

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

MINUTES OF AUGUST 20, 2013 MEETING

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 20th day of August, 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 special meeting held July 9, 2013 and a regular meeting held July 16, 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 Joseph & Sandra Cericola for property at 777 Bay Road which is on the North side of Bay Road between Patterson and Shady Shore for the purpose of a 14" height variance to be 30" (16" is allowed) for a front deck, a 4' side yard setback on the west to be 4' (8' is required), a 5' side yard setback variance on the east to be 3' (8' is required), a 13' variance from the total side yard setbacks to be 7' (20 is required), a 2' building line variance (per drawing) for a proposed home; and a 2' side yard variance on the east side to be 3' for a pole barn (5' is required). Parcel is zoned Residential-2.

Jim Lillo from the Bay County Road Commission wrote they have the following comment on the petition. From the documents submitted and a site review, the location of the driveway for the existing dwelling is basically undefined. There is grass with some gravel along the length of the lot, but no defined driveway. Therefore, the property owner will be required to apply for and secure a driveway permit from the BCRC.

The Fire Department wrote the structure shall be constructed with a one-hour fire separation walls on the sides requiring the side yard setback variance.

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

Martin Obermiller of 795 Bay Road telephoned they support the request.

Tom Pembroke of 771 Bay Road telephoned he was in support of the request.

Mr. Cericola stated they would like to remove the existing home, replace it and add a pole barn. The proposed house would be 10' longer but not any wider than what exists.

Mr. Pilarski explained the home could not encroach into the line of sight. He then stated the petition was incorrect. The request for the deck should be a variance of 14 inches, not feet, to be 30 inches (16

inches is allowed). He wanted to make sure the minutes reflected the typo.

Mr. Pilarski stated this is a non-conforming lot of record. It does not meet the existing standards. Because the home is being removed, the grandfather clause is removed with it.

Mr. Phelps stated the proposed pole barn meets the size requirements.

Kim Prime of 775 Bay Road stated she was in favor of the request.

A petition in support of the requests was signed by Stephen Anderson of 779 Bay Road, Tom Pembroke of 771 Bay Road, Mike Prime of 775 Bay Road, Martin Obermiller of 765 Bay Road, Barbara Stachowski of 761 Bay Road, Rita Rohan of 753 Bay Road, Betty Snyder of 751 Bay Road, Bill Howard of 773 Bay Road, and Bette Ryan of 783 Bay Road.

There was no one in the audience against the request.

Mr. Phelps stated the existing home has been abandoned for about 7 years. This will improve the neighborhood. A few houses in the area are closer to the water than this one.

Mr. LaPlant asked if variances were granted on the existing home. The home was grandfathered in.

Mr. Pilarski moved to approve a petition filed by Joseph & Sandra Cericola for property at 777 Bay Road which is on the North side of Bay Road between Patterson and Shady Shore for the purpose of a 14" height variance to be 30" (16" is allowed) for a front deck, a 4' side yard setback on the west to be 4' (8' is required), a 5' side yard setback variance on the east to be 3' (8' is required), a 13' variance from the total side yard setbacks to be 7' (20 is required), a 2' building line variance (per drawing) for a proposed home; and a 2' side yard variance on the east side to be 3' for a pole barn (5' is required). The parcel is a non-conforming use of land, per Zoning Ordinance Section 26.13 and 26.14. The existing home is to be removed and a new home and pole barn are to be built. The previous setbacks are not being exceeded. The new home will remove a safety hazard on the site. Ms. Corrion 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 Thelen, Inc. for property at 4191 N. Euclid which is on the East side of Euclid Avenue between Wilder Road and Shrestha Drive for the purpose of a 22 square foot variance to permit 26 square feet (4 square feet is required) to replace service and express lane sign. Parcel is zoned Commercial.

Jim Lillo from the Bay County Road Commission wrote they have no comment on the petition. Business signage is generally regulated by the Township. If it does not conflict with traffic regulating devices (traffic signals, flashing beacons) they generally do not have jurisdiction or concerns. The proposed signage does not appear to conflict with any existing traffic regulating devices in the area. In this case, Euclid Avenue (M-13) is under the jurisdiction of MDOT and the business owner may want to contact them to determine if they have any requirements regarding business signage.

The Fire Department takes no exception to the petition.

Bay County DWS wrote they take no exception to the proposed variance. Water served by Bangor-Monitor Water District.

MDOT does not have objections to the sign replacement at Thelen's.

Mike Thelen represented the request. He stated he is proposing to take two signs down and put one back up. One of his manufacturers offered him a less expensive package than what he agreed to. That agreement was to change the signs.

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

Mr. Pilarski stated the Planning Commission spent a lot of time working on the sign portion of zoning ordinance. It needs to be updated. The allowed square footage is under what it should be.

Mr. LaPlant stated only four square feet is allowed and it should be more.

Mr. Phelps moved to approve the petition filed by Thelen, Inc. for property at 4191 N. Euclid which is on the East side of Euclid Avenue between Wilder Road and Shrestha Drive for the purpose of a 22 square foot variance to permit 26 square feet (4 square feet is required) to replace service and express lane sign. The ordinance only allows four square feet. The proposed signage is better and will be easier to see. Mr. LaPlant seconded the motion. Mr. Pilarski requested the Chair to review the signage portion of the zoning ordinance and make a recommendation of a change to the Planning Commission. 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 last item on the agenda was a petition filed by Nadine Ulman for property at 2900 Gregg Drive which is on the West side of Gregg Drive between E. Gregg Drive and Shane Drive for the purpose 2'6" variance on the South side to be 5'6" (8' is required) and a variance of 2'6" on the North side front yard to be 22'6" (25' is required) to bring existing home and proposed addition into conformity. Parcel is zoned Residential-1.

Jim Lillo from the Bay County Road Commission wrote they have no objection to the petition. From the documents submitted and a site visit, the proposed addition will not conflict encroach into existing BCRC right-of-way, nor impact normal BCRC maintenance operations.

The Fire Department takes no exception to the petition.

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

Jim Pake of 3327 Shane telephoned he has not objection to the variance.

Patricia Hubbard of 3303 Shane telephoned she was ok with the variance.

Ms. Ulman stated she cares for her special needs sister and would like a room for her.

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

Mr. Pilarski stated this is a corner lot. The addition is not encroaching further to the North.

Mr. Banaszak stated the drawing and pictures well represented the request.

Mr. Pilarski added the variance will update the property to be in conformance. There is no negative impact to the area.

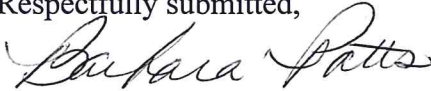
Ms. Corrion moved to approve the petition filed by Nadine Ulman for property at 2900 Gregg Drive which is on the West side of Gregg Drive between E. Gregg Drive and Shane Drive for the purpose 2'6" variance on the South side to be 5'6" (8' is required) and a variance of 2'6" on the North side front

yard to be 22'6" (25' is required) to bring existing home and proposed addition into conformity. The variances bring the home into conformity and update the property. Mr. Banaszak 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.

A discussion took place on signage. Mr. Banaszak stated he would review the ordinance, send his findings to the ZBA members to get their feedback, and then forward the suggestions to the Planning Commission.

Having no other business before the Board, Mr. Pilarski moved to adjourn. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays. The motion passed and the meeting was adjourned at 6:35 p.m.

Respectfully submitted,



Barbara A. Potts
Zoning Board of Appeals Coordinator