

PUBLIC NOTICE

**City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Tuesday, January 11, 2021
7:00 PM – City Hall
Council Chambers
Information: (248) 658-3320**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONFIRMATION OF A QUORUM

EXCUSE OF ABSCENCES

APPROVAL OF AGENDA

APPROVAL OF MINUTES – *Meeting Minutes of December 13, 2021*

OLD BUSINESS

1. **ELECTIONS**

Matter of electing a Chair and Vice Chair to the Zoning Board of Appeals.

NEW BUSINESS

2. **APPLICATION PBA-10-21; 3679 Royal** – Dimensional variance request for a five (5) foot, six (6) inch variance from the required fifteen (15) feet between dwellings.

Patrick Raye is requesting a dimensional variance at 3679 Royal, Parcel #25-07-384-051, for a single-family dwelling proposed to be located less than 15 ft. from adjacent dwelling, located at 3679 Royal in a Single-Family R-1D District.

3. **APPLICATION PBA-11-21; 1490 Franklin** – Appeal, interpretation and/or use variance as to whether the definition of a home occupation includes a Federally Licensed Firearms Dealer.

Steven Nowak is requesting an appeal, interpretation and/or use variance at 1490 Franklin Rd, Parcel # 04-25-17-257-009, in regard as to whether the definition of a home occupation includes a Federally Licensed Firearms Dealer.

OTHER BUSINESS

STAFF / BOARD MEMBER REPORT

LIAISON REPORT

PUBLIC COMMENTS

ADJOURN

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>.

THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, DECEMBER 13, 2021 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/cityofberkeley>.

PRESENT: Ryan J. Gesund Kevin Wilner
Sue McAlpine Miles Uhlar
Joseph V. Krug Mark Riley (Alternate)
Joann Serr (Alternate)

ABSENT: Erick McDonald Maria Ward

ALSO PRESENT: Andrew Ball, 1069 Eaton
Will MacDonnell, 1079 Eaton
Megan Masson-Minock, Interim Community Development Director
Dennis Hennen, City Council Liaison

APPROVAL OF AGENDA

It was moved by Mr. Gesund to approve the agenda. Motion supported by Mr. Krug.

AYES: McAlpine, Gesund, Uhlar, Wilner, Krug, Riley, Serr
NAYS: None
ABSENT: McDonald, Ward

MOTION CARRIED

APPROVAL OF MINUTES

It was moved by Mr. Krug to approve the minutes of August 10, 2021, as presented. Motion supported by Mr. Uhlar.

AYES: McAlpine, Gesund, Uhlar, Wilner, Krug, Riley, Serr
NAYS: None
ABSENT: McDonald, Ward

MOTION CARRIED

OLD BUSINESS

1. ELECTIONS

Matter of electing a Chair and Vice Chair to the Zoning Board of Appeals.

Chair McAlpine recommended postponing the election until the next meeting due to the absence of two members. Ms. Masson-Minock confirmed that the January 2022 meeting would be held. A motion was made to postpone the elections until the next meeting.

Motion by Mr. Gesund. Motion supported by Mr. Wilner.

AYES: McAlpine, Gesund, Uhlar, Wilner, Krug, Riley, Serr
NAYS: None
ABSENT: McDonald, Ward

* * * * *

NEW BUSINESS

2. APPLICATION PBA-09-21; 1069 Eaton – Use variance request for non-conforming duplex use of a property in the Single-Family Residential District that is no longer in compliance with the Zoning Ordinance

Petitioner:

Andrew Ball
1069 Eaton
Berkley, MI 48072

Interim Community Development Director Masson-Minock summarized the December 9, 2021 review letter and read the four standards of review by which the ZBA would discuss the use variance request.

Mr. Gesund asked if the recently passed Master Plan addressed multiple family uses at all. Director Masson-Minock responded that multiple-family was addressed in the Master Plan, particularly along corridors, where zoning changes were recommended. In terms of single-family neighborhoods and duplexes, the Master Plan noted that more analysis and community engagement was needed before any changes to zoning were made.

Chair McAlpine asked why this petition was evaluated on four criteria instead of five criteria, which the Board typically uses. Director Masson-Minock responded that the request was for a use variance, which is governed by a different set of standards than dimensional variances usually reviewed by the Board.

Chair McAlpine asked for the applicant to come to the podium and talk about the request.

Mr. Ball shared that he bought the building as a duplex in 2018 and has lived in the upper unit. He rented the lower unit out until September of last year. At that time, he had a fiancé with four kids and he thought they could use both units for the family to live in. However, with the two units split between the two floors, it was not sufficient for a single family to live in both areas as a single-family home.

Mr. Ball shared a presentation with photographs showing how the property has two driveways, and the building has two mailboxes, two deadbolted entrances, two kitchens, two electrical lines, two gas lines, two hot water heaters, and two cable lines. He stated that the building also had two separate entrances to the back yard, one from each unit.

Mr. Riley asked if the basement was used as habitable space for either unit. Mr. Ball replied that both tenants have access to and share the basement space to use the washer and dryer.

Mr. Wilner asked if the applicant had received the letter in February notifying him to renew the rental license. Mr. Ball said that he did but that, at that time, he did not have a good idea of the ramifications of not renewing the license.

Mr. Uhlar asked when the prior tenant moved out. Mr. Ball said September 2020. Mr. Uhlar asked what unique circumstances should be considered. Mr. Ball described how his fiancé and her four kids, ages one to eight, moved in. Mr. Uhlar asked why it was not feasible for the building to be used as a single-family home. Mr. Ball said that each unit is 700 square feet and where ever the children are, you are, so they were really living in one of the two units.

Mr. Uhlar asked if the applicant had been working from home during the pandemic. Mr. Ball responded that he had not but his fiancé has been.

Mr. Uhlar asked if he was going to stay in the upper unit and rent out the downstairs unit or leave. Mr. Ball replied that he intends to sell the building and has a buyer.

Director Masson-Minock asked if his intent in January was to use it as a single-family house. Mr. Ball replied yes but he did not realize what it would be like with everyone in the house. Director Masson-Minock asked at what point did his intent change to use it as a duplex. Mr. Ball responded his intent change in October/November of 2021.

Director Masson-Minock explained to the Board that the timeline is important as to intent. She said that the Board may want to consider tabling the case, bringing the documentation of intent to the City Attorney. She had spoken to the City Attorney who apologized for not being able to attend. She stated that the life circumstances of the applicant, while compelling, are not standards in the Zoning Ordinance or supported by case law. The Board would need to make findings about the building or the property.

Mr. Gesund asked if the buyer had made an earnest money deposit. Mr. Ball responded yes and that if the property does not return to multiple family use the deal would fall apart due to financing.

Mr. Uhlar asked Director Masson-Minock if the unique circumstances could take into account the pandemic, which has not happened before and what she meant by giving the timeline to the attorney. Director Masson-Minock replied that by giving the timeline to the attorney, he could make a judgement, based on case law, as to whether the use was truly abandoned. If he found that the use was never abandoned, there would not be a need for a use variance. She said that if the Board was considering granting the use variance, she would ask that they specifically cite evidence shared by the applicant at this hearing, such as the two entrances or the cost of converting the building to single-family, etc. While the circumstances of the pandemic could be mentioned in the motion, she recommended that those not be the keystone of the motion.

Mr. Riley shared that under the national electrical code that one of the electrical lines would need to be removed, which is a substantial cost. Chair McAlpine stated that there would be a substantial cost and that she thought that the applicant had never truly abandoned the property since he still lived there.

Director Masson-Minock outlined options that the Board had to move forward.

Chair McAlpine asked the applicant if the Board table the case how it would affect the sale of his property. Mr. Ball replied that the deal was contingent on a decision at this meeting.

Chair McAlpine read the instructions for participating in the Public Hearing.
Chair McAlpine opened the Public Hearing at 7:32 p.m.

Director Masson-Minock noted that no emails and communications had been received prior to the meeting.

No on-line participants were present.

Will MacDonald, 1079 Eaton, stated that he has lived next door to the property in question for thirty years. There had always been nice neighbors. It was built as a duplex. He did not see what the issue was since it was the last duplex in the neighborhood. He said there was no problem, no reason to change and things should be kept as they are. New stuff is a headache and a half. He would love to keep the duplex as it is.

Chair McAlpine closed the Public Hearing at 7:36 p.m.

Mr. Riley asked if it was converted to a duplex in 1980. Director Masson-Minock said that a rental license was pulled in 1980 but that it was possible that the building had been originally built as a duplex. The Board discussed whether the building could have been a duplex at the time that it was built and the nonconforming status.

Mr. Krug stated that the building was built as a rental unit and saw that it would be a great expense to convert to single-family. Mr. Riley said that in the municipality he works for requires the second kitchen to be removed when a duplex is converted to a single-family home. Mr. Krug cited the two driveways as significant. Mr. Uhlar cited the two driveways and that there is not easy congress between the two units. He did not think there was an intent to abandon. Chair McAlpine cited that in the review there was not enough information but that information had been presented by the applicant at the hearing. Mr. Wilner stated that the applicant did not intend to abandon the use and the cost to convert the building to a single-family home would be exorbitant. Mr. Gesund felt that the duplex use would not change the character of the use and the case meets the four standards.

Chair McAlpine reviewed the four standards for deciding a use variance.

Motion by Mr. Uhlar to approve PBA-09-21, use variance request for a nonconforming duplex use at 1069 Eaton based the evidence presented by the applicant that due to the unique physical conditions of the building and property - specifically the two driveways, two electrical boxes, different cable boxes, different electrical boxes – the building and property at 1069 Eaton could not be reasonably used for a single-family house; and that the timeline presented by the applicant show that he did not abandon the two-family use, and the standards for review of Section 138-606 have been met.

Motion supported by Mr. Wilner.

AYES: McAlpine, Gesund, Uhlar, Wilner, Krug, Riley, Serr
NAYS: None

ABSENT: McDonald, Ward

3. 2022 Zoning Board of Appeals Calendar Dates

Chair McAlpine reviewed the calendar, noting the Board would continue to meet on the second Monday of the month. The Board discussed the dates in January and August where they would meet on the second Tuesday.

Motion by Mr. Wilner to approve the calendar as presented. Motion supported by Mr. Gesund.

AYES: McAlpine, Gesund, Uhlar, Wilner, Krug, Riley, Serr
NAYS: None
ABSENT: McDonald, Ward

OTHER BUSINESS

None

STAFF / BOARD MEMBER REPORT

Community Development Director Masson-Minock did not have a staff report.

Council Member Hennen thanked former Community Development Director Schlutow for her service to the City. He thanked Ms. Masson-Minock for stepping into the interim role. He said that the position was posted and asked the Board to please share any ideas they had for what the City should look for in that hire.

Council Member Hennen also reported that the Master Plan had been adopted by the City Council in November. He noted that, based on the proceedings tonight, he would be asking the City Attorney to see whether the Zoning Ordinance was compatible with case law in relation to abandonment.

LIAISON REPORT

None

PUBLIC COMMENTS

None

* * * * *

With no further business, the meeting was adjourned at 7:57 p.m.

DRAFT



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

MEMORANDUM

To: Berkley Zoning Board of Appeals
From: Megan Masson-Minock, Interim Community Development Director
Subject: **ZBA Election of Officers**
Date: December 9, 2021

The City of Berkley Zoning Board of Appeals Rules of Procedure states the election of Chair and Vice-Chair to the ZBA is to be done annually at the January or February meeting. The duties of elected officers are detailed in Section Four of the Rules of Procedure and are provided below, as follows:

Duties. The Chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. If the Chair is not able to chair a meeting or portion of a meeting, the Vice-Chair shall act in place of the Chair for that meeting or portion of meeting.

- a) The Vice-Chair shall act in the capacity of the Chair and shall succeed to the office of Chair in the event of a vacancy in that office.
- b) If there is a vacancy in the office of Vice-Chair for whatever reason, the ZBA shall select a successor to the office of Vice-Chair at the earliest practicable time.

As Chair Evans resigned from the Zoning Board of Appeals, it is necessary to elect a Chair and Vice Chair. Currently, Sue McAlpine serves as the Vice Chair.

Thank you.



MEMORANDUM

To: Berkley Zoning Board of Appeals

From: Megan Masson-Minock; Interim Community Development Director

Subject: **PBA-10-21; 3679 Royal – Request for dimensional variance for a proposed single-family home construction that does not meet minimum 15 ft. separation between dwellings**

Date: January 6, 2022

APPLICANT: Patrick Raye, on behalf of Hillan Homes

LOCATION: West side of Royal, south of Edwards Avenue

PARCEL ID: # 25-07-384-051

REQUEST: The applicant is requesting a dimensional variance to construct a single-family home that is proposed to be 9 ft. 6 in. from adjacent dwelling to the north.

REQUIRED: The Schedule of Regulations in Section 138-527(d) of the Zoning Ordinance requires minimum separation distance of at least 15 feet between dwellings.

ZONING AND LAND USE

The subject property is zoned R-1D, Single Family Residential.

Property	Zoning District	Land Use
Subject Site	R-1D, Single Family Residential	Vacant
West	R-1D, Single Family Residential	Single family detached dwelling
East	R-1D, Single Family Residential	Single family detached dwelling
North	R-1D, Single Family Residential	Single family detached dwelling
South	R-1D, Single Family Residential	Single family detached dwelling

BACKGROUND

The parcel at 3679 Royal was created in January of 2021 by a lot split of the property at 3689 Royal, originally an eighty (80) foot wide lot. The two resulting parcels are forty (40) feet wide and compliant with the R1-D zoning in terms of lot area and width. The resulting property at 3689 Royal (northern property at the southeast corner of Edwards Avenue and Royal Avenue) has a nonconforming side yard setback of

four (4) feet and nine (9) inches with the subject site (3679 Royal Avenue) since the R-1D Zoning District requires a five (5) foot side yard setback.

AERIAL PHOTOGRAPH



Source: Oakland County Parcels Plus

A building permit for a single-family home to be built on the newly created lot at 3679 Royal was applied for on March 24, 2021. The house shown on the plot plan submitted, dated February 29, 2021, complied with all minimum setbacks and the minimum of fifteen (15) feet between the proposed house and existing dwellings to the south and to the north. The building permit was later withdrawn and the parcel sold to the current owner.

SCOPE OF PROJECT

The property owner, Hillan Homes, applied for a building permit on November 30, 2021 to construct a single-family home with a different footprint than previously proposed. The proposed home would be nine (9) feet and six (6) inches from the dwelling on the property to the north when fifteen (15) feet is required.

SUMMARY OF REQUEST

The applicant is proposing to construct a single-family house that does not conform to the Zoning Ordinance. The Zoning Ordinance requires a minimum separation distance of at least 15 feet between dwellings. As noted on the plot plan dated December 12, 2021, the proposed dwelling is nine (9) feet, six (6) inches from the existing dwelling to the north and does not conform to the minimum separation distance requirement between dwellings of fifteen (15) feet.

Therefore, the applicant is requesting a variance of five (5) feet and six (6) inches from the fifteen (15) foot required separation distance between the proposed house to adjacent dwelling to the north.

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 applicant states in their application that the need for the variance is due to non-conforming side yard of the property to the north, 3689 Royal Avenue. While the side yard is non-conforming, the non-conformity is three (3) inches. Usually, a non-conformity of such a small dimension is not found to be a unique circumstance that warrants a variance.

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

The need for a variance is the result of actions of the property owner. A previous owner proposed a single-family house on the lot in compliance with the required separation distance between dwellings.

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 will not prevent the homeowner from using the property for a permitted purpose and will not render conformity with those regulations unnecessarily burdensome. Again, a house in conformance with the required separation distance was previously proposed.

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 is not the minimum variance necessary to do justice to the property owner. The non-conforming side yard setback to the north is deficient by three (3) inches. The variance request is for five (5) feet and six (6) inches, more than one third of the required fifteen (15) foot separation distance. If the Board of Zoning Appeals finds that the non-conforming side yard of the parcel to the north is a unique circumstance, the variance should be commiserate to the size of the non-conformity, which is a matter of three (3) inches.

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

The requested variance will allow less than ten (10) feet between the proposed house and the existing house to the north. Typically, ten (10) feet is required between structures without fire rated walls to ensure fire safety. In addition, the requested variance would result in a different pattern than the surrounding neighborhood. Using rough measurements on aerial photographs on Oakland County GIS, it appears that the distance between dwellings on this block of Royal is

between ten to fifteen (10-15) feet. During the site visit, there appears to be an established character to the neighborhood, which a variance of this degree would likely affect.

At the August 10, 2021 Zoning Board of Appeals meeting, the resident of the parcel to the south of the subject site, during public comment, presented to the Zoning Board of Appeals a formal protest to the lot split and proposed new building construction for the subject site. The official minutes from that meeting have been included in the documentation regarding this case in your packet.

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 whether a lesser variance would be acceptable.

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
Kim Anderson, Building Clerk
David Reilly, Building Official
Patrick Raye, Hillan Homes, [REDACTED]



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: Hillan Homes Phone: [REDACTED]
Address: 1231 Lacrosse Trail Oxford 48371
Email: patrick.hillanhomes@gmail.com
Relationship to Property (current tenant, representative, future tenant, current owner, future owner):

PROPERTY OWNER INFORMATION (if different from Applicant)

Name: _____ Phone: _____
Address: _____
Email: _____

PROPERTY DESCRIPTION

Address: 3679 Royal
Parcel #: 269 Zoning Classification: Res.
Current Use of Property: vac. lot.

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: A 5.5 foot variance to a driveway setback requirements on the north side of subject property.

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.

The need for this variance arose when this parcel was split recently. The properties adjacent to this parcel have homes that are 5' from property line creating our need for the additional 5 feet.

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

As stated, this situation was not self-created or created by the actions by us or the prior owners. It's simply an unusual characteristic of this property and the adjacent properties.

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 we had to construct a home on the parcel as it sits, it would be entirely too narrow - almost unlivable and aesthetically out of place.

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

We are not asking for any more than the minimum required distances.

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

Granting a variance will allow construction of a home that fits in with the community as opposed to an unattractive "one-off" construction of the home with variance will also beautify the neighborhood and increase value.

II. INTERPRETATION OF ZONING ORDINANCE

Provide Section numbers of Zoning Ordinance to be interpreted: _____

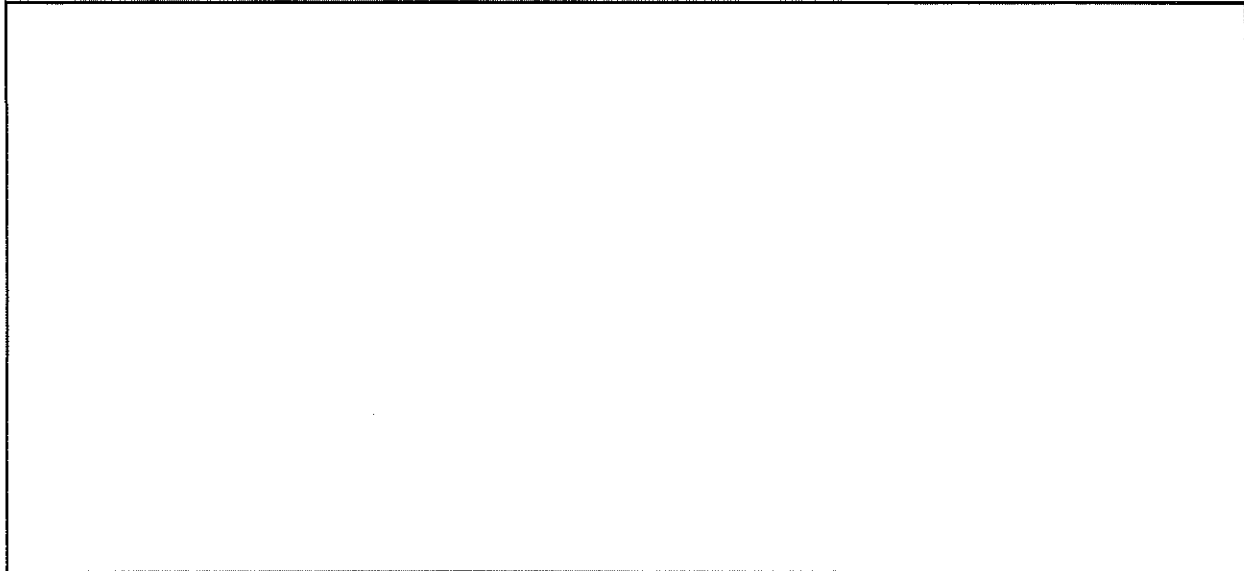
Please describe the request and what needs to be clarified or interpreted by the ZBA.

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.

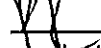
A PDF file of the application and supporting documents must also be submitted at the time of application.

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.

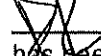
PROPERTY OWNER'S APPROVAL (Initial each line)

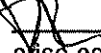
 I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the above request(s) before the ZBA.

 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)

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

 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.

 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.

  
Applicant Name (print) Applicant Signature Date

Applicant Name (print) Applicant Signature Date

Property Owner Name (print) Property Owner Signature Date

Office Use Only

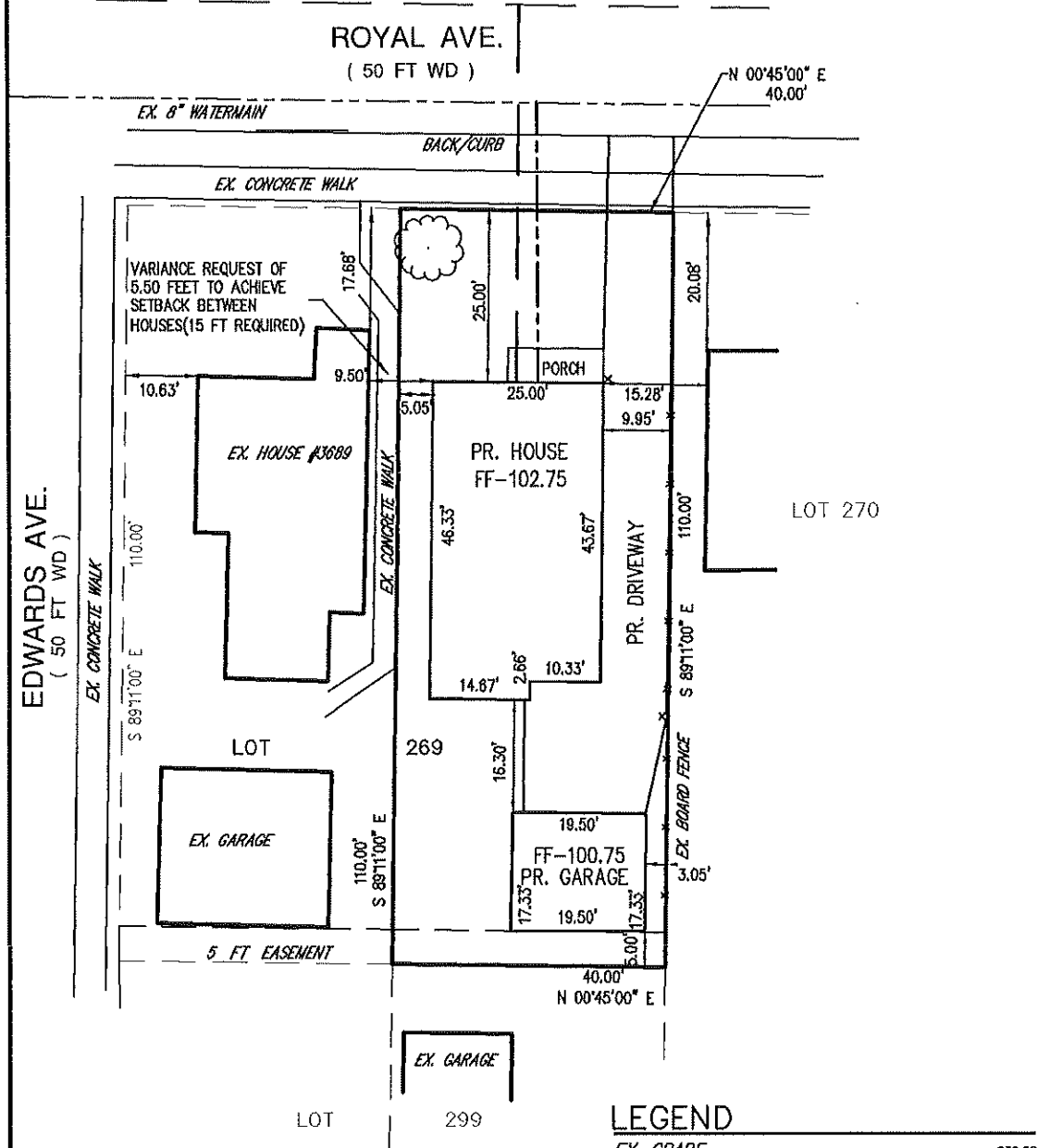
Received 12-08-21 Receipt # 0006855 Meeting Date _____ Case # PBA-10-21

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

VARIANCE REQUEST



12" COMBINED SEWER



VARIANCE REQUEST OF 5.50 FEET TO ACHIEVE SETBACK BETWEEN HOUSES (15 FT REQUIRED)

EDWARDS AVE.
(50 FT WD)

ROYAL AVE.
(50 FT WD)

LOT 270

LOT 269

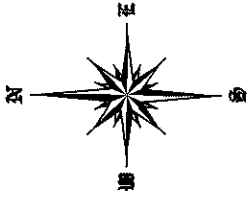
LEGAL DESCRIPTION:
SOUTH 40 FEET OF LOT 269,
COTTAGE HOMES, CITY OF BERKLEY,
OAKLAND COUNTY, MICHIGAN, AS
RECORDED IN LIBER 21, PAGE 27 OF
PLATS, OAKLAND COUNTY RECORDS.

LEGEND

- EX. GRADE x 870.00
- EX. INDEX CONTOUR
- EX. CONTOUR
- EX. WATER MAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- EX. OVERHEAD
- PR. DOWNSPOUT
- PR. GRADE
- PR. CONTOUR

ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:		
THOMAS M. SMITH P.S. PROFESSIONAL LAND SURVEYOR 7559 OLDE STURBRIDGE TRAIL tsmith7559@yahoo.com CLARKSTON, MICHIGAN 48348 PHONE: (248) 625-3276					
DRAWN BY TMS	JOB No. 21-237			DESCRIPTION COTTAGE HOMES PR. ROYAL	
DATE 12-02-21 SHEET No. 1				SCALE 1"=20'	

PLOT PLAN



ROYAL AVE.
(50 FT WD)

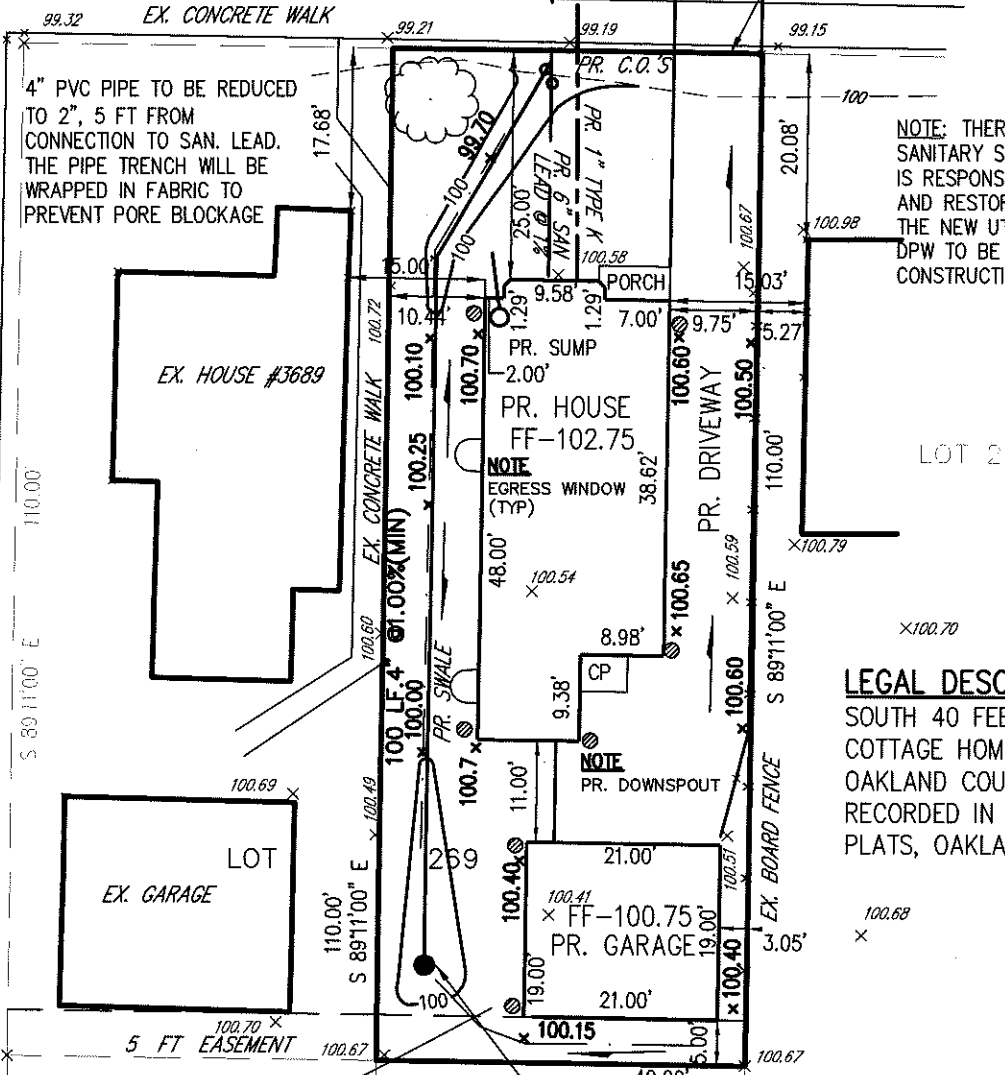
12" COMBINED SEWER

PROPOSED NEW SEWER CONNECTION
(TwisTee sewer saddle)

EX. 8" WATERMAIN

BENCHMARK:
NAIL IN TREE
101.00(ASSUMED)

N 00°45'00" E
40.00'



4" PVC PIPE TO BE REDUCED TO 2", 5 FT FROM CONNECTION TO SAN. LEAD. THE PIPE TRENCH WILL BE WRAPPED IN FABRIC TO PREVENT PORE BLOCKAGE

NOTE: THERE IS NO EXISTING SANITARY SEWER LEAD. THE APPLICANT IS RESPONSIBLE FOR ANY ROADWORK AND RESTORATION ASSOCIATED WITH THE NEW UTILITY CONNECTIONS. THE DPW TO BE CONTACTED PRIOR TO CONSTRUCTION

EDWARDS AVE.
(50 FT WD)

LOT 270

LEGAL DESCRIPTION:

SOUTH 40 FEET OF LOT 269, COTTAGE HOMES, CITY OF BERKLEY, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 21, PAGE 27 OF PLATS, OAKLAND COUNTY RECORDS.

NOTE: PROPOSED DOWNSPOUTS ARE NOT PERMITTED TO DISCHARGE DIRECTLY INTO THE COMBINED SEWER SYSTEM. DOWNSPOUTS TO BE DIRECTED TO GRASS AREAS AND PROPOSED SWALES.

NOTE: FINAL GRADE SHALL MATCH EXISTING GRADES ALONG ALL PROPERTY LINES.

INSTALL
4' dia M.H.
RIM 99.70
4" INV. 95.80 E

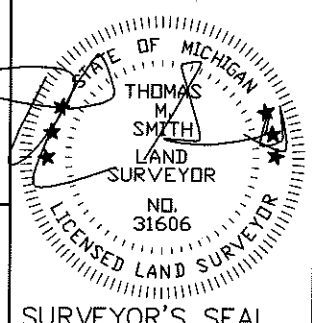
LEGEND

- EX. GRADE x 870.00
- EX. INDEX CONTOUR 880
- EX. CONTOUR 881
- EX. WATER MAIN x 100.58
- EX. STORM SEWER x 100.67
- EX. SANITARY SEWER x 100.79
- EX. OVERHEAD x 100.89
- PR. DOWNSPOUT x 99.00
- PR. GRADE x 99.00
- PR. CONTOUR 98

- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

ISSUED FOR: _____ REV'D BY: _____ ISSUED FOR: _____ REV'D BY: _____

THOMAS M. SMITH P.S.
PROFESSIONAL LAND SURVEYOR
7559 OLDE STURBRIDGE TRAIL tsmith7559@yahoo.com
CLARKSTON, MICHIGAN 48348 PHONE: (248) 625-3276



DRAWN BY TMS JOB No. 20-107

DESCRIPTION
COTTAGE HOMES
PR. ROYAL

DATE 02-29-21 SHEET No. 1 SCALE 1"=20'

SURVEYOR'S SEAL



PLOT PLAN

ROYAL AVE.
(50 FT WD)

12" COMBINED SEWER

PROPOSED NEW SEWER CONNECTION
(TwisTee sewer saddle)

EX. 8" WATERMAIN

BENCHMARK:
NAIL IN TREE
101.00(ASSUMED)

TC98.41

N 00°45'00" E
40.00'

TC98.52

99.32 EX. CONCRETE WALK

99.21

99.19

99.15

4" PVC PIPE TO BE REDUCED
TO 2", 5 FT FROM
CONNECTION TO SAN. LEAD.
THE PIPE TRENCH WILL BE
WRAPPED IN FABRIC TO
PREVENT PORE BLOCKAGE

17.68'

99.10

100.58

100.52

100.58

100.58

100.67

100.67

100.67

100.67

100.67

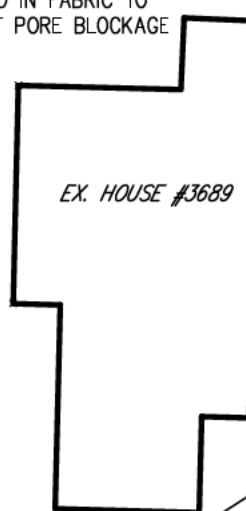
100.67

100.67

100.67

100.67

100.67



NOTE: THERE IS NO EXISTING
SANITARY SEWER LEAD. THE APPLICANT
IS RESPONSIBLE FOR ANY ROADWORK
AND RESTORATION ASSOCIATED WITH
THE NEW UTILITY CONNECTIONS. THE
DPW TO BE CONTACTED PRIOR TO
CONSTRUCTION

LOT 270

EDWARDS AVE.
(50 FT WD)

EX. CONCRETE WALK

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

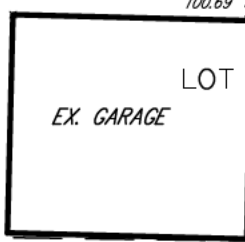
110.00'

S 89°11'00" E

110.00'

S 89°11'00" E

110.00'



EX. GARAGE

LOT

269

5 FT EASEMENT

100.70

100.67

100.67

100.67

100.67

100.67

100.67

100.67

100.67

100.67

100.67

100.67

100.67

100.67

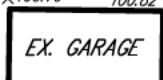
100.67

100.67

100.67

100.67

100.67



EX. GARAGE

LOT

299

100.79

100.82

100.82

100.82

100.82

100.82

100.82

100.82

100.82

100.82

100.82

100.82

100.82

100.82

100.82

NOTE: PROPOSED DOWNSPOUTS ARE
NOT PERMITTED TO DISCHARGE
DIRECTLY INTO THE COMBINED SEWER
SYSTEM. DOWNSPOUTS TO BE DIRECTED
TO GRASS AREAS AND PROPOSED
SWALES.

— THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED
FROM MUNICIPAL AND UTILITY COMPANIES RECORDS.
NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS
OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY
TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES.
ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER
PRIOR TO CONSTRUCTION.

— THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING
DAYS PRIOR TO CONSTRUCTION.

INSTALL
4' dia M.H.
RIM 99.70
4" INV. 95.80 E

LEGAL DESCRIPTION:

SOUTH 40 FEET OF LOT 269,
COTTAGE HOMES, CITY OF BERKLEY,
OAKLAND COUNTY, MICHIGAN, AS
RECORDED IN LIBER 21, PAGE 27 OF
PLATS, OAKLAND COUNTY RECORDS.

NOTE: FINAL GRADE SHALL MATCH
EXISTING GRADES ALONG ALL PROPERTY
LINES.

LEGEND

- EX. GRADE
- EX. INDEX CONTOUR
- EX. CONTOUR
- EX. WATER MAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- EX. OVERHEAD
- PR. DOWNSPOUT
- PR. GRADE
- PR. CONTOUR

ISSUED FOR:

REV'D BY:

ISSUED FOR:

REV'D BY:

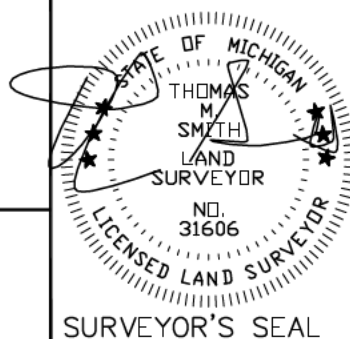
THOMAS M. SMITH P.S.
PROFESSIONAL LAND SURVEYOR

7559 OLDE STURBRIDGE TRAIL tsmith7559@yahoo.com
CLARKSTON, MICHIGAN 48348 PHONE: (248) 625-3276

DRAWN BY TMS JOB No. 20-107

DESCRIPTION
COTTAGE HOMES
PR. ROYAL

DATE 02-29-21 SHEET No. 1 SCALE 1"=20'



SURVEYOR'S SEAL

April 9, 2021

City of Berkley
338 Coolidge Highway
Berkley, Michigan 48072

Attn: Ms. Kim Anderson, Building Clerk
Mr. Matthew Baumgarten, City Manager

Re: 3679 Royal Ave
Plot Plan - Review No. 1
City of Berkley, Michigan

HRC Job No. 20210347.02

Dear Ms. Anderson and Mr. Baumgarten:

In accordance with your request, as Consulting Engineers for the City of Berkley, our office has conducted a Plot Plan review for the above referenced proposed development for compliance with the City of Berkley's engineering and site plan requirements. The plan was prepared by Thomas M. Smith, P.S. of Clarkston, Michigan with an issue date of February 29, 2021 and received by this office via email on March 24, 2021. The scope of the project includes the construction of a new residence, driveway, and garage on a currently vacant lot. Per the City's standards and requirements for construction, we hereby offer the following comments:

General:

1. The Parcel Number must be included on the Plot Plan.
2. The Contractor performing the work is responsible for obtaining all necessary permits from the Community Development Department, paying all required fees, and establishing the required inspection escrows. These may include but are not limited to permits for the primary building, driveway, water and sewer service lead connections, and garage structure. The City DPW must be contacted prior to work commencing regarding this item.
3. Permits may be required from the Oakland County Water Resources Commissioner (OCWRC) for Soil Erosion and Sedimentation Control (SESC). The Applicant must verify with OCWRC whether a permit will be required by their office.

Recommendation:

Based on our aforementioned comments, we recommend approval of the proposed Plot Plan subject to the Applicant addressing the above comments regarding the Parcel Number and obtaining and submitting copies of any required permits to the City.

If you have any questions or require any additional information, please contact our office.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Edward D. Zmich
Review Engineer

EDZ/mas

pc: City of Berkley, Mr. Shawn Young
HRC; R. Alix, M. Stark, File

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

PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-07-21

Patrick Raye is requesting a dimensional variance at 3679 Royal, Parcel #25-07-384-051, for a single-family dwelling proposed to be located less than 15 ft. from adjacent dwelling, located at 3679 Royal.

1. The single-family dwelling is proposed to be 9 ft. 6 in. from the adjacent dwelling.

Berkley City Code

1. *Berkley City Code*, Chapter 138 *Zoning*, Article V, Division 17, Sec.138-527(d), *Notes to Schedule of Regulations* requires a minimum separation distance of at least 15 feet between dwellings. The homeowner is requesting a 9 ft. 6 in. separation distance for the proposed addition.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

MEGAN MASSON-MINOCK
COMMUNITY DEVELOPMENT

Publish Once:

Royal Oak Tribune
Thursday, December 23, 2021

**PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-07-21

Patrick Raye is requesting a dimensional variance at 3679 Royal, Parcel #25-07-384-051, for a single-family dwelling proposed to be located less than 15 ft. from adjacent dwelling, located at 3679 Royal. The single-family dwelling is proposed to be 9 ft. 6 in. from the adjacent dwelling.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

**PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-07-21

Patrick Raye is requesting a dimensional variance at 3679 Royal, Parcel #25-07-384-051, for a single-family dwelling proposed to be located less than 15 ft. from adjacent dwelling, located at 3679 Royal. The single-family dwelling is proposed to be 9 ft. 6 in. from the adjacent dwelling.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

**PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-07-21

Patrick Raye is requesting a dimensional variance at 3679 Royal, Parcel #25-07-384-051, for a single-family dwelling proposed to be located less than 15 ft. from adjacent dwelling, located at 3679 Royal. The single-family dwelling is proposed to be 9 ft. 6 in. from the adjacent dwelling.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

**PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-07-21

Patrick Raye is requesting a dimensional variance at 3679 Royal, Parcel #25-07-384-051, for a single-family dwelling proposed to be located less than 15 ft. from adjacent dwelling, located at 3679 Royal. The single-family dwelling is proposed to be 9 ft. 6 in. from the adjacent dwelling.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

ROCKY HUDDLESTON
3651 ROYAL AVE
BERKLEY MI 48072 3434

DONALD KLINGER
3733 OAKSHIRE AVE
BERKLEY MI 48072 1417

Occupant
3595 ROYAL AVE
BERKLEY MI 48072 1454

ATHENA MARQUEZ
EVELYN MARQUEZ
3641 ROYAL AVE
BERKLEY MI 48072 3434

RICHARD HERVONEN
3642 PHILLIPS AVE
BERKLEY MI 48072 3422

JANICE GONG
3855 YORBA LINDA BLVD
ROYAL OAK MI 48073 6766

BRYAN STOWINSKY
CATHERINE STOWINSKY
3690 ROYAL AVE
BERKLEY MI 48072 3433

TIFFANY R MELLER
3665 OAKSHIRE AVE
BERKLEY MI 48072

SEAN SCULLEN
3753 BUCKINGHAM AVE
BERKLEY MI 48072 1428

JOANNE HANKINS
3666 OAKSHIRE AVE
BERKLEY MI 48072 3412

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

ANDREA M CONNORS
3763 OAKSHIRE AVE
BERKLEY MI 48072 1417

KELLY R QUINLAN
3665 ROYAL AVE
BERKLEY MI 48072 3434

ALAN COWIE
3678 ROYAL AVE
BERKLEY MI 48072 3433

KRISTOPHER HERMANN
3679 OAKSHIRE AVE
BERKLEY MI 48072

DIANA SCOTT
3617 BUCKINGHAM AVE
BERKLEY MI 48072 1464

DELWYN GRAY
3650 OAKSHIRE AVE
BERKLEY MI 48072 3412

JONATHAN R MCNURLEN
LAUREN MCNURLEN
3640 ROYAL AVE
BERKLEY MI 48072 3433

TRACEY SZERLAG
3781 BUCKINGHAM AVE
BERKLEY MI 48072 1428

MAHER SHAKARNA
3679 BUCKINGHAM AVE
BERKLEY MI 48072 1464

KYLE MCCAULEY
PAMELA MCCAULEY
3666 ROYAL AVE
BERKLEY MI 48072 3433

Occupant
3714 OAKSHIRE AVE
BERKLEY MI 48072 1418

ROBERT HAMILTON
VALERIE WEST
3642 OAKSHIRE AVE
BERKLEY MI 48072 3412

JARED C PUVALOWSKI
3748 ROYAL AVE
BERKLEY MI 48072 1457

AUGUSTUS HOMES DE LLC
26111 W 14 MILE RD STE 106
FRANKLIN MI 48025 1170

CHARLENE E HAYES
3622 OAKSHIRE AVE
BERKLEY MI 48072 3412

Occupant
3764 ROYAL AVE
BERKLEY MI 48072 1457

KIMBERLY WEST
3665 BUCKINGHAM AVE
BERKLEY MI 48072 1464

ELIZABETH A TOFTEY TRUST
3603 BUCKINGHAM AVE
BERKLEY MI 48072 1464

SHEASTON LLC.
1181 TROWBRIDGE RD
BLOOMFIELD HILLS MI 48304 2941

CHRISTOPHER PAYNE
LINDSAY PAYNE
3650 PHILLIPS AVE
BERKLEY MI 48072 3422

TRICIA KRUEGER
3600 ROYAL AVE
BERKLEY MI 48072 3433

TIMOTHY W ODETT
3690 OAKSHIRE AVE
BERKLEY MI 48072 3412

ROBERT A BERGMAN
3747 OAKSHIRE AVE
BERKLEY MI 48072 1417

E C MCCULLOUGH
3796 ROYAL AVE
BERKLEY MI 48072 1457

JANICE M SZALAY
3675 ROYAL AVE
BERKLEY MI 48072 3434

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

ALAN H KIDECKEL
3625 OAKSHIRE AVE
BERKLEY MI 48072 3414

LARRY EDDENS
MARYANN M EDDENS
3689 BUCKINGHAM AVE
BERKLEY MI 48072 1464

SAMIR MUCA
ANTONELA MUCA
3689 ROYAL AVE
BERKLEY MI 48072 3434

Occupant
3599 ROYAL AVE
BERKLEY MI 48072 1454

RYAN PRATTO
COLETTE SHELL
3781 ROYAL AVE
BERKLEY MI 48072 1456

HILLIAN HOMES INC
1231 LACROSSE TRL
OXFORD MI 48371 6606

AUGUSTUS HOMES DE LLC
26111 W 14 MILE RD STE 106
FRANKLIN MI 48025 1170

ALEXANDER SHELLY
RODNEY SHELLY
3774 OAKSHIRE AVE
BERKLEY MI 48072 1418

MICHAEL REYNOLDS
SUSAN PELLEGRINO
3633 OAKSHIRE AVE
BERKLEY MI 48072 3414

CAITLIN G CARDIN
JASON A RUDY
3617 OAKSHIRE AVE
BERKLEY MI 48072 3414

RYAN KNAPP
3676 OAKSHIRE AVE
BERKLEY MI 48072 3412

MARK W HUBER
3666 PHILLIPS AVE
BERKLEY MI 48072 3422

KATHLEEN M KARLIS
3731 ROYAL AVE
BERKLEY MI 48072 1456

Occupant
3671 BUCKINGHAM AVE
BERKLEY MI 48072 1464

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

LISA GERASIMIDIS
3747 ROYAL AVE
BERKLEY MI 48072 1456

CRYSTAL HOMES LEASING LLC
51820 STONERIDGE DR
SHELBY TOWNSHIP MI 48316 3884

ERIK PEDERSEN
NADIA STECKER
3689 OAKSHIRE AVE
BERKLEY MI 48072 3414

VICTOR SPICER
JULIE SPICER
3734 ROYAL AVE
BERKLEY MI 48072 1457

ALEXANDRIA IRENE CHRUMKA
3621 BUCKINGHAM AVE
BERKLEY MI 48072 1464

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

CONNOR M MCLOUGHLIN
3731 BUCKINGHAM AVE
BERKLEY MI 48072 1428

ROBERT A BERGMAN
3747 OAKSHIRE AVE
BERKLEY MI 48072 1417

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

WAYNE ATFIELD
3618 ROYAL AVE
BERKLEY MI 48072 3433

JAMES NORRIS
KARA NORRIS
3578 ROYAL AVE
BERKLEY MI 48072 1455

Occupant
3690 PHILLIPS AVE
BERKLEY MI 48072 3422

ROBERT T SCOTT
3589 ROYAL AVE
BERKLEY MI 48072 1454

Occupant
3629 BUCKINGHAM AVE
BERKLEY MI 48072 1464

SHIRLEY A UNDERWOOD REV LVNG TRST
10280 PERRY LAKE RD
CLARKSTON MI 48348 2012

PATRICK MORRISON
ERIN MORRISON
3721 BUCKINGHAM AVE
BERKLEY MI 48072 1428

FRANK C IRONS
8909 E GILLOW RD
MERRITT MI 49667 9733

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

DANIEL PETROSKY
MARIA KOSUKHA
3782 OAKSHIRE AVE
BERKLEY MI 48072 1418

LORENE BRANCH
3713 BUCKINGHAM AVE
BERKLEY MI 48072 1428

DANIEL PHILLIPS
JILL PHILLIPS
3684 OAKSHIRE AVE
BERKLEY MI 48072 3412

Occupant
3765 ROYAL AVE
BERKLEY MI 48072 1456

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

Occupant
3617 ROYAL AVE
BERKLEY MI 48072 3434

JESSICA MARIE WIESELER
NATHAN JON WIESELER
22986 DUNDEE CT
BEVERLY HILLS MI 48025 3411

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

AUGUSTUS PROPERTY INVESTORS ALPHA
PO BOX 250548
FRANKLIN MI 48025 0548

Occupant
3744 OAKSHIRE AVE
BERKLEY MI 48072 1418

HASHIM H MIR
3630 ROYAL AVE
BERKLEY MI 48072 3433

Occupant
3758 OAKSHIRE AVE
BERKLEY MI 48072 1418

JOHN DWAN
5122 MORNINGSIDE DR
HOUSTON TX 77005 2539

Occupant
3758 ROYAL AVE
BERKLEY MI 48072 1457

REBECCA V LINCOLN
26480 IRVING RD
FRANKLIN MI 48025 1026

BRUCE WILLHOFT
3713 OAKSHIRE AVE
BERKLEY MI 48072 1417

DELYAN RAYCHEV
NICOLE RAYCHEV
1768 CREEK DR
SAN JOSE CA 95125 1840

CHRISTOPHER DECKER
ELIZABETH DECKER
3713 ROYAL AVE
BERKLEY MI 48072 1456

ERIKA GUTSCHER
3684 ROYAL AVE
BERKLEY MI 48072 3433

ADAM CLOUS
3714 ROYAL AVE
BERKLEY MI 48072 1457

Occupant
3622 ROYAL AVE
BERKLEY MI 48072 3433

IRINA UDOVICHENKO
4479 PHILIP
COMMERCE TOWNSHIP MI 48382 1480

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

ERIN WOOLFORD
EVAN WOOLFORD
3580 OAKSHIRE AVE
BERKLEY MI 48072

THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, AUGUST 10, 2021 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/cityofberkeley>.

PRESENT: Erick McDonald
Sue McAlpine
Maria Ward
Joseph V. Krug
Kevin Wilner
Miles Uhlar
Mark Riley (Alternate)

ABSENT: Ryan J. Gesund

ALSO PRESENT: Scott Merian, 3497 Tyler
James Terbrueggen, Grand Blanc, MI
Janice Zalay, 3675 Royal Ave., Berkley
Erin Schlutow, Community Development Director
Dennis Hennen, City Council Liaison

APPROVAL OF AGENDA

It was moved by Ms. McAlpine to approve the agenda. Motion supported by Mr. Krug.

AYES: McAlpine, Uhlar, Ward, Wilner, MacDonald, Krug, Riley, Evans
NAYS: None
ABSENT: Gesund

MOTION CARRIED

APPROVAL OF MINUTES

It was moved by Mr. Uhlar to approve the minutes of July 12, 2021, as presented. Motion supported by Ms. Ward. Mr. Krug was absent from that meeting, but we had advance notice of that.

Mr. Uhlar proposed an amendment with the respect to the comment that Mr. Evans specified that he was withdrawing and resigning in light of City Council's decision to not defend the Zoning Board of Appeals decision.

It was moved by Mr. Uhlar to approve the minutes of July 12, 2021, as amended. Motion supported by Ms. Ward.

AYES: McAlpine, Uhlar, Ward, Allen, Evans, MacDonald, Riley, Wilner, Krug
NAYS: None

ABSENT: Gesund

EXCUSE ABSENCE OF MR. GESUND

Mr. Gesund supplied advanced notice that he will not be able to attend tonight’s meeting. So, will need to officially excuse him from this evening.

It was moved by Ms. Ward to approve to excuse Mr. Gesund from August 10, 2021 ZBA meeting. Motion supported by Mr. Uhlar.

AYES: McAlpine, Uhlar, Ward, Allen, Evans, McDonald, Riley, Wilner, Krug

NAYS: None

ABSENT: Gesund

MOTION CARRIED

* * * * *

OLD BUSINESS

1. **APPLICATION PBA-06-21; 3497 Tyler. Variance requests to construct a rear addition on a non-conforming dwelling that does not meet the required sideyard setbacks, does not meet the minimum separation distance between dwellings and exceeds lot coverage.**

*Summary Changes: Reducing the request from 41% lot coverage to 37.5%, they shrunk the garage in order to better meet those requirements. Background and scope are present and has not changed. No other specifications changed – just reducing the size of the garage.

Petitioner:

Scott Merian
3497 Tyler
Berkley, MI 48072

Mr. Merian stated that he hoped that with the proposed reduction that the Board would consider approving the petition.

The applicant was asked if they could reduce the lot coverage 37.5% to 35%. Mr. Merian replied that a reduction to 35% will not suit their needs as a family.

The Board discussed whether a variance exceeding the 35% coverage had been approved previously. Community Development Director Schlutow said each case is treated separately, due to each circumstance. There had been no communication from any neighbors in regard to this case of any issues.

The Board asked when was the 35% lot coverage was adopted? Community Development Director Schlutow said during her tenure the lot coverage had been 35% and seems to be the historical standard.

The Board discussed whether the proposed was the minimum possible and if petitioner could reduce the garage to smaller size. The applicant stated that if he can maintain the integrity of the house, he can make changes to the garage but would like to park his car in it at some point. The applicant indicated that a reduction of the house addition would not be suitable for his family.

1st Variance Request – Variance requests to construct a rear addition on a non-conforming dwelling that does not meet the required sideyard setbacks

Motion by Ms. Ward - move to adopt the request for a variance to construct a rear addition that does not meet the required side yard setback located at 3497 Tyler, Parcel #25-07-451-034, zoned single-family residential – to be approved due to the following findings of fact that the five standards of review have been met.

- 1) The need for the variance is due to the 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 applicant as well as other property owners.
- 5) The requested variance will not adversely impact the surrounding properties.

Motion supported by Mr. Krug

AYES: Uhlar, Ward, Wilner, Krug, McDonald, Riley, McAlpine
 NAYS: None
 ABSENT: Gesund

2nd Variance Request – Construct an addition on a non-conforming structure that encroaches into the minimum 15 feet separation distance.

Motion by Mr. Uhlar, motion to approve. Supported by Ms. Ward.

AYES: Uhlar, Ward, Wilner, Krug, McDonald, Riley, McAlpine
 NAYS: None
 ABSENT: Gesund

3rd Variance Request – Construct an addition on a non-conforming structure that does not meet the required side yard setback.

Mr. Merian withdrew his request for this variance.

* * * * *

NEW BUSINESS

2. **ELECTIONS**

Matter of electing a Chair and Vice Chair to the Zoning Board of Appeals.

Ms. Ward recommends postponing the election due to new members and one member absent until all Members are present to vote. A motion was made to postpone the elections until the next meeting.

Motion by Ms. Ward. Motion supported by Mr. Krug.

AYES: Uhlar, Ward, Wilner, Krug, McDonald, Riley, McAlpine
NAYS: None
ABSENT: Gesund

* * * * *

OTHER BUSINESS

None

* * * * *

STAFF / BOARD MEMBER REPORT

Community Development Director Schlutow

Master Plan has been drafted and it out for the required 63-day public comment period. Available on our website and will be there until Sept. 23, 2021.

* * * * *

LIAISON REPORT

None

* * * * *

PUBLIC COMMENTS

Janice Zalay
3675 Royal Ave.
Berkley

I am here today as a resident of Berkley, and my property has been a certified national wildlife backyard habitat since 2004. It is my understanding that the last 9 months the Berkley Building Department approved a lot split and new building construction plans for properties at 3679 Royal (which is currently vacant lot and undeveloped site) and 3689 Royal, which is an approved site. These properties are

adjacent to my property to the north and the property 3679 is immediately adjacent to my property. Property 3689 Royal abuts the property of 3679 to the north. I am here to introduce myself and present to the ZBA my formal protest, that I have also filed with the City Council I am filing a formal protest to the lot split and the proposed new building construction plans for 3679 and 3689 Royal Ave., which were unilaterally approved by the City's Building Inspector because the lot split and the new building construction are clearly not in conformity with Berkley's Schedule of Regulations and notes to regulations of zoning districts R1D and should have been submitted to the ZBA for a variance request, input from affected neighbors, and after input a decision - approval/disapproved should have been made by ZBA. All requirements from MI Land Division Act. Please review and consider my protest.

** All materials received earlier that day by ZBA Council and Community Development Director Schlutow. City staff will be following up with resident. Community Development Director Schlutow to report back to Council at the next meeting.

Ms. Ward made a statement about the resignations of Chairman Evans and Mr. Allen.

* * * * *

With no further business, the meeting was adjourned at 8:03 pm.



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: Berkley Zoning Board of Appeals

From: Megan A. Masson-Minock; Interim Community Development Director

Subject: **PBA-11-21; 1490 Franklin – Request for appeal, interpretation and/or use variance as to whether the definition of a home occupation includes a Federally Licensed Firearms Dealer**

Date: January 5, 2022

APPLICANT: Steven Nowak, property owner

LOCATION: Northeast corner of Franklin Road and Cass Boulevard

PARCEL ID: # 25-17-257-009

REQUEST: The applicant is appealing the decision by the City Manager that the definition of a home occupation in the Zoning Ordinance does not include a Federally Licensed Firearms Dealer, requesting an interpretation of the definition of a home occupation and/or a use variance to allow a Federally Licensed Firearms Dealer.

REQUIRED: The R-1D Single-Family Residential District allows the following uses:

1. Principal uses permitted:
 - a. Single-family detached dwellings.
 - b. Publicly owned and operated libraries, parks, parkways and recreational facilities.
 - c. Municipal buildings and uses.
 - d. Accessory buildings and uses.
 - e. Temporary buildings and uses for construction purposes as permitted by the board of appeals for a period not to exceed one (1) year.
 2. Special uses permitted:
 - a. Churches and other facilities normally incidental thereto.
 - b. Public, parochial and private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
 - c. Nursery schools, day nurseries and child care centers.
-

- d. Public utility buildings, telephone exchange stations, electric transformer stations and substations and gas regulator stations.
- e. Individual mobile homes located on a single parcel of land or lot in accordance with Zoning Ordinance Section 138-298, pertaining to mobile homes in single-family residential districts.

Home occupations are allowed as an accessory uses to single-family detached dwellings. In Article 2 of the City of Berkley Zoning Ordinance, home occupation is defined as “An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. There shall be no exterior display other than 1 nonilluminated name plate, which is not more than 2 square feet in area which may be attached to the building. No stock in trade or commodity sold shall be kept on the premises. Nursing homes, tea rooms, tourist homes, beauty parlors, retail business or trade shall not be considered home occupations.”

ZONING AND LAND USE

The subject property is zoned R-1D, Single Family Residential.

Property	Zoning District	Land Use
Subject Site	R-1D, Single Family Residential	Single family detached dwelling
West	R-1D, Single Family Residential	Single family detached dwelling
East	R-1D, Single Family Residential	Single family detached dwelling
North	R-1B, Single Family Residential	Single family detached dwelling
South	R-1D, Single Family Residential	Single family detached dwelling

Aerial Photograph



Source: Oakland County Parcels Plus

BACKGROUND

City records for 1490 Franklin show that it was built as bungalow in 1955. The applicant states in his application that City staff in 2014 signed off on the Alcohol, Tobacco and Firearms (ATF) license for Wolverine Armory, as well as the renewal in 2017. No record of either approval has been found in City records. ATF licenses of this nature are renewed once every three (3) years.

In 2018, then Community Development Director Tim McLean restricted a business permit for a similar home occupation at 2588 Sunnyknoll. In that determination, the City clearly articulated that for a firearms business to be considered compliant with local zoning as a lawful home occupation in a single-family zoning district, there can be no on-site sales of firearms, no manufacturing, no firearms display or showroom on-site, no clients on-site and the home occupation must be strictly incidental to the primary use of the residence as a home. At that time, the City received verification that Federal Firearms licenses had been issued in the City of Berkeley for Wolverine State Armory, LLC at 1490 Franklin Road and for Paragon Arms at 1406 Catalpa Drive. No documentation of City approval of the home occupation at 1406 Catalpa was found in City records. All license sign offs by the City were before this 2018 decision.

In December of 2020, the City Building Department received an e-mail from the ATF Field Division regarding a potential zoning violation in regard to Wolverine State Armory. In April of 2021, the ATF informed the City that they were in a position to renew Wolverine State Armory's license, but that would depend on whether the City approved of the business being conducted. On November 10, 2021, City Manager Matt Baumgarten sent a letter stating that since the business includes the in-person purchase and transfer ownership of materials that Wolverine State Armory is not permitted as a home occupation.

SUMMARY OF REQUESTS

The applicant is requesting to continue the Federally Licensed Firearms Dealer by asking for:

- An appeal of the decision by the Zoning Administrator that Wolverine State Armory does not meet the definition of a home occupation in the Zoning Ordinance; and
- An interpretation of the definition of a home occupation; or
- A use variance to allow a Federally Licensed Firearms Dealer at 1490 Franklin

STANDARDS FOR REVIEW

The standards for review for an appeal and interpretation are different from those for a use variance as described below:

Appeal and Interpretation

Section 138-621 of the Zoning Ordinance states that an appeal may be taken to the Zoning Board of Appeals by any person or by any office, department, board or bureau aggrieved by a decision of the Zoning Officer or Planning Commission. In this case, the applicant, Steven Nowak, is appealing the decision of the City Manager, who was acting as the Zoning Officer.

Per Section 138-626 of the Zoning Ordinance, the Board of Zoning Appeals may affirm or reverse, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Officer. After a public hearing, the Board must reach a decision within ninety days (90) days of the date of the public hearing.

The Zoning Ordinance City defines as:

“An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. There shall be no exterior display other than 1 nonilluminated name plate, which is not more than 2 square feet in area which may be attached to the building. No stock in trade or commodity sold shall be kept on the premises. Nursing homes, tea rooms, tourist homes, beauty parlors, retail business or trade shall not be considered home occupations.”

The key question is whether the home occupation of the particular business - Wolverine State Armory - is a retail use. In his application, the applicant states that no items are purchased or traded on the premises. However, in correspondence with the ATF, an officer described the general nature of the license as one that allows customers to come to the home to fill out required federal paperwork, including a background check, and then to pick up the firearms at the home, since federal law prohibits the licensee from shipping firearms directly to non-licensed customers. While it is clear that the material is stored on-site, it is unclear if the firearms are picked up at this address.

More information from the applicant as to the process of where and when paperwork is filled out and firearms picked up is needed to determine if their process differs from the typical Federal Firearms License of this nature.

Use Variance

Per Section 138-606 of the Zoning Ordinance, the Zoning Board of Appeals shall not vary the regulations of Section 138-606, unless it makes findings based upon the evidence presented to it in each specific case for a use variance that:

A. *The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district.*

The building can be reasonably used as a single-family home.

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

The need for the variance is not due unique circumstances or physical conditions of the property.

C. *The proposed use will not alter the essential character of the neighborhood.*

The proposed use will not alter the essential character of the neighborhood. Wolverine State Armory has been operating since 2014, without altering the character of the neighborhood.

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

The need for variance is the result of desire of the owner of the property to continue to operate a Federally Licensed Firearms Dealer as a home occupation.

Summary

For an appeal, the Zoning Board of Appeals will need to affirm or reverse, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Officer. If the Board choose to reverse or modify the order, the Board should make findings as to why the decision is modified or reversed. The Board should also provide an interpretation of the home occupation for a Federal Firearms License to clarify the definition in future cases.

For a use 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. Also, if granted, the use variance would run with the land and give the same use options to any future owners.

We recommend that the Board rule on the appeal and interpretation first and, if the decision is affirmed, then rule on the use variance.

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
Kim Anderson, Building Clerk
John Lipchik, Building Official
Steven Nowak, steez138@gmail.com, wolverinestatearmory@gmail.com



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: Steven Nowak Phone: [REDACTED]

Address: 1490 Franklin Rd, Berkley, 48072

Email: [REDACTED]

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

Owner

PROPERTY OWNER INFORMATION (if different from Applicant)

Name: _____ Phone: _____

Address: _____

Email: _____

PROPERTY DESCRIPTION

Address: 1490 Franklin Rd, Berkley, MI 48072

Parcel #: 25-17-257-009 Zoning Classification: R1-D

Current Use of Property: Single Family Residence and Small Business

NATURE OF REQUEST

Check which applies:

- CA*
- ~~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: The address above was approved by Amy Vansen 7 years prior to be used as my residence and as an operating FFL small business. I would ask to continue operating.

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: Residence and small home business

Requested Use of Property: Continued use of both

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.

~~There are no changes that would need to be made to the land or structure. All security needs and space have been in operation for the last 7 years without issue. The licensing and business were both signed off by the City of Berkley and the ATF without issue.~~

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

~~The variance is needed to renew my current federal license.
No physical conditions will need to be met.~~

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

~~There will be no changes to the character of the the neighborhood as the small business has been in operation for the last 7 years with no knowledge to anyone except for neighbors and local businesses and charities that utilized our small business operation.~~

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

~~I am the property owner and have changed nothing to the property and business. I also meet all legal requirements for licensing.~~

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 or physical conditions of the property.

N/A

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

N/A

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.

N/A

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

N/A

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

~~N/A no changes will be made to the property~~

II. INTERPRETATION OF ZONING ORDINANCE

Provide Section numbers of Zoning Ordinance to be interpreted: Zoning Ordinance Sec. 138-32

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

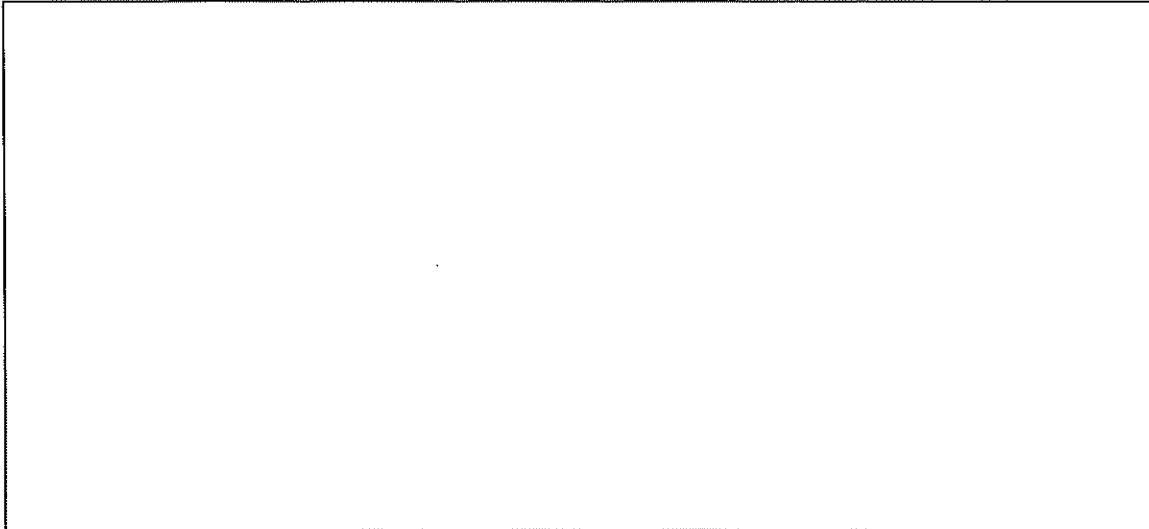
I am requesting to have continued use of my current residence as a home office/business as was granted by Amy Vansen in 2014 and approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives. She conducted discussions with the Detroit branch of the ATF and granted approval as needed for the federal licensing at which time an on site inspection was conducted by the ATF. Since that time a second inspection has been conducted and passed with no issues. Wolverine State Armory LLC originally applied for a manufacturing (type 7) and were denied due to zoning reasons and were informed by then zoning director Amy Vansen that we could apply for our current FFL dealer only license (type 3), which we were approved for by the City of Berkley and ATF. At that time we were not the only type 3 FFL and SOT home business holders. Paragon Arms, owned and operate by Randall Schwarb located on the North Eastern most block of Catalpa Rd, was in business and approved by the City of Berkley between the years of 2013 to 2017, until his move for unrelated issues. The city approved his home business as well based on the fact that there is no inventory, business hours (by appointment only) and no street use parking, which is identical to Wolverine State Armory business model. In no way was Paragon Arms asked to close shop and was in accordance to Michigan as a... (Continued)

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)

SN 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.

SN 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)

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

SN 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.

SN 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.

Steven Nowak	<i>Steve Nowak</i>	12/08/2021
Applicant Name (print)	Applicant Signature	Date

Applicant Name (print)	Applicant Signature	Date
------------------------	---------------------	------

Steven Nowak	<i>Steve Nowak</i>	12/08/2021
Property Owner Name (print)	Property Owner Signature	Date

Office Use Only

Received _____ Receipt # _____ Meeting Date _____ Case # _____

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

(Continued from Section II. Interpretation of Zoning Ordinance)

pre-emptive state, meaning the state is the only governing body that can make gun laws. In accordance with home business regulations, we were both granted permission as interpreted by the previous zoning director. We are asking for the City of Berkley to honor the original approval for our continued home office/ small business use. During our original approval process the ATF, as we are waiting now for our license renewal, would not have granted us our license without the consent of the City of Berkley. Wolverine State Armory has already had our Federal Firearms License renewed once, since our initial approval in 2017, in standard accordance with ATF regulations for renewal every three years with no issue. This is our third renewal request of our FFL (7th SOT NFA renewal, which was granted immediately). We have been conducting business off our current Letter of Authorization (LOA) to stay in legal accordance with ATF regulations. Per legal regulations the LOA will continue to be issued while storage of individuals personal items can be completed.

In regard to the definition of home occupation (Zoning Sec 138-32):

1. I am the current occupant/owner of the dwelling with the primary use as a home dwelling/residence.
2. **No** stock or retail inventory is kept at this location. All items on the premises are privately owned and paid for off premises. **No** items are purchased or traded on premises.
3. There is no parking on city property by any individual.
4. There is no signage in any form including nonilluminated name plates less than 2 square feet.
5. Items are shipped/received for storage purpose only. Wolverine State Armory facilitates federal paperwork.
6. No more than 5% of the dwellings square footage is used for office/business operations.
7. No items are ever view of the neighboring residents in any way.
8. All items are securely stored, and proper security measures are in place (home security system, cameras, motion sensors, entry sensors, alarms, and highly secure non-movable safes.

I am hoping for the board to interpret this zoning issue as a home residence containing a home office/business and not a retail or trade business since under the ordinance definition there is no purchasing or trade of retail goods on site and all other ordinance matters under zoning sec 138-32 are being observed. Wolverine State Armory LLC adheres to all local, state and federal regulations and is a licensed tax paying LLC under state law as to be in adherence of Federal laws and regulations.

Thank you,
Steve Nowak



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: Berkley Zoning Board of Appeals

From: Megan A. Masson-Minock; Interim Community Development Director

Subject: **PBA-11-21; 1490 Franklin – FFL Application**

Date: January 6, 2022

Please find attached an email from the applicant and the copy of the original dealer FFL application for 1490 Franklin. After receiving the staff review for the case, the applicant provided the attached information. Due to the short time frame before the packet was to go out, the applicant was not able to submit a formal cover letter and agreed for the email to be included with the copy of the application.

19

Application for Federal Firearms License

For ATF Use Only

1. Name of Owner or Corporation (If partnership, include name of each partner)

WOLVERINE STATE ARMORY LLC

43808483

2. Trade or Business Name, if any
WOLVERINE STATE ARMORY LLC

3. [Redacted]

4. Name of County in Which Business is Located
Oakland

5. Business Address (RFD or street number, city, State, and ZIP code) (NOTE: The business address CANNOT be a P.O. Box)

1490 Franklin Rd
Berkeley, MI 48072

6. Mailing Address (If different from address in item #5)

1490 Franklin Rd
Berkeley, MI 48072

7. Contact Numbers (Include Area Code)

Business Phone 248-798-3047

Fax Number N/A

Cell Phone [Redacted]

24 Hour Emergency # (If different) [Redacted]

8. Applicant's Business is (Select one)

Individually Owned A Partnership A Corporation Other (Specify) LLC SM

9. Describe Specific Activity Applicant is Engaged in, or Intends to Engage in, Which Requires a Federal Firearms License. (Sale of ammunition alone does not require a license)

Sale of Title 1 Firearms and Title 2 Firearms

10. Do You Intend to Engage in Business as a Pawnbroker?
 Yes No

11. Application is Made for a License Under 18 U.S.C. Chapter 44 as a: (Place an "X" in the appropriate box. Submit the fee noted next to the box with the application. Licenses are issued for a 3-year period. See instruction #13 for payment information.)

Type	Description of License Type	Fee
01/02	Dealer (01), Including Pawnbroker (02), in Firearms Other Than Destructive Devices (includes: Rifles, Shotguns, Pistols, Revolvers, Gasmlth activities and National Firearms Act (NFA) Weapons)	\$200 <input checked="" type="checkbox"/>
06	Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition	\$30 <input type="checkbox"/>
07	Manufacturer of Firearms Other Than Destructive Devices	\$150 <input type="checkbox"/>
08	Importer of Firearms Other Than Destructive Devices or Ammunition for Firearms Other Than Destructive Devices, or Ammunition Other Than Armor Piercing Ammunition (NOTE: Importer of handguns and rifles, see instruction #8.)	\$150 <input type="checkbox"/>
09	Dealer in Destructive Devices	\$3000 <input type="checkbox"/>
10	Manufacturer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition	\$3000 <input type="checkbox"/>
11	Importer of Destructive Devices, Ammunition for Destructive Devices or Armor Piercing Ammunition (See instruction #8)	\$3000 <input type="checkbox"/>
Total Fees \$		\$200.00

12. Method of Payment (Check one)

Check (Enclosed) Cashier's Check or Money Order (Enclosed) Visa Mastercard American Express Discover Diners Club

[Redacted Payment Information]

I am Paying the Application Fee for the Following Person, Corporation, or Partnership:

WOLVERINE STATE ARMORY LLC

Total Application Fees: \$200

I authorize ATF to charge my credit/debit card the above amount.

Federal Firearms

[Signature]

Signature of Cardholder

MAR 16 2015

03-02-2015

Date

Your credit/debit card will be charged the above stated amount upon receipt of your application. The charge will be reflected on your credit/debit card statement. In the event a license/permit is NOT issued, the above amount will be refunded to you within 30 days of the date noted above.

Copy 1 - ATF Copy

ATF B-Form 7 (5/31/12)
Revised May 2005

LI15031372843

14. Is Applicant Presently Engaged in a Business Requiring a Federal Firearms License? (If "Yes," answer 1-31)
 Yes No

14a. Present Federal Firearms License Number
 N/A

15. If You Have Served in the Armed Forces, Provide the Service Serial Number and Military Branch.
 Service Serial Number: [Redacted] Military Branch: [Redacted]

16. Applicant's Business Premises Are
 Owned Leased/Rented Military

IF RENTED OR LEASED, PLEASE PROVIDE THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PROPERTY OWNER.

Name and Address of Property Owner (if applicable)
 George Mirch
 [Redacted]
 Telephone Number of Property Owner (if applicable)
 [Redacted]

17. Indicate Type of Business Premises

Zoned Commercial:	Zoned Residential:
<input type="checkbox"/> Store Front	<input checked="" type="checkbox"/> Single Family Dwelling
<input type="checkbox"/> Office	<input type="checkbox"/> Condominium/Apartment
<input type="checkbox"/> Rod & Gun Club	<input type="checkbox"/> Hotel/Motel
<input type="checkbox"/> Military Base	<input type="checkbox"/> Public Housing
<input type="checkbox"/> Other (Specify)	

IF THE PREMISES ARE LOCATED ON A MILITARY INSTALLATION, ATTACH A COPY OF WRITTEN AUTHORIZATION FROM THE BASE COMMANDER TO CONDUCT A FIREARMS BUSINESS ON THE MILITARY INSTALLATION.

18a. Do You Intend To Sell Firearms Only at Gun Shows?
 Yes (If yes, do not submit application) No

19. Do You Intend to Use Your License Only to Acquire Personal Firearms?
 Yes (If yes, do not submit application) No

If Business Was Obtained From Someone Else, Provide the Following Information.

20. Name of Previous Business
 N/A

21. Federal Firearms License Number
 N/A

22. Provide the Information Required for Each Individual Owner, Partner, and Other Responsible Persons in the Business (See Instruction #10 for Responsible Person Definition. If a Female, List Any Given, Married, and Maiden Names, e.g., "Mary Alice (Smith) Jones," Not "Mrs. John Jones." (If additional space is needed, use a separate sheet.) Each Responsible Person Must Complete All Information in this Section.

Full Name	Print Name and Social Security Number (Social Security Number is Voluntary)	Country of Citizenship (List more than one, if applicable. Nonimmigrants should complete all information in Item #23.)
* Evan Daniel Bouren	owner 400 [Redacted]	USA
* Steven Andrew Nmrak	owner 910 [Redacted]	USA

Give Full Details on a Separate Sheet for All "Yes" Answers in Item 26		Yes	No
26. Has Applicant or any Person Named in Item 22 Ever	A. Been Convicted in any Court of a Felony, or any other crime for which the Judge Could Have Imprisoned You for More Than One Year, Even if You Received a Shorter Sentence, Including Probation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	B. Been Discharged from the Armed Forces Under Dishonorable Conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	C. Been Adjudicated as a Mental Defective, Which Includes Having Been Adjudicated Incompetent to Manage Your Own Affairs, or Been Committed to any Mental Institution?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	D. Renounced United States Citizenship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	E. Been Convicted in any Court of a Misdemeanor Crime of Domestic Violence? (See definition #3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹ "Information" is a formal accusation of crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.
² You may answer NO if (a) you have been pardoned for the crime or (b) the conviction has been expunged or set aside or (c) your civil rights have been restored AND you are not prohibited from possessing or receiving any firearms under the law where the conviction occurred.

27. Applicant Certification (Please read and initial each box)

- EB The business to be conducted under the Federal Firearms License is not prohibited by State or local law at the premises shown in Item 5. This includes compliance with zoning ordinances.
- EB Within 30 days after the application is approved, the business will comply with the requirements of State and local law applicable to the conduct of business.
- EB Business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.
- EB A completed copy of this form has been sent (mailed or delivered) to the Chief Law Enforcement Officer of the locality in which the premises is located. (See instruction #5.)
- EB As required by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under this Federal Firearms License to persons who are not licensees.

Name of Chief Law Enforcement Officer (CLEO)

Chief Richard Eshman, Public Safety Director

CLEO's Address (Include no. street, city, county, State, and ZIP Code)

2395 Twelve Mile Rd, Berkley, MI 48072 *Oakland County, MI*

28. Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application and the documents submitted in support thereof, and to the best of my knowledge and belief, they are true, correct, and complete. This signature, when presented by a duly authorized representative of the Department of Justice, will constitute consent and authority for the appropriate Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding the background of all responsible persons. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records.

Attach
2X2
Photograph(s)
Here

(See instruction #10)

Sign Here



Title

Company Officer

Date

03-02-2015

For ATF Use Only

29. Application is Approved Denied

Reasons for Denial of Application

Signature of Licensing Official



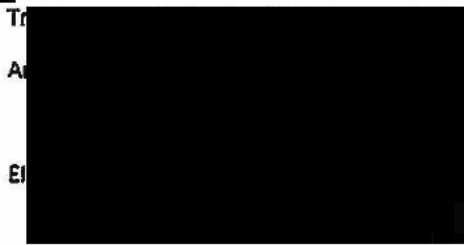
Date
4-29-15

information for the Chief Law Enforcement Officer

This form provides notification of a person's intent to apply for a Federal firearms license. It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal firearms license, please contact the Federal Firearms Licensing Center at 1-866-662-2750. A "Yes" answer to items #24, #25, and #26 could disqualify a person for a license. Also, ATF may not issue a license if the business would be in violation of State or local law.

19

Name - Evan Daniel Bouren



Question 24, Section D:

I was employed by-

*Close Quarters Tactical LLC
50485 Utica Dr
Shelby Township, MI 48315
FFL: 438099-01-1A-05645*

-from November 2011 thru April 2013, where I held the position of Range Manager.

*****FINGERPRINT CARDS AND PHOTOS*****

I had to voluntarily pull my last FFL application in August 2014 in order to clear up some city zoning board issues. Mr. John Cassens (Industry Operations Investigator, Detroit Field Division, Jon.N.Cassens@usdoj.gov) advised me that I could reference my previous application (instead of resubmitting photos/fingerprint cards) if I decided to reapply for my application after working things out with the city.

Previous application reference # 4-38-08088

A handwritten signature in black ink that reads "Evan Bouren". The signature is stylized and written in cursive.

19

To whom it may concern:

I am the home owner of 1490 Franklin Rd Berkley, MI 48072. I am currently renting this property to Steven Nowak. Steven has brought it to my attention that he and Evan Bouren would like to operate a firearm related business from the property that will require them to obtain a Federal Firearms License. Steven and Evan have my permission to operate this business on my property.

George Mirch



(248) 709-5921

25602 Parkwood Dr

Huntington Woods, MI 48070

Evan Bouren

Stephan Nowak

1490 Franklin Road, Berkley, MI 48072, USA



As discussed with Amy Vansen and Dan Terbrack a few months ago the ATF should be contacting zoning in regards to our approved FFL permit. As we discussed earlier this is the modified permit without "manufacturing" and will be used for on online ecommerce website. If you have any questions please contact me immediately.

Investigator Nichols of ATF ([REDACTED])

City of Berkley
3338 Coolidge, Berkley, MI 48072



"We Cure"

Building Department
(248) 658-3320
FAX (248) 658-3301

Vincent Ashley Jr.
2588 Sunnynoll Ave.
Berkley, MI 48072

Re: Federal Firearms License

Dear Mr. Ashley,

This letter is in response to your inquiry about local zoning rules relative to your application for a Federal Firearms License through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Through your inquiry, you indicated that you are looking to conduct internet sales of firearms. You'd also indicated that your residence at 2588 Sunnynoll Ave would be utilized strictly for record keeping and that there would be no keeping of stock for your business on the premises nor would there be clients on the premises to conduct any business.

Your residence at 2588 Sunnynoll is zoned Multiple-Family Residential (RM). Using your home residence strictly for the purposes of paperwork falls within the definition of a home occupation in the Berkley City Code. Home occupations are defined in Sec.138-32 of the Berkley City Code as: *"An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. There shall be no exterior display other than 1 non-illuminated name plate, which is not more than 2 square feet in area which may be attached to the building. No stock in trade or commodity sold shall be kept on the premises. Nursing homes, tea rooms, tourist homes, beauty parlors, retail business or trade shall not be considered home occupations."*

While your license through the ATF may allow for manufacturing and sales, it does not supersede requirements under Berkley City Code. Your proposed home occupation is permitted contingent upon there being no on-site sales of firearms, no manufacturing, no firearms display or showroom on-site, and no clients on-site. The home occupation must remain strictly incidental to the primary use of the residence.

If you have any questions or concerns, please feel free to contact the City of Berkley Building Department at (248) 658-3320. We wish you all the best in pursuing your home occupation.

Sincerely,

Timothy McLean
Community Development Director

CC: Charles Rice, U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives
Matthew Koehn, City of Berkley—Director of Public Safety
Matthew Baumgarten, City of Berkley—City Manager
Kim Anderson, City of Berkley—Building Clerk
Duane Franks, City of Berkley—Building Official



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Detroit Field Division

www.atf.gov

December 17, 2020

City of Berkley- City Hall
Building/Planning Department
3338 Coolidge Hwy.
Berkley, MI 48072

To Whom It May Concern:

Enclosed for your review is a referral of information our agency is submitting to you for informational purposes. Should additional information be needed, please contact Industry Operations Investigator Jon Cassens at [REDACTED]

Sincerely,

for
James M. Deir
Special Agent in Charge

Attachment



Kim Anderson <kanderson@berkleymich.net>

FW: Referral of Information from the Bureau of Alcohol, Tobacco, Firearms and Explosives

1 message

Thu, Dec 17, 2020 at 1:47 PM

Howard, Kris D. <[REDACTED]>
To: "Kanderson@berkleymich.net" <Kanderson@berkleymich.net>
Cc: "Cassens, Jon N," <[REDACTED]>

Good Afternoon,

Please see attached cover memo and referral of information below regarding a potential zoning violation that was anonymously reported to ATF regarding a Federally Licensed Firearms Dealer located in your jurisdiction.

If you have any questions please contact IOI Jon Cassens (contact information listed below).

Thank you.

KRIS D. HOWARD,
AREA SUPERVISOR
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES
DETROIT FIELD DIVISION
DETROIT V FIELD OFFICE
[REDACTED]

From: ATF Notifications <[REDACTED]>
Sent: Thursday, December 17, 2020 1:44 PM
To: Howard, Kris D. <[REDACTED]>
Subject: Referral of Information from the Bureau of Alcohol, Tobacco, Firearms and Explosives

This is an automated email. Please do not reply. If you need assistance please contact ATF.

City of Berkley
3338 Coolidge Hwy
Unit N/A
Berkley, Michigan 48072

ATTENTION: Building Clerk

Pursuant to the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) authority to regulate the firearms and explosives industry for the purposes of importing, manufacturing, and/or dealing in firearms and explosives (or importing or manufacturing ammunition) under Title 18 United State Code Sec. 923 and 843, we have discovered information pertaining to your authority to investigate, enforce, and/or regulate ordinances, codes, or regulations which may fall under your purview.

Referral Details

Synopsis:
Possible Zoning Violation

Dates of Occurrence(s): 12/15/2020

Narrative:

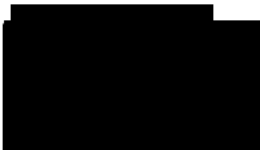
This referral is being sent to you due to the discovery of a potential violation of your zoning ordinance in the city of Berkley. Industry Operations Investigator (IOI) Jon Cassens was notified about possible in-person sales of firearms occurring at the residential address of 1490 Franklin Rd, Berkley, MI 48072. An anonymous source described a "regular and heavy" amount of customer traffic to the location where they advised that in-person gun sales are taking place.

On 12/16/20, IOI Cassens contacted the City of Berkley and spoke with Kim Anderson, Building Clerk, regarding the zoning ordinance specific to home occupations. The home occupation ordinance appears to prohibit a firearms business from conducting regular in-person sales from a residence. This has also been documented in the city of Berkley's previous contacts with our office.

The location of 1490 Franklin Rd, Berkley, MI 48072 does have an active licensed Federal Firearms Licensee (FFL) Wolverine State Armory, LLC. Our office has not determined that in-person firearm sales are occurring at the premises. Although, a Google search reveals a website (Wolverinestatearmory.com) that describes business operations as "Firearm Dealer, NFA Dealer, FFL Transfers" as well as saying "WSA can also special order almost any firearm or NFA item on the market for direct sale." Due to federal regulations, firearms may not be directly shipped to customers looking to make a purchase. The customer must appear in person to make the purchase where they can also fill out all required federal paperwork and complete a background check.

This referral of information is being forwarded to your office for any action you deem appropriate. Please contact our office for any questions as well as your decision about their business operations.

IOI Jon Cassens



Research Conducted:

Completed Date	Type	Description	Results
No Items			
Loading...			

If you have further questions or need more information in reference to this referral please contact:

ATF
Industry Operations Investigator : Jon Cassens



Sincerely yours,

Kris Howard
Area Supervisor

Legal Disclaimer: This e-mail is intended only for the person to whom it is addressed and may contain information that is privileged, confidential, or otherwise protected from disclosure. Dissemination, distribution, or copying of this e-mail or the information herein by anyone other than the intended recipient is prohibited. If you have received this e-mail in error, please notify the ATF employee listed in the email above and destroy the original message and all copies.

NOTE: The attached document is in PDF format. If you cannot open it please contact the Industry Operations Investigator listed in this email in order to arrange for an alternate method of delivery.

SAC Referral Cover Memo for City of Berkley.docx
252K



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

November 10, 2021

To Whom It May Concern:

The City has reviewed the request for a home occupation at 1490 Franklin that will include the commercial sale and pick-up of materials located at the above address.

Per Berkley Zoning Ordinance, Sec. 138-32, the definition for Home Occupation is as follows:

Home Occupation: an occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. There shall be no exterior display other than 1 nonilluminated nameplate, which is not more than 2 square feet in area which may be attached to the building. No stock in trade or commodity sold shall be kept on the premises. Nursing homes, tea rooms, tourist homes, beauty parlors, retail business or trade shall not be considered home occupations.

Based on conversations with the property owner at 1490 Franklin, the business, Wolverine State Armory, is considered a retail business. The nature of the business includes the in-person purchase and transfer of ownership of materials that is required to take place at the above address.

Therefore, Wolverine State Armory is not permitted as a home occupation at 1490 Franklin.

If you have any questions, please contact the City of Berkley.

Matt Baumgarten
City Manager

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

PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-09-21

Steven Nowak is requesting an appeal, interpretation and/or use variance at 1490 Franklin Rd, Parcel # 04-25-17-257-009, in regard as to whether the definition of a home occupation includes a Federally Licensed Firearms Dealer. The Community Development Director did not permit the business, Wolverine State Armory, to be a home occupation, based on the retail nature of in-person purchase and transfer of materials on-site. The owner is requesting an appeal of the decision, an interpretation of the home occupation definition, or a use variance in order to maintain a license as a Federally Licensed Firearms Dealer with the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Berkley City Code

1. *Berkley City Code*, Chapter 138 *Zoning*, Article II, *Definitions*, Sec.138-132, *Home occupation*: An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes. There shall be no exterior display other than 1 nonilluminated name plate, which is not more than 2 square feet in area which may be attached to the building. No stock in trade or commodity sold shall be kept on the premises. Nursing homes, tea rooms, tourist homes, beauty parlors, retail business or trade shall not be considered home occupations.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

MEGAN MASSON-MINOCK
COMMUNITY DEVELOPMENT

Publish Once:

Royal Oak Tribune
Thursday, December 23, 2021

PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-09-21

Steven Nowak is requesting an appeal, interpretation and/or use variance at 1490 Franklin Rd, Parcel # 04-25-17-257-009, in regard as to whether the definition of a home occupation includes a Federally Licensed Firearms Dealer. The Community Development Director did not permit the business, Wolverine State Armory, to be a home occupation, based on the retail nature of in-person purchase and transfer of materials on-site. The owner is requesting an appeal of the decision, an interpretation of the home occupation definition, or a use variance in order to maintain a license as a Federally Licensed Firearms Dealer with the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-09-21

Steven Nowak is requesting an appeal, interpretation and/or use variance at 1490 Franklin Rd, Parcel # 04-25-17-257-009, in regard as to whether the definition of a home occupation includes a Federally Licensed Firearms Dealer. The Community Development Director did not permit the business, Wolverine State Armory, to be a home occupation, based on the retail nature of in-person purchase and transfer of materials on-site. The owner is requesting an appeal of the decision, an interpretation of the home occupation definition, or a use variance in order to maintain a license as a Federally Licensed Firearms Dealer with the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-09-21

Steven Nowak is requesting an appeal, interpretation and/or use variance at 1490 Franklin Rd, Parcel # 04-25-17-257-009, in regard as to whether the definition of a home occupation includes a Federally Licensed Firearms Dealer. The Community Development Director did not permit the business, Wolverine State Armory, to be a home occupation, based on the retail nature of in-person purchase and transfer of materials on-site. The owner is requesting an appeal of the decision, an interpretation of the home occupation definition, or a use variance in order to maintain a license as a Federally Licensed Firearms Dealer with the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

PUBLIC HEARING 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, January 11, 2021 at 7:05 p.m. or as near thereto as the matter may be reached.

Application Number PBA-09-21

Steven Nowak is requesting an appeal, interpretation and/or use variance at 1490 Franklin Rd, Parcel # 04-25-17-257-009, in regard as to whether the definition of a home occupation includes a Federally Licensed Firearms Dealer. The Community Development Director did not permit the business, Wolverine State Armory, to be a home occupation, based on the retail nature of in-person purchase and transfer of materials on-site. The owner is requesting an appeal of the decision, an interpretation of the home occupation definition, or a use variance in order to maintain a license as a Federally Licensed Firearms Dealer with the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Comments on the above variance request may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 6:00 p.m. on the date of the Public Hearing.

MICHAEL J TURNER
MICHELE A TURNER
1550 WILTSHIRE RD
BERKLEY MI 48072 2118

TIMOTHY J MURAD
1510 DOROTHEA RD
BERKLEY MI 48072 2108

JOHN BAUER
JULIA MITCHELL
1550 DOROTHEA RD
BERKLEY MI 48072 2108

BETH A CAMERON
2821 CASS BLVD
BERKLEY MI 48072 2138

LEAH R ORR
PATRICK ORR
1592 WILTSHIRE RD
BERKLEY MI 48072 2118

SANDRA MCKINNON
2756 CENTRAL ST
BERKLEY MI 48072 2104

BRUCE TABASHNECK
2856 CENTRAL ST
BERKLEY MI 48072 2153

EDWARD LASH
SHARON LASH
1511 WILTSHIRE RD
BERKLEY MI 48072 2117

JOHN SHANLEY
TRACY SHANLEY
1474 DOROTHEA RD
BERKLEY MI 48072 2157

DOUGLAS HEBERT
RENEE HEBERT
1551 WILTSHIRE RD
BERKLEY MI 48072 2117

STEVEN ANDREW NOWAK
MEGAN MICHELLE THERRIEN
1490 FRANKLIN RD
BERKLEY MI 48072 2170

MARCEL DIJKERS
MAUREEN G DIJKERS
1450 WILTSHIRE RD
BERKLEY MI 48072 2140

JAMES J LUCA
MONIQUE LUCA
1467 WILTSHIRE RD
BERKLEY MI 48072 2139

EVAN T DOUGHERTY
VIRGINIA L DOUGHERTY
1378 FRANKLIN RD
BERKLEY MI 48072 2169

DAVID E JULET
DIANA R JULET
1516 WILTSHIRE RD
BERKLEY MI 48072 2118

DOUGLAS THOMSON
1456 DOROTHEA RD
BERKLEY MI 48072 2157

Occupant
2822 CENTRAL ST
BERKLEY MI 48072 2153

M J INMAN
1365 WILTSHIRE RD
BERKLEY MI 48072 2137

PAUL DRAIN
BEATRICE LAI
2765 CASS BLVD
BERKLEY MI 48072

AIDA ESTRADA
762 LIGHTHALL CT
HENDERSON NV 89052 4562

JAMES MCCHESENEY
NANCY MCCHESENEY
1491 WILTSHIRE RD
BERKLEY MI 48072 2139

JOHN C BARBUSCAK JR
JEANETTE M BARBUSCAK
1405 FRANKLIN RD
BERKLEY MI 48072 2172

JAMES TIURA
ANGELA TIURA
1490 DOROTHEA RD
BERKLEY MI 48072 2157

Occupant
1392 FRANKLIN RD
BERKLEY MI 48072 2169

JON NEWBERG
ROSALYNN DRISKELL
1455 FRANKLIN RD
BERKLEY MI 48072 2172

DELORES GERLACH
1406 DOROTHEA RD
BERKLEY MI 48072 2157

JASON L DEBANDT
2844 LIVERNOIS RD
TROY MI 48099 7700

GLENN TOMASZEWSKI
1489 FRANKLIN RD
BERKLEY MI 48072 2172

MICHAEL J TUCKER
CHRISTINA L TUCKER
1570 DOROTHEA RD
BERKLEY MI 48072 2108

RYAN COCCIOLONE
KATHERINE COCCIOLONE
1474 FRANKLIN RD
BERKLEY MI 48072 2170

WILLIAM R SAUER
1591 WILTSHIRE RD
BERKLEY MI 48072 2117

JON C KABBE
ALICE I KABBE
1492 WILTSHIRE RD
BERKLEY MI 48072 2140

EILEEN STEADMAN
1530 DOROTHEA RD
BERKLEY MI 48072 2108

MICHAEL W KENNEDY
MEGHAN L KENNEDY
1406 FRANKLIN RD
BERKLEY MI 48072 2170

BEATRICE A TSCHIRHART
1445 WILTSHIRE RD
BERKLEY MI 48072 2139

KEVIN MARSON
2789 CASS BLVD
BERKLEY MI 48072 2102

Occupant
1456 FRANKLIN RD
BERKLEY MI 48072 2170

PETER OTTO
NICOLE CASS
2865 CASS BLVD
BERKLEY MI 48072 2138

MARILYN J BURGEL
3450 W 13 MILE RD
ROYAL OAK MI 48073 6703

SAMIR A BATHISH
RAMZY A BATHISH
1391 FRANKLIN RD
BERKLEY MI 48072 2171

BERNADETTE M THEBOLT
1440 FRANKLIN RD
BERKLEY MI 48072 2170

DAVID J EARL
1421 FRANKLIN RD
BERKLEY MI 48072 2172

THE LARRY DAVID KAUFMAN TRUST
1422 FRANKLIN RD
BERKLEY MI 48072 2170

JUSTIN S JANSSEN
1439 FRANKLIN RD
BERKLEY MI 48072 2172

MELISSA MARIE KARAS
2790 CENTRAL ST
BERKLEY MI 48072 2104

JENNIFER JURKOVICH
STEPHEN HACKLEY
2760 CENTRAL ST
BERKLEY MI 48072 2104

SANMEET SINGH SANDHU
2771 CASS BLVD
BERKLEY MI 48072 2102

GERALD B MARSHALL
1473 FRANKLIN RD
BERKLEY MI 48072 2172

JASON BENEDICT
1440 DOROTHEA RD
BERKLEY MI 48072 2157

JOHN MCNALLY
JUDITH MCNALLY
1408 WILTSHIRE RD
BERKLEY MI 48072 2140

AUSTIN GROSS
1422 DOROTHEA RD
BERKLEY MI 48072 2157



Print the Map!

50

201

210

210

20

Russell St

03

82.05

101.37

212

25-17-254-005

99.40

110.00

25-17-256-006

68.90

233

70.50

60.09

25-17-256-007

232

50.00

60.00

25-17-256-008

231

50.00

50.00

123.20

25-17-257-001

201

120.80

25-17-257-002

210

25-17

100.08

118.40

25-17-257-003

111.30

25-17-257-009

234

112.80

25-17-257-010

236

112.80

25-17-257-011

113.50

25-17-257-012

237

114.20

25-17-257-013

238

50.00

50

Franklin Rd

50.00

50.00

50.00

50.00

50.00

50.00

50.00

To: Berkley Zoning Board of Appeals

RE: Application Number PBA-09-21

Comments from: Jon Kabbe, resident of 1492 Wiltshire Rd, Berkley MI

Neighborhoods are places to reside, not to do retail. I walk a lot around Berkley and the only businesses I see are either yard maintenance or construction contractor that operate out of their residential driveways. Both these types of businesses earn their income while not at their residences.

If retail were to enter our neighborhoods, which I would prefer not to happen, it would only make sense to me if the businesses were retailing important regularly used goods such as groceries, hardware or maybe coffee. A retail gun store does not meet this requirement.

I respectfully ask the Berkley Zoning Board of Appeals to deny the appeal to establish a gun store in my neighborhood.

Jon Kabbe



Comm Dev Director <comdirector@berkleymich.net>

Fwd: Application # PBA-09-21

Torri Mathes [REDACTED]
To: City Manager's Office <[REDACTED]> Comm Dev Director <comdirector@berkleymich.net>

Tue, Jan 4, 2022 at 12:28 PM

Passing this along.

Torri Mathes (she, her, hers)
Community Engagement Officer
City of Berkley
3338 Coolidge Hwy,
Berkley, MI 48072

[REDACTED]
www.berkleymich.org

----- Forwarded message -----

From: **Amy Uniacke** [REDACTED]
Date: Tue, Jan 4, 2022 at 12:25 PM
Subject: Application # PBA-09-21
To: [REDACTED]

Berkley Zoning Board, Building Department, and Council Members,

On the petition to grant variance for Fed Lic Firearms to be dealt at residence 1490 Franklin Road, I strongly request consideration that we as a community set limits.

We do not allow cars to be repaired in lawns or on driveways. We use common sense when considering business that would increase street parking or elevated noise levels as being beyond the tolerance for our community aggravation.

These standards are all based on health and safety, inconvenience, annoyance tolerance, and community disruption. The need for adaptive and restrictive measures like sound proofing or increasing access to parking is too much to remedy.

Here we have an arms dealer with rights and residency at odds for a different reason; but perhaps not. If we grant that auto repairs create potential for run-off requiring special care and disposal, can we not apply the same logic to guns and the arm dealer's customers which also could have unintended consequences within our community? Is this not similar to mismanaged engine coolant by a qualified mechanic?

Is it not in the public interest to consider the potential harm of bullets as much as engine oil and noise.

Parking spaces and community annoyance should not be of greater consideration than that regarding the poor management of fire arms in the United States, which is at least equal to the concerns of noise violations, chemical management, and the threat of disruption to our daily routine?

This business should be required to be located in a non-residential area, clearly identifiable to those who live and work near by. Not hidden except to those with which it does business.

We all need to know where we live and work.

Changing the zoning does not change the neighborhood, nor it's concerns for public safety.

I don't need to remind anyone that bullets travel miles. Bullets travel through walls. It takes but one moment to change lives within a community in ways that are irreparable, and that accidents too happen.

We as a community, should be allowed to say no based on what we consider tolerable as a community. An arms dealer next door, that surely qualifies as a community concern many would be exceedingly comfortable saying no to.

Please assure this letter is shared with the required parties previous to the hearing on:

1-11-2022. I would go in person, but health concerns prevent me and my family from attending.

In Peace,

Amy Uniacke

Resident of Berkley, on Franklin



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

MEMORANDUM

To: Berkley City Council
 Berkley Planning Commission
 Berkley Zoning Board of Appeals

From: Megan Masson-Minock, Interim Community Development Director

Subject: **Community Development Department Report (November & December 2021)**

Date: January 6, 2021

The following Community Development report has been provided to the Berkley City Council, Planning Commission and Zoning Board of Appeals to provide an update on ongoing planning and zoning cases, ordinance amendments, and building department activities. The staff is excited to report on the progress of existing development projects that have been reviewed by the PC, cases reviewed by the ZBA, and other duties, such as, zoning administration, ordinance review and future amendments, building permits, Community Development Block Grant (CDBG), etc.

The following report will cover activities that have occurred **November to December 2021**, as well as an update on past projects:

1. Planning Activities, including a summary of applications with the Planning Commission, Zoning Board of Appeals and/or City Council.
2. Zoning Administration, including business licenses and commercial renovation projects that do not require Planning Commission review and approval.
3. Zoning Ordinance, including summary and status of ordinance amendments.
4. Building Department, including permits issued, rental certificates, certificates of occupancy.
5. Community Development Block Grant (CDBG) Program.
6. Master Plan Update, including a summary of community engagement events and status of Master Plan adoption.
7. Other Community Development Projects

1. Planning Activities – PC, ZBA		
Planning Commission – Site Plan (PSP), Special Land Use (PSU), Rezoning (PRZ)		
Name of Project or Topic	Project Number	Current Status and Progress
Yanke Art Studio 3818 Twelve Mile	PSP-05-19	Proposed façade change received site plan approval with specific conditions at the August 27, 2019 Planning Commission meeting. Applicant is working with architect to address concerns and will submit revised plan to City staff for final approval.

1. Planning Activities – PC, ZBA

Planning Commission – Site Plan (PSP), Special Land Use (PSU), Rezoning (PRZ)

Name of Project or Topic	Project Number	Current Status and Progress
Yanke Art Studio 3818 Twelve Mile		<p>Applicant and adjacent property owners have resolved outstanding issues related to easement and masonry fence.</p> <p>Building permits have been issued. Work has begun on the project.</p>
La Salette Multiple Family Redevelopment 2219 Coolidge Hwy	PSP-06-19	<p>At the November 26, 2019 meeting, the Planning Commission approved the site plan with conditions to redevelop the existing La Salette school building for multiple family housing. The applicant has noted that they will work with City staff to address the outstanding issues noted in the Community Development, Engineer, and Fire Safety review letters related to the project.</p> <p>Revised plans have been submitted to the satisfaction of reviewing bodies. Developer has submitted construction plans for building permit, which are being reviewed by McKenna.</p> <p>Most building approvals have been received. A pre-construction meeting will be scheduled prior to work beginning.</p> <p>Applicant has reconfigured the parking areas, which has removed the parking area on the south side of the building, facing Coolidge. Plans do not need to return to PC for approval; may be approved administratively.</p> <p><u>Final plans submitted. Awaiting updated insurance, engineering escrow and written construction schedule from applicant. Pre-application meeting to be scheduled in the coming weeks.</u></p>
KinderCare 1695 Twelve Mile	PSP-07-19	<p>At the October 22, 2019 meeting, the Planning Commission approved the site plan with conditions. The applicant has reached out to the Community Development Director to address the outstanding issues.</p> <p>Revised site plans submitted and approved by reviewing bodies.</p> <p>The developer has secured building permits and are working on the interior renovation. The parking area has been resurfaced.</p> <p>Business License was issued April 2021. The child care facility has opened and is operating.</p>

1. Planning Activities – PC, ZBA

Planning Commission – Site Plan (PSP), Special Land Use (PSU), Rezoning (PRZ)

Name of Project or Topic	Project Number	Current Status and Progress
<p>Multi-tenant building (AquaTots, retail, restaurant)</p> <p>2485 Coolidge Hwy</p>	<p>PSP-08-19</p>	<p>At the December 17, 2019 meeting, the Planning Commission approved the site plan with conditions. The applicant has agreed to work with city staff to address the conditions and update the outstanding issues.</p> <p>Applicant submitted revised final site plan and were approved by reviewing bodies.</p> <p>Developer has paused moving forward due to the delays as a result of COVID-19. Owner has placed property for sale, pursuing other opportunities. Developer has expressed desire to locate in Berkley, even if the current site is no longer available.</p> <p>Farina's has been demolished. Construction of building is underway.</p> <p><u>Applicant has indicated they will submit a site plan amendment to convert the outdoor restaurant seating to public space and the restaurant space to a carryout restaurant use, which could be approved administratively.</u></p>
<p>Vibe Credit Union – Façade Change</p> <p>3082 Coolidge Hwy</p>	<p>PSP-01-20; PSP-05-20</p>	<p>At the May 26, 2020 meeting, the Planning Commission reviewed a site plan for a proposed façade change at the bank. The Planning Commission approved the plans with conditions related to window coverage, signage, and illumination of the site with pole lighting.</p> <p>After PC approval, the applicant discussed with city staff the possibility of site improvements that were not included on the approved plans that would include additional landscaping and reworking the parking area on the site. The changes require a review by the Planning Commission and discussion for reduction of parking requirements.</p> <p>The applicant returned to the Planning Commission at the November 24, 2020 for review of site improvements that included approval of parking modification. The property has been approved to reduce three (3) parking spaces for added landscaping and revised layout of the parking spaces.</p> <p>Construction is nearing completion on the project. The temporary space has closed and operations have resumed inside the building.</p>

1. Planning Activities – PC, ZBA

Planning Commission – Site Plan (PSP), Special Land Use (PSU), Rezoning (PRZ)

Name of Project or Topic	Project Number	Current Status and Progress
Vibe Credit Union – Façade Change 3082 Coolidge Hwy	PSP-01-20; PSP-05-20	Owner has contracted with structural engineer to review the masonry wall at the east side of the property. Report submitted. Staff working with manager and neighbor to work through next steps.
Amici's Kitchen and Living Room – Façade Change 3241 & 3249 Twelve Mile Rd.	PSP-03-20	<p>At the September 22, 2020 meeting, the Planning Commission reviewed a site plan for proposed façade change at Amici's pizza restaurant on Twelve Mile Rd. The proposed façade change includes removing the existing stone and replacing with brick, removing an existing doorway, and changing the material for the awning.</p> <p>The Planning Commission granted site plan approval, as presented. The applicant has indicated intent to apply for a Façade Grant through the DDA.</p> <p><u>The construction on the project has been completed. There are a couple smaller items that still need to be addressed, but the construction for the façade change has completed. Final inspections are yet to be completed.</u></p>
Vacant Building – Façade Change 3180 Coolidge Hwy	PSP-04-20	<p>At the October 27, 2020 meeting, the Planning Commission reviewed a site plan for proposed façade change at 3180 Coolidge Hwy. The building has been vacant for many years and the owner has not yet signed a new tenant. The façade change includes change in configuration of windows, stone and brick materials, and metal siding.</p> <p>The Planning Commission tabled the site plan request so the applicant could update the plans and provide additional information on the materials, chimney, and illumination levels for lighting the site.</p> <p>At the November 2020 meeting, the PC reviewed the updated plans and gave site plan approval of the proposed façade change.</p> <p><u>Building permit was issued June 8, 2021. Property owner has been trying to secure contractors for the project. Construction is expected to begin in the coming months.</u></p>
Perch 313 – Façade Change	PSP-01-21	At the September 28, 2021 meeting, the Planning Commission reviewed the plans for the façade change at 2717 Coolidge Hwy, the former Disabled Veterans of America building.

1. Planning Activities – PC, ZBA

Planning Commission – Site Plan (PSP), Special Land Use (PSU), Rezoning (PRZ)

Name of Project or Topic	Project Number	Current Status and Progress
2717 Coolidge Hwy		<p>The new owner will be opening a retail vintage rug store and has proposed upgrades to the exterior of the building, including the removal of the beige vertical siding, shingled mansard roof and awnings and replace with painted brick veneer, large storefront windows, and a decorative front door with window paneling.</p> <p>The Planning Commission reviewed the submitted plans and approved the site plan with minor conditions. The applicant will be working with City staff to address the outstanding issues.</p> <p><u>The applicant has applied for but not yet received a business license. Building permits have not been applied for. Staff will follow up with the applicant in the coming weeks.</u></p>
<p>Green Medical Office Center – New Construction Multi-Tenant Medical Office Building</p> <p>2400 Greenfield</p>	PSP-02-21	<p>At the October 26, 2021 meeting, the Planning Commission reviewed the plans for new construction of a multi-tenant medical office building. The proposed structure will be constructed on a vacant property that has been previously reviewed for multi-family housing.</p> <p>The Planning Commission reviewed the plans and letters provided by HRC, DPW, Fire Marshal and Community Development. Each review letter determined that there were several items that needed to be addressed or modified prior to granting site plan approval.</p> <p>The Planning Commission postponed the site plan application until a future date when the applicant and developer has submitted revised plans.</p> <p><u>HRC, DPW, Fire Marshal and Community Development have reviewed revised a revised site plan submitted in December 2021 and requested the applicant revise and resubmit the plans for the January 25, 2022 Planning Commission agenda.</u></p>
Green Office Suites – New Construction Multi-Tenant Office Building	PSP-03-21	<p>At the October 26, 2021 meeting, the Planning Commission reviewed the plans for new construction of a multi-tenant office building. The proposed structure will be constructed on three parcel that have been used as single-family housing. The structures are currently vacant.</p>

1. Planning Activities – PC, ZBA

Planning Commission – Site Plan (PSP), Special Land Use (PSU), Rezoning (PRZ)

Name of Project or Topic	Project Number	Current Status and Progress
3462 – 3478 Greenfield		<p>The Planning Commission reviewed the plans and letters provided by HRC, DPW, Fire Marshal and Community Development. Each review letter determined that there were several items that needed to be addressed or modified prior to granting site plan approval.</p> <p>The Planning Commission postponed the site plan application until a future date when the applicant and developer has submitted revised plans.</p> <p><u>HRC, DPW, Fire Marshal and Community Development have reviewed revised a revised site plan submitted in December 2021 and requested the applicant revise and resubmit the plans for the January 25, 2022 Planning Commission agenda.</u></p>

Zoning Board of Appeals – Variance (PBA), Interpretation, Appeal of Admin Decision, Mural

Name, Address	Project Number	Current Status and Progress
Privacy Fence 2292 Edgewood	PBA-08-21	Withdrawn by applicant prior to public notices being processed or published
<u>Use Variance 1069 Eaton</u>	<u>PBA-09-21</u>	<u>The Zoning Board of Appeals approved a use variance at its December 13, 2021 meeting for a duplex multiple-family use based on evidence that the owner did not intend for the non-conforming use to lapse and the building could not be reasonably used for any of the uses permitted by right or special use permit in the R-1D Zoning District.</u>

2. Zoning Administration

In **November and December 2021**, the Building Department issued **five (5)** business licenses in the City of Berkeley.

• Mongers' Provisions	3127 Twelve Mile	Specialty food store
• Reware Vintage	2965 Twelve Mile Suite 200	Apparel & Accessories retail
• Atomic Dog dba Casa Amado	2705 Coolidge Hwy	Restaurant
• Cover Me Chic	2349 Coolidge Hwy	Beauty Bar

2. Zoning Administration

In **November and December 2021**, the Building Department issued **five (5)** business licenses in the City of Berkley.

- | | | |
|--------------------|-------------------|-----------------------------|
| • Flipside Records | 3099 Coolidge Hwy | Retail music & collectibles |
|--------------------|-------------------|-----------------------------|

3. Zoning Ordinance (Adopted and Proposed)

Adopted Amendment	Summary
Uses in Downtown District	<p>At the March meeting, the PC began discussing future uses in the Downtown District; specifically, office uses on the first floor and entertainment uses. Discussions continued at the June meeting. The PC was interested in expanding uses to allow more entertainment uses. These would include art or activity-based uses. Examples may include Paint with a Twist, Escape Rooms.</p> <p>Planning Commission held the public hearing at the July 27, 2021 meeting and recommended adoption to the City Council. The City Council held the first reading at the September 20, 2021 and the second reading at the October 4, 2021.</p>
Projections	<p>At the June 2021 meeting, the PC discussed a small point to clarify in the Ordinance that was adopted a few months ago. The previous amendment did not modify but drew attention to the existing language that the permitted projection is limited to 30% of the walls surface into any given yard. Clarification was needed as it was preventing projects with projections that did not encroach into a setback.</p> <p>Planning Commission held the public hearing at the July 27, 2021 meeting and recommended adoption to the City Council. The City Council held the first reading at the September 20, 2021 and the second reading at the October 4, 2021.</p>
Proposed Amendment	Current Status and Progress
State Licensed Residential Facilities	<p>At the April meeting, the PC began discussing regulations related to State Licensed Residential Facilities in single family residential districts. This includes in home daycare, as well as other residential facilities. The MZEA allows cities to require special land use for such residential facilities, under certain circumstances.</p> <p>Currently, the Zoning Ordinance does not have any regulations related to in home child care and has historically interpreted the use as a Home Occupation.</p> <p>The State has its own requirements for such facilities, but such regulations are related to the care of the children in the home and not to the site, neighbors, or other community specific concerns.</p> <p>The Planning Commission requested additional information. Planning Commission met at the June work session to discuss ordinance amendments. It was determined to amend the ordinance to permit residential facilities, up to six (6) persons by principle use, and seven (7) to twelve (12) by special land use.</p>

State Licensed Residential Facilities	<p>The Planning Commission asked for clarification on requirements for outdoor playspace per child in residential care homes.</p> <p>Staff contacted LARA for clarification on outdoor playspace requirements per child. Updated language will be reviewed by Planning Commission.</p>
---------------------------------------	--

4. Building Department						
Permits Issued	November	December	2021 YTD		Total Bldg. Permits Issued	Years
Building	45	31	534		2016	607
Electrical	28	28	452		2017	638
Mechanical	21	24	349		2018	558
Plumbing	22	12	199		2019	551
Temporary Sign	0	0	0		2020	470
Sewer	8	15	109		2021	534
Sign	1	1	22			
Zoning (Fence)	5	7	169			
Temporary Use	1	0	5			
Woodward Dream Cruise	0	0	3			
Rental Certificates	27	23	343			
Vacant Property	3	0	10			
Total Permits Per Month	134	118	1,912			

Total Value of Construction	\$
2016	\$16,482,703
2017	\$19,628,724
2018	\$16,834,163
2019	\$21,634,840
2020	\$13,765,659
November 2021	\$910,442
December 2021	\$380,224
2021 (YTD)	\$13,105,530

5. Community Development Block Grant (CDBG) Program

The Community Development Director attended the PY 2022 CDBG Workshop on October 13, 2021. The annual CDBG workshop provides valuable information related to PY2021, anticipated allocations for PY2022 and a refresher of the application process and submittal deadlines.

City staff have been discussing potential projects to program for PY2022. At the November 15, 2021 meeting, the City Council held the public hearing and approved the resolution for the proposed projects and fund allocations for PY2022. The projects identified include:

- City park sidewalk replacement – Community Park
- Snow shoveling services for senior residents
- Large print books at City Library
- HAVEN

Application materials were submitted to Oakland County on December 7, 2021.

6. Master Plan Update

The City of Berkley has retained Carlisle Wortman to assist with the development of the Master Plan. One major component of the Master Plan process is community engagement. City staff, with CWA, has devised a comprehensive and robust community engagement plan that is geared towards getting feedback from individuals who do not regularly attend public meetings.

Due to the closure of City Hall and restrictions on gatherings, the public engagement strategy was significantly updated to include web-based polls, webinars, focus groups, stakeholder discussions, and a survey.

In compliance with the Michigan Planning Enabling Act, the Planning Commission received all comments received during the public comment period; July 22 – September 23. Comments were received from adjacent communities, public utilities, Oakland County, and regional agencies, as well as from Berkley residents, business owners and property owners. Planning Commissioners offered suggestions and proposed minor modification to the consultants and city staff and directed staff to set the Public Hearing.

City staff and consultants have made the minor modifications and edits to the document. The Public Hearing was held at the October 26, 2021 meeting. Notices were published in the Royal Oak Tribune, Woodward Talk, on the city website, and social media pages.

After the required Public Hearing, the Planning Commission recommended adoption of the Master Plan to City Council.

At the November 15, 2021 meeting, the City Council adopted the Master Plan.

7. Other Community Development Projects	
Redevelopment Ready Communities	<p>One of the most important components to receiving RRC status is an updated Master Plan. Once the plan has been adopted, we can begin a technical review of the Zoning Ordinance to ensure our current ordinances are in line with the goals and objectives in the Master Plan.</p> <p><u>City staff has been addressing some of the administrative elements, such as updating planning applications, creating the development guide and flowcharts, etc.</u></p>
Outdoor Dining, Enclosures, Signs	<p>Due to restrictions that have impacted retail and restaurants, the City has worked with the business community to relax standards of approval for outdoor dining, retail, service areas, as well as signs that advertise businesses are open to the public.</p> <p>The relaxation of ordinances allows for outdoor areas to be installed in private and municipal parking areas, sidewalks, and specific residential road closures connected to Twelve Mile and Coolidge. Most applications were for outdoor dining areas. Berkley Common was approved to close Griffith Rd from alleyway to Twelve Mile. The City has not received requests for closure of any other roadways.</p> <p>The outdoor areas were permitted June 15 – October 1. As the restrictions for indoor spaces are still in place, the City Council extended the outdoor areas until March 31, 2021, with the inclusion of permitting temporary enclosures on private patios.</p> <p>The City of Berkley is also working with Oakland County to secure propane, greenhouse enclosures, and sanitizing devices for restaurants to use, as part of the Oakland Together Restaurant Relief Program.</p> <p>At the March 1, 2021 meeting, the City Council approved the extension of outdoor dining and road closures until September 30, 2021. City staff has explored Outdoor Social Dining Districts and other opportunities for local businesses.</p> <p>At the August 9, 2021 meeting, City Council approved to extend outdoor dining resolution until December 31, 2022 in order to actively research and discuss ordinance amendments, feasibility studies for the creation of public plazas and more.</p>
Development Guide, including updating applications	<p>In order to better assist developers, the Community Development Department is putting together a Development Guide that will explain all necessary steps for approval.</p> <p>Updated planning applications have been uploaded on the City website. The Development Guide is being drafted, along with flow charts and easy to reference guides.</p>
How to Open a Business Brochure	<p>Similar to the development guide, the Community Development Department is working with the DDA to design a “How to Open a Business” brochure that will walk a business owner through the application, inspection, permitting processes that are required prior to a Grand Opening.</p>

	<p>The brochure is intended to better assist new business owners, as they may be unfamiliar with opening a business. We hope to make the process as easy and enjoyable as possible.</p> <p>The business license application has been updated and uploaded on the City website. The Brochure is being printed and will be put up at City facilities. The website includes a Land Use Matrix to guide future business owners in their quest to find the perfect property in Berkley.</p>
Mural Program	<p>The DDA’s Mural Program has received a lot of positive feedback from residents and the business community. There has been a great deal of interest from properties located in the DDA and elsewhere to install murals and other public works of art on their properties. Currently, the Zoning Ordinance does not specify requirements or steps for approval for any public art.</p> <p>Text is being drafted and reviewed by City staff.</p>
Approval Extensions	<p>City Council adopted a resolution to extend planning and zoning approvals due to construction delays related to COVID-19 until December 31, 2021. This includes site plan, special land use, rezoning, variance, and other approvals that were granted by Planning Commission, Zoning Board of Appeals, and City Council. This was done to assist business and property owners who had secured approvals but have incurred delays out of their control and so to prevent the approvals from expiring.</p>
Social Districts	<p>In researching ways to assist our local businesses, city staff, DDA and the Chamber are working together and discussing the possibility of Social Districts in Berkley. City staff has reached out to several other communities to better understand the process and the potential hiccups with the new policy.</p> <p>There are 11 restaurants that serve alcohol in the City. Staff has reached out to each to gauge their level of interest.</p> <p>Based on the level of interest, City staff has determined not to move forward with establishing Social Districts at this time.</p> <p>The City continues to reach out to businesses and property owners to assist and find alternate methods to aid local businesses.</p>
Little Free Library and Little Free Pantry Community Structures	<p>In April, staff completed an inventory of the City and found that there are approximately 30 structures on residential and commercial properties. In order to support these Little Free Structures, staff will create a map, available on the website, showing addresses where each community structure is located, as well as a photo. Many of the structures are beautifully designed and painted. Each is its own work of art.</p> <p>Letters have gone out to each property, requesting permission to include their location and pictures of the structures and their property on the city website and promoted on our social media pages.</p> <p><u>The Little Free Structures Map has been created and uploaded on the City website.</u></p>

<p>Downtown Design Guidelines & Overlay District</p>	<p>Members of city staff have met with members of the PC and DDA to go over the draft language for the Overlay District and plans to implement and adopt the Downtown Design Guidelines. Draft language is still being finalized. The City hopes to have draft language for public bodies to review in the coming months.</p> <p>Draft language has been sent to City Attorney John Staran for his review to ensure that we are on the right foot moving forward. Any recommendations will be discussed with the internal team.</p> <p><u>The draft text was reviewed by the DDA at their November 10, 2021 meeting and reviewed by the Planning Commission at their November 23, 2021 meeting. The Planning Commission will continue its discussion at their January 2021 meeting.</u></p>
<p>Vinsetta Lots</p>	<p>The Community Development Director has been communicating with residents near the Vinsetta Garage related to the progress of the future parking lots on Eaton and Oxford that will service the Vinsetta Garage restaurant.</p> <p>Houses on Eaton and Oxford have been demolished or in process of being demolished. City staff have reached out to the development team for Vinsetta regarding the progress of the parking lot plans and subsequent plans for new homes.</p> <p>Mid-September, the development team submitted conceptual parking plans. Community Development reviewed the conceptual plans but they were deemed to be largely incomplete to move forward with a pre-application meeting. Comments were forwarded to the development team.</p>

Have a safe and happy week!