

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

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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.

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