

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

MINUTES OF SEPTEMBER 21, 2021 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21st day of September, 2021 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, LaPlant

MEMBER(S) ABSENT: Clements

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 minutes of the August 17, 2021 regular meeting. *Mr. Banaszak moved to approve the minutes of the regular meeting as presented. Mr. LaPlant seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Happy House Investments LLC for property at 1601 W. Thomas which is on the south side of Thomas for the purpose of an 80' variance to be 297.2' (219' is required) for the lot to meet the 3:1 ratio after the property split and a variance of 77' for each proposed parcel to be 73' (150' of frontage is required in Office zoning). Property is zoned Office-1.

Janelle Eisenhut represented the request. She explained they wanted to split the lot and sell the property with the big house on it. The small house would be rented.

Ms. Covaleski stated the property was zoned office and splitting it would make it more non-conforming. Ms. DeShano asked why the property wasn't being rezoned. Building Official Tim Mark explained residential dwellings were allowed in office zoning. It would be considered spot zoning if it was changed to residential since the area properties are all zoned office.

Mr. LaPlant stated the homes were most likely built prior to the adoption of the zoning ordinance. There are two houses on one parcel. The situation is already non-conforming. Allowing the split would make it legally non-conforming.

Don Hundley from MDOT had no comment on the request.

The Bay County Road Commission wrote they had no comment on the petition.

George Condon of 1701 W. Thomas telephoned he was opposed to the request.

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

Mr. LaPlant moved to approve the petition filed by Happy House Investments LLC for property at 1601 W. Thomas which is on the south side of Thomas for the purpose of an 80' variance to be 297.2' (219' is required) for the lot to meet the 3:1 ratio after the property split and a variance of 77' for each proposed parcel to be 73' (150' of frontage is required in Office zoning). Property is zoned Office-1. The hardship is having two homes on one parcel. The split will make the property more conforming. Mr. Banaszak seconded the motion. A roll call vote was taken. Covaleski-nay, Banaszak-aye, DeShano-aye, LaPlant-aye. Three (3) ayes, one (1) nay. 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 Barrett Kane for property at 2930 N. Euclid which is on the west side of Euclid between Boy Scout and Lauria for the purpose of a 63' variance to be 669' (607' is required) for the lot to meet the 4:1 ratio after the property split. Property is zoned Residential.

Mr. Kane stated the split would allow the structures to remain on the south side of the property. He planned on selling the home and keeping the other property.

Mr. LaPlant asked what the hardship was. Mr. Kane stated he wanted to keep the frontage even. Mr. LaPlant stated the depth to width ratio would be off not matter how the property was split.

Don Hundley from MDOT had no comment on the request.

The Bay County Road Commission wrote they had no comment on the petition.

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

Ms. DeShano moved to approve the petition filed by Barrett Kane for property at 2930 N. Euclid which is on the west side of Euclid between Boy Scout and Lauria for the purpose of a 63' variance to be 669' (607' is required) for the lot to meet the 4:1 ratio after the property split. Property is zoned Residential. A variance would be required because of the depth no matter how it was split. Mr. Banaszak seconded the motion. A roll call vote was taken. DeShano-aye, LaPlant-aye, Covalleski-aye, Banaszak-aye. Four (4) 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 Jeff Korpala for property at 2724 Bangor Road which is on the west side of Bangor Road between Oakridge and Bay Shore Drive for the purpose of a 188 square foot variance to be 1,024 square feet (836 square feet is allowed) and a 31.5' rear yard variance to be 8.5' (40' is required) for an accessory building. Property is zoned Residential-2.

Mr. Korpala stated the property is on a corner and has three front yards. He cannot meet the rear yard setback. The proposed building will stay inline with the home. The shed has been removed.

Mr. LaPlant stated the hardship is having three front yards. The proposed building is basic in size. Ms. Covalleski commented at 30'x30' building would need a lesser variance but would still need a variance.

Mr. Korpala stated in Bangor Township, people tend to have a lot of toys and need storage for them. The ordinance should be amended to allow larger buildings.

Mr. Banaszak said owning a lot of things does not create a hardship. However, the existing home has a small garage and no basement for storage.

The Bay County Road Commission wrote the proposed construction is well away from the road right-of-way and should not impact or obstruct BCRC maintenance activities. If the accessory building is accessed by a driveway that connects to any county road, a permit from the BCRC is required before any work can occur within the road right-of-way.

Lenny Dishaw owner of 2792 Bangor Road telephoned he objected to the request.

A letter of support from Joan Nalevayko of 202 Oakridge Drive was submitted.

Sharon Kiehl of 476 Spruce Ridge telephone that she objected to the request.

Gerald Kline of 214 Bay Shore Drive stated he owns adjacent property and has no objection.

Mr. LaPlant moved to approve the petition filed by Jeff Korpala for property at 2724 Bangor Road which is on the west side of Bangor Road between Oakridge and Bay Shore Drive for the purpose of a 188 square foot variance to be 1,024 square feet (836 square feet is allowed) and a 31.5' rear yard variance to be 8.5' (40' is required) for an accessory building. Property is zoned Residential-2. The property has three front yards. The proposed accessory building cannot be placed on the property without a variance. The size is standard. Ms. Covalleski

seconded the motion. A roll call vote was taken. Covaleski-aye, Banaszak-aye, DeShano-aye, LaPlant-aye. Four (4) ayes, no (0) nay. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.

The last item on the agenda was a petition filed by Lee Newton for property on Richards Road which is on the south side of Richards Road east of Bangor Road for the purpose of a variance for depth to width ratio, lot width variance of 33' to be 75' (108' would be required to meet the depth of 323'). Property is zoned Residential.

Steve Goss represented the request. They would like to split the property, but the ratio does not meet the Township's Zoning Ordinance. The back portion of the property is wetlands, not buildable and shouldn't be counted. Mr. Goss added they are planning on building a home on each parcel. EGLE approval will be needed for any building on the property.

Ms. Covaleski stated the width of the property meets the requirements, but the depth does not. There are wetland issues in that area.

Ms. DeShano added most of the property is not buildable.

The Bay County Road Commission wrote they had no comment on the petition.

Kari Napora of 345 Richards Road stated she previously inquired about the property but was told it was unbuildable. She does not want any homes built on the property. She wants to keep the wildlife in the area.

Marinda Martinez of 369 Richards Road stated she did not want homes built. She was told the property is wetlands. She was not in favor.

Kelly Kipfmiller of 333 Richards Road Joyce Smith of 341 Richards Road agreed with previous comments.

Roger Christie of 330 Richards Road asked how many homes would be built. Two homes are proposed.

Peggy Gillespie of 373 Richards Road was not opposed to a home being built. She did not want the property split.

Judy LaMont of 371 Richards Road was opposed.

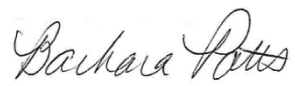
Mr. LaPlant stated he was sensitive to the feelings of the residents but also to the wishes of the property owner. The Zoning Board of Appeals was looking at the lot split. EGLE would need to be contacted regarding wetlands. That was not a Township issue.

Mr. Banaszak added the owner has the right to develop his property. However, permits would need to be obtained prior to building.

Mr. LaPlant moved to approve the petition filed by Lee Newton for property on Richards Road which is on the south side of Richards Road east of Bangor Road for the purpose of a variance for depth to width ratio, lot width variance of 33' to be 75' (108' would be required to meet the depth of 323'). Property is zoned Residential. Approval is given to split the property only. The hardship is the depth to width ratio. The depth of the property creates the hardship. This would be consistent with the area. Ms. Covaleski seconded the motion. A roll call vote was taken. Banaszak-aye, DeShano-aye, LaPlant-aye, Covaleski-aye. Four (4) 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. Banaszak moved to adjourn the meeting. Ms. Covaleski seconded the motion. Four (4) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:58 p.m.

Respectfully submitted,

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

Barbara A. Potts
Zoning Board of Appeals Coordinator