

**A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:30 PM, MONDAY, JUNE 13, 2016 AT CITY HALL BY CHAIRPERSON EVANS.**

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**PRESENT:** Ryan Gesund                      Susan McAlpine                      Paul Evans  
                  Dean Smith                                  Andrew Assenmacher

**ABSENT:**    Mike Kerby                                  Greg Butts

**ALSO PRESENT:** Eric Murrell, 3929 Kenmore  
                          Trilby Sternal, 4013 Tyler  
                          Louise Hitchcock, 2900 Hylane Dr., Troy  
                          Mark Adler, 5640 W. Maple, West Bloomfield  
                          Alan Kideckel, Council Liaison  
                          Amy Vansen, City Planner

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**APPROVAL OF AGENDA**

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

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**APPROVAL OF MINUTES**

It was moved by Mr. Assenmacher to approve the minutes of May 9, 2016, amended as follows:

Page 2:

Vice Chairperson McAlpine advised the applicant that four votes are needed in order to receive a variance. Tonight's meeting has only five members present, ~~so all members present would need to vote~~ but still four votes in favor of the variance would be needed. She advised the applicant that he may elect to postpone the meeting until next month.

Supported by Ms. McAlpine.  
**AYES:** Assenmacher, Smith, Gesund, McAlpine, Evans  
**NAYS:** None  
**ABSENT:** Kerby, Butts  
**Motion Carried.**

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1. **Application Number BA-06-16** Mark Adler for Trilby Sternal, regarding 4024 Buckingham, northeast corner of Buckingham and Morrison, is seeking a variance of *Berkley City Code*, Chapter 138 *Zoning*, Division 17 *Schedule of Regulations*, Section 138-527 *Notes to schedule of regulations*, (d) There shall be a distance of at least 15 feet between dwellings. The applicant is requesting a variance in order to construct 2 new houses. The 2 new houses will be 10 feet from each other. A 15-foot separation is required.

Ms. Vansen reviewed the requested variance.

Mr. Adler was present.

Chairperson Evans advised the applicant that four votes are needed in order to receive a variance. Tonight's meeting has only five members present, but still four votes in favor of the variance would be needed. He advised the applicant that he may elect to postpone the meeting until next month.

The applicant chose to move forward.

Mr. Adler advised that the current distance between the house at 4024 Buckingham and 4048 Buckingham is 12.9 feet. Mr. Adler is proposing to demolish 4024 Buckingham and build two new houses. The new house closest to 4048 Buckingham would be 15 feet away (rather than 12.9 feet). The two new houses would be 25 feet wide and 10 feet from each other.

He reviewed that like other locations in Berkley this lot is squeezed because the driveway sides are reversed making a 15 foot separation difficult.

Mr. Smith asked Mr. Adler what the difference is between a 25-foot wide house and a 24-foot wide house. Mr. Adler advised that 24 foot wide houses are generally longer. A longer house would be difficult on the lots in question since they are 110 feet deep. Given the required rise and tread of stairs, the interior layout of the house is also affected if the house is one foot narrower.

Mr. Assenmacher opined that the two different house plans are contextual. Mr. Adler had showed considerable care in choosing a larger garage for the corner property which would allow ample off-street parking without the sidewalk being blocked. He did not think that a 12-foot separation with two 24-foot wide houses was any more beneficial than a 10-foot separation with two 25-foot wide houses.

There was discussion on the encroachment of the fireplaces. Ms. Vansen clarified that fireplaces may encroach into the required setback.

Chairperson Evans opened the public hearing at 7:46 PM.

Hearing no comments, Chairperson Evans closed the public hearing at 7:46 PM.

The Board discussed the pros and cons of 24 foot wide houses and 25 foot wide houses. The Board felt that a larger back yard was a benefit as was the ability to more easily park in the garage. However, Ms. McAlpine advised that the Board has seen more and more of these types of setback requests and the requested setbacks are getting smaller and smaller; such approvals are on a slippery slope.

**It was moved by Mr. Assenmacher to approve BA06-16 citing the practical difficulty as the houses' proposed location will be a conforming distance from the neighboring house and the corner which will be an improvement over the existing conditions; the proposed variance is the minimum variance necessary to do justice; the proposal will not adversely affect the neighborhood.**

**Supported by Mr. Smith.**

**AYES: Assenmacher, Smith, Gesund, McAlpine, Evans**

**NAYS: None**

**ABSENT: Kerby, Butts**

**Motion Carried.**

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## **OTHER BUSINESS**

Ms. Vansen reminded the Board that the Planning Commission was hosting an open house on the form based code it had been working on. The open house was Tuesday, June 21, 2016 from 4PM to 7PM at the Berkley Community Center.

On Wednesday, June 22, 2016, the Regional Transit Authority was hosting an open house on regional transit from 4:30PM to 7:30 PM at the Berkley Community Center.

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## **PUBLIC COMMENTS**

Councilmember Kideckel thanked the Board for their commitment of time and energy to the City. He thanked former ZBA member Barbara Morris for her commitment over the past several years. He advised that Finance Director David Sabuda had retired and that City Manager Matt Baumgarten had started on May 31.

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There being no further business, Chairperson Evans adjourned the meeting at 7:58 PM.