

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

**MINUTES OF AUGUST 16, 2022 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16<sup>th</sup> day of August, 2022 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Covaleski, DeShano, LaPlant, Weidner

MEMBER(S) ABSENT: None

Ms. Covaleski called the meeting to order at 6:00 p.m. Roll call was taken. The Pledge of Allegiance was recited.

**The first item on the agenda was approval of minutes of the July 19, 2022 regular meetings.** *Mr. Banaszak moved to approve the minutes of the regular meetings as presented. Mr. Weidner seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a petition filed by Tim Smith for property at 3157 W. Riverview Drive which is on the west side of Riverview Drive for the purpose of a waterfront line of sight variance for a covered porch to extend 12' from the home towards the water. Property is zoned Residential.**

Mr. Smith stated they have accurate measurements from the water. He needs a line of sight variance. No setback variance is needed.

Jim Lillo from the Bay County Road Commission wrote they have no comment/objection to the petition. The proposed construction is on the canal side of the property and has no impact on the road or road right-of-way.

No comments were received from the Bay County DWS.

The Fire Marshal has no issues.

Mr. Banaszak stated he had no issues with the request now that measurements were taken.

Mr. LaPlant wanted to make sure the porch will only be covered and not enclosed. Mr. Smith stated it would not be enclosed. He would only have 6"x6" columns.

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

*Mr. LaPlant moved to approve the petition filed by Tim Smith for property at 3157 W. Riverview Drive which is on the west side of Riverview Drive for the purpose of a waterfront line of sight variance for a covered porch to extend 12' from the home towards the water. The porch shall not be enclosed. Mr. Banaszak seconded the motion. A roll call vote was taken. DeShano-aye, Covaleski-aye, LaPlant-aye, Banaszak-aye, Weidner-aye. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.*

**The next item on the agenda was a petition filed by David Seymour for property at 3761 Bangor Road which is on the east side of Bangor Road between Hushen and Regan Roads for the purpose of a variance to have an accessory building on property without a primary structure. Property is zoned Residential.**

Mr. Seymour explained he purchased the property with the intent to build a home, but he is unable to get utility easements. He started to build a pavilion for his family to use while on the site then was told he needed a permit and variances. He would like a roof on the pavilion for shade or when it rains.

Mr. Seymour stated he has an access easement that runs along the house in front's property. He did get a fence permit.

Ms. DeShano asked if the posts were already there. Mr. Seymour stated they were, and he'd like a roof.

Jim Lillo from the Bay County Road Commission wrote they we have the following comment on the petition. If the accessory building is to be served by a new driveway or one located in a different location, a permit must be secured from the BCRC before any construction within the road right-of-way can occur.

No comments were received from the Bay County DWS.

The Fire Marshal has no issues.

Mr. Weidner asked if the pavilion was temporary. Mr. Seymour stated it was permanent. He would keep it after he built a home.

Mr. Banaszak stated there is no primary structure on the property. The Board has been very strict about allowing accessory buildings without one.

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

Gerald Courier of 3751 Bangor Road stated he tried to purchase the property, but it didn't work out. The property should have a primary structure before an accessory structure. Mr. Courier stated Mr. Seymour should have looked into what could be done on the property before he bought it. The rules should be followed.

Rick Hebner of 4348 Regan Road stated the property is very low. It already drains onto him. He doesn't want more water if the property is developed.

Courtney Rose of 3773 Bangor Road was concerned with cars and motorcycles driving fast down the easement next to where her children play.

Mr. Banaszak stated there was no easement.

*Mr. Banaszak moved to deny the petition filed by David Seymour for property at 3761 Bangor Road which is on the east side of Bangor Road between Hushen and Regan Roads for the purpose of a variance to have an accessory building on property without a primary structure. There is no hardship. Ms. Covalski seconded the motion. A roll call vote was taken. Weidner-aye, DeShano-aye, Covalski-aye, LaPlant-aye, Banaszak-aye. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a petition filed by Ruth Floyd for property at 3321 W. Douglas which is on the corner of Gregg and Douglas Drives for the purpose of a variance to have a 6' privacy fence in the front yard. Property is zoned Residential.**

Mr. Floyd stated she has a privacy fence on part of her yard. She has a chain link fence along Gregg Drive and wants a 6' privacy fence.

Jim Lillo from the Bay County Road Commission wrote they have no comments on the petition. Bangor Township ordinances prevent the fence from being installed on the road right-of-way.

No comments were received from the Bay County DWS.

The Fire Marshal has no issues.

Leslie Doan of 3322 W. Douglas wrote she was against the request.

Cheryl Jacobs of 3311 Boy Scout telephone she was against the request.

A resident who asked to remain anonymous stated he was opposed.

Mr. Banaszak stated the property has two front yards. Several other neighbors have a privacy fence.

Ms. Covaleski added the fence is consistent with the area.

Ms. Floyd explained she would like the fence for security and privacy.

Stacy Floyd of 3321 W. Douglas stated her mom's fence along Gregg has been there since she was little. Her mom wants privacy.

There was no one in the audience against the request.

Mr. LaPlant said the hardship was having two front yards. It seems as if the subdivision was designed to have corner lots facing the same way.

Mr. Banaszak stated there was a fence along the roadway.

*Mr. LaPlant moved to approve the petition filed by Ruth Floyd for property at 3321 W. Douglas which is on the corner of Gregg and Douglas Drives for the purpose of a variance to have a 6' privacy fence in the front yard. The hardship is property has two front yards and the design of the subdivision makes the variance necessary. Ms. Covaleski seconded the motion. A roll call vote was taken. DeShano-aye, Weidner-aye, Covaleski-aye, LaPlant-aye, Banaszak-aye. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.*

*Ms. Covaleski moved to hear the petition by Todd Reed next on the agenda. Ms. DeShano seconded the motion. Five (5) ayes, no (0) nays. All members were in favor.*

**The next item on the agenda was a petition filed by Todd Reed for property at 3831 Utah Drive which is on the north side of Utah Drive off of State Park Drive for the purpose of a waterfront variance of 7'6" to be 32'6" (40' is required) for a covered porch and a variance to replace the chain link fence in the waterfront. Property is zoned Residential.**

Mr. Reed explained they recently purchased the property. There was an old rusted out fence on the waterfront. One reason they bought the property was for the fenced in yard. They have dogs. They would like to replace the fence with a vinyl coated chain link. Mr. Reed stated he only wanted to replace what had been there. He added they would like a covered porch on the water side because there is no shade. The porch would be 15' off the house. They are behind everyone's line of sight. They do not want to enclose it.

Jim Lillo from the Bay County Road Commission wrote they have no comment on the petition. The proposed construction is on the waterfront side of the property and has no impact on the road or road right-of-way.

No comments were received from the Bay County DWS.

The Fire Marshal has no issues.

Sandy Engelhardt of 3836 Kawkawlin River Drive telephoned she had no objection.

Mr. Reed added the fence near the road will be removed. The fence on the left side of his property is still up.

Sue Wrege of 3829 Utah was in favor of the request.

Ms. Covaleski stated she had no issue with the porch. There is not an issue with the line of site.

Mr. LaPlant added there are a lot of fences in the area. If the property were purchased with the fence, there is an expectation the fence could remain.

Ms. Covaleski asked what the height of the fence was. Mr. Reed stated it would be 4'. Mr. LaPlant had no issue with the fence. Mr. Reed said the fence would be 1' from the seawall. They don't want to impede their view by enclosing the porch.

A discussion took place on the hardship.

*Ms. DeShano moved to approve the petition filed by Todd Reed for property at 3831 Utah Drive which is on the north side of Utah Drive off of State Park Drive for the purpose of a waterfront variance of 7'6" to be 32'6" (40' is required) for a covered porch and a variance to replace the chain link fence in the waterfront. The hardship is the angle of the home on the property. The fence is only being replaced. Mr. LaPlant seconded the motion. A roll call vote was taken. Banaszak-aye, Covaleski-aye, Weidner-aye, DeShano-aye, LaPlant-aye, Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.*

**The next item on the agenda was a petition filed by KFC/Signs by Crannie for property at 908 N. Euclid which is on the east side of Euclid between Fulton and Mosher for the purpose of a 19' side yard variance to be 1' (20' is required) for a sign. Property is zoned Commercial.**

Wayne Wiltse of Signs by Crannie represented the request. The existing KFC sign is not on the restaurant's property. Moe's is going onto the property where the sign currently is. The size of the proposed sign meets the ordinance requirements. The entire frontage of the property is driveway. The northwest corner is the only location the sign will work.

Ms. Covaleski stated Moe's site plan has been approved.

Ms. DeShano asked if bollards would surround the pole. He stated they would. The proposed sign is 17' high and smaller than the existing one.

Mr. LaPlant stated he would rather see the sign higher than have it block other signs nearby.

Jim Lillo from the Bay County Road Commission wrote they have no comment on the petition. The variance and proposed signage are under the jurisdiction of the township. Additionally, this is on a roadway under the jurisdiction of MDOT.

No comments were received from the Bay County DWS.

The Fire Marshal has no issues.

Dave Bell, owner of 908 N. Euclid stated he was responsible to move the KFC sign off the adjacent property. He agreed it may be better to move the sign to the south and make it higher.

Mitzi Dimitroff, owner of the adjacent building, explained the proposed location would block her multi-tenant sign. Her building is set back and is at a disadvantage. There is no visibility without the sign. Ms. Dimitroff added she thought a joint sign would work for the two restaurants.

A discussion took place on moving the sign and making it higher.

*Ms. Covaleski moved to postpone, for up to three regular meetings, the petition filed by KFC/Signs by Crannie for property at 908 N. Euclid. Ms. DeShano seconded the motion. A roll call vote was taken. DeShano-aye, Covaleski-aye, LaPlant-aye, Banaszak-aye, Weidner-aye. Five (5) ayes, no (0) nays. The motion passed.*

**The last item on the agenda was a petition filed by Johnson Sign Co. for property at 3963 Wilder Road which is on the north side of Wilder between State Park Drive and State Street Road for the purpose of a variance to place a second wall sign on the east elevation. (1 wall sign is allowed). Property is zoned Commercial.**

A representative from Johnson Signs represented the request. He stated they would like a wall sign on the east side of the building to let customers know it was an entrance also. It would be a five square foot, back lit sign.

Ms. DeShano asked if the second sign was customary. He stated it was. The building has to meet the franchise requirements.

Jim Lillo from the Bay County Road Commission wrote they have no comments on the petition. Signage is under the jurisdiction of the township

No comments were received from the Bay County DWS.

The Fire Marshal has no issues.

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

A representative from Rally's across the street stated they would like to have two signs also. He was informed Rally's was on the City's side of Wilder.

*Ms. Covalesski moved to approve the petition filed by Johnson Sign Co. for property at 3963 Wilder Road which is on the north side of Wilder between State Park Drive and State Street Road for the purpose of a variance to place a second wall sign on the east elevation. (1 wall sign is allowed). There is a need to identify the entrance to customers. Mr. LaPlant seconded the motion. A roll call vote was taken. Weidner-aye, DeShano-aye, Covalesski-aye, LaPlant-aye, Banaszak-aye. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit, or the variance is null and void.*

Having no other business before the Board, Mr. Banaszak moved to adjourn the meeting. Mr. Weidner seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:15 p.m.

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator