

**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
Jason Benedict
Lorene Branch
Joseph Krug

Erick McDonald
Joann Serr
Kevin Wilner

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

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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

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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 Roninski 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.

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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

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PUBLIC COMMENT

NONE

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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

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