

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

**MINUTES OF AUGUST 19, 2014 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 19<sup>th</sup> day of August, 2014 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 (S) ABSENT: LaPlant

ALTERNATE MEMBER PRESENT: Castaneda

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 July 15, 2014.** Mr. Castaneda had two corrections. On page 2, the motion for Lutz should start with Ms. Corrion. On page 3, 7<sup>th</sup> paragraph, the 2<sup>nd</sup> sentence should read "The second wall sign is a direction sign for service." *Ms. Corrion moved to approve the minutes with the corrections. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a petition filed by Patrick McFarland for property at 83 Bay Shore Drive which is on the South side of Bay Shore Drive for the purpose of a variance to have an accessory building on a parcel without a principal structure; a variance of 5' to be 5' from the road right of way/front lot line setback (10' is required); a variance of 5' to be 5' front lot line (10' is required); a variance of 3' to be 7' from the side lot line (10' is required); a variance of 7' to be 3' from the waterfront lot line setback (10' is required); and a variance of 37' to be 3' for a waterfront property line setback (40' is required) for a garage. Parcel is zoned Residential-1.**

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission stated he had concerns about 83 Bay Shore. The accessory building should not be any closer to the road than any other existing building. Bay Shore is congested and letting someone build closer to the road than any of the other existing buildings should not be allowed. A driveway permit will be required if it is to be used for vehicle storage.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance.

Mr. McFarland stated the existing garage is an eyesore and is falling down. It is not neighborhood worthy. The proposed garage will be 2' wider than the existing and will match the house. It will be on the same footprint. Mr. McFarland added his garage is farther off the road than his neighbors' garages.

Mr. Castaneda asked if the setbacks were in place from the existing garage. Mr. McFarland stated they were.

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

Ms. Corrion asked about the height. Mr. McFarland stated the building would be under the allowed 20'. Ms. Corrion stated the building looked like it was 2-story. Mr. McFarland stated the building would be one story with storage. There would not be living quarters in it.

Mr. Castaneda stated the proposed garage is farther off the road than others in the neighborhood.

*Mr. Phelps moved to approve the petition filed by Patrick McFarland for property at 83 Bay Shore Drive which is on the South side of Bay Shore Drive for the purpose of a variance to have an accessory building on a parcel without a principal structure; a variance of 5' to be 5' from the road right of way/front lot line setback (10' is required); a variance of 5' to be 5' front lot line (10' is required); a variance of 3' to be 7' from the side lot line (10' is required); a variance of 7' to be 3' from the waterfront lot line setback (10' is required); and a variance of 37' to be 3' for a waterfront property line setback (40' is required) for a garage. The existing garage is in need of repair. Variances are needed to build a new one. This would be best for the neighborhood. Mr. Castaneda seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance would be null and void.*

**The next item on the agenda was a petition filed by Tom Pembroke for property at 771 Bay Road which is on the North side of Bay Road between Patterson and the Bay for the purpose of a variance of 1' to be 7' for a side yard setback on the west side of deck (8' is required); a variance of 3' to be 5' for a side yard setback on the east side of deck (8' is required); a variance of 8' to be 12' for combined side yards (20' is required). Parcel is zoned Residential-2.**

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission had no concerns.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance.

Martin Obermiller of 765 Bay Road called in support of the request. It will benefit the neighborhood.

Mr. Pembroke stated the proposed deck will be even with the house's setbacks. It will not extend further into the side yards. He added they want to enjoy the Bay.

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

Mr. Castaneda commented the setbacks exist for the home. Ms. Corrion added the deck will stay in line with the house.

*Ms. Corrion moved to approve the petition filed by Tom Pembroke for property at 771 Bay Road which is on the North side of Bay Road between Patterson and the Bay for the purpose of a variance of 1' to be 7' for a side yard setback on the west side of deck (8' is required); a variance of 3' to be 5' for a side yard setback on the east side of deck (8' is required); a variance of 8' to be 12' for combined side yards (20' is required). The setbacks exist for the house. The proposed deck will not extend past the home. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance would be null and void.*

**The last item on the agenda was a petition filed by Marlene Young for property at 4827 Two Mile Road which is on the East side of Two Mile South of Midland Road for the purpose of a variance of 7.2' to be 2.8' side yard setback for a detached accessory building (10' is required). This is an existing nonconforming structure that is being restored at a cost that is greater than 80% of the structure's cash value subjecting it to current Zoning Ordinance requirements. Parcel is zoned Residential-3.**

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission had no concerns.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance.

Mr. Banaszak read a letter from Kortnie Elswick against the request.

Ms. Young stated she has lived there for 32 years. The building is used for storage and needs to be repaired. She added her neighbor Todd Maxson was in support of the request. He received a variance in the past.

Mr. Phelps asked if the building was on a foundation. Gary Geierdich, Ms. Young's brother, stated the building has a concrete floor. The floor has cracks in it. Mr. Geierdich estimated repairs to the building being under \$4,800.

Todd Maxson of 4821 Two Mile stated he was in favor of fixing the building.

Bonnie Geierdich stated she was in favor of the request. The building is in need of repair.

Gary Geierdich commented the neighbors who were opposed to the request have only lived there 2 years. They knew the building was there when they bought the adjacent property.

Wayne Geierdich was in favor of the request.

Roxanne Spiegel of 3403 Bangor Road was in favor of the variance. Ms. Young is trying to take care of the problem. The shed needs to be fixed.

Tim Elswick of 4835 Two Mile stated they knew the building was there when they purchased the house but had heard it was going to be torn down. The property runs at an angle. Mr. Elswick added the building is in sad shape and can't believe they are going to repair it. He showed pictures of the building and its foundation to the Board and Ms. Young. Mr. Elswick feels the building has to be raised and moved. The roof has caved in. He added he thought Ms. Young stored hazardous materials in the building.

Mr. Schisler stated the building is in bad condition. Ms. Young could leave it where it is and not repair it. She doesn't have to move it. He asked Mr. Elswick why he didn't want a nicer building than what is there. Mr. Elswick stated Ms. Young told them she would tear it down and now she won't. He thinks it'll cost more to repair it than what it's worth.

Mr. Banaszak stated the building has been there longer than Zoning Ordinance and it is grandfathered in.

Mr. Elswick stated Code Enforcement Officer Steve Hebert would condemn the building if it isn't repaired. Mr. Schisler commented Mr. Hebert would probably be in favor of improvements to the building.

Discussion took place on grandfathered-in properties.

Cheryl Elswick stated Mr. Hebert was going to condemn the building. It's too close to their fence. She is against the request. She is not against the building being repaired but she wants it moved off the property line.

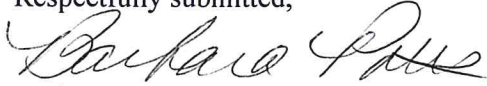
A discussion took place on the distance the building was from the property line. The survey shows the building is 2.8 from the property line. Mr. Schisler explained the procedure for requesting a greater variance.

Mr. Geierdich explained he will fix the foundation and square up the building. Fire wood and the lawnmower are stored in the building.

*Mr. Schisler moved to approve the petition filed by Marlene Young for property at 4827 Two Mile Road which is on the East side of Two Mile South of Midland Road for the purpose of a variance of 7.2' to be 2.8' side yard setback for a detached accessory building (10' is required). This is an existing nonconforming structure that is being restored at a cost that is greater than 80% of the structure's cash value subjecting it to current Zoning Ordinance requirements. This is a non-conforming structure. The repairs will bring it into code conformance. The Zoning Board of Appeals has allowed non-conforming buildings to remain on the same foot print or to be rebuilt on the same footprint. If the variance is denied, the non-conforming structure could remain in place. Ms. Corrión seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance would be null and void.*

*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 6:50 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator