

1 ZONING BOARD OF APPEALS MEETING: City of Pontiac Zoning  
2 Board of Appeals Meeting Minutes on Tuesday, January 19,  
3 2016; Pontiac City Hall, 47450 Woodward Avenue, Pontiac,  
4 Michigan 48342

5 COMMISSIONERS: Chair Ahmad Taylor  
6 Lucy Payne  
7 Sam Anderson  
8 Joseph Sinclair  
9 Laurie Bishop  
10 Carlos Bueno

11 FROM THE CITY: C. James Sabo, City Planner

12 CHAIRMAN TAYLOR CALLED THE MEETING TO ORDER AT 7:03 P.M.

13 ROLL CALL:

14 PRESENT: Chair Taylor, Comm. Payne, Comm. Anderson,  
15 Comm. Sinclair, Comm. Bishop, Comm. Bueno

16 Mr. Sabo reported a quorum present.

17 MINUTES FOR REVIEW: December 15, 2015

18 COMM. SINCLAIR MOTIONED TO APPROVE WITH ONE NOTED  
19 CORRECTION.

20 COMM. PAYNE SECONDED.

21 VOTE: AYES: Sinclair, Payne, Anderson, Taylor, Bishop  
22 NAYS: None.  
23 ABSTAIN: Bueno

24 Vote 5-0-1 motion carries.

25 OLD BUSINESS: NONE.

NEW BUSINESS

PUBLIC HEARING AND VARIANCE REQUEST:

ZBA-15-17

1 PROPERTY ADDRESS: 1101 E. Walton Boulevard  
2 ZONE: C-1 Local Business District  
3 LOCATION: Sidwell # 14-10-400-024  
4 APPLICANT: Optivia Solutions for 5/3 Bank Group  
Rep: Steve Stefanidis  
5  
6 Presentation of facts given by Mr. Sabo.  
7 Mr. Stefanidis, 218 N. Hyatt Street, Tip City, Ohio, stated  
8 that ATMs are not a moneymaker, rather a way to have a  
9 presence without the need to build a building and that the  
10 merchants on the property were in favor of this.  
11 CHAIR TAYLOR OPENED AND CLOSED PUBLIC COMMENT.  
12 COMM. BISHOP ASKED THE APPLICANT WHERE THEY WERE GOING TO  
13 PUT THE SIGN FOR THE KIOSK.  
14 Mr. Stefanidis answered that it would be on the canopy.  
15 COMM. PAYNE EXPRESSED THAT SHE WAS HAVING DIFFICULTY  
16 VISUALIZING HOW IT WOULD FLOW AND OPERATE WITH THE SMALL  
17 AREA AND AMOUNT OF TRAFFIC.  
18 Mr. Stefanidis walked over to the PowerPoint display and  
19 described the traffic flow and indicated that it is busy  
20 there around lunchtime but also indicated that the average  
21 time to use an ATM is 52 seconds and spoke about multiple  
22 bank networking features.  
23 COMM. PAYNE AGAIN EXPRESSED CONCERN OVER MULTIPLE VEHICLES  
24 BEING IN THAT AREA AT THE SAME TIME.  
25 Mr. Stefanidis reminded her that it is a very quick  
transaction time so there really is not a traffic problem  
most of the time.  
COMM. BUENO EXPRESSED CONCERN OVER THERE ONLY BEING ENOUGH  
ROOM FOR TWO CARS SO, IF THERE WERE MORE, THEY WOULD HAVE TO  
BE IN THE PARKING LOT.  
Mr. Stefanidis asked Mr. Sabo to clarify that the cueing  
requirement is three cars.  
Mr. Sabo affirmed.

1 Mr. Stefanidis indicated that he doubted that the parking  
2 spaces the cars in cue would use would be used by the  
3 restaurant anyway due to the nature of the shopping center.

3 COMM. BUENO ADDED THAT HE DOES NOT LIVE ON THAT SIDE OF TOWN  
4 AND IS UNFAMILIAR WITH THE TRAFFIC PATTERNS OR ENTRANCE AND  
5 EGRESS OF THAT SHOPPING CENTER.

5 COMM. ANDERSON INDICATED THAT HE MADE A PERSONAL VISIT AND  
6 SPOKE WITH THE OWNER OF THE CONEY ISLAND WHO SAID HE WAS  
7 OKAY WITH IT. COMM. ANDERSON ALSO INQUIRED ABOUT LIGHTING  
8 AND CAMERAS.

7 Mr. Stefanidis answered that there is a camera under the  
8 canopy that will capture the license plate, there are recess  
9 lights under the canopy and that the parking lot is  
10 illuminated. He also indicated that Federal mandates on  
11 foot-candle for self-serve kiosks are very strict in  
12 general.

11 COMM. ANDERSON EXPLAINED THAT HE VISITED BECAUSE HE WAS  
12 CONCERNED ABOUT THE LIGHTING AND THAT THE RESTAURANT OWNER'S  
13 ONLY CONCERN WAS LUNCHTIME BUT THAT HE ADDED THAT, AFTER  
14 LUNCHTIME, THE PARKING LOT EMPTIES OUT. COMM. ANDERSON ALSO  
15 INDICATED THAT THE EMPLOYEES THERE SAID IT WOULD BE NICE TO  
16 BE ABLE TO RUN OUT THERE IF THEY NEEDED MONEY. THEN HE  
17 WARNED THAT THE ONLY ONE TO WATCH OUT FOR IS THE BARBECUE  
18 GUY.

15 CHAIR TAYLOR SAID THAT STAFF INDICATED THAT IT WAS ALREADY  
16 CONDITIONALLY APPROVED BY PLANNING AND ASKED WHAT THE  
17 CONDITION WAS.

17 Mr. Sabo answered that the condition was approval by this  
18 board and then read all of the decision by Planning.

19 COMM. PAYNE REMINDED EVERYONE THAT THERE WAS A LETTER FROM A  
20 NEIGHBOR THAT SHE BROUGHT AND THE LETTER WAS READ AT THE  
21 LAST MEETING.

21 COMM. BISHOP MOVED TO APPROVE PER THE RECOMMENDATION OF  
22 6.407 and 6.408 AS COMBINED.

22 COMM. ANDERSON SECONDED.

23 VOTE: AYES: Sinclair, Anderson, Taylor, Bishop, Bueno

24 NAYS: Payne

25 ABSTAIN: None.

1 Vote 5-1-0 motion carries.

2 PUBLIC HEARING AND VARIANCE REQUEST:

3 ZBA-16-01

4 PROPERTY ADDRESS: 777 Enterprise Drive

5 ZONE: C-4, Suburban Business District

6 APPLICANT: Arts & Technology Academy of Pontiac,  
public charter school

7

Rep: September Williams

8

Presentation of facts given by Mr. Sabo.

9

Ms. September Williams, Superintendent and Chief  
10 Administrative Officer for Arts & Technology Academy of  
Pontiac, 888 Enterprise Drive, Pontiac, Michigan, indicated  
11 that she was before this Board when they were operating at  
48980 Woodward in the loop for approximately twelve years  
12 and outgrew that space and the Board of Directors purchased  
the new location and that they now offer programming for  
13 Pre-K through Twelfth Grade. She said that they currently  
are servicing 800 students and families in the Pontiac area  
14 and are looking to do the same at 777 Enterprise Drive.  
Lastly she added that she is very excited to offer choices  
15 and educational programming to families of Pontiac and that  
she is hoping this gets approved.

16

CHAIR TAYLOR OPENED PUBLIC HEARING.

17

Mr. George Derderian, owner of Ultimate Soccer Arenas,  
18 867 South Boulevard E, Pontiac, Michigan, stated that they  
are very excited about the enthusiasm Ms. Williams exhibits  
19 about educating Pontiac children, and that they are  
constantly growing. He also stated that he offers them free  
20 gym space and that they built a cut-through for the children  
to walk into his facility, at no cost to the school. He  
21 said that he meant no disparity to the other school systems  
or charters that students came from but he noticed a  
22 night-and-day difference in the children. He further  
complimented the school in regards to safety, operation,  
23 cleanliness, classroom, setup, materials, the students'  
conduct and enthusiasm. He indicated that Ms. Williams is  
24 the best thing that's happened to Pontiac school kids. He  
added that it would be a good thing safety-wise for the  
25 school to be on both sides of the street and that way the  
road would only be used by both Mr. Derderian's and

1 Ms. Williams' businesses. He told the Board that he  
2 wouldn't be surprised if she is before them again soon  
3 because she has grown to 1,200 kids, he was impressed from  
4 day one and that she has only continued to exceed  
5 expectations.

6 CHAIR TAYLOR CLOSED PUBLIC HEARING.

7 COMM. SINCLAIR STATED THAT HE WORKS FOR PONTIAC SCHOOLS AND  
8 IS ALWAYS IMPRESSED WITH THE CHARTERS, THAT PEOPLE HAVE A  
9 RIGHT TO PUT THEIR CHILDREN IN WHATEVER SCHOOL THEY CHOOSE  
10 AND THAT IF THEY ARE INCREASING IN ATTENDEES, OTHERS SHOULD  
11 PAY ATTENTION TO WHAT THEY ARE DOING.

12 COMM. ANDERSON INDICATED THAT HE REMEMBERS WHEN SHE HAD SOME  
13 ZONING ISSUES AND MR. DERDERIAN SUPPORTED HER AND THAT HE  
14 WAS GLAD TO SEE THAT SHE WANTED TO EXPAND AND TAKE UP EMPTY  
15 SPACE.

16 COMM. BUENO STATED THAT HE WAS AGAINST IT LAST TIME AND THAT  
17 IT IS NOT THE FUNCTION OF THE BOARD TO RE-ZONE PROPERTY IF  
18 THERE IS A REASON FOR A GRANT VARIANCE. THEN HE ASKED  
19 MR. SABO ABOUT A USED CAR LOT ON 66 WEST HURON WHEN THERE  
20 WAS A TEMPORARY VARIANCE, IF THAT WAS PUSHED THROUGH SO THAT  
21 THAT COULD BE ADDED ON FOR DIFFERENT USES.

22 Mr. Sabo indicated he does not recall.

23 COMM. BUENO ADDED MORE DETAILS TO REFRESH MR. SABO'S MEMORY.

24 Mr. Sabo then remembered it was a conditional re-zoning.

25 COMM. BUENO ASKED MS. WILLIAMS IF SHE OWNED OR WAS JUST  
FIXING AND RENTING THE BUILDINGS.

Ms. Williams answered that she owns it.

COMM. BUENO SUGGESTED THAT MAYBE IT WAS TIME TO HAVE CITY  
COUNCIL OR PLANNING RE-ZONE BUT THAT ASKING FOR VARIANCES TO  
GO AGAINST THE RULES IS KIND OF BLACK AND WHITE. HE FURTHER  
INDICATED THAT HE IS NOT AGAINST ANYTHING THE SCHOOL IS  
DOING, IT'S A GREAT PROGRAM AND DOESN'T AFFECT ANYTHING  
VISUALLY AND THAT HE BROUGHT UP THE CONDITIONAL VARIANCE AS  
AN ISSUE FOR HIM TO GRANT IT BUT HE FEELS SHE WILL HAVE  
ENOUGH VOTES ANYWAY.

COMM. PAYNE ASKED MR. SABO IF THIS IS THIS BOARD'S DECISION  
OR IF IT WAS GOING TO CITY COUNCIL.

25

1 Mr. Sabo answered that the decision is for the ZBA this  
evening.

2  
3 COMM. PAYNE STATED THAT SHE IS A TEACHER IN THE WATERFORD  
4 SCHOOL DISTRICT AND THAT SHE APPRECIATES THE NEED AND THE  
HARD WORK GOING INTO THIS PROGRAM AND THAT, WHEN IT COMES TO  
5 EDUCATING OUR CHILDREN, ALL YOU CAN DO IS SAY "YES".

6  
7 MS. BISHOP INDICATED TO MS. WILLIAMS THAT SHE HAS NOTHING  
BUT POSITIVE TO SAY AND THAT THEY CALL THAT THE DIAMOND  
CORRIDOR.

8  
9 COMM. ANDERSON INDICATED THAT HE REMEMBERS THE LAST TIME  
THEY WERE HERE WHEN THEY BOUGHT THE PROPERTY THAT IT WAS  
10 ZONED FOR WHAT THEY WERE BUYING IT FOR AND MR. SCHIMMEL  
REZONED IT.

11  
12 COMM. BUENO INDICATED THAT HE DIDN'T RECALL THAT.

13  
14 COMM. ANDERSON INDICATED THAT THE BOARD DIDN'T KNOW ABOUT IT  
BECAUSE MR. SCHIMMEL DIDN'T TELL ANYBODY AND JUST CHANGED  
15 IT. HE ADDED THAT EITHER HER LAWYER OR ENGINEER CAME AND  
TOLD THE BOARD THAT WHEN THEY BOUGHT THE PROPERTY IT WAS  
16 ZONED FOR THAT AND THEN MR. SCHIMMEL CHANGED IT.

17  
18 Mr. Sabo said that he would have to look into it.

19  
20 CHAIR TAYLOR CONGRATULATED MS. WILLIAMS AND SAID THAT WITH  
WHAT SHE IS DOING WITH THE KIDS AND WITH THE FACT THAT SHE  
IS GROWING, IT SOUNDS LIKE SHE IS DOING AMAZING WORK.

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22 COMM. BISHOP MOTIONED FOR APPROVAL.

23  
24 COMM. ANDERSON SECONDED.

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26 VOTE: AYES: Sinclair, Payne, Anderson, Taylor, Bishop

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28 NAYS: Bueno.

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30 ABSTAIN: None.

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32 Vote 5-1-0 motion carries.

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34 CHAIR TAYLOR OPENED UP PUBLIC COMMENT BASED ON ANY HEARING  
REQUEST AND CLOSED IT.

35  
36 MISCELLANEOUS:

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38 CHAIR TAYLOR INDICATED THAT MS. PAYNE HAD SOMETHING SHE

1 WANTED TO BRING UP THAT HE THOUGHT WAS A GOOD SUGGESTION OR  
2 RECOMMENDATION.

3 COMM. PAYNE VOICED THAT HER SUGGESTION WAS TO CHANGE THE  
4 START TIME OF THE FUTURE MEETINGS TO 6:00 P.M. AS OPPOSED TO  
5 7:00 P.M.

6 Mr. Sabo indicated that he would research the issue and  
7 bring it back to the Board for an answer and appropriate  
8 action.

9 COMM. PAYNE INDICATED THAT SHE FEELS IT WOULD BE BETTER FOR  
10 THE APPLICANTS AS WELL.

11 COMM. BISHOP MOVED TO ADJOURN.

12 COMM. BUENO SUPPORTED.

13 ADJOURNMENT: 7:50 p.m.

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