PUBLIC NOTICE
City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Tuesday, November 13, 2018
7:00 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 October 8, 2018

ITEMS FOR THE AGENDA

1. APPLICATION NUMBER PBA-09-18
   Theosophical Society—27745 Woodward Ave, Lot 312 Exe E 69.69 ft, Larkmoor Blvd Subdivision, Parcel ID: 25-17-431-028, is requesting a variance to install a sign on the building not fronting a street.

2. APPLICATION NUMBER PBA-10-18
   Z2 Properties, LLC—2600 W. Twelve Mile Rd, Lots 143 through 147 inclusive, St John Woods Subdivision, Parcel ID: 25-07-478-043, is requesting variances to place signage on an awning not fronting a street and to install a second sign on the side of the building fronting Twelve Mile Rd.

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, OCTOBER 8, 2018 AT THE PUBLIC SAFETY BUILDING BY CHAIR EVANS. UNOFFICIAL MINUTES

PRESENT:  Steve Allen  Ryan Gesund  Paul Evans
          Mike Kerby  Joe Krug (alternate seated at 7:35PM)

ALSO PRESENT:  Timothy McLean, Community Development Director
                Paul Deters, Metro Detroit Signs
                Tim Jones, Metro Detroit Signs
                Alex Gilbert, Signorama
                Mike Stevens, Signorama

**********

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

AYES:  Allen, Gesund, Kerby, Evans

NAYS:  None

Motion Carried.

**********

APPROVAL OF MINUTES
It was moved by Mr. Allen to approve the minutes of September 10, 2018, and supported by Mr. Kerby.

AYES:  Gesund, Kerby, Allen, Evans

NAYS:  None

Motion Carried.

**********

1. PBA-06-18—1865 Coolidge: The applicant is requesting a variance to re-face a non-conforming monument sign

Community Development Director McLean gave a brief summary of the variance request. The existing monument sign became non-conforming when the City rezoned several properties from Local Business District to Gateway District. The applicant is seeking a variance to reface the existing monument sign.

Mr. Allen asked about the existing wall sign.
Mr. Kerby asked if the applicant would have to request a variance every time they seek to reface a non-conforming sign.

Mr. McLean confirmed that under the current ordinance, this would be the case. Mr. McLean cited Sec.94-12(2) of the Berkley City Code.

Mr. Allen stated that the property to the south of 1865 Coolidge just went through site plan review and also had a non-conforming monument sign. Mr. Allen stated that the applicant for that site plan indicated that they would remove the existing monument sign rather than seek a variance.

Chair Evans asked if the setback requirements had changed when properties were rezoned from Local Business District to Gateway District.

Paul Deters (applicant) stated that they propose only to reface the sign with no increase to the existing non-conformity.

Chair Evans disclosed that in his role as a Planner with the City of Troy he has worked with Mr. Deters. Chair Evans stated that Mr. Deters has applied for sign permits in Troy and that the interactions were strictly on a professional basis. Chair Evans stated that this would not affect his ability to remain impartial.

ZBA Members agreed that there was no conflict of interest.

Chair Evans asked Mr. Deters if there were any alternatives to the monument sign. He suggested an additional wall sign.

Mr. Deters stated that the gabled roof on the building does not make an additional wall sign practical.

Chair Evans opened the Public Hearing at 7:50PM

No comments during the Public Hearing

Chair Evans closed the Public Hearing at 7:50PM

Discussion
Mr. Gesund stated that the monument sign is easier to see from the road. He stated that the building is harder to see and that the monument sign is more suitable to the building.

Mr. Allen stated that the existing hedgerow makes the building difficult to see.

Mr. Krug stated that the building to the north of 1865 Coolidge is very close to the sidewalk.

Chair Evans listed the items on the Practical Difficulty Test and how it applies to this case. Chair Evans asked Mr. McLean about sign ordinance changes over the years.

Mr. McLean responded that the sign ordinance has been revised several times in the last fifteen
years. Definitions have changed, permitted signs have changed.

It was moved by Mr. Kerby and seconded by Mr. Krug to approve BA-06-18 on the grounds that a practical difficulty had been proven. Chair Evans offered an amendment to the motion that the monument sign be considered the second sign under Sec.94-7(a) of the Berkley City Code. Mr. Kerby and Mr. Krug concurred with the proposed amendment.

AYES: Gesund, Kerby, Allen, Krug, Evans
NAYS: None

Motion Carried.

2. **PBA-07-18—2088 Catalpa: APPLICATION WITHDRAWN PRIOR TO MEETING.**

3. **PBA-08-18—2448 Coolidge:** The applicant is requesting a variance for a pole sign that does not meet existing setback requirements.

Community Development Director McLean gave a brief summary of the variance request. The applicant is seeking to install a new sign on an existing pole that does not meet current setback requirements. By ordinance, a pole sign must be setback a minimum of five feet from the property line. The existing pole is two feet from the property line. Mr. McLean stated that the property owner received a variance from the ZBA in 1985 that allowed two signs on one side of street frontage. However, the sign was now non-conforming due to setback requirements. McLean also pointed out what appeared to be contradictory language in Sec.94-11(d)(1) that states a setback requirement of three feet for pole signs.

Chair Evans stated that he believes Sec.94-11(d)(1) was a general requirement whereas Sec.94-7(d) requiring five feet was a specific requirement for the Coolidge District.

Mr. Kerby asked about the number of times the sign ordinance has changed.

Mr. McLean stated that the sign ordinance has changed several times just in the last fifteen years.

Mike Stevens (applicant) stated that they would like to use the existing pole for the new sign.

Chair Evans disclosed that in his role as a Planner with the City of Troy he has worked with Mr. Stevens. Chair Evans stated that Mr. Stevens has applied for sign permits in Troy and that the interactions were strictly on a professional basis. Chair Evans stated that this would not affect his ability to remain impartial.

ZBA Members agreed that there was no conflict of interest.

Mr. Stevens confirmed that the proposed sign meets the requirements for height and size.

Alex Gilbert (applicant) stated that a previous pole sign had been struck by a vehicle on the property.
Chair Evans asked the applicant if the existing pole could be moved so that it is compliant with existing requirements.

Mr. Stevens stated it could be done, but not without considerable work and expense. Mr. Stevens also stated that according to property lines on GIS, the existing pole may be compliant.

**Chair Evans opened the Public Hearing at 8:18PM**

No comments during the Public Hearing

**Chair Evans closed the Public Hearing at 8:18PM**

**Discussion**

Chair Evans stated that the variance in 1985 allows for the pole sign fronting Coolidge. Changes in the sign ordinance over the years regarding setback requirements have rendered the existing pole non-conforming.

Mr. Kerby stated that property lines determined through GIS are often inaccurate. Mr. Kerby asked about a scenario where, if the variance is approved and the pole sign is damaged, if the applicant would have to seek a new variance.

Mr. McLean stated that the applicant would not have to seek a variance if BA-08-18 is approved.

Chair Evans applied the Practical Difficulty test to this case. He also stated that without a survey, it is difficult to know the exact property lines.

**It was moved by Mr. Allen and seconded by Mr. Krug to approve BA-08-18 on the grounds that a practical difficulty had been proven. Conditions of approval is that the two signs facing Coolidge count as the maximum allowed by ordinance.**

**AYES:** Gesund, Kerby, Allen, Krug, Evans

**NAYS:** None

**STAFF COMMENTS**

N/A

**BOARD COMMENTS**

N/A

**PUBLIC COMMENTS**

N/A

With no further business, Chair Evans adjourned the meeting at 8:25 PM.
**MEMORANDUM**

**TO:** City of Berkley—Zoning Board of Appeals  
**FROM:** Timothy McLean—Community Development Director  
**DATE:** November 5, 2018  
**RE:** Report for PBA-09-18

<table>
<thead>
<tr>
<th>APPLICANT:</th>
<th>Theosophical Society</th>
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<tbody>
<tr>
<td>LOCATION:</td>
<td>27745 Woodward Ave, Parcel ID: 25-17-431-028</td>
</tr>
<tr>
<td>REQUEST:</td>
<td>The applicant is requesting a variance to install a sign on the building not fronting a street.</td>
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<tr>
<td>REQUIRED:</td>
<td>Berkeley City Code, Chapter 94, Signs, Sec.94-7(a) Number permitted. For each side of street frontage, one sign requiring a permit shall be permitted.</td>
</tr>
<tr>
<td>EXISTING ZONING/LAND USE:</td>
<td>Woodward Business District (WB)/Personal Service/Retail</td>
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**SURROUNDING ZONING / LAND USE:**

<table>
<thead>
<tr>
<th></th>
<th>NORTH</th>
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<tr>
<td></td>
<td>Woodward Business/Parking for restaurant</td>
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<table>
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<tr>
<th>WEST</th>
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<th>EAST (Royal Oak side of Woodward Ave) General Business/Business</th>
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<tbody>
<tr>
<td>R-1D/Single-Family Residence</td>
<td><img src="" alt="Diagram" /></td>
<td><img src="" alt="Diagram" /></td>
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<tr>
<th></th>
<th>SOUTH</th>
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<tr>
<td></td>
<td>Woodward Business/Business</td>
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</tbody>
</table>
DISCUSSION:
The property owner at Theosophical Society (27745 Woodward Ave.) is proposing to install a wall sign on the north wall of the building. Sec 94-7(a) of the Berkley City Code states: For each side of street frontage, one sign requiring a permit shall be permitted. There is an existing wall sign on the side of the building fronting Woodward Ave. The north wall of the building does not front a street and would require a variance.

The size of the proposed wall sign on the north wall would be 8’x4’ (32 square feet). By ordinance, the size of a wall sign may be 10% of the adjoining wall; up to 100 square feet. The proposed sign is consistent with the permitted size of wall signs in the Woodward Business District.

In April 1993, the Zoning Board of Appeals granted a variance to the Theosophical Society (BA-10-93) for a wall sign on the north wall of the building. This was discovered upon researching property history at this location. Immediately, staff questioned whether or not the applicant would have to apply for a variance since a variance was granted under similar circumstances in 1993. After consulting with the City Attorney and current ZBA Chair, it was determined that it is necessary for the applicant to apply for a variance with the new proposed wall sign. These are the reasons why:

- The Zoning Board of Appeals granted a variance in 1993 for a wall sign on a building not fronting a street that was 7 square feet in size.
- At some point over the years, the wall sign was removed and never replaced. Effectively, the non-conformity that had been approved by the Zoning Board of Appeals was removed. The applicant could not recall the exact year the sign had been removed, but indicated it had been at least two years.
- The size of the proposed wall sign today is 32 square feet. This is a considerably larger sign than had been previously approved in 1993. The applicant is seeking a variance for a new non-conformity that is larger than what was previously allowed.

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.

Please see the attached practical difficulty test.
Berkley Zoning Board of Appeals
Dimensional (non-use variance) Request

Case No. BA-09-18

Date: November 13, 2018

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-09-18                        Date: November 13, 2018

YES NO  4. The requested variance is the minimum variance necessary to do substantial just to
applicants 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: 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: Mary Jo Kondo
Address: 1844 Terry Ave, Royal Oak 48073

Relationship to Property (current tenant, representative, future tenant, future owner, owner)
President of theosophical Society

PROPERTY OWNER:
Name: Theosophical Society
Address: 27745 Woodward, Berkley 48072

PROPERTY DESCRIPTION:
Address: 27745 Woodward, Berkley 48072
Lot & Subdivision:
Current Zoning Classification: Current Use of Property:

VARIANCE REQUEST:
Description of Request: We would like a sign on the north wall which faces the parking lot or vine into a garage
From the City of Berkley Code, Chapter Section
Has the City refused a permit for the request? Yes

GROUNDS 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 name is on the front of the building but can’t be seen from the north. The need for the variance is not the result of actions of the property owner or previous property owners because.

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 people unfamiliar with our building can’t find it with driving southern woodward. The requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners because there is no identification with public wall or people searching for our unit find us.

The requested variance will not adversely impact the surrounding properties because our north side faces victorian parking lot.

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: 10-6-18

Office Use Only
Date Application Received: 10-11-18 Fee: 300.00 Receipt Number: ______________________
Hearing Date: 11-13-18 Case Number: PBA-09-18
Zoning Board of Appeals Decision: ______________________
THE CITY OF BERKELEY
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 Tuesday, November 13 at 7:00 p.m. or as near thereto as the matter may be reached.

Application Number PBA-09-18

Theosophical Society, 27745 Woodward Ave., west side of Woodward Ave., between Eton Rd. and Oxford Rd., is requesting a variance to install a sign on the building not fronting a street.

Berkeley City Code:
Berkeley City Code, Chapter 94 Signs, Sec.94-7(a) - Signs Requiring Permits. For each side of street frontage, one sign requiring a permit shall be permitted.

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 Berkeley Building Department before 7:00 p.m. on the date of the Public Hearing.

TIMOTHY MCLANE
COMMUNITY DEVELOPMENT DIRECTOR

Published: October 28, 2018
**MEMORANDUM**

**TO:** City of Berkley—Zoning Board of Appeals  
**FROM:** Timothy McLean—Community Development Director  
**DATE:** November 5, 2018  
**RE:** Report for PBA-10-18

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<tr>
<th><strong>APPLICANT:</strong></th>
<th>Z2 Properties, LLC—Tootie &amp; Tallulah's</th>
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<tbody>
<tr>
<td><strong>LOCATION:</strong></td>
<td>2600 W. Twelve Mile Rd. Parcel ID: 25-07-478-043</td>
</tr>
<tr>
<td><strong>REQUEST:</strong></td>
<td>The applicant is requesting variances to place signage on an awning not fronting a street and to install a second sign on the side of the building fronting Twelve Mile Rd.</td>
</tr>
<tr>
<td><strong>REQUIRED:</strong></td>
<td>Berkley City Code, Chapter 94, Signs, Sec.94-7(a) Number permitted. For each side of street frontage, one sign requiring a permit shall be permitted.</td>
</tr>
<tr>
<td><strong>EXISTING ZONING/LAND USE:</strong></td>
<td>Gateway District (GD)/Gift &amp; Consignment Boutique</td>
</tr>
<tr>
<td><strong>SURROUNDING ZONING / LAND USE:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>NORTH</strong></td>
<td>R-1C/Single Family Residence</td>
</tr>
<tr>
<td><strong>WEST</strong></td>
<td>Gateway District/Business</td>
</tr>
<tr>
<td><strong>SOUTH</strong></td>
<td>Gateway District/Business</td>
</tr>
<tr>
<td><strong>EAST</strong></td>
<td>Gateway District/Business</td>
</tr>
</tbody>
</table>
DISCUSSION:
The property owner at Tootie & Tallulah's (2600 W. Twelve Mile Rd.) is seeking two variances for signs on the existing building. Sec 94-7(a) of the Berkley City Code states: *For each side of street frontage, one sign requiring a permit shall be permitted.* Currently there is an existing sign on the awning fronting Twelve Mile Rd. The applicant is seeking a variance to install a second sign on the front building façade. Additionally, the applicant is seeking a variance to place signage on the west elevation of the building that does not have street frontage.

The proposed second sign on the Twelve Mile Rd. frontage is a wall sign above the existing door. The proposed wall sign would be 7'x5' (35 square feet). By ordinance, the size of a wall sign may be 10% of the adjoining wall; up to 100 square feet. The size and proposed sign type is consistent with signs permitted by ordinance in the Gateway District.

The west elevation has an existing awning. As this side of the building does not contain street frontage, by ordinance, signage on the existing awning is not permitted. Awning signs are permitted in the Gateway District. The size of the proposed lettering on the awning is 3'10"x5'5" (20.739 square feet). The maximum sign area for awning signs is 10% of the adjoining wall; up to 100 square feet. The size of the proposed awning signage is consistent with what is permitted by ordinance.

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.

*Please see the attached practical difficulty test.*
Berkley Zoning Board of Appeals
Dimensional (non-use variance) Request

Case No. BA-10-18
Date: November 13, 2018

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
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 ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

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
7 ft. X 5 ft. LED lit box sign. Vinyl graphics. Attached to block building with 3” lag bolts.
WEST ELEVATION

4'6"

8'8"
off grade

13'8.5'
LETTERING -- 3'10" X 5'5" = 20.739 SQ FT
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:JOEY AND CLAUDIA	Phone:
Address: 2600 W. 12 MILE RD
Berkley

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

PROPERTY OWNER:
Name:ZAP PROPERTIES	Phone:
Property Owner Address: 510 SOUTH RD
Birmingham, MI 48009

PROPERTY DESCRIPTION:
Address: 2600 W. 12 MILE RD

Sidewell (Tax I.D. #): Lot & Subdivision:
Current Zoning Classification: Current Use of Property: Retail

VARIANCE REQUEST:
Description of Request: NEW ENTRANCE ON WEST SIDE OF THE BUILDING WOULD LIKE TO HAVE SIGNAGE ON THE NEW ADDING OVER THE DOOR

Has the City refused a permit for the request? YES

GROUNDS 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; size 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 need for the variance is not the result of actions of the property owner or previous property owners because

The requested variance will not adversely impact the surrounding properties because

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: 10/12/18

Office Use Only
Date Application Received: ______________________ Fee: ___________ Receipt Number: ___________
Hearing Date: ______________________ Case Number: ___________
Zoning Board of Appeals Decision: ______________________
THE CITY OF BERKELEY
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 Berkeley in the Council Chambers, 3338 Coolidge, Berkley, Michigan on Tuesday, November 13 at 7:00 p.m. or as near thereto as the matter may be reached.

Application Number: PBA-10-18

Z2 Properties, LLC, 2600 W. Twelve Mile Rd. north side of Twelve Mile Rd. between Kenmore Rd. and Cumberland Rd., is requesting variances to place signage on an awning not fronting a street and to install a second sign on the side of the building fronting Twelve Mile Rd.

Berkeley City Code
Section 94 Signs, Sec.94-7(a): Signs Requiring Permits. For each side of street frontage, one sign requiring a permit shall be permitted.

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 Berkeley Building Department before 7:00 p.m. on the date of the Public Hearing.

TIMOTHY McLEAN
COMMUNITY DEVELOPMENT DIRECTOR

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