

THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, July 11, 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/cityofberkley>

PRESENT:

Erick McDonald
Sue McAlpine
Joseph V. Krug
Joann Serr

Kevin Wilner
Miles Uhlar
Maria Ward

ABSENT:

ALSO, PRESENT:

Megan Masson-Minock, Interim Community Development Director
Kristen Kapelanski, Community Development Director
Dennis Hennen, City Council Liaison
Ashley Merz, City Staff

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APPROVAL OF AGENDA

Motioned to approve the agenda as presented by Ms. Ward and supported by Ms. Serr.

Voice vote to approve the agenda

AYES: 7
NAYS: 0
ABSENT: NONE

MOTION CARRIED

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APPROVAL OF MINUTES

Motioned to approve the minutes of the June 13, 2022 regular meeting by Mr. Krug and supported by Ms. Ward

Voice vote to approve the minutes of June 13, 2022.

AYES: 6
NAYS: 0
ASBENT: NONE
ABSTAINED: Uhlar

MOTION CARRIED

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OLD BUSINESS

NONE

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NEW BUSINESS

1. APPLICATION PBA-07-22; 3376 Twelve Mile Rd. – Use variance request to use the property and structure as a duplex. Gary William Foster, 3376 Twelve Mile Rd. Parcel # 04-25-07-451-041, north side of Twelve Mile Rd., between Buckingham Ave. and Tyler Ave., is requesting a use variance in order to use the property and structure as a duplex

Interim Community Development Director Masson-Minock reviewed that staff letter that was dated July 7th, listing all the uses, permitted and special for the Twelve-Mile district and focused on item M that indicated apartments or townhouses. She provided an overview of the details and special circumstances of this property and the history of this property. Interim Community Development Director Masson-Minock reviewed the standards of review for use variances.

The Board asked specific questions on parking, and the ordinance that has changed over the years.

APPLICANT PRESENTATION

Gary Foster
3376 12 Mile Rd
Berkley, MI 48072

Mr. Foster stated that Interim Community Development Director Masson-Minock summarized the application well, and provided pictures that were updates on this property since owning it.

Mr. Wilner asked Mr. Foster if his intent was to have it as a live work environment. Mr. Foster stated that the idea was to have a duplex.

Co-Chair Uhlar asked Mr. Foster what the cost would be to make it a three-unit duplex with a fire separation. Mr. Foster stated that it would be cheaper to knock the building down and start over, making it nearly impossible.

Chair McAlpine opened the floor for public comment at 7:20 p.m.

PUBLIC COMMENT

NONE

Letter from Michigan Dyslexia Institute in support of this application

Letter from MPH Marketing Solutions in support of this application

Written statement from Mr. Osberger stating that he had no objections

Chair McAlpine closed the floor for public comment at 7:20 p.m.

The Zoning Board discussed their thoughts on this application, some stating that this is a good use for the space presented, and some were conflicted with it.

Co-Chair Uhlar asked Interim Community Development Director Masson-Minock on business permits if they were to be pulled in the future.

There was more discussion on meeting the standards of review, that this is a unique building and the adaptive reuse is a challenge, finding that this use is closest to what it has been used for.

Mr. McDonald asked the applicant about approved permits from the work that has already been done. Mr. Foster stated that the work that has been done does not need permits.

There was discussion on what Twelve Mile is zoned and the original intent was to have three apartments with the cost and fire separation, and the unique situation of the business that was in there prior to the building.

Motion by Ms. Ward to approve application PBA-07-22 due to the unique circumstances and findings of standards of review with support by Mr. Wilner

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

MOTION CARRIED

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2. APPLICATION PBA-08-22; 3910 Eleven Mile Rd. – Use variance request to use the property and structure as a live/work unit. George Banot, 3910 Eleven Mile Rd. Parcel #04-25-18-353-031, north side of Eleven Mile Rd., between Cummings Ave. and Thomas Ave., is requesting a variance to use the property and structure as a live/work unit.

Interim Community Development Director Masson-Minock reviewed the staff review dated July 7th, and provided details and the unique qualifications for the Eleven Mile District with the history of this particular site, as well as, the current circumstances with the neighboring businesses. Interim Community Development Director Masson-Minock reviewed the standards of review for use variances and two conditions of approval.

Mr. Wilner asked Interim Community Development Director Masson-Minock clarification on the Eleven Mile District on residential use.

There was discussion on the option of a live/work unit, the marketing of this property, the non-conforming use.

APPLICANT PRESENTATION

Vince Cipriano (Representing the Applicant)
Realtor, Keller Williams
31175 North River Rd
Harrison Township

Mr. Cipriano stated that Megan summarized the property well and answered the Board's question on square footage of the space and the history of showings on this property and the lack of parking for a listing of it being commercial.

Mr. Cipriano expressed that it would be ideal to make this property 100% residential and to make the 600 sq. ft into the front living room, the building is up to date on electrical.

Chair McAlpine asked Mr. Cipriano if conditions of approval were presented would he have the ability to agree to those conditions on behalf of the applicant.

There was discussion with this property being next to the Marihuana facility next door, and the relationship between the two owners on the separate properties, and the lot size of this property.

There was discussion of what this building could be used for such as an accountant, attorney, florist, art studio, office usage.

Chair McAlpine opened the floor for public comment at 8:08 p.m.

PUBLIC COMMENT

NONE

Chair McAlpine closed the floor for public comment at 8:08 p.m.

Mr. Wilner stated that once that building went vacant the building lost its non-conforming use.

The Board also discussed if the applicant would even comply with the conditions if presented, and ordinance rewrites in the future.

Ms. Ward suggested tabling the matter until the applicant was back in the country, in which the Board was not in agreement with that.

The Board discussed more issues to this matter such as, business licensing to a potential new business in that space, a certificate of occupancy, vacancy, and the applicant not being here.

Motion by Ms. Ward to deny application PBA-08-22 based upon the four standards that need to be met, one of the standards is not being met based upon the result of the property owner's choice and there are other options for this property they should be considering with support by Co-Chair Uhlar.

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

NAYS: NONE

ABSENT: NONE

MOTION CARRIED

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OTHER BUSINESS

Chair McAlpine introduced Mr. Serr to the board and the two alternates that were present as well.

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STAFF/BOARD MEMBER REPORT

Community Development Director Kristen Kapelanski introduced herself, and stated that she looks forward to working with all of them

May Community Development Report

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LIAISON REPORT

Councilmember Hennen welcomed Ms. Kapelanski to the board and thanked Ms. Masson-Minock for her time working with the city. Mr. Hennen stated that last month council approved the first two marihuana licenses, Lume on Twelve Mile Rd, and Quality Roots on Eleven Mile Rd. Both stated that they will be expecting to be open within four-six months. The meeting on July 18th, council expects Butter provisioning to be up for consideration located on Eleven Mile.

Councilmember Hennen also stated the need for a sign ordinance rewrite and staff is looking into it. While it might be a while for a major rewrite, the board can at least try and address some of the same issues that keep coming up.

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PUBLIC COMMENT

NONE

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With no further business, the meeting was adjourned at 8:32 p.m.