

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

**MINUTES OF JUNE 21, 2011 MEETING**

A regular meeting of the Charter Township of Bangor Zoning Board of Appeals was held on the 21<sup>st</sup> day of June, 2011 at the Bangor Township Administrative Building, 180 State Park Drive, Bay City, Michigan, pursuant to notice of said meeting.

REGULAR MEMBERS PRESENT: Banaszak, Phelps, Pilarski, Schisler

MEMBER (S) ABSENT: Corrion

Mr. Banaszak called the meeting to order at 6:01 p.m.

The Pledge of Allegiance was recited.

**The first item on the agenda was approval of the minutes of a regular meeting held May 17, 2011.** Mr. Pilarski stated he had two changes to the minutes. On the bottom of page two, where he refers to an established residence on the West, it should state “...residence on the West closer to Hidden Road.” Also in the motion, he would like the reference to the house to the West to say, “...to the West is established to Hidden Road...” *He then moved to approve the minutes with the changes. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nay, one (1) absent. The motion passed.*

**The next item on the agenda was a petition filed by Nicholas & Elizabeth Klein for property at 401 Ricoma Beach which is on the West side of Ricoma Beach between Killarney Beach and Ricoma Beach for the purpose of a variance to place an accessory building on a parcel without a primary structure and a variance of 20 square feet to be 720 square feet (700 square feet is allowed). (5.00). 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 variance request at the aerial map location provided. If the proposed garage is moved closer to Ricoma Beach than indicated on the map, further review will be required.

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Nicholas and Elizabeth and for property at 401 Ricoma Beach, west side, between Ricoma Beach and Killarney Beach for a variance to place an accessory building – They have the following comment. They request that any accessory building (garage) be placed at the same setback as those existing. Based on the plan submitted, this appears to be the case. They currently are exploring options to upgrade/improve Ricoma Beach Road in this area. This plan may include realigning the roadway slightly to the south. Thus, it is imperative any new garages/accessory buildings are no closer to the existing road than those existing.

The property owner is required to apply for and receive a driveway permit if the accessory building is to be accessed by vehicles. An application can be obtained at the Permit Office located at 2600 East Beaver Road, Kawkawlin, MI 48631 during regular business hours, 7:30 am to 4:00 pm.

Fire Marshal Ken Bailey stated that any work must meet the International Fire Code.

Liz Klein represented the request. She stated they would like a garage for storage and her car. Currently, they are paying for storage. Her husband and his friends are building the garage.

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

Mr. Pilarski commented the road divides the property. Other properties in the area have been approved for similar garages. The requested size would standardize the building.

*Mr. Schisler moved to approve the petition filed by Nicholas & Elizabeth Klein for property at 401 Ricoma Beach which is on the West side of Ricoma Beach between Killarney Beach and Ricoma Beach for the purpose of a variance to place an accessory building on a parcel without a primary structure and a variance of 20 square feet to be 720 square feet (700 square feet is allowed). The adjacent two homes have similar garages. The request is due to the road bisecting the property. The additional 20 square feet makes the building standardized. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. Ms. Klein was told she had six months to pull a building permit or the variance would be null and void.*

**The next item on the agenda was a petition filed by Richard and Lois Niemann for property at 4081 Richlyn Court which is on the Southeast side of Richlyn Court between Wilder Road and Pearl Lane for the purpose of a 21' rear yard variance to be 19' (40' is required) for a proposed addition and to bring the existing deck into compliance. Parcel is zoned Residential-3.**

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

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Richard and Lois Niemann for property at 4081 Richlyn Court, southeast side, between Wilder Road and Pearl Lane for a variance to place a backyard deck – they have no comment to the petition. As received, the proposed site improvements do not impact the road right-of-way associated with Richlyn Court.

Fire Marshal Ken Bailey stated that any work must meet the International Fire Code.

Elizabeth O'Hare of 4069 Richlyn Court had no objections.

Dorothy Smith of 3396 Pearl had no objections.

Richard and Lois Niemann represented their request. Mr. Niemann stated they would like to extend their family room. It won't be extended past the existing deck.

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

Mr. Pilarski inquired when the property was purchased. Mr. Niemann purchased the house in 1997. Mr. Pilarski thought a variance was requested for the 11' addition on the house. The Niemann's did not put any additions on.

Mr. Pilarski stated none of the neighbors would be impacted.

*Mr. Schisler moved to approve the petition filed by Richard and Lois Niemann for property at 4081 Richlyn Court which is on the Southeast side of Richlyn Court between Wilder Road and Pearl Lane for the purpose of a 21' rear yard variance to be 19' (40' is required) for a proposed addition and to bring the existing deck into compliance. The proposed addition does not go past the existing building line of the house. The deck exists and the variance puts it into compliance. Mr. Phelps seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. The Niemann's were told they had six months to*

*pull a building permit or the variance would be null and void.*

**The next item on the agenda was a petition filed by James Leavitt for property at 3992 Andover which is on the North side of Wilder between Andover Drive and Two Mile for the purpose of a variance to replace 27' of existing chain link fence with a 6' solid fence from the front property line along the West property line. Parcel is zoned Residential-3.**

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

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by James Leavitt for property at 3992 Andover Drive, north side of Wilder Road, between Andover Drive and Two Mile for a variance to replace a chain link fence with a wood fence – they have no comment to the petition. As received, the proposed site improvements do not impact the road right-of-way associated with Andover Drive or Wilder Road.

Fire Marshal Ken Bailey stated that any work must meet the International Fire Code.

James Leavitt represented the request. He stated the previous owners put up a vinyl fence along Wilder Road. He would like to extend the vinyl fence but needs a variance for the 27' from the house to the road.

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

Mr. Pilarski stated this is just to update the fence. The original fence in front was approved for a variance.

Mr. Schisler commented the location is essentially in Mr. Leavitt's backyard.

*Mr. Phelps moved to approve the petition filed by James Leavitt for property at 3992 Andover which is on the North side of Wilder between Andover Drive and Two Mile for the purpose of a variance to replace 27' of existing chain link fence with a 6' solid fence from the front property line along the West property line. The variance is to replace the fence with a 6' vinyl fence. This will allow them privacy from the Church. Mr. Schisler seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. Mr. Leavitt was told he had six months to pull a building permit or the variance would be null and void.*

**The last item on the agenda was a petition filed by Midway Signs, Inc. for property at 3500 Wilder Road (Applebee's) which is on the South side of Wilder Road between Euclid Avenue and Shrestha Drive for the purpose of a variance regarding the technique which the square footage on the channel letters are computed, an increase in colors allowed on a sign, an increase in total square footage allowed by 54.29 and a variance to increase total number of signs to allow one additional wall sign on the East and two additional wall signs on the South. (Article 21.00) Parcel is zoned Commercial-2.**

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

Jim Lillo from the Bay County Road Commission wrote with regard to the petition filed by Midway Signs for property at 3500 Wilder Road, south side, between Euclid Avenue and Shrestha Drive for a

sign variance – 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.

Fire Marshal Ken Bailey stated that any work must meet the International Fire Code.

Chuck Crump of Midway Signs and Bill Wentworth of Applebee's represented the request. The request to increase the number of signs is actually one less than what exists. The proposed square footage is actually 69 square feet less than what exists.

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

Mr. Pilarski asked if there would be a pylon sign. Mr. Crump stated there are only wall signs. Mr. Wentworth added there was never a pylon. He added that Applebee's has a new logo and the franchises must conform.

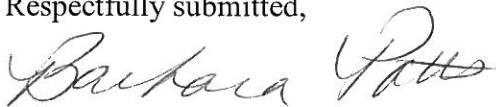
Mr. Pilarski was concerned about granting increased square footage. He felt other businesses would then request it. Mr. Schisler clarified that the total square footage will be lower than what exists. The petition was poorly worded.

Mr. Schisler moved to approve the petition filed by Midway Signs, Inc. for property at 3500 Wilder Road (Applebee's) which is on the South side of Wilder Road between Euclid Avenue and Shrestha Drive for the purpose of a variance regarding the technique which the square footage on the channel letters are computed, an increase in colors allowed on a sign, a square footage variance of 54.29 and a variance to increase total number of signs to allow one additional wall sign on the East and two additional wall signs on the South. The request is worded as an increase but is actually closer to compliance than what exists. The colors are just variances of the same color. They are technically decreasing the total number of signs. Mr. Wentworth has to bring his franchise into compliance. Mr. Phelps seconded the motion. Mr. Pilarski added there is no impact in any direction. The square footage is being reduced by approximately 69 square feet. Four (4) ayes, no (0) nays, one (1) absent. The motion passed. *Mr. Crump and Mr. Wentworth were told they had six months to pull a building permit or the variance would be null and void.*

Mr. Pilarski updated the ZBA on how the Planning Commission was coming into compliance with the Michigan Planning Enabling Act.

*Having no other business before the Board, Mr. Schisler moved to adjourn. Mr. Banaszak seconded the motion. Four (4) ayes, no (0) nays, one (1) absent. The motion passed and the meeting was adjourned at 6:35 p.m.*

Respectfully submitted,



Barbara A. Potts  
Zoning Board of Appeals Coordinator