

THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, TUESDAY AUGUST 9, 2022 BY CO-CHAIR UHLAR.

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 Kevin Wilner
Steve Allen (Alternate) Miles Uhlar
Andrew Creal (Alternate) Maria Ward
Joann Serr

ABSENT: Joseph Krug, Sue McAlpine

ALSO, PRESENT: Kristen Kapelanski, Community Development Director
Dennis Hennen, City Council Liaison
Ashley Merz, City Staff
Lorenzo Malene, 3861 Kipling

Motion by Mr. Allen to excuse the absences of Mr. Krug and Ms. McAlpine, supported by Ms. Ward.

Voice vote to approve the absences.

AYES: 7
NAYS: 0
ABSENT: Krug, McAlpine

MOTION CARRIED

APPROVAL OF AGENDA

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

Voice vote to approve the agenda.

AYES: 7
NAYS: 0
ABSENT: Krug, McAlpine

MOTION CARRIED

APPROVAL OF MINUTES

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

Voice vote to approve the meeting minutes on July 11, 2022.

AYES: 7
NAYS: 0
ASBENT: Krug, McAlpine

MOTION CARRIED

OLD BUSINESS

NONE

NEW BUSINESS

1. **APPLICATION PBA-09-22; 3861 Kipling Ave. – Dimensional variance to construct an addition**
Lorenzo Malene, 3861 Kipling Ave., Parcel # 04-25-07-430-002, west side of Kipling Ave., east side of Wakefield Rd., between Edwards Ave. and Morrison Ave., is requesting a dimensional variance to allow the construction of an addition to a non-conforming structure in the required rear setback. The proposed rear setback is 4 feet 5 inches and 20 feet is required.

Community Development Director Kapelanski reviewed the two sections of the code that pertain to this application and the unique circumstances of this property.

Mr. Wilner asked specifics on if the variance would be continued or voided on the addition that is already granted.

APPLICANT PRESENTATION

Lorenzo Malene
3861 Kipling
Berkley MI, 48072

The Applicant, Mr. Malene, provided information to the Zoning Board about the information of the addition that will be added to the back of the house, the variance is needed due to the unique shape, and the offset of the property lines of the property, and the specifics of what the addition will be.

The Zoning Board of Appeals inquired about the variance that was granted in the 1990's, and the addition that is current today.

The applicant, Mr. Malene, described the current situation of the addition now and the problems that are present.

Co-Chair Uhlar opened the floor for the public hearing at 7:10 p.m.

NONE

Co-Chair Uhlar closed the floor for the public hearing at 7:10 p.m.

The Zoning Board of Appeals asked the applicant questions pertaining to the makeup of the addition and the board discussed the need for the variance in accordance with the unique shape and previous variances granted on this property.

In the matter of PBA-09-22 for 3861 Kipling, motion by Ms. Ward to approve the requested variances from Section 138-526 and Section 138-154 of the City of Berkley Zoning Ordinance to permit a setback of 4 feet, 5 inches where 20 feet is required and to permit the expansion of a non-conforming structure that does not conform to applicable Zoning Ordinance 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.

Motion was supported by Ms. Serr.

AYES: McDonald, Creal, Allen, Serr, Uhlar, Ward, Wilner

NAYS: 0

ABSENT: Krug, McAlpine

OTHER BUSINESS

NONE

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STAFF/BOARD MEMBER REPORT

NONE

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LIAISON REPORT

Councilmember Hennen noted that the City Council approved Operation Grow known as Butter Provisioning for their Marihuana License that will be located on 12 Mile and Henley.

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PUBLIC COMMENT

NONE

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With no further business, the meeting was adjourned at 7:17 p.m.