

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

MINUTES OF FEBRUARY 19, 2019 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 19th day of February, 2019 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Corrion, Covaleski, DeShano, Phelps, Banaszak

MEMBER (S) ABSENT: None

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

The first item on the agenda was approval of minutes of the January 15, 2019 regular meeting. *Ms. Corrion moved to approve the minutes of the January 15, 2019 regular meeting. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

A petition was filed by Jeffrey & Kimberly Forgash for property at 177 River Trail Drive which is on the North side of River Trail for the purpose of side yard variance of 3' to be 5' from the property line for a proposed attached garage (8' is required), side yard variance of 3.5' to be 4.5' for the existing home (8' is required), a total side yard variance of 4" to be 19'8" (20' is required), a front yard variance of 22' to be 3' (25' is required) for proposed garage and a waterfront variance of 16' to be 24' (40' is required) to bring the existing home into compliance. Parcel is zoned Residential.

Mr. Banaszak advised the Zoning Board of Appeals was not the correct place to discuss property line disputes. Mr. Forgash clarified the situation. He stated they had their property surveyed because they wanted to put up a new garage. They are not planning changes on the West side of the property. They do not intend to acquire any land on the West side. He is not before the Zoning Board to dispute the property line.

The Department of Water and Sewer wrote they were in favor of the petition as it will move the building further from the existing utilities.

The Fire Marshal had no comment.

The Bay County Road Commission wrote they have no objection to the petition. Based on review of the Bay County GIS aerials and the information submitted, the proposed construction will remove an existing garage constructed within the road right-of-way. Although the proposed garage will still be very close to the road right-of-way and roadway, it does improve the ability for the BCRC to complete maintenance activities.

Letter received from Audrey Schaffer of 173 River Trail requesting hearing be postponed.

Barbara Dotson of 180 River Trail was opposed to the request due to safety reasons.

George & Judy Barker of 152 River Trail were opposed due to the garage being too close to the property line.

Mr. Forgash explained they would like to remove the existing garage and build an attached two car garage. The proposed garage will not be any closer to the property line as the existing. The proposed garage will be farther off the road. The proposal will make the home more livable and will not encroach closer than what exists.

There was no one in the audience in favor of the petition.

April Dirla of 59 Spruce Ridge represented herself and her mother who resides at 173 River Trail. She requested Ms. DeShano abstain from voting on the issue. Ms. Dirla requested no action be taken until the property line

dispute is settled.

No one else in the audience spoke against the request.

Mr. Phelps stated the proposed construction is not on the side of the property where the property line is being questioned. The location of the new garage is further off the road than what exists.

Ms. DeShano advised she represented the seller of the property, not the Forgash's. She will not abstain from the decision.

Ms. Covaleski stated the new garage is in a better location than the existing one. The road is narrow.

Ms. Corrion commented the side yard setback would remain the same for the proposed garage and be farther off the road. There is no effect on the Schaffer's adjacent property. The hardship is the narrow lot.

Mr. Forgash explained when he submitted his variance request; he measured from the fence not where the survey said the property line was.

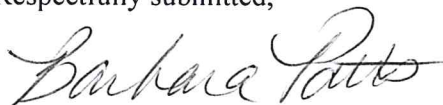
Mr. Banaszak stated the property is unique and the existing garage was built in that location prior to the adoption of the zoning ordinance. The requested variances will bring the home into compliance.

Ms. Corrion moved to approve the petition filed by Jeffrey & Kimberly Forgash for property at 177 River Trail Drive which is on the North side of River Trail for the purpose of side yard variance of 3' to be 5' from the property line for a proposed attached garage (8' is required), side yard variance of 3.5' to be 4.5' for the existing home (8' is required), a total side yard variance of 4' to be 19'8" (20' is required), a front yard variance of 22' to be 3' (25' is required) for proposed garage and a waterfront variance of 16' to be 24' (40' is required) to bring the existing home into compliance. The variances will bring the existing home and proposed garage into compliance. There are no other options for the location of the garage due to the size of the lot. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

Henry Johnson approached the Zoning Board regarding the zoning of some parcels. He was told he would need to address the Planning Commission.

Having no other business before the Board, Ms. Corrion moved to adjourn the meeting. Ms. DeShano seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:23 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator