

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

MINUTES OF JULY 21, 2015 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21st day of July, 2015 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, LaPlant and Phelps

MEMBER (S) ABSENT: Corrion, Schisler

ALTERNATE MEMBER: Castaneda

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 June 16, 2015. *Mr. LaPlant moved to approve the minutes as presented. Mr. Castaneda stated there was a typo on page four. It should say "line of sight". Mr. Phelps seconded the motion with the change. Four (4) ayes, no (0) nays. The motion passed.*

Kristal Corrion entered the meeting at 6:02 p.m.

The next item on the agenda was a petition filed by Mike McAdams for property at 60 Willow Road which is on the South side of Willow Road between Meridian and Sunrise for the purpose of a variance of 4.5' to be 24.5 feet in height (20' is allowed); a variance to permit two (2) 14' overhead doors (one is allowed); and a variance of 240 square feet to be 1,440 square feet (1,200 square feet is allowed) for an accessory building. Parcel is zoned Residential-2.

The Department of Water and Sewer wrote they take 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 Mike McAdams for property at 60 Willow Road, they have no objection to the petition, but a driveway permit may be needed. Based on the drawing submitted, the proposed accessory building will be located well off the Willow Road right-of-way and will not impact BCRC maintenance operations. If the accessory building is to be serviced by a driveway, the driveway access to Willow Road will require a permit from the BCRC.

Emery Gilman of 09010S3501001000 (Sunset Ave) wrote he rejects a variance of this magnitude.

Mr. McAdams presented a petition in favor of his requests signed by: Larry Moffett of 200 Sunrise, David LaMay & Joyce Lijewski of 308 Sunrise, Paul Kosnik of 151 Oak St., Randy Bauer of 201 Sunrise, Don Langenburg of 213 Sunrise, Jon Kaliszewski of 107 Sunrise, Rodney Nagel of 90 Sunset Ave., JoAnn Lipan of 299 Sunrise, Jason Taylor of 300 Sunrise, David Schmidt of 35 Pine St., and Jeff Korpala of Sunrise.

Mr. McAdams also presented a letter from Emery Gilman against the request. Mr. McAdams stated Mr. Moffett asked him to move the building so he wouldn't be blocked and he did. He had sand brought in. Willow is narrow and has soft shoulders. Mr. McAdams stated he has a 32' 5th wheel. He would like to have the two 14' doors so he can just pull through. It's too difficult to back it out onto the road. He has access to two roads.

Mr. McAdams explained he needed height that a 4'x12' pitch would give him. The Township Building Inspector

recommended it. He needs the extra square footage to store all of his things inside. The building will be aesthetically pleasing.

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

Ron Herman of 45 Pine stated Mr. McAdams is already ponding on the neighbors. He should meet code and not be granted any variances. Mr. McAdams can fit the trailer in the building without a variance.

Mr. Phelps commented a 3x12 pitch will allow Mr. McAdams the height he needs. He does not see the hardship for a height variance. Mr. Castaneda agreed.

Mr. LaPlant understands the need for having the two doors to pull through. The height is more practical but not necessary.

Ms. Corrion stated they rarely grant height variances. There is no hardship. The square footage request is a self-imposed hardship. Mr. Banaszak agreed.

Mr. McAdams requested his variance for the square footage be removed. He really would like the height variance. Mr. Banaszak stated there was no hardship.

Ms. Corrion moved to deny the request by Mike McAdams for property at 60 Willow Road for the purpose of a variance of 4.5' to be 24.5 feet in height (20' is allowed). There is no hardship. Mr. Phelps seconded the motion. A roll call vote was taken. Castaneda-aye, LaPlant-aye, Corrion-aye, Banaszak-aye, Phelps-aye. Five (5) ayes, no (0) nays. The motion passed.

Ms. Corrion moved to approve the request by Mike McAdams for property at 60 Willow Road for the purpose of a variance to permit two (2) 14' overhead doors (one is allowed). With the lot layout, it will be helpful to pull through the building. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant was told they had six month to pull a building permit or the variance would be void.

The next item on the agenda was a petition filed by Mike McVittie for property at 3557 Wilder Road which is on the North side of Wilder Road between Grace and Adela for the purpose of a variance to have a 4' buffer with stone surface and 6.5' high solid poured concrete wall on the north (20' buffer is required and 6' opaque screen is allowed); a variance to allow 6 parking spaces along Grace Street with no landscaping (no parking is allowed off street and 15' of landscape strip adjacent to the right of way is required); a variance to allow 5 existing parking spaces with 7.6' landscape strip adjacent to right of way (15' of landscape strip is required adjacent to right of way); and a variance to allow 4 parking spaces with 7.6 feet landscape strip adjacent to right of way and 68 linear feet (31' west and 37' east) with 15' landscape strip adjacent to right of way plus an additional 13' landscape area (15' landscape strip adjacent to the right of way is required). Parcel is zoned Commercial-1.

The Department of Water and Sewer wrote two existing homes appear planned for demolition as part of the expansion work. The sanitary sewer leads for these addresses, 3563 and 3567, will need to be cut and capped at the property line if the sewer leads will not be used in the new addition. Inspection of that work must be done by their Department

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Mike McVittie for property at 3557 Wilder Road, they have the following comments on the petition. Based on the drawing, information submitted and a site visit, they have no comment to the proposed addition or parking area. They do have a question as what is planned for the two existing driveways that currently service the residential homes to be removed. It appears the westerly of the two driveways will be abandoned and not service the new parking area. They will require the concrete apron be removed within the Wilder Road right-of-way and/or to the front edge of the existing sidewalk and the area restored (topsoil, grass, etc.). The concrete curb should also be

replaced to full height at the existing curb cut – please have the engineer/developer contact the office as to specifics. As for the existing easterly driveway – is this to remain and serve as an access to the new parking area? Please have the engineer/developer contact they office to clarify the intended use of this driveway.

Mr. McVittie stated he was the contractor and Roger Wenser was the engineer. Mr. McVittie stated they plan on demolishing the two adjacent homes and putting on an addition. It is difficult to meet the setbacks, parking and landscaping requirements.

Mr. Wenser explained the business is Bonnie’s Sewing Center. They will keep the existing building and add on. The existing building is 19’ off the property line and they would like to keep the addition in line. They need a 15’ loading area which leaves 4’ for a buffer area and wall. There is existing parking along Grace St. There is no landscaping or buffer. They want to keep it as is. They want to keep the same existing parking along Wilder Road. Regarding the new parking area along Wilder, they would like to keep the same setback as the existing parking. The 90° parking is a better design. There will be landscaping but not as much as required.

Ms. Corrion asked about access. Mr. Wenser stated there would be a drive off of Grace and they would keep the shared drive on the east side of the property along Wilder.

Mr. Banaszak asked about handicap parking. Mr. McVittie stated only one space is required.

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

Mr. LaPlant asked why the wall height variance was needed. Mr. McVittie explained elevation would be different on the other side of the wall. It may be 6’ on their side but may be 6.5’ on the other side. It would be better for the residential area next door.

Mr. Phelps moved to approve the petition filed by Mike McVittie for property at 3557 Wilder Road which is on the North side of Wilder Road between Grace and Adela for the purpose of a variance to have a 4’ buffer with stone surface and 6.5’ high solid poured concrete wall on the north (20’ buffer is required and 6’ opaque screen is allowed); a variance to allow 6 parking spaces along Grace Street with no landscaping (no parking is allowed off street and 15’ of landscape strip adjacent to the right of way is required); a variance to allow 5 existing parking spaces with 7.6’ landscape strip adjacent to right of way (15’ of landscape strip is required adjacent to right of way); and a variance to allow 4 parking spaces with 7.6 feet landscape strip adjacent to right of way and 68 linear feet (31’ west and 37’ east) with 15’ landscape strip adjacent to right of way plus an additional 13’ landscape area (15’ landscape strip adjacent to the right of way is required). Two residential homes are being removed and the property is being used as commercial. Space is limited. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant was told they had six month to pull a building permit or the variance would be void.

The next item on the agenda was a petition filed by Michael DePrekel for property at 3389 Lauria Road which is on the North side of Lauria Road between Euclid and Two Mile for the purpose of a variance of 4’ to be 4’ on the east side of home (8’ is required) and a variance of 6” to be 19’6” for total side yards (20’ of total side yards is required) for an addition. Setbacks exist. Parcel is zoned Residential.

The Department of Water and Sewer wrote they take 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 Michael DePrekel for property at 3389 Lauria Road, they have no objection to the petition. From the information submitted and a site visit, the variances deal with an addition that is proposed behind the existing home, away from the road right-of-way. Therefore, no impacts to BCRC maintenance activities are expected.

Mr. DePrekel explained his home was centered on the property but the attached garage is 4’ off the property line. The addition is going straight back.

Mr. LaPlant stated the setbacks exist.

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

Mr. LaPlant added this is not an issue. They need relief. No addition can be put on without a variance.

Mr. LaPlant moved to approve the petition filed by Michael DePrekel for property at 3389 Lauria Road which is on the North side of Lauria Road between Euclid and Two Mile for the purpose of a variance of 4' to be 4' on the east side of home (8' is required) and a variance of 6" to be 19'6" for total side yards (20' of total side yards is required) for an addition. Setbacks exist. Any addition would need a variance. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant was told they had six month to pull a building permit or the variance would be void.

The last item on the agenda was a petition filed by Panda Restaurant Group for property at 4107 Wilder Road which is on the North side of Wilder Road between State Street Road and Bangor Road for the purpose of a 1) a variance to allow one (1) additional wall sign (43.75 square feet) with an additional square footage of 2.25 square feet (one sign and 41.5 square feet are allowed); 2) (sign 3) a variance of 5'8" for directional sign (clearance bar) to allow for the structure and size of the directions sign to be 10'8 in height (5' in height is allowed); 3) (sign 4) a variance of 5'8" in height for directional sign to be 10'8" (5' is allowed); 4) (sign 4) a variance of 1.75 square feet to be 3.75 square feet for an incidental sign (2 square feet is allowed); and 5) a variance for a 20' pylon sign on the Wilder Road side of site. Parcel is zoned Commercial 1.

The Department of Water and Sewer wrote they take 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 Panda Restaurant Group for property at 4107 Wilder Road, they have no objection to the petition. The on-site signage is regulated under Township ordinances. Any signage in the Wilder Road right-of-way will need to be reviewed and approved (with a permit) by the Bay County Road Commission. However, based on the plan submitted, it appears that road right-of-way signage is not proposed.

A letter from Barbara Behmlander, General Manager of the Bay City Mall was read.

Chuck Crump from Midway Signs and Monique Pearson from Priority Signs represented the request. Mr. Crump advised he wanted the 5th variance for the pylon sign removed. It would meet the Township's requirements. He added the Bay City Mall and the property owners needed to figure out their issues which didn't effect their requests.

Mr. Crump explained the 2nd wall sign was needed because they weren't technically on a corner but they did have two frontages. They are allowed up to 80 square foot of signage but needed an additional 2.25'. The height clearance bar needed a height variance. It won't work without the variance. They would like a canopy over the order station and a square footage variance is needed for the menu sign.

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

Barb Behmlander, General Manager of the Bay City Mall was not in favor of the pylon sign. The owner/developer has not been in contact with the Mall. Ms. Behmlander requested no action be taken by the Zoning Board of Appeals until things are straightened out between them. She explained why they are opposed to the pylon sign. Red Lobster kept their sign lower.

Mr. LaPlant stated the property does have two frontages. There are a lot of issues with this development but regarding the signs, they are not asking for much. They are just convenience items.

Ms. Corrion was concerned with the legal ramifications if these items were approved. Mr. Phelps stated that was not the issue before the Zoning Board.

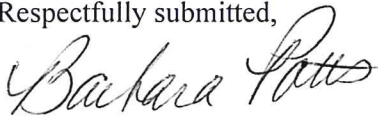
Mr. Crump explained they wanted to work with the Mall. He presented pictures of the proposed sign location. Ms. Pearson added they were designing a small monument sign to replace the pylon sign. She stated they would like to continue working on the signs but needed these approvals.

Ms. Behmlander stated the communication with Versa Development has been awful but the sign companies are willing to work with the mall. She withdrew her objection to variances 1-4.

Ms. Corrion moved to approve the petition filed by Panda Restaurant Group for property at 4107 Wilder Road which is on the North side of Wilder Road between State Street Road and Bangor Road for the purpose of a 1) a variance to allow one (1) additional wall sign (43.75 square feet) with an additional square footage of 2.25 square feet (one sign and 41.5 square feet are allowed); 2) (sign 3) a variance of 5'8" for directional sign (clearance bar) to allow for the structure and size of the directions sign to be 10'8 in height (5' in height is allowed); 3) (sign 4) a variance of 5'8" in height for directional sign to be 10'8" (5' is allowed); and 4) (sign 4) a variance of 1.75 square feet to be 3.75 square feet for an incidental sign (2 square feet is allowed). This is a typical Panda Express sign package. Different businesses require different types of signs. Mr. Castaneda stated more cooperation was needed between the developer and the Bay City Mall. He seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant was told they had six month to pull a building permit or the variance would be void.

Having no other business before the Board, Ms. Corrion moved to adjourn. Mr. Castaneda seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:15 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator