

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

Thursday, January 14, 2021
7:00 P.M.

Present

Paul Curtis
Clyde Esbri, Chairperson
Robert Gavin
Maggie George
Jeff Klatt
Trevis Moore
Anthony Offak, Vice Chairperson
Nancy Robinson
Deborah Zukin

Absent

Julianna Tschirhart, Planner
Ryan Kaluzny, Assistant City Attorney

Agenda

A. Call to Order

B. Approval of Minutes for December 10, 2020

C. Old / Unfinished Business

D. New Business

1. **Case No. 21-01-01** – public hearing on the appeal of Coismo Properties, petitioner & owner, for the following variances:
 - (a) waive 165 sq. 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).
2. **Case No. 21-01-02** – public hearing on the appeal of The Griffin Singh LLC, petitioner & owner, for the following variance:
 - (a) waive 9 of the minimum required 546 off-street parking spaces to permit a ground floor restaurant in a mixed-use building at **25000 Woodward Ave.** (25-21-479-031).
3. **Case No. 21-01-03** – public hearing on the appeal of ZA Design Build, petitioner, & Trailhead RO LLC, owner, for the following variances:
 - (a) waive 1,000 ft. of the minimum required 1,000 ft. distance from a school, library, park, playground, licensed day care, or religious institution
 - (b) waive 80 ft. of the minimum required 150 ft. distance from a residential zone to permit a personal service spa with ancillary massage, body art, and microblading (tattoo) services which are defined as adult-oriented businesses at **486 N. Main St.** (25-15-353-016).
4. **Case No. 21-01-04** – public hearing on the appeal Douglas Gardner, petitioner, & Sharon McEvoy, owner, for the following variances:
 - (a) alter/expand a nonconforming structure
 - (b) waive 0.3 ft. of the minimum required east side yard setback of 4 ft.

to permit construction of a second-story addition on an existing, nonconforming single-family dwelling at **2100 Harwood Ave.** (25-23-307-007).

E. Other Business

1. 2020 Annual Report

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.

Roll Call

Present

Paul Curtis
Clyde Esbri, Chairperson
Robert Gavin
Maggie George
Jeff Klatt
Trevis Moore
Anthony Offak, Vice Chairperson
Nancy Robinson
Deborah Zukin

Absent

Approval of Minutes for December 10, 2020

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

Moved, that the minutes of the December 10, 2020 regular meeting be approved as presented.

Motion adopted unanimously.

Old / Unfinished Business

None.

New Business

1. Case No. 21-01-01 – 4105 Highfield Rd. (25-06-309-007)

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

Moved, that the appeal of Coismo Properties, petitioner & owner, for the following variances:

- (a) waive 165 sq. 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 denied.

Motion failed 3-6 (Mr. Curtis, Mr. Klatt, Mrs. George, Mr. Moore, Mr. Gavin, Mr. Esbri).

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

Moved, that the appeal of Coismo Properties, petitioner & owner, for the following variances:
(a) waive 165 sq. 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 granted.

Motion adopted 6-3 (Mr. Offak, Mrs. Zukin, 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.

2. Case No. 21-01-02 – 25000 Woodward Ave. (25-21-479-031)

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

Moved, that the appeal of The Griffin Singh LLC, petitioner & owner, for the following variance:
(a) waive 9 of the minimum required 546 off-street parking spaces to permit a ground floor restaurant in a mixed-use building at 25000 Woodward 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.

3. Case No. 21-01-03 – 486 N. Main St. (25-15-353-016)

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

Moved, that the appeal of ZA Design Build, petitioner, & Trailhead RO LLC, owner, for the following variances:

- (a) waive 1,000 ft. of the minimum required 1,000 ft. distance from a school, library, park, playground, licensed day care, or religious institution
- (b) waive 80 ft. of the minimum required 150 ft. distance from a residential zone to permit a personal service spa with ancillary massage, body art, and microblading (tattoo) services which are defined as adult-oriented businesses at 486 N. Main St., 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.

4. Case No. 21-01-04 – 2100 Harwood Ave. (25-23-307-007)

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

Moved, that the appeal of Douglas Gardner, petitioner, & Sharon McEvoy, owner, for the following variances:

- (a) alter/expand a nonconforming structure
 - (b) waive 0.3 ft. of the minimum required east side yard setback of 4 ft.
- to permit construction of a second-story addition on an existing, nonconforming single-family dwelling at 2100 Harwood 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.

Other Business

1. 2020 Annual Report

Staff presented the findings of the 2020 Zoning Board of Appeals Annual Report to the board. No action was required.

Public Comment


None.

Adjournment

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

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

Motion adopted unanimously.


Clyde Esbri, Chairperson


Julianna Tschirhart, Planner II