

**Columbia Township Zoning Board of Appeals
October 8, 2020**



Columbia Township Zoning Board of Appeals meeting called to order by Chairperson Mike Trout at 7:07 P.M. Present Jerry King, Theresa Mahr and secretary Robin Tackett. Absent: Barbara Beamish. Tonight's Columbia Township Zoning Board of Appeals meeting is a hybrid meeting, in person at Township hall and Zoom.

Motion by Chairman Mike Trout to approve agenda as regularly presented. The motion was seconded by Robin Tackett. Ayes:All. Motion carries.

Motion made by Theresa Mahr to approve Columbia Township Zoning Board of Appeals meeting minutes of August 27, 2020 hearing with some changes. (Those are noted and changed in 8/27/2020 meeting minutes). The motion was seconded by Jerry King. Ayes:All the motion to grant the meeting minutes approved at this time.

First request on agenda: Request for a variance to place a 8' x 10' storage shed a distance of 7.5' to the side property line, exceeding the max lot coverage % and exceeding the minimum separation distance for accessory structures on property known as 8234 North Shore, Clarklake, MI 49234. ADP#000-19-17-327-016-00.

Rick Church spoke first as to why the request for zoning permit was denied. Mr. Church stated that Table 3-4 p 3-12 maximum lot coverage, Table 3-4 minimum yard setback and section 20.8 C 3. Minimum separation distance for accessory structure.

Mr. Earl 8234 North Shore, Clarklake, MI.49234. Presented his reasons why he is requesting a variance at this time. He stated at this time he does not have enough space to put his lawn mower, golf cart. This is the best solution that he can come up with to find the storage that he needs.

Chairman Trout asked the applicant if he plans on enclosing his deck? Mr. Earl stated no he plans on cutting off part of the deck to fit the shed. Theresa Mahr asked Mr. Earl how far past deck do you intend to go with the shed? Mr. Earl stated 3 or 4 feet past the existing deck. (3'-4' to the east)

Rick Church spoke to help clarify, look at p 23 and p 24 of ZBA application, request is for 7.5', 2.5' encroachment into the side yard setback. Small portion of the deck will be removed to place the shed.

Chairman Trout stated the request is 57% lot coverage, 27% more than allowed, 2.5' encroachment into side yard setback, and variance to include exceeding the minimum separation distance for an accessory structure.

No public comment. Two pieces of correspondence. One from Charles Donnell, 8152 North Shore Drive, Clarklake, MI. 49234. In support of granting variance. Second piece of correspondence is from John Karkheck of 8178 North Shore, Clarklake, MI. 49234. He is in favor of granting the variance.

Closed to public comment at this time. Board discussion.

Discussion of size of shed, height, width.

Motion by Chairman Trout to approve 2.5' side yard setback, 7.5' to the side yard lot line. To allow excess lot coverage at 27% over what is normally allowed. To allow zero percent setback for accessory structure not to exceed 10' in height. 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 of 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.

The motion was seconded by Jerry King. Roll Call: Tackett: no, Mahr: no, King: yes, Chairman Trout: yes. Motion fails. Chairman Discussed what failed voted means to

Mr. Earl. Normally we are a 5 member board and because he did not explain at the start of the meeting about 4 member vs 5 member he would like to table his request until a 5 member board can hear his request. Chairman Trout motion to table, Tackett second motion. Ayes:ALL.

The second request for a variance to tonight is a request to construct new stairs a distance of 30' to the rear property line and adding approximately 18sq. Ft. of encroachment to the existing non-conforming stairs on property known as 1732 Eagle Point Road, Clarklake, MI. 49234. ADP#000-19-21-102-008-02.

Rick Church, Zoning inspector for Columbia Township spoke as to reasons why the application for zoning was denied. Article 6 section 6.4 non-conforming structures. Enlargement of existing non-conforming structure into setback. It will be 2.9' closer to the lake.

Schoendorf construction builder for Patrick & Suzanne Walz spoke at this time presenting reasons why they are seeking variance. Mike Schoendorf stated at this time that the stairs are not safe, they are too steep and do not meet building code. They are currently non-conforming. They want to make a safer set of stairs that meet building codes and will be in harmony with the home and will be safer to use in the future.

No public comment. Applicants are both present. No correspondence. Applicants submitted a picture of stairs and elevation sheet with signatures from neighbors. (in file)

Theresa Mahr asked about the design and plan of the stairs? Mr. Schoendorf answered about meeting current building codes and meeting the needs of his clients.

Closed to public comment at this time. Board discussion.

Motion by Chairman Trout to approve variance as requested, to construct new stairs a distance of 30' to the rear property line and adding approximately 18sq. Ft. of encroachment to the existing non-conforming stairs on property known as 1732 Eagle Point Road, Clarklake, MI. 49234. ADP#000-19-21-102-008-02. Citing:16.7, A & B.

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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.

Motion seconded by Theresa Mahr. Roll call vote. Jerry King: yes, Chairman Trout: yes, Theresa Mahr: yes, Robin Tackett: yes. Ayes:ALL. Motion is carried and the variance is granted.

No new or old business.

Motion by Jerry King to adjourn tonight's meeting at 8:12 PM. Chairman Trout adjourned the meeting.

Respectfully submitted,

Robin Tackett
Secretary Columbia Township Zoning Board of Appeals