

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

MINUTES OF AUGUST 21, 2018 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21st day of August, 2018 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Corrion, Covaleski, Banaszak, DeShano, Phelps

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 minutes of the July 17, 2018 regular meeting. *Mr. Phelps moved to approve the minutes of the July 17, 2018 regular meeting. Ms. DeShano seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda was approval of minutes of the July 24, 2018 special meeting. *Ms. Corrion moved to approve the minutes of the July 24, 2018 special meeting. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Kyle & Paula Gemeinhardt for property at 275 Coolidge Drive (09010L1000035700) which is on the Northeast side of Coolidge Drive between Lincoln Drive and River Road for the purpose of a 1' side yard variance to be 4' and a rear yard variance of 1' to be 4' for an accessory building (5' is required where eave troughs in good working order are maintained on the building that discharges rainwater to the lot interior or public drain system). Parcel is zoned Residential-2.

The Department of Water and Sewer had no comments.

The Fire Marshal had no comment.

The Bay County Road Commission had no comments.

Mr. Gemeinhardt stated they would like to replace the garage that had burned down. The new garage would go on the same slab. He stated the neighbors to the north and west did not object. Mr. Gemeinhardt stated he was not enlarging the garage.

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

Ms. Corrion moved to approve the petition filed by Kyle & Paula Gemeinhardt for property at 275 Coolidge Drive (09010L1000035700) which is on the Northeast side of Coolidge Drive between Lincoln Drive and River Road for the purpose of a 1' side yard variance to be 4' and a rear yard variance of 1' to be 4' for an accessory building (5' is required where eave troughs in good working order are maintained on the building that discharges rainwater to the lot interior or public drain system). The proposed garage will be the same footprint as the one that burned down. Mr. Phelps 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 null and void.

The next item was a petition filed by Joel Kwiatkowski & Sarah Jeffrey for property at 3875 Utah (09010L1300100200) which is on the North side of Utah off of Kawkawlin River Drive for the purpose of a variance to have a partially above ground pool in the waterfront, a variance for a 4' see through fence enclosure to be in the waterfront and for the pool and the fence to be less than 40' from the high watermark. Parcel is zoned Residential.

The Department of Water and Sewer had no comments.

The Fire Marshal had no comment.

The Bay County Road Commission had no comments.

A letter from Boucher Law against the request was received and read.

Mr. Kwiatkowski stated he can't get a permit to put in a pool without variances. If he installs a pool, he's required to have a fence. He has a waterfront yard and a front yard. The pool would be 20" above grade and 28" below. It is an in-ground pool but due to the water table, it can't be installed all the way in. The proposed fence would be see through and would not cause a view issue. Mr. Kwiatkowski stated the retaining blocks would be 16"-18" high. The existing deck is higher.

Ms. Covaleski asked what the distance was to the seawall. Mr. Kwiatkowski stated he wasn't sure. He thought it was around 30'. He added the yard is lower than the seawall.

Mr. Kwiatkowski explained he has added drainage to his property since he submitted the request. His neighbor always floods. Both yards will now drain.

A discussion took place on the distance to the seawall. Mr. Kwiatkowski stated he could rotate the pool to make sure it was at least 40'. Ms. Corrion asked if the pool could be moved to another location. Mr. Kwiatkowski stated the proposed location meets all the other setbacks.

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

Mr. Phelps stated the letter from Matthew Boucher had valid points. Ms. Covaleski stated no hardship is a concern. Ms. Corrion added this is a self-created problem.

Mr. Kwiatkowski commented there are several pools on properties on the River. Some are grandfathered in and some were installed without permits. He is following the rules.

Mr. Kwiatkowski explained he could rotate the pool and keep within the 40' waterfront setback. Doing so would reduce the line of sight issue. The location of the pool will not affect any adjacent properties.

Discussion took place on the height of the retaining wall.

Ms. Corrion moved to approve the petition filed by Joel Kwiatkowski & Sarah Jeffrey for property at 3875 Utah (09010L1300100200) which is on the North side of Utah off of Kawkawlin River Drive for the purpose of a variance to have a partially above ground pool in the waterfront and a variance for a 4' see through fence enclosure to be in the waterfront. The property has two front yards and there is no other location on the property to put the pool. The pool, fence and retaining wall will have at least a 40' setback in the waterfront yard. Ms. DeShano 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 null and void.

The next item was a petition filed by Thomas Hadad for property at 3667 Kawkawlin River Drive (0901000510050500) which is on the North side of Kawkawlin River Drive between Euclid and State Park Drive for the purpose of a variance of 20' to be 60' minimum lot width (80' is required) and a variance to permit a lot depth to width ratio of 7:1 (4:1 is required). Parcel is zoned Residential.

The Department of Water and Sewer had no comments.

The Fire Marshal had no comment.

The Bay County Road Commission had no comments.

Tom & Shirley Kelly of 3689 Kawkawlin River Drive have concerns with excessive houses in the area. This would be a detriment to the neighborhood.

Brent Arquette of 3645 Kawkawlin River Drive is against the request.

Nick Kraft of 3636 Kawkawlin River Drive wrote a letter against the request.

Mr. Hadad stated his property is long. It is 1 ¼ acre. Most of the properties in the area have small road frontages. He would like to create a buildable lot with 80' of frontage and keep 60' of frontage for the existing home. Mr. Hadad added several other homes in the area have shared driveways.

There was no one in the audience for the request.

Rick Donahue of 3683 Kawkawlin River Drive stated he has a shared access with his neighbor. He is concerned the split will change the character of the area. To the east of the property, there are several parcels split up. You can't see the houses by the water. The proposal will devalue the area. Splitting the properties will create a cluster of homes.

Mr. Banaszak read aloud the letter from Nick Kraft.

Ms. Covalski stated the character of the area needed to be considered. Ms. Corrion stated the split would change the area. She asked what the hardship was. Mr. Phelps asked what the reason was for the split. It would be for future development.

Mr. Banaszak stated the property is not unique nor is there a hardship.

Mr. Phelps moved to deny the petition filed by Thomas Hadad for property at 3667 Kawkawlin River Drive (0901000510050500) which is on the North side of Kawkawlin River Drive between Euclid and State Park Drive for the purpose of a variance of 20' to be 60' minimum lot width (80' is required) and a variance to permit a lot depth to width ratio of 7:1 (4:1 is required). Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

The next item was a petition filed by Davud Hayati for property at 330 State Park Drive (0901000520008000) which is on the East side of State Park Drive for the purpose of a variance to permit a dwelling roof overhang within the required 40' waterfront yard setback. Parcel is zoned Residential.

The Department of Water and Sewer had no comments.

The Fire Marshal had no comment.

The Bay County Road Commission had no comments.

Bruce Linda of 3052 Eddy Road stated he was not in favor of the variance.

Mr. Hayati stated his home needs a new roof. They have a deck on the north and east sides. They would like to extend the roof to cover a portion of the deck on the east for shade. They would need a variance no matter where the extension was located. Their proposal will not impede anyone's view. There will not be any walls. The deck railing exists.

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

Bruce Linda of 3052 Eddy stated his view of the river will be blocked.

Mr. Banaszak asked what the hardship was. Mr. Hayati stated he has two waterfront yards and a front yard. Mr. Banaszak added the height of the roof overhang would be as high as the existing gutters.

Mr. Phelps moved to approve the petition filed by Davud Hayati for property at 330 State Park Drive (0901000520008000) which is on the East side of State Park Drive for the purpose of a variance to permit a dwelling roof overhang within the required 40' waterfront yard setback. The property has three front yards; two waterfront and one road side. Ms. Covaleski 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 null and void.

The last item on the agenda was a petition filed by Jon Jacobs for property at 4714 Gerard Street (0901001910002500) which is on the West side of Gerard between Harley and Midland Road for the purpose of a rear yard variance of 29' to be 11' (40' is required) for an addition. Parcel is zoned Residential-3.

The Department of Water and Sewer had no comments.

The Fire Marshal had no comment.

The Bay County Road Commission had no comments.

Jim Arnold of 4674 Rose Court telephoned that Mr. Jacobs has no nearby neighbors. The property backs up to a landlocked parcel. There is no reason to deny the request.

Mr. Jacobs explained they would like to put an addition on the back of the home. It won't be seen from the road. Currently, there is an enclosed patio which will be removed. They will square off the house. Mr. Jacobs stated the home does not sit square on the lot.

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

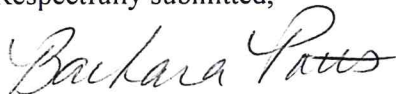
Ms. Corrion stated the placement of the home on the lot leaves no other location for the addition.

Mr. Banaszak stated the property is unique in layout.

Ms. Corrion moved to approve the petition filed by Jon Jacobs for property at 4714 Gerard Street (0901001910002500) which is on the West side of Gerard between Harley and Midland Road for the purpose of a rear yard variance of 29' to be 11' (40' is required) for an addition. The layout of the property is unique. The house sits at an angle on the lot. There is room for an addition. Ms. Covaleski 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 null and void.

Having no other business before the Board, Mr. Banaszak adjourned the meeting at 7:22 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator