

CHARTER TOWNSHIP OF BANGOR
ZONING BOARD OF APPEALS

MINUTES OF DECEMBER 18, 2012 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 18th day of December, 2012 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, Pilarski, 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 November 20, 2012. *Ms. Corrion moved to approve the minutes as presented. Ms. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda was approval of the 2013 Zoning Board of Appeals meeting dates. *Ms. Corrion moved to approve the dates as presented. Ms. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Darvin Powell for property at 3740 Boy Scout which is on the South side of Boy Scout between Euclid and State Park Drive for the purpose of a variance to construct an accessory building in the front yard. Parcel is zoned Residential-1.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Darvin Powell for property at 3740 Boy Scout Road, they have the following comment on the petition. Based on the information received and site visit, there appears to have once been an access to the Powell property at the location of the easement shown on the plans. The access has not been used for some time. Therefore, should Mr. Powell proceed and construct a house, a driveway permit must be secured from their office. As far as the request to have an accessory building in the front yard, they have no objection to the petition

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed variance.

The Fire Department takes no exception to the petition filed by Darvin Powell for the property at 3740 Boy Scout.

Mr. Powell stated he will be constructing a home on the property. An easement provides access on the East side. The placement of the home and the garage is due to the areas being out of the 100 year flood plain. There are only two places on the property out of the 100 year flood plain. The property is not wetlands but is in the 100 year flood plain.

Mr. Pilarski asked why different areas on the property couldn't be filled to make everything conforming. Mr. Powell explained the shown areas are already filled. The DNR has delineation lines and has approved the proposed locations. Mr. Powell said he was approved for 1/3 acre pond. The property had fill brought in prior to his purchasing it.

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

Mr. Schisler asked if the property could be accessed by Margaret Lane. Mr. Powell explained that Margaret Lane

was a private drive. Mr. Schisler asked if there was access off of Boy Scout. Mr. Powell said there was access off Boy Scout but all the utilities to the property were run in the 70' frontage.

Mr. Pilarski asked how wide the easement was. Mr. Powell stated the easement was 17' wide and hard surfaced.

Mr. Schisler asked which way the front of the house would face. Mr. Powell stated the front would face the river. He feels the garage would be in the back yard of the home, not in the front yard.

A discussion took place on the easement. The easement runs all the way to the river giving access to the waterfront properties. There is a turnaround at the end.

Mr. Pilarski had concern about fire safety. Mr. Schisler commented the request isn't for the home, just for the garage.

Mr. Pilarski stated a variance wouldn't be needed if the proposed locations were changed.

Mr. Schisler commented this is a classic example of issues on the waterfront. The property is unique and not accessed off road frontage. Waterfront property owners consider the waterfront their front yard. The ordinance considers the road the front yard. That makes this situation unique.

Mr. Schisler moved to approve the petition filed by Darvin Powell for property at 3740 Boy Scout which is on the South side of Boy Scout between Euclid and State Park Drive for the purpose of a variance to construct an accessory building in the front yard. This property is unique. The proposed site is in the back yard of the property if you consider the front yard the waterfront. There is no adverse effect on the neighbors. 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 James & Marchita Gath for property at 145 River Trail Drive (combining with 147 River Trail Drive) which is on the North side of River Trail between Golfside and Birch Ridge for the purpose of a variance of 18'4" to permit reconstruction of a principle dwelling on an existing foundation 21'8" from the waterfront property line or high water mark (40' is required). Parcel is zoned Residential-2.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by James & Marchita Gath for property at 145 and 147 River Trail Drive, they have the following comment on the petition. Based on the drawing submitted and a site visit, it is unclear as to whether or not the existing "U"-shaped or "horseshoe" driveway will be retained or reconfigured. The drawing also does not specify how close the garage will be to River Trail Drive. As with virtually all beach or river properties in Bangor Township, they HIGHLY recommend any new structure be located well off the edge of the roadway. This prevents the possibility of damage to the structure during snow plowing or maintenance operations by the BCRC.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed variance.

The Fire Department takes no exception to the petition filed by James & Marchita Gath for the property at 145 River Trail.

A letter from John & Clara Pasko was read into the minutes.

Mr. Gath stated they would like to combine the two homes. He would like to tear down the house at 145 River Trail and use its foundation. There is plenty of room between the homes and the road. He does not want to make the home any closer to the water than what exists. There is currently 19' between the homes and he would like to connect them.

Mr. Pilarski was concerned with the line of sight. Mr. Gath stated the line of sight would not be changed. Mr.

Pilarski asked why the proposed change couldn't be moved farther from the water. Mr. Gath stated the foundation of the home is newer and he would like to use it.

Mr. Gath stated he did not have plans drawn up for the proposed changes. He was waiting to get approval before spending the money.

Mr. Phelps stated there was a line of sight issue even if the same foundation was used.

Mr. Schisler advised if the home is torn down, the grandfather clause is lost. If the home is remodeled, the clause stays. Mr. Gath stated his request was to build on the existing foundation. The variance would replace the grandfather clause.

Cindy Kababik of 87 River Trail was happy the eyesore was being corrected. She would like the proposal to line up with 147 River Trail. The existing home does obstruct the view.

Eric Frederick of 126 River Trail asked if there would be one house or two. Mr. Gath stated he would combine the homes to make one house. The existing garage would be removed.

Mr. Pilarski advised a lesser variance could be requested. Mr. Schisler stated the ZBA could not tell a petitioner what to request. Having an agreement with the neighbors is always welcome.

Township Assessor Dan Darland advised the properties would be combined into one lot. Both homes would be considered being remodeled. This would increase a non-conformity.

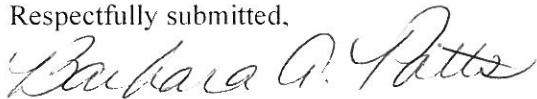
Mr. Schisler stated there were three options: Move forward with the requested variance; lessen the waterfront footage request to be 28'4"; or postpone the request and speak with the adjacent neighbors and come to an agreement.

Mr. Gath requested to postpone the request until the January meeting. Mr. Gath was advised a better drawing should be submitted.

Mr. Pilarski moved to postpone the petition filed by James & Marchita Gath for property at 145 River Trail Drive (combining with 147 River Trail Drive) which is on the North side of River Trail between Golfside and Birch Ridge until the January 15, 2013 meeting. 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. Ms. Corrion 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
Zoning Board of Appeals Coordinator