

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

Thursday, January 10, 2019
7:00 P.M.

Present

Leslie Anderson
Paul Curtis
Clyde Esbri, Chairperson
Robert Gavin
Jeff Klatt
Alan Kroll
Anthony Offak, Vice Chairperson
Amanda Page
Deborah Zukin

Absent

Joseph M. Murphy, Director of Planning
Ryan Kaluzny, Assistant City Attorney

Agenda

A. Call to Order

B. Approval of Minutes for December 13, 2018

C. Old / Unfinished Business

D. New Business

1. **Case No. 19-01-01** – public hearing on the appeal of Italy American Construction, petitioner & Nicholas Bofferding, owner, for the following variances:
 - (a) waive 0.8% of the maximum allowable lot coverage of 10% for a detached accessory structure / garage
 - (b) waive 1.8% of the maximum allowable total lot coverage of 30% to permit a 240 sq. ft. addition to an existing 528 sq. ft. detached accessory structure / garage at **2012 Massoit Ave.** (25-05-277-014)

2. **Case No. 19-01-02** – public hearing on the appeal of Schneider + Smith Architects, petitioner & RT&S Building LLC, owner, for the following variances:
 - (a) waive 6,500 sq. ft. of the minimum required lot area of 12,000 sq. ft.
 - (b) waive 8 ft. of the minimum required drive aisle width of 20 ft. when parking spaces are accessed at a 90° angleto permit construction of 3 single-family attached dwelling units at **921 S. Center St.** (25-21-429-012)

3. **Case No. 19-01-03** – public hearing on the appeal of Schneider + Smith Architects, petitioner & RT&S Building LLC, owner, for the following variances:
 - (a) waive 30,044 sq. ft. of the minimum required lot area of 39,000 sq. ft.
 - (b) waive 13 of the minimum required 31 off-street parking spacesto permit construction of a 3-story mixed-use building with ground-level office space and 12 upper-level multiple-family dwelling units at **924 S. Main St.** (25-21-429-020)

to permit a 240 sq. ft. addition to an existing 528 sq. ft. detached accessory structure / garage at **2012 Massoit Ave.**, be granted.

Motion adopted 8 – 1 (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. 19-01-02 – 921 S. Center St. (25-21-429-012)

Moved by: Mr. Offak

Supported by: Ms. Anderson

Moved, that the appeal of Schneider + Smith Architects, petitioner & RT&S Building LLC, owner, for the following variances:

(a) waive 6,500 sq. ft. of the minimum required lot area of 12,000 sq. ft.

(b) waive 8 ft. of the minimum required drive aisle width of 20 ft. when parking spaces are accessed at a 90° angle

to permit construction of 3 single-family attached dwelling units at **921 S. Center 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.

3. Case No. 19-01-03 – 924 S. Main St. (25-21-429-020)

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

Moved, that the appeal of Schneider + Smith Architects, petitioner & RT&S Building LLC, owner, for the following variances:

- (a) waive 30,044 sq. ft. of the minimum required lot area of 39,000 sq. ft.
- (b) waive 13 of the minimum required 31 off-street parking spaces to permit construction of a 3-story mixed-use building with ground-level office space and 12 upper-level multiple-family dwelling units at **924 S. 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.

Other Business

Mr. Murphy presented the 2018 annual report to the board. No action was required.

Public Comment

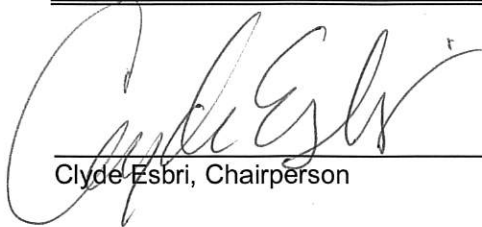
None.

Adjournment

Moved by: Mr. Gavin
Supported by: Mr. Kroll

Moved, that the meeting adjourned at 7:45 p.m.

Motion adopted unanimously.



Clyde Esbri, Chairperson



Joseph M. Murphy, Director of Planning