

Columbia Township Zoning Board of Appeals
January 4, 2024

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.

At this time gave all three applicants a choice to postpone hearing until a full board is present or to proceed at this time with a four member board. All three applicants wanted to continue with their variance request this evening and to proceed with a four member board.

PUBLIC HEARING(S) 3 variance requests.

- 1) Request for a variance to construct an addition to a current non-conforming residential dwelling with a reduction of the rear yard setback requirement from 50' to 14' and a reduction of the front yard setback from 25' to 11.6' on property known as 3214 Ocean Beach Rd. Clarklake, MI. 49234. ADP#000-19-15-376-025-01,

Rick Church, Columbia Township Zoning Administrator spoke at this time. Spoke to reasons the variance is being requested. The proposed project would result in an increase to the existing non-conformity of the residence. Which is disallowed. Any expansion of a non-conformity would need a variance.

Rob Adler, MR Builder/Agent for applicant spoke at this time and presented reasons they are requesting a variance. The current home/structure is non-conforming. They will not be expanding the footprint of the existing home but they will be adding approximately 110 square feet which expands on the non-conformity of the non-conforming home and property. The applicant wants to make some well needed updates to the home that they need to adequately give the family the room they need.

No public comment. No 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.

- 2) Request for a variance to construct an addition to existing non-conforming accessory structure with a reduction of the required rear yard setback from 25 ft to 10 ft and a reduction of the East Side yard setback requirement from 10 ft to 4 ft on property known as 399 Oakwood Beach Brooklyn, Michigan 49230. ADP #000-20-29-451-001-00.

Rick Church, Columbia Charter Township zoning Administrator spoke at this time discussing the reason that a variance is being requested. A variance to construct an addition to existing non-conforming accessory structure with a reduction of the required rear yard setback from 25 ft to 10 ft and a reduction of the East Side yard setback requirement from 10 ft to 4 ft on property known as 399 Oakwood Beach Brooklyn, Michigan 49230. ADP #000-20-29-451-001-00. The existing is currently non-conforming. The existing garage/accessory structure is non-conforming. Discussion of property lines and encroachments.

Tim Roberts 399 Oakwood beach, Brooklyn, MI spoke at this time and presented his reasons he is requesting a variance at this time. They live at the end of a dead end road. The current existing structure is not large enough for their needs. They are requesting to construct an addition to existing non-conforming accessory structure with a reduction of the required rear yard setback from 25 ft to 10 ft and a reduction of the East Side yard setback requirement from 10 ft to 4 ft on

property. It will not be detrimental to any other property owners. Will not impede anyones views and will be in harmony with the existing neighborhood.

No public comment. No correspondence. Board going into closed session at this time. Board discussion. Motion by Motion by Hollis Jefferys to approve variance.Citing:16.7, A & B.1-7. Motion seconded by Jerry King.

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. Tackett:No. Variance approved as requested.

- 3) Request for a variance to rebuild an existing accessory structure in a new location in the front yard on property known as 1890 Q Lane, Clarklake, MI 49234.

ADP#000-19-21-201-002-00.

Rick Church, Columbia Charter Township zoning Administrator spoke at this time discussing the reason that a variance is being requested. The request is for a variance to rebuild an existing accessory structure in a new location in the front yard on property known as 1890 Q Lane, Clarklake, MI 49234. Existing structure has been removed because of damage. Front yard ordinance disallows accessory structure in front yard. During an Ice storm the original structure

was damaged by a tree falling onto it. The applicant has had the damaged structure demolished and is requesting to replace the existing non-conforming accessory structure. The original accessory structure was non-conforming. The application is to rebuild the front yard in a new location that is less of a non-conformity.

Dan Fowler 1890 Q Lane spoke at this time as to reasons he is requesting a variance to rebuild an existing accessory structure in a new location in the front yard on property known as 1890 Q Lane, Clarklake, MI 49234. ADP#000-19-21-201-002-00. An ice storm damaged the structure and he would like to replace the accessory structure with a new building but one that is less of a non-conformity and will meet all building codes and standards and will be in harmony with the home and surrounding neighborhood. The new construction will be in the same style as home. Power lines that run into the property are an issue. Nothing can be built in the right of way of the power lines. Trees are also an issue.

Pat Collins' neighbor spoke at time in favor of granting the variance as requested.

Carl Spaeth 1916 Q lane spoke in favor of granting the variance as requested.

Two pieces of correspondence:

Robert Lajdziak 1900 Q lane, wrote in favor of granting the variance as requested.

Pat & Brenda Collins 1878 Q lane wrote in favor of granting the variance as requested.

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

Motion by Diana Potts 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 8:00pm.

Respectfully submitted,

Robin Tackett
Secretary Columbia Township Zoning Board of Appeals