



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: Foreman Construction, Inc. Phone: 248-677-1017

Address: 1465 Axtell Dr., Ste. D, Troy, MI 48084

Email: [REDACTED]

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

Representative

PROPERTY OWNER INFORMATION (if different from Applicant)

Name: Beth Suares Phone: [REDACTED]

Address: 1036 Larkmoor Ave., Berkley MI 48072

Email: [REDACTED]

PROPERTY DESCRIPTION

Address: 1036 Larkmoor Ave.

Parcel #: 04-25-17-432-020 Zoning Classification: R-1CD

Current Use of Property: Single family residential

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:

Appeal for (2) dimensional variances; minimum side yard setback & minimum distance between dwellings. Construct one-story rear 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.

The need for the variance results from the existing physical configuration of the property and home. The existing house is already nonconforming with respect to the required side-yard setback. In addition, the location of the house, driveway, and attached garage substantially limits the area available for a functional first-floor addition.

The existing home does not currently have a bedroom, bathroom, or laundry facilities on the first floor. The proposed addition is specifically designed to provide these essential living functions on one level so the homeowner can remain in her home as she ages and her ability to regularly use stairs becomes more difficult.

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

The circumstances creating the need for the variance are not the result of actions taken by the current property owner. The existing house was constructed in its present location and is already nonconforming relative to the current side-yard setback requirements.

The relationship between the existing house, property lines, driveway, and attached garage was established long before the proposed project. The homeowner is not creating a new condition that causes the setback difficulty. Rather, the proposed addition must work within the constraints created by the existing placement and configuration of these improvements.

The need for the variance therefore arises from the existing physical conditions of the property and the location of the existing home, rather than from a condition created by the current homeowner.

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.

The purpose of the proposed addition is to create a functional first-floor living arrangement that will allow the homeowner to age in place. Locating a bedroom on the first floor without also providing convenient access to a bathroom and laundry facilities would not adequately accomplish that objective because the homeowner would still be required to regularly use the stairs for basic daily activities.

Strict compliance with the current side-yard setback would require the addition to be shifted toward the driveway and garage side of the property. Doing so would interfere with the existing driveway and eliminate practical access to one of the existing garage doors, preventing a vehicle from being parked in that portion of the garage. Strict compliance would therefore require the homeowner to sacrifice a significant existing and functional feature of the property in order to provide basic first-floor living accommodations.

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

The requested variance has been limited to the relief reasonably necessary to create a functional first-floor living arrangement consisting of a primary bedroom, bathroom, and laundry facilities while preserving the existing driveway and garage access. The proposed addition is not being designed simply to maximize the size of the home or obtain additional living space. Its size and placement are driven by the need to accommodate these essential first-floor functions in a practical layout while working within the constraints of the existing home and property. The proposed design therefore represents the minimum practical relief necessary to provide a functional first-floor living arrangement while maintaining the existing use of the driveway and garage and respecting the intent of the zoning ordinance to the greatest extent reasonably possible.

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

The proposed addition will remain entirely on the applicant's property and will continue the existing single-family residential use. It will not introduce a new or more intensive use of the property. The addition consists only of residential living space—a bedroom, bathroom, and laundry room—and therefore is not expected to create additional traffic, parking demand, noise, or other impacts on neighboring properties. The addition will be designed to be compatible with the architecture, scale, and residential character of the existing home and surrounding neighborhood. The requested setback relief is limited to what is necessary to accommodate the addition within the constraints of the existing property. Importantly, the project is intended to allow the homeowner to continue living safely and independently in her existing home.

II. INTERPRETATION OF ZONING ORDINANCE

Provide Section numbers of Zoning Ordinance to be interpreted: _____

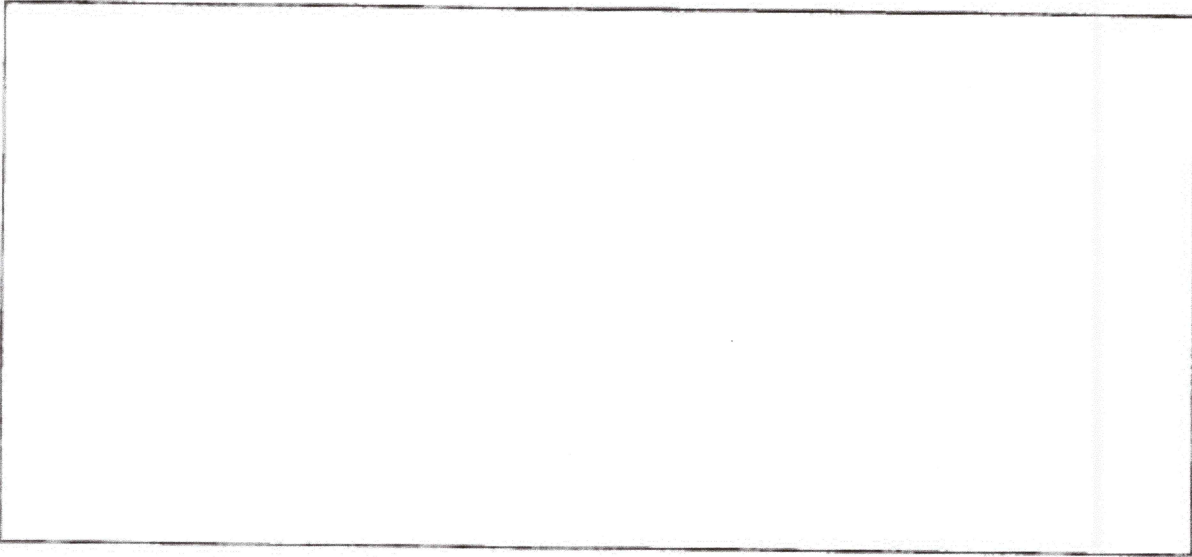
Please describe the request and what needs to be clarified or interpreted by the ZBA.

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)*

BS 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)*

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

ES 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.

ES 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.

Foreman Construction, Inc.

Curtis Foreman

Applicant Name (print)

Curtis Foreman

Applicant Signature

9-2-26

Date

Applicant Name (print)

Applicant Signature

Date

Beth Suarez

Property Owner Name (print)

Beth Suarez

Property Owner Signature

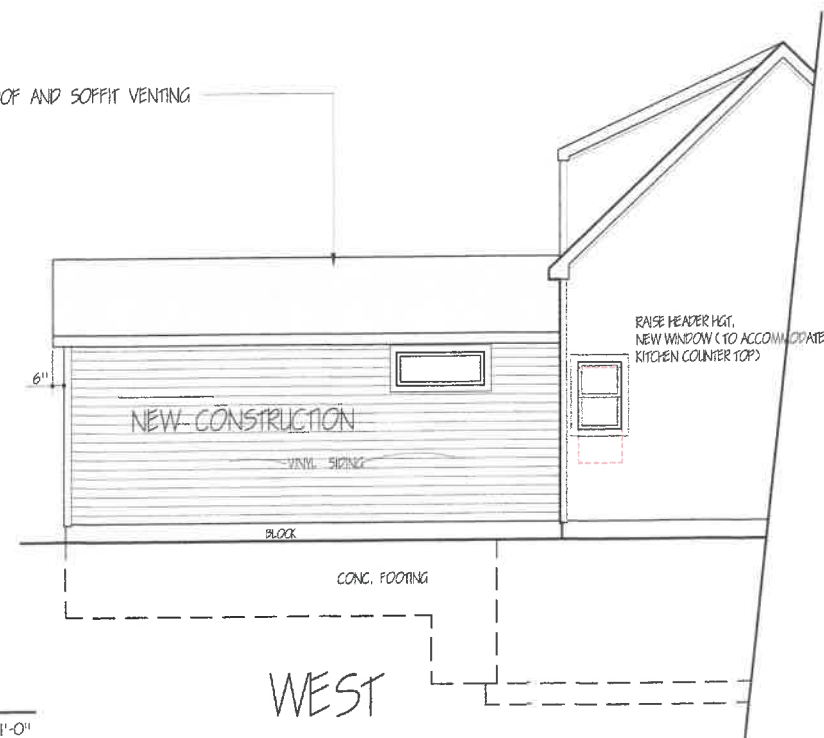
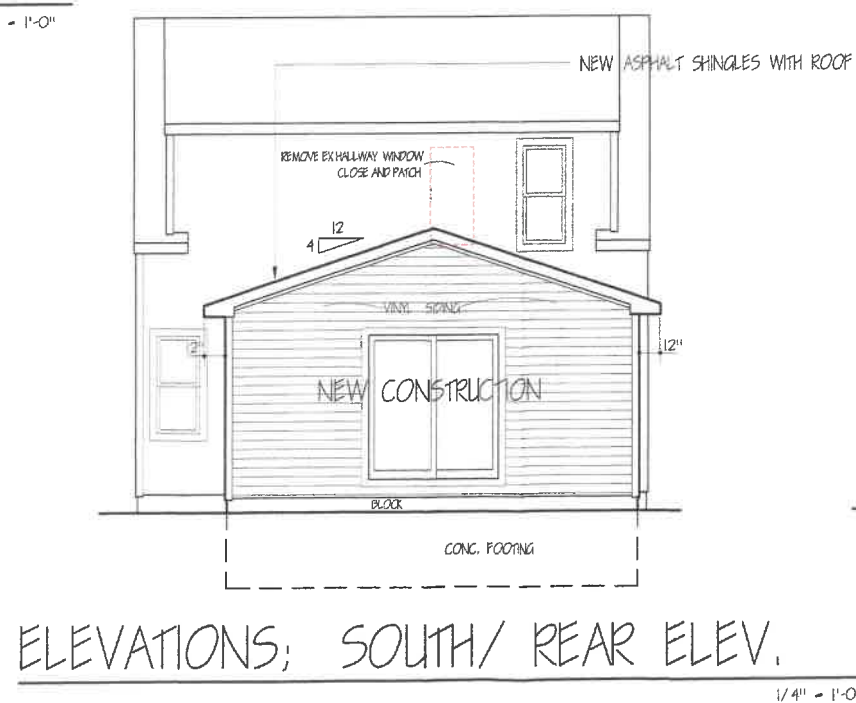
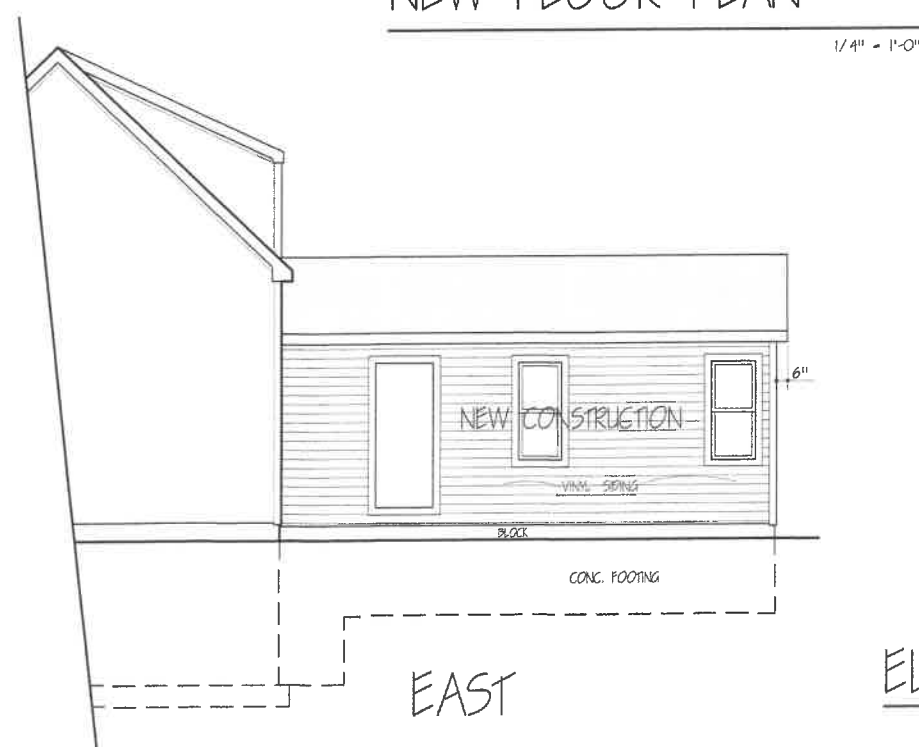
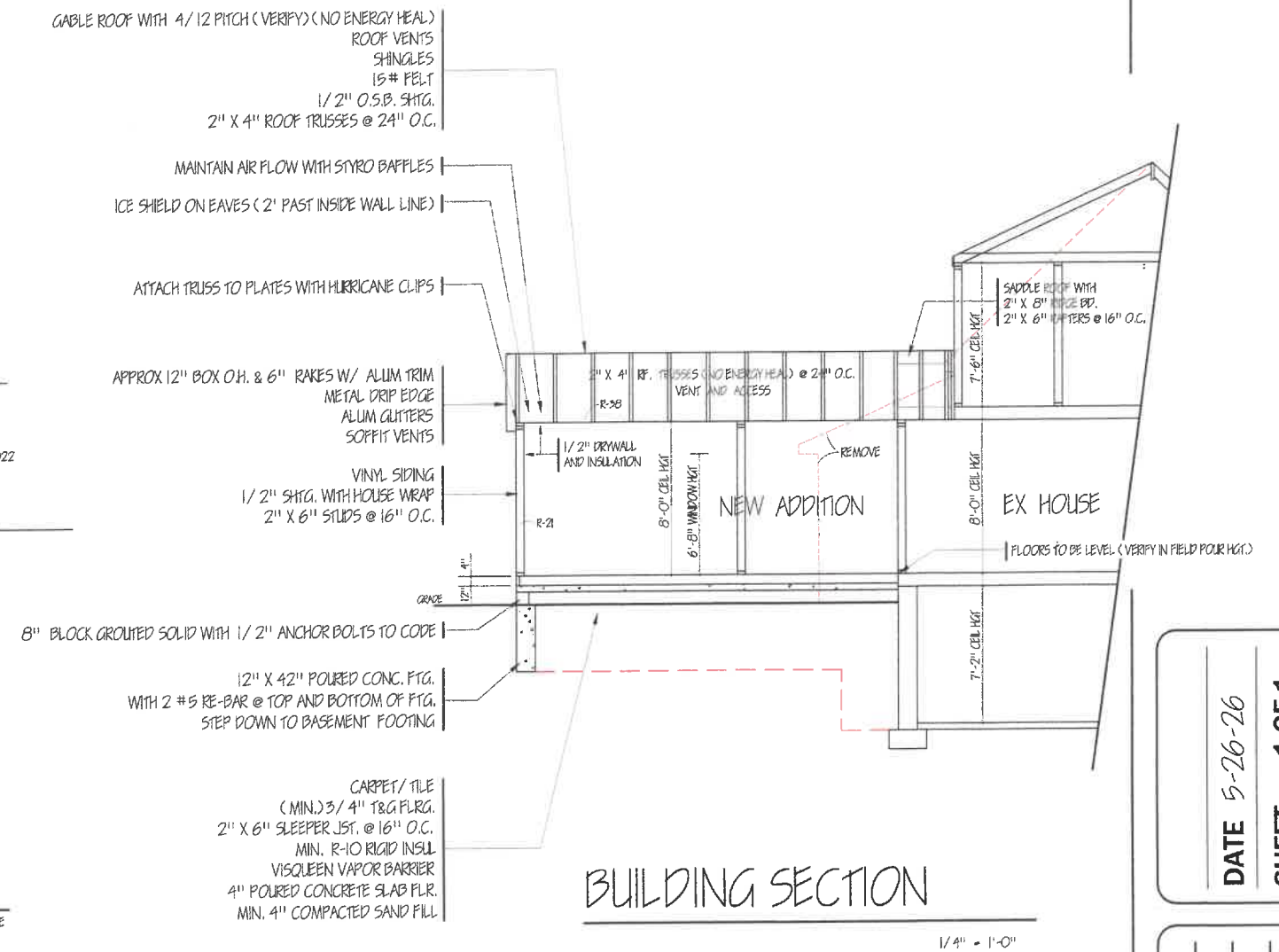
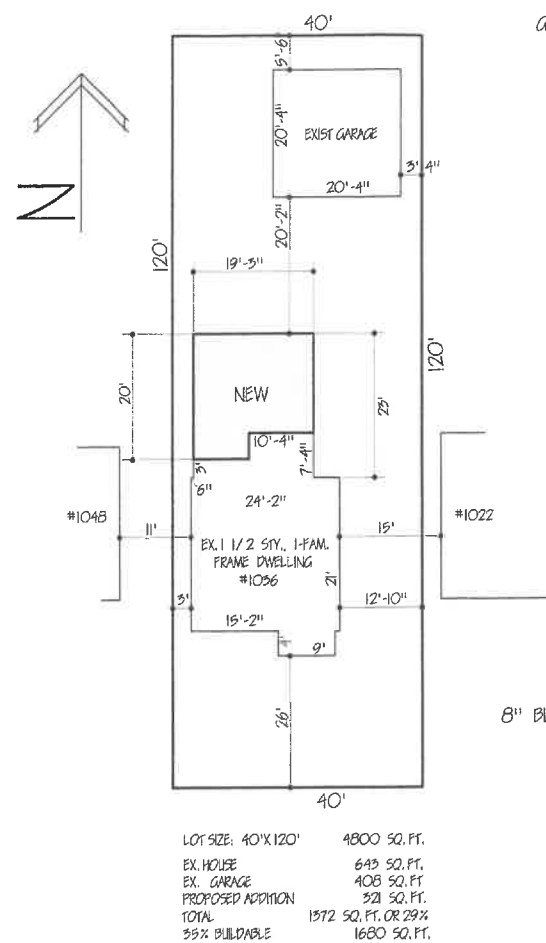
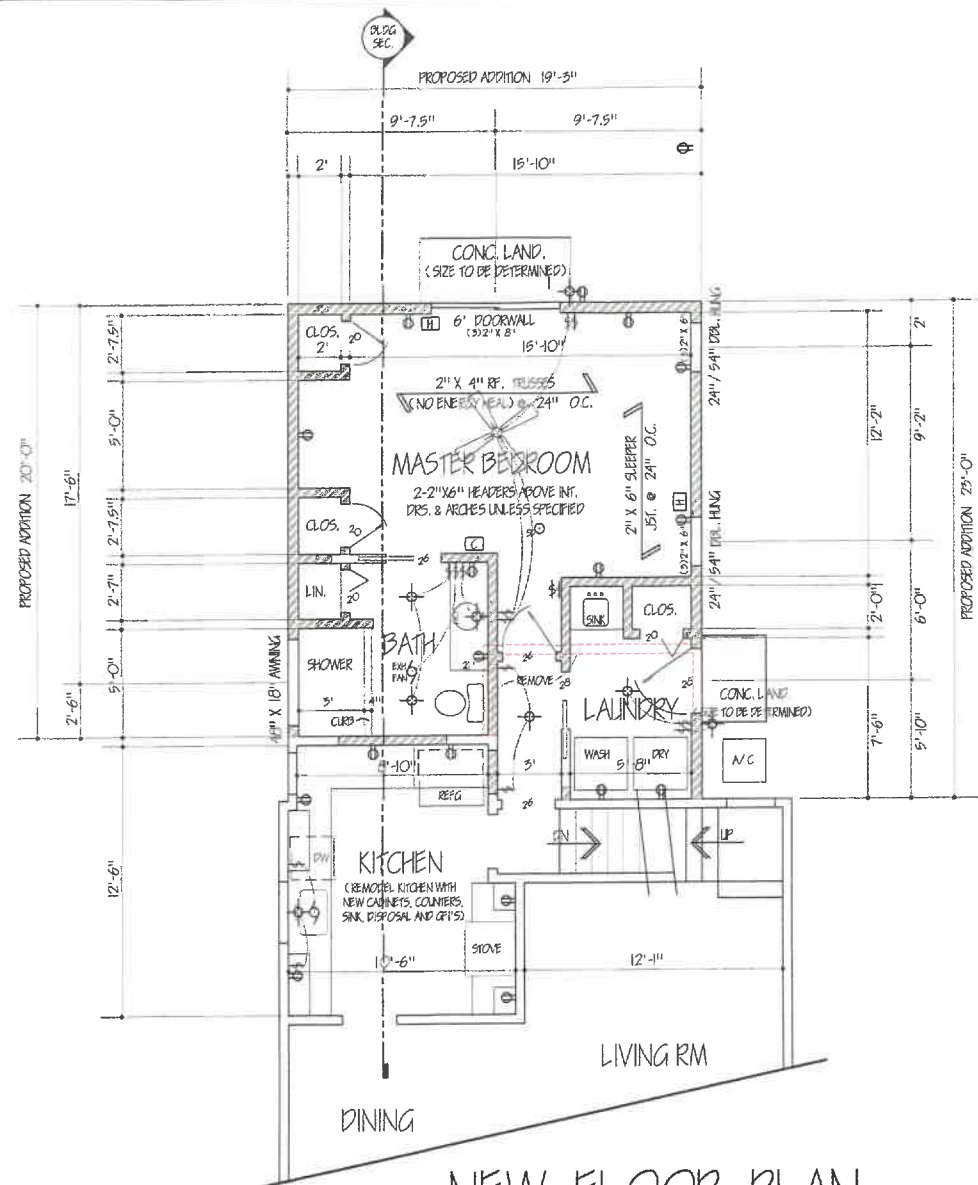
9-2-26

Date

Office Use Only

Received 9-4-26 Receipt # _____ Meeting Date 10-12-26 Case # PBA-09-26

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



DATE 5-26-26

NAME	BETH SUARES
ADDRESS	1036 LARKMOOR
	BERKLEY
PHONE	
OWNER'S SIGNATURE	

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

**Public Hearing 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, October 12, 2026 at 7:00 p.m. or as near thereto as the matter may be reached.

Application Number PBA-09-26

Foreman Construction Inc, 1036 Larkmoor Blvd, Parcel # 04-25-17-432-020, North side of Larkmoor Blvd., between Stanford Rd. and Woodward Ave., is requesting dimensional variances on the West side yard setback and distance between dwellings to construct an addition.

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 1.5 ft. West 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 3.5 ft. variance on the distance for the proposed addition to the adjacent dwelling to the West.

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, September 25, 2026

THE CITY OF BERKLEY
Community Development Department
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(248) 658-3320

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