PUBLIC NOTICE
City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Monday, April 9, 2018
7:30 PM – City Hall
Council Chambers
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES – Meeting of March 12, 2018

ITEMS FOR APPEAL

1. **Application Number PBA-02-18**
   Timothy Glynn—2254 Earlmont, Lot 122, Storm & Fowler's Tennyson Homes Subdivision, Parcel Id: 04-25-17-106-014 is requesting a dimensional variance for a side-yard setback for a proposed addition to the residence.

2. **Application Number PBA-03-18**
   Morgan Kruizenga—2785 12 Mile Rd, N 75 ft of W 15 ft of Lot 477, also N 75 ft of Lot 478, Brookline Hills Subdivision, Parcel ID: 25-18-227-001, is requesting a dimensional variance for off-street parking.

OTHER BUSINESS
LIAISON REPORT
PUBLIC COMMENTS
ADJOURN

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.
A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 PM, MONDAY, MARCH 12, 2018 AT CITY HALL BY CHAIRPERSON EVANS.

PRESENT: Paul Evans Miles Uhlar Joe Krug Scott Emmons
Steve Allen Mike Kerby Greg Butts

ABSENT: Susan McAlpine Ryan Gesund

ALSO PRESENT:

Timothy McLean, Community Development Director
Don Swanson—Applicant
Several members of the community

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APPROVAL OF AGENDA
It was moved by Mr. Allen and supported by Mr. Kirby to approve the agenda as written.

AYES: Evans, Krug, Uhlar, Allen, and Kerby Emmons, and Butts
NAYS: None
ABSENT: McAlpine, Gesund

Motion Carried.

*******

APPROVAL OF MINUTES
It was moved by Mr. Kirby to approve the minutes of December 12, 2017, and supported by Mr. Allen.

AYES: Evans, Krug, Uhlar, Allen, Kerby Emmons, and Butts
NAYS: None
ABSENT: McAlpine, Gesund

Motion Carried.

*******

1. Application Number PBA-01-18
Don Swanson—Creative Land Development Inc., 3179 Kipling Ave, Lot 584 of Brookline Hills Subdivision, Parcel Id: 04-25-18-230-020 is requesting a dimensional variance to construct a residential home less than fifteen (15) feet from the adjacent dwelling

Community Development Director McLean discussed the variance request.
Chair Evans asked a question about side-yard setbacks.

Chair Evans opened the Public Hearing at 7:36 PM
Property Owner at 3169 Kipling expressed concerns about the distance between dwellings, potential drainage issues, negative impacts to property values, and size of the proposed residence.

Mr. Allen asked the applicant for clarification regarding drainage issues.

Chair Evans closed the Public Hearing at 7:38 PM

Mr. Allen expressed concerns about the height of the proposed residence. He also suggested flipping the dimensions of the home to meet the required distance between dwelling units.

Mr. Krug expressed concerns about the building elevation as well as the sidewalk and parking conditions.

Mr. Emmons suggested flipping building dimensions to meet all required setbacks. He inquired about reducing the setback along Beverly Blvd.

Mr. Uhlar asked about any precedent on minimum distances between dwelling units.

Chair Evans stated that he didn’t believe variance standards had been met.

Mr. Uhlar asked if the applicant could rebuild on the existing footprint.

Community Development Director McLean stated that rebuilding in the existing footprint was not possible as this would create a new non-conformity.

It was moved by Mr. Emmons and seconded by Mr. Uhlar to deny BA-01-18 citing that a practical difficulty had not been proven by the applicant.

AYES: Evans, Krug, Uhlar, Allen, Kerby Emmons, and Butts
NAYS: None
ABSENT: McAlpine, Gesund

Motion Carried.

**********

OTHER BUSINESS

**********

LIAISON REPORTS

Mr. Allen discussed a recent ZBA training session that he found very informative.

Mr. Kirby stated that he was very glad to have worked with former Board Member and Planning Commissioner Dean Smith.
PUBLIC COMMENTS

Rachael Piacentini wished Board Member Steve Allen a Happy Birthday

There being no further business, Chair Evans adjourned the meeting at 8:08 PM.
**MEMORANDUM**

**TO:** City of Berkley Zoning Board of Appeals  
**FROM:** Timothy McLean  
Community Development Director  
**DATE:** April 2, 2018  
**RE:** Report for PBA-02-18

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>Timothy Glynn—2254 Earlmont</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>2254 Earlmont, Lot 122, Storm &amp; Fowler's Tennyson Homes Subdivision, Parcel Id: 04-25-17-106-014</td>
</tr>
<tr>
<td>REQUEST:</td>
<td>The applicant is requesting a dimensional variance for a side-yard setback for a proposed addition to the residence.</td>
</tr>
<tr>
<td>REQUIRED:</td>
<td>Berkeley City Code, Chapter 138 Zoning, Article V, Division 17, Sec.138-526 R1-D requires a minimum side-yard setback of five (5) feet on one side with a total of fifteen (15) feet for the two side-yard setbacks.</td>
</tr>
<tr>
<td>EXISTING ZONING / LAND USE:</td>
<td>Single Family Residential District (R-1D) / Improved with a single family house and attached garage.</td>
</tr>
</tbody>
</table>

**SURROUNDING ZONING / LAND USE:**

<table>
<thead>
<tr>
<th>NORTH</th>
<th>WEST</th>
<th>EAST</th>
<th>SOUTH</th>
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<tbody>
<tr>
<td>Single Family Residential District (R-1D) / Improved with a single family detached house</td>
<td>Single Family Residential District (R-1D) / Improved with a single family detached house</td>
<td>Single Family Residential District (R-1D) / Improved with a single family detached house</td>
<td>Single Family Residential District (R-1D) / Improved with a single family detached house</td>
</tr>
</tbody>
</table>
DISCUSSION:

The applicant is planning to construct a second story addition to the existing residence at 2254 Earmont. There is non-conformity with the property that dates back to the 1970’s. Sec.138-526 requires a front-yard setback of 25 feet. The residence is set back 21 feet from the property line. There is an attached garage that is non-conforming relative to its location and side-yard setback requirement. The garage is located in the side-yard of the property. Sec.138-53 states: Accessory buildings or structures shall not be erected in any yard, except a rear yard. The existing garage is set back 3'2" from the property line to the west.

Sec.138-55 states: No detached accessory building except dog houses and dog runs shall be located closer than ten feet to any main building, or other accessory building. No accessory building or structure shall be located within five feet of the side lot line unless proper fire separation has been installed. In no instance shall an accessory building or structure be located closer than 18 inches to a side lot line. However, in the instance of the non-conforming side-yard setback, a previous owner had obtained a dimensional variance for this in 1972 (Case #755). The 1972 variance was for a detached garage. At some point, a previous owner had attached the garage to the home. Based on existing case files, there is no indication of approval from the City to attach the garage to the house.

The proposed second story addition will be re-attached to the existing garage. A determination that must be made by the Zoning Board of Appeals is if the attachment from the garage to the house created non-conformity. If this is determined to be the case, attaching the second story addition to the existing garage would create a new non-conformity.

Please see the attached

Based on the requirements of the Berkley City Code, an applicant must demonstrate a practical difficulty in order to obtain a variance. The test to determine practical difficulty is listed below.

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

It is clear that the need for a variance is not due to physical conditions of the property. The size of the property meets the minimum standards required by ordinance. However, there is a unique circumstance. The 1972 variance for the side-yard setback of a detached garage allowed the non-conformity. It is possible that when a previous owner attached the garage to the house, it rendered the garage as a non-conforming accessory building.

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

The need for the variance is not the result of actions of the current property owner. A variance was granted to a previous owner in 1972.

➢ 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 property owner would be unable to construct an addition to the property without a variance or demolishing the existing garage.
➢ The requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.

The requested variance cleans up a potential non-conformity, and it would allow the property owner to construct the second floor addition.

➢ The requested variance will not adversely impact the surrounding properties.

Permitting the variance will not impact the existing side-yard setback of 3'2". Therefore there is no adverse impact to surrounding properties.

FINDINGS
A practical difficulty has been proven:
1. There was a variance for the side-yard setback.
2. Short of demolishing the existing garage, there is no way to correct existing non-conformities.
Board of Appeals
Case # 755
May 22 - 72
May 30 - 72

Permit Issued: June 20, 1972

[Signature]

Letters Mailed: May 12-72
CORRECTION
NOTICE
MEETING OF THE
BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that there will be a meeting of
the Board of Appeals to be held on Tuesday, May 30, 1972
at 8:00 P.M. or as near thereto as the matter may be
reached.

APPLICATION NO. 755
The applicant, Mr. Charles Knue, 2254 Earlmont, Berkley
wishes to erect a new, one story, two car garage, which
will be located three (3) feet from side lot line, fifty
(50) feet setback from street and five (5) feet nine (9)
inches from house. This property is located on the north
side of Earlmont between Berkley and Henley.

BERKLEY CITY CODE
Chapter 51 - Zoning - Section 5.118.4 states, "No detached
accessory building shall be located closer than ten (10)
feet to any main building nor shall it be located closer
than three (3) feet to any side or closer than five (5)
feet to any rear line."

The applicant is asking for a waiver of four (4) feet three
(3) inches between the accessory building and main
building and states that he will cover the entire interior
of garage with 1/2 inch drywall.

Comments on the granting of the above appeal may be given
in person on the night of the meeting or in writing. All
written comments must be in the hands of the City Clerk.
before 7:30 P.M. on the date of the meeting.

Maryann Burton
City Clerk
CITY OF BERKLEY

Publish Once***
May 12, 1972
CITY OF BERKLEY
Department of Building and Safety Engineering
APPLICATION FOR PERMIT TO: (Check that which is applicable)

<table>
<thead>
<tr>
<th>TYPE OF CONSTRUCTION</th>
<th>RESIDENTIAL</th>
<th>COMMERCIAL</th>
<th>STREET OR LOT SURFACE</th>
<th>REQUIRED</th>
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<tbody>
<tr>
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<tr>
<td>Erect</td>
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<tr>
<td>Remove</td>
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<tr>
<td>Other</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Area S.078
Volume
Sideyards
Set Back
CONTAINS
Area
Volume

Contractor: HARRY N. MELAMED
State License:
City Reg.

Address: 4410 HARDWOODS DR, ORCHARD LAKE
Phone No.: 898-9104

Owner's Name: CHARLES KNUE
Phone No.: 898-6155

Property Address: 2254 EARLMONT
Size of New Structure: 20'-0" x 24'-0"

Building Side Location of EARLMONT St. Between BERKELEY and HENLEY St.
(North, East, South, West)

Subdivision: SOWYLOWE TONNYSON Lot No. 122 Lot Size

Number, Type and Location of Existing Buildings and Location of Proposed Structure

Estimated Cost By Owner: $2,350
By Dept.: $

I hereby certify that the above answers are correct and true and any property improvement is not at present, or in the future, intended for two (2) family use. I also agree to repair any damage done to public property or private property.

Signed: HARRY N. MELAMED
Owner-Agent

Date
Application No.

Approved Permit No.

Remarks:
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BERKLEY CITY CODE
Chapter 51 - Zoning - Section 5.118.4 states, "No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or closer than five (5) feet to any rear line."

The applicant is asking for a waiver of four (4) feet three (3) inches between the accessory building and main building and states that he will cover the entire interior of garage with ½ inch drywall.

Comments on the granting of the above appeal may be given in person on the night of the meeting or in writing. All written comments must be in the hands of the City Clerk before 7:30 P.M. on the date of the meeting.

Maryann Burton
City Clerk
CITY OF BERKLEY

Publish Once***
May 12, 1972
<table>
<thead>
<tr>
<th>CASE</th>
<th>75-5</th>
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<tr>
<td>Board of Appeals</td>
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101-000-698
CORRECTION
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BERKELEY CITY CODE
Chapter 51 - Zoning - Section 5.116.4 states, "No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or closer than five (5) feet to any rear line."

The applicant is asking for a waiver of four (4) feet three (3) inches between the accessory building and main building and states that he will cover the entire interior of garage with 1/2 inch drywall.

Comments on the granting of the above appeal may be given in person on the night of the meeting or in writing. All written comments must be in the hands of the City Clerk before 7:30 P.M. on the date of the meeting.

Maryann Burton
City Clerk
CITY OF BERKELEY

Publish Once***
May 12, 1972
CITY OF BERKLEY
Zoning Board of Appeals – Application Form

A complete application, a check payable to the ‘City of Berkley’, and 15 copies of a survey, folded plans, and other applicable data must be submitted to the City of Berkley one month prior to the date of the ZBA hearing. Fee: $300.00 If an application is withdrawn more than 3 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 3 weeks prior to the meeting, no refund will be given.
Account Number: 1019.

The Zoning Board of Appeals meets the second Monday of every month. The meetings are held at 7:30 p.m. in the Council Chambers at the City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

APPLICANT:
Name: Timothy Glyn
Address: 2254 Earlham, Berkley MI 48072
Phone: 

PROPERTY OWNER:
Name: Timothy & Lindsay Glyn
Property Owner Address: 2254 Earlham, Berkley MI 48072

PROPERTY DESCRIPTION:
Address: 2254 Earlham, Berkley MI 48072

Sidwell (Tax I.D. #): Lot & Subdivision: Lot 127 Tennyson Homes Sub
Current Zoning Classification: R-1D Current Use of Property: Single Family Residential

VARIANCE REQUEST:
Description of Request: Requesting VARIANCE FOR EXISTING SIDE YARD SETBACK to Garage on West Property line. Garage is currently 3'-2" to property

From the City of Berkley Code, Chapter 138 Section 52, 55

Has the City refused a permit for the request? City Requested to go to Zoning

GROUND FOR APPEAL:

There are two types of variances: non-use variances and use variances. A use variance permits the use of land that is otherwise not allowed in a zoning district. A non-use variance is a variance regarding setbacks, height, parking; sign size or placement; fences and walls.

In either case, the applicant must prove to the Zoning Board of Appeals that not receiving this variance will cause undue hardship or practical difficulty. Please complete either the use variance or non-use variance sections (whichever is applicable to your request)—DO NOT COMPLETE BOTH SECTIONS.
NON-USE VARIANCE

A non-use variance is a variance regarding setbacks, height, parking, sign size or placement, fences and walls. The need for the variance is due to unique circumstances or physical conditions of the property because

The Existing Garage is too close to the west property line.

The need for the variance is not the result of actions of the property owner or previous property owners because

The Existing Garage was in place & built prior to ownership.

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 because

we would have to knock down the existing garage to conform. garage in existing.

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

I simply want to add an addition to attach to house. Existing home was attached by previous owner.

The requested variance will not adversely impact the surrounding properties because

we will not change the existing side yard setbacks established in the 1970s.

USE VARIANCE

A use variance permits the use of land that is otherwise not allowed in a zoning district.

The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district because

The need for the variance is due to unique circumstances or physical conditions of the property because

Proposed use will not alter the essential character of the neighborhood because

The need for the variance is not the result of actions of the property owner or previous property owners because

I understand that ZBA members may need to access my property to better understand my case. I understand that financial hardship cannot be considered. I have received the brochure outlining ZBA procedures and requirements.

Signature of Applicant: ___________________________ Date: 03/05/18

Office Use Only
Date Application Received: ______________ Fee: ______________ Receipt Number: ______________

Hearing Date: ______________ Case Number: ______________

Zoning Board of Appeals Decision: ______________
This Item contains large plans.

Copies will be available at the meeting to view; however an electronic copy is not available.
THE CITY OF BERKLEY
Building Department
3338 Coolidge, Berkley, Michigan 48072
(248) 658-3320

Notice
Meeting of the Berkeley
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, April 9, 2018 at 7:30PM or as near thereto as the matter may be reached.

Application Number PRA-22-18

Lindsay & Tim Glynne, 2254 Earlmont Rd, north side of Earlmont, between Berkley Ave and Henley Ave, is requesting a dimensional variance for a side-yard setback for a proposed addition to the residence.

Berkley City Code
Berkley City Code, Chapter 138 Zoning, Article V, Division 17, Sec.138-526

Comments on the granting of the above variance may be made in person on the night of the meeting or in writing. All written comments must be in the hands of the Berkley Building Department before 7:30 p.m. on the date of the Public Hearing.

TIMOTHY MCLEAN
COMMUNITY DEVELOPMENT DIRECTOR
Published Sunday, March 18, 2018

Total: $122.09
Paid Amount: $0.00
Amount Due: $122.09
Occupant
2342 EARLMONT RD
BERKLEY MI 48072 1838

Occupant
2293 BEVERLY BLVD
BERKLEY MI 48072 1862

Occupant
2292 EDGEWOOD BLVD
BERKLEY MI 48072 1885

Occupant
2213 EARLMONT RD
BERKLEY MI 48072 1878

Occupant
2309 BEVERLY BLVD
BERKLEY MI 48072 1831

Occupant
2294 EARLMONT RD
BERKLEY MI 48072 1877

Occupant
2272 BEVERLY BLVD
BERKLEY MI 48072 1861

Occupant
2193 BEVERLY BLVD
BERKLEY MI 48072 1829

Occupant
2310 EDGEWOOD BLVD
BERKLEY MI 48072 1844

Occupant
2293 EARLMONT RD
BERKLEY MI 48072 1876

Occupant
2144 EARLMONT RD
BERKLEY MI 48072 1836

Occupant
2153 BEVERLY BLVD
BERKLEY MI 48072 1829

Occupant
2309 EARLMONT RD
BERKLEY MI 48072 1837

Occupant
2310 EARLMONT RD
BERKLEY MI 48072 1836

Occupant
2174 EARLMONT RD
BERKLEY MI 48072 1830

Occupant
2194 BEVERLY BLVD
BERKLEY MI 48072 1830

Occupant
2154 EARLMONT RD
BERKLEY MI 48072 1836

Occupant
2273 EARLMONT RD
BERKLEY MI 48072 1878

Occupant
2214 EDGEWOOD BLVD
BERKLEY MI 48072 1885

Occupant
2273 EARLMONT RD
BERKLEY MI 48072 1878

Occupant
2224 EDGEWOOD BLVD
BERKLEY MI 48072 1885

Occupant
2253 EARLMONT RD
BERKLEY MI 48072 1878

Occupant
2224 EDGEWOOD BLVD
BERKLEY MI 48072 1885

Occupant
2282 EDGEWOOD BLVD
BERKLEY MI 48072 1885

Occupant
2234 EDGEWOOD BLVD
BERKLEY MI 48072 1885

Occupant
2253 BEVERLY BLVD
BERKLEY MI 48072 1862

Occupant
2272 EDGEWOOD BLVD
BERKLEY MI 48072 1885
NICOLE M RANDOLF  
2203 EARLMONT RD  
BERKELEY MI 48072 1878

EDWARD WILKIE  
2262 EDGEWOOD BLVD  
BERKELEY MI 48072 1865

JANET F PETROSKY-CLARK  
2174 EDGEWOOD BLVD  
BERKELEY MI 48072 1842

CHRISTIE JASINA  
2173 EARLMONT RD  
BERKELEY MI 48072 1035

NICETA MILNER  
DAVID MILNER  
26489 LORENZ  
MADISON HEIGHTS MI 48071 3755

CHRISTOPHER RENNIE  
2330 EARLMONT RD  
BERKELEY MI 48072 1838

JOSHUA L BORTON  
2310 BEVERLY BLVD  
BERKELEY MI 48072 1832

COLLEEN CASH  
2329 BEVERLY BLVD  
BERKELEY MI 48072 1831

MARCEL P ROOSE  
2329 EARLMONT RD  
BERKELEY MI 48072 1837

JUDITH A GILBERT  
2273 BEVERLY BLVD  
BERKELEY MI 48072 1862

JIYAN CADIZ  
2173 BEVERLY BLVD  
BERKELEY MI 48072 1829

JORDAN KOBENICK  
LISA KOBENICK  
2214 BEVERLY BLVD  
BERKELEY MI 48072 1601

CARRIE ANN HOVIS  
2154 EARLMONT RD  
BERKELEY MI 48072 1836

WILLIAM L DIXON  
BLANCHE E DIXON  
2254 BEVERLY BLVD  
BERKELEY MI 48072 1661

RICHARD LEE MCCUE  
DONNA A MCCUE  
2294 BEVERLY BLVD  
BERKELEY MI 48072 1651

KAREN JENKINS  
ERIC JENKINS  
2194 EARLMONT RD  
BERKELEY MI 48072 1836

BRIAN MYRICK  
TRACY MYRICK  
2234 EARLMONT RD  
BERKELEY MI 48072 1877

CASSANDRA DICKSON  
2194 EDGEWOOD BLVD  
BERKELEY MI 48072 1042

RICHARD BLAKE  
LIANA BLAKE  
2214 EARLMONT RD  
BERKELEY MI 48072 1877

LINDSAY GLYNN  
TIM GLYNN  
2254 EARLMONT RD  
BERKELEY MI 48072 1877

COLLEEN E WISE  
2153 EARLMONT RD  
BERKELEY MI 48072 1835

KATHERINE P HOLLANDER  
BLAKE HOLLANDER  
2274 EARLMONT RD  
BERKELEY MI 48072 1877

JENNIFER LYNNE WARD  
2193 EARLMONT RD  
BERKELEY MI 48072 1835

GREGORY MILLER  
KRISTIN MOORE  
2213 BEVERLY BLVD  
BERKELEY MI 48072 1862

ANNA LUPTAK  
2174 BEVERLY BLVD  
BERKELEY MI 48072 1830

ROBERT M MCCLURE  
NATALIE K MCCLURE  
2296 EDGEWOOD BLVD  
BERKELEY MI 48072 1865

SHANT A KORKIJIAN  
2183 BEVERLY BLVD  
BERKELEY MI 48072 1829

FRED A EARNSHAW  
VICKI EARNSHAW  
2234 BEVERLY BLVD  
BERKELEY MI 48072 1861

TIMOTHY C NATHAN  
2324 EDGEWOOD BLVD  
BERKELEY MI 48072 1864

BETHANY L COLBRY  
2333 BEVERLY BLVD  
BERKELEY MI 48072 1862
ROBERT J BULLOCK
2342 EARLMONT RD
BERKLEY MI 48072 1838

STEPHEN GORDON
2293 BEVERLY BLVD
BERKLEY MI 48072 1862

SARI JESSICA GOODSTEIN
2292 EDGEWOOD BLVD
BERKLEY MI 48072 1885

KATHERINE HAEFNER
2213 EARLMONT RD
BERKLEY MI 48072 1876

HERBERT MCCATTY
SUSAN MCCATTY
10712 GAYBROOK LN # 310
HUNTINGTON BEACH CA 92649 2265

KELLY E MCMILLAN
2284 EARLMONT RD
BERKLEY MI 48072 1877

KATHLEEN M STANNIS
2272 BEVERLY BLVD
BERKLEY MI 48072 1961

RANDY L MENARD
621 S TROY ST
ROYAL OAK MI 48067

BETTIEAN N SALESKI
2310 EDGEWOOD BLVD
BERKLEY MI 48072 1944

HENRY R DILAURA TRUSTEE
MARJORIE L DILAURA TRUSTEE
2293 EARLMONT RD
BERKLEY MI 48072 1875

BRYCE SMITH
ABIGAIL SMITH
2144 EARLMONT RD
BERKLEY MI 48072 1830

BRIAN SMITH
KATHRYN SMITH
2153 BEVERLY BLVD
BERKLEY MI 48072 1829

ANNA HODGE
283 WHITNEY DR
ROCHESTER HILLS MI 48307 2850

JEREMY A GASCHO
2310 EARLMONT RD
BERKLEY MI 48072 1838

DAVID G BALL TRUST
3102 ELMHURST AVE
ROYAL OAK MI 48073 30'7

LUCY M KAMMER TRUSTEE
2194 BEVERLY BLVD
BERKLEY MI 48072 1830

DAVID NAGLE
2154 EARLMONT RD
BERKLEY MI 48072 1836

KRISTIN Lyn
2273 EARLMONT RD
BERKLEY MI 48072 1878

MAURICE F MATTHEWS
2214 EDGEWOOD BLVD
BERKLEY MI 48072 1885

THE JOHN A DIZHAYZ S.N. TRST
2253 EARLMONT RD
BERKLEY MI 48072 1878

GILBERT C LAPASTORA
2224 EDGEWOOD BLVD
BERKLEY MI 48072 1885

CHRISTINE GALE
LUTTRELL LIVINGSTON
2282 EDGEWOOD BLVD
BERKLEY MI 48072 1885

JAMES J GRZESIACK
2234 EDGEWOOD BLVD
BERKLEY MI 48072 1885

NICOLE LEBOEUF
2253 BEVERLY BLVD
BERKLEY MI 48072 1862

ANDREW BATKIEWICZ
LINDA BATKIEWICZ
2272 EDGEWOOD BLVD
BERKLEY MI 48072 1885
MEMORANDUM

TO: City of Berkley Zoning Board of Appeals
FROM: Timothy McLean
        Community Development Director
DATE: April 2, 2018
RE: Report for PBA-03-18

| APPLICANT: | Morgan Kruizenga—2785 12 Mile |
| LOCATION:  | 2785 Twelve Mile Rd, south side of 12 Mile Rd, between Kipling Rd and Cumberland Rd, Parcel ID: 25-18-227-001 |
| REQUEST:   | The applicant is requesting a dimensional variance for off-street parking. |
| REQUIRED:  | Berkeley City Code, Chapter 138 Zoning, Article IV, Division 1, Sec.138-222(c) (1a). |

EXISTING ZONING / LAND USE: Gateway District/Berkley Transmission

SURROUNDING ZONING / LAND USE:

| NORTH | Gateway District/Business |
| WEST  | Gateway District/Business |
| SOUTH | Single Family Residential District (R-1D) / Improved with a single family detached house |
| EAST  | Gateway District/Business |
DISCUSSION:
The applicant is planning to change the use of the building on the property of 2785 12 Mile Rd. Presently the building is being used as an automobile repair business. The new owner plans to remodel the interior of the existing building and utilize it as a hair salon. The proposed use is consistent with principal permitted uses in the Gateway District.

The applicant is proposing to have eight chairs/stations for the hair salon. The parking standards under Sec.138-219(3) require three parking spaces per chair/station. The applicant would need to provide twenty-four (24) parking spaces. With the parking standards required by ordinance, there is space for twelve (12) on-site parking spaces, including one required barrier free parking space.

Sec.138-222(c)(1)(a)(b) states:

a. Required off-street for non-residential uses shall be on the same lot or within 500 feet of the building or use it is intended to serve, measured without crossing Twelve Mile Road, Coolidge Highway, Greenfield Road, Woodward Avenue, or Catalpa Drive from the nearest point of the required off-street parking facility.

b. If a non-residential use is within 500 feet of a municipal parking lot, without crossing a major thoroughfare, no on premise parking shall be required.

Without crossing a major thoroughfare, there is a municipal parking lot 650 feet from 2785 12 Mile. Therefore, the applicant is seeking a dimensional variance of 150 feet under Sec.138-222(c) (1b). Based on the requirements of the Berkeley City Code, an applicant must demonstrate a practical difficulty in order to obtain a variance. The test to determine practical difficulty is listed below.

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

There is no minimum lot size in the Gateway District. The size of the lot at 2785 12 Mile is 6,480 square feet. The existing building meets the front and rear setback requirements. The exterior side-yard does not border a residential district, therefore, there is no requirement for side-yard setbacks. With the lot size and existing building, there is space for twelve (12) parking spaces.

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

With the current space on the property, the applicant could meet the parking requirements with four (4) chairs/stations in the proposed salon.

- **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 parking requirements does not prevent the owner from utilizing a principal permitted use in the district. However, strict compliance could place a limitation on the size of the business at that location.

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

Granting the variance would eliminate the requirement for on-site parking. However, the applicant would plan to utilize the twelve (12) proposed parking spaces.
The requested variance will not adversely impact the surrounding properties.

Relaxing the distance to a municipal parking lot poses no adverse impacts to surrounding properties.

**FINDINGS**
A practical difficulty has not been proven:
1. The applicant has the parking capacity to accommodate four (4) chairs/stations for the hair salon.
2. The applicant would be unable to add additional stations to the business without a variance.
3. The applicant will be improving a potential brownfield site.
CITY OF BERKLEY
Zoning Board of Appeals – Application Form

A complete application, a check payable to the 'City of Berkley', and 15 copies of a survey, folded plans, and other applicable data must be submitted to the City of Berkley one month prior to the date of the ZBA hearing.

Fee: $300.00 If an application is withdrawn more than 3 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 3 weeks prior to the meeting, no refund will be given.

Account Number: 1019.

The Zoning Board of Appeals meets the second Monday of every month. The meetings are held at 7:30 p.m. in the Council Chambers at the City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

APPLICANT:

Name: Morgan Kruizenga
Phone: ____________________
Address: 2717 Hummer Lk rd, Ortonville, MI 48462

PROPERTY OWNER:

Name: Doug Taylor
Phone: ____________________
Property Owner Address: 2785 12 mi rd, Berkley, MI 48072

PROPERTY DESCRIPTION:

Address: 2785 12 mi rd, Berkley, MI 48072
Sidwell (Tax I.D. #): Lot & Subdivision:

Current Zoning Classification: Current Use of Property:

VARIANCE REQUEST:

Description of Request: Demolished variance for parking

From the City of Berkley Code, Chapter Section
Has the City refused a permit for the request?

GROUND FOR APPEAL:

There are two types of variances: non-use variances and use variances. A use variance permits the use of land that is otherwise not allowed in a zoning district. A non-use variance is a variance regarding setbacks; height; parking; sign size or placement; fences and walls.

In either case, the applicant must prove to the Zoning Board of Appeals that not receiving this variance will cause undue hardship or practical difficulty. Please complete either the use variance or non-use variance sections (whichever is applicable to your request!)—DO NOT COMPLETE BOTH SECTIONS.
Hello, My Name is Morgan Kruizenga. I am the future owner of the Berkley Transmission. This space is going to go through a massive clean up. It will be turned into a Beautiful Mid Century Modern Salon. I have been a hairdresser and educator for 28 years. Berkley is the Perfect location for my Salon. I have clients that live here as well as the surrounding areas. I have a large clientele that will shop, eat and discover Berkley.

This will help other businesses grow as well as mine. I have a team of top notch Hairdressers excited to do business here, as well as all of their clients. My Dream is to Create in a repurposed space that was otherwise not environmental into a Green - Beautiful space. The building 2785 12 mi rd was zoned industrial and has been a transmission shop for over 40 years it dates back to 1940’s and re-built in around 1951.

It is however re-zoned for retail. There has always been a building here as far as I can tell. It is currently not to eye catching and in need of some TLC. If you come from Woodward it is the beginning of the Downtown area, and one of the first buildings you see. I have already done a Phase one environmental and I am currently getting ready for a Phase two.

I will be putting around $250,000 in to this building changing it into a Green space. With a beautiful curb appeal as well as a Mid Century Modern feel. Which is an admired feel Berkley is known for. My Salon will not just be any other Salon it will be Up-Scale with State of the Art Equipment. Amazing education, Beautiful Decor in an Environmental and Sustainable space that is inviting to all Demographics.

My business plan includes all demographics for clients, a Team based philosophy which helps make us more affordable to all. The age demographics of Berkley is 25-44 professionals, so I know we will be a Great fit for the community. By filling the need of an
Up Scale, Current, Modern Look and Feel Salon.

The building I am buying is just outside the 500 ft for municipal parking, by 150 ft. I currently have enough spots for 4 chairs.

I am asking for the variance so I can grow my staff from within. I will not take stylist from other local salons. I am an environmental as well as a sustainable company. This will be for my building as well as the products used, such as color perm and relaxers. As well as my retail to the public. Even the recycling I am doing will be by a sustainable company as to not put any color down the drain, and minimize landfills. It is called Green circle.

I am asking for a variance for my parking today to help my future business here in Berkley be viable. I have some parking that will give me 4 chairs. For me to profit and grow, I am asking for the variance for more chairs.

a. The need for this variance is due to unique circumstances or physical conditions of the property. Yes this was previously zoned industrial and is now retail. The parking area around this building is only allowing me 4 chairs as it stands. I am asking for the variance to get more chairs. I am on Kipling and 12 mile. Kipling is the street that divides the 12 mile district and the corner district. My location is just outside of the municipal parking, just 150 ft. There is nothing on my side of the street to share park with that is available. I am in the 12 mile redevelopment area this property is an eye sore. My plan is to make it a destination spot in Berkley. A unique and creative space to get your Beauty needs fulfilled.

b. The need for the variance is not the result of actions of the property owner or previous property owners. The need for the variance is not due to any actions either way.
c. Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for permitted purpose or will render conformity with those regulations unnecessarily burdensome. This property is zoned retail now. It is just about one block away to be included in municipal parking. It would help greatly for this location to be included or variance for municipal parking. I would like to have 8-10 chairs as to help my business grow and to recoup the amount of investment I will be putting into this building for Clean up and Beautification.

d. The requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners. I will have 12 on site parking for staff and clients. The Salon business brings in so many shoppers to a city. We have shown to be recession resistant. By allowing me to be included into the municipal parking will allow my clients and staff to park and walk around Berkley and visit the local shops and restaurants. It is absolutely no problem to walk a block and a half for my staff and my clients, we do this already, in Birmingham.

e. The requested variance will not adversely impact the surrounding properties. I will not adversely impact the surrounding properties. I will cross market and share with clients and staff all the Great Restaurants, Clothing shops, and specialty shops here in Berkley. I will also bring new customers to Berkley that haven't experienced this city. I will beautify this building and make my neighbors proud we are here. I will be involved with my community as a business owner and Friend to my neighbors.

Thank You for listening to My Vision
THE CITY OF BERKLEY
Building 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, April 9, 2018
at 7:30PM or as near thereto as the matter may be reached.

Application Number PBA-33-18

Morgan Kruzenoga, 2785 Twelve Mile Rd, south side of 12 Mile Rd,
between Kipling Rd and Cumberland Rd, Parcel ID: 25-18-227-001, is
requesting a dimensional variance for off-street parking.

Berkeley City Code
Chapter 138 Zoning, Article IV, Division 1,
Sec.138-122(D)(1c).

Comments on the granting of the above variance may be made in
person on the night of the meeting or in writing. All written com-
ments must be in the hands of the Berkley Building Department be-
fore 7:30 p.m. on the date of the Public Hearing.

TIMOTHY MCLEAN
COMMUNITY DEVELOPMENT DIRECTOR

Published Sunday, March 18, 2018

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Thank You!

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Oakland Press: (877) 271-1272
Voice: (877) 463-9893
LAWNICZAK JON J.
BETH M LUNDGREN
3357 KIPLING AVE
BERKELEY MI 48072 3516

JAMES S MILLMAN
29503 SHENANDOAH DR
FARMINGTON HILLS MI 48331

BENJAMIN SOPCZYNISKI
JESSICA SOPCZYNISKI
3325 CUMBERLAND RD
BERKELEY MI 48072 1677

MARK RILEY
LISA RILEY
3335 KIPLING AVE
BERKELEY MI 48072 3515

ERIK W MULHEISEN
ANDREA MULHEISEN
3488 WAKEFIELD RD
BERKELEY MI 48072 1400

SEAN S GENTRY
VANESSA GENTRY
3296 KIPLING AVE
BERKELEY MI 48072 1639

MATT PHILLIPS
LEAH PHILLIPS
3335 KIPLING AVE
BERKELEY MI 48072 3516

BISHOP FAMILY
INVESTMENTS LLC
2760 12 MILE RD
BERKELEY MI 48072 1630

PATRICK KILBOURN
AUDREY ISROW KILBOURN
3286 WAKEFIELD RD
BERKELEY MI 48072 1944

GARY A LEINONEN
3295 CUMBERLAND RD
BERKELEY MI 48072 1615

ALEXANDER AGBAY
LAURE AGBAY
3479 CUMBERLAND RD
BERKELEY MI 48072 1605

ROBERT HUNSLEY
3348 CUMBERLAND RD
BERKELEY MI 48072 1666

ANTHONY W PRIEMER
DAWN M PRIEMER
3282 KIPLING AVE
BERKELEY MI 48072 1640

LAWRENCE M MAGDOVITZ
KAREN MAGDOVITZ
8342 MACON RD
CORDOVA TN 38016 6554

ZARTH AUSTEN
DOREEN AUSTEN
3281 KIPLING AVE
BERKELEY MI 48072 1639

CHRISTOPHER S HAMILTON
IRANDI L HAMILTON
3261 CUMBERLAND RD
BERKELEY MI 48072 1615

DIRKSE FOOD & BEVERAGE LLC
2833 12 MILE RD
BERKELEY MI 48072 1411

KATHY LYNN SMALLER
2710 12 MILE RD
BERKELEY MI 48072 1630

BERNARD BOURGEOS
AMY BOURGEOS
3492 KIPLING AVE
BERKELEY MI 48072 1402

ALVIGAR HOLDINGS LLC
54560 BIRCHWOOD CT
SOUTH LYON MI 48178

DENNIS HAGAMAN
JENNIFER HAGAMAN
3505 CUMBERLAND RD
BERKELEY MI 48072 1070

ROBERT HUNSLEY
PO BOX 1902
ROYAL OAK MI 48058

DAVID A CORRELL
3318 WAKEFIELD RD
BERKELEY MI 48072 3821

GEOFFREY PULK
3358 KIPLING AVE
BERKELEY MI 48072 3515

THOMAS A PEARLMAN
195 W NINE MILE RD STE 110
FERNDALE MI 48220

NATIONAL CITY BANK
PO BOX 8108
ROYAL OAK MI 48068 8108

DJONAJ LIEKA
2685 12 MILE RD
BERKELEY MI 48072 1627

ADAM M LOOMIS
STEPHANIE R LOOMIS
3335 CUMBERLAND RD
BERKELEY MI 48072 1687

CYNTHIA A BURNS
3347 KIPLING AVE
BERKELEY MI 48072 3516

BILLIE GALEA
3348 KIPLING AVE
BERKELEY MI 48072 3515
BRIAN BURKE  
CINDY BURKE  
3309 KIPLING AVE  
BERKELEY MI 48072 3516

CYNTHIA CANALE  
3310 CUMBERLAND RD  
BERKELEY MI 48072 1666

KO-KE-CO LLC  
29466 WOODWARD AVE # 207  
ROYAL OAK MI 48073 0903

KO-KE-CO LLC  
29466 WOODWARD AVE # 207  
ROYAL OAK MI 48073 0903

JAMES S MILLMAN  
29503 SHELVANDOAH DR  
FARMINGTON HILLS MI 48331

PASIKOWSKI DOROTHY, DDS  
2867 12 MILE RD  
BERKELEY MI 48072 1411

MICHAEL J VELTHOVEN  
3518 KIPLING AVE  
BERKELEY MI 48072 3403

METHODIST CHURCH  
PO BOX 72155  
BERKELEY MI 48072

DIANA KEEFE  
WILLIAM KEEFE  
3296 KIPLING AVE  
BERKELEY MI 48072 1040

BAPJI LLC  
4899 SEASON CT  
TROY MI 48098

JAMES M AND GAIL MCGUIRE TRUST  
3505 KIPLING AVE  
BERKELEY MI 48072 3405

JAMES VERMILYE  
3910 KIPLING AVE  
BERKELEY MI 48072 3515

ROBERT R D HUNSLEY  
3321 CUMBERLAND RD  
BERKELEY MI 48072 1667

PATRICK MILANO  
135 CLAIREMONT DR  
LAKE ORION MI 48362 3615

KELLY LANE PROPERTIES LLC  
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