

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

Thursday, March 11, 2021
7:00 P.M.

Present

Clyde Esbri, Chairperson
Robert Gavin
Jeff Klatt
Maggie George
Trevis Moore
Anthony Offak, Vice Chairperson
Arvind Reddy
Nancy Robinson
Deborah Zukin

Absent

Julianna Tschirhart, Planner
Joseph Murphy, Director of Planning
Ryan Kaluzny, Assistant City Attorney

Agenda

A. Call to Order

B. Approval of Minutes for February 11, 2021

C. Old / Unfinished Business

1. **Case No. 21-02-06** – public hearing on the appeal of JAG Assets, LLC, petitioner & owner, for the following variances:
 - (a) waive 20 ft. of the minimum required 50 ft. lot width.
 - (b) waive 2,565 sq. ft. of the minimum required 6,000 sq. ft. lot area.
 - (c) waive 1.5 ft. of the maximum allowable 30 ft. height of the dwelling
 - (d) waive 5% from the requirement that an attached garage / accessory structure be no greater than 50% of the total width of the front façade of the structure
 - (e) waive 3.5 ft. of the minimum required 30 ft. west front yard setback measured to ground floor living space.
 - (f) waive 5 ft. of the minimum required 30 ft. west front yard setback measured to an attached garage.
 - (g) waive 4.5 ft. of the minimum required 23 ft. west front yard setback measured to an unenclosed front porch and steps.
 - (h) waive 309 sq. ft. of the maximum allowable ground floor area of 344 sq. ft. for a garage / accessory structure.
 - (i) waive 9% of the maximum allowable garage / accessory structure lot coverage of 10% to permit a land division and construct a new three-story single-family dwelling with a below grade, front entry attached garage at **209 S. Maple Ave.** (25-21-203-010).

D. New Business

1. **Case No. F-21-03-01** – public hearing on the appeal of Beth Balis and Dean Tanski, petitioners & owners, for the following variances:
 - (a) waive 2 ft. of the maximum permitted 4 ft. fence height within a front yard setback along Crooks Rd.
 - (b) waive 3 ft. of the maximum permitted 3 ft. fence height within 10 ft. of the intersection of a driveway with a public sidewalk

to allow a 6 ft. sight obscuring fence within a front yard setback as defined in the Zoning Ordinance at **2301 Vinsetta Blvd.** (25-09-328-017).

2. **Case No. 21-03-11** – public hearing on the appeal of Brian Reedy, petitioner & owner, for the following variances:
 - (a) alter/expand a nonconforming structure
 - (b) waive 8.6 ft. of the maximum allowable north front yard setback of 50 ft.
 - (c) waive 494 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft.
 - (d) waive 2.5 ft. of the maximum permitted accessory structure height of 15 ft.to permit construction of additions to an existing nonconforming single-family dwelling and a construction of a detached garage and attached carport at **521 Mount Vernon Blvd.** (25-04-454-003).

3. **Case No. 21-03-12** – public hearing on the appeal of Sarah Tobais & Lee Collick, petitioners & owners, for the following variances:
 - (a) waive one of the maximum allowable number of driveways
 - (b) waive the hard surface requirement for a drivewayto allow a second, gravel driveway at **505 Mount Vernon Blvd.** (25-04-454-005).

4. **Case No. 21-03-13** – public hearing on the appeal of Jaimie Smola, petitioner & owner, for the following variances:
 - (a) waive 7.3 ft. of the minimum required 29.3 ft. west front yard setback.
 - (b) waive 6.5 ft. of the minimum required 22.3 ft. west front yard setback measured to an unenclosed front porch and steps.
 - (c) waive 2.6 % (177 sq. ft.) of the maximum permitted total lot coverage of 30%to permit construction of a new two-story single-family dwelling with expanded living space into a required front yard setback at **128 Baker St.** (25-16-380-013).

E. Other Business

1. Election of Officers

F. Public Comment

Call to Order

The virtual meeting was called to order at 7:00 p.m. by Chairperson Esbri. 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.

Roll Call

Present

Clyde Esbri, Chairperson
Robert Gavin
Maggie George
Jeff Klatt
Trevis Moore
Anthony Offak, Vice Chairperson
Arvind Reddy
Nancy Robinson
Deborah Zukin

Absent

Approval of Minutes for February 11, 2021

Moved by: Mrs. Zukin
Supported by: Mr. Gavin

Moved, that the minutes of the February 11, 2021 regular meeting be approved as presented.

Motion adopted 8 (Mr. Reddy abstained).

Old / Unfinished Business

1. Case No. 21-02-06 – 209 S. Maple Ave. (25-21-203-010)

The board was reminded that the following variances were unanimously approved at the February 11, 2021 meeting:

- (a) waive 20 ft. of the minimum required 50 ft. lot width
- (b) waive 2,565 sq. ft. of the minimum required 6,000 sq. ft. lot area

Consideration regarding the remaining variances requests was postponed to allow the petitioner the opportunity to modify their proposal and reduce the number of necessary variances.

The petitioner has provided modified drawings which in effect withdraw the need for / eliminate the following variances:

- (c) waive 1.5 ft. of the maximum allowable 30 ft. height of the dwelling
- (f) waive 5 ft. of the minimum required 30 ft. west front yard setback measured to an attached garage
- (e) waive 3.5 ft. of the minimum required 30 ft. west front yards setback measured to ground floor living space
- (g) waive 4.5 ft. of the minimum required 23 ft. west front yard setback measured to an unenclosed front porch and steps

Moved by: Mr. Offak
Supported by: Mr. Gavin

Moved, that the appeal of JAG Assets, LLC, petitioner & owner, for the following variances:

- (d) waive 5% from the requirement that an attached garage / accessory structure be no greater than 50% of the total width of the front façade of the structure
- (h) waive 309 sq. ft. of the maximum allowable ground floor area of 344 sq. ft. for a garage / accessory structure.
- (i) waive 9% of the maximum allowable garage / accessory structure lot coverage of 10%

to permit construct a new three-story single-family dwelling with a below grade, front entry attached garage at 209 S. Maple Ave., be granted.

Motion adopted unanimously.

Granting the variances 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 variances 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 variances.
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 variances.

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 variances.

New Business

1. Case No. F-21-03-01 – 2301 Vinsetta Blvd. (25-09-328-017)

The petitioner withdrew the following variance:

(b) waive 3 ft. of the maximum permitted 3 ft. fence height within 10 ft. of the intersection of a driveway with a public sidewalk

Moved by: Mr. Trevis

Supported by: Mr. Gavin

Moved, that the appeal of Beth Balis and Dean Tanski, petitioners & owners, for the following variance:

(a) waive 2 ft. of the maximum permitted 4 ft. fence height within a front yard setback along Crooks Rd.

to allow a 6 ft. sight obscuring fence within a front yard setback as defined in the Zoning Ordinance at 2301 Vinsetta Blvd., be granted.

Motion adopted unanimously.

Granting the variance is based upon the following:

1. Practical difficulties exist in strict compliance with the Fence Ordinance provisions.
2. Granting the variance will do substantial justice to the petitioner and will not prove detrimental to other property owners in the area.
3. Granting the variance is done in light of public health, safety, and welfare concerns.

2. Case No. 21-03-11 – 521 Mount Vernon Blvd. (25-04-454-003)

Moved by: Mr. Offak
Supported by: Mrs. Zukin

Moved, that the appeal of Brian Reedy, petitioner & owner, for the following variances:
(a) alter/expand a nonconforming structure
(b) waive 8.6 ft. of the maximum allowable north front yard setback of 50 ft.
(c) waive 494 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft. to permit construction of additions to an existing nonconforming single-family dwelling and construction of a detached garage and attached carport at 521 Mount Vernon Blvd., be granted.

Motion adopted unanimously.

Moved by: Mr. Offak
Supported by: Mr. Moore

Moved, that the appeal of Brian Reedy, petitioner & owner, for the following variances:
(d) waive 2.5 ft. of the maximum permitted accessory structure height of 15 ft. to permit construction of additions to an existing nonconforming single-family dwelling and construction of a detached garage and attached carport at 521 Mount Vernon Blvd., be granted.

Motion adopted 8-1 (Mrs. Zukin).

Granting the variances 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 variances 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 variances.
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 variances.

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 variances.

3. Case No. 21-03-12 – 505 Mount Vernon Blvd. (25-04-454-005)

Moved by: Mr. Offak
Supported by: Mrs. Zukin

Moved, that the appeal of Sarah Tobais & Lee Collick, petitioners & owners, for the following variance:

- (a) waive one of the maximum allowable number of driveways to allow a second driveway at 505 Mount Vernon Blvd., be denied.

Motion adopted 8-1 (Mr. Reddy).

Denying the variance is based upon the following:

1. Strict compliance with the zoning ordinance provisions will not unreasonably prevent the petitioner from use and enjoyment of the property for a permitted purpose, or would not render conformity with such provisions unnecessarily burdensome.
2. Granting the variance would prove detrimental to other property owners in the area.
3. There are not circumstances or conditions inherently unique to the property that necessitates granting the variance.
4. There is no evidence of practical difficulty and there are not inherently unique circumstances or conditions of the property that requires granting the variance.

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

Moved, that the appeal of Sarah Tobais & Lee Collick, petitioners & owners, for the following variances:

(b) waive the hard surface requirement for a driveway to allow a gravel driveway at 505 Mount Vernon Blvd., be postponed.

Motion adopted unanimously.

4. Case No. 21-03-13 – 128 Baker St. (25-16-380-013)

Moved by: Mr. Offak
Supported by: Mr. Gavin

Moved, that the appeal of Jaimie Smola, petitioner & owner, for the following variances:

- (a) waive 7.3 ft. of the minimum required 29.3 ft. west front yard setback.
- (b) waive 6.5 ft. of the minimum required 22.3 ft. west front yard setback measured to an unenclosed front porch and steps.
- (c) waive 2.6 % (177 sq. ft.) of the maximum permitted total lot coverage of 30% to permit construction of a new two-story single-family dwelling with expanded living space into a required front yard setback at 128 Baker St., be granted.

Motion adopted unanimously.

Granting the variances 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 variances 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 variances.

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 variances.

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 variances.

Other Business

None.

Public Comment

None.

Adjournment

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

Moved, that the meeting adjourned at 8:41 p.m.

Motion adopted unanimously.



Clyde Esbri, Chairperson



Julianna Tschirhart, Planner II