

**Columbia Township Zoning Board of Appeals**  
**August 27,2020**

Columbia Township Zoning Board of Appeals meeting called to order by Chairperson Mike Trout at 7:00 P.M. Present Jerry King, Barbara Beamish, Theresa Mahr and secretary Robin Tackett.

Motion by Robin Tackett to approve agenda as presented. The motion was seconded by Jerry King. Ayes:All. Motion carries.

Motion made by Jerry King to approve Columbia Township Zoning Board of Appeals meeting minutes of July 30, 2020 hearing. The motion was seconded by Theresa Mahr. Ayes:All the motion to grant the meeting minutes approved at this time.

No old business.

New business.

#1.Public hearing\* Shawn Minnick, 5975 Wesch Rd. Brooklyn, Mi. 49230. A request for variance to place a new home a distance of 19 ft. to the rear property line or a distance of 22 ft to the rear property and a distance of 22 ft. to the front property line on property known as 5975 Wesch rd. Brooklyn, Mi. 49230. ADP#000-19-28-226-004-00. Zoom meeting Id: 865 6879 2507 passcode 023130.

Rick Church, Columbia Township Zoning Administrator, first presented reasons why zoning permit was denied article 3 Table 3-4 (property line setback) Application is for new single family dwelling on a vacant non-conforming lot. The lot requires a 6 ft encroachment to allow what the applicant is asking for. He is asking for three feet in the front yard setback and the rear yard set back or just six feet in the rear yard setback to be able to allow him to build his home on the lot. The lot as it sits is a non-conforming lot. It is a vacant corner lot.

Shawn Minnick spoke at this time to present his reasons why he is requesting a variance at this time. He stated he would like to build a home by his parents. He would like to help care for them as they are getting older. He is trying to build the smallest home possible to not add to the non-conformity.

No public comment. No written correspondence. The Columbia Township Zoning Board of Appeals is closed for public comment at this time. Board discussion.

Theresa Mahr asked Rick Church to clarify p 3-14 5A. Rick clarified. This does not apply.

Motion by Robin Tackett to grant a 6ft rear yard setback variance a distance of 19 ft to rear property line on property known as 5975 Wesch Rd. Brooklyn, MI. 49230.  
ADP#000-19-28-226-004-00.Citing: 16.7, A & B.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to the unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms or the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance is not a result of the applicants actions.
3. That the variance will relate only to the property described in the variance application.
4. That the variance will be in harmony with the purpose of the Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
6. That the strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance request is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

The motion was seconded by Jerry King. No discussion. Roll Call. Mahr:No, Tackett:Yes, Beamish:Yes, Chairman Trout:Yes. 4 Yes 1 No Motion carried the variance is approved.

#2. William Wilcoxson, 164 Bedford, Brooklyn, Mi. 49230.

Rick Church Columbia Township Zoning Administrator, spoke as to reasons the zoning permit was denied. Article 3 Table 3-4 (site development requirements) The applicants are removing an existing deck and moving it to a different location on the front of the home it will be 10'x30'. The current ordinance does not allow for shift of deck from one side of the house to another because it is a non-conformity.

Mr. & Mrs. Wilcoxson both spoke and presented reasons as to why they are requesting variance. They are moving deck for safety reasons, current deck is non-conforming the plan is to make new deck less non-conforming and safer. They need a deck that is easier to access, has a better flow and works better for their family.

No public comment.

Two pieces of correspondence. One from Pam & Chuck Falahee 167 Bedford, Brooklyn, MI. 49230. In favor of granting variance. The second from Mike Wholehan 157 Bedford. Brooklyn, MI. 49230. In favor of granting the variance.

Closed to public comment at this time. Board discussion.

Theresa Mahr asked Rick Church the length of the deck? Rick stated the deck will be 10'x30'.

Theresa Mahr made a motion to approve a variance to grant a 5ft front yard setback to allow a request for variance to construct a new elevated deck a distance of 20ft. To the front property line known as 164 Bedford Drive, Brooklyn, MI. 49230. ADP#000-19-28-276-034-00. Citing: 16.7, A & B.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to the unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms or the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance is not a result of the applicants actions.
3. That the variance will relate only to the property described in the variance application.
4. That the variance will be in harmony with the purpose of the Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
6. That the strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance request is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

No discussion. Motion was seconded by Robin Tackett. Roll call vote taken at this time.: Beamish: yes, King: yes, Tackett: yes, Mahr: yes, Chairman Trout: yes. Ayes: All. Motion is carried and the variance is approved.

No public comments.

Board comments: Chairman Trout stated that he and Clerk Marsh are still looking for By-laws and will keep ZBA informed as to progress..

Motion by Jerry Kind to adjourn meeting at 7:40 PM. The motion seconded by Barbara Beamish. Ayes:ALL. The Columbia Township Zoning Board of Appeals meeting has been adjourned.

Respectfully submitted,

Robin Tackett  
Secretary Columbia Township Zoning Board of Appeals