

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

Special Meeting
Wednesday, September 8, 2021
7:00 P.M.

Present

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

Absent

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

Agenda

A. Call to Order

B. Roll Call

C. Approval of Minutes for June 10, 2021

D. Unfinished Business

E. New Business

1. **Case No. 21-07-29** – public hearing on the appeal of the Stephanie Kunik, petitioner & owner, for the following variance:
 - (a) Waive 3 ft. of the minimum required 3 ft. east side yard setback to permit construction of an elevated wood deck within the required side yard setback at **625 Baldwin Ave.** (25-15-331-048).
2. **Case No. 21-07-30** – public hearing on the appeal of Kathryn Ashbaugh, petitioner & owner, for the following variances:
 - (a) Waive one of the maximum allowable number of driveways
 - (b) Waive the hard surface requirement for the driveway accessed via Glendale Ave to retain the drive approach along Glendale Ave. to access an existing, non-conforming unimproved driveway at **236 Woodlawn Ave.** (25-03-352-018).
3. **Case No. 21-07-31** – public hearing on the appeal of Jonathan Skrzynski, petitioner & owner, for the following variances:
 - (a) Alter/expand a nonconforming structure
 - (b) Waive 25.4 ft. of the minimum required 35.4 ft. west front yard setback to permit construction of a two-story rear yard addition to an existing nonconforming single-family dwelling at **1524 Catalpa Dr.** (25-16-155-026).
4. **Case No. 21-07-32** – public hearing on the appeal of Michael J. Gordon, petitioner, & Matt Cornelius, owner, for the following variance:
 - (a) Waive 4.1% of the maximum allowable total lot coverage of 30% to permit construction of a one-story rear yard addition and unenclosed, covered porch at **116 Kayser Ave.** (25-22-127-013).

5. **Case No. 21-07-33** – public hearing on the appeal of B. Hattermann Architecture, petitioner & Darkun LLP, owner, for the following variance:
(a) Waive 10 of the maximum driveway width of 30 ft.
to utilize an existing concrete drive approach to access parking spaces from an adjacent public alley at **312 E. 3rd St.** (25-22-107-003).
6. **Case No. 21-08-34** – public hearing on the appeal of Usztan LLC, petitioner & Samar and Yahya Mossa-Basha, owner, for the following variance:
(a) Waive 7 of the minimum required 250 required off-street parking spaces
to expand the ground floor of an existing medical building at **30701 Woodward Ave.** (25-07-231-002).
7. **Case No. 21-08-35** – public hearing on the appeal of Joseph Gardner, petitioner & owner, for the following variances:
(a) Alter / expand a nonconforming structure
(b) Waive 6.5 ft. of the minimum required 25 ft. west front yard setback
(c) To allow an unenclosed front porch and steps to encroach 18.2 ft. into the required 25 ft. west front yard setback
to permit construction of a second-floor addition to an existing non-conforming, single-family dwelling and a new unenclosed front porch and steps at **326 Baker St.** (25-16-380-004).
8. **Case No. 21-08-36** – public hearing on the appeal of Moiseev / Gordon Associates, Inc, petitioner & John M Barclay Trust & Delguidice R E Enterprise, owners, for the following variances:
(a) Waive 39 of the minimum required 115 off-street parking spaces
(b) Waive 18 ft. of the maximum driveway width of 30 ft.
to permit construction of an addition to an existing restaurant and install an outdoor cafe at **31542-31626 Woodward Ave.** (25-06-430-001, -002, -003, -004 & -006, 25-06-430-017).
9. **Case No. 21-08-37** – public hearing on the appeal of Alimoff Building & Development LLC, petitioner & AB Acquisitions LLC, owner, for the following variances:
(a) Waive 8.3 ft. of the minimum required 38 ft. south front yard setback
(b) To allow an unenclosed front porch and steps to encroach 16 ft. into the required 38 ft. south front yard setback
to permit construction of a two-story, single-family dwelling with an unenclosed front porch and steps and an attached accessory structure / garage at **vacant site on Edmund Ave.** (25-03-330-028).

F. Other Business

G. Public Comment

Call to Order

The virtual special meeting was called to order at 7:01 p.m. by Vice 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

It was announced that on September 7, 2021, former Chairperson Clyde Esbri submitted a letter of resignation. The board currently has one vacancy.

Present

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

Absent

Approval of Minutes for June 10, 2021

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

Moved, that the minutes of the June 10, 2021 regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

None.

New Business

1. Case No. 21-07-29 – 625 Baldwin Ave. (25-15-331-048)

Moved by: Mrs. Zukin
Supported by: Mrs. Robinson

Moved, that the appeal of Stephanie Kunik, petitioner & owner, for the following variance:
(a) Waive 3 ft. of the minimum required 3 ft. east side yard setback
to permit construction of an elevated wood deck within the required side yard setback at 625
Baldwin Ave., 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.

2. Case No. 21-07-30 – 236 Woodlawn Ave. (25-03-352-018)

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

Moved, that the appeal of Kathryn Ashbaugh, petitioner & owner, for the following variances:
(a) Waive one of the maximum allowable number of driveways
(b) Waive the hard surface requirement for the driveway accessed via Glendale Ave to retain the drive approach along Glendale Ave. to access an existing, non-conforming unimproved driveway at 236 Woodlawn Ave., be granted.

Motion adopted 7 – 1 (Mrs. George)

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. 21-07-31 – 1524 Catalpa Dr. (25-16-155-026)

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

Moved, that the appeal of Jonathan Skrzynski, petitioner & owner, for the following variances:
(a) Alter/expand a nonconforming structure
(b) Waive 25.4 ft. of the minimum required 35.4 ft. west front yard setback

to permit construction of a two-story rear yard addition to an existing nonconforming single-family dwelling at 1524 Catalpa 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. 21-07-32 – 116 Kayser Ave. (25-22-127-013)

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

Moved, that the appeal of Michael J. Gordon, petitioner, & Matt Cornelius, owner, for the following variance:

(a) Waive 4.1% of the maximum allowable total lot coverage of 30% to permit construction of a one-story rear yard addition and unenclosed, covered porch at 116 Kayser Ave., be granted.

Motion adopted 7 – 1 (Mr. Offak)

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.

5. Case No. 21-07-33 – 312 E. 3rd St. (25-22-107-003)

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

Moved, that the appeal of B. Hattermann Architecture, petitioner & Darkun LLP, owner, for the following variance:

(a) Waive 10 of the maximum driveway width of 30 ft.
to utilize an existing concrete drive approach to access parking spaces from an adjacent public alley at 312 E. 3rd 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.

6. Case No. 21-08-34 – 30701 Woodward Ave. (25-07-231-002)

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

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7. Case No. 21-08-35 – 326 Baker St. (25-16-380-004)

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

Moved, that the appeal of Joseph Gardner, petitioner & owner, for the following variances:

- (a) Alter / expand a nonconforming structure
- (b) Waive 6.5 ft. of the minimum required 25 ft. west front yard setback
- (c) To allow an unenclosed porch and steps to encroach 18.2 ft. into the required 25 ft. west front yard setback

to permit construction of a second-floor addition to an existing non-conforming, single-family dwelling and a new unenclosed front porch and steps at 326 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.

- 8. Case No. 21-08-36 – 31542-31626 Woodward Ave.** (25-06-430-001, -002, -003, -004 & -006, 25-06-430-017)

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

Moved, that the appeal of Moiseev / Gordon Associates, Inc., petitioner & John M Barclay Trust & Delguidice R E Enterprise, owners, for the following variances:

- (a) Waive 39 of the minimum required 115 off-street parking spaces
 - (b) Waive 18 ft. of the maximum driveway width of 30 ft.
- to permit construction of an addition to an existing restaurant and install an outdoor cafe at 31542-31626 Woodward Ave., be granted.

Motion adopted 7 – 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.

9. Case No. 21-08-37 – vacant site on Edmund Ave. (25-03-330-028)

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

Moved, that the appeal of Alimoff Building & Development, LLC., petitioner & AB Acquisitions, LLC, owner, for the following variances:

- (a) Waive 8.3 ft. of the minimum required 38 ft. south front yard setback
- (b) To allow an unenclosed front porch and steps to encroach 16 ft. into the required 38 ft. south front yard setback

to permit construction of a two-story, single-family dwelling with an unenclosed front porch and steps and an attached accessory structure / garage at a vacant site on Edmund Ave. (25-03-330-028), be granted.

Motion adopted 5 - 3

Yes: Mr. Gavin, Mrs. George, Mr. Klatt, Vice Chairperson Offak, Mrs. Robinson

No: Mr. Moore, Mr. Reddy, 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.

Other Business

The board discussed the preferred format for upcoming meetings in light of the city commission extending the local state of emergency. The state of emergency allows individuals boards, committees, commissions, etc. to continue to meet electronically by telephonic and video conferencing means through December 31, 2021.

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

To hold all regularly scheduled meetings in a virtual manner – no in-person meetings – through the end of calendar year 2021.

Motion adopted 6 – 2 (Mrs. George, Mr. Klatt)

The board also discussed the resignation of the former Chairperson. It was determined to hold the election of officers until there is a full membership of the board.

Public Comment

None.

Adjournment

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

Moved, that the meeting adjourned at 10:03 p.m.

Motion adopted unanimously.



Anthony Offak, Vice Chairperson



Joseph M. Murphy, Director of Planning