

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

MINUTES OF AUGUST 21, 2012 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21st day of August, 2012 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

ALTERNATE MEMBER PRESENT: None

MEMBER (S) ABSENT: Schisler

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 July 17, 2012. Ms. Corrion moved to approve the minutes as presented. Mr. Banaszak seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed.

The next item on the agenda was a petition filed by Pam & Don Knoellinger for property at 830 Shady Shore which is on the South side of Shady Shore between Pine Road and Patterson for the purpose of a variance to allow location of a swimming pool in a front yard of a corner lot (Pools shall be located in a side or rear yard in non-waterfront lots). Parcel is zoned Residential-2. This item was removed from the agenda.

The next item on the agenda was a petition filed by Barrett Sign Inc. for property at 803-1 N. Euclid Avenue which is on the West side of Euclid Avenue between North Union and Kiesel for the purpose of a variance to permit an individual business sign (No sign allowed for individual business but the area of one sign is allowed to be allocated for use by individual tenants.). Parcel is zoned Commercial-2.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Barrett Sign, Inc. for property at 803-1 N. Euclid Avenue (M-13) for a business sign variance they have no comment on the petition. Based on the information received, the proposed sign is not located along road right-of-way under the jurisdiction of the Bay County Road Commission. Euclid Avenue (M-13) is under the jurisdiction of MDOT, which should be contacted to determine if they have any requirements for sign placement in or near their right-of-way.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed variance using the existing pole. However, if sign is to be in an alternate location, existing water and sewer service lines of the property must be considered with minimum 10 feet separation recommended.

Fire Marshal Bailey wrote the Fire Department takes no exception.

Don Hundley from MDOT wrote MDOT has a clear vision corner here. Draw a line between 150' West of North Union and 300' North on M-13. The rest is normal right of way at 60' from center line. As long as they are outside of that, they have no issues.

Millars of Bay City telephoned they had no objections.

Lori Eager of Barrett Sign stated the Payless Sign has been there since 1994. The sign shows traffic the location of the store. The business would be hurt without the sign. A multi-tenant sign and the Little Caesar's sign exist in the area. It would be hard to find the Payless store without a freestanding sign.

Ms. Corrion asked if there was a sign. Ms. Barrett stated the pole is there but a semi demolished the Payless sign and it had to be removed.

Mr. LaPlant entered the meeting at 6:10 p.m.

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

Ms. Corrion asked if the proposed sign would be the same size as the previous one. Ms. Barrett stated it would be exactly the same size, 8'x10'.

Mr. Pilarski inquired if Payless asked Little Caesar's if they wanted to do a joint sign. Ms. Barrett stated they did not.

Ms. Corrion moved to approve the petition filed by Barrett Sign Inc. for property at 803-1 N. Euclid Avenue which is on the West side of Euclid Avenue between North Union and Kiesel for the purpose of a variance to permit an individual business sign. (No sign allowed for individual business but the area of one sign is allowed to be allocated for use by individual tenants.) The sign was demolished when it was hit. Without a sign, there would be less business for the store. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. Payless was told they had six months to pull a building permit or the variance would be void.

The next item on the agenda was a petition filed by Barbara Killeen for property at 218 Athlone Beach which is on the East side of Athlone Beach between Killarney Beach and Ricoma Beach for the purpose of a 2.5' side yard variance to be 5.5' (8' is required) for the addition. Should consider a side yard variance of 6.05 to be 1.95' (8' is required) and a total side yard setback variance of 8.85' to be 11.15' (20' required) for the existing house. Parcel is zoned Residential-2.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Barbara Killeen for property at 218 Athlone Beach for setback variances for an addition, they have no comment to the petition. Based on the information received, the house and therefore proposed addition is not located along road right-of-way under the jurisdiction of the Bay County Road Commission. This location is on a private drive/road.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed variance. However, water meter relocations and water and sewer service disconnections, reconnections, and/or relocations shall require coordination through DWS including on-site inspections prior to burying water and sewer lines.

Fire Marshal Bailey wrote the addition should be constructed providing for one-hour fire separation from the north adjoining property.

Morrow Ford of 206 Athlone Beach telephone he had no objections.

Richard Brown of 218 Athlone Beach telephoned he had no objections.

Don Goekel telephoned he had no objections.

Louis Janke of 230 Athlone Beach telephoned he had no objections.

Joe Shotwell represented the request. He stated this is for a side yard variance. The house is non-conforming. The unattached garage that was removed was closer to the property line than the proposed addition.

Mr. Pilarski stated a one-hour fire rated wall may be required along the entire North side of the building, including the existing home. Mr. Shotwell stated once the siding was off, it should not be a problem.

Ms. Corrion asked what the second half of the variance meant. Mr. Shotwell explained it was to bring the existing home into conformity.

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

Mr. Pilarski moved to approve the petition filed by Barbara Killeen for property at 218 Athlone Beach which is on the East side of Athlone Beach between Killarney Beach and Ricoma Beach for the purpose of a 2.5' side yard variance to be 5.5' (8' is required) for the addition. Should consider a side yard variance of 6.05 to be 1.95' (8' is required) and a total side yard setback variance of 8.85' to be 11.15' (20' required) for the existing house. The variance will improve the existing structure. The existing structure was grandfathered in. This will decrease the non-conformity of the building. Mr. LaPlant seconded the motion. Five ayes (5), no (0) nays, one (1) absent. The motion passed. Ms. Killeen was told she had six months to pull a building permit or the variance would be void.

The next item on the agenda was a petition filed by Bay Regional Medical Center for property at 3250 E. Midland Road which is on the South side of Midland Road between Two Mile and Euclid for the purpose of a height variance of 120'4" to be 155'4" (35' is allowed); a variance of .5 stories to be 3 stories (2.5 stories is allowed) and a variance of 576 parking spaces to have 435 parking spaces (1,011 parking spaces required). Parcel is zoned Residential-3.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Bay Regional Medical Center (McLaren West Campus) for property at 3250 East Midland Road, they have the following comment to the petition.

Referring to the petition submitted by McLaren West Campus (same address/location) for the May 16, 2006 ZBA meeting and the BCRC's response to that request (May 5, 2006 BCRC letter): *"Will require reconstruction of Professional Drive at Midland Road. We urge the Township to insist that both drives to McLaren's West Campus be brought up to standards for commercial drives. No further development should be allowed until both drives are fixed."* Subsequent discussions occurred between the BCRC and McLaren before and after the May 16th, 2006 ZBA meeting regarding upgrading the two existing commercial drives that serve this location. They understood the development proposed in 2006 and subsequently built, would not result in a large increase in driveway traffic. Thus, the BCRC did not require the two entrances to be upgraded to current standards at that time. However, they further understood McLaren was to investigate and plan for upgrading the entrances (especially the western access) ahead of any future development at the site.

Based on the information received, the size and use of the proposed addition/building, they "assume" a large amount of traffic will not be generated by this development. The problem they foresee is the slow addition of buildings over a period of years, all of which that, individually, do not generate "a lot of traffic", but eventually and collectively they will generate appreciably more traffic than existed six years ago.

Therefore, they are requesting McLaren provide the BCRC with their future plans and timetable for upgrading the two entrances to their facility to current BCRC standards. They are especially concerned about the western entrance, as it currently has visibility issues for vehicles both entering and exiting.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed variance.

Fire Marshal Bailey wrote the Fire Department takes no exception.

Bay County Drain Commission wrote most of the area is impervious already. There is a major detention basin behind it. Drainage from the new building will not have much effect.

Kurt Fogelsonger represented the request. A handout with the rationale behind the variances was given to the Board. He stated the three-story building would be built between the J-ROC and CORF buildings. The height on the notice was incorrect. It should be a variance of 20'4" to be 55'4".

Mr. Fogelsonger stated this is a permitted use in a R-3 zoning. It is an institutional site. Their proposal is appropriate. It will be a one-stop cancer center. There are a lot a mechanical systems and a 14'4" floor height is needed. This is a unique request because the property is zoned R-3. It is not self-created. The use has been allowed since the 1960's.

Mr. Fogelsonger advised 435 parking spaces exist. A survey was done on the parking and the results showed the highest volume was at shift change with only 227 spaces taken. Most of the time, the lot was half full.

Mr. Pilarski asked if the staff would be full time, meaning 24/7. Mr. Fogelsonger stated this would be an 8-5 operation.

Mr. Pilarski stated the variance stays with the property. If the intent changes, after the variance is granted, what recourse would the Township have to require more parking?

Mr. Fogelsonger explained they expect 100 additional cars with this project which would mean 108 surplus parking spaces. It was asked if there was room if more parking was required. Mr. Fogelsonger explained there was room if needed, but they do not believe it's needed.

Mr. Fogelsonger stated they have met with the Fire Marshal to discuss hydrant locations and truck access.

Mr. Fogelsonger stated the ordinance requirement for parking exceeds the actual need for the site. The variance would allow for the proper amount of parking to be provided for the site in lieu of having vast lots of unused paved areas. Adding more parking would benefit no one. The unique circumstance with this property is the size and use. The ordinance may be appropriate for smaller single building sites but is out of proportion for this site and use. The problem is not self-created. The ordinance does not take into consideration the size of the site nor the number of buildings on site.

Mr. Pilarski stated the Planning Commission meets on August 22, 2012. The entrances and parking will be discussed.

James Bourdon from Bay Regional Medical Center commented he spoke with someone from the Bay County Road Commission and he was told the traffic volume was not high enough for them to make a change to the entrances. Mr. Phelps stated the BCRC has concerns with the West entrance. Mr. Fogelsonger stated the drives were made for what exists. This was a 24/7 care facility at one time.

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

Arthur Buss of 3164 Midland Road stated his property borders the site on the West side. He was asked to sell off 17' to Bay Med several years ago. This issue has been going on for a while. He did not sell any of his property.

Rick Pudvan of 4845 Two Mile disagreed with the Drain Commission's comments. He never had water in his basement until August 10th. The water is not draining properly in this area. This needs to be researched. He was concerned if there was enough access if there was a fire. Mr. Pudvan does not want to look at a 3-story building. He would like a buffer. He would like the drainage taken care of.

David Smith of 3076 Midland Road asked for clarification of the location. He commented the property in the back floods.

Mr. Pilarski had serious concerns about granting the parking variance. Health care changes year to year. He wanted to know what recourse the Township had if the use changes. Ms. Corrión commented patient satisfaction is very important when it comes to accreditation. She does not believe Bay Med would take that risk.

Mr. Bourdon commented the building would be sprinkled and they propose more than what is needed for fire

protection.

Mr. LaPlant asked if this would hamper the drives being improved if the variances were approved.

A discussion took place on postponing the parking space variance.

Mr. Phelps moved to postpone until the September 18, 2012 meeting, the petition filed by Bay Regional Medical Center for property at 3250 E. Midland Road for the purpose a variance of 576 parking spaces to have 435 parking spaces (1,011 parking spaces required). Mr. LaPlant seconded the motion. Four (4) ayes, one (nay)-Corrion, one (1) absent. The motion passed.

Ms. Corrion moved to approve the petition filed by Bay Regional Medical Center for property at 3250 E. Midland Road for the purpose of a height variance of 20'4" to be 55'4" (35' is allowed) and a variance of .5 stories to be 3 stories (2.5 stories is allowed). There is no negative impact on adjacent areas. The addition will be between two existing structures. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. They were told they had six months to pull a building permit or the variance would be void.

Mr. Pudvan commented he had a problem with no one taking account of his comments. The residents should get a vote.

The last item on the agenda was a petition filed by Paul Sprague for property at 3988 Sequin Road which is on the North side of Wilder between Castle and Ranch for the purpose of a variance to allow an accessory building erected at the side lot line to project into the front yard setback line; a front yard setback variance of 12' to be 13' (25' is required) for an accessory building that is within 10' of the principle building). Parcel is zoned Residential-3.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Paul Sprague for property at 3988 Sequin Drive, they have no objection to the petition. Based on a site review and the drawing submitted, the construction of the accessory building will not adversely affect the BCRC's maintenance operations within the existing road right-of-way.

Bradd Maki from the Bay County Department of Water and Sewer wrote the DWS takes no exception to the proposed variance. Verify water and sewer service locations and maintain recommended 10' separation from structures. Curb boxes (shut off locations) are not permitted in new driveways or driveway extensions.

Fire Marshal Bailey wrote the Fire Department takes no exception.

Denise Cobb of 3951 Sequin telephoned they had no objections.

Mr. Sprague stated he would like a 10'x14' storage building at the end of his driveway.

Mr. Phelps stated this is a corner lot so it has two front yards.

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

The drawing shows the building to be 4' from the property line which would require another variance. If the building is moved to be 5' off the property line, a variance would not be required if the building has eaves. Mr. Sprague stated he would make sure the building was 5' from the property line.

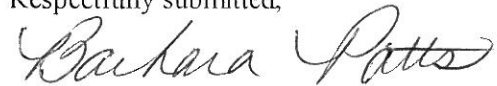
Mr. Phelps moved to approve the petition filed by Paul Sprague for property at 3988 Sequin Road which is on the North side of Wilder between Castle and Ranch for the purpose of a variance to allow an accessory building erected at the side lot line to project into the front yard setback line; a front yard setback variance of 12' to be 13' (25' is required) for an accessory building that is within 10' of the principle building). This is a corner lot and he has two front yards. There is no room in the back yard for the building. Mr. LaPlant seconded the motion. Five (5) ayes, no

(0) nays, one (1) absent. The motion passed. They were told they had six months to pull a building permit or the variance would be void.

Mr. Pilarski commented the Bay Med parking space issue will be brought up at the Planning Commission meeting. The Zoning Board of Appeals requested that Ms. Potts contact the Township Attorney prior to the Planning Commission meeting to get an opinion on the Township's recourse if the use is changed.

Having no other business before the Board, Mr. Pilarski moved to adjourn. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed and the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Potts".

Barbara A. Potts

Zoning Board of Appeals Coordinator