

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

Regular Meeting  
Thursday, April 13, 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 Kurlik

**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 March 9, 2023**

**C. Old / Unfinished Business**

1. **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. 23-04-08 – public hearing on the appeal of Krieger-Klatt Architects, LLC, petitioner & Management 10 Lincoln, LLC, owner, for the following variance:**
  - (a) **Waive 11 of the minimum required 37 off-street parking spaces to renovate and expand an office building for an architecture firm at 400 E Lincoln Ave. (25-22-302-033).**
2. **Case No. 23-04-09 – public hearing on the appeal of Paul & Lyndsey Wolfe, petitioners & owners, for the following variances:**
  - (a) **Waive one of the maximum allowable number of accessory buildings per residential property**
  - (b) **Waive 859 sq. ft. from the maximum allowable 800 sq. ft. sum total ground floor area for all accessory buildings**
  - (c) **Waive one of the maximum allowable number of driveways to permit construction of a detached accessory structure / garage and a second driveway and approach along N Washington Ave at 325 Lexington Blvd. (25-04-476-001).**

3. **Case No. 23-04-10 – public hearing on the appeal of Rosemary Wolock, petitioner and owner for the following variance:**
  - (a) **Waive 11.5 ft. of the minimum required 42.3 ft. east front yard setback along Hereford Rd.**  
**to permit construction of an unenclosed deck along the north side of the existing single-family dwelling at 7900 Huntington Rd. (25-21-412-006).**

**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 Kurilik

**Absent**

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

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

Motion adopted unanimously.

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**Unfinished Business**

1. **Case No. 23-02-05 – 1629 N Washington Ave. (25-16-229-014)**

Mr. Gavin recused himself due to his firm's relationship with the petitioner.

Chairperson Offak opened the public hearing. Nobody spoke. Chairperson Offak closed the public hearing.

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

Moved, that 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), be granted.

Motion adopted 7-1 (Chairperson Offak).

Granting the non-use 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 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.

Mr. Gavin returned to the City Commission Chambers.

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## **New Business**

### **1. Case No. 23-04-08 – 400 E Lincoln Ave. (25-04-476-001)**

Mr. Klatt recused himself due to his association with the variance request.

Chairperson Offak opened the public hearing. Nobody spoke. Chairperson Offak closed the public hearing.

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

Moved, that the appeal of Krieger-Klatt Architects, Inc., petitioner & Management 10 Lincoln, LLC, owner, for the following variance:

- (a) Waive 11 of the minimum required 37 off-street parking spaces to renovate and expand an office building for an architecture firm at 400 E Lincoln Ave. (25-22-302-033), 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.

Mr. Klatt returned to the City Commission Chambers.

**2. Case No. 23-04-09 – 325 Lexington Blvd. (25-04-476-001)**

Chairperson Offak opened the public hearing. Nobody spoke. Chairperson Offak closed the public hearing.

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

Moved, that the appeal of Paul & Lyndsey Wolfe, petitioners & owners, for the following variances:

- (a) Waive one of the maximum allowable number of accessory buildings per residential property
- (b) Waive 859 sq. ft. from the maximum allowable 800 sq. ft. sum total ground floor area for all accessory buildings
- (c) Waive one of the maximum allowable number of driveways to permit construction of a detached accessory building / garage and a second driveway and approach along N Washington Ave. at 325 Lexington Blvd. (25-04-476-001), be granted.

Motion adopted 7-2 (Ms. Robinson, 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.

**3. Case No. 23-04-10 – 7900 Huntington Rd. (25-21-412-006)**

Chairperson Offak opened the public hearing. Nobody spoke. Chairperson Offak closed the public hearing.

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

Moved, that the appeal of Rosemary Wolock, petitioner & owner, for the following variance:  
(a) Waive 11.5 ft. of the minimum required 42.3 ft. east front yard setback along Hereford Rd. to permit construction of an unenclosed deck along the north side of the existing single-family dwelling at 7900 Huntington Rd. (25-21-412-006), 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. Murphy informed the board of the upcoming charette for the master plan.  
Chairperson Offak discussed the potential for a joint meeting with the planning commission with the board.

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**Public Comment**

None.

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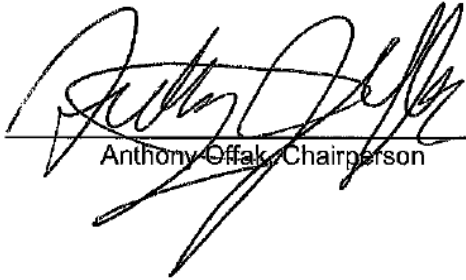
**Adjournment**

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

Moved, that the meeting adjourned at 8:27 p.m.

Motion adopted unanimously.

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Anthony Offak, Chairperson



Joseph M. Murphy, Director of Planning