

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

MINUTES OF OCTOBER 16, 2012 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16th day of October, 2012 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 September 18, 2012. *Ms. Corrion moved to approve the minutes as presented. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Alan Gurski for vacant property on Killarney Beach which is on the Northeast side of Tobico Road for the purpose of a variance to create a lot not at the required 3:1 ratio. Parcel is zoned Residential-2.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Alan Gurski for property on Killarney Beach to create a lot that does not meet the 3:1 width to depth ratio – they have no comment to the petition. Based on the information received, the lot (Parcel A) abuts Lourim Road, which is a private drive and therefore not located along road right-of-way under the jurisdiction of the Bay County Road Commission. If the created lot at some point accesses Tobico Road, a driveway access permit would be required. This does not appear to be the case at this time.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed variance. DWS recommends a minimum of 10 feet of separation from structures to mainline utilities.

Fire Marshal Bailey wrote the Fire Department takes no exception.

Mr. Gurski of 292 Killarney Beach submitted a petition in support of his request signed by: Deana Cunningham of 290 Killarney Beach; Jack Sutton of 286 Killarney Beach; John Decker of 284 Killarney Beach; Janet Gougeon of 282 Killarney Beach; Daniel Hazen of 294 Killarney Beach; Virginia Kuenker of 296 Killarney Beach; Jerry Eaton of 298 Killarney Beach; Tom LeFevre of 300 Killarney Beach; Dale Lazarowicz of 299 Killarney Beach; David Hunt of 302 Killarney Beach and Ellen & Dan Latal of 304 Killarney Beach.

Mr. Gurski stated the properties at the beach are long and narrow. His neighbor is willing to sell him a portion of his property.

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

Mr. Phelps asked how much property would be added. Mr. Gurski stated he would be purchasing about 1/3 of the lot. The property is across the street.

Mr. Pilarski stated if something is built on the property, it would have to meet the utility setbacks. Mr. Gurski commented anything built would be away from the utilities. Mr. Pilarski added Township and DEQ requirements would also have to be met.

Ms. Corrion stated there are buildings on the adjacent lots.

Mr. Schisler moved to approve the petition filed by Alan Gurski for vacant property on Killarney Beach which is on the Northeast side of Tobico Road for the purpose of a variance to create a lot not at the required 3:1 ratio. Most of the properties in the area don't meet the Township's requirements. Mr. Gurski will be conforming to the other properties in the area. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed. Mr. Gurski was given six months to pull his permits or the variance would be void.

The next item on the agenda was a petition filed by Chad Dutton for property at 3512 Boy Scout which is on the South side of Boy Scout between Euclid and State Park Drive for the purpose of a side yard variance of 4' to be 1' (5' is required with eaves troughs). Parcel is zoned Residential-1.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Chad Dutton for property at 3512 Boy Scout Road for the purpose of a side yard variance to move an existing garage – they have no objection to the petition. Based on the information received, the garage will be moved directly west of its present location so it does not encroach on the neighbor's property. The parcel and garage is presently accessed by a gravel driveway and should remain the same even if the garage is moved.

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

Fire Marshal Bailey wrote in the matter of the petition filed by Chad Dutton for the property at 3512 Boy Scout for a side yard variance, the Fire Department believes that if the side yard set back requirements cannot be met then, in the interest of fire safety, the garage should be constructed with a one-hour fire separation wall on the side requiring the variance.

Mr. Dutton stated he purchased the property two years ago. The garage existed at its current location, 2' onto the neighbor's property. His house just burned down a couple days ago and he can't afford to move the garage the required 5' from the property line. He is asking to move it 1' onto his property.

David Dutton, father and neighbor, of 3025 Euclid stated they are trying to be cost effective. The garage has been there for 7 years. When the house was purchased, they didn't know the garage was on the neighbor's property. A variance was given in the past to put the garage in the front yard.

Floyd Willett of 3406 Hidden Road asked who issued a permit for the garage. He stated the Township should have checked. He was in favor of the request.

Melissa Vega of 3524 Boy Scout stated her husband wants the garage moved to meet code. It is 1.8' onto their property. They are putting an addition on and don't want to get variances.

A discussion took place on the location of the garage on the property.

Ms. Vega commented the Code Enforcement Officer told her what the original application for the garage showed and what really happened, are different.

Mr. Pilarski stated the neighbor feels there will be a negative impact if the garage is 1' off the property line.

Mr. Schisler stated a hardship cannot be financial. If the garage is moved too far over, it will be in front of the house. The neighbor wants it moved to meet code. It can be moved but then creates a negative impact on the property owner.

Mr. Banaszak asked if the building could be moved 5' off the line. Mr. Dutton stated it could, but it would be a hardship. He has a copy of the permits that were given for the garage. They believe the previous property owner

went with the fence line as the property line. He explained they tried to purchase property from the neighbor. Mr. Dutton stated he didn't want the garage in the middle of his yard. He has concerns about the fire department getting to his house if there's another fire.

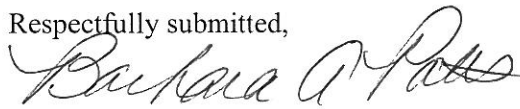
Mr. Schisler asked if there was any middle ground between the applicant and the neighbor. Mr. Dutton stated there was not.

The Board asked if there could be a compromise. The situation was not created by Mr. Dutton.

Mr. Schisler moved to deny the petition filed by Chad Dutton for property at 3512 Boy Scout which is on the South side of Boy Scout between Euclid and State Park Drive for the purpose of a side yard variance of 4' to be 1' (5' is required with eaves troughs). A variance can't be given due to financial hardship. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The request was denied.

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 6:40 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator