



Meeting Date: May 8, 2025

M E M O R A N D U M

DATE: April 17, 2025

TO: Zoning Board of Appeals

FROM: Planning Division

**SUBJECT: Reconsideration Request
Case No. 24-09-28 - 2717 Ardmore Ave. (25-10-178-040)**

At the September 12, 2024, Zoning Board of Appeals meeting, the board considered a case brought forth at 2717 Ardmore Ave. to permit construction of an addition to the existing single-family dwelling and construction of an additional attached garage and separate pool house / accessory buildings.

Based on the plans provided, the following variances were determined to be necessary.

- (a) Alter/expand a non-conforming structure
- (b) Waive 587 sq. ft. of the maximum allowable 3,500 sq. ft. of usable floor area
- (c) Waive 2.1 ft. from the minimum required 33 ft. east front yard setback
- (d) Waive 13.3 ft. from the maximum 7 ft. that an accessory building may extend beyond the first floor of a principal building.
- (e) Waive 5.6% from the requirement that an attached garage/accessory building be no greater than 50% of the total width of the front façade of the structure
- (f) Waive 614 sq. ft. of the maximum allowable accessory ground floor area of 800 sq. ft.
- (g) Waive 13 ft. from the maximum permitted 25 ft. residential driveway width
- (h) Waive 2 of the maximum allowable number of accessory buildings per residential Property

For reference, the video link to the September 12, 2024, meeting can be found below. The hearing for the item begins at 1:13:10.

<https://www.youtube.com/watch?v=fXvDIRH68CI&list=PLgRTNn2T6G5TW6K3dZLmsdsDHfkY2KPSU&index=3>

Board members engaged in extensive conversation with the petitioner regarding various aspects of the variance requests. Several board members extended to the petitioner an offer to step back and reconsider their proposal in an effort to reduce the requested variances. The petitioner elected not to do so and asked the board to vote on the requested variances with the exception of those that were voluntarily withdrawn: (g) and (h). The board made separate motions and granted variances (a), (b), (c), and (d). Variance (e) was denied by the board.

As noted in the written report of findings and verbalized by the chair at the beginning of the meeting and during the course of the variance request, non-use or dimensional variance requests require five (5) affirmative votes for approval. Variance (f) failed to obtain the minimum number of affirmative votes. Therefore, the board's final disposition did not approve variance (f).

Board members may offer a motion to grant less than the requested variance. However, it's appropriate that the motion be offered prior to a motion to grant the entire variance request. This is known and was exhibited by a board member that suggested the motion on the table to grant the requested variance (f) be modified and reduced. The maker of the original motion did not accept the suggestion to modify the motion on the table. The board took the following action on variance (f) at the meeting:

Moved, that the appeal of Scott Stapels, petitioner & owner, for the following variance:

- (f) Waive 614 sq. ft. of the maximum allowable accessory ground floor area of 800 sq. ft. to permit construction of an addition to the existing single-family dwelling and construction of an additional attached garage and separate detached pool house / accessory building at 2717 Ardmore Ave. (25-10-278-017 & -030), be denied.

Motion fails 4-5.

Yes: Ms. Zukin, Mr. Leinweber, Mr. Wolf, Mr. Reddy

No: Chairperson Offak, Mr. Gavin, Mr. Klatt, Ms. Robinson, Mr. Moore

Moved, that the appeal of Scott Stapels, petitioner & owner, for the following variance:

- (f) Waive 614 sq. ft. of the maximum allowable accessory ground floor area of 800 sq. ft. to permit construction of an addition to the existing single-family dwelling and construction of an additional attached garage and separate detached pool house / accessory building at 2717 Ardmore Ave. (25-10-278-017 & -030), be approved.

Motion fails 4-5.

Yes: Mr. Gavin, Mr. Klatt, Ms. Robinson, Mr. Moore

No: Mr. Reddy, Mr. Leinweber, Mr. Wolf, Chairperson Offak, Ms. Zukin

According to the board's rules of procedure, "upon the final disposition of any appeal by the Zoning Board of Appeals, no new appeal substantially identical in nature to the former appeal upon which disposition has been made by the Board shall be received by the Secretary for one year after the date of said disposition by the Board unless rehearing has been authorized by the Board".

The petitioner applied to have the board reconsider the below variance request. Their attached statement describing the grounds for the reconsideration request.

- (f) Waive 614 sq. ft. of the maximum allowable accessory ground floor area of 800 sq. ft.

The board has the authority to reconsider a prior disposition in accordance with its rules of procedure and the Michigan Zoning Enabling Act. With each reconsideration request, the board must determine whether the petitioner has now submitted missing information or crucial evidence that ultimately led to a mistake in their disposition. New proposals, modified proposals, the presence of a full board, the absence of a full board, etc. do not qualify as missing or crucial evidence. The burden of demonstration is placed on the petitioner, not the board.

It's appropriate for the board to hear the petitioner's statement and engage in conversation prior to a vote. The board should focus solely on determining if the petitioner has presented missing information or crucial evidence. The determination allows the missing information or crucial evidence to be factored into a new variance request prior to one year elapsing. As a quasi-judicial body, it's not appropriate for board members to state if they would or would not be

inclined to vote in favor or against the variance request if it were to be presented at a future meeting.

A motion to approve the reconsideration request requires a majority (5 members) of the board. The motion may be offered by members that voted to deny variance (f). If the board adopts a motion granting the reconsideration request, the petitioner must submit a new application and related fee. Staff will process the application for an upcoming board meeting. Variance (f) will be processed and heard as though it had never been previously considered.

If the reconsideration request is denied, the petitioner must continue to wait until one year has elapsed for the board to hear the same variance request. The board's October 9, 2025 meeting would be the soonest available regularly scheduled meeting.

It should be noted that since the meeting, the petitioner has applied for the building permit to conduct the proposed modifications to the dwelling with plans that were modified in accordance with the action taken by the board. The permits have not yet been issued.

cc: Scott & Julie Stapels, 2717 Ardmore Ave., Royal Oak, MI 48073

Rehearing request

ZBA Case No. 24-09-28 – 2717 Ardmore Ave. (25-10-278-017 & -30)

Scot and Julie Stapels
2717 Ardmore Ave
Royal Oak, MI 48073

We are Scott and Julie Stapels, owners and residents at 2717 Ardmore Ave. We appeared before the zoning review board previously, as part of ZBA Case No. 24-09-28, at its September 12th, 2024 meeting. The Planning department and zoning board were both extremely helpful with us as first-time petitioners with no experience in the process. The board took time to help educate me as well as share the possibility of revising my requests. I hate to take up even more of the ZBA and Plannings time but am unable to find other remediation.

In that original ZBA meeting, the following variances were adopted:

- alter/expand a non-conforming structure
- waive 2.1 ft from the minimum required 33 ft. east front yard setback
- waive 13.3 ft. from the maximum 7 ft. that an accessory building may extend beyond the first floor of a principal building
- waive 587 sq. ft. from the maximum allowable 3,500 sq. ft. of usable floor area

At the time the plan was to add an additional 2 car garage and traditional pool pavilion structure. To support the plan, there was a final variance request to

- Waive 614 sq. ft. of the maximum allowable accessory ground floor area of 800 sq. ft. to permit construction of an addition to the existing single-family dwelling and construction of an additional attached garage and separate detached pool house / accessory building

The last variance did not pass the zoning review board, partially due to some misunderstanding of voting procedure.

During the meeting the Chair (Mr. Offak) expressed interest in voting for the motion and if it failed. His plan was to propose a follow up motion reducing the variance sqft to not include the existing sheds that will be removed as part of the project. Once the motion

was voted down, the board, to their surprise, was informed that they could not again vote on the motion. During discussion my understanding from both Mr Offak and Mr Leinwebber was that they would support a motion with the shed square footage removed. The vote was one short so either of them voting affirmative would have passed it.

Additionally, board member Mr. Klatt asked for guidance *“If we deny [this] request tonight could the application come back with a different application for a lesser request if he chooses”* the response was *“If we are being generation, then yes*”

I have reworked my plan to have a smaller garage as well of a pergola instead of a traditional roof over the pool pavilion structure. Royal Oak planning does not recognize a pergola as an Accessory Structure, however if that same pergola has a louvered roof that can protect against rain, then it must meet all the requirements of an Accessory Structure.

I submitted an updated variance request and it was rejected, due to board action being valid for a period of one year. The planning team have been very kind and helpful, working with me. Their recommendation to resolve this is to request rehearing.

I believe that the board was missing crucial evidence which led to them making a mistake in their vote and decision, as described above, in this communication and would appreciate if the board would reconsider.

Thanks

A handwritten signature in black ink, appearing to read "Scott Stapels". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Scott Stapels