

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

MINUTES OF SEPTEMBER 15, 2020 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 15th day of September, 2020 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Covaleski, DeShano, Sheriff

MEMBER(S) ABSENT: Clements

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

The first item was approval of minutes of the August 18, 2020 regular meeting. Ms. Covaleski stated in the motion for Jeff Mayes' approval, Ms. Clements should be included as having seconded the motion. *Mr. Banaszak moved to approve the minutes of the regular meeting with the correction. Mr. Sheriff seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

The next item was a petition filed by Peter Danielski for property at 4628 Richardson Drive (09010S4000001600) which is on the West side of Richardson Drive between Midland and the railroad tracks for the purpose of a rear yard variance of 4' to be 36' (40' is required) for an addition. Parcel is zoned Residential.

Tom Kanthe, the builder, represented the request. He stated the owner would like a 16'x14' addition to the living room. There would be a lot of windows.

The Bay County Road Commission wrote they have no objection to the petition. The work being completed is in the backyard and not near the Richardson Road right-of-way.

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

Mr. Banaszak stated there is no other location on the property for the addition. Behind the property is railroad tracks. The lot is fenced in.

Ms. Covaleski added some of the homes in the area have lesser setbacks than what is requested.

Ms. Covaleski moved to approve the petition filed by Peter Danielski for property at 4628 Richardson Drive (09010S4000001600) which is on the West side of Richardson Drive between Midland and the railroad tracks for the purpose of a rear yard variance of 4' to be 36' (40' is required) for an addition. There is no other location on the lot for the addition. Ms. DeShano seconded the motion. A roll call vote was taken. Covaleski-aye, Banaszak-aye, DeShano-aye, Sheriff-aye. Four (4) ayes, no (0) nays. The motion passed and 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 Tom Reichenbach for property at 391 Ricoma Beach Road (0901003810005999) which is on the West side of Ricoma Beach between Killarney Beach and the dead end for the purpose of a variance to place an accessory building on a parcel without a primary structure and a 336 square foot variance to be 1,056 square feet (720 square feet is allowed) for the accessory building. Parcel is zoned Residential.

There was no one in the audience representing the request.

Mr. Banaszak moved to postpone until the October 20, 2020 meeting, the petition filed by Tom Reichenbach for property at 391 Ricoma Beach Road (0901003810005999) which is on the West side of Ricoma Beach between

Killarney Beach and the dead end for the purpose of a variance to place an accessory building on a parcel without a primary structure and a 336 square foot variance to be 1,056 square feet (720 square feet is allowed) for the accessory building. Ms. Covaleski seconded the motion. Four (4) ayes, no (0) nays. The motion passed.

The next item on the agenda was a petition filed by Ashley Super for property at 3208 Patterson Road (0901000420054000) which is on the West side of Patterson between Beechwood and Christiana for the purpose of: Parcel 1 requesting an 8.54 acre variance to be 1.46 acres (10 acres are required), a 76.4' front yard variance setback to be 23.5' (100' is required), a 25' rear yard variance to be 75' (100' is required), a road frontage variance of 104' to be 196' (300' is required) and a side yard variance of 27.6' to be 22.4' (50' is required); Parcel 2 is requesting a 171' road frontage variance to be 129' (300' is required), a 203.4 lineal foot frontage variance to meet the 4 to 1 ratio (332.4 is required), and a 40' side yard variance to be 10' for the building labeled HSE (50' is required). Parcel is zoned Industrial-2.

Ms. Covaleski commented 3198 Patterson was also affected by the request.

Ms. Super stated her business has been on the property for two years. They lease it. She would like to split off the parcel and purchase it. Nothing will change with the business.

The Bay County Road Commission wrote they do not have any comments on the request.

Next door neighbor is against request because he does not want a pole barn in a residential area.

Jack Morley, owner of the property, stated he has owned the property since 1966. It has always been zoned Light Industrial. Even if the property was rezoned to I-2, this property should be grandfathered in. Variances should not be needed. He was never notified that the property was rezoned to I-2. This is not a heavy industrial area. He was in favor of the request.

Shaun Beach of 4468 Beechwood was against the request. He stated the area was always zoned Light Industrial. He had several complaints against the business on the property. The area is zoned Industrial, but some properties are used as residential. He had concerns with the employees of the property in question, the smell, loud cars, and people going up and down his road.

Ms. Covaleski explained the Zoning Board of Appeals was only dealing with the zoning aspect of the property. Any other complaints should go to the Township Supervisor.

Mr. Beach was also concerned that if Ms. Super gets more property, her facility will get bigger.

Building Official Tim Mark gave handouts to the Board. He could not find record of the property being changed from Industrial-1 to Industrial 2. If it were I-1, no variances would be required.

Ms. Covaleski noted none of the properties zoned I-2 in the area meet the minimum requirements. Mr. Banaszak added the property is being split. The decision should not be based on the business.

Ms. DeShano stated the property is currently zoned I-2. The request is to make the parcels legally non-conforming.

Mr. Banaszak moved to approve the petition filed by Ashley Super for property at 3208 & 3198 Patterson Road (0901000420054000 & 0901000420053500) which is on the West side of Patterson between Beechwood and Christiana for the purpose of: Parcel 1 requesting an 8.54 acre variance to be 1.46 acres (10 acres are required), a 76.4' front yard variance setback to be 23.5' (100' is required), a 25' rear yard variance to be 75' (100' is required), a road frontage variance of 104' to be 196' (300' is required) and a side yard variance of 27.6' to be 22.4' (50' is required); Parcel 2 is requesting a 171' road frontage variance to be 129' (300' is required), a 203.4 lineal foot frontage variance to meet the 4 to 1 ratio (332.4 is required), and a 40' side yard variance to be 10' for the building labeled HSE (50' is required). The hardship is that the properties are currently non-conforming, and the variances will make them legally non-conforming. Ms. DeShano seconded the motion. A

roll call vote was taken. *Banaszak-aye, DeShano-aye, Sheriff-nay, Covaleski-aye. Three (3) ayes, one (1) nay. The motion passed.*

The last item on the agenda was a petition filed by Larry Peters for property at 730 Bay Road (09010A1600007500) which is on the South side of Bay Road off Patterson for the purpose of a variance to place an accessory building on a parcel without a primary structure and a 336 square foot variance to be 1,098 square feet (342 square feet is allowed) for the accessory building. Parcel is zoned Residential.

Mr. Peters explained he lives directly across the street from 730 Bay Road. He would like to remove the existing home and build a garage to hold his boats, trailers, etc. The building would be 24'x60'.

The Bay County Road Commission wrote they do not have any comments on the request. The proposed structure is well away from the road edge and should not be damaged or interfere with BCRC maintenance activities.

Don Knollinger of 734 Bay Road is against the request. How is water going to be retained? Worried about flooding.

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

Mr. Banaszak commented this situation has not come before the Board before. Ms. Covaleski stated no one had ever proposed to tear down a home in a residential area and build a garage. They have approved similar requests on Killarney and Ricoma beaches. Mr. Banaszak added the variances they have approved, which were similar, were on vacant lots.

Mr. Peters stated the home will probably become a rental with no parking. He could purchase it and then store all his items outside. He does not want to do that.

A discussion took place on outside storage in a residential area.

Mr. Sheriff stated Mr. Peters does not own the property. They are basing their decision on what could be done. He thought the property should be purchased first then he can decide what he wants to do.

Diane Peters stated the lot is 36' wide. A home could not be rebuilt on the lot unless it was on the same foundation.

Ms. DeShano moved to deny the petition filed by Larry Peters for property at 730 Bay Road (09010A1600007500) which is on the South side of Bay Road off Patterson for the purpose of a variance to place an accessory building on a parcel without a primary structure and a 336 square foot variance to be 1,098 square feet (342 square feet is allowed) for the accessory building. The applicant does not own the property which has a home on it. Ms. Covaleski added there is no hardship. Mr. Banaszak seconded the motion. A roll call vote was taken. Banaszak-aye, DeShano-aye, Sheriff-aye Covaleski-aye. The motion passed.

Having no other business before the Board, Ms. DeShano moved to adjourn the meeting. Mr. Banaszak seconded the motion. Four (4) ayes, no (0) nays. The meeting was adjourned at 6:50 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator