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Supervisor Pat Hohl Clerk Mike Dolan Treasurer Jason Negri Trustees Bill Hahn, Patricia Hughes, Chuck Menzies, Cindy Michniewicz

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## **ZONING BOARD OF APPEALS MEETING**

**Wednesday, November 13, 2024, at 7:00 PM**  
**Hamburg Township Hall Board Room**

### **MINUTES**

#### **CALL TO ORDER**

Chair Priebe called the meeting to order at 7:00 pm.

#### **PLEDGE TO THE FLAG**

#### **ROLL CALL OF THE BOARD**

##### **Members PRESENT:**

Benedict Russell  
Jason Negri  
Joyce Priebe, Chair  
William Rill

##### **ABSENT:**

Brian Ignatowski

#### **CONSENT AGENDA**

**Approval motion** by Member Rill, seconded by Treasurer Negri, to approve Zoning Board of Appeals Agenda for tonight as presented.

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

**GENERAL CALL TO THE PUBLIC-** No public response.

## CURRENT BUSINESS

### 1. ZBA 2024-0008

Owner: Cumnueng Henry

Location: 3255 Orchard Dr

Parcel ID: 4715-20-110-034

Request: Variance application to permit the construction of a new detached two car garage. Applicant requests a variance from the required front setback, per Section 36-171 (D)

Chair Priebe invited the applicant to come to the podium. He stated that he is seeking a 3 ft front yard setback instead of the required 15 ft setback when abutting a body of water. This is a lake lot which has very limited space, so we are trying to utilize the front yard for the size garage that we need.

Chair Priebe invited David Rohr, the Planning and Zoning Director to discuss the staff report and the variance case requesting a variance of 12 feet from the streetside property line. The existing garage is currently 2 ft from the streetside property line. The new 2-car detached garage will be setback 3 ft from the street.

Chair Priebe asked David to clarify the difference between a notation of the garage's dimensions which stated the garage would be 24 ft X 30 ft verses the site plan drawing of the garage which shows 25 ft X 22 ft, which don't match. David stated that he based his report on the site plan drawing and did not consider any garage dimension notations on the drawing. The drawing shows the lot is 44 feet wide, where there would be 10 ft from the east side property line and 5 ft from the west side property line. He said that the applicant could address her question.

Chair Priebe asked the applicant to come up to the podium to discuss this issue. The applicant said he had an updated, unprofessional drawing that he brought up to Chair Priebe. David asked the applicant if the garage was 24 ft wide, then he would have 10 ft from the east side property line still. Priebe asked the applicant if he would still be 3 ft from the street. He said yes. She asked him if the garage will be 30 ft in length, then how far would it be from their home. The applicant said the garage would be 15 ft from the home. Treasurer Negri reviewed the new submitted drawing at the table, and Priebe shared the drawing with Member Russell. Negri asked if David had a chance to review the new drawing and he said he had not. Russell walked the new drawing to David. Negri asked David if this new submittal would require any additional variances from the side setback requirements of the Zoning Ordinance. David confirmed since the garage width was now 24 ft, he would not need a variance from any of the side setbacks. David gave Member Rill the drawing and he handed it over to Negri.

Chair Priebe opened the call to the public for this variance case.

- Steve Harrison -3245 Orchard Dr- stated that he has no issue and is supportive with this variance request.

No other public response so Chair Priebe closed the call to the public section.

Chair Priebe asked the applicant to come back to the podium. She stated that it was good that he would be moving the new garage back 1 ft thus making it more compliant. She asked the other ZBA members if

they had any questions or comments. Treasurer Negri stated that the other homes on their road had garages that were very close to the streetside property line too.

**Approval motion** by Treasurer Negri, seconded by Member Rill, to approve variance application ZBA 24-0008, to permit the construction of a detached two-car garage. Applicant requests a 3-foot variance from the required front yard setback of 15 feet., per Section 36-215(3) 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.

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

**2. ZBA 24-0009**

Owner: Robert & Brandi Straker

Location: 11347 Pleasant View Dr

Parcel ID: 4715-31-201-014

Request: Variance application to permit the construction of an addition. Applicant requests a variance from the required side setback, per Section 36-171 (D).

Chair Priebe invited the applicants to come to the podium. Brandi stated that they were seeking a 3.5 ft variance from the west side setback from their home. The proposal would not be going closer to the front or rear property lines, but just continue the distance that their current home is from the west property line which is 6.5 ft from the west side property line. They need to square off the home to allow for a second bathroom and closet. The current bedroom has 7 ft ceilings which is a hardship for the husband who is tall. The current bathroom has a 23-inch doorway which doesn't allow for wheelchair access. The home to the west of their parcel is staggered so it wouldn't be close to this addition. On the east side, the home is 14.4 ft from the side property line. Chair Priebe mentioned they might want to take down the fence, and Brandi said that was their plan since the fence was in bad shape.

Chair Priebe invited David Rohr to present his staff report on this variance case. David stated that the applicants want to age in place and with these modifications, they would be able to. According to the site plan submitted, the closest point to the west side property line is 6.6 ft. David clarified that only a 3.4 ft variance would be needed.

Chair Priebe opened the call to the public for this variance case.

- Jason their builder came up to the podium to explain that he was there to assist them with this addition, and he had built their pole barn. He could answer any questions that the ZBA members had.

No other public response so Chair Priebe closed the call to the public section.

Chair Priebe stated that this was a unique piece of property, since it is angled, which makes building anything very difficult to fit on the parcel. Priebe stated that the applicants had several letters from their neighbors of support for this variance, one of which was Hamburg Trustee Pat Hughes and her husband Ron. And a letter of support from Michael and Dianna Brunner.

Treasurer Negri asked David a clarifying question regarding the distance being requested for this variance would keep this home within its existing nonconformity, but it will not lessen the nonconformity. David said this request is just squaring off the home and not increasing the nonconformity of the existing home without adding odd angles to the home. Chair Priebe showed him her drawing. Chair Priebe asked the ZBA members if they had any questions or other comments.

**Approval Motion** by Member Rill, seconded by Member Russel, to approve variance application ZBA 24-0009 at 11347 Pleasant View Dr. TID 15-31-201- 014. Applicant requests a 3.4-foot variance from the required side setback of 10 feet., per Section 36-171(D).

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.

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

## **APPROVAL OF THE MEETING MINUTES**

**Approval motion** by Treasurer Negri, seconded by Member Russell, to approve the 10-9-2024 ZBA Meeting Minutes as presented.

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

## **Zoning Administrator's Report**

1. No agenda items for December.
2. David considering doing an end-of-the-year review meeting with each individual board rather than doing a joint meeting together. This process would help David dig in with a more focused look at the zoning ordinance with each body.
3. We are on an annual cycle to renew the chair, vice chair and secretary board members for both the ZBA and the PC. David said he will implement a January 1<sup>st</sup> cycle for this board renewal process.

4. Treasurer Negri mentioned training of the ZBA board members. Negri said maybe on the second Wednesday of the month if there are no variance cases, then that might be a great time for training. David said he had sent but he could resend MTA and MSUE trainings that are offered to ZBA members. David said he could go over what constitutes practical difficulties and such at such meetings.
5. Negri also asked that when ZBA members go out to visually inspect an upcoming variance case site, he asked if the applicant gives them permission to go onto their property to prepare for the case. David said the zoning ordinance explicitly states that we, the ZBA board members, have legal right to be on the ZBA applicant's property if they have submitted for a variance. David stated that members should pick a normal time to view the property. Chair Priebe asked the ZBA members if they had a ZBA member badge to wear while onsite. Everyone said no. She said that Brenda used to make these badges. David said he will make sure to get everyone a badge. Priebe said she keeps her badge in her car, and she clips it on to her coat when she gets out to visually inspect the site. Member Rill asked if the board members should knock on the door to announce their presence. David said not necessarily but it is not a bad idea. Priebe mentioned that it is not good to engage with the homeowner, as this could constitute as swaying your vote.

#### **ADJOURNMENT**

**Approval motion** by Member Rill, seconded by Member Russell to adjourn at 7:27 pm.

**Voice Vote: Ayes: (4)**

**Absent: (1) Member Ignatowski**

**VOTE: MOTION CARRIED**

Respectfully submitted,

**Lisa Perschke**

*Planning/Zoning Coordinator & Recording Secretary*

**David Rohr**

*Planning & Zoning Director*

The minutes were approved as presented/corrected: \_\_\_\_\_

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Joyce Priebe, Chair