

Columbia Charter Township Zoning Board of Appeals
July 25, 2024
Minutes

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, Jerry Shay and Secretary/Chairperson Robin Tackett.

Minutes from 6/6/2024 Zoning board of appeals hearing. Motion by Hollis Jefferys to approve. Motion seconded by Diana Potts. Ayes: All. Meeting minutes approved.

The first hearing of the meeting is 10607 Ocean Beach Rd. Clarklake, MI 49234 TID#: 000-19-22-126-001-01, zoned RS – Residential Suburban. Variance application to permit a 1,080-square foot detached accessory building in the east rear yard. The proposed building will have a 15-foot north front yard setback and a 6-foot east rear yard setback (25-foot front yard setback required, and 25-foot rear yard setback required, Article 3: Table 3-4). The subject property is approximately 12,330-square feet in size and fronts onto Ocean Beach Road to the west and Riverside Road is to the north and single-family homes are located to the east, south, and west. The site is improved with an existing 1,318-square foot single-story dwelling with an 80-square foot detached shed. If approved, the variance request would permit a 1,080-square foot detached accessory building in the east rear yard. The proposed building will have a 15-foot north front yard setback and a 6-foot east rear yard setback, where 25-foot front yard setback is required, and 25-foot rear yard setback is required, per Article 3: Table 3-4 of the Zoning Ordinance.

Brittany Stein, Columbia Township Zoning Administrator spoke at this time. There may be a practical difficulty with the property that is not recurrent in nature. It may be difficult to construct a compliant accessory building on the property, given the location of the Consumers Power line and associated easement which runs on an angle through the middle of the property. The variance will be in harmony with the purpose of the Township Zoning Ordinance and the intent of the RS District. A compliant accessory building, which meets the minimum standards of the Township Zoning Ordinance, may be difficult to construct on the existing parcel, primarily due to the existing developments, including utility easements on the property.

The applicant spoke at this time, Mark Chimielewski. Stated his reasons why he is requesting a variance at this time. This is the only place that makes reasonable acceptable use for his accessory building. There is a power line that runs directly in the middle of his back yard that has an easement. This is the smallest accessory building that will be usable considering the practical difficulties in his property.

Three pieces of correspondence were received.

Shane Gilmore 6231 Riverside Rd. Brooklyn, In favor of granting the variance as requested.

Kelly Shrader 2937 Russel Court, Clarklake, in favor of granting the variance as requested.

Darrel & Kelly Haltom 10645 Ocean Beach Rd., in favor of granting the variance as requested.

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 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 applicant's 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, Shay: Yes, Tackett: Yes.

Variance approved as requested.

The second variance request is at property address 6445 N. Shore Dr. Clarklake, MI.

Variance application to permit partial removal of the existing attached nonconforming garage and replacement of a 288-square foot 1½-story addition, which includes a garage with living space above. The proposed addition will have a 5-foot east side yard setback (10-foot side yard setback required, Article 3: Table 3-4). The subject property is approximately 8,400-square feet in size and fronts onto N. Shore Drive to the south and single-family homes are located to the east and south, and accessory buildings are located to the west with a vacant grassy parcel immediately to the east of the subject site, and there is a large, wooded parcel to the north. The site is improved with an existing 744-square foot 1½-story dwelling with a 288-square foot attached garage. If approved, the variance request would permit a partial removal of the existing attached nonconforming garage and replace with a 288-square foot 1½-story addition, which includes a garage with living space above. The proposed addition will have a 5-foot east side yard setback; where a 10-foot side yard setback is required, per Article 3: Table 3-4 of the Zoning Ordinance.

Brittany Stein, Columbia Charter Township Zoning Administrator spoke at this time. Although there may not be a practical difficulty with the property, the property owner prefers to use the existing structure to construct a second-floor area which adds livable area and connects to the existing second floor area, above the existing attached garage. The existing roof will remain the same, unchanged, the new addition will match existing. The applicant intends to repair the existing walls of the garage, however if they discover that the existing will not support the second-floor addition, they will remove the exterior garage walls and install new foundation. The intent is to keep the garage floor area the same size, except to expand the front wall to match the line of the front wall of the dwelling. The property owner also intends to construct a roof expansion on the front façade of the house for a porch, which would be compliant to the ordinance. The variance will be in harmony with the purpose of the Township Zoning Ordinance and the intent of the RS

District. Although an addition to the home might be compliant to the Zoning Ordinance if the addition were proposed on the front or west side of the home, the applicant/owner prefers to utilize the existing footprint of the existing home. She stated that the request is reasonable and therefore recommends that the Zoning Board of Appeals approve the variance request based on the findings as stated.

The applicant, David Weimer of 6445 N. Shore Dr. Clarklake, MI spoke at this time and presented his reasons for requesting a variance. The current building needs to be repaired or replaced. The footers for the existing structure need to be up to code. He stated that the proposed structure will use the same footprint but because of the increase in size of the building he needs a variance because it will be increasing a non-conformity.

Andrea Shibolt of 6470 N. Shore Dr. is in favor of granting the variance as requested.

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

Motion by Diana Potts to Approve the variance. Citing: Ordinance Section 16.7, A & B, 1-7. Motion seconded by Hollis Jefferys

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 applicant's 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, Jefferys: Yes, Potts: Yes, Shay: Yes, Tackett: Yes.

Variance Approved as requested.

The third variance is 4069 Jefferson rd. Clarklake, MI 49234.

The variance application to permit a freestanding pole sign for a commercial business in the front yard. The sign area will be 33 ½-square foot (32-square foot maximum sign area is permitted, Article 9, Table 9-1). The sign will be 15-foot tall (10-foot maximum height is permitted, Article 9: Table 9-1). The subject property is approximately 7 acres in size and fronts onto Jefferson Road to the north and a commercial business is located immediately to the west of the site while surrounding property is vacant land which is farmed. The site is currently under construction with an approved site plan to open and operate a self-

storage facility (Clark Lake Self Storage). If approved, the variance request would permit a permit for a freestanding pole sign for a commercial business in the front yard. The sign area will be 33½-square feet; where a 32-square foot maximum sign area is permitted, per Article 9, Table 9-1 of the Zoning Ordinance. The same sign will be 15-foot tall; where 10-foot maximum height is permitted, per Article 9: Table 9-1 of the Zoning Ordinance.

Brittany Stein, Columbia Charter Township Zoning Administrator spoke at this time. There appears there may not be a practical difficulty with the property. The applicant has provided evidence in the plans that the sign location will meet all required setbacks. However the applicant has preference to request a larger sign height and sign area than the Zoning Ordinance allows. Ms. Stein recommended that the Zoning Board of Appeals deny the variance request based on the findings as stated in the staff report.

Aaron Sherwood (Clarklake Self storage) 4069 Jefferson Rd. spoke at this time and presented his reasons for requesting a variance. Chris Zuzulaski spoke and discussed the sign size, height and requirements. The practical difficulty is the topography of the property. Because of the slope and different elevations, they are requesting a variance to make best use of the placement of the sign and the size to make sure that it is seen visibly but will not hinder or impede clear view. Will be placing the sign behind the existing fence on property.

Mark Chimielewski of 10607 Ocean Beach, Clarklake, Mi. Spoke in favor of granting variance as requested. Patrick Felgner 3656 Ocean Beach Clarklake, MI. Spoke in favor of granting the variance.

One piece of correspondence. Esther Rumfelt 4066 Jefferson Rd. Not in favor of granting the variance.

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 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 applicant's 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: No, Jeffreys: Yes, Potts: Yes, Shay: Yes, Tackett: Yes.

Variance approved as requested.

The fourth variance is for 3656 Ocean Beach, Clarklake.

Variance application to permit a 462-square foot second story (Lateral) addition above the existing garage on the front of an existing dwelling. The proposed addition will have a 5½-foot south side yard setback (10-foot side yard setback is required, Article 3: Table 3-4). Also, a 440-square foot two-story attached two car garage horizontal addition in front of the existing garage. The proposed addition will have a 7-foot south side yard setback and a 9-foot north side yard setback (10-foot side yard setback is required, Article 3: Table 3-4), and the addition will have an 18-foot west front yard setback (25-foot front yard setback is required, Article 3: Table 3-4). The subject property is approximately 4,800-square feet in size and fronts onto Ocean Beach Rd. to the west and single-family homes and manufactured/mobile dwelling units are located to the north, south, and east. The site is improved with an existing 672-square foot single-story dwelling with a 462-square foot attached garage.

Brittany Stein, Columbia Charter Township Zoning Administrator spoke at this time.

The property is 40 feet wide and 130 feet deep, approximately 4,800 square feet in size. The lot is exceptionally small in size, narrow and short. The building envelope on the property is small on the property, especially considering the existing developments on the property. The design, size, and location of the proposed additions may be to the preference of the property owners. Although, it may be difficult to construct a compliant addition or accessory building on the property, given the location of the existing structures developed on the property. The location of the proposed addition is likely the most suitable location on the property. The variance will not cause a substantial adverse effect upon surrounding property. This property and surrounding properties have been and continue to be used as single-family dwellings. There is minimal impact to the neighboring properties. The Zoning Ordinance does not guarantee views of the lake. A compliant home addition, which meets the minimum standards of the Township Zoning Ordinance, may be difficult to construct on the existing parcel, primarily due to the existing developments on the property. A single-family dwelling exists on the property, in addition to an attached garage. Reasonable use of the land has been established. However, a reasonable addition including a garage for owner storage has minimal impact and is a reasonable use of the land. She recommends that the Zoning Board of Appeals approve the variance request based on the findings as stated.

Patrick & Chris Felgner of 3656 Ocean Beach presented reasons why they are requesting a variance. The current one car garage is so small that it is only useful as a shed. They are asking for a variance for the addition to the current garage as it is only a one-car garage, and they want to be able to park our cars and store our boat and personal belongings inside and out the weather to protect them. The loft portion of the proposed garage would free up the garage space allowing them to store outside items, etc. Doing this would help extend the life of belongings and clean up the property from things hidden under tarps around property. As well as beautifying the property we live on.

Mark Chmielewski 10607 Ocean Beach in favor of granting the variance as requested.

Two pieces of correspondence:

Linda Sturgill of 3721 Ocean Beach Rd is in favor of granting the variance request.

Jim & Linda Dale of 3523 Ocean Beach Rd. in favor of granting the variance request.

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

Motion by Jerry Shay 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 applicant's 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, Shay: Yes, Tackett: Yes.

Variance approved as requested.

Fifth and final variance request of the meeting. 134 Somerset Dr.

The variance application to permit a whole house remodel with an 805-square foot expansion of the footprint of the existing dwelling. A proposed addition to the attached garage will have a 3'3½" south front yard setback. A proposed covered open porch addition will have a 4'5" south front yard setback. A proposed addition to the southeast side of the dwelling will have a 7'11" south front yard setback. A proposed addition to the north side of the dwelling will have a 5'6" north side yard setback. A proposed attached elevated covered open rear deck will have a 37'2½" setback from the water's edge of Lake Columbia. A proposed attached elevated rear deck will have a 43'2½" setback from the water's edge of Lake Columbia. (25-foot front yard setback required, 10-foot side yard setback required, and 50-foot setback from the water's edge required, Article 3, Table 3- 4). The subject property is approximately 11,180-square feet in size and fronts onto Somerset Dr. to the southwest and single-family homes are located on parcels to the north, south, and west. The site is improved with an existing 1,400-square foot two-story dwelling with a 700-square foot attached garage.

Brittany Stein, Columbia Charter Township Zoning Administrator spoke at this time.

The property is irregularly shaped, and is exceptionally small in size, approximately 11,180 square feet. The building envelope on the property is small on the property, especially considering the south lot line, which is south of the house, abuts the road, and is determined as a front lot line, therefore requiring 25-foot setback from any addition to the home. The design, size, and location of the proposed additions may be to the preference of the property owners. Although, it may be difficult to construct a compliant single-family dwelling and additions on the property. The location of the proposed addition is likely the most suitable location on the property, although the size or in other words bulk of the addition could be reduced in size.

Although there may be some practical difficulty with building a compliant dwelling on the property, the result for the variance request is by applicant's desire based on the design preference. The variance will not cause a substantial adverse effect upon surrounding property. This property and surrounding properties have been and continue to be used as single-family dwellings. There is minimal impact to the neighboring properties. A compliant home addition, which meets the minimum standards of the Township Zoning Ordinance, may be difficult to construct on the existing parcel. A single-family dwelling exists on the property, in addition to an attached garage. Reasonable use of the land has been established. However, a reasonable addition and has minimal impact on surrounding properties. Staff recommends that the Zoning Board of Appeals consider minor modifications to be considered to make the request for variance a little more reasonable in nature.

Perry Santia 134 Somerset Dr. Brooklyn, MI spoke at this time and presented his reasons why he is requesting a variance. Jim Korf, Architect spoke at this time about the issue of the property being a non-conforming lot, it is the shape of a triangle. They are trying to make best use of property and design remodel to fit not only the non-conformance of the property but the home as well. Randy Baker, builder, spoke at this time about the proposed remodel to the house and garage. Discussion of non-conforming lot and unique size and shape of property. They are trying to remodel to make best use of the space of the non-conforming home. They will not impede neighbors' views. It will be in harmony with the neighborhood. Just trying to make the most reasonable and best use under the existing conditions/circumstances.

Tim Micallef, 128 Fletcher Dr. Brooklyn, from the LCPOA Building Control Committee stated that they are opposed to granting of the variance.

At this time the applicant requested one change to the variance request to amend the north side of the dwelling from 5'6" to 7' north side setback. The request has been accepted and changed.

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

Motion by Hollis Jeffreys to approve variance as amended. Citing Ordinance Section: 16.7, A & B.1-7. Motion seconded by Jerry Shay.

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 applicant's 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: Ye, Shay: Yes, Tackett: Yes. Variance approved as amended.

No new or old business to discuss at this time. Columbia Charter Township Zoning Board of Appeals meeting adjourned at 9:10 PM.

Respectfully submitted,

Robin Tackett

Secretary Columbia Charter Township Zoning Board of Appeals