

1 ZONING BOARD OF APPEALS MEETING: City of Pontiac Zoning  
2 Board of Appeals Meeting Minutes on Tuesday,  
3 February 20, 2018; Pontiac City Hall, 47450 Woodward  
4 Avenue, Pontiac, Michigan 48342

5  
6 COMMISSIONERS: Chair Ahmad Taylor  
7 Lucy Payne  
8 Sam Anderson  
9 Elcine Kirkendolph  
10 Joseph Sinclair  
11 Carlos Bueno

12 FROM THE CITY: Arthur Mullen, City Planner

13 CHAIRMAN TAYLOR CALLED THE MEETING TO ORDER AT 7:08 P.M.

14 ROLL CALL:

15 PRESENT: Chair Taylor, Comm. Payne, Comm. Anderson,  
16 Comm. Kirkendolph, Comm. Sinclair,  
17 Comm. Bueno

18 ABSENT: Comm. Bishop

19 Mr. Mullen reported a quorum present.

20 COMMUNICATIONS: Mr. Mullen informed the Board that they  
21 did receive communication from a resident in their  
22 packets.

23 MINUTES FOR REVIEW: 9-27-17

24 COMM. SINCLAIR MADE A MOTION TO ADOPT THE MINUTES

25 COMM. KIRKENDOLPH SECONDED

26 VOTE: AYES: Kirkendolph, Sinclair, Payne,  
27 Anderson, Taylor, Bueno

28 NAYS: None.

29 ABSTAIN: None.

30 Vote 6-0-0 motion carries.

31



1 MINUTES FOR REVIEW: 1-16-18

2 COMM. BUENO MADE A MOTION TO ACCEPT THE MINUTES WITH A  
3 CORRECTION THAT HE INDICATED TO THE MINUTE-MAKER BEFORE  
THE MEETING AND THEY HAVE BEEN CORRECTED AND PROVIDED.

4 COMM. KIRKENDOLPH SUPPORTED.

5 VOTE: AYES: Kirkendolph, Sinclair, Payne,  
6 Anderson, Bueno

7 NAYS: None.

8 ABSTAIN: Taylor.

9 Vote 5-0-1 motion carries.

10 OLD BUSINESS: NONE.

11 NEW BUSINESS:

12 PUBLIC HEARING AND VARIANCE REQUEST:

13 ZBA-17-13

14 PROPERTY ADDRESS: 63 Norton Street

15 ZONE: R-1 One-Family Dwelling

16 LOCATION: Sidwell # 14-29-328-021  
and 14-29-328-022

17 APPLICANT: Porter & Square, LLC/Mark Thomas  
18 Rep: Scott Shall  
19 Owner: Duane Fueslein  
Architect: Breck Crandell

20 Presentation of facts given by Mr. Mullen.

21 Mr. Scott Shall, 656 Lincoln Road, Grosse Pointe,  
22 Michigan, for the owner, stated that they were asked to  
23 look at the two parcels on the corner of Porter and  
Norton and they want to build two houses, one on each  
24 parcel. He indicated that they looked at neighboring  
homes' lot widths and setbacks and are staying within  
the four feet in the front to ensure a clear sight line  
and are removing two trees to even improve visibility.  
25 He explained a hand-out he passed out and how they went

1 through many scenarios to come up with asking for the  
2 least variance and staying within the context of the  
neighborhood.

3 CHAIR TAYLOR OPENED UP PUBLIC COMMENT.

4 Mr. Malcolm Campbell, 52 Norton Street, Pontiac,  
5 Michigan indicated that the ordinance does not permit  
6 recalling the same variance request before the Board,  
7 requiring the citizens to come out several times in  
8 such a short span and he requested that the matter not  
9 be brought forth for the requisite waiting period. He  
also stated that he feels that amount of space is only  
sufficient for one home, not two. He presumed that they  
are doing the recycled shipping container framing, which  
would explain why they want to have a rectangular shape  
as opposed to square and two together.

10 Mr. Shall indicated that that presumption is incorrect.

11 Mr. Campbell also expressed concern about building right  
12 next to an existing driveway and about the two  
13 structures sharing the same driveway. He then indicated  
14 that he won the pride and beautification award in  
Pontiac two years in a row and is concerned with them  
trying to maximize price per square foot at the  
neighbors' detriment.

15 Ms. Kathy Hajj-Thomas, 24 Norton Street, Pontiac,  
16 Michigan recited the ordinance at 6.401, Section B. She  
17 then voiced concern over how close they are to be and  
18 indicated that having two-car attached garages are not  
conducive to the neighborhood. She also inquired why it  
came up so soon again and why the neighbors are having  
to appear to address the same issue.

19 Ms. Katie Benton, 23 Porter Street, Pontiac, Michigan  
20 indicated that the neighborhood is now better than it  
21 was when she was a child. She asked if they were going  
22 to be rental homes. She stated that they had groups of  
23 students out there taking pictures who were  
24 disrespectful. Being so close to downtown, she voiced  
25 that she feels this is one of the most important  
neighborhoods, that the applicant hasn't even discussed  
this with any neighbors and that she would like it to  
stay nice, with families.

Carmen Cargill, 28 Norton Street, Pontiac, Michigan  
indicated that she agrees with Mr. Campbell and is not

1 in support of this and that they should find two larger  
lots for this project.

2

Mr. Duane Fueslein, 16590 Greenview, Detroit, Michigan,  
3 the owner, informed the Board of another property he  
redeveloped with success in Pontiac. He then expressed  
4 gratitude for the other gentlemen's efforts in working  
on this over the last year and a half. He indicated  
5 that he feels the homes fit with the neighborhood and a  
square home would not. He stated that he's been adding  
6 to the tax roles in Pontiac for 25 years with  
redevelopment of properties. He also stated that they  
7 will not be rentals and that he's gone out of his way to  
create something really good for that neighborhood.

8

CHAIR TAYLOR CONCLUDED PUBLIC COMMENT.

9

CHAIR TAYLOR ASKED MR. MULLEN TO CONFIRM THAT BOTH  
10 PARCELS WERE SINGLE-FAMILY PROPOSED USE AND ZONED  
ONE-FAMILY DWELLINGS.

11

Mr. Mullen confirmed.

12

COMM. ANDERSON REMINDED EVERYONE THAT THIS BOARD ONLY  
13 DECIDES ON SETBACKS AND VARIANCES AND THAT PLANNING  
WILL DECIDE ALL THE DETAILS.

14

COMM. BUENO STATED THAT HE STILL HAS CONCERN WITH BEING  
15 COMPLIANT WITH SECTION 6.506.

16 Mr. Mullen indicated that he can make a conforming lot,  
he owns both but is not under any restrictions.

17

COMM. BUENO INDICATED THAT HE HAS ONE THAT CAN BE  
18 CONFORMING BUT THE OTHER IS NONCONFORMING. HE THEN  
ASKED MR. MULLEN THAT, SINCE HE OWNS BOTH, DOESN'T HE  
19 HAVE TO CONSIDER IT ONE LOT.

20 Mr. Mullen answered that he does not and that he should  
be able to build two single-family structures.

21

COMM. BUENO ASKED IF THE HOUSES WOULD BE SHINGLED.

22

Mr. Shall stated they would, with cedar shingles.

23

COMM. BUENO INQUIRED WHAT NORTON STREET WILL LOOK LIKE  
24 WITH THE SIDE OF THE HOUSE FACING IT.

25 Mr. Shall indicated that they have also looked into

1 metal roofing.

2 COMM. BUENO ASKED HOW THEY WOULD EVEN BE ABLE TO PULL  
3 INTO THE GARAGE.

4 CHAIR TAYLOR STOPPED THE CONVERSATION, INDICATING THAT  
5 THAT IS A PLANNING ISSUE AND ASKED THE APPLICANT IF HE  
6 IS PREPARED TO ANSWER SUCH QUESTIONS.

7 Mr. Shall indicated that they are not at that stage yet.

8 COMM. BUENO INQUIRED OF MR. MULLEN IF THIS WOULD GO TO  
9 SITE PLANNING.

10 Mr. Mullen indicated that he would sent this to site  
11 planning due to the concerns of the neighbors.

12 Mr. Shall indicated that the existing drive of the  
13 neighbor's is eight feet into the owner's property line,  
14 but they didn't want to disturb the existing driveway.

15 Mr. Breck Crandell indicated that he started this  
16 project as a student, then became an instructor and is  
17 now a registered architect.

18 COMM. KIRKENDOLPH INDICATED THAT SHE VISITED THE SITE  
19 AND TO HAVE TWO HOMES IS JUST NOT CONDUCIVE FOR THAT  
20 NEIGHBORHOOD.

21 MR. SINCLAIR INQUIRED IF THE APPLICANTS OWN LOT 27 OR  
22 14.

23 Ms. Benton answered that she owns Lot 27.

24 COMM. SINCLAIR INQUIRED IF THE GARAGES WERE TWO-CAR OR  
25 ONE-CAR.

Mr. Shall indicated they would be one-car, to be  
consistent with the surrounding homes. He then inquired  
of the Board if they would vote on the three requests  
separately or all in one.

Mr. Mullen indicated that the Board should vote on the  
three individually.

CHAIR TAYLOR INDICATED THAT, EVEN IF THE APPLICANTS KNEW  
MORE ABOUT MATERIALS THEY PROPOSE TO USE OR SPECIFIC  
DESIGN QUESTIONS, THAT THAT WOULD BE A MATTER FOR  
PLANNING. HE THEN INDICATED TO THE APPLICANT THAT HE

1 ADVISES COMMUNICATING WITH THE RESIDENTS.

2 Mr. Mullen informed the Board that going to Planning  
3 could be a condition on their motion.

4 CHAIR TAYLOR RE-OPENED IT UP FOR PUBLIC COMMENT.

5 Ms. Cargill inquired of Mr. Crandell who he works for.

6 Mr. Crandell answered that he is an independent  
7 contractor and teaches on the side.

8 Mrs. Cargill inquired of Mr. Crandell if he is familiar  
9 with a company called Three Square and indicated that  
10 they are the ones working with the shipping containers.

11 Mr. Crandell answered that he does consulting work for a  
12 shipping company and shipping containers have absolutely  
13 nothing to do with this project.

14 COMM. BUENO INQUIRED OF MR. MULLEN IF HE IS SQUARED AWAY  
15 ON THE SETBACKS.

16 Mr. Mullen answered affirmatively.

17 Ms. Benson voiced concern about adequate parking for the  
18 corner.

19 Mr. Campbell brought up some of the same concerns as  
20 before and stated that he believes the drawings do not  
21 properly reflect the layout of the physical structure.

22 Mr. Fueslein expressed how much he has put into this  
23 project and that he is very confused at the moment as to  
24 where he stands.

25 Mr. Mullen indicated that the last hour and a half has  
proven there is a practical difficulty.

CHAIR TAYLOR CLOSED PUBLIC COMMENT.

COMM. PAYNE STATED THAT SHE ORIGINALLY ABSTAINED FROM  
ANY DECISION ON THIS BECAUSE THE ORDINANCE WAS AND STILL  
IS CONFUSING TO HER.

COMM. ANDERSON MOTIONED TO GRANT A 12-FOOT VARIANCE FOR  
THE 25-FOOT SETBACK ON PORTER STREET WITH THE CONDITION  
THAT THERE BE AN APPROVED SITE PLAN.

1 COMM. SINCLAIR SECONDED.

2 VOTE: AYES: Sinclair, Anderson, Taylor

3 NAYS: Payne, Kirkendolph, Bueno

4 ABSTAIN: None.

5 Vote 3-3-0 motion fails.

6 COMM. SINCLAIR MOTIONED TO APPROVE THE REAR SETBACK ON  
7 THE CORNER LOT WITH THE CONDITION THAT THERE BE AN  
8 APPROVED SITE PLAN.

9 COMM. ANDERSON SECONDED.

10 VOTE: AYES: Sinclair, Taylor

11 NAYS: Payne, Kirkendolph, Bueno

12 ABSTAIN: Anderson

13 Vote 2-3-1 motion fails.

14 COMM. SINCLAIR MOTIONED TO APPROVE THE REAR SETBACK ON  
15 THE INTERIOR LOT WITH THE CONDITION THAT THERE BE AN  
16 APPROVED SITE PLAN.

17 COMM. ANDERSON SECONDED.

18 VOTE: AYES: Sinclair, Taylor

19 NAYS: Payne, Kirkendolph, Bueno, Anderson

20 ABSTAIN: None

21 Vote 2-4-0 motion fails.

22 CHAIR TAYLOR ADJOURNED THE MEETING AT 8:39 P.M.

23

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