

PUBLIC NOTICE

**City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Tuesday, August 15, 2023
7:00 PM – City Hall
Council Chambers
Information: (248) 658-3320**

Notice: Official Minutes of the Zoning Board of Appeals are stored and available for review at the Office of the City Clerk.

The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling: City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

You can watch the meeting on Channel 10 for both Comcast and WOW, at <http://www.youtube.com/CityofBerkley> or <http://www.berkleymich.org/livestream>.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONFIRMATION OF A QUORUM

APPROVAL OF AGENDA

APPROVAL OF MINUTES – *Meeting Minutes of July 10, 2023*

OLD BUSINESS

NONE

NEW BUSINESS

1. Application Number PBA-07-23

Inder Thawani, representing 3690 Phillips Ave., Parcel # 04-25-383-001 East side of Phillips Ave., between N. Twelve Mile Rd. and Edwards Ave., is requesting a Dimensional Variance of two (2) feet on the South side yard setback. A minimum of a five (5) foot side yard setback is required. A requested Lot Split would create a three (3) foot South side yard setback.

OTHER BUSINESS:

STAFF / BOARD MEMBER REPORT:

LIAISON REPORT

PUBLIC COMMENTS

ADJOURN

THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY JULY 10, 2023 BY CHAIR MCALPINE.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city's government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen on-demand on the city's YouTube channel: <https://www.youtube.com/user/cityofberkley>

Per Section Three (4) Rules of Procedure, changes in Board membership to be announced prior to roll call: Per Section Two (a) Continued Education; Ms. Ward and Mr. Uhlar did not meet the required hours of continued education and dismissed from their seats on the Zoning Board of Appeals.

PRESENT:

Sue McAlpine
Joseph Krug
Joann Serr
Erick McDonald

Kevin Wilner
Steve Allen (ZBA Alternate)
Andrew Creal (ZBA Alternate)

ABSENT:

ALSO, PRESENT:

Kristen Kapelanski, Community Development Director
Kim Anderson, Zoning Administrator
Dennis Hennen, City Council Liaison
Chris Klamkin, 2222 W Eleven Mile Rd., Berkley, MI 48072
Danny Amori 2222 W Eleven Mile Rd., Berkley, MI 48072
Kobie Solomon 5300 Grayton St., Detroit, MI 48224

CONFIRMATION OF QUORUM MET

APPROVAL OF AGENDA

Motion to add to the Agenda item number 2) Election of Vice Chair to Other Business and approve the agenda by Allen, and supported by Krug.

Voice vote to approve the agenda.

AYES: 7
NAYS: 0
ABSENT:

MOTION CARRIED

* * * * *

APPROVAL OF MINUTES

Motion to approve the minutes of the June 12, 2023 regular meeting by Krug and supported by Serr.

Voice vote to approve minutes

AYES: 7
NAYS: 0
ASBENT:

MOTION CARRIED

* * * * *

OLD BUSINESS

NONE

* * * * *

NEW BUSINESS

1. APPLICATION PBA-06-23; 2222 Eleven Mile Rd. – Determination of Commercial Message (Mural/Work of Art)

Operation Grow, LLC, 2222 Eleven Mile Rd., North side of Eleven Mile Rd., between Henley Ave. and Berkley Ave., is requesting a Determination of Commercial Message for Mural/Work of Art.

Zoning Administrator, Kim Anderson advised the Zoning Board of Appeals Per City Ordinance Section 94-2, any mural or work of art that does not include a commercial message is to be determined by the Zoning Board of Appeals. 2222 Eleven Mile would like the Zoning Board of Appeals to approve a Mural/work of art. 2222 Eleven Mile is not located in the DDA and is not eligible to apply for the DDA Mural Program. Therefore, the method of approving a proposed mural is contingent upon the Zoning Board of Appeals.

1. If the ZBA determines that the proposed design **DOES NOT** contain a commercial message, it shall be considered a mural or work of art and the applicant can proceed with installation.
2. If the ZBA determines that the proposed design **DOES** contain a commercial message, the design would be subject to the regulations of the sign ordinance, including; height, area, etc.

APPLICANT PRESENTATION

Applicant Danni Amori with Artist, Kobie Solomon presented the design concept for the mural inspired by the style of M.C. Eschar. Design was created to be visually appealing and interesting (possibility for photo ops). Elements of Berkley were incorporated into the design.

Serr had a question on an image and Kobie Solomon explained that in this composition there is no up or down, no right side up and the image was the Berkley Sign.

Chair McAlpine opened the floor for the public hearing at 7:11 p.m.

PUBLIC COMMENT

No Public comments and no correspondence received.

Chair McAlpine closed the floor for the public hearing at 7:11 p.m.

The Zoning Board of Appeals discussed whether the mural contained any commercial message. If used in Marketing it could become an advertisement. Conditions could be implemented that the mural could not be used in the marketing of the business.

Board discussed what is considered a commercial message, Community Development Director, Kristen Kapelanski explained some examples that could be considered a commercial message such as; words and pictures specifically related to the business. *“Commercial message: Any wording, symbol, image, shape, picture, or combination thereof, or other representation that, directly or indirectly, names, advertises, promotes, or calls attention to a business, goods, service, institution, person, activity, location or idea.”*

Board was confirming words on the mural: “Berkley” is located in the Mural. The Applicant informed the board that there are two phrases: *“spread the love”* and *“let’s build a butter world”* and is used in their marketing. The Applicant is willing to eliminate the phrases. Board agreed that the two phrases is a commercial message.

In the matter of PBA-06-23; 2222 Eleven Mile Rd Serr moved that if the two phrases: *“spread the love”* and *“let’s build a butter world”*, proposed on the current layout are omitted; wording “Berkley” can be left, design is to be considered a piece of art as opposed to a commercial message.

Motion was supported by Krug

AYES: Members; Wilner, Allen, Creal, Krug, McDonald, Serr and Chair McAlpine

NAYS: NONE

ABSENT:

MOTION CARRIED

OTHER BUSINESS

- 1. Zoning Board of Appeals Rules of Procedure Amendment.

Add: “c) Resignation. Members seat is resigned upon receipt of a letter or email of resignation to the City Clerk Office.” to Section Two – Membership:

In matter of the Zoning Board of Appeals Rules of Procedure Amendment, Allen moved to approve adding the additional language as presented.

Motion was supported by Wilner

AYES: Members; Allen, Creal, Krug, McDonald, Serr, Wilner and Chair McAlpine
NAYS: NONE
ABSENT:

MOTION CARRIED

* * * * *

- 2. Election of Vice-Chair:

With Vice-Chair Uhlar no longer serving on the Zoning Board of Appeals, a new Vice-Chair needs to be selected.

Creal moved to nominated Allen for Vice-Chair, Allen accepted.

Serr asked for clarification if the alternates are current members. Community Development Director, Kristen Kapelanski explained that the alternates that are filling the two vacancy seats today, will rise to regular board members and we will be seeking new applicants for the two alternate openings.

The two alternates, Allen and Creal will be appointed as regular members at the next City Council.

Alternates are able to vote per the Zoning Board of Appeals Rules of Procedure.

Motion was supported by Wilner

AYES: Members; Creal, Krug, McDonald, Serr, Wilner, Allen and Chair McAlpine
NAYS: NONE
ABSENT:

MOTION CARRIED

* * * * *

STAFF/BOARD MEMBER REPORT

Community Development Director, Kristen Kapelanski updated the board on the Zoning Ordinance Steering Committee on the Zoning Ordinance rewrite. Summary memos will be provided to the boards on a regular basis. Currently the steering committee is working on the Organizational Outline. There has been recommendation to consolidate zoning districts (residential) and discussion of which districts should include specific standard for site design, focused on layout of the site.

* * * * *

LIAISON REPORT

Dennis Hennan wanted to let the public know that with the failure of the May tax millage the city needed to increase fees to continue to pick up yard waste and by doing so with a tag that needs to be purchased for each bag and each can each week to be picked up. The tags can be purchased at: Public Safety 24-7, Library (Cash Only), City Hall, and Durst. The Chipper route was discontinued. Larger branches will now require arrangements by the residents for a private contractor to pick up.

Serr asked if the City has any recommendations for a private contractor for chipper service for the residents to call on. Hennan is exploring the possibility of a preferred vendor with special pricing that the residents could call directly.

Creal asked if this would be proposed again in the future. Hennan indicated potentially November 2024 to bring back with community discussions.

* * * * *

PUBLIC COMMENT

NONE

* * * * *

With no further business, the meeting was adjourned at 7:30 p.m.

Motion by Allen and support by Wilner

Voice Vote to adjourn

AYES: 7

NAYS: 0

ABSENT:

MOTION CARRIED



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.

APPLICANT INFORMATION

Name: INDER THAWANI Phone: [REDACTED]

Address: 3690 phillips Ave Berkley MI 48072

Email: [REDACTED]

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

current owner

PROPERTY OWNER INFORMATION (if different from Applicant)

Name: NA Phone: _____

Address: _____

Email: _____

PROPERTY DESCRIPTION

Address: 3690 phillips Ave Berkley MI

Parcel #: 25-07-383-001 Zoning Classification: _____

Current Use of Property: under repair, occupied later by owner's son.

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: property lot split request with 2 feet
variance for set back on original side of lot.

Has the City denied a permit related to the proposed work? Yes No

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

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.

original structure will be with 2 feet variance but distance between original & new structure will have 15 ft. difference as required by city code, landscape overall will not be affected.

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

As a current owner I purchased 3690 phillipe. & as it is built in 1930 no new changes were made extended side lot came with property with sale.

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.

strict compliance of 5ft canopy will not allow a 40ft wide lot on each side to have a new building/house structure causing new lot to stay unusable.

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

- 40ft wide lot will be there like neighboring houses.
- 15ft distance on each side of lot will be maintained.
- New structure will be in accordance of city & block landscape.
- will allow a

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

- New structure & old existing structure will actually improve overall appearance of the corner of Edward & phillipe
- If lot as is it currently appears odd with only vacant lot without any structure

II. INTERPRETATION OF ZONING ORDINANCE

Provide Section numbers of Zoning Ordinance to be interpreted: _____

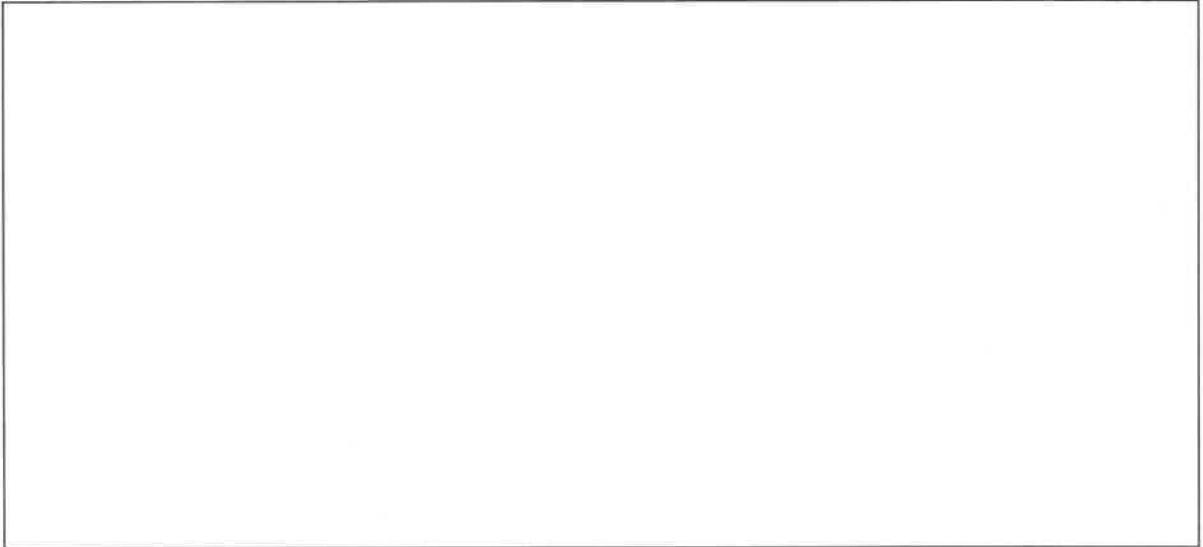
Please describe the request and what needs to be clarified or interpreted by the ZBA.

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.

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.

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.

PROPERTY OWNER'S APPROVAL (Initial each line)

IT ✓ 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.

IT ✓ 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.

APPLICANT'S ENDORSEMENT: (Initial each line)

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

IT 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.

IT 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.

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.

INDER THAWANI Inder Thawani 7/18/2023
Applicant Name (print) Applicant Signature Date

Applicant Name (print) Applicant Signature Date

INDER THAWANI Inder Thawani 7/18/23
Property Owner Name (print) Property Owner Signature Date

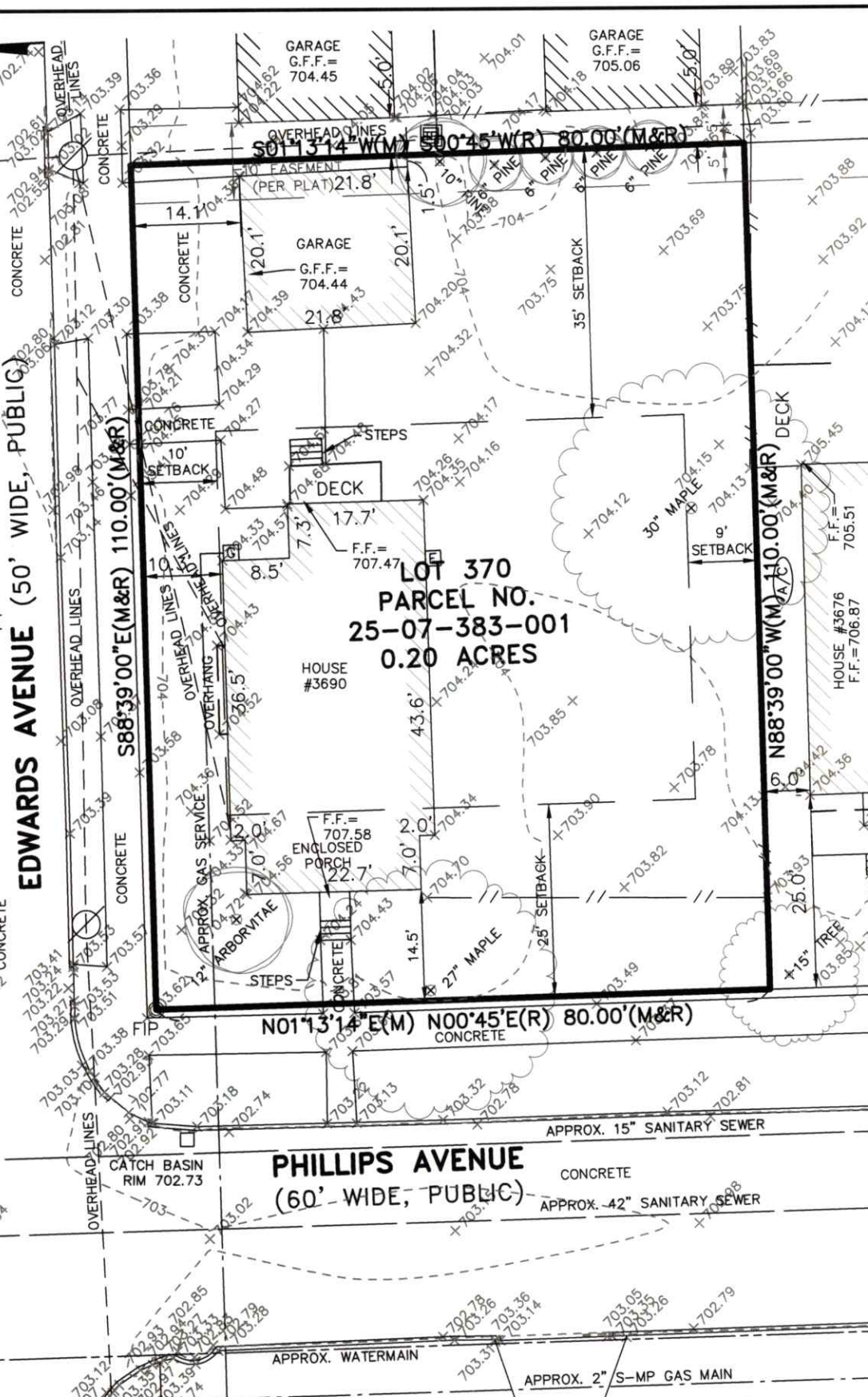
Office Use Only

Received 7-17-23 Receipt # _____ Meeting Date 8/15/23 Case # ABA-07-23

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

LEGEND

- FIP FOUND IRON PIPE
- SCI SET CAPPED IRON
- (M) MEASURED
- (R) RECORD
- EX. GAS MAIN
- - - EX. SANITARY SEWER
- - - EX. WATER MAIN
- /// EX. FENCE
- - - EX. OVERHEAD LINES
- - - EX. AIR CONDITIONER
- EX. CATCH BASIN
- E EX. ELECTRIC METER
- G EX. GAS METER
- TP EX. TELEPHONE PED.
- EX. UTILITY POLE
- EX. DECIDUOUS TREE
- EX. CONIFEROUS TREE



**LOT 370
PARCEL NO.
25-07-383-001
0.20 ACRES**

ZONING:

R-1D, SINGLE FAMILY RESIDENTIAL

BENCHMARK(BM):

TOP OF RIM ON SANITARY SEWER MANHOLE NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF PHILLIPS AVENUE & EDWARDS AVENUE
ELEVATION: 703.21 N.A.V.D.88

LEGAL DESCRIPTION:

PARCEL NO. 25-07-383-001 (BY OTHERS):

LOT 370 OF "COTTAGE HOMES SUBDIVISION", A PART OF THE SOUTH 1/2 OF SECTION 7, TOWN 1 NORTH, RANGE 11 EAST, ROYAL OAK TOWNSHIP (NOW CITY OF BERKLEY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 21 OF PLATS, PAGE 27, OAKLAND COUNTY RECORDS.

NOTES:

1. TITLE WORK WAS NOT PROVIDED. ALL EXISTING EASEMENTS MAY NOT BE SHOWN.
2. A WETLAND SURVEY AND TREE SURVEY WERE NOT PERFORMED AS PART OF THIS SURVEY.
3. BEARINGS ARE BASED ON THE SOUTHERN LINE OF EDWARDS AVENUE, BEING S88°39'E.

SETBACKS:

FRONT: (SEE CALCULATION)
REAR: 35 FEET
SIDES: 5 FEET MINIMUM,
15 FEET TOTAL

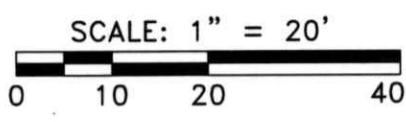
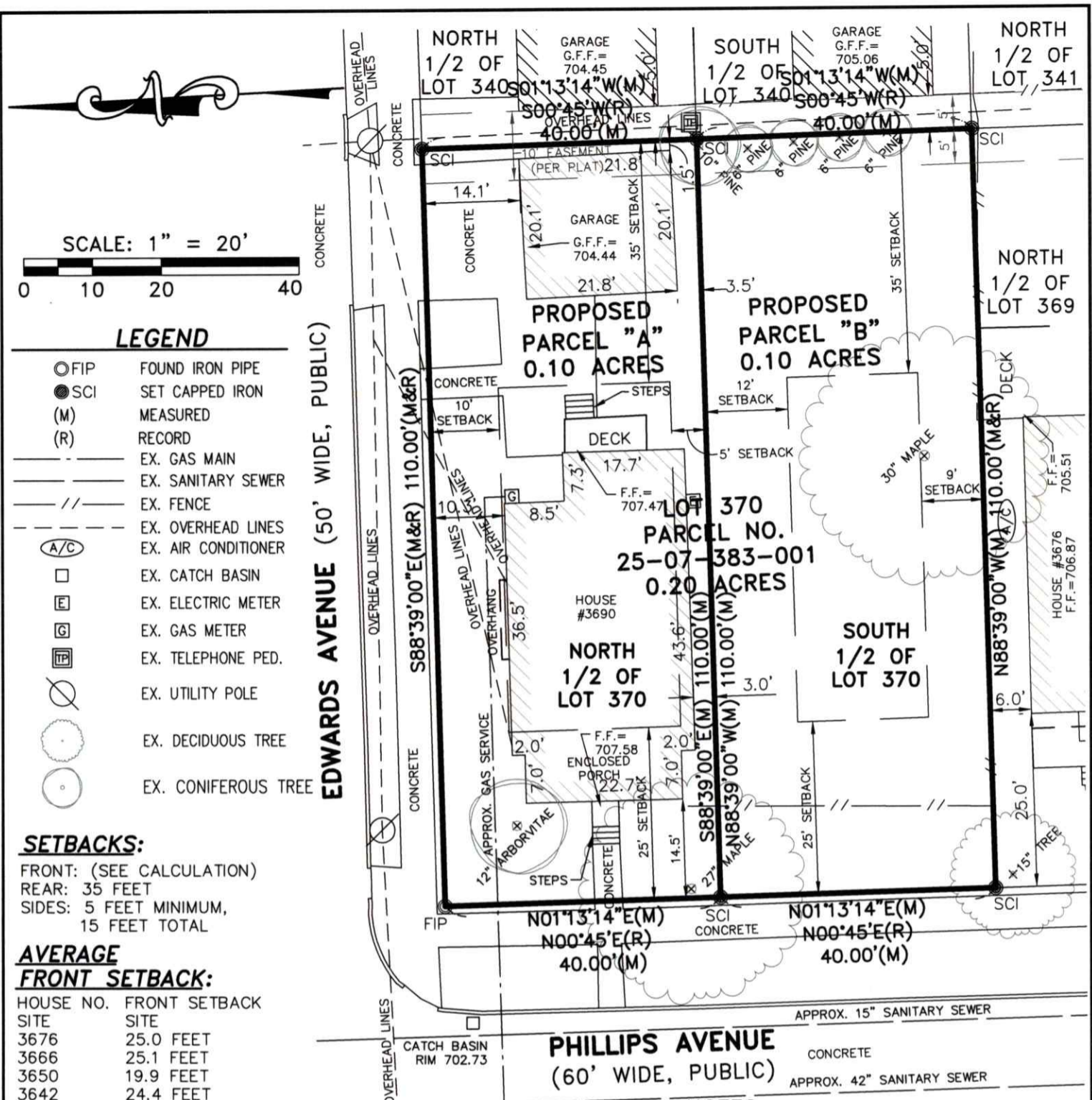
AVERAGE FRONT SETBACK:

HOUSE NO.	FRONT SETBACK SITE
3676	25.0 FEET
3666	25.1 FEET
3650	19.9 FEET
3642	24.4 FEET
3618	19.0 FEET
3600	25.3 FEET
	AVG. = 23.1 FEET
	REQUIRED = 25 FEET



51147 W. Pontiac Trail
Wixom, MI 48393
Phone: (248) 668-0700
Fax: (248) 668-0701

CLIENT: INDER THAWANI	DATE: 6-25-2023
TOPOGRAPHIC SURVEY	DRAWN BY: ACS/JPP
	CHECKED BY: JPP/DJL
3690 PHILLIPS AVENUE - PARCEL NO. 25-07-383-001	0 10 20
SECTION: 7 TOWNSHIP: 1 N. RANGE: 11 E.	FBK: --
CITY OF BERKLEY OAKLAND COUNTY MICHIGAN	CHF: RG
	1
	SCALE HOR 1" = 20 FT. VER 1" = -- FT.



LEGEND

- FIP FOUND IRON PIPE
- SCI SET CAPPED IRON
- (M) MEASURED
- (R) RECORD
- EX. GAS MAIN
- EX. SANITARY SEWER
- EX. FENCE
- EX. OVERHEAD LINES
- EX. AIR CONDITIONER
- EX. CATCH BASIN
- ⊞ EX. ELECTRIC METER
- ⊞ EX. GAS METER
- ⊞ EX. TELEPHONE PED.
- EX. UTILITY POLE
- EX. DECIDUOUS TREE
- EX. CONIFEROUS TREE

SETBACKS:
 FRONT: (SEE CALCULATION)
 REAR: 35 FEET
 SIDES: 5 FEET MINIMUM,
 15 FEET TOTAL

AVERAGE FRONT SETBACK:

HOUSE NO. SITE	FRONT SETBACK
3676	25.0 FEET
3666	25.1 FEET
3650	19.9 FEET
3642	24.4 FEET
3618	19.0 FEET
3600	25.3 FEET
AVG. = 23.1 FEET	
REQUIRED = 25 FEET	

SURVEYOR'S CERTIFICATE:
 I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE OR ATTACHED DESCRIBED PARCEL(S) OF LAND ON 5-19-2023, THAT THE ERROR OF CLOSURE IS NO GREATER THAN 1 IN 5000, AND THE SURVEY IS IN FULL COMPLIANCE WITH SECTION NO. 3, ACT 132, P.A. 1970.



DANIEL J. LECLAIR
 PROFESSIONAL SURVEYOR NO. 4001060819



51147 W. Pontiac Trail
 Wixom, MI 48393
 Phone: (248) 668-0700
 Fax: (248) 668-0701

ZONING:
 R-1D, SINGLE FAMILY RESIDENTIAL

LEGAL DESCRIPTIONS:
PARCEL NO. 25-07-383-001 (BY OTHERS):
 LOT 370 OF "COTTAGE HOMES SUBDIVISION", A PART OF THE SOUTH 1/2 OF SECTION 7, TOWN 1 NORTH, RANGE 11 EAST, ROYAL OAK TOWNSHIP (NOW CITY OF BERKLEY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 21 OF PLATS, PAGE 27, OAKLAND COUNTY RECORDS.

LEGAL DESCRIPTION OF PROPOSED PARCEL A:
 THE NORTH 1/2 OF LOT 370 OF "COTTAGE HOMES SUBDIVISION", A PART OF THE SOUTH 1/2 OF SECTION 7, TOWN 1 NORTH, RANGE 11 EAST, ROYAL OAK TOWNSHIP (NOW CITY OF BERKLEY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 21 OF PLATS, PAGE 27, OAKLAND COUNTY RECORDS.

LEGAL DESCRIPTION OF PROPOSED PARCEL B:
 THE SOUTH 1/2 OF LOT 370 OF "COTTAGE HOMES SUBDIVISION", A PART OF THE SOUTH 1/2 OF SECTION 7, TOWN 1 NORTH, RANGE 11 EAST, ROYAL OAK TOWNSHIP (NOW CITY OF BERKLEY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 21 OF PLATS, PAGE 27, OAKLAND COUNTY RECORDS.

- NOTES:**
- TITLE WORK WAS NOT PROVIDED. ALL EXISTING EASEMENTS MAY NOT BE SHOWN.
 - A WETLAND SURVEY AND TREE SURVEY WERE NOT PERFORMED AS PART OF THIS SURVEY.
 - BEARINGS ARE BASED ON THE SOUTHERN LINE OF EDWARDS AVENUE, BEING S88°39'E.

CLIENT:	INDER THAWANI	DATE: 6-25-2023
	PARCEL SPLIT	DRAWN BY: ACS/JPP
		CHECKED BY: JPP/DJL
		0 10 20
3690 PHILLIPS AVENUE - PARCEL NO. 25-07-383-001	SECTION: 7 TOWNSHIP: 1 N. RANGE: 11 E.	FBK: --
	CITY OF BERKLEY OAKLAND COUNTY MICHIGAN	1
		CHF: RG
		SCALE HOR 1" = 20 FT. VER 1" = -- FT.

HAROLD LACOUNT
KAEKO LACOUNT
3755 PHILLIPS AVE
BERKLEY MI 48072

KRISTOPHER HERMANN
3679 OAKSHIRE AVE
BERKLEY MI 48072

DARCY ANN ORESKY
3696 BACON AVE
BERKLEY MI 48072 1175

CALEB YUNG
3795 OAKSHIRE AVE
BERKLEY MI 48072 1417

TIMOTHY J QUEEN
SUSAN C QUEEN
3715 ROYAL AVE
BERKLEY MI 48072 1456

DELWYN GRAY
3650 OAKSHIRE AVE
BERKLEY MI 48072 3412

MICHAEL VANAS
3781 PHILLIPS AVE
BERKLEY MI 48072 1422

NICHOLAS KOCSIS
KIMBERLY KOCSIS
3654 BACON AVE
BERKLEY MI 48072

NEW URBAN DEVELOPMENTS LLC
3653 PHILLIPS AVE
BERKLEY MI 48072 3424

BILL CALIACATSOS
3801 PHILLIPS AVE
BERKLEY MI 48072 3427

RICHARD HERVONEN
3642 PHILLIPS AVE
BERKLEY MI 48072 3422

KAI L CASBAR
3733 PHILLIPS AVE
BERKLEY MI 48072 1422

ALEXANDER SHELLY
RODNEY SHELLY
3774 OAKSHIRE AVE
BERKLEY MI 48072 1418

Occupant
3690 PHILLIPS AVE
BERKLEY MI 48072 3422

AMBER J COOK
3695 PHILLIPS AVE
BERKLEY MI 48072 3424

NARA ORNSBY
3625 PHILLIPS AVE
BERKLEY MI 48072 3424

INDER THAWANI
8241 CHATHAM DR
CANTON MI 48187 4447

RYAN KNAPP
3676 OAKSHIRE AVE
BERKLEY MI 48072 3412

FAITH ANN KEPLER
3589 PHILLIPS AVE
BERKLEY MI 48072 3423

DANIEL PHILLIPS
JILL PHILLIPS
3684 OAKSHIRE AVE
BERKLEY MI 48072 3412

CHRISTOPHER PAYNE
LINDSAY PAYNE
3650 PHILLIPS AVE
BERKLEY MI 48072 3422

DONALD KLINGER
3733 OAKSHIRE AVE
BERKLEY MI 48072 1417

JOANNA EDWARDS-MCGEE
JOSEPH MCGEE
3721 PHILLIPS AVE
BERKLEY MI 48072 1422

MARK W HUBER
3666 PHILLIPS AVE
BERKLEY MI 48072 3422

BRUCE WILLHOFT
3713 OAKSHIRE AVE
BERKLEY MI 48072 1417

GARY L GAISER
3748 PHILLIPS AVE
BERKLEY MI 48072 1423

JASON BIALK
3642 BACON AVE
BERKLEY MI 48072 1175

JACQUELINE M ROBERTSON
ELYSE MOTTE
3701 PHILLIPS AVE
BERKLEY MI 48072 1422

JANICE M SZALAY
3675 ROYAL AVE
BERKLEY MI 48072 3434

COLLIN J WINK
3690 BACON AVE
BERKLEY MI 48072 1175

Occupant
3758 OAKSHIRE AVE
BERKLEY MI 48072 1418

MARK REBNER
3622 BACON AVE
BERKLEY MI 48072 1175

CHRISTOPHER KAZANOWSKI
3614 BACON AVE
BERKLEY MI 48072 1175

REBECCA V LINCOLN
26480 IRVING RD
FRANKLIN MI 48025 1026

JOHN VEHLEWALD
3714 BACON AVE
BERKLEY MI 48072 1104

JASON BALDWIN
JACQUELYN BALDWIN
3666 BACON AVE
BERKLEY MI 48072 1175

NICOLE A CONVERSE
MELISSA D TABLANO
3728 OAKSHIRE AVE
BERKLEY MI 48072 1418

MARTIN W HAUGER
3617 PHILLIPS AVE
BERKLEY MI 48072 3424

JIMMY OLSON
NANCY OLSON
3590 BACON AVE
BERKLEY MI 48072 1174

CHRISTOPHER DECKER
ELIZABETH DECKER
3713 ROYAL AVE
BERKLEY MI 48072 1456

RENEE AKERS
3816 PHILLIPS AVE
BERKLEY MI 48072 3425

KELLY R QUINLAN
3665 ROYAL AVE
BERKLEY MI 48072 3434

RACHEL FREIDENREICH
THOMAS GOLDER
3689 OAKSHIRE AVE
BERKLEY MI 48072 3414

ALAN H KIDECKEL
3625 OAKSHIRE AVE
BERKLEY MI 48072 3414

HALLE ADDISON
3801 OAKSHIRE AVE
BERKLEY MI 48072 3417

Occupant
3648 BACON AVE
BERKLEY MI 48072 1175

ORLANDO J BENEDICT
MORGAN S BENEDICT
3617 OAKSHIRE AVE
BERKLEY MI 48072 3414

ANDREW HOLMS
3782 OAKSHIRE AVE
BERKLEY MI 48072 1418

LAKE MICHIGAN CREDIT UNION
5519 GLENWOOD HILLS PKWY SE
GRAND RAPIDS MI 49512 2077

MATTHEW RODGERS
3590 PHILLIPS AVE
BERKLEY MI 48072 3421

DIANE H SWANSON
3782 PHILLIPS AVE
BERKLEY MI 48072 1423

PAUL J GUNNELS
BETHANY GUNNELS
3600 OAKSHIRE AVE
BERKLEY MI 48072 3412

KEVAN WEILAND
DIANNE WEILAND
3641 PHILLIPS AVE
BERKLEY MI 48072 3424

Occupant
3744 OAKSHIRE AVE
BERKLEY MI 48072 1418

KENNETH MATHY
BERNADETTE MATHY
3603 PHILLIPS AVE
BERKLEY MI 48072 3424

CHARLENE E HAYES
3622 OAKSHIRE AVE
BERKLEY MI 48072 3412

3744 OAKSHIRE LLC
336 W 1ST ST
FLINT MI 48502 1330

DAVID BAKER
LISA BAKER
3618 PHILLIPS AVE
BERKLEY MI 48072 3422

JUDY STILTNER
3600 PHILLIPS AVE
BERKLEY MI 48072 3422

MARY ANN WECKESSER
3748 BACON AVE
BERKLEY MI 48072 1104

MARK CORLESS
COURTNEY CORLESS
3796 PHILLIPS AVE
BERKLEY MI 48072 1423

TIMOTHY W ODETT
3690 OAKSHIRE AVE
BERKLEY MI 48072 3412

GARY V BORG
CALICE A BORG
3702 PHILLIPS AVE
BERKLEY MI 48072 1423

SUSAN BRINKMAN
3782 BACON AVE
BERKLEY MI 48072 1104

ANGELA MAJOR WALTER
SEAN SEBASTIAN WALTER
3676 PHILLIPS AVE
BERKLEY MI 48072 3422

RONALD T STREETMAN
JENNIFER M STREETMAN
3603 OAKSHIRE AVE
BERKLEY MI 48072 3414

Occupant
3714 OAKSHIRE AVE
BERKLEY MI 48072 1418

JOANNE HANKINS
3666 OAKSHIRE AVE
BERKLEY MI 48072 3412

RACHEL M SHEPARD
3728 PHILLIPS AVE
BERKLEY MI 48072 1423

AUGUSTUS HOMES DE LLC
PO BOX 8
OXFORD MI 48371 0008

ROBERT HAMILTON
VALERIE WEST
3642 OAKSHIRE AVE
BERKLEY MI 48072 3412

ROBERT A BERGMAN
3747 OAKSHIRE AVE
BERKLEY MI 48072 1417

ANDREA M CONNORS
3763 OAKSHIRE AVE
BERKLEY MI 48072 1417

DEREK HELENBERGER
3629 PHILLIPS AVE
BERKLEY MI 48072 3424

ROBERT A BERGMAN
3747 OAKSHIRE AVE
BERKLEY MI 48072 1417

WOLCOTT LAND DEVELOPMENT LLC
3754 PHILLIPS AVE
BERKLEY MI 48072 1423

CAMERON J KALINSKI
3795 PHILLIPS AVE
BERKLEY MI 48072 1422

JENNIFER M STERN
MARTIN A STERN
3665 OAKSHIRE AVE
BERKLEY MI 48072

ROSEMARIE HUTSELL
3754 BACON AVE
BERKLEY MI 48072 1104

MICHAEL REYNOLDS
SUSAN PELLEGRINO
3633 OAKSHIRE AVE
BERKLEY MI 48072 3414

JESUS A OCHOA BERMUDEZ
KARLA G FONSECA MONTES DE OCA
3653 OAKSHIRE AVE
BERKLEY MI 48072

DOUGLAS ROBERTSON
3734 BACON AVE
BERKLEY MI 48072 1104

ROCKY HUDDLESTON
3651 ROYAL AVE
BERKLEY MI 48072 3434

KATHRYN FRANCES JACKSON
BRADLEY WILLIAM JACKSON
3592 OAKSHIRE AVE
BERKLEY MI 48072

JESSICA RICE
3689 PHILLIPS AVE
BERKLEY MI 48072 3424

ATHENA MARQUEZ
EVELYN MARQUEZ
3641 ROYAL AVE
BERKLEY MI 48072 3434

SAIMIR MUCA
ANTONELA MUCA
3689 ROYAL AVE
BERKLEY MI 48072 3434

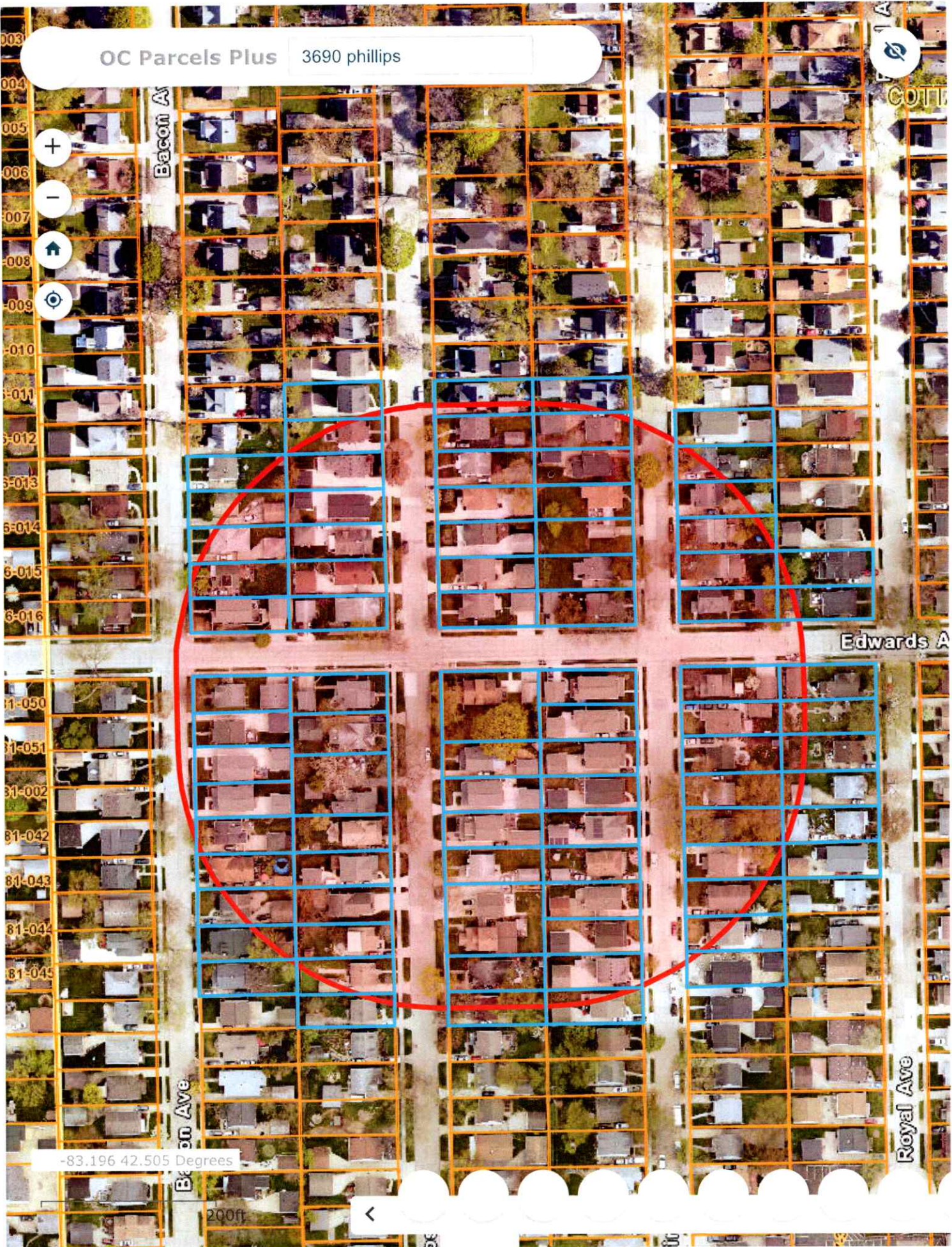
JOSEPH M TANGARI
ANDREA H TANGARI
3641 OAKSHIRE AVE
BERKLEY MI 48072 3414

NATHANIEL P COSTA
LAURA W COSTA
3589 OAKSHIRE AVE
BERKLEY MI 48072 3413

KEVIN D PAREE
TAYLOR PAREE
3679 ROYAL AVE
BERKLEY MI 48072

OC Parcels Plus

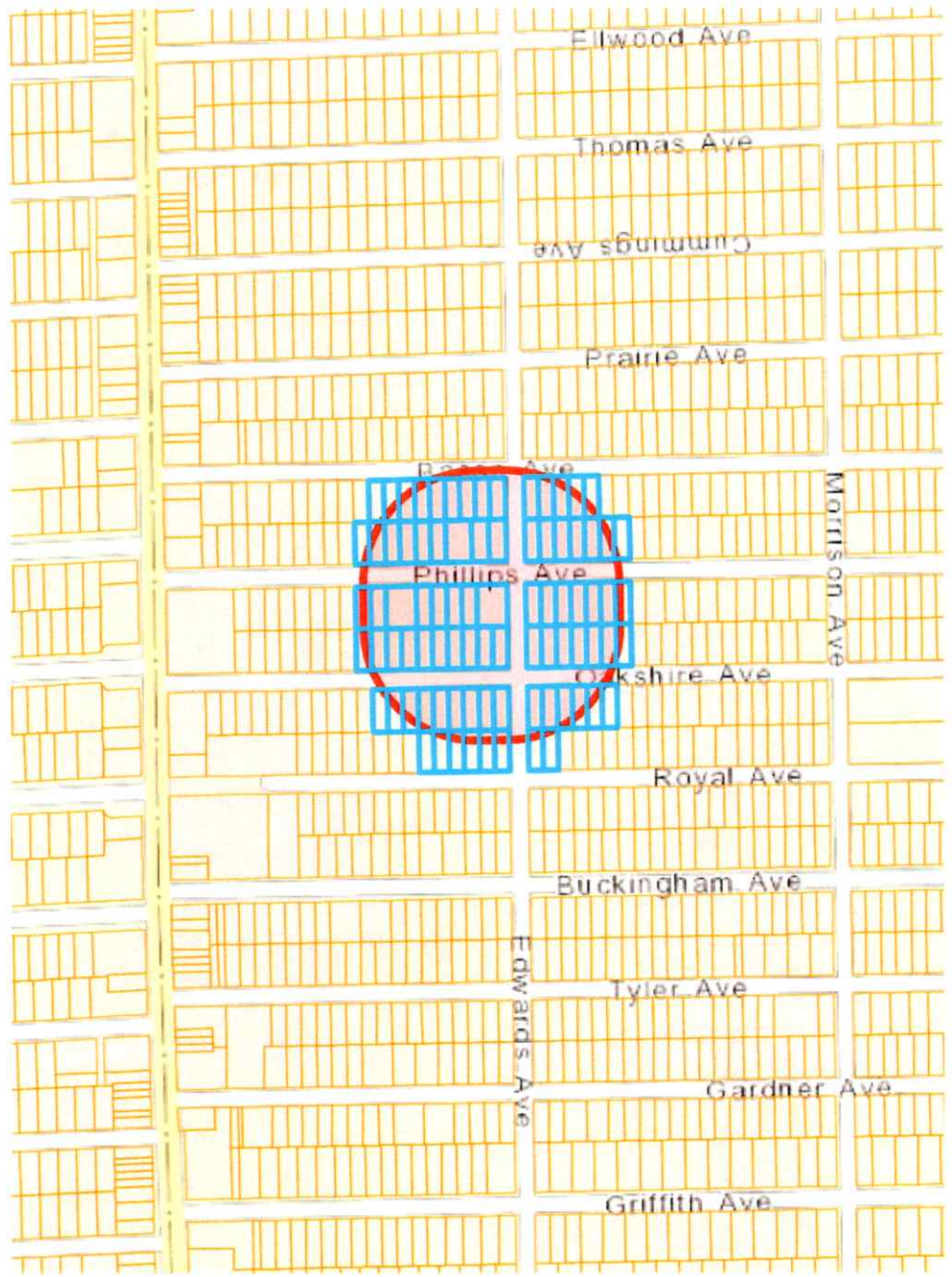
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200ft





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 Tuesday, August 15, 2023 at 7:00 p.m. or as near thereto as the matter may be reached.

Application Number PBA-07-23

Inder Thawani, representing 3690 Phillips Ave., Parcel # 04-25-383-001 East side of Phillips Ave., between N. Twelve Mile Rd. and Edwards Ave., is requesting a Dimensional Variance of two (2) feet on the South side yard setback. A minimum of a five (5) foot side yard setback is required. A requested Lot Split would leave a three (3) foot South side yard setback.

Berkley City Code

Berkley City Code, Chapter 138 *Zoning*, Sec. 138-526. - Schedule of regulations: Minimum Yard setback: at least 1 side yard 5 feet, total of 2 side yards 15 feet.

Complete application information is available for review at www.berkleymich.org/urbanplanning.

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@berkleymich.net before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON
ZONING ADMINISTRATOR

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

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KIM ANDERSON
ZONING ADMINISTRATOR

Publish Once:

Royal Oak Tribune
Friday, July 28, 2023



CITY OF BERKLEY
COMMUNITY DEVELOPMENT
3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: Berkley Zoning Board of Appeals
From: Kim Anderson; Zoning Administrator
Subject: **PBA-07-23 – 3690 Phillips Ave., dimensional variance**
Date: 08/07/2023

APPLICANT: Inder Thawani
LOCATION: 3690 Phillips Ave.
PARCEL ID: 04-25-383-001
REQUEST: The applicant is requesting a dimensional variance of two (2) feet on the South side yard setback to proceed with a lot split request.
REQUIRED: The schedule of regulations in Section 138-526 of the Zoning Ordinance requires at least one side yard a minimum 5 foot setback.

ZONING AND LAND USE

Property	Zoning District	Land Use
Subject Site	R1-D	Single Family Residential
West	R1-D	Single Family Residential
East	R1-D	Single Family Residential
North	R1-D	Single Family Residential
South	R1-D	Single Family Residential

BACKGROUND

The building file on 3690 Phillips Ave., East side of Phillips Ave., between N. Twelve Mile Rd. and Edwards Ave., dates back to 1928. Parcel 04-25-07-383-001 has an original platted lot size of 80' x 110'. The enclosed front porch is a non-conforming structure (per Sec. 138-191) that appears to predate 1963 from aerial views. The property currently has a Building Permit for renovations to the Kitchen and Bathroom.



Source: Oakland County Property Gateway



Source: Google map

SCOPE OF PROJECT

The property owner is requesting a Dimensional Variance of two (2) feet on the South side yard setback. A minimum of a five (5) foot side yard setback is required. A requested Lot Split would create a three (3) foot South side yard setback.

SUMMARY OF REQUEST

The Petitioner Inder Thawani, is requesting to split parcel 04-25-383-001 originally platted as a 80' x 110' lot to a 40' x 110' lot. The lot split request meets the lot size requirement of 4,400 square feet in R1-D Zoning District. Lot coverage of the existing structures would be approximate 35%. Corner lots are allowed 45% lot coverage. A lot split would create the existing structure at 3690 Phillips Ave. to be non-conforming on the South side yard setback of two (2) feet. In order for the lot split to be granted a two (2) foot variance is necessary on the South side yard setback.

STANDARDS FOR REVIEW

Per Section 138-606 of the Zoning Ordinance, the applicant must demonstrate a practical difficulty in order to be granted a dimensional variance. The Zoning Board of Appeals shall not vary the regulations of Section 138-606, unless it shall make findings based upon the evidence presented to it in each specific case that:

A. *The need for the variance is due to unique circumstances or physical conditions of the property.*

The parcel is the original platted lot and the existing structure was built in 1928. Without a variance granted or a complete demolition of existing structure, the lot will not be able to be split.

B. *The need for the variance is not the result of actions of the property owner or previous property owners.*

The parcel is the original platted lot and the existing structure was built in 1928.

C. *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.*

Strict compliance with the ordinance would be burdensome to the property owner given the fact that without a variance the parcel cannot be split. In this case, strict compliance with the ordinance would essentially mean that the property owner could not split the lot without demolishing the existing structure, which would be burdensome when the existing structure can be preserved.

D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.*

The requested variance would do substantial justice to the property owner and surrounding properties as it permits the existing structure built in 1928 to remain and allow for a new single-family dwelling to be built.

E. *The requested variance will not adversely impact the surrounding properties.*

The requested variance will not adversely impact the surrounding properties. The property is a corner lot and any future development to the South will have to comply with current zoning ordinances.

SUMMARY

For a variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. We request the Zoning Board of Appeals to determine if there are unique characteristics of the property and the requested variances should be granted. Motions for approval and denial are included below for the convenience of the board.

Sample Motions

Approval

In the matter of PBA-07-23, 3690 Phillips Ave., motion to approve the requested variances from Section 138-526 of the City of Berkley Zoning Ordinance to permit a setback of 2 feet, where 5 feet is required, that does not conform to applicable Zoning Ordinance regulations based on the following findings:

- 1. The need for the variance is due to unique circumstances or physical conditions of the property.*
- 2. The need for the variance is not the result of actions of the property owner or previous property owners.*
- 3. 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.*
- 4. The requested variance is the minimum variance necessary to do substantial justice to the application as well as other property owners.*
- 5. The requested variance will not adversely impact the surrounding properties.*

Denial

In the matter of PBA-07-23, 3690 Phillips Ave., motion to deny the requested variances from Section 138-526 of the City of Berkley Zoning Ordinance to permit a setback of 2 feet, where 5 feet is required that does not conform to applicable Zoning Ordinance regulations based on the following findings:

- 1. The need for the variance is not due to unique circumstances or physical conditions of the property.*
- 2. The need for the variance is the result of actions of the property owner or previous property owners.*
- 3. Strict compliance with the ordinance will not unreasonably prevent the property owner from using the property for a permitted purpose or will not render conformity with those regulations unnecessarily burdensome.*
- 4. The requested variance is not the minimum variance necessary to do substantial justice to the application as well as other property owners.*
- 5. The requested variance will adversely impact the surrounding properties.*

If you have any questions regarding this case, please do not hesitate to contact me.

Thank you.

Cc: Matthew Baumgarten, City Manager
Victoria Mitchell, City Clerk
John Staran, City Attorney
Kristen Kapelanski, Community Development Director
Building Official