



# Zoning Board of Appeals Staff Report



**TO:** Zoning Board of Appeals  
(ZBA)

**FROM:** David Rohr

**HEARING  
DATE:** July 12, 2023

**SUBJECT:** ZBA 23-0011

**PROJECT  
SITE:** Vacant  
TID 15-13-101-059

**OWNER:** Robert and Jacqueline  
Sifton

**APPLICANT:** Robert Sifton

**PROJECT:** Variance application to permit the construction of a 720-square foot pole barn which will need to be 10 feet from the front yard parcel line. Applicant requests a 10-foot variance from the required front yard 25-foot setback, per Section 36-215(5).

**ZONING:** WFR, waterfront residential

## **Project Description**

The subject site is a 0.08-acre parcel with an existing 10x14 shed. The parcel has access from the west by Hubbard Rd. Single-family dwellings are located to the north, east, and south.

If approved, the variance would permit the construction of a new 720 square foot pole barn 10 feet from the front yard parcel line. The applicant has a large garden on the parcel and would like to maintain as much of the garden as possible. Shifting the proposed pole structure to the west would accomplish this.

### **Standards of Review**

In accordance with Section 36-137 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 applicant's parcel is very small, 0.08 acres (3,933sqft). Many of the parcels in the area are approximately the same size. The applicant wishes to build a 24x30x10 pole structure. The applicant is requesting a 10-foot variance from the front setback requirement of 25 feet, primarily to preserve his existing garden. Staff thinks a smaller structure could be built in the buildable area, while still maintaining a large garden.

- 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, as there is buildable area for the proposed structure. Staff thinks there is room for both a new pole structure and the existing garden on the parcel.

- 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.**

A reduced front yard setback is not likely to be materially detrimental to the public welfare or materially injurious to the property or improvements in the district. The reduced front yard setback could be even less materially detrimental if the proposed structure was shifted east, thereby reducing the need for a variance.

- 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 of 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 condition or situation of the specific piece of property is of a general and recurrent nature. The setback from the front yard applies to all parcels in the township and serves to protect aesthetic views from both adjacent parcels, the traveled roadway.

**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. 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.**

Staff finds that the proposed structure size of 720 square feet will have minimal impact on the surrounding properties. However, Staff believes the proposed structure could be built in the parcel's buildable area without the need for a variance.

*"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 23-0011 at Hubbard Dr. (TID 15-13-101-059) 10-foot variance request from the required 25-foot front yard setback, per Section 36-215(5).

The variance meets variance standards one (1) through seven (7) of Section 36-137 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.

**Denial Motion**

Motion to deny variance application ZBA 23-011 Hubbard Dr. (TID 15-13-101-059) 10-foot variance request from the required 25-foot front yard setback, per Section 36-215(5).

The variance does not meet variance standards one (1), two (2), or seven (7) of Section 36-137 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.

**Attachments:**

Application  
Project plans  
Letter

ZBA Case Number 23-0011  
\$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: 6-12-2023
2. Tax ID #: 15- 13-101-059-48R Subdivision: ORE LAKE HEIGHTS Lot No.: 38
3. Address of Subject Property: VACANT, HUBBARD DR
4. Property Owner: ROBERT + JACQUELINE SIFTON Phone: (H) 517 861 7641  
Email Address: BOBSIFTON@YAHOO.COM (W) \_\_\_\_\_  
Street: 8064 KILDEER City: BRIGHTON State: MI
5. Appellant (If different than owner): \_\_\_\_\_ Phone: (H) \_\_\_\_\_  
E-mail Address: \_\_\_\_\_ (W) \_\_\_\_\_  
Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_
6. Year Property was Acquired: 1978 Zoning District: WFR Flood Plain NO
7. Size of Lot: Front 40 Rear 40 Side 1 82 Side 2 80 Sq. Ft. \_\_\_\_\_
11. Dimensions of Existing Structure (s) 1st Floor 8x10 2nd Floor \_\_\_\_\_ Garage \_\_\_\_\_
12. Dimensions of Proposed Structure (s) 1st Floor 24x30 2nd Floor \_\_\_\_\_ Garage \_\_\_\_\_
13. Present Use of Property: GARDEN + SHED, STORAGE FOR FIREWOOD + PORTLAND BOAT
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:  
I WOULD LIKE TO REDUCE THE 25' SETBACK DOWN TO 10' FEET  
from street

18. Please explain how the project meets each of the following standards:

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Hamburg Township  
Planning and Zoning Department



- 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.

PARCEL IS SITED ON 3 SIDES WITH EASEMENTS

I NEED A POLE BARN TO GET MY EQUIPMENT INSIDE FROM THE WEATHER. I ALSO HEAT WITH WOOD AND I NEED THE EXTRA SPACE FOR MY FUEL

- 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.

MY HOME + PROPERTY IS IN A TRUST TO MY CHILDREN. NOT TO BE SOLD IN THE FUTURE GENERATION

- 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 IT WONT

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

NO IT WONT AS OTHERS ON SAME STREET HAVE POLE BARN OR GARAGES

- 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.

~~YES~~ YES - NOT RECURRENT IN NATURE - OTHERS HAVE POLE BARN NEXT DOOR POLE BARN IS ON COMBINED LOTS WITH NEW PLAN - COLOR WILL MATCH HOUSE

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

COLLECT STORAGE ONLY

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

YES - MY GARDEN IS BEING SHORTENED BY MORE THAN 50% WITH THE VARIANCE + WITHOUT IT, IT WILL BE OF LITTLE USE. I GIVE VEGGIES TO THE CONSERVATION CLUB

- ✓ 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).

Robert Lytle      6-13-2023  
Owner's Signature      Date

\_\_\_\_\_  
Appellant's Signature      Date

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Hamburg Township  
Planning and Zoning Department

### **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

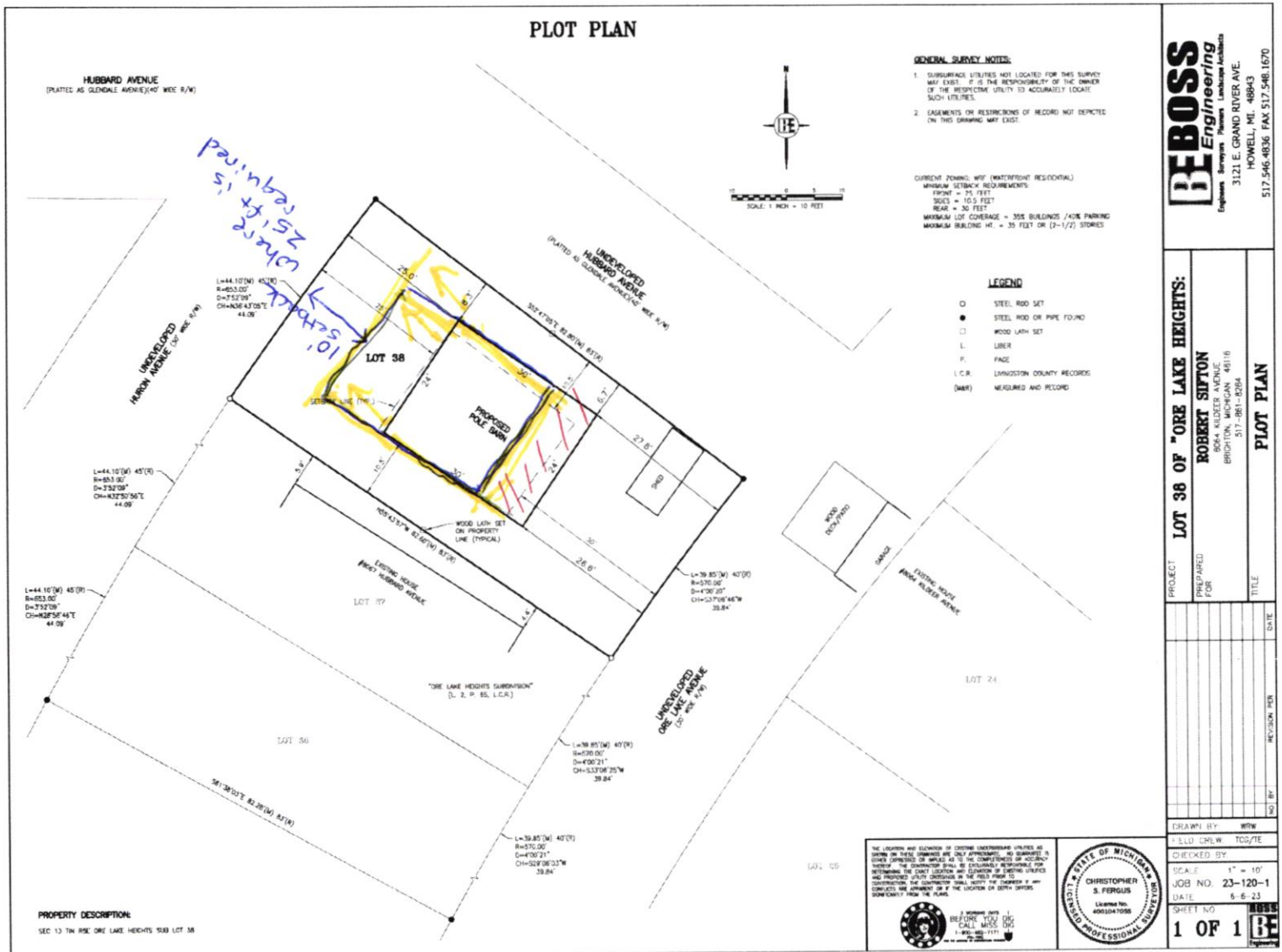
c) All other plans you may need to depict the variance you're requesting (surveys, grading plans, drainage plans, elevation certificates, topographical surveys, etc.)

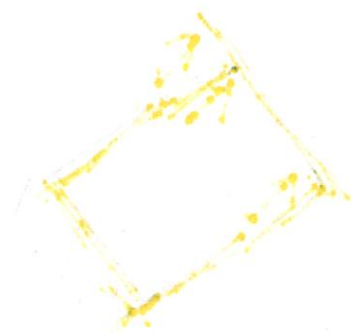
☐ **Proof of Ownership:** Include one of the following:

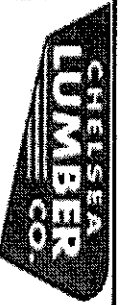
- a) Warranty Deed – showing title transaction bearing Livingston County Register of Deeds stamps, OR
- b) Notarized letter of authorization from seller of property giving the purchaser authorization to sign a Land Use Permit.



PROPOSED is without variance, I would like a 15' VARIANCE from the ROAD, HUBBARD TO GIVE IT A 10' SET BACK VERSUS 25, ONLY 2 HOUSES ARE ON THIS ROAD AND ALL LOTS ARE OWNED + NOT FOR SALE







## CHELSEA LUMBER Quotation Package



### QUOTATION FOR:

Bob Sifton  
Customer Address Not Provided  
Brighton, MI 48118  
Customer Phone Not Provided

### CONTACT:

Jeff Swanson  
1 OLD BARN CIRCLE  
CHELSEA, MI 48118  
800-875-9126

### CONSTRUCTION:

#### DIMENSIONS:

Post Frame  
24' X 30' X 10'

### SPECIFICATIONS FOR 24' X 30' X 10' POST FRAME PACKAGE:

#### • MATERIAL PACKAGE

- Pre-Engineered Wood Trusses (4/12 Pitch, 2' O/C)
- 4 x 6 Treated Eave Posts (8' O/C)
- 4 x 6 Treated Gable Posts (8' O/C)
- 6 x 6 Treated Corner Posts
- 2 x 6 Treated Center Match Skirt Boards (3 Rows)
- 2 x 4 Wall Girts (24" O/C)
- 2 x 10 Top Girt Exterior With A 1.75 x 9.25 Top Girt Interior
- 1/2" OSB on Walls
- 1/2" OSB on Roof
- standard colors ultra 2000 steel Steel Siding w/ 45 -Year Paint Wa
- Standard Colors Ultra 2000 Steel Steel Roof w/ 45 -Year Paint Warr
- Two Bags of Concrete Mix per Post Hole

#### • DOORS & WINDOWS

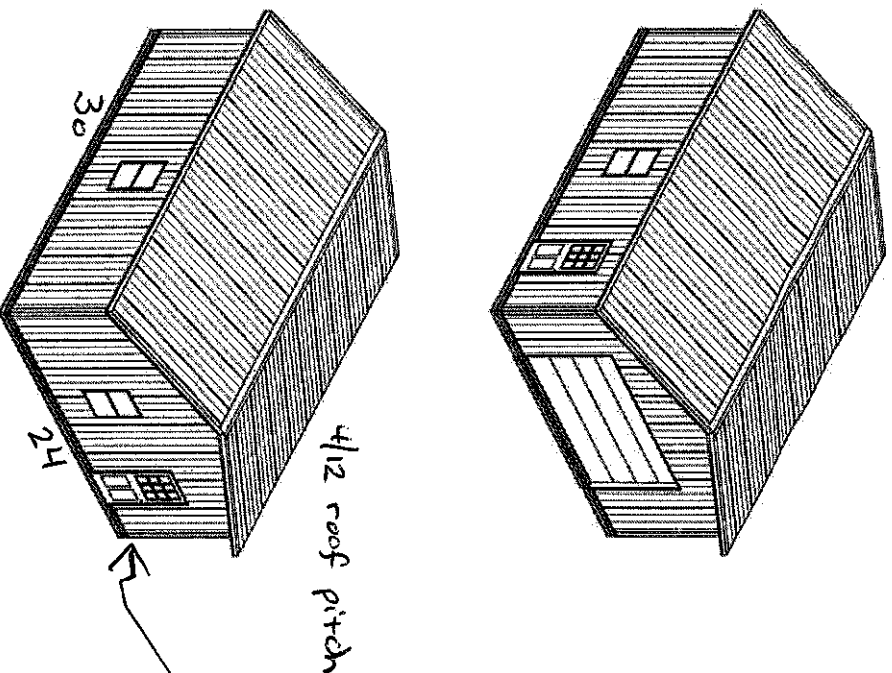
- One Ann Arbor Door 14X8 #600 Oh Door Installed Ins. St
- Two 3' 9 Lite Entry Doors
- Three Jeld-Wen Vinyl Stock 3' x 4' Single Hung Windows

#### • 12" OVERHANG ON ALL SIDES ALUM. SOFFIT

#### • FASTENERS

- 100Ct Std Color 10X1-1/2 Neo Screw for Steel Wall, Roof Panels
- 5/16 X 4 In Lag Screw 100Ct GtK12225 for Truss Carrier
- 4 In. Pole Barn Galv. Ht 5Lb for Skirt Board
- Galvanized Steel Framing Nails

#### • DETAILED BUILDING PLANS



Subtotal

\$23,878.35

Tax

\$988.70

GRAND TOTAL

\$24,867.05

QUOTATION DATE: 6/16/2023

ESTIMATE NUMBER: 40208

Prices are good for 15 days, until 7/1/2023

(CABOR 22 \$1400)

WABOR  
INCLUDES

**From:** [Brittany Campbell](#)  
**To:** [Lisa Perschke](#)  
**Subject:** RE: Variance case #23-0011 scheduled for Wednesday, July 12, 2023 at 7pm  
**Date:** Monday, June 12, 2023 4:07:03 PM

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Hi Lisa - I will not have any issues with this variance request. The pole barn will be constructed on a vacant lot located across the street from 8064 Kildeer Avenue where the property owner lives and where the sewer connection is located. There are no sewer structures on the vacant Parcel #15-13-101-059 that will be affected by this request. I have no objections to this variance request. Thank you.

Brittany

**From:** Lisa Perschke <lperschke@hamburg.mi.us>  
**Sent:** Monday, June 12, 2023 3:48 PM  
**To:** Brittany Campbell <bcampbell@hamburg.mi.us>  
**Subject:** Variance case #23-0011 scheduled for Wednesday, July 12, 2023 at 7pm

Hello,

Your variance case ZBA #23-0011 for 8064 Kildeer Ave is schedule for Wednesday, July 12, 2023 at 7pm in the Hamburg Township Board Room at 10405 Merrill Rd, Hamburg, MI 48139. We will need 6 copies of the building plans and plot plans for the ZBA board asap for this case to be heard.

Please let us know if you have any questions.

Sincerely,  
Planning and Zoning Department