

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

**MINUTES OF NOVEMBER 19, 2013 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 19<sup>th</sup> day of November, 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, Pilarski, Schisler

**MEMBER ABSENT:** Phelps

**ALTERNATE MEMBER PRESENT:** LaPlant

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 October 15, 2013.** *Ms. Corrion moved to approve the minutes as presented. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was acceptance of 2014 meeting dates.** Mr. Pilarski asked for the November date to be changed. Mr. Schisler suggested moving it to Thursday, November 13, 2014. *Mr. Schisler then moved to accept the presented 2014 meeting dates with the change. 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 Midway Signs, Inc. (Family Dollar) for property at 950 N. Euclid which is on the East side of N. Euclid between Mosher Street and Fulton for the purpose of a 10' variance from the road right-of-way to be 0' (10' is required) for a sign. Parcel is zoned Commercial.**

Jim Lillo from the Bay County Road Commission wrote they have no comment on the petition. Euclid Avenue/M-13 is a roadway under the jurisdiction of MDOT and therefore, they have jurisdiction over the road right-of-way. It's recommended the petitioner contact MDOT to determine they have any requirements for placement of the proposed sign.

MDOT wrote they have 60' from the center of the road. The nearest edge of the sign cannot encroach upon that 60'.

The fire department takes no exception to the petition.

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

Chuck Crump represented the request. Family Dollar would like to keep the 0' setback for their sign. If it was moved to the required 10', the sign would be in the drive area, a parking space or in the exit. The proposed location is the best spot for visibility.

Mr. Pilarski asked if the existing foundation would be removed. Mr. Crump stated it would be removed and the sign would be in the same general area. The sign would be moved over one parking space.

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

*Mr. Pilarski moved to approve the petition filed by Midway Signs, Inc. (Family Dollar) for property at 950 N. Euclid which is on the East side of N. Euclid between Mosher Street and Fulton for the purpose of a 10' variance from the road right-of-way to be 0' (10' is required) for a sign. They are updating the signage for a new business and not creating a new condition. Mr. LaPlant 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 void.*

**The next item on the agenda was a petition filed by Gayle M. Reaume for property at 394 Ricoma Beach Road which is on the West side of Ricoma Beach Road between Killarney Beach Road and the end of Ricoma Beach Road for the purpose of a variance to allow an accessory building on a parcel without a principal building and to allow nine months to pull a building permit. Parcel is zoned Residential.**

Jim Lillo from the Bay County Road Commission wrote, based on the plans received, it appears the accessory building will be used for vehicle storage, thus a permit from the BCRC for a residential driveway will be required.

Bay County DWS wrote they take no exception to the proposed variance. Proposed garage site appears to be at the West end of the lot. A 46' permanent easement exists on the East end of this lot for water and sanitary sewer mains which cannot be encroached upon.

The fire department takes no exception to the petition.

Bob and Joanne Wendt of 391 Ricoma telephoned they had no objection.

Kenneth & Elizabeth Gillmore wrote a letter stating they had no objection at this time.

Ms. Reaume stated she would like a 30'x27' garage on the property across from her residence. She would like the extension for approval because it is late in the year.

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

*Mr. Schisler moved to approve the petition filed by Gayle M. Reaume for property at 394 Ricoma Beach Road which is on the West side of Ricoma Beach Road between Killarney Beach Road and the end of Ricoma Beach Road for the purpose of a variance to allow an accessory building on a parcel without a principal building and to allow nine months to pull a building permit. This request is common and unique for that area. There is no room on the property with the house. There won't be a living structure built. Since it is November, an extension is not unreasonable. Ms. Corrion seconded the motion. Mr. Pilarski added any encroachment into the utility easement is the responsibility of the property owner. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has nine months to pull a building permit or the variance is void.*

**The next item on the agenda was a petition filed by Holly Urband for property at 114 Roseland Drive which is on the West side of Roseland Drive between Lagoon Beach Drive and the end of Roseland for the purpose of a variance of 1' to be 7' in height for rear and side yard privacy fence and a height variance of 3' to be 7' for a front yard privacy fence. Parcel is zoned Residential.**

Jim Lillo from the Bay County Road Commission wrote they have no objection to the request. Based on the plans received and the explanation of the reason for the variance, it appears this request is to formally or "officially" allow the fence to remain in its current location. The fence is not an obstruction nor will impact the maintenance activities of the BCRC.

The fire department takes no exception to the petition.

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

Ms. Urband stated four years ago she replaced an existing fence. Recently, a neighbor complained to the

Township about it. She is here to correct the height issue.

Ms. Urband submitted a petition of support signed by the following: Todd Herhold of 117 York Drive, Carole Halaka of 164 Lagoon Beach Drive, Susan and Richard Scorey of 111 Roseland Drive, Nicole Burley Winchell of 121 Roseland Drive, Donald and Donna Rosebush of 176 Lagoon Beach Drive, Jacquelynn and Gordon Sieja of 162 Lagoon Beach Drive, Dorothy Wilson of 125 Roseland, Julie Morley of 118 Roseland, Charlene Murray of 119 York Drive, Amy Rosebush of 121 York Drive, and Lisa and Robert Lawrence of 123 York Drive.

Susan Scorey of 111 Roseland stated she has lived there for over 20 years and the fence is the same height as the original.

Heather Rivett of 174 Lagoon Beach Drive stated it was not the same height as the original fence. When she walks out of her house, she sees a 7' fence. The original permit was changed. Instead of Ms. Urband changing the fence to meet the permit, the permit was changed to meet the fence. It is noted on the permit that if there is an issue with the fence, it will have to be changed.

Mr. Schisler asked if there was a fence in the front yard before. Ms. Rivett stated there was but not a 7' privacy fence. She did not have an issue with a 7' fence in the back yard but didn't want one in the front yard.

Ms. Urband commented her property has been in her family for over 35 years. The property is 200' wide and undulates. Ms. Rivett's house is 57' from the fence. Ms. Urband stated she has been having problems with her neighbors. The existing fence has been there four years and the one it replaced was there at least 25 years.

Mr. Schisler asked if the fence in the front yard was the same. Ms. Urband stated it was a 6' stockade fence but now is a dog-eared fence.

Mr. Pilarski stated the poles needed to be cut down. Ms. Urband said she hadn't gotten to it yet.

A discussion took place on what the previous fence looked like and if there was proof.

Mr. Pilarski asked what the hardship was. Mr. Urband stated the property undulates and would like the fence to be even. When she put the fence up, she didn't know it was wrong.

Steven Sanderson of 174 Lagoon Beach stated they did not dispute the fence in the back yard. The fence in the front is the issue. Mr. Sanderson stated they had a fence that was in violation and had to change it. She should have to change hers. The property in the front is level. The current fence obstructs their view.

Mr. Schisler suggested taking the variance requests separately.

Mr. Banaszak stated there is not hardship. It is self-imposed.

Mr. Urband explained there is an in-ground in the back yard. It has always had a 6' fence around it.

Mr. LaPlant commented the permit should not have allowed the 7' fence.

Mr. Schisler understood how the fence could be higher in some areas. Topography could be considered a hardship. The posts will have to be brought into compliance.

Mr. Pilarski stated there is not proof a 7' fence existed in the front yard.

*Mr. Schisler moved to deny the petition filed by Holly Urband for property at 114 Roseland Drive for the purpose of a height variance of 3' to be 7' for a front yard privacy fence. There is no hardship. A 4' see through fence is allowed. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion was approved.*

Mr. Sanderson asked what that meant as to the side yard. Mr. Schisler, Ms. Corrion and Mr. Banaszak replied it

was denied.

*Mr. Schisler moved to approve the petition filed by Holly Urband for property at 114 Roseland Drive for the purpose of a variance of 1' to be 7' in height for a rear yard privacy fence. The fence is not 7' all the way around. If the grading was brought up, it would not be an issue. The neighbors do not object. The fence is around an in-ground pool. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion was approved.*

**The next item on the agenda was a petition filed by Darvin Powell for property at 3740 Boy Scout which is on the South side of Boy Scout between Euclid and State Park Drive for the purpose of a variance to construct an accessory building in the front yard. Parcel is zoned Residential-1.**

Jim Lillo from the Bay County Road Commission wrote they have no objection to the request. Based on the plans received and previous review, the garage does not abut a roadway under the jurisdiction of the BCRC, thus a permit from the BCRC is not needed. With regard to the BCRC review contained in the Board Meeting Minutes of December 18, 2012 and included in your Board member packet, the access referred to in that review is not the one Mr. Powell is using. Since that review, they learned there was another driveway east of the one referenced in this request and their original review was of an incorrect location.

The fire department takes no exception to the petition.

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

There was no one present to represent the request.

Mr. Schisler noted this variance was approved in December 2012 but the variance had expired. All comments were heard at that time.

*Ms. Corrion moved to approve the petition filed by Darvin Powell for property at 3740 Boy Scout for the purpose of a variance to construct an accessory building in the front yard. This item was originally approved on December 18, 2012. The previous approval has expired. Mr. Schisler 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 void.*

**The last item on the agenda was a petition filed by Brann's Steakhouse for property at 3898 State Street Road which is on the West side of State Street between Wilder Road and Wheeler Road for the purpose of a variance to permit two (2) wall signs (one (1) sign is permitted). Parcel is zoned Commercial-2.**

Jim Lillo from the Bay County Road Commission wrote they have no objection to the petition. Commercial signage is regulated by Township ordinances and normally not a BCRC review item

The fire department takes no exception to the petition.

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

Mike Brann represented the request. The second sign slipped by them. They thought the sign along State Street was allowed.

Mr. Schisler asked if the wall signs were the one over the entry and the one along State Street. Mr. Brann stated yes.

Mr. Schisler commented you wouldn't know what was there without the second sign.

Mr. Brann stated they are putting up a free standing sign. He was advised to make sure it met code.

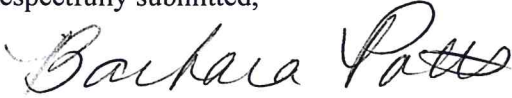
*Mr. Schisler moved to approve the petition filed by Brann's Steakhouse for property at 3898 State Street Road for the purpose of a variance to permit two (2) wall signs (one (1) sign is permitted). The two signs existed on the*

*previous restaurant. It was appropriate then and is now. Mr. LaPlant 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 void.*

A discussion took place regarding changes on signage requirements.

*Having no other business before the Board, Mr. LaPlant moved to adjourn. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:55 p.m.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Potts". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Barbara A. Potts  
Zoning Board of Appeals Coordinator