

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

**Regular Meeting
Thursday, May 11, 2023
7:00 P.M.**

Present

Trevis Moore
Anthony Offak, Chairperson
Arvind Reddy
Jeff Klatt
Deborah Zukin
Nancy Robinson
Aaron Kurilik

Absent

Samantha Grant
Robert Gavin, Vice Chairperson

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 April 13, 2023**
 - C. Unfinished Business**
 - D. New Business**
 - 1. Case No. 23-05-11 – public hearing on the appeal of Elmhurst Development, petitioner & SJ & BAE LLC, owner, for the following variance:**
 - (a) Waive 31 ft. of the minimum required 40.6 ft. west front yard setback along Fern St. to permit construction of a new single-family dwelling with an attached garage accessed via Fern St. at 503 Girard Ave. (25-10-178-018).**
 - 2. Case No. 23-05-12 – public hearing on the appeal of Victoria Zahul, petitioner & owner, for the following variances:**
 - (a) Alter/expand a non-conforming structure**
 - (b) Waive 1 ft. of the minimum required 26.3 ft. west front yard setback measured to living space**
 - (c) Waive 1 ft. from the minimum required 4 ft. south side yard setback measured to living space**
 - (d) Waive 3 ft. of the maximum allowable 7 ft. extension of a covered, unenclosed front porch and steps into the minimum required front yard setback to permit construction of a new covered, unenclosed front porch and steps and a second story addition to an existing single-family dwelling at 3258 Garden Ave. (25-07-176-005).**
 - 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.

Roll Call

Present

Trevis Moore
Anthony Offak, Chairperson
Arvind Reddy
Jeff Klatt
Deborah Zukin
Nancy Robinson
Aaron Kurilik

Absent

Samantha Grant
Robert Gavin, Vice Chairperson

Approval of Minutes for April 13, 2023

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

Moved, that the minutes of the April 13, 2023, regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

None.

New Business

1. Case No. 23-05-11 – 503 Girard Ave. (25-10-178-018)

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

Moved by: Mr. Klatt
Supported by: Mr. Moore

Moved, that the appeal of Elmhurst Development, petitioner & SJ & BAE LLC, owner, for the following variance:

- (a) Waive 31 ft. of the minimum required 40.6 ft. west front yard setback along Fern St. to permit construction of a new single-family dwelling with an attached garage accessed via Fern St. at 503 Girard Ave. (25-10-178-018), 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. 23-05-12 – 3258 Garden Ave. (25-07-176-005)

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

Moved by: Mr. Klatt

Supported by: Mr. Moore

Moved, that the appeal of Victoria Zahul, petitioner & owner, for the following variances:

- (a) Alter/expand a non-conforming structure
- (b) Waive 1 ft. of the minimum required 26.3 ft. west front yard setback measured to living space
- (c) Waive 1 ft. from the minimum required 4 ft. south side yard setback measured to living space
- (d) Waive 3 ft. of the maximum allowable 7 ft. extension of a covered, unenclosed front porch and steps into the minimum required front yard setback to permit construction of a new covered, unenclosed front porch and steps and a second story addition to an existing single-family dwelling at 3258 Garden Ave. (25-07-176-005), be granted.

Motion adopted unanimously.

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.

Other Business

None.

Public Comment

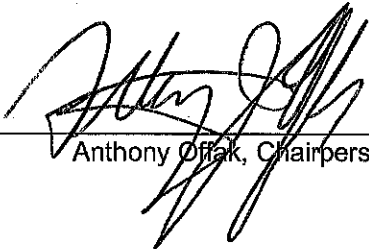
None.

Adjournment

Moved by: Mr. Moore
Supported by: Mr. Kurilik

Moved, that the meeting adjourned at 7:24 p.m.

Motion adopted unanimously.



Anthony Offak, Chairperson



Alexander J. Bahorski, Planner II