

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

MINUTES OF MARCH 21, 2017 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21st day of March, 2017 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 and DeShano

MEMBER (S) ABSENT: None

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 election of officers. *Mr. Phelps moved to have Tim Banaszak remain as Chair. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

Mr. Banaszak moved to have Krystal Corrion remain as Vice-Chair. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

The next item on the agenda was approval of the minutes of a regular meeting held December 20, 2016. *Mr. LaPlant moved to approve the minutes as presented. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item was a petition filed by Professional Permits for property at 4125 Wilder Road which is on the North side of Wilder between State Street Road and Bangor Road for the purpose of a 105.7 square foot variance to be 185.7 square feet for a wall sign. (80 square feet is allowed) Parcel is zoned Commercial-2.

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission wrote they do not have any comment with regard to the petition.

Garry Potts of Professional Permits represented the request from Ollie's Bargain Outlet. He stated the business needs to be identified. The proposed sign is the minimal size needed to be seen. The sign will not be a detriment to adjacent properties. It will have minimal impact on the area. Mr. Potts stated all the setbacks are met. This is not a self-created problem. The required setbacks and parking spaces put the building far off the road. A bigger sign is needed to be seen.

Mr. LaPlant asked if Mr. Potts has done other signs for Ollie's. Mr. Potts explained he did the permitting. Mr. LaPlant inquired if there was a formula used for the size of the sign. Mr. Potts stated there was and gave a brief explanation on how it worked.

There was no one in the audience for or against the request. Mr. Banaszak read a letter of opposition from Bruce Aikens of Mitten Mall Partners LLC.

Mr. Phelps commented due to the large setbacks, the bigger size is needed to be seen.

Ms. DeShano stated the sign is the same as the one in Saginaw. It is their normal and their logo.

Mr. LaPlant asked if the sign is ever altered. Mr. Potts did not believe so.

Ms. Corrion understood Mr. Aiken's concerns however, this business is flourishing.

Mr. Banaszak did not feel the sign was an issue.

Mr. Phelps moved to approve the petition filed by Professional Permits for property at 4125 Wilder Road which is on the North side of Wilder between State Street Road and Bangor Road for the purpose of a 105.7 square foot variance to be 185.7 square feet for a wall sign. (80 square feet is allowed). There is a large setback and the sign needs to be seen from the road. 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 the variance is null and void.

The next item was a petition filed by Saginaw Valley Naval Ship Museum for property at 1680 Martin Street which is on the south side of Martin between Marquette and Saginaw River for the purpose of a 50' variance to be 50' on the south and a variance of 90' to be 10' on the east for proposed new visitor center; a 70' variance to be 30' for a relocated office building, a 70' variance to be 30' for bathrooms and a 50' variance to be 50' for a pavilion. 100' setback is required. Parcel is zoned Industrial.

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission wrote they have no comment on the request.

Mike Kegley represented the petition. He presented a new drawing. The existing trailer cannot be moved to where they had proposed. The new school building will go where the existing building is. Mr. Kegley stated the drawing was done by an architect. The new school building was inspected by the State. He is waiting for a letter from Dow approving the new locations of the buildings. Mr. Kegley stated they outgrew the building they have. In the future, a permanent building will be put on the site but they need this temporary one now until they raise the money.

Ms. LaPlant explained the Naval Ship Museum site plan has been before the Planning Commission several times. Mr. Phelps stated the buildings are in the floodway and that is not allowed. Mr. Kegley commented the buildings will be anchored down.

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

Mr. LaPlant stated everyone wants this project to move forward. Trustee Neil Froncek has concern with any buildings being in the floodway. That area is FEMA regulated. Mr. LaPlant explained if the variances are approved, the ZBA is in no way granting permission to place anything in the floodway. That approval has to be given by FEMA or the DEQ. Mr. Kegley commented he submitted a letter to the Planning Commission from the DEQ but the Planning Commission did not find it acceptable.

Ms. Corrion stated it sounded like the Planning Commission had a handle on things. Mr. Phelps had reservations with approving the requests. There are issues.

Mr. LaPlant stated if the buildings are not in the floodway than it is not a problem. It's not up to the ZBA to make that determination. The setbacks can be approved but it is up to the applicant to prove it is not in the floodway and/or the elevations are permitted.

Ms. DeShano stated the updated locations are better than what was proposed.

Mr. Banaszak stated the ZBA has no authority to permit them to build.

Ms. Corrion moved to approve the petition filed by Saginaw Valley Naval Ship Museum for property at 1680 Martin Street which is on the south side of Martin between Marquette and Saginaw River for the purpose of a 50'

variance to be 50' on the south and a variance of 90' to be 10' on the east for proposed new visitor center; a 70' variance to be 30' for a relocated office building, a 70' variance to be 30' for bathrooms and a 50' variance to be 50' for a pavilion. 100' setback is required. This is a unique situation. The Planning Commission is aware of the circumstances. Ms. DeShano seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.

The last item on the agenda was a petition filed by A Clean Cigarette, Inc. for property at 3557 Wilder Road which is on the north side of Wilder Road between Grace Drive and Adela Court for the purpose of an additional 8' x 4' pole sign. (One free standing sign is allowed) Parcel is zoned Commercial-1.

The Department of Water and Sewer wrote DWS takes no exception to the proposed plan.

The Fire Marshal had no comment.

The Bay County Road Commission wrote they have no objection to the request

Carey Lee and Sandy Covaleski represented the request. Mr. Lee stated his business gives smokers hope. Proper signage is key. He needs his business to be seen. Ms. Covaleski stated their identity is an issue. Bonnie's Sewing Center is in favor of another sign. With both square footages of the signs, they are still under what is allowed. There are two signs on the adjacent property. Ms. Covaleski stated the sign will look nice and meet all the required setbacks.

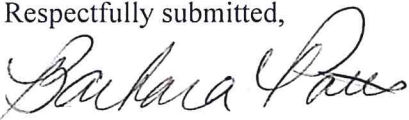
Mr. LaPlant asked how high the sign would be. Mr. Lee stated it would meet code,

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

Mr. LaPlant moved to approve the petition filed by A Clean Cigarette, Inc. for property at 3557 Wilder Road which is on the north side of Wilder Road between Grace Drive and Adela Court for the purpose of an additional 8' x 4' pole sign. (One free standing sign is allowed.) The building was designed for an additional tenant. The business needs brand recognition and its own identity. Ms. Corrión seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit or the variance is null and void.

Having no other business before the Board, Mr. LaPlant moved to adjourn. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:03 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator