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

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**Hamburg Township  
Zoning Board of Appeals  
Wednesday, December 14, 2022, at 7pm  
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:**

Jim Hollenbeck (Alternative)  
Craig Masserant  
Jason Negri  
Joyce Priebe, Chair  
William Rill

**ABSENT:**

Deborah Mariani

**CONSENT AGENDA**

Motion to approve Zoning Board of Appeals Agenda for tonight.

**Approval Motion** made by Member Negri, seconded by Member Rill.

Voice Vote: Ayes: (5) Nays: (0) Absent: (1)

**VOTE:** MOTION CARRIED UNANIMOUSLY

**GENERAL CALL TO THE PUBLIC**

**NEW BUSINESS:**

**Variance Requests**

1. **ZBA 2022-0011**

Owner: Doug Hill  
Location: 7878 E M-36  
Whitmore Lake, MI 48189  
Parcel ID: 15-25-200-003  
Type: Village Center (VC)  
Request: Variance application to allow the use of the existing driveway for a commercial use. The existing driveway will not meet the commercial driveway spacing requirements of 300 feet on a street with a speed limit over 45 miles per hour (Section 36-339 Driveway Spacing Standards).

Chad from Green Tech Engineering gave his testimony regarding the variance requested. Site limits ability to locate the driveway 300' (240' is the farthest that can be established), which would hinder the owner/developer from providing the off-street parking (for Hamburg Township Ordinance) and reduce the on-site storm pond storage required by Livingston County. Relocation of the driveway would cause issues with rerouting current utilities onsite, as well as force development of incoming delivery road to site to create with a 90-degree orientation rather than a straight shot. M-DOT said they have no issues with the site as it is.

Scott explained that this is a variance for the setback of the driveway. Applicants have gone through site plan review already, receiving conditional approval based on this hearing. Scott's staff report listed that this variance could meet all of the standards of the Zoning Ordinance.

Member Masserant clarified that the spacing requirement of our ordinance is based on aesthetics and not safety. Scott explained that the applicant will be required to have MDOT approvals before the Planning and Zoning Department can issue them a land use permit. Member Negri asked Scott for more clarification regarding the shared access driveway with the Baker Building. When going through a brand-new site plan review today, we would require that this would be a condition for approval. This is not retroactively required now.

Member Priebe stated that she sees a practical difficulty with this site allowing the applicant to meet the 300' requirement of our zoning ordinance. Members asked whether Chad and Doug had approached the Baker Building owners about partnering on a shared driveway since both of their properties are in close approximate and where originally designed as residential lots that have evolved into commercial locations. Member Negi shared that not having a shared access driveway could make driving in this area dangerous on M-36.

**CALL TO THE PUBLIC-** A call was made with no response.

**Approval Motion** by Member Rill, seconded by Hollenbeck, that the Zoning Board of Appeals approves variance request ZBA 22-0011 at 7878 E. M-36 to allow the commercial driveway for this lot to be less than 300 feet from the commercial driveway at 7936 E M-36 (Section 36-339 (a)(1 and 2)), because the variance requests meet variance standards one (1) through five (5) of Section 6.5 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 tonight meeting and as presented in the staff report. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

Voice Vote: Ayes: (4) Masserant; Hollenbeck; Priebe; Rill

Nays: (1) Negri

Absent: (1)

VOTE: CARRIED (4:1)

2. **ZBA 2022-0012**

Owner: D + G Real Estates LLC

Location: 9704 Kress Rd  
Pinckney, MI 48139

Parcel ID: 15-21-405-016

Type: Neighborhood Service (NS)

Request: Variance application to allow construction of a second story addition and a roof top deck on an existing structure. The addition and deck will be 17 feet 4 inches from the front(east) property line and the deck will be 18 feet 5 inches to the side(north) property line with street frontage. 25 feet is the required setback for the addition and 19 feet is the required setback for the elevated deck (section 36-187 and 36-230).

Chair Priebe asked the applicant/owner, David Woolley to speak. Make 2/3 of building a party store business and then 1/3 of building a coffee shop business.

Scott explained that the existing building encroaches into the required set-back. Tonight's meeting is just the variance for the encroachment into the required right-of-way setbacks for the building, and not the use of the building as an apartment. The roof top deck on the north elevation encroaches 6 inches into the required setback for a deck. It only encroaches 1' on the east elevation, at the lowest level but it only encroaches 6 inches at the top level. The addition encroaches 7' into the required setback to allow for bathroom units in the upper residential units. This project will have to go through a Special Use Permit and a Site Plan Review Process. Scott's report addresses the right-of-way setback encroachments and what the impacts those encroachments will have on the neighborhood. Most of the encroachments will impact the east side of the building, looking over two roads Beverly and Fireside.

**CALL TO THE PUBLIC-** A call was made with no response.

Scott reminded the ZBA Board that the marina down the street had received a variance for the approval of a residential unit above the marina, which was much closer to the roadway easement than this project, and much of their parking was in the roadway.

Members Negri, Masserant, and Hollenbeck shared similar statements that the encroachments that could normally impact other locations, would not matter in this situation due to the orientation of the surrounding residential units.

**Approval Motion** made by Member Negri, seconded by Member Masserant, that the Zoning Board of Appeals approves variance request ZBA 22-0012 at 9704 Kress Road to allow construction of a second story addition and a roof top deck on an existing structure. The addition and deck will be 17 feet 4 inches from the front(east) property line and the deck will be 18 feet 6 inches to the side(north) property line, where 25 feet is required for the addition and 19 feet is required for the elevated deck (sections 36-186 and 36-230(2)). The approval is based on the fact that the variance request meets variance standards one (1) through five (5) of Section 6.5 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 tonight meeting, and as presented in the staff report. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

Voice Vote:        Ayes: (5)                      Nays: (0)                      Absent: (1)

VOTE: MOTION CARRIED UNANIMOUSLY

## **APPROVAL OF THE MEETING MINUTES**

Motion to approve the Zoning Board of Appeals Meeting Minutes from November 9, 2022, as revised with correct spelling of Member Mariani's last name.

Motion made by Hollenbeck, Seconded by Masserant.

Voice Vote:        Ayes: (5)                      Nays: (0)                      Absent: (1)

VOTE: MOTION CARRIED UNANIMOUSLY

## **ADJOURNMENT**

Motion to adjourn at 7:40 pm.

Motion made by Member Negri, Seconded by Member Rill.

Voice Vote:        Ayes: (5)                      Nays: (0)                      Absent: (1)

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

**Lisa Perschke**

*Planning/Zoning Coordinator & Recording Secretary*

**Scott Pacheco**

*Zoning Planner & Administrator Interim*

The minutes were approved as presented/corrected: \_\_\_\_\_

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Joyce Priebe, Chair