

ZBA Case Number 25-0004
\$500.00



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: 4/3/2025
2. Tax ID #: 15- 223-01-003 Subdivision: Pettys Sub Lot No.: 3
3. Address of Subject Property: 9676 Zukey Dr.
4. Property Owner: Richard & Elizabeth Beaudin Phone: (H) 810-533-4343
Email Address: rick@pinkheypirate.com (W) _____
Street: 9676 Zukey Dr. City Pinecreek State MI.
5. Appellant (If different than owner): _____ Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 2001 Zoning District: _____ Flood Plain _____
7. Size of Lot: Front _____ Rear _____ Side 1 _____ Side 2 _____ Sq. Ft. _____
11. Dimensions of Existing Structure (s) 1st Floor _____ 2nd Floor _____ Garage _____
12. Dimensions of Proposed Structure (s) 1st Floor _____ 2nd Floor _____ Garage _____
13. Present Use of Property: Residential
14. Percentage of Existing Structure (s) to be demolished, if any 0 %
15. Has there been any past variances on this property? Yes _____ No X
16. If so, state case # and resolution of variance application _____
17. Please indicate the type of variance or zoning ordinance interpretation requested:
Adding second floor to garage - Plans attached
No Footprint will be used - Garage floor to Ridge = 25'-3"
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.

structure non conforming

parcel non conforming

- 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.

Yes necessary for property right

- 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 not detrimental

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

will not run contrary to master plan

- 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

- 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 same use

- 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 hereby acknowledge that if my house is connected to the municipal sanitary sewer system, the Utilities Department will complete a review of my ZBA application request, to ensure it complies with all sewer related policies and all sewer easement right-of-way requirements. (For any questions, please contact the Hamburg Twp Utilities Department at 810-222-1193.
- 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).

ALB, 4-8-25
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. *No Change to footprint*
- ☒ 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. *Zukey*
- ☒ Distance proposed structure and existing structures are from any body of water.
- ☒ Septic tank and leachate field, sewer (grinder pump), and water well. (Distance of proposed structure or improvements to site need to be shown on the site plan. Applicants need to show how far the sanitary sewer grinder pump station and the sewer service lateral which connect the grinder pump can to the sewer main at the street and the home are in relation to the project.) For any questions: contact the Hamburg Twp Utilities Dept at 810-222-1193 or email Brittany Campbell at bcampbell@hamburg.mi.us.
- ☐ 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).

The Hamburg Township Utilities Department will complete a review of the proposed plans to ensure there are no issues related to the proposed variance request, if the property is connected to the municipal sanitary sewer system. If any problems exist, the property owner will be contacted by the Utilities Department to ensure all issues are resolved prior to the scheduled hearing. The homeowner is required to follow up in a timely manner to ensure that such issues are resolved on time for the hearing.

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 of 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.

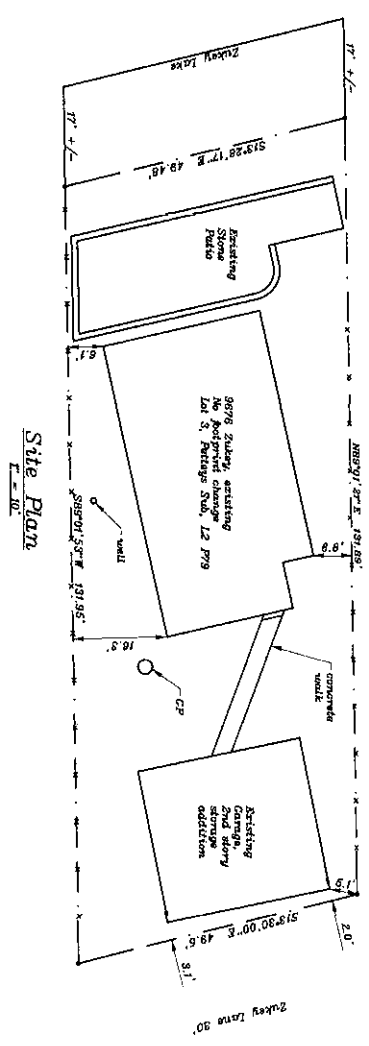
VARIANCE STANDARDS:

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.

- NOTES:**
- Proceed with the replacement of ground before any changes to the structural framing system.
 - All work to meet or exceed codes and standards and site dimensions taken from BSS Eng g Job 25-165.
 - No warranty is given to dimensions provided by BSS.
 - Foundation of the 9876 Zukay garage will be altered to existing footprint and all dimensions will remain the same as existing.
 - Demolition including frames and concrete of present structure.
 - 2016 Michigan Residential Code.
 - 2012 National Electrical Code.
 - ASCE 7-10.
 - ASCE 14A, Elevation.
 - ACI 308-2S.
 - Concrete.
 - Let concrete set for 7 days before applying loads.
 - Allow for rebar.
 - Allow 60,000psi, deformed.
 - Allow.
 - $U = 0.27$.
 - Exterior: black vinyl cladding.
 - Interior: white vinyl cladding.
 - Siding.
 - Finish, color and style to be determined.
 - Siding.
 - 50 year asphalt, color and style to be determined.
 - Landscaping.
 - Dead load: 10psf.
 - Live load: 40psf.
 - Snow load: 30psf.
 - Wind load: 115mph, Exposure D.
 - Steel.
 - Beam: ASTM A659 Grade 60.
 - Column: ASTM A53 Grade B Pipe 5-1/2 Std.



Call Before You Dig
 811 or 1 800 482 7171
 or www.missdigi811.org

Kalig E & C
 855 Keweenaw Road
 Peninsula, MI 49869
 (734) 926-0946

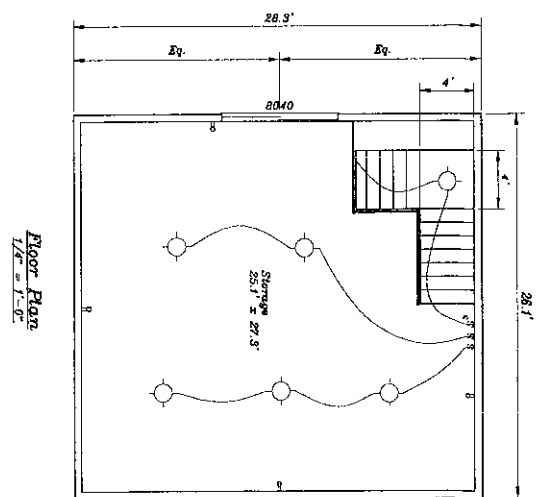
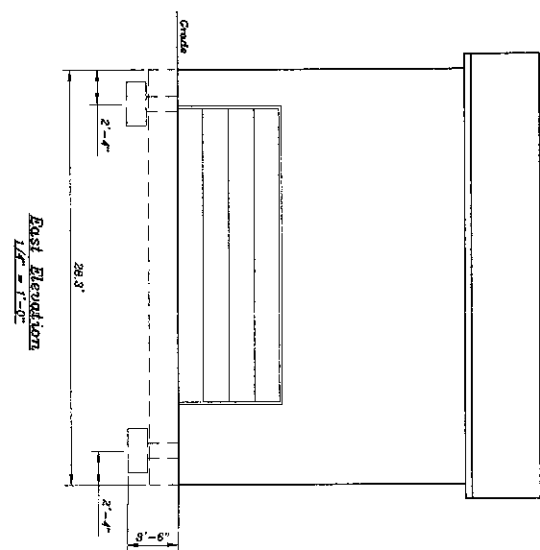
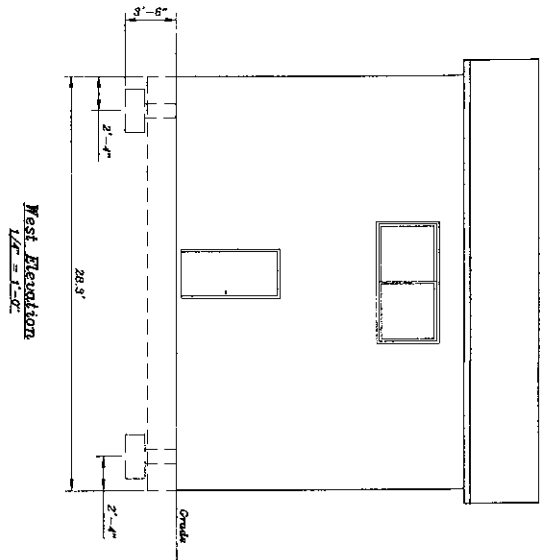
Job: 9876 Zukay Dr., Garage Storage
 Owner: Rick & Paula Bonatini
 DE: RPK
 Date: 3-17-2025
 Sheet: **S-1**

21.9

[illegible]

Section
1/2" = 1'-0"

Job: 9676 Zuker Dr., Garage Storage
Owner: Rick & Beth Beaudin
By: RPK
Date: 3-18-2025
Sheet: ST-1



Call Before You Dig
811 or 1.800.482.7171
or www.missdigs11.org

Kalig E & C	
855 Pioneer Blvd Pinebrook, NJ 07659 Phone: (764) 354-0346	
Job: 8876 Sully Dr., Garage Storage	Owner: Nick & Beth Beaudin
By: KPF	Sheet: A-1
Date: 3-19-2025	

CLIENT: BEAUDIN		JOB NO. 23-165		SHEET 1 OF 2	
DATE 6-21-23		FB 669		CREW TG/TE	
DR. AEB		CHKD.		(M) = MEASURED	
				(R) = RECORDED	
				(F) = FENCE	
				● = MONUMENT FOUND	
				○ = IRON SET	
				LEGEND	

BE BOSS Engineering

PART OF THE NORTHEAST 1/4 OF
THE SOUTHWEST 1/4 OF SECTION
22, T1N-R5E, HAMBURG TOWNSHIP,
LIVINGSTON COUNTY, MICHIGAN

DESCRIPTION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING AND THAT ALL THE REQUIREMENTS OF PUBLIC ACT NUMBER 132 OF 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

