

**CHARTER TOWNSHIP OF BANGOR
ZONING BOARD OF APPEALS**

MINUTES OF MAY 16, 2023 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16th day of May, 2023 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Covaleski, DeShano, LaPlant, Meldrum

MEMBER(S) ABSENT: Weidner

Ms. Covaleski called the meeting to order at 6:00 p.m. Roll call was taken. The Pledge of Allegiance was recited.

The first item on the agenda was approval of the minutes of the April 18, 2023, regular meeting. *Mr. LaPlant moved to approve the minutes. Ms. DeShano seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

Ms. Covaleski abstained from the next hearing due to it being her property.

The next item on the agenda was a petition filed by BFALL, LLC for property at 3575 N. Euclid which is on the east side of North Euclid between M-13 and Old Kawkawlin for the purpose of a 10' side yard variance on the north to be 10' (20' is required), a 25' rear yard variance to be 25' (50' is required) (for the primary structure), a 30' rear yard variance to be 20' (50' is required) (for the accessory building); a 35' rear yard setback to be 15' (50' is required), and a 40' front yard variance to be 10' (50' is required) for proposed building. Property is zoned Light Industrial.

Mr. Weidner entered the meeting at 6:03 p.m.

Ms. Covaleski stated the first three variances are to bring the existing lot into compliance. Kibbe & Associates discovered the front property line is 20' into her grass which is why she had to postpone her hearing from April. Ms. Covaleski added the property has two front yards and Old Kawkawlin is at an angle which creates a hardship for her. The other properties in the area are deeper.

Mr. LaPlant questioned the size of the building since it was going to be close to the road. Ms. Covaleski stated her building would line up with others in the area.

Jim Lillo from the Bay County Road Commission did not comment.

MDOT will require a permit be issued for this new construction. The drive will be required to be curbed and paved; drainage plans must be included.

BCDWS takes no exception to the proposals as presented.

No comments were received from the Fire Marshal.

There was no one in the audience for or against the request.

Mr. LaPlant moved to approve the petition filed by BFALL, LLC for property at 3575 N. Euclid which is on the east side of North Euclid between M-13 and Old Kawkawlin for the purpose of a 10' side yard variance on the north to be 10' (20' is required), a 25' rear yard variance to be 25' (50' is required) (for the primary structure), a 30' rear yard variance to be 20' (50' is required) (for the accessory building); a 35' rear yard setback to be 15' (50' is required), and a 40' front yard variance to be 10' (50' is required) for proposed building. The hardship is the depth of the lot and the size of the property for an industrial zone. The placement of the existing building limits the location of the proposed building. Mr. Weidner seconded the motion. Four (4) ayes, no (0) nays, one (1) abstain.

The motion passed and the petitioner has six months to pull a building permit, or the variances are null and void.

The next item on the agenda was a request filed by Phillip & Tammara Helmreich for property at 3605 Wheeler Road which is on the north side of Wheeler Road between Euclid Avenue and Ada Drive for the purpose of a variance to allow an accessory building in the front yard. (Accessory buildings are not allowed in front and side yards). Property is zoned Residential.

No one was present to represent the request. *Mr. LaPlant moved to table the request until the end of the meeting. Ms. DeShano seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a request filed by Audrey Boucher for property at 3877 Utah Drive which is on the north side of Utah between State Park Drive and Main for the purpose of a variance allowing a gazebo in the waterfront yard, a waterfront variance of 7' to be 33' for the gazebo, and a variance to allow a hot tub in the waterfront. (Accessory buildings shall not be erected in waterfront yards). Property is zoned Residential.

Ms. Boucher and Dwayne Morris were in attendance. Ms. Boucher explained they were approved of having a hot tub in the waterfront yard. She would now like to enclose it with a gazebo. Mr. Morris stated it would be a 10'x12' gazebo with four poles and screens. Due to the angle of the river and how the house is situated, the gazebo will not block any views.

Ms. DeShano showed photos of the location and how the existing bushes block more of the view.

Mr. LaPlant commented that the line of sight was not an issue.

Jim Lillo from the Bay County Road Commission wrote they have no objections to the petition. The proposed gazebo is well away from the Utah Road right-of-way and will not have any effect on BCRC maintenance activities.

BCDWS takes no exception to the proposals as presented.

No comments were received from the Fire Marshal.

There was no one in the audience for or against the request.

Ms. Covaleski moved to approve the request filed by Audrey Boucher for property at 3877 Utah Drive which is on the north side of Utah between State Park Drive and Main for the purpose of a variance allowing a gazebo in the waterfront yard, a waterfront variance of 7' to be 33' for the gazebo, and a variance to allow a hot tub in the waterfront. (Accessory buildings shall not be erected in waterfront yards). There is no issue with the line of sight. The river runs at an angle in that area. Ms. DeShano seconded the motion. All members were in favor. Five (5) ayes, no (0) nays. The motion passed and the petitioner has six months to pull a building permit, or the variances are null and void.

Mr. LaPlant moved to remove off the table the request filed by Phillip & Tammara Helmreich for property at 3605 Wheeler Road. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

No one was present to represent the request.

Mr. LaPlant stated the proposed building is far off the road. Ms. Covaleski stated the property where the building would go is being combined with the primary property. Even though the property is zoned RMH, accessory buildings are allowed.

Jim Lillo from the Bay County Road Commission wrote they have no objections to the petition. The proposed accessory building is 500'+/- away from the Wheeler Road right-of-way and will not have any effect on BCRC maintenance activities.

BCDWS takes no exception to the proposals as presented.

No comments were received from the Fire Marshal.

There was no one in the audience for or against the request.

Mr. LaPlant moved to approve the request filed by Phillip & Tammara Helmreich for property at 3605 Wheeler Road which is on the north side of Wheeler Road between Euclid Avenue and Ada Drive for the purpose of a variance to allow an accessory building in the front yard. (Accessory buildings are not allowed in front and side yards). There isn't access to the rear of the property for a building. The proposed building would be far off the road. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the petitioner has six months to pull a building permit, or the variances are null and void.

Building Official Tim Mark asked for an ordinance interpretation regarding fences.

Mr. Helmreich entered the meeting at 6:20 p.m. He apologized and stated he thought the meeting started at 6:30 p.m. He was informed his request was approved. Mr. Helmreich thanked the Board.

The discussion continued regarding 6' privacy fences in the front yard where the primary structure was removed. The Board's consensus was a 6' privacy fence could be installed in the front yard setback to where the previous primary structure existed.

Having no other business before the Board, *Ms. DeShano moved to adjourn the meeting. Mr. Weidner seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting adjourned at 6:37 p.m.*

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator