

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

Regular Meeting
Thursday, March 13, 2025
7:00 P.M.

Present

Anthony Offak, Chairperson
Issac Wolf, Vice Chairperson
Trevis Moore
Corey Christensen
Michael Leinweber
Arvind Reddy
Nancy Robinson

Absent

Jeff Klatt
Paul Bastian

Alexander J. Bahorski, Planner II
Ryan Kaluzny, Assistant City Attorney

Agenda

1. Call to Order & Roll Call
2. Approval of Minutes
 - a. Approval of Minutes for February 13, 2025 Meeting
3. Unfinished Business
4. New Business
 - a) **Case No. 25-03-04** - public hearing on the appeal of Tom Tresnak, petitioner & owner, for the following variances:
 - (a) Waive 388 sq. ft. of the maximum allowable accessory ground floor area of 800 sq. ft.
 - (b) Waive 1 of the maximum allowable number of accessory buildings per residential property to permit construction of a separate detached pool house / accessory building at 1620 Northwood Blvd. (25-16-156-014).
 - b) **Case No. 25-03-05** - public hearing on the appeal of Pampalona Companies LLC, petitioner & 3030 Rochester LLC, owner, for the following variance:
 - (a) Use variance to allow an automobile filling station in addition to the existing convenience store at 3030 Rochester Rd. (25-10-127-001).
 - c) **Case No. 25-03-06** - public hearing on the appeal of Kevin Clark, petitioner & owner, for the following variances:
 - (a) Waive 4.5 ft. of the minimum required 35.25 ft. east front yard setback
 - (b) Waive 0.5% from the maximum allowable 30% total lot coverage
 - (c) Waive 2 ft. of the maximum allowable 7 ft. extension of a covered, unenclosed front porch and steps into the minimum required front yard setback to permit construction of first and second story additions and a new covered, unenclosed front porch and steps to an existing single-family dwelling at 1109 Forestdale Rd. (25-16-156-014).
 - d) **Case No. 25-03-07** – public hearing on the appeal of Hilary Klok, petitioner & owner, for the following variances:

- (a) Alter/expand a non-conforming structure
- (b) Waive 2.7% of the maximum allowable total lot coverage of 30% to permit construction of a full second story addition and covered front porch at 2322 Benjamin Ave. (25-08-451-003)

5. Other Business

6. General Public Comment

7. Adjournment

Call to Order

The regular meeting was called to order at 7:00 p.m. by 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. He mentioned that any action taken by the board shall be valid for a period of 1-year.

Roll Call

Present

Anthony Offak, Chairperson
Isaac Wolf, Vice Chairperson
Trevis Moore
Corey Christensen
Michael Leinweber
Arvind Reddy
Nancy Robinson

Absent

Jeff Klatt
Paul Bastian

Approval of Minutes for February 13, 2025

Moved by: Mr. Wolf
Supported by: Ms. Robinson

Moved, that the minutes of the February 13th, 2025, regular meeting be approved as presented.

Motion adopted unanimously.

Unfinished Business

New Business

a) Case No. 25-03-04 – 1620 Northwood Blvd. (25-16-156-014)

Chairperson Offak opened the public hearing. After everybody spoke, Chairperson Offak closed the public hearing.

Moved by: Ms. Robinson

Supported by: Mr. Reddy

Moved, that the appeal of the appeal of Tom Tresnak, petitioner & owner, for the following variances:

- (a) Waive 388 sq. ft. of the maximum allowable accessory ground floor area of 800 sq. ft.
- (b) Waive 1 of the maximum allowable number of accessory buildings per residential property to permit construction of a separate detached pool house / accessory building at 1620 Northwood Blvd. (25-16-156-014), be postponed.

Motion adopted unanimously.

b) Case No. 25-03-05 – 3030 Rochester Rd. (25-10-127-001)

Chairperson Offak opened the public hearing. After everybody spoke, Chairperson Offak closed the public hearing.

Moved by: Mr. Wolf
Supported by: Mr. Moore

Moved, that the appeal of the appeal of Pampalona Companies LLC, petitioner & 3030 Rochester LLC, owner, for the following variance:

- (a) Use variance
to allow an automobile filling station in addition to the existing convenience store at 3030 Rochester Rd. (25-10-127-001), be approved.

Motion fails 2-5 (Mr. Christensen, Mr. Leinweber, Chairperson Offak, Mr. Reddy, Ms. Robinson).

Moved by: Mr. Leinweber
Supported by: Mr. Reddy

Moved, that the appeal of the appeal of Pampalona Companies LLC, petitioner & 3030 Rochester LLC, owner, for the following variance:

- (a) Use variance
to allow an automobile filling station in addition to the existing convenience store at 3030 Rochester Rd. (25-10-127-001), be denied.

Motion adopted 5-2 (Mr. Wolf, Mr. Moore).

Denying the use variance is based upon the following:

1. The petitioner has not demonstrated that the property cannot be reasonably used for the purposes permitted in the Neighborhood Business zoning district. Strict compliance with the zoning ordinance provisions would not prevent the property owner from use and enjoyment of the property and would not render conformity with such provisions unnecessarily burdensome.
2. The appeal does not result from unique circumstances peculiar to the property and or the general conditions of the surrounding area. Further, the requested use would not alter the essential character of the area.
3. The alleged hardship has been created by the petitioner and/or property owner. There are no circumstances or conditions inherently unique to the property.
4. The requested use is not a substantial property right possessed by other property owners in the Neighborhood Business zoning district.

c) Case No. 25-03-06 – 1109 Forestdale Rd. (25-16-156-014)

Chairperson Offak opened the public hearing. Nobody spoke, Chairperson Offak closed the public hearing.

Moved by: Mr. Wolf
Supported by: Ms. Robinson

Moved, that the appeal of the appeal of Kevin Clark, petitioner & owner, for the following variances:

- (a) Waive 4.5 ft. of the minimum required 35.25 ft. east front yard setback
- (b) Waive 0.5% from the maximum allowable 30% total lot coverage
- (c) Waive 2 ft. of the maximum allowable 7 ft. extension of a covered, unenclosed front porch and steps into the minimum required front yard setback to permit construction of first and second story additions and a new covered, unenclosed front porch and steps to an existing single-family dwelling at 1109 Forestdale Rd. (25-16-156-014), be approved.

Motion adopted unanimously.

Granting the non-use 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

d) Case No. 25-03-07 – 2322 Benjamin Ave. (25-08-451-003)

Chairperson Offak opened the public hearing. Nobody spoke, Chairperson Offak closed the public hearing.

Moved by: Mr. Moore
Supported by: Ms. Robinson

Moved, that the appeal of the appeal of Hilary Klok, petitioner & owner, for the following variances:

- (a) Alter/expand a non-conforming structure
- (b) Waive 2.7% of the maximum allowable total lot coverage of 30%

to permit construction of a full second story addition and covered front porch at 2322 Benjamin Ave. (25-08-451-003), be approved.

Motion adopted unanimously.

Granting the non-use 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

Public Comment

Chairperson Offak opened public comment. Nobody spoke, Chairperson Offak closed the public comment.

Adjournment

Moved by: Mr. Moore
Supported by: Mr. Leinweber

Moved, that the meeting adjourned at 8:55 p.m.

Motion adopted unanimously.

Anthony Offak, Chairperson

Alexander J. Bahorski
Alexander J. Bahorski, Planner II