

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

MINUTES OF JANUARY 17, 2012 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 17th day of January, 2012 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Phelps, Pilarski, Schisler

MEMBER (S) ABSENT: Corrion

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 election of officers for 2012. *Mr. Pilarski nominated Tim Banaszak as Chair and Kristal Corrion as Vice Chair. Mr. Schisler seconded the nomination. Four (4) ayes, no (0) nays, one (1) absent. The nomination passed.*

The next item on the agenda was approval of the minutes of a regular meeting held December 20, 2011. *Mr. Schisler moved to approve the minutes as presented. Mr. Phelps 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 Randy Swartz for property at 262 Killarney Beach Road which is on the East side of Killarney Beach between N. Euclid and Ricoma Beach for the purpose of a 300 square foot variance to construct a 1500 square foot detached garage (1200 square feet is allowed). Parcel is zoned Residential-3.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Randy Swartz for property at 262 Killarney Beach Road for a variance to construct a detached garage, they do not have any comment on the petition. This property is not accessed by a roadway under the jurisdiction of the Bay County Road Commission.

Bradd Maki from the Bay County Department of Water and Sewer wrote adequate separation must be provided between the building and existing underground water and sewer utilities. The existing sewer mainline is located west of, or behind, the existing detached garage along with an existing sewer service line located north of the existing detached garage. A permanent easement exists on the property. Easement requirements must be met as they pertain to area water and/or sewer utilities. Horizontal separation from sewer and water main locations shall be 10 feet.

Fire Marshal Bailey wrote any construction must meet the International Fire Code 2006 edition.

Mr. Swartz stated he was willing to decrease his requested 300 square foot variance to 200 square feet. He commented the Board is familiar with the area. He needs the extra square footage due to the great area. He has items he would like to store inside for safety and protection. Mr. Swartz stated he plows a portion of the road for the neighbors since it isn't maintained by the Road Commission. He added he needs space to fix the equipment. He has items to store that are unique for the area, such as snow fence.

Mr. Swartz commented he presented a new drawing. He discovered the existing garage is in an easement.

Mr. Pilarski inquired if there was an association for the area. Mr. Swartz was not aware of one.

Bob Pinnell of 256 Killarney Beach Road stated he has lived there for 57 years. They have a loose association consisting of about 10 homeowners. Most of those homeowners have structures on the West side of the road. This is not out of the ordinary. Mr. Swartz maintains the road in the winter for the neighbors. The West property is wooded and creates a nice buffer. Mr. Pinnell asked that access be limited off of the drive and the building not be used as a residence.

David Burke of 258 Killarney Beach Road supports the request. The lots are unique because they are long and skinny. It is difficult to put a building on the lots. There are limitations. Mr. Swartz's lot is angled, has an easement on it and a drive through it. Mr. Burke added there is a safety issue. Backing into the building would be a hazard to area residents and their children. Removing the existing garage will improve safety in the area also. He concurred there was not an official association in the area.

There was no one in the audience against the request.

Mr. Schisler asked Mr. Swartz if he was comfortable changing the variance request to 200 square feet. Mr. Swartz stated he agreed to the 200 square foot variance.

Mr. Pilarski asked if there would be plumbing in the building. Mr. Swartz commented he may want a washroom, but no living quarters. Mr. Pilarski asked if Mr. Swartz was aware that he could shut down the road. Mr. Swartz was aware of it. He added he would maintain 10' from the easement.

Mr. Pilarski asked what the hardship was. Mr. Swartz stated he needs room to maintain and protect his possessions. Mr. Pilarski stated no living quarters will be allowed in the building. He did not want trouble down the road.

Mr. Burke commented the elevation of his and Mr. Swartz's property is unique. They are the highest on the beach. He added due to the elevation, Mr. Swartz would not be able to put a ramp to his house if ever needed and needs extra equipment to keep access available to the home.

Mr. Pilarski stated the hardship needed to be proven. Why is the additional square footage needed?

Mr. Schisler moved to approve the request by filed by Randy Swartz for property at 262 Killarney Beach Road which is on the East side of Killarney Beach between N. Euclid and Ricoma Beach for the purpose of a 200 square foot variance to construct a 1400 square foot detached garage (1200 square feet is allowed). The hardship is the beach property. The building cannot be placed on the other side of the road where it is allowed but impossible to build. Mr. Phelps seconded the motion. Mr. Pilarski added a 10' distance must be maintained for the DPW easement. Mr. Schisler added the building shall not be used for living quarters. The amendments were accepted. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Swartz was told he had six months to pull a building permit or the variance would be null and void.

The next item on the agenda was petition filed by Thomas Debo for property at 3526 S. Huron Road which is on the South side of Huron Road between Wheeler Road and Huron for the purpose rear yard variance of 28' to be 12' (40' is required) and a minimum lot size variance of .48 acres to be .52 acres (1 acre minimum is required) for an addition. Parcel is zoned

Commercial-2.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Thomas Debo for property at 3526 S. Huron Road for a rear yard variance to construct an addition, they do not have any comment on the petition. This property is not accessed by a roadway under the jurisdiction of the Bay County Road Commission. The property is accessed by M-13, a roadway under the jurisdiction of the MDOT.

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

Fire Marshal Bailey wrote any construction must meet the International Fire Code 2006 edition.

Mr. Debo stated the variance is for an addition on the South side of the building for a stall that will help keep his business moving. He needs room for a hoist to continue his business. He keeps his property nice.

Mr. Schisler asked if the building existed and if he was just adding on. Mr. Debo stated he was just adding on and would not be any closer to the property line.

Tom Korthals of 3605 Bangor Road stated Mr. Debo's needs were changing. The lot is pie shaped. A single bay stall would be added. He was in favor of the request.

Jamie Debo, part owner, approved of the variance. She has seen her husband and son working on the floor and a hoist would be appreciated.

There was no one in the audience against the request.

Mr. Phelps asked if Mr. Debo spoke with the Fire Marshal. He stated he spoke with the Township and was told what was required for fire ratings.

Mr. Schisler commented the lot creates the hardship. The addition will not be closer to the lot line than the existing building.

Mr. Phelps moved to approve the petition filed by Thomas Debo for property at 3526 S. Huron Road which is on the South side of Huron Road between Wheeler Road and Huron for the purpose rear yard variance of 28' to be 12' (40' is required) and a minimum lot size variance of .48 acres to be .52 acres (1 acre minimum is required) for an addition. The variance will help to maintain the business. Room is needed. The lot shape is unique and the existing conditions are grandfathered in. Mr. Schisler seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Debo was told he had six months to pull a building permit or the variance would be null and void.

The last item on the agenda was a petition filed by Bangor Township DDA for an "island" in the Right-of-Way in Shrestha Drive which is on the South side of Wilder Road between 3720 & 3730 Wilder Road for the purpose of: 1) a variance of 215 square feet –the area of a ground or pedestal sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached" and the overall entire proposed sign structure is anticipated to be around 214 square feet including the decorative pole skirting, solely for aesthetics. 100% of the sign size is being requested as a variance since the normally allowable square footage is calculated per Section 21.07 D.1. based on frontage and the applicant wishes to avoid any interpretation differences as to

if this is the frontage of the civic arena or the island at the recently rebuilt intersection. 2) a variance to allow a sign for off-premises advertising. An agreement between Bay County and Bangor Township exists or is in progress which allows Bangor Township some of the message time on the electronic message center. 3) a variance to allow the sign in the public right-of-way. 4) a variance to allow the sign without any setback requirements since the proposed location is not a lot. 5) a variance to allow more than one sign. A sign for the civic arena also exists near the Euclid Avenue entrance to the township's commercial park. 6) a variance to allow the sign without any setback requirements since the proposed location is not a lot. 7) a variance to not have street address displayed since the civic arena does not have a Wilder Road street address

Mike Rowley represented the DDA. Eric Larsen of Empire Sign was also present. Mr. Rowley stated the DDA is investing in a sign by Gordans. A three-page letter was submitted to the ZBA expressing why the DDA feels their variances should be approved. All five criteria are met. The sign would have "Bangor Township Commercial Park" on it. Mr. Rowley added the open space area is included in the square footage per the ordinance. The proposed square footage is less than what exists.

There is a question of whether or not the sign should be considered public or private.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by the Bangor Township DDA for installation of a traffic island and lighted sign within the road right-of-way of Shrestha Drive, they do not have any further comment on the petition. This request was approved by the Bay County Road Commission, with questions/concerns regarding safety, liability and future maintenance being satisfactorily addressed by the Bangor Township DDA.

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

Fire Marshal Bailey wrote any construction must meet the International Fire Code 2006 edition.

Mr. Pilarski asked if the new island was approved by the Bay County Road Commission. Mr. Rowley stated the Road Commission approved the island, curb design and breakaway poles. He added that 10 smaller breakaway poles will be on the island but hidden by landscaping.

Mr. Larsen stated the breakaways are certified by the Department of Transportation.

Mr. Pilarski asked who would be maintaining the island. Mr. Rowley stated he did not know for sure. Bay County may be doing the maintenance. He added the existing sign off Wilder Road would be removed.

Mr. Pilarski asked about the sign on Euclid. Mr. Rowley stated the County maintains that sign. It may be replaced at some point but not at this time.

A discussion took place on the proposed sign location and line of sight.

Mr. Schisler stated he would recommend to the Township Board that fees be waived for the DDA applications and permits.

Mr. Rowley stated an agreement was proposed between Bay County and Bangor Township regarding what is put on the sign. Selling time on the sign will not be allowed.

A discussion took place on if the sign should be considered private or public. Mr. Schisler's opinion was the sign was public. He does not want someone else to use these circumstances for their own gain. If the sign is deemed public, the Township doesn't have to worry about it. This is a unique situation.

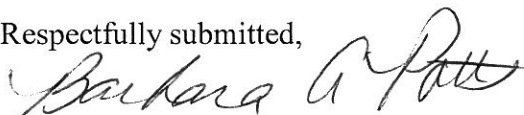
There was no one in the audience for or against the request.

Mr. Schisler moved to approve the petition filed by Bangor Township DDA for an "island" in the Right-of-Way in Shrestha Drive which is on the South side of Wilder Road between 3720 & 3730 Wilder Road for the purpose of: 1) a variance of 215 square feet –the area of a ground or pedestal sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached" and the overall entire proposed sign structure is anticipated to be around 214 square feet including the decorative pole skirting, solely for aesthetics. 100% of the sign size is being requested as a variance since the normally allowable square footage is calculated per Section 21.07 D.1. based on frontage and the applicant wishes to avoid any interpretation differences as to if this is the frontage of the civic arena or the island at the recently rebuilt intersection. 2) a variance to allow a sign for off-premises advertising. An agreement between Bay County and Bangor Township exists or is in progress which allows Bangor Township some of the message time on the electronic message center. 3) a variance to allow the sign in the public right-of-way. 4) a variance to allow the sign without any setback requirements since the proposed location is not a lot. 5) a variance to allow more than one sign. A sign for the civic arena also exists near the Euclid Avenue entrance to the township's commercial park. 6) a variance to allow the sign without any setback requirements since the proposed location is not a lot. 7) a variance to not have street address displayed since the civic arena does not have a Wilder Road street address. Strict compliance with the Township's sign regulations will not allow the desired design to be constructed. Erecting a smaller sign than designed, for such a large and important facility for the Township and County, might be less effective than the current sign; the variances will do substantial justice for the applicant as it allows the applicant to assist residents and businesses in the Township and County to promote the civic arena; lesser variances will not provide the desired design to move forward; the need for the variances is due to the unique circumstances of the arena, being in the back part of the Township's commercial park; a larger sign was previously approved; and, the need for a more effective sign was not a problem created by the Bangor Township DDA. Mr. Schisler stated the request for variance approvals was not necessary but they should be granted. Mr. Phelps seconded the motion. Mr. Pilarski added the existing sign shall be removed when the proposed sign is completed. He also recommended that the fees be waived. The amendment was accepted. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Rowley was told the DDA had six months to pull a building permit or the variance would be null and void.

Mr. Schisler commented he would request the Township Board waive the DDA fees. He also had brought to the Township Board the need to review the Zoning Ordinance as it pertained to signs.

Having no other business before the Board, Mr. Schisler moved to adjourn. Mr. Pilarski seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed and the meeting was adjourned at 7:10 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator