

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

MINUTES OF FEBRUARY 17, 2015 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 17th day of February, 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 January 20, 2015. *Mr. Schisler moved to approve the minutes as presented. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Rodney & Danean Wright for property at 4635 Foxcroft Drive which is on the East side of Foxcroft between Morningside and Richardson for the purpose of a variance of 21' to be 19' from the rear property line for an addition (40' is required). Parcel is zoned Residential.

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

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Rodney & Danean Wright, they have no objection to the petition. Based on the drawing submitted, the addition is located behind the existing house and will not impact the Foxcroft Drive right-of-way.

Ms. Wright stated they attended the meeting in January but needed a greater variance. Their request was previously approved in 1998 but the work was never done. None of the neighbors have a problem with the request.

Ms. Corrion stated she remembered when it was originally requested. There were no problems with it then.

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

Mr. Schisler moved to approve the petition filed by Rodney & Danean Wright for property at 4635 Foxcroft Drive for the purpose of a variance of 21' to be 19' from the rear property line for an addition (40' is required). This item was previously approved. To be consistent, it should be re-approved. The lot has an unusual shape which brings rise to problems. Ms. Corrion 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 on the agenda was a petition filed by Zer Kue for property at 305 N. Euclid Avenue which is on the West side of Euclid between Ohio Street and North Union for the purpose of a variance of 10' to be 0' from the existing right-of-way for a sign (10' is required). Parcel is zoned Commercial-2.

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

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Zer Kue, they have no comment on the petition. North Euclid (M-13) is a State trunk line and under the jurisdiction of the MDOT. Therefore, the petitioner should contact the MDOT to determine their requirements for installation of the proposed sign.

Don Hundley from MDOT wrote the sign in its entirety must be outside MDOT right of way.

Mr. Kue stated they would be using the existing pole. It would be a financial hardship to move the pole and it would cause a loss of parking. The building was built close to the road. If moved, the sign would have to be very high to be seen.

There was no one in the audience for or against the request. Mr. Banaszak stated the pole exists. This will not create additional problems.

Ms. Corrion moved to approve the petition filed by Zer Kue for property at 305 N. Euclid Avenue for the purpose of a variance of 10' to be 0' from the existing right-of-way for a sign (10' is required). They are using the same footprint as what exists. The building is close to the road which causes a hardship. There is no other location for the sign. Mr. Phelps 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 last item on the agenda was a petition filed by David & Cindy Ferrio for property at 310 Killarney Beach which is on the West side of Killarney Beach between Beaver and a dead end for the purpose of a variance to permit construction of an accessory building on a parcel with no principal building and a 810 square foot variance to be 1,536 square feet (726 square feet is allowed). Parcel is zoned Residential-2.

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

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by David & Cindy Ferrio, they have the following comments. As with any of the requests along this roadway and others in residential areas "along the beach", they urge the Township to maintain a consistent setback for buildings, whether accessory or primary, as to allow the BCRC to adequately maintain the roadway (paving, snow plowing, etc.). In this case, it appears the petitioner's requested location for the accessory building is adequately set back from the roadway (28'). Further, based on the use of the building per the petitioner's application, the petitioner will be required to secure a residential driveway permit from the BCRC.

Duane & Judy Birchmeier of 319 Killarney Beach telephoned they had no objections to the request. The Birchmeier's are great neighbors.

Mr. Ferrio submitted items in favor of his request from: George Lauinger of the MDNR, David & Carol Hunt of 302 Killarney Beach, Joel & Dorrie Karwat of 313 Killarney Beach, Dan & Ellen Latal of 304 Killarney Beach, Roy & Joyce Grigg of 312 Killarney Beach, Robert Harvey of 308 Killarney Beach, Dale Lazarowicz of 299 Killarney Beach, Jerry Eaton of 298 Killarney Beach, and David Verduyn of 320 Killarney Beach.

Mr. Ferrio explained he owns the home on the other side of the road. If the two were combined he would have 19,000 square feet of property and could have a larger accessory building. The "road" is the old railroad right-of-way. Mr. Ferrio added he plows the easement during the winter and grooms and rakes the beach in warmer weather. He assists the DNR with their cross country ski trails. He volunteers his time to help the community.

Mr. Phelps asked where the tractors were currently stored. Mr. Ferrio stated they are kept in Pinconning. Mr. Ferrio added his neighbor Randy Shelagowski was in favor of the request.

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

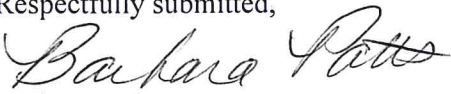
Ms. Corrion stated this was not an unusual request for the area. Mr. LaPlant commented the trails are kept in good condition. Mr. Schisler stated when combining the square footage of both properties, the variance isn't extreme.

Mr. Ferrio added he will not use the building as living quarters. Mr. Banaszak reminded Mr. Ferrio to be conscious of the location of the water line.

Mr. Schisler moved to approve the petition filed by David & Cindy Ferrio for property at 310 Killarney Beach which is on the West side of Killarney Beach between Beaver and a dead end for the purpose of a variance to permit construction of an accessory building on a parcel with no principal building and a 810 square foot variance to be 1,536 square feet (726 square feet is allowed). This is in conformity to what's been allowed in the area. If the lots were combined, more square footage would be allowed. A road bisects the property. Mr. LaPlant 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 (4) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:20 p.m.

Respectfully submitted,


Barbara A. Potts
Zoning Board of Appeals Coordinator