

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

**MINUTES OF MAY 21, 2019 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21<sup>st</sup> day of May, 2019 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Corrion, DeShano, Banaszak

MEMBER (S) ABSENT: Covaleski, Phelps

ALTERNATE MEMBER PRESENT: Ruff

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 minutes of the April 16, 2019 regular meeting.** *Ms. Corrion moved to approve the minutes of the April 16, 2019 regular meeting. Ms. DeShano seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

**A petition was filed by Gerald Morin for property at 255 Lagoon Beach Drive which is on the North side of Lagoon Beach Drive between Lincoln and River for the purpose of a 4' side yard variance to be 4' on the West side (8' minimum is required); 2.5' side yard variance to be 5.5' from the East line (8' minimum is required); total side yard variance of 10.5' to be 9.5' (20' is required); a 5' waterfront setback variance to be 35' and in line with adjacent neighbors (40' is required); a variance of 128 square feet to be 1,072 square feet to rebuild home that was destroyed by a fire; and a waterfront variance of 8' to be 27'to have a deck and for the deck to be 24" high.**

The Fire Marshal had no comment.

The Bay County Road Commission wrote they have the following comment on the petition. As with virtually all the roadways that provide access to homes on or adjacent to the beaches or riverfronts in Bangor Township, the garage should be set back at least as far as the neighboring garages and further, if possible. These roads are very challenging for the BCRC to maintain and any opportunity to relieve some of the congestion near the roadway edge should be seriously considered.

Mr. Morin stated the burned portions of the home will be replaced. The decks and ramp will remain. He added a survey was done and his measurements may be off by a couple of inches.

Ms. Corrion asked if the home would be put on the same foundation. Mr. Morin stated it would be.

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

Ms. Corrion commented she did not have an issue since the home was going on the same footprint. Mr. Ruff agreed.

*Ms. Corrion moved to approve the petition filed by Gerald Morin for property at 255 Lagoon Beach Drive which is on the North side of Lagoon Beach Drive between Lincoln and River for the purpose of a 4' side yard variance to be 4' on the West side (8' minimum is required); 2.5' side yard variance to be 5.5' from the East line (8' minimum is required); total side yard variance of 10.5' to be 9.5' (20' is required); a 5' waterfront setback variance to be 35' and in line with adjacent neighbors (40' is required); a variance of 128 square feet to be 1,072 square feet to rebuild home that was destroyed by a fire; and a waterfront variance of 8' to be 27'to have a deck and for the deck to be 24" high. The home was destroyed by a fire and it is being rebuilt on the same foundation. There may be a slight difference in measurements due to a recent survey but only by inches. Mr. Ruff seconded the motion. Four (4) ayes,*

*no (0) nays. The motion passed. The applicant has up to six months to pull a building permit or the variances are null and void.*

**The next item was a petition filed by Ronald Herman for property on Pine Street/Sunrise Avenue which is on the North side of Pine and West side of Sunrise for the purpose of 15' front yard (Sunrise) setback to be 10' (25' is required) and a 30' rear yard (North side) setback to be 10' (40' is required) for allow enough room for a septic system for a home and a garage. Property is zoned Residential.**

The Fire Marshal had no comment.

The Bay County Road Commission wrote they have the following comment on the petition. The provided drawings show the proposed home to be setback 10' from the road right-of-way line. If this is the case, it appears there will be adequate room for maintenance crews to complete their activities. However, if the home is going to be located closer to the road EDGE than 30', they object to the petition. They do not want to create a situation where snow removal equipment either, ends up piling snow against the home (in the case of a winter with a high amount of snowfall) or throwing snow against the home while plowing.

Letter of opposition from Janet McAdams of 60 Willow Road was received

Mr. Herman stated he is asking for the proposed setbacks for the location of a septic system. The home will not be too close to the road.

Mr. Ruff asked if the 25' setback was from the road or the right-of-way. Mr. Herman stated it was from the road.

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

Larry Moffet of 200 Sunrise stated the home would be too close to the road. Mr. Herman's current property is blighted. Mr. Herman may be putting junk on Mr. Moffet's property. Mr. Herman has an incomplete shed.

Jay Taylor of 300 Sunrise stated the Sunrise setback will block views. The lot is too small for what is proposed.

Mr. Banaszak asked if DEQ or Health Department approval was given. Mr. Herman explained he couldn't get the permit unless the variance was approved.

Mr. Banaszak read aloud a portion of an email from Joel Kwiatkowski of the Bay County Health Department explaining what Mr. Herman needed in order to get a septic permit.

Mr. Banaszak commented he was not comfortable making a decision on the request without more information. A better plan needs to be presented and more information submitted.

Ms. DeShano stated the Road Commission would like the home to be 30' off the road and the proposed location is 10'.

*Ms. Corrion moved to postpone until the June 18, 2019 meeting, the petition filed by Ronald Herman for property on Pine Street/Sunrise Avenue which is on the North side of Pine and West side of Sunrise for the purpose of 15' front yard (Sunrise) setback to be 10' (25' is required) and a 30' rear yard (North side) setback to be 10' (40' is required) for allow enough room for a septic system for a home and a garage. Property is zoned Residential. Mr. Banaszak seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

**A petition was filed by Jeff & Kristin Wade for property at 365 Richard Road which is on the North side of Richards Road off of Bangor Road for the purpose of 28.5' rear yard variance to be 11.5' (40' is required) to bring the existing home into conformance. Property is zoned Residential.**

The Fire Marshal had no comment.



Donald & Cheryl Hayes of 277 Donahue, owner of two parcels, had no objection.

The Bay County Road Commission wrote they have no objection to the petition. Based on review of the Bay County GIS aerials and the information submitted, the existing home and garage are not located in close proximity to the road right-of-way and will not affect the maintenance activities of the BCRC.

Mr. Wade stated they would like to build an attached garage but in order to do so they needed a variance for the existing house's rear yard setback.

Mr. Ruff stated the variance is to bring the existing home into conformance.

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

Johnnie Jones of 349 Richards Road was opposed to the request. The existing shed is too close to the property line. The garage will block his view. The request is not acceptable.

Greg Christie of 347 Richards Road stated he was against the request. He didn't want to look at a wall.

Mr. Ruff asked if the Wade's considered moving the garage more toward the back. Ms. Wade stated if it was moved, the rear yard setback would not be met. They would like it in front. The proposed location will not block the road.

Mr. Banaszak stated he understood why they wanted the garage in front. He added there are lots of garages near the road.

Ms. Corrion stated the variance is to make the property more conforming.

Ms. DeShano stated the variance is to bring the existing home into conformance.

*Ms. DeShano moved to approve the petition filed by Jeff & Kristin Wade for property at 365 Richard Road which is on the North side of Richards Road off of Bangor Road for the purpose of 28.5' rear yard variance to be 11.5' (40' is required) to bring the existing home into conformance. Ms. Corrion seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

**A petition has been filed by Advance Sign Group/Dunham's Sports for property at 4101 Wilder Road which is on the North side of Wilder Road between State Street Road and Bangor Road for the purpose of 251 square foot variance to have 331 square feet of signage (80 square feet is allowed). Property is zoned Commercial.**

The Fire Marshal had no comment.

The Bay County Road Commission wrote they do not have any comment on the petition. This issue is signage related and tasked under the jurisdiction of the Township.

See letter of support from Barbara Behmlander of Lormax Stern.

Chad Sprague of Higher Image represented the request. He explained the proposed sign is a standard format for Dunham's. The proposal exceeds what was previously approved for Younkers.

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

Mr. Banaszak commented sign variances have been granted for the mall but none that large.

Mr. Sprague stated the corrugated area counts toward the square footage.

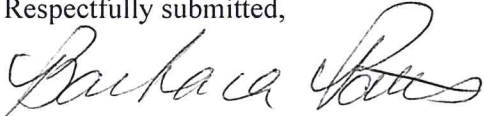
A discussion took place on the large size and other nearby signs.

Mr. Banaszak stated the other signs are located on the sign belt but this one is not. The consensus of the Board was that the proposed sign was too big.

*Ms. Corrion moved to postpone until the June 18, 2019 meeting, the petition filed by Advance Sign Group/Dunham's Sports for property at 4101 Wilder Road which is on the North side of Wilder Road between State Street Road and Bangor Road for the purpose of 251 square foot variance to have 331 square feet of signage (80 square feet is allowed). Mr. Ruff seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

Having no other business before the Board, Mr. Banaszak adjourned the meeting. The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara A. Potts".

Barbara A. Potts  
Zoning Board of Appeals Coordinator