

THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, MARCH 14, 2022 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 Maria Ward
Erick McDonald

ABSENT: NONE

ALSO, PRESENT: Megan Masson-Minock, Interim Community Development Director
Dennis Hennen, City Council Liaison

APPROVAL OF AGENDA

Motioned to approve the agenda by Mr. Gesund and supported by Ms. Ward

AYES: Gesund, Krug, McAlpine, McDonald, Uhlar, Ward, Wilner

NAYS: NONE

ABSENT: NONE

MOTION CARRIED

APPROVAL OF MINUTES

Motioned to approve the minutes of February 14, 2022 by Ms. Ward and supported by Mr. Krug

AYES: Wilner, Ward, Uhlar, McDonald, McAlpine, Krug, Gesund

NAYES: NONE

ABSENT: NONE

MOTIONED CARRIED

OLD BUSINESS

NONE

NEW BUSINESS

1. **APPLICATION PBA -02-22; 2233 Earlmont** - Dimensional Variance requests to construct a new house to be attached to the existing detached garage that encroaches into the required 5 ft. side yard setback and creates a combined side yard setback of less than the required 15 ft.

Interim Community Development Director Masson-Minock provided a summary of the property and the history of building permits with the address. She addressed both of the variance requests for this property and the plans for development. Interim Community Development Director Masson-Minock also stated the standards of review the board would discuss, and did an overview of the unique circumstances.

Petitioner

Tim Glynn
2365 Earlmont
Berkley, MI 48072

Petitioner, Mr. Glynn, gave an overview of the proposal and requested variances. Mr. Glynn also provided a PowerPoint with specifics of the new house and garage that is intended to be built.

The board asked the petitioner, Mr. Glynn, questions regarding this property including questions about the foundation, the garage and house connection point with the in-law suite, specifics of garage, and specifics of the house.

The board discussed the design of the house, the requested variances, and options of changing the house so a variance is not needed.

Petitioner

Andrew Danaher
Architect
10426 Kingston
Huntington Woods, MI 48070

Architect for the petitioner, Andrew Danaher, stated compared this house to other houses on the street. Mr. Danaher stated that the main goal was to include the in-law suite while trying to keep existing setbacks.

Co-chair Uhlar asked Mr. Danaher, if the existing foundation was not used, could a house this size be put on a lot this size without needing a variance. Mr. Danaher stated that there would more than likely be one variance.

Ms. Ward and other board members discussed with Mr. Danaher square footage of the new house, floor plans on both levels with the garage, and lot coverage requirements.

Chair McAlpine opened the floor for public hearing at 7:30 p.m.

PUBLIC COMMENT

Mike Kirby, 2250 Gardner - stated that the overall design is a good design with a good idea. He stated that looking at the new master plan, there is a shift to move in a new direction and this design flows well into the master plan, and this is a good plan for larger lots.

Chair McAlpine closed the floor for public hearing at 7:31 p.m.

Ms. Ward stated that she is concerned with the placing of McMansions on a small size parcel of property. This can affect the runoff from storms, and the sewers in Berkley.

Mr. Krug states that he sees no issue with the variance on the west side. The east side is where that room could be pushed in, with Mr. Wilner in agreement.

The board discussed ways the house could be modified so a variance would not be needed.

Co-Chair Uhlar stated that this is a great design but it does not meet the fourth criteria. If this is granted to every single parcel in Berkley, how does the board justify saying no to the next applicant.

The board discussed with the Interim Community Development Director Masson-Minock what the options were if they approved the first variance but denied the second variance and how it would affect the whole project.

1st Variance Request - Construct a new house to be attached to the existing detached garage that will encroach into the required 5 ft, side yard setback.

Motion by Ms. Ward to approve the side yard setback which requires 5ft and approve the 4 ½ inches, due to the unique circumstance of the line established by the existing foundation walls. Support from Mr. Wilner.

AYES: Gesund, Krug, McAlpine, McDonald, Ward, Wilner

NAYS: Uhlar

ABSENT: NONE

2nd Variance Request - Construct a new house to be attached to the existing detached garage where the total of the two side yards is less than the required 15 ft.

Motion by Mr. Krug to deny minimum 15 ft side yard setback based on these findings of facts:

- 1) The applicant is adding onto an existing foundation not making it unique circumstances or physical conditions.
- 2) The result is an action of the property owner wanting to expand this home.
- 3) The property can be used without this variance being granted.
- 4) It might be minimum variance to the property owners but the board does not see a need for that variance.
- 5) It would not impact the surrounding area.

Supported by Ms. Ward.

AYES: Wilner, Ward, Uhlar, McDonald, McAlpine, Krug, Gesund

NAYES: NONE

ABSENT: NONE

MOTIONED CARRIED

OTHER BUSINESS

NONE

STAFF/BOARD MEMBER REPORT

Interim Community Development Director Masson-Minock stated that there will be a sign variance coming to the board in April. She also stated that she will be on vacation March 25th to April 2nd, and her colleague Ben Carlisle can help with meeting notices and will get everything set for the board meeting.

Ms. Ward asked Chair McAlpine about the last meeting and the hardship case that was approved. Ms. Ward asked for a follow up of the proper inspection of the legitimate actual distance between the two

dwellings of 2740 Gardner and 2758 Gardner. Interim Community Development Director Masson-Minock clarified that the applicant withdrew that variance.

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LIAISON REPORT

Councilmember Hennen stated that the City Council had passed the first of two readings for the increase of the number of marihuana provisioning center licenses from three to five for in the City. In order for the change to be effective, it has to pass one more vote on the 21st of March.

Councilmember Hennen also stated that the Michigan Association of Planners is hosting a training on March 15th via zoom on Zoning Board of Appeals. Councilmember Hennen stated to the board that they need to contact Michael Smith in the City Manager Office in order to get signed up, and this training will meet the continuing education requirement for the fiscal year.

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PUBLIC COMMENT

NONE

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With no further business, the meeting was adjourned at 7:56 p.m.