

Columbia Township Zoning Board of Appeals
February 20,2020

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, Griffin Duckham 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 Jan 9, 2020 minutes. The motion was seconded by Chairman Brad Denning. Ayes:ALL.

Terrance & Catherine Scott for a variance request to construct fences that are not in compliance with our zoning ordinance (description attached) on property known as 6550 N. Shore, Clarklake, MI 49234. ADP#00-19-17-434-002-00.

Rick Church, Columbia Township Zoning Enforcement officer spoke at this time presented reasons as to why fence requests are not allowable fences. Section 20.14 p20-8. Lakefront setbacks must be met. 50 ft to the waters edge this setback is not met. Side yard setback solid fence request at 80ft is not met. Proposal does not meet criteria. Zoning permit denied.

Mr. Scott spoke at this time. Mr. Scott of 6550 N. Shore spoke at this time as to the reason he is requesting fence variance. Neighbors house is now a walk out and they have landscaping and stairs on their property that has a drop off of roughly 4ft. That they feel could be dangerous to their grandchildren. They have a rock retaining wall with steps.Which is about 3ft from the property line. They want to install a fence with a gate that would be between 3-4 ft tall. It would be black to match the house. The front yard fence along N. Shore Dr. request is different. It would be 80ft. Long and would be a solid fence. Stated it would be a vinyl custom fence. I don't want my grand kids in my neighbors yard. I don't want them touching his grass or his things.

No public comment.

Correspondence: One piece of correspondence.

Mike Trout 6534 N. Shore, Clarklake, MI 49234. Adjacent property owner. Does not object to the proposed fence.

Board discussion at this time. Closed to public comments. Discussion of Section 20.14 Fences and Walls.

Discussion of Scott request for variance. A. Erect a 6 ft. high solid fence on the east side of the front yard, 80 ft in length. B. Erect 4 ft. open fence along a short portion of property line facing lake in front yard. C. Erect 36" or lower wrought iron open fence along east property line. Discussion of application and Section 16 A & B. of Variance.

Motion by Tackett to deny 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 effects 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 to deny by Theresa Mahr. Roll call vote a yes vote is a vote to deny.

Tackett:yes, Mahr:yes Beamish:yes,Duckham:yes, Chairman Denning:yes.

Variance Denied.

Michael Melton for a variance request to construct a full basement under the existing structure a distance of 7' to the East lot line, a distance of 9' to the West lot line and a distance of 42' to the Backyard (waterside) lot line on property known as Lot 12, Block 5 Randalls Lakeside, 2600 Franklin Ct, Clarklake, MI 49234. 49234. ADP#00-19-22-105-001-00. This is a non conforming lot.

Rick Church, Columbia Township Zoning Enforcement officer spoke at this time. Discussed the reason for the variance request. The current home is a non conforming structure on a non conforming lot. They want to raise the home and put a basement underneath. In accordance with Section 6.4 p 6-2 cubic content is at play. The basement will increase the cubic content/ square footage of the home but the home is already a non conforming structure. They want to put a basement under the exact footprint of the current home. So they will need a variance to put a basement underneath according to Section 6.4 p 6.2.

Mr. Melton spoke as to the reason that he is requesting a variance. The chimney has leaked in the past and has caused water damage to the floor. The crawl space is a two block high space in order to repair the floor and damage they are planning to just lift home and put in the basement. It will level the home a lot and make it easier to fix water damage and give some storage space. It will not be any larger than the current home. It will have the same footprint as the existing home.

No correspondence.

Alan P. 2646 Franklin Ct. Clarklake, 49234. Spoke in favor of granting the variance.

Board discussion at this time. Closed to public comments.

Discussion of Section 6.4 Non-Conforming Structures p.6-2. Cubic non-conformities as well as Section 16.7.

Motion by Theresa Mahr to approve 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 effects 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

inequality inherent in the particular property or mitigate the practical difficulty.

Motion seconded by Chairman Brad Denning. Roll Call vote: Beamish, Yes: Duckham, Yes, Chairman Denning, Yes: Mahr, Yes: Tackett, Yes. Ayes: ALL. Variance approved.

No public comment. Chairman Brad Denning adjourned the meeting at 8:15 P.M.

Respectfully Submitted,

Robin Tackett
Columbia Township Zoning Board of Appeals Secretary