

## Columbia Township Zoning Board of Appeals

February 29, 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 Robin Tackett. One member was absent. At this time both applicants had a choice to postpone hearing until a full board is present or to proceed at this time with a four member board. With a four member board a tie vote would be a no and variance would be denied. Applicant #1) Simonetti, stated yes to proceed this evening. Applicant #2) Marshall, stated yes to proceed this evening.

Request : 1) Request for a variance to construct a garage and an addition to existing house with a reduction of the front yard required setback from 25' to 15' and a reduction of the side yard (West) setback from 10' to 6' and an allowance to exceed the maximum lot coverage 30% to 34.3% on property known as 7901 N.Shore Dr. Clarklake, MI. 49234. ADP#000-19-17-403-007-00.

Rick Church, Columbia Charter Township Zoning Administrator spoke at this time regarding the application and request for a variance to construct a garage and an addition to existing house with a reduction of the front yard required setback from 25' to 15' and a reduction of the side yard (West) setback from 10' to 6' and an allowance to exceed the maximum lot coverage 30% to 34.3% on property known as 7901 N.Shore Dr. Clarklake, MI. 49234. ADP#000-19-17-403-007-00. Discussed the application. The request is to reduce the front yard setback of 25' to 15'. As well as the west side yard setback of 10' to 6'. Maximum lot coverage is 30% the proposed request also would require an extension of the maximum lot coverage of 30% to 34.3%.

Dan O'Shea, Shea Construction, 6718 Kentucky Ave, Clarklake. Spoke at this time. Mr.O'Shea is the builder and representative of the Simonetti family. He presented his reasons as to why they are requesting a variance at this time. The residence needs to be updated to become the owner's primary residence. The lot is an odd shaped lot. Previously a remodel/update happened to the existing home. The applicant would like more space and they are not able to add a second story to the home because they are not able to remove the roof. They need to expand the footprint of the home to make updates and adjustments to home. The very odd shaped nature of the lot makes this difficult.

Kelly Garris, N. Lake Rd. Spoke at this time with her concerns over lot coverage as well as needing two variance requests. Not in favor of granting variance.

No other public comment. Meeting closed for board comment at this time. Board Discussion.

Motion by Jerry King to deny. Stating 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.
- (A yes vote is a vote to deny.)

Roll call:, King:Yes,Jeffreys:yes,Potts:Yes. Tackett:Yes. Variance denied.

Request 2) Request for a variance to construct a deck that encroaches 6' into the 50' required rear setback and would be 44' from the water's edge on property known as 462 Woodland Dr. Clarklake, MI 49234. ADP#000-19-20-126-004-00.

Rick Church, Columbia Charter Township Zoning Administrator spoke at this time regarding the application and request for a variance to construct a deck that encroaches 6' into the 50' required rear setback and would be 44' from the water's edge on property known as 462 Woodland Dr. Clarklake, MI 49234. ADP#000-19-20-126-004-00.

Discussed demolition of previous structure, demolition, applicant getting permits as needed. The applicant had some medical issues. During the process of putting in the foundation the applicant found out that the foundation walls had been shifted on the property. The applicant then came to the township.

Victor Marshall, 450 Woodland Dr. applicant spoke at this time. He read a two page letter at this time. Exhibit #1- letter read by applicant Victor Marshall.

Kim Dajaenas 345 OakLawn, Clarklake Mi spoke at this time in favor of granting the variance as requested. Stated multiple reasons why he approves of granting.

John Calhoun 474 Oaklawn, Claklake, MI spoke at this time in favor of granting the variance as requested.

Gretchen Marshall 450 Woodland Dr. Clarklake, MI spoke at this time and stated her

reasons she would like the variance granted. It is forever home. The home will be our forever home. We have designed a ranch home that is handicapped accessible and allows easy egress and ingress.

Six pieces of correspondence. All six were read out loud at this point and original copies attached.

1. Chuck Thayer-470 Woodland Dr. Clarklake, Not in favor of granting variance.
2. Tricia Boyer-474 Woodland Dr. Clarklake, MI -Not in favor of granting variance.
3. Marlene Smith-no address on email. Not in favor of granting variance.
4. Kevin & Linda Daly- 365 Oakwood, Clarklake,MI- Not in favor of granting variance.
5. Mary Fedore-no address on email. Not in favor of granting variance.
6. Shannon Owen & Scott Rettberg-458 Woodland Dr. Clarklake,MI-Not in favor of granting variance.
7. Barb Dajaenas-345 Oakwood, Clarklake,MI- In favor of granting variance.

Mr.Marshall again reiterated what he stated and said is open to comments and suggestions.

No other public comment. Board Closed to public comment at this time. Board Discussion.

Motion by Diana Potts to approve as requested.Citing:16.7, A & B.1-7. 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 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:Jeffreys:yes, King:yes, Potts:Yes. Tackett:Yes. Variance approved as requested.

No new or old business at this time.

Robin Tackett adjourned the meeting at 8:35 pm.

Respectfully submitted,

Robin Tackett  
Secretary Columbia Township Zoning Board of Appeals