

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

Regular Meeting
Thursday, April 14, 2022
7:00 P.M.

Royal Oak City Hall
203 S. Troy St.
City Commission Chambers, Room 121
Royal Oak MI 48067

Present

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

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

Absent

Agenda

A. Call to Order & Roll Call

B. Approval of Minutes for March 10, 2022

C. Old / Unfinished Business

D. New Business

1. **Case No. 22-04-13** – public hearing on the appeal of Jennifer Streamer & Joseph Gunsch, petitioners & owners, for the following variances:
 - (a) alter/expand a nonconforming structure
 - (b) waive 1 ft. of the minimum required 4 ft. south side yard setback
 - (c) waive 0.1 ft. of the minimum required 12 ft. combined side yard setback to permit second story and ground floor additions to an existing nonconforming single-family dwelling at **316 N. Alexander Ave.** (25-16-452-014).

2. **Case No. 22-04-14** – public hearing on the appeal of Jocelyn Robelli & Joshua Droppers, petitioners & owners, for the following variances:
 - (a) waive 16.6 ft. of the minimum required 25 ft. south setback along Forest Ave.
 - (b) waive 5.1 ft. of the minimum required 35.1 ft. east setback along N. Alexander Ave.
 - (c) waive 2 ft. of the maximum allowable height of 30 ft.
 - (d) waive 3.4% (190 sq. ft.) of the maximum allowable lot coverage of 10% for an accessory structure / garage
 - (e) waive 493 sq. ft. of the maximum allowable total lot coverage of 1,800 sq. ft.
 - (f) waive 4 ft. of the maximum allowable driveway width of 25 ft. along Forest Ave. to permit construction of a new two-story single-family dwelling with an attached garage / accessory structure at **801 N. Alexander Ave.** (25-15-402-007).

3. **Case No. 22-04-15** – public hearing on the appeal of Riki Patel, petitioner & owner, for the following variance:
 - (a) waive 0.4% (26 sq. ft.) of the maximum allowable total lot coverage of 10% for a detached garage / accessory structure to permit construction of a new 720 sq. ft. detached garage / accessory structure at **2105 Northwood Blvd.** (25-08-482-005).

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.

Roll Call

Present

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

Absent

Approval of Minutes for March 10, 2022

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

Moved, that the minutes of the March 10, 2022 regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

None.

New Business

1. **Case No. 22-04-13 – 316 N. Alexander Ave.** (25-16-452-014)

Moved by: Ms. Zukin
Supported by: Ms. George

Moved that the appeal of Jennifer Streamer & Joseph Gunsch, petitioners & owners, for the following variances:

- (a) alter/expand a nonconforming structure
- (b) waive 1 ft. of the minimum required 4 ft. south side yard setback
- (c) waive 0.1 ft. of the minimum required 12 ft. combined side yard setback to permit second story and ground floor additions to an existing nonconforming single-family dwelling at 316 N. Alexander Ave. (25-16-452-014), be approved.

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.

2. **Case No. 22-04-14 – 801 N. Alexander Ave.** (25-15-402-007)

The petitioner withdrew the following variance requests:

- (c) waive 2 ft. of the maximum allowable height of 30 ft.
- (d) waive 3.4% (190 sq. ft.) of the maximum allowable lot coverage of 10% for an accessory structure / garage
- (f) waive 4 ft. of the maximum allowable driveway width of 25 ft. along Forest Ave.

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

Moved that the appeal of Jocelyn Robelli & Joshua Droppers, petitioners & owners, for the following variance:

- (a) waive 16.6 ft. of the minimum required 25 ft. south setback along Forest Ave. to permit construction of a new two-story single-family dwelling with an attached garage / accessory structure at 801 N. Alexander Ave. (25-15-402-007), be granted.

Motion adopted unanimously.

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

Moved that the appeal of Jocelyn Robelli & Joshua Droppers, petitioners & owners, for the following variance:

(e) waive 297 sq. ft. of the maximum allowable total lot coverage of 1,800 sq. ft. to permit construction of a new two-story single-family dwelling with an attached garage / accessory structure at 801 N. Alexander Ave. (25-15-402-007), be granted.

Motion adopted 7 – 2 (Mr. Reddy, Ms. Zukin).

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

Moved that the appeal of Jocelyn Robelli & Joshua Droppers, petitioners & owners, for the following variance:

(b) waive 5.1 ft. of the minimum required 35.1 ft. east setback along N. Alexander Ave. to permit construction of a new two-story single-family dwelling with an attached garage / accessory structure at 801 N. Alexander Ave. (25-15-402-007), be granted.

Motion adopted 6 – 3 (Chairperson Offak, Mr. Reddy, Ms. 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.

3. Case No. 22-04-15 – 2105 Northwood Blvd. (25-08-482-005)

Moved by: Mr. Gavin
Supported by: Ms. George

Moved that the appeal of Riki Patel, petitioner & owner, for the following variance:

(a) waive 0.4% (26 sq. ft.) of the maximum allowable total lot coverage of 10% for a detached garage / accessory structure to permit construction of a new 720 sq. ft. detached garage / accessory structure at 2105 Northwood Blvd. (25-08-482-005), 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.

Other Business

None.

General Public Comment

None.

Adjournment

Moved by: Mr. Reddy
Supported by: Mr. Gavin

Moved, that the meeting adjourned at 8:22 p.m.

Motion adopted unanimously.

Anthony Offak, Chairperson

Joseph M. Murphy, Director of Planning

