

CASE DESCRIPTION

680 Westwood

Hearing date: August 9, 2022

Appeal No. 22-36: The owner of the property known **680 Westwood**, requests the following variance to construct a deck.

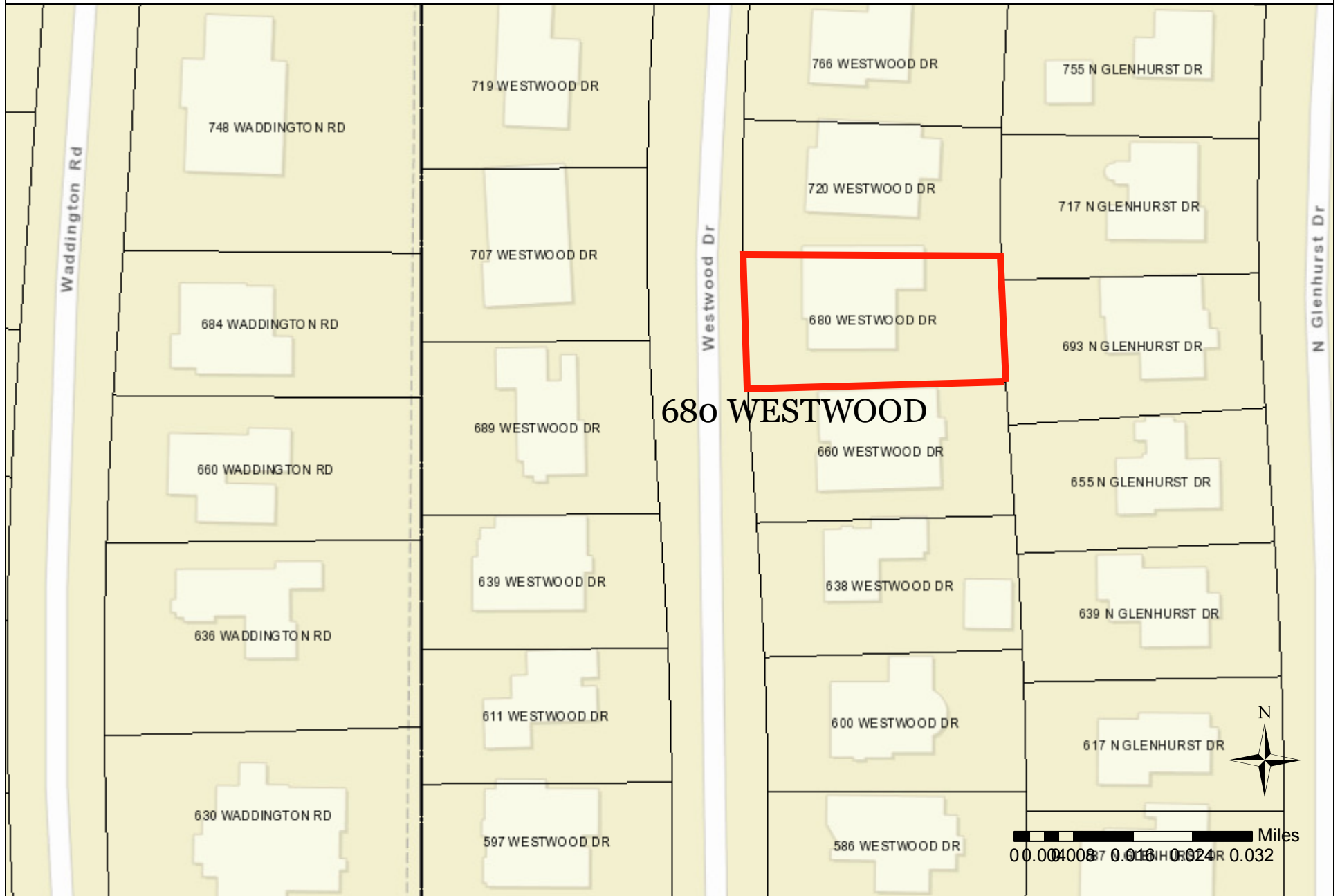
A. Chapter 126, Article 2, Section 2.06.1 of the Zoning Ordinance states that the maximum lot coverage is 30% for any lot. The maximum for this property is 2754.00 SF (30%). The existing is 3048.00 SF (33.20%). The proposed is 3020.00 SF (32.89%). Therefore, a variance of 294.00 SF (2.89%) is being requested.

Staff Notes: This home was constructed in 1993 and the applicant is looking to reconstruct an existing deck at the rear of the home.

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

680 WESTWOOD MAP



CITY OF BIRMINGHAM
Community Development - Building Department
151 Martin Street, Birmingham, MI 48009
Community Development: 248-530-1850
Fax: 248-530-1290 / www.bhamgov.org



APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 7-1-22

Hearing Date: 8-9-22

Received By: ULT

Appeal #: 22-0036

Type of Variance:	<input checked="" type="checkbox"/> Interpretation	<input checked="" type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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I. PROPERTY INFORMATION:

Address: 680 Westwood Dr Lot Number: 32 Sidwell Number:

II. OWNER INFORMATION:

Name: JASON REZNAR & TARA KLIX
Address: 680 Westwood Dr City: Birmingham State: MI Zip code: 48009
Email: reznarj@gmail.com Phone: 248-228-4653

III. PETITIONER INFORMATION:

Name: JASON & TARA Firm/Company Name:
Address: 680 Westwood Dr City: Birmingham State: MI Zip code: 48009
Email: reznarj@gmail.com Phone: 248-228-4653

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 12th day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted. Staff will explain how all requested variances must be highlighted on the survey, site plan and construction plans. Each variance request must be clearly shown on the survey and plans including a table as shown in the example below. All dimensions to be shown in feet measured to the second decimal point.

The BZA application fee is **\$360.00** for single family residential; **\$560.00** for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.

Variance Chart Example

Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A, Front Setback	25.00 Feet	23.50 Feet	23.50 Feet	1.50 Feet
Variance B, Height	30.00 Feet	30.25 Feet	30.25 Feet	0.25 Feet

V. REQUIRED INFORMATION CHECKLIST:

- ☐ One original and nine copies of the signed application
- ☐ One original and nine copies of the signed letter of practical difficulty and/or hardship
- ☐ One original and nine copies of the certified survey
- ☐ 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting

VI. APPLICANT SIGNATURE

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.

By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.

*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: [Signature]

Date: 7/1/2022

Signature of Petitioner: [Signature]

Date: 7/1/2022

ORIGINAL

**CITY OF BIRMINGHAM
BOARD OF ZONING APPEALS
RULES OF PROCEDURE**

ARTICLE I - Appeals

- A. Appeals may be filed under the following conditions:
1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
 2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
 3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.
- B. Procedures of the Board of Zoning Appeals (BZA) are as follows:
1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
 2. All applications for appeal shall be submitted to the Community Development Department on or before the 12th day of the month preceding the next regular meeting. If the 12th falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
 3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
 4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
 5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
7. An aggrieved party may appeal a Planning Board decision. Such appeal must be made within 30 days of the date of the decision. The BZA, in its discretion, may grant additional time in exceptional circumstances.
8. Appeals from a decision of the Building Official shall be made within 30 days of the date of the order, denial of permit, or requirement or determination contested. The BZA, in its discretion, may grant additional time in exceptional circumstances.
9. An appeal stays all proceedings in accordance with Act #110, Public Acts of 2006, Article VI, Section 125.3604 (3).

C. The order of hearings shall be:

1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
3. Interested parties' comments and view on the appeal.
4. Rebuttal by applicant.
5. The BZA may make a decision on the matter or request additional information.

D. Motions and Voting

1. A motion is made to either grant or deny a petitioner's request
 - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
 - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
 - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.
 2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.
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3. When there are less than seven (7) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity at the beginning of the meeting to elect to have it heard at the next regularly scheduled meeting.
4. When there are less than six (6) members present for a meeting, then all petitioners shall be given an opportunity at the beginning of the meeting to elect to have the request heard at the next regularly scheduled meeting.

ARTICLE II - Results of an Appeal

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.
- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a Certificate of Survey must be submitted to the Community Development Department with the building permit application. A building permit must be obtained within one year of the approval date.
- D. Failure of the appellant, or his representative, to appear for his appeal hearing will result in the appeal being adjourned to the next regular meeting. If, after notice, the appellant fails to appear for the second time, it will result in an automatic withdrawal of the appeal. The appellant may reapply to the BZA.
- E. Any applicant may, with the consent of the Board, withdraw his application at any time before final action.
- F. Any decision of the Board favorable to the applicant is tied to the plans submitted, including any modifications approved by the Board at the hearing and agreed to by the applicant, and shall remain valid only as long as the information or data provided by the applicant is found to be correct and the conditions upon which the resolution was based are maintained.

ARTICLE III - Rehearings

- A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.
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B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.



Signature of Applicant

680 Westwood Drive

CERTIFICATE OF SURVEY

ZONING REQUIREMENTS

R-1 RESIDENTIAL DISTRICT

LOT - MIN. AREA: 9,000 FT.²

COVERAGE - MAX. BLD.: 30%

- MAX. OPEN SPACE: 40%

SETBACKS - FRONT YARD: 25 FT. N/A

- REAR YARD: 30 FT.

- SIDE YARD: 9 FT.

- SIDE TOTAL: 17.5 FT.

HEIGHT - MAX. BLD.: 30 FT./2 STY.

EXISTING CONDITIONS

LOT - AREA: 9,180 FT.²

- WIDTH: 70 FT.

COVERAGE - BLD.: 3,048 FT.² 33.2%

- IMP.: 3,918 FT.² 42.7%

- OPEN SPACE: 5,262 FT.² 57.3%



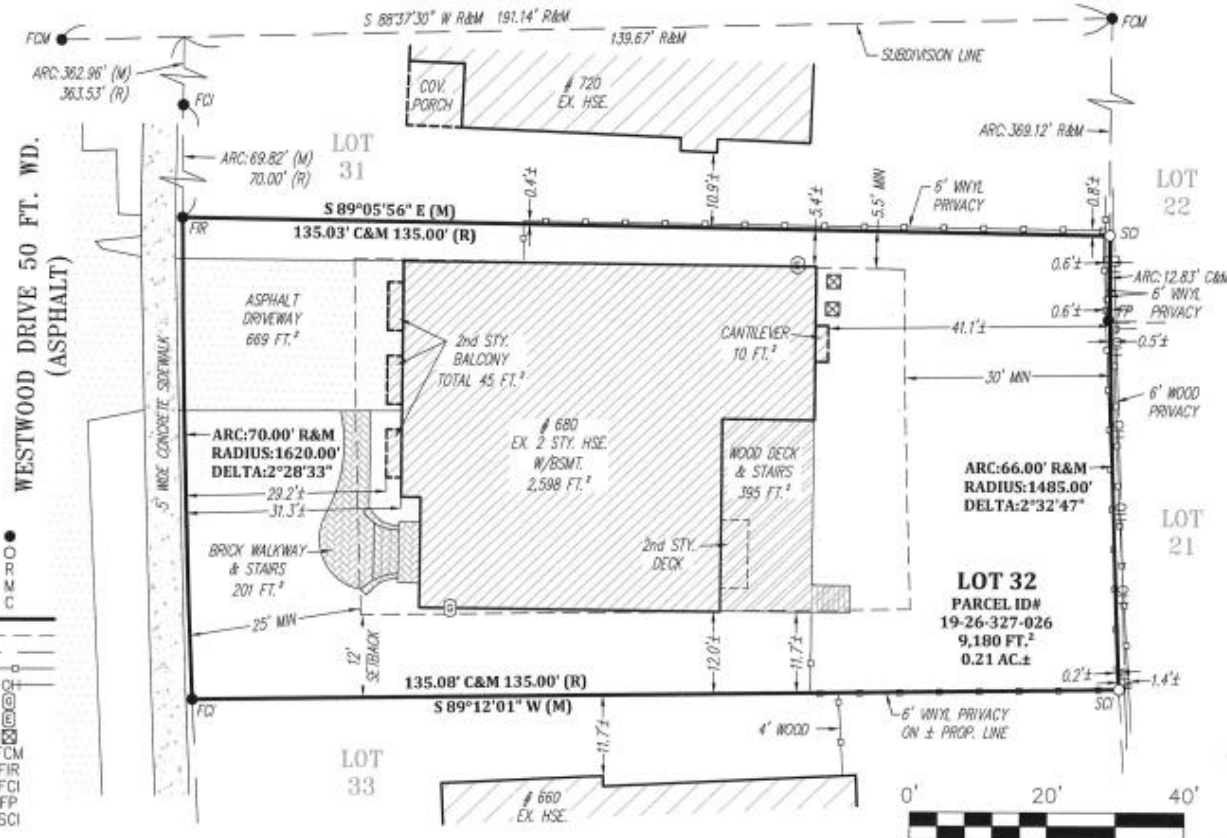
LEGAL DESCRIPTION

PARCEL ID# 19-26-327-026

LOT 32, OF "BLOOMFIELD WOODS", A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 10 EAST, BLOOMFIELD TOWNSHIP (NOW THE CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 42 OF PLATS ON PAGE 17, OF OAKLAND COUNTY RECORDS CONTAINING 0.21 ACRES OF LAND MORE OR LESS. ALSO SUBJECT TO ANY OTHER EASEMENTS OR RESTRICTIONS OF USE OR RECORD.

LEGEND

FOUND MONUMENTATION
SET MONUMENTATION
RECORD MEAS.
FIELD MEAS.
CALCULATED DIST.
PROPERTY LINE
EASEMENT LINE
PARCEL LINE
FENCE LINE
OVERHANG LINE
GAS METER
ELEC. METER
AIR CONDITIONING UNIT
FOUND CONC. MON.
FOUND IRON ROD
FOUND CAPPED IRON
FENCE POST
SET CAPPED IRON



Nowry & Hale
Land Surveying LLC
182 N. Main St., Suite B, Plymouth, MI 48170
Office: (734) 445-3500 Email: nowry@nowryandhale.com

SECTION: SW 1/4 Sec. 26
TN./RGE.: 2N./10E.
CITY/TWP: Birmingham
COUNTY: Oakland
DATE: 6/22/22
PROJ. #: 022-066
DWG. BY: JCP
1 INCH = 20 FEET

CLIENT:
Jason Reznar
680 Westwood Drive
Birmingham, MI 48009
PAGE # 1 OF 1

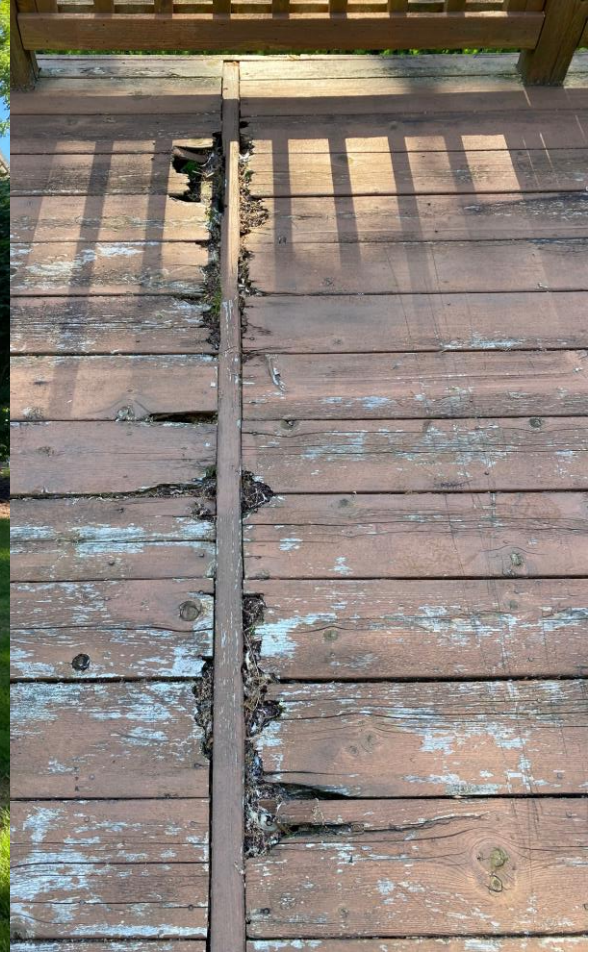
I, Michael J. Nowry, a Professional Surveyor in the State of Michigan do hereby Certify that the parcel of land described and delineated herein has been surveyed under my supervision, that the hereon is a true representation of the survey as performed, that the error of closure is no greater than 1 in 5000 and that I have fully complied with the requirements of Section 3, Public Act 132 of 1970.

Michael J. Nowry
Professional Surveyor # 52472

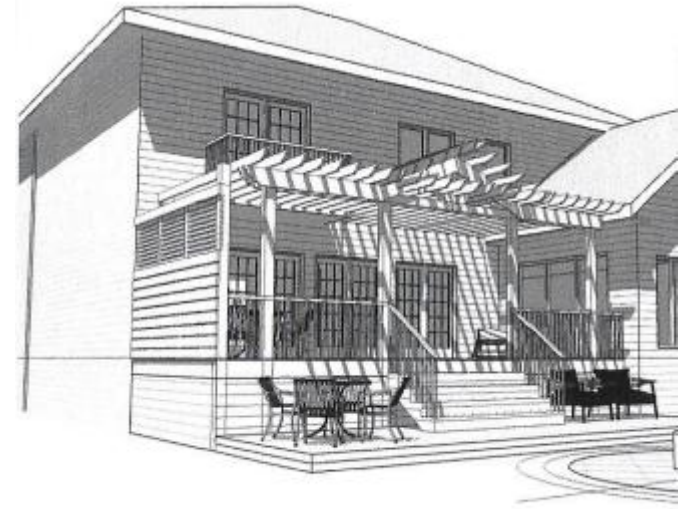
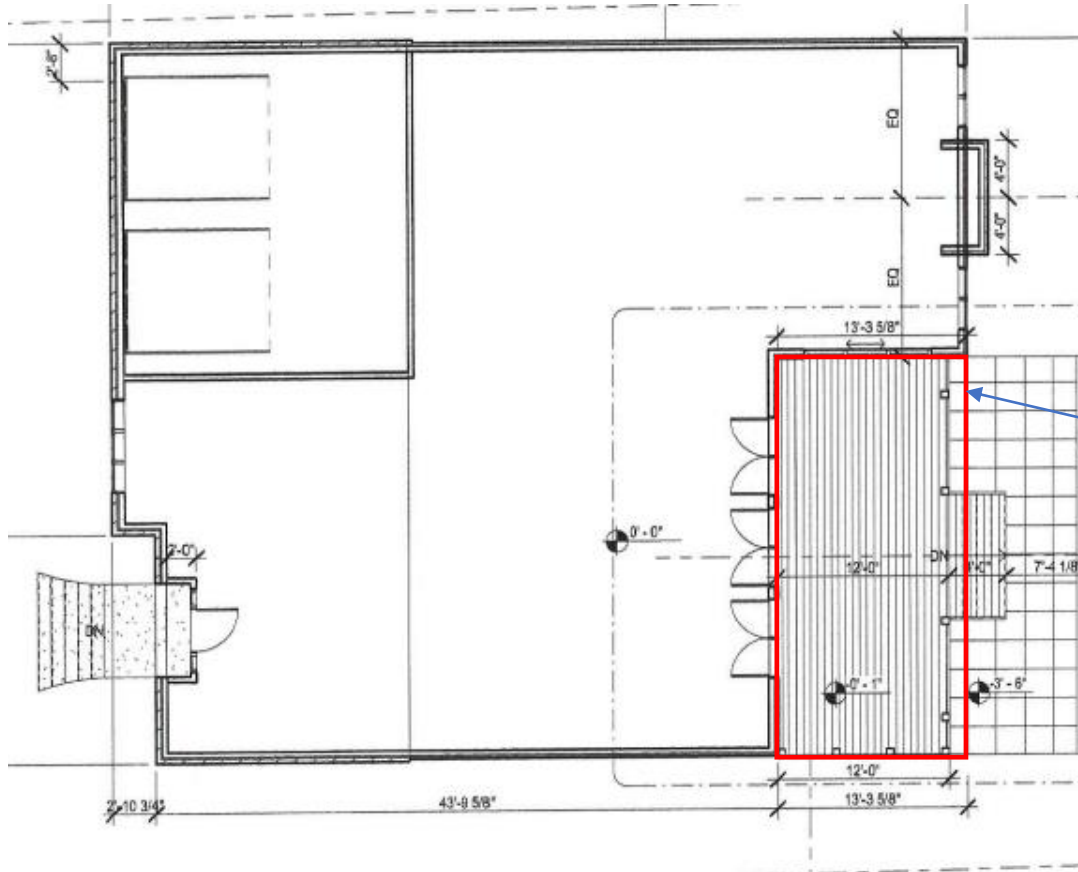
680 Westwood Drive



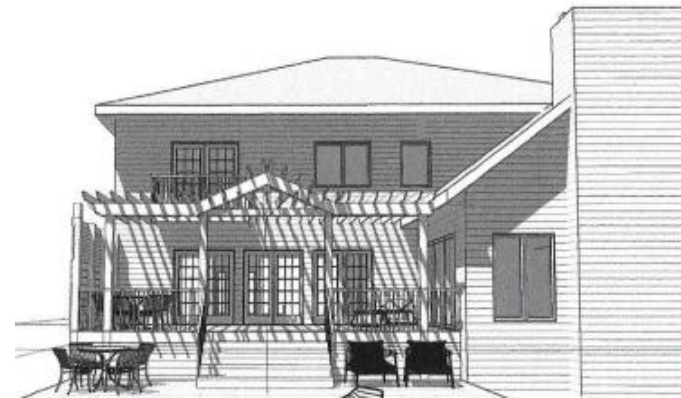
680 Westwood Drive



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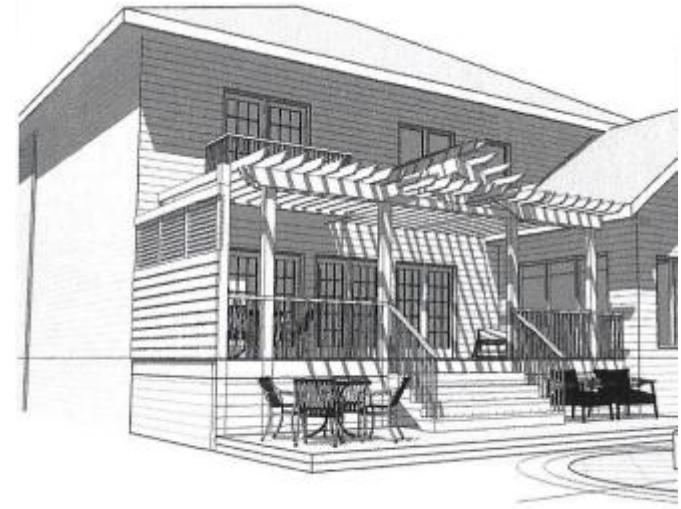
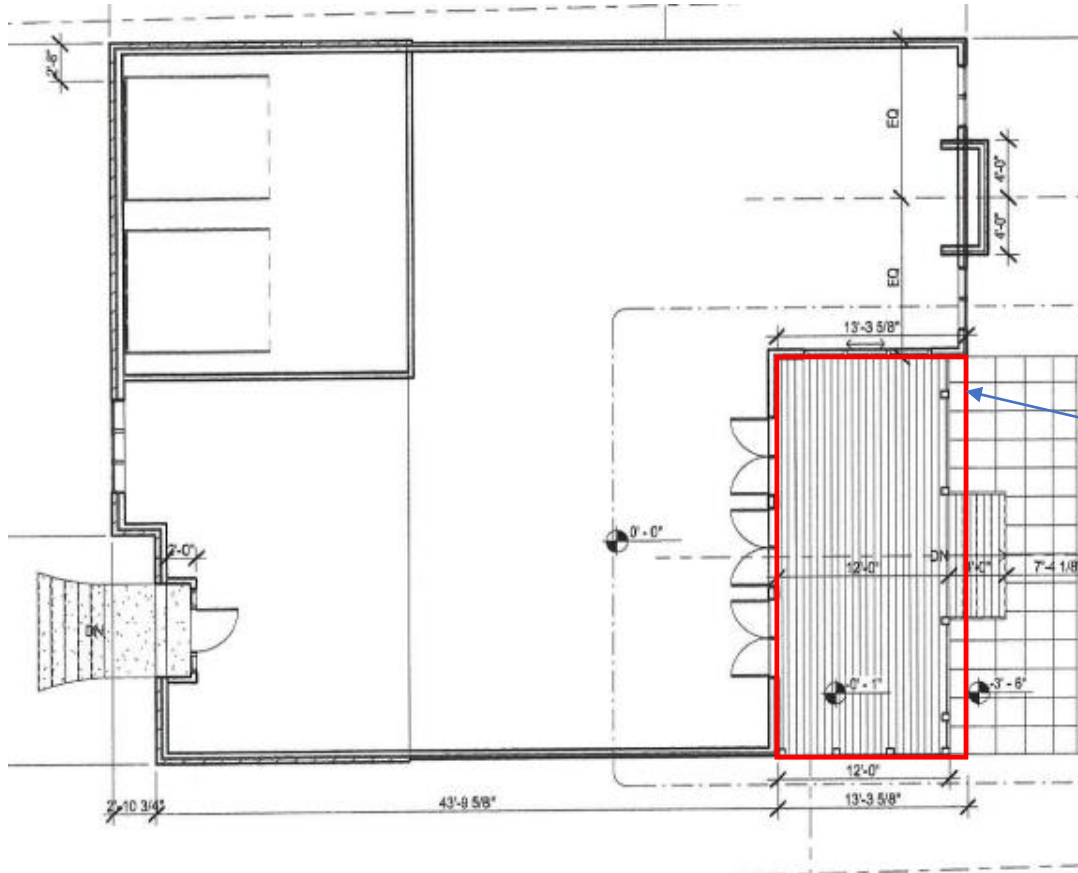


In red: Existing deck
Decreased deck to
mitigate coverage



New Deck Proposal with Pergola

680 Westwood Drive



In red: Existing deck
Decreased deck to
mitigate coverage

Lot size: 9,180 sq ft
Existing House: 2,653 sq ft
Existing Deck: 395 sq ft
Total: 3,048 sq ft
Percentage: 33.2%

Requesting from City
Lot size: 9,180 sq ft
Existing House: 2,653 sq ft
Existing Deck: 367 sq ft
Total: 3,020 sq ft
Percentage: 32.89%