

Columbia Township Zoning Board of Appeals
February 24, 2022

Columbia Township Zoning Board of Appeals meeting called to order by Robin Tackett at 7:00 P.M. Present: Jerry King, Hollis Jeffreys, Ray Kuzminski, Diana Potts and secretary/Chairperson Robin Tackett.

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

Motion by Ray Kuzminski to approve the ZBA minutes of 11/30/21. Motion seconded by Diana Potts. Ayes:ALL. Motion carries.

Public comments.

PUBLIC HEARING(S) 2 variance requests.

2) Request for a variance to construct a new home with a reduction of the rear yard setback requirement (25' to 20') and the front road easement line set back requirement (25' to 9') on vacant property known as Cindy Cir, Brooklyn, MI 49230 ADP# 000-19-33 428-013-00

1) Request for a variance to construct a new home with a reduction of the rear yard setback (25' to 19') on vacant property known as Pennsylvania Ave, Clarklake, MI 49230 ADP# 000-19-16 430-003-01

Rick Church, Columbia Township Zoning Administrator spoke at this time. Discussed the variance to construct a new home with a reduction of the rear yard setback on vacant property on Pennsylvania Ave, Clarklake, MI.

PAUL/JANINE Bazydlo. 5307 BROOKLYN RD APT 2 JACKSON MI 49201. Spoke at this time stating the reasons that they are requesting a variance. Trying to build a home that will best suit the lot and the surrounding neighborhood. Non-conforming lot is causing difficulty.

Hollis Jefferys asked which direction the home will be facing. The applicant stated that the home will be facing East.

No public comments. No correspondence.

The Columbia Township Zoning Board of Appeals is closed for public comment at this time. Board discussion at this time.

Motion by Ray Kuzminski to approve variance request. Citing: 16.7, A & B. 2, 5, & 7.

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 effects 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.

Motion seconded by Diana Potts.

Roll call: King: Yes, Kuzminski: Yes, Jefferys: Yes, Potts: Yes, Tackett: Yes. Variance approved as requested.

2) Request for a variance to construct a new home with a reduction of the rear yard setback requirement (25' to 20') and the front road easement line set back requirement

(25' to 9') on vacant property known as Cindy Cir, Brooklyn, MI 49230 ADP# 000-19-33 428-013-00

Rick Church, Columbia Township Zoning Administrator spoke at this time. Discussed the request for a rear yard setback requirement (25' to 20') and the front road easement line set back requirement (25' to 9') on vacant property known as Cindy Cir, Brooklyn, MI 49230 ADP# 000-19-33 428-013-00. Discussed the lot line and waters edge. The unique & non-conforming lot size and dimensions that have the applicant here requesting a variance. 1st deed restrictions Columbia Township does not enforce deed restrictions. Blue prints are not needed for application. Discussed the zoning rules and regulations. Stated that the request is 51 ft. 20 ft. from the rear property line asking for 5ft encroachment.

Tom Hill, 112 Cindy Circle Brooklyn spoke first and stated that he is not in favor of granting the variance on property on cindy circle. He spoke in length on reasons he felt the variance should be denied. That the restrictions from Lake Columbia Property owners association should be upheld. That the size of the home should be in line with others on the street. That there is a property line dispute.

Bob Dresser 110 Cindy Circle, Brooklyn, MI. Lengthy discussion of how he is not in favor of granting a variance for application on Cindy Circle, Brooklyn, MI. He is a licensed builder and does not feel that a variance should be requested that you should build according to all laws and building codes without requesting a variance. Discussed deed restrictions, LCPOA requirements for building on Lake Columbia. Discussed the prior granted variance on the property. He had questions about street parking. Concerned about ditch and drainage on property, how will it affect other properties on the street. That there is no hardship, financial or otherwise. He feels it would be unjust to the other property owners on the street.

Mike Wallace 221 Somerset, Brooklyn, MI. Spoke at this time. Not in favor of granting the variance.

Andrew Dresselhouse 100 Cindy Circle, Brooklyn, MI. Spoke at this time. Not in favor of granting the variance. Spoke at length stating the reasons he feels that the variance should not be granted. Everyone on the street should have to build within their footprints according to the building code and LCPOA regulations. Stated it could financially affect his home and those on his street. It should be the same size as those surrounding the property.

Angela Nadell 116 Cindy Circle, Brooklyn, MI. Owner of lot and adjoining property owner. Discussed at this time her reasons for requesting a variance. She is trying to sell the property. Would like to sell property with a variance to construct a home that will face the lake and be better suited to fit on the non-conforming lot. Discussed that her property line ends but that there is property between her survey and the waters edge. It is approximately 51 ft. She is requesting a rear yard setback requirement (25' to 20') and the front road easement line set back requirement (25' to 9') on vacant property known as Cindy Cir, Brooklyn, MI 49230 ADP# 000-19-33 428-013-00. Stated that it will be in harmony with current home and that it will not impair views ingress or egress on road.

Brian Gough (realtor for applicant) spoke at this time and stated that he was granted a variance on the same parcel of land in 2017. He stated that it is a non-conforming lot and to make best use of the lot a variance would be required.

Six pieces of correspondence read and entered into record at this time.

1-Mark Eidelson, Landplan. Nothing in his comments regarding application should be construed that the variance should be approved or denied.

2-Geoffry Snyder-Jackson County Drain commissioner. Multiple bullet points.

3-Jan Bagget 108 Cindy Circle, Brooklyn, MI. Not in favor of granting variance.

4-Gary Dresselhouse 110 Cindy Circle, Brooklyn, MI. Not in favor of granting variance.

5-Fire Chief Scott Coda-

6-Ed Ponagai 127 Castlewood, Brooklyn, MI. Not in favor of granting variance.

7- Wayne & Beverly Darr, 106 Cindy Circle, Brooklyn, MI. Not in favor of granting variance.

The Columbia Township Zoning Board of Appeals is closed for public comment at this time. Board discussion at this time.

Board discussion of application.

Motion by Jerry King to deny variance request. construction Citing:16.7, A & B.1-7

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 effects 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.

Motion seconded by Hollis Jeffreys.

Roll call: A yes is a motion to deny, King:Yes,Kuzminski:Yes Jeffreys:yes,Potts:Yes. Tackett:Yes. Variance Denied.

No new or old business at this time.

Acting Chairperson Robin Tackett adjourned the meeting at 8:37PM.

Respectfully submitted,

Robin Tackett
Secretary Columbia Township Zoning Board of Appeals