

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

MINUTES OF SEPTEMBER 18, 2018 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 18th day of September, 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

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 August 21, 2018 regular meeting. *Mr. Phelps moved to approve the minutes of the August 21, 2018 regular meeting. Ms. DeShano seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

A petition was filed by John Primeau for property at 3021 Lemuel Drive (0901003130021000) which is on the North side of Lemuel between Boy Scout and Lauria for the purpose of a variance of 2' to be 23' in the front yard along Lazarowicz to permit the location of a detached accessory building in a front yard (25' is required and detached accessory buildings are required to be located in a side or rear yard). 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, both Lemuel and Lazarowicz are private roadways and not under the jurisdiction of the BCRC.

Gary Banaszak of 3024 Lemuel wrote he was ok with the request.

Jody & Jeff Nashatka of 3030 Lemuel wrote they have no problem with the request.

A letter of objection was submitted from David Radabaugh of 3045 Lazarowicz.

Mr. Primeau stated he didn't need the 2' front yard variance. It should be removed from the request. He stated the building would be used to store gardening equipment. Mr. Primeau added the building would be on 4" of gravel and have eaves. He has three front yards.

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

David Radabaugh of 3045 Lazarowicz stated he lives alongside the location of the proposed building. He added when the existing building was built; the Primeau's caused obstruction of water drainage. The property was built up 12" behind a 6' fence. Now there are drainage issues. Mr. Radabaugh would like to make sure the construction is done correctly and won't cause the neighborhood any more drainage problems.

Ms. Covaleski asked is the building was pre-made. Mr. Primeau stated it was. Ms. Covaleski stated the hardship is having three front yards.

Mr. Banaszak commented the property is unique and the building has to go in a front yard.

Ms. Covaleski moved to approve the petition filed by John Primeau for property at 3021 Lemuel Drive (0901003130021000) which is on the North side of Lemuel between Boy Scout and Lauria for the purpose of a variance to permit the location of a detached accessory building in a front yard (detached accessory buildings are required to be located in a side or rear yard). The hardship is the property has three front yards. Mr. Phelps 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.

A petition was filed by Pablo & Shanaya Solano for property at 3290 Shane Drive (0901003140037500) which is on the West side of Shane Drive between Boy Scout and Lauria for the purpose of a variance of 6' height variance to be 26' high (20' is allowed). 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, this section of Shane Drive is a private roadway and not under the jurisdiction of the BCRC.

Mr. Solano stated he has the space for the building. He would like to put a basketball hoop in the building and needs the extra height. He stated getting special trusses would cost too much money.

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

Mr. Phelps stated the Board has worked with homeowners in the past to get them what they want without breaking the rules. Different trusses and roof pitches are available to get the clearance wanted.

Mr. Solano stated he looked into the different trusses and they are expensive.

Ms. DeShano stated she did not see a hardship.

Ms. Covaleski commented the requested height of the building was not consistent with the area. The ZBA is very strict on height of accessory buildings.

Mrs. Solano stated they were willing to go down on the height.

A discussion took place on having only a section of the building with scissor trusses and the rest with standard ones.

Mr. Phelps moved to deny the petition filed by Pablo & Shanaya Solano for property at 3290 Shane Drive (0901003140037500) which is on the West side of Shane Drive between Boy Scout and Lauria for the purpose of a variance of 6' height variance to be 26' high (20' is allowed). There is no hardship presented. Ms. DeShano seconded the motion. The motion passed and the request was denied.

The last item was a petition filed by Matt & Kelly Copus for property at 246 Killarney Beach Road (0901003840001500) which is on the East side of Killarney Beach Road for the purpose of a variance of 1'10" to be 6'2" on the North side (8' is required), a variance of 9'6" to be 2'6" on the south side (12' is required) and a 11'4" variance to be 8'8" for total side yards (20' is required) to bring the existing home into compliance. Parcel is zoned Residential. Corrections were made to the original notice. Lesser variances are requested.

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. This issue is zoning ordinance oriented and tasked under the jurisdiction of the Township and Killarney Beach Road is not under the jurisdiction of the BCRC.

Ms. Copus distributed an enlarged survey of the property. They purchased the property in 2015 but the home was built in the 1960's. The house sits 6'2" from the North property line and 2'6" from the South property line. They would like the ability to rebuild with those setbacks if ever needed.

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

Ms. Covaleski stated according to the map, the garage isn't on the property. Mrs. Copus added they are going to have the property surveyed. Per their legal description, the garage is on the property.

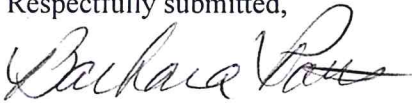
Ms. Covaleski added the request is to bring the home into compliance. That is a definite hardship.

Mr. Banaszak stated the property is an irregular shape.

Ms. DeShano moved to approve the petition filed by Matt & Kelly Copus for property at 246 Killarney Beach Road (0901003840001500) which is on the East side of Killarney Beach Road for the purpose of a variance of 1'10" to be 6'2" on the North side (8' is required), a variance of 9'6" to be 2'6" on the south side (12' is required) and a 11'4" variance to be 8'8" for total side yards (20' is required) to bring the existing home into compliance. The property was purchased in this condition and they are making the home compliant. Ms. Covaleski seconded the motion. Four (4) ayes, no (0) nays. The motion passed.

Having no other business before the Board, Mr. Banaszak adjourned the meeting at 6:40 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator