

CITY OF PONTIAC  
ZONING BOARD OF APPEALS MEETING  
TUESDAY, JUNE 16, 2015  
7:00 P.M.

Meeting before the Zoning Board of Appeals, at 47450 Woodward Avenue, 2nd Floor, Council Chambers, Pontiac, Michigan 48342, on Tuesday, June 16, 2015.

BOARD MEMBERS:

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

ALSO PRESENT:

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

MEMBERS OF THE PUBLIC ADDRESSING THE BOARD:

- Ronald Lewis
- Rodger Alexander
- Joe Barczyk
- Betty Stewart
- Patrick Clark
- Charles Lowe
- Jeff Huhta
- Larry Getty

REPORTED BY:

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

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12	ZONE: R-1, ONE-FAMILY DWELLING	
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1 PONTIAC, MICHIGAN; TUESDAY, JUNE 16, 2015

2 7:06 P.M.

3 CHAIRPERSON TAYLOR: Call the meeting  
4 to order. Can I have roll call, please.

5 MR. SABO: Mr. Sykes.

6 COMMISSIONER SYKES: Here.

7 MR. SABO: Mr. Sinclair.

8 COMMISSIONER SINCLAIR: Present.

9 MR. SABO: Ms. Kirkendolph.

10 COMMISSIONER KIRKENDOLPH: Here.

11 MR. SABO: Mr. Anderson is not here  
12 yet. Mr. Bueno?

13 COMMISSIONER BUENO: Here.

14 MR. SABO: Vice Chair Taylor?

15 CHAIRPERSON TAYLOR: Here.

16 MR. SABO: We have a quorum.

17 CHAIRPERSON TAYLOR: Any  
18 communications from staff?

19 MR. SABO: I have one communication  
20 for the Board. Mr. Todd, Lee Todd, resigned and we  
21 wish him well and thank him for his service, but he  
22 will not be here this evening or at any more  
23 meetings.

24 CHAIRPERSON TAYLOR: Very good. We'll  
25 move along to the adoption of the minutes of May

1 19th, 2015 and March 17, 2015. Motion to approve  
2 those meeting minutes.

3 COMMISSIONER KIRKENDOLPH: Approve.

4 CHAIRPERSON TAYLOR: Second?

5 COMMISSIONER SINCLAIR: Second.

6 CHAIRPERSON TAYLOR: Roll call,

7 please.

8 MR. SABO: Ms. Kirkendolph.

9 COMMISSIONER KIRKENDOLPH: Yes.

10 MR. SABO: Mr. Sinclair.

11 COMMISSIONER SINCLAIR: Yes.

12 MR. SABO: Mr. Bueno?

13 COMMISSIONER BUENO: Abstain.

14 MR. SABO: All right. Were you not

15 here?

16 COMMISSIONER BUENO: Yeah.

17 MR. SABO: All right. And Mr. Sykes?

18 COMMISSIONER SYKES: Yes.

19 MR. SABO: Chairman Taylor?

20 CHAIRPERSON TAYLOR: Yes.

21 MR. SABO: All right. Minutes are

22 approved.

23 CHAIRPERSON TAYLOR: Any new business

24 from staff?

25 MR. SABO: I do not.

1 CHAIRPERSON TAYLOR: Proceed to public  
2 hearing ZBA-15-05.

3 MR. BOWDELL: Thank you. This is  
4 ZBA-15-05 for 579 West Iroquois. This is a  
5 dimensional variance for the rear setback. This is  
6 the site here. The proposed building is in this  
7 area. A dimensional variance request for Section  
8 2.304(B), dimension and design standards in an R-1,  
9 one-family dwelling district. The required rear  
10 setback is at 30 feet. The applicant has proposed  
11 21 feet, and so a 9-foot variance is requested.

12 The claimed undue hardship is the  
13 first floor addition is needed to accommodate  
14 wheelchair access to the home for a veteran's  
15 disability. The applicant stated that only the rear  
16 elevation of the house can be used for a building  
17 addition. The applicant stated that he is unable to  
18 provide the square footage necessary to accommodate  
19 a wheelchair without encroaching into that rear yard  
20 setback.

21 The zoning for this is R-1, one-family  
22 dwelling. The surrounding zoning is R-1 as well.  
23 The required rear yard setback in this zoning  
24 district is 30 feet. The applicant is seeking the  
25 rear yard setback of 21 feet, a variance of 9 feet

1 is requested.

2 According to the Department of Veteran  
3 Affairs assessment the owner has a wheelchair at the  
4 home -- and this is I'm assuming from a doctor, the  
5 owner has a wheelchair at the home and is in the  
6 wheelchair at this time. The owner walks with a  
7 cane and walker, but must limit walking secondary to  
8 gait instability secondary to peripheral neuropathy  
9 of the bilateral lower extremities.

10 The building addition would include a  
11 bedroom, bathroom, closet and chair lift. All door  
12 openings within the addition will be wheelchair  
13 accessible. The applicant stated that he is unable  
14 to provide that square footage necessary to  
15 accommodate a wheelchair without encroaching into  
16 that rear yard setback.

17 Five, the Pontiac Historic District  
18 Commission, this property is in a historic district,  
19 the Seminole Hills. That Historic District  
20 Commission did approve the proposed building  
21 addition subject to obtaining a variance from the  
22 Zoning Board of Appeals.

23 The site is unique to the fact that it  
24 is a double lot at the corner of West Iroquois and  
25 Voorheis Street. The lot width is 105.4 feet and

1 the property depth is 120 feet.

2 The property has very large trees and  
3 a gazebo at the south side of the property abutting  
4 Voorheis, so site visibility appears to be limited,  
5 from the street at least.

6 The building addition will be located  
7 on the northeast side of the building and would have  
8 the largest impact on the adjacent neighbor to the  
9 north and east.

10 In accordance with Section 6.408 (sic)  
11 of the zoning ordinance, in order to grant a  
12 dimensional variance the Zoning Board must find  
13 practical difficulty and must -- for this they would  
14 have to find compliance with the strict letter of  
15 the restrictions governing area, setback, frontage,  
16 height, bulk or lot coverage or other dimensional or  
17 construction standard will unreasonably prevent the  
18 owner from using the property as -- for a permitted  
19 purpose or will render conformity with such  
20 restrictions unnecessarily burdensome. It appears  
21 to meet the standard that complies with these  
22 regulations would prevent this owner from using the  
23 property for a permitted purpose. The owner needs a  
24 first floor bedroom, bath and closet. In order to  
25 comply with this the applicant would need to



1 encroach into that rear yard setback.

2 Two, A grant of the variance will do  
3 substantial justice to the applicant as well as to  
4 other property owners in the district, and a lesser  
5 variance will not give substantial relief to the  
6 applicant as well as be more consistent with justice  
7 to other property owners in the zoning district. It  
8 may or may not meet this standard.

9 A grant variance will do substantial  
10 justice to the applicant; however, the building  
11 addition may have an effect on the surrounding  
12 property owners. The applicant claims that a lesser  
13 variance will not provide them with the adequate  
14 square footage needed for the first floor living  
15 area.

16 Three, the plight of the applicant is  
17 due to the unique circumstance of the property. It  
18 may or may not meet this standard. The uniqueness  
19 is not directly related to the property, but the  
20 owner and living situation. The owner is bound to a  
21 wheelchair for the majority of his day and the  
22 building addition would provide him with a first  
23 floor living area without the need for stairs.

24 Four, the problem is not self-created.  
25 Meets this standard. The problem is not

1 self-created. The need for the building addition is  
2 directly related to the owner's disability.

3 Five, the spirit of the ordinance will  
4 be observed, public safety and welfare secured, and  
5 substantial justice done. Meets this standard. The  
6 request appears to meet the intent of the zoning  
7 ordinance. The intent of the R-1 zoning district is  
8 to create a neighborhood environment. Development  
9 is restricted to a moderately low density and is  
10 intended to provide arrange of one-family living  
11 environments within the City.

12 Six, meets that standards for light  
13 and air quality. And seven is not applicable.

14 Based on that, the recommendation is  
15 to consider approval for the 9-foot rear setback  
16 variance for although the hardship is not directly  
17 related to the property itself, due to a disability,  
18 there appears to be a hardship to the owner's use of  
19 the property. That is my report. I can answer any  
20 questions and the applicant is here as well.

21 CHAIRPERSON TAYLOR: Thank you. Will  
22 the applicant come forward with your name, address,  
23 please.

24 MR. LEWIS: Ronald Lewis.

25 CHAIRPERSON TAYLOR: Please to the

1 podium, sir. Thank you.

2 MR. LEWIS: Yes, my name is Ronald  
3 Lewis.

4 CHAIRPERSON TAYLOR: How you doing,  
5 Mr. Lewis, would you like to add anything from the  
6 staff findings today?

7 MR. LEWIS: Well, some of it just flew  
8 by me, but I do know that my wife and I, we have a  
9 problem getting up and down the steps, we don't have  
10 a bathroom on the -- on the main floor. I got one  
11 in the basement and one upstairs, and I have been  
12 sleeping on that floor for a year and I need a  
13 bathroom and a bedroom downstairs.

14 I can't negotiate those stairs, but  
15 what I've been doing for the last few years with  
16 this neuropathy, as long as I'm healthy enough to  
17 exercise, and I exercise probably totalling an hour  
18 and half a day, with my legs and arms just to be  
19 able to walk, but when the day comes that I can't  
20 exercise -- and I have a breathing condition from  
21 the Agent Orange -- and I won't be able to walk.

22 CHAIRPERSON TAYLOR: Thank you. That  
23 will be all, Mr. Lewis. I don't know if anyone has  
24 questions for Mr. Lewis?

25 MR. BOWDELL: Chair, just so you know,

1 I do have a letter that was sent in during public  
2 comment, I will read that letter.

3 CHAIRPERSON TAYLOR: Is there anyone  
4 in the audience that would like to speak on behalf  
5 of Mr. Lewis at this time? Thank you. Please state  
6 your name, sir.

7 MR. ALEXANDER: Rodger Alexander. I'm  
8 a long resident at 555 West Iroquois for 30 years  
9 and I've known Mr. Lewis at least 35 years and he's  
10 a good -- he's a good resident and he wasn't always  
11 in this condition, you know. When I met him, you  
12 know. He was a great guy and I know he needs this,  
13 you know, and I support him a hundred percent, and  
14 just like he said him and his wife are older, you  
15 know, and I know I'm going to get old too, you know,  
16 so I might need a wheelchair myself, you know,  
17 sooner or later. But I think it's not just for him,  
18 for any other older folks, you know, that's in that  
19 situation, that needs that, you know, I think it's  
20 best interest for him, you know, the wheelchair.

21 It's like he said, you know, he's been  
22 sleeping on the couch, you know, he have to go back  
23 and forth down the stairs, you know, it's not good  
24 for him, you know. You know, like today, you know,  
25 I came and helped him out today, you know, I brung

1 him down here, you know. His wife -- like I say,  
2 him and his wife not in the best condition, you  
3 know. Like he said, he exercise, you know, believe  
4 it or not, hour and half, but like I said, I'm  
5 supportive a hundred percent.

6 CHAIRPERSON TAYLOR: Thank you.

7 MR. ALEXANDER: Thank you.

8 CHAIRPERSON TAYLOR: Anyone else?

9 MR. BARCZYK: Hi, I'm Joe Barczyk.  
10 I'm with the Disability Network of Oakland and  
11 Macomb and I'm an advocate for Mr. Lewis. I've been  
12 assisting him with this process with the VA. He's  
13 able to have this addition put on his house as a  
14 benefit of, I think a service connected disability  
15 veteran, so -- I have been advocating for him  
16 throughout the process so far.

17 CHAIRPERSON TAYLOR: Very good. Thank  
18 you. Mr. Bowdell, at this time would you like to  
19 read the letter?

20 MR. BOWDELL: Sure. This was received  
21 from Jacqueline Boyer Miller at 575 West Iroquois,  
22 Pontiac, Michigan 48341. "I'm the owner of the  
23 property located at 575 West Iroquois. I have  
24 received a letter concerning the property located at  
25 579 West Iroquois. I, Jacquelyn B. Miller, am in

1 agreement with the owners of the property located at  
2 579 West Iroquois concerning any property --  
3 property construction or changes to their dwelling.  
4 Please call with any concerns. I can be reached  
5 at --" and then she left her cell number. "Jacquelyn  
6 Boyer Miller, Owner."

7 CHAIRPERSON TAYLOR: Thank you. And  
8 was there anyone else who would like to make  
9 comments for -- on behalf of Mr. Lewis? Thank you.  
10 And with that we'll close comments, public comments  
11 for --

12 COMMISSIONER BUENO: I think she wants  
13 to make a comment.

14 CHAIRPERSON TAYLOR: I'm sorry.

15 COMMISSIONER BUENO: It's a public  
16 hearing.

17 MS. STEWART: I wanted to ask a  
18 question. My name is Betty Stewart and I live  
19 directly behind them. I don't have a problem with  
20 them doing whatever they need to do. I would just  
21 like to know exactly where they're talking about  
22 building on or adding on at?

23 CHAIRPERSON TAYLOR: Can you pull that  
24 back.

25 MR. BOWDELL: This is their property.

1           Essentially it's -- a required rear setback is  
2           30 feet, so from this line 30 feet this way is  
3           required that no building can be. They're looking  
4           to reduce that 30-foot setback to 21, and I believe  
5           it just passes the garage here, so it would come  
6           down to this area. Am I correct? Just past the  
7           garage to this area.

8                     MR. SABO: Her house is on the right.

9                     MR. BOWDELL: And it's a single-story  
10           addition.

11                    CHAIRPERSON TAYLOR: Thank you. Would  
12           anyone else like to comment during this time? Thank  
13           you. And we'll close the comment portion of this.  
14           I'll move to the Board for questions.

15                    COMMISSIONER BUENO: Just a couple  
16           quick questions. The first comment would be  
17           regarding the historical district; it's not uncommon  
18           for homes in that area due to the shape of lots and  
19           so forth to have smaller setbacks in the backyard,  
20           plus garages and stuff right on the property line.  
21           So it's really not unusual to have less setbacks.  
22           So I don't see that as an issue regarding the nine  
23           feet that he's requesting.

24                    I just wanted to make sure, doesn't  
25           appear to be, but that if you're going to grant

1 this, that there's not going to be any doorwall on  
2 the rear of the property that -- or an expansion of  
3 the deck or anything like that, because it would be  
4 too close to the property then if you were going to  
5 add a deck to the site.

6 But other than that, I don't have an  
7 issue with the granting of the variance as long as  
8 it -- the requirements from the Historical District  
9 is also part of the adoption of this request.

10 CHAIRPERSON TAYLOR: Thank you. Ms.  
11 Kirkendolph?

12 COMMISSIONER KIRKENDOLPH: No comment.

13 CHAIRPERSON TAYLOR: Mr. Sinclair?

14 COMMISSIONER SINCLAIR: No comment.

15 CHAIRPERSON TAYLOR: Mr. Sykes?

16 COMMISSIONER SYKES: No comment.

17 CHAIRPERSON TAYLOR: At this time I'll  
18 move to the Board for a motion.

19 COMMISSIONER SINCLAIR: Motion to  
20 approve ZBA-15-05.

21 COMMISSIONER BUENO: I'd like to add  
22 if possible -- a question on the motion, if we can  
23 add the stipulations of the Historic Commission's  
24 requirements also to be all tied together with this  
25 ZBA request?



1                   COMMISSIONER SINCLAIR: I think the  
2 reason that they're here is because the Historic has  
3 already given them approval of the plan, right?

4                   MR. BOWDELL: Correct.

5                   COMMISSIONER BUENO: That is -- they  
6 have five -- five items there that they have to  
7 comply with.

8                   CHAIRPERSON TAYLOR: Correct.

9                   COMMISSIONER BUENO: If they don't  
10 comply with those then the ZBA would --

11                   MR. BOWDELL: If I may, yeah, the  
12 Historic District Commission approved the design of  
13 the addition subject to five conditions as Mr. Bueno  
14 said and I think what he's referring to is if you're  
15 willing to amend your motion just to reference the  
16 five conditions of the Historic District that he  
17 would have to meet as well.

18                   CHAIRPERSON TAYLOR: Essentially the  
19 motion is made noting the conditions set forth by  
20 the Historical District.

21                   COMMISSIONER SINCLAIR: Yeah.

22                   CHAIRPERSON TAYLOR: Is there a  
23 second?

24                   COMMISSIONER BUENO: Then I'll support  
25 that with the addition of the Historical Commission

1 requirements.

2 CHAIRPERSON TAYLOR: Then let it be  
3 noted the motion on the floor is that approved  
4 motion made by Mr. Sinclair, conditions set forth by  
5 the Historical District as well. Is there a second?

6 COMMISSIONER BUENO: I'll support  
7 that.

8 CHAIRPERSON TAYLOR: Roll call,  
9 please.

10 MR. BOWDELL: Mr. Sinclair?

11 COMMISSIONER SINCLAIR: Yes.

12 MR. BOWDELL: Mr. Bueno?

13 COMMISSIONER BUENO: Yes.

14 MR. BOWDELL: Mr. Sykes?

15 COMMISSIONER SYKES: Yes.

16 MR. BOWDELL: Ms. Kirkendolph?

17 COMMISSIONER KIRKENDOLPH: Yes.

18 MR. BOWDELL: Chair Taylor?

19 CHAIRPERSON TAYLOR: Yes.

20 MR. BOWDELL: Motion carries.

21 MR. LEWIS: Thanks.

22 CHAIRPERSON TAYLOR: Congratulations.

23 MR. SABO: Congratulations.

24 MR. LEWIS: Thank you, sir. Thank

25 you, Board.

1                   CHAIRPERSON TAYLOR: We have the staff  
2 finding for ZBA-15-06.

3                   MR. BOWDELL: ZBA-15-06 is 777 Joslyn  
4 Avenue. It's a sign variance or dimensional  
5 variance request. This is the site here, it's GM  
6 Powertrain. There are requested for several sign  
7 variances. In yellow are the ground signs, in pink  
8 are the directional signs and the blue is the  
9 building-mounted sign.

10                   This is a rendering of the wall sign,  
11 and I'll elaborate on what the request is shortly.  
12 There's the -- one of the ground signs. There are  
13 six ground signs proposed. This is the second.  
14 This is the third. Fourth, fifth and sixth are all  
15 the same size just positioned differently throughout  
16 the property. And then they have 15 directional  
17 signs proposed; some are replacements and some are  
18 new.

19                   The request is essentially for that  
20 building-mounted sign, it's required at 200 square  
21 feet is the maximum area, they're proposing 231, a  
22 31 square foot variance is requested.

23                   That first ground sign, the maximum  
24 height is 10 feet. They're proposing 18 feet  
25 9 inches for an 8-foot 9-inch variance. Area for

1 that sign is maxed out at 80 square feet, they're  
2 proposing 112 square feet for a 32 square foot  
3 variance.

4 The second ground sign, again the  
5 height is 10-foot; they're proposing at 11-foot 9 --  
6 or 11-foot 2 inches, a 1-foot 2-inch variance is  
7 requested. Area, again, is 80 square feet. This  
8 one is -- does not require a variance for area.

9 Ground sign two is that same size  
10 requesting a height variance of 1-foot 2 inches,  
11 area is not applicable. The total number of ground  
12 signs permitted is one per street frontage. They  
13 front on four streets so four ground signs are  
14 permitted; they have six proposed, they're asking  
15 for a two sign variance for that.

16 Directional signage, 40 square feet of  
17 total directional signage is allowed for the entire  
18 property. They're essentially asking for a 337.5  
19 square foot variance for those 15 additional  
20 directional signs.

21 The claimed undue hardship is the  
22 property occupies an entire city block and has four  
23 street frontages. To comply with the sign code  
24 these signs would be dwarfed by the huge expansive  
25 property and building. Additionally, identity and

1 directional signs are needed to support increased  
2 activity, added employees and visitors to the site.

3 The zoning is M-2, General Industrial  
4 District and the surrounding property is also M-2.

5 Staff findings, the applicant is  
6 seeking to install new building-mounted signs, six  
7 ground signs, and replacing/installing 15  
8 directional signs at the site. Three of the ground  
9 signs comply with the ordinance requirements for  
10 placement, height and area. The site is only  
11 permitted four ground signs and six ground signs are  
12 proposed. The building-mounted sign exceeds the  
13 maximum square footage permitted by the district.  
14 337.5 square feet of directional signage is proposed  
15 at the site. However, only 40 square feet is  
16 permitted. The site has existing directional signs.  
17 The square footage of the existing directional signs  
18 are unknown.

19 Three, according to section 5.105(C),  
20 the total building-mounted sign is 200 square feet  
21 and they're asking for 31 square foot variance. The  
22 total number of ground signs permitted by the  
23 district is one per street frontage, they're seeking  
24 a two ground sign variance to install a total of six  
25 ground signs at the site. The maximum area for a

1 ground sign is 80 square feet, and the maximum  
2 height permitted by the district is 10 feet. Two of  
3 the ground signs exceed that height. They're asking  
4 for an 8-foot 9-inch variance on one of their signs  
5 and a 1-foot 2 inches on the -- on their two other  
6 ground signs and then on the first ground sign which  
7 is actually 117, they are asking for a 32-square  
8 foot area variance to exceed the maximum area.

9 The zoning ordinance sign -- zoning  
10 ordinance signs providing traffic or property use  
11 direction may be permitted in any non-residential  
12 district. Such signage have a maximum total area of  
13 40 square feet and they're proposing 15 directional  
14 signs at the site for a total of 337.5 square feet  
15 with over -- the site has over 96.73 acres, it is  
16 very large.

17 It fronts on Joslyn and runs from West  
18 Montcalm to Beverly Avenue. Prior to this  
19 application the site had existing non-conforming  
20 signs including 4 ground signs and over 22  
21 directional signs.

22 In order to grant a sign variance or  
23 dimensional variance the Zoning Board must find one  
24 compliance with the strict letter of restrictions  
25 governing area, setback. It meets that standard.

1 Compliance with the sign regulations would not  
2 prevent the owner from using the property for a  
3 permitted purpose; however, due to the size of site,  
4 to comply with the sign regulations appears to be  
5 unnecessarily burdensome to the owner.

6 Two, a grant of variance will do  
7 substantial justice to the applicant as well as to  
8 property owners in the district, and a lesser  
9 variance will not give substantial relief to the  
10 applicant. Meets that standard. A grant variance  
11 will do substantial justice to the applicant and to  
12 other property owners in the district. Although the  
13 signs are large, they appear to meet the intent of  
14 the sign ordinance and are not too excessive for the  
15 site.

16 Three, the plight of the applicant is  
17 due to the uniqueness -- the unique circumstances of  
18 the property. It meets that standard. The site is  
19 extremely large. The ordinance appears to  
20 inadvertently penalize the applicant, for it does  
21 not take into consideration the uniqueness of the  
22 property size.

23 Four, the problem is not self-created.  
24 It meets that standard. The need for larger and  
25 additional signage is directly related to the size

1 of the site and the size of the existing building.

2 Five, the spirit of the ordinance will  
3 be observed, public safety and welfare secured, and  
4 substantial justice done. It meets that standard.  
5 The request appears to meet the intent of the zoning  
6 ordinance. The signs are well designed and appear  
7 to be scaled properly in accordance with the site  
8 size.

9 Six, meets that standard for light and  
10 air, and seven is not applicable. Based on that the  
11 recommendation is to approve the proposed sign  
12 variances for 15-06 and that would be an additional  
13 variance of two signs for ground signs to increase  
14 the maximum area of building-mounted signs to  
15 231 square feet, ground sign one, a variance of  
16 8-foot 9 inches for the height and 32 square feet in  
17 area. Ground sign 2 and 3, to increase the height  
18 from 10 feet to 11-foot 2 inches. And 5, to  
19 increase the maximum square footage of directional  
20 signs to permit the proposed signage for a variance  
21 of 337.5 square feet.

22 That is my report. I can answer any  
23 questions the Board may have, and the applicant is  
24 here as well.

25 CHAIRPERSON TAYLOR: Sure. Just to be



1 clear, essentially there's almost three different  
2 variances we're kind of approving?

3 MR. BOWDELL: Essentially it's those  
4 five -- those five variances listed in the  
5 recommendation.

6 CHAIRPERSON TAYLOR: Okay. I'm sorry,  
7 five. Yes. Just -- okay. Is the applicant  
8 available? If you don't mind, state your name and  
9 add anything to the report if you'd like.

10 MR. CLARK: Good evening, members of  
11 the Board and staff. My name is Patrick Clark and  
12 I'm with Fairmount Sign Company. We do sign  
13 projects for General Motors all across Canada, U.S.  
14 and Mexico, and I think that we have developed a  
15 plan here that meets the needs of the customer, and  
16 also the needs of the community to be able to show  
17 people around and get them to the right spots and  
18 that and I'd be willing to answer any questions you  
19 have.

20 CHAIRPERSON TAYLOR: Thank you. At  
21 this time I'll turn to the Board for any questions.  
22 I'm sorry -- I'm sorry, at this time is there anyone  
23 in the audience or anyone in public would like to  
24 make reference to this particular ZBA variance  
25 request? No? At this time I'll move forward to

1 questions to the Board. We'll start to my left this  
2 time. Mr. Sykes?

3 COMMISSIONER SYKES: No. No  
4 questions.

5 CHAIRPERSON TAYLOR: Mr. Sinclair?

6 COMMISSIONER SINCLAIR: No questions.

7 CHAIRPERSON TAYLOR: Ms. Kirkendolph?

8 COMMISSIONER KIRKENDOLPH: No  
9 questions.

10 CHAIRPERSON TAYLOR: You're --

11 COMMISSIONER BUENO: Just looking it's  
12 a large sign, so -- it's a large sign, so I don't  
13 have any issues on -- on the signs except for I  
14 just -- for reference, for the main sign that's on  
15 Glenwood -- or on Montcalm, 18-foot sign, in  
16 reference to other zonings, do we already have  
17 freestanding signs anywhere near that sign? The  
18 other districts just referenced --

19 MR. BOWDELL: The M-2 zoning district  
20 actually has a large -- largest permitted ground  
21 signs and those are 10-foot, 80 square feet.

22 COMMISSIONER BUENO: Okay. No other  
23 questions. Thank you.

24 CHAIRPERSON TAYLOR: Thank you, Mr.  
25 Bueno. At this time, I'll return to the Board for a

1 motion, entertain a motion.

2 COMMISSIONER BUENO: I'll so move to  
3 grant the variance request by the applicant.

4 COMMISSIONER SYKES: I second that  
5 motion.

6 CHAIRPERSON TAYLOR: Roll call,  
7 please.

8 MR. BOWDELL: Mr. Bueno?

9 COMMISSIONER BUENO: Yes.

10 MR. BOWDELL: Mr. Sykes?

11 COMMISSIONER SYKES: Yes.

12 MR. BOWDELL: Mr. Sinclair?

13 COMMISSIONER SYKES: Yes.

14 MR. BOWDELL: Ms. Kirkendolph?

15 COMMISSIONER KIRKENDOLPH: Yes.

16 MR. BOWDELL: Chair Taylor?

17 CHAIRPERSON TAYLOR: Yes.

18 MR. BOWDELL: Motion carries.

19 Congratulations.

20 MR. CLARK: Thank you for your time.

21 CHAIRPERSON TAYLOR: May we move to  
22 ZBA-15-07, please.

23 MR. SABO: Yes, Mr. Chairman, Board  
24 members, this is a dimensional variance request for  
25 985 Cesar Chavez. It's in the C-3 zone, Section

1 2.310. This is the site here along Cesar Chavez,  
2 it's on the left-hand side going northwest. Request  
3 for an non-use dimensional variance, proposed  
4 construction and expansion of the existing  
5 commercial auto service business; a hand car wash is  
6 proposed.

7 Planning Commission approved the site  
8 plan 15-19 on April 1st, 2015 subject to compliance  
9 with the rear setback or a 20 -- or obtain a ZBA  
10 variance. This is the site here. Cesar Chavez is  
11 at the bottom. This is the existing building. The  
12 small square there is the proposed addition and then  
13 that line at the top there that's the rear lot line.  
14 So the building, almost the whole building is --  
15 well I'm sorry, the entire building is  
16 non-conforming, existing non-conforming. This is  
17 renderings of what the -- the bay will look like.  
18 It's an existing site and the bay is going to be  
19 right here, in this area here. Right there. And  
20 that's the opposite side.

21 Zoning in existing and proposed land  
22 uses, dimensional variance request C-3. The rear  
23 setback is 20 feet, the applicant is requesting to  
24 reduce that to 12 feet and accommodate the  
25 construction of the new wash bay, a variance of 8

1 feet is requested.

2 Practical difficulty here, it's an  
3 existing non-conforming site along Cesar Chavez.  
4 Variance is based on practical difficulty related to  
5 the unusual property configuration and the existing  
6 building, which is legal non-conforming. The lot is  
7 very wide, but not deep, 150 by 53. Lot was split  
8 from a much larger parcel sometime in the '60s and  
9 the shallow partial creates that difficulty. The  
10 entire rear yard setback does not comply. And the  
11 applicant claims it's not possible to put that  
12 addition on without a variance, which is accurate.

13 Staff findings here, zoned C-3,  
14 surrounding zoning there. Proposed construction of  
15 the new car wash does not comply with the zoning  
16 ordinance for rear setback. The existing building  
17 was constructed in approximately 1968 and a previous  
18 addition added in 1980. The building is legal  
19 non-conforming, does not meet rear setbacks  
20 currently.

21 Existing building and commercial lot  
22 is uniquely shaped, contains much more width than  
23 depth. Proposed car wash bay is a similar size to  
24 the existing bays. And the proposed building  
25 addition or expansion to the rear would require an

1 application for dimensional variance to the ZBA. It  
2 cannot be constructed without a variance.

3 Section 6.407, this is the practical  
4 difficulty standards. One, it meets that standard.  
5 Property owner would be prevented from expanding to  
6 the rear elevation.

7 Two, meets that standard. A variance  
8 would provide substantial justice here allowing the  
9 expansion of the business.

10 Three, it meets that standard as well.  
11 It's a unique circumstance. Property is uniquely  
12 sized, shaped. Very unique circumstances related to  
13 the property, it's not a standard size commercial  
14 lot. Very wide and little depth.

15 Problem is not self-created here. It  
16 meets that standard. The applicant has proposed an  
17 expansion that cannot meet the ordinance based on  
18 the unusual size of the property.

19 Meets five as well. Spirit of the  
20 ordinance would be observed. And 6 and 7, they are  
21 met as well.

22 Recommendation here is to approve  
23 dimensional variance for section 2.310(b) C-3, the  
24 minimum setback variance of eight feet granted to  
25 meet the specifications of 6.407. That's my report.

1 Applicant is here and I'll entertain any questions  
2 as well.

3 CHAIRPERSON TAYLOR: Thank you. Would  
4 the applicant please step forward. State your name,  
5 please and add anything you would like to the staff  
6 report.

7 MR. LOWE: Yes, my name is Charles  
8 Lowe and I was trying to get that stall built so I  
9 can add a detail shop along with my car wash on the  
10 north side.

11 CHAIRPERSON TAYLOR: Thank you. Is  
12 there anyone in the audience at this time that would  
13 like to comment regarding ZBA request? No? If not,  
14 I'll turn it to the Board for questions. Start to  
15 my right, Mr. Bueno.

16 COMMISSIONER BUENO: This car wash,  
17 the car is just going to pull in and pull out?  
18 Because the site plan wasn't very clear on what was  
19 going on out there. That's where the addition is  
20 going, the car wash addition, correct?

21 MR. SABO: Correct.

22 COMMISSIONER BUENO: So there's a bay,  
23 cars are going to pull in and then pull out --

24 MR. SABO: It's not self-service,  
25 correct, Mr. Lowe?

1 MR. LOWE: Correct.

2 MR. SABO: It's you, Mr. Lowe, will  
3 provide the wash and detail?

4 MR. LOWE: Right.

5 COMMISSIONER BUENO: Okay.

6 MR. SABO: And you drop your vehicle  
7 off or wait for it, I'm --

8 MR. LOWE: Right.

9 MR. SABO: Okay. Yes.

10 COMMISSIONER BUENO: Okay. I'm sorry,  
11 I thought it was one of those you come and wash your  
12 own car.

13 MR. LOWE: No. Hand job.

14 COMMISSIONER BUENO: Okay. No other  
15 questions.

16 CHAIRPERSON TAYLOR: Ms. Kirkendolph?

17 COMMISSIONER KIRKENDOLPH: Can you go  
18 to the -- one more. Okay, right there. That area  
19 right there, Mr. Lowe, just a little bit concerned.  
20 I mean, is that just storage; is it trash, I mean --

21 MR. LOWE: All of it is gone, ma'am.  
22 It was -- guy in the back had that.

23 COMMISSIONER KIRKENDOLPH: Okay. Guy  
24 in the back had it?

25 MR. LOWE: It's gone. It's all gone.



1 COMMISSIONER KIRKENDOLPH: Okay.

2 Okay. No other questions.

3 CHAIRPERSON TAYLOR: Thank you. Mr.  
4 Sinclair?

5 COMMISSIONER SINCLAIR: No questions.

6 CHAIRPERSON TAYLOR: Mr. Sykes?

7 COMMISSIONER SYKES: No questions.

8 CHAIRPERSON TAYLOR: At this time look  
9 to the Board to entertain a motion.

10 COMMISSIONER SINCLAIR: Motion to  
11 approve ZBA-15-07 for the variance request.

12 CHAIRPERSON TAYLOR: Is there a  
13 second?

14 COMMISSIONER SYKES: I second the  
15 motion.

16 CHAIRPERSON TAYLOR: Roll call,  
17 please.

18 MR. SABO: Mr. Sinclair?

19 COMMISSIONER SINCLAIR: Yes.

20 MR. SABO: Mr. Sykes?

21 COMMISSIONER SYKES: Yes.

22 MR. SABO: Ms. Kirkendolph?

23 COMMISSIONER KIRKENDOLPH: Yes.

24 MR. SABO: Mr. Bueno?

25 COMMISSIONER BUENO: Yes.

1 MR. SABO: Mr. Taylor?

2 CHAIRPERSON TAYLOR: Yes.

3 MR. SABO: Motion carries unanimously.  
4 Congratulations, Mr. Lowe.

5 MR. LOWE: Thank you.

6 MR. SABO: Come and talk to us about  
7 your building permit.

8 MR. LOWE: Oh.

9 MR. SABO: No, you're fine. I'm  
10 sorry. You're fine. Just come and talk to us about  
11 your building permit.

12 MR. LOWE: Okay.

13 MR. SABO: Very good, sir.

14 MR. LOWE: Thank you.

15 CHAIRPERSON TAYLOR: Thank you. Now  
16 moving to the filing for ZBA-15-08.

17 MR. SABO: Mr. Chairman, Board  
18 members, this is dimensional variance 2.313(b), 260  
19 East Beverly, M-2 zone district. This is the GM  
20 Plant 14 Stamping Facility building. This is  
21 Highwood here and Beverly and the addition is in  
22 this area right there.

23 Dimensional variance request,  
24 construction of a new building addition at the GM  
25 Plant 14 site to increase the maximum building

1 height. Planning Commission approved the site plan  
2 15-36 on June 3rd. Subject to obtaining a building  
3 height variance of 22 feet from the ZBA for  
4 construction.

5 As I mentioned, Highwood is up this  
6 way here and then Beverly up this way. This is the  
7 proposed addition here. 92,000 square feet, about  
8 92,000 square feet on the north elevation of the  
9 building. This is the building elevations here;  
10 pretty standard manufacturing facility elevations.  
11 Addition in this area right here -- or I'm sorry,  
12 it's just to the right of that. They got to  
13 maintain the front door. Right in this area. And  
14 obviously a very large site. Those dots are people,  
15 so it's a big site.

16 M-2 zoning, existing uses here.  
17 Dimensional variance request for building height.  
18 Maximum building height is 45 feet in the M-2 zone.  
19 Applicant requesting to increase that to 67. Height  
20 variance of 22 feet requested. The existing  
21 building height is 53 to 55, I think currently.

22 Applicant practical difficulty here is  
23 proposed for the updating of existing stamping  
24 facility based on new equipment and new technology  
25 for the manufacturing process. Applicant states

1 that to accommodate the installation of new presses  
2 and stamping equipment, the equipment is taller and  
3 larger than the existing building accommodates, and  
4 that creates the practical difficulty; in order to  
5 update their facility they can't fit it inside the  
6 current building. Addition is needed to house that  
7 new equipment. To install the equipment, the  
8 addition must be 22 feet taller than the allowable  
9 height in M-2 and slightly taller than the building  
10 is now. The applicant states they're inadvertently  
11 penalized by the zoning ordinance because it does  
12 not contemplate changes in the technology of the  
13 manufacturing process and equipment needed for those  
14 updates. Therefore, they're requesting a 22-foot  
15 height variance. No other practical difficulty.

16 As stated, the staff findings here,  
17 it's zoned M-2. Existing height is 53 feet. It's  
18 legal non-conforming already. The proposed addition  
19 will not meet the height at 45. Proposed building  
20 height is 67. Site plan was approved by the  
21 Planning Commission on June 3rd. The ZBA approval  
22 of a 22 height variance was an approval condition at  
23 the Planning Commission, and without a ZBA variance,  
24 maximum height for an addition would be 45.

25 The authorization here, 6.407 for

1 practical difficulty. Meets that standard.  
2 Property owner would not be able to update or  
3 upgrade their manufacturing equipment for the  
4 existing building because the height does not meet  
5 their needs.

6 Two, granting the variance does  
7 substantial justice. It meets that standard. The  
8 variance will provide justice to the applicant as  
9 the existing building height does not accommodate  
10 their updated equipment needs.

11 Three, applicant is -- the plight is  
12 due to the unique circumstances of the property. It  
13 meets that standard. There are unique circumstances  
14 related to the existing building height. The  
15 building height is fixed and it's not tall enough to  
16 accommodate the equipment upgrades they need.

17 Problem is not self-created. May meet  
18 that standard. The applicant has created the  
19 problem by proposing the addition; however, the  
20 applicant did not create the technological changes  
21 needed for the stamping and manufacturing process.

22 Five, it would meet that. 6 and 7 as  
23 well.

24 Recommendation here is to approve the  
25 dimensional variance request for ZBA-15-08, GM Plant

1 14 Stamping building height variance of 22 feet as  
2 it meets the standards for 6.407. The applicant is  
3 here and I'll entertain any questions as well.

4 CHAIRPERSON TAYLOR: Okay. Thank you.  
5 Would the applicant please step forward. State your  
6 name and add anything you'd like to the report  
7 today. Thank you.

8 MR. HUHTA: Good evening. Thank you  
9 for the opportunity to be with you today. My name  
10 is Jeff Huhta with Nowak & Fraus Engineering, 46777  
11 Woodward Avenue. With me today is Larry Getty from  
12 General Motors. I think Mr. Sabo's report was very  
13 detailed and thorough as it relates to this specific  
14 issue. I would just point out that the existing  
15 building height, 53 feet as it exists out there, did  
16 go through a similar ZBA process. Proper variances  
17 were obtained for that -- for the existing building  
18 height itself.

19 The only other thing that I would add  
20 is just this is obviously a very significant  
21 investment in the City of Pontiac. The uniqueness  
22 of this particular project is very interesting in  
23 the sense that this is a facility that's going to  
24 test all of the dies for all of the stamping  
25 operations, so this is a testing type of facility as

1 it relates to what we're going to be proposing here.  
2 So, I think that really is -- is interesting in the  
3 sense that it's here in Pontiac, and it's going to  
4 be all the new future models of General Motors's  
5 vehicles would be stamped here first for die  
6 testing, so --

7 CHAIRPERSON TAYLOR: Very good. Very  
8 good. Excellent.

9 MR. HUHTA: I think from that  
10 viewpoint obviously, again, a significant investment  
11 in jobs and everything else. So it's very critical  
12 as it relates to the overall project that this  
13 variance be granted.

14 CHAIRPERSON TAYLOR: Very good. Thank  
15 you. Is there anyone in the audience would like to  
16 add? We'll close the comment portion from the  
17 public right now and go to the Board for questions  
18 and concerns. To my right, Mr. Bueno?

19 COMMISSIONER BUENO: Is the height on  
20 the main building or was there like a penthouse or  
21 something like part of the structure?

22 MR. HUHTA: No, it's -- the height is  
23 the main building.

24 COMMISSIONER BUENO: Main building?

25 MR. HUHTA: If you can see in the

1 foreground there in the upper right-hand corner  
2 there's a little mechanical area there, that's  
3 basically the height of the proposed plan. So you  
4 can get an idea of scale as it relates to the  
5 overall project.

6 COMMISSIONER BUENO: There's been --  
7 this site has been in front of this Board probably  
8 several times over the years.

9 MR. HUHTA: Right.

10 COMMISSIONER BUENO: Both the wind  
11 tunnel, this plant and so forth, and this is deep  
12 inside the complex, and I don't see any issues with  
13 the height variance.

14 CHAIRPERSON TAYLOR: Thank you. Mr.  
15 Sykes?

16 COMMISSIONER SYKES: No questions.

17 CHAIRPERSON TAYLOR: Mr. Sinclair?  
18 Excuse me.

19 COMMISSIONER SINCLAIR: Just -- the  
20 actual building, what was the actual construction  
21 date? Just for personal --

22 MR. HUHTA: Proposed construction?

23 COMMISSIONER SINCLAIR: No, what was  
24 the actual construction date of -- that's Plant 14?

25 MR. HUHTA: Oh, geez, it was back in



1 the '50s; '40s, '50s.

2 MR. GETTY: '51.

3 MR. HUHTA: There's been building  
4 additions over a period of time. 1951.

5 MR. GETTY: 1951.

6 COMMISSIONER SINCLAIR: I had a lot of  
7 family come through there.

8 COMMISSIONER BUENO: Just did an  
9 addition a few years ago. Not quite so high, but  
10 they --

11 COMMISSIONER SINCLAIR: Yeah, I  
12 remember that now. That was just for the record.  
13 I've had plenty of family members work there in that  
14 plant.

15 CHAIRPERSON TAYLOR: Thank you. And  
16 Ms. Kirkendolph?

17 COMMISSIONER KIRKENDOLPH: No comment.

18 CHAIRPERSON TAYLOR: At this time I  
19 entertain a motion.

20 COMMISSIONER BUENO: So moved to grant  
21 the height variance requested for the applicant.

22 COMMISSIONER KIRKENDOLPH: Support --  
23 I second that.

24 CHAIRPERSON TAYLOR: Roll call.

25 MR. SABO: Mr. Bueno?

1 COMMISSIONER BUENO: Yes.

2 MR. SABO: Ms. Kirkendolph?

3 COMMISSIONER KIRKENDOLPH: Yes.

4 MR. SABO: Mr. Sinclair?

5 COMMISSIONER SINCLAIR: Yes.

6 MR. SABO: Mr. Sykes?

7 COMMISSIONER SYKES: Yes.

8 MR. SABO: Mr. Taylor, Chairman?

9 CHAIRPERSON TAYLOR: Yes.

10 MR. SABO: Motion carries unanimously.  
11 Congratulations.

12 MR. HUHTA: Thank you very much.  
13 Appreciate your help.

14 MR. SABO: Good luck with your  
15 addition.

16 CHAIRPERSON TAYLOR: I guess at this  
17 time I'll go to staff. Is there anything we're  
18 adding on to the agenda?

19 MR. SABO: Just one comment, Mr.  
20 Chairman, I think there is -- before Mr. Todd  
21 resigned there was another ZBA member in the process  
22 of appointment and I'll keep you updated on that.

23 CHAIRPERSON TAYLOR: Sure. All right.  
24 At this time I don't see no one in public comment  
25 time so we'll close that. Any miscellaneous that we

1 need to know of at this time? At this time I  
2 entertain a motion to close, adjourn.

3 COMMISSIONER KIRKENDOLPH: Adjourn.  
4 Close.

5 CHAIRPERSON TAYLOR: All right.

6 COMMISSIONER KIRKENDOLPH: All right?

7 (At 7:54 p.m., proceedings concluded.)

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C E R T I F I C A T E

I, Quentina Rochelle Snowden, do hereby certify that I have recorded stenographically the proceedings had and public comment taken in the meeting, at the time and place hereinbefore set forth, and I do further certify that the foregoing transcript, consisting of (44) pages, is a true and correct transcript of my said stenographic notes.

Dated: June 22, 2015



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Quentina R. Snowden, CSR-5519

Notary Public, Genesee County, Michigan

My commission expires: 1/4/2018