

CITY OF PONTIAC

ZONING BOARD OF APPEALS

TUESDAY, FEBRUARY 16, 2016

7:00 P.M.

Meeting before the Zoning Board of Appeals, at
47450 Woodward Avenue, 2nd Floor, Council Chambers,
Pontiac, Michigan 48342.

BOARD MEMBERS:

Ahmad Taylor, Chairman
Elcine Kirkendolph, Commissioner
Sam Anderson, Commissioner
Carlos Bueno, Commissioner
Laurie Bishop, Commissioner
Lucy Payne, Commissioner
Joseph Sinclair, Commissioner
Brent Sykes, Commissioner

CITY OFFICIALS PRESENT:

C. James Sabo, Professional Planner
Derek Dowdell, Assistant Planner
Jane Bais-DiSessa, Deputy Mayor

MEMBERS OF THE PUBLIC ADDRESSING THE BOARD:

Karl Gleiss
Cole Yoakum

MINUTES RECORDED BY:

Quentina R. Snowden, (CSR-5519)
Certified Shorthand Reporter

1. CALL TO ORDER:

Chairman Taylor called meeting to order at
7:07 p.m.

2. ROLL CALL:

PRESENT: Ahmad Taylor, Chairman
Carlos Bueno, Commissioner
Elcine Kirkendolph, Commissioner
Sam Anderson, Commissioner
Carlos Bueno, Commissioner
Laurie Bishop, Commissioner
Lucy Payne, Commissioner
Joseph Sinclair, Commissioner

ABSENT: Brent Sykes, Commissioner

Mr. Sabo reported a quorum is present.

3. COMMUNICATIONS:

Mr. Sabo introduces the new Associate Planner, Mr. Derek Dowdell. He was manning the building entranceway, therefore, not present in Council Chambers. Mr. Sabo explained he's moving nicely into his role. He further indicated Mr. Dowdell is originally from the Detroit area.

4. ADOPTION OF MINUTES: January 19, 2016

Motion to approve by Commissioner Bueno, subject to any necessary corrections.

Seconded by Commissioner Anderson

AYES: Taylor, Anderson, Bishop, Payne,
Bueno

NAYS: (None.)

ABSTAIN: Sinclair (not present);
Kirkendolph (not present)

MOTION CARRIES 5-0-2

5. OLD BUSINESS:

Chairman Taylor inquires if there is an update as far as the time change for the start of ZBA meetings.

Mr. Sabo indicated they should discuss that topic under the "miscellaneous" portion of the meeting.

6. NEW BUSINESS:

(A) PUBLIC HEARING NUMBER: ZBA-16-02
ADDRESS: 1556 N. TELEGRAPH ROAD
ZONE: C-3 CORRIDOR COMMERCIAL DISTRICT
VARIANCE REQUEST: TO ALLOW A MACHINE TOOL AND
MANUFACTURING USE (NAICS 333) WITHIN A C-3
CORRIDOR COMMERCIAL ZONE DISTRICT.
PRESENT USE & OCCUPANCY: MOLDERS SERVICES
PROPOSED USE & OCCUPANCY: MOLDERS SERVICES

(Presentation of facts and recommendation given
by Mr. Sabo.)

Chairman Taylor invited the applicant to speak on this request.

Mr. Karl Gleiss, 1556 N. Telegraph, Pontiac; residence address 9541 Cherrywood, Clarkston. Mr. Gleiss thanked the Board for hearing his appeal. He explained he inadvertently bought the building with the understanding that it was zoned light industrial, which is what they had been listed as in Madison Heights, Michigan, so he assumed there would not be a problem, but later it was brought to his attention that there was a problem.

He explained that 90 percent of their business focuses on things other than manufacturing, that they are more of an engineering consultant. He explained what their function is, is to go out to other manufacturing sites, identify problems in their operations, troubleshoot the problems, and then to find the solutions to those problems, which requires them to design and build parts. When they do that, they make about 20 parts per month, so it's very, very low manufacturing. Each of the parts will weigh, on average, maybe 5 pounds. The largest part that will fit into their machines is only about 10 inches in diameter.

Mr. Sabo indicated he has a video to demonstrate their processes. The video does contain audio.

(Video played.)

Mr. Gleiss indicated that the machinery is very unobtrusive. He indicated his office sits right next to some of these machines and he can still hold conversations on the phone without distraction from these machines.

Mr. Sabo indicated from the video it does appear to have some insulation on the side of the walls, as well.

Mr. Gleiss indicated it's insulation from the weather. Mr. Gleiss explained further the nature of the manufacturing process is not representative by the codes, because it seems like the machinery they are talking about in the codes is a little bit antiquated compared to their machinery. He explained it is a CAD/CAM machine where they design a part on the computer and transfer that data to the machine, and that machine performs the work. He indicated it's very high-tech, low-intensity.

Mr. Gleiss explained the machinery appearing on the video, indicating which machines are the HAAS machines. He explained those are the workhorses. The other equipment is to support the HAAS machines.

He again explained mostly what they do is not manufacturing, but engineering and distribution of some of the parts that they make or buy and resell.

He explained that as far as impact on the surroundings, they have very little impact. He indicated he canvassed the area, viewing C-3 properties, and, in his opinion, that all those properties have a more intense use than he does. They work typically 7 a.m. to 5 p.m., 5 days a week. He indicated there are usually 5 employees. He indicated there is no noise. There are no hazardous materials onsite. The traffic levels are extremely low.

He indicated he bought the building in December with the intention of fixing it up, explaining the building had been vacant. He acknowledges that it is somewhat of an eyesore, still is. He indicated it was overgrown, not maintained, vandalized, and had been vacant for about a year.

He indicated they removed 300 yards of debris out of the building, and currently working on bringing it up to current codes for safety and electrical, as well as redoing the landscaping. He wants it to be presentable for when the clients do show up at their offices.

Currently they employ 7 employees and are in the process of hiring 2 additional employees. Two of their employees are Pontiac residents. He explained the average employee earns \$50,000 per year; average length of service is 10 years, and the company is 30 years' old.

Mr. Gleiss asked if the Board had any questions.

Chairman Taylor thanked the applicant for his comments and opened the public hearing portion regarding ZBA-16-02. No one approached. Public comment was closed.

Commissioner Bishop inquired of the applicant whether he bought the whole building.

Mr. Gleiss responded in the affirmative.

Commissioner Bishop indicated 300 yards was quite a bit to come out of the small area they viewed on the video.

Commission Payne inquired of the applicant why the business moved from Waterford.

Mr. Gleiss responded that the building they occupied was under a lease, and that the owner sold the building.

Commissioner Payne inquired of Mr. Sabo whether the senior citizen center was in the area, how close it was to the property.

Mr. Sabo indicated it was to the left side of the drawing, on the other side of Walton, and in the area of Hawthorne Park, approximately a half mile to three-quarters of a mile on the opposite side of the road.

Commissioner Payne inquired of the applicant the chances of growing from a low- to a high-intensity manufacturing site.

Mr. Gleiss indicated that they have been in business for 30 years and have not substantially grown, and that he does not foresee any substantial growth. He reiterated that manufacturing is not their main focus.

Commissioner Bueno inquired of the applicant where in the building all of the equipment was located.

Mr. Gleiss indicated on the map where the equipment is, stating it only takes up about 2,000 square feet.

Commissioner Bueno inquired if the processes are all running at the same time, or on any set interval. He indicated the findings of fact stated that the sound the machinery produces is equivalent to the sound of a lawn mower. Mr. Bueno inquired if with more than one machine running, if it would be equivalent to 10 lawn mowers.

Mr. Gleiss indicated the video really did demonstrate how loud these machines are. He further indicated that he could be standing next to the machines and have a conversation without great difficulty.

Commissioner Bueno indicated this was an odd-shaped C-3 right next to an R-1 on both sides.

Mr. Gleiss indicated across Brooklyn is another C-3.

Commissioner Bueno indicated there really is no buffer to the residential zones, indicating the building is right on the property line. He understands there is not a lot of noise, but expressed concern for those residents, and wonders if there is anything more they can do inside to help diminish the noise level.

Mr. Gleiss indicated there is not. He indicated that none of the people on the street will hear the noise.

Commissioner Bueno inquired what their plans are for the rest of the building.

Mr. Gleiss indicated they really don't have plans at this time. He further indicated that they use a lot of the space to store inventory, parts that they buy and resell.

Commissioner Bueno indicated the variance is for 10 pieces of equipment listed. He inquired if that's going to be enough, if they change anything or if they expand, that they are going to stay the same.

Mr. Gleiss reiterated that only two machines are the workhorses, and the rest support those machines. He indicated if the volume did increase, they would add another high-tech machine.

Commissioner Bueno inquired of Mr. Sabo, in the option for approval, if you list the equipment, will it run with the site, will this recommendation control it; or if the business vacates the building, now they will have C-3 next to residential that has loud fabrication inside.

Mr. Sabo indicated that part of the reason the motion was fashioned in this way, was to give the ZBA some greater comfort and latitude with respect to this motion. These types of machines as displayed in the video, for example the Haas SL30T, appear to not be very loud nor intense machines. So stating similar machines puts a vice on the use variance in that it will really make it for his business's type of use, the low-intensity, CNC. He explained that the technology is really evolving using more computers. He indicated by limiting to these machines or similar machines will help control the use variance.

Commissioner Kirkendolph has no questions or comments.

Commissioner Anderson indicated he is looking at the option for the approval motion, and has no questions.

Commissioner Sinclair has no questions of the applicant, however, suggested in the future he may want to look into the wording the applicant uses for light industrial. He commented he recently interviewed with GM Powertrain, and indicated he knows for a fact these machines are very quiet. He's concerned that by pigeonholing them with a certain type of machinery may be problematic, as the machinery is becoming efficient, and if there is a certain type of machinery or standard put on the machinery, it may also hinder them in the future.

Commissioner Payne questioned Mr. Sabo in regards to the motion to approve, if in the future they decide to sell or move, is the way the motion is written to help ensure the City that another business cannot come in with a higher density type of machinery.

Mr. Sabo indicated in the affirmative, that the way the suggested motion was fashioned was to limit it to this type of machinery and this type of use, more of a specialty machining or specialty tool product that is clearly less intense; and although they fall into the category of NAICS Code as 332, it's clear that that specific definition needs to have a little more flexibility in the way it's applied.

He indicated there are machines in the type of work that the applicant does that are probably much larger and much more intense, but that you have to draw the line somewhere and include similar type machines.

Mr. Sabo further indicated he believed limiting it to the Haas SL30T and Haas VF2 or similar type machines, that it ensures that they are smaller machines versus larger ones.

Commissioner Payne inquired if that site was used as a factory previously.

Mr. Sabo and the applicant indicated it was previously a fishery.

Commissioner Anderson asked the applicant if this option for a motion is okay with him.

Mr. Gleiss indicated yes, that he would rather if it was not limited, but he is satisfied with that motion.

Commissioner Anderson indicated he wants to ensure that a larger manufacturing operation won't be able to move into this site in the future with larger, noisier machines.

Commissioner Payne inquired if letters were sent out; and were no responses received?

Mr. Sabo indicated, yes, letters were sent out to more than the houses seen on the map, both sides, in all directions, in accordance with State law. He indicated no one called and he didn't receive any letters.

Chairperson Taylor indicated he didn't have much to add, but he thinks the comments from the Board are very clear and informative, brought some information out. He indicated staff did a good job of staying within the lines and integrity of the Ordinance and trying to give Mr. Gleiss some flexibility as it relates to the 332 prefix code.

Motion by Commissioner Bishop to approve a Use Variance for ZBA-16-02, 1556 N. Telegraph Road, Molders Services sidwell #14-07479-001 for Section 2.203 Principal Permitted Uses by District, to allow a Manufacturing and Processing Use, 332 Fabricated Metal Product Manufacturing, in a C-3 Corridor Commercial zone district, and to allow only the following machine tool equipment: Haas SL30T, Haas VF2, Monarch 22, HES 20, and Harig G-18, or similar machines only, as the request meets the standards for 6.408 of the Zoning Ordinance; a variance for use is

granted.

Commissioner Bueno supported the motion to approve.

AYES: Taylor, Kirkendolph, Anderson,
Bishop, Bueno, Sinclair

NAYS: (None.)

ABSTAIN: Payne

MOTION CARRIES 6-0-1

(B) PUBLIC HEARING NUMBER: ZBA-16-03

ADDRESS: (NONE)

ZONE: C-1 LOCAL BUSINESS DISTRICT

VARIANCE REQUEST: TO REDUCE THE MINIMUM PARKING
SPACE DIMENSION FROM 9' X 20' TO 9' X 18' WITHIN
A C-1 LOCAL BUSINESS ZONE DISTRICT

PRESENT USE & OCCUPANCY: VACANT

PROPOSED USE & OCCUPANCY: FOOD STORE & COFFEE
SHOP

(Presentation of facts and recommendation given
by Mr. Dowdell.)

Chairman Taylor invited the applicant to speak on this
request.

Cole Yoakum, 580 W. Huron Street, Pontiac, Michigan;
residence 32 Newberry, Pontiac, Michigan. The applicant
indicated when the architect drew the site plan, he was
under the impression that the applicant would need two
parking spaces, as well as a handicapped parking space.
When the applicant discovered that was not the case, that
he only needed two parking spots, with one being
handicapped, the architect asked the applicant if he
wanted to change that or to try to get a variance to get
three parking spots. The applicant has decided to bring
it in front of the Board to try to get a variance for
three parking spaces.

Chairman Taylor thanked the applicant for his
comments and opened the public hearing on ZBA-16-03.
No one approached. Public comment was closed.

Commissioner Sinclair inquired if the church still
occupied the building.

The applicant indicated there is a community meeting
there every week, but it's not the expressed purpose
of the building.

Commissioner Anderson had no questions or comments.

Commissioner Kirkendolph had no questions or comments.

Commissioner Bueno inquired as to when they will be opening.

Mr. Yoakum indicated he is trying to get everything lined up and would like to be able to open the Spring or early Summer of 2016.

Commissioner Bueno indicated he lives in the area and is curious to see what is going on.

Mr. Yoakum indicated as soon as they open they will get an invitation in the mail for the party.

Commissioner Bueno indicated there is parking on Dwight Street, as well.

Mr. Yoakum indicated it is a snow route, so he realizes that comes with its own challenges, but he knows there is a lot of street parking up and down the streets.

Commissioner Bueno indicated he hoped the applicant would need more than three parking spots.

Commissioner Payne had no questions or comments.

Commissioner Bishop had no questions or comments.

Chairperson Taylor had no questions or comments.

Motion by Commissioner Bueno to approve the variance request for ZBA 16-03, 580 W. Huron Street for dimensional variance; Section 4.305 (E) (Table, 10); a dimensional variance of 9 feet by 20 feet minimum parking space within the C-1 district is requested, to allow for a dimensional variance of 2 feet (9' x 18') for the minimum parking is as the request for variance meets the approval standards for Section 6.407 of the Zoning Ordinance.

Seconded by Commissioner Payne.

AYES: Taylor, Kirkendolph, Anderson,
Bishop, Payne, Bueno, Sinclair
NAYS: (None.)
ABSTAIN: (None.)

MOTION CARRIES 7-0-0

7. PUBLIC COMMENT: (None.)

8. MISCELLANEOUS:

Chairperson Taylor inquired of the Board if there is a proposed change in the time for future ZBA meetings?

Commissioner Payne proposed a motion that the ZBA Board time changes from 7:00 every third Tuesday of the month to 6:00.

Chairperson Taylor inquired of the rest of the Board if that is something everyone can commit to?

Commissioner Anderson indicated he don't know.

Chairperson Taylor indicated there may be a reason for the 7:00 time.

Commissioner Bueno indicated he's not a hundred percent sure if he can commit to the 6:00 start time.

Chairperson Taylor inquired of Commissioner Bueno if 7:00 is better for him.

Commissioner Bueno indicated it is what it is, but sometimes he has a difficult time even committing to 7:00.

Commissioner Anderson indicated the knowledge that Commissioner Bueno has, and the expertise and the wisdom he has from being on the Board a long time, he thinks the Board should honor the needs of Commissioner Bueno.

Commissioner Bueno indicated if it is the Board's desire to change the time, to do so.

Mr. Sabo indicated perhaps 6:30 might be better, that the Planning Commission starts at 6:30.

Chairperson Taylor indicated it's open for discussion

Commissioner Anderson indicated the same people do not serve on the ZBA and the Planning Commission, that there are people that work, and some of them have different hours, it's always been that way.

Chairperson Taylor indicated it was brought up at prior meetings and just thought it was a good thing to discuss, but if it's not an accommodation everyone can commit to, that perhaps it should be discussed further.

Commissioner Anderson suggested further discussion, as well, to hold off on the change.

Commissioner Bishop asked if 6:30 would be a good compromise.

Commissioner Bueno indicated it could be.

Chairperson Taylor suggested a postponement to the motion.

Commissioner Payne amended her motion to postpone this matter until the next meeting.

Seconded by Commissioner Bishop.

(Roll call vote was not taken.)

Chairman Taylor made a motion for adjournment.

(All ayes.)

9. ADJOURNMENT: 7:56 p.m.

Minutes certified by:



/s/ Quentina Rochelle Snowden, CSR-5519
QRS Court Reporting, LLC
800.308.0068