



Mayor Tim Greimel

CITY OF PONTIAC

Planning & Zoning Division
City Hall - 47450 Woodward Avenue
Pontiac, Michigan 48342-5009
248-758-2811 | FAX 248-758-2827

Mark Yandrick
Planning Manager

PONTIAC ZONING BOARD OF APPEALS

March 20, 2023 6:30PM

CITY HALL – 2ND FLOOR – COUNCIL CHAMBERS
47450 WOODWARD AVENUE – PONTIAC, MICHIGAN

1. CALL TO ORDER:

2. ROLL CALL:

3. OFFICIAL COMMUNICATIONS:

4. ADOPTION OF MINUTES: February 27, 2023

5. OLD BUSINESS:

- a. Case: Variance ZBA 23-08
- Applicant: Felicia Robinson
- Address: 99 Norton St.
- Parcel ID: 14-29-328-015
- Request: Group Childcare Home

6. NEW BUSINESS:

- a. Case: Variance ZBA 23-06
- Applicant: Justin Bridges on behalf of Davidson Architecture & Engineering
- Address: 2100 S Opdyke Rd.
- Parcel ID: 19-03-200-025
- Request: 8' Front Yard Security Fence

7. PUBLIC COMMENT:

8. MISCELLANEOUS:

9. STAFF COMMUNICATIONS:

- a. Next Meeting – Monday, April 17, 6:30 pm.

10. ADJOURNMENT:



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PUBLIC HEARING FORMAT

- I. Opening of Case
- II. Staff Presentation
- III. Commission Questions for Staff
- IV. Applicant's Presentation
- V. Commission Questions for Applicant
- VI. Citizen Questions, Concerns, and Comments (Time Limit Set By Chair)
- VII. Final Questions from Commission
- VIII. Closing of Hearing
- IX. Commission Deliberations
- X. Decision (Approve, Approve with Conditions, Table, Deny)

CITY OF PONTIAC, MICHIGAN

ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
MONDAY, FEBRUARY 27, 2023
6:30 P.M.

ZBA BOARD MEMBERS:

Dean Bevacqua, Chairperson
Elcine Kirkendolph, Vice Chairperson
Sam Anderson, Member
Sonya May, Member
Arthur F. McClellan, Jr., Member
Jenny Burk, Member
Gloria Harris-Ford, Member
Carlos Bueno, Member

FROM THE CITY:

Mark Yandrick, Planning Manager

MINUTES RECORDED BY:

Quentina R. Snowden, (CSR-5519)
Certified Shorthand Reporter & Notary Public
QRS Court Reporting, LLC
800.308.0068 (o)
810.691.4226 (after hours)

MEMBERS OF THE PUBLIC ADDRESSING THE BOARD:

Mark Mahajan, Angela Williamson, Lorraine Lizana, Mattie McKinney Hatchett, Kia Greenhouse-Allen, Sharon Thomas Hardin, Crystal Williams, Sarah Soulliere, Austin Kaiser, Mailon Robinson

1. **CALL TO ORDER:** Acting Chairperson Kirkendolph called the meeting to order at 6:37 p.m.

2. **ROLL CALL (PRESENT):**

Elcine Kirkendolph, Vice Chairperson (Acting Chair)

Carlos Bueno, Member

Sam Anderson, Member

Arthur F. McClellan, Jr., Member

Sonya May, Member

(Quorum present.)

3. **OFFICIAL COMMUNICATIONS:** (None.)

4. **ADOPTION OF MINUTES:** January 23, 2023

Motion to accept the minutes without changes.

Motion: Bueno Support: McClellan

Ayes: Anderson, McClellan, May, Kirkendolph, Bueno

Abstained: NONE Opposed: NONE

(Motion passes 5-0-0)

5. **OLD BUSINESS:** (None.)

6. **NEW BUSINESS:**

A. **Case: Variance ZBA 23-03**

Applicant: Fairway Engineering on behalf of WJH, LLC

Address: 318 Tom Avenue

Parcel ID: 14-30-252-055

Request: 5' side yard setback

(Presentation of facts given by Mr. Yandrick.)

Mr. Mark Mahajan owner of the company introduced himself. He stated it was a construction mishap, it was shifted. He stated the stakes sometimes get shifted. He stated this was not intentional and would appreciate the variance for this minor deviation.

Mr. Yandrick indicated they have repoured in some locations and some locations request a variance. He provided an e-mail from Gerald Allen for the ZBA for consideration.

(Open public comment at 6:46 p.m.)

Ms. Angela Williamson, 268 Payne Avenue approached, stated she is representing many of the homeowners. She is the Board President for one of the condominium associations there. She wanted it noted that they do not want to see any of the variances granted. She stated there has been a lack of communication with this builder, and expressed her concern about the quality of the homes that are being built.

Lorraine Lizana, the treasurer for The Parks at Stonegate Pointe approached. She described that the community is an association and that there are bylaws to be followed. She stated the existing homeowners were not notified of this builder coming in.

She submitted a presentation depicting pictures of the older homes with their architectural features. She described how all of the older homes have outdoor lights, but none of the new ones have lights on the garages. She described how the new homes do not have very much landscaping, and that was a requirement in the old neighborhood. She described various architectural differences between the old and new homes.

Ms. Mattie McKinney Hatchett, 135 Perkins Street approached and stated she is speaking on behalf of the Allen family. She stated she got involved because the builder made a big hole and the child living next door could be hurt. She stated this house is too close to their property and consideration should be given to the Allens.

Kia Greenhouse-Allen stated when they dug the hole it was because of their known mistake, not because of the weather, as the applicant stated.

Sharon Thomas-Hardin, 274 Payne Avenue approached and stated they lived there for 19 ½ years. They were the first ones to live on what they call the larger side. She expressed that they were hoping the subdivision would be complete, however, the builder is leaving the subdivision in poor condition. She stated there is now drainage problems. She proposes that the builder halt all grading and construction of all homes until they have provided written documentation with 7 to 10 days from February 27, that they will fix any and all drainage concerns, as well as any other subdivision concerns that arise while in the community.

Ms. Crystal Williams, 208 Payne Avenue stated she's lived in this subdivision for 19 years. She reiterated the homes are not comparable to the original homes. She described various problems with these new homes, including outdoor lighting, no door walls in the back.

Ms. Angela Williamson approached again and summarized what has been spoken about.

(Public comment was closed at 7:12 p.m.)

Member Anderson stated things that are supposed to be complied with are not, and he's tired of people not following the rules. He spoke about the water pipes not going in right, streets not maintained. He suggested that they deny this variance. He stated they need to follow the bylaws.

Member McClellan stated when he was on City Council they didn't have city lights then, and now here we are in 2023, still no lights. He stated the builder has not worked with the neighbors to resolve these issues. He stated

he's at the point of "just do right." He stated he's agreeing with Member Anderson.

Member May stated last month they were in front of them and she had a bit of a soft spot. She stated today she has a different attitude with the homeowners coming forward expressing their concerns. She asked when does this stop? If they say yes, it may just continue. She said she understands and is agreeing with Member Anderson and Member McClellan.

Member Bueno stated they have heard a lot and seems like this development has had major changes; and discussed title restrictions. He questioned if it's gone through Planning with permits and so forth, how are these things overlooked. He stated Planning and the City needs to be involved with these issues. He stated their concerns expressed are not for the ZBA tonight, only the side variance for this item, but agrees that the City needs to get involved with these other issues.

Mr. Yandrick stated there are different setbacks throughout the neighborhood. He stated he's noted their concerns and will work with the developer moving forward and will look into and discuss their concerns separate from the ZBA decision tonight.

Member Bueno stated there must be a master plan for the development; and expressed specifically the one-story homes.

Mr. Yandrick stated he needs to research further about the master plan for this project and the City's involvement back when it was developed.

Acting Chair Kirkendolph read the email from Gerald Allen. She stated she went over to the Allen's property. She went there with boots on and it was a mess. She stated we need to look out for our citizens. She asked if since there are three variances tonight, can they just table this and find out what's going on for the residents.

Member May stated she's ready to do a motion.

Motion to DENY Variance Case ZBA 23-03 to allow the principal building to have a 5' side yard setback at 318 Tom Avenue, as presented.

Motion: May Support: Anderson

Ayes: Anderson, McClellan, May, Kirkendolph

Opposed: Bueno Abstained: NONE

(Motion passes 4-1-0)

B. Case: Variance ZBA 23-04
Applicant: Fairway Engineering on behalf of WJH, LLC
Address: 296 Alhambra Street
Parcel ID: 14-30-252-118
Request: 23' front yard setback

(Presentation of facts given by Mr. Yandrick.)

Mr. Mark Mahajan approached and stated this is the front setback of just a little over one foot.

(Open public comment at 7:33 p.m.)

Angela Williamson, 268 Payne stated there is a pattern here and they see no reason to grant the variance. She also stated the water problem is not minor.

Lorraine Lizana, 304 Payne Avenue approached and discussed also repairs of tires due to rocks and nails, the lack of sweeping streets.

Sharon Thomas-Hardin expressed the same concerns as previously discussed. In addition, she stated according to the bylaws and master deed, each home is supposed to be even across the front of the property.

Mattie McKinney Hatchett approached and said they need to send the builder a message that they can't do just whatever they want to do.

Crystal Williams discussed that yes, it may seem like it's just a couple of feet, but when houses are not lined up properly, the neighborhood does not look correct. She discussed the two- and one-story homes, and how there is no back yard with the one-story homes.

(Public comment was closed at 7:43 p.m.)

Member May stated at this point the builder just did not verify anything with these projects.

Member Bueno had no additional comments.

Member Anderson referenced Galloway Estates and their bylaws, and how everyone needed to follow the rules, and that this builder needs to follow the rules.

Member McClellan has no additional comment.

Motion to DENY Variance Case ZBA 23-04 to allow the principal building to have a 23' front yard setback at 296 Alhambra Street as presented.

Motion: May Support: Anderson

Ayes: Anderson, McClellan, May, Kirkendolph

Opposed: Bueno Abstained: NONE

(Motion passes 4-1-0)

C. Case: Variance ZBA 23-05
Applicant: Fairway Engineering on behalf of WJH, LLC
Address: 310 Alhambra Street
Parcel ID: 14-30-252-121
Request: 22' front yard setback
(Presentation of facts given by Mr. Yandrick.)

Member Anderson stated they received recommendations from Planning in the past and wanted to know why they are not still receiving those.

Mr. Yandrick stated as per legal they should not be providing recommendations.

Member Anderson asked the applicant if they are willing to work with the City to resolve these issues.

Mark Mahajan affirmed.

Mr. Yandrick stated the options are the applicant can request to withdraw the request, but really there should be a public hearing.

(Open public comment at 7:52 p.m.)

Angela Williamson wanted clarification on Member Anderson's request to resolve issues. She stated because the request is for the variance, as they are motioning to deny the request, by that result, wouldn't they be required to correct the problem? She stated because they screwed up, they need to just fix the issue.

Lorraine Lizana stated they have been dealing with this issue for a while, meeting with the previous City planner and inspector and deputy mayor.

Crystal Williams described how they dropped brick for all the homes, and it's all the same color. She stated the intent was no homes next to each other would have the same color brick as the other.

Member May asked what they are doing with the ranch style homes, if that's acceptable?

Angela Williamson stated they are not okay with it.

Crystal Williams said haven't been asked for any input.

Sharon Thomas Hardin stated to piggyback on that, they have asked the developer why they are allowing Century Communities to complete or build any of style home there. She described on the size of the homes.

(Public comment was closed at 8:02 p.m.)

Member Anderson stated they should tear it down and have to rebuild it according to City codes and the bylaws of the association.

Bueno stated unlike the other cases, this one is too far out, it's two and a half feet solid, and it would be obvious.

Motion to DENY Variance Case ZBA 23-05 to allow the principal building to have a 22' front yard setback at 310 Alhambra Street as present.

Motion: Anderson Support: May

Ayes: Anderson, McClellan, May, Bueno, Kirkendolph

Abstained: NONE Opposed: NONE

(Motion passes 5-0-0)

D. Case: Variance ZBA 23-08
Applicant: Felicia Robinson
Address: 99 Norton Street
Parcel ID: 14-29-328-015
Request: Use Variance for childcare center in R-1 Zoning District

(Presentation of facts given by Mr. Yandrick.)

(Open public comment at 8:12 p.m.; no one approached; public comment was closed.)

Member Bueno asked if there's minimum square footage for that many kids.

Member McClellan wanted to know who would monitor it does not go over 12 children.

The applicant is not present to address the Board's questions, so a motion to table was made.

Motion to table ZBA 23-08, 99 Norton Street.

Motion: McClellan Support: Anderson

Ayes: Anderson, McClellan, May, Bueno, Kirkendolph

Abstained: NONE Opposed: NONE

(Motion passes 5-0-0)

E. Case: Variance ZBA 23-09
Applicant: Sarah Soulliere (SDS Stone Paving)
Address: 435 and 451 Auburn
Parcel ID: 14-28-460-029 and 14-28-460-035
Request: Use Variance for a landscaping company in a C-1 zoning district

(Presentation of facts given by Mr. Yandrick.)

Sarah Soulliere, 664 Nichols, Auburn Hills, approached and described she has been handling this business since 2014; her father passed away and lost buildings and equipment and trucks and inventory and had to move and scale down. She selected this property for the business. She stated no one will be on site, that it's just materials.

(Open public comment at 8:27 p.m.)

Mailon Robinson, 108 Sanford approached. He stated they are going to have more rodents, and it's going to create more problems.

(Public comment was closed at 8:32 p.m.)

Member May stated she's not too familiar with the site and how that would look.

Sarah Soulliere stated they have not been able to organize it, as a stop order was placed before they could clean up and organize the site.

Austin Kaiser, 664 Nichols stated they are prepared to clean the property up. That a lot of that was on-site when they arrived. He described the fence they want to put up.

Member Bueno stated he doesn't see any reason to grant the variance which does not allow outdoor storage. He explained they need five votes to pass.

Member Anderson stated he spoke to people about the area and he's concerned about the fence.

Mr. Yandrick said they could help the applicant find the right property for this use.

Motion to DENY Variance Case ZBA 23-09 to allow a landscaping business as an outside storage facility at 435 and 451 Auburn Avenue.

Motion: Anderson Support: McClellan

Ayes: Anderson, McClellan, May, Bueno, Kirkendolph

Abstained: NONE Opposed: NONE

(Motion passes 5-0-0)

F. Case: Variance ZBA 23-10
Applicant: Sarah Soulliere (SDS Stone Paving)
Address: 435 Auburn
Parcel ID: 14-28-460-029
Request: 6 foot fence in front yard

(Presentation of facts given by Mr. Yandrick.)

Sarah Soulliere stated if it's denied, they will take it down and take it with them, because they paid for it. She stated either way, she's good with their decision.

(Open public comment at 8:49 p.m.; no one approached; public comment was closed.)

Member Bueno discussed the height of the fence causing an issue with it being on a corner. He indicated he's against the barbed wire.

Motion to GRANT variance ZBA 23-10 to allow a 6' chain link fence in the front yard at 435 Auburn based on staff review, so long as fence location is reviewed and is deemed to be safe for the location; and no barbed wire on top.

Motion: Bueno Support: McClellan

Ayes: Bueno

Opposed: Anderson, McClellan, May, Kirkendolph

Abstained: NONE

(Motion fails 1-4-0)

7. Public Comment: (Opened at 8:53 p.m.)

Sharon Thomas Hardin approached regarding Stonepointe. She stated she feels that the zoning board or the planning department bears some responsibility for the variances requested.

(Public comment closed at 8:55 p.m.)

8 Miscellaneous: (None.)

9 Staff Communications:

Mr. Yandrick stated for the March 20th they have a tabled item and a front yard variance to address.

He further stated there have been a lot of bad past practices in the city and they are hiring staff and establishing processes to address these issues.

He did state for the Stonepointe project, they are going to look for the original design guidelines.

He stated they are hiring two planners in the next couple of weeks.

He reminded the Board that in April they are doing a Planning Commission training with the City's legal consultants and a planning consultant. He stated he has no doubt that they will have a similar training with the ZBA as well.

10 Adjournment at 9:02 p.m.

Minutes certified by:



/s/ Quentina Rochelle Snowden, CSR-5519

Certified on: March 16, 2023

QRS Court Reporting, LLC

800.308.0068 (o)

810.691.4226 (after hours)



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: February 17, 2023

Variance Analysis For the City of Pontiac, Michigan

Applicant: Felicia Robinson
Property Address: 99 Norton Street
Property I.D. #: 14-29-328-015
Zoning: R-1 One Family Dwelling
Action Requested: Consideration of a Use Variance

VARIANCE REQUEST

The applicant is seeking a Use Variance (Case #: ZBA-23-008) for permission to operate a *Group Child Day Care Home* in a single family residential district. The applicant proposes to use her private home for a childcare center that will operate on weekdays, from 8am – 5pm, and will serve up to twelve (12) children. The City Zoning Ordinance categorizes such Day Care Homes under “State Licensed Residential Facilities,” which are limited to R-2, R-3, and C-0 districts and are only permitted as a special exception use. The applicant has provided aerial and street level photography of the subject site. Additional images of the proposed site location are provided on the following page.

At the February 27, 2023 ZBA meeting the board tabled the request due to the applicant’s absence. The applicant has since provided a plot plan which is attached.

Figure 1: Aerial View of the Property

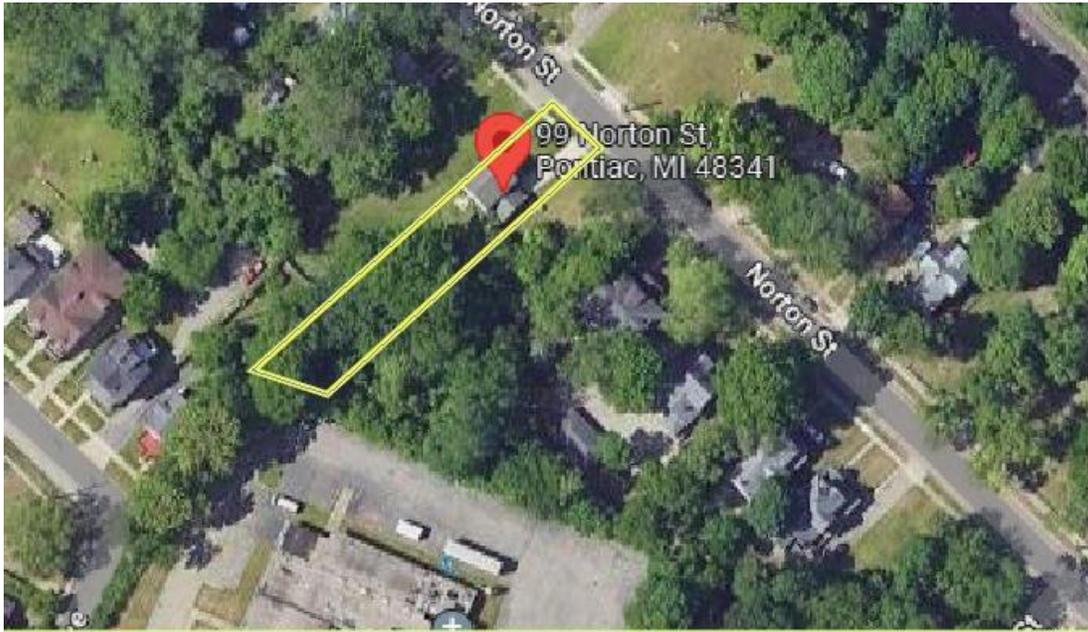


Figure 2. Parcel View of the Property, Current Zoning



-  R-1 One Family Dwelling
-  R-2 Two Family and Terrace Family Dwelling
-  R-3 Multiple Family Dwelling

BUILDING LOCATION AND SITE ARRANGEMENT

The subject site is occupied by a single family dwelling in a district zoned exclusively for single family dwellings. However, and as demonstrated in the Zoning Map above, the subject site is located between R-2 and R-3 districts. Google Maps indicates that the site is located behind a church building, on a large lot, in the R-3 district. Laterally, the site is located between two vacant residential lots. Another vacant lot is across the street. With the exception of these three vacant lots, Norton Street is occupied by single family homes. Parking options at the subject site are limited to one (1) residential driveway and on-street parking. We also note there is a railroad line running parallel to Norton Street, less than 300 feet from the proposed Day Care Home.

CONSIDERATIONS FOR THE PROPOSED VARIANCE

A use variance shall not be granted unless the Zoning Board of Appeals finds, on the basis of substantial evidence presented by the applicant, that there is an unnecessary hardship in the way of carrying out the strict letter of this ordinance. In determining that an unnecessary hardship exists, the Zoning Board of Appeals must find that:

1. The property in question cannot be reasonably used or cannot yield a reasonable return on a prudent investment if the property would be used only for a purpose allowed in the zoning district.

CWA Comment: The property in question can be and is used as a single family dwelling, per zoning regulations.

Finding of Fact: The property in question has no inherent limitations as it is currently zoned.

2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.

CWA Comment: The applicant desires to use the site for purpose that is not permitted in the R-1 district. The zoning conflict is applicable to the entire district as opposed to any circumstances that are unique to the property. However, the R-1 district is directly adjacent to an R-2 and R-3 district, which have broader development options than the site in question.

Finding of Fact: The plight is not due to unique circumstances peculiar to the property. What is unique about the property, however, is that the applicant already owns the property and can sustain a daycare at this site.

3. The use to be authorized by the variance will not alter the essential character of the area and locality.

CWA Comment: If a conditional approval is granted, the proposed use may alter the essential character of the area, although not significantly. The ZBA should consider the potential impact of customer traffic, delivery trucks, and parking.

Findings of Fact: The proposed use will have no significant impact on the essential character of the area.

4. The problem is not self-created.

CWA Comment: There are no actions the applicant has taken to cause the need for variance. The applicant may open a childcare center in another location, an option that might be less economically feasible to the applicant.

Findings of Fact: The problem is not self-created.

5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.

CWA Comment: The Zoning Ordinance requires that a private residential daycare be approved as an application for Special Exception Use, though not in the R-1 district. We note that the subject site sits between two districts where a private residential daycare would be permitted as a Special Exception. Therefore, the proposed use is somewhat consistent with/approximate to the spirit of the ordinance. The proposed use is unlikely to have an effect on public safety and public welfare.

Findings of Fact: The proposed use does not pose a significant departure from the regulations set forth by the Zoning Ordinance.

6. There is compliance with the standards set forth in Section 6.401.B.

CWA Comment: Section 6.401.B seeks to protect the surrounding vicinity from any detrimental effect on property values, public health, and welfare. We determine that the proposed scale and the proposed nature of the applicant's business are unlikely to affect the surrounding vicinity in any negative way, as long as strict adherence to the maximum number of clients is applied. Our determination is supported by our understanding that the subject site is not immediately adjacent to another home, as the majority of adjacent parcels are vacant, and that clients will only require temporary parking.

Findings of Fact: The proposed use indicates compliance with the standards set forth in Section 6.401.B.

7. There is compliance with any applicable standards for discretionary decisions as contained in Section 6.303.

- a) Be harmonious with and in accordance with the general principles and objectives of the comprehensive master plan of the City of Pontiac.

CWA Comment: The City Master Plan designates the future categorization of the site, as well as the surrounding vicinity, as Traditional Neighborhood Residential. This district is intended to be reserved for a range of civic and residential uses, such as schools. Daycare centers are not explicitly named but would likely complement these uses.

- b) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity by way of size, character, or location.

CWA Comment: State licensed, private home daycares are not permitted in the R-1 district but are permitted by special exception across the street from the subject site. The applicant has not proposed any site improvements that would change the physical character of the location.

Section 2.506 of the Zoning Ordinance requires that adequate area be provided for parking. However, the applicant has not submitted any proposals related to parking. The Zoning Ordinance requires a minimum of three (3) parking spaces for this use.

- c) Not change the essential character of the area in which it is proposed, and not adversely affect the development or redevelopment of the surrounding neighborhood.

CWA Comment: As long as the proposed business is compliant with state licensed facility regulations and is limited in scale, it is unlikely to change the essential character of the area.

- d) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

CWA Comment: The proposed use does not include hazardous effects on the surrounding vicinity. Further, it can potentially serve as an improvement to the surrounding neighborhood and community.

- e) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.

CWA Comment: As an existing single family district residence, the site will be served adequately by essential public facilities and services. We defer further comment about the functional capacity of the site's sewerage to the City Engineer.

- f) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, or odors out of proportion to that normally prevailing in the particular district.

CWA Comment: The proposed use will add to the volume of traffic on Norton Street but will have an insignificant effect on levels of noise. The proposed use is not cause for any detrimental effects.

- g) Maintain all proposed structures, equipment, or materials in a readily accessible manner for police and fire protection.

CWA Comment: The proposed use is unlikely to limit accessibility related to police and fire protection.

Findings of Fact: The applicant has not proposed any site improvements that would alter the existing character of the vicinity. The ZBA will need to discuss parking with the applicant. With strict adherence to the subject site's boundaries and to other applicable regulations, the proposed use will not adversely affect the development of the surrounding neighborhood.

FINDINGS OF FACT

1. *The property in question can be reasonably used a single family residence. The applicant is the current owner and occupant of the dwelling.*
2. *The plight is not due to unique circumstances peculiar to the property. What is unique about the property, however, is that the applicant already owns the property and is more likely to sustain a licensed daycare at this location than at any other location.*
3. *The proposed use will have no significant impact on the essential character of the area.*
4. *The problem is not self-created.*
5. *The proposed use does not pose a significant departure from the regulations set forth by the Zoning Ordinance.*
6. *The proposed use indicates compliance with the standards set forth in Section 6.401.B.*
7. *The applicant has not proposed any site improvements that would alter the existing character of the vicinity. The ZBA will need to discuss parking with the applicant. With strict adherence to the*

subject site's boundaries and to other applicable regulations, the proposed use will not adversely affect the development of the surrounding neighborhood.

RECOMMENDATION

As a matter of practice, staff only provides analysis and not a recommendation on variances.

Should the ZBA vote to approve this variance, we recommend the applicant adhere to the following conditions:

-
1. Provision of a landscape plan, which should include proposed outdoor play areas and screening along the lot perimeter, by fence or natural barrier with a minimum height of 48 inches. We further, we recommend fencing as this barrier to improve safety for children using the proposed Daycare. Not only do we note the trafficked residential street in front of the site, we note the railroad in proximity.
 2. Provision of a development schedule for the landscape and fencing plan be provided before a use variance is granted.
 3. Limit operation to no earlier than 7am and no later than 6pm (as proposed).
 4. The use shall not encroach on any adjacent lots, including any vacant lots.
 5. The applicant receives and maintains licensure from the State of Michigan.
-



CARLISLE/WORTMAN ASSOC., INC

Richard K. Carlisle, FAICP

Past President/Senior Principal

SAMPLE MOTION TO APPROVE:

I move to APPROVE the requested use variance to allow for a childcare center in the R-1 Zoning District based on the following findings of fact:

1. It complies with Standard 1 based on the fact that...
2. It complies with Standard 2 based on the fact that...
3. It complies with Standard 3 based on the fact that...
4. It complies with Standard 5 based on the fact that...
5. It complies with Standard 6 based on the fact that...
6. It complies with Standard 7 based on the fact that...

Sample Conditions:

Furthermore, the following conditions shall apply:

1. Provision of a landscape plan, which should include proposed outdoor play areas and screening along the lot perimeter, by fence or natural barrier with a minimum height of 48 inches. We further, we recommend fencing as this barrier to improve safety for children using the proposed Daycare. Not only do we note the trafficked residential street in front of the site, we note the railroad in proximity.
2. Provision of a development schedule for the landscape and fencing plan be provided before a use variance is granted.
3. Limit operation to no earlier than 7am and no later than 6pm (as proposed).
4. The use shall not encroach on any adjacent lots, including any vacant lots.
5. The applicant receives and maintains licensure from the State of Michigan.

SAMPLE MOTION TO DENY:

I move to DENY the requested use variance to allow for a childcare center in the R-1 Zoning District based on the following findings of fact:

1. It does not meet standard ___ based on the fact that...

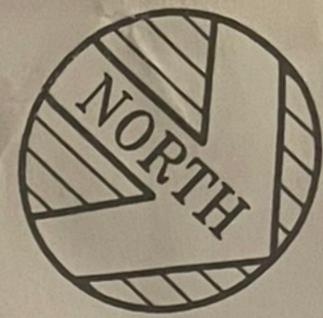
SAMPLE MOTION TO POSTPONE

I move to POSTPONE requested use variance to allow for a childcare center in the R-1 Zoning District until the regularly scheduled April 17, 2023 ZBA meeting.

MORTGAGE SURVEY

Applicant: FELCIA ROBINSON

Property Description: Lot 175 and the Southeastly 50 feet of the Northwesterly 100 feet of Lot 183, also all of vacated alley adjacent to same; SANDERSON AND JOHNSTON'S ADDITION TO THE CITY OF PONTIAC, Oakland County, Michigan, being part of the N.E. 1/4, part of N.W. 1/4 and part of S.W. 1/4 of Sec. 29, T.3 N., R.10 E., as recorded in Liber 1 of Plats, Page 33 of Oakland County Records.



REM. OF LOT 183

S'E.LY. 50' OF N'W.LY. 100' OF LOT 183

REM. OF LOT 183

VAC. ALLEY 20' EASE.

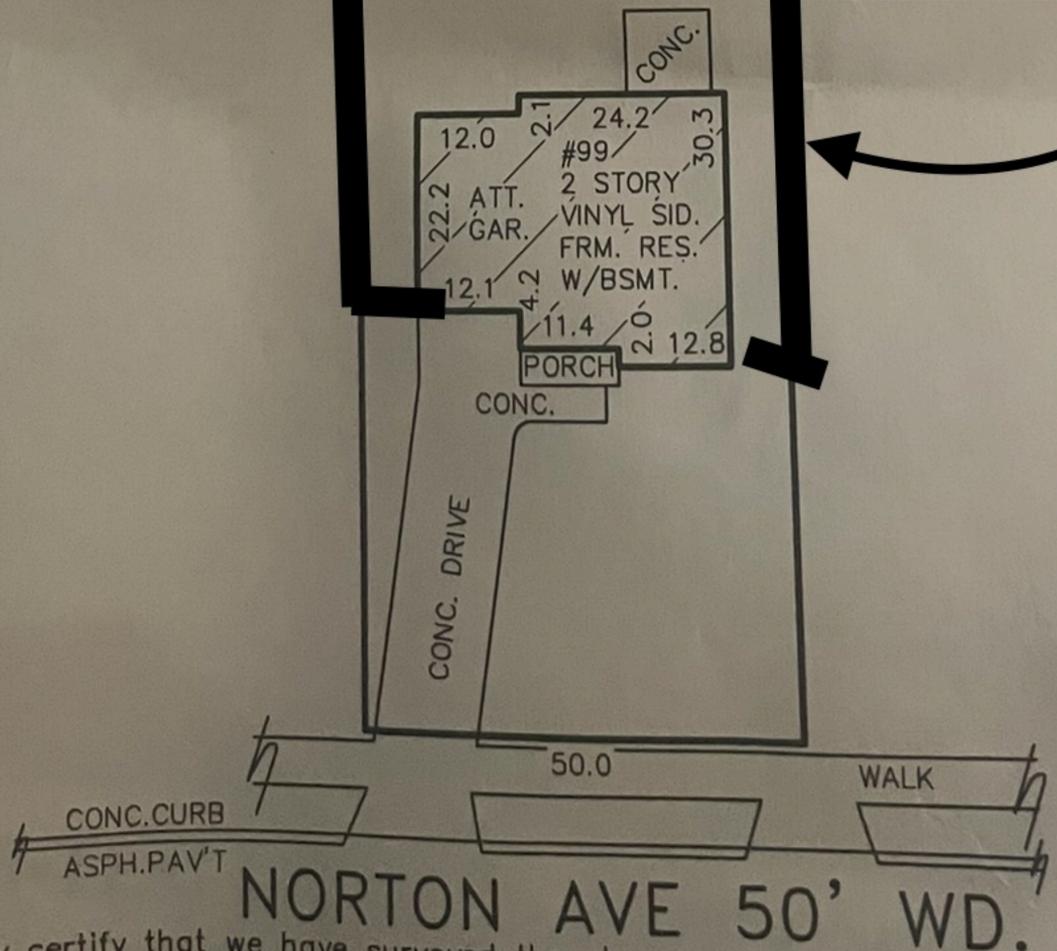
LOT 174 (VAC.)

LOT 175

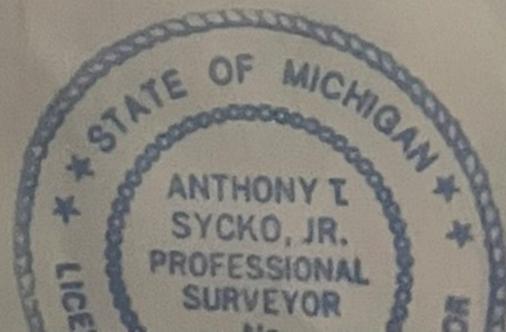
LOT 176 (VAC.)

6 feet fencing
Wood material

NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings





Application for Zoning Board of Appeals

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: 99 Norton Street

Sidwell Number: 14-29-328-015

Date: 1/7/2023

Office Use Only

PF Number: _____

Instructions: Applications for Zoning Board of Appeals shall be filed with the Office of Land Use and Strategic Planning at least 30 days before the regularly scheduled Zoning Board of Appeals Meeting. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	Felicia Robinson		
Address	99 Norton Street		
City	Pontiac		
State	Michigan		
ZIP Code	48341		
Telephone	Main: 2487106164	Cell:	Fax:
E-Mail	Journeytopeaceedu@gmail.com		

Property Owner – if different (please print or type)

Name			
Address	Same		
City			
State			
ZIP Code			
Telephone	Main:	Cell:	Fax:
E-Mail			

Property Information:

Property Address: 99 Norton Street, Pontiac, MI 48341

Zoning of Property: R-1

The subject property is legally described as follows (include sidwell numbers):

Lot 00175, Block 0000, of Sanderson & Johnstons ADD

Purpose of request:

Receive zoning approval in order to operate a group childcare home at 99 Norton Street.

Please explain the nature of your hardship in accordance with the conditions listed above:

I am unable to find suitable access to childcare, resulting in inconsistencies in my income.

Licensing my home as a group childcare will help to alleviate my issues.

Has a request ever been submitted to/or reject by the Planning Commission? Yes No

If yes, state circumstances: I was advised to submit a Zoning Variance appeal after inquiring about the use for my location with the planning commission.

Felicia Robinson

Signature of Applicant

Felicia Robinson

Signature of Owner

State of Michigan
County of Oakland

On this ___ day of _____, A.D., 20___, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.

Notary Public, Oakland County, Michigan
My Commission Expires: _____

GCCH Zoning Variance Approval:

99 Norton Street

Purpose:

Operate a Group Childcare Home (GCCH), capacity 10-12 children. Hours: 8a-5p (Mon-Fri)

I (Felicia Robinson), have worked in childcare since 2018. After obtaining a Bachelors in Early Childhood Studies, I became more passionate about starting my own daycare. I also had two wonderful children since becoming an educator, and they are my biggest motivator for making the transition.

During the quarantine, I worked from home and was able to manage my work and caring for my children. When the quarantine ended, I worked for a few months and had to leave my job. There was no one to consistently watch my children, and I had no vacation/sick time left after returning from maternity leave. After applying to many jobs, I saw that nothing fit the time constraints I had. I knew that opening my daycare was the only option for me.



Thank you for the opportunity to start my business, and to help other families find affordable quality education for their children.

Per the Michigan Zoning Enabling Act; My home meets the following requirements:

(a) Is no closer than 1500 feet from:

- Another licensed GCCH
- Adult foster care home
- A facility offering substance abuse care
- A community correction center or other inmate housing facility

(b) Appropriate fencing for safety, and to the standards of local government.

*For subsection (b), I will be following up with plans to build a fence. The fence will be no more than 7ft, or whatever maximum height is allowed.

(C) Maintains property consistent with conditions of the neighborhood.

(d) Does not exceed 16 hours of operation during a 24-hour period, hours of operation between 8:00am - 5:00pm (Monday-Friday).

(e) Meets regulations governing signs used by a GCCH to identify itself. I will not use signs to identify the home. Families will receive an address, and will attend orientation before the first day. This will ensure safety, and discretion while maintaining the appearance of the neighborhood.

(f) Off-street accommodations will be provided. Employees will park in the drive-way between 8a-5p.

Mark Yandrick

From: Mark Yandrick
Sent: Monday, December 12, 2022 2:14 PM
To: 'thehappiesthour'
Subject: RE: Use Variance

Felicia,

A group childcare home at 99 Norton Street in Pontiac is not a permitted use for the R-1 zoning district for your property. It would require a Use Variance to operate that business in that location.

Thanks,
Mark

Mark Yandrick, AICP, GISP
Planning Manager



Office: 248.758.2816 | Fax: 248.758.2827
e: myandrick@pontiac.mi.us | www.pontiac.mi.us
47450 Woodward Avenue | Pontiac, MI 48342

Click on a logo below for City of Pontiac updates via Social Media:



From: thehappiesthour [mailto:felicia1794@gmail.com]
Sent: Wednesday, December 7, 2022 2:11 PM
To: Mark Yandrick <MYandrick@pontiac.mi.us>
Subject: Re: Use Variance

WARNING: This email originated from outside of City of Pontiac. DO NOT click on any links or open any attachments unless you recognize the sender and are expecting the message.

Hello,

I am applying for zoning approval for a group childcare home at the location of 99 Norton Street, Pontiac, MI, 48341.

Felicia Robinson

On Dec 7, 2022, at 1:17 PM, thehappiesthour <felicia1794@gmail.com>, wrote:

Hello Mark,

The property will be used as a Group Childcare Home. Is there anything else I should have prepared to obtain zoning approval?

On Dec 7, 2022, at 12:38 PM, Mark Yandrick <MYandrick@pontiac.mi.us> wrote:

Felicia,

First off, I need to provide a letter stating the use is not permitted. Please reply to this email with what you are looking to apply for your property at 99 Norton Street. I will provide a response.

After you receive the communication from me, you may apply for a use variance. The attached sheet shows the process and standards of approval. The ZBA Variance Application can be found [here](#). There is a \$1,000 fee for a Use Variance application.

Please let me know if you have any questions.

Thanks,
Mark





Mayor Deirdre Waterman

CITY OF PONTIAC

Planning & Zoning Division
City Hall - 47450 Woodward Avenue
Pontiac, Michigan 48342-5009
248-758-2800 | FAX 248-758-2827

Vern Gustafsson
Planning Manager
Donovan Smith
City Planner
Patrick Brzowski
Code Enforcement Manager

Zoning Verification Request

Email completed form to PontiacPZD@Pontiac.mi.us
(ALL FIELDS ARE REQUIRED, INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED)

Name: Felicia P. Robinson
Company: Journey To Peace Academy
Address: 99 Norton Street
City: Pontiac State: MI Zip Code: 48341
Phone: 248-710-6164 Email: journeytopeaceedu@gmail.com

Property Information: Commercial Residential

Property Address: 99 Norton Street
Tax Account Number(s): 14-29-228-015 *Find your Property Tax ID online*
Parcel(s): Lot 00175, Block 0000 of Sanderson & Johnstons Add
Current Use: Residential Proposed Use: Commercial / Group Daycare home

Requested information: (Check all that apply)

- Zoning category Permitted Uses Development/Site Plan(s)
- Adjacent property zoning Historic District Overlay Districts
- Rebuild Structure Variances, Special Exceptions, Zoning Conditions

Other: Zoning Approval for GCCH at 99 Norton Street

Choose a payment option: *The cost for a zoning verification/buildable lot letter is \$150.00 per address/parcel. Additional fees apply to copies of plan(s) and document(s). You will be notified of total amount due and payment must be made prior to assignment.*

- Cash (must be in person) Check (payable to City of Pontiac) Credit Card

Applicant Signature: Felicia Robinson Date: 1-24-2023

The turnaround time for all requests varies depending on the research requirement.



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Planning Division
CC: Mark Yandrick

FROM: Dick Carlisle, FAICP
Anna Wysocki, Community Planner

DATE: March 15, 2023

RE: Staff Report: 2100 South Opdyke Road

Executive Summary:

The applicant, Davidson Architecture & Engineering, on behalf of property owner Sealy South Opdyke Road, LLC, is requesting a non-use variance to construct an eight (8) foot security fence in the front yard of the property at 2100 South Opdyke Road for the GM Warehouse that is under of construction. As a matter of practice, staff only provides analysis and not a recommendation on variances.

Overview:

The subject site is located on the west side of South Opdyke Road, approximately one (1) mile north of Square Lake Road. The applicant proposes to construct a security parallel to the front lot line and forty (40) feet inward. The majority of the proposed fence will run north/south along the lot line, but at the south end of the yard, the fence will be redirected to the west, toward the building, and framing the parking lot. The applicant is requesting a five-foot variance for a proposed security fence, as the maximum allowable height for a front yard is three (3) feet. The fence would be visible from Opdyke Road, a commercial corridor, and from a residential area to the east. A map and aerial images of the site are provided on the following page.

Exhibit A. Parcel View of Site



Source: Oakland County Parcel Viewer

Exhibit B. Aerial View of Site



Source: Oakland County Parcel Viewer

Table 1.0 – Requirements

Zoning	M-2 Heavy Manufacturing
Front Setback	40 feet, with front parking

History:

The subject property is zoned M-2, for Heavy Industrial Use. City Council approved a rezoning to M-2, Heavy Industrial in 2015 and Planning Commission approved the site plan for General Motors’ Oakland Logistics Park in 2020. An industrial warehouse facility has since been constructed on the site.

Adjacent parcels are zoned M-2 Heavy Manufacturing to the north, and C-4 Suburban Business to the south and west. A residential development is located on the opposite side of Opdyke Road.

Regardless of site history, fencing regulations are the same in M-2 Districts as they are in C-4 districts. That is, front yard fences are to be decorative and are not to exceed three (3) feet. Taller fences are permitted in the side and rear yards and the business has approved plans for fences within those areas of the site. Therefore, the applicant must receive a variance for the front yard the proposed fence in order for its construction to comply with the Zoning Ordinance.

Zoning Code Regulations & Standards of Approval

Authority- The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to area, a dimension, or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

Practical Difficulty- A nonuse variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance (see Section 6.407.B). To determine whether a practical difficulty exists, the Zoning Board of Appeals must find seven conditions do exist (see Section 6.407.B. 1-7). These conditions, and our evaluation of each, are presented below:

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

***Analysis:** The applicant has relayed that the facility will be used to provide support for the General Motors Orion Plant. Batteries and other items used in the production of electric vehicles will be stored at the site. The proposed use is permitted by right at this location. The applicant states that it is imperative to have a fence for this use. While granting of this variance will provide the applicant with increased safety at their facility, a strict application of the ordinance standard on fences does not prohibit the applicant from using the property for a permitted M-2 use.*

***Findings of Fact:** Strict compliance with M-2 fencing regulations create a reasonable hardship for the applicant’s use of this site. The proposed industrial warehouse has been approved.*

2. Granting of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

***Analysis:** The height of front yard fences is restricted to three (3) feet in all M-2 districts. The applicant is requesting a five (5) foot variance for the purpose of security; to safeguard on site truck circulation as well as to secure valuable items. The ZBA might consider if the proposed use uniquely justifies the proposed fence, or if the applicant can achieve the same outcome using other strategies, such as building alarms, and dense, perimeter landscaping. Granting of*

this variance will allow the applicant to continue to operate their facility at this location with increased safety, however, it is unclear why an eight-foot fence is necessary when a lesser variance to allow for a six-foot security fence would achieve the same protection.

Finding of Fact: *Strict application of the height restriction may inhibit the applicant from using the site for the previously approved use. However, the applicant should discuss with the ZBA whether lesser variances are possible. For example, alternative methods of security might be paired with a shorter fence.*

3. The plight of the applicant is due to the unique circumstances of the property.

Analysis: *There does not appear to be anything unique about the property justifying the need for an increased fence. The justification appears to be tied to the applicants chosen use of the parcel rather than the characteristics of the parcel itself.*

Findings of Fact:

4. The problem is not self-created.

Analysis: *The approved site plan did not include a front yard fence and the Zoning Ordinance clearly states that front yard fences are restricted to three (3) feet in M-2 districts. The problem necessitating an eight-foot security fence appears to be the result of the applicant's chosen use of the property.*

Findings of Fact: *The problem is not self-created.*

5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.

Analysis: *While granting of this variance will secure the public safety and welfare by ensuring the use of the property is protected, however, the intention of the ordinance is to create an attractive and livable urban environment by insuring decorative fencing in the front yards of properties. There are a considerable number of people who live across Opdyke Rd who will be impacted by the placement of this fence. For this reason, it does not appear to be consistent with the spirit of the ordinance.*

Findings of Fact: *The applicant should discuss measures that can be taken to maintain the quality of the adjacent commercial corridor and near adjacent residential neighborhood. Aside from this concern, we note that the proposed security fence can have a positive effect on public safety.*

6. There is compliance with the standards set forth in Section 6.401.B.

Analysis: *Section 6.401.B seeks to protect the surrounding vicinity from any detrimental effect on property values, public health, and welfare. We note potential impacts to public safety as well as to property values (visual impact, blight), in the sections above. The commission may consider granting a lesser variance or requiring decorative features as a condition of approval. This will benefit the neighboring residents while allowing the applicant to protect their property.*

Findings of Fact: *The requested variance for fencing may safeguard public safety by creating a necessary buffer/boundary. Further, the proposed facility will fill a vacancy and can have a positive effect on economic development. However, the ZBA might discuss conditions for approval that can prevent the proposed fence from having a negative impact on surrounding*

property values and that will help buffer the surrounding public from industrial noises and visual cues.

7. There is compliance with the standards for discretionary decisions as contained in Section 6.303 STANDARDS FOR APPROVAL.

Analysis: *Approval of this variance would appear to conflict with the Master Plan’s goals to strengthen the City’s sense of place and improve existing neighborhoods through attention to aesthetics. Further, an eight-foot chain link fence would not be harmonious and appropriate in appearance with the existing character of the neighborhood and would pose a risk to potential redevelopment in the adjacent neighborhood by establishing a walled off section of the neighborhood. The applicant is proposing a manual gate which may pose a risk to fire and police accessibility.*

Conversely, approval of this various would not appear to present a direct hazard to the community unless barbed wire is later introduced. The rest of the standards do not appear to be applicable to the applicant’s request.

Findings of Fact: *The proposed variance may be compliant with the standards within section 6.303 if the following considerations are addressed:*

- 1. The ZBA may consider granting of a lesser variance more consistent with the goals of the Master Plan.*
- 2. Analysis of police and fire protection should be deferred to these respective agencies.*

Summary:

The applicant is requesting a dimensional variance for the construction of a front-yard security fence, after receiving approval to develop an industrial facility and after beginning construction of said industrial facility on the subject site. The proposed use is a welcome revitalization of a previously vacated industrial site, and the applicant states that the proposed, eight (8) foot fence is imperative to the future use of the site, which has already been approved. However, a lesser variance, or amendments to the design and function of the proposed fence should be discussed, as the desired outcome might be achieved with a proposal that offers more strategies for meeting the spirit of the Zoning Ordinance.

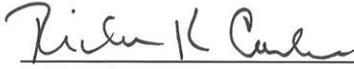
Recommendation:

If the ZBA feels that the applicant’s request meets the standards of approval, they may consider APPROVAL of the variance. If the ZBA does not feel the applicant’s request meets the standards of approval, they may consider DENIAL of the variance. Please note, every standard must be met in order to approve a variance. If one or more standard is found to not be met, then the ZBA must deny.

2100 S. Opdyke Rd. – Dimensional Variance for Front Yard Fence
March 15, 2023

Attachments:

1. Application
2. Site Plan



CARLISLE/WORTMAN ASSOC., INC
Richard K. Carlisle, FAICP
Past President/Senior Principal



CARLISLE WORTMAN ASSOC., INC.
Anna Wysocki
Community Planner

Edited by:
Corey Christensen, AICP
Senior Planner

SAMPLE MOTION TO APPROVE:

I move to APPROVE the requested variance from section 4.103(B)(1) to allow for an eight-foot fence in the front yard at 2100 S. Opdyke Rd. based on the following findings of fact:

1. It complies with Standard 1 based on the fact that...
2. It complies with Standard 2 based on the fact that...
3. It complies with Standard 3 based on the fact that...
4. It complies with Standard 5 based on the fact that...
5. It complies with Standard 6 based on the fact that...
6. It complies with Standard 7 based on the fact that...

Optional Sample Conditions:

Furthermore, the following conditions shall apply:

1. The proposed gate will be reviewed and approved by the Fire and Police Departments to insure accessibility for emergency vehicles.
2. The fence shall be maintained in good condition.
3. The fence shall not include barbed wire other objectionable materials.

SAMPLE MOTION TO DENY:

I move to DENY the requested variance from section 4.103(B)(1) to allow for an eight-foot fence in the front yard at 2100 S. Opdyke Rd. based on the following findings of fact:

1. It does not meet standard ___ based on the fact that...

SAMPLE MOTION TO POSTPONE

I move to POSTPONE the requested variance from Section 4.103(B)(1) at 2100 S. Opdyke Rd. until the regularly scheduled April 17, 2023 ZBA meeting.



Application for Zoning Board of Appeals

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: 2100 S Opdyke Rd.

Sidwell Number: 19-03-200-025

Date: 01/25/2023

Office Use Only

PF Number: _____

Instructions: Applications for Zoning Board of Appeals shall be filed with the Office of Land Use and Strategic Planning at least 30 days before the regularly scheduled Zoning Board of Appeals Meeting. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	Davidson Architecture & Engineering (Justin Bridges, AIA, LEED AP)		
Address	4301 Indian Creek Pkwy		
City	Overland Park		
State	Kansas		
ZIP Code	66207		
Telephone	Main: 913.451.9390	Cell: 816.806.7995	Fax: 913.451.9391
E-Mail	justin@davidsonAE.com		

Property Owner – if different (please print or type)

Name	Sealy South Opdyke Road, LLC (Tom Foos)		
Address	8401 N Centrla Expy, #150		
City	Dallas		
State	Texas		
ZIP Code	75225		
Telephone	Main: 214.239.5127	Cell: 312.560.1424	Fax:
E-Mail	tomf@sealynet.com		

Property Information:

Property Address: 2100 S Opdyke Rd.

Zoning of Property: M-2 Heavy Manufacturing

The subject property is legally described as follows (include sidwell numbers):

Attached

19-03-200-025

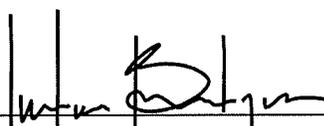
Purpose of request:

To obtain a variance for the proposed front yard security fence to provide a safe and secure lot.

Please explain the nature of your hardship in accordance with the conditions listed above:

A security fence is required for the tenant (GM) in order to provide a safe and secure lot. A combination of secured gates will help to manage truck traffic through a secured guard shack, while passenger cars are still able to access the main parking lot. The fence is proposed as an 8' high, black vinyl coated chain link.

Has a request ever been submitted to/or reject by the Planning Commission? Yes No
If yes, state circumstances:



Signature of Applicant



Signature of Owner

State of Michigan
County of Oakland

On this ____ day of _____, A.D., 20____, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.

Notary Public, Oakland County, Michigan
My Commission Expires: _____



Zoning Board of Appeals Information

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Act 207, P.A. of 1921 provides that a City may establish a Board of Appeals to hear requests for variances to the literal application of the provision of the Zoning Ordinance where, by reason of peculiar conditions unnecessary hardship may result from strict conformity.

The Board of Appeals has not power to legislate. Its purpose is to provide a measure of flexibility for the Zoning Ordinance. The Board has the authority upon appeal, to vary the provisions of the Zoning Ordinance where practical difficulty and unnecessary hardship would result by rigid application of the regulations.

The Board of Appeals can grant a variance only where an unusual circumstance leads to unnecessary hardship for the particular property owner.

It has been upheld in the courts that merely because an owner can secure a greater return from his property by changing its uses is not sufficient grounds for requesting a variance. A hardship must be something other than of a financial nature.

If you wish to appear before the Board of Appeals, you must show that the following conditions exist, and so indicate of the attached application form.

- 1.) That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not generally apply to the other properties in the same Zoning District.
- 2.) That such a variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity.
- 3.) That the authorizing of such a variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of the Ordinance.
- 4.) Plans drawn to scale showing shape and dimension of lots, buildings and lines of proposed building to be erected, altered or use change, Such other information with regard to lot or neighboring lots, proposed uses, as may be deemed necessary.
- 5.) Filling fee to be paid to the Office of Land Use and Strategic Planning, when the application for hearing is submitted. Checks should be made payable to the 'City of Pontiac.'

LEGAL DESCRIPTION

LAND IN THE CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, BEING PART OF LOTS 8 & 9, A PART OF "ASSESSOR'S PLAT NO. 110", A PART OF SECTION 3, T. 2N., R. 10 E., AS RECORDED IN LIBER 52 OF PLATS, PAGE 26 OF OAKLAND COUNTY RECORDS, LYING WITHIN THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NORTHEAST PROPERTY CONTROLLING CORNER OF SECTION 3 (AS PREVIOUSLY SURVEYED), T. 2 N., R. 10 E., CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN; THENCE S 00°36'21" W ALONG THE EAST LINE OF SAID SECTION 3, 1215.50 FEET; THENCE N 89°23'39" W 60.00 FEET TO A POINT, SAID POINT BEING THE INTERSECTION OF THE SOUTH LINE OF CAMPUS DRIVE (WIDTH VARIES) WITH THE WEST LINE OF OPDYKE ROAD (120 FEET WIDE); THENCE S 00°36'21" W ALONG THE WEST LINE OF OPDYKE ROAD, 1331.66 FEET TO THE POINT OF BEGINNING; THENCE S 00°36'21" W ALONG THE WEST LINE OF OPDYKE ROAD, 728.35 FEET TO A POINT OF DEFLECTION; THENCE S. 00°24'47" E. ALONG THE WEST LINE OF OPDYKE ROAD, 901.82 FEET TO THE NORTHEAST CORNER OF UNIT 5 OF CENTERPOINT BUSINESS CAMPUS CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE MASTER DEED THEREOF RECORDED IN LIBER 16667, PAGE 11, OAKLAND COUNTY RECORDS, AND DESIGNATED AS OAKLAND COUNTY CONDOMINIUM PLAN NO. 1004, AND ANY AMENDMENTS THERETO, AS LAST AMENDED BY EIGHT AMENDMENT TO MASTER DEED RECORDED IN LIBER 35596, PAGE 855, OAKLAND COUNTY RECORDS; THENCE THE FOLLOWING FIVE (5) COURSES ALONG THE NORTH LINE OF SAID UNIT 5 AND UNITS 21, 22, 40, AND 24 OF SAID CENTERPOINT BUSINESS CAMPUS CONDOMINIUM: (1) S 89°35'13" W 35.00 FEET, AND (2) N 00°24'47" W 20.00 FEET, AND (3) 210.91 FEET ALONG A CURVE TO THE LEFT (RADIUS 215.00 FEET, CENTRAL ANGLE 56°12'23", LONG CHORD BEARS S 61°29'01" W 202.56 FEET) TO A POINT OF REVERSE CURVATURE, AND (4) 226.24 FEET ALONG A CURVE TO THE RIGHT (RADIUS 225.00 FEET, CENTRAL ANGLE 57°36'46", LONG CHORD BEARS S 62°11'13" W 216.83 FEET), AND (5) N 89°00'24" W 706.20 FEET; THENCE N 00°59'36" E 1815.00 FEET; THENCE S 89°00'24" E 1080.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,939,980 SQUARE FEET OR 44.536 ACRES OF LAND

SUBJECT TO ANY EASEMENTS AND OR RIGHTS OF WAY RECORDED OTHERWISE.

L = 226.24'
R = 225.00'
Δ = 57°36'46"
ChBrg = S62°11'13"W
Ch = 216.83'

L = 210.91'
R = 215.00'
Δ = 56°12'23"
ChBrg = S61°29'01"W
Ch = 202.56'

MANHOLE RIM 921.68
HYDRANT FG 918.68
G.V. & WELL RIM 918.03
T/P 912.63

PR. SECURITY FENCE. DESIGN BY OTHERS

PR. MANUAL GATE. DESIGN BY OTHERS

PR. SECURITY FENCE. DESIGN BY OTHERS

FIELD VERIFY LOCATION OF EX. PLANTINGS AND COORDINATE FENCE LOCATION TO PRESERVE EX. LANDSCAPING TO THE EXTENT FEASIBLE.

PR. SECURITY FENCE. DESIGN BY OTHERS

PR. WATER FILLED JERSEY BARRIERS ON EX. PAVEMENT

PR. SECURITY FENCE. DESIGN BY OTHERS

PR. MANUAL GATE DESIGN BY OTHERS

N 00°24'47" W 20.00'

S 00°24'47" E 901.82'

S00°36'21"W 728.35'

S00°36'21"W 1331.66'

OPDYKE ROAD (120' wide)

OPDYKE ROAD (120' wide)

END SECTION INV 927.20

END SECTION INV 927.77

G.V. & WELL RIM 925.07

HYDRANT FG 925.16

END SECTION INV 926.88

GAS VALVE RIM 932.06

MANHOLE RIM 932.05

MANHOLE RIM 932.56

GAS VALVE RIM 932.54

HYDRANT FG 935.57

G.V. & WELL RIM 932.19

STORM MH RIM 919.72
12" N. INV 914.37
12" SE. INV 914.22
12" SW. INV 914.47

W 89°35'13" 35.00'

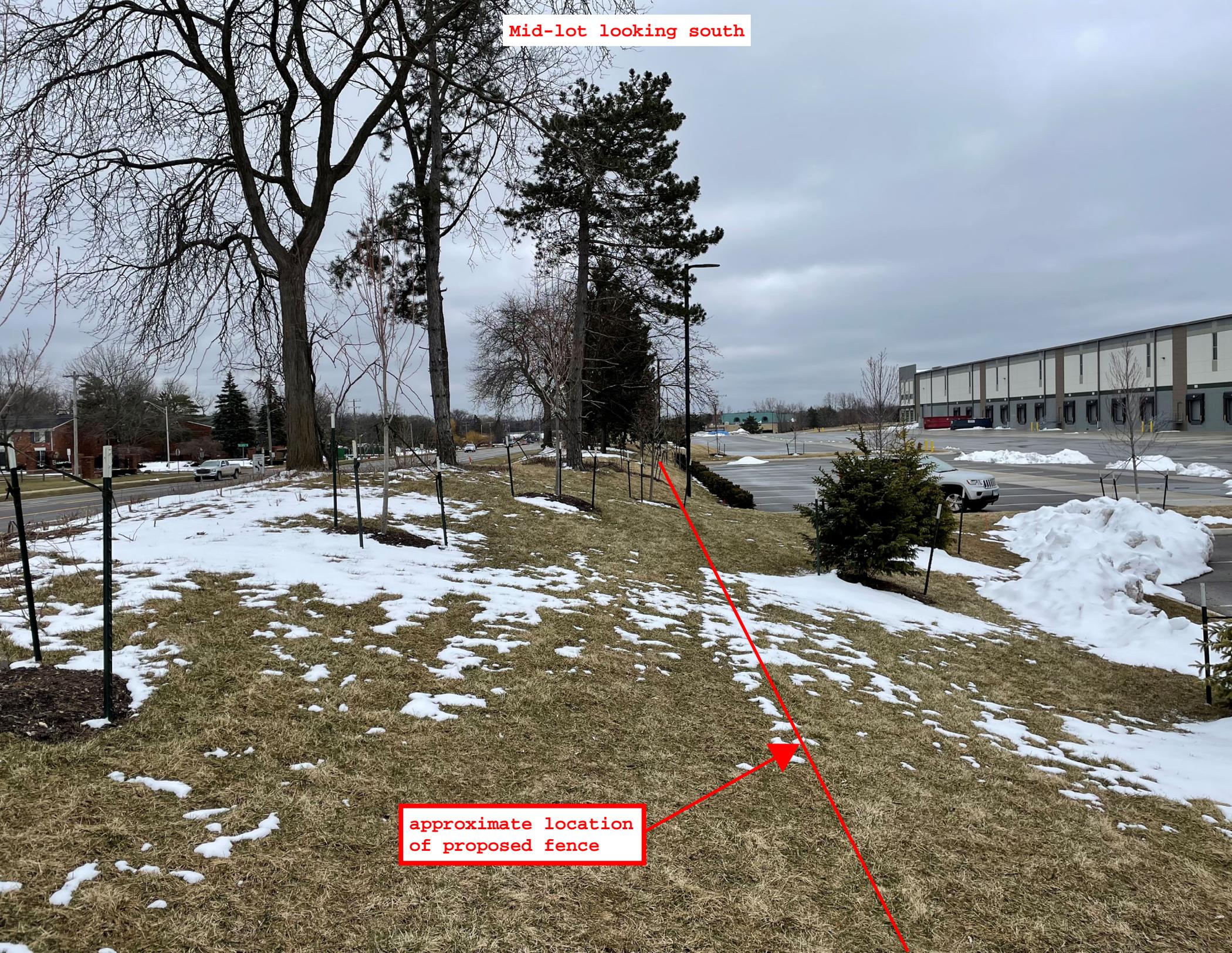
SANITARY MH

P.O.B.

G.V. & WELL RIM 932.19

Mid-lot looking south

approximate location
of proposed fence



North-lot looking south

approximate location
of proposed fence

existing 10' fence
at north property



South-lot looking north



approximate location
of proposed fence