

Columbia Township Zoning Board of Appeals
Sep 28, 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, Scott Rogers and secretary/Chairperson Robin Tackett.

Minutes from 8/24/23, Zoning board of appeals hearings. Motion by Hollis Jeffreys to approve. Motion seconded by Diana Potts. Ayes: All. Motion to approve meeting minutes from 8/24/23.

PUBLIC HEARING(S) 2 variance requests.

Mr.Church spoke to reasons why variance request is needed. A request for variance to construct an accessory structure in the front yard on property known at 401 Woodland Terrace, Brooklyn, MI. 49230. ADP#00-19-24-276-001-06. Mr.Church gave an explanation of the variance request. The ordinance does not allow accessory structure in the front yard, ordinance 20.8. Front yard definition of ordinance.

Richard Moran applicant spoke to reasons that he is requesting a variance. The property is located on a private drive and the house is situated at the back of the lot not allowing an accessory structure to be built there. The only place that an accessory structure can be built is what the township ordinance says is the front yard.

No public comments.No correspondence. Board closed to public comment at this time. Board discussion.

Motion by Hollis Jeffreys 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 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. Rogers:Yes, Tackett:Yes. Variance granted as requested.

Second request was from Dan O'Shea that was postponed on 9/28/23. Request for a variance to construct a new residential dwelling w/pool with a reduction of the required setback of 50' from the waters edge to 27' and a reduction of both side yard setbacks required 10' to 6' and a reduction of the front yard required 25' to 21' on property known as 7897 N.Shore, Clarklake, MI. ADP#000-19-17-403-006-00.

Mr.Church discussed the reasons why a variance is being requested at 7897 N.Shore, Clarklake, MI. ADP#000-19-17-403-006-00. The pool is considered a structure so that is why the request from the waters edge 50' reduced to 27'. Both side yard setbacks 10' to 6'. As well as the front yard setback as requested from 25' to 21'.

Dan O'Shea 6718 Kentucky Ave,Clarklake, MI. Spoke at this time about the reasons for a variance being requested. The current structure is in need of so much repair that it can not be remodeled. So requesting a variance to build a new home. They designed a new home to fit the families current needs. The owner would like a pool constructed on the lakeside of the home. The side yard setbacks are needed to accommodate stairs to enter the home. The house will be situated so that it doesn't impede the views for the neighbors. Also the slope of the lot was discussed.

Hollis Jefferys asked a question about the pool depth and placement? Mr.O'Shea stated that the pool will only be four to five feet deep and will have a special cover that provides special protection and safety measures. There will be no need for a fence because this specific pool cover mitigates the needs for a fence.

Kelly Garris of 780 Eagle point, Clarklake, spoke at this time with her concerns over the pool. Concerned about water leaking out of the pool into the lake and about the number of variances that are being requested. Not in favor of granting the variance.

Rick Miller 7891 N.Shore Dr. Clarklake, MI 49234. Not in favor of granting variance.

Andrew Snyder owner of Pool Productions Jackson MI. spoke at this time regarding the pool and the safety of the cover.

Louie & Michelle Ambs 6640 N.Shore Dr. Clarklake, MI spoke regarding the concerns that they have over the pool, lakeside. Not in favor of granting variance.

Carl Spaeth 1916 Q lane, Clarklake, MI. Concerns over pool placement on the lake side of the property. Not in favor of the variance.

Diane Hilbert 8476 N.Shore Dr. Clarklake, spoke in regards to the pool. Not in favor of granting the variance.

Tom Kohut 8234 N.Shore Dr. Clarklake, spoke in regards to the setbacks asked for in the request. He stated that the house size is excessive. Not in favor of granting the variance. Also sent in a letter that stated he is not in favor of the variance being granted.

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

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

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: yes to deny. King:Yes,Jeffreys:yes,Potts:Yes. Scott:Yes Tackett:Yes. Variance denied.

Chair closed the meeting at 8:00 PM.

Respectfully submitted,

Robin Tackett

Secretary Columbia Township Zoning Board of Appeals