

CHARTER TOWNSHIP OF BANGOR
ZONING BOARD OF APPEALS

MINUTES OF APRIL 16, 2013 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16th day of April, 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
ALTERNATE MEMBER PRESENT: LaPlant
MEMBER (S) ABSENT: Schisler

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 March 19, 2013. *Mr. Pilarski moved to approve the minutes as presented. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed.*

The next item on the agenda was a petition filed by Mark Sequin for property at 3666 Schumann Road which is on the South side of Schumann Road between Old Kawkawlin and Euclid for the purpose of a variance to permit a 6 to 1 depth to width ratio on proposed 89,988 square foot lot division (4 to 1 ratio is required) and a variance of 351 square feet to permit the existing 1,792 square foot detached accessory building on proposed 28,812 square foot lot division (1,441 square feet is allowed). Parcel is zoned Residential-3.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Mark Sequin for property at 3666 Schumann Road for the purpose of several lot variances. They have the following comment on the petition. An existing residence and accessory building are located on the parcel in question. Based on a site visit and the submitted drawing, it appears the intention is to split the parcel and construct an additional residence on the new, unoccupied parcel. If this is the case and the ZBA approves, the property owner will need to secure a permit from the BCRC for a driveway to the new residence.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed variance.

The fire department takes no exception to the petition filed by Mark Sequin for property at 3666 Schumann Road.

A letter from Shirley Buechler of 3648 Schumann Road was read.

Mr. Sequin stated the pole barn is now 100% complete. If he builds a new home, the existing home will be 100% done before he sells it. The existing home will be sold before he builds. He tries to be a good neighbor. He will get a Bay County Road Commission permit for a driveway. Mr. Sequin added he will meet with the Fire Department to see what they will require.

Mr. Pilarski stated the drawing showed a home was removed. He asked if the property was one parcel. Mr. Sequin stated the land was currently one parcel. The property had one deed but two addresses.

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

Neither Mr. Banaszak nor Mr. Phelps had a problem with the request.

Mr. Sequin added he had the property tested by the DEQ when he purchased it and it is not in the Flood Plain.

Mr. Pilarski stated the new parcel is more than adequate for the accessory building. There is not a negative impact on the neighbors.

Ms. Corrion moved to approve the petition filed by Mark Sequin for property at 3666 Schumann Road which is on the South side of Schumann Road between Old Kawkawlin and Euclid for the purpose of a variance to permit a 6 to 1 depth to width ratio on proposed 89,988 square foot lot division (4 to 1 ratio is required) and a variance of 351 square feet to permit the existing 1,792 square foot detached accessory building on proposed 28,812 square foot lot division (1,441 square feet is allowed). There is not a negative impact on the adjacent neighbors. The property is large enough to split. It will be a positive improvement. Mr. Phelps seconded the motion. Mr. Pilarski added the property is currently one parcel. The proposed lot is large enough for the accessory building. Five (5) ayes, no (0) nays, one (1) absent. The motion passed.

The next item on the agenda was a petition filed by Edward Neitzel for property at 4416 W. Park Drive which is on the West side of W. Park between North Union and Two Mile for the purpose of a 3' side and rear yard setback to be 7' (10' is required) for a swimming pool. Parcel is zoned Residential.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Edward Neitzel for property at 4416 West Park Drive for the purpose of a side and rear yard variance to construct swimming pool. They have the following comments on the petition. Based on the information received and a site visit, the swimming pool will be located in the backyard and will have no effect on the road right-of-way once constructed. HOWEVER, as they have experienced in the past, construction contractors have damaged the roadway and/or curb and gutter and used the roadway to stockpile sand or other material during construction. Further, if the swimming pool or appurtenances are to be constructed of concrete, the concrete company IS NOT allowed to clean their trucks into the storm system. If the BCRC is required to repair the roadway, curb and gutter and/or clean storm sewer due to material entering the system from the pool construction, the costs to do so will be charged to the homeowner.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed variance.

The fire department takes no exception to the petition filed by Edward Neitzel for the property at 4416 W. Park Drive.

Jerome Swantek of 4421 W. Park telephoned and said he had no objections.

Mr. Neitzel was given a copy of the comments.

Mr. Neitzel stated he works most weekends so they sold their boat. He and his wife decided to put in a pool. To meet the setbacks, the allowed pool would be smaller than what was worth putting in. Their house is set back of the road so their back yard is small. Mr. Neitzel added if they were to put in a 24' above ground pool, they would still need a variance.

Mr. Pilarski stated there isn't much room in the back yard.

Mr. LaPlant stated he works with Mr. Neitzel. He added without variances, the size of pool allowed would be impractical.

Mr. Neitzel stated the variance will allow them to move the pool a little further away from the house.

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

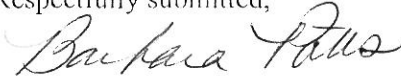
Mr. Phelps stated he appreciated the Road Commission's comments. He's seen this happen before.

Mr. Pilarski stated this is the best use of the lot.

Mr. Phelps moved to approve the petition filed by Edward Neitzel for property at 4416 W. Park Drive which is on the West side of W. Park between North Union and Two Mile for the purpose of a 3' side and rear yard setback to be 7' (10' is required) for a swimming pool. The hardship is the size of the lot and the location of the home on the lot. This creates a small rear yard. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Neitzel has 6 months to pull a building permit or his variance will be void.

Having no other business before the Board, Mr. Pilarski moved to adjourn. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed and the meeting was adjourned at 6:25 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator