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To: Zoning Board of Appeals

From: Amy Steffens, AICP

Date: May 10, 2023

Re: ZBA 23-004, 10191 Imus approval extension

At the March 8, 2023, Zoning Board of Appeals meeting the ZBA approved “a variance application to permit the construction of a 13.5-foot tall, 627-square foot accessory structure with a 3.5-foot south side yard setback and a two-foot setback from the ordinary high-water mark of Devil’s Basin (maximum 10-foot tall, 144-square foot accessory structure permitted within 50 feet of the ordinary high-water mark, Section 36-215; 10-foot side yard setback required, Section 36-186).”

The variance was approved “subject to compliance with all other applicable laws and ordinances within 60-days of the approval of these variances, including compliance with all local, state, and federal floodplain requirements and receiving a Part 31 EGLE floodplain permit, as necessary, prior to the issuance of a township land use permit for the completion of the structure.”

According to documents available on the Environment, Great Lakes, and Energy (EGLE) portal, the property owner applied for a Part 31 permit on March 20, 2023; no further updates have been posted to the portal. The property owner has requested an extension of the 60-day approval condition to allow EGLE time to review and issue a Part 31 permit. As staff understands the process, EGLE has 90 days to review and issue or deny a permit. Ninety days from March 20 would be June 18, 2023.

Because the property owner is working in good faith toward fulfilling the variance approval conditions, staff recommends the ZBA consider a 45-day extension, to August 2, 2023, to the variance approval; a 45-day extension would allow for the EGLE process to be completed and the township to issue required land use permits.

**Recommended motion:**

Motion to approve a 45-day extension to variance approval ZBA 23-004 at 10191 Imus (TID 15-28-200-003) to allow additional time for the Department of Environment, Great Lakes, and Energy to process required permit applications and for Hamburg Township to issue required land use permits.