



CITY OF PONTIAC

Pontiac Michigan 48342
Department of Building Safety & Planning
248-758-2800/FAX 248-758-2827

PONTIAC ZONING BOARD OF APPEALS

47450 WOODWARD AVENUE – PONTIAC, MICHIGAN

Monday, July 19, 2021 6:00PM

City of Pontiac – City Hall | City Council Chambers

AGENDA

1. CALL TO ORDER:
2. ROLL CALL:
3. COMMUNICATIONS:
4. ADOPTION OF MINUTES: June 21, 2021
5. OLD BUSINESS:
6. NEW BUSINESS:

6.1 Zoning Board of Appeals

APPLICANT:

ADDRESS:

PARCEL ID:

ZONING DISTRICT:

APPEAL REQUEST:

ZBA 21-03

DA-Contracting

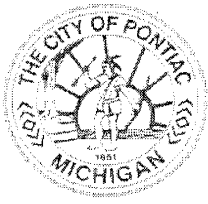
600 N Telegraph

64-14-30-101-004

C4 – Suburban Business

Use Variance

7. PUBLIC COMMENT:
8. MISCELLANEOUS:
9. ADJOURNMENT:



CITY OF PONTIAC
Department of Building Safety & Planning

Mayor Deirdre Waterman

TO: ZONING BOARD OF APPEALS

FROM: DONOVAN O. SMITH –CITY PLANNER
DIVISION OF PLANNING

SUBJECT: ZBA 21-03 – Zoning Board of Appeals
600 N Telegraph,
Pontiac, MI 48342

PIN: 64-14-30-101-004

DATE: 5/25/2021

Dear Commissioners,

The Planning Department is in receipt of a Zoning Board of Appeals (ZBA 21-03) petition for a Use Variance submitted by DA-Contracting, LLC. The applicant has made petition to permit a “Medical Clinic” use in the C-4 Suburban Business Zoning District. Per the city of Pontiac Zoning Ordinance, a Medical Clinic is not permitted by right or by Special Exemption Permit, therefore a Use variance is required to permit the proposed Medical Clinic use at the 600 N Telegraph, Oakland Point Shopping Center. The Use Variance request by the petitioner is to permit the Medical Clinic use in the C-4 Suburban Business Zoning District. Defined by the applicant as follows, “We are looking to develop a medical office at the address for the Department of Veteran Affairs. The office will provide a range of medical services such as general health, physical therapy, and mental health. The operating hours will be from 8am-5pm, Monday-Friday and no overnight patient stay.”

It is determination of the Planning Division that a Medical Clinic is the most related use as defined by the Zoning Ordinance and that the proposed use “Medical Office” Medical Clinic is not permitted in the C-4 Suburban Business district. Please see included definition of Medical Clinic.

Medical Clinic. A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours. Medical clinics include immediate care or urgent care facilities, where emergency treatment is the dominant form of care provided at the facility.

Use Variance Request:

To permit a Medical Clinic at 600 N Telegraph Road. The Medical Clinic is proposed to be located in the C-4 Suburban Business District, and requires a Use Variance for a non-confirming use. As authorized in Section 6.407 of the Zoning Ordinance – Use Variance - The Zoning Board of Appeals may grant a use variance to authorize a land use which is not otherwise permitted by this ordinance in the district where the property is located, upon the concurring vote of two-thirds (2/3) of the members of the Zoning Board of Appeals.

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.

The primary use of this property as a retail shopping center, the denial of this petition does unreasonable restrict reasonable return on prudent investment, due to changes in the retail tenant market.

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

The applicant's plight is to the retail shopping center market and changing trends in space utilization, not the general neighborhood conditions.

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

The existing site currently does not have an adverse effect on the neighborhood or the surrounding properties.

4. The problem is not self-created.

The problem is not self-created, the applicant is requesting to permit a use where similar uses currently exist i.e. CSL Plasma & DaVita Dialysis, Oakland Street Health, and to adapt to the changing tenant makeup.

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

Granting this use Variance upholds the spirit of the Pontiac Zoning Ordinance and ensures public safety and welfare secured, and substantial justice is done.

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

The petition meets the standard of Section 6.401(B), the site currently exists and does not impact local light, air, or congestion.

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

The petition meets the requirements of Section 6.303 of the Zoning Ordinance.

Recommendation

To consider approval for the Use Variance request (ZBA-21-03) to permit the use of a Medical Clinic, located at 600 N Telegraph, in the C-4 Suburban Business Zoning District.

600 N TELEGRAPH RD



-  2 Foot Contours
-  5 Foot Contours
-  FEMA Base Flood Elevations
-  FEMA Cross Sections
-  100 yr - FEMA Floodplain
-  100 yr (detailed) - FEMA Floodplain
-  500 yr - FEMA Floodplain
-  FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.


David Coulter
 Oakland County Executive

Date Created: 6/16/2021


NORTH
 1 inch = 200 feet

P2BA21-003



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: 600 N Telegraph

Sidwell Number: 64-14-30-101-004

Date: April 7, 2021

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	DA - Contracting, LLC		
Address	28575 Greenfield Rd.		
City	Southfield.		
State	Michigan		
ZIP Code	48076		
Telephone	Main: 248569-7040	Cell: 1	Fax:
E-Mail	IHerbst@da-realestate.com		

Property Owner - if different (please print or type)

Name	PAM AM Equities Inc / Builders Source		
Address	18 E 50th Street Floor 10		
City	New York		
State	NY		
ZIP Code	10022		
Telephone	Main:	Cell:	Fax:
E-Mail			

Property Information:

Property Address: 600 N Telegraph

Zoning of Property: Commercial

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

64-14-30-101-004
Existing commercial space located at 600 N Telegraph.

Purpose of request:

Existing space is vacant / other part is occupied by Harbor Freight Tools. The current request is to allow for VA Hospital to occupy the space (Department of Veteran Affairs).

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

VA Hospital is interested in leasing 25,000 sq ft for a Vet Clinic in Pontiac. Medical tenants is not allowed in current zoning, therefore zoning exception is requested.

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

If yes, state circumstances:

Brad Enten

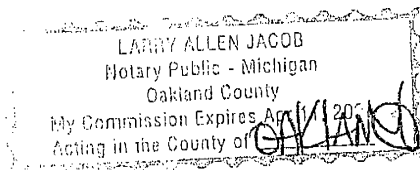
Signature of Applicant

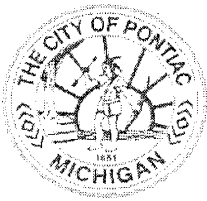
Signature of Owner

State of Michigan
County of Oakland

On this 9 day of April, A.D., 2021, 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: 7.11.2021





CITY OF PONTIAC
Department of Building Safety & Planning

Mayor Deirdre Waterman

TO: PONTIAC ZONING BOARD OF APPEALS

FROM: DONOVAN O. SMITH –CITY PLANNER
DIVISION OF PLANNING

SUBJECT: ZBA 21-04 - Zoning Board Of Appeals
54 EARLMOOR BLVD
PIN: 64-19-04-128-016

DATE: 5/25/2021

The Planning Department is in receipt of a Zoning Board of Appeals application (ZBA 21-04) from the applicant and property owner of 54 Earlmoor Blvd , Tracey Clements. The applicant, has made petition to the Zoning Board of Appeals for a side yard dimensional variance, and desires to construction a attached carport over their existing driveway. The applicant seeks a dimensional variance to grant a lesser side yard setback as defined in the Zoning Ordinance.

The proposed dimensional variance request to the property would permit an attached carport located in the side yard setback, proposed encroach 1'6" into the side yard 5' setback, an dimensional variance of 1' 6" feet. The current Zoning Ordinance regulation in the R-1 Single Family District dictate properties must maintain 5 ft. side yard setbacks, 35 ft. rear yard setback, and 25 ft. front yard setback. The applicant's request for a dimensional variance would permit a 3'8" front yard setback. The petition of the application must be reviewed by the Zoning Board of Appeals to determine of the appropriateness of the proposed structure and the dimensional setbacks. A technical review and process of the Dimensional Variance request was conducted by the Planning Division and is outlined in the following review.

Staff Findings

1. The subject property owned by the applicant is currently an R-1 Residential Lot
2. The applicant request a dimensional variance of 1' 6" feet from the 5' side yard setback.

Statement of Practical Difficulty:

The claim of Practical Difficulty on behalf of the applicant is due to the size and configuration of the home on the existing lot.

Authority - The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an 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. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that a practical difficulty exists in the way of carrying out the strict letter of the 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 restriction governing setback, frontage, height, bulk, lot coverage, density, or other construction or dimensional standard will unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restriction unnecessarily burdensome.*

The orientation and location of the home on the lot does not provide adequate space for the application to construct a carport within the governing setbacks of the district.

2. *A grant of the variance would do substantial justice to the applicant as well as to other 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 owners in the zoning district.*

Granting the dimensional variance would provide substantial justice to the applicant in respect to their property.

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

The variance request is a result of the existing configuration of the home in relationship to it's' setbacks.

4. *The problem is not self-created.*

The variance request is a result of the desire of the owner to construct a carport, and is not due to a self-created problem.

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

The applicants request for a dimensional variance does uphold the spirit of the ordinance, based on the review regarding public safety and welfare.

6. *There is compliance with the standards set forth in Section 6.401 B (proposal will not impair adequate supply of light and air to adjacent parcels, increase existing congestion or increase danger of fire, endanger public safety, or diminish or impair property values within the surrounding area).*

The variance request will not have adverse impacts on the listed review items found in Section 6.401 B of the Zoning Ordinance.

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

The variance request does comply with the seven Special Exemption Permit review standards set forth in Section 6.303 of the Zoning Ordinance.

Recommendation

It is the recommendation of the Planning Division to the Zoning Board of Appeals is to approve the Dimensional Variance (ZBA 21-04) petition for 54 Earlmoor Blvd, a Dimensional Variance of 1'6" from the side yard setback of 5', permitting the construction of a attached carport

P2BA21-004



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: 54 Earlmoor Blvd

Office Use Only

Sidwell Number: _____

PF Number: _____

Date: 5-7-21

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	<u>Tracy Clements</u>		
Address	<u>54 Earlmoor Blvd.</u>		
City	<u>Pontiac</u>		
State	<u>MI</u>		
ZIP Code	<u>48341</u>		
Telephone	Main:	Cell: <u>248-935-1248</u>	Fax:
E-Mail	<u>tclements28@yahoo.com</u>		

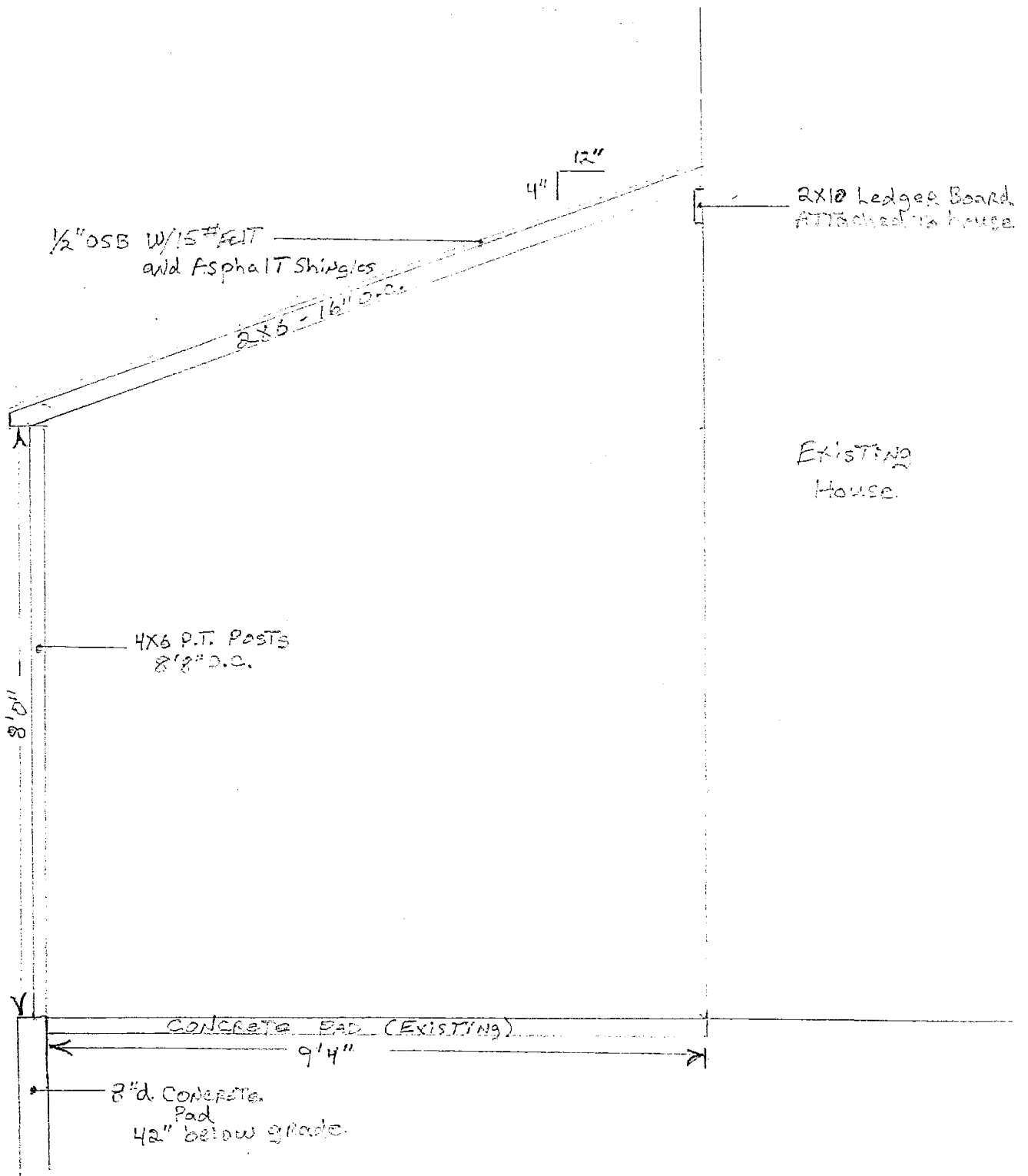
Property Owner -- if different (please print or type)

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

Property Information:

Property Address: 54 Earlmoor Blvd. Pontiac

Zoning of Property: _____



LOT LINE

5'0"

EXISTING
RETAINING WALL

8'8" O.C.

EXISTING
CONCRETE POOL

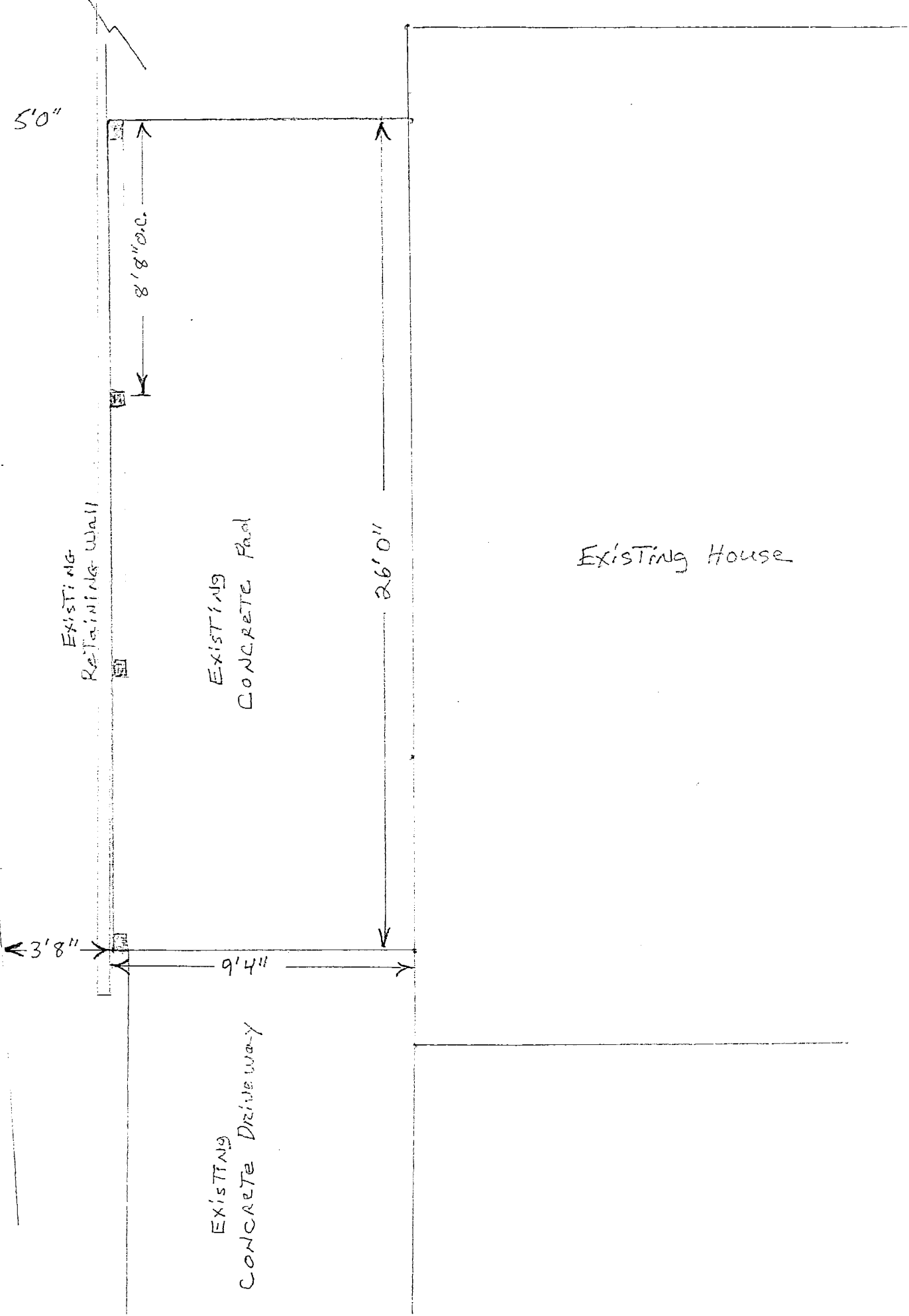
26'0"

EXISTING HOUSE

3'8"

9'4"

EXISTING
CONCRETE DRIVEWAY



54 EARLMOOR BLVD



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
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David Coulter
 Oakland County Executive

Date Created: 6/16/2021

NORTH
 1 inch = 50 feet