

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

MINUTES OF JUNE 17, 2014 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 17th day of June, 2014 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, LaPlant, Phelps

MEMBER (S) ABSENT: Corrion, Schisler

ALTERNATE MEMBER PRESENT: Castaneda

Mr. Banaszak called the meeting to order at 6:02 p.m.

The Pledge of Allegiance was recited.

Mr. Banaszak explained the purpose of this meeting was to discuss the variances requested. He stated the use of the Texan property would be discussed at the Planning Commission meeting on Wednesday, June 25, 2014.

The first item on the agenda was approval of the minutes of a regular meeting held May 20, 2014. *Mr. LaPlant moved to approve the minutes as presented. Mr. Castaneda seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Randall Minnick for property at 3374 Hidden Road which is on the South side of Hidden Road between North Euclid and the dead end for the purpose of a height variance of 1' to be 21' (20' is allowed) and a variance of 240 square feet to be 1,400 square feet (1200 square feet is allowed) for an 40'x36' accessory building. Parcel is zoned Residential-1.

The fire department takes no exception to the petition filed by Randy Minnick for property at 3374 Hidden Road.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Randall Minnick, they have no objection to the petition. Based on the description provided and a site visit, the accessory building will be located in the backyard and have no impact on the road right-of-way or routine maintenance activities. Further the driveway access to the accessory building will not connect to a County roadway.

The DWS has a concern regarding the exact placement of the new accessory building to be located on the North half of the property. A 6" water main running East-West is located approximately 90 feet south of the North property line. They request a minimum 10 feet of distance between the marked water main and the new building.

Mr. Minnick explained he wanted a three car garage. He needed it for his camper, truck and other miscellaneous items that were currently stored either in the existing garage, shed or outside. He showed pictures of his property to the Board. There will not be a water connection and he will be at least 10' from the utility lines.

Mr. Castaneda asked if the driveway was shared. Mr. Minnick said it was shared with two other residents. The garage would not cause a problem with the neighbors.

Mr. LaPlant inquired about the height. Mr. Minnick explained the height of the garage kit showed 20'4". His request was for 21' just in case they needed the extra inches. Mr. LaPlant asked if the purpose of the building was for security. Mr. Minnick stated he wanted to store his things inside.

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

Mr. Phelps stated he did not see a hardship. Mr. LaPlant added the proposed height would not be a burden on the area. The square footage was questionable. Mr. Minnick stated he would be removing the shed.

A discussion took place on the size of the building. Mr. Minnick explained if the size is smaller than proposed, he'll have to store some items outside.

Mr. Phelps stated the request was self-created. It does not meet any of the criteria needed for approval. Mr. Banaszak added the Board needed to be consistent.

Mr. Castaneda moved to approve the petition filed by Randall Minnick for property at 3374 Hidden Road which is on the South side of Hidden Road between North Euclid and the dead end for the purpose of a height variance of 1' to be 21' (20' is allowed) for an accessory building. The plans for the standard construction indicate the height would be over 20'. 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.

Mr. Castaneda moved to deny the petition filed by Randall Minnick for property at 3374 Hidden Road for the purpose of a variance of 240 square feet to be 1,400 square feet (1200 square feet is allowed) for an 40'x36' accessory building. There is no hardship. Mr. Phelps seconded the motion. Three (3) ayes, one (1) nay-LaPlant. The motion passed.

The next item on the agenda was a petition filed by Kristin Garn for property at 3930 Castle Drive which is on the West side of Castle Drive between Anna and Paulan for the purpose of a variance of 2' to permit a 6' privacy fence closer to the front line than the front wall of the principle building (4' non-obscuring fence is allowed) and a variance of .5' to permit a 6.5' fence in the side/rear yards (6' is allowed). Parcel is zoned Residential-3.

The fire department takes no exception to the petition file by Kristin Garn for property at 3930 Castle Drive.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Kristin Garn, they have no objection to the petition. Based on the description provided and a site visit, the fence will be located in the backyard/side yard and have no impact on the road right-of-way or routine maintenance activities.

The DWS takes no exception to the proposed variance.

James Almy of 3411 Anna telephoned he was against the variance request.

Michael Wagar of 3944 Castle drive telephoned he had no problem with the request.

Gregory and Kathleen Wilson of 337 Castle telephoned they are against the request. There is no reason to have a 6.5' fence. It is a residential area not a prison. If the property isn't level, they should have it leveled. The fence will deflate the value of homes in the area. There is no reason for the fence, except that they want one.

Ms. Garn showed photos of her property and the area to the Board. She explained a complaint was made on her fence. She has been working with the Township's Code Enforcement Officer Steve Hebert to correct the problem. She wanted the fence to have a straight top line. She did not realize it was over 6' in height where the property dipped. Some areas of the fence are under 6'. She proposed a small section of fence to put her trash cans behind. She just wanted the fences to match.

Mr. Banaszak asked what the hardship was. Ms. Garn explained she got a building permit last year for the fence and it was approved for the side and rear yards. A complaint was made this year. The "L" shaped proposed fencing would not block any line of sight.

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

Larry and Marcia Lienczewski of 3396 Anna Drive were against the request. They stated this was a normal

subdivision. They wanted to know why the Township would consider approving a variance when the fence was built outside the Township's rules. Everything else in the subdivision lines up. Ms. Lienczewski added the subdivision rules stated which side is the front yard. Mr. Lienczewski stated the fence will create less airflow and light. They said the fence is unsightly. They showed pictures to the Board. They added this is a self-inflicted hardship. She should not be allowed to circumvent the rules of the subdivision or Township.

Mr. LaPlant commented it looked like the fence was built to code except for where the land lowered.

A discussion took place on the "L" shaped proposed fence.

Mr. LaPlant stated he understood wanting to keep the continuous straight line on the top of the fence but they could have made the 6' the highest point. It's not that big of a difference.

Mr. Banaszak stated there are two issues. The fence in the front yard may obstruct vision.

Dale Garn stated he erected the fence. He did a laser line and didn't pay attention to the ground elevation. He said he could cut off the 6". The fence in the front yard would be to hide the trash cans.

Mr. Banaszak stated no one in the area has a fence in the front yard. Mr. LaPlant added it was a self-created problem.

Mr. LaPlant moved to deny the petition filed by Kristin Garn for property at 3930 Castle Drive which is on the West side of Castle Drive between Anna and Paulan for the purpose of a variance of 2' to permit a 6' privacy fence closer to the front line than the front wall of the principle building (4' non-obscuring fence is allowed) and a variance of .5' to permit a 6.5' fence in the side/rear yards (6' is allowed). There is no hardship. Four (4) ayes, no (0) nays. The motion passed.

The last item on the agenda was a petition filed by TVC Construction Services for property at 101 N. Euclid which is on the West side of Euclid Avenue between Midland and Ohio for the purpose of 1) a parking setback variance along N. Euclid Ave. of 7.5' to be 7.5' (15' is required); 2) a variance of 7.5' to be 7.5' for the landscaping planting strip adjacent to N. Euclid (15' is required) (variance will permit parking within required planting strip); 3) a 3.5' parking setback variance to be 11.5' along W. Midland Road; 4) a front yard setback variance of 25' to be 15' along N. Columbian St. (40' is required); and 5) a variance of 35' to be 15' for a screen/buffer along N. Columbian St. (50' is required). Parcel is zoned Commercial-2.

The fire department takes no exception to the petition filed by TVC Construction Services for property at 101 N. Euclid.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by TVC Construction Services, they have no objection to the petition. They have had several conversations with TVC Construction Services and continue to work with them to resolve any issues along Midland Road and N. Columbian Street with regard to access and parking associated with this development. The variances described, they believe, are covered under the Township's ordinances and they do not have jurisdiction.

The DWS takes no exception to the proposed variance.

Rich Sheppard of Smith & Brooker represented the request. He explained this is a corner lot with three front yards. There is no additional land to purchase. The property is a unique shape. It is 142' along the South and 183' along the North.

Mr. Sheppard explained the proposal is to move the new building more to the north on the property. There will be curb and gutter on the Columbian side where there is none now. A reduction in the required landscaping area is requested. No landscaping exists. In order to meet any parking requirements, variances are needed. Mr. Sheppard added the proposed use is allowed. The Bay County Road Commission allowed the angle parking along Columbian. The setback on the west would be the same as what exists.

The elevations of the building were shown. The building would have a solid back on the West with landscaping. The requested variance along Midland Road would square up the parking. The proposal will enhance the neighborhood.

Mr. Sheppard explained the five criteria for variance approval, all of which they met. There is practical difficulty. Numerous setback variances are needed. The Texan doesn't fit the current zoning requirements. The variances will do substantial justice to the applicant. The proposed landscaping is better than what exists. There would be a place to put the snow in the winter. Lesser variances than requested will not give substantial relief to the applicant. The variances are needed for the lot to be used. The need for the variances is due to unique circumstances peculiar to the property. This property is unique because it is a corner lot with three front yards. The need for the variances has not been self-created. They are revitalizing property and reusing land.

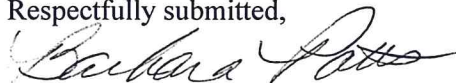
There was no one in the audience for or against the request.

Mr. Banaszak stated the property was unique. The requests met all the criteria needed for approval. Mr. Phelps agreed and added they did a good job getting a building to fit on the lot. Mr. LaPlant commented any change to the property would need variances. The added landscaping will benefit everyone.

Mr. Phelps moved to approve the petition filed by TVC Construction Services for property at 101 N. Euclid which is on the West side of Euclid Avenue between Midland and Ohio for the purpose of 1) a parking setback variance along N. Euclid Ave. of 7.5' to be 7.5' (15' is required); 2) a variance of 7.5' to be 7.5' for the landscaping planting strip adjacent to N. Euclid (15' is required) (variance will permit parking within required planting strip); 3) a 3.5' parking setback variance to be 11.5' along W. Midland Road; 4) a front yard setback variance of 25' to be 15' along N. Columbian St. (40' is required); and 5) a variance of 35' to be 15' for a screen/buffer along N. Columbian St. (50' is required). The site is unique. There are three front yards. Variances would be needed for any use. 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.

Having no other business before the Board, Mr. Phelps moved to adjourn. Mr. Castaneda seconded the motion. Four (4) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:07 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator