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

Thursday, July 11, 2019
7:00 P.M.

Present
Leslie Anderson
Paul Curtis
Clyde Esbri, Chairperson
Robert Gavin
Jeff Klatt
Alan Kroll
Anthony Offak, Vice Chairperson
Nancy Robinson
Deborah Zukin

Absent

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

Agenda

A. Call to Order

B. Approval of Minutes for June 13, 2019

C. Old / Unfinished Business

1. Case No. 19-05-14 – public hearing on the appeal of Michael Lemanski, petitioner & owner, for
   the following variances:
   (a) alter/expand a non-conforming structure
   (b) waive 2.2 ft. of the minimum required south side yard setback of 8 ft.
   to permit the construction of a rear yard addition to an existing, non-conforming single-family
   dwelling at 1203 N. Blair Ave. (25-15-208-030)

2. Case No. 19-06-19 – public hearing on the appeal of Yuri Logvin, petitioner & owner, for the
   following variances:
   (a) waive 177 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "A"
   (b) waive 1,215 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel "B"
   (c) waive 8 ft. of the minimum required 50 ft. lot width for Parcel "B"
   to permit a land division at 708 N. Campbell Rd. (25-14-305-004)

D. New Business

1. Case No. 19-07-21 – public hearing on the appeal of Stephen R. Etsey, petitioner, & Martin – 11,
   LLC, owner, for the following variance:
   (a) waive 13 of the minimum required 59 off-street parking spaces
   to permit the conversion of an existing building to medical offices at 309 E. 11 Mile Rd. (25-15-
   357-025).

2. Case No. 19-07-22 – public hearing on the appeal of James Proctor, petitioner & owner, for the
   following variance:
   (a) waive 630.2 sq. ft. of the 3,500 sq. ft. maximum floor area allowed for a single-family
   residential structure
   to permit construction of a two-story rear addition to an existing single-family home at 1414
   Vinsetta Blvd. (25-16-106-002)
3. Case No. 19-07-23 – public hearing on the appeal of Kelli Lewton, petitioner & owner, for the following variances:
   (a) waive 9.4 ft. of the minimum required north front yard setback of 44.4 ft.
   (b) waive 10 ft. of the minimum required rear yard setback of 35 ft.
   (c) waive 4.1% of the maximum allowable total lot coverage requirement of 30%
   (d) waive 510.7 sq. ft. of the maximum allowable ground floor area of 800 sq. ft. for an accessory structure
   to permit the construction of a one-story single-family home with an attached garage at 4105 Highfield Rd. (25-06-309-007)

4. Case No. 19-07-24 – public hearing on the appeal of Patrick Raye, petitioner, & Joshua and Yuan Shillair, owner, for the following variances:
   (a) waive 16 ft. of the minimum required rear yard setback of 35 ft.
   (b) waive 1 ft. of the minimum required accessory structure side yard setback of 5 ft.
   to permit the construction of a new single-family home with an attached garage at 2221 Barrett Ave. (25-23-352-036)

5. Case No. 19-07-25 – public hearing on the appeal of Patrick Slatin, petitioner & owner, for the following variance:
   (a) waive 549 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft.
   to permit the construction of a detached accessory structure / studio at 432 Mt. Vernon Blvd. (25-04-452-015)

6. Case No. 19-07-26 – public hearing on the appeal of Sheralyn Carruthers, petitioner, & Anne McCulloch, PTS Development, owner, for the following variance:
   (a) waive 1,000 ft. of the minimum required 1,000 ft. distance from a school, religious institution, and licensed child care center
   to permit the establishment of microblading at a beauty salon, which is defined as an adult-oriented business, at 28978 Woodward Ave. (25-05-127-016)

7. Case No. 19-07-27 – public hearing on the appeal of Yuri Logvin, petitioner & owner, for the following variances:
   (a) waive 494 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel “A”
   (b) waive 898 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel “B”
   (c) waive 2 ft. of the minimum required 50 ft. lot width for Parcel “B”
   to permit a land division at 708 N. Campbell Rd. (25-14-305-004)

8. Case No. 19-07-28 – public hearing on the appeal of Parent Avenue Properties, LLC, petitioner & owner, for the following variances:
   (a) waive 6 of the maximum allowable 12 dwelling units
   (b) waive 10 ft. of the maximum allowable height of 30 ft.
   to permit the construction of a four-story, 18-unit multiple-family building at 127-207 W. Parent Ave. (25-21-435,008, -009, & -010)

E. Other Business

F. Public Comment

Call to Order

The meeting was called to order at 7 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.

Approval of Minutes for June 13, 2019

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

Moved, that the minutes of the June 13, 2019 regular meeting be approved as presented.

Motion adopted unanimously.

Old / Unfinished Business


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

   Moved, that the appeal of Michael Lemanski, petitioner & owner, for the following variances:
   (a) alter/expand a non-conforming structure
   (b) waive 2.2 ft. of the minimum required south side yard setback of 8 ft.
   to permit construction of a rear yard addition to an existing, non-conforming single-family dwelling at 1203 N. Blair Ave., 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.

2. **Case No. 19-06-19 – 708 N. Campbell Rd. (25-14-305-004)**

   Mr. Murphy explained that the petitioner withdrew this application.
New Business

1. **Case No. 19-07-27 – 708 N. Campbell Rd. (25-14-305-004)**

   Chairperson Esbri took the liberty of moving this request to the first item of new business.

   Moved by: Mrs. Zukin
   Supported by: Mr. Curtis

   Moved, that the appeal of Yuri Logvin, petitioner & owner, for the following variances:
   (a) waive 494 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel “A”
   (b) waive 898 sq. ft. of the minimum required 6,000 sq. ft. lot area for Parcel “B”
   (c) waive 2 ft. of the minimum required 50 ft. lot width for Parcel “B”
   to permit a land division at 708 N. Campbell Rd., 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.


   Moved by: Mr. Klett
   Supported by: Mr. Gavin

   Moved, that the appeal of Stephen R. Elsey, petitioner, & Martin – 11, LLC, owner, for the following variance:
   (a) waive 13 of the minimum required 59 off-street parking spaces to permit the conversion of an existing building to medical offices at 309 E. 11 Mile Rd., 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.


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

Moved, that the appeal of James Proctor, petitioner & owner, for the following variance:
(a) waive 630.2 sq. ft. of the 3,500 sq. ft. maximum floor area allowed for a single-family residential structure to permit construction of a two-story rear addition to an existing single-family home at 1414 Vinsetta Blvd., 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.

4. **Case No. 19-07-23 – 4105 Highfield Rd. (25-06-309-007)**

Moved by: Mr. Offak
Supported by: Mr. Klatt

Moved, that the appeal of Kelli Lewton, petitioner & owner, for the following variances:
(a) waive 9.4 ft. of the minimum required north front yard setback of 44.4 ft
(b) waive 10 ft. of the minimum required rear yard setback of 35 ft.
(c) waive 4.1% of the maximum allowable total lot coverage requirement of 30%
(d) waive 510.7 sq. ft. of the maximum allowable ground floor area of 800 sq. ft. for an accessory structure
to permit the construction of a one-story single-family home with an attached garage at 4105 Highfield Rd., be tabled.

Motion adopted unanimously.


Moved by: Mr. Gavin
Supported by: Mr. Offak

Moved, that the appeal of Patrick Raye, petitioner, & Joshua and Yuan Shillair, owner, for the following variances:
(a) waive 16 ft. of the minimum required rear yard setback of 35 ft.
(b) waive 1 ft. of the minimum required accessory structure side yard setback of 5 ft.
to permit the construction of a new single-family home with an attached garage at 2221 Barrett Ave.,
be granted.

Motion adopted 8-1 (Mrs. Anderson).

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.


Moved by: Mrs. Zukin
Supported by: Mr. Offak

Moved, that the appeal of Patrick Slatin, petitioner & owner, for the following variance:
(a) waive 549 sq. ft. of the maximum allowable accessory structure ground floor area of 800 sq. ft.
to permit the construction of a detached accessory structure / studio at 432 Mt. Vernon Blvd., 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.


   Moved by: Mr. Kroll
   Supported by: Mrs. Zukin

   Moved, that the appeal of Sheralyn Carruthers, petitioner, & Anne McCulloch, PTS Development, owner, for the following variance:
   (a) waive 1,000 ft. of the minimum required 1,000 ft. distance from a school, religious institution, and licensed child care center to permit the establishment of microblading at a beauty salon, which is defined as an adult-oriented business, at 28978 Woodward Ave., 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.


   Moved by: Mr. Curtis
   Supported by: Mrs. Anderson
Moved, that the appeal of Parent Avenue Properties, LLC, petitioner & owner, for the following variances:
(a) waive 6 of the maximum allowable 12 dwelling units
(b) waive 10 ft. of the maximum allowable height of 30 ft.
to permit the construction of a four-story, 18-unit multiple-family building at 127-207 W. Parent Ave.,
be denied.

Motion adopted 8-1 (Mr. Kroll).

Other Business

None.

Public Comment

None.

Adjournment

Moved by:
Supported by:

Moved, that the meeting adjourned at 9:47 p.m.

Motion adopted unanimously.

Clyde Esbri, Chairperson

Joseph M. Murphy, Director of Planning