

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

MINUTES OF JUNE 20, 2023 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 20th day of June, 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 May 16, 2023, regular meeting. Ms. Covaleski questioned whether or not Ms. DeShano chairing the BFALL, LLC portion of the meeting should be mentioned. It will be added to the minutes. *Mr. LaPlant moved to approve the minutes with the amendment. Ms. DeShano seconded the motion. Four (4) ayes, no (0) nays, one (1) absent.. The motion passed.*

The next item on the agenda was a petition filed by Bay Harbor Pointe II for property on Bay Harbor Pointe Drive which is on the north side of Bay Harbor Marina between Bay Harbor Pointe Drive and the Saginaw River for the purpose of a variance to have a four (4) story building (3 stories are allowed); a front yard setback variance of 77' to be 33' (100' is required) and a rear yard setback variance of 28' to be 72' (100' is required). Property is zoned Industrial-2.

Troy Andrews from Wade Trim represented the request. He informed the Board the site plan was conditionally approved by the Planning Commission pending ZBA approval. He explained the property did not meet the minimum size for industrial zoning. The required setbacks are for a minimum sized lot and industrial use. This would be a residential use in industrial zoning. There are wetlands in the rear. Mr. Andrews added the building would use the first level for parking and the remaining three floors would be for units.

Ms. Covaleski stated the Planning Commission saw the hardship they faced.

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

No comments were received from the BCDWS.

No comments were received from the Fire Marshal.

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

Mr. LaPlant stated the applicant has come before them in the past. The property was split and now it did not meet the minimum size lot required. There are wetlands on the property.

Ms. Covaleski moved to approve the petition filed by Bay Harbor Pointe II for property on Bay Harbor Pointe Drive which is on the north side of Bay Harbor Marina between Bay Harbor Pointe Drive and the Saginaw River for the purpose of a variance to have a four (4) story building (3 stories are allowed); a front yard setback variance of 77' to be 33' (100' is required) and a rear yard setback variance of 28' to be 72' (100' is required). The property did not meet the minimum size for industrial zoning. The setbacks required are for industrial use. This is a residential use. There are wetlands on the property which limit the property's use. Mr. LaPlant seconded the motion. A roll call vote was taken. Covaleski-aye, Meldrum-aye, Weidner-absent, DeShano-aye, LaPlant-aye. Four (4) ayes, no (0) nays, one (1) absent. 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 Kimberly Dohn for property at 3514 Patterson Road which is on the west side of Patterson between Wheeler Road and Jean Road for the purpose of a side yard setback variance of 49.5' to 50.5' for a fence (100' is required) and a lot size variance of 2.04 acres to be 2.96 (5 acres is required; lot is existing). Property is zoned Industrial-1.

Building Official Tim Mark stated the item was to be removed from the agenda.

The next item on the agenda was a request filed by John Kaczmarek for property at 3004 N. Glenway which is on the south side of Glenway between Two Mile and Glenway Place for the purpose of a variance to install a 6' privacy fence in the front yard (along Two Mile). (4' see-through fence is allowed). Property is zoned Residential.

Mr. Kaczmarek explained he lived across the street from Meijer's driveway. His 6' privacy fence blew down and he would like to replace it with a 6' vinyl privacy fence.

Ms. Covaleski stated the property had two front yards. Mr. Kaczmarek said headlights shine into his kitchen. Ms. DeShano advised the fence should not stick out past the front of the house. Mr. Kaczmarek stated the fence would taper to 4' in front of the house. Mr. LaPlant advised although there were two front yards, the 6' fence would need to stay behind the front of the house. Mr. Kaczmarek stated the fence also stops people from cutting through their yard.

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

No comments were received from the BCDWS.

No comments were received from the Fire Marshal.

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

Ms. DeShano moved to approve the request filed by John Kaczmarek for property at 3004 N. Glenway which is on the south side of Glenway between Two Mile and Glenway Place for the purpose of a variance to install a 6' privacy fence in the front yard (along Two Mile). (4' see-through fence is allowed). The hardship is having two front yards and being directly across from a busy commercial driveway. Ms. Meldrum seconded the motion. A roll call vote was taken. Weidner-absent, DeShano-aye, LaPlant-aye, Covaleski-aye, Meldrum-aye. Four (4) ayes, no (0) nays, one (1) absent. 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 George Killeen for property at 218 Athlone Beach which is on the east side of Killarney Beach for the purpose of a variance to have a 21" deck with 36" railings in the waterfront (16" is allowed) and a waterfront setback variance of 25' to be 15' for the deck (40' setback is required). Property is zoned Residential.

Mr. Killeen explained the drawing mailed out was incorrect. The deck would be 17' wide and go out 13'.

Ms. Covaleski stated she did not believe there was a line of sight issue. The proposed deck was consistent with the area.

Mr. Killeen stated he did not want a railing totally around the deck.

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

No comments were received from the BCDWS.

No comments were received from the Fire Marshal.

Robert Dwan of 212 Athlone had no objections.

Mr. Killeen added Ms. Blakely and Mr. Brown had no objections.

Tom Washabaugh of 232 Athlone Beach stated the deck would be 15' from the property line. With the railings, the deck would be over 57" high due to the slope. His view will be blocked. Mr. Washabaugh added he received a letter in the past from Mr. Killeen stating the Township didn't follow its own rules and should not allow construction on the beach. He added the application criteria is not met. There is no hardship. A large deck exists. The proposal will ruin their view and lessen their value.

Suzanne Birmbaum of 214 Athlone Beach stated the property should be surveyed to find the property lines as required by the application. The deck will impede their view to the north. Mark Birmbaum asked what the hardship was for a deck.

Mr. LaPlant commented that the deck height was an issue. The property grade is a concern, as well as the line of sight. He did not support the deck being over 16". Ms. Meldrum added there would be items on the deck such as furniture or decorations.

Mr. LaPlant moved to deny the request filed by George Killeen for property at 218 Athlone Beach which is on the east side of Killarney Beach for the purpose of a variance to have a 21" deck with 36" railings in the waterfront (16" is allowed) and a waterfront setback variance of 25' to be 15' for the deck (40' setback is required). There is no hardship. Ms. Covaleski seconded the motion. A roll call vote was taken. Covaleski-aye, Meldrum-aye, Weidner-absent, DeShano-aye, LaPlant-aye. Four (4) ayes, no (0) nays, one (1) absent. The motion passed and the request was denied.

The last item on the agenda was a request filed by Thomas Jacobs for property at 336 Killarney Beach for the purpose of a variance to allow an accessory structure on a lot with no primary structure and a 525 square foot variance to be 2,240 square feet (1,715 square feet is allowed). Property is zoned Residential.

Mr. Jacobs explained he owns properties that do not have any buildable area for accessory structures due to utility placement. His home has a small two car garage. He would like an accessory building on the property across the street.

Building Official Mark stated the two properties he owns across the street are being combined. The only lot he can build on is 01003840001198 due to the utilities on the others.

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

No comments were received from the BCDWS.

No comments were received from the Fire Marshal.

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

David Perez of 340 Killarney Beach stated he was neutral. Most of the questions he had were answered.

Mr. LaPlant moved to approve the request filed by Thomas Jacobs for property at 336 Killarney Beach for the purpose of a variance to allow an accessory structure on a lot with no primary structure and a 525 square foot variance to be 2,240 square feet (1,715 square feet is allowed). Mr. Jacobs owns several pieces of property adjacent to each other that are not buildable and have restrictions due to utility placement. Ms. Covaleski seconded the motion. A roll call vote was taken. Meldrum-aye, Weidner-absent, DeShano-aye, LaPlant-aye, Covaleski-aye. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. The motion passed and the petitioner has six months to pull a building permit, or the variances are null and void.

Having no other business before the Board, *Ms. DeShano moved to adjourn the meeting. Ms. Covaleski seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed and the meeting adjourned at 6:37 p.m.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Potts".

Barbara A. Potts
Zoning Board of Appeals Coordinator