

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

Thursday, February 13, 2020
7:00 P.M.

Present

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

Absent

Paul Curtis

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

Agenda

A. Call to Order

B. Approval of Minutes for November 14, 2019

C. Old / Unfinished Business

D. New Business

1. **Case No. 20-02-01** – public hearing on the appeal of Carson Equities, LLC, petitioner, & Kinsey Garrett Funeral Home, Inc., owner, for the following variances:
 - (a) waive 92 of the minimum required 149 off-street parking spaces
 - (b) waive 2 ft. of the minimum required length of 20 ft. for 10 parking spaces to permit construction of a seven-story / 96-ft. business school (Baker College) on the site of a former funeral home (Kinsey-Garrett Funeral Home) at **420 S. Lafayette Ave.** (25-21-235-014).
2. **Case No. 20-02-02** – public hearing on the appeal of Keith Gilbert, petitioner & owner, for the following variances:
 - (a) alter / expand a nonconforming structure
 - (b) waive 18 ft. of the minimum required 25 ft. front yard setback along Lloyd Ave. for an accessory structure
 - (c) waive 3 sq. ft. of the maximum allowable ground floor area of 800 sq. ft. for an accessory structure
 - (d) waive 7 ft. of the maximum allowable driveway width of 25 ft. to permit construction of an addition to an existing nonconforming garage / accessory structure at **1902 Northwood Blvd.** (25-08-477-007).

E. Other Business

1. 2019 Annual Report
2. Election of Officers

F. Public Comment

Call to Order

The meeting was called to order at 7:01 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 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.

Approval of Minutes for November 14, 2019

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

Moved, that the minutes of the November 14, 2019 regular meeting be approved as amended.

Motion adopted unanimously.

Old / Unfinished Business

None.

New Business

1. Case No. 20-02-01 – 420 S. Lafayette Ave. (25-21-235-014)

The Board elected to consider the variance requests separately.

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

Moved, that the appeal of Carson Equities, LLC, petitioner, & Kinsey Garrett Funeral Home, Inc., owner, for the following variance:
(b) waive 2 ft. of the minimum required length of 20 ft. for 10 parking spaces to permit construction of a seven-story / 96-ft. business school (Baker College) on the site of a funeral home (Kinsey-Garrett Funeral Home) at 420 S. Lafayette Ave. 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 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.

Moved by: Mr. Kroll

Supported by: Mr. Klatt

Moved, that the appeal of Carson Equities, LLC, petitioner, & Kinsey Garrett Funeral Home, Inc., owner, for the following variance:

(a) waive 82 of the minimum required 149 off-street parking spaces to permit construction of a seven-story / 96-ft. business school (Baker College) on the site of a funeral home (Kinsey-Garrett Funeral Home) at 420 S. Lafayette Ave. be granted.

Motion adopted 6-2 (Mrs. Anderson, Mr. Offak).

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 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. 20-02-01 – 1902 Northwood Blvd. (25-08-477-007)

The Board elected to consider the variance requests separately.

Moved by: Mr. Offak

Supported by: Mr. Kroll

Moved, that the appeal of Keith Gilbert, petitioner & owner, for the following variances:

(a) alter / expand a nonconforming structure

(c) waive 3 sq. ft. of the maximum allowable ground floor area of 800 sq. ft. for an accessory structure

(d) waive 7 ft. of the maximum allowable driveway width of 25 ft.

to permit construction of an addition to an existing nonconforming garage / accessory structure at 1902 Northwood Blvd., be granted.

Motion adopted 7-1 (Mrs. Anderson).

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 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.

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

Moved, that the appeal of Keith Gilbert, petitioner & owner, for the following variance:
(b) waive 18 ft. of the minimum required 25 ft. front yard setback along Lloyd Ave. for an accessory structure
to permit construction of an addition to an existing nonconforming garage / accessory structure at 1902 Northwood Blvd., be granted.

Motion adopted 7-1 (Mr. Offak).

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 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. 2019 Annual Report

Staff presented the 2019 annual report to the board. No action was required.

2. Election of Officers

Moved by: Mr. Kroll
Supported by: Mr. Klatt

To re-elect Clyde Esbri as Chairperson and Anthony Offak as Vice Chairperson.

Motion adopted unanimously.

Public Comment

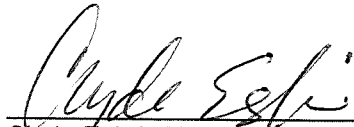
None.

Adjournment

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

Moved, that the meeting adjourned at 9:07 p.m.

Motion adopted unanimously.


Clyde Esbri, Chairperson


Joseph M. Murphy, Director of Planning