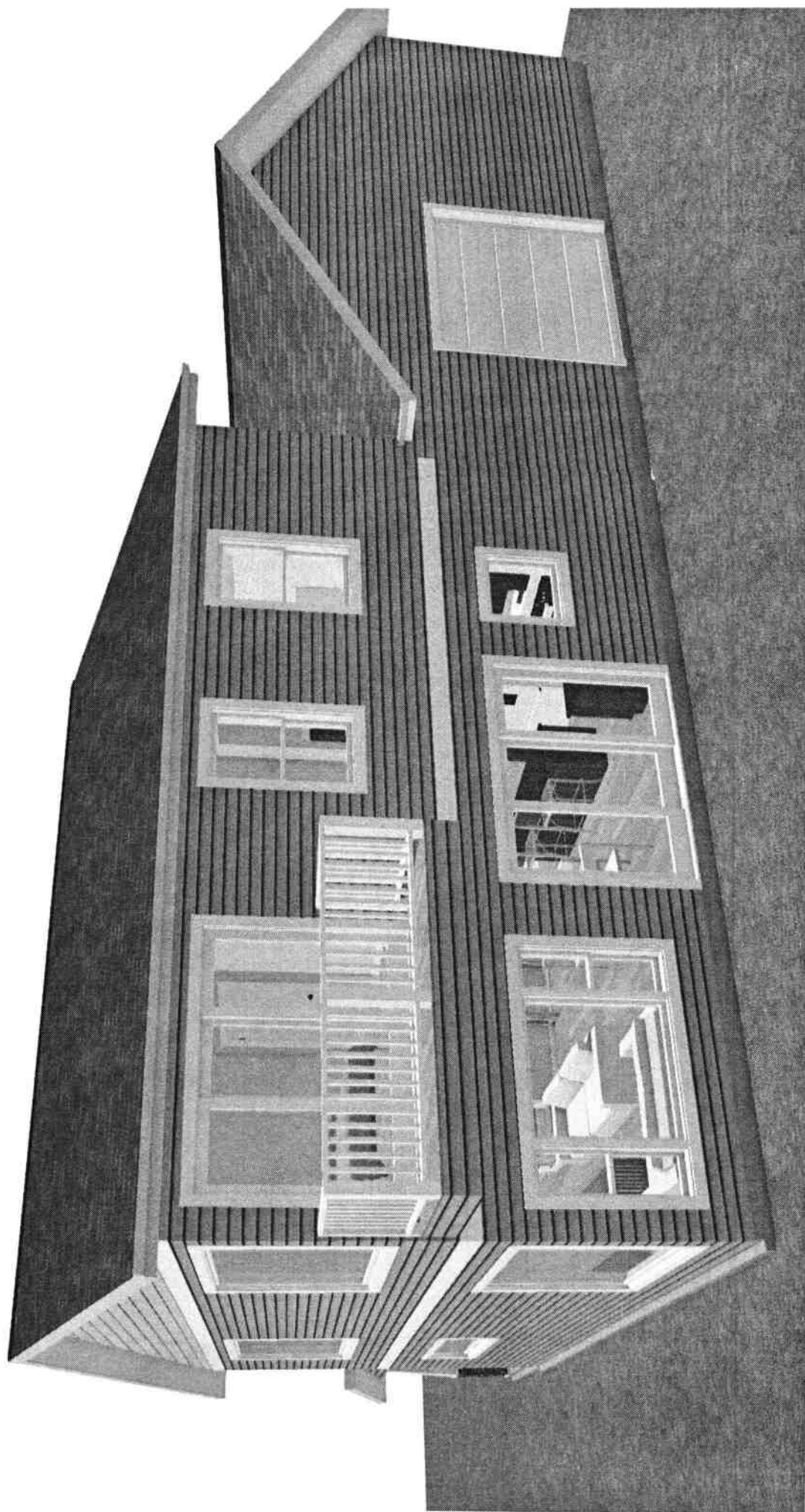
Exhibits

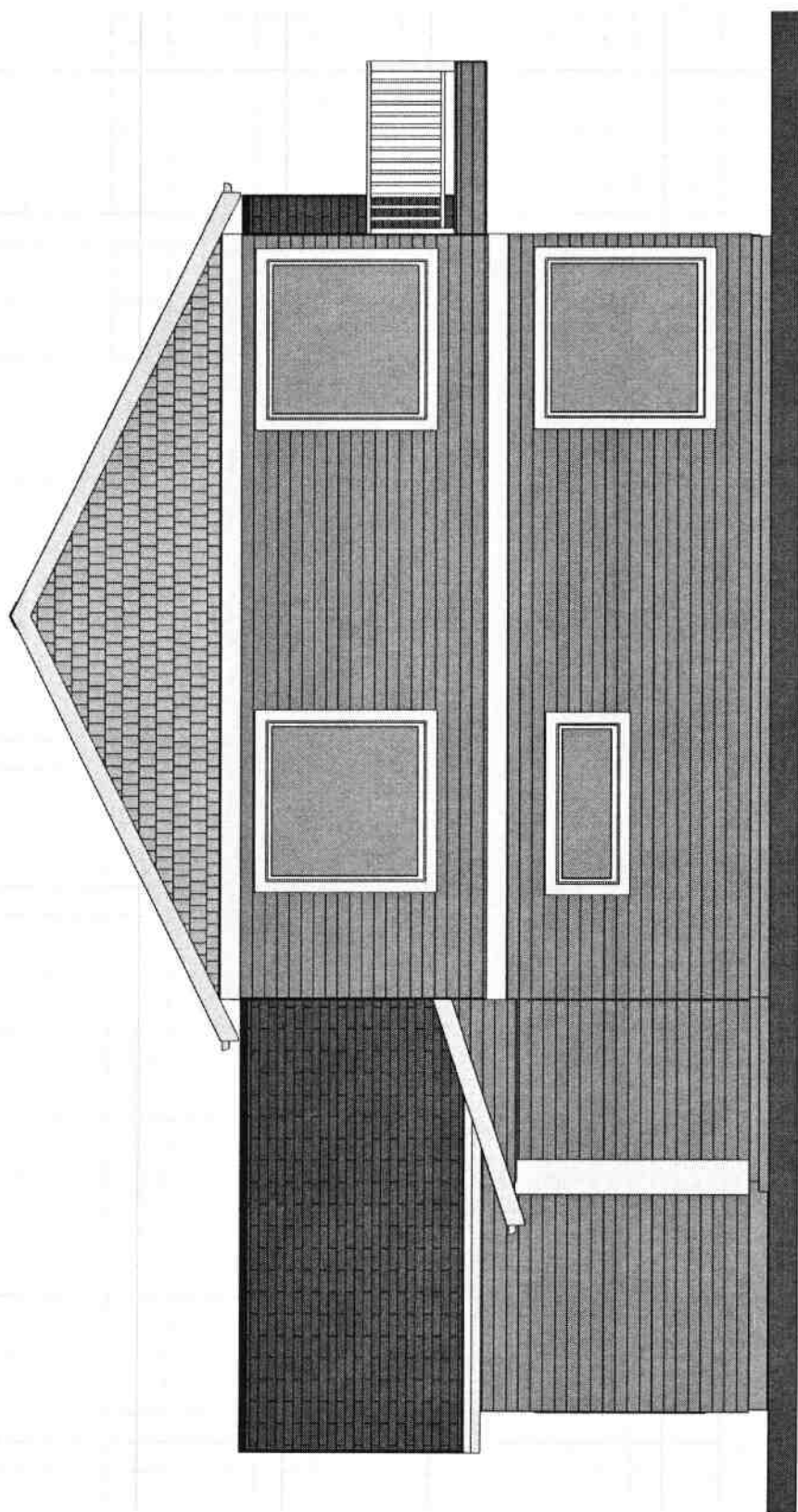
Exhibit A: 2017 variance staff report and ZBA minutes

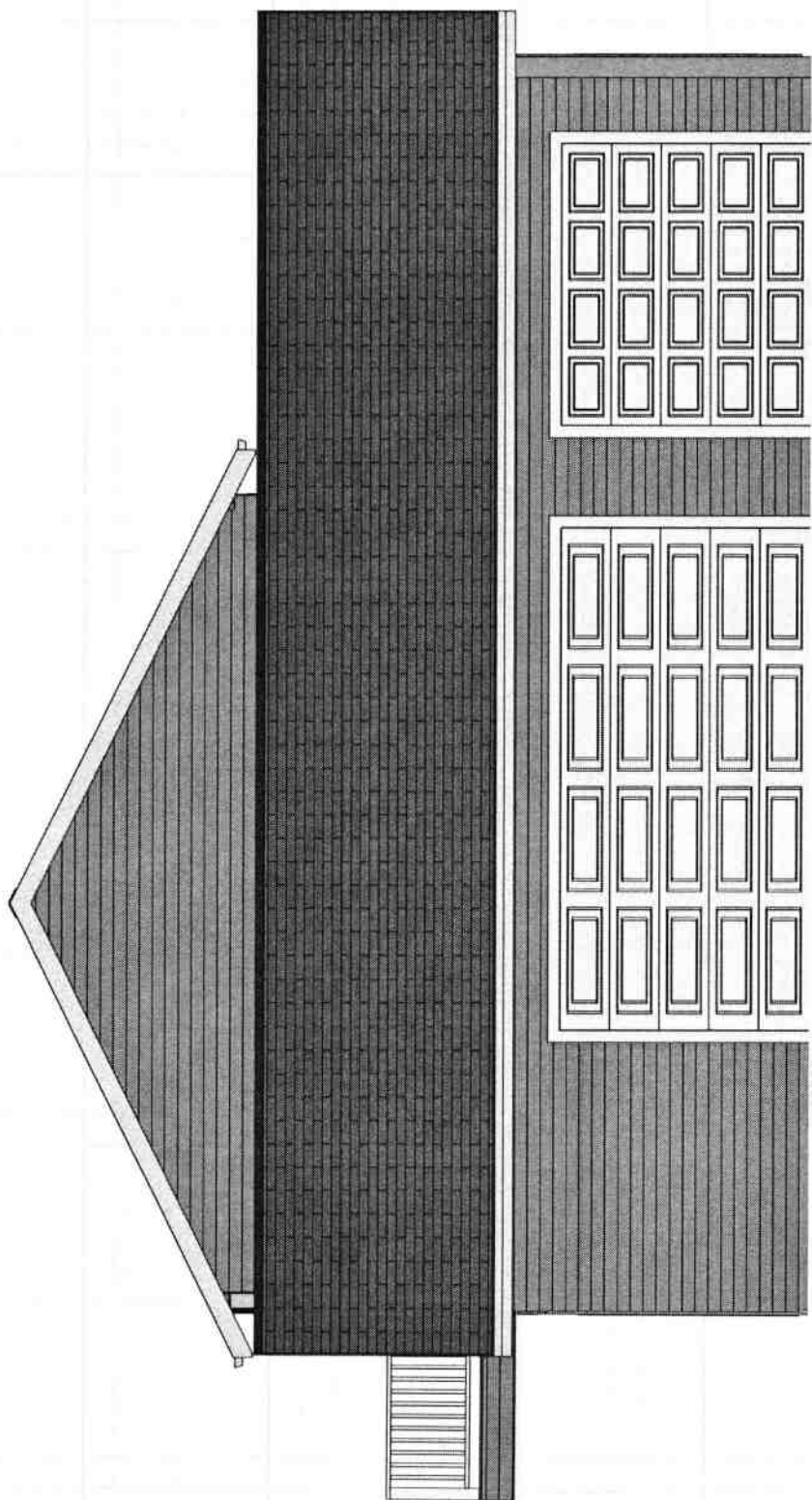
Exhibit B: Application materials

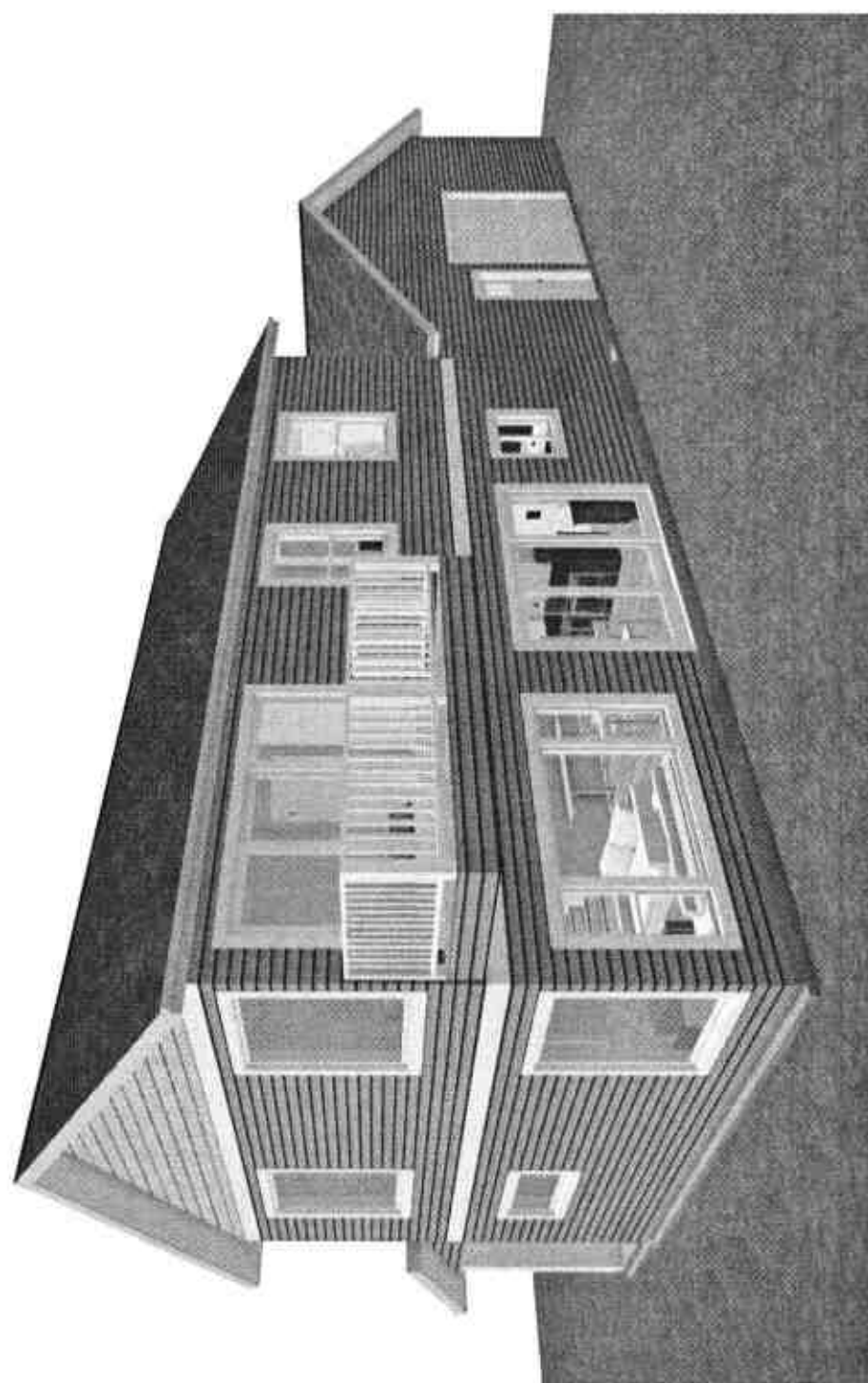
**Exhibit C (Continued) (for ZBA
21-0002) Construction plans from
approved ZBA for house ZBA 19-0017**

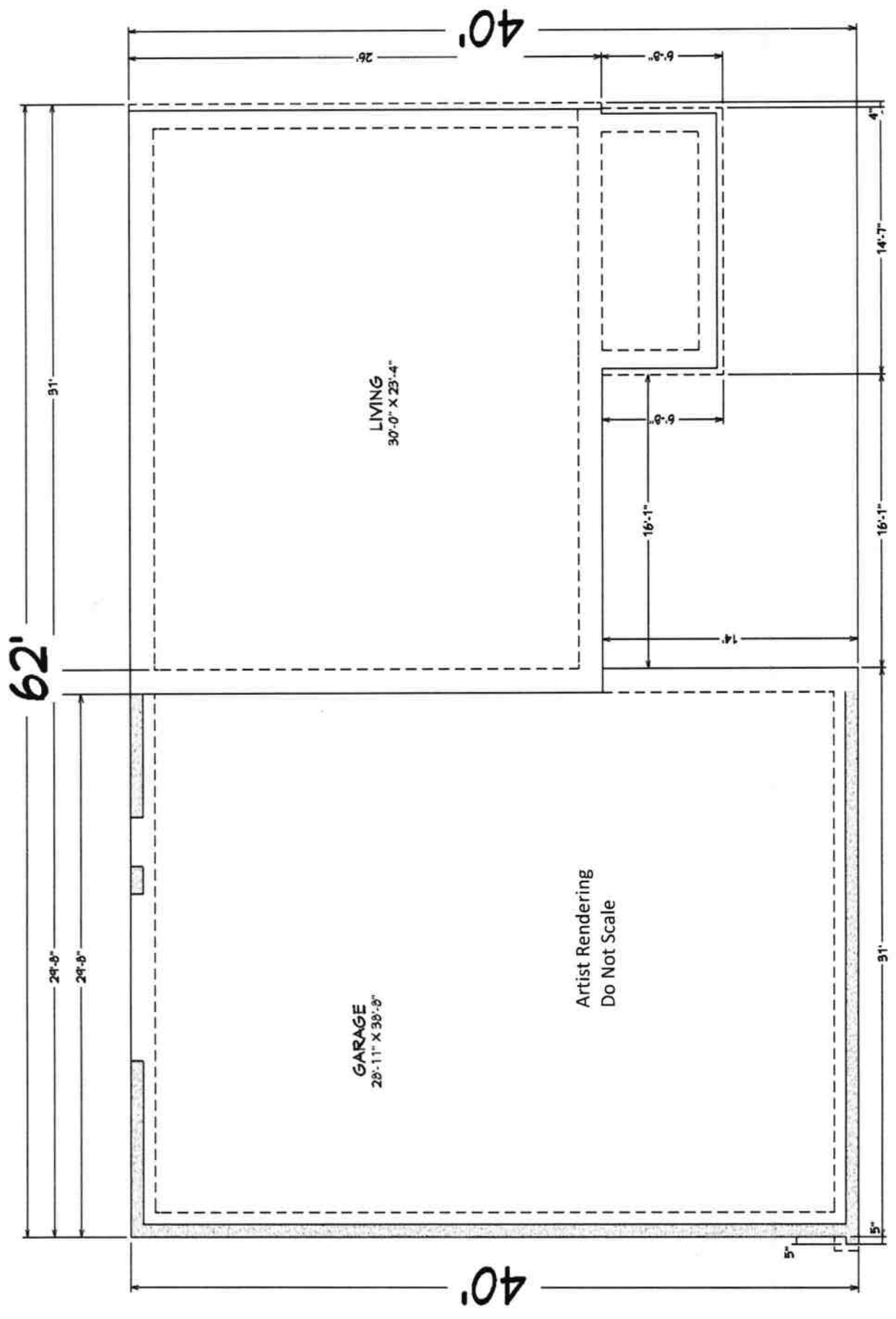


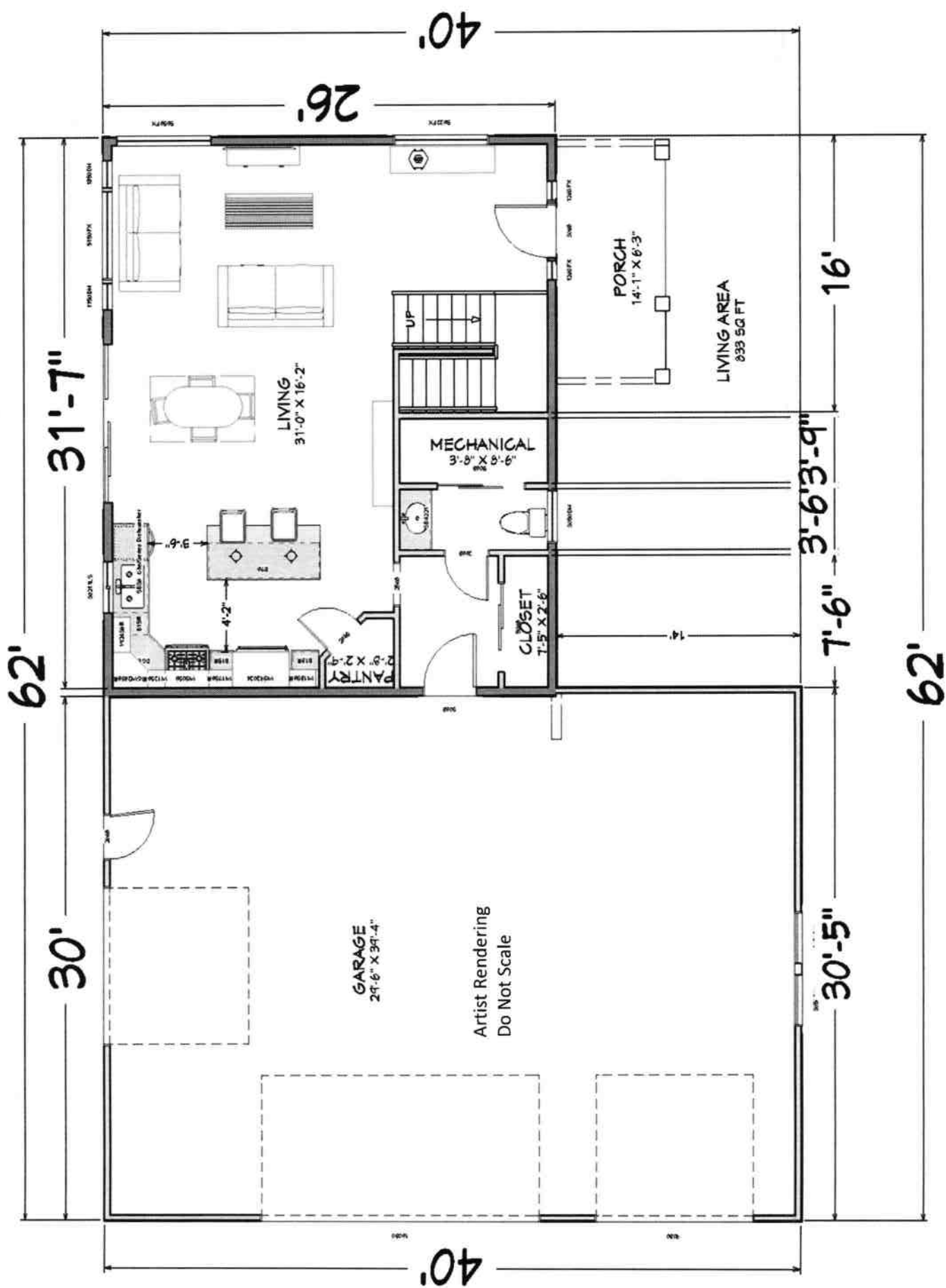


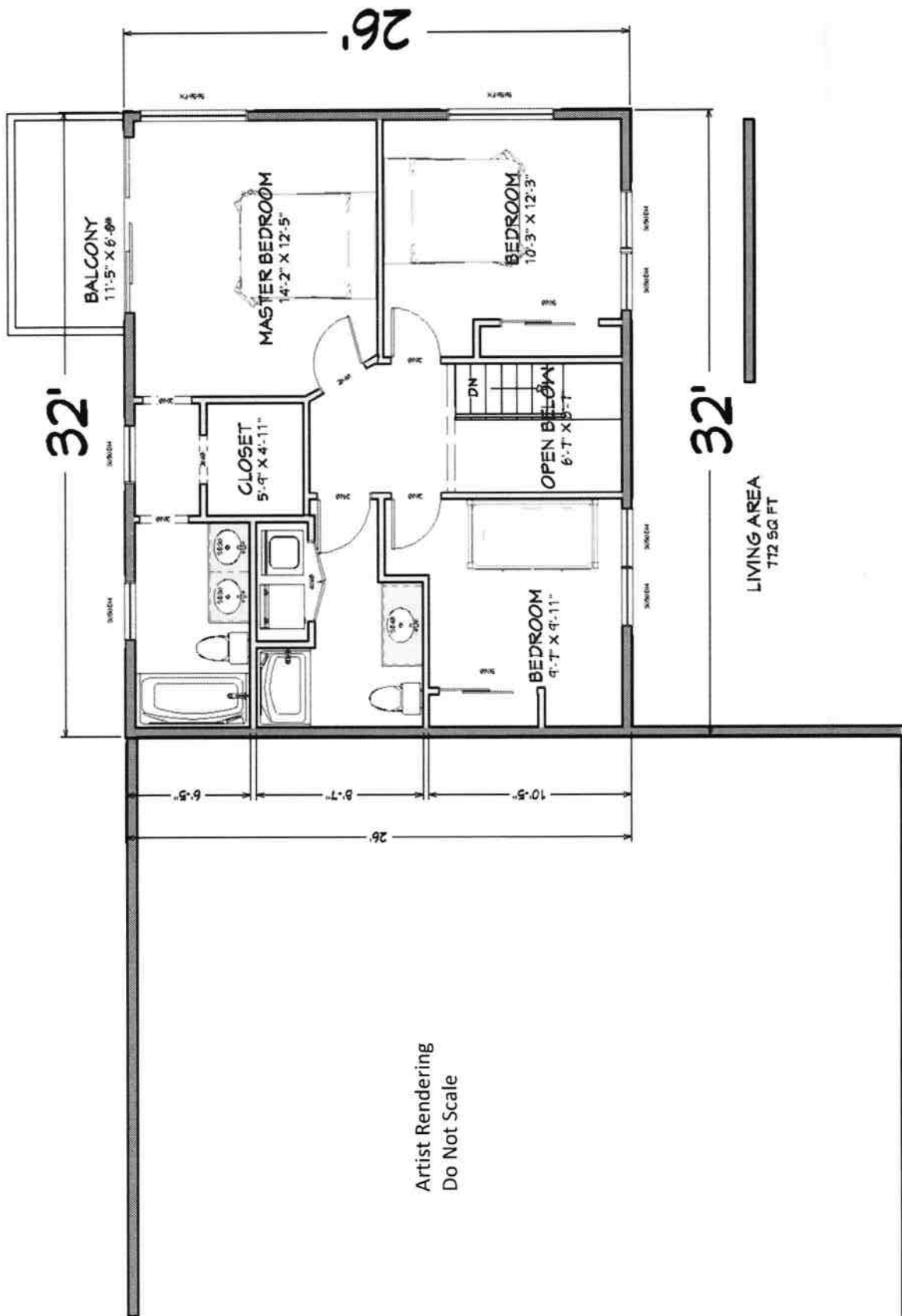












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**Hamburg Township
Zoning Board of Appeals Minutes
Hamburg Township Board Room
Wednesday, October 9, 2019
7:00 P.M.**

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, Hollenbeck, Neilson, Priebe & Watson,
Absent: Rill
Also Present: Amy Steffens, Planning & Zoning Administrator

4. Correspondence: None

5. Approval of Agenda:

Chairperson Priebe stated that we have a request to add a memorandum from Brittany Stein under Old Business regarding a case that was heard at the last meeting.

Motion by Watson, supported by Auxier

To approve the agenda as amended adding a memorandum under Old Business

Voice vote: Ayes: 5 Nays: 0 Absent: 1 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 19-0017

Owner: Jeffrey Weiss

Location: 0 Baudine Rd. Pinckney MI 48169

Parcel ID: 15-17-301-086

Request: Variance application to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and a 68 square foot elevated balcony with a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.).

Mr. Jeffrey Weiss, applicant stated that he was before the Board approximately two years ago for a different variance on a ranch style house with an attached three-car garage. At a later date and prior to construction, he reconsidered a two-story home to give him a smaller footprint leaving more land. When he made inquiries to the Zoning Department, he found out that the variance had expired. He presented a new plan and stated that he feels that this will work out better on his lot. It is in line and consistent with the architecture of the neighborhood.

Amy Steffens, Planning & Zoning Administrator stated that the subject site is a vacant lot almost to the end of Baudine. It is a fairly good sized lakefront lot, 14,402-square feet in size. If approved, the variance request would allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,200 square foot garage, an 88-square foot covered front porch, and a 68-square foot elevated deck on the rear of the dwelling on the canal side. The dwelling will have a 22-foot west front yard setback where a 25-foot front yard setback is required, and a 35-foot east rear yard setback from the ordinary high water mark (OHM) of Rush Lake where a 50-foot setback is required. The elevated balcony will have a 29-foot east setback from the OHM of Rush Lake. Elevated decks can encroach up to six feet into the required yard, therefore it is required to have a 44 foot setback from the OHM. The garage does not need any variances. It does meet the 15 foot setback from the road. She stated that based on FEMA's Flood Insurance Rate Map (FIRM), as well as information provided by the applicant, a portion of the site lies within the 100-year floodplain. If you look at the elevations, you can see that the existing grades of the building envelope are up to a foot below the base flood elevation. Because we participate in the National Flood Insurance Program (NFIP), we must assure that building code standards are complied with and we meet our own floodplain development ordinance. An elevation certificate must be submitted prior to the issuance of a land use permit, when the foundation is completed and before vertical construction, and when the project is complete. She has inquired if EGLE has authority over this floodplain, but she has not heard back yet. If it is, the applicant may be required to obtain a permit from them first. Should the applicant propose to fill the building envelope to elevate the dwelling in order to obtain a LOMR-F, the township will require the applicant to deposit a review escrow for the township engineer to review the plans. These items have nothing to do with the variance, but they are our permitting standards. She gave a history of the site. On August 9, 2017, the Zoning Board of Appeals approved a variance application on this site to allow for the construction of a new 1,699-square foot single-story dwelling with an attached 660-square foot garage. The dwelling would have had a 23.9-foot setback from the OHM where a 50-foot setback is required and a 23.9-foot rear yard setback where a 30-foot rear yard setback is required. The variance lapsed. The property owner neither obtained permits nor began construction on the approved dwelling and the variance approval expired on February 9, 2018. At that time, variances expired after six months. We just approved an amendment to change the ordinance so people will have a full 12 months. Since that time, the property owner has changed the architectural plans for the home as he has presented. Steffens stated that this site is an example of one that deserves some type of variance relief. Even though it is a far larger site than most of our waterfront lots, it is oddly shaped. The most important question for the ZBA is how much of a variance is reasonable. How much are we willing to deviate from the setback standards.

Steffens reviewed the finding of fact. She stated that the site, while a considerable one-third acre, is constrained by two factors: the canal to the east and the shallow lot depth. At its deepest, the lot is 111 feet from the front property boundary to the canal and at its shallowest is 88 feet from the front property boundary to the canal. The required 50-foot setback from the OHM and the 25-foot front yard setback leaves a narrow, long building envelope. Given the configuration of the lot and the setback from the OHM, there does appear to be an exceptional circumstance on this lot that is not applicable to other properties in the same district or zone. Therefore, it could be reasonable to consider that the property deserves some relief from the terms of the zoning ordinance. However, the chosen design of the proposed structure, with the covered front porch and the elevated deck, are not necessarily reasonable deviations from the zoning ordinance. The design of the dwelling drives the need for the front yard setback for the covered porch to have a 22-foot setback and an elevated deck with a 29 foot setback. The porch could be uncovered, thus meeting the definition of a patio, and the home moved forward by five feet, thereby negating the need for the front yard setback and increasing the dwelling's OHM setback to 40 feet rather than the proposed 35 feet. Additionally, the elevated deck on the rear of the dwelling is entirely a personal preference. An elevated deck has a visual, aesthetic, and privacy impact such that the township adopted a zoning text amendment in 2016 to address these concerns and allow an elevated deck to encroach up to 6 feet

into a required yard as long as you are 8 feet away from the property boundary. We capped it because we also recognize that there is additional impact on neighboring properties. A substantial property right is not preserved based on granting a variance for a particular architectural design. The covered porch, 30-foot front yard setback rather than the 25-foot setback required, and the elevated deck on the rear of the dwelling are personal preferences of the applicant. These could be removed thereby mitigating the impact of the variance request. The elevated deck on the rear of the dwelling could potentially be materially detrimental to the property or improvements in the zone in which the property is located because of the aesthetic impact as well as the privacy concerns. The setback from the OHM is intended to provide an open vista along waterfront properties and protect off-site views of the water. The reduced OHM setback and the elevated deck, taken together, could negatively impact adjacent properties. The house is also encroaching the OHM. There is not much to protect the water views except that 50 foot setback from the OHM. Moving the house forward and eliminating the elevated deck goes a little farther in protecting the intent of the setback from the water. The subject site is zoned for single family, it is going to be used for single family and the Master plan envisions that this area will continue to be used for waterfront residential. Again, the Township already adopted a zoning text amendment that relaxed the standards for an elevated deck, and staff finds that there is no condition or situation specific to the property that does not apply to other properties in this vicinity. 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. Again, the property is constrained by size and OHM setbacks and it could be reasonable to grant a deviation from the zoning ordinance. However, the covered porch and the elevated deck are not the minimum necessary to permit reasonable use of the land. They could be removed and still use the lot for single family residential but mitigating the impact of the variance request.

Member Auxier discussed the variance request of 2017. He stated that at that time there were concerns from neighbors regarding the line of site. There was an understanding that the applicant would not encroach toward the canal any further than where the house was set. In this plan, they have moved that out with a raised deck. Mr. Weiss stated that at that time, the whole house was 23.9 feet from the OHM and yes now he is proposing a balcony. He further stated that the house now proposed is closer to the road than the original proposal and it was closer to the canal. It was stated that the deck is now 29 feet back and the house is 35 feet back.

Discussion was held on the front porch. Member Auxier stated that it is reasonable to have a covered entry way into your home.

Discussion was held on the elevated deck. Discussion was held on relocating it to the side. Mr. Weiss stated that he did look at that but with the roof trusses, etc., it is more efficient to go in the direction of the trusses and support beams. He also discussed privacy issues. He would be open to reducing the deck to five feet. Auxier stated that if we are trying to bring things more into conformance, and he feels it should be eliminated. However, it is a lot better than when it was originally approved. Mr. Weiss stated that it is in line with the neighbors even with the balcony. He does plan on putting up glass railing or similar to not block people's views.

Discussion was held on the configuration of the lots.

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

Motion by Auxier, supported by Watson

Motion to approve variance application ZBA 19-0017 at parcel 15-17-301-086 to allow for the construction of a new two-story 1,660 square foot single family dwelling with an attached 1,165 square foot garage. The dwelling will have a 22-foot west front yard setback (25-foot front yard setback required, Section 7.6.1.), and a 35-foot east rear yard setback from the ordinary high water mark of Rush Lake (50-foot setback from the OHM required, Section 7.6.1.fn3), and a 68 square foot elevated balcony with a 29-foot east setback from the ordinary high water mark of Rush Lake (44-foot setback from the OHM required for elevated decks, Section 8.18.2.). 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. There is

an exceptional circumstance that exists that is not applicable to other properties within the district primarily due to position of the road and canal and the narrow building envelope 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: 1 MOTION CARRIED

8. New/Old business

a) Approval of September 11, 2019 ZBA Minutes

Motion by Hollenbeck, supported by Watson

To approve the minutes of the September 11, 2019 Minutes as written including the Special Training

Voice vote: Ayes: 5 Nays: 0 Absent: 1 MOTION CARRIED

b) Memorandum from Brittany Stein – Update on Tabled Variance Request

Amy Steffens, Planning & Zoning Administrator stated that we saw Mr. Richard Olson of 8772 Rushside Drive a couple of times this year. He received a variance to add a second story and then through construction, the whole house was removed. He came back at the last meeting and the request was tabled at that time in order to give him more time to figure out how he was going to proceed. He talked about boundary adjustment, moving forward with a variance request or re-designing. He decided to re-design the entire structure, and he now complies with all of the zoning ordinances. We have issued the land use permit for a compliant house.

Steffens stated that she does not know if we will have a meeting next month. We have not spoken to anyone who might be coming forward in November.

9. Adjournment:

Motion by Watson, supported by Neilson

To adjourn the meeting

Voice vote: Ayes: 5 Nays: 0 Absent: 1 MOTION CARRIED

The meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected:_____

Chairperson Priebe

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

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Supervisor: Pat Hohl
Clerk: Mike Dolan
Treasurer: Jason Negri
Trustees: Bill Hahn
Annette Koebler
Chuck Menzies
Jim Neilson

**Hamburg Township
Zoning Board of Appeals Minutes
Hamburg Township Board Room
Wednesday, August 9, 2017 Minutes
7:00 P.M.**

1. Call to order

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

2. Pledge to the Flag

3. Roll call of the Board:

Present: Bohn, Hollenbeck, Neilson, Priebe and Watson

Absent: None

Also Present: Scott Pacheco, Planning & Zoning Administrator & Mike Beck, Planning & Zoning Intern

4. Correspondence: None

5. Approval of agenda:

Motion by Neilson and supported by Watson

To approve the agenda as presented.

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

6. Call to the public:

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 2017-016

Applicant: Jeffrey Weiss

Owner: William Bothe

Location: Vacant on Baudine Street

Parcel ID: TID 15-17-301-086

Request: Variance application to permit the construction of a new 1,699-square foot single-story dwelling with an attached 660-square foot garage. The dwelling will have a 23.9-foot setback from the ordinary high water mark of a Rush Lake canal (50-foot setback from the ordinary high water mark of a waterbody required, Section 7.6.1.fn3) and a 23.9-foot rear yard setback (30-foot rear yard setback required, Section 7.6.1.).

Mr. Jeffrey Weiss stated that for clarification, the appeal is to the rear yard setback and water mark. A variance to the front is not required. He stated that they have an agreement to purchase this lot with the contingency that he do his due diligence, which he is in the process of doing now including soil evaluation and this variance request. He stated that the lot is 150x88' and 150x85 with the deepest point being the 88 feet. The current setback requirement is 50 feet from the edge of the house to the canal in the rear and 25 feet from the edge of the house to the edge of the road in the front for a grand total of 75 feet. This gives a building envelope of approximately 10 feet. That is why the request is being made.

Planning & Zoning Administrator Pacheco introduced Mike Beck, our summer intern who received his Master's degree from the University of Michigan.

Intern Beck stated that the applicant is proposing the construction of a new 1,699 square-foot single-story dwelling with an attached 660 square-foot garage. The dwelling will have a 23.9 foot setback from the ordinary high water mark of a Rush Lake canal (50 foot setback from the ordinary high water mark of a waterbody required, Section 7.6.1.fn3) and a 23.9 foot rear yard setback (30 foot rear yard setback required, Section 7.6.1). The minimum size home required by ordinance is 1,000 square feet. As the applicant indicated, the building envelope is quite restrictive.

Member Bohn questioned the purchase of three lots. Pacheco stated that the original plat was three lots that are now combined into one parcel.

Chairperson Priebe opened the public hearing.

Mr. Robert Odonnell of 8463 Baudine stated that he owns the property directly adjacent to the subject parcel. His major concern is that his home sits 54 feet back from the canal. The plan for Mr. Weiss's house would put the rear of his house at 23 feet 9 inches back which would substantially take away from his enjoyment and his views of the lake. The ordinance requires 50 feet for a reason. He is opposed to the request.

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

Priebe stated that we have received two letters one from Mr. Odonnell and one from Janet and Michael DiCarlo both opposed to the variance request.

Member Bohn asked if the canal is a man-made canal. Pacheco stated that it is. Member Bohn stated that it would then not have riparian rights. Discussion was held on the configuration of Mr. Odonnell's home as well as the radius of the curve of the canal. Member Bohn stated that with Mr. Odonnell's shed, most of the view would be onto the canal. Mr. Odonnell stated that he bought the house a year ago with the intent on moving the shed. It was stated that the proposed setback on this side is 36.8 feet and 23.9 on the south side.

Member Bohn asked if there would be any other structures allowed toward the water than what is proposed such as fencing, etc. that would obstruct the vision of the neighbors. Pacheco stated that all houses within the Lakefront District can have a shed within the 50 foot setback as long as it is no greater than 12 feet in height and no greater than 144 square feet.

Member Bohn asked the applicant if he would consider a restriction that there could not be a play structure, shed or other vertical impediment to the view on the north side of the property to limit the concerns of the neighbors and that any of these structures would be placed on the south side of the property. Mr. Weiss stated that would be fine. He further stated that he is dealing with the same issue with the neighbor to the right who has a row of arborvitaes that restrict his view as well. Discussion was held on seawalls to eliminate erosion. Further discussion was held on the proposed style of the home and the roof pitch so that it would not be overpowering. Mr. Weiss stated that the elevation is approximately a foot lower than the property to the north. The elevations have been set by a flood zone specialist. Pacheco stated that we do not have restrictions on people planting vegetation.

Chairperson Priebe stated that in considering a variance, the Board looks at practical difficulty and the unique features of the lot, shape, etc. As the applicant has stated, at the widest part, there is only 12 feet to build a house. Because the lot is narrow, curved and because of the excessive setbacks, it does appear to meet the requirements of practical difficulty.

Member Watson stated that when you are starting new, there should be a way to make it conforming. On this lot, you could not build anything to conform.

Mr. Weiss pointed out that based on the computations and given the lot size, it is not going to be a big house. There will still be plenty of landscaping, etc.

Motion by Bohn and supported by Hollenbeck

Motion to approve variance application ZBA 17-016 at vacant site on Baudine Street (TID 15- 17-301-086) to allow for the construction of 1,699-square feet dwelling and attached 660-square foot garage. The dwelling will have a 23.9 foot setback from the ordinary high water mark of a Rush Lake canal (50 foot setback from the ordinary high water mark of a waterbody required, Section 7.6.1.fn3) and a 23.9 foot rear yard setback (30 foot rear yard setback required, Section 7.6.1). The variance does meet the variance standards of Section 6.5 of the Township Ordinance and a practical difficulty does exist on the subject site, predominantly the building envelope, with the current setbacks as set forth in the ordinance, which would make it virtually impossible to build a home as well as other unique site conditions, when the strict compliance with the Zoning Ordinance standards are applied as discussed at tonight's hearing and as presented in the staff report. And, the applicant voluntarily but in a binding fashion, agrees to not place any more structures in any other area except to the south of the proposed structure and in compliance with all other zoning ordinances. 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:

- a. Approve July 12, 2017 meeting minutes and memorialization of findings for ZBA 17-015

Motion by Hollenbeck, supported by Neilson

To Approve the July 12, 2017 meeting minutes and memorialization of findings for ZBA 17-015 as presented

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

9. Election of Officers

Motion by Bohn, supported by Watson

To re-elect Joyce Priebe as Chairperson

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

Motion by Watson, supported by Watson

To elect Paul Bohn as Vice-Chairperson

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

Planning & Zoning Administrator Pacheco stated that at the Planning Commission meeting next Thursday, the Commission will be considering the amendment to the 50% rule as well as the setbacks for Waterfront Residential district. There are two alternatives being considered, one for all properties within the district, the other for only non-conforming lots. It was stated that once approved, it will eliminate a lot of variance requests.

10. Adjournment

Motion by Neilson, supported by Watson

To adjourn the meeting

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

The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Julie C. Durkin
Recording Secretary

The minutes were approved
As presented/Corrected: _____

Joyce Priebe, Chairperson

P.O. Box 157
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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, January 13, 2021
Virtual Meeting using GoToMeeting platform
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, calling in from Hamburg Township
Negri, calling in from Hamburg Township
Priebe, calling in from Hamburg Township
Rill, calling in from Hamburg Township
Watson, calling in from Hamburg Township

Absent: None

Also Present: Amy Steffens, Planning & Zoning Administrator

4. Correspondence: None

5. Approval of Agenda:

Motion by Auxier, supported by Negri

To approve the agenda as presented

Voice vote: Ayes: 5 Nays: 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 2020-0021

Owner: Stanley and Bonnie Wojciechowski

Location: 11663 Algonquin Pinckney MI 48169

Parcel ID: 15-31-301-034

Request: Variance application to permit the replacement of a non-conforming accessory structure not damaged by natural disaster (Section 11.3.4.). The accessory structure would have a 2.8-foot east rear setback (five-foot rear yard setback permitted, Section 8.3.).

Mr. Stan Wojciechowski, applicant, stated that they are requesting a variance of 2.8 feet to the rear yard setback to complete a previously started project and allow them to continue the project as a new structure replacing an existing garage with a like 22-foot by 22-foot structure and an additional 18 inches in height. It will be used for cars and storage only. Less than 1% of the structure will be within the 2.8 feet or 4 square feet. They have owned the property for several years and have made several improvements. The garage previously had a make-shift rear wall, holes and broken windows allowing birds to access and the second floor attic had a tree branch through it. It did continue to deteriorate, and at this point, they believe the garage is no longer functional. They have looked at several options for the garage including moving it forward and attaching it to the house, but it became very complicated. He described the difficulties in trying to move it forward. He discussed the property line, neighboring homes, and drainage. They believe that their options are limited and the best place for the new structure is where it is currently residing. He discussed the history of trying to repair the existing structure and related permits. They do believe that the best location for them as well as their neighbors that does not infringe on the view or beauty of the lake is its current location with the additional 18 inches in height, which is below the maximum allowable height. He stated that he has spoken to both of their neighbors and they are supportive of this replacement. If approved, he will be hiring a contractor and ensure that it meets the Hamburg Township and Livingston County building requirements.

Amy Steffens, Planning & Zoning Administrator, stated that the subject site is a 6,882 square foot parcel that fronts onto Algonquin Drive to the west and a lagoon of Portage Lake to the north. Single-family dwellings are located to the north, east, south, and west. The site is improved with a 2,440 square foot dwelling and a partially constructed 484-square foot detached garage. On July 15, 2020, Hamburg Township issued a land use permit to re-roof the detached garage and replace trusses. On October 19, 2020, the zoning department was contacted by Justin Lay, a building inspector with the Livingston County Building Department, to advise that work was being undertaken that was not permitted by either the township or the county. Walls were removed and replaced with a wall plate that was 18 inches taller than what had been removed. The county posted a stop work order as well as the township. Mr. Lay indicated that he would ask Jim Rowell, the county building official to also visit the site. A subsequent email from Mr. Rowell is included for the Board's review. He indicated that the work being done on the garage was not consistent with the project that was approved and there may be some structural concerns. If approved, the variance would permit the 100 percent replacement of a 22-foot by 22-foot detached garage. The garage would have a 2.8-foot rear yard setback where a 5-foot rear yard setback is required per Sections 8.3.2. and 8.3.3. Additionally, Section 11.3.4. specifies the following: Permitted Replacement: A nonconforming building and its accessory structures and uses damaged by Natural Disaster or by vandalism may be repaired or replaced subject to certain requirements, and the section continues. Anything outside of that requires ZBA approval, which is why this is before the Board at this time. It is a 100% replacement not caused by a natural disaster.

Steffens discussed the seven findings of fact. She stated that there is no exceptional or extraordinary condition of this property that does not apply to other properties in the vicinity. That five-foot setback applies to all properties in the Township regardless of unusual layout. This is not an unusual layout, but a rather large property for waterfront residential district and there are multiple locations for the construction of a compliant accessory structure. The proposed location is a result of a design preference, not a condition specific to the property. Additionally, the reason why the applicant is here is because of work that was undertaken outside of the zoning ordinance. The proposed variance is not the minimum necessary for the continued use of the site as single-family residential. The owner's stipulate that the replacement garage, in the same location as the garage that was removed, will not be detrimental to adjacent properties but do not address the increased height of the replacement structure. It is not just the planned view, but it is the bulk of the structure within the setback that raises additional concern about the impact of the reconstructed garage. By raising the structure 18 inches in height, although it conforms to the height requirements, it is the bulk of the structure we need to consider. The intent of the rear yard setback is to require enough space between the roadway and the structure so that structures do not loom over the street and the intent of the lake setback is to reduce the environmental impacts that a structure will have on the lake and also to reduce the visual impact that a structure would have as viewed from the lake. The rear yard setback is relaxed for any structure located completely behind the house because we want people to have the ability to construct customary structures. In this case, it is rear yard to rear yard, but it is also impactful to the property to the south as well as to the southeast because of the way the property boundaries line up. The granting of the variance will have no impact on the Master Plan. The condition or situation of the specific piece of property is of a general and recurrent nature. An accessory structure is a common and customary

accessory structure that is granted relaxed setback requirements in the zoning ordinance. Additionally, the intent of the ordinance is to allow the replacement of a structure that is non-conforming that has been removed through no fault of the property owner. In this case, by not only allowing the applicant to replace a non-conforming structure and increased non-conforming structure, does not support the intent of the zoning ordinance to bring properties into compliance as structures are removed and developed. The site is zoned for single-family dwellings and related appurtenances. Approval of the variance request would not permit the establishment of a use not permitted by right within the district. As stated, because there is a complaint building envelope, the requested variance is not the minimum necessary to permit reasonable use of the land.

Chairperson Priebe opened the public hearing.

Christina Bernette of 11660 Portage Lake Ave. stated that they are the neighbors directly behind the applicant. When they moved in, the garage was where it stands now. The applicants have worked to improve the neighborhood and they have no issue where the garage currently is or the additional height. It does not impede their view at all. However, if they were to move that garage to the south, it would completely block their view of their lake access.

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

Member Rill asked if they had not raised the height of the structure, would we still be here. Steffens explained that it is the fact that the entire structure was removed, and it was a non-conforming structure. Our ordinance says that it has to meet the zoning ordinance.

Member Auxier asked the applicant's neighbors if the building were moved 2 feet 4 inches toward the driveway, would it make any difference. Ms. Bernette stated that she is not sure if that would make any difference for them. Mr. Wojciechowski stated that one of the reasons they did not move it forward was because the foundation was already there. It is also his understanding that there is another section of the ordinance that says that a detached garage needs to be 10 feet from the house. He further discussed the existing sidewalk and drainage. Mrs. Wojciechowski stated that if they moved it forward, it would also have to moved south in order to get to the 10 feet. This would then block the view of their west neighbor.

Member Auxier stated that he feels that making the applicant move the garage or change the height because of 1%, is not reasonable and sees no value to anyone. He is comfortable with leaving the garage where it is including the height of the roof. Member Negri concurred and stated that the two neighbors directly impacted have expressed their support. Given the unusual angle of this property and the fact that moving it to the south would be more detrimental to the neighbors, keeping status quo is not going to harm anyone and looks like the best option.

Chairperson Priebe stated that we have received correspondence from both Shane Davis and Patrick and Danielle Wehrman, neighbors who have expressed support.

Chairperson Priebe stated that it is very interesting to see how the property boundaries come together back there. She does not see any problems with the request.

Motion by Auxier, supported by Rill

To approve variance application ZBA 20-0021 at 11663 Algonquin (TID 15-31-3010-034) to permit the replacement of a non-conforming accessory structure not damaged by natural disaster (Section 11.3.4.). The accessory structure would have a 2.8-foot east rear setback (five foot rear yard setback permitted, Section 8.3.). 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 the staff report. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

Roll Call Vote: Auxier - Yes
Negri - Yes
Priebe - Yes
Rill - Yes
Watson – Yes

MOTION CARRIED

b. ZBA 2020-0022

Owner: Lewis and Nancy Walker

Location: 9020 Rushside Drive Pinckney MI 48169

Parcel ID: 15-17-402-126

Request: Variance application to permit the construction of 13-foot by 13-foot enclosed sunroom. The sunroom will have a 22-foot south front yard setback (25-foot front yard setback required, Section 7.6.1.).

Chairperson Priebe stated that we have been requested to table this appeal for additional information.

Motion by Rill, supported by Negri

To table request ZBA 2020-0022 until the next meeting

Roll Call Vote: Auxier - Yes
Negri - Yes
Priebe - Yes
Rill - Yes
Watson – Yes

MOTION CARRIED

c. ZBA 2020-0023

Owner: Gary Marker

Location: 10281 and 10283 Kress Road Pinckney MI 48169

Parcel ID: 15-28-200-051 and 15-28-200-052

Request: Variance application to permit a boundary adjustment of two existing WFR-zoned, nonconforming parcels to correct for a driveway encroachment. If approved Parcel 15-28- 200-051, currently 0.69 acres, would be 0.80 acres in size and Parcel 15-28-200-052, currently 0.68 acres, would be 0.58 acres. Minimum lot size in the WFR-zoned district is one acre (Section 7.6.1.).

Planning & Zoning Administrator Steffens stated that the applicant's presence is not a requirement. She stated that the subject sites are two contiguous parcels on Kress Road. Parcel 15-28-200-052, addressed as 10283 Kress, is the western parcel in the above aerial; parcel 15-28-200- 051, addressed as 10281 Kress, is the eastern parcel. Both parcels are improved with single family dwellings. The driveway servicing 10281 Kress was inadvertently installed over the shared property boundary. If approved, the variance would permit a boundary adjustment between these two parcels to move the common property boundary to the west to correct for the driveway encroachment. The minimum lot size in the WFR zoned district is one acre and both parcels are considered non-conforming minimum lot size. If a new parcel were being created the Land Division Act would apply as would the zoning ordinance requirements for minimum lot size and road width. Property boundary adjustments are not addressed in the LDA thus a boundary adjustment is reviewed only in terms of the compliance with the zoning ordinance standards. 10283 Kress is currently 0.68 acre but would be 0.58 acre if the variance were approved and would lose 12 feet of frontage along Kress. 10281 Kress is currently 0.69 acre but would be 0.80 acre and would gain 12 feet of frontage. The dwellings on both parcels have non-conforming rear yard setbacks, and any approval of the variance request for the boundary adjustment would not make conforming the existing setbacks. Additionally, the boundary adjustment will need to go through the normal township administrative process for adjustments. She discussed the findings of fact. She stated that the boundary adjustment is sought to correct a driveway encroachment, which is a condition or circumstance applicable to the properties involved that do not apply generally to other properties in the same district or zone. However, it is a self-created circumstance. Staff finds that adjusting the property boundary as proposed does not create a situation for either

parcel that would not apply to the other parcels off of the private Kress Road easement. The average lot size in this area is 0.63 acres. It will not give either parcel property rights not possessed by other properties within the same zone or vicinity. We are not creating a new lot or anything new. We are only adjusting the legal descriptions and the adjoining property boundary. Adjoining properties will not be materially impacted because the driveway encroachment serves as a de facto visual boundary between the two subject lots; changing the legal descriptions will not have an impact on adjacent properties or related improvements. It has no impact on the Master Plan or what it envisions. The proposed future land use will continue as waterfront residential. The condition of the driveway encroachment is not of so general or recurrent a nature. While the encroachment is a self-created practical difficulty the boundary adjustment does not impact access, improvements, or enjoyment of adjacent properties. The use of these sites is single-family residential and the proposed variance would not change the uses of either parcel. Again, this is not going to impact any adjacent properties at all, and staff is recommending approval.

The question was asked if the applicant owns both properties. Steffens stated that he is the owner of record for both parcels.

Chairperson Priebe opened the public hearing. Hearing no comment, the hearing was closed.

Motion by Auxier, supported by Rill

To approve application ZBA 20-0023 at 10281 and 10283 Kress Road to permit a boundary adjustment of two existing WFR-zoned, non-conforming parcels to correct for a driveway encroachment. If approved Parcel 15-28-200-051, currently 0.69 acres, would be 0.80 acres in size and Parcel 15-28-200-052, currently 0.68 acres, would be 0.58 acres. Minimum lot size in the WFR-zoned district is one acre (Section 7.6.1.). The variance does meet variance standards one through seven of Section 6.5 of the Township Ordinance and a practical difficulty does exist on the subject site when the strict compliance with the Zoning Ordinance standards are applied as discussed at the meeting tonight and as presented in the staff report.

Roll Call Vote: Auxier - Yes
Negri - Yes
Priebe - Yes
Rill - Yes
Watson – Yes

MOTION CARRIED

New/Old business:

- a) Approval of November 12, 2020 minutes

Motion by Auxier, supported by Watson

To approve the minutes of the November 12, 2020 meeting as written

Roll Call Vote: Auxier - Yes
Negri - Yes
Priebe - Yes
Rill - Yes
Watson – Yes

MOTION CARRIED

Steffens reminded the Board that the annual joint meeting will be on February 24, 2021 at 7:00 p.m. If there are any sections of the ordinance that anyone would like addressed, either for discussion or potential zoning text amendment, please let her know so that she may begin work on it. It will be a year in review of planning and zoning activities and will be used to set our work for the coming year.

8. Adjournment:

Motion by Negri, supported by Rill

To adjourn the meeting

Voice vote: Ayes: 5 Nays: 0 MOTION CARRIED

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Julie Durkin, Recording Secretary

The minutes were approved as presented/corrected:_____

Chairperson Priebe