PUBLIC NOTICE

City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Monday, July 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 June 11, 2018

ITEMS FOR APPEAL

1. **APPLICATION NUMBER PBA-05-18**
   John Barbuscak—1405 Franklin, LOT 244 PERRY-MORTENSON CO’S PLEASANT HOMES, Parcel ID: 25-17-258-006 is requesting a variance to place a generator in a residential side yard.

2. **DISCUSSION:** Annual discussion regarding Rules of Procedure.

3. **ELECTIONS:**
   Matter of electing a chair and vice-chair to the Zoning Board of Appeals.

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, June 11, 2018 AT CITY HALL BY VICE CHAIR MCALPINE. UNOFFICIAL MINUTES

PRESENT:  Steve Allen  Greg Butts  Scott Emmons
          Ryan Gesund  Joe Krug  Sue McAlpine

ABSENT:  Paul Evans, Mike Kerby, Miles Uhlar

ALSO PRESENT:  Timothy McLean, Community Development Director
               Daniel Stagner (Applicant)
               Jacqueline Stagner (Applicant)
               Several members of the public

*********

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

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

Motion Carried.

*********

APPROVAL OF MINUTES
It was moved by Mr. Gesund to approve the minutes of April 9, 2018, and supported by Mr. Allen.

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

Motion Carried.

*********

1. **Application Number PBA-04-18—4041 Robina Ave.**
   Community Development Director McLean began the discussion with a brief summary of the request for a dimensional variance. The property owner at 4041 Robina Ave. is requesting a dimensional variance to install an in-ground pool that would exceed the maximum lot coverage permitted by ordinance. The applicant intends to install an 18 x 34 pool that would exceed lot coverage by 157 square feet.
   Applicants Daniel and Jacqueline Stagner stated that they would like to install an 18 x 34 pool for recreational purposes and to alleviate issues with flooding on the property. With a newly constructed home, the house is not pitched property for water management. The existing drainage system meets code requirements, but the property lacks a swale to allow for drainage into the street. Property
owner is unable to have the property graded to take water away from the house. An 18 x 34 pool would allow for drainage of excess water into the pool. The pump system would allow excess water to be pumped into the street.

ZBA Member Allen asked about the builder who constructed the home and if the applicant could have a smaller pool and still solve drainage issues.

Mr. Stagner stated that a smaller pool is possible.

ZBA Member Emmons asked for confirmation of the proposed size of the concrete apron around the pool. He also asked if the concrete apron factored into the square footage calculation of the pool.

Mrs. Stagner confirmed that the concrete apron would be four feet.

Community Development Director McLean confirmed that the concrete apron is not factored into the square footage of the pool.

ZBA Member Gesund asked if a smaller pool would affect the water management system.

Mr. Stagner stated that the size of the pool would not affect the pump, but that he would like to have the requested size pool for excess drainage. He also stated that the pool would be salt water and not a chlorine treated pool.

ZBA Member Gesund voiced concerns about the play structure being in such close proximity to the pool.

Mrs. Stagner stated that the play structure would be turned away from the pool.

ZBA Member Butts stated that the size of the pool could be reduced.

**Vice Chair McAlpine opened the Public Hearing at 7:46PM**

Roy Yanke—4013 Robina Ave: Stated that many properties in Berkley have flooding issues. He also voiced support for the variance request.

**Vice Chair McAlpine closed the Public Hearing at 7:47PM**

**Discussion**

ZBA Member Allen stated that the proposed pool and pump would be a novel approach to solving water issues in the City.

Vice Chair McAlpine explained the criteria to qualify for a variance.

ZBA Member Allen stated that a 16 x 30 pool would still require a variance, but just barely. He indicated this was a number he could support.

Vice Chair McAlpine questioned if a smaller size pool would alleviate the practical difficulty with
drainage on the property.

ZBA Member Butts asked if the applicant had any recourse with the contractor for parts already ordered.

Mr. Stagnar indicated that the issues with the builder and contractor could be resolved.

ZBA Member Allen questioned why drainage and grading issues with the home were not caught during the building inspection process.

Mr. Stagnar indicated that he did not challenge any of the inspections done by the City. He also stated he wasn’t sure if the drainage was an issue that could have been caught through this process.

It was moved by Mr. Butts and seconded by Mr. Allen to approve a dimensional variance for 4041 Robina Ave on the grounds that water drainage on the property created a practical difficulty. The condition of the variance is that the size of the pool cannot exceed 480 square feet.

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

Motion Carried.

OTHER BUSINESS
None

*********

LIAISON REPORTS
None

*********

PUBLIC COMMENTS
None

*********

With no further business, Vice Chair McAlpine adjourned the meeting at 8:09 PM.
MEMORANDUM

TO: City of Berkley—Zoning Board of Appeals  
FROM: Timothy McLean—Community Development Director  
DATE: July 9, 2018  
RE: Report for PBA-05-18

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>John Barbuscak—1405 Franklin</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>1405 Franklin, LOT 244 PERRY-MORTENSON CO'S PLEASANT HOMES, Parcel ID: 25-17-258-006</td>
</tr>
<tr>
<td>REQUEST:</td>
<td>The applicant is requesting a variance to install a generator in a residential side yard.</td>
</tr>
<tr>
<td>REQUIRED:</td>
<td>Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures, Section 138-53 Yard Location Accessory buildings or structures shall not be erected in any yard, except a rear yard.</td>
</tr>
<tr>
<td>EXISTING ZONING/LAND USE:</td>
<td>R-1D/Single-family Residence with a detached garage</td>
</tr>
<tr>
<td>SURROUNDING ZONING/LAND USE:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NORTH</th>
<th>R-1D/Single Family Residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEST</td>
<td>R-1D/Single Family Residence</td>
</tr>
<tr>
<td>EAST</td>
<td>R-1D/Single Family Residence</td>
</tr>
</tbody>
</table>
DISCUSSION:

The applicant had a generator installed in the side yard on the east side of the residence at 1405 Franklin. The applicant was informed by the contractor completing the installation that prior to installation, the contractor would obtain all necessary permits. When the applicant tried to schedule a mechanical and electrical inspection, it was discovered that no permits had been obtained. It was then brought to the attention of the applicant that he would have had to apply for a variance to install a generator in the side yard. When asked by the Berkley Building Department if the applicant could move the generator to the rear yard, he indicated that due to issues with flooding in the rear yard, this could not be done.

From the attached photo, the generator has been installed close to the residence. Also included with this packet are the specifications for the generator. The product specs include product features, dimensions, voltage. Also included in the product specifications are the sound outputs (noise) measured in decibels. 

Please see attached drawing & photos.

Based on similar cases in years past, the Zoning Board of Appeals has opined that generators are considered accessory structures. Under Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures, Section 138-53 Yard Location Accessory buildings or structures shall not be erected in any yard, except a rear yard. The previous Planning Director had reviewed the topic of generators in side yards with the City Attorney. The City Attorney had advised that this matter be handed as an appeal of staff’s interpretation of the ordinance. Previous decisions from the Zoning Board of Appeals indicate that it has interpreted generators as accessory structures. There is also precedent for not requiring a generator to be placed ten (10) feet from all buildings or structures (as is required of garages or sheds).

With the retirement of the previous Planning Director, an ordinance has not been finalized with the Planning Commission. Moving forward, it will be a high priority for the Community Development Director to get a draft ordinance completed and reviewed by the Planning Commission. 

Please see attached product specifications and practical difficulty test.

In order to meet the criteria for a dimensional variance, the applicant must demonstrate a practical difficulty according to the standards of Sec.138-606 of the Berkley Code of Ordinances.

Sec. 138-606. - Standards for variances.

The zoning board of appeals shall not vary the regulations of this chapter, as authorized in this section unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) Dimensional (non-use variances).

a. The need for the variance is due to unique circumstances or physical conditions of the property.
b. The need for the variance is not the result of actions of the property owner or previous property owners.

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.

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

e. The requested variance will not adversely impact the surrounding properties.
Section 3: Site Selection and Preparation

Site Selection

Figure 3-1. Installation Clearances

<table>
<thead>
<tr>
<th>ID</th>
<th>Description</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Top of generator</td>
<td>Minimum clear distances cannot include shrubs, bushes, or trees.</td>
</tr>
<tr>
<td>B</td>
<td>Front and end clearance</td>
<td>Minimum clearances cannot include shrubs, bushes, or trees.</td>
</tr>
<tr>
<td>C</td>
<td>Rear clearance</td>
<td>18 in (45.7 cm) minimum clearance per NFPA testing, labelling, and listing, unless state or local codes dictate otherwise.</td>
</tr>
<tr>
<td>D</td>
<td>Windows and openings</td>
<td>No operable windows, doors, or openings in the wall are permitted within 5 ft (1.52 m) from any point of the generator.</td>
</tr>
<tr>
<td>E</td>
<td>Existing wall</td>
<td>One-hour fire rated walls allow closer placement of the generator set. Confirm before installation.</td>
</tr>
<tr>
<td>F</td>
<td>Removable fence</td>
<td>Removable fence panels for servicing cannot be placed less than 3 ft (0.91 m) in front of the generator.</td>
</tr>
</tbody>
</table>
| G  | Overhead clearance | 5 ft (1.52 m) minimum distance from any structure, overhang, or projections from the wall.  
DO NOT install under wooden decks or structures unless this distance is maintained. |
## Sizing Report

**Rated Nominal Voltage**: 240
**Generator Fuel Choice**: Natural Gas
**Sizing Method (NEC 220)**: Part IV

(Part III required for selected circuit implementation, both valid for whole house)

### General Lighting & Receptacles
- **Square Footage Being Covered (ft²)**: 1100
- **Load (kW)**: 3.3

### Small Appliance Circuits (20 amps)
- **Kitchen Circuits**: 2
- **Load (kW)**: 3
- **Laundry Circuits**: 1
- **Load (kW)**: 1.5

<table>
<thead>
<tr>
<th>Fixed-In-Place Appliances &amp; Motors</th>
<th>Managed Loads</th>
<th>Estimated (kW)</th>
<th>Nameplate (amps)</th>
<th>240 V</th>
<th>Load (kW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Microwave</td>
<td></td>
<td>1.3</td>
<td></td>
<td>1.3</td>
<td></td>
</tr>
<tr>
<td>Furnace (Forced Air)</td>
<td></td>
<td>0.7</td>
<td></td>
<td>0.7</td>
<td></td>
</tr>
<tr>
<td>Refrigerator</td>
<td></td>
<td>0.8</td>
<td></td>
<td>0.8</td>
<td></td>
</tr>
<tr>
<td>Freezer</td>
<td></td>
<td>0.8</td>
<td></td>
<td>0.8</td>
<td></td>
</tr>
<tr>
<td>Dishwasher</td>
<td></td>
<td>1.5</td>
<td></td>
<td>1.5</td>
<td></td>
</tr>
<tr>
<td>Sump Pump</td>
<td></td>
<td>0.5</td>
<td></td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Range - Oven w/ Top</td>
<td></td>
<td>8.5</td>
<td></td>
<td>8.5</td>
<td></td>
</tr>
</tbody>
</table>

### Air Conditioning & Cooling
- **2.0 Ton Unit**
  - **Managed Loads**: X
  - **Estimated (kW)**: 2.0
  - **Nameplate (amps)**: X
  - **240 V**: 0.0
  - **Load (kW)**: 0.0

### Heating & Heat Pumps

### Transient Requirement

<table>
<thead>
<tr>
<th>Largest Motor's Starting Amps (LRA)</th>
<th>Estimated (LRA)</th>
<th>Actual (LRA)</th>
<th>Utilized (LRA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>58</td>
<td>0</td>
<td>56</td>
<td></td>
</tr>
</tbody>
</table>

### Summary NEC Load

| General Lighting & Receptacles     | 7.8             | 14.7         |
| Fixed-In-Place Appliances & Motors| 14.1            |              |
| Sum of all General Loads          | 21.9            | 14.7         |

| Cooling                            | 0               | 0            |
| Heating (high demand factors)      | 0               | 0            |
| Larger of Heating & Cooling       | 0               | 0            |

### Sizing based on requirements of NEC Article 220, Part IV

| Elevation                          | 0 ft            |
| Minimum size generator for motor starting requirements | 7 |
| STU load required                  | 309000          |

**16 kW Generac Model Generator Recommended**
INCLUDES:

- True Power™ Electrical Technology
- Two Line LCD Multilingual Digital Evolution™ Controller (English/Spanish/French/Portuguese)
- Two Transfer Switch Options Available: 100 Amp, 16 Circuit Switch or 200 Amp Service Rated Smart Switch. See Page 4 for Details.
- Electronic Governor
- System Status & Maintenance Interval LED Indicators
- Sound Attenuated Enclosure
- Flexible Fuel Line Connector
- Direct-To-Dirt Composite Mounting Pad
- Natural Gas or LP Gas Operation
- 5 Year Limited Warranty
- Capability to be installed within 18” (457 mm) of a building*

FEATURES

Continuous Duty Engines are the heart of Generac’s success in providing the most reliable generators possible. Generac’s G-Force engine lineup offers added peace of mind and reliability for when you need it the most. The G-Force series engines are purpose built and designed to handle the rigors of extended run times in high temperatures and extreme operating conditions.

True Power: Electrical Technology

Superior harmonics and sine wave form produce less than 5% Total Harmonic Distortion for utility quality power. This allows confident operation of sensitive electronic equipment and micro-chip based appliances, such as variable speed HVAC systems.

Prototype Tested

System torsional tested

NEEMA M61-22 Evaluation

Motor Starting Ability

Quiet Test: Standby Power Rating

Models G007036-0, G007037-0 (Aluminum - Bisque) - 16 kW 60 Hz
Model G007035-0 (Aluminum - Bisque) - 18 kW 60 Hz
Models G007039-0, G007038-0 (Aluminum - Bisque) - 20 kW 60 Hz
Models G007043-0, G007042-0 (Aluminum - Bisque) - 22 kW 60 Hz

Note: UL certification only applies to unbundled units and units packaged with limited circuit switches. Units packaged with the Smart Switch are UL certified in the USA only.

*Only if located away from doors, windows and fresh air intakes.

THE GENERAC PROMISE

Build in the USA® - Quality promise and design源于。
**16/20/22 kW**

**Engine**
- Generac G-Force design
- "Spy-loc" cast iron cylinder walls
- Electronic ignition/spark advance
- Full pressure lubrication system
- Low oil pressure shutdown system
- High temperature shutdown

Maximizes engine "breathing" for increased fuel efficiency. Plate/ honed cylinder walls and plasma moly rings helps the engine run cooler, reducing oil consumption resulting in longer engine life.

Rigid construction and added durability provide long engine life.

These features combine to assure smooth, quick starting every time.

Pressurized lubrication to all vital bearings means better performance, less maintenance and longer engine life. Now featuring up to a 2 year/200 hour oil change interval.

Shutdown protection prevents catastrophic engine damage due to low oil.

Prevents damage due to overheating.

**Generator**
- Revolving field
- Stewed stator
- Displaced phase excitation
- Automatic voltage regulation
- UL 2200 listed

Allows for a smaller, lighter weight unit that operates 25% more efficiently than a revolving armature generator.

Produces a smooth output waveform for compatibility with electronic equipment.

Maximizes motor starting capability.

Regulates the output voltage to ±1% prevents damaging voltage spikes.

For your safety.

**Transfer Switch (if applicable)**
- Fully automatic
- NEMA 3R
- Remote mounting

Transfers your vital electrical loads to the energized source of power.

Can be installed inside or outside for maximum flexibility.

Mounts near your existing distribution panel for simple, low-cost installation.

**Evolution+ Control**
- Auto/Manual/Off illuminated buttons
- Two-line LCD multilingual display
- Sealed, raised buttons
- Utility voltage sensing
- Generator voltage sensing
- Utility interrupt delay
- Engine warm-up
- Engine cool-down
- Programmable exercise
- Smart battery charger
- Main line circuit breaker
- Electronic governor

Selects the operating mode and provides easy, at-a-glance status indication in any condition.

Provides homeowners easily visible logs of history, maintenance and events up to 50 occurrences.

Smooth, weather-resistant user interface for programming and operations.

Constantly monitors utility voltage, setpoints 65% dropout, 80% pick-up, or standard voltage.

Constantly monitors generator voltage to ensure the cleanest power delivered to the home.

Prevents nuisance start-ups of the engine, adjustable 2-1500 seconds from the factory default setting of 5 seconds by a qualified dealer.

Ensures engine is ready to assume the load, setpoint approximately 5 seconds.

Allows engine to cool prior to shutdown, setpoint approximately 1 minute.

Operates engine to prevent oil seal drying and damage between power outages by running the generator for 5 minutes every other week. Also offers a selectable setting for weekly or monthly operation providing flexibility and potentially lower fuel costs to the owner.

Delivers charge to the battery only when needed at varying rates depending on outdoor air temperature.

Compatible with lead acid and AGM-style batteries.

Protects generator from overload.

Maintains constant 60 Hz frequency.

**Noise**
- SAE weather protective enclosure
- Enclosed critical grade muffler
- Small, compact, attractive

Sound attenuated enclosures ensure quiet operation and protection against mother nature, withstanding winds up to 150 mph. Hinged key locking roof panel for security. Lift-off front for easy access to all routine maintenance items. Electrostatically applied textured epoxy paint for added durability.

Quiet, critical grade muffler is mounted inside the unit to prevent injuries.

Makes for an easy, eye appealing installation, as close as 18' away from a building.

**Transmission System**
- 1 ft (305 mm) flexible fuel line connector
- Direct-to-dirt composite mounting pad
- Integral sediment trap

Absorbs any generator vibration when connected to rigid pipe.

Complex lattice design prevents settling or sucking of the generator system.

Prevents particles and moisture from entering the fuel regulator and engine, prolonging engine life.
## specifications

<table>
<thead>
<tr>
<th>Model</th>
<th>6007635-6, 6007634-6, 6007637-0, 6007638-0</th>
<th>G007037-3, G007038-3, G007042-9, 6007643-8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rated Maximum Continuous Power Capacity (LP)</td>
<td>16,000 Watts*</td>
<td>20,000 Watts*</td>
</tr>
<tr>
<td>Rated Maximum Continuous Power Capacity (NG)</td>
<td>16,000 Watts*</td>
<td>18,000 Watts*</td>
</tr>
<tr>
<td>Rated Voltage</td>
<td>240</td>
<td>240</td>
</tr>
<tr>
<td>Rated Maximum Continuous Load Current — 240 Volts (LP/NG)</td>
<td>66,068.6</td>
<td>63,375</td>
</tr>
<tr>
<td>Total Harmonic Distortion</td>
<td>Less than 5%</td>
<td>Less than 5%</td>
</tr>
<tr>
<td>Main Line Circuit Breaker</td>
<td>70 Amp</td>
<td>100 Amp</td>
</tr>
<tr>
<td>Phase</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Number of Rotor Poles</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Rated AC Frequency</td>
<td>60 Hz</td>
<td>60 Hz</td>
</tr>
<tr>
<td>Power Factor</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Battery Requirement (not included)</td>
<td>12 Volts, Group 26R S40CCA Minimum or Group 35AGM 650CCA Minimum</td>
<td></td>
</tr>
<tr>
<td>Unit Weight (lb/kg)</td>
<td>406/186</td>
<td>449/203</td>
</tr>
<tr>
<td>Dimensions (L x W x H) in/mm</td>
<td>48 x 23 x 291/12 x 638 x 732</td>
<td></td>
</tr>
</tbody>
</table>

Sound output in dB(A) in 23 ft (7 m) with generator operating at normal load:**

| | 65 | 56 | 67 |

Sound output in dB(A) in 23 ft (7 m) with generator in Quiet-Test® low-speed exercise mode: **

| | 58 | 58 | 58 |

Exercise duration 5 min | 5 min | 5 min |

### Type of Engine

- **Number of Cylinders:** 2
- **Displacement:** 999 cc
- **Cylinder Block:** Aluminum Wi Cast Iron Sleeve
- **Valve Arrangement:** Overhead Valve
- **Ignition System:** Electronic
- **Governor System:** Solid-state w/Magneto
- **Compression Ratio:** 9:1:1
- **Oil Capacity Including Filter:** Approx. 1.9 qft. 1.8 L
- **Operating rpm:** 3,500
- **Fuel Consumption:** Natural Gas: 1/2 Load 218 (6.17) 204 (5.75) 216 (6.12)
- **Liquid Propane:** 309 (8.75) 301 (8.52) 310 (8.78)

### Fuel Consumption

- Natural Gas: 1/2 Load 218 (6.17) 204 (5.75) 216 (6.12)
- Liquid Propane: 309 (8.75) 301 (8.52) 310 (8.78)

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**Note:** Fuel pipe must be sized for full load. Required fuel pressure to generator fuel inlet at all load ranges — 3.5-7 water column (7.13 mm mercury) for natural gas, 10-12 water column (29-33 mm mercury) for LP gas. For Btu content, multiply Btu/hr x 2,500 (LP) or Btu/hr x 1,000 (NG). For Kegajoules content, multiply mahr x 9.315 (LP) or mahr x 31.25 (NG)

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2-Line Plain Text / Multilingual LCD Display

- **Mode Buttons:** Auto, Manual, Off
- **Ready to Run/Maintenance Messages:** Engine Run Hours Indication, Programmable start delay between 2-1500 seconds, Utility Voltage Loss / Return to Utility Adjustable (Brownout Setting), Future Set Capable Exercise / Exercise Set Error Warning, Run/Alarm/Maintenance Logs
- **Engine Start Sequence:** Smart Battery Charger, Charger Fault/Failure AC Warning, Low Battery/Battery Problem Protection and Battery Condition Indication, Automatic Voltage Regulation with Over and Under Voltage Protection, Under-Frequency/Overload/Stopper Overcurrent Protection, Safety Fused/Fuse Problem Protection, Automatic Low Oil Pressure/High Oil Temperature Shutdown, Overspeed/Overload (72 Hz)/Improve Sense Loss Shutdown, High Engine Temperature Shutdown, Internal Fault/Incorrect Wiring Protection, Common External Fault Capability, Field Upgradable Firmware

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**Simple user interface for ease of operation.**

**Start with station control, until stays on. If utility fails, transfer to load takes place.**

**Steps until Power is removed. Cancel and charge still operate.**

**Standard**

**Standard (programmable by dealer only)**

- From 143-171 W190-215 V
- 50 Events Each
- Cyclic cranking: 16 sec on, 7 sec rest (90 sec maximum duration).
- Starter cannot re-engage until 5 sec after engine has stopped.

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*Sound levels are taken from the front of the generator. Sound levels taken from other sides of the generator may be higher depending on Intake parameters. Rating definitions - Standard: Applicable for supplying emergency power for the duration of the utility power outage. Maximum load capability is available for this rating. All ratings in accordance with ANSI/NEMA MG1-1 and MG1-7. Maximum wind speed and air temperature are subject to limitations by such factors as load, ambient temperature, altitude, engine power and condition, etc. Maximum power decreases at 3.5 percent for each 1,200 ft (360 m) increase above sea level, and also will decrease about 1 percent for each 6°F (3°C) above 80°F (30°C).*
16/20/22 kW

**Limited Circuits Switch Features**
- 16 circuits, breakers not included.
- Electrically operated, mechanically-held contacts for fast, positive connections.
- Rated for all classes of load, 100% equipment rated, both inductive and resistive.
- 2 pole, 250 VAC contactors.
- 30 millisecond transfer time.
- Dual coil design.
- Rated for both copper and aluminum conductors.
- Main contacts are silver plated or silver alloy to resist welding and sticking.
- NEMA/UL 3R aluminum outdoor enclosure allows for indoor or outdoor mounting flexibility.
- Multi listed for use with 1" standard, tandem, GFCI and AFCI breakers from Siemens, Murray, Eaton and Square D for the most flexible and cost-effective install.

**Dimensions**

<table>
<thead>
<tr>
<th>Height</th>
<th>Width</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26.75</td>
<td>30.1</td>
<td>10.5</td>
</tr>
<tr>
<td>mm</td>
<td>679.4</td>
<td>764.3</td>
</tr>
</tbody>
</table>

**Wire Ranges**

<table>
<thead>
<tr>
<th>Conductor Lug</th>
<th>Neutral Lug</th>
<th>Ground Lug</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/0 - #14</td>
<td>2/0 - #14</td>
<td>2/0 - #14</td>
</tr>
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</table>

**Service Rated Smart Switch Features**
- Includes Digital Power Management Technology standard (DPM).
- Intelligently manages up to four air conditioner loads with no additional hardware.
- Up to four more large (240 VAC) loads can be managed when used in conjunction with Smart Management Modules (SMMs).
- Electrically operated, mechanically-held contacts for fast, clean connections.
- Rated for all classes of load, 100% equipment rated, both inductive and resistive.
- 2 pole, 250 VAC contactors.
- Service equipment rated, dual coil design.
- Rated for both aluminum and copper conductors.
- Main contacts are silver plated or silver alloy to resist welding and sticking.
- NEMA/UL 3R aluminum outdoor enclosure allows for indoor or outdoor mounting flexibility.

**Dimensions**

<table>
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<tr>
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<th>Width</th>
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<tr>
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<td>26.75</td>
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**Switch Options**

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<tr>
<th>Model</th>
<th>GD07036-0 (16 kW)</th>
<th>GD07039-0 (20 kW)</th>
<th>GD07043-0 (22 kW)</th>
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<tr>
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<td>120/240, 18</td>
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<td>Utility Voltage Monitor (Fixed)*</td>
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<td>-Pick-up</td>
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<tr>
<td>-Dropout</td>
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<tr>
<td>Return to Utility*</td>
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<tr>
<td>Exercised bi-weekly for 5 minutes*</td>
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<tr>
<td>UL Listed</td>
<td>Standard</td>
<td>Standard</td>
<td>Standard</td>
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<tr>
<td>Total Circuits Available</td>
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<tr>
<td>Tandem Breaker Capabilities</td>
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<td>Circuit Breaker Protected</td>
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<td>Available RMS Symmetrical Fault Current (250 V)</td>
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*Function of Evolution Controller.
Exercise can be set to weekly or monthly.
16/20/22 kW

**Model #** | **Product** | **Description**
---|---|---
G005633-0 | Mobile Link™ | Generac’s Mobile Link allows you to check the status of your generator from anywhere that you have access to an Internet connection from a PC or with any smart device. You will even be notified via e-mail or text message when a change in the generator’s status occurs. Available in the U.S. only.

G005819-0 | 24R Wet Cell Battery | Every standby generator requires a battery to start the system. Generac offers the recommended 24R wet cell battery for use with all air-cooled standby product (excluding PowerPact®).

G007101-0 | Battery Pad Warmer | The pad warmer rests under the battery. Recommended for use if the temperature regularly falls below 0°F. (Not necessary for use with AGM-style batteries).

G007102-0 | Oil Warmer | Oil warmer slips directly over the oil filter. Recommended for use if the temperature regularly falls below 0°F.

G007103-0 | Breather Warmer | The breather warmer is for use in extreme cold weather applications. For use with Evolution controllers only in climates where heavy icing occurs.

G005821-0 | Auxiliary Transfer Switch Contact Kit | The auxiliary transfer switch contact kit allows the transfer switch to lock out a single large electrical load you may not need. Not compatible with 50 amp pre-wired switches.

G007027-D - Bisque | Fascia Base Wrap Kit (Standard on 22 kW) | The fascia base wrap snaps together around the bottom of the new air cooled generators. This offers a sleek, contoured appearance as well as offering protection from rodents and insects by covering the lifting holes located in the base.

G005703-D - Bisque | Paint Kit | If the generator enclosure is scratched or damaged, it is important to touch-up the paint to protect from future corrosion. The paint kit includes the necessary paint to properly maintain or touch-up a generator enclosure.

G006485-0 | Scheduled Maintenance Kit | Generac’s scheduled maintenance kits provide all the hardware necessary to perform complete routine maintenance on a Generac automatic standby generator.

G008873-0 | Smart Management Module (50 Amps) | Smart Management Modules are used in conjunction with the Automatic Transfer Switch to increase its power management capabilities. It provides additional power management flexibility not found in any other power management system.

---

**dimensions & UPCs**

Dimensions shown are approximate. Refer to installation manual for exact dimensions. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.

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<td>G007043-0</td>
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</table>

©2016 Generac Power Systems, Inc. All rights reserved. All specifications are subject to change without notice. Part No. 1095000154-0 12/24/16
Berkley Zoning Board of Appeals
Dimensional (non-use variance) Request

Case No. BA_____-______ Date: ______________________

Has the applicant met his/her burden in demonstrating that the request meets ALL of the standards as follows? (circle YES or NO)

YES NO 1. The need for the variance is due to unique circumstances or physical conditions of the property.

   YES NO Are the physical dimensions substantially different from other properties in the district? (size, shape…)

   YES NO Are there any physical anomalies associated with the property? (a river, a mountain…)

   YES NO -

The standard has been met because____________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

YES NO 2. The need for the variance is not the result of actions of the property owner or previous property owners.

   YES NO Did the property satisfy the ordinance prior to action by the applicant?

   YES NO Did the owner or previous owner create the unique conditions presented in support of the variance?

   YES NO -

The standard has been met because____________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

YES NO 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.

   YES NO Requirements create an unbuildable lot or prevent the use

   YES NO Requirements prevent a fully compliant building/structure (unnecessary burden)

   YES NO - Not merely an inconvenience

   YES NO -

The standard has been met because____________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
Berkley Zoning Board of Appeals
Dimensional (non-use variance) Request

Case No. BA____ -____ Date: ____________________

YES NO 4. The requested variance is the minimum variance necessary to do substantial just to applicant as well as other property owners.
YES NO Granting a variance is fair to both applicant and neighbors
YES NO Allows applicant to do something others are typically allowed
YES NO If relief is warranted, minimize number and extent of variances within reason – don’t grant 10’ if 5’ is reasonable.
YES NO -
The standard has been met because
________________________________________________________________________
________________________________________________________________________

YES NO 5. The requested variance will not adversely impact the surrounding properties.
YES NO Disrupt access to light and air
YES NO Interfere with development or continued use
YES NO Public safety concerns
YES NO -
The standard has been met because
________________________________________________________________________
________________________________________________________________________

Other considerations:
- Conditions may be attached to any affirmative decision
- Situation likely to often encounter?
- Not compromise intent & purpose of Zoning Ordinance
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: '019.

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: John Barbak
Address: 1405 Franklin Rd
Berkley, MI 48072

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

OWNED

PROPERTY OWNER:
Name: _____________________________ Phone: _____________________________

Property Owner Address: _____________________________

PROPERTY DESCRIPTION:
Address: 1405 Franklin Rd, Berkley, MI 48072

Lot & Subdivision: _____________________________

Current Zoning Classification: Residential

VARIANCE REQUEST:
Description of Request: Whole House Generator on Side of House

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.
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 PROPERTY OWNERS DOES CAUSE THE FOR A VARIANCE

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

UNABLE TO COMPLY DUE TO FLOODING

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

UNIT COULD NOT BE PLACED ANYWHERE

The requested variance will not adversely impact the surrounding properties because

QUIET UNIT NOISE WILL NOT IMPACT ANYONE

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

Office Use Only
Date Application Received: 08/18 Fee: 300
Hearing Date: 07/09/18 Case Number: DZA-05-18
Zoning Board of Appeals Decision: 
THE CITY OF BERKLEY
Building Department
3338 Coolidge, Berkley, Michigan 48072
(248) 658-3519

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, July 9, 2018 at 7:30PM or as near thereto as the matter may be reached.

Application Number: PBA-06-18

JOHN C BARBUSHAK JR & WF, 1405 Franklin Rd., south side of Franklin Rd., between Cass Blvd and Woodward Ave., is requesting a variance to install a generator in a side yard.

Berkley City Code

Berkley City Code, Chapter 139 Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures, Section 139-53 Yard Location. Accessory buildings or structures shall not be erected in any yard, except a rear yard.

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 7:20 p.m. on the date of the Public Hearing.

TIMOTHY MCLEAN
COMMUNITY DEVELOPMENT DIRECTOR

Published On:
The Daily Tribune/Oakland Press
Sunday, June 17, 2018
Occupant
1349 FRANKLIN RD
BERKELEY MI 48072 2171

Occupant
1449 WILSHIRE RD
BERKELEY MI 48072 2139

Occupant
1308 DOROTHEA RD
BERKELEY MI 48072 2149

Occupant
1307 FRANKLIN RD
BERKELEY MI 48072 2171

Occupant
1363 WILSHIRE RD
BERKELEY MI 48072 2137

Occupant
1455 DOROTHEA RD
BERKELEY MI 48072 2158

Occupant
1350 DOROTHEA RD
BERKELEY MI 48072 2149

Occupant
1406 FRANKLIN RD
BERKELEY MI 48072 2170

Occupant
1459 DOROTHEA RD
BERKELEY MI 48072 2158

Occupant
1456 DOROTHEA RD
BERKELEY MI 48072 2157

Occupant
2750 CASS BLVD
BERKELEY MI 48072 2102

Occupant
1343 WILSHIRE RD
BERKELEY MI 48072 2137

Occupant
1490 DOROTHEA RD
BERKELEY MI 48072 2157

Occupant
1363 FRANKLIN RD
BERKELEY MI 48072 2171

Occupant
1305 WILSHIRE RD
BERKELEY MI 48072 2137

Occupant
1378 DOROTHEA RD
BERKELEY MI 48072 2149

Occupant
1335 FRANKLIN RD
BERKELEY MI 48072 2171

Occupant
1369 DOROTHEA RD
BERKELEY MI 48072 2160

Occupant
1440 DOROTHEA RD
BERKELEY MI 48072 2167

Occupant
1392 DOROTHEA RD
BERKELEY MI 48072 2149

Occupant
1440 FRANKLIN RD
BERKELEY MI 48072 2170

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CITY OF BERKLEY
ZONING BOARD OF APPEALS
RULES OF PROCEDURE

SECTION ONE – AUTHORITY

The City of Berkley Zoning Board of Appeals (hereinafter referred to as the ZBA) adopts these rules of procedure pursuant to the Michigan Zoning Enabling Act, MCL 125.3101 et seq., as amended and the ordinances of the City of Berkley (as amended).

SECTION TWO - MEMBERSHIP

(1) Membership. Members shall be appointed according to the procedure as established in Berkley ordinances. The ZBA shall consist of seven regular members and the City Council shall appoint two alternates members. An alternate member may be called as specified in the zoning ordinance to serve and vote as a member of the ZBA in the absence of a regular member. An alternate member may also be called to serve as a member for purposes of reaching a decision on a case in which a member has abstained for reasons of conflict of interest.

a) Training. Each member is expected to attend a minimum of 4 hours of training every 3 years.

b) Materials. Upon taking office for the first time, each member shall receive and maintain the following written materials to be provided by the zoning officer (staff):

- A copy of these rules and procedures.
- Chapter 2 - Section 40 (Ethics), Chapter 94 (Signs) and Chapter 138 (Zoning) of the Berkley ordinances. The zoning officer shall provide updated materials when available.
- Any other materials deemed necessary by the zoning officer and approved by the Chair of the ZBA to familiarize a new member with the appeals process and the duties of the ZBA.

(2) Duties.

a) Attendance. Each regular and alternate member has a duty to attend all meetings except for good cause.

b) Arrive prepared for the business at hand, having reviewed written materials and done site visits as necessary to be educated on the agenda issues.

c) Ex Parte Contact. Members shall avoid Ex Parte contact concerning questions or matters pending before the ZBA.

d) Ex Parte Contact shall include discussions among members, applicants, or the public outside of a ZBA meeting, including emails, about matters pending before the ZBA.

ZBA Rules of Procedure 2016
SECTION THREE - MEETINGS

(1) Notices. Notice of meetings shall be provided in accordance with the Open Meetings Act. The notice shall include the date, time and place of the meeting.
   a) The zoning officer shall notify all members of the ZBA, including regular and alternate members, 15 days prior to a scheduled public hearing, that a meeting is scheduled. Notice to members shall be by mail, phone or by e-mail.
   b) Prior to the scheduled meeting date, the zoning officer shall provide the agenda for the meeting and all documentation relevant to agenda items as well as any other information requested by the ZBA.

(2) Regular Meetings. Regular meetings of the ZBA shall be held monthly in the City Hall on the second Monday of every month at 7:30 p.m.
   a) If there are no appeals, requests for variances or requests for interpretation of the zoning ordinance to consider, a regular meeting shall be postponed to the next (otherwise) regular meeting date when there are such requests to consider. All other business shall be held over to the agenda for the next regular meeting.
   b) When a regular meeting date falls on or near a legal holiday, the ZBA shall select a suitable alternate date in the same month, if possible, in accordance with the Open Meetings Act.

(3) Other Meetings. A special meeting can also be called by the zoning officer, the Chair of the ZBA, or, in the Chair’s absence, the Vice-Chair.

(4) Membership. Any changes in Board membership will be announced prior to roll call.

(5) Quorum. In order for the ZBA to conduct business or take any official action, a quorum consisting of 4 voting members of the ZBA must be present unless a use variance is under consideration, in which case, a quorum shall be 5 voting members present. When a quorum is not present, no official action, except for closing of the meeting may take place. All items scheduled to be heard, shall be rescheduled for the next regular meeting. No additional public notice shall be required provided the date, time and place are announced at the meeting.

(6) Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and ordinance cited in Section 1.

Public hearings conducted by the ZBA shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- Introduction of case by staff.
- The Chair confirms that the applicant is present and receives an opportunity to present the case.
- The Chair opens discussion. The ZBA may ask the applicant or staff questions.
- The Chair opens the public hearing. Each person must state his/her name and address for the record and may address the ZBA regarding the case for a reasonable period of time. The Chair may set a time limit and/or invite people to speak row by row to eliminate lines at the microphone.
- The Chair closes the public hearing.
- Discussion. The ZBA may ask staff or the applicant questions.
• The Chair shall call for a motion.
• After a motion has been made and supported, there may be additional discussion.
• The Chair will call for a roll call vote.

(7) **Motions.** The Chair shall restate motions before a vote is taken. The name of the maker and supporters shall be recorded. The motion shall state whether or not a practical difficulty or undue hardship has been found. The reasons for such a finding shall also be stated.

(8) **Voting.** The concurring vote of 2/3's of the ZBA members shall be required for the approval of a use variance. The concurring vote of a simple majority of the ZBA members shall be required to reverse an order, requirement, decision, or determination of the zoning officer to approve a non-use variance, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the zoning ordinance, and for all other business. Voting shall be by roll call unless the Chair decides another method of voting would be appropriate. All members of the ZBA, including the Chair shall vote on all matters except as provided below. The order of the voting members shall be varied.

a) No member shall abstain from voting on any matter except in the case of a conflict of interest as provided below in Section 3 (12) of these rules.

(9) **Conditions.** The ZBA may modify a request or impose reasonable conditions designed to maintain the public health, safety and welfare.

(10) **Withdrawals.** In the event that an applicant withdraws an application after the notices have been sent and the meeting posted, the ZBA shall introduce the case and advise that the item has been withdrawn. A motion to accept the withdrawal will be entered. In the event that an applicant withdraws an application before the notices have been sent and the meeting posted, the ZBA shall receive a copy of the withdrawal, but no motion to accept the withdrawal shall be necessary.

(11) **Dismissals.** When the petitioner fails to appear at a properly scheduled meeting of the ZBA, the Chair may entertain a motion to dismiss the case for want of prosecution. In the absence of a motion, the Chair shall rule. In such cases, the petitioner will be furnished written notice of the action.

(12) **Conflict of Interest.** Per City of Berkley Code Section 2- 40 (Ethics), A ZBA member shall declare a possible conflict of interest and reasons for such, after the introduction of a case. The ZBA shall discuss and determine if such a conflict exists. Fellow ZBA members shall make and support a motion to excuse the ZBA member from deliberating. The excused member shall leave the meeting room during deliberation of the case. An alternate member may be called to serve as a member for the purpose of reaching a decision on the case. The excused ZBA member shall be called back prior to the introduction of the next case. In the event that the ZBA member is the applicant, then he shall be allowed to remain in the meeting to present his case.

a) Failure of a member to disqualify himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(13) **Order of Business.** A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:

• Open the meeting – call meeting to order, confirm recorder, if any, is on
• Pledge of Allegiance
• Roll Call
• Confirmation of a Quorum
• Approval of Agenda
• Approval of Minutes – Each set of minutes shall be approved individually
• Old Business – Items that have been postponed or referred to staff
• New Business
• Other Business – Administration or ZBA members may discuss upcoming items or interpretation concerns unrelated to agenda items
• Liaison Reports
• Public Comments
• Adjourn

(14) Rules of Order. All meetings of the ZBA shall be conducted in accordance with generally accepted parliamentary procedure, as governed by the most current edition of “Robert’s Rules of Order, Newly Revised.”

(15) Notice of Decision. The City shall send a copy of the approved minutes containing the ZBA decision and any conditions to the petitioner within five days of the minutes being approved.

SECTION FOUR – OFFICERS

(1) Selection. Annually, at the July meeting, the ZBA shall select by majority vote from its membership, a chair and vice-chair. Officers shall be eligible for re-election. If there is no July meeting, then the officers shall be elected no later than a September meeting.

(2) Duties. A chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. If the Chair is not able to chair a meeting or portion of a meeting, the Vice-Chair shall act in place of the chair for that meeting or portion of meeting.
   a) The Vice-Chair shall act in the capacity of the chair and shall succeed to the office of chair in the event of a vacancy in that office.
   b) If there is a vacancy in the office of vice-chair for whatever reason, the ZBA shall select a successor to the office of vice-chair at the earliest practicable time.
   c) The zoning officer (from the Building Department of the City of Berkley) shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports and related items of business of the ZBA, issuing notices of public hearings and performing related administrative duties to assure efficient and informed ZBA operations.

(3) Tenure. The officers shall take office at the next meeting after their election. They shall hold their offices until their successors are elected and assume office.

SECTION FIVE – MINUTES

The minutes shall contain a synopsis of the meeting including a complete restatement of all motions and recording of votes; a complete statement of the conditions or recommendations made on any action; and recording attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk.
SECTION SIX – OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

(1) All meetings of the ZBA shall be opened to the public and held in a place available to the general public.

(2) All deliberations and decisions of the ZBA shall be made at a meeting open to the public.

(3) A person shall be permitted to address a hearing of the ZBA under the rules established in section 3 (6) and to address the ZBA concerning non-hearing matters under the rules established under section 3 (13) to the extent that they are applicable.

(4) A person shall not be excluded from a meeting of the ZBA except for breach of the peace committed at the meeting.

(5) All records, files, publications, correspondence, and other materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

SECTION SEVEN – ANNUAL REVIEW

These rules of procedures shall be reviewed annually, at the July meeting, or if there is no July meeting, no later than the September meeting.

Care shall be taken to insure that these rules shall not conflict with any federal or state law or City of Berkley ordinance; however, if any such conflict exists, then the federal or state law or city ordinance shall override these rules, but only to the extent of such conflict.

SECTION EIGHT – AMENDMENTS

These rules may be amended by the ZBA by a concurring vote pursuant to section 3 (8) during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.