

1 ZONING BOARD OF APPEALS MEETING:
City of Pontiac Zoning
Board of Appeals Meeting Minutes
on July 21, 2015; Pontiac

2 City Hall, 47450 Woodward Avenue,
Pontiac, Michigan 48342

3 COMMISSIONERS: Chair Ahmad
Taylor

4 Carlos Bueno
Sam Anderson
Elcine

Kirkendolph

5 Joseph Sinclair
Brent Sykes

6

FROM THE CITY: Gordon Bowdell,
Associate Planner

7

CHAIRMAN TAYLOR CALLED THE
MEETING TO ORDER AT 6:59 P.M.

8

ROLL CALL:

Minutes 7-21-15 ZBA.txt

9

PRESENT: Comm. Taylor, Comm.
Bueno, Comm. Anderson,

10 Comm. Kirkendolph,
Comm. Sinclair (Arrived 7:00
p.m., Comm. Sykes

11

Mr. Bowdell reported a quorum
present.

12

COMMUNICATIONS: NONE.

13

MINUTES FOR REVIEW: June 16,
2015

14

COMM. BUENO MOVED TO ADOPT JUNE
16TH MINUTE MEETING NOTES

15 WITH ANY NECESSARY CORRECTIONS.

16 COMM. KIRKENDOLPH SUPPORTED

17 VOTE: AYES: Bueno,
Kirkendolph, Sykes, Anderson, Taylor.

NAYS: None.

18

ABSTAIN: None.

19 Vote 5-0-0 motion carries.

20 PUBLIC HEARING AND VARIANCE

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REQUEST:

21 ZBA-15-09 For Section 2.304(b) as well as 2.304(f)3(b)

22 PROPERTY ADDRESS: 62 E. STRATHMORE AVE.

23 ZONE: R-1, Single Family

24 LOCATION: Sidwell # 14-17-403016

25 APPLICANT: Property Owner, George L. Nash, III

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1 Presentation of facts given by

Mr. Bowdell

2 George Nash stated he was here on behalf of his mother at

62 East Strathmore, Pontiac, Michigan. He stated when he

3 originally did it, he moved home to take care of his parents

from Gladwin, didn't realize that he was in a variance so

4 apologized for any inconvenience that he created. He stated

they're here trying to get it taken care of. He claimed the

5 reason it was chose for the front is because there are back

bedrooms and there's no possible way to even move her from

6 the back and get her accessible to the home and that the

front door's much wider so they're able to get her through

7 with the wheelchair there. He stated he has no problem

siding the building and that the wheelchair lift can create

8 a great expense so he needed to cover it last winter.

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9 NO ONE FROM THE PUBLIC WISHED TO
SPEAK

10 COMM. BUENO STATED THAT HE DOES
UNDERSTAND THE GROWING NEED
AS THE POPULATION'S GETTING OLDER
AND THAT OVER THE YEARS

11 THIS BOARD HAD DONE DOZENS OF
RAMPS, DIFFERENT

CONFIGURATIONS AND SIZES, FOR
HANDICAPPED RESIDENTS, BUT HAS

12 NEVER SEEN IT IN FRONT OF A HOUSE
AND THAT IT IS TOTALLY OUT

OF CHARACTER FOR THE WHOLE AREA
AND HAS NEVER BEEN APPROVED

13 FOR ANY REASON. HE TOLD THE
APPLICANT THAT ONE THING ABOUT

DOING IT WITHOUT A PERMIT IS
STAFF COULD HAVE HAD OTHER

14 POSSIBLE SOLUTIONS. HE ASKED IF
A DOOR COULD BE MODIFIED IN

THE BACK OR TO THE SIDE OF THE
HOUSE.

15

Mr. Nash claimed that there are
bedrooms back there that are

16 small and with hospital beds and
that there's no room for

her to access through that

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bedroom with a wheelchair or even

17 a walker to try to get out of the home from the backside.

He stated that she does have an Amigo but it won't make it

18 up through the doorway and that it usually stays on a lift

inside the vehicle. He stated that his mother just has the

19 club hand so she doesn't have a hand on her left side and

has had hip surgeries.

20

COMM. BUENO STATED THAT THERE IS NO GOOD REASON IN THE

21 REPORT THAT HE COULD GRAB ONTO TO GRANT THE VARIANCE. HE

TOLD THE APPLICANT THAT THE STRUCTURE FOR THE FRONT, IF HE

22 NEEDED TO DO SOMETHING ELSE WITH A RAMP REGARDING THE FRONT

SETBACK, THAT THE BOARD COULD APPROVE THAT RIGHT NOW BUT

23 THAT, RIGHT NOW, THE STRUCTURE, IN HIS OPINION, JUST DOESN'T

FIT.

24

COMM. ANDERSON STATED THAT EVERYBODY KNOWS THAT HE USUALLY

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25 HAS A KIND HEART, HE HAD TO TAKE CARE OF HIS MOTHER IN MISSOURI UNTIL SHE DIED BUT THAT THE BOARD HAS GUIDELINES

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1 AND RULES FOR A REASON. HE THEN STATED THAT THE HOME

IMPROVEMENT DIVISION OF OAKLAND COUNTY WITH THE HELP OF

2 VOLUNTEERS BUILDS RAMPS, THEY REMODEL HOUSES, THEY TAKE OUT

THE DOORS. HE TOLD THE APPLICANT THAT THE GUY'S NAME IS

3 GORDON LAMBERT AND TO GIVE MR. LAMBERT HIS NAME,

SAM ANDERSON, JUNIOR, AND TO JUST GO IN THERE AND TALK TO

4 THEM AND SEE IF THEY CAN GIVE THE APPLICANT A FREE RAMP OR

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SOMETHING BUILT. HE ALSO
INFORMED THAT THE LOANS DO NOT

5 HAVE TO BE PAID BACK UNTIL THE
HOUSE IS SOLD OR UNTIL THAT

PERSON DIES WITH NO INTEREST. HE
ALSO STATED THAT IF THE

6 BOARD ALLOWS THIS, THE CITY WILL
LOOK A MESS. HE STATED HE

FEELS FOR THE APPLICANT, WHICH IS
WHY HE'S GIVING HIM AN

7 OUT, SOMEBODY HE KNOWS THAT CAN
HELP HIM WITH A LOAN THAT HE

DOESN'T HAVE TO PAY UNTIL HIS
MOTHER DIES OR OTHER

8 CIRCUMSTANCES.

9 COMM. KIRKENDOLPH'S ONLY COMMENT
WAS SHE DIDN'T WANT THE

APPLICANT TO THINK THAT THE BOARD
IS NOT SYMPATHETIC BUT

10 THAT IT JUST STICKS OUT AND IS A
REAL EYESORE. SHE STATED

THAT IF THE BOARD DOES GRANT
THIS, THEY WOULD HAVE TO FOR

11 EVERYONE ELSE. SHE ALSO ADVISED
THAT THE APPLICANT TAKES

COMM. ANDERSON'S ADVICE.

12

COMM. BUENO MADE TWO MOTIONS:

THAT THE BOARD DENY THE

13 ACCESSORY STRUCTURE IN THE FRONT
YARD AND THAT HE'S GOING TO

APPROVE THE VARIANCE FOR THE
FRONT SETBACK DIMENSIONS, WITH

14 THE STIPULATION THAT THE
APPLICANT WORKS OUT WITH PLANNING

STAFF A RAMP CONFIGURATION, HE'LL
GET HIS SETBACK

15 REQUIREMENTS, SO HE DOESN'T HAVE
TO COME BACK TO THE BOARD

TO WORK SOMETHING OUT WITH A
RAMP.

16

COMM. SINCLAIR SECONDED

17

VOTE: AYES: Bueno, Sinclair,
Sykes, Kirkendolph,

18

Anderson, Taylor.

19

NAYS: None.

20

ABSTAIN: None.

21 Vote 6-0-0 motion carries.

22 PUBLIC HEARING AND VARIANCE

REQUEST:

Minutes 7-21-15 ZBA.txt

23 ZBA-15-10 For Section 2.535(H)

24 PROPERTY ADDRESS: 1525 BALDWIN AVE.

25 ZONE: C-1, Local Business District

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1 LOCATION: Parcel Number: 14-08-383-024;

14-08-383-022 14-08-383-023;

2

APPLICANT: Baldwin Dairy Queen

3 Owner, Ryan Ignasiak

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4 Presentation of facts given by
Mr. Bowdell

5 Ryan Ignasiak, 3743 Rutherford
Court, Waterford, Michigan

stated that they're an existing
drive-through building

6 that's been established there 39
years and are just looking

to continue doing now what they
were doing in the community.

7

NO ONE FROM THE PUBLIC WISHED TO
SPEAK

8

COMM. SYKES INQUIRED ABOUT HOW
LONG AND WHEN THE

9 CONSTRUCTION WAS STARTING.

10 The Applicant stated they'd like
to start this fall so they

can break ground, get the
foundation and all the necessary

11 underground taken care of before
the winter months and that

way they can build out the inside
as a sheltered building.

12

COMM SINCLAIR INQUIRED IF THE

APPLICANT HAD A PROJECTED TIME

13 OF CONSTRUCTION, A TOTAL TIME.

14 The Applicant stated that they have not been able to fully

secure bids and everything, waiting for approval before they

15 continue and finish all of their architectural work, but the

sooner the better. They'd like to start September, October

16 hopefully be done by March 1st, no later.

17 COMM. SINCLAIR INQUIRED IF THEY WERE A YEAR-ROUND OPERATION.

18 The Applicant affirmed.

19 COMM. SINCLAIR STATED THAT THE ONLY QUESTION AND CONCERN HE

HAS IS WILL TRAFFIC BE AFFECTED OUTSIDE, OUT FRONT AND

20 COMING INTO THE WINTER MONTHS BECAUSE OF THE CONTRACTORS

WITH SNOWPLOWING IN PONTIAC.

21

COMM. ANDERSON STATED THAT AUBURN HILLS OR THE COUNTY TAKES

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22 CARE OF THAT.

23 COMM SINCLAIR ASKED GORDON
BOWDELL IF THERE ARE ANY
FORESEEABLE PROBLEMS WITH TRAFFIC
CONGESTION DURING THE

24 CONSTRUCTION PERIOD.

25 MR. BOWELL SAID HE CAN'T SPEAK
SPECIFICALLY ON THAT RELATED
TO THE ROADS OR THE CONSTRUCTION.
HE ALSO INFORMED THE

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1 BOARD THAT THE APPLICANT, HE
BELIEVES, IS LOOKING TO
MAINTAIN THEIR CURRENT DAIRY
QUEEN WHILE HE IS CONSTRUCTING

2 THE NEW DAIRY QUEEN OVER HERE AND
THEN THE OLD ONE WILL BE

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DEMOLISHED. HE SAID THAT, MOST
LIKELY, THE TRAFFIC FOR THE

3 BUSINESS ITSELF, BESIDES BEING
NEW, IT MIGHT ATTRACT MORE

BUSINESS, BUT IT'S THE SAME USE
AT THE SITE SO HE DOESN'T

4 ANTICIPATE THAT THE USE WOULD
INCREASE THAT MUCH TRAFFIC BUT

HE CAN'T SPEAK ON THE
CONSTRUCTION.

5

COMM. ANDERSON STATED HE DOESN'T
SEE ANYTHING WITH TRAFFIC

6 BECAUSE MOST OF THE TRAFFIC
COMING THROUGH THERE IS TRAFFIC

GOING TO AUBURN HILLS OR
WATERFORD. HE STATED HE FREQUENTS

7 THAT ESTABLISHMENT A LOT AND ONE
THING HE LIKES ABOUT OVER

THERE IS THAT IT'S ALWAYS CLEAN
AND IT'S ALWAYS BEEN CLEAN

8 AND NEAT AND HE HAS A FRIEND
NAMED RAY CUNNINGHAM THAT LIVED

UP THE STREET WHO WOULD WALK DOWN
THERE, BRING HIS LITTLE

9 GIRL AND YOU'D LOOK ON THE SIDE
AND YOU'LL SEE FAMILIES

EATING IN A LITTLE FENCED-IN AREA
AND HE THINKS THAT'S WHAT

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10 WE NEED, SOMETHING IN THE
NEIGHBORHOOD LIKE THAT. HE

ACKNOWLEDGED THAT THE APPLICANT
HAS BEEN THERE A LONG TIME

11 AND HE THINKS IT WOULD BE A GOOD
IDEA FOR THE NEIGHBORHOOD.

12 COMM. BUENO STATED HE'S BEEN IN
THE ESTABLISHMENT A FEW

TIMES AND HAS ALWAYS APPRECIATED
THAT IT'S ALWAYS BEEN A

13 NICE, CLEAN, VERY WELL-KEPT SITE.
HE FEELS THE SITE PLAN IS

SUFFICIENT AND DOESN'T HAVE ANY
ISSUES WITH THE REQUEST.

14

COMM. SINCLAIR MADE A MOTION TO
APPROVE ZBA-15-10.

15

COMM. ANDERSON SUPPORTED.

16

VOTE: AYES: Sinclair,
Anderson, Sykes, Kirkendolph

17

Bueno, Taylor.

18

NAYS: None.

19

ABSTAIN: None.

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20 Vote 6-0-0 motion carries.

21 PUBLIC COMMENT:

22 COMM. BUENO STATED SINCE MR. TODD
RESIGNED LAST MONTH AND

COMM. TAYLOR IS THE NEW CHAIR AND
THE WHOLE BOARD'S HERE,

23 HE'D LIKE TO RECOMMEND THAT WE
VOTE FOR THE VICE-CHAIR AND

FOR NOMINATIONS OF CANDIDATES FOR
THE VICE-CHAIR SO THEY CAN

24 GET THAT POSITION FILLED AND HE
STATED THAT HE'D LIKE TO

START OFF WITH NOMINATING MRS.
KIRKENDOLPH WHO IS INTERESTED

25 IN BEING THE VICE-CHAIR.

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1 COMM. ANDERSON SHARED HE AGREED.

2 COMM. KIRKENDOLPH ACCEPTED

3 COMM. BUENO ASKED IF THERE WERE
ANY OTHER NOMINATIONS.

4 COMM. SINCLAIR NOMINATED HIMSELF
AND INQUIRED ABOUT A NEW
MEMBER

5

GORDON BOWDELL STATED THAT A NEW
MEMBER WOULD BE APPOINTED

6 BY EITHER THE MAYOR OR CITY
COUNCIL BUT NO MEMBER HAS BEEN
APPOINTED AT THIS TIME.

7

THE BOARD DECIDED TO WAIT

8

CHAIR TAYLOR STATED THAT THEY
WILL WAIT ON ONE MORE AND THEN

9 THEY'LL DO IT SO HOPEFULLY NEXT
MONTH THEY CAN MAKE THE

ANNOUNCEMENT AND MOVED FOR
ADJOURNMENT

10

VOTE: AYES: Unanimous.

11

ADJOURNMENT: 7:36 p.m.

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