

CHARTER TOWNSHIP OF BANGOR
ZONING BOARD OF APPEALS

MINUTES OF JUNE 16, 2015 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16th day of June, 2015 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 and Phelps

MEMBER (S) ABSENT: Schisler

ALTERNATE MEMBER: Castaneda

Mr. Banaszak called the meeting to order at 6:03 p.m.

The Pledge of Allegiance was recited.

The first item on the agenda was approval of the minutes of a regular meeting held May 19, 2015. *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 on the agenda was a petition filed by Mike & Julie Gwizdala for property at 714 Handy Drive which is on the East side of Handy Drive between Mosher Street and West Fulton for the purpose of a variance of 4' to be 21' for a front yard setback (25' setback is required) and a variance of 2' to be 6' for a side yard setback (8' is required) for an addition. Parcel is zoned Residential-3.

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Mike & Julie Gwizdala for property at 714 Handy Drive, they have no objection to the petition. Based on the drawing submitted, the proposed addition will be 21' from the Handy Drive right-of-way and is not anticipated to impact the BCRC's routine road maintenance operations.

Gary & Nancy Walton of 911 Handy Drive have no objections.

Patrick & Mary Skarnulis of 710 Webb Drive have no objections.

Tyler Gerard of 1801 Mosher telephoned he had no objection.

A petition in favor of the request was signed by Paul & Chris Schweppe of 1907 Mosher, Tom & Diane Piquet of 1903 Mosher, Fred & Theresa Frasier of 713 Frost, David Essex of 712 Frost, Jim & Fran Sampson of 714 Frost, Dave & Carol Stack of 1802 Mosher, Rito Rodrigues of 1902 Mosher, Dan Hatton of 1904 Mosher, Gerald Klei of 711 Frost, Warren Doede of 715 Handy, Bryan Syring of 710 Handy, Candace Bales of 1900 Mosher, Jennifer Sundquist of 1805 Mosher, and Sam Malone of 712 Handy.

Mr. Gwizdala explained this was his family home. They were getting it ready to sell and decided to live there. His grandfather built it. They need to bring the home up to date. The addition will allow for a bigger bedroom, bath, closet and doorways. The garage is exists and its addition will allow for a laundry and a stairway.

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

Mr. Phelps asked if the same driveway would be used. Mr. Gwizdala stated the curb would not be impacted. If the variances are approved, the shed will be removed.

Mr. LaPlant asked if the garage would be a one car. Mr. Gwizdala stated it would be.

Ms. Corrion commented all the houses on the road were inline. The addition would change this. Mr. Banaszak agreed. He asked if the addition could go in the back. Mr. Gwizdala explained there is a roof line issue. The roof in the back is one

continuous line. Also, there is a fireplace in the rear. Structurally, it would be difficult.

Mr. Banaszak asked what the hardship was. Mr. Gwizdala stated structurally, the additions couldn't go anywhere else. Ms. Corrion stated cost is not a hardship.

Mr. Banaszak commented he did not have an issue with the side yard variance. Mr. Gwizdala stated he could go 8' in the front yard and meet code. Mr. Castaneda stated even the 8' would stick out.

Ms. Corrion moved to deny the portion of the petition filed by Mike & Julie Gwizdala for property at 714 Handy Drive for the purpose of a variance of 4' to be 21' for a front yard setback (25' setback is required). There is no hardship. The variance would take the home out of line with the neighbors. Mr. Castaneda seconded the motion. Three (3) ayes, two (2) nays-Phelps, LaPlant. The motion passed.

Ms. Corrion moved to approve the portion of the petition filed by Mike & Julie Gwizdala for property at 714 Handy Drive for the purpose of a variance of 2' to be 6' for a side yard setback (8' is required) for an addition. Due to the layout of the lot, there is no other location for an addition. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant was told they had six month to pull a building permit or the variance would be void.

The next item on the agenda was a petition filed by Doug Petrimoulx for property at 3114 Patterson Road which is on the West side of Patterson on the corner of Patterson and Christiana for the purpose of a variance to permit a 6' fence to be located closer to the front lot line than the front wall of the principle building (required to be within a side or rear yard setback that fronts a road); a variance to permit obscuring fence to be located closer to the front lot line than the front wall of the principle building (within a side or rear yard setback that fronts a road); and a variance of 4' to permit a fence to be located closer than 5' to a road right-of-way. Parcel is zoned Residential.

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Department had no comment.

John Roszatycki of 3238 Hidden Road had no objections.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Doug Petrimoulx for property at 3114 Patterson Road, they have the following comments on the petition. Based on the drawing and information submitted, Christiana appears to be located within a 30' road right-of-way. From the sketch submitted, the fence will be located 9' 6" (9.5') from the edge of the roadway. Due to the narrow road right-of-way (most roads are contained within a 60' or 66' right-of-way), for larger snow events, it is possible during road snow removal, the BCRC's snow removing equipment may "throw" snow on, over or against the proposed fence. Understanding the fence will still located off the road right-of-way, the existing narrow road right-of-way coupled with the request to move the fence even closer to the road, increases the chances for snow being removed from the road, damaging the fence. The BCRC does not want to be responsible for ongoing maintenance of the fence, should this occur. Therefore, the BCRC is NOT in favor of allowing the fence any closer to the road than the Township ordinance dictates.

Heather Petrimoulx stated they have had issues with their neighbor. They have an autistic child and due to the actions of the neighbor, the child's behavior has changed. The child is afraid of the neighbor. The family wants privacy. The fence was put up with a permit then the neighbor complained. No view is blocked by the fence. Ms. Petrimoulx presented pictures of the fence. They pulled a building permit and erected the fence in the same place as the old chain link fence.

Harold Sessa of 4475 Christiana stated the fence does not create a problem at all. The previous chain link fence was never damaged as stated by the Road Commission. The AT&T box is more of an obstruction than the fence.

Kim Moore of 3121 Patterson stated she never had problems with the snow. The fence has beautified the area and has done wonders for the Petrimoulx's son.

There was no one in the audience against the request.

Ms. Corrion stated a permit was pulled and approved for the fence. Mr. LaPlant added the fence is not out of place. There are others in the area. It is a corner lot. Mr. Phelps stated the fence is in the same location as the chain link was.

Mr. Castaneda stated the child's safety comes first.

Mr. LaPlant moved to approve the petition filed by Doug Petrimoulx for property at 3114 Patterson Road which is on the West side of Patterson on the corner of Patterson and Christiana for the purpose of a variance to permit a 6' fence to be located closer to the front lot line than the front wall of the principle building (required to be within a side or rear yard setback that fronts a road); a variance to permit obscuring fence to be located closer to the front lot line than the front wall of the principle building (within a side or rear yard setback that fronts a road); and a variance of 4' to permit a fence to be located closer than 5' to a road right-of-way. A fence permit was pulled and approved. This is a corner lot and this is their only choice for privacy. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

The next item on the agenda was a petition filed by Douglas Wirt for property at 226 Athlone Beach which is on the East side of Athlone Beach between Killarney Beach and Little Killarney Beach for the purpose of a variance to permit construction of 24" walls (accessory structures) closer to the water than the waterfront building line and within 40' of the waterfront property line and a variance to permit construction of 36" light posts (accessory structures) closer to the water than the waterfront building line and within 40' of the waterfront property line. Parcel is zoned Residential.

The Department of Water and Sewer takes no exception to the proposed variance.

Walter & Bridget Huszar of 222 Athlone Beach wrote they were in favor of the request.

Don Goeckel and Diane Weidner of 204 Athlone Beach telephoned they were against the request.

George & Barbara Killeen of 218 Athlone Beach wrote they were in support of the requests.

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Douglas Wirt for property at 226 Athlone Beach, they have no comment on the petition. The roadway this property is located along (Athlone Beach Road) is not a road under the jurisdiction of the Bay County Road Commission.

Mr. Wirt explained he wants to replace his deck. It had a seating bench and he would like a wall not more than 2' in height for seating. He presented pictures. The bench would not go to the house and would have the same stone on it as the house. They are proposing four low ambient lights.

Mr. LaPlant asked how high the old seating was. Mr. Wirt stated about 2'. He added he wanted the lighting by the steps.

Tom Washabaugh stated he didn't want the lights on top of the wall.

Contractor Dave Miller stated he did not know how high the lights would be. They will not obstruct any view. They requested the maximum height. They don't want to impede the neighbors.

Mr. LaPlant asked what the hardship was. This was just a replacement of what existed.

A discussion took place on the height of the lighting.

Ms. Corrion moved to approve the petition filed by Douglas Wirt for property at 226 Athlone Beach for the purpose of a variance to permit construction of 24" walls (accessory structures) closer to the water than the waterfront building line and within 40' of the waterfront property line and a variance to permit construction of four (4) 24" light posts (accessory structures) closer to the water than the waterfront building line and within 40' of the waterfront property line. This is a replacement of what existed. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant was told they had six month to pull a building permit or the variance would be void.

The last item on the agenda was a petition filed by Ashley & Ryan Valderas for property at 3943 E. Kawkawlin River Drive which is on the North side of E. Kawkawlin River Drive off Eddy Road for the purpose of a variance to permit modification of an existing principal structure that extends closer to the water than the waterfront building line established by the locations of the principal structures in the closet proximity to and adjacent to the lot; a variance of 2' to permit 6' side yard setback on the East and West sides (8' is required) and a variance of 8' to be 12' total side yard setbacks (20' is required) Parcel is zoned Residential-2.

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Ashley & Ryan Valderas for property at 3943 E. Kawkawlin River Drive, they have no objection to the petition. From the information submitted, the variances deal with side yard and line of sight issues along the Kawkawlin River. None of the requests are located on the road side of the residential structure.

Mr. Valderas stated they have a lean-to in the back. They want to take the roof line and peak it. It will help with the line of sight.

Mr. Castaneda asked if the setbacks existed. Mr. Valderas stated they did.

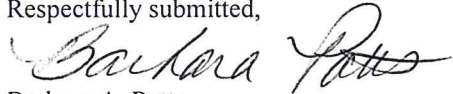
Mr. LaPlant asked if walls were going to be built. Mr. Valderas stated there is a deck.

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

Mr. Castaneda moved to approve the petition filed by Ashley & Ryan Valderas for property at 3943 E. Kawkawlin River Drive for the purpose of a variance to permit modification of an existing principal structure that extends closer to the water than the waterfront building line established by the locations of the principal structures in the closet proximity to and adjacent to the lot; a variance of 2' to permit 6' side yard setback on the East and West sides (8' is required) and a variance of 8' to be 12' total side yard setbacks (20' is required) . The setbacks exist. There is no obstruction and this will improve the line of sight. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant was told they had six month to pull a building permit or the variance would be void.

Having no other business before the Board, Mr. LaPlant moved to adjourn. Mr. Banaszak seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:05 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator