

Baumgarten gave an overview of the applicant's request. Chair Evans invited applicants Pam and Brett Henry to offer details and reasoning supporting their case. The applicants indicated that they intended to build a conforming garage in the rear yard as allowed by current standards. In order to access this garage with a vehicle they would need to add a driveway off of their existing driveway that leads to rear yard. Applicants referenced the plans submitted in their application materials.

Member Smith asked about the green space what would remain if the driveway were to be installed and if the owners intended to maintain it as grass. The applicants responded that this would remain grass to visually break up the cement.

Chair Evans asked about the size of the existing garage in relation to the proposed garage and questioned the need for a vehicle to reach the rear garage. The applicant indicated that it would store a work vehicle that cannot fit into the existing garage and that expanding the existing garage is infeasible given the design of the home.

Chair Evans opened the public hearing at 7:47 PM.

Alex Nicolescu, 1692 Edgewood, indicated that he lives directly across the street and had no objection to the installation of the drive and is supportive of the intent behind the project.

Hearing no other comments, he closed the public hearing at 7:49 PM.

The Board discussed the appropriate sizing of the driveway's turn radius given the vehicle it will serve, the expansion of impervious surface, and the 2008 update to the driveway ordinance that created the unique situation encountered by the applicant.

It was moved by Vice Chair McAlpine to approve BA-07-17 citing that a practical difficulty had been proven due to the fact:

- 1) Berkley City Code allows the construction of the rear yard garage;
- 2) The applicant is proposed a minimum variance from the code

The motion was supported by Mr. Kerby.

AYES: Evans, McAlpine, Smith, Gesund, Allen, and Kerby

NAYS: None

ABSENT: Emmons, Butts, and Uhlar

Motion Carried

2. Application Number PBA-08-17

Tim Chapman, 3012 Oakshire Ave, S 1/2 of Lot 344 & N 20 ft of Lot 345, Thomas

Brothers Beverly Park Subdivision, Parcel ID #25-18-132-014, east side of Oakshire, between Beverly and Wiltshire is requesting a variance to allow a pool to remain within six feet of a fence.

Baumgarten gave overview of the case and Chair Evans invited Tim Chapman to offer additional details and reasoning for pursuing a variance.

D. Smith asked about the required minimum distance from the garage and, to his recollection, at least 6 feet is required which is not met based on the application materials.

M. Kerby asked Mr. Chapman about the pool installer and the vendor and whether either indicated that setbacks were going to be problematic. Mr. Chapman indicated that neither the installer, who neglected to pull a permit, nor the vendor, a Berkley business mentioned required minimum distances from fences or accessory structures.

Chair Evans opened the public hearing at 8:14 PM and hearing no comments, closed the hearing at 8:15pm.

M. Baumgarten confirmed that do to the proximity of the pool to the garage and air conditioning unit, that a variance would be required for Sec. 138-59 (A) and (B) but only a was publicized prior to the hearing.

Members discussed the postponement of current case until a variance for Sec. 138-59 (B) can also be advertised.

It was moved by Mr. Allen and seconded by Mr. Gesund to postpone BA-08-17 to the December 2017 meeting and instructed staff to advertise a revised notice for the public hearing with the inclusion of Sec. 138-59 (A) and (b).

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

Motion Carried.

3. **Application Number PBA-10-17**

John T VanBrandeghen, 3142 Gardner Ave, Lots 152 & 153 Glen Ford Park, Parcel ID #04-18-208-004, east side of Gardner between Beverly and Wiltshire, is requesting an appeal of the zoning officer classifying a generator as an accessory structure. If appeal is denied, applicant is seeking a variance.

M. Baumgarten gave overview of the case and then Chair Evans invited the applicants to

offer additional details and offer reasoning for pursuing a variance.

Chair Evans opened the public hearing at 8:31 PM.

The following people spoke during the public hearing:

William Moyer, neighbor to the north of the property supported the variance and affirmed applicants medical need for an interrupted power source.

Vice-Chairperson McAlpine opened the public hearing at 8:33 PM.

The Board discussed the unique aspects of the case: the long distance from the closest residence, a rear placement being too close to windows per manufacture’s specifications, the low emittance of noise as compared to nearby Air Conditioning unit, and the existing screening from public view.

It was moved by Mr. Allen to approve BA-10-17 citing that a practical difficulty had been proven due to the fact that

- 1) Berkley City Code does not address generators
- 2) The location of the nearest neighbor
- 3) The proximity to the applicant’s air conditioning condenser
- 4) The proposed location is the best location for this property to mitigate any impacts

The motion was supported by Mr. Kerby.

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

Motion Carried.

4. **DISCUSSION:** Annual discussion regarding Rules of Procedure.

Members discussed the timing of the review since no meeting was held in since June. Noted that moving forward a meeting should be called to review procedures and elect officers even if there are no applications to come before the board.

With no suggested changes to the Rules of Procedures a motion was made by Vice-Chair McAlpine and seconded Mr. Smith to received and file the City of Berkley Zoning Board of Appeals Rules of Procedures.

AYES: Evans, McAlpine, Smith, Gesund, Allen, and Kerby
 NAYS: None

ABSENT: Emmons, Butts, and Uhlar

Motion Carried.

5. ELECTIONS: Matter of electing a chair and vice-chair to the Zoning Board of Appeals.

D. Smith nominated the current Chair, Paul Evans, and Vice-Chair, Sue McAlpine, for reelection to same positions. Both accepted by nomination.

Motion was made by Mr. Kerby and seconded by Ryan Gesund to affirm the slate as nominated by Mr. D. Smith.

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

Motion Carried.

OTHER BUSINESS

Mr. Allen noted the positive conclusion of a previous case involving Allimof Construction and that he was pleased with manner in which it was resolved.

D. Smith noted that he liked the layout of the staff reports and requested that permit histories are not included unless they pertain to the facts of the case. Other members agreed.

LIAISON REPORTS

Councilmember Kideckel indicated that, with the election concluding and a new Mayor having been elected, that he may not remain as the liaison to the ZBA. Councilmember Kideckel thanked the board for their hard work and noted how impressed he has been this body.

PUBLIC COMMENTS

None.

There being no further business, Chair Evans adjourned the meeting at 9:05 PM.