PUBLIC NOTICE
City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Monday, May 9, 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 April 11, 2022
OLD BUSINESS
NONE
NEW BUSINESS
1. APPLICATION PBA-04-22; 3020 Coolidge Hwy. – Dimensional variance request to waive on-site parking requirements.

   Takesha Dubose, on behalf of Gary Imhoff, 3020 Coolidge Hwy, on the east side of Coolidge Highway, between Earlmont Road and Edgewood Boulevard, is requesting a variance to allow waive on-site parking requirements and rely on on-street parking only for a salon/spa.

2. APPLICATION PBA-05-22; 28105 Woodward – Dimensional variance requests to change the message displayed on a nonconforming pole sign.

   Laurencelle Properties Inc, on behalf of Catalpa Crossing/Charlie Laurencelle, 28105 Woodward Ave 28151, on the east side of Woodward, between Dorothea and Catalpa, is requesting variances to change the message displayed on a nonconforming pole sign. The sign is nonconforming as follows: sign height is 31.3 ft. when a maximum of 20 ft is allowed; sign area is 82.3 sq. ft. when a maximum of 40 sq. ft. is allowed; the sign is 3 ft. from the property line on Catalpa and 4.66 feet from the property line on Woodward when a minimum of 5 ft. is required; and the sign is within the minimum 5 ft. radius from the sidewalk/sidewalk intersection.

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 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
Mark Riley (Alternate)
Kevin Wilner
Miles Uhlar
Maria Ward

ABSENT:
Erick McDonald

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

Motion by Mr. Krug to excuse the absence of Mr. McDonald and supported by Ms. Ward.

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

MOTION CARRIED

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

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

MOTION CARRIED

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

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

MOTION CARRIED

* * * * * * * * * *

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.

Interim Community Development Director Masson-Minock stated that this application was brought to the Zoning Board of Appeals since the sign application was denied because it exceeds 100 square feet for all roof signs on the building. Interim Community Development Director Masson-Minock gave an overview of this site and also stated the standards of review that the Board must use to make a decision.

Board members asked Interim Community Development Director Masson-Minock specific questions on the property and the signs that are present on this property.

**Petitioner**
Lonnie Zimmerman  
Siegal/Thomaala Associates Architects and Planners  
29200 Northwestern  
Southfield, MI 48034

Jay Klarchek (representing ownership)  
47 West Division St.  
Chicago, IL 60610

Petitioner, Mr. Zimmerman, provided content on the interpretation of the Ordinance, which brought them to the Board. Mr. Zimmerman provided additional facts about the zoning and location of the store along with comparisons of stores and businesses around it.

Owner, Mr. Klarchek stated that the owner has been successful in other locations but with the lack of signage it has resulted in sustaining a profitable business when this business serves a unique need to the community.

The Board discussed with the applicant about different sizes of what the sign could be, so it would be symmetrical with the other signs present.

Chair McAlpine opened public comment at 7:24 p.m.

**PUBLIC COMMENT**
James Stonehouse, 3190 Brookline - stated that he is worried about sign creep. Mr. Stonehouse also questioned if the sign is going to be above the roof or lighted in any way. Mr. Stonehouse stated his main concern was if lighting coming in from Woodward is going to go into the neighborhood, and if people looking to read this sign will cause accidents.

Interim Community Development Director Masson-Minock answered some of Mr. Stonehouse’s concerns: in terms of the rooftop, signs cannot be visible from the back per the Ordinance, and with illumination, light cannot creep over property lines per the Ordinance.

Chair McAlpine closed public comment at 7:27 p.m.

The Board continued discussion on square footage of the sign and what would be applicable to this location.
Co-Chair Uhlar motioned to approve the variance allowing a sign up to 40 square feet in that location based on the factors stated thus far, noting there is a practical need for a sign, the current lack of business, the relevance of history on the building. Motion Supported by Mr. Gesund.

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

MOTION CARRIED

* * * * * * * * *

OTHER BUSINESS

NONE

* * * * * * * *

STAFF/BOARD MEMBER REPORT
Interim Community Development Director Masson-Minock provided the February Community Development Report to the Board, as well as, confirming with Chair McAlpine and Ms. Ward had completed three hours of ZBA training.

Mr. Gesund announced that he will be resigning from the Board at the end of his Term through June 2022. Mr. Gesund stated that his commitments to his business have progressed and wanted to give the Board an adequate amount of time to find a replacement for him.

Ms. Ward stated that the Board will miss him and that he has been an asset to the Board over the years. Chair McAlpine thanked Mr. Gesund for his service to the Board and the fact that his business is growing is a good thing.

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LIAISON REPORT

NONE

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PUBLIC COMMENT

NONE

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With no further business, the meeting was adjourned at 7:38 p.m.
MEMORANDUM

To: Berkley Zoning Board of Appeals

From: Megan Masson-Minock; Interim Community Development Director

Subject: PBA-04-22; 3020 Coolidge Highway – Dimensional variance request to waive on-site parking requirements

Date: May 6, 2022

APPLICANT: Takesha Dubose, on behalf of Gary Imhoff

LOCATION: East side of Coolidge Highway, between Earmont Rd. and Edgewood Blvd.

PARCEL ID: # 25-17-107-031

REQUEST: The applicant is requesting a dimensional variance to waive on-site parking requirements and rely on on-street parking only for a salon/spa.

REQUIRED: Berkley City Code, Chapter 138 Zoning, Sec. 138-219, Parking space requirements by use requires three (3) on-site parking spaces per service chair or station for beauty and barber shops, tanning or nail salon. Three service chair or stations are proposed, requiring nine (9) on-site parking spaces. No on-site parking is proposed.

ZONING AND LAND USE

The subject property is zoned Coolidge District.

<table>
<thead>
<tr>
<th>Property</th>
<th>Zoning District</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>Coolidge District</td>
<td>Two-story building with retail on ground floor and vacant second story</td>
</tr>
<tr>
<td>West</td>
<td>Coolidge District</td>
<td>VFW Post</td>
</tr>
<tr>
<td>East</td>
<td>Coolidge District</td>
<td>Parking for building to the south</td>
</tr>
<tr>
<td>North</td>
<td>Coolidge District</td>
<td>Credit Union</td>
</tr>
<tr>
<td>South</td>
<td>Coolidge District</td>
<td>Two-story building with office on ground floor and residential on second story</td>
</tr>
</tbody>
</table>
BACKGROUND

A beauty salon on the ground floor at this address received a parking variance on June 14, 1999. A copy of the file is your packet. The variance was to permit a nail salon with one (1) employee as a grandfathered use for a shop with no on-street parking. Spike Lawrence, an awards and promotional products business, was given a business license in 2008. In consultation with the City Attorney, it was determined that due to the change of use and the wording of the variance granted being specific to a grandfathered use, that the variance in no longer valid.

The rear portion of the original lot for 3020 Coolidge was severed from that property and combined with 3010 Coolidge to the south. We have reviewed the site plan folders for 3010 Coolidge from 2011 and 2012. Since these applications for façade changes, no information on parking was provided in those site plans.

The applicant filed for a business license on March 4, 2022. The business license application, in your packet, indicates that the salon would operate Monday through Saturday, with three (3) employees. It also states that the applicant had been told that she could park at the VFW Hall and the Vibe Credit Union without an agreement. Section 138-218, Shared parking/parking waivers allows for joint use of parking facilities by two or more users but a copy of any agreement between joint users must be filed with the business license application. The license is on hold until after the Zoning Board of Appeals decision.
The applicant and her real estate agent met with me on March 9, 2022 in regard to this property. The applicant indicated that she was interested in purchasing the building, using the first floor as salon and day spa and was unsure of plans for the second story. Both she and her real estate agent were concerned about parking, since the current building owner had indicated that he had sold the associated parking at the rear of the building to the property at 3010 Coolidge. Ms. Dubose described that her salon as a by appointment only business with no walk-in customers, which is indicated in the variance application. I advised that she could consider applying for a variance for the parking. We also discussed that Sec. 138-628, Parking credit, allows parking to be reduced by two (2) on-site spaces by providing four (4) bicycle parking spaces, via the installation of two bicycle racks.

In the variance application, the applicant indicated she would be willing to install two (2) bicycle racks and to give parking instructions to all employees and clients. There are five (5) on-street public parking spaces in front of 3020 and 3010 Coolidge.

Last, we note that there was an error in the newspaper and mailed notices for this case. Accidentally, the name of the original plat for the property, Brookline Hills, was substituted for the cross street of Edgewood Boulevard, to indicate the location of the property in question. Since the address and other identifying information on the notices were correct, we do believe that the notice is valid, and the error would not prevent the Zoning Board of Appeals from hearing or deciding the case at the May 9, 2022 meeting.

**SCOPE OF PROJECT**

The property owner is proposing to waive the parking requirements of nine (9) spaces for a proposed salon/spa on the ground floor. In the application, she has offered to install two (2) bicycle racks and to give parking instructions to all employees and clients. The vacant second floor is not part of the scope.

**SUMMARY OF REQUEST**

Berkley City Code, Chapter 138 Zoning, Sec. 138-219, Parking space requirements by use requires three (3) on-site parking spaces per service chair or station for beauty and barber shops, tanning or nail salon. The applicant is proposing to reduce the number of required off-street parking spaces for a ground floor salon/spa with three (3) service chairs or stations from nine (9) parking spaces to zero (0) spaces.

**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 variance is needed because no off-street parking is associated with the property. The property itself is shallow, with a depth of 53.81 feet. The original plat of Brookline Hills has lot depths of 132 feet and the other lots along Coolidge near the site have lot depths from 80.81 to 132 feet. The shallow depth can be seen as a unique physical condition of the property.
Source: Oakland County Property Gateway
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 actions of the previous property owner. However, there is no minimum lot size or width requirements for properties zoned Coolidge and the reduction of the lot width for 3020 Coolidge was lawful and complies with current zoning.

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. Unless the building was partially removed or demolished, there is no room on the site for an off-street parking space. Strict compliance for any use, unless there is a parking agreement with a joint user, would not allow occupancy of either floor of the building.

The applicant has also stated that the requirement for three (3) parking spaces per service chair or station is unreasonable due to their strict by appointment only policy.

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 and maximum variance necessary to do justice to the property owner as a complete waiver is requested.

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

The requested variance has the potential to adversely impact the surrounding properties. The on-street parking spaces are public spaces, available to a variety of buildings in the Coolidge Highway corridor. During our site visit, we observed that two (2) of the on-street parking spaces were occupied. If those on-street parking spaces are filled, despite directions from the applicant, clients might park on residential side streets, particularly Earlmont Road and Edgemont Boulevard. Continual parking on those residential streets could adversely impact those properties.

On the other hand, the building at 3020 Coolidge is for sale and without a parking option of some sort, the building could be vacant for an extended period. Vacant buildings can become a blighting influence, adversely impacting the surrounding properties, commercial and residential both.

Finally, the scope of the project does not include the space on the second floor of the subject building. The Zoning Board of Appeals should be aware that parking for that space would remain unsettled.
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 circumstances or physical characteristics of the property.

If the Zoning Board of Appeals chooses to grant the variance requested, we recommend that the Board limit the waiver to the ground floor only of the building and consider conditions of approval to codify the offers by the applicant, specifically operation of the salon/spa by appointment only, directions to clients and employees that parking is limited to municipal parking areas and on-street parking on Coolidge Highway only, and installation of two (2) bicycle racks, as well as any other conditions the Board deems necessary to comply with the standards for variances listed above.

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
    Takesha Dubose, Applicant
    Gary Imhoff, Property Owner
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.

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APPLICANT INFORMATION

Name: Takesha Dubose
Phone: [Redacted]
Address: [Redacted]
Email: [Redacted]
Relationship to Property (current tenant, representative, future tenant, current owner, future owner):

future owner

PROPERTY OWNER INFORMATION (if different from Applicant)

Name: Gary Imhoff
Phone: [Redacted]
Address: 3020 Coolidge Hwy
Email: [Redacted]

PROPERTY DESCRIPTION

Address: 3020 Coolidge Hwy
Parcel #: 04-25-17-107-031  Zoning Classification: Commercial/Office
Current Use of Property: Commercial
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: Parking Variance, To make the property useful.

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: Commercial Sales

Requested Use of Property: Retail / Salon / Spa

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.

   

City of Berkeley · ZBA Application
Updated 07.01.2021
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 property has no designated parking. Previous owner sold the parking associated with building. I'm unable to operate as a business without the parking variance.
2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

The previous owner sold the parking associated with the building. The property does not include any parking associated with the building.

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.

There is an ordinance for three parking spaces per chair which is unreasonable for the operation of my business which doesn't require three parking spaces because of our strict policy of by appointment only.

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

As a potential buyer I'm only asking for the same parking as the neighboring businesses.

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

There are five parking spots available for public parking in front of the building. Municipal parking is just outside of relief of the street. We have verbal agreements from 3 neighboring businesses regarding parking however we haven't obtained a written agreement. We plan to install two bike racks.

We will be giving parking instructions to all clients and employees.
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.

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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.

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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.

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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 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.

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Applicant Name (print)  
Applicant Signature  
Date

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Applicant Name (print)  
Applicant Signature  
Date

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Property Owner Name (print)  
Property Owner Signature  
Date
Office Use Only

Received 4-8-22  Receipt #ätt Meeting Date 5-9-22  Case # PBA-04-22

Fee:  Residential $400
      Commercial $600
      Mural    $300
<table>
<thead>
<tr>
<th>Case Number:</th>
<th>BA-15-99</th>
<th>Hearing Date:</th>
<th>6-14-99</th>
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<tbody>
<tr>
<td>Address:</td>
<td>3020 Longedge</td>
<td>Sidewell:</td>
<td>17107004</td>
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<tr>
<td>Publication Date:</td>
<td>5/31/99</td>
<td>Faxed to Tribune:</td>
<td>5/28/99</td>
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<td>Mailed to:</td>
<td>Residents</td>
<td>Applicant(s):</td>
<td></td>
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<tr>
<td>Board Action:</td>
<td>approved</td>
<td>Date:</td>
<td>6/14/99</td>
</tr>
</tbody>
</table>
Little Nail Shop
3020 Coolidge
parking
approved
A Resolution
of the Appeal Board of the City of Berkley, Michigan
regarding Application Number BA-15-99

WHEREAS, the applicant, Little Nail Shop, 3020 Coolidge, east side of Coolidge, between Edgewood and Earmont, is requesting a variance in order to permit a nail salon with one employee is a grandfathered use. The shop has no existing off-street parking. A nail salon with one employee and three stations is required to have seven parking spaces. A nail salon with two employees and three stations is required to have eight parking spaces.; and

WHEREAS, Berkley City Code, Chapter 138 Zoning, Article IV Off-street Parking and Loading, Division 1 Off-street Parking, Section 138-238 Parking space requirements by use, (3) Commercial, (1) Beauty parlor or barber shop: 2 parking spaces per beauty or barber chair, plus one additional parking space for every additional hair dryer, plus one per each employee on the largest shift.

Chapter 138 Zoning, Article IV Off-street Parking and Loading, Division 1 Off-street Parking, Section 138-227 Specific uses not mentioned. For those uses not specifically mentioned the requirements for off-street parking facilities shall be in accord with a use, which the zoning officer considers is similar in type.; and

WHEREAS, after a public hearing was held before the City of Berkley Zoning Board of Appeals at their regular meeting on June 14, 1999 and the decision of this Board became effective five (5) days after this date.

NOW, THEREFORE, THE CITY OF BERKLEY ZONING BOARD OF APPEALS RESOLVES:

It was moved by Ms. Rogers to approve BA-15-99, the practical difficulty being the uniqueness of the building.
Supported by Mr. Vogtman
Ayes: Bailey, Rogers, Stemzynski, Vogtman
Nays: Kroll, Winters, Zebzda
Motion Carrier

[Signature]

Linda Bailey, Chairperson

Attest:

Amy M. Vansen

Amy Vansen, Planning Consultant
NOTICE IS HEREBY GIVEN, that there will be a meeting of the Berkley Zoning Board of Appeals to be held at the City Hall in the Council Chambers, 3338 Coolidge Highway, Berkley, Michigan on Monday, June 14, 1999 at 7:30 p.m. or as near thereto as the matter may be reached.

**Application Number BA-15-99**

The applicant, Little Nail Shop, 3020 Coolidge, east side of Coolidge, between Edgewood and Earlmont, is requesting a variance in order to permit a nail salon with two employees, when a nail salon with one employee is a grandfathered use. The shop has no existing off-street parking. A nail salon with one employee and three stations is required to have seven parking spaces. A nail salon with two employees and three stations is required to have eight parking spaces.

**Berkley City Code**

_Berkley City Code, Chapter 138 Zoning, Article IV Off-street Parking and Loading, Division 1 Off-street Parking, Section 138-238 Parking space requirements by use, (3) Commercial, (l) Beauty parlor or barber shop: 2 parking spaces per beauty or barber chair, plus one additional parking space for every additional hair dryer, plus one per each employee on the largest shift._

_Berkley City Code, Chapter 138 Zoning, Article IV Off-street Parking and Loading, Division 1 Off-street Parking, Section 138-227 Specific uses not mentioned. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, which the zoning officer considers is similar in type._

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 Department of Community Development, Planning and Research before 7:30 p.m. on the date of the Public Hearing.

WILLIAM RECHLIN
CITY MANAGER

**Publish Once:**
The Daily Tribune
Royal Oak, MI
Monday, May 31, 1999
CITY OF BERKLEY
Zoning Board of Appeals - Application Form

A complete application, a check payable to the "City of Berkley", and 17 copies of a survey, plans, and other applicable data must be submitted to the City of Berkley one month prior to the date of the ZBA hearing. Fee: $75.00 Account Number: 101-000-817

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

APPLICANT:
Name: DEBORAH HALL
Address: 

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

PROPERTY OWNER:
Name: AMERICAN YOUTH HOSTELS
Property Owner Address: 

PROPERTY DESCRIPTION
Address: 3020 Coolidge

VARIANCE REQUEST
Description of Request: NON-USE VARIANCE - PERMISSION FOR PARKING SPACES

Has the City refused a permit for the request? FIRST TIME APPLYING

GROUND FOR APPEAL

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

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

A non-use variance is a variance regarding setbacks; height; parking; sign size or placement; fences and walls.

Strict compliance with the ordinance would be unreasonably burdensome because

The variance would do substantial justice to me as well as to the neighborhood because

The property is unique because

The situation is not self-created because

USE VARIANCE

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

Property cannot be used or put to a reasonable use for the purposes permitted in that zoning district because

The property is unique because

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

The situation is not self-created because

I understand that ZBA members may need to access my property to better understand my case.

Deborah Hall

Signature of Applicant

Date

5-10-99

Office Use Only

Date Application Received: 

Fee: 

Receipt Number: 

Hearing Date:  June 14, 1999 

Case Number: BA-15-99 

Zoning Board of Appeals Decision: 
2 June 1999

City of Berkley,
Zoning Board of Appeals
3338 Coolidge Hwy.
Berkley, MI 48072

Members of the Zoning Board of Appeals:

This letter is in response to the request for a variance for 3020 Coolidge Hwy. (Little Nail Shoppe). My wife, Diana, and I own the building 3010, 12 & 14 Coolidge Hwy. directly south of the 3020, 24 Building. We have been here since 1974.

A little history on this property and the surrounding properties is in order. The building itself (both addresses 3020 & 24 Coolidge Hwy) was owned by the Metropolitan Club, when we moved into our building. 3020 Coolidge contained a one-person hair salon called Kut 'n Kurl. Sandy Korniewicz purchased the business and ran it for approximately 24 years. Although the building had no parking, she was allowed to continue the business as it had a pre-existing nonconforming status for a one operator personal care business.

Later, the Metropolitan Club sold the building to the American Youth Hostels (A.Y.H.) and in order for them to use it they needed a variance, due to lack of parking. My family and I spoke in favor of granting said variance to the A.Y.H.

Back then, there was 90 degree on-street parking on Edgewood Blvd. Nine cars on the north side and at least six cars on the south side. In 1977 the City of Berkley removed the angle parking and put in a median. This meant that the only improved parking on this whole block was the small lot behind my building at 3010, 12 & 14 Coolidge. This lot is not big enough to meet even our parking requirements.

North of the A.Y.H. building was a empty lot belonging to the Bessenger family. North of the Bessenger property was a lot (owned by the Fons family) that extended to the corner of Earlmont Rd.

Ever since the city took the parking off of Edgewood, I have attempted to purchase property to create more parking and improve the parking situation. The first time my family and I asked the A.Y.H. if they would be interested in joining us in the purchase of the Bessenger property for badly needed parking. They agreed and we made an offer that was accepted. At that time, The City of Berkley required a brick wall between the business and residential properties. The added cost of the brick wall was stated by A.Y.H. as the reason they backed out of the agreement.
The second time we tried to purchase the white house behind the Bears' Den Bar. We made an offer to the estate of the owner. We were informed by the estates attorney, Mr. Fisk, that the Bears' Den had an agreement with the owner to purchase the property upon his death.

In the third situation, we have had a standing offer for over fifteen years to purchase the back yard of the A.Y.H. property. This is a small lot. So small it will only hold three parking spaces. It would be impossible for anyone to develop this lot into parking except the owners of 3010 Coolidge or the Credit Union. There is no access to it except from those properties or the granting of an easement to the A.Y.H. by one of the two above mentioned. If we granted such a easement we would have to give up at least one parking place. If the credit union granted such an easement to any one else, they would loose two parking spaces and be in violation of the variance that was granted when they built on there site.

After A.Y.H. backed out of the pending purchase of the Bessenger lot, that lot and the Fons property was sold to the credit union (CU). When the CU received permission to build on this property they needed a variance because they did not have the required parking spaces. I was present to speak in favor of the CU receiving their variance.

The CU was represented by its manager, Gus Nelson. At that the time the city council served as the Z. B. A. Councilman Robert Wheelock asked Gus whether the lot would be chained off at night or if the A.Y.H. would be using the CU parking. The CU, by code, was deficient in parking and could not then and can not today, give parking to anyone else. Gus stated that the lot would be only for the CU use and would be chained off at night. The CU received its variance. When the building was built, posts were installed and the lot was chained at night as long as Gus was Manager. The chain did little good since people drove around the chains, over the sidewalk and used the CU lot, anyway. Over time the CU, being good neighbors, stopped putting the chain up at night.

Once in a while one of my customers has used the CU lot, and members of the CU have used my lot. The few spaces on Coolidge have been shared by all, (the CU, A.Y.H., Kut 'n Kurl and my business).

Now comes a new business (Little Nail Shoppe). The owner knew from the start that this building did not have one parking space of their own. I am told that the license was originally applied for and granted for a one-operator business.

Inside there are three stations that can be seen from the window and what appears to be three more that are behind a glass wall. It is operating with what the owner alleges is just two operators. But already my customers are complaining about the lack of parking and Little Nail Shoppe customers are parking in my private lot.

There is street parking on Coolidge Hwy. for three standard size cars and one compact. Under the new recommended parking requirements, there is only enough parking for one operator if on street parking were allowed and it isn't. If this building over-usage is allowed to continue, by granting the requested variance, the surrounding businesses who share the on-street parking will have to park all day on Coolidge so that their customers can park in their lots. This will mean one or two companies will use the on street parking and the others will have none. This happened in 1981, on the west side
of Coolidge Hwy. near Wiltshire after the Zoning Board of Appeals (ZBA) improperly granted a variance. The PARKING WAR lasted from 1981 to 1987. Businesses came before city council over and over again about the problem that was caused by the variance, but once it was granted it could not be removed. Please, as the current ZBA, don't make the same mistake again.

To illustrate the parking problem please see the enclosed photographs taken of the CU parking lot. The first set of pictures Numbered 1 through 5 was taken on Friday, 7 May 1999. The second set pictures numbered 6 through 8 was taken Friday, 14 May 1999.

1. Shows a lot so packed that vehicles are parked in driving lanes. A maroon minivan is improperly parked in a driving lane by the sidewalk and red Ford at the far end of the line of vehicles is also parked in the driving lane.
2. Shows vehicles parked in the driving lane at the right as there is no where else to park and a red station wagon circling the lot looking for a place to park.
3. Shows a driver getting into one of the improperly parked vehicles and the red station wagon still circling the lot looking for a place to park.
4. Shows the driver of the red car that was in the two previous pictures circling the parking lot who got tired of looking for a parking space and parked in a driving lane.
5. Shows the south end of the credit unions lot parked full of vehicles. Some of these vehicles belong to people in at the A.Y.H. and the Little Nail Shoppe.
6. Shows one open parking space, a vehicle had just pulled out. The blue V.W. is improperly parked in a driving lane. The silver car improperly parked against the wall is also in a driving lane. The minivan belongs to an A.Y.H. member.
7. Shows the improperly parked blue V.W. In front of it is a blue truck improperly parked in the driving lane and a member of the A.Y.H. at his minivan.
8. Shows the south side of the credit unions lot parked full and some of these vehicles belong to the A.Y.H. and the Little Nail Shoppe. To the far right is a space that was just opened up by a person leaving the Little Nail Shoppe.

I could have taken pictures every Friday and Saturday but they would only show more of the same thing. The days before holiday weekends are even worse.

I was told that the original plan was for a variance for only Fridays and Saturdays when the A.Y.H. offices allegedly are closed. On both Fridays when these pictures were taken, people were in the A.Y.H. offices and vehicles belonging to their staff, volunteers or members were parked either on the street or in the credit unions parking lot. Today, as I write this letter, two operators are working on customers, four cars are taking up all the on-street parking and there are six vehicles parked in the CU parking lot that belong to people who are in the 3020, 3024 Coolidge building. Today is Wednesday, not Friday or Saturday. At least five of the vehicles are for people in the Little Nail Shoppe.
Having sat on the ZBA, I know that a variance can not be granted for only one or two days per week, but is granted for 7 days a week. When I checked with Mr. Lowther he agreed.

This is a SELF CREATED HARDSHIP because:
- the applicant knew that this store front had a pre-existing nonconforming status for one operator only,
- leased the store front, put in three visible stations plus three behind a glass wall.
- applied for and was granted her Initial Merchants License as a one operator business.
- advertised for additional operators.
- after getting caught, is requesting a variance for two operators
- she has added a second operator and continued to advertise for more operators, in violation of her original license.
- applied for the variance for two operators and continued advertising for additional operators.

This business owner is before you because a neighboring business owner, me, complained about her customers and/or staff abusing the parking on Coolidge and using my parking lot. For a while I tolerated the abuse of the parking on Coolidge, but then her added staff caused customers to park in my lot. A lot I paid for, I pay taxes on, I clean the snow off of and otherwise maintain. A lot which is already too small for my needs. She has gone too far. This abuse of parking has got to stop.

I liken this situation to that of Dr. Reagan at the corner of Woodward and Oxford. As some of you may remember; he knew the limitation of the property, came before you for one variance. Then after complaints of violations from neighbors came back for another and another.

The Little Nail Shoppe, knew only one operator was allowed, then caused the floor plan to be setup to handle more than one operator. Thus creating a SELF CREATED HARDSHIP! Michigan law does not allow you to grant a variance for a self created hardship.

We have been here for over twenty-five years and we have been in favor of granting all the parking variances requested regarding this block to date. BUT THIS IS TOO MUCH. Please DENY the variance requested for the Little Nail Shoppe.

Signed:

[Signature]

Ronald J. Meyer

[Signature]

Diana J. Meyer
June 7, 1999

The City of Berkley
Zoning Board of Appeals
3338 Coolidge Highway
Berkley MI 48072

RE: APPEAL NO. BA-15-99

Hon. Zoning Board of Appeals:

As a commercial property owner across the street from the subject appeal property, I strongly object to granting the zoning ordinance variance.

Parking is at a premium in this area, and to permit a new business person to violate the zoning ordinances to profit themselves frustrates the very purpose of zoning.

I have recently noticed more on-street parking, which I believe is a direct result of the overburden caused by this new business, and it now adversely affects my clients, as well as the clients of my two tenants that share space with me across the street in my law office.

There is absolutely no legal merit to the appeal of this business person, since the business was fully aware of the zoning and parking situation prior to renting the property.

Yours very truly,

Robert J. Adams

RJA/pm
June 7, 1999

The City of Berkley
Zoning Board of Appeals
3338 Coolidge Highway
Berkley MI 48072

RE: APPEAL NO. BA-15-99

Hon. Zoning Board of Appeals:

I have occupied the building at 3053 Coolidge as a tenant for the purposes of my law office for a period in excess of 20 years.

Recently, since the Nail Shop at 3020 Coolidge came into existence, there has been a noticeable increase in the on-street parking in and around my office.

I do have off-street parking in the rear of the building that relieves the burden of the occupants itself, however, I depend on the parking available on Coolidge to accommodate my customers.

When this nail shop takes up more than their share of the spaces available, it adversely affects my income.

I strongly ask that the appeal be denied.

Yours very truly,

Charles B. Evans
Attorney at Law

CBE/pm
June 7, 1999

The City of Berkley
Zoning Board of Appeals
3338 Coolidge Highway
Berkley MI 48072

RE: APPEAL NO. BA-15-99

Hon. Zoning Board of Appeals:

As a tenant in the building at 3053 Coolidge, I have recently noticed more cars parked on Coolidge. This adversely affects me, as well as my clients who come to the office which I have rented for many, many years.

I object to the granting of the appeal, since all of the other businesses who comply with the zoning laws are adversely affected by extra traffic, less parking, etc., if this appeal were granted.

I strongly suggest that the appeal be denied.

Yours very truly,

Lee W. Andrews
Attorney at Law

LWA/pm
Berkeley Board of Appeals

I'm against the granting of the variance for the Little Nail Shop. We already have too many other businesses using our parking lots. We feel this would only push more vehicles south on Coolidge and into our parking lot. Just say no to the Little Nail Shop.

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MrJ's Pizza & Tap Shop

James Lossia  
MrJ's Sport Bar
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SITE PLAN REVIEW

TO: City Planning Commission
City of Berkley

FROM: Department of Community Development, Planning and Research
City of Berkley

DATE: January 13, 1983

SUBJECT: Proposed construction of Berkley-LaSalette Community Credit Union on Lots 64-69 and 82 Brookline Hills Subdivision (southeast corner Coolidge at Earlmont), Berkley, Michigan.

I. SUMMARY:

- The proposal is to construct a Credit Union (Berkley-LaSalette Community Credit Union) on the east side of Coolidge Highway between Earlmont and Edgewood, Berkley, Michigan.

- Improvement Amenities include: landscaping, brick paver/concrete sidewalks, pedestrian lighting, trees and tree grates, and brick facade treatment to all building elevations.

II. BACKGROUND:

On November 16, 1981 the Berkley-LaSalette Community Credit Union was granted by the City Council a Rezoning of Lots 68 and 69 of Brookline Hills Subdivision from R-1 D Residential District to P-1 Parking District. Said Rezoning was heard by the Planning Commission on November 9, 1981 and the Planning Commission recommended approval to the City Council. This Rezoning was initiated to allow the construction of the proposed Credit Union on Lots 64-69 and 82 of the Brookline Hills Subdivision (on the east side of Coolidge between Earlmont and Edgewood.)

The applicant now applied for Site Plan Review to construct the proposed new building for the Berkley-LaSalette Community Credit Union, Pursuant to Chapter 33, Section 33.163 of the Berkley Zoning Ordinance Code. The applicant is currently at 1919 Coolidge Highway. The Credit Union is in need of a larger facility and this is the reason for the proposed construction of a new building.

III. ANALYSIS:

Site and Building Characteristics:

Property Area: 30,966 Square feet
Proposed Building Area: 5,500 Square feet
Percent of Land Occupied: 18%
Useable Floor Area: 4,400 Square feet

Zoning

The Current Zoning Classification is B-2 General Business District. Chapter 33, Zoning, Section 33.71 (1)-Principal Uses Permitted states: "Any retail business
or service establishment permitted in B-1 District..." The proposed service use complies with zoning district requirements of the City Ordinance Code.

**Parking**

Chapter 33, Section 33.120(64)-General Parking Requirements—states: "(c) Banks, Financial Institutions with Drive-In Windows: One (1) parking space per two hundred fifty (250) square feet of useable floor area, plus sufficient area for ten (10) stacking spaces for the first drive-in window and two (2) stacking spaces per each additional window."

The proposed Credit Union has 4,400 square feet of useable floor area and one drive-in window. This requires 18 parking spaces and 10 car stacking spaces. The applicant is providing 43 parking spaces and 17 car stacking spaces. Thereby well exceeding the required parking area.

**MASTER PLAN**

**Coolidge Highway Corridor Study** states the following:

"Beverly-Edgewood Proposals"

- The assessed value of the second block from Earlmont to Edgewood is about $73,000 which is relatively low. It can be increased through the development of improperly utilized parcels such as the construction yard.

- The construction yard could be redeveloped into either an office facility, an apartment complex, or a commercial complex.

**Reasons:**

A. The land for the new development could be reasonable developed with a minimal amount of demolition

B. Vacant land and land being inefficiently used should be re-developed.

**Benefits:**

A. The assessed value of the block between Earlmont and Edgewood could be developed to its maximum

**Housing and Land Use Element**

The future land-use plan found in the Housing and Land-Use Element anticipates, the development of office and business and potential parking as the future land use best suited for the lots in question.

The following Business and Commercial Development Policies support the proposed development:

"Policy 3: Future planning for office development in Berkley should not limit new office construction to segregated office zones...new office development should be permitted throughout the major commercial corridors."

"Policy 5: Early signs of blight and decline in the commercial corridors of Berkley should be reversed through...careful application of site-plan design and landscaping regulations to remaining developable parcels. High standards
of building construction and maintenance should be encouraged in commercial areas."

The proposal clearly carries out the intent of the above policies.

IV. IMPROVEMENT AMENITIES:

- Landscaping to be provided includes:
  a) Planter boxes
  b) Four new trees and tree grates (6 existing to remain with addition of three grates)
  c) Berm surrounding building

- Brick paver/concrete sidewalk along Coolidge Highway and Earlmont

- Brick veneer will be used on all elevations

- Four pedestrian lights along Coolidge Highway

- Screening wall between unlike districts, brick both sides.

V. CONCLUSION AND RECOMMENDATION:

The development meets all Codes and Ordinances. The proposal will be an attractive addition to the Coolidge Corridor. It also follows the intent of the Master Plan. The Site Plan as submitted represents many hours of staff consultation with the development land architect to assure compliance with the various City Codes and to promote the greatest opportunity for the sound economic development of the Coolidge Corridor. It is therefore strongly recommended that the City Planning Commission give favorable consideration to this proposal.
DEBORAH HAL
28135 REGENCY CLUB #8
WARREN MI 48089
17-105-017, 026
DONALD MOORE
3142 COOLIDGE
BERKLEY MI 48072

MARK & JACQUELINE JORDAN
2438 EARLMONT
BERKLEY MI 48072
17-105-028
CURRENT OCCUPANT
3118 COOLIDGE
BERKLEY MI 48072
17-107-004
AMERICAN YOUTH HOSTELS
3024 COOLIDGE
BERKLEY MI 48072

DIANA & RONALD MEYER
P O BOX 725006
BERKLEY MI 48072
17-107-005
CURRENT OCCUPANT
3010 COOLIDGE
BERKLEY MI 48072
17-107-006
DIANA & RON MEYER
P O BOX 725006
BERKLEY MI 48072

DANIEL FALENSKI & WF
2425 EARLMONT
BERKLEY MI 48072
17-107-009
17-107-012
PATRICIA MARR
2379 EARLMONT
BERKLEY MI 48072
17-107-013
ANDREW CROSSMAN
2385 EARLMONT
BERKLEY MI 48072

FRANCIS NELSON
2450 EDGECWOOD
BERKLEY MI 48072
17-107-017
17-107-018
JONATHAN MCDONNELL
2438 EDGECWOOD
BERKLEY MI 48072
17-107-019
JAMES & MARGARET STEPOWSKI
2426 EDGECWOOD
BERKLEY MI 48072

VICHIT CHEA
2412 EDGECWOOD
BERKLEY MI 48072
17-107-020
17-107-021
KENNETH WITT
2386 EDGECWOOD
BERKLEY MI 48072
17-107-022
JOHN & NANCY MOSS
2380 EDGECWOOD
BERKLEY MI 48072

J MOSS & N PETERSON
2386 EDGECWOOD
BERKLEY MI 48072
17-107-023
17-107-030
JOSEPHINE COOPER
2411 EARLMONT
BERKLEY MI 48072
17-151-001-005, 010
JACK QUAY
2972 COOLIDGE
BERKLEY MI 48072

CURRENT OCCUPANT
2461 EDGECWOOD
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17-151-002
17-151-004
CURRENT OCCUPANT
2948 COOLIDGE
BERKLEY MI 48072
17-151-005
CURRENT OCCUPANT
2938 COOLIDGE
BERKLEY MI 48072

FRANK & MARY BUJOLD
2972 COOLIDGE
BERKLEY MI 48072
17-151-009
17-151-011
ROBERT FRASER
2425 EDGECWOOD
BERKLEY MI 48072
17-151-012
THOMAS LAMARRA
2411 EDGECWOOD
BERKLEY MI 48072

JEFFREY O'GREEN
2395 EDGECWOOD
BERKLEY MI 48072
17-151-013
17-151-014
RANDALL & CASTER
2379 EDGECWOOD
BERKLEY MI 48072
17-151-030
CHARLES MORAN
2438 WILTSHIRE
BERKLEY MI 48072
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A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 P.M. ON JUNE 14, 1999 AT CITY HALL BY CHAIRPERSON LINDA BAILEY.

PRESENT: Linda Bailey, Alan Kroll
Thomas Stemzynski, Thomas Vogtmann
Patricia Zebzda, Kelly Winters
Linda Rogers

ABSENT: Tim Blake

ALSO PRESENT: Shelley Lines, 3956 Gardner
Ron Meyer, 3010 Coolidge
Al Urban, 23840 Rensselaer, Oak Park
Gayle Larson, 1973 Meadowridge
Joanne Jenuwine, 2866 Oakshire
Tom Melcalfe, 2741 Columbia
Leo Goldstein, 28421 Eastbrook Ct., Farmington Hills
Darrina Strebridge, 16455 Stricker, Eastpointe
Joe Adler, 3225 West Long Lake Road, West Bloomfield
Lisa Goldstein, 325 Chippewa, Clawson
Deborah Bell, 1000 Murray Hill
John Kalam, 5 Crescent, Waterford
Deborah Hall, 3020 Coolidge
S. Helena Brownell, 3084 Bacon
Ralph Hall, 26135 Regency Club, Warren
James Stepowski, 2426 Edgewood
Steve Corlin, 3280 Eleven Mile
Robert Cliffle, 2827 Phillips
Tom Quackenbush, 28571 Pierce, Southfield
Chris Praet, 3009 Coolidge
Kelly Waldick, 1808 West Thirteen Mile, Royal Oak
Margot McPhillips, 26100 Harding, Oak Park
Joan Waldick, 30190 Northgate Drive, Southfield
Amy Vansen, Planning Consultant

Chairperson Bailey led the Pledge of Allegiance.

***********

APPROVAL OF AGENDA

It was moved by Mr. Winters to approve the agenda.
Supported by Mr. Kroll
Unanimously approved
Motion Carried

***********
APPROVAL OF MINUTES

It was moved by Mr. Stemzynski to approve the Minutes of the Meeting of April 12, 1999.
Supported by Mr. Kroll
AYES: Stemzynski, Winters, Bailey, Kroll, Zeblida
NAYS: None
ABSTAIN: Rogers, Vogtmann
Motion Carried

.ITEM FOR APPEAL

1. **Application Number BA-07-99**: Joanne Jenwuine, 2866 Oakshire, east side of Oakshire, south of Wiltshire, is requesting a variance of the Berkeley City Code, Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures, Section 138-56 Setback. No detached accessory building or structure shall be located closer than 10 feet to any main building or other accessory structure. The applicant is requesting a variance in order to build a detached garage four feet from the house.

Mrs. Jenwuine was present. She presented additional sketches of the addition she had in mind and noted that the second story would stay within the existing building lines. Discussion took place on whether the foundation would support the second story. Mrs. Jenwuine said two builders have said it would be adequate. Discussion took place relative to amending the City Code relative to cases like this and the volume of variances the Board has approved. Chairperson Bailey requested an analysis of past similar cases and how many have been approved. Ms. Vansen is to have this analysis at the July meeting.

It was moved by Ms. Rogers to approve BA-07-99, the practical difficulty being the existing nonconforming structure.
Supported by Mr. Stemzynski
Unanimously approved
Motion Carried

2. **Application Number BA-13-99**: Carlisle Motors, 3280 Eleven Mile Road, north side of Eleven Mile Road between Tyler and Gardner, is requesting a variance of the Berkeley City Code, Chapter 94 Signs, Section 94-11. Signs permitted in the Industrial District. (M-1), (1) Signs requiring permits. For each side of street frontage, one of the following signs shall be permitted; and Berkeley City Code, Chapter 138 Zoning, Article VI Administration and Enforcement, Division 7 Site Plan Review, Section 138-682 Appeals. An applicant for site plan approval shall have the right to appeal to the Zoning Board of Appeals, and in such cases the Board may reverse, affirm or modify the action of the Planning Commission by the concurrence two-thirds of the members of the Board. The applicant is requesting this variance in order to permit two signs when only one is permitted and to appeal the previously approved site plan to permit used car sales on both sides of the lot.
Mr. Corlin was present. He first addressed the sign issue indicating the original sign location is inadequate and needs to be more visible. Ms. Rogers suggested the issues be separated.

**It was moved by Mr. Stemzynski to separate the sign issue and the site plan issue.**
Supported by Ms. Rogers
AYES: Vogtmann, Stemzynski, Winters, Bailey, Zebzda, Rogers
NAYS: Kroll
Motion Carried

Mr. Corlin then presented the actual banner that had been installed and photos of the site with the banner. The Board was in favor of a different sign but did not want to approve a temporary sign on a permanent basis. Ms. Vansen indicated that Mr. Corlin could apply for a sign permit and place a sign elsewhere on the site. Mr. Corlin indicated there was no other place for a sign.

**It was moved by Mr. Kroll to deny the sign variance request.**
Supported by Mr. Vogtmann
Unanimously approved
Motion Carried

Discussion then moved to the site plan amendment. Mr. Corlin indicated that the business is expanding and more room is needed, and he presented a new site plan to the Board showing more parking. Chairperson Bailey asked about their relation to Jolly Service; Mr. Corlin said east of the building is Carlisle, west is Jolly. Mr. Corlin emphasized that his business is growing. Chairperson Bailey emphasized that the business is easy to locate even with what is being considered inadequate signage. Mr. Winters expressed concerns that the business would begin to look tacky.

There was no public comment. Chairperson Bailey questioned how many cars are there. Mr. Corlin responded that there are seven or eight, and emphasized that they do not sell junk cars. Mr. Corlin also stated that Jolly customers tend to park in this lot. Mr. Corlin was asked if he did not need a larger lot. He replied no, there is enough room here. Mr. Corlin was asked if the parking lot is striped. Mr. Corlin replied no, it was black-topped last year, and given his desire to expand the business he had not striped the lot yet. No one spoke to the site plan issue.

**It was moved by Mr. Vogtmann to deny the site plan amendment.**
Supported by Mr. Kroll
AYES: Vogtmann, Winters, Bailey, Kroll, Zebzda, Rogers
NAYS: Stemzynski
Motion Carried

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2. **Application Number BA-14-99.** Community Homes, Inc. 3320 Eleven Mile Road, northwest corner of Tyler and Eleven Mile Road, is requesting a variance of the Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 2 Fences, Section 138-85 General Requirements by District. © Nonresidential Districts. 3) Screen walls are required on or adjacent to all property lines separating nonresidential property from
residential property and shall not be less than 6 feet in height. The applicant is requesting this variance in order to permit the installation of a split rail fence along the north property line when a 6-foot tall masonry screen is required.

Mr. Quackenbush was present and discussed that the neighbor to the north desired a less sight-obscuring barrier between property lines. The Board complimented Mr. Quackenbush on his application and his efforts to work with the neighbors. The Board had concerns about the permanence of this variance and what will happen when the business and residence change hands. Ms. Vansen indicated her concerns over headlights shining into the neighbor’s house and suggested a stepped-down wall. Ms. Zebzda empathized with the neighbor over the safety concerns, but was concerned about the safety issues of a wall, e.g., someone being able to hide behind it. Discussion took place over various landscaping options.

It was moved by Mr. Winters to approve BA-14-99, the practical difficulty being the historic nature of the site, conditional upon the applicant installing relatively solid shrubbery about three feet tall in conjunction with a split rail fence.

Supported by Mr. Kroll
Unanimously approved
Motion Carried

***********

4. Application Number BA-15-99. Little Nail Shop, 3020 Coolidge, east side of Coolidge, between Edgewood and Earlmont, is requesting a variance of the Berkley City Code, Chapter 138 Zoning, Article IV Off-Street Parking and Loading, Division 1 Off-street Parking, Section 138-238 Parking space requirements by use, (3) Commercial, (1) Beauty parlor or barber shop: 2 parking spaces per beauty or barber chair, plus one additional parking space for every additional hair dryer, plus one per each employee on the largest shift; and the Berkley City Code, Chapter 138 Zoning, Article IV Off-street Parking and Loading, Division 1 Off-street Parking, Section 138-227 Specific uses not mentioned. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, which the zoning officer considers similar in type. The applicant is requesting this variance in order to permit a nail salon with two employees, when a nail salon with one employee is a grandfathered use. The shop has no existing off-street parking. A nail salon with one employee and three stations is required to have seven parking spaces. A nail salon with two employees and three stations is required to have eight parking spaces.

Deborah Hall was present.

Ms. Vansen updated the Board on credit union parking not being available. The credit union may add a second floor and at that time would need extra parking. Ms. Hall presented her hours of operation during May, showing that the shop was open Wednesday through Saturday. Mr. Kroll asked how many stations the applicant had and was told there are three. There are four off-street parking spaces. Ms. Hall said each appointment is 30-45 minutes with maybe a ten-minute overlap. Ms. Hall said customers do not generally have a problem parking in front; if they do, they park on the side street or in the credit union lot.
Mr. Meyer indicated that there are six stations, not three, and expressed concern that people are using his lot and parking on Edgewood as well. Ms. Hall indicated that the shop is designed so that each employee has a manicure station and a pedicure station, with an extra manicure station for client overlap.

Margot McPhillips, 26100 Harding, Oak Park, indicated that she is a weekly customer and that she has found Mr. Meyer to be intimidating to both Ms. Hall and to customers. Ms. McPhillips questioned Mr. Meyer's need for parking given the nature of his business.

Lisa Goldstein of American Youth Hostels stated that she has an informal agreement with the credit union for staff parking for both American Youth Hostels and the nail shop. Ms. Goldstein said that would amount to maybe two customers at a time. Mr. Goldstein contended that the problem has been created by Mr. Meyer who parks his three vehicles on the street in such a way that no one else can park on the street. Ms. Goldstein emphasized that Ms. Hall's needs are minimal and stated that American Youth Hostels turned away many potential businesses that had a greater parking need. If Ms. Hall's parking needs are too intensive, that would render the building essentially useless.

A Chet's Rent-All representative stated that Friday and Saturday are the busiest days, and while there has not been a problem thus far he doesn't want to see it become a big problem. Chet's has no off-street parking and has an agreement with the VFW for employee parking. Chairperson Bailey suggested either VFW or the Bear's Den as possible places for a parking agreement.

Ralph Hall, Ms. Hall's spouse, assured the Board that there are only two operators, and he explained the business plan for the nail shop. Mr. Hall further stated that he has observed Mr. Meyer moving cars on the street. James Stepowski of 2426 Edgewood expressed concerns that evening appointments not affect the residential parking. The Board contended that on-street parking belongs to everyone and anyone and everyone have equal rights to it.

It was moved by Ms. Rogers to approve BA-15-99, the practical difficulty being the uniqueness of the building.
Supported by Mr. Vogtmann
AYES: Bailey, Vogtmann, Rogers, Stemzynski
NAYS: Kroll, Winters, Zebzda
Motion Carried

5. **Application Number BA-16-99.** Robert Cliffe, for Sherry Gill, 2828 Bacon, east side of Bacon, between Wiltshire and Catalpa, is requesting a variance of the Barkley City Code, Chapter 138 Zoning, Article V District Regulations, Division 12 Schedule of Regulations, Section 138-526 Schedule of regulations, in the R-1D District, one side yard setback shall be at least 5 feet. The applicant is requesting this variance in order to construct a deck within 4 feet of the side lot line when 5 feet is the minimum setback.
Mr. Cliffe was present and identified himself as the architect for the project, noting that the homeowner has been improving the house. Mr. Cliffe said he is very concerned with the design and wants the deck even with wall of the house. The Board complimented Mr. Cliffe on the house, noting they could be an example to others.

It was moved by Mr. Stemzynski to approve BA-16-99, citing the practical difficulty as the placement of the building.
Supported by Mr. Kroll
Unanimously approved
Motion Carried

****************

Shelly Lines of 3956 Gardner came forth relative to approval of her neighbor's shed (BA-09-99) which took place last month. She presented photographs of the shed, noted the clutter around it and said there are now mice. The Board advised Ms. Lines to contact Code Enforcement.

****************

There being no further business, Chairperson Bailey adjourned the meeting at 9:48 p.m.
July 15, 1999

Little Nail Shop
3020 Coolidge
Berkley MI 48072

RE: Case #BA-15-99

Dear Ms. Hall:

This letter confirms that at the June 14, 1999 meeting of the City of Berkley Zoning Board of Appeals your request was approved as follows:

- It was moved by Ms. Rogers to approve BA-15-99, the practical difficulty being the uniqueness of the building.
- Supported by Mr. Vogtmann
- Ayes: Bailey, Rogers, Stemzynski, Vogtmann
- Nays: Kroll, Winters, Zebzda
- Motion Carrier

Per Section 138-46 of Chapter 138, the Berkley Zoning Ordinance, the decision of the Board shall become final five (5) days from the above meeting date.

Your approval is valid for a period of twelve (12) months from the date of the Zoning Board of Appeals decision. If the approval is not acted upon within this twelve (12) month period through the issuance of a building permit or certificate of occupancy, or the construction or alteration of the structure in question, or the commencement of the approved use within the twelve (12) month period, then the approval will expire.

Should you draw close to the date of expiration, an extension can be applied for in writing to the Zoning Board of Appeals. A written request for an extension must be submitted to the City Planning Department at least six (6) weeks prior to expiration in order to be considered by the Zoning Board of Appeals in a timely fashion.

If an approval expires, an applicant must re-apply for a zoning variance under the procedures for a new approval.

Ms. Hall, should you have any question or concerns regarding the above information, please contact my office at 546-2410.

Sincerely,

AMY VANSEN
PLANNING CONSULTANT

AV/rdh

pc: file
May 5, 2022

To the City of Berkley Zoning Board Members,

We request that the Zoning Board of Appeals upholds the intent of the ordinance requiring on-site parking for this proposed business. Allowing a variance to encourage on-street parking for the employees and potential customers could bring congestion and noise along the residential streets of Earlmont and Edgewood.

We believe that the business district should remain in the business district on Coolidge, and not be allowed to regularly filter into the surrounding residential streets. In this case, that would include but not be limited to Earlmont and Edgewood. They are the two closest side streets located near 3020 Coolidge to rely on for "on-street parking" if the Berkley City Code in question is waived.

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Even though Edgewood could support parking on both sides of the street, it has a median running through that street. That could make regular employee and/or clientele parking on Edgewood problematic for the residents there as well.

We were informed by City of Berkley employees that:

The applicant has indicated that she plans to have 3 employees including herself.

The applicant has indicated that her hours of operation will be Monday through Saturday, 9:00 a.m. to 9:00 p.m.

The applicant has indicated that she plans to take clients by appointment only, no walk-in clients.

The applicant has indicated that she plans to instruct her clientele regarding parking restrictions.

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However, any of her indications could change at any time, requiring the probable need for even more parking.

There is no assurance that any instruction, either by the applicant or the City of Berkley, regarding parking restrictions will be adhered to or enforced if the current Berkley City Code is waived.

Denise and Daniel Falenski
APPLICATION FOR BUSINESS LICENSE

Welcome! We are excited that you have decided to make Berkley your home!

Applications for a Business License shall be submitted to Berkley Building Department. They can be dropped off at City Hall, 3338 Coolidge Hwy, Berkley, MI 48072 OR can be emailed to building@berkleymich.net.

Type of Business License

☐ New       ☐ Transfer Locations       ☐ Change in Ownership

If relocating, note the current address:

Name of Business: Self Exhibit

Business Address: 3020 Coolidge Hwy

 Parcel ID: 2517107031   Zoning District: Coolidge

Is the subject property located in the DDA?  ☐ Yes ☐ No

Property Information

Applicant / Business Owner Name: Takesha Dubose

Mailing Address: [Redacted]

Phone: [Redacted]    Email: [Redacted]

Type of Business: ☐ Co.   ☐ Inc.   ☐ LLC   ☐ Partnership   ☐ Other __________________

Does the applicant own or lease the property / building?  ☐ Own   ☐ Lease

Business Owner's Driver's License #: D100 785 486 597

Description of Business: Small Salon / Day Spa

Days and Hours of Operation: Monday - Saturday  # of Employees: 3

Method of Refuse Collection: City Services or Private Company

Sq. ft. of property: 0.05   Sq. ft. of building: 2869

OFFICE USE ONLY

Fees: $200 New Business   $100 Transfer of Location or Change in Ownership

Cert. # __________________ Date Received: 3-4-22   Sidwell  25-17-107-03

Amount $   Zoning  Coolidge   Land Use Category: __________________
Property Owner Name: Dubi Real Estate

Address: 

Phone: 734-104-0119 Email: jeff@fermontcg.com

Emergency Contact (First listed will be the first contact in an emergency)

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bianca Williams</td>
<td>313 377 4157</td>
<td>Detroit</td>
</tr>
</tbody>
</table>

Scope of Work

- New Development/Construction
- Interior Alterations
- Other Site Improvements, including, but not limited to, parking area, landscaping, drainage
- Move in and Operate As-Is
- Exterior, Façade Alterations

If other approvals from State, County, or other regulatory agencies are required for the business to operate, please submit with the application or include written documentation that you are in process of securing the required approvals and when those approvals are expected from each agency.

Business Vehicles

If there are to be commercial vehicles associated with the business stored on-site, please provide the following information:

<table>
<thead>
<tr>
<th>Vehicle Year, Make, Model, Color</th>
<th>License #</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Updated 03.09.2021
Parking

Location of parking area: Street parking  Number of Parking Spaces: 0

Is the business located within 600 ft. of a municipal parking area?  □ Yes   □ No

Bicycle Racks on Site:  □ No □ Yes Location: ______________________________

Parking shall be verified during site inspection. On-street parking spaces shall not be counted to satisfy the parking requirement. Shared parking agreements may be accepted.

Do you have a shared parking agreement with a nearby business?  □ Yes   □ No

If yes, please submit the agreement with your application or note the date as to when we should receive it. I have been told I am able to park at the VFW Hall and Vibe Credit union without an agreement.

Submit with Application

□ Aerial of the property, showing locations of the building, sidewalks, parking area, utilities, exterior lighting, etc.

□ Internal layout of the building, clearly label all rooms, tables and chairs, counters, etc.

□ Shared parking agreement, if applicable.

Check all that apply:

□ I am interested in receiving the newsletter and email updates from the City of Berkeley.

□ I am interested in receiving the newsletter and email updates from the Berkeley Downtown Development Authority.

□ I am interested in receiving the newsletter and email updates from the Berkeley Area Chamber of Commerce.

Endorsement

I hereby acknowledge that all information contained herein is true and accurate to the best of my knowledge. I acknowledge that if it is determined that the business license may be revoked if the information provided is proven false.

Applicant Name (print):  [Signature]  Date: 03/08/2022

Gary Imhoff

Property Owner Name (print):  [Signature]  Date: 03/14/2022

Updated 03.08.2022
APPLICANT ACKNOWLEDGEMENT

Before you submit your application, **please read, review and initial** each item below and acknowledge that you have been informed of City Codes, Ordinances, policies, procedures, reviews and inspections that pertain to opening a business in Berkley.

An application for a business license **must** include an aerial of the property, showing locations of the building, sidewalks, parking area, utilities, exterior lighting, etc. and a rendering of the internal layout of the building with all rooms and fixtures clearly labeled.

The submission of a business license application **does not** constitute the right to occupy a commercial structure or conduct a business until receipt of a Business License following an inspection of the premises by the City of Berkeley and express approval to occupy.

The Community Development Director will review and certify that the subject property is zoned for the proposed use and sufficient parking is provided to support the business.

Application fees shall be paid to the City of Berkley Building Department, **after** review by the Community Development Director, but **before** any inspections can be scheduled.

That prior to occupancy and/or use, the Building Official and Fire Inspector have reviewed and certified to the Building Department that the subject property has complied with all applicable City Codes and Ordinances.

That upon the completion of required inspections, the applicant is responsible to contact the Building Department and secure the list of any or all City Code and Ordinance violations.

That the applicant, upon compliance with the correction(s) of said City Codes and Ordinances, is responsible to contact and schedule a re-inspection of the subject property prior to the issuance of a Business License and/or the occupancy and use of said premises in any manner.

That the applicant does herein acknowledge that no signage or advertising upon the premises shall be erected, installed, or otherwise permitted without the express approval of the City and with full knowledge that the violation of the Sign Ordinance will result in the issuance of citation.

That the applicant may occupy said premises and conduct a business therein only **after** receiving a signed and duly executed Business License from the Building Official.

The applicant has reviewed and acknowledges the above steps that must take place prior to occupying the subject property and prior to conducting business on the premises.

---

**Self Exhibit 3000 Colorado Hwy**

Name of Business Property Address

Takeshe Dubose Date: 01/02/2022

Applicant Name (Print) Applicant Signature Date

*Updated 03.09.2021*
Name of Business: Self Exhibit
Applicant / Business Owner Name: Takesha Dubose
Business Address: 3620 Coalgate Hwy
Phone: 313-289-0425 Email: takeshadubose@icloud.com

Property Owner Name (if different): Dobi Real Estate
Address: 
Phone: 734-644-0119 Email: jeff@fremontyigar.com

Emergency Contact (First listed will be the first contact in an emergency)

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1. Bianca Williams</td>
<td>313-377-4457</td>
<td>Detroit</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fire Protection Features

Sprinkler System □ No □ Yes
Automatic Fire Alarms □ No □ Yes
Provide Location: 

Fire Extinguishers □ No □ Yes
Provide Location: 

Alarm Company: ADT
Name: __________________________ Phone: __________________________
Chemical Survey

Information: This survey is requested to determine the quantity of specific chemical groups used, produced or stored in your facility. Fire Chiefs are required to collect chemical data under the Michigan Occupational Safety and Health Act (MIOSHA), P. A. 154 of 1974, as amended, and the Fire Prevention Code, PA 207 of 1974, as amended.

Instructions: Indicate below whether your site uses or produces any of the chemical types listed. Check all the categories that apply when a chemical has more than one characteristic, (example: both a Class 3 flammable and a Class 6 poison), see definitions. Each chemical group listed in this survey, includes a specified quantity. Indicate the quantity category for each chemical group on your site. To complete this survey, you may need to reference material Safety Data Sheets, SARA Title III reporting forms, along with the attached definitions.

(Note: You must complete each line. Do not leave blanks. If you do not use a chemical group listed, mark “DO NOT HAVE” box.)

When substantial changes occur in the quantity or type of chemical use, manufacture or related storage, a revised survey must be submitted to the Fire Chief. In addition, a revised survey will be requested periodically as the Fire Chief determines necessary, but at least once every five years.

This survey may be followed-up with a request for more detailed information. This may include a request for Material Safety Data Sheets, chemical lists maintained under the Employee Right to Know provisions of MIOSHA and other information.

Please return this questionnaire as indicated in the attached cover letter.

This site is:

- Chemical User – (Chemicals consumed in activities on site)
- Chemical producer – (Chemicals manufactured at this site, includes Packaging)
- Other – Mark this box if chemicals are stored on site, but not used or produced.
  Please specify (Examples: service station, retail store, storage facility.)

Date Completed: 01/18/2022

Site Address: 3020 Coolidge Hwy

Name of Premises: SELF Exhibit

Site Telephone: 313-284-0925

Respond based on the maximum quantity you would have on-site, including storage, at any one time during the year.
<table>
<thead>
<tr>
<th>Chemical Type</th>
<th>Quantity</th>
<th>Have at or Above Specified Quantity</th>
<th>Have, but Below Specified Quantity</th>
<th>DO NOT HAVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Explosives &amp; Blasting Agents (not including Class C Explosives)</td>
<td>Any Quantity</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Class 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poison Gas</td>
<td>Any Quantity</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Flammable Gas</td>
<td>100 gal. water capacity</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Nonflammable Gas</td>
<td>100 gal. water capacity</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Class 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flammable Liquid</td>
<td>1000 gal.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Combustible Liquid</td>
<td>10000 gal.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Class 4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flammable Solid (dangerous when wet)</td>
<td>100 lbs.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Flammable Solid</td>
<td>500 lbs.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Spontaneously Combustible Material</td>
<td>100 lbs.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Class 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oxidizer</td>
<td>500 lbs.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Organic Peroxide</td>
<td>250 lbs.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Class 6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poison</td>
<td>500 lbs.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Irritating Material:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquid</td>
<td>1000 gal.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Solid</td>
<td>500 lbs.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Class 7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Radioactive Material (Yellow III Label)</td>
<td>Any Quantity</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Class 8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corrosives:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liquid</td>
<td>1000 gal.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Solid</td>
<td>500 gal.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>No DOT Category</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Known Human Carcinogen</td>
<td>Any Quantity</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
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, May 9, 2022 at 7:03 p.m. or as near thereto as the matter may be reached.

Application Number PBA-04-22

Takesha Dubose, on behalf of Gary Imhoff, 3020 Coolidge Hwy, on the east side of Coolidge Highway, between Earlmont Road and Brookline Hills, is requesting a variance to allow waive on-site parking requirements and rely on on-street parking only for a salon/spa.

Berkley City Code
Berkley City Code, Chapter 138 Zoning, Article IV Off-Street Parking and Loading, Section 138-219 Parking space requirements by use requires 3 parking spaces per service chair or station.

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 4:00 p.m. on the date of the Public Hearing.

MEGAN MASSON-MINOCK
INTERIM COMMUNITY DEVELOPMENT DIRECTOR
<table>
<thead>
<tr>
<th>Address</th>
<th>Tenant Name</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>3016 KENMORE RD BERKLEY MI 48072 1682</td>
<td>Occupant</td>
<td>3010 COOLIDGE HWY BERKLEY MI 48072 1648</td>
</tr>
<tr>
<td></td>
<td>JOAN K BARTH PAUL F BARTH 2505 TOWNHILL TROY MI 48084 1029</td>
<td>BERKLEY PROPERTIES LLC PO BOX 725542 BERKLEY MI 48072 5542</td>
</tr>
<tr>
<td></td>
<td>MICHAEL BLAKE 2960 KENMORE RD BERKLEY MI 48072 1618</td>
<td>CITY OF BERKLEY 3338 COOLIDGE HWY BERKLEY MI 48072 1636</td>
</tr>
<tr>
<td></td>
<td>CAROLYN A MOLENCUPP 2452 WILTSHIRE RD BERKLEY MI 48072 3319</td>
<td>Occupant 2941 COOLIDGE HWY BERKLEY MI 48072 1645</td>
</tr>
<tr>
<td></td>
<td>DANIEL FALENSKI DENISE FALENSKI 2425 EARLMONT RD BERKLEY MI 48072 1880</td>
<td>COOLIDGE COLLECTION LLC 999 S LOGAN ST STE 300 DENVER CO 80209 5801</td>
</tr>
<tr>
<td></td>
<td>MARY FRANCES KILCOYNE 2450 EDGEWOOD BLVD BERKLEY MI 48072 1887</td>
<td>Occupant 3009 COOLIDGE HWY BERKLEY MI 48072 1647</td>
</tr>
<tr>
<td></td>
<td>STEVE PROPERTIES LLC 2970 11 MILE RD BERKLEY MI 48072 3052</td>
<td></td>
</tr>
<tr>
<td>3009 COOLIDGE HWY BERKLEY MI 48072</td>
<td>Occupant</td>
<td>3009 COOLIDGE HWY BERKLEY MI 48072 1647</td>
</tr>
<tr>
<td>3053 COOLIDGE HWY BERKLEY MI 48072</td>
<td>Occupant</td>
<td>3053 COOLIDGE HWY BERKLEY MI 48072 1647</td>
</tr>
<tr>
<td>3082 COOLIDGE HWY BERKLEY MI 48072 1648</td>
<td>Occupant</td>
<td>3009 COOLIDGE HWY LLC 2616 CROOKS RD ROCHESTER HILLS MI 48309 3605</td>
</tr>
<tr>
<td>3082 COOLIDGE HWY BERKLEY MI 48072 1648</td>
<td>Occupant</td>
<td>2073 E MAPLE RD TROY MI 48083 4493</td>
</tr>
<tr>
<td>44575 W TWELVE MILE RD NOVI MI 48377</td>
<td>Telcom Credit Union Tax Department</td>
<td>2380 EDGEWOOD BLVD BERKLEY MI 48072 1844</td>
</tr>
<tr>
<td></td>
<td>JAMES HAGGARD 3100 KENMORE RD BERKLEY MI 48072 1683</td>
<td></td>
</tr>
</tbody>
</table>
May 5, 2022

To the City of Berkley Zoning Board Members,

We request that the Zoning Board of Appeals upholds the intent of the ordinance requiring on-site parking for this proposed business. Allowing a variance to encourage on-street parking for the employees and potential customers could bring congestion and noise along the residential streets of Earlmont and Edgewood.

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There is no assurance that any instruction, either by the applicant or the City of Berkley, regarding parking restrictions will be adhered to or enforced if the current Berkley City Code is waived.

Denise and Daniel Falenski
MEMORANDUM

To: Berkley Zoning Board of Appeals

From: Megan Masson-Minock; Interim Community Development Director

Subject: PBA-05-22; 28105 Woodward – Dimensional variance request to change the message displayed on a nonconforming pole sign

Date: May 5, 2022

APPLICANT: Laurencelle Properties Inc, on behalf of Catalpa Crossing/Charlie Laurencelle

LOCATION: West side of Woodward, between Dorothea Road and Catalpa Drive

PARCEL ID: # 25-17-260-051

REQUEST: The applicant is requesting dimensional variances to change the message displayed on a nonconforming pole sign. The sign is nonconforming as follows:

- sign height is 31.3 ft.;
- sign area is 82.3 sq. ft.; and
- the sign is 3 ft. from the property line on Catalpa and 4.66 feet from the property line on Woodward.

REQUIRED: Berkley City Code, Chapter 94 Signs, Sec. 94-7, Signs requiring permits, (d) Pole table requires a maximum sign height of 20 ft., maximum sign area of 40 sq. ft., and minimum setback of 5 ft.

Berkley City Code, Chapter 94 Signs, Sec. 94-11, General requirements, (d) Setbacks, (1) No monument, pole, or pylon sign, except for those permitted in the public right-of-way shall have a setback less than three feet from any property line; and no sign shall be erected within a five-foot radius of a sidewalk/sidewalk intersection.
ZONING AND LAND USE

The subject property is zoned WD - Woodward District.

<table>
<thead>
<tr>
<th>Property</th>
<th>Zoning District</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site</td>
<td>WD, Woodward District</td>
<td>Multi-tenant retail building</td>
</tr>
<tr>
<td>West</td>
<td>WD, Woodward District</td>
<td>Multi-tenant retail building</td>
</tr>
<tr>
<td>East (Royal Oak)</td>
<td>Regional Business</td>
<td>Restaurant and retail</td>
</tr>
<tr>
<td>North</td>
<td>WD, Woodward District</td>
<td>Bakery</td>
</tr>
<tr>
<td>South</td>
<td>WD, Woodward District</td>
<td>Medical Office</td>
</tr>
</tbody>
</table>

AERIAL PHOTOGRAPH

Source: Oakland County Property Gateway

BACKGROUND

The files for this address, previously known as 1130 Catalpa, has a site plan for the building approved by the Building Inspector on July 28, 1977 and a permit for the pole sign that was approved on June 13, 1978. Copies of both documents are in your packet. The Sign Ordinance, Chapter 94 of the City of Berkley Code of Ordinances, was amended in its entirety on December 15, 2003, creating a legal nonconforming pole sign.
The site currently has a single pole sign, three (3) wall signs facing Woodward, and a single wall sign facing Catalpa. A sign permit was filed on March 29, 2022 to replace the face of the pole sign with the names of the current tenants, as well as the wall signs. The wall signs conformed with the Sign Ordinance, so were approved. Section 94-12 – Nonconforming signs states that no changes may be made in the words or symbols used or the message displayed on a nonconforming sign.

SCOPE OF PROJECT

The property owner is proposing to change the message displayed on a nonconforming pole sign. The message change would neither increase nor decrease the nonconforming nature of the sign.

SUMMARY OF REQUEST

The applicant is proposing to change the message displayed on a nonconforming pole sign. The sign is nonconforming as follows:

- Sign height is 31.3 ft. when a maximum of 20 ft is allowed;
- Sign area is 82.3 sq. ft. when a maximum of 40 sq. ft. is allowed;
- The sign is 3 ft. from the property line on Catalpa and 4.66 feet from the property line on Woodward when a minimum of 5 ft. is required; and
- The sign is within the minimum 5 ft. radius from the sidewalk/sidewalk intersection.

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 variances are needed to display the names of current tenants. They note that the building is located close to Woodward, which has traffic travelling at 45 miles per hour. In our site visit, we observed that the one-story building at 28105 Catalpa is not as prominent as the 3-story building at the southeast corner of Woodward and Catalpa. The height of the building, its location in proximity to Woodward as well as a taller building to the south, and the speed of traffic on Woodward could be seen as physical conditions of the property which necessitate the requested variances.

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 actions of the previous property owners. However, the sign was lawfully constructed in 1978.
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. The applicant has stated that, due to the location of the building and the speed of traffic, building tenants rely on the pole sign for their customers to locate the building.

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 applicant's request will not increase any nonconformities.

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

The requested variance will not adversely impact the surrounding properties. Without the granting of the variance, the sign could become a blighting structure.

**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 circumstances or physical characteristics of the property.

If the Zoning Board of Appeals chooses to grant the variances requested, we recommend that the motion limit the changes to the pole sign at 28105 Woodward to changing the message on the pole sign and, if the pole sign is replaced, that it be within compliance with the Sign Ordinance at the time of that application.

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  
Laurencelle Properties
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: *Laurencelle Properties*  
Phone: [Blank]  
Address: [Blank]  
Email: [Blank]  
Relationship to Property (current tenant, representative, future tenant, current owner, future owner):  
Representative

---

**PROPERTY OWNER INFORMATION** (if different from Applicant)

Name: *Catalpa Crossing/Charlie Laurencelle*  
Phone: [Blank]  
Address: [Blank]  
Email: [Blank]

---

**PROPERTY DESCRIPTION**  
*Catalpa Crossing*  
Address: 28105 Woodward Ave Berkley MI 48072  
Parcel #: 04-25-17-260-051  
Zoning Classification: *Office Woodward*  
Current Use of Property: *Office*
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 change monument sign panels reflective of current tenants.

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.


City of Berkeley - ZBA Application  
Updated 07.01.2021
2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

We are seeking to change just the panels of the monument sign to reflect current tenants. Currently, there are former tenants on the sign and if it’s not updated, blight will occur.

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

This monument sign has been in place since the 1970's causing no harm to the character of the neighborhood. By updating the panels we will be able to utilize it for its intended purpose.

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

With this variance, we will allow clients of our tenants to locate the building and those driving by, will know what businesses are in the building.

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.

No adverse effect will be caused to others by granting this variance. This variance is strictly to display current tenants and remove tenants that have moved from the location. If current tenants can't be displayed, we run the risk of them not being successful at this location.
2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

When the property was developed, it was in full compliance. Due to changes in ordinance since then, the monument sign is no longer compliant.

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.

The building is located very close to Woodward Ave that has a 45 MPH traveling speed. Clients of our tenants rely on the monument sign to locate the building. If clients can't locate our tenants, the businesses will fail.

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

We are not seeking to enlarge or relocate signage. At minimum, we just need to update panels.

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

We are only seeking to change panels which will have no effect on 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 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 07.01.2021
Office Use Only

Received ___________________ Receipt # ___________________ Meeting Date _______________ Case # ___________________

Fee: Residential $400
     Commercial $600
     Mural $300
Application for a permit to (Describe what you are proposing to do):
Pole Sign Face Change

Work being done at:
Address: 28151 Woodward Ave
Name of Business: Healthcall
Business Owner: Sarah Szirtes

Sign Contractor:
Company Name: Hunt Sign Company
License Holder: Kerry Leavy
Address: [Redacted]
City: Berkeley
Zip: 48072
Telephone: [Redacted]

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>
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<tr>
<th>What will the sign look like?</th>
<th>What material is the sign?</th>
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<tr>
<td>Healthcall</td>
<td>Lexan</td>
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<table>
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<th>Where will the sign be located?</th>
<th>How will the sign be installed or supported?</th>
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<td>SE Corner of the Property</td>
<td>Aluminum Retainers</td>
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<th>if the sign is a wall sign, how large is the wall?</th>
<th>Will the sign be illuminated?</th>
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<td>Yes</td>
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*Dimensions must be shown on all plans.

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."

Kerry Leavy
Print Name Signed

Date Received: 3/9/20

Received by (Department Representative): [Redacted]

Department use only:

Approved

Stipulations

Date

Permit Number:

January 2017
CITY OF BERKLEY
DEPARTMENT OF BUILDING & SAFETY ENGINEERING

SIGNS AND OUTDOOR DISPLAY STRUCTURES

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

<table>
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<tr>
<th>TYPE OF WORK</th>
<th>TYPE OF SIGN</th>
<th>TYPE OF BUILDING</th>
<th>SIZE OF SIGN</th>
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<tr>
<td>erect x</td>
<td>ground x</td>
<td>frame</td>
<td>length 8'</td>
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<tr>
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<td>width 12'</td>
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<tr>
<td>remove</td>
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<td>block</td>
<td>depth 18'</td>
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<tr>
<td>relocate</td>
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<tr>
<td>other</td>
<td>other</td>
<td>other</td>
<td>weight 450</td>
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</table>

Sign Material: Face Shatter resistant Plastic
Double Frame Angle iron
Supports 8" steel on pole
Bottom to sidewalk 14'

Building Inner Edge: over Bldg
Edge: 5' to roof: approx 4'6"

Owner: Square Deal Sign Inc.

Address: 23440 John R, Hazel Park, MI 48030

Property

Address: Jardine & Laurencell, Inc.

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

By DEPT. $3500.00

CERTIFICATE THAT THE ABOVE ANSWERS ARE TRUE AND THE ABOVE DESIGN WILL CONFORM TO THE CITY OF BERKELEY ORDINANCES REGARDING INSTRUCTION AND MAINTENANCE. I AGREE TO REPAIR ANY PUBLIC PROPERTY AND/OR SIGNS.

Michael Feist
Agent

Permit No. 7/8

Approved June 13, 1975
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, May 9, 2022 at 7:03 p.m. or as near thereto as the matter may be reached.

Application Number PBA-05-22

Laurencelle Properties Inc, on behalf of Catalpa Crossing/Charlie Laurencelle, 28105 Woodward Ave 28151, on the east side of Woodward, between Dorothea and Catalpa, is requesting variances to change the message displayed on a nonconforming pole sign.

1. The nonconforming sign height is 31.3 ft.
2. The nonconforming sign area is 82.3 sq. ft.
3. The nonconforming sign is 3 ft. on Catalpa and 4.66 feet from the property line on Woodward.
4. The nonconforming sign is within a 5 ft. radius from the sidewalk/sidewalk intersection.

Berkley City Code

Berkley City Code, Chapter 94 Signs,
1. Berkley City Code, Chapter 94 Signs, Sec. 94-7, Signs requiring permits, (d) Pole signs table requires a maximum height of 20 feet.
2. Berkley City Code, Chapter 94 Signs, Sec. 94-7, Signs requiring permits, (d) Pole signs table requires a maximum square area of 40 sq. ft.
3. Berkley City Code, Chapter 94 Signs, Sec. 94-7, Signs requiring permits, (d) Pole signs table requires a maximum setback of 5 feet from any property line.
4. Berkley City Code, Chapter 94 Signs, Sec. 94-7, General Requirements, (d) Setbacks requires that no sign shall be erected within a five-foot radius of a sidewalk/sidewalk intersection.

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 4:00 p.m. on the date of the Public Hearing.

MEGAN MASSON-MINOCK
INTERIM COMMUNITY DEVELOPMENT DIRECTOR
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<tr>
<td>John Russo</td>
<td>1150 Catalpa Dr Apt 201</td>
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<td>Lisa Russo</td>
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