

Columbia Township Zoning Board of Appeals
November 7, 2019

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

Motion by Tackett to move minutes of 9-12-19 meeting on agenda to after Victor Marshall hearing. Motion seconded by Mahr. Ayes: All. Motion carried.

Victor Marshall for a variance request to construct 2 decks a distance of 5' to the West lot line and a distance of 26' to the backyard (waterside) lot line on property known as 450 S. Woodland, Clarklake, MI. 49234. ADP#000-19-20-126-001-00.

Rick Church Zoning Inspector for Columbia Township spoke first as to Marshall request for variance. 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 Denning spoke at this time to clarify that applicant will only need side yard variance.

Victor Marshall spoke at this time reasons why he is requesting variance. He needs a barrier free and ADA compliant deck to make more accessible. The side where they are requesting a variance is next to a vacant strip of land and the closest neighbor is more than 25ft feet away. The deck will not block anyone's views and will not impair or impede in any way.

No written correspondence.

John Calhoun, 5440 Oakwood, Clarklake, MI 49234. Spoke in favor of granting variance. He is Mr. Marshalls neighbor to the West the new deck would face his house he is in support of granting variance as requested.

Becky Consonni 435 Oakwood, Clarklake, MI 49234. Spoke in favor of granting the variance.

Closed to public comment at this time.

Discussion of lot size and practical difficulties of property. Discussion of Table 3.4 p 3-23 4C.

Motion by Mike Trout to approve request based on administrative review of property and accordance with Table 3.4 p 3-3-13 4.C. that front yard (lakeside) setback variance request meets conditions of ordinance. To approve west side yard setback variance of 5 feet. A distance of 5 feet to the lot line. Siting 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.

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

Minutes of Sept 12, 2019 meeting corrections Teresa Mahr. Motion by Mahr after corrections. Second Chairman Denning. Ayes:All. Motion carried. No public comment. Chairman Brad Denning adjourned meeting at 7:27 P.M.