

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

**MINUTES OF JULY 17, 2012 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 17<sup>th</sup> day of July, 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, Schisler

ALTERNATE MEMBER PRESENT: LaPlant

MEMBER (S) ABSENT: Phelps, Pilarski

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 19, 2012.** *Ms. Corrion moved to approve the minutes as presented. Mr. LaPlant seconded the motion. Three (3) ayes, no (0) nays, two (2) absent. The motion passed.*

Mr. Banaszak explained to the petitioners that a unanimous vote was needed for their request to pass due to the absence of two members. The petitioners had the option of postponing their request until the August meeting.

**The next item on the agenda was a petition filed by Dave Bledsoe for property at 161 River Trail which is on the North side of River Trail for the purpose of a variance of 24' to be 16' from the waterfront property line setback (40' is required). Parcel is zoned Residential-2.** Mr. Bledsoe chose to proceed with his hearing.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Dave Bledsoe for property at 161 River Trail Drive, they have no objection to the petition. Based on the drawing submitted, the petition is to allow the residence to be closer to the river than allowed, thus it does not affect the River Trail Drive right-of-way or associated vehicular traffic.

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 has no comment.

Mr. Bledsoe explained he would like to build a new structure in line with the existing adjacent properties. Ms. Corrion asked what the hardship was. Mr. Bledsoe stated if he was not allowed to build in line with the existing homes, he would be denied the benefit of having waterfront property. He is being taxed for waterfront property and should be able to enjoy it.

Mr. LaPlant asked if all the neighbors were in line. Mr. Bledsoe stated they were.

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

Mr. Banaszak commented the home would be lining up with the adjacent properties. Ms. Corrion added there were no line of sight issues. This is a new structure.

*Ms. Corrion moved to approve the petition filed by Dave Bledsoe for property at 161 River Trail which is on the North side of River Trail for the purpose of a variance of 24' to be 16' from the waterfront property line setback (40' is required). This is a new structure and the variance would allow the home to be built in line with the adjacent properties. There are no line of sight conflicts. Mr. LaPlant seconded the motion. Three (3) ayes, no (0) nays, two (2) 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**. The Knoellinger's chose to proceed.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Pam & Don Knoellinger for property at 830 Shady Shore for installation of a swimming pool, they have no objection to the petition. Based on a site review and the drawing submitted, the pool will be inside the fence that was previously approved. The fence, and thus the pool, are well outside the 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.

Fire Marshal Bailey wrote the Fire Department has no comment.

Mr. Knoellinger stated they want a pool. He received a variance for the 6' fence that surrounds the area. He didn't know he needed a variance for the pool. Ms. Corrion stated there are two front yards.

Mr. LaPlant asked why the pool had to go in the front yard. Mr. Knoellinger stated they wanted the pool in the fenced in area. Mr. LaPlant asked what the hardship was. Mr. Knoellinger answered they wanted the pool where proposed. He has a circle drive in the back and that's where he parks his vehicles. The neighbors have no problem with the location.

Mr. Banaszak stated this was a self-created problem. There was plenty of room in the back of the property. Mr. Knoellinger stated they have the sand and people ready to put the pool in. It will not be an eyesore.

There is 40' of property in the back of the lot. The pole barn has a door on each end.

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

Mr. LaPlant commented there was a lot of land behind the house. This is self-created. Ms. Corrion asked if the pole barn could be accessed if the pool was in the back yard. If it couldn't, that may be a hardship.

Mr. Knoellinger asked why he couldn't do what he wanted in his own yard.

Ms. Corrion explained a variance is essentially permission to break the Township's law. The ZBA has to be careful with its decisions. There are guidelines they have to follow.

Ms. Knoellinger stated they would not have built there if they knew all the trouble they would have.

Mr. LaPlant suggested the Knoellinger's postpone their hearing until next month and bring in a better drawing showing the entire lot and where everything is located with measurements.

*Mr. LaPlant moved to postpone until the August 21<sup>st</sup> meeting, the petition filed 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). A better drawing should be submitted. Ms. Corrion seconded the motion. Three (3) ayes, no (0) nays, two (2) absent. The motion passed.*

**The next item on the agenda was a petition filed by Donna Louchart for property at 3160 Boy Scout which is on the South side of Boy Scout between Euclid and Two Mile for the purpose of a variance of 32' to allow 124' lot width (minimum of 156' lot width is required. Lot depth to width ratio and increasing non-conformity.) Parcel is zoned Residential-1.** Ms. Louchart chose to proceed.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Donna Louchart for property at 3160 Boy Scout for a lot width variance associated with complying with the Township lot width to depth ratio, they have no objection to the petition. Based on the drawing and variance request submitted, the petition does not include any construction that will impact the existing Boy Scout 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.

Fire Marshal Bailey wrote the Fire Department has no comment.

Ms. Louchart stated she is asking to get the pole barn on the 3160 Boy Scout property. The current depth of 3194 Boy Scout makes it non-conforming. She is asking to split off the back of 3194 Boy Scout, add it to 3190 Boy Scout which would make 3194 Boy Scout conforming. That will also put the pole barn on the correct property. In order to meet the allowed depth to width ratio, the property should be split where proposed.

Mr. Banaszak read a letter from the Township Assessor explaining the error of the pole barn location to Ms. Louchart.

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

Ms. Corrion commented the variance will correct an error with the property and make one of the lots conforming.

*Mr. LaPlant moved to approve the petition by Donna Louchart for property at 3160 Boy Scout which is on the South side of Boy Scout between Euclid and Two Mile for the purpose of a variance of 32' to allow 124' lot width (minimum of 156' lot width is required. Lot depth to width ratio and increasing non-conformity.) The pole barn belongs with the adjacent parcel. The variance makes one property more conforming. Mr. Banaszak seconded the motion. Three (3) ayes, no (0) nays, two (2) absent. The motion passed.*

**The next item on the agenda was a petition filed by Sign Image/Team One Credit Union for property at 3801 Wilder Road which is on the North side of Wilder Road between State Park Drive and Adela Court for the purpose of a variance of 115 square feet to allow a total of 170 square feet of wall signage on facings of two structures (55 square feet is allowed on one facing of one structure). Parcel is zoned Commercial-2. John Eggers, representing Team One, chose to proceed.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Sign Image/Team One Credit Union for property at 3801 Wilder Road for a sign variance, they have no objection to the petition. Based on the information received, the additional signage will be a changeable LED display sign attached near the top of an existing ATM kiosk. The kiosk and sign are well off the Wilder Road right-of-way and in a private parking area. The new signage will not be located within right-of-way under the jurisdiction of the Bay County Road Commission.

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 has no comment.

This is an unusual circumstance where the ATM is not near the bank. They have the permits but need approval for the signage. On a regular ATM machine, 6 square feet of signage is allowed. This site has a lease on a separate lot. There is nothing specific in the code addressing this. Requesting the variance is the best way to make sure everything meets code.

Mr. LaPlant asked if the signage was adequate currently. Mr. Eggers stated no. The kiosk is hard to find. It is 100' away from the bank. They are proposing a 1'x8' LED sign for more visibility. Currently the signage is not functional.

There was no one present for or against the request.

Ms. Corrion sees the hardship. A business needs to be visible. Currently, it is not identifiable. Mr. LaPlant added without the change, it will be hard to locate.

*Ms. Corrion moved to approve the petition filed by Sign Image/Team One Credit Union for property at 3801 Wilder Road which is on the North side of Wilder Road between State Park Drive and Adela Court for the purpose of a variance of 115 square feet to allow a total of 170 square feet of wall signage on facings of two structures (55 square feet is allowed on one facing of one structure). The hardship is the lack of space available on the kiosk makes it unidentifiable. Mr. LaPlant seconded the motion. Three (3) ayes, no (0) nays, two (2) absent. The motion passed.*

**The last 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 objection to 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 moved, 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 has no comment.

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 centerline. As long as they are outside of that, they have no issues.

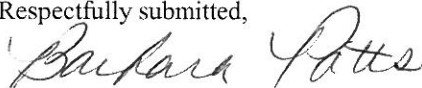
Lori Eager represented the request and chose to have the request postponed until the next meeting. Mr. LaPlant asked her to submit a better site plan.

*Mr. LaPlant moved to postpone until the August 21<sup>st</sup> meeting, 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.) Ms. Corrion seconded the motion. Three (3) ayes, no (0) nays, two (2) absent. The motion passed.*

Barbara Maldonado, a student from SVSU, addressed the Board. She explained she had to attend a public meeting for a class. She reported she was in support of zoning.

*Having no other business before the Board, Ms. Corrion moved to adjourn. Mr. LaPlant seconded the motion. Three (3) ayes, no (0) nays, two (2) absent. The motion passed and the meeting was adjourned at 6:55 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator