

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

**MINUTES OF JUNE 18, 2013 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 18<sup>th</sup> day of June, 2013 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 6:02 p.m.

The Pledge of Allegiance was recited.

**The first item on the agenda was approval of the minutes of a regular meeting held May 21, 2013.** *Mr. Pilarski 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 Dawn Bublitz for property at 3322 E. Gregg Drive which is on the South side of E. Gregg Drive between Gregg Drive and W. Douglas Drive for the purpose of a 5' variance to be 0' from the West side lot line (5' is required) for a 6' privacy fence in the yard facing the road at the property line. Parcel is zoned Residential-2.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Dawn Bublitz for property at 3322 E. Gregg, they have no objection to the petition. From the documents submitted and a site visit, the new fence will align with the southern neighbor/property owner's existing fence and will not conflict with normal BCRC maintenance operations

The Fire Department takes no exception to the petition.

Bay County DWS wrote they take no exception to the proposed variance.

Mike Bristow of 2916 Douglas Drive telephoned there should not be a variance required for a corner lot. He wrote the rules should be changed for all.

Al Hodder of 3346 Shane Drive stated it would look nice and be an improvement. He is not concerned with it being moved closer to the road.

Fred Bublitz represented the request. He stated they have a pool and kids. The house is on a corner lot. They would like a privacy fence to give them more privacy in the back yard.

Cynthia Roberts of 3321 E. Gregg Drive stated she had no objection. This would be a great improvement for them and will look nice.

There was no one in the audience against the request.

Mr. Banaszak asked if the fence was going along Gregg Drive. Mr. Bublitz stated it was. A chain link fence exists. They would like to put the privacy fence in line with the adjacent neighbor's fence. The

chain link fence will be removed.

Mr. Phelps asked if the fence would run along the west side then cut in by the house. It would.

Mr. Pilarski asked if there would be a gate. Mr. Bublitz stated there would be a locking gate.

*Mr. Schisler moved to approve the petition filed by Dawn Bublitz for property at 3322 E. Gregg which is on the South side of E. Gregg Drive between Gregg Drive and W. Douglas Drive for the purpose of a 5' variance to be 0' from the West side lot line (5' is required) for a 6' privacy fence in the yard facing the road at the property line.. The property has two front yards. The fence will be in line with the adjacent neighbors' fence. There is an existing chain link fence that will be removed. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. The applicant has six months to pull a building permit or his variance is void.*

**The next item on the agenda was a petition filed by Site Enhancement Services for property at 4109 Wilder Road which is on the North side of Wilder Road between State Street Road and Bangor Road for the purpose of a variance to exceed the minimum ground sign setback requirement by maintaining the current setback of the existing monument sign; variance of 6'2" to be 3'10" from right-of-way (10' is required). Parcel is zoned Commercial-2.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Site Enhancement Services for property at 4190 Wilder Road (Red Lobster), they have no comment on the petition. Signage is generally regulated by the Township. If it does not conflict with traffic regulating devices (traffic signals, flashing beacons) they generally do not have jurisdiction. The proposed signage does not appear to conflict with any existing traffic regulating devices in the area. Upon review of the site and plan submitted today, they request that the sign not be placed any closer to the existing sidewalk as it may be a hazard to non-motorized traffic.

The Fire Department takes no exception to the petition.

Bay County DWS wrote they take no exception to the proposed variance.

Ty Robbins represented the request.

Kristal Corrión entered the meeting at 6:10 p.m.

Mr. Robbins stated they would be maintaining the existing setback of the sign. Red Lobster is updating its trademark and branding. Mr. Robbins noted the height would be increased but is still within the allowed height. If the sign has to be moved, existing vegetation would obscure the sign from the road.

Mr. Pilarski commented the 3'10" setback is being maintained. The sign was erected before the current zoning laws.

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

*Mr. Schisler moved to approve the petition filed by Site Enhancement Services for property at 4109 Wilder Road which is on the North side of Wilder Road between State Street Road and Bangor Road for the purpose of a variance to exceed the minimum ground sign setback requirement by maintaining the current setback of the existing monument sign; variance of 6'2" to be 3'10" from right-of-way (10' is required). When the original sign was put in, it met code. The sign will be in line with the others in the area. Because of the restaurant's branding change, the variance is needed. Mr. Pilarski seconded the*

*motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or his variance is void.*

**The next item on the agenda was a petition filed by Leland Techlin for property at 614 Handy Drive which is on the East side of Handy between Fulton and North Union for the purpose of a 5' variance to be 0' from right-of-way (5' is required); portions of new and existing fence will encroach (BCRC permit required). Parcel is zoned Residential-2.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Leland Techlin for property at 614 Handy Drive, they have the following comments on the petition. From the documents submitted and a site visit, they are unclear as to what portion of the fence exists and which will be new. When was the existing fence installed and was a permit secured from the Township and BCRC? In its present location, the fence is highly susceptible to damage due to snow plowing operations, especially if the snow is "heavy". Further, the curb cut for the driveway to the detached garage was not done to current standards. For lack of better wording, it works, but it is not the best. Based on the fence's "appearance", it does seem like this fence has been in place for a "long time", therefore the basis of questions.

The other observation made during the site visit is that there are at least five, six or more other properties in this residential area that have chain link or decorative fence on the right-of-way line and not at the Township's 5' setback requirement. A search of their (and the Township's) files would be needed to determine why these were allowed, as again they are highly susceptible to damage from snow removal operations. Although one could argue the precedent has been set and everyone in this area is now allowed to install a fence out to the right-of-way line, they do not agree with any additional installations without knowing the circumstances surrounding the installation of the others in the area (special reason, hardship, they just "did it" with no permit, etc.). Therefore, if new fencing is to be installed at this location or any other properties in this residential area in the future, they recommend the Township deny the request unless evidence can be presented to the contrary. Thus, the BCRC is not in favor of the petition for any new fence at 614 Handy Drive and recommend it be denied. The existing fence may remain, but if the owner does not have a permit for it, they must secure one from BCRC office.

The Fire Department takes no exception to the petition.

Bay County DWS wrote they take no exception to the proposed variance.

Matt Sawicki of 614 Frost telephoned he had no objection.

Eugene Starkey of 703 Frost Drive telephoned he was opposed.

Mr. Techlin presented a 1997 Bay County Road Commission permit for the existing fence. He stated the fence was erected in 1987. The existing fence is 5' from the curb. He is proposing to put up vinyl fence in line with the neighbor's fence. Mr. Techlin stated he has two front yards. The fence would be in his backyard. He would like to keep the gate where it exists. The proposed location would be 5' further off the road than it is now.

Mr. Phelps asked if the chain link fence would be removed. Mr. Techlin stated it would be removed.

Mr. Pilarski asked if Mr. Techlin ever had damage to his property from the snow plows. Mr. Techlin stated he's never had damage.

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

A discussion took place on if a new Road Commission permit would be needed. The Board didn't believe the Road Commission understood the drawing submitted. The Board suggested Mr. Techlin go talk to the Road Commission.

*Mr. Schisler moved to approve the petition filed by Leland Techlin for property at 614 Handy Drive which is on the East side of Handy between Fulton and North Union for the purpose of a 5' variance to be 0' from right-of-way (5' is required); portions of new and existing fence will encroach (BCRC permit required). The existing fence is 5' closer than what is proposed. The property has two front yards. A Bay County Road Commission permit may be required. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or his variance is void.*

**The next item on the agenda was a petition filed by Mero Diaz for property at 3710 Margaret Lane which is on the South side of Margaret Lane between Boy Scout and Kawkawlin Road for the purpose of a 3' side yard variance to be 5' from the property line (8' is required) and a 5' variance to be 35' from the waterfront setback (40' is required) for an addition. Parcel is zoned Residential-1.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Mero Diaz for property at 3710 Margaret Lane, they have no comment on the petition. Based on the information received, the property does not access a roadway under the jurisdiction of the BCRC.

The Fire Department wrote they believe in the interest of fire safety, the side of the addition requiring the variance should be constructed providing a one-hour fire separation.

Bay County DWS wrote they take no exception to the proposed variance.

A letter from Peter Tenny regarding drainage concerns was read.

Mr. Diaz stated the proposed addition has nothing to do with the variances. The measurements in question are for the existing house. Even if the variance is denied, the house would still be in violation.

Mr. Pilarski stated the home is grandfathered in.

A discussion took place on drainage in the area. Mr. Diaz stated he has a pump keeping the drainage managed. There would be no increase in drainage.

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

*Mr. Pilarski moved to approve the petition filed by Mero Diaz for property at 3710 Margaret Lane which is on the South side of Margaret Lane between Boy Scout and Kawkawlin Road for the purpose of a 3' side yard variance to be 5' from the property line (8' is required) and a 5' variance to be 35' from the waterfront setback (40' is required) for an addition. The house was grandfathered in. The addition causes the existing home to need the variance to become compliant. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or his variance is void.*

**The next item on the agenda was a petition filed by Randy Haulman for property at 39 State Park Drive which is on the West side of State Park Drive between Wilder Road and Wheeler for the purpose of a 1,006 square foot variance to permit 4,006 square feet of detached accessory building (3,000 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 Haulman for property at 39 State Park Drive, they have the following comment on the petition. From the documents submitted and a site visit, they assume the new garage will use the existing driveway access off State Park Drive. Access points for the new building were not shown, but the petition does state "...to accept larger vehicles and for maintenance". If the accessory building will require a new driveway to access State Park Drive, they will require a permit to do so.

The Fire Department takes no exception to the petition.

Bay County DWS wrote they take no exception to the proposed variance.

Mr. Haulman stated 1,006 square feet sounds like a lot. He would like to maintain the existing buildings. They are historical but they aren't big enough. He can't park his truck inside the garage. He has applied for a Road Commission driveway permit. Mr. Haulman stated he would like to put in a "U" shaped drive.

Mr. Phelps asked what type of material is proposed for the accessory building. Mr. Haulman stated they are looking at limestone for the front of the home and would incorporate it on the pole barn. They want the pole barn to match the rest of the buildings

Mr. Haulman explained the buildings on the property are too small. He can't get his truck into any of them. He has storage elsewhere because he doesn't have enough room.

Mr. Pilarski asked if Mr. Haulman was going to have a business out of the proposed building. Mr. Haulman stated no. He does his own maintenance on his own things. He added the horse stable holds all the lawn equipment. The pool house is just a screened in area.

Mr. Haulman stated he has a lot of stuff. He has snowmobiles, milling equipment, grinders, sanders, etc.

Mr. Pilarski stated the lot is adequate to hold a building of that size.

Mr. Schisler advised if the greenhouse and chicken coop were removed, a lesser variance would be needed.

Mr. Banaszak asked what the hardship was. A smaller building could be built. This is a self-created problem. Mr. Haulman stated he would like to have all his property stored at this location.

Mr. Pilarski stated there is no adverse effect on the area. Mr. Haulman stated he wants to keep the historic value of the existing buildings. The property has an estate feel. He doesn't want to tear down any buildings.

A discussion took place on if the square footage of the pool house should count because it was a screened in building.

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

Mr. Pilarski asked if Mr. Haulman would agree to a lesser variance. Mr. Haulman stated he would agree to it.

Mr. Schisler commented the problem with zoned areas is that the laws have to be followed. The Board could not find a hardship for the request.



*Mr. Phelps moved to deny the petition filed by Randy Haulman for property at 39 State Park Drive which is on the West side of State Park Drive between Wilder Road and Wheeler for the purpose of a 1,006 square foot variance to permit 4,006 square feet of detached accessory building (3,000 square feet is allowed). The petition does not meet the requirements needed for granting a variance. There is no hardship. Mr. Banaszak seconded the motion. Ms. Corrion asked if a lesser variance could be approved. Mr. Banaszak stated Mr. Haulman could still build but not at the proposed size. A roll call vote was taken. Phelps-aye, Schisler-aye, Banaszak-aye, Corrion-nay, Pilarski-aye. Four (4) ayes, one (1) nay. The motion passed and the request was denied.*

**The last item on the agenda was a petition filed by Sunrise Stores LLC for property at 3790 N. Euclid which is on the West side of Euclid Ave. between Wilder Road and Schumann Road for the purpose of a variance to allow two (2) signs on property and variance to waive setback from right of way line for signs. Parcel is zoned Commercial.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Sunrise Stores. LLC for property at 3790 N. Euclid Avenue (M-13), they have no comment on the petition. Based on the information received, the proposed site is not located along road right-of-way under the jurisdiction of the Bay County Road Commission. Euclid Avenue (M-247/M-13) and Huron Road (M-13) is under the jurisdiction of MDOT, which should be contacted to determine if they have any comments regarding this site plan with regard to sign placement.

The Fire Department takes no exception to the petition.

Bay County DWS wrote they take no exception to the proposed variance.

Ken Ayers and Tom Foster represented the request.

They are proposing to have 7' wide signs. They currently have two signs and want to keep them. If they just replaced the panels, no variance would be needed. The signs have been there since 1993. Due to the configuration of the property, one sign would be difficult to see.

Mr. Schisler commented this was not a typical corner lot.

Mr. Ayers stated there was a right-of-way issue. He didn't know if the right-of-way changed since 1993. They are proposing to keep the location the same and use the same footings.

A discussion took place on the clearance under the sign. Mr. Ayers stated it could be brought up to 8' of clearance.

The two signs would be identical.

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

*Mr. Schisler moved to approve the petition filed by Sunrise Stores LLC for property at 3790 N. Euclid which is on the West side of Euclid between Wilder Road and Schumann Road for the purpose of a variance to allow two (2) signs on property and variance to waive setback from right of way line for signs. The request is to update what exists. The signs will be in the same location. This is a unique property. There are two roads and a go-between. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The motion passed and the request was denied.*

A discussion took place on a date for a special meeting request. The special meeting was set for July 9,

2013 at 6:00 p.m.

*Having no other business before the Board, Mr. Schisler moved to adjourn. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:20 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator