

**THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY DECEMBER 12, 2022 BY CHAIR MCALPINE.**

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*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  
Sue McAlpine Miles Uhlar  
Joseph Krug Maria Ward  
Joann Serr

**ABSENT:**

**ALSO PRESENT:** Kristen Kapelanski, Community Development Director  
Kim Anderson, Zoning Administrator  
Dennis Hennen, City Council Liaison  
Steve Allen, ZBA Alternate  
Lisa Baker, 3618 Phillips Ave., Berkley  
Karsyn Baker, 3618 Phillips Ave., Berkley  
Dianne Weiland, 3641 Phillips Ave., Berkley  
Ronald Streetman, 3603 Oakshire Ave., Berkley

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**APPROVAL OF AGENDA**

Motion to approve the agenda as presented by Ms. McAlpine and supported by Ms. Ward.

Voice vote to approve the agenda

AYES: 7  
NAYS: 0  
ABSENT: NONE

**MOTION CARRIED**

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**APPROVAL OF MINUTES**

Motion to approve the minutes of the October 10, 2022 regular meeting by Ms. Ward and supported by Mr. Wilner.

Voice vote to approve minutes

AYES: 7  
NAYS: 0  
ASBENT: NONE

**MOTION CARRIED**

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**OLD BUSINESS**

NONE  
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## **NEW BUSINESS**

### **1. APPLICATION PBA-11-22; 3618 Phillips Ave. – Dimensional variance(s) to modify the roof line and construct a front porch**

David and Lisa Baker, 3618 Phillips Ave., east side of Phillips Ave., between Twelve Mile Rd and Edwards Ave. are requesting dimensional variances to modify the existing roof line and enlarge the front porch of a non-conforming structure in the required front yard setback. The proposed front yard setback is 21 feet and the required front yard setback is 26.33 feet (the average front yard setback of the six closest homes). A porch may project 8 feet in the required front setback but shall be no closer than 15 feet to the property line. The proposed expanded porch is 13 feet from the front property line.

Community Development Director Kapelanski provided an overview of what was applied for and proposed.

### **APPLICANT PRESENTATION**

Lisa Baker presented the proposed modification for front porch and front roof line to the existing house that is a non-conforming front setback. No living space will be added. The applicant is not extending the porch further out than the current non-conformity. The steps will be moved to the side of the porch towards driveway.

The Zoning Board of Appeals asked the applicant specific questions pertaining to the circumstances to the porch and existing porch roof line.

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

Dianne Weiland, 3641 Phillips Ave - In support of variance, as large front porches make for a more interactive, friendly neighborhood.

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

In the matter of PBA-11-22 for 3618 Phillips Ave., motion by Ms. Serr to approve the requested variance of 5.33 feet from Section 138-527 of the City of Berkeley Zoning Ordinance to permit a front yard setback of 21 feet where 26.33 feet (average) is required with the following findings:

1. The need for the variance is due to unique circumstances or physical conditions of the property. The current footprint is non-conforming and request is not extending any further than existing footprint.
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. Strict compliance would result in the loss of current space.
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 Mr. Wilner

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

NAYS: Uhlar and Ward

ASBENT: NONE

### **MOTION CARRIED**

In the matter of PBA-11-22 for 3618 Phillips, motion by Ms Serr to approve the requested variances from Section 138-191 of the City of Berkley Zoning Ordinance to permit a 2 foot variance for a front porch to be closer to the front property line than 15 feet with the following findings and conditions:

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. Not increasing current non-conformity.
5. The requested variance will not adversely impact the surrounding properties.
6. The Stairs are to come off the north side of the porch.

Motion was supported by Mr. Krug

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

**MOTION CARRIED**

In the matter of PBA-11-22 for 3618 Phillips Ave., motion by Mr. Wilner to approve the requested variances from Section 138-154 of the City of Berkley Zoning Ordinance 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 Mr. Krug

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

**MOTION CARRIED**

In matter of the Zoning Board of Appeals 2023 Meeting Calendar motion to approve by Mr. Krug and supported by Ms. Ward.

Voice vote to approve the 2023 Calendar as presented.

AYES: 7  
NAYS: 0  
ABSENT: NONE

**MOTION CARRIED**

**OTHER BUSINESS**

**STAFF/BOARD MEMBER REPORT**

Zoning Board Members were updated of recent Ordinances adopted by City Council at the December 05, 2022 Council Meeting including adoptions of the: Downtown Design Guidelines and Ordinance implementing them; adoption of an updated Grading Ordinance; and requirements for Short Term Rentals to register with the Community Development Department. The Parking Study Project in conjunction with the Downtown Development Authority is underway to look at parking strategies for the downtown half of the project and then the City's half to explore parking requirements for a Parking Ordinance update.  
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**LIAISON REPORT**

Dennis Hennen reported that the Parking Study Steering Committee has met and that a public meeting for input will be scheduled perhaps in January or February.

NONE  
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**PUBLIC COMMENT**

NONE  
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**With no further business, the meeting was adjourned at 7:47 p.m.**