

**PUBLIC NOTICE**

**City of Berkley, Michigan  
Regular Meeting of the Zoning Board of Appeals  
Monday, June 08, 2026  
7:00 PM - City Hall  
Council Chambers  
Information: (248) 658-3320**

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.

You can watch the meeting on Channel 10 for both Comcast and WOW, or <http://www.youtube.com/CityofBerkley>.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONFIRMATION OF A QUORUM

APPROVAL OF AGENDA

APPROVAL OF MINUTES – *Meeting Minutes of March 09, 2026*

OLD BUSINESS - None

NEW BUSINESS:

1. **Application Number PBA-03-26**  
Jeffrey E. Peterson & Sarah A. Peterson, 1812 Catalpa Dr, Parcel # 04-25-17-181-039, North side of Catalpa Dr., between Henley Ave. and Mortenson Blvd., is requesting a dimensional variance on the exterior side yard setback to construct an addition.
  
2. **Application Number PBA-04-26**  
Alexander Paul Murrell, 3489 Catalpa Dr, Parcel # 04-25-18-329-001, South side of Catalpa Dr., between Royal Ave., and Buckingham Ave., is requesting an interpretation of the Zoning Ordinance Section 5.09.E.2.i

OTHER BUSINESS: None

STAFF / BOARD MEMBER REPORT:

LIAISON REPORT

PUBLIC COMMENTS

ADJOURN

**THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, March 09, 2026 BY CHAIR MCALPINE**

---

*The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city's government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen on-demand on the city's YouTube channel: <http://www.youtube.com/CityofBerkley>.*

**PRESENT:** Sue McAlpine Erick McDonald  
Jason Benedict Joann Serr  
Lorene Branch Kevin Wilner  
Joseph Krug

**ABSENT:** None

**ALSO, PRESENT:** Kim Anderson, Zoning Administrator  
Greg Patterson, Liaison

**CONFIRMATION OF QUORUM MET**

**APPROVAL OF AGENDA**

**Motion to approve the agenda as presented by Krug and supported by Serr.**

Voice vote to approve the agenda.

**AYES: 7  
NAYS: 0  
ABSENT: 0**

**MOTION CARRIED  
\*\*\*\*\***

**APPROVAL OF MINUTES**

**Motion to approve the minutes of the December 08, 2025 regular meeting by Krug and supported by Serr.**

Voice vote to approve minutes

**AYES: 7  
RECUSE: 0  
NAYS: 0  
ASBENT: 0**

**MOTION CARRIED  
\*\*\*\*\***

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **1. Application Number PBA-01-26**

The applicant, Zach Hewitt representing Well Wishes at 27815 Woodward Ave., Parcel # 04-25-17-428-022 is requesting a non-use variance of nine (9) off-street parking spaces.

The applicant wishes to install an additional booth/service chair that will be equipped to accommodate wheelchair customers. The five existing booth/chairs have three steps going up to the service areas.

There is no off-street parking in the rear of the building. The parcel qualifies for three (3) on-street parking credits for the spots in front of the building off of Woodward Ave. (MDOT). Under the previous Zoning Ordinance these spots were not counted. The variance request is for nine (9) parking spaces.

*Per Berkley City Code, Zoning Ordinance, Chapter 138, Article 14, Sec. 14.04.Q.3.z, parking space requirements by use for Tattoo/body piercing studio requires one per chair plus one per employee. There are three parking spots in front for On-Street Parking Credit per 14.04.M.*

Zoning Administrator, Kim Anderson provided the Zoning Board of Appeals background on 27815 Woodward Ave. 27815 Woodward Ave., has been continuously occupied by established tattoo studios since as early as 1996 as legal non-conforming uses not meeting parking requirements.

Parking requirements for a tattoo studio changed per the Zoning Ordinance effective April 16, 2025. The installation of an additional booth/chair and change in the floor plan would require the current off-street parking requirements to be met.

Chair McAlpine reviewed the five standards to be met.

Board members asked for questions for clarification on parking agreements, surrounding parking lots, hours, interior and building layout. Members asked questions regarding the number of chairs, how often are chairs filled and construction. Clarification was given on; if the number of chairs did not change, it remains legal non-conforming. An existing chair cannot be modified to wheelchair access because of the design of the platform the chairs are on (plumbing and electrical are under the platform). A ramp would not be feasible to be installed (not enough room to accommodate – would take up the aisle way)

## **APPLICANT PRESENTATION**

Zach Hewitt and Nick Kelly presented the case to the Zoning Board of Appeals and answered various questions regarding the operation of the business, and parking. Mr. Hewitt explained that the existing floor plan is not ADA compliance and the additional service station would be ADA compliance.

**Chair McAlpine opened the floor for the public hearing at 7:17 p.m.**

**PUBLIC COMMENT**

Dan Winter, owner of property and managing the property for the past 25 years spoke in favor of the variance. He spoke highly of the business and that there is no negative impact for the surrounding businesses.

One Public Comment in the form of a letter from Vinsetta Garage, Brian Roninksi in support of the variance was read.

**Chair McAlpine closed the floor for the public hearing at 7:19 p.m.**

**Zoning Board of Appeals discussion:**

Zoning Board of Appeals members discussed; the five standards to be met.

**Motion to approve a non-use variance for nine (9) parking spaces by Serr and supported by Wilner.**

**Approval**

*In the matter of PBA-01-26, 27815 Woodward Ave., Parcel # 04-25-17-428-022, motion to approve the requested variance from Berkley City Code, Zoning Ordinance, Chapter 138, Article 14, Sec. 14.04.Q.3.z of the City of Berkeley City Codes to grant a parking variance for nine (9) spaces, as required, that does not conform to the applicable City Code regulations, based on the following findings:*

- 1. The need for the variance is due to unique circumstances or physical conditions of the property.*
- 2. The need for the variance is not the result of actions of the property owner or previous property owners.*
- 3. 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.*
- 4. The requested variance is the minimum variance necessary to do substantial justice to the application as well as other property owners.*
- 5. The requested variance will not adversely impact the surrounding properties.*

**AYES:** Members: Wilner, Benedict, Krug, McDonald, Serr, and Chair McAlpine

**NAYS:** Branch

**ABSENT:** 0

**MOTION CARRIED**

\*\*\*\*\*

## **2. Application Number PBA-02-26**

The property owners as the applicant, Lori Drouillard and Mark Gwisdalla representing 1260 Larkmoor Blvd., Parcel # 04-25-17-408-051 is requesting two non-use dimensional variances to allow for a two-story rear addition.

The applicant is requesting two dimensional variances on the West side of the parcel to allow for a rear two-story addition. The requested addition would increase the existing non-conformity, but would not encroach any further into the existing West side yard setback

Zoning Administrator, Kim Anderson provided the Zoning Board of Appeals background on 1260 Larkmoor Blvd., including the rear addition constructed in 1998 and the 2021 approved variance that expired July 2022 due to permits not obtained.

*Per Berkley City Code, Chapter 138, Article 16, Section 16.04.B,* A building may be added to or enlarged if such addition conforms to the regulations of the applicable zoning district. Such addition or enlargement must be treated as a separate building in determining conformity to all the requirements of this Chapter.

*Per Berkley City Code, Chapter 138 Zoning, Article 5, Section 5.02.D:* Minimum side yard setback, per side: 5 feet, Minimum side yard setback, total 15 feet and Minimum distance between dwelling units:15 feet.

Below is a summary of each request in detail and each will be analyzed separately under the Standards of Review. Both variances would need to be granted or denied.

### **1. Minimum Side Yard Setback is 5 feet**

The residential structure is a legal non-conforming structure built in 1918. It was constructed in compliance with building regulation and requirements, but does not meet the current requirements of the Zoning Ordinance.

The minimum side yard setback, per side is 5 feet.

Therefore, the applicant is requesting a 1.7 feet side yard setback variance in order to construct the rear two-story addition, as proposed.

### **2. Distance between Dwellings**

As shown on the submitted site plan, the existing dwelling as currently configured does not conform to the minimum distance between dwellings requirement to the property to the West. The proposed addition will follow the existing West building line, which will encroach into the required minimum distance between dwellings.

The minimum distance between dwelling units is 15 feet.

Therefore, the applicant is requesting a 1.3 feet variance on the minimum distance between dwellings to the West for the proposed addition.

**APPLICANT PRESENTATION**

Richard Linnell representing the applicants for 1260 Larkmoor Blvd presented the case to the Zoning Board of Appeals.

**Chair McAlpine opened the floor for the public hearing at 7:36 p.m.**

**PUBLIC COMMENT**

Public correspondence:

- Matt and Sarah Janke, 1278 Larkmoor Blvd., Berkley in support of the variance request
- Jennifer M Ivey & Jeff Fleischauer, 1250 Larkmoor Blvd., Berkley in support of the variance request
- Connie Reinholm, 1249 Larkmoor Blvd., Berkley in support of the variance request
- Anne Sheehan, 1277 Larkmoor Blvd., Berkley in support of the variance request

In Person: None

**Chair McAlpine closed the floor for the public hearing at 7:38 p.m.**

**Zoning Board of Appeals discussion:**

Zoning Board of Appeals members discussed the five standards to be met.

- 1. Motion to approve a non-use dimensional variance for 1.7 feet on the West side yard setback by Serr and supported by Krug.**

*In the matter of PBA-02-26, 1260 Larkmoor Blvd., Parcel # 04-25-17-408-051, motion to approve the requested variance from Berkley City Code, Zoning Ordinance, Chapter 138, Article 5, Sec.5.02.D to grant a variance of 1.7 feet at the West side yard, where a minimum 5 feet side yard setback is required, that does not conform to applicable Zoning Ordinance Berkey City Codes based on the following findings:*

- 1. The need for the variance is due to unique circumstances or physical conditions of the property.*
- 2. The need for the variance is not the result of actions of the property owner or previous property owners.*
- 3. 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.*
- 4. The requested variance is the minimum variance necessary to do substantial justice to the application as well as other property owners.*
- 5. The requested variance will not adversely impact the surrounding properties.*

**AYES:** Members: Benedict, Branch, Krug, McDonald, Serr, Wilner and Chair McAlpine

**NAYS:** 0

**ABSENT:** 0

**MOTION CARRIED**

\*\*\*\*\*

**2. Motion to approve a non-use dimensional variance for 1.3 feet on the West side yard distance between dwelling units by Serr and supported by Wilner.**

*In the matter of PBA-02-26, 1260 Larkmoor Blvd., Parcel # 04-25-17-408-051, motion to approve the requested variance from Berkley City Code, Zoning Ordinance, Chapter 138, Article 5, Sec.5.02.D to grant a variance of 1.3 feet at the West minimum distance between dwelling units, where a minimum distance of 15 feet between dwelling units is required, that does not conform to applicable Zoning Ordinance Berkey City Codes based on the following findings:*

- 1. The need for the variance is due to unique circumstances or physical conditions of the property.*
- 2. The need for the variance is not the result of actions of the property owner or previous property owners.*
- 3. 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.*
- 4. The requested variance is the minimum variance necessary to do substantial justice to the application as well as other property owners.*
- 5. The requested variance will not adversely impact the surrounding properties.*

**AYES:** Members: Branch, Krug, McDonald, Serr, Wilner, Benedict and Chair McAlpine

**NAYS:** 0

**ABSENT:** 0

**MOTION CARRIED**

\*\*\*\*\*

**OTHER BUSINESS**

1. Election for Vice-Chair

With the resignation of Member Andrew Creal, Vice-Chair, a new Vice-Chair is to be voted in.

Member Wilner and Krugg nominated Member Serr for Vice-Chair to the Zoning Board of Appeals. Member Serr accepted the nomination.

**AYES:** Members: Krug, McDonald, Wilner, Benedict, Branch and Chair McAlpine

**NAYS:** 0

**ABSENT:** 0

**MOTION CARRIED**

\*\*\*\*\*

**STAFF/BOARD MEMBER REPORT**

Community Development Monthly Report for November and December 2025 and January 2026.  
The are two Alternate positions for the Zoning Board of Appeals open. Spread the word.

\* \* \* \* \*

**LIAISON REPORT**

Greg Patterson:

- City Council approved the DPW Wall Repair Project.
- Budget sessions are open to the public. Dates March 25, 2026 and March 26, 2026

\* \* \* \* \*

**PUBLIC COMMENT**

NONE

\* \* \* \* \*

**With no further business, the meeting was adjourned at 7:49 p.m.**

Motion by Wilner and support by Krug

Voice vote to adjourn

**AYES: 7**

**NAYS: 0**

**ABSENT: 0**

**MOTION CARRIED**

\* \* \* \* \*



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## ZONING BOARD OF APPEALS APPLICATION

The Zoning Board of Appeals (ZBA) meets the second Monday of the month. The meetings are held in the Council Chambers at City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

The ZBA shall hear requests for use and dimensional variances, appeals of administrative decisions, interpretation of zoning map and text, and interpretations of commercial message for proposed murals.

**\*\*Please be advised:** The ZBA may grant a variance where undue hardship or practical difficulty for the property exist. A want or desire (bigger structure, more profit, etc.) is not sufficient grounds for a variance. The ZBA does not have the power to legislate or create new regulations. The Board's purpose is to provide some relief from the Zoning Ordinance depending on the unique circumstances of the property.

---

### APPLICANT INFORMATION

Name: Jeffrey and Sarah Peterson Phone: [REDACTED]

Address: 1812 Catalpa Dr

Email: [REDACTED]

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

### PROPERTY OWNER INFORMATION (if different from Applicant)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

### PROPERTY DESCRIPTION

Address: 1812 Catalpa Dr

Parcel #: 25-17-181-039 Zoning Classification: R-1CD

Current Use of Property: Residence

---

---

**NATURE OF REQUEST**

- Check which applies:
- Variance from Zoning Ordinance (Section I)
  - Interpretation of Zoning Ordinance (Section II)
  - Administrative Review / Appeal of Decision (Section III)
  - Determination of Commercial Message of Mural / Work of Art (Section IV)

Description of Request:

Addition to existing home, in line with current framing, would not meet spacing requirements to property line. Seeking variance for 7" difference

Has the City denied a permit related to the proposed work?       Yes       No

---

***Please fill out ONLY the section below that applies to your request.***

---

**I. VARIANCE FROM ZONING ORDINANCE**

Please provide a written response to each question below that relates to the variance that is being requested. **DO NOT COMPLETE BOTH SECTIONS.**

**A. Use Variance**

The Zoning Board of Appeals may grant a use variance (i.e. use of the land not permitted in a particular district) upon finding that an undue hardship exists.

Current Use of Property: \_\_\_\_\_

Requested Use of Property: \_\_\_\_\_

1. Explain how the building or land cannot be reasonably used for any of the uses permitted by right or by special land use permit in the current zoning district.

2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

3. Explain how the proposed use will not alter the essential character of the neighborhood.

4. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

**B. Dimensional Variance (Non-Use Variance)**

The Zoning Board of Appeals may grant a dimensional variance (i.e. height, setback, lot coverage, etc) upon finding that undue hardship or practical difficulty exists.

1. Explain how the need for the variance is due to unique circumstances of physical conditions of the property.

Existing home is non-conforming to setback policy for corner lot. GOal is for our addition to match the existing width of home. Based on setback policy, addition would be 7" where adjoining and 2" where finishing short of setback policy. Requesting approval to extend existing structure in line.

2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

Home was built in 1947 and was most recently purchased in 2024. The existing structure does not meet setback policy, so there is nothing we could have done to not be in this situation. The addition is designed to following the existing lines of structure for visual appeal and spacing.

3. Explain how 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.

Strictly complying with this ordinance would require a non-square cut out of planned addition, starting with a 7" reduction tapering down to a 2" reduction. The output of this project would be undesirable from a visual and spacing perspective.

4. Explain how the requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.

We are requesting permission for the minimum amount of inches so we can maintain the existing structure lines without expanding more than necessary into the setback policy. We are requesting 7" where addition joins existing structure and 2" where structure ends.

5. Explain how the requested variance will not adversely impact the surrounding properties.

Addition is on existing structure that already lies within the setback area. This request is to maintain structure lines and extend back into the property.

**II. INTERPRETATION OF ZONING ORDINANCE**

Provide Section numbers of Zoning Ordinance to be interpreted: \_\_\_\_\_

Please describe the request and what needs to be clarified or interpreted by the ZBA.

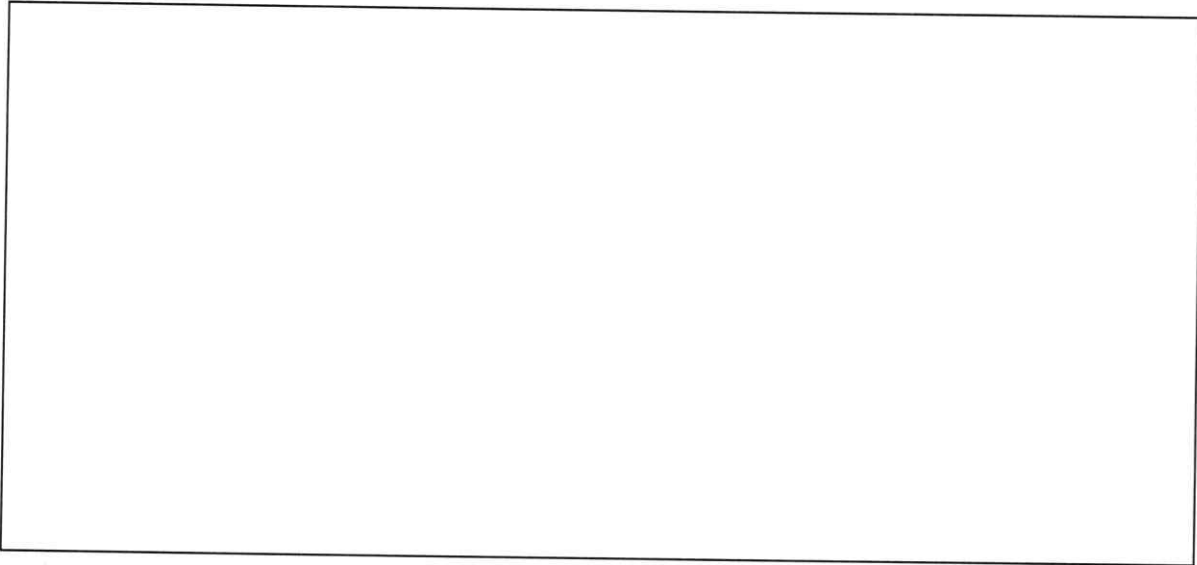
---

**III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION**

Describe the circumstances of each case and provide the minutes of the public meeting noting the denial to be appealed.

#### IV. DETERMINATION OF COMMERCIAL MESSAGE (MURAL/WORK OF ART)

Describe the proposed mural/work of art. Applicant should include renderings of the proposed design. The ZBA shall determine if the proposed work contains a commercial message.



\*\* Applicant and artist must provide signed *Mural Installation and Maintenance Agreement* prior to the public meeting.

---

#### SUBMIT THE FOLLOWING:

A PDF file of the application and one 11" x 17" copy of the supporting documents must be submitted at the time of application, including; a copy of survey, plot plan or site plan with this application that shows the subject property complete with boundary lines and dimensions, existing building locations, all proposed buildings, easements, utilities, and any site improvements/changes. Setbacks, height of structures, lot coverage, etc. should also be included, if applicable.

---

**PLEASE NOTE:** The applicant, or a designated representative, is **encouraged** to be present at the meeting in which the case is being reviewed or the request may be postponed due to lack of representation.

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.

**PROPERTY OWNER'S APPROVAL (Initial each line)**

JP/SP I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the above request(s) before the ZBA.

---

**APPLICANT'S ENDORSEMENT: (Initial each line)**

JP/SP All information contained herein is true and accurate to the best of my knowledge.

JP/SP I acknowledge that the ZBA will not review my request unless all information in the application has been submitted to the satisfaction of the Zoning Administrator.

JP/SP I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or review of this application.

---

**If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.**

---

Jeffrey Peterson  
Applicant Name (print)

  
Applicant Signature

5/1/26  
Date

Sarah Peterson  
Applicant Name (print)

Applicant Signature

Date

Jeffrey Peterson  
Property Owner Name (print)

  
Property Owner Signature

5/1/26  
Date

**Office Use Only**

Received OB Receipt # \_\_\_\_\_ Meeting Date 6-8-26 Case # PBA-03-26

Fee: Residential \$400  
Commercial \$600  
Mural \$300

**RECEIVED**

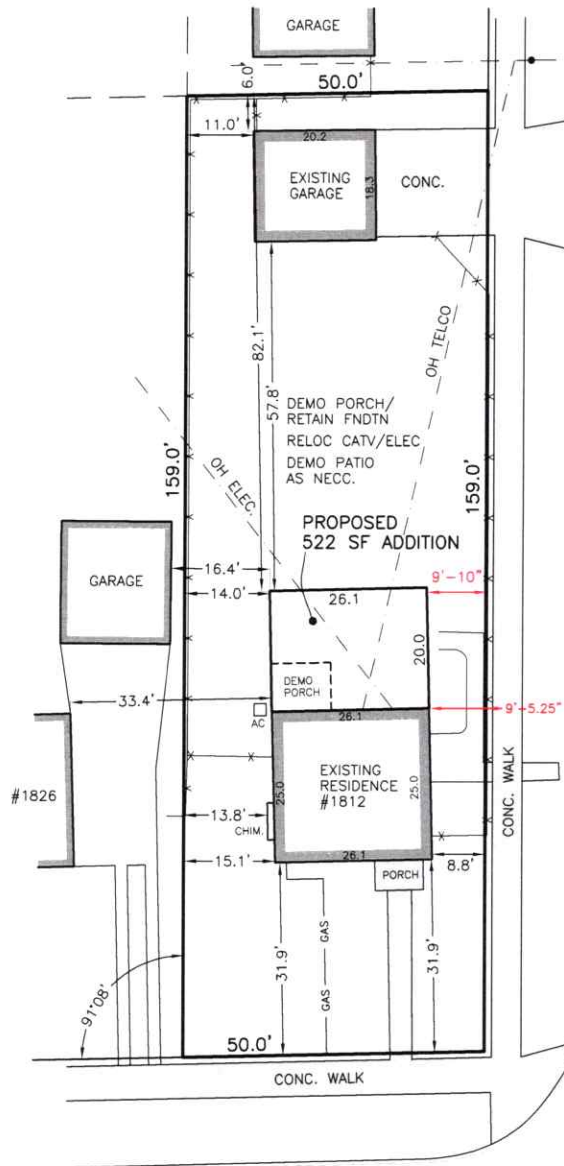
**MAY 07 2026**

**CITY OF  
BERKLEY, MICHIGAN**



# RESIDENTIAL ADDITION SITE PLAN

25-17-181-039 / 1812 CATALPA



MORTENSON BLVD.  
(PLATTED SECOND AVE.)  
60-FT PUBLIC R/W

CATALPA DRIVE  
66-FT PUBLIC R/W

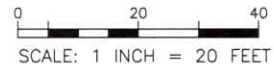
### ZONING INFORMATION

PROPERTY ZONED R-1CD

MIN. LOT AREA	4,000 SF (7,945 EXIST.)
MAX. LOT COVERAGE	45% (3575 SF)
PROPOSED LOT COV.	1543 SF (19.4%)
MIN. FRONT	25 FT
MIN. REAR	20 FT
MIN./TOTAL SIDE	5 FT/20 FT
SIDE ABUT STREET	10 FT
ACCESS. STR. SIDE	5 FT
ACCESS. STR. REAR	5 FT

### PROPERTY DESCRIPTION:

THE EAST 1/2 OF LOT 304, "STEPHENSON-BARBER'S OAKLAND MANORS SUB'N", OF PART SECTION 17, T1N, R11E, ROYAL OAK TWP. (NOW CITY OF BERKLEY), OAKLAND COUNTY, MICH. RECORDED IN LIBER 12 OF PLATS, PAGE 22, OCR.



© 2026 DAVID WHITE LAND SURVEYING PLLC

PREPARED FOR:  
BONGERO  
CONSTRUCTION



David White Land Surveying, PLLC  
Boundary · Topographic · Construction · ALTA  
44 DENNISON STREET, OXFORD, MI 48371  
734.353.0135 dwsurveying@gmail.com  
Licensed Professional Surveyor

### REVISIONS:

REV	DATE	DESCRIPTION

JOB NO. 260413  
DATE 04/14/26  
FIELD DATE 4/2026  
SHEET 1 OF 1  
SCALE 1" = 20'



**CITY OF BERKLEY**  
**COMMUNITY DEVELOPMENT**  
3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**MEMORANDUM**

**To:** Berkley Zoning Board of Appeals  
**From:** Kim Anderson; Zoning Administrator  
**Subject:** PBA-03-26 – 1812 Catalpa Dr., Parcel # 04-25-17-181-039, dimensional variance  
**Date:** 05/26/2026

---

**APPLICANT:** Jeffrey and Sarah Peterson  
**LOCATION:** 1812 Catalpa Dr.  
**PARCEL ID:** 04-25-17-181-039

**REQUEST:** The applicant is requesting a dimensional variance of .562' (6 ¾") to allow the construction of a rear two story addition that does not meet the minimum ten foot exterior side yard setback on the East side yard setback.

**REQUIRED:** *Berkley City Code*, Chapter 138 *Zoning*, Article 16 Nonconforming Lots, Uses and Structures, Section 16.04.B Requirements for Nonconforming Structures. Article 5 Use-Based Districts, Section 5.09 Supplemental Dimensional Regulations Applicable to all Used Based Districts, 5.09.E.1 Exterior side yards on corner lots: When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten feet.

**ZONING AND LAND USE**

Property	Zoning District	Land Use
Subject Site	R1-CD	Residential Single Family Dwelling
West	R1-CD	Residential Single Family Dwelling
East	R1-CD	Residential Single Family Dwelling
North	R1-CD	Residential Single Family Dwelling
South	R1-CD	Residential Single Family Dwelling

---

## BACKGROUND

Parcel #04-25-17-181-039 North side of Catalpa Dr., between Henley Ave and Mortenson Blvd., was built in 1947 and was constructed with the East side yard setback at 8.8' to 9.438' and is nonconforming to current minimum exterior side yard setback requirement of 10'. All other setback requirements are met.



Source: Oakland County Property Gateway



Source: Google map

## SCOPE OF PROJECT

The applicant is requesting a dimensional variance for approximately .562 (6 ¾") on the East side yard setback to allow the construction of a rear two story addition to a non-conforming structure in the required minimum yard setback for exterior side yards on corner lots. The proposed East side setback is 9.438' (9' 5.25") to 9.833' (9' 10") where 10' is required.

## SUMMARY OF REQUEST

The applicant, Jeffrey and Sarah Peterson, representing 1812 Catalpa Dr., Parcel # 04-25-17-181-039 is requesting a dimensional variance to allow the construction of a rear two story addition to a nonconforming structure in the required minimum yard setback for exterior side yards on corner lots. The proposed East side setback is 9.438' where 10' is required per Chapter 138 *Zoning*, Sec. 5.09.E.1 Supplemental Dimensional Regulations Applicable to all Use Based Districts: Minimum Yard setback. Exterior side yards on corner lots: When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten feet.

## STANDARDS FOR REVIEW

Per Section 138-17.04 of the Zoning Ordinance, the applicant must demonstrate a practical difficulty in order to be granted a non-use variance. The Zoning Board of Appeals shall not vary the regulations of Section 138-17.04, unless it shall make findings based upon the evidence presented to it in each specific case that:

**A. *The need for the variance is due to unique circumstances or physical conditions of the property.***

Dwelling was constructed in 1947 prior to current standards.

**B. *The need for the variance is not the result of actions of the property owner or previous property owners.***

Dwelling was constructed in 1947 prior to current standards.

**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.***

Strict compliance with the ordinance would be burdensome to the property owner given the fact that without a variance a development to the parcel would be required to be scaled back in width that could be unnecessarily burdensome.

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

The requested variance would do substantial justice to the property owner and surrounding properties as it would allow development of a rear two story addition upon a single-family dwelling in line with the existing East building line.

**E. *The requested variance will not adversely impact the surrounding properties.***

The requested variance will not adversely impact the surrounding properties. Single family Residential is in accordance with the Master Plan, Future Land Use.

## **SUMMARY**

For a variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-17.04 of the Zoning Ordinance, based on findings of fact. We request the Zoning Board of Appeals to determine if there are unique characteristics of the property and the requested variance should be granted. Motions for approval and denial are included below for the convenience of the board.

### **Sample Motions:**

*In the matter of PBA-03-26, 1812 Catalpa Dr., parcel 04-25-17-181-039, motion to approve the requested variance from Berkley City Code, Zoning Ordinance, Chapter 138, Article 5, Sec.5.09.E.1 to grant a variance of approximately .562' feet at the East exterior side yard, where a minimum 10 feet side yard setback is required, that does not conform to applicable Zoning Ordinance Berkeley City Codes based on the following findings:*

- 1. The need for the variance is due to unique circumstances or physical conditions of the property.*
- 2. The need for the variance is not the result of actions of the property owner or previous property owners.*
- 3. 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.*
- 4. The requested variance is the minimum variance necessary to do substantial justice to the application as well as other property owners.*
- 5. The requested variance will not adversely impact the surrounding properties.*

### **Denial (only choose item(s) pertaining to denial)**

*In the matter of PBA-03-26, 1812 Catalpa Dr., parcel 04-25-17-181-039, motion to deny the requested variance from Berkley City Code, Zoning Ordinance, Chapter 138, Article 5, Sec.5.09.E.1 to grant a variance of approximately .562' feet at the East exterior side yard, where a minimum 10 feet side yard setback is required, that does not conform to applicable Zoning Ordinance Berkeley City Codes based on the following findings:*

- 1. The need for the variance is not due to unique circumstances or physical conditions of the property.*
- 2. The need for the variance is the result of actions of the property owner or previous property owners.*
- 3. Strict compliance with the ordinance will not unreasonably prevent the property owner from using the property for a permitted purpose or will not render conformity with those regulations unnecessarily burdensome.*
- 4. The requested variance is not the minimum variance necessary to do substantial justice to the application as well as other property owners.*
- 5. The requested variance will adversely impact the surrounding properties.*

If you have any questions regarding this case, please do not hesitate to contact me.

Thank you.

Cc: Crystal VanVleck, City Manager  
Victoria Mitchell, City Clerk  
Lisa Hamameh, City Attorney  
Kristen Kapelanski, Community Development Director

**To:** Berkley Zoning Appeal Board  
**From:** Kevin McLaughlin, 1811 Dorothea, Berkley MI  
**Regarding:** Variance Request at 1812 Catalpa  
**Date:** 30 April 2026

I have reviewed the plans for the Peterson's addition at 1812 Catalpa (David White Land Surveying, PLLC, Job No. 260413).

I have no concerns with the planned addition and its setback distance from the sidewalk. I support granting any variance with respect to the setback distance.

Sarah and Jeff have been good neighbors and take care of their property. We are happy they are our neighbors. The Peterson's property is adjacent to ours. My wife Susan and I have lived at 1811 Dorothea for the past 16 years.

Regards,

A handwritten signature in blue ink, appearing to read "Kevin McLaughlin", written in a cursive style.

Kevin McLaughlin

Sean & Katie Gross

1760 Catalpa Dr.

Berkley, MI 48072

Att: Berkley Zoning Appeal Board

To Whom It May Concern,

We are writing on behalf of Jeff and Sarah Peterson regarding their request for a variance for their proposed addition as it relates to the setbacks. As neighbors adjacent to Jeff and Sarah, we do not have any concerns regarding the proposed addition and its proximity to the sidewalk as it pertains to the setback. Jeff and Sarah are great neighbors, and it is our opinion that they will continue to care for their property as responsible citizens now and in the future. We fully support their request for a variance on reducing the setback requirements so that they may build the home of their dreams for their family.

Best Regards,

Sean & Katie Gross

THE CITY OF BERKLEY  
Community Development 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 08, 2026 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-03-26**

Jeffrey E. Peterson & Sarah A. Peterson, 1812 Catalpa Dr, Parcel # 04-25-17-181-039, North side of Catalpa Dr., between Henley Ave. and Mortenson Blvd., is requesting a dimensional variance on the exterior side yard setback to construct an addition.

**Berkley City Code**

*Berkley City Code*, Chapter 138 *Zoning*, Article 5 Use-Based Districts, Section 5.09.E.1, When a rear yard abuts a rear yard, the exterior side yard setback must not be less than ten feet.

Complete application information is available for review at [www.berkleymi.gov/community-development/development-projects](http://www.berkleymi.gov/community-development/development-projects).

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 submitted to the Berkley Community Development Department or email to [planning@berkleymi.gov](mailto:planning@berkleymi.gov) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**  
Oakland Press  
Friday, May 22, 2026

THE CITY OF BERKLEY  
Community Development 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 08, 2026 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-03-26**

Jeffrey E. Peterson & Sarah A. Peterson, 1812 Catalpa Dr, Parcel # 04-25-17-181-039, North side of Catalpa Dr., between Henley Ave. and Mortenson Blvd., is requesting a dimensional variance on the exterior side yard setback to construct an addition.

**Berkley City Code**

*Berkley City Code*, Chapter 138 *Zoning*, Article 5 Use-Based Districts, Section 5.09.E.1, When a rear yard abuts a rear yard, the exterior side yard setback must not be less than ten feet.

Complete application information is available for review at [www.berkleymi.gov/community-development/development-projects](http://www.berkleymi.gov/community-development/development-projects).

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 submitted to the Berkley Community Development Department or email to [planning@berkleymi.gov](mailto:planning@berkleymi.gov) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

BARBARA EDWARDS  
1820 DOROTHEA RD  
BERKLEY MI 48072 1808

DORIS J WINTER  
1721 CATALPA DR  
BERKLEY MI 48072 2057

RONDA M COPELAND  
1889 DOROTHEA RD  
BERKLEY MI 48072 1807

JOHN SARNS  
1846 DOROTHEA RD  
BERKLEY MI 48072 1808

CHRISTIAN OLSON  
DHARINA OLSON  
1863 DOROTHEA RD  
BERKLEY MI 48072 1807

JULIEANN SCHIEPKE  
1877 DOROTHEA RD  
BERKLEY MI 48072 1807

MICHAEL DIRKSEN  
1738 DOROTHEA RD  
BERKLEY MI 48072 2112

EVAN H SCHULZE  
KATHERINE C SCHULZE  
1759 DOROTHEA RD  
BERKLEY MI 48072 2111

KRYSTEN DZWIGALSKI  
1711 DOROTHEA RD  
BERKLEY MI 48072 2111

WILLIAM J APRILL & GAYLE APRILL LI  
1760 DOROTHEA RD  
BERKLEY MI 48072 2112

MICHAEL D RIDDLE  
1751 DOROTHEA RD  
BERKLEY MI 48072 2111

RICHARD H TRUMBLE  
1722 CATALPA DR  
BERKLEY MI 48072 2055

KRISTEN CRABB  
1750 DOROTHEA RD  
BERKLEY MI 48072 2112

JOHN A OTWELL  
STACI OTWELL  
1721 DOROTHEA RD  
BERKLEY MI 48072 2111

RICARDO A CHALELA  
MELISSA KAYE BAS  
1738 CATALPA DR  
BERKLEY MI 48072 2055

ROBERT AGNELLO  
PATRICK LANCASTER  
1878 DOROTHEA RD  
BERKLEY MI 48072 1808

ELLE MADSEN RITSEMA  
CODY RITSEMA  
1737 DOROTHEA RD  
BERKLEY MI 48072 2111

JEFFREY E PETERSON  
SARAH A PETERSON  
1812 CATALPA DR  
BERKLEY MI 48072 1802

NICHOLAS DENEALTY  
SARAH PREBOLA  
1750 CATALPA DR  
BERKLEY MI 48072

ERIK FITZPATRICK  
1907 DOROTHEA RD  
BERKLEY MI 48072 1869

RENAUTTA M WOJTYLO  
1826 CATALPA DR  
BERKLEY MI 48072 1802

DALE J ADELSON  
KATHLEEN M ADELSON  
1864 CATALPA DR  
BERKLEY MI 48072 1802

JAMES FRITSCH  
DEBRA FRITSCH  
1825 DOROTHEA RD  
BERKLEY MI 48072 1807

STEVEN DEARING  
DIANE DEARING  
1890 CATALPA DR  
BERKLEY MI 48072 1802

EDWARD E PASCUAL  
JENNY M PASCUAL  
1838 CATALPA DR  
BERKLEY MI 48072 1802

CATHERINE BEYLERIAN  
MARK COLLAR  
1837 DOROTHEA RD  
BERKLEY MI 48072 1807

LAURA DELORME  
MICHAEL DELORME  
2586 MORTENSON BLVD  
BERKLEY MI 48072 2040

LAWRENCE WOOD  
1852 CATALPA DR  
BERKLEY MI 48072 1802

GAIL A STARKS  
1851 DOROTHEA RD  
BERKLEY MI 48072 1807

KELLY N MAISEL  
KRISTEN H MAISEL  
2585 MORTENSON BLVD  
BERKLEY MI 48072 2039

HEATHER L DAMRON  
1861 CATALPA DR  
BERKLEY MI 48072 1801

VICTOR HICKMAN  
1890 WEST BLVD  
BERKLEY MI 48072 1754

MARGARET M BASRAI  
1616 WEST END AVE UNIT 3003  
NASHVILLE TN 37203 6052

LOGAN LONGUSKI  
1875 CATALPA DR  
BERKLEY MI 48072 1801

MICHAEL ROHDA  
AMANDA ROHDA  
2518 MORTENSON BLVD  
BERKLEY MI 48072 2040

Occupant  
1705 CATALPA DR  
BERKLEY MI 48072 2057

ELIZABETH J HARGAN  
1722 WEST BLVD  
BERKLEY MI 48072 2087

DIANE M CASEY  
1850 WEST BLVD  
BERKLEY MI 48072 1754

MOHAN R TANNIRU  
EDITH E TANNIRU  
24412 S BOXWOOD DR  
SUN LAKES AZ 85248 7704

MICHAEL J LANFEAR  
CAMILLE C STAWICKI  
1738 WEST BLVD  
BERKLEY MI 48072 2087

DARRYL DUPELL  
2534 MORTENSON BLVD  
BERKLEY MI 48072 2040

SEAN GROSS  
KATERINA GROSS  
1760 CATALPA DR  
BERKLEY MI 48072 2055

WILLIAM SULLIVAN  
2552 MORTENSON BLVD  
BERKLEY MI 48072 2040

JORDAN T KAY  
KELSEY A KAY  
1876 WEST BLVD  
BERKLEY MI 48072 1754

MICHAEL BARLOW  
1878 CATALPA DR  
BERKLEY MI 48072 1802

LINDA M BOMMARITO  
1862 WEST BLVD  
BERKLEY MI 48072 1754

HANNAH DAVIS  
2533 MORTENSON BLVD  
BERKLEY MI 48072 2039

KIMBERLY A SCHROEDER TRUST  
1706 CATALPA DR  
BERKLEY MI 48072 2055

NATALIE R SMITH  
PRESTON G SMITH  
1864 DOROTHEA RD  
BERKLEY MI 48072 1808

SUSAN L FIORELLO  
KEVIN MCLAUGHLIN  
1811 DOROTHEA RD  
BERKLEY MI 48072 1807

RICHARD P BARBER JR  
1908 CATALPA DR  
BERKLEY MI 48072 1804

Occupant  
1849 CATALPA DR  
BERKLEY MI 48072 1801

JOSEPH MULHERON  
JULIE MULHERON  
2551 MORTENSON BLVD  
BERKLEY MI 48072 2039

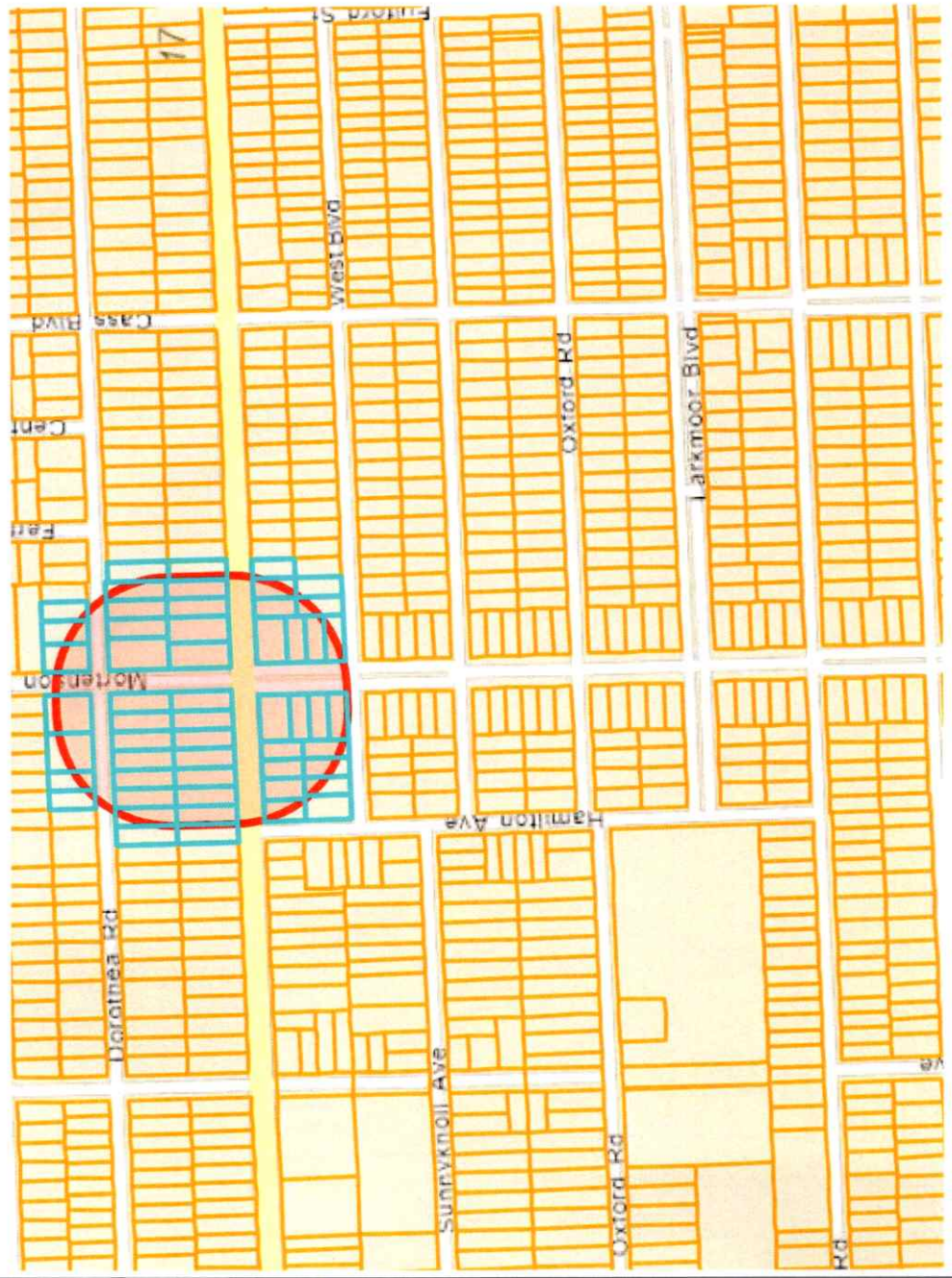
CRACCHIOLO CATALPA LLC  
6555 SCOTLAND CT  
SHELBY TOWNSHIP MI 48316 5034

TARA COTTRELL  
2517 MORTENSON BLVD  
BERKLEY MI 48072 2039

GARY PORTER  
1891 CATALPA DR  
BERKLEY MI 48072 1801

Occupant  
1737 CATALPA DR  
BERKLEY MI 48072 2057







**CITY OF BERKLEY**  
**COMMUNITY DEVELOPMENT**  
3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**ZONING BOARD OF APPEALS APPLICATION**

The Zoning Board of Appeals (ZBA) meets the second Monday of the month. The meetings are held in the Council Chambers at City Hall, 3338 Coolidge Highway, Berkley, Michigan 48072.

The ZBA shall hear requests for use and dimensional variances, appeals of administrative decisions, interpretation of zoning map and text, and interpretations of commercial message for proposed murals.

**\*\*Please be advised:** The ZBA may grant a variance where undue hardship or practical difficulty for the property exist. A want or desire (bigger structure, more profit, etc.) is not sufficient grounds for a variance. The ZBA does not have the power to legislate or create new regulations. The Board's purpose is to provide some relief from the Zoning Ordinance depending on the unique circumstances of the property.

---

**APPLICANT INFORMATION**

Name: Alexander Murrell Phone: [REDACTED]

Address: 3489 Catalpa Dr, Berkley, MI 48072

Email: [REDACTED]

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

Current owner

**PROPERTY OWNER INFORMATION (if different from Applicant)**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

**PROPERTY DESCRIPTION**

Address: 3489 Catalpa Dr. Berkley, MI 48072

Parcel #: 25-18-329-001 Zoning Classification: R-1CD

Current Use of Property: Single Family

---

---

**NATURE OF REQUEST**

Check which applies:

- Variance from Zoning Ordinance (Section I)
- Interpretation of Zoning Ordinance (Section II)
- Administrative Review / Appeal of Decision (Section III)
- Determination of Commercial Message of Mural / Work of Art (Section IV)

Description of Request: Interpretation of zoning ordinance 5.09 E. 2. with regard to exterior side yard setback for a corner lot where a rear yard abuts a side yard.

Has the City denied a permit related to the proposed work?       Yes       No

---

***Please fill out ONLY the section below that applies to your request.***

---

**I. VARIANCE FROM ZONING ORDINANCE**

Please provide a written response to each question below that relates to the variance that is being requested. **DO NOT COMPLETE BOTH SECTIONS.**

**A. Use Variance**

The Zoning Board of Appeals may grant a **use variance** (i.e. use of the land not permitted in a particular district) upon finding that an undue hardship exists.

Current Use of Property: \_\_\_\_\_

Requested Use of Property: \_\_\_\_\_

1. Explain how the building or land cannot be reasonably used for any of the uses permitted by right or by special land use permit in the current zoning district.

2. Explain how the need for the variance is due to unique circumstances or physical conditions of the property.

3. Explain how the proposed use will not alter the essential character of the neighborhood.

4. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

**B. Dimensional Variance (Non-Use Variance)**

The Zoning Board of Appeals may grant a **dimensional variance** (i.e. height, setback, lot coverage, etc) upon finding that undue hardship or practical difficulty exists.

1. Explain how the need for the variance is due to unique circumstances of physical conditions of the property.

2. Explain how the need for the variance is not the result of actions of the property owner or previous property owners.

3. Explain how 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.

4. Explain how the requested variance is the minimum variance necessary to do substantial justice to applicant as well as other property owners.

5. Explain how the requested variance will not adversely impact the surrounding properties.

## II. INTERPRETATION OF ZONING ORDINANCE

Provide Section numbers of Zoning Ordinance to be interpreted: 5.09 E. 2.

Please describe the request and what needs to be clarified or interpreted by the ZBA.

I reside at 3489 Catalpa and I am working to build an accessory building (garage). My concrete contractor was denied a permit due to my plot plan showing a proposed accessory building (garage) 17 feet from the sidewalk. The city's denial cited zoning ordinance 5.09 E. 2. saying that my exterior side yard setback is 25 feet.

Reading 5.09 E. 2., because my principal structure (house) is 50 feet from my rear lot line, a 17 foot setback should be compliant with the zoning ordinance as written.

1. Is a 17 foot setback for an accessory building (garage) at 3489 Catalpa compliant with the zoning ordinance 5.09 E. 2. as written?
2. If so, can the permit denial be reversed?

Please see attachments for more detailed information.

## III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION

Describe the circumstances of each case and provide the minutes of the public meeting noting the denial to be appealed.

**IV. DETERMINATION OF COMMERCIAL MESSAGE (MURAL/WORK OF ART)**

Describe the proposed mural/work of art. Applicant should include renderings of the proposed design. The ZBA shall determine if the proposed work contains a commercial message.

\*\* Applicant and artist must provide signed *Mural Installation and Maintenance Agreement* prior to the public meeting.

---

**SUBMIT THE FOLLOWING:**

A PDF file of the application and two 11" x 17" copies of the supporting documents must be submitted at the time of application, including; a copy of survey, plot plan or site plan with this application that shows the subject property complete with boundary lines and dimensions, existing building locations, all proposed buildings, easements, utilities, and any site improvements/changes. Setbacks, height of structures, lot coverage, etc. should also be included, if applicable.

---

**PLEASE NOTE:** The applicant, or a designated representative, **MUST BE PRESENT** at the meeting in which the case is being reviewed or the request may be postponed due to lack of representation.

We encourage applicants to make a presentation of the proposed request to the Zoning Board of Appeals, if applicable. To assist this effort, we have available for your use a projector, laptop computer and screen. ZBA meetings are recorded and televised.

**PROPERTY OWNER'S APPROVAL (Initial each line)**

APM I hereby authorize and give permission for the City of Berkley to install one or more temporary signs on my property, in order to notify the public of the required public hearing related to the above request(s) before the ZBA.

APM I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above referenced property in relation to the above request.

---

**APPLICANT'S ENDORSEMENT: (Initial each line)**

APM All information contained herein is true and accurate to the best of my knowledge.

APM I acknowledge that the ZBA will not review my request unless all information in the application has been submitted to the satisfaction of the Zoning Administrator.

APM I acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or review of this application.

---

**If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.**

---

Alexander P Murrell		4/20/2026
Applicant Name (print)	Applicant Signature	Date

---

Applicant Name (print)	Applicant Signature	Date
------------------------	---------------------	------

---

Alexander P Murrell		4/20/2026
Property Owner Name (print)	Property Owner Signature	Date

**Office Use Only**

Received 013 Receipt # \_\_\_\_\_ Meeting Date 6/8/26 Case # PBA-04-26

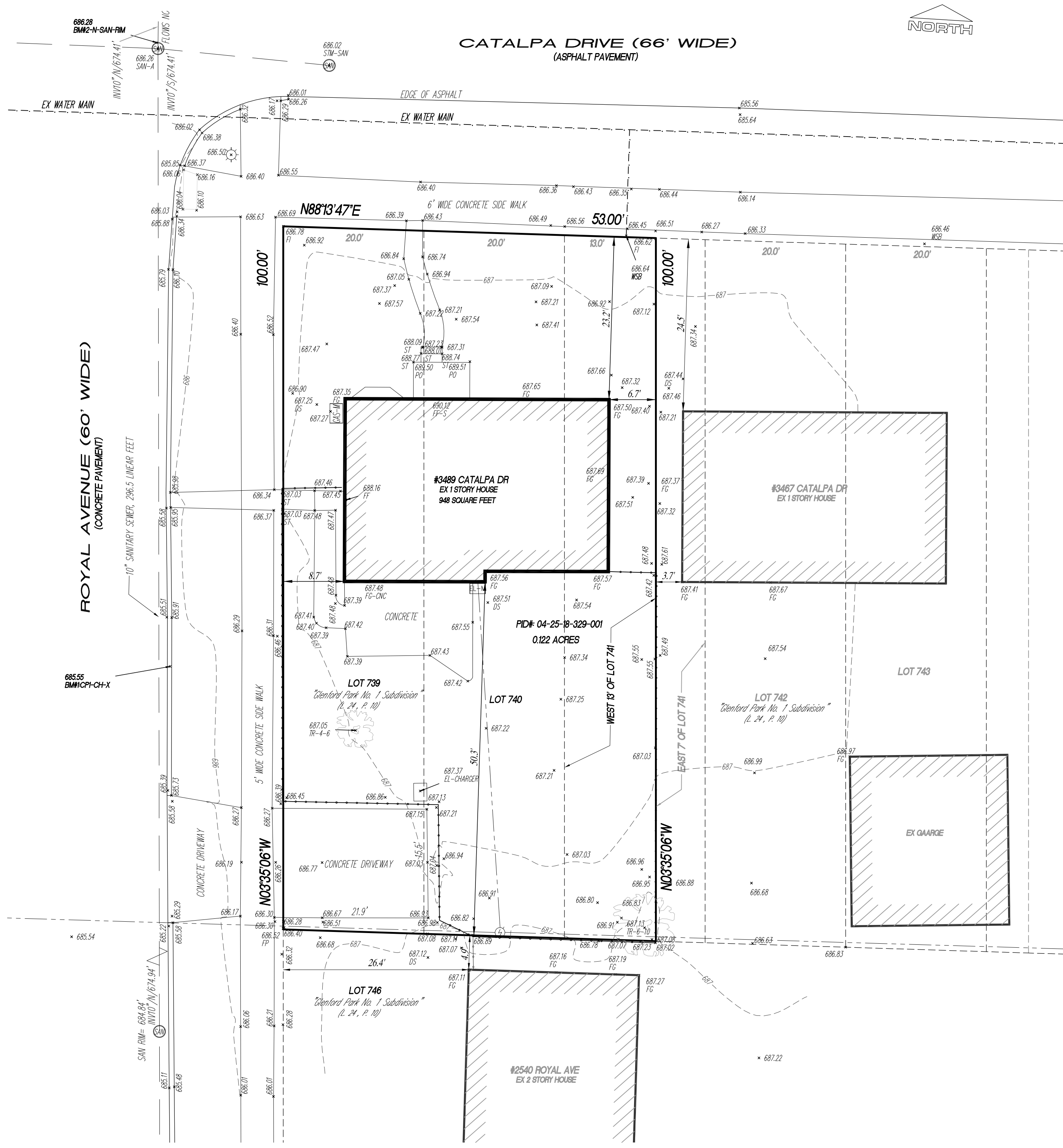
Fee: Residential \$400  
Commercial \$600  
Mural \$300

**RECEIVED**

**APR 30 2026**

**BERKLEY, MICHIGAN**

# BOUNDARY & TOPOGRAPHIC SURVEY



ROYAL AVENUE (60' WIDE)  
(CONCRETE PAVEMENT)

CATALPA DRIVE (66' WIDE)  
(ASPHALT PAVEMENT)

#3489 CATALPA DR  
EX 1 STORY HOUSE  
948 SQUARE FEET

#3467 CATALPA DR  
EX 1 STORY HOUSE

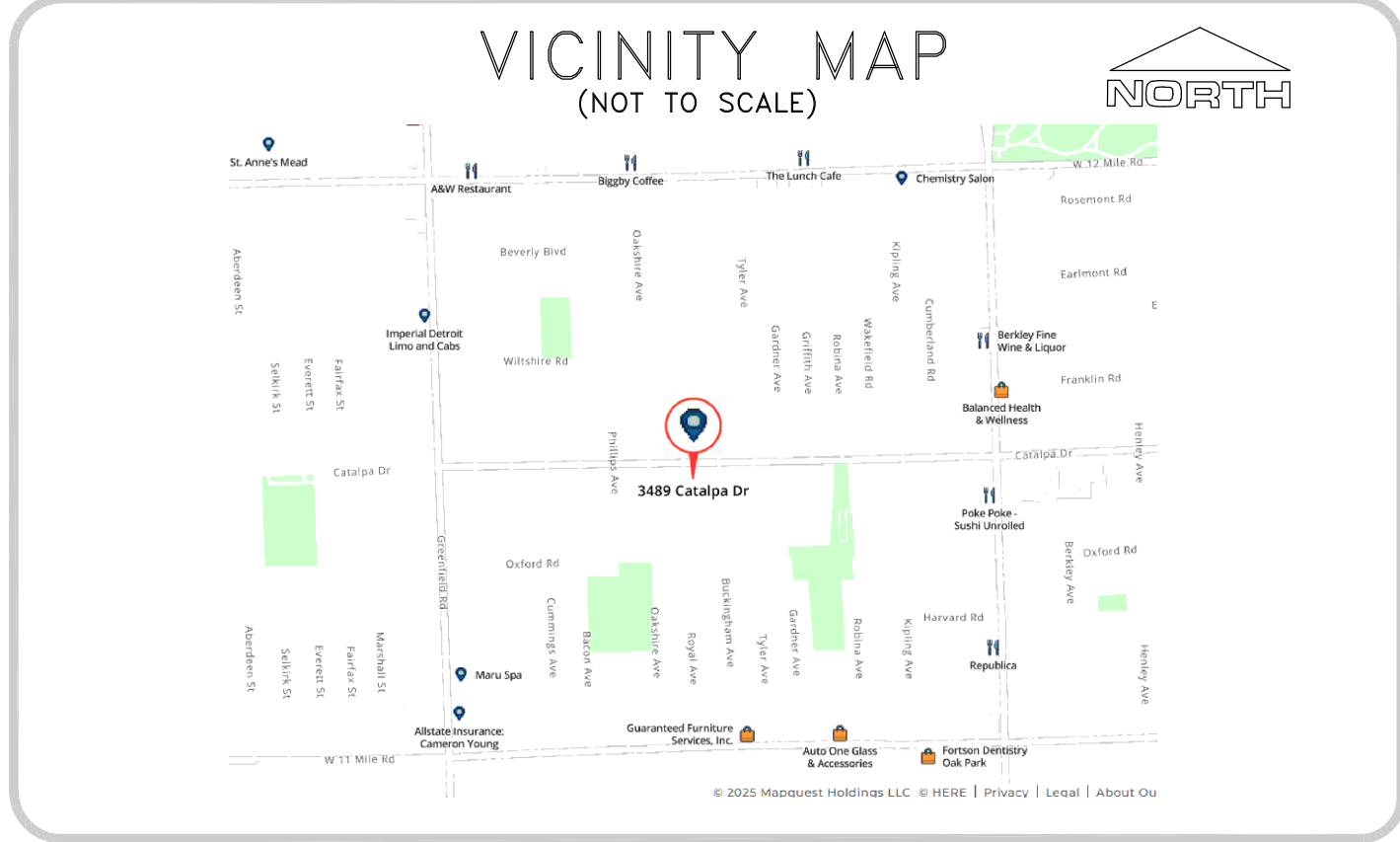
PID# 04-25-18-329-001  
0.122 ACRES

### BENCH MARK INFORMATION

Site Bench Mark No. 1:  
Chisled "X" in the east concrete curb of Royal Avenue, being 18.4 feet north from the north edge of concrete access from the Royal Avenue to the subject property.  
EL=685.55' (NAVD88)

Site Bench Mark No. 2:  
North rim of a sanitary manhole at the intersection of Catalpa Drive and Royal Avenue.  
EL=686.28' (NAVD88).

- ### LEGEND
- = UTILITY POLE
  - = LIGHT POLE
  - = OVER HEAD WIRE
  - = CHAIN LINK FENCE
  - = WATER STOP BOX
  - = EX. SANITARY M.H.
  - = EX. CATCH BASIN
  - = GAS METER
  - = ELECTRIC METER
  - = EX SPOT ELEV.
  - = EX CONTOUR
  - = ELEVATION
  - = FINISH FLOOR
  - = FINISH GRADE
  - = PARCEL IDENTIFICATION NUMBER
  - = TOWN/RANGE
  - = LIBER/PAGE
  - = FOUND PIPE
  - = FOUND IRON
  - = BENCH MARK
  - = NORTH AMERICAN VERTICAL DATUM AS OF 1988
  - = CONTROL POINT
  - = CHISELED "X" IN CONCRETE
  - = DOWNSPOUT
  - = INVERT
  - = EXISTING
  - = STEPS
  - = PORCH
  - = CONCRETE
  - = ELECTRIC



- ### GENERAL NOTES
- Utility information as shown herein are compilation of field observation, therefore no guarantee could be given as to their exact location and depth. An excavation might be needed in order to determine utility position.
  - All measurements as shown herein are existing.
  - All symbols as shown herein are not to scale.
  - All measured bearings per TRUE NORTH.
  - All measured elevations are expressed in North American Vertical Datum as of 1988. (NAVD88)
  - Client/contractor shall obtain all pertinent permits when connecting to public utilities and comply to City's requirements.
  - AB-SB Land Survey, P.C retains the sole ownership of this document as an instrument of service and it can not be reused nor reproduced without written permission and additional compensation.  
Copyright © 2024 AB-SB Land Survey, P.C.

### LEGAL DESCRIPTION

#3489 Catalpa Drive, Berkley, MI, 48072  
Part of the E $\frac{1}{2}$  of SW 1/4 of Section 18, Town 1 North, Range 11 East, City of Berkley, Oakland County, Michigan, being more particularly described as follows:  
Lots: 739, 740 and the WEST 13 feet of LOT 741 of "Glenford Park No. 1 Subdivision", as being recorded in Liber 24 of Plats, on Page 10, Oakland County Records.  
Containing: 5,297 Square Feet---0.122 Acres, more or less.  
Parcel Identification Number:# 04-25-18-329-001.  
Subject to the rights of a public and any easements and/or restrictions of record or otherwise.

Note: Since our survey DOES NOT include a Title Search there could be easements and/or encumbrances upon the subject property that are not shown at this time.



Mende Bezanovski, P.S.#4001049430  
State of Michigan

### FLOOD NOTE

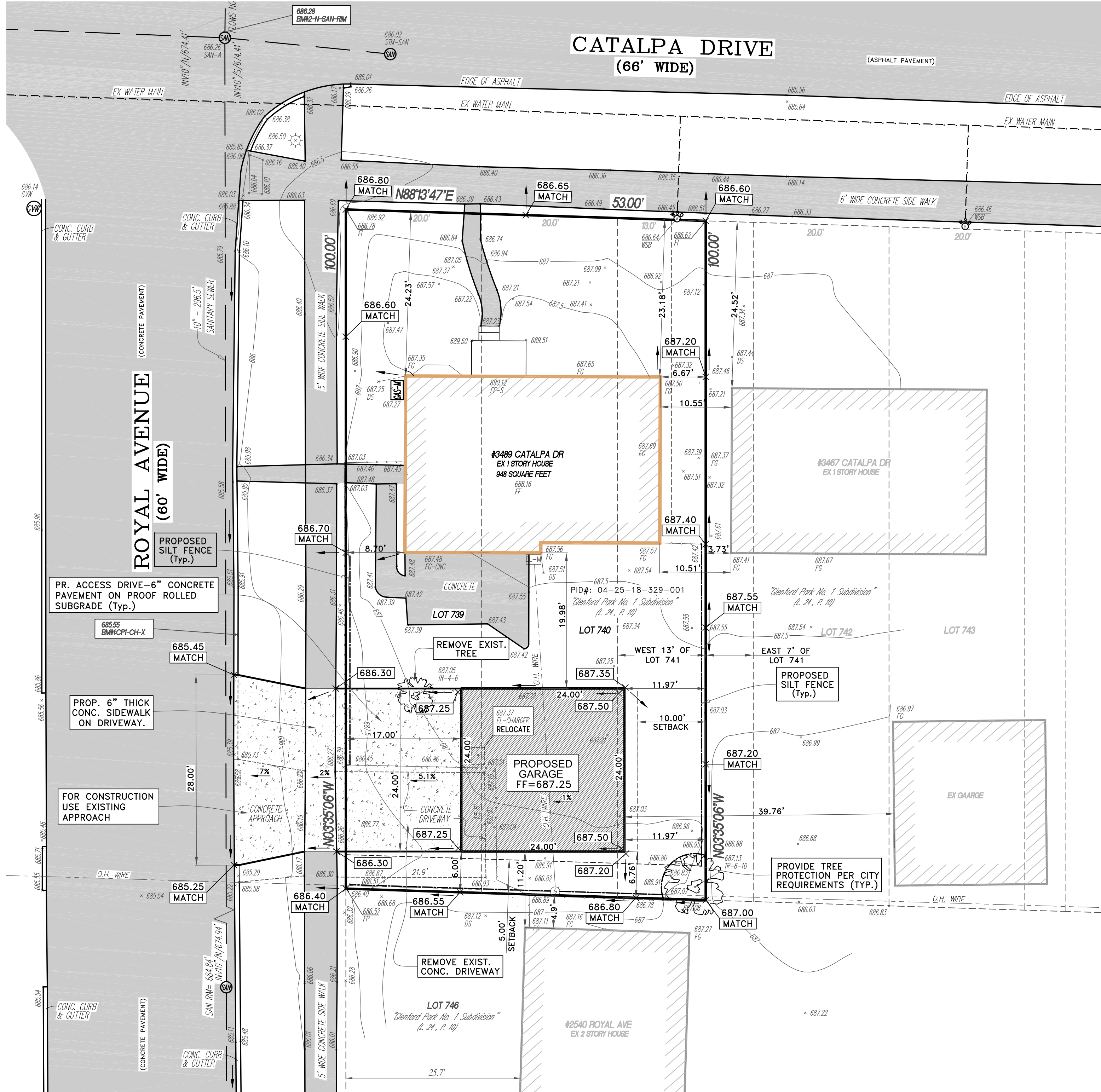
Subject property as depicted herein, DOES NOT LIE in a Special Flood Hazard Area (SFHA), according to Flood Insurance Rate Map (FIRM) No. 260292, Panel No. 0677, Suffix "F", being effective as of September 29, 2006.

### LAND AREA

xx,xxx ± SQUARE FEET  
X.XXX ± ACRES

	SCALE: 1" = 10'	PAGE: 1 OF 1
36636 North Pointe Dr, New Baltimore, MI 48047 TEL: (586) 822-4964, FAX: (586) 591-5930 info@ab-sb-landsurvey.com www.ab-sb-landsurvey.com	JOB NUMBER: 2025-10-02-233-AM	DRAWN: MB
	FIELD: MB	CHECKED: MB
	REVISIONS:	DATE: 10-12-2025
	CLIENT: Mr. Alex Murrell	
	ADDRESS: 3489 Catalpa Drive Berkley, MI, 48072	TEL: (810)-941-2684 FAX:

# PLOT PLAN



## Soil Erosion Measures

### SOIL EROSION NOTES

1. INSTALL SOIL EROSION CONTROL MEASURES PRIOR TO CONSTRUCTION AND EARTH MOVEMENT.
2. ACCESS TO THE BUILDING SITE SHALL BE LARGE ENOUGH TO ACCOMMODATE FOR ALL CONSTRUCTION TRAFFIC. SITE ACCESS SHALL BE MAINTAINED THROUGHOUT ALL CONSTRUCTION PHASES.
3. MAINTAIN ALL CONTROL MEASURES UNTIL EARTH MOVEMENT IS COMPLETED.
4. RIGHT-OF-WAY MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
5. ALL SWALE AREAS, ALL SLOPES GREATER THAN 1:5 AND 10' AROUND STORM STRUCTURES MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
6. AFTER PERMANENT EARTH STABILIZATION IS COMPLETED, REMOVE EROSION CONTROL MEASURES.

### SOIL EROSION AND SEDIMENTATION CONTROL SEQUENCE OF CONSTRUCTION:

1. Construction is anticipated to begin in April 2026 and end in June 2026.
2. Install filter fabric and tree protection fence as shown on plan. (1 Day)
3. Mass grade site. All denuded areas are to be protected from erosion by approved method and stabilization within 5 days of final grade. (1 Day)
4. Begin construction.
5. Grade, place sod or seed and mulch on all disturbed areas or landscape per plan. (1 Days)
6. Additional erosion control measures will be provided during the course of construction where determined necessary by the City Engineer or his/her authorized representative.
7. Remove all soil erosion control measures after completion of construction operations. (1 Day)
8. Clean streets IMMEDIATELY following tracking.

**NOTE:**  
The contractor shall construct this project in compliance with Part 91 of Act No. 451 of 1994, as amended.

### SOIL EROSION AND SEDIMENTATION CONTROL MAINTENANCE OPERATIONS:

1. Contractor shall be responsible for soil erosion and sedimentation control maintenance.
2. All erosion and sedimentation control work shall be checked a minimum once a week and within 24 hours of every rainfall.
3. Any soil erosion control devices that have been damaged, collapsed or removed shall be replaced immediately.
4. All trucks shall clean tires of dirt on the construction drive entrance before entering Royal Ave.
5. Any silt that has collected on Royal Ave. shall be swept off on a regular basis.

### SOIL EROSION CONTROL ESTIMATED QUANTITIES

Silt Fabric Fence	= 125 L.F.
Tree Protection Fence	= 15 L.F.

### NOTE

GROSS EARTH DISTURBED	= 0.03 ACRES
DISTANCE TO RED RUN	= 3.75 mi

### SOIL TYPES

1' TOPSOIL  
LENAWEE CLAY LOAM

### ZONING R-1CD

MIN LOT AREA:	4,400 S.F.
MIN LOT WIDTH:	40'
MAX LOT COVERAGE:	45%

### SET BACKS

FRONT:	25'
MIN SIDE YEAR:	5' & 10',
TOTAL OF 15'	
REAR:	20'

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

### LOT COVERAGE

TOTAL LOT AREA	=	5,297 SF
EXISTING BUILDINGS	=	948 SF
PROPOSED GARAGE	=	576 SF
TOTAL	=	1,524 SF
LOT COVERAGE	=	1,524:5,297=28.8% < 45%

## LEGEND

- = UTILITY POLE
- = LIGHT POLE
- = OVER HEAD WIRE
- = CHAIN LINK FENCE
- = WATER STOP BOX
- = EX. SANITARY M.H.
- = EX. CATCH BASIN
- = GAS METER
- = ELECTRIC METER
- = EX SPOT ELEV.
- = EX CONTOUR
- = FINISH FLOOR
- = FINISH GRADE
- = PARCEL IDENTIFICATION NUMBER
- = TREE-8" TRUNK-8FT SPREAD
- = TOWN/RANGE
- = LIBER/PAGE
- = FOUND PIPE
- = BENCH MARK
- = NORTH AMERICAN VERTICAL DATUM AS OF 1988
- = CONTROL POINT
- = CHISELED 'X' IN CONCRETE
- = DOWNSPOUT
- = INVERT
- = EXISTING
- = STEPS
- = PORCH
- = CONCRETE
- = ELECTRIC
- = FLOW DIRECTION
- = EX. PAVEMENT
- = PROP. CONCRETE PAVEMENT
- = PROPOSED



VICINITY MAP (NOT TO SCALE)

## GENERAL NOTES

-Utility information as shown herein are compilation of field observation, therefore no guarantee could be given as to their exact location and depth. An excavation might be needed in order to determine utility position.

-All measurements as shown herein are existing.

-All symbols as shown herein are not to scale.

-All measured bearings per TRUE NORTH.

-All measured elevations are expressed in North American Vertical Datum as of 1988. (NAVD88)

-Client/contractor shall obtain all pertinent permits when connecting to public utilities and comply to City's requirements.

-AB-SB Land Survey, P.C retains the sole ownership of this document as an instrument of service and it can not be reused nor reproduced without written permission and additional compensation.  
Copyright © 2024 AB-SB Land Survey, P.C.

## LEGAL DESCRIPTION

#3489 Catalpa Drive, Berkley, MI, 48072  
Part of the E $\frac{1}{2}$  of SW 1/4 of Section 18, Town 1 North, Range 11 East, City of Berkley, Oakland County, Michigan, being more particularly described as follows:  
Lots: 739, 740 and the WEST 13 feet of LOT 741 of "Glenford Park No. 1 Subdivision", as being recorded in Liber 24 of Plats, on Page 10, Oakland County Records.  
Containing: 5.297 Square Feet--0.122 Acres, more or less. Parcel Identification Number: # 04-25-18-329-001.  
Subject to the rights of a public and any easements and/or restrictions of record or otherwise.

Note: Since our survey DOES NOT include a Title Search there could be easements and/or encumbrances upon the subject property that are not shown at this time.

## FLOOD NOTE

Subject property as depicted herein, DOES NOT LIE in a Special Flood Hazard Area (SFHA), according to Flood Insurance Rate Map (FIRM) No. 260292, Panel No. 0677, Suffix "F", being effective as of September 29, 2006.

**BENCH MARK INFORMATION**

**Site Bench Mark No. 1:**  
Chisled "X" in the east concrete curb of Royal Avenue, being 18.4 feet north from the north edge of concrete access from the Royal Avenue to the subject property.  
EL=685.55' (NAVD88)

**Site Bench Mark No. 2:**  
North rim of a sanitary manhole at the intersection of Catalpa Drive and Royal Avenue.  
EL=686.28' (NAVD88).

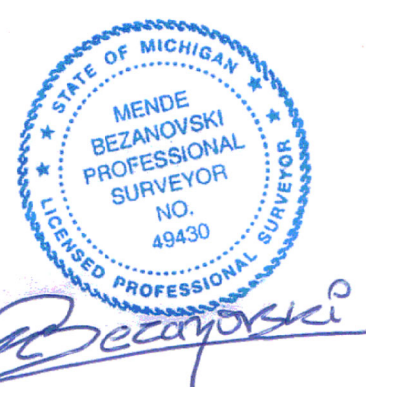
**NOTE:**  
RESTORE ALL DISTURBED AREAS, DRIVEWAYS, LAWNS, ETC., TO A CONDITION AT LEAST EQUAL TO EXISTING.

**LAND AREA**  
5,297 ± SQUARE FEET  
0.122 ± ACRES

**811** Know what's below.  
Call before you dig.  
Miss Dig ticket number:  
2026033003668-000

Scale: 1" = 10'  
Job Number: 2025-10-02-233-AM  
Field: MB  
Revisions: MB  
Client: Mr. Alex Murrell  
Address: 3489 Catalpa Drive, Berkley, MI, 48072  
Tel: (586) 822-4064, Fax: (586) 591-5930  
Info@ab-sb-landsurvey.com, www.ab-sb-landsurvey.com

Scale: 1" = 10'  
Job Number: 2025-10-02-233-AM  
Field: MB  
Revisions: MB  
Client: Mr. Alex Murrell  
Address: 3489 Catalpa Drive, Berkley, MI, 48072  
Tel: (810)-941-2684  
Fax:



Mende Bezanovski,  
P.S.#4001049430  
State of Michigan

SCALE: 1" = 10'  
JOB NUMBER: 2025-10-02-233-AM  
FIELD: MB  
REVISIONS: MB  
CLIENT: Mr. Alex Murrell  
ADDRESS: 3489 Catalpa Drive, Berkley, MI, 48072  
TEL: (810)-941-2684  
PAGE: 1 OF 1  
DRAWN: ILKE (Civl Eng.)  
CHECKED: MB  
DATE: 04-06-2026



**CITY OF BERKLEY**  
**COMMUNITY DEVELOPMENT**  
3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: Danna Bauer, Community Development Building Clerk

Cc: Emily Loomis, Building Official

From: Kim Anderson, Community Development Zoning Administrator

Subject: 3489 Catalpa Dr., Berkley Review #1

Date: April 20, 2026

---

Address 3489 Catalpa Dr., Parcel 25-18-329-001 is proposing to construct a concrete pad for a detached garage is proposed. Topographical Survey dated 04/06/2026 were received April 15, 2026 for review.

Zoning review:

- Does not meet exterior side yard setback for a corner lot. Accessory structure is not 35' from the rear lot line and is required to be 25' on the exterior side yard setback.

Per Zoning Ordinance Section 5.09E.2.

When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception:

i. When the distance from the rear lot line to the principal structure is greater than thirty-five feet, the minimum setback is reduced to ten feet.

Submit revised plans or apply to the Zoning Board of Appeals.

Please contact me if you have any questions.

Kim Anderson [kanderson@berkleymi.gov](mailto:kanderson@berkleymi.gov)  
248-658-3324



**CITY OF BERKLEY**  
**COMMUNITY DEVELOPMENT**  
3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**MEMORANDUM**

**To:** Berkley Zoning Board of Appeals  
**From:** Kim Anderson; Zoning Administrator  
**Subject:** PBA-04-26 – 3489 Catalpa Dr., Parcel # 04-25-18-329-001, interpretation  
**Date:** 05/26/2026

---

**APPLICANT:** Alexander Murrell  
**LOCATION:** 3489 Catalpa Dr.  
**PARCEL ID:** 04-25-18-329-001

**REQUEST:** The applicant is requesting an interpretation of the Zoning Ordinance Section 5.09.E.2.i.

**REQUIRED:** *Berkley City Code*, Chapter 138 *Zoning*, Article 5 Use-Based Districts, Section 5.09.E.2.i  
When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception: i. When the distance from the rear lot line to the principal structure is greater than thirty-five feet, the minimum setback is reduced to ten feet.

**ZONING AND LAND USE**

Property	Zoning District	Land Use
Subject Site	R1-CD	Residential Single Family Dwelling
West	R1-CD	Residential Single Family Dwelling
East	R1-CD	Residential Single Family Dwelling
North	R1-CD	Residential Single Family Dwelling
South	R1-CD	Residential Single Family Dwelling

---

## BACKGROUND

3489 Catalpa Dr, Parcel # 04-25-18-329-001, South side of Catalpa Dr., between Royal Ave., and Buckingham Ave., was built in 1950. The applicant applied for a Building Permit to install a new garage slab. Upon review by the Zoning Administrator, the Building Permit Application was denied by the Zoning Administrator based on the Zoning Ordinance known established patterns maintained for corner lots. Historically for corner lots when a rear yard abuts a side lot, the exterior side yard setback for all structures has been 25' unless the rear setback is 35' or more then the exterior side yard setback for all structures has been 10'. Enclosed in your packet is the history of the zoning ordinance dating back to 1967. 1967 includes verbiage "accessory structures shall not project beyond the front yard line required on the lot in rear of such corner lot". 1982 "nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot." In 2013 an amendment to Accessory Buildings Corner Lots was approved that included changes to include a sliding scale for exterior side yard setbacks relative to the distance from the neighboring property. See memo dated November 12, 2013 in packet. The Table below clearly specified the intent that has been used since the adoption in 2013 and prior.

When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten feet.

When a rear yard abuts a side yard, the required exterior side yard setback shall be as follows:

Distance from Rear Lot Line to Structure	Setback Required
0 to 5 feet	No structures permitted
5—35 feet	25 feet
Greater than 35 feet	10 feet

There have been 5 Variances granted for corner lot accessory structures dating back to 1999. It is stated in the variance cases: "that the purpose of the 25 foot setback is so that all structures are neatly lined up along a street." "Accessory structures or building on corner lots shall adhere to the same side yard setbacks as required of principal structures."

The variances show that even prior to the table adopted in 2013, the same intent has been historically implemented.

Although there are non-conforming corner lot accessory structures, the fifty properties that were randomly evaluated showed that the accessory structures have been in existence since the 1940's and 1950's. As majority of the corner lots are rear to rear there are corner lots that are rear to side. Most of these lots (see attached Zoning Map with areas highlighted) are along Catalpa West of Coolidge Hwy., Mortenson Blvd., Cass Blvd., and Stanford Rd. Included in your packet are "Examples" of various scenarios of some of the corner lots that were evaluated.

With the Zoning Ordinance rewrite last year, the table was removed and replaced with the verbiage "Principal" that the staff and CWA our consultants feel the language needs to be clarified. As a staff member on the steering committee during the zoning rewrite, I am aware of the history and intent for corner lots that are rear to side lots to maintain a cohesive and consistent building line.



Source: Oakland County Property Gateway





Source: Google map

## **SCOPE OF PROJECT**

The applicant is requesting an interpretation of the Zoning Ordinance Section 5.09.E.2.i to determine if the exterior side yard setback for an accessory structure is to be 25' or 10' when the structure is not 35' from the rear lot line when it is a corner lot and the rear yard abuts a side yard.

The applicant has put together a presentation and data sheet on corner lots. After briefly reviewing that data that was provided, some of my research contradicts the data totals because of various scenarios such as variances approved and year built.

## **STANDARDS FOR REVIEW**

Per Section 138-17.04.D of the Zoning Ordinance, the Zoning Board of Appeals must hear and decide requests for interpretation of the Zoning Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Zoning Ordinance and the Master Plan.

A record must be kept by the Zoning Administrator of all decisions for interpretation of the Zoning Ordinance or Zoning Map.

The Zoning Board of Appeals may request the Planning Commission to initiate an ordinance amendment that would correct or clarify the Ordinance.

## **SUMMARY**

The Board is asked to provide an interpretation as to whether the intent in Section 5.09.E.2.i "When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception: i. When the distance from the rear lot line to the principal structure is greater than thirty-five feet, the minimum setback is reduced to ten feet." is to include accessory structures.

If you have any questions regarding this case, please do not hesitate to contact me.

Thank you.

Cc: Crystal VanVleck, City Manager  
Victoria Mitchell, City Clerk  
Lisa Hamameh, City Attorney  
Kristen Kapelanski, Community Development Director

# Zoning Map

City of Berkley  
Oakland County, Michigan



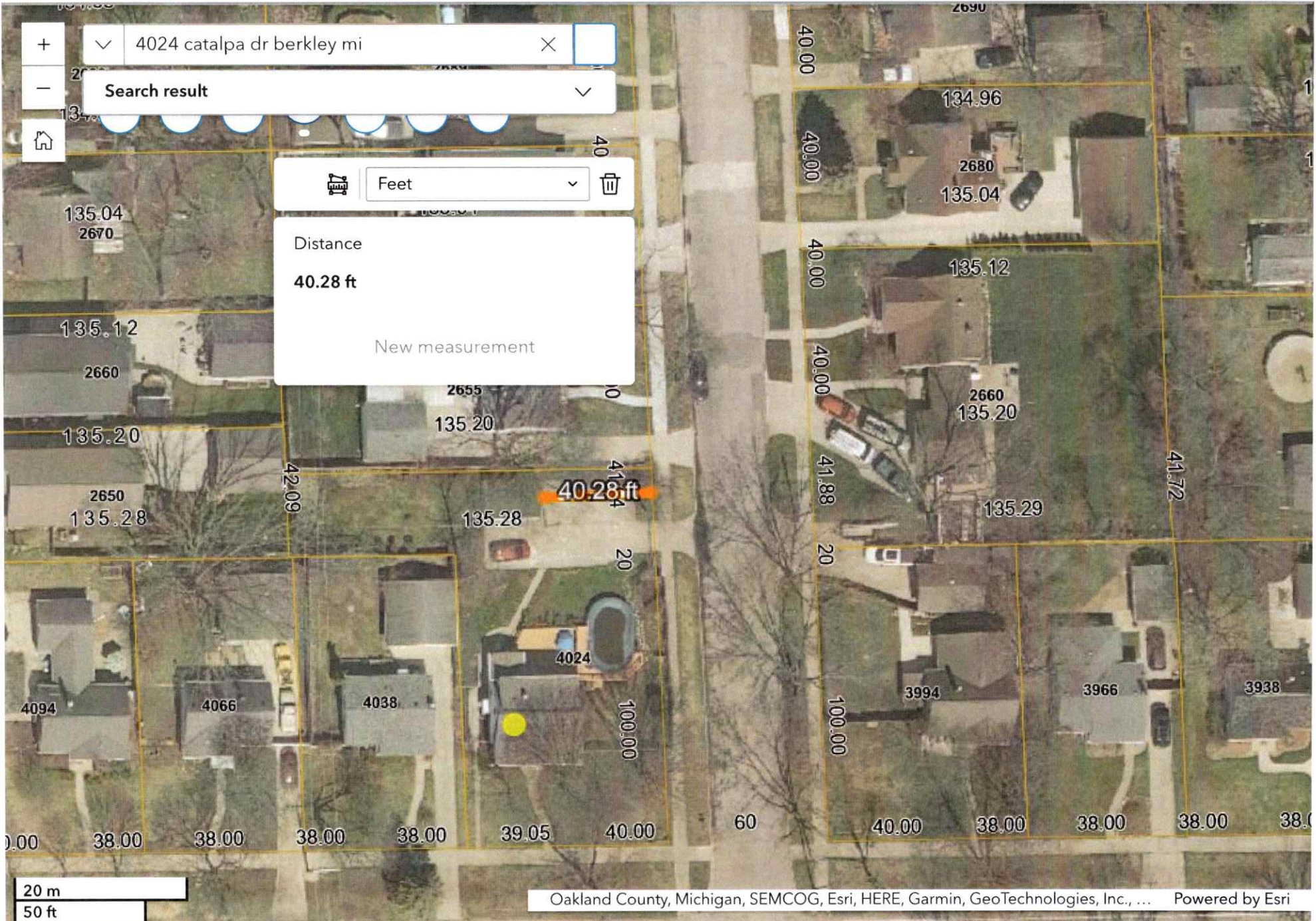
- City Boundary
- Parking Overlay
- R-1AB
- R-1CD
- R-2
- R-M
- R-M-H
- Community Centerpiece
- Downtown
- Flex
- Gateway Corridor
- Residential Corridor
- PUD
- Woodward Corridor
- Cemetery
- Conditional Rezoning



Esri, HERE

Data: Oakland County, City of Berkley  
Prepared by: Carlisle/Wortman Associates, Inc.  
Date: April 2025





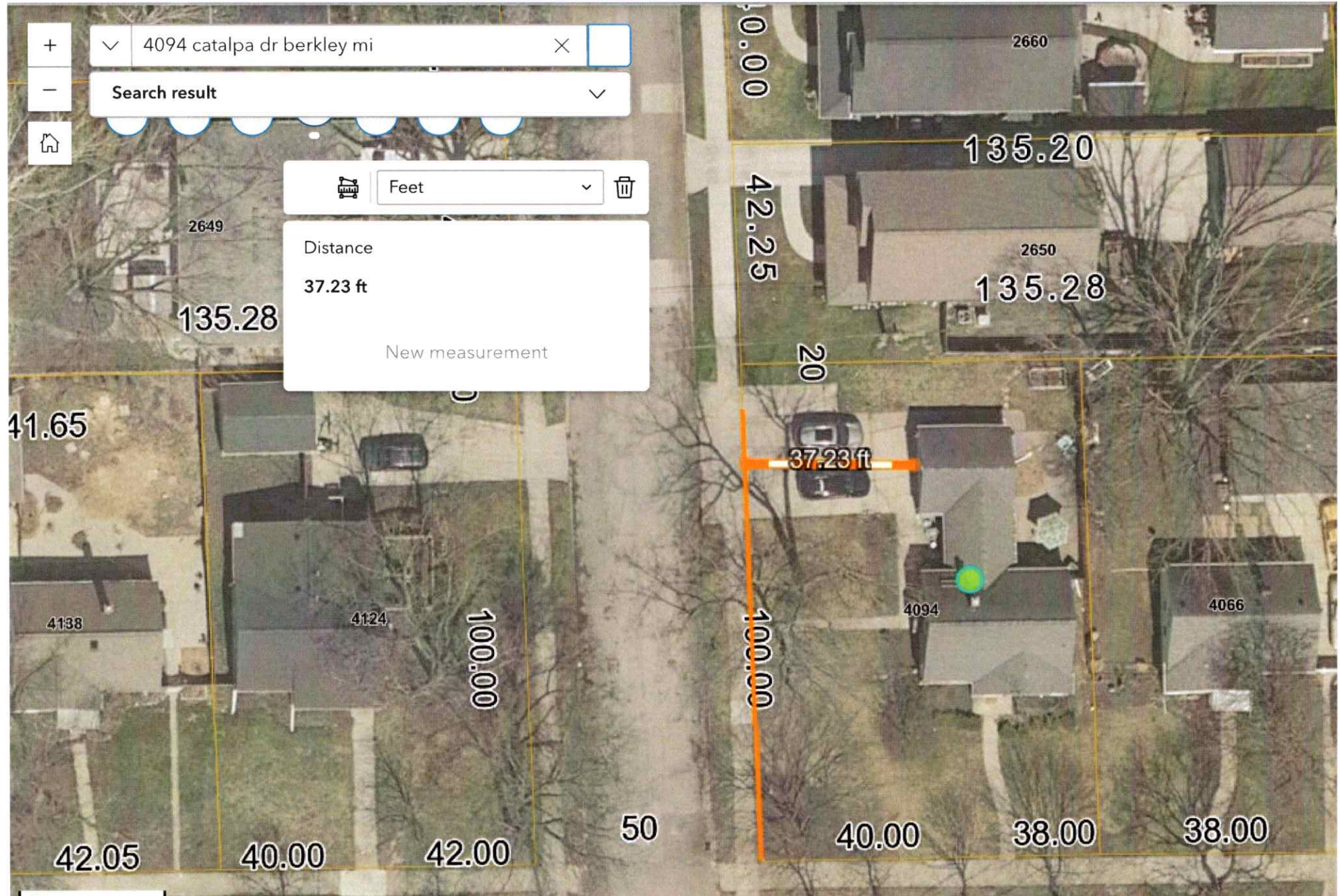
+ 4094 catalpa dr berkley mi X

- Search result



Feet

Distance  
37.23 ft  
New measurement



10 m  
20 ft



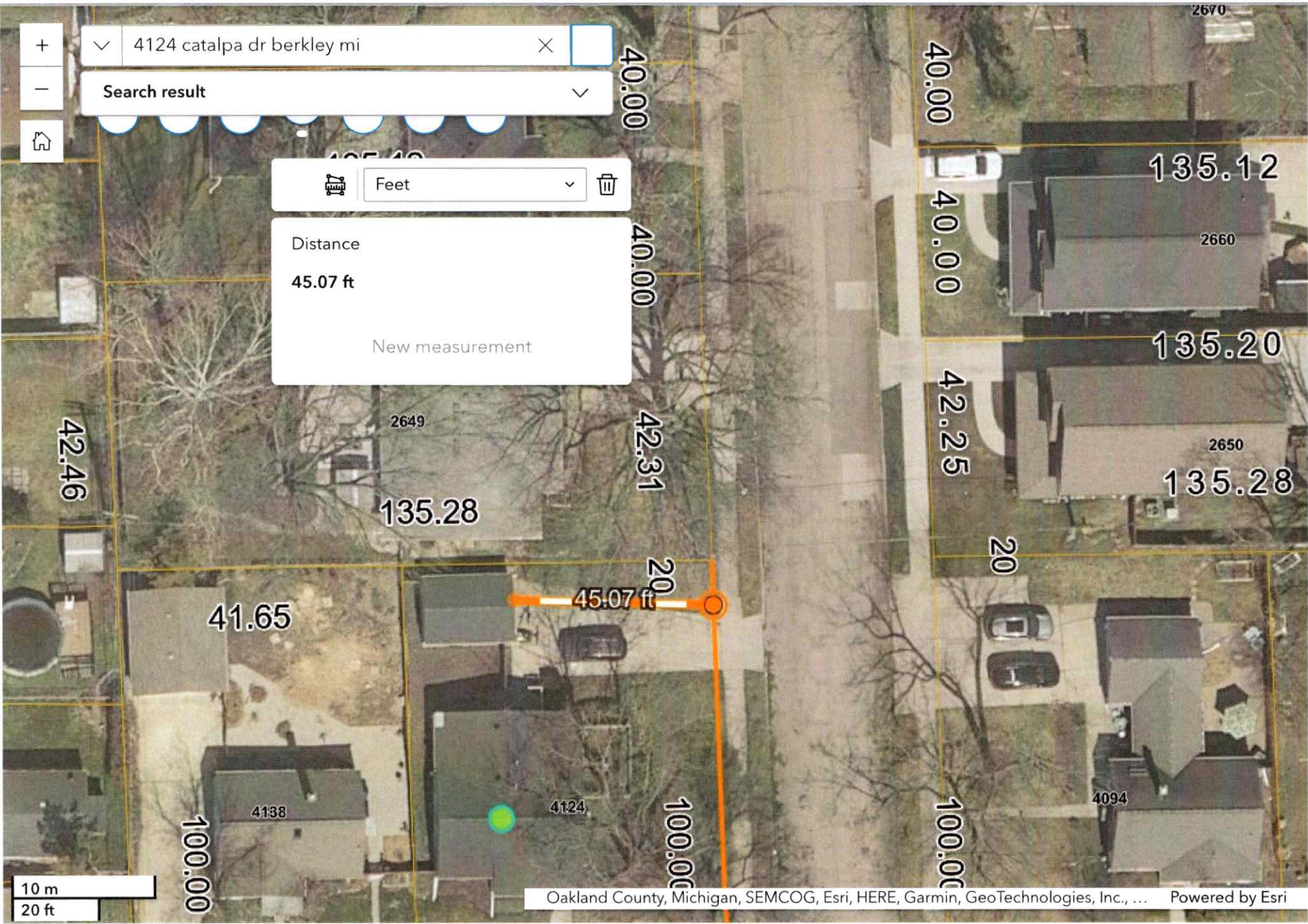
+ 4124 catalpa dr berkley mi X

- Search result V

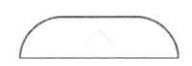


Feet V

Distance  
45.07 ft  
New measurement



10 m  
20 ft



+ 2517mortenson blvd berkley mi X

- Search result



Feet

Distance  
18.29 ft  
New measurement

1862

1850

2533

120.00

1850 West

"1857"

in line

2517 Mortenson  
"1943"

2517

18.29 ft

48.00

120.00

5 m  
20 ft

25-18-427-001

or navigate to and click on the property of interest

**2773 CATALPA DR**

PIN: 25-18-427-001

CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

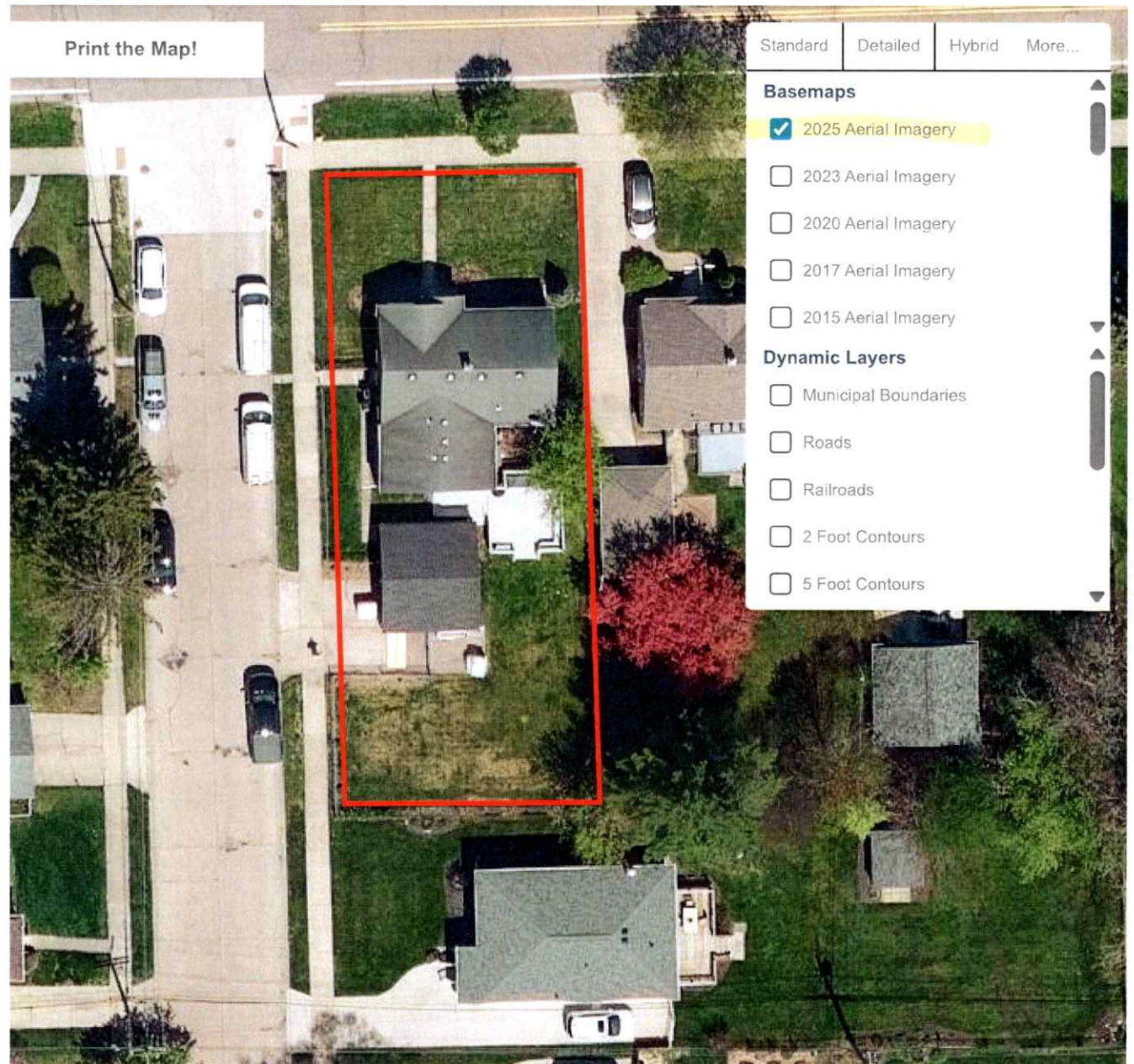
[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

- [DFIRM Disclaimer](#)
- [DFIRM Overview](#)

*Example of at least 35' from rear line to adjacent side yard to allow 10' side yard*



25-18-427-001

or navigate to and click on the property of interest

**2773 CATALPA DR**

PIN: 25-18-427-001

CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

- [DFIRM Disclaimer](#)
- [DFIRM Overview](#)

Print the Map!



25-18-401-005

or navigate to and click on the property of interest

**3325 CATALPA DR**

PIN: 25-18-401-005

CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

▪ [DFIRM Disclaimer](#)

▪ [DFIRM Overview](#)

Print the Map!



Standard Detailed Hybrid More...

- 1957 BW Aerial Imagery
- 1990 BW Aerial Imagery
- 1980 BW Aerial Imagery
- 1974 BW Aerial Imagery
- 1963 BW Aerial Imagery
- 1940 BW Aerial Imagery

**Dynamic Layers**

- Municipal Boundaries
- Roads
- Railroads
- 2 Foot Contours
- 5 Foot Contours

25-18-430-019

or navigate to and click on the property of interest

**2279 KIPLING AVE**

PIN: 25-18-430-019

CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

- [DFIRM Disclaimer](#)
- [DFIRM Overview](#)

House built 1950



25-17-335-006

or navigate to and click on the property of interest

**2314 MORTENSON BLVD**

PIN: 25-17-335-006

CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

- [DFIRM Disclaimer](#)
- [DFIRM Overview](#)

Print the Map!

Standard Detailed Hybrid More...



1937 BW Aerial Imagery  
 1990 BW Aerial Imagery  
 1980 BW Aerial Imagery  
 1974 BW Aerial Imagery  
 1963 BW Aerial Imagery  
 1940 BW Aerial Imagery  
  
**Dynamic Layers**  
 Municipal Boundaries  
 Roads  
 Railroads  
 2 Foot Contours  
 5 Foot Contours

25-17-335-006

or navigate to and click on the property of interest

**1736 OXFORD RD**

PIN: 25-17-335-009

CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

- [DFIRM Disclaimer](#)
- [DFIRM Overview](#)

[Print the Map!](#)

Standard Detailed Hybrid More...

- 1997 BW Aerial Imagery
- 1990 BW Aerial Imagery
- 1980 BW Aerial Imagery
- 1974 BW Aerial Imagery
- 1963 BW Aerial Imagery
- 1940 BW Aerial Imagery

**Dynamic Layers**

- Municipal Boundaries
- Roads
- Railroads
- 2 Foot Contours
- 5 Foot Contours

25-17-329-009

or navigate to and click on the property of interest

**2485 MORTENSON BLVD**

PIN: 25-17-329-009

CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

- [DFIRM Disclaimer](#)
- [DFIRM Overview](#)

Print the Map!



the wall or fence and a public street must be planted with trees, flowers, and grass and landscaped and maintained by the cemetery owner in a healthy growing condition.

3. Before a cemetery is permitted there must be a satisfactory drainage plan approved by the City Engineer.

## **SECTION 5.09 SUPPLEMENTAL DIMENSIONAL REGULATIONS APPLICABLE TO ALL USE BASED DISTRICTS**

- A. In calculating the area of a lot that adjoins an alley, one-half the width of such alley abutting the lot is considered to be part of such lot.
- B. The front yard setback must be twenty-five feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater.
- C. A porch or paved terrace may project into a front yard setback up to eight feet, but in no case may a front porch be closer to the front parcel line than fifteen feet. Porches may be covered by an awning, roof, or canopy but must not be otherwise enclosed, except that the space below the surface of the porch or paved terrace will be concealed from view in accordance with prescribed standards.
- D. Projections may extend into a required side yard setback of not more than two inches for each one foot of width of such setback and may extend or project into a required front or rear yard setback not more than three feet. The total of all projections into a required setback yard must not exceed thirty percent of that wall's surface area.

Projections may have a foundation, such as brick or masonry fireplaces, or may not include a foundation, box fireplaces, bay windows, and other types of cantilevers, including second-story cantilevers.

Projections without a foundation must be above grade at least twelve inches.

In nonresidential districts, where no front yard setback is required, the Planning Commission may permit a projection to extend into the right of way three feet provided that it is at least eleven feet above the sidewalk if the Planning Commission determines the public health, safety, and welfare will not be adversely affected. The total of all projections into a given right of way must not exceed thirty percent of that wall's surface area.

- E. Exterior side yards on corner lots:
1. When a rear yard abuts a rear yard, the exterior side yard setback must not be less than ten feet.
  2. When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception:
    - i. When the distance from the rear lot line to the principal structure is greater than thirty-five feet, the minimum setback is reduced to ten feet.
- F. Maximum lot coverage for corner lots must not exceed forty-five percent.
- G. Parking for uses other than single family residential must be located in a side or rear yard and comply with screening standards in Article 12 – Landscaping and Screening.

*Amended by Ord. No. 09-25, Pt. 1, 1-6-26*

[Balance of page intentionally blank.]

## **MEMORANDUM**

November 12, 2013

TO: Jane Bais-DiSessa,  
City Manager

FROM: Amy M. Vansen, AICP  
City Planner

RE: Proposed Zoning Changes for Accessory Buildings

---

At its October meeting, the Planning Commission held a public hearing regarding the proposed ordinance amendment. It was recommended for City Council approval.

Berkley City Code currently states that an accessory building is one story, and not more than 15 feet tall. Accessory buildings cannot exceed 800 square feet or ½ the ground floor area of the house, whichever is greater. Height is measured from the ground to halfway between the peak and the eaves of the roof. For an 800 square foot garage, this can afford a fair amount of storage space in the attic area. But given the requirement that an accessory building be limited to one story, the Building Official and I believed the access should be limited. In other words, if a garage is only supposed to be one story, why would you need stairs?

Department policy has been to allow a ladder or drop down stair in order to access the attic storage area of a garage. In November 2012, the Zoning Board of Appeals heard an appeal regarding the access. The garage was conforming in every way, but the resident wanted a permanent stairwell. The Zoning Board of Appeals thought that the safety of drop down stairs was an issue and so it found that the stairwell should be permitted.

This led the Zoning Board to request that the Planning Commission review the ordinance and recommend changes to allow greater use of accessory buildings in the City.

Since that time, the Planning Commission and I have been working on this proposed ordinance.

The Building Department and the Planning Commission had concerns with allowing greater use of that "second floor" including:

- How to preclude apartments above garages.
- How to determine if the upstairs will be storage or will be habitable.
- If it is going to be habitable, ensuring that there is proper fire separation installed.
- If the upstairs is only going to be used as storage, don't require fire separation.

Along with the interior concerns outlined above, we were also concerned with the impact tall accessory buildings would have on the neighboring properties.

We believe the ordinance offers a balanced approach. Below is a summary of the changes and some of the regulations that have remained:

**Changes:**

- It defines accessory buildings without defining the specific use of the building
- It offers a sliding scale for height relative to the distance from the neighboring property.
- For accessory buildings, it offers a sliding scale for exterior side yard setbacks relative to the distance from the neighboring property.
- It clearly defines when an accessory building shall be considered 2 stories and clearly states when fire separation is required
- It will allow more corner lot splits by offering, for houses, a sliding scale for exterior side yard setbacks relative to the distance from the neighboring property.

**What has not changed:**

- Rear yard setback
- Yard Location
- Interior side yard setback
- Swimming pool regulations
- Allowable size: amount of lot coverage and the allowable first floor area for accessory buildings.
- The *single* family residential districts will remain *single* family residential (one family per lot).

Should you or the City Council have questions, I will be at the meeting on November 18<sup>th</sup>.

## AN ORDINANCE

of the Council of the City of Berkley, Michigan  
amending, Chapter 138 Zoning, Article III General Provisions,  
Division 1 Accessory Buildings and Structures, and  
Article V District Regulations, Division 17 Schedule of Regulations,  
Section 138 -527 Notes to the Schedule of Regulations  
of the Berkley City Code

THE CITY OF BERKLEY ORDAINS:

**SECTION 1:** That Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures of the Berkley City Code be and hereby are amended as follows:

### **DIVISION 1. - ACCESSORY BUILDINGS AND STRUCTURES**

#### **Sec. 138-51. - Generally.**

Accessory buildings and structures shall be classified as herein defined and, unless otherwise provided in this chapter, shall be subject to this section.

By their definition and nature, accessory buildings and structures shall be secondary and clearly incidental to the principal building on a parcel of land. Such buildings or structures shall therefore not be permitted as the only building or structure on a parcel of land.

The various types of accessory buildings and structures shall be defined, but not limited to as follows:

*Accessory building:* a subordinate building on the same parcel as the principal building, the use of which is incidental to that of the principal building and which is used exclusively by the occupants or owners of the principal building, including garages and carports, studios for private use, greenhouses, hobby shops, and recreation rooms.

*Antennas:* Structures or facilities for the reception or transmission of radio, television and microwave signals.

~~*Barns:* A building specifically or partially used for the housing of farm animals or wild animals such as, but not limited to, horses, cattle, sheep, goats, birds, fowl, injured or abandoned animals such as raccoons, squirrels, other than a dog house, so called. (Section 22-5 states: "No person shall keep or harbor any animals or domestic fowl within the city except dogs, cats, birds, fowl or animals commonly classified as pets."~~

~~*Cabanas:* A building of not more than 100 square feet used in conjunction with a swimming pool and used for no other purpose than the housing of pool filter equipment, pool accessories such as, but not limited to, vacuum cleaning equipment, brooms and safety equipment, or for the changing of clothes.~~

*Carpport:* A roofed structure for the parking or storage of currently licensed and registered motor vehicles, completely open on 1 side and not more than 75 percent enclosed on the opposite side.

*Dog houses:* A building of not more than 36 square feet with a total height of not more than 4 feet designed and used for housing not more than 3 dogs, or 3 cats or 3 of a combination thereof, or of other similar animals, being the age of 6 months or older, owned by the occupant of the parcel on which it is located.

*Dog run:* An open air enclosure, attached or detached from the principal building for the purposes of housing or exercising animals commonly classified as domestic pets.

*Garage:* A building designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.

~~*Gazobo:* A roofed or sheltered structure, not more than 179 square feet in area, which is generally of open, screened, or lattice work construction, and may be used for outdoor seating.~~

~~*Greenhouse:* A building constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.~~

*Room:* An interior space not less than 70 square feet in area with a ceiling height of at least 7 feet.

~~*Shed:* A building of not more than 179 square feet designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses.~~

*Swimming pool for private residential use only:* A swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence. This includes hot tubs and jacuzzis as installed outside and accessory to the main residence.

**Sec. 138-52. - ~~Miscellaneous provisions.~~**

~~Detached accessory buildings and structures may be prefabricated or built on the site, and shall have ratwalls not less than 24 inches in depth and not less than 4 inches in width, or be built so that the floor and walls are located a minimum of 6 inches above the underlying ground. Trailer mounted accessory buildings and structures are prohibited. Dog houses and dog runs are excluded from this foundation provision. Dog runs shall be constructed to a maximum height of 6 feet. Any fence material per division 2, fences, of this article is permitted for dog run construction.~~

**Sec. 138-52. - Attached to main building.**

1. Where the accessory building or structure is ~~structurally~~ attached to a main building it shall be subject to, and shall conform to, all regulations of this chapter applicable to the main building.
2. The width of a front loading attached garage shall not be more than 45% of the total width of the main building as measured along the front building line. The garage portion shall be recessed at least 5 more feet from the main building's front setback.
3. For attached garages on corner lots, see section 138-61. ~~60~~

**Sec. 138-53. - Yard location.**

Accessory buildings or structures shall not be erected in any yard, except a rear yard.

**Sec. 138-54. - Lot coverage.**

In no instance shall the combined floor area of all accessory buildings and structures exceed 800 square feet or one-half the ground floor of the main building, whichever is greater. Lot coverage shall also conform to requirements set forth in the schedule of regulations. Dog runs are excluded from the maximum lot coverage calculation.

**Sec. 138-55. - Setback.**

- ~~1. No detached accessory building or structure except dog houses and dog runs and cabanas shall be located closer than 10 feet to any main building, or other accessory building or structure.~~
2. No accessory building or structure shall be located within ~~3~~5 feet of the side lot line unless proper fire separation has been installed. In no instance shall an accessory building or structure be located closer than 18 inches to a side lot line.

3. No accessory building or structure shall be located within 5 feet to any rear lot line. In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.

**Sec. 138-56. - Height.**

- ~~1. For parcels less than 100 feet wide. No detached accessory building or structure, including garages, shall exceed one story or 15 feet in height.~~
- ~~2. For parcels 100 feet or more in width. Garages may be up to 2 stories or 25 feet in height provided that two additional, accessible off street parking spaces are provided. No other detached accessory buildings or structures shall exceed one story or 15 feet in height.~~

<u>Distance from Rear Lot Line to Structure</u>	<u>Height of Structure Allowed</u>
0 to 5 feet	No structures permitted
5-35 feet	15 feet
Greater than 35 feet	Maximum height allowed in the zoning district. See Schedule of Regulations, Section 138-526.

An accessory building shall be considered 2 stories if the second floor contains a room as defined herein. Accessory buildings with 2 stories shall have proper fire separation as required by state building code.

Attics which do not have sufficient headroom or area to qualify as a room are permitted for storage use only. Access to such storage area shall be permitted by ladder or drop down stairs only.

In no instance, shall a rooftop deck on an accessory building be permitted.

*Antennas.* Pole or mast-type antennas may be constructed to a height equal to the permitted maximum height of structures in these districts. Roof-mounted antennas or antennas attached to a building shall not extend more than 12 feet above the highest point of the roof.

**Sec. 138-57. - Windows**

On elevations facing neighboring properties, where the window header is 8 feet or more above grade, the amount of glazing shall be limited to no more than 8 square feet per elevation.

**~~Sec. 138-58. - Carports and garages.~~**

- ~~1. Garages shall not be less than 180 square feet in area.~~
- ~~2. Carports shall not be enclosed.~~
- ~~3. Carports and garages shall be built to the following minimum specifications:~~
  - ~~a. If detached, they shall be located at least 3 feet from the side lot line. When attached to the principal building, they shall be subject to and conform to, all regulations of this chapter applicable to the main building.~~
  - ~~b. The pitch of the roof shall be at least one-half inch per one foot.~~

**Sec. 138-58. - Antenna structures.**

No more than 2 antenna structures (no more than one of which may be ground-mounted) shall be permitted for each lot or parcel, with the following exception: on nonresidential parcels, 2 antenna structures shall be permitted for the first 20,000 square feet of gross building area, with one antenna structure permitted for each additional 20,000 square feet of gross building area, or major portion thereof.

**Sec. 138-59. - Swimming pools.**

1. A wall of a swimming pool shall not be located less than 6 feet from any rear or side property line.
2. A wall of a swimming pool that has a capacity greater than 600 gallons shall not be located less than 6 feet from the main building or other accessory building or structure. Swimming pools that have a capacity of 600 or fewer gallons may be excepted from this setback requirement.
3. Construction shall require a site plan, building permit, and all applicable electrical heating and plumbing permits. All pools, which contain 24 inches (610 mm) or more of water in depth at any point, shall have erected an adequate enclosure in accordance with the city's current building codes. Electrical service conductors and other overhead wires shall be located a minimum of 10 feet from the pool's edge or a minimum of 22 feet above the pool surface. Pool heaters shall be installed according to the current adopted city code. All swimming pools shall be provided with a recirculating skimming device. The water of all swimming pools shall be sanitized. The installation of swimming pools shall be in accordance with the requirements of the building and electrical code.

**Sec. 138-60. - Corner lots.**

Garages may be attached to the principal structure provided that the principal structure including the garage is at least 5 feet from the rear lot line and all other setback requirements are met. The garage door or combination of garage doors shall not exceed 18 feet. Accessory structures or buildings on corner lots shall adhere to the following regulations: ~~the same side~~

~~yard setback as required of principal structures. See section 138-527, notes to schedule of regulations.~~

When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than 10 feet.

When a rear yard abuts a side yard, the required exterior side yard setback shall be as follows:

<u>Distance from Rear Lot Line to Structure</u>	<u>Setback required</u>
0 to 5 feet	No structures permitted
5-35 feet	25 feet
Greater than 35 feet	10 feet

**Sec. 138-61 – Restrictions**

Trailer mounted accessory buildings and structures are prohibited.

No accessory building shall be used as a dwelling unit or used as a storage facility for a non residential purpose (see Section 138-32, Home Occupations).

**Sec. 138-62. - Interpretation**

Any accessory building or structure not defined in this division shall be subject to the approval of the zoning board of appeals.

**Sec. 138-63. - Certificates and permits required.**

1. The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the building code and the electrical code.
- ~~2. Zoning certificates shall be required for accessory buildings greater than 36 square feet and up to 179 square feet in area.~~
- ~~3. Building permits shall be required for all buildings over 179 square feet in area and for roof mounted antennas greater than 4 feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.~~
4. Dog runs do not require a building permit but construction will require a fence certificate.

**Secs. 138-64—138-80. - Reserved.**

SECTION 2: That Article V District Regulations, Division 17 Schedule of Regulations, Section 138 -527 Notes to the Schedule of Regulations, (c ) of the Berkley City Code be and hereby are amended as follows:

(c) Exterior side yards on corner lots:

When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten (10) feet.

When a rear yard abuts a side yard, the exterior side yard setback shall not be less than 25 feet.

be as follows:

<u>Distance from Rear Lot Line to Structure</u>	<u>Setback required</u>
<u>0 to 5 feet</u>	<u>No structures permitted</u>
<u>5-35 feet</u>	<u>25 feet</u>
<u>Greater than 35 feet</u>	<u>10 feet</u>

**Secs. 138-528--138-530. Reserved.**

SECTION 3: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, \_\_\_\_\_.

\_\_\_\_\_ on the Second Reading at the Regular City Council Meeting on Monday, \_\_\_\_\_.

\_\_\_\_\_  
Phil O'Dwyer  
Mayor

Attest:

\_\_\_\_\_  
Cheryl Printz  
City Clerk

**AN ORDINANCE**

of the Council of the City of Berkley, Michigan  
amending, Chapter 138 Zoning, Article III General Provisions,  
Division 1 Accessory Buildings and Structures, and  
Article V District Regulations, Division 17 Schedule of Regulations,  
Section 138 -527 Notes to the Schedule of Regulations  
of the Berkley City Code

THE CITY OF BERKLEY ORDAINS:

**SECTION 1:** That Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures of the Berkley City Code be and hereby are amended as follows:

**DIVISION 1. - ACCESSORY BUILDINGS AND STRUCTURES**

**Sec. 138-51. - Generally.**

Accessory buildings and structures shall be classified as herein defined and, unless otherwise provided in this chapter, shall be subject to this section.

By their definition and nature, accessory buildings and structures shall be secondary and clearly incidental to the principal building on a parcel of land. Such buildings or structures shall therefore not be permitted as the only building or structure on a parcel of land.

The various types of accessory buildings and structures shall be defined, but not limited to as follows:

*Accessory building:* a subordinate building on the same parcel as the principal building, the use of which is incidental to that of the principal building and which is used exclusively by the occupants or owners of the principal building, including garages and carports, studios for private use, greenhouses, hobby shops, and recreation rooms.

*Antennas:* Structures or facilities for the reception or transmission of radio, television and microwave signals.

*Carport:* A roofed structure for the parking or storage of currently licensed and registered motor vehicles, completely open on 1 side and not more than 75 percent enclosed on the opposite side.

*Dog houses:* A building of not more than 36 square feet with a total height of not more than 4 feet designed and used for housing not more than 3 dogs, or 3 cats or 3 of a combination

thereof, or of other similar animals, being the age of 6 months or older, owned by the occupant of the parcel on which it is located.

*Dog run:* An open air enclosure, attached or detached from the principal building for the purposes of housing or exercising animals commonly classified as domestic pets.

*Garage:* A building designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.

*Room:* An interior space not less than 70 square feet in area with a ceiling height of at least 7 feet.

*Shed:* A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses.

*Swimming pool for private residential use only:* A swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence. This includes hot tubs and jacuzzis as installed outside and accessory to the main residence.

**Sec. 138-52. - Attached to main building.**

1. Where the accessory building or structure is attached to a main building it shall conform to, all regulations of this chapter applicable to the main building.
2. The width of a front loading attached garage shall not be more than 45% of the total width of the main building as measured along the front building line. The garage portion shall be recessed at least 5 more feet from the main building's front setback.
3. For attached garages on corner lots, see section 138-61. *60*

**Sec. 138-53. - Yard location.**

Accessory buildings or structures shall not be erected in any yard, except a rear yard.

**Sec. 138-54. - Lot coverage.**

In no instance shall the combined floor area of all accessory buildings and structures exceed 800 square feet or one-half the ground floor of the main building, whichever is greater. Lot coverage shall also conform to requirements set forth in the schedule of regulations. Dog runs are excluded from the maximum lot coverage calculation.

**Sec. 138-55. - Setback.**

4. No detached accessory building except dog houses and dog runs shall be located closer than 10 feet to any main building, or other accessory building.
2. No accessory building or structure shall be located within 5 feet of the side lot line unless proper fire separation has been installed. In no instance shall an accessory building or structure be located closer than 18 inches to a side lot line.
3. No accessory building or structure shall be located within 5 feet to any rear lot line. In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.

**Sec. 138-56. - Height.**

<b>Distance from Rear Lot Line to Structure</b>	<b>Height of Structure Allowed</b>
0 to 5 feet	No structures permitted
5-35 feet	15 feet
Greater than 35 feet	Maximum height allowed in the zoning district. See Schedule of Regulations, Section 138-526.

An accessory building shall be considered 2 stories if the second floor contains a room as defined herein. Accessory buildings with 2 stories shall have proper fire separation as required by state building code.

Attics which do not have sufficient headroom or area to qualify as a room are permitted for storage use only. Access to such storage area shall be permitted by ladder or drop down stairs only.

In no instance, shall a rooftop deck on an accessory building be permitted.

*Antennas.* Pole or mast-type antennas may be constructed to a height equal to the permitted maximum height of structures in these districts. Roof-mounted antennas or antennas attached to a building shall not extend more than 12 feet above the highest point of the roof.

**Sec. 138-57. - Windows**

On elevations facing neighboring properties, where the window header is 8 feet or more above grade, the amount of glazing shall be limited to no more than 8 square feet per elevation.

**Sec. 138-58. - Antenna structures.**

No more than 2 antenna structures (no more than one of which may be ground-mounted) shall be permitted for each lot or parcel, with the following exception: on nonresidential parcels, 2 antenna structures shall be permitted for the first 20,000 square feet of gross building area, with one antenna structure permitted for each additional 20,000 square feet of gross building area, or major portion thereof.

**Sec. 138-59. - Swimming pools.**

1. A wall of a swimming pool shall not be located less than 6 feet from any rear or side property line.
2. A wall of a swimming pool that has a capacity greater than 600 gallons shall not be located less than 6 feet from the main building or other accessory building or structure. Swimming pools that have a capacity of 600 or fewer gallons may be excepted from this setback requirement.
3. Construction shall require a site plan, building permit, and all applicable electrical heating and plumbing permits. All pools, which contain 24 inches (610 mm) or more of water in depth at any point, shall have erected an adequate enclosure in accordance with the city's current building codes. Electrical service conductors and other overhead wires shall be located a minimum of 10 feet from the pool's edge or a minimum of 22 feet above the pool surface. Pool heaters shall be installed according to the current adopted city code. All swimming pools shall be provided with a recirculating skimming device. The water of all swimming pools shall be sanitized. The installation of swimming pools shall be in accordance with the requirements of the building and electrical code.

**Sec. 138-60. - Corner lots.**

Garages may be attached to the principal structure provided that the principal structure including the garage is at least 5 feet from the rear lot line and all other setback requirements are met. The garage door or combination of garage doors shall not exceed 18 feet. Accessory structures or buildings on corner lots shall adhere to the following regulations:

When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than 10 feet.

When a rear yard abuts a side yard, the required exterior side yard setback shall be as follows:

<b>Distance from Rear Lot Line to Structure</b>	<b>Setback required</b>
0 to 5 feet	No structures permitted
5-35 feet	25 feet
Greater than 35 feet	10 feet

**Sec. 138-61 – Restrictions**

Trailer mounted accessory buildings and structures are prohibited.

No accessory building shall be used as a dwelling unit or used as a storage facility for a non residential purpose (see Section 138-32, Home Occupations).

**Sec. 138-62. - Interpretation**

Any accessory building or structure not defined in this division shall be subject to the approval of the zoning board of appeals.

**Sec. 138-63. - Certificates and permits required.**

1. The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the building code and the electrical code.
2. Dog runs do not require a building permit but construction will require a fence certificate.

**Secs. 138-64—138-80. - Reserved.**

SECTION 2: That Article V District Regulations, Division 17 Schedule of Regulations, Section 138 -527 Notes to the Schedule of Regulations, (c ) of the Berkley City Code be and hereby are amended as follows:

(c) Exterior side yards on corner lots:

When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten (10) feet.

When a rear yard abuts a side yard, the exterior side yard setback shall be as follows:

<b>Distance from Rear Lot Line to Structure</b>	<b>Setback required</b>
0 to 5 feet	No structures permitted
5-35 feet	25 feet
Greater than 35 feet	10 feet

**Secs. 138-528--138-530. Reserved.**

SECTION 3: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, \_\_\_\_\_.

\_\_\_\_\_ on the Second Reading at the Regular City Council Meeting on Monday, \_\_\_\_\_.

\_\_\_\_\_  
Phil O'Dwyer  
Mayor

Attest:

\_\_\_\_\_  
Cheryl Printz  
City Clerk

Subsection 5. No detached accessory building in "R-1A," "R-1B," "R-1C," "R-1D," "R-2," "R-M," "B-1" and "P-1" Districts shall exceed one (1) story or fourteen (14) feet in height.

Subsection 6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot, unless such building is structurally attached to main building.

SECTION 1405. PARKING REQUIREMENTS:

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

Subsection 1. Off-street parking for other than residential uses shall be either on the same lot or within three-hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Where parking areas for business or industry are abutting to a residential district a four (4) foot six (6) inch obscuring wall shall be constructed on the property line of such abutting districts. (5/24/66)

Subsection 2. Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of SECTION 1404 of this Ordinance.

Subsection 3. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.

Subsection 4. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

Subsection 5. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

Subsection 6. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.

- (2) Accessory buildings shall not be erected in any required yard, except a rear yard.
- (3) An accessory building not exceeding one (1) story or fourteen (14) feet in height may occupy not more than twenty-five (25%) per cent of a required rear yard, plus forty (40%) per cent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- (4) No detached accessory buildings shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or closer than five (5) feet to any rear lot line.
- (5) No detached accessory building in "R-1A", "R-1B", "R-1C", "R-1D", "R-2", "R-M", "B-1", and "P-1" Districts shall exceed one (1) story or fourteen (14) feet in height.
- (6) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot, unless such building is structurally attached to main building.

5.119. Parking Requirements. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

- (1) Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Where parking areas for business or industry are abutting to a residential district a four (4) foot six (6) inch obscuring wall shall be constructed on the property line of such abutting districts.

- (2) Residential off-parking strip, c and shall be loc serve, and subj
- (3) Any area once c shall never be c equal facilities
- (4) Off-street park ance 280 in con building or use than hereinafte new use.
- (5) Two or more bu the required off number of park of the requirem puted separatel
- (6) In the instanc where operatin Board of Appea
- (7) The storage of the repair of v in B-1, B-2, 1
- (8) The minimum of use shall be ing schedule.
- (9) For those use: ments for off- with a use whi

1971

shall provide a lot or parcel of land in accordance with the lot area requirements of the district within which it is located. (Ord. No. 3-82, § 1, 7-26-82)

#### Sec. 33-115. Accessory buildings.

(1) *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(2) *Location in rear yard and percentage of required yard occupied.*

(a) No accessory building shall be located in other than a rear yard.

(b) No detached accessory building or buildings shall occupy more than twenty-five (25) per cent of the area of a required yard as defined by yard setback requirements in sections 33-108 and 33-109.

(c) When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be closer to the rear lot line than the required side yard setback of such abutting lot nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot.

(d) When the rear line of a corner lot abuts the rear line of another lot, no accessory building shall be closer to the required side street yard setback of the principal building on the corner lot.

(3) *Height of accessory buildings.* No detached accessory building shall exceed fifteen (15) feet in height.

(4) *Separation between buildings.* Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet. (Ord. No. 3-82, § 1, 7-26-82)

#### Sec. 33-116. Bulk regulations.

(1) *Continued conformity with bulk regulations.* The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of

the owner of such building or of the lot in which it is located, as long as the building is in existence. No lot area legally required yards, other open space or other area allocated to any building shall, by virtue of the passage of time or for any other reason, be used to satisfy the minimum lot area requirements for

(2) *Division of zoning lots.* No zoning lot shall be divided into two (2) or more zoning lots. No zoning lot shall be sold, unless all zoning regulations of the zoning district in which such division or sale shall conform with the regulations of the zoning district in which

(3) *Location of required open space.* No open space allocated to a building or dwelling shall be located on the same zoning lot as such building

(4) *Required yards, existing buildings.* Yards provided for a building existing on the date of the adoption of this chapter, shall subsequently be reduced if already less than, the minimum yard setback required by this chapter for equivalent new construction.

#### Sec. 33-117. Incomplete dwellings.

No cellar, garage, or any incomplete structure shall be used as a dwelling at the effective date of the adoption of this chapter, unless such structure has been begun prior to the effective date, and is in substantial completion in conformity with the requirements of this chapter relative to dwellings in the district in which it is located. No such structure constructed after the effective date of this chapter shall be used as a dwelling unless it has been completed as a dwelling and an occupancy permit has been issued for such structure. (Ord. No. 3-82, § 1, 7-26-82)

#### Sec. 33-118. Existing conditional uses.

Where a use is classified as a conditional use on the date of the adoption of this chapter, it shall continue to be a conditional use until the date of the expiration of the conditional use permit and exists as a conditional, special use until the date of the adoption of this chapter, it shall

April 1, 1982

1985

shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. (Ord. No. 3-82, § 1, 7-26-82)

**Sec. 33-115. Accessory buildings.**

(1) *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(2) *Location in rear yard and percentage of required yard occupied.*

(a) No accessory building shall be located in other than a rear yard.

(b) No detached accessory building or buildings shall occupy more than twenty-five (25) per cent of the area of a required yard as defined by yard setback requirements in sections 33-108 and 33-109.

(c) When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be closer to the rear lot line than the required side yard setback of such abutting lot nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot.

(d) When the rear line of a corner lot abuts the rear line of any other lot, no accessory building shall be closer to the required side street yard setback of the principal building on the corner lot.

(3) *Height of accessory buildings.* No detached accessory building shall exceed fifteen (15) feet in height.

(4) *Separation between buildings.* Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet. (Ord. No. 3-82, § 1, 7-26-82)

**Sec. 33-116. Bulk regulations.**

(1) *Continued conformity with bulk regulations.* The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of

the owner of such building or located, as long as the building legally required yards, other or allocated to any building shall, or for any other reason, be used or minimum lot area requireme

(2) *Division of zoning lots.* N divided into two (2) or more zo zoning lot shall be sold, unless a such division or sale shall conf regulations of the zoning district

(3) *Location of required open spaces* allocated to a building or on the same zoning lot as such l

(4) *Required yards, existing b* after provided for a building exi chapter, shall subsequently be r if already less than, the minir chapter for equivalent new constr

**Sec. 33-117. Incomplete dwell**

No cellar, garage, or any incon use as a dwelling at the effecti used as a dwelling for more tha date, unless such structure has l nal completion in conformity wit relative to dwellings in the dis located. No such structure const this chapter shall be used as a dv been completed as a dwelling and such structure. (Ord. No. 3-82, §

**Sec. 33-118. Existing conditio**

Where a use is classified as a ter and exists as a conditional, date of the adoption of this chap

By their definition and nature, accessory buildings and structures shall be secondary and clearly incidental to the principal building on a parcel of land. Such buildings or structures shall therefore not be permitted as the only building or structure on a parcel of land.

The various types of accessory buildings and structures shall be defined, but not limited to as follows:

*Accessory building:* A subordinate building on the same parcel as the principal building, the use of which is incidental to that of the principal building and which is used exclusively by the occupants or owners of the principal building, including garages and carports, studios for private use, greenhouses, hobby shops, and recreation rooms.

*Antennas:* Structures or facilities for the reception or transmission of radio, television and microwave signals.

*Carport:* A roofed structure for the parking or storage of currently licensed and registered motor vehicles, completely open on one side and not more than 75 percent enclosed on the opposite side.

*Dog houses:* A building of not more than 36 square feet with a total height of not more than four feet designed and used for housing not more than three dogs, or three cats or three of a combination thereof, or of other similar animals, being the age of six months or older, owned by the occupant of the parcel on which it is located.

*Dog run:* An open air enclosure, attached or detached from the principal building for the purposes of housing or exercising animals commonly classified as domestic pets.

*Garage:* A building designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard equipment or recreational vehicles such as, but not limited to, boats, trailers, all terrain vehicles and snowmobiles.

*Room:* An interior space not less than 70 square feet in area with a ceiling height of at least seven feet.

*Shed:* A building designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, ATV's, motor scooters, or used as doll houses, play houses or children's club houses.

*Swimming pool for private residential use only:* A swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence. This includes hot tubs and jacuzzies as installed outside and accessory to the main residence.

(Ord. No. O-7-13, § 1, 12-16-2013)

Sec. 138-52. - Attached to main building.

- (a) Where the accessory building or structure is attached to a main building it shall conform to, all regulations of this chapter applicable to the main building.
- (b) The width of a front loading attached garage shall not be more than 45 percent of the total width of the main building as measured along the front building line. The garage portion shall be recessed at least five more feet from the main building's front setback.

~~(c)~~ (c) For attached garages on corner lots, see section 138-61. 60

Attics which do not have sufficient headroom or area to qualify as a room are permitted for storage use only. Access to such storage area shall be permitted by ladder or drop down stairs only.

In no instance shall a rooftop deck on an accessory building be permitted.

*Antennas.* Pole or mast-type antennas may be constructed to a height equal to the permitted maximum height of structures in these districts. Roof-mounted antennas or antennas attached to a building shall not extend more than 12 feet above the highest point of the roof.

(Ord. No. O-7-13, § 1, 12-16-2013)

Sec. 138-57. - Windows.

On elevations facing neighboring properties, where the window header is eight feet or more above grade, the amount of glazing shall be limited to no more than eight square feet per elevation.

(Ord. No. O-7-13, § 1, 12-16-2013)

Sec. 138-58. - Antenna structures.

No more than two antenna structures (no more than one of which may be ground-mounted) shall be permitted for each lot or parcel, with the following exception: on nonresidential parcels, two antenna structures shall be permitted for the first 20,000 square feet of gross building area, with one antenna structure permitted for each additional 20,000 square feet of gross building area, or major portion thereof.

(Ord. No. O-7-13, § 1, 12-16-2013)

Sec. 138-59. - Swimming pools.

- (a) A wall of a swimming pool shall not be located less than six feet from any rear or side property line.
- (b) A wall of a swimming pool that has a capacity greater than 600 gallons shall not be located less than six feet from the main building or other accessory building or structure. Swimming pools that have a capacity of 600 or fewer gallons may be excepted from this setback requirement.
- (c) Construction shall require a site plan, building permit, and all applicable electrical heating and plumbing permits. All pools, which contain 24 inches (610 mm) or more of water in depth at any point, shall have erected an adequate enclosure in accordance with the city's current building codes. Electrical service conductors and other overhead wires shall be located a minimum of ten feet from the pool's edge or a minimum of 22 feet above the pool surface. Pool heaters shall be installed according to the current adopted City Code. All swimming pools shall be provided with a recirculating skimming device. The water of all swimming pools shall be sanitized. The installation of swimming pools shall be in accordance with the requirements of the building and electrical code.

(Ord. No. O-7-13, § 1, 12-16-2013)

Sec. 138-60. - Corner lots.



## Sec 138-600 - Corner Lots

Garages may be attached to the principal structure provided that the principal structure including the garage is at least five feet from the rear lot line and all other setback requirements are met. The garage door or combination of garage doors shall not exceed 18 feet. Accessory structures or buildings on corner lots shall adhere to the following regulations:

When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten feet.

When a rear yard abuts a side yard, the required exterior side yard setback shall be as follows:

Distance from Rear Lot Line to Structure	Setback Required
0 to 5 feet	No structures permitted
5—35 feet	25 feet
Greater than 35 feet	10 feet

(Ord. No. O-7-13, § 1, 12-16-2013)

### Sec. 138-61. - Restrictions.

Trailer-mounted accessory buildings and structures are prohibited.

No accessory building shall be used as a dwelling unit or used as a storage facility for a nonresidential purpose (see [section 138-32](#), Home Occupations).

(Ord. No. O-7-13, § 1, 12-16-2013)

### Sec. 138-62. - Interpretation.

Any accessory building or structure not defined in this division shall be subject to the approval of the zoning board of appeals.

(Ord. No. O-7-13, § 1, 12-16-2013)

### Sec. 138-63. - Certificates and permits required.

- (a) The construction, erection, installation or placement of accessory buildings or structures shall be in accordance with the requirements of the building code and the electrical code.
- (b) Dog runs do not require a building permit but construction will require a fence certificate.

(Ord. No. O-7-13, § 1, 12-16-2013)

**City of Berkley**  
3338 Coolidge Highway, Berkley, MI 48072



"We Care"

Building Department  
248-546-2410  
Fax 248-546-2428

June 7, 2005

Adam Allen  
2324 Kipling  
Berkley MI 48072

RE: Case #BA-05-05

Dear Mr. Allen,

This letter confirms that at the March 14, 2005 meeting of the City of Berkley Zoning Board of Appeals your request was approved as follows:

It was moved by Ms. Rogers to approve BA-05-05, the practical difficulty being the configuration of the lot, and that a conforming location is not possible because of building code constraints. The approval is subject to the following conditions: the garage be setback 5 feet from the side property line; the garage face Kipling; the existing detached garage, driveway, and approach be removed; and the curb along Oxford be restored.

Supported by Mr. Butts

Ayes: Cutler, Morris, Butts, Noble, Bailey, Rogers

Nays: None

Absent: Keller

Motion Carried

Per Section 138-46 of Chapter 138, the Berkley Zoning Ordinance, the decision of the Board shall become final five (5) days from the above meeting date.

**Your approval is valid for a period of twelve (12) months from the date of the Zoning Board of Appeals decision.** If the approval is not acted upon within this twelve (12) month period through the issuance of a building permit or certificate of occupancy, or the construction or alteration of the structure in question, or the commencement of the approved use within the twelve (12) month period, then the approval will expire.

If an approval expires, an applicant must re-apply for a zoning variance under the procedures for a new approval.

Mr. Allen, should you have any question or concerns regarding the above information, please contact my office at 546-2410.

Sincerely,

AMY VANSEN  
CITY PLANNER

AV/rdh

pc: file

## MEMORANDUM

TO: City of Berkley Zoning Board of Appeals

FROM: Amy M. Vansen, AICP  
City Planner

DATE: March 8, 2005

RE: **Report for CASE BA-05-05**

---

APPLICANT: Adam Allen

LOCATION: 2324 Kipling, northeast corner of Kipling and Oxford

REQUEST: The applicant is requesting a variance in order to construct an attached garage that will be two feet from the side property line when 25 foot is required.

REQUIRED: Berkley City Code, Chapter 138 Zoning, Division 12. Schedule of Regulations, Section 138-526, and Section 138-527 Notes to schedule of regulations, (c) Exterior side yards on corner lots: When a rear yard abuts a side yard, the exterior side yard setback shall not be less than 25 feet.

EXISTING ZONING/LAND USE: Single Family Residential District (R-1D) / Improved with a single family home and detached garage

SURROUNDING ZONING:

NORTH Single Family Residential District (R-1D)  
SOUTH Single Family Residential District (R-1D)  
EAST Single Family Residential District (R-1D)  
WEST Single Family Residential District (R-1D)

### DISCUSSION:

- *The code is unreasonably burdensome.*

The applicant is seeking a variance to build an attached garage 2 feet from the side property line when 25 feet is required. The applicant has an existing detached garage that is 4 feet from the side property line, so it is also nonconforming. The applicant intends to tear down the detached garage if a variance to build the attached garage is granted.

The proposed attached garage would be 28.4 feet by 24.4 feet. A small two car garage would be 20 feet by 20 feet.

The applicant cannot locate the attached garage on the north side of the house because there are bedrooms adjacent. Building code prohibits the garage being next to bedrooms. It is not possible to build an attached garage that complies with code.

The applicant could build a 20.6 foot wide detached two car garage that complies with all setback requirements.

- *The variance would do justice to the applicant and the neighborhood.*

Single family homes are required to have 2 off-street parking spaces. The applicant's garage currently fulfills that requirement. If the garage were built according to Code, with a 25 foot setback, the applicant would have 4 off-street parking spaces.

Building the garage as proposed would leave more space between it and the neighboring house. If the garage were built in a conforming location, it would be right next to the neighbor's house.

- *The property is unique.*

The required 25 foot setback is unique among corner lots. Most corner lots need only comply with a 10 foot setback requirement. The purpose of the 25 foot setback is so that all structures are neatly lined up along a street. While the 25 feet seems somewhat excessive, it does fulfill something that most Berkley homes need: extra off-street parking.

- *The problem is not self-created.*

While the applicant has alternatives, it isn't clear that those alternatives would benefit the neighborhood or the applicant.

## **FINDINGS**

A practical difficulty has been proven.

1. A conforming garage would be much closer to the neighbor's house than the one proposed.
2. An attached garage must be located on the south side of the house.
3. The 25 foot setback is unique among corner lots.

## **RECOMMENDATION**

Administration recommends that the request for a variance be approved with the following conditions:

- The attached garage be 20.4 feet wide and be no closer than 10 feet to the side lot line.
- The garage face Kipling.
- The existing detached garage be torn down, the concrete drive and approach be removed, and the curb restored.

25-18-429-004

or navigate to and click on the property of interest

**2324 KIPLING AVE**  
PIN: 25-18-429-004  
CITY OF BERKELEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

▪ [DFIRM Disclaimer](#)

▪ [DFIRM Overview](#)

[Print the Map!](#)



MORTGAGE SURVEY

Certified to: AMERICAN HOME MORTGAGE

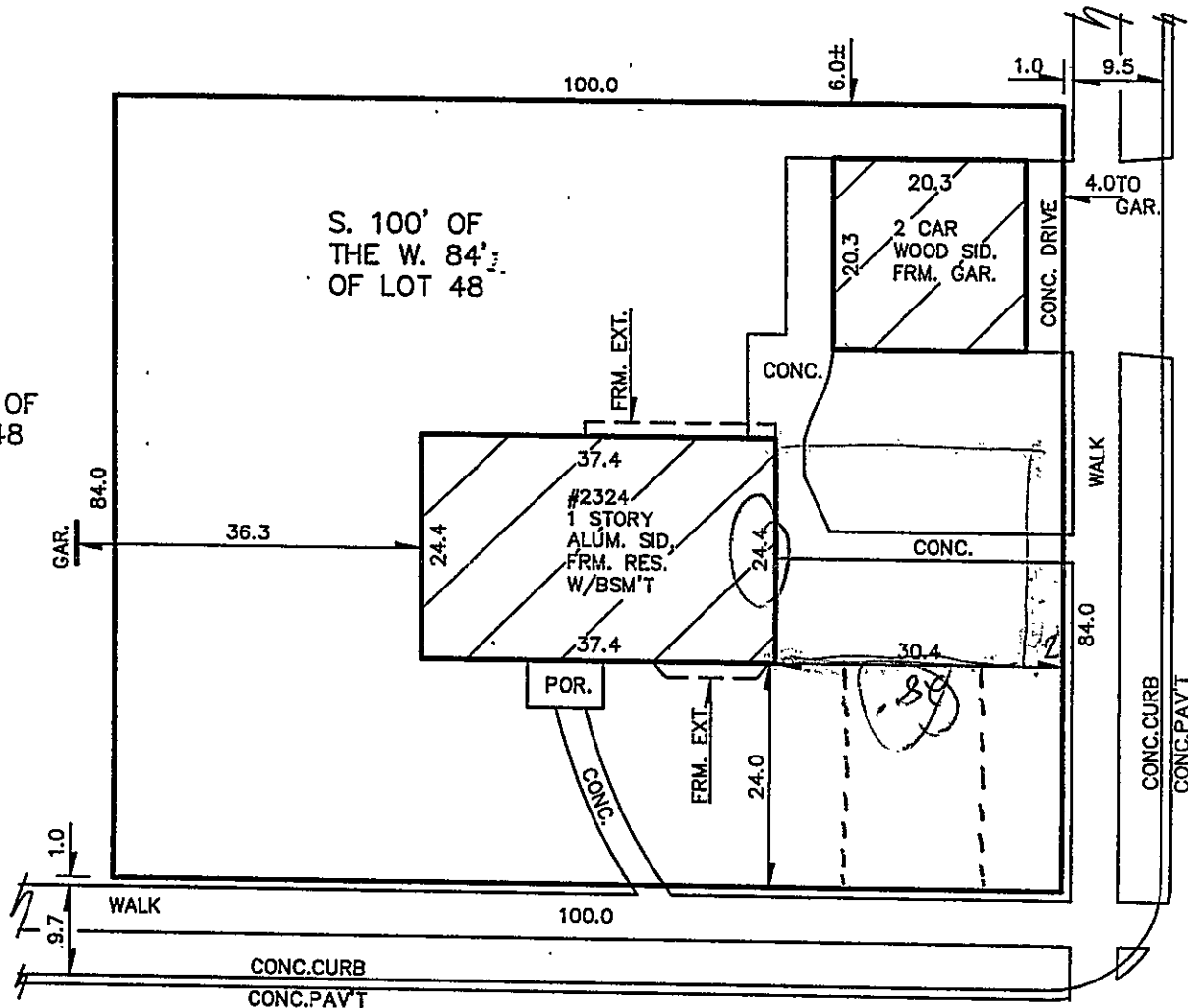
Applicant: ADAM JOHN ALLEN, SR.

Property Description:

The South 100 feet of the West 84 feet of Lot 48; DENLER ACRES, a subdivision of part of the S.E. 1/4 of Sec. 18, T.1 N., R.11 E., City of Berkley, Oakland County, Michigan, as recorded in Liber 15 of Plats, Page 35 of Oakland County Records.



REM. OF LOT 48



S. 100' OF THE W. 84' OF LOT 48

REM. OF LOT 48

OXFORD RD. 50' WD.

KIPLING RD. 50' WD.



25-18-429-004

or navigate to and click on the property of interest

**2324 KIPLING AVE**  
PIN: 25-18-429-004  
CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#)

Plat map & property dimensions

\$4.00

[Residential Property Profile](#)

Property profile of a specific parcel

\$0

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

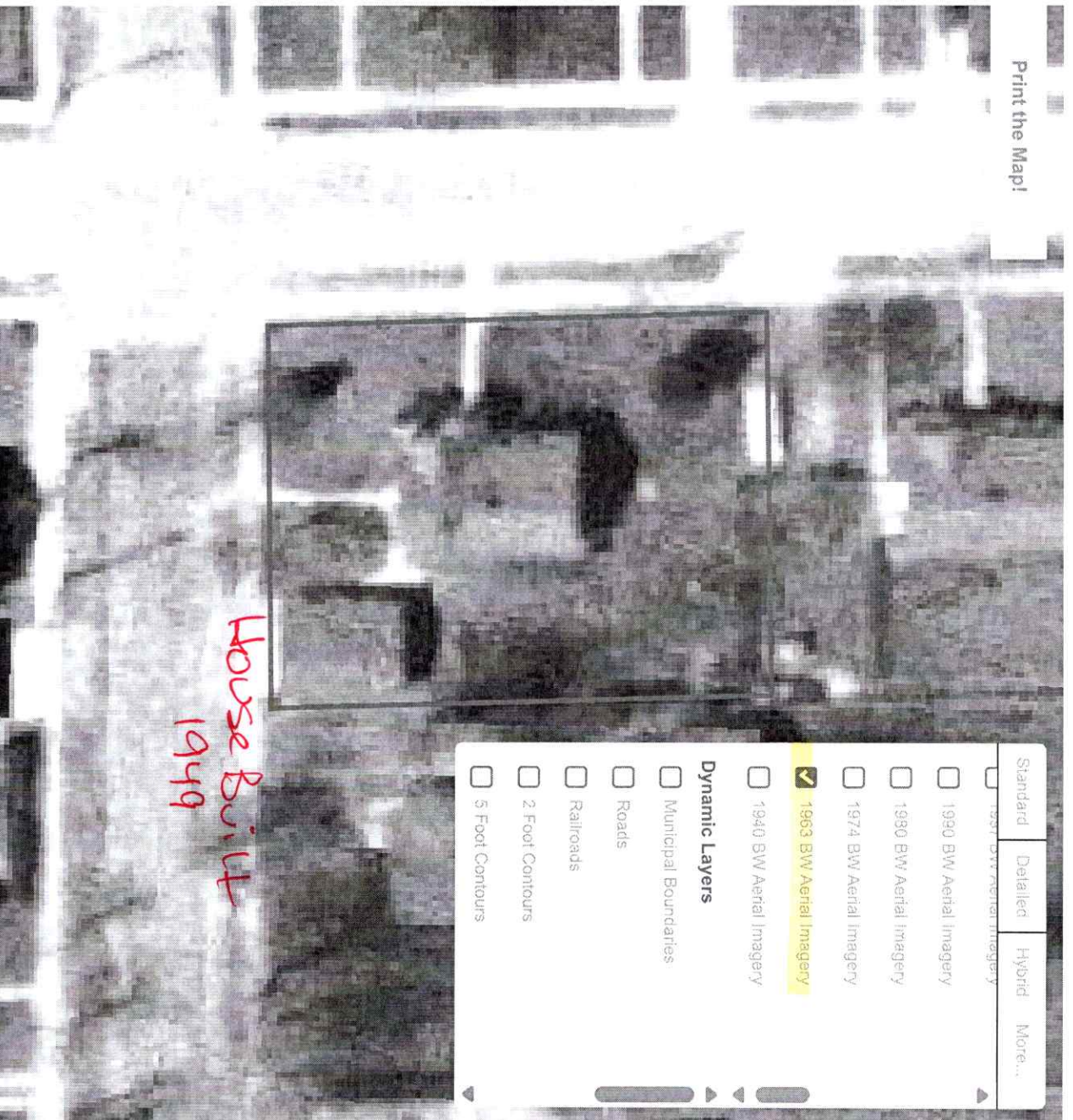
Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

▪ [DFIRM Disclaimer](#)

▪ [DFIRM Overview](#)

[Print the Map!](#)



25-18-429-004

or navigate to and click on the property of interest

**2324 KIPLING AVE**  
PIN: 25-18-429-004  
CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

- [DFIRM Disclaimer](#)
- [DFIRM Overview](#)

[Print the Map!](#)



**A Resolution**  
**of the Appeal Board of the City of Berkley, Michigan**  
**regarding Application Number BA-07-11**

**WHEREAS**, the applicant, Robert Coburn, 3511 Catalpa, southwest corner of Catalpa and Royal, is seeking a variance in order to construct a garage that will be 18.5 ft from the Royal (exterior side yard) lot line when 25 feet is required.; and

**WHEREAS**, Berkley City Code, Chapter 138, Zoning, Article III, General Provisions, Division 1. Accessory Buildings and Structures, Section 138-61. Corner lots... Accessory structures or buildings on corner lots shall adhere to the same side yard setback as required of principal structures. Division 17. Schedule of regulations, Section 138-527. Notes to schedule of regulations, (c) Exterior side yards on corner lots: when a rear yard abuts a side yard, the exterior side yard setback shall not be less than 25 feet.; and

**WHEREAS**, after a public hearing was held before the City of Berkley Zoning Board of Appeals at their regular meeting on December 12, 2011 and the decision of this Board became effective five (5) days after this date.

**NOW, THEREFORE, THE CITY OF BERKLEY ZONING BOARD OF APPEALS RESOLVES:**

It was moved by Ms Rogers to approve BA-07-11 citing that a practical difficulty exists because there is no other way to conform to city codes; there is benefit to the neighborhood in building a garage; it is the minimum variance needed; and the situation is not self-created.


Supported by Mr Smith

Ayes: Rogers, Smith, Kerby, Massad, Bailey

Nays: None

Absent: Butts, Morris

Motion Carried

  
Linda Bailey, Chairperson } 9 Jul 2012

Attest:

  
\_\_\_\_\_  
Amy Vansen, City Planner

**City of Berkley**  
3338 Coolidge Highway, Berkley, MI 48072



Building Department  
248-658-3320  
Fax 248-658-3301

May 16, 2012

Robert Coburn  
520 Wellesley  
Royal Oak MI 48067

RE: Case #BA-07-11

Dear Mr. Coburn

This letter confirms that at the December 12, 2011 meeting of the City of Berkley Zoning Board of Appeals your request was approved as follows:

It was moved by Ms Rogers to approve BA-07-11 citing that a practical difficulty exists because there is no other way to conform to city codes; there is benefit to the neighborhood in building a garage; it is the minimum variance needed; and the situation is not self-created.

Supported by Mr Smith

Ayes: Rogers, Smith, Kerby, Massad, Bailey

Nays: None

Absent: Butts, Morris

Motion Carried

Per Section 138-46 of Chapter 138, the Berkley Zoning Ordinance, the decision of the Board shall become final five (5) days from the above meeting date.

**Your approval is valid for a period of twelve (12) months from the date of the Zoning Board of Appeals decision.** If the approval is not acted upon within this twelve (12) month period through the issuance of a building permit or certificate of occupancy, or the construction or alteration of the structure in question, or the commencement of the approved use within the twelve (12) month period, then the approval will expire.

If an approval expires, an applicant must re-apply for a zoning variance under the procedures for a new approval.

Mr. Coburn, should you have any question or concerns regarding the above information, please contact my office at 248.658.3320.

Sincerely,

AMY VANSEN  
CITY PLANNER

AV/rdh

pc: file

**MEMORANDUM**

TO: City of Berkley Zoning Board of Appeals  
FROM: Amy M. Vansen, AICP  
City Planner  
DATE: December 5, 2011  
RE: **Report for CASE BA-01-11**

---

APPLICANT: Robert Coburn

LOCATION: 3511 Catalpa, southwest corner of Catalpa and Royal

REQUEST: The applicant is seeking a variance in order to construct a garage that will be 18.5 ft from the Royal (exterior side yard) lot line when 25 ft is required.

REQUIRED: *Berkley City Code, Chapter 138, Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures, Section 138-61. Corner lots ... Accessory structures or buildings on corner lots shall adhere to the same side yard setback as required of principal structures. Division 17 Schedule of regulations, Section 138-527. Notes to schedule of regulations (c) Exterior side yards on corner lots: when a rear yard abuts a side yard, the exterior side yard setback shall not be less than 25 feet.*

EXISTING ZONING / LAND USE: Single Family Residential District (R-1D) / Improved with a single family home

SURROUNDING ZONING / LAND USE:

NORTH	Single Family Residential District (R-1D) / Improved with a single family home
SOUTH	Single Family Residential District (R-1D) / Improved with a single family home
EAST	Single Family Residential District (R-1D) / Improved with a single family home
WEST	Single Family Residential District (R-1D) / Improved with a single family home

**DISCUSSION:**

- *The need for the variance is due to unique circumstances or physical conditions of the property.*

The applicant's property is 40 feet wide. A standard parking space is 9 feet wide by 20 feet long. Berkley City Code requires this type of corner lot to have a 25 foot exterior side yard setback. The interior side yard setback can be as narrow as 18 inches depending upon the garage being fireproofed.

- *The need for the variance is not the result of actions of the property owner or previous property owners.*

There is simply no way for a standard parking space, which is 20 feet long, to fit onto this property with the required setbacks. 40 foot wide lot minus a 25 foot setback equals 15 feet left for the interior side yard setback and the garage. 40 foot wide lot minus a 20 foot long garage equals 20 feet left for both side yard setbacks.

- *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.*

While Berkley City Code is not written to allow every property owner to have a three car garage, it is written to provide most property owners the benefit of having a garage (single or two car) on a lot.

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

The applicant is seeking a variance to build a small two car garage (20 feet by 20 feet). A single or two car garage would make no difference in this case, as the issue is the depth of the garage. Berkley City Code requires that each residential lot have two off-street parking spaces. If a single car garage were built, a parking pad next to the garage would be required.

The applicant is proposing the minimum interior side yard of 18 inches. This will provide the maximum exterior side yard setback of 18 ½ feet. With the exception of the exterior side yard, all setback requirements have been met.

- *The requested variance will not adversely impact the surrounding properties.*

The applicant is proposing the minimum size garage in a location where it should have the minimum impact. While the applicant could build a parking pad for his two required parking spaces, there would then be an issue with storage of lawn equipment and yard maintenance equipment.

## **FINDINGS**

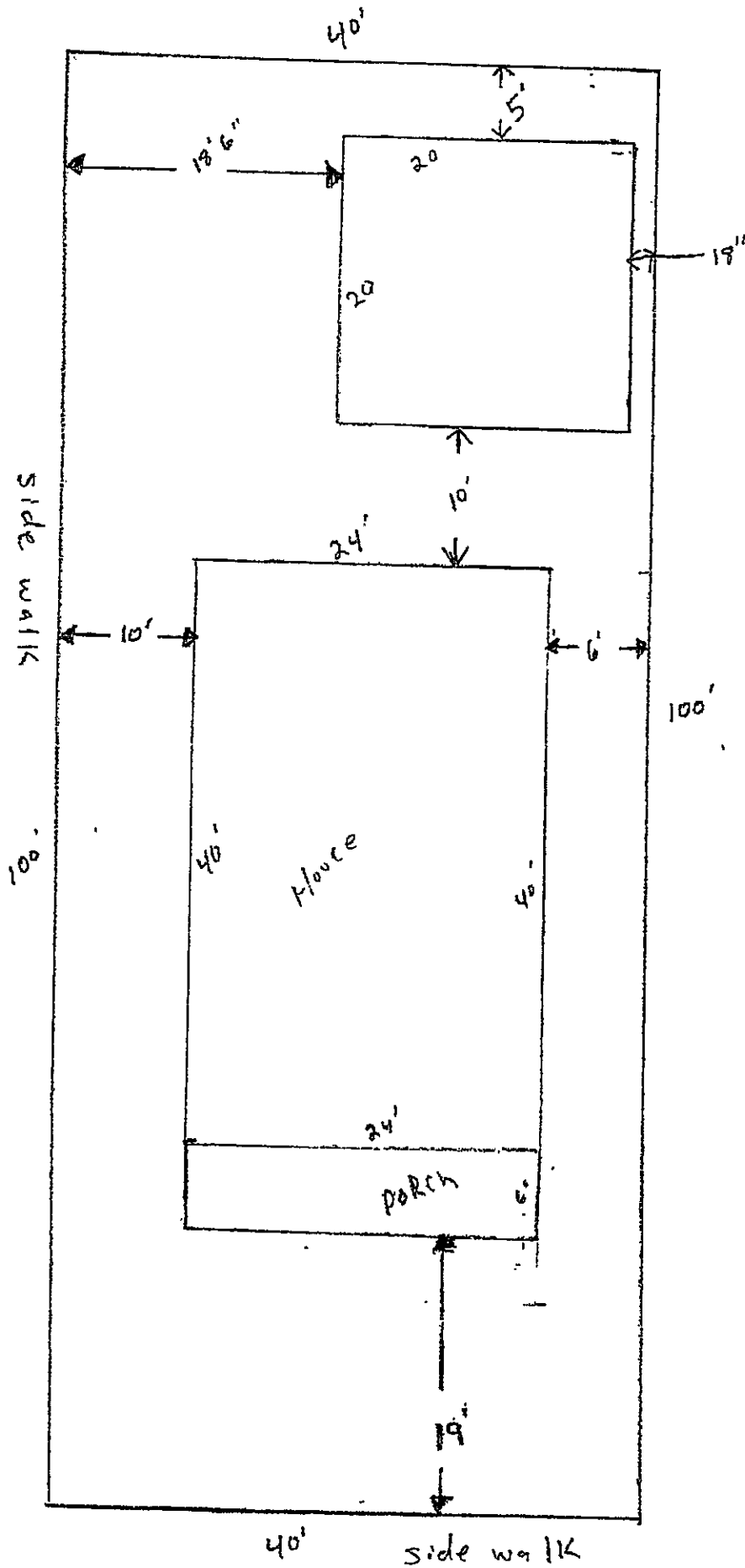
A practical difficulty has been proven.

1. Given the size of a car and the required parking space size, there is no way to fit a garage on the property within the required setbacks.
2. The proposed garage is set in a location where it will be the least obtrusive.
3. It would be a benefit to the neighborhood to have a garage rather than a parking pad installed at this location.
4. The proposed garage is the smallest size to provide the required two parking spaces.

## **RECOMMENDATION**

Based upon the findings, Administration recommends that the request for a variance be granted.

10/31/11  
 3511 CATALPA  
 Site Plan



25-18-328-006

or navigate to and click on the property of interest

**3511 CATALPA DR**  
PIN: 25-18-328-006  
CITY OF BERKLEY

**Available Reports:**

Map Atlas

Plat map & property dimensions

\$4.00

Residential Property Profile

Property profile of a specific parcel

\$0

**Also Available at this Location:**

Display Property Photo

Display Property Sketch

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

Display FEMA - DFIRM Map

▪ DFIRM Disclaimer

▪ DFIRM Overview

[Print the Map!](#)



25-18-328-006

or navigate to and click on the property of interest

**3511 CATALPA DR**  
PIN: 25-18-328-006  
CITY OF BERKLEY

**Available Reports:**

Map Atlas

Plat map & property dimensions

\$4.00

Residential Property Profile

Property profile of a specific parcel

\$0

**Also Available at this Location:**

Display Property Photo

Display Property Sketch

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

Display FEMA - DFIRM Map

- [DFIRM Disclaimer](#)
- [DFIRM Overview](#)

[Print the Map!](#)



A Resolution

of the Appeal Board of the City of Berkley, Michigan  
regarding Application Number BA-15-00

**WHEREAS**, the applicant, Edward Quisenberry, 1885 Cass, southwest corner of Columbia and Cass, is requesting a variance in order to build a garage that is 16 feet from the side lot line when a 25 foot setback is required.;and

**WHEREAS**, Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Building and Structures, Section 138-61 Corner Lots. Accessory structures or building on corner lots shall adhere to the same side yard setbacks as required of principal structures.

Chapter 138 Zoning, Article V District Regulations, Division 12 Schedule of Regulations, Section 138-527 Notes to the Schedule of Regulations, (a) Exterior side yards on corner lots: When a rear yard abuts a side yard, the exterior side yard setback shall not be less than 25 feet.;and

**WHEREAS**, after a public hearing was held before the City of Berkley Zoning Board of Appeals at their regular meeting on June 12, 2000 and the decision of this Board became effective five (5) days after this date.

**NOW, THEREFORE, THE CITY OF BERKLEY ZONING BOARD OF APPEALS RESOLVES:**

It was moved by Mr. Noble to approve BA-15-00, the practical difficulty being the lot size.

Supported by Mr. Butts

Ayes: Butts, Noble, Stemzynski

Nays: Bailey, Rogers

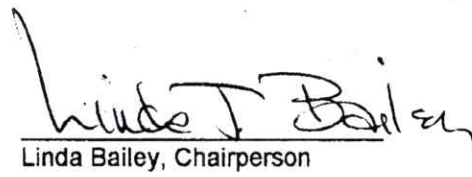
Motion Failed

It was move by Mr. Butts to approve an 18-foot setback for the 20-foot garage, the practical difficulty being the lot size.

Supported by Ms. Rogers

Unanimously approved

Motion Carried

  
Linda Bailey, Chairperson

Attest:

  
Amy Vansen, City Planner

A Resolution

of the Appeal Board of the City of Berkley, Michigan  
regarding Application Number BA-22-99

**WHEREAS**, the applicant, Italy American Construction for Pat Thomas, 2017 Cass, northwest corner of Cass and Cambridge, is requesting a variance in order to construct a garage 3.9 feet from the rear property line when a 5-foot setback is required. ; and

**WHEREAS**, Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures, Section 138-56 Setback. No detached accessory building or structure shall be located closer than 3 feet to any side lot line and no closer than 5 feet to any rear lot line. ; and

**WHEREAS**, after a public hearing was held before the City of Berkley Zoning Board of Appeals at their regular meeting on July 12, 1999 and the decision of this Board became effective five (5) days after this date.


**NOW, THEREFORE, THE CITY OF BERKLEY ZONING BOARD OF APPEALS RESOLVES:**

It was moved by Mr. Kroll to approve BA-22-99, the practical difficulty being the existing non-conformity.

Supported by Ms. Rogers

Unanimously approved

Motion Carried

  
Linda Bailey, Chairperson

Attest:

  
Amy Vansen, Planning Consultant

5. **Application Number BA-21-99.** Scott Sciatto, 2678 Griffith, east side of Griffith, between Catalpa and Wiltshire, is requesting a variance of the Berkley City Code, Chapter 138 Zoning, Article V District Regulations. Division 12 Schedule of Regulations, Section 138-526 Schedule of Regulations. In the R-1D District, one side yard setback shall be at least 5 feet; and the Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 5 Nonconforming uses and structures. Section 138-154 Requirements for Nonconforming Structures. (1) A building may be added or enlarged if such addition conforms to the regulations of the applicable zoning district. Such addition or enlargement shall be treated as a separate building in determining conformity to all requirements of this chapter. The applicant is requesting a variance in order to expand a second story addition. The second story addition was constructed without the proper permits. The applicant is requesting a variance in order to expand the second story upward by approximately 3 feet. The existing house is nonconforming in that it sits 4.4 feet from the side lot line when 5 feet is required. The addition is 3.7 feet from the side lot line.

---

Both Mr. and Mrs. Jones and Scott Sciatto were present. Mr. Jones indicated that he bought the house in 1976 with the addition, and they desire to increase the living space and bring the entire addition up to current codes. The addition would permit the roof to be pitched rather than flat. The foot print is not being increased.

**It was moved by Ms. Zebzda to approve BA-21-99, the practical difficulty being this will allow for the addition to be built properly and permitting this addition to be as-is would be detrimental to the neighborhood.**

**Supported by Mr. Kroll  
Unanimously approved  
Motion Carried**

\*\*\*\*\*

6. **Application Number BA-22-99.** Italy American Construction for Pat Thomas, 2017 Cass, northwest corner of Cass and Cambridge, is requesting a variance of the Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures. Section 138-56 Setback. No detached accessory building or structure shall be located closer than 3 feet to any side lot line and no closer than 5 feet to any rear lot line. The applicant is requesting a variance in order to construct a garage 3.9 feet from the rear property line when a 5-foot setback is required.

---

Keith Prill from Italy American Construction was present. Mr. Prill stated the applicant wishes to place the garage in the same location as the previous garage, reusing the rat walls, with the size of the garage remaining the same.

**It was moved by Mr. Kroll to approve BA-22-99, the practical difficulty being the existing non-conformity.**

**Supported by Ms. Rogers  
Unanimously approved  
Motion Carried**

MIRIAGE SURVEY

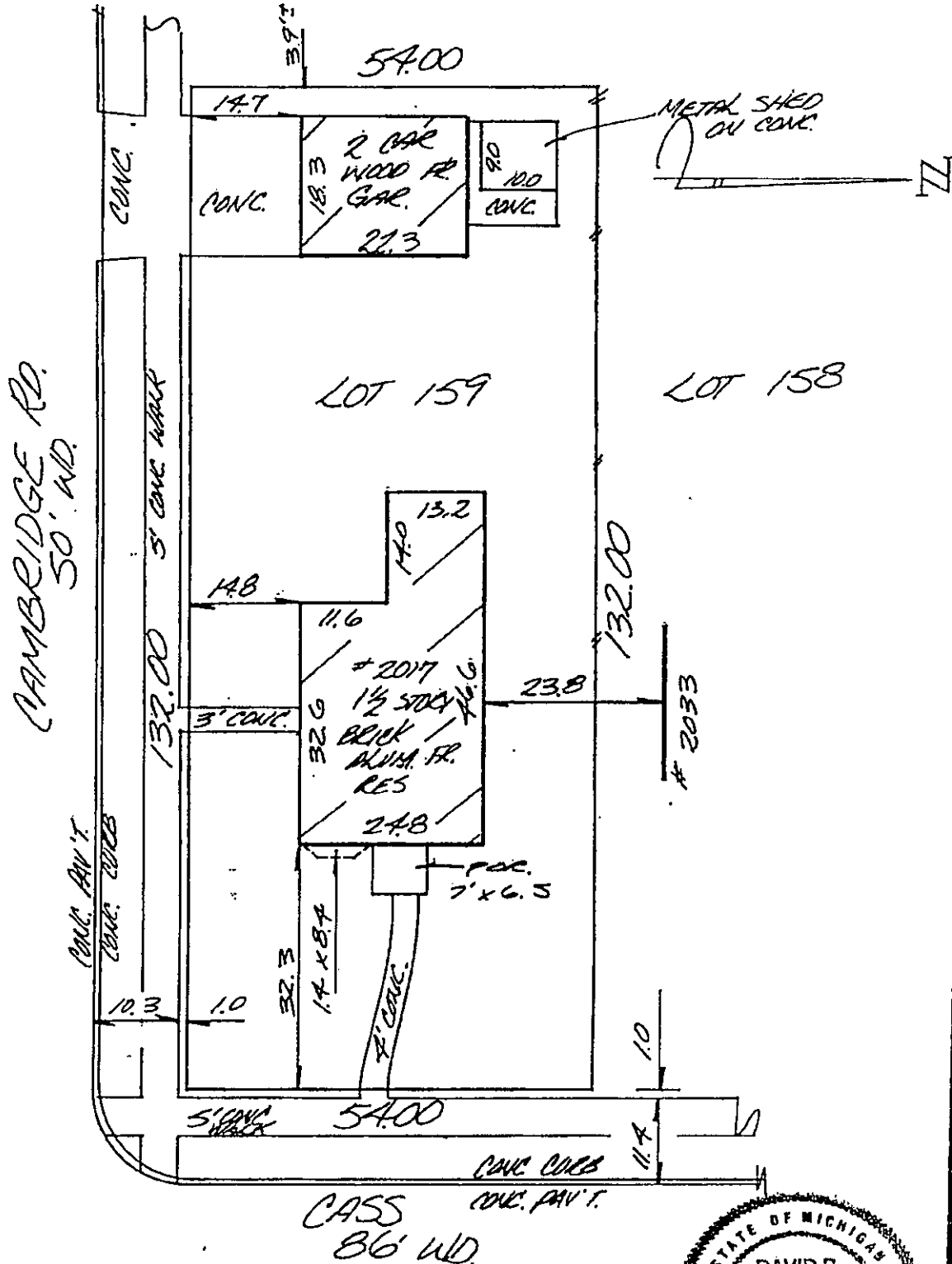
Certified to  
FIRST FEDERAL OF MICHIGAN  
1001 WOODWARD AVENUE  
DETROIT, MICHIGAN 48226  
LOAN NO. 1-416911-6



Applicant: PATRICIA THOMAS

Property Description:

Lot 159 "BENJAMIN F. MORTENSON'S PLEASANT GARDENS SUB.", of the S.W. 1/4 of the S.E. 1/4 of Section 17, T.1 N., R.11 E.; Royal Oak Twp. (now City of Berkley); Oakland County, Michigan, as recorded in Liber 14 of Plats, Page 30 of Oakland County Records.



25-17-453-025

or navigate to and click on the property of interest

**2017 CASS BLVD**  
PIN: 25-17-453-025  
CITY OF BERKLEY

**Available Reports:**

Map Atlas

Plat map & property dimensions

\$4.00

Residential Property Profile

Property profile of a specific parcel

\$0

**Also Available at this Location:**

Display Property Photo

Display Property Sketch

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

Display FEMA - DFIRM Map

- [DFIRM Disclaimer](#)
- [DFIRM Overview](#)

[Print the Map!](#)



25-17-453-025

or navigate to and click on the property of interest

**2017 CASS BLVD**  
PIN: 25-17-453-025  
CITY OF BERKLEY

**Available Reports:**

[Map Atlas](#) \$4.00

Plat map & property dimensions

[Residential Property Profile](#) \$0

Property profile of a specific parcel

**Also Available at this Location:**

[Display Property Photo](#)

[Display Property Sketch](#)

Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[Display FEMA - DFIRM Map](#)

▪ [DFIRM Disclaimer](#)

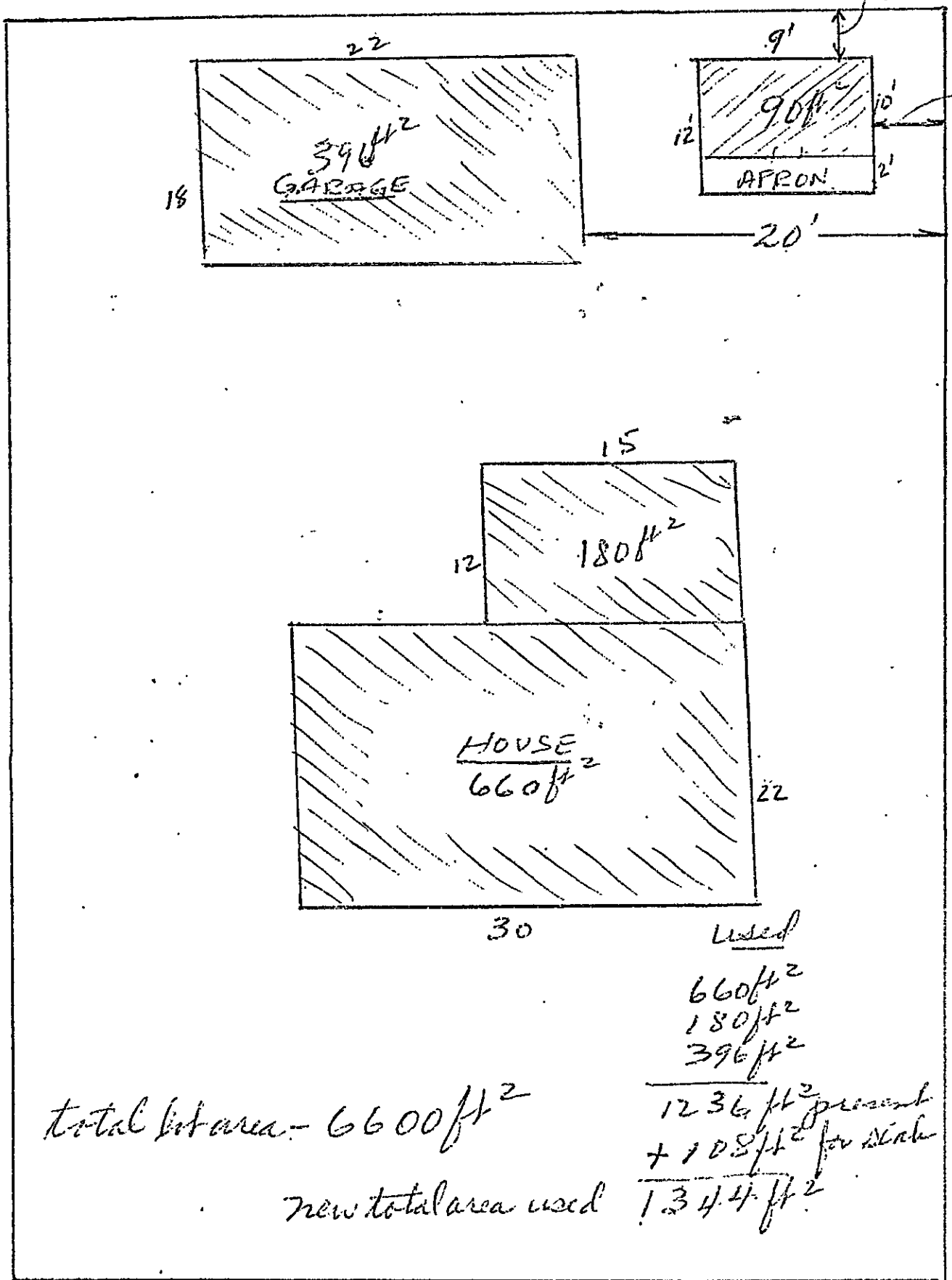
▪ [DFIRM Overview](#)

[Print the Map!](#)



E. MAREH  
 2017 CASS BLVD.  
 BERKLEY, MICH.

55'



CASS BLVD

120'

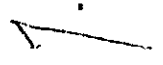
total lot area - 6600 ft<sup>2</sup>

new total area used

Used  
 660 ft<sup>2</sup>  
 180 ft<sup>2</sup>  
 396 ft<sup>2</sup>  
 -----  
 1236 ft<sup>2</sup> present  
 + 108 ft<sup>2</sup> for slab  
 -----  
 1344 ft<sup>2</sup>

C.A.S.S

N 1



A Resolution

of the Appeal Board of the City of Berkley, Michigan  
regarding Application Number BA-31-99

**WHEREAS**, the applicant, Timothy Murad, 1510 Dorothea, northwest corner of Dorothea and Cass, is requesting a variance in order to construct a garage 4 feet from the rear lot line when 5 feet is required and 22 feet from the exterior side lot line when 25 feet is required. After denying the request, the ZBA will be reconsidering the application. ;and

**WHEREAS**, Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Buildings and Structures, Section 138-56 Setback. No detached accessory building or structure shall be located closer than 3 feet to any side lot line and no closer than 5 feet to any rear lot line.

Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Building and Structures, Section 138-61 Corner Lots. Accessory structures or building on corner lots shall adhere to the same side yard setbacks as required of principal structures.

Chapter 138 Zoning, Article V District Regulations, Division 12 Schedule of Regulations, Section 138-527 Notes to the Schedule of Regulations, (a) Exterior side yards on corner lots: When a rear yard abuts a side yard, the exterior side yard setback shall not be less than 25 feet. ;and

**WHEREAS**, after a public hearing was held before the City of Berkley Zoning Board of Appeals at their regular meeting on December 13, 1999 and the decision of this Board became effective five (5) days after this date.

**NOW, THEREFORE, THE CITY OF BERKLEY ZONING BOARD OF APPEALS RESOLVES:**

It was move by Mr. Noble to approve BA-31-99, the practical difficulty being there is no other way to build a 22' x 28' garage.

Supported by Mr. Butts

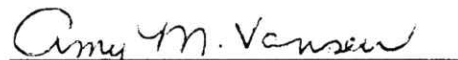
Ayes: Butts, Kroll, Noble, Rogers, Stemzynski

Nays: Bailey

Motion Carried

  
Linda Bailey, Chairperson

Attest:

  
Amy Vansen, City Planner

THE CITY OF BERKLEY  
Community Development 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 08, 2026 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-04-26**

Alexander Paul Murrell, 3489 Catalpa Dr, Parcel # 04-25-18-329-001, South side of Catalpa Dr., between Royal Ave., and Buckingham Ave., is requesting an interpretation of the Zoning Ordinance Section 5.09.E.2.i

**Berkley City Code**

*Berkley City Code*, Chapter 138 *Zoning*, Article 5 Use-Based Districts, Section 5.09.E.2.i  
When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception: i. When the distance from the rear lot line to the principal structure is greater than thirty-five feet, the minimum setback is reduced to ten feet.

Complete application information is available for review at [www.berkleymi.gov/community-development/development-projects](http://www.berkleymi.gov/community-development/development-projects).

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 submitted to the Berkley Community Development Department or email to [planning@berkleymi.gov](mailto:planning@berkleymi.gov) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**  
Oakland Press  
Friday, May 22, 2026

THE CITY OF BERKLEY  
Community Development 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 08, 2026 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-04-26**

Alexander Paul Murrell, 3489 Catalpa Dr, Parcel # 04-25-18-329-001, South side of Catalpa Dr., between Royal Ave., and Buckingham Ave., is requesting an interpretation of the Zoning Ordinance Section 5.09.E.2.i

**Berkley City Code**

*Berkley City Code*, Chapter 138 *Zoning*, Article 5 Use-Based Districts, Section 5.09.E.2.i  
When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception: i. When the distance from the rear lot line to the principal structure is greater than thirty-five feet, the minimum setback is reduced to ten feet.

Complete application information is available for review at [www.berkleymi.gov/community-development/development-projects](http://www.berkleymi.gov/community-development/development-projects).

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 submitted to the Berkley Community Development Department or email to [planning@berkleymi.gov](mailto:planning@berkleymi.gov) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

LAURA ANN STROHKIRCH  
2519 BUCKINGHAM AVE  
BERKLEY MI 48072 1270

JONATHAN ROMINSKI  
BREE BARBER  
2480 BUCKINGHAM AVE  
BERKLEY MI 48072 1267

MATTHEW L BRICKNER  
2428 ROYAL AVE  
BERKLEY MI 48072 4016

JENNA C MIKKELSEN  
2657 ROYAL AVE  
BERKLEY MI 48072 1327

RICHARD RZECZKOWSKI  
LORI RZECZKOWSKI  
2482 ROYAL AVE  
BERKLEY MI 48072 4016

MEGAN HAWTHORNE  
2435 ROYAL AVE  
BERKLEY MI 48072 4018

KATHLEEN R KLECKNER  
2410 ROYAL AVE  
BERKLEY MI 48072 4016

ADAM KHAN JADUN  
KATHERINE KINDINGER JADUN  
2519 ROYAL AVE  
BERKLEY MI 48072 4019

SHANNON KUBENEZ  
2445 ROYAL AVE  
BERKLEY MI 48072 4018

JEFFREY AUGENSTEIN  
COLLEEN MILLIGAN  
2667 BUCKINGHAM AVE  
BERKLEY MI 48072 1315

FRANK JOSEPH NAZIONE  
SHARRON P GRABOWSKI  
2481 BUCKINGHAM AVE  
BERKLEY MI 48072 1269

AMIE MOMMERSTEEG  
2667 ROYAL AVE  
BERKLEY MI 48072 1327

Occupant  
2647 BUCKINGHAM AVE  
BERKLEY MI 48072 1315

JASON BENNETT  
2463 BUCKINGHAM AVE  
BERKLEY MI 48072 1269

MARNI MILLARD  
2657 BUCKINGHAM AVE  
BERKLEY MI 48072 1315

COLLEEN A ARMSTRONG  
1216 BRADLEY DR  
TROY MI 48085 4972

SEAN PHANEUF  
ELIZABETH ENGLAND  
2520 OAKSHIRE AVE  
BERKLEY MI 48072 1292

LAUREN CHANEY  
2654 ROYAL AVE  
BERKLEY MI 48072 1328

JAMES CARAMAGNO  
VERONICA CARAMAGNO  
2520 ROYAL AVE  
BERKLEY MI 48072 4017

ALEXANDER BENDANA  
2482 OAKSHIRE AVE  
BERKLEY MI 48072 1291

JOSHUA J SWANINGER  
KENDRA R JACOBS  
2638 OAKSHIRE AVE  
BERKLEY MI 48072 1322

SCOTT MOORE  
2481 ROYAL AVE  
BERKLEY MI 48072 4018

CHRISTOPHER P JONES  
2446 ROYAL AVE  
BERKLEY MI 48072 4016

PETER DONOVAN  
2644 ROYAL AVE  
BERKLEY MI 48072 1328

JAMES PALMER  
KELSEY PALMER  
2464 ROYAL AVE  
BERKLEY MI 48072 4016

JAMES D MEEK  
BRENDA J MEEK  
2445 BUCKINGHAM AVE  
BERKLEY MI 48072 1269

SAMANTHA SINGER  
2628 OAKSHIRE AVE  
BERKLEY MI 48072 1322

DAVID CODEN  
2463 ROYAL AVE  
BERKLEY MI 48072 4018

SEAN E MOENING  
KRISTIN S MOEING  
2427 BUCKINGHAM AVE  
BERKLEY MI 48072 1269

GORDON T MAHRLE  
BRIDGET C MAHRLE  
2618 BUCKINGHAM AVE  
BERKLEY MI 48072 1316

NIKOLAY LIVSHIZ  
CRISTINA MCWETHY  
2648 OAKSHIRE AVE  
BERKLEY MI 48072 1322

MAURICIO ZAMORA MICHEL  
SAMANTHA ARSENAULT  
3429 CATALPA DR  
BERKLEY MI 48072 1247

DANIEL J TOOLE  
MELISSA S TOOLE  
2552 BUCKINGHAM AVE  
BERKLEY MI 48072 1268

JENNA R TOCCO  
2637 ROYAL AVE  
BERKLEY MI 48072 1327

HAYLEY MARTONE  
3385 CATALPA DR  
BERKLEY MI 48072 1250

COLLEEN JOHNSON  
2539 ROYAL AVE  
BERKLEY MI 48072 4019

TERESA D'ESPOSITO  
2628 ROYAL AVE  
BERKLEY MI 48072 1328

KELLY WELKER  
3511 CATALPA DR  
BERKLEY MI 48072 1248

JUSTIN WAGNER  
2540 OAKSHIRE AVE  
BERKLEY MI 48072 1292

MERVILLE DEGUZMAN  
CHRISTINA DEGUZMAN  
2617 BUCKINGHAM AVE  
BERKLEY MI 48072 1315

ALEXANDER WALKER  
3521 CATALPA DR  
BERKLEY MI 48072 1248

JESSICA DEN HOUTER  
MICHAEL MANGLITZ  
2540 ROYAL AVE  
BERKLEY MI 48072 4017

KRISTIN PRIEST  
2647 ROYAL AVE  
BERKLEY MI 48072 1327

LYSLE R SMITH  
3467 CATALPA DR  
BERKLEY MI 48072 1247

PAULA K ROBINSON  
3549 CATALPA DR  
BERKLEY MI 48072 1248

SERGE KRUK  
2658 OAKSHIRE AVE  
BERKLEY MI 48072 1322

JOSEPH M ELLIOTT  
3563 CATALPA DR  
BERKLEY MI 48072 1248

DAVID WATSON  
COURTNEY WATSON  
2446 OAKSHIRE AVE  
BERKLEY MI 48072

ALEXANDER P MURRELL  
3489 CATALPA DR  
BERKLEY MI 48072 1247

STEFANIE K NEUSER  
WAYNE J NEUSER  
2627 BUCKINGHAM AVE  
BERKLEY MI 48072 1315

ANDREW MARTIN  
SULE DOGAN  
2464 OAKSHIRE AVE  
BERKLEY MI 48072

AMBER D VANCIL  
LARA TANNIAN  
3535 CATALPA DR  
BERKLEY MI 48072 1248

AUSTIN J WIGENT  
2618 OAKSHIRE AVE  
BERKLEY MI 48072 1322

HEATHER L BATES  
KARL J BATES  
2627 ROYAL AVE  
BERKLEY MI 48072

ROSS M SCHWARZ  
FLORENCE H YATES  
3589 CATALPA DR  
BERKLEY MI 48072 1248

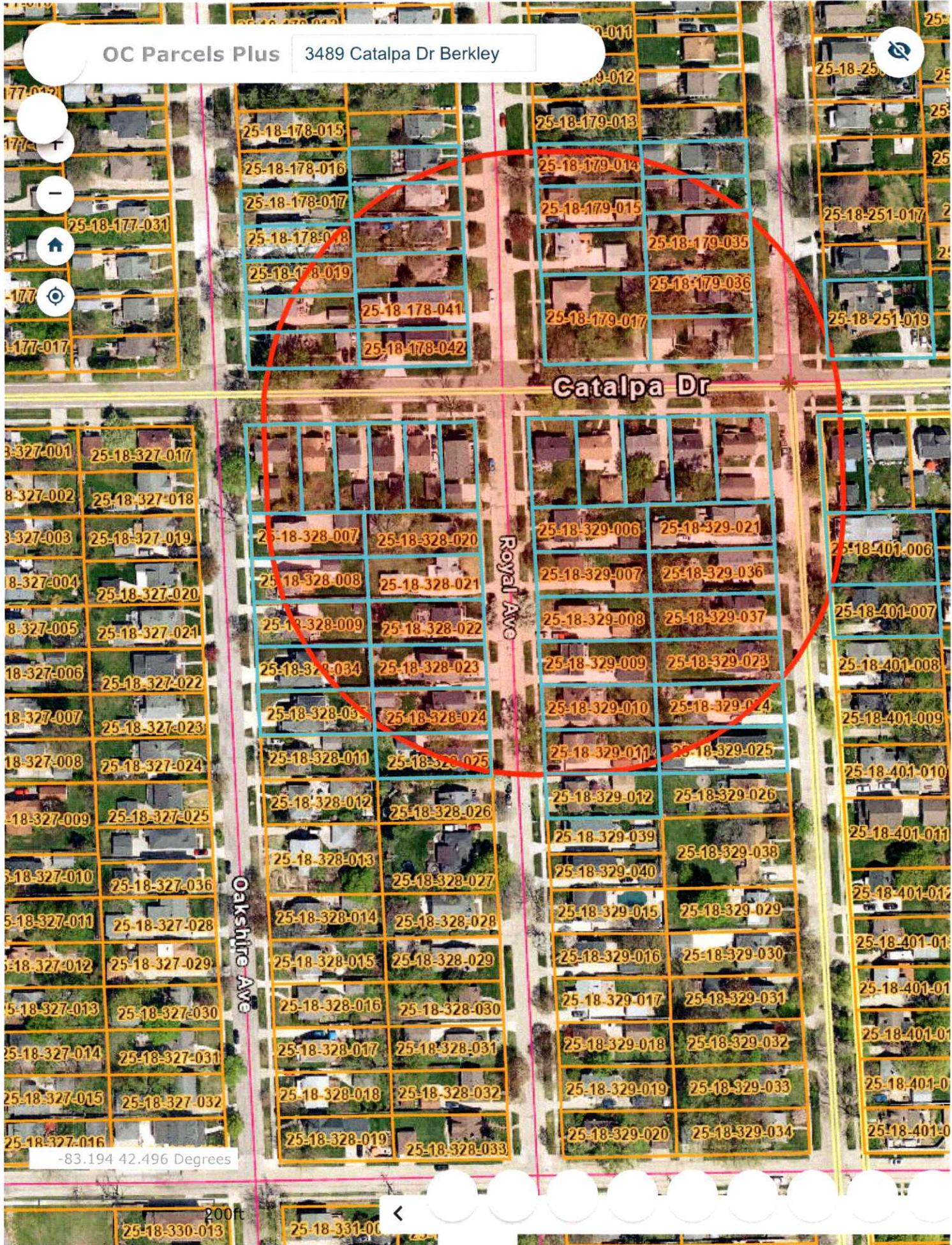
THOMAS SOBOLESKI  
3453 CATALPA DR  
BERKLEY MI 48072 1247

CLINT VERICKER  
IRINA MARKOVA  
2617 ROYAL AVE  
BERKLEY MI 48072 1327

DONALD WALKOWIAK  
3409 CATALPA DR  
BERKLEY MI 48072 1247

THE MYERS LIVING TRUST  
2543 BUCKINGHAM AVE  
BERKLEY MI 48072 1270

TY M SISCHO  
2688 ROYAL AVE  
BERKLEY MI 48072 1328



Catalpa Dr

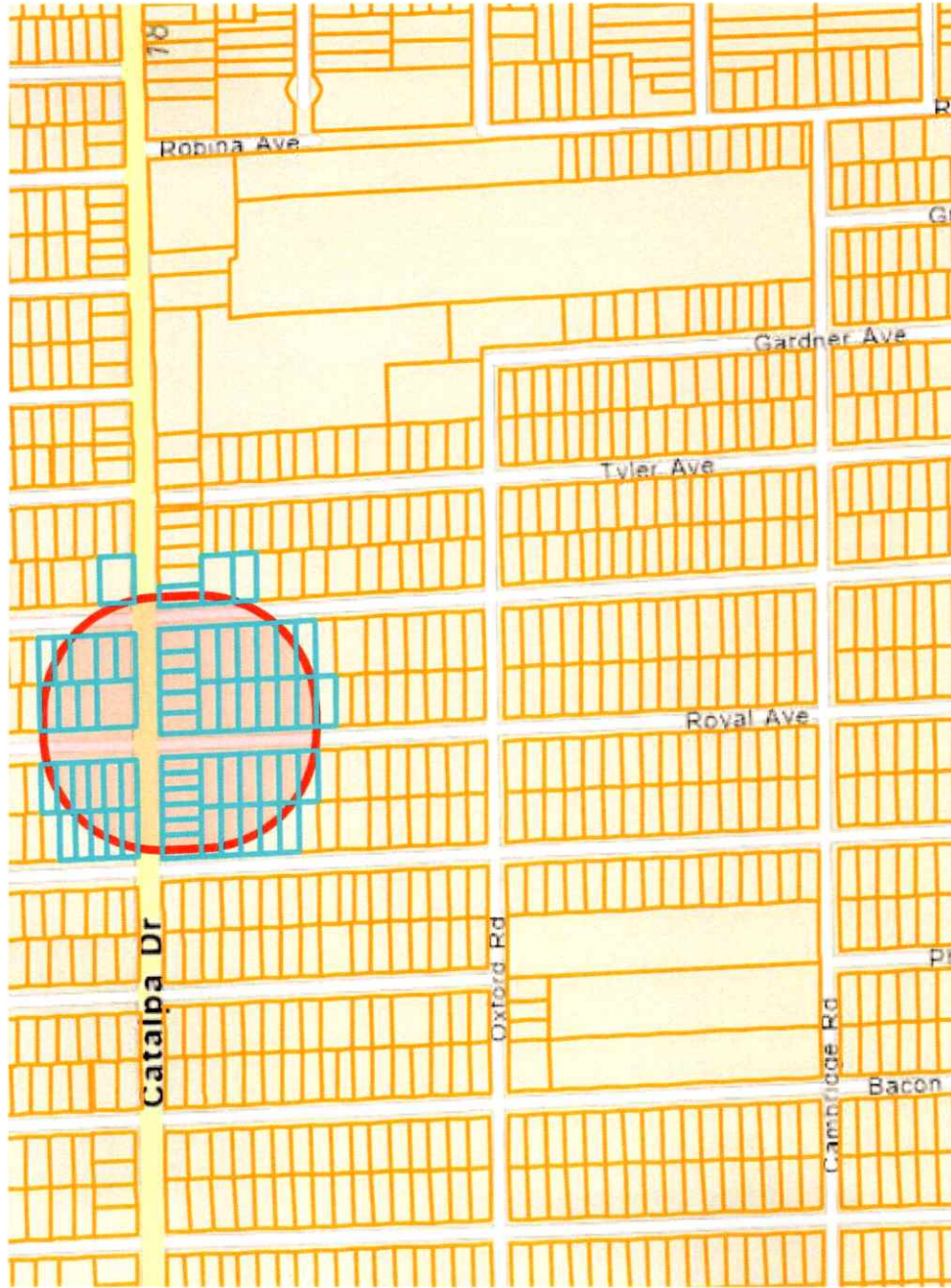
Royal Ave

Oakshire Ave

-83.194 42.496 Degrees

200ft





# PBA-04-26 Request for Interpretation of Zoning Ordinance 5.09 E. 2.

City of Berkeley Zoning Board of Appeals

Monday, June 8<sup>th</sup>, 2026

Alex Murrell, Property Owner of 3489 Catalpa Dr.

# Request for Interpretation- Section 5.09 E. 2.:

## E. Exterior side yards on corner lots:

1. When a rear yard abuts a rear yard, the exterior side yard setback must not be less than ten feet.

2. When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception:

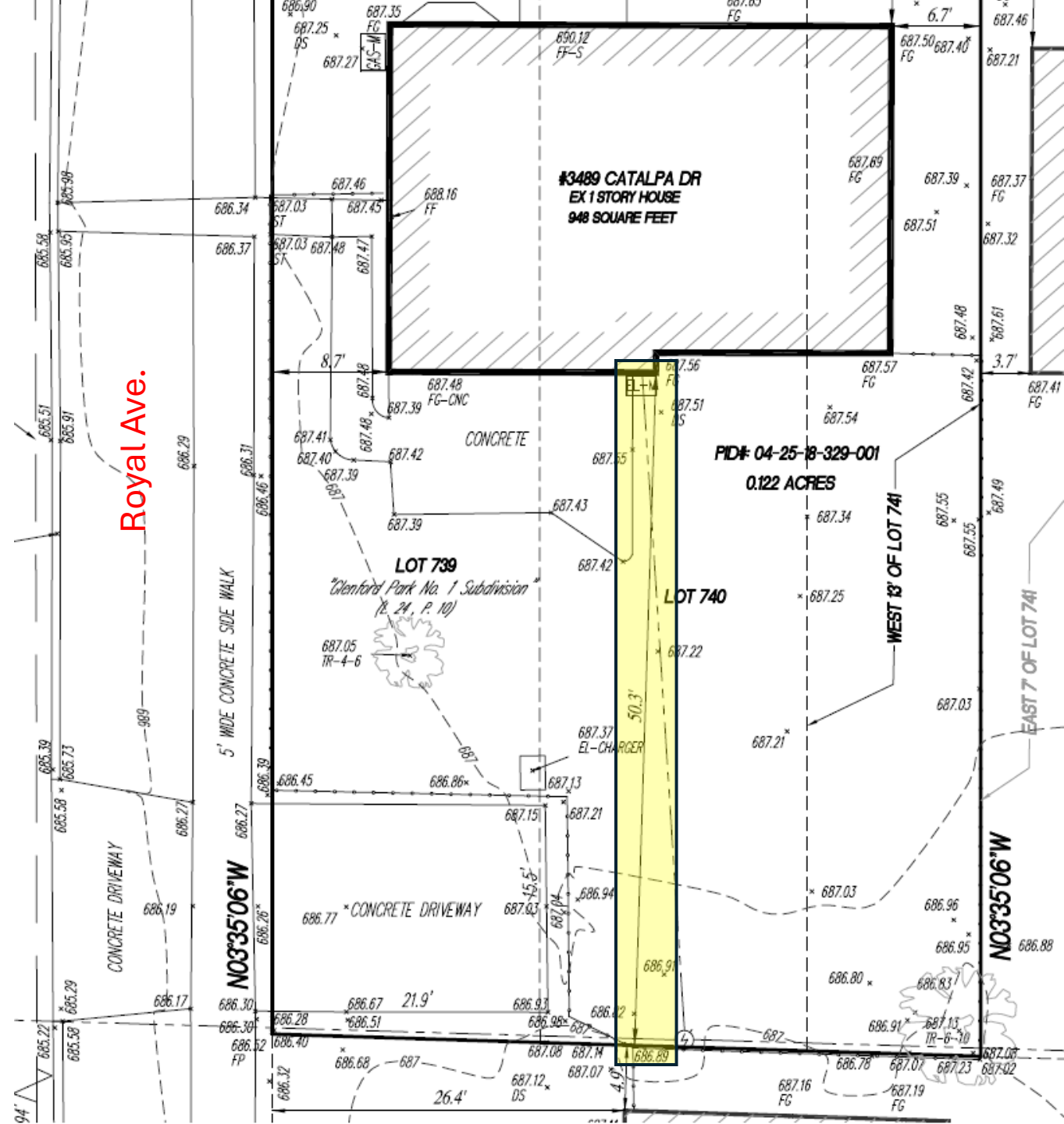
i. When the distance from the rear lot line to the principal structure is greater than thirty-five feet, the minimum setback is reduced to ten feet.

<Request>

Per Zoning Ordinance section 5.09 E. 2. - Would an accessory building with a 17 foot side yard setback at 3489 Catalpa Dr be compliant with the current zoning ordinance as written?

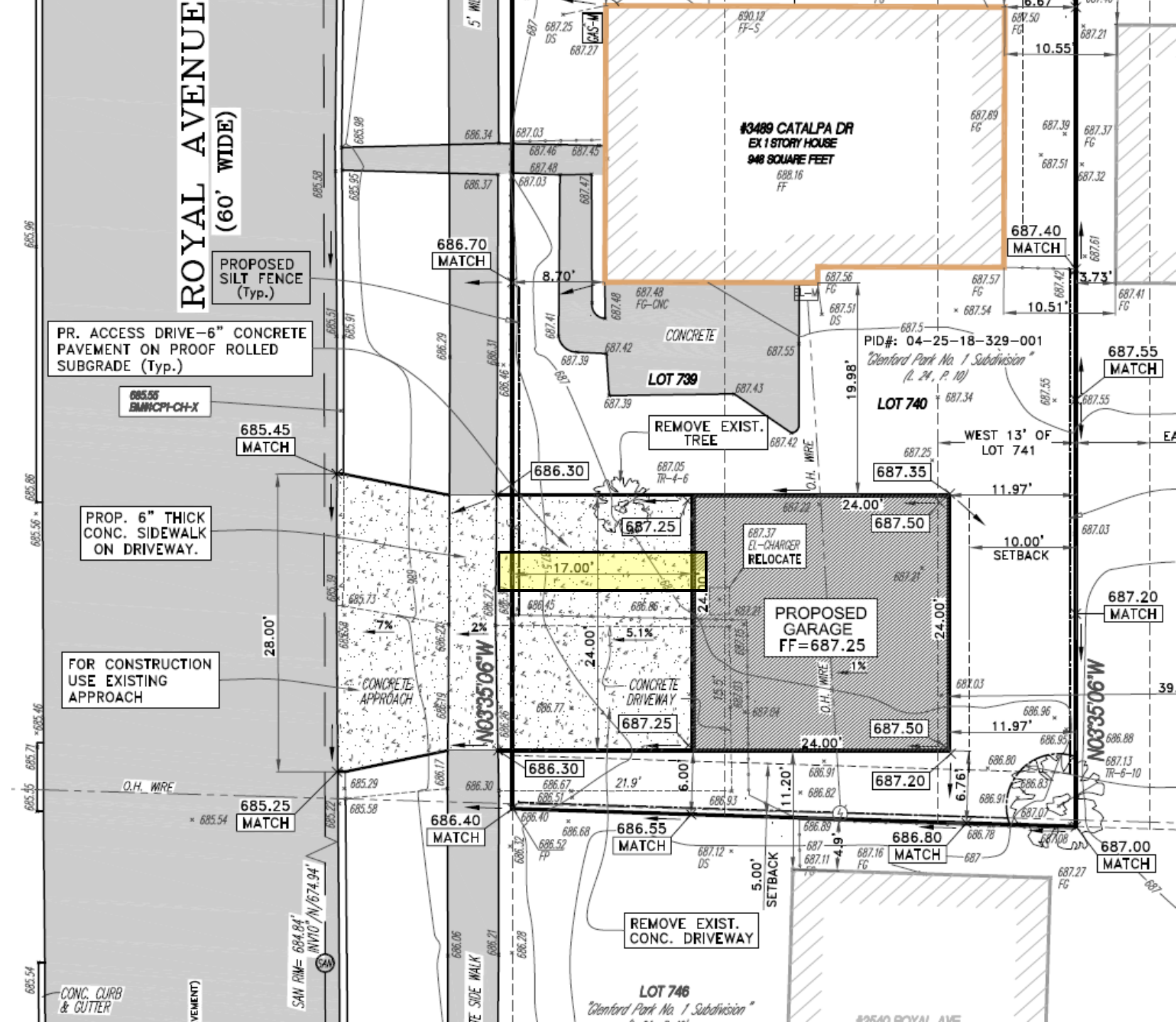
# 3489 Catalpa Dr

- Corner Lot where a rear yard abuts a side yard
- Planning to build an accessory building (garage) in my backyard
- Recent survey measures the principal structure (house) at 50 feet from the rear lot line
- Per zoning ordinance 5.09 E. 2. as it is currently written, a 10 foot setback is allowed, only 17 feet is being requested.



# Permit Denied 4/20/2026

- Applied for concrete permit (via contractor, Roma Cement Co.) to place accessory building 17 feet from side lot line at sidewalk
- City denied the permit citing a 25 foot exterior side yard setback when building within 35 feet of the rear lot line



# Data for Analysis of Similar Lots in Berkley

- Utilized city zoning map, gis.oakgov.com Property Gateway, and Google maps measurements.
- Measuring my current driveway was accurate to ~1 foot. Any garage measured at least 24 feet away was counted as 25 feet away.
- Measurements include:
  - Distance from rear lot line to garage
  - Distance from rear lot line to principal structure
  - Distance from sidewalk to garage
- Data provided as excel sheet to zoning administrator.

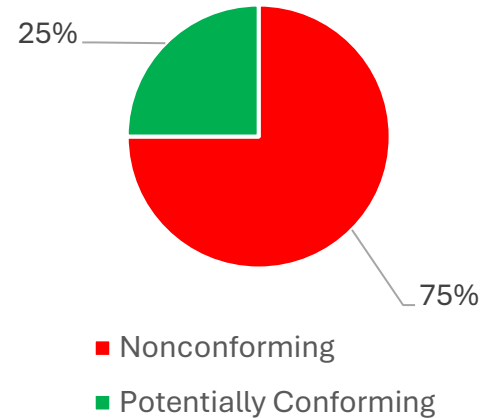
Address	Detached Garag	Distance from RLL to Gar	Distance from rear lot line to principal str	Distance from sidewalk to garage	Compliant with Zoning Administrator interpretation	Garage Setback Less than Adjacent Lot House	Would be compliant with my interpretation	Compliant but setback is less than adjacent house
4298 Robina	Y		7	61.15	14 N	Y	Y	N
4299 Wakefield	Y							N
4094 Catalpa	N							N
4024 Catalpa	Y	<35		79.28	40 N	N	Y	N
3994 Catalpa	N							N
3924 Catalpa	Y		0	46	48 N	N	N	N
3894 Catalpa	N							N
3824 Catalpa	N							N
3589 Catalpa	Y		10	51	17.5 N	Y	Y	N
3511 Catalpa	Y		5	34	19 N	Y	N	N
3489 Catalpa	N							N
3409 Catalpa	Y		5	50	19 N	N	Y	N
3385 Catalpa	Y		5	44	20 N	N	Y	N
3325 Catalpa	Y		5	52	19 N	Y	Y	N
3279 Catalpa	Y		5	55	20 N	Y	Y	N
3268 Catalpa	Y		5	39	19 N	Y	Y	N
3216 Catalpa	Y		5	32	25 Y	N	Y	N
3182 Catalpa	Y		5	29	20 N	Y	N	N
3310 Catalpa	Y		5	43	19 N	Y	Y	N
3082 Catalpa	Y		9	44	25 Y	N	Y	N
3018 Catalpa	Y		5	42	20 N	Y	Y	N
2982 Catalpa	Y	<5		43	25 Y	N	N	N
2686 Catalpa	Y		5	52	21 N	N	Y	N
2823 Catalpa	Y		5	70	16 N	Y		N
2773 Catalpa	Y		41		Y	Y	Y	Y
2824 Sunnykn	Y		5	38	20 N	N	Y	N
2774 Sunnykn	Y		5	40	19 N	Y	Y	N
2827 Sunnykn	Y		5	39	20 N	Y	Y	N
2765 Sunnykn	N							N
2311 Kipling	N							N
2324 Kipling	N							N
2279 Kipling	Y		9	75	10 N	Y	Y	N
2278 Kipling	N							N
2278 Robina	Y		53		Y	Y	Y	Y
2972 Robina	N							N
2115 Kipling	Y		5	72	19 N	Y	Y	N
2120 Kipling	N							N
2773 Harvard	Y		5	55	22 N	N	Y	N

^Screenshot shows 38 of 133 entries.

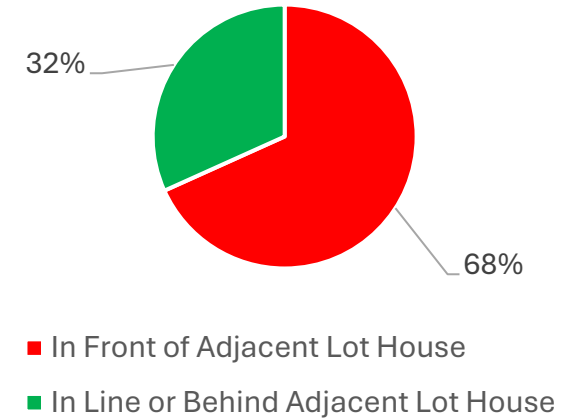
# Analysis of Similar Lots in Berkley

- 133 corner lots where a rear yard abuts a side yard (by my count)
- 104 of those lots have accessory buildings (detached garage)
- 78 of those 104 accessory buildings are nonconforming or have a variance according to the zoning administrator's interpretation
- 71 of those 104 accessory buildings have a side yard setback that places them in front of the house on the adjacent lot
- If my interpretation stands, 84 of those 104 accessory buildings would be conforming (with respect to side yard setback)

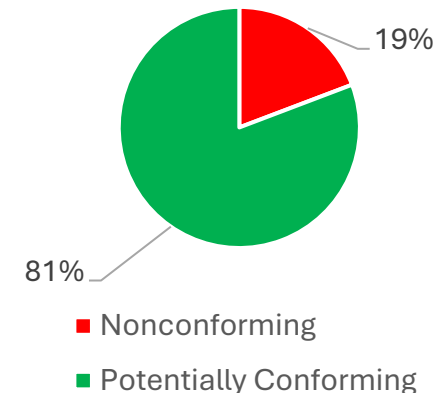
% Nonconforming According to Zoning Administrator Interpretation



% of Accessory Buildings with Setbacks Smaller Than the House Beside Them



% Nonconforming According to My Interpretation



# Letter of Support from 2540 Royal


- Neighbors with the side yard that abuts the rear yard of 3489 Catalpa take no issue with the positioning of the garage as shown on the plot plan.


April 29th, 2026

To whom it may concern:

We, the owners of 2540 Royal in Berkley, Michigan, see no issue with the proposed positioning of the planned garage at 3489 Catalpa in the plot plan of the permit submitted on 4/20/2026 by their concrete contractor, Roma Cement Co.

The garage's 17 foot setback from the sidewalk as shown on the plot plan is not a concern for us.

Signed,   
Michael Marglitz

  
Jessica Benthauser

2540 Royal Ave  
Berkley, MI 48072

# PBA-02-25, 2285 Mortenson Blvd.

## Public Notice for PBA-02-25:

THE CITY OF BERKLEY  
Community Development 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, July 14, 2025 at 7:00 pm or as near thereto as the matter may be reached.

**Application Number PBA-02-25**

Italy American Construction, on behalf of John and Diana Mio, 2285 Mortenson Blvd., Parcel 04-25-17-331-009, West side of Mortenson Blvd., between Oxford Rd. and Larkmoor Blvd., is requesting a dimensional variance for an accessory structure on an exterior side yard setback for corner lots when a rear yard abuts a side yard.

**Berkley City Code**  
*Berkley City Code*, Chapter 138 *Zoning*, Article 5 Use-Based Districts, Section 5.09 E (2).

Complete application information is available for review at [www.berkleymi.gov/community-development/development-projects](http://www.berkleymi.gov/community-development/development-projects).

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 submitted to the Berkley Community Development Department or email to [planning@berkleymi.gov](mailto:planning@berkleymi.gov) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**  
Royal Oak Tribune  
Saturday, June 28, 2025

## Excerpt of ZBA Meeting Minutes from July 2025:

Case PBA-02-25, 2285 Mortenson Blvd. was noticed but is not on the agenda. The City withdrew the dimensional variance request on the distance requirement for the exterior side yard for a corner lot because inadvertently in the new zoning ordinance, cross section 5.09.E to accessory structure setbacks for corner lots abutting rear yard to rear yard or rear yard to side yard was left out. As the new zoning ordinance is being used, we are making amendments to any discrepancies found.

- In June 2025, homeowners at 2285 Mortenson requested a variance for a 20' side yard setback for their garage after permit denial.
- City found any cross reference to side yard setbacks was inadvertently left out of the accessory building section of the ordinance during the re-write of ordinance enacted in April 2025.
- City pulled the zoning board application before the July 2025 ZBA meeting and signed off on the original permit.
- Cross reference to exterior side yard setbacks for corner lots was added with an amendment in October 2025.

# Request for Interpretation- Section 5.09 E. 2.:

## E. Exterior side yards on corner lots:

1. When a rear yard abuts a rear yard, the exterior side yard setback must not be less than ten feet.
2. When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception:
  - i. When the distance from the rear lot line to the principal structure is greater than thirty-five feet, the minimum setback is reduced to ten feet.

<Request>

Per Zoning Ordinance section 5.09 E. 2. - Would an accessory building with a 17 foot side yard setback at 3489 Catalpa Dr be compliant with the current zoning ordinance as written?

FF0000 CONFIDENTIAL#\_x000D\_

Address	Detached Garage?	Distance from to Garage	Distance from rear lot line to principal structure	Distance from sidewalk to garage	Compliant with Zoning Administrator interpretation	Garage Setback Less than Adjacent Lot House	Would be compliant with my interpretation	Compliant but setback is less than adjacent house
4298 Robina	Y							N
4299 Wakefield	Y	7	61.15	14	N	Y	Y	N
4094 Catalpa	N							N
4024 Catalpa	Y	<35	79.28	40	N	N	Y	N
3994 Catalpa	N							N
3924 Catalpa	Y	0	46	48	N	N	N	N
3894 Catalpa	N							N
3824 Catalpa	N							N
3589 Catalpa	Y	10	51	17.5	N	Y	Y	N
3511 Catalpa	Y	5	34	19	N	Y	N	N
3489 Catalpa	N							N
3409 Catalpa	Y	5	50	19	N	N	Y	N
3385 Catalpa	Y	5	44	20	N	N	Y	N
3325 Catalpa	Y	5	52	19	N	Y	Y	N
3279 Catalpa	Y	5	55	20	N	Y	Y	N
3268 Catalpa	Y	5	39	19	N	Y	Y	N
3216 Catalpa	Y	5	32	25	Y	N	Y	N
3182 Catalpa	Y	5	29	20	N	Y	N	N
3310 Catalpa	Y	5	43	19	N	Y	Y	N
3082 Catalpa	Y	9	44	25	Y	N	Y	N
3018 Catalpa	Y	5	42	20	N	Y	Y	N
2982 Catalpa	Y	<5	43	25	Y	N	N	N
2686 Catalpa	Y	5	52	21	N	N	Y	N
2823 Catalpa	Y	5	70	16	N	Y		N
2773 Catalpa	Y	41			Y	Y	Y	Y
2824 Sunnyknoll	Y	5	38	20	N	N	Y	N
2774 Sunnyknoll	Y	5	40	19	N	Y	Y	N
2827 Sunnyknoll	Y	5	39	20	N	Y	Y	N
2765 Sunnyknoll	N							N
2311 Kipling	N							N

FF0000 CONFIDENTIAL#\_x000D\_

Address	Detached Garage?	Distance from to Garage	Distance from rear lot line to principal structure	Distance from sidewalk to garage	Compliant with Zoning Administrator interpretation	Garage Setback Less than Adjacent Lot House	Would be compliant with my interpretation	Compliant but setback is less than adjacent house
2324 Kipling	N							N
2279 Kipling	Y	9	75	10	N	Y	Y	N
2278 Kipling	N							N
2278 Robina	Y	53			Y	Y	Y	Y
2972 Robina	N							N
2115 Kipling	Y	5	72	19	N	Y	Y	N
2120 Kipling	N							N
2773 Harvard	Y	5	55	22	N	N	Y	N
2089 Kipling	Y	46			Y	N	Y	N
2072 Robina	Y	5	42	14	N	Y	Y	N
1920 Robina	N							N
1919 Kipling	N							N
1920 Kipling	Y	5	50	21	N	Y	Y	N
2773 Columbia	Y	5	62	22	N	Y	Y	N
1899 Kipling	Y	33	59	10	N	Y	Y	N
1890 Robina	Y	5	75	21	N	Y	Y	N
1787 Wiltshire	N							N
1760 Dorothea	Y	5	43	28	Y	Y	Y	Y
1686 Dorothea	N							N
1670 Dorothea	Y	8	45	42	Y	N	Y	N
1610 Dorothea	N							N
1570 Dorothea	Y	5	50	15	N	Y	Y	N
1510 Dorothea	Y	5	57	25	Y	N	Y	N
1490 Dorothea	Y	6	49	21	N	N	Y	N
2532 Henley	N							N
2080 Sunnyknoll	Y	10	48	29.67	Y	N	Y	N
2400 Henley	N							N
2119 Sunnyknoll	Y	5	50	29	Y	N	Y	N
2120 Oxford	Y	55	91	11	Y	Y	Y	Y
2092 Oxford	N							N

Address	Detached Garage?	Distance from to Garage	Distance from rear lot line to principal structure	Distance from sidewalk to garage	Compliant with Zoning Administrator interpretation	Garage Setback Less than Adjacent Lot House	Would be compliant with my interpretation	Compliant but setback is less than adjacent house
2325 Sunnyknoll	N							N
2269 Sunnyknoll	Y	16	56	22	N	N	Y	N
2310 Oxford	Y	29	80	16	N	Y	Y	N
2290 Oxford	Y	47	89	14	N	Y	Y	N
1919 Catalpa	Y	5	34	20	N	Y	N	N
1926 Sunnyknoll	Y	5	47	10	N	Y	Y	N
1923 Sunnyknoll	Y	5	55	18	N	Y	Y	N
1926 Oxford	Y	<5	44	25	N	N	N	N
2585 Mortenson	N							N
2586 Mortenson	N							N
2517 Mortenson	Y	5	53	21	N	N	Y	N
2518 Mortenson	Y	5	44	25	Y	N	Y	N
2485 Mortenson	Y	5	52	11	N	Y	Y	N
2486 Mortenson	N							N
2417 Mortenson	N							N
2418 Mortenson	Y	10	56	11	N	Y	Y	N
2383 Mortenson	N							N
2384 Mortenson	Y	6	46	11	N	Y	Y	N
2313 Mortenson	Y	7	57	20	N	Y	Y	N
2314 Mortenson	Y	5	49	12	N	Y	Y	N
2285 Mortenson	Y	<5	48	17	N	Y	N	N
2286 Mortenson	Y	5	51	19	N	Y	Y	N
2217 Mortenson	Y	5	42	21	N	Y	Y	N
2218 Mortenson	Y	5	58	21	N	Y	Y	N
2185 Mortenson	Y	5	46	25	Y	Y	Y	Y
2186 Mortenson	Y	5	60	25	Y	Y	Y	Y
2117 Mortenson	Y	5	51	20	N	Y	Y	N
2118 Mortenson	Y	<5	60	25	Y	Y	N	Y
2085 Mortenson	Y	5	50	25	Y	Y	Y	Y
2086 Mortenson	N							N

Address	Detached Garage?	Distance from to Garage	Distance from rear lot line to principal structure	Distance from sidewalk to garage	Compliant with Zoning Administrator interpretation	Garage Setback Less than Adjacent Lot House	Would be compliant with my interpretation	Compliant but setback is less than adjacent house
2017 Mortenson	Y	5	49	25	Y	N	Y	N
2018 Mortenson	Y	7	45	12	N	Y	Y	N
1979 Mortenson	Y	24	54	28	Y	N	Y	N
1980 Mortenson	Y	5	50	17	N	Y	Y	N
1919 Mortenson	Y	5	35	28	Y	N	Y	N
1920 Mortenson	Y	5	51	20	N	Y	Y	N
1885 Mortenson	Y	<5	62	22	N	N	N	N
1886 Mortenson	Y	5	48	20	N	Y	Y	N
1817 Mortenson	Y	5	52	21	N	Y	Y	N
1818 Mortenson	Y	5	53	12	N	Y	Y	N
1785 Mortenson	Y	5	48	23	N	Y	Y	N
1786 Mortenson	Y	5	51	15	N	Y	Y	N
1515 Larkmoor	Y	6	30	9	N	Y	N	N
1489 Larkmoor	Y							N
1510 Harvard	N							N
2118 Cass	Y	5	48	26	Y	N	Y	N
2085 Cass	Y	<5	48	20	N	Y	N	N
2086 Cass	Y	18	58	18	N	Y	Y	N
2017 Cass	Y	<5	50	18	N	Y	N	N
2018 Cass	Y	<5	53	23	N	N	N	N
1979 Cass	Y	<5	63	25	Y	N	N	N
1980 Cass	Y	5	65	20	N	N	Y	N
1919 Cass	Y	5	65	30	Y	N	Y	N
1920 Cass	Y	6	47	25	Y	Y	Y	Y
1885 Cass	Y	5	70	20	N	Y	Y	N
1886 Cass	Y	7	58	20	N	Y	Y	N
1817 Cass	Y	8	67	18	N	Y	Y	N
1818 Cass	Y	6	61	21	N	Y	Y	N
1785 Cass	Y	35	70	<10	N	Y	N	N
1786 Cass	Y	5	50	22	N	Y	Y	N

Address	Detached Garage?	Distance from to Garage	Distance from rear lot line to principal structure	Distance from sidewalk to garage	Compliant with Zoning Administrator interpretation	Garage Setback Less than Adjacent Lot House	Would be compliant with my interpretation	Compliant but setback is less than adjacent house
1711 Cass	Y	5	60	18	N	Y	Y	N
1712 Cass	Y	6	50	12	N	Y	Y	N
2381 Stanford	Y	41	79	<10	N	Y	N	N
1118 Oxford	Y	5	70	17	N	Y	Y	N
1117 Cambridge	Y	12	65	<10	N	Y	N	N
1935 Stanford	N							
1891 Stanford	Y	6	60	15	N	Y	Y	N
1892 Stanford	Y	6	64	15	N	Y	Y	N
1811 Stanford	Y	7	72	19	N	Y	Y	N
1812 Stanford	Y	5	52	18	N	Y	Y	N
1773 Stanford	Y	17	40	17	N	Y	Y	N
1792 Stanford	Y	5	46	15	N	Y	Y	N
1711 Stanford	Y	25	52	22	N	Y	Y	N

# of Corner Lots where Rear Yard Abuts a Side Yard	# of those lots with detached garages	# of those that do not comply	% of those that do not comply	# of those where garage is in front of the house behind	% of those where garage is in front of house behind	# Would be compliant with my interpretation
	132	105	79 0.7523809524	74	0.7047619048	85 0.8095238095

# of lots larger than mine with detached garage not compliant  
54

Compliant but setback is less than adjacent house  
9

April 29th, 2026

To whom it may concern:

We, the owners of 2540 Royal in Berkley, Michigan, see no issue with the proposed positioning of the planned garage at 3489 Catalpa in the plot plan of the permit submitted on 4/20/2026 by their concrete contractor, Roma Cement Co.

The garage's 17 foot setback from the sidewalk as shown on the plot plan is not a concern for us.

Signed,   
Michael Marglitz

  
Jessica Denthauser

2540 Royal Ave  
Berkley, MI 48072



Kim Anderson <kanderson@berkleymi.gov>

---

**Re: PBA-04-26 Public Comment**

1 message

---

**Kristen Kapelanski** <kkapelanski@berkleymi.gov>

Mon, Jun 1, 2026 at 11:15 AM

To: Tyler Stevens <[REDACTED]>

Cc: planning@berkleymi.gov, Kim Anderson <kanderson@berkleymi.gov>

Tyler,

Thank you for your comment. It will be added to the public record.

**Kristen Kapelanski, AICP** (she, her, hers)

Community Development Director

City of Berkley

3338 Coolidge Hwy,

Berkley, MI 48072

\*Please note: my email address and our website have changed to berkleymi.gov.\*

Office: 248-658-3329

On Sun, May 31, 2026 at 9:01 PM Tyler Stevens <[REDACTED]>:

Hello,

I'm writing to express my support for the corner house on Royal. From what I understand, they are looking to build a garage 17' from Royal and the current regulations only permit 25'.

Were I in his position, I'd want the ability to build the garage in such a fashion and it does not seem like it would materially impact his neighbors.

Thanks,

Tyler Stevens

2638 Bacon Ave

Sent from my iPhone

# Community Development Monthly Newsletter



## Here's what has happened in the last month and what's to come!

Welcome to the Community Development Department's monthly newsletter. We are excited to share with you the latest developments as we work toward completion of department and city-wide projects and the work of the Planning Commission and Zoning Board of Appeals.

The Community Development Department (with assistance from the City Manager's Office) worked with Better City to develop the Economic Development Strategy. Meetings were held with the DDA and individual stakeholders and priority redevelopment sites have been identified.

Community Development Department staff and the Department of Public Works have been meeting regularly with Spalding DeDecker to begin to tackle a review and update of all our development processes. February included finalizing changes for the performance guarantee process/ordinance amendments and a review of all of the bond/agreement/easement templates by both Spalding DeDecker and the City Attorney's office.

### Monthly Highlights

---


Economic  
Development  
Strategy

---

Engineering  
Review Updates

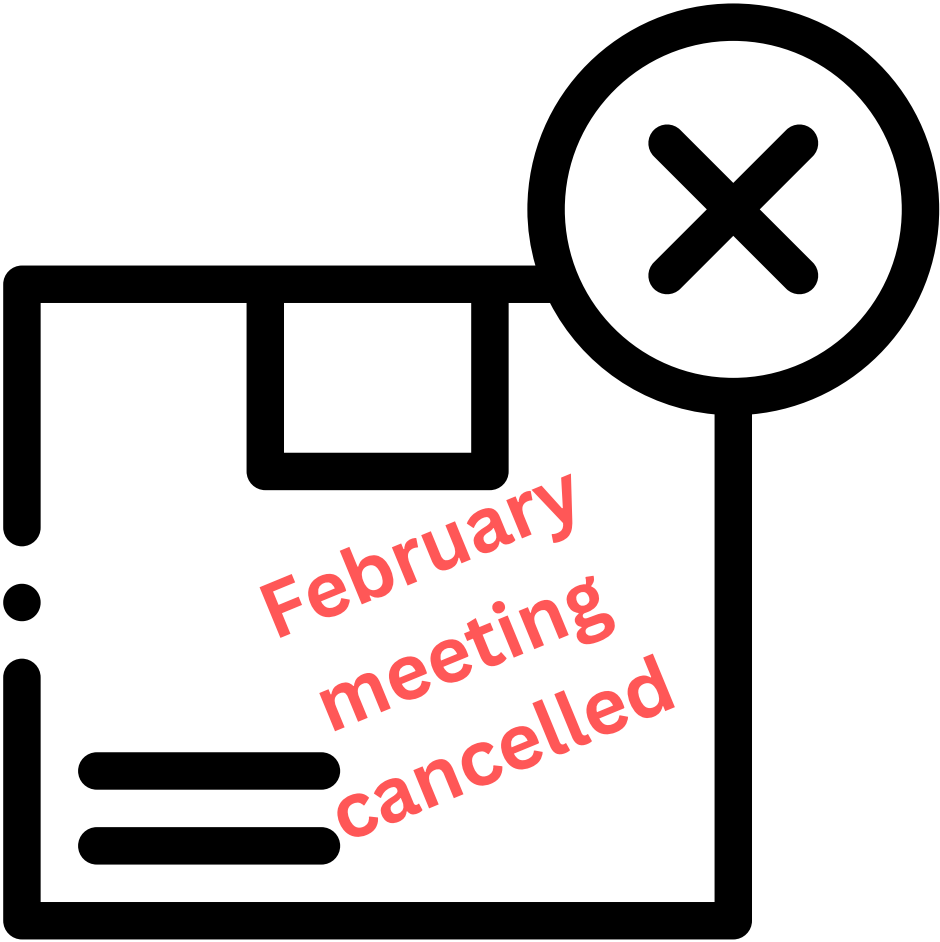
---

# Planning Commission Activities

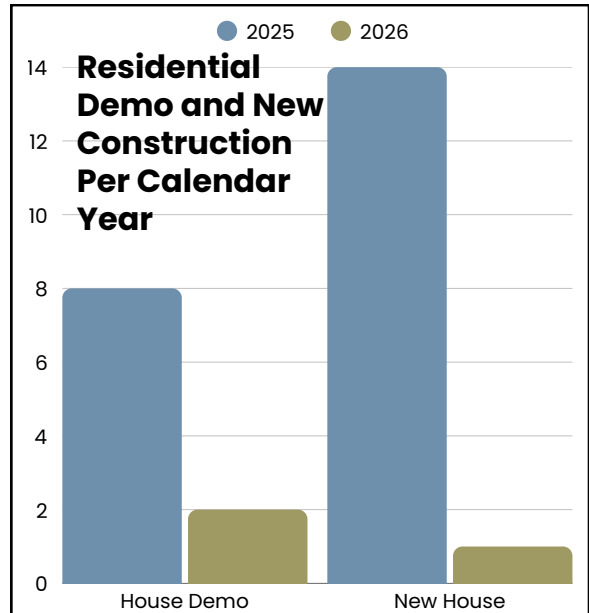
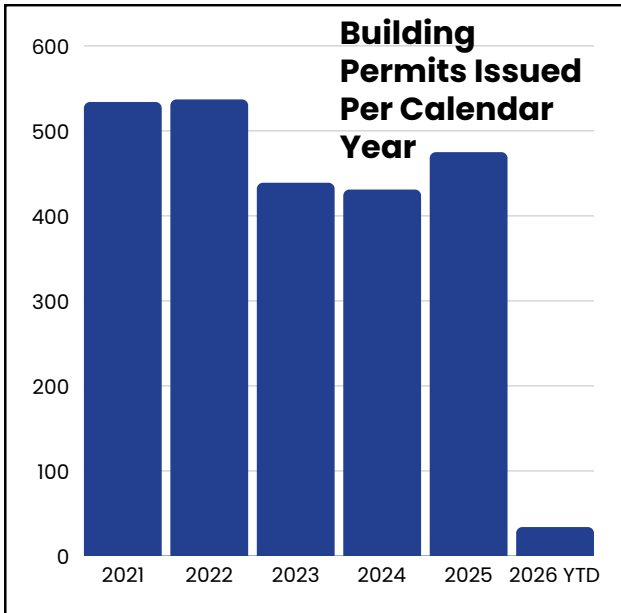
Type of Request	Request and Outcome
<p style="text-align: center;">City-Initiated Rezoning</p> 	<p>The City initiated eight rezonings in order to address errors made as part of the City-wide rezoning and zoning ordinance rewrite last year. The rezonings ensure that properties remain conforming. Rezonings were recommended for approval by the Planning Commission for the following properties:</p> <ul style="list-style-type: none"> <li>• 2429 Sunnyknoll Ave.</li> <li>• 2431 Sunnyknoll Ave.</li> <li>• 2435 Sunnyknoll Ave.</li> <li>• 2437 Franklin Rd.</li> <li>• 2451 Franklin Rd.</li> <li>• 3170 Eleven Mile Rd.</li> <li>• 3180 Eleven Mile Rd.</li> <li>• Parcel #25-16-352-026</li> </ul>
<p style="text-align: center;">Capital Improvement Program</p>	<p>The Planning Commission approved the Capital Improvement Program as part of the upcoming budget planning.</p>
<p style="text-align: center;">Text Amendment - Data Centers</p>	<p>The Planning Commission began discussion on a potential text amendment to address data centers.</p>

---

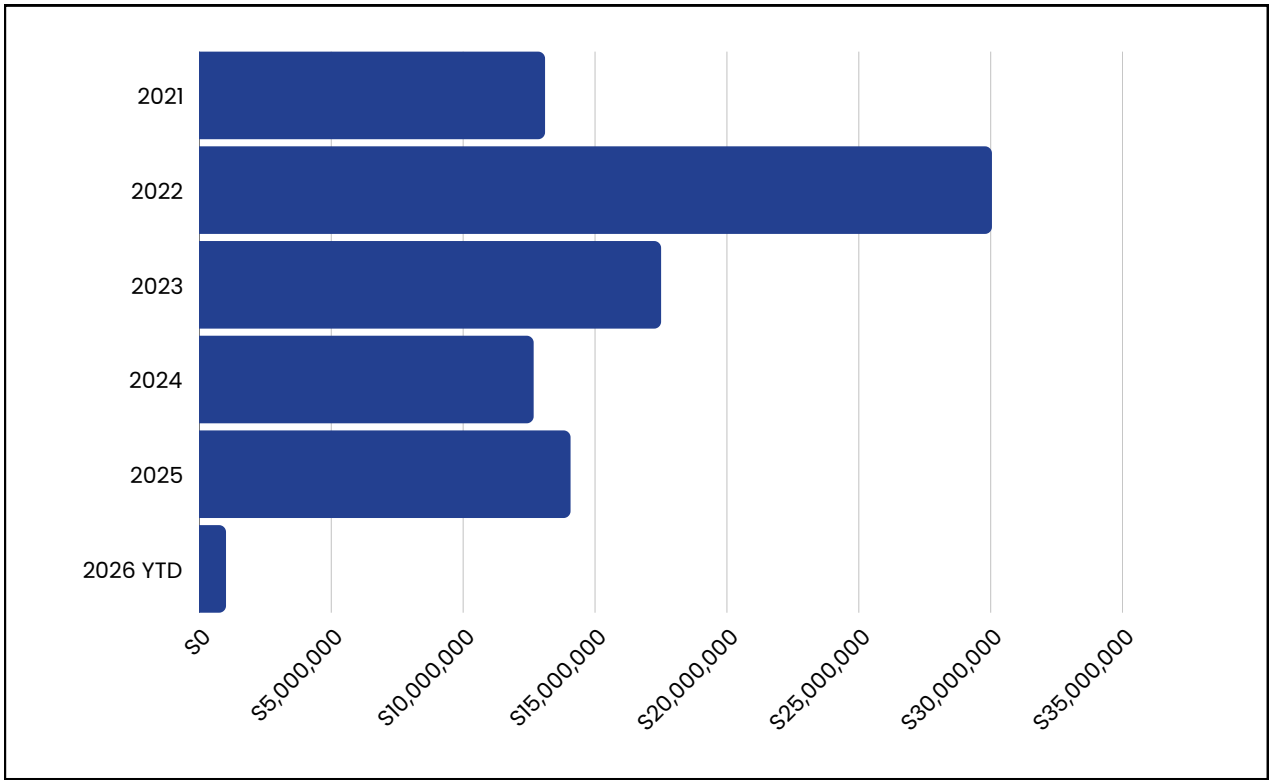
# Zoning Board of Appeals Activities



# Construction and New Business



## Year over Year Construction Value



### WELCOME TO THE NEIGHBORHOOD! **Business Licenses Issued in February**

No new business  
licenses were  
issued or denied  
this month.

# Community Development Monthly Newsletter



## Here’s what has happened in the last month and what’s to come!

Welcome to the Community Development Department’s monthly newsletter. We are excited to share with you the latest developments as we work toward completion of department and city-wide projects and the work of the Planning Commission and Zoning Board of Appeals.

Behind the scenes work to update the code enforcement process that the Community Development Department has undertaken in the past few months, with the guidance of the City Attorney’s office, was finalized by the City Council in March. This included a complete overhaul of code processes and the introduction of Municipal Civil Infractions (detailed in the March 16<sup>th</sup> Council packet). These changes allow for more efficient and effective code enforcement for residents and businesses. Implementation of these changes will continue through April with plans for full implementation by mid-May.

At the request of the City Council, a section has been added to the monthly report to track the implementation of the adopted Master Plan. Most of this information will remain static as we’ve implemented the majority of the recommendations.

**Monthly Highlights**

---

Code Enforcement Updates

---

Master Plan Implementation Added

---

---

## Planning Commission Activities

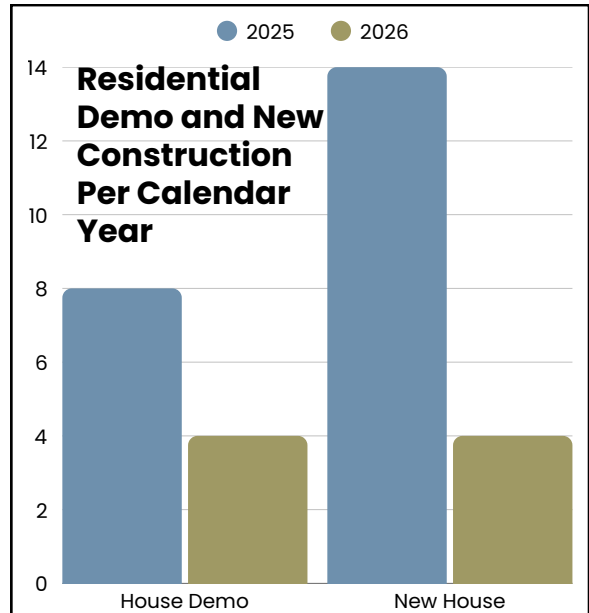
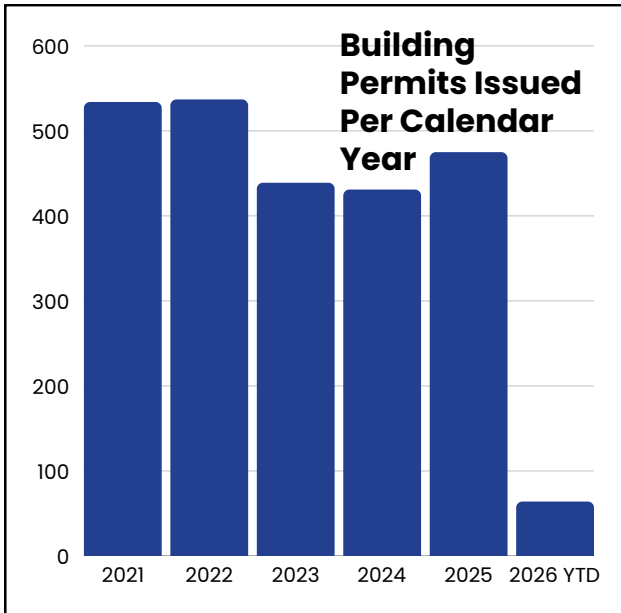


---

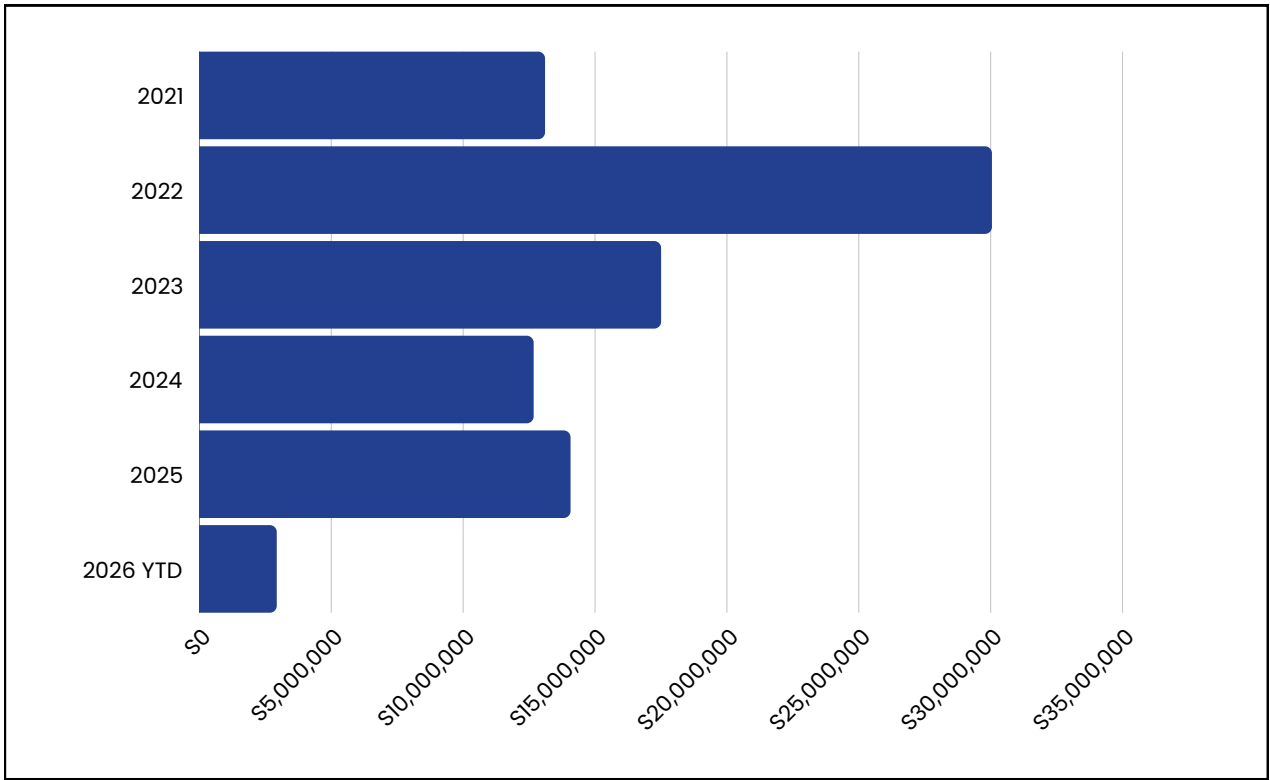
# Zoning Board of Appeals Activities

<b>Type of Request</b>	<b>Address</b>	<b>Request and Outcome</b>
Dimensional Variance	27815 Woodward Ave.	The applicant requested a dimensional variance from parking standards to allow for an additional service chair at Well Wishes Tattoo. This request was approved.
Dimensional Variance	1260 Larkmoor Blvd.	The applicants requested dimensional variances for relief of side yard setback requirements and to allow a shorter distance between dwellings in order to construct an addition. This request was approved.

# Construction and New Business



## Year over Year Construction Value



## WELCOME TO THE NEIGHBORHOOD! Business Licenses Issued in March










Artistik Touch LLC received approval for a body art facility at 3348 Twelve Mile Road.

The following businesses were denied a license in March:

- No businesses denied this month.



## 2022 MASTER PLAN IMPLEMENTATION MATRIX

Plan Section	Strategy	Done?	Notes
Neighborhoods	Update zoning to allow ADU's		New Zoning Ordinance includes ADU's in single family zoning districts
	Study whether additional duplexes could be integrated into single family neighborhoods		Public opinion against this in 2025 Zoning Ordinance update - revisit with next master plan update
	Amend Zoning Ordinance to permit latitude for accessibility improvements		To be monitored via variance requests and resident feedback - no issues identified thus far as part of zoning ordinance update
	Update R-2 and RM zoning parcel size and setbacks to allow attached single-family housing matching size and scale of adjacent houses		New Zoning Ordinance includes these strategies
	Add design requirements for duplexes and multiple family buildings to the R-2 and RM zoning		New Zoning Ordinance includes these strategies
	Connect homeowners to home improvement programs	Work in progress	CD Dept. routinely hands out county resources for disadvantaged or elderly residents. Website page for homeowners currently underway
	Engage residents via City communications to build and cultivate relationships and create social capital		Regular communication through multiple channels with improvements explored via the Communications staff
	Provide information to residents and builders on universal design	Work in progress	Website page for homeowners and links to universal design elements underway
	Continue excellent City services for neighborhoods		Services have not been diminished and in some cases have been improved (i.e. online accessibility, compost improvements, etc.)

## 2022 MASTER PLAN IMPLEMENTATION MATRIX

Plan Section	Strategy	Done?	Notes
Systems	Cooperate with regional partners to maintain and improve water and sewer systems.		DPW regularly partners with SOCWA, SOCRA, WRC and other partners
	Integrate bicycle and transit improvements within street projects		Bicycle and transit improvements regularly included where feasible in all street projects
	Create a revolving energy fund for municipal projects	Under review	Feasibility currently under evaluation
	Extend revolving energy fund to private and non-profit projects	Under review	Feasibility currently under evaluation
	Connect Berkley residents to energy efficiency opportunities and programs	Work in progress	Website page for homeowners and links to energy efficiency opportunities underway
	Offer green infrastructure education and resources to businesses and residents		New Zoning Ordinance and Engineering Design Standards include green infrastructure options for businesses, Environmental Committee regularly hosts opportunities and provides information to residents
	Update zoning to require bicycle parking and pedestrian improvements, installation of electronic vehicle infrastructure, LED lighting and landscaping with green infrastructure components		New Zoning Ordinance includes required bicycle parking, pedestrian improvements, LED lighting and green infrastructure components - electronic vehicle infrastructure not included at this time
	Add flexibility in zoning for building and site design features, transit amenities, public art, open space, green roofs or cool roofs		New Zoning Ordinance includes flexibility through the use of PUDs, landscape requirements/waivers and height bonuses for the inclusion of open space and green infrastructure
	Develop a community-wide pathway plan, using existing sidewalks and roadways		Not yet started

## 2022 MASTER PLAN IMPLEMENTATION MATRIX

Plan Section	Strategy	Done?	Notes
Systems	Create incentives for and/or fund construction of electric vehicle charging		Electric vehicle charging stations installed at the library and Merchants Park
	Establish permitting processes for scooter share stations in street rights-of-way	Not yet started	Explore whether this is still necessary
	Explore the potential for creating a dedicated Sustainability Plan or Climate Action Plan	Not yet started	
	Continue sidewalk replacement and fall tree replacement programs		Ongoing and included in future budget years

## 2022 MASTER PLAN IMPLEMENTATION MATRIX

Plan Section	Strategy	Done?	Notes
Corridors	Create mural program for corridors outside of the DDA boundaries	Not yet started	Lacking funds
	Create sign and/or façade improvement program for corridors outside of the DDA boundaries	Not yet started	Lacking funds
	Update the Greenfield zoning district to reflect the Greenfield Corridor design guidelines	✓	New Zoning Ordinance incorporates these guidelines
	Review R1-D zoning on East Eleven Mile to include attached single family	✓	New Zoning Ordinance includes attached single family on East Eleven Mile
	Implement zoning strategy in the Downtown Berkley Master Plan	✓	New Zoning Ordinance includes regulations from the Downtown Master Plan and Downtown Design Guidelines
	Update zoning to diversify housing choices in corridors	✓	New Zoning Ordinance adds additional multiple family options to all corridors
	Update zoning to implement design guidelines for corridors	✓	New Zoning Ordinance includes design guidelines for all corridors
	Update zoning parking requirements	✓	New Zoning Ordinance includes updated parking requirements
	Update buffer requirements between corridors and neighborhoods	✓	New Zoning Ordinance includes buffer requirements