

CHARTER TOWNSHIP OF BANGOR  
ZONING BOARD OF APPEALS

MINUTES OF APRIL 18, 2017 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 18<sup>th</sup> day of April, 2017 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Corrion, LaPlant, and DeShano

MEMBER (S) ABSENT: Banaszak, Phelps

ALTERNATE MEMBER PRESENT: Dore

Ms. Corrion called the meeting to order at 6:02 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 21, 2017. Mr. LaPlant moved to approve the minutes as presented. Ms. DeShano seconded the motion. Four (4) ayes, no (0) nays. The motion passed.**

**The next item was a petition filed by Rick & Margaret DuBay for property at 4954 Oak Street which is on the South side of Oak Street for the purpose of a variance to: have an accessory building without a primary structure; a side yard variance 2' to be 3' (5' is required with eave troughs); a front yard variance of 4' to be 21' (25' is required); a variance to have accessory structure in the waterfront yard; 10' variance to have accessory structure 30' from waterfront line (40' minimum is required); a variance to have a 4' chain link fence in the waterfront; and a variance to have a 4' chain link fence front yard. Parcel is zoned R-2.**

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission wrote they do not have any objection to the petition. Based on the plan submitted, construction will be sufficiently away from the roadway as not to interfere with BCRC maintenance activities. As with all construction requests for Kawkawlin River or Saginaw Bay related parcels, the new construction should not be any closer to the road than absolutely necessary, as to avoid any possible interference with BCRC activities.

Mr. Alvin Guthrie wrote he was not in favor.

Thomas Young of 4930 Oak Street state he was opposed to the variance.

Ms. DuBay explained they would like a shed to store their lawn furniture, barbeque, etc. Things have been stolen from them in the past and would like to keep things secure. They would also like a 4' chain link fence to keep their dogs and grandchildren contained and keep the geese, ducks and stray dogs out. The chain link would not block any views.

Mr. LaPlant asked if the dock would stay in its current location. Ms. DuBay stated it would. They own 2/3 of the lot.

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

Tom Young of 4930 Oak Street stated he was opposed to the fence. If anyone hangs or leans something on the

fence, the view will be blocked.

Gary Poirer, owner of a few lots in the area, stated the split rail fence stops 20-30' from the water. The view is valuable.

Angie Matuszewski of 110 Pine Road stated the building should be built to the zoning laws. She was opposed to the fence.

Sharon Mitchell of 101 Oak Street agreed with all the comments.

Mr. LaPlant asked that the variances be broken down between the accessory building and the fence. A 4' fence won't offer any protection. Ms. DeShano agreed.

Mr. Dore asked what the height of the building would be. Ms. DuBay stated it would be around 11' high.

Ms. Corrion stated the Zoning Board of Appeals is protective of the line of sight.

*Mr. LaPlant moved to approve petition filed by Rick & Margaret DuBay for property at 4954 Oak Street which is on the South side of Oak Street for the purpose of a variance to: have an accessory building without a primary structure; a side yard variance 2' to be 3' (5' is required with eave troughs); a front yard variance of 4' to be 21' (25' is required); a variance to have accessory structure in the waterfront yard; and a 10' variance to have accessory structure 30' from waterfront line (40' minimum is required). Not all of the setbacks can be met due to the size of the lot. The property is not large enough to have a primary structure on it. Mr. Dore seconded the motion. Four (4) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.*

*Mr. LaPlant moved to deny the petition filed by Rick & Margaret DuBay for property at 4954 Oak Street which is on the South side of Oak Street for the purpose of a variance to: to have a 4' chain link fence in the waterfront; and a variance to have a 4' chain link fence front yard. Any fence would encroach into the waterfront line of sight. Ms. DeShano seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

**The next item was a petition filed by Wayne & Sylvia Eyre for property at 490 Revilo which is on the west side of Revilo between Lagoon Beach Drive and Pembroke for the purpose of a variance to increase a non-conforming use by adding an attached accessory building (Non-conformity is caused by current zoning and carport is considered attached due to it being less than 10' from home); and a 666 square foot variance to have 1,865 square feet of attached accessory structures (1,190 square feet is allowed). Parcel is zoned RMH.**

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission wrote they have no objection to the petition. The proposed construction is well away from the road and will not affect BCRC maintenance activities.

A letter of opposition from Dennis & Alana Beyer was received.

Ms. Eyre explained when they were previously approved for a variance; they discovered they needed more room. They have two single car garages but they aren't large enough to work in. They were never told a building permit was required. The 20'x20' carport was not large enough. The windows were given to them and they met building regulations. The carport makes their life easier.

Mr. LaPlant commented the approved minutes state they were told they had six months to pull a building permit. The minutes also stated the Eyre's would not be enclosing the carport. The carport is partially enclosed now.

Ms. Corrion stated the minutes are a legal document and state a building permit was required within six months or



the variance was void.

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

Rod Reynolds of 370 Revilo stated at last year's meeting, the Eyre's said there would be no sides. Mr. Reynolds presented pictures of the structure. He believes there is a room made of steel doors in the carport and pontoon railings. It has gotten out of control. The structure blocks the view going down the road. He requested the variances be denied.

Mr. LaPlant commented the situation is unfortunate. If a 32'x21' carport would have been requested originally and it would have remained open, there wouldn't be a problem. The carport was to keep cars out of the sun. What has been done is not a preferred building method.

Mr. Dore stated he was not on the Board at that time. However, the minutes indicate there would be no sides on the carport. Ms. DeShano commented the sides should be removed at the very least.

Ms. Eyre stated the walls are not permanent. Mr. LaPlant noted the original intention was there was to be no sides.

Mr. Dore asked Mr. Reynolds if he was opposed to the size of the carport at 32'x21'. Mr. Reynolds stated he was. It blocks the view to the road. If the 20'x21' structure was just a carport, then it would be fine. But it's not.

Ms. Corrion stated she would not be in favor of a 32'x21' carport. The sides on it are a different issue.

Mr. LaPlant indicated the variance from last year is now null and void. The Board discussed approving a 20'x21' carport. The square footage on the request needed to be changed.

*Mr. LaPlant moved to approve the petition filed by Wayne & Sylvia Eyre for property at 490 Revilo which is on the west side of Revilo between Lagoon Beach Drive and Pembroke for the purpose of a variance to increase a non-conforming use by adding an attached accessory building (non-conformity is caused by current zoning and carport is considered attached due to it being less than 10' from home); and a 414 square foot variance to have 1,613 square feet of attached accessory structures (1,190 square feet is allowed). The carport accessory building shall be 20'x21', shall not have sides and shall remain open. There is no other location on the property for the carport. Ms. DeShano seconded the motion. Four (4) 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 Michael & Brenda McKenna for property at 403 Ricoma Beach which is on the west side of Ricoma Beach Road for the purpose of a variance to allow an accessory structure on a parcel without a primary structure. Parcel is zoned Residential.**

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission wrote they have no objection to the petition. Based on the plan submitted, construction will be sufficiently away from the roadway as not to interfere with BCRC maintenance activities. As with all construction requests for Kawkawlin River or Saginaw Bay related parcels, the new construction should not be any closer to the road than absolutely necessary, as to avoid any possible interference with BCRC activities

Mr. McKenna explained he would like a garage across the road from his home. It would be to store outdoor equipment, bikes, lawn mowers, etc. Currently, he is keeping those things in his neighbor's garage. He worked with the Bay County Road Commission to find the property stakes. The proposed building will meet all the setbacks. It will be one story.

Ms. Corrion stated this was not an unusual request.

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

Mr. LaPlant commented the hardship was the lot, with the primary structure, was not large enough for an accessory building.

*Mr. LaPlant moved to approve the petition filed by Michael & Brenda McKenna for property at 403 Ricoma Beach which is on the west side of Ricoma Beach Road for the purpose of a variance to allow an accessory structure on a parcel without a primary structure. The parcel is located directly across the road from the primary residence. There is no room on the primary lot. Ms. DeShano seconded the motion. Four (4) 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 last item on the agenda was a petition filed by Marathon Engineering for property at 3983 Wilder Road which is on the North side of Wilder between State Street Road and State Park Drive for the purpose of a variance of 4 parking spaces to have 45 (49 is required) and a variance of 3 spaces to have 2 spaces between the pick-up window and the order station (5 is required); a variance of 8 stacking spaces to have 2 in the queue prior to the order station (10 is required); and a variance to have a total of 5 building signs (1 sign is allowed on each road frontage). Parcel is zoned Commercial-2.**

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission wrote they have no comment regarding petition. Parking and signage allowances are included within the ordinances adopted by the Township. As long as the requested signage does not create a sight obstruction for vehicles entering or exiting the property, we have no objection to the request.

Adam Fishel of Marathon Engineering represented the request. He explained Panera Bread would like to construct a 3,100 square foot restaurant. The project has had preliminary site plan review by the Planning Commission. Mr. Fishel stated the reduced number of parking spaces is due to the site configuration and need to circulate a large delivery truck. The second variance listed is not needed. Mr. Fishel explained the variance for number of vehicles in drive through stack is due to their belief the proposed number is adequate. Panera has less drive through business than Panda Express. Cars will not be backed up onto State Street or Wilder Road.

Mr. Fishel explained the request for the number of building mounted signs was because the corporate standard signage is simple and understated. This reduces visual clutter. The five proposed wall signs are less in total square footage than was is allowed.

Mr. Fishel brought to the Board's attention that a variance was missed on the notification. Ms. Potts assured him the matter would be corrected.

Mr. LaPlant asked if the traffic study for Panera was completed. Mr. Fishel stated it was finished and he would get the Township a copy.

Mr. LaPlant commented he was glad the size of the parking spaces remained to code. He preferred fewer spaces over smaller ones. The proposed signage is the industry standard. The Township's signage requirements are restrictive.

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

*Mr. LaPlant moved to approve the petition filed by Marathon Engineering for property at 3983 Wilder Road which is on the North side of Wilder between State Street Road and State Park Drive for the purpose of a variance of 4 parking spaces to have 45 (49 is required); a variance of 8 stacking spaces to have 2 in the queue prior to the order station (10 is required); and a variance to have a total of 5 building signs (1 sign is allowed on each road frontage). Parcel is zoned Commercial-2. The subject property is on a corner. The proposed signage is branded*

*company's industry standard. The size of the parking spaces remains the same even though there will be less than what is required. The flow of traffic will not be impacted. Mr. Dore seconded the motion. Four (4) 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, Ms. DeShano moved to adjourn. Mr. LaPlant seconded the motion. Four (4) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:20 p.m.*

Respectfully submitted,

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

Barbara A. Potts  
Zoning Board of Appeals Coordinator