

**A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 PM,
MONDAY, AUGUST 10, 2015 AT CITY HALL BY VICE CHAIRPERSON EVANS.**

PRESENT: Barbara Morris Greg Butts Andrew Assenmacher
 Mike Kerby Susan McAlpine Paul Evans

ABSENT: None

ALSO PRESENT: Rod Federlein, 2575 Phillips
 Alan Kideckel, Council Liaison
 Amy Vansen, City Planner

APPROVAL OF AGENDA

**It was moved by Ms. McAlpine to approve the agenda.
Supported by Mr. Kerby.
AYES: Morris, Butts, McAlpine, Assenmacher, Kerby, Evans
NAYS: None
Motion Carried.**

APPROVAL OF MINUTES

**It was moved by Ms. McAlpine to approve the minutes of June 8, 2015.
Supported by Mr. Butts.
AYES: Morris, McAlpine, Butts, Assenmacher, Kerby, Evans
NAYS: None
Motion Carried.**

1. **Application Number BA-03-15** The applicant, Jared Cohen, 2575 Phillips, southwest corner of Phillips and Catalpa, is requesting a variance from *Berkley City Code*, Chapter 138 *Zoning*, Article IV *Off-Street Parking and Loading*, Division One *Off-Street Parking*, Section 138-222 *Parking Lot Location, Design, and Construction*, (1) *Single and Two Family Residential Uses*, (c) *Driveways*, (g) *Corner Lots*. . . . The width of a driveway area or parking strip shall not exceed 20 feet or the width of the garage, whichever is greater. The applicant is requesting this variance in order to remove and replace a nonconforming driveway and approach. The driveway is 26 feet wide when 20.25 feet is permitted.

Mr. Rod Federlein, contractor, was present on behalf of the applicant. He advised that the current driveway is wider than what is allowed. However, 22 feet wide is a standard driveway width.

Mr. Kerby expressed concern that the application was not filled out completely and little attempt had been made to express how the tests for practical difficulty were met.

The Board established that the house had a basement.

Vice Chairperson Evans opened the public hearing at 7:47 PM.

Cameron Rye, 2576 Bacon, was concerned about the existing driveway possibly encroaching onto his property. He did not want the existing condition to perpetuate. He was also concerned about stormwater runoff and asked if a curb could be installed.

Hearing no further comments, Vice Chairperson Evans closed the public hearing at 7:50 PM.

There was further discussion regarding the location of an existing tree, the existing fence and the location of the driveway.

It was moved by Mr. Assenmacher to deny BA-03-15 citing that no practical difficulty has been proven. There is no unique circumstance and strict compliance would not be a deprivation.

Supported by Mr. Kerby.

AYES: Morris, McAlpine, Butts, Assenmacher, Kerby, Evans

NAYS: None

Motion Carried.

2. **DISCUSSION:** Discussion regarding Rules of Procedure

Vice Chairperson Evans directed the Board's attention to the proposed Rules of Procedure which had been edited by the City Attorney.

Ms. Morris had numerous additional suggestions which were discussed.

The Board asked Ms. Vansen to have the City Attorney review Ms. Morris' suggested changes in the number of votes required as well as resignation procedures and report back.

3. **ELECTIONS:** Matter of electing a chairperson and vice chairperson to the Zoning Board of Appeals.

It was established that Vice Chairperson Evans was interested in serving as Chairperson. McAlpine was interested in serving as vice-chairperson. It was established that there were no other nominees.

It was moved by Mr. Butts to elect Paul Evans as Chairperson and Susan McAlpine as Vice-Chairperson.

Supported by Mr. Kerby.

AYES: Butts, Assenmacher, McAlpine, Morris, Evans, Kerby
NAYS: None
Motion Carried.

OTHER BUSINESS

Councilmember Kideckel stated that he has been trying to find new ZBA members.

There being no further business, Chairperson Evans adjourned the meeting at 8:39 PM.