

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

MINUTES OF AUGUST 17, 2021 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 17th day of August, 2021 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Clements, DeShano, LaPlant

MEMBER(S) ABSENT: Covaleski

ALTERNATE MEMBER PRESENT: Ruff

Ms. DeShano 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 minutes of the July 20, 2021 regular meeting. *Mr. Banaszak moved to approve the minutes of the regular meeting as presented. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda was the petition filed by Jeremy & Tracey Finney for property at 333 River Drive which is on the south side of River Drive between Northland and Oakdale for the purpose of a lot area variance of 3,400 square feet to be 7,000 square feet (10,400 is required) and a minimum lot width variance of 30' to be 40' (70' is required) for the existing lot size; a side yard setback variance of 3' to be 5' (8' is required), a side yard setback variance of 7' to be 5' (12' is required), a total side yard setback of 10' to be 10' (20' is required) for the existing setbacks; and a 2' variance to have a 6' high fence from the house to the back of the garage (4' fence is allowed in the front yard). Property is zoned Residential-2.

Mr. Finney explained they decided to rebuild their home instead of remodeling it due to the requirements of the Energy Code. They plan on filling in the crawl space and having a slab on grade. They will be using the existing foundation.

Mr. LaPlant inquired about the proposed fence since it was not shown on the drawing. Mr. Finney stated he wasn't sure if he would put up a fence or not. If he did, the fence would run between the home and the garage.

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

The Bay County Road Commission have no objection to the petition. The petition states the size of the current structure will not increase and no new or improvements to existing structures are planned.

Mr. LaPlant moved to approve the petition filed by Jeremy & Tracey Finney for property at 333 River Drive which is on the south side of River Drive between Northland and Oakdale for the purpose of a lot area variance of 3,400 square feet to be 7,000 square feet (10,400 is required) and a minimum lot width variance of 30' to be 40' (70' is required) for the existing lot size; a side yard setback variance of 3' to be 5' (8' is required), a side yard setback variance of 7' to be 5' (12' is required), a total side yard setback of 10' to be 10' (20' is required) for the existing setbacks; and a 2' variance to have a 6' high fence from the house to the back of the garage (4' fence is allowed in the front yard). The hardship is the location of the existing structure and the size of the lot. The lot is non-conforming, and the variances will make it legally non-conforming. The proposed fence would only be between the home and the garage and would not have any negative affect on the area. Ms. Clements seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.

The next item on the agenda was the petition filed by Bret Bitzer for property at 277 Lagoon Beach Drive which is on the north side of Lagoon Beach between Lincoln and River for the purpose of a variance to have

a waterfront deck 24" above the ground (floor level) (16" is allowed). Property is zoned Residential-1.

Dawn and Bret Bitzer represented the request. Ms. Bitzer stated they are finishing their remodel and would like to build a deck to match the houses floor height. She added the line of sight would not be impacted.

Mr. LaPlant asked if there would be a handrail. Mr. Bitzer stated they were planning on putting a bench along the edge instead of a rail.

Ms. DeShano stated this was the Bitzer's forever home. Mr. Bitzer stated it was and he did not want to have a step.

Mr. LaPlant had concerns regarding the bench being a permanent part of the deck. Mr. Mark stated the bench could not be permanent without another variance.

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

The Bay County Road Commission wrote they have no comment on the petition. The proposed work is on the opposite side of the structure from the road right-of-way.

Mr. Banaszak stated the slope of the property creates the hardship. The variance would not affect either of the neighbors.

Mr. Banaszak moved to approve the petition filed by Bret Bitzer for property at 277 Lagoon Beach Drive which is on the north side of Lagoon Beach between Lincoln and River for the purpose of a variance to have a waterfront deck 24" above the ground (floor level) (16" is allowed). The hardship is the slope of the property. Mr. Ruff seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.

The next item on the agenda was a petition filed by Daniel Whaley for property at 3305 E. Beaver Road which is on the north side of Beaver Road between Two Mile and Euclid for the purpose of a 6,600 square foot variance to be 12,600 square feet (6,000 square feet is allowed) and a 36' side yard variance to be 64' (100' is required) for an accessory building. Property is zoned Residential.

Dan Whaley and Mark Norton of Spicer Group represented the request. Mr. Norton stated Mr. Whaley owned three separate parcels. The requested square footage includes the existing and proposed accessory building. Mr. Whaley has horses and would like a riding stable to run the horses. Mr. Norton explained the Zoning Ordinance caps the amount of square footage for accessory buildings at 6,000 square feet. Even if Mr. Whaley joined his properties together, he would still be limited to that amount of square footage.

Mr. Norton added there is a house on each parcel. A 100' setback for an accessory building is required if you have a horse on the property. Mr. Whaley owns the property adjacent to where the side yard variance is requested.

Ms. DeShano stated she understood the location of the accessory building after she saw the layout of the property.

Bill Schubert, brother of an adjacent property owner, spoke on behalf of his brother. Mr. Schubert explained the property had been in his family since the 1800's. He added there wasn't an issue with Mr. Whaley building on the property. The concern was drainage. Mr. Schubert stated sand was brought in to fill Mr. Whaley's property and the change is affecting the back half of Mr. Schubert's brother's property. He added the house is not being flooded but they can't access the back of the property.

Mr. Whaley stated he planned on tiling the property. He didn't know the neighbor was negatively affected. He applied to connect to the storm drain along Beaver Road.

Ms. DeShano stated the Building Official would work with the property owners to make sure the issue was resolved.

Mr. Banaszak stated the variances would not have a negative effect on the area.

Mr. LaPlant stated the ordinance capped the amount of square footage a parcel could have. It didn't matter how much property Mr. Whaley had; he was not allowed to have over 6,000 square feet in accessory buildings.

The Bay County Road Commission have no comment on the petition. The proposed work is well away from the Beaver Road right-of-way.

Mary Schubert of 66 Killarney Beach Road telephoned that the property has been filled and now her property is under water. She is opposed to the request unless the drainage problem is taken care of.

Mr. Ruff moved to approve the petition filed by Daniel Whaley for property at 3305 E. Beaver Road which is on the north side of Beaver Road between Two Mile and Euclid for the purpose of a 6,600 square foot variance to be 12,600 square feet (6,000 square feet is allowed) and a 36' side yard variance to be 64' (100' is required) for an accessory building with the condition that an amicable solution regarding drainage between the property owners is reached. Mr. Banaszak seconded the motion. Four (4) ayes, one (1) nay -LaPlant. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.

The next item on the agenda was a petition filed by Joseph Thelen for property at 4243 N. Euclid which is on the east side of Euclid between Kiesel and Thelen Drive for the purpose of a 35' front yard variance along Thelen Drive to be 5' (40' is required) for an addition. Property is zoned Commercial-2.

Mr. Thelen explained that Subaru was requiring an increase to the square footage of the dealership. There are two front yards, and both require a 40' front yard setback. Mr. Thelen explained the future development of the bowling center.

The Board discussed possible locations of the addition. There is the option of the addition going to the north where it would make more sense.

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

The Bay County Road Commission wrote they have no comment on the petition. The proposed work is on a roadway under the jurisdiction of the MDOT. The property owner should contact them to determine if they have any specific requirements.

Mr. Banaszak stated the property does have two front yards and the request would not have an adverse effect on the area.

Mr. LaPlant stated it would have an adverse effect. The addition can be done without any variances. It may be expensive but can be done. Other buildings in that area are set back. No hardship has been shown.

Mr. Thelen explained a parts and service area will be required. If the addition went to the west, he would not be able to have the parts and service area.

Mr. Ruff asked if there was a compromise regarding the setback. Mr. LaPlant stated he understood the branding issue but there is no hardship. There are other options.

Another discussion took place on future plans and Subaru requirements.

Ms. DeShano moved to table the request. Mr. Banaszak seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

The last item on the agenda was a petition filed by Tim Mark for property at 339 River Road which is on the south side of River Road between Northland and Oakdale for the purpose of a lot area variance of 3,400 square feet to be 7,000 square feet (10,400 is required) and a minimum lot width variance of 30' to be 40' (70' is required) for the existing lot size; a 324 square foot variance to be 884 square feet (560 square feet is

allowed) for an accessory building; and a 2' variance to have a 6' high fence from the house to the back of the garage (4' fence is allowed in the front yard). Property is zoned Residential-2.

Mr. Mark stated he received variance approval five years ago but didn't build his garage. He lives on the Kawkawlin River and cannot use his crawl space for storage. They have a small lot. Mr. Mark added he would like the fence to provide private space on the property. The fence would run from the corner of the house to the corner of the garage.

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

The Bay County Road Commission wrote they are in favor of the petition. The petition states the current garage structure will be removed and the new garage structure built further away from the River Road right-of-way. This will eliminate a structure close to the roadway, a welcomed improvement for future snow removal in this area.

Mr. Banaszak stated a variance was approved in the past. There is no other location for the garage and the proposed location will be in line with area garages.

Mr. LaPlant stated the property was non-conforming and the variances make it legally non-conforming.

Mr. LaPlant moved to approve the petition filed by Tim Mark for property at 339 River Road which is on the south side of River Road between Northland and Oakdale for the purpose of a lot area variance of 3,400 square feet to be 7,000 square feet (10,400 is required) and a minimum lot width variance of 30' to be 40' (70' is required) for the existing lot size; a 324 square foot variance to be 884 square feet (560 square feet is allowed) for an accessory building; and a 2' variance to have a 6' high fence from the house to the back of the garage (4' fence is allowed in the front yard). The size of the lot exists and does not conform to the size allowed by the current Zoning Ordinance. The proposed location of the garage will be an improvement. Mr. Banaszak seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.

Ms. DeShano took the Thelen request off the table.

More discussion took place on the location of the addition and the possibility of granting a lesser variance.

Mr. Ruff moved to approve the petition filed by Joseph Thelen for property at 4211 N. Euclid which is on the east side of Euclid between Kiesel and Thelen Drive for the purpose of a 15' front yard variance along Thelen Drive to be 25' (40' is required) for an addition. The property has two front yards, and the variance is needed to meet Subaru's requirements. Mr. Banaszak seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.

Having no other business before the Board, *Mr. LaPlant moved to adjourn the meeting. Ms. Clements seconded the motion. Five (5) ayes, no (0) nays.* The motion passed and the meeting was adjourned at 7:30 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator