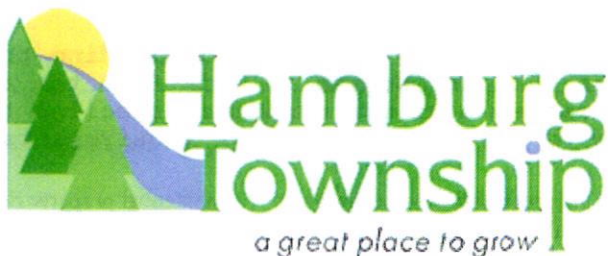


ZBA Case Number 26-0004FAX 810-231-4295  
PHONE 810-231-1000P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139

**APPLICATION FOR A ZONING BOARD OF APPEALS (ZBA)  
VARIANCE/INTERPRETATION  
(FEE \$500 plus \$50 each additional)**

1. Date Filed: \_\_\_\_\_
2. Tax ID #: 15- 21405016 Subdivision: Shan-gri-la subax no 4 Lot No.: \_\_\_\_\_
3. Address of Subject Property: 9704 Kress Rd.
4. Property Owner: 9704 Kress Holdings LLC Phone: (H) \_\_\_\_\_  
Email Address: \_\_\_\_\_ (W) \_\_\_\_\_  
Street: 16617 Riverside St City Livonia State MI
5. Appellant (If different than owner): \_\_\_\_\_ Phone: (H) \_\_\_\_\_  
E-mail Address: \_\_\_\_\_ (W) \_\_\_\_\_  
Street: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_
6. Year Property was Acquired: 2025 Zoning District: ns Flood Plain \_\_\_\_\_
7. Size of Lot: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side 1 \_\_\_\_\_ Side 2 \_\_\_\_\_ Sq. Ft. \_\_\_\_\_
11. Dimensions of Existing Structure (s) 1st Floor \_\_\_\_\_ 2nd Floor \_\_\_\_\_ Garage \_\_\_\_\_
12. Dimensions of Proposed Structure (s) 1st Floor \_\_\_\_\_ 2nd Floor \_\_\_\_\_ Garage \_\_\_\_\_
13. Present Use of Property: Vacant commercial (previous liquor store)
14. Percentage of Existing Structure (s) to be demolished, if any 10 %
15. Has there been any past variances on this property? Yes ☒ No \_\_\_\_\_  
previously approved for a second story addition by prior owner. Approval was not exercised and variance has expired
16. If so, state case # and resolution of variance application \_\_\_\_\_
17. Please indicate the type of variance or zoning ordinance interpretation requested:  
Side (street side) setback variance to allow roof modification of existing nonconforming structure (18.6 ft existing vs. 25ft required.

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

- 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.

The existing structure is a lawfully established building that predates current zoning regulations and is located 18.6 ft from the street, where 25 feet is required. This creates a unique condition specific to this property that limits compliance with the current setback requirements.

- 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.

Variance is necessary to allow reasonable improvement to a long time vacant building that is in need of much repair. The proposed roof raising will improve visual appeal, functionality and usability of the building. Request is to maintain and upgrade the structure for continued use.

- 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.

The proposed work will not expand the footprint of the building or further encroach into required setback. The modification is vertical only by a few feet and will not negatively impact visibility, traffic safety, or neighboring properties.

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

The project is consistent with the Townships master plan, as it maintains and improves an existing structure without altering the character of the area.

- 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.

The condition requiring the variance is specific to this property due to the existing structure placement and is not common throughout the district.

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

The variance request is limited to setback relief for an existing structure. The proposed use of the building as a restaurant and golf simulator is permitted.

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

The variance requested is the minimum necessary to allow the proposed roof modification. No expansion of the building footprint is proposed, and the existing setback will not be further reduced.

• 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).

April Wood, 05/03/2026  
Owner's Signature Date

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

**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.

## **VARIANCE PROCESS:**

### **Once a project is submitted:**

The Zoning Administrator will review your submittal to make sure you have submitted a complete set of project plans (1 week if complete).

### **Once the project has been deemed complete by the Zoning Administrator:**

The project will be scheduled for a Zoning Board of Appeals (ZBA) hearing. ZBA hearings are held the second Wednesday of each month. Your project will need to be deemed complete by the Zoning Administrator a minimum of three (3) weeks prior to a hearing in order to be scheduled for that hearing.

### **Once the project has been scheduled for a ZBA hearing:**

All property owners within a three hundred (300) foot radius of the subject property shall be notified if the date and time of the public hearing on your variance request and the basic nature of your proposed project and variances being requested, and the owner's name and address of the subject property. Notices will be sent on or before fifteen (15) days prior to the date of the hearing.

A public hearing notice stating all appeals for a given date will be published in the Tuesday edition of the Livingston County Daily Press & Argus fifteen (15) days prior to the date of the hearing.

### **At the ZBA meeting/hearing:**

- You and/or your representative (Lawyer, builder, contractor, relative, friend, etc.) must attend.
- Variance requests/appeals are taken in order of submission.
- Unless your variance request/appeal is tabled due to lack of information, insufficiency of drawings, etc., you will know the disposition of the appeal at the meeting before you leave.
- ***No Land Use Permits will be available for pick up on the night of the meeting, so please do not ask the Zoning Administrator for them that night. You may bring the requirements for the Land Use Permit to the Township Zoning Department on the next business day.***
- In the event that the Zoning Board of Appeals **does not grant** your variance request there will be **no refund** of the filing fee, as it pays for administration costs, the member's reviewing and meeting time, and noticing costs in the newspaper and for postage.
- Rehearing requests may be charged \$200.00 for postage and newspaper costs in addition to the original \$500.00 charge, at the discretion of the Zoning Board of Appeals.

### **Once the project has been approved:**

You will need to submit a completed Land Use Permit, three (3) sets of your final construction plans and three (3) copies of your site plan from which your project will actually be constructed, before your Land Use Permit will be released. If the Board has made special conditions, they must be met before your Land Use Permit will be released.

### **If the project is denied:**

Section 6.8 (C) of the Hamburg Township Zoning Ordinance states that a one (1) year period must elapse before a rehearing of the appeal "except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection of the Zoning Board of Appeals to be valid."

Section 6.8 (E) of the Zoning Ordinance governs appeals to Circuit Court. If you desire to appeal the decision of the Zoning Board of Appeals, you need to contact your attorney for filing appeals to Circuit Court.

## **VARIANCE STANDARDS:**

**Variance:** (*definition*) A modification of the literal provisions of the zoning ordinance granted when strict enforcement would cause undue hardship due to circumstances unique to the individual property for which the variance is granted.

### ***Section 6.5 (C) & (D) of the Township Zoning Ordinance:***

- A. Where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would involve practical difficulties, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Zoning Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Zoning Ordinance shall be granted unless it appears that, at a minimum, the applicant has proven a practical difficulty and that all the following facts and conditions exist:
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.
  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.
  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.
  4. That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the Township.
  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.
  6. Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.
  7. The requested variance is the minimum necessary to permit reasonable use of the land.
- B. For the purpose of the above, a “practical difficulty” exists on the subject land 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), and the applicant has proven all of the standards set forth in Section 6.5 (C) (1) through (7). Demonstration of practical difficulty shall focus on the subject property or use of the subject property, and not on the applicant personally.
- C. In consideration of all appeals and all proposed variations to this Zoning Ordinance, the Zoning Board of Appeals shall, before making any variations from this Zoning Ordinance in a specific case, determine that the standards set forth above have been met, and that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the inhabitants of the Township.

LIVINGSTON COUNTY TREASURER'S CERTIFICATE

I hereby certify that there are no TAX LIENS OR TITLES held by the State or any individual against the within description, and all TAXES on same are paid for five years previous to the date of this instrument or appear on the records in this office, except as stated.

Jan 15, 2026 Jennifer M. Nash, Treasurer By GL 30533

2025 TAX NOT AVAILABLE FOR EXAMINATION

**2026R-001131**  
**RECORDED ON**  
**01/16/2026 08:31:12 AM**  
**BRANDON DENBY**  
**REGISTER OF DEEDS**  
**LIVINGSTON COUNTY, MI 48843**  
**RECORDING: 26.00**  
**REMON: 4.00**  
**PAGES: 3**

Received eRecord 1/15/2026 at 03:30 PM  
LivCo, MI ROD by **ks**

**WARRANTY DEED**  
**2025-116771**

Reputation First Title Agency, LLC

The Grantor, **D & G Real Estate, LLC a/k/a D & G Real Estates, LLC**, a Michigan Limited Liability Company  
by **David Wooley and Gary Was**, its members

whose address is **319 East Michigan Avenue, Saline, MI 48176**

convey and warrant to **9704 Kress Holdings LLC**, a Michigan Limited Liability Company

whose address is **16617 Riverside Drive, Livonia, MI 48154**

the following described premises situated in the State of Michigan, to wit:

Land situated in the Township of Hamburg, County of Livingston, State of Michigan, described as follows:

Part of Outlot D, SHAN-GRI-LA SUB'N ANNEXT NO. 4, according to the plat thereof as recorded in Liber 7 of Plats, Page 28, Livingston County Records; described as: Beginning at the Southeast corner of said Outlot D; thence North 58 degrees, 58 minutes, 17 seconds West, 119.05 feet; thence North 37 degrees, 30 minutes, 00 seconds East, 186.85 feet; thence South 51 degrees, 01 minutes, 00 seconds East, 98 feet along the Southerly right-of-way line of Shan-Gri-La Drive; thence South 30 degrees, 43 minutes, 00 seconds West 172.10 feet along the Westerly right of way of Kress Road to the point of beginning.

Tax Parcel No: 4715-21-405-016

Common Address: 9704 Kress Rd, Pinckney, MI 48169

for the sum of **ONE HUNDRED SEVENTY FIVE THOUSAND AND 00/100 Dollars (\$175,000.00)**.

Subject to easements, reservations and restrictions of record

The Grantor grants to the Grantee the right to make (All available) divisions under section 108 of the land division act, Act 288 of the Public Act of 1967 (If no number is inserted, the right to make divisions under Section 108(2), (3) and (4) stays with the remainder of the parent tract or parent parcel retained by the grantor). If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located within the vicinity of farmland or farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated: December 31, 2025



WARRANTY DEED  
2025-116771

Reputation First Title Agency, LLC

*Signed and Sealed:*

D & G Real Estate, LLC a/k/a D & G Real Estates, LLC, a  
Michigan Limited Liability Company

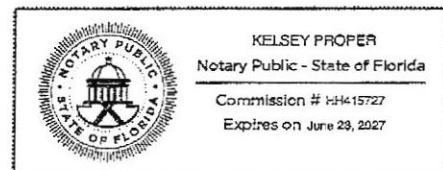
By: Gary Was 12/30/2025  
Gary Was, Member

STATE OF Florida  
COUNTY OF Broward

Acknowledged before me in Broward County, Florida, on this 30 day of December, 2025 by Gary Was, Member  
of D & G Real Estate, LLC a/k/a D & G Real Estates, LLC, a Michigan Limited Liability Company

Kelsey Proper  
Notary Public Signature  
Kelsey Proper  
Notary Name

Notary public, State of Florida, COUNTY OF Broward  
My Commission Expires: 06/28/2027



Notarized remotely online using communication technology via Proof.

Driver License produced for ID.

**WARRANTY DEED**  
**2025-116771**

Reputation First Title Agency, LLC

*Signed and Sealed:*

D & G Real Estate, LLC a/k/a D & G Real Estates, LLC, a  
Michigan Limited Liability Company

By: David Woolley Member  
David Woolley, Member

STATE OF MICHIGAN  
COUNTY OF WAYNE

Acknowledged before me in WAYNE County, Michigan, on this 31st day of December, 2025 by David Woolley, Member of D & G Real Estate, LLC a/k/a D & G Real Estates, LLC, a Michigan Limited Liability Company

Alexander Malinowski  
Notary Public Signature

Alexander Malinowski  
Notary Name

Notary public, State of Michigan, COUNTY OF WAYNE  
My Commission Expires: 11/9/2029

ALEXANDER MALINOWSKI  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires: Nov. 9, 2029  
Acting in the County of: WAYNE

*Drafted by:*

David Woolley  
319 East Michigan Avenue  
Saline, MI 48176

*When recorded, return to:*

April Wood  
16617 Riverside Drive  
Livonia, MI 48154

Recording Fee: \$35.00  
State Transfer Tax: \$1,312.50  
County Transfer Tax: \$192.50