

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

**MINUTES OF JULY 16, 2013 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16<sup>th</sup> day of July, 2013 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

**REGULAR MEMBERS PRESENT:** Banaszak, Corrion, Phelps, Schisler

**MEMBER ABSENT:** Pilarski

**ALTERNATE MEMBER PRESENT:** LaPlant

Mr. Banaszak called the meeting to order at 6:03 p.m.

The Pledge of Allegiance was recited.

**The first item on the agenda was approval of the minutes of a special meeting held June 12, 2013 and a regular meeting held June 18, 2013.** *Ms. Corrion moved to approve the minutes as presented. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a petition filed by Dennis & Linda Huber for property at 3082 E. Riverview Drive which is on the West side of E. Riverview Drive between Boy Scout Road and the Kawkawlin River for the purpose of a 3' variance to be 37' from the water (40' is required) and a variance of 3'4" to permit a building to extend closer to the water than the waterfront building line established by locations of the principle structures in closest proximity to and adjacent to the lot. Parcel is zoned Residential-1.**

Jim Lillo from the Bay County Road Commission wrote they have no comment on the petition. From the documents submitted, the request is for a variance on the riverside of the lot and will not have any impact on right-of-way under the jurisdiction of the BCRC

The Fire Department takes no exception to the petition.

Bay County DWS wrote they take no exception to the proposed variance.

Mr. Huber stated they currently had a canvas cover over their hot tub. They would like to build a structure over it for shade. There is no other location for the hot tub. The proposal will be an asset to the property and will not be an eyesore.

Mr. Schisler asked where the adjacent homes were located in comparison to the location of the hot tub. Mr. Huber stated they were further back. Neither neighbor can see the hot tub. Mr. Schisler asked if the building would be enclosed. Mr. Huber stated it would not be enclosed.

Mr. Schisler was concerned about the waterfront building line variance. If one house moves out towards the water, it allows the adjacent homes the ability to move out closer. He was reluctant to agree to it.

Mr. Phelps commented the variance would change the entire river's sight line.

The neighbors do not object. Mr. Huber stated the hot tub already exists.

Kevin Feinauer, contractor, stated the hot tub is already out in front of the neighbors. It's in a unique position. There is no other place to put it.

Letters of support were received from David & Joyce Winters of 3098 E. Riverview, Richard & Barbara Rybak of 3068 E. Riverview and Richard & Shirley Wardynski of 3074 E. Riverview.

There was no one in the audience against the request.

Ms. Corrion asked if the hot tub was already in the waterfront yard. Mr. Banaszak stated it was but it was not a permanent structure.

Mr. Schisler was still concerned about moving the building line. Discussion took place on what else could be done if the variance was approved. Mr. Banaszak stated this is a unique situation. The steps from the deck are just about to where the structure would be.

*Mr. Schisler moved to approve the petition filed by Dennis & Linda Huber for property at 3082 E. Riverview Drive which is on the West side of E. Riverview Drive between Boy Scout Road and the Kawkawlin River for the purpose of a 3' variance to be 37' from the water (40' is required) and a variance of 3'4" to permit a building to extend closer to the water than the waterfront building line established by locations of the principle structures in closest proximity to and adjacent to the lot. The existing deck does not affect the line of sight. The neighbors are not impacted by the change of the line of sight. Four (4) ayes, one (1) nay-Phelps. The motion passed. The applicant has six months to pull a building permit or the variance is void.*

**The next item on the agenda was a petition filed by Randy Bauer for property at 201 Sunrise which is on the East side of Sunrise between Willow Dr. and Pine St. for the purpose of a 8' side yard variance to be 0' from the North property line (8' is required) and a front yard variance of 3'to be 22' (25' is required) for an attached accessory building. Parcel is zoned Residential-1.**

Jim Lillo from the Bay County Road Commission wrote they have no comment on the petition. Based on the information received and a site visit, the deck portion of this petition appears to have already been constructed. Evidence of a shed was not readily apparent and, therefore, may still be proposed. It appears the deck and shed locations as presented will not have any effect on road right-of-way under the jurisdiction of the BCRC.

The Fire Department feels in the interest of fire safety, the attached accessory building shall be constructed to provide for one-hour fire separation from the adjacent property.

Bay County DWS wrote they take no exception to the proposed variance.

Mr. Bauer stated the existing deck is 4.5' wide and he would like it 7.5' wide. Some neighbors signed a petition in support of his project. Mr. Bauer added his neighbor to the North has a fence she would like removed. He showed pictures of the area. He explained he wants to replace the deck with a concrete building. The top of the building would be his deck. He would like the deck to wrap around the house from the West side to the North. The building would be used to store his boat. The septic field is on the other side of the house. He needs the building to be right at the property line for it to be wide enough.

A petition of support was signed by Lisa Black of 107 Sunrise, David Lamay & Joyce Lijewski of 308 Sunrise, Don & Camela Langenburg of 213 Sunrise, JoAnn & Tom Lipan of 299 Sunrise, Angela

Matuszewski and Pat Long of 110 Pine, Jannie Peters of 60 Willow, Cheryl & Tyler Anderson of 300 Sunrise and Catherine Herman of 45 Pine.

Mr. Schisler asked how close the deck currently was to the property line. Mr. Bauer said it was almost to the line. He stated it would be an improvement. If approved, the fence would be removed, the tree would be removed and the deck would be replaced.

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

Mr. Banaszak commented the building would not be going out much further than what exists. He asked what the hardship was. Mr. Bauer stated he needed a 10' door on the building for his boat to fit. Anything smaller would not be usable.

Mr. LaPlant stated he was uncomfortable allowing the building to be right on the property line, but it would be safer than what exists. He didn't know how the building could be maintained on the variance side.

Mr. Schisler asked if there were any drainage issues with the neighbors. Mr. Bauer stated the neighbor's property was higher than his. The property will be tiled on the North and the water directed to the River.

Discussion took place on the 0' setback and the angle of the lot. The Board was not comfortable approving the 0' setback if it allowed the home to be expanded all the way along the property line.

Mr. Schisler stated the variance does bring the property into conformity.

Mr. LaPlant commented there is ample room on the other side of the house for the building. If the adjacent neighbors change, they may not be in favor of a 0' setback. Mr. Bauer stated the other side of the home has bedrooms and would block the view of the River. The existing deck already blocks the view on the North side.

Placing conditions on a variance was discussed. Section 18.04 of the Zoning Ordinance allows for reasonable conditions to be placed on variance approvals.

*Mr. Schisler moved to approve the petition filed by Randy Bauer for property at 201 Sunrise which is on the East side of Sunrise between Willow Dr. and Pine St. for the purpose of a 8' side yard variance to be 0' from the North property line (8' is required) and a front yard variance of 3' to be 22' (25' is required) for an attached accessory building with the following condition: the proposed attached building shall be built as proposed with concrete walls. It shall extend no further than 32' back from the front corner of the house. No additional conditions shall be placed on the West side deck. The Zoning Ordinance allows for reasonable conditions to be placed on a variance request. The condition will insure compatibility with the adjacent uses of land and will promote the use of land in a socially and economically desirable manner. The condition is necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance, be related to the standards established in the ordinance of the land use or activity under consideration, and be necessary to insure compliance with those standards. The variance will bring the existing condition into compliance. Fire safety will be improved. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is void.*

**The last item on the agenda was a petition filed by Gerald Morin for property at 255 Lagoon Beach Drive which is on the North side of Lagoon Beach Drive between Revilo and River for the purpose of a 15' variance to be 10' from the front yard setback (25' is required) for a ramp. Parcel**

**is zoned Residential-2.**

Jim Lillo from the Bay County Road Commission wrote they have no comment on the petition. Based on the information received and a site visit, the ramp has already been constructed and is in line with the front of the existing garage. Therefore, it appears the ramp, as constructed, will not have any effect on road right-of-way under the jurisdiction of the BCRC.

The Fire Department takes no exception to the petition.

Bay County DWS wrote they take no exception to the proposed variance.

Mr. Schisler asked why a ramp was needed. Mr. Morin stated his wife had a stroke.

Mr. Schisler asked why this type of request even needed a variance. He believed the ADA should over rule local law.

Mr. Morin stated the law is the law. He added the ADA conflicts with local law but doesn't overrule it. Mr. Morin stated the variance is needed because the ramp takes away from the amount of distance between the home and the garage.

There was no one for or against the request.

*Ms. Corrion moved to approve the petition filed by Gerald Morin for property at 255 Lagoon Beach Drive which is on the North side of Lagoon Beach Drive between Revilo and River for the purpose of a 15' variance to be 10' from the front yard setback (25' is required) for a ramp. The ramp lines up with the garage. There is no adverse effect on the area. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is void.*

*Mr. Schisler moved to recommend to the Township Board a refund to Mr. Morin for his Zoning Board of Appeals fee. He doesn't feel a variance should be required for this type of project. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

Mr. Schisler stated he would speak to the Township Attorney about changing the zoning regulations for ramps.

*Having no other business before the Board, Mr. Schisler moved to adjourn. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:55 p.m.*

Respectfully submitted,

*Barbara A. Potts*

Barbara A. Potts  
Zoning Board of Appeals Coordinator