

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

Thursday, March 14, 2019  
7:00 P.M.

**Present**

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

**Absent**

Amanda Page  
Deborah Zukin

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

**Agenda**

**A. Call to Order**

**B. Approval of Minutes for February 14, 2019**

**C. Old / Unfinished Business**

**D. New Business**

1. **Case No. 19-03-07** – public hearing on the appeal of AutoZone Development LLC, petitioner & 28202 Woodward LLC, owner, for the following variances:  
(a) waive 2 ft. of the maximum allowable height of 30 ft.  
to demolish a motel and construct an automobile parts retail store at **28202 Woodward Ave.** (25-17-278-002)
2. **Case No. 19-03-08** – public hearing on the appeal of Windwalker Austin LLC, petitioner & owner, for the following variances:  
(a) alter/expand a non-conforming structure  
(b) waive 2.7 ft. of the minimum required west side yard setback of 5 ft.  
to permit construction of a rear yard addition to an existing, non-conforming single-family dwelling at **418 Austin Ave.** (25-16-428-012)
3. **Case No. 19-03-09** – public hearing on the appeal of MPB Co, petitioner & GLHM Properties LLC, owner, for the following variances:  
(a) alter/expand a non-conforming structure  
(b) waive 0.7 ft. of the minimum required east front yard setback of 30.7 ft.  
(c) waive 1.5 ft. of the minimum required north side yard setback of 5 ft.  
to permit construction of an attached garage and second-story addition to an existing non-conforming single-family dwelling at **1314 Cherokee Ave.** (25-22-453-052)

**E. Other Business**

**F. Public Comment**

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**Call to Order**

The meeting was called to order at 7:01 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 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 adjourned until the next regular meeting due to the circumstances.

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**Approval of Minutes for February 14, 2019**

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

Moved, that the minutes of the February 14, 2019 regular meeting be approved as presented.

Motion adopted unanimously.

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**Old / Unfinished Business**

None.

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**New Business****1. Case No. 19-03-07 – 28202 Woodward Ave. (25-17-278-002)**

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

Moved, that the appeal of AutoZone Development LLC, petitioner & 28202 Woodward LLC, owner, for the following variances:

(a) waive 2 ft. of the maximum allowable height of 30 ft.

to demolish a motel and construct an automobile parts retail store at **28202 Woodward 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.

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. 19-03-08 – 418 Austin Ave. (25-16-428-012)**

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

Moved, that the appeal of Windwalker Austin LLC, petitioner & owner, for the following variances:

- (a) alter/expand a non-conforming structure
  - (b) waive 2.7 ft. of the minimum required west side yard setback of 5 ft.
- to permit construction of a rear yard addition to an existing, non-conforming single-family dwelling at **418 Austin 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 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 variance.

**3. Case No. 19-03-09 – 1314 Cherokee Ave. (25-22-453-052)**

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

Moved, that the appeal of MPB Co, petitioner & GLHM Properties LLC, owner, for the following variances:

- (a) alter/expand a non-conforming structure
  - (b) waive 0.7 ft. of the minimum required east front yard setback of 30.7 ft.
- to permit construction of an attached garage and second-story addition to an existing non-conforming single-family dwelling at **1314 Cherokee Ave.**, granted.

Motion adopted unanimously.

Moved by: Mr. Curtis  
Supported by: Mr. Klatt

Moved, that the appeal of MPB Co, petitioner & GLHM Properties LLC, owner, for the following variances:

(c) waive 1.5 ft. of the minimum required north side yard setback of 5 ft. to permit construction of an attached garage and second-story addition to an existing non-conforming single-family dwelling at **1314 Cherkokee Ave.**, granted.

Motion adopted 6 – 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 variance.

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**Other Business**

None.

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**Public Comment**

None.

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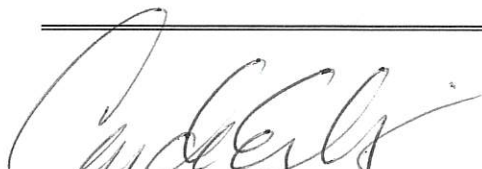
**Adjournment**

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

Moved, that the meeting adjourned at 7:46 p.m.

Motion adopted unanimously.

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Clyde Esbri, Chairperson

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Joseph M. Murphy, Director of Planning