

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

**MINUTES OF DECEMBER 15, 2015 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 15<sup>th</sup> day of December, 2015 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Corrion, LaPlant, Phelps and Schisler

MEMBER (S) ABSENT: None

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 October 20, 2015 and a special meeting held November 3, 2015.** *Ms. Corrion moved to approve the minutes as presented. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

*Ms. Corrion moved to approve the 2016 meeting dates as presented. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item was a petition filed by ABC Supply Co. for property at 3838 Patterson Road which is on the west side of Patterson between Ace Commercial Drive and Wheeler for the purpose of a 40' rear yard variance to be 10' (50' is required) and a variance to allow an outdoor fenced-in storage area. Parcel is zoned I-1, Light Industrial.**

The Department of Water and Sewer wrote the proposed site plan indicates a 6 foot high chain link fence just west of an existing fire hydrant. There is an existing main line valve located 6' north and 4' west of this hydrant which must remain outside of the fenced in area upon installation. The final location of the fence line may need to be adjusted to accommodate this requirement. The valve has been marked with a flag and paint. Both a water main and sanitary sewer main are installed in easements through the proposed blacktopped area. Should either main require repair/excavation, replacement of the blacktop will be at the owners' expense.

The Fire Marshal stated they had no objection as long as it's compliant with IFC 2012 section 2809.

The Bay County Road Commission wrote with regard to the request by ABC Supply/Andrew Horton for property at 3838 Patterson Road, they have no comment on the petition filed. Based on the submitted materials and a site plan received separately from Civil Engineering Consultants, this proposed construction is actually located off Ace Commercial Drive, not Patterson Road. Ace Commercial Drive is a private drive and the BCRC has no jurisdiction over this roadway or right-of-way.

Jim Dobson of 3828 Patterson wrote he had no objections.

Andrew Horton and John Billette represented the request. Mr. Horton explained they would like to fence in the outside area for storage of shingles. If the setback was met, they would not be able to turn a fork truck around. The adjacent business is 10' off the property line. Mr. Billette added the area is currently gravel and is used for storage. They will be hard surfacing it. They will move the fence to accommodate the concerns of the DWS.

Mr. Phelps stated the fence will also have to accommodate a fire hose.

Mr. LaPlant asked how high the shingles would be stacked. Mr. Horton stated there would be two pallets stacked. It would be about 6'. Mr. LaPlant stated the area would need to be screened per the ordinance. Mr. Horton stated

it would not be a problem.

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

Matt Parent of S & S Surplus stated the fence will be close to his property. He has no issue with the fence but would like it to be a privacy fence.

*Mr. LaPlant moved to approve the petition filed by ABC Supply Co. for property at 3838 Patterson Road which is on the west side of Patterson between Ace Commercial Drive and Wheeler for the purpose of a 40' rear yard variance to be 10' (50' is required) and a variance to allow an outdoor fenced-in storage area. Parcel is zoned I-1, Light Industrial. There is a need for outside storage for shingles. This will be a better use of the area. Mr. Schisler seconded the motion. 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 was a petition filed by David & Cheryl Powers for property at 3767 Two Mile Road which is on the east side of Two Mile between Wilder and Wheeler for the purpose of 1) a variance of 43,270 square feet to be 14,810 square feet (58,080 square feet is required for eight (8) 1-bedroom units (Section 16.02(13)); 2) a variance of 125 square feet to be 525 square feet per unit (650 square feet is required) (Section 16.02 (14)); and 3) a variance of 4 to be 14 for required parking spaces (18 is required) (Section 23.01 D). Parcel is zoned RM-1, Multiple Family Residential.**

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Marshal stated they have no objections but when rebuilding, current codes must be followed.

The Bay County Road Commission wrote with regard to the request by David & Cheryl Powers for property at 3767 Two Mile Road, they have the following comments on the petition. Based on the submitted materials and a site visit, the proposed eight unit apartment is considered a commercial development by the BCRC. Therefore, the BCRC will require a site plan drawing that includes a detail showing the proposed commercial entrance off Two Mile Road. The requirements for a commercial entrance can be found on the website at [www.baycoroad.org](http://www.baycoroad.org) under "Citizen Information", "Permit Forms and Rules", General Permit Rules, Specifications & Policies", "Right of Way, Driveway, Banner and Parades Permit Rules & Standards (Section U. of this document)". Once received, staff will review/comment and ultimately recommend approval to the BCRC Board. A permit from the BCRC is required prior to any construction within the Two Mile Road right-of-way.

Jim Milnor of 3770 Two Mile telephoned he had no objection. The property was always maintained. He's lived there 35 years and never had an issue with the property. It is an efficient use of the property.

Mr. Powers stated the apartment building was purchased in 1987. The building had a fire in June of 2015. The insurance company will pay to rebuild it. Mr. Powers would like to start from scratch. The insurance company has to comply with all the current codes when rebuilding. The driveway, water and sewer lines, electrical, etc. exist. Mr. Powers is proposing the building to be 1' bigger. It is currently a bi-level building. He would like it to be a standard two level. The outside of the building would match the adjacent condominiums.

Mr. Phelps asked what the previous apartment size was. Mr. Powers believed it was about 500 square feet. They are proposing 525 square foot units. There would be eight units.

Mr. Powers explained the property always had 14 parking spaces and that was adequate.

Ms. Corrion was concerned about the small size of the units. Mr. Powers stated there was a market for them. Mr. Phelps also had concerns about the size.

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

Mr. Schisler explained how the Township Board overruled the Planning Commission in regard to the rezoning of



the property. He felt it was only fair and reasonable.

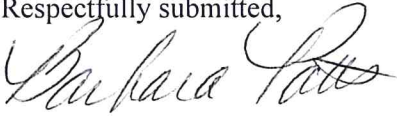
Mr. LaPlant stated the requested variance seems excessive but variances would be needed even if fewer units were built.

Ms. Corrion felt there was a need for adequate and affordable housing in the area. Mr. Banaszak believed the request met all the required criteria for approval.

*Ms. Corrion moved to approve a petition filed by David & Cheryl Powers for property at 3767 Two Mile Road which is on the east side of Two Mile between Wilder and Wheeler for the purpose of 1) a variance of 43,270 square feet to be 14,810 square feet (58,080 square feet is required for eight (8) 1-bedroom units (Section 16.02(13)); 2) a variance of 125 square feet to be 525 square feet per unit (650 square feet is required) (Section 16.02 (14)); and 3) a variance of 4 to be 14 for required parking spaces (18 is required) (Section 23.01 D). Parcel is zoned RM-1, Multiple Family Residential. There is a need for this type of housing. The circumstances for rebuilding were beyond the petitioners' control. Mr. Schisler seconded the motion. 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. Schisler moved to adjourn. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:30 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator