

1 ZONING BOARD OF APPEALS MEETING: City of Pontiac Zoning
2 Board of Appeals Meeting Minutes on Tuesday, November 17,
3 2015; Pontiac City Hall, 47450 Woodward Avenue, Pontiac,
4 Michigan 48342

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

12 FROM THE CITY: C. James Sabo, City Planner

13 CHAIRMAN TAYLOR CALLED THE MEETING TO ORDER AT 7:04 P.M.

14 ROLL CALL:

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

17 Mr. Sabo reported a quorum present.

18 COMMUNICATIONS: The addition of Comm. Payne. Still need
19 another alternate.

20 MINUTES FOR REVIEW: 10-20-15

21 COMM. SINCLAIR MADE A MOTION TO ACCEPT THE MINUTES

22 COMM. ANDERSON SECONDED

23 VOTE: AYES: Kirkendolph, Sinclair,
24 Anderson, Taylor, Bishop

25 NAYS: None.

ABSTAIN: Payne.

Vote 5-0-1 motion carries.

OLD BUSINESS: NONE.

NEW BUSINESS:

1 PUBLIC HEARING AND VARIANCE REQUEST:
2 ZBA-15-16
3 PROPERTY ADDRESS: 45399 Woodward Ave., M-1 Concourse
4 ZONE: MUD, Mixed Use District
5 LOCATION: Sidwell # 14-33-351-012
6 APPLICANT: Brad Oleshansky
7 Presentation of facts given by Mr. Sabo.
8 Mr. Brad Oleshansky, 990 Pilgrim Ave., Birmingham, MI,
9 developer of M-1, stated that they are about 60 percent done
10 with construction, they're investing \$25 million with large
11 permitting fees and \$100,000 just to construct, it's really
12 the entrance to the City, at the corner of Woodward and
13 South, the property is 80-plus acres. He stated they plan
14 to promote their events as well as those of the City.
15 CHAIR TAYLOR OPENED THE PUBLIC HEARING BUT NO ONE WISHED TO
16 SPEAK.
17 COMM. PAYNE ASKED IF THIS WAS FOR A SIGN ON THE OUTSIDE AND
18 IF THERE WAS ALREADY ONE ON THE INSIDE.
19 Mr. Oleshansky answered that there are presently no signs
20 and that this will be a free-standing monument sign.
21 COMM. PAYNE ASKED IF IT WAS GOING TO BE RIGHT ON THE CORNER.
22 Mr. Oleshansky answered that it will be set back and asked
23 Mr. Sabo how far.
24 Mr. Sabo answered 30 feet.
25 Mr. Oleshansky stated it will be behind the current fence
but in the property.
COMM. PAYNE ASKED ABOUT THE CURRENT BILLBOARDS.
Mr. Oleshansky stated they are temporary.
COMM. PAYNE ASKED IF THEY WILL GO AWAY.
Mr. Oleshansky stated they will.

1 COMM. BISHOP JUST ADDED THAT SHE WISHED THE SIGN SAID,
"PONTIAC".
2
3 Mr. Oleshansky stated that they are giving lots of promotion
to the City.

4 COMM. ANDERSON INQUIRED ABOUT THE ADVERTISEMENT FOR THE
CITY.
5
6 Mr. Oleshansky stated that they are going to offer a display
board for dynamic advertising if there's a City event or
City Council.
7
8 COMM. ANDERSON ALSO STATED THAT IT WOULD BE A GREAT
REPLACEMENT FOR THE SIGN LOST AT THE SILVERDOME.

9 CHAIR TAYLOR WANTED TO ADD THAT IT'S A FABULOUS SITE SO THEY
SHOULD HAVE A FABULOUS SIGN.
10
11 COMM. BISHOP MOVED TO APPROVE, FOLLOWING THE RECOMMENDATION
OF MR. SABO.

12 COMM. KIRKENDOLPH SECONDED.

13 VOTE: AYES: Payne, Kirkendolph, Sinclair,
Anderson, Taylor, Bishop
14
15 NAYS: None.
16
17 ABSTAIN: None.
18
19 Vote 6-0-0 motion carries.

20 PUBLIC HEARING AND VARIANCE REQUEST:
21 ZBA-15-18
22 PROPERTY ADDRESS: 871 E. Walton Blvd.
23 ZONE: R-1, One-Family Dwelling District
24 LOCATION: Sidwell # 14-10-351-012, 013
25 APPLICANT: Roger D. Clay

26 Presentation of facts given by Mr. Sabo.

27 Mr. Roger Clay, 871 East Walton Boulevard, Pontiac, MI,
28 stated that they want this building addition for cold
storage only, there's no plumbing and there's no gas
availability to this building.

1 CHAIR TAYLOR OPENED THE PUBLIC HEARING BUT NO ONE WISHED TO
2 SPEAK.
3 COMM. SINCLAIR ASKED ABOUT THE LOT DIMENSIONS.
4 Mr. Clay answered 150 by 250, 37,500, so 150 feet of
5 frontage on Walton and then 250 feet back, a pretty long
6 driveway here that's probably an 18- or 20-foot car.
7 COMM. ANDERSON INQUIRED IF THERE ARE A LOT OF TREES BACK
8 THERE.
9 Mr. Clay answered that there were.
10 COMM. ANDERSON ASKED WHAT THE STAFF RECOMMENDED FOR
11 BUFFERING.
12 Mr. Sabo stated that because it's such a big lot, he didn't
13 have any issues with the garage.
14 COMM. KIRKENDOLPH INQUIRED OF THE APPLICANT WHAT HE WANTED
15 TO STORE THERE.
16 Mr. Clay answered anything to keep the property up, such as
17 lawnmowers and quite of bit of inherited items.
18 COMM. BISHOP INQUIRED OF MR. SABO IF THE ORDINANCE IS BUILT
19 FOR A SMALLER BUILDING BUT, BECAUSE HE WANTS TO BUILD A
20 BIGGER BUILDING, IT'S NOT WITHIN THE GUIDELINES.
21 Mr. Sabo affirmed.
22 COMM. BISHOP INQUIRED IF THEY HAD A BIGGER LOT THAN USUAL
23 THAT WOULD ACCOMMODATE A LARGER GARAGE.
24 Mr. Clay affirmed.
25 COMM. PAYNE INQUIRED WHAT THE BUILDING IS CURRENTLY BEING
USED FOR.
Mr. Clay answered to store stuff.
COMM. PAYNE INQUIRED WHERE THE APPLICANT WAS CURRENTLY
STORING THINGS.
Mr. Clay answered a storage rental.
COMM. PAYNE ASKED THE APPLICANT IF HE'S SPOKEN TO HIS
NEIGHBORS.

1 Mr. Clay responded that the house on the one side has
renters and the house on the other side he owns himself.

2

3 COMM. PAYNE MOVED TO SUPPORT THE ZBA 15-18, TO ALLOW THE
4 DIMENSIONAL VARIANCE OF 522 SQUARE FEET IN THE AREA AS THE
REQUEST APPEARS TO MEET THE SPECIFIC STANDARD FOR PRACTICAL
DIFFICULTY FROM SECTION 6.407 OF THE ZONING ORDINANCE.

5 COMM. BISHOP SECONDED.

6 VOTE: AYES: Kirkendolph, Sykes, Sinclair,
Anderson, Taylor, Bishop

7

8 NAYS: None.

9

10 ABSTAIN: None.

11

12 Vote 6-0-0 motion carries.

13 PUBLIC HEARING AND VARIANCE REQUEST:

14 ZBA-15-19

15 PROPERTY ADDRESS: 96 Virginia Street

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

17 LOCATION: Sidwell # 14-20-406-026

18 APPLICANT: Dixon Construction, Bank of America
Rep: Shannon Dixon

19 Presentation of facts given by Mr. Sabo.

20 Mr. Shannon Dixon, for Dixon Construction, 12347 Poisington,
Gaines, Michigan, stated that they really couldn't make it
any more narrow because it would put the post or pole right
where you couldn't use the driveway.

21 CHAIR TAYLOR ASKED STAFF, PER THEIR RECOMMENDATION, ANY
APPROVAL SHOULD BE TIED TO THE PLANS SUBMITTED AND ARE
SATISFACTORY.

22

23 Mr. Sabo affirmed and indicated that a storm knocked the
tree over which knocked over the car port.

24 CHAIR TAYLOR OPENED THE PUBLIC HEARING BUT NO ONE WISHED TO
SPEAK.

25

1 COMM. PAYNE INQUIRED IF THE GARAGE THAT WAS THERE WAS IN
COMPLIANCE.

2 Mr. Sabo stated it was not.

3 COMM. PAYNE INQUIRED IF HE RE-BUILDS IT, IF IT WOULD THEN BE
4 IN COMPLIANCE.

5 Mr. Sabo answered that with the variance it would.

6 MR. ANDERSON INQUIRED IF THE APPLICANT AGREED WITH THE PLAN.

7 Mr. Dixon stated that he did.

8 COMM. ANDERSON MOVED TO APPROVE REQUEST FOR A DIMENSIONAL
VARIANCE, SECTION 2.304(B), DIMENSION AND DESIGN STANDARDS
9 FOR SIDE SETBACK STRUCTURES, R-1 DISTRICT TO INCREASE THE
MINIMAL ALLOWABLE SIDE SETBACK FOR A CARPORT STRUCTURE TO
10 COVER THE EXISTING DRIVEWAY.

11 COMM. BISHOP SECONDED.

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

13 NAYS: None.

14 ABSTAIN: None.

15 Vote 6-0-0 motion carries.

16 PUBLIC HEARING AND VARIANCE REQUEST:

17 ZBA-15-20

18 PROPERTY ADDRESS: 225, 240 Columbia Ave.

19 ZONE: M-2, General Industrial District

20 APPLICANT: Dan's Excavating

21 Rep: Chris Cousino

22 Presentation of facts given by Mr. Sabo.

23 Mr. Chris Cousino, 12955 23 Mile Road, Shelby Township,
Michigan, stated that, like many of the other RACER trusts,
24 these are fairly difficult sites to develop and to site plan
for, they don't have a vacant canvas because a lot of times
25 they're dealing with existing slabs, in this case,
underground utilities, it is considered an environmental

1 facility so they're dealing with certain deed restrictions.
2 So with that, he thinks that these variance requests are in
3 line with the property and kind of what they're up against
4 in dealing with the development of it. They did go through
5 site plan approval, which they did receive conditioned upon
6 the items that were itemized.

4

CHAIR THOMAS OPENED UP THE PUBLIC HEARING.

5

6 Susan Shoemaker, 117 East Princeton, Pontiac, MI inquired if
7 the deed restrictions refer to environmental impact, like
8 you can't dig up concrete because there's issues with all of
9 that.

8 Mr. Sabo affirmed and stated the potential contamination,
9 possible heavy metals, things of that nature.

9

10 Ms. Shoemaker inquired if it was north of the building he
11 wants to construct.

11 Mr. Sabo affirmed and stated that the building he's looking
12 to construct is reasonably small compared to how large the
13 site is.

13 Ms. Shoemaker stated, when her and other residents left the
14 Planning Commission meeting, their assumption was that when
15 the applicant talks about an aggregate berm, it is just
16 crushed concrete, there's no grass over this and asked if
17 that's what the berm is going to look like.

16 Mr. Sabo answered that he believed it was going to be an
17 earth berm.

17

18 Ms. Shoemaker said their big question tonight is exactly
19 where does the berm lie in retrospect, how close to the
20 residential properties because some homes are very close to
21 the tracks. She also expressed concern over noise which is
22 why they're grateful for the berm.

20

CHAIR THOMAS CLOSED PUBLIC HEARING.

21

22 COMM. SINCLAIR INQUIRED OF THE APPLICANT WHY THEY ARE
23 PROPOSING TO DO AWAY WITH THE ASPHALT AND MOVE TO PARK ON
24 CRUSH.

23

COMM. ANDERSON STATED THAT HE WASN'T GOING TO DO THAT.

24

25 Mr. Sabo clarified that part of the request is not to pave
and to park on aggregate.

1 COMM. SINCLAIR ASKED THE APPLICANT WHY THAT WAS.

2 Mr. Cousino stated that legal representation of RACER trust
3 stated to them that these properties are best suited if
4 they're kept as much as possible in their natural state plus
5 concrete requires sub base prep, whereas with the millings
6 they can just go ahead and install it at grade. He also
7 stated that the berm is much bigger than what they'd have to
8 do by way of the ordinance, with an 8-foot-high fence so it
9 would seem redundant to have to install an additional fence
10 and that the berm will be seeded with grass.

11 MR. ANDERSON INQUIRED WHAT STAFF RECOMMENDS ABOUT THE FENCE.

12 Mr. Sabo stated the request is to not have a fence here and
13 have a berm instead, which he thinks the residents are in
14 favor of. He then had a quick question for the applicant,
15 which was, is the berm just going to be right on the
16 property line, are they planning to pull out those rails?

17 Mr. Cousino answered either pulled out or capped and stated
18 that the rails haven't been used in several years.

19

20 Mr. Sabo asked the applicant if the berm would be right at
21 the property line.

22 Mr. Cousino affirmed and also stated they're going to put in
23 the required 8-foot-high obscuring fence along this property
24 line, he just doesn't know definitively where that line is
25 until they develop their plans for either site. He stated
the variance wasn't to install it, it's to delay it.

17 COMM. ANDERSON INQUIRED IF MILLING IS THAT YOU GO OVER THE
18 CONCRETE, KIND OF CUT IT UP A LITTLE BIT AND THEN YOU PUT
19 SOMETHING OVER THAT.

20 Mr. Cousino stated that it would be a hard patch when you
21 get to ground asphalt and you place it and compact it and
22 that it creates a permeable surface so you don't have a lot
23 of runoff but it creates a hard enough surface to where they
24 can park their vehicles without any issues.

25 COMM. ANDERSON INQUIRED ABOUT THE TRUCKING OPERATION.

1 Mr. Cousino answered that it's a one out in the morning, do
2 their operation and come out during the day, it's not a
3 perpetual event during the day; once they go out, they'll
4 either be loaded on site or they'll be out being loaded on a
5 different location.

1 COMM. ANDERSON ASKED THE APPLICANT IF HE HAS ANY PROBLEMS
2 WITH THE RECOMMENDATIONS OF STAFF.

3 Mr. Cousino stated he has no issues.

4 COMM. PAYNE ASKED THE APPLICANT HOW HE PLANNED TO RESOLVE
5 NOISE CONCERNS.

6 Mr. Cousino answered that an 8-foot-high berm is going to
7 have grass and it will reduce significantly any noise and
8 he's not expecting a large volume of noise from this
9 operation by any means.

10 COMM. PAYNE STATED THAT ONE OF THE RECOMMENDATIONS WERE TO
11 PROVIDE DOCUMENTATION FROM RACER TRUST. THEN SHE ASKED THE
12 APPLICANT IF HE HAD DONE THAT YET.

13 Mr. Cousino stated that, no, he just received this, he
14 believes last night and he does have the deed restrictions
15 on the property that he can provide staff a copy of.

16 COMM. KIRKENDOLPH INQUIRED THE APPLICANT, WHEN HE PUTS THE
17 BERM UP, IS HE REALLY CONSIDERING ABOUT THE RESIDENTS THAT'S
18 THERE.

19 Mr. Cousino stated that he thinks this is more of a benefit
20 to the residents than a fence would be.

21 CHAIR THOMAS INQUIRED ABOUT THE RESIDENTIAL CONCERN, THEIR
22 QUESTION, IN PROXIMITY HOW CLOSE THE BERM WOULD BE TO THE
23 RAILROAD TRACKS.

24 Mr. Cousino answered that between his property line and
25 adjacent residents' property line he believes is 50 feet.

COMM. PAYNE SUGGESTED OPENING UP PUBLIC HEARING AGAIN.

CHAIR THOMAS RE-OPENED PUBLIC HEARING.

Ms. Shoemaker stated that it would be nice and help with the
sound to have evergreens on top of an 8-foot berm. She also
wanted to clarify, yes, they still do run trains and that
they sometimes still leave boxcars down there. She then
inquired if the applicant would have to come back on the
cement crusher aspect.

Mr. Sabo affirmed and confirmed that the applicant is aware
of the request for evergreens. He then inquired of the
applicant if there would be aggregate stored at the site.

1 Mr. Cousino affirmed.

2 Mr. Sabo wanted it to be known that the fence height of 8
3 feet was because storage is limited to 7 to 7 1/2 feet. He
4 also inquired of the applicant if there were storage bins on
5 the east side of that parking area.

6 Mr. Cousino affirmed but indicated that it was for low-lined
7 material.

8 Mr. Sabo inquired what kind of material.

9 Mr. Cousino indicated topsoil and mulch.

10 COMM. ANDERSON ASKED THE APPLICANT IF HE WAS IN AGREEMENT
11 WITH PLANTING THOSE TREES.

12 Mr. Cousino answered yes and said that was suggested that
13 was a condition of their site plan approval.

14 COMM. ANDERSON ASKED MR. SABO IF THE BOARD HAD THAT IN
15 WRITING.

16 Mr. Sabo affirmed.

17 COMM. ANDERSON MOVED TO REAPPROVE BASED ON THE
18 RECOMMENDATION OF THE PLANNING COMMISSION AND THE STAFF.

19 COMM. BISHOP SECONDED.

20 VOTE: AYES: Payne, Kirkendolph, Sinclair,
21 Anderson, Taylor, Bishop

22 NAYS: None.

23 ABSTAIN: None.

24 Vote 6-0-0 motion carries.

25 COMM. BISHOP MOVED TO ADJOURN.

COMM. KIRKENDOLPH SUPPORTED.

ADJOURNMENT: 8:12 p.m.

