

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

**MINUTES OF JULY 9, 2013 MEETING**

A special meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 9<sup>th</sup> day of July, 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, Schisler

MEMBER (S) ABSENT: None

Mr. Banaszak called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was recited.

**The item on the agenda was a petition filed by Roger Ziegelmann for property at 4141 S. Paul Circle which is on the North side of S. Paul Circle between Bangor Road and State Street Road for the purpose of a 3' variance to be 5' from the side lot line (8' is required) for an addition. Parcel is zoned Residential-3.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Roger Ziegelmann for property at 4141 S. Paul Circle, they have no objection to the petition.

The Fire Department feels the addition should be constructed with one-hour fire separation on the side requiring the variance.

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

Sue Annear of 4111 N. Paul Circle telephoned she sees no problem with the variance. Garage looks good. Does not look crowded.

A letter was read from Brian Hampshire, president of Liberty Square HOA, stating they do not oppose the request.

Tom Korthals, contractor, represented the request. He stated he submitted the building permit application with a drawing. The permit was received. After they started the project, Code Enforcement Officer Steve Hebert put a stop work order on the project. Mr. Korthals stated the property is on the inside circle of the subdivision. The lot is an irregular shape. Mr. Korthals handed out copies of his building permit application, drawings, photo, explanation of project, building permit, correction notice and copy of check for Zoning Board of Appeals application fee.

Mr. Korthals added he did not start the project until the permit was received. The building has footings, frames and roof. The reason this was stopped was because a neighbor was denied a similar variance and was mad. Mr. Korthals advised there was a mistake on the original drawing submitted. The building would be 5.5' from the property line, not 5'. When the correction notice was presented, Mr. Korthals stopped the project after the building was weather protected.

Joshua Ziegelmann of 4142 S. Paul Circle was encouraged to see building in the area. He supports the request. The lot has an irregular shape. The project should be allowed to continue.

There was no one in the audience against the request.

Mr. Pilarski stated the development of this subdivision has been before the Township for years. He is opposed to any variances requested because this is a new development. Mr. Pilarski stated he was in favor of bigger lots. He knew there would be issues with smaller lot sizes.

It was questioned how this matter was caught. Mr. Korthals stated the neighbor whose variance was denied made a complaint. Mr. Korthals stated he didn't catch the discrepancy and neither did the Building Inspector when he did the footing inspection.

Mr. Pilarski asked if the project could be altered to meet code. Mr. Korthals stated it would be a major modification. He added there was negligence on the Township's part. He applied and received a building permit. He assumed everything was compliant.

Ms. Corrion stated the lot is irregular in shape.

Mr. Phelps asked if the information that was handed out was submitted with the building permit application. Mr. Korthals stated it was.

Mr. Banaszak commented if this is approved, it will be an ongoing problem in the subdivision. They denied a similar request. This is a new development. The addition could go on the other side of the home. It is a self-created problem.

Mr. Pilarski asked if there was an alternative plan in place. Mr. Korthals stated no.

Mr. Korthals stated he was issued a permit for the project. The Township should have reviewed the drawing before the permit was issued. He stated the lot was one of the smaller ones in the subdivision.

*Mr. Schisler moved to approve the petition filed by Roger Ziegelmann for property at 4141 S. Paul Circle which is on the North side of S. Paul Circle between Bangor Road and State Street Road for the purpose of a 2.5' variance to be 5.5' from the side lot line (8' is required) for an addition. He stated each request is taken individually. Mr. Korthals applied for a permit with a drawing of what was proposed. This is not a self-created problem. The lot line angle did not get caught until after the project started. Ms. Corrion seconded the motion. Mr. Pilarski wanted it on record who caught the mistake. He wanted to make sure this didn't create future problems. Mr. Phelps noted the variance request change from 3' to 2.5'. A roll call vote was taken. Phelps-aye, Schisler-aye, Pilarski-nay, Banaszak-aye, Corrion-aye. Four (4) ayes, one (1) nay. The motion passed.*

*Having no other business before the Board, Mr. Schisler moved to adjourn. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:30 p.m.*

Respectfully submitted,

*Barbara A. Potts*

Barbara A. Potts  
Zoning Board of Appeals Coordinator