

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

Regular Meeting
Thursday, September 9, 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

D. Unfinished Business

E. New Business

1. **Case No. 21-09-38** – public hearing on the appeal of Keith Logsdon, petitioner, & Larry and Sue Martin, owners, for the following variance:
 - (a) Waive 5 ft. of the minimum required 5 ft. west side yard setback to permit construction of a carport / accessory structure over the driveway at **313 E. University Ave.** (25-15-354-014).
2. **Case No. 21-09-39** – public hearing on the appeal of David A. Gullo, petitioner & owner, for the following variances:
 - (a) Alter/expand a nonconforming structure
 - (b) To allow an unenclosed front porch and steps to encroach 13.5 ft. into the required 34 ft. west front yard setback to expand the nonconforming front porch and steps at **1003 Mohawk Ave.** (25-22-403-013).
3. **Case No. 21-09-40** – public hearing on the appeal of Chaslin Spencer and David Jenkins, petitioners & owners, for the following variances:
 - (a) Alter/expand a nonconforming structure
 - (b) Waive 1.9 ft. of the minimum required 5 ft. east side yard setback to permit construction of a second-story addition at the southeast corner of the existing, nonconforming single-family dwelling at **318 E. Lawrence Ave.** (25-10-104-004).
4. **Case No. 21-09-41** – public hearing on the appeal of MI Express LLC, petitioner, & Woodward Pier LLC, owner, for the following variances:
 - (a) Waive 45 ft. of the maximum driveway width of 30 ft. along the public alley
 - (b) Waive the requirement for a dedicated and continuous escape lane in order to provide additional stacking spaces

to construct an automatic, drive-through car wash at **31800 Woodward Ave.** (25-06-426-005).

5. **Case No. 21-09-42** – public hearing on the appeal of Anna Ruth and Austin Kendall, petitioners & owners, for the following variances:
- (a) Alter/expand a nonconforming structure
 - (b) Waive 17.5 ft. of the minimum required 35 ft. east rear yard setback to permit construction of a second-story addition at the northeast corner of the existing, nonconforming single-family dwelling at **909 S. Lafayette Ave.** (25-21-427-002).

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

Present

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

Absent

Approval of Minutes

None.

Unfinished Business

None.

New Business

1. **Case No. 21-09-38 – 313 E. University Ave.** (25-15-354-014)

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

Moved, that the appeal of Keith Logsdon, petitioner & Larry and Sue Martin, owners, for the following variance:

(a) Waive 5 ft. of the minimum required 5 ft. west side yard setback to permit construction of a carport / accessory structure over the driveway at 313 E. University 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. 21-09-39 – 1003 Mohawk Ave. (25-22-403-013)

Moved by: Mr. Klatt

Supported by: Mrs. Robinson

Moved, that the appeal of David A. Gullo, petitioner & owner, for the following variances:

(a) Alter / expand a nonconforming structure
(b) To allow an unenclosed front porch and steps to encroach 13.5 ft. into the required 34 ft. west front yard setback
to expand the nonconforming front porch and steps at 1003 Mohawk Ave., 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.

3. Case No. 21-09-40 – 318 E. Lawrence Ave. (25-10-104-004)

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

Moved, that the appeal of Chaslin Spencer and David Jenkins, petitioners & owners, for the following variances:

- (a) Alter / expand a nonconforming structure
- (b) Waive 1.9 ft. of the minimum required 5 ft. east side yard setback to permit construction of a second-story addition at the southeast corner of the existing, nonconforming single-family dwelling at 318 E. Lawrence Ave., 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. 21-09-41 – 31800 Woodward Ave. (25-06-426-005)

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

Moved, that the appeal of MI Express LLC, petitioner, & Woodward Pier LLC, owner, for the following variances:

- (a) Waive 45 ft. of the maximum driveway width of 30 ft. along the public alley
- (b) Waive the requirement for a dedicated and continuous escape lane in order to provide additional stacking spaces to construction of an automatic, drive-through car wash at 31800 Woodward Ave., be granted.

Motion adopted 7 – 1 (Mrs. 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 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. 21-09-42 – 909 S. Lafayette Ave. (25-21-427-002)

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

Moved, that the appeal of Anna Ruth and Austin Kendall, petitioners & owners, for the following variances:

- (a) Alter / expand a nonconforming structure
- (b) Waive 17.5 ft. of the minimum required 35 ft. east rear yard setback to permit construction of a second-story addition at the northeast corner of the existing, nonconforming single-family dwelling at 909 S. Lafayette Ave., 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.

Other Business

None.

Public Comment

None.

Adjournment

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

Moved, that the meeting adjourned at 8:40 p.m.

Motion adopted unanimously.



Anthony Offak, Vice Chairperson



Joseph M. Murphy, Director of Planning