

1 ZONING BOARD OF APPEALS MEETING: City of Pontiac Zoning
2 Board of Appeals Meeting Minutes on Tuesday, January 17,
3 2017; Pontiac City Hall, 47450 Woodward Avenue, Pontiac,
4 Michigan 48342

5

COMMISSIONERS:

6

Chair Ahmad Taylor

Lucy Payne

7

Sam Anderson

Laurie Bishop

8

Elcine Kirkendolph

9

FROM THE CITY: C. James Sabo, City Planner
Derek Dowdell, Assistant City Planner

10

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

11

ROLL CALL:

12

PRESENT: Chair Taylor, Comm. Payne, Comm. Kirkendolph,
Comm. Anderson, Comm. Bishop

13

14

EXCUSED: Comm. Bueno

15

ABSENT: Comm. Sinclair

16

Mr. Dowdell reported a quorum present.

17

COMMUNICATIONS: None

18

MINUTES FOR REVIEW: 12-20-16

19

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

20

NAYS: None

21

ABSTAIN: None

22

Vote 5-0-0 motion carries.

23

OLD BUSINESS: NONE

24

NEW BUSINESS:

25

USE AND DIMENSIONAL VARIANCES:

1 ZBA-17-01

2 PROPERTY ADDRESS: 268 N. Perry St., Moon Funeral Home

3 ZONE: R-2, Two-Family Dwelling District

4 LOCATION: Parcel # 14-29-281-002; 14-29-280-012;
5 14-29-280-006; 14-29-280-011;
6 14-29-151-006; 14-29-151-002;
7 14-29-280-013

8 APPLICANT: Lawrence Moon
9 Rep: David Case

10 Presentation of facts were given by Mr. Sabo.

11 Mr. David Case, Architect, from Gains, Michigan, for Moon
12 Funeral Home, introduced himself and stated that Moon bought
13 Summerford Funeral Home and made many renovations, one being
14 a worship chapel that seats 232, which is when their parking
15 problem came into effect. He indicated that they now want
16 to extend the size of their reposing rooms. He further
17 indicated that the only place for the addition is in back,
18 which goes into a garage that they have to move and that in
19 the circulation area it is 25 feet to the property line so
20 they are asking for a five foot exception. He then
21 explained their plans for operation during funerals and
22 talked about the parking. He told the Board that he
23 appreciated their cooperation for the parking lot expansion
24 they did two or three months back and said it was a
25 tremendous help. He spoke about how they need to build a
new garage but didn't want to take away from the number of
parking spaces. He indicated that the ingress and egress
were taken into consideration to keep the flow of cars out
of the residential areas.

CHAIR TAYLOR OPENED UP PUBLIC COMMENT.

Mr. Cliff Seiber, representing Grace Centers of Hope,
65 E. Huron Street, Pontiac, MI introduced himself and
indicated that the church owns most of the properties that
surround the funeral home and that people from the church
has experienced traffic and parking problems and feel that
this will solve those problems. He strongly supports the
granting of the variances and feels it will have a positive
impact for everyone.

CHAIR TAYLOR CLOSED PUBLIC COMMENT.

1 COMM. ANDERSON INDICATED HE HAS ATTENDED FUNERALS AT THE
2 MOON FUNERAL HOME AND SEES THE NEED FOR AND SUPPORTS
3 GRANTING THE VARIANCE.

4
5 COMM. PAYNE ASKED MR. CASE WHAT THE PROJECTED COMPLETION
6 DATE WOULD BE.

7 Mr. Case answered that they would start immediately and that
8 the contractor is projecting six to seven months for
9 completion.

10 COMM. PAYNE THEN INQUIRED OF MR. CASE HOW THEY WOULD BE
11 HANDLING THE TRAFFIC FLOW DURING CONSTRUCTION.

12 Mr. Case referred the question to Mr. Moon.

13 Mr. Moon stated that they will still be placing "No Parking"
14 signs on a few of the streets and have staff in those areas
15 to ensure no one parks there and direct them.

16 COMM. BISHOP MOVED TO CONSIDER APPROVAL FOR THE USE VARIANCE
17 REQUEST AND THE DIMENSIONAL VARIANCE REQUESTS AS DETAILED
18 HERE AS THEY APPEAR TO MEET THE STANDARDS FOR SECTION 6.407
19 AND SECTION 6.408 OF THE ZONING ORDINANCE: SECTION 2.203
20 PRINCIPAL PERMITTED USES; TO ALLOW A PARKING LOT USE IN THE
21 R-2, TWO-FAMILY DWELLING ZONE DISTRICT; AND SECTION 2.305
22 DIMENSIONAL STANDARDS TO REDUCE THE MINIMUM FRONT SETBACK
23 FROM 25 TO 15 FEET FOR THE NEW PARKING AREA; AND SECTION
24 2.305 FOR REAR SETBACK FOR THE BUILDING ADDITION TO REDUCE
25 THE REAR SETBACK FROM 30 FEET TO 2 FEET; AND SECTION 2.305
(F) (2) TO ALLOW AN ACCESSORY STRUCTURE AT 1,248 SQUARE FEET
TO EXCEED THE MAXIMUM AREA OF 800 SQUARE FEET; AND SECTION
4.101(A) TO ALLOW AN ACCESSORY STRUCTURE ON A LOT WITHOUT A
PRINCIPAL BUILDING OR HOUSE IN THE R-2 ZONE DISTRICT. AND,
SUBJECT TO THE FOLLOWING CONDITIONS: 1, COMPLIANCE WITH ALL
CITY OF PONTIAC BUSINESS LICENSING REQUIREMENTS. 2,
COMPLIANCE WITH ALL BUILDING PERMIT AND ENGINEERING PERMIT
REQUIREMENTS. 3, THE APPLICANT SHALL SUBMIT FOR ENGINEERING
PLAN REVIEW UNDER A SEPARATE APPLICATION.

26 COMM. ANDERSON SECONDED.

27 VOTE: AYES: Payne, Kirkendolph, Anderson, Taylor, Bishop

28 NAYS: None.

29 ABSTAIN: None.

30 Vote 5-0-0 motion carries.

1 DIMENSIONAL VARIANCE REQUEST:

2 ZBA-17-02

3 PROPERTY ADDRESS: 40 Lincoln Street

4 ZONE: R-1, Residential One-Family Dwelling

5 APPLICANT: Jose Rodriguez
Rep: Tomasillo Lopez

6

Presentation of facts were given by Mr. Dowdell as well as
7 reading a letter from a neighbor and he stated that part of
the problem is a language barrier.

8

9 COMM. ANDERSON ASKED DEPUTY MAYOR JANE BAIS-DISESSA IF SHE
WOULD TRANSLATE FOR THE REPRESENTATIVE.

10 MS. BAIS-DISESSA SPOKE TO THE APPLICANT'S REPRESENTATIVE IN
SPANISH.

11

Ms. Lopez indicated that she wanted the fence for safety for
12 her family and described several incidences where the police
were involved in chases through her yard and her children
13 witnessing shootings and one death. She also stated that,
because of the apartments nearby, her yard is a cut-through
14 for people especially when running from the police.

15 CHAIR TAYLOR OPENED PUBLIC COMMENT.

16 Mr. Lorenzo Torres, 755 Pensacola, Pontiac, Michigan, stated
that he has been to Ms. Lopez's home several times and sees
17 dozens of people cutting through her yard and indicated that
she needed it to be six feet tall for security for her
18 family.

19 Mr. George Hernandez, 50 Lincoln Street, Pontiac, Michigan
stated that he also has witnessed police chasing people and
20 the death that occurred in her yard and feels that she needs
a six-foot fence for her family's security.

21

Ms. Renee Dillo, 35 Lincoln Street, Pontiac, Michigan
22 indicated that it is no problem for her with the fence being
six feet tall.

23

Ms. Mayra Barra, 49 Lincoln Street, Pontiac, Michigan
24 indicated that sometimes Ms. Lopez takes care of her
children and she does not have any issues with the height of
25 the fence.

1 CHAIR TAYLOR CLOSED PUBLIC COMMENT.

2 COMM. BISHOP ASKED IF IT WAS POSSIBLE TO MOVE THE FRONT
3 FENCE UP TO THE SIDE OF THE HOUSE AND ALSO INQUIRED IF THEY
4 STOPPED THE INSTALLATION OF THE FENCE.

4 Ms. Bais-Disessa indicated that they didn't finish the
5 fence.

5 COMM. PAYNE INQUIRED OF MR. DOWDELL IF THE FENCE WAS IN
6 COMPLIANCE AT FOUR FEET.

7 Mr. Dowdell affirmed.

8 COMM. BISHOP INDICATED THAT SHE HAD A SIMILAR PROBLEM ON ONE
9 OF HER LOTS AND A FOUR-FOOT FENCE STOPPED THE PROBLEM AND
10 THEN ASKED IF IT COULD BE FOUR FEET IN FRONT AND SIX IN
11 BACK.

10 Ms. Bais-Disessa translated for Ms. Lopez that that can be
11 accomplished.

12 COMM. ANDERSON INQUIRED OF MR. DOWDELL IF THAT WOULD BE IN
13 COMPLIANCE.

13 Mr. Dowdell affirmed.

14 COMM. ANDERSON INQUIRED IF THE CONCERNED NEIGHBOR THAT WROTE
15 THE LETTER LIVED CLOSE BY.

15 Mr. Dowdell indicated that he lives within 300 feet but on
16 the next block.

17 Mr. Sabo confirmed with Ms. Lopez through Ms. Bais-Disessa
18 the plan of making the fence four feet tall in the front
19 only.

19 Ms. Bais-Disessa indicated that Ms. Lopez is also concerned
20 because there are no lights in the area at night.

20 CHAIR TAYLOR TOLD THE REPRESENTATIVE THAT THE BOARD WOULD
21 LIKE TO MAKE A DECISION THAT IS FAVORABLE TO THE APPLICANT,
22 YET STAY WITHIN THE SPIRIT OF THE ORDINANCE.

22 COMM. BISHOP SAID THE OTHER OPTION IS MOVING THE FRONT FENCE
23 BACK 25 FEET.

24 Mr. Sabo explained that the fence would just have to move
25 back even with the house.

- 1 Mr. Dowdell added that the fence could be opaque.
- 2 Mr. Sabo asked Ms. Bais-Disessa to ask them how many feet is
3 there from the sidewalk in front of the house to the fence.
- 4 Ms. Bais-Disessa indicated that Ms. Lopez said there were
5 two.
- 6 Mr. Sabo repeated the two options for Ms. Lopez.
- 7 Ms. Bais-Disessa indicated that since she cannot afford to
8 move the fence, they can shorten the front fence to four
9 feet tall.
- 10 Ms. Lopez indicated that she feels unappreciated for
11 cleaning lots in her neighborhood that didn't belong to her.
- 12 Mr. Sabo thanked Ms. Lopez and said the City does appreciate
13 any neighbor that cares enough to do so.
- 14 Ms. Bais-Disessa translated from Spanish that Ms. Lopez was
15 not happy.
- 16 CHAIR TAYLOR SAID HE WISHED TO MOVE ALONG AND SAID THAT THE
17 BOARD IS TRYING THEIR BEST TO BE ACCOMMODATING.
- 18 COMM. KIRKENDOLPH MOVED TO APPROVE FOR THE FENCE TO REMAIN
19 WHERE IT IS IN THE FRONT BUT TO BE CUT DOWN TO FOUR FEET AND
20 TO ALLOW SIX FEET ON THE SIDES AND BACK.
- 21 COMM. BISHOP SECONDED.
- 22 VOTE: AYES: Kirkendolph, Payne, Anderson, Taylor, Bishop
- 23 NAYS: None.
- 24 ABSTAIN: None.
- 25 Vote 5-0-0 motion carries.
- 26 MISCELLANEOUS: None.
- 27 Ms. Bais-Disessa also indicated that she will explain to
28 Ms. Lopez that there is someone in the Department who can
29 translate for her if there are ever any other issues.
- 30 CHAIR TAYLOR MOTIONED TO ADJOURN.
- 31 VOTE: AYES: Kirkendolph, Payne, Anderson, Taylor, Bishop

1 NAYS: None.

2 ABSTAIN: None.

3 Vote 5-0-0 motion carries.

4 ADJOURNMENT: 8:06 p.m.

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