

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

MINUTES OF SEPTEMBER 15, 2015 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 15th day of September, 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

MEMBER (S) ABSENT: Phelps and Schisler

ALTERNATE MEMBER: Castaneda

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 August 18, 2015. *Mr. LaPlant moved to approve the minutes as presented. Mr. Castaneda seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

Mr. Banaszak reported the Zoning Board of Appeals received a letter from Joseph and Leslie Koscielecki requesting their petition be postponed until the October 20th meeting due to incorrect measurements. *Ms. Corrion moved to postpone the petition filed by Joseph & Leslie Koscielecki for property at 3059 W. Riverview Drive until the October 20, 2015 regular meeting. Mr. LaPlant seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Dana Kowalski for property at 204 River Trail Drive which is on the East side of River Trail between Oakridge and Bay Shore for the purpose of a variance to allow construction and use of an accessory building on a parcel having no principal building and a variance of 713 square feet to allow a 1200 square foot detached accessory building (487 square feet is allowed). Parcel is zoned Residential-2.

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote they have the following comments regarding this petition and a driveway permit will be needed. Based on the drawing submitted, the proposed accessory building will be located 16' from the Oak Ridge Drive right-of-way. They assume this measurement is from the existing chain link fence along Oak Ridge Drive to the face of the accessory building door. If this is correct, which they believe it is, they have no issues with the petition. If the measurement is from a point other than the Oak Ridge right-of-way/chain link fence, please inform them, as it could create an issue with snow removal activities. If the accessory building is to be serviced by a driveway, the driveway access will require a permit from the BCRC. A driveway permit application can be picked up at the Administration Building at 2600 East Beaver Road or is available on our website at www.baycoroad.org.

Mr. Kowalski stated he and his wife have five children. Their lot is 40'x90'. They purchased a lot across the street with the desire to build a garage to store their pontoon, lawn furniture, etc. The old shed and concrete slab will be removed. The building will be residential looking.

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

Mr. LaPlant commented he didn't have an issue with having the building across the street but he didn't see the hardship with the square footage request. However, you can't store much in a building of the allowed size.

Ms. Corrion added the request was not excessive.

A discussion took place on having a parcel in that area without a principal structure on it and what would happen if it was sold separate from the home. The Board then discussed a lesser variance.

Mr. Kowalski stated he needed a minimum of 36' for his boat and trailer. He added he has no other place to put a garage. There is no property available contiguous to his. The proposed building would be in the back corner of the lot.

More discussion took place regarding the lot and if it was buildable for a home.

Mr. LaPlant felt an 864 square foot building would do justice to the petitioner. It would be big enough for the boat. Mr. Kowalski stated there was no basement or attic in the house.

Mr. LaPlant moved to approve the petition filed by Dana Kowalski for property at 204 River Trail Drive which is on the East side of River Trail between Oakridge and Bay Shore for the purpose of a variance to allow construction and use of an accessory building on a parcel having no principal building and a variance of 377 square feet to allow an 864 square foot detached accessory building (487 square feet is allowed). Parcel is zoned Residential-2. The lot is not buildable for a dwelling. The variance will do justice to the petitioner and allow him to secure his assets. Mr. Castaneda seconded the motion. Four (4) ayes, no (0) nays. The motion passed.

The next item on the agenda was a petition filed by Terry J. Dubay for property at 3717 Kawkawlin River Drive which is on the north side of Kawkawlin River Drive between Bowman Road and Euclid for the purpose of a variance of a 7' side yard variance to be 1' (8' minimum side yard is required) and a variance of 10' to be 10' for total side yards (20' is required) for an addition. Setbacks exist. Parcel is zoned Residential-1.

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote they have no objection to the petition. From the information submitted, the variances deal with an addition that is proposed for an existing home, well away from the road right-of-way. Therefore, no impacts to BCRC road right-of-way or maintenance activities are expected.

Mr. Dubay explained they are selling their home because it was too big. A contingency of the sale is for the purchaser to be able to build an addition. There is only a crawl space and no attic. The requested variances won't add to the non-conformity.

Garey McDonald of 3707 Kawkawlin River Drive had no objection. They live next door and a garage is needed.

There was no one in the audience against the request.

Mr. LaPlant commented the setbacks for the house exist. There will be no change to them. Mr. Castaneda added the addition would follow the same line as the existing structure.

Mr. Dubay submitted a petition in support of his requests signed by: Sandra Jacobs of 3721 Kawkawlin River Drive; Mona Graves of 3703 Kawkawlin River Drive; Robert Green of 3711 Kawkawlin River Drive; Julie Robinson of 3733 Kawkawlin River Drive; and Jennifer Boks of 3709 Kawkawlin River Drive.

Mr. Castaneda moved to approve the petition filed by Terry J. Dubay for property at 3717 Kawkawlin River Drive

which is on the north side of Kawkawlin River Drive between Bowman Road and Euclid for the purpose of a variance of a 7' side yard variance to be 1' (8' minimum side yard is required) and a variance of 10' to be 10' for total side yards (20' is required) for an addition. Setbacks exist. Parcel is zoned Residential-1. They are maintaining the existing lines. There is no hardship onto the neighbors. Mr. LaPlant seconded the motion. Four (4) ayes, no (0) nays. The motion passed.

Mr. Dubay asked they be given nine months to pull a building permit. *Ms. Corrion moved to allow the petitioner nine (9) months to pull a building permit instead of six (6). Mr. Castaneda seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

The last item on the agenda was a petition filed by Charter Township of Bangor for property at 3921 Wheeler Road which is on the north side of Wheeler Road between State Park Drive and State Street Road for the purpose of a variance of 7.99 acres to be 2.01 acres (10 acres required) to allow for installation of a 911 communication tower; a variance of a 90' side yard setback to be 10' (100' is required) and a variance of 440' to be 10' (450' is required) for the adjacent district setback. Parcel is zoned Residential-1.

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote they have no objection to the petition. The on-site variances are regulated under Township ordinances. From the information submitted, the tower location is well away from the road right-of-way, thus no impacts to BCRC road right-of-way or maintenance activities are expected.

Assistant Fire Chief Jim Starkey represented the request. He stated a 100' tower was allowed but they were requesting a 50' one at this time. There is an existing tower and three of the four legs are rotted.

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

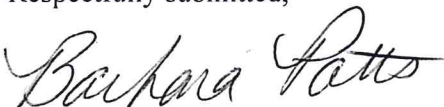
Ms. Corrion stated safety comes first. Mr. Castaneda added it is just a replacement.

Ms. Corrion moved to approve the petition filed by Charter Township of Bangor for property at 3921 Wheeler Road which is on the north side of Wheeler Road between State Park Drive and State Street Road for the purpose of a variance of 7.99 acres to be 2.01 acres (10 acres required) to allow for installation of a 911 communication tower; a variance of a 90' side yard setback to be 10' (100' is required) and a variance of 440' to be 10' (450' is required) for the adjacent district setback. Parcel is zoned Residential-1. This is to replace an existing tower. There is a safety concern. Mr. Castaneda seconded the motion. Four (4) ayes, no (0) nays. The motion passed.

Mr. Castaneda announced he was resigning from the Zoning Board of Appeals. This was his last meeting.

Having no other business before the Board, Mr. Castaneda moved to adjourn. Mr. LaPlant seconded the motion. Four (4) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:45 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator