

**Columbia Township Zoning Board of Appeals**  
**January 14, 2021**

Columbia Township Zoning Board of Appeals meeting called to order by acting Chairperson Robin Tackett at 7:00 P.M. Present Jerry King, Barbara Beamish, Ray Kuzminski and secretary Robin Tackett. Absent Hollis Jefferies.

Motion by Robin Tackett to approve agenda as amended. The motion was seconded by Jerry King. Ayes:All. Motion carries.

Motion made by Ray Kuzminski to approve Columbia Township Zoning Board of Appeals meeting minutes of Nov 12, 2020 hearing. The motion was seconded by Barbara Beamish. Ayes:All the motion to grant the meeting minutes approved at this time.

Public comments. None at this time.

PUBLIC HEARING(S) 2 variance requests & 1 variance extension

#1.Request for a variance to construct an addition to existing non-conforming structure a distance of 11' to the front property line and 9' to the side yard property line on property known as 106 Robindale Ct. Brooklyn, MI 49230. ADP# 000-19-28-451-008-00

Rick Church, Columbia Township Zoning Administrator spoke at this time. Discussed application at this time. Discussion of front property line setbacks and side yard setbacks. The home encroaches into setbacks currently and with the proposed application request for variance it only adds a foot to already nonconformity. Ray asked if the home will be similar to properties in the neighborhood? Rick stated that is subjective.

Paul Bates,spoke at this time stating reasons why they are requesting a variance. The house is currently a modest Ranch style home and with the addition it will stay a single story Ranch style home. They want the addition to make the house the applicant's permanent residence. The home is on a cul de sac and with the addition will not impede any views of road or lake. They need the addition to add a front door to the home to make it more accessible.

Ray asked Paul about the fire code and access between the two buildings? Short discussion at this time of proposed addition into setback. The request on that side of home is a 1' encroachment into side yard setback.

John Bryns 126 N. Grant Pt. Brooklyn, MI. Spoke at this time. Question wants directional North, South, East, West dimensions of request for side yard setback. Discussion and clarification for him at this time.

Sandy Koepler spoke at this time. They do not want to build towards the lake to possibly block any views they are trying to be considerate of neighbors. They are trying to make the best use possible and want to make this their permanent residence.

No public comment. No written correspondence. The Columbia Township Zoning Board of Appeals is closed for public comment at this time. Board discussion.

Columbia Township Zoning Board of Appeals discussed the application at this time.

Motion by Ray Kuzminski to grant the variance as requested. Seconded by Robin Tackett .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.

No discussion. Roll Call. Beamish:yes, King:yes, Kuzminski:yes, Tackett:yes. Motion carries and variance is granted.

#2. Request for a variance to construct a detached garage in the front yard (as defined in Zoning Ordinance) on property known as 5532 Jefferson Road, Clark Lake, MI 49234. ADP# 000-19-21-351-001-04

Rick Church, Columbia Township Zoning Administrator spoke at this time to discuss reasons why variance is needed for 5532 Jefferson Rd. Clark Lake. Our ordinance does not allow for accessory structures in the front yard as stated in 20.8 section C paragraph 1 of our ordinance.

Jeffrey Dillon spoke at this time and stated his reasons for requesting a variance. He stated he owns 15 acres his home is very far off the road he wants to build a pole barn in what would be by our ordinance his front yard. He is trying to place it in a spot that has the best configuration. That is why he is requesting a variance. He stated he is happy to plant more trees if that would be a condition. There will be approximately 8 to 9 acres of land between he wants to maintain the natural look of the land he would like to not have to remove any trees if possible. Ray asked him several questions at this time. What is the purpose of the garage? Will you be renting it out? Using it for a storage business? Will you have commercial vehicles? Are you going to lease it for other things? Mr.Dillon stated it is for his own private use. He will not be using it for any commercial uses or leasing it out in any way.

No public comment.

Closed to public comment at this time. Board discussion. Discussed 20.8 section C paragraph 1. Also Ray asked if all of his comments would be placed in the minutes.

Motion by Ray Kuzminski to approve the variance as requested  
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. 20.8 sec That the variance request is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

Also Citing 20.8 section C paragraph 1. Motion seconded by Barbara Beamish  
No discussion. Roll call vote taken at this time.:Beamish:yes, King:yes, Tackett:yes,  
Kuzminski:yes.Ayes:All. Motion is carried and the variance is approved.

#3Variance extension for 409 Oakwood, Clarklake MI 49234. Approved on Dec 12,  
2019. Documentation enclosed in packet.

Rick stated at this time the applicant is requesting an extension as allowed in our  
ordinance. Minutes of meeting enclosed in the packet as well. 12-12-19.

Motion to grant variance extension Barbara Beamish as requested. Seconded by  
Tackett. Roll Call vote: Beamish:yes, Tackett:yes, King:no. Kuzminiski:abstained. 2 yes  
1 no . Motion passes. Variance extension is granted for one year from date of approval.

Old business- By laws. Mike Trout spoke that the draft is still being worked on and could  
be sent to the township attorney for review.

No public comments.

Board comments:

Motion by Jerry Kind to adjourn meeting at 8:00PM. The motion seconded by Ray Kuzminski. Ayes:ALL. The Columbia Township Zoning Board of Appeals meeting has been adjourned.

Respectfully submitted,

Robin Tackett

Secretary Columbia Township Zoning Board of Appeals