

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

MINUTES OF SEPTEMBER 20, 2011 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 20th day of September, 2011 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Corrion, Pilarski, Schisler
MEMBER (S) ABSENT: Phelps
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 16, 2011 and a special meeting held August 24, 2011. *Ms. Corrion moved to approve the minutes as presented. Mr. Schisler 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 Gary Moore & Jan O’Leary for property at 193 Hendrie (09010L1000019300) which is on the East side of Hendrie between Lagoon Beach Drive and the dead end for the purpose of a side yard variance of 4’ to be 4’ (8’ is required), a side yard variance of 8’ to be 4’ on the opposite side (12’ is required), and a variance of 12’ to be 8’ for total yard setback (20’ is required) for a carport. Parcel is zoned Residential-2.

Bradd Maki from the Bay County Department of Water & Sewer wrote that the DWS takes no exception to the proposed variances.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Gary Moore & Jan O’Leary for property at 193 Hendrie, they do not have any objections to the petition. Based on the petition and field review the new carport will be serviced by an existing driveway. The carport will be well off the existing right-of-way for Hendrie Boulevard.

Eric Krenz of 191 Hendrie telephoned and stated he had no issues with the request.

Mr. Moore stated the house was built in 1974 before the zoning ordinance. They would like a freestanding carport.

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

Mr. Schisler moved to approve the petition filed by Gary Moore & Jan O’Leary for property at 193 Hendrie (09010L1000019300) which is on the East side of Hendrie between Lagoon Beach Drive and the dead end for the purpose of a side yard variance of 4’ to be 4’ (8’ is required), a side yard variance of 8’ to be 4’ on the opposite side (12’ is required), and a variance of 12’ to be 8’ for total yard setback (20’ is required) for a carport. The home exists. The lot is small. The variances make the home conforming. The carport is not an issue. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Moore was told he had six months to pull a building permit or his variances would be null and void.

The next item on the agenda was a petition filed by Greg & Yevgeniya Kleynberg for property at 130 Little Killarney Beach (09010A3000001600) which is on the East side of Killarney Road for the purpose of a variance to allow a swimming pool in the front yard of a waterfront property (Zoning Ordinance only allows pools in the front yard of a waterfront property with a variance) and a variance to have a 6’ see-

through fence in the front yard (4' see-through fence is allowed). Parcel is zoned Residential-1.

Bradd Maki from the Bay County Department of Water & Sewer wrote that the DWS takes no exception to the proposed variances.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Greg & Yevgeniya Kleynberg for property at 130 Little Killarney Beach, they do not have any comment to the petition. This property is not accessed by a roadway under the jurisdiction of the Bay County Road Commission.

Mr. Kleynberg stated they would like a pool with a 6' see-through fence around it. No views are obscured. It would not be in the waterfront yard.

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

Mr. Pilarski commented the property has a double front yard. There is no negative impact. The 6' fence would add to the safety for the pool.

Mr. Pilarski moved to approve the petition filed by Greg & Yevgeniya Kleynberg for property at 130 Little Killarney Beach (09010A3000001600) which is on the East side of Killarney Road for the purpose of a variance to allow a swimming pool in the front yard of a waterfront property (Zoning Ordinance only allows pools in the front yard of a waterfront property with a variance) and a variance to have a 6' see-through fence in the front yard (4' see-through fence is allowed). There is no negative impact on the existing conditions. The 6' fence will add additional safety to the area. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Kleynberg was told he had six months to pull a building permit or his variances would be null and void.

The next item on the agenda was a petition filed by Sean Maxim for property at 383 Richards Road which is on the North side of Richards between Wheeler and the dead end for the purpose of a 3' side yard setback variance to be 2' (5' is required) for proposed accessory building; variance to allow a detached accessory building in the front yard (only allowed in side or rear yard); variance of 70 square feet to be 470 square feet for total square footage of accessory structures (400 square feet is allowed); 3' rear yard variance to be 2' (5' is required) to bring existing shed into compliance; 6' side yard variance to be 2' (8' is required); 9.5' side yard variance to be 2.5' (12' is required); variance of 15.5' for total side yards to be 4.5' (20' is required); and an 18' rear yard variance to be 22' (40' is required) to bring the existing home into compliance; and an 11' rear yard variance to be 14' (25' is required) to bring existing deck into compliance. Parcel is zoned Residential-2.

Mr. Maxim stated he would like a garage in the front yard. There is no room in the side yard to put in a drive to the rear yard. The home had a lot of additions put on before he purchased it. The deck was also existing when it was purchased.

Bradd Maki from the Bay County Department of Water & Sewer wrote that the DWS takes no exception to the proposed variances. However, the customer is responsible for damaged water and service lines on their property. The customer should be made aware that the existing water and/or sewer service lines may be affected by proposed garage installation, and the structure may pose as an obstruction should water and/or sewer service line require maintenance.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Sean Maxim for property at 383 Richards Road, they OBJECT to the petition. Based on the petition sketch and field review, the new garage will be located within the existing Richards Road right-of-way. Based on the tax map provided and assuming Richards Road is somewhat centered within the existing 66' road right-of-way, the proposed garage will encroach upon the road right-of-way in excess of 7 feet. The BCRC does not allow structures to be built within existing road right-of-way. Further, if the garage were moved back to the right-of-way line, we believe Township setback requirements would then come into play. Therefore, the property owner cannot build this

structure unless approval is secured from the BCRC.

Marlette Sharp of 290 Donohue Beach telephoned they had no problem with the request.

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

Mr. Pilarski commented the owner was not aware of the zoning conditions when the home was purchased. However, both the DPW and Bay County Road Commission object to the placement of the garage. A negative impact could occur. It is an issue.

Mr. Maxim stated he could move the placement of the garage back up to 10' and connect it to the deck.

Mr. Schisler stated if the garage is built and there's a problem with the water or sewer, the owner is solely responsible to repair the damage to the building. Mr. Maxim stated he is aware of that issue.

Mr. Schisler suggested approving the variances requested to get the home in compliance then postponing the variances related to the location of the proposed garage until the concerns of the BCRC are alleviated.

Mr. Schisler moved to approve the petition filed by Sean Maxim for property at 383 Richards Road which is on the North side of Richards between Wheeler and the dead end for the purpose of a 3' rear yard variance to be 2' (5' is required) to bring existing shed into compliance; 6' side yard variance to be 2' (8' is required); 9.5' side yard variance to be 2.5' (12' is required); variance of 15.5' for total side yards to be 4.5' (20' is required); and an 18' rear yard variance to be 22' (40' is required) to bring the existing home into compliance; and an 11' rear yard variance to be 14' (25' is required) to bring existing deck into compliance. Approving these variances brings the existing home into compliance. The layout of the home is not the fault of the current owner. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed.

Mr. Schisler moved to postpone until October 18, 2011, the petition filed by Sean Maxim for property at 383 Richards Road which is on the North side of Richards between Wheeler and the dead end for the purpose of a 3' side yard setback variance to be 2' (5' is required) for proposed accessory building; variance to allow a detached accessory building in the front yard (only allowed in side or rear yard); variance of 70 square feet to be 470 square feet for total square footage of accessory structures (400 square feet is allowed). Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed.

The last item on the agenda was a petition filed by Cindy Szenay for property at 314 State Park Drive which is on the East side of State Park Drive just South of Smith Road for the purpose of a side yard variance of 5' to be 3' (8' is required) for an attached garage. Parcel is zoned Residential-1.

Bradd Maki from the Bay County Department of Water & Sewer wrote that the DWS takes no exception to the proposed variances.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Cindy Szenay for property at 314 State Park Drive, they do not have any objections to the petition. Based on the petition and field review the new garage will be serviced by an existing driveway.

Ms. Szenay stated she would like an attached garage for her car. Mr. Szenay commented the property is well maintained and the garage would be on the existing driveway.

Mr. Pilarski asked what the hardship was. Mr. Szenay stated they were getting older. The garage would not encroach on anyone. They would like to be able to put their car inside especially in the winter. They don't have a carport.

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

Sieglin Bouckaert of 300 State Park Drive was against the variance. She stated there was not enough room in the front of the property. Their driveway is higher now and floods the neighbors. The garage will cause more flooding. Mr. Szenay stated the slope would remain the same.

Mr. Szenay stated he has a survey and knows where his property lines are. He added he spoke with the adjacent neighbor and she had no problem.

Mr. Pilarski stated the property owners are responsible for their own runoff. He added no hardship has been shown.

Mr. Schisler stated the garage could be placed in the side yard without a variance. There is no real hardship. It may not be the best layout but it is doable.

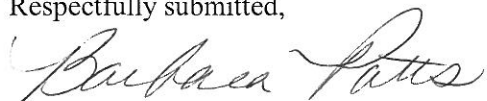
Mr. Banaszak commented the home is the closest to the road now. Ms. Corrion added there is room to utilize on the side. Mr. LaPlant stated the garage could be moved back along side of the house.

Mr. Pilarski moved to deny the petition filed by Cindy Szenay for property at 314 State Park Drive which is on the East side of State Park Drive just South of Smith Road for the purpose of a side yard variance of 5' to be 3' (8' is required) for an attached garage. Room exists to build without a variance. There is no hardship. Mr. Schisler seconded the motion then added the Board has to consider five factors when granting variances. This request does not meet one. It may be an increase in cost to build the garage in the side yard but financial reasons can't be used. Five (5) ayes, no (0) nays, one (1) absent. The motion passed and the request was denied.

Mr. Pilarski stated there hasn't been any business before the Planning Commission in a few months.

Having no other business before the Board, Mr. Pilarski moved to adjourn. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed and the meeting was adjourned at 6:35 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator