



Zoning Board of Appeals Staff Report



TO: Zoning Board of Appeals
(ZBA)

FROM: David Rohr

HEARING DATE: March 13, 2024

SUBJECT: ZBA 24-002

PROJECT SITE: Single Family Home
6365 Riverdale.

TID 15-23-306-020

OWNER: Dave & Joey Groh

APPLICANT: Brunell Construction
Services

PROJECT: Variance application to permit the construction of an addition, second story and deck. Applicant requests four variances.

1) 85-foot variance from the required 125 feet natural rivers setback, per section 36-175(e)(1).

2) 1.7-foot variance from the required side yard setback of 10 ft., per Section 36-186(G).

3) 2-inch variance from the required side yard setback of 10 ft., per Section 36-186(G).

4) 3.6-foot variance for 10 feet building to building requirement, per Section 36-215(4).

ZONING: Split Zoning: Natural Rivers (NR) & Waterfront Residential (WFR)

Project Description

The subject site is 6,294 sq ft with an existing 768 sq ft house and 460 sq ft garage. The parcel has access from the east by Riverdale Dr, single family homes to the north and south, and Huron river to the west.

The applicant intends to add a second story to the existing structure and a single-story addition to the south of the existing home. A new deck on the riverside is also proposed. Because of the nonconforming nature of the structure and parcel, the applicant is requesting the four vacancies listed above.

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 with the Huron river to the west of the parcel. The proximity to the river makes it difficult to place a structure compliant with the Zoning Ordinance standards so there is validity to granting relief to the property. The applicant's parcel has an extremely limited buildable area due to the natural river's requirements. Staff supports the variance requests.

- 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 necessary for the preservation and enjoyment of a substantial property right, as there is no buildable area 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.**

The variance setback requests are not likely to be materially detrimental to the public welfare or materially injurious to the property or improvements in the district.

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. Granting of these variance request will not adversely affect the master plan.

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 not of a general and recurrent nature. This is a small parcel with no buildable area.

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 addition, size and location will have minimal impact on the surrounding properties. Staff believes the location of the proposed structure is well placed and will have minimal impact on the surrounding residents.

“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 24-002 at 6365 Riverdale Dr. (TID 15-23-306-020)
Four variances:

1) 85-foot variance from the required 125 feet natural rivers setback, per section 36-175(e)(1).

- 2) 1.7-foot variance from the required side yard setback of 10 ft., per Section 36-186(G).
- 3) 2-inch variance from the required side yard setback of 10 ft., per Section 36-186(G).
- 4) 3.6-foot variance for 10 feet building to building requirement, per Section 36-215(4).

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.

Denial Motion

Motion to deny variance application ZBA 24-002 at 6365 Riverdale Dr. (TID 15-23-306-020)

Four variances:

- 1) 85-foot variance from the required 125 feet natural rivers setback, per section 36-175(e)(1).
- 2) 1.7-foot variance from the required side yard setback of 10 ft., per Section 36-186(G).
- 3) 2-inch variance from the required side yard setback of 10 ft., per Section 36-186(G).
- 4) 3.6-foot variance for 10 feet building to building requirement, per Section 36-215(4).

The variances do 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