PUBLIC NOTICE
City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Monday, April 11, 2022
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 March 14, 2022

OLD BUSINESS
   NONE

NEW BUSINESS
   1. APPLICATION PBA-03-22; 28913 Woodward – Dimensional variance request to construct a roof sign for a tenant in a multi-tenant building that would increase the total area of all roof signs on the building to more than 100 square feet.

   Lonny S. Zimmerman, on behalf of Berkley Office Limited Partnership, 28913 Woodward Avenue, Parcel #25-17-204-009, west side of Woodward, between Twelve Mile Road and Edgewood Boulevard, is requesting a dimensional variance to construct a 42.78 sq. ft. roof sign for a tenant in a multi-tenant building that would increase the total area of all roof signs on the building to 131.78 square feet.

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.

You can watch the meeting on Channel 10 for both Comcast and WOW, at http://www.youtube.com/CityofBerkley or http://www.berkleymich.org/livestream.
THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, MARCH 14, 2022 BY CHAIR MCALPINE.

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

PRESENT: Ryan J. Gesund
Sue McAlpine
Joseph V. Krug
Erick McDonald
Kevin Wilner
Miles Uhlar
Maria Ward

ABSENT: NONE

ALSO, PRESENT: Megan Masson-Minock, Interim Community Development Director
Dennis Hennen, City Council Liaison

APPROVAL OF AGENDA
Motioned to approve the agenda by Mr. Gesund and supported by Ms. Ward

AYES: Gesund, Krug, McAlpine, McDonald, Uhlar, Ward, Wilner
NAYS: NONE
ABSENT: NONE
MOTION CARRIED

APPROVAL OF MINUTES
Motioned to approve the minutes of February 14, 2022 by Ms. Ward and supported by Mr. Krug

AYES: Wilner, Ward, Uhlar, McDonald, McAlpine, Krug, Gesund
NAYES: NONE
ABSENT: NONE
MOTIONED CARRIED

OLD BUSINESS
NONE

NEW BUSINESS
1. APPLICATION PBA-02-22: 2233 Earlmont - Dimensional Variance requests to construct a new house to be attached to the existing detached garage that encroaches into the required 5 ft. side yard setback and creates a combined side yard setback of less than the required 15 ft.
Interim Community Development Director Masson-Minock provided a summary of the property and the history of building permits with the address. She addressed both of the variance requests for this property and the plans for development. Interim Community Development Director Masson-Minock also stated the standards of review the board would discuss, and did an overview of the unique circumstances.

**Petitioner**
Tim Glynn  
2365 Earlmont  
Berkley, MI 48072

Petitioner, Mr. Glynn, gave an overview of the proposal and requested variances. Mr. Glynn also provided a PowerPoint with specifics of the new house and garage that is intended to be built.

The board asked the petitioner, Mr. Glynn, questions regarding this property including questions about the foundation, the garage and house connection point with the in-law suite, specifics of garage, and specifics of the house.

The board discussed the design of the house, the requested variances, and options of changing the house so a variance is not needed.

**Petitioner**
Andrew Danaher  
Architect  
10426 Kingston  
Huntington Woods, MI 48070

Architect for the petitioner, Andrew Danaher, stated compared this house to other houses on the street. Mr. Danaher stated that the main goal was to include the in-law suite while trying to keep existing setbacks.

Co-chair Uhlar asked Mr. Danaher, if the existing foundation was not used, could a house this size be put on a lot this size without needing a variance. Mr. Danaher stated that there would more than likely be one variance.

Ms. Ward and other board members discussed with Mr. Danaher square footage of the new house, floor plans on both levels with the garage, and lot coverage requirements.

Chair McAlpine opened the floor for public hearing at 7:30 p.m.

**PUBLIC COMMENT**

Mike Kirby, 2250 Gardner - stated that the overall design is a good design with a good idea. He stated that looking at the new master plan, there is a shift to move in a new direction and this design flows well into the master plan, and this is a good plan for larger lots.

Chair McAlpine closed the floor for public hearing at 7:31 p.m.

Ms. Ward stated that she is concerned with the placing of McMansions on a small size parcel of property. This can affect the runoff from storms, and the sewers in Berkley.

Mr. Krug states that he sees no issue with the variance on the west side. The east side is where that room could be pushed in, with Mr. Wilner in agreement.

The board discussed ways the house could be modified so a variance would not be needed.
Co-Chair Uhlar stated that this is a great design but it does not meet the fourth criteria. If this is granted to every single parcel in Berkley, how does the board justify saying no to the next applicant.

The board discussed with the Interim Community Development Director Masson-Minock what the options were if they approved the first variance but denied the second variance and how it would affect the whole project.

1st Variance Request - **Construct a new house to be attached to the existing detached garage that will encroach into the required 5 ft, side yard setback.**

Motion by Ms. Ward to approve the side yard setback which requires 5ft and approve the 4 ½ inches, due to the unique circumstance of the line established by the existing foundation walls. Support from Mr. Wilner.

AYES: Gesund, Krug, McAlpine, McDonald, Ward, Wilner
NAYS: Uhlar
ABSENT: NONE

2nd Variance Request - **Construct a new house to be attached to the existing detached garage where the total of the two side yards is less than the required 15 ft.**

Motion by Mr. Krug to deny minimum 15 ft side yard setback based on these findings of facts:

1) The applicant is adding onto an existing foundation not making it unique circumstances or physical conditions.
2) The result is an action of the property owner wanting to expand this home.
3) The property can be used without this variance being granted.
4) It might be minimum variance to the property owners but the board does not see a need for that variance.
5) It would not impact the surrounding area.

Supported by Ms. Ward.

AYES: Wilner, Ward, Uhlar, McDonald, McAlpine, Krug, Gesund
NAYES: NONE
ABSENT: NONE

MOTIONED CARRIED

* * * * * * * * * *

OTHER BUSINESS

NONE

* * * * * * * * * *

STAFF/BOARD MEMBER REPORT

Interim Community Development Director Masson-Minock stated that there will be a sign variance coming to the board in April. She also stated that she will be on vacation March 25th to April 2nd, and her colleague Ben Carlisle can help with meeting notices and will get everything set for the board meeting.

Ms. Ward asked Chair McAlpine about the last meeting and the hardship case that was approved. Ms. Ward asked for a follow up of the proper inspection of the legitimate actual distance between the two
dwellings of 2740 Gardner and 2758 Gardner. Interim Community Development Director Masson-Minock clarified that the applicant withdrew that variance.

* * * * * * * * * *

LIAISON REPORT

Councilmember Hennen stated that the City Council had passed the first of two readings for the increase of the number of marihuana provisioning center licenses from three to five for in the City. In order for the change to be effective, it has to pass one more vote on the 21st of March.

Councilmember Hennen also stated that the Michigan Association of Planners is hosting a training on March 15th via zoom on Zoning Board of Appeals. Councilmember Hennen stated to the board that they need to contact Michael Smith in the City Manager Office in order to get signed up, and this training will meet the continuing education requirement for the fiscal year.

* * * * * * * * * *

PUBLIC COMMENT

NONE

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With no further business, the meeting was adjourned at 7:56 p.m.
ZONING BOARD OF APPEALS APPLICATION

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

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

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

APPLICANT INFORMATION

Name: Lonny S. Zimmerman AIA
Architects & Planners Inc.
Address: 29200 Northwestern Hwy #100 Southfield, MI 48034
Phone: (248) 352-0099
Email: LZimmerman@sta-architects.com

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

REPRESENTATIVE

PROPERTY OWNER INFORMATION (if different from Applicant)

Name: 470 First Prime Realty Group LLC.
Phone: [Redacted]
Address: 47 W. Division St. #342 Chicago, IL 60610
Email: Jake@firstprime.net

PROPERTY DESCRIPTION

Berkley Square Office Plaza
Address: 28913 Woodward Ave. Berkley, MI
Parcel #: 04-25-17-204-009 Zoning Classification: OFFICE
Current Use of Property: OFFICES
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: To permit a building tenant to have a 42.78 SF roof sign which brings the total roof signage to 131.78 SF which exceeds 100 SF on the building.

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

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

I. VARIANCE FROM ZONING ORDINANCE

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

A. Use Variance

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

Current Use of Property: ____________________________

Requested Use of Property: ____________________________

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

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

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

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

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

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

   The Office Zoning District, like the Woodward District around it, has a 100 SF limit for all roof and wall building signage. Our existing multi-tenant building has public entry/exit doors to each tenant facing Woodward Avenue and has 4 existing tenants, with the 3 existing other tenants with roof signs that total 89 SF. The 11 SF balance is insufficient for the 4th tenant to erect a roof sign that would be visible from the street, hence the request for a 42.78 SF roof sign.
2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

This 8,100 SF building was constructed in 1980, and the limitation of a retail use in the Office District has caused this building to have empty tenant spaces over the years due to difficulty leasing. The other tenants have been there since 1993, 2000 and 2005. This suite was empty for 8 years until 2016 when House of Renew came in (with a ZBA use approval). Insufficient visibility of this business from Woodward Ave. has generated the need for the roof sign.

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.

This visible 42.78 SF roof sign on this building, rather than an 11 SF sign, is necessary for the public to locate the business and to operate a profitable business and keep the tenant space occupied. Visibility is important given the fast traffic movement due to the 45 MPH speed limit on Woodward Ave. The House of Renew has been in business since 1976 serving the greater Detroit area at other locations within the metropolitan statistical area. The tenant has been experiencing economic difficulties since pre-pandemic at Berkley Square Office Plaza due to lack of patrons. The proposed sign, WHICH CONCISELY EXPLAINS THE SERVICES PROVIDED, will generate additional patrons allowing the business to survive.

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

The Berkley Square Retail Plaza building to the north, also with individual doors facing Woodward Ave. has 8 tenants, each with individual signs. These signs total approximately 135 SF in area, exceeding the 100 SF maximum per the current zoning ordinance. A similar type of multi-tenant building ¼ mile to the south (28201-28297 Woodward Ave.) has 5 existing tenants, each with a sign, and totaling approximately 171 SF in area, also exceeding the 100 SF maximum. In addition, that building has ¾ of its tenant space unleased.

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

There will be no adverse effect on surrounding by permitting this sign variance. This variance will help this business to survive and to maintain this tenant space as occupiable. Insufficient visibility which would lead to the House of Renew not succeeding as a business would adversely affect surrounding properties.
II. INTERPRETATION OF ZONING ORDINANCE

Provide Section numbers of Zoning Ordinance to be interpreted: ____________________________

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

III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION

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

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

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

SUBMIT THE FOLLOWING:

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

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

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

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.
PROPERTY OWNER'S APPROVAL (Initial each line)

I hereby authorize and give permission for the City of Berkeley 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 Berkeley 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)

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

L.S. 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.

L.S. 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.

Lonny S. Zimmerman 3/04/2022
Applicant Name (print) Applicant Signature Date

N/A
Applicant Name (print) Applicant Signature Date

Berkley Office Limited Partnership
Berkley Office Corp., its General Partner

Mr. Jay A. Klawchik 3/09/2022
Property Owner Name (print) Property Owner Signature Date
<table>
<thead>
<tr>
<th>Fee</th>
<th>Residential</th>
<th>Commercial</th>
<th>Mural</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$400</td>
<td>$600</td>
<td>$300</td>
</tr>
</tbody>
</table>
28201-28297 WOODWARD (OTHER PROPERTY)
APPROX. 171 SF SIGNAGE (HALF OF BUILDING NOT LEASED)
CITY OF BERKLEY, MICHIGAN
SIGN PERMIT APPLICATION

Application for a permit to (Describe what you are proposing to do):
Installation of internally illuminated box sign

Work being done at:
Address: 28913 Woodward Ave
Name of Business: House of Renew
Business Owner: First Prime Realty Group

Sign Contractor:
Company Name: Phillips Sign & Lighting
License Holder: Ed Phillips
Address: 40920 Executive Drive
City: Harrison Township
Zip: 48045
Telephone: 586-468-7110 janet@phillipssign.com

Requirements:
A copy of your insurance must be on file for all contractors doing work in our city. No registrations or permits are issued without this information.

Two (2) sets of plans showing the following:

<table>
<thead>
<tr>
<th>Beige, Black, White face</th>
<th>What material is the sign?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beige, Black, White face</td>
<td>Aluminum, Polycarbonate</td>
</tr>
</tbody>
</table>

How will the sign be installed or supported?

How will the sign be illuminated?

An electrical permit is required

Yes

I agree to repair any damage done to public or private property.

“This permit is granted on the express condition that the said construction shall, in all respects, conform to the ordinances of this jurisdiction including the zoning ordinance, regulating the construction and use of buildings, and may be revoked at any time upon violation of any provisions of said ordinances.”

Ed Phillips
Print Name Signed

Signature

Date Received

Received by (Department Representative)

Department use only:

Approved

Date

Permit Number:

January 2017
Item #1: Internally Illuminated Box Sign
Qty. (1) - Single Sided

CERAMIC, GLASS & COLLECTIBLE REPAIR
HOUSE OF RENEW

TOTAL SIGN AREA: 48 Sq. Ft.

Vinyl: 068 Light Beige
x: __________

Vinyl: 040 Black
x: __________

FF Returns
FF Retainers: Black
x: __________

Mounting Bracket
Mansard Roof

3/8" Toggle Bolts
Attach frame structure to roof
Typ. (2) Each Contact Leg
Designed for 115mph/3sec wind gusts

Customer Approval:

Date:

phillips SIGN & LIGHTING inc.
40920 Executive Drive
Harrison Twp., MI 48045-1363

JOB NO: 40176
PROJECT: Berkley Square-House of Renew
FILE: 40176-PERMIT
Berkley Square-House of Renew-12-14-18
SITE ADDRESS: 28913 Woodward Ave., Berkley, 48072

Ph: 586.468.7110 Fx: 586.468.7441
www.phillipssign.com
Item #1: Internally Illuminated Box Sign
Qty. (1) - Single Sided

NORTHEAST ELEVATION: 50' LINEAR TENANT FRONTAGE

TOTAL SIGN AREA: 48 Sq. Ft.

SIMULATED NIGHT VIEW

EXISTING AT SITE

Client Approval: ___________________________ Date: ___________________________

phillips SIGN & LIGHTING inc.
40920 Executive Drive
Harrison Twp., MI
48045-1363

JOB NO: 40176

PROJECT: Berkley Square-House of Renew
FILE: 40176-PERMIT
Berkley Square-House of Renew-12-14-18
SITE ADDRESS: 28913 Woodward Ave., Berkley, 48072

Ph: 586.468.7110 Fx: 586.468.7441
www.phillipsign.com
MEMORANDUM

To: Berkley Zoning Board of Appeals

From: Megan Masson-Minock; Interim Community Development Director

Subject: PBA-03-22; 28913 Woodward – Dimensional variance request to construct a roof sign for a tenant in a multi-tenant building that would increase the total area of all roof signs on the building to more than 100 square feet.

Date: April 6, 2022

APPLICANT: Lonny S. Zimmerman, on behalf of Berkley Office Limited Partnership

LOCATION: West side of Woodward, between Twelve Mile Road and Edgewood Boulevard

PARCEL ID: # 25-17-204-009

REQUEST: The applicant is requesting a dimensional variance to construct a 42.78 sq. ft. roof sign for a tenant in a multi-tenant building that would increase the total area of all roof signs on the building to 131.78 sq. ft.

REQUIRED: Berkley City Code, Chapter 94 Signs, Sec. 94-7, Signs requiring permits, (g) Roof signs table requires a maximum sign area of 10% of adjoining wall; up to 100 square feet.

ZONING AND LAND USE

The subject property is zoned O-1, Office District.

<table>
<thead>
<tr>
<th>Property</th>
<th>Zoning District</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>O-1, Office District</td>
<td>Multi-tenant office building</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential R1-A</td>
<td>Single-family residential homes</td>
</tr>
<tr>
<td>East (Royal Oak)</td>
<td>Special Redevelopment</td>
<td>School</td>
</tr>
<tr>
<td>North</td>
<td>WD, Woodward District</td>
<td>Multi-tenant retail building</td>
</tr>
<tr>
<td>South</td>
<td>O-1, Office District</td>
<td>Medical Office</td>
</tr>
</tbody>
</table>
BACKGROUND

The files for this address, which was previously 3231 Woodward, indicate that the building has been in existence since 1980, with multiple tenants and improvements over the years. In 1981, the property received a variance to allow the erection of five (5) individual identification wall signs and two (2) individual identification free-standing ground signs. The Sign Ordinance, Chapter 94 of the City of Berkley Code of Ordinances, was amended in its entirety on December 15, 2003.

The site currently has three (3) roof signs, window signs for all the tenants and a free-standing pylon sign.

AERIAL PHOTOGRAPH

SCOPE OF PROJECT

The property owner is proposing to erect a roof sign to identify the House of Renew location, similar to roof signs for the other tenants in the building. The adjoining wall is 2,475 sq. ft. The existing three (3) roof signs total 89 sq. ft. The proposed sign roof would increase the total area of all roof signs on the
building to 131.78 sq. ft., less than 10% of adjoining wall (247.5 sq. ft.), but in excess of the overall maximum 100 sq. ft. for roof signs.

SUMMARY OF REQUEST

The applicant is proposing to construct a roof sign that does not conform to the Sign Ordinance. The Sign Ordinance allows the sign area of roof signs on a multi-tenant building to be a maximum sign area of 10% of adjoining wall; up to 100 square feet. The proposed sign would increase the total area of all roof signs on the building to 131.78 sq. ft.

STANDARDS FOR REVIEW

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

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

The applicant states that the physical conditions of the existing signs, totaling 89 sq. ft. create the need for the variance.

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 previous actions of the property owner or previous property owners, by allowing the maximum area of roof signs to be unevenly distributed amongst the tenants of the building. However, the variance that was awarded in 1981, while no longer applicable due to the ordinance update in 2003, could have given the current and previous property owners the impression that five wall signs of equal size would be allowed.

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 render conformity with those regulations unnecessarily burdensome. A roof sign of 11 square feet is not functional on a street as wide and with the amount of traffic as Woodward Avenue.
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 size of the proposed sign is commiserate with the size of the signs on the building and surrounding properties.

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

The requested variance will not adversely impact the surrounding properties.

**Summary**

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

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  
     John Lipchik, Building Official  
     Lonnie Zimmerman
Notice
Meeting of the Berkley Zoning Board of Appeals

Notice is hereby given, that there will be a meeting of the Zoning Board of Appeals to be held at the City of Berkley in the Council Chambers, 3338 Coolidge, Berkley, Michigan on Monday, April 11, 2022 at 7:03 p.m. or as near thereto as the matter may be reached.

**Application Number PBA-03-22**
Lonny S. Zimmerman, on behalf of Berkley Office Limited Partnership, 28913 Woodward Avenue, Parcel #25-17-204-009, west side of Woodward, between Twelve Mile Road and Edgewood Boulevard, is requesting a dimensional variance to construct a roof sign for a tenant in a multi-tenant building that would increase the total area of all roof signs on the building to more than 100 square feet.

1. The new sign is proposed to be 42.78 sq. ft. and the total area of all roof signs on the building would be 131.78 sq. ft.

**Berkley City Code**
*Berkley City Code, Chapter 94 Signs,*

1. *Berkley City Code, Chapter 94 Signs,* Sec. 94-7, *Signs requiring permits,* (g) *Roof signs* table requires a maximum sign area of 10% of adjoining wall; up to 100 square feet.

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 6:00 p.m. on the date of the Public Hearing.

MEGAN MASSON-MINOCK
INTERIM COMMUNITY DEVELOPMENT DIRECTOR

**Publish Once:**
Royal Oak Tribune
Thursday, March 24, 2022
BD. OF APPEALS #981  BA  5/26/81
REMER AND WEBER (Klarchek)
5 I. D. wall signs
2 Free stand. grd. signs
3231 Woodward
A RESOLUTION

of the Appeal Board of the City of Berkley, Michigan
regarding Application No. 981 requesting a variance of Chapter 99,
Section 8.62 - Woodward Avenue Corridor Office District - of the
Berkley City Ordinance Code

WHEREAS, the applicant, Richard Klarchek, through his agent Remer and Weber Construction Programers of 3260 Coolidge, Berkley, Michigan, seeks a variance to erect five (5) individual identification wall signs and two (2) individual identification free-standing ground signs (approximately five square feet each) in addition to the existing free-standing pole sign at the office complex located at 3231 Woodward Avenue, Berkley, Michigan, thereby requiring a waiver of the maximum number of signs allowed per building; and

WHEREAS, Chapter 99 - Signs - Section 8.62 - Woodward Avenue Corridor Office District - states: "Only one (1) of the following signs may be used per building: wall sign or a free-standing sign."; and

WHEREAS, the applicant states that a hardship does exist in that there are six individual offices located in one building, and an individual sign is needed to properly identify each one; and

WHEREAS, the Planning Commission has reviewed the request and recommends approval of same; and

WHEREAS, after a Public Hearing this Appeal Board finds:

1. That a hardship does/would not exist and that the granting of a variance in this specific Application No. 981 would not be materially detrimental to the public welfare or materially injurious to the property or improvements in such district in which the property is located; that there are/are not exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same district; and that the granting of such variance will/will not adversely affect the purposes or objectives of the Master Plan of the City.

NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:

SECTION 1: That the request of Mr. Richard Klarchek for the office complex at 3231 Woodward Avenue for a variance of Section 8.62 of Chapter 99 of the Berkley City Ordinance Code be and hereby is granted to permit the erection of five individual identification wall signs and two individual identification free-standing ground signs.

A Public Hearing regarding Application No. 981 was held on Monday, June 22, 1981; and the decision of this Appeal Board shall become effective with the expiration of five (5) days from this date.

Robert L. Eck, Chairman

Attest:
Maryann Burton, City Clerk
CITY OF BERKLEY
DEPARTMENT OF BUILDING & SAFETY ENGINEERING

SIGNS AND OUTDOOR DISPLAY STRUCTURES

Application for Permit to: (check that which is applicable)

<table>
<thead>
<tr>
<th>TYPE OF WORK</th>
<th>TYPE OF SIGN</th>
<th>TYPE OF BUILDING</th>
<th>SIZE OF SIGN</th>
</tr>
</thead>
<tbody>
<tr>
<td>erect X</td>
<td>2 ground free standing frame</td>
<td>brick</td>
<td>length 5'</td>
</tr>
<tr>
<td>remodel</td>
<td>projecting</td>
<td>block</td>
<td>width 1'</td>
</tr>
<tr>
<td>remove</td>
<td>roof</td>
<td>tile</td>
<td>depth</td>
</tr>
<tr>
<td>relocate</td>
<td>wall</td>
<td>other</td>
<td>area five sq ft</td>
</tr>
<tr>
<td>other</td>
<td>other</td>
<td>other</td>
<td>weight</td>
</tr>
</tbody>
</table>

Sign Material: Face Plastic Frame Metal Supports __________________ Illuminated Yes No
To Building: Inner Edge:__________ Outer Edge:__________ to roof:__________ Bottom to sidewalk: 1'6"

Erector: Sol Goodman Sign Company

Address: 14500 W. Eight Mile Oak Park, Michigan

Property Owner: Berkley Square Office Plaza-Richard Klarcek

Address: 3231 Woodward Avenue

Remarks:

SKETCH IN PLACE WITH SUPPORTS AND NUMBER, TYPE AND LOCATION OF EXISTING SIGNS AND PROPOSED LOCATION OF NEW SIGN:

See attached drawing

ESTIMATED COST $__________ BY DEPT. $__________

I hereby certify that the above answers are correct and true and the above described sign will conform to the City of Berkley Code and/or ordinances regarding the erection, construction and maintenance of signs. I also agree to repair any damage done to public property and/or private property.

Signed REMER AND WEBER (owner - agent)

Approved NOT APPROVED RM Wrd

Application No. __________

Date 5-26-81 Permit No. __________

OK to issue permit 6-25-81

J.R.L.
June 22, 1981

Dear Berkeley City Board of Appeals:

As a resident (3190 Brookline) directly behind the office site that wishes to erect additional signs, we have a comment and concern.

We do not care if the signs are not visible from our property. We mostly do not want lights on the signs that shine onto our yard and house.

The already existing sign for the office building has a flood light that shines onto the back of our house. The windows in our house facing the light have to be covered to keep the light from disturbing us during the night.

We have called the city offices to complain and hope for a solution twice.
2.

Once we talked to someone who identified himself as the city electrician. Another time we talked to a secretary who said she would give Roy West the message. No help for a problem, yet.

We do not want any more lighted signs erected.

We also hope that the lighted sign that now exists will be toned down so that it will not shine onto our house.

Thank you.

Verneta and James Stonehouse
3190 Brookline
(E. corner of Brookline and Beverly)
SIGNAGE REVIEW

TO:        City Planning Commission
           The City of Berkley

FROM:      Department of Community Development
           Planning and Research

DATE:      March 2, 1981

SUBJECT:   Request for additional identification signage at an
           office complex, located at 3231 Woodward, Berkley, Michigan.

I. BACKGROUND

Mr. Richard Klarchek wishes to erect seven (7) individual
identification wall signs at the office complex located at 3231
Woodward at Beverly, Berkley, Michigan. The request exceeds
the allowable number of sign types, in that the applicant has
applied for and received permission to erect a free-standing
pole sign to the north of the property. The requested signage
will identify each individual office and will be located above
the office entrance.

The office complex is an attractive development located to the
south of the Berkley Square Plaza. The site meets all city
codes and ordinances.

Board of Appeals on this signage proposal will take place on
March 23, 1981.

Planning Commission review will take place on March 9, 1981.

II. ANALYSIS

Existing Signage Consists of:

One free-standing sign--
   6' x 4' = 24 square feet
   2 sides x 24 square feet = 48 square feet

This is within the allowable dimensions for a free-standing sign
in an office district; applicant has received a permit to install
the sign.

Section 8.57 of Chapter 99 states:

"Only one of the following identification signs may be used
per building"
8.57 (1) Wall - Establishment Name and/or Address.

(a) One (1) sign
(b) Parallel to front wall
(c) Maximum area: twenty (20) square feet
(d) Four (4) feet minimum height from ground level
(e) Top of sign may not exceed first story or ten (10) feet from ground level
(f) Six (6) inch maximum projection from front wall
(g) Occupants of office space may be displayed as part of primary sign -- Not to exceed fifty (50) percent of total sign area and to be included in total sign area calculation

PROPOSED NEW SIGNAGE:

Seven (7) individual identification wall signs, each approximately eleven (11) square feet.

A variance of the number of allowable sign types is needed, however, each sign requested per business is within the individual allowable area.

III. CONCLUSION

The Planning Department recommends favorable review of the request, in that the site meets all City Codes and Ordinances and is an attractive development. The need for individual signage for each office is necessary to properly identify occupants of the complex. The location of these wall signs will be over each individual office entrance.
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Application for
CITY OF BERKLEY
BOARD OF APPEALS HEARING

Date May 26, 1981

Owner’s Name Richard J. Klarchek
Address 1470 W. Old Mill Rd., Lake Forest, Ill. 60045 Phone No. 1-312-234-0082

Appellant’s Name Remer and Weber, Construction Programmers
Address 3260 Coolidge, Berkley, MI 48072 Phone No. 398-1715

TO THE BOARD OF APPEALS

The undersigned, after having been denied a permit to construct, alter, establish (cross out words which do not apply) a Building identification signage on property described as Lot #7.

Subdivision Barbers Oakland Manors
Zoning District 0-1 Office District

does hereby make an appeal to the City of Berkley Board of Appeals to vary the regulations of the Zoning Ordinance in such a manner as to result in the granting of such permit.

The grounds for this appeal are as follows:

The hardship is that there are six (6) individual offices in one building complex that require separate identification (requesting five (5) wall signs and two (2) ground free-standing signs).

Signed Bernard Remer, R.A.

Board of Appeals Disposition:

Date

Use back of application to show plot plan and variance requested.
NOTICE

MEETING OF THE

BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that there will be a meeting of the Board of Appeals to be held at the City Hall in the Council Chambers, 3338 Coolidge Highway, Berkley, Michigan on Monday, June 22, 1981 at 8:00 P.M. or as near thereto as the matter may be reached. The Planning Commission will review same on Monday, June 8, 1981 at 7:30 P.M.

APPLICATION NO. 981:

The applicant, Mr. Richard Klarchek, through his agent, Remer and Weber Construction Programers of 3260 Coolidge, Berkley, Michigan seeks approval to erect five (5) individual identification wall signs and two (2) individual identification free-standing ground signs at the office complex, located at 3231 Woodward at Beverly, Berkley, Michigan.

BERKLEY CITY CODE:

Chapter 99 - Signs - Section 8.62 - Woodward Avenue Corridor Office District - of the Berkeley Ordinance Code states:

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The applicant has erected a free-standing identification sign which meets the sign ordinance. He now wishes to erect five (5) individual identification wall signs, and two (2) ground identification signs, approximately five (5) square feet each. The applicant, therefore, needs a variance of the number of allowed signs per business.

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

Maryann Burton
City Clerk
THE CITY OF BERKLEY

Publish Once:
The Daily Tribune
Royal Oak, MI.
Friday, June 5, 1981
Remer & Weber
3260 Coolidge

Board of Appeals #
17-204-009
Lot 7 Oakland Manors
3231 Woodward Ave.

Additional Signage

17-127-001
Griswold Holding Co.
1695 12 Mile
2650 Buhl Bldg
Detroit, MI 48226

17-127-004
John O'Brien
1716 Rosemont

17-201-001
John E. Panchar
1715 Rosemont

17-201-002
John R. Miller
1675 Rosemont

17-201-004
Louis A. Burg
1692 Beverly

17-201-005
James Bologna
1642 Beverly

17-204-001
Kenneth P. Clarke
1665 12 Mile Rd.

17-204-007
Douglas R. Kramer
3254 Brookline

17-204-008
Walter J. Michalski
3220 Brookline

17-204-009
Richard Klarchek
P.O. Box 1919
1470 West Old Mill Rd.
Lake Forest, ILL.
May 26, 1981

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THE CITY OF BERKELEY

Publish Once:
The Daily Tribune
Royal Oak, MI.
Friday, June 5, 1981
TELEPHONE NUMBERS: NEWS 463-2000, ADVERTISING 463-3965, TELEPHONE 548-4255
APPRAISERS: DAVID R. BISHOP, MARILYN S. BECKMANN, CITY CLERK JULIA R. LAMBERT – CLERK
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CITY OF BERKLEY
BOARD OF APPEALS HEARING

Date: May 26, 1981

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Zoning District: 0-1 Office District

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Signed: Bernard Remer, R.A.

Board of Appeals Disposition:

Date:

Use back of application to show plot plan and variance requested.
MEMORANDUM

To: Berkley City Council
   Berkley Planning Commission
   Berkley Zoning Board of Appeals

From: Megan Masson-Minock, Interim Community Development Director

Subject: Community Development Department Report (February 2022)

Date: March 22, 2022

The following Community Development report has been provided to the Berkley City Council, Planning Commission and Zoning Board of Appeals to provide an update on ongoing planning and zoning cases, ordinance amendments, and building department activities. The staff is excited to report on the progress of existing development projects that have been reviewed by the PC, cases reviewed by the ZBA, and other duties, such as, zoning administration, ordinance review and future amendments, building permits, Community Development Block Grant (CDBG), etc.

The following report will cover activities that have occurred February 2022, as well as an update on past projects:

1. Planning Activities, including a summary of applications with the Planning Commission, Zoning Board of Appeals and/or City Council.
2. Zoning Administration, including business licenses and commercial renovation projects that do not require Planning Commission review and approval.
3. Zoning Ordinance, including summary and status of ordinance amendments.
4. Building Department, including permits issued, rental certificates, certificates of occupancy.
5. Community Development Block Grant (CDBG) Program.
6. Other Community Development Projects

1. Planning Activities – PC, ZBA

<table>
<thead>
<tr>
<th>Name of Project or Topic</th>
<th>Project Number</th>
<th>Current Status and Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yanke Art Studio 3818 Twelve Mile</td>
<td>PSP-05-19</td>
<td>Proposed façade change received site plan approval with specific conditions at the August 27, 2019 Planning Commission meeting. Applicant and adjacent property owners have resolved outstanding issues related to easement and masonry fence.</td>
</tr>
</tbody>
</table>
## 1. Planning Activities – PC, ZBA

### Planning Commission – Site Plan (PSP), Special Land Use (PSU), Rezoning (PRZ)

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<tbody>
<tr>
<td>3818 Twelve Mile continued</td>
<td></td>
<td>Building permits have been issued. Work has begun on the project.</td>
</tr>
<tr>
<td>La Salette Multiple Family Redevelopment 2219 Coolidge Hwy</td>
<td>PSP-06-19</td>
<td>At the November 26, 2019 meeting, the Planning Commission approved the site plan with conditions to redevelop the existing La Salette school building for multiple family housing. The applicant has noted that they will work with City staff to address the outstanding issues noted in the Community Development, Engineer, and Fire Safety review letters related to the project. Revised plans have been submitted to the satisfaction of reviewing bodies. Developer has submitted construction plans for building permit, which are being reviewed by McKenna. Applicant has reconfigured the parking areas, which has removed the parking area on the south side of the building, facing Coolidge. Plans did not need to return to PC for approval and were approved administratively. <strong>Interior building permits have been issued. Updated insurance is needed prior to exterior work. Pre-construction meeting for exterior work to be scheduled in late April 2022.</strong></td>
</tr>
<tr>
<td>KinderCare 1695 Twelve Mile</td>
<td>PSP-07-19</td>
<td>At the October 22, 2019 meeting, the Planning Commission approved the site plan with conditions. The applicant has reached out to the Community Development Director to address the outstanding issues. Revised site plans submitted and approved by reviewing bodies. The developer has secured building permits and are working on the interior renovation. The parking area has been resurfaced. Business License was issued April 2021. The child care facility has opened and is operating. <strong>Community Development has sent a memo to the management of the building with processes to remedy code violations.</strong></td>
</tr>
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1. Planning Activities – PC, ZBA

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<tr>
<td>Multi-tenant building (AquaTots, retail, restaurant)</td>
<td>PSP-08-19</td>
<td>At the December 17, 2019 meeting, the Planning Commission approved the site plan with conditions. The applicant has agreed to work with city staff to address the conditions and update the outstanding issues. Applicant submitted revised final site plan and were approved by reviewing bodies. Developer has paused moving forward due to the delays as a result of COVID-19. Owner has placed property for sale, pursing other opportunities. Developer has expressed desire to locate in Berkley, even if the current site is no longer available. Farina’s has been demolished. Construction of building is underway. Staff has approved a site plan amendment to change from two (2) retail units of 1,400 square feet each and a 2,250 square foot restaurant to a 1,300 square foot carry-out restaurant, a 1,220 square foot restaurant, and a 2,00 square foot space which could be retail / restaurant / professional office / medical office and convert the outdoor patio dining space to outdoor space. Building permits for the carryout restaurant use have been issued.</td>
</tr>
<tr>
<td>2485 Coolidge Hwy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vibe Credit Union – Façade Change</td>
<td>PSP-01-20; PSP-05-20</td>
<td>At the May 26, 2020 meeting, the Planning Commission reviewed a site plan for a proposed façade change at the bank. The Planning Commission approved the plans with conditions related to window coverage, signage, and illumination of the site with pole lighting. After PC approval, the applicant discussed with city staff the possibility of site improvements that were not included on the approved plans that would include additional landscaping and reworking the parking area on the site. The changes require a review by the Planning Commission and discussion for reduction of parking requirements. The applicant returned to the Planning Commission at the November 24, 2020 for review of site improvements that included approval of parking modification. The property has been approved to reduce three (3) parking spaces for added landscaping and revised layout of the parking spaces.</td>
</tr>
<tr>
<td>3082 Coolidge Hwy</td>
<td></td>
<td></td>
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<td>PSP-01-20;</td>
<td>Construction is nearing completion on the project. The temporary space has closed and operations have resumed inside the building.</td>
</tr>
<tr>
<td>3082 Coolidge Hwy. continued</td>
<td>PSP-05-20</td>
<td>Owner has contracted with structural engineer to review the masonry wall at the east side of the property. Report submitted. Staff working with manager and neighbor to work through next steps.</td>
</tr>
<tr>
<td>Amici’s Kitchen and Living Room – Façade Change</td>
<td>PSP-03-20</td>
<td>At the September 22, 2020 meeting, the Planning Commission reviewed a site plan for proposed façade change at Amici’s pizza restaurant on Twelve Mile Rd. The proposed façade change includes removing the existing stone and replacing with brick, removing an existing doorway, and changing the material for the awning.</td>
</tr>
<tr>
<td>3241 &amp; 3249 Twelve Mile Rd.</td>
<td></td>
<td>The Planning Commission granted site plan approval, as presented. The applicant has indicated intent to apply for a Façade Grant through the DDA. The construction on the project has been completed. There are a couple smaller items that still need to be addressed, but the construction for the façade change has completed. Final inspections are yet to be completed.</td>
</tr>
<tr>
<td>Vacant Building – Façade Change</td>
<td>PSP-04-20</td>
<td>At the October 27, 2020 meeting, the Planning Commission reviewed a site plan for proposed façade change at 3180 Coolidge Hwy. The building has been vacant for many years and the owner has not yet signed a new tenant. The façade change includes change in configuration of windows, stone and brick materials, and metal siding.</td>
</tr>
<tr>
<td>3180 Coolidge Hwy</td>
<td></td>
<td>The Planning Commission tabled the site plan request so the applicant could update the plans and provide additional information on the materials, chimney, and illumination levels for lighting the site.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>At the November 2020 meeting, the PC reviewed the updated plans and gave site plan approval of the proposed façade change. Building permit was issued June 8, 2021. Property owner has been trying to secure contractors for the project. Construction is expected to begin in the coming months.</td>
</tr>
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<td>-----------------------------</td>
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<tr>
<td>Perch 313 – Façade Change 2717 Coolidge Hwy</td>
<td>PSP-01-21</td>
<td>At the September 28, 2021 meeting, the Planning Commission reviewed the plans for the façade change at 2717 Coolidge Hwy, the former Disabled Veterans of America building. The new owner will be opening a retail vintage rug store and has proposed upgrades to the exterior of the building, including the removal of the beige vertical siding, shingled mansard roof and awnings and replace with painted brick veneer, large storefront windows, and a decorative front door with window paneling. The Planning Commission reviewed the submitted plans and approved the site plan with minor conditions. The applicant will be working with City staff to address the outstanding issues. The applicant has applied for but not yet received a business license. Building permits have not been applied for. Staff will follow up with the applicant in the coming weeks.</td>
</tr>
<tr>
<td>Green Medical Office Center – New Construction Multi-Tenant Medical Office Building 2400 Greenfield</td>
<td>PSP-02-21</td>
<td>At the October 26, 2021 meeting, the Planning Commission reviewed the plans for new construction of a multi-tenant medical office building. The proposed structure will be constructed on a vacant property that has been previously reviewed for multi-family housing. The Planning Commission reviewed the plans and letters provided by HRC, DPW, Fire Marshal and Community Development. Each review letter determined that there were several items that needed to be addressed or modified prior to granting site plan approval. The Planning Commission postponed the site plan application until a future date when the applicant and developer has submitted revised plans. <strong>The site plan was approved with conditions at the February 22, 2022 Planning Commission meeting.</strong></td>
</tr>
<tr>
<td>Green Office Suites – New Construction Multi-Tenant Office Building</td>
<td>PSP-03-21</td>
<td>At the October 26, 2021 meeting, the Planning Commission reviewed the plans for new construction of a multi-tenant office building. The proposed structure will be constructed on three parcel that have been used as single-family housing. The structures are currently vacant.</td>
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<td>3462 – 3478 Greenfield Green Office Suites continued</td>
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<td>The Planning Commission reviewed the plans and letters provided by HRC, DPW, Fire Marshal and Community Development. Each review letter determined that there were several items that needed to be addressed or modified prior to granting site plan approval. The Planning Commission postponed the site plan application until a future date when the applicant and developer has submitted revised plans. <strong>The site plan was approved with conditions at the February 22, 2022 Planning Commission meeting.</strong></td>
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<td>Oxford Lot of 2219 Coolidge (La Salle) - The Ivy</td>
<td>PSP-04-21</td>
<td>HRC, CWA, DPW and the Fire Marshall have reviewed the site plan submitted for two three-story multiple-family buildings. The applicant is revising the site plan based on those reviews.</td>
</tr>
<tr>
<td>2465 &amp; 2475 Cambridge, 2466 &amp; 2476 Columbia Rezoning</td>
<td>PRZ-01-21</td>
<td>A public hearing was held by the Planning Commission on this rezoning request from Coolidge District to Gateway District at their January 25, 2022 meeting. The Planning Commission recommended approval. <strong>The City Council considered approval of the rezoning at its first reading at their February 7, 2022 meeting.</strong></td>
</tr>
<tr>
<td>3737 12 Mile – Sketch Plan</td>
<td>PSP-01-22</td>
<td>At its January 25, 2022 meeting, the Planning Commission reviewed a sketch plan for townhouses at this location. <strong>The applicant has applied for site plan review which has been assigned a different PSP number.</strong></td>
</tr>
<tr>
<td>2222 Eleven Mile – Renovation of existing building for Butter Provisioning</td>
<td>PSP-02-22</td>
<td>A site plan for this site with an approved marijuana provisioning license has been submitted and is being reviewed by HRC, DPW, the Fire Marshal and CWA. <strong>On February 16, 2022, the applicant had a pre-application meeting with staff from Community Development and DPW, the Fire Inspector and HRC.</strong> At its February 22, 2022 meeting, the Planning Commission reviewed a sketch plan for the provisioning center at this location and heard comments from the public. The applicant has indicated that they will apply for site plan review in the upcoming weeks.</td>
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<tr>
<th>Name of Project or Topic</th>
<th>Project Number</th>
<th>Current Status and Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>1949 Twelve Mile – Renovation of portion of existing building for Lume Berkley Provisioning Center</td>
<td>PSP-03-22</td>
<td>A site plan for this site with a pending marijuana provisioning license has been submitted and is being reviewed by HRC, DPW, the Fire Marshal and CWA. <strong>At its March 22, 2022 meeting, the Planning Commission will review a sketch plan for the provisioning center at this location.</strong></td>
</tr>
<tr>
<td>3171 Twelve Mile – The Peninsulas Façade Change</td>
<td>PSP-04-22</td>
<td>The proposed façade changes were repainting the façade, installing new windows and doors in different locations. Since the exterior materials were changing by less than 50%, the façade was approved administratively. A DDA façade grant is expected for this property.</td>
</tr>
<tr>
<td>2576 Coolidge – Relocation of Gas Pumps &amp; New Canopy at BP Gas Station</td>
<td>PSP-05-22</td>
<td>A site plan was submitted on February 18, 2022. CWA, HRC and DPW found the plans to be insufficient and asked for resubmittal. The second set of plans is under review by HRC, CWA, DPW and the Fire Marshall.</td>
</tr>
<tr>
<td>3737 12 Mile – New construction of townhouses</td>
<td>PSP-06-22</td>
<td>On February 15, 2022, the applicant had a pre-application meeting with staff from Community Development and DPW, the Fire Inspector and HRC. A site plan was submitted on February 18, 2022. HRC and DPW found the plans to be insufficient and asked for resubmittal. The second set of plans is under review by HRC, CWA, DPW and the Fire Marshall.</td>
</tr>
<tr>
<td>3916 W. Eleven Mile - Renovation of existing building for Quality Roots Provisioning Center</td>
<td>PSP-07-22</td>
<td>On February 15, 2022, the applicant had a pre-application meeting with staff from Community Development and DPW, the Fire Inspector and HRC. <strong>At its March 22, 2022 meeting, the Planning Commission will review a sketch plan for the provisioning center at this location.</strong></td>
</tr>
</tbody>
</table>
Zoning Board of Appeals – Variance (PBA), Interpretation, Appeal of Admin Decision, Mural

<table>
<thead>
<tr>
<th>Name, Address</th>
<th>Project Number</th>
<th>Current Status and Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dimensional Variance – 3679 Royal</td>
<td>PBA-10-21</td>
<td>The Zoning Board of Appeals held a public hearing on January 11, 2022 on the dimensional variance for 15 feet between dwellings. At the meeting, the applicant requested the case be tabled and has since withdrawn the application entirely.</td>
</tr>
<tr>
<td>Appeal of Administrative Decision – 1490 Franklin</td>
<td>PBA-11-21</td>
<td>The Zoning Board of Appeals held a public hearing on January 11, 2022 on an appeal, interpretation and/or use variance as to whether the definition of a home occupation includes a Federally Licensed Firearm Dealer. The applicant is appealing the decision of the City Manager that this use did not qualify as a home occupation. The Zoning Board of Appeals tabled the case until their meeting on February 14, 2022.</td>
</tr>
<tr>
<td>Dimensional Variances – 2740 Gardner</td>
<td>PBA-01-22</td>
<td>The Zoning Board of Appeals held a public hearing on February 14, 2022 on request for dimensional variances for 15 feet between dwellings and the rear yard setback. The rear yard dimensional setback variance was granted and the request for less than 15 feet between dwellings was tabled.</td>
</tr>
</tbody>
</table>

2. Zoning Administration

In February 2022, the Building Department issued three (3) business licenses in the City of Berkley.

- Dairy Queen 3491 Twelve Mile Road Restaurant (transfer of ownership)
- Drought 2070 Eleven Mile Road Retail area
- Luck Fin Project 2741 Twelve Mile Road Office

3. Zoning Ordinance (Adopted and Proposed)

<table>
<thead>
<tr>
<th>Proposed Amendment</th>
<th>Current Status and Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Licensed Residential Facilities</td>
<td>At the April meeting, the PC began discussing regulations related to State Licensed Residential Facilities in single family residential districts. This includes in home daycare, as well as other residential facilities. The MZEA allows cities to require special land use for such residential facilities, under certain circumstances. Currently, the Zoning Ordinance does not have any regulations related to in home child care and has historically interpreted the use as a Home Occupation.</td>
</tr>
</tbody>
</table>
3. Zoning Ordinance (Adopted and Proposed)

State Licensed Residential Facilities (continued)

The State has its own requirements for such facilities, but such regulations are related to the care of the children in the home and not to the site, neighbors, or other community specific concerns.

The Planning Commission requested additional information. Planning Commission met at the June work session to discuss ordinance amendments. It was determined to amend the ordinance to permit residential facilities, up to six (6) persons by principle use, and seven (7) to twelve (12) by special land use.

The Planning Commission asked for clarification on requirements for outdoor playspace per child in residential care homes.

Staff contacted LARA for clarification on outdoor playspace requirements per child. Updated language will be reviewed by Planning Commission.

4. Building Department (Permits and Certificates issued)

<table>
<thead>
<tr>
<th>Permits Issued</th>
<th>February</th>
<th>2022 YTD</th>
<th>Year</th>
<th>Total Bldg. Permits Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>30</td>
<td>49</td>
<td>2017</td>
<td>638</td>
</tr>
<tr>
<td>Electrical</td>
<td>33</td>
<td>59</td>
<td>2018</td>
<td>558</td>
</tr>
<tr>
<td>Mechanical</td>
<td>24</td>
<td>46</td>
<td>2019</td>
<td>551</td>
</tr>
<tr>
<td>Plumbing</td>
<td>15</td>
<td>38</td>
<td>2020</td>
<td>470</td>
</tr>
<tr>
<td>Temporary Sign</td>
<td>--</td>
<td>--</td>
<td>2021</td>
<td>534</td>
</tr>
<tr>
<td>Sewer</td>
<td>2</td>
<td>16</td>
<td>2022</td>
<td>49</td>
</tr>
<tr>
<td>Sign</td>
<td>2</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning Certificates</td>
<td>1</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Use</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woodward Dream Cruise</td>
<td>--</td>
<td>--</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rental Certificates</td>
<td>25</td>
<td>59</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Property</td>
<td>2</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Owner</td>
<td>6</td>
<td>10</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Permits/ Certificates Per Month</th>
<th>142</th>
<th>146</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Total Value of Construction</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$19,628,724</td>
</tr>
<tr>
<td>2018</td>
<td>$16,834,163</td>
</tr>
<tr>
<td>2019</td>
<td>$21,634,840</td>
</tr>
<tr>
<td>2020</td>
<td>$13,765,659</td>
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<tr>
<td>2021</td>
<td>$13,105,530</td>
</tr>
<tr>
<td>February 2022</td>
<td>$828,736</td>
</tr>
<tr>
<td>2022 (YTD)</td>
<td>$7,389,213</td>
</tr>
</tbody>
</table>

5. Community Development Block Grant (CDBG) Program

The Community Development Director attended the PY 2022 CDBG Workshop on October 13, 2021. The annual CDBG workshop provides valuable information related to PY2021, anticipated allocations for PY2022 and a refresher of the application process and submittal deadlines.

City staff have been discussing potential projects to program for PY2022. At the November 15, 2021 meeting, the City Council held the public hearing and approved the resolution for the proposed projects and fund allocations for PY2022. The projects identified include:

- City park sidewalk replacement – Community Park
- Snow shoveling services for senior residents
- Large print books at City Library
- HAVEN

Application materials were submitted to Oakland County on December 7, 2021.

6. Other Community Development Projects

Redevelopment Ready Communities

One of the most important components to receiving RRC status is an updated Master Plan. Once the plan has been adopted, we can begin a technical review of the Zoning Ordinance to ensure our current ordinances are in line with the goals and objectives in the Master Plan.

City staff has been addressing some of the administrative elements, such as updating planning applications, creating the development guide and flowcharts, etc.

Outdoor Dining, Enclosures, Signs

Due to restrictions that have impacted retail and restaurants, the City has worked with the business community to relax standards of approval for outdoor dining, retail, service areas, as well as signs that advertise businesses are open to the public.

The relaxation of ordinances allows for outdoor areas to be installed in private and municipal parking areas, sidewalks, and specific residential road closures connected to Twelve Mile and Coolidge. Most applications were for outdoor dining areas. Berkley Common was approved to close Griffith Rd from alleyway to Twelve Mile. The City has not received requests for closure of any other roadways.

The outdoor areas were permitted June 15 – October 1. As the restrictions for indoor spaces are still in place, the City Council extended the outdoor areas until March 31, 2021, with the inclusion of permitting temporary enclosures on private patios.

The City of Berkley is also working with Oakland County to secure propane, greenhouse enclosures, and sanitizing devices for restaurants to use, as part of the Oakland Together Restaurant Relief Program.
6. Other Community Development Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>Details</th>
</tr>
</thead>
</table>
| Outdoor Dining, Enclosures, Signs (continued)| At the March 1, 2021 meeting, the City Council approved the extension of outdoor dining and road closures until September 30, 2021. City staff has explored Outdoor Social Dining Districts and other opportunities for local businesses.  
At the August 9, 2021 meeting, City Council approved to extend outdoor dining resolution until December 31, 2022 in order to actively research and discuss ordinance amendments, feasibility studies for the creation of public plazas and more. |
| Development Guide, including updating applications | In order to better assist developers, the Community Development Department is putting together a Development Guide that will explain all necessary steps for approval.  
Updated planning applications have been uploaded on the City website. The Development Guide is being drafted, along with flow charts and easy to reference guides. |
| How to Open a Business Brochure              | Similar to the development guide, the Community Development Department is working with the DDA to design a “How to Open a Business” brochure that will walk a business owner through the application, inspection, permitting processes that are required prior to a Grand Opening.  
The brochure is intended to better assist new business owners, as they may be unfamiliar with opening a business. We hope to make the process as easy and enjoyable as possible.  
The business license application has been updated and uploaded on the City website. The Brochure is being printed and will be put up at City facilities. The website includes a Land Use Matrix to guide future business owners in their quest to find the perfect property in Berkley. |
| Mural Program                                | The DDA’s Mural Program has received a lot of positive feedback from residents and the business community. There has been a great deal of interest from properties located in the DDA and elsewhere to install murals and other public works of art on their properties. Currently, the Zoning Ordinance does not specify requirements or steps for approval for any public art.  
Text is being drafted and reviewed by City staff. |
| Approval Extensions                          | City Council adopted a resolution to extend planning and zoning approvals due to construction delays related to COVID-19 until December 31, 2021. This includes site plan, special land use, rezoning, variance, and other approvals that were granted by Planning Commission, Zoning Board of Appeals, and City Council. This was done to assist business and property owners who had secured approvals but have incurred delays out of their control and so to prevent the approvals from expiring. |
### 6. Other Community Development Projects

| Social Districts | In researching ways to assist our local businesses, city staff, DDA and the Chamber are working together and discussing the possibility of Social Districts in Berkley. City staff has reached out to several other communities to better understand the process and the potential hiccups with the new policy. There are 11 restaurants that serve alcohol in the City. Staff has reached out to each to gauge their level of interest. Based on the level of interest, City staff has determined not to move forward with establishing Social Districts at this time. The City continues to reach out to businesses and property owners to assist and find alternate methods to aid local businesses. |
| Downtown Design Guidelines & Overlay District | Members of city staff have met with members of the PC and DDA to go over the draft language for the Overlay District and plans to implement and adopt the Downtown Design Guidelines. Draft language is still being finalized. The City hopes to have draft language for public bodies to review in the coming months. Draft language has been sent to City Attorney John Staran for his review to ensure that we are on the right foot moving forward. Any recommendations will be discussed with the internal team. The draft text was reviewed by the DDA at their November 10, 2021 meeting and reviewed by the Planning Commission at their November 23, 2021 meeting. The Planning Commission held a work session on the draft zoning ordinance amendments on March 1, 2022. |
| Vinsetta Lots | Houses on Eaton and Oxford have been demolished or in process of being demolished. City staff have reached out to the development team for Vinsetta regarding the progress of the parking lot plans and subsequent plans for new homes. Mid-September, the development team submitted conceptual parking plans. Community Development reviewed the conceptual plans but they were deemed to be largely incomplete to move forward with a pre-application meeting. Comments were forwarded to the development team. The Interim Community Development Director has resumed weekly e-mail updates to residents near the Vinsetta Garage related to the progress of the future parking lots on Eaton and Oxford that will service the Vinsetta Garage restaurant. On March 2, 2022, the applicant had a pre-application meeting with staff from Community Development and DPW, the Fire Inspector and HRC. A site plan is anticipated in the upcoming months. |

Have a safe and happy week!