



**Meeting Date: April 10, 2025**

**MEMORANDUM**

DATE: March 24, 2025  
TO: Zoning Board of Appeals  
FROM: Planning Division  
SUBJECT: **Report of Findings**  
**Case No. 25-04-09 – 4433 Berkshire Rd. (25-06-102-006)**

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1. **Requested Variances**  
(a) Waive 2.2% of the maximum allowable total lot coverage of 30%.
2. **Purpose**  
To permit a 190 sq. ft. rear covered, unenclosed porch at the southwest corner of the dwelling.
3. **Site Photograph**



**4. Variances to Chapter 770 Zoning**

*ARTICLE IV Zone Regulations & General Provisions*

§ 770-34 One-Family Residential – (D) Area and bulk regulations:

(8) Lot coverage....On lots equal to or larger than 6,000 square feet, the lot coverage of all buildings shall not exceed 30% of the site.

**5. Petitioner & Owner**

Michael VanOverbeke, petitioner & owner

**6. Findings**

The subject property is located on the south side of Berkshire Rd., east of Greenfield Rd. within the One-Family Residential zoning district. The property is 60 ft. in width and has a depth of 130 ft. The total lot area is 7,800 sq. ft. The site is improved with a recently constructed two-story single-family dwelling with a front entry, attached garage / accessory structure.

A rear yard uncovered concrete patio is located at the southwest corner of the dwelling. The proposal extends a new roofline over the rear concrete patio. The proposed 190 sq. ft. rear covered, unenclosed porch retains the same footprint of the existing concrete patio.

Based on the lot size, Zoning Ordinance provisions allow a maximum lot coverage of 30% / 2,340 sq. ft. The site maintains a conforming total lot coverage of 29.8% (2,327 sq. ft.). The proposal increases the total lot coverage by 2.4% (190 sq. ft.). The resulting total lot coverage is 32.2%. Thus, the petitioner is seeking a variance to waive 2.2% (172 sq. ft.) of the maximum allowable total lot coverage of 30%.

**7. Decision**

Per § 770-124 (E) of the Zoning Ordinance: Upon an appeal, the Board is authorized to grant a variance from the strict provisions of this chapter, whereby unique, extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. Further, in granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance as outline below. When granting any variance, the Board must ensure that the spirit of this chapter is observed, public safety secured, and natural resources protected. The Board shall determine that the variance approval, either as proposed by the applicant or as otherwise determined by the Board based upon the record, is the minimum relief necessary in order to achieve substantial justice. The Board shall not have the power to consider an appeal of any decision concerning a special land use or planned unit development, unless specifically authorized to do so by the Planning Commission.

Nonuse variances. The applicant must present evidence to show that if this chapter is applied strictly, practical difficulties will result to the applicant and that all four of the following requirements are met:

- a. That this chapter's restrictions unreasonably prevent the owner from using the property for a permitted purpose;

- b. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
- c. That the plight of the landowner is due to the unique circumstances of the property; and
- d. That the alleged hardship has not been created by any person presently having an interest in the property.

Nonuse Variances require 5 affirmative votes for approval.

cc: Michael VanOverbeke, 4433 Berkshire Rd., Royal Oak, MI 48073







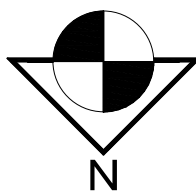
4433







# PLOT PLAN



## EXISTING

- SILT FENCE
- STORM SEWER
- SANITARY SEWER
- WATER MAIN
- GAS MAIN
- OVERHEAD WIRES
- UNDERGROUND TELEPHONE
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- FENCE OR GUARDRAIL
- RIGHT-OF-WAY
- EASEMENT
- PROPERTY LINE
- SETBACK LINE
- ROADWAY CENTERLINE
- CONTOUR
- SANITARY MANHOLE
- STORM MANHOLE
- REAR-YARD CATCH BASIN
- STREET CATCH BASIN
- FIRE HYDRANT
- VALVE AND VAULT, VALVE
- FLARED END SECTION
- UTILITY POLE
- SIGN
- DRAINAGE SLOPE
- WATER'S EDGE OR C OF DITCH
- TREE, FIR TREE, BUSH
- SECTION CORNER
- CURB AND GUTTER CLEANOUT
- ELECTRIC TRANSFORMER

## DESCRIPTION

- SILT FENCE
- STORM SEWER
- SANITARY SEWER
- WATER MAIN
- GAS MAIN
- OVERHEAD WIRES
- UNDERGROUND TELEPHONE
- OVERHEAD ELECTRIC
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## PROPOSED

- SILT FENCE
- STORM SEWER
- SANITARY SEWER
- WATER MAIN
- GAS MAIN
- OVERHEAD WIRES
- UNDERGROUND TELEPHONE
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- ELECTRIC TRANSFORMER

## Description Legend:

- TC - TOP OF CURB
- TW - TOP OF WALK
- TD - TOP OF DRIVE
- ME - MATCH EXISTING
- FG - FINAL (FINISHED) GRADE
- SW - SWALE
- HP - HIGH POINT
- CB - CATCH BASIN
- GFF - GARAGE FINISH FLOOR
- FF - FIRST FINISH FLOOR
- BFF - BSMT. FINISH FLOOR
- STM-MH - STORM MANHOLE
- SAN-MH - SANITARY MANHOLE
- BLDG - BUILDING
- T/WALL - TOP OF WALL
- B/WALL - BOTTOM OF WALL
- GRADE - TOPOGRAPHY SPOT GRADE
- TREE - EXISTING TREE
- BSMT - BASEMENT
- UNEX - UNEXCAVATED
- EOP - EDGE OF PAVEMENT
- EOG - EDGE OF GRAVEL
- P - PORCH
- W/B - WATER BOX
- IF - IRON FOUND
- MF - MONUMENT FOUND

## General Notes:

ALL INTERIOR GRADES (ARCHITECTURAL) SHALL BE VERIFIED BY THE BUILDER, ARCHITECT AND/OR CONTRACTOR PRIOR TO CONSTRUCTION. ALL TRADES MUST USE THE ARCHITECTURAL PLANS OF RECORD FOR CONSTRUCTION

ALL PROPOSED GRADES ON THIS PLAN WERE OBTAINED FROM THE SUBDIVISION MASTER GRADE PLAN. GRADE CHANGES ARE SUBJECT TO FIELD VERIFICATIONS AND TOPOGRAPHIES CONDUCTED AT THE TIME OF THE PLOT PLAN

OWNER, BUILDER AND/OR ANY CONTRACTORS SHALL COMPLY WITH ALL LOCAL CODES AND/OR ORDINANCES. APPROVAL OF THIS PLAN DOES NOT RELIEVE ANY PARTIES FROM THOSE COMPLIANCES

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER

## Lot Coverage Calc.

LOT = 7,800 SF  
HOUSE = 2,517 SF  
LOT COVERAGE = 2,517 SF = 32.3%

## Impervious Area

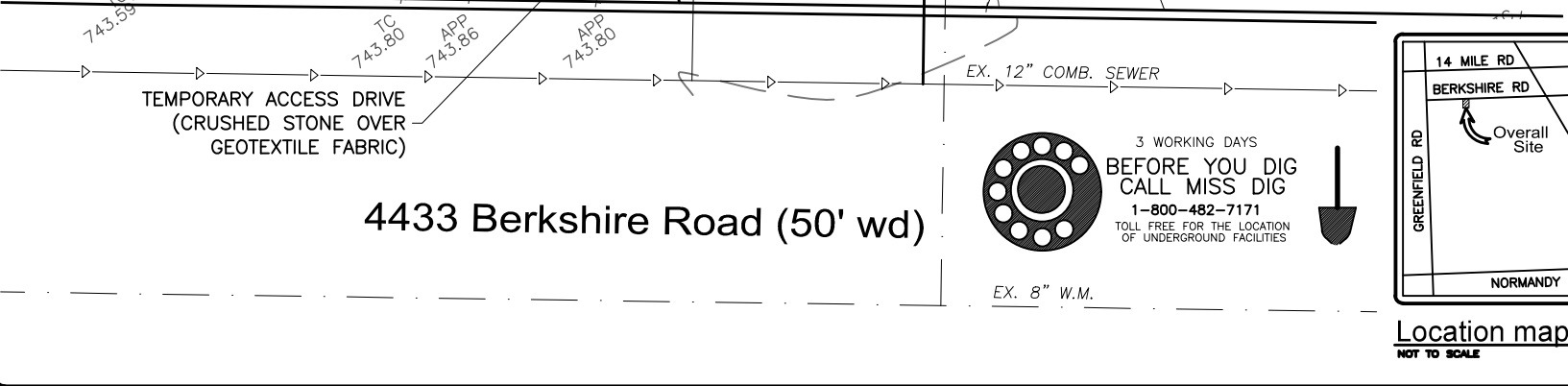
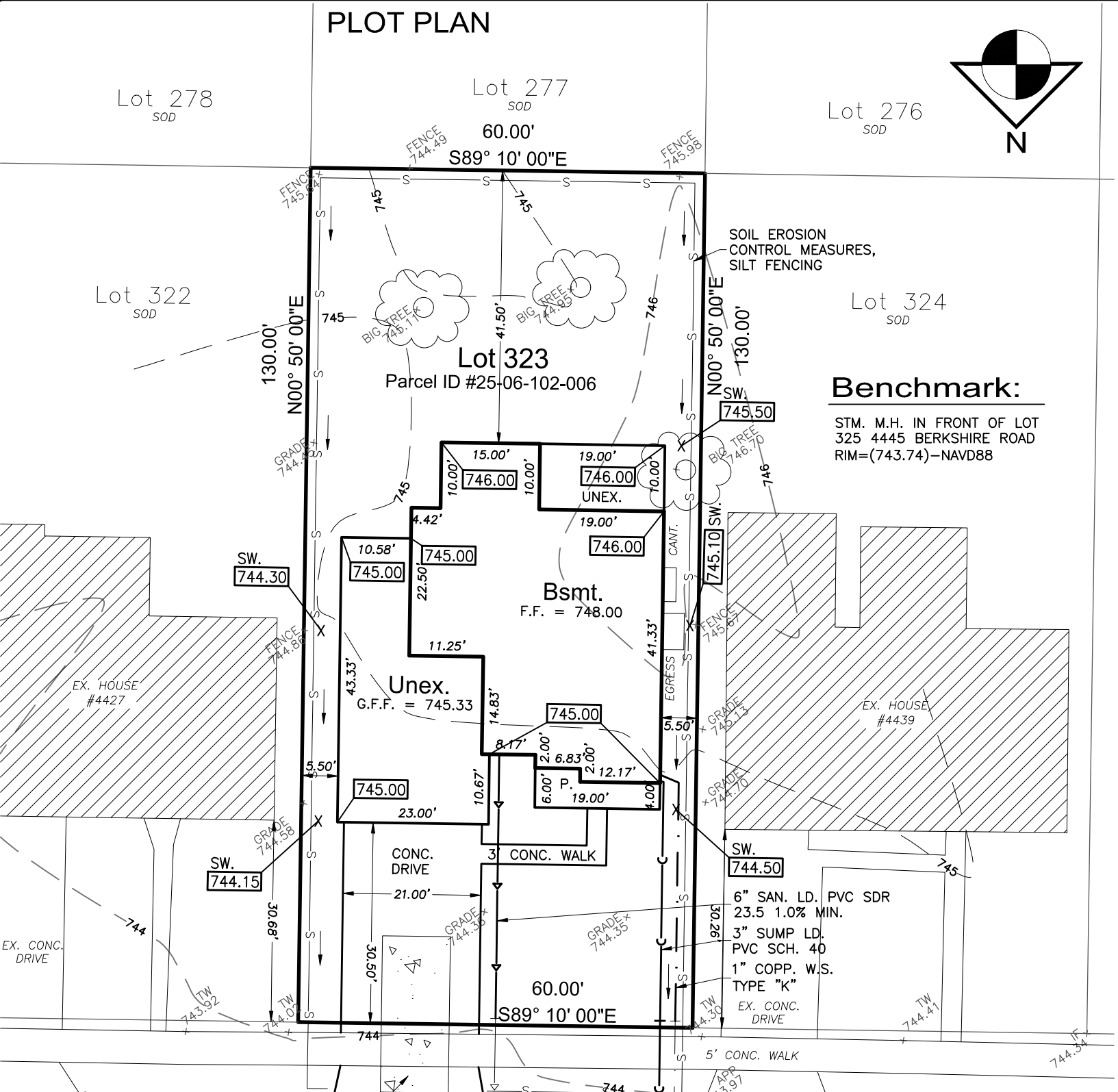
LOT = 7,800 SF  
HOUSE = 2,517 SF  
CONCRETE = 715 SF  
IMPERVIOUS AREA = 3,232 SF = 41.4%

## Plot Plan Legend:

- PROP. MASTER PLAN GRADES
- MAURO ENG. PROP. GRADES
- MATCH EXISTING GRADES
- AS BUILT GRADES/DIM.

## Plot Plan Notes:

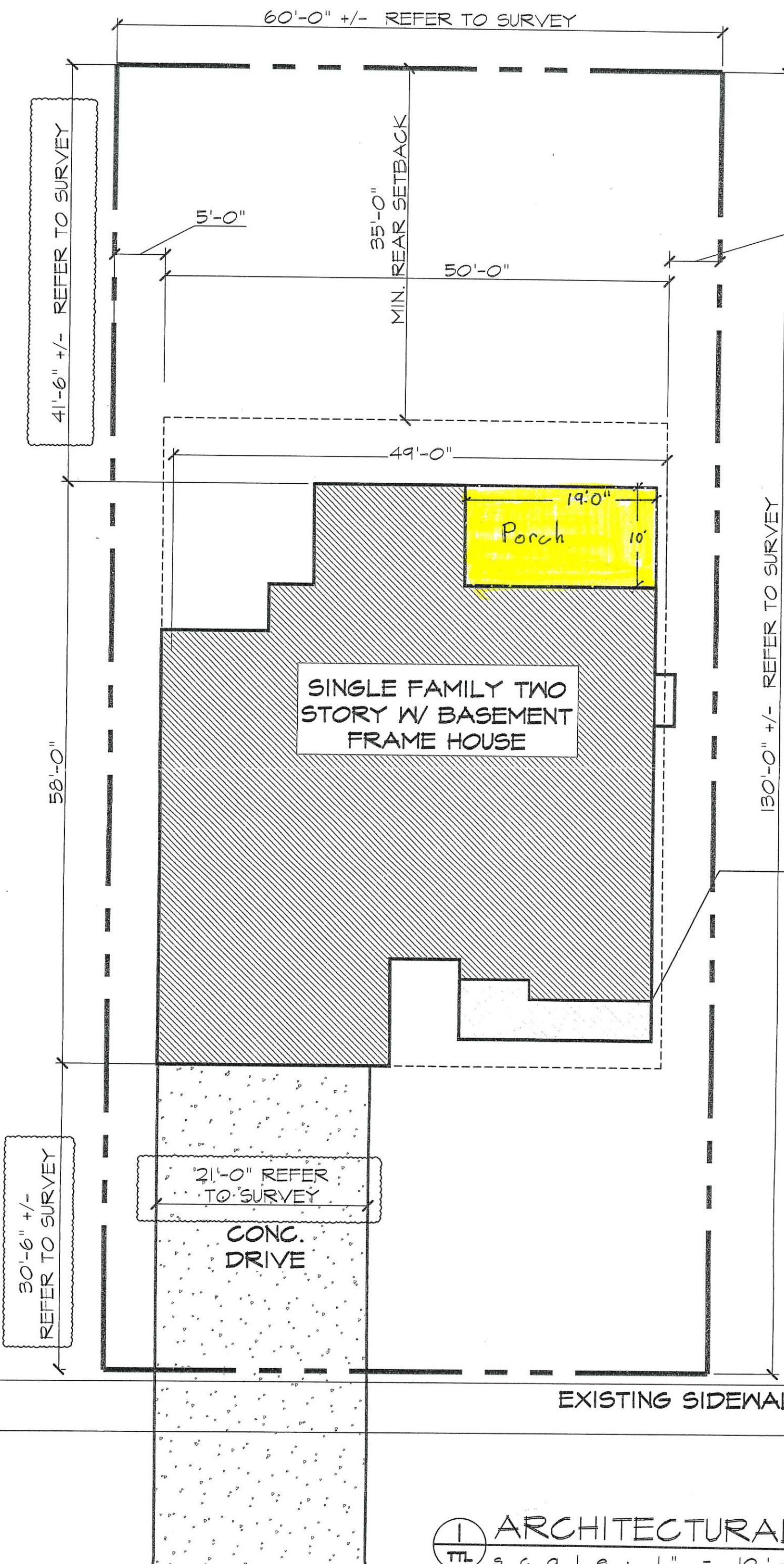
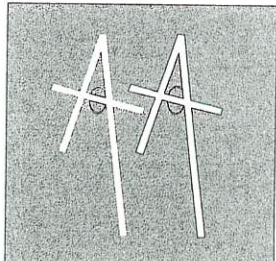
- 1.) AT AREAS WHERE ANY TYPE OF BACKFILL IS UNDER CONCRETE, PROVIDE 95% COMP. SAND
- 2.) BUILDER OR CONTRACTOR TO VERIFY WALL/POUR HEIGHT PRIOR TO ANY CONSTRUCTION



LEGAL DESCRIPTION: LOT 323 OF BIRWOOD SUBDIVISION OF PART OF THE N.E. 1/4 OF SECTION 1, T.1N., R.10E., AND PART OF THE N.W. 1/4 OF SEC. 6, T.1N., R.11E., OAKLAND COUNTY, MICHIGAN		REVISIONS:	BY:	CLIENT: RAPSHA HOMES
<b>Mauro Engineering</b> Development & Building Solutions • Civil Engineers • Designers • Planners 48657 Hayes Road Shelby Twp. MI 48315 p: 586-247-2800 f: 586-247-2811 visit us at: <a href="http://www.mauroeng.com">www.mauroeng.com</a>		DATE: 09-13-2023		TEL. NO.: 586-275-9204
1.) Assumes no responsibility for given house dimensions. Client must verify dimensions prior to const. 2.) This plan shall not be used to set foundations. 3.) Setbacks shown on this plot plan were obtained from the municipality, the client must verify any special Subdivision and/or deed restrictions. 4.) Lead locations shown on plan are approx. from approved plans. Contractor to field verify all lead locations. 5.) Assumes no responsibility for house placement designed within 0.5' of approved setbacks.		SCALE: 1"=20'		REF. NO.: -
4433 Berkshire Road (50' wd)		DRAWN BY: MIM.		DATE: 09-13-2023
3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 TOLL FREE FOR THE LOCATION OF UNDERGROUND FACILITIES		CHECKED BY: G.M.		SCALE: 1"=20'
Location map NOT TO SCALE		STATE OF MICHIGAN GIOVANNI BATTISTA MAURO PROFESSIONAL ENGINEER No. 6201058276		SIMONE B. MAURO P.E. No. 30592 GIOVANNI B. MAURO P.E. No. 58276

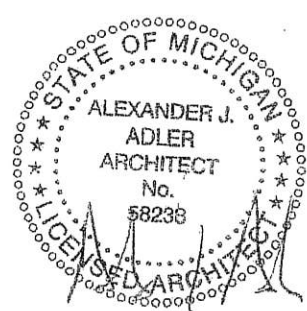
FILE: G:\2 SITEPLANS\23148 - RAPSHA HOMES BERKSHIRE



**ADLER ASSOCIATES, LLC**  
 ARCHITECTURE  
 1335 Park Dr  
 White Lake, Mi. 48386  
 586 214 5520  
 aadlerassociates@gmail.com  
 www.aadlerarchitect.com

**ARCHITECT**



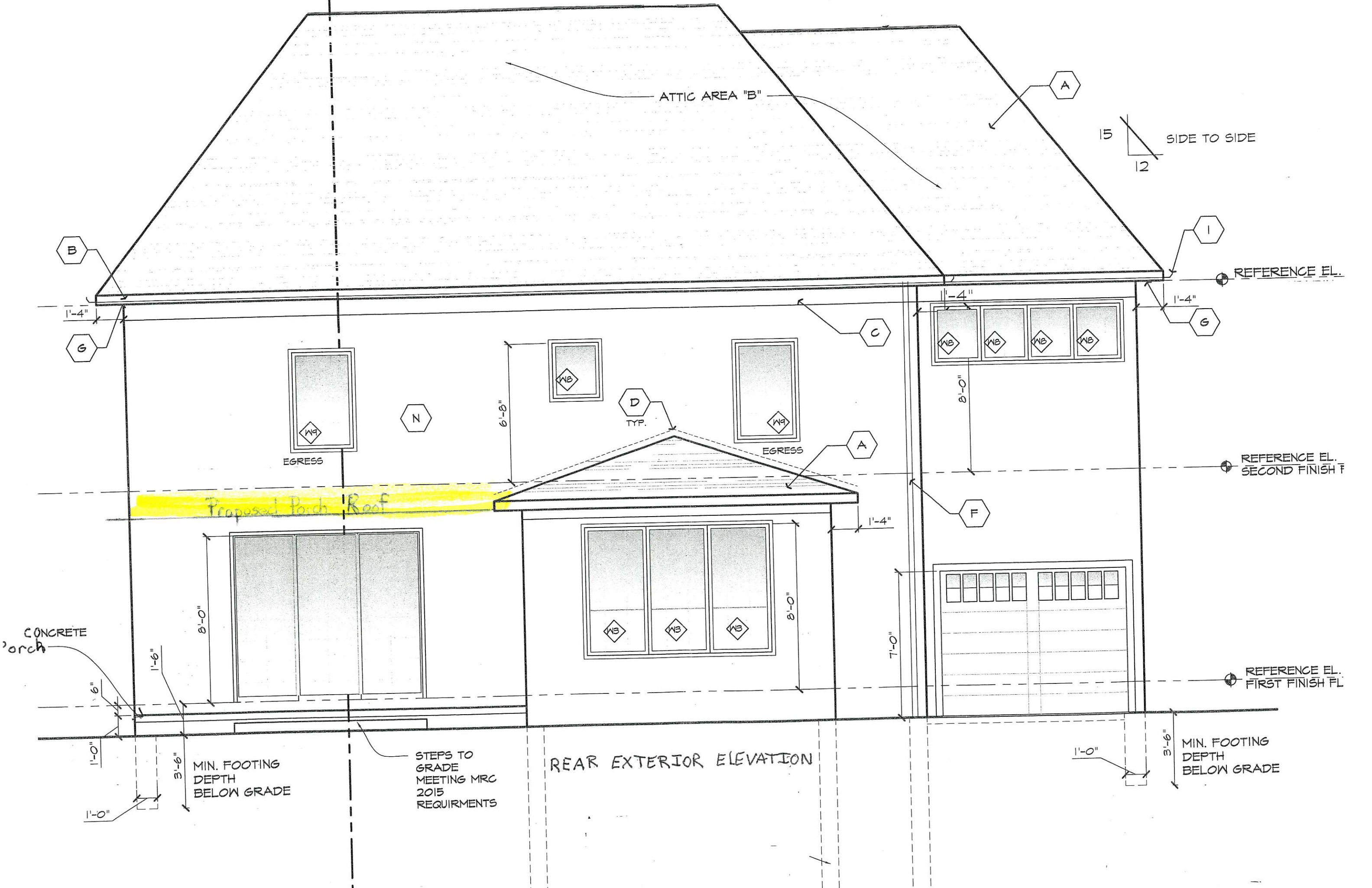
2317 SQUARE FEET  
 BUILDING SITE  
 COVERAGE



EXISTING SIDEWALK 7800 SQ FT

BERKSHIRE DRIVE





ATTIC AREA "B"

15  
12  
SIDE TO SIDE

REFERENCE EL.

REFERENCE EL.  
SECOND FINISH F

REFERENCE EL.  
FIRST FINISH FL

Proposed Porch Roof

CONCRETE  
porch

MIN. FOOTING  
DEPTH  
BELOW GRADE

STEPS TO  
GRADE  
MEETING MRC  
2015  
REQUIREMENTS

REAR EXTERIOR ELEVATION

MIN. FOOTING  
DEPTH  
BELOW GRADE

EGRESS

EGRESS

D  
TYP.

8'-0"

6'-8"

8'-0"

8'-0"

7'-0"

1'-6"

1'-0"

1'-0"

3'-6"

1'-4"

1'-4"

1'-4"

1'-4"

B

G

N

WB

WB

WB

WB

WB

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1'-0"

3'-6"

C

A

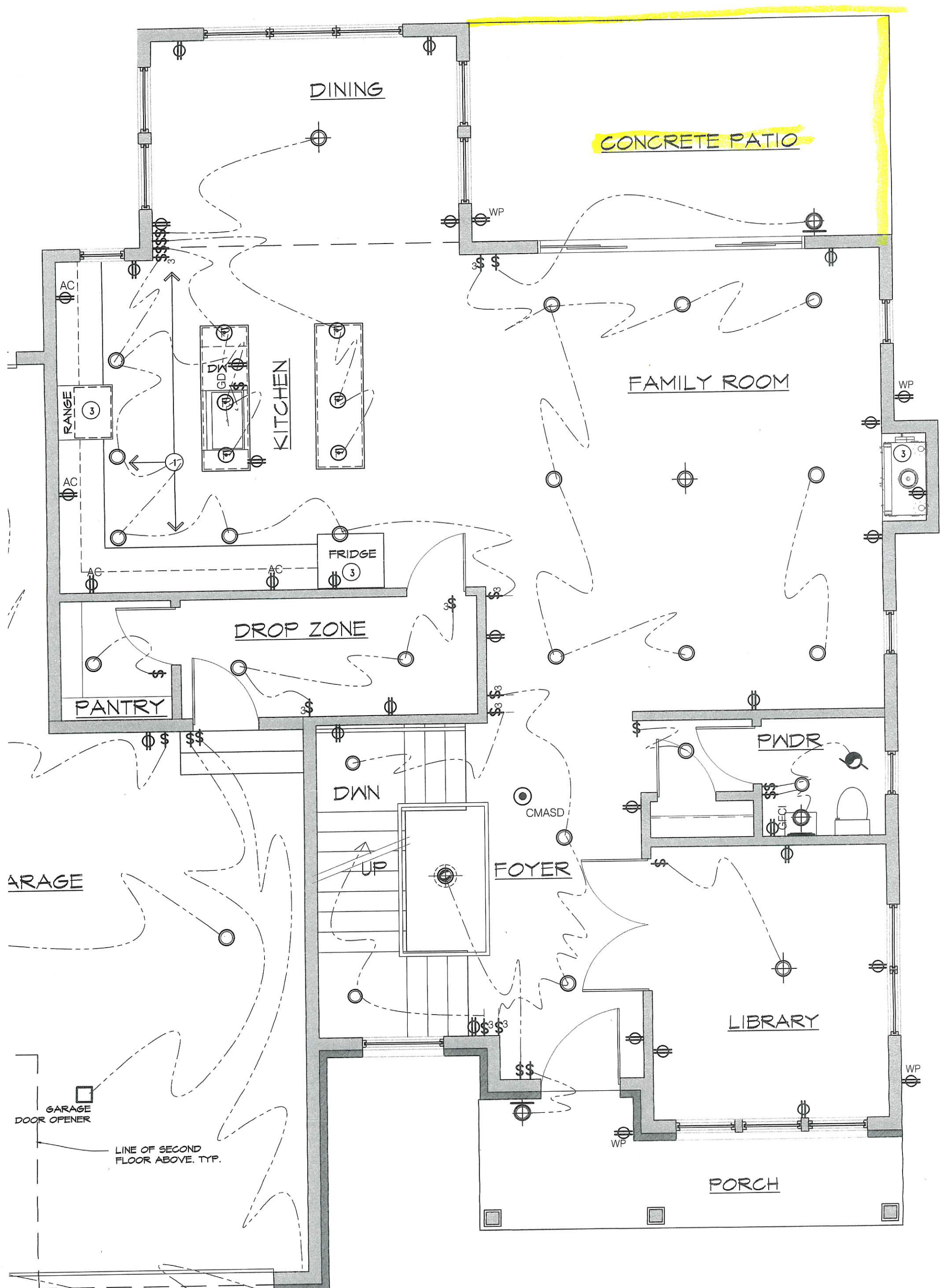
F

A

I

G







**Michael J. VanOverbeke & Robyn Bourgeois**  
4433 Berkshire Rd  
Royal Oak, MI 48074  
(248) 217-3876  
[mjv@vmtlaw.com](mailto:mjv@vmtlaw.com)

March 3, 2025

City of Royal Oak  
Community Development – Planning Division  
203 South Troy Street  
Royal Oak, MI 48067

RE: Variance Application to Zoning Board of Appeals  
4433 Berkshire Rd.

Dear Members of the Board,

We respectfully request that the Board grant a non-use zoning variance to waive 2.2% of the maximum allowable total lot coverage of 30% to permit construction of a roofed structure over an existing rear yard porch (10' X 19') at 4433 Berkshire Rd. (Parcel # 75-25-06-102-006). The literal application or enforcement of the Zoning Ordinance will result in practical difficulty and unnecessary hardship. The relief requested will not be contrary to the public interest, will provide substantial justice, and be in accordance with the spirit of the regulations.

Our home was new construction in 2024. It is our understanding that there are no current existing Zoning Ordinance variances. Our home meets or exceeds Zoning Ordinance requirements as to lot size, height, width, depth and setbacks in the rear and side yards. The addition of the roof structure over the porch will not be visible from the street and will not change the overall look of the house or placement on the lot.

We believe our request meets the criteria which you are to review in connection with the variance request. If the Zoning Ordinance is strictly applied, we will experience unnecessary hardship and it is our belief that exceeding the lot coverage limit by 2.2% will not negatively affect the neighboring properties. In support of this request, we provide the following:

- A. The new roof will provide improved stormwater management. Water drainage in the backyards on our block was a problem for our neighbors last summer. We have a stormwater drainage system installed throughout our property with underground drains and drain tile to assist with water run-off. All of our gutters and downspouts are connected to this system. Installing a roof with a gutter system over the porch will allow us to collect the water run-off that would otherwise drain from the porch into the yard. This will have a positive impact on our adjacent neighbor's yards.



- B. We love our Michigan seasons (well, maybe winter, not so much) and bought our new home with the intention of enjoying our back yard. We love to spend time outdoors in the spring, summer and fall. We have discovered that the sun directly hits the back porch for much of the day rendering its use unbearable and unsafe. This has been further complicated since DTE removed most of the trees and trimmed the remaining trees that grow across the back of our yard. We have attempted to put a patio umbrella on the porch however because of the configuration of the back of our house the wind gets "trapped" in the corner of the porch and blows any type of covering over. Also, the appearance of a patio umbrella on an elevated porch is not a pleasant aesthetic for our neighbors.
  
- C. The roof over the back porch will give us greater privacy in our home and protect our family-room floors, furniture and rug from direct sunlight and resulting sun damage. This will also help from an environmental impact standpoint by helping to shade the back of the house during the hot summer days.
  
- D. The roof over the porch will "square-off" a large portion of the back of the house which will result in a better house profile and aesthetic for our adjacent neighbors.
  
- E. The improvement will enhance the physical appearance of my home and improve property values for my home and the neighboring homes. As a result, the addition of the roof to the existing porch will not create any injustice to the community.

Based upon the foregoing, we respectfully ask for the approval of the requested variance. We look forward to attending a future Board Meeting to discuss any concerns or address any questions you may have. In the meantime, if anyone has any questions or requests for additional information, please feel free to contact us through the Planning Division.

Respectfully Submitted,

  
Michael VanOverbeke

  
Robyn Bourgeois