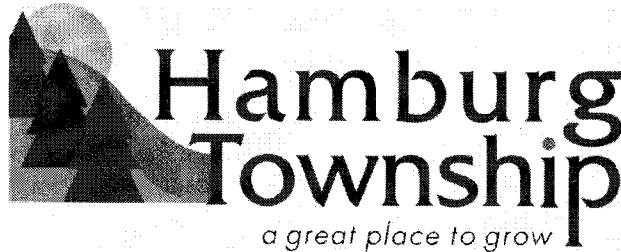


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Trustees: Bill Hahn
Annette Koeble
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Jim Neilson

**Hamburg Township
Zoning Board of Appeals Minutes
Hamburg Township Board Room
Wednesday, March 14, 2018 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:, Hollenbeck, Neilson, Priebe, Watson and Auxier, as alternate

Absent: Bohn, with notice

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

4. Correspondence: None

5. Approval of Agenda:

Motion by Watson, supported by Neilson

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 2018-003

Owner: Michael and Karen Basile

Location: 8606 Riverside Drive

Parcel ID: 15-13-403-003

Variance application to allow for the construction of a 2,208-square foot dwelling with a 13.5-foot rear yard setback (30-foot rear yard setback required, Section 7.6.1.) and a 31.1-foot setback from the ordinary high water mark of Ore Lake (50-foot setback from the ordinary high water mark required, Section 7.6.1.).

Jennifer Shulte & Ali Wiener representing the property owners, reviewed the process the applicant followed to file for the variance. They stated that this home would be built utilizing the property the best the architect could design based on the configuration of the lot, the location of the grinder pump, and the location of the homes on the neighboring properties.

Steffens presented the staff report and discussed each finding of fact. Steffens indicated that there was previously a home on the lot that conformed to all of the setback standards, as shown on the plot plan of the home that was demolished and that the proposed location of the home is based on preference and not a condition of the lot. The proposed covered porch would have a setback of 31.1 feet, where a 50-foot setback from the OHM of Ore Lake is required. Additionally, the home would have a 13.5-foot rear yard setback, where 30 feet is required. The dwelling itself would encroach only by four feet, which might be a reasonable deviation from the ordinance but the proposed covered porch creates a self-imposed practical difficulty and should be removed.

Priebe opened the hearing to public comment. Hearing none, Priebe asked the Board for questions and comments.

Nielson and Watson expressed concern that the proposed dwelling was too large for the lot and that is why the variance was necessary. Auxier asked how many variances were necessary; staff answered that the legal notice included the biggest setback variance needed, for the covered porch, but that the board could find the house's setback to be a reasonable deviation.

Shulte and Wiener asked about tabling the covered porch until the homeowner could appear and voting on the house setbacks. Staff suggested that, based on the comments from the Board, the covered porch would not be approved and should be withdrawn at the hearing. Applicant's representatives withdrew the setback variance request for the covered porch. In response to the Board's questions, agents indicated that the covered porch was necessary for the homeowner's mother to sit outside and the footprint of the home could not be shifted toward the road, as staff suggested, because the grinder pump would need to be located. Nielson indicated that the grinder pump could be relocated.

Watson asked about the floodplain issues; staff said that the homeowner had submitted a topographic survey showing the entire parcel to be in the 100-year floodplain and the owner was aware of the floodplain restrictions.

Motion by Neilson, supported by Watson

Motion to approve variance application ZBA 18-003 at 8606 Riverside Drive to allow for the construction of a 2,208-square foot dwelling with a 46.2- foot setback from the ordinary high-water mark of Ore Lake (50-foot setback from the ordinary high-water mark required, 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 not 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

8. New/Old Business:

- a. Approve November 8, 2017 meeting minutes and memorialization of findings for ZBA 17-021.

Motion by Auxier, supported by Neilson

To approve the November 8, 2017 minutes and memorialization of Findings for ZBA 17-021

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

- b. Approve February 14, 2018 meeting minutes and memorialization of findings for ZBA 18-001

Motion by Neilson, supported by Watson

To approve the February 14, 2018 minutes and memorialization of Findings for ZBA 18-001

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

9. Adjournment:

Motion by Watson, supported by Neilson

To adjourn the meeting

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

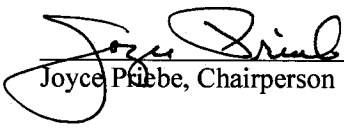
The meeting was adjourned at 7:54 p.m.

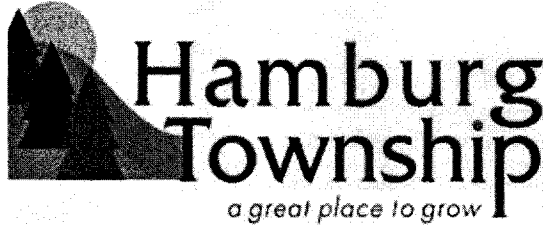
Respectfully submitted,

Recording Secretary

The minutes were approved

As presented/Corrected: 4-11-18


Joyce Pfebe, Chairperson



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

ZONING BOARD OF APPEALS MEMORIALIZATION OF FINDINGS

March 14, 2018

Approval of Variance (18-003)

Project Location: 8606 Riverside Dr.
(TID 15-13-403-003)
Agent: None
Owner: Michael and Karen Basile

PART I – PROJECT DESCRIPTION

Variance application to allow for the construction of a 2,208-square foot dwelling with a 13.5-foot rear yard setback (30-foot rear yard setback required, Section 7.6.1.) and a 31.1-foot setback from the ordinary high-water mark of Ore Lake (50-foot setback from the ordinary high water mark required, Section 7.6.1.).

At the hearing, the covered deck was removed from the variance request.

PART II– FINDING FOR APPROVAL

The Zoning Board of Appeals approves the project described above because the Board finds that the project complies with the applicable standards of the township ordinance including the applicable variance standards as follows:

Variance Standards

- 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 new home will encroach 3.8-feet into the required 50-foot setback from the ordinary high-water mark of Ore Lake, creating a 46.2-foot setback from the ordinary high-water mark. Because of the size of the subject lot, 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.

The site is zoned for single-family residential uses. The new dwelling will be 2,208-square foot with a 46.2-foot setback from the ordinary high-water mark of Ore Lake.

- 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 3.8-foot encroachment into the ordinary high-water mark of Ore Lake for a 46.2-foot setback. The reduced setback will have minor impacts on the visual appearance of the property from the adjacent homes to the East and West. The East home will be in line with this new home on the rear yard.

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

The subject site is in the Northeast Hamburg/Winans Lake planning area of the Master Plan. This area envisions medium density residential development in the developed areas around Ore Lake. The purpose or objectives of the master plan will not be adversely affected.

- 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.**

See analysis under standard one.

- 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 permitted 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.**

The property design of the proposed new dwelling creates the difficulty to build the home within the required 50-foot ordinary high-water mark setback. The dwelling will be 46.2-feet from ordinary high-water mark and will have minor impacts on the visual appearance of the property from the adjacent homes and the maneuverability within the subject site.

Approval by the Hamburg Township Zoning Board of Appeal at a regular meeting on March 14, 2018 by the following vote:

AYES:	BOARD MEMBERS:	Priebe, Watson, Auxier, Neilson and Hollenbeck
NOES:	BOARD MEMBERS:	
ABSENT:	BOARD MEMBERS	