

Columbia Township Zoning Board of Appeals  
February 2, 2023

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

Minutes from 10-20-2022 Zoning board of appeals hearings. Motion by Hollis Jefferys to approve minutes as submitted. The motion was seconded by Diana Potts. Ayes: ALL motion carries and minutes approved as submitted.  
Public comments. None.

PUBLIC HEARING(S) 3 variance requests.

1) Request for a variance to construct an addition allowing a 2nd story to be built over an existing 1-story home which does not conform to the rear yard set back requirement on property known as 4378 Woodward Ave., Clarklake, MI 49234 ADP# 000-19-16-428-001- 00.

Rick Church, Columbia Township Zoning Administrator spoke at this time. Spoke to reasons a variance to construct an addition allowing a 2nd story to be built over an existing 1-story home which does not conform to the rear yard set back requirement on property known as 4378 Woodward Ave Clarklake, MI 49234. There is a 6ft. easement, on the rear of the property. The current residence is a non-conforming structure, a non-conformity can not increase cubic content by foot print cubic content or height. All meet all other set back requirements.

Roberto Casas and Megan L. Casas, present at meeting. Mr. Casas spoke as to reasons a variance is being requested. The home was a cottage they are looking forward to adding a second story and making this their permanent residence. To make best use of space provided and to provide enough space for their family a second story is needed. They are not changing the footprint of the existing residence, just cubic content in adding a second story.

Diana Potts asked if blue prints are available? No they are not required at this step. Jerry Kings asked the total height of new construction? The new height will be 30ft. The height will be within building code for new construction.

Meredith VanDusen, 4375 York Ave, spoke in favor of granting the variance as requested. One piece of correspondence, Cathy Wipple 4380 Woodward Ave, wrote as to her reasons why a variance should not be granted.

Board closed to public comment at this time. Board discussion.

Motion by Jerry King to approve variance.Citing:16.7, A & B.1-7. Motion seconded by Tiffany Scott.

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.

Roll call:, King:Yes,Jeffreys:yes,Potts:Yes. Scott:yes,Tackett:Yes. Variance approved as requested.

Hearing #2) Request a variance to construct a new rear deck on residential home with a reduction of the required 10' side yard setback to 5' on property known as 132 Cannes Cir., Brooklyn, MI 49230 ADP#000-19-34-201-008-00.

Rick Church spoke to reason why a request for a variance to construct a new rear deck on residential home with a reduction of the required 10' side yard setback to 5' on property known as 132 Cannes Cir., Brooklyn, MI 49230. A reduction of 10 ft side yard setback asking for 5ft. The existing deck is currently an 8ft deck and proposed 12ft deck. The existing home is non-conforming.

Laubach Carl 4311 Arden Place,Royal Oak, MI 48073. 132 Cannes Circle, Brooklyn, Spoke at this time as to reasons a variance is being applied for. The deck is part of a larger project. The deck currently is in disrepair and needs to be replaced. It is currently not salvageable. The proposed deck will make better use of space and be more in harmony with the home and surrounding neighborhood. It will not negatively impact neighbors in any way.

Discussion of the existing retaining wall and how the new deck/structure will be built on and around it. New deck will cover the existing retaining wall.

No public comment. No correspondence.

Board closed to public comment at this time. Board discussion.

Motion by Hollis Jefferys to approve variance as requested.Citing:16.7, A & B1-7  
Motion seconded by Diana Potts.

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.

Roll call:, King:Yes, Jeffreys:Yes,Potts:Yes. Scott:Yes, Tackett:Yes. Variance approved as requested.

Third and final request of meeting: Request for a variance to construct a new residential dwelling with a reduction of the required rear property line setback (42' averaging option to 33'-6" from waters edge) and (25' to 13' from rear property line) on the property known as 10738 Hewitt Rd., Brooklyn, MI 49230 ADP # 000-19-27-226-012-00.

Rick Church spoke to reason why a request for a variance to construct a new residential dwelling with a reduction of the required rear property line setback (42' averaging option to 33'-6" from waters edge) and (25' to 13' from rear property line) on the property known as 10738 Hewitt Rd., Brooklyn, MI 49230. Discussed the ordinance regarding the averaging option and clarification of waters edge. The proposed structure itself is closer to the rear property line and the proposed home has a smaller deck. Meets front yard setbacks as the proposed house is shifted closer to rear yard setback.

Dan Diekham 10738 Hewitt, Brooklyn. Spoke as to reasons a variance is being requested. Request for a variance to construct a new residential dwelling with a reduction of the required rear property line setback (42' averaging option to 33'-6" from waters edge) and (25' to 13' from rear property line) on the property known as 10738 Hewitt Rd., Brooklyn, MI 49230. Due to discovery of Lake Columbia Property Owner Association deed restrictions a modification to house/deck was needed. The original structure has been demolished with appropriate paperwork on file. A curved drive has been added to not impede flow and keep everyone safe entering and exiting the residence. Wants to build a permanent home for him and his family. Dan Diekham stated reasons in variance that a variance should be granted. It is in harmony with other homes in the neighborhood, will not impede views or cause any harm to any neighbors. He feels it is the minimum that is needed to solve his inequality. The lot is in a very odd shape and the house that was on the lot before it was demolished was non-conforming in nature.

Teena Hill 2615 Speilheights dr. Adrian, MI spoke at this time. She is the builder for The Diekhams. She gave details of proposed building and placement on a lot that makes best use of space, mitigates any water runoff issues, trying to build a home for her clients that is safe and makes best use of the space.

Tom Krampton 259 Somerset Dr. Brooklyn, spoke at this time in favor of granting the variance. He stated that he is the current president of the LCPOA and that

the proposed home meets current deed restrictions and the LCPOA is in approval of granting variance.

Two pieces of correspondence: 1) Susan Dahl, in favor of granting variance as requested. 2) The Claudas, in favor of granting variance as requested.

No other public comment or correspondence.

Board Closed for public comment. Board discussion at this time.

Motion by Tiffany Scott to approve variance as requested. Citing: 16.7, A & B1-7  
Motion seconded by Robin Tackett

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.
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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.

Roll call:, King:No Jeffrey:Yes,Potts:Yes. Scott:Yes,Tackett:Yes. Variance approved as requested.

No new or old business at this time.

Robin Tackett adjourned the meeting at 8:32 pm.

Respectfully submitted,

Robin Tackett  
Secretary Columbia Township Zoning Board of Appeals