

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

MINUTES OF JUNE 21, 2016 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21st day of June, 2016 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, Phelps and 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 May 17, 2016. *Ms. Corrion moved to approve the minutes as presented. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item was a petition filed by Richard & Janis Stasik for property at 21 Bay Shore Drive which is on the north side of Bay Shore Drive between Roseland and Revilo for the purpose of a variance to allow an addition extending closer to the water than the established building line. Addition would be in existing deck location. Parcel is zoned Residential.

The Department of Water and Sewer wrote DWS takes no exception to the proposed site plan.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Richard & Janis Stasik for property at 21 Bay Shore Drive, they have no comment on the petition. The proposed construction is on the water side of the lot and will not affect the Bay Shore Drive road right-of-way.

James Watson of 15 Bay Shore Drive was opposed to request. This will block the view and move the building line forward.

Deb Caszatti of 19 Bay Shore Drive was not opposed to the request.

Max Brown of 23 & 24 Bay Shore telephoned they supported the request.

Debra Weber of 25 Bay Shore telephoned she had no objections.

Mr. Stasik read an excerpt from the Zoning Ordinance regarding building in the waterfront. It is only allowed when it does not interfere with the view of the immediate adjacent property's views. He added there were calls in favor of his request from three immediate adjacent neighbors. There is no adverse effect to the area. He would be removing the temporary screens he put up. Mr. Stasik showed pictures of the existing area and of his proposed structure.

Mr. LaPlant asked if the existing deck would stay. Mr. Stasik stated it would be the same location and configuration.

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

James Watson of 14 & 15 Bay Shore Drive stated he has lived there for 40 years. The Stasik's are good

neighbors. He spoke about curtesy. When living on the water you expect 180° view as a right. When a neighbor builds out towards the water, it reduces everyone's view. The adjacent neighbors are in favor but his view is reduced. If this gets approved, everyone else will want to build out. Visual rights are affected. Mr. Watson stated by accepting this variance, the ZBA is taking away a degree of his visual rights and it will set a precedent.

Mr. Phelps commented the proposed structure will be on the existing deck. The view should not be impeded.

Mr. LaPlant stated all requests are taken separately. No precedents are set. There is basically an existing structure there.

Ms. Corrion added they try to protect the light of sight. The proposal will not affect the line of sight any more than the existing trees.

Mr. Schisler stated this is not a new request. He would be replacing what exists.

Mr. Banaszak agrees with all the comments. In 1991, a variance was given for the deck. This request is for the same location.

Ms. Corrion moved to approve the petition filed by Richard & Janis Stasik for property at 21 Bay Shore Drive which is on the north side of Bay Shore Drive between Roseland and Revilo for the purpose of a variance to allow an addition extending closer to the water than the established building line. Addition would be in existing deck location. Parcel is zoned Residential. The line of sight is not an issue. This will be an improvement to the existing structure. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit.

The next item on the agenda was a petition filed by Jennifer Horton for property at 378 Ricoma Beach which is on the west side of Ricoma Beach Road for the purpose of a variance to allow a 1,280 square foot accessory structure on a parcel without a primary structure and a height variance of 8' to be 28' (20' is allowed) for a 2-story accessory building. Parcel is zoned Residential.

The Department of Water and Sewer wrote DWS takes no exception to the proposed site plan.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Jennifer Horton for property at 378 Ricoma Beach, they have no objection to the petition. As with all roadways along the Saginaw Bay shore, any new construction should be located no closer than existing structures, further from the road if possible. According to the plans submitted, the accessory building will be 40' from the existing roadway, which is an adequate distance as to not affect BCRC maintenance activities.

Greg & Diane Demers of 380 Ricoma Beach wrote a letter against the variance.

Paul Rowe of 374 Killarney Beach wrote they object. 20' is high enough. They don't want any living quarters in the building; no kitchen, no bathroom. This would only cheapen the neighborhood.

Ms. Horton stated she is proposing an accessory building on the old railroad property. She does not have an attached garage and would like storage. There would not be living quarters but she would like a second story for storage and possibly a workout room. She has a camper with an air conditioning unit she would like to put in the garage.

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

Mr. LaPlant stated he had no issue with the building being across the street. He had concern with the height. Changing the roof pitch will allow a door for the camper. There is no hardship for height.

Mr. Phelps added storage is a concern on waterfront properties. However, there are no buildings in the area with that height.

Mr. Schisler suggested two different motions.

Mr. Schisler moved to approve the petition filed by Jennifer Horton for property at 378 Ricoma Beach which is on the west side of Ricoma Beach Road for the purpose of a variance to allow a 1,280 square foot accessory structure on a parcel without a primary structure. Waterfront lots do not offer much for storage. There is a road that runs between the vacant lot and her home. She owns both. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit.

Mr. LaPlant moved to deny the petition filed by Jennifer Horton for property at 378 Ricoma Beach which is on the west side of Ricoma Beach Road for the purpose of a height variance of 8' to be 28' (20' is allowed) for a 2-story accessory building. There is no hardship. The door height can be achieved without a variance. Ms. Corrión seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

The next item on the agenda was a petition filed by Chad Kolba for property at 3200 Midland Road which is on the north side of Midland Road between W. Professional and Two Mile for the purpose of a variance to have a 6' privacy fence projecting approximately 15' into the front yard setback. (Three front yards.) Parcel is zoned Residential.

The Department of Water and Sewer wrote DWS takes no exception to the proposed site plan.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Chad Kolba for property at 3200 Midland Road, they have no objection to the petition. The proposed fence is located along West Professional Drive (a private drive), the McLaren Hospital property and the property to the east. No fence is proposed along Midland Road; therefore they do not have any comment on the petition.

Mr. Kolba stated he has a young family and would like a fence to protect his son when he's outside. Hundreds of cars go by every day. Garbage flies around. A fence would help keep his yard clean. He also has a pool. There would be no visual obstruction. Mr. Kolba stated the fence would be 17' in further than what he requested.

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

Mr. Schisler moved to approve the petition filed by Chad Kolba for property at 3200 Midland Road which is on the north side of Midland Road between W. Professional and Two Mile for the purpose of a variance to have a 6' privacy fence projecting approximately 15' into the front yard setback. The property has three front yards. The fence location will not have any negative effect. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six (6) months to pull a building permit.

The next item was a petition filed by Wayne Eyre for property at 490 Revilo which is on the west side of Revilo between Lagoon Beach Drive and Pembroke for the purpose of a variance to allow an accessory structure (20'x20' carport) within a front yard setback. Parcel is zoned Residential.

The Department of Water and Sewer wrote DWS takes no exception to the proposed site plan.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Wayne Eyre for property at 490 Revilo, they have no objection to the petition. The proposed construction is well away from the road and will not affect BCRC maintenance activities.

Mr. Eyre stated he would like the lean-to to protect his vehicles. He can't move it over due to the ditch. It would

also block access to the rear of the property.

Ms. Corrion asked if it would be located in front of the garage. Mr. Eyre stated it would be. Mr. LaPlant asked if it would have sides. Mr. Eyre stated it would be open.

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

The Board agreed there was no other good location for the lean-to. There was enough property.

Ms. Corrion moved to approve the petition filed by Wayne Eyre for property at 490 Revilo which is on the west side of Revilo between Lagoon Beach Drive and Pembroke for the purpose of a variance to allow an accessory structure (20'x20' carport) within a front yard setback. The property has enough room and it is the only logical placement. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six (6) months to pull a building permit.

The next item was a petition filed by Electrical Trades Building Inc. for property at 1206 W. Thomas which is between W. Thomas and Jenny for the purpose of a variance of .4 acres to be .6 acres (1 acre is required) for a classroom. Parcel is zoned Office.

The Department of Water and Sewer wrote DWS takes no exception to the proposed site plan.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Electrical Trades Building, Inc. for property at 1206 West Thomas, they have no comment on the petition. West Thomas and Jenny are State trunklines and under the jurisdiction of the MDOT. Therefore, the developer should contact the MDOT to determine if they have any comments regarding the petition.

Jack Tobias represented the request. He stated the IBEW building and the school have the same parking lot. They would like to expand the school. It will not be an eyesore.

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

Mr. LaPlant moved to approve the petition filed by Electrical Trades Building Inc. for property at 1206 W. Thomas which is between W. Thomas and Jenny for the purpose of a variance of .4 acres to be .6 acres (1 acre is required) for a classroom. Parcel is zoned Office. They own the adjacent property. Mr. Schisler seconded the motion and added the variance makes the lot conforming. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six (6) months to pull a building permit.

The next item was a petition filed by Robert Ledger for property at 502 S. Euclid which is on the west side of Euclid for the purpose of a variance of .51 acres to be .49 acres (1 acre is required). Parcel is zoned Office.

The Department of Water and Sewer wrote DWS takes no exception to the proposed site plan. DWS has water shut off located towards SE corner of lot.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Robert Ledger for property at 502 South Euclid (Hungary Howie's), they have no comment on the petition. West Thomas and South Euclid are State trunklines and under the jurisdiction of the MDOT. Therefore, the developer should contact the MDOT to determine if they have any comments regarding the petition.

Jeff Ferweda represented the request. He stated Hungry Howies needs to update their oven. They are proposing a 10' addition to the South. In Office zoning, one acre is required. He believed a rear yard variance was also

requested. Ms. Potts clarified the adjacent property was also zoned office. No setback is required per the Inspection Office.

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

Walter Krystyniak represented his father and his son who live adjacent to the property. He stated Hungry Howies used to be a good neighbor. The trees need to be cut. There are rodents. There is a drainage issue. They are no longer a good neighbor.

Mr. LaPlant stated this is an existing lot that needs to be made conforming.

Mr. Schisler advised Mr. Krystyniak to go to the Planning Commission meeting with his concerns.

Mr. Schisler moved to approve the petition filed by Robert Ledger for property at 502 S. Euclid which is on the west side of Euclid for the purpose of a variance of .51 acres to be .49 acres (1 acre is required). Parcel is zoned Office. Because the lot is less than one acre, a variance is needed. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

The next item was a petition filed by David & Nancy Glaza for property at 201 River Trail Drive which is on the north end of Oak Ridge for the purpose of a variance to allow a 14" high covered deck in waterfront yard; a variance to allow deck and covering to extend closer to the water than the established building line; a variance of 6'6" to be 1'6" from south property line (8' is required); and a variance of 8' to be 12' for total side yards (20' is required). Parcel is zoned Residential.

The Department of Water and Sewer wrote DWS takes no exception to the proposed site plan.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to David & Nancy Glaza for property at 201 River Trail Drive, they have no comment on the petition. The proposed construction is on the water side of the lot and will not affect the River Trail Drive road right-of-way

Terry Kelly of 164 Bay Shore Drive wrote he approved of the request.

Ms. Glaza explained they are remodeling and would like a deck with a covered area.

Mr. LaPlant asked how far out the deck would go. Ms. Glaza stated the deck would go out 10' but the covered area would be 8' out.

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

Mr. Phelps stated the area was tight. Mr. LaPlant had no issue with the side yard variances. There is a line of sight issue. The deck isn't a problem but he was not in favor of it being covered.

Mr. Schisler stated if they approve a covered deck, they can't put restrictions on it. The variance stays with the property.

Mr. LaPlant moved to approve the petition filed by David & Nancy Glaza for property at 201 River Trail Drive which is on the north end of Oak Ridge for the purpose of a variance to allow a 14" high deck in waterfront yard; a variance to allow deck to extend closer to the water than the established building line; a variance of 6'6" to be 1'6" from south property line (8' is required); and a variance of 8' to be 12' for total side yards (20' is required). This is a small yard. The deck can be covered on the side yard but not in the waterfront yard. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six (6) months to pull a building permit.

Ms. Corrion moved to deny the petition filed by David & Nancy Glaza for property at 201 River Trail Drive which is on the north end of Oak Ridge for the purpose of a variance to allow a covered deck in waterfront yard. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

The last item on the agenda was a petition filed by Morton Street Investments, LLC for property at 3780 N. Euclid which is on the west side of Euclid between Huron Road and N. Euclid for the purpose of variances to bring an existing non-conforming structure into conformance; front yard variance of 27.4' to be 12.6' (40' is required); side yard variance of 1' to be 19' on the southwest corner (20' is required); a rear yard variance of 1' to be 39' on southwest corner (40' is required) and a variance of 2,321 square feet to be 37,679 square feet for total lot size (40,000 square feet is required) for the existing structure. Parcel is zoned Commercial-2.

The Department of Water and Sewer wrote DWS takes no exception to the proposed site plan.

The Fire Marshal had no concerns.

The Bay County Road Commission wrote with regard to Morton Street Investments for property at 3780 North Euclid Avenue, they have no comment on the Site Plan. Huron Road (M-13) and North Euclid Avenue (M-247) are State trunklines and under the jurisdiction of the MDOT. Therefore, the developer should contact the MDOT to determine if they have any comments regarding the petition.

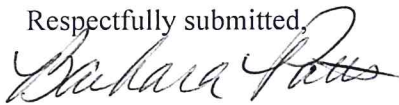
Mr. Bash represented the request. He stated the building exists and they want to renovate it.

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

Mr. Schisler moved to approve the petition filed by Morton Street Investments, LLC for property at 3780 N. Euclid which is on the west side of Euclid between Huron Road and N. Euclid for the purpose of variances to bring an existing non-conforming structure into conformance; front yard variance of 27.4' to be 12.6' (40' is required); side yard variance of 1' to be 19' on the southwest corner (20' is required); a rear yard variance of 1' to be 39' on southwest corner (40' is required) and a variance of 2,321 square feet to be 37,679 square feet for total lot size (40,000 square feet is required) for the existing structure. The variances are to bring the existing building into conformity. Ms. Corrion 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 7:12 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator