

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

MINUTES OF NOVEMBER 10, 2016 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 10th day of November, 2016 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, Schisler

MEMBER (S) ABSENT: None

Mr. Banaszak called the meeting to order at 6:020 p.m.

The Pledge of Allegiance was recited.

The first item on the agenda was approval of the minutes of a regular meeting held October 18, 2016. *Mr. Schisler moved to approve the minutes. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda was a petition filed by Jon Williams for property at 443 River Drive which is on the south side of River Drive between State Park Drive and the dead end for the purpose of a side yard variance (existing west side) of 6' to be 2' (8' minimum required) and a total side yard variance of 10' to be 10' (20' total is required) to have a garage addition which increases the non-conforming structure. Parcel is zoned Residential.

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

The Fire Marshal had no comment.

The Bay County Road Commission wrote with regard to the petition filed by Jon Williams for property at 443 River Drive, they do not have any objection to the petition. Based on the plan submitted and the Bay County website aerial, the proposed garage addition will be well away from the road right-of-way, the road itself and further off the road when compared to adjacent structures. The addition to the existing garage should not have an adverse effect on the BCRC's ability to maintain River Drive.

William and Diane Klein of 439 River Drive was in favor of the requests.

Mr. Williams stated he needed a barrier free entrance to his home. The current garage is 13' wide. The proposed garage will be heated and will be more accessible.

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

Mr. Phelps stated the garage addition was away from the right of way. Mr. Schisler added the side yard setback was not changed. Ms. Corrion stated the building would be in line with the others in the area.

Ms. Corrion moved to approve the petition filed by Jon Williams for property at 443 River Drive which is on the south side of River Drive between State Park Drive and the dead end for the purpose of a side yard variance (existing west side) of 6' to be 2' (8' minimum required) and a total side yard variance of 10' to be 10' (20' total is required) to have a garage addition which increases the non-conforming structure. The addition will not affect the road right of way and lines up with the rest of the structure. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit.

The next item on the agenda was a petition filed by Bill Ruff-LSD Holdings for property at 3585 Two Mile

which is on the east side of Two Mile between Wheeler Road and Wilder for the purpose of a 6'8" height variance for an accessory structure to be 26'8" (20' is allowed). Parcel is zoned Residential.

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

The Fire Marshal had concerns regarding the use of the building.

The Bay County Road Commission wrote with regard to the petition filed by Bill Ruff – LSD Holdings for property at 3585 Two Mile Road, they have the following comments on the petition. Based on the plan submitted and the Bay County website aerial, it appears the proposed building will be used in the agricultural industry and/or for storage of agricultural equipment. The existing gravel drive that connects to Two Mile Road may need to be upgraded depending on the size of equipment entering and exiting the property. Specifically, the width of the existing driveway and drive radii may not be adequate to handle turning movements of large agricultural equipment. If this is the case, a permit to remove/replace and/or widen the driveway apron will be required by the BCRC.

LeRoy Harvey wrote Bay Edge Investment is in favor of the variance.

Jim Klein of Axiom Consulting Services represented the request. He stated the building would be used for storage of personal items. They are improving the drives. There are oil wells on site. There will be no large vehicular traffic. Mr. Ruff purchased the building at a reduced rate. The steel roof pitch is 2'x12'.

Mr. Phelps was concerned with the distance to the oil well. Mr. Ruff stated the minimum distance required was 50' and he would be at least that far. Mr. Klein stated they shifted the building 90°. It will not infringe on the oil well drives.

Ms. Corrion stated they have always been strict on building height. Mr. Schisler added they were stricter on residential building height. He then asked if the property was farmed. Mr. Ruff stated 20 acres were farmed. Mr. Schisler asked if Mr. Ruff looked into Right to Farm. Mr. Ruff stated that was Plan B.

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

Kyle Anderson of 3603 Two Mile asked what the true purpose of the building was. He was concerned his property values would lower.

The son in-law of Jane Williams of 3020 Wheeler Road asked what the real intent of the building was. The size is huge and the drive is being constructed for heavy equipment. They are not in favor of the property turning commercial.

Fire Marshal Starkey also asked what the intent of the building was. Mr. Ruff explained it was for personal use. He had no intent of changing it to commercial. He would like to restore the home. He was planning on putting a basketball court in the building for his son. The property is farmed. He is cleaning up the property.

Fire Marshal Starkey advised that having a basketball court is considered a gym. The building needs to be sprinklered. A water line will be needed.

Mr. LaPlant commented the size is large but that is not what is in question. He did not see a hardship. Purchasing the building does not make it a hardship.

Mr. Ruff explained everything was disclosed when he applied for the building permit. He was issued a permit and purchased the building. Then the Township contacted him and renegeed on the permit.

Mr. Schisler stated approving the variance gives the Township more control than if it fell under the Right to Farm Act.

Mr. Phelps moved to approve the petition filed by Bill Ruff-LSD Holdings for property at 3585 Two Mile which is on the east side of Two Mile between Wheeler Road and Wilder for the purpose of a 6'8" height variance for an accessory structure to be 26'8" (20' is allowed). Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit.

The next item on the agenda was a petition filed by Bay City Mall Partners LLC for property at 4135 Wilder Road which is on the north side of Wilder Road between Bangor Road and State Street Road for the purpose of a 19'6" side yard variance to be 6" (20' is required) for a sign. Parcel is zoned Commercial.

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

The Fire Marshal had no comment.

The Bay County Road Commission wrote with regard to the petition filed by Bay City Mall Partners, LLC for property at 4135 Wilder Road, they do not have any objection to the petition. Based on the plan submitted and the Bay County website aerial, the proposed sign will be off the Wilder Road right-of-way and well away from the road itself. The Wilder Road right-of-way in this area is wider than the typical 33' (they believe it to be 50'), thus the sign is well off the through travel lanes.

Matt Drozl represented the request. He explained the Target store was purchased by the Bay City Mall. The original pylon sign was to go into the right of way. There has been utility location issues. They have a letter of support from Consumers Energy for the proposed location of the sign.

Mr. LaPlant explained the site plan went before the Planning Commission but it was discovered a variance would be needed. There is definitely a hardship.

Mr. LaPlant moved to approve the petition filed by Bay City Mall Partners LLC for property at 4135 Wilder Road which is on the north side of Wilder Road between Bangor Road and State Street Road for the purpose of a 19'6" side yard variance to be 6" (20' is required) for a sign. This is a unique situation. Due to the location of existing utilities, there is no other location for the sign. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit.

The last item on the agenda was a petition filed by Matthew and Kelly Snawder for property at 1 Bay Shore Drive which is on the north side of Bay Shore Drive off of Roseland for the purpose of a side yard variance of on the west of 4' to be 4' (8' minimum required); total side yard variance of 14.5' to be 5.5' (20' total is required); and a 4' front yard variance to be 6' (10' is required). Parcel is zoned Residential.

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

The Fire Marshal had no comment.

The Bay County Road Commission wrote with regard to the petition filed by Matthew and Kelly Snawder for property at 1 Bay Shore Drive, they have the following comments on the petition. Based on the plan submitted and the Bay County website aerial, the proposed building may be within the Bay Shore Drive road right-of-way. Without a property description or survey, we are not absolutely sure where Bay Shore Drive ends. If there is a "Road Ends" or "Dead End" sign present, that should be fairly close to the end of the BCRC's jurisdiction. This is the only question they have; otherwise they have no objection to the petition.

Ms. Snawder explained the road ends and her property begins. There is nothing to the one side of their property. The proposed garage location will help with ease of parking. The garage will be used to store their recreation equipment and a portion for her husband's office. They are not moving out towards the water.

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

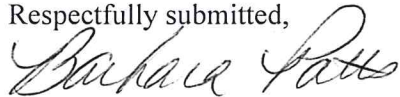
Mr. Phelps agreed the current layout is tight for driving. There is enough space to do what they are proposing.

Mr. Schisler stated there is definitely a hardship. This is a small lot. They are not moving toward the water. The property is right next to the water treatment plant. This is good use of the property.

Ms. Corrion moved to approve the petition filed by Matthew and Kelly Snawder for property at 1 Bay Shore Drive which is on the north side of Bay Shore Drive off of Roseland for the purpose of a side yard variance of on the west of 4' to be 4' (8' minimum required); total side yard variance of 14.5' to be 5.5' (20' total is required); and a 4' front yard variance to be 6' (10' is required). The lot shape is unusual. The proposed location is a good use of the property. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six months to pull a building permit.

Having no other business before the Board, Mr. Schisler moved to adjourn. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:43 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator