

Columbia Township Zoning Board of Appeals  
March 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, and secretary/Chairperson Robin Tackett. absent: Tiffany Scott.

Minutes from 2-2-2023 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) 2 variance requests.

- 1) Request for a variance to place an accessory structure in the front yard on property known as 8279 Hyde Rd, Clarklake, MI 49234 ADP# 000-19-08-101-009-00

Rick Church, Columbia Township Zoning Administrator spoke at this time. Spoke to reasons a variance to place an accessory structure in the front yard on property known as 8279 Hyde Rd, Clarklake, MI 49234 ADP# 000-19-08-101-009-00. Mr.Church gave details on request and that this would be a multi step process. The homeowner would need to approve for variance before it can go to the planning commission for final approval. The request is to place a solar array in the front yard setback.

Cindy Valentine presented her reasons that she is requesting a variance to construct a solar array, to place an accessory structure in the front yard on property known as 8279 Hyde Rd, Clarklake, MI 49234. She stated the house is at the rear of the property and the only usable space would be in front of the home. Which would be between the street and the house, front yard setback but because of Columbia Township ordinance prohibiting structures in the front yard setback she is asking for a variance. She stated she would like to do it for the environment

and the fact that her husband is on oxygen and she would like to make sure no matter what happens that they have a constant supply of power. Without power to run an oxygen machine it could be life threatening to her husband.

Jan Froedtert 8265 Hyde rd. Spoke at this time in favor of granting the variance as requested.

Pat Keene 8277 Hyde rd. Spoke at this time in favor of granting the variance as requested.

Evette Freeman 8280 Hyde Rd. Spoke at this time in favor of granting the variance as requested.

Dylan McCarty 7524 E. Atherton Rd. Davidson MI 48423. The project lead on the solar array project. Stated that the homeowner would like to do something for the environment and going solar would benefit her in saving money, better for the planet.

No other correspondence.

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 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. Tackett:Yes. Variance approved as requested. As stated earlier that at this point the applicant will need to work with Mr.Church and take this to the planning commission.

Hearing 2) Request for a variance to construct a residential dwelling with a reduction of the required rear yard setback (44' Average) to 35' and a reduction of the East side yard set back required 10' to 5' and a reduction of the West side yard set back required 10' to 8' on property known as 8916 N. Shore Dr., Clarklake, MI 49234 ADP# 000-19-17-304-009-00

Rick Church spoke regarding a Request for a variance to construct a residential dwelling with a reduction of the required rear yard setback (44' Average) to 35' and a reduction of the East side yard set back required 10' to 5' and a reduction of the West side yard set back required 10' to 8' on property known as 8916 N. Shore Dr., Clarklake, MI 49234 ADP# 000-19-17-304-009-00

The existing home is non-conforming. Discussed the non-conforming lot. Dimensions of the existing residence and the proposed residence the size of the lot. The removal of existing dwelling and accessory structures. That is currently encroaching into setbacks further than what is being requested.

Mr. Frank Slaby 8916 N. Shore spoke regarding a request for a variance to construct a residential dwelling with a reduction of the required rear yard setback (44' Average) to 35' and a reduction of the East side yard set back required 10' to 5' and a reduction of the West side yard set back required 10' to 8' on property known as 8916 N. Shore Dr. Clarklake, MI 49234. Stated that current home and accessory structures are non-conforming and that he is trying to make best use possible of non-conforming lot. He will not be adding to the encroachment. That he will be demolishing current buildings to build a permanent home. The proposed home will make best use of the lot while being in harmony with the surrounding neighborhood. The proposed home will not impede anyone's views in any way. Larry Kurtz said he is the builder for Mr. Slaby, he stated the new home fits into the community and will be in harmony with the intent of the ordinance. It will not be a detriment in any way to surrounding properties.

Jo Rumler 8920 Hyde rd. spoke at this time in favor of granting the variance as requested.

Ann Rumler spoke at this time in favor of granting the variance as requested. One piece of correspondence. Lois Moyer, 8878 N. Shore Dr. In support of granting the variance.

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 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.

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. Tackett:Yes. Variance approved as requested.

No new or old business at this time.

Robin Tackett adjourned the meeting at 8:00 pm.

Respectfully submitted,

Robin Tackett

Secretary Columbia Township Zoning Board of Appeals

