

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

**MINUTES OF APRIL 15, 2014 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 15<sup>th</sup> day of April, 2014 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 6:03 p.m.

The Pledge of Allegiance was recited.

**The first item on the agenda was approval of the minutes of a regular meeting held March 18, 2014.** *Ms. Corrion moved to approve the minutes as presented. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a petition filed by Andrew Dwan for property at 90 Tobico Beach which is on the East side of Tobico Beach between Little Killarney Beach and North Euclid for the purpose of a variance of 6' to be 2' in the northwest side yard (8' is required), a variance of 4' to be 4' in the southeast side yard (8' is required) and a variance of 14' to be 6' minimum combined side yards (20' is required) to construct a second floor addition and attached garage. Parcel is zoned Residential-3.**

The Fire Department wrote the new structure shall be constructed with one-hour fire separation walls on the Northwest side yard and the Southeast side yard. The Fire Department's ground ladders are not long enough to ladder the roof and the limited accessibility would more than likely prevent A-7 from getting to a location where it would be able to reach the roof.

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

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Andrew Dwan, they have no comment on the petition. The roadway this property is located along (Tobico Beach Drive) is not a road under the jurisdiction of the Bay County Road Commission.

A resident telephoned and stated they had no objection as long as there was no change to the footprint of the home. As long as the addition went up and not out.

A resident telephoned and stated they have several concerns: This would be 2' from the lot line. This causes drainage concerns. The wall will be 2' from property line then a 2' overhang. Drainage will be onto the property line. Most side doors are 24" wide, if side door is opened, they will be standing on neighbor's property. The garage lights will be 2' from the neighbor's home, shining into it. There is no room to plant trees for privacy between the homes. They will be unable to block the windows. Having the home 2' from the property line is a fire hazard especially with the high winds off the Bay. The home will be high and there isn't enough room for the fire department to put a ladder between the homes. They are concerned that others in the area that are thinking about rebuilding will be allowed to do the

same. There would then be 4' between all the homes and it isn't a healthy situation. They don't want this to set a precedent. The Board needs to step up and make the right decision.

The Fire Marshal received a telephone call similar to the above. The caller did not leave a name.

A letter against request was read.

A resident telephoned and stated he liked the idea of a new or newer structure going up. It will enhance the beach area. He felt it was up to the Board to make the decision to enforce the existing setbacks or allow the variance. A precedent will be set. The neighbors should not be put against each other.

Mr. Dwan stated his home would not be as high as the adjacent neighbor's home. He is planning to keep the existing setbacks. He will not be moving the home any closer to the property line. He is not changing the existing setbacks.

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

Mr. Schisler asked if the comments received were made anonymously. Ms. Potts stated no one was willing to leave their name with the comments.

Mr. LaPlant commented no changes were being made to the existing setbacks and the proposed height is allowed.

Mr. Schisler stated each variance is taken on an individual basis. If these items are approved, it does not mean other variance requests in the area would be approved. Past practice for the Zoning Board of Appeals has been to allow building/rebuilding on the same footprint. This is not a brand new structure. These types of variance requests are common for the area.

Mr. Phelps asked if the existing home would be torn down. Mr. Dwan said they would be adding onto parts of the home. Mr. Phelps added a one-hour fire rated wall would be required on the northwest and southeast sides of the home. That would include fire rated windows. The architect, Kevin Light, stated they will do what is required.

Mr. Schisler asked if the home to the south was new or added on to. Mr. Dwan stated it was brand new, not added on to.

*Mr. LaPlant moved to approve petition filed by Andrew Dwan for property at 90 Tobico Beach which is on the East side of Tobico Beach between Little Killarney Beach and North Euclid for the purpose of a variance of 6' to be 2' in the northwest side yard (8' is required), a variance of 4' to be 4' in the southeast side yard (8' is required) and a variance of 14' to be 6' minimum combined side yards (20' is required) to construct a second floor addition and attached garage. The variances are for the existing home's setbacks. Ms. Corrion seconded the motion. Mr. Schisler asked if recommending the Fire Marshal's comments could be added into the motion. Mr. LaPlant added to the motion that a one hour fire rated wall was recommended. Five (5) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance would be null and void.*

**The next item on the agenda was a petition filed by Douglas Wirt for property at 226 Athlone Beach which is on the Northeast side of Athlone Beach for the purpose of a side yard variance of 0.6' to be 7.4' (8' is required) and a waterfront setback variance of 32' to be 8' (40' is required) for an addition. Parcel is zoned Residential-2.**

Ms. Corrion stated she was abstaining from the hearing. She left the meeting room.

The Fire Department wrote the new addition shall be constructed with one-hour fire separation wall on side yard requiring a variance.

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

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Douglas Wirt, they we have no comment on the petition. The roadway this property is located along (Athlone Beach Road) is not a road under the jurisdiction of the Bay County Road Commission.

John Peters of 240 Athlone telephoned he had no problem with the request.

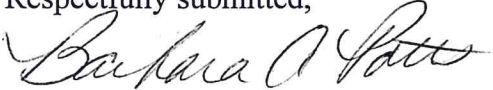
Mr. Wirt stated he purchased the adjacent property at 230 Athlone Beach. That house will be torn down. He is planning to add on to his existing home. In regard to the waterfront variance, they will not be extending farther out towards the water. He showed the Board members pictures on his laptop.

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

*Mr. Schisler moved to approve the petition filed by Douglas Wirt for property at 226 Athlone Beach which is on the Northeast side of Athlone Beach for the purpose of a side yard variance of 0.6' to be 7.4' (8' is required) and a waterfront setback variance of 32' to be 8' (40' is required) for an addition. The variance relates to the existing footprint of the home, not the proposed addition. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays, one (1) abstain. The motion passed. The applicant has six (6) months to pull a building permit or the variance would be 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 6:20 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator