

THE CITY OF BERKLEY  
Community Development Department  
3338 Coolidge, Berkley, Michigan 48072  
(248) 658-3320

**Notice  
Meeting of the Berkley  
Zoning Board of Appeals**

Notice is hereby given, that there will be a meeting of the Zoning Board of Appeals to be held at the City of Berkley in the Council Chambers, 3338 Coolidge, Berkley, Michigan on Monday, July 14, 2025 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-02-25**

Italy American Construction, on behalf of John and Diana Mio, 2285 Mortenson Blvd., Parcel 04-25-17-331-009, West side of Mortenson Blvd., between Oxford Rd. and Larkmoor Blvd., is requesting a dimensional variance for an accessory structure on an exterior side yard setback for corner lots when a rear yard abuts a side yard.

**Berkley City Code**

*Berkley City Code*, Chapter 138 *Zoning*, Article 5 Use-Based Districts, Section 5.09 E (2).

Complete application information is available for review at [www.berkleymi.gov/community-development/development-projects](http://www.berkleymi.gov/community-development/development-projects).

Comments on the granting of the above variance may be made in person on the night of the meeting or in writing. All written comments must be submitted to the Berkley Community Development Department or email to [planning@berkleymi.gov](mailto:planning@berkleymi.gov) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**

Royal Oak Tribune  
Saturday, June 28, 2025



## CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

### ZONING BOARD OF APPEALS APPLICATION

The Zoning Board of Appeals (ZBA) meets the second Monday of the month. The meetings are held in the Council Chambers at City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

The ZBA shall hear requests for use and dimensional variances, appeals of administrative decisions, interpretation of zoning map and text, and interpretations of commercial message for proposed murals.

**\*\*Please be advised:** The ZBA may grant a variance where undue hardship or practical difficulty for the property exist. A want or desire (bigger structure, more profit, etc.) is not sufficient grounds for a variance. The ZBA does not have the power to legislate or create new regulations. The Board's purpose is to provide some relief from the Zoning Ordinance depending on the unique circumstances of the property.

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#### APPLICANT INFORMATION

Name: Italy American Construction Phone: (313) 278-7500

Address: 8401 N. Telegraph Rd, Dearborn Hgts. MI 48127

Email: PERMITS@IAC1954.COM

Relationship to Property (current tenant, representative, future tenant, current owner, future owner):

General Contractor

#### PROPERTY OWNER INFORMATION (if different from Applicant)

Name: John & Diana Mio Phone: [REDACTED]

Address: 2285 Mortenson Blvd

Email: \_\_\_\_\_

#### PROPERTY DESCRIPTION

Address: 2285 Mortenson Blvd

Parcel #: 04-25-17-331-009 Zoning Classification: R-1D

Current Use of Property: Single Family

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## NATURE OF REQUEST

Check which applies:

- ☒ Variance from Zoning Ordinance (Section I)
- ☐ Interpretation of Zoning Ordinance (Section II)
- ☐ Administrative Review / Appeal of Decision (Section III)
- ☐ Determination of Commercial Message of Mural / Work of Art (Section IV)

Description of Request: Ordinance states that a detached garage on a rear to side corner lot must have a setback of 25'. We are requesting a variance of 5' to rebuild the garage at 20' from the lot line.

Has the City denied a permit related to the proposed work?

☒ Yes ☐ No

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***Please fill out ONLY the section below that applies to your request.***

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### I. VARIANCE FROM ZONING ORDINANCE

Please provide a written response to each question below that relates to the variance that is being requested. **DO NOT COMPLETE BOTH SECTIONS.**

#### A. Use Variance

The Zoning Board of Appeals may grant a use variance (i.e. use of the land not permitted in a particular district) upon finding that an undue hardship exists.

Current Use of Property: \_\_\_\_\_

Requested Use of Property: \_\_\_\_\_

1. Explain how the building or land cannot be reasonably used for any of the uses permitted by right or by special land use permit in the current zoning district.

2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

3. Explain how the proposed use will not alter the essential character of the neighborhood.

4. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

**B. Dimensional Variance (Non-Use Variance)**

The Zoning Board of Appeals may grant a dimensional variance (i.e. height, setback, lot coverage, etc) upon finding that undue hardship or practical difficulty exists.

1. Explain how the need for the variance is due to unique circumstances of physical conditions of the property.

The corner lot that 2285 Mortenson is located on has a rear lot line to side lot line relationship with their neighbor, 1849 Oxford. Corner lots can have one of two configurations: rear to rear and rear to side. The ordinance for rear to side is more strict than rear to rear. Rear to side calls for a 25' setback while rear to rear is only 10'. With the lots in this area only being 48' wide it's harder to accommodate a larger garage, which the city allows (up to 800 SF).

2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

The original garage was built 19'-9" from the lot line. Obviously, this was before the ordinance went into effect. In 1974, the homeowner widened the garage to 21'. In 1999, he added to the rear of the garage, bringing it to the current size of 21' x 25'. The ordinance for the 25' setback went into effect in 1994. At that time, the garage was already non-conforming, but the city still allowed the homeowner to add onto the garage because he was not changing the 19'-9" setback. The variance we are seeking would allow for a larger garage while keeping the same setback, perhaps even improving it by a few inches.

3. Explain how strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

If the homeowner is forced to comply with the ordinance, then the length of garage he's had for 26 years won't be able to be rebuilt. Per the ordinance, if he builds the garage 18" off of the south lot line, then he'll only be allowed to build a 21.5' long garage. The interior length for about half of the garage would be around 20'-6" from the garage door to the back wall. With the inclusion of the stairwell, the interior depth would be 17' for the other half. The homeowner won't be able to park his truck comfortably in the garage as it is just over 20' long.

4. Explain how the requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.

The variance we are requesting is to keep the garage setback 20' from the side lot line. Essentially, the garage would remain the same depth as it has been for 26 years. If this hasn't impacted the neighbors during this time, a new garage of the same length, just 4' wider shouldn't negatively impact the neighbors now.

5. Explain how the requested variance will not adversely impact the surrounding properties.

The new garage will only be 100 square feet larger than the existing one and it won't be any longer than the existing one. If the sight line is a concern for neighboring properties, the garage is basically in line with all the other garages on that block of Mortenson. The house located on 2285 Mortenson protrudes further out than the garage does, so even if the garage is moved further back, the house would still block the sight line for neighbors own Oxford.



## **II. INTERPRETATION OF ZONING ORDINANCE**

Provide Section numbers of Zoning Ordinance to be interpreted: \_\_\_\_\_

Please describe the request and what needs to be clarified or interpreted by the ZBA.

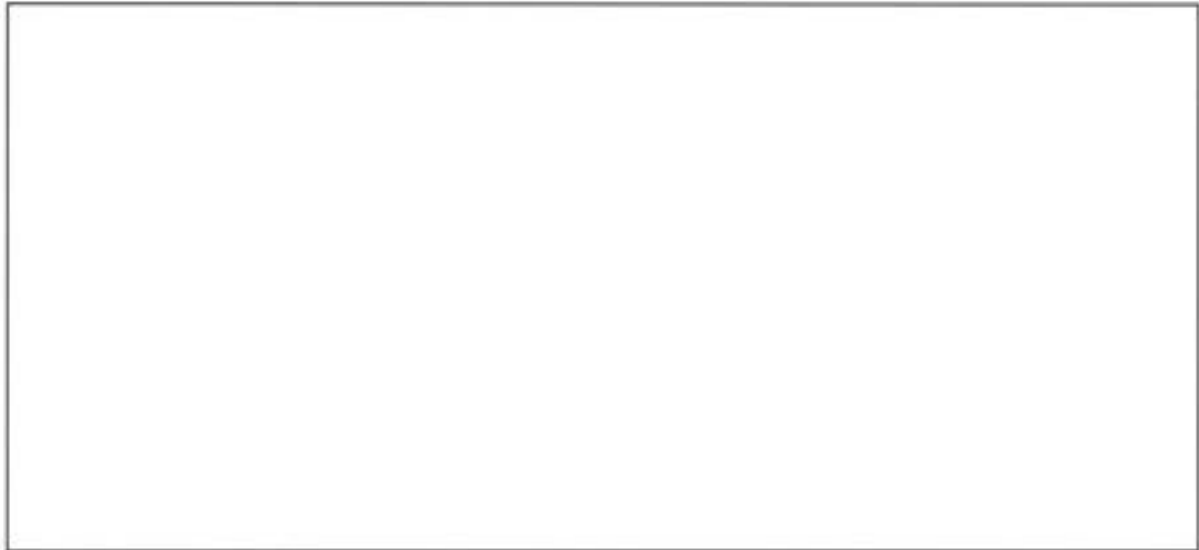
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## **III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION**

Describe the circumstances of each case and provide the minutes of the public meeting noting the denial to be appealed.

#### IV. DETERMINATION OF COMMERCIAL MESSAGE (MURAL/WORK OF ART)

Describe the proposed mural/work of art. Applicant should include renderings of the proposed design. The ZBA shall determine if the proposed work contains a commercial message.



**\*\* Applicant and artist must provide signed *Mural Installation and Maintenance Agreement* prior to the public meeting.**

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#### SUBMIT THE FOLLOWING:

Provide 15 copies of survey, plot plan or site plan with this application that shows the subject property complete with boundary lines and dimensions, existing building locations, all proposed buildings, easements, utilities, and any site improvements/changes. Setbacks, height of structures, lot coverage, etc. should also be included, if applicable.

A PDF file of the application and supporting documents must also be submitted at the time of application.

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**PLEASE NOTE:** The applicant, or a designated representative, **MUST BE PRESENT** at the meeting in which the case is being reviewed or the request may be postponed due to lack of representation.

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.

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**PROPERTY OWNER'S APPROVAL (Initial each line)**

omm I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the above request(s) before the ZBA.

omm I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

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**APPLICANT'S ENDORSEMENT: (Initial each line)**

PS All information contained herein is true and accurate to the best of my knowledge.

PS I acknowledge that the ZBA will not review my request unless all information in the application has been submitted to the satisfaction of the Community Development Director.

PS I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or review of this application.

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If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.

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Paul Schiller [Signature] 6-11-2023  
Applicant Name (print) Applicant Signature Date

\_\_\_\_\_  
Applicant Name (print) Applicant Signature Date

Diana Marie Mio [Signature] \_\_\_\_\_  
Property Owner Name (print) Property Owner Signature Date



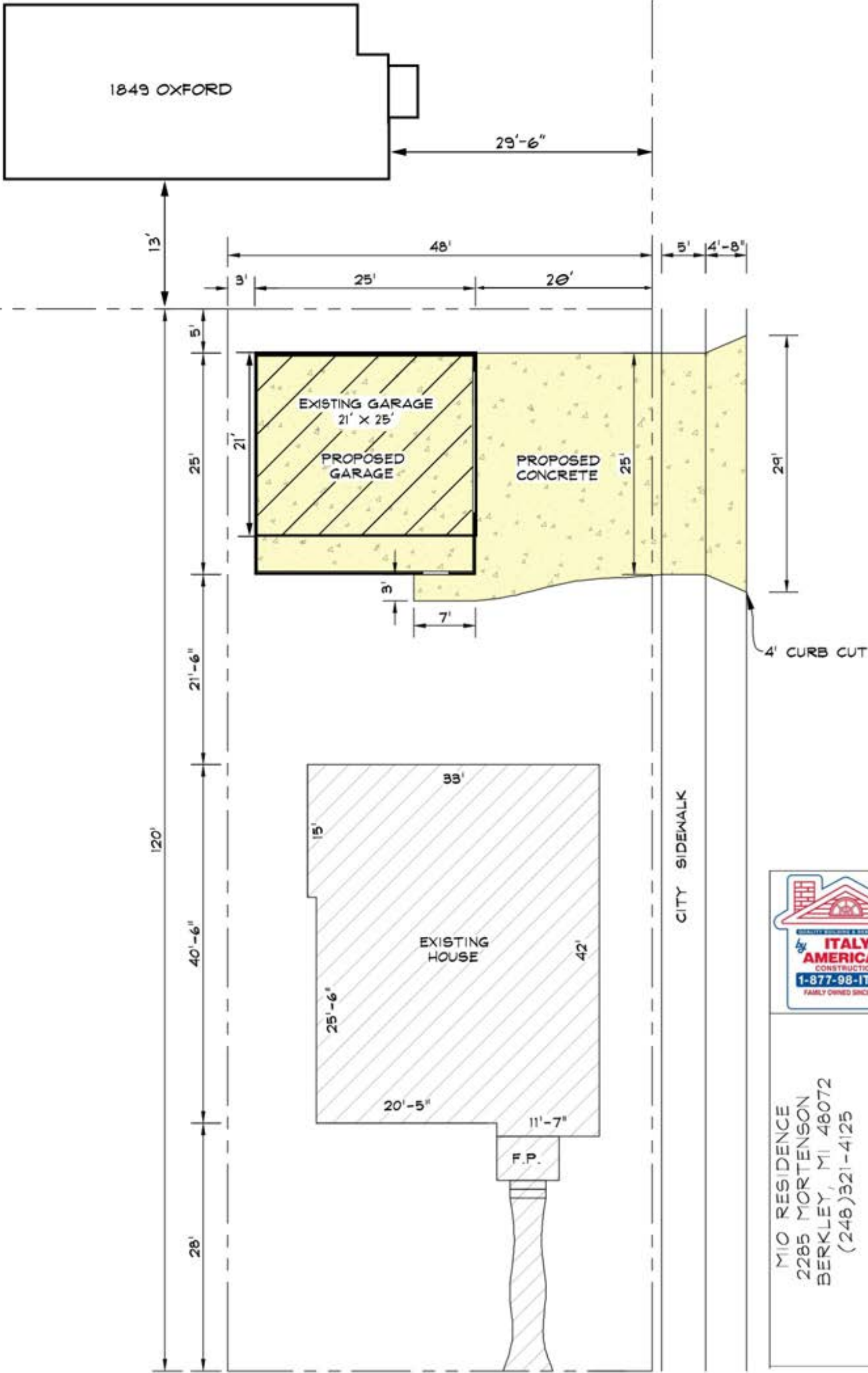
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**Office Use Only**

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Received 10-12-25 Receipt # \_\_\_\_\_ Meeting Date 7-14-25 Case # PBA-02-25

Fee:	Residential	\$400
	Commercial	\$600
	Mural	\$300



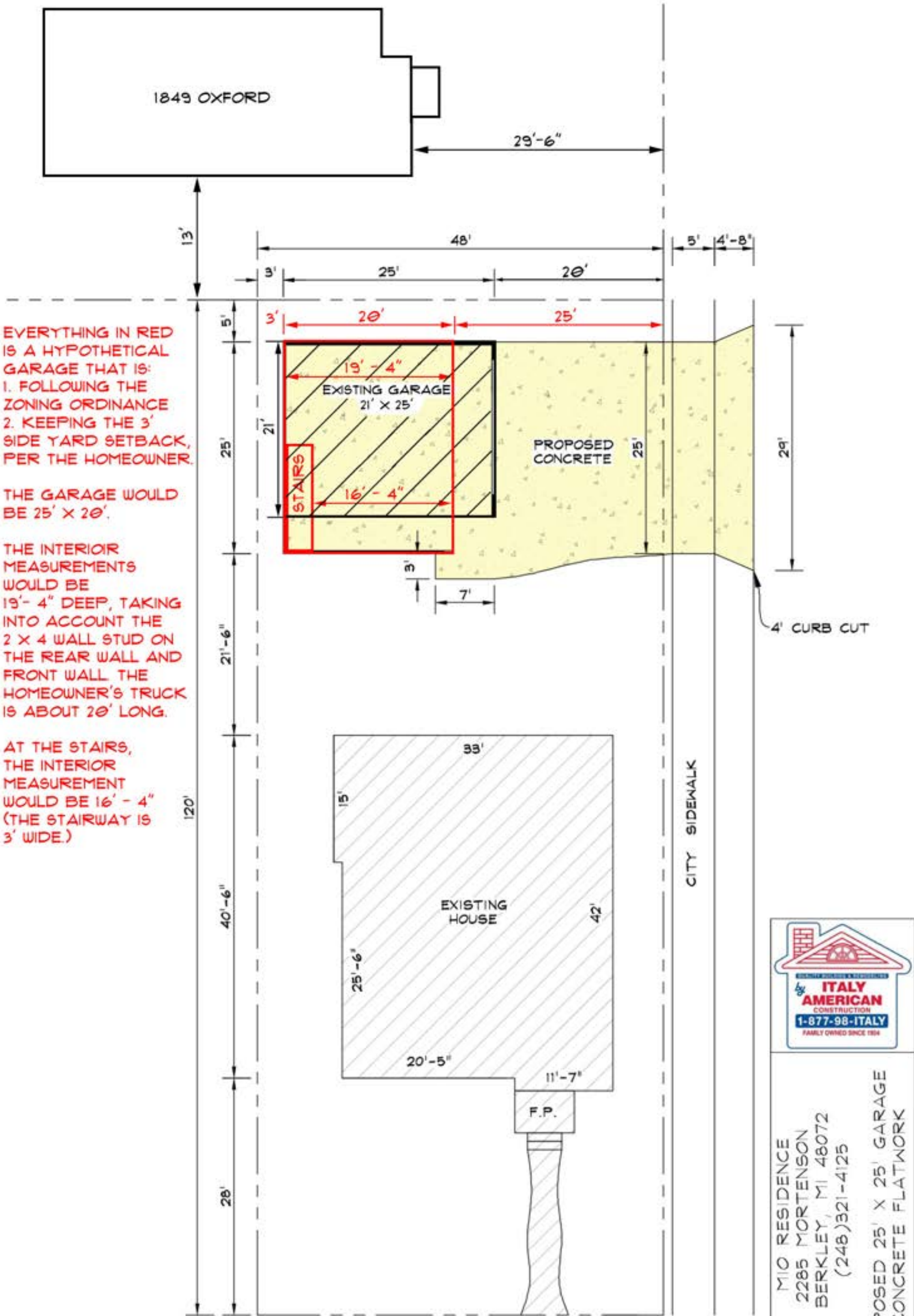
MIO RESIDENCE  
2285 MORTENSON  
BERKLEY, MI 48072  
(248)321-4125

PROPOSED 25' X 25' GARAGE  
CONCRETE FLATWORK

# SITE PLAN

SCALE: 3/32" = 1'-0"





EVERYTHING IN RED IS A HYPOTHETICAL GARAGE THAT IS:  
1. FOLLOWING THE ZONING ORDINANCE  
2. KEEPING THE 3' SIDE YARD SETBACK, PER THE HOMEOWNER.

THE GARAGE WOULD BE 25' X 20'.

THE INTERIOR MEASUREMENTS WOULD BE 19'-4" DEEP, TAKING INTO ACCOUNT THE 2 X 4 WALL STUD ON THE REAR WALL AND FRONT WALL THE HOMEOWNER'S TRUCK IS ABOUT 20' LONG.

AT THE STAIRS, THE INTERIOR MEASUREMENT WOULD BE 16'-4" (THE STAIRWAY IS 3' WIDE.)



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