

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

MINUTES OF OCTOBER 16, 2018 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16th day of October, 2018 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Covaleski, Banaszak, DeShano, Phelps

ALTERNATE MEMBER PRESENT: Dore

MEMBER (S) ABSENT: Corrion

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 September 18, 2018 regular meeting. *Mr. Phelps moved to approve the minutes of the September 18, 2018 regular meeting. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

A petition was filed by Ken & Peggy Lange for property at 383 River Road (09010L1000078900) which is on the Northwest side of River Road between Revilo and Glendale for the purpose of a variance to allow a see-through safety rail around deck. Parcel is zoned Residential.

The Department of Water and Sewer had no comments.

The Fire Marshal had no comment.

The Bay County Road Commission wrote they do not have any comment on the petition. Based on the plan submitted, review of the site per the Bay County Planning Department's current aerials, the deck enclosure is on the river side of the home and not the roadside. Thus, the enclosure will not affect the activities of the BCRC.

Mr. Lange stated he is 83 years old and has had back surgery. He would like the railing for safety. They had put the existing railing up and the neighbor complained. They suggested to her they would install clear balusters instead of the white ones. Mr. Lange stated the rest of the neighborhood was ok with his proposal.

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

Mr. Phelps stated the balusters would be replaced and he had no issue. Ms. Covaleski stated the request is consistent with the neighborhood.

Mr. Banaszak explained the railing was put up and the neighbor complained. He did not believe variances for railings in the waterfront have been granted in the past. Line of sight is a concern.

Mr. Lange commented trees and neighboring homes block the view of the water.

Mr. Banaszak asked what the hardship was. Mr. Lange stated the rail is for safety. If a deck is 16" or higher, a railing is required and a variance would be needed. If a deck is lower than 16", railings are not required but a variance would be needed if you wanted railings.

Mr. Phelps commented he couldn't remember approving a variance in the waterfront for a railing. The line of sight is precious.

Ms. Covaleski moved to table the request from Ken & Peggy Lange for property at 383 River Road

(09010L1000078900) which is on the Northwest side of River Road between Revilo and Glendale for the purpose of a variance to allow a see-through safety rail around deck. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

A petition was filed by Heather Wesolek for property at 3042 N. Euclid (0901000620007500) which is on the West side of N. Euclid between Boy Scout and Barber Ln. for the purpose of a variance to create one conforming lot and one non-conforming lot which exceeds the 4:1 depth to length ratio. Parcel is zoned Residential.

Heather Wesolek represented the property owner. She stated there was a potential buyer for the property but they may not be interested in the entire 9 acres. The back portion of the property is wetlands and is not buildable which is why the split creates a flag shaped parcel.

Ms. Covaleski asked how long the parcel was for sale and if there was a purchase agreement on it. Ms. Wesolek stated there was not a purchase agreement. She has had the property listed for about a month.

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

Ben Beardslee of 3072 N. Euclid stated he was not in favor of having another home built on the proposed vacant property.

Ms. Covaleski stated a similar variance was recently denied. There is no hardship. The property is marketable as is.

Mr. Phelps agreed and stated the request is for financial gain.

A discussion took place on the lack of hardship and this being a self-created issue.

Ms. Wesolek stated the hardship is having wetlands on the property and the maintenance of that large of a parcel.

Ms. Covaleski commented the property was purchased in 2016. Ms. Wesolek commented the home was totally remodeled.

Mr. Dore moved to deny the petition filed by Heather Wesolek for property at 3042 N. Euclid (0901000620007500) which is on the West side of N. Euclid between Boy Scout and Barber Ln. for the purpose of a variance to create one conforming lot and one non-conforming lot which exceeds the 4:1 depth to length ratio. Parcel is zoned Residential. There is no hardship. This is self-created. Ms. Covaleski seconded the motion. A roll call vote was taken. Phelps-aye, DeShano-aye, Covaleski-aye, Banaszak-aye, Dore-aye. Five (5) ayes, no (0) nays. The motion passed.

Ms. Covaleski moved to take off the table the request from Ken & Peggy Lange for property at 383 River Road (09010L1000078900) which is on the Northwest side of River Road between Revilo and Glendale for the purpose of a variance to allow a see-through safety rail around deck. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

Mr. Lange explained there is no other place on the property to have a deck due to the size of the lot. They have two front yards.

More discussion took place on the line of sight.

Mr. Banaszak moved to deny the request from Ken & Peggy Lange for property at 383 River Road (09010L1000078900) which is on the Northwest side of River Road between Revilo and Glendale for the purpose of a variance to allow a see-through safety rail around deck. This is not unique to the property. It will block the view of the neighboring properties. There is no hardship. Mr. Dore seconded the motion. A roll call vote was taken. Banaszak-aye, Dore-aye, Phelps-aye, Deshano-aye, Covaleski-aye. Five (5) ayes, no (0) nays. The

motion passed.

Brandon Curler of 3087 Beaver Road explained he was granted a variance in July 2017 for an accessory structure. He requested an extension in January 2018. He added the prep work has been expensive and his wife lost her job. He would like additional time.

Mr. Banaszak moved to approve a nine (9) month extension of the variance approval if it falls within the guidelines of the Zoning Ordinance. No more extensions will be granted. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

Having no other business before the Board, Mr. Phleps moved to adjourn the meeting. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:48 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator