

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

MINUTES OF AUGUST 18, 2015 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 18th day of August, 2015 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, LaPlant, Phelps and Schisler

MEMBER (S) ABSENT: Corrion

ALTERNATE MEMBER: 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 July 21, 2015. *Mr. Castaneda 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 Murphy Oil USA for property at 3921 Wilder Road which is on the North side of Wilder Road between State Street Road and State Park Drive for the purpose of a parking space variance of 171 spaces to have 858 remaining parking spaces. Parcel is zoned Commercial 2.

The Department of Water and Sewer wrote they take no exception to the proposed variance.

The Fire Department had no comment.

Jim Lillo from the Bay County Road Commission had no comments for the parking space variance.

John Vecchio, project manager from Greenberg Farrow, represented the request. He stated Murphy Oil has a business relationship with Walmart. They would like to use part of their parking lot, on Wilder to the South. Mr. Vecchio stated 95 spaces would be used for a gas station and convenience store. That use requires eight spaces. They will not need variances for parking. Mr. Vecchio explained how they came up with the parking space numbers for the variance request.

There was no one in the audience in favor of the request.

David Poskar, attorney, represented a landowner in the area. He explained a variance should be granted only under extreme measures. Practically difficulty needs to be shown. It can't be self-created. Mr. Poskar stated Walmart is the property owner and has created the problem. The problem is not unique to the property. The request should not be approved. He added the property is used for a super market and they require more parking.

Mr. Phelps stated this was a self-imposed hardship. Mr. Castaneda added there have been variances granted previously for parking. Mr. LaPlant stated there are a lot of unused parking spaces; however, some are used for the garden area.

Mr. Phelps moved to deny the petition filed by Murphy Oil USA for property at 3921 Wilder Road which is on the North side of Wilder Road between State Street Road and State Park Drive for the purpose of a parking space variance of 171 spaces to have 858 remaining parking spaces. This is a self-imposed hardship. Mr. Castaneda seconded the motion. A roll call vote was taken. Castaneda-aye, Schisler-aye, LaPlant-aye, Banaszak-aye,

Phelps-aye. Five (5) ayes, no (0) nays. The motion passed.

A clarification of approval was requested by Doug Wirt for variances received at the June 16, 2015 meeting. Mr. Wirt stated the wall and lighting proposed are no more than 24” in height as approved. The variance to be less than 40’ into the waterfront is the item that needs clarification.

Mr. Wirt stated he has been transparent with neighbors about his project. He had a survey done to make sure the elevations were accurate. The shape of the deck changed. When the variances were requested, the plan was just a concept of what they wanted. The deck is sunk down so there is no vision obstruction. He is requesting clarification if the survey presented meets the criteria for the variance that was approved.

George Killeen and his wife of 218 Athlone had several discussions with Mr. Wirt regarding the project. He has seen the plans and they do fall in line with what was approved. They have no objection.

Walter Huszar of 222 Athlone Beach thanked the Board for giving the residents a voice. He is impressed with the project. Mr. Wirt asked him for his input and opinion on it. Mr. Wirt was very forthcoming.

The Board discussed what was approved. The deck shape changed but the height is ok. Based on the photos, the plan is still within what was approved. Nothing is affected. The variances were approved and the minutes for that meeting were approved. The plan remains in line with those approvals.

Having no other business before the Board, Mr. LaPlant moved to adjourn. Mr. Castaneda seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:30 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator