

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

MINUTES OF SEPTEMBER 16, 2014 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16th day of September, 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, Phelps, Schisler

MEMBER (S) ABSENT: LaPlant

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 August 19, 2014. *Mr. Schisler moved to approve the minutes. Mr. Castaneda seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

The next item on the agenda a petition filed by Lutz Brothers Custom Builders for property at 3258 Kiesel Road which is on the South side of Kiesel Road between Two Mile and Euclid for the purpose of a variance of 2' to be 6' in height for a fence located closer to the front lot line than the front wall of the principal building (4' is permitted) and a variance to permit an obscuring fence closer to the front lot line than the front wall of the principal building (non-obscuring fence is allowed). Parcel is zoned RM-1.

The Fire Chief stated the proposed fence will block access to a fire hydrant. If the fence is installed, the closest hydrant would be 520' away increasing hose deployment, slowing firefighting efforts and restricting access/egress of fire equipment and residents.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance.

Supervisor Watson sees a need for a crosswalk to the North across Kiesel Road to safely facilitate children crossing from Bramblewood to the school.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Lutz Brothers Custom Builders, they have no objections to and support the petition. Their understanding is that a fence will be installed along the front of Bramblewood Apartments that will not only serve as a visual block for the residents, but direct children that attend Christa McAuliffe Middle School and John Glenn High school to cross Kiesel Road nearer the Bramblewood entrance. Currently, children walk across the grass in front of Bramblewood Apartments and cross Kiesel Road "anywhere". Kids crossing at multiple locations at different times create the potential of more conflicts with school traffic especially in the morning and afternoon. The fence will direct children walking to school from Bramblewood Apartments to cross Kiesel in essentially the same location. They are working with the Township to determine the feasibility of installing a crosswalk in this same area.

Michael Lutz represented the request on behalf of Bramblewood Cooperative. He stated he had spoken to the Fire Chief regarding the fence. Currently, there is a 4' chain link fence obstructing the fire hydrant. Mr. Lutz explained they would offset a fence panel at the hydrant to allow space for fire department access. Putting in a gate is not feasible nor would be having the fire department break down the fence. Their proposal will give access to either side of the hydrant. They may put a sign on the fence designating the hydrant location. The installation of the fence will funnel the children to the bus stop or to the proposed crosswalk.

Mr. Phelps stated 36" clearance is required around a fire hydrant. Mr. Lutz stated they would do whatever was necessary.

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

Ms. Corrion asked if the Township Board discussed the crosswalk. Mr. Schisler stated from the comments received, the Township is working with the Road Commission. Ultimately, it is the Road Commission's decision. Ms. Corrion stated the issue of kids crossing Kiesel has been going on for years.

Mr. Schisler moved to approve the petition filed by Lutz Brothers Custom Builders for property at 3258 Kiesel Road which is on the South side of Kiesel Road between Two Mile and Euclid for the purpose of a variance of 2' to be 6' in height for a fence located closer to the front lot line than the front wall of the principal building (4' is permitted) and a variance to permit an obscuring fence closer to the front lot line than the front wall of the principal building (non-obscuring fence is allowed). The Board is familiar with the situation. The property is unique because it is an apartment complex across the street from a high school/middle school. The proposal may solve the problem of having children cross the street except at the designated area. Ms. Corrion seconded the motion. Mr. Castaneda asked if the change to the fence by the hydrant needed to be included. It did not. 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 Aver Sign Company for property at 806 N. Euclid which is on the East side of Euclid between North Union and Fulton for the purpose of a 14' variance to allow sign height to be 28'8" (14'8" is allowed); a variance of 3 square feet to allow 94.5 square feet of sign area (91.5 square feet is allowed); and a variance of 9' to permit location of sign to be 11' from the side lot line (20' is required). Parcel is zoned Commercial-2.

The Fire Department had no comment.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance. Bangor Monitor Water district.

Jan Doan of 608 Webb Drive telephoned they had no objection.

MDOT does not have any issues. They must not be in or over hang the MDOT right of way which is 60' from centerline.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Aver Sign Company, they have no objection to the petition. Based on the plan submitted and a site visit, the proposed sign will abut right-of-way under jurisdiction of the MDOT. The petitioner should contact the MDOT to determine their requirements regarding signage. The submitted plans did not show any new signage along Fulton Street, which is under the BCRC's jurisdiction.

Art LaBelle represented the request. He presented photos of the existing sign from the north. The proposed sign needs to go in the same location as the existing sign. The photos show how the visibility is impaired by a neighboring sign. If built to code, the sign would be completely blocked when heading south.

Mr. Schisler commented the proposal is for a sign 8" shorter and almost half as wide as the existing sign. Mr. LaBelle stated that was correct. The same pylon would be used and the price sign would be removed. Mr. Schisler added the signage would be less and go from two signs to one.

Mr. Schisler moved to approve the petition filed by Aver Sign Company for property at 806 N. Euclid which is on the East side of Euclid between North Union and Fulton for the purpose of a 14' variance to allow sign height to be 28'8" (14'8" is allowed); a variance of 3 square feet to allow 94.5 square feet of sign area (91.5 square feet is allowed); and a variance of 9' to permit location of sign to be 11' from the side lot line (20' is required). The Board has been getting a lot of these requests. The proposed sign will be smaller and more efficient than the

existing sign. It will be more conforming. Mr. Phelps 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 Stan Barcia for property at 1223 N. Chilson which is on the West side of Chilson between Fletcher and Gary for the purpose of a variance of 1.5' to be up to 21.5' for detached accessory building height (20' is allowed); a variance of 336 square feet to allow 1,536 square feet for a detached accessory building (1,200 square feet is allowed); variance to allow an accessory building in the front yard (Warner St. side) and a variance of 3' to be 22' from the front property line (Warner St.) (25' is required). Parcel is zoned Residential.

The Fire Department had no comment.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Stan Barcia, they have no objection to the petition. Based on the plan submitted and a site visit, the proposed accessory building will be behind the existing residence. Depending on the intended use, it does appear a new driveway may be needed to access the new garage, if that is the case, a driveway permit is required.

Mr. Barcia explained the house had been his parents. He would like a building for his boat, 5th wheel and for a workshop. The variances for the front yard are on a road that is platted but doesn't exist. He had a 30'x40' building at his previous home that wasn't big enough.

Ms. Corrion asked why the extra height was needed. Mr. Barcia explained he may not need the extra height but he wanted to be safe and ask for it. He was having the grade shot next week.

Mr. Schisler stated he did not have a problem with the front yard variances but he was struggling with the height and square footage request. These are self-created problems. He asked Mr. Barcia if he could make due with a 30'x40' building. Mr. Barcia stated he spent a lot of money for this request and would like the extra room.

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

A discussion took place on height variances.

Mr. Banaszak stated there was no hardship for the square footage request. Even with the removal of the shed, 1,200 square feet is allowed.

Mr. Castaneda asked if there would be driveway access to the building. Mr. Barcia stated he would drive across the grass.

Mr. Phelps stated this was self-created. A discussion took place on a lesser variance. Mr. Barcia agreed to change his request to a variance of 240 square feet to allow for 1,440 square feet. Mr. Castaneda agreed this was a good compromise. There is no one behind the property and there is no obstruction.

Mr. Barcia stated with the change of square footage, a height variance is not needed.

Ms. Corrion moved to approve the petition filed by Stan Barcia for property at 1223 N. Chilson which is on the West side of Chilson between Fletcher and Gary for the purpose of a variance of 240 square feet to allow 1,440 square feet for a detached accessory building (1,200 square feet is allowed); variance to allow an accessory building in the front yard (Warner St. side) and a variance of 3' to be 22' from the front property line (Warner St.) (25' is required). The requested height variance has been removed. The shed is to be removed. The square footage request was lessened. Mr. Phelps 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 Ellen & Larry Stahl for property at 3520 Bangor Road

which is on the West side of Bangor Road between Wheeler Road and Richmark Lane for the purpose of a side yard setback variance of 8' to be 2' for RV parking/storage (10' is required). Parcel is zoned Residential-3.

The Fire Department had no comment.

The Bay County Department of Water & Sewer wrote they take no exception to the proposed variance.

Jim Lillo from the Bay County Road Commission with regard to the petition filed by Ellen and Larry Stahl, they have no objection to the petition. Based on the plan submitted and a site visit, the area in question already exists and has for years. It appears this petition was submitted to officially obtain approval of a variance to bring the property in compliance with Township ordinances. No other changes to the property were noted on the submitted drawing.

Mr. Stahl explained in 1984 he put the driveway in. It was approved by the Building Inspector at that time. He always thought he was in compliance. Someone complained to the Township about people who had their boats, campers, etc. on their property. Mr. Hebert visited his property and was told it did not meet code.

Mr. Stahl stated he has parked various things there since it was installed. No one has ever had a problem with it. He looked at parking the boat in the back but he would not be able to maneuver the trailer. There is also an old septic tank in the back yard. Mr. Stahl stated he would like to keep the status quo.

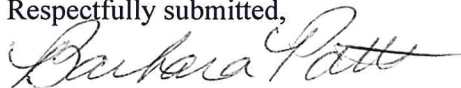
Mr. Banaszak commented the property hasn't changed in years. Something has always been stored there.

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

Mr. Phelps moved to approve the petition filed by Ellen & Larry Stahl for property at 3520 Bangor Road which is on the West side of Bangor Road between Wheeler Road and Richmark Lane for the purpose of a side yard setback variance of 8' to be 2' for RV parking/storage (10' is required). The request is to update the conditions to meet code. Mr. Castaneda seconded the motion. Five (5) ayes, no (0) nays. The motion passed.

Having no other business before the Board, Ms. Corrion moved to adjourn. Mr. Schisler seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:42 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator