

**THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS
CALLED TO ORDER AT 7:00 PM, MONDAY, July 14, 2025 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: <http://www.youtube.com/CityofBerkley>.

PRESENT:

Sue McAlpine
Andrew Creal
Joseph Krug
Eric McDonald

Joann Serr
Kevin Wilner
Jason Benedict, Alternate

ABSENT:

Steve Allen

ALSO, PRESENT:

Kim Anderson, Zoning Administrator
Dennis Hennen, Liaison
Lorene Branch, Alternate

CONFIRMATION OF QUORUM MET

APPROVAL OF AGENDA

Case PBA-02-25, 2285 Mortenson Blvd. was noticed but is not on the agenda. The City withdrew the dimensional variance request on the distance requirement for the exterior side yard for a corner lot because inadvertently in the new zoning ordinance, cross section 5.09.E to accessory structure setbacks for corner lots abutting rear yard to rear yard or rear yard to side yard was left out. As the new zoning ordinance is being used, we are making amendments to any discrepancies found.

Motion to approve the agenda as presented by Wilner, and supported by Krug.

Voice vote to approve the agenda.

AYES: 7

NAYS: 0

ABSENT: 1

MOTION CARRIED

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APPROVAL OF MINUTES

Motion to approve the minutes of the January 13, 2025 regular meeting by Krug and supported by Creal.

Voice vote to approve minutes

AYES: 7

NAYS: 0

ASBENT: 1

MOTION CARRIED

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OLD BUSINESS

None

NEW BUSINESS

1. Application Number PBA-03-25

Bradley DeVries on behalf of Damsel LLC, 3020 Coolidge Hwy., parcel 04-25-17-107-031, on the East side of Coolidge Highway, between Earlmont Road and Edgewood Blvd., is requesting a variance to waive on-site parking requirements.

Note: In the notice there was an inaccuracy on the cross roads for the property description. This inaccuracy does not affect the notice requirements per MEZA 125.3103, Section 103(4) as the address and parcel number are accurate.

The applicant is requesting a dimensional variance to waive on-site parking requirements for a first-floor Retail space and second-floor office space.

Per Berkley City Code, Zoning Ordinance, Chapter 138, Article 14, Sec. 14.04.Q.3.f, parking space requirements by use for general retail requires one per 500 square feet of usable floor area plus one per employee. Parking requirements by use for Offices per Sec. 14.04.Q.4.c requires one per 300 square feet of usable floor area. First floor retail space requires five (5) on-site parking spaces and Second floor office space requires four (4) on-site parking spaces. Per 14.04.M 3020 Coolidge Hwy., qualifies for one (1) On-street parking credit.

A total of 9 parking spaces are required for both businesses. The parcel qualifies for one (1) on-street parking credit and has a shared use for four (4) parking spaces with Bagger Dave's. A variance request is for four (4) parking spaces.

Zoning Administrator, Kim Anderson provided the Zoning Board of Appeals background on 3020 Coolidge Hwy. With the new parking standards and the shared parking agreement, the variance request for waiving 4 parking spaces allows for the operation of two businesses at this location that has been unoccupied for a few years now.

Chair McAlpine went through the five standards that must be met for a variance to be granted per 138 17.04 of the Zoning Ordinance.

APPLICANT PRESENTATION

Applicants Bradley DeVries, Christine and Zack Sheridan presented their case to the Zoning Board of Appeals and answered various questions regarding the parcel.

Christine Sheridan and husband Zack are long time residence and propose to bring a family focus retail shop with an office above to the community.

Bradley presented the practical difficulty of the property that is approximate 100 years old with little land area for parking. The request is the least intense amount needed along with having a shared parking agreement for four spaces as allowed up to 50% of required parking. Both proposed businesses are of the least parking calculation requirements in the Zoning Ordinance.

Board discussion:

Wilner asked for clarification on any existing parking and the previous variances granted for parking. Anderson explained that there is no parking on site. The previous parking variance was for a salon. A variance is carried on with the property unless there is a use change, which in this instance the proposed businesses are for retail and an office.

Serr asked about an expiration date of the Agreement – no expiration date.

Serr – asked about the number of staff – applicant indicated three are planned for the retail area and employees will park in municipal lot or Bagger Dave's parking lot. Office will be one employee.

Creal asked about the new Zoning Ordinance and parking Agreements – Anderson explained that Parking Agreements were permitted in the previous ordinance. The new Zoning Ordinance Parking requirements were reduced in many business qualifications and also street parking can now be counted. The applicant did point out that under the new ordinance a parking agreement can only constitute for 50% of the parking requirements.

Chair McAlpine asked when the building was purchase. Applicant provided September of 2024.

Chair McAlpine opened the floor for the public hearing at 7:18 p.m.

PUBLIC COMMENT

No public correspondence:

Chair McAlpine closed the floor for the public hearing at 7:18 p.m.

Zoning Board of Appeals discussion:

Zoning Board of Appeals members discussed; the shared parking agreement, the purchase date, surrounding parking on streets, the lot split/combination that occurred in 2014, conditions that could be incorporated and the five standards to be met.

Motion to approve a parking variance of four parking spaces with the condition for employees to park in either Bagger Dave's lot or Municipal lot by Creal and supported by Serr.

Approval

In the matter of PBA-03-25, 3020 Coolidge Hwy., parcel # 04-25-17-107-031, motion to approve the requested variance with conditions from Berkley City Code, Zoning Ordinance, Chapter 138, Article 14, Sec. 14.04 of the City of Berkeley City Codes to grant a parking variance for four (4) spaces, as required, that does not conform to the applicable City Code regulations, based on the following findings:

1. *The need for the variance is due to unique circumstances or physical conditions of the property.*
The property has unique circumstances and physical conditions that rendered even prior to the split unavailable parking to meet the parking requirements.
2. *The need for the variance is not the result of actions of the property owner or previous property owners.*
3. *Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.*
4. *The requested variance is the minimum variance necessary to do substantial justice to the application as well as other property owners.*
The Shared Parking Agreement from Bagger Dave's has helped aid in making the variance request to be the minimum variance necessary.
5. *The requested variance will not adversely impact the surrounding properties.*

AYES: Members: Krug, McDonald, Serr, Benedict and Creal

NAYS: Wilner and Chair McAlpine

ABSENT: Allen

MOTION CARRIED

2. Application Number PBA-04-25

Salwan Shina, on behalf of Jamil Realty, LLC and Gevalin Gegaj for 4162 Twelve Mile Rd., 4150 Twelve Mile Rd., 4138 Twelve Mile Rd., Parcels 04-25-07-355-039, 04-25-07-355-038 and 04-25-07-355-040, North side of Twelve Mile Rd., between Greenfield Rd. and Ellwood Ave., is requesting a variance for the location of a trash enclosure.

The applicant is requesting a dimensional variance for the location of the Trash Enclosure as an accessory structure in the side yard.

Berkley City Code, Zoning Ordinance, Chapter 138-53 Yard Location: Accessory building or structures shall not be erected in any yard, except a rear yard.

Site Plan Review Application was submitted prior to the adoption of the new Zoning Ordinance. Plans have been reviewed against the old Zoning Ordinance provisions (pre-April 16, 2025). The variance request will be under the zoning requirements per the City's prior zoning ordinance.

Planning Commission approved the Site Plan Review with a condition that a variance be obtained from the Zoning Board of Appeals for the location of the trash enclosure

The trash enclosure proposed location is South of the Ellwood Ave entrance in the side yard. Section 138-53 requires accessory structures to be erected in the rear yard only, the proposed trash enclosure is located in the side yard.

APPLICANT PRESENTATION

Applicant Eric Williams of Stonefield Engineering & Design provided an overview of the development and presented their case to the Zoning Board of Appeals and answered and clarified various questions regarding the project and parcels.

Eric explained details of the location and material of the trash enclosure and pointed out that there is a number of trash enclosures currently. The development is to create one cohesive property rather than three buildings with the redevelopment. Proposed enclosure will be a six-foot masonry enclosure to match the building located just South of the Ellwood entry to minimize the impact to the residence and remain functional for operation. Eric went over the property explaining the challenges of locating the enclosure in other areas of the property due to easements, utilities, etc.

Property has three frontages; Greenfield, Twelve Mile and Ellwood.

Without the enclosure, dumpsters would be sitting out in the parking lot.

Enclosure will also be screened with evergreen trees.

Board Discussion:

Benedict and members clarified the location of gas pumps and utilities.

Chair McAlpine opened the floor for the public hearing at 7:54 p.m.

PUBLIC COMMENT

No public correspondence:

Chair McAlpine closed the floor for the public hearing at 7:54 p.m.

Zoning Board of Appeals discussion:

Zoning Board of Appeals members discussed; location of enclosure, any alternate locations, least impact on residents and the five standards to be met.

Motion to approve dimensional variance for a side yard trash enclosure by Serr and supported by Krug.

Approval

In the matter of PBA-04-25, 4162 Twelve Mile Rd., 4150 Twelve Mile Rd., 4138 Twelve Mile Rd., Parcels 04-25-07-355-039, 04-25-07-355-038 and 04-25-07-355-040, motion to approve the requested variance from Berkley City Code, Zoning Ordinance, (pre-April 16, 2025) Chapter 138, Sec.138-53 of the City of Berkley City Codes to grant a dimensional variance to allow an accessory structure in a side yard, that does not conform to the applicable City Code regulations, based on the following findings:

1. *The need for the variance is due to unique circumstances or physical conditions of the property.*
Property has unique physical conditions due to the location of the utilities.
2. *The need for the variance is not the result of actions of the property owner or previous property owners.*
The placement of the utilities and sewer are existing.
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.*
Strict compliance would be unnecessarily burdensome to have to relocate utilities.
4. *The requested variance is the minimum variance necessary to do substantial justice to the application as well as other property owners.*
Request is the minimum variance to do substantial justice to the applicant and surrounding area.
5. *The requested variance will not adversely impact the surrounding properties.*

AYES: Members: McDonald, Serr, Wilner, Benedict, Creal, Krug and Chair McAlpine
 NAYS: None
 ABSENT: Allen

MOTION CARRIED

3. Application Number PBA-05-25

Salwan Shina, on behalf of Jamil Realty, LLC and Gevalin Gegaj for 4162 Twelve Mile Rd., 4150 Twelve Mile Rd., 4138 Twelve Mile Rd., Parcels 04-25-07-355-039, 04-25-07-355-038 and 04-25-07-355-040, North side of Twelve Mile Rd., between Greenfield Rd. and Ellwood Ave., is requesting a variance for the Southeastern driveway entrance.

The applicant is seeking a dimensional variance of 3.2 feet for the distance for the Southeastern driveway off Twelve Mile Rd from the intersection.

*Berkley City Code, Zoning Ordinance, Chapter 138-429(b)(4) Automobile Service Site Development Standards, **All points of entrance or exit for motor vehicles shall be no closer than 30 feet from the intersection of the right-of-way lines proposed in the city's land use plan for those streets on which it fronts.***

Site Plan Review Application was submitted prior to the adoption of the new Zoning Ordinance. Plans have been reviewed against the old Zoning Ordinance provisions (pre-April 16, 2025). The variance request will be under the zoning requirements per the City's prior zoning ordinance.

Planning Commission approved the Special Land Use with a condition that a variance be obtained for the Southeastern driveway location.

Planning Commission approved the Site Plan Review with a condition that a variance be obtained from the Zoning Board of Appeals for the Southeastern driveway location.

APPLICANT PRESENTATION

Applicant Eric Williams of Stonefield Engineering & Design presented their case to the Zoning Board of Appeals and answered and clarified various questions regarding the driveway intersection.

Eric explained that there are four points for the ingress and egress on the property and the directional of movement. RCOC recommendations including a divider island to assure no left onto greenfield. Southeast corner Twelve Mile and Ellwood is an existing location. RCOC has no objection or safety concern. The need for the variance of 3.2 feet for the distance of the driveway to the intersection arises for access to and from the property for customers. The Eastern half of the building will be maintained – no deconstruction of that existing building and the driveway is existing. The property is unique with three frontages. Removal could restrict motorist to and from on Twelve Mile and could drive additional traffic down Ellwood.

Board discussion: No questions from the board.

Chair McAlpine opened the floor for the public hearing at 8:07 p.m.

PUBLIC COMMENT

No public correspondence:

Chair McAlpine closed the floor for the public hearing at 8:07 p.m.

Zoning Board of Appeals discussion:

Zoning Board of Appeals members discussed the five standards to be met.

Benedict brought up RCOC approval and the board discussed the email provided meets clarification needed for RCOC approval.

Motion to approve a dimensional variance of 3.2 feet for the distance for the Southeastern driveway by Serr and supported by Wilner.

In the matter of PBA-05-25, 4162 Twelve Mile Rd., 4150 Twelve Mile Rd., 4138 Twelve Mile Rd., Parcels 04-25-07-355-039, 04-25-07-355-038 and 04-25-07-355-040, motion to approve the requested variance from Berkley City Code, Zoning Ordinance, (pre-April 16, 2025) Chapter 138, Sec. 138-429(b)(4) of the City of Berkeley City Codes to grant a dimensional variance to allow a 26.8' distance from an intersection, that does not conform to the applicable City Code regulations, based on the following findings:

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

AYES: Members: Serr, Wilner, Benedict, Creal, Krug, McDonald and Chair McAlpine
NAYS: None
ABSENT: Allen

MOTION CARRIED

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OTHER BUSINESS

1. Rules of Procedure

Rules of Procedure was presented for yearly review.

Motion to approve the Rules of Procedure as presented by Wilner and supported by Creal.

AYES: Wilner, Benedict, Creal, Krug, McDonald, Serr and Chair McAlpine
NAYS: None
ASBENT: Allen

MOTION CARRIED

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2. Election of Officers:

Seat for Chair

Chair McAlpine stepped down from seat

McDonald nominated McAlpine for Chair, supported by Serr

McAlpine accepted nomination of position as Chair

AYES: Benedict, Creal, Krug, McDonald, Serr and Wilner
NAYS: None
ASBENT: Allen

MOTION CARRIED

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Seat for Vice-Chair

Vice-Chair Allen stepped down from seat via email with notification of absence for July 14, 2025 meeting and expressed interest in continuing as Vice-Chair or moving up to Chair.

Krug nominated Allen for Vice-Chair

AYES: Benedict, Krug, and McDonald
NAYS: Creal, Serr, Wilner and Chair McAlpine

ASBENT: Allen

MOTION NOT CARRIED

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Seat for Vice-Chair

Wilner nominated Creal for Vice-Chair

Creal accepted nomination of position for Vice-Chair

AYES: Benedict, Krug, McDonald, Serr, Wilner and Chair McAlpine

NAYS: None

ABSENT: Allen

MOTION CARRIED

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STAFF/BOARD MEMBER REPORT

Community Development Monthly Report for December 2024, January, February, March, April and May 2025

Zoning Ordinance Rewrite update: New Zoning Ordinance in effect as of April 16, 2025.

Alternates – Both Alternates; Branch and Benedict have received their certifications – Congratulation to them.

Next meeting – August 11, 2025 – one case.

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LIAISON REPORT

Dennis Hennen – Informed the Board of the fantastic tour of West 12 Mile with council members, staff, DDA members/several 12 Mile business owners and economic development and planning professionals from SEMCOG and MML that has cultivated some great ideas on what we can do to realize the full potential the corridor has to offer.

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PUBLIC COMMENT

Chair McAlpine opened the floor for public comment at 8:22 p.m.

NONE

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Chair McAlpine closed the floor for public comment at 8:22 p.m.

With no further business, the meeting was adjourned at 8:23 p.m.

Motion by Wilner and support by Krug

Voice vote to adjourn

AYES: 7

NAYS: 0

ABSENT: 1

MOTION CARRIED

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