

Columbia Township Zoning Board of Appeals

August 4, 2016

Meeting called to order by Chairman Robert Willerer at 7 PM. Present at meeting Barbara Beamish, Bruce Andrews, Brad Denning, Robin Tackett and Chairman Robert Willerer.

Motion by Chair to Amend the Agenda to add #7 Six Brothers LLC factual findings to tonight's agenda. Motion seconded by Tackett. Ayes: All.

Approval of June 21, 2016 Columbia Township Zoning Board of Appeals meeting minutes. Motion made by Chairman Willerer to accept meeting minutes after correction of date on document. To be changed from 12<sup>th</sup> to the 21<sup>st</sup>. Seconded by Denning. Ayes: All.

First request, Osamah El-Aroud (Jeff Eilola agent) for a variance to construct a deck a distance of 24'5" to the rear lot line (waterside) on property known as 36 Bayview Shores, 142 Castlewood Dr. Brooklyn, Mi. 49230. ADP#000-19-27-036-00.

Mr. El-Aroud spoke as to his reasons for requesting a variance to build a deck. He stated that he has an odd shaped lot. He stated that the deck will not interfere with neighboring views of lake. His property is right next to park. In his neighborhood many of the homes have similar decks and he feels as if his will conform nicely to the surrounding homes.

Chairman Willerer asked Mr. El-Aroud about the elevation of proposed deck? Mr. El-Aroud stated roughly 2 1/3 ft. of the deck to lake it will conform to code and they will be adding a railing to south side.

Correspondence. The Lake Columbia Property Owners Association stated that they will approve deck contingent on ZBA approval. The second document is a letter from John & Sharon Dale of 133 Castlewood, Brooklyn, MI. 49230. They are in favor of granting variance.

Meeting closed to public comment at this time. Board Discussion of lot coverage, existing patio, lot size and elevation. Motion by Andrews to grant variance as requested including 38% lot coverage. Siting 10.3 A 1 & 3. Motion seconded by Denning. Denning:Yes, Tackett:No, Beamish:Yes, Andrews:Yes, Chairman Willerer:Yes. Variance approved.

Michael & Joanne Shanner (Casey Morrow agent) for a variance to construct a new residence a distance of 19' to the rear lot line (waterside), a distance of 9' to the North Lot line and a distance of 9' to the South lot line on property known as 119 Bayview Shores, 110 Morningside Ct. Brooklyn, Mi. 49230. ADP#000-19-27105-006-00.

Mr. Shanner spoke to his reasons why he is requesting a variance for his new home. They purchased the property a year ago and have decided to tear the old cottage down and rebuild a new home. Got survey of lot and discovered they would need to request variance to build on original footprint. The lot line and water's edge are different. They have met with Marty Taylor, Columbia Township Building Inspector and Supervisor Robert Elrod. To discuss lot line and water's edge discrepancy.

Chairman asked Mr. Shanner if the intent is still to use the existing foundation. Mr. Shanner stated they will be using original footprint.

Dustin Marrow of 6399 East Vienna rd. Clio, MI. 48420. Spoke at this time. He is the builder for the Shanner family. He stated that they will be building home according to Building codes.

Kim Dajanea of 345 Oakwood, Clarklake, MI. 49234. Spoke at this time to approve granting the variance. He stated other homes in the area have similar situations and would be in favor of granting variance.

Mike Razkowski of 108 Morningside Court, Brooklyn, MI. 49230. Has no problem with the variance request he empathizes with the Shanner Family. He wanted more clarification of request as presented to ZBA. He is in favor of granting request.

There are four pieces of Correspondence. 1. LCPOA- approval of request contingent on ZBA granting variance request. 2. Richard Leibeck, 109 Morningside Ct, Brooklyn, MI, 49230. Next door neighbor in favor of granting variance request. 3. Dave & Jan Horthrop, 107 Morningside Ct, Brooklyn, MI, 49230. In favor of granting variance request. 4. Jeff & Vanessa Schembri, 196 Bedford Dr, Brooklyn, MI, 49230. In favor of granting variance request.

Closed to public comment at this time. Board Discussion of lot size and dimensions of new home. Also lengthy discussion of water's edge and lot line as it affects the property owner. The Shanners lot lines and water's edge are different. Andrews stated that there is 46.4' from water's edge to structure.

Motion by Denning to approve variance request as requested, citing 10.3 A 1.3.4. 10.3D. Seconded by Tackett. Ayes: All. Variance granted.

Six Brothers LLC. Factual findings for the record.

Barbara Beamish- Stated the right of way belongs to the county they had no objection to the sign.

Bruce Andrews- The following reasons for my NO vote on the variance request by Six Brothers, LLC, to place a sign in the road right of way. 1) ZBA Authority- It is my opinion that the Columbia Township Ordinance does not give the ZBA authority to grant a variance on property to anyone other than the property owner. In this case the property owner would be Jackson County. 2) Variance requirements Not Met- It is my opinion that this variance request does not meet the following Columbia Township Ordinance requirements: 10.3 A 1, 10.3 B, 10.3 C, 10.3 D. Also the Columbia Township Application for Variance form which deals with property set-backs, could not be completed properly, because of the difference between this sign's location and what the township sign ordinance 7.2.9 and 7.2.12 requires. 3) Liability- I do not feel that the risk of possible township liability should be incurred, by granting a variance allowing the posts for this sign to be placed approximately 12 feet from the edge of the road pavement. Respectfully submitted, Bruce Andrews.

Brad Denning- The Columbia Township Zoning Board of Appeals is well within our right to grant a variance. They replaced an existing sign with existing like business.

Robin Tackett-Six Brothers LLC –request for variance to replace existing sign and install flood lighting. The following reasons for my Yes vote. They were given a permit by Jackson County Road Commission and letter from Jackson County Administrator/Controller. Both letters are on file at Columbia Township. They were issued a permit (#38-18-05-12) Confirming and authorizing granting by way of said permit allowing Six Brothers LLC, to replace and main the sign within the Jackson County Road Commission property. Siting 10.1 & 10.2 as well as 10.3. It is my opinion that the variance requirements were met.

Chairman Robert Willerer- Pointe Restraunt Sign Variance. 10.3-A-2. Property Owner (businesses) should be able to maintain standards of signage to comply with public health, safety and the general welfare of the community. The Zoning Ordinance has been established and designed to; provide the needs of commerce in growth to conform to the most advantageous uses of land and properties, with consideration of the general and appropriate trend and character of the land. 10.3-D. The restraint sign has been in place for over 25 years with no registered complaints. The location has not been cause of any reported accidents or caused a safety hazard. Robert J. Willerer, Chairman of Columbia Township Zoning Board of Appeals.

No public comment.

Motion by Chairman Willerer to adjourn the meeting at 8:10 PM. Seconded by Beamish. Ayes: All.  
Motion carried.

Respectfully Submitted,

Robin Tackett

Secretary Columbia Township Zoning of Appeals Secretary