

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

Thursday, June 13, 2019  
7:00 P.M.

**Present**

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

**Absent**

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

**Agenda**

**A. Call to Order**

**B. Approval of Minutes for May 9, 2019**

**C. Old / Unfinished Business**

1. **Case No. 19-05-14** – public hearing on the appeal of Michael Lemanski, petitioner & owner, for the following variances:
  - (a) alter/expand a non-conforming structure
  - (b) waive 2.2 ft. of the minimum required south side yard setback of 8 ft. to permit the construction of a rear yard addition to an existing, non-conforming single-family dwelling at **1203 N. Blair Ave.** (25-15-208-030)

**D. New Business**

1. **Case No. F-19-06-03** – public hearing on the appeal of Mike Zouras, petitioner & owner, for the following variance:
  - (a) waive 2 ft. of the maximum permitted 6 ft. fence height to permit construction of an 8 ft. tall privacy fence along the south property line of the condominium complex at **3311-3333 Nell Rose Ct.** (25-05-477-096)
2. **Case No. 19-06-15** – public hearing on the appeal of Giovanni Aluia, petitioner, & ALVERS, LLC, owner, for the following variances:
  - (a) waive 10 ft. of the minimum required 50 ft. lot width for Parcel “A”
  - (b) waive 1,200 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 1,200 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel “B” to permit a land division at **528 S. Minerva Ave.** (25-23-155-026)
3. **Case No. 19-06-16** – public hearing on the appeal of Robin Ballew, petitioner, & Mary Kurrie, owner, for the following variance:
  - (a) waive 4.7 ft. of the minimum required 35 ft. north rear yard setback to permit the construction of a rear yard addition to an existing, non-conforming single-family dwelling at **3918 Amherst Rd.** (25-15-208-030)

4. **Case No. 19-06-17** – public hearing on the appeal of GPD Group, petitioner, & City of Royal Oak Building Authority, owner, for the following variance:
  - (a) waive 68 ft. of the minimum required 75 ft. setback from a public right-of-way to permit the construction of a 75 ft. monopole wireless communication support structure on a municipally owned property at **3128 Rochester Rd.** (25-10-126-050)
5. **Case No. 19-06-18** – public hearing on the appeal of MECA Group, LLC, petitioner & owner, for the following variances:
  - (a) use variance
  - (b) waive 24 of the minimum required 66 off-street parking spaces to permit the conversion of a former automobile dealership into a multi-tenant building for medical office, fitness centers/training studios, and a massage therapy establishment, which is defined as an adult-oriented business at **2605 W. 14 Mile Rd.** (25-05-127-016)
6. **Case No. 19-06-19** – public hearing on the appeal of Yuri Logvin, petitioner & owner, for the following variances:
  - (a) waive 177 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel “A”
  - (b) waive 1,215 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel “B”
  - (c) waive 8 ft. of the minimum required 50 ft. lot width for Parcel “B”to permit a land division at **708 N. Campbell Rd.** (25-14-305-004)
7. **Case No. 19-06-20** – public hearing on the appeal of Louis Domin, petitioner, & Donna Stone, owner, for the following variances:
  - (a) waive 2 ft. of the minimum required 50 ft. lot width for Parcel “A”
  - (b) waive 1,200 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel “A”
  - (c) waive 8 ft. of the minimum required 60 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 at **902 E. 4<sup>th</sup> St.** (25-22-208-001)

**E. Other Business**

**F. Public Comment**

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**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 adjourned until the next regular meeting due to the circumstances.

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**Approval of Minutes for May 9, 2019**

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

Moved, that the minutes of the May 9, 2019 regular meeting be approved as presented.

Motion adopted unanimously.

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**Old / Unfinished Business**

**1. Case No. 19-05-14 – 1203 N. Blair Ave. (25-15-208-030)**

The petitioner submitted a written request to postpone the item until the next regularly scheduled meeting due to their inability to be present at tonight's meeting.

Moved by: Mr. Offak  
Supported by: Mr. Curtis

Moved, that the appeal of Michael Lemanski, petitioner & owner, for the following variances:  
(a) alter/expand a non-conforming structure  
(b) waive 2.2 ft. of the minimum required south side yard setback of 8 ft.  
to permit construction of a rear yard addition to an existing, non-conforming single-family dwelling at 1203 N. Blair Ave., be postponed until the end of the agenda.

Motion adopted unanimously.

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**New Business**

**1. Case No. F-19-06-03 – 3311-3333 Nell Rose Ct. (25-05-477-096)**

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

Moved, that the appeal of Mike Zouras, petitioner & owner, for the following variance:  
(a) waive 2 ft. of the maximum permitted 6 ft. fence height  
to permit construction of an 8 ft. tall privacy fence along the south property line of the condominium complex at 3311-3333 Nell Rose Ct., 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.

**2. Case No. 19-06-15 – 528 S. Minerva Ave. (25-23-155-026)**

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

Moved, that the appeal of Giovanni Aluia, petitioner, & ALVERS, LLC, owner, for the following variances:

- (a) waive 10 ft. of the minimum required 50 ft. lot width for Parcel "A"
  - (b) waive 1,200 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 1,200 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "B"
- to permit a land division at 528 S. Minerva Ave., be denied.

Motion adopted unanimously.

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. 19-06-16 – 3918 Amherst Rd. (25-15-208-030)**

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

Moved, that the appeal of Robin Ballew, petitioner, & Mary Kurrie, owner, for the following variance:

- (a) waive 4.7 ft. of the minimum required 35 ft. north rear yard setback
- to permit the construction of a rear yard addition to an existing, non-conforming single-family dwelling at 3918 Amherst Rd., 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.

**4. Case No. 19-06-17 – 3128 Rochester Rd. (25-10-126-050)**

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

Moved, that the appeal of GPD Group, petitioner, & City of Royal Oak Building Authority, owner for the following variance:

(a) waive 68 ft. of the minimum required 75 ft. setback from a public right-of-way to permit the construction of a 75 ft. monopole wireless communication support structure on a municipally owned property at **3128 Rochester Rd.**, 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.

**5. Case No. 19-06-18 – 2605 W. 14 Mile Rd. (25-05-127-016)**

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

Moved, that the appeal of MECA Group, LLC, petitioner & owner, for the following variances:

(a) use variance  
(b) waive 24 of the minimum required 66 off-street parking spaces to permit the conversion of a former automobile dealership into a multi-tenant building for medical office, fitness centers/training studios, and a massage therapy establishment, which is defined as an adult-oriented business at 2605 W. 14 Mile Rd., be granted.

Motion adopted unanimously.

Granting the use and non-use variances is based upon the petitioner's ability to present evidence demonstrating that all of the following requirements have been met:

1. The property cannot be reasonably used for the purposes permitted in the multiple-family residential zoning district. Strict compliance with the zoning ordinance provisions would prevent the property owner from use and enjoyment of the property and would render conformity with such provisions unnecessarily burdensome.
2. The appeal results from unique circumstances peculiar to the property and not the general conditions of the surrounding area. Further, the requested use would not alter the essential character of the area.
3. The alleged hardship has not been created by the petitioner and/or property owner. There are circumstances or conditions inherently unique to the property.
4. The requested use is a substantial property right possessed by other property owners in the multiple-family residential zoning district.

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.

**6. Case No. 19-06-19 – 708 N. Campbell Rd. (25-14-305-004)**

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

Moved, that the appeal of Yuri Logvin, petitioner & owner, for the following variances:  
(a) waive 177 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "A"  
(b) waive 1,215 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "B"  
(c) waive 8 ft. of the minimum required 50 ft. lot width for Parcel "B"  
to permit a land division at 708 N. Campbell Rd., be granted.

After discussion, Mr. Kroll moved to rescind the motion. Supported by Mr. Offak.

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

Moved, that the appeal of Yuri Logvin, petitioner & owner, for the following variances:  
(a) waive 177 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "A"  
(b) waive 1,215 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "B"  
(c) waive 8 ft. of the minimum required 50 ft. lot width for Parcel "B"  
to permit a land division at 708 N. Campbell Rd., be postponed.

Motion adopted unanimously.

**7. Case No. 19-06-20 – 902 E. 4th St. (25-22-208-001)**

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

Moved, that the appeal of Louis Domin, petitioner, & Donna Stone, owner, for the following variances:  
(a) waive 2 ft. of the minimum required 50 ft. lot width for Parcel "A"  
(b) waive 1,200 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "A"  
(c) waive 8 ft. of the minimum required 60 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 at 902 E. 4<sup>th</sup> St., be granted.

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

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.

**8. Case No. 19-05-14 – 1203 N. Blair Ave. (25-15-208-030)**

The petitioner submitted a written request to postpone the item until the next regularly scheduled meeting due to their inability to be present at tonight's meeting.

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

Moved, that the appeal of Michael Lemanski, petitioner & owner, for the following variances:  
(c) alter/expand a non-conforming structure  
(d) waive 2.2 ft. of the minimum required south side yard setback of 8 ft.  
to permit construction of a rear yard addition to an existing, non-conforming single-family dwelling at 1203 N. Blair Ave., be postponed.

Motion adopted unanimously.

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**Other Business**

None.

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**Public Comment**

None.

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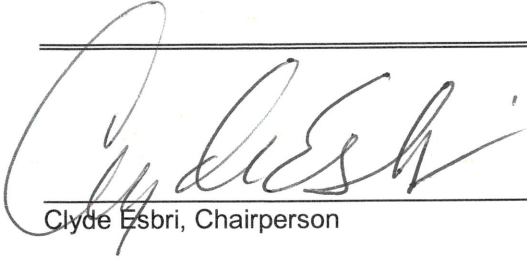
**Adjournment**

Moved by: Mr. Robinson  
Supported by: Mr. Kroll

Moved, that the meeting adjourned at 9:37 p.m.

Motion adopted unanimously.

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Clyde Esbri, Chairperson

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Joseph M. Murphy, Director of Planning