

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

MINUTES OF JUNE 12, 2013 MEETING

A special meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 12th day of June, 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, Pilarski

ALTERNATE MEMBERS PRESENT: LaPlant

MEMBER (S) ABSENT: Schisler

Mr. Banaszak called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was recited.

The item on the agenda was a petition filed by Dennis Tibble for property at 120 Little Killarney Beach which is on Little Killarney between Euclid and Little Killarney for the purpose of a 5' variance to be 5' from the side lot line (10' is required) for an accessory building. Parcel is zoned Residential.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Dennis Tibble for property at 120 Little Killarney Beach, they have no comment on the petition. Based on the information received, the property does not access a roadway under the jurisdiction of the BCRC.

The Fire Department wrote the accessory building shall be constructed with one-hour fire separation wall on the side requiring the variance.

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

A letter against the request was received from Tim and Jane Quinn of 108 Little Killarney Beach Road.

Joanne Tibble and Justin Lipscomb were present to represent the request.

Mr. Lipscomb spoke with Steve Hebert at the Township regarding the request. The Tibble's would like to get the maximum use out of the lot. The overhang of the accessory building on the lot to the North encroaches onto the Tibble's property. The building is very close to the property line. The Tibble's would like to leave enough room to access the area behind the accessory building. Mr. Lipscomb added the property on the South side had an accessory building 2' off the property line.

Mr. Pilarski asked why the building couldn't be moved to meet the setbacks. Mr. Lipscomb stated they want to get the most use out of the property. Ms. Tibble stated her son wants a garden. Mr. Lipscomb added the hardship is the narrowness of the lot. The majority of the accessory buildings in the area are close to the property line. The existing building will be removed.

Mr. Pilarski stated there is enough space on the property to locate the building properly. Mr. Phelps agreed.

Mr. LaPlant asked if there was another access to the rear of the property. There is not.

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

Gail Gesinski of 128 Little Killarney Beach stated she took exception to the request. Having the building close to the easement will create an alley. It will not be an improvement to the area. She is worried the building will block the view of cars backing out. She added not all buildings are set off to the side of the property.

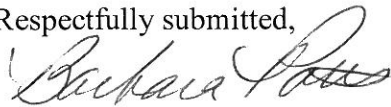
Kathryn Vanden Brooks of 122 Little Killarney Beach objected to the request. Locating the building where proposed is an unnecessary risk. It is a fire hazard. She does not have a basement and most of their storage is in the second story of their garage. The building may block the view for cars pulling out. She is concerned about drainage from the new building. There is no hardship. The building can be centered on the property. The setbacks should be maintained for the safety of both garages. A garden can be put in the back of the lot. Ms. Vanden Brooks stated her garage was built back in the 1970's and is legal non-conforming.

Mr. Pilarski asked if the Tibble's would be willing to have a lesser variance. Mr. Lipscomb stated they would. Mr. Pilarski added it is the resident's responsibility to know where utility lines are. The neighbor's building encroaches onto the Tibble's property. The relocating of the Tibble's accessory building will be eliminating one of the area's hazards.

Mr. Pilarski moved to approve the petition filed by Dennis Tibble for property at 120 Little Killarney Beach which is on Little Killarney between Euclid and Little Killarney for the purpose of a 2' variance to be 8' from the side lot line (10' is required) for an accessory building. This will eliminate existing hazards. A non-conformity will become more conforming. The location of the building will meet the easement requirements. It will help eliminate visibility issues for that parcel. A firewall will be required on the North side to protect the neighbors' building which is on the Tibble's side. The new location of the accessory building allows the south neighbor, who is 2' off the property, proper use of his property. Ms. Corrion seconded the motion. Mr. Banaszak questioned what the hardship was. Mr. Pilarski stated the new location eliminates the existing negativity of existing non-conforming accessory buildings along 120 Little Killarney Road and proper use of his existing property. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. The petitioner has six month to pull a building permit or the variance would be void.

Having no other business before the Board, Ms. Corrion moved to adjourn. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed and the meeting was adjourned at 6:25 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator