



1575 142<sup>nd</sup> Ave, DORR, MI 49323  
Ph. (616) 877-2000 Fax (616) 877-4455  
www.pcimi.com

## MEMORANDUM

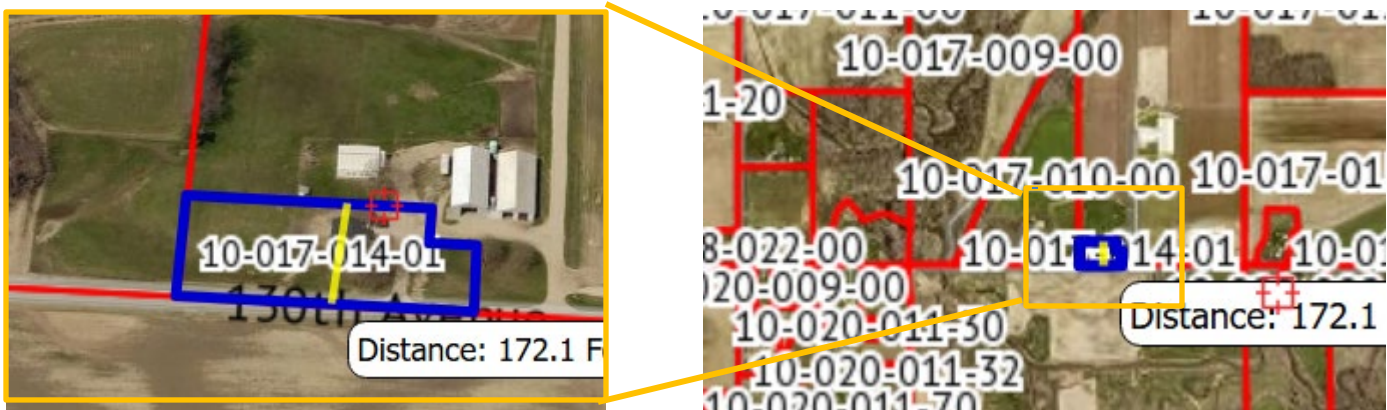
**TO:** Hopkins Township Zoning Board of Appeals  
**FROM:** Lori Castello, AICP, Zoning Administrator  
**DATE:** January 4, 2025  
**RE:** **Wamhoff- setback variance request**

The Hopkins Township Zoning Board of Appeals is scheduled to hear an application from Edward Wamhoff, property owner, for a variance to construct an attached garage within the rear yard setback.

## GENERAL OVERVIEW

### Property Information

The parcel addressed as 2091 130<sup>th</sup> Ave also known as Permanent Parcel 03-10-017-014-01, resides on the north side of 130<sup>th</sup> Ave and comprises approximately 1.25 acres. It is zoned AG Agricultural and is surrounded by similarly zoned properties. This parcel is a legally conforming parcel at 1.25 acres, which is the minimum lot size in the Ag zoning district. This property was split in 2022, and the home is located just over 50 feet from the rear property line. The property is approximately 175’ deep, 33’ of which is the road right of way, leaving an approximate depth of 140 feet. Front and rear yard setbacks are both 50 in the Agricultural zoning district, so the building envelope for the home and attached garage is roughly 40 feet deep. The existing farm home was built several decades ago, well before zoning existed.



## Request Information

The applicant is requesting to construct an addition to the existing home for an attached garage with a reduced rear yard setback. The proposed rear yard setback is for approximately 9' from the rear lot line instead of the required 50 feet. The rear of the current home meets the rear yard setback of 50 feet.

## Information Provided by the Applicant

Applicant has submitted an application and sketches of the proposed attached garage.

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## RELEVANT LANGUAGE

### VARIANCES

#### Section 157.389. Variance Permitted.

*(A) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted and substantial justice done.*

**Findings:** The parcel meets the minimum lot requirements of 1.25 acres and was split off a larger farm tract in 2022. The rear of the home is located just over 50 feet from the rear property line and the applicant was the party who applied for the Land Division at that time. The odd shape is due to the existing agricultural buildings that had to stay with the farmland.

*(B) The Board of Appeals may grant such variances only upon finding that all of the following conditions exist:*

*(1) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his or her family own or owned adjacent land which could, without undue hardship, be included as part of the lot;*

**Findings:** The parcel meets the minimum lot size requirements in the Ag zoning district, however, the parcel is fairly shallow because it was a farmstead that was divided up to maximize farmland within the Ag. District.

*(2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and a request made to vary such regulations, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done; and*

**Findings:** Attached garages are permitted by right within the AG Zoning district. The request is for a variance to allow for construction of an attached garage that would create a nonconforming rear yard setback less than the 50 feet required. The adjacent property is used for agricultural purposes and has structures integral to that operation. When the parcel was split, the property line was

created in a manner to allow the home to be separated from said buildings, hence the very shallow lot.

*(3) Where it is alleged 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 so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this chapter.*

**Findings:** The setback variance request is specific to this piece of property and necessitated by the location of the home when the property was split.

### **Section 157.390. Variances Prohibited.**

*No variance in the provisions or requirements of this chapter shall be affected by the Board of Appeals unless it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or of the public health, safety and welfare and, further that, at least two of the following facts and conditions exist:*

*(A) There exists exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;*

**Findings:** The parcel meets the 1.25 acre minimum for the zoning district. The relative shallowness of the property and the location of the home, built right up to the 50 foot rear yard setback, necessitate the need for the variance.

*(B) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; provided that, increased financial return shall not be deemed sufficient to warrant a variance; and*

**Findings:** Attached garages are a permitted right in the AG zoning district.

*(C) The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this chapter.*

**Findings:** This request is not of so general or recurrent in nature to amend the Zoning Ordinance.

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## **SUMMARY AND CONCLUSION**

### **Summary**

There could be arguments that the property is shallow, and the location of the home prohibits the applicant from meeting setback standards for an attached garage. Should the Zoning Board of Appeals agree that this variance petition should be approved based on the above analysis, it may make a motion to do so. Attached is a Findings

of Fact page that I encourage the ZBA to work through together to support any motion to approve, approve with conditions, or deny the request.

**Conclusion**

I hope the information provided is helpful to you as you consider this variance request. If you have any questions or concerns please contact me at your convenience, and I will be happy to assist in any way I am able. You may reach me by phone at (616) 888-6156 or by email at [lcastello@pcimi.com](mailto:lcastello@pcimi.com).

Sincerely,



Lori Castello, AICP  
Hopkins Township Zoning Administrator  
Professional Code Inspections of Michigan, Inc.

**HOPKINS TOWNSHIP BOARD OF APPEALS  
FINDINGS OF FACT WORKSHEET  
VARIANCE STANDARDS**

**SECTION 157.389 VARIANCE PERMITTED.**

*(A) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the chapter shall be observed, public safety promoted and substantial justice done.*

**The request \_\_\_ complies \_\_\_\_\_ does not comply with this standard.**

**Reasons:** \_\_\_\_\_

*(B) The Board of Appeals may grant such variances only upon finding that **all** of the following conditions exist:*

*(1) Where it is alleged that, by reason of the exceptional narrowness, shallowness or shape of a specific parcel of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or structure or of the use of property immediately adjoining the property in question, the literal enforcement of this chapter would involve practical difficulties or would cause undue hardship, provided that the Board of Appeals shall not grant a variance on a lot if the owner or members of his or her family own or owned adjacent land which could, without undue hardship, be included as part of the lot;*

**The request \_\_\_ complies \_\_\_\_\_ does not comply with this standard.**

**Reasons:** \_\_\_\_\_

*(2) Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter and a request made to vary such regulations, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done; and*

**The request \_\_\_ complies \_\_\_\_\_ does not comply with this standard.**

**Reasons:** \_\_\_\_\_

*(3) Where it is alleged 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 so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation in this chapter.*

**The request \_\_\_ complies \_\_\_\_\_ does not comply with this standard.**

**Reasons:** \_\_\_\_\_

**SECTION 157.390 VARIANCES PROHIBITED.**

*No variance in the provisions or requirements of this chapter shall be effected by the Board of Appeals **unless** it finds from reasonable evidence that such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or of the public health, safety and welfare and, further that, **at least two of the following facts and conditions exist:***

*(A) There exists exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone;*

**The request  complies  does not comply with this standard.**

**Reasons:** \_\_\_\_\_

*(B) Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; provided that, increased financial return shall not be deemed sufficient to warrant a variance; and*

**The request  complies  does not comply with this standard.**

**Reasons:** \_\_\_\_\_

*(C) The condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this chapter.*

**The request  complies  does not comply with this standard.**

**Reasons:** \_\_\_\_\_

The Zoning Board of Appeals has determined that the request meets all three of the standards in Section 157.389.B above.

TRUE                       FALSE

The Zoning Board of Appeals has determined that the request meets at least two of the standards in Section 157.390 above.

TRUE                       FALSE

If the answer to both of the above statements is TRUE, an approval or approval with conditions to secure the general health, safety and welfare is appropriate.

If the answer to one or both of the above statements is FALSE, an approval would not be appropriate within the standards of the Ordinance.

Any motions made should include the evidence as considered in this Findings of Fact worksheet.

Applicant should be notified in writing by providing a copy of the approval or denial and conditions, if any, at the time of the meeting.

**HOPKINS TOWNSHIP BOARD OF APPEALS**

**Notification of decision regarding application for variance at: 2091 130<sup>th</sup> Ave**

**Also known as parcel number: 03-10-017-014-01**

**For the following request(s): Rear yard setback- 9 feet from rear property line**

**Findings of Fact:**

The findings of fact determine that \_\_\_ of the four required standards are met per Section 157.389. **(all four must be met to qualify for approval)**

The findings of fact determine that \_\_\_ of the three required standards are met per Section 157.390. **(minimum two standards must be met to qualify for approval).**

Based on the standards and findings included within the Findings of Fact worksheet, the request(s) for variance have been:

\_\_\_ **Approved** as presented.

\_\_\_ **Approved** with the following conditions:

\_\_\_\_\_

\_\_\_ **Denied.**

I certify that copy of this notice has been transmitted to the applicant on this date via:

\_\_\_ First Class Mail

\_\_\_ Personal Service

\_\_\_ Email or other electronic form of communication (please specify:\_\_\_\_\_)

\_\_\_\_\_  
ZBA CHAIR, SECRETARY OR ZONING ADMINISTRATOR (PLEASE PRINT **AND** SIGN)

\_\_\_\_\_  
**DATE**

PETITION TO THE HOPKINS TOWNSHIP ZONING BOARD OF APPEALS

MEETING DATES ARE THE SECOND TUESDAY, MONTHLY, AS NEEDED, 7:30PM  
IN THE HOPKINS VILLAGE/TOWNSHIP HALL, 128 S FRANKLIN STREET.

VARIANCE

ORDINANCE INTERPRETATION

Petitioner Edward Wambhoff

Address 2091 130th Ave Hopkins, MI 49328

Site (if different than above) \_\_\_\_\_

Petitioner is the Property:  Owner  Contract Purchaser  Tenant  Other \_\_\_\_\_

Acreage (connected) 1.25 Parcel Tax ID # 0310-017-014-01

Current Zoning Ag Tax Classification \_\_\_\_\_

Any past or present violations of zoning, building, health, blight, nuisance or other laws?  No ~~Yes~~  
If yes, please explain: \_\_\_\_\_

Requested Zoning Class \_\_\_\_\_

How many dwellings on this parcel or connected acreage? 1

History: \_\_\_\_\_

Nature of the surrounding neighborhood is: Ag

If my petition is granted, I intend to do the following: Build attached garage

The effect of my proposal on the surrounding neighborhood will be: \_\_\_\_\_

Name and address of all others who own any interest in this property: \_\_\_\_\_

Describe any facts or circumstances which justify the petition: \_\_\_\_\_

Describe any written materials the Board of Appeals should examine: \_\_\_\_\_



YOU MUST SUBMIT A SITE PLAN CLEARLY DESIGNATING THE NATURE AND LOCATION OF THE PROPOSED USE ON THE PROPERTY.

Planned construction: Type \_\_\_\_\_  
Cost \$ \_\_\_\_\_  
Start Date \_\_\_\_\_  
Finish Date \_\_\_\_\_

Petitioner swears and affirms the information provided (including exhibits and statements at the Board hearing) is accurate and complete to the best of his/her knowledge and belief. Petitioner understands that any intentional or negligent misrepresentation or significant change of plans in connection with this petition is grounds for the immediate revocation of any favorable action taken by the Board. Petitioner understands that the hearing fee is non-refundable.

Date 11-15-2024

Petitioner's Signature *Edu W...*

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DO NOT WRITE BELOW THIS LINE – FOR TOWNSHIP USE ONLY

Submitted:  Health Dept. Permits  Survey  Site Plan  
 Blue Prints  Photo/Video  Other

Hearing Fee Paid:  No  Yes Date \_\_\_\_\_  Check  Cash

Hearing Date \_\_\_\_\_ Publication Date \_\_\_\_\_

Copies sent to ZBA Members? \_\_\_\_\_

Surrounding parcel – owner notices prepared and sent? \_\_\_\_\_

Originals in binder? \_\_\_\_\_

Other comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**HOPKINS TOWNSHIP BOARD OF APPEALS**

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Based on the standards and findings included within the Findings of Fact worksheet, the request(s) for variance have been:

\_\_\_ **Approved** as presented.

\_\_\_ **Approved** with the following conditions:

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\_\_\_ **Denied.**

I certify that copy of this notice has been transmitted to the applicant on this date via:

\_\_\_ First Class Mail

\_\_\_ Personal Service

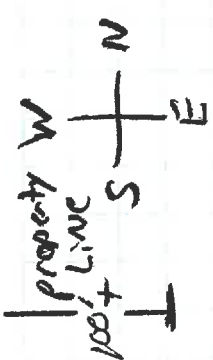
\_\_\_ Email or other electronic form of communication (please specify: \_\_\_\_\_)

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ZBA CHAIR, SECRETARY OR ZONING ADMINISTRATOR (PLEASE PRINT AND SIGN)

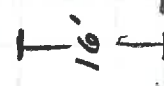
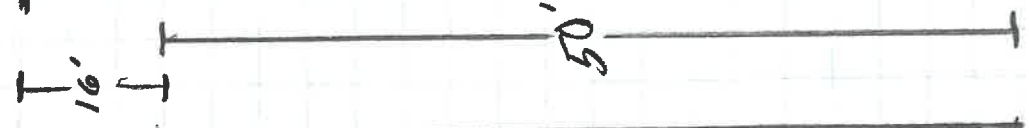
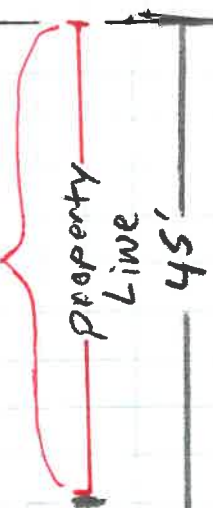
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DATE



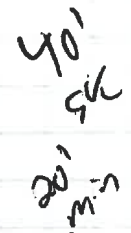
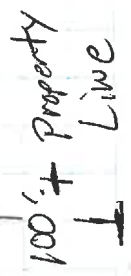
Rear

Proposed  
9' setback



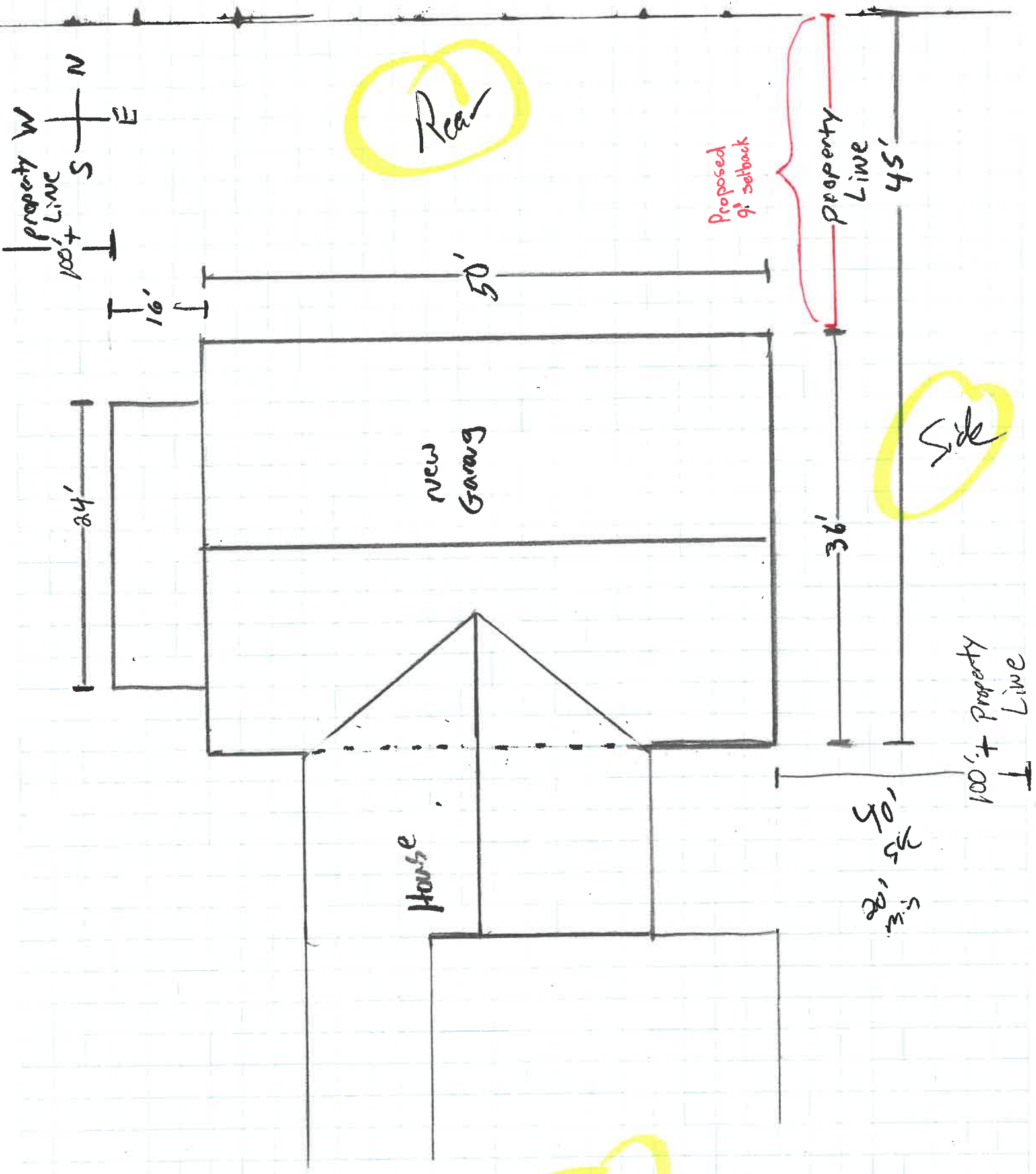
New  
Garage

Side



House

Front



Post Fram

