

**COLUMBIA TOWNSHIP
ZONING BOARD OF APPEALS
May 7, 2009**

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

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

***LAMBARTH, Alan* 000-20-29-482-002, 251 Hill Court, Brooklyn, Mich. 49230. Request a variance of 9 feet, a distance of 1 foot to the east property line, a variance of 21 feet, a distance of 4 feet to the back lot line and a lot coverage variance to 40% to erect a 2 story deck to replace the present deteriorated steps and landing areas.**

Mr. Lambarth explained that he bought the house 2 months ago and the staircase and landing areas at the rear of the house and on the East Side of the house were deteriorating and needed to be replaced. The house needed additional supports to the front overhang of the second story. The house is being remodeled and was originally a 2-car garage with living quarters above. He stated that there is no inside stairway to the first floor and needs to replace the outside stairways for safety.

Mr. Joe Kelley of 790 Oak Hill Dr. said he was helping Mr. Lambarth with the construction.

A letter from Mr. and Mrs. Edward Kostielney of 14220 Thornwood, Riverview Mich. 48193 who own the adjacent property at 245 Hill Court was received in objection to the variance. A copy of the letter is attached to the minutes of this meeting.

Mr. Oswald and Mr. Messimer both stated that the house is a non-conforming building.

Mr. Messimer read Article 8 section 8.3, paragraph A, concerning non-conforming buildings and structures: A. No such building or structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance. Mr. Messimer also read Article 8 section 8.6 "Extension and Substitution" which allows for rebuilding, replacing, improving and enlarging where safety, public health and welfare could be threatened.

Mr. Andrews cited the 5-foot deck on the East Side and recommended that a 4-foot deck would be the least variance that should be allowed.

Motion by Andrews seconded by Holmstrom that the request for variance be allowed and amended as follows: a variance of 8 feet, a distance of 2 feet to the east property line, a variance of 21 feet, a distance of 4 feet to the back lot line and a lot coverage variance to 40% to erect a 2 story deck to replace the present deteriorated steps and landing areas. Motion is based on Article 8.6, Article 10.3, A-F of the Zoning Ordinance.

Ayes: Beamish, Andrews, Messimer, Holmstrom and Oswald. Variance approved.

BANAS, Susan, 000-19-22-102-002-01, 2802 Russell Court, Clarklake, Mich. 49234. Request a variance to demolish existing structure and build a new house with a variance of 6' 3" a distance of 3' 7" to the northeast lot line and a 19' variance a distance of 31' to the lakeside lot line.

Mr. Peter Buzby, builder, presented drawings, deeds and letters explaining the request. He said that the present structure would be demolished.

A letter from Randall Root, owner of the adjacent property at 2800 Russell Court was received and read by secretary Messimer. A copy of the letter is attached to the minutes of this meeting.

Mrs. Phyllis Fountain of 2806 Russell Court questioned the 5-foot easement and the quitclaim deed for the property described between her house and the Banas property.

Mr. Oswald questioned the 5' easement between the Root property at 2800 Russell court and the Banas property.

Mrs. Banas explained that the 10' easement was divided between her property and the Root property.

Mr. Jim Fountain, son of Mrs. Phyllis Fountain, questioned the quitclaim deed and if the side yard set back is correct.

Chairman Oswald questioned the placement of the garage and the apparent limited turning area for entering the garage.

Mr. Holmstrom questioned the easement and asked if it had been abandoned.

Mr. Matt Johnson of 2966 Russell court said that the 10' easement was for access for back lot owners and hadn't been used in 30 years.

Mr. Oswald said the board needs more information concerning the status of the aforementioned easements, the quit claim deed and the property lines and turning ratio for the garage and therefore should table the request until this information can be presented.

Mr. Buzby addressed the turning ratio for the garage and the water run off from the lot.

Mr. Stoney Green, realtor said he represented Mr. Root and questioned the lack of elevation drawings and the dimensions of the proposed house.

Mr. Buzby said he will present requested drawings in the future.

Motion by Beamish seconded by Andrews to table the request for 2 weeks or until information can be obtained. Ayes all, motion carried.

Minutes of the March 19, 2009 meeting presented and on a motion by Andrews and seconded by Holmstrom was approved without objection.

Adjournment

Respectfully submitted,

**John Messimer, secretary
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