

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

Thursday, September 10, 2020
7:00 P.M.

Present

Leslie Anderson
Paul Curtis
Clyde Esbri, Chairperson
Jeff Klatt
Alan Kroll
Anthony Offak, Vice Chairperson
Nancy Robinson
Deborah Zukin

Julianna Tschirhart, Planner
Ryan Kazluny, Assistant City Attorney

Absent

Robert Gavin (arrived at 7:55 p.m.)

Agenda

A. Call to Order

B. Approval of Minutes for August 20, 2020

C. Old / Unfinished Business

1. **Case No. 20-08-18** – public hearing on the appeal ROAK Rentals LLC, petitioner & owner, for the following variances:
 - (a) alter / expand a nonconforming structure
 - (b) waive 22.8 ft. of the minimum required 25 ft. west front yard setback
 - (c) waive 10 ft. of the minimum required 35 ft. east rear yard setback
 - (d) waive 5 ft. of the minimum required 5 ft. north side yard setback
 - (e) waive 348 sq. ft. of the maximum allowable ground floor area of 800 sq. ft. for an accessory structure
 - (f) waive 5.3% of the maximum allowable accessory structure lot coverage of 10%
 - (g) waive the requirement that an accessory structure / garage have either a mansard, hip, gambrel, or gable roof
 - (h) waive 24% of the maximum allowable total lot coverage requirement of 30%
 - (i) waive 35 ft. of the maximum permitted driveway width of 25 ft. along the public alley to convert an existing commercial building into a single-family home with an attached accessory structure / garage accessed from the public alley at **224 N. Washington Ave.** (25-16-484-030).
2. **Case No. 20-08-20** – public hearing on the appeal Coismo Properties, petitioner & owner, for the following variances:
 - (a) waive 165 ft. of the minimum required 6,000 sq. ft. lot area for the proposed interior lot, Parcel "B"
 - (b) waive 5.5 ft. of the minimum required 60 ft. lot width for the proposed corner lot, Parcel "A" to permit a land division and create two vacant, single-family home sites at **4105 Highfield Rd.** (25-06-309-007).

D. New Business

1. **Case No. 20-09-21** – public hearing on the appeal of Luke Conner, petitioner & owner, for the following variances:
 - (a) Waive 1 of the maximum allowable number of driveways per property
 - (b) Waive 2 of the maximum allowable number of accessory structures per property

- (c) Waive 402.4 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft.
- (d) Waive 1.1.% of the maximum allowable 10% lot coverage for accessory structures
- (e) Waive the requirement that an accessory structure / garage have either a mansard, hip, gambrel, or gable roof concept compatible with the principal structure to retain an existing attached accessory structure / garage and drive approach and construct a new detached accessory structure / garage and drive approach at **506 S. Wilson Ave.**, (25-22-278-007).

- 2. Case No. 20-09-22** – public hearing on the appeal Debbie Kleinhomer petitioner & owner, for the following variance:
- (a) Waive 348 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft to permit construction of a 323 sq. ft. addition to an existing detached garage, plus an external staircase with a 150 sq. ft. footprint at **1919 W. 12 Mile Rd.** (25-17-226-007).

E. Other Business

F. Public Comment

Call to Order

The virtual meeting was called to order at 7:00 p.m. by Chairperson Esbri. 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. 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

Leslie Anderson
Paul Curtis
Clyde Esbri, Chairperson
Jeff Klatt
Alan Kroll
Anthony Offak, Vice Chairperson
Nancy Robinson
Deborah Zukin

Absent

Robert Gavin (arrived at 7:55 p.m.)

Approval of Minutes for August 20, 2020

Moved by: Mr. Kroll
Supported by: Mr. Offak

Moved, that the minutes of the August 20, 2020 regular meeting be approved as presented.

Motion adopted unanimously.

Approval of Agenda for September 10, 2020

Moved by: Mr. Kroll
Supported by: Mr. Offak

Moved, that Agenda Item F. Public Comment, be moved to before Old / Unfinished Business and Case No. 20-08-20 – 4105 Highfield Rd. be heard before Case No. 20-08-18 – 224 N. Washington Ave.

Motion adopted unanimously.

Public Comment

A public comment was relayed in opposition to the variance request for the previously tabled item, Case No. 20-08-20 – 4105 Highfield Rd.

Old / Unfinished Business

1. Case No. 20-08-20 – 4105 Highfield Rd. (25-06-309-007).

Moved by: Mrs. Anderson
Supported by: Mr. Offak

Moved, that the appeal of Coismo Properties, petitioner & owner, for the following variances:
(a) waive 165 ft. of the minimum required 6,000 sq. ft. lot area for the proposed interior lot, Parcel "B"
(b) waive 5.5 ft. of the minimum required 60 ft. lot width for the proposed corner lot, Parcel "A" to permit a land division and create two vacant, single-family home sites at 4105 Highfield Rd., be denied.

Motion failed 4-4 (Mr. Esbri, Mr. Kroll, Mr. Curtis, Mr. Klatt).

Moved by: Mr. Kroll
Supported by: Mr. Curtis

Moved, that the appeal of Coismo Properties, petitioner & owner, for the following variances:
(a) waive 165 ft. of the minimum required 6,000 sq. ft. lot area for the proposed interior lot, Parcel "B"
(b) waive 5.5 ft. of the minimum required 60 ft. lot width for the proposed corner lot, Parcel "A" to permit a land division and create two vacant, single-family home sites at 4105 Highfield Rd., be granted.

Motion failed 4-4 (Mrs. Anderson, Mrs. Zukin, Mr. Offak, Mrs. Robinson).

Nonuse variance requests require 5 affirmative votes for approval. The petitioner failed to obtain the minimum number of affirmative votes to approve the variance requests.

2. Case No. 20-08-18 – 224 N. Washington Ave. (25-16-484-030)

Moved by: Mr. Offak
Support by: Mr. Kroll

Moved, that the appeal of ROAK Rentals LLC, petitioner & owner, for the following variances:
(e) waive 212 sq. ft. of the maximum allowable ground floor area of 800 sq. ft. for an accessory structure

- (f) waive 3.2% of the maximum allowable accessory structure lot coverage of 10%
- (h) waive 21.8% of the maximum allowable total lot coverage requirement of 30%
- (i) waive 35 ft. of the maximum permitted driveway width of 25 ft. along the public alley to convert an existing commercial building into a single-family home with an attached accessory structure / garage accessed from the public alley at 224 N. Washington 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.

New Business

1. Case No. 20-09-21 – 506 S. Wilson Ave. (25-22-278-007)

The petitioner withdrew the following variance:

- (e) Waive the requirement that an accessory structure / garage have either a mansard, hip, gambrel, or gable roof concept compatible with the principal structure

Moved by: Mr. Kroll

Supported by: Mr. Offak

Moved, that the appeal of Luke Conner, petitioner & owner, for the following variances:

- (a) Waive 1 of the maximum allowable number of driveways per property
- (b) Waive 1 of the maximum allowable number of accessory structures per property
- (c) Waive 354.4 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft.
- (d) Waive 0.7% of the maximum allowable 10% lot coverage for accessory structures to retain an existing attached accessory structure / garage and drive approach and construct a new detached accessory structure / garage and drive approach at 506 S. Wilson Ave., be denied.

Motion adopted 6-3 (Mr. Curtis, Mr. Gavin, Mr. Klatt).

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.
- 2. Case No. 20-09-22 – 1919 W. 12 Mile Rd. (25-17-226-007)**

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

Moved, that the appeal of Debbie Kleinholmer petitioner & owner, for the following variance:
(a) Waive 348 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft to permit construction of a 323 sq. ft. addition to an existing detached garage, plus an external staircase with a 150 sq. ft. footprint at 1919 W. 12 Mile Rd., 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

1. Work Session with Planning Commission

Ms. Tschirhart reported that the Planning Commission had selected 6:00 p.m. as the time for the joint meeting with the Zoning Board of Appeals on September 30th. She advised the board to vote to meet at the suggested time.

Moved by: Mr. Kroll

Supported by: Mr. Curtis

Moved, that the Zoning Board of Appeals host a joint meeting with the Planning Commission on Wednesday, September 30, 2020 at 6:00 p.m.

Motion adopted unanimously.

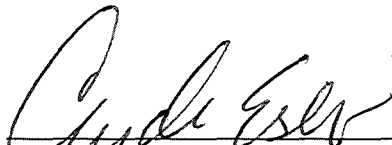
The Board discussed agenda items for the joint session which staff noted.

Adjournment

Moved by: Mr. Kroll
Supported by: Mr. Gavin

Moved, that the meeting adjourned at 9:15 p.m.

Motion adopted unanimously.



Clyde Esler, Chairperson



Joseph M. Murphy, Director of Planning