

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

MINUTES OF SEPTEMBER 17, 2013 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 17th day of September, 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

MEMBER ABSENT: Schisler

ALTERNATE MEMBER PRESENT: LaPlant

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 20, 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 Richard Roberts for property at 3321 E. Gregg Drive which is on the North side of E. Gregg Drive between W. Douglas and Shane Drive for the purpose of a variance to permit replacement of a 6' privacy fence closer to the street than any portion of the principal dwelling, including a 4' variance to be 1' from the right-of-way (5' from right-of-way is required). Parcel is zoned Residential-1.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Richard Roberts, they have no objection to the petition. From the documents submitted and a site visit, a cedar fence currently occupies this location and the property owner is proposing to replace the fence instead of repairing the cedar fence. Since the new fence is in the same location as the existing, it does not appear to conflict or encroach into existing BCRC right-of-way, nor impact normal BCRC maintenance operations.

The fire department takes no exception to the petition filed by Richard Roberts for the property at 3321 E. Gregg Drive.

Bay County DWS wrote they take no exception to the proposed variance.

Allen Hodder of 3346 Shane Drive telephoned he had no objection to the variance.

Dawn Bublitz of 3322 E. Gregg wrote she was in favor of the request.

Jim Pake of 3327 Shane telephoned he has no objection to the variance.

Mr. Roberts stated the existing cedar fence needs to be replaced. The fence was there when he purchased the home. When he came to get a permit for the new fence, he learned a variance was never received for the location of the existing one.

No one was in the audience for or against the request.

Mr. Phelps asked if the proposed fence would be in the same location as what exists. Mr. Roberts stated it would be in the identical location.

Mr. Pilarski added the fence was built before the current zoning laws and was grandfathered in.

Ms. Corrion moved to approve the petition filed by Richard Roberts for property at 3321 E. Gregg Drive which is on the North side of E. Gregg Drive between W. Douglas and Shane Drive for the purpose of a variance to permit replacement of a 6' privacy fence closer to the street than any portion of the principal dwelling, including a 4' variance to be 1' from the right-of-way (5' from right-of-way is required). Mr. Roberts is replacing the existing fence which was grandfathered in. The new fence will improve the aesthetics of the area. Mr. Phelps 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 void.

The next item on the agenda was a petition filed by Dale Sharrard for property at 3273 Dobson Drive which is on the Northeast side of Dobson Drive off Old Kawkawlin near Wheeler for the purpose of a variance to permit erection of an accessory building in a waterfront yard, a variance to permit an accessory structure to extend closer to the water than the waterfront building line and to be located within 40' of the waterfront property line or high water mark and a side yard setback variance of 9' to be 1' (10' is required). Parcel is zoned Residential.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Dale Sharrard, they have no comment on the petition. Based on the information received, the proposed site is not located along road right-of-way under the jurisdiction of the Bay County Road Commission. Dobson Drive is shown as an access easement and/or private road/drive and, thus, not subject to their requirements.

Bay County DWS wrote they take no exception to the proposed variance.

The fire department takes no exception to the petition filed by Dale Sharrard for the property at 3273 Dobson Drive.

Joseph Kindermann of 3325 Dobson Drive telephoned he was against the variance.

Mr. Sharrard explained he owns a unique piece of property. It's "L" shaped. He wants to utilize the waterfront. The existing deck was built over 17 years ago. He built a 10'x10' cover over the deck. The variance is for that cover.

Mr. Banaszak asked if the structure was to cover a portion of the deck. Mr. Sharrard stated it was. Mr. Sharrard added the structure was already built. He didn't know a variance was needed. He stated the neighbor has other access to the River.

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

Ray Whalen of 3271 Dobson Drive presented a survey of his property. He stated the structure was 51' from his front door. He doesn't want it in his front yard. Mr. Sharrard has parties out there and is not considerate of the neighbors. The deck and the overhang go over the property line.

Mr. LaPlant stated the structure is directly in Mr. Whalen's line of sight, according to the drawing. The River curves and he wasn't sure how that works for the line of sight.

Mr. Corrion stated the property is unique and has an odd shape.

Mr. Banaszak questioned the structure being enclosed.

Mr. Sharrard explained the deck was built 17 years ago by himself and Mr. Whalen's parents who owned the property. Mr. Whalen built a new house further off the water 3-4 years ago.

Mr. Banaszak stated the survey shows the deck over the property line. The structure is in the line of sight and is over the property line.

Mr. Phelps added the awning is over the property line and is partially obstructing the line of sight even with the trees that are there.

Mr. Pilarski stated the structure is causing an adverse effect on the neighbor.

Mr. LaPlant moved to deny the petition filed by Dale Sharrard for property at 3273 Dobson Drive which is on the Northeast side of Dobson Drive off Old Kawkawlin near Wheeler for the purpose of a variance to permit erection of an accessory building in a waterfront yard, a variance to permit an accessory structure to extend closer to the water than the waterfront building line and to be located within 40' of the waterfront property line or high water mark and a side yard setback variance of 9' to be 1' (10' is required). The structure is in the line of sight of the neighbor. It's a direct line of sight issue. Ms. Corrion seconded the motion. Mr. Pilarski added the structure is creating an adverse effect on the neighbor. A roll call vote was taken. Phelps-aye, LaPlant-aye, Pilarski-aye, Corrion-aye, Banaszak-aye. Five (5) ayes, no (0) nays. The motion passed and the petition was denied.

The last item on the agenda was a petition filed by Craig & Susan Werner for property at 3337 W. Douglas Drive which is on the North side of Douglas Drive between Gregg Drive and Douglas Drive for the purpose of a 2' side yard variance to be 6' (8' is required) and a total side yard variance of 5' to be 15' (20' is required) for a house. Parcel is zoned Residential-1.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Craig and Susan Werner, they have no objection to the petition. From the documents submitted and a site visit, the footprint of the new house appears to closely match that of the previous dwelling. A concrete driveway presently exists and it appears will be used to access the new garage. If the location of the driveway were to change, the property owner will need to apply for and secure a permit. If a driveway change is necessary, an application can be obtained at our Permit Office

The fire department feels in the interest of fire safety the house shall be constructed with one-hour fire separation on the sides requiring the variance.

Bay County DWS wrote they take no exception to the proposed variance.

Doris Marcet of 3346 W. Douglas telephoned she was not in favor of the variance.

Edward Yost represented the petition. He stated a survey was done and the property is 84.6' wide. The home had burned down. They want to build over the existing basement and add 4' onto the garage. They will accommodate the fire wall as requested.

Mr. Pilarski asked how long the house was. Mr. Yost stated they would like to be 6.4' from the West property line and 9.5' from the East property line. The front and rear setbacks are fine.

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

Harvey Ostrander of 3338 W. Douglas stated he was confused by the request. Total side yards were explained. Mr. Ostrander stated the space between homes is for safety and for backyard access. The variance is cutting out that footage. A firewall won't help if the home is closer to the property line.

Margaret Davis of 3345 W. Douglas stated the driveway has been changed. The culvert has been changed and is over the property line. She has been in an apartment since the fire in May. The Werner's shed is right next to her fence. There is no hardship for enlarging the garage. The spreading of fire depends on weather conditions not on a firewall. Ms. Davis stated if she sells her home, she has to disclose there was a variance granted to the neighbor. There is no hardship.

Mr. Werner was asked why he needed the additional 4'. He stated he wants to be a good neighbor. He needs the additional room for maneuvering around the cars in the garage with a walker or wheelchair. It's too tight to move

around as it was.

Mr. Phelps asked how much cement was on the East side. Mr. Werner stated it is wide enough to drive to the back. They will be building on the existing foundation. The 4' would be added to the garage.

A lengthy discussion took place on the dimensions of the home and garage.

Mr. Banaszak asked what the hardship was. Mr. Werner stated he needed more room in the garage so he could get in and out of a wheelchair.

Mr. Pilarski stated from the drawing it looks like part of the garage will be used as living area.

Mr. Werner stated his hardship was he is on disability and has had several surgeries. He will end up in a wheelchair.

Mr. LaPlant stated there were other ways to get the room needed in the garage. The home can be reconfigured to get the room.

Russell Davis stated when the Werner's house was on fire, it melted the blinds in their house. A firewall won't stop the fire from spreading. He doesn't want the home moved closer to them.

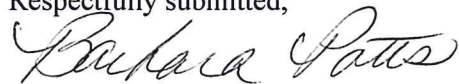
A lesser variance was discussed.

Mr. Pilarski stated moving closer to the East property line will have an adverse effect of the neighbors. The footprint of the home can be redesigned.

Mr. Pilarski moved to approve the request by Craig & Susan Werner for property at 3337 W. Douglas Drive which is on the North side of Douglas Drive between Gregg Drive and Douglas Drive for the purpose of a 2' side yard variance to be 6' (8' is required) on the West side. The existing foundation is grandfathered in. Mr. Pilarski added he moved to deny the request for a total side yard variance of 5' to be 15' (20' is required). This would create a negative impact for the neighbor to the East. The footprint can be changed to accommodate Mr. Werner's needs. The West side yard setback will be 6.4' and the East side yard setback will be 13.5'. 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 void.

Having no other business before the Board, Ms. Corrion moved to adjourn. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:30 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator