PUBLIC HEARING 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, July 11, 2022 at 7:00 p.m. or as near thereto as the matter may be reached.

Application Number PBA-08-22

George Banot, 3910 Eleven Mile Rd. Parcel #04-25-18-353-031, north side of Eleven Mile Rd., between Cummings Ave. and Thomas Ave., is requesting a variance to use the property and structure as a live/work unit.

Berkley City Code
Berkley City Code, Chapter 138 Zoning, Article V, District Regulations, Division 14, Eleven Mile District, Sec. 138-487 Principal uses permitted and Sec. 138-488 Special uses do not allow a live/work unit as a principal or special land use in the Eleven Mile District.

Comments on 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

Publish Once:
Royal Oak Tribune
Friday, June 24, 2022
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: George Bonet
Address: 3910 W 11 mile rd
Email: [Redacted]
Relationship to Property (current tenant, representative, future tenant, current owner, future owner):

Owner

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PROPERTY OWNER INFORMATION (if different from Applicant)

Name: Phone:
Address:
Email:

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PROPERTY DESCRIPTION

Address: 
Parcel #: Zoning Classification: Wavle Dist.
Current Use of Property:
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: Used variance to use the property as a live work unit.

Has the City denied a permit related to the proposed work?  ☐ Yes  ☐ No

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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: VACANT

Requested Use of Property: live work unit

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.

The existing parking lot will not support any of the proposed uses in the current zoning district.
2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

The building used to be a house with basement. The parcel is very small and that will create a parking deficit.

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

If has been like this if it will remains vacant and can't be used that negatively impact the neighborhood.

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

It was originally built as a house with full basement which still exists till now. Somebody used to live there and the zoning changed.

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

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.

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

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

7 Page
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City of Berkley · ZBA Application
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