

1 ZONING BOARD OF APPEALS MEETING: City of Pontiac Zoning
2 Board of Appeals Meeting Minutes on Wednesday, September
3 27, 2017; Pontiac City Hall, 47450 Woodward Avenue,
4 Pontiac, Michigan 48342

5
6 COMMISSIONERS: Chair Ahmad Taylor
7 Lucy Payne
8 Sam Anderson
9 Laurie Bishop
10 Elcine Kirkendolph
11 Joseph Sinclair

12 FROM THE CITY: Chip Smith, Assistant City Planner

13 CHAIRMAN TAYLOR CALLED THE MEETING TO ORDER AT 7:06 P.M.

14 ROLL CALL:

15 PRESENT: Chair Taylor, Comm. Payne, Comm. Anderson,
16 Comm. Bishop

17 Mr. Smith reported a quorum present.

18 ARRIVED LATE: Comm. Kirkendolph, Comm. Sinclair

19 COMMUNICATIONS: None

20 MINUTES FOR REVIEW: 8-15-17

21 COMM. ANDERSON MADE A MOTION TO ACCEPT THE MINUTES

22 COMM. PAYNE SECONDED

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

24 NAYS: None

25 ABSTAIN: None

Vote 4-0-0, motion carries.

OLD BUSINESS: NONE.

NEW BUSINESS:

PUBLIC HEARING AND VARIANCE REQUEST:

1 ZBA-17-13
2 PROPERTY ADDRESS: 63 Norton
3 ZONE: R-1MUD, Mixed Use District
4 LOCATION: Parcel# 14-29-328-021 and 14-29-328-022
5 APPLICANT: Lawrence Tech
Rep: Mark Thomas

6
7 Presentation of facts given by Mr. Smith.

8 Mr. Mark Thomas, Owner, for Porter 4 Square, LLC, 22 State
9 Street, Pontiac, Michigan, stated that they are proposing
10 to build houses of the future that are consistent with the
11 neighborhood and that will be on the cover of architecture
12 magazines.

13 CHAIR TAYLOR OPENED PUBLIC COMMENT.

14 Mr. Scott Shall, Assistant Dean of Lawrence Tech,
15 indicated that this has been a three-year research effort
16 of the University and that their goal is to use digital
17 fabrication.

18 Ms. Carmen Cargill indicated that she lives within 300
19 feet of the property that is being discussed. She
20 displayed a photo of the grass being knee-high in the
21 spring and indicated that she's made several blight
22 complaints on several of these lots. She is concerned
23 that, if they can't even keep up on the grass, what this
24 project will bring.

25 Ms. Kathleen Hodge Thomas, Norton Street, Pontiac,
Michigan, indicated that something that would be on the
cover of architecture magazines wouldn't be consistent
with the neighborhood. She raised concerns about safety
and visibility in the area if the homes are going to be
that close to the street.

Ms. Katie Benton, Porter Street, Pontiac, Michigan, voiced
concerns about neighborhood children's safety and the high
grass causing problems with visibility. And she also
expressed that she feels it would bring even more traffic
to the area and, again, expressed concern for the
neighborhood children and asked what kind of people would
be living in the homes.

1 Mr. Thomas indicated that he believes there is confusion
2 on which property he owns and that he was ticketed twice
3 and both tickets were dropped after he gave an
4 explanation that MDOT owns the land 60 feet from the
5 road back up the slopes.

6 Mr. Fred Weishaar, indicated that you're stopped for the
7 train for 45 minutes and that State Street is like a
8 highway, with 70 mile an hour traffic, a very dangerous
9 street.

10 CHAIR TAYLOR CLOSED PUBLIC COMMENT.

11 COMM. ANDERSON STATED HE FEELS THE BOARD SHOULD HOLD OFF
12 FOR SOME INVESTIGATING AND TO GIVE THE HOMEOWNERS AND THE
13 BUILDER A CHANCE TO COME TO A HAPPY MEDIUM.

14 CHAIR TAYLOR OPENED PUBLIC COMMENT.

15 Mr. James Cauley, 57 Norton Street, Pontiac, Michigan,
16 indicated that he thinks it would be a good idea to put
17 up one of those electronic signs that state what the
18 speed limit is and what your speed is.

19 CHAIR TAYLOR CLOSED PUBLIC COMMENT.

20 COMM. ANDERSON INQUIRED IF THE HOMES WOULD BE ENERGY
21 EFFICIENT.

22 Mr. Shall answered in the affirmative.

23 COMM. ANDERSON SUGGESTED A MEETING WITH THE NEIGHBORS
24 AND ARCHITECT TO COME TO SOME AGREEMENTS.

25 Mr. Smith reminded the Board that they are not
deliberating a design or setback. He also indicated
that the Applicant is appealing the decision of denial
for site plan review on two homes to this Board and the
Board is charged with making a decision on seven
questions. He further indicated that the variance has a
timeframe attached to it, the variance can be no longer
than six months, if no building permit is applied for or
received in that six-month period, then that variance
expires.

COMM. PAYNE INQUIRED IF THERE ARE TWO HOMES THAT THE BOARD
IS LOOKING AT.

Mr. Smith answered affirmatively.

1 COMM. PAYNE INQUIRED OF THE APPLICANT IF THEY WILL SELL
OR RENT THEM.

2

3 Mr. Smith reminded the Board to stick to the seven
questions.

4 COMM. PAYNE INDICATED THAT SHE DOESN'T KNOW WHAT TO ASK
BECAUSE BEFORE PASSING ANYTHING SHE WANTS TO MAKE SURE
5 THE COMMUNITY KNOWS THE "WHEN, WHAT AND HOW."

6 Mr. Smith reminded Ms. Payne of the charge of the Zoning
Board.

7

8 COMM. PAYNE INQUIRED IF THIS WILL THEN GO TO PLANNING.

9

10 Mr. Smith answered in the negative and indicated that
they have six months to get building permits or the
variance expires. He also directed a couple men from
the Building Department to address the tall grass issues
with the neighbors.

11

12 COMM. BISHOP INDICATED THAT THE SETBACKS ARE OUTSIDE THE
ORDINANCE BUT IF THE TREES WERE CUT THERE WOULD BE
BETTER VIEWING FROM THE CORNER AND THE WORRIES ABOUT THE
13 LONG GRASS WOULDN'T BE THERE ANYMORE BECAUSE THERE WILL
BE HOUSES. SHE ALSO INQUIRED OF MR. SHALL WHAT THE
14 PARKING SITUATION WOULD BE ON THOSE HOUSES.

15 Mr. Shall indicated that there would be a dedicated
drive and off-road parking for both houses. He also
16 indicated that the variance was prompted because one of
the neighbors has a drive on one of these properties
17 and with the variance they are able to keep that
driveway for that neighbor.

18

19 COMM. BISHOP INQUIRED RATHER THAN SPLITTING IT SO THERE
IS TWO HOUSES, WHAT ABOUT CHANGING IT FROM R-1 TO
MULTI-USE FAMILY AND KEEPING IT COMBINED.

20

21 Mr. Smith indicated that the Master Plan wouldn't
support that.

22 COMM. BISHOP INQUIRED OF MR. THOMAS IF HE WOULD BE
WILLING TO PUT SPEED BUMPS IN.

23

24 Mr. Thomas affirmed.

25

CHAIR TAYLOR INDICATED HE IS GOING TO LIMIT THE BOARD
MEMBER'S QUESTIONS TO 1 MINUTE. HE ALSO REMINDED THE

1 BOARD THAT THEY HAVE DECIDED ON THESE VARIANCES NUMEROUS
TIMES.

2
3 COMM. SINCLAIR INDICATED HE DOES NOT FIND A REAL
PRACTICAL DIFFICULTY.

4 COMM. BISHOP MOVED TO APPROVE.

5 COMM. SINCLAIR SECONDED.

6 VOTE: AYES: Anderson, Taylor, Bishop
7 NAYS: Kirkendolph, Sinclair
8 ABSTAIN: Payne.

9 Vote 3-2-1 motion denied.

10 PUBLIC HEARING AND VARIANCE REQUEST:

11 ZBA-17-14

12 PROPERTY ADDRESS: 608 Corwin Avenue

13 ZONE: R-1, One-Family Dwelling District

14 LOCATION: Parcel# 14-20-303-004

15 APPLICANT: Fred Weishaar

16 Presentation of facts given by Mr. Smith.

17 Mr. Fred Weishaar, 608 Corwin Avenue, Pontiac,
Michigan, stated that the road is unusable, it's a
18 junkyard and the police won't do anything about it. He
indicated that, because of drug trafficking, the road is
19 blocked from 8 am until 7 pm. He states that every day
on his way to work he fills up his truck with garbage
20 from the parcel and puts it in a dumpster at work. He
indicated that he tried to buy the parcel because
21 crackheads were taking it over and he couldn't until he
presented the City a bill, then they let him buy it for
22 \$300. He gave examples of his poor health and why
continuing to clean up after others in the future may
23 not be feasible. He indicated that he has neighbors who
do not speak English but instead of putting their
24 garbage in the provided brown can, they throw it all off
their back porch, as well as people cutting through
25 leave trash. He also stated, if there were a fence

1 there, he could use his leaf blower and blow it all back
2 into their yards. He further indicated that there was a
3 fence there but the crackheads stole it. He said
4 several people and businesses have made complaints. He
5 also is concerned with children getting hurt on his
6 property and being sued for it.

7 CHAIR TAYLOR OPENED AND CLOSED PUBLIC COMMENT.

8 COMM. SINCLAIR ASKED THE APPLICANT HOW LONG HE OWNED HIS
9 PROPERTY.

10 Mr. Weishaar indicated that his grandparents built it in
11 the 1920s but that he had to leave for a period that the
12 crackheads took over, when they took the fence and he
13 had around 60 people living across the street from him.

14 COMM. SINCLAIR INQUIRED IF THERE IS ACTUALLY A RESIDENCE
15 WHERE HE IS REFERRING TO.

16 Mr. Smith answered in the negative.

17 COMM. SINCLAIR INQUIRED IF HE INHERITED THE LOT FROM HIS
18 GRANDPARENTS OR BOUGHT IT FROM OAKLAND COUNTY.

19 Mr. Weishaar answered he bought it from the County.

20 COMM. ANDERSON ASKED WHERE THE STREET WAS EXACTLY.

21 Mr. Weishaar answered at the corner of Oakland and
22 Montcalm.

23 COMM. ANDERSON REQUESTED OF MR. SMITH TO HAVE MORE CLEAR
24 PICTURES IN THE HANDOUTS AND ASKED HIS OPINION OF THIS.

25 Mr. Smith indicated this he feels this does not clear
the high bar for a use variance.

COMM. PAYNE INQUIRED IF HE IS PROPOSING A FENCE AND A
STORAGE BUILDING.

Mr. Smith answered in the affirmative but stated that
the ordinance says that you can't have an accessory use
on a lot without a principal use.

COMM. SINCLAIR MOVED TO DENY.

COMM. PAYNE SECONDED.

25

1 VOTE: AYES: Kirkendolph, Sinclair,

2 Anderson, Payne

3 NAYS: Bishop, Taylor

4 ABSTAIN: None.

5 Vote 4-2-0 motion to deny carries.

6 CHAIR TAYLOR MOVED TO ADJOURN.

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

8 NAYS: None

9 ABSTAIN: None.

10 Vote 6-0-0 motion carries.

11 ADJOURNMENT: 8:12 p.m.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

