

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

**Regular Meeting
Thursday, July 13, 2023
7:00 P.M.**

Present

Trevis Moore
Anthony Offak, Chairperson
Samantha Grant
Arvind Reddy
Deborah Zukin
Nancy Robinson
Aaron Kurilik, arrived at 7:04 p.m.

Absent

Jeff Klatt
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 May 11, 2023

C. Unfinished Business

D. New Business

1. **Case No. 23-07-13 – public hearing on the appeal of Moiseev Gordon Associates, Inc., petitioner & JPS Leafdale, LLC, owner, for the following variances:**
 - (a) **Waive 7 of the minimum required 19 off-street parking spaces**
 - (b) **Waive 7 ft. of the minimum required width of 20 ft. for a two-way drive/maneuvering aisle**
to convert a manufacturing building into a fitness center at 4915 Leafdale Blvd. (20-32-378-019).

2. **Case No. 23-07-14 – public hearing on the appeal of Nathan Zaher, petitioner & Sylvan Drive LLC, owner, for the following variance:**
 - (a) **Use Variance**
 - (b) **Waive 1,932.25 sq. ft. of the minimum required 9,000 sq. ft. of lot area**
 - (c) **Waive 2 of the minimum required 4 off-street parking spaces**
to allow an existing single-family dwelling to be converted into a two-family dwelling at 3041 Sylvan Dr. (25-09-204-012).

3. **Case No. 23-07-15 – public hearing on the appeal of Louis Domin Inc., petitioner & 1927 Brookwood LLC, owner, for the following variances:**
 - (a) **Waive 1,440 sq. ft. of the minimum required 6,000 sq. ft. lot area for proposed Parcel “A” and Parcel “B”**
 - (b) **Waive 10 ft. of the minimum required 50 ft. width for proposed Parcel “A” and Parcel “B”**
to permit a land division to create two individual single-family home sites at 1927 Brookwood Ave. (25-10-379-016).

E. Other Business

F. General Public Comment

G. Adjournment

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 that 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
Samantha Grant
Arvind Reddy
Deborah Zukin
Nancy Robinson
Aaron Kurilik, arrived at 7:04 p.m.

Absent

Jeff Klatt
Robert Gavin, Vice Chairperson

Approval of Minutes for May 11, 2023

Moved, that the minutes of the May 11, 2023, regular meeting be approved as presented.

Motion adopted unanimously (Mr. Kurilik absent).

Unfinished Business

None.

New Business

1. Case No. 23-07-13 – 4915 Leafdale Blvd. (20-32-378-019)

Chairperson Offak opened the public hearing. After everybody spoke, Chairperson Offak closed the public hearing.

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

Moved, that the appeal of Moiseev Gordon Associates, Inc., petitioner & JPS Leafdale, LLC, owner, for the following variances:

- (a) Waive 7 of the minimum required 19 off-street parking spaces
- (b) Waive 7 ft. of the minimum required width of 20 ft. for a two-way drive / maneuvering aisle to convert a manufacturing building into a fitness center at 4915 Leafdale Blvd. (20-32-378-019), 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.

2. Case No. 23-07-14 – 3041 Sylvan Dr. (25-09-204-012)

Chairperson Offak opened the public hearing. After everybody spoke, Chairperson Offak closed the public hearing.

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

Moved, that the appeal of Nathan Zaher, petitioner & Sylvan Drive LLC, owner, for the following variances:

- (a) Use Variance
- (b) Waive 1,932.25 sq. ft. of the minimum required 9,000 sq. ft. of lot area
- (c) Waive 2 of the minimum required 4 off-street parking spaces to allow an existing single-family dwelling to be converted into a two-family dwelling at 3041 Sylvan Dr. (25-09-204-012), be postponed.

Motion adopted unanimously.

3. Case No. 23-07-15 –1927 Brookwood Ave. (25-10-379-016)

Chairperson Offak opened the public hearing. After everybody spoke, Chairperson Offak closed the public hearing.

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

Moved, that the appeal of Louis Domin, Inc., petitioner & 1927 Brookwood, LLC, owner, for the following variances:

- (a) Waive 1,440 sq. ft. of the minimum required 6,000 sq. ft. lot area for proposed Parcel "A" and Parcel "B"
- (b) Waive 10 ft. of the minimum required 50 ft. width for proposed Parcel "A" and Parcel "B" to permit a land division to create two individual single-family home sites at 1927 Brookwood Ave. (25-10-379-016), be granted.

Motion adopted 5-2 (Chairperson Offak, Ms. Robinson).

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 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.
5. The proposed lots are consistent with the width, size and general character of the lots in the neighborhood. Further, the proposed lot size provides adequate "buildable" area to allow the construction of a dwelling in character with the neighborhood.

Other Business

None.

Public Comment

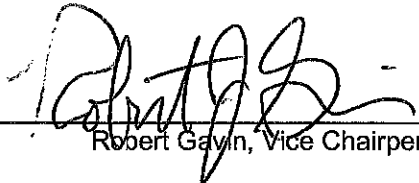
Chairperson Offak opened public comment. After everybody spoke, Chairperson Offak closed the public comment.


Adjournment

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

Moved, that the meeting adjourned at 8:37 p.m.

Motion adopted unanimously.


Robert Gavin, Vice Chairperson


Alexander J. Bahorski, Planner II