Zoning Board of Appeals Staff Report



TO: Zoning Board of Appeals (ZBA)

FROM: David Rohr

HEARING DATE: October 14, 2026

SUBJECT: ZBA 26-0012

PROJECT New single bay Garage

SITE: 10469 Hickory Dr.
TID 4715-28-402-031

OWNER: LaVida Investments LLC

APPLICANT: LaVida Investments LLC

PROJECT: Variance application to permit the construction of an addition and deck to existing house. Variance requests:

- Side setback(north) of **4 feet** rather than the required 5 feet, per section 36-171(D)
- Side setback(south), of **6.6 feet** rather than the required 10 feet, per section 36-171(D)

ZONING: (WFR) Waterfront Residential

Project Description

The applicant intends to build an addition and covered deck on the rear of the house. The parcel is a very narrow waterfront lot with limited buildable area on the parcel.
Variance application to permit the construction of an addition and deck to existing house. Variance requests:

- Side setback(north) of **4 feet** rather than the required 5 feet, per section 36-171(D)
- Side setback(south), of **6.6 feet** rather than the required 10 feet, per section 36-171(D)

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.**

   Because of the location of the existing house and the general narrowness of the parcel, there is very limited buildable area.

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.

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 request is 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.**

   Granting this variance will not adversely affect the 2020 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.

6. **Granting the variance shall not permit the establishment with a district of any use which is not permitted by right within the district.**
   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 believes that the proposed addition and covered porch to be reasonable considering the limited buildable area. Staff believe the proposed addition will have minimal impact on the surrounding properties.

"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 to permit the construction of an addition and deck to existing housee. Variance requests:

- Side setback(north) of **4 feet** rather than the required 5 feet, per section 36-171(D)
- Side setback(south), of **6.6 feet** rather than the required 10 feet, per section 36-171(D)

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.

Denial Motion

Motion to deny Variance application to permit the construction of an addition and deck to existing home. Variance requests:

- Side setback(north) of **4 feet** rather than the required 5 feet, per section 36-171(D)
- Side setback(south), of **6.6 feet** rather than the required 10 feet, per section 36-171(D)

The variance does not meet variance standards 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