

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

MINUTES OF JUNE 19, 2012 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 19th day of June, 2012 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Phelps, Pilarski, Schisler

MEMBER (S) ABSENT: Corrion

Mr. Banaszak called the meeting to order at 6:02 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 15, 2012. *Mr. Schisler moved to approve the minutes as presented. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed.*

The next item on the agenda was approval of the minutes of a special meeting held May 23, 2012. *Mr. Pilarski moved to approve the minutes as presented. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed.*

Ms. Corrion entered the meeting at 6:04 p.m.

The next item on the agenda was a petition filed by Dr. Kevin & Dr. Melissa Payne for property at 385 Ricoma Beach which is on the East side of Ricoma Road between Killarney and Brissette Beaches for the purpose of a variance to enclose walls on the existing first and second floor open decks on North, South and East elevations. Parcel is zoned Residential-2.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Dr. Kevin & Melissa Payne for property at 385 Ricoma Beach, they have no comment on the petition. Based on the location and the drawing submitted, this property is on a private drive and is not under the jurisdiction of the Bay County Road Commission.

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

Fire Marshal Bailey wrote any construction must meet the International Fire Code 2006 edition.

John & Jane Muir of 384 Ricoma Beach wrote they are opposed to the request. The letter was read aloud.

Fred Youngs and Melissa Payne represented the request. Mr. Youngs explained that four years ago, the Payne's were granted variance approval for the setbacks of the decks. At that time, there was little discussion on if the decks would be enclosed or not. Since then, they have gone through four sets of doors and two sets of windows due to the driving rain and other elements out on the Bay. Mr. Youngs added the Payne's would like weather protection for the interior of their home. The wood floors have been damaged.

Mr. Youngs explained the proposed enclosure would be aesthetically appealing and mostly glass. There is no documentation from the previous approval that would stop them from enclosing the decks.

Dr. Payne showed pictures of the location of her home in comparison to her adjacent neighbors. The Muir's

house was built after the Payne's. It is further into the waterfront than the Payne's house. The other adjacent neighbor is behind the Payne's house and does not object to the variance.

Mr. Pilarski stated the Payne's are behind the line of sight. There is no negative impact on the neighbors. The setbacks were approved in 2004.

Mr. Pilarski asked what the hardship was. Mr. Youngs stated the damage caused by the weather was a hardship. They would like to shield the house. Last year, they had snow blowing into the house. Floors are buckling. Mr. Youngs added they could place tarps over the deck for a shield without asking for approval.

Ms. Corrion asked if enclosing the decks would eliminate the problem. Mr. Youngs stated it may still leak but the living space won't be affected.

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

Mr. Banaszak commented the decks were approved for line of sight in 2004. He was uncertain why the Payne's had to come back to the ZBA.

Mr. Pilarski stated the house to the North did not have a problem with the request. The request is not creating a detriment to the area. No view would be blocked. In hindsight, the decks would have been enclosed originally.

Ms. Corrion moved to approve the petition filed by Dr. Kevin & Dr. Melissa Payne for property at 385 Ricoma Beach for the purpose of a variance to enclose walls on the existing first and second floor open decks on North, South and East elevations. The variances for line of sight and setbacks were approved in 2004. The decks could have been enclosed then. The enclosure is needed to protect the home from damage from the weather. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six month to pull a building permit or the variance would be void.

The next item on the agenda was a petition filed by Maya Chitrakar for property at 103 Lincoln Drive which is on the West side of Coolidge Drive between Lincoln Drive and Coolidge Drive for the purpose of a variance all a 6' privacy fence in the front yard (4' see-through fence is allowed). Parcel is zoned Residential-2.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Maya Chitrakar for property at 103 Lincoln Drive, they have the following comment on the petition. Based on a site review and the drawing submitted, it appears the fence will be located at or outside the road right-of-way. However, if the road right-of-way is south of the existing utility pole at the corner of Lincoln and Coolidge, thus moving the location of the fence closer to the road, they must object to the petition. As with many properties in Bangor Township "out at the beach", road right-of-ways are narrow and obstructions adjacent to them make it very difficult for the BCRC to maintain the roadway. In this case, plowing snow or removing snow from the roadway and potentially damaging the fence is their concern. If the fence is installed even with or north of the utility pole (closer to the house), they believe there will be sufficient room to plow/pile snow and not damage the fence. If this is the case, they have no objection to the petition.

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

Fire Marshal Bailey wrote the construction shall comply with the International Fire Code.

Ms. Chitrakar stated she would like to enclose a small area for her German Shepard. He can jump a 4' fence. She will place the fence as far off the road as needed.

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

Gail Kaplenski of 303 Oakdale questioned the location of the proposed fence.

Ms. Chitrakar explained she would like to attach to the existing 6' fence.

Mr. Pilarski stated the fence cannot be put in the road right-of-way. A survey may be needed to find the property line. Ms. Chitrakar said she would put the fence where allowed.

Mr. Pilarski reiterated that based on the Road Commission's comments, a survey may be needed.

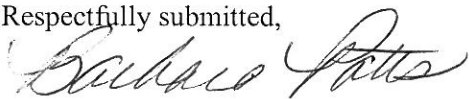
Ms. Chitrakar added she did not want to be right by the road.

Mr. Schisler stated the variance could be approved then when Ms. Chitrakar meets with the Building Inspector, they can decide the location of the fence. The Building Inspector can decide if a survey is needed.

Mr. Schisler moved to approve the petition filed by Maya Chitrakar for property at 103 Lincoln Drive for the purpose of a variance for a 6' privacy fence in the front yard. The hardship is there are two front yards. There is no detriment to Lincoln Drive. The Zoning Board of Appeals can't determine the location for the fence. The petitioner shall meet with the Building Inspector to find a proper location but a survey may be needed. Five (5) ayes, no (0) nays. 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, Mr. Schisler moved to adjourn. Mr. Pilarski seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:35 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator