

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

**Special Meeting – Closed Session
Thursday, December 9, 2021
6:30 P.M.**

A special meeting – closed session of the Royal Oak Zoning Board of Appeals was held virtually on Thursday, December 9, 2021. The meeting was called to order at 6:30 p.m. by Vice Chairperson Offak. He conducted a roll call and the following members were present at the virtual meeting: Robert Gavin, Samantha Grant, Jeff Klatt, Trevis Moore, Anthony Offak, Arvind Reddy, Nancy Robinson, Deborah Zukin. Also in attendance were Joseph Murphy, Director of Planning, Aaron Leal, City Attorney, Ryan Kaluzny, Assistant City Attorney, and Anne McClorey McLaughlin, legal counsel from Rosati, Schultz, Joppich, & Amtsbuechler, P.C.

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

Moved, to adjourn to closed session to discuss pending litigation: Salvatore DiMercurio, Clarence Kennedy, & Mohammed K. Salami v City of Royal Oak, Oakland County Circuit Court Case No. 21-188243-AV.

Roll call vote.

Yes: Robert Gavin, Samantha Grant, Jeff Klatt, Trevis Moore, Anthony Offak,
Arvind Reddy, Nancy Robinson, Deborah Zukin
No: None.

Motion adopted unanimously.

Discussion ensued regarding pending litigation.

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

Moved, that the closed session be adjourned at 7:01 p.m.

Roll call vote.

Yes: Robert Gavin, Samantha Grant, Jeff Klatt, Trevis Moore, Anthony Offak,
Arvind Reddy, Nancy Robinson, Deborah Zukin
No: None.

Motion adopted unanimously.

**Regular Meeting
Thursday, December 9, 2021
7:00 P.M.**

Present

Robert Gavin
Maggie George
Samantha Grant
Jeff Klatt
Trevis Moore
Anthony Offak, Vice Chairperson
Arvind Reddy
Nancy Robinson
Deborah Zukin

Absent

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

Agenda

A. Call to Order

B. Roll Call

C. Approval of Minutes for November 11, 2021

D. Unfinished Business

E. New Business

1. **Case No. 21-12-52** – public hearing on the appeal of RKA Petroleum Companies Inc, petitioner & RMG Investment Holdings LLC, owner, for the following variances:
 - (a) Alter/expand/enlarge a nonconforming use
 - (b) To allow the storage and display of outdoor sales merchandise
 - (c) Waive 2 ft. of the maximum driveway width of 30 ft. for the northernmost drive approach along Crooks Rd.
 - (d) Waive 13 ft. of the maximum driveway width of 30 ft. for the southernmost drive approach along Crooks Rd.
 - (e) Waive 6 ft. of the maximum driveway width of 30 ft. for the drive approach along Marywood Dr.
 - (f) Waive 6.7 ft. of the minimum required 20 ft. distance from a corner lot line for the drive approach along Marywood Dr.
 - (g) Waive 5.6 ft. of the minimum required 20 ft. for a two-way drive aisle
 - (h) Waive the required 10 ft. wide landscape greenbelt at the perimeter of the property along Crooks Rd. and Marywood Dr. to remove the 2 existing automobile fuel pump islands and related overhead canopy & construct a new, larger overhead canopy with 3 automobile fuel pump islands and allow the storage and display of outdoor sales merchandise at an automobile filling station and convenience store with the sale of alcohol at 1708 Crooks Rd. (25-16-204-006).

2. **Case No. 21-12-53** – public hearing on the appeal of Hillan Homes Inc, petitioner & owner, for the following variances:
 - (a) Waive 10.4 ft. of the minimum required 34.3 ft. west front yard setback
 - (b) Waive 4.7 ft. of the minimum required 27.3 ft west front yard setback measured to an unenclosed front porch and steps
to permit construction of a two-story, single-family dwelling with an attached garage / accessory structure at **4240 Olivia Ave.** (25-06-259-004).

F. Other Business

G. Public Comment

H. Adjournment

Call to Order

The virtual special meeting was called to order at 7:06 p.m. by Vice 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.

Roll Call

Present

Robert Gavin
Maggie George
Samantha Grant
Jeff Klatt
Trevis Moore
Anthony Offak, Vice Chairperson
Arvind Reddy
Nancy Robinson
Deborah Zukin

Absent

Approval of Minutes for November 11, 2021

Moved by: Mr. Reddy
Supported by: Mr. Klatt

Moved, that the minutes of the November 11, 2021 regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

None.

New Business

1. **Case No. 21-12-52 – 1708 Crooks Rd. (25-16-204-006)**

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

Moved, that the appeal of RKA Petroleum Companies Inc, petitioner & RMG Investment Holdings LLC, owner, for the following variances:

- (a) Alter/expand/enlarge a nonconforming use
- (b) To allow the storage and display of outdoor sales merchandise
- (c) Waive 2 ft. of the maximum driveway width of 30 ft. for the northernmost drive approach along Crooks Rd.
- (d) Waive 13 ft. of the maximum driveway width of 30 ft. for the southernmost drive approach along Crooks Rd.
- (e) Waive 6 ft. of the maximum driveway width of 30 ft. for the drive approach along Marywood Dr.

- (f) Waive 6.7 ft. of the minimum required 20 ft. distance from a corner lot line for the drive approach along Marywood Dr.
 - (g) Waive 5.6 ft. of the minimum required 20 ft. for a two-way drive aisle
 - (h) Waive the required 10 ft. wide landscape greenbelt at the perimeter of the property along Crooks Rd. and Marywood Dr.
- to remove the 2 existing automobile fuel pump islands and related overhead canopy & construct a new, larger overhead canopy with 3 automobile fuel pump islands and allow the storage and display of outdoor sales merchandise at an automobile filling station and convenience store with the sale of alcohol at 1708 Crooks Rd. (25-16-204-006), be granted.

Motion adopted 7 – 1 (Mr. Reddy).

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. 21-12-53 – 4240 Olivia Ave. (25-06-259-004)

Moved by: Mr. Gavin
Supported by: Mr. Trevis

Moved, that the appeal of Hillan Homes Inc, petitioner & owner, for the following variances:
(a) Waive 10.4 ft. of the minimum required 34.3 ft. west front yard setback
(b) Waive 4.7 ft. of the minimum required 27.3 ft. west front yard setback measured to an unenclosed front porch and steps
to permit construction of a two-story, single-family dwelling with an attached garage / accessory structure at 4240 Olivia Ave. (25-06-259-004), be postponed at the petitioner's request.

Motion adopted unanimously.

Other Business

None.

Public Comment

None.

Adjournment

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

Moved, that the meeting adjourned at 8:24 p.m.

Motion adopted unanimously.



Anthony Offak, Vice Chairperson



Joseph M. Murphy, Director of Planning