

**A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 PM,
MONDAY, OCTOBER 12, 2015 AT CITY HALL BY CHAIRPERSON EVANS.**

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

ABSENT: None

ALSO PRESENT: Ruth Peppiatt, House of Renew
 Kent Butler, 2102 Elmhurst, Royal Oak
 Connie Jerome, Colliers Realty
 Jim Phillips, 1936 Beverly
 Matt Burry, 3782 Oakshire
 Jack Blanchard, 1927 Edgewood
 Shirley Hansen, 2050 Edgewood
 Alan Kideckel, Council Liaison
 Amy Vansen, City Planner

APPROVAL OF AGENDA

It was moved by Ms. Morris to approve the agenda with the following amendment:

- 2. DISCUSSION.** Discussion regarding use of checklist in deliberation
- 3. DISCUSSION.** Discussion regarding Rules of Procedure

Supported by Mr. Kerby

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

NAYS: None

Motion Carried.

APPROVAL OF MINUTES

It was moved by Ms. McAlpine to approve the minutes of August 10, 2015 amended as follows:

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- 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. ~~There was discussion regarding requiring rather than recommending or expecting that Board members receive training. There was also discussion regarding her suggested change in the number of votes required as well as resignation procedures.~~

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. ~~suggestion~~ and report back.

Supported by Mr. Kerby,

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

NAYS: None

Motion Carried.

1. **Application Number BA-04-15** House of Renew, regarding 28913 Woodward, west side of Woodward, between 12 Mile and Edgewood, is seeking an interpretation of use in accordance with *Berkley City Code, Chapter 138 Zoning, and Section 138-197 Interpretation of Use*. Land uses (permitted or special use) which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses maybe permitted if approved by the zoning board of appeals. The applicant is seeking this interpretation in order to allow a service establishment which performs services directly on the premises limited to repair shops (shoes, watches, antiques) within the Office District.

Chairperson Evans asked Ms. Vansen to summarize her report; he then asked the Board if there were any questions.

Mr. Smith stated that he was concerned about plating, re-tinning, and painting and the amount of hazardous materials and fumes that might be present on site.

Ms. Morris opined that this proposed use was permitted in other zoning districts and that the business would be more appropriate in those other districts.

Hearing no more questions from the Board, Chairperson Evans opened the public hearing at 7:44 PM.

The applicant, Ruth Peppiatt, stated that she had been located in Birmingham for many years. With regard to re-tinning, that service is sent out to a sub-contractor. She stated that they do use a small amount of acrylic and oil paints and paint thinner. Once they accumulate about a gallon, it is recycled at SOCRRA.

Mr. Kerby asked the applicant about parking needs. She stated that she had five employees and about 12 customers a day. She is open Tuesday through Friday, from 9:30 AM to 5:30 PM and on Saturday from 10 AM to 3 PM.

Mr. Assenmacher asked the applicant why she selected this location. She stated that the space had very good light, the space was the right size, and it is already subdivided the way she needs it.

The Board inquired as to the size of restoration pieces and whether furniture is included. The applicant stated she does not restore furniture and that the largest piece she has done is 3 feet by 5 feet by 2 feet.

Shirley Hansen, President of the Stephenson Barbers Oakland Manor Subdivision stated that this property is within the subdivision and is subject to deed restrictions. She reviewed that the Board had met on two occasions to deliberate on this matter. The proposed use has been

approved without objections.

Hearing no additional comments, Chairperson Evans closed the public hearing at 7:53 PM. He reviewed that the Board had received a communication from Crispelli's and a letter from the applicant.

Ms. Morris and Mr. Kerby expressed concern that antique and art restoration being added to the Office District could be incompatible with other office uses.

Mr. Smith stated that he was only concerned about electroplating and if that is not done on the premises, he is not concerned.

Chairperson Evans asked the Board to consider that the zoning ordinance is based upon the master plan which presumably had a great deal of community involvement. Was the Board changing the intent of that master plan?

Mr. Smith offered, having been on the Planning Commission when the Master Plan was adopted, that often discussion tends toward what you don't want to have in a particular district. He summarized that the process of figuring out what uses should be permitted is dynamic.

The Board also discussed parking needs in general as well as at Berkley Square. Ms. Vansen stated that parking at Berkley Square has always been tight and that short of tearing down part of the building and making more parking, there is no way to have all the uses there in compliance.

Mr. Kerby appreciated the City trying to find a good tenant for this location.

Ms. Vansen was asked if there were any office district locations where this might not fit. Ms. Vansen could not think of one.

Ms. McAlpine stated that the proposed business is a niche business which will bring people to the City.

It was moved by Ms. McAlpine to amend the zoning ordinance in accordance with Section 138-197 to add "antique and art restoration" to the list of Principal Permitted Uses in the Office District (Section 138-382) and to add "antique and art restoration" to Section 138-219 (Parking space requirements by use): one parking space per 250 square feet of usable floor area.

Supported by Mr. Butts.

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

NAYS: None

Motion Carried.

2. **DISCUSSION:** Discussion regarding use of checklist in deliberation

Ms. Morris discussed using the prepared checklist to deliberate and discuss the various issues

one by one. She asked that when the Board discusses issues that rather than mentioning various items, or perhaps forgetting some others, that the discussion be more structured via the checklist.

Other Board members expressed concern with this idea such as, the structure might be too limiting; opinions can change as discussion moves forward; and would the checklist be a legal hindrance.

Mr. Smith recalled that former Board member, Linda Rogers who was an excellent motion maker, always had her findings well thought out. He thought the checklist would make it easier to make good motions.

It was moved by Ms. Morris that the Board use the checklist to guide discussion for each standard one by one when deliberating on a case.

Motion Failed for lack of support.

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

The Board had just received the City Attorney's comments. Ms. Morris also provided her suggestions from the August meeting.

It was moved by Ms. McAlpine to postpone discussion until the next meeting in order to give the Board time to review the City Attorney's comments.

Supported by Mr. Kerby

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

NAYS: None

Motion Carried.

OTHER BUSINESS

Councilmember Kideckel thanked the Board members for their service to the City. He mentioned that tomorrow night is Meet the Candidates night and that next Monday is the last City Council meeting before the November election.

There being no further business, Chairperson Evans adjourned the meeting at 8:47 PM.