

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

MINUTES OF OCTOBER 18, 2016 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 18th day of October, 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, Schisler

MEMBER (S) ABSENT: None

Mr. Banaszak called the meeting to order at 6:020 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 20, 2016. *Mr. LaPlant moved to approve the minutes. 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 Thomas & Sharon Russell for property at 163 River Trail Drive which is on the west side of River Trail Drive at the dead end of Spruce Ridge for the purpose of a variance of 2' to be 28' for minimum width of home (30' is required); variance of 16' waterfront variance to be 24' (40' is required); and a front yard variance of 4' to be 21' (25' 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 comment.

The Bay County Road Commission wrote with regard to the petition filed by Thomas & Sharon Russell for property at 163 River Trail Drive, they have the following comments on the petition. Based on the plan submitted, the proposed garage will be 27' from River Trail Drive. Is this measurement from the road centerline, edge of the road pavement or the road right-of-way/lot line that parallels the road? As they have stated before, they strongly recommend Bangor Township not allow the location of a new home, garage or accessory building any closer to the roadway than that of existing homes, garages or accessory buildings. If the 27' is measured from the road right-of-way/lot line that parallels the road, they do not anticipate any interference with BCRC routine maintenance activities. However, if the measurement is from the edge of the existing pavement or centerline of the road, the garage and any vehicles parked in front of the garage, may impede or interfere with BCRC maintenance activities. They also could be damaged during plowing operations, during or after a snow event. This is new construction, so a permit for a residential driveway is required.

Ms. Russell stated they currently live in Florida. The front yard setback was measured from the edge of the road. The property runs at an angle. A discussion took place on how the front yard setback was measured referring to the Road Commission's comments. Ms. Russell stated they would be keeping in line with the adjacent neighbors on the road side.

Ms. Russell explained the waterfront variance would also align them with the adjacent properties. They have no intention of building out closer to the water than the neighbors. Mr. Phelps commented a home down the road is closer to the water than what is proposed. Mr. LaPlant stated the line of sight would not be impeded.

Ms. Russell stated the width of the home is less because they did not want to encroach on the adjacent drain easement.

Joe Shotwell commented the proposed garage would not be closer to the road than any of the others in the area.

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

Mr. Phelps stated the lot was narrow.

Mr. Schisler acknowledged the receipt of a letter opposed to the request but it was anonymous.

Mr. LaPlant commented relief was needed. The line of sight on both the water and road sides will be maintained. Ms. Corrion and Mr. Banaszak agreed.

Mr. Phelps moved to approve the petition filed by Thomas & Sharon Russell for property at 163 River Trail Drive which is on the west side of River Trail Drive at the dead end of Spruce Ridge for the purpose of a variance of 2' to be 28' for minimum width of home (30' is required); variance of 16' waterfront variance to be 24' (40' is required); and a front yard variance of 4' to be 21' (25' is required). The size of the lot and its location adjacent to a drain easement creates a hardship. Ms. Corrion 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 Lynn Steve for property at 3007 W. Birch Drive which is on the east side of W. Birch Drive between W. Birch and E. Birch for the purpose of a variance to allow a 6' privacy fence in the front yard extending closer to the street (Boy Scout side) than any portion of the principal dwelling. (4' non-obscuring fence is allow in 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 comment.

The Bay County Road Commission wrote with regard to the petition filed by Lynn Steve for property at 3007 W. Birch Drive, they have the following comments on the petition. Based on the plan submitted, the proposed garage will be 29' (12' + 17') from Boy Scout Road. Is this measurement from the road centerline, edge of the road pavement or the road right-of-way/lot line that parallels the road? Based on measurements from the Bay County GIS map, it appears the measurement is from the edge of the roadway. Thus, the fence will only be 12' from the edge of the roadway/whiteline(?). This may place the fence within the Boy Scout Road right-of-way, which will require a permit and approval from the BCRC. If this petition is approved by the Township, please have the property owner contact the BCRC office so they can determine if the fence is within the Boy Scout Road right-of-way and whether a permit needed.

Ms. Steve explained she would like a fence in the location of one that was removed by previous owners. She would like her backyard enclosed.

Mr. LaPlant commented the fence would be 12' off of Boy Scout and out of the right of way. Ms. Steve stated the telephone pole would be outside the fence. Mr. Banaszak did not remember a privacy fence being on the property.

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

Mr. LaPlant stated it looked like the fence was out of the right of way and should not be an issue. Mr. Phelps had concern with the location of the fence. He wanted to make sure the fence would not be a vision obstruction when pulling onto Boy Scout from either East or West Birch.

Mr. Schisler stated the location of the fence did not need a variance. The Building Inspector would need to make sure the location did not create a hazard.

Mr. Schisler moved to approve the petition filed by Lynn Steve for property at 3007 W. Birch Drive which is on the east side of W. Birch Drive between W. Birch and E. Birch for the purpose of a variance to allow a 6' privacy

fence in the front yard extending closer to the street (Boy Scout side) than any portion of the principal dwelling. (4' non-obscuring fence is allow in front yard setback.)Parcel is zoned Residential. The property has two front yards. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit.

The last item on the agenda was a petition filed by Pat & Maryann Hogan for property at 5 River Trail which is on the north side of River Trail between Corbin Drain and Golfside for the purpose of a side yard variance (existing north side) of 2' to be 6' (8' minimum required); side yard variance (south side) of 4' to be 10; a total side yard variance of 4' to be 16' (20' total is required); and a front yard variance of 8'6" to be 16'6" (25' is required) for a new garage and covered patio. 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 comment.

The Bay County Road Commission wrote with regard to the petition filed by Pat & Maryann Hogan for property at 5 River Trail Drive, they have the following comments on the petition. Based on the plan submitted, the proposed garage will be no closer to River Trail Drive than the existing. However, its location is being changed, which may require a modification to the existing driveway. If the driveway is to be changed to align with the new garage, a permit is needed from the BCRC.

Linda & William Brown of 25 River Trail had no objection.

Margie Carland of 35 River Trail had no objection.

Kim Shotwell represented the request. She stated the proposed garage is larger than what exists. The position of the proposed garage on the lot has changed. It will be attached to the home by a covered patio. The location of the driveway has not been decided. The existing home is 6' from the property line. The proposed garage will not be closer to the road than what exists. No views will be blocked. Ms. Shotwell added the lot is odd shaped.

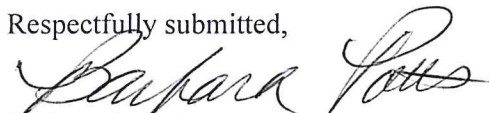
Ms. Corrion commented it would be difficult to build anything on the lot without a variance.

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

Mr. LaPlant moved to approve the petition filed by Pat & Maryann Hogan for property at 5 River Trail which is on the north side of River Trail between Corbin Drain and Golfside for the purpose of a side yard variance (existing north side) of 2' to be 6' (8' minimum required); side yard variance (south side) of 4' to be 10; a total side yard variance of 4' to be 16' (20' total is required); and a front yard variance of 8'6" to be 16'6" (25' is required) for a new garage and covered patio. Parcel is zoned Residential. The odd layout of the property and the adjacent county drain creates a hardship. Some of the conditions already exist. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit.

Having no other business before the Board, Mr. Schisler moved to adjourn. Mr. Phelps 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