



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

ZONING BOARD OF APPEALS APPLICATION

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

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

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

APPLICANT INFORMATION

Name: Alexander Murrell Phone: [REDACTED]

Address: 3489 Catalpa Dr, Berkley, MI 48072

Email: [REDACTED]

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

Current owner

PROPERTY OWNER INFORMATION (if different from Applicant)

Name: _____ Phone: _____

Address: _____

Email: _____

PROPERTY DESCRIPTION

Address: 3489 Catalpa Dr, Berkley, MI 48072

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

Current Use of Property: Single Family

NATURE OF REQUEST

Check which applies:

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

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

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

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

I. VARIANCE FROM ZONING ORDINANCE

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

A. Use Variance

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

Current Use of Property: _____

Requested Use of Property: _____

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

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

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

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

B. Dimensional Variance (Non-Use Variance)

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

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

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

3. Explain how strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

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

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

II. INTERPRETATION OF ZONING ORDINANCE

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

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

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

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

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

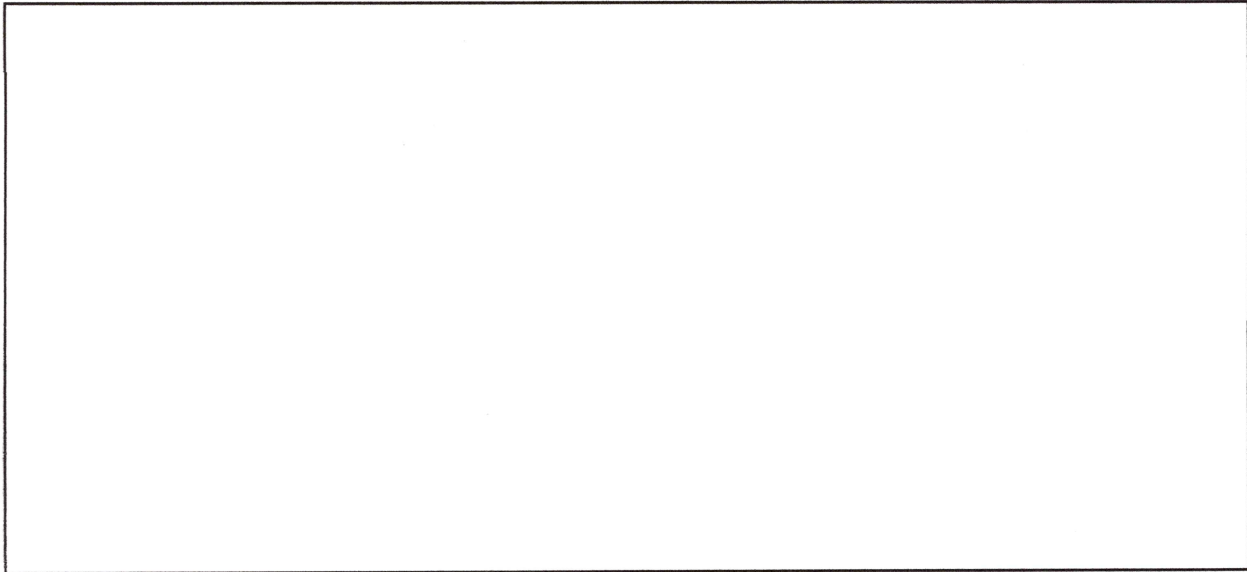
Please see attachments for more detailed information.

III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION

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

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

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



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

SUBMIT THE FOLLOWING:

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

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

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

PROPERTY OWNER'S APPROVAL (Initial each line)

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

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

APPLICANT'S ENDORSEMENT: (Initial each line)

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

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

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

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

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

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

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

Office Use Only

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

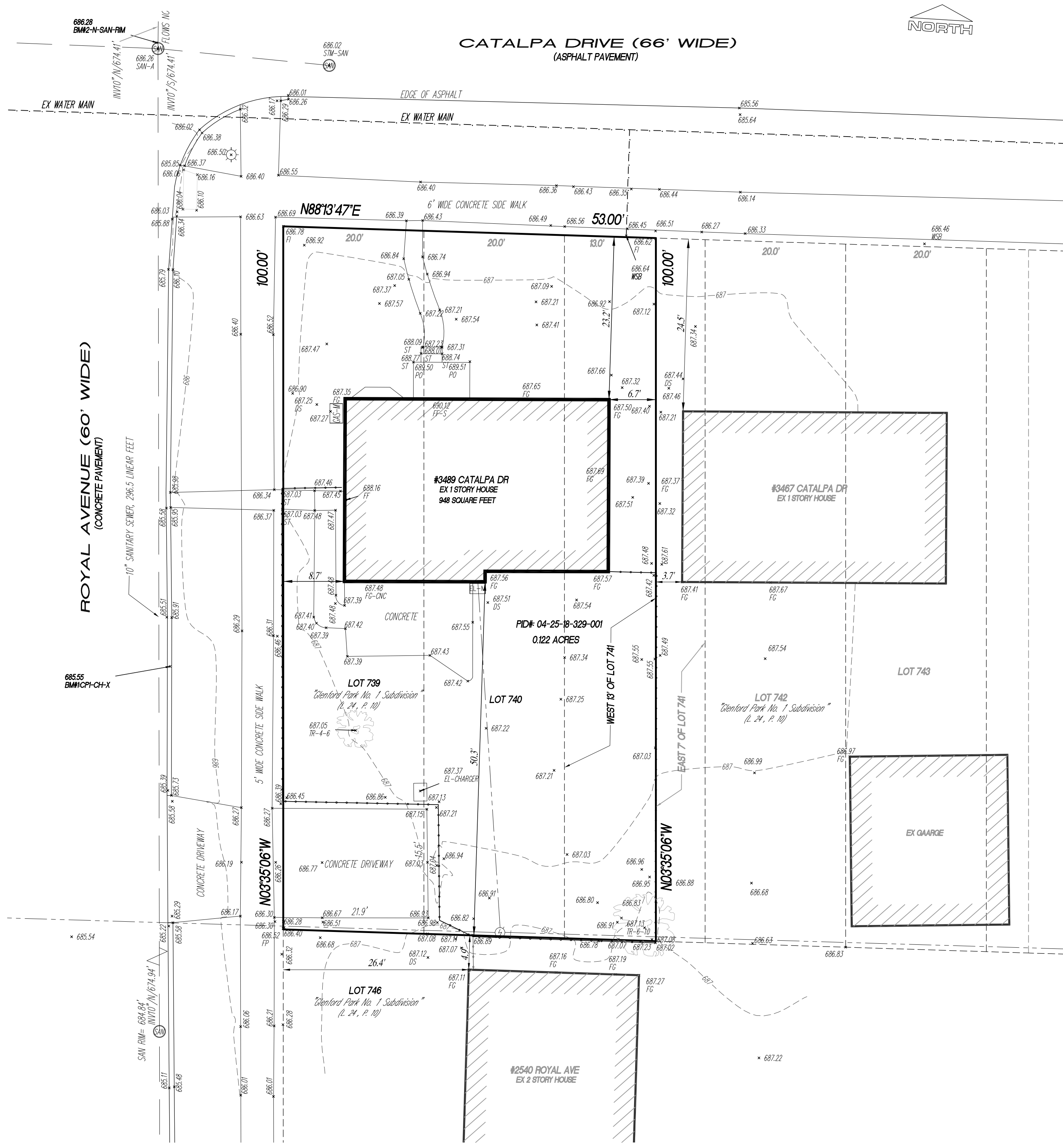
Fee: Residential \$400
Commercial \$600
Mural \$300

RECEIVED

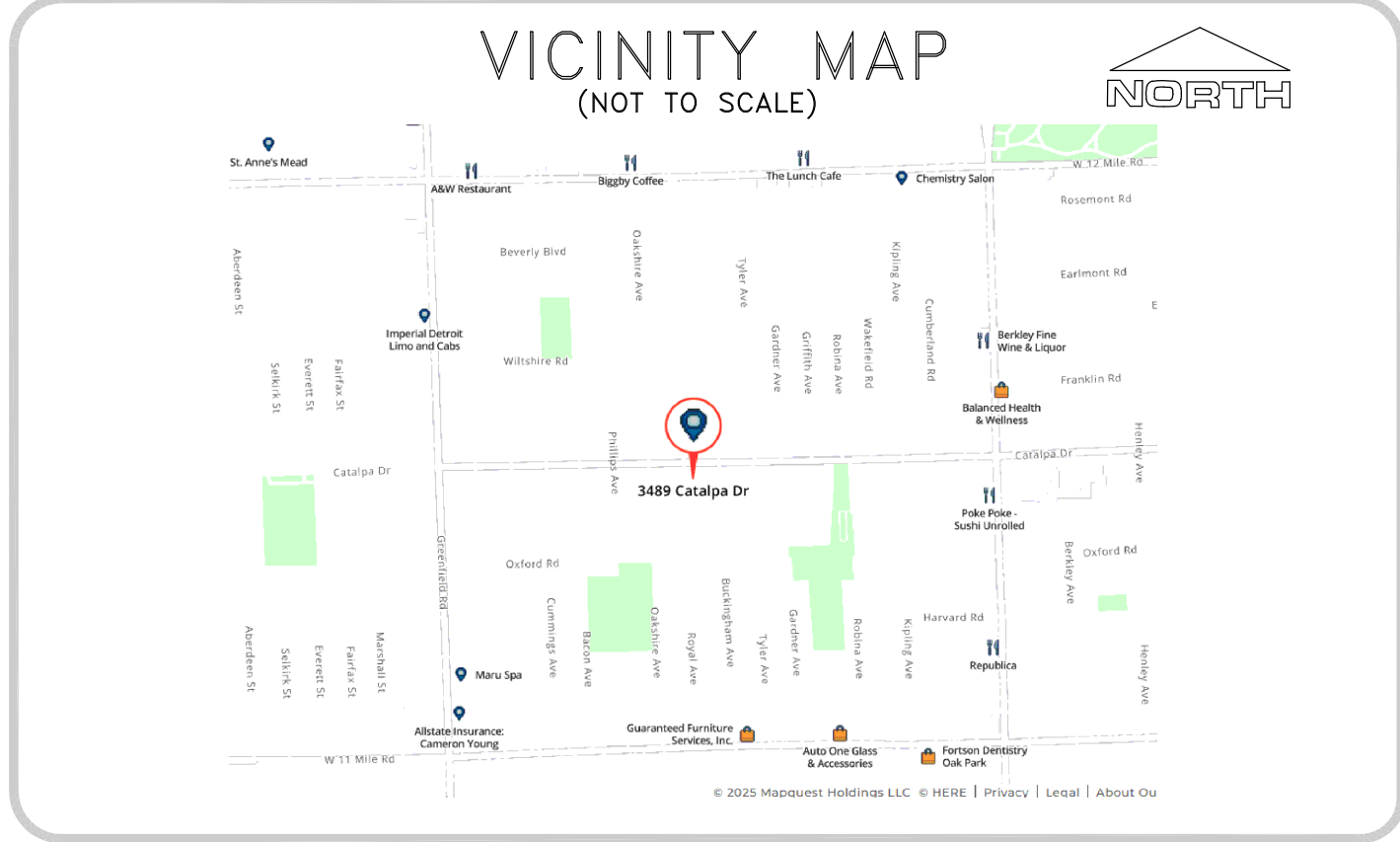
APR 30 2026

BERKLEY, MICHIGAN

BOUNDARY & TOPOGRAPHIC SURVEY



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



GENERAL NOTES

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

LEGAL DESCRIPTION

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

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



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

BENCH MARK INFORMATION

Site Bench Mark No. 1:
 Chiseled "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).

FLOOD NOTE

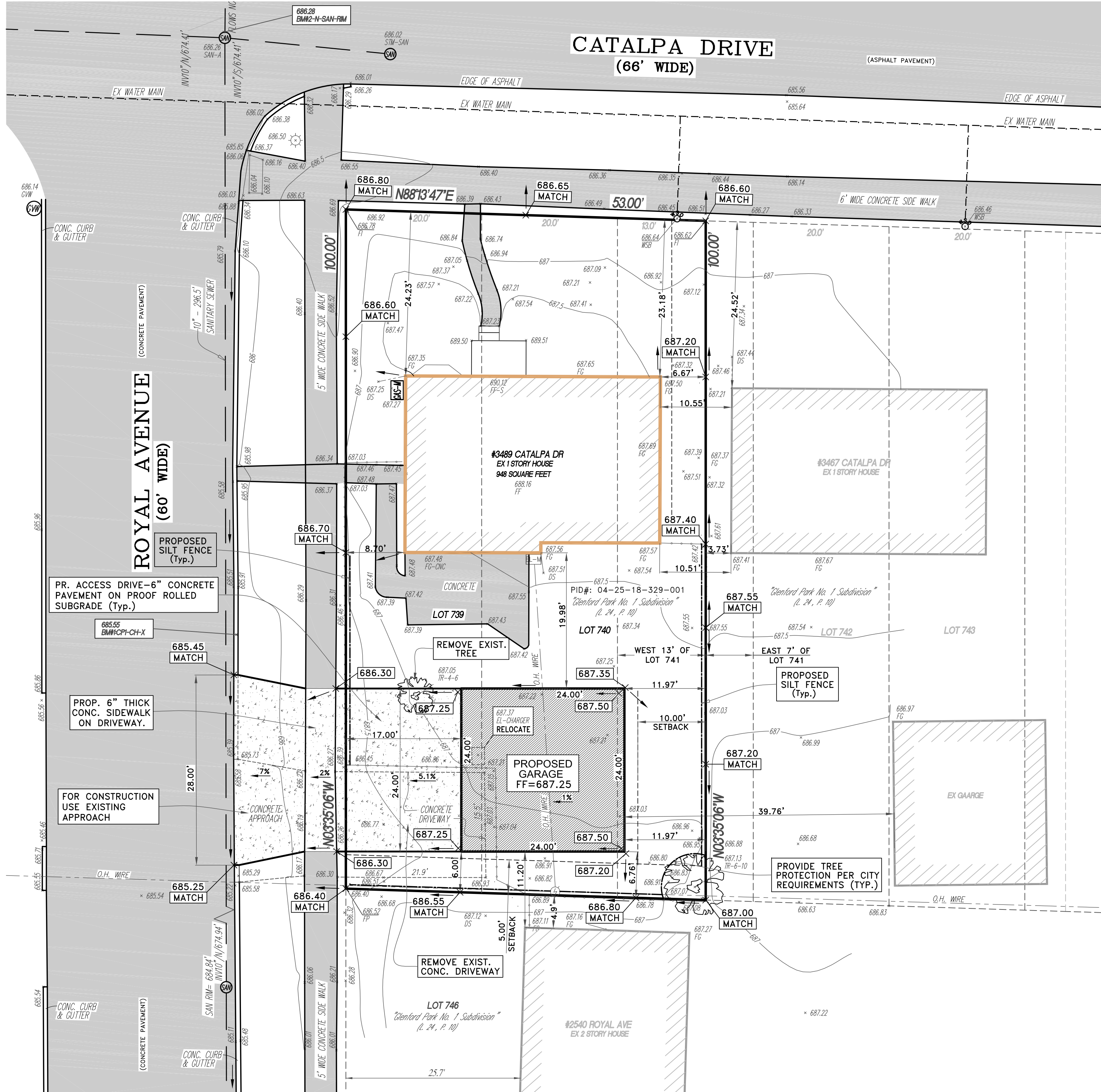
Subject property as depicted herein, DOES NOT LIE in a Special Flood Hazard Area (SFHA), according to Flood Insurance Rate Map (FIRM) No. 260292, Panel No. 0677, Suffix "F", being effective as of September 29, 2006.

LAND AREA

xx,xxx ± SQUARE FEET
 X.XXX ± ACRES

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

PLOT PLAN



Soil Erosion Measures

SOIL EROSION NOTES

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

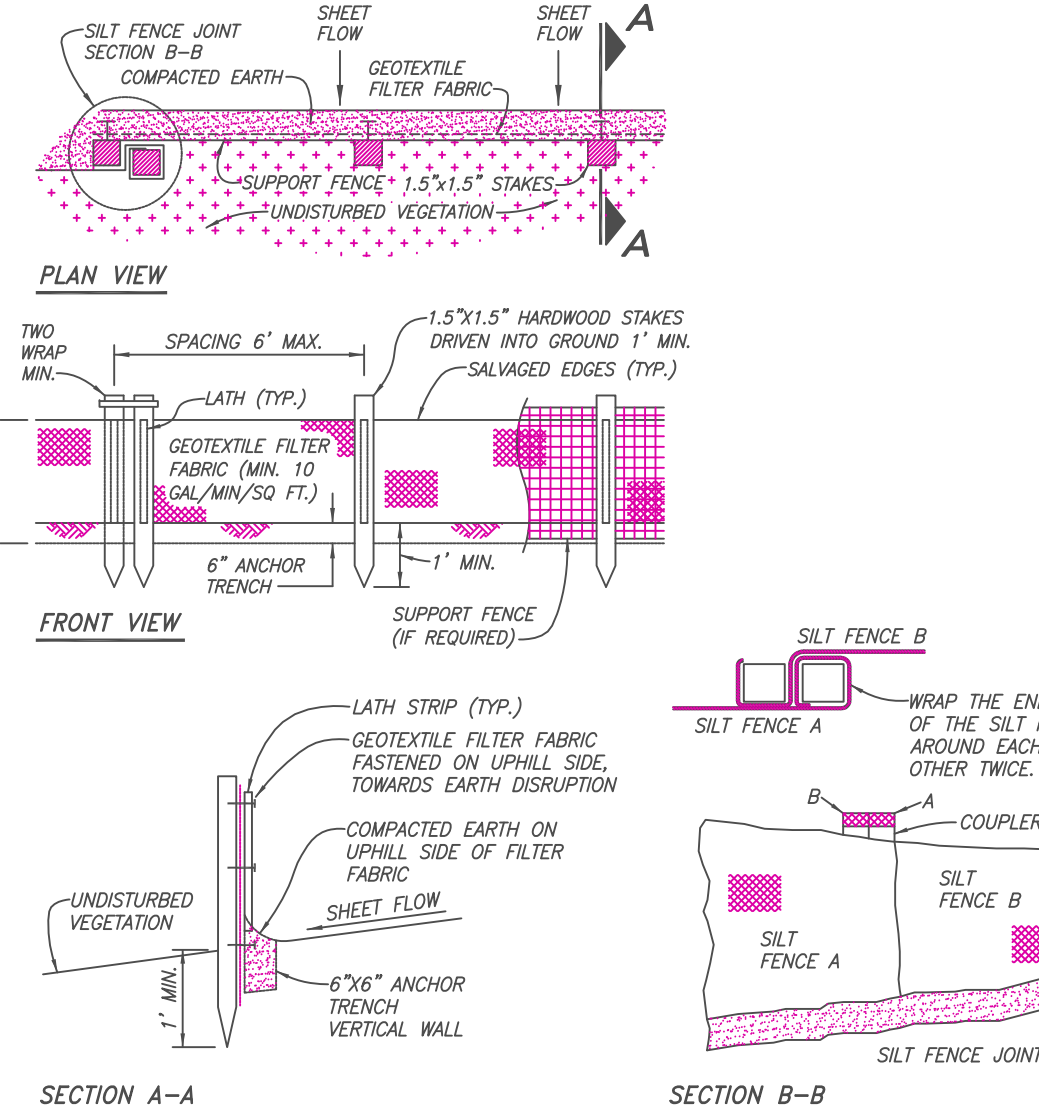
SOIL EROSION AND SEDIMENTATION CONTROL SEQUENCE OF CONSTRUCTION:

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

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

SOIL EROSION AND SEDIMENTATION CONTROL MAINTENANCE OPERATIONS:

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



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

LEGEND

- = UTILITY POLE
- = LIGHT POLE
- = OVER HEAD WIRE
- = CHAIN LINK FENCE
- = WATER STOP BOX
- = EX. SANITARY M.H.
- = EX. CATCH BASIN
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- = 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 | |
| LENAWEE CLAY LOAM | |

ZONING R-1CD

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

SET BACKS

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

LOT COVERAGE

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



VICINITY MAP (NOT TO SCALE)

GENERAL NOTES

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FIELD: MB

REVISIONS: MB

CLIENT: Mr. Alex Murrell

ADDRESS: 3489 Catalpa Drive, Berkley, MI, 48072

PAGE: 1 OF 1

DRAWN: ILKE (Civl Eng.)

CHECKED: MB

DATE: 04-06-2026

TEL: (810)-941-2684

FAX:

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

**Notice
Meeting of the Berkley
Zoning Board of Appeals**

Notice is hereby given, that there will be a meeting of the Zoning Board of Appeals to be held at the City of Berkley in the Council Chambers, 3338 Coolidge, Berkley, Michigan on Monday, June 08, 2026 at 7:00 pm or as near thereto as the matter may be reached.

Application Number PBA-04-26

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

Berkley City Code

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

Complete application information is available for review at www.berkleymi.gov/community-development/development-projects.

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

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, May 22, 2026