

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

**MINUTES OF OCTOBER 20, 2015 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 20<sup>th</sup> day of October, 2015 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 September 15, 2015.** *Ms. Corrion moved to approve the minutes as presented. Mr. LaPlant seconded the motion. Five (4) ayes, no (0) nays. The motion passed.*

**The next item was a petition filed by Joseph & Leslie Koscielecki for property at 3059 W. Riverview Drive which is on the East side of W. Riverview south of Boy Scout for the purpose of a variance of 5' to allow a detached accessory building to be maintained 0' from the side lot line (5' is required with eave troughs) and a variance to permit maintenance of a central air conditioning unit adjacent to an adjoining property owner's living area. Parcel is zoned Residential-1.**

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no objection to the petition. From the information submitted and a site visit, the variances deal with existing, established items and all are located away from the road right-of-way. Therefore, no impacts to the BCRC road right-of-way or maintenance activities are expected

Mr. Koscielecki presented signatures of neighbors in favor of their request. The petition was signed by: Terri & Lloyd Gaiser of 3060 W. Riverview; Carl & Nancy Wieland of 3086 W. Riverview; Joyce Middleton of 3081 W. Riverview; Bret Lewless of 3027 W. Riverview; Gerald & Roberta VanAlst of 3067 W. Riverview; David Siniff of 3073 W. Riverview; Jeffery & Cami Schroeder of 3626 Boy Scout; Donald Hine of 3632 Boy Scout; Ron Heatley of 3650 Boy Scout; Albert Fox of 3666 Boy Scout; Debbra Burger of 3098 W. Riverview; Sharon Russell of 3102 W. Riverview; Joe & Kathie Ploechl of 3106 W. Riverview; Dawn Reed of 3118 W. Riverview; Tim Whaler of 3640 Boy Scout; Joe & Kari Clewley of 3044 E. Riverview; Russ & Nancy Taglauer of 3052 E. Riverview; Dennis & Linda Huber of 3082 E. Riverview; Richard & Shirley Wardynski of 3074 E. Riverview; Jessica Janderwski of 3130 E. Riverview; Gerald Jehnsen of 3028 E. Riverview; K. Story of 3103 W. Riverview; R. Perdue of 3107 W. Riverview; Shelly & Aaron Sabourin of 3620 Boy Scout; Adam Bailey of 3119 W. Riverview; William Callaghan of 3128 W. Riverview; Matthew & Hollie LaRue of 3138 W. Riverview; Marie Cook of 3148 W. Riverview; Shandrea Gohr of 3171 W. Riverview; Kim Wilson of 3135 W. Riverview; Margo Dean of 3120 E. Riverview; and David & Joyce Winters of 3098 E. Riverview.

Mr. Koscielecki explained they purchased the home in 1990 and the shed was there. In the 1989 Township aerial photos, the shed is there. They had submitted a letter from previous owners which stated they put the shed there around 1973. It has been in the same location ever since. There have been four different neighbors since the Koscielecki's moved in and the shed has never been a problem. Mr. Phelps asked where the runoff from the shed was directed. Mr. Koscielecki stated it is directed into his yard. The air conditioning unit was installed in 1995. It is legal non-conforming. They have never had a problem with these things until the past spring.

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

Robert Hoffman of 3051 W. Riverview, the adjacent neighbor, presented a picture showing the eaves of the shed encroaching over the property line. He added the slab was put over the setback for the fence. Mr. Schisler asked whose fence it was. Mr. Hoffman stated it was his fence. He wants the air conditioning unit put at the current standards.

Mr. Koscielecki stated he spoke with the Code Enforcement Officer and the gutters did hang over the property line. He submitted an estimate to modify the gutters. The shed is bolted to the slab. The property is a narrow waterfront lot. They would need a variance no matter where the air conditioning unit was placed.

Mr. Phelps stated with the new gutters, there won't be an encroachment. Ms. Corrion stated the shed was there before the Zoning Ordinance. Mr. Banaszak asked if the air conditioning unit could be moved. Mr. Koscielecki advised it would be closer to the other neighbor if moved to the other side. This is currently a legal non-conformity. If they ever have to replace it, the variance will allow it to stay in that location.

*Mr. LaPlant moved to approve the petition filed by Joseph & Leslie Koscielecki for property at 3059 W. Riverview Drive which is on the East side of W. Riverview south of Boy Scout for the purpose of a variance of 5' to allow a detached accessory building to be maintained 0' from the side lot line (5' is required with eave troughs) and a variance to permit maintenance of a central air conditioning unit adjacent to an adjoining property owners' living area. The shed was in place prior to the Zoning Ordinance. There is no other location for the air conditioning unit. Ms. Corrion seconded the motion. Mr. Schisler added both items are grandfathered in. There isn't much of an issue. The overhang shall be taken care of. Five (5) ayes, no (0) nays. The motion passed.*

**The next item was a petition filed by Ryan VanPelt for property at 168 State Park Drive which is on the east side of State Park Drive between Plummer Drive and Wheeler for the purpose of a variance of 9' to be 16' (25' front yard is required) for an addition. Setbacks exist. Parcel is zoned Residential.**

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no objection to the petition. From the information submitted, the variance deals with a proposed addition behind the existing home, well away from the road right-of-way. Therefore, no impacts to the BCRC road right-of-way or maintenance activities are expected.

Mr. VanPelt explained he needed to replace his roof. He wanted to square up the roof line and have a covered patio.

Mr. Schisler stated the roof line will be same as the existing.

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

*Mr. Schisler moved to approve the petition filed by Ryan VanPelt for property at 168 State Park Drive which is on the east side of State Park Drive between Plummer Drive and Wheeler for the purpose of a variance of 9' to be 16' (25' front yard is required) for an addition. Setbacks exist. The roof line will continue as it already exists. It will not encroach closer to the property line. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

**The next item was a petition filed by Richard Foco for property at 3976 Castle Drive which is on the west side of Castle Drive between Wilder Road and Paulan Drive for the purpose of a variance of 25' to be 15' (40' rear yard is required) to enclose the deck. Parcel is zoned Residential.**

Nicole Horne of 3401 Wilder Road called in support of the request.

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no objection to the petition. From the information submitted, the variance deals with enclosing a deck that does not front on either Castle or Paulan and, therefore, is well away from the road right-of-way. No impacts to the BCRC road right-of-way or maintenance activities are expected.

Mr. Foco stated he newly acquired the home. He would like to enclose the deck so they can use it most of the year. He submitted a note from Joseph & Karen Mayhew stating they didn't have objections.

Mr. LaPlant asked if there would be a new foundation. Mr. Foco stated there would.

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

*Mr. Phelps moved to approve the petition filed by Richard Foco for property at 3976 Castle Drive which is on the west side of Castle Drive between Wilder Road and Paulan Drive for the purpose of a variance of 25' to be 15' (40' rear yard is required) to enclose the deck. Enclosing the deck will not make the building closer to the property line. The setbacks exist. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

**The next item was a petition filed by Jami Selden for property at 793 Bay Road which is on the North side of Bay Road off Patterson for the purpose of a variance of 4' to be 6' (10' side yard is required) for an accessory building. Parcel is zoned Residential.**

Thomas & Andrea Merritt of 803 Bay Road wrote a letter against the request.

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Marshal had no concerns. All building must follow the fire code.

The Bay County Road Commission wrote they have no objection to the petition. From the information submitted, the variance deals with construction of an accessory building that, they assume, will be serviced from the existing driveway. The proposed building is well away from the road right-of-way, thus, no impacts to the BCRC road right-of-way or maintenance activities are expected. If the new building is serviced by a separate driveway, a residential driveway permit is required from the BCRC prior to its construction.

Ms. Selden stated she wants to use the existing driveway to access the building. She added when she originally called; she was told the building could be 5' off the property line. She later found out it had to be 10' off the line. Ms. Selden added she has nine children and a 15 passenger van. She would like to have the building where proposed to give her the turn radius she needs.

Mr. Phelps stated the driveway is on the west side of the property and could be moved over farther. Ms. Selden said she needed more room to maneuver the van.

Mr. Banaszak read aloud the letter of opposition from Thomas & Andrea Merritt of 803 Bay Road.

Joe Manor, fiancé of Ms. Selden, has been working with Hoffmann Builders regarding the building. The driveway is closer to the center of the property and they need the additional 4' to make the turn. The building will have eaves where if it was 10' off the property line, eaves would not be required. He added the Merritt's have two buildings closer to the property line than what they are proposing. Mr. Manor stated they had spoken to the Merritt's when they first began the project and they were in favor of it. He was surprised they are now against it.

Mr. LaPlant wanted to make sure the Selden's were aware of the gas line location. They were and their builder

was taking care of it.

Mr. Banaszak stated the neighbors' buildings were closer to the property line.

*Mr. Phelps moved to approve the petition filed by Jami Selden for property at 793 Bay Road which is on the North side of Bay Road off Patterson for the purpose of a variance of 4' to be 6' (10' side yard is required) for an accessory building. A larger turn radius is needed to get to the building. Ms. Corrion seconded the motion. Mr. Schisler stated he was concerned this was self-created. Having a lot of children and a large vehicle are not reasons. Ms. Corrion stated the property slopes at the sides and the driveway could not be moved. Four (4) ayes, one (1) nay-LaPlant. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

**The next item was a petition filed by Lon Dolney for property at 3978 Sequin Drive which is on the West side of Wilder Road on the corner of State Street and Wilder for the purpose of a variance to allow a 6' section of 6' privacy fence extending closer to the road than the front line of the principle structure. Parcel is zoned Residential-3.**

Denise Cobb of 3951 Sequin called in favor of the request.

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no objection to the petition. From the information submitted, the variance deals with construction of 6' of privacy fence that is well away from the road right-of-way, thus, no impacts to the BCRC road right-of-way or to maintenance activities are expected.

Mr. Dolney presented pictures of the property. The last fence panel was added for privacy and sound proofing.

Janet and Dale Clyde of 3346 Paulan were opposed to the request. Ms. Clyde explained they had been working with Mr. Dolney on replacing the fence. L & L Fence Company did the work. The start and stop lines were agreed to. When they came home one night, an extra panel was put up. Ms. Clyde stated the variance was requested after the fence was put up. It is not legal. She asked the fence company why it was put up. She was told the homeowner requested it. Ms. Clyde added it was a code violation and they would like the request denied. It doesn't coincide with other fencing in the neighborhood.

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

Mr. Schisler advised the Board they needed to treat the request as if the fence was not there. Mr. LaPlant stated sometimes things are done and variances are requested after because the resident didn't know. Sometimes there is a hardship. Mr. Schisler stated there was no hardship in this case just the homeowner's preference.

*Mr. Schisler moved to deny the petition filed by Lon Dolney for property at 3978 Sequin Drive which is on the West side of Wilder Road on the corner of State Street and Wilder for the purpose of a variance to allow a 6' section of 6' privacy fence extending closer to the road than the front line of the principle structure. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

**The next item was a petition filed by Allied Signs, Inc. (Starbucks) for property at 4107 Wilder Road, Suite #2 which is on the North side of Wilder Road on the corner of State Street and Wilder for the purpose of 1) a variance of 38.75 square feet to allow the existing 113.25 square foot ground sign (74.5 square feet is allowed); 2) a variance of 10' to be 0' from the right of way for the ground sign (10' setback is required) (Section 21.07D); 3) a variance for two (2) additional 12.56 square foot logo signs on the east and west side of building; 4) a variance for two (2) additional 6.96 square foot drive thru signs on the east and west side of building; 5) a variance of 18.97 square feet for total wall signs to equal 70.97 square feet (one 31.93 wall**

**sign included)(52 square feet is allowed) (Section 21.07E); 6) a variance to allow one (1) 6.72 square foot incidental sign (pre-order menu board in the drive-thru) (Section 21.07H); 7) a 5' variance to allow one (1) clearance bar to be 10' (5' is allowed) (Section 21.07K); and 8) a variance to allow one (1) 9.05 square foot additional menu board digital order screen (Section 21.07L). Parcel is zoned Commercial-2.**

Patrick Stieber represented the request. He stated they were not altering the existing ground sign. They want to reuse what is there. The setback for that sign exists. He added there is traffic around the entire site and identification is needed. The additional signs are to get traffic to the building and for the flow of traffic. The proposed signage is not excessive. The signs are not large and are for safety. The menu board signs are to speed up orders, not for identification. These are necessary. Mr. Stieber was not sure why the clearance bar needed a variance.

Mr. Schisler asked if the sign company runs into problems like this in other communities. Mr. Stieber stated no. The drive-thru signs are not usually an issue.

Mr. Schisler added they have been getting a lot of sign variance requests.

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no objection to the petition. The on-site signage is regulated under Township ordinances. Any signage in the Wilder Road right-of-way will need to be reviewed and approved (with an approved permit) by the Bay County Road Commission. However, based on the plan submitted, it appears that road right-of-way signage is not proposed.

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

*Ms. Corrion moved to approve the petition filed by Allied Signs, Inc. (Starbucks) for property at 4107 Wilder Road, Suite #2 which is on the North side of Wilder Road on the corner of State Street and Wilder for the purpose of 1) a variance of 38.75 square feet to allow the existing 113.25 square foot ground sign (74.5 square feet is allowed); 2) a variance of 10' to be 0' from the right of way for the ground sign (10' setback is required) (Section 21.07D); 3) a variance for two (2) additional 12.56 square foot logo signs on the east and west side of building; 4) a variance for two (2) additional 6.96 square foot drive thru signs on the east and west side of building; 5) a variance of 18.97 square feet for total wall signs to equal 70.97 square feet (one 31.93 wall sign included)(52 square feet is allowed) (Section 21.07E); 6) a variance to allow one (1) 6.72 square foot incidental sign (pre-order menu board in the drive-thru) (Section 21.07H); 7) a 5' variance to allow one (1) clearance bar to be 10' (5' is allowed) (Section 21.07K); and 8) a variance to allow one (1) 9.05 square foot additional menu board digital order screen (Section 21.07L) Mr. Schisler seconded the motion. Mr. LaPlant added there are two businesses close together. Directional signs are needed. Five (5) ayes, no (0) nays. The motion passed. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

**The next item was a petition filed by Denise Vinson for property at 186 River Trail which is on the south side of River Trail between Pine Ridge and Spruce Ridge for the purpose of a front yard variance of 9'7" to be 15'5" (25' is required); a variance of 21'10" to be 18'2" in the rear yard (40' is required); a 3' variance to be 5' in the side yard on the southeast side (8' is required); a variance of 8' to be 32' for total side yards (20' total side yards is required); a variance of 4,258 square feet to be 6,141 square feet for lot size (10,400 square feet is required); and a variance of 8.55' to be 61.45' for road frontage (70' road frontage is required). Parcel is zoned Residential.**

Audrey Schaffer of 173 River Trail wrote she had no problem with the request.

The Department of Water and Sewer has no objections to the proposed variance, however, one of the two sanitary sewer entrance points to the home is located on the East side of the home with a clean out where the proposed attached garage will be. Caution should be taken to prevent damage to this line as it may be above the footing

elevation.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no objection to the petition. The new garage appears to be an extension of the existing home and is not any closer to Pine Ridge than the existing structure. If the new garage is to be serviced by a driveway in a different location than now exists, the driveway access will require a permit from the BCRC. A driveway permit application can be picked up at our Administration Building at 2600 East Beaver Road or is available at [www.baycoroad.org](http://www.baycoroad.org).

Ms. Vinson stated she would like to demolish the existing garage and put on an attached garage. The proposed garage would take up less space than the existing.

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

*Mr. Schisler moved to approve the petition filed by Denise Vinson for property at 186 River Trail which is on the south side of River Trail between Pine Ridge and Spruce Ridge for the purpose of a front yard variance of 9'7" to be 15'5" (25' is required); a variance of 21'10" to be 18'2" in the rear yard (40' is required); a 3' variance to be 5' in the side yard on the southeast side (8' is required); a variance of 8' to be 32' for total side yards (20' total side yards is required); a variance of 4,258 square feet to be 6,141 square feet for lot size (10,400 square feet is required); and a variance of 8.55' to be 61.45' for road frontage (70' road frontage is required). This is an odd shaped lot. The change will bring the buildings more into conformity. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

**The next item was a petition filed by Dore Real Estate LLC for property at 3995 N. Oakbrook Drive which is on the east side of State Park Drive between Pembroke and Lagoon Beach Drive for the purpose of a variance of .73 acres to be 9.27 acres (10 acres is required) for a campground. Parcel is zoned RMH.**

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no comment on the petition at this time. From the information submitted this development is in the early stages and, if pursued, will require a site plan that includes a commercial driveway. They reserve their comments until a site plan/commercial driveway is submitted for approval.

Art Dore represented the request. He stated the property was a mobile home park. He purchased it on tax sale. He thought RV parks were becoming popular. It will have all new infrastructures.

Mr. LaPlant asked if there would be access off Revilo. Mr. Dore stated it was more of a ditch. It will not be used as an access at this time.

Lonnie and Claudia Higgins of 415 State Park Drive were in favor. They would rather see this as a RV park than a trailer park.

Dave Williams of 3903 Dundee asked if there would other access to the site. Mr. Dore stated they would use the existing access.

Roberta Moore of 3914 Dundee was opposed. The property backs up to hers. She had a letter from her neighbor objecting. They have concerns with smoke from campfires. She gets migraines and the neighbor is on a breathing tube and

Mr. Schisler explained this was one of many steps before this could become a RV park. There is an application to

rezone the property to allow a RV park. If that gets approved, then a site plan would need to be submitted. At the site plan review meeting, buffers between the park and residents can be looked at.

Lou Wilson of 125 Roseland has property abutting the parcel. He didn't know why a RV park was needed. The State Park is right there. The neighborhood will be ruined. There are nice homes. The State Park has rangers that patrol the park. He was concerned with the sewer system, crime, trespassing, etc. This is a residential neighborhood and a RV park would be a detriment.

Mike Loomis owner of 402 State Park Drive commented he liked the idea but saw no hardship for the variance. He has land to sell Mr. Dore that would allow him to conform to the ordinance.

Dennis Dishaw of 394 State Park Drive had concerns with security and fencing.

Mr. LaPlant advised the project would go before the Planning Commission at some point for site plan approval. They would take all the comments into consideration.

Tiffany Hadd of 114 Roseland had concerns. Her daughter has asthma and the additional smoke would be a problem. There would be an increase in crime.

Dave Williams wanted to make sure all of the concerns were given to the Planning Commission. Mr. LaPlant stated they would be.

Mr. Phelps commented the project would be an improvement over the trailer park.

*Mr. Schisler moved to approve the petition filed by Dore Real Estate LLC for property at 3995 N. Oakbrook Drive which is on the east side of State Park Drive between Pembroke and Lagoon Beach Drive for the purpose of a variance of .73 acres to be 9.27 acres (10 acres is required) for a campground. The approval is contingent upon the property being rezoned to RC-Recreation Commercial. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item was a petition filed by Joshua Supanich for property at 3194 Boy Scout Road which is on the south side of Boy Scout between W. Birch and Two Mile for the purpose of a variance of 400 square feet to be 2,400 square feet (2000 square feet is allowed); a variance to allow an accessory building in the front yard; and a variance of 6' to be 26' in height (20' is allowed). Parcel is zoned Residential.**

Tom Thelen of 3203 Boy Scout telephoned he would not be against the height if the building was in back of the house. He was denied a height variance for his building and it was in the rear of his property. It will not look nice.

The Department of Water and Sewer has no objections to the proposed variance, however the water service line to the home may be installed directly under the proposed building and caution should be exercised during construction to prevent damage to it.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no objection to the petition. From the information submitted, the variance deals with construction of an accessory building that, they assume, will be serviced from the existing driveway. The proposed building is well away from the road right-of-way, thus, no impacts to the BCRC road right-of-way or maintenance activities are expected. If the new building is serviced by a separate driveway, a residential driveway permit is required from the BCRC prior to its construction.

Mr. Supanich explained he had a large area in his side yard but the Township considers that area his front yard. The building would be almost 200' from the road. His home doesn't face Boy Scout. He stated he owns about an acre and a half but the Zoning Ordinance doesn't figure square footage for lots his size. There is square footage for an acre and for two but not for a size in between. Mr. Supanich stated the existing building is in shambles and

is 600 square feet.

Mr. Schisler asked why the additional height was needed. Mr. Supanich stated he would like a 14' door. Mr. LaPlant asked why the additional square footage was needed. Mr. Supanich explained he had a lot of things to store.

Donna Glazier of 3185 Boy Scout stated her home was 700' off the road. She was in favor of the request. She and Mr. Supanich share a driveway. All of Mr. Supanich's items are stored in her pole barn. She has an easement from Mr. Supanich to access her property.

There was no one in the audience against the request.

Mr. LaPlant stated this was a self-created hardship. Changing the trusses will allow for the height he wants.

Mr. Schisler stated it is a unique situation. There is about 8 acres around the shared driveway. The size of the building is limited to how the zoning ordinance is written.

Mr. Phelps stated there is no hardship for the height. Ms. Corrion understood the square footage. He has plenty of property.

Discussion took place on the square footage and how it is figured.

*Mr. Schisler moved to approve the petition filed by Joshua Supanich for property at 3194 Boy Scout Road which is on the south side of Boy Scout between W. Birch and Two Mile for the purpose of a variance of 400 square feet to be 2,400 square feet (2000 square feet is allowed) and a variance to allow an accessory building in the front yard. The size of the lot is near the next level for square footage. The property shares a driveway with a larger property. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

*Mr. LaPlant moved to deny the petition filed by Joshua Supanich for property at 3194 Boy Scout Road which is on the south side of Boy Scout between W. Birch and Two Mile for the purpose of a variance of 6' to be 26' in height (20' is allowed). There is no hardship. Five (5) ayes, no (0) nays. The motion passed.*

**The next item was a petition filed by Mary Kay & James Solon for property at 96 Tobico Beach which is on the northeast side of Tobico Beach Road between Little Killarney and Euclid for the purpose of a variance of 3'6" on the southeast side to be 4'6" (8' minimum is required); a total side yard variance of 6'2" to be 13'10" (20' is required); a 5' height variance to be 40' (35' is allowed); and a front yard variance of 7'4" to be 17'8" (25' is required) for a garage and addition. Parcel is zoned Residential-2.**

The Department of Water and Sewer has no objections to the proposed variance, however the sanitary sewer line servicing this home will be directly under the proposed garage. Caution should be exercised to prevent damage to this line.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no comment on the petition. From the information submitted, Tobico Beach Road is not under the jurisdiction of the BCRC. Therefore, they have no comment on the petition.

Kim Shotwell represented the request. She stated this is typical waterfront property. They would like to continue the line of the house for the addition and garage. Variances are need no matter what is done. Currently there is a shared garage with the neighbor that sits at the road. It will be torn down. The new garage will be attached and will be farther off the road than others in the area. The screen porch is to be replaced. The height variance may not be needed but she doesn't know for sure. The floor joists will determine that. Ms. Shotwell added by removing the shared driveway, the property is more conforming.



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

*Mr. Schisler moved to approve the petition filed by Mary Kay & James Solon for property at 96 Tobico Beach which is on the northeast side of Tobico Beach Road between Little Killarney and Euclid for the purpose of a variance of 3'6" on the southeast side to be 4'6" (8' minimum is required); a total side yard variance of 6'2" to be 13'10" (20' is required); a 2' height variance to be 37' (35' is allowed); and a front yard variance of 7'4" to be 17'8" (25' is required) for a garage and addition. The proposed changes will make the property more conforming. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

**The last item on the agenda was a petition filed by Mary McGuire-Kolak for property at 2705 Bangor Road which is on the southeast side of Bangor Road between Donohue and Richard Road for the purpose of a front yard (Bangor Road) variance of 19' to be 6' (25' is required) and a front yard (Richards Road) variance of 1' to be 24' (25' is required) to add a covered porch to existing structure. Parcel is zoned Residential-2.**

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Marshal had no concerns. Any building must follow the fire code.

The Bay County Road Commission wrote they have no objection to the petition. From the information submitted the variance deals with adding a porch that does not extend past the present face of the existing home. Therefore, is well away from the road right-of-way and no impacts to the BCRC road right-of-way or maintenance activities are expected.

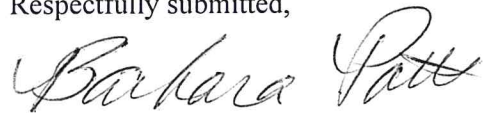
Tom Kolak represented the request. He explained they want to remove the cement slab, replace it and put an overhang. It is a two story building.

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

*Mr. LaPlant moved to approve the petition filed by Mary McGuire-Kolak for property at 2705 Bangor Road which is on the southeast side of Bangor Road between Donohue and Richard Road for the purpose of a front yard (Bangor Road) variance of 19' to be 6' (25' is required) and a front yard (Richards Road) variance of 1' to be 24' (25' is required) to add a covered porch to existing structure. The setbacks are existing and will not change. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

*Having no other business before the Board, Mr. Schisler moved to adjourn. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 8:10 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator