

## PUBLIC NOTICE

**City of Berkley, Michigan**  
**Regular Meeting of the Zoning Board of Appeals**  
**Monday, October 13, 2025**  
**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 August 11, 2025*

OLD BUSINESS - None

NEW BUSINESS

**1. Application Number PBA-07-25**

F & L Berkley, LLC, 2114 Eleven Mile Rd, Parcel # 04-25-17-358-017, North side of Eleven Mile Rd. between Berkley Ave. and Henley Ave., is requesting a variance on the required front setback for Pump Islands per 8.05.C.1.

**2. Application Number PBA-10-25**

Donald & Virginia M. Vensel, 3978 Kenmore Rd, Parcel # 04-25-07-434-040, East side of Kenmore Rd., between Edwards Ave. and Morrison Ave., is requesting a 2.6' dimensional variance to an accessory structure side yard requirement of 5'.

OTHER BUSINESS:

STAFF / BOARD MEMBER REPORT:

LIAISON REPORT

PUBLIC COMMENTS

ADJOURN

**THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS  
CALLED TO ORDER AT 7:00 PM, MONDAY, AUGUST 11, 2025 BY CHAIR MCALPINE**

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

**PRESENT:**

Sue McAlpine  
Andrew Creal  
Joseph Krug  
Eric McDonald

Joann Serr  
Jason Benedict, Alternate

**ABSENT:**

Steve Allen  
Kevin Wilner  
Lorene Branch, Alternate

**ALSO, PRESENT:**

Kim Anderson, Zoning Administrator  
Dennis Hennen, Liaison

**CONFIRMATION OF QUORUM MET**

**APPROVAL OF AGENDA**

Motion to approve the agenda as presented by Krug, and supported by Creal.

Voice vote to approve the agenda.

AYES: 6  
NAYS: 0  
ABSENT: 2

**MOTION CARRIED**

\* \* \* \* \*

**APPROVAL OF MINUTES**

Motion to approve the minutes of the July 14, 2025 regular meeting as written by Serr and supported by Krug.

Voice vote to approve minutes

AYES: 6  
NAYS: 0  
ASBENT: 2

**MOTION CARRIED**

\* \* \* \* \*

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **Application Number PBA-06-25**

DePorre Building, LLC, representing 3617 Buckingham Ave., Parcel 04-25-07-385-024, West side of Buckingham Ave., between Twelve Mile Rd. and Edwards Ave., is requesting a dimensional variance of 2.2 feet on the North side of the property.

The applicant is requesting a dimensional variance of 2.2 feet on the North side of the property to allow for a demolition of an existing single-family dwelling and construct a new single-family dwelling not meeting the setback requirement for the minimum distance between dwelling units of 15 feet.

*Per Berkley City Code, Zoning Ordinance, Chapter 138 Zoning, Section 5.02.D, Minimum distance between dwelling units: 15 feet.*

Zoning Administrator, Kim Anderson provided the Zoning Board of Appeals background on 3617 Buckingham and 3621 Buckingham detailing the side yard setbacks and the proposed distance between dwellings. Property to the North, 3621 Buckingham has a side yard nonconformity on the South side that does not meet the 5 feet minimum side yard requirement. 3621 Buckingham, South side yard setback is 2.8 feet with a 2.2 feet nonconformity.

## **APPLICANT PRESENTATION**

Applicant John DePorre presented the case for 3617 Buckingham to the Zoning Board of Appeals that with the property to the North, 3621 Buckingham, not in conformity on the South side of the required 5 feet side yard setback it creates the hardship of the required 15 feet distance between dwellings. 3617 Buckingham's existing house front yard setback at 23.4 feet is nonconforming and the South side yard setback at 4.8 feet is nonconforming. The new construction will be within the building envelope of the current zoning codes other than the distance between the dwelling to the North.

### **Board discussion:**

Serr asked if the basement of the existing structure was remaining. Applicant confirmed there will be a new basement poured for the new footprint.

Creal asked the applicant when it was purchased and if they had any consultation with the City. The applicant confirmed that at the time of purchase there was not a survey and did have a broad conversation with Anderson in regards to setback requirements on single family dwellings.

**Chair McAlpine opened the floor for the public hearing at 7:08 p.m.**

## **PUBLIC COMMENT**

No public correspondence:

**Chair McAlpine closed the floor for the public hearing at 7:08 p.m.**

## **Zoning Board of Appeals discussion:**

Krug confirmed that all the setbacks within the parcel for the proposed new dwelling are met.

Serr asked about neighbors being notified and whether the property to the north was owner occupied or a rental. Notices were sent out and public notice in the paper as required as well as a sign in the front yard and property is believed to be owner occupied at this time.

Serr asked if the existing remained, would a variance be required for any development. Anderson confirmed that a variance would be required for an addition such as a second floor if the 15 feet between the dwellings was not met.

Creal discussed the standard of the actions of the property owner or previous property owner and that with the development the parcel will meet the required setbacks for that parcel.

Board members discussed the five standards.

## **Motion to approve a dimensional variance of 2.2 feet on the north side on the required distance between dwelling units by Creal and supported by Krug.**

### **Approval**

*In the matter of PBA-06-25, 3617 Buckingham Ave., parcel # 04-25-07-385-024, motion to approve the requested variance from Berkley City Code, Zoning Ordinance, Chapter 138, Article 5, Sec.5.02.D of the City of Berkeley City Codes to grant a variance of 2.2 feet, as required, that does not conform to the applicable City Code regulations, based on the following findings:*

1. *The need for the variance is due to unique circumstances or physical conditions of the property.*  
The property to the North has the nonconformity creating the unique condition.
2. *The need for the variance is not the result of actions of the property owner or previous property owners.*  
The result of the property owner to the North.
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.*  
Both apply
4. *The requested variance is the minimum variance necessary to do substantial justice to the application as well as other property owners.*  
Request is the minimum variance of what the nonconformity is on the property to the North.
5. *The requested variance will not adversely impact the surrounding properties.*  
No evidence of an impact on the surrounding properties.

AYES: Members: Serr, Benedict, Creal and Krug  
NAYS: McDonald and Chair McAlpine  
ABSENT: Allen and Wilner

## **MOTION CARRIED**

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## **OTHER BUSINESS**

### **1. Rules of Procedure**

Rules of Procedure was presented with edits for review.

Motion to approve the Rules of Procedure as presented with edits by Krug and supported by Serr.

Voice vote to approve

AYES: Serr, Benedict, Creal, Krug, McDonald and Chair McAlpine

NAYS: None

ASBENT: Allen and Wilner

### **MOTION CARRIED**

\* \* \* \* \*

## **STAFF/BOARD MEMBER REPORT**

Community Development Monthly Report for June 2025

A copy of the Boards & Commissions Handbook that was recently adopted by City Council was provided to the board.

No meeting for September 2025, no cases applied

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## **LIAISON REPORT**

Dennis Hennen – Informed the Board that the Michigan Association of Planning awarded Berkley the 2025 Planning Excellence Awards on Rebuilding Berkley's Zoning Ordinance for the Outstanding Public Outreach.

\* \* \* \* \*

## **PUBLIC COMMENT**

NONE

\* \* \* \* \*

**With no further business, the meeting was adjourned at 7:28 p.m.**

Motion by Serr and support by Krug

Voice vote to adjourn

AYES: 6

NAYS: 0

ABSENT: 2

### **MOTION CARRIED**

\* \* \* \* \*



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## ZONING BOARD OF APPEALS APPLICATION

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

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

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

### APPLICANT INFORMATION

Name: F & L Berkley LLC Phone: [REDACTED]  
Address: 1877 Orchard Lake Rd / Suite 104 / Sylvan Lake, MI 48320  
Email: [REDACTED]  
Relationship to Property (current tenant, representative, future tenant, current owner, future owner):

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

Name: Same as above Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_

### PROPERTY DESCRIPTION

Address: 2114 W. Eleven Mile Rd, Berkley, MI 48072  
Parcel #: 25-17-358-017 Zoning Classification: \_\_\_\_\_  
Current Use of Property: Service station

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## 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: \_\_\_\_\_

Dimensional variance, gas station pumps in set-back, preexisting condition.

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

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

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### 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.

Applicant requests a set-back variance due to the fact that pre-existing gas pumps and tanks are within the 30 foot set-back. They are approximately 16 feet from the right-of-way. Relocating the pumps out of the set-back would be difficult if not impossible and cost prohibitive. The Planning Commission recommends the variance be approved. See attached report.



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

The pumps preexist the new set-back requirement.

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 station would not be viable if the pumps could not be used in their present locations.

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

The variance will not alter the use from what previously (and currently) existed.

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

It is irrelevant to surrounding properties. The station is on a busy commercial road.

## 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.

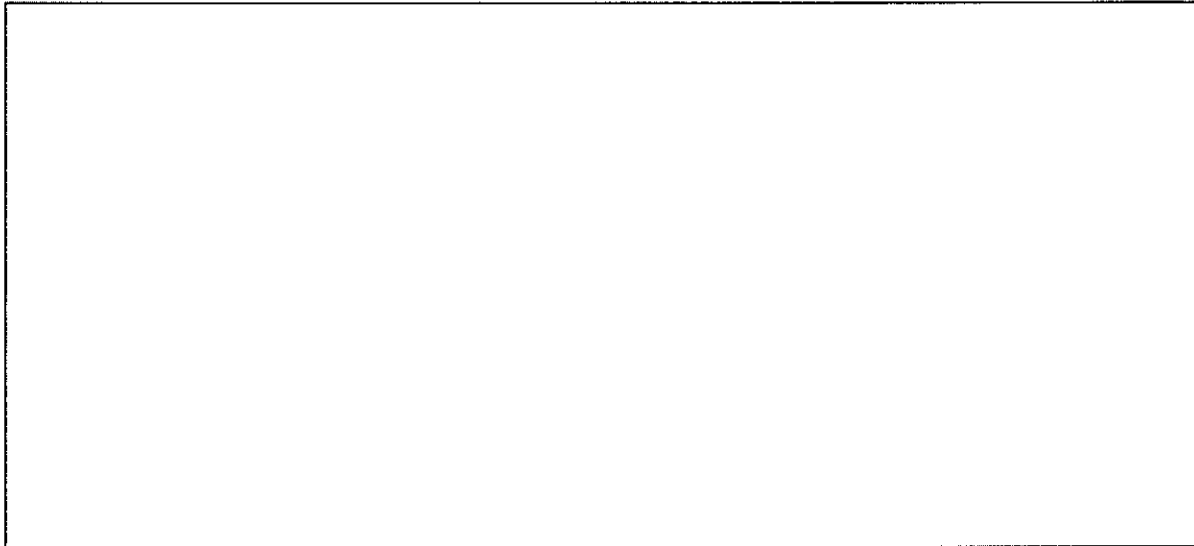
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## III. ADMINISTRATIVE REVIEW / APPEAL OF DECISION

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.**

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#### 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.

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**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.

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

☒ 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.

☒ 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.

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

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

FK ☒ 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.

FK ☒ 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.

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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.

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F&L Berkley

Applicant Name (print)



Applicant Signature

9-17-25

Date

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Applicant Name (print)

Applicant Signature

Date

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Property Owner Name (print)

Property Owner Signature

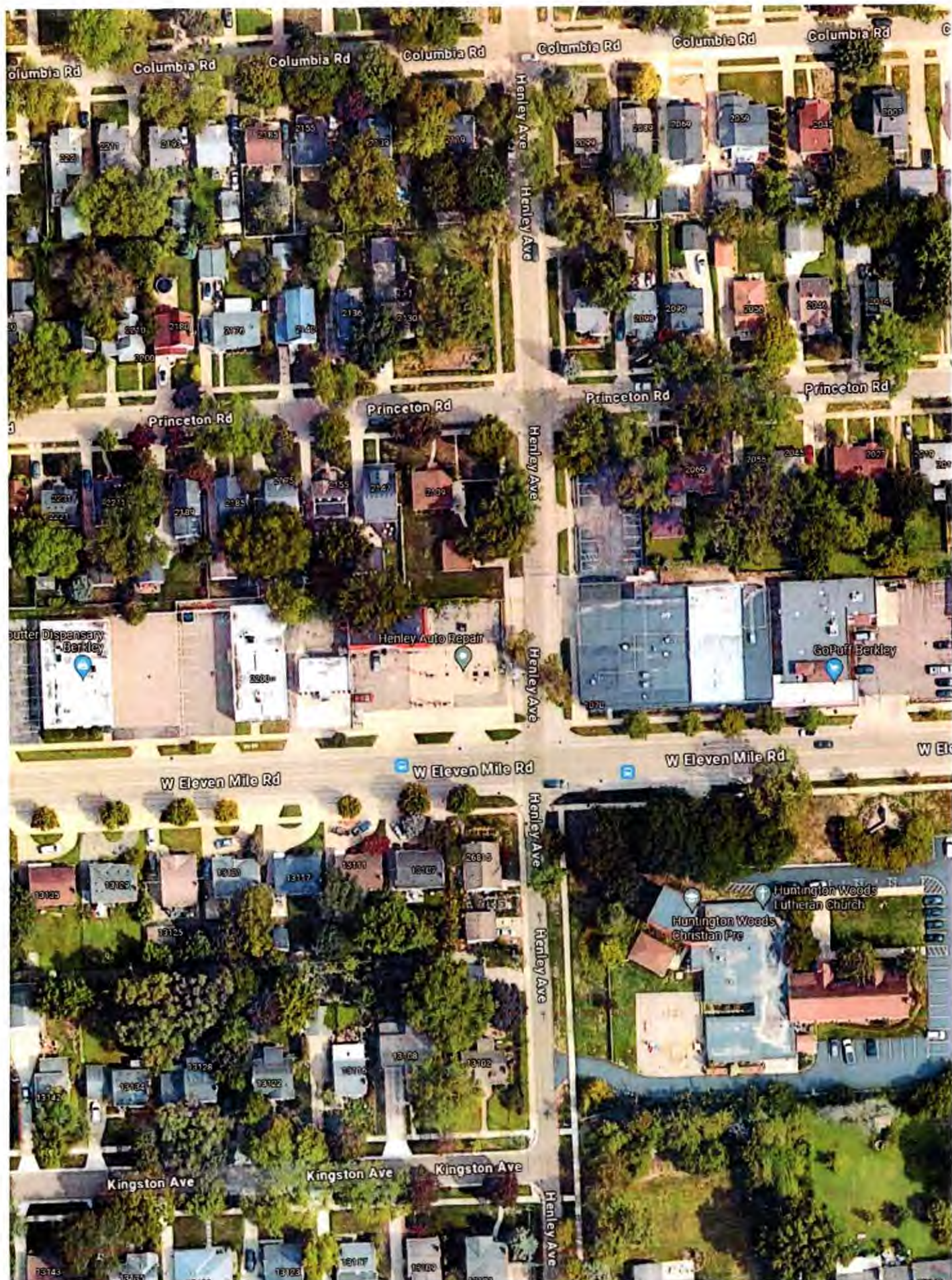
Date

**Office Use Only**

Received \_\_\_\_\_ Receipt # \_\_\_\_\_ Meeting Date 10-13-25 Case # PBA-0725

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

















# 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-07-25 – 2114 Eleven Mile Rd., Dimensional Variance**

**Date:** 10/07/2025

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**APPLICANT:** Fadi Kajj

**LOCATION:** 2114 Eleven Mile Rd.

**PARCEL ID:** 04-25-17-358-017

**REQUEST:** The applicant is requesting a Dimensional Variance of 14 feet on the required front setback for Pump Islands per 8.05.C.1

**REQUIRED:** *Berkley City Code*, Chapter 138 *Zoning*, Article 8, Section 8.05C.1 Automotive Uses Setbacks: Pump Islands front setback 30 feet required.

### ZONING AND LAND USE

Property	Zoning District	Land Use
<b>Subject Site</b>	Flex	Special Land Use: gas station/convenience store
<b>West</b>	Flex	Vacant
<b>East</b>	Flex	Warehouse
<b>North</b>	Flex/R-2	Single Family Residential
<b>South</b>	Huntington Woods	Single Family Residential

### BACKGROUND

Parcel # 04-25-17-358-017 North side of Eleven Mile Rd., between Henley Ave. and Berkley Ave. 2114 Eleven Mile Rd., use dates back to 1956 as a gas station. The previous business, Henley Gas & Service Center was in service as a gas station until approximately 2013/2014 (google map shows gas prices posted on signage in 2012 and since 2015 no gas prices have been posted). Department of Licensing and Regulatory Affairs (LARA) confirmed tanks were red tagged (violations) for regulating compliance as early as 2013. Maintenance on the tanks were completed and approved by LARA in 2023. Property

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continued as an automobile service, repair establishment until the property was sold. Warranty Deed was recorded with Oakland County March 08, 2022 to F & L Berkley, LLC.

Various Violations have been issued since 2022 including work being done with no permits, property maintenance, snow and grass. A Code violation was issued 10/03/2023 when Signage was changed with no permit. A Business License was applied for on November 13, 2023 and denied. In 2023 the Zoning District did not allow gas stations and the property is considered abandoned per the nonconforming use standards. A Use Variance (case PBA-01-24) was applied for in 2024 and the Zoning Board of Appeals denied the Use Variance. Since 2024 with the adoption of the new Zoning Ordinance effective as of April 16, 2025, the Zoning District was changed to Flex. Under the Flex District, an Automotive Fueling/Multi-use Service Station is allowed with Special Land Use approval.

The applicant applied for a Special Land Use (PSU-02-25) and the Planning Commission recommended approval at the August 26, 2025 with the condition of the applicant obtaining a variance from the Zoning Board of Appeals for the front yard setback on the pump islands that do not conform to the current setback requirement. September 8, 2025 City Council approved the Motion (M-82-25) on the matter of considering Special Land Use Approval and incorporating the conditions recommended by the Planning Commission.



Source: Oakland County Property Gateway



Source: Google map

## SCOPE OF PROJECT

The applicant Fadi Kajy, is requesting a Dimensional Variance on parcel #25-17-358-017, 2114 Eleven Mile Rd. of 14 feet on the required 30 feet front setback for the pump islands.

Section 8.05 of the Zoning Ordinance includes specific requirements for automotive uses, including gas stations. While the general site layout standards do not apply since this is a non-conforming property with a non-conforming structure, the requirements for an automotive use, a use previously abandoned and no longer considered legal non-conforming, do.

- The following minimum setbacks apply to pump facilities in conjunction with fueling:

Yard	Pump Island Required Setback (feet)	Pump Island Proposed Setback (feet)
Front	30	16 (Eleven Mile)
Exterior Side	20	30+ (Henley)
Interior Side	20	45+
Rear	20	50+

## SUMMARY OF REQUEST

Zoning District Flex does allow a use of a gas station as a Special Land Use approval. The existing pump stations are at 16 feet rather than the required 30 feet. The pump stations appear to have been in this location since as early as 1963.

## STANDARDS FOR REVIEW

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

- A. *The need for the variance is due to unique circumstances or physical conditions of the property.*
- B. *The need for the variance is not the result of actions of the property owner or previous property owners.*
- 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.*
- D. *The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.*
- E. *The requested variance will not adversely impact the surrounding properties.*

## 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 a practical difficulty demonstrated and the requested variance should be granted. Motions for approval and denial are included below for the convenience of the board.

### Sample Motions

#### Approval

*In the matter of PBA-07-25, 2114 Eleven Mile Rd., parcel 25-17-358-017, motion to approve the requested dimensional variances from Section 138-8.05.C.1 of the City of Berkley Zoning Ordinance to grant a dimensional variance of 14 feet under **Section 138-8.05.C.1** that does not conform to applicable Zoning Ordinance regulations based on the following findings:*

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

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

*In the matter of PBA-07-25, 2114 Eleven Mile Rd., parcel 25-17-358-017, motion to Deny the requested dimensional variances from Section 138-8.05.C.1 of the City of Berkley Zoning Ordinance to grant a dimensional variance of 14 feet under **Section 138-8.05.C.1** that does not conform to applicable Zoning Ordinance regulations based on the following findings:*

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

Thank you.

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



## SECTION 8.05 AUTOMOTIVE USES

### A. *Automobile Repair.*

1. **Outdoor storage.** Dismantled, wrecked, or inoperable vehicles waiting for repair must not be stored outdoors for a period exceeding five days. Outdoor storage must be enclosed by a masonry wall when adjacent to residential uses or an opaque fence when adjacent to non-residential uses. The wall or fence must be six to eight feet in height or must utilize landscape screening meeting the standards set forth in Article 12, Landscaping and Screening.
2. **Disposal containers.** Suitable containers must be provided and used for disposal of used parts and fluids, and such containers must be screened from view.
3. **Enclosed buildings.** All repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities, must be performed entirely within an enclosed building.
4. **Retail sales limitations.** Retail sales must be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

### B. New, used, and vintage automobile sales.

1. **Setbacks.** No vehicle may be parked or displayed within five feet of any street right-of-way.
2. **Noise.** Loudspeakers broadcasting voice or music outside of a building must not be audible from any adjacent residential zoned or used parcel.
3. All repair and maintenance activities must conform to the standards set forth in Section 8.05.

### C. Automobile fueling/multi-use station.

1. **Setbacks.** The following minimum setbacks apply to canopies and pump facilities constructed in conjunction with fueling/multi-use.

Table 8.05 – Automotive fueling/multi-use station setbacks			
Setback	Canopy Support (feet)	Pump Islands (feet)	Canopy Edge (feet)
Front	35	30	25
Side	20	20	10
Rear	30	20	20

2. Fueling areas must be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjacent properties while being served.
3. Required fire protection devices under the canopy must be architecturally screened so that the tanks are not directly visible from the street. The screens must be compatible with the design and color of the canopy.
4. Canopy lighting must be recessed so that the light source is not visible from off-site.
5. Automotive fueling/multi-use stations must be designed in a manner that promotes pedestrian and vehicular safety. The parking and circulation system within each development must accommodate the safe movement of vehicles, bicycles, pedestrians, and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.
6. All repair and maintenance activities must conform to the standards set forth in Section 8.05.A. Dismantled, wrecked, or immobile vehicles are not permitted to be stored on site.
7. If an accessory vehicle wash is proposed, it must comply with the standards set forth in Section 8.05.

**D. *Automotive Wash.***

1. All washing activities must be carried out within a building. Vacuuming activities must be located at least fifty feet from adjacent residential zoned or used parcels.
2. Automatic car wash facilities must have a mechanical dryer operation at the end of the wash cycle.
3. All automatic car wash facilities must provide a demonstrated means at the exit ramp for each wash bay to prevent pooling or freezing of water.



Search by PIN or Property Address

Help

25-17-358-017

or navigate to and click on the property of interest

**2114 11 MILE RD**

PIN: 25-17-358-017

CITY OF BERKLEY

**Available Reports:**

Commercial Property Profile

Property profile of a specific parcel

\$0

Current Tax Report

Current property tax information

\$2.50

Map Atlas

Plat map & property dimensions

\$4.00

**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

Cha | it 25 2025

Welcome KIMANDERSON  
Logout

Map

Reports (0)

Cart (0)

Print the Map!

Standard

Unlabeled

Hybrid

More







## CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

### MEMORANDUM

**To:** F & L Berkley, LLC (Fadi Kajy), Applicant  
**From:** Kristen Kapelanski, Community Development Director  
**Subject:** PSU-02-25: 2114 Eleven Mile Rd.  
**Date:** August 18, 2025

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The applicant has requested to operate a gas station (with no service component) at 2114 Eleven Mile Rd. The current zoning of the parcel is Flex District and gas stations are a special land use. Minimal exterior site changes are proposed. ***Items that are bolded and italicized need to be addressed prior to the Planning Commission meeting.***

#### Background

The subject property previously operated as a gas station and automotive service station in years past. Since this use is considered abandoned per the nonconforming use standards, the applicant is required to go through the special land use process.

#### Special Land Use Standards

Special land uses require the approval of the City Council after a recommendation from the Planning Commission. Standards listed in the ordinance for consideration of a special land use request are identified below. Staff comments are italicized.

- **Compatibility with Adjacent Uses:** The special land use must be designed and constructed in a manner harmonious with the character of adjacent properties and the surrounding area, as compared to the impacts of permitted uses. *The subject property would be considered a medium site type in the Flex District. This site type allows both mixed-use high-impact and mixed-use low-impact uses (as well as institutional uses) as principal permitted uses. The impacts from a small gas station use with no service station would not be greater than the impacts from say a high-volume drive through, which is a permitted use. Additionally, the property was previously used as a gas station and service station with the existing complement of uses nearby and no significant site changes are proposed.*
  - **Compatibility with the Master Plan:** The proposed special land use must be compatible and in accordance with the goals and objectives of the City of Berkley Master Plan and any associated sub-area and corridor plans, including the Downtown Master Plan. *The applicant is not proposing substantial site work and intends to occupy the site as-is. The proposed use is compatible with the recommendations of the Master Plan, as incorporated into the new Zoning Ordinance.*
-

- **Traffic Impact:** The proposed special land use must be located and designed in a manner that will minimize the impact of traffic, taking into consideration the following: pedestrian access and safety; vehicle trip generation; types of traffic; access location and design; loading and unloading; circulation; parking design; street and bridge capacity; and traffic operations at nearby intersections and access points. Efforts must be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion. *The site currently has three driveways, two on Eleven Mile and one on Henley. This allows for adequate circulation around the site. There is a large shrub/tree along the Henley frontage that should be trimmed to accommodate the required corner clearance.*
- **Impact on Public Services:** The proposed special land use must be adequately served by essential public facilities and services, such as streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities and schools. Such services must be provided and accommodated without an unreasonable public burden. *This was a previously operating site that is served by City utilities.*
- **Compliance with Zoning Standards:** The proposed special land use must be designed, constructed, operated and maintained to meet the stated intent of the zoning district and must comply with applicable ordinance standards. *While the applicant is intending to occupy the site as is, there are a number of standards that would be applicable to new sites that should be considered for incorporation. It appears lighting exists on the site but shielding is required to prevent light spillover onto the adjacent residential property and right-of-way. Additionally, the applicant should consider adding some greenspace to the site through the use of planters and/or converting a portion of the strip of pavement adjacent to Henley on the northeast portion of the property to greenspace. (See picture below.)*



- **Impact on the Overall Environment:** The proposed special land use must not unreasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses. *The applicant is proposing to use an already developed site and no new environmental impacts are proposed.*
- **Special Land Use Approval Specific Requirements.** The general standards and requirements of this section are basic to all uses authorized by special land use approval. The specific and

detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.

- **Additional Factors:** The following factors must also be considered by the Planning Commission when reviewing a special land use request.
  - The nature and character of the activities, processes, materials, equipment or conditions or operation, either specifically or typically associated with the use.
  - Vehicular circulation and parking areas.
  - Outdoor activity, storage and work areas. *No outdoor storage or work areas are proposed.*
  - Hours of operation. *The applicant should confirm the hours of operation.*
  - Production of traffic, noise vibration, smoke, fumes, odors, dust, glare, light or other public nuisances.

#### **General Zoning Ordinance Standards**

- **Non-conforming Site Standards:** Per Article 16 of the Zoning Ordinance, non-conforming lots and structures may be used for a permitted or special land use in the applicable district provided the non-conformity is not increased. Any additions or other site changes would need to comply with current zoning ordinance standards. The applicant is not proposing any site changes.
- **Special Land Use Considerations:** Since a gas station is considered a special land use in the Flex District, the Planning Commission and City Council have some discretion in determining if the site layout (as-is) meets the intent of the Zoning Ordinance and Master Plan. There are several staff recommendations for how this can better be met in the discussion of the special land use standards above.
- **Parking Requirements:** Gas stations are required to provide one space for each fueling position, one stacking space per fueling position, plus one parking space per employee and one parking space for each 100 sq. ft. of retail area. ***Based on a rough measurement, it appears the retail area is approximately 750 sq. ft. This measurement should be confirmed by the applicant. The number of employees at any given time should be confirmed by the applicant.*** This would require 8 parking spaces plus parking for any employee(s). ***The applicant has indicated there are 11 spaces available on the site. This should be shown with marked spaces on the plan, including dimensions. Spaces are required to be 9 ft. by 20 ft. One barrier free space is required at 8 ft. by 20 ft. with an 8 ft. access aisle. This must be included on the plan before this can proceed to the Planning Commission.***

#### **Automotive Use Standards**

Section 8.05 of the Zoning Ordinance includes specific requirements for automotive uses, including gas stations. While the general site layout standards do not apply since this is a non-conforming property with a non-conforming structure, the requirements for an automotive use, a use previously abandoned and no longer considered non-conforming, do. Below are the standards that apply to gas stations. Staff comments are italicized.

- The following minimum setbacks apply to pump facilities in conjunction with fueling:

Yard	Pump Island Required Setback (feet)	Pump Island Proposed Setback (feet)
Front	30	16 (Eleven Mile)
Exterior Side	20	30+ (Henley)
Interior Side	20	45 +
Rear	20	50+

*The deficient front yard setback requires a variance from the Zoning Board of Appeals. Any approval motions made by the Planning Commission should include a condition that this variance be granted.*

- Fueling areas must be arranged so that motor vehicles do not park on or extend over abutting landscape areas, sidewalks, streets, buildings or adjacent properties while being served. *This standard is met.*
- Required fire protection devices under the canopy must be architecturally screened so that the tanks are not directly visible from the street. The screens must be compatible with the design and color of the canopy. *No canopy is proposed.*
- Canopy lighting must be recessed so that the light source is not visible from off-site. *No canopy is proposed.*
- Automotive fueling/multi-use stations must be designed in a manner that promotes pedestrian and vehicular safety. The parking and circulation system within each development must accommodate the safe movement of vehicles, bicycles, pedestrians and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner. *See the special land use analysis above.*
- All repair and maintenance activities must conform to the standards set forth in Section 8.05.A. Dismantled, wrecked or immobile vehicles are not permitted to be stored on site. *No repair and maintenance are proposed.*
- If an accessory vehicle wash is proposed, it must comply with the standards set forth in Section 8.05. *No vehicle wash is proposed.*

Please contact me if you have any questions.

Cc: Kim Anderson, Zoning Administrator



THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, AUGUST 26, 2025 AT BERKLEY CITY HALL BY CHAIR LISA KEMPNER.

*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: <https://www.youtube.com/user/cityofberkley>*

#### **APPROVED**

**PRESENT:** Lisa Hamameh                      Mike Woods  
              Shiloh Dahlin  
              Lisa Kempner  
              Eric Arnsman

**ABSENT:** Josh Stapp  
              Joe Bartus

**ALSO PRESENT:** Kristen Kapelanski, Community Development Director

#### **APPROVAL OF AGENDA**

Community Development Director Kapelanski noted that the election of officers should be added to the agenda.

Motion by Commissioner Hamameh to approve the amended agenda with the election of officers added as item number six and supported by Commissioner Arnsman.

Voice vote to approve the agenda

AYES: 5  
NAYS: 0  
ABSENT: Bartus, Stapp

#### **MOTION CARRIED**

\* \* \* \* \*

#### **APPROVAL OF THE MINUTES**

Motion by Commissioner Hamameh to approve the minutes of the May 27, 2025 regular Planning Commission meeting and supported by Commissioner Arnsman.

Voice vote to approve the meeting minutes of May 27, 2025.

AYES: 5  
NAYS: 0  
ABSENT: Bartus, Stapp

#### **MOTION CARRIED**

\* \* \* \* \*

#### **COMMUNICATIONS**

Community Development Director Kapelanski shared that the latest issue of the Michigan Association of Planning magazine was provided for the Commissioners. Also included in the packet was a report from the Michigan Municipal League and SEMCOG showcasing ideas to spur development on West Twelve Mile from near Tyler to Greenfield.

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**CITIZEN COMMENTS**

NONE

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**OLD BUSINESS**

NONE

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**NEW BUSINESS**

1. **PUBLIC HEARING PSU-02-25: 2114 Eleven Mile Rd.:** The applicant, F & L Berkley, LLC, is requesting special land use approval for a gas station/convenience store in the Flex District on the northwest corner of Eleven Mile Rd. and Henley Ave.

Community Development Director Kapelanski presented the special land use request noting no changes to the site are proposed. She highlighted the special land use review standards and a needed variance for a deficient pump island setback. She noted that since the site was not being altered, dimensional and general standards from the zoning did not apply as the site and any dimensional requirements would be considered non-conforming. Since this was a special land use, the standards for special land uses and the automotive uses would apply.

The Planning Commission asked some clarifying questions confirming the distinction between a non-conforming use and non-conforming structures. Community Development Director Kapelanski confirmed that if a service use was proposed, the applicant would need to receive special land use approval for that use at a future time.

The applicant's attorney, Ellis Freatman, confirmed no changes to the site are proposed and a service station use was not proposed. The applicant has no objection to providing planters or light shielding as suggested in the staff review. The applicant, Fadi Kajy, stated that there would be one employee per shift. The hours of operation would be 6AM to 11PM.

Chair Kempner opened the public hearing at 7:13PM.

No one wished to speak and no correspondence was received.

Chair Kempner closed the public hearing at 7:14PM.

The Commission discussed the existing screen wall, which covers the majority of the rear property line. They confirmed with the applicant that the vegetation would be trimmed. Community Development Director Kapelanski confirmed that the area not covered by the screen wall was an existing non-conforming condition. The Commission agreed that the location of the garage on the adjacent residential property also helped to buffer the residence.

The Commission asked that a barrier be added to the parking area along Henley to provide a buffer from the sidewalk. The applicant agreed he could do that. The Commission suggested planters as a buffer option to protect the area and to provide greenspace. The applicant said he would be willing to place planter(s) there but would want to confirm it wouldn't conflict with the operation of the underground tanks in that area.

The Commission went through the special land use and all agreed that all standards were met.

Motion by Commissioner Hamameh and supported by Commissioner Dahlin to recommend approval of PSU-02-25 2114 W. Eleven Mile Rd. with the following findings:

- The proposed plan meets the standards of approval in Chapter 138, Section 10.03;

And the following conditions:

- The applicant obtaining a variance from the Zoning Board of Appeals for the front yard setback;
- Shielding of the lights, as required by the ordinance;
- The trees and shrubs along Henley Ave. to be trimmed to accommodate the corner clearance requirements; and
- The installation of substantial landscaping planters along Henley Ave. to clearly delineate the sidewalk to the extent practicable as determined appropriate by the Community Development Director. Alternatively, converting a portion of the pavement adjacent to Henley Ave. in the northeast corner to some sort of greenspace.

Roll call vote on the motion to approve PSU-02-25 2114 W. Eleven Mile Rd.

AYES: 5

NAYS: 0

ABSENT: Bartus, Stapp

#### **MOTION CARRIED**

2. **PUBLIC HEARING** An ordinance to amend Article 2 Definitions, Article 6 Site Design Based Districts, Article 9 General Provisions, Article 11 Sign Regulations, Article 14 Off-Street Parking Loading and Access Standards and Article 25 Site Plan Review Procedures and Requirements of Chapter 138 Zoning of the Berkley Code of Ordinances to add definitions for business services and live/work units, to clarify site area governs site layout, to clarify the reviewer for fences, to allow ground-mounted solar energy systems in residential districts, to clarify regulations for residential driveways, to modify the width requirements for attached garages, to clarify regulations for detached accessory buildings and swimming pools, to clarify regulations for window signs and temporary signs, to clarify clear vision zone requirements, to add regulations for areas of residential parking and recreational vehicles, to clarify requirements for where on-street parking may be counted as individual business parking and to clarify requirements and procedures for pre-application and preliminary site plan review.

Community Development Director Kapelanski presented the amendments and referenced her staff review for a list of the included items. These are amendments that have come up in the course of staff using the ordinance and responding to property inquiries, residential zoning certificate requests, et cetera.

Chair Kempner opened the public hearing at 7:50PM.

No one wished to speak and no comments were received.

Chair Kempner closed the public hearing at 7:50PM.

Chair Kempner asked that the next round of amendments clarify when a site plan is required for special land use application. Commissioner Dahlin asked that at a minimum, a scaled sketch plan be provided. Community Development Director Kapelanski said she would add this to the next round of amendments.

Motion by Commissioner Dahlin and supported by Commissioner Woods to recommend approval of the first round of zoning ordinance cleanup amendments listed in the August 26, 2025 Planning Commission agenda.

Roll call vote on the motion to recommend approval of the zoning ordinance amendments

AYES: 5

NAYS: 0

ABSENT: Bartus, Stapp

#### **MOTION CARRIED**

### **3. Community Development Annual Report**

Community Development Director Kapelanski presented the Community Development Department Annual Report.

Motion by Commissioner Arnsman and supported by Commissioner Dahlin to accept the Community Development Department Annual Report for Fiscal Year 24/25.

Voice vote on the motion to accept the Community Development Annual Report.

AYES: 5

NAYS: 0

ABSENT: Bartus, Stapp

**MOTION CARRIED**

### **4. Planning Commission Bylaws and Rules of Procedure**

Community Development Director Kapelanski pointed out the changes suggested for the Bylaws and Rules of Procedure to comply with the Board and Commission Handbook recently approved by the City Council.

Motion by Commissioner Woods and supported by Commissioner Dahlin to approved the revised Bylaws and Rules of Procedure.

Voice vote on the motion to approve the Bylaws and Rules of Procedure.

AYES: 5

NAYS: 0

ABSENT: Bartus, Stapp

**MOTION CARRIED**

### **5. Discussion of Training Needs**

Community Development Director Kapelanski pointed out that the State's Redevelopment Ready Communities program requires a joint board and commissions meeting be held every year. She thought this could be an opportunity for joint training between some combination of the Planning Commission, City Council and Zoning Board of Appeals.

The Commission suggested exploring special land use consideration and motion making training for the Planning Commission and City Council, and parliamentary procedure training for the Planning Commission, City Council and Zoning Board of Appeals.

### **6. Election of Officers**

Chair Kempner said she would be happy to continue serving as Chair.

Motion by Commissioner Hamameh and supported by Commissioner Dahlin to nominate Lisa Kempner to continue as Chair of the Planning Commission.

Voice vote on the motion to approve Lisa Kempner as Chair of the Planning Commission.

AYES: 5

NAYS: 0

ABSENT: Bartus, Stapp



**MOTION CARRIED**

Commissioner Dahlin said she would be willing to serve as Vice-Chair.

Motion by Commissioner Woods and supported by Commissioner Hamameh to nominate Shiloh Dahlin as the Vice-Chair of the Planning Commission.

Voice vote on the motion to approve Shiloh Dahlin as Vice-Chair of the Planning Commission.

AYES: 5

NAYS: 0

ABSENT: Bartus, Stapp

**MOTION CARRIED**

Commissioner Arnsman said he would be willing to serve as Secretary.

Motion by Commissioner Dahlin and supported by Commissioner Hamameh to nominate Eric Arnsman as the Secretary of the Planning Commission.

Voice vote on the motion to approve Eric Arnsman as the Secretary of the Planning Commission.

AYES: 5

NAYS: 0

ABSENT: Bartus, Stapp

**MOTION CARRIED**

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**LIAISON REPORT**

Commissioners provided updates on the Chamber of Commerce, the Downtown Development Authority and Zoning Board of Appeals.

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**COMMISSIONER COMMENTS**

NONE

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**STAFF COMMENTS**

NONE

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**ADJOURNMENT**

Motion to adjourn by Commissioner Dahlin, supported by Commissioner Arnsman.

Voice vote for adjournment

AYES: 5

NAYS: 0

ABSENT: Bartus, Stapp

With no further business, the meeting was adjourned at 8:15PM.

**SYNOPSIS OF MINUTES  
REGULAR BERKLEY CITY COUNCIL MEETING  
September 8, 2025**

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**PRESENT:** Councilmember Steve Baker  
Councilmember Clarence Black (attending remotely from military duty)  
Councilmember Dennis Hennen                      Councilmember Jessica Vilani  
Councilmember Gregory Patterson              Mayor Pro Tem Ross Gavin  
Mayor Bridget Dean

Approved the following:

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 40th Regular City Council meeting on Monday, August 18, 2025, and the Special City Council meeting on Monday, August 18, 2025.

**MOTION NO. M-72-25:** Matter of approving the one-year extension of the current janitorial contract with LGC GLOBAL ENERGY FM, LLC per the contract at a mutually agreed monthly fee of \$7,616.65.

**MOTION NO. M-73-25:** Matter of approving the purchase for a new Air Compressor from EDI, of Fair Haven, MI, in the amount of \$6,815.53. This purchase is budgeted under account number 101-443-787-000 (Public Works Garage Tools).

**MOTION NO. M-74-25:** Matter of approving a budgeted purchase of a new 2026 Ford Escape from LungHamer Ford, of Owosso, MI, in the amount of \$31,787. This purchase is budgeted under account number 101-441-985-000 (Building Official Vehicle).

**MOTION NO. M-75-25:** Matter of approving a budgeted purchase of a new 2026 Ford F-250 from LungHamer Ford, of Owosso, MI, in the amount of \$54,303. This purchase is budgeted under account number 592-536-985-000 (Public Works Vehicle).

**MOTION NO. M-76-25:** Matter of updating the City's fee schedule to include an application fee for a Payment in Lieu of Taxes (PILOT) application.

**MOTION NO. M-77-25:** Matter of authorizing the Berkley Instrumental Boosters/Orchestra Association, 2325 Catalpa Drive, Berkley, Michigan, to conduct Berkley Tag Days 2025 in the City of Berkley on Friday, September 26<sup>th</sup> from 4-8 p.m. and Saturday, September 27<sup>th</sup> from 8 a.m.-8 p.m.

**MOTION NO. M-78-25:** Matter of authorizing the City Manager to enter into an agreement, upon final review of the City Attorney, with Manquen Vance at a cost not to exceed \$1,700 for additional fees. This is a budgeted item from account 101-270-818-000.

**MOTION NO. M-79-25:** Matter of approving the purchases of a new Morbark BVR13 Brush Chipper from Morbark, of Winn, MI, in the amount of \$52,012.45 and approving the corresponding budget amendment under account number 226-528-982-000 (Solid Waste Equipment).

**MOTION NO. M-80-25:** Matter of approving the proposal from Bureau Veritas to complete a space utilization study at City Hall at a cost not to exceed \$5,000. These funds will come from account 101-267-931-101.

**MOTION NO. M-81-25:** Matter of approving the proposal for appraisal of City-owned properties from CBRE, Inc.

**MOTION NO. M-82-25:** Matter of considering special land use approval for a gas station/convenience store in the Flex District at 2114 W. Eleven Mile Road, on the northwest corner of Eleven Mile Road and Henley Avenue based on the findings of the Planning Commission and the standards of approval in Chapter 138 Section 10.03 and incorporating the conditions recommended by the Planning Commission.

**ORDINANCE NO. O-07-25:** Matter of considering the first reading of an ordinance of the City Council of Berkley, Michigan, to amend Section 14-36, Outdoor Uses in Connection with Class C Liquor-Licensed Establishments of the City of Berkley Code of Ordinances to address incorrect Zoning Ordinance references.

**ORDINANCE NO. O-08-25:** Matter of considering the first reading of an ordinance of the City Council of Berkley, Michigan to amend Article 2 Definitions, Article 6 Site Design Based Districts, Article 9 General Provisions, Article 11 Sign Regulations, Article 14 Off-Street Parking Loading, and Access Standards and Article 15 Site Plan Review Procedures and Requirements of Chapter 138 Zoning of the Berkley Code of Ordinances to add definitions for business services and live/work units, to clarify site area governs site layout, to clarify the reviewer for fences, to allow ground-mounted solar energy systems in residential districts, to clarify regulations for residential driveways, to modify the width requirements for attached garages, to clarify regulations for detached accessory buildings and swimming pools, to clarify regulations for window signs and temporary signs, to clarify clear vision zone requirements, to add regulations for areas of residential parking and recreational vehicles, to clarify requirements for where on-street parking may be counted as individual business parking and to clarify requirements and procedures for pre-application and preliminary site plan review.

**MOTION NO. M-83-25:** Matter of authorizing the rollover budget amendment for the 2025/26 budget as presented.

**MOTION NO. M-84-25:** Matter of accepting the quarter ended June 30, 2025 budget-to-actual report.

**MOTION NO. M-85-25:** Matter of authorizing the City Manager to sign the Purdue Opioid Settlement Participation form.

\_\_\_\_\_  
Bridget Dean, Mayor

Attest:

\_\_\_\_\_  
Victoria Mitchell, City Clerk

**THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS  
CALLED TO ORDER AT 7:00 PM, TUESDAY, JANUARY 9, 2024 BY CHAIR MCALPINE.**

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

**PRESENT:**

Sue McAlpine  
Joseph Krug  
Joann Serr  
Erick McDonald

Kevin Wilner  
Andrew Creal

**ABSENT:**

Steve Allen

**ALSO, PRESENT:**

Kim Anderson, Zoning Administrator  
Kristen Kapelanski, Community Development Director

**CONFIRMATION OF QUORUM MET**

**APPROVAL OF AGENDA**

Motion to approve the agenda as presented by Krug, and supported by Wilner.

Voice vote to approve the agenda.

AYES: 6

NAYS: 0

ABSENT: Allen

**MOTION CARRIED**

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**APPROVAL OF MINUTES**

Motion to approve the minutes of the November 13, 2023 regular meeting by Wilner and supported by Serr.

Voice vote to approve minutes

AYES: 6

NAYS: 0

ASBENT: Allen

**MOTION CARRIED**

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## **OLD BUSINESS**

NONE

\* \* \* \* \*

## **NEW BUSINESS**

### **1. APPLICATION PBA-01-24; 2114 Eleven Mile Rd – Use Variance**

Fadi Kajj, representing Parcel # 04-25-17-358-017, 2114 Eleven Mile Rd., North side of Eleven Mile Rd., between Henley Ave and Berkley Ave. is requesting a Use Variance for a non-conforming use of a gas station in the M-1 Industrial District.

Zoning Administrator, Kim Anderson advised the Zoning Board of Appeals of the Use Variance request for 2114 Eleven Mile Rd.

Parcel # 04-25-17-358-017 North side of Eleven Mile Rd., between Henley Ave. and Berkley Ave. 2114 Eleven Mile Rd., use dates back to 1956 as a gas station. The previous business, Henley Gas & Service Center was in service as a gas station until approximately 2013/2014 (google map shows gas prices posted on signage in 2012 and since 2015 no gas prices have been posted). Department of Licensing and Regulatory Affairs (LARA) confirmed tanks were red tagged (violations) for regulating compliance as early as 2013. The property had previously been used as a gas station but lost the legal non-conforming status. Property continued as an automobile service, repair establishment until the property was sold. Warranty Deed was recorded with Oakland County March 08, 2022 to F & L Berkley, LLC.

Various Violations have been issued since 2022 including work being done with no permits, property maintenance, snow and grass. A Code violation was issued 10/03/2023 when Signage was changed with no permit. A Business License was applied for on November 13, 2023 and denied.

Property is currently vacant. No definitive date has been confirmed on when the automobile service, repair establishment seized operation.

Under Chapter 138 *Zoning*, Article V, Division 5.5, Sec. 138-363 and Sec. 138-364 M-1 does not permit a use of a gas station under Permitted or Special Use.

#### **There are two possible Nonconforming Ordinances that could be applied:**

**Sec. 138-151.** – Definitions: *Nonconforming use*: Nonconforming uses are uses that were lawful when established but are no longer permitted within the zoning district or are now permitted only under a special use permit.

**Sec. 138-153.** - Requirements for nonconforming uses.

A nonconforming use may be continued and maintained provided there is no increase or enlargement of the area occupied by or devoted to such use. A nonconforming use shall not be added to or enlarged unless said use is made to conform to all regulations of the zoning district.

OR

Once a nonconforming use has stopped and the building that houses the nonconforming use remains vacant for 180 days, any subsequent use of the property shall be conforming.



For a variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. We request the Zoning Board of Appeals to determine if undue hardship exists on the property and the requested use variances should be granted. Motions for approval and denial are included below for the convenience of the board.

### **APPLICANT PRESENTATION**

Fadi Fajk representing F & L Berkley, LLC

Explained property was purchased with the intent to be used as a gas station and was unaware that the gas station was not allowed. Appears as a gas station with pumps on site. DEQ had shut the tanks down – tanks were repaired and approved with inspections from DEQ to operate the tanks.

Board members discussion had questions for the applicant:

Wilner asked for clarification on why the tanks were shut down by DEQ. It was explained that the tanks have to be tested according to DEQ Rules and Regulations and the previous owners were financially unable to comply with DEQ's requirements. F & L Berkley, LLC had to cut open the concrete to comply with DEQ requirements, costing more than \$150,000.00.

Creal asked why work was completed prior to coming to the City, response was prior owners said it was a gas station.

Anderson explained that the violations that were sent with Henley Gas & Service Center as the occupant was prior to the City knowing that it was no longer Henley Gas & Service Center. The change of signage was noticed and violations for no permit were sent and a request for the new business to apply for a Business License which was denied.

The DEQ approval letter was reviewed by the Board.

Henley Gas & Service Center remained as a tenant and continued business as a service repair.

Serr asked if the intent was to continue as a repair service and a gas station. Property owner stated intent was to operate as a gas station and that a repair station would be as a tenant basis.

Property has been vacant for about 4 to 5 months. Henley Gas & Service Center has not been operating.

Members went over the four requirements:

- a. The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district.

Property can be used as a repair shop which is a permitted use.

Would tanks need to be removed for more use?

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

Yes, there is unique circumstances. Tanks have been in existence for decades

- c. The proposed use will not alter the essential character of the neighborhood.

Will not change the character.

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

Previous owners did not maintain tanks resulting in being tagged by DEQ

Previous owner may not have been aware of a zoning change and were grandfathered in.

Creal states that the nonconformity is not the fault of the current property owner. Will not alter the character of the neighborhood. It has appeared as a gas station with the tanks and remains to appear as a gas station since 1956.

Public Hearing Opened at 7:24

#### **PUBLIC COMMENT**

No public correspondence received

Karlo Facherpour, prior owner and operator of Henley Gas & Service Center, provided history on ownership and operation of the service repair and gas station. Explained that when the State/DEQ came to them and told them that they had to do the testing and the requirements involved, they were unable to afford the requirements that had to be performed. DEQ flagged the tanks and it is claimed that when they complied with the requirements, the tanks could be reopened.

Mr. Facherpour emphasized that the building and tanks have been there for all these years and the appearance has not changed.

Board asked Mr. Facherpour when they had purchased it.

States that him and his father were partners for many years with the owner from 30 years ago and then took ownership – was not sure of the year.

Remodeled building about 20 years

Board asked how much the testing of the tanks were back when the tanks were tagged. Mr. Facherpour stated that at that time, the cost was higher because DEQ wanted them to remove the tanks and put fiberglass tanks in. With the technology today, repairs were able to be done inside the existing tanks.

Fadi Fajk indicates that there are four tanks underground. If removed, there are state requirements as to the type of businesses that can operate on land with removed tanks.

**Chair McAlpine closed the floor for the public hearing at 7:30 p.m.**

Board members went through each standard to help reach a decision.

- a. The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district.
- b. The need for the variance is due to unique circumstances or physical conditions of the property.
- c. The proposed use will not alter the essential character of the neighborhood.
- d. The need for the variance is not the result of actions of the property owner or previous property owners.

The Zoning Board of Appeals discussion:

Creal: not the result of property owners, environment standards changed, requirements became more stringent.

Wilner and Chair McAlpine: The actions of the previous owner of not having the tanks kept up to DEQ requirements resulted in losing the legal non-conformity.

The building can be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district



Can the tanks be considered a unique circumstance? Director Kapelanski informed the board that there are various locations throughout the city that have tanks and it does not make it a unique circumstance.

McDonald confirmed Zoning M-1 Industrial does not permit gas stations as a permitted use or a special use.

Serr asked about inspections on the tanks. If the tanks are inspected regularly if that would be a benefit to the surrounding neighborhood. Ms. Anderson and Director Kapelanski clarified that the Tanks would be inspected by the State/DEQ and not part of our jurisdiction and we do not get reports.

Wilner discussed with the board that inspections on the tanks is irrelevant to deciding now if a non-conforming property can get a use variance

When the gas tanks stopped being used, there were implications that resulted in the non-conformity of the business.

Serr – talked through that this was an existing gas station and feels it is unique with the existing tanks on site rather than a request where it is being asked to put a gas station on a site where tanks are not in existence.

It has not been used as a gas station for 8 years.

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**Motion to postpone** the use variance by Creal, and supported by Serr

AYES: Members; Creal, Krug, McDonald, Serr and Chair McAlpine

NAYS: Member Wilner

ABSENT: Allen

**MOTION CARRIED**

\*\*\*\*\*

### **OTHER BUSINESS**

Zoning Board of Appeals 2024 Meeting Schedule. Monday, August 12, 2024 date corrected to Tuesday, August 13, 2024 due to conflict with City Council meeting date.

Motion to approve the proposed 2024 meeting schedule correction to Tuesday, August 13, 2024 by Wilner and supported by Krug.

Voice vote to approve

AYES: 6

NAYS: 0

ASBENT: Allen

**MOTION CARRIED**

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**STAFF/BOARD MEMBER REPORT**

Staff/Board Member Report:

Community Development Monthly reports: November 2023

Zoning Ordinance Steering Committee Activity update: December 2023

\*\*\*\*\*

**LIAISON REPORT**

Dennis Hennen was not in attendance – Director Kapelanski passed on that the City Council adopted in December the Parklets Ordinance for outdoor dining taking up parking space(s).

\*\*\*\*\*

**PUBLIC COMMENT**

NONE

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**With no further business, the meeting was adjourned at 7:52 p.m.**

Motion by Wilner and support by Krug

Voice Vote to adjourn

AYES: 6

NAYS: 0

ABSENT: Allen

**MOTION CARRIED**

\*\*\*\*\*

**THE REGULAR MEETING OF THE BERKLEY CITY ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, FEBRUARY 12, 2024 BY CHAIR MCALPINE.**

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

**PRESENT:**

Sue McAlpine  
Joseph Krug  
Joann Serr  
Erick McDonald

Kevin Wilner  
Andrew Creal  
Steve Allen

**ABSENT:**

**ALSO, PRESENT:**

Kim Anderson, Zoning Administrator  
Kristen Kapelanski, Community Development Director  
Dennis Hennen, City Council Liaison

**CONFIRMATION OF QUORUM MET**

**APPROVAL OF AGENDA**

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

Voice vote to approve the agenda.

AYES: 7

NAYS: 0

ABSENT:

**MOTION CARRIED**

\*\*\*\*\*

**APPROVAL OF MINUTES**

Motion to approve the minutes of the January 9, 2024 regular meeting by Wilner and supported by Creal.

Voice vote to approve minutes

AYES: 7

NAYS: 0

ASBENT:

**MOTION CARRIED**

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## **OLD BUSINESS**

### **1. APPLICATION PBA-01-24; 2114 Eleven Mile Rd – Use Variance**

Fadi Kajj, representing Parcel # 04-25-17-358-017, 2114 Eleven Mile Rd., North side of Eleven Mile Rd., between Henley Ave and Berkley Ave. is requesting a Use Variance for a non-conforming use of a gas station in the M-1 Industrial District.

Zoning Administrator, Kim Anderson advised the Zoning Board of Appeals of the Use Variance request for 2114 Eleven Mile Rd.

2114 Eleven Mile Rd dates back to 1956 with the use as a gas station. The previous business, Henley Gas & Service Center was in service as a gas station until approximately 2013 – 2014. Property continued as an automobile service. Property was sold February 28, 2022.

Property is currently vacant. No definitive date has been confirmed on when the automobile service, repair establishment seized operation. M-1 does not permit a use of a gas station under Permitted or Special Use.

We ask that the Zoning Board of Appeals determine an approval or denial for a Use Variance to allow 2114 Eleven Mile Rd the business use as a gas station.

For a variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. We request the Zoning Board of Appeals to determine if undue hardship exists on the property and the requested use variances should be granted.

## **APPLICANT PRESENTATION**

Fadi Fajk representing F & L Berkley, LLC

The applicant explained the property 2114 Eleven Mile Rd. was purchased approximately one and half years ago with the intent to be used as a gas station and was unaware that the gas station was not allowed. As it appears as a gas station with pumps on site. DEQ had shut the tanks down – tanks were recently repaired and approved with inspections from DEQ to operate the tanks.

Chair McAlpine opened the floor for the public hearing at 7:06 p.m.

## PUBLIC COMMENT

No public correspondence received

Brad Cocklin, 2147 Princeton, Berkley MI. Property is backed up to 2114 Eleven Mile and spoke on behave of allowing the gas station. Has always appeared as a gas station. Location will benefit the residents.

Chair McAlpine closed the floor for the public hearing at 7:08 p.m.

Zoning Board of Appeals discussion:

Chair McAlpine went over standards that have to be considered, such as; non-conformity: gas pumps have not been active for more than 180 days. Previous owners decided not to invest and bring pumps up to code back when DEQ tagged the tanks. Property lost its legal nonconformity when the tanks did not operate for 8 years plus and is to follow current Ordinances. Money invested cannot be a factor for a determination. Purchaser of a Property should know what the property is zoned and what is permitted – self created hardship.

Member Wilner: Property has been a nonconforming property as a nonfunctioning gas station for 8 years plus. Property can still be used as a service station.

Member Serr: agrees tanks have been out of use and has lapsed too long to be allowed a use variance.

Member Allen: Discussion whether the need for the variance is or not the results of the property owner or previous property owners: Allen's opinion is that the "action" is the "lack of action" from the previous owner resulted in the tanks not being used.

Member Creal presented a motion to approve the use variance:

- a. The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district. *Land cannot be reasonably used, key word reasonably. Property cannot be reasonably used, will remain vacant.*
- b. The need for the variance is due to unique circumstances or physical conditions of the property. *Property has four tanks and is a unique circumstance.*
- c. The proposed use will not alter the essential character of the neighborhood. *Will not alter the character of the neighborhood, always has appeared as a gas station also public testimony.*
- d. The need for the variance is not the result of actions of the property owner or previous property owners. *Does not agree "action" can be used. Not the failure to perform but the actual affirmative action. No action was taken by the previous owner that caused the tanks to be tagged.*

Motion not supported



The Zoning Board of Appeals discussion:

Wilner, Chair McAlpine and Allen

The actions of the previous owner of not having the tanks kept up to DEQ requirements resulted in losing the legal non-conformity.

The building can be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district.

**Motion to deny** the use variance request based on findings of fact by Serr supported by Wilner

*In the matter of PBA-01-24, 2114 Eleven Mile Rd., parcel 25-17-358-017, motion to Deny the requested use variances from Section 138-363 and Section 138-364 of the City of Berkley Zoning Ordinance to grant a use variance under **Section 138-153** Nonconforming use that does not conform to applicable Zoning Ordinance regulations based on the following findings:*

Once a nonconforming use has stopped and the building that houses the nonconforming use remains vacant for 180 days, any subsequent use of the property shall be conforming.

*a. The building or land can be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district. Automobile service, repair establishment is an allowed permitted use under Section 138-363 (k)*

AYES: Members; Allen, Krug, McDonald, Serr, Wilner and Chair McAlpine

NAYS: Member Creal

ABSENT:

**MOTION CARRIED**

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## **NEW BUSINESS**

### **1. Application Number PBA-02-24**

Hillan Homes Inc, representing Parcel # 04-25-17-478-029 North side of Columbia Rd., between Stanford Rd. and Woodward Ave., is requesting a dimensional variance for approximately four feet and three quarters inch (4.67) feet on the West side yard setback. A minimum of a fifteen (15) foot setback between dwellings is required.

Previous case was denied and the applicant has come back with a lesser variance request.

#### **Case by staff**

Parcel # 04-25-17-478-029 dates back to at least 1934 when the Western parcel, 948 Columbia Rd., structure was built and is non-conforming to current side yard setback requirements, on the East side of parcel 25-17-478-028, of the minimum five (5) feet side yard setback. Parcel # 04-25-17-478-029 is the original platted lot size of 40' x 119.10 (average depth).

The requested 4.67 foot variance on the West side yard is in balance with the deficiency that parcel 25-17-478-028, 948 Columbia's nonconformity has on its East side yard setback. The requested variance would have 10.89 feet between dwellings, rather than the 15 feet between dwellings required. The Applicant exceeds the total side yard setback requirement, per 138-526 Schedule of Regulations, of a total of fifteen feet (15) for both side yards setback on parcel 25-17-478-029, with the proposed structure, total would be 20.28 feet for both side yards setback.

We ask that the Zoning Board of Appeals determine an approval or denial for a dimensional variance of 4.67 feet on the West side yard setback. **NOTE: In report provided for Standards for review under A should be WEST.**

We request the Zoning Board of Appeals to determine if there are unique characteristics for "practical difficulty" of the property and the requested dimensional variance should be granted.

Zoning Administrator, Anderson clarified members questions on previous request and history of the lot.

Member Allen requested to be put on public record the severity of drainage problems of the vacant lot.

Chair McAlpine clarified that grading issues is not to be considered on the variance request. Grading is handled through another department within the City and is to be taken off table for discussion and consideration.

#### **APPLICANT PRESENTATION**

Patrick Raye, Hillan Homes: upon the previous case denial in November 2023, with the main concern being the amount of the side yard request, the proposed build was redesigned and shrunk to the smallest, buildable, marketable and livable home for the property. Mr. Ray did state that the drainage issues on this property will be addressed per the city requirements. Request variance went from 8.06 to 4.67, from a 25' wide house to 20' wide house.

Chair McAlpine opened the floor for the public hearing at 7:34 p.m.

#### **PUBLIC COMMENT**

Chair McAlpine read three correspondences that were received:

Elliot S. Ross, Catherine Barker-Ross and Ruth Ann Clark

Chuck Tyrrell

Joshua & Alyssa Roman

Don Walker, 948 Columbia. Seller of parcel 04-25-17-478-029. Confirmed that the vacant lot ponds water and if not developed, grading would not be fixed as it will be when developed on. Sell of the property will allow the Walker's to make repairs to their property structures. Improvement and new development will increase values of the neighborhood. Pointed out that the only thing to be considered is the distance between the two houses. Pointed out that the houses across the street are 7' 2" apart with an A/C unit between them. The requested variance for the distance between dwellings only effects them as the current owners and any future owner.

Chair McAlpine closed the floor for the public hearing at 7:41 p.m.

Zoning Board of Appeals discussion:

Member Wilner: in favor – lot was never split, original platted lot, meets all of their own setback. Reduced width of house to 20', decreasing the previous requested variance by 4'.

Member Creal: previous request was not a minimum variance necessary

Motion to approve the dimensional variance by Wilner and supported by Creal:

*In the matter of PBA-02-24, parcel 25-17-478-029, motion to approve the requested variances from Section 138-526 of the City of Berkley Zoning Ordinance to grant a variance of 4.67 feet at the West side yard, where 15 feet between dwellings is required, that does not conform to applicable Zoning Ordinance regulations based on the following findings:*

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

AYES: Members; Krug, Serr, Wilner, Creal and Chair McAlpine

NAYS: Members; McDonald and Allen

ABSENT:

**MOTION CARRIED**

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## **2. Application Number PBA-03-24**

Berkley Business Center, LLC, 2070 Eleven Mile Rd, Parcel # 25-17-382-051, North side of Eleven Mile Rd., between Henley Ave. and Mortenson Blvd., and associated parcel # 25-17-382-047, East side of Henley Ave., between Eleven Mile Rd. and Princeton Rd. is requesting a parking variance.

### **Case by Staff**

Parcel 04-25-17-382-051 and 04-25-17-382-047 2070 Eleven Mile Rd. housed a warehouse business for many years. Per the current parking ordinance in order to meet parking requirements per Sec. 138-219(5) One space per 250 square feet of usable floor area, the usable floor area would need to calculate at approximately 4,250 sq. ft. from a 14,500 square foot building. In 1971 the parking requirements for a warehouse was one space for every one employee in largest working shift or one for every 1,700 sq. ft. of floor area.

The applicant is requesting a parking variance for a warehouse business with no retail. The proposed business plans to have approximately six (6) to ten (10) employees.

We ask that the Zoning Board of Appeals determine an approval or denial for a parking variance for 2070 Eleven Mile Rd.

For a variance to be approved by the Zoning Board of Appeals, it shall meet the standards of Section 138-606 of the Zoning Ordinance, based on findings of fact. We request the Zoning Board of Appeals to determine if there are unique characteristics for "practical difficulty" of the property and the requested parking variance should be granted.

### **Zoning Board of Appeals discussion:**

Member Serr addressed some questions on the history of the parking allowed previously and if there had been complaints.

Zoning Administrator Anderson clarified and explained the previous business from the 1970's and the parking requirements at that time to when Drought became a business in 2016 and the parking ordinance had changed and possibly was permitted under a previous ordinance 138-603 that allowed administrative review that was repealed in May 2020. No known parking issued had been raised when Drought was in business as warehouse and retail.

Member Wilner asked about the zoning rewrite and the possible new parking requirements. Director Kapelanski explained a final number has not been determined at this time but a typical requirement for a warehouse is 1 space per 750 sq. ft.

Zoning Administrator Anderson went over current parking requirements: 1 space per 250 sq. ft. and even with warehouse parking as one of the lowest parking space requirements per square foot of useable floor area, property could not be used for any purpose without a parking variance.

Chair McAlpine directed the members of the ability to implement conditions on the parking variance request.

Member Serr asked how, if approved with conditions, would that be carried on to any future businesses. Zoning Administrator Anderson replied that administratively it would be noted on the property and future businesses would need to be informed.

### **APPLICANT PRESENTATION**

Talib Al-Ameri, representing the owners of 2070 Eleven Mile Rd., Berkley. Current use would not have retail. Mr. Al-Ameri's experience with parking is that Medical facilities usually are calculated at 200 sq. ft. per parking space for high traffic. Across the U.S. on studies, warehouse is normally 1 space per 750 sq. ft. on the conservative end and usually up to 1 per 1,500 sq. ft.

Mike Stanley, representing 2070 Eleven Mile Rd. addressed member Serr on number of shifts. 1 shift 5:30 am to approximately 4:00 pm 4 days a week, Tuesday through Friday with 9 employees at this time not planning to go over 10.

Member Serr asked about Loading. Loading would be from a tractor trailer 4 days a week in the morning and then 4 domicile trucks get loaded and are out on the road and come back at the end of the day. Ideally there would be one (1) person and a couple sales people in the building. Most times the building will be unoccupied. The four domicile trucks will take up 4 parking spots.

Chair McAlpine opened the floor for the public hearing at 7:59 p.m.

### **PUBLIC COMMENT**

Chair McAlpine read one correspondence that was received:

Elizabeth Joyce

No other comments

Chair McAlpine closed the floor for the public hearing at 8:00 p.m.

The Zoning Board of Appeals discussion:

Board confirmed no retail and product: food distribution. Board members Wilner, Krug and Serr agreed to set parameters. Krug mentioned that it is already set up for warehouse and refrigerated. Discussion of parameters; 12 employees 4 trucks.

Chair McAlpine asked for clarification on trucks routine.

Mike Stanley confirmed trucks routine: truck tractor at 5:30 am tractor trailer unloaded and then local box trucks get loaded. Tractor trailer is in and out. Tractor trailer backs up to loading area – no street blockage.

Allen asked about privacy from the residents. Zoning Administrator, Anderson clarified that the receiving door is at the rear of the building and then the parking lot is between the building and



the adjacent residences. No previous complaints of previous businesses with truck loading are on record.

Motion to approve the requested parking variance by Creal and supported by Krug:

*In the matter of PBA-03-24, parcels 25-17-382-047 and 25-17-382-051, motion to approve the requested variances from Section 138-219 (5) Industrial of the City of Berkley Zoning Ordinance to permit a parking variance based on the following findings of fact with conditions.*

- 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.*

**Conditions:** Provision that they are not permitted to have more than 12 employees on any given shift so as to not render the risk of any unnecessary congestion in the parking lot.

AYES: Members; McDonald, Serr, Wilner, Allen, Creal, Krug and Chair McAlpine

NAYS: 0

ABSENT: 0

**MOTION CARRIED with conditions imposed**

### **OTHER BUSINESS**

NONE

\* \* \* \* \*

### **STAFF/BOARD MEMBER REPORT**

Staff/Board Member Report:

Community Development Monthly reports: January 2024

Zoning Ordinance Steering Committee Activity update: February 2024

Members McDonald and Creal terms expire July 2024 – Applications for reapplying need to be submitted in order to go to Council – March 1 deadline to apply with Charlaine.

Alternate positions are still available. Two alternates are needed, one applicant has applied and in review.

\* \* \* \* \*

**LIAISON REPORT**

Dennis Hennen – Zoning Ordinance rewrite update.  
\*\*\*\*\*

**PUBLIC COMMENT**

NONE  
\*\*\*\*\*

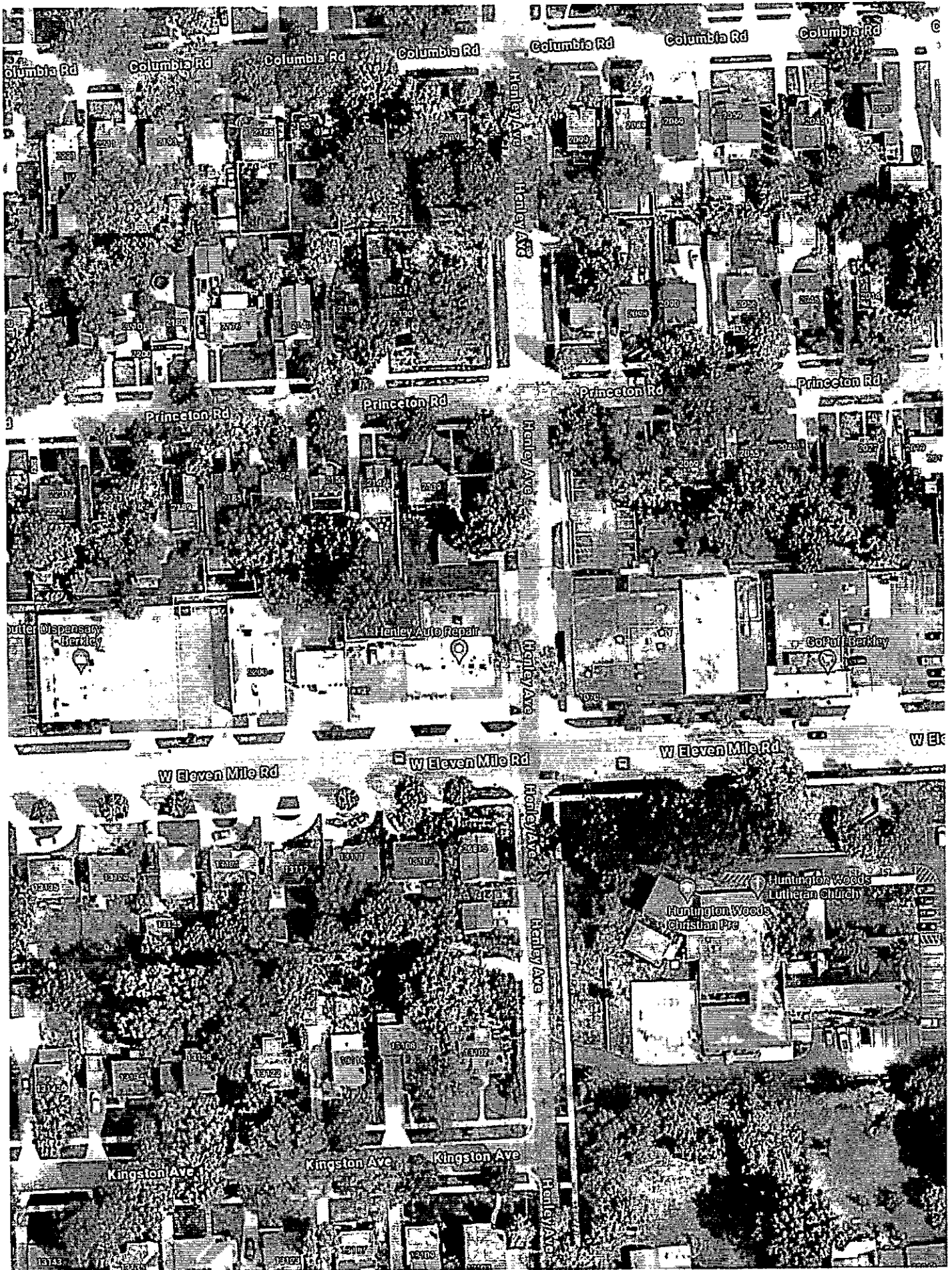
**With no further business, the meeting was adjourned at 8:10 p.m.**

Motion by Wilner and support by Allen

Voice Vote to adjourn

AYES: 7  
NAYS: 0  
ABSENT:

**MOTION CARRIED**  
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FIRE  
SERVICES



## STORAGE TANK SECTION

*Protecting Human Health and the Environment through Education and Regulation*

### FACILITY INSPECTION REPORT

**Owner Name & Address:**

F&L Berkley LLC  
2114 W. 11 Mile Rd.  
Berkley, MI, 48072

**Location of Tanks:**

Kajy Berkley, Inc.  
2114 11 MILE  
BERKLEY, MI, 48072-3002  
County - OAKLAND  
Facility ID - 00008686

ATTENTION: F&L Berkley LLC

A(n) Existing Facility Inspection was conducted on Thursday, October 26, 2023, for the above-referenced facility for compliance with Part 211, Underground Storage Tank Regulations, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the Michigan Underground Storage Tank Rules (MUSTR), 2018 AACR R 29.2101 et seq., and the applicable sections of the rules for the Storage and Handling of Flammable and Combustible Liquids, 2014 AACR R 29.5601 et seq. The inspection result is: Tank(s) de-Tagged (Approved).

This inspection report has been generated to notify the Owner or the Owner's representative Adam Cacioppo <adamc@naxpetroleum.com> of the inspection that was conducted and violations (if any) cited during the inspection.

If you have additional questions concerning this matter, please contact me.

Brian Parker

10/26/2023

Date

Brian Parker

Hazardous Materials Storage Inspector  
Region 1  
PO Box 30033  
Lansing, MI 48909

Email: [REDACTED]



FIRE  
SERVICES

STORAGE TANK SECTION  
*Protecting Human Health and the Environment through  
Education and Regulation*



Under Authority of the Natural Resource and Environmental Protection Act, 1894 PA 451 (NREPA), as amended, submission of false information and/or failure to renew the required Annual Underground Storage Tank renewal may result in a misdemeanor and/or civil penalties.

**UNDERGROUND STORAGE TANK ANNUAL REGISTRATION RENEWAL**

Fiscal Year: 2023

Renewal Date: 10/26/2023

**Owner Address:**

F&L Berkley LLC  
2114 W. 11 Mile Rd.  
Berkley, MI 48072

**Location Address:**

Kajj Berkley, Inc.  
2114 11 MILE RD  
BERKLEY, MI 48072-3002

Pursuant to Section 21102, Part 211 of NREPA, a person that is the owner of an underground storage tank system shall, register and annually renew the registration on the underground storage tank system with the department.

The period of registration is from to 12/01/2022 to 11/30/2023

Please indicate facility number on renewals.

Renewals can be made at <https://LARA-supp-aa.accela.com/lara>

Facility Number: 00008686

Pin Number: 0046F

<u>Tank Number</u>	<u>Old Tank Number</u>	<u>Tank Size</u>	<u>Contents</u>
UTK-091670-15	1	8000	Gasoline
UTK-091672-15	2	10000	Gasoline
UTK-091674-15	3	6000	Gasoline
UTK-091679-15	4	6000	Gasoline

An O/O shall verify annually that he or she is compliant with the registration requirements and submit that verification to the department. The department shall provide proof of registration (Certificate) upon receipt of proper registration and O/O verification

- ☐ Registration Information has been verified and is accurate.
- ☐ Registration Information is incorrect and form BFS 3821 is attached correcting the information.

Name and Title (or Owner's Representative): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Renewal Due On Or Before:

See enclosed information for FINANCIAL RESPONSIBILITY REQUIREMENTS

FACILITY NUMBER: 00008686

Owner Please Note: Return this signed page along with any required documentation

Please send renewal to:

LARA/STORAGE TANK DIVISION  
P.O. Box 30033  
Lansing, MI 48909



## **IMPORTANT**

### **Proof of Financial Responsibility (FR) Required**

The Department of Licensing and Regulatory Affairs (LARA), BUREAU OF FIRE SERVICES, Storage Tank Division, is requiring that you submit your proof of FR along with your annual registration renewal. If documentation of FR has been provided in the past, you are still required to submit proof of FR along with your annual registration renewal that you received with this mailing.

If your FR is by Insurance or a risk retention group, your proof of FR must be in the form of a certificate of Insurance supplied and signed by your Insurance carrier. Be sure the certificate includes the address of the facility and number of tanks covered by the policy. Please do not supply the entire Insurance policy, just the certificate of insurance.

If your FR is by the MUSTA Fund, submittal of the approval letter by the Department of Environment, Great Lakes, and Energy is required. Please keep a copy on file for your records.

Failure to provide proof of FR may result in enforcement action.

*Pursuant to Rule 61, Section 280.90 of the Michigan Underground Storage Tank Rules, 1999 AACR, R 29.2161 et seq., owners/operators of petroleum underground storage tanks (USTs) are required to provide proof of Financial Responsibility for taking corrective action and for compensating third parties for bodily injury and property damage arising from a release by petroleum USTs.*

**If you have questions regarding FR, please contact the STORAGE TANK**

#### ***Mailing Addresses for Proof of Financial Responsibility***

##### ***LARA Physical Address for Overnight Mailing***

LARA  
Storage Tank Division  
BUREAU OF FIRE SERVICES  
611 W. Ottawa St., 4th Floor  
Lansing, MI 48933

##### ***LARA U.S. Postal Service Mailing Address***

LARA  
Storage Tank Division  
BUREAU OF FIRE SERVICES  
P.O. Box 30033  
Lansing, MI 48909

#### ***Web Sites:***

*For forms and informational memoranda, go to the Storage Tank Division web site [www.michigan.gov/storagetanks](http://www.michigan.gov/storagetanks)*

#### ***Registration and Billing Contact phone numbers for the Storage Tank Division:***

*Registration - (517) 241-8847*

*Billing - (517) 241-9486*

Revised 4/3/2020

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

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10/03/2023

F & L Berkley, LLC  
2114 Eleven Mile Rd  
Berkley, MI 48072

## WARNING VIOLATION

SUBJECT: New signage Installed with no permit. at 2114 Eleven Mile Rd.

Please be advised that Berkley City Code requires a permit or a certificate to be obtained prior to starting construction work per the 2015 Michigan Building Code; (A) 105.1.

Please take the necessary steps to obtain a permit within **7 days** of this dated notice by calling us at (248) 658-3320, or by visiting us at [www.berkleymich.org](http://www.berkleymich.org). Under Government - Community Development, you will find the Permits page that outlines the process for securing a permit/certificate.

By complying with this notice, you will avoid the possibility of being issued a citation that may result in fines being issued by the 44<sup>th</sup> District Court. Our goal is to work with you to help insure that this does not happen.

Please feel free to contact me should you have any questions or comments about this notice.

Sincerely,

THE CITY OF BERKLEY

James (Zach) Wright  
Community Development Department

**PERMIT REQUIRED Enforcement | EN23-0575****Property Information**

04-25-17-358-017

2114 Eleven Mile Rd  
Berkley MI, 48072 3092

Subdivision:

Hannan's West Royal Oak

Lot:

E 14' of Lot Block: 999

**Name Information**Owner: F & L Berkley, LLC  
Occupant: Henley Auto Repair  
Filer:

Phone: (248) 508 0690

Phone: (248) 542 1550

Phone:

**Enforcement Information**

Date Filed: 10/03/2023

Date Closed:

Status:

Complaint:

New signage installed with no permit.

Last Action Date:

Last Inspection: 11/29/2023

Last Action:

**Follow-up Inspection | James (Zach) Wright**

Status: Completed

Result: No Change

Scheduled: 11/28/2023

Completed: 11/29/2023

**Ticket Inspection | James (Zach) Wright**

Status: Scheduled

Result:

Scheduled: 11/20/2023

Completed:

**Follow-up Inspection | James (Zach) Wright**

Status: Completed

Result: Not Complied

Scheduled: 10/30/2023

Completed: 10/30/2023

**Follow-up Inspection | James (Zach) Wright**

Status: Completed

Result: Not Complied

Scheduled: 10/20/2023

Completed: 10/24/2023

**Follow-up Inspection | James (Zach) Wright**

Status: Completed

Result: Not Complied

Scheduled: 10/12/2023

Completed: 10/12/2023

**Letter Inspection | James (Zach) Wright**

Status: Completed

Result: Violation(s)

Scheduled: 10/04/2023

Completed: 10/03/2023

**Warning Inspection | James (Zach) Wright**

Status: Completed

Result: Violation(s)

Scheduled: 10/03/2023

Completed: 10/03/2023

**PROPERTY MAINT Enforcement | EN22-0365****Property Information**

04-25-17-358-017      2114 Eleven Mile Rd      Subdivision: Hannan's West Royal Oak  
Berkley MI, 48072 3092      Lot: E 14' of Lot      Block: 999

**Name Information**

Owner: F & L Berkley, LLC      Phone: (248) 508 0690  
Occupant: Henley Auto Repair      Phone: (248) 542 1550  
Filer:      Phone:

**Enforcement Information**

Date Filed: 07/11/2022      Date Closed:      Status: SENT LETTER

**Complaint:**

Parking lot wall and slabs above gas tanks need repair.

Last Action Date:

Last Inspection: 08/25/2022

Last Action:

**Follow-up Inspection: | Karson Claussen**

Status: Completed      Result: Partially Complied  
Scheduled: 08/25/2022      Completed: 08/25/2022

**Comments:**

Scheduling Comment Wall and Tree and parking lot discussion.

**Follow-up Inspection: | Karson Claussen**

Status: Completed      Result: No Change  
Scheduled: 08/24/2022      Completed: 08/24/2022

**Comments:**

Scheduling Comment Tree @ WALL discussion

**Follow-up Inspection: | Karson Claussen**

Status: Completed      Result: Violation(s)  
Scheduled: 07/11/2022      Completed: 07/11/2022

**Comments:**

Scheduling Comment Wall 5

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**PERMIT REQUIRED Enforcement: EN22-0070****Property Information**

04-25-17-358-017      2114 Eleven Mile Rd      Subdivision:      Hannan's West Royal Oak  
Berkley MI, 48072 3092      Lot:      E 14' of Lot      Block:      999

**Name Information**

Owner:      GORGUN FACHERPOUR      Phone:      (248) 542 1550  
Occupant:      Henley Auto Repair      Phone:      (248) 542 1550  
Filer:      Phone:

**Enforcement Information**

Date Filed:      02/01/2022      Date Closed:      Status:      Investigation

**Complaint:**

Discovered that part of front lot being saw-cut and removed. Investigating.

Last Action Date:      Last Inspection:      01/03/2023

Last Action:

**Follow-up Inspection | Karson Claussen**

Status:      Scheduled      Result:  
Scheduled:      02/24/2023      Completed:

**Comments:**

Scheduling Comment      44th CHK on tickets - F&L Berkley, LLC.

**Follow-up Inspection | Karson Claussen**

Status:      Completed      Result:      Violation(s)  
Scheduled:      12/29/2022      Completed:      01/03/2023

**Comments:**

Scheduling Comment      Permit CHK for flatwork.

**Follow-up Inspection | Karson Claussen**

Status:      Completed      Result:      No Change  
Scheduled:      12/12/2022      Completed:      12/12/2022

**Comments:**

Scheduling Comment      11 & Henley status CHK

**Follow-up Inspection | Karson Claussen**

Status:      Completed      Result:      No Change  
Scheduled:      09/02/2022      Completed:      09/08/2022

**Comments:**

Scheduling Comment      Lot restored CHK

**Follow-up Inspection | Karson Claussen**

Status:      Completed      Result:      Violation(s)  
Scheduled:      02/23/2022      Completed:      03/03/2022

**Comments:**

Scheduling Comment      Permit required - YES or NO.



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, October 13, 2025 at 7:00 p.m. or as near thereto as the matter may be reached.

**Application Number PBA-07-25**

F & L Berkley, LLC, 2114 Eleven Mile Rd, Parcel # 04-25-17-358-017, North side of Eleven Mile Rd. between Berkley Ave. and Henley Ave., is requesting a variance on the required front setback for Pump Islands per 8.05.C.1.

**Berkley City Code**

*Berkley City Code*, Chapter 138 *Zoning*, Section 8.05.C.1 Automotive Uses Setbacks: Pump Islands Front Setback 30 feet required.

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

Comments on the granting of the above variance may be made in person on the night of the meeting or in writing. All written comments must be submitted to the Berkley Community Development Department or email to [planning@berkleymi.gov](mailto:planning@berkleymi.gov) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**

Royal Oak Tribune  
Friday, September 26, 2025

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

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KIM ANDERSON  
ZONING ADMINISTRATOR



Henley Ave

HAINAHS WEST ROYAL OAK

ASSESSOR'S PLAT NO 1 (HUN)

25-20-126-001

25-20-126-001

25-20-126-003

25-20-126-004

25-20-126-0

25-17-358-017

25-17-382-051

25-17-382-048

25-1

25-17-358-014

25-17-358-005

25-17-358-005

25-17-358-005

25-17-358-005

25-17-358-005

25-17-358-005

25-17-358-005

25-17-358-018

25-17-358-018

25-17-358-018

25-17-358-018

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25-17-358-018

25-17-358-018

25-17-358-004

25-17-358-004

25-17-358-004

25-17-358-004

25-17-358-004

25-17-358-004

25-17-358-004

25-17-358-001

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25-17-358-001

25-17-358-001

25-17-358-001

25-17-358-001





DAVID PIESTER  
ELIZABETH PIESTER  
2099 COLUMBIA RD  
BERKLEY MI 48072 1772

BERKLEY BUSINESS CENTER LLC  
PO BOX 414  
TROY MI 48099 0414

ALYSSA DELPUP  
2155 COLUMBIA RD  
BERKLEY MI 48072 1712

Occupant  
2035 PRINCETON RD  
BERKLEY MI 48072 3905

MARI A CHELLMAN  
2098 PRINCETON RD  
BERKLEY MI 48072 3903

ALISON RIDGWAY  
2220 PRINCETON RD  
BERKLEY MI 48072 3906

JAMESON VENTURES LLC  
1412 HURON AVE  
ROYAL OAK MI 48073 2033

SHIRLEY NEILSON  
2130 PRINCETON RD  
BERKLEY MI 48072 3019

Occupant  
2070 11 MILE RD  
BERKLEY MI 48072 3047

Occupant  
2045 PRINCETON RD  
BERKLEY MI 48072 3905

Occupant  
2079 PRINCETON RD  
BERKLEY MI 48072 3905

BERKLEY BUSINESS CENTER LLC  
PO BOX 414  
TROY MI 48099 0414

2045-2055 PRINCETON LLC  
1625 W BIG BEAVER RD STE C  
TROY MI 48084 3538

LOUIS G DOMIN  
3915 QUARTON RD  
BLOOMFIELD HILLS MI 48302 4060

Occupant  
2069 PRINCETON RD  
BERKLEY MI 48072 3905

Occupant  
2027 PRINCETON RD  
BERKLEY MI 48072 3905

Occupant  
2055 PRINCETON RD  
BERKLEY MI 48072 3905

LOUIS G DOMIN  
3915 QUARTON RD  
BLOOMFIELD HILLS MI 48302 4060

JAMESON VENTURE LLC  
1412 HURON AVE  
ROYAL OAK MI 48073 2033

2045-2055 PRINCETON LLC  
1625 W BIG BEAVER RD STE C  
TROY MI 48084 3538

GAYLE SOKOLSKY  
2185 COLUMBIA RD  
BERKLEY MI 48072 1712

ANDREW GARMAN  
LAURA GARMAN  
2175 COLUMBIA RD  
BERKLEY MI 48072 1712

JORGE A MARTINEZ  
13125 W 11 MILE RD  
HUNTINGTON WOODS MI 48070 1009

SHIRLEY NEILSON  
2130 PRINCETON RD  
BERKLEY MI 48072 3019

Occupant  
2036 11 MILE RD  
BERKLEY MI 48072 3047

CHRISTOPHER FUTO  
2119 COLUMBIA RD  
BERKLEY MI 48072 1712

Occupant  
2210 PRINCETON RD  
BERKLEY MI 48072 3906

DEGEL 11 MILE ROAD LLC  
26840 HARDING ST  
OAK PARK MI 48237 1043

DAVID LAMBERT  
JULIE LAMBERT  
2139 COLUMBIA RD  
BERKLEY MI 48072 1712

ELISE GORDILLO  
19785 W 12 MILE RD PMB 173  
SOUTHFIELD MI 48076 2584



JULIE HOHNER  
2056 PRINCETON RD  
BERKLEY MI 48072 3903

Occupant  
13111 W 11 MILE RD  
HUNTINGTON WOODS MI 48070 1009

JERRY F MCCLURE JR  
STACEY L MCCLURE  
2176 PRINCETON RD  
BERKLEY MI 48072 3019

JACOB WEST  
KAMILA WEST  
2140 PRINCETON RD  
BERKLEY MI 48072 3019

PAUL BLOETSCHER  
738 N DENWOOD ST  
DEARBORN MI 48128 1567

HALSTON Q HERRERA  
2200 PRINCETON RD  
BERKLEY MI 48072 3908

JENNIFER L SNELL  
2136 PRINCETON RD  
BERKLEY MI 48072 3019

JEREMY COAN  
DANIELLE HARDY  
2090 PRINCETON RD  
BERKLEY MI 48072 3903

SCOTT MASON  
SALLY A FRY  
2046 PRINCETON RD  
BERKLEY MI 48072 3903

JOSEPH A SERMO  
MEGHAN T SERMO  
13128 KINGSTON AVE  
HUNTINGTON WOODS MI 48070 1017

CAROL LEE HOUSE  
13117 W 11 MILE RD  
HUNTINGTON WOODS MI 48070 1009

MARY JO LAMBERT  
GERALD LAMBERT  
13134 KINGSTON AVE  
HUNTINGTON WOODS MI 48070 1017

PAUL R RETASKIE  
13142 KINGSTON AVE  
HUNTINGTON WOODS MI 48070 1017

BRADLEY J COON  
13102 KINGSTON AVE  
HUNTINGTON WOODS MI 48070 1017

MARK GIBSON  
JADA GIBSON  
13135 W 11 MILE RD  
HUNTINGTON WOODS MI 48070 1009

STEPHEN BOGDAN  
PAM BOGDAN  
26815 HENLEY AVE  
HUNTINGTON WOODS MI 48070 1015

VICTORIA H MELLER  
13122 KINGSTON AVE  
HUNTINGTON WOODS MI 48070 1017

HUNTINGTON WOODS LUTH CHURCH  
12935 W 11 MILE RD  
HUNTINGTON WOODS MI 48070 1023

LEAH A RODRIGUEZ-SOTO  
13129 W 11 MILE RD  
HUNTINGTON WOODS MI 48070 1009

SEYMOUR C SCHWARTZ  
13116 KINGSTON AVE  
HUNTINGTON WOODS MI 48070 1017

Occupant  
2158 11 MILE RD  
BERKLEY MI 48072 3017

BRANDON BARLOW  
13121 W 11 MILE RD  
HUNTINGTON WOODS MI 48070 1009

VINCENT MINSTER  
13107 W 11 MILE RD  
HUNTINGTON WOODS MI 48070 1009

EDDIES REAL ESTATE VENTURE LLC  
39439 VASSAR CT  
STERLING HEIGHTS MI 48313 5575

WILLIAM GRACE  
DEBORAH GRACE  
13108 KINGSTON AVE  
HUNTINGTON WOODS MI 48070 1017

LORI WETTLAUFER  
2074 PRINCETON RD  
BERKLEY MI 48072 3903

TYLER LEHMAN  
NICOLE PROPST  
2231 PRINCETON RD  
BERKLEY MI 48072 3907

CHRISTOPHER SAADATJOO  
13139 W 11 MILE RD  
HUNTINGTON WOODS MI 48070 1009

MIRRIAH E JACKSON  
2180 PRINCETON RD  
BERKLEY MI 48072 3019

ZACK T GILMAN  
REBECCA L GILMAN  
2155 PRINCETON RD  
BERKLEY MI 48072 3010

BERKLEY MASON TEMPLE ASSN  
2290 11 MILE RD  
BERKLEY MI 48072 3048

TIMOTHIE DAVIS  
2185 PRINCETON RD  
BERKLEY MI 48072 3010

SHERI KASH  
PAUL R BELLEAU  
2211 PRINCETON RD  
BERKLEY MI 48072 3907

GWENDOLYN BRIMBLE-MILADINOVIC  
2189 PRINCETON RD  
BERKLEY MI 48072 3010

F & L BERKLEY LLC  
2114 11 MILE RD  
BERKLEY MI 48072 3002

Occupant  
2200 11 MILE RD  
BERKLEY MI 48072 3048

MARY ANN NOBLE  
2251 PRINCETON RD  
BERKLEY MI 48072 3907

OPERATION GROW LLC  
PO BOX 725202  
BERKLEY MI 48072 5202

TERESA FORMAN  
2221 PRINCETON RD  
BERKLEY MI 48072 3907

F & L Berkley LLC  
761 Nissen Ct.  
Wixom, MI 48393

DAVID C MIDDLEWOOD  
JODI MIDDLEWOOD  
2175 PRINCETON RD  
BERKLEY MI 48072 3010

ELIZABETH JOYCE  
2139 PRINCETON RD  
BERKLEY MI 48072 3010

Occupant  
2222 11 MILE RD  
BERKLEY MI 48072 3048

OPERATION GROW  
PO BOX 725202  
BERKLEY MI 48072 5202

BRAD COCKLIN  
KATIE COCKLIN  
2147 PRINCETON RD  
BERKLEY MI 48072 3010



# 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: DONALD VENSEL Phone: [REDACTED]

Address: 3978 KENMORE BERKLEY

Email: [REDACTED]

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

OWNER

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

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

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

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

### PROPERTY DESCRIPTION

Address: 3978 Kenmore

Parcel #: 2507434040 Zoning Classification: R-1CD

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

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.

need variance of 2.5' at north side setback



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

original garage structure being converted

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.

strict compliance would prevent us from using the structure as an outside covered porch

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

the 2.5' variance would allow us to use the structure without heavy alteration

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

North side neighbor is OK with requested variance and no other party will be affected.

## 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.

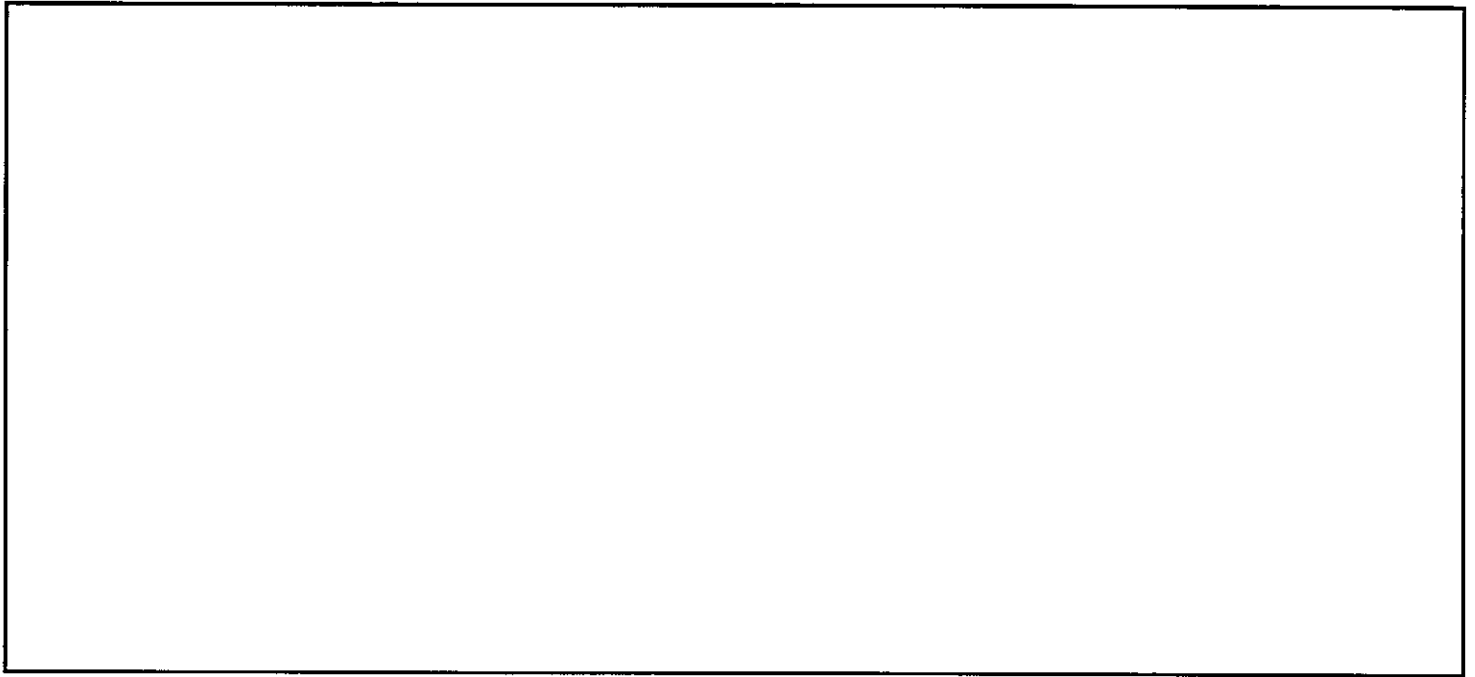
---

## 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 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)**

DV 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.

DV 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)**

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

DV 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.

DV 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.

---

<u>DONALD VENSEL</u>	<u>Donald Vensel</u>	<u>9-11-25</u>
Applicant Name (print)	Applicant Signature	Date

Applicant Name (print)	Applicant Signature	Date

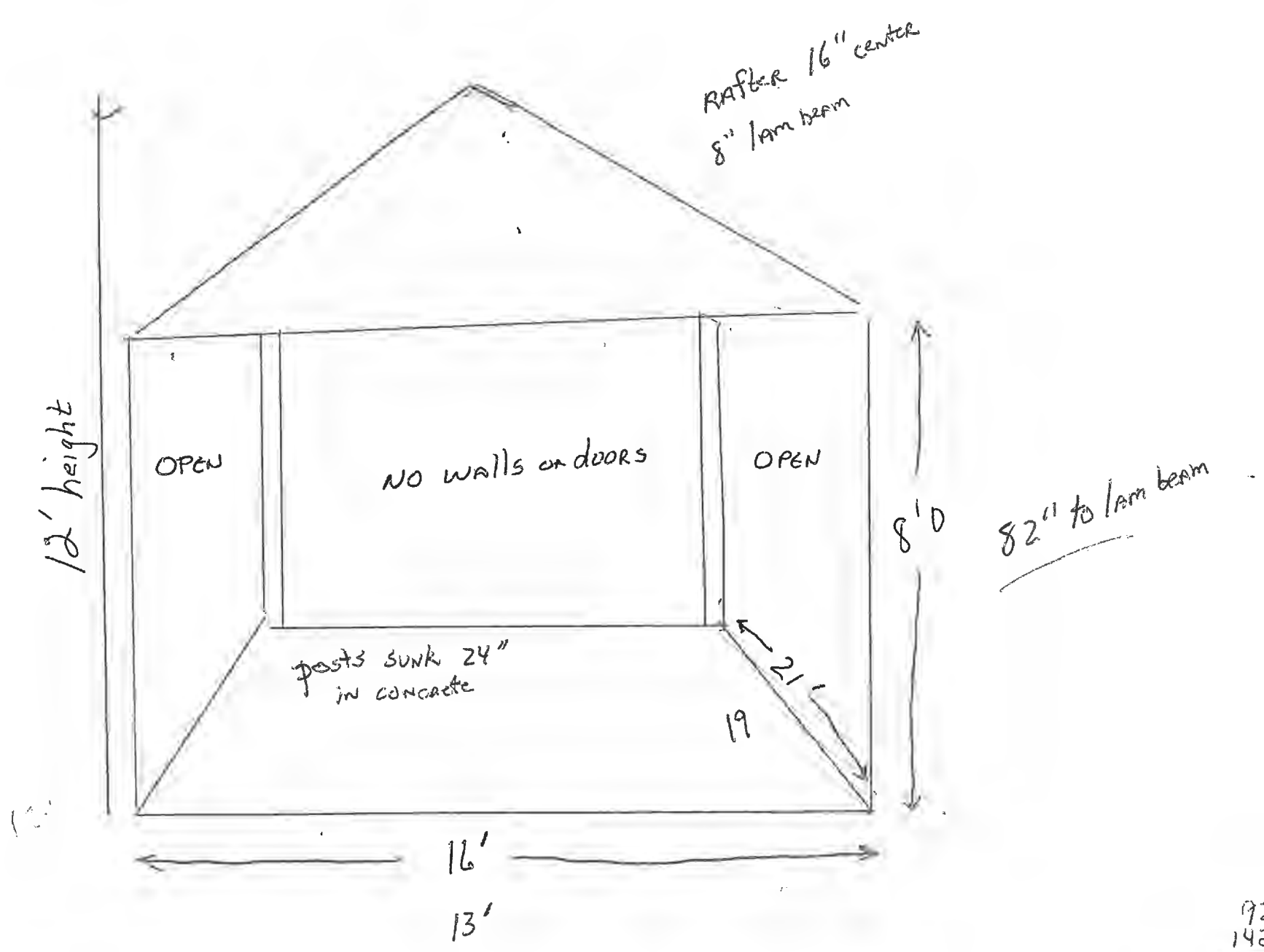
Property Owner Name (print)	Property Owner Signature	Date

**Office Use Only**

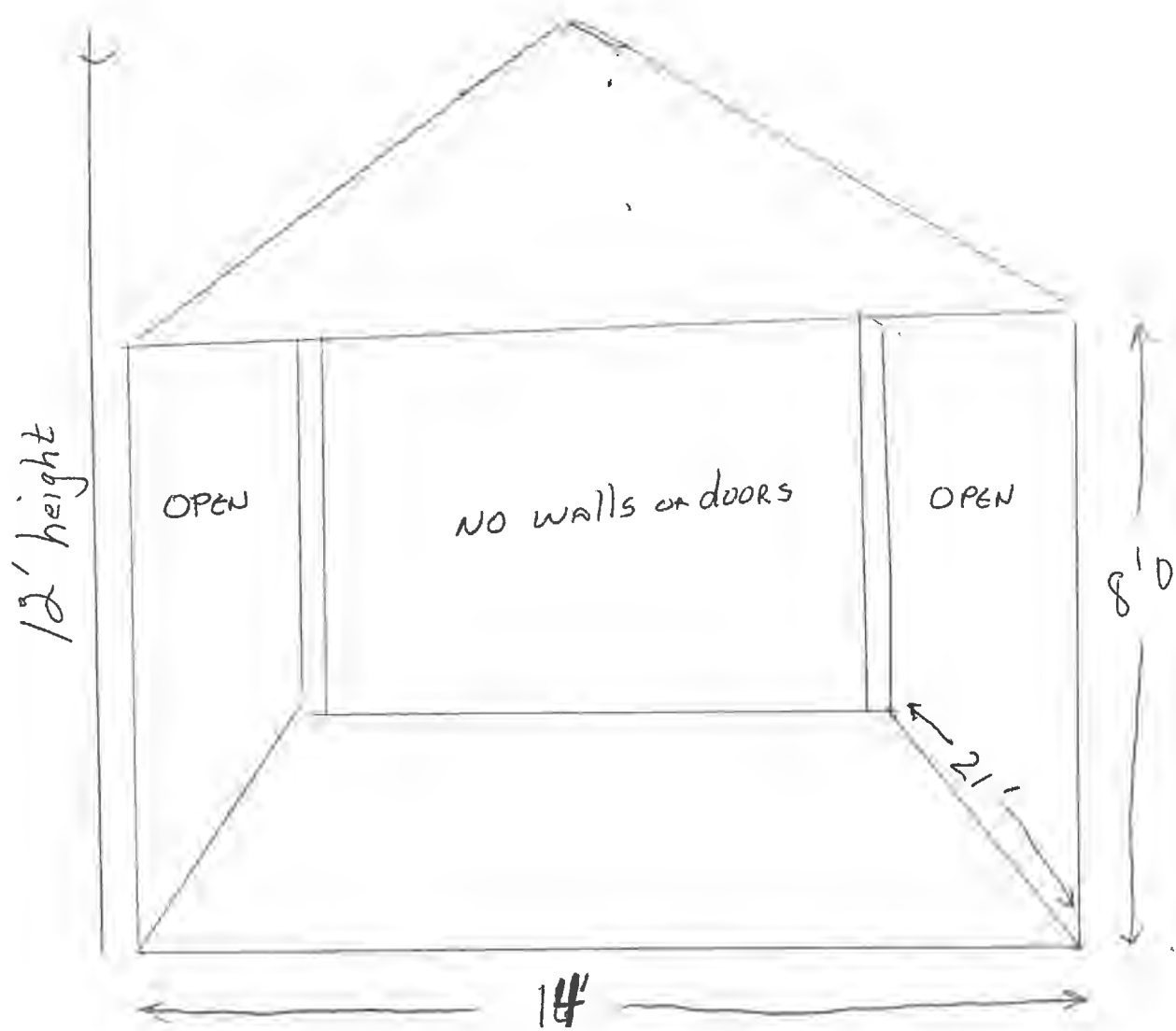
Received 9-11-25 Receipt # PBA-10-25 Meeting Date 10-13-25 Case # PBA-10-25

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

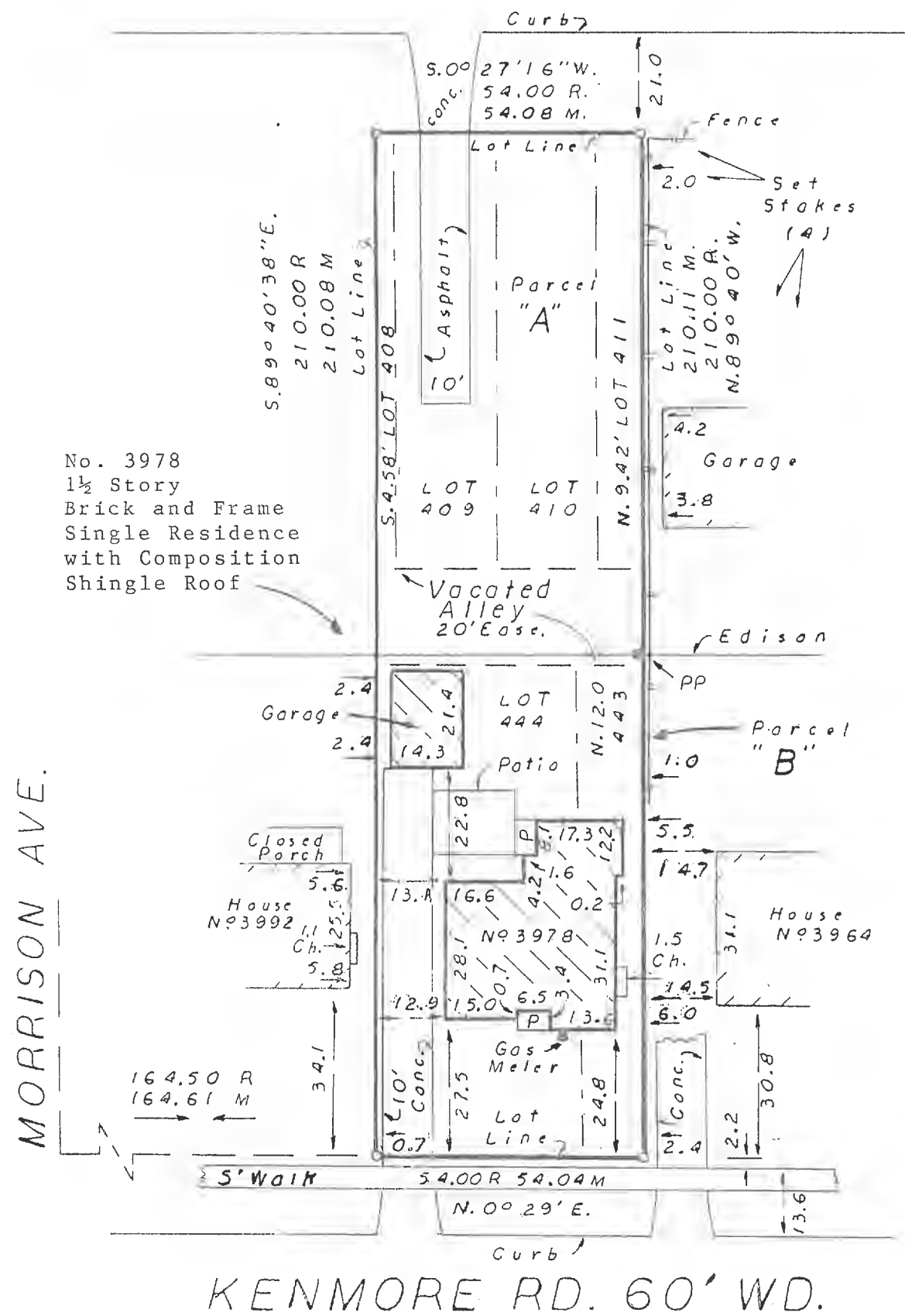




92  
 142  
 237  
 19  
 12 234  
 108



COOLIDGE HWY. 120' WD.



Revised 10/12/18

(248) 528-1717  
FAX (248) 528-1746

[illegible]

**OWNER:**  
**DONALD VENSEL**  
3978 KENMORE RD.  
BERKLEY, MI 48072  
(248)-813-9748

COPYRIGHT 2015 ©  
THIS DOCUMENT AND ANY SUBJECT MATTER  
CONTAINED HEREIN IS PROPRIETARY AND MAY  
NOT BE REPRODUCED WITHOUT THE EXPLICIT  
WRITTEN CONSENT OF JON ARCHITECTURE

Sheet Number:  
**S-1**

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



"We Care"

**Building Department**  
(248) 658-3320  
FAX (248) 658-3301

October 31, 2018

Donald & Virginia M. Vensel  
3978 Kenmore  
Berkley, MI 48072

RE: 3978 Kenmore Rd Property Split.

Dear Donald & Virginia M. Vensel:

Enclosed are copies from Oakland County with the deletion of Parcel 04-25-07-434-004 and 04-25-07-434-021 combination.

New Parcel Number is as follows:

25-07-434-040: South 4.58 ft. of Lot 408 and all of Lots 409 and 410 and the North 9.42 ft. of Lot 411; ALSO North 12.0 ft. of Lot 443 and all of Lot 444, including all of vacated alley adjacent to same, St. John Woods No. 1, City of Berkley, Oakland County, Michigan

If you have any questions, please feel free to contact me.

Sincerely,

Kim Anderson, Building Clerk  
City of Berkley  
248-658-3324 Direct  
248-658-3301 Fax  
kanderson@berkleymich.net

# CERTIFICATE OF SURVEY

RESIDENTIAL LOT COMBINATION: 3978 Kenmore Rd.

Prepared For: Donald Vensel  
3978 Kenmore Rd.  
Berkley, Mi 48072  
248-613-9749

## EXISTING LEGAL DESCRIPTIONS:

PARCEL "A" 04-25-07-434-021

South 4.58 ft. of Lot 408, all of Lots 409 and 410 and the North 9.42 ft. of Lot 411, including 1/2 vacated alley adjacent to same, ST. JOHN WOODS No. 1, of part of the E $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 7 and West part of the SW $\frac{1}{4}$  of Section 8, T1N-R11E, Village now CITY OF BERKLEY, Oakland County, Michigan.

Plat recorded LIBER 42, PAGE 10, Oakland County, Michigan.

PARCEL "B" 04-25-07-434-004

North 12.0 ft. of Lot 443 and all of Lot 444, including 1/2 vacated alley adjacent to same, ST. JOHN WOODS No. 1, of part of E $\frac{1}{2}$  of SE $\frac{1}{4}$  of Section 7 and West part of the SW $\frac{1}{4}$  of Section 8, T1N, R11E, Village now CITY OF BERKLEY, Oakland County, Michigan.

Plat recorded LIBER 42, PAGE 10, Oakland County Records.

## COMBINED LEGAL DESCRIPTION:

South 4.58 ft. of Lot 408 and all of Lots 409 and 410 and the North 9.42 ft. of Lot 411; ALSO North 12.0 ft. of Lot 443, and all of Lot 444, including all of vacated alley adjacent to same, ST. JOHN WOODS No. 1, City of Berkley, Oakland County, Michigan.

Plat recorded LIBER 42, PAGE 12, O.C.R.

Bearings in relation to Kenmore Rd. as platted.

SEE DETAIL OF PROPERTY ON SHEET No. 2

SHEET 1 of 2



I HEREBY CERTIFY that I have surveyed and mapped the property herein described; and that said survey was performed with a relative error of closure of no greater than 1 in 5000 and that all the requirements of P.A. 132, 1970 have been complied with.

Revised 10/12/18

**GUARANTY SURVEY CO.**  
REGISTERED LAND SURVEYORS  
1660 ROCHESTER ROAD  
TROY, MI 48063  
ESTABLISHED 1939

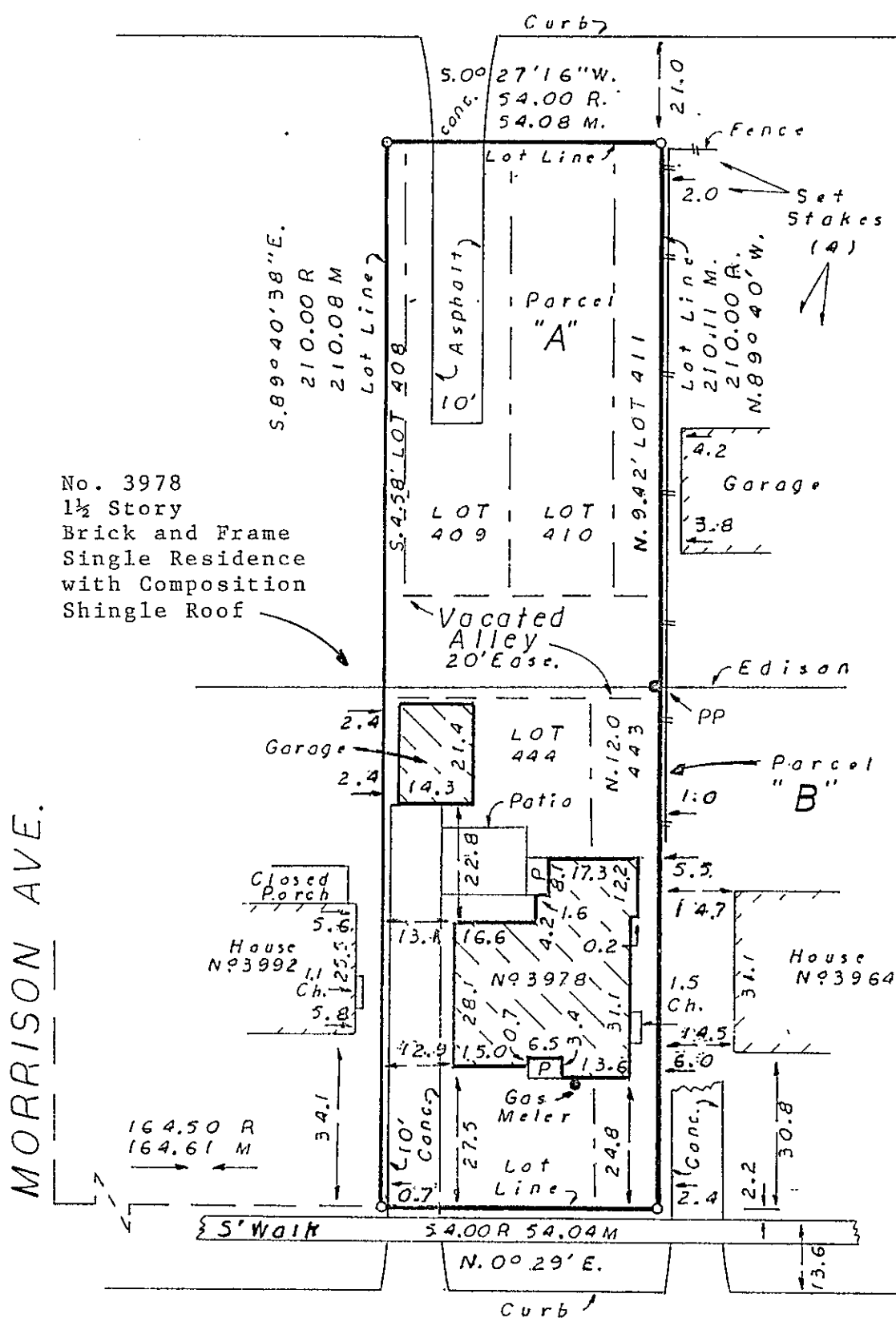
PETER G. PITCHFORD  
TOM NORTHROP

(248) 528-1717  
FAX (248) 528-1746

ORDER No. 191467 DATE Sept. 4, 2018 BY: *Thomas M. Northrup*



COOLIDGE HWY. 120' WD.



KENMORE RD. 60' WD.

Revised 10/12/18

(248) 528-1717  
FAX (248) 528-1746

**Building Permit | PB21-0275**

**Property Information**

04-25-07-434-040	3978 Kenmore Rd	Subdivision:	St. Johns Woods
	Berkley MI, 48072	Lot:	S 4.58' lot 40 Block:

**Name Information**

Owner:	Donald & Virginia M. Vensel	Phone:	(248) 613 9749
Occupant:	Donald & Virginia M. Vensel	Phone:	(248) 613 9749
Applicant:	Donald & Virginia M. Vensel	Phone:	(248) 613 9749
Contractor:		Phone:	
Licensee:		Phone:	
License Issued:			
License Expires:			

**Permit Information**

Date Issued:	08/03/2021	Date Expires:	08/05/2023	Status:	EXPIRED
--------------	------------	---------------	------------	---------	---------

Work Description:  
Demolition of Detached Garage

Stipulations:

Comment:

**Fee Information**

Wrecking	Wrecking - Accessory Structure	1.00	40.00
Inspections	Inspection (All)	1.00	50.00

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THE CITY OF BERKLEY  
COMMUNITY DEVELOPMENT DEPARTMENT  
3338 COOLIDGE HIGHWAY  
BERKLEY MI 48072  
(248) 658-3320  
building@berkleymich.net

**SECOND AND FINAL NOTICE**

09/13/2023

Donald & Virginia M. Vensel  
Or Current Resident  
3978 Kenmore  
Berkley MI 48072

Subject: Building Permit: PB21-0275 for 3978 Kenmore Rd.

To Whom It May Concern:

In reviewing our records, the above listed permit has expired and is null and void. You were previously sent a notice notifying you to contact our office regarding an expired permit. Compliance has not been met.

Please contact Community Development Department at 248-658-3320 within ten (10) days to schedule the required inspection(s) so the permit can be closed out and any bond monies being held can be refunded.

If the work is not completed and a final inspection cannot be scheduled within 10 days, a new permit plus fees will need to be obtained. In addition, if the permit is not closed out within ten days, all bonds associated with this permit will be forfeited to the City.

Sincerely,

THE CITY OF BERKLEY

Building Official  
Community Development Department

**WARNING:** Damage or injury resulting from delay or failure to comply with this notice will be attributed to negligence on the part of the responsible party, or parties.

THE CITY OF BERKLEY  
COMMUNITY DEVELOPMENT DEPARTMENT  
3338 COOLIDGE HIGHWAY  
BERKLEY MI 48072  
(248) 658-3320  
building@berkleymich.net

**SECOND AND FINAL NOTICE**

07/12/2024

Donald & Virginia M. Vensel  
Or Current Resident  
3978 Kenmore  
Berkley MI 48072

Subject: Demo Permit: PB21-0275 for 3978 Kenmore Rd.

To Whom It May Concern:

In reviewing our records, the above listed permit has expired and is null and void. You were previously sent a notice notifying you to contact our office regarding an expired permit. Compliance has not been met.

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Sincerely,

THE CITY OF BERKLEY

Building Official  
Community Development Department

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

08/21/2025

Donald and Virginia M. Vensel  
3978 Kenmore Rd.  
Berkley, MI 48072

Subject: Building permit: PB21-0275 for 3978 Kenmore Rd

To Whom it May Concern:

In reviewing our records we find the above listed permit has expired.

Please contact the Community Development Department **within 14 days** to schedule inspections so that the permit can be closed out.

If the work is not completed and a final inspection cannot be scheduled within 14 days, **a new permit plus fees** will need to be obtained. In addition, if the permit is not closed out within 14 days all bonds associated with this permit will be forfeited to the City.

Sincerely,

THE CITY OF BERKLEY

Community Development Department  
Email: [building@berkleymi.gov](mailto:building@berkleymi.gov)  
Phone: 248-658-3320

**WARNING:** Damage or injury resulting from delay or failure to comply with this notice will be attributed to negligence on the part of the responsible party, or parties.

**Building Permit | PB21-0276****Property Information**

04-25-07-434-040      3978 Kenmore Rd      Subdivision:      St. Johns Woods  
Berkley MI, 48072      Lot:      S 4.58' lot 40      Block:

**Name Information**

Owner:      Donald & Virginia M. Vensel      Phone:      (248) 613 9749  
Occupant:      Donald & Virginia M. Vensel      Phone:      (248) 613 9749  
Applicant:      Donald & Virginia M. Vensel      Phone:      (248) 613 9749  
Contractor:      Phone:  
Licensee:      Phone:  
License Issued:  
License Expires:

**Permit Information**

Date Issued:      08/03/2021      Date Expires:      08/05/2023      Status:      EXPIRED

**Work Description:**

Build New 24' x 33' Detached Garage

**Stipulations:**

Existing Garage to be Demolished  
Per Approved Plans

**Comment:****Fee Information**

Construction	Construction Value	25,000.00	290.00
Inspections	Inspection (All)	3.00	140.00
Construction	Plan Review	125.00	125.00

**Framing Inspection | John Lipchik**

Status:      Completed      Result:      Partially Approved  
Scheduled:      03/25/2022 12:00 AM      Completed:      03/25/2022 12:00 AM

**Violations:**

Uncorrected      Staircase not to code. - can be seen on final.

**Comments:**

Scheduling Comment      Call First  
Don  
248-613-9749

**Floor/Fill Garage Inspection | Karson Claussen**

Status:      Completed      Result:      Approved  
Scheduled:      12/15/2021 12:00 AM      Completed:      12/15/2021 12:00 AM

**Comments:**

Scheduling Comment      cindy 248-684-6436  
ready late

**Footing Inspection | John Lipchik**

Status:      Completed      Result:      Approved  
Scheduled:      12/10/2021 12:00 AM      Completed:      12/10/2021 12:00 AM

**Comments:**

Scheduling Comment      Cindy  
LATE

**Plan Review Inspection | David Reilly**

Status:      Completed      Result:      Approved  
Scheduled:      07/23/2021 12:00 AM      Completed:      07/23/2021 12:00 AM



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THE CITY OF BERKLEY  
COMMUNITY DEVELOPMENT  
3338 COOLIDGE HIGHWAY  
BERKLEY, MI 48072  
building@berkleymich.net  
(248) 658-3320

11/28/2022

Donald & Virginia M. Vensel  
Or Current Resident  
3978 Kenmore  
Berkley, MI 48072

Contractor:

Subject: Building permit: PB21-0276 for 3978 Kenmore Rd

To Whom it May Concern:

In reviewing our records we find the above listed permit has expired and is null and void.

Please contact the Building Department **within 30 days** to schedule inspections so that the permit can be closed out.

If the work is not completed and a final inspection cannot be scheduled within 30 days, **a new permit plus fees** will need to be obtained. In addition, if the permit is not closed out within 30 days all bonds associated with this permit will be forfeited to the City.

Sincerely,

THE CITY OF BERKLEY

Building Official  
Community Development

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

09/13/2023

Donald & Virginia M. Vensel  
Or Current Resident  
3978 Kenmore  
Berkley, MI 48072

Subject: Building permit: PB21-0276 for 3978 Kenmore Rd

To Whom it May Concern:

In reviewing our records we find the above listed permit has expired and is null and void.

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Sincerely,

THE CITY OF BERKLEY

Community Development Department  
Email: [building@berkleymich.net](mailto:building@berkleymich.net)  
248-658-3320

**WARNING:** Damage or injury resulting from delay or failure to comply with this notice will be attributed to negligence on the part of the responsible party, or parties.

cc: Donald & Virginia M. Vensel

THE CITY OF BERKLEY  
COMMUNITY DEVELOPMENT DEPARTMENT  
3338 COOLIDGE HIGHWAY  
BERKLEY MI 48072  
(248) 658-3320  
building@berkleymich.net

**SECOND AND FINAL NOTICE**

07/12/2024

Donald & Virginia M. Vensel  
Or Current Resident  
3978 Kenmore  
Berkley MI 48072

Subject: Building Permit: PB21-0276 for 3978 Kenmore Rd.

To Whom It May Concern:

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Sincerely,

THE CITY OF BERKLEY

Building Official  
Community Development Department

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

08/21/2025

Donald and Virginia M. Vensel  
3978 Kenmore Rd.  
Berkley, MI 48072

Subject: Building permit: PB21-0276 for 3978 Kenmore Rd

To Whom it May Concern:

In reviewing our records we find the above listed permit has expired.

Please contact the Community Development Department **within 14 days** to schedule inspections so that the permit can be closed out.

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Sincerely,

THE CITY OF BERKLEY

Community Development Department  
Email: [building@berkleymi.gov](mailto:building@berkleymi.gov)  
Phone: 248-658-3320

**WARNING:** Damage or injury resulting from delay or failure to comply with this notice will be attributed to negligence on the part of the responsible party, or parties.

**Electrical Permit | PE22-0104****Property Information**

04-25-07-434-040      3978 Kenmore Rd      Subdivision:      St. Johns Woods  
Berkley MI, 48072      Lot:      S 4.58' lot 40 Block:

**Name Information**

Owner:      Donald & Virginia M. Vensel      Phone:      (248) 613 9749  
Occupant:      Donald & Virginia M. Vensel      Phone:      (248) 613 9749  
Applicant:      Donald & Virginia M. Vensel      Phone:      (248) 613 9749  
Contractor:      Phone:  
Licensee:      Phone:  
License Issued:  
License Expires:

**Permit Information**

Date Issued:      04/05/2022      Date Expires:      04/01/2024      Status:      FINALED

**Work Description:**

Garage - 100 AMP Sub Panel, 6) Circuits and 1) set of Fixtures

**Stipulations:**

Trench not approved. Minimum depth is 18" cover. (Section 300.5 -- 2014 NEC and MRC T3803.1)

**Comment:****Fee Information**

Service	Service	100.00	40.00
Circuit	Circuit	6.00	84.00
Standard Item	Fixture	1.00	25.00
Inspection	Reinspection fee	1.00	30.00
Inspection	Reinspection fee	1.00	30.00

**Final Inspection: | Sean John S. Dare**

Status:      Completed      Result:      Approved  
Scheduled:      07/29/2024 12:00 AM      Completed:      07/29/2024 12:00 AM

**Comments:**

Scheduling Comment      Don 248-613-9749

**Trench Inspection: | Sean John S. Dare**

Status:      Completed      Result:      Approved  
Scheduled:      10/04/2023 12:00 AM      Completed:      10/04/2023 12:00 AM

**Comments:**

Scheduling Comment      Don

**Trench Inspection: | Sean John S. Dare**

Status:      Completed      Result:      Disapproved  
Scheduled:      05/24/2023 12:00 AM      Completed:      05/24/2023 12:00 AM

**Violations:**

Corrected      Install conduit in trench for inspection. Must be 18" to top of conduit (Section 300.5 -- 2017 NEC and MRC T3803.1)  
Corrected      A \$30.00 re-inspection fee is due prior to scheduling the next inspection.

**Comments:**

Scheduling Comment      Don

**Rough Inspection: | Sean John S. Dare**

Status:      Completed      Result:      Approved  
Scheduled:      04/27/2022 12:00 AM      Completed:      04/27/2022 12:00 AM



**Comments:**

Scheduling Comment

Don  
248-613-9749

Rough Inspection | Sean John S. Dare

Status: Canceled

Result: Canceled

Scheduled: 04/20/2022 12:00 AM

Completed: 04/19/2022 11:40 AM

**Comments:**

Scheduling Comment

Don

Rough Inspection | Sean John S. Dare

Status: Completed

Result: Disapproved

Scheduled: 04/11/2022 12:00 AM

Completed: 04/11/2022 12:00 AM

**Violations:**

Corrected 3-way switch required on staircase.

Corrected A \$30.00 re-inspection fee is due prior to scheduling the next inspection.

**Comments:**

Scheduling Comment

Don

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**Zoning Certificate Permit | PZC22-0024****Property Information**

04-25-07-434-040

3978 Kenmore Rd

Berkley MI, 48072

Subdivision:

St. Johns Woods

Lot:

S 4.58' lot 40 Block:

**Name Information**

Owner: Donald &amp; Virginia M. Vensel

Phone: (248) 613 9749

Occupant: Donald &amp; Virginia M. Vensel

Phone: (248) 613 9749

Applicant: C &amp; G Cement Contractors Inc

Phone: (248) 241 6436

Contractor: C &amp; G Cement Contractors Inc

Phone: (248) 241 6436

Licensee: Michael David Allan

Phone: (248) 684 5928

License Issued: 08/21/2025

License Expires: 05/31/2027

**Permit Information**

Date Issued: 04/05/2022

Date Expires: 10/17/2022

Status: FINALED

**Work Description:**

Replace Driveway on Coolidge Hwy

**Stipulations:**

Runoff from driveway can not adversely effect adjoining property. Minimum width of a driveway is 9 feet.

**Comment:****Fee Information**

Registration

Reg Residential Builder

1.00

35.00

Cement

Driveway New or Replacment/Service Walk

1.00

70.00

**Final Inspection | Jeremy Collins**

Status: Completed

Result: Approved

Scheduled: 10/19/2022 12:00 AM

Completed: 10/19/2022 12:00 AM

**Forms Inspection | John Lipchik**

Status: Completed

Result: Approved

Scheduled: 04/20/2022 12:00 AM

Completed: 04/20/2022 12:00 AM

**Comments:**

Scheduling Comment

Cindy  
248-241-6436

**Building Permit | PB13-0029****Property Information**

04-25-07-434-004	3978 Kenmore Rd	Subdivision:	St John Woods No 1
	Berkley MI, 48072 3505	Lot:	N 12' of Lot 4 Block: 999

**Name Information**

Owner:	GRACE M COLE	Phone:	
Occupant:	GRACE M COLE	Phone:	
Applicant:	Murray Built Construction	Phone:	(248) 541 4600
Contractor:	Murray Built Construction	Phone:	(248) 541 4600
Licensee:	Murray Robert	Phone:	(248) 541 4600
License Issued:	06/10/2014		
License Expires:	05/31/2017		

**Permit Information**

Date Issued:	03/11/2013	Date Expires:	09/10/2013	Status:	FINALED
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Work Description:  
reroof garage

Stipulations:

Comment:

**Fee Information**

Construction	Construction Value	1,000.00	50.00
Inspections	Inspection (All)	1.00	45.00

**Final Inspection: Duaine Franks**

Status:	Completed	Result:	Approved
Scheduled:	03/13/2013 12:00 AM	Completed:	03/14/2013 12:00 AM

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# 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-10-25 – 3978 Kenmore Rd., Dimensional Variance**

**Date:** 10/08/2025

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**APPLICANT:** Donald Vensel

**LOCATION:** **3978 Kenmore Rd.**

**PARCEL ID:** 04-25-07-434-040

**REQUEST:** The applicant is requesting a Dimensional Variance of 2.6 feet on the required side yard setback of an "Open-Air" accessory structure.

**REQUIRED:** *Berkley City Code, Chapter 138 Zoning, Article 9, Section 9.15.A.2 setbacks: The structures must be located in a manner to meet the required setbacks and locations for an accessory structure; however, the structures do not require separation distance from the principal structure or a swimming pool.*

### ZONING AND LAND USE

Property	Zoning District	Land Use
Subject Site	R-1CD	Single Family Dwelling
West	R-1CD	Single Family Dwelling
East	Cemetery	Cemetery
North	R-1CD	Single Family Residential
South	R-1CD	Single Family Residential

### BACKGROUND

3978 Kenmore Rd., Parcel # 04-25-07-434-040, East side of Kenmore Rd., between Edwards Ave. and Morrison Ave. was combined in 2018 from parcels 04-25-07-434-004 and 04-25-07-434-021. The combination permitted the applicant to obtain a building permit to construct a new detached garage on the property at the east side closer to Coolidge Hwy. entrance (pre-existing 2008, 9.05.D.5). A demolition permit for the existing garage was issued and required to be completed for the construction of the new

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garage that is 717.96 square feet and the maximum allowed square footage for accessory structures is 800 square feet (9.09A.4). Building Permits PB21-0275 and PB21-0276 were issued August 03, 2021. The applicant was allowed to leave the existing garage up for storage purposes while the new garage was being built but requires to be removed for final approval on both permits for the demolition and new accessory structure.

The new garage has been constructed. Although, the pre-existing garage has not been demolished. Building Permits are expired. Various Violations have been issued since 2022 for the expired permits.

The applicant now wishes to convert the pre-existing garage into an open-air covered patio structure. The pre-existing garage has a 2.4' side yard setback, when a 5' side yard setback is required unless proper fire separation has been installed. Please refer to Building Officials email "Garage Notes" October 8, 2025 in regards to items of concerns.



Source: Oakland County Property Gateway



Source: Google map

## **SCOPE OF PROJECT**

The applicant is requesting a Dimensional Variance of 2.6' feet on the required 5 feet side yard setback for an accessory structure.

*Open-Air, Section 9.15.A.2: The structures must be located in a manner to meet the required setbacks and locations for an accessory structure; however, the structures do not require separation distance from the principal structure or a swimming pool.*

*Accessory Building and Structures, Section 9.09A.5.b: No accessory building or structure may be located within five feet of the side lot line unless proper fire separation has been installed. In no instance may any portion of an accessory building or structure be located closer than eighteen inches to a side lot line, including encroachments allowed elsewhere in this Ordinance such as gutters or eaves.*

## **SUMMARY OF REQUEST**

The applicant, Donald Vensel, representing parcel #04-25-07-434-004, 3978 Kenmore Rd., is requesting a 2.6' dimensional variance to allow an existing garage required to be demolished to be converted to an open-air accessory structure with a side yard setback of 2.4' rather than the 5' required per 9.15.A2 and 9.09A.5b.

## **STANDARDS FOR REVIEW**

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

- A. The need for the variance is due to unique circumstances or physical conditions of the property.***
- B. The need for the variance is not the result of actions of the property owner or previous property owners.***
- 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.***
- D. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.***
- E. The requested variance will not adversely impact the surrounding properties.***

## 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 a practical difficulty demonstrated and the requested variance should be granted. Motions for approval and denial are included below for the convenience of the board.

### Sample Motions

#### Approval

*In the matter of PBA-10-25, 3978 Kenmore Rd., parcel 04-25-07-434-040, motion to approve the requested dimensional variances from Section 138-9.15.A.2 of the City of Berkley Zoning Ordinance to grant a dimensional variance of 2.6 feet under **Section 138-9.15.A.2** that does not conform to applicable Zoning Ordinance regulations based on the following findings:*

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

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

*In the matter of PBA-10-25, 3978 Kenmore Rd., parcel 04-25-07-434-040, motion to deny the requested dimensional variances from Section 138-9.15.A.2 of the City of Berkley Zoning Ordinance to grant a dimensional variance of 2.6 feet under **Section 138-9.15.A.2** that does not conform to applicable Zoning Ordinance regulations based on the following findings:*

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

Thank you.

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



## **SECTION 9.15 COVERED PATIOS, GAZEBOS, PERGOLAS, PAVILIONS, AND SIMILAR TYPE "OPEN-AIR" STRUCTURES**

- A.** Covered patios, gazebos, pergolas, pavilions, and similar type "open-air" structures are permitted on single family residential lots, units, or parcels for accessory recreation or leisure use provided they meet the following requirements:
1. The "open-air" structures must not be enclosed or partially enclosed with walls.
  2. The structures must be located in a manner to meet the required setbacks and locations for an accessory structure; however, the structures do not require separation distance from the principal structure or a swimming pool.
  3. The structures must not exceed twelve feet in height.
  4. The area of these structures is not counted towards the allowance for accessory building area, towards the lot coverage, or towards the number of accessory buildings permitted.

## **SECTION 9.09 ACCESSORY BUILDINGS AND STRUCTURES**

Accessory buildings and structures must be classified as defined in Article 2, Definitions of this Ordinance and, unless otherwise provided in this Ordinance, are subject to this Section. By their definition and nature, accessory buildings and structures must be secondary and clearly incidental to the principal building on a parcel of land. Such buildings or structures therefore are not permitted as the only building or structure on a parcel of land.

### **A. *Layout requirements.***

1. Where the accessory building or structure is attached to a main building it must conform to all regulations of this Chapter applicable to the main building.
2. The width of a front-loading attached garage must not be more than forty-five percent of the total width of the main building as measured along the front building line. The garage portion must be recessed at least five more feet from the front building line.
3. Accessory buildings or structures may only be erected in a rear yard.
4. In no instance may the combined floor area of all accessory buildings and structures exceed eight hundred square feet or one-half the ground floor of the main building, whichever is greater. Lot coverage must also conform to requirements set forth in the schedule of regulations in Article 5, Use-Based Districts, or Article 6, Site Design Based Districts. Dog runs are excluded from the maximum lot coverage calculation.

### **5. *Setbacks.***

- a. Detached accessory buildings, except dog houses and dog runs, must not be located closer than ten feet to any main building or other accessory building.
- b. No accessory building or structure may be located within five feet of the side lot line unless proper fire separation has been installed. In no instance may any portion of an accessory building or structure be located closer than eighteen inches to a side lot line, including encroachments allowed elsewhere in this Ordinance such as gutters or eaves.
- c. No accessory building or structure may be located within five feet of any rear lot line. In no instance may an accessory building or structure be located within a dedicated easement or right-of-way.

## SECTION 2.02 DEFINITIONS

*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. The various types of accessory buildings and structures are defined, but not limited to as follows:

- A. *Accessory dwelling unit:* A small, independent, residential dwelling unit located as an accessory to a primary residential dwelling.
- B. *Antennas:* Structures or facilities for the reception or transmission of radio, television, and microwave signals.
- C. *Attached accessory structure:* Structure that is part of the principal building occupied by or devoted exclusively to any accessory use.
- D. *Carport:* A covered area for the parking or storage of currently licensed and registered motor vehicles, completely open on one side and partially enclosed on the opposite side.
- E. *Dog houses:* A structure providing shelter for dogs.
- F. *Dog run:* An open-air enclosure, attached or detached from the principal structure for the purposes of housing or exercising animals commonly classified as domestic pets.
- G. *Garage:* A structure 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.
- H. *Shed:* A structure 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, boats, trailers, all-terrain vehicles, motor scooters, or used as doll houses or children's playhouses.
- I. *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 their 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.
- J. *Open-air, Gazebo, pergola:* A detached structure that is of open, screened, or lattice-work construction, and generally used for outdoor seating.



Kim Anderson <kanderson@berkleymi.gov>

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## Garage Notes

1 message

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Emily Loomis <eloomis@berkleymi.gov>  
To: Kim Anderson <kanderson@berkleymi.gov>

Wed, Oct 8, 2025 at 11:36 AM

The current structure is a partially demolished garage, located within the 5 foot required setback and is not protected against flame spread or exposure. The current structure was not designed to be used in its current state and has not been reviewed and inspected for safety.

Items of concern are whether the structure has the:

Ability to provide wind resistance and uplift

Flame spread and exposure of portion of structure less than 5 feet from the property line

Framing members of adequate size, spacing/spans, and attachments to operate as modified from original construction.

--  
Emily Loomis (she, her, hers)

**Building Official**

Office: 248-658-3326

City of Berkley, MI

3338 Coolidge Highway

Berkley, MI 48072

[www.berkleymi.gov](http://www.berkleymi.gov)



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, October 13, 2025 at 7:00 p.m. or as near thereto as the matter may be reached.

**Application Number PBA-10-25**

Donald & Virginia M. Vensel, 3978 Kenmore Rd, Parcel # 04-25-07-434-040, East side of Kenmore Rd., between Edwards Ave. and Morrison Ave., is requesting a 2.6' dimensional variance to an accessory structure side yard requirement of 5'.

**Berkley City Code**

*Berkley City Code, Chapter 138 Zoning, 9.15 COVERED PATIOS, GAZEBOS, PERGOLAS, PAVILIONS, AND SIMILAR TYPE "OPEN-AIR" STRUCTURES.*

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

Comments on the granting of the above variance may be made in person on the night of the meeting or in writing. All written comments must be submitted to the Berkley Community Development Department or email to [planning@berkleymi.gov](mailto:planning@berkleymi.gov) before 4:00 p.m. on the date of the Public Hearing.

KIM ANDERSON  
ZONING ADMINISTRATOR

**Publish Once:**

Royal Oak Tribune  
Friday, September 26, 2025

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

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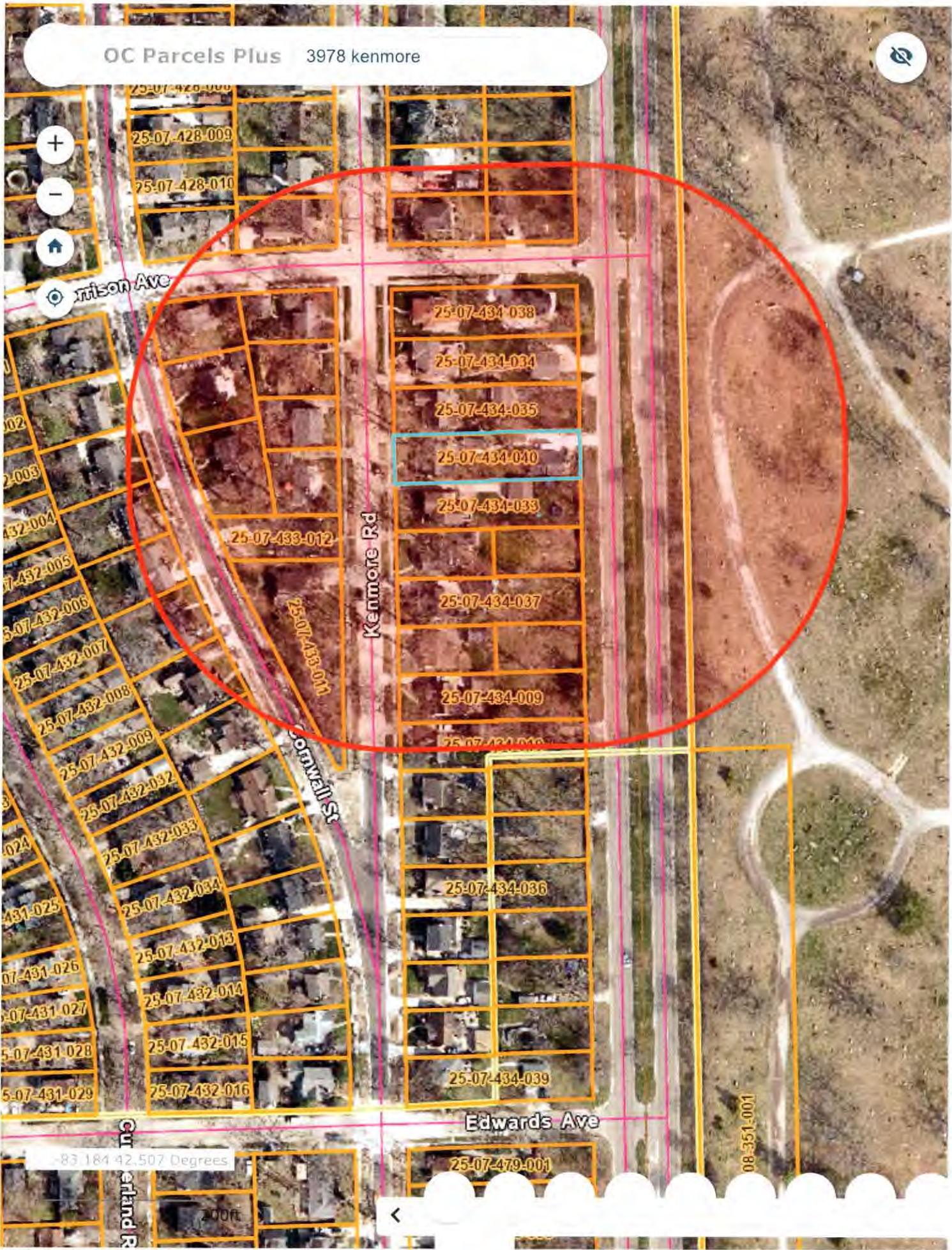
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KIM ANDERSON  
ZONING ADMINISTRATOR





Trison Ave

Kenmore Rd

Conwell St

Edwards Ave

-83.18442.507 Degrees

200ft







CYNTHIA D GUNNIP  
3992 KENMORE RD  
BERKLEY MI 48072 3505

KATHRYN DOWELL  
3908 KENMORE RD  
BERKLEY MI 48072 3505

MARY O'DONNELL MELDRUM REVOCABLE  
BRIAN FIFE  
4040 KENMORE RD  
BERKLEY MI 48072

BARBARA L MCBRIEN TRUST  
3950 KENMORE RD  
BERKLEY MI 48072 3505

KATHRYN DOWELL  
3908 KENMORE RD  
BERKLEY MI 48072 3505

DONALD VENSEL  
VIRGINIA VENSEL  
3978 KENMORE RD  
BERKLEY MI 48072

DEANNA MCVETY  
3975 CORNWALL ST  
BERKLEY MI 48072 1680

HELEN D WATSON  
3871 CORNWALL ST  
BERKLEY MI 48072 1601

JOANN SERR  
SCOTT G SERR  
4094 KENMORE RD  
BERKLEY MI 48072 1612

DAVID KALISH  
3964 KENMORE RD  
BERKLEY MI 48072 3505

MARGARET WARNER  
3980 CORNWALL ST  
BERKLEY MI 48072 1655

JOANN SERR  
SCOTT G SERR  
4094 KENMORE RD  
BERKLEY MI 48072 1612

MELISSA E DAVIS  
3969 KENMORE RD  
BERKLEY MI 48072 3507

MARGARET A GILBERT  
3981 CORNWALL ST  
BERKLEY MI 48072 1680

KENNETH BRUCE SHAW  
4065 KENMORE RD  
BERKLEY MI 48072 1611

ALAN M DRAKE  
4093 KENMORE RD  
BERKLEY MI 48072 1611

JAMES W TROUP  
3858 KENMORE RD  
BERKLEY MI 48072 1652

Occupant  
29001 WOODWARD AVE  
BERKLEY MI 48072 0917

SAMANTHA SLOMA  
DAVID S MASHINTER  
4074 KENMORE RD  
BERKLEY MI 48072 1612

BARBARA L MCBRIEN  
3950 KENMORE RD  
BERKLEY MI 48072 3505

MIDWEST MEMORIAL GROUP LLC  
PO BOX 207  
FEASTERVILLE TREVOSE PA 19053 0207

SAMANTHA SLOMA  
DAVID S MASHINTER  
4074 KENMORE RD  
BERKLEY MI 48072 1612

MARIE DOHERTY  
3945 CORNWALL ST  
BERKLEY MI 48072 1680

CHRISTINE M MORRIS  
4021 KENMORE RD  
BERKLEY MI 48072 3508

JOHN EVANS  
BETTE CHAPELL EVANS  
3931 CORNWALL ST  
BERKLEY MI 48072 1680

GERALD KAMM  
SUSAN KAMM  
3922 KENMORE RD  
BERKLEY MI 48072 3505

ALEXANDRIA CARLIN  
ADAM KOTLAREK  
4007 CORNWALL ST  
BERKLEY MI 48072 1681

BRAIN J KOCH  
MARY KRISTIN KOCH  
3899 CORNWALL ST  
BERKLEY MI 48072 1601

GARY PASSIAK  
PEGGY PASSIAK  
3882 KENMORE RD  
BERKLEY MI 48072 1652

DAVID LAMBERTI  
LAURA LAMBERTI  
4026 CORNWALL ST  
BERKLEY MI 48072 1657

Occupant  
4013 KENMORE RD  
BERKLEY MI 48072 3508

LIBERTY SYSTEMS LLC  
321 W 13 MILE RD  
ROYAL OAK MI 48073 2562

MARY ANNE COTTON  
4028 KENMORE RD  
BERKLEY MI 48072 3506

MARIANNE ARMIL  
3947 KENMORE RD  
BERKLEY MI 48072 3507

DANIEL K MORAN  
ANITA MORAN  
4064 CORNWALL ST  
BERKLEY MI 48072 1603

JAMES HABROWSKI  
JULIA HABROWSKI  
4040 CORNWALL ST  
BERKLEY MI 48072 1657

TRAVIS BEARD  
CATHERINE BEARD  
4039 KENMORE RD  
BERKLEY MI 48072 3508

ERIC MURRELL  
SUSAN MURRELL  
3929 KENMORE RD  
BERKLEY MI 48072 3507

# 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 has officially moved to stamping all building plans digitally. High resolution pdf's are now a required submission item and digital stamps have been created. This allows for easy plan reference for all users with access to the BS&A building module and meets required standards for archiving approved plans.

Staff have been working in conjunction with the Department of Public Works to sort through responses to the City's Engineering Consultant Request for Proposals. We look forward to assisting with interviews next month.

Over the summer, the Department has taken the lead in hosting a work shadow student interested in local government (planning and mapping, in particular). It was a great opportunity to promote the opportunities and excitement a career in local government can afford, as well as some the challenges it can pose. He will be heading back to school in August. Thank you to all of the departments who have highlighted their day-to-day operations for him over the past few months.

### Monthly Highlights

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Digital Building Plan Stamping and Records

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Engineering Consultant Request for Proposals

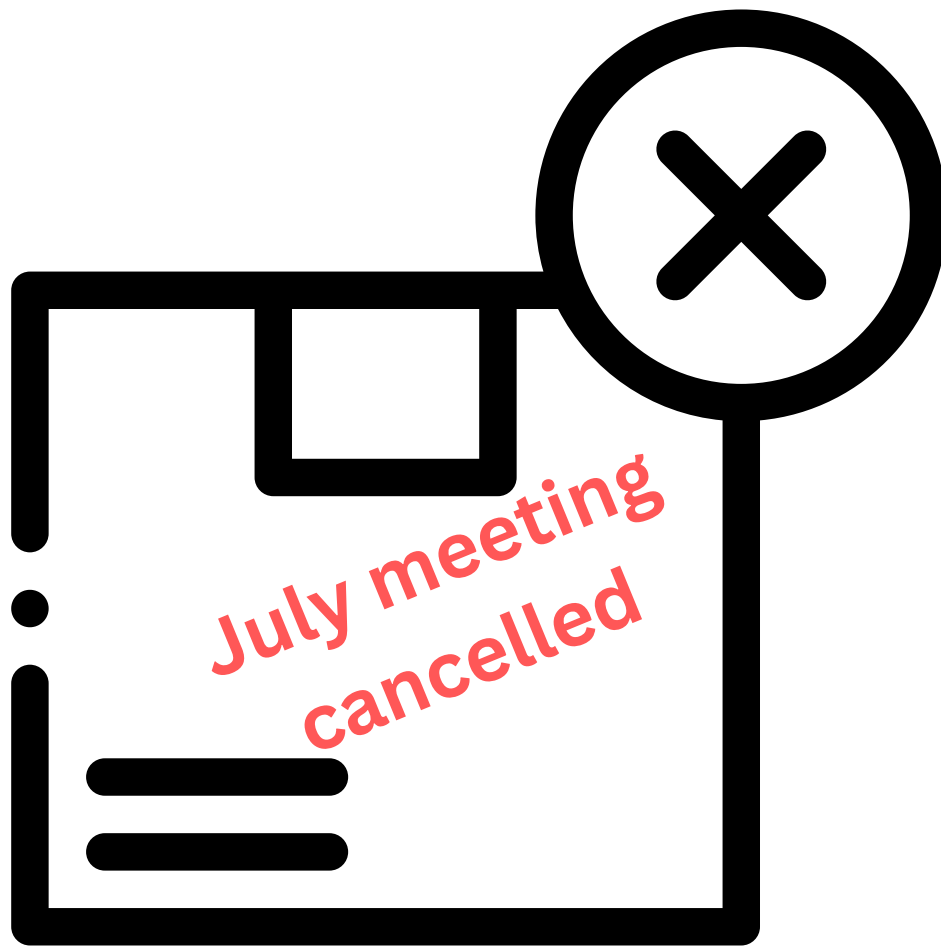
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Work Shadow Student

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## Planning Commission Activities



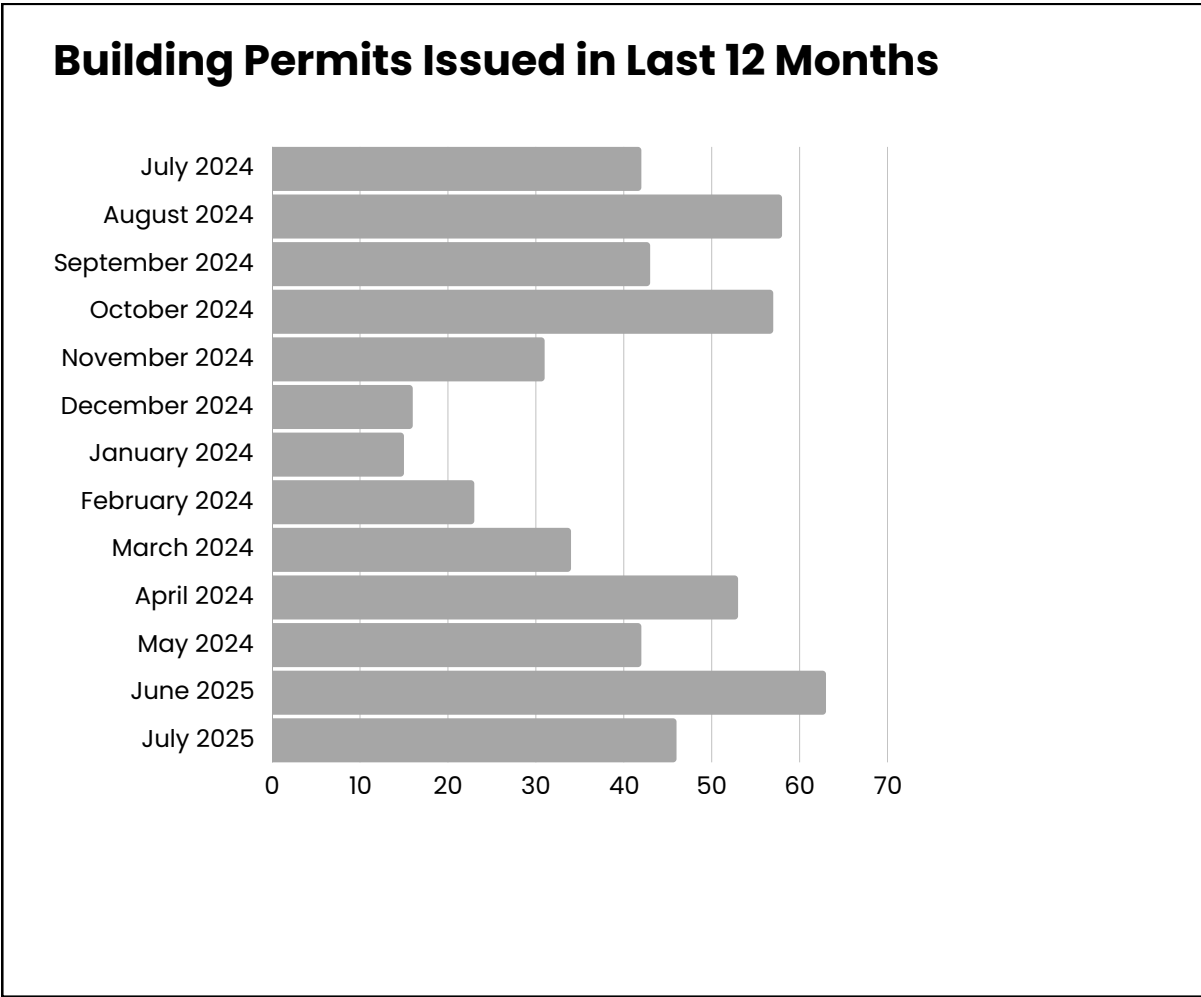
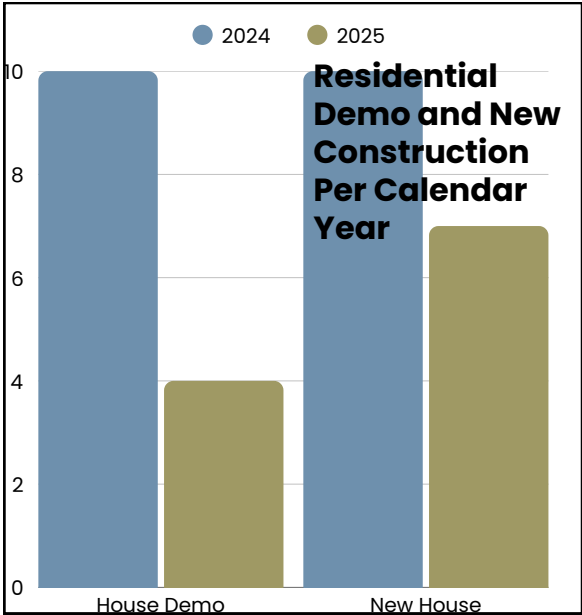
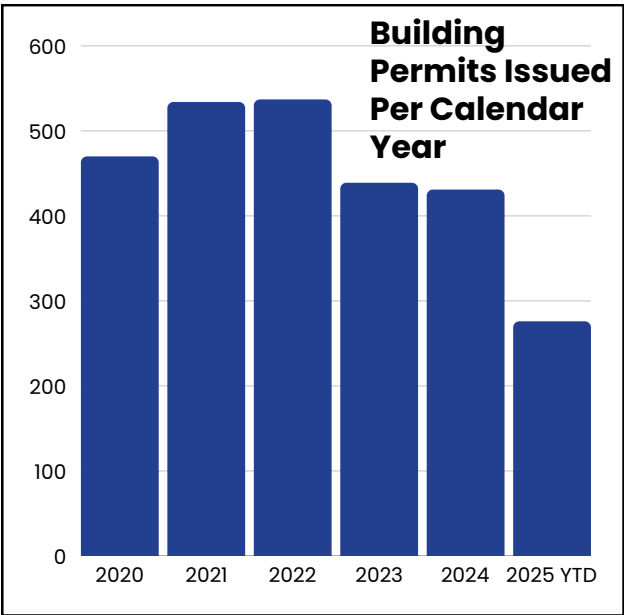
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## Zoning Board of Appeals Activities

Type of Request	Address	Request and Outcome
Dimensional Variance	3020 Coolidge Hwy.	The applicant requested a dimensional variance from on-site parking requirements. This request was approved.
Dimensional Variance	4162 Twelve Mile Rd. 4150 Twelve Mile Rd. 4138 Twelve Mile Rd.	The applicant requested a dimensional variance for the trash enclosure location. This request was approved.
Dimensional Variance	4162 Twelve Mile Rd. 4150 Twelve Mile Rd. 4138 Twelve Mile Rd.	The applicant requested a dimensional variance for a gas station driveway location. This request was approved.

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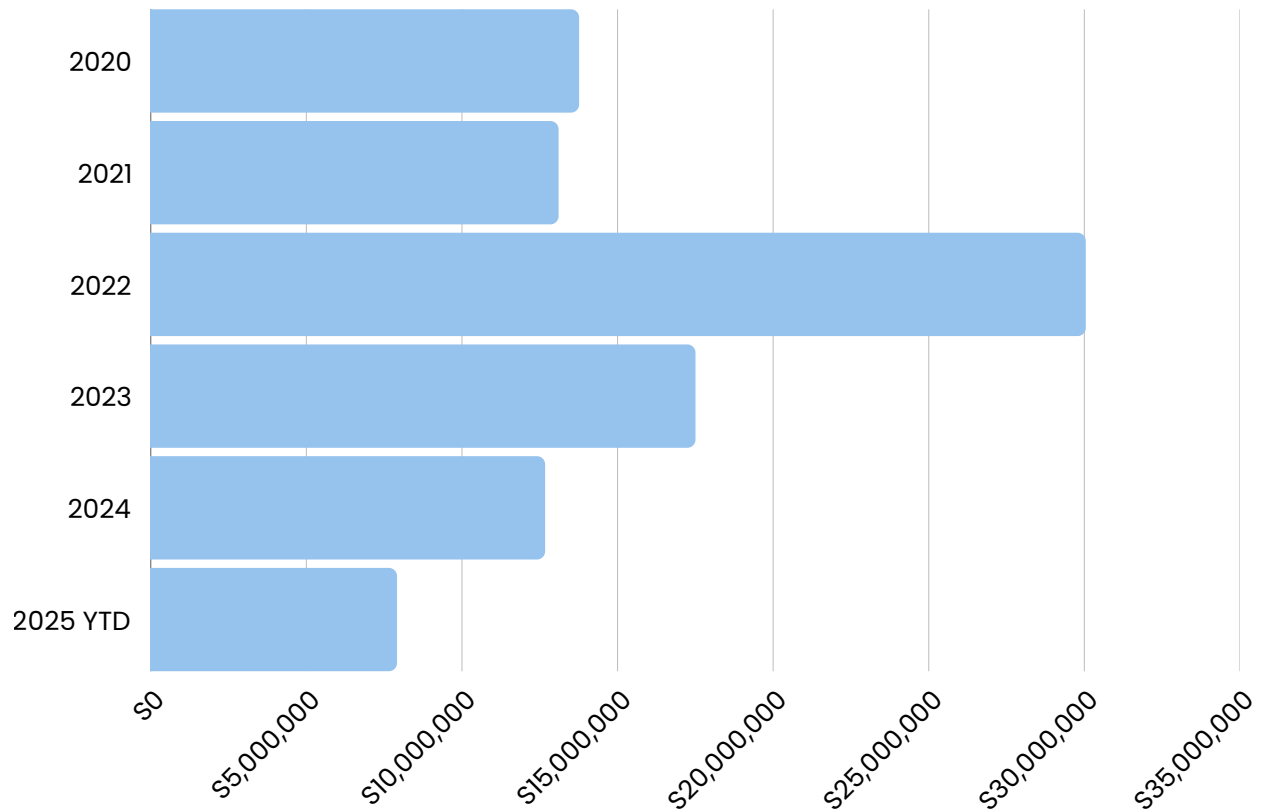
# Construction and New Business





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## Year over Year Construction Value



WELCOME TO THE NEIGHBORHOOD!  
**Business Licenses Issued in July**

**No new business  
licenses issued  
this month**

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# 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 has spent a lot of time the past month working on cross-department efforts. Staff worked with the Department of Public Works to complete the review of the proposals submitted in response to the City's Request for a City Engineer (and related services). We also began work with the Department of Public Works and the Finance Department on the beginning of an outline for the Performance Guarantee process enabled by the new Zoning Ordinance.

The City's first application for a Payment in Lieu of Taxes agreement was submitted. Community Development staff (with assistance from the City Manager's Office and the Finance Department) have spent time this month building out the review process and meeting with the applicant to finalize the application details.

### Monthly Highlights

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Cross  
Department  
Efforts

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PILOT  
Application for  
The Columbia

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## Planning Commission Activities

Type of Request	Request and Outcome
Special Land Use Approval	The applicant requested approval of a special land use at 2114 Eleven Mile Rd. to occupy a vacant site for use as a gas station/convenience store in the Flex District. No site changes were proposed. The Planning Commission recommended approval.
Zoning Ordinance Text Amendment	Staff initiated a text amendment request for various minor items in the Zoning Ordinance that have come up for either correction or clarification as staff has begun to use the updated Zoning Ordinance. The Planning Commission recommended approval.
Community Development Annual Report	Staff presented the Community Development Annual Report, a requirement of the Michigan Zoning Enabling Act and the MEDC's Redevelopment Ready Communities program. The Planning Commission accepted the report.
Planning Commission Bylaws and Rules of Procedure	The Planning Commission adopted updated Bylaws and Rules of Procedure per the new Boards and Commissions Handbook.

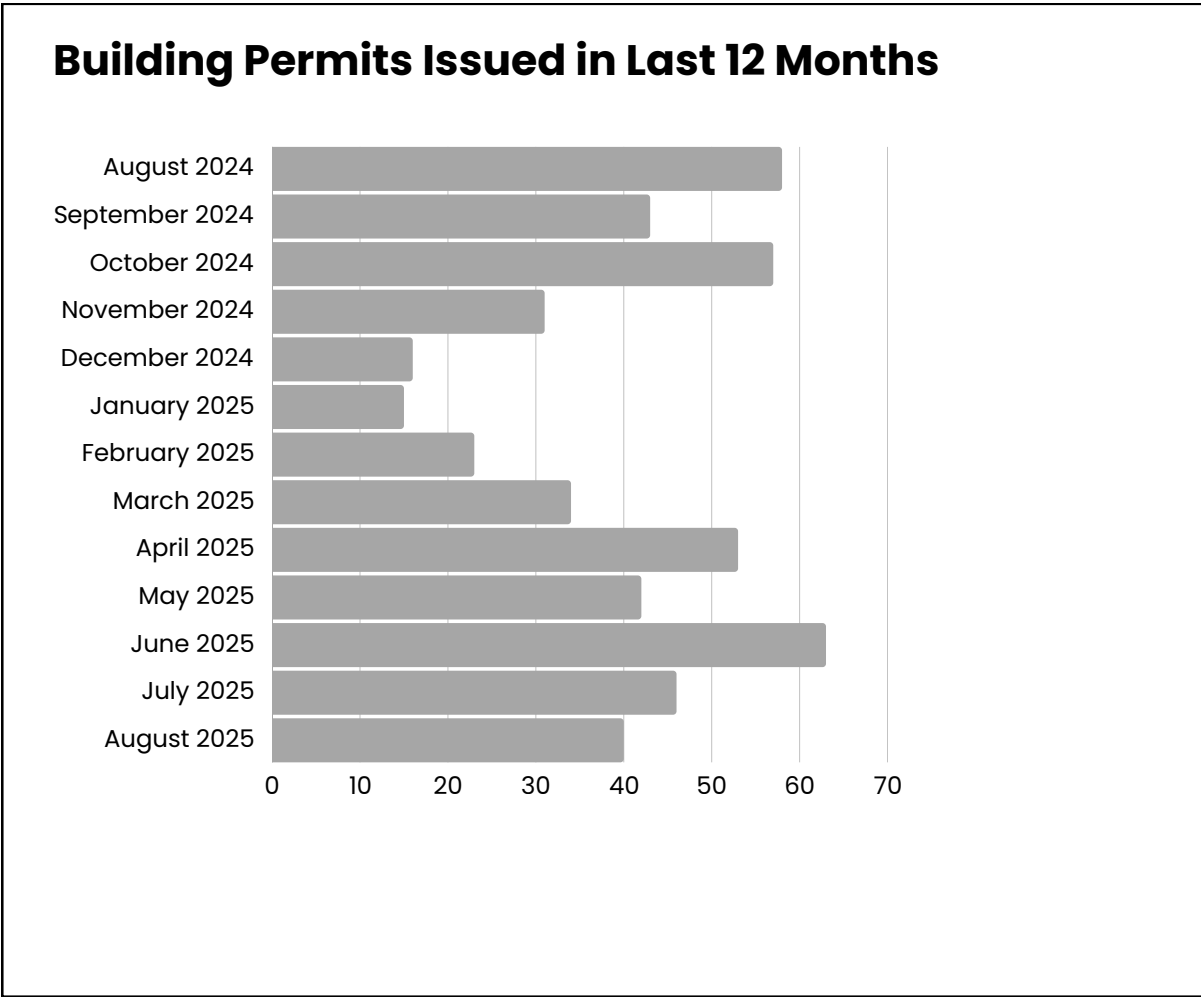
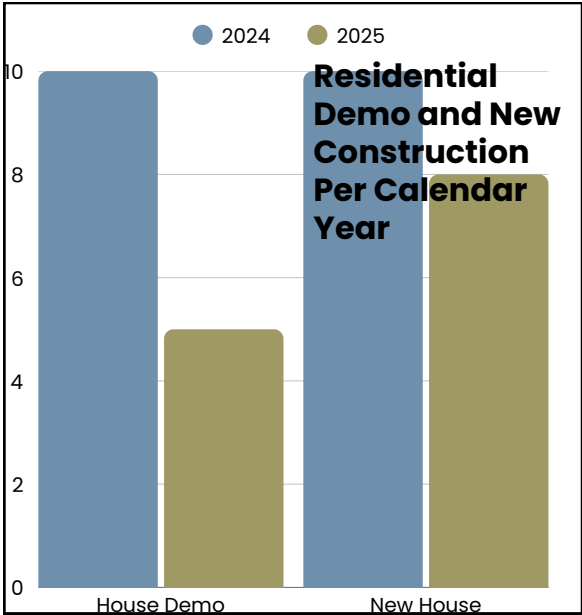
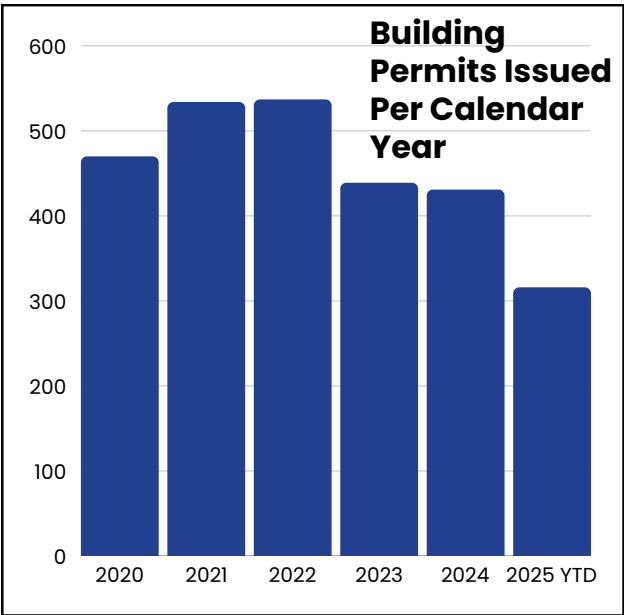
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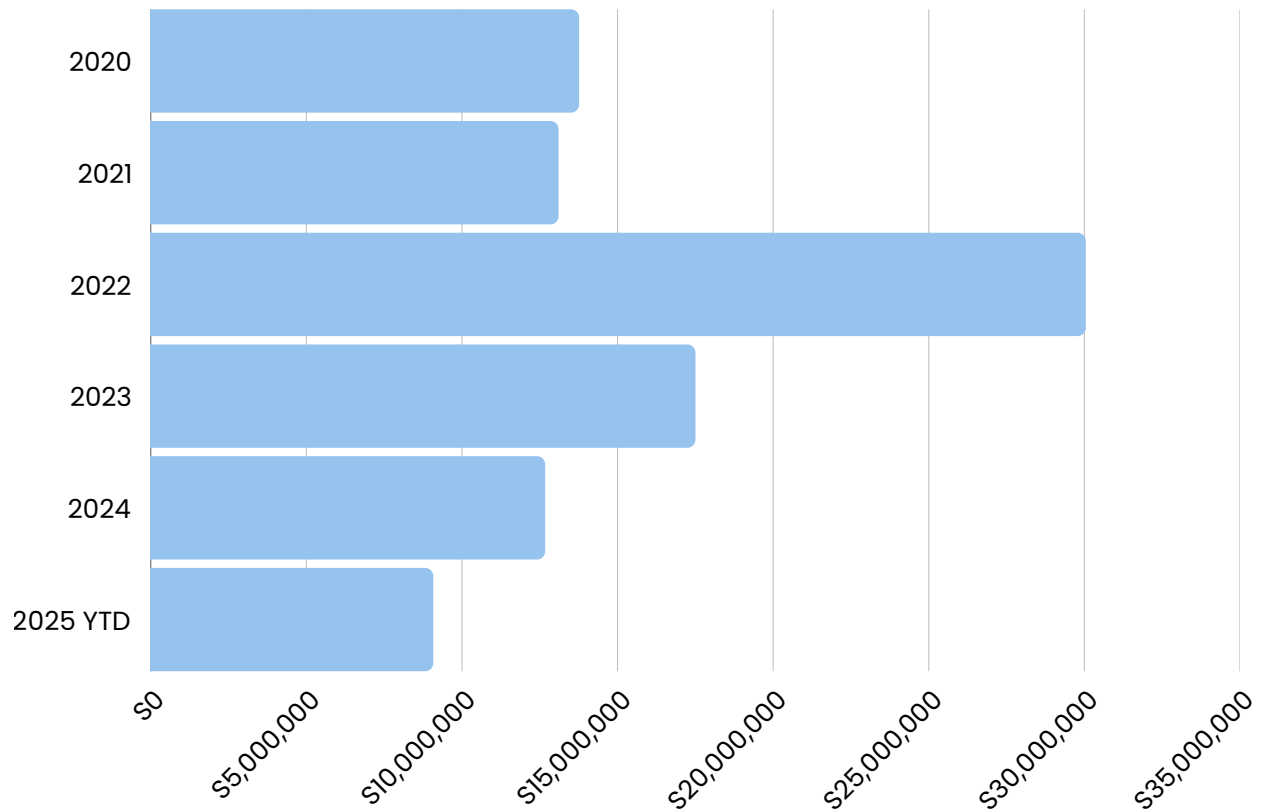
# Zoning Board of Appeals Activities

Type of Request	Address	Request and Outcome
Dimensional Variance	3617 Buckingham	The applicant requested a dimensional variance of 2.2 ft. for a deficient distance between dwelling units. This request was approved.

# Construction and New Business



## Year over Year Construction Value



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



Qure Massage is offering therapeutic massage services at one of the newly finished suites at 3462 Greenfield.



Topp Level Marketing is also opening at 3462 Greenfield and will bring another option to the community for business marketing services.



Today's Smile Center is taking over a former dentistry practice at 600 Eleven Mile.