

**COLUMBIA TOWNSHIP
ZONING BOARD OF APPEALS
MARCH 19, 2009**

Meeting called to order at 7 pm by Chairman Donald Oswald.

Roll call. Present: Steve Holmstrom, Bruce Andrews, Donald Oswald and John Messimer.

Chairman Oswald said we have a quorum but not a full Board and if the applicant wanted to set another date with a full Board we would adjourn. Mr. Omo said no.

Mr. Oswald said we have one variance request.

OMO, Carol, 96 Hyde Rd. Clarklake, MI. 49234 ADP#000-19-18-477-003-01. Request a variance of 6'6" to construct a garage.

Mr. Dan Omo, son of Carol Omo, said he was the builder and would like to utilize the footers already in the ground.

Mr. Messimer asked if the garage was to be totally demolished.

Mr. Omo said "yes" except for footers.

Mr. Oswald presented 4 letters from neighbors not objecting to the variance: Bonnie Van Wagnen, 100 Hyde Road, Ann Swain, 150 Hyde Road, Larry Lykins 106 Hyde Road and John and Jacqueline Calhoun of 92 Hyde Road all of Clarklake. Letters attached to the minutes of this meeting. Mrs. Calhoun present at the meeting.

Mr. Messimer asked if the applicant had received a copy of Article X of the zoning ordinance enumerating the conditions for a variance. Mr. Omo said "no".

Mr. Messimer further stated that the requirements of the applicant are to furnish a written letter stating why the variance should be granted and what conditions exist that prevent compliance. No letter was presented.

Mr. Oswald read Article VIII Section 8

SECTION 8.3 Nonconforming Buildings And Structures:

Where, on the effective date of adoption or amendment of this Ordinance, a lawful building or structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such building or structure; or its location upon a lot, such building or structure may be continued so long as it remains otherwise lawful subject to the following provisions:

A. No such building or structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance.

B. Should any such building or structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

Mr. Oswald said he didn't see where a variance could be granted considering the statute.

Considering Article X, no supporting section could be found to allow the variance.

Motion by Messimer seconded by Holmstrom to deny the request for variance of 6'6". Based Article X of the zoning ordinance that no special conditions were presented to allow the structure to be built and Article VIII that no non-conforming structure can be expanded, enlarged or extended in any way.

Ayes: Holmstrom, Andrews, Oswald, Messimer. Variance denied.

Minutes of December 4, 2008 ZBA meeting presented. Messimer reviewed the minutes and stated that it appears that the zoning ordinance was breached and not considered in making a decision. The motion to approve the Forgione request did not include the size of the sign, the set back, the height of the sign, lighting or view blockage and did not take in consideration the zoning of the land. The sign was not described as a new sign or the old original sign refurbished.

Motion by Holmstrom seconded by Andrews to approve the minutes of the Dec. 4, 2008 meeting. Ayes: Oswald, Holmstrom and Andrews. Abstain: Messimer (because of absence).

Adjournment

Respectfully submitted,

**John Messimer, secretary
ZONING BOARD OF APPEALS
COLUMBIA TOWNSHIP**