

**ROYAL OAK ZONING BOARD OF APPEALS
CITY OF ROYAL OAK, MICHIGAN**

**Regular Meeting
Thursday, January 12, 2023
7:00 P.M.**

Present

Samantha Grant
Trevis Moore
Jeff Klatt
Anthony Offak, Chairperson
Arvind Reddy
Deborah Zukin
Nancy Robinson
Robert Gavin, Vice Chairperson
Aaron Kurilik

Absent

Joseph M. Murphy, Director of Planning
Alexander J. Bahorski, Planner II
Ryan Kaluzny, Assistant City Attorney

Agenda

A. Call to Order & Roll Call

B. Approval of Minutes for December 8, 2022

C. Old / Unfinished Business

D. New Business

1. Case No. 23-01-01 – public hearing on the appeal of Jeffrey Quesnelle, petitioner & owner, for the following variance:
 - a. Waive 706 sq. ft. of the maximum permitted usable floor area of 3,500 sq. ft. for a single-family dwelling to permit construction of a new single-family dwelling at 4135 Sheffield Rd. (25-06-308-004).

2. Case No. 23-01-02 – public hearing on the appeal of Brad Baker, petitioner & owner, for the following variance:
 - a. Waive 1.3 ft. of the minimum required 15 ft. combined side yard setback to permit a land division to create two individual single-family home sites at 2321 N Vermont Ave. (25-10-430-001).

E. Other Business

1. 2022 Annual Report

F. General Public Comment

G. Adjournment

Call to Order

The regular meeting was called to order at 7:00 p.m. by Chairperson Offak. He informed the audience that the board does not write the zoning ordinance but does have the authority to grant relief from it where practical difficulty or unnecessary hardship would result. He stated the board will vote on each agenda

item following a public hearing. Use variance requests require a minimum of 6 affirmative votes in order to grant the requested variances. Non-use variance requests require a minimum of 5 affirmative votes in order to grant the variances. Petitioners were directed to limit their presentations to 10 minutes and that each participant in a public hearing limit their comments to 3 minutes. He further pointed out to petitioners the absence of a full board at tonight's meeting and their opportunity to request that their agenda item be postponed until the next regular meeting due to the circumstances.

Roll Call

Present

Samantha Grant
Trevis Moore
Jeff Klatt
Anthony Offak, Chairperson
Arvind Reddy
Deborah Zukin
Nancy Robinson
Robert Gavin, Vice Chairperson
Aaron Kurilik

Absent

Approval of Minutes for December 8, 2022

Moved by: Mr. Reddy
Supported by: Mr. Klatt

Moved, that the minutes of the December 8, 2022, regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

None.

New Business

1. Case No. 23-01-01 – 4135 Sheffield Rd. (25-06-308-004)

Moved by: Mr. Klatt
Supported by: Mr. Gavin

Moved, that the appeal of Jeffrey Quesnelle, petitioner & owner, for the following variance:
(a) Waive 706 sq. ft. of the maximum permitted usable floor area of 3,500 sq. ft. for a single-family dwelling to permit construction of a new single-family dwelling at 4135 Sheffield Rd. (25-06-308-004), be granted.

Motion adopted unanimously.

Granting the non-use variance is based upon the following:

1. Strict compliance with the zoning ordinance provisions will unreasonably prevent the petitioner from use and enjoyment of the property for a permitted purpose, or would render conformity with such provisions unnecessarily burdensome.

2. Granting the variance will do substantial justice to the petitioner and will not prove detrimental to other property owners in the area, and is the least relief required in order to afford substantial justice to the petitioner or be more consistent with justice to nearby property owners.
3. There are circumstances or conditions inherently unique to the property that necessitates granting the variance.
4. There is evidence of practical difficulty that has not been created by the petitioner and/or property owner but instead results from the inherently unique circumstances or conditions of the property that requires granting the variance.

It is further the finding of the board that the spirit of the zoning ordinance will be observed, public safety secured, and substantial justice rendered by granting the variance.

2. Case No. 23-01-02 – 2321 N Vermont Ave. (25-10-430-001)

Moved by: Mr. Reddy
Supported by: Mr. Gavin

Moved, that the appeal of Brad Baker, petitioner & owner, for the following variance:

- (a) Waive 1.3 ft. of the minimum required 15 ft. combined side yard setback to permit a land division to create two individual single-family home sites at 2321 N Vermont Ave. (25-10-430-001), be granted.

Motion adopted 6-3 (Mr. Kurilik, Mr. Moore, & Chairperson Offak).

Granting the non-use variance is based upon the following:

1. Strict compliance with the zoning ordinance provisions will unreasonably prevent the petitioner from use and enjoyment of the property for a permitted purpose, or would render conformity with such provisions unnecessarily burdensome.
2. Granting the variance will do substantial justice to the petitioner and will not prove detrimental to other property owners in the area, and is the least relief required in order to afford substantial justice to the petitioner or be more consistent with justice to nearby property owners.
3. There are circumstances or conditions inherently unique to the property that necessitates granting the variance.
4. There is evidence of practical difficulty that has not been created by the petitioner and/or property owner but instead results from the inherently unique circumstances or conditions of the property that requires granting the variance.

It is further the finding of the board that the spirit of the zoning ordinance will be observed, public safety secured, and substantial justice rendered by granting the variance.

Other Business

1. 2022 Annual Report

No action required. No action taken.

Public Comment

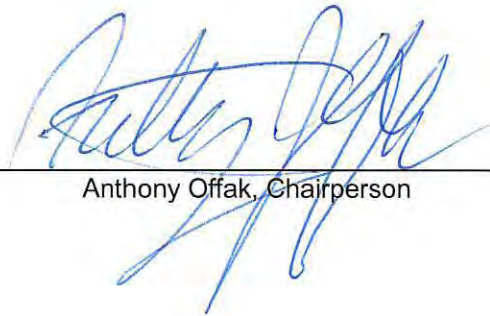
None.

Adjournment

Moved by: Mr. Reddy
Supported by: Mr. Gavin

Moved, that the meeting adjourned at 7:46 p.m.

Motion adopted unanimously.



Anthony Offak, Chairperson



Joseph M. Murphy, Director of Planning