

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

MINUTES OF MAY 21, 2013 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21st day of May, 2013 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Corrion, Phelps, Pilarski

MEMBER (S) ABSENT: Schisler

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 April 16, 2013. *Mr. Pilarski moved to approve the minutes as presented. Ms. Corrion seconded the motion. Four (4) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Shawn Gilson for property at 4184 S. Paul Circle which is on the South side of S. Paul Circle between Sherry Court and N. Paul Circle for the purpose of a 3' variance to be 5' from the side lot line (8' is required) for a new garage. Parcel is zoned Residential.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed Shawn Gilson for property at 4184 S. Paul Circle for the purpose of a side yard variance for a garage addition, they have the following comment on the petition. From the documents submitted and a site visit, it appears the new garage will use, at least in part, the existing driveway access off S. Paul Circle. If the driveway is widened and increases the access width to S. Paul Circle they will require a permit to do so.

The Fire Department believes that if the side yard setback requirements cannot be met then, in the interest of fire safety, the new garage should be constructed with a one hour separation wall on the side requiring the variance.

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

There was no one present to represent the request. *Mr. Pilarski moved to table the petition until later in the meeting. 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 Ronald Selley for property at 3311 Old Kawkawlin Road which is on the North side of Old Kawkawlin between Euclid and Two Mile for the purpose of a 3' variance to be 5' from the side lot line (8' is required) for an addition. Parcel is zoned Residential.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Ronald Selley for property at 3311 Old Kawkawlin Road for the purpose of a side yard variance to construct an addition, they have no comment on the petition. Based on the information received, the addition will

have no effect on the BCRC's Old Kawkawlin right-of-way as there is a property between the subject property and Old Kawkawlin Road.

The fire department believes that if the side yard setback requirements cannot be met then, in the interest of fire safety, the new addition should be constructed with a one-hour fire separation wall on the side requiring the variance.

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

Andrew Lieber of 3200 Hidden Road telephoned he was in support of the request.

Mr. Selley stated they would like to add on a second bathroom.

Mr. Pilarski asked if the existing addition was 6' from the property line. Mr. Selley said it was. They were going to maintain that setback. There would be no negative impact on the neighbors.

Mr. Pilarski asked what the hardship was. Mr. Selley stated they only have one bathroom. If they didn't get a variance, the addition would not line up with the house on that side.

Christin Nielsen, wife of Ron Selley, stated they've lived there for 24 years. They can now afford to put in another bathroom.

There was no one in the audience against the request.

Mr. Phelps asked what size the addition would be. He couldn't tell from the drawing. Mr. Selley stated it would be 12'X 14'.

Mr. Pilarski stated there was no basement.

Mr. Banaszak commented the existing addition is at 6' from the property line. They want to keep the proposed addition in line. The existing addition was built prior to the zoning ordinance. They are not exceeding what already exists.

Ms. Corrion moved to approve the petition filed by Ronald Selley for property at 3311 Old Kawkawlin Road for the purpose of a 3' variance to be 5' from the side lot line (8' is required) for an addition. They are adding on a bathroom. They have no basement. The proposed addition will be in line with what already exists. Mr. Phelps seconded the motion. Mr. Pilarski added the existing portion of the house 6' from the property line was built prior to the zoning ordinance. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Selley 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 (Red Lobster) which is on the North side of Wilder Road between State Street Road and Bangor Road for the purpose of a variance to maintain more than one (1) wall sign on the building. Parcel is zoned Commercial-2.

The Fire Department takes no exception to the petition filed by Site Enhancement Services for property at 4109 Wilder Road (Red Lobster).

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) for the purpose of sign variance, 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.

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

Randy Stuck, Chairman of OC of Michigan, wrote they had no problem with the request.

Barbara Behmlander, General Manager of Cushman & Wakefield, wrote they do not object.

Ty Robbins of Site Enhancement Services represented the request. He stated Red Lobster is rebranding their stores. The interior and exterior will be remodeled. Photos and information were presented. The aerial photo showed the access to the restaurant. There is exposure to all sides of the building. One photo showed the before and proposed changes to the outside of the building. The signage square footage on the South side of the building will be decreased. There is a text change on the West side. A photo showed the vast vegetation around the property.

The monument sign is not in the best location for visibility. A discussion took place on the monument sign and the need for another variance.

Mr. Robbins stated the cornice at the entrance will have more signage square footage. There will be more square footage but smaller words. This part of the building is not visible from the roadway. It's only visible to those entering. The new signage is not excessive and fits with the remodeling.

Mr. Pilarski commended Mr. Robbins on his presentation and the information provided.

Ms. Corrion was glad to see the business further invest in the area.

A discussion took place on recommending the Township Board waive the ZBA fees for the monument sign.

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

Mr. Pilarski moved to approve the petition filed by Site Enhancement Services for property at 4109 Wilder Road (Red Lobster) which is on the North side of Wilder Road between State Street Road and Bangor Road for the purpose of a variance to maintain more than one (1) wall sign on the building. This is not self-created. The land and surrounding roadways creates the need for additional signage. He recommended the Township Board waive the fees for the petitioner to come before the ZBA for the monument sign. Ms. Corrion 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.

Mr. Pilarski moved to take the Gilson petition off the table. Ms. Corrion seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed Shawn Gilson for property at 4184 S. Paul Circle for the purpose of a side yard variance for a garage addition, they have the following comment on the petition. From the documents submitted and a site visit, it appears the new garage will use, at least in part, the existing driveway access off S. Paul Circle. If the driveway is widened and increases the access width to S. Paul Circle they will require a permit to do so.

The Fire Department believes that if the side yard setback requirements cannot be met then, in the interest

of fire safety, the new garage should be constructed with a one hour separation wall on the side requiring the variance.

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

There was no one in the audience to represent the request.

Mr. Pilarski stated when the subdivision was first developed; the lots were made to a size so not to need variances. There were several meetings regarding this. This is a new subdivision. There is no reason to approve any variances.

Ms. Corrion stated no hardship was presented. Mr. Phelps agreed. Mr. Pilarski stated drainage in the rear yard was not a hardship.

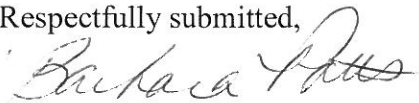
Mr. Banaszak commented this was a new development and a garage can be built to the parameters allowed.

There was no one for or against the request.

Mr. Pilarski moved to deny the petition filed by Shawn Gilson for property at 4184 S. Paul Circle which is on the South side of S. Paul Circle between Sherry Court and N. Paul Circle for the purpose of a 3' variance to be 5' from the side lot line (8' is required) for a new garage. There is no hardship. This is a new subdivision. Runoff has to be controlled on the property and won't impact the neighbors. Ms. Corrion seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed.

Having no other business before the Board, Ms. Corrion moved to adjourn. Mr. Pilarski seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed and the meeting was adjourned at 6:35 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator