THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, MAY 10, 2021 VIA ZOOM ELECTRONIC MEETING BY VICE CHAIR SUE MCAlpINE.

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

PRESENT:  
Steve Allen, Berkley, Michigan  
Ryan Gesund, Berkley Michigan  
Joe Krug, Berkley Michigan  
Sue McAlpine, Berkley Michigan  
Miles Uhlar, Berkley Michigan  
Maria Ward, Berkley Michigan  
Erick McDonald (joined at 7:10pm)

ABSENT:  
Paul Evans

ALSO PRESENT:  
Lorrena Black, 2344 Royal  
Major Clarence Black, 2344 Royal  
Erin Schlutow, Community Development Director  
Matthew Baumgarten, City Manager

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It was moved by Mr. Allen to excuse the absence of Chair Paul Evans. Motion supported by Ms. Ward

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

APPROVAL OF AGENDA
It was moved by Mr. Gesund to approve the agenda. Motion supported by Mr. Allen.

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

MOTION CARRIED

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APPROVAL OF MINUTES
It was moved by Mr. Allen to approve the minutes of April 12, 2021, as presented. Motion supported by Ms. Ward.

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

MOTION CARRIED

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OLD BUSINESS

1. **APPLICATION PBA-05-21; 2344 Royal – Variance Requests to Construct an Addition into the Front Yard Setback, Area of Accessory Structures, and Lot Coverage.**

   Lorrenna Black, 2344 Royal Abe, Parcel #25-18-329-018, east side of Royal Ave north of Oxford Rd, is requesting three (3) dimensional variances: 1) to construct an addition that encroaches into the front yard setback, 2) the combined area of all proposed accessory structures exceeds 800 sq. ft. or one-half of the ground floor of the main building, and 3) total lot coverage exceeds maximum 35% permitted lot coverage.

   Community Development Director Schlutow provided a summary of the project and requested variances. The application was tabled at the April 12, 2021 regular meeting after the public hearing in order for the homeowner to provide additional information and to work with City staff to reduce the requested variances, if possible. Director Schlutow noted that after discussions, the homeowner did not make any changes to the plans and the scale and scope of the requested variances remains the same.

   Mr. Allen asked about the garage elevations.

   Major Clarence Black addressed the Zoning Board of Appeals and noted that he is on active duty overseas and his wife is a retired veteran. He stated that the proposed project is their master plan for their home and is asking for what they want for their dream home.

   Ms. Ward asked if it was discussed whether to shrink the size of the pool to be a lap pool. Ms. Black noted that the pool size was shrunk to be a lap pool.

   Ms. McAlpine read the instructions for the public to comment on the requested variances.

   No public comment.

   Mr. Gesund asked about the items that were discussed at the previous months meeting: changing the size of the pool and providing information related to the need for the pool. He noted that there had not been any changes to the project. He thanked the Blacks for their service to the country and noted that the Board also has an oath to fulfill and there is nothing in the ordinance that gives consideration for military service.

   Mr. McDonald discussed each requested variance.
Mr. Uhlar thanked the Blacks for their service but felt that the presentation was not appropriate.

Ms. Ward noted that for the size of the lot it was an ambitious project. She stated that the variance for the addition in the front yard setback would work, but the size of the pool does not fit with the size of the lot.

Ms. McAlpine discussed separating the requested variances in order to make a decision for each item.

Variance #1: Construct an addition that encroaches into the front yard setback.

Mr. Allen stated he would be in favor of this, as it would be in line with the existing front of the house.

Ms. Ward noted she would support the motion.

Mr. Allen stated it would be beneficial to read the standards for approval aloud.

Director Schlutow read the five standards aloud.

Motion by Mr. Gesund, read by Ms. Ward, in the matter of PBA-05-21 the request for variance to construct an addition that encroaches into the front yard setback of residential property at 2344 Royal, zoned Single Family Residential, to be approved based on the findings of fact that the five standards of review have been met. The request is due to unique circumstances of the property. The need for the variance is not the result of the property owner or previous property owners. Strict compliance with the ordinance will prohibit the property owner for using the property for intended use or will render conformity with those regulations unnecessarily burdensome. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners. The requested variance will not adversely impact the surrounding properties.

Motion supported by Ms. Ward.

Mr. Uhlar noted that the addition would increase the nonconformity and does not meet standard #3.

Mr. McDonald agreed with Mr. Uhlar that the presentation was inappropriate.

Major Black asked for clarification on the comments from Mr. McDonald.

Mr. McDonald noted that he is in favor of the first variance.

AYES: Ward, Allen, Gesund, Krug, McDonald, McAlpine
NAYS: Uhlar
ABSENT: Evans

Variance #2: Exceed the permitted combined floor area of all accessory buildings and structures.

Motion by Ms. Ward to deny the variance request for accessory buildings and structures to exceed the maximum permitted area, based on findings of fact that the standards for review have not been met. The need for the variance is not due to unique circumstance or physical conditions of the property. The need for the variance is the result of actions of the property owner or
previous property owners. Strict compliance will not unreasonably prevent the property owner from using the property for a permitted purpose. The requested variance is not the minimum variance to do substantial justice to the applicant. The requested variance will adversely impact the surrounding properties.
Motion supported by Mr. Krug.

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

Variance #3: Proposed lot coverage to exceed maximum permitted area for all structures

Motion by Mr. Uhlar to deny the variance request for maximum lot coverage for all structures, based on findings of fact that were articulated for variance request #2.
Motion supported by Ms. Ward.

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

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NEW BUSINESS

None.

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OTHER BUSINESS

None

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STAFF / BOARD MEMBER REPORT

Director Schlutow noted she had recently shared with the Board members their attendance records as well as their hours of continued education. There is a virtual Zoning Board of Appeals training opportunity on June 30, 2021 and that would be the last day of the fiscal year in which to complete the required education hours.
LIAISON REPORT

None.

PUBLIC COMMENTS

None.

Motion by Mr. Allen to adjourn the meeting. Motion supported by Mr. Gesund.

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

With no further business, the meeting was adjourned at 7:46pm.