

**COLUMBIA TOWNSHIP  
ZONING BOARD OF APPEALS  
SEPTEMBER 3, 2009**

Meeting called to order by chairman Donald Oswald at 7 PM. In the Columbia Township meeting room.

Roll call. Present: Donald Oswald, John Messimer, Robin Tackett, alternate, Bruce Andrews and Barbara Beamish. Absent: none.

BANAS, Susan, ADP#000-19-22-102-002-01, 2802 Russell Court, Clarklake, Mich. 49223. Request for a variance to demolish existing building and build a house with a 5.5' variance, 4.5' to the property line on the north property line and a 3.5' variance 6.5' to the south property line and a 18' variance 32' to the lakeside property line.

Mr. Pete Buzby, contractor represented the Banases and presented a new set of blueprints and drawings. He commented on the issues of the previous request including the garage and the driveway and water run-off .

Mrs. Phyllis Fountain of 2806 Russell Court questioned the set back. Mr. Jim Fountain asked about the placement of the house on a slant. Mr. Fountain asked if the side yard set backs are 10' in the ordinance. Mr. Oswald said, " yes".

Mrs. Fountain said the house would be too close to her lot line. Mr. Fountain asked about the drainage issue.

Mr. Buzby said the swale will conduct the water run-off to the lake.

Mr. Fountain asked if shrubbery or fencing would be built on the property line.

Mr. Buzby said the Banases have a landscape architect that will add shrubs later.

Chris Perry of 2800 Russell Court questioned the lakeside set back and if a deck would be built.

Mr. Buzby said a variance would be needed but a landscaped patio may be added.

Mrs. Fountain asked what if she wanted to build as close to the property line as the proposed house?

Mr. Oswald said she would have to ask for a variance.

Kelly Shrader of 2935 Russell Court questioned why the survey stakes were removed from the Banas property.

Mr. Buzby said the house stakes were removed by Mr. Banas but not the lot survey stakes.

Mr. Steve Tackett asked about the time line for the building.

Mr. Buzby said the house will be completed in 7 months from the start and will begin in about 2 months.

Mr. Chris Perry asked about the demolition of the condemned house.

Mr. Brent Beamish said Mrs. Fountain has a good point to consider in reference to building near the north property line.

Chairman Oswald closed the public discussion and asked for comments from the Board.

Mr. Andrews read Article X Section 10.4 B. " No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid. He questioned the validity of the meeting in light of the ordinance.

Mr. Messimer understood that new conditions were to be presented for the Banas request and that approval was indicated by the Township Attorney but no letter was presented. The conditions that would be considered should be not be actions of the applicant but appear that they are.

Architect Mr. Joe Monahan said the house would be no closer than 6.5' to either property line.

Motion by Tackett, seconded by Andrews to grant a 2' variance 8' to the north property line and a 2' variance 8' to the south property line and a 18' variance 32' to the lot line on the lakeside and the condemned house be demolished immediately.

Ayes: Beamish, Tackett, Andrews, Oswald. Nays: Messimer.

Variance approved.

Motion by Tackett seconded by Beamish to approve the minutes of the July 30, 2009 meeting. Ayes all motion carried.

Adjournment

Respectfully submitted,

John Messimer, secretary  
COLUMBIA TOWNSHIP ZBA