

**Columbia Township Zoning Board of Appeals**  
**December 12, 2019**

Columbia Township Zoning Board of Appeals meeting called to order by Chairman Brad Denning at 7 P.M. Present Theresa Mahr, Robin Tackett, Barbara Beamish, and Chairman Brad Denning. Absent: Mike Trout.

Motion by Tackett to Approve agenda. Motion seconded by Mahr. Ayes: All. Motion carried.

Motion by Theresa Mahr to approve the November 14, 2019 meeting minutes. Chairman Brad Denning seconded motion. Ayes:All. Motion carried. Meeting minutes were approved.

Chairman Brad Denning presented to applicant that normally the Columbia Township Zoning Board of Appeals is a five member board. Tonight we have only 4 members present would they like to proceed or wait for a full board. A tie vote of 2 -2 will be a no vote. Tim Cornell stated he would like to proceed. Richard Wilson stated he would like to proceed.

Rick Church spoke as to second request on agenda. Richard Wilson 409 Oakwood, Clarklake, Mi. 49234. Request is to waters edge. The plat states to the water's edge and the survey also has a special note that states that the property owner plat extends to the waters edge.

Timothy Cornell, (Schoendorf Construction Agent) for a variance request to demo existing structure & re-build new single family residence of 42.4' to the Lakeside (water side) lot line on property known as Sely 30' of Lot 18 and entire Lot 19 Woodland Terrace, 8194 N.Shore Dr. Clarklake, MI. 49234. ADP# 000-19-17-328-002-00.

Mr. Cornell spoke as to reasons he is requesting a variance. Mr. Cornell stated that the drawing speak for themselves. The new home will be further away from the lake and that the new home will be less non-conforming and will make the best use of the lot. The new home will not impede any of the neighbours views and will be in harmony with the neighborhood.

Chairman Denning asked if they will be removing cottage to build a year round home? Mr. Cornell stated yes.

Gary Schultz, 8214 N. Shore Dr. Clarklake, Mi. 49234 spoke at this time. Has no problem with application but wants to see the house plans and detailed drawings. Rick Church spoke at this time and gave explanation. Chairman Denning read letter that was sent to adjoining homeowners outload.

No written correspondence. Closed to public comments at this time.

Board discussion at this time.

Robin Tackett read standards 1-7.

Theresa Mahr made a motion to deny based on standard #1, #4, #6.  
No second. Motion dies.

Discussion of Table 3-4 on 3-13. Does this apply? Under new ordinance in Table 3.4 p 3-13 footnotes paragraph 4 letter C special waterfront setbacks. This applies to Marshall property and therefore they will not need a variance for backyard (waterside). C. Special waterfront setbacks: In no case shall a structure be located closer than 50 feet from the waters edge of a waterfront lot, or the rear lot line of such lot, whichever is closer to the proposed structure, except that where there exists one or more dwellings on waterfront lots located on one or both sides of a lot, and where such dwellings are within one hundred feet of such lot and such dwellings are less than fifty feet from the waters edge, the required setback shall be the average setback of such existing dwellings measured from the waters edge. The neighbors are both at 26' so based on that there would be no need for a variance.

Chairman Brad Denning motion to table till 1-9-2020, motion seconded by Barbara Beamish. Pending clarification of Table 3.4.paragraph 4 C special waterfront setbacks.  
Ayes:All.

Richard Wilson a variance request to construct an addition onto the existing structure a distance of 11' to the Front yard (Roadside) lot line and a distance of 46' to the Back yard (Water side) lot line on property known as 409 Oakwood Ave, Clarklake, MI. 49234. ADP#000-19-20-103-006-00.

Mr. Wilson presented reasons why he is requesting a variance at this time. Explanation of what changes he is planning to do to current home to make it a year round home. It is a non-conforming home he is going to be making changes in areas that will not impede his neighbors views. Discussion of proposed request.

No written correspondence. Closed to public comments at this time.

Board discussion at this time. Trying to make less non-conforming.

Motion by Tackett to approve as requested to construct an addition onto the existing structure a distance of 11' to the Front yard (Roadside) lot line and a distance of 46' to the Back yard (Water side) lot line on property known as 409 Oakwood Ave, Clarklake, MI. 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.

Motion seconded by Chairman Denning. Roll call vote. Tackett:yes, Mahr:yes Beamish:yes, Chairman Denning:yes. Ayes:ALL.Variance granted.

. No public comment. Chairman Brad Denning adjourned meeting at 8:10 P.M.