Columbia Charter Township Zoning Board of Appeals
September 19, 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 7/25/2024 Zoning board of appeals hearing. Motion by Hollis Jefferys to approve. Motion seconded by Diana Potts. Ayes: All. Meeting minutes approved.

Public comment: Wilma Nichols spoke at this time about putting stones in front of existing sea walls to help the habit of the lake. Who is in charge of sea wall requirements. Brittany Stein Columbia Township Zoning administrator answered her question and guided her to contact EGLE formerly DEQ for further assistance.

The first hearing is from: Carolyn Nichols/David Breaky Location: 1428 Eagle Point Rd. Clarklake, MI 49234 (Tax ID #: 000-19-16-351-013-01) Request: Variance application to permit the replacement and expansion of a non-conforming accessory building. Accessory building is 5 '2 " from the water's edge and 1' 6" from the side property line (50-foot waterfront setback required, and 10-foot side yard setback required, Article 3: Table 3-4).

Brittany Stein, Columbia Township Zoning Administrator spoke at this time. The variance application is to permit the replacement and expansion of a non- conforming accessory building. Accessory building is 5 '2 " from the water's edge and 1' 6" from the side property line (50-foot waterfront setback required, and 10-foot side yard setback required, Article 3: Table 3-4). The subject property is approximately 7,000-square feet in size and fronts onto Eagle Point Road to the west and Clark Lake is to the northeast and single-family homes are located to the southeast and northwest. The site is improved with an existing 1,600-square foot single-family dwelling with a 450-square foot detached boathouse.
If approved, the variance request would permit the replacement and expansion of a non-conforming accessory building. Accessory building is 5 '2 " from water's edge and 1' 6" from side property line; where 50-foot waterfront setback required, and 10-foot side yard setback required, Article 3: Table 3-4 of the Zoning Ordinance.

At this time Dave Breaky spoke at this time and presented reasons why they are requesting a variance. He stated that it is not handicapped accessible and needs to be updated to provide handicap access so that he is able to utilize the structure/boathouse. As well as to repair and remodel the existing structure and stone wall. Bringing the structure up to current building codes and standards.

Jo Breaky 1404 Eagle point, spoke at this time and read a prepared statement in favor of granting the variance. Which he believes to be a landmark of Eagle point.

Wilma Nichols, the next door neighbor spoke at this time in favor of granting the variance. She stated that the boat house means a lot to her and to her family.

Jill Bentley spoke at this time in favor of granting the variance. The boat house is sentimental to her, her family and the community.

Michael Dever resides at the property 1428 Eagle Point stated he is in favor of granting the variance. By approving the variance the structure will be brought to current standards and codes. It will also make it handicapped accessible so that everyone will be able to enjoy and use the structure.

David Nichols spoke at this time in favor of granting the variance. He stated that he is also quarter owner of the property and would like to make the structure/boathouse usable and safe for everyone in his family.

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

Question by Hollis Jefferys about the concrete used in structure? Mr.Nichols spoke to this and stated if approved the families will be hiring an engineer to help the engineering and design of the remodel. To make sure that the structure meets all codes and standards.

Motion by Jerry King to approve variance.Citing: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 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. Shay,Yes,Tackett:Yes. Variance approved as requested.

Second variance request: Jill Secord, 2701 Virginia Ct., Clarklake MI 49234
Tax ID #: 000-19-22-103-005-00.Variance application to permit a 96-square foot front porch addition to the existing home. The proposed addition will have a 9-foot west front yard setback (25-foot front yard setback required, Article 3: Table 3-4).

Brittany Stein, Columbia Charter Township Zoning Administrator spoke at this time. The subject property is approximately 3,180-square feet in size and fronts onto Virginia Ct. to the west and single- family homes are located on properties surrounding the subject site. The site is improved with an existing 740- square foot single-story dwelling with a 135-square foot detached shed.
If approved, the variance request would permit a 96-square foot front porch addition to the existing home. The proposed addition will have a 9-foot west front yard setback (25-foot front yard setback required, Article 3: Table 3-4). The property is approximately 40 feet wide and 80 feet deep, approximately 3,180 square feet in size. The lot is exceptionally small in size. 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. Attached to this packet is a survey, in which I made a copy and sketched the building envelope onto the document. I have shown the setbacks, and the location of where the existing home sits on the property. The property owner prefers to construct a front porch addition to the home, although there may be other parts of the property where an addition may meet the requirements of the Township Zoning Ordinance. Although the property is small in size, and while considering the development of the property, a front porch addition is ideal for the property owner, however there isn't real practical difficulty with the property, why an addition to the home could be made smaller or designed differently.

The applicant's builder was present at the meeting and presented reasons a variance is being requested. Jerry Wilcut 2993 Belleview Rd. Jackson,MI. Spoke for applicant Jill Secord. The variance will allow the applicant to build a three seasons room on the front of the existing home. It will be handicapped accessible and allow for safe dry entryway into home. At this time he presented documents from neighbors in favor of granting the variance. He read the document at this time. Nick Downs 2500 Lakeview Dr, Joan McCormick 2656 Virginia Ct, Suzie Creech 2658 Virginia Ct, Dustin Dale 2498 Lakeview Dr, Judith Vidick 2756 Almeda, Jamie 2924 Russel Ct, Jazz 2654 Virginia Ct, are in favor of granting the variance.

Steve Zempke 2700 Virginia Ct, spoke at this time in favor of granting the variance.

One piece of correspondence: Pete Tassie 2707 Virginia Ct, in favor of granting the variance as requested.

Board closed to public comment at this time. Board discussion. Motion to table the variance request to when the applicant Jill Secord can be present. Motion by Hollis Jefferys seconded by Diana Potts.
Roll call:, King:Yes,Jeffreys:yes,Potts:Yes.Shay,Yes,Tackett:Yes. Motion approved to table the request until the next ZBA hearing on October 10, 2024.

No new or old business to discuss at this time. Columbia Charter Township Zoning Board of Appeals meeting adjourned at 8:10 PM.

Respectfully submitted,

Robin Tackett
Secretary Columbia Charter Township Zoning Board of Appeals