

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

Thursday, August 20, 2020
7:00 P.M.

Present

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

Absent

Leslie Anderson

Joseph M. Murphy, Director of Planning
Mark Liss, Assistant City Attorney

Agenda

A. Call to Order

B. Approval of Minutes for July 9, 2020

C. Old / Unfinished Business

D. New Business

1. **Case No. 20-08-15** – public hearing on the appeal of Timothy Soboleski, owner, & Thompson Design Group, petitioner, for the following variances:
 - (a) waive 1 of the maximum allowable number of driveways per property
 - (b) waive 2.9% (160 sq. ft.) of the maximum allowable 10% lot coverage for a detached accessory structure / garage
 - (c) waive 2.6 ft. of the minimum required 10 ft. north setback along Crane Ave. related to the proposed detached garage
 - (d) waive 2 ft. of the minimum required 5 ft. south setback related to the proposed detached garage
 - (e) waive 2.6 ft. of the minimum required 5 ft. south setback related to the proposed covered porch along the rear of the dwelling
 - (f) waive 140 sq. ft. of the maximum allowable total lot coverage of 1,800 sq. ft. to retain two drive approaches and driveways along Crane Ave., demolish an existing detached garage, and construct a new 711 sq. ft. detached garage and covered porch along the rear of the dwelling at **828 Woodcrest Dr.** (25-16-334-001).
2. **Case No. 20-08-16** – public hearing on the appeal Lisa & Tim Brownfield, petitioner & owner, for the following variance:
 - (a) waive 301 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft. to permit construction of a new single-family dwelling with a 1,101 sq. ft. attached garage / accessory structure at **1818 Cedar Hill Dr.** (25-17-226-015).
3. **Case No. 20-08-17** – public hearing on the appeal Avenue Eleven LLC, petitioner & owner, for the following variances:
 - (a) increase/expand a non-conforming site
 - (b) waive 18,000 sq. ft. of the minimum required lot area of 18,000 sq. ft. for an additional six dwelling units

(c) waive 12 of the minimum required 12 off-street parking spaces for an additional six dwelling units
to convert a former one-story office building into six multiple-family dwelling units on a site that currently has ten multiple-family dwelling units at **315 E. 11 Mile Rd.** (25-15-357-032).

4. **Case No. 20-08-18** – public hearing on the appeal ROAK Rentals LLC, petitioner & owner, for the following variances:
 - (a) alter / expand a nonconforming structure
 - (b) waive 22.8 ft. of the minimum required 25 ft. west front yard setback
 - (c) waive 10 ft. of the minimum required 35 ft. east rear yard setback
 - (d) waive 5 ft. of the minimum required 5 ft. north side yard setback
 - (e) waive 348 sq. ft. of the maximum allowable ground floor area of 800 sq. ft. for an accessory structure
 - (f) waive 5.3% of the maximum allowable accessory structure lot coverage of 10%
 - (g) waive the requirement that an accessory structure / garage have either a mansard, hip, gambrel, or gable roof
 - (h) waive 24% of the maximum allowable total lot coverage requirement of 30%
 - (i) waive 35 ft. of the maximum permitted driveway width of 25 ft. along the public alley
to convert an existing commercial building into a single-family home with an attached accessory structure / garage accessed from the public alley at **224 N. Washington Ave.** (25-16-484-030).

5. **Case No. 20-08-19** – public hearing on the appeal of KBJ Group LLC, petitioner & Neff Investment Co. LLC, owner, for the following variances:
 - (a) waive 2 ft. of the minimum required 50 ft. in lot width for Parcel “B”
 - (b) waive the requirement prohibiting driveways in the front yard setback for Parcel “A”
to permit a land division to create a vacant, single-family home site and retain the existing single-family dwelling with a new drive approach and driveway at **2221 N. Wilson Ave.** (25-10-432-037).

6. **Case No. 20-08-20** – public hearing on the appeal Coismo Properties, petitioner & owner, for the following variances:
 - (a) waive 165 ft. of the minimum required 6,000 sq. ft. lot area for the proposed interior lot, Parcel “B”
 - (b) waive 5.5 ft. of the minimum required 60 ft. lot width for the proposed corner lot, Parcel “A”
to permit a land division and create two vacant, single-family home sites at **4105 Highfield Rd.** (25-06-309-007).

E. Other Business

F. Public Comment

Call to Order

The virtual meeting was called to order at 7:00 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. 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

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

Absent

Leslie Anderson

Approval of Minutes for July 9, 2020

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

Moved, that the minutes of the July 9, 2020 regular meeting be approved as presented.

Motion adopted unanimously.

Old / Unfinished Business

None.

New Business

1. Case No. 20-08-15 – 828 Woodcrest Dr. (25-16-334-001)

Ms. Zukin recused herself from the meeting due to her relationship with the petitioner.

The petitioner voluntary withdrew the following variance:

(d) waive 2 ft. of the minimum required 5 ft. south setback related to the proposed detached garage

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

Moved, that the appeal of Timothy Soboleski, owner, & Thompson Design Group, petitioner, for the following variances:

(a) waive 1 of the maximum allowable number of driveways per property

(b) waive 2.9% (160 sq. ft.) of the maximum allowable 10% lot coverage for a detached accessory structure / garage

(c) waive 2.6 ft. of the minimum required 10 ft. north setback along Crane Ave. related to the proposed detached garage

(e) waive 2.6 ft. of the minimum required 5 ft. south setback related to the proposed covered porch along the rear of the dwelling

(f) waive 140 sq. ft. of the maximum allowable total lot coverage of 1,800 sq. ft.

to retain two drive approaches and driveways along Crane Ave., demolish an existing detached garage, and construct a new 711 sq. ft. detached garage and covered porch along the rear of the dwelling at 828 Woodcrest Dr., be granted.

Motion adopted 5 - 2 (Chairperson Esbri, Mr. Offak).

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. 20-08-16 – 1818 Cedar Hill Dr. (25-17-226-015)

Moved by: Mr. Offak

Supported by: Mr. Kroll

Moved, that the appeal of Lisa & Tim Brownfield, petitioner & owner, for the following variance:
(a) waive 301 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft. to permit construction of a new single-family dwelling with a 1,101 sq. ft. attached garage / accessory structure at 1818 Cedar Hill Dr., 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.

3. Case No. 20-08-17 – 315 E. 11 Mile Rd. (25-15-357-032)

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

Moved, that the appeal of Avenue Eleven LLC, petitioner & owner, for the following variances:

- (a) increase/expand a non-conforming site
- (b) waive 18,000 sq. ft. of the minimum required lot area of 18,000 sq. ft. for an additional six dwelling units
- (c) waive 12 of the minimum required 12 off-street parking spaces for an additional six dwelling units to convert a former one-story office building into six multiple-family dwelling units on a site that currently has ten multiple-family dwelling units at 315 E. 11 Mile Rd., be granted.

Motion adopted 7 - 1 (Mrs. Robinson).

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.

4. Case No. 20-08-18 – 224 N. Washington Ave. (25-16-484-030)

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

Moved, that the appeal of ROAK Rentals LLC, petitioner & owner, for the following variances:

- (a) alter / expand a nonconforming structure
 - (b) waive 22.8 ft. of the minimum required 25 ft. west front yard setback
 - (c) waive 10 ft. of the minimum required 35 ft. east rear yard setback
 - (d) waive 5 ft. of the minimum required 5 ft. north side yard setback
 - (g) waive the requirement that an accessory structure / garage have either a mansard, hip, gambrel, or gable roof
- to convert an existing commercial building into a single-family home with an attached accessory structure / garage accessed from the public alley at 224 N. Washington Ave., 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.

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

Moved, that the appeal of ROAK Rentals LLC, petitioner & owner, for the following variances:
(e) waive 348 sq. ft. of the maximum allowable ground floor area of 800 sq. ft. for an accessory structure
(f) waive 5.3% of the maximum allowable accessory structure lot coverage of 10%
(h) waive 24% of the maximum allowable total lot coverage requirement of 30%
(i) waive 35 ft. of the maximum permitted driveway width of 25 ft. along the public alley to convert an existing commercial building into a single-family home with an attached accessory structure / garage accessed from the public alley at 224 N. Washington Ave., be adjourned to the next regularly scheduled meeting.

Motion adopted unanimously.

5. Case No. 20-08-19 – 2221 N. Wilson Ave. (25-10-432-037)

The petitioner voluntary withdrew the following variance:
(b) waive the requirement prohibiting driveways in the front yard setback for Parcel "A"

Moved by: Mr. Curtis
Supported by: Mr. Gavin

Moved, that the appeal of KBJ Group LLC, petitioner & Neff Investment Co. LLC, owner, for the following variances:
(a) waive 2 ft. of the minimum required 50 ft. in lot width for Parcel "B"
to permit a land division to create a vacant, single-family home site and retain the existing single-family dwelling with a new drive approach and driveway at 2221 N. Wilson 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 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.
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 which 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 variance.

6. Case No. 20-08-20 – 4105 Highfield Rd. (25-06-309-007)

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

Moved, that the appeal of Coismo Properties, petitioner & owner, for the following variances:
(a) waive 165 ft. of the minimum required 6,000 sq. ft. lot area for the proposed interior lot, Parcel "B"
(b) waive 5.5 ft. of the minimum required 60 ft. lot width for the proposed corner lot, Parcel "A"
to permit a land division and create two vacant, single-family home sites at 4105 Highfield Rd., be adjourned to the next regularly scheduled meeting.

Motion adopted unanimously.

Other Business

Mr. Murphy informed the board to the Planning Commission's request for a joint meeting. The board suggested September 30, 2020. Staff will inform the board of established day and time.

Public Comment

None.

Adjournment

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

Moved, that the meeting adjourned at 9:39 p.m.

Motion adopted unanimously.



Clyde Esbri, Chairperson



Joseph M. Murphy, Director of Planning