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CITY OF PONTIAC  
ZONING BOARD OF APPEALS MEETING  
TUESDAY, MAY 19, 2015  
7:00 P.M.

Meeting before the Zoning Board of Appeals, at 47450 Woodward Avenue, 2nd Floor, Council Chambers, Pontiac, Michigan 48342, on Tuesday, May 19, 2015.

BOARD MEMBERS:

- Lee Todd, Chairman
- Ahmad Taylor, Vice Chairman
- Elcine Kirkendolph, Commissioner
- Sam Anderson, Commissioner
- Joseph Sinclair, Commissioner
- Brent Sykes, Commissioner
- Carlos Bueno, Commissioner (Absent)

ALSO PRESENT:

- C. James Sabo, Professional Planner
- Gordon Bowdell, Associate Planner

MEMBERS OF THE PUBLIC ADDRESSING THE BOARD:

- Dean Grulke

REPORTED BY:

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

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A.	
PUBLIC HEARING NUMBER: ZBA-15-04	
ADDRESS: 424 FERRY AVE.	
ZONE: R-1, ONE-FAMILY DWELLING	
VARIANCE REQUEST:	
OUTDOOR STORAGE yard (major)	
PRESENT USE & OCCUPANCY:	
EXISTING INDUSTRIAL BUILDING	
PROPOSED USE & OCCUPANCY:	
INDUSTRIAL BUILDING UTILIZED	
FOR STORAGE/OUTDOOR STORAGE	
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1 PONTIAC, MICHIGAN; TUESDAY, MAY 19, 2015

2 7:10 P.M.

3 CHAIRMAN TODD: We're going to go  
4 ahead and call the meeting to order. Can I have  
5 roll call, please.

6 MR. SABO: Mr. Sykes?

7 COMMISSIONER SYKES: Here.

8 MR. SABO: Mr. Sinclair?

9 COMMISSIONER SINCLAIR: Here.

10 MR. SABO: Ms. Kirkendolph?

11 COMMISSIONER KIRKENDOLPH: Here.

12 MR. SABO: Mr. Anderson?

13 COMMISSIONER ANDERSON: Here.

14 MR. SABO: Mr. Bueno is going to be a  
15 little bit late, and -- Mr. Taylor?

16 Okay. Chairman Todd?

17 CHAIRMAN TODD: Here.

18 MR. SABO: All right. We have a  
19 quorum.

20 CHAIRMAN TODD: Thank you. Any  
21 communications from staff?

22 MR. SABO: I do not.

23 CHAIRMAN TODD: Can I get a motion to  
24 approve the minutes from April 21st?

25 COMMISSIONER KIRKENDOLPH: I need a

1 motion to correct the spelling of last week's (sic)  
2 minutes. They spelled my last name completely  
3 wrong.

4 CHAIRMAN TODD: On the --

5 COMMISSIONER KIRKENDOLPH: On all the  
6 minutes, throughout the whole thing.

7 MR. SABO: We'll correct that. It's  
8 the new stenographer. We'll make sure she has the  
9 correct spelling.

10 COMMISSIONER KIRKENDOLPH: Other than  
11 that, I do approve the minutes from last week (sic).

12 CHAIRMAN TODD: We have a motion to  
13 approve, subject to the change in Ms. Kirkendolph's  
14 last name spelling.

15 Can I have a support?

16 COMMISSIONER ANDERSON: Support.

17 MR. SABO: Who was support? Sinclair?

18 CHAIRMAN TODD: Anderson.

19 MR. SABO: Do you want a roll call?

20 CHAIRMAN TODD: Please.

21 MR. SABO: Ms. Kirkendolph?

22 COMMISSIONER KIRKENDOLPH: Yes.

23 MR. SABO: Mr. Anderson.

24 COMMISSIONER ANDERSON: Yes.

25 MR. SABO: Mr. Sykes.

1 COMMISSIONER SYKES: Yes.

2 MR. SABO: Mr. Sinclair.

3 COMMISSIONER SINCLAIR: Yes.

4 MR. SABO: Chairman Todd?

5 CHAIRMAN TODD: Yes.

6 MR. SABO: Motion carries 5-0.

7 CHAIRMAN TODD: Any old business?

8 MR. SABO: I do not.

9 CHAIRMAN TODD: Is the applicant here  
10 for 424 Ferry?

11 MR. SABO: Yes.

12 MR. GRULKE: Yes.

13 CHAIRMAN TODD: Okay. I'm -- our full  
14 Board is seven. We're obviously at five. Because  
15 of the type of request you have, you need two-thirds  
16 vote, which would require five out of seven. Since  
17 we only have five, you would need all that's here.

18 I did just hear from Vice Chair Taylor  
19 that he was at a function for the Mayor and his car  
20 is blocked in and he was waiting for somebody to  
21 move their car, but he was close. I don't know  
22 where "close" is, but he should be here in a few  
23 moments. However, that will only get us to six. Do  
24 we know for sure if Mr. Bueno is just running late?

25 MR. SABO: Bueno is on his way, but --

1 MR. BOWDELL: No, he -- he said he had  
2 a work conflict, and unless that changed, he would  
3 not be here.

4 CHAIRMAN TODD: So normally what I do  
5 in the situation is I give you the opportunity you  
6 deserve to have all seven members here for making a  
7 decision. Either way, I'm going to suggest we wait  
8 at least a few minutes for Mr. Taylor to come, but  
9 that would only be six. And then we can go ahead  
10 and start the hearing and hear what staff has to  
11 say.

12 But if at some point in that process,  
13 if you decide you would rather wait and have all  
14 seven hear your matter, it's been our policy to go  
15 ahead and adjourn it to next month. So we'll --  
16 that option will continue for you.

17 MR. GRULKE: Okay.

18 CHAIRMAN TODD: So we're going to take  
19 a break for a couple of minutes, I guess, and see if  
20 Mr. Taylor comes, so that you can at least have the  
21 benefit of six of us.

22 MR. GRULKE: Thank you.

23 (At 7:14 p.m., a recess was taken.)

24 (At 7:24 p.m., meeting resumed; Mr.  
25 Taylor entered the Council Chambers.)

1                   CHAIRMAN TODD: Okay. We're going to  
2 go ahead and continue. Let the record reflect that  
3 Mr. Taylor is present, please.

4                   Staff made a finding of fact on Public  
5 Hearing ZBA-15-04.

6                   MR. SABO: Yes, Mr. Chairman. This  
7 is, as you mentioned -- thank you very much --  
8 variance 15-04. It's 424 Ferry Street (sic), use  
9 variance, Section 2.520, outdoor storage in an R-1,  
10 one-family district. This is the site here. Ferry  
11 is at the top of the picture, and then this is the  
12 site here.

13                   Photograph, essentially equipment and  
14 whatnot stored outside, not permitted in R-1.

15                   R-1, one-family zone district,  
16 existing land use is warehouse storage, and inside a  
17 building storage. Proposed is outdoor storage.

18                   Future land use map has traditional  
19 neighborhood residential for all sites.

20                   The variance request is from Section  
21 2.203 permitted uses by District Section 2.520  
22 outdoor storage yard (major) for larger storage  
23 items.

24                   Request to allow a type of use that is  
25 not a permitted use in R-1. The proposed use is an

1 outdoor storage yard for vehicles, equipment, other  
2 materials. Proposed use is not within the enclosed  
3 building at the site. There is some storage there,  
4 but what's proposed is outside.

5 Definition for outdoor storage yard  
6 (major) use primarily involved in keeping of  
7 personal or business property, motor vehicles  
8 outside of the building or use that is characterized  
9 by the primarily outdoor nature of the use.  
10 Examples include contractor supply yards, lumber  
11 yards, recreational vehicle storage yards and  
12 commercial vehicle storage.

13 The standards in the Zoning Ordinance  
14 for outdoor storage yard (major) shall comply with  
15 the following requirements: The outdoor storage of  
16 goods and materials shall be limited to the areas  
17 other than the required front yard setback and shall  
18 be hidden by an eight-foot high obscuring fence or  
19 wall. No burning of refuse except in an  
20 incinerator. That is not part of the equation.

21 The claimed undue hardship here, (Use  
22 Variance). Currently, the site is an existing  
23 non-conforming use for commercial storage and  
24 manufacturing. There are variances that are later  
25 in the report. I'll go over those. Only storage



1 within an enclosed building is permitted. In this  
2 instance the applicant states that the City of  
3 Pontiac allowed this building to be built  
4 approximately 50 years ago. He has been there for  
5 25 years now and would like to continue the use. No  
6 additional information was provided.

7 Findings of fact. There's quite a few  
8 of these so I'll try to go through them quickly.

9 Zoning R-1. The proposed use does not  
10 comply in R-1. The existing building was  
11 constructed in 1927 by Clarkspeed Trucking Company.  
12 The original City zoning map indicates the subject  
13 parcel has been zoned R-1 since 1938.

14 The following land uses at the  
15 property were recorded as non-conforming since 1946.  
16 F.E. Trucking and Trailering. Barker Truck Service  
17 and Repair, that's through the '60s and '70s. Gary  
18 Krause Metal Fabricating Wood Modeling Components  
19 '72 to the '80s. RJH, Bob Badgero Warehouse use,  
20 '80s to the '90s. And Dean Grulke Warehouse use  
21 1998 through today.

22 A Use Variance was granted by the  
23 Zoning Board in April of 1970 to expand the existing  
24 non-conforming truck repair and service use to add  
25 metal, panel fabrication and manufacturing use.

1 That was 1970.

2 Another Use Variance granted by the  
3 ZBA in June of 1972, to expand the non-conforming  
4 metal fabrication use to add wood modeling, the  
5 installation of refractory materials for pollution  
6 control devices.

7 1962, a 1,000-gallon gasoline storage  
8 tank was installed at the property.

9 1965, property owner Barker requested  
10 rezoning for the property from R-1 to M-1 in an  
11 attempt to eliminate the non-conforming related to  
12 the use. That was denied in 1965.

13 In 1968, property owner attempted to  
14 lease the property to an asphalt company, and  
15 attempted to store equipment at the site. The  
16 property owner was notified by the City it was not a  
17 legal use. And equipment was stored temporarily  
18 without approval and subsequently removed. That was  
19 '68.

20 '69, continued efforts by the City to  
21 urge the property owner to clean the site. None of  
22 these are the current property owner, by the way.

23 '75, property owner issued a violation  
24 for Zoning Ordinance non-compliance outdoor storage  
25 materials and equipment, as well as debris.

1           1988, property owner notified of a  
2 code violation for accumulation of debris and  
3 outdoor storage.

4           May of 2004, this is the current  
5 property owner, was notified Zoning Ordinance,  
6 non-compliance outdoor storage. No business license  
7 for the property.

8           September 2014, the owner applied for  
9 a team inspection. Was denied based on the use and  
10 directed to seek a ZBA -- or instructed to seek a  
11 variance from the ZBA for outdoor storage.

12           April 2015, applicant received notice  
13 from the City to apply for ZBA variance.

14           Currently some equipment stored at the  
15 site.

16           Authorization to grant a Use Variance.  
17 This is Section 6.408 of the Zoning Ordinance. ZBA  
18 can grant a use variance for land use not otherwise  
19 permitted in the Ordinance upon concurring vote of  
20 two-thirds of the members, so that's five of seven.

21           Unnecessary hardship. A use shall not  
22 be granted unless the Zoning Board finds substantial  
23 evidence of unnecessary hardship.

24           These are the standards. Property in  
25 question cannot be reasonably used or cannot yield

1 unreasonable return on a prudent investment used  
2 only for the purpose allowed. It may meet this  
3 standard. The building was constructed in 1927,  
4 been used for trucking and manufacturing use since  
5 that time. There was a gasoline storage tank at the  
6 site and the soil conditions may need to be tested  
7 based on previous non-conforming uses. However, the  
8 property does have two Use Variances and still can  
9 be utilized for previously approved Use Variances,  
10 and other existing non-conforming uses.

11 The Plight of the property is due to  
12 the unique circumstances peculiar to the property.  
13 It may meet this standard. The property is not  
14 uniquely shaped, doesn't have unique topography and  
15 there's no streams or wetlands; however, has a long  
16 commercial and industrial history dating back to  
17 1927. There may be age-related site conditions  
18 based on almost 90 years of commercial use.

19 The use authorized by the variance  
20 will not alter the essential character of the area.  
21 Does not meet the standard for proposed operation as  
22 proposed for outdoor storage, which has been a  
23 potential nuisance issue for several years, as  
24 documented in the property maintenance file.  
25 However, the site has been used for unauthorized

1 outdoor storage for a number of years. If outdoor  
2 storage is not approved by the ZBA, all of the  
3 previous legal non-conforming uses will be allowed  
4 to continue, which would not change the essential  
5 character of area.

6 The problem is not self-created. Does  
7 not meet the standard. The problem is self-created,  
8 outdoor storage is proposed by the applicant.

9 The spirit of the Ordinance will be  
10 observed, public safety, welfare. Does not meet  
11 this standard. The intent of the Ordinance is to  
12 prohibit outdoor storage. The proposed outdoor  
13 storage has incurred in an unauthorized manner.  
14 Proper conditions may be closer to the intent of the  
15 Ordinance if proper conditions are met.

16 Compliance set forth in 6.401. That's  
17 -- may meet that standard for light/air, et cetera.  
18 Not applicable for 7.

19 Recommendation here is for the Board  
20 to consider under what circumstances a Use Variance  
21 would be appropriate for Mr. Grulke's Outdoor  
22 Storage, as proposed use meets some sections of the  
23 standards 1, 2 and 6, and complies with all  
24 applicable occupancy requirements; or, essentially  
25 to deny the variance request for 15-04 based on

1 unnecessary hardship standards 3, 4 and 5.

2 That's my report. The applicant is  
3 here. And there's photos of the site. Thank you.

4 CHAIRMAN TODD: If the applicant would  
5 like to come to the podium, please. Please state  
6 your name and address.

7 MR. GRULKE: My name is Dean -- is  
8 this on? It doesn't seem --

9 MR. SABO: Yeah, click the -- there's  
10 a button on the side, Mr. Grulke. The microphone  
11 itself.

12 MR. GRULKE: There we go. Is that  
13 better? Is it on?

14 MR. SABO: I think you're better.

15 COMMISSIONER SINCLAIR: Yeah, it's on.

16 MR. GRULKE: My name is Dean Grulke.  
17 My address is 6586 Forest Ridge Court, Clarkston,  
18 Michigan.

19 CHAIRMAN TODD: Is there anything that  
20 you'd like to add to what staff gave us in their  
21 report?

22 MR. GRULKE: No. I guess I'm there  
23 for 25 years and now all of a sudden it's come to  
24 the attention that they want some sort of Zoning  
25 Board. I didn't apply for this. I was told that I

1 needed to come forward, see if I can get a Use  
2 Variance. So that's why I'm here this evening.

3 CHAIRMAN TODD: Stay there, if you  
4 would, in case there's questions from the Board.  
5 And I'm going to start to my right with Mr. Taylor,  
6 if you have any questions or comments?

7 COMMISSIONER TAYLOR: Not at the  
8 moment, no.

9 CHAIRMAN TODD: Mr. Anderson?

10 COMMISSIONER ANDERSON: Yes. My  
11 concern is, okay, I'm looking at the trucks and I'm  
12 looking at the building. And any time you have  
13 buildings and outdoor storage with no cover, you  
14 have run-off, whether it's from the oil drip from  
15 the trucks or whatever. What are you -- I didn't  
16 see a fence out there where people can just drive by  
17 and just look at the inside of your storage there,  
18 your work area. Do you have any plans to kind of  
19 upgrade that?

20 MR. GRULKE: I was considering that.  
21 We could make a privacy fence so no one could  
22 actually visually see inside of the property. I  
23 would have no problem with that.

24 COMMISSIONER ANDERSON: Okay. That's  
25 the only problem I have. The people, as you see,

1 you can pass by there and see in there. So I would  
2 strongly consider -- you to consider putting a  
3 fence, privacy fence, around there.

4 MR. GRULKE: I can agree to that.

5 COMMISSIONER ANDERSON: Probably a lot  
6 safer too.

7 MR. GRULKE: We've had a number of  
8 break-ins.

9 CHAIRMAN TODD: Mr. Anderson, just for  
10 clarification, it's my understanding that the -- the  
11 Use Variance that he's requested, which is (major)  
12 Outdoor Storage, the code requires if the variance  
13 were to be granted, that the outdoor storage and  
14 goods and materials shall be limited to the areas  
15 other than the required prop setback, and shall be  
16 hidden by an eight-foot high obscuring fence or  
17 wall.

18 COMMISSIONER ANDERSON: Okay.

19 CHAIRMAN TODD: And further, I believe  
20 under the recommendation from staff, I don't think  
21 it's necessarily a mandatory requirement, but part  
22 of the recommendation from staff is that if we were  
23 to approve the variance, that the applicant would  
24 also have to comply with all applicable occupancy  
25 requirements and Pontiac Business Licensing



1 requirements which would require him to have the  
2 structure up to City code as well.

3 COMMISSIONER ANDERSON: Okay.

4 CHAIRMAN TODD: As well as having an  
5 eight-foot fence. And the storage would not be  
6 allowed in the setback area.

7 I'm going to back up for just a  
8 minute. I guess I should have probably opened it  
9 for public comment, technically. So I'll open it up  
10 for public comment.

11 Seeing nobody in the audience, we'll  
12 close public comment, and move to Ms. Kirkendolph,  
13 any questions or comments?

14 COMMISSIONER KIRKENDOLPH: No  
15 comments.

16 CHAIRMAN TODD: Mr. Sinclair?

17 COMMISSIONER SINCLAIR: Yes, I only  
18 have one question. Currently the property is being  
19 used for (major) outside storage?

20 MR. GRULKE: Yes, sir.

21 COMMISSIONER SINCLAIR: Okay. And  
22 they were not in compliance with the variance?

23 MR. SABO: Correct.

24 COMMISSIONER SINCLAIR: And the City  
25 notified you to come get in touch with the --

1 MR. SABO: Correct.

2 COMMISSIONER SINCLAIR: -- come in  
3 compliance?

4 MR. GRULKE: Yes, sir.

5 COMMISSIONER SINCLAIR: But did you  
6 know you were out of compliance?

7 MR. GRULKE: No, I did not. Like I  
8 said, I was there for 25 years and no one ever came  
9 to complain, so that's why I'm here. The City told  
10 me I needed to take care of this, so I want to make  
11 an amicable agreement we can both live with. So  
12 that's why I'm here.

13 COMMISSIONER SINCLAIR: No further  
14 questions.

15 CHAIRMAN TODD: Mr. Sykes?

16 COMMISSIONER SYKES: No questions.

17 CHAIRMAN TODD: Staff, is the -- what  
18 is the condition of the buildings across the street?  
19 Are we addressing that as well?

20 MR. SABO: No. That is not part of  
21 the equation. I imagine most of this is -- is  
22 coming to you via Code Enforcement. So our Code  
23 Enforcement officers are out, and they see a  
24 business that potentially needs to be licensed or a  
25 use or a condition that needs to be addressed. They

1 sent letters to the applicant, which is what  
2 happened with Mr. Grulke. He came in -- you know,  
3 to -- much to his credit, he came in, he complied,  
4 requested a team inspection. That was denied  
5 because the use is not a permitted use in the  
6 District. So then we offered him the options  
7 available to him, which is to apply for a Use  
8 Variance, which is why he is here this evening.  
9 And, essentially, the idea is to address these --  
10 these issues.

11 CHAIRMAN TODD: Understood. And I  
12 realize -- I realize the others are not tied to this  
13 action before us. I just wanted to make sure that  
14 we're not selectively picking -- there's more than  
15 one building in that neighborhood --

16 MR. SABO: Correct.

17 CHAIRMAN TODD: -- that looks -- if  
18 you blink, it's like you're looking at the same  
19 thing. And I understand what we're doing. And I  
20 understand just because somebody else isn't doing  
21 it, that that doesn't make it right for him or  
22 anyone else either. But if we're going to do it, I  
23 just want to make sure that we're trying to be  
24 uniformly --

25 MR. SABO: Right.

1                   CHAIRMAN TODD:  -- in bringing  
2                   everybody up.

3                   My only comments I'm going to add is  
4                   that I'm almost wondering if it's not better -- I  
5                   mean, this is a residential neighborhood.  This is a  
6                   very old residential neighborhood and there are  
7                   other uses similar to this one within just a few  
8                   blocks in several directions of this building.  I'm  
9                   almost wondering if it isn't a betterment for the  
10                  neighborhood to grant the variance and -- which  
11                  would require the building to be brought up to code  
12                  as well as a fence to be put around the storage,  
13                  versus denying the ordinance, leaving the building.  
14                  The City can still enforce the building to be  
15                  brought up to code, but without the fence, it's  
16                  still going to be a little bit unsightly for a  
17                  residential neighborhood.  Anyway --

18                  MR. SABO:  Mr. Chairman, if I can just  
19                  take a quick second to explain part of the issue  
20                  related to this.  This date here, Number 2, under  
21                  Findings of Fact, the existing building was  
22                  constructed in 1927 by Clarkspeed Trucking.  It's  
23                  coincidental that that date and that year are in  
24                  this petition before you.  1927, 1928 is when the  
25                  Federal government began to implement and validate

1 zoning as a way to separate land uses. And it's  
2 interesting that this building was built right  
3 around the time that the entire country started to  
4 figure out that we need to not have industrial and  
5 commercial buildings in residential neighborhoods.  
6 So this is quite plausibly a great example of why  
7 zoning ordinances were created in the late '20s and  
8 early '30s, and since then to prevent these kind of  
9 things from happening. Unfortunately, this building  
10 got built right before that happened, and as you can  
11 see in Number 3, the City, you know, began zoning in  
12 earnest in the '30s. So --

13 CHAIRMAN TODD: Understood. And just  
14 for the applicant, I'm very familiar with the area.  
15 I'm familiar with the building. I know you've been  
16 there a long time. Our concern as a Board is to try  
17 to right some of the wrongs from way back. And even  
18 though it's an old neighborhood, that is a  
19 residential neighborhood. And I do have some  
20 concerns about adding to the problem, so to speak,  
21 the problem being that there wasn't zoning in effect  
22 back then, and we do have mixed use industrial and  
23 residential. My comment about adding to the problem  
24 is to also allow, in addition to that, (major)  
25 outside storage. However, my comment earlier I

1 think still applies. It may be better to go ahead  
2 and add that if you're willing to do the -- in order  
3 to comply, to do the fence around it so that all of  
4 it is somewhat hidden. I'm assuming staff has  
5 standards for what would have to be done as far as  
6 the fencing. I think the Ordinance allows a fence  
7 or a wall. I don't think I'd want to see a wall in  
8 a resident -- in a residential, but an obscuring  
9 fence might be better than what it is now even.

10 MR. GRULKE: I agree with you. It's a  
11 residential area. I don't want anything  
12 industrial-looking there for the benefit of the  
13 residents. So if we can soften it up, maybe put  
14 some grass in front of it or like a fabric that you  
15 can't see through and then plant some bushes or  
16 something in front of it, maybe, perhaps. I'm open  
17 to suggestions.

18 CHAIRMAN TODD: You'd have to get with  
19 staff to work out the details on --

20 MR. GRULKE: I understand.

21 CHAIRMAN TODD: -- what would apply.  
22 Again, if this Board grants a variance, that for the  
23 Board, that is a requirement that there be an  
24 obscuring fence or wall put up. And he would have  
25 to have an inspection and comply with the occupancy

1 requirements and the Pontiac business licensing.

2 Okay. I have no further comments. I  
3 move to the Board. Anyone would like.

4 COMMISSIONER SYKES: I do have a  
5 question.

6 CHAIRMAN TODD: Go ahead.

7 COMMISSIONER SYKES: I'm sorry.

8 CHAIRMAN TODD: Go ahead.

9 COMMISSIONER SYKES: If we did grant  
10 the variance, how soon could we get it done?

11 MR. GRULKE: If you give me a few  
12 months, I could have it all done.

13 COMMISSIONER SYKES: Few months?

14 MR. GRULKE: Give me the summer to  
15 clean up all the junk. I got to cut down -- if you  
16 could go back -- well --

17 CHAIRMAN TODD: Sure. Sure.

18 MR. GRULKE: You see the trees in  
19 there, they're right -- they're growing through the  
20 fence that's there. So obviously that's another  
21 step. But if you want me to keep the fences, then I  
22 could put the fence behind that, leave the trees; or  
23 do you want the trees gone? I mean, it's up to you  
24 guys. Doesn't really matter one way to me. But,  
25 then, obviously, you know -- I'm sorry, I didn't

1 mean to beat around the bush. To answer your  
2 question, give me a few months and I'll --

3 COMMISSIONER SYKES: Have it together?

4 CHAIRMAN TODD: It's been this way for  
5 about 25 years.

6 MR. GRULKE: I've owned it for  
7 25 years.

8 CHAIRMAN TODD: Just a little bit  
9 before I was born, closer to 100 years.

10 MR. GRULKE: Oh.

11 COMMISSIONER SINCLAIR: I have one  
12 question. What is the current business?

13 MR. GRULKE: I'm just storing  
14 equipment -- as you can see, storing equipment,  
15 trailers and trucks, that type of thing. I can't  
16 put anything more in the building. It's like --  
17 like your garage, I could assume.

18 COMMISSIONER SINCLAIR: Basically just  
19 mainly storage?

20 MR. GRULKE: The bigger the garage,  
21 the more stuff we put in it. Well, that's a prime  
22 example. It's full.

23 COMMISSIONER SINCLAIR: So the  
24 property is mainly being used for storage?

25 MR. GRULKE: Yes, storage.



1 COMMISSIONER SINCLAIR: Okay.

2 CHAIRMAN TODD: Would anyone on the  
3 Board like to make a motion?

4 COMMISSIONER TAYLOR: I do have one  
5 more question. Do we have -- just -- I guess this  
6 is to staff. Do we have any benchmark or proposed  
7 -- for any applicant who's looking to upgrade, is  
8 there a proposed look or landscaping approach or  
9 some type of template for an applicant that is  
10 proposing to do some type of change?

11 MR. SABO: Board Member Taylor, I know  
12 what you're getting at. Unfortunately, we have  
13 standards for most of the -- most of the districts,  
14 the residential districts and the commercial  
15 districts. The industrial districts, just by their  
16 nature, are a little harder edged. So there's --  
17 there's standards, but they're not as detailed and  
18 defined as the residential and the commercial  
19 standards.

20 COMMISSIONER SINCLAIR: Does  
21 anybody --

22 MR. SABO: But it -- you know, to echo  
23 Mr. Todd's comments, the -- you know, we can work  
24 with -- should the ZBA grant a variance in this  
25 instance, we can work with the applicant to come up

1 with a method to screen, and if you want the trees  
2 saved or, you know, whatever, it is the pleasure of  
3 the ZBA Board, we can work with him to, you know,  
4 address the -- address the issues.

5 CHAIRMAN TODD: I'm going to remind  
6 the applicant too before I call for a motion, again,  
7 that you are entitled to have seven of us up here,  
8 and if you would care to adjourn this to the next  
9 meeting, I would be willing to grant that.

10 MR. GRULKE: I don't want to waste all  
11 your time, no. Six is fine, thank you.

12 CHAIRMAN TODD: Okay. Is there anyone  
13 on the Board that would like to make a motion for or  
14 against?

15 COMMISSIONER SINCLAIR: Motion to  
16 approve the variance request for the rezoning of the  
17 storage facility property.

18 CHAIRMAN TODD: For clarity, are  
19 you -- is your motion to follow the staff  
20 recommendation?

21 COMMISSIONER SINCLAIR: Yes, motion to  
22 follow the staff recommendation.

23 CHAIRMAN TODD: For approval?

24 COMMISSIONER SINCLAIR: Yes, for  
25 approval.

1 CHAIRMAN TODD: To include compliance  
2 with all occupancy requirements and Pontiac business  
3 licensing requirements, as well as including the  
4 eight-foot high obscuring fence or wall?

5 COMMISSIONER SINCLAIR: Yes.

6 CHAIRMAN TODD: Okay. We have a  
7 motion. Is there support?

8 COMMISSIONER TAYLOR: Second.

9 CHAIRMAN TODD: We have support. Can  
10 I have roll call, please.

11 MR. SABO: Mr. Sinclair?

12 COMMISSIONER SINCLAIR: Yes.

13 MR. SABO: Mr. Taylor?

14 COMMISSIONER TAYLOR: Yes.

15 MR. SABO: Mr. Anderson?

16 COMMISSIONER ANDERSON: Yes.

17 MR. SABO: Mr. Sykes?

18 COMMISSIONER SYKES: Yes.

19 MR. SABO: Ms. Kirkendolph?

20 COMMISSIONER KIRKENDOLPH: No.

21 MR. SABO: And Mr. Todd?

22 CHAIRMAN TODD: Yes.

23 MR. SABO: Use Variance passes 5 to 1.  
24 Congratulations.

25 CHAIRMAN TODD: Congratulations.

1 You'll need to get with staff to work out the  
2 details on getting the fencing done.

3 MR. GRULKE: You mentioned the word  
4 "staff." I'm unfamiliar with that calls for.

5 CHAIRMAN TODD: Building staff.

6 MR. GRULKE: Okay.

7 CHAIRMAN TODD: Who you've already  
8 been working with. And as far as details for how  
9 you're going to screen it and protect it from --

10 MR. GRULKE: So you want me to come up  
11 with a proposal and have you guys accept it, or do  
12 you want --

13 MR. SABO: Call me tomorrow.

14 MR. GRULKE: I don't want to waste  
15 your time.

16 CHAIRMAN TODD: Contact staff at the  
17 Building Department and discuss what the options  
18 might be. Because technically -- I mean, legally  
19 you're still out of compliance as far as using it  
20 for (major) storage at the moment. Again, I  
21 understand it's been that way for a long time, so at  
22 least we're having progress, even if it takes a few  
23 months to get it done. But it would be helpful at  
24 least if you contact staff sooner rather than later  
25 and at least have a game plan so that we know what's

1 going to happen as far as the screening.

2 MR. GRULKE: That's fair.

3 CHAIRMAN TODD: Congratulations.

4 MR. GRULKE: Thank you.

5 CHAIRMAN TODD: Seeing no one else in  
6 the audience, we will open and close public comment.

7 Any other miscellaneous business for  
8 the Board?

9 COMMISSIONER SYKES: Yes. Mr. Sykes  
10 needs his nameplate.

11 CHAIRMAN TODD: I will --

12 MR. BOWDELL: We can get those.

13 CHAIRMAN TODD: You're going to get  
14 it? Okay. Excellent.

15 COMMISSIONER SINCLAIR: I do have a  
16 question.

17 CHAIRMAN TODD: Yes.

18 COMMISSIONER SINCLAIR: Over the last  
19 couple of weeks, I have been getting several calls  
20 from -- from residents throughout the City about the  
21 Building and Safety ticketing that has been going  
22 on. And also that I have been on contracts also  
23 where I'm amazed at the inspectors are passing a lot  
24 of the work. So I'm very concerned that we have  
25 people who are getting ticketed for residential and

1 commercial codes that they are not meeting with the  
2 properties, but we have new construction and new  
3 properties that are going up, and that work should  
4 not be passing inspection.

5 CHAIRMAN TODD: Okay. I'm going to  
6 suggest -- that's -- that's not really business  
7 before the ZBA, but since staff is here, after we  
8 adjourn, I'm sure you could probably chat with staff  
9 while we're all here.

10 COMMISSIONER SINCLAIR: Sure.

11 CHAIRMAN TODD: If there's no other  
12 miscellaneous business, I will take a motion to  
13 adjourn.

14 COMMISSIONER TAYLOR: Motion.

15 CHAIRMAN TODD: Moved by Mr. Taylor.

16 COMMISSIONER KIRKENDOLPH: Support.

17 MR. SABO: All in favor?

18 (All ayes.)

19 CHAIRMAN TODD: Opposed? Meeting is  
20 adjourned.

21 (At 7:52 p.m., proceedings concluded.)  
22  
23  
24  
25

## C E R T I F I C A T E

I, Quentina Rochelle Snowden, do hereby certify that I have recorded stenographically the proceedings had and public comment taken in the meeting, at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of (31) pages, is a true and correct transcript of my said stenographic notes.

Dated: May 29, 2015



Quentina R. Snowden, CSR-5519

Notary Public, Genesee County, Michigan

My commission expires: 1/4/2018