

## PUBLIC NOTICE

**City of Berkley, Michigan  
Regular Meeting of the Zoning Board of Appeals  
Monday, June 12, 2023  
7:00 PM – City Hall  
Council Chambers  
Information: (248) 658-3320**

Notice: Official Minutes of the Zoning Board of Appeals are stored and available for review at the Office of the City Clerk.

The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling: City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

You can watch the meeting on Channel 10 for both Comcast and WOW, at <http://www.youtube.com/CityofBerkley> or <http://www.berkleymich.org/livestream>.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONFIRMATION OF A QUORUM

APPROVAL OF AGENDA

APPROVAL OF MINUTES – *Meeting Minutes of April 10, 2023*

OLD BUSINESS

NONE

NEW BUSINESS

**1. APPLICATION PBA-05-23; 3260 Coolidge Hwy. – Interpretation of Zoning Ordinance**

Ashton Forbes, 3260 Coolidge Hwy., Parcel # 04-25-17-103-023, East side of Coolidge Hwy., between Rosemont Rd. and Beverly Blvd., is requesting an interpretation to Office District, Principal Use; 138-382(2) Professional Offices for Medical.

**2. APPLICATION PBA-02-23; 2280 Oakshire Ave. – Dimensional variance(s) to construct an addition**

Al Saling of Iron Rose Custom Renovations on behalf of Matthew Jaisle, 2280 Oakshire Ave., Parcel # 04-25-18-331-001, East side of Oakshire Ave., between Oxford Rd. and Cambridge Rd., is requesting a dimensional variance to allow the construction of a second story addition to a non-conforming structure in the required front setback. The proposed front setback 23.7 feet and the average 25.866 feet is required.

**3. APPLICATION PBA-03-23; 2020 Harvard Rd. – Dimensional variance(s) to construct a rear dormer addition**

Phillip Pacheco & Amanda (Bowery) Pacheco, 2020 Harvard Rd., Parcel # 04-25-17-305-027, North side of Harvard Rd., between Berkley Ave., and Hamilton Ave., is requesting a dimensional variance to allow the construction of a second story rear dormer to a non-conforming structure in the required setback between dwelling and accessory structure and West side setback requirements. The proposed distance between dwelling and accessory structure is 6.5 feet where 10 feet is required. West side setbacks do not meet the required side yard setback of a minimum of 5 feet on one side and 15 feet between dwellings. West side setback is 4.7 feet where 5 feet is required. Distance between dwellings is 14.4 feet where 15 feet is required.

**4. APPLICATION PBA-04-23; 1949 Twelve Mile Rd. – Dimensional variance North Wall Signage**

Pro Image Design on behalf of Monarch Acquisitions for 1949 Twelve Mile Rd., Parcel # 04-25-17-126-002, South side of Twelve Mile Rd., between Henley Ave and Brookline St., is requesting a dimensional variance to allow Signage on the North Wall of the building that exceeds the maximum sign area of 100 square feet or 10% of adjoining wall, whichever is less.

OTHER BUSINESS

STAFF / BOARD MEMBER REPORT:

LIAISON REPORT

PUBLIC COMMENTS

ADJOURN

**THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, TUESDAY APRIL 10, 2023 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:** Sue McAlpine Maria Ward  
Joseph Krug Kevin Wilner  
Joann Serr Steve Allen (Alternate)  
Miles Uhlar Andrew Creal (Alternate)

**ABSENT:** Erick McDonald

**ALSO, PRESENT:** Kristen Kapelanski, Community Development Director  
Kim Anderson, Zoning Administrator  
Lorenzo Malene, 3861 Kipling

\*\*\*\*\*

**APPROVAL OF AGENDA**

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

Voice vote to approve the agenda.

AYES: 7  
NAYS: 0  
ABSENT: McDonald

**MOTION CARRIED**

\*\*\*\*\*

**APPROVAL OF MINUTES**

Motion to approve the minutes of the December 12, 2022 regular meeting by Ward and supported by Serr.

Voice vote to approve the meeting minutes of December 12, 2022 with correction of misspelling of member McDonald on New Business roll call on expansion of a non-conformity structure.

Voice vote to approve minutes

AYES: 7  
NAYS: 0  
ASBENT: McDonald

**MOTION CARRIED**

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**OLD BUSINESS**

NONE

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## **NEW BUSINESS**

1. **APPLICATION PBA-01-23: 3861 Kipling** – Request for dimensional variances to construct an addition to a non-conforming structure that encroaches into the required 20 ft. rear yard setback.

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 construct an addition to a non-conforming home that is proposed to be 8.31 ft. from the rear lot line to the west with a two-story addition.

Zoning Administrator, Kim Anderson reviewed the two sections of the code that pertain to this application and the unique circumstances of this property.

### **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 on expanding the existing sunroom to allow for a two-car garage and a two-story addition. The variance is needed due to the unique shape, the offset of the property lines of the property, and the specifics of the addition. The existing structure was approved by a structural Engineer for the load of the second story.

The Zoning Board of Appeals inquired about the variance that was granted in 2022 in regards to completion of the project.

The applicant, Mr. Malene, described the current stage of the addition and confirmed that the interior was complete and that the exterior completion was pending the outcome of the current variance request in order to not occur additional building costs.

Chair McAlpine opened the floor for the public hearing at 7:09 p.m.

There being no commenters present and no correspondence received, Chair McAlpine closed the floor for the public hearing at 7:09 p.m.

The Zoning Board of Appeals discussed the uniqueness of the property and previous variance granted on this property based on the unique triangular shape.

In the matter of PBA-01-23 for 3861 Kipling, motion by Ms. Ward to approve the requested dimensional variances of 11.69 feet from Section 138-526 and Section 138-154 of the City of Berkley Zoning Ordinance to permit a setback of 8.31 feet, where 20 feet is required and to permit the expansion of a two-story addition on 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. The property in question is triangularly shaped, which is unique when looking at the surrounding neighborhood.



2. The need for the variance is not the result of actions of the property owner or previous property owners. The lot and unique shape were platted as part of the original sub plat and are not the result of any actions of the current or previous homeowner(s).
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 with the ordinance would be burdensome to the property owner given the unique shape of the lot. In this case, strict compliance with the ordinance would essentially mean that the property owner could not add on to the home without demolishing the existing structure, which would be burdensome when compared to other properties in the area.
4. The requested variance is the minimum variance necessary to do substantial justice to the application as well as other property owners. The requested variance would do substantial justice to the property owner and surrounding properties as it permits an expansion of the home that is less deficient than the previously granted variances.
5. The requested variance will not adversely impact the surrounding properties.

Motion was supported by Serr.

AYES: Serr, Uhlar, Ward, Wilner, Creal, Krug, and McAlpine

NAYS: 0

ABSENT: McDonald

### **OTHER BUSINESS**

#### 1. Rules of Procedure

Motion by Krug to approve the Rules of Procedure

Motion was supported by Creal.

Voice vote to approve.

AYES: 7

NAYS: 0

ABSENT: McDonald

#### 2. Election of Officers

Chair McAlpine and Vice-Chair Uhlar resigned.

Motion by Ward to nominate McAlpine for Chair.

Motion was supported by Creal

Voice vote to elect McAlpine for Chair

AYES: 7

NAYS: 0

ABSENT: McDonald

Motion by Serr to nominate Uhlar for Vice Chair

Motion was supported by Ward

Voice vote to elect Uhlar for Vice Chair

AYES: 7  
NAYS: 0  
ABSENT: McDonald

\*\*\*\*\*

**STAFF/BOARD MEMBER REPORT**

Community Development Department Reports for December 2022, January 2023 and February 2023 were provided in packets.

The Board was updated on various ordinances that have been amended including window signage, vape shops allowed with regulations, portable signs no longer requiring a permit, Downtown Design Guidelines adopted, day care permitted as a special use in the Twelve Mile District and a first reading occurred on the rental property ordinance update.

The Board was updated on the Zoning Ordinance re-write and parking ordinance review and re-write status and procedures for approval and adoption.

\*\*\*\*\*

**LIAISON REPORT**

Councilmember Hennen was not in attendance and had provided an email.

\*\*\*\*\*

**PUBLIC COMMENT**

NONE

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**With no further business, the meeting was adjourned at 7:21 p.m.**



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## MEMORANDUM

**To:** Berkley Zoning Board of Appeals

**From:** Kristen Kapelanski, Community Development Director

**Subject:** **PBA-05-23 3260 Coolidge – Request for interpretation as to whether massage and esthetics are allied professions of a medical office**

**Date:** June 9, 2023

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**APPLICANT:** Ashton Forbes

**LOCATION:** East side of Coolidge Highway, between Rosemont Road and Beverly Boulevard

**PARCEL ID:** 04-25-178-103-023

**REQUEST:** The applicant is requesting an interpretation as to whether therapeutic massage and esthetics are allied professions of a medical office

**REQUIRED:** The Office District allows the following uses:

1. Principal uses permitted:
  - a. Office buildings or suites for any of the following occupations: executive, administrative, manufacturer representatives, building/construction company or contract sales headquarters, accounting, writing, clerical, stenographic, drafting and real estate sales
  - b. Professional offices for medical (doctors, osteopaths, chiropractors, psychologists and psychiatrists), dental and optical and other similar allied professions
  - c. Professional offices for lawyers, architects, landscape architects, urban planners, engineers and other similar or allied professions
  - d. Business schools, colleges, private schools or vocational schools operated for profit, not including nursery schools, child daycare or adult foster care facilities
  - e. Private lodge halls, service clubs and fraternal organizations or other recognized special interest or group organizations
  - f. Places of worship
  - g. Funeral homes and mortuary establishments
  - h. Municipal offices, post offices and public utility offices, without storage yards
  - i. Accessory structures and uses customarily incidental to the above uses

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2. Special uses permitted:
  - a. Veterinary clinics, excluding dog runs and outdoor kennels
  - b. Outpatient drug and alcohol rehabilitation clinics
  - c. Outpatient blood and plasma donation facilities
  - d. Nursery schools, day nurseries and child care centers

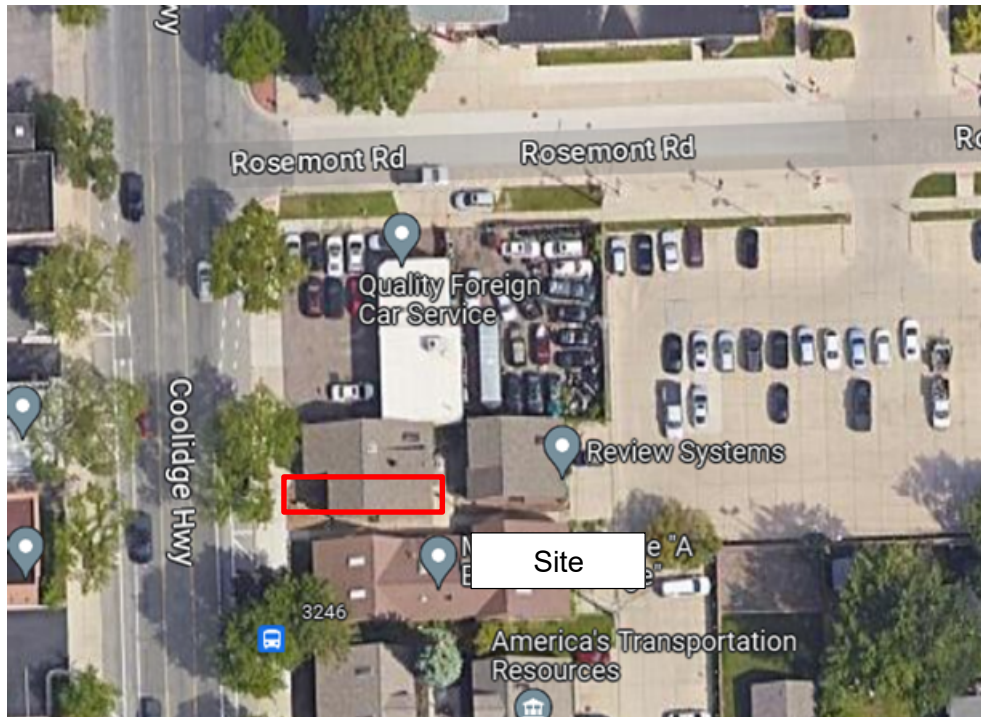
Medical offices or allied professions are not defined by the ordinance.

**ZONING AND LAND USE**

The subject property is zoned Office District.

Property	Zoning District	Land Use
<b>Subject Site</b>	Office	Office
<b>West</b>	Office	Office
<b>East</b>	Office	Office
<b>North</b>	Office	Office
<b>South</b>	Office	Office

**Aerial Photograph**



Source: Google Maps

**BACKGROUND**

The applicant has applied for a business license for 3260 Coolidge to operate The Zen Den Collective. The Zen Den Collective includes practitioners specializing in mental health, massage therapy and skincare services. Staff has traditionally interpreted massage therapy and non-medical skincare as personal service uses, which are not permitted in the office district.

The Office District currently permits medical offices and other allied professions as principal permitted uses. The applicant contends that based on the whole-body wellness concept, massage therapy and holistic skincare are uses complementary to and allied with the mental health services offered at the business and should therefore be permitted as principal permitted uses.

The applicant and staff are requesting an interpretation of an allied profession as stated in the ordinance to determine whether it should include massage therapy and holistic skincare as described by the applicant in their supporting materials.

The Zoning Ordinance does not currently contain definitions for medical office, allied profession, massage therapy, esthetician or any similar terms.

### **SUMMARY OF REQUESTS**

The applicant is requesting an interpretation of the term allied profession, as used in conjunction with the permitted medical office uses in the Office District.

### **STANDARDS FOR REVIEW**

The standards for review for an interpretation are listed below:

Section 138-197

*“Land uses (permitted or special) which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses may be permitted if approved by the zoning board of appeals. The nonlisted uses which are approved shall be added to the appropriate use list at the time of periodic updating and revision.”*

### **Summary**

The Board is asked to provide an interpretation as to whether the term ‘...allied profession...’ as contained in the description of principal permitted uses in reference to medical offices includes massage therapy and esthetic uses.

If you have any questions regarding this case, please do not hesitate to contact me.

Thank you.

Cc: Matthew Baumgarten, City Manager  
Victoria Mitchell, City Clerk  
John Staran, City Attorney  
Kim Anderson, Zoning Administrator  
Karson Claussen, Building Official



**CITY OF BERKLEY**  
**COMMUNITY DEVELOPMENT**  
 3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**ZONING BOARD OF APPEALS APPLICATION**

The Zoning Board of Appeals (ZBA) meets the second Monday of the month. The meetings are held in the Council Chambers at City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

The ZBA shall hear requests for use and dimensional variances, appeals of administrative decisions, interpretation of zoning map and text, and interpretations of commercial message for proposed murals.

**\*\*Please be advised:** The ZBA may grant a variance where undue hardship or practical difficulty for the property exist. A want or desire (bigger structure, more profit, etc.) is not sufficient grounds for a variance. The ZBA does not have the power to legislate or create new regulations. The Board's purpose is to provide some relief from the Zoning Ordinance depending on the unique circumstances of the property.

**APPLICANT INFORMATION**

Name: Ashton Forbes Phone: [REDACTED]

Address: 1521 E Granet Ave Hazel Park, MI 48030

Email: [REDACTED]

Relationship to Property (current tenant, representative, future tenant, current owner, future owner):

Future Tenant - 5 Year Commercial Lease Agreement to begin July/August 2023

**PROPERTY OWNER INFORMATION (if different from Applicant)**

Name: Israel Lazar Phone: [REDACTED]

Address: 25497 Hereford Drive, Huntington Woods, MI 48070

Email: [REDACTED]

**PROPERTY DESCRIPTION**

Address: 3260 Coolidge Hwy Berkley, MI 48072

Parcel #: 04-25-17-103-023 Zoning Classification: 0-1 office Medical

Current Use of Property: Vacant



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**NATURE OF REQUEST**

Check which applies:

- Variance from Zoning Ordinance (Section I)
- Interpretation of Zoning Ordinance (Section II)
- Administrative Review / Appeal of Decision (Section III)
- Determination of Commercial Message of Mural / Work of Art (Section IV)

Description of Request:

I am planning to open a Wellness Center consisting of mental health therapy, massage therapy and holistic esthetics. It is currently zoned for medical (dermatology), chiropractors, physical therapists, psychologists and similar or allied professions, which these fall under.

Has the City denied a permit related to the proposed work?

- Yes     No

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***Please fill out ONLY the section below that applies to your request.***

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**I. VARIANCE FROM ZONING ORDINANCE**

Please provide a written response to each question below that relates to the variance that is being requested. **DO NOT COMPLETE BOTH SECTIONS.**

**A. Use Variance**

The Zoning Board of Appeals may grant a **use variance** (i.e. use of the land not permitted in a particular district) upon finding that an undue hardship exists.

Current Use of Property: \_\_\_\_\_

Requested Use of Property: \_\_\_\_\_

1. Explain how the building or land cannot be reasonably used for any of the uses permitted by right or by special land use permit in the current zoning district.

2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

3. Explain how the proposed use will not alter the essential character of the neighborhood.

4. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

**B. Dimensional Variance (Non-Use Variance)**

The Zoning Board of Appeals may grant a **dimensional variance** (i.e. height, setback, lot coverage, etc) upon finding that undue hardship or practical difficulty exists.

1. Explain how the need for the variance is due to unique circumstances of physical conditions of the property.



2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

3. Explain how 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. Explain how the requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.

5. Explain how the requested variance will not adversely impact the surrounding properties.

**II. INTERPRETATION OF ZONING ORDINANCE**

Section 138-382 (2)

Provide Section numbers of Zoning Ordinance to be interpreted: \_\_\_\_\_

Please describe the request and what needs to be clarified or interpreted by the ZBA.

This location is currently zoned in the Office District, Per Sec. 138-382. (2) - Principal Uses Permitted, in The Berkley Code of Ordinances, the permitted use of buildings in "Division 6- Office District" includes "Professional offices for medical (doctors, osteopaths, chiropractors, psychologist and psychiatrist) dental and optical, including clinics (outpatient service only), and other similar or allied professions."

I am requesting a use interpretation of Section 138-382 (2) due to our services, professional massage therapy & holistic esthetics, being allied & compatible professions with the current permitted professions (chiropractors, physical therapists, dermatologists, psychologists).

Per Sec. 138-197. - Interpretation of use - "Land uses (permitted or special) which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses may be permitted if approved by the zoning board of appeals. The nonlisted uses which are approved shall be added to the appropriate use list at the time of periodic updating and revision."

These services are allied to & compatible with the current permitted professions.

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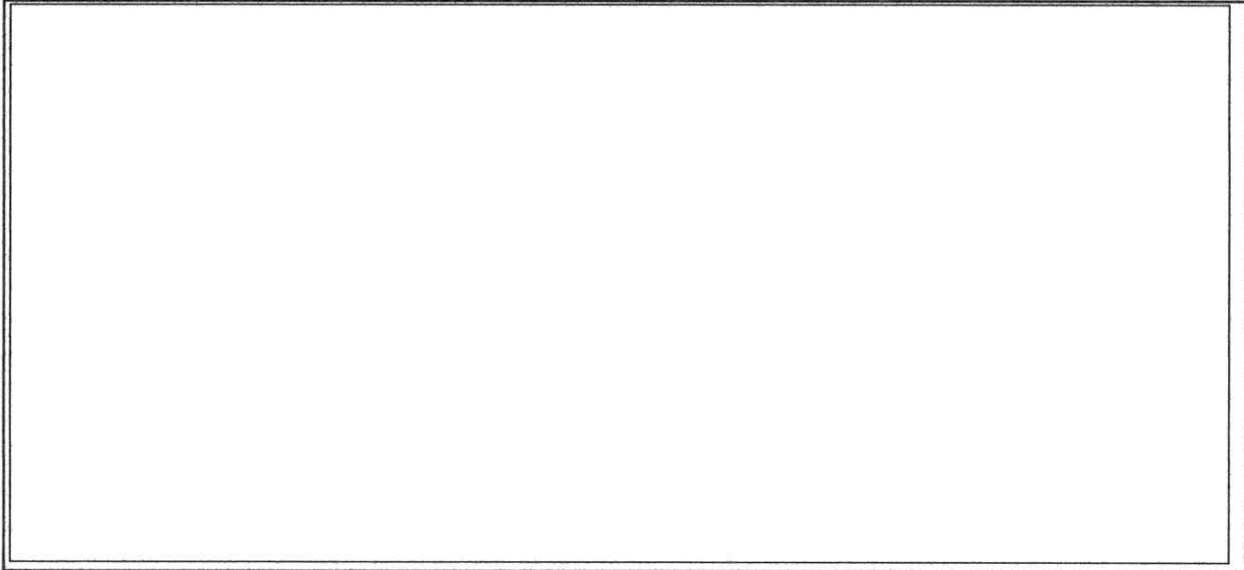
**III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION**

Describe the circumstances of each case and provide the minutes of the public meeting noting the denial to be appealed.

[Empty box for administrative review / appeal of decision]

#### IV. DETERMINATION OF COMMERCIAL MESSAGE (MURAL/WORK OF ART)

Describe the proposed mural/work of art. Applicant should include renderings of the proposed design. The ZBA shall determine if the proposed work contains a commercial message.



\*\* Applicant and artist must provide signed *Mural Installation and Maintenance Agreement* prior to the public meeting.

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#### SUBMIT THE FOLLOWING:

Provide 15 copies of survey, plot plan or site plan with this application that shows the subject property complete with boundary lines and dimensions, existing building locations, all proposed buildings, easements, utilities, and any site improvements/changes. Setbacks, height of structures, lot coverage, etc. should also be included, if applicable.

A PDF file of the application and supporting documents must also be submitted at the time of application.

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**PLEASE NOTE:** The applicant, or a designated representative, **MUST BE PRESENT** at the meeting in which the case is being reviewed or the request may be postponed due to lack of representation.

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.

**PROPERTY OWNER'S APPROVAL (Initial each line)**

*EL*  
05/11/23  
dotloop verified

I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the above request(s) before the ZBA.

*EL*  
05/11/23  
dotloop verified

I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

**APPLICANT'S ENDORSEMENT: (Initial each line)**

*AF*  
05/11/23

All information contained herein is true and accurate to the best of my knowledge.

*AF*  
05/11/23

I acknowledge that the ZBA will not review my request unless all information in the application has been submitted to the satisfaction of the Community Development Director.

*AF*  
05/11/23  
8:55 PM EDT

I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or review of this application.

**If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.**

Ashton Forbes

*Ashton Forbes*  
dotloop verified  
05/11/23 8:55 PM EDT  
5WXO-TQ11-UVZ4-NHRA

Applicant Name (print)

Applicant Signature

Date

Applicant Name (print)

Applicant Signature

Date

*Israel Lazar*  
dotloop verified  
05/11/23 7:27 PM EDT  
62VJ-0ULW-DV23-J5NI

Property Owner Name (print)

Property Owner Signature

Date

**Office Use Only**

Received 5-12-23 Receipt # \_\_\_\_\_ Meeting Date 6-12-23 Case # PBA-05-23

Fee:	Residential	\$400
	Commercial	\$600
	Mural	\$300

To The City of Berkley,

My name is Ashton Forbes, owner of The Zen Den Collective. The Zen Den Collective is a group of wellness practitioners committed to providing holistic health services to our patients through mental health therapy, massage therapy and holistic skincare services.

The staff at the Zen Den Collective includes seven licensed Mental Health Therapists, two licensed Massage Therapists and one licensed Holistic Esthetician. We also plan to hire a cleaner and receptionist to assist with daily operations, as we move into a larger collective space. Along with our in-house employees, we work hand-in-hand with local medical professionals to provide complete holistic health treatments and wellness services to our patients. The Licensed Massage Therapists specialize in therapeutic massage therapy, cupping therapy, stretching, and active release techniques. Our Licensed Holistic Esthetician specializes in lymphatic drainage massage therapy, facial massage therapy and facial cupping.

Each of us in the collective bring a full book of business with patients from neighboring cities all over Metro Detroit. This will allow all of our patients to venture into the heart of Berkley.

I am attempting to expand the business into a larger space and have found the perfect location at 3260 Coolidge Hwy, Berkley, MI 48072. I plan to commit to a five-year lease of the space, beginning July 1st, with the intention of settling here long term. This location is currently zoned in the Office District, Per Sec. 138-382. (2) - Principal Uses Permitted, in The Berkley Code of Ordinances, the permitted use of buildings in "Division 6- Office District" includes "*Professional offices for medical (doctors, osteopaths, chiropractors, psychologist and psychiatrist) dental and optical, including clinics (outpatient service only), and other similar or allied professions.*" I am requesting a use interpretation of Section 138-382 (2) due to our services being allied & compatible professions with the current permitted professions. Per Sec. 138-197. - Interpretation of use - "*Land uses (permitted or special) which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses may be permitted if approved by the zoning board of appeals. The nonlisted uses which are approved shall be added to the appropriate use list at the time of periodic updating and revision.*"

As cited in the city's previously mentioned ordinance [Sec. 138-382 (2)], professional offices are permitted in the Office District if they are for medical (chiropractors, physical therapists, and psychologists) and similar or allied professions. The Zen Den Collective would fall under this category, as our skincare and massage therapy divisions are "similar or allied" services to our in-house mental health therapists, outside chiropractor offices, dermatologists and other medical facilities who actively refer patients to our services. Attached to this letter are testimonials from some of those providers and our mutual patients who have greatly benefited from our allied services.

The most important thing to us when choosing a new space is location, and we plan to not only open a business, but also become active members in the community. I hope you will pass the amendment in order to give us the opportunity to operate in the Office District. It has always been a dream of mine to create a space like this, in a community like Berkley.

Thank you for your consideration,

Ashton Forbes  
Zen Den Massage, LLC  
[AshtonForbes88@yahoo.com](mailto:AshtonForbes88@yahoo.com)  
248-977-9157



To The City of Berkley,

Massage therapy and chiropractic care are allied services that provide a complete treatment plan for our patients at The Zen Den Collective & Reset Chiropractic.

Per Dr Ryan Meehan of Cuyahoga Falls Chiropractic, *“Chiropractic and massage therapy are not contrasting practices; they are complementary in helping patients along the road to wellness...By utilizing both chiropractic care and targeted massage therapy together, patients usually notice instant relief from some symptoms, improved flexibility and range of motion. They are also said to benefit from a stronger immune system and an overall greater sense of health and wellbeing.”* (1)

Our patients often overlap as massage therapy and chiropractic care are used in tandem to treat chronic pain. According to Wexner Medical Center at Ohio State University, *“For many people suffering from ongoing pain, massage therapy is an important component of their treatment plan. It’s become especially important to recognize massage as a pain-relief method...”* (2)

Reset Chiropractic confirms that massage therapy is a “similar and allied service” to chiropractic care.

Ashton Forbes  
The Zen Den Collective



4-19-23

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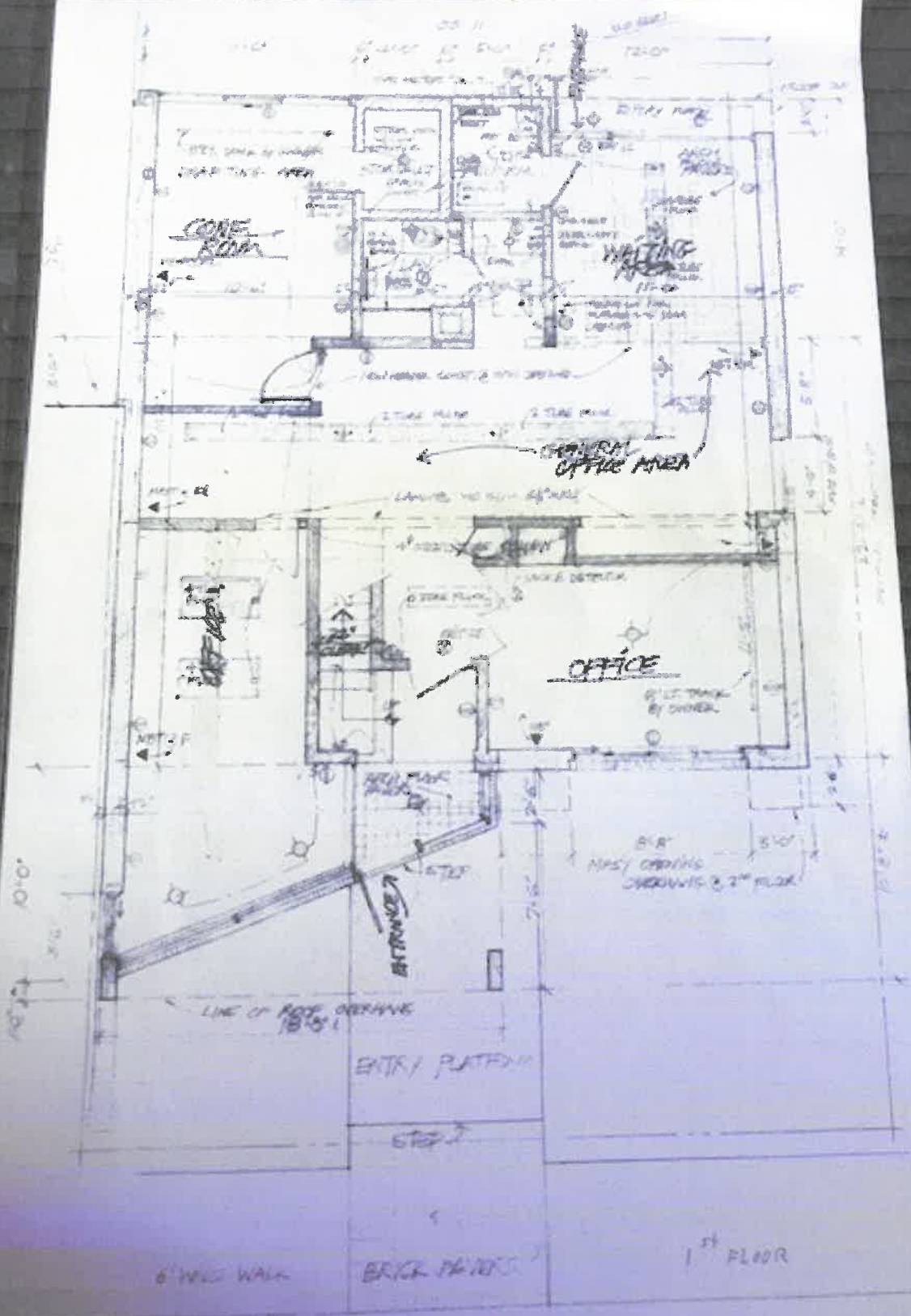
Dr. Danielle Pfiel  
Reset Chiropractic



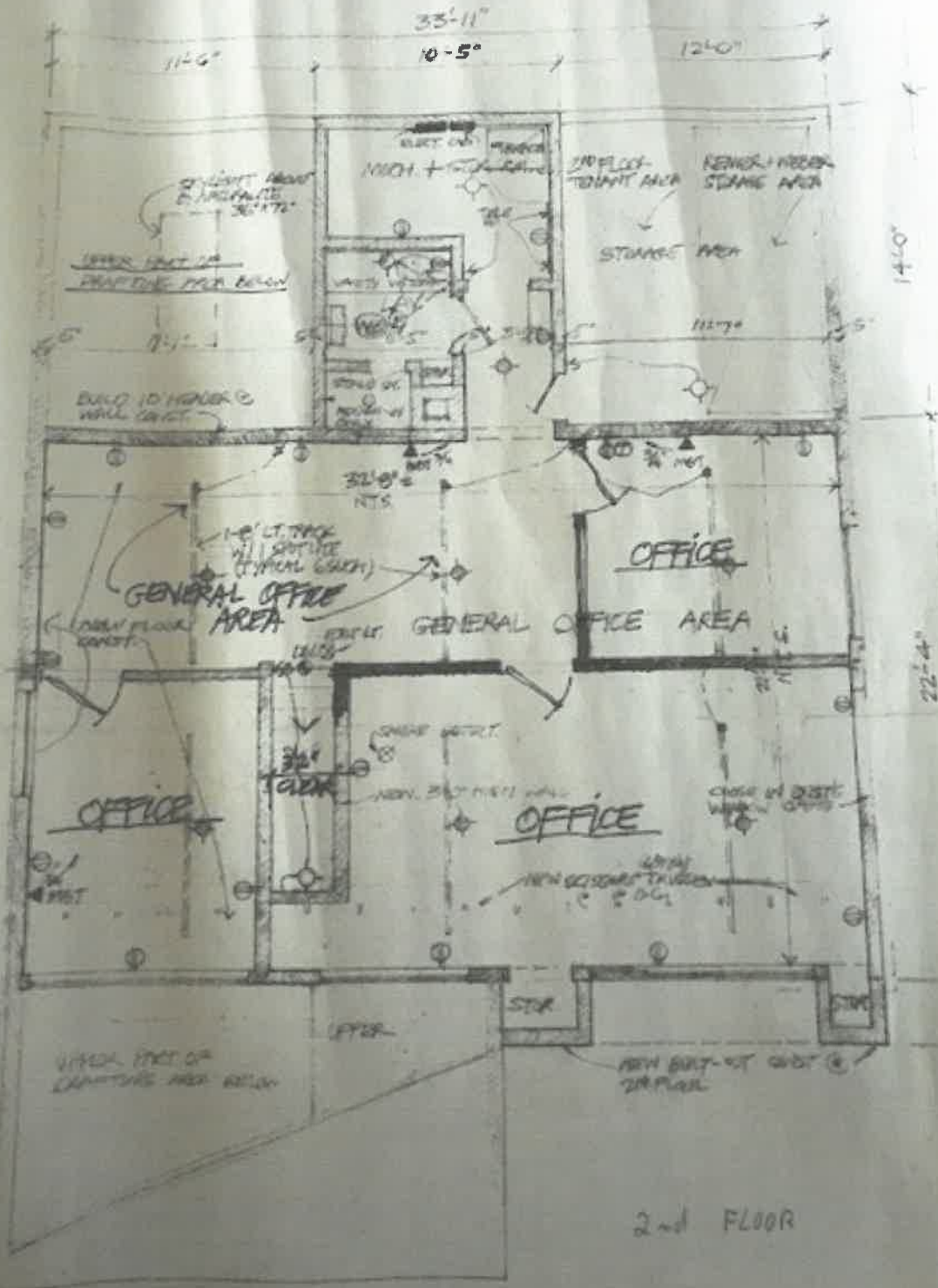
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(1) <https://www.cuyahogafallschiropractic.com/chiropractic-care-massage-therapy/>

(2) <https://mcpres.mayoclinic.org/mental-health/mayo-clinic-explores-the-role-of-massage-therapy-for-mental-health/>









Parking

3260 Coolidge Hwy

Sidewalk

Sidewalk

Google Earth

# RENTAL LICENSE CITY OF BERKLEY

3338 Coolidge Hwy  
Berkley MI 48072  
248 658-3320

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## CERTIFICATE OF COMPLIANCE

THIS CERTIFIES THAT:           **3260 Coolidge Hwy**  
HAS BEEN INSPECTED BY THE BUILDING DEPARTMENT AND IS APPROVED AS A RENTAL  
STRUCTURE IN THE CITY OF BERKLEY.

**Amount Paid:**           **\$ 240.00**

DATE OF APPLICATION:   09/08/2022

EXPIRATION DATE:       12/01/2024

DATE ISSUED:            10/12/2022

BILLING CLASS:          Commercial

  
John Lipchik, Building Official

The inspection of the land use, exterior-posture and interior accessories of the structure is limited to visual inspection only. A certificate of approval is not warranty or guarantee that there are not defects in the structure nor shall the City of Berkley be held responsible for defects not noted in the inspection report. This inspection does not certify that the structure in question is not in violation of other code requirements not presently brought to the attention of the Building Department.

Centennial Plaza, LLC  
25497 Hereford  
Huntington Woods       MI   48070

THE CITY OF BERKLEY  
Community Development Department  
3338 Coolidge, Berkley, Michigan 48072  
(248) 658-3320

**Notice  
Meeting of the Berkley  
Zoning Board of Appeals**

Notice is hereby given, that there will be a meeting of the Zoning Board of Appeals to be held at the City of Berkley in the Council Chambers, 3338 Coolidge, Berkley, Michigan on Monday, June 12, 2023 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-05-23**

Ashton Forbes, 3260 Coolidge Hwy, Parcel 04-25-17-103-023, East side of Coolidge Hwy., between Rosemont Rd. and Beverly Blvd., is requesting an interpretation on Office District, Principal Use; Professional Offices for Medical to include massage therapy and holistic esthetics as a permitted use as allowed in Personal Services as a permitted use in Local Business District 138-387 and Gateway 138-427.

**Berkley City Code**

*Berkley City Code*, Chapter 138 *Zoning*, Article III General Provisions, Division 6 Supplementary Regulations, Section 138-197, Interpretation of use. Article V District Regulations, Division 6 Office District, Section 138-382(2) Professional offices for medical (doctors, osteopaths, chiropractors, psychologists and psychiatrists) dental and optical, including clinics (outpatient service only), and other similar or allied professions subject to the limitations contained in [section 138-384](#) Required Conditions. Article V District Regulations, Division 6.5 Local Business District 138-387(3) and Division 10 Gateway District 138-427(3), Personal Service establishments which perform services on the premises directly for the consumer such as, but not limited to, repair shops (shoes, watches, jewelry, radios, televisions, small appliances, vacuum and sewing machines, etc.), beauty salons, hair salons, barber shops, manicuring studios, tanning salons, massage facilities, spa service facilities, self-service laundries, reproduction/copy centers, printing, mailing/shipping centers, while prohibiting service facilities of package shipping providers, but which may require a retail adjunct.

Complete application information is available for review at [www.berkleymich.org/urbanplanning](http://www.berkleymich.org/urbanplanning).



Comments on the above interpretation of use may be made in person on the night of the meeting or in writing. All written comments must be submitted to the Berkley Community Development Department or email to [planning@berkleymich.net](mailto:planning@berkleymich.net) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**  
Royal Oak Tribune  
Friday, May 26, 2023

BERKLEY MEDICAL CENTER BLDG LLC  
BERKLEY MEDICAL CENTER PC  
3345 COOLIDGE HWY  
BERKLEY MI 48072 1635

FRANK C GLABACH  
13321 WINCHESTER AVE  
HUNTINGTON WOODS MI 48070 1728

ANTHONY GUASTELLA  
2438 BEVERLY BLVD  
BERKLEY MI 48072 1863

CITY OF BERKLEY  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636

QUALITY FOREIGN SERVICE INC  
3282 COOLIDGE HWY  
BERKLEY MI 48072 1634

KATHERINE O'BRIEN  
2451 BEVERLY BLVD  
BERKLEY MI 48072 1864

Occupant  
3300 KENMORE RD  
BERKLEY MI 48072 1656

B P REAL ESTATE INC  
2555 12 MILE RD  
BERKLEY MI 48072 1625

Occupant  
3269 COOLIDGE HWY  
BERKLEY MI 48072 1633

ROBERT OTT  
20 SUNDERLAND DR  
MORRISTOWN NJ 07960 3624

Occupant  
3260 COOLIDGE HWY  
BERKLEY MI 48072 1634

REGULA PROPERTIES LLC  
3199 ROSS LN  
EAST JORDAN MI 49727 9540

CITY OF BERKLEY  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636

CENTENNIAL PLAZA LLC  
25497 HEREFORD DR  
HUNTINGTON WOODS MI 48070 1651

PATRICK D BROUSE  
RENEE BROUSE  
3270 KENMORE RD  
BERKLEY MI 48072 1620

JOHN GRABOWSKI  
2379 ROSEMONT RD  
BERKLEY MI 48072 1849

MADELYN H WALTERS  
GARY HANSEN  
3250 KENMORE RD  
BERKLEY MI 48072 1620

SHELLY M ADAIR  
2412 BEVERLY BLVD  
BERKLEY MI 48072 1863

CITY OF BERKLEY  
CITY HALL  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636

DARRYL REAUME  
KIM MUSTER-REAUME  
3260 KENMORE RD  
BERKLEY MI 48072 1620

ANTHONY CAMPBELL  
EMILY GLOSCH  
3234 KENMORE RD  
BERKLEY MI 48072 1620

Occupant  
3282 KENMORE RD  
BERKLEY MI 48072 1620

Occupant  
3270 COOLIDGE HWY  
BERKLEY MI 48072 1634

Occupant  
3281 COOLIDGE HWY  
BERKLEY MI 48072 1633

OTIS PROPERTY GROUP  
30300 NORTHWESTERN HWY STE 271  
FARMINGTN HLS MI 48334 3475

CENTENNIAL PLAZA LLC  
25497 HEREFORD DR  
HUNTINGTON WOODS MI 48070 1651

BILLY BURTT  
4396 BENDER CT  
TROY MI 48098 4427

Occupant  
3250 COOLIDGE HWY  
BERKLEY MI 48072 1634

WILLIAM G PLACEWAY  
3220 KENMORE RD  
BERKLEY MI 48072 1620

KELLY DAKESIAN  
2426 BEVERLY BLVD  
BERKLEY MI 48072 1863



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VICKIE ROY  
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BERKLEY MI 48072 1864

Occupant  
3233 COOLIDGE HWY  
BERKLEY MI 48072 1633

Occupant  
3295 COOLIDGE HWY  
BERKLEY MI 48072 1698

W & F INVESTMENTS LLC  
3372 COOLIDGE HWY  
BERKLEY MI 48072 1636

SERAFA PROPERTIES LLC  
PO BOX 721400  
BERKLEY MI 48072

ROBERT OTT  
JOAN OTT  
20 SUNDERLAND DR  
MORRISTOWN NJ 07960 3624

CITY OF BERKLEY  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636

CITY OF BERKLEY  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636

Occupant  
2380 BEVERLY BLVD  
BERKLEY MI 48072

Occupant  
3170 COOLIDGE HWY  
BERKLEY MI 48072 1632

CITY OF BERKLEY  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636

HILLAN HOMES INC  
1231 LACROSSE TRL  
OXFORD MI 48371 6606

3180 COOLIDGE LLC  
3807 BEECHCREST  
ROCHESTER HILLS MI 48309 3595

Occupant  
3155 COOLIDGE HWY  
BERKLEY MI 48072 1631

Occupant  
2396 BEVERLY BLVD  
BERKLEY MI 48072

BARBARA TOMBRILLO  
JOHN TOMBRILLO  
2425 BEVERLY BLVD  
BERKLEY MI 48072 1864

CITY OF BERKLEY  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636

SHIRLY HE  
THEODORE A DIKES  
1741 LIVERNOIS ST UNIT 3  
FERNDAL MI 48220 1494

Occupant  
3180 COOLIDGE HWY  
BERKLEY MI 48072 1632

Occupant  
3211 COOLIDGE HWY  
BERKLEY MI 48072 1633

Ashton Forbes  
1521 E Granet Ave.  
Hazel Park, MI 48030

3180 COOLIDGE LLC  
3807 BEECHCREST  
ROCHESTER HILLS MI 48309 3595

3211 COOLIDGE LLC  
6148 MEADOWVIEW DR  
CANTON MI 48187 4750

PRR LLC  
3200 COOLIDGE HWY  
BERKLEY MI 48072 1600

ADAM DOMBROWSKI  
2380 ROSEMONT RD  
BERKLEY MI 48072 1850

3211 COOLIDGE LLC  
6148 MEADOWVIEW DR  
CANTON MI 48187 4750

CITY OF BERKLEY  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636



Maple Rd

OC Parcels Plus 3260 Coolidge Hwy Berkeley



-83.183 42.502 Degrees

200ft





CENTENNIAL PLAZA  
25497 Hereford Drive  
Huntington Woods, MI. 48070

City of Berkley  
Community Development  
3338 Coolidge Highway  
Berkley, MI. 48072

April 20, 2023

To the City of Berkley:

My name is Israel Lazer and I recently purchased an office building at 3260 Coolidge Highway in Berkley. I have spent much time and money fixing up the property and turning it into something that I am very proud of.

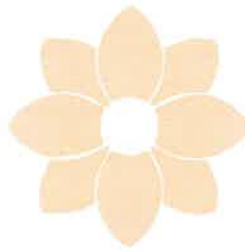
Ashton Forbes, the owner of The Zen Den Collective, has impressed me as a very responsible and professional wellness practitioner. Her use of the building is in synch with my vision of having quality Tenant's and I believe that her business will be a valuable asset to the community.

I hope that the City approves her request for a use interpretation of the current zoning. I have always considered massage an important and complimentary treatment along with the traditional medical route. As hectic as life is, it's refreshing to have a business which focuses on wellness and health.

Respectfully submitted,

Israel Lazer

Israel Lazer



TRH  
PSYCHOTHERAPY  
SERVICES

Tuesday, April 18, 2023

*Regarding:*

*Property and Zoning at 3260 Coolidge Hwy., Berkley, Michigan*

To whom it may concern,

My name is Teresa R. Hurtgen, and I am a Mental Health Therapist currently operating out of Ferndale, Michigan. I have been practicing psycho-therapy for over five years and opened my own private-practice in the midst of the pandemic (June of 2020). I work with clients who suffer a variety of mental health disorders, regularly including trauma, anxiety, and depression.

One of the most effective evidenced-based interventions that I use with clients is mindfulness-awareness. It has been studied and scientifically proven that when a person experiences trauma, their body stores this information both in memory and even DNA. When a client can develop a sense of awareness to their body and subsequently experience a relief in tension (oftentimes for the first time in their treatment), this creates a space where psychological and physiological healing can begin to occur. There are a variety of interventions, activities, and coping methods that I recommend to clients to address their symptoms - however, I feel most fortunate to have a trusted professional in the wellness field, Ashton Forbes (Massage Therapist), who I have referred several clients to for services.

My practice's mission is to not only provide support to individual clients, but also to the community. I have found throughout my work that several wellness and healthcare practitioners are burned out and unable

to provide attentive care, which is pertinent for a client's healing and successful progress in treatment. To avoid this from occurring within my reach, I have established peer-support groups for other practitioners and those within my referral-network. I envisioned that I'd be able to one day create a larger space where the community of both individuals and professionals may feel safe and welcome as a way to further my mission and extend healing into the surrounding community.

When Ashton Forbes presented the idea to create a collaborative space on her own accord, I felt compelled to be a part of her collective. I professionally believe that the benefits of massage, as well as having a safe space within the community to receive care, are understated. I deeply hope that any barriers to establish the space which Ashton's intended to create are easily remedied in order to best serve your community and surrounding area.

If you would like to learn more about me, my practice, and my mission, please visit [www.trhurtgen.com](http://www.trhurtgen.com). You may also feel free to contact me at the information listed below.

Sincerely,



Teresa R. Hurtgen, LMSW-Clinical, LCSW

National Provider ID: 1083270011  
Michigan License No. 6801106809  
Oregon License No. L12800

## Patient Testimonials

To Whom It May Concern:

I have been a monthly client of Ashton at Zen Den Massage for over a year now. I began seeing her when I researched the connection between mental health treatment and bodywork following a diagnosis of postpartum depression and anxiety. In conjunction with seeing a Clinical Therapist, I have found regular massage from Ashton to be an integral part of my treatment and recovery from PPD/PPA. According to Bessel A van der Kolk in *The Body Keeps the Score*, “trauma is not just an event that took place sometime in the past; it is also the imprint left by that experience on mind, brain, and body.” Not only does Ashton provide a relaxing, meditative experience with her massage, but her work has helped release the tension and trauma in my body caused by pregnancy, childbirth, previous injury, and postpartum mood disorders. I believe that providing an exception for Ashton to operate as a massage therapist in the city of Berkley can only benefit the community. She provides healing to myself and many others through her work, has a dedicated clientele, and is truly a joy as a person as well. Her business is one I would be proud to welcome into my city and I hope you make the decision to do so.

Rachel Clode  
(248) 310-8170

To whom it may concern:

My name is Megan Moss. I have been going to the Zen Den massage for about two years now. I use massage therapy in hand with my chiropractic care from Chiropractic Lifestyle Studios. Ashton's practice does wonders for the tension I carry in my shoulders and lower back due to sitting at a desk for 40 hours a week. Not only is it helpful to ease the pain I feel in my body, it also helps my mental health. She provides such a safe and healing space where I can feel seen and taken care of for the length of time I'm under her care. I'm beyond grateful to have found Ashton and can't put into enough words what she has done for me, my body and my mind.

Megan Moss

I get Botox treatments for TMJ pain and for migraines. My doctor suggested getting massages to relax my trapezius muscles in aiding my muscle tension relief because Botox alone could only do so much. It has been a saving grace and I don't need as much botox as I am not as tense as I use to be with my monthly massage therapy. The massages have also alleviated most of my pain when I have a bad migraine in between my Botox treatments.

Lily Nguyen 586-850-5146

I see my chiropractor at Tranquility Chiropractic regularly every 3-4 weeks but my neck, shoulders and back were always stiff. She recommended I get massages to loosen my muscles prior to my chiropractic treatment and it has done wonders for me. She can actually adjust me more appropriately now as I'm not as tense. I now get monthly massages with The Zen Den and immediately get adjustments within the same week if not the same day. I can notice a difference if I don't get my massage prior to my chiropractic treatment, it's become a necessity.

Austin Kim (586) 215-1775

I clench my teeth a lot and my jaw is constantly tight. I was getting Botox for the pain but my doctor recommended buccal facial massages to help relieve some of the tension I was getting. That has helped me so much. I now get monthly facial massages in between my Botox appointments which I get once every 3 months.

-Michelle Lee

The City of Berkley,

Ashton Forbes and the Zen Den have been crucial parts of my pre and post natal journey. I had my son in December, I had significant hip and joint pain throughout pregnancy. Ashton and Dr Wes at Chiropractic Lifestyle worked together to keep me adjusted and flexible, I was able to stay active until the week I had my son. Postpartum has been difficult in many ways, Ashton's massages helped to heal my body physically and mentally giving me time to myself to relax relieving anxiety.

I believe The Zen Den would be a great addition to Berkeley and many people would benefit.

Please reconsider your zoning requirements,

Dr Ellery Isaac  
231-912-0229  
Royal Oak

City of Berkley,

I started seeing Ashton from The Zen Den for my Fibromyalgia. I have found thru the years of dealing with the pain from it, that regular massages keep me off of medication. Shortly after starting with Ashton I was diagnosed with SI Joint Dysfunction and Arthritis in my upper back. I started an intense Physical Therapy program. My PT and Chiropractor recommended that I continue regular massages with Ashton. After 3 months I was able to stop PT and am feeling much better with continued regular massages from Ashton.

The benefits from massage alone and in conjunction with other medical care cannot be dismissed. It is an important element of complete body health.

I have no doubt that Ashton and her team of complete adjunct professionals to more "traditional" medical professionals will be a great addition to the City of Berkley.

Respectfully, Sherri Okerhjelm

To whom it may concern,

My name is Jess and I am an advocate for wholeness, healing and the chance for practitioners to share their medicine and knowledge on the matter.

Marking medical, physical therapy and chiropractic in the same zone but excluding massage seems irrational. You simply cannot have one without the other. As of late, massage has been receiving praise from hospitals and the medical field due to its ability to assist patients on their recovery.

We need medical doctors to guide us with the understanding of how our bodies work. We need physical therapists to strengthen a part of our body after trauma or surgery. We need chiropractic to realign our bodies. We need massage therapist to get deep into our muscles, assist the lymphatic flow of our bodies and more. Let's also not forget to highlight the positive influence massage has on one's mental and emotional health.

The world we live in is changing for the better. People are starting to wake up to the fact we can be our own healers while having a team of professionals by our side.

I kindly ask you to reconsider your zoning and allow massage a seat at the table. Your time and consideration is appreciated.

Jessica Zacharias  
Seaworth Founder & Lead Instructor  
Jess Move, LLC

Dear whom it may concern:

I am writing to you today to express my appreciation for the Zen Den, a business your city would be fortunate to have grace your streets. It is my understanding that the location Ashton is looking at expanding in does not qualify the Zen Den as therapy. The Zen Den has created a space to calm my mind. I do not go to traditional therapy any more because of what Ashton has done to my mental health.

Every month I look forward to 90 minutes of peace and relaxation from Ashton. The reduced muscle tension, improved circulation combined with the increased relaxation have improved my mental health. Ashton's massage coupled with the calming music, meaningful conversations and a touch of CBD has lowered my stress level and reduced my feelings of depression and anxiety.

Touch has been shown to release oxytocin which is directly associated with mental health. I feel more at peace after leaving the Zen Den.

I hope you reconsider your zoning rules and expand them to allow the Zen Den to establish a spot in your city and help grow your community. The space supports the well being of your citizens and produces positive energy and vibes, something any city could benefit from.

Kind regards,

**Danielle Mihelich, CFP, CPFA**  
Financial Advisor  
Retirement Accredited Financial Advisor  
Merrill Lynch Wealth Management  
Mastroberto & Associates

To whom it may concern-

I have been a massage client of Ashtons for a little over two years. I combine her massage services with my chiropractic care, as massage is a major part of my physical and mental wellness.

I do consider Ashton's services a necessity in my personal pain management and I hope that you can reconsider the zoning parameters. I believe Ashton and her team can really help others of your community to heal.

-Nahee Hong

I have had the pleasure of working with The Zen Den Massage over the past year as part of my journey with anxiety and PTSD. I was recommended to Ashton specifically by my therapist as a way to help alleviate the symptoms that accompany both generalized anxiety and PTSD. Studies show massage can improve symptom such as chronic pain, immune system deficiencies, and stress. Each session with Ashton has helped me in my journey to improve my mental and physical health. The services that the Zen Den Collective can offer our community is priceless.

Michele Anderson 586-873-3123

To Whom it May Concern:

I am writing to implore you to see the mind-body connection and healing that comes from combining mental+physical therapies with professional bodywork + facial massaging and treatment.

I suffer from anxiety and depression - it runs deep in my family, but I am also going through a difficult divorce after 12 years of marriage. I would not survive without my prescribed medication,

weekly therapy appointments, or my monthly massages. My medication helps me get through the day and balance my emotions, but too much can make me feel numb. Therapy helps me work through my problems and find a purpose, challenging and encouraging me to be my best self. My massages take me somewhere else completely. To my own space where I can truly relax and become whole again. They are tailored to me - the parts of my body where I am feeling my built-up tension from the struggles of life. Bodywork and mental health professionals can take the time with me that the doctors cannot - and I can never have too much of either. Massages and reflexology were also a recommendation from my ankle specialist during and after my physical therapy. I could work on building my strength with lots of repetitive movements, but those movements tightened my calf muscles so much that only massages would relieve the tension. I leave the massage table stronger and more flexible - emotionally and physically.

I see my dermatologist annually for skin checkups and as-needed for other concerns. Facialists have a much more intimate connection with my skin - how to make it glow or clear it from the pollutants of our city. The results make me more confident in my own skin, which boosts my mental health; it's all connected.

To not see the distinct connection between medical services and mind+body+facial therapies that would allow the collective to use this space, would be a great disservice to the community. Please allow this amazing group of professionals to occupy a space that will make it easier for all of us to take care of our bodies and minds in a world where so much weighs on us daily.

Sincerely,  
Katie Scott

To whom it may concern,

As a licensed esthetician and business owner, I am often in a position that is compromising to a healthy posture. I've been seeing Ashton at the Zen Den for over a year now and her therapy has vastly improved my physical health, as well as the ability to do my job.

She has also given me a place to completely unwind and let go, which is desperately needed in today's day and age. Mental health is just as important as physical health and you'd be doing the city a great service allowing the Zen Den Collective to be a part of the community.

Sincerely,  
Michaeline Holman Owner of The Dragonfly Esthetics LLC



To whom it may concern,

I wanted to write a testimonial for the new Zen Den Collective. I have been seeing Ashton for massages monthly from my second trimester on. I am positive that without her and my chiropractor I wouldn't have been able to work as a hairstylist as long as I did before giving birth. My midwife strongly encouraged me to continue pairing massage and chiropractic care to ensure baby was in the right position and I was ready for labor.

I hope that we can resolve this zoning issue so everyone can benefit from the amazing space and community she is trying to build. Thank you for taking the time to read my letter. If you have any questions or want to discuss further please don't hesitate to reach out.

Best,  
Jessica Janssen

To whom it may concern:

I am writing you today to share my experience with massage therapy. I have had back issues since having children and started combining massage therapy with my physical therapy. The physical therapy helped but I wouldn't be able to function as well as I do today without the massage therapy portion. Ashton at the Zen Den has changed my life for the better. I'm a better mother, spouse, and employee because of the positive benefits of regular message therapy. With this combination my back pain is nearly gone!

The massage therapy is also recognized by my company as a treatment for well-being and I was able to receive some reimbursement. The health insurance provided through my company also covers massage therapy when combined with chiropractic care. Times have changed and massages are no longer viewed as a fun thing to do at the spa. It's extremely therapeutic and beneficial both mentally and physically.

Thank you for taking the time to read my testimonial!

Best,  
Julie

I have been seeing Ashton for deep tissue massages on a monthly basis since January of 2022. I am a runner who primarily has been training for marathons since that time. As an athlete spending upwards of 8-10 hours a week doing running and strength training for these races, massage therapy has become a critical component of my recovery and overall health. In addition to the benefits that I have seen to the athletic side, this has also carried through to my career, where I have a mostly sedentary job that leads to additional stress in my hips, shoulders and upper back.

In addition to the massage therapy I get from Ashton, I also see a chiropractor on a regular basis to pair PT and active release techniques to aid in my recovery and help prevent injuries during my activities.

Thank you for the consideration for this application!

Renee Mantua

I have been seeing Ashton regularly for massages for over a year as a pillar of my personal mental wellbeing. As a person who suffers from OCD, Anxiety and Depression learning how to manage my symptoms is critical in managing my day-to-day life. In addition to regular physician appointments and medication, my monthly appointments with Ashton have been instrumental in providing a safe space that I can go to and recover, both mentally and physically. Massage therapy provides deep relaxation which reduces feelings of anxiety. Since regularly receiving massage therapy I have noticed enhanced general well-being feelings and improved capacity to manage stress. Ashton has created a safe space within her studio that allows me to decompress, and where I can look forward to going to support myself.

### Kelly Smiley

Manager, Digital Transformation

NFP Connect Regional SME

Central US

M: 248.909.6979 | [kelly.smiley@nfp.com](mailto:kelly.smiley@nfp.com) | NFP.com

To Whom It May Concern,

Although I'm a newer client to The Zen Den - I can honestly say my monthly massages have immensely helped me both physically and mentally. Combining my minor injuries over the years with a mentally draining job, monthly massages are vital to me both physically and mentally. I used to hop from massage chains to try one after the other but eventually I came across The Zen Den's page and decided it was time to support a small and local business :) From my first visit with Ashton I knew this was the necessary self care I needed to implement into my life. To put it in perspective, I budget out my services with The Zen Den, along with therapy and copays for other doctors, all together because it is part of my mental and physical health. I hope this letter can show you the services she's looking to offer with other business owners are so much more than just getting your body oily and massaged. Soooo much more than that! I also think it would do the city some good to help support and even encourage more small business owners to be in this space, especially in a time where we're seeing more chains and franchises pop up.

Thank you,  
Haley Sesi

My name is Matthew Brown. I am a resident and worker in Berkeley and am concerned about the prohibition of these new businesses in my community.

Massage therapy, mental health therapy, and skin beautification are all important services for maintaining and improving an individual's wellbeing. A healthy body helps create a healthy mind, and vice versa. I have personally used all of the services offered to improve my own well-being. To prevent the inclusion of these businesses is a mistake, as they all fall under the medical/physical therapy umbrella. Massage therapy is an essential aspect of physical therapy, whether it be focused on muscle recovery, injury prevention, or rehabilitation. Massage therapy has proven physical benefits, but also mental as well, as it has been shown to help people's mental state through relaxation, body recovery, and physical mindfulness. In addition, skin beautification has medical benefits, as well as mental, rendering back to the point that when you look good you feel good. When your body is healthy your mind will follow.

The inclusion of these services into Berkeley will greatly benefit the community through offering services for physical and mental health, as well as by bringing great business to the city. I hope to see these businesses open and make a wonderful impact on the community through the improvement of mental and physical wellbeing, as well as bringing much needed business to the area.

Cordially  
Matthew Brown

Hi there!

I wanted to submit a testimonial in support of The Zen Den Collective's application to update zoning. I am 42 years old, and have been suffering from migraines since I was 12. It's taken years, multiple doctors, and a lot of investigation to help me learn the causes of my migraines, and I'm always on a search for different things to relieve and prevent them.

Several years ago, a physical therapist recommended that I consider getting regular massage. As a busy attorney and mom of three, I carry a LOT of tension in my neck and shoulders, and that combined with the day to day stress of work and life certainly is a contributing factor to the frequency and intensity of the migraines I experience.

I have gone to many different massage therapists since that recommendation, but Ashton is far and above the rest of them. She has created a peaceful, relaxing environment, and she is incredibly skilled. She offers a number of different enhancements to massage including cupping, infrared therapy, and hot stones, all of which add to the relaxing, tension-relieving quality of her work. I always leave my appointments feeling so much better, and I can feel the difference in my neck and shoulder muscles for days after.

I firmly believe that combining regular massage with Ashton at the Zen Den along with my migraine medication and other preventative practices has helped increase the quality of my life overall. The services offered by the Zen Den would be an excellent complement to any neighboring medical practice or overall health and wellness facility.

Thank you,  
Sarah Blalock

I see Ashton once a month for massage therapy, which is crucial to the overall health of my body. I'm very active and hard on my body and without Ashton, getting out of bed in the morning would be a series of aches and pains. In addition to massage therapy, I see a chiropractor for regular adjustments, which has also helped tremendously. I also attend therapy every other week because having a healthy mind is as important as having a healthy, functioning body. I was so excited to hear Ashton was taking the next step in her business by coming together with other wellness practitioners to provide a holistic wellness experience for the community. It would be a shame if the Zen Den Collective weren't given the opportunity to open in Berkeley. Thank you.

-Sepi

To Whom it May Concern,

I am writing this letter in hopes that you will see the great benefits of pairing together massage therapy and chiropractic/medical care.

I have been receiving chiropractic care in conjunction with massage/cupping therapy from Ashton for over a year now. The two together pair perfectly and have truly been life changing for me. I do not believe one can function without the other.

I have also been seeing a medical dermatologist who referred me to an esthetician to further treat my acne beyond that they could treat.

I strongly believe that by reconsidering your zoning, that The Zen Den Collective could be a huge asset to your community.

Respectfully,

Jenn Guido

When I first started mental health therapy for anxiety and depression, my therapist asked me if I was receiving stress relief services, such as massage therapy. I told her I was seeing Ashton at

The Zen Den Massage, and the relief I feel in my body and mind after each session has been essential along this journey. I've experienced a notable difference in my stress levels, and being able to release the tension stored in my body has improved my mental health. I sleep better, I have more energy and stamina for my physical job, and these factors have allowed me to focus on improving my mental functions as well.

-Hope Ciotti

Hi team!

I am fully supportive of your application for an amendment to the zoning for your space. Massage work, skin care and mental health support are very synergistic to the whole medical experience. Taking care of the full person-- mind, body, and spirit is essential to an individual's overall wellbeing.

Granting these wellness practitioners this amendment would allow them to continue the great work they are doing to support their patients in living a full life and contributing to the community in a positive way.

Thanks,  
Ashley Priskey

Hello!

My name is Thuy (Nee) Pham and I currently see Ashton for massages in addition to my chiropractic care. Including a massage with cupping into my regular routine has greatly reduced my pack and neck pain. It is a necessity that I would not be able to live without. Her massages have also provided me with a relaxing space that has reduced my anxiety and stress. I truly believe in her business and care. I hope that you will take into consideration the zoning amendment for the Zen Den Collective.

Best,

Thuy Pham



**CITY OF BERKLEY**  
**COMMUNITY DEVELOPMENT**  
3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**MEMORANDUM**

**To:** Berkley Zoning Board of Appeals  
**From:** Kristen Kapelanski; Community Development Director  
**Subject:** **PBA-02-23; 2280 Oakshire – Request for dimensional variances for deficient front yard setback and addition to a non-conforming structure for a second story addition:**  
**Date:** June 9, 2023

---

**APPLICANT:** Al Saling  
**LOCATION:** East side of Oakshire Avenue between Oxford Road and Cambridge Road  
**PARCEL ID:** 04-25-18-331-001  
**REQUEST:** The applicant is requesting dimensional variances to add a second story addition to a non-conforming structure where the front yard setback is 23.7 feet and 25.866 feet is required  
**REQUIRED:** Section 138-527 requires an average front yard setback of 25.866 feet and Section 138-154 of the Zoning Ordinance requires any additions to non-conforming structures meet the required setbacks.

**ZONING AND LAND USE**

The subject property is zoned R-1D, Single Family Residential.

Property	Zoning District	Land Use
Subject Site	R-1D, Single Family Residential	Single family detached dwelling
West	R-1D, Single Family Residential	Single family detached dwelling
East	R-1D, Single Family Residential	Single family detached dwelling
North	R-1D, Single Family Residential	Single family detached dwelling
South	R-1D, Single Family Residential	Single family detached dwelling



## BACKGROUND

The building file on 2280 Oakshire has records for improvements to a single-family home dating back to 1960. There are no records of any variances having been previously granted or denied for this property and no original building permit records.

## AERIAL PHOTOGRAPH



Source: Google Maps

## SCOPE OF PROJECT

The property owner is proposing add a second story addition to an existing home, which is non-conforming in the front yard setback. The existing home currently has a front yard setback of 23.7 feet and the proposed addition is not encroaching any further into the front yard setback than the current first floor of the house.

## SUMMARY OF REQUEST

Below is a summary of each request in detail and each will be analyzed separately below under the Standards of Review.

**1. Minimum Average Front Yard Setback is 25.866 feet**

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The Zoning Ordinance requires a front yard setback equal to 25 feet or to average front setback of the six adjacent buildings on the same block, whichever is greater.

The current front yard setback is 23.7 feet and the applicant is proposing a second story addition over the first floor. The applicant is requesting a variance of 2.166 feet from the required front yard setback.

**2. Additions to Non-Conforming Structures Must Conform to Ordinance Regulations.**

---

The Zoning Ordinance requires any additions to non-conforming structures conform to the regulations (including required setbacks) of the applicable zoning district.

The second story addition does not meet the required front yard setback. The applicant is requesting a variance to allow an addition to a non-conforming structure that does not meet all applicable zoning ordinance regulations.

**STANDARDS FOR REVIEW**

Per Section 138-606 of the Zoning Ordinance, the applicant must demonstrate a practical difficulty in order to be granted a dimensional variance. The Zoning Board of Appeals shall not vary the regulations of Section 138-606, unless it shall make findings based upon the evidence presented to it in each specific case that:

**1. Minimum Front Yard Setback is 25.866 feet**

---

**A. *The need for the variance is due to unique circumstances or physical conditions of the property.***

The existing home was constructed many decades ago and was likely conforming at the time of construction, as no previous variances have been recorded. In addition, the applicant is proposing the second-story addition directly over the first floor, without expanding the non-conformity.

**B. *The need for the variance is not the result of actions of the property owner or previous property owners.***

The existing home with the current front yard setback was constructed several decades ago and is not the result of any actions of the current property owner.

**C. *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 with the ordinance would require the property owner to 'step' the addition in to bring the proposed second floor addition into compliance with current ordinance standards.

**D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.***

The applicant is not proposing to extend the footprint of the addition beyond the first-floor footprint of the front yard setback.

**E. *The requested variance will not adversely impact the surrounding properties.***

The requested variance will not adversely impact the surrounding properties.

**2. Additions to Non-Conforming Structures Must Conform to the Regulations of the Applicable Zoning District.**

---

**A. *The need for the variance is due to unique circumstances or physical conditions of the property.***

The existing home was constructed many decades ago and was likely conforming at the time of construction, as no previous variances have been recorded. In addition, the applicant is proposing the second-story addition directly over the first floor, without expanding the non-conformity.

**B. *The need for the variance is not the result of actions of the property owner or previous property owners.***

The existing home with the current setbacks was constructed several decades ago and is not the result of any actions of the current property owner.

**C. *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 with the ordinance would require the property owner to 'step' the addition in to bring the proposed second floor addition into compliance with current ordinance standards.

**D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.***

The applicant is not proposing to extend the footprint of the addition beyond the first-floor footprint.

**E. *The requested variance will not adversely impact the surrounding properties.***

The requested variance will not adversely impact the surrounding properties.

**Summary**

For a variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. Motions for approval and denial are included below for the convenience of the board.

## Sample Motions

### Approval

*In the matter of PBA-02-23 for 2280 Oakshire Avenue, motion to approve the requested variances from Section 138-527 and Section 138-154 of the City of Berkley Zoning Ordinance to permit a minimum front yard setback of 23.7 feet where 25.866 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.*

### Denial

*In the matter of PBA-02-23 for 2280 Oakshire Avenue, motion to deny the requested variances from Section 138-527 and Section 138-154 of the City of Berkley Zoning Ordinance to permit a minimum front yard setback of 23.7 feet where 25.866 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 not due to unique circumstances or physical conditions of the property.*
- 2. The need for the variance is the result of actions of the property owner or previous property owners.*
- 3. Strict compliance with the ordinance will not unreasonably prevent the property owner from using the property for a permitted purpose or will not render conformity with those regulations unnecessarily burdensome.*
- 4. The requested variance is not the minimum variance necessary to do substantial justice to the application as well as other property owners.*
- 5. The requested variance will adversely impact the surrounding properties.*

If you have any questions regarding this case, please do not hesitate to contact me.

Thank you.

Cc: Matthew Baumgarten, City Manager  
Victoria Mitchell, City Clerk  
John Staran, City Attorney  
Kim Anderson, Zoning Administrator  
Danna Bauer, Building Clerk  
Karson Claussen, Building Official



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## ZONING BOARD OF APPEALS APPLICATION

The Zoning Board of Appeals (ZBA) meets the second Monday of the month. The meetings are held in the Council Chambers at City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

The ZBA shall hear requests for use and dimensional variances, appeals of administrative decisions, interpretation of zoning map and text, and interpretations of commercial message for proposed murals.

**\*\*Please be advised:** The ZBA may grant a variance where undue hardship or practical difficulty for the property exist. A want or desire (bigger structure, more profit, etc.) is not sufficient grounds for a variance. The ZBA does not have the power to legislate or create new regulations. The Board's purpose is to provide some relief from the Zoning Ordinance depending on the unique circumstances of the property.

### APPLICANT INFORMATION

Name: Al Saling for Iron Rose Custom Renovations Phone: [REDACTED]

Address: 4022 Mildred St., Wayne, MI 48184

Em: [REDACTED]

Relationship to Property (current tenant, representative, future tenant, current owner, future owner):

Builder

### PROPERTY OWNER INFORMATION (if different from Applicant)

Name: Matthew Jaisle Phone: [REDACTED]

Address: 2280 Oakshire

Email: [REDACTED]

### PROPERTY DESCRIPTION

Address: 2280 OAKSHIRE

Parcel #: 25-18-331-001 Zoning Classification: R-1D

Current Use of Property: SINGLE FAMILY Residential

---

**NATURE OF REQUEST**

- Check which applies:
- Variance from Zoning Ordinance (Section I)
  - Interpretation of Zoning Ordinance (Section II)
  - Administrative Review / Appeal of Decision (Section III)
  - Determination of Commercial Message of Mural / Work of Art (Section IV)

Description of Request: DIMENSIONAL VARIANCE FOR FRONT YARD SETBACK.  
EXISTING IS 23.7' & 25' IS REQUIRED.

Has the City denied a permit related to the proposed work?  Yes  No

---

***Please fill out ONLY the section below that applies to your request.***

---

**I. VARIANCE FROM ZONING ORDINANCE**

Please provide a written response to each question below that relates to the variance that is being requested. **DO NOT COMPLETE BOTH SECTIONS.**

**A. Use Variance**

The Zoning Board of Appeals may grant a **use variance** (i.e. use of the land not permitted in a particular district) upon finding that an undue hardship exists.

Current Use of Property: \_\_\_\_\_

Requested Use of Property: \_\_\_\_\_

1. Explain how the building or land cannot be reasonably used for any of the uses permitted by right or by special land use permit in the current zoning district.



2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

3. Explain how the proposed use will not alter the essential character of the neighborhood.

4. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

**B. Dimensional Variance (Non-Use Variance)**

The Zoning Board of Appeals may grant a **dimensional variance** (i.e. height, setback, lot coverage, etc) upon finding that undue hardship or practical difficulty exists.

1. Explain how the need for the variance is due to unique circumstances of physical conditions of the property.

THERE IS AN EXISTING NON-CONFORMITY WHERE  
THE FRONT SETBACK ENCRDACHES 1.3 FOOT

2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

THE CONDITION IS EXISTING NON-CONFORMING FROM THE ORIGINAL BUILD IN 1938.

3. Explain how 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.

TO MEET THE ORDINANCE THE HOMEOWNER WOULD NEED TO MOVE HIS FRONT EXTERIOR WALL AND FOUNDATION BACK 1.3 FEET.

4. Explain how the requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.

THIS RENOVATION IS NOT INCREASING THE NON-CONFORMITY

5. Explain how the requested variance will not adversely impact the surrounding properties.

GENERALLY, THE FRONT FACE OF THE EXISTING HOUSE FOLLOWS THE SIGHT LINES OF THE ADJACENT 4 HOUSES TO THE SOUTH WITHIN 18" OF EACH OTHER.

**II. INTERPRETATION OF ZONING ORDINANCE**

Provide Section numbers of Zoning Ordinance to be interpreted: \_\_\_\_\_

Please describe the request and what needs to be clarified or interpreted by the ZBA.

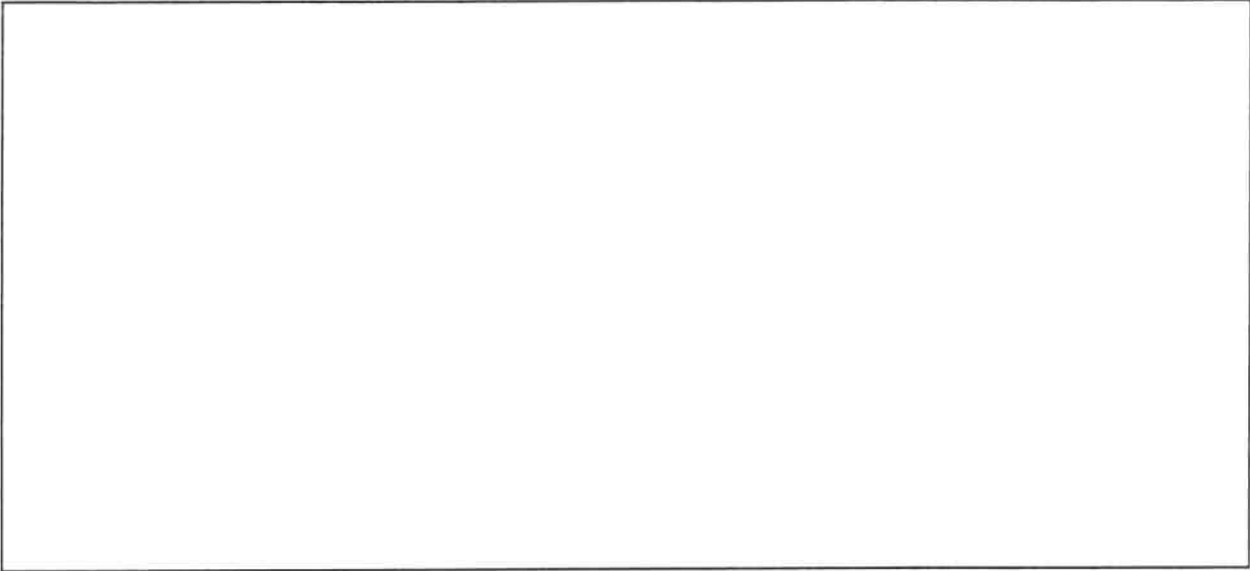
---

**III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION**

Describe the circumstances of each case and provide the minutes of the public meeting noting the denial to be appealed.

#### IV. DETERMINATION OF COMMERCIAL MESSAGE (MURAL/WORK OF ART)

Describe the proposed mural/work of art. Applicant should include renderings of the proposed design. The ZBA shall determine if the proposed work contains a commercial message.



\*\* Applicant and artist must provide signed *Mural Installation and Maintenance Agreement* prior to the public meeting.

---

#### SUBMIT THE FOLLOWING:

Provide 15 copies of survey, plot plan or site plan with this application that shows the subject property complete with boundary lines and dimensions, existing building locations, all proposed buildings, easements, utilities, and any site improvements/changes. Setbacks, height of structures, lot coverage, etc. should also be included, if applicable.

A PDF file of the application and supporting documents must also be submitted at the time of application.

---

**PLEASE NOTE:** The applicant, or a designated representative, **MUST BE PRESENT** at the meeting in which the case is being reviewed or the request may be postponed due to lack of representation.

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.

**PROPERTY OWNER'S APPROVAL (Initial each line)**

MTJ I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the above request(s) before the ZBA.

MTJ I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

**APPLICANT'S ENDORSEMENT: (Initial each line)**

[Signature] All information contained herein is true and accurate to the best of my knowledge.

[Signature] I acknowledge that the ZBA will not review my request unless all information in the application has been submitted to the satisfaction of the Community Development Director.

[Signature] I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or review of this application.

**If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.**

Al Salinger for WYN ROSE [Signature] 5/4/23  
Applicant Name (print) Applicant Signature Date

Applicant Name (print) Applicant Signature Date

Matt Jaisle [Signature] 5/3/23  
Property Owner Name (print) Property Owner Signature Date

---

**Office Use Only**

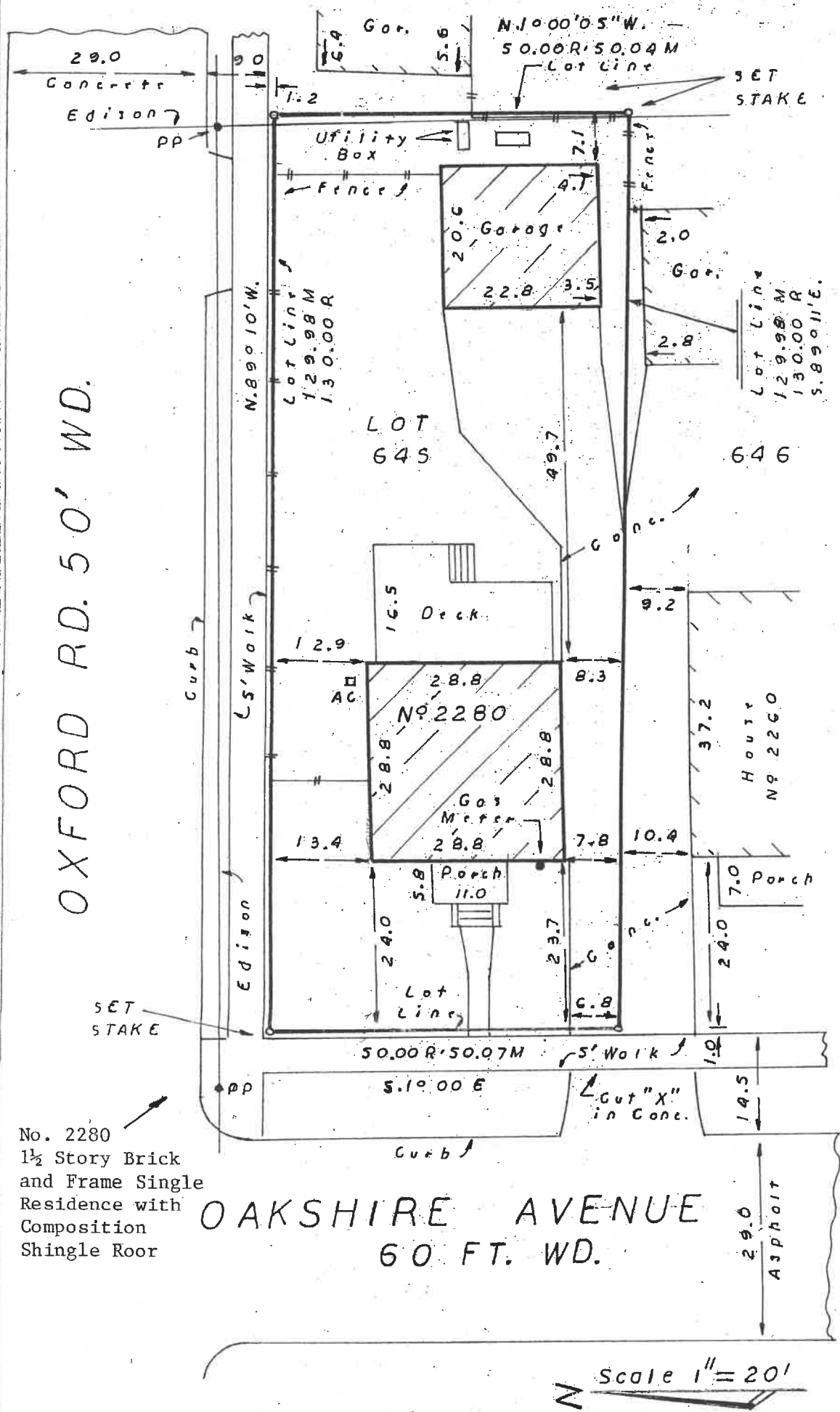
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Received 9-4-23 Receipt # \_\_\_\_\_ Meeting Date 6/12/23 Case # ABA-02-23

Fee: Residential \$400  
Commercial \$600  
Mural \$300



# CERTIFICATE OF SURVEY



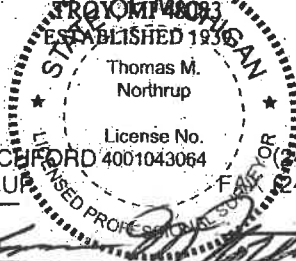
LEGAL DESCRIPTION OF PROPERTY: ID # 25-18-331-001  
 Lot 645, GLENFORD PARK No. 1, a Subdivision of the E.1/2 of the S.W.1/4 of Section 18,  
 T1N-R11E, Royal Oak Twp., CITY OF BERKLEY, Oakland County, Michigan.  
 Plat recorded LIBER 24. PAGE 10. Oakland County Records.  
 Bearings in relation to Oakshire Ave. as platted.

I HEREBY CERTIFY that I have surveyed and mapped the property herein described; and that said survey was performed with a relative error of closure of no greater than 1 in 5000 and that all the requirements of P.A. 132, 1970 have been complied with.

Prepared for: Iron Rose Renovations  
 248-310-2165

**GUARANTY SURVEY CO.**  
 REGISTERED LAND SURVEYORS

1660 ROCHESTER ROAD



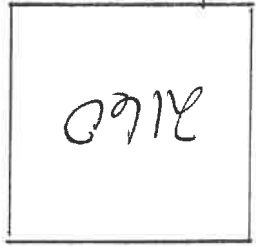
PETER G. PITCHFORD 4001043064 (248) 528-1717  
 TOM NORTHRUP (248) 528-1746

ORDER No. 192214 DATE April 18, 2023 BY: *Thomas M. Northrup*

OAKSHIRE AVE.

GREEN BELT

CITY SIDEWALK



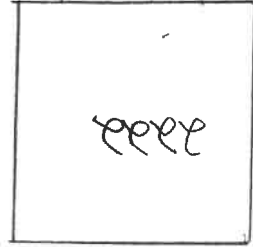
30'7"



25'10"



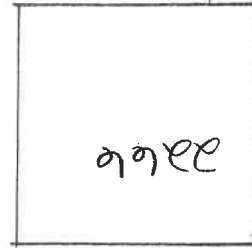
25'7"



24'8"



24'8"



24'7"



23'7"



SEAL

JAILSIE RESIDENCE  
BERKLEY, MICHIGAN  
2280 OAKSHIRE AVE.  
BERKLEY, MI 48072

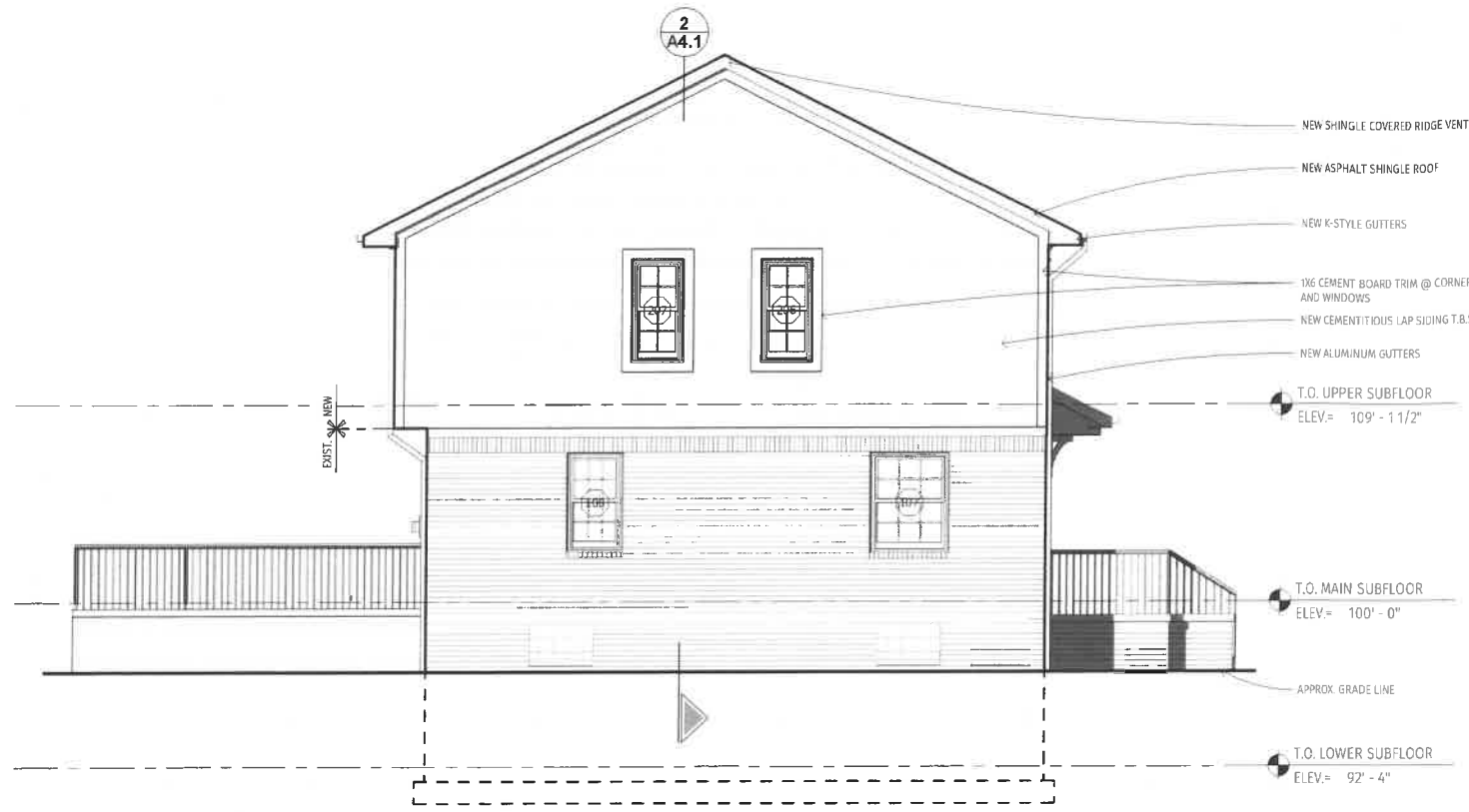
PERMIT ISSUE 02-07-23

DATE 03-07-23

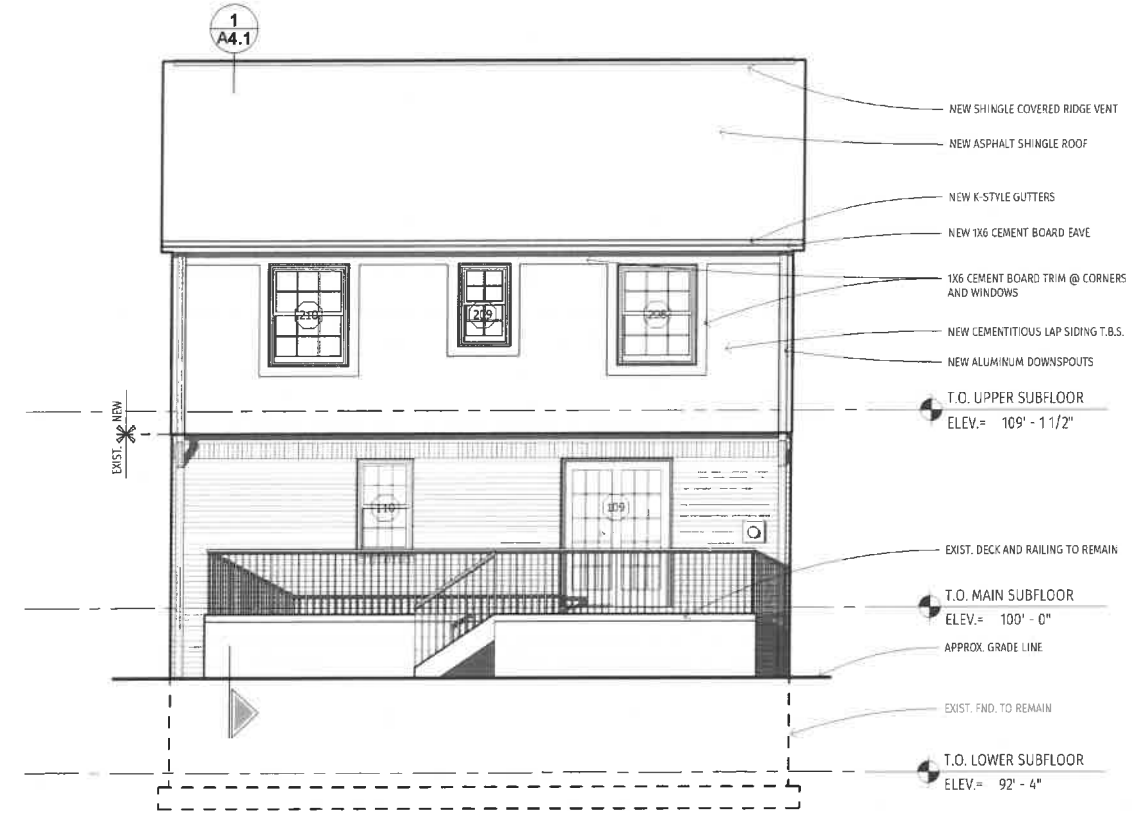
ELEVATIONS

ABD2242

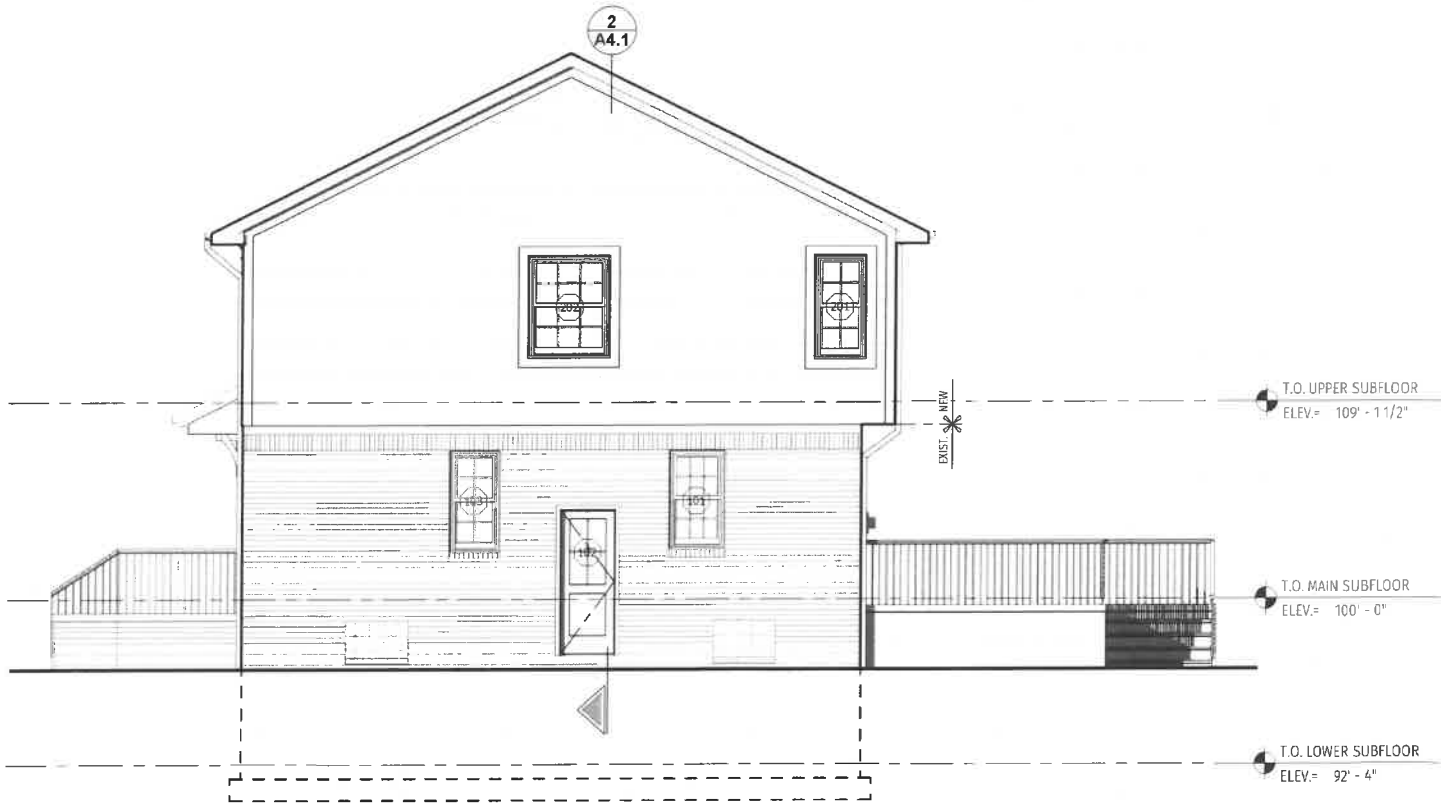
A3.1



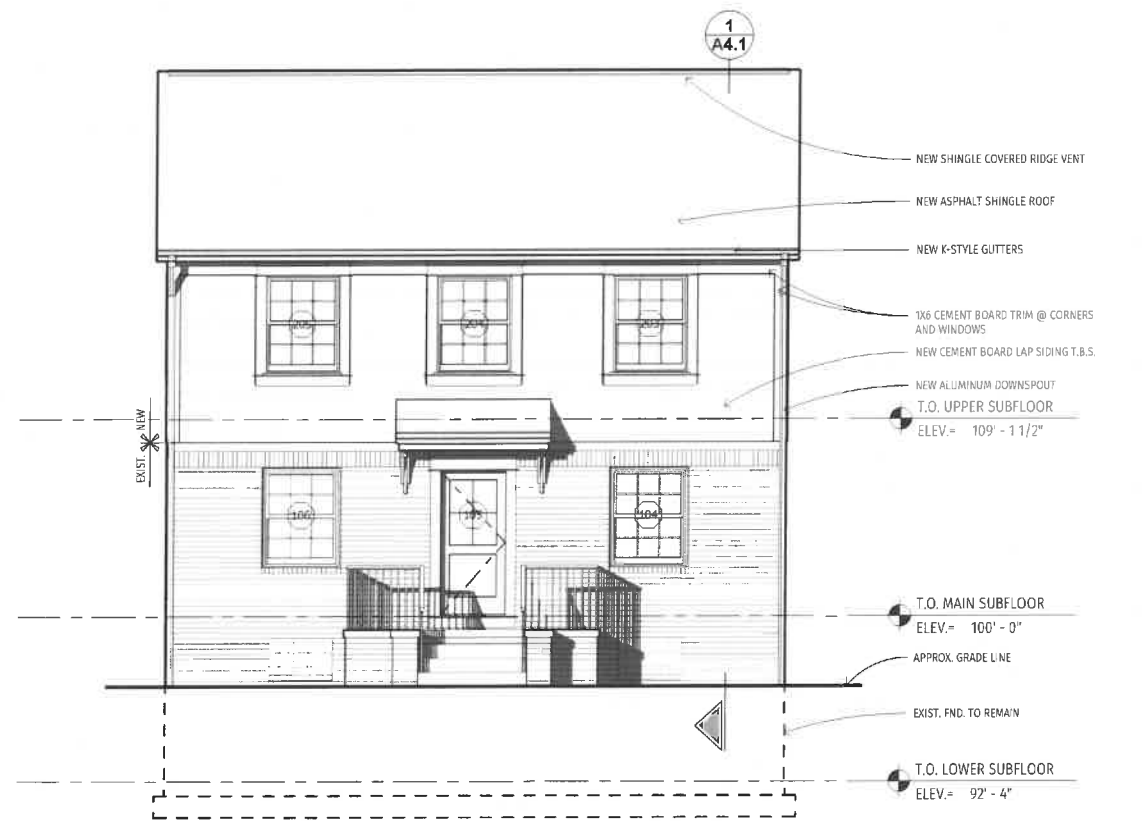
**1 NORTH ELEVATION**  
A3.1 SCALE: 1/4" = 1'-0"



**2 EAST ELEVATION**  
A3.1 SCALE: 1/4" = 1'-0"



**3 SOUTH ELEVATION**  
A3.1 SCALE: 1/4" = 1'-0"



**4 WEST ELEVATION**  
A3.1 SCALE: 1/4" = 1'-0"

THE CITY OF BERKLEY  
Community Development Department  
3338 Coolidge, Berkley, Michigan 48072  
(248) 658-3320

**Notice  
Meeting of the Berkley  
Zoning Board of Appeals**

Notice is hereby given, that there will be a meeting of the Zoning Board of Appeals to be held at the City of Berkley in the Council Chambers, 3338 Coolidge, Berkley, Michigan on Monday, June 12, 2023 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-02-23**

Iron Rose Custom Renovations, on behalf of Matthew Jaisle for 2280 Oakshire Ave., Parcel # 04-25-18-331-001, East side of Oakshire Ave., between Oxford Rd. and Cambridge Rd., is requesting a dimensional variance to allow the construction of a second story addition to a nonconforming structure in the required front setback. The proposed front setback of 23.7 feet and the average 25.866 feet is required.

**Berkley City Code**

*Berkley City Code*, Chapter 138 *Zoning*, Article III General Provisions, Division 5 Nonconforming Buildings and Uses, Section 138-154 Requirements for Nonconforming Structures. Article V District Regulations, Division 17 Schedule of Regulations, Section 138-527(b) front yard setback.

Complete application information is available for review at [www.berkleymich.org/urbanplanning](http://www.berkleymich.org/urbanplanning).

Comments on the above variance may be made in person on the night of the meeting or in writing. All written comments must be submitted to the Berkley Community Development Department or email to [planning@berkleymich.net](mailto:planning@berkleymich.net) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**  
Royal Oak Tribune  
Friday, May 26, 2023



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CAROLIN S PENNINGTON  
2160 OAKSHIRE AVE  
BERKLEY MI 48072 1287

Occupant  
2375 ROYAL AVE  
BERKLEY MI 48072 1234

ERIC WILLIAM MCINTOSH  
JENNIFER NICOLE CARTY MCINTOSH  
2222 OAKSHIRE AVE  
BERKLEY MI 48072 1288

MATTHEW CHEMA  
2144 OAKSHIRE AVE  
BERKLEY MI 48072 1287

WILLIAM H BOSSENBERGER  
2167 WARRINGTON RD  
ROCHESTER HILLS MI 48307 3775

TYLER RICHARDSON  
CHELSEA RICHARDSON  
2219 ROYAL AVE  
BERKLEY MI 48072 4015

Occupant  
2192 ROYAL AVE  
BERKLEY MI 48072 4012

WILLIAM ROBERT  
DENA ROBERT  
2240 OAKSHIRE AVE  
BERKLEY MI 48072 1288

STACIE LONSKEY  
2191 ROYAL AVE  
BERKLEY MI 48072 4014

STEVEN D JANISH ESQ  
CHERYL JANISH  
7601 BETTIS TROPHY DR  
AUSTIN TX 78739 1487

RICHARD BORER  
2328 ROYAL AVE  
BERKLEY MI 48072 1235

CYNTHIA F ROSS  
2239 ROYAL AVE  
BERKLEY MI 48072 4015

BRAD BLOXSOM  
2220 ROYAL AVE  
BERKLEY MI 48072 4013

AMY JO HOFNER  
2392 OAKSHIRE AVE  
BERKLEY MI 48072 1246

RYAN J MARSHALL  
2259 ROYAL AVE  
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MOLLY STAPELMAN  
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BERKLEY MI 48072 1287

CITY OF BERKLEY  
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GAIL R TOSTO  
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BERKLEY MI 48072 1287

GARY KOESTERS  
BEVERLY KOESTERS  
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BERKLEY MI 48072 1245

DEMERY SHAHAN  
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BERKLEY MI 48072 1246

BRIAN T GILTINAN  
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BERKLEY MI 48072 1288

MAUREEN A WATSON  
DARRYL WATSON  
2326 PHILLIPS AVE  
BERKLEY MI 48072 1029

SEAN N ZELDA  
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BERKLEY MI 48072 4014

DONALD GOOD  
DEBRA GOOD  
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BERKLEY MI 48072 1234

NATALIE ARGUELLO  
2360 ROYAL AVE  
BERKLEY MI 48072 1235

LEE TEASLEY  
2175 ROYAL AVE  
BERKLEY MI 48072 4014

OMAR JACKSON  
2176 ROYAL AVE  
BERKLEY MI 48072 4012

REBECCA L MOZO  
JONATHAN MOZO  
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BERKLEY MI 48072 1245

ERIN PAMELA WODEHOUSE  
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BERKLEY MI 48072 1029



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DOMINGO FRANCO PALACIOS  
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BERKLEY MI 48072 1234

KATHERINE GEIGER  
GABRIEL R MASEK  
2327 OAKSHIRE AVE  
BERKLEY MI 48072 1245

JASON S KRUG  
2259 OAKSHIRE AVE  
BERKLEY MI 48072

CLARENCE J BLACK  
2344 ROYAL AVE  
BERKLEY MI 48072 1235

JOHN PRESTON  
2359 ROYAL AVE  
BERKLEY MI 48072 1234

LINUS E THALMAN III  
SHALLAN L THALMAN  
2159 OAKSHIRE AVE  
BERKLEY MI 48072

EVAN LIAN  
HALEY MARIE LIAN  
2343 OAKSHIRE AVE  
BERKLEY MI 48072 1245

GRACE GUIDEAU  
JACOB PASEK  
2360 OAKSHIRE AVE  
BERKLEY MI 48072 1246

MATTHEW L KRAMER  
KRISTEN M KRAMER  
2219 OAKSHIRE AVE  
BERKLEY MI 48072

CHARLES R RAGAN  
DANIEL P MURTHA  
2328 OAKSHIRE AVE  
BERKLEY MI 48072 1246

MATTHEW JAISLE  
2280 OAKSHIRE AVE  
BERKLEY MI 48072

DANIEL J GUBASTA  
2191 OAKSHIRE AVE  
BERKLEY MI 48072

BETTY LEBOEUF  
2312 ROYAL AVE  
BERKLEY MI 48072 1235

SARAH TODEBUSH  
2376 OAKSHIRE AVE  
BERKLEY MI 48072 1246

CALEB CLARK  
SACHA CLARK  
2279 OAKSHIRE AVE  
BERKLEY MI 48072

THOMAS MCCLURE  
2312 OAKSHIRE AVE  
BERKLEY MI 48072 1246

KENNETH LITVIN  
2342 PHILLIPS AVE  
BERKLEY MI 48072 1029

JASON P HUNT  
AMY HUNT  
2239 OAKSHIRE AVE  
BERKLEY MI 48027

Occupant  
2311 ROYAL AVE  
BERKLEY MI 48072 1234

SPENCER KRAUSS  
SARAH KRAUSS  
2280 ROYAL AVE  
BERKLEY MI 48072 4013

CLARENCE BLACK  
LORRENA BLACK  
2175 OAKSHIRE AVE  
BERKLEY MI 48072

FUNNY EGG NOG LLC  
4249 WOODLANDS LN  
ORCHARD LAKE MI 48323 1622

PATRICK A KRAUSKOFF  
2279 ROYAL AVE  
BERKLEY MI 48072 4015

Iron Rose Custom Renovations  
4022 Mildred St.  
Wayne, MI 48184

Attn: Al Saling

JAY R ROGERS  
2312 PHILLIPS AVE  
BERKLEY MI 48072 1029

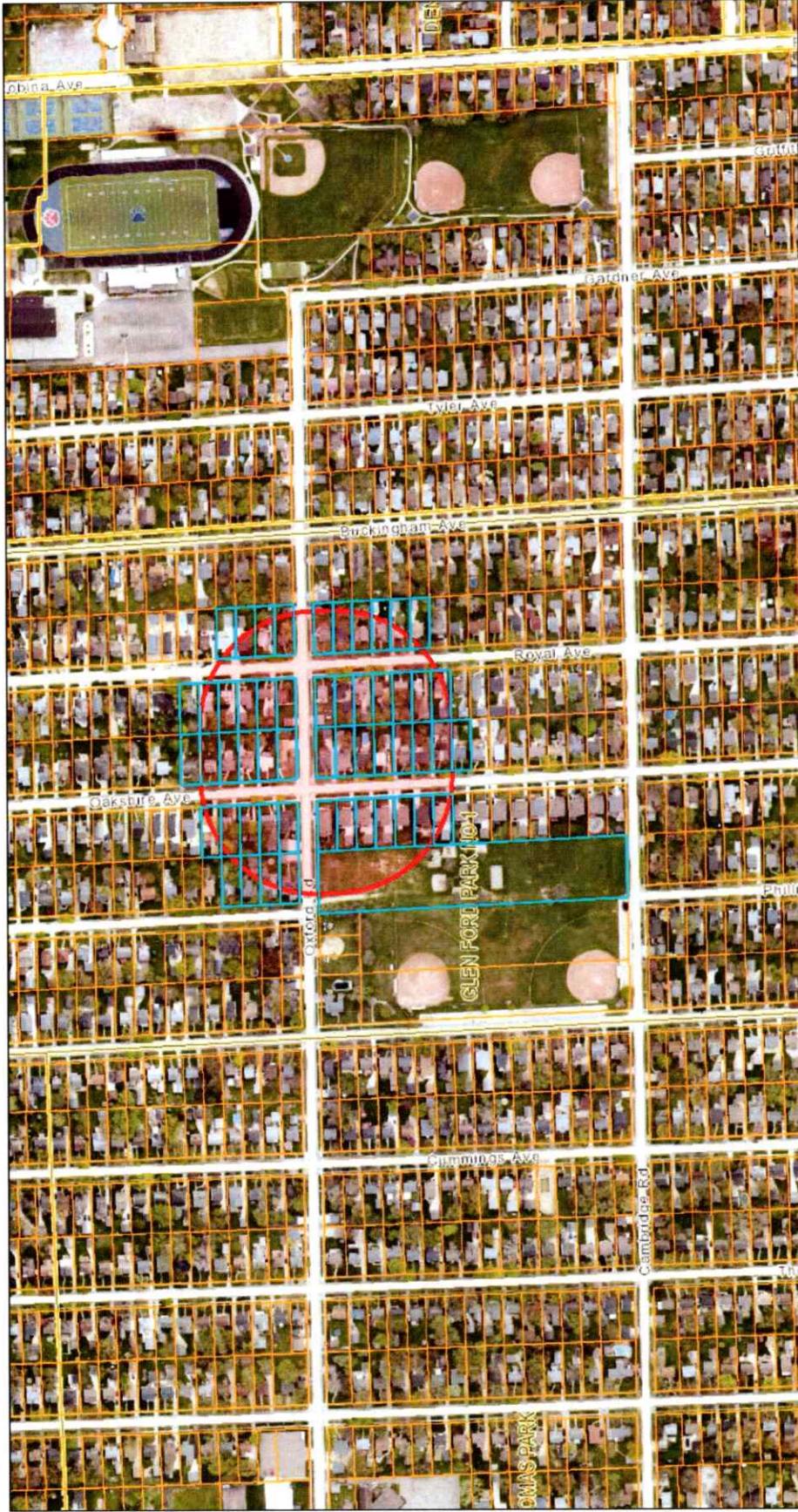
JOEL MORGAN  
2260 ROYAL AVE  
BERKLEY MI 48072 4013

NICHOLAS D SHANKU  
KIMBERLY ANN SHANKU  
2327 ROYAL AVE  
BERKLEY MI 48072 1234

JAMES BALL  
JESSICA KALLI FORTUNE-BALL  
2359 OAKSHIRE AVE  
BERKLEY MI 48072 1245



# ParcelsPlus Map



Thu May 25 2023

- Override 1
- Override 1
- RCOCAppMapService\_5220



Kristen Kapelanski <[kkapelanski@berkleymich.net](mailto:kkapelanski@berkleymich.net)>

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## Zoning Meeting RE: 2280 Oakshire Ave.

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**Sarah Todebush** <[sarah.todebush@gmail.com](mailto:sarah.todebush@gmail.com)>  
To: [planning@berkleymich.net](mailto:planning@berkleymich.net)

Thu, Jun 1, 2023 at 8:50 AM

Greetings,

I received your letter regarding Application Number PBA-02-23, regarding renovations at 2280 Oakshire Ave.

I have no objections to the proposed dimensional variance. Further, I am glad to see Berkley neighbors and homeowners invest in their property, our lovely street, and the greater community!

Respectfully,  
Sarah Todebush  
Homeowner, [2376 Oakshire Ave.](#)

--

Sarah Todebush  
(248) 952-7098 iPhone  
[sarah.todebush@gmail.com](mailto:sarah.todebush@gmail.com)



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## MEMORANDUM

**To:** Berkley Zoning Board of Appeals

**From:** Kristen Kapelanski; Community Development Director

**Subject:** **PBA-03-23; 2020 Harvard – Request for dimensional variances for deficient distance between buildings and dwellings, deficient side yard setback and addition to a non-conforming structure for a second story addition**

**Date:** June 9, 2023

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**APPLICANT:** Phillip Pacheco and Amanda Pacheco

**LOCATION:** North side of Harvard between Berkley Avenue and Hamilton Avenue

**PARCEL ID:** 04-25-17-305-027

**REQUEST:** The applicant is requesting dimensional variances to add a second story addition to a non-conforming structure where the distance between the dwelling and accessory structure is 6.5 feet (10 feet required), the distance between dwellings is 14.4 feet (15 feet required) and the west side setback is 4.7 feet (5 feet required).

**REQUIRED:** Section 138-55 requires accessory structures to be a minimum of 10 feet from the principal structure; Section 138-527 requires a minimum of 15 feet between dwellings; Section 138-526 requires a minimum side yard setback of five feet and Section 138-154 of the Zoning Ordinance requires any additions to non-conforming structures meet the required setbacks.

## ZONING AND LAND USE

The subject property is zoned R-1D, Single Family Residential.

Property	Zoning District	Land Use
<b>Subject Site</b>	R-1D, Single Family Residential	Single family detached dwelling
<b>West</b>	R-1D, Single Family Residential	Single family detached dwelling
<b>East</b>	R-1D, Single Family Residential	Single family detached dwelling
<b>North</b>	R-1D, Single Family Residential	Place of Worship
<b>South</b>	R-1D, Single Family Residential	Single family detached dwelling

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## BACKGROUND

The building file on 2020 Harvard has records for improvements to a single-family home dating back to 1974. There are no records of any variances having been previously granted or denied for this property and no original building permit records.

## AERIAL PHOTOGRAPH



Source: Google Maps

## SCOPE OF PROJECT

The property owner is proposing add a second story addition to an existing home (which is non-conforming in the side yard setback, the distance between dwellings and the distance between a principal building and an accessory structure). The second story addition would primarily be added to the rear of the structure. The existing home currently has a side yard (west) setback of 4.7 feet where 5 feet is required. The existing home is currently 14.4 feet from the nearest dwelling where 15 feet is required and is 6.5 feet from the garage where 10 feet is required. The second story addition would fall within the footprint of the existing home.

## SUMMARY OF REQUEST

Below is a summary of each request in detail and each will be analyzed separately below under the Standards of Review.

### 1. Minimum Side Yard Setback is 5 feet

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The Zoning Ordinance requires a side yard setback of 5 feet.

The current west wall of the home is setback 4.7 feet from the property line and the applicant is proposing a second story addition over the first floor. The applicant is requesting a variance of 0.3 feet from the required side yard setback.

**2. Minimum Setback is 10 feet from a Principal Structure and Accessory Structure**

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The Zoning Ordinance requires accessory structures to be setback a minimum from 10 feet from the principal structure.

The second story addition is setback 6.5 feet from the existing garage (consistent with the existing first floor). The applicant is requesting a variance of 3.5 feet.

**3. Minimum Distance is 15 feet between Dwellings**

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The Zoning Ordinance requires a minimum 15 feet setback between dwellings.

The second story addition is setback 14.4 feet from the nearest dwelling (consistent with the existing first floor). The applicant is requesting a variance of 0.6 feet.

**4. Additions to Non-Conforming Structures Must Conform to Ordinance Regulations.**

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The Zoning Ordinance requires any additions to non-conforming structures conform to the regulations (including required setbacks) of the applicable zoning district.

The second story addition does not meet required setbacks. The applicant is requesting a variance to allow an addition to a non-conforming structure that does not meet all applicable zoning ordinance regulations.

**STANDARDS FOR REVIEW**

Per Section 138-606 of the Zoning Ordinance, the applicant must demonstrate a practical difficulty in order to be granted a dimensional variance. The Zoning Board of Appeals shall not vary the regulations of Section 138-606, unless it shall make findings based upon the evidence presented to it in each specific case that:

**1. Minimum Side Yard Setback is 5 feet**

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**A. *The need for the variance is due to unique circumstances or physical conditions of the property.***

The existing home was constructed many decades ago and was likely conforming at the time of construction, as no previous variances have been recorded. In addition, the applicant is proposing the second-story addition directly over the first floor, without expanding the non-conformity.

**B. *The need for the variance is not the result of actions of the property owner or previous property owners.***

The existing home with the current side yard setback was constructed several decades ago and is not the result of any actions of the current property owner.

- C. *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 with the ordinance would require the property owner to 'step' the addition in to bring the proposed second floor addition into compliance with current ordinance standards.

- D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.***

The applicant is not proposing to extend the footprint of the addition beyond the first-floor footprint.

- E. *The requested variance will not adversely impact the surrounding properties.***

The requested variance will not adversely impact the surrounding properties.

## **2. Minimum Setback is 10 feet from a Principal Structure and Accessory Structure**

---

- A. *The need for the variance is due to unique circumstances or physical conditions of the property.***

The existing home was constructed many decades ago and was likely conforming at the time of construction, as no previous variances have been recorded. In addition, the applicant is proposing the second-story addition directly over the first floor, without expanding the non-conformity.

- B. *The need for the variance is not the result of actions of the property owner or previous property owners.***

The existing home with the current principal structure/accessory structure setback was constructed several decades ago and is not the result of any actions of the current property owner.

- C. *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 with the ordinance would require the property owner to 'step' the addition in to bring the proposed second floor addition into compliance with current ordinance standards.

- D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.***

The applicant is not proposing to extend the footprint of the addition beyond the first-floor footprint.

**E. *The requested variance will not adversely impact the surrounding properties.***

The requested variance will not adversely impact the surrounding properties.

**3. Minimum Distance is 15 feet between Dwellings**

---

**A. *The need for the variance is due to unique circumstances or physical conditions of the property.***

The existing home was constructed many decades ago and was likely conforming at the time of construction, as no previous variances have been recorded. In addition, the applicant is proposing the second-story addition directly over the first floor, without expanding the non-conformity.

**B. *The need for the variance is not the result of actions of the property owner or previous property owners.***

The existing home with the current distance between dwellings was constructed several decades ago and is not the result of any actions of the current property owner.

**C. *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 with the ordinance would require the property owner to 'step' the addition in to bring the proposed second floor addition into compliance with current ordinance standards.

**D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.***

The applicant is not proposing to extend the footprint of the addition beyond the first-floor footprint.

**E. *The requested variance will not adversely impact the surrounding properties.***

The requested variance will not adversely impact the surrounding properties.

**4. Additions to Non-Conforming Structures Must Conform to the Regulations of the Applicable Zoning District.**

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**A. *The need for the variance is due to unique circumstances or physical conditions of the property.***

The existing home was constructed many decades ago and was likely conforming at the time of construction, as no previous variances have been recorded. In addition, the applicant is proposing the second-story addition directly over the first floor, without expanding the non-conformity.



**B. *The need for the variance is not the result of actions of the property owner or previous property owners.***

The existing home with the current setbacks was constructed several decades ago and is not the result of any actions of the current property owner.

**C. *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 with the ordinance would require the property owner to 'step' the addition in to bring the proposed second floor addition into compliance with current ordinance standards.

**D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.***

The applicant is not proposing to extend the footprint of the addition beyond the first-floor footprint.

**E. *The requested variance will not adversely impact the surrounding properties.***

The requested variance will not adversely impact the surrounding properties.

## **Summary**

For a variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. Motions for approval and denial are included below for the convenience of the board.

## **Sample Motions**

### *Approval*

*In the matter of PBA-03-23 for 2020 Harvard Road, motion to approve the requested variances from Section 138-55, Section 138-527, Section 138-526 and Section 138-154 of the City of Berkley Zoning Ordinance to permit a minimum distance of 6.5 feet between an accessory and principal structure where 10 feet is required, to permit a minimum distance of 14.4 feet between dwellings where 15 feet is required, to permit a side yard setback of 4.7 feet where five 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.*

Denial

*In the matter of PBA-03-23 for 2020 Harvard Road, motion to deny the requested variances from Section 138-55, Section 138-527, Section 138-526 and Section 138-154 of the City of Berkley Zoning Ordinance to permit a minimum distance of 6.5 feet between an accessory and principal structure where 10 feet is required, to permit a minimum distance of 14.4 feet between dwellings where 15 feet is required, to permit a side yard setback of 4.7 feet where five 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 not due to unique circumstances or physical conditions of the property.*
2. *The need for the variance is the result of actions of the property owner or previous property owners.*
3. *Strict compliance with the ordinance will not unreasonably prevent the property owner from using the property for a permitted purpose or will not render conformity with those regulations unnecessarily burdensome.*
4. *The requested variance is not the minimum variance necessary to do substantial justice to the application as well as other property owners.*
5. *The requested variance will adversely impact the surrounding properties.*

If you have any questions regarding this case, please do not hesitate to contact me.

Thank you.

Cc: Matthew Baumgarten, City Manager  
Victoria Mitchell, City Clerk  
John Staran, City Attorney  
Kim Anderson, Zoning Administrator  
Danna Bauer, Building Clerk  
Karson Claussen, Building Official



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## ZONING BOARD OF APPEALS APPLICATION

The Zoning Board of Appeals (ZBA) meets the second Monday of the month. The meetings are held in the Council Chambers at City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

The ZBA shall hear requests for use and dimensional variances, appeals of administrative decisions, interpretation of zoning map and text, and interpretations of commercial message for proposed murals.

**\*\*Please be advised:** The ZBA may grant a variance where undue hardship or practical difficulty for the property exist. A want or desire (bigger structure, more profit, etc.) is not sufficient grounds for a variance. The ZBA does not have the power to legislate or create new regulations. The Board's purpose is to provide some relief from the Zoning Ordinance depending on the unique circumstances of the property.

### APPLICANT INFORMATION

Name: Phillip Pacheco & Amanda Pacheco Phone: [REDACTED]

Address: 2020 Harvard Rd.

Email: [REDACTED]

Relationship to Property (current tenant, representative, future tenant, current owner, future owner):

Current Owner

### PROPERTY OWNER INFORMATION (if different from Applicant)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

### PROPERTY DESCRIPTION

Address: 2020 Harvard Rd

Parcel #: 25-17-305-027 Zoning Classification: Residential R1D

Current Use of Property: Primary Residence

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**NATURE OF REQUEST**

Check which applies:

- Variance from Zoning Ordinance (Section I)
- Interpretation of Zoning Ordinance (Section II)
- Administrative Review / Appeal of Decision (Section III)
- Determination of Commercial Message of Mural / Work of Art (Section IV)

Description of Request: Addition of dormer - Full length of house. Back side of house.

Has the City denied a permit related to the proposed work?  Yes  No

---

**Please fill out ONLY the section below that applies to your request.**

---

**I. VARIANCE FROM ZONING ORDINANCE**

Please provide a written response to each question below that relates to the variance that is being requested. **DO NOT COMPLETE BOTH SECTIONS.**

**A. Use Variance**

The Zoning Board of Appeals may grant a **use variance** (i.e. use of the land not permitted in a particular district) upon finding that an undue hardship exists.

Current Use of Property: \_\_\_\_\_

Requested Use of Property: \_\_\_\_\_

1. Explain how the building or land cannot be reasonably used for any of the uses permitted by right or by special land use permit in the current zoning district.

2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

3. Explain how the proposed use will not alter the essential character of the neighborhood.

4. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.



**B. Dimensional Variance (Non-Use Variance)**

The Zoning Board of Appeals may grant a **dimensional variance** (i.e. height, setback, lot coverage, etc) upon finding that undue hardship or practical difficulty exists.

1. Explain how the need for the variance is due to unique circumstances of physical conditions of the property.

Our house and garage were built in the 40's before current ordinances went into effect. The dome will not add ~~to~~ the existing footprint of the home. It will be a two-story extension to the back of the home.

Also, because of original construction of our home and the residence to the west, we do not meet the 15 foot distance needed between houses nor the 5 foot distance from west side property line.

2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

The house and garage were built in the 40's before current ordinances went into effect.

3. Explain how 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 with the ordinances would require a significant bump in of the dormer. This would impact the functionality of the bathroom and living quarters of the bedroom.

4. Explain how the requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.

The variance request is to maintain the existing floor plan but extend the back of the house for a bathroom addition to support our young family. The layout/location of the bathroom is the most reasonable option to account for existing stair, closet and sleeping quarter locations.

5. Explain how the requested variance will not adversely impact the surrounding properties.

From the front of the house, there will be no visual change to the property. This addition and associated scope of work will require a new roof, new gutters, new downspouts, and new siding, which will be an upgrade compared to existing conditions.

**II. INTERPRETATION OF ZONING ORDINANCE**

Provide Section numbers of Zoning Ordinance to be interpreted: \_\_\_\_\_

Please describe the request and what needs to be clarified or interpreted by the ZBA.

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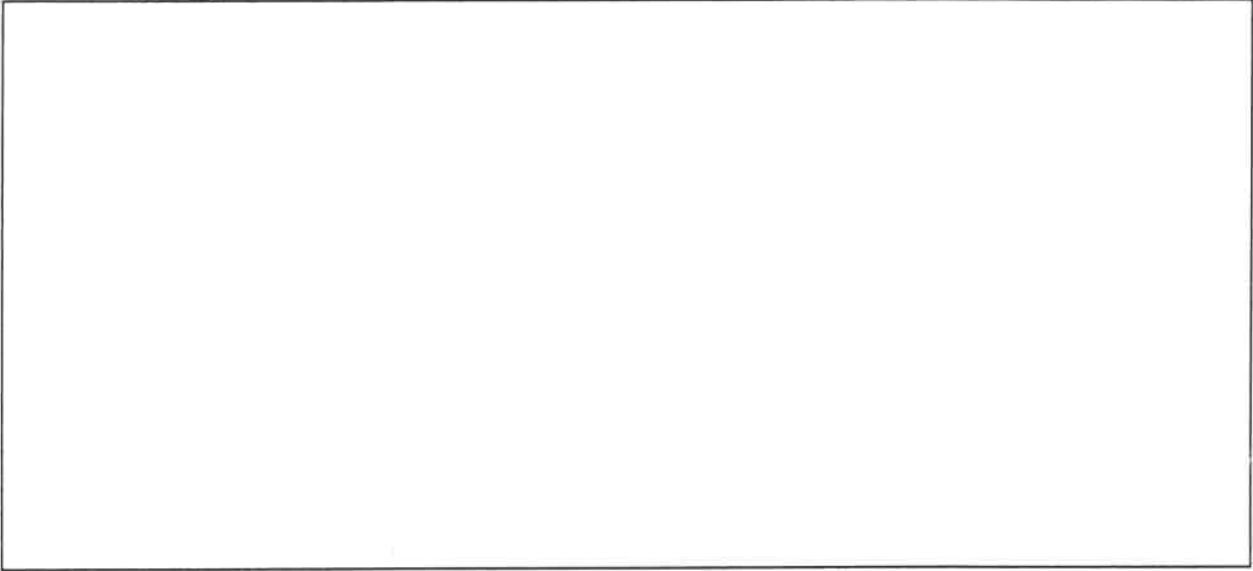
**III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION**

Describe the circumstances of each case and provide the minutes of the public meeting noting the denial to be appealed.



#### IV. DETERMINATION OF COMMERCIAL MESSAGE (MURAL/WORK OF ART)

Describe the proposed mural/work of art. Applicant should include renderings of the proposed design. The ZBA shall determine if the proposed work contains a commercial message.



\*\* Applicant and artist must provide signed *Mural Installation and Maintenance Agreement* prior to the public meeting.

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#### SUBMIT THE FOLLOWING:

Provide 15 copies of survey, plot plan or site plan with this application that shows the subject property complete with boundary lines and dimensions, existing building locations, all proposed buildings, easements, utilities, and any site improvements/changes. Setbacks, height of structures, lot coverage, etc. should also be included, if applicable.

A PDF file of the application and supporting documents must also be submitted at the time of application.

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**PLEASE NOTE:** The applicant, or a designated representative, **MUST BE PRESENT** at the meeting in which the case is being reviewed or the request may be postponed due to lack of representation.

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.

**PROPERTY OWNER'S APPROVAL (Initial each line)**

PP I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the above request(s) before the ZBA.

PP I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

---

**APPLICANT'S ENDORSEMENT: (Initial each line)**

PP All information contained herein is true and accurate to the best of my knowledge.

PP I acknowledge that the ZBA will not review my request unless all information in the application has been submitted to the satisfaction of the Community Development Director.

PP I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or review of this application.

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**If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.**

---

Amanda Pacheco  
Applicant Name (print)

Amanda Pacheco  
Applicant Signature

5/11/23  
Date

---

Applicant Name (print)

Applicant Signature

Date

Amanda Pacheco  
Property Owner Name (print)

Amanda Pacheco  
Property Owner Signature

5/11/23  
Date

**Office Use Only**

Received 5-11-23 Receipt # \_\_\_\_\_ Meeting Date 6/12/23 Case # PBA-03-23

Fee:	Residential	\$400
	Commercial	\$600
	Mural	\$300

248

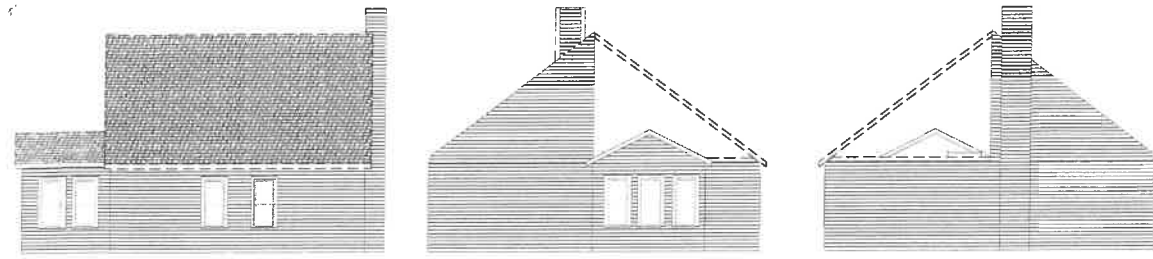
248

500

PBA-03-23

580

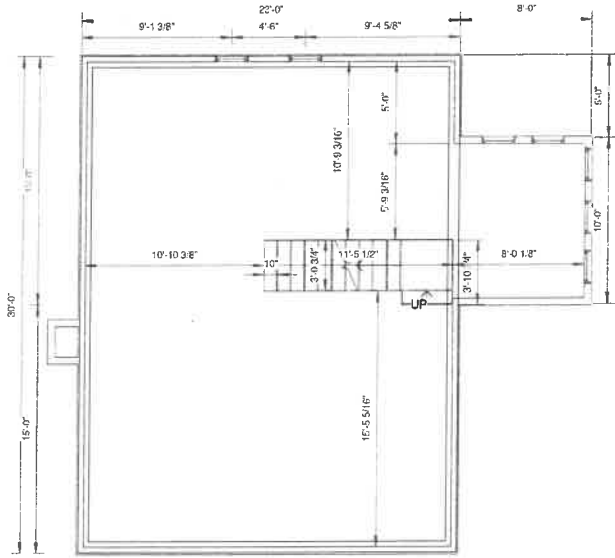
**VIEWS SHOWING EXISTING AND PROPOSED DEMOLITION (HIDDEN LINES)**



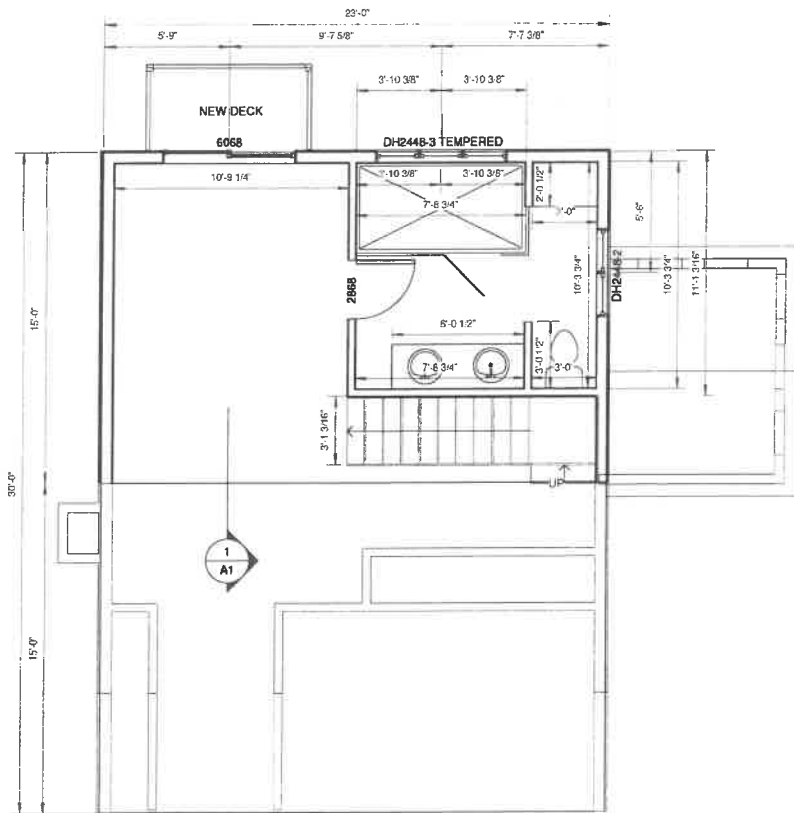
3 REAR ELEVATION EXISTING  
1/8" = 1'-0"

4 RIGHT ELEVATION EXISTING  
1/8" = 1'-0"

2 LEFT ELEVATION EXISTING  
1/8" = 1'-0"



9 MAIN FLOOR EXISTING  
3/16" = 1'-0"



10 SECOND FLOOR NEW  
1/4" = 1'-0"

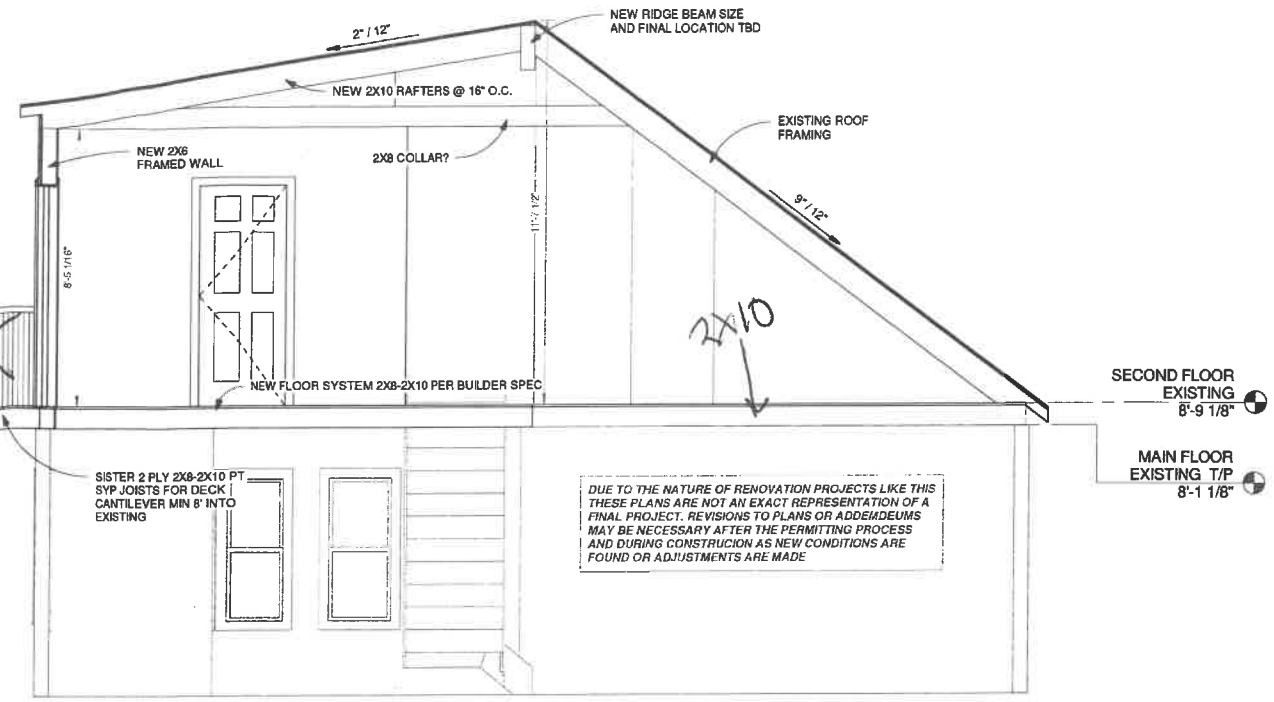
**ROOF AND CEILING SYSTEM**  
 -RAFTERED ROOF SYSTEM  
 -ROOF VENTILATION 1:300 OF THE INSULATED CEILING AREA UNIFORMLY DISTRIBUTED  
 -INSULATION TO CONFORM TO THE MICHIGAN UNIFORM ENERGY CODE  
 -MIN 15# ROOFING PAPER  
 -ICE AND WATER SHIELD  
 -SHINGLES PER BUILDER SPEC  
 -1/2" O.S.B. ON APPROVED TRUSSES  
 -BAFFLE AS REQUIRED FOR ROOF VENTILATION  
 -5/8" GWB AT CEILING

**SOFFIT SYSTEM**  
 -METAL DRIP EDGE  
 -2X6 SUB FASCIA  
 -VENTED SOFFIT

**SECOND FLOOR WALL SYSTEM**  
 -DBL TOP PLATE  
 -2X6 STUDS @ 16" O.C.  
 -INSULATION TO CONFORM TO THE MICHIGAN UNIFORM ENERGY CODE  
 -1/2" GWB  
 -7/16" O.S.B. WALL SHEATHING  
 -HOUSE WRAP  
 -SINGLE BOTTOM PLATE  
 -INSULATION BY BUILDER TO CONFORM TO UNIFORM ENERGY CODE REQUIREMENTS

**SECOND FLOOR SYSTEM**  
 -3/4" T&G O.S.B. FLOORING  
 -DIMENSIONAL LUMBER FLOOR SYSTEM TBD

1 SECTION 1  
3/8" = 1'-0"

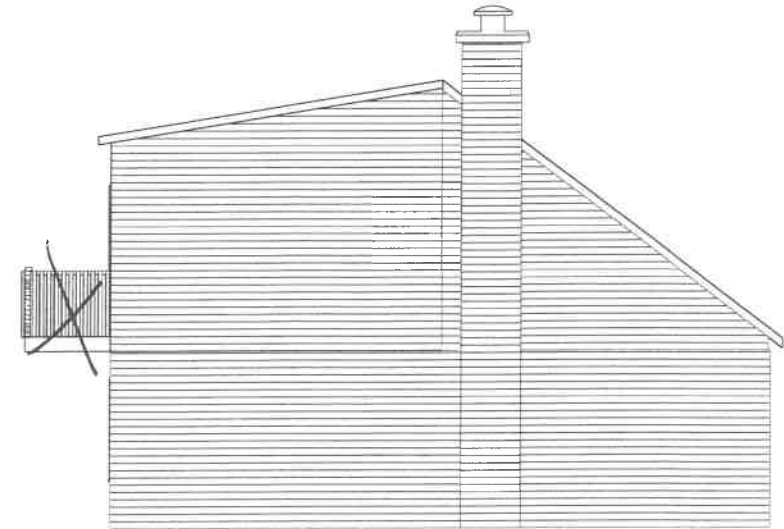


8 ROOF PLAN NEW  
1/8" = 1'-0"

6 REAR ELEVATION NEW  
1/4" = 1'-0"



7 RIGHT ELEVATION NEW  
1/4" = 1'-0"



5 LEFT ELEVATION NEW  
1/4" = 1'-0"

REVISIONS	
REVISION	DATE
PERMIT	7/14/2022

**MONAHAN DESIGN**  
 321-361-0119  
 monahandesign@gmail.com

SCALE (U.N.O)  
 24 x 36 (1/4" = 1'-0")  
 11x17 (1/8" = 1'-0")

**DORMER ADDITION**  
 2020 Harvard Rd

PRINTED  
 7/14/2022  
 9:16:58 PM

IEWS / SECTIONS

**A1**

PERMIT



THE CITY OF BERKLEY  
Community Development Department  
3338 Coolidge, Berkley, Michigan 48072  
(248) 658-3320

**Notice  
Meeting of the Berkley  
Zoning Board of Appeals**

Notice is hereby given, that there will be a meeting of the Zoning Board of Appeals to be held at the City of Berkley in the Council Chambers, 3338 Coolidge, Berkley, Michigan on Monday, June 12, 2023 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-03-23**

Phillip Pacheco & Amanda (Bowery) Pacheco, 2020 Harvard Rd., Parcel 04-25-17-305-027, North side of Harvard Rd., between Berkley Ave., and Hamilton Ave., is requesting a dimensional variance to allow the construction of a second story rear dormer to a non-conforming structure in the required setback between dwelling and accessory structure and the West side setback requirements. The proposed distance between dwelling and accessory structure is 6.5 feet where 10 feet is required. West side setbacks do not meet the required side yard setback of a minimum of 5 feet on one side and 15 feet between dwellings. West side setback is 4.7 feet where 5 feet is required. Distance between dwellings is 14.4 feet where 15 feet is required.

**Berkley City Code**

*Berkley City Code*, Chapter 138 *Zoning*, Article III General Provisions, Division 5 Nonconforming Buildings and Uses, Section 138-154 Requirements for Nonconforming Structures. Article III General Provisions, Division 1 Accessory Buildings and Structures, Section 138-55 Setback, Article V District Regulations, Division 17 Scheduled of Regulations, Section 138-526 table, R1-D, Minimum Yard Setback and Section 138-527(d).

Complete application information is available for review at [www.berkleymich.org/urbanplanning](http://www.berkleymich.org/urbanplanning).

Comments on the above variance may be made in person on the night of the meeting or in writing. All written comments must be submitted to the Berkley Community Development Department or email to [planning@berkleymich.net](mailto:planning@berkleymich.net) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**  
Royal Oak Tribune  
Friday, May 26, 2023

BRIAN WEEKS  
1958 HARVARD RD  
BERKLEY MI 48072 1748

DANIEL NYQUIST  
1997 HARVARD RD  
BERKLEY MI 48072 1747

ANTHONY MORENO  
1957 HARVARD RD  
BERKLEY MI 48072 1747

AMANDA BOWERY  
2020 HARVARD RD  
BERKLEY MI 48072 1778

DONALD LONGAN  
2060 HARVARD RD  
BERKLEY MI 48072 1778

RICHARD MCGRATH  
1939 HARVARD RD  
BERKLEY MI 48072 1747

JAY L DITTEMORE  
1912 HARVARD RD  
BERKLEY MI 48072 1748

JOHN F DOWNES III  
KELLY A DOWNES  
1920 HARVARD RD  
BERKLEY MI 48072 1748

GREGORY M THOMPSON  
1940 CAMBRIDGE RD  
BERKLEY MI 48072 1720

NATHAN SKIPTON  
2008 HARVARD RD  
BERKLEY MI 48072 1778

SAMUEL ROHR  
2036 HARVARD RD  
BERKLEY MI 48072 1778

Occupant  
2055 HARVARD RD  
BERKLEY MI 48072 1779

KAYLA LINSTRUTH  
2070 HARVARD RD  
BERKLEY MI 48072 1778

Occupant  
2077 OXFORD RD  
BERKLEY MI 48072 1700

BRIAN M GEISZLER  
5990 SUNNYDALE RD  
CLARKSTON MI 48346 2332

DAVID C PONDER  
CAROLYN A PONDER  
2080 HARVARD RD  
BERKLEY MI 48072 1778

CITY OF BERKLEY  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636

JAMES O PATE  
1920 CAMBRIDGE RD  
BERKLEY MI 48072 1720

JENNIFER COPELAND  
2056 HARVARD RD  
BERKLEY MI 48072 1778

Occupant  
2265 HAMILTON AVE  
BERKLEY MI 48072

BRETT GLOVER  
2036 CAMBRIDGE RD  
BERKLEY MI 48072 1721

Occupant  
1948 HARVARD RD  
BERKLEY MI 48072 1748

BERKLEY SCHOOL DISTRICT  
14700 W LINCOLN ST  
OAK PARK MI 48237 1366

STUART BRISTOL  
1947 HARVARD RD  
BERKLEY MI 48072 1747

HAZELNUT INVESTMENT INC.  
PO BOX 151  
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CASEY SEAL  
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HEIDI M CRANE  
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KELLY WISNIEWSKI  
2017 HARVARD RD  
BERKLEY MI 48072 1779

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AMY CECILIA KRUEGER  
1958 CAMBRIDGE RD  
BERKLEY MI 48072 1720

Occupant  
2059 HARVARD RD  
BERKLEY MI 48072 1779

JACKIE V KEEGAN  
THOMAS M KEEGAN  
2020 CAMBRIDGE RD  
BERKLEY MI 48072 1721

ANTHONY RINNE  
KENNETH VOOG  
7626 BALFOUR AVE  
ALLEN PARK MI 48101 2204

DANIEL DESMOND  
2035 HARVARD RD  
BERKLEY MI 48072 1779

JASPER HANIFI  
2079 HARVARD RD  
BERKLEY MI 48072 1779

ANDREW T MCINDOO  
2090 CAMBRIDGE RD  
BERKLEY MI 48072 1721

ERICA L CHRISTMAN  
1977 HARVARD RD  
BERKLEY MI 48072 1747

ALAN M GANSHORN  
LINDSAY L YOUNG  
2120 HARVARD RD  
BERKLEY MI 48072 1750

HELEN A MCKEON SIUDARA  
2089 HARVARD RD  
BERKLEY MI 48072 1779

ANDREW PIEKUTOWSKI  
2090 HARVARD RD  
BERKLEY MI 48072 1778

EMMA R VELASCO  
2076 CAMBRIDGE RD  
BERKLEY MI 48072 1721

CITY OF BERKLEY  
3338 COOLIDGE HWY  
BERKLEY MI 48072 1636

MATTHEW STAHL  
1998 CAMBRIDGE RD  
BERKLEY MI 48072 1720

Occupant  
2100 HARVARD RD  
BERKLEY MI 48072

DANA A WILLIAMS  
2056 CAMBRIDGE RD  
BERKLEY MI 48072 1721

RAYMUND TEMPLORA  
CHERI-AMI TEMPLORA  
3434 RUSSELL ST STE 306  
DETROIT MI 48207 2062









**CITY OF BERKLEY**  
**COMMUNITY DEVELOPMENT**  
3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**MEMORANDUM**

**To:** Berkley Zoning Board of Appeals

**From:** Kristen Kapelanski, Community Development Director

**Subject:** **PBA-04-23 1949 Twelve Mile Road - Dimensional variance request to construct signage that exceeds the maximum sign area of 100 square feet or 10% of the adjoining wall, whichever is greater**

**Date:** June 9, 2023

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**APPLICANT:** Pro Image Design

**LOCATION:** South side of Twelve Mile Road, between Henley Avenue and Brookline Street

**PARCEL ID:** 04-25-17-126-002

**REQUEST:** Variance to construct a wall sign totaling 174 square feet

**REQUIRED:** Berkley City Code, Chapter 94 Signs, Sec. 94-7, Wall signs table requires a maximum sign area of 10% of adjoining wall; up to 100 square feet.

**ZONING AND LAND USE**

The subject property is zoned Local Business District. The table shows the zoning district and land use of the site and surrounding properties.

Property	Zoning District	Land Use
<b>Subject Site</b>	Local Business District	Multi-tenant office and retail building
<b>West</b>	Local Business District	American Legion
<b>East</b>	Office District	Office
<b>North</b>	Cemetery	Cemetery
<b>South</b>	R-1C District	Single family home

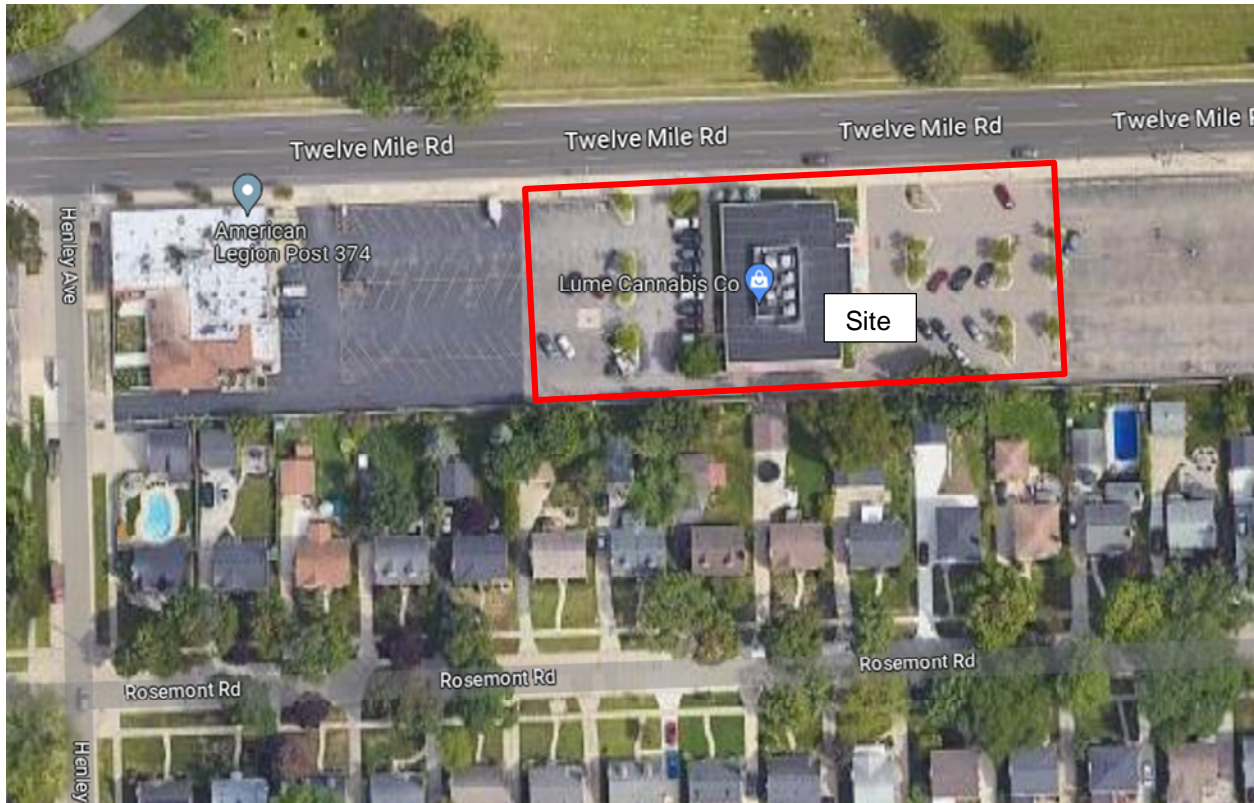
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## BACKGROUND

In 2002, a variance was granted to allow three signs for the building. Only one sign is permitted by ordinance. Two wall signs were approved, as well as a monument sign. The applicant in this case, would be utilizing one of the permitted wall signs.

The applicant received approval of the site plan for the Lume location in May of 2022 and final approval of the Marihuana Business License in June of 2022. While the site plan showed the proposed signage, signage is not reviewed and approved by the Planning Commission and is reviewed and approved under separate administrative permit.

## AERIAL PHOTOGRAPH



Source: Google Maps

## SCOPE OF PROJECT

The property owner is proposing to erect a 174 square foot wall sign.

## SUMMARY OF REQUEST

The applicant is proposing to construct a wall sign that does not conform to the Sign Ordinance. The Sign Ordinance allows the sign area of wall signs to be a maximum sign area of 10% of the adjoining wall; up to 100 square feet. The proposed sign exceeds this requirement by 74 square feet.

## STANDARDS FOR REVIEW

Per Section 138-606 of the Zoning Ordinance, the applicant must demonstrate a practical difficulty in order to be granted a dimensional variance. The Zoning Board of Appeals shall not vary the regulations of Section 138-606, unless it shall make findings based upon the evidence presented to it in each specific case that:

**A. *The need for the variance is due to unique circumstances or physical conditions of the property.***

The applicant states that the architectural design of the building necessitates that a letter be positioned between each fin, spanning the length of Twelve Mile Road.

**B. *The need for the variance is not the result of actions of the property owner or previous property owners.***

The aesthetic was created by the architect within the confines of the existing building structure.

**C. *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.***

The applicant states that strict compliance with the ordinance will render conformity with those regulations unnecessarily burdensome as customers, without adequate signage, will not see the business location until they have passed the building.

**D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.***

The applicant states that the requested variance is the minimum variance necessary to do justice to the property owner. If the letters were moved closer together, as they would be with a traditional sign, they would conform to the ordinance provisions.

**E. *The requested variance will not adversely impact the surrounding properties.***

The requested variance will not adversely impact the surrounding properties.

## **Summary**

For a variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. Motions for approval and denial are included below for the convenience of the board.

## **Sample Motions**

### *Approval*

*In the matter of PBA-04-23 for 1949 Twelve Mile Road, motion to approve the requested variance from Section 94-7 of the City of Berkeley Sign Ordinance to permit a wall sign greater than 100 square feet or 10% of the adjoining façade, whichever is less, 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.*

Denial

*In the matter of PBA-04-23 for 1949 Twelve Mile Road, motion to deny the requested variance from Section 94-7 of the City of Berkley Sign Ordinance to permit a wall sign greater than 100 square feet or 10% of the adjoining façade, whichever is less, based on the following findings:*

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

If you have any questions regarding this case, please do not hesitate to contact me.

Thank you.

Cc: Matthew Baumgarten, City Manager  
Victoria Mitchell, City Clerk  
John Staran, City Attorney  
Kim Anderson, Zoning Administrator  
Karson Claussen, Building Official



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## ZONING BOARD OF APPEALS APPLICATION

The Zoning Board of Appeals (ZBA) meets the second Monday of the month. The meetings are held in the Council Chambers at City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

The ZBA shall hear requests for use and dimensional variances, appeals of administrative decisions, interpretation of zoning map and text, and interpretations of commercial message for proposed murals.

**\*\*Please be advised:** The ZBA may grant a variance where undue hardship or practical difficulty for the property exist. A want or desire (bigger structure, more profit, etc.) is not sufficient grounds for a variance. The ZBA does not have the power to legislate or create new regulations. The Board's purpose is to provide some relief from the Zoning Ordinance depending on the unique circumstances of the property.

---

### APPLICANT INFORMATION

Name: Pro Image Design Phone: [REDACTED]

Address: 331 W. South Airport Rd - Traverse City, MI 49686

Email: [REDACTED]

Relationship to Property (current tenant, representative, future tenant, current owner, future owner):  
representative

### PROPERTY OWNER INFORMATION (if different from Applicant)

Name: Monarch Acquisitions Phone: [REDACTED]

Address: 28400 Northwestern Highway, Suite 400, Southfield, Michigan 48034

Email: [REDACTED]

### PROPERTY DESCRIPTION

Address: 1949 12 Mile Rd - Berkley, MI 48072

Parcel #: 23-17-126-002 Zoning Classification: Business

Current Use of Property: Business/Mercantile

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**NATURE OF REQUEST**

- Check which applies:
- Variance from Zoning Ordinance (Section I)
  - Interpretation of Zoning Ordinance (Section II)
  - Administrative Review / Appeal of Decision (Section III)
  - Determination of Commercial Message of Mural / Work of Art (Section IV)

Description of Request: We are seeking a variance to allow the wall sign for the North elevation to be allowed as designed.

Has the City denied a permit related to the proposed work?       Yes       No

---

***Please fill out ONLY the section below that applies to your request.***

---

**I. VARIANCE FROM ZONING ORDINANCE**

Please provide a written response to each question below that relates to the variance that is being requested. **DO NOT COMPLETE BOTH SECTIONS.**

**A. Use Variance**

The Zoning Board of Appeals may grant a **use variance** (i.e. use of the land not permitted in a particular district) upon finding that an undue hardship exists.

Current Use of Property: \_\_\_\_\_

Requested Use of Property: \_\_\_\_\_

1. Explain how the building or land cannot be reasonably used for any of the uses permitted by right or by special land use permit in the current zoning district.

2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

3. Explain how the proposed use will not alter the essential character of the neighborhood.

4. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

**B. Dimensional Variance (Non-Use Variance)**

The Zoning Board of Appeals may grant a **dimensional variance** (i.e. height, setback, lot coverage, etc) upon finding that undue hardship or practical difficulty exists.

1. Explain how the need for the variance is due to unique circumstances of physical conditions of the property.

The redesigned exterior of the building includes fins on the North wall for an eye-catching effect as vehicles drive by. The Lume logo is artistically placed, with a letter positioned between each fin, spanning the long side of the building on 12 Mile Road.

2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

This aesthetic was created by the architects, in accordance with what was requested from the planning commission.

3. Explain how 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.

Unless there is adequate signage on the North face of the building, travelers going west along 12 Mile Road will not adequately see Lume's location until they have passed the property. Without seeing the business in advance customers may be forced to make a U-turn or pull into an adjacent business to turn around.

4. Explain how the requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.

The size of the lettering is in compliance for square footage on the building if the letters (L-U-M-E) are placed close together in a traditional fashion. To draw attention to the location of the business on the lengthy North wall -- which includes the architectural fins per the Planning Commission -- spreading out each letter individually creates a dynamic visual. Under the current code the square footage is calculated by measuring the width and height of those letters, which includes the vast blank space between each character, causing an overage on the square footage allowed.

5. Explain how the requested variance will not adversely impact the surrounding properties.

There are no adverse effects to the neighboring properties should this variance be granted. The reclaimed wood, architectural fins, new parking lot, and site improvements were all requested/approved by the Planning Commission to improve the property. It creates a tasteful and effective architectural element, and allows customers to spot the business in advance which in turn is safer as that may help avoid dangerous last-minute braking, an abrupt lane shift, or having to turn around and re-enter traffic.

**II. INTERPRETATION OF ZONING ORDINANCE**

Provide Section numbers of Zoning Ordinance to be interpreted: Sec 94-7 (h) Wall Signs

Please describe the request and what needs to be clarified or interpreted by the ZBA.

The current ordinance allows for a maximum sign area of 100 sq ft or 10% of the adjoining wall, whichever is less. Due to the greater than normal expanse between the logo and characters and the visual separation caused by the architectural fins, we're asking for acceptance of proposed design layout as presented with this application.

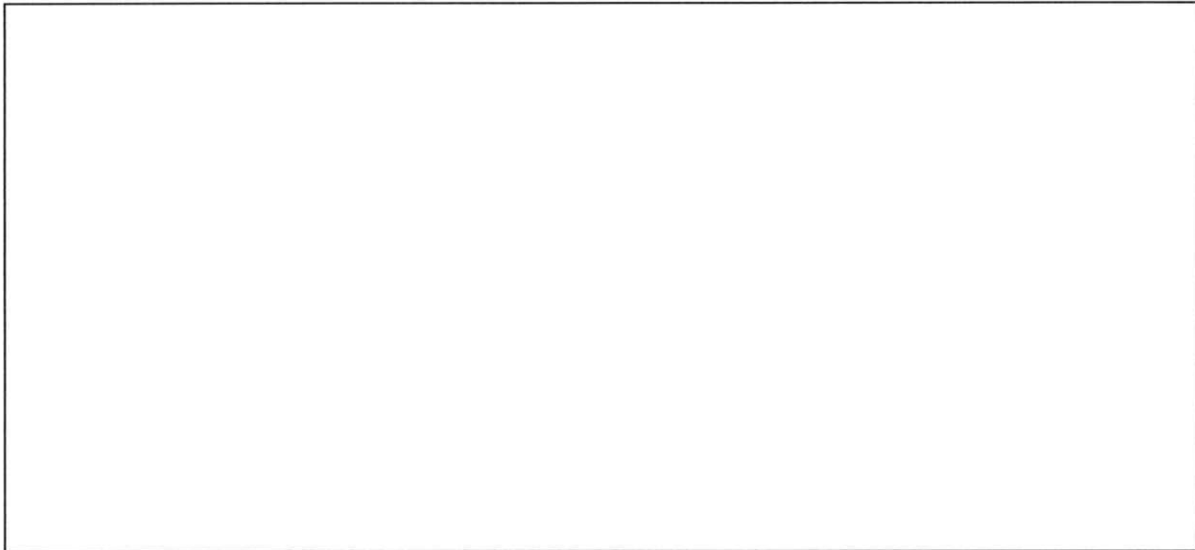
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**III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION**

Describe the circumstances of each case and provide the minutes of the public meeting noting the denial to be appealed.

**IV. DETERMINATION OF COMMERCIAL MESSAGE (MURAL/WORK OF ART)**

Describe the proposed mural/work of art. Applicant should include renderings of the proposed design. The ZBA shall determine if the proposed work contains a commercial message.



**\*\* Applicant and artist must provide signed *Mural Installation and Maintenance Agreement* prior to the public meeting.**

---

**SUBMIT THE FOLLOWING:**

Provide 15 copies of survey, plot plan or site plan with this application that shows the subject property complete with boundary lines and dimensions, existing building locations, all proposed buildings, easements, utilities, and any site improvements/changes. Setbacks, height of structures, lot coverage, etc. should also be included, if applicable.

A PDF file of the application and supporting documents must also be submitted at the time of application.

---

**PLEASE NOTE:** The applicant, or a designated representative, **MUST BE PRESENT** at the meeting in which the case is being reviewed or the request may be postponed due to lack of representation.

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.



**PROPERTY OWNER'S APPROVAL (Initial each line)**

X  I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the above request(s) before the ZBA.

X  I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

---

**APPLICANT'S ENDORSEMENT: (Initial each line)**

A.H.  All information contained herein is true and accurate to the best of my knowledge.


A.H.  I acknowledge that the ZBA will not review my request unless all information in the application has been submitted to the satisfaction of the Community Development Director.

A.H.  I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or review of this application.

---

**If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.**

---

Alan Hubbard		5/10/23
Applicant Name (print)	Applicant Signature	Date

---

Applicant Name (print)	Applicant Signature	Date
------------------------	---------------------	------

---

David Farbman		5/10/23
Property Owner Name (print)	Property Owner Signature	Date

**Office Use Only**

Received 5-11-23 Receipt # \_\_\_\_\_ Meeting Date 6-12-23 Case # PBA-04-23

Fee:	Residential	\$400
	Commercial	\$600
	Mural	\$300

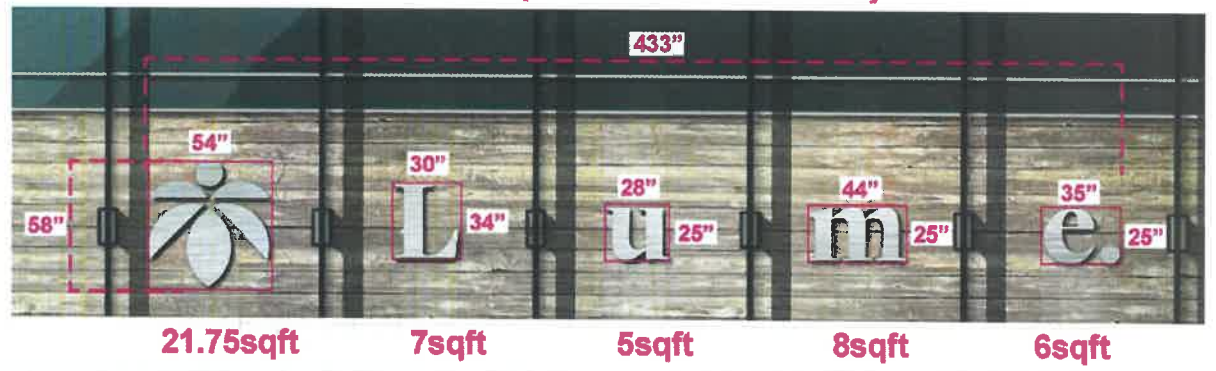


# North Elevation

All signage previously approved in original site plan.  
Routed, dimensional letters, painted and stud mounted, non-lit.



47.75 SqFt Combined Individually



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CLIENT:	DESCRIPTION:	ORDER NUMBER:	APPROVAL DATE:
JB Donaldson	Lume - Berkley	INV#231115	





**LANDSCAPE CALCULATIONS:**  
PER CITY OF BERKLEY ZONING ORDINANCE

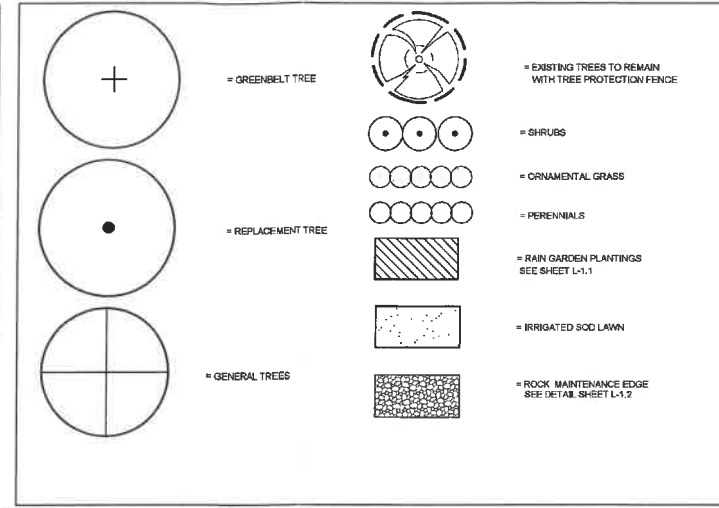
GREENBELT @ 12 MILE RD.  
REQUIRED: 1 TREE ALONG GREENBELT  
PROVIDED: 1 DEC. TREE

TREE REPLACEMENT  
REQUIRED: 8-11" DBH REPLACEMENT AT 1:1  
REMOVING 1, 6" TREE  
PROVIDED: 1, 2.5" CAL DEC TREE

RAIN GARDENS  
PROVIDED: SHRUBS AND PERENNIALS SEE SHEET L-1.1

GENERAL SITE TREES  
PROVIDED: 5 DEC. TREES

KEY:



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STATE OF MICHIGAN  
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NO. 1000  
12/15/2018

NORTH

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THE LOCATIONS AND DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO WARRANTY IS EXPRESSED OR IMPLIED TO THE QUALITY OF THE INFORMATION PROVIDED. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR OBTAINING THE CORRECT UTILITY LOCATIONS AND DEPTHS PRIOR TO THE START OF CONSTRUCTION.

CLIENT  
**STUCKY VITALE ARCHITECTS**  
27172 WOODWARD AVENUE  
ROYAL OAK, MICHIGAN 48067

PROJECT TITLE  
**LUME DEVELOPMENT**  
1565 E HILL ROAD  
BERKLEY, MICHIGAN



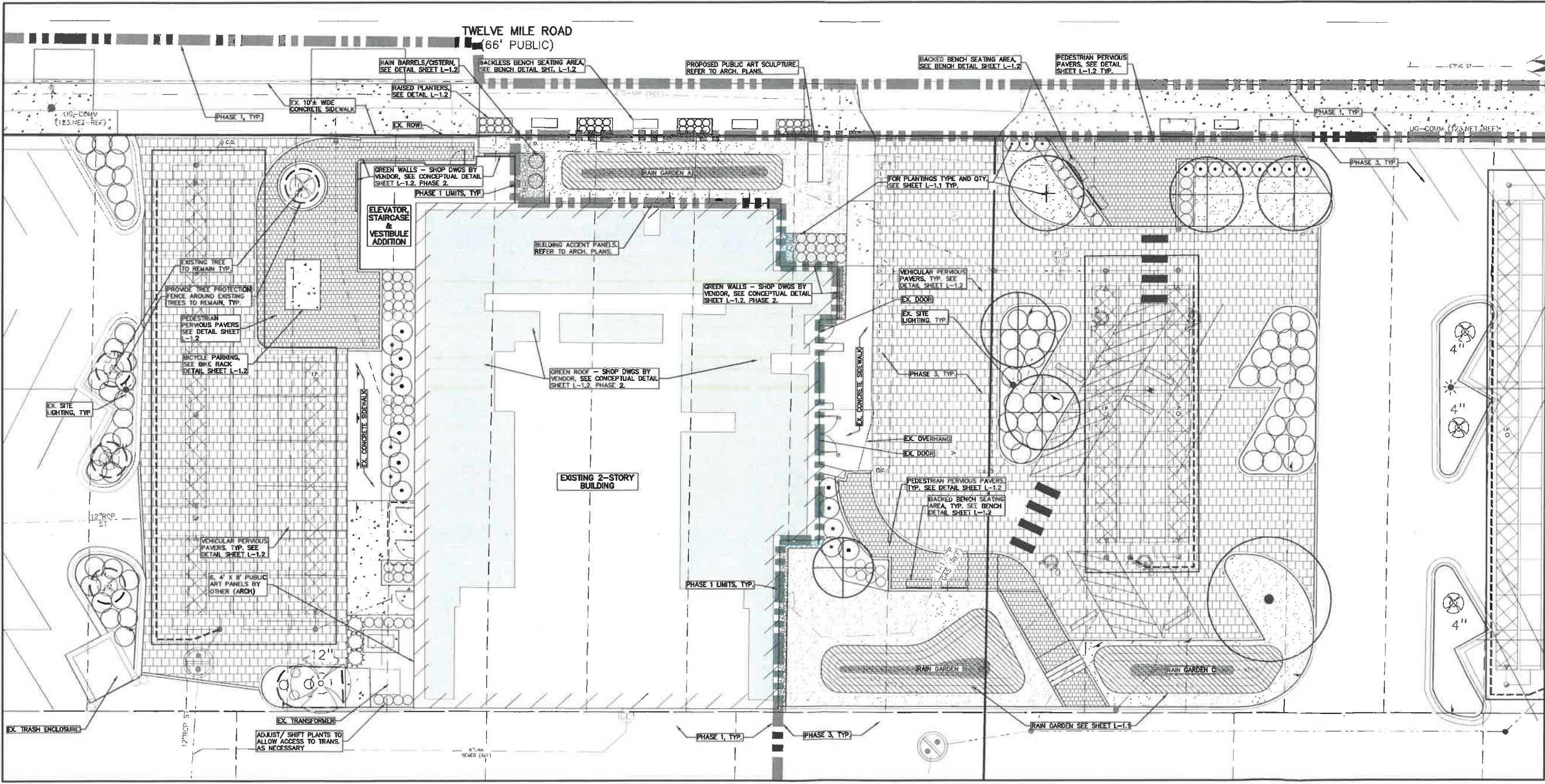
REVISIONS

FOR OWNER REVIEW	03/04/22
REVISE PER CITY	03/28/22
PROGRESS SET	04/15/22
TO RDCG	05/11/22
ISSUE PERMITS	09/16/22
REV TO CITY	10/28/22
PERMIT RESPONSES ADDENDUM 1	11/01/22

ORIGINAL ISSUE DATE:  
MARCH 4, 2022

DRAWING TITLE  
**OVERALL SITE AMENITIES PLAN**

PEA JOB NO.	2020-0224
P.M.	SAP
DN.	BG
DES.	JE
DRAWING NUMBER:	



NOT FOR CONSTRUCTION **L-1.0**

THE CITY OF BERKLEY  
Community Development Department  
3338 Coolidge, Berkley, Michigan 48072  
(248) 658-3320

**Notice  
Meeting of the Berkley  
Zoning Board of Appeals**

Notice is hereby given, that there will be a meeting of the Zoning Board of Appeals to be held at the City of Berkley in the Council Chambers, 3338 Coolidge, Berkley, Michigan on Monday, June 12, 2023 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-04-23**

Pro Image Design, on behalf of Monarch Acquisitions for 1949 Twelve Mile Rd., Parcel 04-25-17-126-002, South side of Twelve Mile Rd., between Henley Ave. and Brookline St., is requesting a dimensional variance to allow Signage on the North Wall of the Building that exceeds the maximum sign area of 100 square feet or 10% of adjoining wall, whichever is less.

**Berkley City Code**

*Berkley City Code*, Chapter 94 Signs, Section 94-7 Signs requiring permits (h) Wall Signs: For buildings with a single tenant, the maximum sign area is 100 square feet or 10% of adjoining wall, whichever is less.

Complete application information is available for review at [www.berkleymich.org/urbanplanning](http://www.berkleymich.org/urbanplanning).

Comments on the above variance may be made in person on the night of the meeting or in writing. All written comments must be submitted to the Berkley Community Development Department or email to [planning@berkleymich.net](mailto:planning@berkleymich.net) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**  
Royal Oak Tribune  
Friday, May 26, 2023





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2039 ROSEMONT RD  
BERKLEY MI 48072 3308

MATTHEW L DERUBEIS  
STACEY M DERUBEIS  
1890 ROSEMONT RD  
BERKLEY MI 48072 1846

ALYSSA R DISTEIRATH  
CLAYTON A DISTEIRATH  
2072 ROSEMONT RD  
BERKLEY MI 48072 3306

JORDAN D PATERRA  
2007 ROSEMONT RD  
BERKLEY MI 48072 3308

TIMOTHY SWEENEY-DUCHENE  
CHELSEA SWEENEY-DUCHENE  
1936 ROSEMONT RD  
BERKLEY MI 48072 3305

GILBERT TECKER  
1877 ROSEMONT RD  
BERKLEY MI 48072 1845

ANDREW LOCKMAN  
2023 ROSEMONT RD  
BERKLEY MI 48072 3308

JAMES SKAGGS  
1978 ROSEMONT RD  
BERKLEY MI 48072 3305

DIANE WINTERS  
1935 ROSEMONT RD  
BERKLEY MI 48072 3307

Occupant  
29001 WOODWARD AVE  
BERKLEY MI 48072 0917

STEPHAN J CASS  
2008 ROSEMONT RD  
BERKLEY MI 48072 3306

BRENDA DUNLOP  
2057 ROSEMONT RD  
BERKLEY MI 48072 3308

MIDWEST MEMORIAL GROUP LLC  
31300 SOUTHFIELD RD STE 1  
BEVERLY HILLS MI 48025 5456

Occupant  
1964 ROSEMONT RD  
BERKLEY MI 48072 3305

GAMAL ELBIALY  
1949 ROSEMONT RD  
BERKLEY MI 48072 3307

ELIZABETH A MORRISON  
2058 ROSEMONT RD  
BERKLEY MI 48072 3306

1964 ROSEMONT LLC  
3532 HALLA LN  
BLOOMFIELD HILLS MI 48301 2127

PAUL LAURENCELLE  
1963 ROSEMONT RD  
BERKLEY MI 48072 3307

MICHAEL A COLLING  
1889 ROSEMONT RD  
BERKLEY MI 48072 1845

DOROTHY ROY  
ROBERT ROY  
1950 ROSEMONT RD  
BERKLEY MI 48072 3305

JO ANNE RODDY  
2071 ROSEMONT RD  
BERKLEY MI 48072 3308

KURT SCHLAU  
MARYBETH SCHLAU  
1907 ROSEMONT RD  
BERKLEY MI 48072 3307

RICHARD IORIO  
TAMARA ROBEY  
2024 ROSEMONT RD  
BERKLEY MI 48072 3306

JOHN S SPARLING JOINT TRUST  
MARY LYNN SPARLING JOINT TRUST  
2087 ROSEMONT RD  
BERKLEY MI 48072 3308

ZACHARY TYLER  
GLYNIS TYLER  
1977 ROSEMONT RD  
BERKLEY MI 48072 3307

WILLIAM BOTENS  
ROCHELLE BOTENS  
2088 ROSEMONT RD  
BERKLEY MI 48072 3306

JASON J FULKS  
AKEMI FULKS  
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BERKLEY MI 48072 3307

MATTHEW D DEFEVER  
SHERRI A DEFEVER  
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BERKLEY MI 48072 3307



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Pro Image Design  
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Traverse City, MI 49686

AMERICAN LEGION  
2079 12 MILE RD  
BERKLEY MI 48072 1854

Beaumont Northpointe  
1949 Twelve Mile Rd  
Berkley, MI 48072

MARK ROEDER  
REBECCA KENNEDY  
1992 ROSEMONT RD  
BERKLEY MI 48072 3305

Occupant  
1949 12 MILE RD  
BERKLEY MI 48072 1853

MONARCH ACQUISITION LLC  
28400 NORTHWESTERN HWY FL 4  
SOUTHFIELD MI 48034 8349

LARRY FONS  
TERESA FONS  
1908 ROSEMONT RD  
BERKLEY MI 48072 3305

WILLIAM SCARMEAS  
JACQUELINE SCARMEAS  
1878 ROSEMONT RD  
BERKLEY MI 48072 1846

DOTTIE PAYNE  
1922 ROSEMONT RD  
BERKLEY MI 48072 3305



