

Columbia Township Zoning Board of Appeals
July 30,2020

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 Chairman Mike Trout to approve Columbia Township Zoning Board of Appeals meeting minutes of July 23, 2020 hearing with some changes. (Those are noted and changed in 7/23/2020 meeting minutes). The motion was seconded by Theresa Mahr. Ayes:All the motion to grant the meeting minutes approved at this time.

First hearing of the evening. John Korican for a variance to construct a garage a distance of 6' to the South lot line on property known as 827 Russmiller Loop, Brooklyn, MI. 49230. ADP#000-20-29-377-001-01.

Rick Church, Columbia Township Zoning Administrator spoke first. Gave an explanation of why they were denied a zoning permit citing Table 3-4 site development requirements, encroaching into required side yard minimum setback. They would be encroaching 6ft into the side yard setback.

Mr.& Mrs. Korican were present and spoke at the hearing. Mrs.Korican spoke first presenting reasons they are requesting a variance. They want the house and garage roof to be parallel on the lot. They want to make best use of the space and at some point have a covered walkway from home to garage. The lot next to them is empty and will not impede or negatively affect them by the placement of the new planned garage. Chairman Mike Trout asked the question: is this a two story garage with bonus room? Mrs. Korican stated that the garage will have a bonus room to be utilized for storage.

No public comment.No written correspondence. Closed to public comment at this time. Board discussion.

Theresa Mahr motion to deny. Motion seconded by Jerry King. Chairman Trout discussed the current garage and setbacks at this time. Roll call vote, a nay to deny motion a yes vote to approve motion.

Roll Call: Beamish:Nay, Tackett:Nay, Chairman Trout:Nay, Mahr:Yes, King:Yes. Nay=3, Yes=2. The motion is defeated.

Barbara Beamish made a motion to approve as requested. Motion dies for lack of support.

Chairman Mike Trout made a motion to approve a variance to construct a garage a distance of 8ft to the North lot line. Granting a 2ft. Side yard setback variance.

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 Theresa Mahr. Roll call vote. Tackett:yes,Mahr:yes, Beamish:yes,King:yes, Chairman Trout:yes. Ayes:All. Motion approved. Variance granted.

Zachary Kanaan for a variance request to construct a 2nd story deck, not applied for in the previous variance a distance of 22' to the Backyard (waterside) lot line on property known as 2188 Sunset, Clarklake, MI.49234.ADP#000-19-21-226-008-00.

Terry Mahr read a letter and asked to have this variance request postponed for 30 days so everyone can read Zachary Kanaans attorneys 37 page memorandum. Robin Tackett asked Columbia Townships Attorney, Eric White who was on the Zoom hearing his opinion. He felt the hearing should continue as planned this evening. Theresa Mahr then stated she would withdraw her comment to postpone. Chairman Mike Trout then read an ex-parte letter he was presented by Theresa Mahr and read the letter for record.

Rich Church, Columbia Township Zoning Administrator spoke at this time and discussed the addition to the non-conforming structure. The second story deck increases the non-conformity and adds to the increase in existing setbacks. The deck is 28' to the waters edge at this time, so it is a total encroachment of 22' into the setback.

Brendon R. Beer, attorney (405 S. Jackson St. Jackson, MI. 49204.) for Zachary Kanaan will be representing him this evening. He emailed a 37 page memorandum which will be noted and put into the record at this time. Mr. Beer discussed the current deck was given the ability to share his screen and presented photos and documents at this time. Discussion of old deck vs. new deck. Mr. Church spoke at time stating the new deck is not on the same footprint and encroaches 2ft more into setbacks than original deck. Mr. Beer stated the reasons of why the variance should be granted citing Section 16.7 A & B. standards 1-7 that the ZBA uses to determine a decision. Presented photos of the property, the deck and supporting documents and letters in support of granting a variance for Zachary Kanaan. Would like the memorandum noted for the record at this time. Chairman Trout noted and recorded the memorandum that was presented into record.

Zachary Kanaan spoke and stated that he thought he was approved for the deck with the first variance. He complied with the stop work order and would just like to complete his home.

Public comments:

John Aikens 8424 Sunset, Clarklake, MI. spoke in favor of granting the variance.

Roy 2279 Sunset, Clarklake, MI. spoke in favor of granting the variance.

Mike & Doretta Turk 2211 Shady Ln, Clarklake, MI spoke in favor of granting the variance.

Deb Mitchell 2200 Shady Ln. Clarklake, MI. spoke in favor of granting the variance and wrote a letter in support of granting the variance as requested.

Four letters presented at this time by Chairman Mike Trout. John Aikers, Mike Fodor, Deb Mitchell and Phil Dawson are all in support of granting variance for Zachary Kanaan. All four letters will be filed and noted for the record.

Closed to public comment at this time. Board discussion.

Barbara Beamish made motion to grant variance for Zachary Kanaan for a variance request to construct a 2nd story deck, not applied for in the previous variance a distance of 22' to the Backyard (waterside) lot line on property known as 2188 Sunset, Clarklake, MI.49234.ADP#000-19-21-226-008-00. Citing:16.7, A & B.

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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 Robin Tackett. Roll Call. Mahr:abstain, Tackett:yes, Beamish:yes, King:yes and Chairman Mike Trout:yes. Four yes votes and one abstain the motion is carried and the variance is granted.

No public comment. Board comments. Discussion of receiving email correspondence and relevant information regarding variance requests. Discussion of monthly meetings on a specific Thursday every month. Will discuss again at another time. Also Bylaws for

the board need review,Chairman Mike Trout will be looking further into this and will be bringing this back to the ZBA.

Motion by Robin Tackett to adjourn at 8:36 PM. The motion was seconded by Theresa Mahr. Ayes:All the Columbia Township Zoning Board of Appeals meeting is adjourned.

Respectfully submitted,

Robin Tackett
Secretary Columbia Township Zoning Board of Appeals