

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

Regular Meeting  
Thursday, March 9, 2023  
7:00 P.M.

Present

Samantha Grant  
Trevis Moore  
Anthony Offak, Chairperson  
Arvind Reddy  
Jeff Klatt  
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 February 9, 2023

C. Old / Unfinished Business

1. Case No. 23-02-04 – public hearing on the appeal of Ben Schomer, petitioner & owner, for the following variance:
  - (a) Waive 2,021 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 with an attached garage / accessory structure at 614 Irving Ave. (25-22-181-020).
2. Case No. 23-02-05 – public hearing on the appeal of P. Mark Accettura, petitioner & owner, for the following variances:
  - (a) Alter / expand a nonconforming structure
  - (b) Waive 0.6 ft. of the minimum required 5 ft. south side yard setback
  - (c) Waive 7.3 ft. of the minimum required 35.1 ft. east front yard setback
  - (d) Waive 7 ft. of the minimum required 30.3 ft. north front yard setback
  - (e) Waive 2.3% of the maximum allowable total lot coverage of 30% to permit construction of an east front yard addition to an existing single-family dwelling at 1629 N Washington Ave. (25-16-229-014).

D. New Business

1. Case No. 23-03-06 – public hearing on the appeal of Mark Clark, petitioner & owner, for the following variance:
  - (a) Waive 0.8% of the maximum allowable total lot coverage of 30% to permit construction of a two-story addition to an existing single-family dwelling at 3710 Woodland Ave. (25-05-476-003).
2. Case No. 23-03-07 – public hearing on the appeal of Andrew Nemes, petitioner & owner, for the following variances:
  - (a) Waive 6 ft. from the minimum required 25 ft. south setback along Amherst Rd.
  - (b) Waive 40 sq. ft. from the maximum allowable 800 sq. ft. for an accessory building

- (c) Waive 1.8 ft. from the maximum permitted 15 ft. height of an accessory building to permit construction of a new detached accessory building / garage at 4209 Sheffield Rd. (25-06-307-002).

**E. Other Business**

**F. General Public Comment**

**G. Adjournment**

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**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.

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**Roll Call**

**Present**

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

**Absent**

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**Approval of Minutes for February 9, 2023**

Moved by: Ms. Zukin  
Supported by: Ms. Robinson

Moved, that the minutes of the February 9, 2023, regular meeting be approved as presented.

Motion adopted unanimously.

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**Unfinished Business**

**1. Case No. 23-02-04 – 614 Irving Ave. (25-22-181-020)**

Moved by: Mr. Reddy  
Supported by: Ms. Zukin

Moved, that the appeal of Ben Schomer, petitioner & owner, for the following variance:

- (a) Waive 2,021 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 with an attached garage / accessory structure at 614 Irving Ave. (25-22-181-020), be denied.

Motion fails 2-7 (Ms. Grant, Mr. Moore, Chairperson Offak, Mr. Klatt, Ms. Robinson, Mr. Gavin, Mr. Kurilik).

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

Moved, that the appeal of Ben Schomer, petitioner & owner, for the following variance:

- (a) Waive 2,021 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 with an attached garage / accessory structure at 614 Irving Ave. (25-22-181-020), be approved.

Motion adopted 7-2 (Ms. Zukin, Mr. Reddy).

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. 23-02-05 – 1629 N Washington Ave. (25-16-229-014)**

Mr. Bahorski informed the Board that the petitioner was unable to be in attendance. The petitioner provided a letter requesting that the item be further postponed.

No further action needed. No further action taken.

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**New Business**

**1. Case No. 23-03-06 – 3710 Woodland Ave. (25-05-476-003)**

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

Moved, that the appeal of Mark Clark, petitioner & owner, for the following variance:

- (a) Waive 0.8% of the maximum allowable total lot coverage of 30% to permit construction of a two-story addition to an existing single-family dwelling at 3710 Woodland Ave. (25-05-476-003), be granted.

Motion adopted 6-3 (Mr. Kurilik, Mr. Reddy, & 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.

**2. Case No. 23-03-07 – 4209 Sheffield Rd. (25-06-307-002)**

The petitioner withdrew the following variance requests:

- (b) Waive 40 sq. ft. from the maximum allowable 800 sq. ft. for an accessory building  
(c) Waive 1.8 ft. from the maximum permitted 15 ft. height of an accessory building

Moved by: Mr. Klatt

Supported by: Mr. Moore

Moved, that the appeal of Andrew Nemes, petitioner & owner, for the following variance:

- (a) Waive 6 ft. from the minimum required 25 ft. south setback along Amherst Rd. to permit construction of a new detached accessory building / garage at 4209 Sheffield Rd. (25-06-307-002), 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.

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**Other Business**

Mr. Bahorski reminded the Board of an upcoming training opportunity offered through the Michigan Association of Planning.

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**Public Comment**

None.

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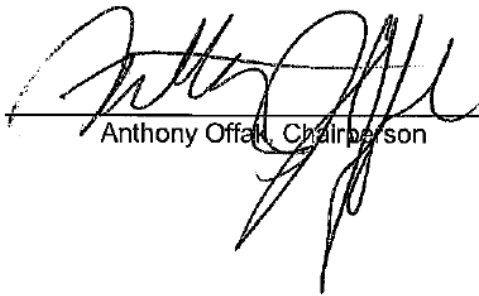
**Adjournment**

Moved by: Mr. Moore  
Supported by: Mr. Reddy

Moved, that the meeting adjourned at 8:16 p.m.

Motion adopted unanimously.

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Anthony Offa, Chairperson



Joseph M. Murphy, Director of Planning