

CITY OF PONTIAC

ZONING BOARD OF APPEALS

TUESDAY, DECEMBER 15, 2015

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
Jane Bais-DiSessa, Deputy Mayor

MEMBERS OF THE PUBLIC ADDRESSING THE BOARD:

Anthony Williams
James Day/Zola Garten
Joseph Owens
Josephine Crowder/Steven Crowder

MINUTES RECORDED BY:

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

1. CALL TO ORDER:

Chairman Taylor called meeting to order at 7:02 p.m.

2. ROLL CALL:

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

ABSENT: Joseph Sinclair, Commissioner
Brent Sykes, Commissioner

Mr. Sabo reported a quorum is present.

3. COMMUNICATIONS:

(None.)

4. ADOPTION OF MINUTES: November 17, 2015

Motion to approve by Commissioner Kirkendolph
Seconded by Commissioner Anderson

AYES: Taylor, Kirkendolph, Anderson,
Bishop, Payne

NAYS: (None.)

ABSTAIN: Bueno

MOTION CARRIES 5-0-1

5. OLD BUSINESS:

(None.)

6. NEW BUSINESS:

(A) PUBLIC HEARING NUMBER: ZBA-15-17
ADDRESS: 1101 E. WALTON BOULEVARD
ZONE: C-1 LOCAL BUSINESS DISTRICT
VARIANCE REQUEST: USE VARIANCE ATM KIOSK,
MAXIMUM SIGN AREA
PRESENT USE & OCCUPANCY: FIELDSTONE PLAZA
PROPOSED USE & OCCUPANCY: ATM KIOSK AND SIGNS

(Presentation of facts and recommendation given

by Mr. Sabo.)

Chairman Taylor invited the applicant to speak on this request. No one approached.

Mr. Sabo indicated he received a letter regarding this request and proceeded to read the letter into the record. The writer indicated he is concerned with the request for a drive-through facility to be installed in their neighborhood at the corner of Walton and Giddings, indicating the area is very congested. The writer further invited the Board to traverse the area. The writer also suggested there is a better site suited for this kiosk where Huntington Bank currently is located.

Chairman Taylor opened the public hearing portion regarding ZBA-15-17.

Commissioner Anderson has questions and inquired if they can postpone or table the request until the applicant arrives.

Mr. Sabo suggested they could table the request until the end of the meeting. Mr. Sabo e-mailed the applicant and suggested the Board move on to the next agenda item.

(B) PUBLIC HEARING NUMBER: ZBA-15-21
ADDRESS: 105 PINEGROVE
ZONE: R-2, TWO-FAMILY TERRACE DWELLING DISTRICT
VARIANCE REQUEST: MAXIMUM HEIGHT ACCESSORY
STRUCTURE, GARAGE
PRESENT USE & OCCUPANCY: RESIDENTIAL HOUSE
PROPOSED USE & OCCUPANCY: ANTHONY WILLIAMS

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

Chairman Taylor invited the applicant to speak on this request.

Anthony Williams, 105 Pinegrove, Pontiac, Michigan, indicated he is the owner at this time. The applicant stated the previous owner had presented plans which indicated there were three doors on the side of the garage and a steep-pitched roof with three dormers. However, that isn't what they built. He indicated that instead of it being a story and a half, it is more like a two-story garage. He indicated the footprint is still the same, just taller than it would have been. He was notified of

this discrepancy when he submitted for a permit so he could finish the garage. Upon the request for a permit, he was told the way the plans are is not actually what was on the site. After he found out this information, he requested that they steer him in the direction to submit what he needed to, to get permission to finish the project if he could. He indicated when it's done, the height for Pinegrove, if on Pinegrove Street, he says you don't really see all of the height, because the yard is on an incline as you come up the road. He indicated the alley, which he will be using for access, the alley is dirt and it's not really used, that it will probably be him just using that area to access his property from the back.

He further indicated there are buildings close to the area, one or two which may be that tall. He doesn't know if they're zoned commercial. All he wants to do is have the opportunity to complete the garage.

Chairman Taylor thanked the applicant for his comments and opened the public hearing on this request. No one approached. Public comment was closed.

Commissioner Bishop inquired of the applicant as to what he was going to do with the second floor.

The applicant commented it would just be for storage. He further indicated that it was changed from three doors to one door.

Commissioner Payne inquired of Mr. Sabo regarding the 15-foot requirement.

Mr. Sabo confirmed that the requirement is 15 feet.

Commissioner Payne inquired of the applicant, if the Board were to require the applicant to stay within the 15-foot requirement, what problems would that create for the applicant.

The applicant responded he would have to tear down the structure.

Commissioner Payne inquired of the applicant, if the Board were to grant the 21.5 variance, could he complete the project.

The applicant confirmed he could complete the project, adding the driveway, as well.

Commissioner Bueno inquired of Mr. Sabo whether when the original applicant pulled a permit, if they had presented a plan.

The applicant responded he didn't know about any problems until he started to inquire of the Building Department what was going on. He reiterated that he was informed what was built was not approved.

Mr. Bueno provided background information, indicating the original applicant presented before the Board in March of 2014 requesting a large variance for a 1,200 square foot garage. He indicated there already was a garage on the property. The variance was denied, and the original applicant was informed to come back and present revised plans of something smaller and acceptable. The original applicant then came back in June with the plan which the new applicant has handed to the Board.

It was reviewed and approved. He indicated some of the reasons it was approved was because (A) there was an existing garage in front, and the ground slopes down the lot. He indicated the lot is only 50 feet wide, but long, and that due to the size it wasn't something they would grant such a large garage for. But the way it was laid out, the ground sloping down, you didn't really see it, you only saw a very small peak of the garage.

Commissioner Bueno pulled the old minutes out reflecting that it was discussed that this is just for one level, and it does not allow for an upper level.

The other issue, he doesn't know if staff has considered is that now there is a second floor, and basically that square footage, which hasn't been addressed yet with this variance, there's another 748 square feet of a variance would have to be granted for the additional square footage for the second floor, let alone the height.

He questioned how it was built like that if they pulled permits.

The applicant doesn't know if it was in the original plans, but it was his understanding they had a story and a half going on anyway, so they had their plans, whether they mentioned or not, that it was going to be storage above the garage.

Commissioner Bueno stated the original applicant was in need of the garage due to the "extra cars" she owned.

He further indicated that in approving the original request was the house was in bad shape and the original applicant stated she was going to fix the house before she started the garage. He stated he doesn't know what the inside looks like, but the outside doesn't look better than it did.

The applicant explained he just got a permit granted to do some work on the exterior of the house, and indicated he would finish the exterior of the garage to match the exterior of the house.

Commissioner Bueno expressed his disappointment that a lot of things were promised by the original applicant with no follow-through on those promises.

The applicant expressed if he's allowed to move forward, he'll finish the garage and exterior of the house to match the garage. He further explained that the existing garage would have a driveway facade also so that the house and the upper portion of the garage will look like it's all stucco.

Commissioner Anderson expressed that he remembered the original applicant who came before the Board. He expressed it seems like the new applicant/owner is stuck with something that somebody is supposed to have done, but they didn't. He inquired whether staff has advised him of anything he could do.

Mr. Sabo responded that he was told to come before the ZBA. He further explains he's in a little bit of a pickle, explaining the applicant did not create the issue. The applicant Mr. Bueno is speaking of pulled the permits, clearly didn't build it according to permit that was pulled, and now there's a structure up that technically doesn't meet the ordinance and if the Board does not approve the variance, the applicant is going to have to fix it.

Commissioner Anderson expressed after the first permit, perhaps the inspector should have been going by checking.

Mr. Sabo responded it's an impossible task to watch Everybody's project, indicating at some point people need to be earnest and do what they say they're going to do. He explains you catch a lot of people, but that they can't catch everybody.

The applicant responded that's kind of part of it

too, because he did go in he tried to renew the permits so that he could proceed, and what he had at that time was the structure up. And as he was told, what he has up is not what they submitted because originally on the initial plan they had a service door in the back. Now the service door is in the front. He explains he was in touch with the Building Department and trying to find a way to finish it if he could and he was told they couldn't approve it, it would be denied and that he would have to go to the ZBA. He didn't want to have to wait a couple more months to proceed with the project.

Commissioner Anderson inquired as to how much taller would this be from the original plan.

The applicant indicated it looks like they're almost the same, just that instead of one having a steep pitch, it's more like the wall is square instead of a triangle. He further explains that he didn't measure the difference of height from the front of the garage to the back of the garage because it's probably five feet difference where the back of one garage meets the other one, because of the slope of the property.

Commissioner Anderson inquired if the applicant bought the house from the previous applicant.

The applicant answered in the affirmative.

Commissioner Anderson stated again the applicant is stuck between a rock and hard place, indicating the original applicant came in and lied to the Board, and begged and pleaded and promised things she would do. He inquires as to a solution for this.

Commissioner Bishop inquires of the applicant as to whether he has money to finish the project.

The applicant answered in the affirmative.

Commissioner Bishop inquires of the applicant as to whether he has money to finish the house as well.

The applicant answered in the affirmative, stating he's starting on the house now.

Commissioner Bishop asks what kind of time frame for how long the project will take.

The Applicant doesn't have an idea of time frame, but is going to try to have it done within a few months.

Commissioner Bishop inquires whether the applicant is doing the project himself or having a contractor work on the project.

The applicant explains he is working on it and some work a contractor is doing.

Commissioner Bueno inquires of Mr. Sabo if they have to address the square footage right now.

Mr. Sabo explains according to the Ordinance, the aggregate area of accessory buildings on any lot shall not exceed the lesser of 50 percent of the total area of the floor of the first floor of the principal dwelling or 660 square feet, whichever is the least. He explains the applicant is at 660 square feet. He further explains the way the Ordinance is set up, you can have a couple different accessory buildings in Pontiac, and it's the building footprint is how the Ordinance defines the area.

Commissioner Bueno expressed it's his understanding that anybody who has a second floor, that the square footage is part of the variance.

He inquires of the applicant as to whether the bottom of the garage is concrete block, and asking if he can remove the 7 foot wall and reuse the rafters and move it down to the level. He explains that's what it's supposed to be. He explains that's an option.

The applicant explains he doesn't know. He states he'd have to tear over half of it down and start all over again.

Commissioner Kirkendolph doesn't have comment, she just feels bad that he did inherit the problem.

Commissioner Bueno says he understands that this fell through the cracks.

Commissioner Kirkendolph understands what the Board Members are saying, but thinks the Board should give the benefit of the doubt, because he inherited this problem. She feels like there should be a time frame to complete the project.

Commissioner Anderson agrees.

Commissioner Kirkendolph doesn't want to punish the applicant for somebody else's mistake.

The applicant explains that the previous owner was going to do this and that. He explains if you pass by the house now, the aluminum siding on the house is coming off.

Commissioner Kirkendolph explains she did see that today as she drove by it.

The applicant explains that if he goes in the alley, he has a large structure on the property. To him looking at it from the street Pinegrove, to him it didn't look much bigger than a house from the driveway, from the single-car garage that's there already.

Chairman Taylor expressed that the Board is sympathetic to the applicant's needs, but the biggest concern is that last year this time someone else came before the Board and made promises that never came to fruition.

The applicant explains it wouldn't be a year.

Chairman Taylor explains he does not think the Board wants to punish the applicant.

Commissioner Bishop explained she would like to make a motion to approve with a time frame of perhaps four months.

Commissioner Bueno explains if he is doing stucco, he won't be able to do that in this weather.

The applicant explains that he can get done what he can get done. Explains if he's allowed to proceed with the garage, he'll do the driveway put on so it can be painted. He indicated he'll have as much of the house done as he can get done before it gets too cold.

Commissioner Bueno expressed he wants to see the house done first.

The applicant explains right now he had started working on the house. The aluminum siding originally on the house is coming off.

Chairman Taylor asks for clarification of Commissioner Bishop's motion. Is the motion to approve the 6.5 variance request?

Commissioner Bishop responded affirmatively, with completion of the project within eight months.

Commissioner Bueno inquired how long the permits are good for.

Mr. Sabo indicated the permits don't expire as long as they keep working.

Commissioner Anderson suggested they make a note on this so you can keep up with this too.

Motion by Commissioner Bishop to approve the variance of the 6.5 feet for the garage with the completion within eight months.

Seconded by Commissioner Anderson.

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

MOTION CARRIES 5-1-0

The applicant inquired when can he have the permit issued.

Mr. Sabo informed the applicant to come into the Building Department tomorrow.

(C) PUBLIC HEARING NUMBER: ZBA-15-22
ADDRESS: 25 E. ANN ARBOR
ZONE: R-1, ONE-FAMILY DWELLING DISTRICT
VARIANCE REQUEST: FRONT YARD LOCATION SETBACK,
MATERIAL CARPORT
PRESENT USE & OCCUPANCY: RESIDENTIAL HOUSE
PROPOSED USE & OCCUPANCY: KATHRYN SMITH

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

Chairman Taylor invited the applicant to speak on this request.

James Day is the neighbor to the applicant at 25 East Ann Arbor. He explains he doesn't know what the

Board wants. He indicated his sister is in Florida.

The applicant indicated she wouldn't have got the carport, but when they bought the carport, they asked if they needed permit and the store associate said no because it doesn't attach to the house. She explained it's like a tent but that it's metal. She was informed that the sales associate sells them all the time and nobody has ever had to get a permit. She explained that's why they didn't have a permit and put it up. She explains it doesn't block anybody's view, where it's at. They went up and down the road to see if it did, and it does not.

Mr. Davis explained it's 6 feet from the sidewalk to the carport.

Chairman Taylor thanked the applicant and Mr. Davis for their comments and asked if they had anything else to add.

Mr. Davis asked if the Board wanted it painted or removed.

Chairman Taylor thanked the applicant and Mr. Davis for their comments and opened the public hearing on this request.

The applicant is wondering what can they do to keep it there. She explains her husband is sick, explains the neighbor is sick, the man who helped put it up is sick. She's the only one well and she doesn't think she can do it, not by herself.

Mr. Davis asked if they need it moved back more.

Chairman Taylor explained they're going to move to public comment and they'll discuss it farther. Public comment was opened on this request. No one approached. Public comment was closed.

Commissioner Bueno explains the builder or whoever they bought the structure from lied about the permits. He explains maybe it could be worked out if it was further back, but it doesn't go with the house, doesn't go with the neighborhood. He indicated he doesn't even classify it as a carport, it's more like a metal tent.

The applicant explained it's hard to put in the backyard on account of the gate going to the back.

Commissioner Bueno explains something could have been

worked out better. Explains he understands they didn't know about the pulling of the permit. He indicates it just doesn't go with the neighborhood and house.

Mr. Davis inquires if they can move it five feet further off the road.

The applicant explains if it's moved to the back of the house it will be back on another property. She explains that's why they went that way because the driveway slopes in.

Commissioner Bueno indicates there's more than just moving it to the back. He doesn't know how it's anchored or anything like that. The City might require more work involved than moving back. He's not sure how to attach it to the ground. He inquired of Mr. Sabo if he would classify this structure as temporary, and asked him if there's anything more to address on this.

Mr. Sabo explains there were comments earlier about how people get to this point. He indicated because sometimes people lie to other people. So they put up a structure and basically lied to the applicant. He explains it does require permits. The Ordinance Enforcement Officers were out and saw it, wrote a letter to the owner and said it doesn't meet the Ordinance, that they need to talk to him to get it approved. He explained he couldn't approve it because it is what it is. He told the applicant they could take it down, which they didn't want to do; or the other option is go to the Zoning Board. So he explained it doesn't meet the standards.

He empathizes with the applicant because it's an unfortunate situation, however, it doesn't meet the ordinance standards. The City doesn't allow carports to be constructed like this, and don't allow them in the front yard.

Commissioner Payne inquired as to whether there was a permit that was requested, but she now knows the answer. Her second question is how long has the carport been in the front yard.

Mr. Davis indicated since September.

Commissioner Payne inquired as to the company that put the carport up.

The applicant indicated it was just friends, her husband and a couple of friends.

Commissioner Payne inquired who they purchased the carport from.

The applicant indicated they got it from Menard's in Flint.

Commissioner Payne suggested there could be some liability that they could fall back on. She explained the reason for asking that question is if the materials were sold to them and was told a permit would not be needed, that perhaps there may be some liability and maybe they could have Menard's move the carport for them.

Mr. Davis indicated perhaps they were going by Flint rules, not have any idea what Pontiac is.

Mr. Sabo indicated they're the same.

The applicant inquired as to when they can go before the Zoning Board.

Commissioner Kirkendolph explains they are at the Zoning Board right now.

Commissioner Bishop explains that chances are more than likely it will have to be moved. She inquires of Mr. Sabo if it can be put it in the backyard.

Mr. Sabo indicated that they would then need the other variance which is 4.101 for the materials.

Commissioner Bishop suggested they might consider selling it on Craigslist or something of that nature. She doesn't think Menard's would be responsible for where it was placed. She suggests it could be sold, have somebody else take it down.

Commissioner Anderson explains that the Board had something like this before where a guy built something for his mother to park a wheelchair. It breaks his heart to say this, as he tries to figure out a way to help people as much as he can. But, explains it will probably have to be removed.

The applicant indicated the front of it is open, that it's just on the top and sides.

Commissioner Bueno inquired of Mr. Sabo, just so there's no misunderstanding, that if they can move it back, do they still need a permit, would they need a concrete slab.

Mr. Sabo explains he doesn't know, he doesn't speak for the building official, but there are snow loads and wind loads for all types of structures. So if the wind can get under it and hurt somebody, then that's why the building codes exist.

Commissioner Kirkendolph has no comment.

Mr. Davis asks if they move it, can they attach it to the house.

Commissioner Anderson inquires if this was Mr. Davis's sister.

Mr. Davis responded affirmatively.

Commissioner Anderson asked how old she is.

Mr. Davis indicated she'll be 62.

Commissioner Anderson explained out at the County they have home improvement loans to build walkways and to help people with different things. He suggested they try out there. He sits on the Board there and explains if you qualify, there are loans interest-free or grants to repair things, and that they also have Habitat for Humanity and other groups that could help solve the problem.

Mr. Davis asks what the name of it is.

Commissioner Anderson states Home Improvement.

The applicant explains they don't have much money to spend, they already spent so much that they thought it wasn't going to cost very much.

Commissioner Anderson told the applicant to go out there and to give his name and see if they can help, because they do a lot of work and people that do things, and explained it might be something simple for them to do it to help them out.

Chairman Taylor expressed it's going to be difficult for this Board to approve such a variance for a non-conforming considering in its initial concept, the non-conforming compliance started, then it's going to be very difficult

for the Board to make decision on approving it. He inquiries if anyone has a motion.

The applicant inquired when they have to make changes.

Mr. Sabo tells Ms. Garten to hold on, that the Board is going to take action on their request and when the Board is done he'll explain it to her.

Motion by Commissioner Kirkendolph to deny the variance request for ZBA-15-22 for 25 E. Ann Arbor.

Seconded by Commissioner Bishop.

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

NAYS: (None.)

ABSTAIN: (None.)

MOTION CARRIES 6-0-0

Mr. Sabo explains the motion to deny their request was unanimous, so what this means to Mr. and Mrs. Garten is the location of the structure does not meet the Zoning Ordinance standards, and the materials do not meet the Zoning Ordinance standards, so based on the ZBA's action, they have to do one of two things. They have to either remove it completely, dismantle it, move it from where it is completely; or they have the option to move it back behind the house where accessory structures are permitted, then they will have to come back to the Board and still request a variance for the materials that are not in compliance or not matching the materials on the house.

So essentially the carport is supposed to look like the house, that's how the Ordinance is set up. He explains those are the options, and that they can talk to him tomorrow.

Mr. Sabo continues to explain if they take the structure and put it in the backyard and clad it, put on the sides material that looks like the house, he thinks they'll be okay, but they have to do that. It can't be left the way it is out front and can't put it in the backyard the way it is constructed of metal.

The applicant asked when do they have to start working on it.

Commissioner Bishop explains they want to sell it, she will list it on Craigslist at no charge.

The applicant indicated she's not selling it, if she can get it fixed to where she can keep it, because they wanted it so bad, because there's no garage there.

Chairman Taylor expressed the applicant should keep in mind that any action will require a permit.

Commissioner Anderson asked Mr. Sabo to provide the number for County Home Improvement.

Mr. Sabo indicated he respected what Commissioner Anderson is requesting, but that's not the role of the ZBA, so they have to kind of stay within their confines.

Commissioner Anderson indicated he understands.

Deputy Mayor indicated she would be happy to provide the applicant with the number.

(D) PUBLIC HEARING NUMBER: ZBA-15-23
ADDRESS: 205 S. SHIRLEY
ZONE: R-1, ONE FAMILY DWELLING DISTRICT
VARIANCE REQUEST: REDUCE MINIMUM REAR YARD
SETBACK, LOT AREA
PRESENT USE & OCCUPANCY: VACANT SINGLE FAMILY
LOT
PROPOSED USE & OCCUPANCY: NEW CONSTRUCTION HOUSE

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

Chairman Taylor invited the applicant to speak on this request.

Joseph Owens with West Construction explains it's pretty straightforward. He says he has been before the Board before for the same type of request. They just finished 33 houses in the same neighborhood last year. They build for Community Housing Network, so it's affordable housing. They're doing 12 more houses and hopefully 12 more in the fall and might have the same issues again. He explains most of the lots that they build on are close and they have received variances on some of them before.

Chairman Taylor thanked the applicant for his comments and opened the public hearing on this request. No one approached. Public comment was closed.

Commissioner Bueno commented that he assumes the program is working well since they are building more, and expressed that that is good to hear.

No other Board Members had comments.

Motion by Commissioner Bishop to approve the variance request for ZBA-15-23.

Seconded by Commissioner Anderson.

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

NAYS: (None.)

ABSTAIN: (None.)

MOTION CARRIES 6-0-0

(E) PUBLIC HEARING NUMBER: ZBA-15-24
ADDRESS: 176 S. PADDOCK
ZONE: R-1, ONE FAMILY DWELLING DISTRICT
VARIANCE REQUEST: REDUCE MINIMUM, LOT AREA
PRESENT USE & OCCUPANCY: VACANT SINGLE FAMILY
LOT
PROPOSED USE & OCCUPANCY: NEW CONSTRUCTION HOUSE

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

Chairman Taylor invited the applicant to speak on this request.

The applicant indicated he does not have anything to add.

Chairman Taylor thanked the applicant for his comments and opened the public hearing on this request. No one approached. Public comment was closed.

Ms. Crowder indicated she is here to explain that the lot is too narrow and too small, and expressed if she was to spit out of her kitchen window, she could spit right in their window. She stated all the other houses around her seem to have more area than this lot. She said her husband and her had at one time

bought the property, but the husband didn't pay the taxes, and they lost the property.

Mr. Steven Crowder, 172 S. Paddock, Pontiac, Michigan stated that was his mother. He wanted to add a footnote, that he remembers when they moved in there in 1978, there was a house there that had been torn down. He recalls that it was very close to their home and the major concern that they have is that the area where it's set up for the driveway, if you factor in the driveway, there isn't a whole lot of space to build a house; if you can see where the driveway is structured, there's not a room for a house to be built there. He feels like his mother, it's too narrow to build a house there.

Chairman Taylor thanked the public for their comments on this request. Public comment was closed.

Commissioner Anderson inquired if the lot had been surveyed.

The applicant responded affirmatively by North and Cross, so it meets all of the setbacks and offsets for building on a piece of property.

Commissioner Anderson asks for staff recommendation.

Mr. Sabo recommended approval.

Commissioner Kirkendolph asks how he feels about how close it is.

The applicant explains they have built on smaller lots, that's why they did the driveway on the side nearest the house. The offsets were five feet where a driveway is going to be nine or ten, so they're giving a little bit more.

Commissioner Bueno comment if the driveway is in the front of the house, you have looks like six and a half feet on each side of the house to the property line.

The applicant explains that normally the limit is five feet.

Commissioner Bueno questions the house being built to the minimum standards, the requirements. So he's just letting the applicant know they have six and a half feet from the house to the property line. He's not sure how far the

house is to the property line, but the driveway is not going on the side of the house, it's right in the front of the house. The garage is right in the front of the house. It's a narrow lot, but he's seen a lot of these, the whole area has a lot of narrow lots and small homes on it. They fit this house on all sides and the back. They've granted this type of variance several times before for the size of the lot. It meets everything else.

Commissioner Bishop inquired which house is the Crowders' home.

Mr. Sabo points out the house.

Commissioner Bishop inquired if the Crowders' lot is smaller than the applicant's lot.

The applicant explains it was built that way a long time ago. She explains they have a driveway on the left side of the house. It's really narrow, the other houses in the community around are not that close. The applicant indicated it's been there since the 1920s.

Commissioner Payne questions what the square footage of the home is that the applicant is planning on building.

The applicant explains he doesn't know. Most of the houses range from about 1,500 square feet to about 1,800. He's guessing it's in the middle range. But it could be a bigger house.

Commissioner Payne inquired how long the lot has been vacant.

Ms. Crowder indicated about 40 years. She explains people have bought it many times and found out that they couldn't build on it the kind of houses they wanted.

Chairman Taylor explains the applicant does meet the proper compliance to building on a lot that size. So he does express concern logistically where the parcels are being built adjacent to the home, but the applicant seems like he's compliant. With that, he requests a motion.

Motion by Commissioner Bueno to approve the variance request for ZBA-15-24.

Seconded by Commissioner Kirkendolph.

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

MOTION CARRIES 4-2-0

Chairman Taylor inquires of Mr. Sabo whether he heard from the applicant in regards to ZBA-15-17.

Mr. Sabo explains he does not have any e-mails.

Commissioner Bueno inquires of Commissioner Anderson on the kiosk, what is his concern.

Commissioner Anderson indicated on the kiosk is public safety.

Commissioner Kirkendolph indicated she lives in that area and it is congested.

Commissioner Bueno explained that's why he was asking as he wasn't very similar, didn't have an issue with the kiosk itself.

Chairman Taylor inquired whether they can proceed with a motion to table ZBA-15-17.

Mr. Sabo indicated if they'd like.

Commissioner Anderson indicated he'd like to see the applicant here to explain.

Mr. Sabo indicated he confirmed he was going to be here. He drove from Cincinnati to Dayton. So doesn't know what happened.

Chairman Taylor suggested there be a motion to table it.

Motion by Commissioner Kirkendolph to table the variance request for ZBA-15-17 to the January 2016 meeting.

Seconded by Commissioner Payne.

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

MOTION CARRIES 6-0-0

7. PUBLIC COMMENT: (None.)

8. MISCELLANEOUS:

Mr. Sabo indicated he has one last piece of business tonight to approve the 2016 schedule for the third Tuesday of each month in 2016, and then he can publish those.

Motion by Commissioner Payne to approve the 2016 schedule.

Seconded by Commissioner Bishop.

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

NAYS: (None.)

ABSTAIN: (None.)

MOTION CARRIES 6-0-0

Chairman Taylor made a motion for adjournment.

(All ayes.)

9. ADJOURNMENT: 8:38 p.m.

Minutes certified by:



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