

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

Thursday, June 10, 2021
7:00 P.M.

Present

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

Absent

Julianna Tschirhart, Planner
Ryan Kaluzny, Assistant City Attorney

Agenda

A. Call to Order

B. Roll Call

C. Approval of Minutes for May 13, 2021

D. Unfinished Business

1. **Case No. 21-05-22** – public hearing on the appeal of Ledion Shkempi, petitioner & owner, for the following variances:
 - (a) waive 2 ft. of the minimum required 10 ft. north side yard setback
 - (b) waive 6.8% from the requirement that an attached garage / accessory structure be no greater than 50% of the total width of the front façade of the structure
 - (c) waive 155 sq. ft. of the maximum allowable total lot coverage of 1,800 sq. ft.
 - (d) waive 3 ft. of the maximum allowable 30 ft. height of a single-family dwelling
 - (e) waive 586 sq. ft. of the maximum permitted gross usable floor area of 3,500 sq. ft. for a single-family dwellingto permit construction of a new single-family dwelling with a front entry attached garage at **312 N. Washington Ave.** (25-16-484-001).

E. New Business

1. **Case No. 21-06-26** – public hearing on the appeal of the Daniel Hagedorn, petitioner & owner, for the following variances:
 - (a) Waive 4 ft. of the minimum required 50 ft. lot width for Parcel “A”.
 - (b) Waive 3,480 sq. ft. of the minimum required 9,000 sq. ft. for Parcel “A”.
 - (c) Use variance to allow a two-family home site on a portion (46 ft. wide by 10 ft. deep) of property located in the One-Family Residential zoning district.
to permit a land division for a two-family home site along N. Campbell Rd. at **2500 N. Wilson Ave.** (25-10-429-034).
2. **Case No. 21-06-27** – public hearing on the appeal of Buddy Demer, owner, & Hillan Homes, petitioner, for the following variances:
 - (a) Waive 10 ft. of the minimum required 50 ft. lot width for Parcel “A”.
 - (b) Waive 800 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel “A”.

(c) Waive 10 ft. of the minimum required 50 ft. lot width for Parcel "B".
(d) Waive 800 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "B".
to permit a land division and create two vacant, single-family home sites at **417 N. Connecticut Ave.** (25-15-477-020).

3. **Case No. 21-06-28** – public hearing on the appeal of Troy Trust, Perry L., owner, & Tammy Troy, petitioner, 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 N. Center St. to allow a concrete driveway accessed via the adjacent public alley and retain the existing, non-conforming unimproved driveway accessed via N. Center St. at **216 N. Center Ave.** (25-16-485-006).

F. Other Business

G. Public Comment

Call to Order

Chairperson Esbri called the June 10, 2021 regular meeting of the Royal Oak Zoning Board of Appeals to order at 7:00 p.m. and stated that due to the COVID-19 pandemic the meeting was being held remotely in accordance with the Michigan Open Meetings Act, as amended, and the procedures established by the Royal Oak City Commission. 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.

Roll Call

Present

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

Absent

Approval of Minutes for May 13, 2021

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

Moved, that the minutes of the May 13, 2021 regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

1. Case No. 21-05-22 – 312 N. Washington Ave. (25-16-484-001)

The following variances were withdrawn by the petitioner:

- (c) waive 155 sq. ft. of the maximum allowable total lot coverage of 1,800 sq. ft.
- (d) waive 3 ft. of the maximum allowable 30 ft. height of a single-family dwelling
- (e) waive 586 sq. ft. of the maximum permitted gross usable floor area of 3,500 sq. ft. for a single-family dwelling

Moved by: Mr. Gavin

Supported by: Mr. Moore

Moved, that the appeal of Ledion Shkemi, petitioner & owner, for the following variances:

- (a) waive 2 ft. of the minimum required 10 ft. north side yard setback
 - (b) waive 6.8% from the requirement that an attached garage / accessory structure be no greater than 50% of the total width of the front façade of the structure
- to permit construction of a new single-family dwelling with a front entry attached garage at 312 N. Washington Ave., be granted.

Motion adopted 6-3 (Mr. Offak, Mrs. Robinson, 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.

New Business

1. Case No. 21-06-26 – 2500 N. Wilson Ave. (25-10-429-034)

Moved by: Mr. Offak

Supported by: Mr. Gavin

Moved, that the appeal of Daniel Hagedorn, petitioner & owner, for the following variances:

- (a) Waive 4 ft. of the minimum required 50 ft. lot width for Parcel "A"
- (b) Waive 3,480 sq. ft. of the minimum required 9,000 sq. ft. for Parcel "A"
- (c) Use variance to allow a two-family home site on a portion (46 ft. wide by 10 ft. deep) of property located in the One-Family Residential zoning district

to permit a land division for a two-family home site along N. Campbell Rd. at 2500 N. Wilson 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.

2. Case No. 21-06-27 – 417 N. Connecticut Ave. (25-15-477-020)

Moved by: Mr. Offak
Supported by: Mr. Gavin

Moved, that the appeal of Buddy Demer, owner, & Hillan Homes, petitioner, for the following variances:

- (a) Waive 10 ft. of the minimum required 50 ft. lot width for Parcel "A".
 - (b) Waive 800 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "A".
 - (c) Waive 10 ft. of the minimum required 50 ft. lot width for Parcel "B".
 - (d) Waive 800 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "B".
- to permit a land division and create two vacant, single-family home sites at 417 N. Connecticut Ave., denied.

Motion adopted 5-4 (Mr. Reddy, Mr. Esbri, Mr. Klatt, Mrs. George).

Denying the 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.

3. Case No. 21-06-28 – 216 N. Center Ave. (25-16-485-006)

Moved by: Mr. Offak
Supported by: Mr. Moore

Moved, that the appeal of Troy Trust, Perry L., owner, & Tammy Troy, petitioner, 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 N. Center St. to allow a concrete driveway accessed via the adjacent public alley and retain the existing, non-conforming unimproved driveway accessed via N. Center St. at **216 N. Center 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: Mr. Klatt

Moved, that the meeting adjourned at 8:31 p.m.

Motion adopted unanimously.



Anthony Offak, Vice Chairperson



Joseph M. Murphy, Director of Planning