

Hamburg Township

Planning Commission Zoning Board of Appeals Planning & Zoning Department



2025 Annual Report

**Prepared by: Planning & Zoning Department Staff
January 30, 2025**

Introduction

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Planning Commission

Purpose

The Hamburg Township Planning Commission reviews and approves site plans, special use permits, planned unit developments, zoning text and map amendments, and master plans. The Planning Commission advises the Township Board concerning site plans, zoning text and map amendments, and the Master Plan.

Members

Chair: Jeff Muck

Township Board Representative: Patricia Hughes

ZBA Representative: Joyce Priebe

Member: Ron Muir

Member: John Hamlin

Member: Victor Leabu

Member: Deborah Mariani

2025 PC Meetings

<u>PC Case Number</u>	<u>Applicant/Parcel ID/Address</u>	<u>Project Description Considered</u>	<u>Result / Status</u>
January 15, 2025 – No Meeting			
February 19, 2025			
		Parliamentary procedures discussion	Discussion
		Master Plan- five-year review discussion	Discussion
March 19, 2025			
	Five Year Master Plan Review	The Michigan Planning Enabling Act (MCL 125.3845(2) requires each community to review its master plan every five years to determine if it needs to be amended.	No amendments recommended
April 16, 2025 – No Meeting			
May 21, 2025			
	Conceptual Review E. M-36 PUD	The proposed project will utilize the General Planned Unit Development (GPUD) regulations (Section 36- 439). The project location is zoned Village Commercial (VC). The proposed project includes a mix of duplexes (12 units), multi-family (48 units), and single-family homes (69 units). Overall density will be 129 unit/39.45 acres = 3.3 units/acre. Access to the parcel will be provided by two ingress/egress easements off of M-36. The parcel has extensive wetlands on the south side which will remain as open space. A possible connection to the lakelands trail may also be possible.	No formal action taken

		Village Center Master Plan – Five-year review	
June 18, 2025 – No Meeting			
July 16, 2025			
	Five Year Village Center Master Plan Review	The Michigan Planning Enabling Act (MCL 125.3845(2) requires each community to review its master plan every five years to determine if it needs to be amended.	Discussion
August 20, 2025			
	Election	Election of Planning Commission Chair and Vice-Chair.	
<u>SPA23-0001</u>	7749 E. M-36	The proposed facade modifications affecting the eastern facade. The proposed changes include: • New awnings over all entrance doors. • Removal of awnings over garage doors and painting doors a darker color	Approved
	Five Year Village Center Master Plan Review	The Michigan Planning Enabling Act (MCL 125.3845(2) requires each community to review its master plan every five years to determine if it needs to be amended.	Establish working group
September 17, 2025			
<u>PPAM24-0001</u>	10564 Learning Lane	Request to extend site plan approval for GPUD 24-0001 (Crossing at Lakelands Trail) for one year.	Recommend Extension
October 15, 2025 – No Meeting			
November 19, 2025			
<u>PMSP25-0001</u>	10564 Learning Lane	PMSP25-0001 Site Plan Amendment (The Crossing at Lakelands Trail)	Recommended Approval
<u>PZTA25-0001</u>	Zoning Amendment	Change the zoning of the parcel commonly known as 10405 Merrill Rd. (TID 4715-26-100-028) East, from Medium Density Residential (RA) to Public & Private Recreational Facilities District (PPRF). Change the zoning of the parcel commonly known as 10405 Merrill Rd. (TID 4715-26-100-023) West, from Medium Density Residential (RA)/Natural Rivers (NR)/Waterfront Residential (WFR) to Public & Private Recreational Facilities District (PPRF).	Recommended Approval

Five Year Village Center Master Plan Review	Village Center Master Plan Working Group review and recommendation.	No amendments recommended
December 18, 2025 – No Meeting		

Zoning Board of Appeals

Purpose

Variance approval from the Zoning Board of Appeals is necessary when a proposed project does not comply with the bulk and setback standards of the ordinance. The ZBA may also issue interpretations of the Zoning Ordinance and hear appeals of the activities of the Zoning Administrator. Below is a summary of the variance process:

1. The variance or ordinance interpretation application and project plans are submitted to the Planning and Zoning Department at least four weeks prior to the ZBA hearing.
2. After review to ensure the application is complete, staff prepares legal notices that are mailed to adjoining property owners and occupants within 300 feet of the subject site; legal notice is published in the Press and Argus. Legal notice must be made 15 days prior to the hearing.
3. Staff prepare the report and exhibits. The staff report packet is published 7 days prior to the hearing; board members and applicants receive the packet via email.
4. Staff prepare the meeting room and attends the board meeting.
5. After hearing, staff prepares memorialization of findings for board approval at next hearing.

Members

Chair/PC Representative: Joyce Priebe

Township Board Representative: Jason Negri

Member: Brian Ignatowski

Member: Bill Rill

Member: Ben Russell

Meetings

The number of variance applications per year has fluctuated based on multiple factors such as the health of the economy, the constrained size of waterfront lots available for residential construction, code enforcement activity, and staff working with homeowners to design a project that would comply with the ordinance.

2025 ZBA Meetings

<u>ZBA Case Number</u>	<u>Owner/Applicant/Parcel ID/Address</u>	<u>Project Description/Variance Requested/Appeal</u>	<u>Result / Status</u>
January 8, 2025 - No Meeting			
February 12, 2025 - No Meeting			
<u>ZBA 25-0001</u>	11347 Pleasant View Dr.	Variance application to permit the construction of a rear yard addition. Applicant requests a variance from the required side setback, per Section 36-171(D).	Granted
March 12, 2025			

<u>ZBA 25-0002</u>	6508 Backshore Dr.	Variance application to permit the construction of a new single-family house. Variance requests include: • Side yard setback, per section 36-171(D) • Rear yard setback, per section 36-171(D) • Front yard setback, per section 36-171(D)	Granted
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April 9, 2025 - No Meeting**May 14, 2025**

<u>ZBA 25-003</u>	9995 Riverview Dr.	Variance application to permit the construction of an addition to existing house. Variance requests include: • Natural Rivers District setback, per section 36-172.1(c)2	Granted
<u>ZBA 25-004</u>	9676 Zukey Dr.	Variance application to permit the construction of an addition to an existing detached garage. Variance requests include: • Accessory structure front setback, per section 36-215(3). • Accessory structure height, per section 36-215(9).	Granted

June 11, 2025

<u>ZBA 24-0005</u>	11519 West Lane	Variance application to permit the construction of a new single-family home. Variance request: • Front setback of 12.5 feet, instead of 25 feet, per section 36-171. (D)	Granted
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July 9, 2025

<u>ZBA 25-0006</u>	8932 Rushside Dr.	Variance application to permit the expansion of the existing sunroom. Variance request: • High-water mark setback per section 36-171(4)	Granted
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August 13, 2025 - No Meeting**September 10, 2025**

<u>ZBA 25-0007</u>	5844 Fernlands Ave.	Variance application to permit construction of a new single-family home. Variance requests: • Front setback, per section 36-171(E) • Rear setback, per section 36-171(E)	Granted
<u>ZBA25- 0008</u>	9217 Riverside Dr.	Variance application to permit the expansion of the front entry. Variance request: • Front setback, per section 36-171(E)	Granted

October 8, 2025 - No Meeting

November 12, 2025

ZBA 25-0009	3168 Nisbet	Variance application to permit construction of a new deck on rear of house. Variance requests: • Ordinary High-Water Mark setback, per section 36-171(D)(*4) • Side setback, per section 36-171(D)Side	Granted
December 10, 2025 - No Meeting			

The table below illustrates the number of cases the ZBA has heard in previous years.

<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
21	12	19	11	9

Planning & Zoning Department

Staff

Planning & Zoning Director: David Rohr

Zoning Coordinator: Lisa Perschke

Code Enforcement Officer / Permit Tech.: Ted Michowski

Land Use Permits

Land use permits are issued by the Township Zoning Department to certify that a project or use meets the standards of the Zoning Ordinance. Land use permits are required for the following projects, including, but not limited to: the erection of a new building, accessory structure or the alteration of an existing structure (i.e.: house, garage, shed, deck, fence, interior remodel, patio, gazebo, porch, pool, generator, etc.), the excavation, alteration or filling of land, a new use or change in use of land or an existing building, home occupations, seasonal sales, and signs. The replacement of a door, window, siding, roof, and gutter work requires a land use permit waiver.

When an applicant applies for a land use permit, the following process is followed:

1. A completed land use permit application is submitted to the Planning and Zoning Department (either in person, or via email or mail), along with three copies of project construction plans and three copies of the site plan. The site plan must accurately show property boundaries, location of grinder pump, well, septic field, and all existing and proposed improvements. The site and project footprint must be staked prior to the submittal of the land use permit.
2. After the application is reviewed for completeness, zoning staff conduct a site inspection, if necessary, depending on the project, to verify the information on the plans. (Repairs, such as siding, windows, and roofs, do not require an inspection prior to issuing the land use permit waiver).
3. The land use permit must be approved by Treasury and Utilities Departments prior to the Zoning Department issuing the permit. Once the permit is approved and issued, the applicant is contacted to pay for and pick-up the approved plans and permit.
4. If required, the applicant files for permits from the Livingston County Building Department.
5. Upon project completion, the applicant must contact the Planning and Zoning Department for a final inspection. Staff will visit the site to verify that the project appears to be built to plan and that all final zoning compliance requirements, such as final grading, removal of construction debris, or drainage management, are complete. Once the inspection is complete, staff contact the building department to inform them that the final zoning inspection has been approved.

2025 Land Use Permits

Hamburg Township issued 668 land use permits in 2025. The following table shows how many permits were issued per month by permit type.

Category	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Issued
Accessory Dwelling Unit													0
Addition		1	2	2	1	2	3		2	1	4	1	19
Alteration, Interior Remodel	2	2	2	2	5	4	3	2	4	6	2	2	36
Bed and Breakfast													0
Change of Use				1		1				2			4
Commercial New Construction	1	1	1										3
Commercial Tenant Improvement													0
Deck	1	1	2	9	8	5	3	3	4	5	4	2	47
Demolition													9
Fence		1	4	4	2	6	1	3	4	1	2	3	31
Garage			1	3	1	3	3		1	1			13
Grading													0
Home		1	4	1		2	2	2	2	4		1	19
Home Occupation				1									1
Mechanical Equipment	7		4	6	5	3	11	10	11	6	5	2	70
Mobile Home													0
Multi-family													0
Other	1	1	4	4	8	2	2	1	2			3	28
Patio						1		1	1	1			4
Pole Barn	1			3	1	4	2		1	1	1		14
Pool, above ground				2		1				1			4
Pool, inground					2	1				1			4
Porch	2					1	1				1		5
Repair, Reroof, Windows	16	10	34	42	36	34	29	31	19	20	19	10	300
Seasonal Sales						1			1			1	3
Seawall						1					1		2
Shed			1	4	4	1	3	2	3	3	1		22
Short Term Rentals	5		1	4	1						1		12
Sign		1		1	1	1				1	1		6
Solar Panels		1			3	1		2		2	1		10
Temporary Building or Use									1				1
Wireless Communication Facilities		1											1
TOTALS:	37	21	62	92	78	74	64	58	58	57	42	25	668

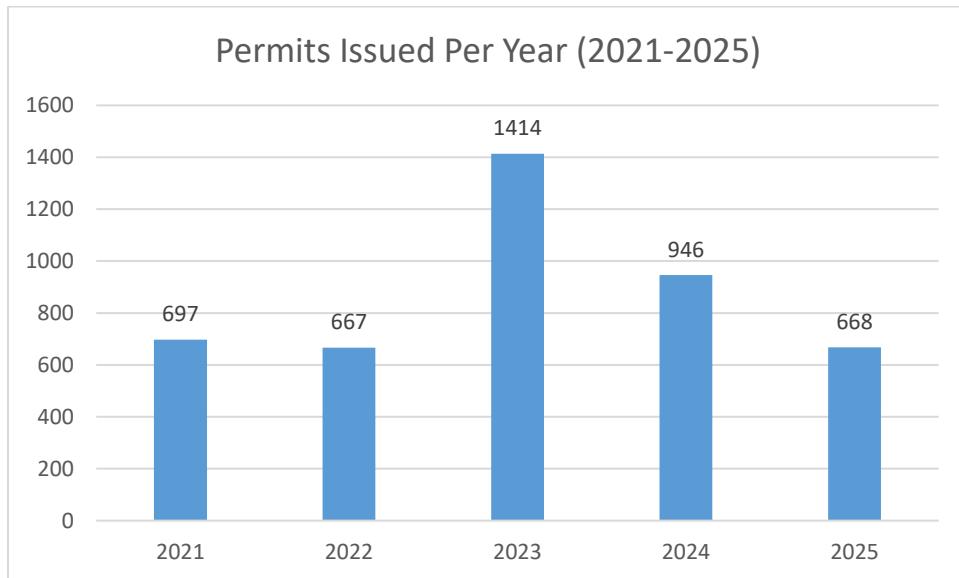
Land Use Permits Issued per Year:

2025

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
37	21	62	92	78	74	64	58	58	57	42	25	668

2024

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
50	57	99	92	103	110	107	84	81	70	56	37	946



From 2024 to 2025 there was a 29% decrease in the number of total land use permits issued (decrease of 278 permits). The decrease in the number of permits issued came after a historic two-year increase. Staff encountered no significant operational disruptions and anticipate a similar number of permits in 2026.

Code Enforcement

Ted Michowski, Code Enforcement Officer **2025 New Code Enforcement Complaints**

Type	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Total
Accessory Structure													
Animals		1	1	1			1		1		1	1	6
Blight		1	2	2	2		7		6	4	2	3	29
Building no Permit	1			1			2	1	3	2	1		11
Business – not permitted			2						1				3
Grading – no permit						2			1				3
Commercial vehicles – not permitted			1					1					2
EGLE Permit required							1						1
Dumping					1			1					2
Fence Violation									1				1
General Nuisance			8						1		1	1	11
Illegal Storage													0
Illegal Temp. Structure						1							1
Illegal Yard Sale													0
Lighting Violation				1					1			2	4
Other			2			1	1			1	3		8
Outside Storage					1				1				2
Seawall Permit Req.								1					1
Sign Violation				1									1
Structure in ROW													0
Tall Grass/Weeds					1	1		2	2				6
Temporary Structure									1				1
Unlicensed Inoperable Vehicle		1		1			2		2	2	2	2	12
Unsafe Structure								1					1
Total													105

Code Enforcement

The position of Code Enforcement is much more labor intensive requiring multiple trips to the subject property, inspect/confirm, take photographs, meet with the property owners, meet with neighbors, post notices/send letters, if necessary, prepare violations and lastly, when necessary, court appearance. The existing policy in Planning & Zoning is complaint based, meaning I respond when a resident/passer-by feels aggrieved. There are complaint forms at the front desk, or we take phone complaints, and many are also received through emails. We also accept and investigate anonymous complaints. There are two exceptions to the complaint required code enforcement action: building without a permit and activity in the wetlands. I will investigate buildings without permits because unpermitted construction could constitute a danger to public safety and welfare and is more expensive for the property owner to correct after-the-fact. Unpermitted activity in the wetlands not only could constitute a drainage or flooding hazard for adjacent properties but is also extremely expensive to remediate after-the-fact if the activity does constitute a violation of local and state laws.

Issuing violations is a last resort as residents are given a minimum of three warnings before a violation is written. Please note that each progressive step necessitates a separate trip to the property to check on compliance. Typically, residents eventually conform to the ordinance after a letter or meeting. Some are closed quickly with an educational meeting related to the ordinance and why it is in place and the impact it has on one's quality of life. Pursuing frequent violators is expensive if we must engage our township attorney to begin court proceedings. Code enforcement works with the property owner to comply, which results in a more positive outcome for the owner and the township.

We must remember that the complainant is also typically a township resident. Many times, a resident/complainant does not like the lifestyle of their neighbor and wants to impose their life's standard on the neighbor. This is where diplomacy is important. Acknowledging the frustration of the complainant, while educating them about the ordinance and the limits of my enforcement arm. Some complaints simply are not enforceable.

A Code Enforcement Officer is a mediator. Think about how many times a typical resident has some sort of interaction with a township representative. Each of us can articulate in every detail about our last interaction with a police officer, fire marshal, zoning official, building inspector. They do not occur very often and should have a positive impact on the residents. For the complainant, it was important enough to take time out of their day to file a complaint, even though it may appear very petty at times. For the violator, you may be asking them to remove or dispose of their personal property, rearrange their yard which may be conceived as violating their personal space.

Code Enforcement Process

- 1) Received Code Compliance Request Form via in person, written, phone or email.
- 2) Create a code enforcement file in BS&A where it is assigned a number. Visit the site, speak with homeowner, (if they answer the door), verify a code violation, and take pictures. Return to the office and write a warning letter, file scan letter and update BS&A file. Typically, a resident is given 14 days to rectify the violation.
- 3) Revisit site after 14 days have passed. If the violation still exists, more pictures may be warranted, another attempt to speak with the resident, a second notice is prepared and mailed, and the computer is updated.
- 4) Revisit site again to see if the violation still exists, more pictures may be warranted, another attempt to speak with the resident.
- 5) Revisit the site after the time has passed. If the conditions have not improved or worsened a third and final letter is prepared. This letter is sent as certified mail with return receipt or hand delivered. The letter clearly indicates this is the **final** warning.

- 6) After the time period has elapsed, a civil infraction violation is prepared as an E-ticket. If personal service cannot be made a copy is mailed first-class mail and an additional copy is posted on the property per the Civil Infraction Ordinance #71.
- 7) Once the court appearance date has passed and the property owner has not addressed the initial violation the ordinance does provide for another violation to be written. The second violation assesses the fine at twice the listed amount in the ordinance.
- 8) Prior to any court proceeding, another pass is made by the location in question where pictures are taken depicting the condition of the property.

(These are recommended steps. Each complaint is handled in the best interest of all individuals involved.)

2025 Goals

1. Prioritize blighted properties.
2. Continuing to familiarize myself with the Zoning Ordinances.
3. Assist each resident, make every home or business a little better for each of their neighbors in Hamburg Township.

Land Divisions, Boundary Adjustments, and Combinations

In 2024, staff processed applications for 13 applications. However, there are some applications that are still pending, either for incorrect legal descriptions, surveys required, or for delinquent taxes. There was an increase in the number of land divisions processed due to the splitting of several larger parcels.

	<u>2025</u>	<u>2024</u>	<u>2023</u>
<u>Lot Combinations</u>	5	8	7
<u>Land Divisions</u>	1	3	0
<u>Boundary Adjustments</u>	0	2	5

This is the process for applying for a land division, combination, or boundary adjustment:

1. An application for a division, combination, or adjustment is submitted to the Planning and Zoning Department.
2. Planning staff review the application to ensure that it complies with G.O. 95A and the Land Division Act (for land divisions).
3. Planning staff distributes the application materials to the Assessing, Utilities, Treasury, and Accounting Departments.
4. Once the departments have signed off on the application, planning staff gives the approved application to the Assessing Department for processing, which includes assignment of a property identification number and preparation of final paperwork.
5. The Assessing Department staff sends an approval letter and necessary paperwork to the applicant.

Floodplain Activity

The flood-inundation study and maps, prepared in cooperation with U.S. Army Corps of Engineers, Hamburg Township and Green Oak Township, have been released to Hamburg Township. According to the USGS website “Digital flood-inundation maps for an 8-mile (mi) reach of the Huron River near Hamburg, Michigan (station number 04172000), from downstream of Rickett Road to Strawberry Lake, were created by the U.S. Geological Survey (USGS), in cooperation with Green Oak and Hamburg Townships, Michigan, and the U.S. Army Corps of Engineers. The flood-inundation maps also include a 1.16-mi reach of the Ore Lake Tributary until it joins the Huron River, approximately 2.22 mi downstream of Rickett Road. The flood-inundation maps, which can be accessed through the USGS Flood Inundation Mapping Science website at http://water.usgs.gov/osw/flood_inundation/, depict estimates of the areal extent and depth of flooding corresponding to selected water levels (stages) at the USGS stream gage on the Huron River near Hamburg, Michigan (station number 04172000). Near real-time stages at this stream gage may be obtained on the Internet from the USGS National Water Information System at <http://waterdata.usgs.gov/> or the National Weather Service (NWS) Advanced Hydrologic Prediction Service at <http://water.weather.gov/ahps/>. The NWS Advanced Hydrologic Prediction Service also provides forecasted flood hydrographs at this website.”

When property owners ask the township whether or not a property is in the floodplain, typically what they want to know is whether they will be required to purchase flood insurance. Flood insurance is required for structures in the floodplain that carry a federally back mortgage. However, for insurance requirements for these mortgages, FEMA cares only about the floodplain they have identified--the special flood hazard area (SFHA). FEMA defines the SFHA as that area that will be inundated by a flood event having a one percent chance of being equaled or exceeded in any given year; this area is commonly referred to as the 100-year flood or the base flood.

FEMA’s Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study (FIS) identify the 100-year flood zones and the base flood elevations for the flood zones. FEMA defines the base flood elevation (BFE) as “the computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles. The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure’s elevation determines the flood insurance premium.”

FEMA adopted the SFHA maps, or the 100-year flood zone maps, for Hamburg Township in 2008; the 2008 maps replaced maps that were originally adopted in 1986. The township relies heavily on the FIRM and the FIS to determine the BFE and if further floodplain information is required by the property owner. The scale of FEMA’s maps is 1:1,000, making using the maps at the parcel level nearly impossible. When there is a question as to whether or not the structure or property is within the SFHA, staff asks for a topographical survey. A topographical survey shows the elevations of the existing structure, the lowest adjacent grades to the structure, the finished floor elevation, and most importantly, the limit of the BFE. If it clear from the FEMA map that the structure is located in the SFHA, we require that an elevation certificate be submitted. The elevation certificate is a FEMA document that is filled out by a surveyor or engineer and provides critical information about the structure’s location in or out of the floodplain.

Michigan Residential Building Code regulates floodplains based on elevations and not the SFHA and requires that a home in the floodplain be elevated at least one foot above the BFE; this elevation is called one-foot freeboard. The one-foot freeboard requirement applies to new construction as well as lateral additions to existing homes. (An accessory structure, because it has a different insurance rating than a home, has different elevation requirements.)

There is only one way to determine if a structure is truly in the floodplain based on elevations and that requires a topographical survey. Once the determination has been made that the structure is in the floodplain—whether by

the mapped SFHA or by elevation, an elevation certificate is required at three points during the construction process: prior to receiving a land use permit; when the foundation is installed and prior to vertical construction; and prior to final certificate of occupancy.

Hamburg Township property owners are able to purchase flood insurance policies because we participate in the National Flood Insurance Program (NFIP). The NFIP underwrites flood insurance coverage only in communities that adopt and enforce floodplain management regulations through an ordinance that meets or exceeds NFIP criteria. Because we participate in the NFIP, it is essential that the township enforce our floodplain ordinance for every property in the SFHA.

Our ordinance mirrors the Michigan building requirement that all substantial improvements of residential structures shall have the lowest floor elevated at least one foot above the BFE. FEMA defines a substantial improvement as any improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure prior to commencement of the improvement.

CRS Activity

The township voluntarily participates in NFIP's Community Rating System. CRS is an incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Because of our participation in the CRS and because we undertake additional regulatory activities, such as the one-foot freeboard requirement, Hamburg Township property owners are able to purchase flood insurance at a discounted premium rate. Every part of our participation in the CRS program is administrative; residents do not know that we undertake these activities on their behalf to reduce their flood insurance premiums.

The township earns points for various administrative activities, such as sending floodplain informational letters to lenders, realtors, and insurers; sending informational letters to homeowners in the repetitive loss areas of the township; maintaining elevation certificates for every project in the SFHA; updating our flood maps; and ensuring that projects in the SFHA are properly permitted. Changes to the 2021 and 2023 CRS User Manual reduced the number of points Hamburg had received in the previous certification cycle, moving the Township from class eight to class nine. As a class nine CRS community homeowners receive a five percent discount on flood insurance premiums.

MS4 Activity

"The goal of the Municipal Separate Storm Sewer System (MS4) program is to reduce the discharge of pollutants to surface waters of the State. An MS4 is a system of drainage (including roads, storm drains, pipes, and ditches, etc.) that is not a combined sewer or part of a sewage treatment plant. During wet weather, pollutants are transported through MS4s to local water bodies."

Hamburg Township operates three discharge points and is in the process of updating the Township MS4 permit. The Township has been operating on an extended MS4 permit since 2015. The Planning department is coordinating with the Township Supervisor, Utilities department, Livingston County Drain Commission, and the Huron River Watershed Council to submit an updated MS4 permit application. Staff from the Department of Environment, Great Lakes, and Energy (EGLE) will be at the Township in mid-February for an application review.

Staff Training & Professional Activities of 2025

The planning department attended the following training and continues to be involved in the following professional activities:

- February -March 2025: MSUE ZBA online certificate.
- Master Citizen Planner 2025 Recertification
- December 2025: FEMA floodplain training.
- Planning and Zoning Essentials (MAP training)