

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

MINUTES OF NOVEMBER 16, 2021 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16th day of November, 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,

ALTERNATE MEMBER PRESENT: Ruff

MEMBER(S) ABSENT: Covaleski, LaPlant

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 October 19, 2021 regular meeting. *Mr. Banaszak moved to approve the minutes of the regular meeting as presented. Ms. DeShano seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Chris Davis for property at 4148 Richmark Lane which is on the south side of Richmark Lane between State Street and Bangor Road for the purpose of a 400 square foot variance to be 1,600 square feet for an accessory building (1,200 square feet is allowed. Property is zoned Residential.

Mr. Davis stated they needed more storage. The home does not have a basement and they have a full storage unit. The overhang will be used as a covered porch. It will not be enclosed. The enclosed portion of the accessory building will be 30'x40'.

Mr. Ruff asked if the overhang would be on the west side of the building. Mr. Davis stated it would be. Mr. Davis explained they came in prior to Covid and had the drawing approved by the Building Inspector at that time. When the builder came in to get a permit, he was told a variance would be needed.

Jim Lillo from the Bay County Road Commission wrote they have no comment on the petition. The proposed development is in the rear portion of the property and well away from the roadway. If the petitioner installs a separate driveway to access the accessory building, an approved permit from the BCRC, is needed. A permit is required to access Richmark Lane and work within the road right-of-way.

No other comments were received

Annette LaFave of 4156 Richmark was in favor of the request. There was no one in the audience against the petition.

Mr. Banaszak asked if the building would be in the rear of the property. Mr. Davis stated it would be. Ms. DeShano asked if the variance was for the overhang area only. Mr. Davis stated it was. He added the overhang would not be enclosed.

Mr. Banaszak moved to approve the petition filed by Chris Davis for property at 4148 Richmark Lane which is on the south side of Richmark Lane between State Street and Bangor Road for the purpose of a 400 square foot variance to be 1,600 square feet for an accessory building (1,200 square feet is allowed. Property is zoned Residential. The size of the building meets what is allowed, only the overhang needs a variance. There is a need for storage. Mr. Ruff seconded the motion. 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 Inspire Brands, Arby's Restaurant Group for property

at 905 N. Euclid which is on the west side of N. Euclid between Mosher and Fulton Streets for the purpose of a variance to allow 34 parking spaces (81 spaces are required) (a variance to allow 40 spaces was granted in 1996) and a variance to allow 3 stacking spaces prior to the primary order point (10 spaces are required). Property is zoned Commercial-2.

Don Hundley from MDOT had no comment.

No other comments were received.

No one was present to represent the request. The item was moved to the end of the agenda.

The next item on the agenda was a petition filed by Michael Spencer for property at 3991 Wheeler Road which is on the north side of Wheeler Road between State Street and State Park Drive for the purpose of a variance to have a 6' privacy fence in the front yard (4' see-through fence is allowed in the front yard). Property is zoned Residential-1.

No one was present to represent the request.

Tim Kendall of 3470 State Street Road stated he had no issue with the fence. He would like a survey done on the property to make sure the fence is in the correct location.

There was no one in the audience against the request.

Mr. Banaszak stated the property has two front yards. Similar requests have been approved in the past. The fence will set back off the road and will not impede traffic at the intersection. The Bay County Drain Commission did not object to the fence.

Mr. Ruff commented the fence would only affect one neighbor and he was in favor of the request.

Ms. DeShano asked what the hardship was, and she stated the measurement may be incorrect on the drawing.

A discussion took place on privacy versus chain link fences. Mr. Ruff stated privacy is always preferred.

Mr. Ruff moved to approve the petition filed by Michael Spencer for property at 3991 Wheeler Road which is on the north side of Wheeler Road between State Street and State Park Drive for the purpose of a variance to have a 6' privacy fence in the front yard (4' see-through fence is allowed in the front yard). Property is zoned Residential-1. The fence shall stay within the location approved by the Bay County Drain Commission. Mr. Banaszak seconded the motion. 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 George Escamilla for property at 370 Killarney Beach which is on the eastern side of Killarney Beach for the purpose of a side yard variance of 4'6" to be 3'6" on the north side (8' is required), a 4'6" side yard variance to be 7'6" on the south side (12' is required) and a total side yard variance of 9' to be 11' (20' is required). Property is zoned Residential-2.

A letter from Ken and Cindy Lemiesz of 369 Killarney Beach Road was submitted to the Board.

A letter from Darrell & April Jones of 371 Killarney Beach was submitted to the Board.

Jim Lillo from the Bay County Road Commission wrote they have no comment on the petition. Assuming the new home's proposed location is close to that of the existing, it is well away from the roadway and will not interfere with BCRC maintenance activities.

Mr. Escamilla explained he planned to move the waterfront wall of the proposed home 12' back from where it currently is. A new home would have increased efficiency. He would like to maintain the footprint of the existing

home. The 12' where the home would be pushed back would become a covered porch. He would like it to be an outdoor living area with a roof. Mr. Escamilla explained he would not be moving the home closer to the water. He also listened to the neighbors' concern regarding the outside stairs and will no longer have them.

The existing home is 3.5' from the property line and Mr. Escamilla would like to maintain that distance.

Mr. Ruff asked if the roof structure would be part of the house. It would be.

Mr. Banaszak asked what the hardship was. Mr. Escamilla stated he wanted relief from the wind and waves. The house needs to be replaced and an efficient one built.

Mr. Ruff asked if variances were previously given to have the current setbacks. The house was building in the 1920's and is grandfathered in. Mr. Banaszak stated the house is non-conforming. The variances would make the setbacks legally non-conforming.

Mr. Mark noted outside stairs are allowed without a variance.

Ken Lemiesz of 369 Killarney Beach Road stated he had concerns with his view and the location of the proposed home. He now understands the home would not impact his line of sight and he has no concern with the road frontage. He was in opposition of the stairs. He did not want the new home any closer than what exists.

Darryl Jones of 371 Killarney Beach Road stated he also had in issue with the stairs. However, Mr. Escamilla stated they would be removed from the plan. Mr. Jones has no objection if the proposed home stays in line with the current footings.

Mr. Banaszak stated the lot is 40' wide. That is a hardship. The Zoning Board of Appeals does not let anyone encroach on their neighbor's line of sight. The proposed new home will be built on the existing footings. The variances will make the proposed home legally non-conforming. The proposal moves the home farther off the water.

Mr. Ruff agreed with Mr. Banaszak and added the neighbors were happy the stairs would not be put in.

Mr. Ruff moved to approve the petition filed by George Escamilla for property at 370 Killarney Beach which is on the eastern side of Killarney Beach for the purpose of a side yard variance of 4'6" to be 3'6" on the north side (8' is required), a 4'6" side yard variance to be 7'6" on the south side (12' is required) and a total side yard variance of 9' to be 11' (20' is required) with the exception that no stairs are added and the footprint of the home be maintained with the home being pushed back towards the road 12'. Mr. Banaszak seconded the motion. 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 last item discussed was the petition filed by Inspire Brands, Arby's Restaurant Group for property at 905 N. Euclid which is on the west side of N. Euclid between Mosher and Fulton Streets for the purpose of a variance to allow 34 parking spaces (81 spaces are required) (a variance to allow 40 spaces was granted in 1996) and a variance to allow 3 stacking spaces prior to the primary order point (10 spaces are required). Property is zoned Commercial-2.

No one was present to represent the request. There was no one in the audience for or against the request.

The layout of the lot was discussed. The plan is the best use of the property.

Ms. Clements moved to approve the petition filed by Inspire Brands, Arby's Restaurant Group for property at 905 N. Euclid which is on the west side of N. Euclid between Mosher and Fulton Streets for the purpose of a variance to allow 34 parking spaces (81 spaces are required. A variance to allow 40 spaces was granted in 1996) and a variance to allow 3 stacking spaces prior to the primary order point (10 spaces are required). Property is zoned Commercial-2. This is the best use of the property. Mr. Banaszak seconded the motion. 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, Ms. DeShano adjourned the meeting at 6:45 p.m.

Respectfully submitted,

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

Barbara A. Potts
Zoning Board of Appeals Coordinator