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

Thursday, April 11, 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 March 14, 2019

C. Old / Unfinished Business

D. New Business

1. Case No. 19-04-10 – public hearing on the appeal of 511 Design LLC, petitioner & Star 26026 LLC, owner, for the following variances:
   (a) waive 0.5 ft. of the minimum required width of 9 ft. for 21 parking spaces located within the automated parking structure
   (b) waive 2 of the minimum required length of 20 ft. for 21 parking spaces located within the automated parking structure
   (c) waive 10 of the minimum required 44 off-street parking spaces
to expand a one-story building with a second level and mezzanine, create 13 surface parking spaces and construct a four-level automated parking structure with 21 parking spaces that do not meet the minimum size requirements at 26026 Woodward Ave. (25-21-252-014)

2. Case No. 19-04-11 – public hearing on the appeal of Royal Oak Place LLC, petitioner & owner, for the following variances:
   (a) increase/expand a non-conforming site
   (b) waive 26 of the minimum required 86 total off-street parking spaces
   (c) waive 64,380 sq. ft. of the minimum required 132,000 sq. ft. of lot area
   (d) waive the required 30 inch. decorative masonry screening walls between the parking lot and public rights-of-way
   (e) waive 4 ft. of the minimum required 20 ft. two-way drive aisle
   (f) waive 2 ft. of the minimum required 20 length for parking spaces
to convert existing interior floor area into an additional dwelling unit resulting in 43 total dwelling units and modifications to an existing parking lot at 2305 W. 13 Mile Rd. (25-08-202-001)

E. Other Business

F. Public Comment
Call to Order

The meeting was called to order at 7:05 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.

Approval of Minutes for March 14, 2019

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

Moved, that the minutes of the March 14, 2019 regular meeting be approved with the correction to the roster as noted.

Motion adopted unanimously.

Old / Unfinished Business

None.

New Business

1. Case No. 19-04-10 – 26026 Woodward Ave. (25-21-252-014)

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

Moved, that the appeal of 511 Design LLC, petitioner & Star 26026 LLC, owner, for the following variances:
(a) waive 0.5 ft. of the minimum required width of 9 ft. for 21 parking spaces located within the automated parking structure
(b) waive 2 ft. of the minimum required length of 20 ft. for 21 parking spaces located within the automated parking structure
(c) waive 10 of the minimum required 44 off-street parking spaces
to expand a one-story building with a second level and mezzanine, create 13 surface parking spaces and construct a four-level automated parking structure with 21 parking spaces that do not meet the minimum size requirements at 26026 Woodward 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. 19-04-11 – 2305 W. 13 Mile Rd. (25-08-202-001)**

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

Moved, that the appeal of Royal Oak Place LLC, petitioner & owner, for the following variances:

(a) increase/expand a non-conforming site
(b) waive 26 of the minimum required 86 total off-street parking spaces
(c) waive 64,380 sq. ft. of the minimum required 132,000 sq. ft. of lot area
(e) waive 4 ft. of the minimum required 20 ft. two-way drive aisle
(f) waive 2 ft. of the minimum required 20 ft. length for parking spaces
to convert existing interior floor area into an additional dwelling unit resulting in 43 total dwelling units and modifications to an existing parking lot at 2305 W. 13 Mile Rd., be granted.

Motion adopted unanimously.

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

Moved, that the appeal of Royal Oak Place LLC, petitioner & owner, for the following variance:

(d) waive the required 30 inch. decorative masonry screening walls between the parking lot and public rights-of-way be granted contingent upon the petitioner planting 30 inch. evergreen shrubs in lieu of the masonry screening walls.

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

Board members expressed their interest in participating in a joint meeting with the planning commission to discuss zoning ordinance provisions and current and past trends in multiple-family developments within the city. Additionally, Ms. Page announced her resignation from the board due to a change in residency.

Public Comment

None.

Adjournment

Moved by: Ms. Page
Supported by: Mr. Kroll

Moved, that the meeting adjourned at 8:42 p.m.

Motion adopted unanimously.

[Signatures]

Clyde Esbri, Chairperson

Joseph M. Murphy, Director of Planning