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**Hamburg Township
Zoning Board of Appeals Minutes
Wednesday, June 9, 2021
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, Negri, Priebe, Rill, & Watson

Absent: None

Also Present: Brittany Stein, Zoning Coordinator, Scott Pacheco, Township Planner, and Chris Madigan, Planning & Zoning Director

4. Correspondence: None

5. Approval of Agenda:

Motion by Auxier, supported by Watson

To approve the agenda as presented

Voice Vote: Ayes: 5 Nays: 0 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 2021-0007

Owner: Dale Masse and Dawn Allen

Location: 9492 Galatian, Whitmore Lake, MI 48189

Parcel ID: 15-23-200-013

Request: Variance application to allow a land division of parcel 15-23-200-013 to create Lot A with a lot size of 0.50 acres with 106.75 feet of road frontage and Lot B with a lot size of 0.45 acres with 79.62 feet of road frontage (one-acre minimum lot size required and 125-foot minimum road frontage required in the waterfront residential zoning district, Section 7.6.1.).

Ms. Dawn Allen, applicant, stated that her father had wanted to do this years ago. Her brother built the pole barn and they wish to split the parcel with the barn from the house so that they can sell the house.

Planner Pacheco stated that the applicant would like to split the existing lot which is 41,401 square feet, where 43,560 square feet is required for new lots within the Waterfront Residential District. The existing lot is non-conforming although it does have the conforming lot width with approximately 185 feet of street frontage. The split would make two non-conforming lots, one .5 acres and one .45 acres. Both lots would then have non-conforming street frontage, one at 79 feet and one at 106 feet. The reason given is that the father passed away, and they have financial interest in the property. They would like to sell the house and keep the pole barn. Financial interest is not a reason to allow a variance to a zoning regulation. He discussed the Standards of Review. He stated that this is a normal lot along Galatian, so there is no exceptional or extraordinary circumstances or conditions due to the size, shape or topography of the site. Their purpose is to save the pole barn as one of the property owners lives across the street and they would like that space to store things for that property. However, that is not an extraordinary circumstance. This would be creating smaller lots than is allowed in the zoning district and creating smaller street frontages, creating non-conforming lots out of the legal non-conforming lot that is already there. This split is not necessary to preserve the enjoyment of a substantial property right enjoyed by others. The current lot is a developable lot and currently has a single-family home with a garage and other out-buildings. Again, this would be creating non-conforming lots within our Waterfront Residential District. The reason for the one-acre lot size is to preserve the environmental impacts on the surrounding waterways. This would be allowing additional development in that area. In the future, they could always come back and build another home on the lot with the pole barn with a new septic and well. The future land use map designates this property as medium density which allows one unit per acre, again to preserve the waterways from environmental impact by development. This is a 41,170 square foot lot. There are many lots in this area that are non-conforming and if you allow this one, what would prohibit someone else coming in to request a split into more non-conforming lots. It is single family residential and would be the only use allowed. This land is already developed with a single family home with a pole barn, which is a reasonable use of this property. Allowing a split would allow another single family home in the future. The property, currently as one site, allows for reasonable use of that land.

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

Ms. Allen, applicant, stated that they were thinking that they could attach the property that the pole barn is on to her brother's property across the street. The property is not large enough to build another house. Planner Pacheco stated that the Assessor has indicated that the only way you can combine property is if there is a property line adjacent. They discussed the location of the brother's property in relation to the property in question. It does not share a boundary. He further discussed two gap properties that may be purchased if the applicant did a title search. Further, the two properties are in two different subdivisions.

Chairperson Priebe stated that it has been the position of this board to not create non-conformities, if at all possible. If approved, we would be creating a lot more non-conformity than what is existing. In addition, we would be creating a parcel with a pole barn without a primary structure.

Ms. Allen discussed the two gap properties indicating that one is an easement for the subdivision that this property is located, and the other is owned by the State.

Motion by Negri, supported by Rill

To deny variance application ZBA 21-007 at 9492 Galatian Drive (TID 15-23-200-013) to allow the division of the existing .95 acre into two parcels, both of which would be smaller than the minimum lot size for the area of 1 acre (Section 7.7.1) and to further allow an accessory building to be located on a lot without a main structure once the land division was completed (Section 8.3). The variance for the land division does not meet standards 1,3,4,5,6, and 7 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. Because the land division was denied, the variance to allow the pole barn on a site without a primary structure is also denied. The pole barn variance would not meet standards one through seven of Section 6.5. of the Township Ordinance and a practical difficulty does not exist on the subject site when the strict compliance with the