

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

**MINUTES OF AUGUST 16, 2011 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 16<sup>th</sup> day of August, 2011 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT:                   Corrion, Phelps, Pilarski  
MEMBER (S) ABSENT:                         Banaszak, Schisler  
ALTERNATE MEMBER PRESENT:               LaPlant

Ms. Corrion called the meeting to order at 6:10 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 19, 2011.** *Mr. Pilarski moved to approve the minutes as read. Mr. LaPlant seconded the motion. Four (4) ayes, no (0) nays, two (2) absent. The motion passed.*

*Mr. Pilarski moved to put the petition for Gene Jacobs back on the agenda. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays, two (2) absent. The motion passed.*

**The next item on the agenda was a petition filed by Gene Jacobs for property at 365 Killarney Beach which is on the East side of Killarney Beach between Ricoma and Little Killarney for the purpose a variance of 2' for the house width to be 28' (30' required); variance of 3' side yard setback to be 5' (8' is required); variance of 5' side yard setback on the opposite side to be 7' (12' is required); and a variance of 8' from the total side yard setback to be 12' (20' is required) for a new home. (Section 5.05, 16.01). Parcel is zoned Residential-2.**

Bradd Maki from the Bay County Department of Water & Sewer wrote that the DWS takes no exception to the proposed variances.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Gene Jacobs for property at 365 Killarney Beach, their comment remains the same as that given for the July ZBA meeting. To review, based on the petition, this appears to be a new home. The lot for which may or may not have an existing driveway. If a new driveway is needed to service the new home and connects to a road under the jurisdiction of the Bay County Road Commission, the property owner is required to apply for and receive a driveway permit from them.

Mr. Jacobs stated he followed up on the items the Board requested. His survey was done after his plan was submitted. There were a couple changes. The house to the North is 8' from the property line and the house to the South is 6'. The variance requests remain the same. Mr. Jacobs added he would be putting fire retardant coating on the siding of the house. This will allow 15-30 minutes of fire protection. Mr. Pilarski asked if the product was approved by the Fire Marshal. Mr. Jacobs had not spoken with the Fire Marshal.

Mr. Jacobs commented he wanted to protect himself and his neighbors. He will have fire extinguishers on each floor. The rooms will be dry walled. The roof will have fiberglass shingles. He added the existing garage will be removed after the house is complete.

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

Mr. Phelps stated he would like the Fire Marshal to look at the product Mr. Jacobs will be using on the siding. He wants to make sure that it's NFPA approved.

Mr. Pilarski stated the proposed layout is still tight on the lot. Mr. LaPlant commented a variance would be needed for any home built on the lot. Mr. Pilarski added the size of the lot is a hardship and he is concerned with fire protection.

At 6:20 p.m., Tim Banaszak entered the meeting and took over as Chair.

Mr. Jacobs stated he would meet with the Fire Marshal and get his approval for fire protection.

Mr. Pilarski recommended a fire suppression system. Mr. Jacobs assured the Board he would get approval from the Fire Marshal on what is used to make the home more fire retardant or he would put in a fire suppression system.

*Mr. Pilarski moved to approve the petition filed by Gene Jacobs for property at 365 Killarney Beach which is on the East side of Killarney Beach between Ricoma and Little Killarney for the purpose a variance of 2' for the house width to be 28' (30' required); variance of 3' side yard setback to be 5' (8' is required); variance of 5' side yard setback on the opposite side to be 7' (12' is required); and a variance of 8' from the total side yard setback to be 12' (20' is required) for a new home. The 40' non-conforming lot is a hardship. The lot is not buildable without variances. The garage will be eliminated after the home is complete. Mr. Jacobs shall meet Fire Department stipulations for fire retardant materials and life safety. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Jacobs was told he has 6 months to pull a building permit or the variances are void.*

**The next item on the agenda was a petition filed by Wayne & Barbara Boomer for property at 3580 Miller Road which is on the South side of Miller Road between N. Euclid and a dead end for the purpose a variance to enlarge the principal structure to extend closer to the water than the established waterfront building line up to 22'. (Section 16.02). Parcel is zoned Residential-1.**

Bradd Maki from the Bay County Department of Water & Sewer wrote that the DWS takes no exception to the proposed variances.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition for Wayne and Barbara Boomer for property at 3580 Miller Road for a variance to enlarge/extend an existing structure closer to the water's edge (Kawkawlin River) – they have no comment to the petition. All proposed work is shown to be on the riverside of the existing structure with no work planned that will adversely impact the roadway or road right-of-way.

Mr. Boomer stated they want to add on to the existing patio. The house would go from 900 square feet to 1,200 square feet. He can only build out towards the water.

Mr. Phelps asked what the size of the addition would be. Mr. Boomer stated 12'x22'.

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

Kurt Vanduser of 3575 Miller Road stated he had no problem with the request.

Mr. Pilarski commented the line of sight is not impeded by the addition. Ms. Corrion agreed and added there is a tree that blocks the line of sight more.

*Ms. Corrion moved to approve the petition filed by Wayne & Barbara Boomer for property at 3580 Miller Road which is on the South side of Miller Road between N. Euclid and a dead end for the purpose a variance to enlarge the principal structure to extend closer to the water than the established waterfront building line up to 22'. The lot is irregular and there is no other option for enlarging the home. The line of sight is not impeded. Mr. Pilarski added the square footage of the home would be increased and the home would be more conforming.*

*Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Boomer was given 6 months to pull a building permit or the variance is null.*

**The next item on the agenda was a petition filed by Midwest Sign Company for property at 3915 Wilder Road which is on the North side of Wilder Road between State Park Drive and State Street Road for the purpose of a variance to have two wall signs; a 141 square foot variance for the two wall signs; a variance for a freestanding sign to exceed maximum square footage allowed, and a variance to have awnings lit.**

Bradd Maki from the Bay County Department of Water & Sewer wrote that the DWS takes no exception to the proposed variances.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition from Midway Signs for property at 3915 Wilder Road, they have no comment to the petition. As received, the proposed site improvements do not impact the road right-of-way associated with Wilder Road.

Roger Wardell of Sleep Doctor represented the request. He stated Blockbuster would be moving out. They only want to keep what is existing including the size of the freestanding sign, the lit canopies and wall signs.

Mr. Pilarski stated since all the signs are changing, the previous variances are null. He questioned where the address numbers were.

A discussion took place on the size of the existing freestanding sign. The square footage of it would remain the same but it would be straightened.

Mr. Wardell commented the canopies would be lit during office hours, not 24 hours a day. He asked if the wall sign could be moved from the north side to the east side.

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

Mr. LaPlant stated the request is not to change the size of what exists, it is to renew what was previously allowed.

There is no negative impact.

*Ms. Corrion moved to approve the petition filed by Midwest Sign Company for property at 3915 Wilder Road which is on the North side of Wilder Road between State Park Drive and State Street Road for the purpose of a variance to have two wall signs; a 141 square foot variance for the two wall signs; a variance for a freestanding sign to exceed maximum square footage allowed, and a variance to have awnings lit. The freestanding sign does not need a variance for square footage. There is no negative impact on the neighbors. The plan shows where the signs are and will remain. Mr. Phelps seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Wardell was told they had 6 months to pull building permit or the variance would be null.*

**The last item on the agenda was a petition filed by Timothy K. Mark for property at 339 River Road which is on the South side of River Road between Northwood and Oakdale for the purpose a 208 square foot variance to be 768 square feet (560 square feet is allowed) for an accessory building and a variance to extend roof of existing home over second floor balcony on River side of home (approximately 7'). (Section 5.03.c1, 16.02.1). Parcel is zoned Residential.**

Bradd Maki from the Bay County Department of Water & Sewer wrote that the DWS takes no exception to the proposed variances.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition for Timothy K. Mark for property at 339 River Road to construct an accessory building and extend an existing roofline over an existing deck on the Kawkawlin River side of the residence – they have the following comment. As a result of a site visit, the new accessory building will need a driveway to access it. Gravel parking and a driveway to the existing

garage are already present. If the new accessory building is to be accessed by a vehicle, either for storage of such or to attach a trailer to (boat, jet ski, snowmobile, etc.), the property owner shall obtain a driveway permit. This will allow the BCRC to update their files and verify the new driveway is installed properly.

Jenny Beson of 343 River Road telephoned she has no objection to the variance request.

Mr. Mark stated the existing garage would be removed within 30 days of the completion of the proposed garage. A new roof will allow for cathedral ceilings and coverage of the upstairs balcony. Adjacent neighbor have one-story homes and the new roof will not affect their line of sight.

Mr. Phelps asked if the roofline would change. Mr. Mark stated the existing load bearing walls were in the center and the ceiling was sagging. He is proposing to move the load bearing walls to the sidewalls. The proposed accessory building is right behind the old one and meets all the setbacks.

Ms. Corrion questioned the Road Commission comments since there is an existing driveway. The Road Commission needs a driveway permit to keep their records updated.

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

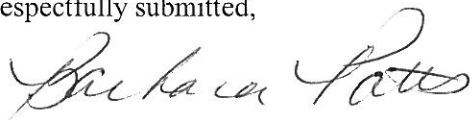
Mr. Pilarski asked if there was a foundation for the current balcony supports. Mr. Mark stated he is putting in new poles and will have proper foundation for them.

Mr. Banaszak stated this would enhance the neighborhood and increase property values. He then read the letter from Mr. Mark.

*Mr. Phelps moved to approve the petition filed by Timothy K. Mark for property at 339 River Road which is on the South side of River Road between Northwood and Oakdale for the purpose a 208 square foot variance to be 768 square feet (560 square feet is allowed) for an accessory building and a variance to extend roof of existing home over second floor balcony on River side of home (approximately 7'. The variances will bring the roof into conformity. The accessory building will be farther off the road and meets the setback requirements. Mr. LaPlant seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Mar was told he had 6 months to pull building permit or the variance would be null.*

*Having no other business before the Board, Mr. Pilarski moved to adjourn. Ms. Corrion seconded the motion. Five (5) ayes, no (0) nays, one (1) absent. The motion passed and the meeting was adjourned at 7:20 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator