

Columbia Charter Township Zoning Board of Appeals
Minutes
June 6, 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 all 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 Gregory Kinney stated yes to proceed this evening. Applicant #2) Glenn & Javana Horton stated yes to proceed this evening. Applicant #3 Patrick & Kathleen O'Brien, Ron Ferrell all stated yes to proceed.

Variance Request #1).

Gregory Kinney

Location: 2697 Almeda Court. Clarklake, MI 49234 (Tax ID #: 000-19-22-103-001-00)

Request: Variance application to permit a new 936-square foot two-story single-family dwelling with an attached 355-square foot garage on an approximately 5,400-square foot property. There is an existing non-conforming dwelling on the property, which is intended to be razed. The proposed dwelling will be 5 feet from the east side lot line and 5 feet from the west side lot line; where 10 feet is required from all side lot lines, Article 3: Table 3-4.

Brittany Stein, Columbia Charter Township Zoning Administrator spoke at this time regarding the application and request for a variance. The subject property is approximately 5,400-square feet in size and fronts onto Almeda Court to the east and Clark Lake to the north and single-family homes are located to the west, south, and east. The property encompasses lot 1 of block 3 of the plat Randall's Lakeside Subdivision. The site is improved with an existing 1,000-square foot two-story dwelling, which is proposed to be removed and replaced with the proposed new single-family dwelling in its place.

If approved, the variance request would permit a new 936-square foot two-story single-family dwelling with an attached 355-square foot garage on an approximately 5,400-square foot property. There is an existing non-conforming dwelling on the property, which is intended to be razed. The proposed dwelling will be 5 feet from the east side lot line and 5 feet from the west side lot line; where 10 feet is required from all side lot lines, per Article 3: Table 3-4 of the Zoning Ordinance.

Greg Kinney, 2697 Almeda Court. Clarklake, MI 49234 spoke at this time and presented his reasons for requesting a variance. He would like to build a home on his property. Currently a cottage is existing and would be demolished if approved. The proposed home would be less non-conforming and will be an addition to the surrounding neighbors. The lot is non-conforming and currently the cottage placement is on the lot line. The proposed home will be less of a non-

conformity and meet all current building codes. It will not impede views and will be in harmony with the surrounding neighborhood.

Steve Zemke 2700 Virginia Ct. Clarklake, Spoke at this time in support of granting the variance as requested.

Mike Hojnacki 2800 Alameda, Clarklake, Spoke at this time in support of granting the variance as requested.

Three pieces of correspondence:

- 1) Jerry: boastercoaster@yahoo.com, no name no address, not in favor of granting the variance.
- 2) Thomas O'Dowd, 2698 Alameda, Clarklake, in support of granting the variance as requested.
- 3) Michael Hojnacki, 2800 Alameda Ct, Clarklake, in support of granting the variance as requested.

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

Motion by Motion by Hollis Jeffereys to approve as requested.. Stating 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 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. Tie vote. Variance approved as requested.

Variance request #2.

Glenn & Javana Horton

Location: Vacant on Kelley Road, Brooklyn, MI 49230 (Tax ID #: 000-19-34-304-014-00)

Request: Variance application to permit a new 1,169-square foot two-story single-family dwelling with an attached 603-square foot garage on an approximately 10,000-square foot property. The property is currently vacant. The proposed dwelling will be 9 feet from the north side lot line and 9 feet from the south side lot line; where 10 feet is required from all side lot lines, Article 3: Table 3-4.

Brittany Stein, Columbia Charter Township Zoning Administrator spoke at this time. The subject property is approximately 10,000-square feet in size and fronts onto Kelley Road to the west and single-family homes are located to the north, west, and south. The property encompasses lot 78 of the Plat Southern Shores Subdivision. The site is currently vacant.

If approved, the variance request would permit a new 1,169-square foot two-story single-family dwelling with an attached 603-square foot garage on an approximately 10,000-square foot property. The property is currently vacant. The proposed dwelling will be 9 feet from the north side lot line and 9 feet from the south side lot line; where 10 feet is required from all side lot lines, per Article 3: Table 3-4 of the Zoning Ordinance.

As indicated in the public notice, the required setback was 10 feet, however, after further investigation 10-foot side yard setbacks can apply to properties which are zoned RS, however this parcel is zoned as AG Agricultural, therefore requiring 20-foot side yard setbacks.

Glenn Horton spoke at this time why he is requesting a variance on parcel they own which is Vacant on Kelley Road, Brooklyn, MI 49230 (Tax ID #: 000-19-34-304-014-00) Request: Variance application to permit a new 1,169-square foot two-story single-family dwelling with an attached 603-square foot garage on an approximately 10,000-square foot property. The property is currently vacant. He wants to build a home but due to the unique circumstances they need a variance. He stated he is trying to build a small home on the lot. The new dwelling will be in harmony with the surrounding neighborhood and will not impede or impair views. It will not cause any burden to neighbors and will be the smallest dwelling to accommodate his family.

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

Motion by Jerry King to approve as requested.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:Jeffreys:yes, King:yes, Potts:Yes. Tackett:Yes. Variance approved as requested.

Variance request #3)

Patrick & Kathleen O'Brien; & Ron Ferrell

Location: 3217 Ocean Beach Rd. Clarklake, MI 49234

(Tax ID #: 000-19-15-376-002-03 & 000-19-15-376-002-04)

Request: Variance application to divide a parcel and reconfigure the property boundaries. The proposed parcel width and frontage will be less than the required 80 feet, per the Zoning Ordinance. 80 feet lot width and frontage is required for a parcel in the RS-Residential Suburban Zoning District, Article 3: Table 3-4.

Brittany Stein, Columbia Charter Township Zoning Administrator spoke at this time. The subject property is approximately 11.5 acres in size and fronts onto Ocean Beach Road to the west and single-family homes are located to the north, west, and south, with a commercial business also located immediately to the north. The 11.5-acre property owned by Ron Ferrell is currently vacant. The parcel, which is owned by Patrick O'Brien, is occupied by a single-family dwelling. The O'Brien's parcel at 3217 Ocean Beach Rd. is currently nonconforming. As proposed, they would be creating a more conforming parcel, however new lots shall meet the minimum lot width and flag lots are prohibited. The proposed boundary adjustment is drawn to include the easement where the O'Brien's driveway is currently accessing the property.

In 2021, there was an approved land division to divide two parcels off of the original 12.5-acre parcel. The two new parcels at that time were approved with the appropriate lot size and width, the remaining 11.5 acres also met the minimum lot size and width requirements. Although, in 2021 property owner O'Brien was not involved with the property split. Township Zoning Administrator believes that in 2021 it was likely overlooked that the split at the time could create an issue in the future in regard to the existing driveway easement on the parcel. If approved, the variance request would allow the dividing of a parcel and reconfiguring the property boundaries with a neighboring parcel. The proposed parcel width and frontage will be less than the required 80 feet, per the Zoning Ordinance. 80 feet lot width and frontage is required for a parcel in the RS-Residential Suburban Zoning District, per Article 3: Table 3-4 of the Zoning Ordinance.

Patrick O'Brien spoke at this time and presented his reasons he is requesting a variance. His current property is land locked and if the variance is accepted and granted he will be able to purchase this property and will have direct access to a road. Allowing them easy egress and ingress to their property and home.

Jo Rumler, 8920 N.Shore Drive, Clarklake, In favor of granting the variance as requested.

Mr.Knewels 5820 N.Shore Drive, Clarklake, In favor of granting the variance as requested.

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

Motion by Hollis Jefferys to approve as requested.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:Jeffreys:yes, King:yes, Potts:Yes. Tackett:Yes. Variance approved as requested.

Approval of May 16, 2024 Columbia Charter Township Zoning Board of Appeals meeting minutes. Motion by Diana Potts. Seconded by Hollis Jefferys Ayes:All. Meeting minutes approved.

No new or old business at this time.

Robin Tackett adjourned the meeting at 7:55 pm.

Respectfully submitted,

Robin Tackett

Secretary Columbia Charter Township Zoning Board of Appeals