

PUBLIC NOTICE

City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Monday, June 11, 2018
7:30 PM – City Hall
Council Chambers
Information: (248) 658-3320

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES – *Meeting of April 9, 2018*

ITEMS FOR APPEAL

1. Application Number PBA-04-18

Daniel Stagner—4041 Robina Ave., N 25 ft of Lot 119 & S 36 ft of Lot 120, McGiverin-Haldeman's Berkley Subdivision, Parcel Id: 04-25-07-404-025 is requesting a dimensional variance to install a pool that would exceed the lot coverage permitted by ordinance.

OTHER BUSINESS
LIAISON REPORT
PUBLIC COMMENTS
ADJOURN

Notice: Official Minutes of the Zoning Board of Appeals are stored and available for review at the Office of the City Clerk. The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling: City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

**A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 PM,
MONDAY, APRIL 9, 2018 AT CITY HALL BY CHAIRPERSON EVANS.**

PRESENT: Paul Evans Miles Uhlar Ryan Gesund
 Steve Allen Mike Kerby Greg Butts Sue McAlpine

ABSENT: Scott Emmons

ALSO PRESENT: Timothy McLean, Community Development Director
 Joe Krug (ZBA Alternate)
 Dave Glynn (Representing applicant Timothy Glynn)
 Morgan Kruiizenga (Applicant)
 Several members of the public

APPROVAL OF AGENDA

It was moved by Mr. Kerby and supported by Mr. Gesund to approve the agenda as written.

AYES: McAlpine, Uhlar, Gesund, Kerby, Allen, Butts, and Evans
NAYS: None
ABSENT: Emmons

Motion Carried.

APPROVAL OF MINUTES

It was moved by Mr. Allen to approve the minutes of March 12, 2018, and supported by Mr. Gesund.

AYES: McAlpine, Uhlar, Gesund, Kerby, Allen, Butts, and Evans
NAYS: None
ABSENT: Emmons

Motion Carried.

1. Application Number PBA-02-18—2254 Earlmont

Chair Evans began the discussion with some questions for Community Development Director McLean regarding clarifications on the variance being requested.

Dave Glynn (3412 Woodland, Royal Oak) representative on behalf of applicant Timothy Glynn gave a brief description of the proposed project. Applicant is proposing to add existing square footage to the residence in addition to repairs to the existing garage. The property had previously been granted a variance for a detached garage in 1972. With the proposed renovations, the garage would be attached to the dwelling unit, making it part of the dwelling unit. With an attached garage, the property

owner would not meet the ordinance requirement of fifteen feet between adjacent dwelling units.

ZBA Member Butts asked if the existing side door to the house is connected to the garage.

Applicant indicated that there is not currently a side door on the residence.

Chair Evans opened the Public Hearing at 7:50 PM

Rachel Piacentini asked if this property was intended to be renovated and “flipped.”

Patti Curtis, Kenmore: asked for clarification on setback requirements for accessory structures.
Mr. Allen asked the applicant for clarification regarding drainage issues.

Chair Evans closed the Public Hearing at 7:53 PM

Zoning Board of Appeals members engaged in discussion regarding the interpretation of the 1972 variance.

ZBA members also discussed at length what type of dimensional variance would be needed.

Mr. Kerby stated that he prefers the garage as detached from the dwelling unit. He also pointed out that the project will eliminate a non-conformity with the front yard setback requirements.

Community Development Director McLean stated that rebuilding in the existing footprint was not possible as this would create a new non-conformity.

It was moved by Ms. McAlpine and seconded by Mr. Gesund to approve a waiver of the required fifteen (15) feet between dwelling units (Sec.138-527(d), granting a dimensional variance for PBA-02-18 on the grounds that a practical difficulty was proven by the applicant.

AYES: Butts, Kerby, Gesund, McAlpine

NAYS: Uhlar, Evans, Allen

ABSENT: Emmons

Motion Carried.

2. Application Number PBA-03-18—2785 12 Mile Rd.

Community Development Director McLean began the discussion by providing some background on the variance request. Applicant Morgan Kruizenga is intending to purchase the property at 2785 12 Mile Rd., (formerly Berkley Transmission), and utilize the building as a hair salon. The applicant is looking to have eight (8) chairs/stations for the business. With the parking requirement of three spaces per chair, applicant does not have enough space for on-site parking. There is currently enough on-site parking to accommodate four (4) chairs/stations. A dimensional variance of 150 feet is requested so that municipal parking may be utilized and counted toward the required total.

Mr. Gesund asked the applicant if having only four chairs would make the business financially difficult.

Applicant indicated that it would be difficult to operate with only four chairs.

Mr. Allen asked if the applicant has completed the purchase of the property.

Applicant indicated that the closing of the sale will happen very soon.

Mr. Allen indicated that if this variance is approved, there would have to be some conditions.

Mr. Butts asked about the clean-up of the former Berkley Transmission site.

Applicant stated that consultants will utilize ground penetrating radar to check for any existing underground storage tanks. Applicant stated she wanted to be very diligent in alleviating any environmental issues.

Chair Evans opened the Public Hearing at 8:21PM

Wendi Zabramski, Gardner: Voiced some concerns about street parking. She stated that she has seen overflow parking from Berkley Transmission onto the residential parking areas.

Cindy Kinali, Cumberland: Voiced concerns about garbage and cigarette butts in the residential area from downtown businesses. She also stated she had concerns about parking in front of fire hydrants. She stated that there seems to be a general issue with parking downtown.

Vivian Carmody, DDA Director: Voiced support for the requested variance. She stated that there will be a significant investment in the clean-up of this property.

Patti Curtis, Kenmore: Stated she had concerns about parking in residential areas. She voiced concerns about variance applications from applicants other than current business owner.

Tamara Carolin, Vine St, Royal Oak: Stated that she is very supportive of this project and would like to see the variance approved.

Kishon Harbert (Realtor for applicant): Stated that the current building is an eyesore and that the applicant is making a significant investment in the property. She stated that the applicant will have difficulty with on-site parking.

Rachel Piacentini: stated that the applicant can still have four chairs/stations and meet on-site parking requirements.

Diana Keith, Beverly: Voiced excitement for the new business but had concerns about parking.

Chair Evans closed the Public Hearing at 8:36PM

Mr. Gesund disclosed that he resides on Kipling but that he doesn't believe this would pose a conflict of interest for the variance request.

Chair Evans & Mr. Uhlar asked the applicant about proposed hours.

Applicant was able to provide a rough estimate of days and hours of operation.

Chair Evans stated that if the variance is approved, it would be for specific hours.

Mr. Uhlar asked about the number of chairs in applicant's other business and how often they were full.

Applicant stated that she has nine (9) chairs at the other location and that they are occasionally all occupied.

Mr. Uhlar asked if the applicant could get by at this location with six (6) chairs.

Applicant stated that she feels she needs eight chairs to make the business viable.

Mr. Kerby stated that the proposed on-site parking was very compacted and asked if the spaces would be legal.

Mr. McLean stated he would confer with Public Safety. (It was later determined by the Fire Marshal that on-site parking was acceptable as shown).

Mr. Kerby stated that the applicant creates the need for the variance based on the number of chairs being proposed. He also stated that there is an issue with overflow parking into residential areas. If granted, he believes the variance should be contingent upon providing a parking plan.

Mr. Uhlar stated that that this will be a difficult decision. He showed appreciation for the investment and redevelopment of a blighted property. Stated that parking is an issue and that there are concerns with the proposed layout.

Ms. McAlpine stated that it will be a challenge to make parking work at this location, regardless of use. She stated she has many emotional reasons for wanting to approve the requested variance, but reminded the Board that there is very strict criteria that has to be met to qualify for a variance. She did not feel that a practical difficulty was proven by the applicant.

Chair Evans stated that while he feels the practical difficulty has not been proven, he is very supportive of this development.

It was moved by Ms. McAlpine and seconded by Mr. Kerby to deny PBA-03-18 on the grounds that a practical difficulty was not proven by the applicant.

AYES: Uhlar, Evans, Allen Butts, Kerby, Gesund, McAlpine
NAYS: None

ABSENT: Emmons
Motion Carried.

OTHER BUSINESS
None

LIAISON REPORTS

Mr. Gesund stated that he hopes all are able to attend Berkley Days.

PUBLIC COMMENTS
None

With no further business, Chair Evans adjourned the meeting at 9:01 PM.

MEMORANDUM

TO: City of Berkley—Zoning Board of Appeals
 FROM: Timothy McLean—Community Development Director
 DATE: June 4, 2018

RE: **Report for PBA-04-18**

APPLICANT:	Daniel Stagner—4041 Robina Ave.	
LOCATION:	4041 Robina Ave., N 25 ft of Lot 119 & S 36 ft of Lot 120, McGiverin-Haldeman's Berkley Subdivision, Parcel ID: 04-25-07-404-025	
REQUEST:	The applicant is requesting a dimensional variance to install a pool exceeding maximum lot coverage permitted by ordinance.	
REQUIRED:	<i>Berkley City Code, Chapter 138 Zoning, Article V, Division 17, Sec.138-526 Schedule of Regulations</i>	
EXISTING ZONING/LAND USE:	R-1D/Single-family Residence with attached garage	
SURROUNDING ZONING / LAND USE:		
	NORTH R-1D/Single Family Residence	
WEST R-1D/Single Family Residence		EAST R-1D/Single Family Residence
	SOUTH R-1D / Single Family Residence	

DISCUSSION:

The applicant is intending to install a pool and backyard water management system. The proposed size of the pool would be 18'x 34' (612 square feet). Installing an 18' x 34' foot pool would put the lot coverage at 2,890 square feet (37% lot coverage). This is 157 square feet in excess of what is permitted by ordinance. By ordinance in the R-1D District, the maximum coverage permitted is 35%. The applicant is seeking a dimensional variance to exceed maximum lot coverage by 157 square feet.

The property at 4041 Robina Ave. is a single-family residence with an attached garage. The size of the parcel is 61' x 128' (7,808 square feet). Currently the property meets all required setbacks as established by ordinance. The size of the existing residence with attached garage is 2,278 square feet. The current lot coverage at 4041 Robina Ave. is 29%.

In order to meet the criteria for a dimensional variance, the applicant must demonstrate a practical difficulty according to the standards of Sec.138-606 of the Berkley Code of Ordinances.

Sec. 138-606. - Standards for variances.

The zoning board of appeals shall not vary the regulations of this chapter, as authorized in this section unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) Dimensional (non-use variances).

- a. The need for the variance is due to unique circumstances or physical conditions of the property.*
- b. The need for the variance is not the result of actions of the property owner or previous property owners.*
- c. 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.*
- d. The requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.*
- e. The requested variance will not adversely impact the surrounding properties.*



3338 Coolidge
 Berkley, Michigan 48072
 (248) 658-3320
 FAX (248) 658-3301
www.berkleymich.org

CITY OF BERKLEY
Zoning Board of Appeals – Application Form

A complete application, a check payable to the 'City of Berkley', and 15 copies of a survey, folded plans, and other applicable data must be submitted to the City of Berkley one month prior to the date of the ZBA hearing. Fee: \$300.00 If an application is withdrawn more than 3 weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than 3 weeks prior to the meeting, no refund will be given. Account Number: 1019.

The Zoning Board of Appeals meets the second Monday of every month. The meetings are held at 7:30 p.m. in the Council Chambers at the City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

APPLICANT:

Name: DANIEL STAGNER Phone:
 Address: 4041 ROBINA AVE BERKLEY, MI 48072

Relationship to Property (current tenant, representative, future tenant, future owner, owner)

OWNER

PROPERTY OWNER:

Name: DANIEL & JACQUELINE STAGNER Phone: 248-506-3063
 Property Owner Address: 4041 ROBINA AVE BERKLEY, MI 48072

PROPERTY DESCRIPTION:

Address: 4041 ROBINA AVE BERKLEY, MI 48072

Sidwell (Tax I.D. #): 04-25-07-404-025 Lot & Subdivision: Set Mc Giverin - Holdemans Berkley Sub N25 FT

Current Zoning Classification: TIN R1E Current Use of Property: PRIMARY RESIDENCE
 OF LOT 119 S
 S 36 FT OF L6
 120

VARIANCE REQUEST:

Description of Request: PERMISSION TO EXCEED 35% LOT COVERAGE BY 157
sq ft to install pool and backyard water management system

From the City of Berkley Code, Chapter Section

Has the City refused a permit for the request?

GROUNDS FOR APPEAL:

There are two types of variances: non-use variances and use variances. A use variance permits the use of land that is otherwise not allowed in a zoning district. A non-use variance is a variance regarding setbacks; height; parking; sign size or placement; fences and walls.

In either case, the applicant must prove to the Zoning Board of Appeals that not receiving this variance will cause undue hardship or practical difficulty. Please complete either the use variance or non-use variance sections (whichever is applicable to your request)—DO NOT COMPLETE BOTH SECTIONS.

PBA-04-18

NON-USE VARIANCE

A non-use variance is a variance regarding setbacks; height; parking; sign size or placement, fences and walls. The need for the variance is due to unique circumstances or physical conditions of the property because

The need for the variance is not the result of actions of the property owner or previous property owners because

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 because

The requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners because

The requested variance will not adversely impact the surrounding properties because

USE VARIANCE

A use variance permits the use of land that is otherwise not allowed in a zoning district.

The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district because BACK YARD IS MUDDY DUE TO GRADE OF YARD AND NEIGHBORING YARDS MAKING IT UNSALE.

The need for the variance is due to unique circumstances or physical conditions of the property because POOL & WATER MANAGEMENT SYSTEM DESIGNED TO MINIMIZE WATER AROUND FOUND

NEIGHBORING YARDS
Proposed use will not alter the essential character of the neighborhood because remains family focused and walkable. Pool will be in the back yard.

The need for the variance is not the result of actions of the property owner or previous property owners because OURS IS THE NEWEST HOUSE AND TAKES ON WATER FROM OTHER YARDS.

I understand that ZBA members may need to access my property to better understand my case. I understand that financial hardship cannot be considered. I have received the brochure outlining ZBA procedures and requirements.

D. S. S.
Signature of Applicant

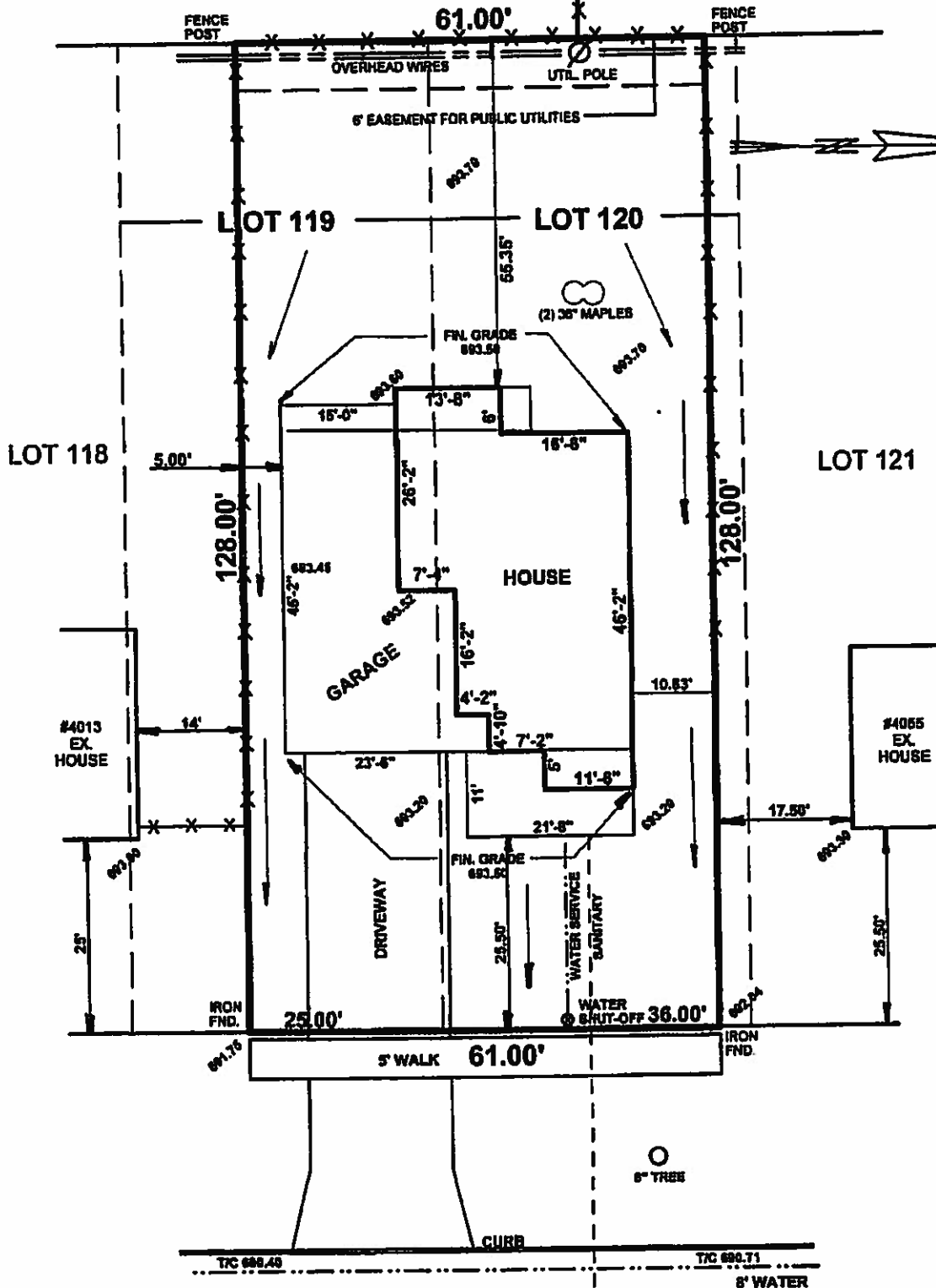
5/11/2018
Date

Office Use Only
Date Application Received: 5.11.18 Fee: 300⁰⁰ Receipt Number: PBA-04-18
Hearing Date: _____ Case Number: PBA-04-18
Zoning Board of Appeals Decision: _____

SURVEY PLAN

LEGAL DESCRIPTION

THE NORTH 25' OF LOT 119 AND THE SOUTH 36' OF LOT 120, OF "McGIVERN - HALDEMANIS BERKLEY SUBDIVISION" PART OF THE E 1/2 OF THE W 1/2 OF S.E. 1/2 OF SECTION 7, VILLAGE OF BERKLEY, OAKLAND COUNTY, MICHIGAN.

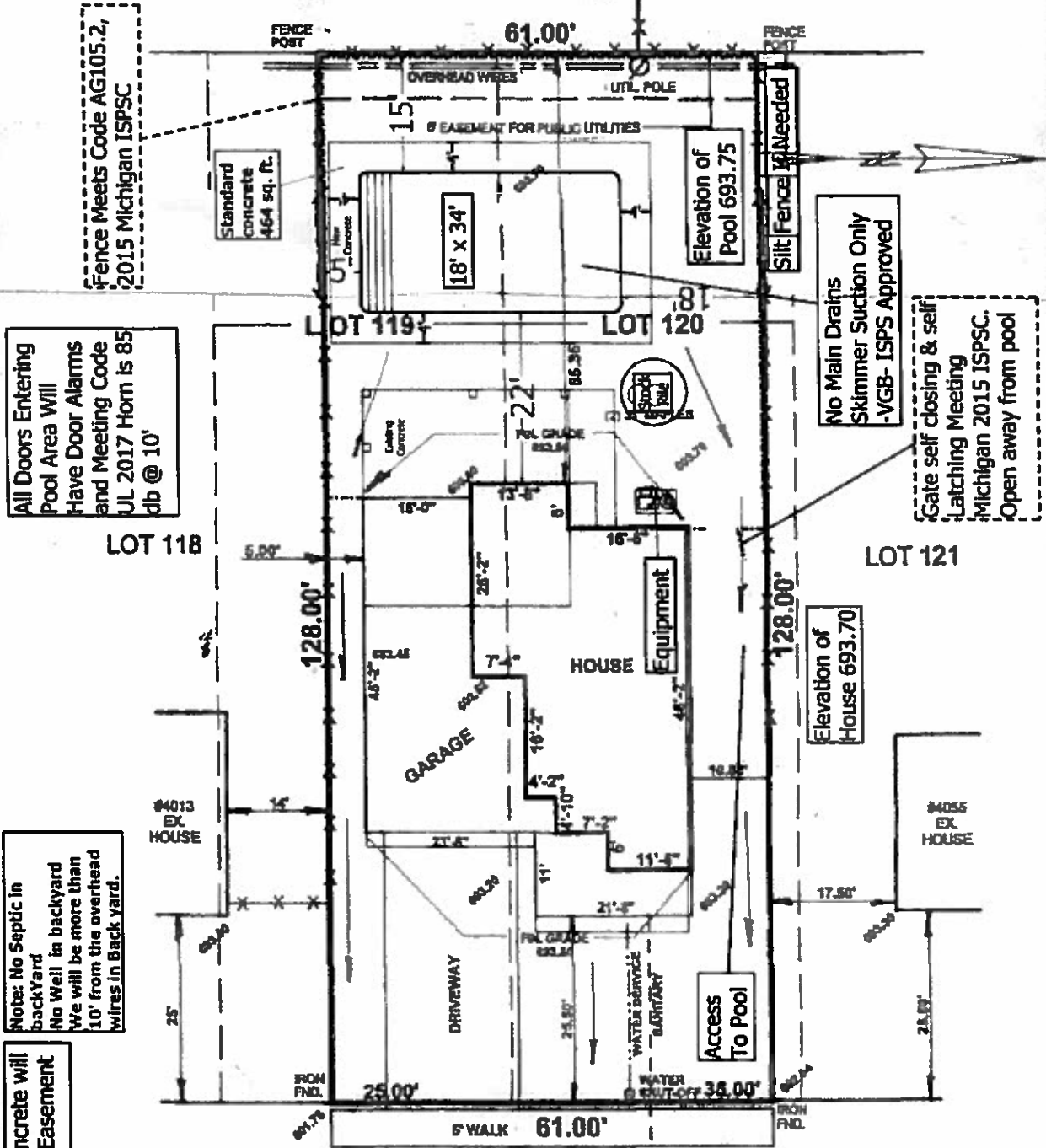


#4041
ROBINA DRIVE

Date 12/13/17
Permit Drawing

Scale 1" = 20'

THE NORTH 25' OF LOT 119 AND THE SOUTH 38' OF LOT 120, OF "McGIVERN - HALDEMANIS BERKLEY SUBDIVISION" PART OF THE E 1/2 OF THE W 1/2 OF S.E. 1/2 OF SECTION 7, VILLAGE OF BERKLEY, OAKLAND COUNTY, MICHIGAN.



All Doors Entering Pool Area Will Have Door Alarms and Meeting Code JUL 2017 Horn is 85 db @ 10'

Note: No Septic in backyard
No Well in backyard
We will be more than 10' from the overhead wires in Back yard.

*Pool and Concrete will not be set in Easement

Note Grab Rail and Ladder Both Bonded
Jacqueline and Dan Stagner
4041 Robina Ave.
Berkley Mi. 48072
Phone# 226-260-2274
Phone# 248-506-3063

Fence Meets Code AG105.2, 2015 Michigan ISPC

Standard concrete 464 sq. ft.

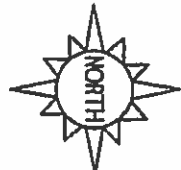
Elevation of Pool 693.75

No Main Drains Skimmer Suction Only -VGB- ISPS Approved

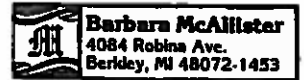
Gate self closing & self Latching Meeting Michigan 2015 ISPC. Open away from pool

Elevation of House 693.70

#4041
ROBINA DRIVE
86' WD.



12' SANITARY



TIMOTHY MCLEAN
City of Berkeley
Building Dept.

Received post card concerning June 11 meeting for Spring Board of Appeals, variance request by Don and Julie Stagner, 4041 Robina, to install a pool and water management system.

When I saw Don outside that day I went over with card, and said it was fine with me. Much better to have the excess water in pool than their basement.

Barbara A. McAllister



MICHIGAN GROUP

Account: **528440**
 Name:
 Company: **BERKLEY, CITY OF**
 Address: **3338 COOLIDGE HWY
 BERKLEY, MI 48072**
 Telephone: **(248) 658-3319**
 Fax: **(000) 000-0000**
 Description: **THE CITY OF BERKLEY Building Departm**

Date: **05/18/18**
 Start Date: **05/20/18** Stop Date: **05/20/18**
 Class: **1201 - Legal Notices**
 Ad ID: **1590265**
 Ad Taker: **CRTCROWN**
 Sales Person: **Lauren Charder (200301)**
 Words: **186**
 Lines: **35**
 Agate Lines: **68**
 Depth: **3.75**
 Inserts: **3**
 Blind Box:
 PO Number:

Ad sample

THE CITY OF BERKLEY
 Building Department
 3338 Coolidge, Berkley, Michigan 48072
 (248) 658-3320

**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, June 11, 2018 at 7:30PM or as near thereto as the matter may be reached.

Application Number PBA-04-18

Daniel Stagner, 4041 Robina Ave. , west side of Robina Ave, between Morrison Ave and Webster Rd, is requesting a variance to install a pool and water management system exceeding maximum lot coverage established by ordinance.

Berkley City Code
 Berkley City Code, Chapter 138 Zoning, Article V, Division 17, Sec.138-526 Schedule of Regulations

Comments on the granting of 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 7:30 p.m. on the date of the Public Hearing.

TIMOTHY MCLEAN
 COMMUNITY DEVELOPMENT DIRECTOR

PUBLISHED: Sunday, May 20, 2018
 The Daily Tribune/Oakland Press

Total: **\$128.65**
 Paid Amount: **\$0.00**
 Amount Due: **\$128.65**

Publication

Royal Oak Tribune, Oakland Press,
 thcoaklandpress.com

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 Thank You !

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 Heritage: (877) 332-1898 Morning Star: (877) 483-3450 Voice: (877) 463-9893

Occupant
4055 ROBINA AVE
BERKLEY MI 48072 1452

Occupant
4070 GRIFFITH AVE
BERKLEY MI 48072 1441

Occupant
3997 ROBINA AVE
BERKLEY MI 48072 3458

Occupant
4014 ROBINA AVE
BERKLEY MI 48072 1453

Occupant
4111 GRIFFITH AVE
BERKLEY MI 48072 3401

Occupant
3984 ROBINA AVE
BERKLEY MI 48072 3432

Occupant
4042 ROBINA AVE
BERKLEY MI 48072 1453

Occupant
4154 GRIFFITH AVE
BERKLEY MI 48072 1494

Occupant
4111 WAKEFIELD RD
BERKLEY MI 48072 3463

Occupant
4140 ROBINA AVE
BERKLEY MI 48072 3465

Occupant
4112 GRIFFITH AVE
BERKLEY MI 48072 1494

Occupant
3954 GRIFFITH AVE
BERKLEY MI 48072 1491

Occupant
3937 ROBINA AVE
BERKLEY MI 48072 3458

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4154 ROBINA AVE
BERKLEY MI 48072 3465

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BERKLEY MI 48072 1441

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3947 WAKEFIELD RD
BERKLEY MI 48072 3460

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4125 ROBINA AVE
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4051 WAKEFIELD RD
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Occupant
3953 ROBINA AVE
BERKLEY MI 48072 3458

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4028 GRIFFITH AVE
BERKLEY MI 48072 1441

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4027 GRIFFITH AVE
BERKLEY MI 48072 1440

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BERKLEY MI 48072 1440

Occupant
3987 WAKEFIELD RD
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Occupant
4056 GRIFFITH AVE
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4139 ROBINA AVE
BERKLEY MI 48072 3466