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](https://www.youtube.com/user/cityofberkley).

**PRESENT:**
- Joe Krug
- Ryan Gesund
- Steve Allen
- Paul Evans
- Michael Hanchett - Alternate
- Sue McAlpine
- Maria Ward – Alternate

**ABSENT:**
- Greg Butts
- Miles Uhlar

**ALSO PRESENT:**
- Erin Schlutow, Community Development Director
- Dennis Hennen, City Council Liaison
- Stephen Pollock, applicant 3849 Kipling
- Linda Kaiser, applicant 2079 Twelve Mile
- Bill Eisenhower, Post Commander

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**APPROVAL OF AGENDA**
It was moved by Mr. Allen to approve the agenda as presented. Motion was seconded by Mr. Gesund.

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

**MOTION CARRIED**
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**APPROVAL OF MINUTES**
It was moved by Mr. Gesund to approve the minutes of March 11, 2020 and supported by Ms. McAlpine.

**AYES:** Hanchett, Krug, McAlpine, Ward, Allen, Gesund, Evands
**NAYS:** None
**ABSENT:** Butts, Uhlar

**MOTION CARRIED**
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REGULAR AGENDA

1. **APPLICATION PBA-02-20**
   
   Stephen Pollock is requesting a dimensional variance at 3849 Kipling Rd., Parcel #25-07-430-003, for proposed driveway expansion that exceeds the width of the garage. Sec. 138-222(a)(3)(f) limits the width of a driveway area or parking strip and shall not exceed the width of the garage and shall taper uniformly to a width of 16 feet at the front line. Applicant is proposing to expand the driveway outside the structural footprint of the garage.

   Community Development Director Schlutow summarized review letter dated May 4, 2020 and the standards for review of dimensional variances.

   Stephen Pollock explained the nature of the project and his reasons for needing a larger driveway area than currently exists and permitted by Ordinance.

   Board members inquired about the use of the expanded driveway, increase in impervious surface, stormwater runoff, and possibility of changing configuration of driveway.

   Chair Evans explained the process for speaking during the public hearing. Chair Evans opened the public hearing at 7:16pm.

   No public comment received.

   Chair Evans closed the public hearing at 7:19pm.

   Mr. Allen noted his aversion to increase in impervious surface area due to stormwater runoff issues throughout the community.

   Mr. Krug noted that there is a possibility for a circular driveway, based on the size of the lot, and that would be the same or more impervious surface area than what the applicant is requesting.

   Ms. Ward stated that the unusual shape of the lot and length of the driveway, that additional parking is needed. The circular driveway would hinder or damage the street trees and this would be the least impactful option for the neighborhood and property.

   Ms. McAlpine referred to the standards of review for granting variance requests.

   Ms. McAlpine motioned to grant dimensional variance to expand the driveway, as presented, at 3849 Kipling. Motion supported by Ms. Ward.

   **AYES:** Krug, McAlpine, Ward, Hanchett
   **NAYS:** Allen, Gesund, Evans
   **ABSENT:** Butts, Uhlar

2. **APPLICATION PBA-03-20**
   
   Ultimate Signs, on behalf of the Berkley American Legion Post 374, is requesting a variance at 2079 W. Twelve Mile Rd, Parcel #25-17-126-001, to replace an existing legal non-conforming sign that
encroaches into the required minimum five (5) foot setback. The existing sign is approximately two (2) ft. from the property line.

Community Development Director Schlutow summarized the review letter dated May 4, 2020 and the standards for review for dimensional variances.

Chair Evans disclosed his business contacts with Ultimate Signs related to his occupation with the City of Troy. Chair Evans noted that he has not worked with or met the applicant and does not believe his involvement with the company would present a conflict of interest or would prove to be a problem with acting and deciding the case fairly.

Ms. McAlpine disclosed her affiliation with the American Legion Post 374, as her husband is a member of the organization and are actively engaged with their activities and events. Ms. McAlpine noted that she does not believe her involvement would present a conflict of interest or would prove to be a problem with acting and deciding the case fairly.

Ms. Ward noted that she did not view the affiliations with the sign company or the organization as a conflict or would prove to be problematic for either board member.

Linda Kaiser, representative of Ultimate Signs, summarized the need for the new sign to replace the damaged sign and to attract visitors.

Post Commander Bill Eisenhower provided details to the age of the sign and how it was damaged by a truck pulling onto the property. Mr. Eisenhower explained why the American Legion would like to retain the existing pole in the setback, as opposed to relocating the pole on the property.

Ms. Ward noted the sign needs a facelift and the relocation of the post could cause additional damage by vehicles.

Mr. Allen asked about moveable text and lights. Ms. Kaiser noted that it is a static sign.

Ms. McAlpine noted that the new sign will look modern and up to date and the need for the change in sign is due to damage, rather than a desire of the property owner.

Chair Evans summarized methods of providing public comment and opened the public hearing at 7:47pm.

Director Schlutow read an email received from Dottie Payne who lives on Rosemont. The resident wrote in favor of granting the variance, citing that the American Legion does a lot for the community and are great neighbors.

Chair Evans closed the public hearing at 7:52pm.

Chair Evans asked if a wall sign would be permitted on Twelve Mile Rd.

Ms. Ward stated that a wall sign facing Twelve Mile would not be beneficial to signal or alert motorists, as the pole sign currently does.

Mr. Gesund asked about other LED signs located in the community.

Mr. Krug noted that the proposed sign is positioned so as to limit the nonconformity and projection into the front yard setback.
Mr. Hanchett agreed that this is in a better position.

Ms. Ward motioned to approve the requested variance for the sign change of the nonconforming pole sign located at 2079 W. Twelve Mile. Motion supported by Mr. Allen.

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

3. RULES OF PROCEDURE
Discussion to adopt Zoning Board of Appeals Rules of Procedure.

Director Schlutow summarized the minor revisions for the yearly review of the Rules of Procedure.

Chair Evans inquired about a mandatory time limit for individual public comment writing in the Rules of Procedure.

The Board agreed.

The Board requested designating a timeline to be included and addressed during the next annual review.

Mr. Allen motion to approve the Rules of Procedure, as presented. Motion supported by Ms. Ward.

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

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OTHER BUSINESS

Mr. Allen stated that the previous 8 weeks had demonstrated what a great community Berkley is, and expressed hope to return to normal life.

Director Schlutow noted that Board members whose terms are ending in 2020 need to submit their applications if they wish to continue to serve on the ZBA.

Director Schlutow updated the ZBA on the repeal of Section 138-603, which allows for city administration to grant dimensional variances without the review by the ZBA. The Planning Commission held the required public hearing at the April 28, 2020 meeting and they recommended approval to City Council. The City Council had the first reading and they approved the repeal of Section 138-603 and it is anticipated to go for the second reading at the next available meeting.

Director Schlutow also updated the ZBA on the status of the Master Plan survey which is open and available to be submitted until May 29, 2020.
LIAISON COMMENTS

Councilmember Hennen expressed his wish that everyone stays healthy and job well done for the first virtual ZBA meeting. He noted that the Mayor can set reasonable limits for public comment, as noted in the City Council’s Rules of Procedure. The Ordinance on required attendance and training has passed and is in effect. The City Council will soon be undertaking the yearly budget discussion, in which there is an allocation for board training.

BOARD COMMENTS

None

PUBLIC COMMENTS

None.

With no further business, Chair Evans adjourned the meeting at 8:15pm.