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

ZONING BOARD OF APPEALS MEETING

Wednesday, January 10, 2024, at 7:00 PM

Hamburg Township Hall Board Room

MINUTES

CALL TO ORDER

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

PLEDGE TO THE FLAG

ROLL CALL OF THE BOARD

Members PRESENT:

Brian Ignatowski
Jason Negri
Joyce Priebe, Chair
William Rill

ABSENT:

Craig Masserant

CONSENT AGENDA

Approval motion to approve Zoning Board of Appeals Agenda for tonight as presented was made by Treasurer Nigri, supported by Member Ignatowski.

Voice Vote: Ayes: (4)

Absent: (1) Member Ignatowski

VOTE: MOTION CARRIED UNANIMOUSLY

CALL TO THE PUBLIC- No public response

CURRENT BUSINESS- VARIANCE REQUESTS

1. ZBA 2023-0016

Owner: Nicholas & Sandra Mastenbrook
Location: 8728 Pleasant Lake Drive
Parcel ID: 4715-14-301-017
Request: Variance application to permit the construction of a patio roof on the lakeside of the home. Applicant requests a 22-foot variance from the required waterbody setback of 50-feet, per Section 36-293 (C)(2) b.

Chair Priebe invited the applicant to the podium to present their variance request. Due to the loss of a mature tree in the rear yard (lakeside) the residents need shade for their rear patio. Their proposal would be to take their current overhang over the patio and extend the coverage by an additional 5 feet. Chair Priebe asked David to present his staff report on this case.

David presented the 7 Standards of Review and explained that staff finds that practical difficulty exists on this site and strict compliance with the Hamburg Township Zoning Ordinance would render conformity unnecessarily burdensome due to the shape and size of the land. Treasurer Negri asked for clarification regarding the overhang versus the supporting post distance from the OHM (highwater mark) of the lake. David and the applicant stated that it is usually the posts where the distance from the OHM is noted, not the overhang of the roof line.

Chair Priebe opened this public hearing to the public for this ZBA case.

1. **Jerry Bennett**- lives at 8820 Hendrick Dr, Brighton came up to the podium to speak on this case. He stated that he supported this project. Due to the recent storm this summer, he stated that he has lost 3 mature trees, so he is experiencing the same issues with shade as Nicholas Mastenbrook.

No other audience members wanted to speak on this case so Chair Priebe closed the public comment session. Member Ignatowski stated that Treasurer Negri had a great question. He also asked the applicant if it was Jerry Bennet that wrote his letter of support. The applicant said yes and explained how they connected regarding the support of this issue. Treasurer Negri asked the applicant for clarification regarding the letter of support of all of the nearby neighbors. He wanted to know if any nearby neighbor's use and enjoyment of the property will be impacted by this project. Chair Priebe positively commented on the applicants designs.

Approval motion by Member Ignatowski, seconded by Member Rill, to approve variance application ZBA 23-0016 at 8728 Pleasant Lake Dr. (TID 15-14-301-017) 22-foot variance request from the required 50-foot waterbody setback, per Section 36-293 (C)(2) b.

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 Masserant

VOTE: MOTION CARRIED UNANIMOUSLY

2. ZBA 2023-0017

Owner: Scott Greenhalgh
Location: 10910 Bob White Beach
Parcel ID: 4715-27-401-037
Request: Variance application to permit the construction of a 24x40 foot pole barn on the out parcel across from the principal home. Applicant requests three variances; 1) variance of 11.2 feet from the required front yard setback of 25 ft., per Section 36-186(F). 2) variance of 37.8 feet from the required wetland setback of 50 feet., per Section 36-293(C)(2) a. 3) variance for additional 160 sq ft from the maximum accessory structure size allowed of 800 sq ft, per Section 36-215(10).

Chair Priebe opened this public meeting to the applicant to present their variance request. Scott said that he currently has a very small barn that is falling apart. The previous homeowner had a ZBA approval to build a very large garage with an apartment above it. Scott said that he ensured to put his proposed garage in the same area as his neighbors to the east and west. The proposed pole barn will match the house onsite.

Chair Priebe opened the meeting to David to read through his staff report and provide the 7 Standard of Review. David stated that staff finds that practical difficulty exists on this site and strict compliance with the Hamburg Township Zoning Ordinance would render conformity unnecessarily burdensome due to the shape and size of the land. When David was finished, Chair Priebe opened the public hearing to the public for this ZBA case.

Approval motion by Member Rill, supported by Member Ignatowski, to approve variance application ZBA 23-0017 at 10910 Bob White Beach. (TID 15-27-401-037) Three variances:

- 1) variance of 11.2 feet from the required front yard setback of 25 ft., per Section 36-186(F).
- 2) variance of 37.8 feet from the required wetland setback of 50 feet., per Section 36-293(C)(2) a.
- 3) variance for additional 160 sq ft from the maximum accessory structure size allowed of 800 sq ft, per Section 36-215(10).

The variances meet 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 Masserant

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF THE MEETING MINUTES

Approval motion by Member Ignatowski, supported by Treasurer Negri, to approve the ZBA October 11, 2023, Meeting Minutes as presented.

Voice Vote: Ayes: (4) Absent: (1) Member Masserant

VOTE: MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

Approval motion made by Member Rill, Seconded by Treasurer Negri to adjourn at 8:29am.

Voice Vote: Ayes: (4)

Absent: (1) Member Masserant

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Lisa Perschke

Planning/Zoning Coordinator & Recording Secretary

David Rohr

Planning & Zoning Director

The minutes were approved as presented/corrected: _____

Joyce Priebe, Chair