

PUBLIC NOTICE

**City of Berkley, Michigan
Regular Meeting of the Zoning Board of Appeals
Monday, July 13, 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 June 08, 2026*

OLD BUSINESS:

1. 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

NEW BUSINESS:

1. Application Number PBA-05-26

James Jones III, 4236 Gardner Ave, Parcel # 04-25-07-403-004, East side of Gardner Ave., between Morrison Ave. and W. Webster Rd. is requesting three (3) dimensional variances to construct a Second Story Addition on a Non-Conforming Structure. 1) The addition to the non-conforming single-family dwelling is proposed to be 4 ft. from the South property line. 2) The addition to the non-conforming single-family dwelling is proposed to be 14.917 ft from adjacent dwelling to the North and 11.875 ft. from the adjacent dwelling to the South. 3) The addition to the non-conforming single-family dwelling is proposed to be 24.833 ft. from the front property line.

OTHER BUSINESS:

- 1. Rules of Procedure**
- 2. Election of Officers**

STAFF / BOARD MEMBER REPORT:

LIAISON REPORT

PUBLIC COMMENTS

ADJOURN

SYNOPSIS

THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, June 08, 2026 BY CHAIR WEHBY

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 Wehby
Jason Benedict
Lorene Branch
Joseph Krug

Joann Serr
Kevin Wilner

ABSENT:

Erick McDonald

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: 6

NAYS: 0

ABSENT: 1

MOTION CARRIED

* * * * *

APPROVAL OF MINUTES

Motion to approve the minutes of the March 09, 2026 regular meeting by Serr and supported by Wilner.

Voice vote to approve minutes

AYES: 6

RECUSE: 0

NAYS: 0

ASBENT: 1

MOTION CARRIED

* * * * *

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.

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. 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.

Berkley City Code, Chapter 138 *Zoning*, Article 16 Nonconforming Lots, Uses and Structures, Section 16.04.B Requirements for Nonconforming Structures 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 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 Administrator, Kim Anderson provided the Zoning Board of Appeals background on 1812 Catalpa Dr. 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'.

Chair Wehby reviewed the five standards to be met.

APPLICANT PRESENTATION

Jeffrey Peterson presented the case to the Zoning Board of Appeals and answered various questions regarding the operation of the business, and parking.

Chair Wehby opened the floor for the public hearing at 7:07 p.m.

PUBLIC COMMENT

Correspondence:

Four Public Comments in the form of a letter or email were read at the meeting.

In Person: None

Chair Wehby closed the floor for the public hearing at 7:11 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 dimensional variance for approximately .562 (6 ¾") on the East side yard setback to allow the construction of a rear two story addition by Wilner and supported by Serr.

Approval

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 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: Wilner, Benedict, Branch, Krug, Serr, and Chair Wehby

NAYS: None

ABSENT: McDonald

MOTION CARRIED

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

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.

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 Administrator, Kim Anderson provided the Zoning Board of Appeals the history on 3489 Catalpa Dr built in 1950. The applicant applied for a Building Permit to install a new garage slab. Upon my review, the Building Permit Application was denied based on the Zoning Ordinance known established patterns maintained for corner lots.

Zoning Administrator, Kim Anderson provided the Zoning Board of Appeals the history on the intent of the ordinance dating back to 1967 and provided in the packets along with the history of the ordinance were

detailed examples on existing non-conforming properties, variances and a map outlining the area where a corner lot has a rear yard to a side yard showing the uniqueness.

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.

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.

Board members requested clarification on the setbacks.

APPLICANT PRESENTATION

The applicant Alexander Paul Murrell for 3489 catalpa Dr. presented the case to the Zoning Board of Appeals with a presentation.

Chair Wehby opened the floor for the public hearing at 7:28 p.m.

PUBLIC COMMENT

Correspondence:

Six Public Comments in the form of a letter or email were read at the meeting.

In Person: None

Chair Wehby closed the floor for the public hearing at 7:33 p.m.

Zoning Board of Appeals discussion:

Zoning Board of Appeals members discussed the previous ordinance verbiage versus the new ordinance verbiage and the possible intent for accessory structures when the verbiage has "Principal" yet accessory structure is not specified.

- 1. Motion to request the Planning Commission further investigate and help determine how specifically the ordinance should be written by Wilner and supported by Serr.**

AYES: Members: Branch, Krug, Serr, Wilner and Chair Wehby

NAYS: Benedict

ABSENT: McDonald

MOTION CARRIED

OTHER BUSINESS

None

STAFF/BOARD MEMBER REPORT

Community Development Monthly Report for February 2026 and March 2026.

The are two Alternate positions for the Zoning Board of Appeals open. Spread the word.

There is one case for the ZBA July 13, 2026

* * * * *

LIAISON REPORT

Greg Patterson:

- Volunteer Appreciation Dinner for all volunteers June 29, 2026 at 530 at Community Center - RSVP
- Bacon Ave. and Water Main construction has started.

* * * * *

Chair Wehby opened the floor for public comment at 7:43 p.m.

PUBLIC COMMENT

Alex Murrell, 3489 Catalpa Dr.:

Commented that the amendment October last year to 9.09.A.5.d For corner lots to see 5.09E and 5.09F Supplemental Dimensional Regulations Applicable to All Use Based Districts. That even though it does not specify accessory structures it is referenced.

Signs placed on lawns has the incorrect website address. Zoning Administrator, Anderson thanked Mr. Murrell for bring this to our attention and will check into this inaccuracy and be sure that it is corrected.

* * * * *

Chair Wehby closed the floor for public comment at 7:45

With no further business, the meeting was adjourned at 7:45 p.m.

Motion by Krug and support by Wilner

Voice vote to adjourn

AYES: 6

NAYS: 0

ABSENT: 1

MOTION CARRIED

* * * * *

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: 07/07/2026

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.

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.

BACKGROUND

At the June 08, 2026 Zoning Board of Appeals Meeting a Motion to request the Planning Commission further investigate and help determine how specifically the ordinance should be written by Wilner and supported by Serr.

Upon further review and information, Case PBA-04-26 is to return to the Zoning Board of Appeals for the board to consider an interpretation within ninety days of the public hearing as required per MCL 125.3603(1) and Zoning Ordinance Section 138-17.04.D and 17.03.D *"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."

History of the property and the intent of the zoning ordinance for exterior side yard setbacks when a corner lot rear yard abuts a side yard since dating back to 1967 is provided in a previous report for the 06/08/2026 Public Hearing Meeting.

The Zoning Board of Appeals must interpret the Zoning Ordinance as it presently exists in response to the interpretation request.

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



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 or 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?

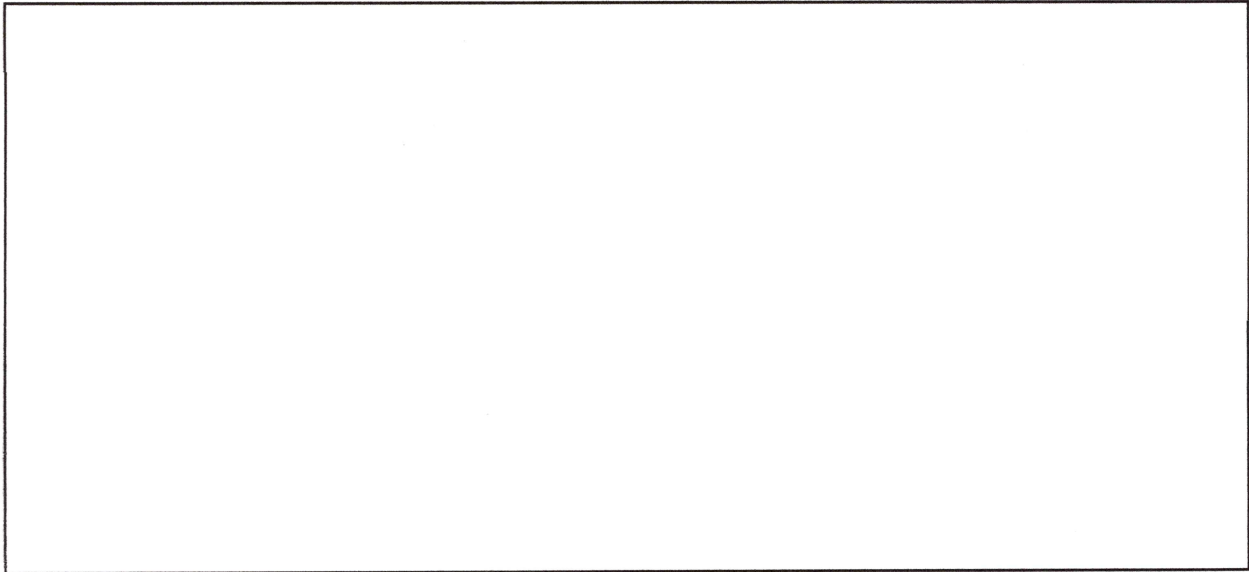
Please see attachments for more detailed information.

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
Applicant Name (print)

Alexander P. Murrell
Applicant Signature

4/20/2026
Date

Applicant Name (print)

Applicant Signature

Date

Alexander P Murrell
Property Owner Name (print)

Alexander P. Murrell
Property Owner Signature

4/20/2026
Date

Office Use Only

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

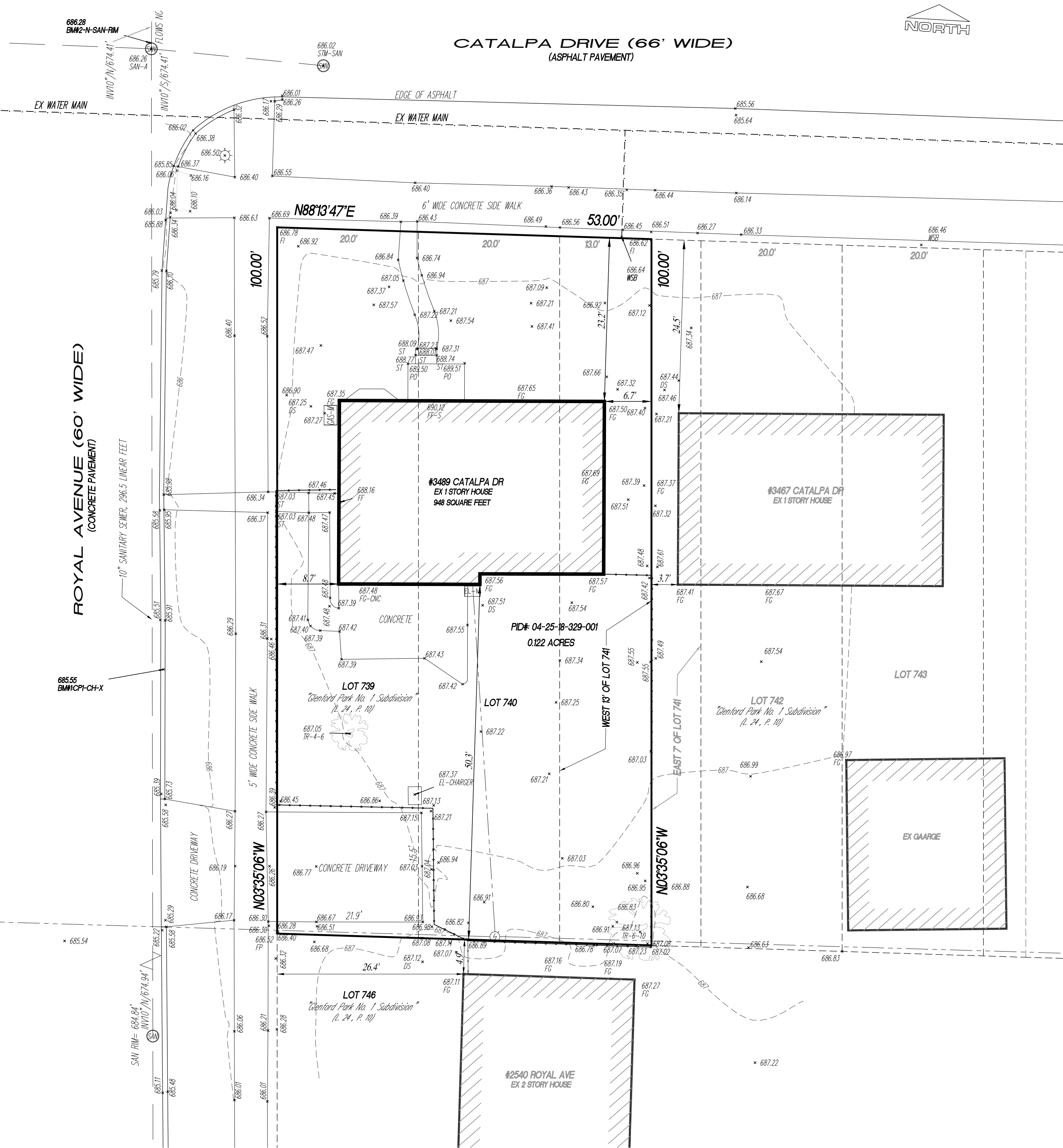
Fee: Residential \$400
Commercial \$600
Mural \$300

RECEIVED

APR 30 2021

BERKLEY, MICHAEL

BOUNDARY & TOPOGRAPHIC SURVEY



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
 - TREE-8" TRUNK-8FT SPREAD
 - 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

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



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 E½ 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" (L. 24, P. 10), 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.

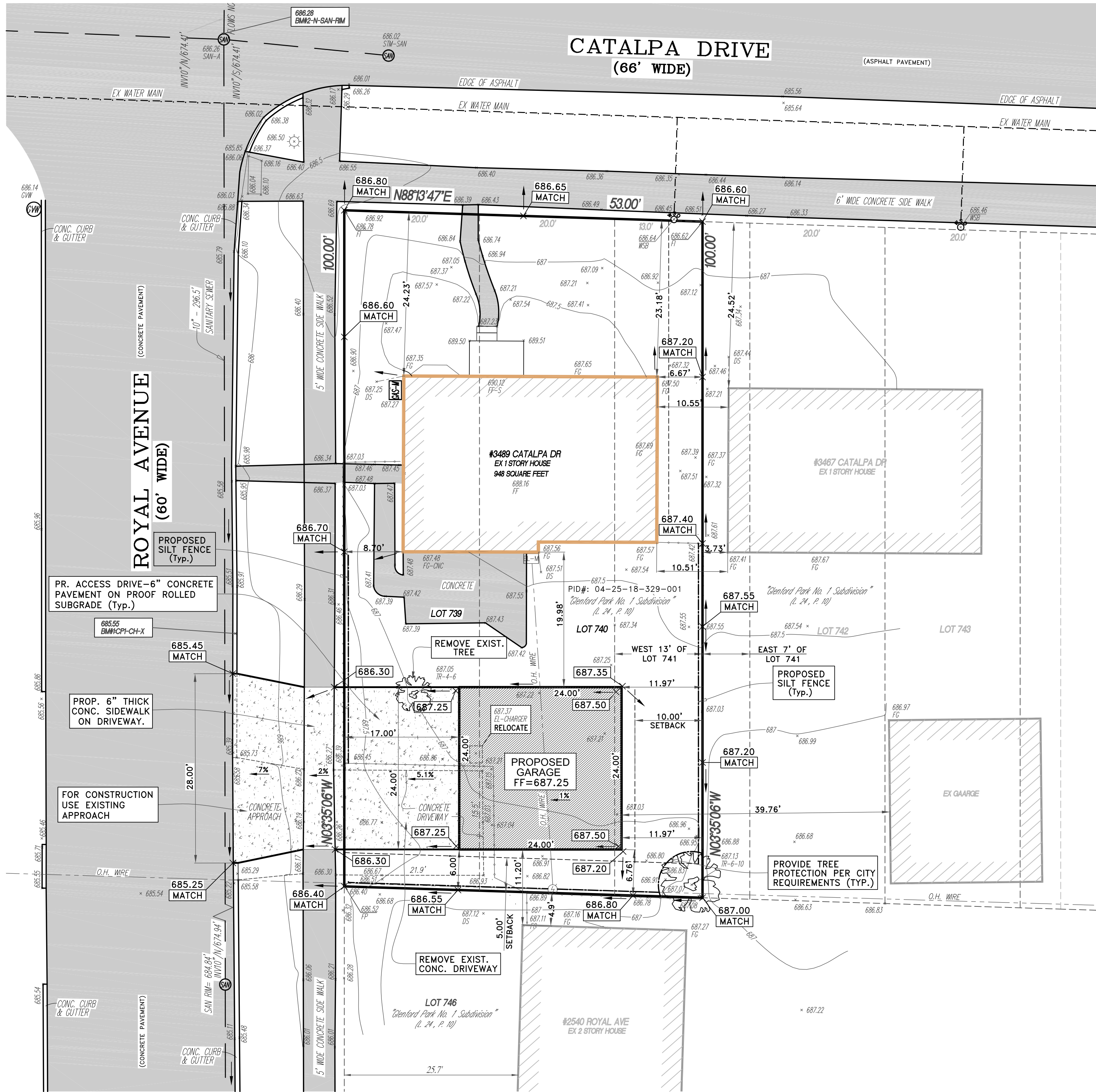


Mende Bezanovski, P.S.#4001049430
State of Michigan



ABSB LAND SURVEY, P.C.
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

SCALE: 1" = 10'	PAGE: 1 OF 1
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:



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).

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:

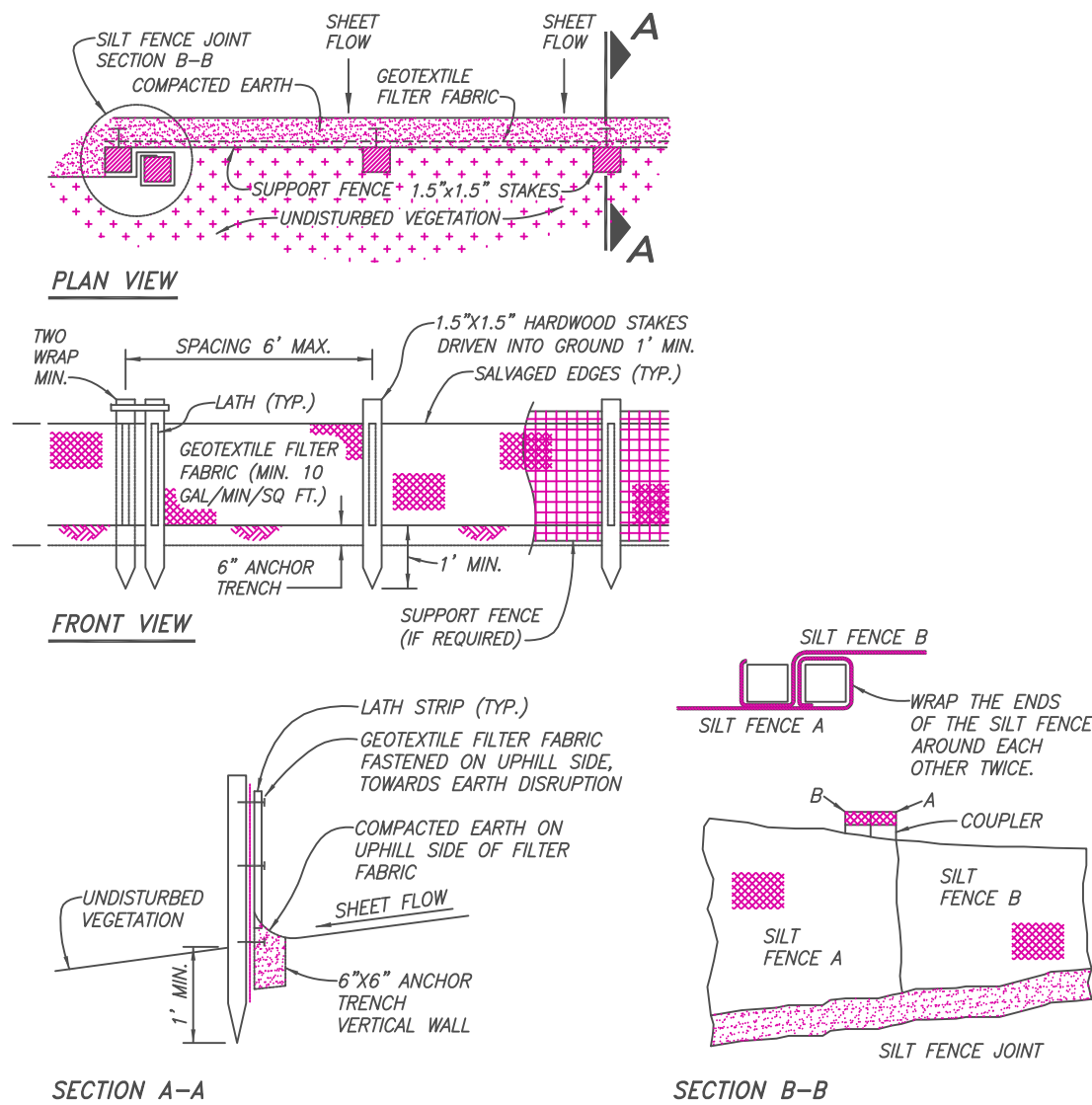
1. Construction is anticipated to begin in April 2026 and end in June 2026.
2. Install filter fabric and tree protection fence as shown on plan. (1 Day)
3. Mass grade site. All denuded areas are to be protected from erosion by approved method and stabilization within 5 days of final grade. (1 Day)
4. 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.



SILT FENCE DETAIL (MATERIAL: AMOCO PRO PEX 2130 OR APPROVED EQUAL)
(NO SCALE)

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



PLOT PLAN

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
	= TREE-8"TRUNK-8FT SPREAD
	= 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
	= FLOW DIRECTION
	= EX. PAVEMENT
	= PROP. CONCRETE PAVEMENT
	= PROPOSED

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
LENAAWEE 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%	



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 E½ 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.



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



Miss Dig ticket number:
2026033003668-000

0' 5' 10' 20'

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



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
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.

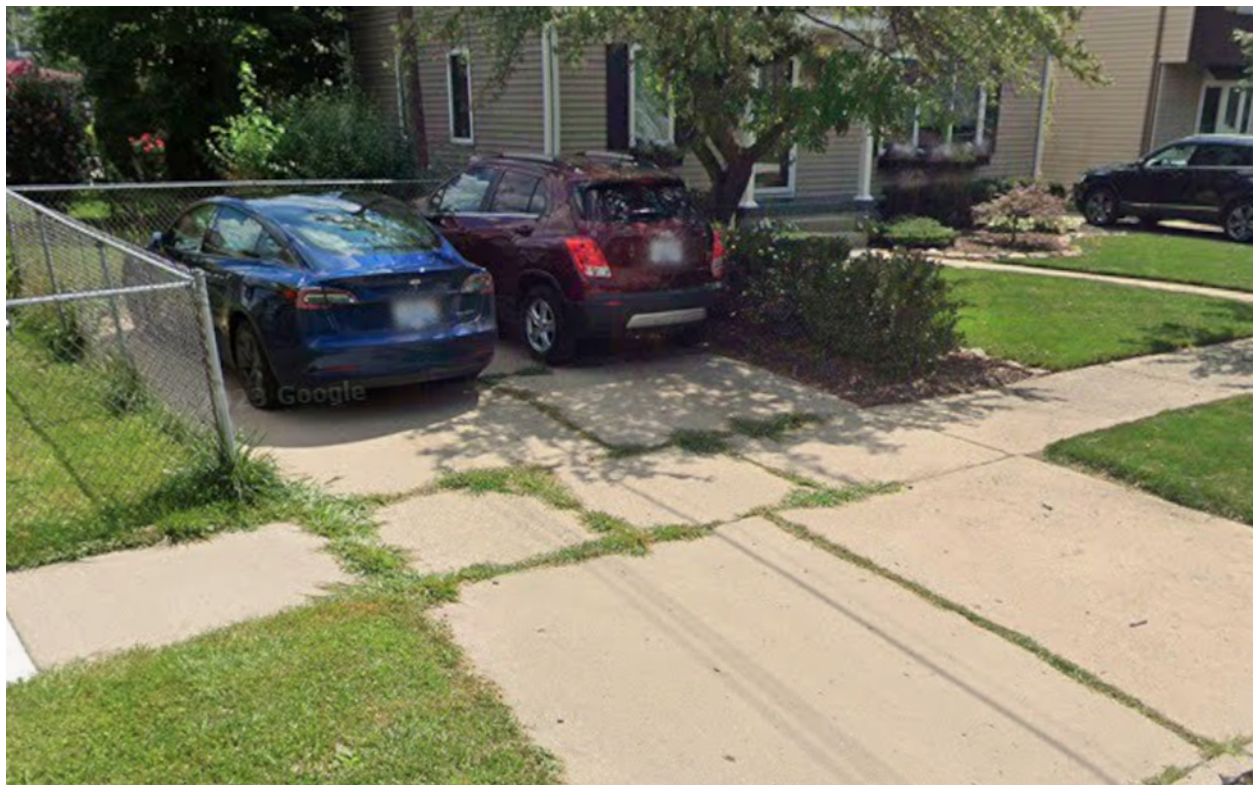
Although there are non-conforming corner lot accessory structures, the fifty properties that were randomly evaluated showed that the accessory structures have been in existence since the 1940's and 1950's. As majority of the corner lots are rear to rear there are corner lots that are rear to side. Most 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.

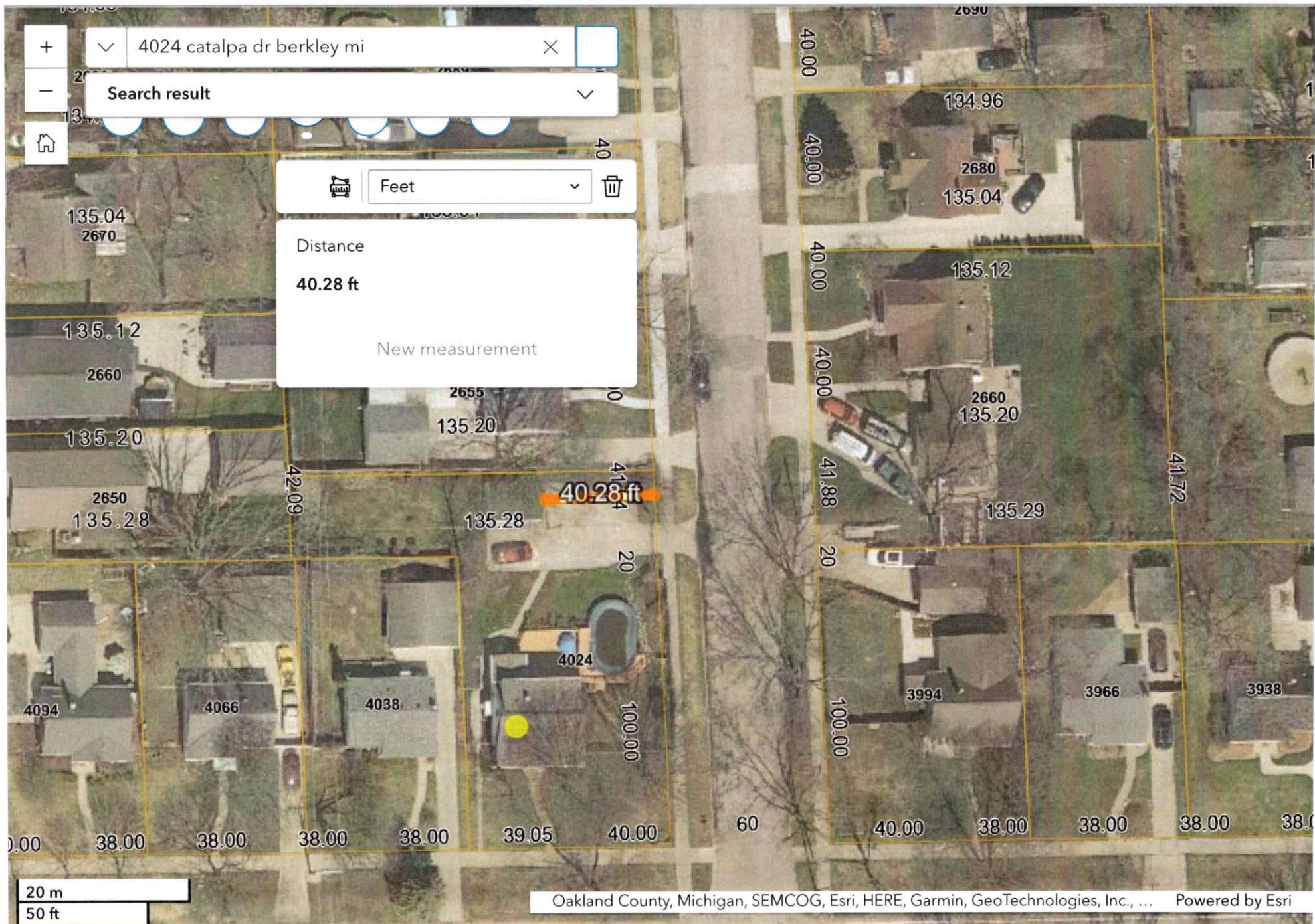
Cc: Crystal VanVleck, City Manager
Victoria Mitchell, City Clerk
Lisa Hamameh, City Attorney
Kristen Kapelanski, Community Development Director

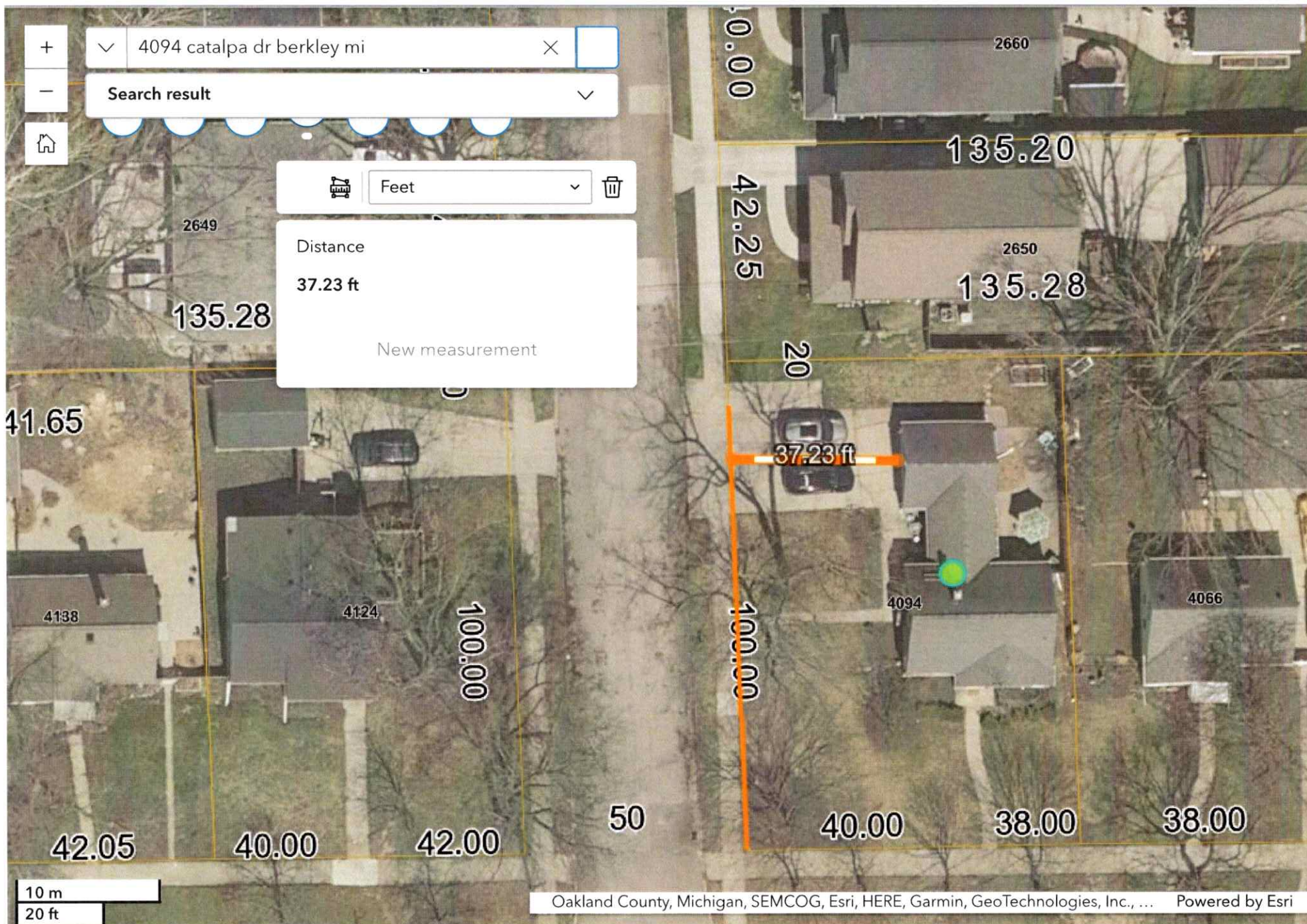
City of Berkley
Oakland County, Michigan



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







2517mortenson blvd berkley mi

Search result



Feet



Distance

18.29 ft

New measurement

1862

1850

1850
West

"1857"

in line

2517
Mortenson
"1943"

2533

2517

120.00

120.00

18.29 ft

48.00

48.00

5 m
20 ft

Oakland County, Michigan, SEMCOG, Esri, HERE, Garmin, GeoTechnologies, Inc., ... Powered by Esri

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](#)

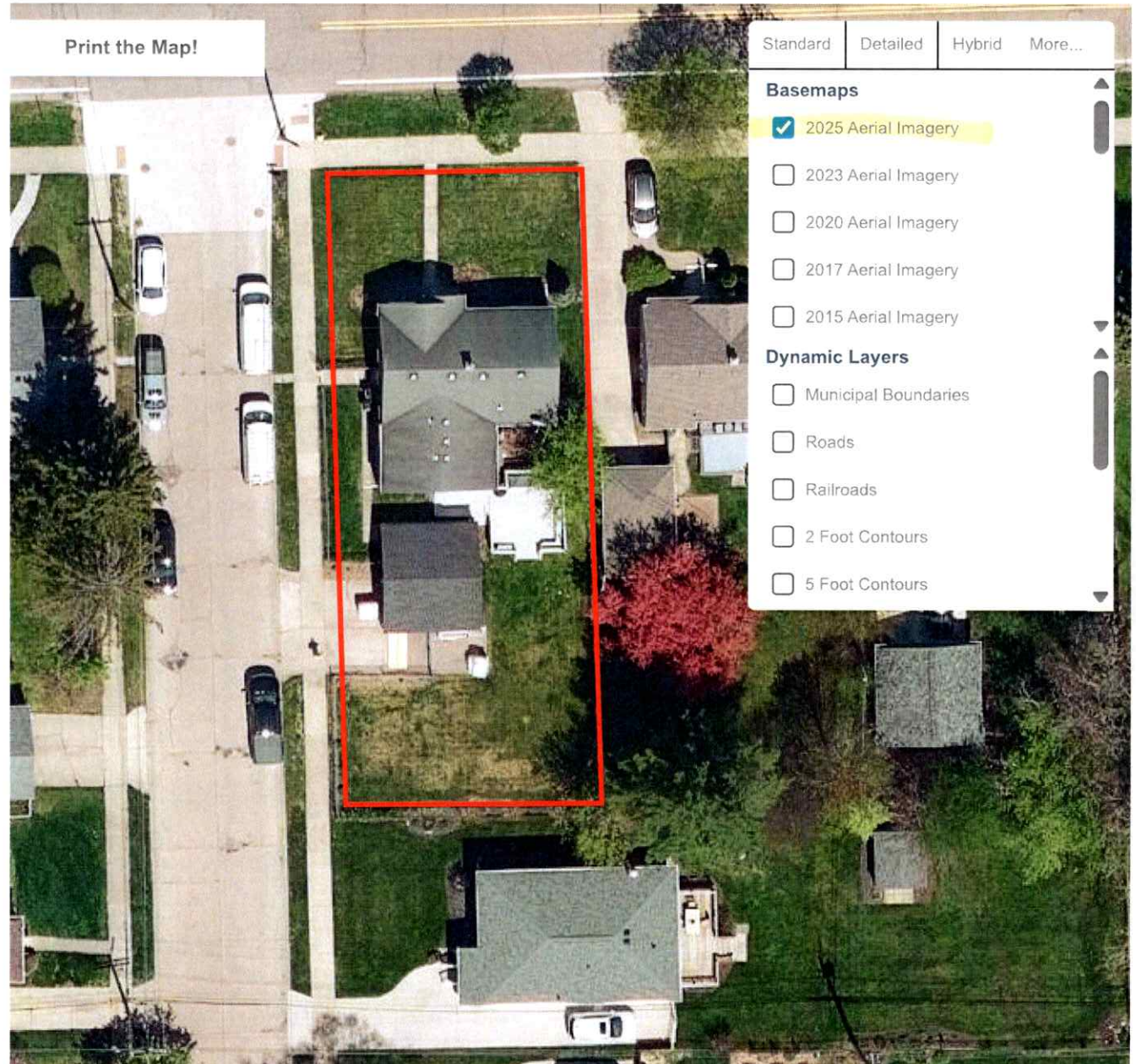
Files are updated annually. Sketch updates vary by community and may not reflect the square footage in the file.

[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

Print the Map!



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

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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!](#)



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

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Display FEMA - DFIRM Map

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

House built 1950

Print the Map!



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!



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](#)



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!](#)



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

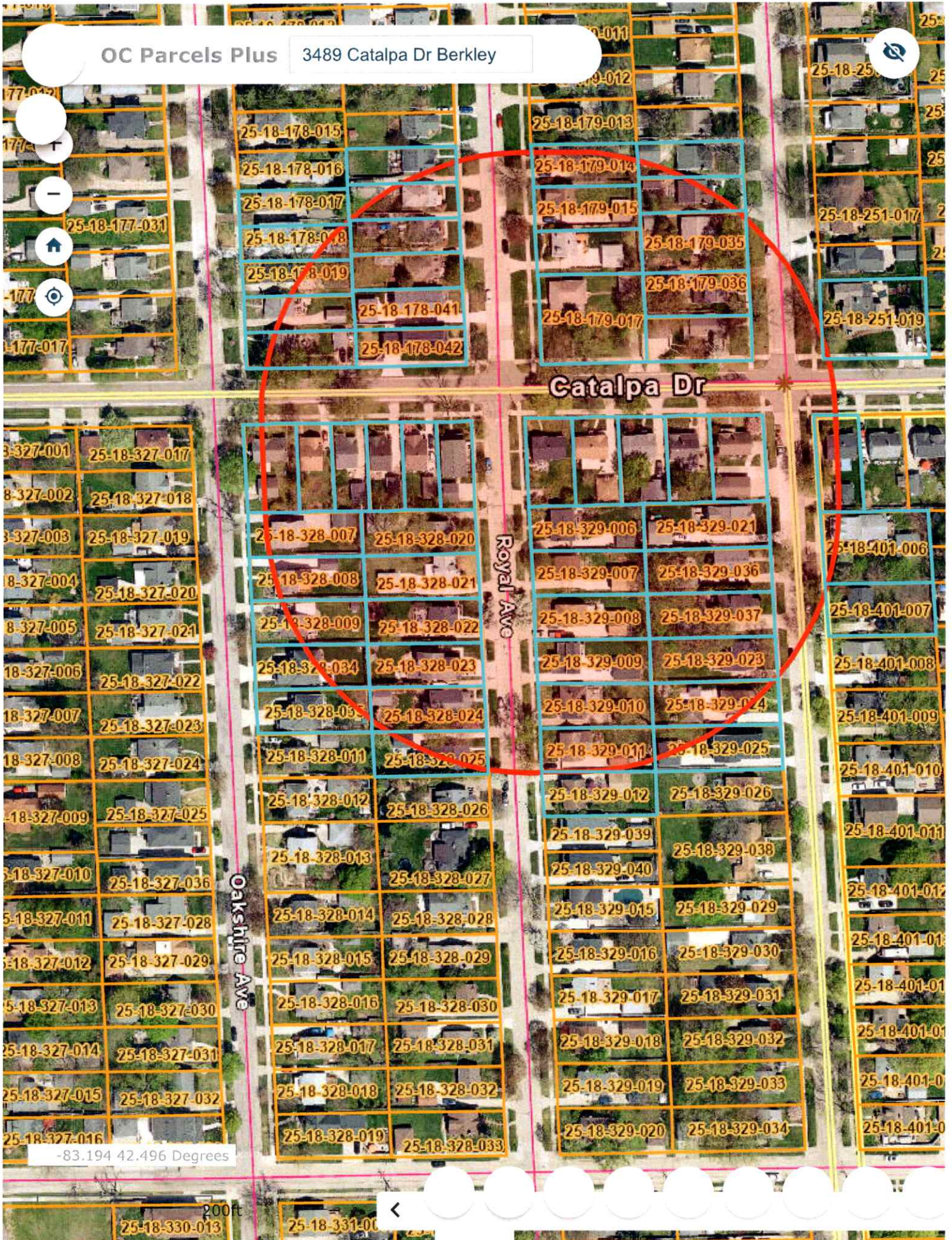
THOMAS SOBOLESKI
 3453 CATALPA DR
 BERKLEY MI 48072 1247

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



-83.194 42.496 Degrees

200ft



78

Robina Ave

R

Gr

Gardner Ave

Tyler Ave

Royal Ave

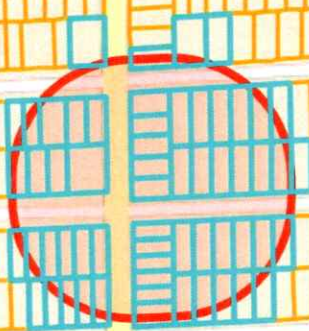
Catalpa Dr

Oxford Rd

Cambridge Rd

Pr

Bacon



THE CITY OF BERKLEY
Community Development Department
3338 Coolidge, Berkley, Michigan 48072
(248) 658-3320

**Notice of Consideration
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 13, 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.

KIM ANDERSON
ZONING ADMINISTRATOR

THE CITY OF BERKLEY
Community Development Department
3338 Coolidge, Berkley, Michigan 48072
(248) 658-3320

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KIM ANDERSON
ZONING ADMINISTRATOR

Publish Once:
Oakland Press
Friday, June 26, 2026

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 VANSSEN
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 BERKLEY

Available Reports:

[Map Atlas](#)

[Plat map & property dimensions](#)

[Residential Property Profile](#)

[Property profile of a specific parcel](#)

\$4.00

\$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!](#)



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

100.0

6.0±

1.0

9.5

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

20.3
2 CAR
WOOD SID.
FRM. GAR.

CONC. DRIVE

4.0 TO
GAR.

REM. OF
LOT 48

84.0
GAR.

36.3

24.4

37.4

#2324
1 STORY
ALUM. SID.
FRM. RES.
W/BSM'T

37.4

POR.

CONC.

CONC.

30.4

WALK

84.0

CONC. CURB
CONC. PAV'T

OXFORD RD. 50' WD.

1.0
9.7
WALK

100.0

CONC. CURB
CONC. PAV'T

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

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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

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Residential Property Profile

Property profile of a specific parcel

\$0

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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

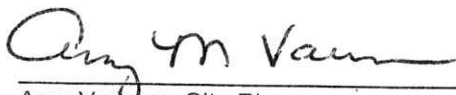
Nays: None

Absent: Butts, Morris

Motion Carried

 9 Jul 2012
Linda Bailey, Chairperson

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 VANSSEN
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.

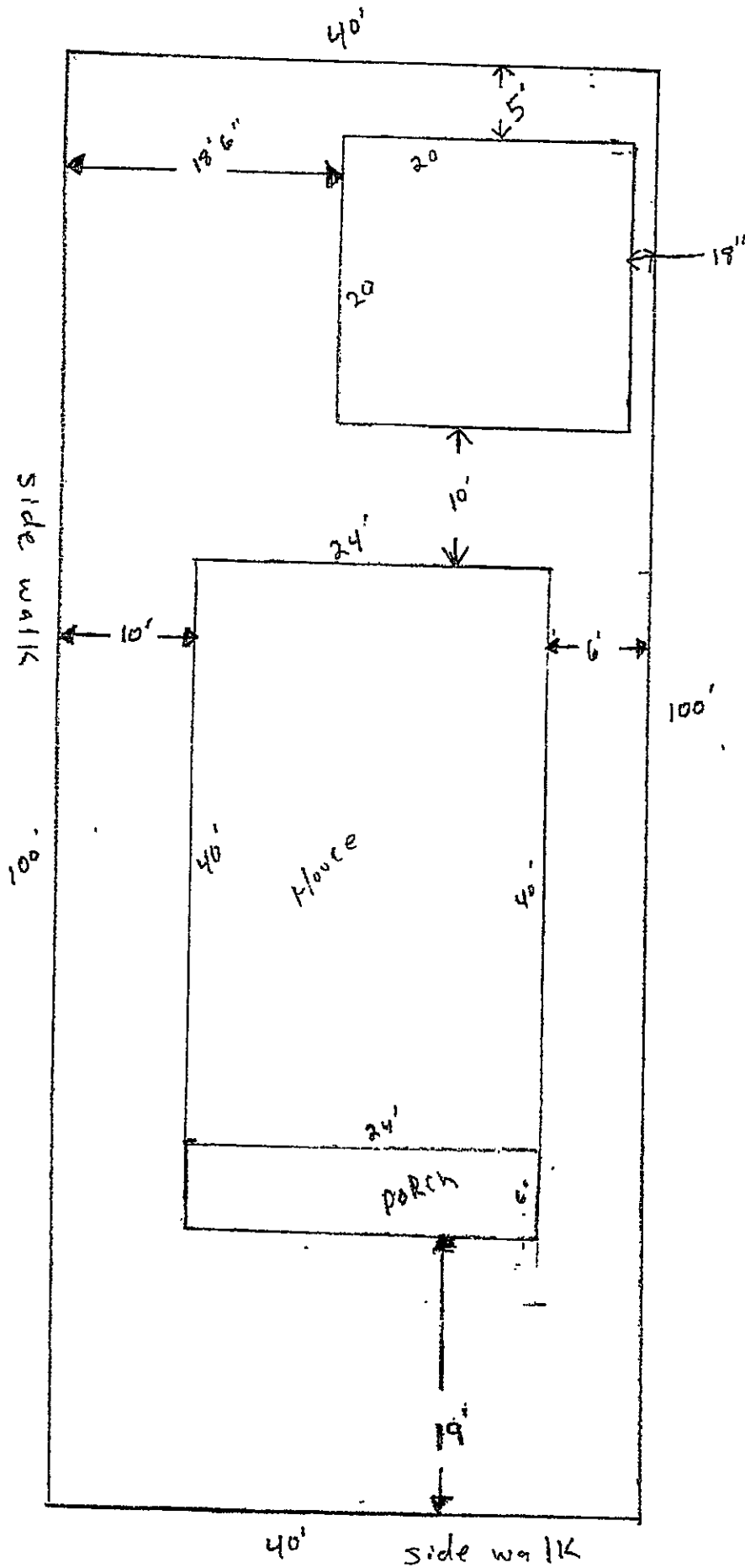
RECOMMENDATION

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

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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, Stenzynski

Nays: Bailey, Rogers

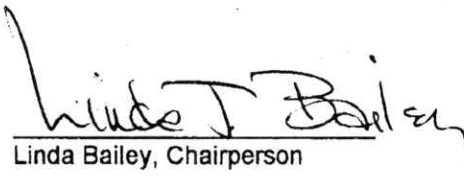
Motion Failed

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

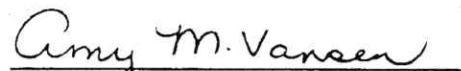
Supported by Ms. Rogers

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.

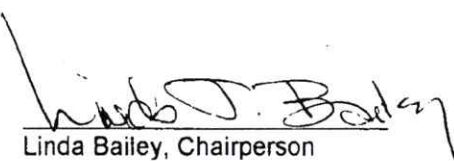
NOW, THEREFORE, THE CITY OF BERKLEY ZONING BOARD OF APPEALS RESOLVES:

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

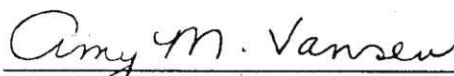
Supported by Ms. Rogers

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

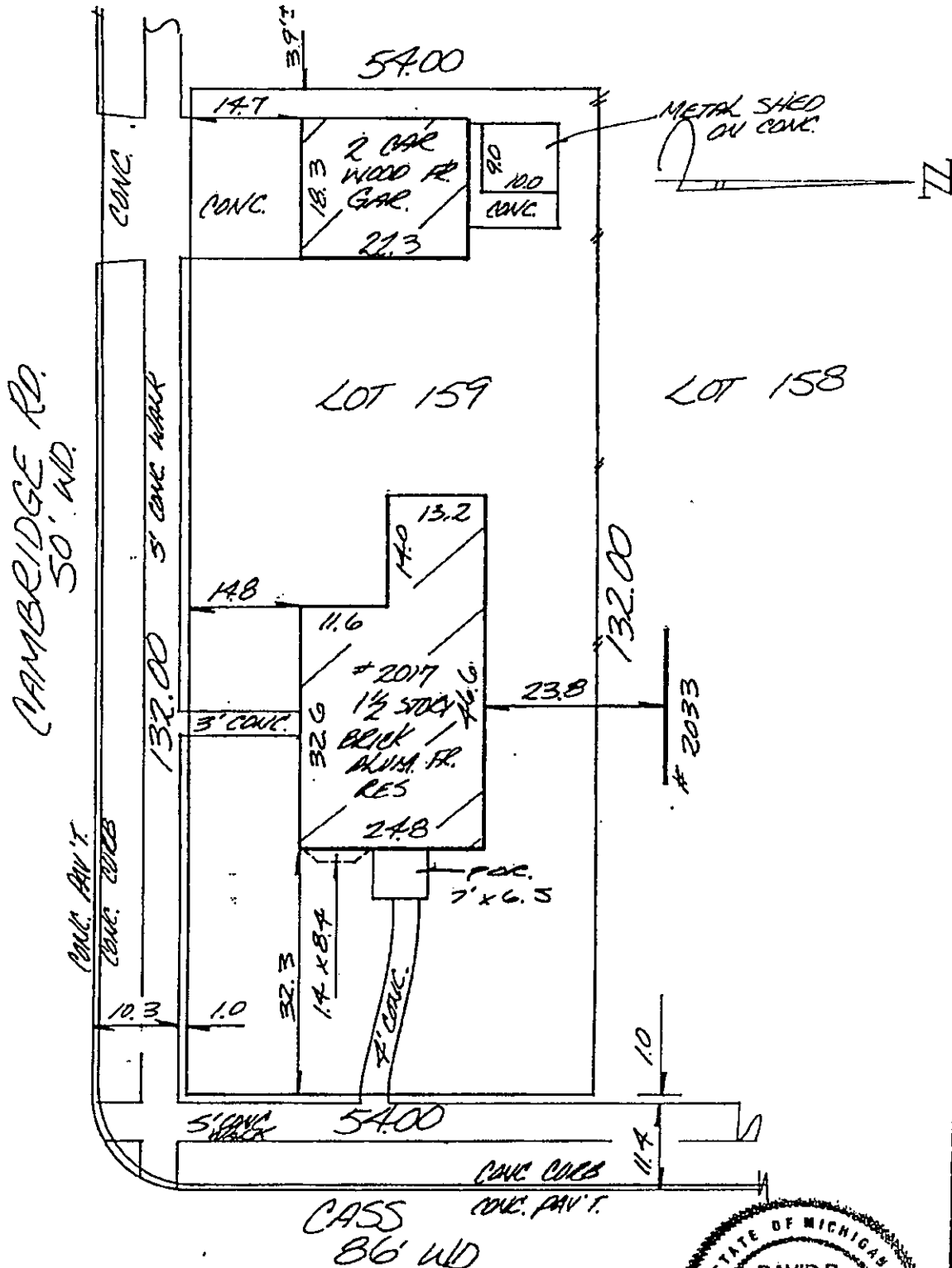
Certified to
FIRST FEDERAL OF MICHIGAN
 1001 WOODWARD AVENUE
 DETROIT, MICHIGAN 48226
 LOAN NO. 1-416911-6



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

[Residential Property Profile](#)

Property profile of a specific parcel

Also Available at this Location:

[Display Property Photo](#)

[Display Property Sketch](#)

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Standard Detailed Hybrid More...

☐ 2002 BW Aerial Imagery

☐ 2000 Aerial Imagery

☒ 2000 BW Aerial Imagery

☐ 1997 BW Aerial Imagery

☐ 1990 BW Aerial Imagery

☐ 1980 BW Aerial Imagery

Dynamic Layers

☐ Municipal Boundaries

☐ Roads

☐ Railroads

☐ 2 Foot Contours

☐ 5 Foot Contours

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](#)

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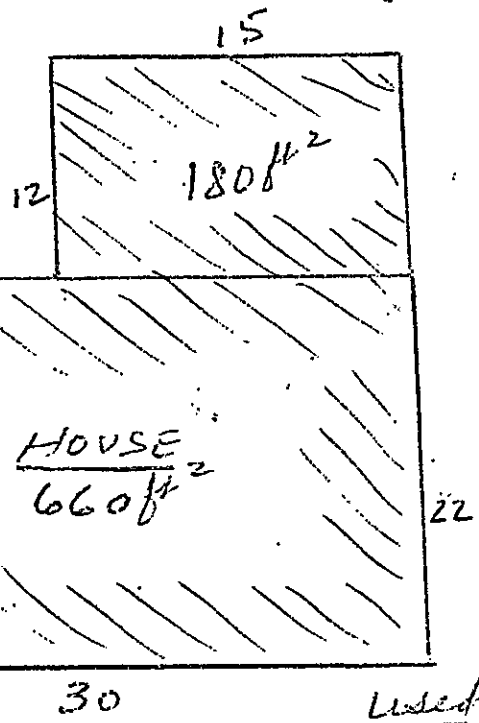
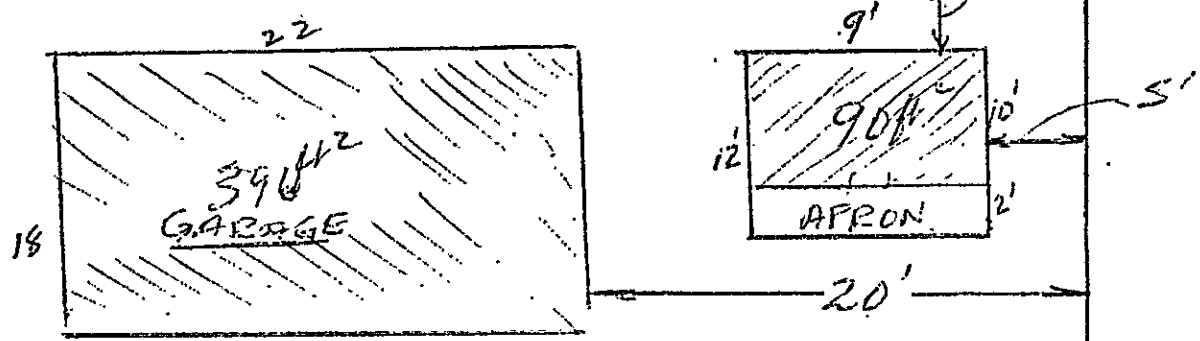
[Print the Map!](#)



EMAREH
2017 CASS BLVD.
BERKLEY, MICH.

55'

5'



Used

660 ft²
180 ft²
396 ft²

total lot area - 6600 ft²

new total area used

1236 ft² present
+ 108 ft² for deck
1344 ft²

C.A.S.S

21

1

201712121290

120'

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:

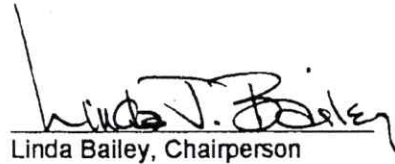
It was move by Mr. Noble to approve BA-31-99, the practical difficulty being there is no other way to build a 22' x 28' garage.

Supported by Mr. Butts

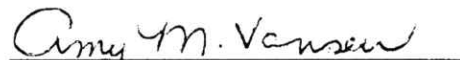
Ayes: Butts, Kroll, Noble, Rogers, Stenzynski

Nays: Bailey

Motion Carried


Linda Bailey, Chairperson

Attest:


Amy Vansen, City Planner

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 18th.

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.~~

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.

~~*Gazebo:* 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	<u>No structures permitted</u>
5-35 feet	<u>15 feet</u>
<u>Greater than 35 feet</u>	<u>Maximum height allowed in the zoning district.</u> <u>See Schedule of Regulations, Section 138-526.</u>

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.

1. 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.

Distance from Rear Lot Line to Structure	Height of Structure Allowed
0 to 5 feet	No structures permitted
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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:

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

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:

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

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-street parking strip, and shall be located to serve, and subject to the requirements of the Board of Appeals.
- (3) Any area once used for parking shall never be used for other than equal facilities.
- (4) Off-street parking spaces shall be provided in accordance with the minimum number of spaces required in the zoning ordinance or use schedule, and shall be located hereinafter prescribed for new use.
- (5) Two or more buildings on the same lot shall be provided the required off-street parking spaces in accordance with the minimum number of spaces required in the zoning ordinance or use schedule, and shall be located hereinafter prescribed for new use.
- (6) In the instance of a building where operating a business, the Board of Appeals shall determine the minimum number of spaces required in the zoning ordinance or use schedule, and shall be located hereinafter prescribed for new use.
- (7) The storage of materials for the repair of vehicles in B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10, B-11, B-12, B-13, B-14, B-15, B-16, B-17, B-18, B-19, B-20, B-21, B-22, B-23, B-24, B-25, B-26, B-27, B-28, B-29, B-30, B-31, B-32, B-33, B-34, B-35, B-36, B-37, B-38, B-39, B-40, B-41, B-42, B-43, B-44, B-45, B-46, B-47, B-48, B-49, B-50, B-51, B-52, B-53, B-54, B-55, B-56, B-57, B-58, B-59, B-60, B-61, B-62, B-63, B-64, B-65, B-66, B-67, B-68, B-69, B-70, B-71, B-72, B-73, B-74, B-75, B-76, B-77, B-78, B-79, B-80, B-81, B-82, B-83, B-84, B-85, B-86, B-87, B-88, B-89, B-90, B-91, B-92, B-93, B-94, B-95, B-96, B-97, B-98, B-99, B-100, B-101, B-102, B-103, B-104, B-105, B-106, B-107, B-108, B-109, B-110, B-111, B-112, B-113, B-114, B-115, B-116, B-117, B-118, B-119, B-120, B-121, B-122, B-123, B-124, B-125, B-126, B-127, B-128, B-129, B-130, B-131, B-132, B-133, B-134, B-135, B-136, B-137, B-138, B-139, B-140, B-141, B-142, B-143, B-144, B-145, B-146, B-147, B-148, B-149, 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B-1632, B-1633, B-1634, B-1635, B-1636, B-1637, B-1638, B-1639, B-1640, B-1641, B-1642, B-1643, B-1644, B-1645, B-1646, B-1647, B-1648, B-1649, B-1650, B-1651, B-1652, B-1653, B-1654, B-1655, B-1656, B-1657, B-1658, B-1659, B-1660, B-1661, B-1662, B-1663, B-1664, B-1665, B-1666, B-1667, B-1668, B-1669, B-1670, B-1671, B-1672, B-1673, B-1674, B-1675, B-1676, B-1677, B-1678, B-1679, B-1680, B-1681, B-1682, B-1683, B-1684, B-1685, B-1686, B-1687, B-1688, B-1689, B-1690, B-1691, B-1692, B-1693, B-1694, B-1695, B-1696, B-1697, B-1698, B-1699, B-1700, B-1701, B-1702, B-1703, B-1704, B-1705, B-1706, B-1707, B-1708, B-1709, B-1710, B-1711, B-1712, B-1713, B-1714, B-1715, B-1716, B-1717, B-1718, B-1719, B-1720, B-1721, B-1722, B-1723, B-1724, B-1725, B-1726, B-1727, B-1728, B-1729, B-1730, B-1731, B-1732, B-1733, B-1734, B-1735, B-1736, B-1737, B-1738, B-1739, B-1740, B-1741, B-1742, B-1743, B-1744, B-1745, B-1746, B-1747, B-1748, B-1749, B-1750, B-1751, B-1752, B-1753, B-1754, B-1755, B-1756, B-1757, B-1758, B-1759, B-1760, B-1761, B-1762, B-1763, B-1764, B-1765, B-1766, B-1767, B-1768, B-1769, B-1770, B-1771, B-1772, B-1773, B-1774, B-1775, B-1776, B-1777, B-1778, B-1779, B-1780, B-1781, B-1782, B-1783, B-1784, B-1785, B-1786,

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 legally required yards, other open space or other area allocated to any building shall, by virtue of its location 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 it is located shall conform with the regulations of the zoning district in which it is located.

(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.* After 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 building 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 of the adoption of this chapter, and shall be completed 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 the adoption 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 at the time of the adoption of this chapter and exists as a conditional, special use at the date of the adoption of this chapter, it shall continue to be a conditional use.

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.* No divided into two (2) or more zoning lot shall be sold, unless a such division or sale shall conform 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 existing chapter, shall subsequently be reduced if already less than, the minimum chapter for equivalent new constr

Sec. 33-117. Incomplete dwell

No cellar, garage, or any incon use as a dwelling at the effective date, unless such structure has been completed in conformity with relative to dwellings in the district located. No such structure constructed this chapter shall be used as a dwelling unless it has been completed as a dwelling and such structure. (Ord. No. 3-82, §

Sec. 33-118. Existing conditio

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

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) 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)

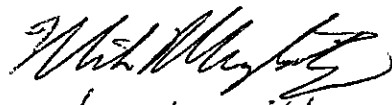
April 29th, 2026

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

2540 Royal Ave
Berkley, MI 48072


Jessica Denton



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



Kim Anderson <kanderson@berkleymi.gov>

PBA-04-26 Public Comment

'Laurynn Green' via Planning Comments <planning@berkleymi.gov>

Mon, Jun 8, 2026 at 10:56 AM

Reply-To: Laurynn Green [REDACTED]

To: planning@berkleymi.gov

Good morning,

I am a Berkley resident and a neighbor of the home in question regarding this issue. From an attorney's perspective, and assuming all measurements are accurately represented in the signage posted at 3489 Catalpa, the homeowner's proposed plan seems to fit within the zoning ordinances that apply. I see no reason why the garage cannot be built as he proposes. In my opinion his proposal should be granted.

Laurynn Green
2399 Royal Avenue, Berkley MI



Kim Anderson <kanderson@berkeleymi.gov>

zba interpretation June 8 meeting

'Lisa Kempner' via Zoning Board of Appeals <zba@berkeleymi.gov>

Mon, Jun 8, 2026 at 4:21 PM

Reply-To: lisa kempner [REDACTED]

To: zba@berkeleymi.gov

Hello,

I am writing today to comment on the interpretation of the zoning ordinance for accessory structures. I am writing solely as a resident.

I feel like a problem that has long plagued the planning department (for decades) is the idea that an ordinance says one thing, but really means something else. I was hoping that with the rewrite, that issue would have been solved, but it appears that it still lingers to some degree.

The ordinance clearly reads that if the rear lot line is more than 35 feet to the PRINCIPAL STRUCTURE, the side setback is 10 feet. Given that, I am unclear as to why this case is even in front of the ZBA today. It doesn't say to the accessory structure, it says to the principal structure. I don't know why there is a history given of prior ordinances, because the only thing that matters is what this current ordinance actually says.

The definition for an accessory structure in our ordinance is as follows:

"Accessory building or accessory structure: A subordinate building on the same parcel as the principal building, the use of which is incidental to that of the principal building, including garages and carports, studios for private use, greenhouses, hobby shops, and recreation rooms."

If the community development department thinks the ordinance should be different than what it actually reads, then the option is to go to the planning commission to initiate a rewording or change of the ordinance. The city cannot possibly expect that a homeowner or contractor should go by some unknown, unwritten intent (whose intent? There were many people involved in the creation and adoption of these ordinances) as opposed to the actual words that are written in the ordinance.

In summary, I don't know why an interpretation is needed when the words are clear. An accessory building is not a principal structure (as is made clear in the definition of accessory structure), and the ordinance reads that if the rear setback is greater than 35' to the principal structure means a 10' side setback.

Thank you for your time,
Lisa Kempner, resident.





Kim Anderson <kanderson@berkleymi.gov>

PBA-04-26 Public Comment

'Bruce Pohl' via Planning Comments <planning@berkleymi.gov>

Tue, Jun 2, 2026 at 10:40 AM

Reply-To: Bruce Pohl [REDACTED]

To: "planning@berkleymi.gov" <planning@berkleymi.gov>

To whom it may concern,

I see that my neighbor, at the S.E. corner lot of Royal and Catalpa, is asking for permits to construct a garage.

As a long time resident of Berkley (since 1986) I cannot find a good reason to deny the construction of the garage and it appears to meet the ordinance requirements. The construction allows for driveway parking before the entrance to the garage and it would be a benefit to the homeowner as well as an improvement to the property.

I support the homeowner's request to construct the garage. I would be opposed only if the driveway did not allow for parking before entering the garage without encroaching upon the sidewalk.

Thank you for considering my comment,

Bruce Pohl

2429 Royal Avenue
[REDACTED]

Confidentiality Notice:

This e-mail, including any attachments is the property of Trinity Health and is intended for the sole use of the intended recipient(s). It may contain information that is privileged and confidential. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please delete this message, and reply to the sender regarding the error in a separate email.



Kim Anderson <kanderson@berkleymi.gov>

PBA-04-26 Public Comment

Alexander WELKER [REDACTED]
To: planning@berkleymi.gov

Mon, Jun 8, 2026 at 7:04 AM

Good morning,

My name is Alex Welker and I live at 3511 Catalpa Dr, Berkley, MI 48072 which is next door to Alex Murrel.

Please let Alex build his garage where he wants to. His placement will line up well on the street with it being a good middle ground between the right edge of his home and the front of the home behind.

Thanks,

Alex Welker



Kim Anderson <kanderson@berkleymi.gov>

PBA-04-26

Florence Yates [REDACTED]
To: planning@berkleymi.gov

Sun, Jun 7, 2026 at 4:04 PM

Just let them build a garage

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

City of Berkeley Zoning Board of Appeals

Monday, June 8th, 2026

Alex Murrell, Property Owner of 3489 Catalpa Dr.

Request for Interpretation- Section 5.09 E. 2.:

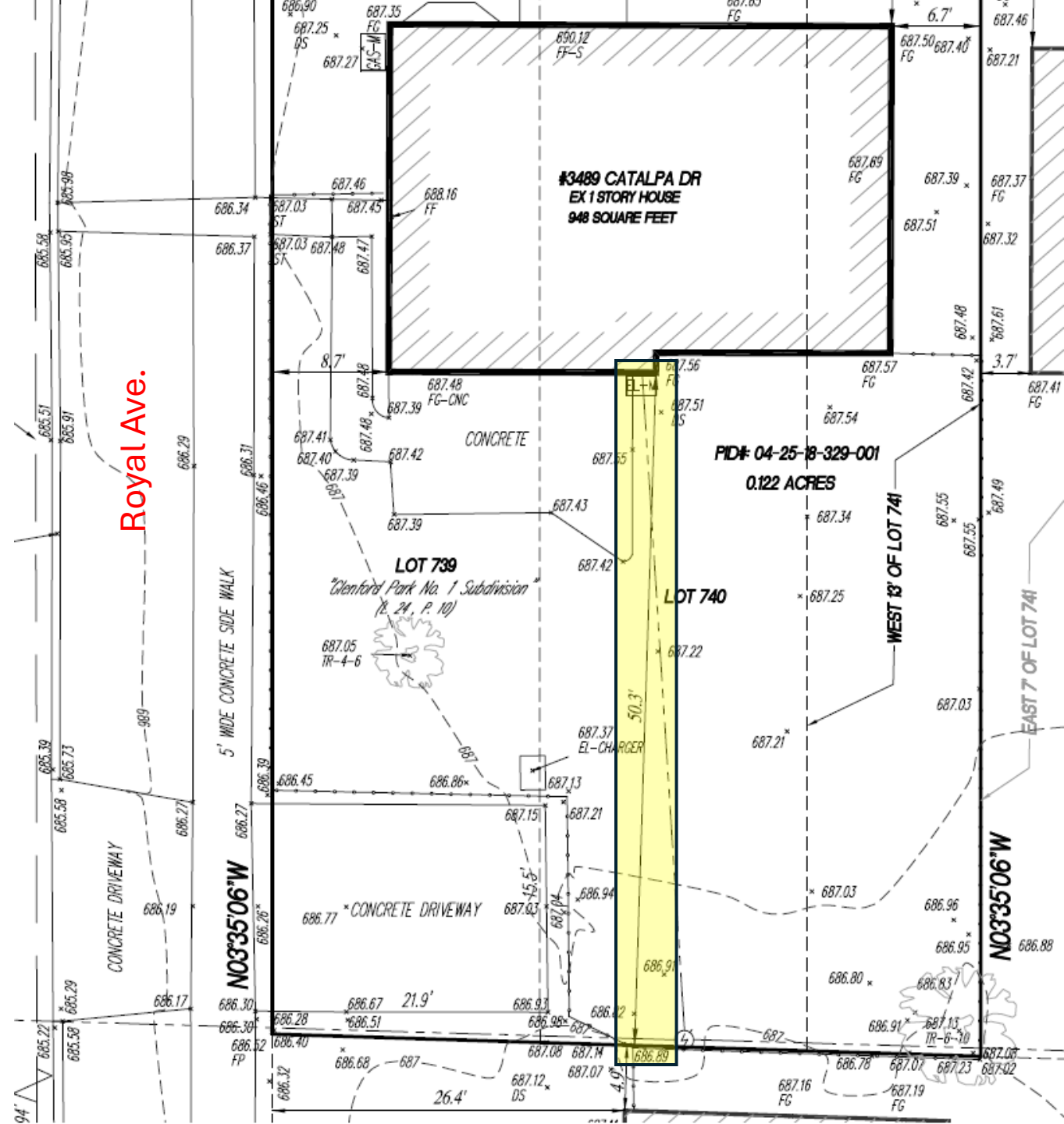
E. Exterior side yards on corner lots:

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.

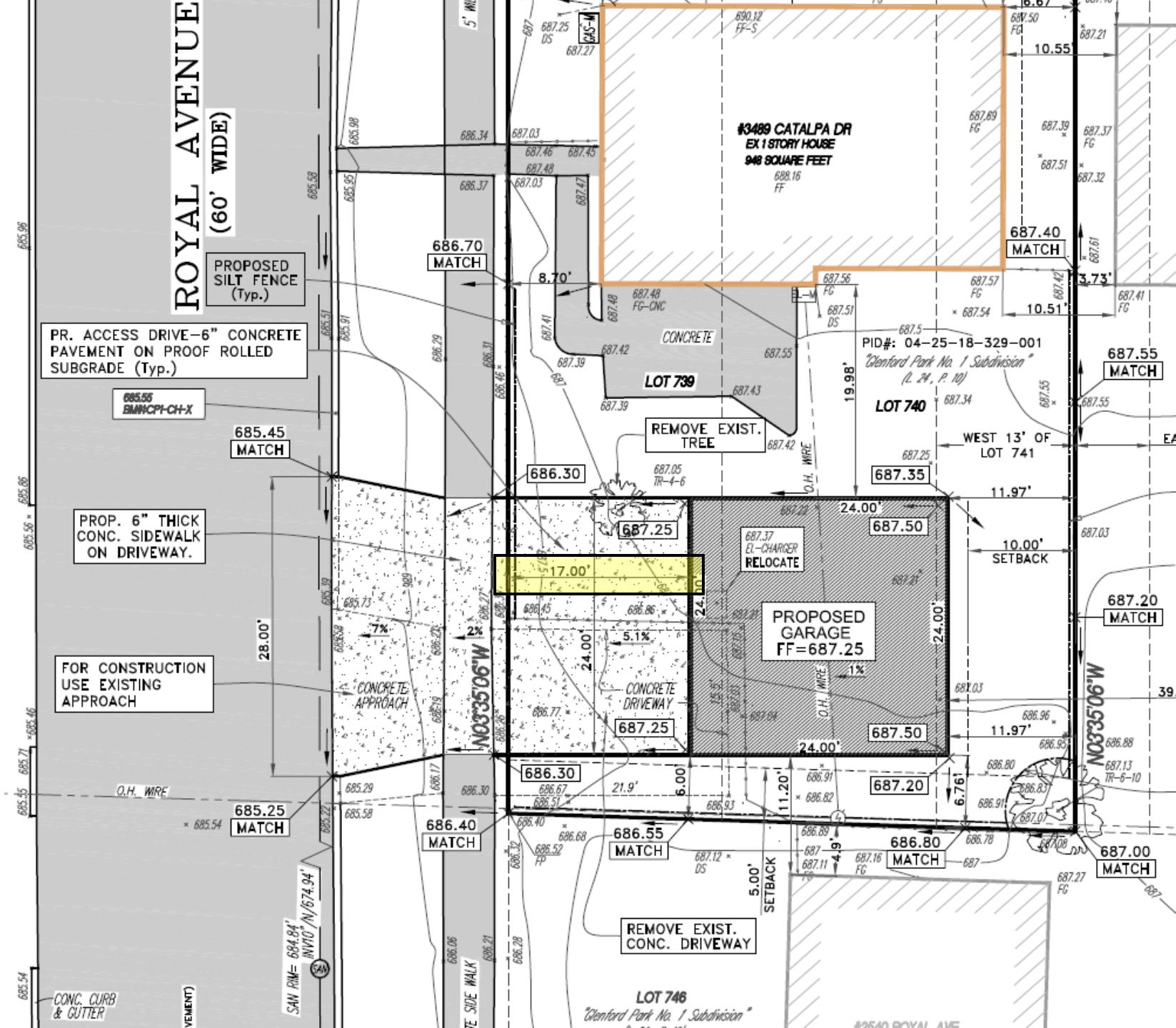
<Request>

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?

- 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.



- 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.

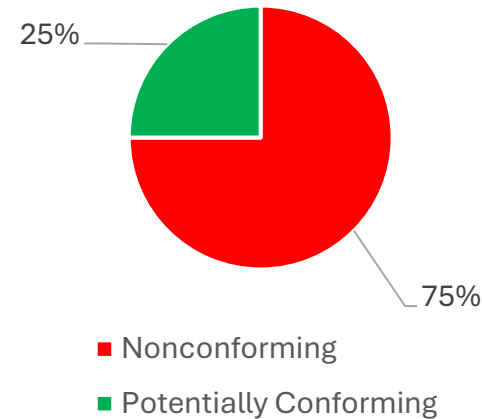
Address	Detached Garag	Distance from RLL to Gar	Distance from rear lot line to principal str	Distance from sidewalk to garage	Compliant with Zoning Administrator interpretation	Garage Setback Less than Adjacent Lot House	Would be compliant with my interpretation	Compliant but setback is less than adjacent house
4298 Robina	Y							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 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.

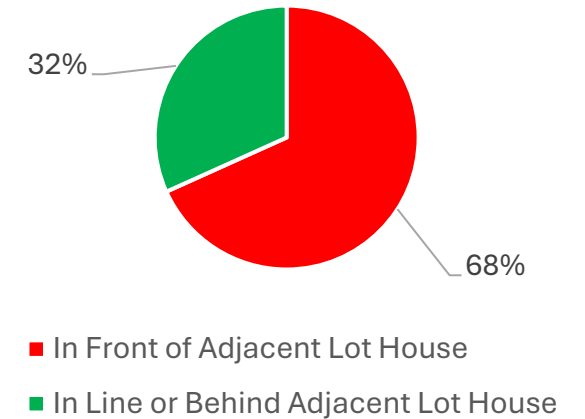
Analysis of Similar Lots in Berkley

- 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)

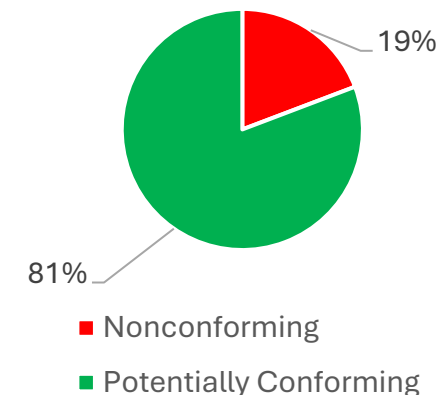
% Nonconforming According to Zoning Administrator Interpretation



% 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

2540 Royal Ave
Berkley, MI 48072


Jessica Benthauser

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.

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 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?

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

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



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: James Jones Phone: [REDACTED]

Address: 4236 Gardner, Berkley, MI 48072

Email: [REDACTED]

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

PROPERTY OWNER INFORMATION (if different from Applicant)

Name: _____ Phone: _____

Address: _____

Email: _____

PROPERTY DESCRIPTION

Address: 4236 Gardner

Parcel #: 04-25-07-403-004 Zoning Classification: RICD

Current Use of Property: _____

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:

Filing Variance because of denied permit for addition.

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 or physical conditions of the property.

It can't be built to conform to current restrictions, and meet building codes. I want to build directly above existing load bearing walls, not encroaching further to properties in any direction. Existing walls met building codes when originally built

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

The Home was built in Compliance with Set back requirements at the time. Setback requirements have since changed.

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.

from a Practical standpoint the Addition should be built above existing load bearing walls. Denial of variance would effectively restrict the owner's ability to improve and utilize the property in a reasonable and customary manner. Granting would not adversely affect neighboring Properties, Public Safety, or Character of the area

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

variance is being requested to build directly over load bearing walls that currently exist, and will not further encroach on any surrounding property.

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

Addition will be built directly above first floor exterior walls that already exist. Will not further encroach in any direction

II. INTERPRETATION OF ZONING ORDINANCE

Provide Section numbers of Zoning Ordinance to be interpreted: _____

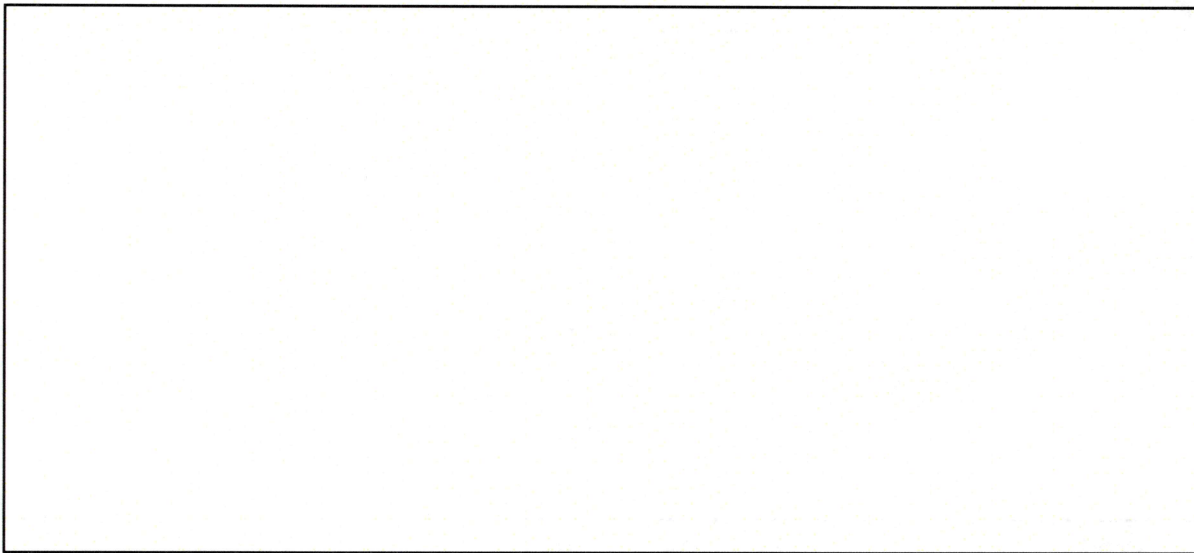
Please describe the request and what needs to be clarified or interpreted by the ZBA.

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)

JT 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)

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

JT 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.

JT 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.

James T Jones III
Applicant Name (print)

James T. Jones III
Applicant Signature

6-18-26
Date

Applicant Name (print)

Applicant Signature

Date

James T. Jones III
Property Owner Name (print)

James T. Jones III
Property Owner Signature

6-18-26
Date

Office Use Only

Received 6-5-26 Receipt # _____ Meeting Date 7-13-26 Case # PBA-05-26

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

JONES ADDITION

4236 GARDNER
BERKLEY, MI. 48072

MARCH 9TH, 2026 OUT FOR PERMIT

SHEET LIST

- S-1.....SITE PLAN
A-1.....ELEVATIONS
A-2.....PLANS
A-3.....BUILDING SECTIONS

PROPERTY DESCRIPTION

4236 GARDNER
BERKLEY, MICHIGAN
48072
(SINGLE FAMILY RESIDENCE BUILD 1947)
OCCUPIED LOT PARCEL NUMBER: 04-25-01-403-004

ZONING AND SETBACK

NOTE:
THIS PROPERTY IS ZONED AS EXISTING (R-1CD) SINGLE FAMILY
RESIDENTIAL SMALL LOT DISTRICT

MINIMUM LOT AREA IN SIZE PER UNIT 4,400 SQFT.
MINIMUM LOT WIDTH 40 FEET
MINIMUM FLOOR AREA PER DWELLING UNIT 800 SQFT.
IN STORES (2)
IN FEET (30 FEET)
MINIMUM DISTANCE BETWEEN ADJACENT DWELLINGS 15'-0"

SET BACKS:
FRONT.....(25.0')
SIDE YARDS:
LEAST.....(5.0' MIN) (10.0' MIN)
TOTAL.....(15.0')
REAR.....(20.0')

NOTE:
SETBACK AND ZONING INFORMATION WAS OBTAINED FROM
THE MUNICIPALITY CLIENT MUST VERIFY ALL INFORMATION,
BEFORE CONSTRUCTION.

RESIDENTIAL SQUARE FOOTAGE

(OCCUPIED LOT)
1.5 STORY BUNGALOW WOOD FRAMED VINYL SIDING
RESIDENCE PROPOSED SECOND STORY ADDITION ZONED
R-1CD 4236 GARDNER BERKLEY, MI. 48072,

EXISTING HOUSE 1ST FLOOR ONLY + EXISTING DETACHED
GARAGE = TOTAL HOUSE / GARAGE SQFT BUILDING
COVERAGE
812.60 SQFT + 364.18 SQFT = 1177.38 SQFT.

HOUSE & GARAGE SQFT 1ST FLOOR ONLY + EXIST.
ACCESSORY STRUCTURE SQFT. = TOTAL BUILDING
COVERAGE

EX. HOUSE/EX. GARAGE + EX COVERED PORCH =

1177.38 SQFT. + 288.13 SQFT. =

TOTAL BUILDING COVERAGE IS1,465.51 SQFT.

LOT COVERAGE

LOT COVERAGE 4,400.00 SQFT

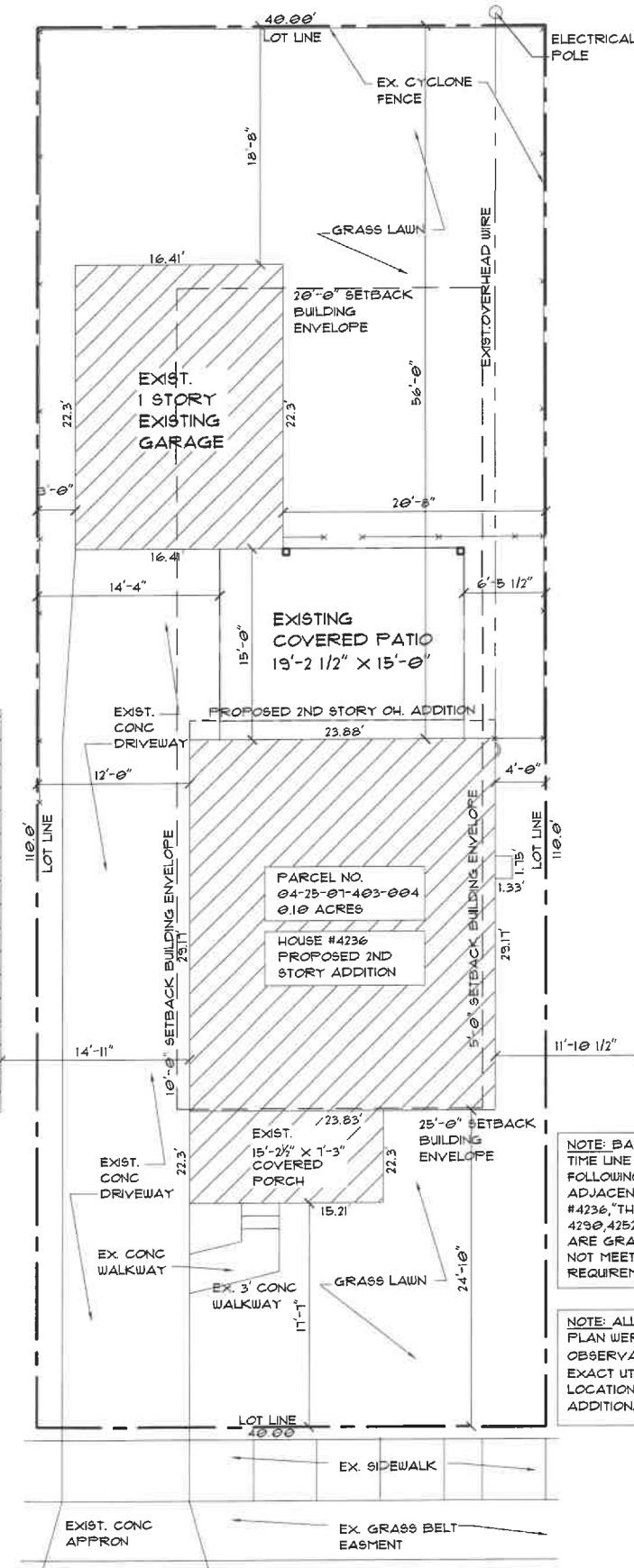
NEW RESIDENTIAL COVERAGE = 1,465.51 SQFT

TOTAL RESIDENTIAL COVERAGE OVER LOT = 33%

MAXIMUM PERCENTAGE OF LOT AREA
COVERED BY ALL BUILDINGS: (33%)

NOTE:
UTILITY INFORMATION WAS OBTAINED FROM THE
MUNICIPALITY NO GUARANTEE CAN BE MADE TO THE
COMPLETENESS OR EXACTNESS OF THOSE RECORDS,
CONTRACTOR MUST VERIFY ALL FIELD LOCATIONS, SIZE AND
ALL LEADS OF MAINS BEFORE CONSTRUCTION.

EX. HOUSE #4290
BUNGALOW
HOUSE



GARDNER ROAD
50'-0" WD. RIGHT OF WAY
CONCRETE STREET

EXIST. CONC CURB
SITE PLAN
SCALE = 1" = 20'-0"

NORTH

pd

prantzas
design LLC.

architecture • planning
design • solutions

19653 tanglewood Cir.
clinton township, mi. 48038

e • dprantzas@hotmail.com
p • 586-413-7187

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project:
JONES III ADDITION
4236 GARDNER,
BERKLEY, MI. 48072
(248)-511-8405

client:
JAMES JONES III
4236 GARDNER,
BERKLEY, MI. 48072
(248)-511-8405

sheet title
**PRELIMINARY
SITE PLAN**

issue:

- ☐ preliminary
☐ bids
☒ record
☐ construction

date issued

OWNER REVIEW 03/04/26

OWNER REVIEW 03/06/26

date: 03/04/26

drawn by: D.P

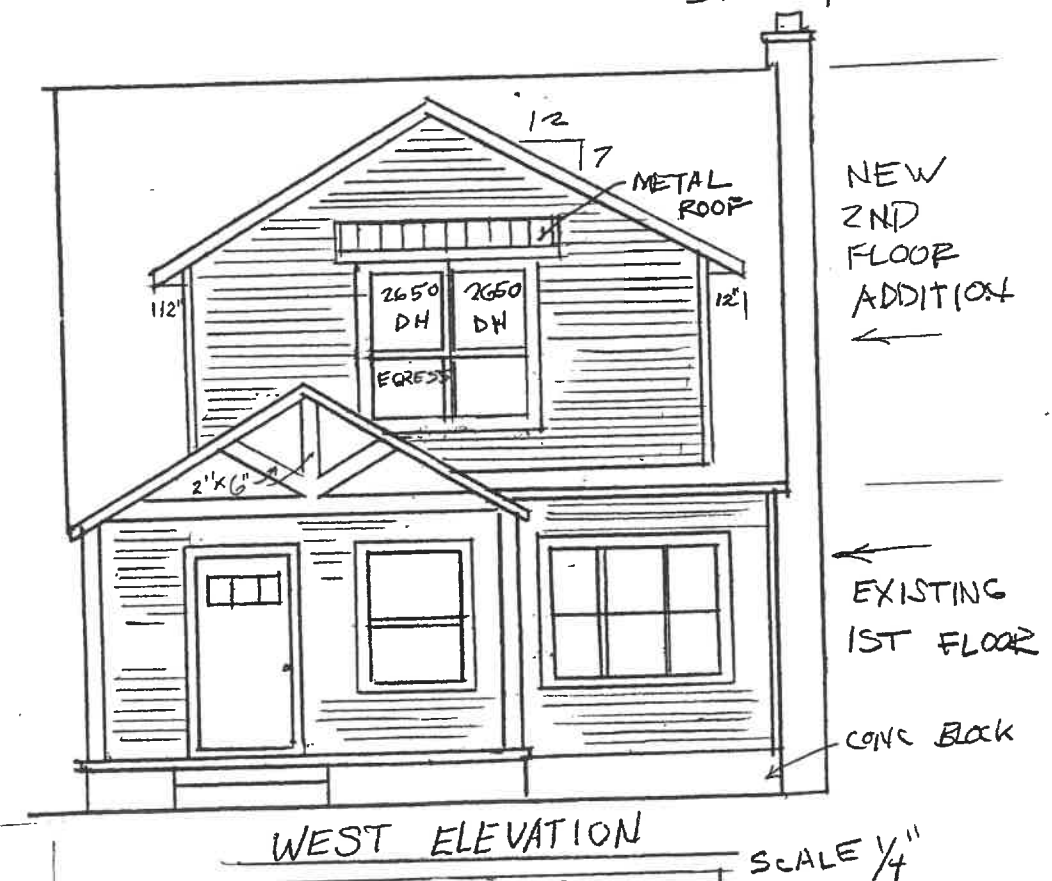
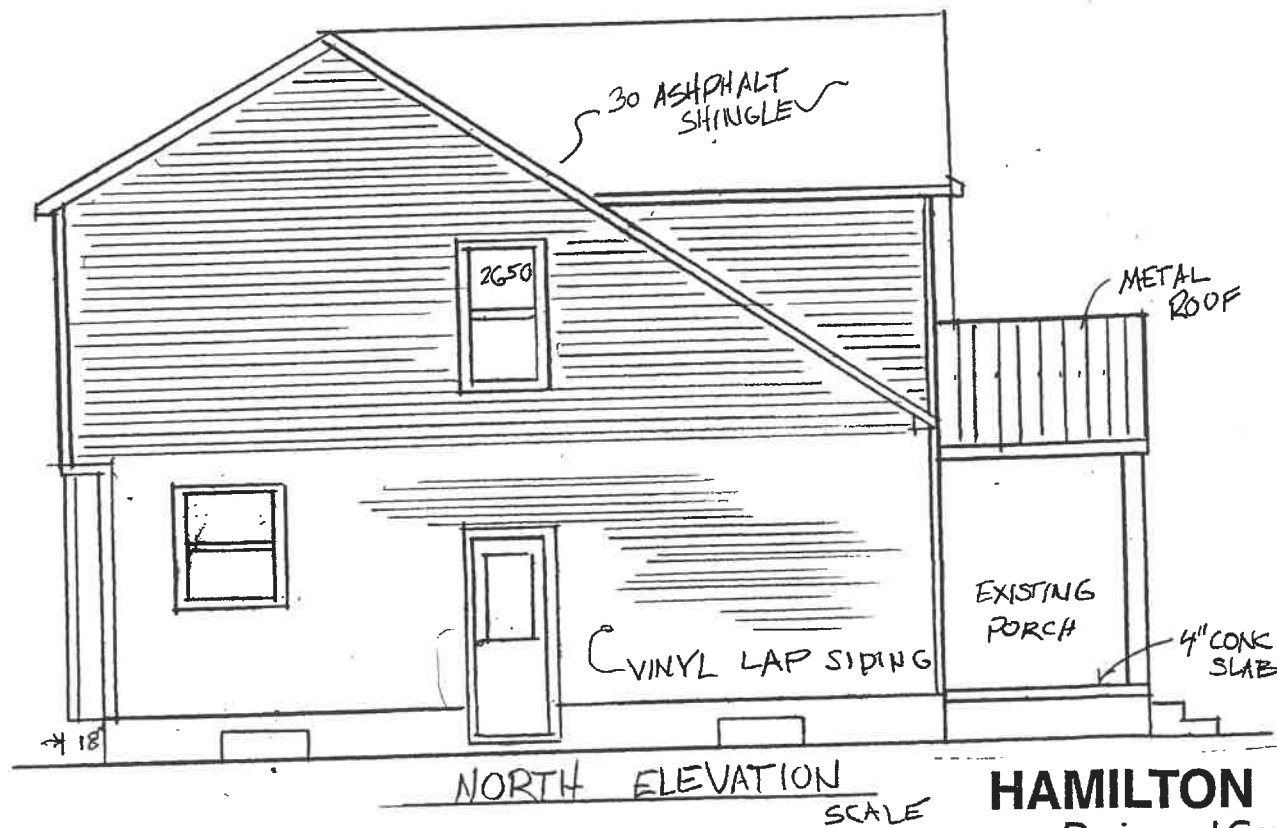
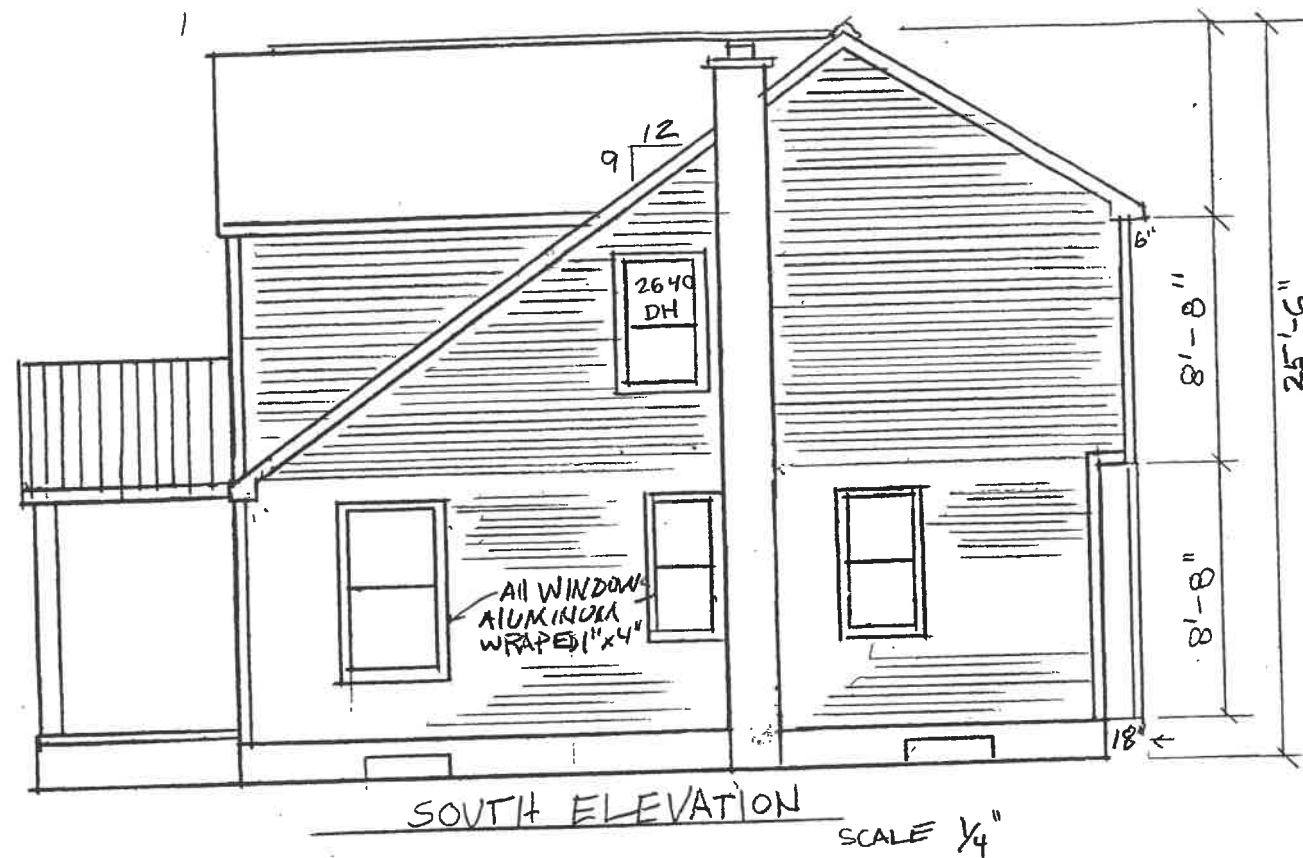
checked by: D.P

job #: 26003

sheet #

S-1

of 1 sheets



HAMILTON
Design and Contracting

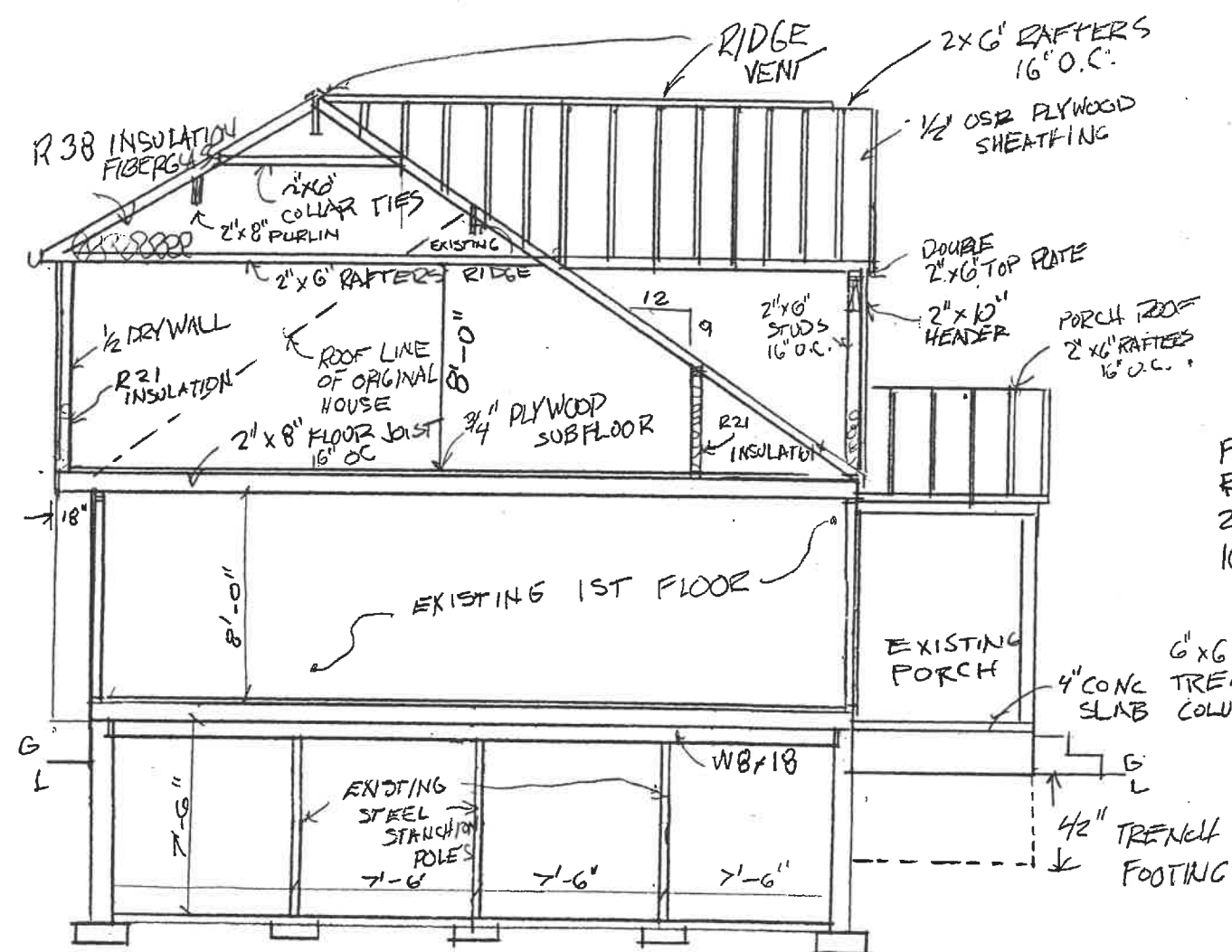
Brett Walters
248.854.9520

3102 Garden
Royal Oak, MI 48073

JIM & IDA JONES
3236 GARDNER
BERKLEY MI 48072
DATE: 1-27-26

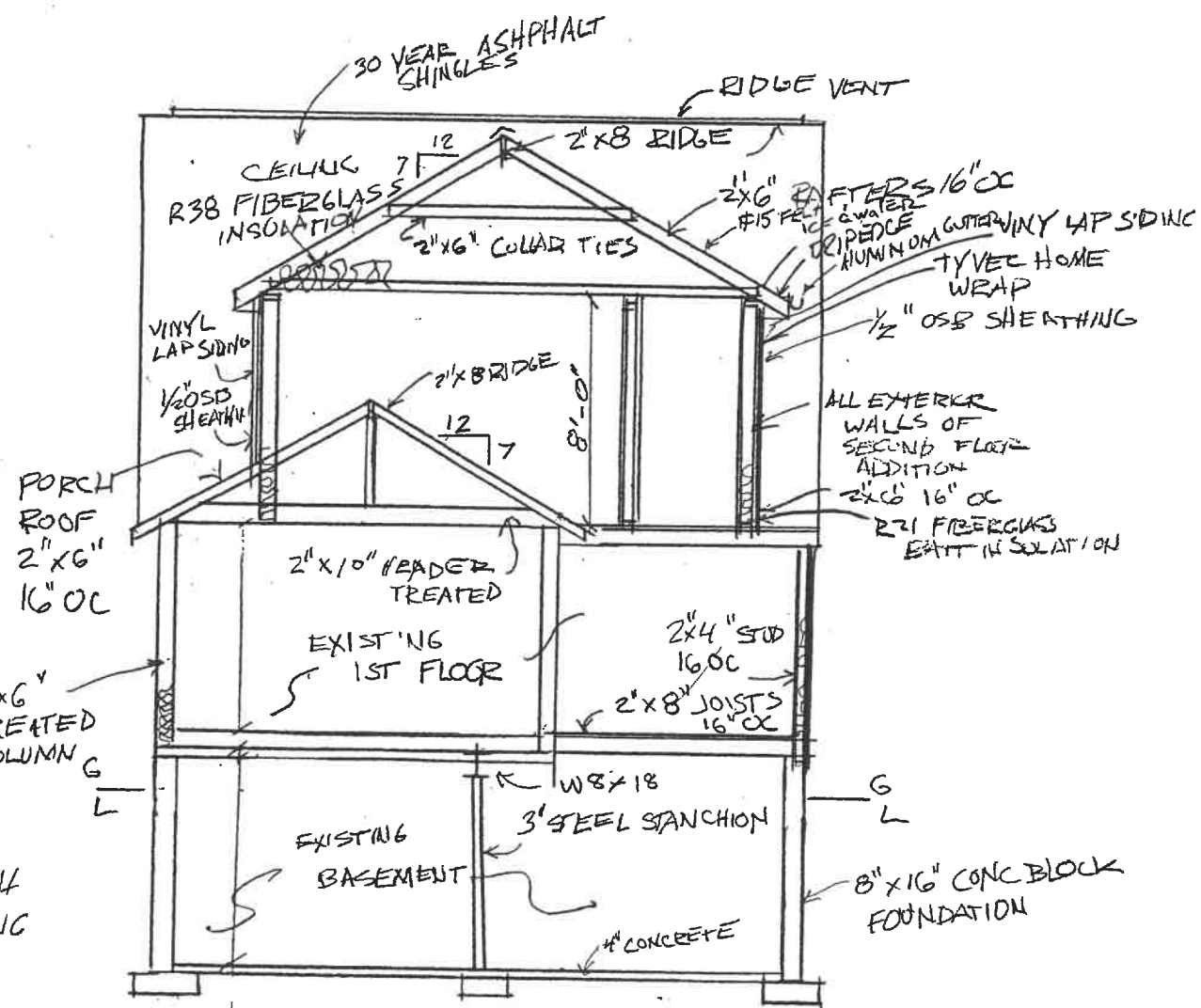
2ND FLOOR
ADDITION.
DRAW BY
BRETT WALTERS

1 of 3



NORTH STRUCTURAL SECTION

SCALE 1/4" = 1'-0"



WEST STRUCTURAL SECTION

SCALE 1/4" = 1'-0"

HAMILTON
Design and Contracting

Brett Walters
248.854.9520

3102 Garden
Royal Oak, MI 48073

JIM & IDA JONES
3236 GARDNER
BERKLEY MI 48072
DATE: 1-27-26

2ND FLOOR
ADDITION.
DRAW BY
BRETT WALTERS

25-07-403-004

or [navigate to](#) and [click on the property of interest](#)

4236 GARDNER AVE

PIN: 25-07-403-004

CITY OF BERKLEY

Available Reports:

[Map Atlas](#) \$4.00
Plat map & property dimensions

[Residential Property Profile](#) \$0
Property profile of a specific parcel

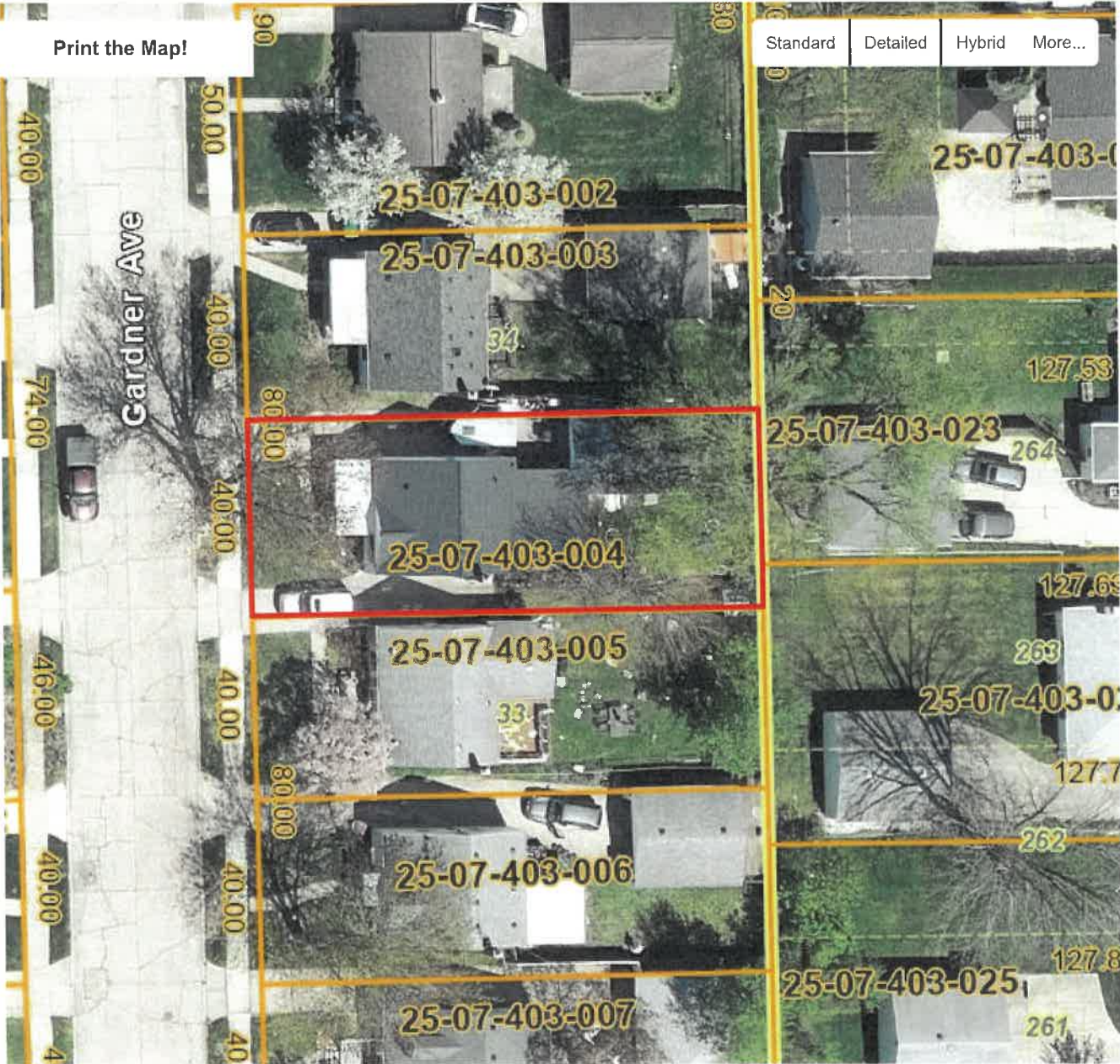
Also Available at this Location:

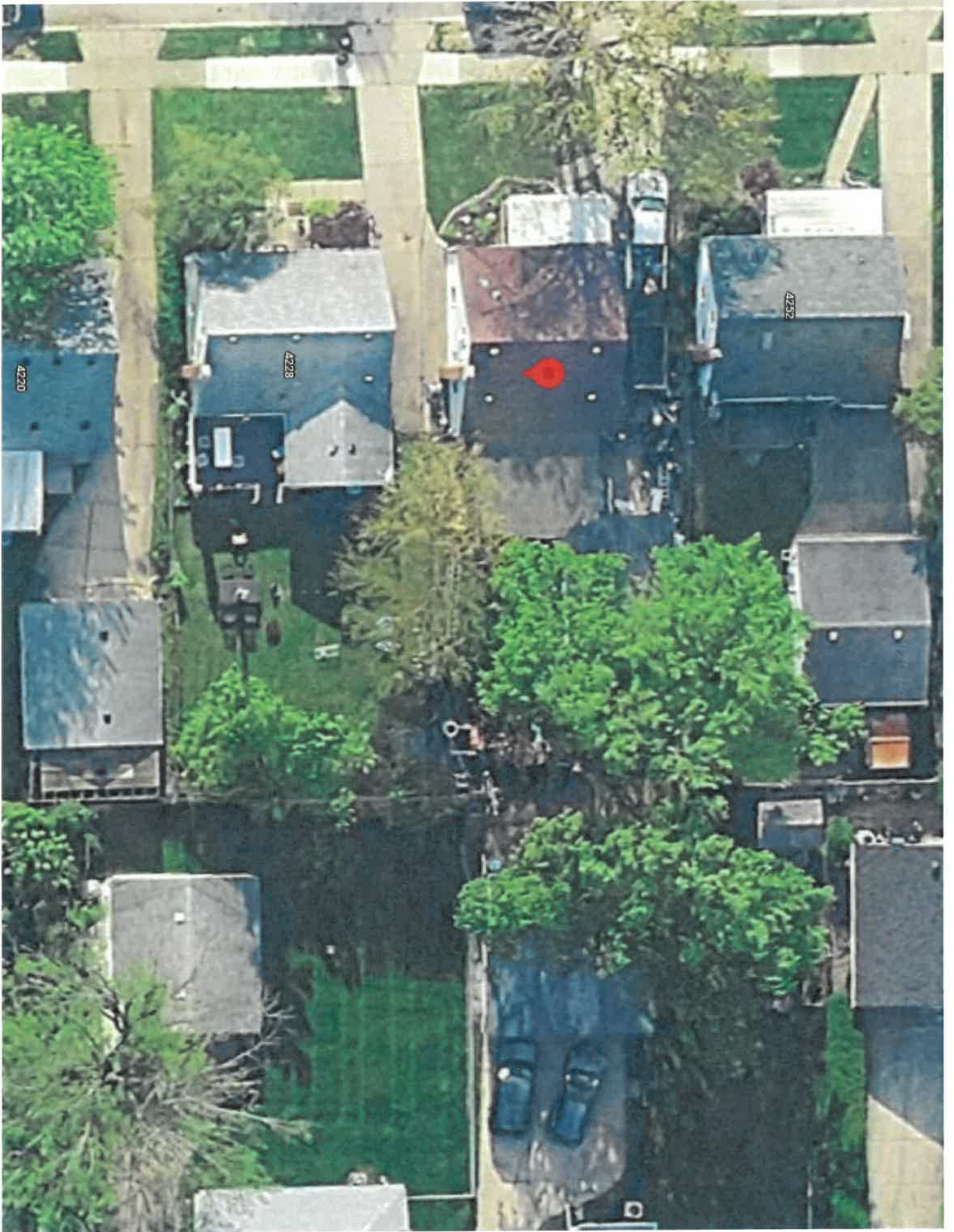
[Display Property Photo](#)

[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](#)







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

MEMORANDUM

To: Danna Bauer, Community Development Building Clerk

Cc: Shawn Young, Public Works Deputy City Manager of Public Services
Adam Wozniak, Public Works Superintendent

From: Kim Anderson, Community Development Zoning Administrator

Subject: Review #1 4236 Gardner

Date: 04/20/2026

Address 4236 Gardner, Parcel 04-25-07-403-004, Zoning District R-1CD, a single-family dwelling applied for a Building Permit to construct a second story addition with first floor renovations. Site Plan dated 03/06/2026 and Building Plans received for review April 16, 2026.

Zoning Review:

- Existing dwelling setbacks are legal non-conforming:
- Required setbacks:** Front 25' or average of six adjacent; total 15' side yard setback, with a minimum one side of 5'; minimum distance between dwellings 15'.
- Property setbacks: Front **24.833'** (average not provided); total 16' side yard setback with **4'** on South side; minimum distance between dwelling: **N 14.917', S 11.875'**

When an existing structure is non-conforming, Per 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.

Zoning review is denied. Submit revised plans meeting current setback requirements or apply to the Zoning Board of Appeals

Please contact me if you have any questions.

Kim Anderson kanderson@berkleymi.gov
248-658-3324



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

RESIDENTIAL BUILDING PERMIT REVIEW CHECKLIST

PROJECT ADDRESS: 4236 Gardner DISTRICT: R-1CD

- ☐ New Build ☒ Addition to Main Bldg. ☐ Garage/Accessory Structure
☐ Deck ☐ Porch ☐ Interior Alterations ONLY

GENERAL DATA:

- ☐ Lot or Unit Number ☐ Builder & Address
☐ Scale & North Arrow ☐ Plan or Revision Date
☐ Easements & Dimensions ☐ Lot Lines & Dimensions
☐ Road Right-of-Way ☐ Grade Elevations, Existing & Proposed

STRUCTURE DATA:

House Elevations:

House Elevations	Existing / Proposed
Left Rear	/
Right Rear	/
Left Front	/
Right Front	/
Finish Floor	/
Garage Floor	/

Setbacks:

Principal Structure	Dimensions	
	Required	Proposed
Front	25'	24.833' -
Rear	20'	50'
Left Side	10'	12'
Right Side	5'	4' -
Minimum Distance Between Dwellings	15'	N-14.917' - S-11.875' -
Minimum Distance Between Principal & Accessory Structure	10'	15'

Height Proposed: _____
Maximum: _____

Accessory Structure	Required	Proposed
Rear		
Left Side		
Right Side		

Lot Coverage Proposed: 24.15%
Maximum: 35%

Porch	Required	Proposed
Front		
Projection		

Driveway meets requirements: Yes No

PBRA26-0045

X Covered Patio? looks to be right up to garage. clarify



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-05-26 4236 Gardner Ave., Request for three (3) Dimensional variances to construct a second story addition to the non-conforming structure that does not meet 1) minimum side yard setback 2) minimum distance between dwellings 3) front yard setback.**

Date: July 08, 2026

APPLICANT: James Jones

LOCATION: 4236 Gardner

PARCEL ID: 04-25-07-403-004

REQUEST: The applicant is requesting three dimensional variances:
1) minimum side yard setback
2) minimum distance between dwellings
3) front yard setback.

REQUIRED: *Berkley City Code*, Chapter 138 *Zoning*, Section 5.02.D: Minimum side yard setback, per side: 5 feet, Minimum distance between dwelling units: 15 feet and Section 5.09.B: Minimum Front yard Setback 25' or equal to the average setback of the six adjacent buildings on the same block, whichever is greater

ZONING AND LAND USE

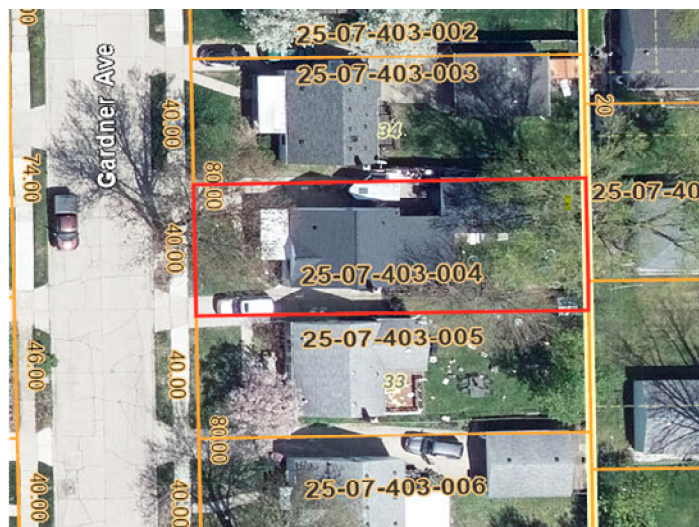
Property	Zoning District	Land Use
Subject Site	R-1CD	Residential – Single family dwelling
West	R-1CD	Residential – Single family dwelling
East	R-1CD	Residential – Single family dwelling
North	R-1CD	Residential – Single family dwelling
South	R-1CD	Residential – Single family dwelling

4236 Gardner Ave., Parcel 25-07-403-004 was built in 1947. Properties to the North and South were both built in 1947.

The current setbacks for 4236 Gardner Ave., are; the South side yard setback of the existing structure is 4 feet, dwelling is 11.875 feet from the dwelling to the South and 14.917 feet from the dwelling to the North and the front yard setback is 24.833 feet.

Motion: deny - code is not unreasonably burdensome, the property is not unique, the problem is self-created and the homeowner has an existing nonconforming structure constructed without a permit.

Motion: deny due to a lack of practical difficulty, the code is not unreasonably burdensome and the applicant would confer a benefit not available to others.



Source: Oakland County Property Gateway



Source: Google map

SCOPE OF PROJECT

A building permit application was submitted and denied to construct a second-story addition. The addition would increase the existing non-conformity, but would not encroach any further into the existing setbacks.

Per 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.

The applicant is requesting dimension variances to allow for a second story addition not meeting the minimum setback requirements per Chapter 138, Article 5, Section 5.02D.

A dimensional variance of 1 foot on the South side of the property where the side yard setback is 4 feet and the requirement for the minimum side yard setback is 5 feet,

A dimensional variance of 3.125 feet (three feet 1.5 inches) on the South side of the property where the distance between dwelling units is 11.875 feet, and a dimensional variance of .083 feet (one inch) on the North side of the property where the distance between dwelling units is 14.917 feet and 15 feet is the minimum distance between dwelling units required.

A dimensional variance of .0167 feet (two inches) on the front yard setback where the front yard setback is 24.833' and the requirement for front yard setback is 25 feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater per 5.09B Supplemental Dimensional Regulations Applicable to all Use Based Districts.

SUMMARY OF REQUEST

The property owner as the applicant, James Jones representing 4236 Gardner Ave., Parcel # 04-25-07-403-004 is requesting three non-use dimensional variances to allow for a second story rear addition. Below is a summary of each request in detail and each will be analyzed separately under the Standards of Review.

1. Minimum Side Yard Setback is 5 feet

The residential structure is a legal non-conforming structure built in 1947. 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 foot side yard setback variance on the South side in order to construct the second 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 South and the North. The proposed addition will follow the existing 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 3.125 feet variance on the South and .083 feet variance on the North minimum distance between dwellings for the proposed addition.

3. Front Yard Setback

Minimum Front Yard Setback 25' or equal to the average setback of the six adjacent buildings on the same block, whichever is greater.

Therefore, the applicant is requesting a .0167 feet variance for the front setback for the proposed addition.

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:

1. Side Yard Setback Variance

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

The legal non-conforming residential structure does not conform to the current side yard setback requirements, but complied when the structure was built.

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

The need for a variance is not the result of actions of the property owner. The homeowner is requesting to construct a second story addition to the house that will be in line with the existing

dwelling. The side yard setback non-conformity will not increase beyond the established encroachment by the existing house.

- 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 would not unreasonably prevent the property owner from using the property for a permitted purpose but strict compliance to render conformity will prevent the homeowner from expanding the dwelling. Conforming to the side yard setback would require a 1 foot retract to the building which would be burdensome for the layout of the house.

- 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 of 1 foot is the minimum variance necessary to do justice to the property owner. The property owner is not requesting to extend beyond the existing side yard setback line of the existing dwelling, but is asking to continue the existing building line up for the proposed addition.

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

The requested variance will not encroach closer into the side yard setback than the house is currently situated.

2. Distance Between Dwellings

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

The existing distance between structures is 11.875 feet on the South and 14.917 feet on the North. Both dwellings to the North and South were constructed in 1947. The legal non-conforming residential structure does not conform to the current minimum distance between dwelling units requirements, but complied when the structure was built.

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

The need for a variance is not the result of actions of the property owner. The homeowner is requesting to construct a second story addition on the house that will be in line with the existing dwellings building lines. The subject dwelling was built in 1947 and the dwellings to the North and South were built in 1947. At the time of construction it was in compliance with the separation distance requirements.

- 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 will be unnecessarily burdensome to the property owner, as they are looking to expand the livable area of the dwelling in line with the existing dwelling. The second story addition will not encroach closer to the adjacent dwelling than the existing structure.

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

The requested variances of 3.125 feet and .083 feet are the minimum variance necessary to do justice to the property owner. The property owner is not requesting to decrease the current separation distance between dwellings, but is asking to continue the existing building line for the proposed second story addition.

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

The requested variance will not encroach any closer to the adjacent dwellings than the dwellings are currently situated.

3. Front Yard Setback

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

The existing front yard setback is 24.833 feet. The legal non-conforming residential structure does not conform to the current minimum front yard setback requirements, but complied when the structure was built.

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

The need for a variance is not the result of actions of the property owner. The homeowner is requesting to construct a second story addition on the house that will be in line with the existing dwellings building lines. The subject dwelling was built in 1947. At the time of construction it was in compliance.

- 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 will be unnecessarily burdensome to the property owner, as they are looking to expand the livable area of the dwelling in line with the existing dwelling. The addition will not encroach closer to the front lot line than the existing structure.

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

The requested variances of .0167 feet is the minimum variance necessary to do justice to the property owner. The property owner is not requesting to decrease the current front yard setback, but is asking to continue the existing building line for the proposed second story addition.

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

The requested variance will not encroach any closer to the front lot line than the dwelling is currently situated.

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:

SIDE YARD SETBACK VARIANCE:

Approval

In the matter of PBA-05-26, 4236 Gardner Ave., Parcel # 04-25-07-403-004, 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 foot at the South 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.*

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

In the matter of PBA-05-26, 4236 Gardner Ave., Parcel # 04-25-07-403-004, motion to deny the requested variance from Berkley City Code, Zoning Ordinance, Chapter 138, Article 5, Sec.5.02.D to grant a variance of 1foot at the South 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 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.*

DISTANCE BETWEEN DWELLINGS

Approval

In the matter of PBA-05-26, 4236 Gardner Ave., Parcel # 04-25-07-403-004, 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 3.125 feet on the South and .083 feet on the North 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.*

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- 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.*

FRONT YARD SETBACK

Approval

In the matter of PBA-05-26, 4236 Gardner Ave., Parcel # 04-25-07-403-004, motion to approve the requested variance from Berkley City Code, Zoning Ordinance, Chapter 138, Article 5, Sec.5.09.B to grant a variance of .0167 feet on the Front Yard Setback, where 25' or equal to the average setback of the six adjacent buildings on the same block, whichever is greater 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.*

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

In the matter of PBA-05-26, 4236 Gardner Ave., Parcel # 04-25-07-403-004, motion to deny the requested variance from Berkley City Code, Zoning Ordinance, Chapter 138, Article 5, Sec.5.09.B to grant a variance of .0167 feet on the Front Yard Setback, where 25' or equal to the average setback of the six adjacent buildings on the same block, whichever is greater 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 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
Kristen Kapelanski, Community Development Director

A Resolution

of the Appeal Board of the City of Berkley, Michigan
regarding Application Number BA-12-05

WHEREAS, the applicant, Champion Window Company of Auburn Hills, for Wilma Wimmer, 4236 Gardner, east side of Gardner, between Morrison and Webster, is seeking a variance in order to install an enclosed patio on the rear of the home that will be 3 feet from the garage, when a 10 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 10 feet to any main building. ; and

WHEREAS, after a public hearing was held before the City of Berkley Zoning Board of Appeals at their regular meeting on August 8, 2005 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. Etzel to deny Ba-12-05, citing that the code is not unreasonably burdensome, the property is not unique, the problem is self-created and the homeowner has an existing nonconforming structure constructed without a permit.

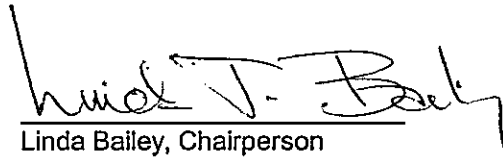
Supported by Mr. Cutler

Ayes: Etzel, Buckley, Cutler, Morris, Bailey

Nays: None

Absent: Rogers, Noble

Motion Carried


Linda Bailey, Chairperson

Attest:


Duaine Franks, Building Official

A Resolution

of the Appeal Board of the City of Berkley, Michigan
regarding Application Number BA-23-05

WHEREAS, the applicant, Mr. Enclosure Sunrooms, for Wilma Wimmer, 4236 Gardner, East side of Gardner, between Morrison and Webster, is seeking a variance in order to install an enclosed patio on the rear of the home that will be 4 feet from the garage, when a 10 foot setback is required. ; and

WHEREAS, Berkley City Code, Chapter 138 Zoning, Article III General Provisions, Division 1 Accessory Building and Structures, Section 138-56 Setback. No detached accessory building or structure...shall be located closer than 10 feet to any main building, or other accessory building or structures.; and

WHEREAS, after a public hearing was held before the City of Berkley Zoning Board of Appeals at their regular meeting on November 14, 2005 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. Cutler to deny BA-23-05 due to a lack of practical difficulty; the code is not unreasonably burdensome; and the applicant would confer a benefit not available to others.

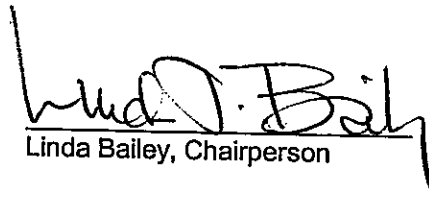
Supported by Mr. Noble

Ayes: Bailey, Rogers, Noble, Morris, Cutler

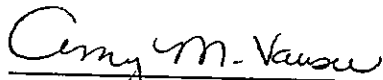
Nays: None

Absent: Etzel, Butts

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 of Public Hearing
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 13, 2026 at 7:00 p.m. or as near thereto as the matter may be reached.

Application Number PBA-05-26

James Jones III, 4236 Gardner Ave, Parcel # 04-25-07-403-004, East side of Gardner Ave., between Morrison Ave. and W. Webster Rd. is requesting three (3) dimensional variances to construct a Second Story Addition on a Non-Conforming Structure. 1) The addition to the non-conforming single-family dwelling is proposed to be 4 ft. from the South property line. 2) The addition to the non-conforming single-family dwelling is proposed to be 14.917 ft from adjacent dwelling to the North and 11.875 ft. from the adjacent dwelling to the South. 3) The addition to the non-conforming single-family dwelling is proposed to be 24.833 ft. from the front property line.

Berkley City Code

Berkley City Code, Chapter 138 *Zoning*, Article 16, Section 16.04.B Nonconforming Structures: 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. Article 5, Section 5.02: R-1CD Single Family Residential Small Lot District, 5.02.D Dimensional Requirements Table 5.02.

1. R-1CD Single Family Residential Small Lot District, 5.02.D, Dimensional requirements Table 5.02 Minimum side yard setback per side 5'. The applicant is requesting a 1 ft. South side yard setback variance for the proposed addition.
2. R-1CD Single Family Residential Small Lot District, 5.02.D, Dimensional requirements Table 5.02 Minimum distance between dwellings 15'. The applicant is requesting a 1 in. (.083') distance for the proposed addition to the adjacent dwelling to the North, and a 3 ft. 1.5 in. (3.125') distance for the proposed addition to the adjacent dwelling to the South.
3. R-1CD Single Family Residential Small Lot District, 5.02.D, Dimensional requirements Table 5.02 Minimum front yard setback 25 ft. *or equal to the average setback of the six adjacent buildings on the same block, whichever is greater per *5.09.B Supplemental Dimensional Regulations Applicable To All Use Based Districts. The applicant is requesting a 2 in (.0167') front yard variance for the proposed addition.

Complete application information is available for review at 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 before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON
ZONING ADMINISTRATOR

Publish Once:

Oakland Press
Friday, June 26, 2026

THE CITY OF BERKLEY
Community Development Department
3338 Coolidge, Berkley, Michigan 48072
(248) 658-3320

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Meeting of the Berkley
Zoning Board of Appeals**

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KIM ANDERSON
ZONING ADMINISTRATOR



LINDA SCALZI
4195 GRIFFITH AVE
BERKLEY MI 48072 3401

EDWIN TORRES REV TRUST
3518 W WEBSTER RD
ROYAL OAK MI 48073 6761

ANGELA MARTIN
4290 GARDNER AVE
BERKLEY MI 48072 1483

SUSAN SCHUMACHER
4205 GARDNER AVE
BERKLEY MI 48072 1485

BRANDON TRIVAX
3604 W WEBSTER RD
ROYAL OAK MI 48073 6762

Occupant
4252 GARDNER AVE
BERKLEY MI 48072 1483

NICHOLAS C JONES
MEAGHAN M JONES
4220 TYLER AVE
BERKLEY MI 48072 3450

MARK S LINCOLN
3612 W WEBSTER RD
ROYAL OAK MI 48073 6762

ROBERT O HOGAN JR
123 NW LINCOLN CIR N
ST PETERSBURG FL 33702 6714

JUSTIN BECK
4246 TYLER AVE
BERKLEY MI 48072 3450

JOANNE WEBER
4296 TYLER AVE
BERKLEY MI 48072 3450

NICHOLAS NAJOR
4291 ROBINA AVE
BERKLEY MI 48072 3468

Occupant
4200 TYLER AVE
BERKLEY MI 48072 3450

BAYLEE BURROWES
STEFAN RISKO
4296 GARDNER AVE
BERKLEY MI 48072 1483

ERIC R LEWIS
4224 GRIFFITH AVE
BERKLEY MI 48072 1495

CHARLES BURNETT
2160 COY ST
FERNDAL MI 48220 1120

LIALA REECE
BRETT TRUMAN REECE
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BERKLEY MI 48072 1485

NATHAN MCPHAIL
4292 GRIFFITH AVE
BERKLEY MI 48072 1495

JAMES JONES III
4236 GARDNER AVE
BERKLEY MI 48072 1483

RYAN C THIELBAR
4299 GRIFFITH AVE
BERKLEY MI 48072 3402

RANDY BOODEN
4290 TYLER AVE
BERKLEY MI 48072 3450

Occupant
3512 W WEBSTER RD
ROYAL OAK MI 48073 6761

JENSEN CAURRO
4291 GRIFFITH AVE
BERKLEY MI 48072 3402

KAREN TILLEY
4238 GRIFFITH AVE
BERKLEY MI 48072 1495

VANSTONE PROPERTIES LLC
1570 WANDREI CT
COMMERCE TOWNSHIP MI 48382 1889

BRENNAN DONOVAN
MARY K DONOVAN
4299 ROBINA AVE
BERKLEY MI 48072 3468

SARAH MUTH
4237 GRIFFITH AVE
BERKLEY MI 48072 3402

TEOFILO MARASIGAN
3610 W WEBSTER RD
ROYAL OAK MI 48073 6762

BETTY DUNCAN
4295 GARDNER AVE
BERKLEY MI 48072 1485

JOHN LOFTUS
4228 GARDNER AVE
BERKLEY MI 48072 1483



REBEKAH RANDLE
4227 GARDNER AVE
BERKLEY MI 48072 1485

Occupant
3608 W WEBSTER RD
ROYAL OAK MI 48073 6762

NICOLE P LAING
RONALD C LAING
4153 GRIFFITH AVE
BERKLEY MI 48072 3401

JOSEPH SEMCHENA
4189 GARDNER AVE
BERKLEY MI 48072 1484

MARIA YALDO
327 WESTBOURNE CT
BLOOMFIELD HILLS MI 48301 3442

JOSEPH CLOUTIER
4154 TYLER AVE
BERKLEY MI 48072 3449

SANDRA GRIMM
4220 GARDNER AVE
BERKLEY MI 48072 1483

WILLIAM POLSELLI
DORENE POLSELLI
4190 GARDNER AVE
BERKLEY MI 48072 1482

THOMAS KUHN
GINA KUHN
4166 TYLER AVE
BERKLEY MI 48072 3449

MIKAYLA ARMBRUSTER
4219 GARDNER AVE
BERKLEY MI 48072 1485

Occupant
4192 GRIFFITH AVE
BERKLEY MI 48072 1494

DANIEL G SHERWOOD
KAYE A SHERWOOD
4166 GARDNER AVE
BERKLEY MI 48072 1482

ROSS D STAPLETON
4204 GARDNER AVE
BERKLEY MI 48072 1483

JODI E LEPAGE
23001 HAYES AVE
EASTPOINTE MI 48021 1540

Occupant
4142 GARDNER AVE
BERKLEY MI 48072 1482

THE DUROCHER FAMILY LIVING TRUST
4263 GARDNER AVE
BERKLEY MI 48072 1485

Occupant
4190 TYLER AVE
BERKLEY MI 48072 3449

SALEH INVESTMENTS LLC
33855 HUNTERS POINTE RD
FARMINGTON HILLS MI 48331 2736

JEREMY M EINEM
4228 TYLER AVE
BERKLEY MI 48072 3450

MARIE MORRIS
709 E FARNUM AVE
ROYAL OAK MI 48067 1914

Occupant
4111 GRIFFITH AVE
BERKLEY MI 48072 3401

BLAKE BRITTON RATLIFF
MICHAEL ALEXANDER BRYANT
4223 GRIFFITH AVE
BERKLEY MI 48072 3402

RICHARD JAZENSKI
4191 GRIFFITH AVE
BERKLEY MI 48072 3401

BT PROPERTIES LLC
5754 EVERGREEN AVE
ORCHARD LAKE MI 48324 2920

WILLIAM BRAET
4196 GRIFFITH AVE
BERKLEY MI 48072 1494

Occupant
4177 GARDNER AVE
BERKLEY MI 48072 1484

PAMELA TRURAN
4154 GRIFFITH AVE
BERKLEY MI 48072 1484

JOSEPH FRANK SCAVONE
4178 GARDNER AVE
BERKLEY MI 48072 1482

OLSMAN BARBARA TRUST
26341 HENDRIE BLVD
HUNTINGTON WOODS MI 48070 1240

AZRIEL GILMORE
4155 GARDNER AVE
BERKLEY MI 48072 1484

DAVID G HUNTER
4141 GARDNER AVE
BERKLEY MI 48072 1484

LAWRENCE KANTOR
LYNDA KANTOR
3526 W WEBSTER RD
ROYAL OAK MI 48073 6761

MINDY ELLIS TRUSTEE
4154 GARDNER AVE
BERKLEY MI 48072 1482

Occupant
3601 W 13 MILE RD
ROYAL OAK MI 48073 6769

Occupant
4165 GARDNER AVE
BERKLEY MI 48072 1484

WILLIAM BEAUMONT HOSPITAL
COREWELL HEALTH
100 COREWELL DR NW
GRAND RAPIDS MI 49503 2041

KAREN M JENKINS
2194 EARLMONT RD
BERKLEY MI 48072 1836

MATTHEW J RHIND
MICHAEL E RYAN
4140 GRIFFITH AVE
BERKLEY MI 48072 1494

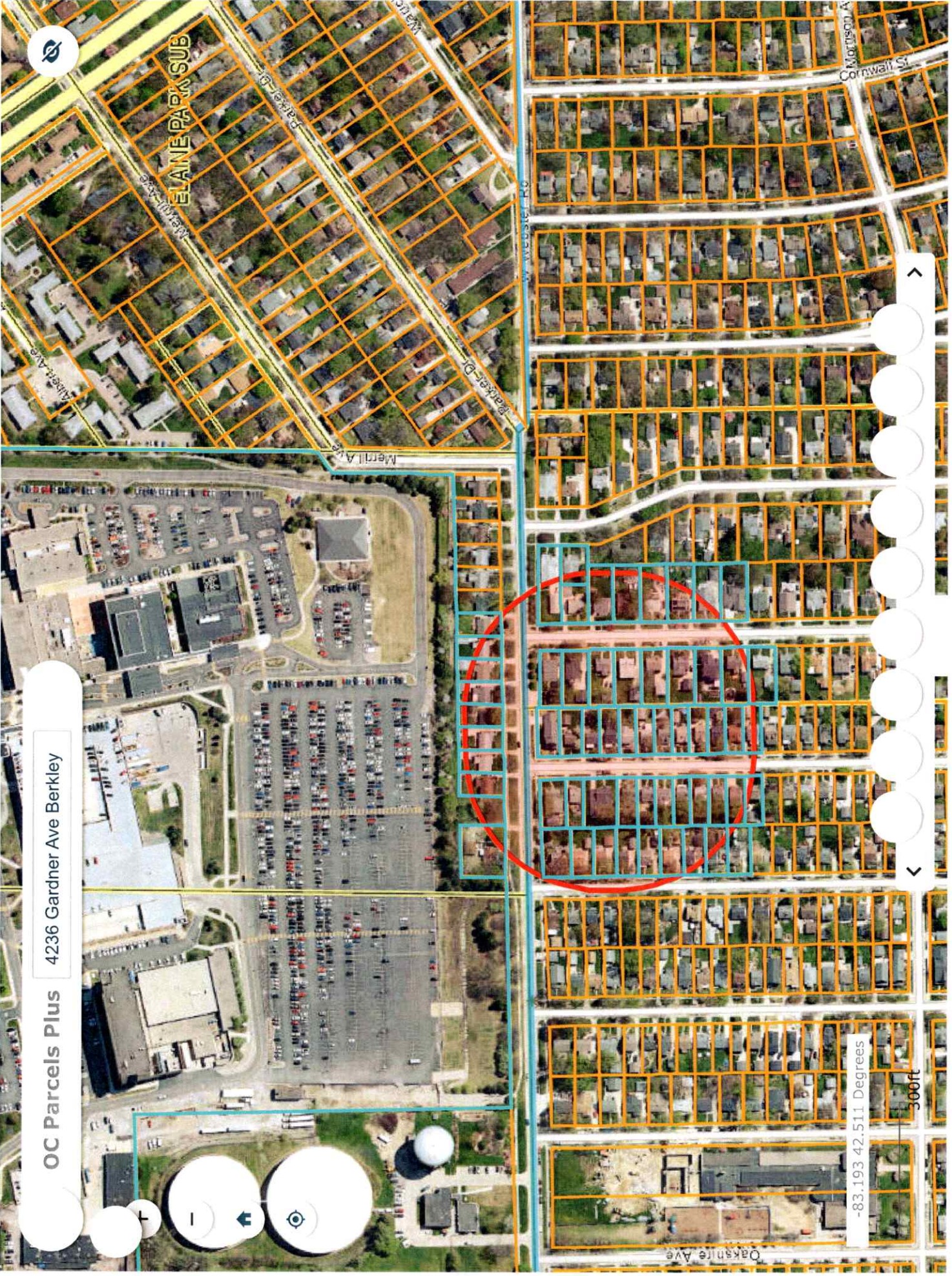
DAVID M DOMAN
4139 GRIFFITH AVE
BERKLEY MI 48072 3401

Occupant
3522 W WEBSTER RD
ROYAL OAK MI 48073 6761

DELGIUDICE REAL EST ENTERPRISES LL
515 S LAFAYETTE AVE STE A
ROYAL OAK MI 48067 2556

Occupant
3702 W WEBSTER RD
ROYAL OAK MI 48073 6763

WILLIAM BEAUMONT HOSPITAL
COREWELL HEALTH
100 COREWELL DR NW
GRAND RAPIDS MI 49503 2041



OC Parcels Plus 4236 Gardner Ave Berkeley

ELANE PARK SUB

-83.193 42.511 Degrees

300ft



6/30/26

6/30/26

RE: APP # PBA-05-26

MEETING JUL 13 2026 7PM

TO WHOM IT MAY CONCERN,

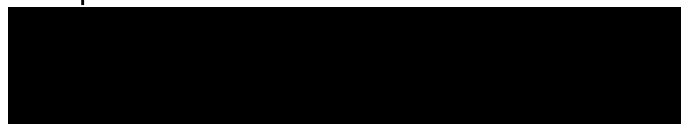
I FULLY SUPPORT JIM JONES'
APPLICATION FOR ADDITION TO
NON-CONFORMING DWELLING.

THIS WILL UNDOUBTEDLY BE A
POSITIVE TO PROPERTY VALUE
IN THE NEIGHBORHOOD.



JOHN LOFTUS

4228 GARDNER



**CITY OF BERKLEY
ZONING BOARD OF APPEALS
RULES OF PROCEDURE**

SECTION ONE – AUTHORITY

The City of Berkley Zoning Board of Appeals (hereinafter referred to as the ZBA) adopts these rules of procedure pursuant to the Michigan Zoning Enabling Act, MCL 125.3101 et seq., as amended and the ordinances of the City of Berkley (as amended).

SECTION TWO - MEMBERSHIP

(1) **Membership.** Members shall be appointed according to the procedure as established by Berkley ordinances. The ZBA shall consist of seven regular members and two alternate members all to be appointed by City Council. An alternate member may be called as specified in the zoning ordinance to serve and vote as a member of the ZBA in the absence of a regular member. An alternate member may also be called to serve as a member for purposes of reaching a decision on a case in which a member has abstained for reasons of conflict of interest. Alternate members called upon to serve in instances of vacancy or conflict of interest shall do so on a rotational basis, starting with the most senior alternate.

a) **Continued Education.** Each member shall commit to 5-6 hours of continued education within each fiscal year. New appointees to the Commission shall not be required to complete the hours of continued education within the first fiscal year of appointment.

b) **Materials.** Upon taking office for the first time, each member shall be sent via email a package of materials to assist them in their role, including but not limited to:

- A copy of the Zoning Board of Appeals-Rules of Procedure.
- Chapter 2 - Section 40 (Ethics), and Chapter 138 (Zoning) of the Berkley ordinances. Ordinance updates will be provided on the City's website.
- The Michigan Zoning Enabling Act.
- Any other materials deemed necessary by the Community Development Zoning Administrator and approved by the Chair of the ZBA to familiarize a new member with the appeals process and the duties of the ZBA.
- The Berkley Zoning Map.

c) **Resignation.** Members seat is resigned upon receipt of a letter or email of resignation to the City Clerk Office.

(2) **Duties.**

a) **Attendance.** Each regular and alternate member has a duty to attend all meetings except for good cause.

b) **Absences.** Members who are unable to attend a regularly scheduled meeting must contact the Zoning Administrator prior to the meeting to alert to the cause of the absence. The Zoning Board of Appeals shall acknowledge the absence as part of the regular meeting and it shall be noted in the meeting minutes.

- c) Arrive prepared for the business at hand, having reviewed written materials and completed site visits as necessary to be educated on the agenda issues.
- d) *Ex Parte* Contact. Members shall avoid *Ex Parte* contact concerning questions or matters pending before the ZBA.
- e) *Ex Parte* Contact shall include discussions among members, applicants, or the public outside of a ZBA meeting, including emails, about matters pending before the ZBA.

SECTION THREE - MEETINGS

- (1) **Notices.** Notice of meetings shall be provided in accordance with the Open Meetings Act. Prior to the scheduled meeting date, the Zoning Administrator shall provide the agenda for the meeting and all documentation relevant to agenda items as well as any other information requested by the ZBA.
- (2) **Regular Meetings.** Regular meetings of the ZBA shall be held monthly in the City Hall on the second Monday of every month at 7:00 p.m.
 - a) If there are no appeals, requests for variances or requests for interpretation of the zoning ordinance to consider, a regular meeting shall be postponed to the next (otherwise) regular meeting date when there are such requests to consider. All other business shall be held over to the agenda for the next regular meeting.
 - b) When a regular meeting date falls on or near a legal holiday or a regular City Council meeting, the ZBA shall select a suitable alternate date in the same month, if possible, in accordance with the Open Meetings Act.
- (3) **Other Meetings.** A special meeting can also be called by the Zoning Administrator, the Chair of the ZBA, or, in the Chair's absence, the Vice-Chair.
- (4) **Membership.** Any changes in Board membership will be announced prior to roll call.
- (5) **Quorum.** In order for the ZBA to conduct business or take any official action, a quorum consisting of 4 voting members of the ZBA must be present unless a use variance is under consideration, in which case, a quorum shall be 5 voting members present. When a quorum is not present, no official action, except for closing of the meeting may take place. All items scheduled to be heard, shall be rescheduled for the next regular meeting. No additional public notice shall be required provided the date, time and place are announced at the meeting.
- (6) **Hearings.** Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and ordinance cited in Section 1.

Public hearings conducted by the ZBA shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- Introduction of case by staff.
- The Chair confirms that the applicant is present and receives an opportunity to present the case.
- The Chair opens discussion. The ZBA may ask the applicant or staff questions.
- The Chair opens the public hearing. Each person must state his/her name and address for the record and may address the ZBA regarding the case not to exceed three minutes, to be modified at the discretion of the Chair. The Chair may invite people to speak row by row to eliminate lines at the microphone.

- The Chair closes the public hearing.
 - Discussion. The ZBA may ask staff or the applicant questions.
 - The Chair shall call for a motion.
 - After a motion has been made and supported, there may be additional discussion.
 - The Chair will call for a roll call vote.
- (7) **Motions.** The Chair shall restate motions before a vote is taken. The name of the maker and supporters shall be recorded. The motion shall state whether or not a practical difficulty or undue hardship has been found. The reasons for such a finding shall also be stated.
- (8) **Voting.** The concurring vote of 2/3's of the ZBA members shall be required for the approval of a use variance. The concurring vote of a simple majority of the ZBA members shall be required to reverse an order, requirement, decision, or determination of the zoning officer to approve a non-use variance, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the zoning ordinance, and for all other business. Voting shall be by roll call unless the Chair decides another method of voting would be appropriate. All members of the ZBA, including the Chair shall vote on all matters except as provided below. The order of the voting members shall be varied.
- a) No member shall abstain from voting on any matter except in the case of a conflict of interest as provided below in Section 3 (12) of these rules.
- (9) **Conditions.** The ZBA may modify a request or impose reasonable conditions designed to maintain the public health, safety and welfare.
- (10) **Withdrawals.** In the event that an applicant withdraws an application after the notices have been sent and the meeting posted, the ZBA shall introduce the case and advise that the item has been withdrawn. A motion to accept the withdrawal will be entered. In the event that an applicant withdraws an application before the notices have been sent and the meeting posted, the ZBA shall receive a copy of the withdrawal, but no motion to accept the withdrawal shall be necessary.
- (11) **Dismissals.** When the petitioner fails to appear at a properly scheduled meeting of the ZBA, the Chair may entertain a motion to dismiss the case for want of prosecution. In the absence of a motion, the Chair shall rule. In such cases, the petitioner will be furnished written notice of the action.
- (12) **Conflict of Interest.** A ZBA member shall declare a possible conflict of interest and reasons for such, after the introduction of a case. The ZBA shall discuss and determine if such a conflict exists. Fellow ZBA members shall make and support a motion to excuse the ZBA member from deliberating. The excused member shall leave the meeting room during deliberation of the case. An alternate member may be called to serve as a member for the purpose of reaching a decision on the case. The excused ZBA member shall be called back prior to the introduction of the next case. In the event that the ZBA member is the applicant, then they shall be allowed to remain in the meeting to present their case.
- a) Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- (13) **Order of Business.** A written agenda for all regular meetings shall be prepared as follows. The order of business shall be:
- Open the meeting – call meeting to order, confirm recorder, if any, is on
 - Pledge of Allegiance
 - Roll Call

- Confirmation of a Quorum
 - Approval of Agenda
 - Approval of Minutes – Each set of minutes shall be approved individually
 - Old Business – Items that have been postponed or referred to staff
 - New Business
 - Other Business – Administration or ZBA members may discuss upcoming items or interpretation concerns unrelated to agenda items
 - Liaison Reports
 - Public Comments
 - Adjourn
- (14) **Rules of Order.** All meetings of the ZBA shall be conducted in accordance with generally accepted parliamentary procedure, as governed by the most current edition of “Robert’s Rules of Order.”
- (15) **Notice of Decision.**
- a) Upon determination of the Zoning Board of Appeals case a documentation of decision will be signed by the Chair or acting Chair and Zoning Administrator of the determination consisting of finding of facts, reason for decision, the decision, and conditions, if any to complete the approval of record process.
 - b) The City shall send a copy of the approved minutes containing the ZBA decision and any conditions to the petitioner within five days of the minutes being approved.

SECTION FOUR – OFFICERS

- (1) **Selection.** Annually, at the July meeting, the ZBA shall select by majority vote from its membership, a Chair and Vice-Chair. Officers shall be eligible for re-election. If there is no July meeting, then the officers shall be elected no later than a September meeting or the next regularly held meeting after September.
- (2) **Duties.** The Chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. If the Chair is not able to chair a meeting or portion of a meeting, the Vice-Chair shall act in place of the Chair for that meeting or portion of meeting.
- a) The Vice-Chair shall act in the capacity of the Chair and shall succeed to the office of Chair in the event of a vacancy in that office.
 - b) If there is a vacancy in the office of Vice-Chair for whatever reason, the ZBA shall select a successor to the office of Vice-Chair at the earliest practicable time.
 - c) The Zoning Administrator shall be responsible for the preparation of minutes, keeping of pertinent public records, delivering communications, petitions, reports and related items of business of the ZBA, issuing notices of public hearings and performing related administrative duties to assure efficient and informed ZBA operations.
- (3) **Tenure.** The officers shall take office at the next meeting after their election. They shall hold their offices until their successors are elected and assume office.

SECTION FIVE – MINUTES

The minutes shall contain a synopsis of the meeting including a complete restatement of all motions and recording of votes; a complete statement of the conditions or recommendations made on any action; and recording attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the City Clerk.

SECTION SIX – OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- (1) All meetings of the ZBA shall be opened to the public and held in a place available to the general public.
- (2) All deliberations and decisions of the ZBA shall be made at a meeting open to the public.
- (3) A person shall be permitted to address a hearing of the ZBA under the rules established in section 3 (6) and to address the ZBA concerning non-hearing matters under the rules established under section 3 (13) to the extent that they are applicable.
- (4) A person shall not be excluded from a meeting of the ZBA except for breach of the peace committed at the meeting.
- (5) All records, files, publications, correspondence, and other materials are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act.

SECTION SEVEN – ANNUAL REVIEW

These rules of procedures shall be reviewed annually, at the July meeting, or if there is no July meeting, no later than the September meeting or the next regularly held meeting after September.

Care shall be taken to insure that these rules shall not conflict with any federal or state law or City of Berkley ordinance; however, if any such conflict exists, then the federal or state law or city ordinance shall override these rules, but only to the extent of such conflict.

SECTION EIGHT – AMENDMENTS

These rules may be amended by the ZBA by a concurring vote pursuant to section 3 (8) during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

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.

In April we said goodbye to Steve Stover as he moved on to his much deserved retirement and welcomed Steve Colliau. Steve recently joined McKenna via Lathrup Village, where he was responsible for code enforcement, rental and housing inspections and building permit processing.



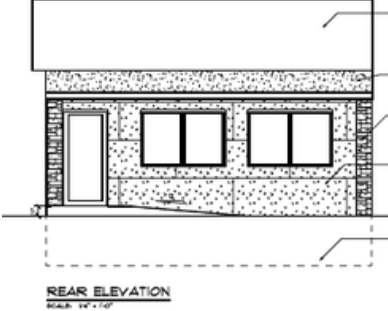
Community Development Department staff met several times with the GIS team at Spalding DeDecker and reviewed the substantial progress made on the Department's new internal and external mapping systems. We're excited to roll these out to the entire Department and the public in the coming months.

Monthly Highlights

Welcome Steve Colliau

GIS Updates

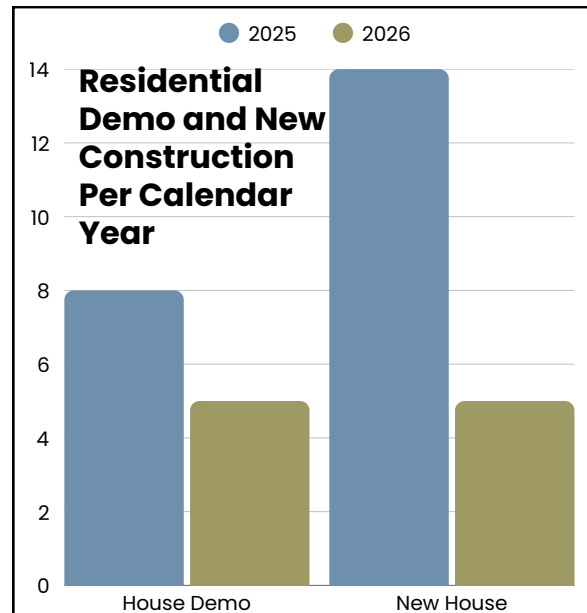
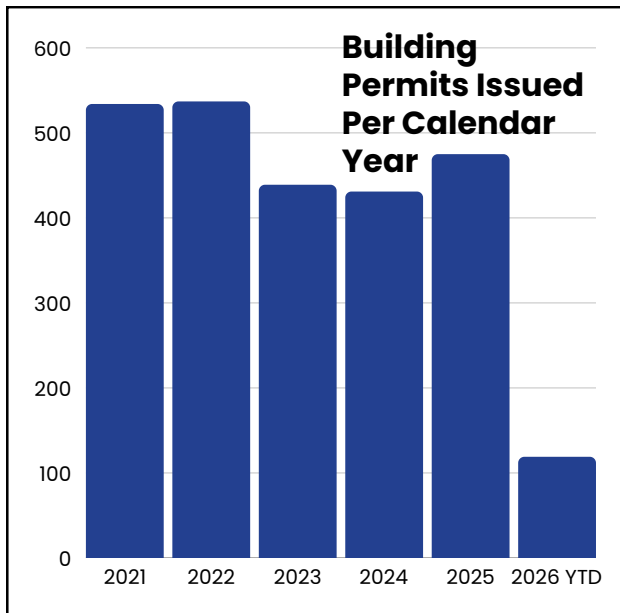
Planning Commission Activities

Type of Request	Request and Outcome
3170 Eleven Mile Rd. – Site Plan Approval 	The Planning Commission approved the site plan for a 224 sq. ft. addition in the rear of the Golden Grill restaurant with the condition that the stone veneer continue onto the proposed rear elevation.
Zoning Ordinance Text Amendment – Public Hearing	The Planning Commission held the public hearing and recommended approval of provisions governing performance guarantees and several minor amendments addressing inconsistencies in the ordinance.
Zoning Ordinance Text Amendment – Discussion	The Planning Commission continued discussion on a potential text amendment to address data centers.
Zoning Ordinance Text Amendment – Discussion	The Planning Commission discussed amendments addressing payment-in-lieu of parking spaces.

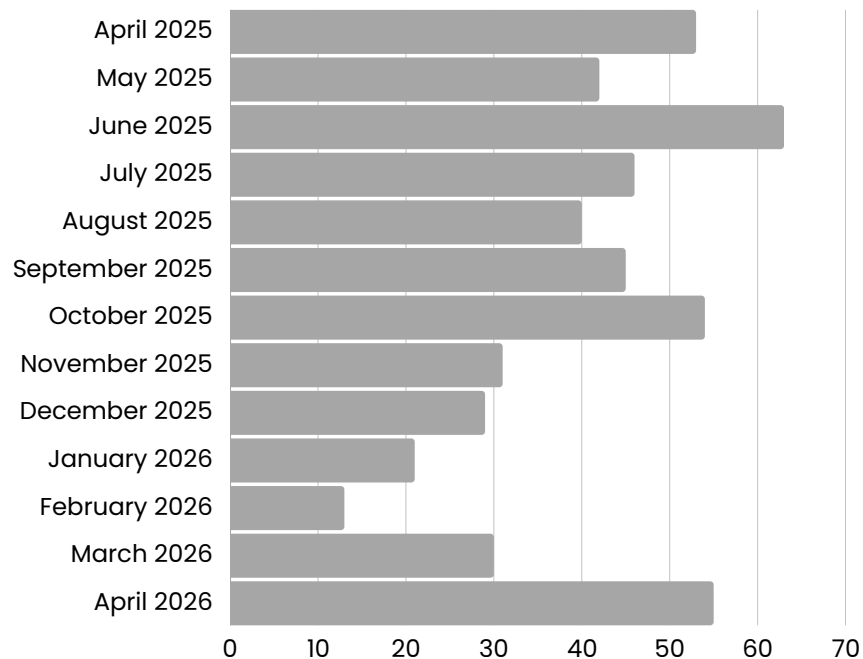
Zoning Board of Appeals Activities



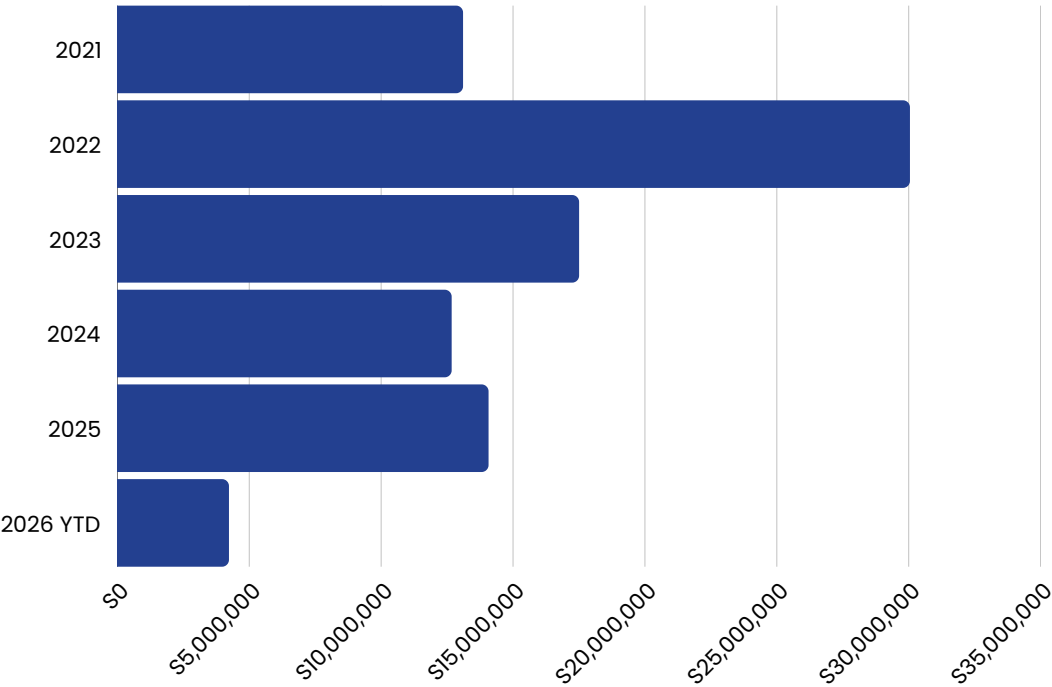
Construction and New Business



Building Permits Issued in Last 12 Months



Year over Year Construction Value



WELCOME TO THE NEIGHBORHOOD! Business Licenses Issued in April



Honey Hair Co. received approval for a salon at 2646 Coolidge Highway, Suite B.

The following businesses were denied a license in April:

- 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
	Page 5		

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

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 continues to expand their efforts into the Economic Development realm. The Michigan Economic Development Association offered a brownfield webinar in May highlighting where brownfield incentives can be used. Staff followed up by meeting with the County to gain additional insight on the process and example projects. The Economic Development Strategy is also nearing completion and draft reports are under review.

The updated Code Enforcement processes have been implemented and staff has begun working under the new system of warning violation, municipal civil infraction and civil infraction citation. Adjustments to the internal setup will be made as needed but things seem to be going smoothly thus far.

Monthly Highlights

Economic Development

New Code Enforcement Processes Implemented

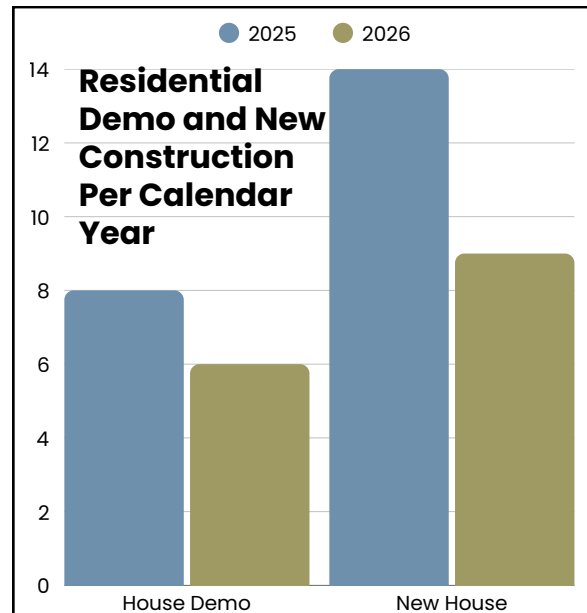
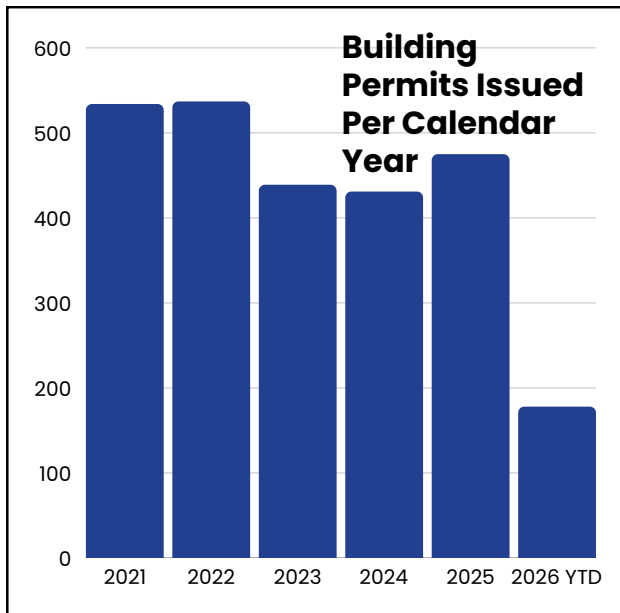
Planning Commission Activities



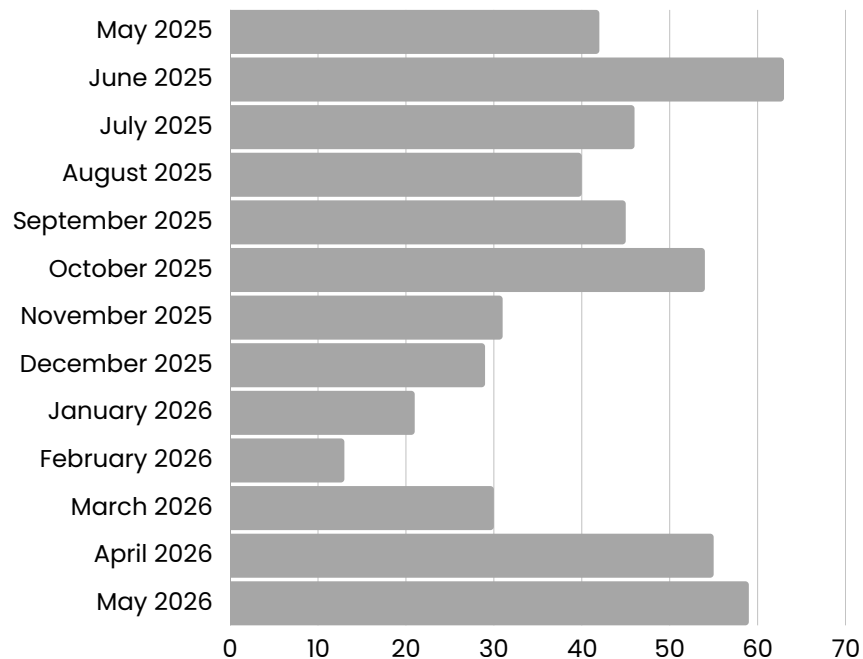
Zoning Board of Appeals Activities



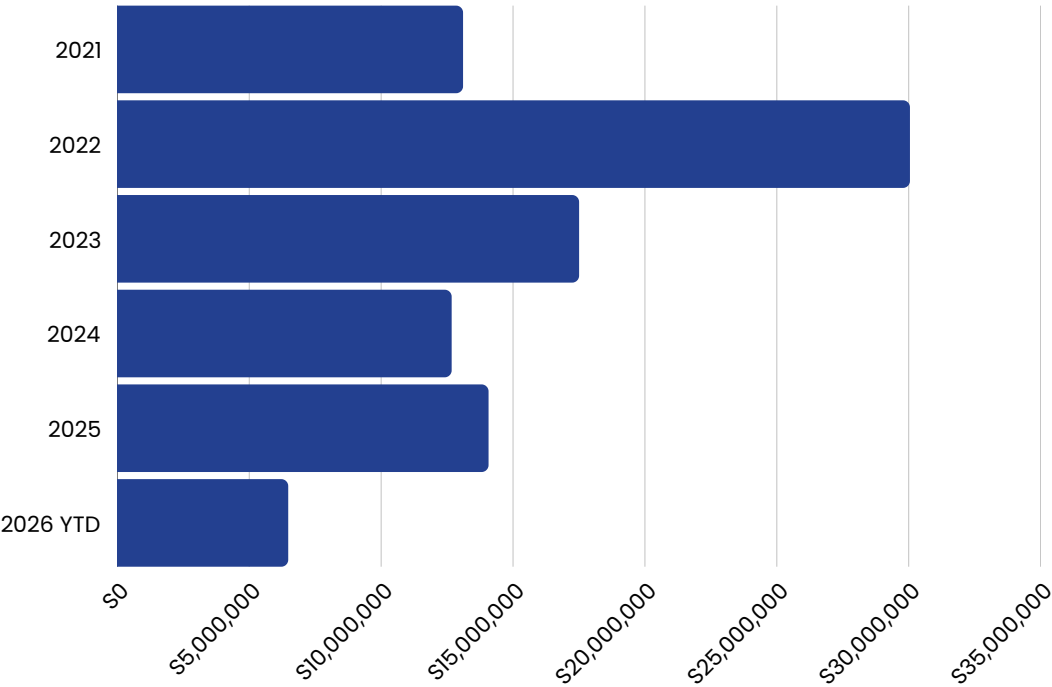
Construction and New Business



Building Permits Issued in Last 12 Months



Year over Year Construction Value



WELCOME TO THE NEIGHBORHOOD! Business Licenses Issued in May

Auto Race LLC received approval for hobby auto repair shop at 2416 Coolidge Highway.	
	Buns and Patties is open at 2375 Coolidge Highway.
	Motionwise LLC received approval for a physical therapy practice at 2400 Greenfield Road.

The following businesses were denied a license in May:

- No businesses denied this month.

2022 MASTER PLAN IMPLEMENTATION MATRIX

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Neighborhoods	Update zoning to allow ADU's	✓	New Zoning Ordinance includes ADU's in single family zoning districts
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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
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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