

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

**MINUTES OF SEPTEMBER 19, 2017 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 19<sup>th</sup> day of September, 2017 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Corrion, Covaleski, and Phelps

MEMBER (S) ABSENT: DeShano

ALTERNATE MEMBER: Bouckhaert

Mr. Banaszak called the meeting to order at 6:02 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 15, 2017. Mr. Phelps moved to approve the minutes as presented. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed.**

**The next item was a petition filed by Andrew & Holly Gwizdala for property at 3598 Debra Lane which is on the South side of Debra Lane between Grace Court and Adela Court for the purpose of a variance to permit a pool, deck and barrier fence to encroach within the required front yard; variance of 10.5' to be 14.5' for a front yard setback (25' is required); a variance to have a 6' fence extending closer to the road than the principle dwelling (4' see through fence is allowed); a variance to permit a 6' high fence in the setback area that is obscuring in design; a variance to permit an obscuring fence that is not more than 6' in a side yard that fronts a road; a variance to permit a pool fence in the required front yard or required corner lot side yard and a variance to permit location of a private swimming pool in a side yard. Parcel is zoned Residential.**

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission had no comments.

Mr. Gwizdala explained his property is a corner lot. Due to the location of his garage, there isn't much room in his back yard. He wanted a pool with a deck.

Ms. Covaleski asked when the pool was put in. Mr. Gwizdala stated in May. He came into the Township and was told the pool and deck did not require a variance but the fence would. He then received a letter of violation from the new Building Official stating variances were necessary. Mr. Gwizdala stopped working on the deck at that point.

Mr. Phelps asked if the existing fence was being replaced. Mr. Gwizdala stated it would be.

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

Mr. Phelps stated this is a corner lot.

Ms. Covaleski commented they were told one thing then another. No view would be obstructed from granting the variances.

Ms. Corrion added this is not a self-created problem. There are two front yards. Mr. Banaszak stated there is no adverse effect on the area.

*Mr. Phelps moved to approve the petition filed by Andrew & Holly Gwizdala for property at 3598 Debra Lane which is on the South side of Debra Lane between Grace Court and Adela Court for the purpose of a variance to permit a pool, deck and barrier fence to encroach within the required front yard; variance of 10.5' to be 14.5' for a front yard setback (25' is required); a variance to have a 6' fence extending closer to the road than the principle dwelling (4' see through fence is allowed); a variance to permit a 6' high fence in the setback area that is obscuring in design; a variance to permit an obscuring fence that is not more than 6' in a side yard that fronts a road; a variance to permit a pool fence in the required front yard or required corner lot side yard and a variance to permit location of a private swimming pool in a side yard. The property has two front yards. The hardship is not self-created. Ms. Covaleski seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance is null and void.*

**The next item was a petition filed by Frank Janca for property at 252 State Park Drive which is on the East side of State Park Drive between Wheeler Road and Kawkawlin River Drive for the purpose of a variance of 2,012 square feet to be 3,512 square feet for a detached accessory building (1,500 square feet is allowed) and a variance of 4' to be 24' in height (20' is allowed). Parcel is zoned Residential.**

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission had no comments.

Mr. Janca stated he applied for a building permit and was told he needed a variance for the size he wanted. The lot is huge with a single car garage on it. He would like to put the contents from the garage into the new building so the renters can utilize the garage. Mr. Janca added there are industrial type buildings adjacent to the property that are taller. He stated the Building Inspector was the one who recommended the 24' height. The building would be 200' off the road and would have minimum 10' setbacks.

Ms. Corrion asked if the building would be rented with the house. Mr. Janca stated no.

Mr. Bouckaert asked where access to the building would be. Mr. Janca stated a drive would run along the South side.

Ms. Covaleski asked what the hardship was. Mr. Janca explained he wanted to move his things out of the garage and into the new building so tenants could then utilize the garage. The building would be for his personal use. Ms. Covaleski asked what the adjacent buildings were used for. Mr. Janca stated the house was rented and the outbuildings were used for the owners' storage.

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

Lester Doak of 247 State Park Drive was against the requests. There is no need for that big of a building. Mr. Janca doesn't live there.

April Wendt of 250 State Park Drive lives to the South of the property. The proposed access will be along the side of her property. The large building will take away from her view in the back.

Rick Wotta of 240 State Park Drive stated the building is too large for a residential area.

Mr. Phelps stated there are five requirements that must be met to approve a variance. Mr. Janca does not meet all of them. There is no hardship.

Ms. Covaleski agreed. The request is for twice the size of what's allowed. Mr. Banaszak added this is self-created.

*Mr. Phelps moved to deny the petition filed by Frank Janca for property at 252 State Park Drive which is on the East side of State Park Drive between Wheeler Road and Kawkawlin River Drive for the purpose of a variance of 2,012 square feet to be 3,512 square feet for a detached accessory building (1,500 square feet is allowed) and a variance of 4' to be 24' in height (20' is allowed). There is no hardship and it is a self-created problem. Mr. Bouckaert seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a petition from Ellen & Dave Mook for property at 3085 E. Midland Road which is on the North side of Midland Road between Two Mile and Euclid for the purpose of a rear yard variance of 8.5' to be 31.5' (40' is required) for an accessory building. Parcel is zoned Residential.**

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission had no comments.

Mr. Mook explained they live on a corner lot. The old garage was falling apart and was removed. He received bids to replace it. It was built to face Gerard Street. The new location is further off the property lines.

There was no one in the audience against the request.

Ms. Leisentritt of 3065 Midland Road stated the new building is a 150% improvement.

*Ms. Covaleski moved to approve the petition filed by Ellen & Dave Mook for property at 3085 E. Midland Road which is on the North side of Midland Road between Two Mile and Euclid for the purpose of a rear yard variance of 8.5' to be 31.5' (40' is required) for an accessory building. The property has two front yards. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance is null and void.*

**The last item on the agenda was a petition filed by Rich Perdue for property at 4170 Wheeler which is on the South side of Wheeler between State Street and Bangor for the purpose of a variance to permit a maximum slope of 4' horizontal to one foot vertical for the first 20' from the pond bench mark toward the center of the pond (7' horizontal to 1' vertical is allowed). Parcel is zoned Residential.**

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission had no comments.

Mr. Perdue explained to get the depth he wanted without using up all his property, a variance from the ratio was needed. The proposed depth will help keep the weeds down. He stated the pond would be centered in the rear of the property.

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

Mary Lou Forcier of 4190 Wheeler stated a pond would make the property more of a swamp. Drainage in the area is inadequate. She has concerns about more mosquitos and water stagnation. She is opposed to the pond.

Dick Fork of 4185 Wheeler asked if the pond would be aerated. He hoped the pond would help with the drainage issue in the area.

Mr. Perdue stated he lives there and doesn't want more mosquitos or a swamp.

Ms. Corrion stated a pond is allowed. The variance is to get the preferred depth.

*Ms. Corrion moved to approve the petition filed by Rich Perdue for property at 4170 Wheeler which is on the South side of Wheeler between State Street and Bangor for the purpose of a variance to permit a maximum slope of 4' horizontal to one foot vertical for the first 20' from the pond bench mark toward the center of the pond (7' horizontal to 1' vertical is allowed). This is an allowed use. The variance will allow the depth needed to prevent weeds. Five (5) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance is null and void.*

*Having no other business before the Board, Ms. Corrion moved to adjourn. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:55 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator