

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

MINUTES OF OCTOBER 21, 2014 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21st day of October, 2014 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

MEMBER (S) ABSENT: Schisler

ALTERNATE MEMBER PRESENT: Castaneda

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 16, 2014. *Ms. Corrion moved to approve the minutes. Mr. Castaneda seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The first item on the agenda was approval of the minutes of a special meeting held October 1, 2014. *Ms. Corrion moved to approve the minutes. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda a petition filed by Andrew Barry for property at 2829 Two Mile which is on the East side of Two Mile between Lauria Road and Lazarowicz for the purpose of a variance of 900 square feet to allow a detached accessory building with 2,400 square feet in floor space (1,500 square feet is allowed). Parcel is zoned Residential-1.

The Fire Department had no comment.

The Department of Water and Sewer takes no exception to the proposed variance.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Andrew Barry, they have no objection to the petition. From the plan submitted, the building will be 200' east of the east right-of-way line for Two Mile Road and not impact the routine road maintenance activities.

Mr. Barry stated he wanted a bigger building. He is improving the property. The existing home will either be torn down or fixed up. It currently is an eyesore. He wants to make the property better.

Mr. Phelps asked if anyone lived on the property. Mr. Barry explained the property has been abandoned for about three years.

Ms. Corrion asked what Mr. Barry's intent was. He stated he wanted to tear down the house and build something better.

Thomas Roesler of 2814 Two Mile asked what type of building would be put up. Mr. Barry stated he would like to build a pole barn and a new home. The home would then be rented. Mr. Roesler was concerned with the property becoming a rental. He stated the homes along Two Mile are nice.

Mr. Barry stated nothing will be stored outside on the property and he will not work on cars on the property.

John Primeau of 3021 Lemuel had no objection to the request. The proposal will improve the property.

Ms. Corrion stated the home was run down. She was concerned a pole barn would be built then the home torn down and not rebuilt.

Mr. Phelps stated there was no hardship. What if the home wasn't replaced? Mr. LaPlant stated this was a self-created issue. It is nice to have things stored inside but a 1,500 square foot building is allowed.

The Board agreed there was no hardship.

Mr. Phelps moved to deny the petition filed by Andrew Barry for property at 2829 Two Mile which is on the East side of Two Mile between Lauria Road and Lazarowicz for the purpose of a variance of 900 square feet to allow a detached accessory building with 2,400 square feet in floor space (1,500 square feet is allowed). No hardship was shown. Five (5) ayes, no (0) nays. The motion passed.

The next item on the agenda was a petition filed by Robert & Florence Engel for property at 4331 Zander Drive which is on the North side of Zander Drive between Bangor Road and Huszan Road for the purpose of a variance of 9' to permit parking/storage of RV 1' from the East property line(10' is required). Parcel is zoned Residential-3.

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Department wrote the variance request places both residences at risk if fire occurs, and violates IFC 315.3 (pg 33 2006) "Outside storage of combustible materials shall not be located within 10' of a property line."

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Robert and Florence Engel, they have no objection to the petition. Based on the plan submitted and a site visit, parking or storage of a RV alongside or in back of the existing garage will not impact the road right-of-way or impede road maintenance activities.

Thomas Grandmaison of 4305 Zander telephoned he was ok with the variance.

Mr. Engel presented a petition with 18 signatures in favor of the request. He stated the Fire Chief came to the property and told them it would be best to have the trailer farther away from the home.

Mr. Engel explained they have a 25' trailer. He is far enough away from the neighbor behind him. The east neighbor's house is 20' off the property line. It gets very wet in the rear yard. He can't maneuver the trailer into the rear yard.

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

Mr. Phelps clarified there was 20' between the fence and the neighbor's house. Mr. Castaneda stated he had concerns with the Fire Department's comments.

Mr. Engel stated the asphalt has been there for 20 years. They only want to continue what they have been doing for the last 8 years.

Ms. Corrion moved to approve the petition filed by Robert & Florence Engel for property at 4331 Zander Drive which is on the North side of Zander Drive between Bangor Road and Huszan Road for the purpose of a variance of 9' to permit parking/storage of RV 1' from the East property line(10' is required). They have been parking the trailer there for 8 years. It is a good distance from the adjacent neighbor. Mr. Castaneda seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

The next item on the agenda was a petition filed by Patrick McFarland for property at 83 Bay Shore Drive which is on the South side of Bay Shore Drive for the purpose of a variance of 16' to permit a fence to be

24' from the waterfront property line (40' is required). Parcel is zoned Residential-1.

The Department of Water and Sewer takes no exception to the proposed variance.

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Patrick McFarland, they have no objection to the petition, but do have one comment. Based on Mr. McFarland's drawing, it appears the fence will be located within the existing Bay Shore Road right-of-way. A permit will be required from our office and our Permit Agent has been working with Mr. McFarland on this. The BCRC will not be responsible for any damage to the fence if it is in the road right-of-way (one already exists at 81 Bay Shore Drive and there is no history of repetitive damage), which, they believe, Mr. McFarland has been made aware.

Mr. McFarland stated he was working with the Road Commission. He recently received a variance for his garage. His improvement projects to the property are continuing.

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

Mr. Phelps stated the proposed fence will match what is next door. Mr. LaPlant confirmed there were two waterfronts on the property.

Mr. LaPlant moved to approve the petition filed by Patrick McFarland for property at 83 Bay Shore Drive which is on the South side of Bay Shore Drive for the purpose of a variance of 16' to permit a fence to be 24' from the waterfront property line (40' is required). The property has two waterfront yards. The variance would provide justice to the neighboring area and help define the roadway. Mr. Castaneda seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance would be null and void.

The next item on the agenda was a petition filed by John Monville for property at 381 River Road which is on the South side of River Road between Revilo and River Road for the purpose of a variance of 4' to be 4' on the west side yard (8' is required), a variance 2' to be 6' on the east side yard (8' is required) and a variance of 10' to be 10' for total side yards (20' is required) for the existing buildings. Parcel is zoned Residential.

The Fire Department had no comment. Structures already close and would be difficult to fight a fire. Needs address on garage.

The Department of Water and Sewer takes no exception to the proposed variance.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by John Monville, they have no objection to the petition. Based on the plan submitted and a site visit, the house and garage already exist and this petition appears to be needed only to document and approve the variances for the completed construction. The garage is at the same distance from the road right-of-way as the rest of the garages/buildings along River Road and should be no more of impedance to BCRC maintenance activities than any of the other existing structures.

Mr. Monville stated the lot is small. The addition will go up and over. He will not be any closer to the water.

Ms. Corrión clarified the setbacks were for the existing house.

Mr. Monville stated the measurements were incorrect. They are 5' on each side of the house. A discussion took place on what could be approved and what had to be re-noticed. The Board decided the variance on the west side could be decided on because it was a lesser variance. The total setback variance would be the same.

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

Ms. Corrion moved to approve the petition filed by John Monville for property at 381 River Road which is on the South side of River Road between Revilo and River Road for the purpose of a variance of 3' to be 5' on the west side yard (8' is required) and a variance of 10' to be 10' for total side yards (20' is required) and to re-notice the variance for the east side yard at no cost to the petitioner. The request is for the existing home. The addition will be in the same footprint. Mr. Castaneda seconded the motion. Five (5) ayes, no (0) nays. The motion passed. The applicant has six (6) months to pull a building permit or the variance would be null and void.

The last item on the agenda was a petition filed by Signs by Crannie for property at 3250 E. Midland Road which is on the South side of Midland Road between Woodbridge and Two Mile Road for the purpose of: 1) A variance for the permitted sign of 32 square feet to permit an 80 square foot monument sign; (48 square feet is permitted); 2) a variance of 3' to be 7' service road setback (10' is required); 3) a variance for the permitted sign of 50' to permit location of this sign within a residential district (50' setback is required); 4) a variance for the permitted sign of 20' to permit location of this sign within 0' of the side lot line (20' setback is required); 5) a variance for the permitted sign to permit noncompliance with the Unobstructed Sight Distance requirements (compliance is required); 6) a variance for the permitted sign to permit location of this sign within the Clear Vision Area of the intersection of two roads (obstructing the view of drivers in vehicles approaching such an intersection is prohibited); 7) a variance to permit two (2) monument signs (one is permitted); 8) a variance for the second sign (if variance is granted for a second sign) of 32 square feet to permit an 80 square foot. monument sign (48 square feet is permitted); 9) a variance for the second sign (if variance is granted for a second sign) of 50' to permit location of the permitted sign within a residential district (50' setback is required); 10) a variance for the second sign (if variance is granted for a second sign) of 20' to permit location of this sign within 0' of the side lot line (20' setback is required); 11) a variance for the second sign (if variance is granted for a second sign) to permit noncompliance with the Unobstructed Sight Distance requirements (compliance is required); and 12) a variance for the second sign (if variance is granted for a second sign) to permit location of this sign within the Clear Vision Area of the intersection of two roads (obstructing the view of drivers in vehicles approaching such an intersection is prohibited). Parcel is zoned Residential-3.

The Department of Water and Sewer wrote the current sign on the West Professional Drive entrance is located on the East side of the road. With a water main on the west side of the road the DWS takes no exception to the proposed variance if the new sign is replaced in the same general area as the existing sign. The current sign on the East Professional Drive entrance is located on the west side of the road. There are two water mains that parallel the east drive along with one water main that parallels Midland Road in that area. Relocating the new sign to a different location may present an issue if placed over a main that requires maintenance. Should this occur, the DWS will not be responsible for any damage to this sign if it is installed in a location within 5 feet of an existing main.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Signs by Crannie, they cannot act on the petition. They have been in contact with representatives associated with this project and the installation of new signage along Midland Road. Based on that discussion, they did not have any objection to the installation of new signage provided it did not further obstruct the sight lines or visibility of those leaving the campus and turning onto Midland Road. The location of the new signage relative to the current sign placement was not provided for review. Since several of the variances requested deal with the permission to be in non-compliance of the Unobstructed Sight Distance requirements, they are reluctant to agree/approve this petition without a drawing or sketch that shows the location of the new signage in relation to the old. Although, based on a conversation with the McLaren campus representatives, they do not believe there to be an issue, they do need some type of drawing or documentation showing the location of the new vs. old signage.

Patricia Swank of 4727 Foxcroft telephoned she was against the request.

A representative of Berdelia Nickel of 3200 Midland Road telephoned she was against the request.

The Fire Department had no comment.

Gary Gephart represented the request. A site plan with dimensions was presented. He explained the property was 19 acres with multiple buildings and many employees. The property needs two access points and each access needs a sign. It is all residential in the area. Mr. Gephart explained they were brought in late on the project. The sizes and location are the same as what existed. Steve Hebert brought it to their attention that variances were required. Mr. Gephart stated they agreed to remove the signs if the variances were not approved. The signs were already installed

Mr. Gephart explained a variance was not needed for the service road setback (variance request #2). The 10' requirement is met. There is no real issue with the clear vision area. You can easily see when pulling out. He explained how people are emotional when going to a medical facility. Clear signage is needed.

Mr. Gephart clarified they were requesting two signs at 40 square feet each for a total of 80 square feet, not two 80 square foot signs. Variance #1 needed to be changed. The signs are a new design. They are dimensional and the letters light up. The property, its use, the access and the size are unique. It makes sense to allow the signs as they are.

Mr. Phelps asked if the same base was used. Mr. Gephart stated it was.

Artur Buss of 3164 Midland Road stated he wasn't against the requests but wanted to know why they didn't apply for the variances before they installed the signs.

There was no one in the audience against the request.

Discussion took place on which variances needed to be eliminated or changed.

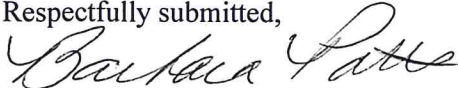
Ms. Corrion moved to approve the petition filed by Signs by Crannie for property at 3250 E. Midland Road which is on the South side of Midland Road between Woodbridge and Two Mile Road for the purpose of: A variance for the permitted sign of 50' to permit location of this sign within a residential district (50' setback is required); a variance for the permitted sign of 20' to permit location of this sign within 0' of the side lot line (20' setback is required); a variance for the permitted sign to permit noncompliance with the Unobstructed Sight Distance requirements (compliance is required); a variance for the permitted sign to permit location of this sign within the Clear Vision Area of the intersection of two roads (obstructing the view of drivers in vehicles approaching such an intersection is prohibited); a variance to permit two (2) monument signs (one is permitted); a variance of 40 square feet to permit a second 40 square foot monument sign (one 48 square foot sign is permitted); a variance for the second sign of 50' to permit location of the permitted sign within a residential district (50' setback is required); a variance for the second sign of 20' to permit location of this sign within 0' of the side lot line (20' setback is required); a variance for the second sign to permit noncompliance with the Unobstructed Sight Distance requirements (compliance is required); and a variance for the second sign to permit location of this sign within the Clear Vision Area of the intersection of two roads (obstructing the view of drivers in vehicles approaching such an intersection is prohibited). The signs are in the same footprint as they have always been. It is essential to identify the medical facilities at both access points. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

The Zoning Board of Appeals was requested to interpret what should be considered the rear yard on a specific property. The parcel numbers are 09010S3400002200 and 09010S3400002300. The property is triangular. The Board discussed possible layouts of buildings and neighboring properties.

Mr. LaPlant moved the Zoning Board of Appeals interprets the layout of the joined properties of 09010S3400002200 and 09010S3400002300 as having no rear yard. The properties create a triangular shape with a front yard and two rear yards. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays.

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 7:20 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator