PUBLIC NOTICE
City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Tuesday, August 10, 2021
7:00 PM – City Hall
Council Chambers
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
CONFIRMATION OF A QUORUM
APPROVAL OF AGENDA
APPROVAL OF MINUTES – Meeting Minutes of July 12, 2021

OLD BUSINESS
1. APPLICATION PBA-06-21; 3497 Tyler – Variance requests to Construct a Rear Addition on a Non-Conforming Dwelling that does not meet the required side yard setbacks, does not meet the minimum separation distance between dwellings and exceeds lot coverage.

   Jim Terbrueggen, on behalf of Scott Merian, 3497 Tyler, Parcel #25-07-451-034, west side of Tyler Ave north of Twelve Mile Rd, is requesting three (3) dimensional variances: 1) to construct an addition on a non-conforming structure that does not meet the required side yard setback; 2) to construct an addition on a non-conforming structure that encroaches into the required minimum 15 ft. separation distance; and, 3) the dwelling and garage improvements will exceed the maximum lot coverage.
   Request was tabled at July 12, 2021 regular meeting.

NEW BUSINESS
2. ELECTIONS
   Matter of electing a Chair and Vice Chair to the Zoning Board of Appeals.

OTHER BUSINESS
STAFF / BOARD MEMBER REPORT
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.

If you would like to Join Zoom Meeting: https://berkleymich.zoom.us/j/99706528278
Meeting ID: 997 0652 8278
Phone: +1 312 626 6799 US (Chicago)
You can also watch the meeting: http://www.berkleymich.org/livestream/zba_livestream.php
THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, JULY 12, 2021 BY CHAIR EVANS.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city’s government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen on-demand on the city’s YouTube channel: https://www.youtube.com/user/cityofberkley.

PRESENT:  Steve Allen  Ryan Gesund
          Sue McAlpine  Miles Uhlar
          Maria Ward  Paul Evans

ABSENT:  Joe Krug

ALSO PRESENT:  Scott Merian, 3497 Tyler
               James Terbrueggen, Grand Blanc, MI
               Rick Linneu, Keego Harbor, MI
               Lori Drouillard, 1260 Larkmoor
               Dean Smith, Berkley
               Erin Schlutow, Community Development Director
               Dennis Hennen, City Council Liaison

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APPROVAL OF AGENDA
It was moved by Mr. Allen to approve the agenda. Motion supported by Mr. Uhlar.

AYES:  Gesund, McAlpine, Uhlar, Ward, Allen, Evans
NAYS:  None
ABSENT:  Krug

MOTION CARRIED

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APPROVAL OF MINUTES
It was moved by Ms. Ward to approve the minutes of May 10, 2021, as presented. Motion supported by Ms. McAlpine.

AYES:  McAlpine, Uhlar, Ward, Allen, Gesund, Evans
NAYS:  None
ABSENT:  Krug

MOTION CARRIED
OLD BUSINESS

None.

NEW BUSINESS

1. **APPLICATION PBA-06-21; 3497 Tyler.** Variance requests to construct a rear addition on a non-conforming dwelling that does not meet the required sideyard setbacks, does not meet the minimum separation distance between dwellings and exceeds lot coverage.

   Community Development Director summarized her July 8, 2021 review letter. She also read the five standards of review by which the Zoning Board of Appeals shall hear variance requests.

   Homeowner Scott Merian summarized his desire and intent to return the dwelling to a single-family use.
   Engineer Jim Terbrueggen also noted that the homeowner wants to bring the use into conformity, but stated the need for additional living space in the home.

   Board members asked about the use of the dwelling since 2017, the state of the garage, the square footage of the existing dwelling and the area of what is being proposed, and the lot coverage. The homeowner explained that he is trying to clean up the property and make it livable for his family.

   Chair Evans opened the Public Hearing at 7:22pm.

   Dean Smith, Berkley MI, spoke about the size of the garage the homeowner requested. He also noted that the homeowner is proposing the addition straight back behind the existing house. He supported the desire to improve the home and preserving the existing character of the neighborhood.

   Chair Evans closed the Public Hearing at 7:25pm.

   The Board discussed the increase in the existing non-conformity and lot coverage.
   The Board discussed needing additional information on the plans in order to make a decision.
   The applicant noted possibility of being able to meet the 35% lot coverage.

   The Board discussed the setbacks and separation distance.

   Motion by Mr. Gesund in the matter of PBA-06-21 the request for variances to construct a rear addition on a non-conforming dwelling that does not meet the required sideyard setbacks, does not meet the minimum separation distance between dwellings and exceeds lot coverage, to be POSTPONED until the August 2021 meeting, so as the applicant and homeowner can make modifications to the existing plans.
   Motion supported by Ms. Ward.

   AYES: Uhlar, Ward, Allen, Gesund, McAlpine, Evans
   NAYS: None
2. **APPLICATION PBA-07-21; 1260 Larkmoor**, Variance requests to construct rear addition on a non-conforming dwelling that does not meet the minimum required sideyard setbacks and is located closer than 15 ft. from adjacent dwelling.

Community Development Director summarized her July 8, 2021 review letter. She also read the five standards of review by which the Zoning Board of Appeals shall hear variance requests.

Richard Linneu, 2804 Orchard Lake Road, Keego Harbor, MI spoke on behalf of the homeowner and summarized the request and the proposed design of the addition to the dwelling.

The Board asked questions related to the trees on the property.

Chair Evans opened the Public Hearing at 7:56pm.

Dean Smith, Berkley MI, spoke in support of the requested variance, noting it is a very small addition and how the request aligns with the standards of review.

Vice Chair McAlpine read the public comments submitted to the Building Department via email.

Matt Janke, 1278 Larkmoor, emailed a letter of approval for the requested variance at 1260 Larkmoor.

Jen Ivey, 1250 Larkmoor, emailed in support of the variances requested at 1260 Larkmoor.

Chair Evans closed the Public Hearing at 8:01pm.

The Board discussed the standards of review.

Motion by Ms. Ward – In the matter of PBA-07-21; 1260 Larkmoor, variance requests to construct a rear addition on a non-conforming dwelling that does not meet the minimum require sideyard setbacks and is located closer than 15 ft. from adjacent dwelling, Ms. Ward motioned to Approve the variances based upon the fact that the variances meet the five standards of review.

1. The need for the variance is due to unique circumstance and physical conditions of the property.
2. The need for the variance is not the result of actions of the property owner or previous property owner
3. Strict compliance with the ordinance will unreasonably prevent the homeowner from using the property for a permitted purpose or will render conformity with the regulations unnecessarily burdensome
4. The requested variance is the minimum variance
5. The requested variance will not adversely impact the surrounding properties

Motion supported by Mr. Gesund.

AYES: Ward, Allen, Gesund, McAlpine, Uhlar, Evans

NAYS: None

ABSENT: Krug
OTHER BUSINESS

None

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STAFF / BOARD MEMBER REPORT

None.

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LIAISON REPORT

Councilmember Hennen provided an update on Giarmarco v. Berkley and noted that he has asked city staff to discuss with the Planning Commission the possibility of generators in the side yard at future meetings.

The Board asked follow-up questions to Councilmember Hennen regarding the case.

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PUBLIC COMMENTS

Chair Paul Evans read a statement and stated that it would be his last meeting as a member of the Zoning Board of Appeals. He noted his appreciation for the community, City Council liaisons, fellow ZBA members and City staff.

Ms. Ward asked Chair Evans to reconsider his resignation.

Mr. Uhlar read standard #3 and noted that he would like an explanation.

Mr. Allen stated his dissatisfaction with the decision. He gave notice of his resignation.

Ms. Ward asked Mr. Allen to reconsider his resignation.

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With no further business, the meeting was adjourned at 8:30pm.
ZONING BOARD OF APPEALS APPLICATION

The Zoning Board of Appeals (ZBA) meets the second Monday of the month. The meetings are held in the Council Chambers at City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072. Fee: $300

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

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

APPLICANT INFORMATION

Name: Jim Terbrueggen
Phone: (810) 584-7364
Address: 10775 S. Saginaw St. Grand Blanc MI. 48439
Email: jim@triumpheng.com

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

PROPERTY OWNER INFORMATION (If different from Applicant)

Name: Scott Marian
Phone: 586.662.0006
Address: 3497 Tyler Avenue Berkley MI 48072
Email: yourhomeyourmarket@gmail.com

PROPERTY DESCRIPTION

Address: 3497 Tyler Avenue Berkley MI 48072
Parcel #: 25-07-451-034 Zoning Classification: R-1D
Current Use of Property: Existing Residence
NATURE OF REQUEST
Check which applies:

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

Description of Request: __________________________________________________________
Requesting a variance for dwelling separation difference and property coverage.

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

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

I. VARIANCE FROM ZONING ORDINANCE

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

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

Current Use of Property: Existing family residence

Requested Use of Property: Family residence

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

It is designed to maintain the existing building lines in order to maintain the buildings value and functionality.
2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

This variance will follow existing established set back lines established when the original structure was approved and built.

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

The proposed addition is to the rear of the property, therefore not visible to the street view.

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

The Variance is required in order to maintain the current structures look, use and foundation.

B. Dimensional Variance (Non-Use Variance)

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

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

The requested variances were all ready in place once before to allow the existing dwelling to be built within the required 15' between buildings. All we are requesting is that the board allow us to continue using that variance in order to build this addition for this expanding family dwelling. This expansion of the dwelling and out building will exceed lot coverage ordinance. However, by allowing this second variance for lot coverage you will be increasing the value of the neighboring properties and the ascetics of the neighborhood. This allowance will let the property owner remove vehicles from the drive and securely store house hold items as necessary, reducing clutter from the property.
2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

The Variance is required in order to maintain the current structures look, use and foundation.

3. Explain how strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

If we adhere to the ordinance we will not be able to build the addition in the most cost effective and functional manor for the family.

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

The Variance is required in order to maintain the current structures look, use and foundation.

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

The addition and updates to this property will add to the ascetics of the neighborhood by allowing for better storage and a safer storage for the property. Also it will update the look of this classic American home, promoting sales, and inspire other properties to freshen or update their look increasing the areas value.
II. INTERPRETATION OF ZONING ORDINANCE

Provide Section numbers of Zoning Ordinance to be interpreted: __________________________________________

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

III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION

Describe the circumstances of each case and provide the minutes of the public meeting noting the denial to be appealed.
IV. DETERMINATION OF COMMERCIAL MESSAGE (MURAL/WORK OF ART)

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

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

**SUBMIT THE FOLLOWING:**

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

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

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

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.
Received 5/28/21 Receipt # Meeting Date Case # PBA-00-21
Fee: $300
PROPERTY OWNER’S APPROVAL *(Initial each line)*

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

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

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

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

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

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

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

Applicant Name (print)  Applicant Signature  Date

Applicant Name (print)  Applicant Signature  Date

Property Owner Name (print)  Property Owner Signature  Date

City of Berkley - ZBA Application
Updated 02.21.2021
MEMORANDUM

To: Berkley Zoning Board of Appeals

From: Erin Schlutow; Community Development Director

Subject: PBA-06-21; 3497 Tyler – Request for three (3) dimensional variances: 1) Construct addition to the non-conforming structure that does not meet side yard setback, 2) Proposed addition does not meet minimum 15 ft. separation between dwellings, 3) Proposed addition and new garage exceed maximum lot coverage (#2)

Date: August 5, 2021

APPLICANT: Jim Terbrueggen, on behalf of Scott Merian

LOCATION: West side of Tyler Ave, north of Twelve Mile Rd

PARCEL ID: # 25-07-451-034

REQUEST: The applicant is requesting a three (3) dimensional variances:

1. Variance to construct addition to the main house that is proposed to be 4ft from the north property line.

2. Variance to construct addition that is proposed to be 12 ft. 8 in. from adjacent dwelling to the north and 13 ft. 3 in. from adjacent dwelling to the south.

3. Variance to construct addition and garage that is proposed to cover 37.5% of the residential lot.

REQUIRED: 1. The Schedule of Regulations table in Section 138-526 of the Zoning Ordinance states the minimum side yard setback in the R-1D District is 5 ft.

2. The Schedule of Regulations in Section 138-527(d) of the Zoning Ordinance requires minimum separation distance of at least 15 feet between dwellings.

3. The Schedule of Regulations table limits the total area of all structure to 35% lot coverage.
ZONING AND LAND USE

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

<table>
<thead>
<tr>
<th>Property</th>
<th>Zoning District</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>R-1D, Single Family Residential</td>
<td>Two-unit dwelling</td>
</tr>
<tr>
<td>West</td>
<td>R-1D, Single Family Residential</td>
<td>Single family detached dwelling</td>
</tr>
<tr>
<td>East</td>
<td>RM, Multiple Family Residential</td>
<td>Parking lot and Apartment complex</td>
</tr>
<tr>
<td>North</td>
<td>R-1D, Single Family Residential</td>
<td>Single family detached dwelling</td>
</tr>
<tr>
<td>South</td>
<td>R-1D, Single Family Residential</td>
<td>Single family detached dwelling</td>
</tr>
</tbody>
</table>

BACKGROUND

According to Oakland County, the home located at 3497 Tyler was built in 1927. Based on aerial imagery, the house and garage have remained unchanged.

City records for 3497 Tyler Ave show that the existing structure has been used as a two-dwelling structure since at least 1992. There is also a Landlord License on file from 1977 but does not reference the number of units. The two-unit home has been considered a legally non-conforming structure, as it is no longer permitted for multiple family dwellings in the R-1D Single Family District.

The former property owners had maintained the rental license and use of the two-dwelling structure from 1992 until 2017, which allowed the non-conforming use to continue. In January 2017, City staff sent notifications to the property owner that the Landlord License and Rental Certificate had expired and the application needed to be resubmitted to continue as a rental property.

In September 2019, City staff sent notification to the property owner that the non-conforming multiple family use was no longer permitted to continue, as it had been vacant longer than 180 days and the non-conforming use cannot be re-established. The property owner was notified that the structure may not be used for a use other than what is permitted in the R-1D District or they have the option to request a use variance from the Zoning Board of Appeals.

SCOPE OF PROJECT

In April 2021, the new homeowner applied for a building permit and submitted plans to convert the two-unit structure to a single-family residential dwelling. This includes the construction of a two-story addition to the rear of the existing structure, and demolish the existing garage and replace with new structure.
There were several discussions between the architect and the Building Official related to the scope of the project. The existing principal structure does not conform to setback requirements or separation distances between the adjacent dwellings. The proposed addition is intended to follow the building line to the west, which will increase the non-conformities of the structure.

Per Section 138-154, a nonconforming building may be added to or enlarged if such addition conforms to the regulations of the applicable zoning district. Such addition or enlargement shall be treated as a separate building in determining conformity to all of the requirements.

**July 12, 2021 ZBA Meeting**

The requested variances were presented at the July 12, 2021 ZBA meeting. The Board made inquiries on the existing lot coverage (27.4%) and if there were opportunities to shrink the proposed new garage to meet the 35% maximum lot coverage.

The applicant and homeowner reviewed the plans and agreed to shrink the size of the garage from 22 x 20, to 20 x 20. This reduction will serve the needs of the homeowner and will reduce the lot coverage to 37.5%.

A variance will still be needed, but it has been reduced to be more in compliance with the standards and is the least variance that may be requested to serve the family at the property.

**SUMMARY OF REQUESTS**

The applicant and homeowner are proposing to construct a two-story addition on the rear of the existing house and a new garage that do not conform to the Zoning Ordinance. Below is a summary of each request in detail and each will be analyzed separately below under the Standards of Review.

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

   According to Oakland County, the single-family home was built in 1927. Based on aerial imagery, the house and garage have remained unchanged since initial construction.

   The residential structure is a legal non-conforming structure, in that it was constructed in compliance with building regulations and requirements, but does not meet the current requirements of the Zoning Ordinance.

   Therefore, the applicant is requesting a 1 ft. side yard setback variance in order to construct the addition, as proposed.

2. **Separation Distance Between Dwellings**

   The Zoning Ordinance requires a minimum separation distance of at least 15 feet between dwellings.

   As noted on sheet C3.0, the subject dwelling, as currently configured does not conform to the minimum separation distance requirement to the property to the north or south. The proposed addition will follow the existing building line, which will encroach into the required minimum separation distance.
Therefore, the applicant is requesting a 2 ft. 4 in. separation distance for the proposed addition to adjacent dwelling to the north and a 1 ft. 9 in. separation distance for the proposed addition to adjacent dwelling to the south.

3. Lot Coverage

The maximum percentage of lot coverage for all structures is 35%. The applicant is proposing a lot coverage of 41%.

Therefore, the applicant is requesting an 6% variance for total lot coverage.

STANDARDS FOR REVIEW

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

1. Side Yard Setback Variance

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

      The request for a variance is due to the homeowner’s desire to increase the livable area of the existing non-conforming dwelling. The legal non-conforming residential structure does not conform to the current setback or separation requirements, but complied when the structure was built. The homeowner is requesting to expand the livable area that is in line with the existing structure. Conforming to the side yard setback requirement would require a one (1) foot jut along the north side of the building, which would make it awkward for the homeowner.

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

      The need for a variance is not the result of actions of the property owner. The homeowner is requesting to construct an addition on the rear of the house that will be in line with the existing dwelling. The side yard setback non-conformity will not increase beyond the established encroachment by the existing house.

   C. *Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.*

      Strict compliance with the ordinance will prevent the homeowner from expanding the footprint of the dwelling. To be in compliance with the ordinance would require the homeowner to move the addition one (1) foot south, which would be awkward and burdensome for the layout the house.
D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.*

The requested variance is the minimum variance necessary to do justice to the property owner. The property owner is not requesting to extend beyond the existing side yard setback line of the dwelling, but is asking to continue the existing building line for the proposed addition.

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

The requested variance will not encroach closer into the side yard setback than the house is currently situated. The City has not received any correspondence from neighbors related to the requested variances.

2. **Separation Distance Between Dwellings**

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

The request for a variance is due to the desire of the property owner construct an addition on the rear of the dwelling that will not meet the minimum separation distance between the north and south dwellings. The proposed addition has been designed to follow the existing building line of the structure and will not encroach closer to the dwellings to the north and south of the subject property.

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

The need for a variance is not the result of actions of the property owner or previous property owners. The dwelling on the subject property was built in 1927 and the dwelling to the north (3501 Tyler) was built in 1958 and the dwelling to the south (3481 Tyler) was built in 1941. The non-conforming structure at the subject property was built with approvals in compliance with all separation distance requirements. If the addition had been built at that time, it would also have been incompliance with the requirements.

C. *Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.*

Strict compliance with the ordinance will be unnecessarily burdensome to the property owner, as they are looking to expand the livable area of the dwelling in line with the existing dwelling. There will be an increase in the non-conformity, as it will continue along the property line, but it will not encroach closer to the adjacent dwellings.

D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.*
The requested variance is the minimum variance necessary to do justice to the property owner. The property owner is not asking to encroach closer to the adjacent dwellings than the existing dwelling is already situated.

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

The requested variance will not encroach closer to the adjacent dwellings than the house is currently situated. The City has not received any correspondence from neighbors related to the requested variances.

3. **Lot Coverage**

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

The request for a variance is due to the size of the lot, the proposed interior renovations that would eliminate the two-dwelling non-conformity and will provide livable space for the homeowner.

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

The need for a variance is the result of the property owner’s desire to increase floor area for the family while eliminating the non-conforming interior layout of the house.

C. **Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.**

Strict compliance with the ordinance will prevent the property owner from expanding the home and will require the continuance of the non-conforming structure that includes two separate units. This will prevent the property owner for using the structure for a permitted purpose. It would not be possible for a family to occupy one side of the existing dwelling.

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

The requested variance is the minimum variance necessary to do justice to the property owner. The property owner reduced the size of the garage to be more in compliance with the maximum lot coverage regulation. Any further reduction in size of garage or addition will render each or both unusable and will not meet the needs of the family.

The homeowner is asking to exceed permitted lot coverage in order to construct the addition that will return the house to a single-family residential dwelling.

E. **The requested variance will not adversely impact the surrounding properties.**
The requested variance related to lot coverage may not be evident from the neighbor’s viewpoint. There will still be green space at the rear of the property for passive or active family space. The City has not received any correspondence from neighbors related to the requested variances.

Summary

For a variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. We request the Zoning Board of Appeals to determine if there are unique characteristics of the property and whether a lesser variance would be acceptable.

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

Thank you.

Cc: Matthew Baumgarten, City Manager
    Victoria Mitchell, City Clerk
    John Staran, City Attorney
    Kim Anderson, Building Clerk
    David Reilly, Building Official
    Jim Terbrueggen, jim@triumpheng.com
    Scott Merian, yourhomeyourmarket@gmail.com
3497 TYLER AVE.
SECTION 7, T1N-R11E
CITY OF BERKLEY, OAKLAND COUNTY MICHIGAN

SITE PLAN

APPLICANT
SCOTT MERIAN
3497 TYLER AVE.
BERKLEY MI., 48072
CONTACT: SCOTT MERIAN

ARCHITECT
TRIUMPH ENGINEERING & DESIGN, INC.
10775 S. SAGINAW ST. SUITE D
GRAND BLANC, MI., 48439
PHONE: (810) 584-7364

CIVIL
TRIUMPH ENGINEERING & DESIGN, INC.
10775 S. SAGINAW ST. SUITE D
GRAND BLANC, MI., 48439
CONTACT: JAMES TERBRUEGEN
PHONE: (810) 584-7364

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EXISTING ZONING INFORMATION

SURVEYOR NOTES

BENCHMARK NO. 11
3497 TYLER AVE.
BERKLEY, MI., 48072
Know what's below before you dig.

Call R

PREPARED FOR:
10775 S. SAGINAW ROAD, SUITE D
PHONE: 810.584.7364
GRAND BLANC, MI  48439

C3.0

10775 S. SAGINAW ST.
GRAND BLANC, MI 48439
(PH) 810.584.7364
triumphengineeringanddesign@gmail.com
Triumph Engineering & Design, Inc

3497 TYLER AVENUE
BERKLEY, MI 48072
MERIAN RESIDENCE

SURVEY NOTES:
1. THE SURVEY DATA IS NORTH AMERICAN VERTICAL Datum 1983 (NAVD88).
2. THE SURVEY ZONES ARE DEFINED BY THE CITY OF BERKLEY & BLOOMFIELD TOWNSHIP.
3. THESE SURVEY ZONES ARE NOT TO SCALE.
4. TOTAL PROPERTY AREA: 4,400 SF (1/4 ACRE)

PROPERTY DESCRIPTION:

811

3497 Tyler Avenue
Berkley, MI 48072

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TRIUMPH ENGINEERING & DESIGN, INC
GRAND BLANC, MI 48439
PHONE: 810.584.7364

C3.0

PRESENTED BY:

TRIUMPH ENGINEERING & DESIGN, INC
GRAND BLANC, MI 48439
PHONE: 810.584.7364

C3.0
MERIAN RESIDENCE
3497 TYLER AVENUE
BERKLEY, MI 48072

AIR GAP, VAPOR BARRIER, SOLID FOAM INSULATION

2X6 STUD WALL
R-19 INSULATION
5/8" GYPSUM
8"
8'-1 3/8"
3/4"
7 1/4"
8'-2"
3/4"
7 1/4"
2'-10 5/8"
7'-0"
4"

R-38 INSULATION

TRUSS BRIDGE ELEV. = 116'-11 3/8"
WINDOW HEAD ELEV. = 110'-4"
SECOND FLOOR ELEV. = 108'-10"
WINDOW HEAD ELEV. = 106'-8"
FIRST FLOOR ELEV. = 107'-00"
BASEMENT FLOOR ELEV. = 92'-4"

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MEMORANDUM

To: Berkley Zoning Board of Appeals

From: Erin Schlutow, Community Development Director

Subject: ZBA Election of Officers

Date: August 5, 2021

The City of Berkley Zoning Board of Appeals Rules of Procedure states the election of Chair and Vice-Chair to the ZBA is to be done annually at the January or February meeting. The duties of elected officers are detailed in Section Four of the Rules of Procedure and are provided below, as follows:

**Duties.** The 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.

As Chair Evans resigned from the Zoning Board of Appeals, it is necessary to elect a Chair and Vice Chair. Currently, Sue McAlpine serves as the Vice Chair.

Thank you.