

1 ZONING BOARD OF APPEALS MEETING: City of Pontiac Zoning
Board of Appeals Meeting Minutes on September 15, 2015;
2 Pontiac City Hall, 47450 Woodward Avenue, Pontiac, Michigan
48342
3
4 COMMISSIONERS: Chair Ahmad Taylor
Carlos Bueno
Sam Anderson
5 Elcine Kirkendolph
Joseph Sinclair
6 Brent Sykes
Laurie Bishop
7
8 FROM THE CITY: C. James Sabo, City Planner
9
10 CHAIRMAN TAYLOR CALLED THE MEETING TO ORDER AT 7:03 P.M.
11
12 ROLL CALL:
13 PRESENT: Comm. Taylor, Comm. Bueno, Comm. Anderson,
14 Comm. Kirkendolph, Comm. Sinclair, Comm. Sykes,
Comm. Bishop
15
16 Mr. Sabo reported a quorum present.
17
18 COMMUNICATIONS: NEW BOARD MEMBER LAURIE BISHOP WAS
19 WELCOMED AND THANKED FOR HER PARTICIPATION.
20
21 MINUTES FOR REVIEW: July 21, 2015.
22
23 COMM. BUENO MOVED TO ADOPT JULY 21st MINUTE MEETING NOTES
WITH ANY NECESSARY CORRECTIONS.
24
25 COMM. KIRKENDOLPH SUPPORTED
VOTE: AYES: Bueno, Kirkendolph, Sykes, Sinclair,
Anderson, Taylor, Bishop
NAYS: None.
ABSTAIN: None.
Vote 7-0-0 motion carries.
OLD BUSINESS: NONE.
24
25

1 NEW BUSINESS:

2 PUBLIC HEARING AND VARIANCE REQUEST:

3 ZBA-15-11 For Section 5.106(A)(2)

4 PROPERTY ADDRESS: 210 N. PERRY STREET

5 ZONE: C-0, Residential Office District.

6 LOCATION: Sidwell # 14-29-282-031

7 APPLICANT: Grace Centers of Hope,
Rep: Clif Seiber, P.E.

8

Presentation of facts given by Mr. Sabo.

9

10 Cliff Seiber, representing Grace Centers of Hope, 210 North
11 Perry indicated that the Women and Children's Center at
12 Grace Centers of Hope received site plan approval in
13 November of 2013 and this past June had a ground-breaking
14 ceremony and commenced with construction, which is
15 anticipated to be completed in March of next year. He
16 indicated that the sign is pretty well custom fit for the
17 building and visible on the Woodward loop, a high-traffic
18 area. So for that reason he is asking for the two
19 variances; one, as to the sign; and the second as to the
20 period of time on which the temporary sign would be
21 installed.

22 CHAIR TAYLOR OPENED PUBLIC COMMENT BUT NO ONE WISHED TO
23 SPEAK.

24

25 COMM. BISHOP STATED THE SIGN LOOKS WONDERFUL, BEAUTIFUL AND
26 THAT THE APPLICANT FIT IT IN THERE NICELY AND THAT SHE WOULD
27 LIKE TO SEE THE APPLICANT BE ABLE TO USE IT AS LONG AS THEY
28 CAN SINCE THEY PROBABLY PAID A GOOD CHUNK OF MONEY FOR IT.

29 COMM. ANDERSON MADE A COMMENT ABOUT THE WAY PEOPLE DRIVE AND
30 THAT ANYTHING DEALING WITH THE CHURCH LIKE THAT IS GOOD FOR
31 THE NEIGHBORHOOD AND THAT HE WANTS PEOPLE TO BE ABLE TO SEE
32 SOMETHING POSITIVE LIKE THAT AND ASKED IF IT IS GOING TO BE
33 LIT.

34 Mr. Seiber stated that they don't anticipate the light
35 necessary right now on the temporary sign.

36

37 COMM. ANDERSON ASKED IF THE PROBLEM IS WITH THE SIGN ON THE
38 BUILDING WITH THE AMOUNT OF TIME THAT IT'S GOING TO BE UP.

1 Mr. Sabo indicated that is correct, they're proposing to
exceed the 30-day limit.

2
3 COMM. ANDERSON SUPPORTS THE APPLICANT AND FEELS THE BOARD
SHOULD GIVE THEM THE EXTRA TIME.

4 COMM. BUENO HAD ONE QUESTION FOR MR. SABO, IF THE NEW
CONSTRUCTION HAS BEEN WORKED OUT ON THE SITE PLAN.

5
6 Mr. Sabo stated that he has not seen any new signs for the
Center and indicated that maybe Mr. Seiber has more
information on that.

7
8 Mr. Seiber indicated not yet and that they will be coming in
for a sign permit on that just to change the title on it.

9 COMM. BUENO ASKED IF IT WOULD BE LIKE A NORMAL SIGN.

10 Mr. Seiber indicated that yes and he thinks it will be the
same dimensions as the sign that's there now.

11
12 COMM. SINCLAIR STATED HE WAS GLAD TO SUPPORT THE APPLICANT
IN THEIR ENDEAVOR.

13 COMM. ANDERSON MOVED THAT THE BOARD ACCEPT THE PLAN OF THE
NEW SIGN PAST 30 DAYS.

14
15 COMM. SINCLAIR SUPPORTED.

16
17 COMM. KIRKENDOLPH INDICATED THAT THERE'S TWO PARTS.

18
19 COMM. ANDERSON MADE A MOTION THAT THE BOARD APPROVE, NUMBER
ONE, VARIANCE REQUEST FOR ONE TEMPORARY SIGN DISPLAYED FROM
9-15-2015 TO 3-15-2016, VARIANCE REQUEST IS NOT TO EXCEED
THE DISPLAY OF 150 DAYS; THEN THE NEXT ONE IS A VARIANCE
REQUEST FOR ONE TEMPORARY SIGN, 20 FEET BY 14 OR 200 SQUARE
FEET IN AREA VARIANCE REQUESTED IN THIS 230 SQUARE FEET.

20 COMM. SINCLAIR SUPPORTED.

21 VOTE: AYES: Bueno, Kirkendolph, Sykes, Sinclair,
Anderson, Taylor, Bishop

22
23 NAYS: None.

24
25 ABSTAIN: None.

Vote 7-0-0 motion carries.

1 PUBLIC HEARING AND VARIANCE REQUEST.
2 ZBA-15-12 For Section 2.509(A)(1) and Section 2.509 (D)
3 PROPERTY ADDRESS: 197 S. JOHNSON
4 ZONE: C-3, Corridor Commercial District.
5 APPLICANT: Stanley Oliver
6 Presentation of facts given by Mr. Sabo.
7 Mr. Stanley Oliver, 388 Elm Street, Pontiac, Michigan
8 thanked Mr. Sabo for his help, indicated that his business
9 is located on the corner of Johnson and Orchard Lake and
10 introduced Sherry Metoyer as having a daycare and a tutoring
11 service next door and that she uses part of his driveway and
12 indicated that that is definitely not something that he
13 wants to eliminate, which is why he is asking for the
14 dimensional variance, for safety reasons. He indicated that
15 there's no street parking there, what they're proposing
16 works for both businesses and this is the neighborhood they
17 grew up in. He indicated no one's actually ever given them
18 any financial aid or help, he remembers looking over when
19 she started her business, her and her mother went out there,
20 cleaning the building and constructing and if you drive by
21 his business today you'll see his father working outside.
22 He indicated her daycare looks great, it's well-maintained
23 with flowers, she shovels driveway that he allows her to
24 use, it's nicely seal coated every year, it's clean. He
25 indicated that in the summer the two of them hire students
from their community, they have so many people leaving our
city now, saying, "Why should we stay in Pontiac?" He
indicated that they are two business people here from our
community, working hard, this will allow them to continue to
grow, and that he doesn't want to take the driveway out.
Ms. Sherry Metoyer, 189 South Johnson indicated she has a
tutoring service that helps the kids and her and her husband
does this from the kindness of their hearts, they're
Christian people and believe in doing the right thing and
that Stanley Oliver and her work well together and she
appreciates him letting them use the driveway and she hopes
the Board will grant their wish.
CHAIR THOMAS OPENED THE PUBLIC COMMENT YET NO ONE WISHED TO
SPEAK.
COMM. SINCLAIR INDICATED HE APPRECIATES WHAT THEY'RE DOING
BECAUSE, WITH THAT FIRE, THEY COULD HAVE JUST DECIDED TO

1 START SOMEWHERE ELSE SO HE APPLAUDS THEM IN WHAT THEY'RE
2 DOING AND ANYTHING THAT HE COULD DO TO SUPPORT THEIR
3 ENDEAVOR HE DEFINITELY WILL CONFORM TO.

4 COMM. KIRKENDOLPH INDICATED TO KEEP UP THE GOOD WORK.

5 COMM. BUENO INDICATED HE APPRECIATED THEM TWO WORKING IT
6 OUT, SINCE THEY'VE OWNED IT, IT'S ALWAYS BEEN CLEAN OUTSIDE,
7 PRESENTABLE, NOT LIKE OTHER TIRE REPAIR SHOPS AND HE
8 APPRECIATES THAT BECAUSE HE LIVES IN THE AREA. THE QUESTION
9 HE HAD IS ON JOHNSON STREET, THE CEDAR FENCE, GRASS AND IT
10 LOOKS KIND OF LIKE A HOME AND WANTED TO KNOW IF IT'S GOING
11 AWAY OR WHAT'S GOING ON.

12 Mr. Oliver indicated that's where the addition will take
13 place.

14 COMM. BUENO INDICATED IN FRONT OF THE ADDITION BETWEEN THE
15 ADDITION AND THE SIDEWALK, RIGHT NOW, THEY HAVE A TREE, HAVE
16 A SPLIT RAIL FENCE, GRASS, IT KIND OF LOOKS A HOME. HE THEN
17 DIRECTED MR. SABO TO GO TO THE SITE PLAN AND INDICATED THE
18 AREA HE WAS SPEAKING OF AND ASKED IF THEY COULD STILL HAVE
19 GRASS AND A FENCE.

20 Mr. Oliver indicated that part of it will be and that the
21 split rail fence will decrease by ten feet, the width of the
22 driveway, that way they get the best entrance to the new
23 facility.

24 COMM. BUENO INDICATED THAT IT WOULD BE NICE IF ADDITIONAL
25 LANDSCAPING WAS GOING ON ON THE FRONT OF THE ADDITION.

26 Mr. Oliver indicated that he will help Ms. Metoyer plant
27 flowers, no problem.

28 COMM. ANDERSON STATED THAT NOT ONLY WAS HE HERE BEFORE WHEN
29 HE FIRST STARTED THE TIRE THING AND STUFF AND, LIKE
30 MR. BUENO SAID, HE'S ALWAYS BEEN A MAN OF HIS WORD AND ALSO
31 THAT, WITH THEIR CHURCH BEING UP THE STREET AND THE TWO
32 BUSINESSES RIGHT THERE, THEY COME TO CHURCH, THEY PARK ALL
33 THE WAY DOWN SO THAT ADDS A COMMUNITY BUSINESS TYPE FLARE,
34 IT GIVES THEM A LITTLE BIT OF SOMETHING WITH THE CHURCHY
35 AREA, THE CHURCH AND THOSE BUSINESSES AROUND THERE. HE ALSO
36 INDICATED THAT ON THE FRONT OF THE BUILDING HE KNOWS THAT
37 GAS METER'S KIND OF CLOSE TO THE ROAD THERE, AND ADVISED THE
38 APPLICANT TO JUST CALL CONSUMERS AND TELL THEM TO PUT
39 SOMETHING OUT THERE AROUND THAT TO PROTECT THAT, A POST OR
40 SOMETHING LIKE THAT.

41 Mr. Oliver agreed and indicated that part of their

1 renovation, as they rebuild, they're going to box that in
and make it more appealing.

2
3 COMM. BISHOP WISHED THEM BOTH LUCK IN THEIR BUSINESSES.

4
5 COMM. KIRKENDOLPH MOVED TO SUPPORT THE RECOMMENDATION TO
6 APPROVE SECTION 2.509 (A)(1)VARIANCE OF 4.75 FEET AND
7 SECTION 2.509 (D), TO ELIMINATE THE TYPE B BUFFER AND ALLOW
8 THE ALTERNATE SCREENING METHOD, THE 8-FOOT HEDGE ROW AND THE
9 CHAIN LINK FENCE.

10
11 COMM. BISHOP SUPPORTED.

12
13 VOTE: AYES: Bueno, Kirkendolph, Sykes, Sinclair,
14 Anderson, Taylor, Bishop

15
16 NAYS: None.

17
18 ABSTAIN: None.

19
20 Vote 7-0-0 motion carries.

21
22 PUBLIC HEARING AND DIMENSIONAL VARIANCE REQUEST:

23
24 ZBA-15-13 For Section 2.540(A)(B)(C) and (D)

25
26 PROPERTY ADDRESS: 1248 CESAR E. CHAVEZ

27
28 ZONE: C-4, Suburban Business District.

29
30 APPLICANT: SDS Stone Paving/Silverback Moving
31 Rep: Sarah Soulliere

32
33 OWNER: North Woodward Automobile Club, LLC
34 1061 Badder Drive
35 Troy, Michigan 48083

36
37 Presentation of facts given by Mr. Sabo

38
39 CHAIR TAYLOR ASKED IF THAT'S THE MAACO BUILDING IN THE
40 MIDDLE OF MR. SABO PRESENTING.

41
42 Mr. Sabo indicated it is not, it is all one parcel but this
43 is a separate building with Separate ownership.

44
45 Sarah Soulliere, SDS Stone Pacing, 1248 Cesar E. Chavez, in
46 Pontiac, Michigan, indicated her father couldn't be here
47 today but they own the family company, she graduated from
48 Grand Valley, came here and wanted to help out the family
49 business and do brick paving and hardscaping, they used to

1 be located in Utica but they decided to come here because
2 most of their target base is from Birmingham, Bloomfield
3 Hills, Oakland County area so they wanted to bring them in
4 more because they wouldn't go all the way to Utica, they
5 said it was too far. So if they just hopped on Telegraph,
6 they could come and see them. At the Planning Commission
7 meeting, she said that they are like the gateway into
8 Pontiac so being that they're renting only for four more
9 years, she really didn't want to build a masonry wall
10 because she also didn't think it would look as pretty so she
11 called around to nurseries and there's a couple different
12 types of vines that they could use depending on how fast the
13 Board wants them to grow. She indicated if she puts them in
14 now, she could put them in from eight to ten feet, that's
15 how far they'll stretch, she just has to trim them back in
16 the spring of the year but they actually have different
17 color of flowers that you can put with it, too so it would
18 look really pretty in the front of the building. She
19 indicated that they're not going to have trucks go through
20 there because they'll get hurt in the front. Now they have
21 a bunch of pallets but half of them are samples so, until
22 they can find out what they can do with them, they're
23 sitting there but she would like to put up the vines, make
24 it look pretty and then, when you do see over the wall or
25 the vegetation, you'll see all these nice displays of stone
and a lot of people will come in, they're hoping.
CHAIR TAYLOR INDICATED NO ONE WAS THERE FOR PUBLIC COMMENT.

15 COMM. BISHOP INDICATED THAT SHE DID SEE THE APPLICANT GO TO
16 THE PLANNING COMMISSION AND THOUGHT WHAT SHE SAID WAS FINE
17 WITH THE VINES, IT WOULD SOFTEN EVERYTHING AND LOOK
18 BEAUTIFUL, AND AGREES IT WOULD BE MUCH BETTER THAN A MASONRY
19 WALL.

18 COMM. ANDERSON INQUIRED WHAT KIND OF PRODUCTS THEY HAVE THAT
19 THEY DO A DISPLAY OUT THERE.

19 Ms. Soulliere indicated brick pavers, like 4 by 8s, they
20 have already easels made that they just have to stack them
21 against so they're safe, they used them in their other
22 location, nothing huge, 4 by 8 bricks, brick pavers, maybe
23 some blue stones and natural stone.

22 COMM. ANDERSON INDICATED THAT THAT WOULDN'T BE BAD AT ALL.

23 COMM. BUENO INDICATED THAT HE JUST DROVE BY THIS A FEW
24 MINUTES AGO, THE SITE DIDN'T LOOK VERY GOOD RIGHT NOW, BUT
25 HE DIDN'T HAVE ANY ISSUES WITH OUTDOOR STORAGE, WITH THE
TRUCKS. HE INDICATED THAT THEY HAD TRAILERS THERE AT ONE
TIME TOO BUT THAT'S BEHIND AND BACK AND IT WASN'T THE ISSUE,

1 THE ISSUE HE HAD WAS WHERE YOU PARK IN FRONT OF THE
BUILDING, THEY HAD A BUNCH OF PALLETS AND STONES AND ASKED
2 IF THAT IS GOING TO BE GONE.

3 Ms. Soulliere indicated it will and that nothing will be
right in front of the building, it will all be on the side
4 of the building because she doesn't want anyone getting hurt
either.

5
6 COMM. BUENO INQUIRED WHERE THEY WERE TALKING ABOUT.

7 Ms. Soulliere stated it has to be set back from the
forefront of the building, so that area will be where the
customers go and look at displays and that the actual
8 building will be open.

9 COMM. BUENO ASKED WHERE THEY'RE PUTTING THE VINES.

10 Ms. Soulliere stated right against the fence there's trumpet
vines and there's clematis and they'll have a big, long
11 reach but there's existing trees right there but you can see
through them so this will take care of them being able to
12 view right through the gate.

13 COMM. BUENO ASKED IF THEY'RE STORING LANDSCAPING MATERIALS,
LIKE MULCH AND STONES.

14
15 Ms. Soulliere stated no mulch, a tiny bit of aggregates for
their jobs that they have existing and then just pallets of
brick pavers, some natural stone but nothing of big boulders
16 or anything of that nature.

17 COMM. BUENO STATED THAT HE WAS TRYING TO PICTURE IT, THAT
HE'S GONE TO LANDSCAPING PLACES WHERE THEY HAVE TALL
18 CONCRETE BINS WITH STUFF IN IT AND ASKED IF THAT IS WHAT
THEY'RE TALKING ABOUT.

19 Mr. Sabo stated he doesn't think so.

20 Ms. Soulliere stated she thinks they have those but theirs
aren't that high, they don't store in bulk, they kind of
21 pick it up and get a train load at a time, they have
concrete bin blocks but only three bins that don't go that
22 high.

23 COMM. BUENO ASKED WHAT HAPPENS IN THE WINTERTIME WHEN
EVERYTHING DIES.

24
25 Ms. Soulliere stated she doesn't know and that she can
always put up the slip-in dividers, they come in all
different kinds of colors.

1 MS. KIRKENDOLPH STATED SHE HAS TO AGREE WITH MR. BUENO, THAT
2 THE SITE IS KIND OF A SIGHT FOR SORE EYES, IT'S NOT AS CLEAN
3 AS IT SHOULD BE, IN HER OPINION, AND ASKED IF THEY ARE GOING
4 TO BE LEAVING WHEN THEIR LEASE IS UP IN FOUR YEARS AND IF
5 THE VINES IS THERE FOR THE NEXT PROPERTY THAT COMES IN, IF
6 THEY STAY OR IF THEY'RE GOING TO RENT LONGER.

7 Ms. Soulliere stated that they can take all the vines down
8 or can leave them up if they're satisfactory and the Board
9 likes them or they're not too crazy upkeep but they'll trim
10 them down.

11 COMM. SINCLAIR INDICATED THAT IN PLACE OF THE VINES, NOW
12 THEY HAVE THE DIFFERENT COLOR MESH COVERINGS THAT YOU CAN
13 ACTUALLY APPLY TO THE OUTSIDE.

14 Ms. Soulliere replied affirmatively.

15 COMM. SINCLAIR INDICATED THAT HE THINKS IT WOULD BE A
16 WIN/WIN, THAT IT COULD STAY UP IF THEY LEAVE AND THEY DON'T
17 HAVE TO WORRY ABOUT THE MAINTENANCE THAT WOULD BE INVOLVED
18 WITH THE VINES ALSO AND THAT IT'S PRETTY MUCH CONTINGENT ON
19 THE ELEMENTS AND THE WEATHER TO MAKE THEM DO ANYTHING.

20 Ms. Soulliere stated that in the winter they don't operate
21 at all so they just make the yards clean and pretty and nice
22 and, if anybody drives by, they're closed.

23 COMM. SINCLAIR ASKED IF THEY'LL LOOK INTO SOMETHING LIKE THE
24 INSERTS.

25 Ms. Soulliere stated that she did look into that, actually
did print off pictures of dark green ones that might work,
they're really easy to slide on and they are not an eyesore.

COMM. SYKES ASKED IF THEY WERE GOING TO RE-SIGN AFTER FOUR
YEARS.

Ms. Soulliere stated they'll see if she can use it, likes it
so far, does like being at this location, it's not she has
to go 45, 50 minutes and fight traffic if the guys need her
to get something, she can just hop in her car, drive up
Telegraph and drop off materials and also the clients she
works with, she works with an outreach program, they send
her applicants, she gives them interviews and she also works
with the Pontiac Unemployment Agency and with the Veterans
Program and tries to network and get out there as much as
she can because she knows some people want to work.

COMM. SYKES ASKED HOW LONG THEY'VE BEEN THERE.

1 Ms. Soulliere stated they moved the end of the season last
2 year and then they opened up in March of '15, they've been
3 moving things there but they weren't operating at all, it
4 was all winter so they couldn't really do much outside and
then they just want to see what they can do with the
materials they have.

5 COMM. BUENO STATED THEY'VE BEEN GETTING A LOT OF THESE CASES
6 BEFORE THEM, THEY'RE ALREADY THERE, ALREADY KIND OF SET UP
7 AND COME IN FOR APPROVALS AFTER THE FACT BUT JUST CURIOUS,
WHEN THEY MOVED IN THE BUILDING, IF THEY CONTACT THE CITY
PLANNING DEPARTMENT OR THE BUILDING DEPARTMENT.

8 Ms. Soulliere stated her dad actually stopped in there but
9 when they signed, their landlords failed to tell them.

10 COMM. BUENO STATED THAT HE DOESN'T KNOW HOW THESE BUSINESSES
11 KEEP GETTING SET UP AND THEN COME IN AFTER THE FACT, IF IT
12 IS SOMETHING WITH THE BUILDING DEPARTMENT NEEDS TO GET OUT
13 MORE TO ADVISE THESE BUSINESSES WHEN THEY FIRST COME IN OR
14 IF THEY HAVE TO PULL A BUILDING PERMIT OR A BUSINESS PERMIT
15 WHERE YOU CAN START A BUSINESS.

16 Ms. Soulliere stated that she's had someone from the
17 community that got a letter in the mail come by today and
18 they said that he's around the area, he's heavy industrial
19 and around them surrounding is M-1 and M-2, which she would
20 be allowed to use this area for. She stated that he said he
21 was coming but he did come in and stop by and did mention
22 that he is in an M-2 and it's right around the corner.

23 Mr. Sabo stated that he has a little information about that
24 when the Board is done.

25 COMM. SINCLAIR ASKED IF THE BOARD HAS THIS CONTINGENCY FROM
26 PLANNING THAT ARE EXISTING IN THESE ALSO.

27 CHAIR THOMAS ASKED STAFF TO EXPLAIN THE UNDERLINING
28 CONTINGENCY BASED ON THE ZBA 15-13.

29 Mr. Sabo stated that the recommendation is to approve the
30 variance requests, one would be to 2.540 (A), to allow
31 outdoor storage within the front yard and front setback,
32 they're not displaying anything out there and that they can
33 display on the side.

34 Ms. Soulliere replied affirmatively and stated that that's
35 for their materials and for their trucks to park because
they have six of them.

1 Mr. Sabo stated that that's the front yard one, and then B
2 is exceeding the maximum of outdoor accessory storage, 5,400
3 square feet, to 23,000 based on the outdoor nature of their
4 business; C, 2.540 (C) is to eliminate the screening
5 requirements of the storage for the moving vehicles. And
6 then 2.540 (D) allows opaque landscape mechanism in lieu of
7 the masonry screen wall, so replacing the screen wall with
8 the landscape material screening which is the vine that Ms.
9 Soulliere had mentioned.

10 COMM. SINCLAIR MADE A MOTION TO APPROVE A VARIANCE REQUEST
11 FOR ZBA 15-13 FOR THE SDS STONE PAVING AND SILVERBACK MOVING
12 LOCATED AT 1248 CESAR CHAVEZ WITH SECTION 2.540 PART A,
13 SECTION 2.540, PART B, SECTION 2.540, PART C AND SECTION
14 2.540, PART C OF THE ZONING ORDINANCE

15 COMM. SYKES SUPPORTED.

16 VOTE: AYES: Sykes, Sinclair, Anderson, Taylor, Bishop

17 NAYS: Bueno, Kirkendolph

18 ABSTAIN: None.

19 Vote 5-2-0 motion carries.

20 CHAIR TAYLOR CLOSED PUBLIC COMMENT AND MOVED TO
21 MISCELLANEOUS.

22 COMM. ANDERSON ASKED IF THEY ARE GOING TO HAVE THE CAR GUY
23 COME BACK BEFORE US OR HOW IS THAT GOING.

24 Mr. Sabo stated that he came to the Board in April or May
25 and needed a variance for a similar variance 2.509, a
setback of display vehicles, ten feet, the Zoning Board
wasn't willing to act on it until there was zoning in place,
he's since took his site plan, changed it, amended it and
adjusted it so that he didn't need a variance anymore and
proceeded with the rezoning request that went to City
Council. He stated they discussed it at couple of meetings
and then are now speaking with the applicant about
conditional rezoning because they were not comfortable with
rezoning the property with a straight rezoning, they wanted
to add some stipulations based on what the applicant was
willing to do or conversation they had that the applicant
was willing to do. He stated, under statute, the applicant
can request conditional rezoning and then he can put some
conditions on it. He stated right now, nothing is
happening, it's not rezoned yet. He stated that there's
still negotiations and discussion related to conditional

1 rezoning for that property.

2 COMM. BUENO STATED THAT HE'S NEVER HEARD OF THE CONDITIONAL
3 REZONING.

3 Mr. Sabo stated that in 2006 the State added a conditional
4 zoning when they amended and combined three of the city,
5 village zoning and township acts, they combined it into the
6 standard zoning act, Public Act 110 of 2006 and they added
7 conditional rezoning as a way for communities to have this
8 sort of win/win situation where someone comes in and they
9 have a use that doesn't fit in the property, you can
10 conditionally rezone the property for just that use, you
11 don't have to rezone the property forever. He stated, when
12 that use terminates or abandons or is eliminated, the
13 property reverts to its previous zoning so you're not stuck
14 with rezoning a commercial one property to a Commercial 4
15 property and then you get uses that you don't necessarily
16 want. He stated it actually is a very, very ingenious way
17 to approach the rezoning and site development.

18 COMM. BUENO ASKED WHAT IS THE DIFFERENCE BETWEEN THAT AND
19 ASKING FOR A USE VARIANCE.

20 Mr. Sabo stated that a use variance absolutely carries with
21 the property, it carries through with the property. It's in
22 perpetuity and does not go away, so conditional rezoning
23 allows a use to happen and you can sort of put some
24 parameters on it.

25 CHAIR THOMAS STATED THAT IT'S MORE PRO BUSINESS.

COMM. ANDERSON STATED THAT HE KNOWS IT'S FIVE CARS OUT, FIVE
CARS IN, WHICH WAS THE ORIGINAL AND THAT HE'S NOT EVEN
OBEYING THAT, HE'S BREAKING THE LAW LEFT AND RIGHT AND THEN
HE'S GOING TO GET A CONDITIONAL VARIANCE.

COMM. KIRKENDOLPH ASKED IF HE STILL HAS TO COME THROUGH THE
BOARD.

Mr. Sabo replied negatively and stated that he changed his
site plan so that he doesn't need a variance so he doesn't
have to come here and, if he complies with the zoning
ordinance, he can do what he wants to do. He still needs to
go to the City Council to rezone his property to do what he
wants to do. So with respect to what he's doing now and the
cars and whatnot, under his due process rights, he's in the
process of making changes or making requests or petitioning
his municipality for changes. So until there's a decision,
he gets some time to have a decision.

1
2 COMM. SINCLAIR STATED THAT HE'S THINKING HE'S TAKING THE
3 MATTER BEFORE COUNCIL.

4 Mr. Sabo indicated that until he gets a yes or a no, he gets
5 time to do what he's doing and that he knows it can be
6 frustrating.

7 COMM. ANDERSON STATED THAT LOOKING AT ALL THE TIME, THE
8 HEARING WAS BACK IN APRIL AND THAT GUY HASN'T CHANGED
9 ANYTHING, IT SEEMED LIKE HE WOULD WANT TO TRY TO DO
10 SOMETHING TO AT LEAST TRY TO CHANGE THE AREA, MOVE SOME CARS
11 OR DO SOMETHING SO YOU CAN GET SOMETHING FAVORABLE BUT IT
12 LOOKS WORSE NOW THAN IT DID.

13 Mr. Sabo stated that he thinks he's got another week or two
14 to get something together, otherwise he thinks his request
15 is just going to end.

16 CHAIR THOMAS MOVED TO ADJOURNMENT.

17 COMM. SINCLAIR SUPPORTED.

18 VOTE: AYES: Bueno, Kirkendolph, Sykes, Sinclair,
19 Anderson, Taylor, Bishop.

20 NAYS: None.

21 ABSTAIN: None.

22 Vote 7-0-0 motion carries.

23 ADJOURNMENT: 8:10 p.m.

24

25

