

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

Regular Meeting
Thursday, February 10, 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
Samantha Grant
Jeff Klatt
Trevis Moore
Anthony Offak, Chairperson
Arvind Reddy
Nancy Robinson
Deborah Zukin

Absent

Maggie George

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

Agenda

A. Call to Order & Roll Call

B. Approval of Minutes for January 13, 2022

C. Unfinished Business

D. New Business

1. **Case No. 22-02-06** – administrative review request by C&J Hammer Hard Accessories, petitioner & Raad Azzoo, owner. Appeal requesting that the zoning board of appeals overturn the zoning administrator's determination that the petitioner's business operation at **601 N. Main St.** (25-16-432-006) is an adult-oriented commercial enterprise.
2. **Case No. 22-02-07** – public hearing on the appeal of Julie & John Farhat, petitioners & owners, for the following variances:
 - (a) waive the prohibition of a combination of utilities in a garage / accessory structure which create living space
 - (b) use variance to convert the second story of a detached garage to habitable living space and create a second dwelling unit at **2209 Vinsetta Blvd.** (25-09-331-001).

E. Other Business

1. **2021 Annual Report**

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

Absent

Maggie George

Approval of Minutes for January 13, 2022

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

Moved, that the minutes of the January 13, 2022 regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

None.

New Business

1. **Case No. 22-02-06 – 601 N. Main St. (25-16-432-006)**

Moved by: Ms. Robinson
Supported by: Ms. Zukin

Moved, that the Royal Oak Zoning Board of Appeals affirms the determination of the zoning administrator that the petitioner's business operation, at 601 N. Main St. (25-16-432-006), is an adult-oriented commercial enterprise.

Motion adopted 5 - 3.

Yes: Mr. Gavin, Ms. Grant, Chairperson Offak, Ms. Robinson, Ms. Zukin
No: Mr. Klatt, Mr. Moore, Mr. Reddy

The board determined that the petitioner's written business plan, sketch floor plan, inventory of items for retail sale, and verbal clarification clearly demonstrated that their business operation contains a substantial or significant portion of its stock-in-trade as sexually explicit entertainment gimmicks, novelties, paraphernalia, and materials.

2. **Case No. 22-02-07 – 2209 Vinsetta Blvd. (25-09-331-001)**

Mr. Klatt recused himself and left the meeting room due to his firm's relationship with the petitioner.

The petitioner withdrew variance request (b) use variance

Moved by: Mr. Moore

Supported by: Mr. Gavin

Moved, that the appeal of Julie & John Farhat, petitioners & owners, for the following variance:

(a) waive the prohibition of a combination of utilities in a garage / accessory structure which create living space

to convert the second story of a detached garage to habitable living space at 2209 Vinsetta Blvd. (25-09-331-001), be granted contingent upon the board's motion and report of findings being recorded at the Oakland County Register of Deeds.

Motion fails 3 – 4.

Yes: Mr. Gavin, Mr. Reddy, Mr. Trevis

No: Ms. Grant, Chairperson Offak, Ms. Robinson, Ms. Zukin

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

Moved by: Ms. Zukin

Supported by: Ms. Robinson

Moved, that the appeal of Julie & John Farhat, petitioners & owners, for the following variance:

(a) waive the prohibition of a combination of utilities in a garage / accessory structure which create living space

to convert the second story of a detached garage to habitable living space at 2209 Vinsetta Blvd. (25-09-331-001), be denied.

Motion adopted 4 – 3.

Yes: Ms. Grant, Chairperson Offak, Ms. Robinson, Ms. Zukin

No: Mr. Gavin, Mr. Reddy, Mr. Trevis

Denying the variance 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 variance 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 variance.
4. There is not evidence of practical difficulty and there are not inherently unique circumstances or conditions of the property that requires granting the variance.

Other Business

1. 2021 Annual Report

No action required. No action taken.

General Public Comment

Chairperson Offak opened the meeting for general public comment portion of the meeting. Two individuals spoke. Chairperson Offak closed the general public comment portion of the meeting.

Adjournment

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

Moved, that the meeting adjourned at 9:18 p.m.

Motion adopted unanimously.



Anthony Offak, Chairperson



Joseph M. Murphy, Director of Planning