

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

**MINUTES OF OCTOBER 15, 2013 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 15<sup>th</sup> day of October, 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 ABSENT:** Schisler

**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 September 17, 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 a petition filed by Paul Schweppe for property at 1907 Mosher Street which is on the South side of Mosher between Webb and Handy for the purpose of a variance 11' to be 29' for an addition (40' is required). Parcel is zoned Residential-3.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Paul Schweppe, they have no objection to the site plan. They understand the request is to build an addition onto an existing family residence. The site plan does not indicate any change with regard to the residential drive or proposed encroachment into the road right-of-way. As presented, the proposed addition does not impact the road right-of-way or require any reconfiguration of the existing driveway. They do not anticipate any impact on routine roadway maintenance activities.

The fire department takes no exception to the petition.

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

Marilyn Good of 714 Webb Drive telephoned she had no objection to the variance.

Pastor Schweppe stated they moved into the house to downsize. They love the area, but the house isn't big enough. They would like to put an addition onto the back. There was a sunroom there and they would like to make it a four season room with a bathroom. On the East side of the home are the bedrooms. The proposed location is the logical place.

Mr. Pilarski asked if the property was a corner lot. Pastor Schweppe stated it was.

Pastor Schweppe presented a petition signed by neighbors who did not object to the request. It was signed by: Paul Schweppe of 1907 Mosher; Scott Hurley of 2000 Mosher, Apt. C; Patti Slacita of 717 Webb #F; Kortnie Elswick of 717 Webb #G; James Kranz of 717 Webb #G; Marlon Karnath of 717 Webb; Leann Harrison of 717 Webb #H; Mary Anne Kramer of 715 Webb #L; Beverly Kaiser of 715 Webb #D; Keith Johnstone of 715 Webb #B; Erik Jenks of 715 Webb #C; Tom Toth of 1906 Mosher; Rito Rodriguez of 1902 Mosher; Roger Bales of 1900 Mosher; Warren Doede of 715 Handy; Thomas Piquet of 1903 Mosher; Don & Marilyn Good of 714 Webb and Dan Hatton of 1904 Mosher.

Gary Walton of 711 Handy stated he had no objection to the request.

There was no one in the audience against the request.

Mr. Corrion commented there were two front yards. There is no other location for an addition.

Mr. Pilarski stated 29' would be between the addition and rear property line. Mr. Banaszak added the neighbors would not be impacted.

The house has 894 square feet. Mr. Pilarski commented the house is in line with the others along Webb. The current zoning laws were not in effect when the home was built.

*Ms. Corrion moved to approve the petition filed by Paul Schweppe for property at 1907 Mosher Street which is on the South side of Mosher between Webb and Handy for the purpose of a variance 11' to be 29' for an addition. No negative impact will be created by the addition. The home is small and more room is needed. The proposed placement is the only logical location. The property has two front yards. 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 the variance is void.*

**The next item on the agenda was a petition filed by Brookway, LLC for property at 824 N. Euclid which is on the East side of Euclid between Fulton and North Union for the purpose of 1) a lot size variance of 4,567 square feet to be 38,993 square feet (1 acre or 43,560 square feet is required); 2) variance to allow existing 200' of drive opening which is 22.9' from residential property (30' drive width is allowed no closer than 25' from residential property); 3) variance to maintain existing service doors without screening/landscaping (service doors are required to face away from adjacent roads unless screened); 4) variance to maintain existing conditions regarding landscaping (a landscaped minimum 15' wide planting strip is required adjacent to road right-of-way); 5) variance to allow existing paved area along the east property to within 20' of residential zoned property (50' wide minimum buffer is required); 6) variance of additional landscaping requirements (460 square feet of landscaping is required); and 7) variance to allow 9 striped parking spaces within front yard parking setback (15' front yard parking setback is required). Parcel is zoned Commercial-2.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Brookway, LLC, they have no objection to the site plan and support the Bangor Township ZBA and Planning Commission's decision(s) regarding this property. They have been in contact with the Bangor Township Code Enforcement Officer, Steve Hebert, Wade-Trim, and the property owner regarding this project. Although the property address is Euclid Avenue, which is a MDOT route, they do have jurisdiction along Fulton Street. Based on discussions with those listed above and a site visit, they will not require any improvements along Fulton Street at this time. They believe, due to the proposed use of the property, parking and building location, any reduction in the width of the Fulton Street driveway will adversely impact the traffic flow on the property. However, if approved, they do reserve the right to review the Fulton Street access if there is an increase in traffic conflicts or they receive complaints that the operation of this driveway access is causing vehicular conflicts on Fulton Street. Any costs for improvements to address any identified and verified issue will be the responsibility of the property owner.

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

The fire department takes no exception to the petition.

Brian Nartkar from Wade Trim represented the request. He stated the existing building is vacant. The interior will be remodeled and two uses will be added. Mr. Nartkar reviewed each of the seven requested variances. The parcel size cannot be enlarged due to adjacent property uses. The large curb cut along Fulton exists. The Bay County Road Commission will allow it to remain until there is a problem. Mr. Pilarski asked if there would be parking along Fulton. Mr. Nartkar stated no. There would be striped parking along Euclid. The driveway along Euclid will be closed. A curb, sidewalk and grass will be put in. Mr. Nartkar stated the service doors are needed and they would like them to remain without screening. The property would be unusable if the required amount of landscaping was required. The area is needed for parking and access to the service doors.

Mr. Nartkar commented in regard to the buffer on the East side of the property, they would be installing a 6' privacy fence and trees to protect the residential neighbor. The accessory building has been removed.

Mr. Pilarski asked why this plan didn't go before the Planning Commission. Mr. Nartkar stated the Planning Commission concluded the proposal was not a change of use so the plans did not have to go before them. Code Enforcement Officer Steve Hebert reviewed the proposal and advised these issues needed to be addressed.

Co-owner Jim Rowley stated the Planning Commission agreed this was not a change of use.

Mr. Nartkar continued explaining the variances. He stated the area is all hard surfaced. Additional landscaping would make the property unusable. The nine striped parking spaces along Euclid would be in the front yard setback. This would maintain the path around the building and make the service doors useable.

George Wallace of Georges Auto Repair at 820 N. Euclid stated his business was adjacent to this. He may be interested in using the site. The only change to the property is the closure of the Euclid drive. He added he had signatures of property owners in favor of the request. The signatures presented were: Patrick & Teresa Villano of 615 Webb Drive; Michael & Kathy Allbee of 701 Webb Drive; and Ken & Darlene Martin of 609 Webb Drive.

There was no one in the audience against the request.

Mr. Pilarski asked if the building was being altered. Mr. Rowley stated internally only. Mr. Pilarski asked about signage. Mr. Rowley stated the current sign would be utilized. The outside of the building would only be changed cosmetically. The exterior frame would remain the same.

Mr. Pilarski questioned the landscaping. Mr. Nartkar stated there will be 15 evergreens in the back and a greenbelt along Euclid.

Mr. Pilarski believed the plan should have gone before the Planning Commission.

Mr. Rowley advised they had two tenants interested in leasing. The building was built before the current zoning requirements. It is too big for the lot. If the required landscaping is required, they will lose parking. Mr. Pilarski would like to see the area along Euclid beautified.

Beth Corey, co-owner, was surprised at the ZBA's reaction to the petition. The building was used as a distribution center previously with a retail area. The Planning Commission said this was not a change of use. The only use change is there will be two tenants instead of one. They are remodeling the building. They were told the variances were needed. Ms. Corey stated they are doing what they were told to do by the Township.

Mr. Wallace added the work being done to the building will be an improvement.

*Mr. Pilarski made a motion to take each variance request separately. Mr. LaPlant seconded the motion. A discussion took place. Five (5) ayes, no (0) nays. The motion passed.*

*Ms. Corrión moved to approve the petition filed by Brookway, LLC for property at 824 N. Euclid for the purpose of a lot size variance of 4,567 square feet to be 38,993 square feet (1 acre or 43,560 square feet is required). The parcel exists. The variance will make a non-conforming parcel conforming. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

*Mr. LaPlant moved to approve the petition filed by Brookway, LLC for property at 824 N. Euclid for the purpose of variance to allow existing 200' of drive opening which is 22.9' from residential property (30' drive width is allowed no closer than 25' from residential property). The Bay County Road Commission reserves the right to review the Fulton Street access if there is an increase in traffic conflicts or they receive complaints that the operation of this driveway access is causing vehicular conflicts on Fulton Street. Any costs for improvements to address any identified and verified issue will be the responsibility of the property owner. Ms. Corrión seconded*

*the motion. Five (5) ayes, no (0) nays. The motion passed.*

*Mr. LaPlant moved to approve the petition filed by Brookway, LLC for property at 824 N. Euclid for the purpose of variance to maintain existing service doors without screening/landscaping (service doors are required to face away from adjacent roads unless screened). The doors exist. They will be upgraded or replaced. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

*Mr. Phelps moved to approve the petition filed by Brookway, LLC for property at 824 N. Euclid for the purpose of a variance to maintain existing conditions regarding landscaping (a landscaped minimum 15' wide planting strip is required adjacent to road right-of-way). This is to maintain the existing hard surfaced area. A 6' fence and trees will be installed along the East side. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

A discussion took place regarding the parking on the East side of the building.

*Mr. Phelps moved to approve the petition filed by Brookway, LLC for property at 824 N. Euclid for the purpose of a variance to allow existing paved area along the east property to within 20' of residential zoned property (50' wide minimum buffer is required). Twelve parking spaces are shown in this area. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

A discussion took place on landscaping. Currently there is no landscaping on the site. Mr. Nartkar explained the trees on the East side of the property and the greenbelt along Euclid are considered exterior landscaping. The variance is regarding interior landscaping. They would have to tear up the asphalt.

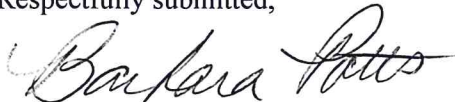
*Ms. Corrion moved to approve the petition filed by Brookway, LLC for property at 824 N. Euclid for the purpose of a variance of additional landscaping requirements (460 square feet of landscaping is required). This will maintain the current conditions of the property. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

*Mr. Phelps moved to approve the petition filed by Brookway, LLC for property at 824 N. Euclid for the purpose of a variance to allow 9 striped parking spaces within front yard parking setback (15' front yard parking setback is 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 if needed or the variance is void.*

*Having no other business before the Board, Ms. Corrion moved to adjourn. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 7:05 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator