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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, November 12, 2025, 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:

Joanna Hardesty, Trustee
Brian Ignatowski
Benedict Russell
Joyce Priebe, Chair

ABSENT:

William Rill

CONSENT AGENDA

Approval motion by Trustee Hardesty, seconded by Member Ignatowski, to approve Zoning Board of Appeals Agenda for tonight, as presented.

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

VOTE: MOTION CARRIED

GENERAL CALL TO THE PUBLIC

Chair Priebe opened the general call to the public, but no one came up to speak so she closed the session.

CURRENT BUSINESS

1. ZBA 25-0009

Owner: Nick Passucci
Location: 3168 Nisbet
Parcel ID: 4715-17-301-005
Request: Variance application to permit construction of a new deck on the rear of the home that will be 34 ft from the OHM (high water mark) when 50 ft is required per section 36-171 (D) (footnote 4), and 5 ft from the eastside property line when 10 ft is required per section 36-171 (D).

Chair Priebe invited Nick to the podium who explained that the grinder pump location was 3 ft closer to the wetlands than was shown on the site plan. He explained that his wife and him were planning to retire in this home in a few years. The lot is small and due to the floodplain, the site had to be graded higher than it had originally been. The deck is being proposed at 16 ft wide so they can entertain company in the rear yard. There is a set of stairs on the west side to allow them access to the rear deck from the front yard. Nick returned to his seat and Chair Priebe opened the meeting to David Rohr to allow him to briefly address the case to the Zoning Board Members.

Chair Priebe then opened this case up to the public for comment. Since there was no public there to address the board, she closed the ZBA comment portion of the meeting. Trustee Hardesty asked Nick if he had any letters from his neighbors regarding this proposal. The home to the west is being sold so there is no one to reach out to. The neighbor to the east didn't have any negative comments regarding the proposal. Nick said he had a retaining wall built to keep water from draining from his parcel onto that parcel. Hardesty said the retaining wall looked nice.

Member Ignatowski said it was difficult to view the proposed rear yard where the deck was going to be built. He said the site plan shows 34 ft to the water's edge. He mentioned that there is a steep incline to the water. He asked Nick how far the existing tree would be from the deck. Nick said there was a large distance between the tree and the deck. Nick said that they took down 6 junk trees when they built the new home. Nick said that they were planning on keeping that tree in place for shade. Trustee Hardesty said she didn't feel that Nick was being unreasonable with requesting a 16 ft wide deck.

Member Russell said when he looked on Google Earth Map, most of the homes on that street have patios and no decks. He asked for clarification why he was looking to do a deck instead of a patio. David answered Russell's question by explaining that there are two different types of decks. There are elevated decks (24 inches and greater in height) and non-elevated decks (24-inches or below in height). Non elevated decks can encroach further into the yard. Decks above 2 ft in elevation need guard rails around them. Decks allow water to percolate into the ground so are not an impervious surface. Patios can go all the way to the water's edge, but they can't be more than 50% of the width of the parcel.

Patios go into lot coverage as impervious surfaces since they don't allow water to infiltrate into the ground.

David continued to explain to Russell that if this home had been built at grade, he could have proposed to build a patio and then he would not need to come before the ZBA for this variance. This home requires an elevated deck due to the topography. Chair Priebe stated there is quite a drop off there now. There are a lot of exceptions and encroachments with decks verses patios, and small 144 sq. ft. structures on the lakes. Nick said that they had originally planned on doing a cement patio but due to the grading change of the parcel to build the home, they had to build an elevated deck. Russell continued to explain that many of the existing homes and their structures are encroaching decks and patios to the water that are grandfathered in.

Approval Motion by Member Ignatowski, seconded by Member Russell, to approve variance application ZBA # 25-0009 at 3168 Nisbet Tax ID #4715-17-301-005 to grant applicants a rear deck setback of 34 feet rather than the required 50 feet, per Section 36-171 (D) (footnote 4); and a side yard setback of 5 feet where 10 feet is required per Section 36-171 (D) Side.

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 Rill

VOTE: MOTION CARRIED

APPROVAL OF THE MEETING MINUTES

Approval motion by Trustee Hardesty, seconded by Russell, to approve the September 10, 2025, Meeting Minutes as presented.

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

VOTE: MOTION CARRIED

Zoning Administrators Report:

No meeting agenda for ZBA Meeting of December 10, 2025. David will be working on the end of year report. He will get that to all the boards by the end of January or early February. Starting in January 2026 we will start the Planning Commission and Zoning Board of Appeals Meeting at 6pm instead of 7pm. This change will help us not have so much downtime between meetings and to get people in and out of meetings earlier, allowing driving to be during daylight hours verses nighttime hours. Trustee Hardesty asked if that would make it more difficult for board members to attend. David said that applicants shouldn't have difficulty in getting to the board meetings since it is a one-time event. David said that all the board members that he has talked to endorse the earlier

schedule meetings. Trustee Hardesty said she was good with the change. She stated that she had concerns with applicants that have jobs and who needed to attend the board meetings. David said that is why he doesn't advocate for these board meetings scheduled during the day or any earlier than 6pm. She stated that the public has the option to write a letter to the board if they can't attend a board meeting. They don't need to be physically present to voice their opinions.

Chair Priebe asked David if the board is actively looking for an alternative ZBA replacement. David said that Jason Negri is reaching out to a few people since he will propose his candidates to the Township Board for approval. David stated there is one application that has been received so far. Since we have only had one alternative for the past few years, David said that Jason is looking for a second alternative now since he needs to seek approval by the board.

ADJOURNMENT

Approval motion by Member Ignatowski, seconded by Trustee Hardesty, to adjourn at 7:19 pm.

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

VOTE: MOTION CARRIED

Respectfully submitted,

Lisa Perschke

Planning/Zoning Coordinator & Recording Secretary

David Rohr

Planning & Zoning Director

The minutes were approved as presented/corrected: _____

Joyce Priebe, Chair