

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

MINUTES OF JULY 15, 2014 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 15th day of July, 2014 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

MEMBER (S) ABSENT: Schisler

Mr. Banaszak called the meeting to order at 6:03 p.m.

The Pledge of Allegiance was recited.

The first item on the agenda was approval of the minutes of a regular meeting held June 17, 2014. *Mr. LaPlant moved to approve the minutes as presented. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

The next item on the agenda was for clarification in regard to Holly Urband for property at 114 Roseland Drive which is on the West side of Roseland Drive between Lagoon Beach Drive and the end of Roseland for the purpose of a variance of 1' to be 7' in height for a side yard privacy fence. Parcel is zoned Residential.

The fire department takes no exception to the petition.

Jim Lillo from the Bay County Road Commission wrote based on the plans received and the explanation of the reason for the variance, it appears this request is to formally or "officially" allow the fence to remain in its current location. The fence is not an obstruction or impacts the maintenance activities of the BCRC."

David and Shirley Williams of 3903 Dundee are in support of the fence variance.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance.

Ms. Urband stated she did not request the clarification.

Mr. Banaszak read the motions regarding Ms. Urband's request from minutes of the November 19, 2013 Zoning Board of Appeals meeting.

Steven Sanderson of 174 Lagoon Beach Drive stated he felt the side yard variance was denied. He blamed Code Enforcement Officer Steve Hebert for making things worse between himself and Ms. Urband. Mr. Sanderson was concerned about his property lines.

Ms. Urband restated she didn't ask for the clarification. The fence in front of the garage is lower and from the front of the garage back, the fence is 6'.

A discussion took place on how the motions did not include the side yard variance which caused confusion. Ms. Urband presented pictures of the old fence and the new fence. She stated she has until July 31, 2014 to be in conformance.

Mr. Sanderson stated there are parts of the fence that are almost 9' high. The rules are on the website.

Ms. Corrion clarified the original variance requests included the side yard variance but it was not included in either motion. A discussion took place. There is no hardship to have a 7' fence.

Ms. Urband stated she will cut down the posts.

Mr. LaPlant moved to clarify that Holly Urband's variance of 1' to be 7' in height for a side yard privacy fence for property 114 Roseland Drive is denied. Mr. Phelps seconded the motion. Ms. Corrion was confused as to where the 7' fence was. Mr. Phelps stated the posts had to be cut down. He stated the 1' variance is denied and the fence could be 6'. Three (3) ayes, no (0) nays, one (1) abstain-Corrion. Ms. Corrion did not vote because she was unsure what she was voting on. The motion passed.

The next item on the agenda was a petition filed by Christopher Lutz for property at 301 River Drive which is on the South side of River Road between Lagoon Beach Drive and Oakdale Drive for the purpose of a side yard variance of 6' to be 2' (8' is required) for a dwelling (attached garage); a 391 square foot variance to be 1,120 square feet (729 is allowed) for attached accessory building; and a variance of 10' to be 0' from the road right of way (10' is required). Parcel is zoned Residential-2.

The Fire Department wrote a one-hour fire wall is required.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Christopher Lutz, they have no objection to the petition. Based on the plan submitted and a site visit, the proposed garage will be further from the road right-of-way than the existing, thus allowing the BCRC more "room" to complete road maintenance. From the plans, it does appear a new driveway will be needed to access the new garage, if that is the case, a driveway permit is required.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance. There is an abandoned 6" water main located between the existing house and garage which he may encounter that they do not have any measurements for and will not be marked when Mr. Lutz calls Miss Dig.

Mr. Lutz explained he had a fire in this detached garage and would like to rebuild it. Since it burned down, the side yard setback is no longer grandfathered in. He would like to maintain the previous side yard on the west side.

Mr. Lutz stated his home is 1,000 square feet and he is asking for addition square footage for storage. He lost his storage and possessions in the fire. He would like to get some things out of the yard. Mr. Lutz added he no longer needed the variance for the road right of way.

Mr. Phelps asked if the proposed garage would be attached. Mr. Lutz stated it would be and he would like to keep the carport.

Mr. Lutz showed the Board four letters in favor of the request.

Mr. LaPlant stated the proposed garage is closer to the house and farther off the road. A permit for the new driveway would be required.

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

Mr. Banaszak stated the lot had a unique layout. The garage cannot be placed anywhere else. Ms. Corrion added there is plenty of property and the house is tiny.

Ms. Corrion moved to approve the petition filed by Christopher Lutz for property at 301 River Drive which is on the South side of River Road between Lagoon Beach Drive and Oakdale Drive for the purpose of a side yard variance of 6' to be 2' (8' is required) for a dwelling (attached garage) and a 391 square foot variance to be 1,120 square feet (729 is allowed) for attached accessory building. The variance of 10' to be 0' from the road right of way (10' is required) was removed from the request. The hardship is caused by a fire that burned down the previous garage. This will improve the area. The home is small and the lot has a unique shape. The home cannot be added onto without a variance. Mr. LaPlant seconded the motion. Four (4) ayes, no (0) nays. The

motion passed. The applicant has six (6) months to pull a building permit or the variance would be null and void.

The next item on the agenda was a petition filed by Midway Signs, Inc. for property at 1112 N. Euclid which is on the East side of Euclid between Shrestha and Kiesel for the purpose of a variance to have an additional freestanding sign (one sign is allowed), a variance to have the freestanding sign at a 0' setback to the right of way (10' is required), a 5'9" height variance to be 25' 9" (20' is the height limit based on the height of the building) and a variance for two (2) additional wall signs. Parcel is zoned Commercial-2.

The fire department takes no exception to the petition.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Midway Signs, Inc., they have no objection to the petition. Based on the plan submitted and a site visit, the proposed sign will abut right-of-way under jurisdiction of the MDOT. The petitioner should contact the MDOT to determine their requirements regarding signage. The submitted plans did not show any new signage along Shrestha Drive, which is under the BCRC's jurisdiction.

MDOT only will say that at any point the sign will not be allowed to be in or over hang the MDOT right of way.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance as to the sign height and the wall signs. They do take exception and are concerned with the request pertaining to a zero setback to the right of way rather than the required 10 feet. A 12" water main is installed in a 5' easement that parallels the east right of way line. Allowing a zero setback would lead to the sign potentially being installed directly over the existing water main.

Chuck Crump from Midway Signs stated Thelen will be replacing the old Subaru signs and replacing them. The new signs will be smaller. They intend to locate the new pylon sign farther away from the bowling alley sign and they would like it taller so it can be seen. If the sign was placed 10' from the right of way, it would be in the middle of the drive.

The additional wall sign is because Subaru requires a logo sign along with the name. The second wall sign is a directional sign for service.

Mr. LaPlant asked if the existing Subaru sign was at a 0' setback and if the new sign would be in the same location. Mr. Thelen stated the new sign would be at 0' setback but would be placed farther north.

A discussion took place on the height of the signs.

Mr. Thelen stated he was owner of the bowling alley and he was in favor of the variances.

Dan Hatton of 1904 Mosher stated he supported the requests 100%. He stated the existing signs were approved either by the ZBA or Township. This is an existing business and it has greatly improved the area. This is the type of street front Bangor Township wants to foster. Dr. Hatton felt the variances should be grandfathered in. They are taking down the existing and replacing them. Proper signage cuts down on accidents. Dr. Hatton felt the Thelen's should be refunded for their application fee and the approval should have been made in house.

Mr. Banaszak stated there were no issues with the requests. Ms. Corrion agreed with Dr. Hatton. The improvements to the business are a tremendous asset to Bangor Township.

Mr. Phelps had a concern with the DWS comment regarding the water line. Mr. Crump stated they would not put the sign over the water line.

Mr. Phelps moved to approve the petition filed by Midway Signs, Inc. for property at 1112 N. Euclid which is on the East side of Euclid between Shrestha and Kiesel for the purpose of a variance to have an additional freestanding sign (one sign is allowed), a variance to have the freestanding sign at a 0' setback to the right of way (10' is required), a 5'9" height variance to be 25' 9" (20' is the height limit based on the height of the building)

and a variance for two (2) additional wall signs. The hardship is due to the dealer being required to put up new signs and trying not to obstruct other existing signs. This would be an improvement to the area. Ms. Corrion seconded the motion. Four (4) ayes, no (0) nays. The motion passed. The applicant has six (6) 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 Norma Dauer for property at 689 Bay Road which is on the North side of Bay Road between Patterson and Shady Shores for the purpose of a side yard variance of 3' to be 5' (8' is required) for a garage. Parcel is zoned Residential-2.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Norma Dauer, they have no objection to the petition. Based on the plan submitted and a site visit, the proposed garage will be at a distance from the road right-of-way as to not impede BCRC road maintenance activities. However, based on the close proximity of structures to the road in this area, they ask that the Township not allow the petitioned garage be any closer to the roadway than the existing garages east and west of this location.

Debbie Dauer of 706 Bay Road telephoned she was for the garage.

Susie Kryzanowicz of 709 Bay Road telephoned she was in favor.

The Fire Department stated a one-hour fire wall is required.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance.

Ms. Dauer stated she would like a 24'x24' addition to her garage. It would keep in line with the house and existing garage which is 5' off the property line. All the other setbacks are met. Ms. Dauer added she cannot build on the beach side. She would like the additional garage so she can put her car in it. The existing one has her furnace and she can't shut the door with the car in it. She presented pictures.

Mr. Phelps stated the garage would be in line with others in the area.

Mr. LaPlant advised a fire wall on the side with the variance is required.

Debbie Dauer of 706 Bay Road was in favor of the request. Other neighbors have requested similar things and they were in favor. The request is nothing more than what everyone else has.

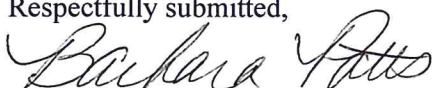
There was no one in the audience against the request.

Mr. LaPlant stated he knew the Dauer's.

Ms. Corrion moved to approve the petition filed by Norma Dauer for property at 689 Bay Road which is on the North side of Bay Road between Patterson and Shady Shores for the purpose of a side yard variance of 3' to be 5' (8' is required) for a garage. The garage will stay in line with others in the area and will be built in line with the house. All other requirements are met. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance would be null and void.

Having no other business before the Board, Mr. LaPlant moved to adjourn. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:05 p.m.

Respectfully submitted,



Barbara A. Potts

Zoning Board of Appeals Coordinator