



Zoning Board of Appeals Staff Report



TO: Zoning Board of Appeals
(ZBA)

FROM: Amy Steffens, AICP

**HEARING
DATE:** April 12, 2023

SUBJECT: ZBA 23-006

**PROJECT
SITE:** 9155 Riverside Drive
TID 15-24-102-099

OWNER: James and Suzanne Purdy

PROJECT: Variance application to permit the construction of a two-story addition to an existing dwelling. The addition will have a 5.25-foot south side yard setback (10-foot south side yard setback required, Section 36-186).

ZONING: NR--Natural Rivers

Project Description

The subject site is a 0.18-acre parcel that fronts Huron River to the east and Riverside Drive to the west; single-family dwellings are located to the north, west, and south. The site is improved with a 792-square foot dwelling and a 340-square foot deck in the west rear yard.

If approved, the variance would permit the construction of a two-story addition to an existing dwelling on the west front facade. The addition would have a 5.25-foot south side yard setback (10-foot south side yard setback required, Section 36-186).

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 township zoning ordinance treats the NR district differently because of the significance of the Huron River. One of the marked features of the NR zoning regulations is a required 125-foot setback from the mainstream of the river, which is intended to keep an open vista from the river, provide adequate space for run-off, and maintain an untouched vegetative condition along the river bank. The applicants are not proposing to move closer to the river but rather are proposing a 5.25-foot south side yard setback where 10 feet would be required.

A site similarly sized in the waterfront residential district could make use of reduced side yard setbacks of five and ten feet. The reduced setback provisions do not apply to the NR districts. Maintaining 10-foot side yard setbacks would result in a 20-foot wide building envelope. While the township no longer has a minimum dwelling size, staff believes that a narrow lot such as this in the NR district deserves some relief from the 10-foot side yard setback requirement.

- 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 not necessary for the preservation and enjoyment of a substantial property right, as the site is currently zoned, developed, and use for single-family residential. However, staff finds the variance request is an acceptable and minimal deviation from the zoning ordinance and would not be uncharacteristic for the area. Adjacent properties have developed with similar setbacks to the applicant's request.

- 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 applicant is proposing a reasonably sized addition, whether the intent is to add to the front of the house or remove the existing structure and rebuild with the same setbacks. Given that the site is 40 feet wide, maintaining 10-foot setbacks would leave a 20-foot wide building envelope. Staff does not find that the modest addition within the setback would be materially detrimental to the public welfare or materially injurious to adjacent properties. It appears that it will be consistent with the manner in which adjacent lots have developed.

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

The Master Plan does give special consideration to the NR district because of the value of the Huron River to the township and the sensitive ecosystem supported by the river. 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 required setback regulations are designed to help maintain the character of the area.

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 of a general and recurrent nature. The ten-foot side yard setbacks apply to all properties in the NR district and serve to protect aesthetic views from both adjacent parcels and the water.

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, developed, and use for single-family residential purposes. 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.

The site currently is used for its intended purposes and therefore the proposed addition is not necessary to permit reasonable use of the land. However, staff finds that the requested variance would be an acceptable and minor deviation from the zoning ordinance requirements.

“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 denial of the variance request considering a thorough review and discussion among ZBA members.

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 23-006 at 9155 Riverside Drive (TID 15-24-102-099) to permit the construction of a two-story addition to an existing dwelling. The addition will have a 5.25-foot south side yard setback (10-foot south side yard setback required, Section 36-186).

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. The Board directs Staff to prepare a memorialization of the ZBA's findings for the request.

Denial Motion

Motion to deny variance application ZBA 23-006 at 9155 Riverside Drive (TID 15-24-102-099) to permit the construction of a two-story addition to an existing dwelling. The addition will have a 5.25-foot south side yard setback (10-foot south side yard setback required, Section 36-186).

The variances do not meet variance standards four (4), five (5), 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:

A: Application and plan materials

B: Utilities review

ZBA Case Number 23-006
\$ 500.00



FAX 810-231-4295
PHONE 810-231-1000

P.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: March 14, 2023
2. Tax ID #: 15-24-102-099 Subdivision: Ore Lake Little Farms Lot No.: 14
3. Address of Subject Property: 9155 Riverside Dr., Brighton, MI 48139
4. Property Owner: James C. Purdy & Suzanne C. Purdy Trust Phone: (H) 734-945-9432 (Sue's cell)
Email Address: Sue.worrelles@gmail.com (W) 734-730-7161 (Jim's cell)
Street: 550 Rush Lake Rd. City Pinckney State MI
5. Appellant (If different than owner): _____ Phone: (H) _____
E-mail Address: _____ (W) _____
Street: _____ City _____ State _____
6. Year Property was Acquired: 2020 Zoning District: Natural River Flood Plain NO
7. Size of Lot: Front 40 feet Rear 40.11 feet Side 1 258.75 ft Side 2 286.46 ft Sq. Ft. 10,200
11. Dimensions of Existing Structure (s) 1st Floor 21.9 x 45.6 2nd Floor NA Garage NA
12. Dimensions of Proposed Structure (s) 1st Floor 19.5 x 45.2 2nd Floor 20.7 x 73.10 Garage 19.5 x 22.8
13. Present Use of Property: Residential - currently structure is unlivable due to
14. Percentage of Existing Structure (s) to be demolished, if any 50 % * years of neglect
* will not know until rehab is started and structural integrity is determined
15. Has there been any past variances on this property? Yes _____ No X
16. If so, state case # and resolution of variance application _____

17. Please indicate the type of variance or zoning ordinance interpretation requested:

Five foot setback from property line

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MAR 15 2023

Hamburg Township
Planning & Zoning Department

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 house currently sits on a non-conforming lot in the Natural River district. Platted lot does not meet the minimum width requirements. The width of the lot is very narrow (40 feet wide). House to be rehabbed already sits on the lot and is less than the required 10 feet from the adjoining property line.

- 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.

The variance is necessary in order to rehabilitate the house that already sits on the property and to add a garage and bedrooms in line with the current house. To make the structure habitable again, will provide the property right possessed by others in the same zone on conforming lots.

- 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.

It will not, as neighboring properties in the same area have improved their houses in a similar manner as is proposed with an added second story and an attached garage. Also, the existing structure is currently connected to an on-site septic system. We plan to hook into the Townships sewer system, eliminating any environment issues associated with the on-site sewage disposal in the NR district.

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

As this is a developed platted lot, it does not affect the Master Plan.

- 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.

Once the improvement to the existing structure is made, the current situation will not recur.

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

No. Neighboring houses within the district have added 2nd stories and a garage with limited setbacks


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


Yes. The requested variance is needed for the planned improvements which is consistent with the development of the neighboring platted lots.

-
- 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).

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MAR 15 2023

 3/14/2023
Owner's Signature Date

 3/14/2023
Appellant's Signature Date

LEGEND:

- G — GAS MAIN & VALVE
- T — BURIED TELEPHONE & MANHOLE
- E — UNDER GROUND ELECTRIC & MANHOLE
- OHE — OVERHEAD ELECTRIC, POLE, & GUY WIRE
- DRAINAGE DIRECTION
- ⊕ TP-1 EXISTING PERK TEST
- ⊕ WELL
- ⊕ GRINDER PUMP
- 870 — EXISTING CONTOUR
- 870 — PROPOSED CONTOUR



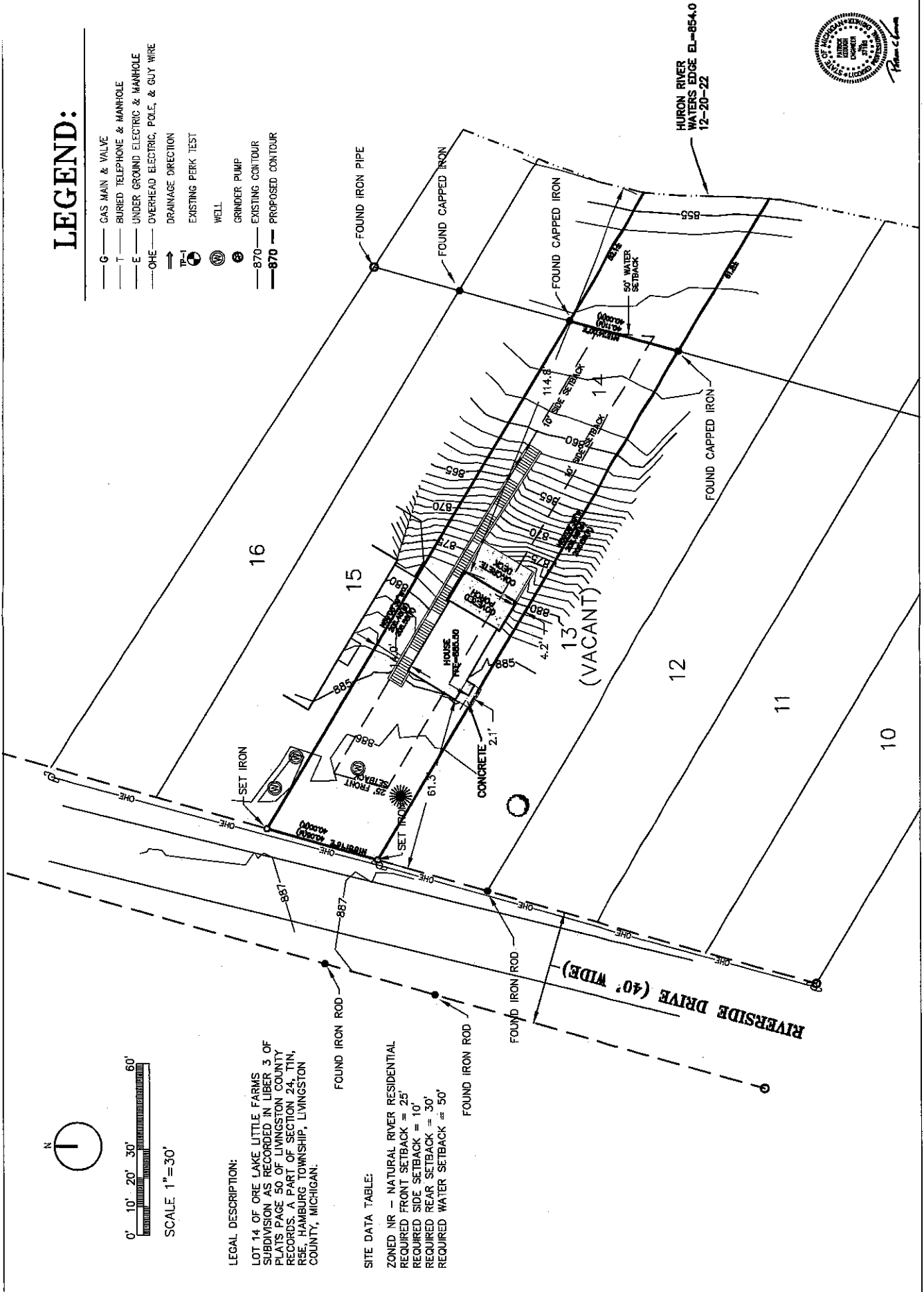
SCALE 1" = 30'

LEGAL DESCRIPTION:

LOT 14 OF ORE LAKE LITTLE FARMS SUBDIVISION AS RECORDED IN LIBER 3 OF PLATS PAGE 50 OF LIVINGSTON COUNTY RECORDS, A PART OF SECTION 24, 11N, R2E, HAMBURG TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN.

SITE DATA TABLE:

ZONED NR — NATURAL RIVER RESIDENTIAL
 REQUIRED FRONT SETBACK = 25'
 REQUIRED SIDE SETBACK = 10'
 REQUIRED REAR SETBACK = 30'
 REQUIRED WATER SETBACK = 50'



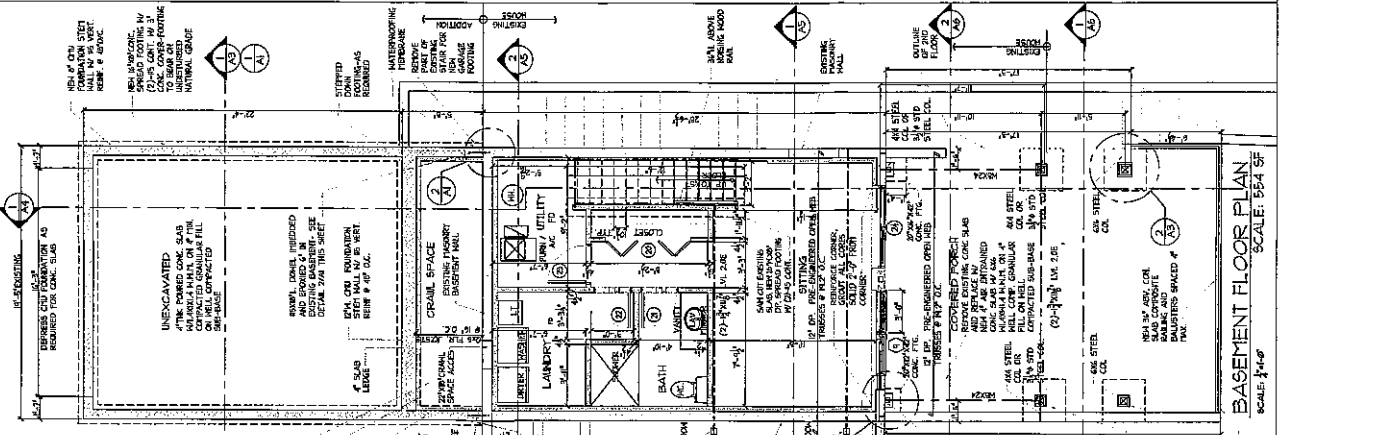
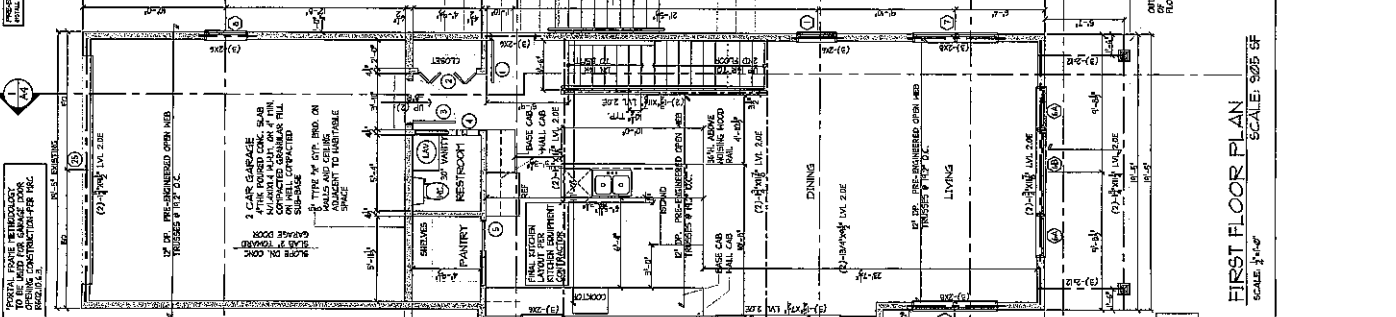
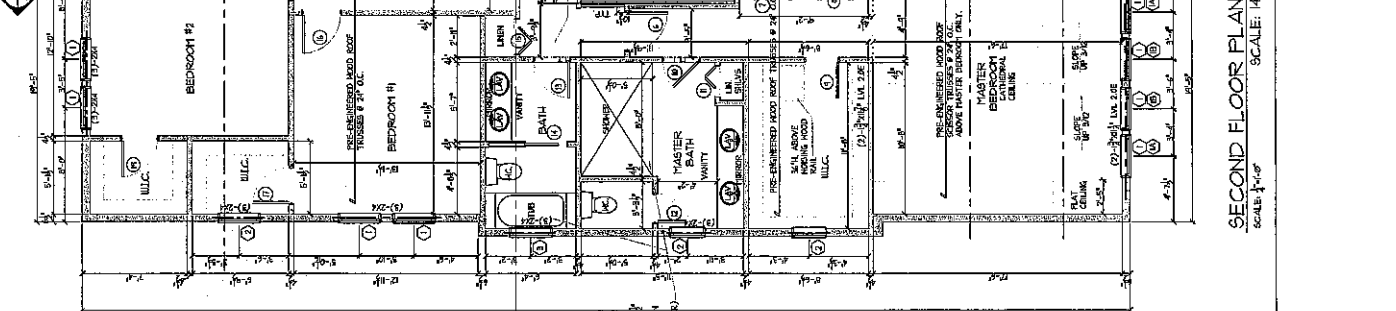
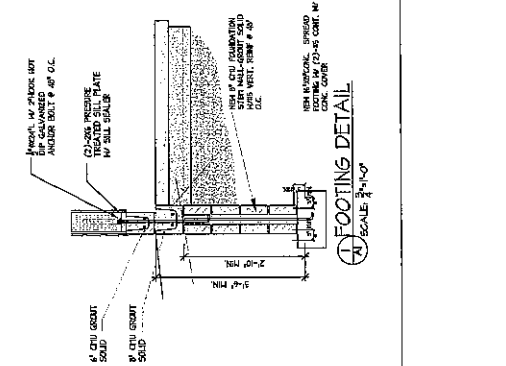
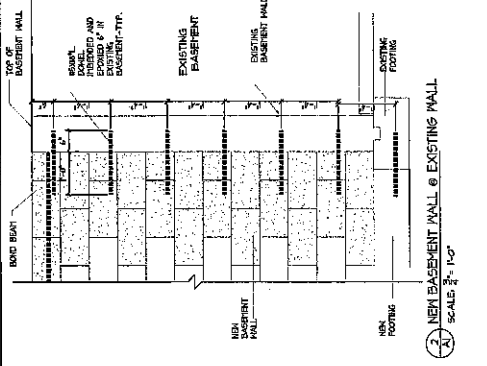
9155 RIVERSIDE DRIVE
 LOT 14 ORE LAKE LITTLE FARMS SUB
 EXISTING CONDITIONS SURVEY PLAN
 ACE CIVIL ENGINEERING

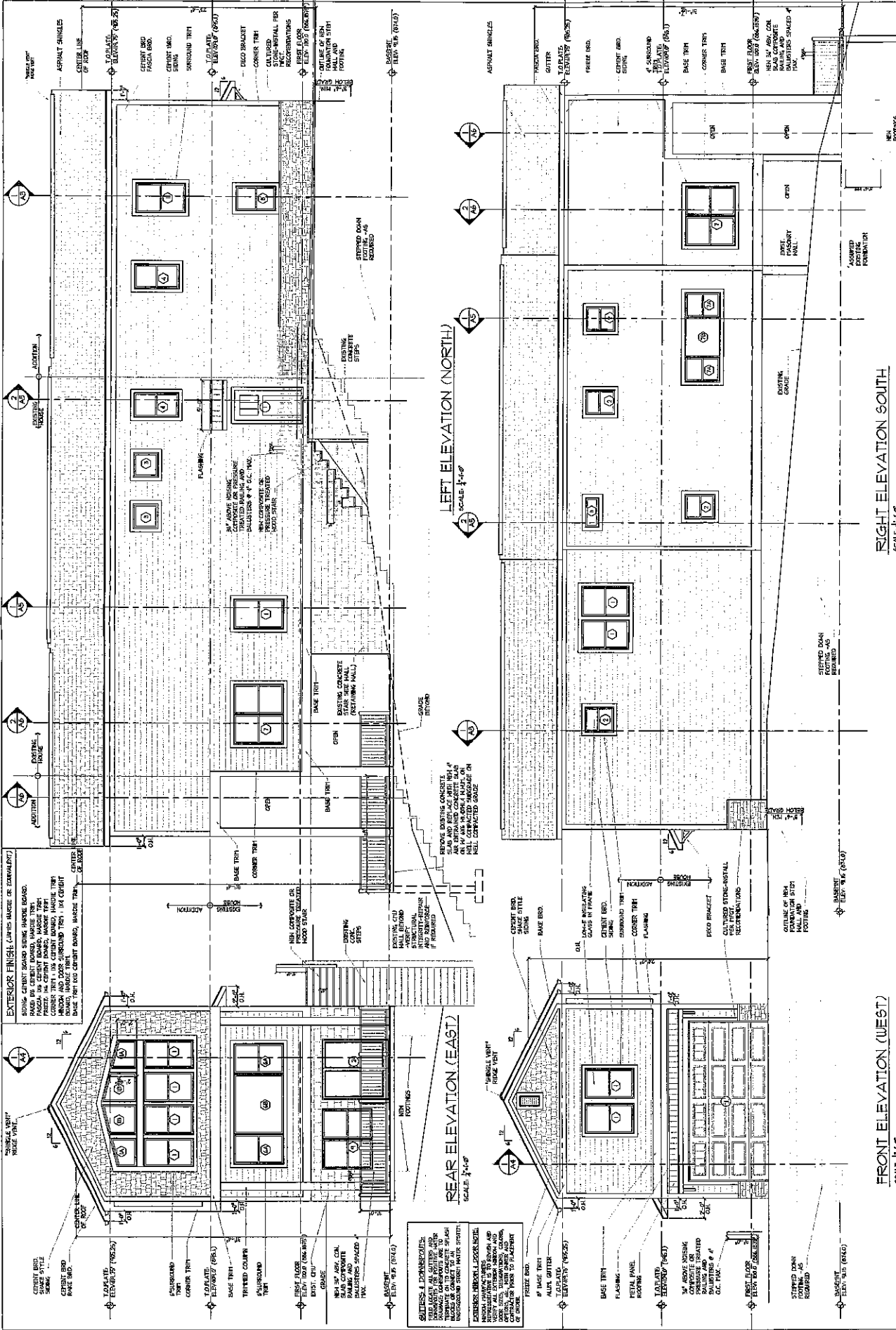
DATE: 12-21-22
 DRAWN BY: POK
 CHECKED BY: POK
 JOB NO.: 20234
 STANDARD:

GENERAL NOTES:

- 1) FOLLOWING RULES AND REGULATIONS I CODE, AUTHORITY: ALL BUILDING CODES IN ACCORDANCE WITH NEVADA RESIDENTIAL BUILDING CODES.
- 2) ALL FOUNDATION AND MURDER WALLS SHALL BE CONSTRUCTED TO THE BEGINNING OF THE WORK, NOT AT THE END. CONTRACTOR SHALL VERIFY THE LOCATION OF THE WORK.
- 3) EACH WALL IS TO BE BUILT WITH THE INTERIOR DIMENSIONS ONLY. EACH FOUNDATION IS TO BE BUILT WITH THE EXTERIOR DIMENSIONS.

EXTERIOR WALL CONSTRUCTION SYSTEM	
CEMENT BOND BEAM (BOND BEAM)	
1" X 6" FLOOR JOIST	
1" X 8" FLOOR JOIST	
SUB FLOOR	
2" X 6" FLOOR JOIST	
TOTAL BUILT AREA	2000.00
TOTAL AREA	4000.00
SOIL CHARACTERISTICS NOTE:	
CONTRACTOR TO VERIFY EXISTING SOIL AND RECOMMEND ANY NECESSARY REPAIRS TO EXISTING SOIL BEFORE CONSTRUCTION.	
INTERIOR WALL CONSTRUCTION SYSTEM:	
2" X 4" STUDS @ 16" O.C.	
5/8" HOLLOW CORE GYPSUM BOARD @ 5/8" O.C.	
INSTALL CEILING BOARD AND CULTURED STORE CEILING PER MANUFACTURER SUBSTITUTIONS.	





LEFT ELEVATION (NORTH)
 SCALE: 1/4" = 1'-0"

RIGHT ELEVATION SOUTH
 SCALE: 1/4" = 1'-0"

FRONT ELEVATION (WEST)
 SCALE: 1/4" = 1'-0"

REAR ELEVATION (EAST)
 SCALE: 1/4" = 1'-0"

GUTTERS & DOWNSPOUTS: INSTALL 6" ALUMINUM GUTTERS AND 2" DOWNSPOUTS AT ALL EXTERIOR WALLS. GUTTERS TO BE INSTALLED ON INSIDE EDGE OF ROOF. DOWNSPOUTS TO BE INSTALLED ON OUTSIDE EDGE OF ROOF. DOWNSPOUTS TO BE INSTALLED TO CLEAR DRIVEWAY OR SIDEWALK.

EXTERIOR MIDDLE LEVEL: REMOVE EXISTING CONCRETE AND REINFORCING. INSTALL 4" THICK CONCRETE ON 4" REINFORCING. FINISH WITH POLISHED CONCRETE. REPAIR CRACKS AND REINFORCING TO BE INSTALLED TO CLEAR DRIVEWAY OR SIDEWALK.

EXTERIOR FINISH (AS PER SPECIFICATIONS): EXTERIOR FINISH TO BE AS PER SPECIFICATIONS. FINISH TO BE AS PER SPECIFICATIONS.

SHINGLE ROOF: REMOVE EXISTING SHINGLE ROOF. INSTALL NEW 1/2" OSB SHEATHING OVER EXISTING ROOF. INSTALL 1/2" ICE AND WATER SHIELDING OVER OSB SHEATHING. INSTALL 30 YEAR WARRANTY ASPHALT SHINGLES OVER SHIELDING.

CEILING: REMOVE EXISTING CEILING. INSTALL NEW 1/2" OSB SHEATHING OVER EXISTING CEILING. FINISH WITH PLASTER AND PAINT.

FLOORING: REMOVE EXISTING FLOORING. INSTALL NEW 3/4" T&G LAMINATE FLOORING OVER EXISTING FLOORING. FINISH WITH POLISHED CONCRETE.

BASE TRIM: REMOVE EXISTING BASE TRIM. INSTALL NEW 1/2" X 4" BASE TRIM OVER EXISTING BASE TRIM. FINISH WITH POLISHED CONCRETE.

WALLS: REMOVE EXISTING WALLS. INSTALL NEW 5/8" CMU BLOCK WALLS OVER EXISTING WALLS. FINISH WITH POLISHED CONCRETE.

DOORS: REMOVE EXISTING DOORS. INSTALL NEW 1 1/2" X 6" X 2" DOORS OVER EXISTING DOORS. FINISH WITH POLISHED CONCRETE.

WINDOWS: REMOVE EXISTING WINDOWS. INSTALL NEW 1 1/2" X 6" X 2" WINDOWS OVER EXISTING WINDOWS. FINISH WITH POLISHED CONCRETE.

ROOFING: REMOVE EXISTING ROOFING. INSTALL NEW 1/2" OSB SHEATHING OVER EXISTING ROOFING. INSTALL 1/2" ICE AND WATER SHIELDING OVER OSB SHEATHING. INSTALL 30 YEAR WARRANTY ASPHALT SHINGLES OVER SHIELDING.

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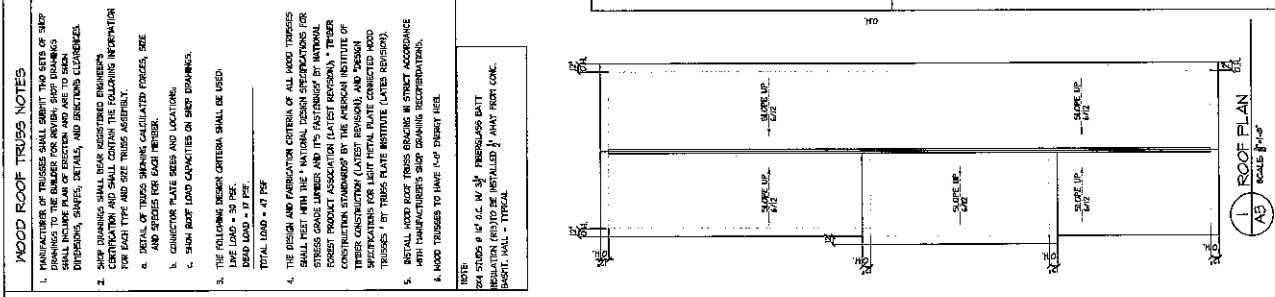
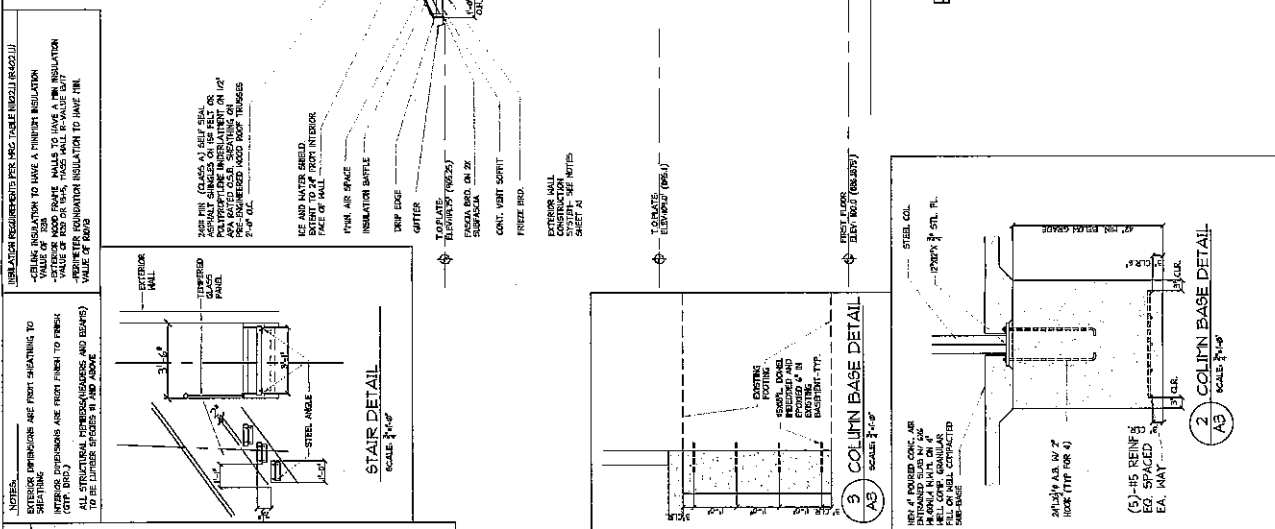
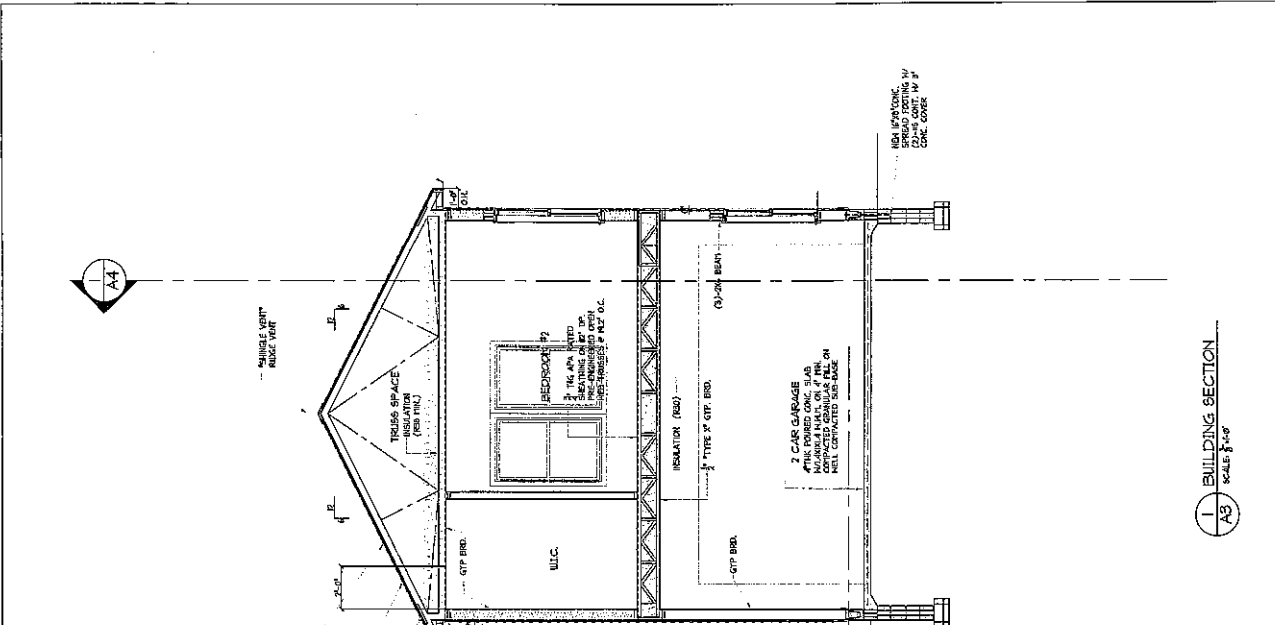
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ROOFING: REMOVE EXISTING ROOFING. INSTALL NEW 1/2" OSB SHEATHING OVER EXISTING ROOFING. INSTALL 1/2" ICE AND WATER SHIELDING OVER OSB SHEATHING. INSTALL 30 YEAR WARRANTY ASPHALT SHINGLES OVER SHIELDING.

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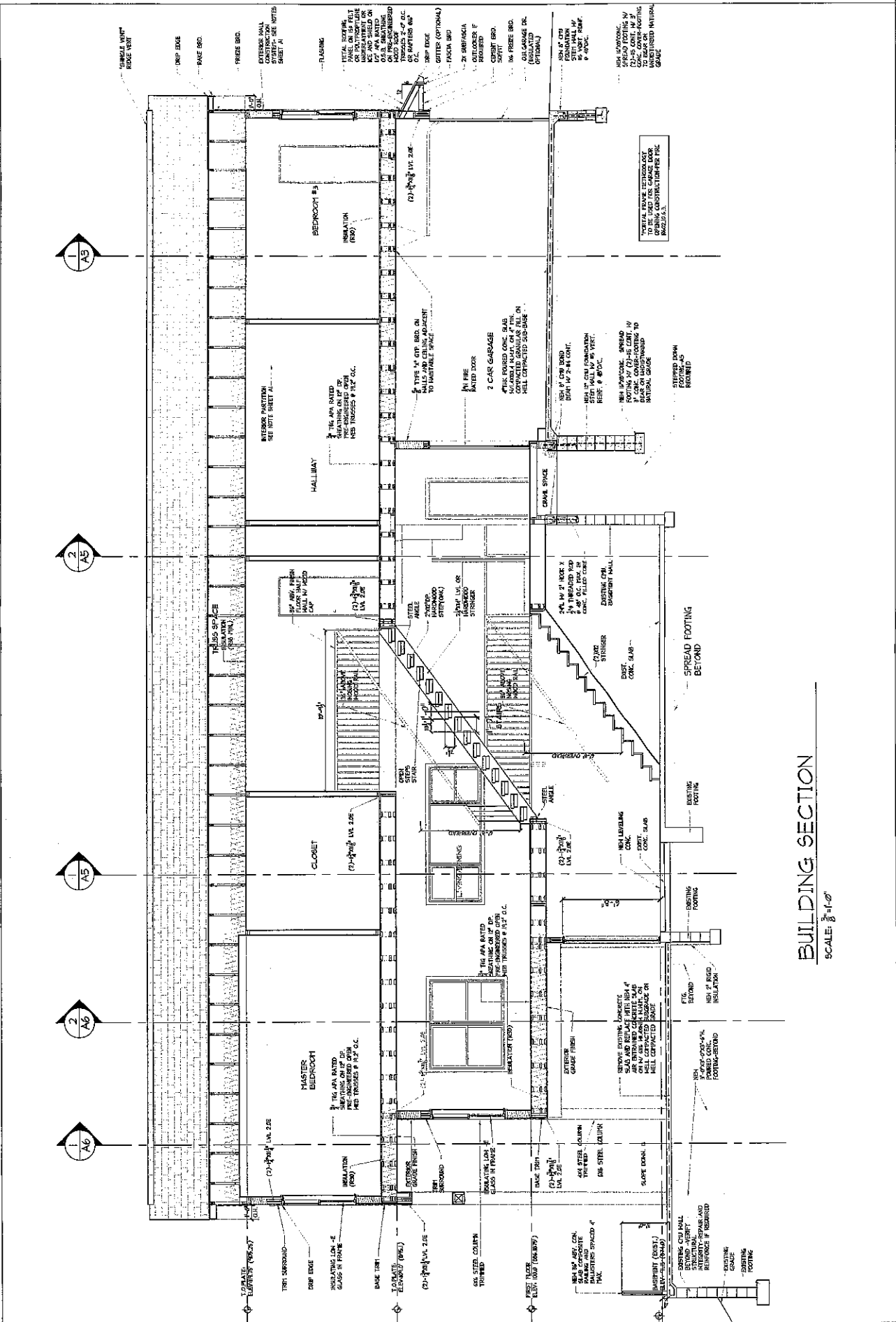


MOOD ROOF TRUSSES NOTES

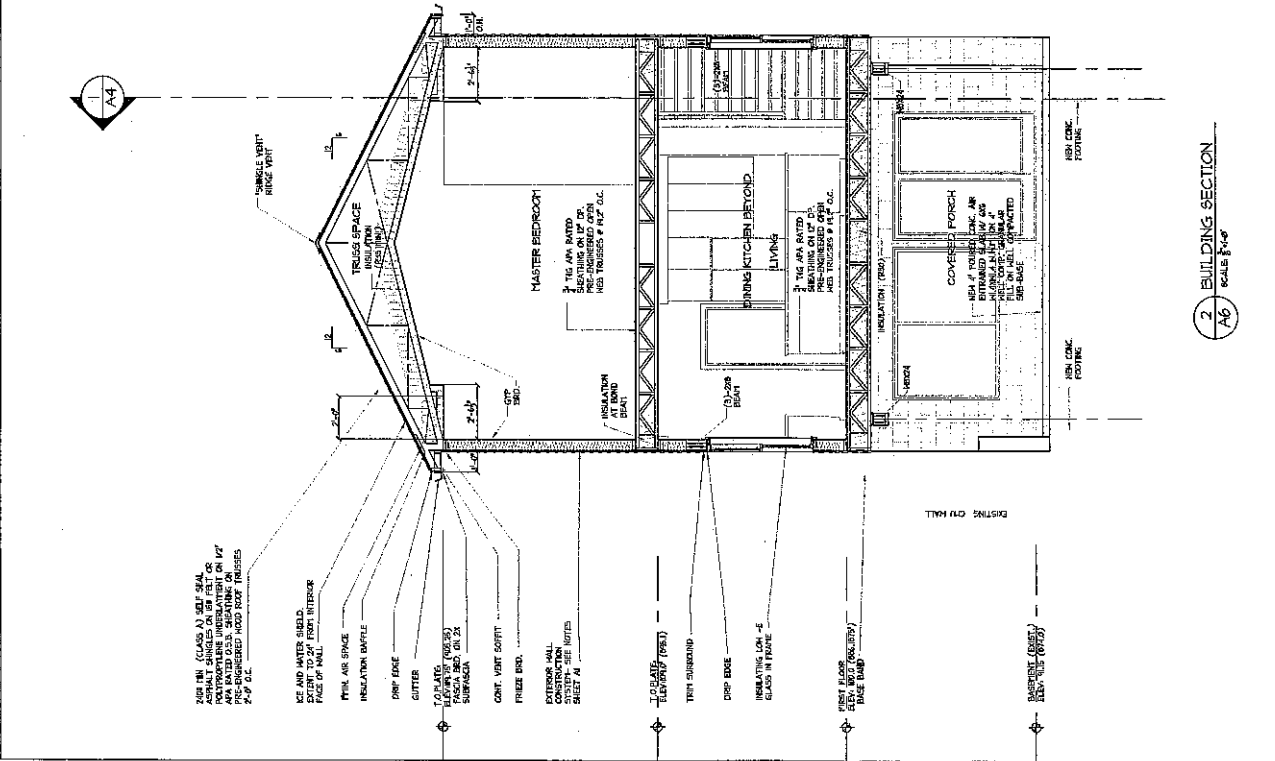
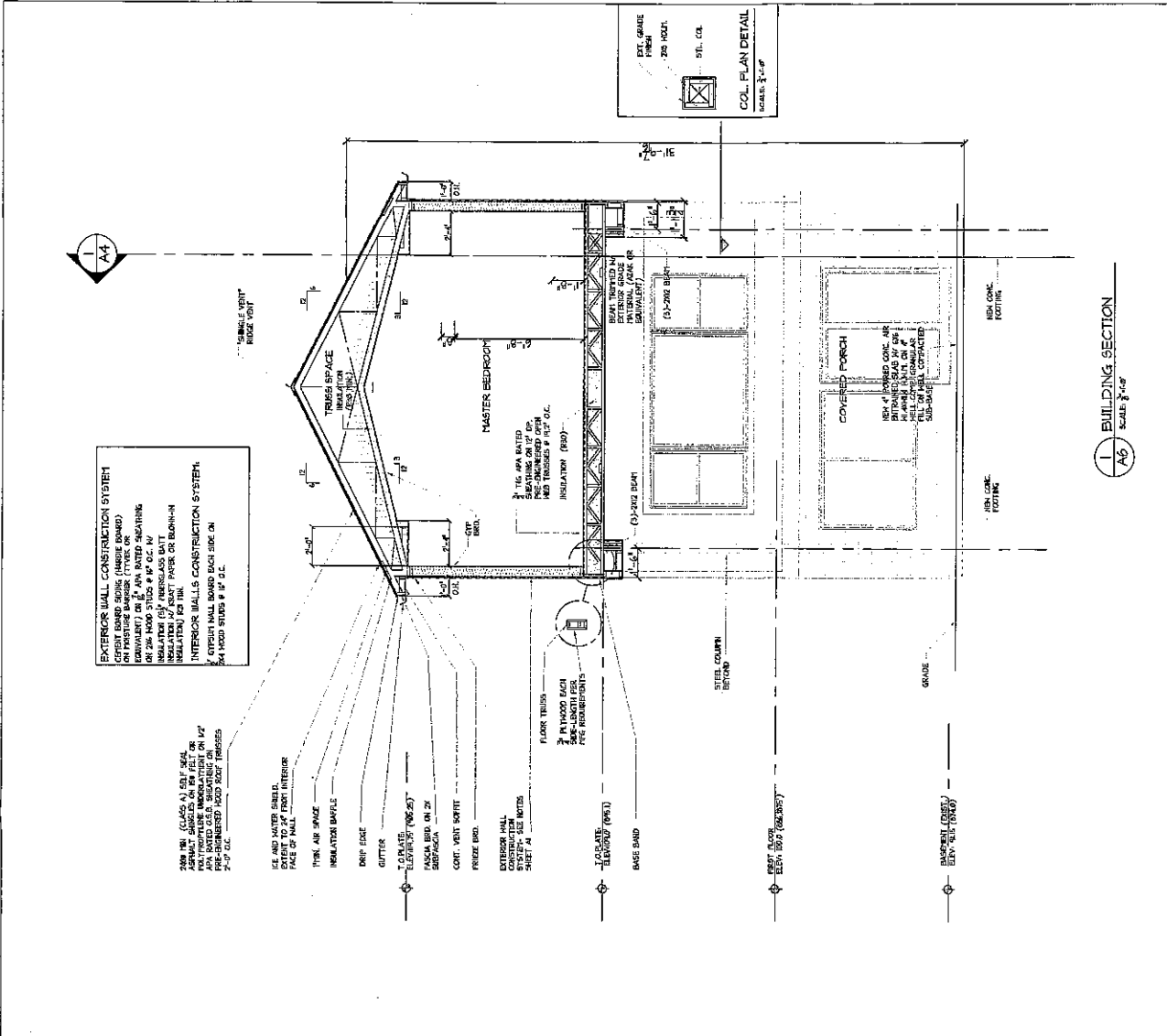
- MANUFACTURER OF TRUSSES SHALL SUBMIT TWO SETS OF SHOP DRAWINGS TO THE ENGINEER FOR REVIEW. SHOP DRAWINGS SHALL INCLUDE PLAN OF SECTION AND JOINT TO SHOW DIMENSIONS, SHAPES, DETAILS, AND STRUCTURAL REQUIREMENTS.
- SHOP DRAWINGS SHALL SHOW DIMENSIONS, SHAPES, DETAILS, AND STRUCTURAL REQUIREMENTS. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
- ALL STRUCTURAL MEMBERS (BEAMS AND JOISTS) SHALL BE FABRICATED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AISC STEEL CONSTRUCTION MANUAL AND THE AISC DESIGN GUIDE FOR TRUSS CONNECTIONS.
- THE DESIGN AND FABRICATION CRITERIA OF ALL WOOD TRUSSES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL WOOD FRAMEWORK ASSOCIATION (NAWF) TRUSS CONSTRUCTION STANDARDS (LATEST EDITIONS), AND "WOOD TRUSS CONSTRUCTION (LATEST EDITIONS), AND "WOOD TRUSSES" OF TRUSS PLATE INSTITUTE (LATEST EDITIONS).
- ALL WOOD TRUSSES SHALL BE FABRICATED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AISC STEEL CONSTRUCTION MANUAL AND THE AISC DESIGN GUIDE FOR TRUSS CONNECTIONS.

DOOR SCHEDULE

NO.	DESCRIPTION	FINISH FLOOR	CEILING FLOOR
1	ENTRY	LVF	9'-0"
2	KITCHEN	LVF	9'-0"
3	BATH	LVF	9'-0"
4	HALLWAY	LVF	9'-0"
5	MASTER BATH	LVF	9'-0"
6	MASTER BATH	LVF	9'-0"
7	MASTER BATH	LVF	9'-0"
8	MASTER BATH	LVF	9'-0"
9	MASTER BATH	LVF	9'-0"
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89	MASTER BATH	LVF	9'-0"
90	MASTER BATH	LVF	9'-0"
91	MASTER BATH	LVF	9'-0"
92	MASTER BATH	LVF	9'-0"
93	MASTER BATH	LVF	9'-0"
94	MASTER BATH	LVF	9'-0"
95	MASTER BATH	LVF	9'-0"
96	MASTER BATH	LVF	9'-0"
97	MASTER BATH	LVF	9'-0"
98	MASTER BATH	LVF	9'-0"
99	MASTER BATH	LVF	9'-0"
100	MASTER BATH	LVF	9'-0"

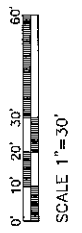
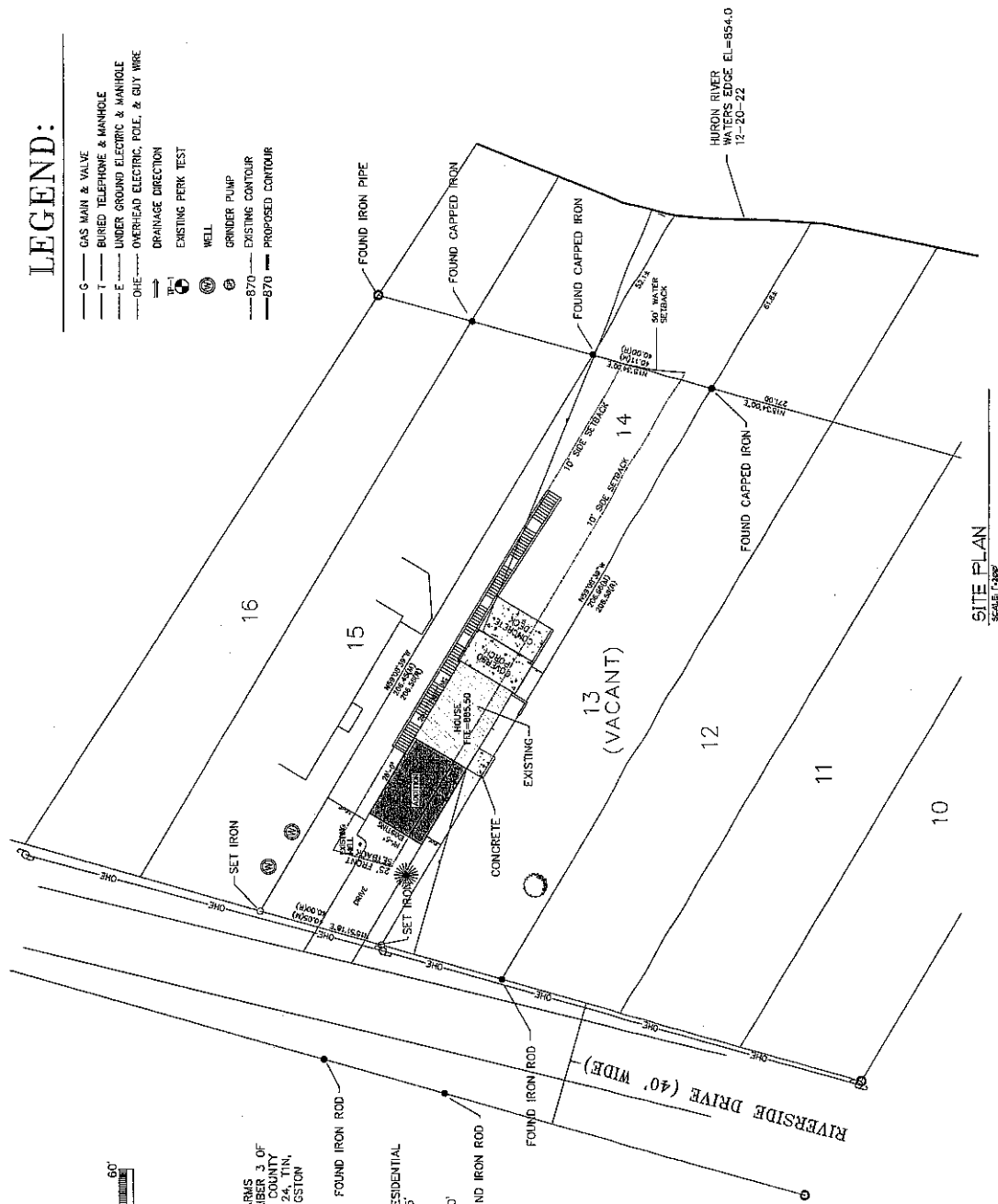


BUILDING SECTION
 SCALE: 3/8" = 1'-0"



LEGEND:

- G — GAS MAIN & VALVE
- T — BURIED TELEPHONE & MANHOLE
- E — UNDER GROUND ELECTRIC & MANHOLE
- OHE — OVERHEAD ELECTRIC, POLE, & GUY WIRE
- DRAINAGE DIRECTION
- ⊕ EXISTING PERK TEST
- ⊙ WELL
- ⊙ GRINDER PUMP
- ⊙ EXISTING CONTOUR
- 870 — EXISTING CONTOUR
- 870 — PROPOSED CONTOUR



SCALE 1"=30'

LEGAL DESCRIPTION:
 LOT 14 OF ORE LAKE LITTLE FARMS
 PLATS PAGES 3, 4 OF
 RECORDS, A PART OF LIVINGSTON COUNTY
 RECORDS, A PART OF SECTION 24, T1N,
 R5E, HAMBURG TOWNSHIP, LIVINGSTON
 COUNTY, MICHIGAN.

SITE DATA TABLE:
 ZONED NR - NATURAL RIVER RESIDENTIAL
 REQUIRED FRONT SETBACK = 25'
 REQUIRED SIDE SETBACK = 10'
 REQUIRED REAR SETBACK = 30'
 REQUIRED WATER SETBACK = 50'

SITE PLAN
 SCALE 1"=30'

From: [Brittany Campbell](#)
To: sueworrell168@gmail.com
Cc: [Amy Steffens](#); [Lisa Perschke](#)
Subject: Sewer Connection for 9155 Riverside Drive - James & Suzanne Purdy
Date: Thursday, March 16, 2023 9:46:07 AM
Attachments: [Application For Sewer Connection.pdf](#)

Good morning – I am writing in regards to the application for a Zoning Board of Appeals review for the property located at 9155 Riverside Dive (Parcel #15-24-102-099) for James & Suzanne Purdy. It is unclear if your plans are to rehab the existing home or to look to see if it can be rehabbed or if necessary demolished and building a new home on the lot. If the existing home is demolished and a new home is constructed on the lot the owners will be required under Township Ordinance to connect to the Hamburg Township Sanitary Sewer System (HTSSS). This would be a mandatory sewer connection and could not be waived. If you plan to try to rehab the structure you may also be required to connect to the sewer system if the on-site septic is inadequate or has failed or is failing. In that case the Township Ordinance requires the property to be connected to the sewer system. Repairing or replacing the on-site septic system would not be allowed.

In either case, the Application for Sewer Connection would need to be submitted to the Township along with a site plan showing the location of the house on the property with the current well and septic locations, and a non-refundable application fee of \$200.00. The Township staff would then work with the property owners to determine the best location to install the grinder pump station for the sewer connection and develop the estimate of cost for the sewer hook-up. The estimated sewer connection fees must be paid in full prior to the issuance on the Land Use Permit (LUP) to rehab or rebuild the house on the lot.

If you have any questions about the sewer connection requirements please feel free to contact me.

Brittany K. Campbell
Hamburg Twp. Utilities/Special Projects Coordinator
10405 Merrill Rd., P.O. Box 157
Hamburg, MI 48139
(810) 222-1193 – direct dial
(810) 231-1000 Ext. 210 – voice
(810) 231-4295 – fax
e-mail: bcampbell@hamburg.mi.us