

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

**Regular Meeting  
Thursday, August 11, 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 July 14, 2022**

**C. Old / Unfinished Business**

1. **Case No. 22-07-20** – 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).

**D. New Business**

1. **Case No. 22-08-23** – public hearing on the appeal of Magdalena & Kevin Parkila, petitioners & owners, for the following variances:
  - (a) waive 260 sq. ft. of the total allowable accessory ground floor area of 800 sq. ft.
  - (b) waive the prohibition of a driveway in a front yard to construct an 804 sq. ft. attached garage / accessory structure & retain a 256 sq. ft. covered deck / accessory structure at **1510 Greenleaf Dr.** (25-16-106-009).
2. **Case No. 22-08-24** – public hearing on the appeal of Brandon Mason & Lisa Reuter, petitioners & AB Homes LLC, owner, for the following variance:
  - (a) waive 2.1% (144 sq. ft.) of the maximum allowable total lot coverage of 30% to permit construction of a 12 ft. by 20 ft. covered, rear porch at 1413 Ferris Ave. (25-15-207-020).
3. **Case No. 22-08-25** – public hearing on the appeal of Douglas Street, petitioner & owner, for the following variances:
  - (a) waive 0.8 ft. of the minimum required 4 ft. south side yard setback
  - (b) waive 0.5% (26 sq. ft.) of the maximum allowable accessory lot coverage of 10% to permit a land division and create a vacant, single-family home site at 128 S. Kenwood Ave. (25-23-103-058).
4. **Case No. 22-08-26** – public hearing on the appeal of Arcana Building Company LLC, petitioner & Rocco Vicari, owner, for the following variance:
  - (a) waive 4.9 ft. of the minimum required 35 ft. south rear yard setback to permit construction of a two-story, single-family dwelling with an attached garage / accessory structure at 517 Catalpa Dr. (25-16-405-003).

**E. Other Business**

**F. General Public Comment**

## G. Adjournment

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### 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.

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### Roll Call

#### Present

Robert Gavin, Vice Chairperson  
Samatha Grant  
Jeff Klatt  
Trevis Moore  
Anthony Offak, Chairperson  
Arvind Reddy  
Nancy Robinson

#### Absent

Deborah Zukin

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### Approval of Minutes for July 14, 2022

Moved by: Mr. Moore  
Supported by: Mr. Klatt

Moved, that the minutes of the July 14, 2022 regular meeting be approved as presented.

Motion adopted unanimously.

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### Old / Unfinished Business

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

Moved by: Mr. Reddy

Moved that 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), be denied.

Motion fails for lack of support.

Moved by: Mr. Moore  
Supported by: Mr. Gavin

Moved that 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), be granted.

Motion adopted 6 – 1 (Mr. Reddy).

Granting the use variance is based upon the following:

1. The property cannot be reasonably used for the purposes permitted in the mixed use 1 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 mixed use 1 zoning district.

Granting the non-use 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 non-use 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 non-use 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 non-use 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 non-use variance.

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### **New Business**

1. **Case No. 22-08-23 – 1510 Greenleaf Dr. (25-16-106-009)**

Moved by: Mr. Klatt

Supported by: Mr. Moore

Moved that the appeal of Magdalena & Kevin Parkila, petitioners & owners, for the following variances:

- (a) waive 260 sq. ft. of the total allowable accessory ground floor area of 800 sq. ft.
- (b) waive the prohibition of a driveway in a front yard to construct an 804 sq. ft. attached garage / accessory structure & retain a 256 sq. ft. covered deck / accessory structure at 1510 Greenleaf Dr. (25-16-106-009), 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.

**2. Case No. 22-08-24 – 1413 Ferris Ave. (25-15-207-020)**

Moved by: Mr. Gavin

Supported by: Mr. Klatt

Moved that the appeal of Brandon Mason & Lisa Reuter, petitioners & AB Homes LLOC, owner, for the following variance:

- (a) waive 2.1% (144 sq. ft.) of the maximum allowable total lot coverage of 30% to permit construction of a 12 ft. by 20 ft. covered, rear porch at 1413 Ferris Ave. (25-15-207-020), be granted.

Motion adopted 5 – 2 (Chairperson Offak, Mr. Reddy).

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.

**3. Case No. 22-08-25 – 128 S. Kenwood Ave. (25-23-103-058)**

Moved by: Mr. Gavin  
Supported by: Mr. Reddy

Moved that the appeal of Douglas Street, petitioner & owner, for the following variances:  
(a) waive 0.8 ft. of the minimum required 4 ft. south side yard setback  
(b) waive 0.5% (26 sq. ft.) of the maximum allowable accessory lot coverage of 10%  
to permit a land division and create a vacant, single-family home site at 128 S. Kenwood Ave. (25-23-103-058), 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.
5. The proposed lots are consistent with the width, size and general character of the lots in the neighborhood. Further, the proposed lot size provides adequate "buildable" area to allow the construction of a dwelling in character with the neighborhood.

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.

**4. Case No. 22-08-26 – 517 Catalpa Dr. (25-16-405-003)**

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

Moved that the appeal of Arcana Building Company LLC, petitioner & Rocco Vicari, owner, for the following variance:  
(a) waive 4.9 ft. of the minimum required 35 ft. south rear yard setback  
to permit construction of a two-story, single-family dwelling with an attached garage / accessory structure at 517 Catalpa Dr. (25-16-405-003), be denied.

Motion fails (2 – 5).

Yes: Mr. Reddy, Ms. Robinson

No: Mr. Gavin, Ms. Grant, Mr. Klatt, Mr. Moore, Chairperson Offak

Moved by: Mr. Gavin

Supported by: Mr. Klatt

Moved that the appeal of Arcana Building Company LLC, petitioner & Rocco Vicari, owner, for the following variance:

(a) waive 4.9 ft. of the minimum required 35 ft. south rear yard setback to permit construction of a two-story, single-family dwelling with an attached garage / accessory structure at 517 Catalpa Dr. (25-16-405-003), be granted.

Motion adopted 5 - 2.

Yes: Mr. Gavin, Ms. Grant, Mr. Klatt, Mr. Moore, Chairperson Offak

No: Mr. Reddy, Ms. 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.

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**Other Business**

None.

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**General Public Comment**

None.

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**Adjournment**

Moved by: Mr. Reddy

Supported by: Mr. Gavin

Moved, that the meeting adjourned at 8:21 p.m.

Motion adopted unanimously.

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Anthony Offak, Chairperson



Joseph M. Murphy, Director of Planning