

**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**

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

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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

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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

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

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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.

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PUBLIC COMMENT

NONE

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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

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