

THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, May 9, 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
Joann Serr (Alternate)

ABSENT: Erick McDonald

ALSO, PRESENT: Megan Masson-Minock, Interim Community Development Director

Motion by Mr. Gesund to excuse the absence of Mr. McDonald without notice and supported by Mr. Uhlar.

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

MOTION CARRIED

APPROVAL OF AGENDA

Motioned to approve the agenda as presented by Mr. Gesund and supported by Ms. Ward. With clarification on the public notice per Chuck Tyrell's email.

The Board concluded that the meeting could still continue as planned. The addresses were correct on the public notices that were sent out.

Email read into record from Chuck Tyrell dated May 6, 2022.

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

MOTION CARRIED

APPROVAL OF MINUTES

Motioned to approve the minutes of the April 11, 2022 regular meeting by Ms. Ward and supported by Mr. Wilner

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

MOTION CARRIED

OLD BUSINESS

NONE

NEW BUSINESS

1. **APPLICATION PBA-04-22; 3020 Coolidge Hwy. - Dimensional variance request to waive on-site parking requirements.**

Interim Community Development Director Masson-Minock stated that this property is zoned Coolidge District and presented the background/history of changes of use in the applicants that have been at this location. Interim Community Development Director Masson-Minock also specifically presented the variance that is specific to grandfather use and the rules that correlate, along with the lot split. She discussed how a parking agreement for this property was noted in a list of properties with parking agreements but that the agreement was not found in City files, after despite searches by both herself and Building Clerk Kim Anderson. Interim Community Development Director Mason-Minock also provided the standard of review for the Board to consider and discuss.

The Board asked questions to Interim Community Development Director Masson-Minock pertaining to the lot split.

Interim Community Development Director Masson-Minock stated what the intended plans are for this location and what the owner is willing to agree on to make this variance work.

The Board asked questions and discussed information provided about this application.

Petitioner

Takesha Dubose
20038 Oxley St
Detroit, MI 48235

Ms. Dubose stated that her business will offer a small day spa and salon, with three employees including herself, offering by appointments only. Ms. Dubose stated that she feels this variance should be approved, because it will not only help her business, but it will be an asset to the city. Ms. Dubose stated that this building is an opportunity for her business, and in order for anyone to purchase the building there has to be some sort of parking agreement.

Co-Chair Uhlar asked Ms. Dubose what the potential plans are for the second floor of the building. Ms. Dubose stated that she does not have a definite plan but would like to finish it, considering it as a residential space and not to use it as a part of her business.

The Board asked Ms. Dubose specific questions on her current business and how it is run with the number of employees, services provided, and the length of the appointments.

Chair McAlpine opened the floor for public hearing at 7:45 p.m.

Denise Falenski, 2425 Earlmont - Ms. Falenski stated that she has had an at length conversation with both Kim Anderson and Megan Masson-Minock for information on this situation. After hearing Ms. Dubose tonight, Ms. Falenski stated she is still concerned about the hours of operation considering her property is right next door to Vibe Credit Union. Ms. Falenski stated her frustrations with the Vibe Credit Union renovations that have happened. Ms. Falenski stated that for as long as Vibe has been around, seeming to be a verbal shared parking agreement with what is 3020 Coolidge. Ms. Falenski stated that if

surrounding businesses offer shared parking, that would relieve her as a neighbor especially with the challenges that Vibe presents. Ms. Falenski specified she would want clarification on hours of operation.

Letter read into record from Denise and Daniel Falenski dated May 5, 2022.

Letter read into record from Dennis and Jennifer Hennen dated May 9, 2022.

Chair McAlpine closed the floor for public hearing at 8:02 p.m.

Gary Imhoff
8583 Immense St
Commerce Township MI, 48382
Current Property Owner of 3020 Coolidge Hwy

Ms. Ward asked particular questions about the current business in this building. Ms. Ward also discussed with Mr. Imhoff about parking and the history with the building, what the second floor was used for, customer traffic, and any knowledge of a parking agreement with Vibe Credit Union.

Mr. Imhoff stated that since the pandemic the business has acquired unforeseen costs, and the best decision would be to liquidate the building and move his business somewhere else.

Co-Chair Uhlar asked Mr. Imhoff the current hours of the building, number of employees, and where the employees park.

There was discussion between the Board and Interim Community Development Director Masson-Minock about clarification in the letter from Dennis Hennen, the variance and parking, and placing conditions on the waiver of the parking. Mr. and Mrs. Hennen had asked in their letter when the lot split had occurred.

Interim Community Development Director Masson-Minock clarified that the applicant has been given verbal agreements, not written agreements for shared parking. There was discussion with The Board about finding the parking agreement.

There was more discussion on the verbal agreements with Ms. Dubose on what verbal agreements she has received from the VFW Hall and Vibe Credit Union. The Board also discussed with Ms. Dubose how she operates her business.

There was more discussion on parking and the parking agreement with possibilities and conditions of what the Board can do finding this elusive agreement.

Jeff Anderson
4615 Robinwood Ave
Real estate agent (seller agent)

Mr. Anderson stated that the current contract is through June 1, 2022.

There was more discussion amongst the Board about concerns of parking in the neighborhood.

Co-Chair Uhlar stated that at this property you cannot have a viable business without a variance, and it is better to have this than moving forward with a decaying building.

Motion by Ms. Ward to table application PBA-04-22 until the staff can do additional research to see if there is an existing parking agreement for this property with support by Mr. Gesund.

AYES: Gesund, Krug, Ward
NAYS: McAlpine, Serr, Uhlar, Wilner
ABSENT: McDonald

MOTION FAILED (4-3)

Motion by Ms. Serr to approve application PBA-04-22 with the conditions:

- There are two bike racks at the location
- Employees agree to park in municipal parking during hours of operation
- Operating hours are limited to 9 a.m. - 6 p.m. Monday through Saturday
- Operation is by appointment only
- No more than three employees including the owner can be on site with customers during operating hours
- These conditions apply to the use of the first floor only

Support by Mr. Krug

AYES: Gesund, Krug, McAlpine, Serr, Uhlar, Wilner

NAYS: Ward

ABSENT: McDonald

MOTIONED CARRIED

2. APPLICATION PBA-05-22; 28105 Woodward - Dimensional variance requests to change the message displayed on a nonconforming pole sign.

Interim Community Development Director Masson-Minock provided an overview of the application for a nonconforming pole sign with a new face. The current site has three wall signs facing Woodward, and one wall sign facing Catalpa that have been approved. Interim Community Development Director Masson-Minock stated that the sign is non-conforming based on the height, sign area, distance from the property line on Woodward, and the radius from the sidewalk to sidewalk intersection. Interim Community Development Director Masson-Minock stated the standards of review the Zoning Board would discuss.

Petitioner

Dustin Kennedy
42319 Addison Ave
Canton, MI 48187

Petitioner, Mr. Kennedy stated that he wants to change the copy of the sign in accordance with the new tenant that has moved into a space. Mr. Kennedy stated that the current signage has caused a nuisance to the new business that is in this space. Mr. Kennedy also stated that there is an outbuilding that sits behind the buildings on Woodward and with zero exposure. With the new signage, people would be able to locate this building.

Mr. Gesund asked the petitioner Mr. Kennedy if this sign will be a static sign or digital sign. Mr. Kennedy stated that this is a static sign, a copy of what is already on the panel.

Chair McAlpine opened the floor for public hearing at 8:59 p.m.

Sarah Szirtes, 52 Oakdale Blvd, Pleasant Ridge - Stated that she is the general counsel for HealthCall of Detroit the current tenant at 28105 Woodward. Ms. Szirtes provided an overview of what HealthCall is and what the building is used for. Ms. Szirtes stated this is the administrative and training center for HealthCall, where it is only by appointment. Ms. Szirtes stated that since the signage has not been changed yet, many people are trying to enter their secure building causing executives and other administrative staff to get up throughout the day causing a nuisance and just want to replace the panel.

Chair McAlpine closed the floor for public hearing at 9:01 p.m.

Motion by Mr. Wilner to approve application PBA-05-22 with the recommendations of only changing the copy of the sign, and if more is changed it has to meet the current ordinance with support by Ms. Ward.

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

MOTION CARRIED

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OTHER BUSINESS

NONE

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STAFF/BOARD MEMBER REPORT

Interim Community Development Director Masson-Minock stated to the Zoning Board that they will have a sign case and plan for the June meeting, pertaining to Aqua Tots which is a multi-unit building.

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LIAISON REPORT

NONE

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PUBLIC COMMENT

NONE

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With no further business, the meeting was adjourned at 9:04 p.m.