

**COLUMBIA TOWNSHIP
ZONING BOARD OF APPEALS**

June 4, 2009

Meeting called to order by Chairman Donald Oswald at 7 pm.

Roll call. Present: Barbara Beamish, Steve Holmstrom, Bruce Andrews, John Messimer and Donald Oswald. Absent: none.

Motion by Holmstrom seconded by Andrews to take the Banas request for a variance off the table for action. Ayes all, motion carried.

Request by Susan Banas for a variance of 7 feet 5 inches, 2 feet 7 inches to the north property line, 2 feet 8 inches, 7 feet 4 inches to the south lot line and a 19 foot variance 31 feet to the lakeside lot line at 2802 Russell Court. Clarklake, MI. 49234.

Mr. Steve Buzby representing the Banases presented drawings and elevations and survey as requested at the last meeting.

Mr. Buzby addressed the water run off consideration due to the size of the structure.

Mr. John Lozier of 163 Lakewood, East Leroy, Mich. questioned the side yard set back of 2.7 feet to the north and if there was adequate water run off space.

Mr. Buzby said the requested south side yard set back would be 7.4 feet and the turn distance would be 13 feet from the garage.

Chairman Oswald questioned the adequacy of the turn area.

Mr. Holmstrom questioned the lot coverage as well as the aforementioned retaining wall for the driveway.

Mr. Buzby said there is no need for the wall as the swale will conduct the water run off.

Mr. Messimer questioned the roof overhang, Mr. Buzby said, "one foot all the way around."

Mr. Banas said there is ample room for the garage and the turning area and the side yard set backs.

Chairman Oswald cited the responsibilities of the Zoning Board of Appeals and had Secretary Messimer read Article X Section 10.2 "The Duties of the

Zoning Board of Appeals" and Section 10.3, A 3 "that special conditions and circumstances do not result from the actions of the applicant".

Mr. Andrews cited Article X Section 10.3 C. "The Zoning Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure" in considering the size and situation of the garage. A front loading garage would be more compatible with the ordinance.

Mr. Buzby said we will walk away if we cannot have the side loading garage.

Mr. Kevin Thompson, attorney at law, addressed the hearing and referred to a memorandum he supplied to the board. Mr. Thompson said he represented Mr. Root of 2800 Russell Court, the neighbor to the south. Mr. Thompson questioned the lot coverage as well as the water run off issues and requested the variance be denied.

Chairman Oswald closed the public comments.

Mr. Holmstrom said the north side set back is too severe.

Mr. Oswald said he did not see how we can approve the requested variances according to the ordinance.

Mr. Messimer said there is no compelling evidence that special conditions and circumstances exist that do not result from the actions of the applicant.

Motion by Holmstrom seconded by Andrews to deny the variances based on Article X Section 10.3 A 1-5 and C and D.

Ayes : Messimer, Oswald, Andrews, Holmstrom and Beamish. Nays: none. Variance denied.

Motion by Andrews seconded by Beamish to accept the minutes of the May 7, 2009 meeting. Ayes all motion carried.

Adjournment

Respectfully submitted,

**John Messimer, secretary
COLUMBIA TOWNSHIP ZBA**