

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

**Regular Meeting
Thursday, February 9, 2023
7:00 P.M.**

Present

Samantha Grant
Anthony Offak, Chairperson
Arvind Reddy
Deborah Zukin
Nancy Robinson
Robert Gavin, Vice Chairperson
Aaron Kurilik

Absent

Jeff Klatt
Trevis Moore

Joseph M. Murphy, Director of Planning
Alexander J. Bahorski, Planner II
Ryan Kaluzny, Assistant City Attorney
Susan Barkman, Assistant to the City Manager

Agenda

A. Call to Order & Roll Call

B. Approval of Minutes for January 12, 2023

C. Old / Unfinished Business

D. New Business

1. **Case No. 23-02-03 – public hearing on the appeal of Charles & Gaetane Watson, petitioners & owners, for the following variance:**
 - (a) **Waive 9.3 ft. of the minimum required 35 ft. south rear yard setback to permit construction of a rear yard addition to an existing single-family dwelling at 3304 Vinsetta Blvd. (25-09-428-030).**

2. **Case No. 23-02-04 – public hearing on the appeal of Ben Schomer, petitioner & owner, for the following variance:**
 - (a) **Waive 2,021 sq. ft. of the maximum permitted usable floor area of 3,500 sq. ft. for a single-family dwelling to permit construction of a new single-family dwelling with an attached garage / accessory structure at 614 Irving Ave. (25-22-181-020).**

3. **Case No. 23-02-05 – public hearing on the appeal of P. Mark Accettura, petitioner & owner, for the following variances:**
 - (a) **Alter / expand a nonconforming structure**
 - (b) **Waive 0.6 ft. of the minimum required 5 ft. south side yard setback**
 - (c) **Waive 7.3 ft. of the minimum required 35.1 ft. east front yard setback**
 - (d) **Waive 7 ft. of the minimum required 30.3 ft. north front yard setback**
 - (e) **Waive 2.3% of the maximum allowable total lot coverage of 30% to permit construction of an east front yard addition to an existing single-family dwelling at 1629 N Washington Ave. (25-16-229-014).**

E. Other Business

1. Election of Officers
2. Boards and Commissions Review Discussion

F. General Public Comment

G. Adjournment

Call to Order

The regular meeting was called to order at 7:02 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

Samantha Grant
Anthony Offak, Chairperson
Arvind Reddy
Deborah Zukin
Nancy Robinson
Robert Gavin, Vice Chairperson
Aaron Kurilik

Absent

Jeff Klatt
Trevis Moore

Approval of Minutes for January 12, 2023

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

Moved, that the minutes of the January 12, 2023, regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

None.

New Business

1. Case No. 23-02-03 – 3304 Vinsetta Blvd. (25-09-428-030)

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

Moved, that the appeal of Charles & Gaetane Watson, petitioners & owners, for the following variance:

- (a) Waive 9.3 ft. of the minimum required 35 ft. south rear yard setback to permit construction of a rear yard addition to an existing single-family dwelling at 3304 Vinsetta Blvd. (25-09-428-030), be granted.

Motion adopted unanimously.

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 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. 23-02-04 – 614 Irving Ave. (25-22-181-020)

Moved by: Mr. Gavin

Supported by: Ms. Grant

Moved, that the appeal of Ben Schomer, petitioner & owner, for the following variance:

- (a) Waive 2,021 sq. ft. of the maximum permitted usable floor area of 3,500 sq. ft. for a single-family dwelling to permit construction of a new single-family dwelling with an attached garage / accessory structure at 614 Irving Ave. (25-22-181-020), be postponed.

Motion adopted unanimously.

3. Case No. 23-02-05 – 1629 N Washington Ave. (25-16-229-014)

Mr. Gavin recused himself due to his firm's relationship with the petitioner.

Moved by: Mr. Reddy

Supported by: Ms. Grant

Moved, that the appeal of P. Mark Accettura, petitioner & owner, for the following variances:

- (a) Alter / expand a nonconforming structure
- (b) Waive 0.6 ft. of the minimum required 5 ft. south side yard setback
- (c) Waive 7.3 ft. of the minimum required 35.1 ft. east front yard setback
- (d) Waive 7 ft. of the minimum required 30.3 ft. north front yard setback
- (e) Waive 2.3% of the maximum allowable total lot coverage of 30%

to permit construction of an east front yard addition to an existing single-family dwelling at 1629 N Washington Ave. (25-16-229-014), be postponed.

Motion adopted unanimously.

Mr. Gavin returned to the City Commission Chambers.

Other Business

1. Election of Officers

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

To re-elect Chairperson Offak as Chairperson.

Motion adopted unanimously.

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

To re-elect Mr. Gavin as Vice Chairperson.

Motion adopted unanimously.

2. Boards and Commissions Review Discussion

Ms. Barkman solicited comments from the Board members regarding their experiences while serving on the Zoning Board of Appeals.

The members of the Board provided feedback regarding their experiences.

Mr. Murphy informed the Board of upcoming training opportunities offered through the Michigan Association of Planning as well as the ongoing master plan process and associated participation opportunities.

Public Comment

None.

Adjournment

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

Moved, that the meeting adjourned at 8:08 p.m.

Motion adopted unanimously.



Anthony Offak, Chairperson



Joseph M. Murphy, Director of Planning