

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

Thursday, April 8, 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**

Joseph Murphy, Director of Planning  
Ryan Kaluzny, Assistant City Attorney

**Agenda**

**A. Call to Order**

**B. Approval of Minutes for March 11, 2021**

**C. Old / Unfinished Business**

1. **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 driveway to allow a second, gravel driveway at **505 Mount Vernon Blvd.** (25-04-454-005).

**E. New Business**

1. **Case No. F-21-04-02** – public hearing on the appeal of the Detroit Zoological Society, petitioner & owner, for the following variances:
  - (a) waive 3.5 ft. of the maximum permitted 6 ft. fence height along Woodward Ave.
  - (b) waive 3.5 ft. of the maximum permitted 6 ft. fence height along W. 10 Mile Rd. to allow construction of a 9.5 ft. aluminum picket fence at **8450 W. 10 Mile Rd.** (parcel nos. 25-21-451-002 & 25-21-478-043).
2. **Case No. 21-04-14** – public hearing on the appeal of Ashley Milano, Terra Nest, LLC, petitioner, & John Peabody, Peabody Management, Inc., owner, for the following variances:
  - (a) use variance
  - (b) waive 800 ft. of the minimum required 1,000 ft. distance from a school, library, park, playground, licensed day care, or religious institution to permit the establishment of a massage therapy studio, which is defined as an adult-oriented business at **104 W. 4th St. Ste. 302** (25-21-234-012).
3. **Case No. 21-04-15** – public hearing on the appeal of Michael J. Gordon, petitioner, & Brian Richotte, owner, for the following variances:
  - (a) waive 10 ft. of the minimum required 35 ft. north rear yard setback
  - (b) waive 44 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft. to permit construction of one-story addition to an existing single-family dwelling at **1904 Cedar Hill Dr.** (25-17-226-013).

4. **Case No. 21-04-16** – public hearing on the appeal of Laurel & Bradley Krueger, petitioner & owner, for the following variances:
  - (a) waive 608 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft.
  - (b) waive 1.6% of the maximum allowable accessory lot coverage of 10%
  - (c) waive 2 ft. of the maximum allowable height of 15 ft. for an accessory structure.
  - (d) waive the prohibition of a combination of utilities in an accessory structure to permit removal of the existing detached garage and construction of a new 1,408 sq. ft., 17 ft. tall, detached garage at **3213 Glenview Ave.** (25-08-228-014).
  
5. **Case No. 21-04-17** – public hearing on the appeal of George Petkoski, petitioner, & John Madison, owner, for the following variances:
  - (a) alter/expand a nonconforming structure
  - (b) waive 11 ft. of the maximum allowable east front yard setback of 50 ft.
  - (c) waive 729 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft.
  - (d) waive the prohibition of a combination of utilities in an accessory structure to permit construction of additions to an existing nonconforming single-family dwelling and construction of a detached garage and attached carport at **1305 Vinsetta Blvd.** (25-16-151-005).
  
6. **Case No. 21-04-18** – public hearing on the appeal of Timothy O'Donnell, petitioner & owner, for the following variance:
  - (a) waive the hard surface requirement for a driveway to allow a gravel driveway at **1212 E. 14 Mile Rd.** (25-03-226-006).

**F. Other Business**

**G. Public Comment**

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**Call to Order**

Chairperson Esbri called the April 8, 2021 regular meeting of the Royal Oak Zoning Board of Appeals to order at 7:01 p.m. and stated that due to the COVID-19 pandemic the meeting was being held remotely in accordance with the Michigan Open Meetings Act, as amended, and the procedures established by the Royal Oak City Commission. 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.

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**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**

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**Approval of Minutes for February 11, 2021**

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

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

Motion adopted unanimously.

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**Old / Unfinished Business**

**1. Case No. 21-03-12 – 505 Mt. Vernon Blvd. (25-04-54-005)**

The board was reminded that the following variance was denied at the March 11, 2021 meeting:  
(a) waive one of the maximum allowable number of driveways. At the same meeting, the board adopted a motion to postpone the following variance request: (b) waive the hard surface requirement for a driveway.

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

Moved, to rescind the adopted motion to deny the following variance at the March 11, 2021 meeting: (a) waive one of the maximum allowable number of driveways.

Motion adopted 8 – 1 (Ms. Zukin).

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

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  
(b) waive the hard surface requirement for a driveway  
to permit a second, gravel driveway at 505 Mt. Vernon Blvd., be granted.

Motion adopted 8 – 1 (Ms. 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.

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### **New Business**

**1. Case No. F-21-04-02 – 8450 W. 10 Mile Rd. (25-21-451-002 & -21-478-043)**

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

Moved, that the appeal of the Detroit Zoological Society, petitioner & owner, for the following variance:

- (a) waive 3.5 ft. of the maximum permitted 6 ft. fence height along Woodward Ave.
  - (b) waive 3.5 ft. of the maximum permitted 6 ft. fence height along W. 10 Mile Rd.
- to allow construction of a 9.5 ft. aluminum picket fence at 8450 W. 10 Mile Rd., be granted.

Motion adopted unanimously.

Granting the variances is based upon the following:

1. Practical difficulties exist in strict compliance with the Fence Ordinance provisions.
  2. Granting the variances will do substantial justice to the petitioner and will not prove detrimental to other property owners in the area.
  3. Granting the variances is done in light of public health, safety, and welfare concerns.
- 2. Case No. 21-04-14 – 104 W. 4<sup>th</sup> St. Suite 302. (25-21-234-012)**

Moved by: Mr. Gavin  
Supported by: Mr. Moore

Moved, that the appeal of Ashley Milano, Terr Nest, LLC, petitioner & John Peabody, Peabody Management, Inc., owner, for the following variances:

- (a) use variance
  - (b) waive 800 ft. of the minimum required 1,000 ft. distance from a school, library, park, playground, licensed day care, or religious institution.
- to permit the establishment of a massage therapy studio, which is defined as an adult-oriented business at 104 W. 4<sup>th</sup> St. Suite 302., be granted.

Motion adopted unanimously.

Granting the variances is based upon the following:

1. The property cannot be reasonably used for the purposes permitted in the central business zoning district. Strict compliance with the zoning ordinance provisions would prevent the property owner from use and enjoyment of the property and would render conformity with such provisions unnecessarily burdensome.
2. The appeal results from unique circumstances peculiar to the property and not the general conditions of the surrounding area. Further, the request use would not alter the essential character of the area.
3. The alleged hardship has not been created by the petitioner and/or property owner. There are circumstances or conditions inherently unique to the property.
4. The requested use is a substantial property right possessed by other property owners in the central business zoning district.

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. 21-04-15 – 1904 Cedar Hill Dr. (25-17-226-013)**

Moved by: Mr. Klatt  
Supported by: Ms. George

Moved, that the appeal of Michael J. Gordon, petitioner & Brian Richotte, owner, for the following variances:

- (a) waive 10 ft. of the minimum required 35 ft. north rear yard setback.
- (b) waive 44 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft. to permit construction of a one-story addition to an existing single-family dwelling at 1904 Cedar Hill Dr., 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.

**4. Case No. 21-04-16 – 3213 Glenview Ave. (25-08-228-014)**

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

Moved, that the appeal of Laurel & Bradley Krueger, petitioners & owners, for the following variance:

(d) waive the prohibition of a combination of utilities in an accessory structure.  
to permit removal of the existing detached garage and construction of a new 1,408 sq. ft., 17 ft. tall, detached garage at 3213 Glenview Ave., be denied.

Motion adopted unanimously.

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. Offak  
Supported by: Mr. Gavin

Moved, that the appeal of Laurel & Bradley Krueger, petitioners & owners, for the following variances:

(a) waive 608 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft.  
(b) waive 1.6% of the maximum allowable accessory lot coverage of 10%.  
(c) waive 2 ft. of the maximum allowable height of 15 ft. for an accessory structure.  
to permit removal of the existing detached garage and construction of a new 1,408 sq. ft., 17 ft. tall, detached garage at 3213 Glenview Ave., be postponed.

Motion adopted unanimously.

**5. Case No. 21-04-17 – 1305 Vinsetta Blvd. (25-16-151-005)**

Moved by: Mr. Offak  
Supported by: Mr. Klatt

Moved, that the appeal of George Petkoski, petitioner & John Madison, owner, for the following variances:

(a) alter/expand a nonconforming structure  
(b) waive 11 ft. of the maximum allowable east front yard setback of 50 ft.  
(c) waive 729 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 1305 Vinsetta Blvd., 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.

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

Moved, that the appeal of George Petkoski, petitioner & John Madison, owner, for the following variance:

(d) waive the prohibition of a combination of utilities in an accessory structure.  
to permit construction of additions to an existing nonconforming single-family dwelling and construction of a detached garage and attached carport at 1305 Vinsetta Blvd., be denied.

Motion adopted unanimously.

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.
- 6. Case No. 21-04-18 – 1212 E. 14 Mile Rd. (25-03-226-006)**

Moved by: Mr. Offak  
Supported by: Ms. George

Moved, that the appeal of Timothy O'Donnell, petitioner & owner, for the following variance:

(a) waive the hard surface requirement for a driveway  
to allow a gravel driveway at 1212 E. 14 Mile Rd., be granted.

Motion adopted unanimously.

Granting the 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**

None.

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**Public Comment**

None.

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**Adjournment**

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

Moved, that the meeting adjourned at 9:12 p.m.

Motion adopted unanimously.

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Clyde Esbri, Chairperson

  
Joseph M. Murphy, Director of Planning