

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

**MINUTES OF OCTOBER 17, 2023 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 17<sup>th</sup> day of October, 2023 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Covaleski, LaPlant, Meldrum, Weidner

MEMBER(S) ABSENT: DeShano

ALSO PRESENT: Building Official Tim Mark

Ms. Covaleski called the meeting to order at 6:00 p.m. Roll call was taken. The Pledge of Allegiance was recited.

**The first item on the agenda was approval of the minutes of the September 19, 2023, regular meeting.** Ms. Covaleski stated the second to the motions for Nona Batkins-McKay, Midway Signs and Petrimoulx were missing. They needed to be included in the minutes. *Mr. LaPlant moved to approve the minutes with the corrections. Ms. Covaleski seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed.*

**The next item on the agenda was a petition filed by Aby Group for property at 1000 N. Euclid which is on the east side of Euclid between Mosher Street and Thelen Drive for the purpose of a 5' front yard variance to be 10' (15' is required) and a lot size variance of 3,989 square feet to be 36,011 square feet (40,000 square feet is required). Property is zoned C-2.**

Ryan Walter, civil engineer, represented the request. He stated they are proposing a Popeye's restaurant on the property. The lot is small. Their proposal is a 2,500 square foot building. There will be parking and a drive thru. The existing lot is less than the required 40,000 square feet. Keeping the required setback in the front yard makes it tight for maneuvering. They are asking for 5' relief. This is the standard footprint for Popeyes. He added MDOT is requesting a traffic study.

Jim Lillo from the Bay County Road Commission wrote plans would need to be submitted to the Bay County Road Commission.

MDOT wrote this area has been on our high crash list for many years. They will be looking very closely at this for their access requirements once they apply for a permit. See attached.

No comments were received from the BCDWS.

No comments were received from the Fire Marshal.

Ms. Covaleski asked if the building was lined up with adjacent buildings. The parking lot is in alignment, but the building is set further back. Mr. Walter stated there would be full access drives on Euclid and Mosher.

Mr. LaPlant commented he was more comfortable giving a variance for the number of parking spaces than the size of the space.

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

Dave Powers, owner of 2000 Mosher, was against the requests. He was concerned about noise and how the use may be too much for the size of the property. The applicant would also need Special Use approval. The request would have a negative effect on his property and be a nuisance.

Ms. Covaleski asked Mr. Powers if the noise from Taco Bell caused a problem. He stated no but there was more distance between Taco Bell and his property.

Ms. Covaleski stated some of the concerns would be addressed at the Planning Commission, but she asked Mr. Walter if there would be a buffer. Mr. Walter stated a 6' privacy fence would be erected. He added the order speakers would not carry over to the adjacent property. There would be no spill over from the lighting.

Mr. Mark advised the parcel is a legal lot of record. It was included in the variance request because there were other variances being requested. Mr. LaPlant stated the applicant did not create the size of the lot.

*Mr. LaPlant moved to approve the petition filed by Aby Group for property at 1000 N. Euclid which is on the east side of Euclid between Mosher Street and Thelen Drive for the purpose of a 5' front yard variance to be 10' (15' is required) and a lot size variance of 3,989 square feet to be 36,011 square feet (40,000 square feet is required). The lot is a legal lot of record not created by the applicant. The front yard variance will do justice to the applicant by having parking in line with area businesses. Ms. Covaleski seconded the motion. A roll call vote was taken. Meldrum-aye, Weidner-aye, LaPlant-aye, Covaleski-aye. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. The applicant has six (6) months to pull a permit, or the variance is null and void.*

Having no other business before the Board, Ms. Covaleski moved to adjourn the meeting. Mr. LaPlant seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed and the meeting adjourned at 6:25 p.m.

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator