

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

**Regular Meeting
Thursday, September 14, 2023
7:00 P.M.**

Present

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

Absent

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 August 10, 2023

C. Unfinished Business

1. **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).**

D. New Business

1. **Case No. 23-09-17 – public hearing on the appeal of Sue Jo, petitioner & owner, for the following variances:**
 - (a) **Alter/expand a non-conforming structure**
 - (b) **Waive 8.25 ft. of the minimum required 25 ft. east front yard setback**
 - (c) **Waive 2.4 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 first and second story additions and a new covered, unenclosed front porch and steps to an existing non-conforming single-family dwelling at 1116 Etowah Ave. (25-07-176-005).**

E. Other Business

1. **Reconsideration Request – Case No. 23-08-16**

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
Jeff Klatt
Arvind Reddy
Deborah Zukin
Nancy Robinson
Aaron Kurilik

Absent

Robert Gavin, Vice Chairperson

Approval of Minutes for August 10, 2023

Moved, that the minutes of the August 10, 2023, regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

1. 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: Ms. Zukin
Supported by: Ms. Robinson

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

- (a) Use Variance
to allow an existing single-family dwelling to be converted into a two-family dwelling at 3041 Sylvan Dr. (25-09-204-012), be denied.

Motion adopted unanimously.

Denying the use variance is based upon the following:

1. The petitioner has not demonstrated that the property cannot be reasonably used for the purposes permitted in the One-Family Residential zoning district. Strict compliance with the zoning ordinance provisions would not prevent the property owner from use and enjoyment of the property and would not render conformity with such provisions unnecessarily burdensome.

2. The appeal does not result from unique circumstances peculiar to the property and or the general conditions of the surrounding area. Further, the requested use would not alter the essential character of the area.
3. The alleged hardship has been created by the petitioner and/or property owner. There are no circumstances or conditions inherently unique to the property.
4. The requested use is not a substantial property right possessed by other property owners in the One-Family Residential zoning district.

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

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

- (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 denied.

Motion adopted unanimously.

Denying the non-use variances is based upon the following:

1. Strict compliance with the zoning ordinance provisions will not unreasonably prevent the petitioner from use and enjoyment of the property for a permitted purpose, or would not render conformity with such provisions unnecessarily burdensome.
2. Granting the variances would prove detrimental to other property owners in the area.
3. There are not circumstances or conditions inherently unique to the property that necessitates granting the variances.
4. There is not evidence of practical difficulty and there are not inherently unique circumstances or conditions of the property that requires granting the variances.

New Business

1. Case No. 23-09-17 – 1116 Etowah Ave. (25-07-176-005)

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

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

Moved, that the appeal of Sue Jo, petitioner & owner, for the following variances:

- (a) Alter/expand a non-conforming structure
- (b) Waive 8.25 ft. of the minimum required 25 ft. east front yard setback
- (c) Waive 2.4 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 first and second story additions and a new covered, unenclosed front porch and steps to an existing non-conforming single-family dwelling at 1116 Etowah Ave. (25-07-176-005), be approved.

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

Moved, to rescind the motion that the appeal of Sue Jo, petitioner & owner, for the following variances:

- (a) Alter/expand a non-conforming structure
- (b) Waive 8.25 ft. of the minimum required 25 ft. east front yard setback
- (c) Waive 2.4 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 first and second story additions and a new covered, unenclosed front porch and steps to an existing non-conforming single-family dwelling at 1116 Etowah Ave. (25-07-176-005), be approved.

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

Moved, that the appeal of Sue Jo, petitioner & owner, for the following variances:

- (a) Alter/expand a non-conforming structure
- (b) Waive 8.25 ft. of the minimum required 25 ft. east front yard setback
- (c) Waive 2.4 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 first and second story additions and a new covered, unenclosed front porch and steps to an existing non-conforming single-family dwelling at 1116 Etowah Ave. (25-07-176-005), be postponed.

Motion adopted unanimously.

Other Business

1. Reconsideration Request – Case No. 23-08-16

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

Moved, that the reconsideration request of Michael Campbell, for the following variances:

- (a) Waive 983 sq. ft. of the maximum permitted usable floor area of 3,500 sq. ft. for a single-family dwelling
- (b) Waive 485 sq. ft. from the maximum allowable 800 sq. ft. of floor area for attached garages / accessory buildings
- (c) Waive 1.4 ft. of the maximum allowable height of 15 ft. for an accessory structure to permit construction of a new two-story single-family dwelling with attached garages / accessory buildings at 304 Lexington Ave. (25-04-429-019), be granted.

Motion adopted 6-2 (Chairperson Offak, Ms. Zukin).

Public Comment

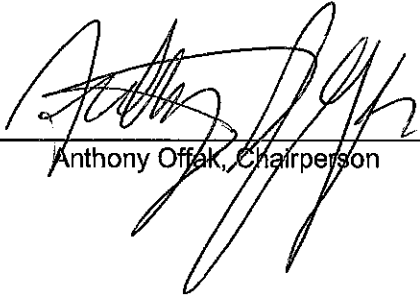
Chairperson Offak opened public comment. After everybody spoke, Chairperson Offak closed the public comment.

Adjournment

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

Moved, that the meeting adjourned at 8:35 p.m.

Motion adopted unanimously.



Anthony Offak, Chairperson

Alexander J. Bahorski
Alexander J. Bahorski, Planner II