

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

**MINUTES OF MARCH 19, 2013 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 19<sup>th</sup> day of March, 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, 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 February 19, 2013.** *Mr. Pilarski moved to approve the minutes as presented. 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 Adam Sode for property at 309 S. Woodbridge which is on the East side of Woodbridge between W. Jane and W. Jenny for the purpose of a 5' variance to be 0' from the right of way (5' is required) for a fence. Parcel is zoned Residential-3.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Adam Sode for property at 309 Woodbridge for the purpose of a fence variance – they have no objection to the petition. Based on a site visit and other activity in the area regarding fence locations, the west end of the fence (the fence is already in place) will be in line with other items already located in the road right-of-way. Based on a rough measurement in the field, it appears one section of fence will need to be removed to achieve the 22' dimension shown on the submitted drawing (from the existing road centerline to the west end of the fence). Just as a note, the right-of-way line is not at 22' from the centerline of the road as shown on the submitted drawing. According to the Plessner Plat, which this area was developed under, the road right-of-way is 66' or 33' each side of the road centerline. However, over the years, trees, utility poles, fences and other items have been placed at a distance roughly 22' off the road centerline. The west end of Mr. Sode's fence will be consistent with the offset of these other items and does not appear to adversely affect our maintenance work.

No comments from the Bay County Department of Water and Sewer.

The Fire Department wrote they take no exception to the petition.

Jason Ball, attorney, represented the request. He stated Mr. Sode has continuous problems with the adjacent neighbor to the North. Her daughter parks her car on Mr. Sode's property. He has asked her numerous times not to park there. The neighbor drove through Mr. Sode's front lawn. The police have been called several times. Mr. Sode would like the issue to stop. He would like to install a 2 ½' fence. The fence will not obstruct any views. He hopes this will prevent any further issues with the neighbor.

Frances O'Brien of 306 S. Woodbridge asked for the variance to be approved. She hopes it will bring peace to the area.

Fred Johnson of 306 S. Woodbridge encouraged the Board to allow the fence.

Sally Glowicki of 308 S. Woodbridge stated she saw the neighbor drive across Mr. Sode's lawn. She hopes the fence is permitted.

There was no one present against the request.

Mr. Pilarski commented they have had other complaints of the same type in the area. They have allowed a fence in the front yard before. There will be no negative impact on the area.

Mr. Sode stated the fence would be a 2 1/2' decorative steel fence.

*Mr. Schisler moved to approve the petition filed by Adam Sode for property at 309 S. Woodbridge which is on the East side of Woodbridge between W. Jane and W. Jenny for the purpose of a 5' variance to be 0' from the right of way (5' is required) for a fence. The area does not meet the layout that was platted. The right-of-way shows 33' but is 22'. The fence does not cause a negative impact on the neighbors. This conforms to a previously approved variance in the area. Mr. Pilarski seconded the motion. Five (5) ayes, no (0) nays. The motion passed. Mr. Sode has six months to pull a building permit or the variance will be void.*

**The next item on the agenda was a petition filed by Michael Chaperon for property at 3933 Plummer Drive which is on the North side of Plummer between State Park Drive and State Street Road for the purpose of a side yard variance of 3'2" to be 4'10" (8' is required on one side) and a total side yard variance of 4'2" to be 15'10" (20' is required) for lean-to addition to the attached garage. Parcel is zoned Residential-3.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Michael Chaperon for property at 3933 Plummer Drive for the purpose of a side yard variance to construct a lean-to addition to an existing garage – they have no objection to the petition. Based on the information received and a site visit, the lean-to will be directly west of the existing garage and also in line with the present driveway. Access to the parcel and garage/lean-to will remain the same as present conditions.

No comments from the Bay County Department of Water and Sewer.

The Fire Department wrote in the interest of fire safety, the portion of the existing structure causing the non-conforming use shall provide one-hour fire separation from the adjoining property.

John Nephew, owner of property on Dixon Lane, telephoned he had no objections.

Mr. Chaperon stated he wanted a shelter for a vehicle. Mr. Pilarski stated the Fire Department requires a 1-hour rated fire wall on the adjoining property side. He added the adjacent property is close. This is a small lot. Mr. Chaperon stated it was not a small lot. He is attaching the lean-to to the garage.

Mr. Pilarski asked if the lean-to could be 10' wide to meet code. Mr. Chaperon stated no.

Mr. Phelps asked what type of structure it would be. Mr. Chaperon stated it would be a pole barn type.

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

Mr. Pilarski stated the lean-to won't impact the neighbor. The existing house is the non-conformity by being 4'10" from the property line.

*Mr. Pilarski moved to approve the petition filed by Michael Chaperon for property at 3933 Plummer Drive which is on the North side of Plummer between State Park Drive and State Street Road for the purpose of a side yard variance of 3'2" to be 4'10" (8' is required on one side) and a total side yard variance of 4'2" to be 15'10" (20' is required) for lean-to addition to the attached garage. The existing structure is the non-conformity. For the size of the lean-to to meet code, the size would make it unusable. A 1-hour fire rated wall is required. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed. Mr. Chaperon has six months to pull a building permit or the variance will be void.*

**The last item on the agenda was a petition filed by Chad Cunningham for property at 290 Killarney Beach which is on the Northeast side of Tobico Road for the purpose of a variance from the 4 to 1 ratio (depth to**

**width ratio). Parcel is zoned Residential-2.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Chad Cunningham for property at 290 Killarney Beach, a private drive, for a depth to width ratio variance – 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.

No comments from the Bay County Department of Water and Sewer.

The Fire Department wrote they take no exception to the petition.

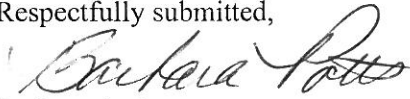
Mr. Cunningham stated he purchased the properties behind lots 288, 290 and 292 from the State. He split off and sold the lot across from lot 292 to the owner of 292. He wants to split off the rest and sell them to the owners of the properties across from them.

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

*Mr. Schisler moved to approve the petition filed by Chad Cunningham for property at 290 Killarney Beach which is on the Northeast side of Tobico Road for the purpose of a variance from the 4 to 1 ratio (depth to width ratio). This type of request has been approved before. Mr. Cunningham is trying to make the situation right. Mr. Phelps 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 6:35 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator