

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

Regular Meeting
Thursday, July 14, 2022
7:00 P.M.

Royal Oak City Hall
203 S. Troy St.
City Commission Chambers, Room 121
Royal Oak MI 48067

Agenda

A. Call to Order & Roll Call

B. Approval of Minutes for June 9, 2022

C. Old / Unfinished Business

D. New Business

1. **Case No. 22-07-20** – public hearing on the appeal of 10 Lincoln LLC, petitioner & owner, for the following variances:
 - (a) use variance
 - (b) waive 14 of the minimum required 34 off-street parking spaces to permit conversion of a multi-tenant building into 6 individual carry-out restaurant kitchen suites at **400 E. Lincoln Ave.** (25-22-302-033).
2. **Case No. 22-07-21** – public hearing on the appeal of Dynamic Life PLLC, petitioner & Kinetic Properties LLC, owner, for the following variance:
 - (a) waive 1 of the minimum required 11 off-street parking spaces to convert the building from professional office to medical office at 3400 Rochester Rd. (25-03-378-003).
3. **Case No. 22-07-22** – public hearing on the appeal of Father & Son Construction, petitioner & Kimberly Susan Taylor-Berry, owner, for the following variances:
 - (a) waive 7 ft. of the minimum required 31.3 ft. east front yard setback measured to the exterior of the nearest point of living space
 - (b) waive 4 ft. of the minimum required 24.3 ft. front yard setback measured to an unenclosed front porch and steps to expand living space into a required front yard setback and construct a covered, unenclosed front porch and steps at 722 S. Connecticut Ave. (25-22-282-035).

E. Other Business

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
Samatha Grant
Jeff Klatt
Trevis Moore
Anthony Offak, Chairperson
Arvind Reddy
Deborah Zukin

Absent

Nancy Robinson
Maggie George

Approval of Minutes for June 9, 2022

Moved by: Mr. Gavin
Supported by: Mr. Klatt

Moved, that the minutes of the June 9, 2022 regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

None.

New Business

1. **Case No. 22-07-20 – 400 E. Lincoln Ave. (25-22-302-033)**

Moved by: Mr. Gavin
Supported by: Mr. Klatt

Moved that the appeal of 10 Lincoln LLC, petitioner & owner, for the following variances:

- (a) use
- (b) waive 14 of the minimum required 34 off-street parking spaces to permit conversion of a multi-tenant building into 6 individual carry-out restaurant kitchen suites at 400 E. Lincoln Ave. (25-22-302-033), be postponed.

Motion adopted unanimously.

2. **Case No. 22-07-21 – 3400 Rochester Rd. (25-03-378-003)**

Moved by: Mr. Gavin
Supported by: Mr. Klatt

Moved that the appeal of Dynamic Life PLLC, petitioner & Kinetic Properties, LLC, owner, for the following variance:

- (a) waive 1 of the minimum required 11 off-street parking spaces to convert the building from professional office to medical office at 3400 Rochester Rd. (25-03-378-003), 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 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.

3. **Case No. 22-07-22 – 722 S. Connecticut Ave. (25-22-282-035)**

Moved by: Mr. Gavin
Supported by: Mr. Klatt

Moved that the appeal of Father & Son Construction, petitioner & Kimberley Susan Taylor-Berry, owner, for the following variances:

- (a) waive 7 ft. of the minimum required 31.3 ft. east front yard setback measured to the exterior of the nearest point of living space
 - (b) waive 4 ft. of the minimum required 24.3 ft. front yard setback measured to an unenclosed front porch and steps
- to expand living space into a required front yard setback and construct a covered, unenclosed front porch and steps at 722 S. Connecticut Ave. (25-22-282-035), be granted.

Motion adopted 6 – 1 (Ms. 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.

Other Business

None.

General Public Comment

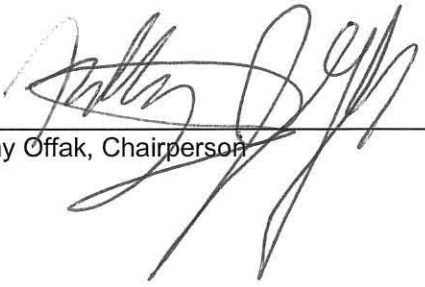
None.

Adjournment

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

Moved, that the meeting adjourned at 8:02 p.m.

Motion adopted unanimously.



Anthony Offak, Chairperson



Joseph M. Murphy, Director of Planning