

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

**MINUTES OF APRIL 19, 2016 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 19<sup>th</sup> day of April, 2016 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Corrion, LaPlant Phelps and Schisler

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 the minutes of a regular meeting held March 16, 2016.** *Ms. Corrion moved to approve the minutes as presented. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item was a petition filed by Michelle White for property at 3646 Kawkawlin River Drive which is on the South side of Kawkawlin River Drive between State Park Drive and Euclid for the purpose of a variance of 681 square feet to be 1,575 square feet (894 square feet is allowed) for an attached garage. Parcel is zoned Residential-1.**

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Michelle White for property at 3646 Kawkawlin River Drive, they have no objection to the petition. From the information submitted, the variances deal with a proposed attached garage that is well away from the road right-of-way. However, if the new garage requires the relocation of the existing driveway, a residential driveway permit from the BCRC is required. Otherwise, impacts to the existing BCRC road right-of-way or maintenance activities are not expected.

Mary Arquette of 3645 Kawkawlin River Drive telephoned and questioned the measurements.

Brent Arquette of 3645 Kawkawlin River Drive stated he was opposed to the request.

Nick Kraft of 3636 Kawkawlin River Drive wrote in opposition of the request.

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

Ms. White explained the need for space to store boat, lawn mower, etc. The house is 1,200 square feet. The addition would make the garage 1,575 square feet.

Mr. Phelps stated this was a self-created hardship. Mr. Schisler added storage is not an allowable reason.

*Ms. Corrion moved to deny the petition filed by Michelle White for property at 3646 Kawkawlin River Drive which is on the South side of Kawkawlin River Drive between State Park Drive and Euclid for the purpose of a variance of 681 square feet to be 1,575 square feet (894 square feet is allowed) for an attached garage. Parcel is zoned Residential-1. This is a self-created hardship. Mr. Phelps seconded the motion. A discussion took place on putting up a 1,500 square foot accessory building. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a petition filed by Holly Peariso for property at 3371 Old Kawkawlin Road which is on the North side of Old Kawkawlin between Wheeler Road and Two Mile for the purpose of a variance 3'5" to be 4'7" in the west side yard setback (8' is required) The setback is existing. Parcel is zoned Residential.**

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Holly Peariso for property at 3371 Old Kawkawlin Drive, they have no objection to the petition. From the information submitted, the variance deals with an addition that is proposed for an existing home, well away from the road right-of-way. Therefore, impacts to BCRC road right-of-way or maintenance activities are not expected.

Ms. Peariso stated she needed to bring the house up to compliance for an addition.

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

*Mr. Schisler moved to approve the petition filed by Holly Peariso for property at 3371 Old Kawkawlin Road which is on the North side of Old Kawkawlin between Wheeler Road and Two Mile for the purpose of a variance 3'5" to be 4'7" in the west side yard setback (8' is required) The setback is existing. Parcel is zoned Residential. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six (6) months to pull a building permit.*

**The item was a petition filed by Under The Sun for property at 3909 N. Euclid which is on the East side of Euclid between Wilder and Schumann for the purpose of a variance of 18' to be 2' on the north side yard setback (20' is required) and a variance of 8' to be 2' from the front road right of way (10' is required). Parcel is zoned Residential.**

Joel Krakowski represented the request.

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Under the Sun for property at 3909 North Euclid Avenue, they have the no comment on the petition. Based on the submitted materials and site plan, the property abuts Euclid Avenue (M-247), which is under the jurisdiction of MDOT and they should be contacted to determine if they have any requirements or comments as to the petition.

MDOT wrote they will require proof by survey that the sign base is outside the MDOT right of way. Typically phone peds and power poles are set on or within 1 foot into MDOT right of way. With the location of the adjacent property signs and the utility locations, they are sure the old base is within the MDOT right of way.

Jack Morley owner of 3895 N. Euclid telephoned he was opposed to variances as stated. He would not be against a 10' variance on the north and a 4' variance to the west. He does not want the sign on the property line.

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

Mr. Schisler stated no matter what decided, permission would need to be given from MDOT>

Mr. Krakowski stated the sign would be no higher than 12' to the top.

Mr. Schisler commented the practical difficulty was there is no place else to put the sign.

Mr. Banaszak added moving the sign would take up parking spaces.

*Mr. Phelps moved to approve the petition filed by Under The Sun for property at 3909 N. Euclid which is on the East side of Euclid between Wilder and Schumann for the purpose of a variance of 18' to be 2' on the north side yard setback (20' is required) and a variance of 8' to be 2' from the front road right of way (10' is required). Parcel is zoned Residential. There is no other place to put a sign. MDOT approval was needed. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six (6) months to pull a building permit.*

**The next item was a petition filed by Nicholas & Megan Klein for property at 401 Ricoma Beach which is on the east side of Ricoma Beach off Killarney Beach Road for the purpose of a side yard setback variance of 4' to be 4' (8' is required); a 2.5' total side yard variance to be 17.5' for total side yards (20' is required) and a 4' front yard setback variance to be 21' (25' is required) for an addition to existing house. Parcel is zoned Residential-2.**

Mr. Klein stated they would like to add on due to a growing family and home office. In order to have stairway meet code and get to the second floor, the main floor needs to be wider. There was a miscalculation on the north side. The variance needs to be for 5.5 feet. That variance will need to be re-notice for the next month. There was an original structure that was been removed. The footings are still there.

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Nicholas and Megan Klein for property at 401 Ricoma Beach, they have no objection to the petition. From the information submitted, the proposed addition and garage are no closer to Ricoma Beach Road than the existing home. As stated previously and as associated with petitions along the Saginaw Bay or Kawkawlin River, road right-of-way is at premium and structures should be located as far away from the road/road right-of-way as possible to allow the BCRC to perform maintenance activities. Since the proposed new construction is no closer than the existing home, they do not expect any adverse impacts on the existing BCRC road right-of-way or our maintenance activities.

Ron and Cathy Jankoska of 402 Ricoma wrote a letter of opposition.

D & G Mitin of 399 Ricoma telephone they were not opposed to the request.

Gordon Good of 400 Ricoma Beach stated the original garage was not in compliance. He supports the variance as there is nowhere else to put an addition.

Kathy Jankoska of 402 Ricoma Beach was opposed to the request. They feel there is property to the west that can be used. There is no hardship.

Mr. Phelps stated it was a unique situation due to the property. Mr. Banaszak added Ricoma Beach has small lots which gives it a hardship.

*Mr. LaPlant moved to approve the petition filed by Nicholas & Megan Klein for property at 401 Ricoma Beach which is on the east side of Ricoma Beach off Killarney Beach Road for the purpose of a side yard setback variance of 4' to be 4' (8' is required); and a 4' front yard setback variance to be 21' (25' is required) for an addition to existing house. Parcel is zoned Residential-2. The variance for total side yards needs to be re-noticed. The lot is small and the home is close to the road. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six (6) months to pull a building permit.*

**The next item was a petition filed by Jeffrey Weinberg for property at 349 Killarney Beach Road which is on the west side of Killarney Beach Road for the purpose of a variance to build an accessory building on a parcel without a primary structure. Parcel is zoned Residential.**

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Jeffery Weinberg for property at 349 Killarney Beach Road, they have no objection to the petition. From the information submitted, the proposed accessory building is a reasonable distance away from the roadway. As stated previously, associated with petitions along the Saginaw Bay or Kawkawlin River, road right-of-way is at premium and structures should be located as far away from the road/road right-of-way as possible to allow the BCRC to perform maintenance activities. Since the proposed accessory building appears to be away from Killarney Beach Road, they do not expect any adverse impacts on the existing BCRC road right-of-way or our maintenance activities.

Mike Bosco of 342 Killarney Beach telephoned he had no problem with the request.

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

Mr. Weinberg stated there is no space on the lot to expand. He would like to put an accessory building across the street.

*Mr. Schisler moved to approve the petition filed by Jeffrey Weinberg for property at 349 Killarney Beach Road which is on the west side of Killarney Beach Road for the purpose of a variance to build an accessory building on a parcel without a primary structure. Parcel is zoned Residential. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six (6) months to pull a building permit.*

**The last item was a petition filed by David & Cindy Ferrio for property at 324 Killarney Beach Road which is on the east side of Killarney Beach Road for the purpose of a variance of 2,184 square feet to be 8,216 square feet and a variance of 3,120 square feet to be 7,280 square feet for minimum lot size (10,400 square feet is required). Parcel is zoned Residential.**

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to David & Cindy Ferrio for property at 324 Killarney Beach Road, they have no comment on the petition. From the information submitted, this petition is for a property that abuts a private road, one not under the jurisdiction of the BCRC.

Dwayne & Judy Birchmeier of 319 Killarney Beach have no problem with the request.

Donald Burns of 327 ½ Killarney Beach telephoned he was in favor of the request.

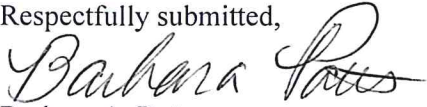
Mr. Ferrio stated the lot was to be split which would make the other lot more conforming.

Mr. LaPlant stated this was a positive change.

*Mr. Phelps moved to approve the petition filed by David & Cindy Ferrio for property at 324 Killarney Beach Road which is on the east side of Killarney Beach Road for the purpose of a variance of 2,184 square feet to be 8,216 square feet and a variance of 3,120 square feet to be 7,280 square feet for minimum lot size (10,400 square feet is required). Parcel is zoned Residential. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

*Having no other business before the Board, Mr. Schisler moved to adjourn. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:20 p.m.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Potts". The signature is written in black ink and is positioned above the printed name.

Barbara A. Potts

Zoning Board of Appeals Coordinator