

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

**MINUTES OF APRIL 17, 2012 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 17<sup>th</sup> day of April, 2012 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, Schisler

MEMBER (S) ABSENT: None

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 March 20, 2012.** *Ms. Corrion moved to approve the minutes as presented. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed.*

**The next item on the agenda was a petition filed by Mike Thelen for property at 4191 N. Euclid which is on the East side of Euclid between Wilder Road and Shrestha Drive for the purpose of a variance to allow mounting of site lights at 28' in height (20' high is allowed). Parcel is zoned Commercial-2.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition request submitted by Mike Thelen for property at 4191 N. Euclid Road (new Kia dealership) – they have no comment to the request. From the petition, it is their understanding the variance request is limited to site lighting. Based on the minutes from the last ZBA meeting, Thelen is looking to install lighting that is energy efficient and limits “light-pollution”. As stated, based on the site lighting plan sheet, it does not appear that the proposed lights will have an adverse affect on motorist visibility due to light glare.

Bradd Maki from the Bay County Department of Water and Sewer wrote they take no exception to the proposed variance.

Fire Marshal Bailey wrote any construction must meet the International Fire Code 2006 edition.

Greg Turner of Pumford Construction and Mike Thelen were present to represent the petition. Mr. Turner stated the Zoning Board of Appeals requested more information about the lighting. The fixtures will be replaced. With new technology, the fixtures need to be mounted higher. Safety is also an issue. Having a 3' base with help eliminate the poles falling if hit by a car. He presented a photo. Mr. Turner explained the current and proposed lighting levels. With light poles 28' high; there will be a uniform lighting pattern. There won't be light pollution on the road or in area neighborhoods. Power will be reduced by 40%. Five poles will be eliminated. The proposal will be a benefit to the corridor and the community.

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

*Mr. Schisler moved to approve the petition filed by Mike Thelen for property at 4191 N. Euclid which is on the East side of Euclid between Wilder Road and Shrestha Drive for the purpose of a variance to allow mounting of site lights at 28' in height. A compelling case was made. The proposal improves the area and is more efficient. The zoning laws may have to be reviewed to become current. Ms. Corrion seconded the motion. Mr. Pilarski requested the Township Board ask the Planning Commission to review the lighting section of the Township Zoning Ordinance. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six month to pull a building permit or the variance would be void.*

**The next item on the agenda was a petition filed by Brent Werner for property at 3184 Lauria Road which is on the South side of Lauria between Euclid and Two Mile for the purpose of a variance to construct a 6' high privacy fence in the front yard (4' high see through fence is allowed). Parcel is zoned Residential-1.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Brent Werner for property at 3184 Lauria Road for a variance to construct a six-foot privacy fence – they have no objection to the petition. Site review established the privacy fence will be installed behind or west of the existing sidewalk and therefore outside the existing 66' road right-of-way.

Bradd Maki from the Bay County Department of Water and Sewer wrote they take no exception to the proposed variance. Note there is a water main located along Nottingham Trail near the proposed fence location. The fence could limit the ability for future maintenance of the water main and related appurtenances.

Fire Marshal Bailey wrote the construction shall comply with the International Fire Code.

Rick Werner, uncle, represented the request. He stated the fence would be close to the property line. There are two front yards. The fence would essentially be in the side yard.

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

Mr. Pilarski asked why 6' was needed. Mr. Werner answered it was for security. There are two young children and a 4' fence is climbable. This is a corner lot with two front yards.

Mr. Pilarski stated he had a hard time approving a 6' fence in the front yard. A discussion took place on other similar approvals.

Mr. Schisler commented the property has two front yards. That's the hardship. The fence won't take away from the area.

Mr. Pilarski stated the home was there before the subdivision.

*Ms. Corrion moved to approve the petition filed by Brent Werner for property at 3184 Lauria Road which is on the South side of Lauria between Euclid and Two Mile for the purpose of a variance to construct a 6' high privacy fence in the front yard. It is clear the property has a hardship by having two front yards. The house predates the adjacent subdivision. The fence is also for the safety of the children. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. The petitioner has six month to pull a building permit or the variance would be void.*

**The next item on the agenda was a petition filed by Craig Gerzeski for property at 672 Bay Road which is on the South side of Bay Road between Patterson and Shady Shore for the purpose of a variance to park a trailer in the front yard (side or rear yard is allowed) and a variance of 10' to be 0' from the property line (10' is required). Parcel is zoned Residential.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Craig Gerzeski for property at 672 Bay Road for a variance to park a trailer in the front yard –they have the following comment. Their concern is that the petition is requesting a front lot setback variance, from 10' to 0'. As with many subdivisions in Bangor Township that abut or are near the Kawkawlin River or Saginaw Bay, road right-of-way is very narrow and any obstructions/construction that occurs close to the road only makes road maintenance more difficult for them. Based on a site review and the sketch provided, it appears the trailer will be set back from the road edge approximately 18' – 20'. This should be a sufficient distance so that snow removal equipment will not damage it. It should be noted the property to the east has a chain link fence approximately one foot off the road edge.

Bradd Maki from the Bay County Department of Water and Sewer wrote they take no exception to the proposed

variance.

Fire Marshal Bailey wrote the construction shall comply with the International Fire Code.

Norma Dauer of 689 Bay Road telephoned that she does not want a trailer parked in the front yard.

Al Becker of 686 Bay Road approves of the variance.

Mr. Gerzeski stated it was not possible to place a trailer in the side or rear yard or in the garage. He shouldn't have to pay to have it stored somewhere. The trailer has always been on his property. It would be an inconvenience to have it somewhere else. He added that he physically can't comply with the ordinance.

Mr. Phelps asked what type of trailer would be stored. Mr. Gerzeski stated it changes with the seasons. When he was informed of the violation, it was a snowmobile trailer.

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

Ms. Corrion commented there was nowhere else on the property to place a trailer. Mr. Schisler stated this was technically self-created but Mr. Gerzeski is unable to use the property to legally store a trailer. He added the 10' variance is in the side yard, not the front.

Mr. Pilarski asked how long Mr. Gerzeski owned the property and how long he'd been storing a trailer there. Mr. Gerzeski stated he lived there for 16 years and has stored something there the whole time. He added he was recently informed of the violation. Other neighbors were notified of violations also. Mr. Pilarski stated the Code Enforcement Officer was doing his job but Mr. Gerzeski has been storing something on the property for 16 years.

Mr. Schisler commented the trailer cannot be placed anywhere else on the property. This is a narrow lot. Mr. Gerzeski is trying to correct the violation.

Mr. Schisler moved to approve the petition filed by Craig Gerzeski for property at 672 Bay Road which is on the South side of Bay Road between Patterson and Shady Shore for the purpose of a variance to park a trailer in the front yard (side or rear yard is allowed) and a variance of 10' to be 0' from the property line (10' is required). He is requesting a legal use of the property. There is nowhere else to park the trailer. The lot shape creates the hardship. The property can't physically be used for this use. Mr. Phelps seconded the motion. Mr. Pilarski stated more similar variances may be requested. Mr. Schisler stated all requests will have to be looked at. If the same circumstances apply, they should be approved. Only one trailer can be stored on the property at a time. Mr. Pilarski stated the trailer can be stored at another site. It is a money issue. He appreciates Mr. Gerzeski trying to correct the violations. Mr. Pilarski added this is a unique situation. Four (4) ayes, one (1) nay-Pilarski. The motion passed. Mr. Pilarski stated he voted against it because the trailer could be stored elsewhere.

**The last item on the agenda was a petition filed by Trina & Bernie Brunett for property at 3472 Kawkawlin River Drive which is on the West side of Euclid between Wheeler Road and the Kawkawlin River for the purpose of a variance of 5' to be 0' from the road right-of-way for a fence (5' from road right-of-way is allowed) and a variance to construct a 6' privacy fence in the front yard (4' see through fence is allowed). Parcel is zoned Residential-1.**

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Trina & Bernie Brunett for property at 3472 Kawkawlin River Drive –they have no comment on the petition. This section of Kawkawlin River Drive is not under the jurisdiction of the Bay County Road Commission. It is our understanding the proposed fence location will abut a private drive.

Fire Marshal Bailey wrote the construction shall comply with the International Fire Code.

Bradd Maki from the Bay County Department of Water and Sewer wrote they take no exception to the proposed

variance. Fences near hydrants may limit the ability for future above or below ground hydrant maintenance.

Mr. Brunett stated their fence was blown down in a storm. It was a 5' chain link covered in grape vines. They would like to replace it with a 6' privacy fence. They have a pool and two front yards. Kawkawlin River Drive is actually an easement behind them.

David & Brenda Selley of 3473 Kawkawlin River Drive supported the application. The knocked down fence was cleaned up. The Brunett's have a need for privacy due to the pool. There will be hydrant access. Kawkawlin River Drive is not a public road; it is more of a shared driveway. The lot line will be observed.

There was no one in the audience against the request.

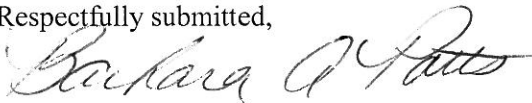
Mr. Phelps asked if the fence would be in the same location. Yes, it would be.

Mr. Pilarski asked if the fence was an appropriate distance from the fire hydrant. Mr. Brunett stated they received Fire Department approval for the location of the fence by the hydrant

*Mr. Phelps moved to approve a petition filed by Trina & Bernie Brunett for property at 3472 Kawkawlin River Drive which is on the West side of Euclid between Wheeler Road and the Kawkawlin River for the purpose of a variance of 5' to be 0' from the road right-of-way for a fence (5' from road right-of-way is allowed) and a variance to construct a 6' privacy fence in the front yard (4' see through fence is allowed). The property has two frontages. There is a need for privacy due to the pool. Mr. Pilarski seconded the motion. Mr. Schisler added the drive is not a public road. Five (5) ayes, no (0) nays. The motion passed. The petitioner has six month to pull a building permit or the variance would be void.*

*Having no other business before the Board, Mr. Schisler moved to adjourn. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:50 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator