A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, 
MONDAY, DECEMBER 9, 2019 BY CHAIR EVANS.

PRESENT:  
Board Members
Paul Evans
Ryan Gesund
Steve Allen
Miles Uhlar

Greg Butts
Joe Krug
Sue McAlpine

ABSENT:  
None

ALSO PRESENT:  
Erin Schlutow, Community Development Director
Dennis Hennen, City Council Liaison
Maria Ward, Alternate Board Member
Conor Draves
Elizabeth Shaw-Draves
Justin Dunaskiss
Omar Elias
Other members of public

APPROVAL OF AGENDA
It was moved by Ms. McAlpine to approve the agenda as presented. Motion was seconded by Mr. Krug.

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

Motion Carried.

APPROVAL OF MINUTES
It was moved by Mr. Allen to approve the minutes of November 12, 2019 and supported by Mr. Gesund.

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

Motion Carried.

REGULAR AGENDA
1.  Application PBA-05-19; 2287 Franklin
Community Development Director Schlutow summarized December 2, 2019 review letter related to the 
variance request for side yard setback at 2287 Franklin. Applicant is requesting dimensional variance 
to encroach 8 ft. into 10 ft. required side yard setback on Berkley Ave. The subject property is in the R-
1D, Single Family Residential District. Director Schlutow summarized the standards of review and the 
required criteria for variance approval.
Applicants and homeowners Conor and Elizabeth Draves explain the need for the addition to the principal structure for the purpose of storing personal items, such as coats and boots, outside of the communal living space. They explained they would be installing a fence along the sidewalk which would provide screening for the proposed addition.

**Chair Evans opened the Public Hearing at 7:13pm.**

None.

**Chair Evans closed the Public Hearing at 7:13pm.**

Mr. Allen noted that the encroachment into the sideyard setback towards the public sidewalk is difficult, as it is close to pedestrians, bicyclists.

Mr. Krug agreed and discussed the fencing along the side of the property for screening.

Mr. Uhlar noted that it would be difficult to approve the variance without setting a precedent.

Mr. Gesund stated that the need for the variance makes sense but the Board has to follow the requirements to approve the variance and does not see that it meets that criteria.

Chair Evans noted he did not see the unique circumstances of the property that are required to grant a variance.

Ms. McAlpine gave sympathy to the homeowners and understood the request; however, the Board is bound by the five (5) standards for approval.

Based on the finding of fact, it was moved by Ms. McAlpine to deny the requested side yard setback variance, PBA-05-19, as Standards for Review A, B, C, D have not been met. Second by Mr. Krug.

AYES: Krug, McAlpine, Uhlar, Allen, Butts, Gesund, Evans
NAYES: None
ABSENT: None

**Motion Carried**

2. **Application PBA-06-19; 2571 Coolidge**

Community Development Director Schlutow summarized the December 3, 2019 review letter related to three variance requests at 2571 Coolidge Hwy. The applicant is requesting to install a trailer-mounted accessory structure within the parking area at the subject property for purposes of medical testing (MRI). Additionally, the subject property does not have sufficient parking (with or without the trailer-mounted accessory structure) to be in compliance with the parking requirements for medical office use. The subject property is located in the Coolidge district. Director Schlutow summarized the standards of review and the required criteria for variance approval.

Mr. Allen inquired about bicycle racks to be installed for parking space credits. Director Schlutow noted that installing bicycle racks would reduce the parking requirement for the medical office use.
Applicants Justin Dunaskiss and Omar Elias addressed the Zoning Board of Appeals, noting the existing medical business would be relocating from Royal Oak, where they have had success without complaint from neighbors. The initial request would be for the structure to be on-site for one day per week, but is looking to expand to multiple days per week, depending on interest and frequency of appointments.

Mr. Allen commented that the machines are extremely noisy and that is concerning to neighbors and adjacent properties.

Mr. Uhlar inquired why the applicant is moving the business from Royal Oak. The applicant responded that he is interested in expanding the business.

Mr. Gesund asked if there were other activity proposed to be conducted within the trailer-mounted accessory structure, and if it would be possible to put the machine inside the principal structure. Omar Elias responded that the MRI testing would be the only activity within the accessory structure. He expanded on the state regulated point system that would permit an MRI machine to be located within a building. Mr. Elias stated that the state gave point with mobile units, but it was extremely difficult to accumulate sufficient points for a machine to be located within a building.

Ms. McAlpine inquired about hours of operation. Mr. Elias responded that the facility would be operating 9am – 6pm; with 1-2 patients per hour.

Chair Evans opened the Public Hearing at 7:42 pm.

Julie Forte, Forte Family Dentistry, voiced her opposition to the requested variances. Ms. Forte noted that the parking area that supports her business has existing problems, as the lot is used by Berkley High School parents waiting for their students to be released from school, and this causes inconvenience to her patients.

Jason Haas, represents the owner of the subject property, noted that Family Video would be vacating the building and the owner was supportive of the medical office use on the property. Mr. Haas stated that another medical use would be beneficial to the community and the owner is supportive of the accessory structure.

Wendy Zabramski, Berkley resident, commented that the subject property on Coolidge Hwy is not the location for the use or trailer. Ms. Zabramski noted that the medical office buildings on Twelve Mile Rd have large parking areas where this would be better suited.

Georgia Dixon, Berkley resident, commented on the overflow parking from the Progressive medical office frequently use Kenmore for staff and patrons. Ms. Dixon stated that granting the requested variances for parking would only make that problem worse and the issue has been going on for several years. Ms. Dixon stated that she was not supportive of the variance requests.

Chair Evans closed the Public Hearing at 7:49 pm.

City staff received two letters from the public. One from Ms. Dixon with similar comments as provided during the public hearing. The second letter from Kimrey Campbell and William Fox noted the trailer-mounted accessory structure is unattractive, would negatively contribute to a high traffic corner and would exacerbate the existing parking issues in the area.
Mr. Allen stated that the requests do not meet the five (5) required criteria for granting of variances.

Mr. Krug agreed with Mr. Allen and noted concerns about the noise level for adjacent properties.

Ms. McAlpine agreed that there are traffic problems in the area and understood that parents regularly park in the lot waiting for Berkley High students. Ms. McAlpine noted that the variance would make a bad problem worse.

Mr. Gesund inquired about a shared parking agreement with the medical office across Catalpa. Mr. Haas, representative for the property owner, noted that the agreement had been cancelled. Director Schlutow stated that a shared parking agreement across Catalpa would not be permitted under the current zoning ordinance.

Chair Evans stated that the there does not appear to be a unique circumstance to the property and the variance request is a result of the actions of the applicant.

**Based on the finding of fact, it was moved by Mr. Allen to deny the three (3) requested variances for trailer-mounted accessory structure to occupy existing parking spaces, and to reduce parking requirement for medical office use, Application PBA-06-19, as Standards for Review A, B, C, D for each requested variance have not been met. Second by Mr. Krug.**

AYES: McAlpine, Uhlar, Allen, Butts, Gesund, Krug, Evans
NAYES: None
ABSENT: None

*Motion Carried*

**OTHER BUSINESS**

Mr. Butts noted that the application forms need to be revised. Director Schlutow agreed and that revisions on all applications are in process.

Ms. McAlpine stated that the monthly report of planning and zoning activities has been helpful.

Mr. Allen agreed that the monthly report is helpful and appreciates the meeting packets being delivered earlier for review.

Mr. Gesund agreed that the monthly reports are appreciated and wished everyone a Happy Holiday and prosperous 2020.

**LIAISON COMMENTS**

Councilmember Hennen provided a summary of City Council activities. The marihuana licensing ordinance will be having a third reading to finalize a few lingering details and the zoning ordinance will be having the first reading. Additionally, attendance and training ordinances will be reviewed by Council in the coming months.
BOARD COMMENTS

Ms. Ward, alternate Board member, stated that regulations for side yard setbacks in residential districts may need to be reviewed and revised as there have been two recent cases with similar requests. Ms. Ward inquired if this was a coincidence or if there have been many inquiries of similar nature.

Councilmember Hennen agreed that staff should review reasoning for the side yard setback and if such regulation is still valid.

Chair Evans noted that such regulations of residential and commercial properties would be reviewed during Master Plan process. Chair Evans agreed that if variance requests come before the Board repeatedly it may be an indicator to look at the ordinance language to determine if changes or amendments need to be made.

Chair Evans also noted that after the November ZBA meeting a comment was directed to the Board from a disgruntled resident. Chair Evans understood that the requests are personal and often bring up emotional feelings but that does not justify negativity. The Board is comprised of volunteers and it is not easy, as the Board is doing a job under the rules of the Ordinance. Chair Evans further noted that if anyone is interested in City government or has been disappointed by a decision, to stop by City Hall and apply or volunteer for a Board or Commission.

PUBLIC COMMENTS

None.

With no further business, Chair Evans adjourned the meeting at 8:19 pm