THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:01 PM, MONDAY, FEBRUARY 8, 2021 VIA ZOOM ELECTRONIC MEETING BY CHAIR PAUL EVANS.

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

PRESENT: Steve Allen, Berkley, Michigan  
Michael Hanchett, Berkley Michigan  
Joe Krug, Berkley Michigan  
Sue McAlpine, Berkley Michigan  
Miles Uhlar, Berkley Michigan  
Maria Ward, Berkley Michigan  
Paul Evans, Berkley Michigan

ABSENT: Ryan Gesund - Excused

ALSO PRESENT: Kevin Karsama,  
Jose & Sharon Esguerra  
Erin Schlutow, Community Development Director  
Dennis Hennen, City Council Liaison  
Matthew Baumgarten, City Manager

It was moved by Mr. Allen to excuse the absence of Mr. Gesund based on his prior commitment that he explained prior to the meeting. Motion supported by Ms. Ward.

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

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APPROVAL OF AGENDA
It was moved by Ms. McAlpine to modify the agenda to add the tabled item from the November 9, 2020, related to the absence of Ms. Ward. Motion supported by Mr. Allen

AYES: Hanchett, Krug, McAlpine, Uhlar, Ward, Allen, Evans  
NAYS: None  
ABSENT: Gesund
It was moved by Mr. Allen to approve the modified agenda. Motion supported by Ms. Ward.

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

MOTION CARRIED

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APPROVAL OF MINUTES

It was moved by Mr. Allen to approve the minutes of November 9, 2020, as presented. Motion supported by Mr. Krug.

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

MOTION CARRIED

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NEW BUSINESS

1. The matter to excuse the absence of Board Member Maria Ward was tabled at the November 9, 2020 meeting. Ms. Ward sent correspondence related to her absence.

Ms. McAlpine motioned to excuse the absence of Ms. Ward from the November 9, 2020 ZBA meeting. Motion supported by Mr. Allen.

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

2. APPLICATION PBA-01-21; 2144 Thomas Ave. – Appeal of Interpretation; Variance Request

Kevin & Nancy Karsama, 2144 Thomas Ave, Lot 244 of Thomas Park, Parcel ID #25-18-307-008, east side of Thomas Ave between Oxford Rd and Cambridge Rd, is requesting an appeal of interpretation by the zoning officer classifying a generator as an accessory structure. If appeal is denied, applicant is seeking a variance to place the generator in the side yard.

Board Member Krug asked to be excused from discussions and deliberations of the case, as he knows the applicant personally for many years. Mr. Krug left the meeting.
Community Development Director Schlutow summarized the request and the review letter that was included in the meeting packet. Director Schlutow reviewed the applicant’s request to place the generator in the side yard, as the property owner has future plans to install a deck in the rear yard. The proposed location would be next to the existing air conditioning unit within the fenced yard.

Director Schlutow also provided background on the interpretation of generators as accessory structures and as such, are to be restricted to the rear yard of the property. Director Schlutow also provided an update on the progress the Planning Commission is making on an ordinance amendment to provide clarity to homeowners on the placement of generators, air conditioning units, etc.

Chair Evans discussed splitting the requests and reviewing the interpretation and variance request separately. The Board agreed with that procedure.

Kevin Karsama, 2144 Thomas Ave., summarized his request to place the generator in the side yard.

Chair Evans opened the Public Hearing at 7:15pm and read instructions on how the public can participate.

No comments.

Chair Evans closed the Public Hearing at 7:18pm.

Mr. Allen noted that this has been discussed several times and that generators have been interpreted to be auxiliary structures and should be regulated to the back yard.

Ms. Ward asked if there were considerations to the size of the rear yard.

Mr. Hanchett noted agreement with the Board’s previous interpretations and pointed out some inconsistencies with the existing language.

Motion by Mr. Allen to uphold the interpretation by the zoning officer that generators are to regulated as accessory structures. Motion supported by Mr. Hanchett.

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

The Board has upheld the decision by zoning officer and the Building Department that generators are considered to be accessory structures and are restricted to the rear yard of the property. The applicant has requested a variance to install the generator in the side yard.

Director Schlutow provided a summary of the request for a variance.

Kevin Karsama summarized his request to place the generator in the rear yard in anticipation of installing a rear yard deck in the coming months.

The Board reviewed the request and asked Mr. Karsama about the potential to relocate the generator elsewhere in the rear of the property. The Board went over the standards of review with the applicant and the demonstration of a practical difficulty.

Chair Evans opened the Public Hearing at 7:37pm and read instruction on how the public can
participate.

Jose & Sharon Esguerra, neighbors across the street from Kevin Karsama. They noted that Mr. Karsama is a wonderful community member and they support his request. They also noted the need for a generator because of the above ground power lines and power outages due to extreme weather.

Chair Evans closed the Public Hearing at 7:41pm.

Mr. Allen went over the standards of review and noted that they had not been met, in this case.

Ms. McAlpine agreed with Mr. Allen and that there are no unique circumstances on the property and the use of the property will still continue as a single family dwelling.

Board members note that they are sympathetic with the request but it does not meet the threshold to grant the variance.

Motion by Ms. McAlpine to deny PBA-01-21, variance request at 2144 Thomas Ave to install a whole house generator in the side yard of the residential property, given that it does not meet the five standards of review. Motion supported by Mr. Allen.

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

Mr. Krug returned to the meeting at 7:47pm.

3. ELECTIONS
Matter of electing a Chair and Vice Chair to the Zoning Board of Appeals.

Chair Evans and Ms. McAlpine noted that they have enjoyed serving in their elected positions and would welcome the opportunity to continue.

Motion by Ms. McAlpine to nominate Paul Evans to continue to serve as Chair. Motion supported by Ms. Ward. Chair Evans accepts the nomination.

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

Motion by Mr. Uhlar to nominate Sue McAlpine to continue to serve as Vice Chair. Motion supported by Ms. Ward.

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

Chair Evans proposed five-minute recess before beginning discussions on the next agenda item. Meeting
recessed at 7:54pm and returned to session at 8:00pm.

4. **RULES OF PROCEDURE**  

   Director Schlutow summarized the memo provided to the Board, as well as the ordinance that was passed in early 2020 that made requirements for attendance, new member training, and continued education.

   Board members discussed attendance policies for regular and alternate members, incorporating the standards of review prior to each case being heard, time limits for public comment, new member training, continued education.

   Motion by Mr. Allen to postpone the discussion on Rules of Procedure. Motion supported by Ms. McAlpine.

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

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**OTHER BUSINESS**

None  
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**LIAISON COMMENTS**

Councilmember Hennen provided an update on the marihuana licensing process. City Council passed the first reading to allow air conditioning units in the side yard and regulating generators to the rear yard. City Council also passed the first reading on projections. Councilmember Hennen also suggested a guiding document to assist applicants with the standards.

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**BOARD COMMENTS**

None  
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PUBLIC COMMENTS

None.

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With no further business, Vice-Chair adjourned the meeting at 9:05pm.