

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

**MINUTES OF NOVEMBER 19, 2019 MEETING**

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

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

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 October 15, 2019 regular meeting.** *Ms. Corrion moved to approve the minutes of the regular meeting as presented. Ms. DeShano supported the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was approval of 2020 meeting dates.** *Ms. Covaleski moved to approve 2020 meeting dates as presented. Ms. DeShano seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**A petition was filed by Christine Yax for property at 403 Lincoln Drive which is on the East side of Lincoln between Northwood and Oakdale for the purpose of a variance allowing the garage structure to remain in place on the property after the house is demolished. (No accessory building or structure shall be constructed or use established on a parcel unless there is a principal building.) Property is zoned Residential.**

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 remaining garage is well off the road right-of-way and will not affect the maintenance activities of the BCRC.

Ms. Yax explained they had a house fire in 2018. The home was a total loss. They planned to rebuild. The Township told her the garage was built to code. The insurance company will only pay to rebuild what was there. Ms. Yax stated the home was built on a slab and the insurance company won't pay for a foundation for the house. Ms. Yax stated they purchased a different home but don't know if they will rebuild on the site. The garage is in good shape and doesn't see the sense in tearing it down.

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

Ms. Covaleski asked if the breezeway would stay. Ms. Yax stated it would be torn down.

Mr. Phelps asked what the time frame would be if they rebuilt. Ms. Yax did not know.

Ms. Covaleski stated she understands the hardship of losing a home. However, without a primary structure, there shouldn't be an accessory building. Ms. Corrion added there was no easy answer.

Ms. DeShano stated there were guidelines to follow and an accessory building can not be constructed or used without a primary structure.

Mr. Banaszak stated allowing the structure would set a precedent.

A discussion took place on postponing the request until more information is gathered.

*Ms. Covaleski moved to postpone until the December 17, 2019 meeting, the petition filed by Christine Yax for*

*property at 403 Lincoln Drive which is on the East side of Lincoln between Northwood and Oakdale for the purpose of a variance allowing the garage structure to remain in place on the property after the house is demolished. (No accessory building or structure shall be constructed or use established on a parcel unless there is a principal building.) Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item was a petition filed by Michael Martin for property at 3050 Diamond Pine Lane which is on the East side of Two Mile between Scott and Beaver for the purpose of a variance to place accessory building in the front yard and a height variance of 4' to be 24' (20' is allowed) for the accessory building. Property is zoned Residential.**

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 accessory building will be well away from the road right-of-way and any maintenance activities of the BCRC.

Jody Scott of 3064 Beaver Road had no objection.

Aaron Martin represented the request. He stated his father would like to build an accessory building in the front yard because there are wetlands in the back. The location would block the neighbor's building.

Ms. Corrion asked why a height variance was needed. Mr. Martin stated his father has a large boat.

Ms. Covaleski commented the wetland map presented was from 1998. This may have changed in 20 years.

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

Mr. Phelps asked if the building could be located next to wetlands. Mr. Martin stated that area is built up.

Mr. Banaszak stated a permit from the DEQ would be needed to build in that area.

Building Official Tim Mark explained the extra 4' in height was needed for roof pitch due to the height of the walls. Mr. Banaszak stated there were truss systems that could be used to get the height needed. There is no hardship for height. Mr. Martin commented the extra height would block the view of the neighbor's falling down building. Equipment that is currently kept outside would be stored in the building.

A discussion took place on the location of the proposed building and need for height. No hardship was shown for the height variance.

*Ms. Corrion moved to postpone for not longer than the January 21, 2020 meeting the petition filed by Michael Martin for property at 3050 Diamond Pine Lane which is on the East side of Two Mile between Scott and Beaver for the purpose of a variance to place accessory building in the front yard. DEQ approval is needed for placement of the building. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

*Ms. Corrion moved to deny the petition filed by Michael Martin for property at 3050 Diamond Pine Lane which is on the East side of Two Mile between Scott and Beaver for the purpose of a height variance of 4' to be 24' (20' is allowed) for the accessory building. No hardship was shown. The Zoning Board of Appeals has been consistent with not approving height variances. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**A petition was filed by Scott Callahan for property at 767 Bay Road which is on the North side of Bay Road between Patterson and Bay Road for the purpose of a side yard variance of 4' to be 4' (8' is required), a variance of 7' to be 5' on the opposite side yard (12' is required), and a variance of 11' to be 9' for total side yards (20' is required). Property is zoned Residential.**

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 side yard variances are not associated with or will affect

the road right-of-way.

Mr. Callahan stated the home was built in 1910 and they want to build a home with the same footprint.

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

Ms. Covaleski asked if the width of the new home would be the same width. Kim Shotwell stated the home would be the same width but not the same length. It will not be any closer to the water.

Mr. Banaszak stated the homes and lots in that area are non-conforming. The proposed home would not encroach into the waterfront.

*Ms. Covaleski moved to approve the petition filed by Scott Callahan for property at 767 Bay Road which is on the North side of Bay Road between Patterson and Bay Road for the purpose of a side yard variance of 4' to be 4' (8' is required), a variance of 7' to be 5' on the opposite side yard (12' is required), and a variance of 11' to be 9' for total side yards (20' is required). The hardship is the waterfront properties having narrow lots. This is consistent with the neighborhood. Mr. Phelps seconded the motion. Five (5) ayes, no nays. The motion passed. The applicant has six months to pull a building permit or the variances are null and void.*

**A petition was filed by Guliano Moshe for property at 4443 Wilder Road which is on the North side of Wilder Road between Patterson and Bangor Road for the purpose of a front yard variance of 8' to be 32' (40' is required) for the existing building and a variance of 45' to be 75' (120' is required) to make the existing commercial lot legally non-conforming. Property is zoned Commercial.**

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 variances will not change the configuration of the building, parking area or driveway. Basically, the parcel will remain the same as it is currently and, if approved, will now be in conformance with township zoning.

Mr. Moshe stated they would like an 880 square foot addition to the existing building.

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

Mr. Phelps stated the property had room for the addition.

*Mr. Phelps moved to approve the petition filed by Guliano Moshe for property at 4443 Wilder Road which is on the North side of Wilder Road between Patterson and Bangor Road for the purpose of a front yard variance of 8' to be 32' (40' is required) for the existing building and a variance of 45' to be 75' (120' is required) to make the existing commercial lot legally non-conforming. The variances make the existing structure conforming. Ms. Covaleski seconded the motion. Five (5) ayes, no nays. The motion passed. The applicant has six months to pull a building permit or the variances are null and void.*

**A petition was filed by Gary & Lynette Clark for property at 3811 Utah Drive which is on the North side of Utah between State Park Drive and Kawkawlin River Drive for the purpose of a variance to allow a deck to go past the existing waterfront line of sight by 6'. Property is zoned Residential.**

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 deck is on the opposite side of the dwelling as the roadway. The construction will have no impact on the road right-of-way and any maintenance activities of the BCRC.

Walter & Sandra Engelhardt of 3836 Kawkawlin River Drive had no objections.

Jim Fox of 3527 Kawkawlin River Drive had no objection.

Tim Mark represented the request. He explained an error was made and a permit was issued for the site. Inspections were done. The variance is to correct the error. There have been no complaints from the neighbors. The property has an odd shape.

Mr. Clark stated the deck is totally complete and has one wall. He removed the prior deck and replaced it.

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

Ms. Covaleski stated the line of sight isn't really impacted. All the members agreed. The property is on a curve of the river and doesn't block any views.

*Mr. DeShano moved to approve the petition filed by Gary & Lynette Clark for property at 3811 Utah Drive which is on the North side of Utah between State Park Drive and Kawkawlin River Drive for the purpose of a variance to allow a deck to go past the existing waterfront line of sight by 6'. A permit was issued for the project. Ms. Covaleski seconded the motion. Five (5) ayes, no nays. The motion passed.*

**A petition was filed by Timothy Beson for property at 3385 N. Euclid which is on the East side of N. Euclid between Kawkawlin River Drive and Wheeler for the purpose of a variance to split a lot creating one conforming and one non-conforming lot. Property is zoned Commercial.**

Mr. Beson stated nothing on the site is changing. He doesn't want the business but wants to stay in Bangor. He will be utilizing the site for his mobile food commissary. He will have only what he makes and manufactures. The requirements he must meet are: a dumpster, bathroom and a commercial address. Mr. Beson added if the property was split evenly, the building would not have enough parking. He stated Proposal 1 will give the business the parking it needs.

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

Ms. Covaleski stated Proposal 3 was cleaner, but Proposal 1 make more sense. All members agreed.

*Ms. Corrion moved to approve the petition was filed by Timothy Beson for property at 3385 N. Euclid which is on the East side of N. Euclid between Kawkawlin River Drive and Wheeler for the purpose of a variance to split a lot creating one conforming and one non-conforming lot. Proposal 1 is approved because it gives the needed parking spaces for the business and still meets the needs of Mr. Beson's new business endeavor. Ms. DeShano seconded the motion. Five (5) ayes, no nays. The motion passed. Mr. Beson will need to apply for land division.*

The last item on the agenda was a request for clarification on whether a lot would be buildable for a dwelling on the railroad side of Killarney Beach. Mr. Mark stated in the past, variances for garages have been approved on that side of the road. He asked if a home could be built if the lot was the appropriate size.

After a discussion, the Board stated it would investigate the matter and get back with Mr. Mark.

Having no other business before the Board, Ms. Covaleski moved to adjourn the meeting. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The meeting was adjourned at 7:17 p.m.

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator