

City of Birmingham
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, APRIL 12, 2022
7:30 PM

Should you have any statement regarding any appeals, you are invited to attend the meeting in person or virtually through ZOOM:

[https://zoom.us/j/963 4319 8370](https://zoom.us/j/96343198370) or dial: **877-853-5247 Toll-Free,**

Meeting Code: 963 4319 8370

You may also provide a written statement to the Board of Zoning Appeals, City of Birmingham, 151 Martin Street,
P.O. Box 3001, Birmingham MI, 48012-3001 prior to the hearing

April 12, 2022
7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

a) Per the CDC, COVID-19 Community Level for Oakland County is currently Low. The City continues to recommend the public wear masks while attending city meetings. These precautions are recommended while risks for COVID-19 transmission remain from new variants. All City employees, commissioners and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. The City continues to provide KN-95 respirators for all in-person meeting attendees.

4. APPROVAL OF THE MINUTES

a) March 14, 2021

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	1748 STANLEY	BLOOMINGDALE	22-08	DIMENSIONAL
2)	1687 QUARTON	TOBIAS	22-09	DIMENSIONAL
3)	633 W FRANK	POPELIER	22-10	DIMENSIONAL
4)	270 S GLENHURST	HALPERT INVESTMENTS	22-12	DIMENSIONAL
5)	1563 LAKESIDE	DAWKINS	22-13	DIMENSIONAL

6. CORRESPONDENCE

7. GENERAL BUSINESS

a) Election of Chairperson and Vice Chairperson

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

ADJOURNMENT

Title VI

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

The public entrance during non-business hours is through the police department at the Pierce Street entrance only. Individuals requiring assistance entering the building should request aid via the intercom system at the parking lot entrance gate on Henrietta Street.

La entrada pública durante horas no hábiles es a través del Departamento de policía en la entrada de la calle Pierce solamente. Las personas que requieren asistencia entrando al edificio debe solicitar ayudan a través del sistema de intercomunicación en la puerta de entrada de estacionamiento en la calle de Henrietta.

APRIL BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
Tuesday, March 8, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, March 8, 2022. Vice-Chair Jason Canvasser convened the meeting at 7:30 p.m.

2. Rollcall

Present: Board Members Jason Canvasser, Kevin Hart, Erik Morganroth, Ron Reddy, Pierre Yaldo

Absent: Chair Charles Lillie; Board Member John Miller

Administration:

Bruce Johnson, Building Official
Laura Eichenhorn, City Transcriptionist
Mike Morad, Assistant Building Official
Jeff Zielke, Assistant Building Official

Vice-Chair Canvasser welcomed those present and reviewed the meeting's procedures. He noted that only five board members were present, and that dimensional variances require four affirmative votes. Consequently, Vice-Chair Canvasser offered each petitioner the opportunity to postpone their petition to the next regularly scheduled BZA meeting.

Vice-Chair Canvasser also noted that he would have to recuse himself from Appeal 22-03. He advised the appellant that if they chose to be heard this evening, the appeal would need to receive unanimous approval from the remaining four Board members present.

Vice-Chair Canvasser took rollcall of the petitioners. All petitioners were present and interested in having their appeals heard at the present meeting.

Vice-Chair Canvasser described BZA procedure to the audience. He noted that the members of the Board of Zoning Appeals are appointed by the City Commission and are volunteers who serve staggered three-year terms. They are a quasi-judicial board and sit at the pleasure of the City Commission to hear appeals from petitioners who are seeking variances from the City's Zoning Ordinance. Under Michigan law, a dimensional variance requires four affirmative votes from this board, and the petitioner must show a practical difficulty. A land use variance requires five affirmative votes and the petitioner has to show a hardship. He pointed out that this board does not make up the criteria for practical difficulty or hardship. That has been established by statute and case law. Appeals are heard by the board as far as interpretations or rulings. In that type of appeal the appellant must show that the official or board demonstrated an abuse of discretion or

acted in an arbitrary or capricious manner. Four affirmative votes are required to reverse an interpretation or ruling.

T# 03-07-22

3. Announcements

Vice-Chair Canvasser welcomed new Board member Mr. Yaldo and congratulated Mr. Reddy on becoming a regular member of the Board.

The CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public. KN-95 respirators and 3-ply masks will be provided to everyone attending public meetings.

4. Approval Of The Minutes Of The BZA Meetings Of February 8, 2022

Mr. Hart said that on page eight "Mr. Hart said he would not support the variance either." should be changed to "Mr. Hart said he would not support the motion to deny either."

Motion by Mr. Morganroth

Seconded by Vice-Chair Canvasser to accept the Minutes of the BZA meeting of February 8, 2022 as amended.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Canvasser, Hart, Reddy, Yaldo

Nays: None

T# 03-08-22

5. Appeals

**1) 1572 Holland
Appeal 22-03**

Vice-Chair Canvasser recused himself from Appeal 22-03 at 7:37 p.m., citing an active business relationship with the appellant.

Vice-Chair Morganroth assumed facilitation of the meeting at 7:37 p.m.

ABO Zielke presented the item, explaining that the owner of the property known as 1572 Holland was requesting the following variance to construct a new single-family home with an attached garage:

A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 19.20 feet. The proposed is 14.61 feet. Therefore; a variance of 4.59 feet is being requested.

Derek Babi, builder, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Mr. Babi confirmed that the variance could be reduced by shifting the house further towards the east, but that the property would be more aesthetically pleasing with the variance as-proposed.

Vice-Chair Morganroth clarified that the BZA is required to evaluate appeals according to ordinance and potential practical difficulties, and not according to aesthetics or a variety of other factors.

Mr. Babi added that shifting the house to the east to reduce the variance would also prevent the appellant from meeting the 30% lot coverage limit.

In reply to Mr. Hart, ABO Zielke confirmed that the survey incorrectly showed the eastern setback as being at 13.9 feet instead of the correct 10.0 feet.

Mr. Hart observed that, in that case, the house could shift 3.9 feet to the east while maintaining the proposed dimensions. He stated that 3.9 feet could then be subtracted from the variance request, leaving a variance request of 0.69 feet.

Public Comment

Kevin O'Brien summarized comments from an email he sent to the Building Department about trees on the property.

Vice-Chair Morganroth noted that the topic was not within the Board's purview, and recommended Mr. O'Brien speak directly with the appellant, Code Enforcement, or the Building Department in order to address his concerns further.

Motion by Mr. Hart

Seconded by Mr. Reddy with regard to Appeal 22-03, A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 19.20 feet. The proposed is 14.61 feet. Therefore; a variance of 4.59 feet is being requested.

Mr. Hart moved to approve a reduced variance request for 0.69 feet on the east side setback. He said the appellant demonstrated some difficulties with the lot. He noted that the house could be shifted to the east without any loss of size. He said the

approval should be tied to the submitted documents and a corrected survey which would show the setback along Torry Street being at 10.0 feet.

Motion carried, 4-0.

VOICE VOTE

Yeas: Morganroth, Hart, Reddy, Yaldo

Nays: None

**2) 1001 Willow
Appeal 22-06**

Vice-Chair Canvasser rejoined the meeting and resumed facilitation at 8:02 p.m.

ABO Zielke presented the item, explaining that the owner of the property known as 1572 Holland was requesting the following variances regarding the height of a fence in the side yard and open space to install artificial turf in the rear open space:

A. Chapter 126, Article 4.11(A)1 of the Zoning Ordinance requires that fences shall not exceed 6.00 feet in height above grade when located in any portion of the required side or rear open space. The proposed fence located in the side yard is 7.00 feet in height. Therefore; a variance of 1.00 feet is being requested.

B. Chapter 126, Article 2.06.1 of the Zoning Ordinance requires that a lot maintain a minimum open space of 40% (5422.80 SF). The proposed is 37% (5023.00 SF). Therefore; a variance of 3% (399.80 SF) is being requested.

In reply to Mr. Hart, BO Johnson clarified that the ordinance would consider artificial turf a structure.

Jason DeLong, representative for the appellant, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

In reply to Mr. DeLong, BO Johnson stated that there might be a way for a fence to be installed near the current proposal that would be measured at six feet. He said that would take further discussion between the appellant and Staff.

Mr. Hart suggested that the height of the fence be measured at the average height since there is a slope, which he said might reduce the size of the request for variance B.

BO Johnson said that would be a way to look at it, but emphasized that any height over the six feet would still require a variance request.

Mr. Hart acknowledged that, saying that the unusual circumstances might result in a justification for a variance.

BO Johnson concurred, saying that he believed there is some topography on the site.

Mr. DeLong added that privacy is especially necessary in this case because of the appellant's celebrity status.

In reply to Mr. Yaldo, Mr. DeLong confirmed that the fence would not offer its intended function without a variance due to the slope of the backyard. He stated that currently if one were standing in the street they would be able to see directly into the rear yard.

In reply to Mr. Hart, Mr. DeLong confirmed that the shape of the property also contributed to the need for variance B.

Motion by Mr. Reddy

Seconded by Vice-Chair Canvasser with regard to Appeal 22-06, A. Chapter 126, Article 4.11(A)1 of the Zoning Ordinance requires that fences shall not exceed 6.00 feet in height above grade when located in any portion of the required side or rear open space. The proposed fence located in the side yard is 7.00 feet in height. Therefore; a variance of 1.00 feet is being requested.

Mr. Reddy moved to approve variance A only. He said that looking at the unique circumstances presented by the lot shape and the topography of the lot, the variance should be granted.

Mr. Morganroth said that while he has generally opposed fences higher than the ordinance allows, he found that the challenging grades of the lot in this case result in an exception to that rule. He noted that the average height of the fence if measured on both sides and averaged would be between six and seven feet. Since the rear yard is higher than the front yard, the fence would not serve its purpose if forced to comply with the ordinance in this case. He said for these reasons he would support the motion.

Vice-Chair Canvasser also offered his support of the motion. He noted that the lot has unique circumstances which include an irregular shape, a transformer in the rear yard, and an uneven grade. He stated that the four factors required for the granting of a variance were met by variance A said he would support the motion as a result.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Hart, Reddy, Yaldo, Canvasser

Nays: None

Motion by Mr. Hart

Seconded by Mr. Morganroth with regard to Appeal 22-06, B. Chapter 126, Article 2.06.1 of the Zoning Ordinance requires that a lot maintain a minimum open space of

40% (5422.80 SF). The proposed is 37% (5023.00 SF). Therefore; a variance of 3% (399.80 SF) is being requested.

Mr. Hart moved to approve variance B tied to the plans as submitted. He said that the neighboring properties would benefit from a system that would allow drainage without running off into other properties. He said the condition was not self-created, citing the topography and shape of the lot. He said granting the variance would do substantial justice to the property owner and to the adjacent properties.

Mr. Reddy said he would also support the motion since the variance was only for 3% and since the lot had a number of unique circumstances.

Mr. Morganroth clarified that the material is allowed under the ordinance, and that the topic under consideration was whether the extra 399.80 SF could be permitted. He said that in perspective that amounts to the size of a family room, and that granting the variance would allow the appellant to have as much use of his property as anyone else. He noted that other variances have been granted in the past regarding open space in order to enable an appellant's enjoyment of their property.

Vice-Chair Canvasser said he could not support the motion, despite his desire to, citing the fact that options were available for mitigating the need for variance A.

Vice-Chair Canvasser added that he was fully supportive of the Commission evaluating how artificial turf is treated in the ordinance vis-a-vis open space.

Motion carried, 4-1.

VOICE VOTE

Yeas: Morganroth, Hart, Reddy, Yaldo

Nays: Canvasser

**3) 680 Brookside
Appeal 22-07**

ABO Zielke presented the item, explaining that the owner of the property known as 680 Brookside was requesting the following variances to construct a new single family home with a detached garage:

A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires if a lot has frontage on two streets so that the rear lot line abuts the street, accessory structures shall be set back from the rear lot line the same distance required as a front setback for lots fronting on the street. The required is 54.80 feet. The proposed is 25.50 feet. Therefore; a variance of 29.30 feet is requested.

B. Chapter 126, Article 4.30(C)1 of the Zoning Ordinance allows covered porches to project into the required front open space and shall not be higher than the floor of the

first story. The proposed porch is higher than the floor of the first story. Therefore: a variance for the porch is being requested.

Roman Bonislowski, architect, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

In reply to Mr. Yaldo, Mr. Bonislowski stated that if the garage were attached to the house, the size of the house would need to be reduced. He said he believed a different variance than the ones being proposed would end up being required.

ABO Zielke confirmed that attaching the garage would result in the need for a different variance.

It was observed that the architect explored a number of ways of fitting the home on the property with a two-car garage while remaining in compliance with the ordinance.

Mr. Hart observed that there is quite a distance between this property and the next neighboring property to the east. He said it the neighbor to the east would have no real view of this property.

ABO Zielke concurred.

Mr. Bonislowski confirmed for Mr. Reddy that the extant driveway curb cut was reviewed and approved by MDOT.

Public Comment

Kristen Tait, neighbor to the north of 680 Brookside, said she appreciated the scale and design of the project. She noted that there is a gas service line that runs through hers and the appellant's yards. She said that the alternative of attaching 680 Brookside's garage to the house might not work because it might require building over the gas service line. She opined that the design as-proposed was a better design than the aforementioned alternative.

Motion by Mr. Morganroth

Seconded by Mr. Hart with regard to Appeal 22-06, A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires if a lot has frontage on two streets so that the rear lot line abuts the street, accessory structures shall be set back from the rear lot line the same distance required as a front setback for lots fronting on the street. The required is 54.80 feet. The proposed is 25.50 feet. Therefore; a variance of 29.30 feet is requested; and, B. Chapter 126, Article 4.30(C)1 of the Zoning Ordinance allows covered porches to project into the required front open space and shall not be higher than the floor of the first story. The proposed porch is higher than the floor of the first story. Therefore: a variance for the porch is being requested.

Mr. Morganroth moved to approve variance A and B and tied them to the plans as submitted. He said the appellant's review of the adjacent house placements, lot sizes, and the impact of those on the setbacks of the appellant's property, plus the fact that all attempts to build an ordinance-compliant home with a two car garage have been explored, plus the property's unique shape, location, and grade, persuaded him of the

need for variance A. Mr. Morganroth continued that variance B was necessary because of the grade change of the property. He noted that the need was not self-created and granting the variance would allow the appellant to use the property as intended.

Mr. Hart said he would support the motion because he also believed the project met the spirit of the ordinance. He said granting the variances would do substantial justice to the neighbor by not having the garage facing Brookside. He said with the grade changes and other unique circumstances of the lot the architect did an excellent job and for that reason he would be supporting the motion.

Mr. Yaldo said that the narrowness of the lot and the topography led to a practical difficulty without self-creation.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Hart, Reddy, Yaldo, Canvasser

Nays: None

T# 03-09-22

6. Correspondence

BO Johnson provided the Board with one letter in regards to Appeal 22-03 than came in after the agenda went out. He noted the letter was also provided to the appellant. All other correspondence was included in the agenda packet.

T# 03-10-22

7. General Business

Vice-Chair Canvasser announced that elections for Vice-Chair and Chair would occur at the April 2022 meeting and that those interested in running for a position should notify BO Johnson of their interest.

T# 03-11-22

8. Open To The Public For Matters Not On The Agenda

None.

T# 03-12-22

8. Adjournment

Motion by Mr. Morganroth

Seconded by Mr. Reddy to adjourn the March 8, 2022 BZA meeting at 9:16 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Reddy, Yaldo, Canvasser, Hart

Nays: None

Bruce R. Johnson, Building Official



Laura Eichenhorn

City Transcriptionist

CASE DESCRIPTION

1748 Stanley (22-08)

Hearing date: April 12, 2022

Appeal No. 22-08: The owner of the property known as 1748 Stanley requests the following variance to construct a new detached garage:

A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal residential building on an adjoining lot than the sum of the minimum required side setbacks. The required is 14.00 feet. The proposed is 10.80 feet. Therefore; a variance of 3.20 feet is being requested.

Staff Notes: This applicant has a permit to construct the new home with a detached garage. The applicant has the proposed garage further off the lot line in order to comply with a DTE requirement and is requesting a variance to move the detached garage in order to meet the Ordinance for required side setbacks.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1748 STANLEY 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: 3/11/22
 Received By: HT

Hearing Date: 4.12.22
 Appeal #: 22-0008

Type of Variance:	<input 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: <u>1748 Stanley</u>	Lot Number: <u>271</u>	Sidwell Number: <u>19-36-354-019</u>
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II. OWNER INFORMATION:

Name: <u>1748 Stanley LLC</u>			
Address: <u>602 W. University Dr.</u>	City: <u>Rochester</u>	State: <u>MI</u>	Zip code: <u>48307</u>
Email: <u>john@builtbybh.com</u>	Phone: <u>(248) 877-6773</u>		

III. PETITIONER INFORMATION:

Name: <u>John Bloomingdale</u>	Firm/Company Name: <u>Bloomingdale Homes, Inc.</u>
Address: <u>602 W. University Dr.</u>	City: <u>Rochester</u>
Email: <u>john@builtbybh.com</u>	Phone: <u>(248) 877-6773</u>

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

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.

Signature of Owner: _____

Date: 3-10-22

Signature of Petitioner: _____

Date: 3-10-22

Bloomington Homes, Inc.

248-877-6773

John@builtbybh.com

March 9, 2022

City of Birmingham
ZBA

To Whom It May Concern,

This is a letter of practical difficulty and hardship with respect to 1748 Stanley Blvd. We are building a 3,469 square foot home on a 50' x 128' lot. The neighbor to the south has a rear setback of approximately 32' 7", which limits how far we can put our garage from the south property line. Typically, garages in this area have a side setback of 3' from the property line. We are also unable to move the driveway to the other side of the property.

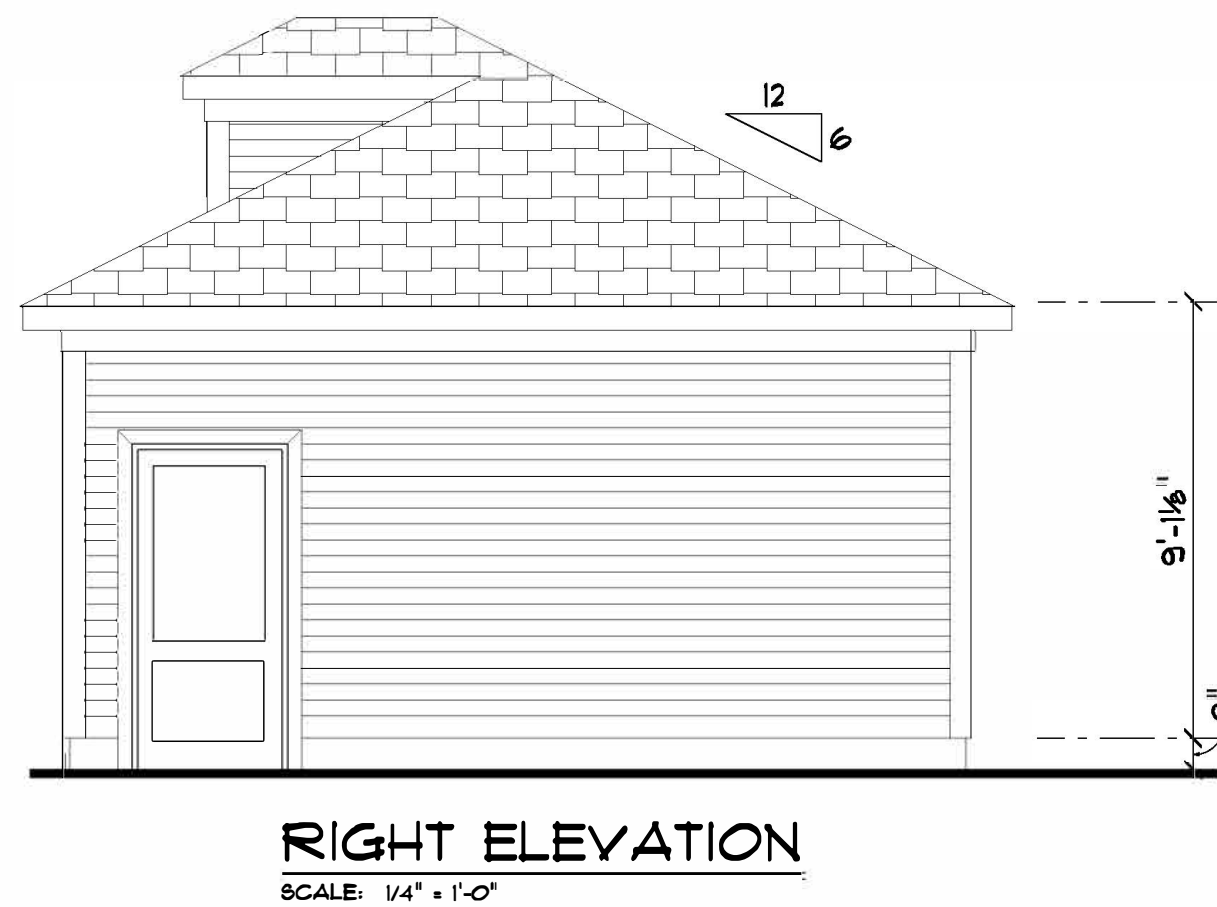
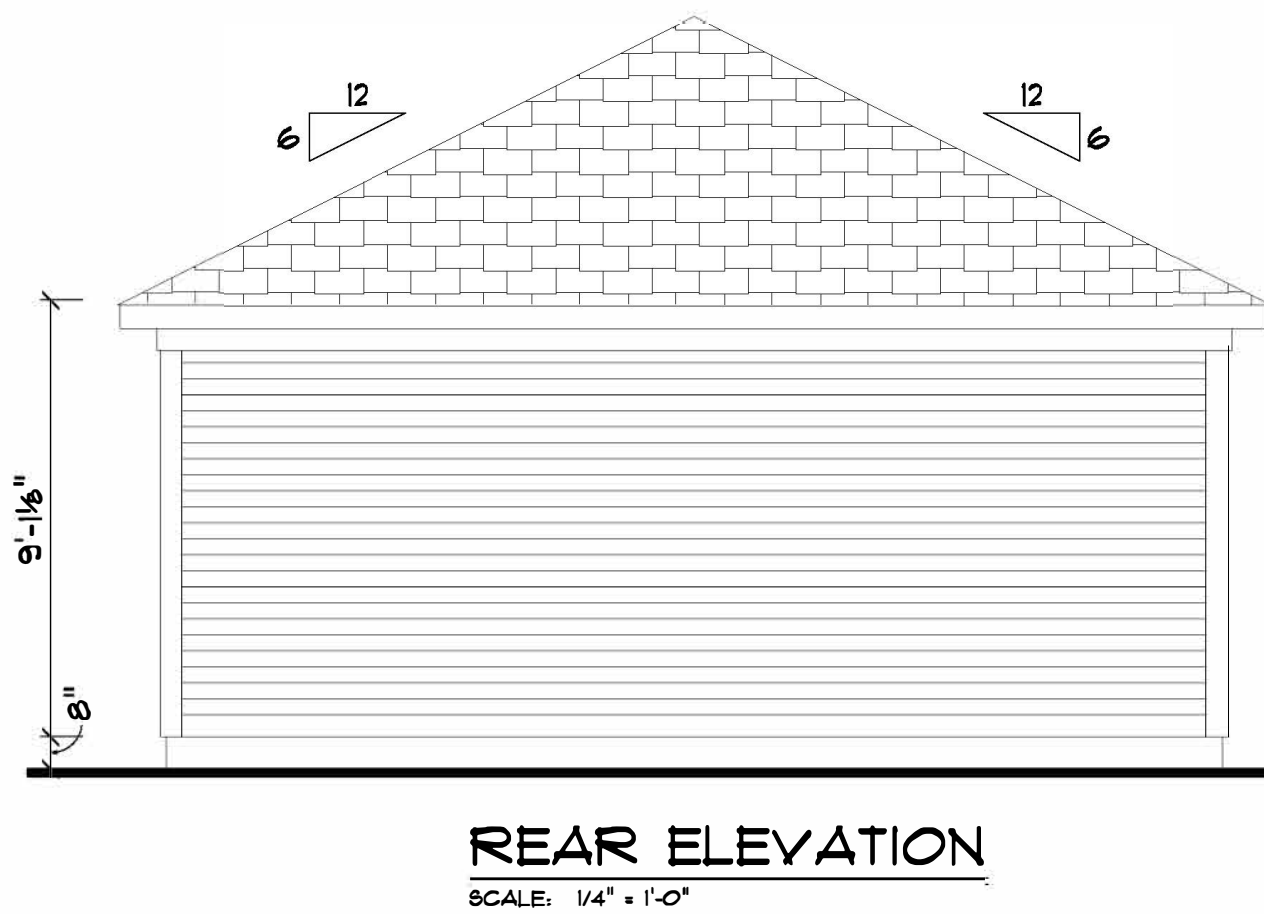
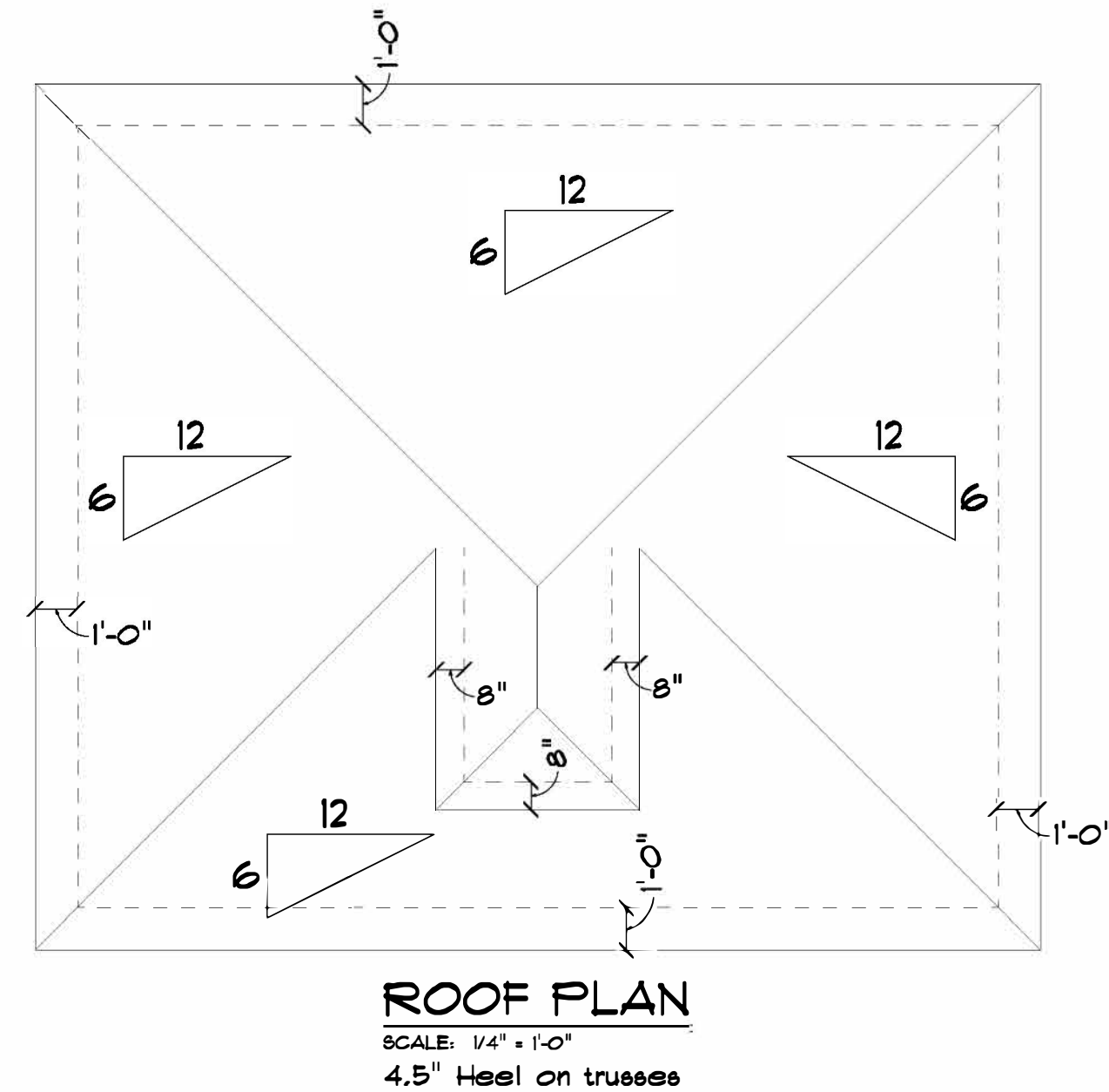
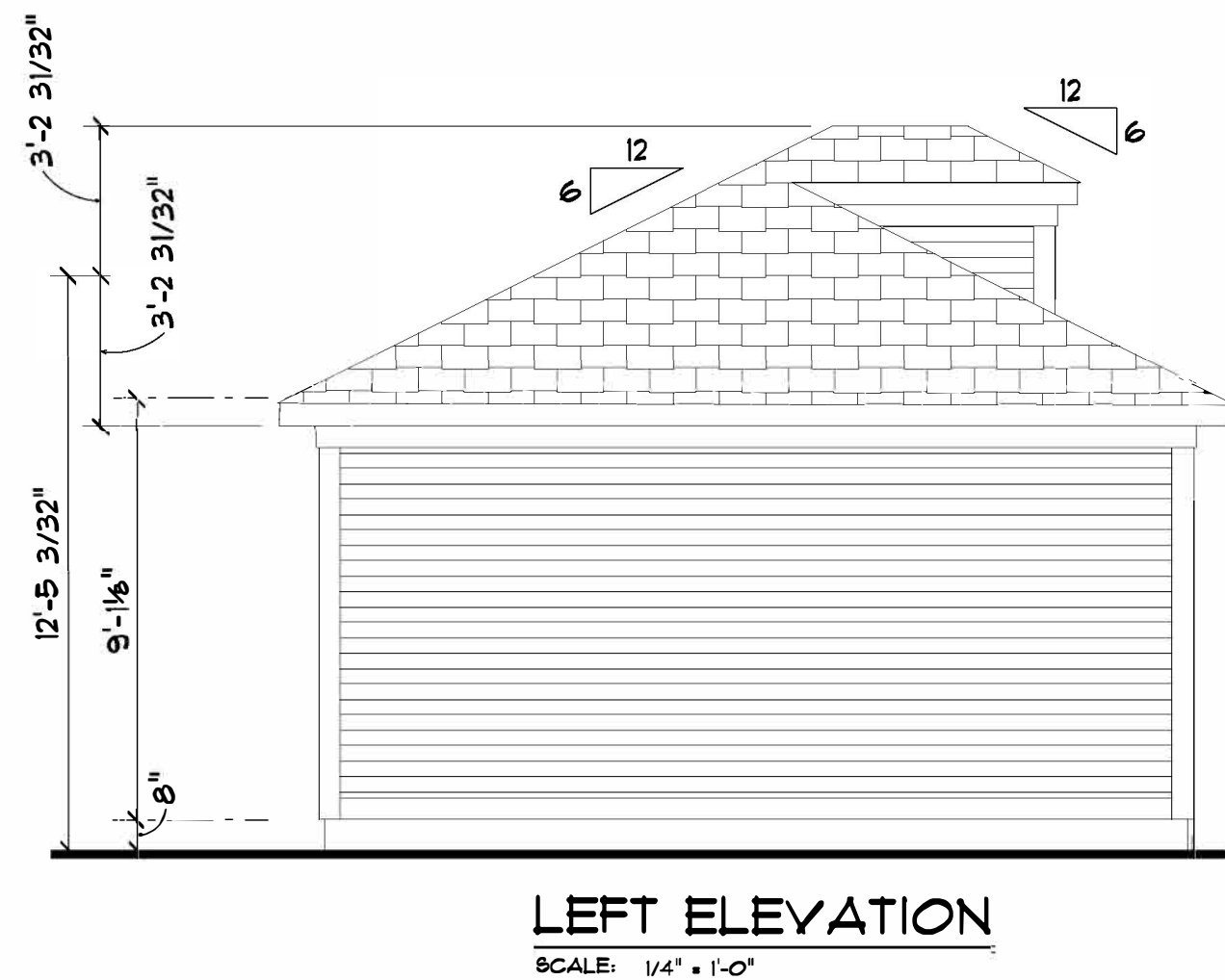
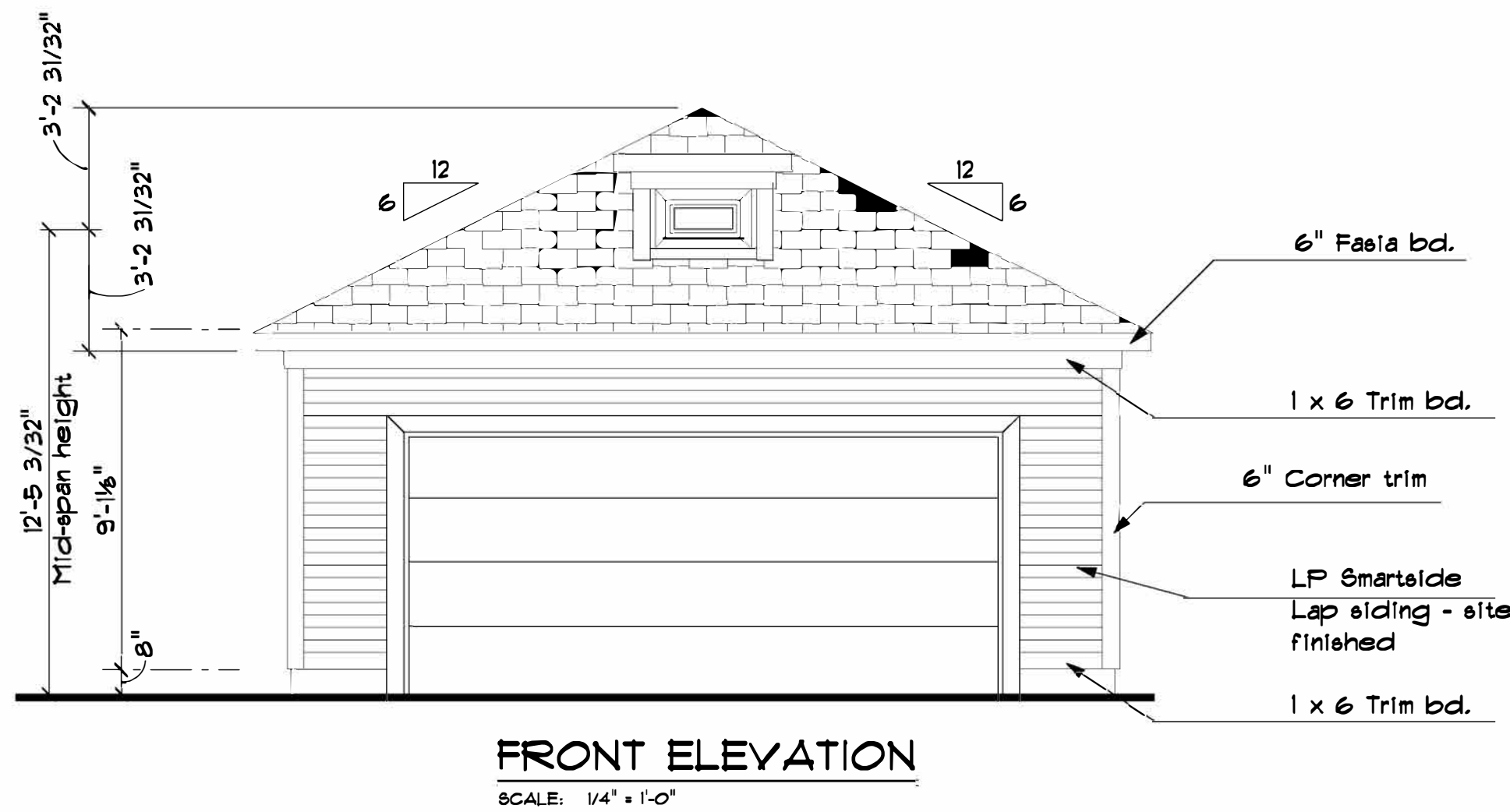
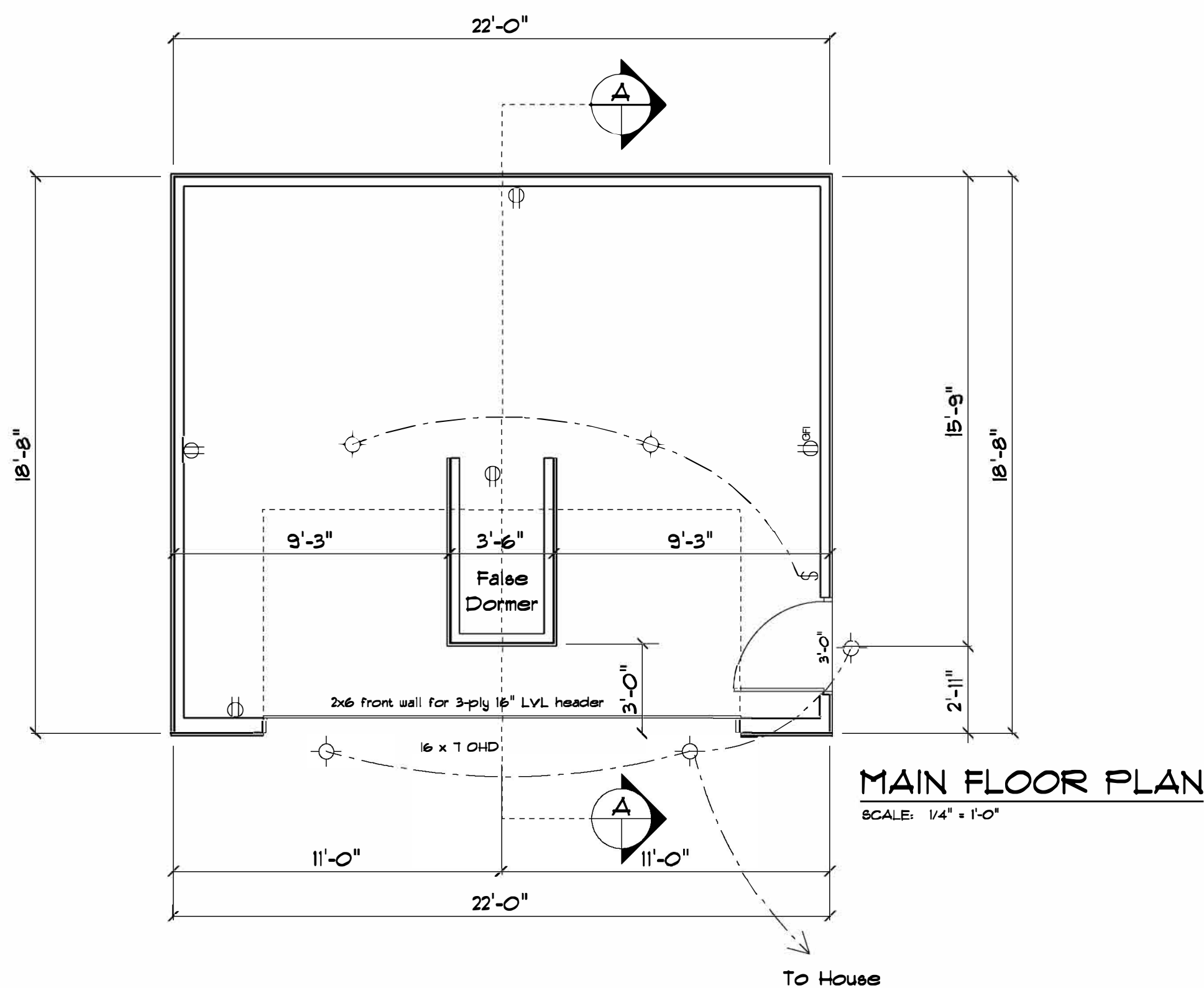
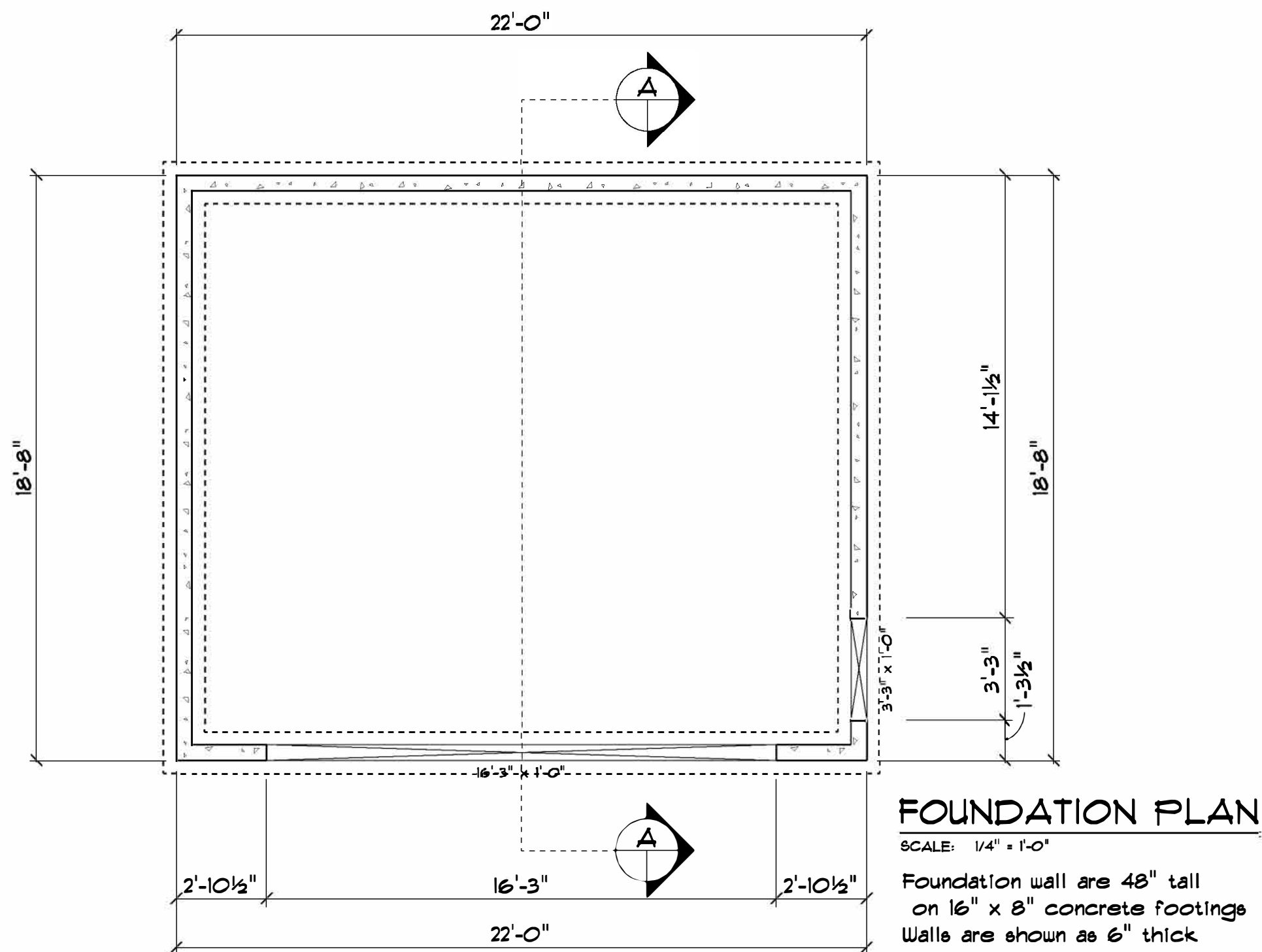
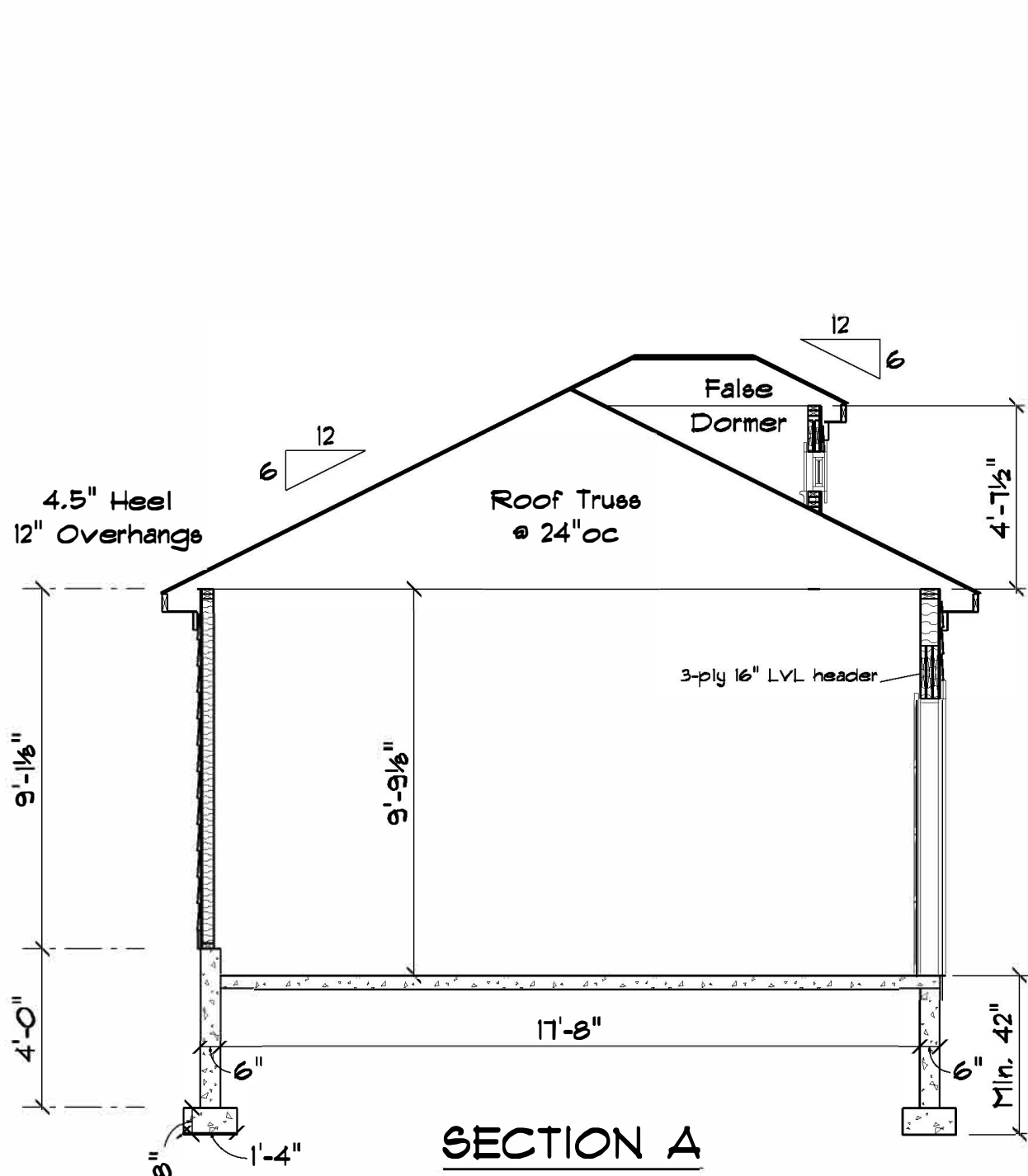
Due to the south neighbor's rear setback, the garage must be 14' away from the south neighbor's home. In addition, DTE has lines encroaching on the property in the rear; and as a result, the home has a rear setback is 11' 5". If there was no DTE encroachment, we would be able to move the garage several feet back towards the rear property line and 3' closer to the property line on the south side. We have contacted DTE and we are unable to even apply for a variance because they don't allow it, making it impossible to move the garage any further back.

We are applying for a variance to be able to move the garage to 3' from the right property line.

Thank you




John Bloomingdale
President



BLOOMINGDALE
HOMES

602 W. University Dr. | Rochester, MI 48307
Phone: 248.651.6701 | Fax: 248-608-6550



Oak Street
Design

1135 N. Oak St.
Rochester, MI 48307
jenna@oakstdesign.com
Phone: (248) 891-1629

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BLOOMINGDALE HOMES.

project

Proposed Residence
1748 Stanley Blvd.
Birmingham, MI. 48009

zoning

ZONING: R2
SETBACKS: FRONT YARD - 40'-2 3/8"
REAR YARD - 35'
SIDE YARD - 5' & 10'
MAX. HT.: 28' TO MIDPOINT FOR SLOPED ROOFS

LOT COVERAGE	
LOT SIZE	= 6,409 SF
MAX. % COVERAGE	x 30%
MAX. ALLOWABLE	= 1,923 SF
BUILDING FOOTPRINT	= 1,469 SF
GARAGE	= 411 SF
ACTUAL COVERAGE	= 1,880 SF

SQUARE FOOTAGE	
MAIN LEVEL	= 1,458 SF
SECOND LEVEL	= 1,479 SF
THIRD LEVEL	= 555 SF
TOTAL SQUARE FT.	= 3,492 SF
FIN. BASEMENT SF	= 1,149 SF

CODE:
DESIGNED IN ACCORDANCE WITH MICHIGAN
RESIDENTIAL CODE 2015, MICHIGAN PLUMBING CODE
2015, MICHIGAN MECHANICAL CODE 2015 AND THE
2015 NATIONAL ELECTRICAL CODE.

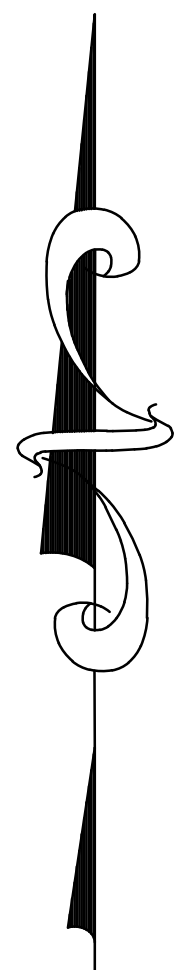
sheet title

GARAGE FLOOR PLANS

6.2.21	PERMIT SET
8.26.21	Smoke & Co Detectors Added
9.15.21	Revised size for permitting
10.27.21	Window Bedroom 4

NOTE:
CONTRACTOR MUST VERIFY ALL
DIMENSIONS & NOTIFY GENERAL
CONTRACTOR OF ANY DISCREPANCIES

sheet



LEGEND

- FIB FOUND IRON BAR
- (R) RECORD
- (M) MEASURED
- EX. UTILITY POLE
- EX. AIR CONDITIONER
- EX. ELECTRIC METER
- EX. GAS METER
- EX. TELEPHONE PEDESTAL
- EX. WATER MAIN
- EX. SANITARY SEWER
- EX. OVERHEAD LINES
- EX. FENCE
- EX. DECIDUOUS TREE
- EX. HEDGE/SHRUB ROW
- REMOVE EX. TREE
- PRO. STORM SEWER
- PRO. SANITARY LEAD
- PRO. CLEANOUT
- PRO. CATCH BASIN
- PRO. DRAINAGE ARROW
- PRO. TOP/PAVEMENT ELEV.
- PRO. TOP/CURB ELEV.
- PRO. GUTTER ELEV.
- PRO. SPOT ELEV.
- PRO. DOWNSPOUTS

ZONING:

R2, SINGLE-FAMILY RESIDENTIAL DISTRICT

SETBACKS:

FRONT: (SEE CALCULATIONS)
REAR: 30 FEET MINIMUM
SIDES: 9 FEET ONE SIDE
5 FEET MINIMUM OTHER SIDE
14 FEET TOTAL

AVERAGE FRONT SETBACK:

HOUSE NO.	FRONT SETBACK
#1690	40.2 FEET
#1710	40.6 FEET
#1726	40.1 FEET
SITE	
#1764	40.1 FEET
#1782	40.0 FEET
#1808	40.2 FEET
#1832	39.9 FEET
AVG. =	40.2 FEET

BENCHMARKS:

SITE BM #1
NAIL IN WEST FACE OF 22" MAPLE ON WEST SIDE OF STANLEY BOULEVARD, IN FRONT OF HOUSE #1748.
ELEVATION: 758.00 CITY DATUM

CITY BENCHMARK #28
SOUTHWEST CORNER OF SOUTHFIELD & WAKEFIELD.
ELEVATION: 743.952 CITY DATUM

SURVEY NOTES:

- TITLE WORK WAS NOT PROVIDED. EXISTING EASEMENTS, IF ANY, HAVE NOT BEEN SHOWN.
- A WETLAND AND TREE SURVEY WERE NOT PERFORMED AS PART OF THIS SURVEY.

LEGAL DESCRIPTION (BY OTHERS):

LOT 271 OF "BIRMINGHAM CRESTVIEW SUBDIVISION", OF PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM (FORMERLY BLOOMFIELD TOWNSHIP), OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT RECORDED IN LIBER 14 OF PLATS, PAGE 13, OAKLAND COUNTY RECORDS.

FLOOD HAZARD STATEMENT:

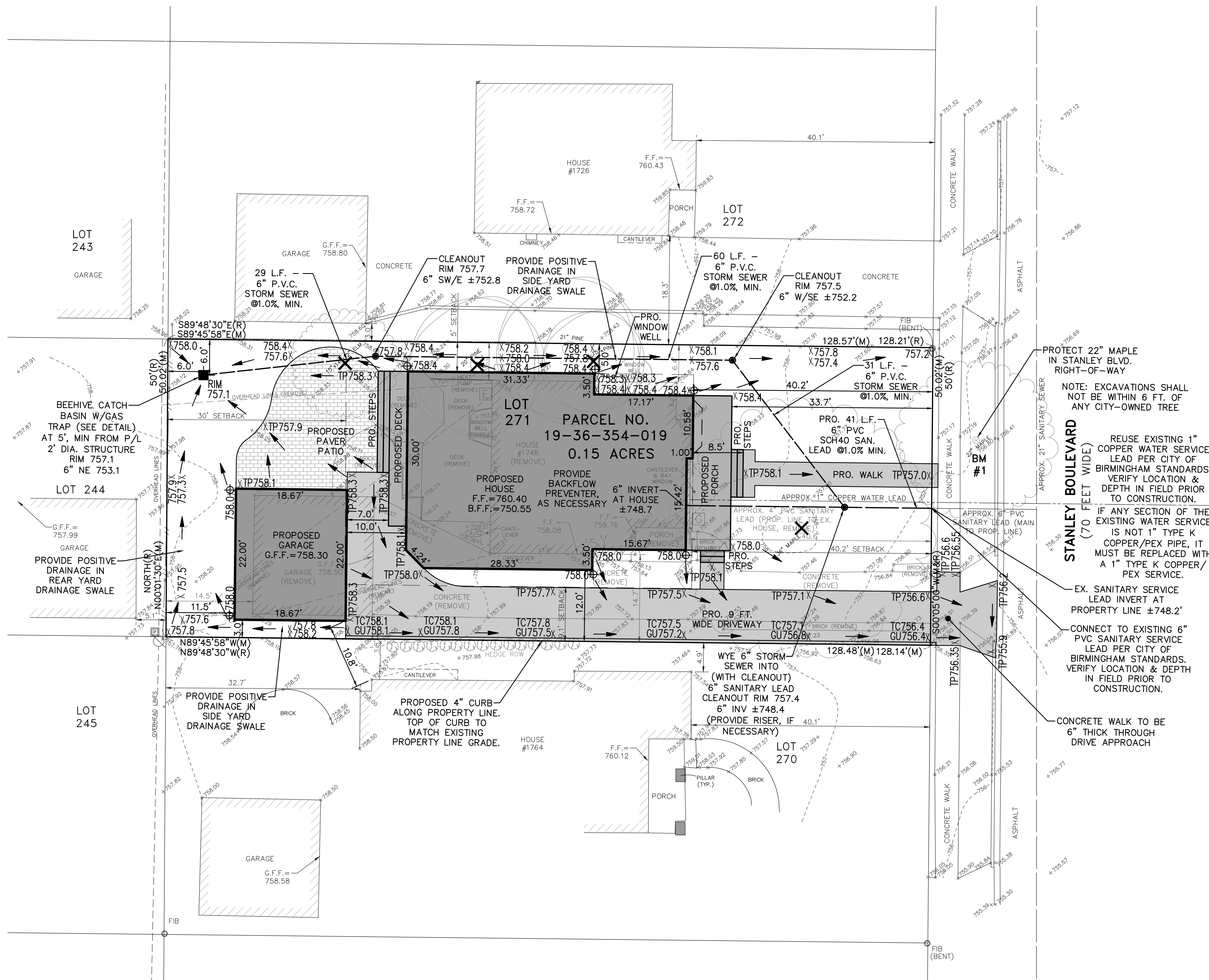
THIS PROPERTY IS LOCATED WITHIN A FEMA DESIGNATED ZONE "X" FLOOD HAZARD AREA AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FOR MICHIGAN FLOOD INSURANCE RATE MAP (FIRM) #26125C0536F (COMMUNITY ID NO. 260168 - CITY OF BIRMINGHAM, MI). THIS STATEMENT IS BASED ON THE RESULTS OF GRAPHIC PLOTTING ONTO THE ABOVE NAMED MAP AND PANEL, WHICH IS THE CURRENT MAP FOR THE COMMUNITY IN WHICH THE PROPERTY IS LOCATED. ZONE "X" INDICATES AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

NOTICE:

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

NOTE:

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.



PLOT PLAN NOTES:

- LOCATION & ROTATION OF HOUSE & GARAGE IS PER BUILDER.
- BUILDER SHALL VERIFY EXACT DIMENSIONS OF PROPOSED HOUSE WITH ARCH. PLANS.
- SIDEWALKS & STREETS ARE TO BE MAINTAINED FREE OF DIRT AND DEBRIS.
- CONSTRUCTION MATERIALS ARE NOT TO BE PLACED ON THE SIDEWALKS & STREETS.
- BUILDING DOWNSPOUTS TO SURFACE DISCHARGE TO ON-SITE SWALES.
- PROPOSED TREE PROTECTION FENCE TO BE MINIMUM 3 FOOT HIGH ORANGE CONSTRUCTION FENCING STAKED AT MINIMUM 8 FOOT INTERVALS. REMOVAL AS DIRECTED BY CITY BUILDING OFFICIAL.
- LOCATION OF UTILITY SERVICES SHOWN ARE CONCEPTUAL ONLY. ACTUAL LOCATION OF SANITARY, WATER, ELECTRIC, GAS, ETC. SERVING THE LOT TO BE DETERMINED AT TIME OF CONSTRUCTION BY BUILDER.
- CONTRACTOR TO PLACE SILT FENCE AROUND ENTIRE PERIMETER OF LOT BEFORE CONSTRUCTION. MAINTAIN UNTIL FINAL GRADE IS ESTABLISHED.

APPROX. 8" WATERMAIN

APPROX. 21" SANITARY SEWER

APPROX. 4" PVC SANITARY LEAD (PROP. LINE TO EX. HOUSE, RELOC. TO PROP. LINE)

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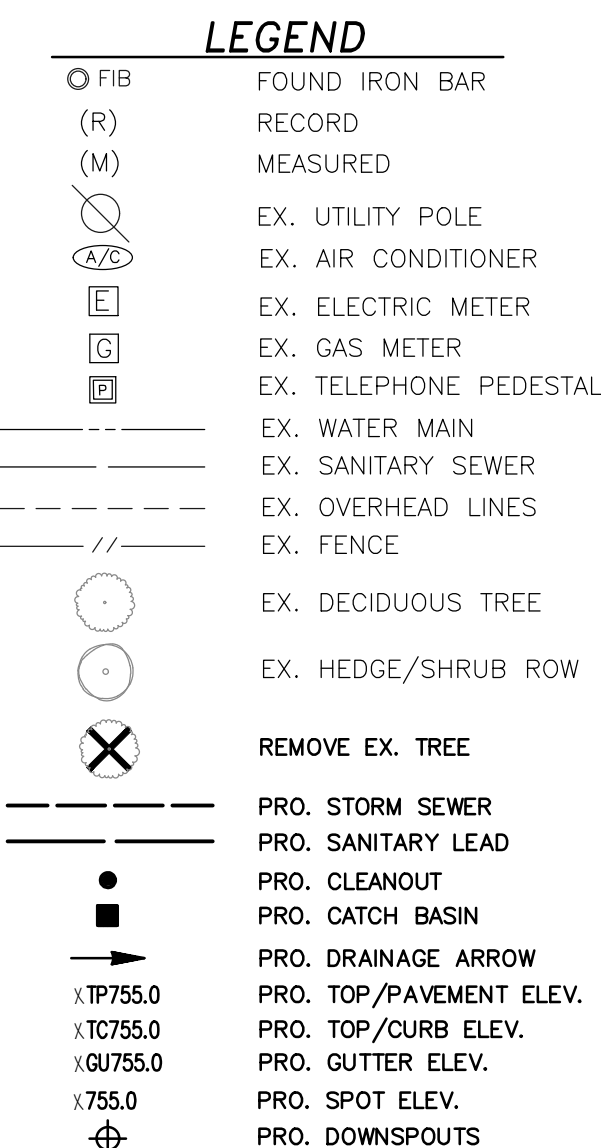
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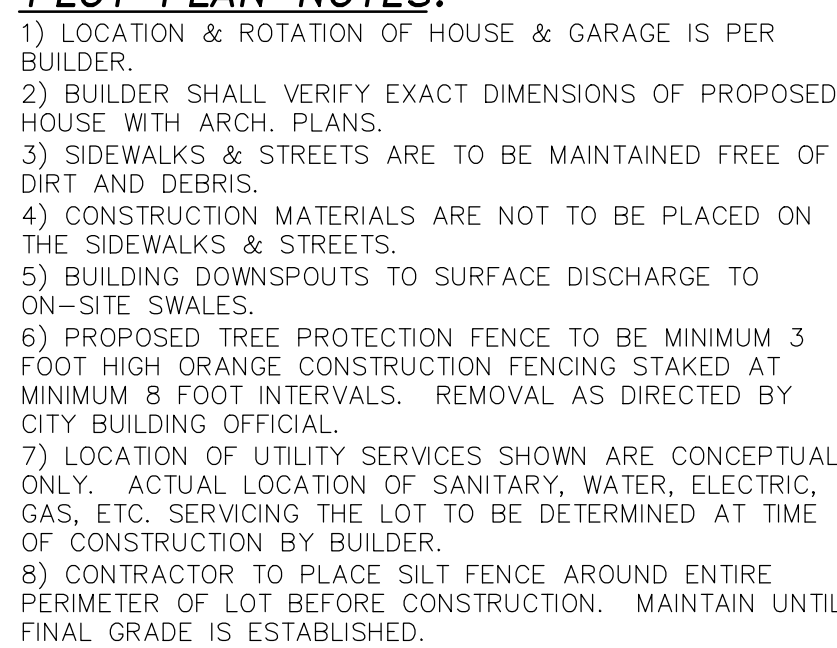
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NOT TO SCALE

LOT AREA= 6,429 S.F. (0.15 ACRES)
 LOT COVERAGE = HOUSE (1,453 S.F.) + GARAGE (411 S.F.) = 1,864 S.F. (29.00%)
 IMPERVIOUS REAR DECK/PATIO/WALKS (EXCLUDE FRONT PORCH/STEPS) = 711 S.F. (11.05%)
 IMPERVIOUS DRIVEWAY = 1,053 S.F. (16.38%)
 TOTAL IMPERVIOUS SURFACE AREA = 3,628 S.F. (56.43%)
 TOTAL OPEN SPACE = 2,801 S.F. (43.57%)



CLIENT: **BLOOMINGDALE HOMES**

PLOT PLAN

1748 STANLEY BOULEVARD - PARCEL NO. 19-36-354-019

OWNERSHIP: 2 N.
OF BIRMINGHAM
LAND COUNTY

REVISED
2021-7-27 PER C
2021-8-26 PER C
2021-9-9 PER CIT
2021-9-15 PER C

DATE: 6-30-2021

DRAWN BY: CEH

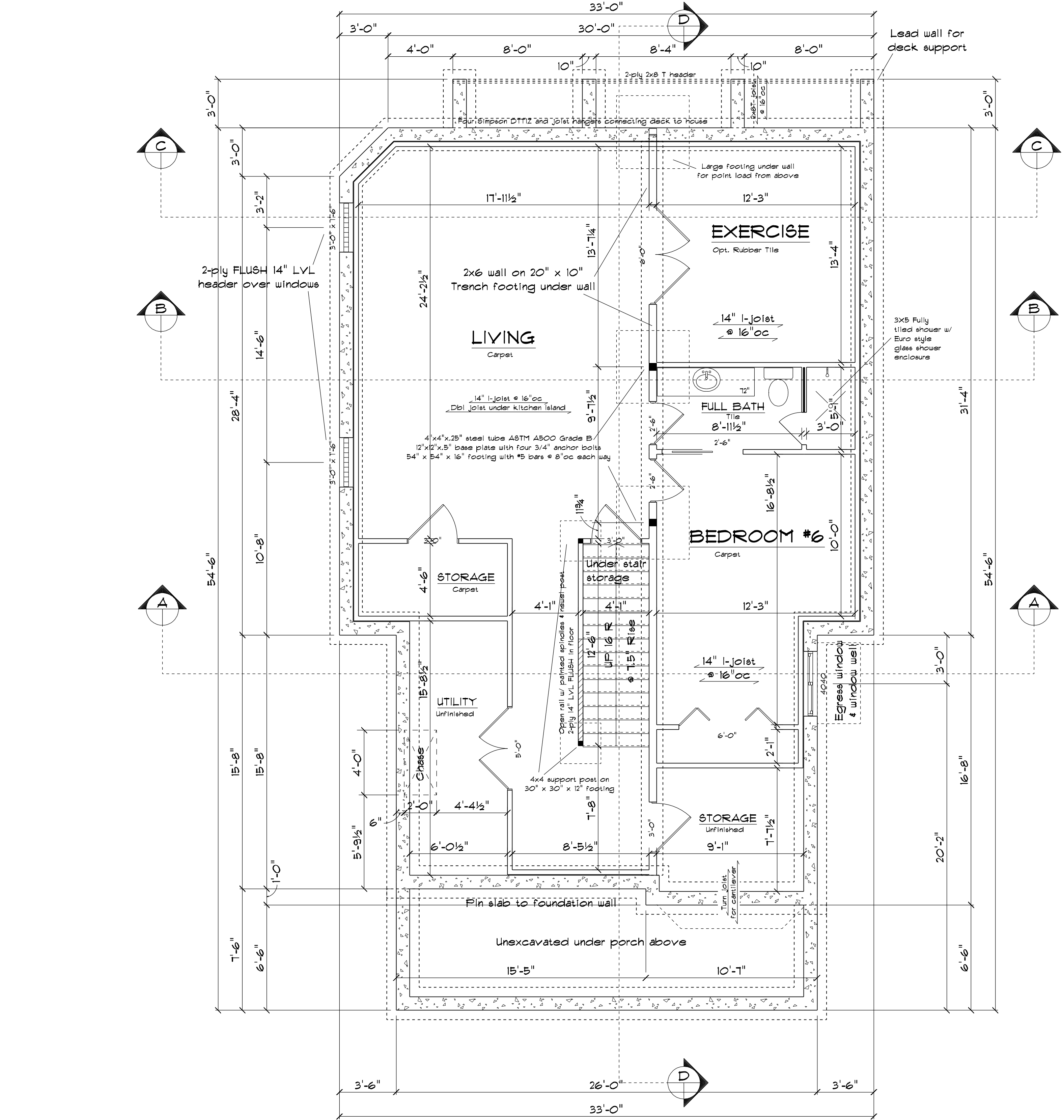
CHECKED BY: JPP/DJU



FBK: --

CHF: MM

SCALE HOR 1"=10 FT.
VER 1"= -- FT.



Building Code = 2015 MICHIGAN RESIDENTIAL CODE

All engineered products are the responsibility of the manufacturer. Install all products according to manufacturer specifications in accordance with local and state building codes.

All windows, door, cabinets, items to be ordered, etc. must be reviewed by the owner and contractor to verify proper shape, size, clearance, overall design prior to ordering. Straightline Home Design cannot be held responsible for miss ordered items.

Window sills must comply with R312.2.1
24" above the finished floor where the exterior grade is 12" or more
Windows must be tempered in all areas indicated by Section 308
whether specifically indicated on these plans or not

Electrical, mechanical, and plumbing are to be design build systems by others. Layouts furnished by individual contractors to meet all state and local codes and requirements of any other governing agencies. Any layouts shown are suggestions and not complete systems.

Provide and install certified smoke and carbon monoxide detectors as required by Michigan Residential Code (MRC2015) Section R314 & R315.

Provide and install Ground Fault Circuit Interrupters (GFI's) per Michigan Residential Code (MRC2015)

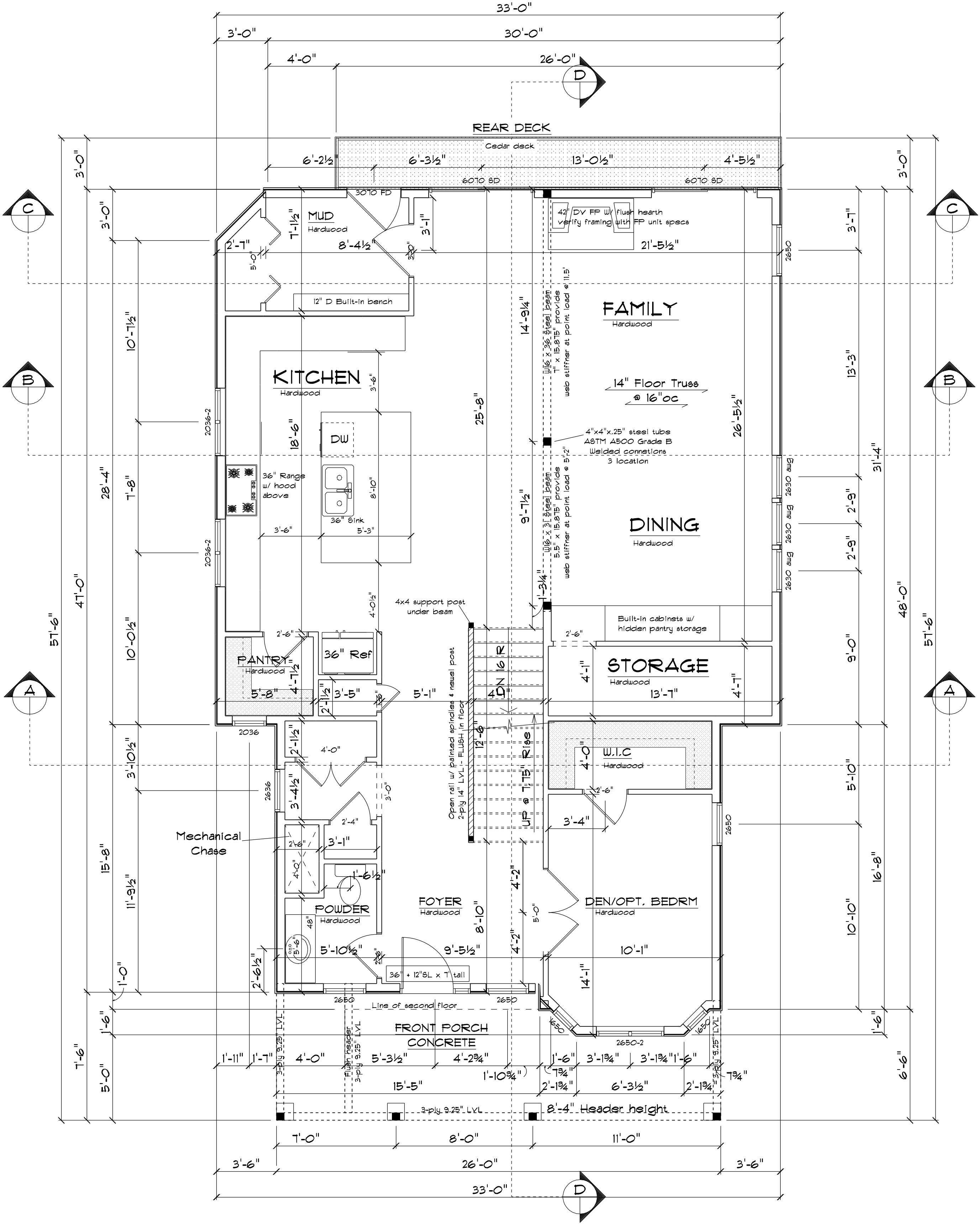
Foam plastic shall comply with MRC2015 Sec. R316
Covered by 1/2" gypsum or equivalent thermal barrier from the interior of a building.

FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

Finished Area = 1149 sq. ft.

Foundation walls are 9" tall on
20" x 10" concrete footings
Foundations walls with insulation are shown as 14" wide
10" concrete + 1/2" gap + 3.5" 2x4 stud



MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

Exterior wall dimensions are to wall sheathing
2x6 x 9'-1 1/8" tall walls
T header height to match exterior doors on this floor
Provide spray foam in exterior walls where plumbing exist
Windows are shown Andersen 100 SH unless noted otherwise

Main Floor Living Area = 1452 sq. ft.
Second Floor Living Area = 1468 sq. ft.
Third Floor Living Area = 549 sq. ft.
Total Living Area = 3469 sq. ft.

BLOOMINGDALE
HOMES

602 W. University Dr. | Rochester, MI 48307
Phone: 248.651.6701 | Fax: 248-608-6550

Oak Street
Design

1135 N. Oak St.
Rochester, MI 48307
jenna@oakstdesign.com
Phone: (248) 891-1629

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project

Proposed Residence
1748 Stanley Blvd.
Birmingham, MI. 48009

zoning

ZONING: R2
SETBACKS: FRONT YARD - 40'-2 3/8"
REAR YARD - 35'
SIDE YARD - 5' & 10'
MAX. HT: 28' TO MIDPOINT FOR SLOPED ROOFS

LOT COVERAGE	
LOT SIZE	= 6,409 SF
MAX. % COVERAGE	= 30%
MAX. ALLOWABLE	= 1923 SF
BUILDING FOOTPRINT	= 1,469 SF
GARAGE	= 411 SF
ACTUAL COVERAGE	= 1,880 SF

SQUARE FOOTAGE	
MAIN LEVEL	= 1,452 SF
SECOND LEVEL	= 1,468 SF
THIRD LEVEL	= 549 SF
TOTAL SQUARE FT.	= 3,469 SF
FIN. BASEMENT SF	= 1,149 SF

CODE:
DESIGNED IN ACCORDANCE WITH MICHIGAN
RESIDENTIAL CODE 2015, MICHIGAN PLUMBING CODE
2015, MICHIGAN MECHANICAL CODE 2015 AND THE
2015 NATIONAL ELECTRICAL CODE.

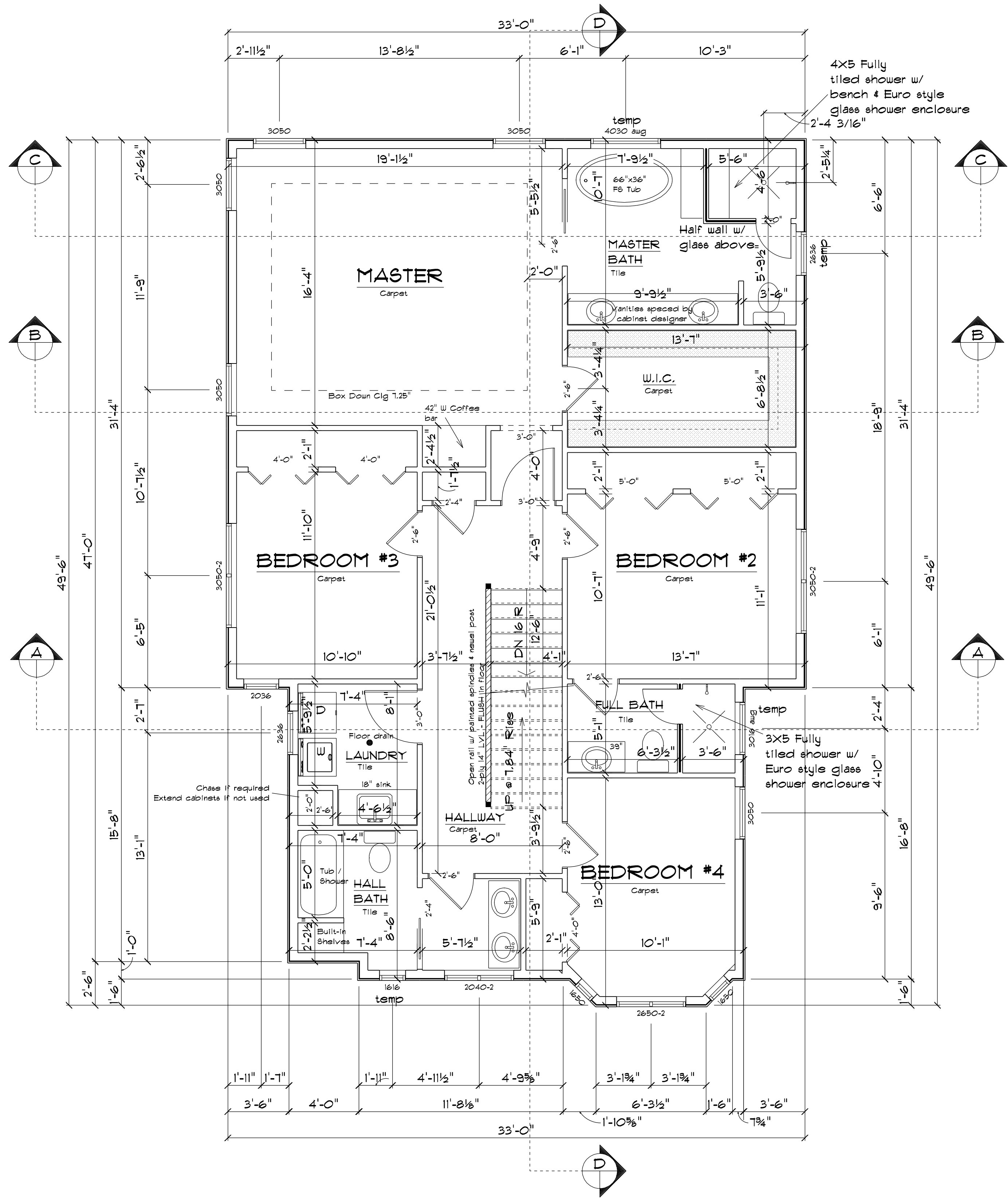
sheet title

FLOOR PLANS

date
6.2.21 PERMIT SET
9.15.21 Revised size for permitting
10.27.21 Window bedroom 4

NOTE:
CONTRACTOR MUST VERIFY ALL
DIMENSIONS & NOTIFY GENERAL
CONTRACTOR OF ANY DISCREPANCIES

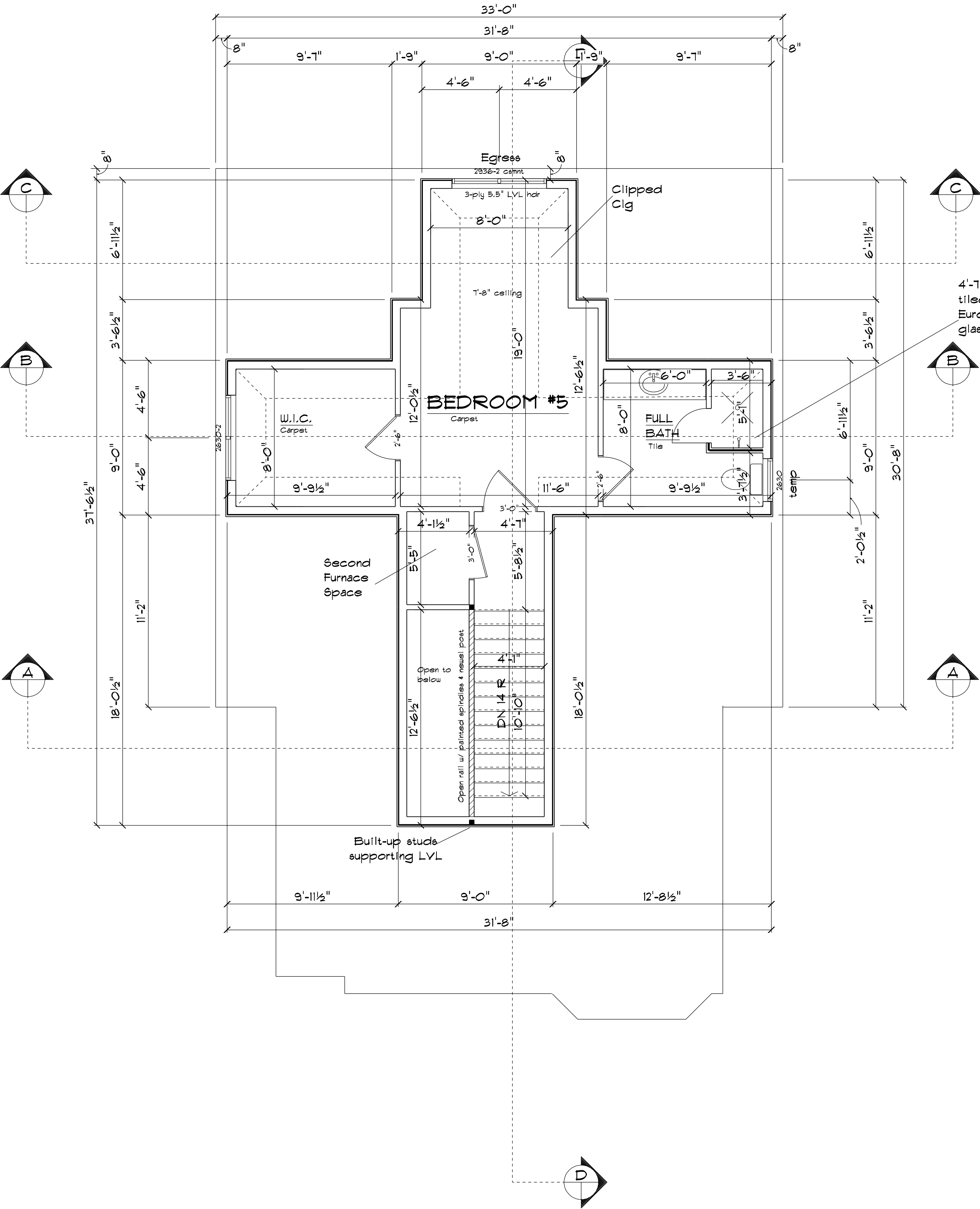
sheet



SECOND FLOOR PLAN

Exterior wall dimensions are to wall sheathing
2x6 x 8'-1 1/8" tall walls
Standard header height on this floor with 3-ply 2x10's
Provide spray foam in exterior walls where plumbing exist
Windows are shown Andersen 100 SH unless noted otherwise

Main Floor Living Area = 1452 sq. ft.
Second Floor Living Area = 1468 sq. ft.
Third Floor Living Area = 549 sq. ft.
Total Living Area = 3469 sq. ft.



THIRD FLOOR PLAN

Exterior wall dimensions are to wall sheathing
2x6 x 6'-8" tall exterior walls
Provide spray foam in exterior walls where plumbing exist
Windows are shown Andersen 100 SH unless noted otherwise

Main Floor Living Area = 1452 sq. ft.
Second Floor Living Area = 1468 sq. ft.
Third Floor Living Area = 549 sq. ft.
Total Living Area = 3469 sq. ft.

Building Code = 2015 MICHIGAN RESIDENTIAL CODE

All engineered products are the responsibility of the manufacturer.
Install all products according to manufacturer specifications in accordance with local and state building codes.

All windows, door, cabinets, items to be ordered, etc. must be reviewed by the owner and contractor to verify proper shape, size, clearance, overall design prior to ordering. Straightline Home Design cannot be held responsible for miss ordered items.

Window sills must comply with R312.2.1
24" above the finished floor where the exterior grade is 12" or more
Windows must be tempered in all areas indicated by Section 308
*whether specifically indicated on these plans or not**

Electrical, mechanical, and plumbing are to be design build systems by others. Layouts furnished by individual contractors to meet all state and local codes and requirements of any other governing agencies. Any layouts shown are suggestions and not complete systems.

Provide and install certified smoke and carbon monoxide detectors as required by Michigan Residential Code (MRC2015) Section R314 & R315.

Provide and install Ground Fault Circuit Interrupters (GFI's) per Michigan Residential Code (MRC2015)

Foam plastic shall comply with MRC2015 Sec. R316
Covered by 1/2" gypsum or equivalent thermal barrier from the interior of a building.

BLOOMINGDALE
HOMES

602 W. University Dr. | Rochester, MI 48307
Phone: 248.651.6701 | Fax: 248-608-6550

Oak Street
Design

1135 N. Oak St.
Rochester, MI 48307
jenna@oakstdesign.com
Phone: (248) 891-1629

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project

Proposed Residence
1748 Stanley Blvd.
Birmingham, MI. 48009

zoning

ZONING: R2
SETBACKS: FRONT YARD - 40'-2 3/8"
REAR YARD - 35'
SIDE YARD - 5' & 10'
MAX. HT: 28' TO MIDPOINT FOR SLOPED ROOFS

LOT COVERAGE	
LOT SIZE	= 6,409 SF
MAX. % COVERAGE	= 30%
MAX. ALLOWABLE	= 1923 SF
BUILDING FOOTPRINT	= 1,469 SF
GARAGE	= 411 SF
ACTUAL COVERAGE	= 1,880 SF

SQUARE FOOTAGE	
MAIN LEVEL	= 1,452 SF
SECOND LEVEL	= 1,468 SF
THIRD LEVEL	= 549 SF
TOTAL SQUARE FT.	= 3,469 SF
FIN. BASEMENT SF	= 1,149 SF

CODE:
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sheet title

FLOOR PLANS

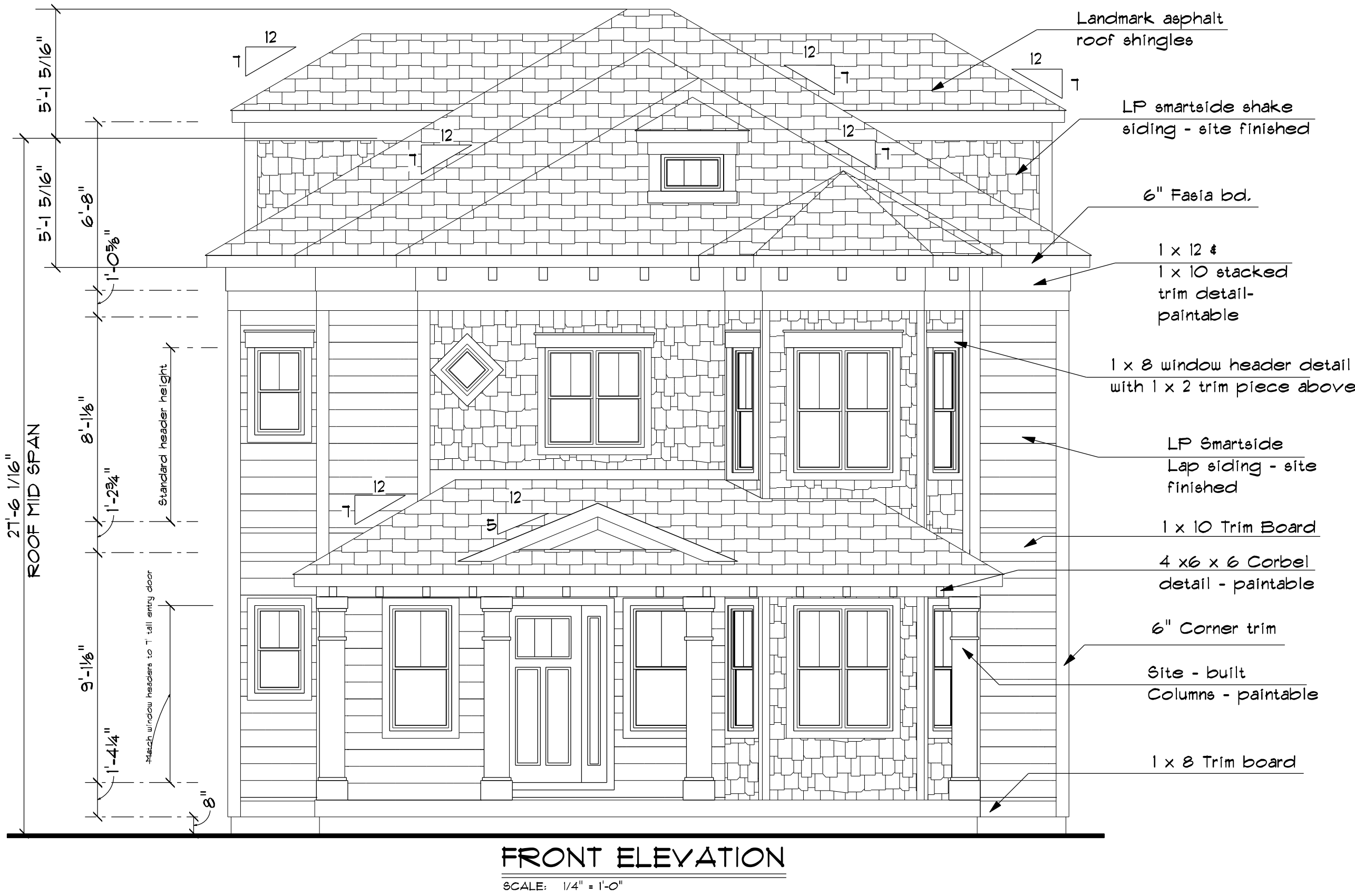
date	PERMIT SET
6.2.21	
8.31.21	Dormer adjustment
9.15.21	Revised size for permitting
10.27.21	Window bedroom 4

NOTE:
CONTRACTOR MUST VERIFY ALL
DIMENSIONS & NOTIFY GENERAL
CONTRACTOR OF ANY DISCREPANCIES

sheet



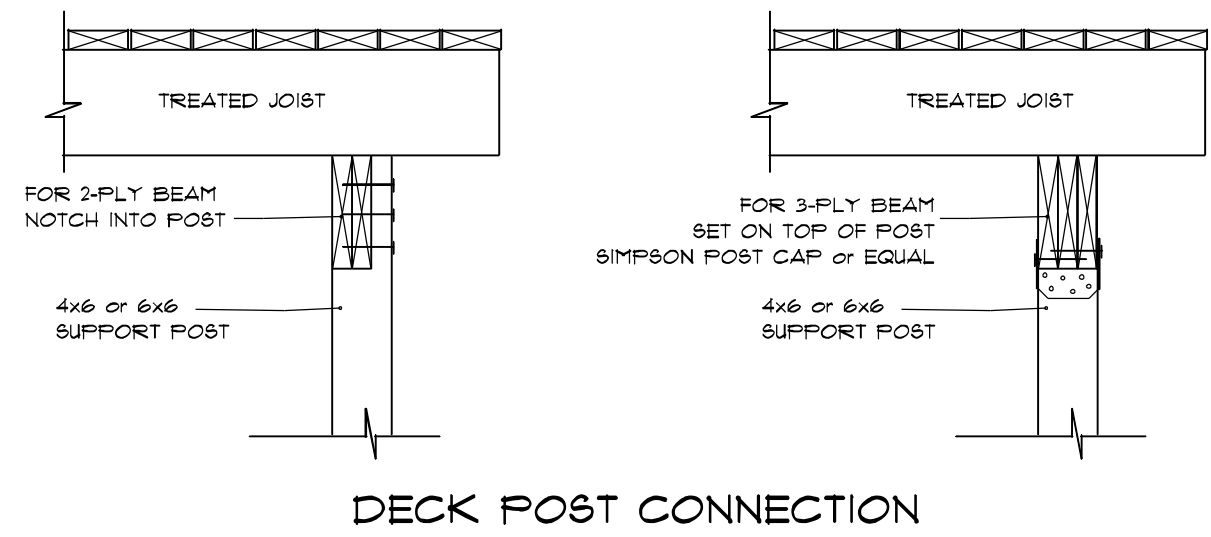
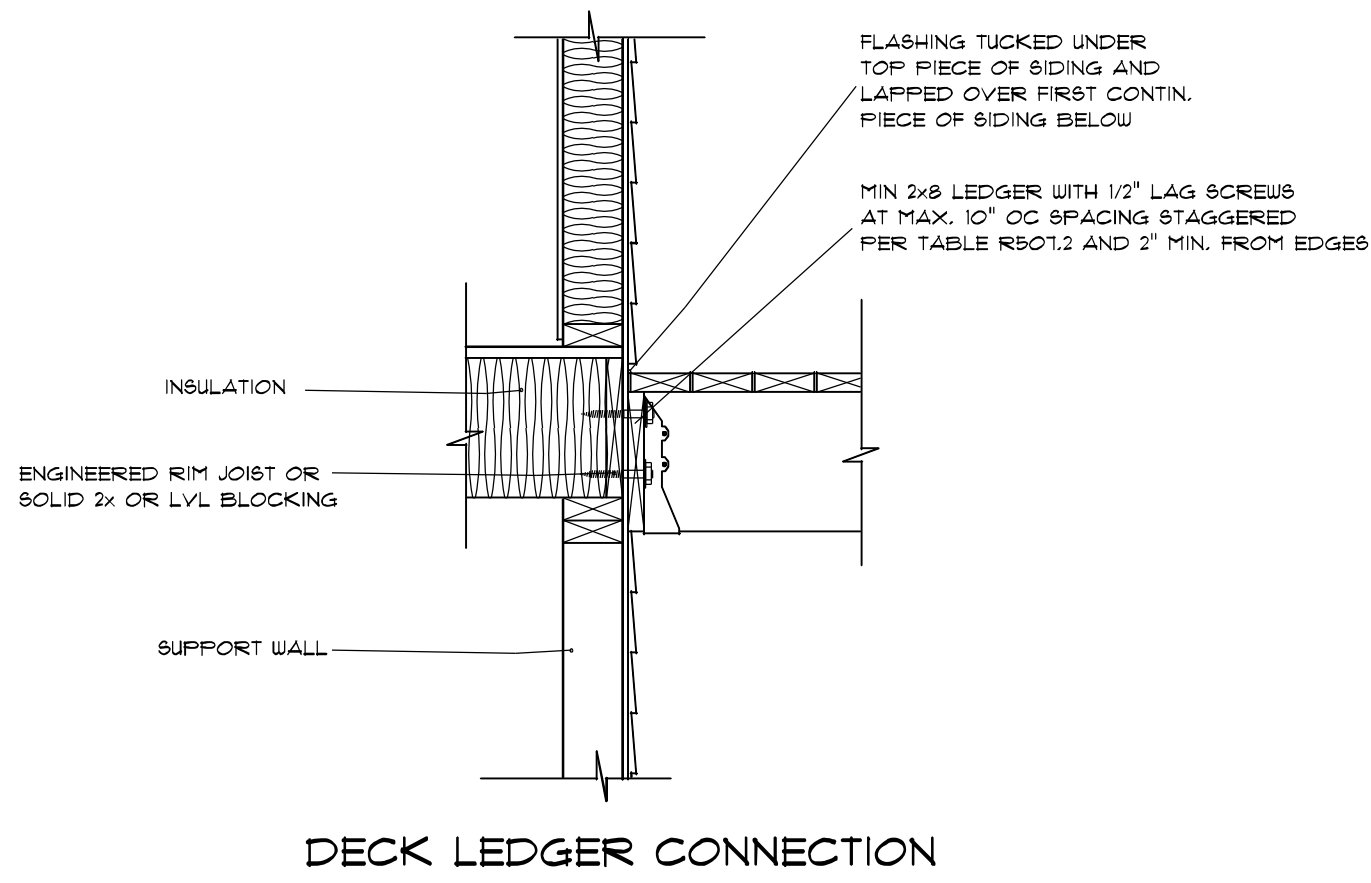
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



BLOOMINGDALE HOMES

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project

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LOT COVERAGE

LOT SIZE	=	6,409 SF
MAX. % COVERAGE	=	30%
MAX. ALLOWABLE	=	1,923 SF
BUILDING FOOTPRINT	=	1,469 SF
GARAGE	=	411 SF
ACTUAL COVERAGE	=	1,880 SF

SQUARE FOOTAGE

MAIN LEVEL	=	1,452 SF
SECOND LEVEL	=	1,468 SF
THIRD LEVEL	=	549 SF
TOTAL SQUARE FT.	=	3,469 SF
FIN. BASEMENT SF	=	1,149 SF

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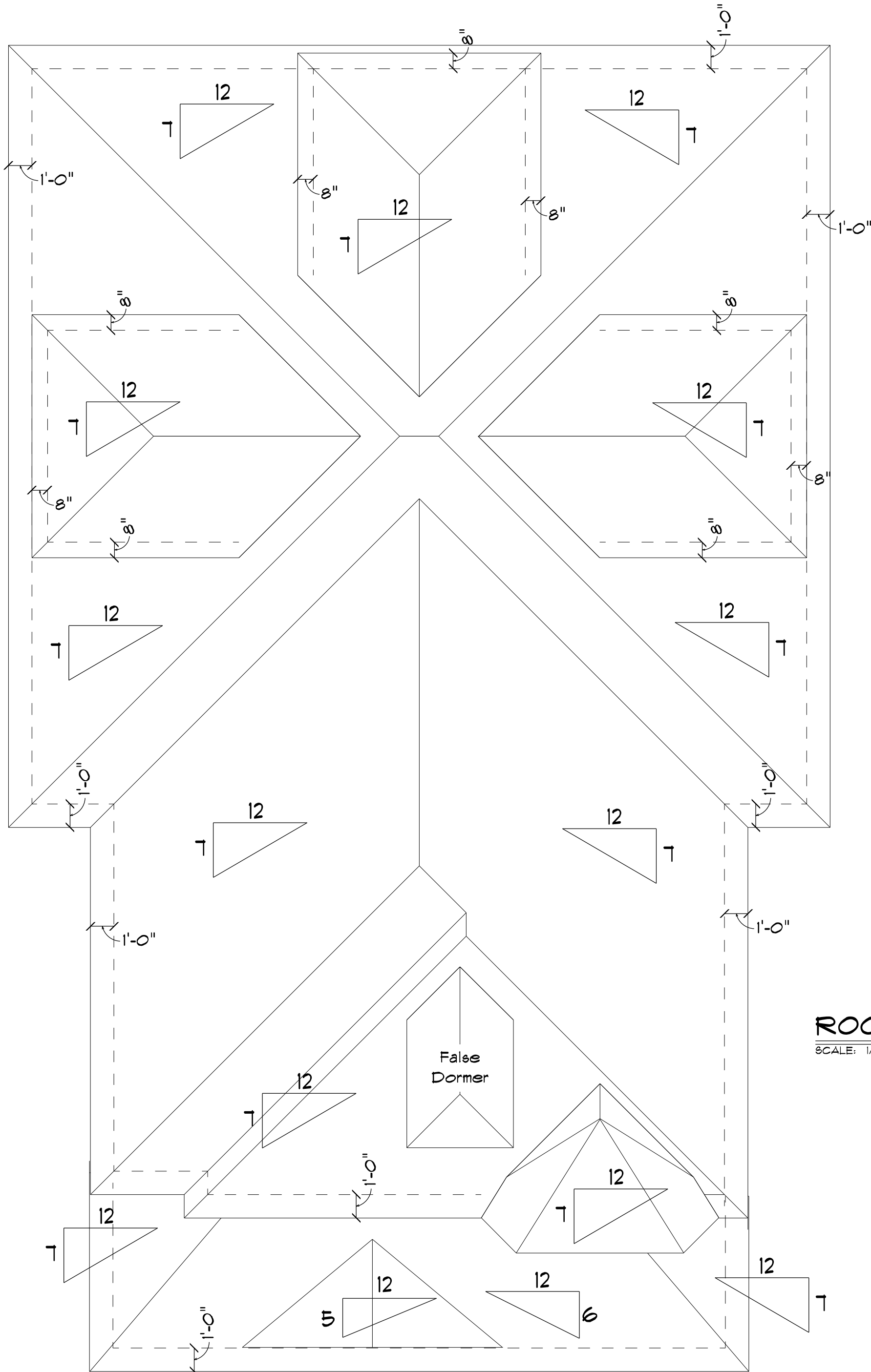
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ELEVATIONS

date 6.2.21 PERMIT SET
10.27.21 Window bedroom 4

NOTE:
CONTRACTOR MUST VERIFY ALL DIMENSIONS & NOTIFY GENERAL CONTRACTOR OF ANY DISCREPANCIES

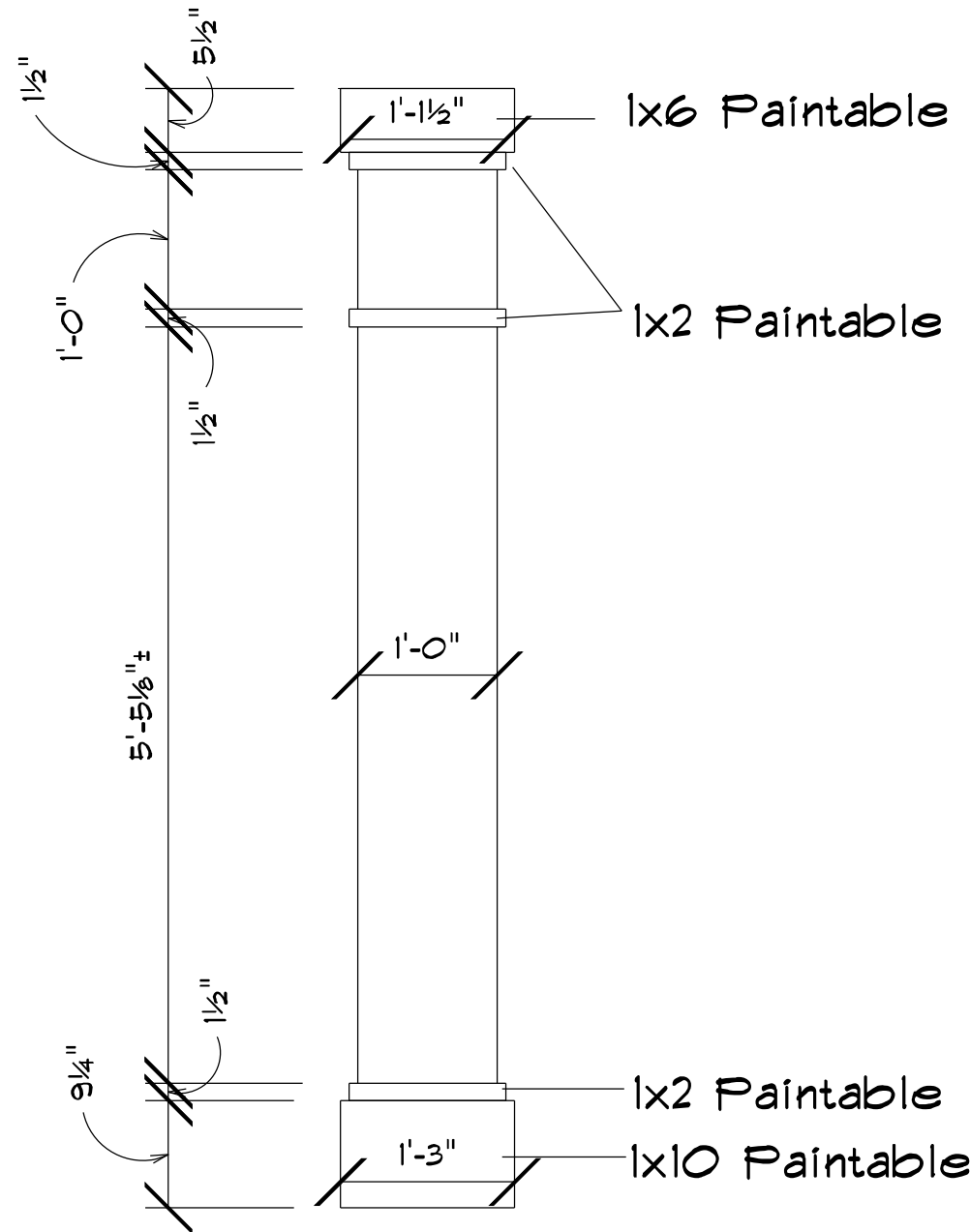
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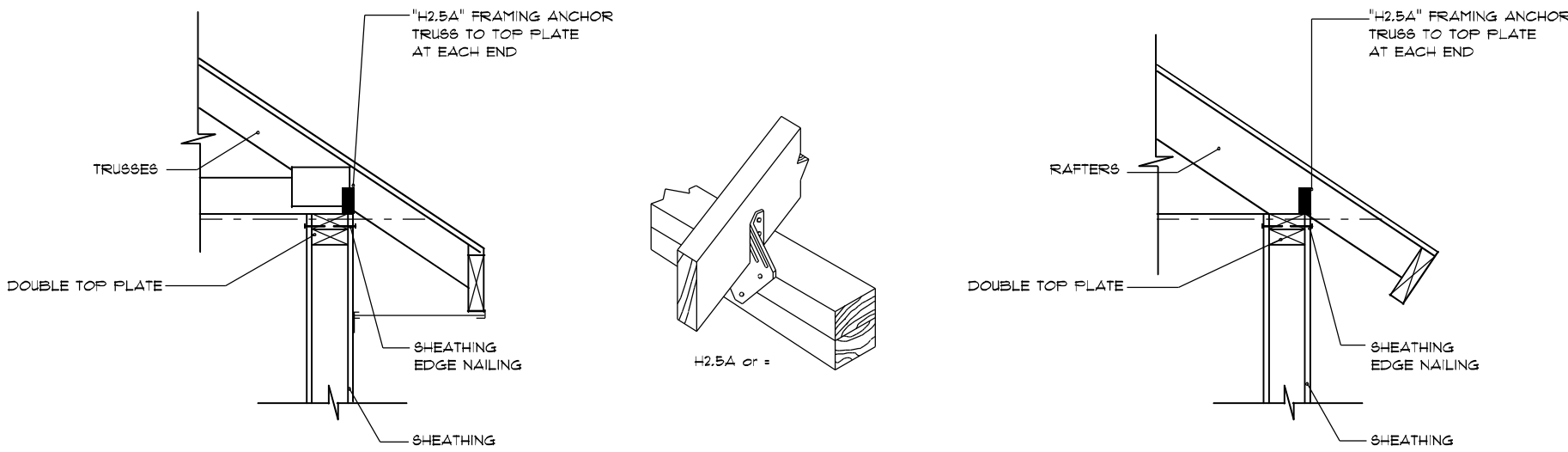
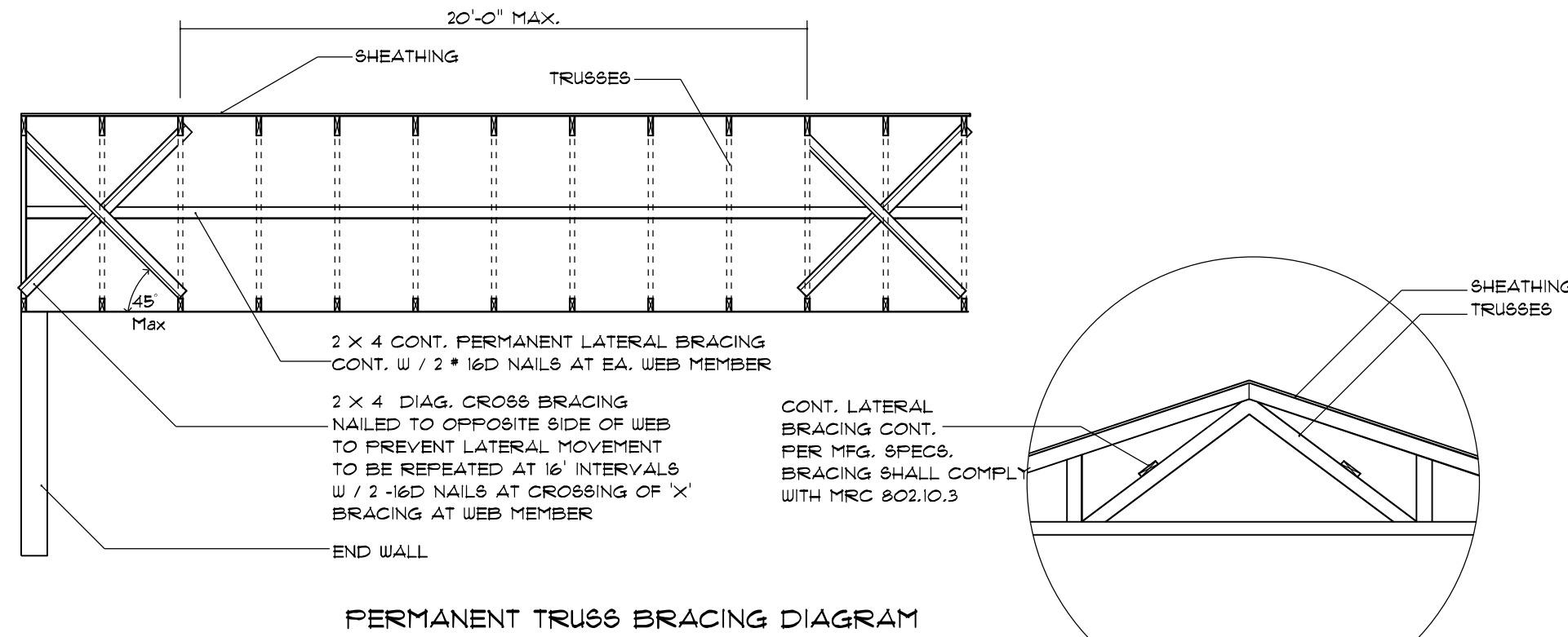
ROOF PLAN
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"




PORCH COLUMN DETAIL
SCALE: 3/4" = 1'-0"



TRUSS MANUFACTURER TO VERIFY DETAILS
SHEAR TRANSFER

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project

Proposed Residence
1748 Stanley Blvd.
Birmingham, MI. 48009

zoning

ZONING: R2
SETBACKS: FRONT YARD - 40'-2 3/8"
REAR YARD - 35'
SIDE YARD - 5' & 10'
MAX. HT.: 28' TO MIDPOINT FOR SLOPED ROOFS

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SECOND LEVEL	= 1,468 SF
THIRD LEVEL	= 549 SF
TOTAL SQUARE FT.	= 3,469 SF
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sheet title

**ELEVATIONS
ROOF PLAN**

date 6.2.21 PERMIT SET
10.27.21 Window bedroom 4

NOTE:
CONTRACTOR MUST VERIFY ALL DIMENSIONS & NOTIFY GENERAL CONTRACTOR OF ANY DISCREPANCIES

sheet



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jenna@oakstdesign.com
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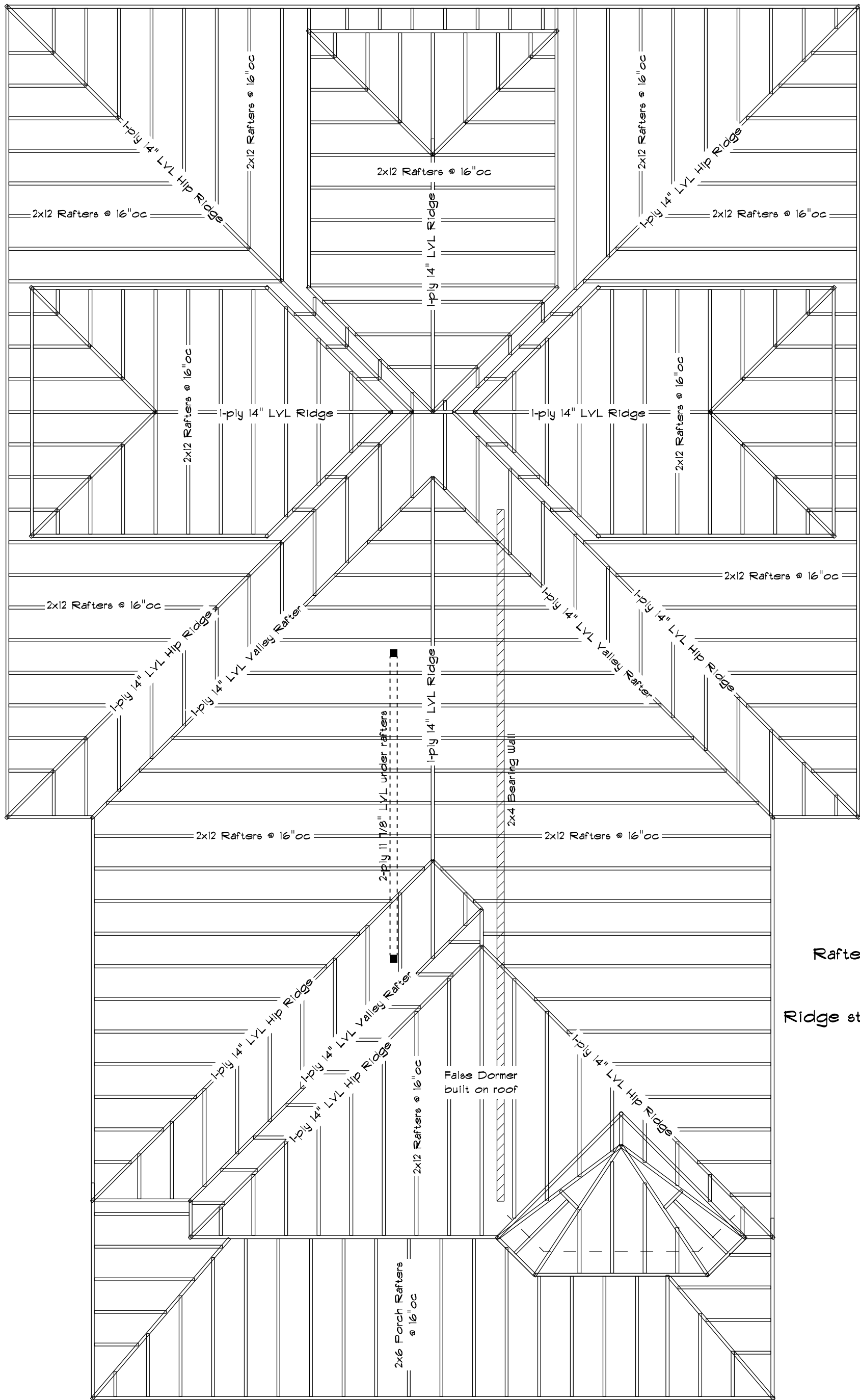
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ROOF LAYOUT
THIRD FLOOR LAYOUT

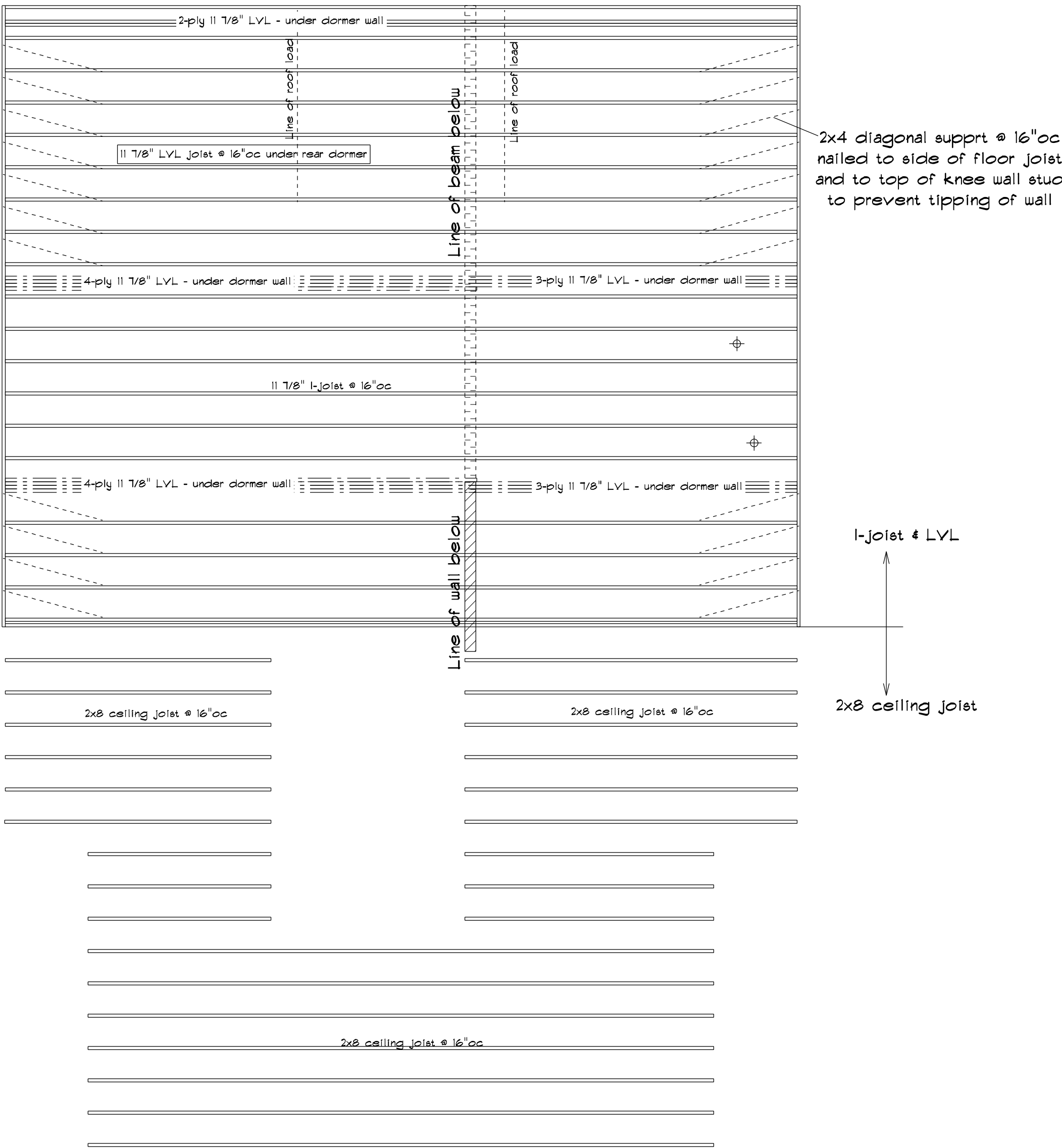
date 6.2.21 10.27.21
PERMIT SET
Window bedroom 4

NOTE:
CONTRACTOR MUST VERIFY ALL
DIMENSIONS & NOTIFY GENERAL
CONTRACTOR OF ANY DISCREPANCIES

sheet



ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"
Rafters are 2x12's @ 16"oc with 5.5" Seat cut on wall
Collar Ties are 2x6's @ 16"oc
Collar Tie height is approximately 1'-8"
Ridge straps are required if collar ties are not possible
use Simpson L8TA24, 2Oga, 1.25"x24"



THIRD FLOOR FRAMING PLAN

02 W. University Dr. | Rochester, MI 48307
Phone: 248.651.6701 | Fax: 248-608-6550



anna@oakstdesign.com
Phone: (248) 891-1629

project

1748 Stanley Blvd.
Birmingham, MI. 48009

zoning

ZONING: R2
SETBACKS: FRONT YARD - 40'-2 3/8"
REAR YARD - 35'
SIDE YARD - 5' & 10'
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SQUARE FOOTAGE	
MAIN LEVEL	= 1,452 SF
SECOND LEVEL	= 1,468 SF
THIRD LEVEL	= 549 SF
TOTAL SQUARE FT	= 3,469 SF
FIN. BASEMENT SF	= 1,149 SF

Sheet 11

date

Sheet



Rafters are 2x12's @ 16"oc with 5.5" Seat cut on wall
Collar Ties are 2x6's @ 16"oc
Collar Tie height is approximately 1'-8"
Ridge straps are required if collar ties are not possible
use Simpson LSTA24, 20ga. 1.25"x24"



BLOOMINGDALE
HOMES

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sheet title

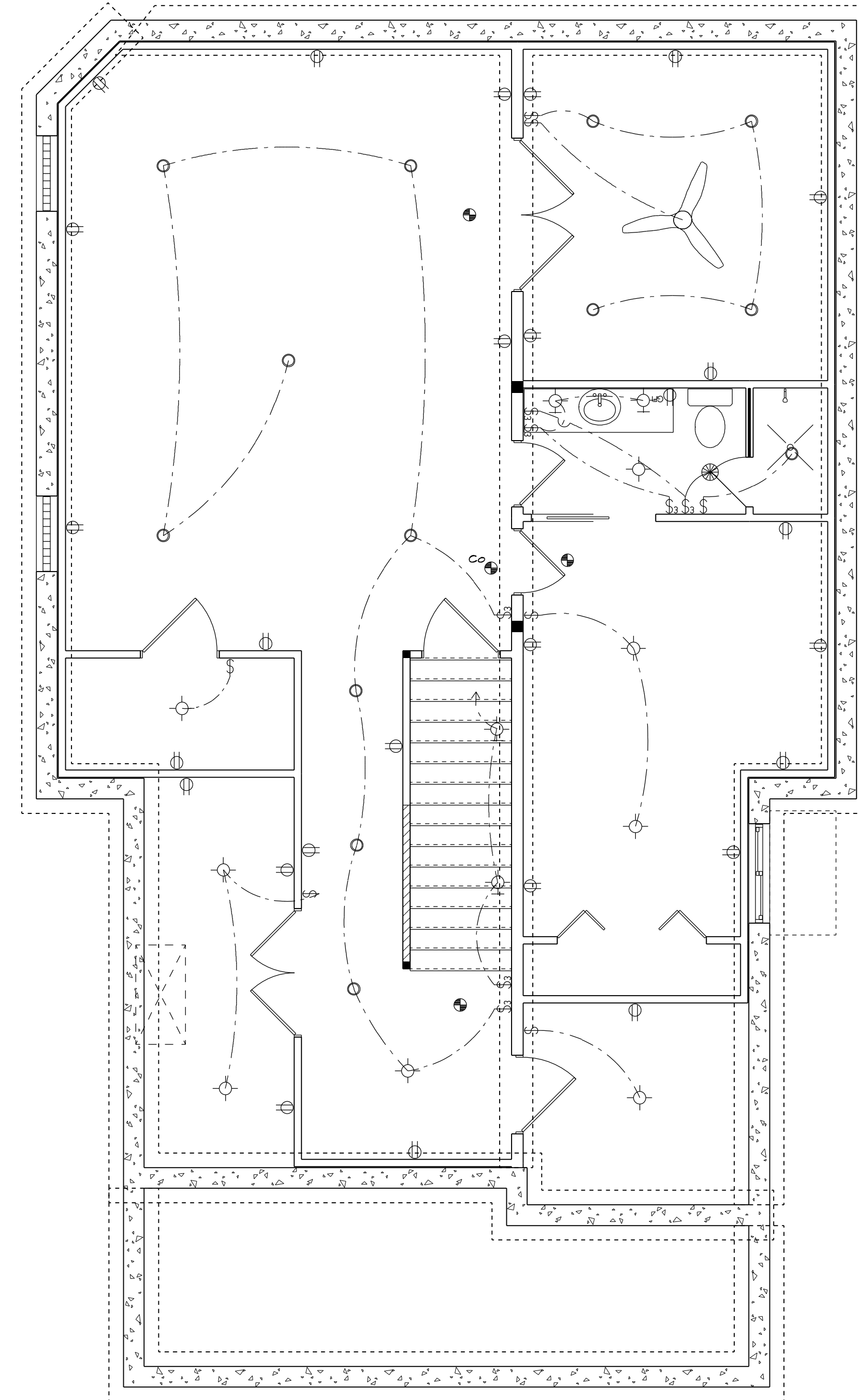
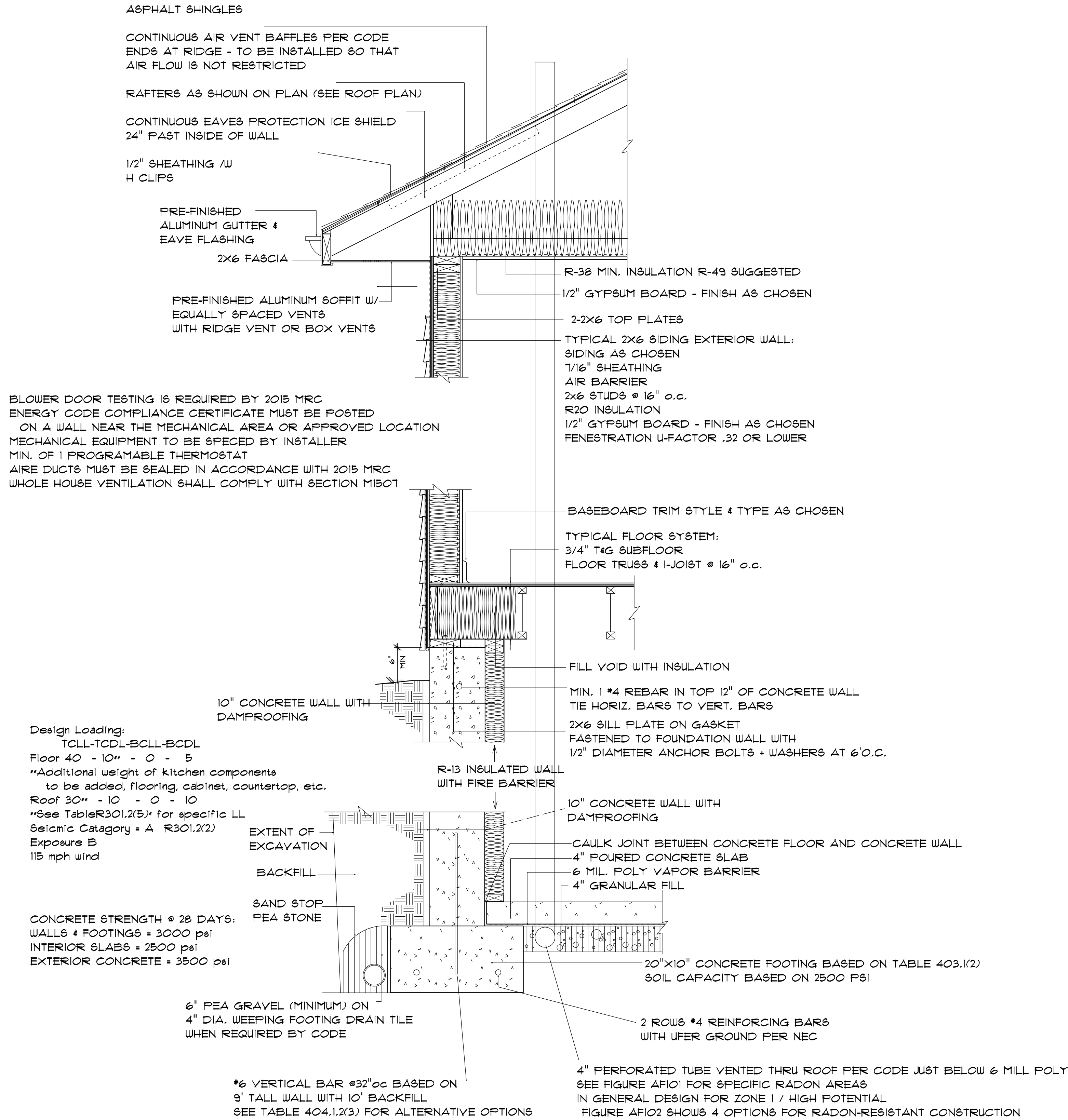
WALL DETAIL
ELECTRICAL

date 6.2.21 PERMIT SET
8.26.21 Smoke & Co Detectors Added
10.27.21 Window bedroom 4

NOTE:
CONTRACTOR MUST VERIFY ALL
DIMENSIONS & NOTIFY GENERAL
CONTRACTOR OF ANY DISCREPANCIES

sheet

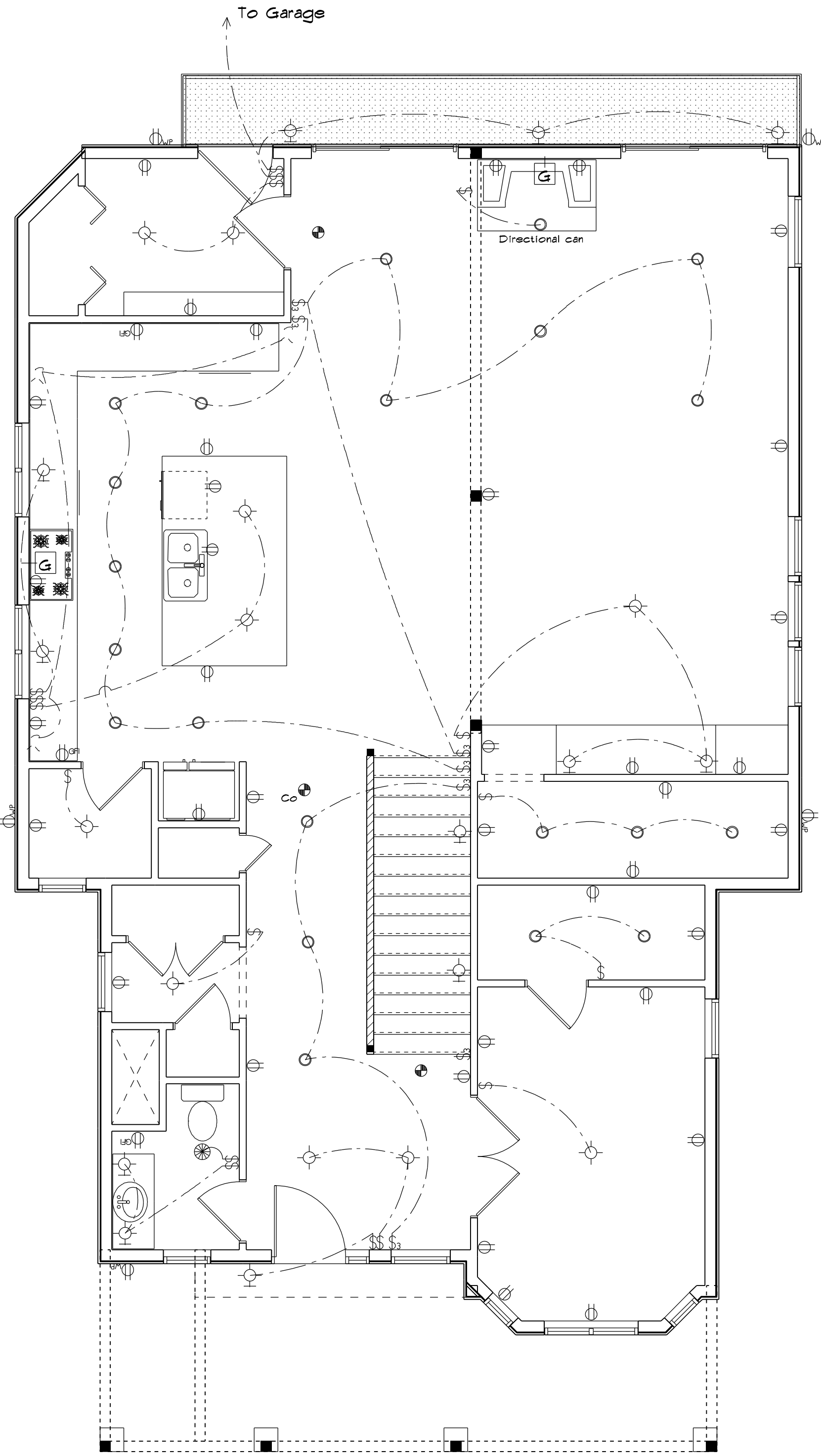
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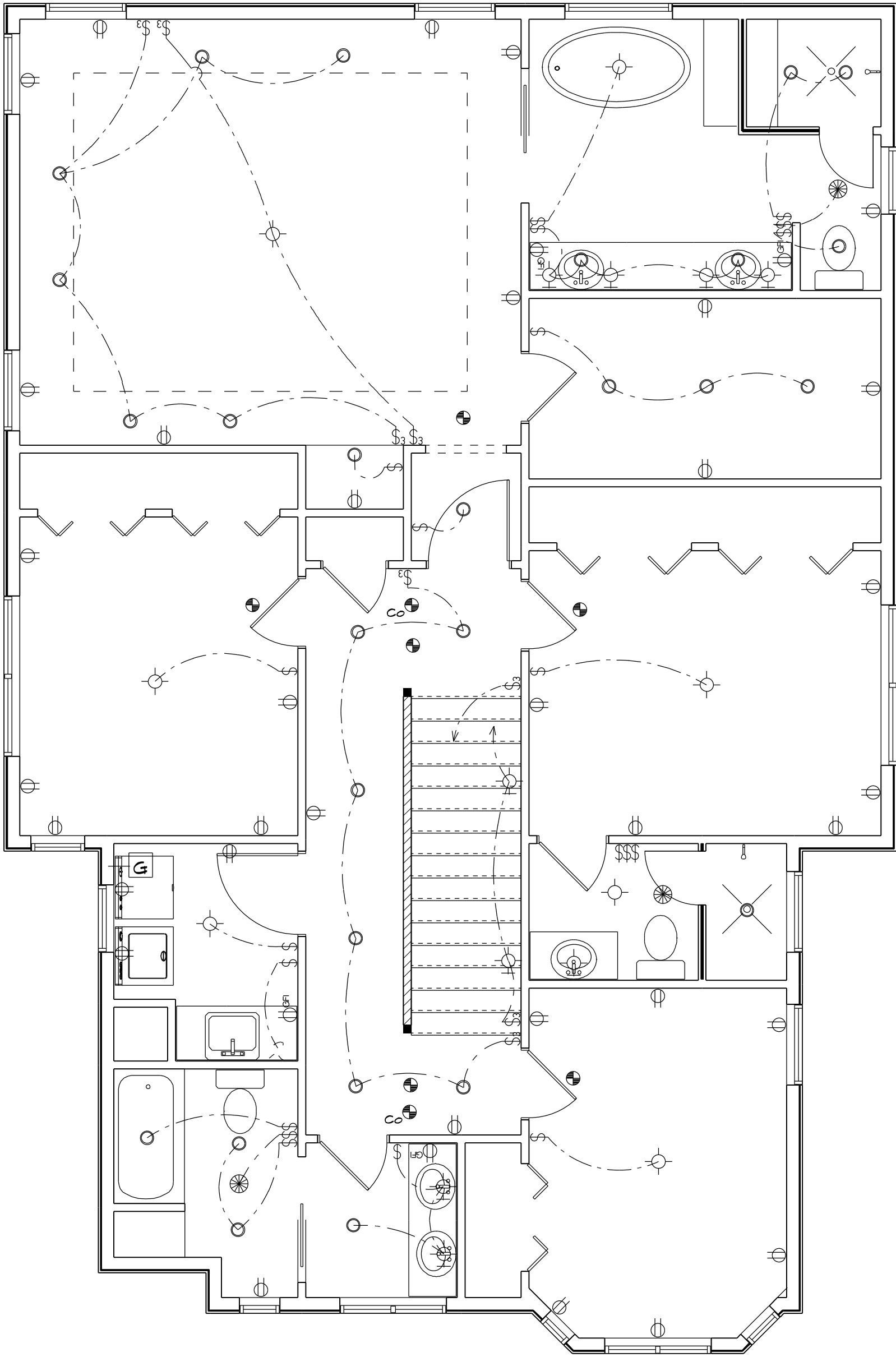
ELECTRICAL PLAN

LOT COVERAGE	
LOT SIZE	= 6,409 SF
MAX. % COVERAGE	= 30%
MAX. ALLOWABLE	= 1923 SF
BUILDING FOOTPRINT	= 1,469 SF
GARAGE	= 411 SF
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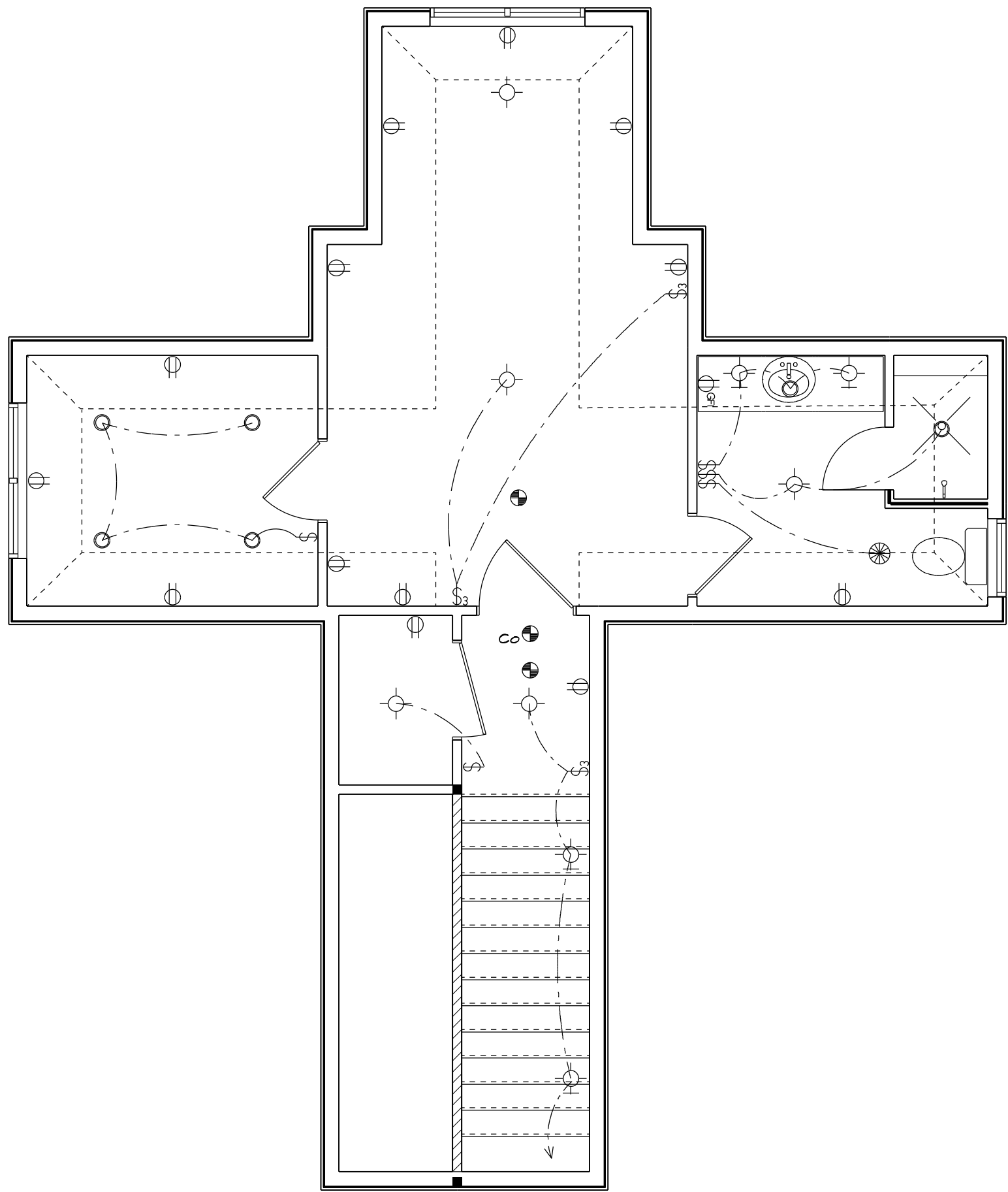
SQUARE FOOTAGE	
MAIN LEVEL	= 1,452 SF
SECOND LEVEL	= 1,468 SF
THIRD LEVEL	= 549 SF
TOTAL SQUARE FT.	= 3,469 SF
FIN. BASEMENT SF	= 1,149 SF



ELECTRICAL PLAN



ELECTRICAL PLAN



ELECTRICAL PLAN

- ⊙ Ceiling J-box
- ⊙ Wall J-box
- Can light
- ⌒ Under cabinet whip
- ⊗ Bath fan
- ⊙ Smoke Detector
- co ⊙ Carbon Monoxide Detector

CASE DESCRIPTION

1687 Quarton (22-09)

Hearing date: April 12, 2022

Appeal No. 22-09: The owner of the property known as 1687 Quarton requests the following variances to construct a new home with attached garages with an existing accessory structure:

A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 70.00 feet. The proposed setback for the home is 48.50 feet; therefore, a variance of 21.50 feet is being requested.

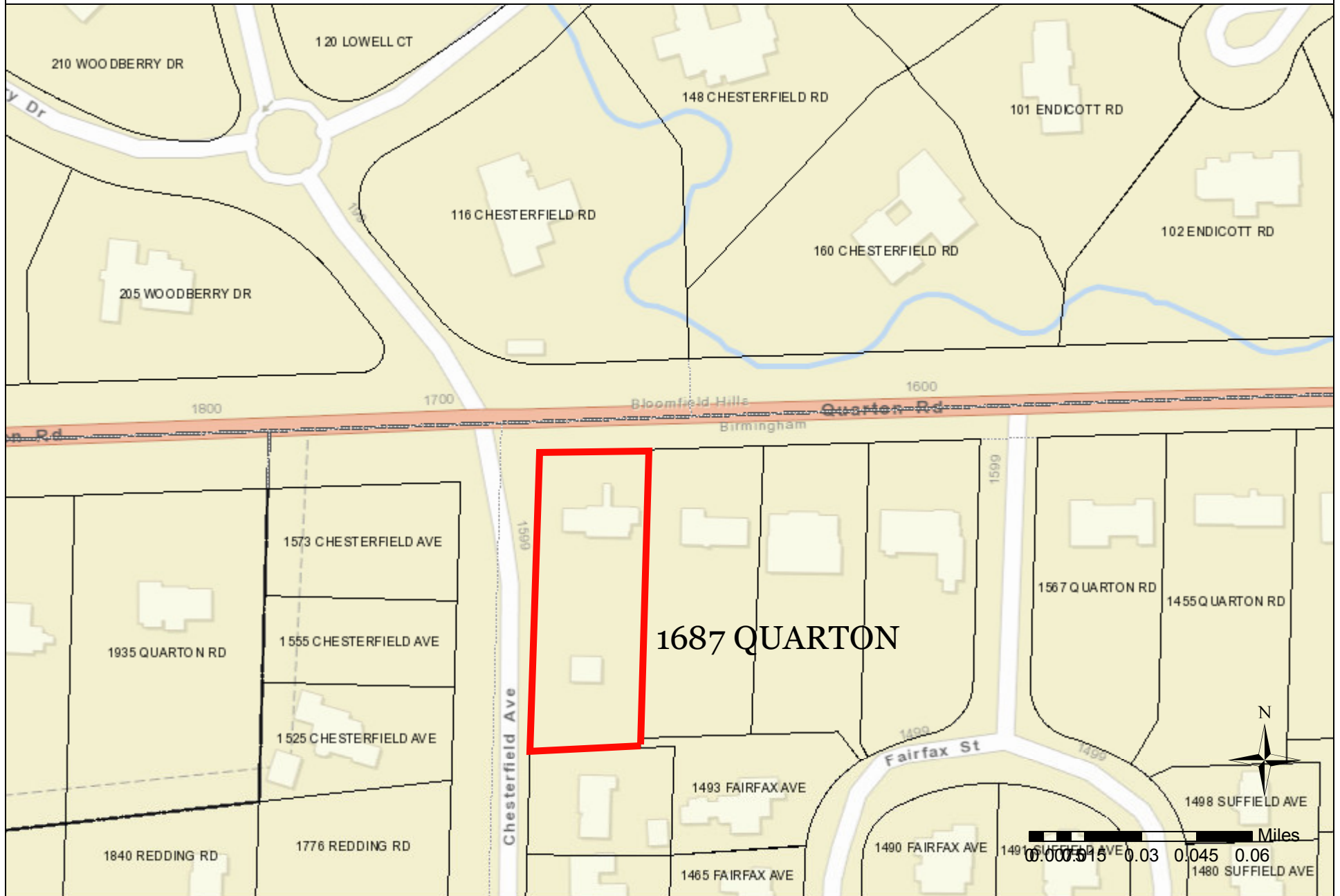
B. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the front open space. The required front open space is 38.00 feet. The existing accessory structure is 36.90 feet. Therefore, a variance of 1.10 feet is being requested.

C. Chapter 126, Article 4.03(H) of the Zoning Ordinance requires the maximum area of an accessory structure of 600.00 SF (R1 Zone) and an additional 75 SF is permitted for an interior stairway. The required is 675.00 SF. The existing and proposed is 688.60 SF. Therefore, a variance of 13.60 SF is requested.

Staff Notes: This applicant is looking to construct a new home with attached garage while working around an existing non-conforming detached structure.

This property is zoned R1 – Single family residential.

1687 QUARTON 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: 3-11-22

Hearing Date: 4-12-22

Received By: UT

Appeal #: 22-0009

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

I. PROPERTY INFORMATION:

Address: <u>1687 Quanton Rd</u>	Lot Number: <u>171</u>	Sidwell Number:
---------------------------------	------------------------	-----------------

II. OWNER INFORMATION:

Name: <u>ADAM SPECK</u>			
Address: <u>1687 Quanton Rd</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>adamspack@rockethomes.com</u>		Phone: <u>248-444-0618</u>	

III. PETITIONER INFORMATION:

Name: <u>JOSH TOBIAS</u>	Firm/Company Name: <u>TOBIAS CONSTRUCTION INC</u>		
Address: <u>2532 Ogden Dr</u>	City: <u>West Bloomfield</u>	State: <u>MI</u>	Zip code: <u>48323</u>
Email: <u>JOSH@TOBIASCONSTRUCTION.COM</u>		Phone: <u>248-789-5700</u>	

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.


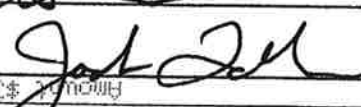
Variance Chart Example				
Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A, Front Setback	25.00 Feet	23.50 Feet	23.50 Feet	1.50 Feet
Variance B, Height	30.00 Feet	30.25 Feet	30.25 Feet	0.25 Feet

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

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: 	Date: <u>3-7-22</u>
Signature of Petitioner: 	Date: <u>3-7-22</u>

March 8th, 2022

City of Birmingham
Community Development – Building Department
151 Martin Street
Birmingham, MI 48009

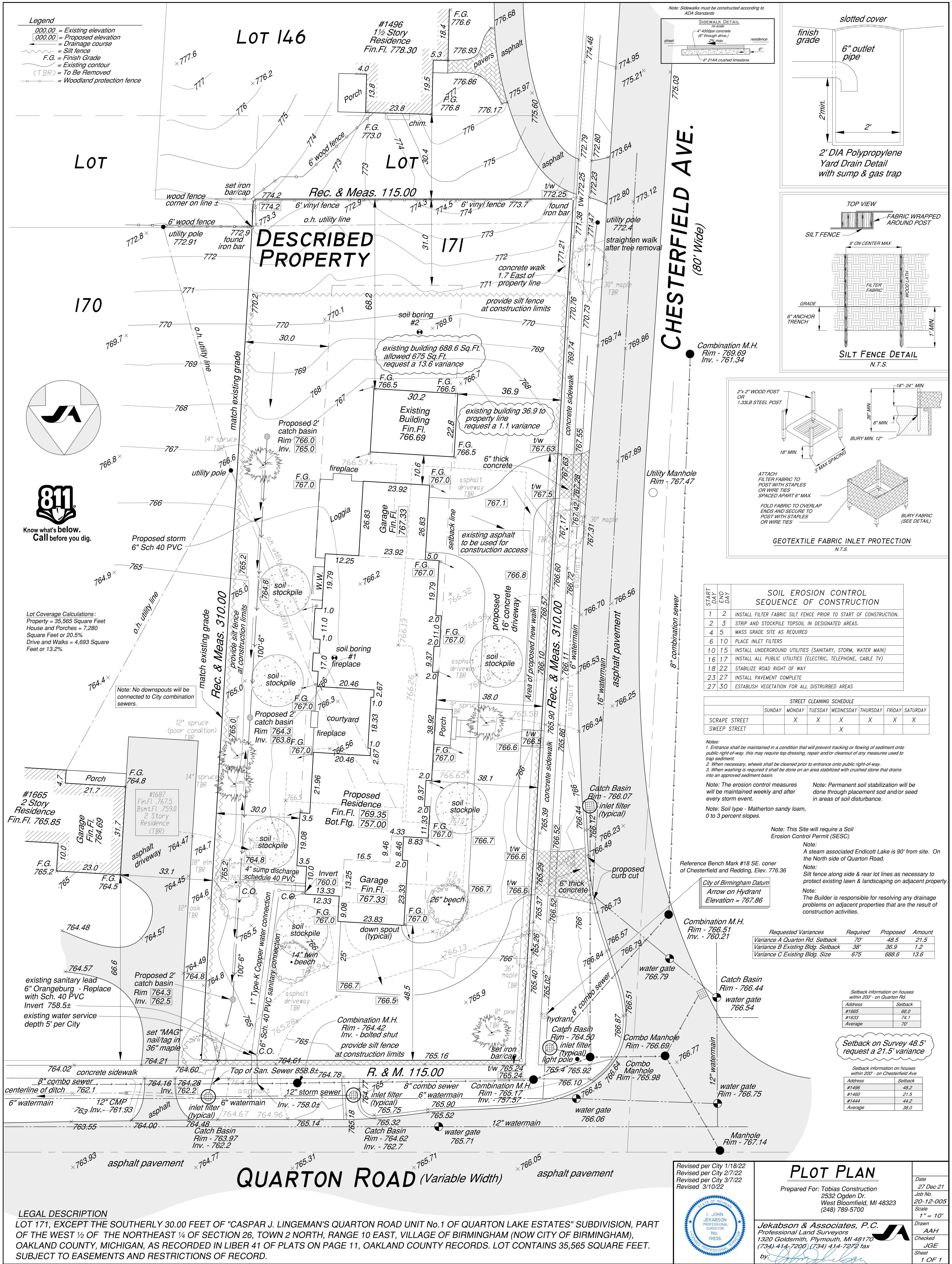
Dear Members of the Board,

The proposed home we are planning to build sits on the corner of Quarton Rd and Chesterfield Ave. We would like to face the home towards Chesterfield. There is an old, charming detached garage that would be used as a play room and work shop. The homeowners grew up with a similar structure and would love to share those same memories with their children. The existing garage is non-conforming because of its square footage (688.56 Sq Ft.) and the placement (1 ft 1 inch into the setback). We are asking for a variance of 13.56 square feet on the size of the accessory structure as well as the 1 foot 1 inch variance into the setback. Therefore, by keeping the existing garage on the property, our front yard setback is over by 21.5 feet on the Quarton Rd setback which brings us to our third variance request.

Sincerely,

Josh Tobias





GENERAL NOTES:

1. DOUBLE EVERY JOIST UNDER CERAMIC TILE WHEN USING DIMENSIONAL LUMBER
2. ALL POURED CONCRETE WALLS TO BE BACKFILLED WITH SANDY TYPE SOIL AND BE WELL BRACED UNTIL CONCRETE IS THOROUGHLY CURED AND ADDITIONAL WEIGHT OF THE BUILDING IS IN PLACE.
3. ALL POURED CONCRETE FOOTING TO BE A MINIMUM OF 3' 4" BELOW FINISHED GRADE BEARING ON UNDISTURBED VIRGIN SOIL WITH A MINIMUM BEARING CAPACITY OF 2000 PSF. MUST BE VERIFIED BY SOIL ENGINEER IN THE FIELD FOR FOOTING INSPECTION.
4. UNEXCAVATED GARAGE SLAB SHALL COMPLY W/ TABLE R202.4* CONCRETE SLAB THK. 3500 MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF CONCRETE ON 4" MIN. UELL CORR. SAND FILL.
5. ALL POURED CONCRETE WALLS WITH A BRICK LEDGE GREATER THAN 4" DEPT. SHALL BE REINFORCED VERTICALLY WITH #5 BARS 32" O.C. AND HORIZONTALLY WITH ONE (1) #4 BAR @ 6" FROM TOP AND #4 THE THIRD-POINT OF THE WALL UNLESS OTHERWISE ON DRAWING.
6. TYPICALLY ALL FIN IN POURED CONCRETE FOUNDATION WALLS MUST BE REMOVED AND FILLED WITH FOUNDATION COATING PRIOR TO BACK-FILL INSPECTION.
7. PROVIDE 4" REIN. DRAIN TILE CONT. AT BASEMENT FLOOR 2" FROM FINISH WITH 1" DRAIN DRAIN TILE. CONNECT TO SUMP AND STORM SEWER AS REQUIRED.
8. BUILDER AND SUB BRICK CONTRACTORS TO PROVIDE WEIR HOLES RESTING ON THE FINISHED GRADE 32" O.C. MAX. 24" PREFERRED AT HEAD DETAILS OF UNITS. DOORS BASEMENT UNITS AND GARAGE DOORS TO PROVIDE FLASHING TO FACE OF BRICK W/ FIN. IN VERTICAL LBS AND FORTH END DRAIN (LAP UNDER AIR/MOISTURE BARRIER). HIGHER RESIDENTIAL CODE 205 SEC. 1013.1 - 1013.4 PER BRICK INSPECTION WILL BE REQD PRIOR TO BRICK INSTALLATION FOR FLASHING INSPECTION.
9. ALL ENGINEERED WOOD FLOOR TRUSSES TO BE 1" DENSE KD. WITH 1" BY 6" CONTINUOUS RIBBON BRACING ON BOTTOM CORNER 8'-0" O.C. MINIMUM 1" PER SPAN WELL NAILED TO TRUSSES. PROVIDE DRAWING TO TOPPING.
10. ALL MICRO-LAY BEAMS TO BE JOINED TOGETHER PER MANUFACTURER'S SPECIFICATIONS.
11. ALL FLOOR JOISTS TO BE 5" OR BETTER HEM FIR WITH 1" X 3" CROSS BRIDGES 8'-0" O.C. (UNO)
12. PROVIDE 5 POUND FELT AT INTREATED EXPOSED LUMBER.
13. PROVIDE 246 VULCANIZED PRESSURE TREATED SILL PLATE ON SILL SEALER WITH 1/2" ANCHOR BOLTS #4 @ 2'-0" O.C. AND LOCATED NOT MORE THAN 2" INCHES AND NOT LESS THAN 31/2" INCHES FROM THE BASE OF EACH PLATE SECTION. EXCEPTION USE ANCHOR STRIPS, SPACED AS REQUIRED TO PROVIDE EQUIVALENT ANCHORAGE TO 1/2" ANCHOR BOLTS.
14. PROVIDE METAL FLASHING, COUNTER FLASHING AND STEPPED FLASHING HERE NOTED AND AT ALL PENETRATIONS AND TERMINATIONS OF EXTERIOR WALL ASSEMBLIES EXTERIOR WALL INTERSECTIONS WITH ROOF, CHIMNEYS, TOWER, DISCS, BALCONIES AND STYLAR PROJECTIONS.
15. PROVIDE APPROVED SEALANT WHERE REQUIRED AND AS DETAIL BY MFG.
16. DO NOT DRILL KITCHEN UNDOO DOUBLES.
17. PROVIDE 4 1/2" MIN. SILL CORE FINERATED DOOR BETWEEN GARAGE AND RESIDENCE MIN. 20 MINUTE FIRE-RATED ROSS1.
18. ALL UNDOO NUMBERS REFER TO GENERIC UNDOO SIZES. VERIFY SIZES WITH UNDOO MANUFACTURER USED. ALL SIZES AND SPACINGS TO MATCH DIMENSIONALLY.
19. ALL BEDROOM UNDOOS TO MEET 205 HIGHER RESIDENTIAL EGRESS CODES. ALL UNDOO BOLTS 1/2" ABOVE FINISH GRADE. SHALL HAVE THE BOTTOM OF THE OPENING LOCATED A MIN. OF 14" ABOVE FINISH FLOOR OF THE ROOM PER MRC 205 SEC. R202.2.
20. AREA THAT REQUIRE TYPED GLASS:
- A. FIXED AND SLIDING PANELS OF SLIDING TYPE DOORS.
- B. SHOWER AND BATHROOM DOORS AND ENCLOSURES (IF APPLICABLE).
- C. PANELS WITH A GLAZED AREA IN EXCESS OF 9 SQ. FT. WITH LOBBY EDGE LESS THAN 8 INCHES ABOVE THE FINISHED FLOOR LEVEL.
- D. ALL OTHER AREAS AS CODE REQUIRES PER 205 HIGHER RESIDENTIAL CODE.

21. PROVIDE UNDERSTAIR PROTECTION PER MRC 205 ENCLOSED ACCESSIBLE SPACE UNDER SHALL HAVE WALLS UNDER STAIR SURFACE AND ANY SORTS PROTECTED ON THE ENCLOSED SIDE WITH 1/2" OPTIM BOARD.
22. WHERE HANDRAILS ARE SHOWN HANDRAIL HEIGHT IS TO BE NOT LESS THAN 34" AFF. AND MORE THAN 38" AFF. PER R201.11. GUARD RAIL IS TO BE NOT LESS THAN 36" AFF. PER R202. PROVIDE HANDRAIL ON AT LEAST 11" AFF. IN EVERY STAIRWAY PER SECTION R201.11 OF THE MRC-205 HIGHER RESIDENTIAL CODE. HANDRAIL GRIP TO COMPLY WITH 205 HIGHER RESIDENTIAL CODE SECTION R201.13. HANDRAIL SHALL BE CONTINUED WHERE ADJACENT TO WALLS SHALL HAVE A SPACE OF MIN 1/2" BETWEEN WALLS AND THE HANDRAIL. PER R201.2.
23. ALL STAIRWAYS SHALL BE ILLUMINATED WITH MIN (1) FOOT CANDLE OF LIGHT.
24. 6'-0" CLEAR HEADROOM REQUIRED ON ALL STAIRS.
25. PROVIDE A BATH FAN WHERE SHOWN ON PLAN AND VENT FAN TO EXTERIOR AS REQUIRED. VENT MECHANICAL EXHAUST DIRECTLY OUTSIDE PER MRC 205.1.
26. TYPICAL ALL HABITABLE ROOMS TO HAVE PROPER LIGHT, VENTILATION AND COMPLY WITH 205 HIGHER RESIDENTIAL CODES.
27. PROVIDE ELECTRICAL SHOCK DETECTORS IN ALL SLEEPING AREAS, HALLWAYS, AND MECHANICAL ROOMS ON ALL FLOOR LEVELS INCLUDING THE BASEMENT. SHOCK DETECTORS SHALL BE WIRED TOGETHER SO AS WHEN ONE SOUNDS THEY ALL SOUND AND HAVE BATTERY BACKUP PER SEC. R301 OF 205 HIGHER RESIDENTIAL CODE.
28. FINISHOUT ALL DROPS AND CHASER ELECTRICAL, PLUMBING AND HVAC.

29. VERIFY ELECTRICAL WORK IN ACCORDANCE WITH ALL NEW WORK. VERIFY ALL PROPOSED ELECTRICAL OUTLETS, SWITCHES, DIFFERS, LIGHT LOCATION, ETC. INCLUDING CABLE AND PHONE WIRE USING NEGATIVITY. TAKE INTO CONSIDERATION ALL ELECTRICAL INSTALLATION WITH OWNER AND COMPLY WITH 205 HIGHER RESIDENTIAL ELECTRICAL CODES.
30. WHERE APPLICABLE, VERIFY FIREPLACE OPTION WITH SUBDIVISION SPECS. AND WORK ORDER.
31. VERIFY SIZE OF FIREPLACE AND WITH BUILDER/OWNER. CONTRACTOR TO VERIFY MINIMUM OPENING SIZE OF SELECTED UNIT WITH MANUF. SPECS. PRIOR TO BUILDING. CONSTRUCT CHIMNEY PER CHAPTER 8 OF THE 205 MRC.
32. PROVIDE 8" DETAIL ON THE GARAGE SIDE OF WALLS COMMON TO RESIDENCE AND GARAGE. APPROX. 8" BY TYPE 1" DETAIL TO GARAGE CEILING AREA BELOW HABITABLE ROOMS PER MRC 205 TABLE R202.6.
33. LOWER LEVEL AREA CONSIDERED UNHABITABLE. ANY FUTURE ALTERATIONS TO MODIFY LOWER LEVEL TO A HABITABLE SPACE WILL COMPLY STRICTLY TO THE 205 HIGHER RESIDENTIAL CODE. EGRESS WINDOW AS PROVIDED AS REQUIRED IN COMPLIANCE W/ MRC 205 SEC. R301 - R305.
34. CHIMNEY TERMINATION MUST PROJECT 2'0" ABOVE ANY PART OF THE BUILDING WITHIN 10 FEET BUT SHALL NOT BE LESS THAN 3'0" ABOVE HIGHEST POINT WHERE CHIMNEY PASSES THROUGH THE ROOF.
35. ROOF VENTILATION WHERE EAVE OR CORNER VENTS ARE INSTALLED INSULATION SHALL NOT BLOCK THE FREE FLOW OF AIR. A MINIMUM OF A 1" NOT BRACE SHALL BE PROVIDED BETWEEN THE INSULATION AND THE ROOF SHEATHING AT THE LOCATION OF THE VENTS.
36. NOT USED.
37. NOT USED.
38. PROVIDE FIRE-RESISTANT FIBER-GLASS REINFORCED GLASS THAT OPTIMUM BACKERS OR FIBER REINFORCED GLASS BACKERS AS BACKERS FOR 1/2" AND/OR 3/4" VERTICAL GLASS. OPTIMUM BACKERS MUST COMPLY WITH ASTM C 1088. C 1035, C 1178 OR C 1178 AND BE INSTALLED PER MANUF. CORRESPONDENCE. MRC 205 SEC. R202.4.
39. PROVIDE NON-ABSORBENT FINISH TO THE SURFACE OF ALL BATHING AREAS IN WALL TOILET SHOWER LEADS A MIN. OF 6" OF 6" ABOVE FINISH FLOOR PER MRC 205 SEC. R202.2.
40. PROVIDE 2-LAYER MINERAL COATED ROLLED ROOFING AT ALL EAVES AND 1/2" ABOVE BUILDING. 2-LAYER MINERAL COATED ROOFING MUST BE GENTLED TOGETHER VERIFY WITH BUILDING DEPARTMENT.
41. PROVIDE ADEQUATE ROOF VENTILATION AND SORRIT VENTILATION (MIN) AS REQUIRED. VERIFIED BY CALCULATION UNO OF AREA VENTILATION REQD PER SEC. R202.2.
42. FASTER SCHEDULE FOR STRUCTURAL MEMBERS TABLE R202.3 (1) WOOD STRUCTURAL PANELS, SUBFLOOR, ROOF AND WALL SHEATHING TO FRAMING AND PARTICLEBOARD WALL SHEATHING TO FRAMING, BUILDING MATERIALS OF 3/4" - 1/2" USE 6d COMMON NAIL, SUBFLOOR WALL 1/4" ROOF EDGES 1" INTERMEDIATE SUPPORTS AND USE 8d COMMON NAILS FOR ROOF 1/4" ROOF EDGES 1" INTERMEDIATE.
43. BUILDER OWNER TO PROVIDE WATERPROOFING TO CODE SUBMIT INFORMATION ON APPROVED PRODUCTS.
44. ROOF TRUSS FRAMING INDICATED ON DRAWINGS IS OUR ASSUMED LAYOUT. TRUSS MANUFACTURER SHOULD REVIEW THE DRAWING AND INDICATE TO ARCHITECT PRIOR TO FABRICATION. ANY CHANGE IN BEARING CONDITIONS THAT WOULD REQUIRE RE-WEAVING OF OUR PROVISIONS TO ACCOMMODATE TRUSSES.
45. THE ROOF TRUSS MANUFACTURER TO SUBMIT SHOP DRAWING TO THE DESIGNER PRIOR TO FABRICATION OF THE TRUSSES.
46. ROOF TRUSS DESIGNED BY TRUSS MANUFACTURER TO CONFORM TO ALL MINIMUM DESIGN LOAD REQUIREMENTS.
47. BUILDER/TRUSS MFG. TO PROVIDE TRUSS DESIGN DRAWINGS IN COMPLIANCE WITH MRC 205. TRUSS SHALL INCLUDE AT MINIMUM THE INFORMATION SPECIFIED BELOW:

1. SLOPE OR DEPTH, SPAN, AND SPACING
2. LOCATION OF ALL JOINTS
3. REQUIRED BEARING JOISTS
4. DESIGN LOADS AS APPLICABLE
- 4.1. TOP CHORD LIVE LOAD (INCLUDING SNOW LOADS)
- 4.2. TOP CHORD DEAD LOAD
- 4.3. BOTTOM CHORD LIVE LOAD
- 4.4. BOTTOM CHORD DEAD LOAD
- 4.5. CONCENTRATED LOADS AND THEIR POINTS OF APPLICATION
- 4.6. CONTROLLING WIND AND EARTH SHAKE LOADS
- 4.7. ADJUSTMENTS TO UPPER AND JOINT CONNECTOR DESIGN VALUES FOR CONDITIONS OF USE
- 4.8. EACH REACTION FORCE AND DIRECTION
- 4.9. JOINT CONNECTOR TYPE AND DESCRIPTION E.G. SIZE (THICKNESS OR GAUGE) AND THE DIMENSIONED LOCATION OF EACH JOINT CONNECTOR EXCEPT WHERE SYMMETRICALLY LOCATED RELATIVE TO THE JOINT INTERSECT
5. LUMBER SIZE, SPECIES AND GRADE FOR EACH MEMBER
6. CONNECTION REQUIREMENTS FOR:
- 6.1. TRUSS TO TRUSS JOINT
- 6.2. TRUSS PL. TO PL.
- 6.3. FIELD PL. JOINT
- 6.4. CALCULATED DEFLECTION RATIO AND/OR MAXIMUM DEFLECTION FOR LIVE AND TOTAL LOAD
- 6.5. MAXIMUM AXIAL COMPRESSION FORCES IN THE TRUSS
- 6.6. MEMBERS TO ENABLE THE BUILDING DESIGNER TO DESIGN THE SIZE CONNECTIONS AND ANCHORAGE OF THE PERMANENT CONTINUOUS LATERAL BRACING FORCES SHALL BE SHOWN ON THE TRUSS DRAWING OR ON SUPPLEMENTAL DOCUMENTS.
- 6.7. REQD PERMANENT TRUSS MEMBER BRACING BRACE ROOF TRUSSES AS RECOMMENDED BY MANUFACTURER.

NOTE: ALL CODES SHALL COMPLY WITH THE MICHIGAN BUILDING CODES, INTERNATIONAL BUILDING CODES WHERE APPLICABLE 4. 205 HIGHER RESIDENTIAL CODE. THEY SHALL ALSO COMPLY WITH ANY JURISDICTION CODES IN THEIR RESPECTIVE COUNTY, CITY, VILLAGE, OR TOWNSHIP AND THEIR PROVISIONS AND ORDINANCES.

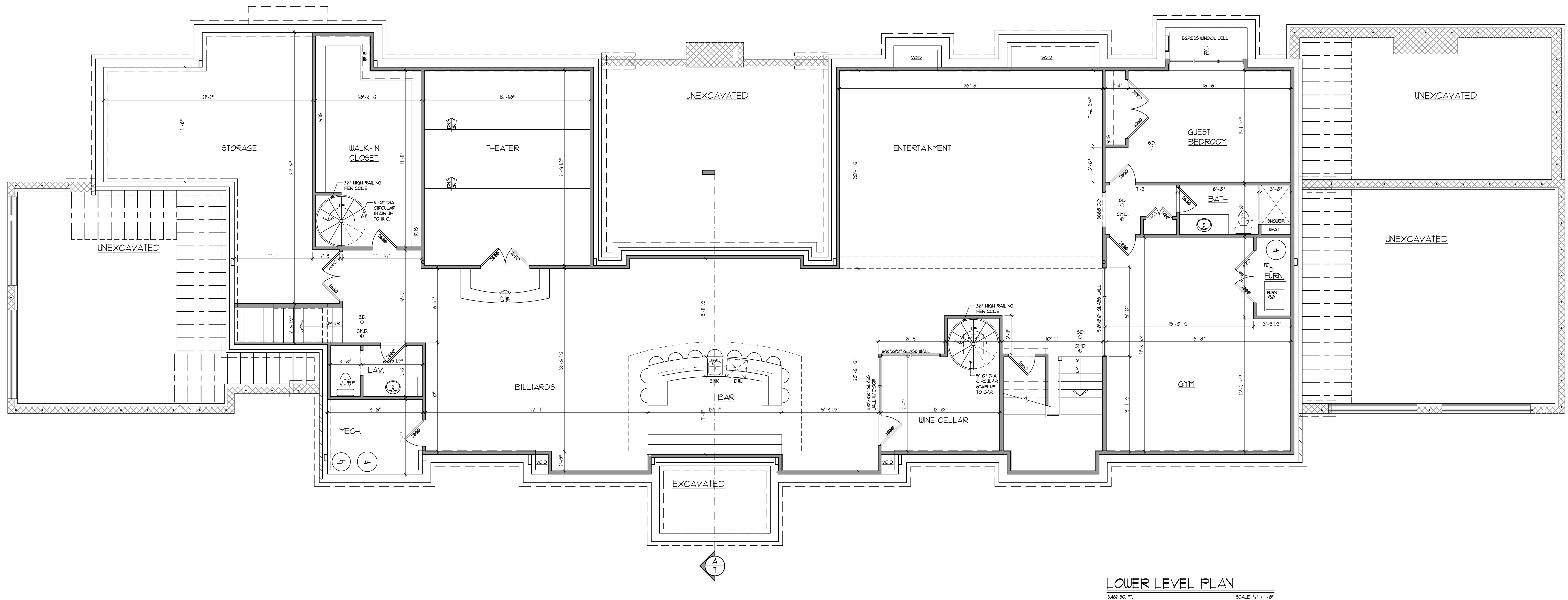
NOTE: GENERAL NOTES INDICATED ABOVE ARE JUST A PART PORTION OF OUR STANDARD NOTES 4. THE 205 HIGHER RESIDENTIAL CODE BUT THE CODE IS MUCH BROADER 4 SHOULD BE STRICTLY FOLLOWED BY BUILDER, TRADER 4 CRAFTSMAN.

DO NOT SCALE DRAWING. USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS NOTIFY THE DESIGNER IMMEDIATELY FOR CLARIFICATION. BUILDER RESPONSIBLE TO HAVE REVIEWED ALL DRAWINGS AND 4 ADDITIONAL CLARIFICATION OR INFORMATION IS NEEDED BUILDER IS TO CONTACT DESIGNER AND SALES COORDINATOR.

THESE CONSTRUCTION DOCUMENTS ARE A GRAPHIC REPRESENTATION FOR THE PROPOSED PROJECT. DIMENSIONS OF ROOMS, UNDOOS OR FIXTURES MAY VARY BETWEEN MANUFACTURERS AND INSTALLATION. BUILDER TO HAVE EVERY ATTEMPT TO MATCH DIMENSIONS AS DRAWN.

UNDOO DESIGNATIONS ARE APPROXIMATE. EXACT SIZES ARE PER THE MANUFACTURER'S SPECIFICATIONS.

ALLOWABLE SPANS FOR LINTELS SUPPORTING MASONRY VENEER				
SIZE OF ANGLE (IN")	NO. STORY ABOVE	ONE STORY ABOVE	TWO STORIES ABOVE	NO. OF 1/2" OR EQ. REG. BARS*
3 X 3 X 4	6'-0"	4'-6"	3'-0"	1
4 X 3 X 4	8'-0"	6'-0"	4'-6"	1
5 X 3 1/2 X 5 1/2	10'-0"	8'-0"	6'-0"	2
6 X 3 1/2 X 6 1/2	14'-0"	9'-6"	7'-0"	2
(7/8) 6 X 3 1/2 X 6 1/2	20'-0"	12'-0"	9'-6"	4



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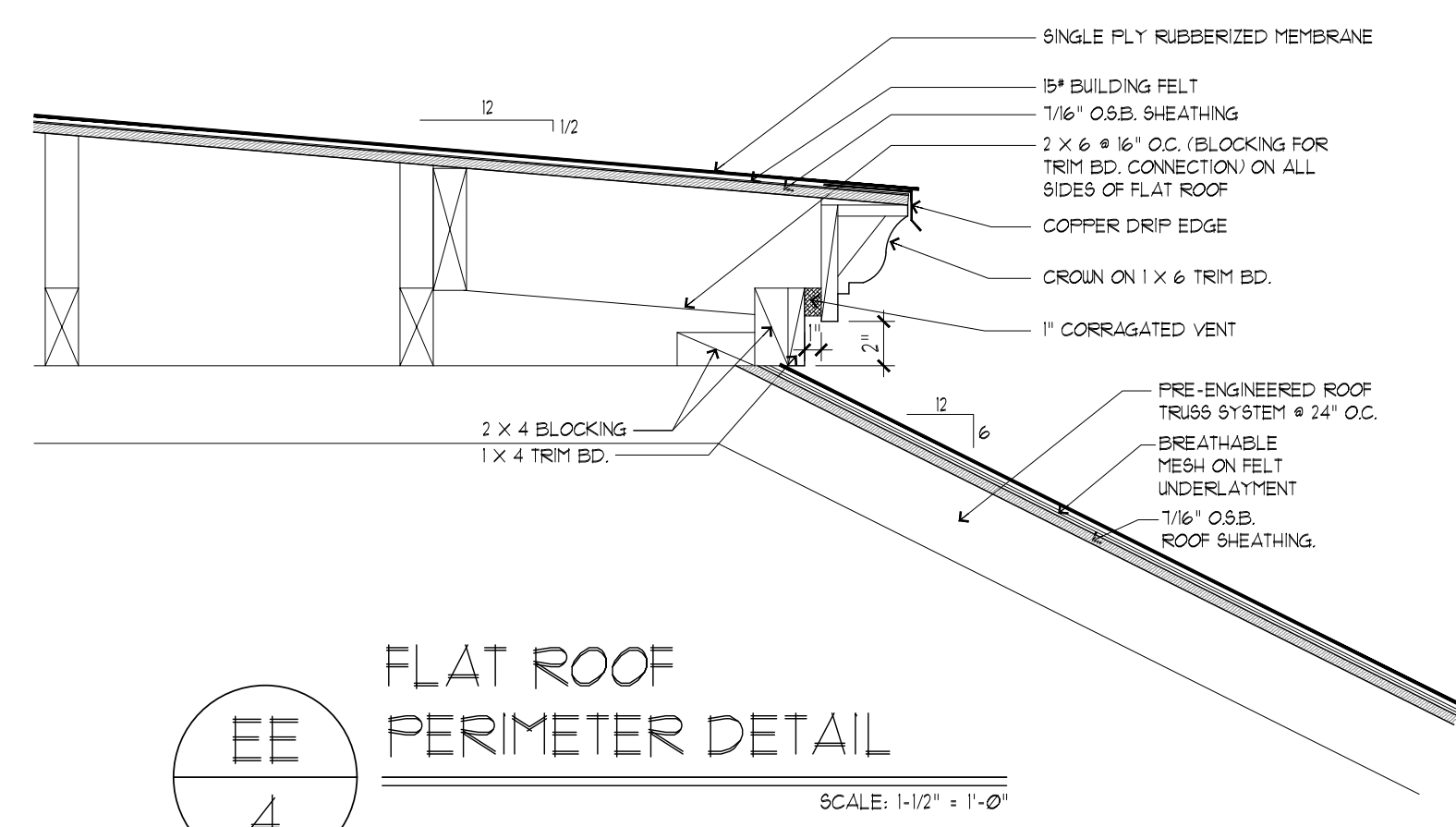
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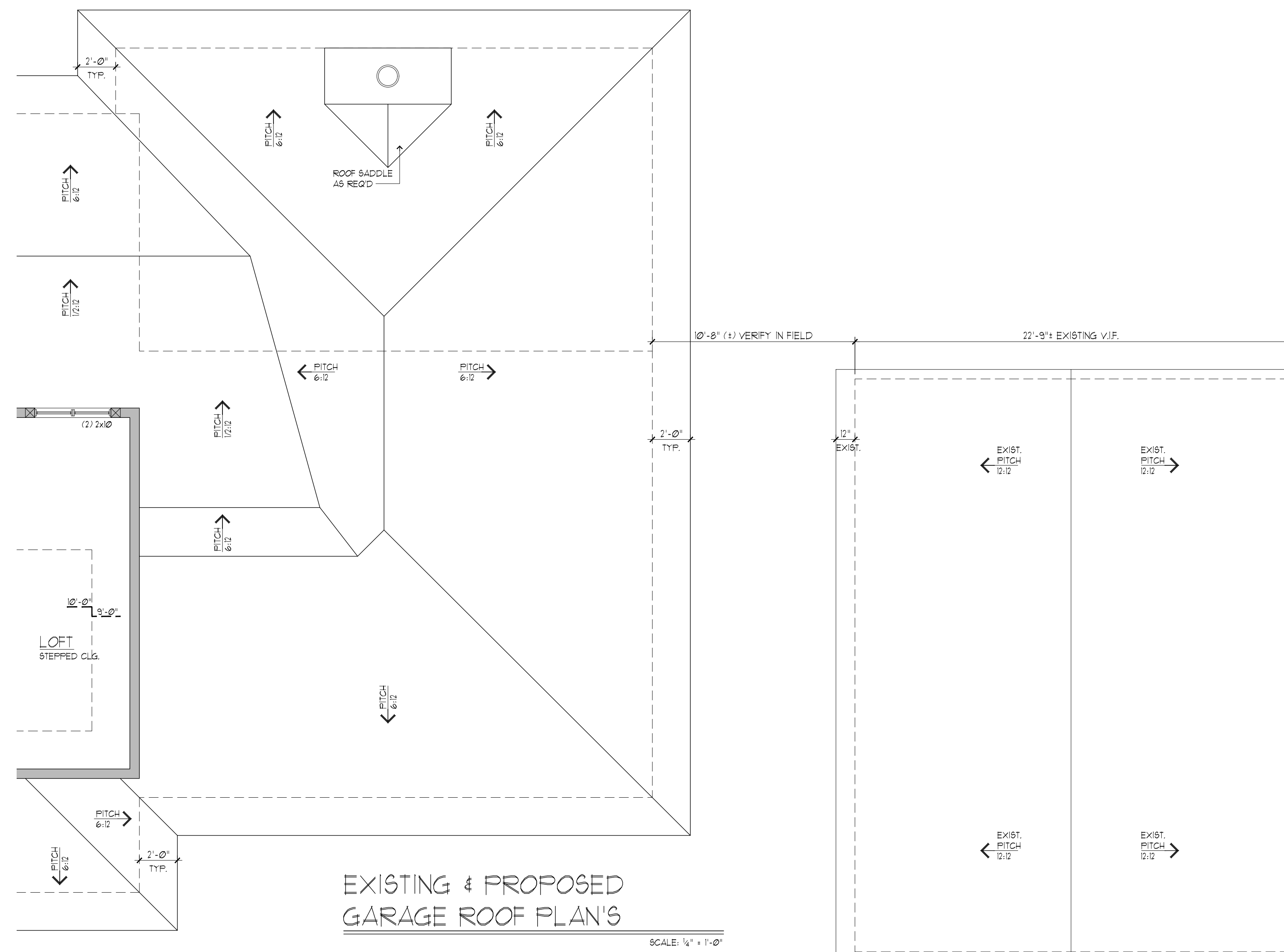
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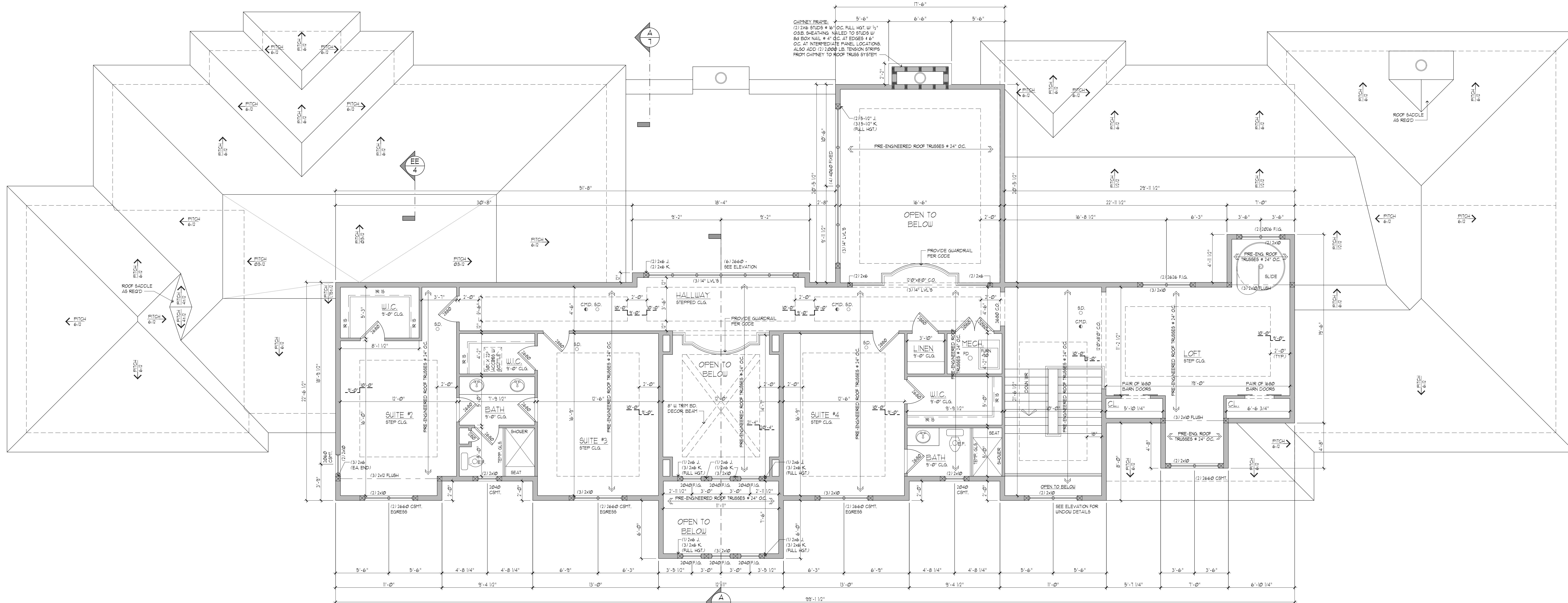
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FLAT ROOF
PERIMETER DETAIL
SCALE: 1/2" = 1'-0"



EXISTING & PROPOSED
GARAGE ROOF PLAN'S
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

HD: HOLD DOWN (3500# MIN.)
SPRONG EMBEDDED
INTO WALL OR HTS. W/
3/8" DIA. HD ROD SET
INTO CONCRETE WALL
MIN. 8" EMBED.

SD: BUILDER TO PROVIDE
APPROVED PROOF
ON ALL FLOORS
(INTER-CONNECTED)
WITH EXISTING BACKUP

CHD: CARBON FIBER ROD
TO COMPLY W/UL954
AND INSTALLED PER
MANUF. SPECIFICATIONS

NOTE: ALL STAIRWAYS SHALL
BE ILLUMINATED WITH TYP. (1)
FOOTCANDLE

DI: INDICATES TYPICAL -
(2) STD. BEARING
(UNLESS OTHERWISE
NOTED ON PLAN)

NOTE: BUILDER TO COORDINATE
ALL ELECTRICAL UNPAID
PANELS, OUTLETS, SWITCHES,
LIGHTING, ETC. W/ HOMEOWNER
PRIOR TO CONSTRUCTION

NOTE: INTERIOR WALL DIMENSIONS
ARE FROM STD. TO STD.
EXTERIOR WALLS INCLUDE
SHEATHING

NOTE: TYPICAL THREE STD. BRACKS
AT ALL DOOR JAMBES
CARPENTER TO VERIFY
GABING RISE WITH BUILDER



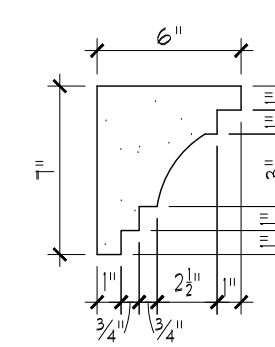
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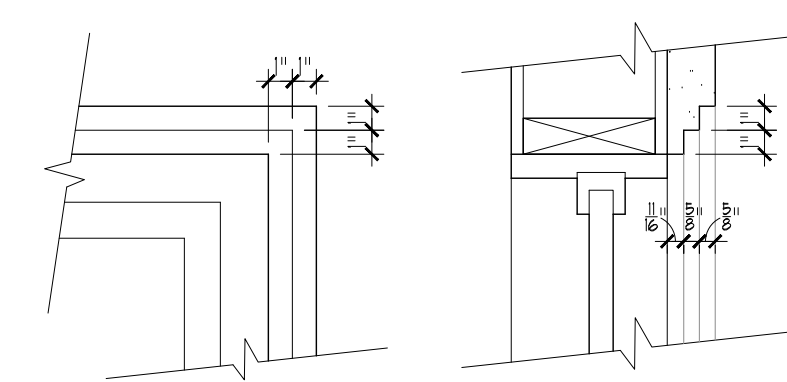
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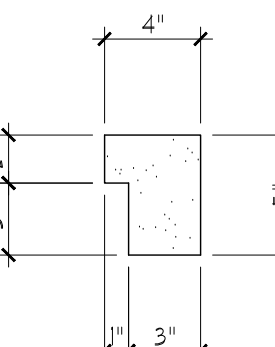
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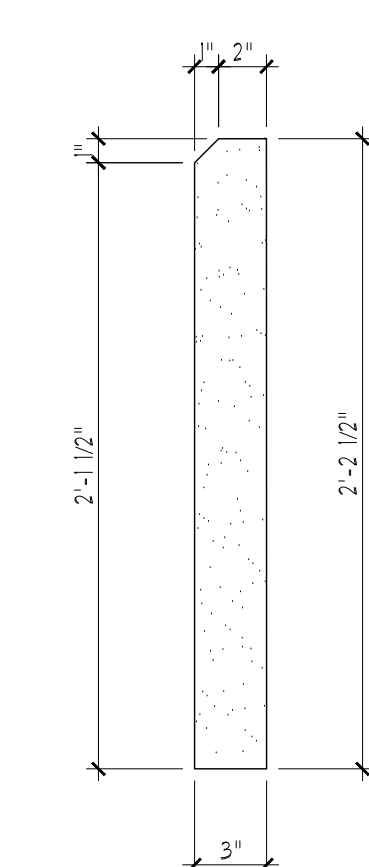
E.I.F.S. CORNICE
PROFILE DETAIL
SCALE: 1/8" = 1'-0"



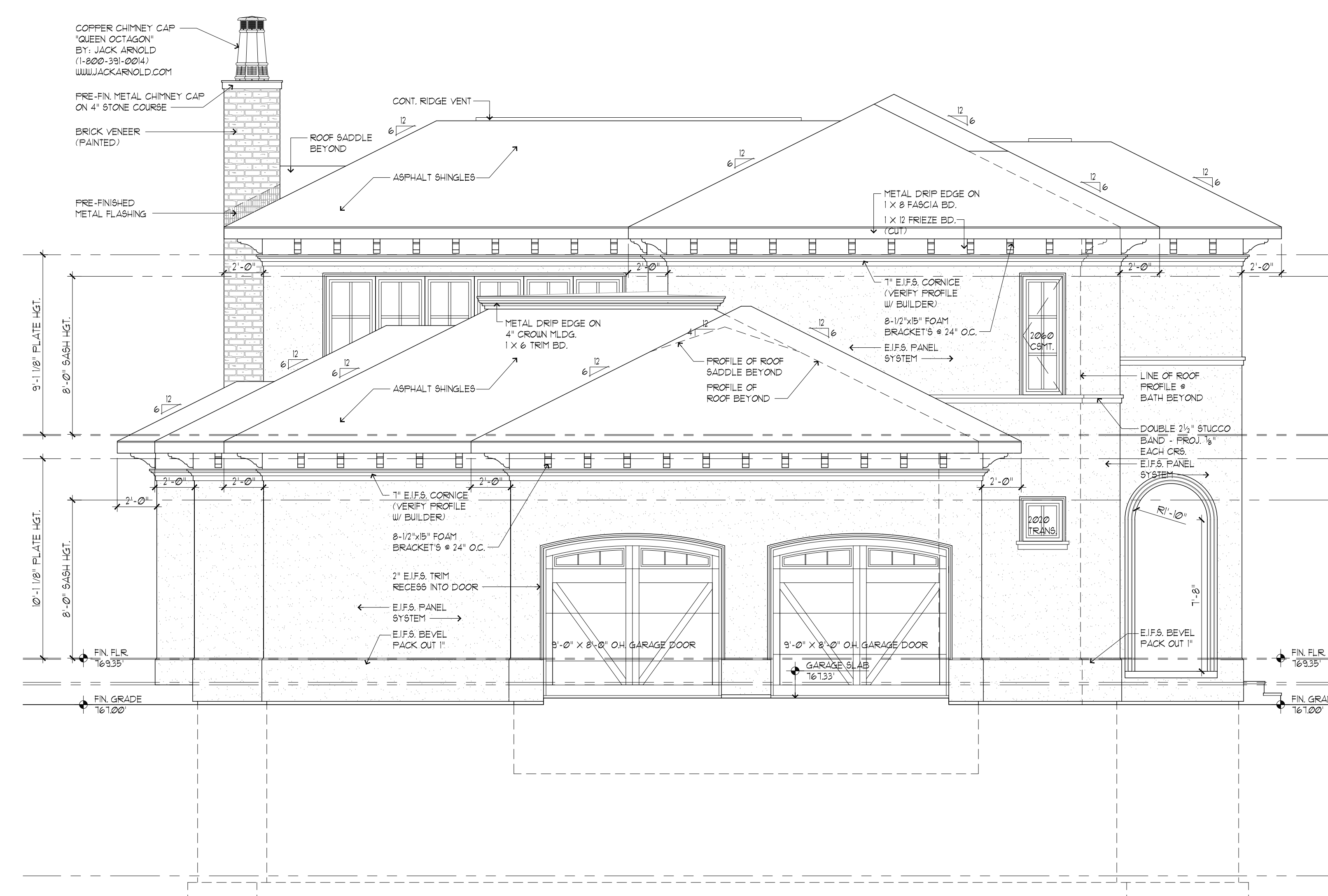
E.I.F.S. WINDOW
SURROUND DETAIL
SCALE: 1/4" = 1'-0"



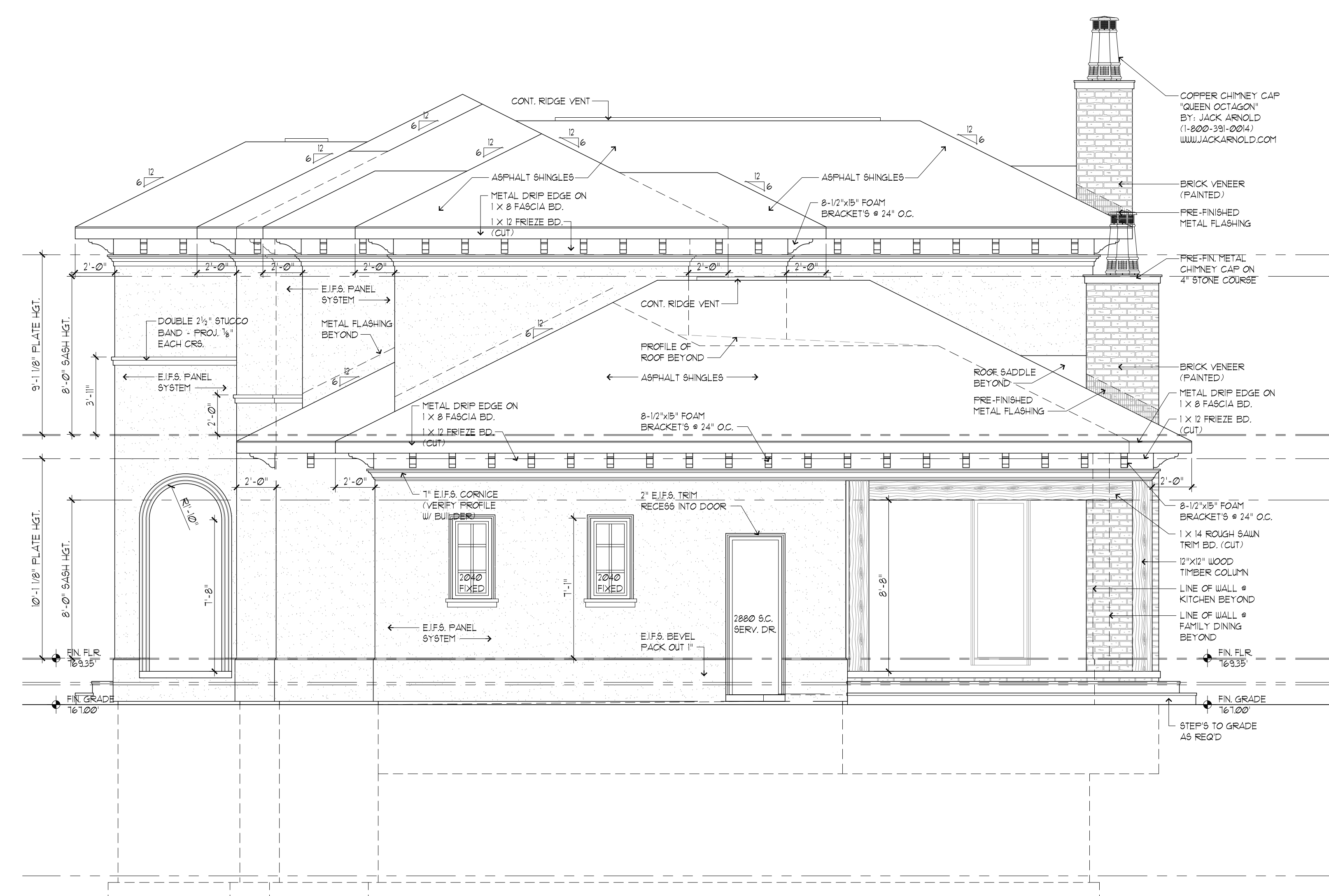
E.I.F.S. BAND DETAIL
SCALE: 1/4" = 1'-0"



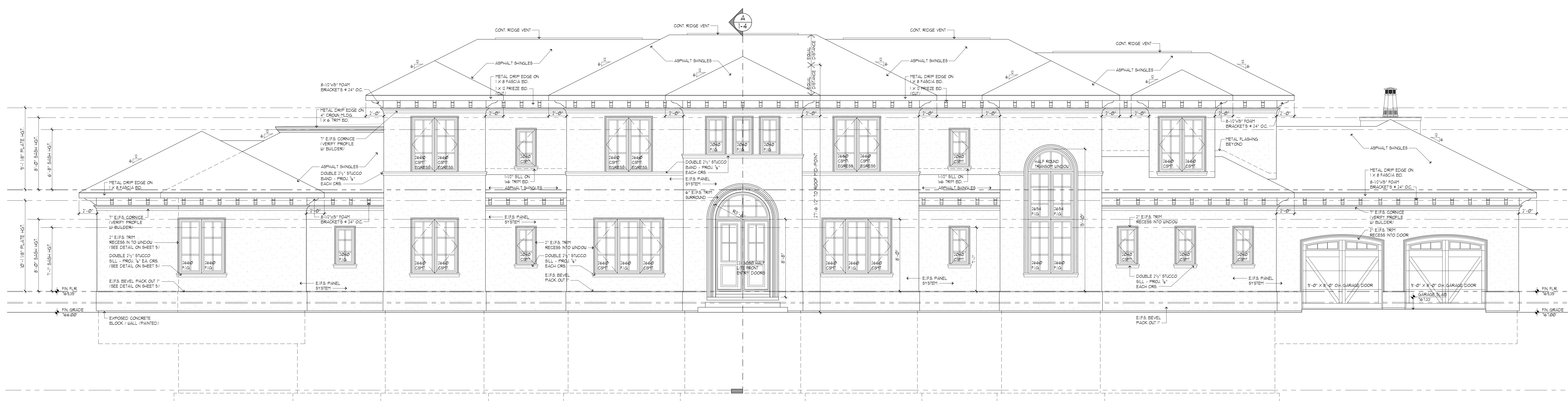
E.I.F.S. WALL
BASE DETAIL
SCALE: 1/4" = 1'-0"




LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

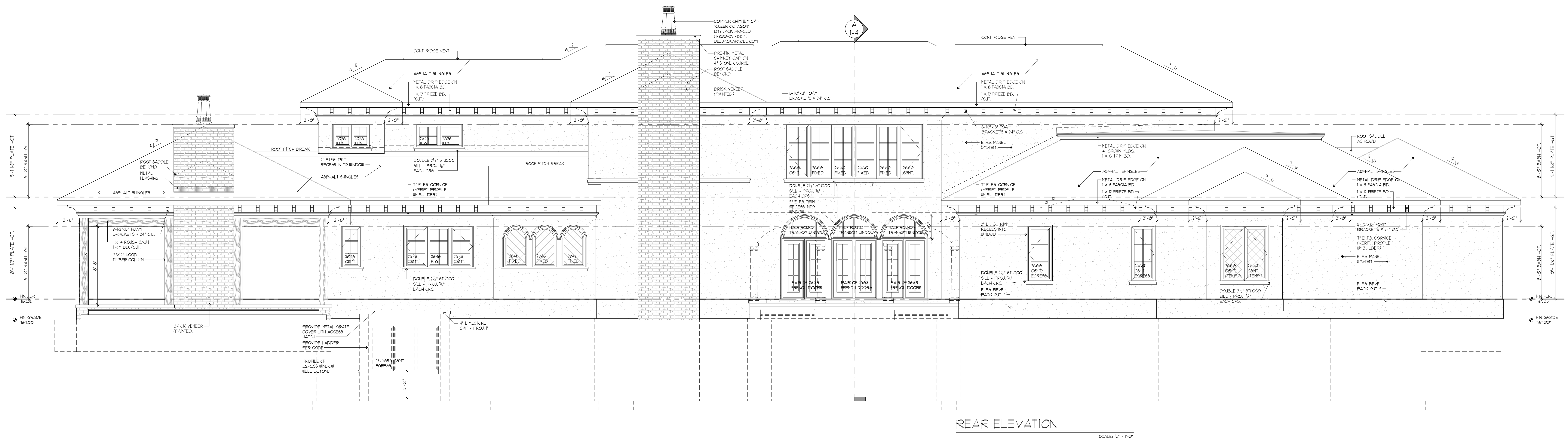
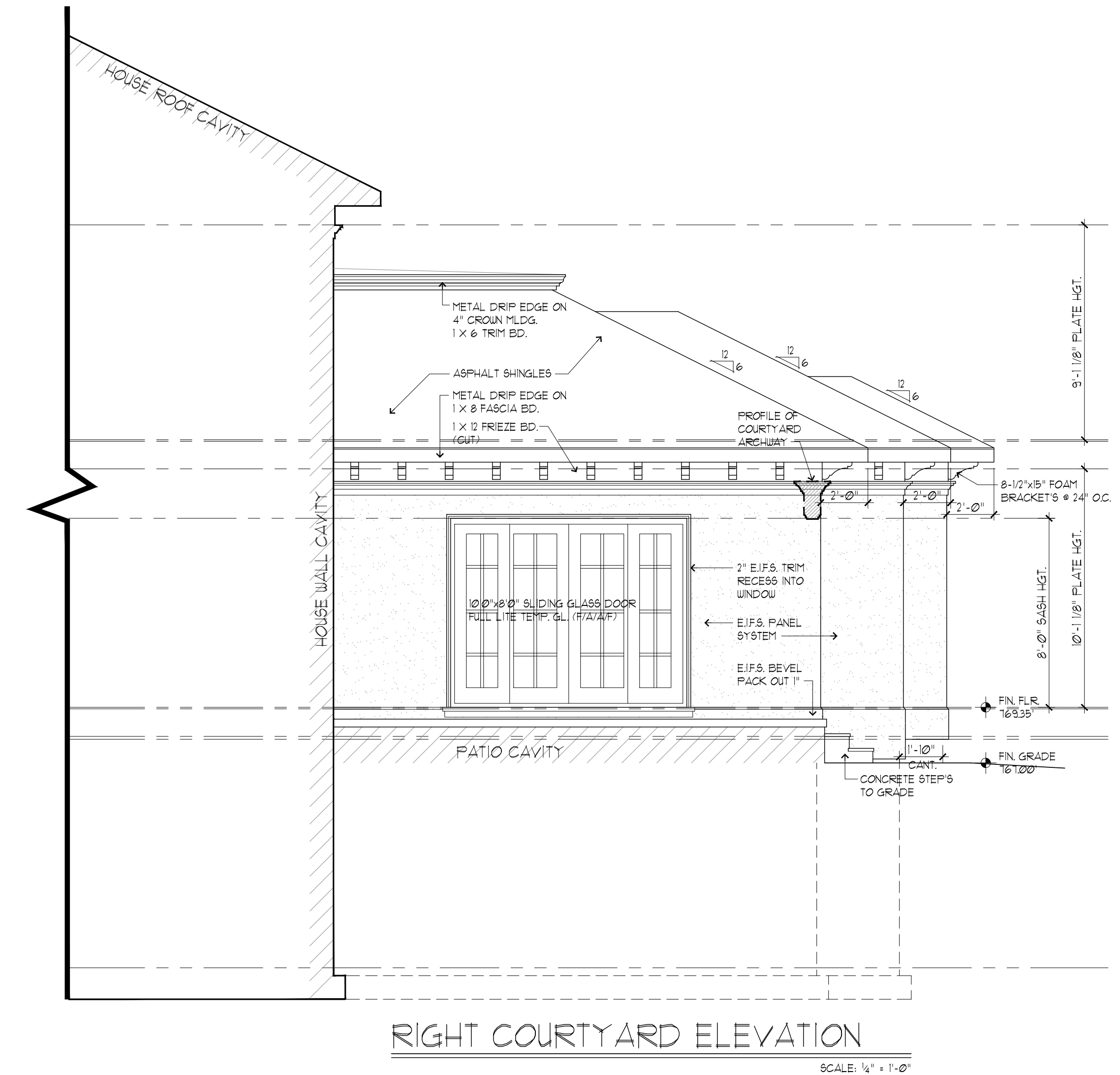
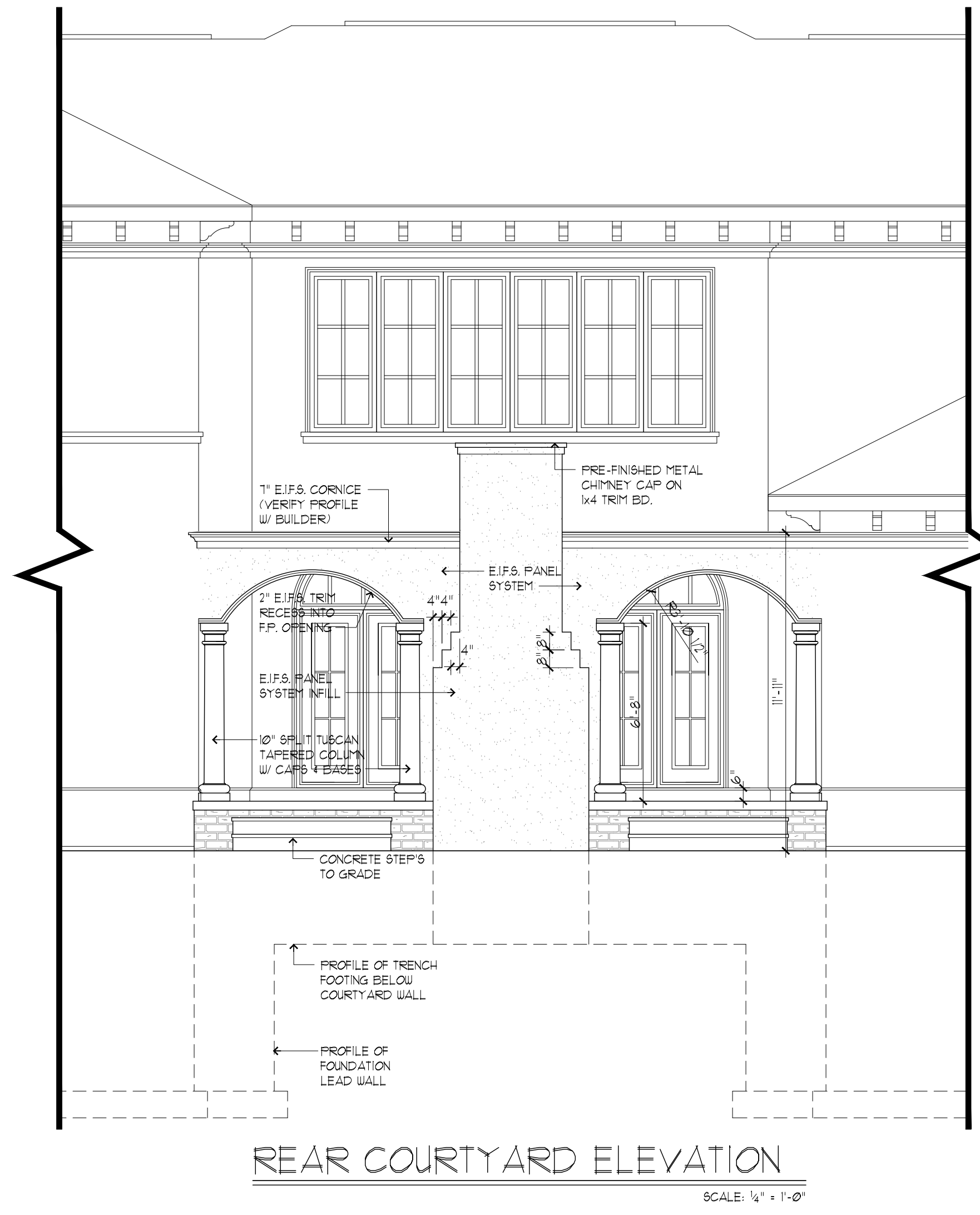
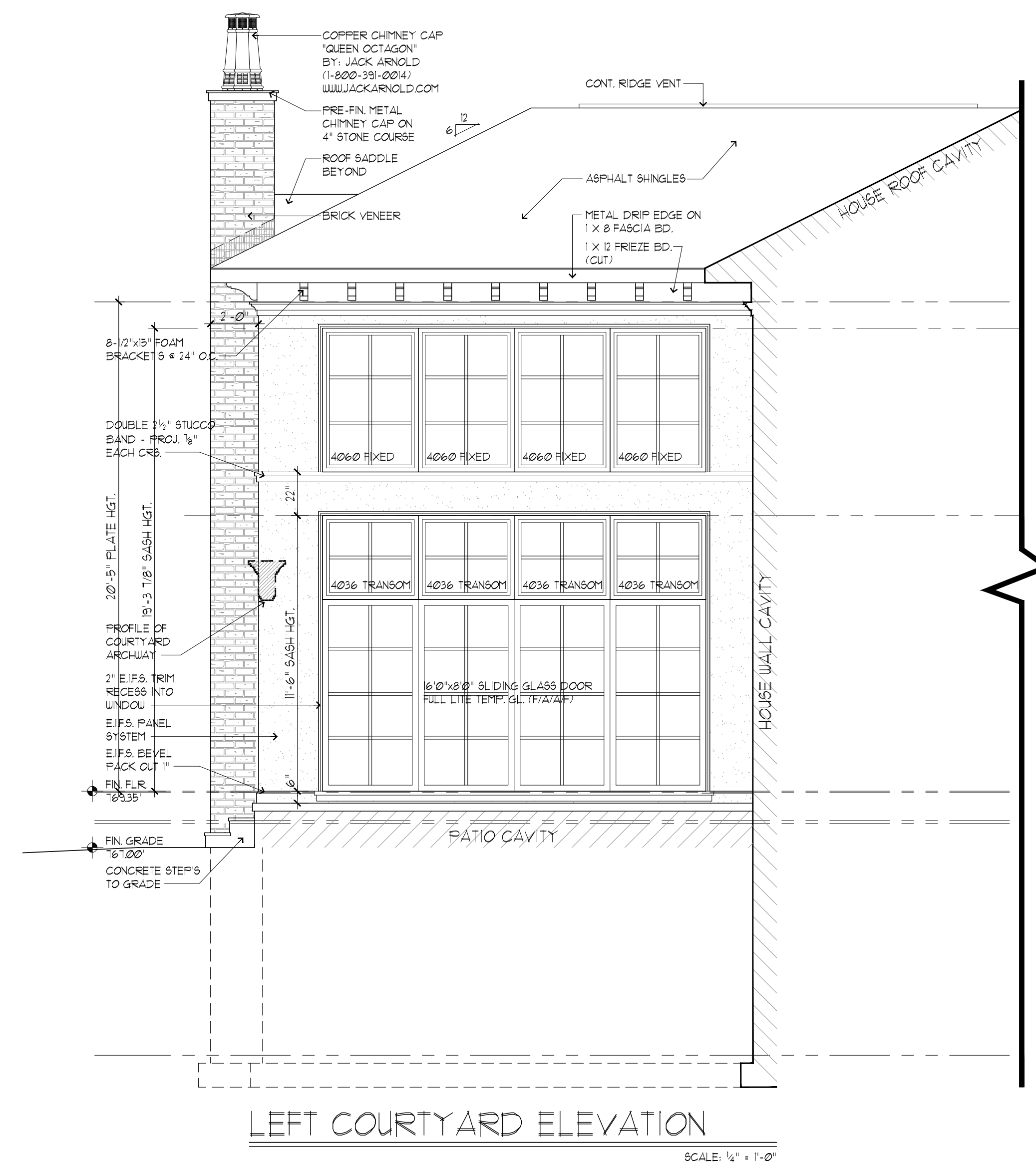



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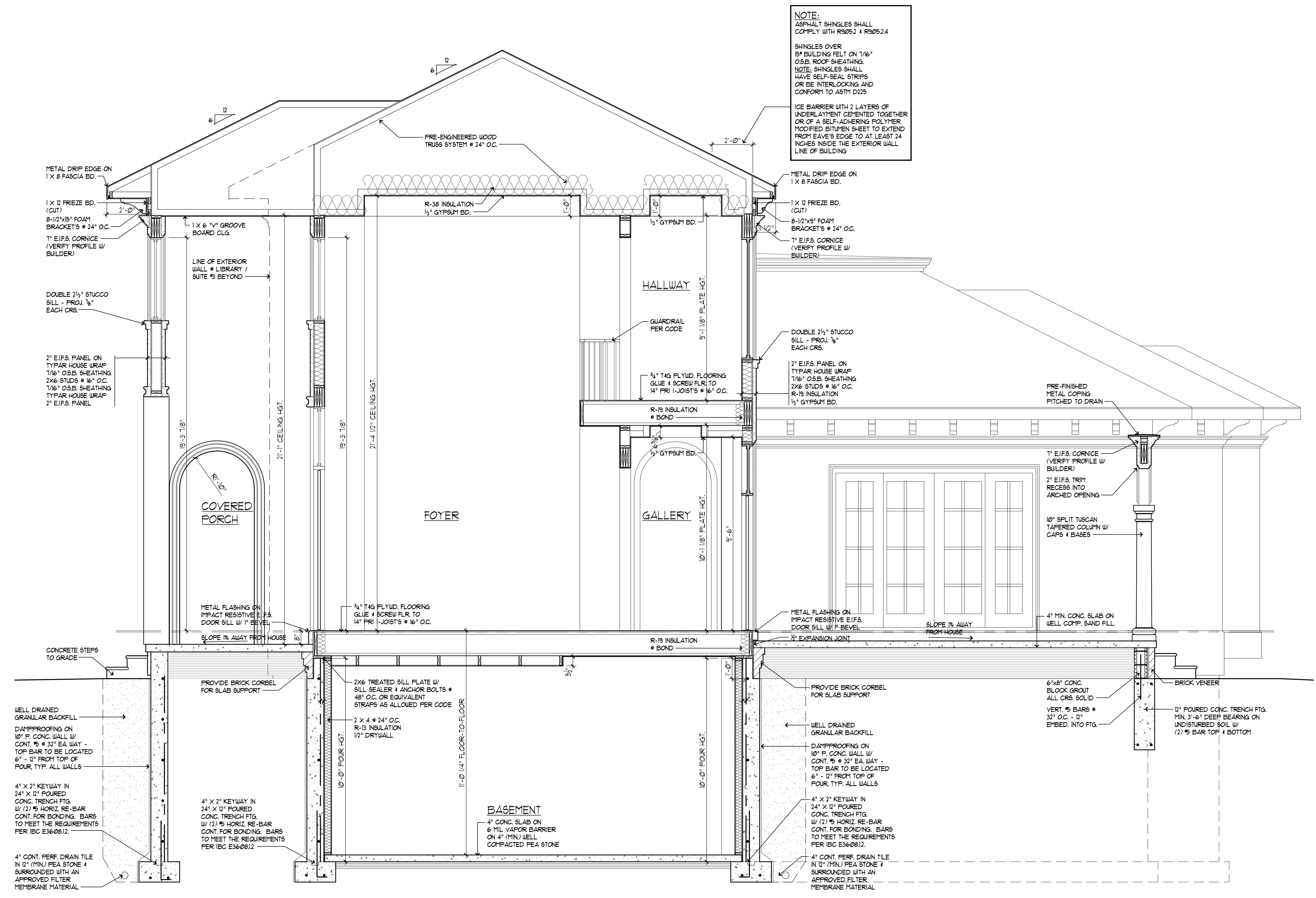
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CASE DESCRIPTION

633 W. FRANK (22-10)

Hearing date: April 12, 2022

Appeal No. 22-10: The owner of the property known 633 W. Frank, requests the following variance to place A/C units in the require side yard:

A. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the side open space. There are three new A/C units located in the side open space. Therefore, a variance to have A/C units in the side open space is requested.

Staff Notes: This applicant is looking for a variance regarding three A/C condenser units placed in the side open space.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

633 W FRANK 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 Date: 3-11-22 **APPLICATION FOR THE BOARD OF ZONING APPEALS**

Hearing Date: 4-12-22

Received By: HY

Appeal #: 22-0010

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: <u>633 W. Frank St</u>	Lot Number: <u>24.25.26</u>	Sidwell Number: <u>19-36-153-026</u>
---------------------------------	-----------------------------	--------------------------------------

II. OWNER INFORMATION:

Name: <u>Mark Alhermizi</u>			
Address: <u>633 W. Frank St</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>mark@izi ventures.com</u>		Phone: <u>248-480-2200</u>	

III. PETITIONER INFORMATION:

Name: <u>Dave Popelier</u>	Firm/Company Name: <u>Thomas Sebald & Associates</u>		
Address: <u>35490 Woodward Ave.</u>	City: <u>Bloomfield Hills</u>	State: <u>MI</u>	Zip code: <u>48304</u>
Email: <u>David@tsagc.com</u>	Phone: <u>248-361-1855</u>		

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: 3-11-22

Signature of Petitioner: [Signature]

Date: 3-11-22

**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.
-

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.
-

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.

A handwritten signature in dark ink, appearing to be 'D. R.', written over a horizontal line.

Signature of Applicant



Thomas Sebold and Associates
General Contractors

633 W FRANK ST

DATE: 3.11.22
SUBJECT: AIR CONDITIONER PLACEMENT
ATTENTION: ZONE OF BOARDING APPEALS

We are requesting a variance for 3 Air conditioning units being located in the required side yard setback on the west property line at 633 West Frank Street. The issue arises from the unique circumstances of the property for acceptable locations for the Air Conditioning equipment permitted by the current ordinance and the manufacturers acceptable line set lengths from the interior equipment of 80 lineal feet. (see specifications from Lennox)

I have attached an as-build site plan, photos, and a letter from the neighboring property owner showing the practical difficulty of the situation. On the site plan I have shown the current location of the units along with an optional location of the of equipment that meets the zoning ordinance's nearest acceptable location but would still be outside of the manufacturers acceptable length. In the neighboring properties letter in response to the zoning violation, the owner speaks of how he would prefer the units placed as they currently are and not in a location that he feels would greatly affect the use and enjoyment of his property. In the photos I have shown how the units do not visually impact any neighboring properties and how we have worked to mitigate any noise and site issues that could be related to the current location of the units. I hope this explanation and documentation will help us lead to an approval to the requested variance.

If you have any questions or comments, please do not hesitate to contact me

David Popelier

Director of Construction

Thomas Sebold & Associates
35990 Woodward Avenue
Bloomfield Hills, MI 48304
PH: 248-642-7711
Fax: 248-642-8257
Cell: 248-361-1855
Email: david@tsagc.com

DETENTION CALCULATION 100 YEAR STORM PER OAKLAND COUNTY STANDARDS			
ALLOWABLE DISCHARGE	C1 =	0.20 CFS/ACRE	
AREA	A =	0.0220 ACRES	960 SF = 0.022 AC
RUNOFF COEFF	C =	1.00	
TOTAL ALLOWABLE DISCHARGE			
Q = C1 x A		0.00 CFS	
ALLOWABLE OUTFLOW	Q0 = Q / (A x C)	0.20 CFS/ACRE	
PEAK STORAGE TIME	T = 25 + (SQRT(103125 / Q0))	202.07 MINUTES	
MAX STORAGE VOLUME/ACRE	VS = (10500 x T / (1 + 25)) - (40 x Q0 x T)	13069.82 CU.FT/ACRE	
TOTAL STORAGE REQUIRED	VT = VS x A x C	287.47 CU.FT	

STORAGE VOLUME PROVIDED (FOR LOWER AREA)

2- 6' DIAMETER CATCH BASINS 6' DEEP

VOLUME = 2 X (($\pi(3)^2$) X 6) = 339 CF

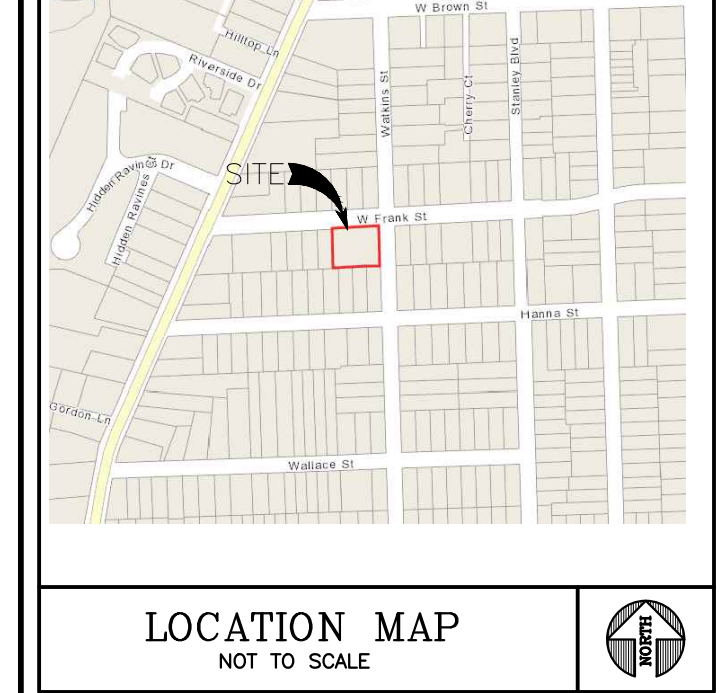
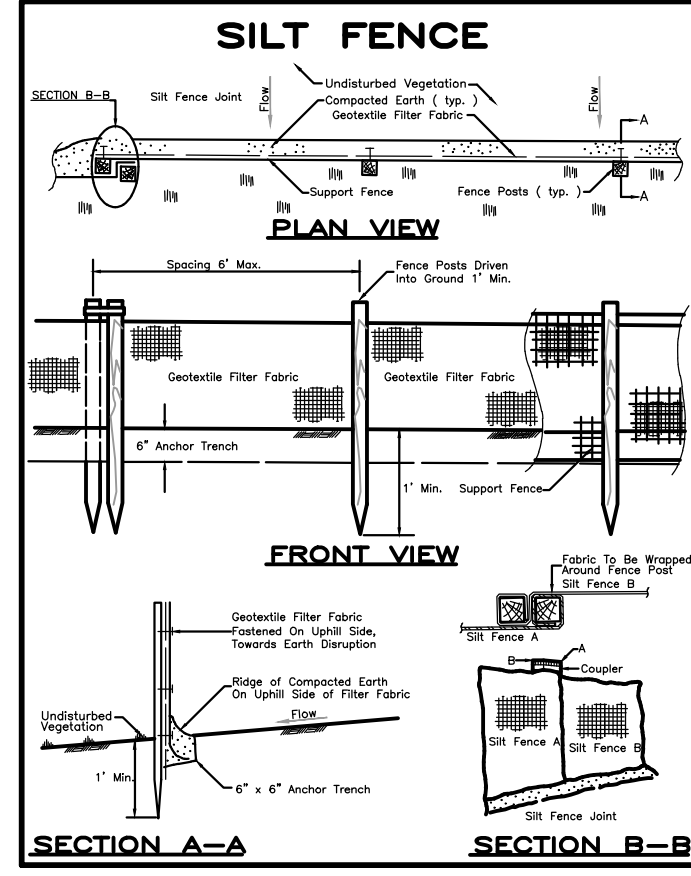
VOLUME PROVIDED = 339 CF

SOIL EROSION NOTES:

- 1) INSTALL EROSION CONTROL MEASURES PRIOR TO CONSTRUCTION.
- 2) ALL SOIL EROSION MEASURES MUST BE IN PLACE PRIOR TO ANY EARTH MOVEMENT.
- 3) COMPLETE ALL EARTH MOVEMENT.
- 4) RIGHT-OF-WAY MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
- 5) ALL SWALE AREAS, ALL SLOPES GREATER THAN 1:5 AND 10' AROUND STORM STRUCTURES MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
- 6) AFTER PERMANENT EARTH STABILIZATION IS COMPLETED, REMOVE EROSION CONTROL MEASURES.

TREE SURVEY

TAG#	DIA.(IN.)	SPECIES	SPREAD(FT.)
1793	10	MAPLE	30
1794	28	MAPLE	40
1795	12	MAPLE	30
1796	12	MAPLE	30
1797	7	LOCUST	25
1798	4	CEDAR	15



NOTE: ALL INTERIOR GRADES (ARCHITECTURAL) SUCH AS FINISH FLOOR, BASEMENT FLOOR, FOOTING GRADES, WALL SECTIONS SHALL BE VERIFIED BY THE BUILDER AND/OR ARCHITECT PRIOR TO CONSTRUCTION. ALL TRADES MUST USE THE ARCHITECTURAL PLANS OF RECORD TO CONSTRUCT ANYTHING OTHER THAN EXTERIOR GRADES AS SHOWN ON THIS PLOT PLAN.

NOTE: SETBACKS AS SHOWN ON THIS PLOT PLAN WERE OBTAINED FROM THE MUNICIPALITY. IT IS THE RESPONSIBILITY OF THE CLIENT TO INSURE THAT THIS INFORMATION IS CORRECT. SINCE DEED RESTRICTIONS ARE NOT SUPPLIED BY THE MUNICIPALITY, THE CLIENT MUST INFORM THIS OFFICE OF ANY SPECIAL RESTRICTIONS WHICH MAY AFFECT THIS PLOT PLAN.

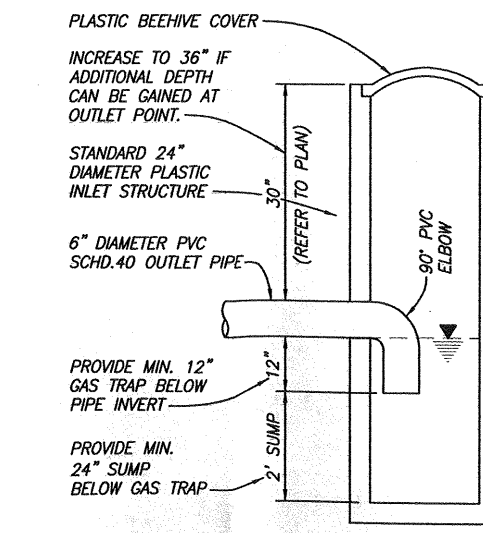
NOTE: FENN AND ASSOCIATES ASSUMES NO RESPONSIBILITY FOR GIVEN HOUSE DIMENSIONS. CLIENT MUST VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

NOTE: THIS PLOT PLAN WAS PREPARED IN THE OFFICE. FIELD WORK WAS PERFORMED. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL APPLICABLE CODES AND/OR ORDINANCES.

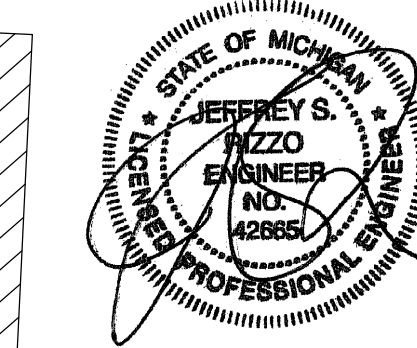
NOTE: THIS DRAWING IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY. THIS DRAWING IS NOT TO BE USED FOR THE ESTABLISHMENT OF ANY PROPERTY LINES OR OTHER IMPROVEMENTS.

NOTE: ACTUAL AS-BUILT LEAD LOCATIONS MUST BE OBTAINED FROM THE CITY/TOWNSHIP.

NOTE: PROPOSED HOUSE HAS PROPOSED DROP BRICK LEDGE.



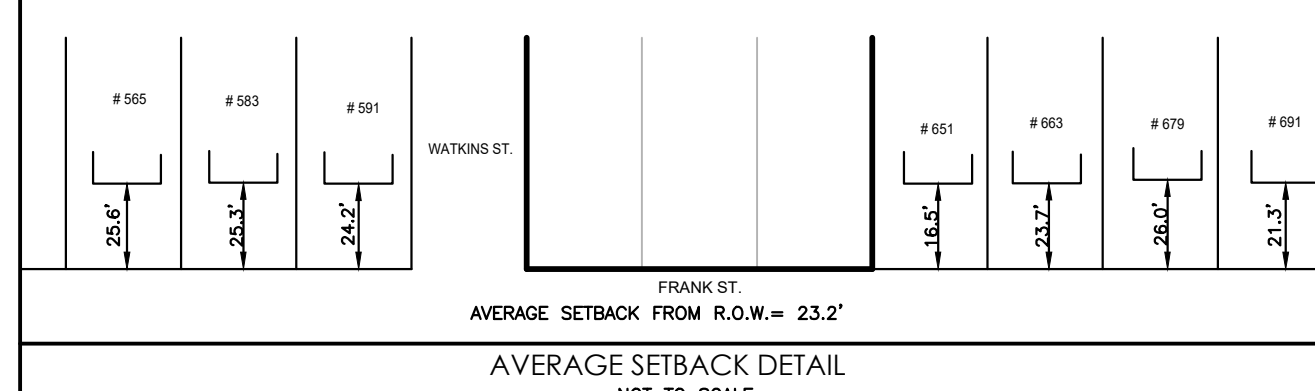
YARD AREA INLET DETAIL (NO SCALE)



DATE = 12/28/20 (REVISED: 8/2/21)
FIELD BY = A.C. C.S.
FINAL AS-BUILT
AB = AS-BUILT
AB.BL = AS-BUILT BRICK LEDGE
AB.GR = AS-BUILT FINISH GROUND
AB.T/W = AS-BUILT TOP OF WALK
AB.T/C = AS-BUILT TOP OF CURB

CONSTRUCTION SEQUENCE	YES	NO	DATE	BY	DATE	BY	DATE	BY	DATE	BY	DATE	BY
A SOIL EROSION CONTROL MEASURE												
B HOUSE CONSTRUCTION												
C DRIVEWAY & SIDEWALK CONSTRUCTION												
D FINAL GRADING												
E PERMANENT SOIL EROSION												

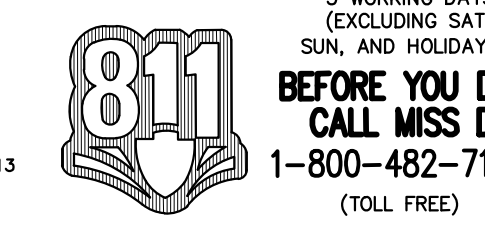
NOTE: THIS TIMING AND SEQUENCE CHART IS TO BE FILLED IN BY THE CLIENT PRIOR TO SUBMITTAL TO THE CITY/TOWNSHIP.



NOTE: AREA OF PROPOSED EARTH CHANGE = 19,031 SQ. FT.
NOTE: SOIL EROSION CONTROL MEASURES WILL BE MAINTAINED ON A WEEKLY BASIS AND AFTER EACH STORM EVENT BY THE BUILDER.
NOTE: THE NEAREST WATER COURSE IS ROUGE RIVER, APPROX. 1100'± TO THE WEST.
NOTE: PROPOSED HOUSE ELEVATIONS ARE BASED ON A 11'10" BENCHMARK. VERIFY WITH A VARIABLE BRICKLEDE. VERIFY WITH BUILDER PRIOR TO EXCAVATION.

AREA OF LOT = 19,031 SF.
AREA OF HOUSE FOOTPRINT & GARAGE = 5,436 SF.
LOT COVERAGE = 28.5%
AREA OF LOT = 19,031 SF.
IMPERVIOUS AREA = 10,652 SF.
LOT COVERAGE = 55.9%

PROPERTY DESCRIPTION: (PER COUNTY RECORDS)
T2N, R10E, SEC 36 ARGUS ADD LOTS 24, 25 & 26 1-18-17 FR 007, 008 & 009

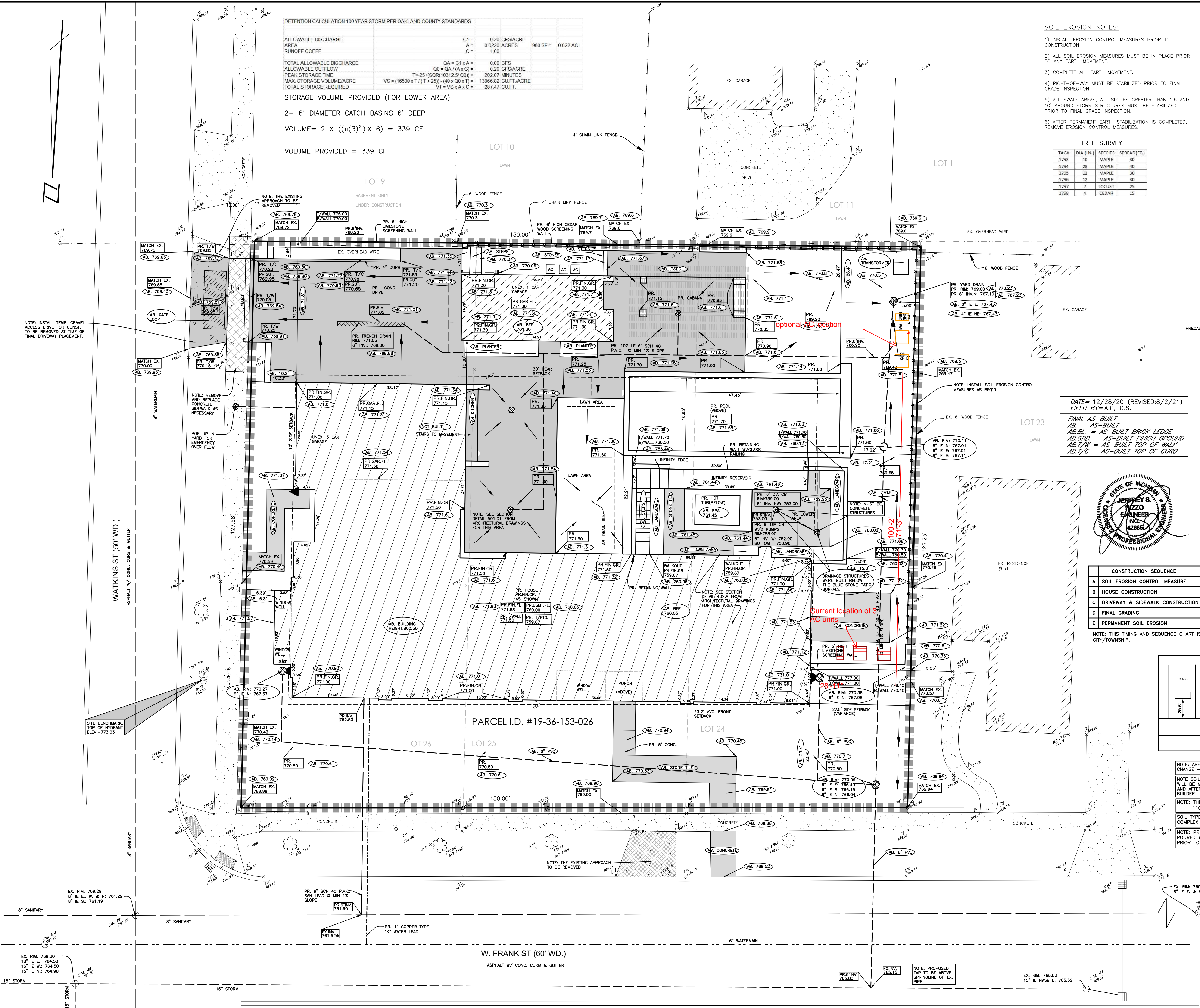


BUILDER: BIDDISON ARCHITECTURE & DESIGN
320 MARTIN ST. SUITE 10
BIRMINGHAM, MI 48409
PHONE: 248-554-9500

ADDRESS: 633 W. FRANK ST.
PARCEL I.D. #19-36-153-026

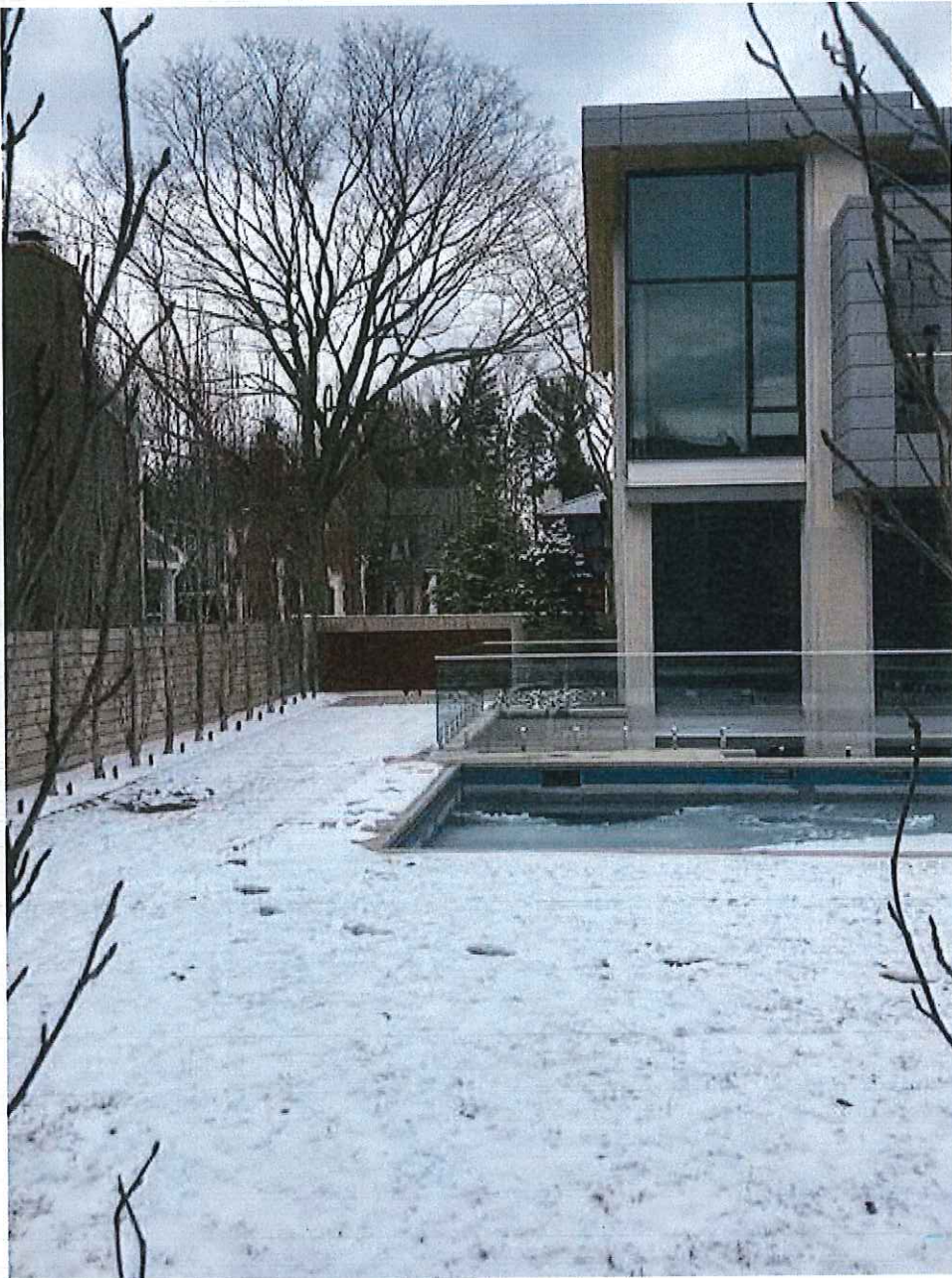
REVISIONS			
8/31/17 PER CITY	SCALE: 1" = 10'	FIELD: B.H., V.A.	DRAWN BY:
10/12/17 PER CITY	DATE: 4/5/17	CHECKED: J.S.R., P.E.	R.PERRI
10/19/17 PER CITY	TOPO-PLOT PLAN OVER PARCEL I.D. #19-36-153-026		
11/10/17 NEW FOUNDATION PLAN	PART OF THE NW 1/4 OF SECTION 36, T2N, R10E.,		
01/02/18 NEW FOUNDATION PLAN	CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN		
12/14/18 REVISE POOL LAYOUT			
9/27/19 REVISE GARAGE/CARWASH			
3/10/20 REVISE SCREEN WALLS			
8/2/21 UPDATE AS-BUILT			
9/15/21 UPDATE AS-BUILT			
11/15/21 UPDATE AS-BUILT			

CLIENT: BIDDISON ARCHITECTURE & DESIGN
DRAWING NUMBER: 17-00165.23





View From Pool Corner



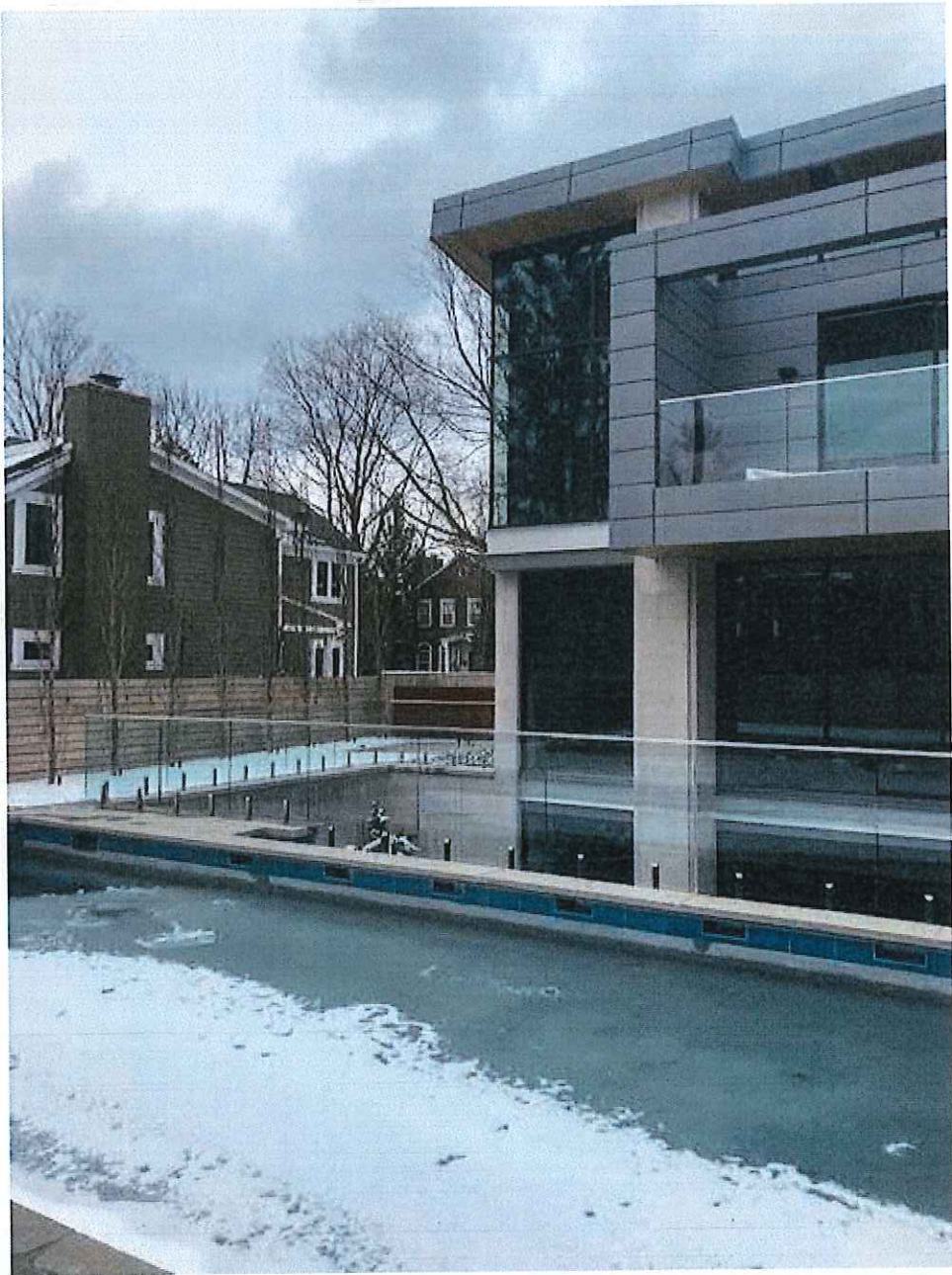
Frank residence South Yard

Daniel Smith

From: Daniel Smith
Sent: Friday, March 11, 2022 3:54 PM
To: Daniel Smith



South neighbor



view From east side of rear yard



view From Frank St (Front of 633)



View From ~~East~~ Neighbor's Sidewalk
West



view From west neighbors porch



sideyard of west neighbor's sideyard.

Sent from my iPhone

Image 1



Image 2





REFRIGERANT PIPE SIZING REPORT

Date: 8/10/2021

Prepared for: Jesse

ID: Installing a XC16-060

ID: 3/8"L and 7/8"S is acceptable with max run of 80'

Prepared by: RDW

SUCTION LINE:

Refrigerant R-410A Length - Total ft. 80
Type of Pipe COPPER Ell - 90 deg. Long ea. 2
Capacity - Total Tons 5.0 Ell - 90 deg. Short ea. 0
Capacity - Minimum Tons 3.5 Ell - 45 deg. ea. 0
Condensing Temp. deg. F 125 Valve - Check ea. 0
Liquid Subcooling deg. F 10 Valve - Solenoid/Globe ea. 0
Saturated Suction Temp. deg. F 45 Vertical Riser ft. 1
Suction Superheat deg. F 15 Other psi loss .0

LIQUID LINE:

Length - Total ft. 80

Ell - 90 deg. Long ea. 0
Ell - 90 deg. Short ea. 0
Ell - 45 deg. ea. 0
Valve - Check ea. 0
Valve - Solenoid/Globe ea. 0
Net Vertical Lift ft. 3
Other psi loss .0

DISCHARGE LINE:

Length - Total ft. 0
Ell - 90 deg. Long ea. 0
Ell - 90 deg. Short ea. 0
Ell - 45 deg. ea. 0
Valve - Check ea. 0
Valve - Solenoid/Globe ea. 0
Vertical Riser ft. 0
Other psi loss .0

RECOMMENDED PIPE SIZES

LIQUID LINE:

Size	Equiv.	P/D-Pipe	P/D-Stat.	Vel.	Lbs.-
O/D	Tons	ft.	psi	fpm	Line

3/8	5.00	80	23.4	1.5	518	2.5
-----	------	----	------	-----	-----	-----

Total Liquid Line P/D = 24.9 psi Minimum Subcooling Required = 4 deg. F

SUCTION LINE:

[For single suction riser]

Add Oil to System - oz.

Vel. at Full Cap.-fpm: 2050

*Total Capacity/Tons = 5

Minimum Capacity/Tons = 3.5

Size Equiv. P/D Vel. Lbs.-

Size Riser P/D Vel.

O/D ft. psi fpm Line O/D ft. psi fpm

7/8	82	5.0	2050	0.6	7/8	1	0.0	1435
-----	----	-----	------	-----	-----	---	-----	------

Capacity loss due to suction line pressure drop-Gross btuh 2081

*Suction and discharge full capacity data is net-less any riser linear feet.

Calculations are based upon new, clean pipe.

TO BIRMINGHAM BOARD OF ZONING APPEALS

RE: 633 W. FRANK VARIANCE REQUEST

I would like to express my opposition to the variance requested to place A/C units in the side open space setback rather than in the rear yard as required. This house was recently constructed on a lot that is a combination of 3 previously platted lots. During the building process the owners also requested a variance to permit a smaller side setback than minimum city building requirements.

I live 4 houses West the North side of Frank Street, next door to 556 Frank Street, the Alhermizi's previous residence which they still own. That house is a single family house built on a lot that was originally 2 platted lots. It is 5688 square feet and, like the house at 633 W. Frank, has an inground pool in the back yard. The A/C condensers and pool equipment at 556 Frank are located within their side setback directly next to my house. The equipment is extremely loud and bothersome in my back yard as they are cycling on and off, even with a fence and landscaping.

When I replaced my furnace and added A/C, I was required by the city to put the equipment directly next to the house in my back yard, not in either side setback. That was a requirement to get a permit which was then inspected by the building department. To absorb sound and provide visual screening, I planted yews around the condenser. This has been the requirement for many years.

It appears that despite all of the architects, contractors and inspectors, the A/C condensers have been placed in the side setback on the West side of the house, rather than in the back yard of the house as required. This was despite the fact everyone involved knew the building regulations required them to be in the rear of the house, not in the side setback. So now there is a variance request citing a "hardship".

I understand that some feel that they should not be subject to the rules required for others or have the visual and noise inconvenience or responsibility for issues caused by their building choices. Building rules were created and should be strictly enforced for all unless there are serious and legitimate reasons to grant a

variance. Any "hardship" in this case was self-created by their construction choices, not a pre-existing condition over which they had no control.

Gigi Debbrecht

564 W.Frank St

CASE DESCRIPTION

270 S. GLENHURST (22-12)

Hearing date: April 12, 2022

Appeal No. 22-12: The owner of the property known as 270 S. Glenhurst requests the following variances to construct a second floor addition to an existing non-conforming home:

A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires a minimum rear yard setback of 30.00 feet. The existing and proposed is 22.60 feet. Therefore; a variance of 7.40 feet is being requested.

B. Chapter 126, Article 4.75 (A)1 of the Zoning Ordinance requires that a private attached, single family residential garage must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of a principal residential building that is furthest setback from the front property line. The existing and proposed is 2.86 feet behind the garage. Therefore; a variance of 7.68 feet is being requested.

C. Chapter 126, Article 4.75 (A)2 of the Zoning Ordinance requires garage doors on an attached garage which are facing a street may not exceed 9.00 feet in width. The existing and proposed is 18.00 feet. Therefore; a variance of 9.00 feet is being requested.

D. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots be 14.00 feet or 25% of the total lot width whichever is larger. The required is 28.28 feet. The existing and proposed is 25.39 feet on the south side. Therefore; a variance of 2.89 feet is being requested.

Staff Notes: This applicant is looking to construct an addition to the second floor of the existing non-conforming home with an attached garage.

This property is zoned R1 – Single family residential.

270 S GLENHURST 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: 03/14/2022

Hearing Date: 4.12.22

Received By: UET

Appeal #: 22-0012

Type of Variance:	<input checked="" type="checkbox"/> Interpretation	<input 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: 270 S. Glenhurst	Lot Number: 51	Sidwell Number: 19-35-127-033
---------------------------	----------------	-------------------------------

II. OWNER INFORMATION:

Name: Halpert Investments, LLC			
Address: 5836 Applewood, #1208	City: West Bloomfield	State: MI	Zip code: 48332
Email: * ori@otrinvestments.com		Phone: (248) 539-9695	

III. PETITIONER INFORMATION:

Name: SAME AS ABOVE	Firm/Company Name:		
Address:	City:	State:	Zip code:
Email:		Phone:	

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: _____

Date: 3/14/22

Signature of Petitioner: _____

Date: 3/14/22



March 14, 2022

City of Birmingham
Community Development – Building Department
151 Martin Street
Birmingham, MI 48009

RE: 270 S. Glenhurst, BZA Application Summary

Dear Board of Zoning Appeals,

This letter is intended to summarize the variance's being requested/applied for as it relates to the subject property, 270 S. Glenhurst. The home is being renovated and expanded on to, however we are not constructing any addition to the home that will be closer to any adjacent property. The scope of the addition will be to utilize the footprint of the existing home as well as improvements to the façade. The variances being applied for all pre-date the purchase of the home by the current owner, as variances were not applied for or the ordinances have been updated since it's construction.

Variance A, Rear Setback – the existing home was constructed with a 22.6' rear setback. We are applying for a variance of 7.4' to have the home comply with the current 30'-0" setback.

Variance B, Garage Setback – the current front façade of the garage was constructed 2.86' in front of the existing front façade of the home. We are applying for a variance of 7.86' to comply with the ordinance of having the front of the garage be constructed a minimum of 5'-0" behind the front façade of the home.

Variance C, Garage Door Size – the current garage door is 18'-0" wide. We are applying for a variance of 9'-0" to comply with the current ordinance of having a maximum garage door size of 9'-0".

Variance D, Side House Distance – the dimension from the south face of 270 S. Glenhurst to the north face of 316 S. Glenhurst, is 25.39'. We are applying for a variance of 2.89' to meet the current ordinance of having the distance between homes a minimum of 25% of the front property line.

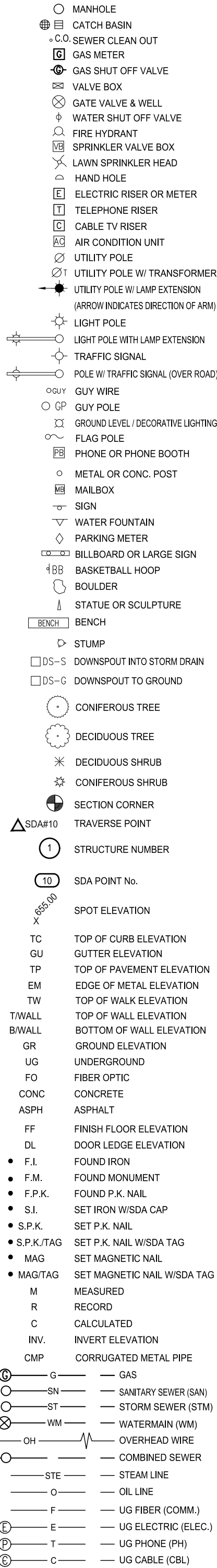
Thank you for the opportunity to apply for these variances and we look forward to your review of this request. Please let me know if you have any questions on the variance noted above, as we look forward to moving ahead with the improvements to this home.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy A. Brodoski'.

Timothy A. Brodoski
Owner

LEGEND



LOCATION MAP

NOT TO SCALE

BENCHMARK DESCRIPTIONS

DATUM: CITY OF BIRMINGHAM VERTICAL DATUM

SITE BM#100	CHISELED "X" ON NORTH RIM OF STORM MANHOLE (STR. #1) LOCATED ±50' NE OF THE NE BLDG COR OF #270 GLENHURST DR & ±3' EAST OF SIDEWALK. ELEV. = 754.02
SITE BM#101	SET BENCH TIE IN SOUTH FACE OF UTILITY POLE LOCATED ±13' NORTH OF THE NW BLDG COR OF #270 GLENHURST DR & ±7' SOUTH OF CL FENCE. ELEV. = 755.68

SURVEYOR'S COMMENTS

- THIS TOPOGRAPHICAL MAP IS BASED UPON A FIELD SURVEY PERFORMED BY SPALDING DEDECKER INC. DURING MARCH OF 2022.
- THE PROPERTY LINES/RIGHT-OF-WAY LINES SHOWN ON THIS TOPOGRAPHICAL SURVEY ARE INTENDED TO BE AN APPROXIMATE GRAPHICAL REPRESENTATION BASED UPON A COMBINATION OF A PROVIDED LEGAL DESCRIPTION, FOUND FIELD MONUMENTATION AND OCCUPATION. A COMPLETE PROPERTY LINE ANALYSIS HAS NOT BEEN PERFORMED AND PROPERTY CORNERS HAVE NOT BEEN SET IN THE FIELD PER THE AGREED TO SCOPE OF SERVICES.
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE SEARCH THAT WOULD IDENTIFY ANY RECORDED EASEMENTS THAT ENCUMBER THIS PROPERTY. THEREFORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHT-OF-WAY TAKINGS AND RESTRICTIVE COVENANTS THAT ARE NOT SHOWN.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS THE STATE PLANE GRID AND THE UNITS ARE INTERNATIONAL FEET AS ESTABLISHED WITH RTK GPS MEASUREMENTS USING A DATA LINK TO THE MDT CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS). THE COORDINATE SYSTEM FOR THIS SURVEY IS THE STATE PLANE COORDINATE SYSTEM, MICHIGAN SOUTH ZONE (2113) BASED ON NAD83 (2011).
- PROPERTY LINES HAVE BEEN ROTATED TO STATE PLANE GRID BEARINGS; THEREFORE, THE BEARINGS OF THE PROPERTY LINES ON THE DRAWING WILL NOT MATCH THOSE SHOWN IN THE LEGAL DESCRIPTION.
- THE VERTICAL DATUM OF THIS SURVEY IS BASED UPON THE CITY OF BIRMINGHAM VERTICAL DATUM AS ESTABLISHED WITH RTK GPS MEASUREMENTS USING A DATA LINK TO THE MDT CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS).
- SPALDING DEDECKER CONTACTED THE CITY OF BIRMINGHAM ENGINEERING DEPARTMENT TO GET COPIES OF BOTH THE WATER AND SEWER CARDS FOR THE SURVEYED PAREL. THE ENGINEERING DEPARTMENT RECOVERED INFORMATION FOR THE WATER LEAD, BUT THEY DID NOT HAVE INFORMATION FOR THE LOCATION OF THE SEWER LEAD TO THE HOUSE.

LEGAL DESCRIPTION

SOURCE: OAKLAND COUNTY
OWNER: HALPERT INVESTMENTS LLC
TAX PARCEL ID: 19-35-127-033
ADDRESS: 270 S GLENHURST DRIVE

T2N, R10E, SEC 35 THE MEYERING LAND COMPANY'S BIRMINGHAM HIGHLANDS SUB PART OF LOTS 51, 53 & 54 BEG AT SE COR OF LOT 51 TH S 88-59-11 W 93.84 FT ALG S LINE OF LOT 51, TH N 63-55-38 W 10.0 FT ALG S LINE OF LOT 54, TH N 15-00-41 E 103.70 FT, TH N 84-26-06 E 66.69 FT, TH S 04-54-30 E 113.10 FT ALG E LINE OF LOT 51 TO BEG

STRUCTURE TABLE

#	TYPE	RIM	SIZE	MTL	INVERT	DIRECTION	CONNECT
1	SEWER MANHOLE	754.00	10"	CLAY	747.96	EAST	2
			15"	CLAY	744.52	SOUTH	3
			15"	CLAY	744.62	NORTH	
2	SQUARE CATCH BASIN	753.09	10"	PVC	748.71	WEST	1
			10"	PVC	749.27	EAST	
3	SEWER MANHOLE	753.10	8"	PVC	743.76	WEST	
			10"	CLAY	747.50	EAST	
			15"	CLAY	743.38	NORTH	1
			15"	CLAY	743.30	SOUTH	

THE STRUCTURE TABLE ON THIS DRAWING IDENTIFIES THE AS-SURVEYED UNDERGROUND UTILITY MANHOLES THAT WERE FIELD MEASURED USING REASONABLE AND TRADITIONAL SURVEYING PRACTICES. PIPE SIZES, DIRECTIONS AND ELEVATIONS ARE INDICATED BY A COMBINATION OF FIELD EVIDENCE AND AVAILABLE RECORD INFORMATION. UNDERGROUND UTILITY PIPE SIZES AND CONNECTIONS ARE MANY TIMES AMBIGUOUS. SOME STRUCTURES MAY HAVE PIPES WITH UNKNOWN CONNECTIONS, SUMPS AND / OR PIPES THAT ARE FILLED WITH DEBRIS. IT WILL BE UP TO THE DESIGN ENGINEER TO LOOK AT THE PRESENTED SURVEY RESULTS AND DECIDE IF FURTHER INVESTIGATION BY OTHER METHODS SUCH AS VACUUM CLEAN OUT, UNDERGROUND RADAR, SMOKE TESTING AND PHYSICAL EXCAVATION IS REQUIRED AS AN ADDITIONAL SERVICE.

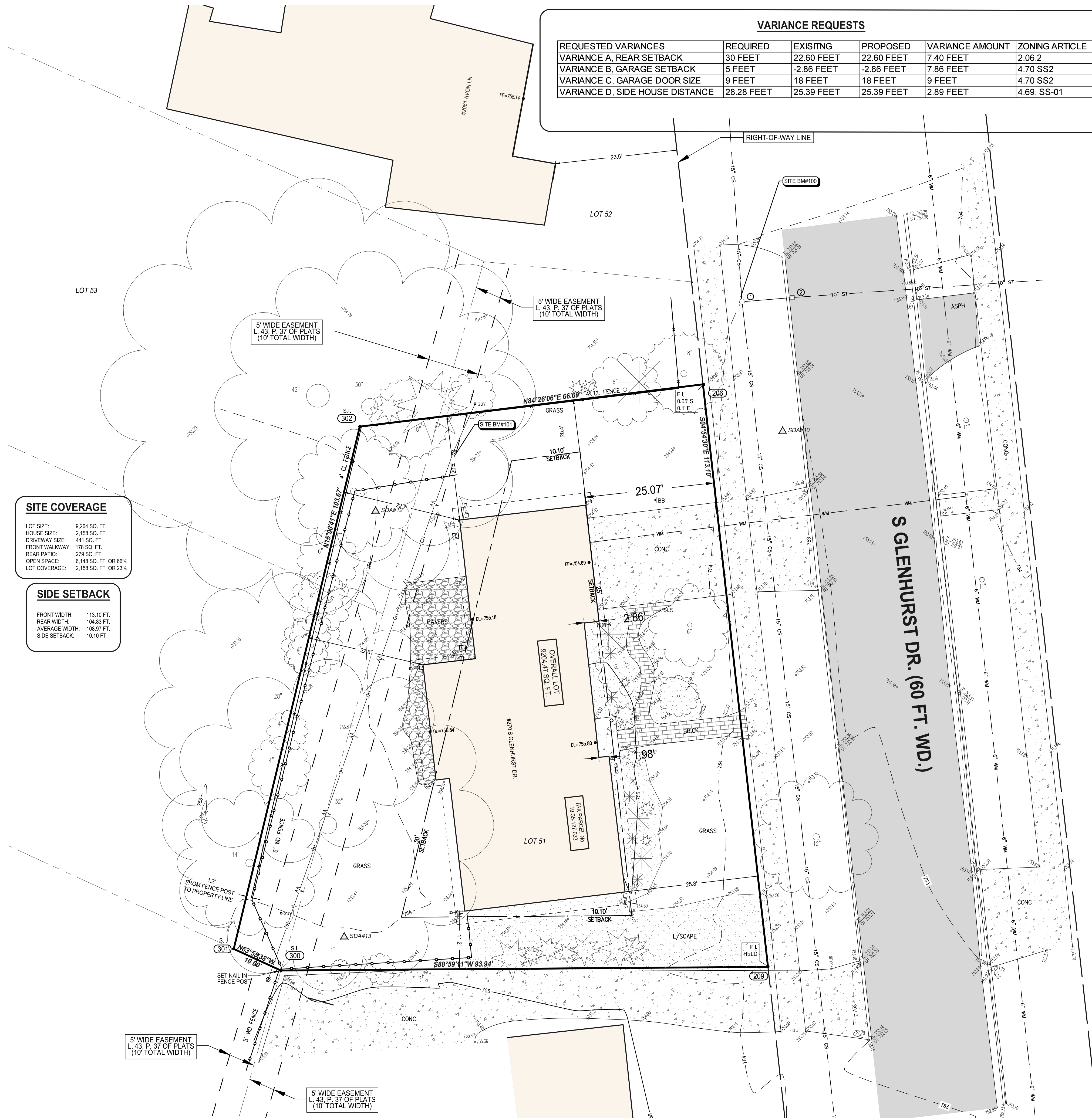
SURVEYOR'S STATEMENT

WE HEREBY STATE THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND IS FROM ACTUAL FIELD MEASUREMENTS UNLESS OTHERWISE NOTED.

SCOTT J. KEHRER
PROFESSIONAL SURVEYOR No. 4001052477

VARIANCE REQUESTS

REQUESTED VARIANCES	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT	ZONING ARTICLE
VARIANCE A. REAR SETBACK	30 FEET	22.60 FEET	22.60 FEET	7.40 FEET	2.06.2
VARIANCE B. GARAGE SETBACK	5 FEET	-2.86 FEET	-2.86 FEET	7.86 FEET	4.70 SS2
VARIANCE C. GARAGE DOOR SIZE	9 FEET	18 FEET	18 FEET	9 FEET	4.70 SS2
VARIANCE D. SIDE HOUSE DISTANCE	28.28 FEET	25.39 FEET	25.39 FEET	2.89 FEET	4.69. SS-01



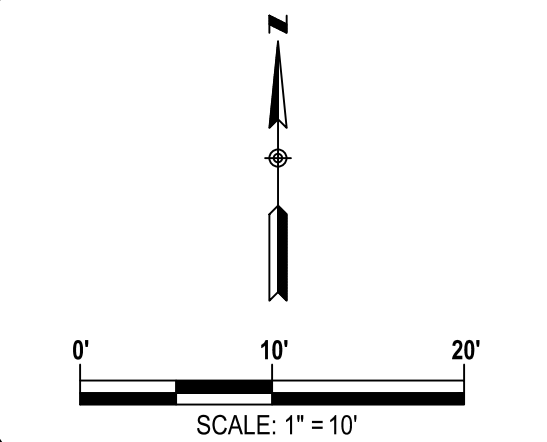
905 South Blvd. East
Rochester Hills, MI 48307
Phone (248) 844-5400
Fax (248) 844-5404

15 E. Baltimore St.
Detroit, MI 48202
Phone (313) 305-9120
Fax (313) 305-9121

27333 Meadowbrook Rd., Suite 210
Novi, MI 48377
Phone (248) 844-6274

400 Ann St. NW, Suite 204
Grand Rapids, MI 49504
Phone (616) 885-5802

www.sda-eng.com
(800) 598-1600



CLIENT:

RUBICON CAPITAL
28575 GREENFIELD RD
SOUTHFIELD, MI 48076



PRIOR TO CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES (IN CONFLICT WITH PROPOSED IMPROVEMENTS) SHALL BE VERIFIED IN THE FIELD. CALL MISS DIG'S WORKING DAYS PRIOR TO CONSTRUCTION.

UTILITY NOTE

UTILITY INFORMATION ON THIS DRAWING MAY BE FROM INFORMATION DISCLOSED TO THIS FIRM BY THE VARIOUS UTILITY COMPANIES. CITY/COUNTY AGENCIES AND OTHER VARIOUS SOURCES. UNDERGROUND UTILITIES WHICH ARE ON PRIVATE PROPERTY ARE USUALLY NOT DELINEATED UPON A UTILITY COMPANY'S PUBLISHED PLANS. THEIR LOCATION, IF SHOWN UPON THIS SURVEY, ARE APPROXIMATED FROM FOUND POINT MARKSTAKES, ETC. AS LOCATED BY THIS FIRM FROM SOURCES WHICH ARE UNKNOWN. NO GUARANTEE IS GIVEN AS TO THE COMPLETENESS OR ACCURACY THEREOF.

COPYRIGHT © 2022 SPALDING DEDECKER ASSOCIATES, INC. THIS DRAWING AND THE SUBJECT MATTER CONTAINED THEREON IS PROPRIETARY AND IS NOT TO BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION OF SPALDING DEDECKER ASSOCIATES, INC.

#270 GLENHURST DR.

BIRMINGHAM, MI

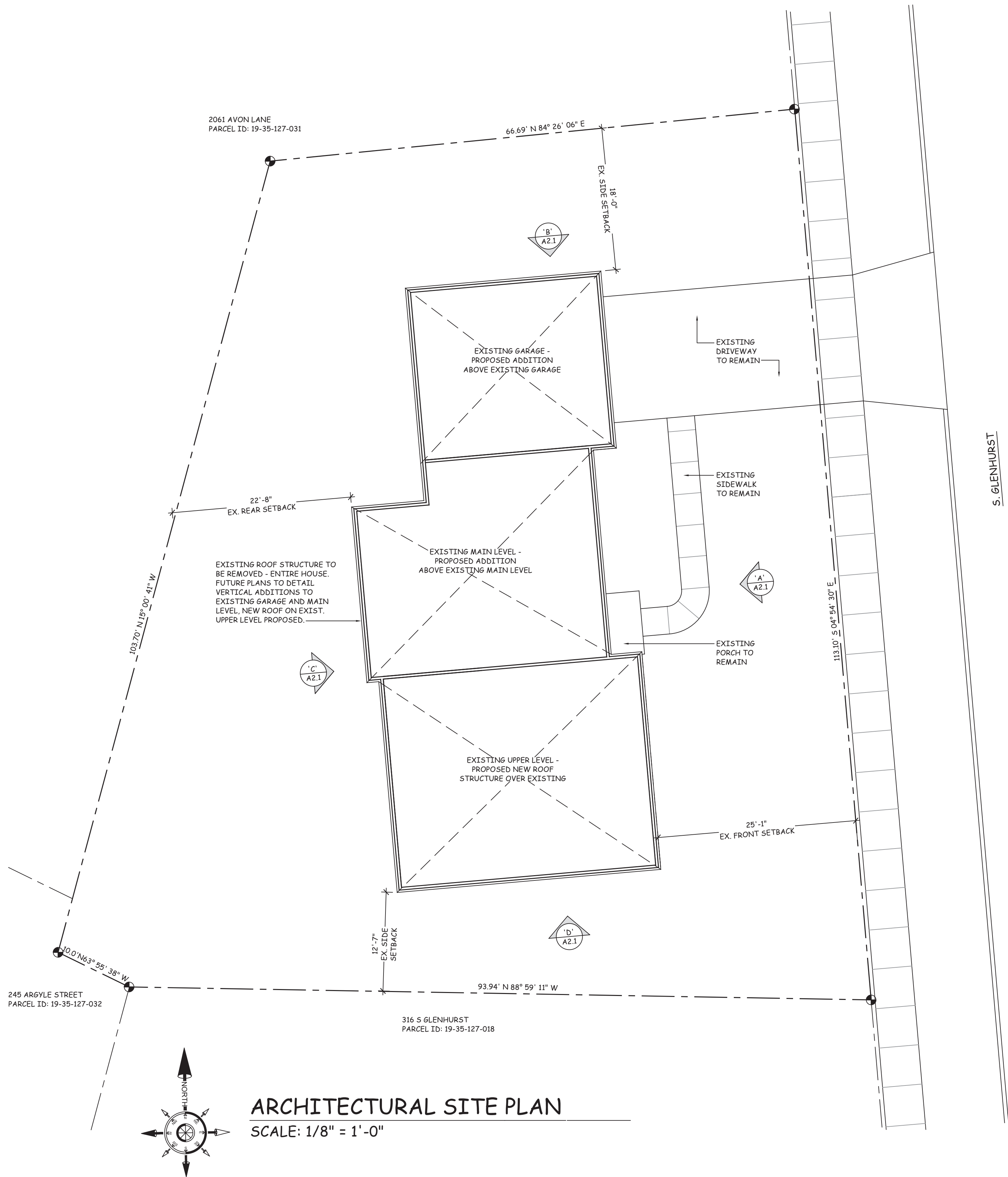
BOUNDARY AND TOPOGRAPHICAL SURVEY

SECTION 35
TOWN 02 NORTH RANGE 10 EAST
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

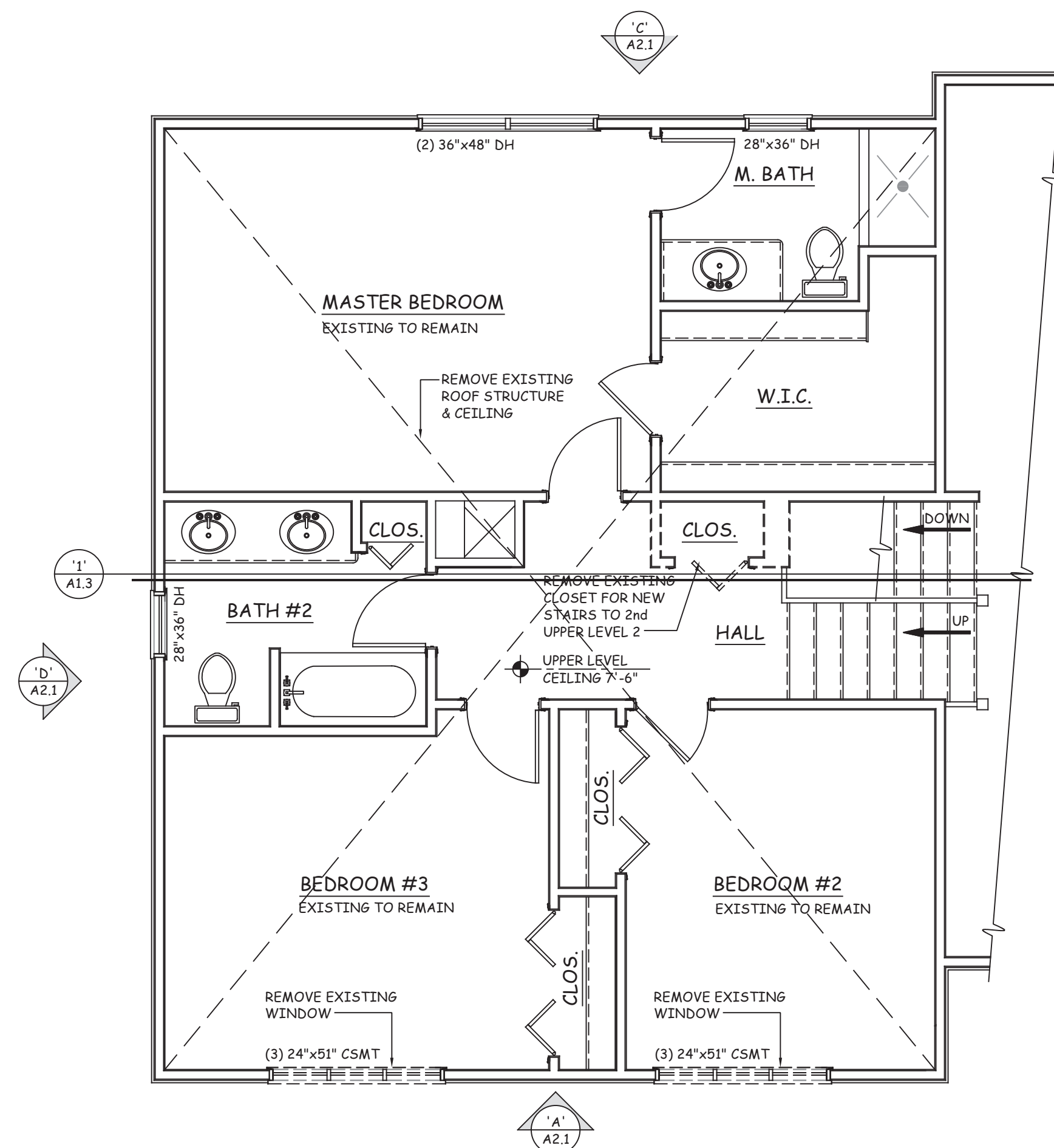
NO.	DATE	REVISION
1	3-12-22	ADDED VARIANCE INFORMATION

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

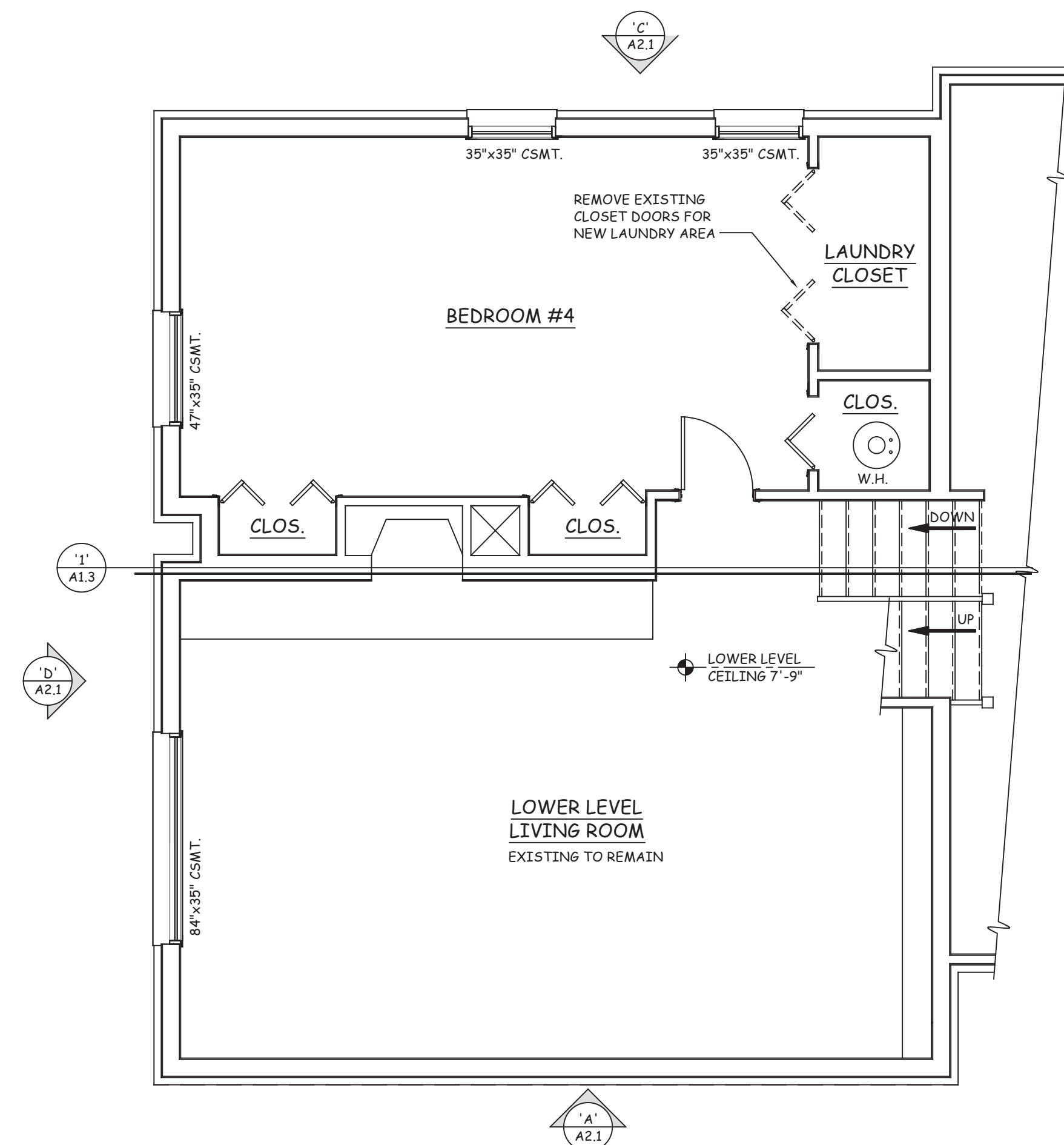
DRAFTER M.VAPHIADIS	DATE 03-11-2022
CHECKED S.KEHRER	DATE 03-11-2022
FIELD LEADER S.MAYER	PROJECT SURVEYOR S.DUNN
PROJECT MANAGER S.KEHRER	DEPARTMENT MANAGER C.PLATZ
JOB NO. SM22046TP	DRAWING NO. SM22046TPG-a
SCALE: 1" = 10'	SHEET NO. 1 OF 2



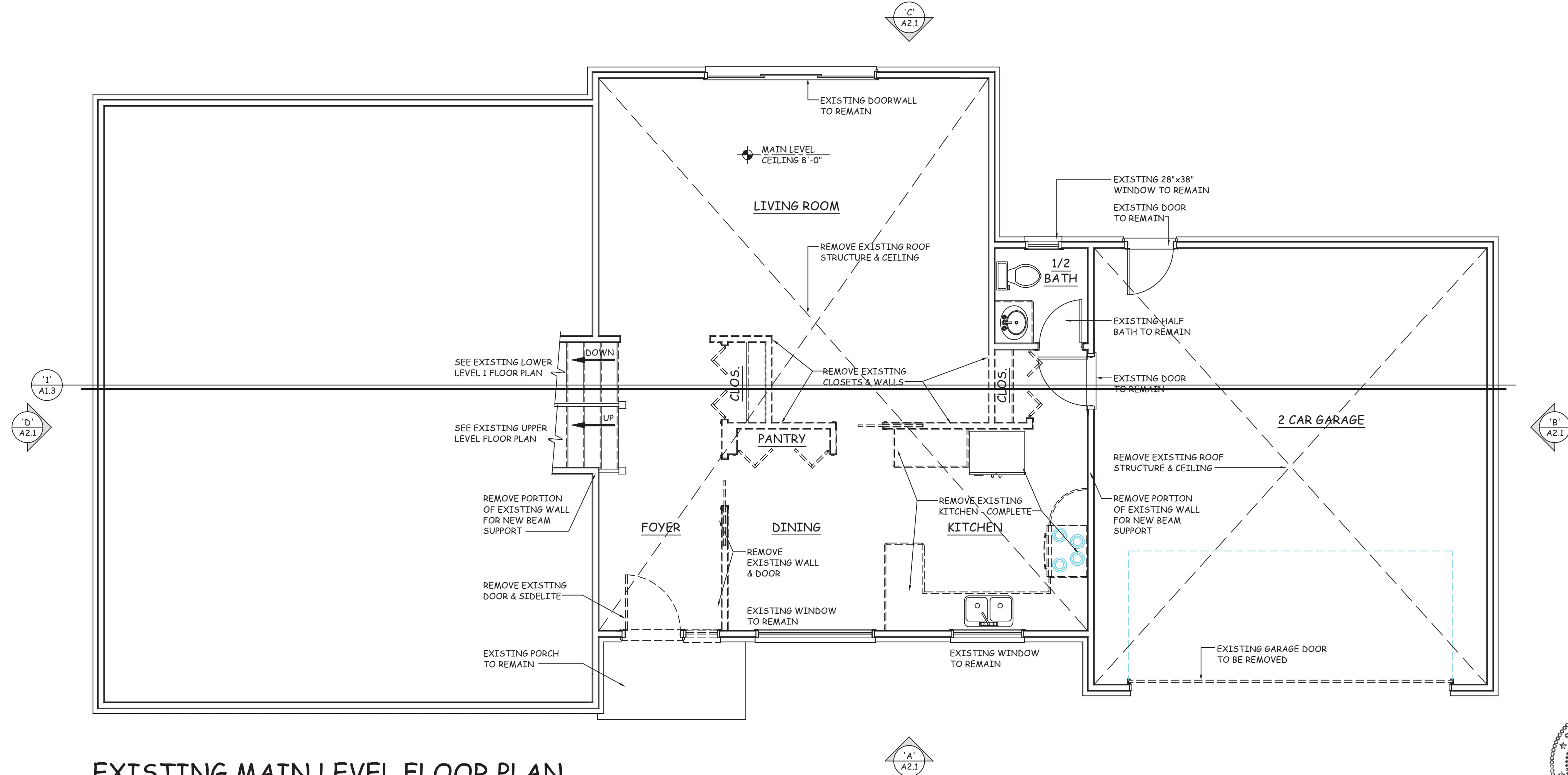
CODE INFO:	
BUILDING CODE	2015 MRC
EXISTING LOWER LEVEL FLOOR	821 SF
EXISTING MAIN LEVEL FLOOR	754 SF
EXISTING UPPER LEVEL FLOOR	838 SF
PROPOSED UPPER FLOOR 2	1,115 SF
TOTAL SQUARE FOOTAGE OF HOME	3,5258 SF
PROPOSED LOT COVERAGE	LOT AREA: 9,207 SF / 2,254 SF 24.5% COVERAGE, NO CHANGE ANTICIPATED w/ PENDING REVISIONS
PARCEL ID No.:	08-19-35-127-033
LEGAL DESCRIPTION: T2N, R10E, SEC 35 THE MEYERING LAND COMPANY'S BIRMINGHAM HIGHLANDS SUB PART OF LOTS 51, 53 & 54 BEG AT SE COR OF LOT 51 TH N 88-59-11 W 93.94 FT ALG S LINE OF LOT 51, TH N 63-55-38 W 10.0 FT ALG S LINE OF LOT 54, TH N 15-00-41 E 103.70 FT TH N 84-26-06 E 66.69 FT, TH S 04-54-30 E 113.10 FT ALG E LINE OF LOT 51 TO BEG	
GENERAL PROJECT SCOPE:	
DEMOLITION WORK SCOPE: REMOVE EXISTING SHINGLE ROOF STRUCTURE AND ALL EXISTING ROOF TRUSSES. DEMOLISH INTERIOR PARTITIONS AS NOTED IN PLANS AND PREPARE SPACE TO RECEIVE NEW ADDITION OVER EXISTING MAIN LEVEL AND GARAGE, AS WELL AS NEW ROOF OVER UPPER LEVEL 1. PROPOSED PLANS ARE BEING DESIGNED, AND WILL BE SUBMITTED FOR BUILDING PERMIT ONCE COMPLETE.	
NEW WORK SCOPE: NEW WALL FRAMING, FLOOR STRUCTURE, & ROOF STRUCTURE PER NEW WORK PLANS. NEW M.E.P. THROUGHOUT AS WELL AS ALL NEW INTERIOR FINISHES, DOORS, AND WINDOWS. COORDINATE MATERIAL FINISH SELECTIONS WITH BROWNE DESIGN CONSULTANTS AND HOMEOWNER FOR ALL NEW WORK.	



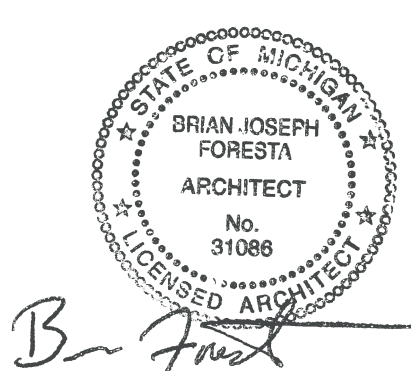
EXISTING UPPER LEVEL 1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

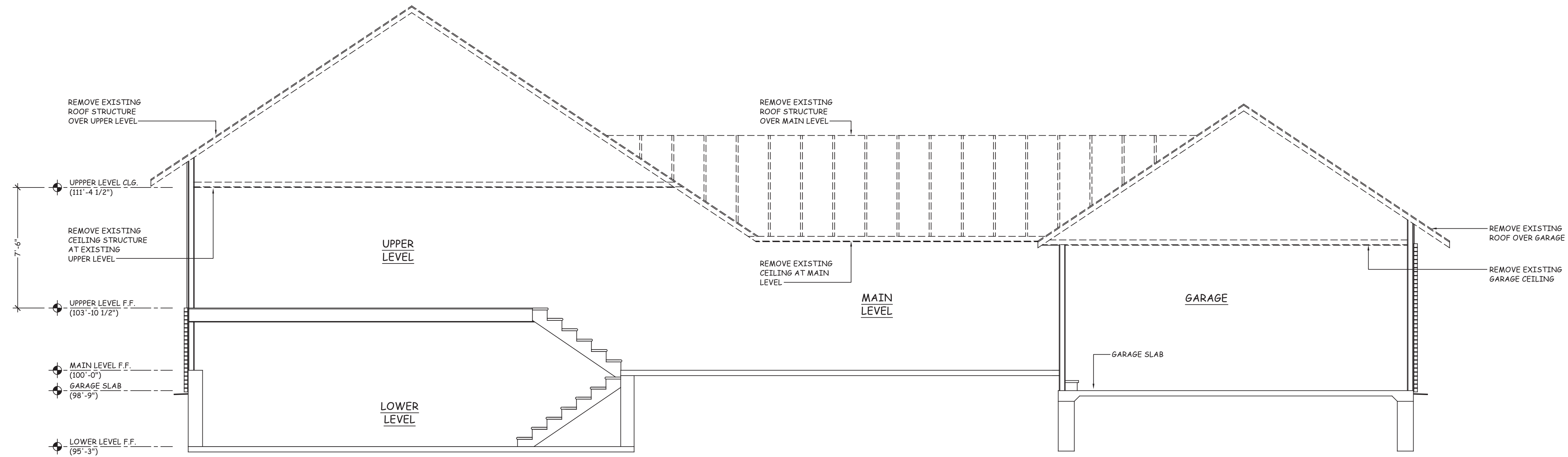


EXISTING LOWER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

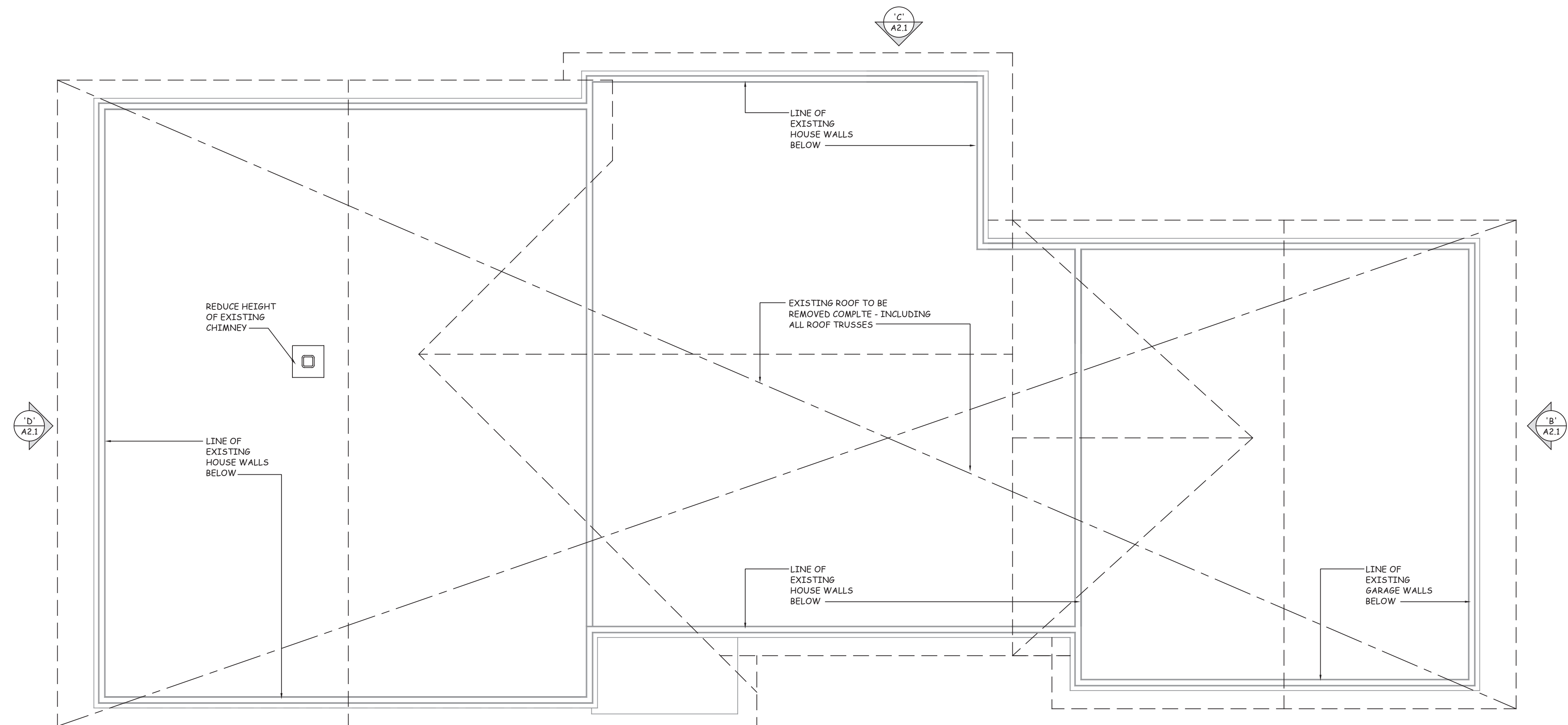


EXISTING MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

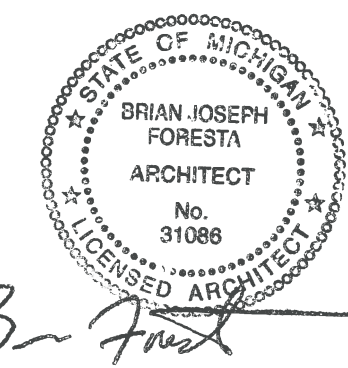




EXISTING BUILDING SECTION '1'
SCALE: 1/4" = 1'-0"



EXISTING ROOF PLAN
SCALE: 1/4" = 1'-0"





PROJECT NAME: HALPERT RESIDENCE - PROPOSED RENOVATION
270 SOUTH GLENHURST DR., BIRMINGHAM, MI 48009

SHEET NAME: PROPOSED LOWER & MAIN LEVEL FLOOR PLANS

DATE:
01.21.2022

ISSUED FOR:

☐ PERMIT

☐ CONSTRUCTION

☐ REVISION

☐ AS-BUILT

REVISIONS:

SCALE:
AS NOTED

DRAWN BY:
TB

SHEET No.:

A1.4





CONSTRUCTION
BY DESIGN, LLC
tbrodoski@gmail.com | 248.930.5260

PROJECT NAME: HALPERT RESIDENCE - PROPOSED RENOVATION
270 SOUTH GLENHURST DR., BIRMINGHAM, MI 48009
SHEET NAME: PROPOSED UPPER LEVEL 1 & 2 FLOOR PLANS

DATE:
01.21.2022

ISSUED FOR:
☐ PERMIT
☐ CONSTRUCTION
☐ REVISION
☐ AS-BUILT

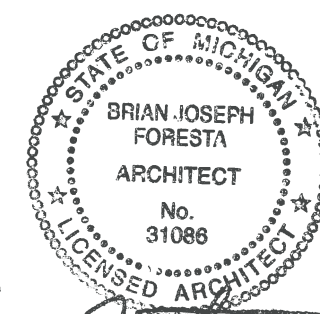
REVISIONS:

SCALE:
AS NOTED

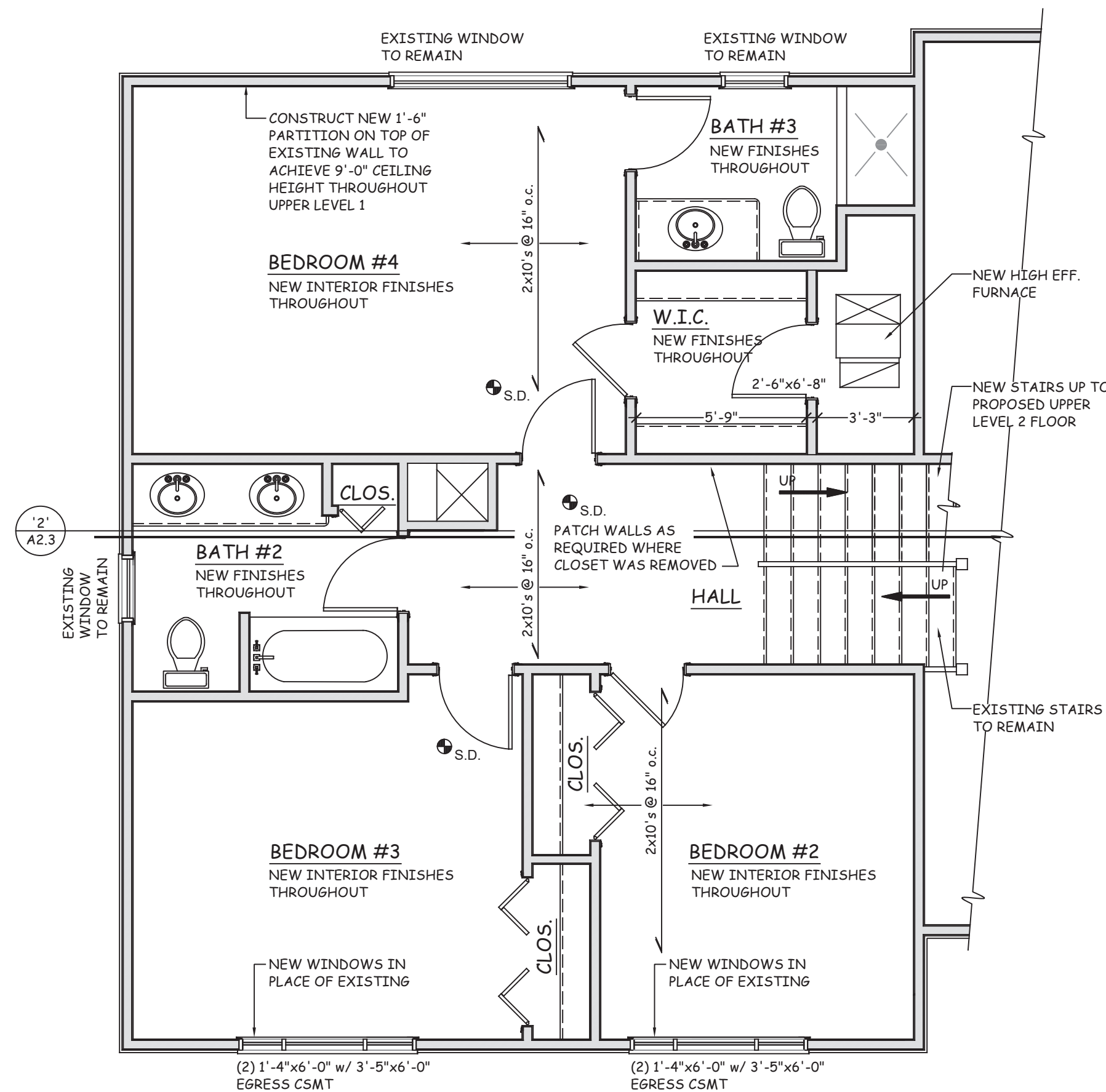
DRAWN BY:
TB

SHEET No.:

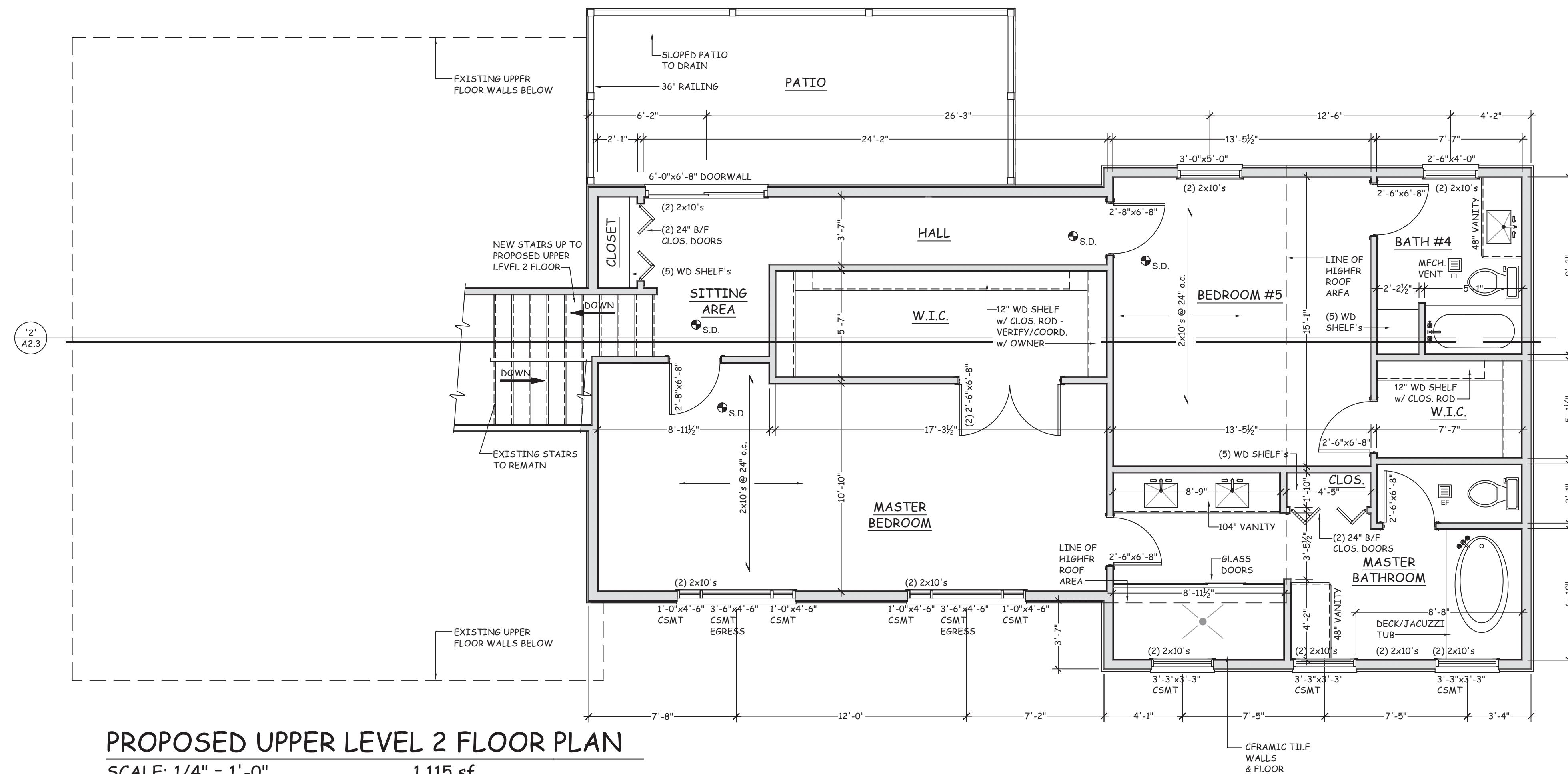
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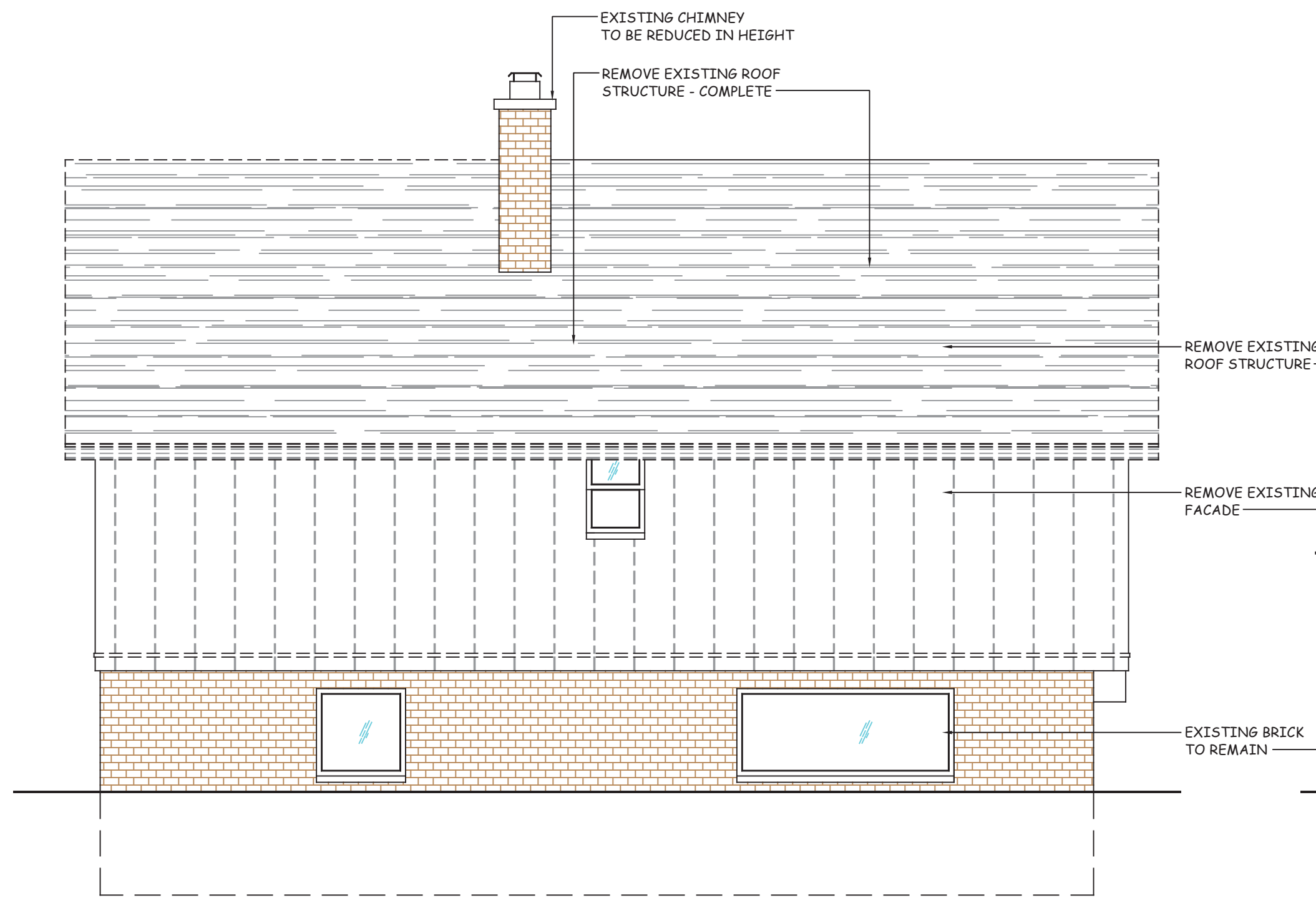
B. Foresta



PROPOSED UPPER LEVEL 1 FLOOR PLAN
SCALE: 1/4" = 1'-0"
838 sf

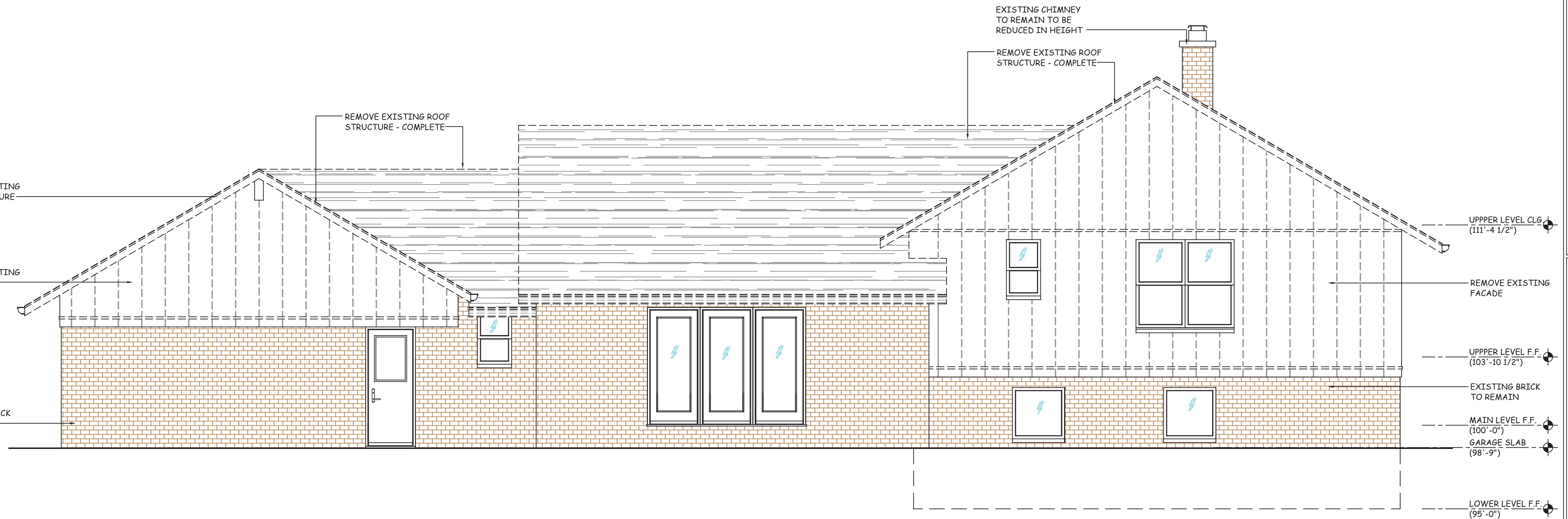


PROPOSED UPPER LEVEL 2 FLOOR PLAN
SCALE: 1/4" = 1'-0"
1,115 sf



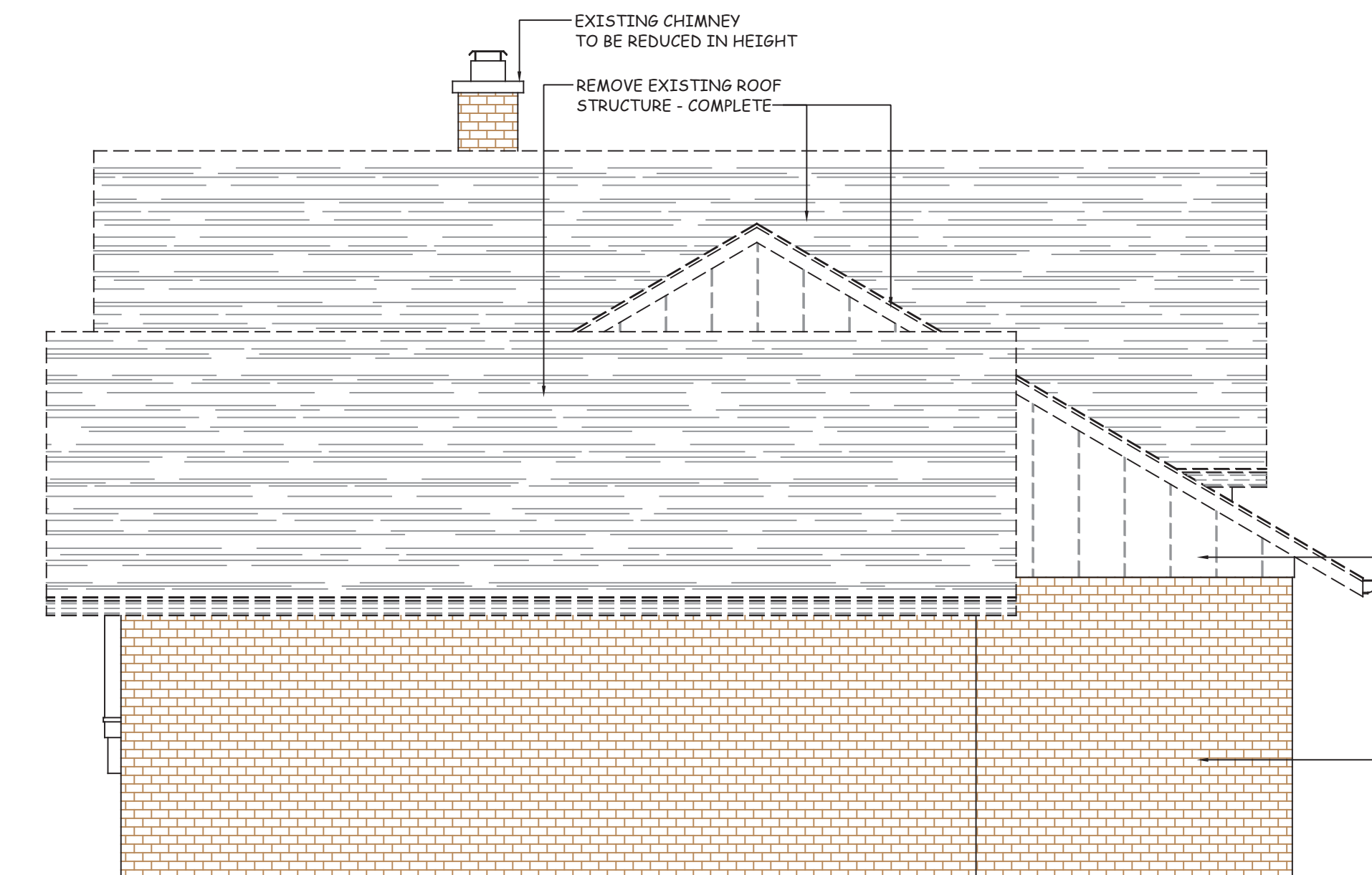
EXISTING SIDE ELEVATION 'D'

SCALE: 1/4" = 1'-0"



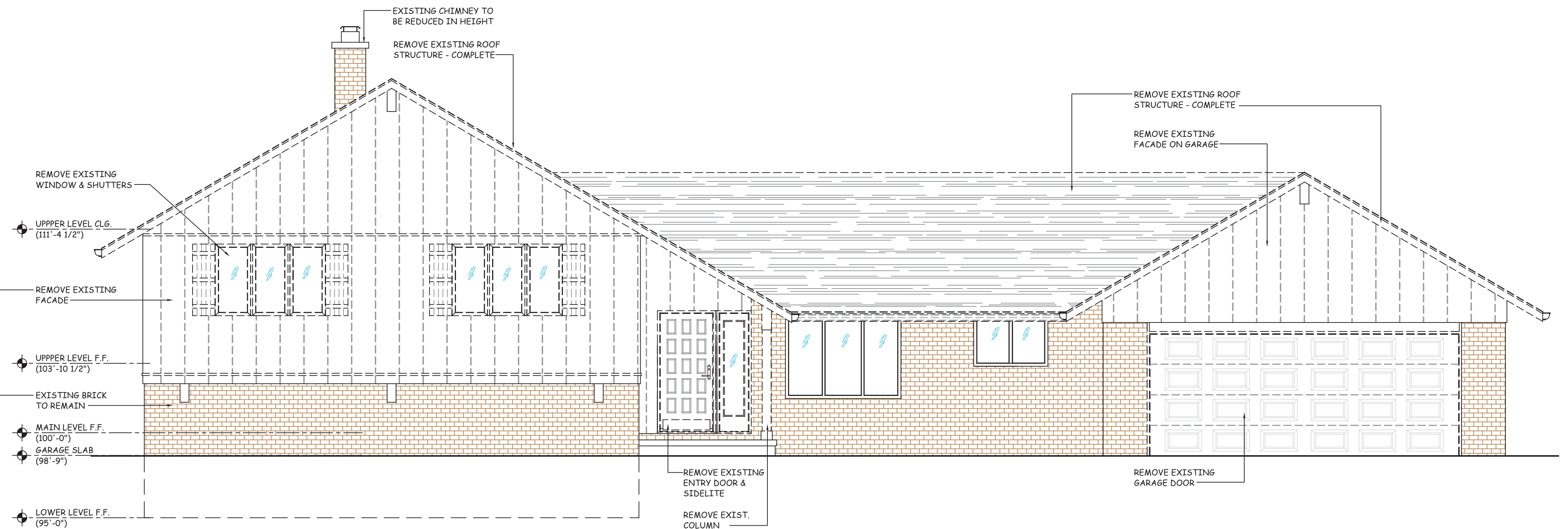
EXISTING REAR ELEVATION 'C'

SCALE: 1/4" = 1'-0"



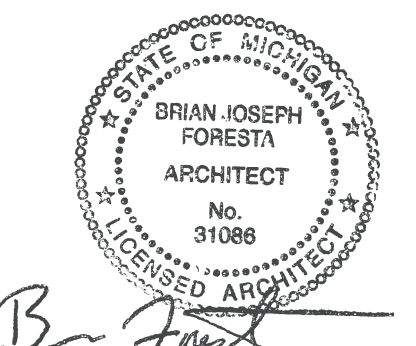
EXISTING SIDE ELEVATION 'B'

SCALE: 1/4" = 1'-0"



EXISTING FRONT ELEVATION 'A'

SCALE: 1/4" = 1'-0"



CONSTRUCTION
BY DESIGN, LLC
tbrodoski@gmail.com | 248.930.5260

PROJECT NAME: HALPERT RESIDENCE - PROPOSED RENOVATION
270 SOUTH GLENHURST DR., BIRMINGHAM, MI 48009
SHEET NAME: EXISTING EXTERIOR ELEVATIONS / DEMOLITION PLAN

DATE:
01.21.2022

ISSUED FOR:
☐ PERMIT
☐ CONSTRUCTION
☐ REVISION
☐ AS-BUILT

REVISIONS:

SCALE:
AS NOTED

DRAWN BY:
TB

SHEET No.:

A2.1



CONSTRUCTION
BY DESIGN, LLC
tbrodski@gmail.com | 248.930.5260

PROJECT NAME: HALPERT RESIDENCE - PROPOSED RENOVATION
270 SOUTH GLENHURST DR., BIRMINGHAM, MI 48009
SHEET NAME: PROPOSED FRONT & REAR EXTERIOR ELEVATIONS

DATE:
01.21.2022

ISSUED FOR:
☐ PERMIT
☐ CONSTRUCTION
☐ REVISION
☐ AS-BUILT

REVISIONS:

SCALE:
AS NOTED

DRAWN BY:
TB

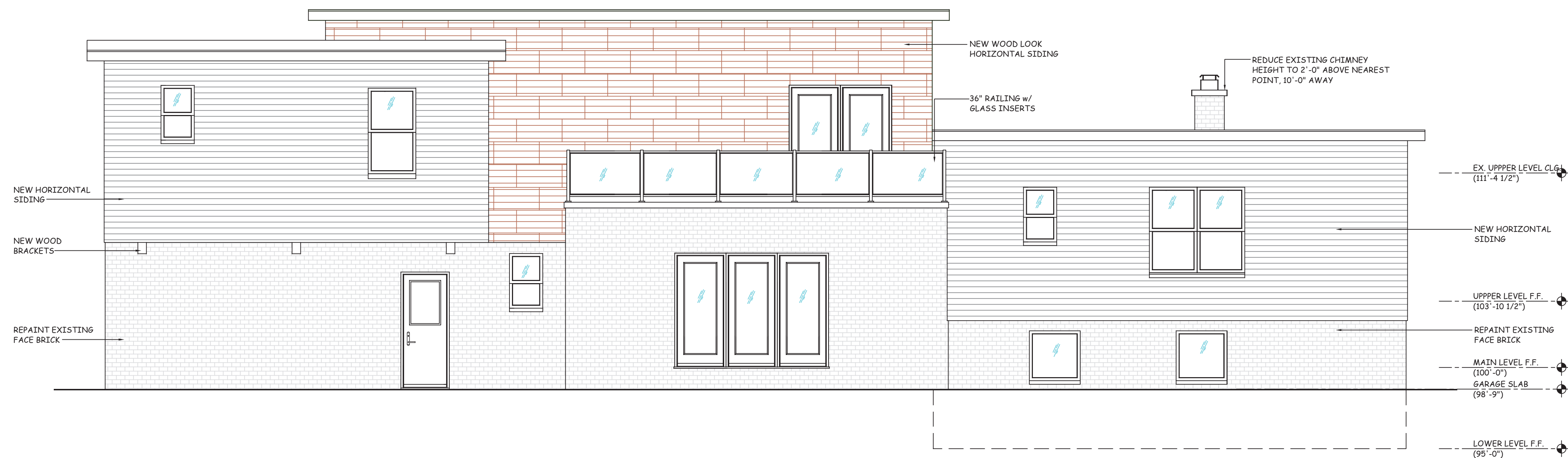
SHEET No.:

A2.2



PROPOSED FRONT ELEVATION 'E'
SCALE: 1/4" = 1'-0"

COORDINATE EXTERIOR
FINISHES & MATERIAL
SELECTIONS WITH BROWNE
DESIGN CONSULTANTS



PROPOSED REAR ELEVATION 'G'
SCALE: 1/4" = 1'-0"

COORDINATE EXTERIOR
FINISHES & MATERIAL
SELECTIONS WITH BROWNE
DESIGN CONSULTANTS



Brian Foresta



CONSTRUCTION
BY DESIGN, LLC
tbrodowski@gmail.com | 248.930.5260

PROJECT NAME: HALPERT RESIDENCE - PROPOSED RENOVATION
270 SOUTH GLENHURST DR., BIRMINGHAM, MI 48009
SHEET NAME: PROPOSED SIDE EXTERIOR ELEVATIONS & BUILDING SECTION

DATE:
01.21.2022

ISSUED FOR:
☐ PERMIT
☐ CONSTRUCTION
☐ REVISION
☐ AS-BUILT

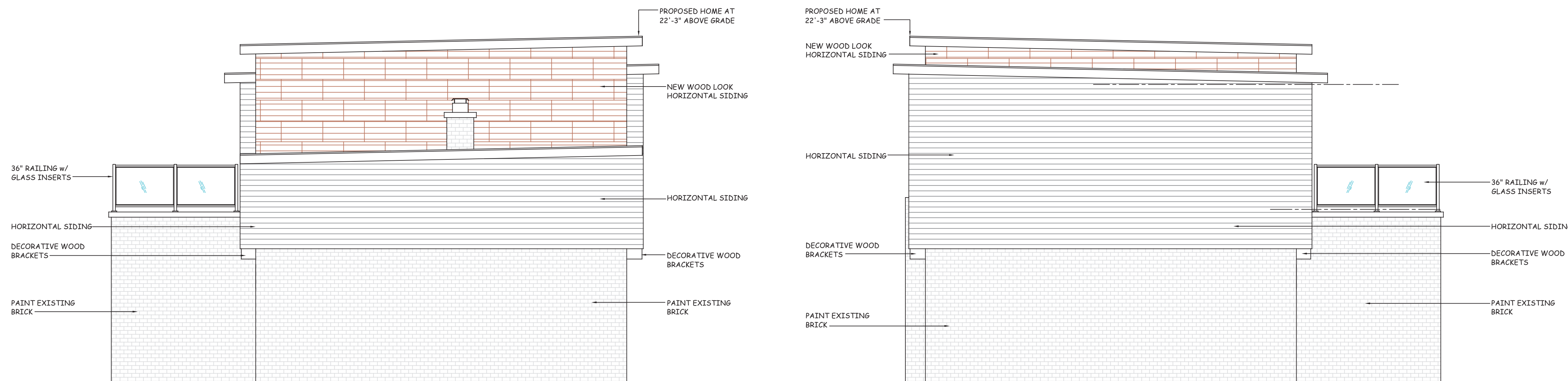
REVISIONS:

SCALE:
AS NOTED

DRAWN BY:
TB

SHEET No.:

A2.3

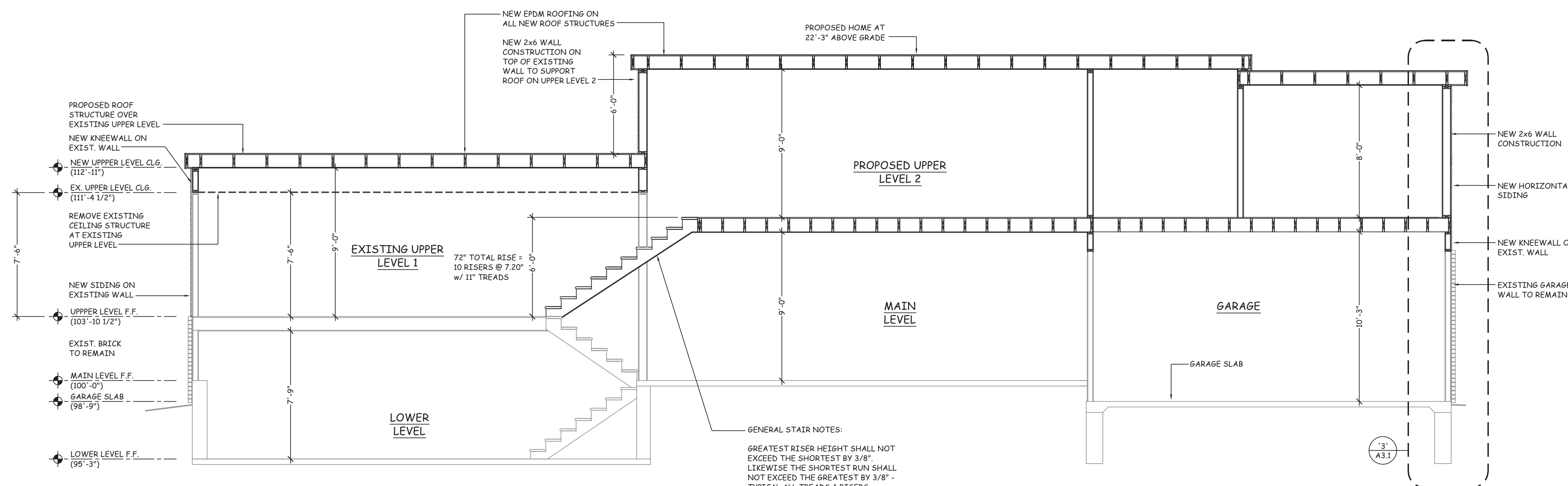


PROPOSED SIDE ELEVATION 'H'
SCALE: 1/4" = 1'-0"

COORDINATE EXTERIOR
FINISHES & MATERIAL
SELECTIONS WITH BROWNE
DESIGN CONSULTANTS

PROPOSED SIDE ELEVATION 'F'
SCALE: 1/4" = 1'-0"

COORDINATE EXTERIOR
FINISHES & MATERIAL
SELECTIONS WITH BROWNE
DESIGN CONSULTANTS



PROPOSED BUILDING SECTION '2'
SCALE: 1/4" = 1'-0"

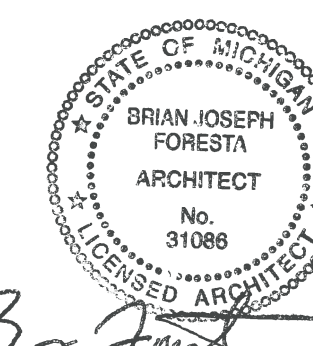
GENERAL STAIR NOTES:

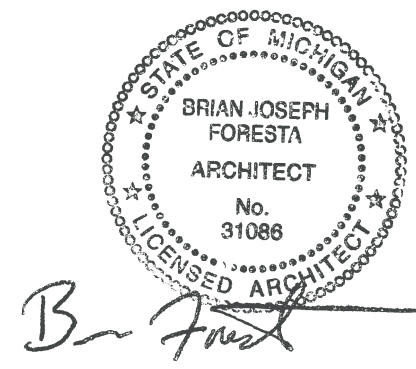
GREATEST RISER HEIGHT SHALL NOT EXCEED THE SHORTEST BY 3/8".
LIKEWISE THE SHORTEST RUN SHALL NOT EXCEED THE GREATEST BY 3/8" -
TYPICAL ALL TREADS & RISERS

HEADROOM IN ALL PARTS OF THE STAIRWAY SHALL NOT BE LESS THAN 6'-8" MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING OR FROM THE FLOOR SURFACE OF THE LANDING

HANDRAIL TO HAVE A MINIMUM AND MAXIMUM HEIGHTS OF 34" AND 38" RESPECTIVELY, MEASURED VERTICALLY FROM THE NOSING OF THE TREAD

TYPICAL STRINGERS TO BE 2x12'S AT ENDS/SIDES AND CENTER OF STAIRS





**CONSTRUCTION
BY DESIGN, LLC**
tbrodoski@gmail.com | 248.930.5260

PROJECT NAME: **HALPERT RESIDENCE - PROPOSED RENOVATION**
270 SOUTH GLENHURST DR., BIRMINGHAM, MI 48009
SHEET NAME: **PROPOSED RENDERINGS**

DATE:
01.21.2022

ISSUED FOR:

- ☐ PERMIT
- ☐ CONSTRUCTION
- ☐ REVISION
- ☐ AS-BUILT

REVISIONS:

SCALE:
AS NOTED

DRAWN BY:
TB

SHEET No.:

A2.4



CONSTRUCTION
BY DESIGN, LLC
tbrodoski@gmail.com | 248.930.5260

PROJECT NAME: HALPERT RESIDENCE - PROPOSED RENOVATION
270 SOUTH GLENHURST DR., BIRMINGHAM, MI 48009
SHEET NAME: PROPOSED BUILDING SECTIONS & DETAILS

DATE:
01.21.2022

ISSUED FOR:

- ☐ PERMIT
☐ CONSTRUCTION
☐ REVISION
☐ AS-BUILT

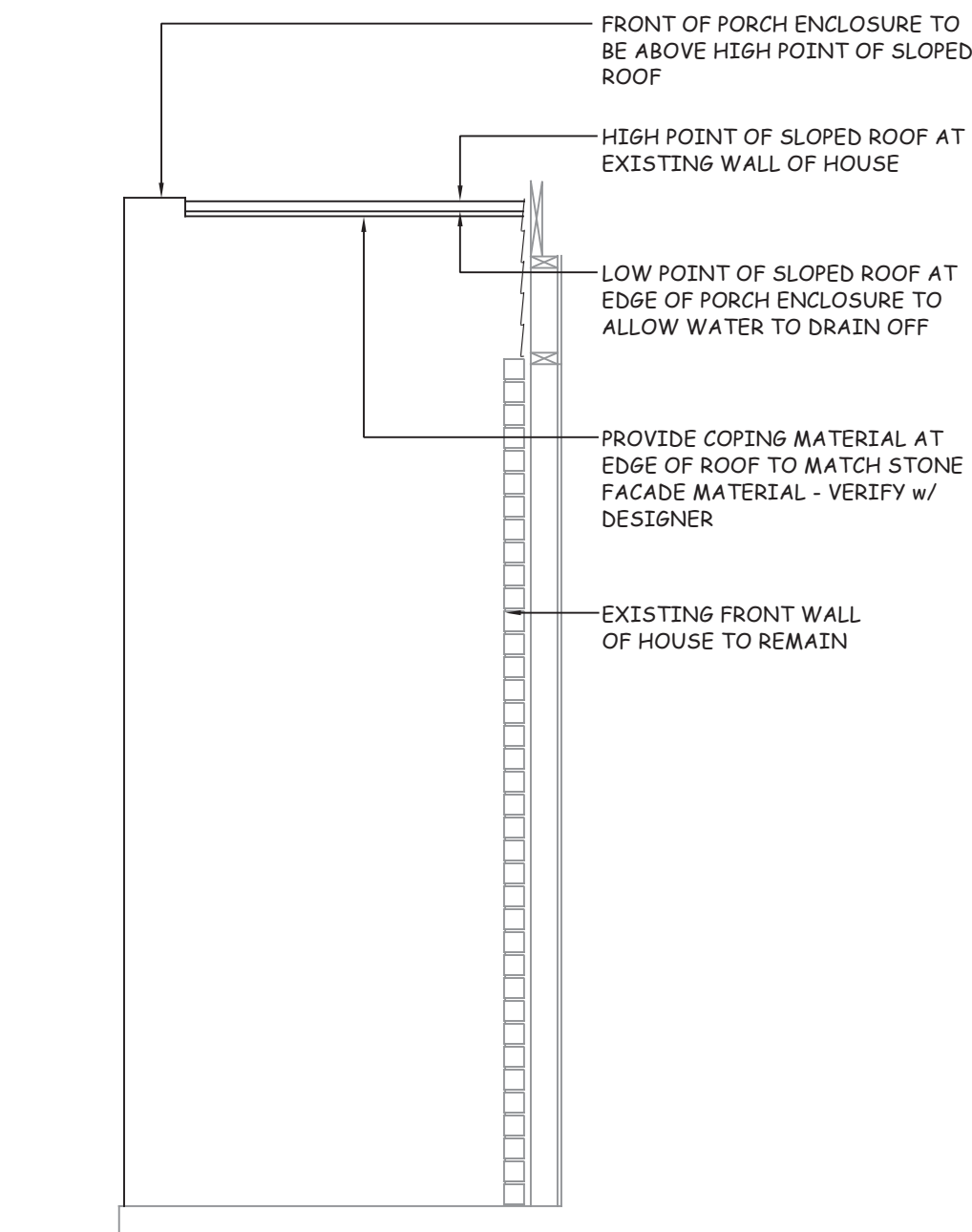
REVISIONS:

SCALE:
AS NOTED

DRAWN BY:
TB

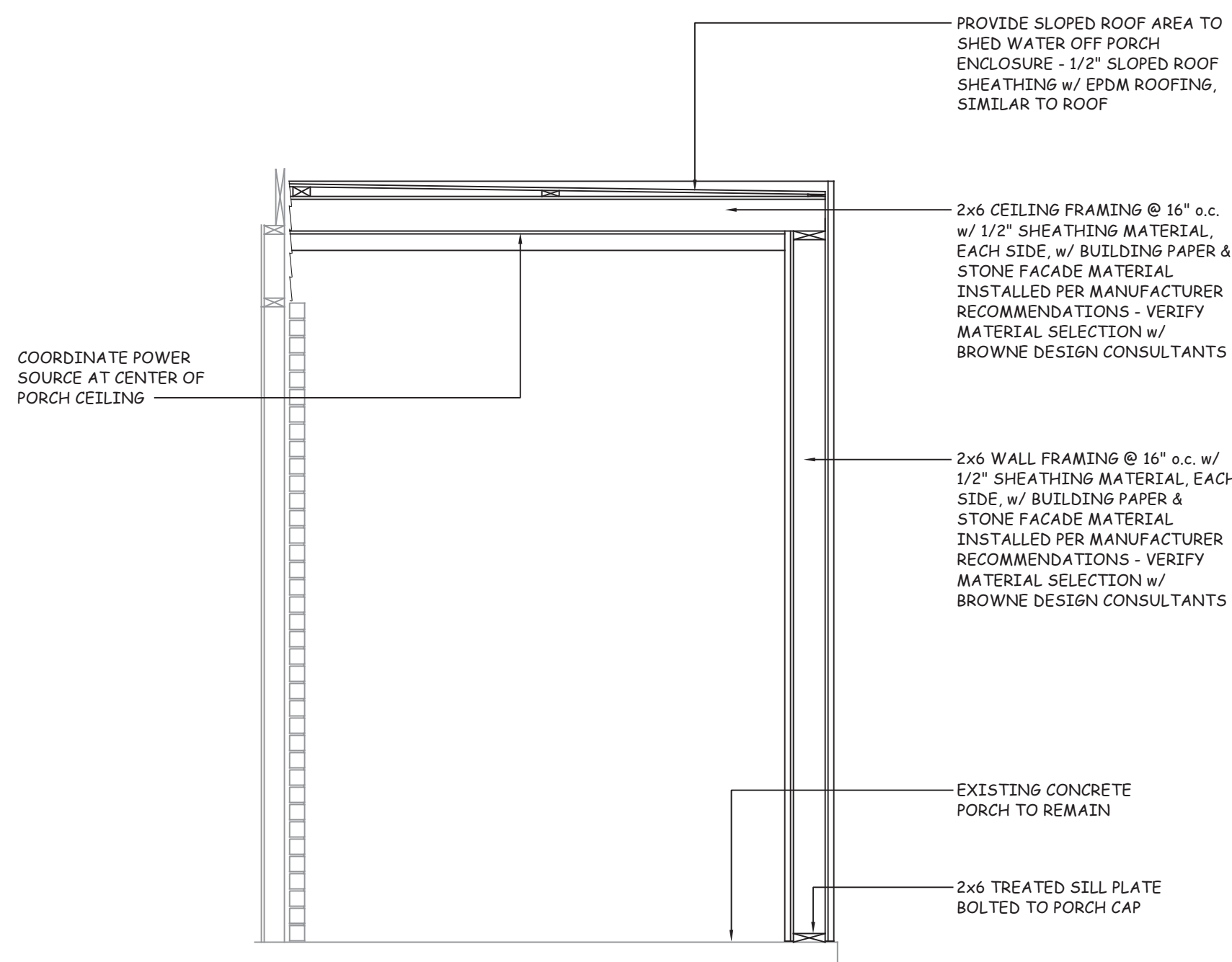
SHEET No.:

A3.1



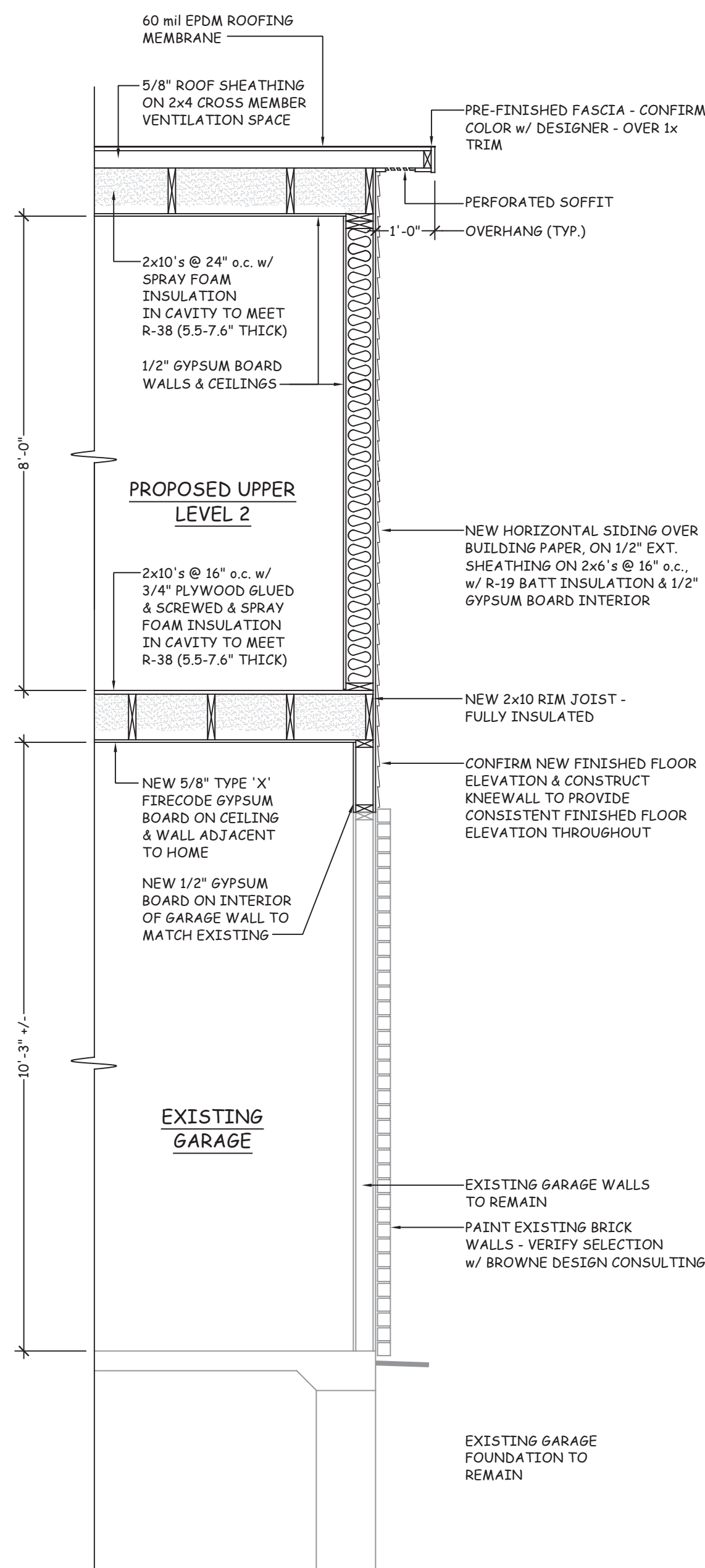
PORCH ELEVATION '5'

SCALE: 1/2" = 1'-0"



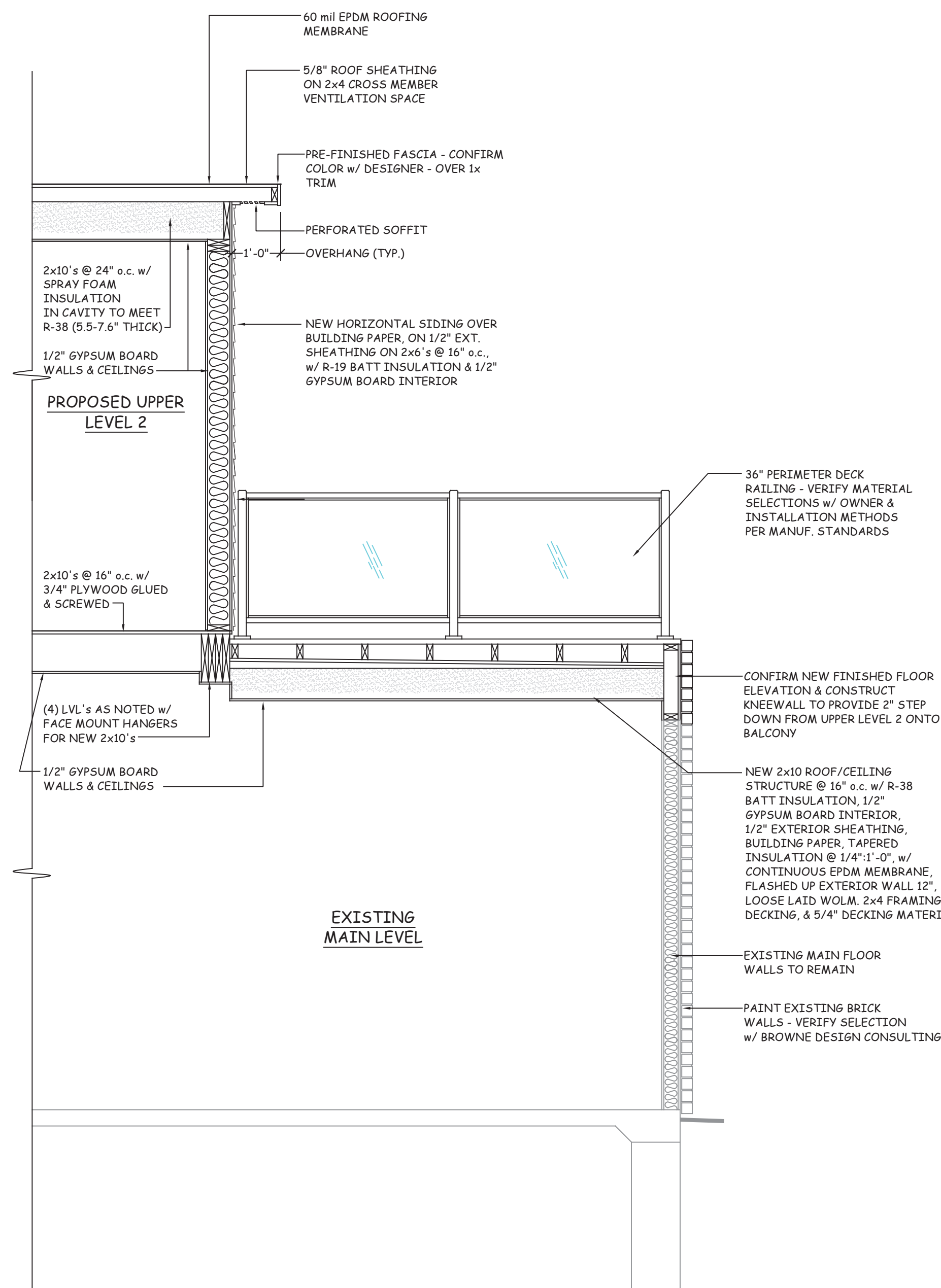
PORCH SECTION '4'

SCALE: 1/2" = 1'-0"



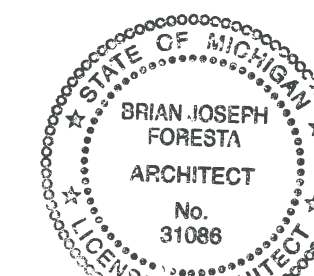
WALL SECTION '3'

SCALE: 1/2" = 1'-0"



BUILDING SECTION '6'

SCALE: 1/2" = 1'-0"



Brian Foresta

CASE DESCRIPTION

1563 Lakeside (22-13)

Hearing date: April 12, 2022

Appeal No. 22-13: The owner of the property known 1563 Lakeside, requests the following variances to construct a new single-family home with an attached garage:

A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested.

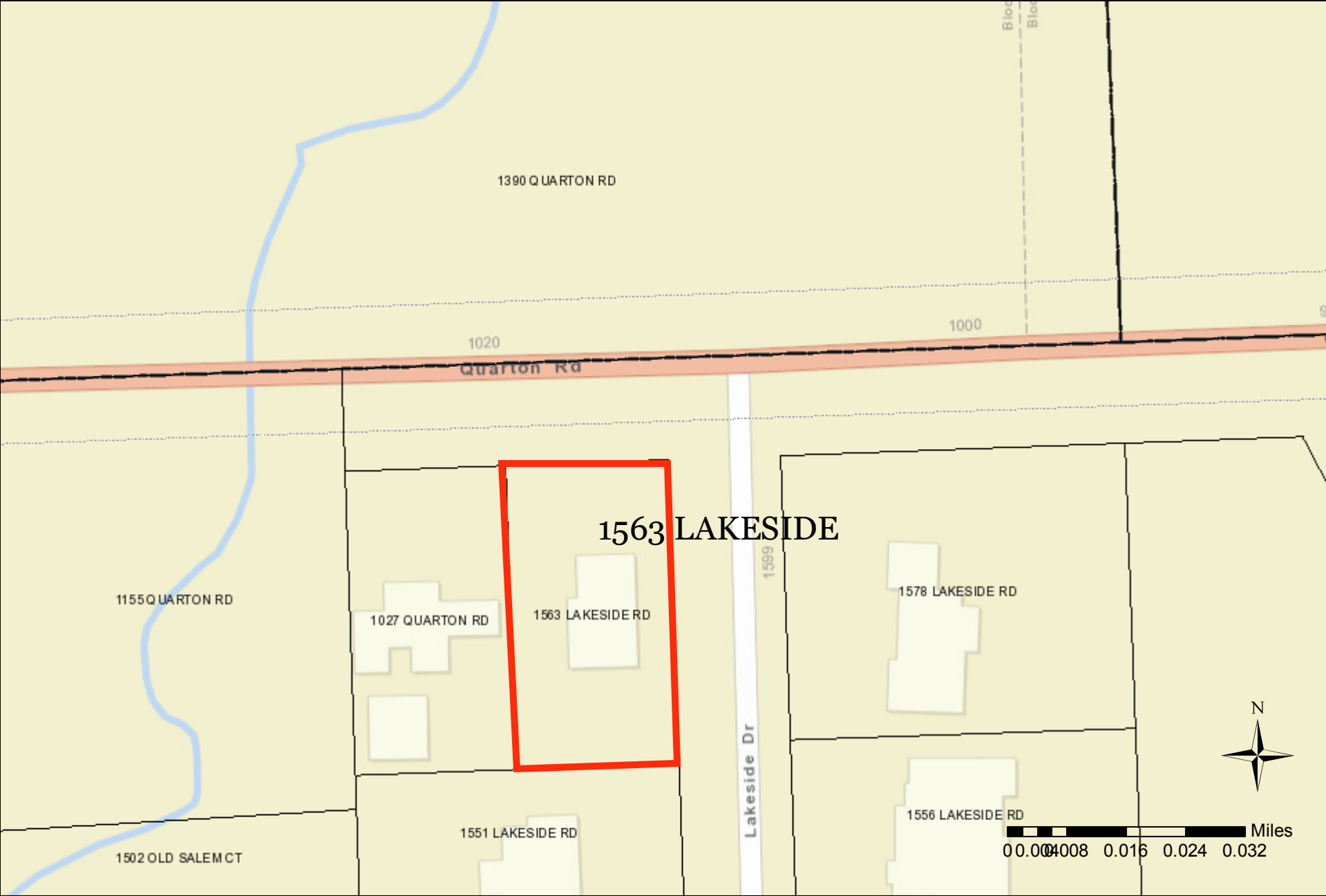
B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested.

C. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

Staff Notes: The applicant appeared before the board in February, and the request for variances were granted. The applicant has revised the plans at the request of the property owner and is requesting that the board grant the same variances for these revisions. All changes still meet the variances granted in February.

This property is zoned R1 – Single family residential.

1563 LAKESIDE 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: 3.13.22

Hearing Date: 4.12.22

Received By: YOT

Appeal #: 22-0013

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

Address: 1563 LAKESIDE RD. Lot Number: 96 Sidwell Number: 19.26 226 008

II. OWNER INFORMATION:

Name: PAT & TILL BESHOURI
Address: 925 RIVINGTON AVE City: BIRMINGHAM State: MI Zip code: 48009
Email: PBESHOURI@GMAIL.COM Phone: 248.330.3350

III. PETITIONER INFORMATION: REPRESENTATIVE

Name: JEFF DANKINS Firm/Company Name: JEFF DANKINS ARCHITECT
Address: 2565 W. MAPLE City: TEAN State: MI Zip code: 48084
Email: JEFFTHEARCHITECT@GMAIL.COM Phone: 248.321.0640

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: _____


Date: 3.13.22

Signature of Petitioner: _____

Date: 3.13.22

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

**PETITIONERS' REQUEST TO TIE PREVIOUSLY
GRANTED VARIANCES TO REVISED PLANS.**

City of Birmingham
Board of Zoning Appeals

**Re: 1563 Lakeside Rd.
Birmingham, MI 48009**

March 11, 2022

On February 8, 2022, the Board of Zoning Appeals granted the previous property owner's request for the renewal of the following (3) variances, which were based on, and tied to, the owner's conceptual drawings:

<u>Requested</u>	<u>Required</u>	<u>Proposed</u>	<u>Variance Amount</u>
A. Front/Side Setback	46.40	33.40	13.00
B. Side Yard – Covered Porch	46.40	27.40	19.00
C. Side Yard –Patio proj. into open space		9.00	9.00

(A copy of the BZA meeting minutes, Appeal 22-01, is attached hereto.)

Petitioners, who are long time Birmingham residents and currently reside in Quarton Lake, have purchased the property and hope to update the plans ("Plans") to improve functionality along with an exterior design that blends in seamlessly with the neighborhood in size, material and style.

Specifically, Petitioners' revised Plans will reduce the overall massing of the home by replacing the two-story porch, piers and landing, bay window, patio and walkway fronting Lakeside with a functional single story front porch, utilizing materials respectful of, and consistent with, the character of the neighborhood and overall charm of Birmingham. The proposed design will also result in more open space (less impervious surface) than the previous plan.

The updated design does not result in, nor are Petitioners requesting, an amendment to the previously approved variance request; Petitioners' application is simply a request to tie the previously granted variances to the new Plans.

As discussed and ultimately agreed to at the prior BZA hearing, the property presents a number of practical difficulties. Specifically, the property is unique in that it is a corner lot with what amounts to two front yard setbacks. The dimensional constraints placed on the site as a result of the dual setback restrictions reduces the allowable building area to approximately 13.6%, which places individual hardship on Petitioners by limiting their ability to create a practical and functional floor plan.

The proposed variance along Lakeside Road would allow for a home consistent in size and conformity with the neighborhood and would not be materially detrimental to nearby property owners. Petitioners and their architect have worked hard to mitigate the encroachment to the front/side yard and have ultimately designed a nice home without extreme detail that would provide substantial justice to the neighborhood. The proposed lot coverage at 18.8% is reasonably close to the 13.6% allowed and is well under the 30% lot coverage typically afforded properties not otherwise restricted

The second and third variance requests are for a covered front porch to provide Petitioners with an opportunity to enjoy limited outdoor space with some protection from the elements. To minimize the impact to neighbors, abundant evergreen shrubs will be provided as a buffering tool, along with an overall landscape plan appropriate to the neighborhood.

Petitioners' request will provide uniformity and consistency with the neighborhood while reducing the practical difficulty and individual hardship that is presented due to the location and configuration of the property and is consistent with the spirit and intent of the ordinance.

Respectfully,

A handwritten signature in black ink, appearing to read "J Dawkins". The signature is stylized with a large, looped initial "J" and a cursive "Dawkins".

Jeff Dawkins, Architect

a variance of 5.33 feet is being requested; and, D. Chapter 126, Article 2.06.4 of the Zoning Ordinance requires a maximum eave height is 24.00 feet. The proposed height is 31.92 feet; Therefore a variance of 7.92 feet is being requested.

Mr. Canvasser moved to approve Variances A, C, and D, and to deny Variance B. He tied approval of Variances A, C, and D, to the plans as submitted. Mr. Canvasser stated that the retaining wall should be changed to not require a variance, and that appropriate drawings should be provided to the City.

He noted that the lot is an irregularly-shaped property with a steep slope. Because of the characteristics of this property, Mr. Canvasser stated that strict compliance with the ordinance would be unnecessarily burdensome. He stated that granting the petition would do substantial justice to the property owner and to the other property owners in the area. Mr. Canvasser stated that the problem was not self-created.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**3) 1563 Lakeside
Appeal 22-01**

ABO Zielke presented the item, explaining that the owner of the property known as 1563 Lakeside was requesting the following variances to construct a new single-family home with an attached garage:

A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested.

B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested.

C. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

Jeff Dawkins, architect, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Motion by Mr. Hart

Seconded by Mr. Miller with regard to Appeal 22-01, A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested; B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested; and, C. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

Mr. Hart moved to approve the variance requests and to tie them to the plans as submitted. He stated that strict compliance with the ordinance would be very difficult for the permitted use. He stated that the appellant demonstrated that a detached garage would not work on this property for several reasons, including the difficulty of moving some of the DTE lines. He said granting the variance would provide substantial justice to the neighboring properties and to the homeowner. He stated that the problem was not self-created.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**4) 1690 Fairway
Appeal 22-02**

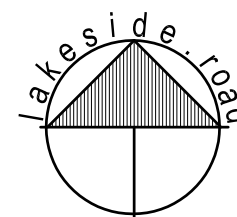
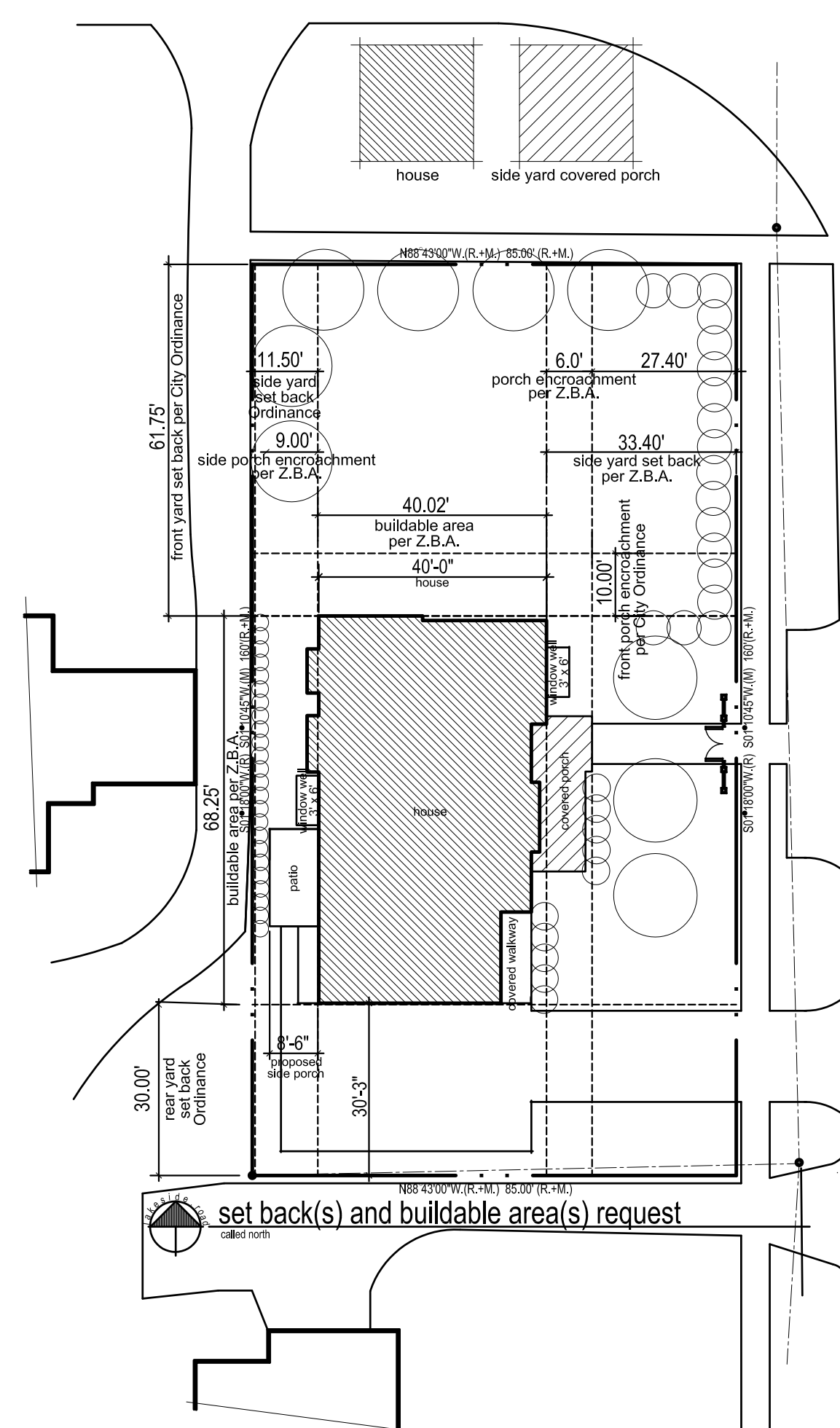
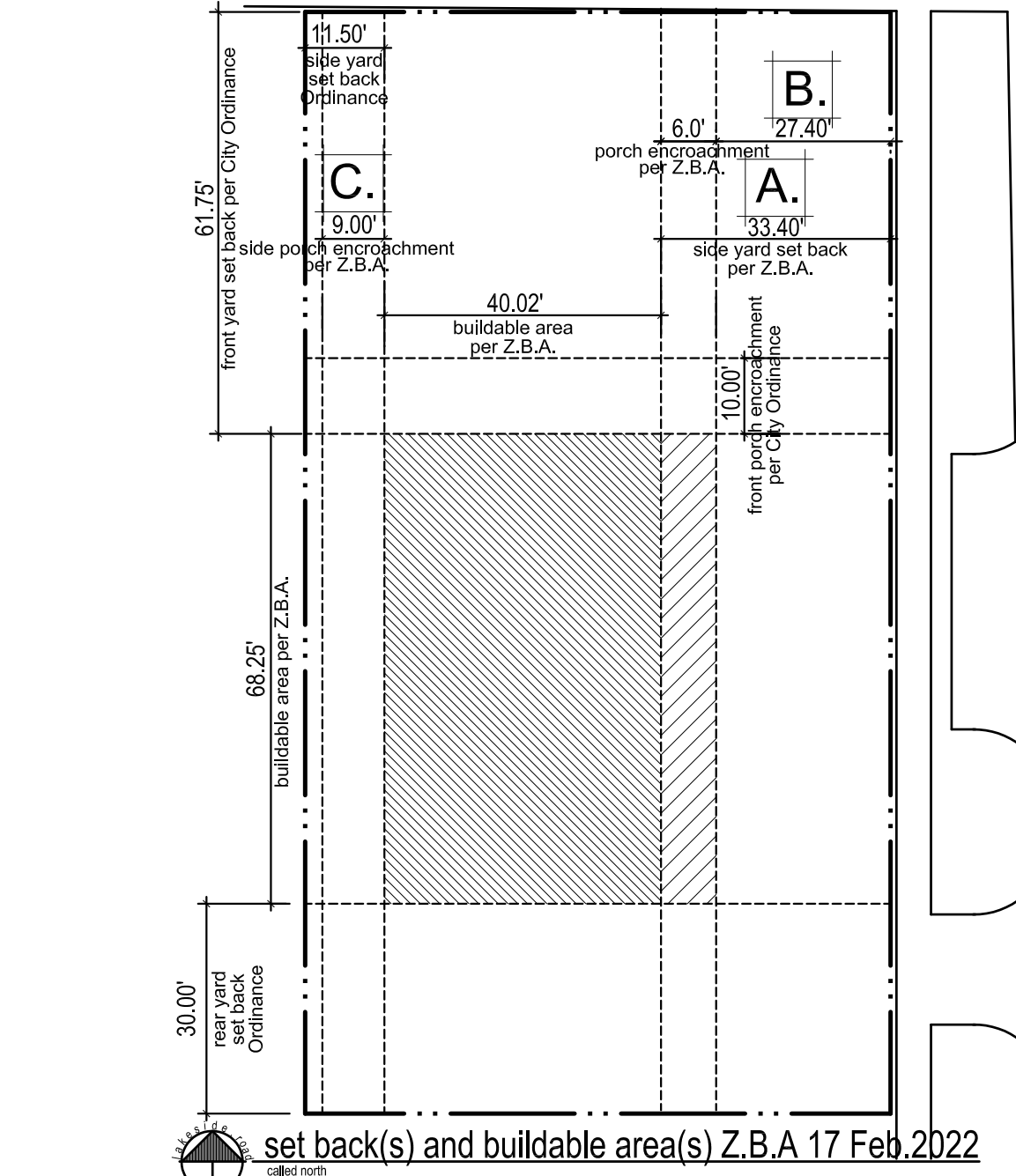
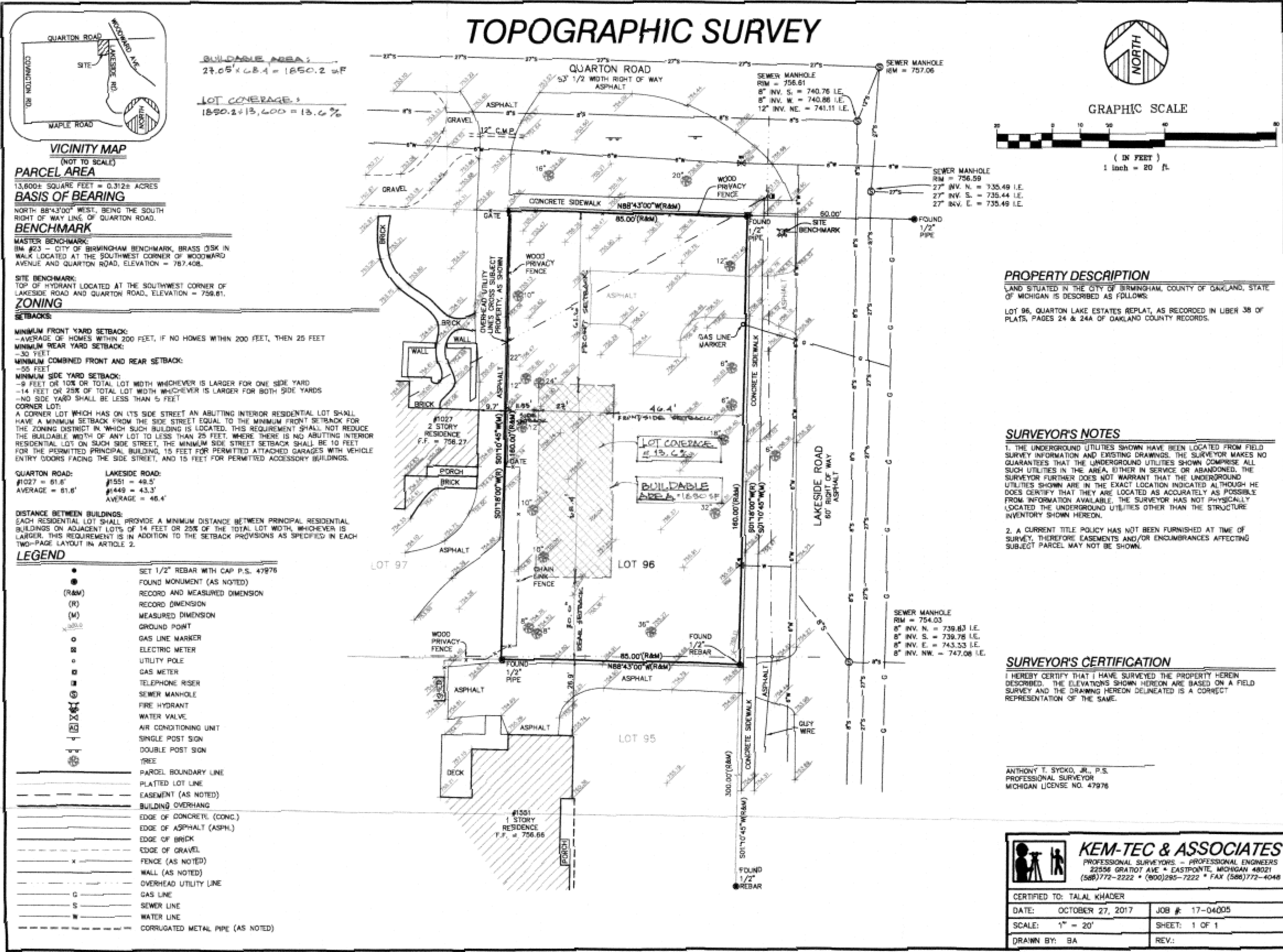
ABO Zielke presented the item, explaining that the owner of the property known as 1690 Fairway was requesting to construct an addition to an existing non-conforming single-family home with a detached garage:

A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 20.00 feet. The existing and proposed is 18.70 feet. Therefore; a variance of 1.30 feet is being requested.

ABO Zielke noted that the work on this home was started without a permit, and that once code enforcement was made aware the work was stopped.

In reply to Mr. Canvasser, ABO Zielke confirmed that if the variance was granted it would not affect the neighbors.

In reply to Mr. Canvasser, BO Johnson confirmed that granting the appeal would not affect the City's ability to ensure that the structure would be safe.



KEM-TEC & ASSOCIATES civil site plan

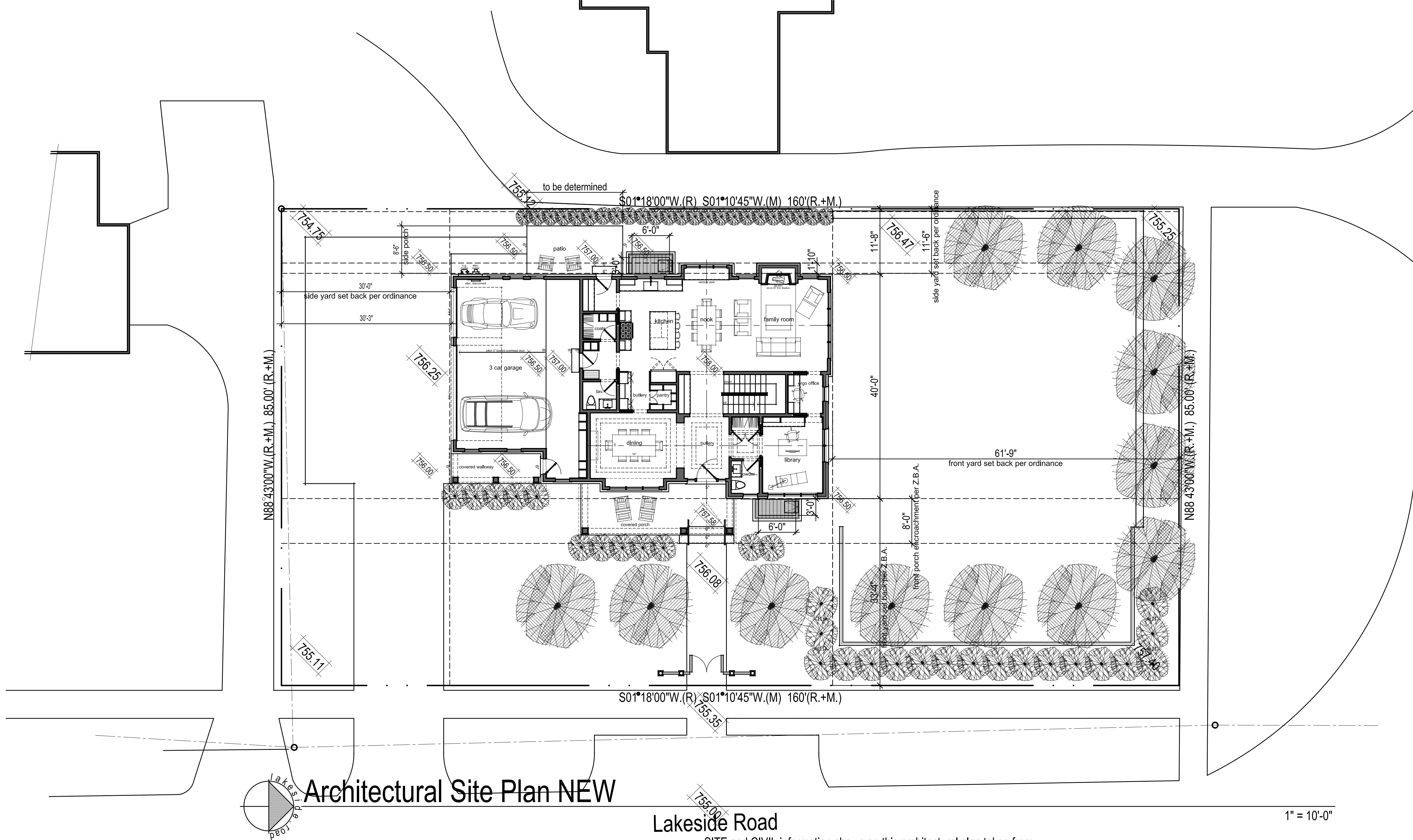
1" = 20'-0"

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jeff@jdaesigngroup.com
residential
multi-family

new home for
Pat and Jill Beshouri
1563 Lakeside Road
zoning R-1
Lot No. 96 19-26-226-008
property description: 72N, R10E SECTION 26 Quarton Lakes estates REPLAT No. 96

Z.B.A. revision(s) request
13 March 2022
permit . bid (set)
construction (set)
revisions

C-1.1
civil plan
Z.B.A. request graphics



Architectural Site Plan NEW

Lakeside Road

SITE and CIVIL information shown on this architectural plan taken from:

ACCESS OAKLAND and GOOGLE maps plus

survey prepared by KEM-TEC & ASSOCIATES . professional engineers . 27 October 2017 Job No. 17-04005



Site Location Map

called north

Quarton Road

new home for
Pat and Jill Beshouri
1563 Lakeside Road
zoning R-1
Lot No. 96 19-26-226-008
property description: 72N, R10E SECTION 26 Quarton Lakes estates REPLAT No. 96

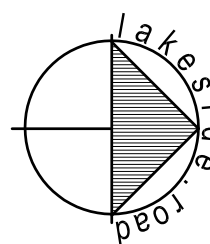
Z.B.A. revision(s) request
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construction (set)
revisions

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A-1.1
site plan
location map

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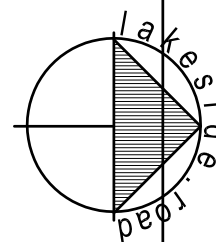
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jeff@jdaesigngroup.com
multi family



called north

1/4" = 1'-0"

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$$1/4" = 1'-0"$$

Pat and Jill Beshouri
1563 Lakeside Road
zoning R-1
Lot No. 96 19-26-226-0-0

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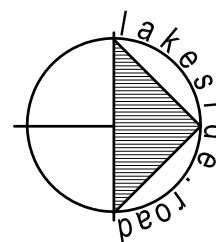
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A-2.2

1st floor plan
2nd floor framing

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second floor PLAN
called north

1/4" = 1'-0"



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new home for
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zoning R-1
Lot No. 96 19-26-226-008
property description: 72N, R10E SECTION 26 Quarton Lakes estates REPLAT No. 96

Z.B.A. revision(s) request
13 March 2022
permit . bid (set)
construction (set)
revisions

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A-2.3
2nd floor plan

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Lakeside Road (east) ELEVATION



Quarton Road (north) ELEVATION

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jeff@jdaesigngroup.com
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new home for
Pat and Jill Beshouri
1563 Lakeside Road
zoning R-1
Lot No. 96 19-26-226-008
property description: T2N, R10E SECTION 26 Quarton Lakes estates REPLAT No. 96

Z.B.A. revision(s) request
13 March 2022
permit . bid (set)
construction (set)
revisions

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A-3.1
elevations
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**Birmingham Board Of Zoning Appeals Proceedings
Tuesday, February 8, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan**

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, February 8, 2022. Vice-Chair Erik Morganroth convened the meeting at 7:30 p.m.

2. Rollcall

Present: Board Members Jason Canvasser, Kevin Hart, John Miller, Erik Morganroth; Alternate Board Member Erin Rodenhouse

Absent: Chair Charles Lillie; Alternate Board Member Ron Reddy,

Administration:

Bruce Johnson, Building Official
Leah Blizinski, City Planner
Brooks Cowan, Senior Planner
Laura Eichenhorn, City Transcriptionist
Mike Morad, Assistant Building Official
Jeff Zielke, Assistant Building Official

Vice-Chair Morganroth welcomed those present and reviewed the meeting's procedures. He noted that only five board members were present, and that dimensional variances require four affirmative votes. Consequently, Vice-Chair Morganroth offered each petitioner the opportunity to postpone their petition to the next regularly scheduled BZA meeting.

In regards to Appeal 22-03, Vice-Chair Morganroth noted that Mr. Canvasser would be recusing. As a result, too few regular Board members were present to hear the appeal. Vice-Chair Morganroth stated that Staff would contact the appellant to reschedule the appeal.

Vice-Chair Morganroth took rollcall of the petitioners with the exception of Appeal 22-03. All remaining petitioners were present and interested in their appeals being heard at the present meeting.

Vice-Chair Morganroth described BZA procedure to the audience. He noted that the members of the Board of Zoning Appeals are appointed by the City Commission and are volunteers who serve staggered three-year terms. They are a quasi-judicial board and sit at the pleasure of the City Commission to hear appeals from petitioners who are seeking variances from the City's Zoning Ordinance. Under Michigan law, a dimensional variance requires four affirmative votes from this board, and the petitioner must show a practical difficulty. A land use variance requires five affirmative votes and the petitioner has to show a hardship. He pointed out that this board does

not make up the criteria for practical difficulty or hardship. That has been established by statute and case law. Appeals are heard by the board as far as interpretations or rulings. In that type of appeal the appellant must show that the official or board demonstrated an abuse of discretion or acted in an arbitrary or capricious manner. Four affirmative votes are required to reverse an interpretation or ruling.

T# 02-01-22

3. Announcements

The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. Oakland County is now at the HIGH level of community transmission for COVID-19. The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.

4. Approval Of The Minutes Of The BZA Meetings Of December 14, 2021

Motion by Mr. Canvasser

Seconded by Ms. Rodenhouse to accept the Minutes of the BZA meeting of December 14, 2021 as submitted.

Motion carried, 5-0.

VOICE VOTE

Yeas: Canvasser, Rodenhouse, Miller, Hart, Morganroth

Nays: None

T# 02-02-22

5. Appeals

**1) 1217 Washington
Appeal 20-05**

ABO Zielke presented the item, explaining that the owner of the property known as 1217 Washington was requesting the following variance for the total side yard setback to construct an addition to the existing non-conforming home:

A. Chapter 126, Article 2, Section 2.08.2 of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.0 feet or 25% of the lot width whichever is greater. The required total is 16.25 feet. The existing and proposed total is 12.40 feet. Therefore, a variance of 3.85 feet is being requested.

L. Scott Grant, owner, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

Motion by Mr. Miller

Seconded by Mr. Canvasser with regard to Appeal 20-05, A. Chapter 126, Article 2, Section 2.08.2 of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.0 feet or 25% of the lot width whichever is greater. The required total is 16.25 feet. The existing and proposed total is 12.40 feet. Therefore, a variance of 3.85 feet is being requested.

Mr. Miller moved to approve the variance and to tie the approval to the plans as submitted. He noted that the appeal regards a proposed addition to an existing non-conforming home and that the need for the variance was due to the unique circumstances of the property. He said it was reasonable for the addition to line up with the existing construction and said the proposal was a modest overlap of the setback.

Ms. Rodenhouse said she would support the motion for the reasons stated by Mr. Miller and to align with the Board's previous approval of the appeal.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**2) 1230 Latham
Appeal 21-53**

ABO Zielke presented the item, explaining that the owner of the property known as 1230 Latham was requesting the following variance for the total side yard setback to construct an addition to the existing non-conforming home:

A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires that a minimum front yard setback is the average of homes within 200 feet each way. The required is 65.30 feet. The proposed is 50.50 feet. Therefore a variance of 14.80 feet is being requested.

B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.0 feet or 25% of the lot width whichever is greater. The required total is 16.45 feet. The proposed is 10.55 feet. Therefore, a variance of 5.90 feet is being requested.

C. Chapter 126, Article 2.06.4 of the Zoning Ordinance requires a maximum building height is 30.00 feet. The proposed height is 35.33 feet; Therefore a variance of 5.33 feet is being requested.

D. Chapter 126, Article 2.06.4 of the Zoning Ordinance requires a maximum eave height is 24.00 feet. The proposed height is 31.92 feet; Therefore a variance of 7.92 feet is being requested.

Bruce Bloomingdale, co-owner of the building company, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Mr. Bloomingdale confirmed that the building company was, at the time of purchase, aware of the lot's drastic change in grade from the front to the rear.

Mr. Miller noted that Variance A would align this house in the front with the adjacent houses and that Variances C and D were related to the drop off in the rear of the lot. He said the slope in the rear yard would make it prohibitive to put a garage in the rear of the lot. He said was having more difficulty rationalizing Variance B.

Mr. Bloomingdale drew the meeting's attention to Exhibit B, specifically the part circled in red. He said part of that area would be retained in some way, and said it was 'in the wrong area'. He asked ABO Zielke to help clarify.

ABO Zielke clarified that a few feet of the area in discussion was not behind the home directly, so it is more in the side yard, hence the request for Variance B.

Vice-Chair Morganroth noted locating the staircase off the terrace was dictating the location of that wall. He said if the staircase were located elsewhere Variance B might not be needed.

Mr. Bloomingdale, and his brother, John Bloomingdale, also a co-owner of the building company, both concurred that the staircase could be brought within the building envelope in order to eliminate the need for Variance B.

The appellant thanked ABO Zielke for his assistance with the appeal.

Public Comment

In reply to Fadi Nassar, Vice-Chair Morganroth stated that any concerns about water drainage between properties and retaining wall materials could be addressed to the Building Department.

Motion by Mr. Canvasser

Seconded by Mr. Hart with regard to Appeal 21-53, A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires that a minimum front yard setback is the average of homes within 200 feet each way. The required is 65.30 feet. The proposed is 50.50 feet. Therefore a variance of 14.80 feet is being requested; B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.0 feet or 25% of the lot width whichever is greater. The required total is 16.45 feet. The proposed is 10.55 feet. Therefore, a variance of 5.90 feet is being requested; C. Chapter 126, Article 2.06.4 of the Zoning Ordinance requires a maximum building height is 30.00 feet. The proposed height is 35.33 feet; Therefore

a variance of 5.33 feet is being requested; and, D. Chapter 126, Article 2.06.4 of the Zoning Ordinance requires a maximum eave height is 24.00 feet. The proposed height is 31.92 feet; Therefore a variance of 7.92 feet is being requested.

Mr. Canvasser moved to approve Variances A, C, and D, and to deny Variance B. He tied approval of Variances A, C, and D, to the plans as submitted. Mr. Canvasser stated that the retaining wall should be changed to not require a variance, and that appropriate drawings should be provided to the City.

He noted that the lot is an irregularly-shaped property with a steep slope. Because of the characteristics of this property, Mr. Canvasser stated that strict compliance with the ordinance would be unnecessarily burdensome. He stated that granting the petition would do substantial justice to the property owner and to the other property owners in the area. Mr. Canvasser stated that the problem was not self-created.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**3) 1563 Lakeside
Appeal 22-01**

ABO Zielke presented the item, explaining that the owner of the property known as 1563 Lakeside was requesting the following variances to construct a new single-family home with an attached garage:

A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested.

B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested.

C. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

Jeff Dawkins, architect, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Motion by Mr. Hart

Seconded by Mr. Miller with regard to Appeal 22-01, A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested; B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested; and, C. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

Mr. Hart moved to approve the variance requests and to tie them to the plans as submitted. He stated that strict compliance with the ordinance would be very difficult for the permitted use. He stated that the appellant demonstrated that a detached garage would not work on this property for several reasons, including the difficulty of moving some of the DTE lines. He said granting the variance would provide substantial justice to the neighboring properties and to the homeowner. He stated that the problem was not self-created.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**4) 1690 Fairway
Appeal 22-02**

ABO Zielke presented the item, explaining that the owner of the property known as 1690 Fairway was requesting to construct an addition to an existing non-conforming single-family home with a detached garage:

A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 20.00 feet. The existing and proposed is 18.70 feet. Therefore; a variance of 1.30 feet is being requested.

ABO Zielke noted that the work on this home was started without a permit, and that once code enforcement was made aware the work was stopped.

In reply to Mr. Canvasser, ABO Zielke confirmed that if the variance was granted it would not affect the neighbors.

In reply to Mr. Canvasser, BO Johnson confirmed that granting the appeal would not affect the City's ability to ensure that the structure would be safe.

Vic Ventimiglia, fiancé of the homeowner, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Mr. Ventimiglia confirmed that if construction had not been started the addition could have been designed to comply with the ordinance. He opined that aesthetically it looks better for the addition to align with the rest of the existing non-conforming home.

Mr. Ventimiglia thanked the Board for their time.

Public Comment

Margaret Dufault, neighbor, said she had no problem with the variance.

In reply to further comments by Ms. Dufault, Vice-Chair Morganroth stated that any concerns about the appellant being on Ms. Dufault's property without her permission should be directed to the Building Department and code enforcement.

Ms. Dufault thanked ABO Zielke for his help with her concerns.

Charles Gleeson, builder working with the appellant, said he would be happy to post a bond to ensure Ms. Dufault that the construction equipment and staff for 1690 Fairway would not cross onto her property. He spoke in support of the variance.

Motion by Ms. Rodenhouse

Seconded by Mr. Miller with regard to Appeal 22-02, A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 20.00 feet. The existing and proposed is 18.70 feet. Therefore; a variance of 1.30 feet is being requested.

Ms. Rodenhouse moved to deny the variance, stating that the Board has denied variances for this very issue in order to maintain conformity with the ordinance's requirements for the side setback. She said that while it was regrettable that construction was already started, it should not have a bearing on the Board's findings.

Mr. Miller said he supported the motion because Messrs. Ventimiglia and Gleeson both stated that the addition was designed as it was for reasons of aesthetics. He said he did not see the aesthetic value. He said he could not agree with the reasoning and did not think it justified granting the appeal. He said that while there might be reasons of constructability neither Mr. Ventimiglia or Mr. Gleeson mentioned that as a reason.

Mr. Canvasser said he would not support the motion. He noted that while there is precedent for the Board denying already-built variances, there is also precedent for approving the type of variance being requested here. He added that even though precedent was being discussed, the Board should look at each request on its own

merits. He stated that this house is pre-existing non-conforming and that the variance only proposes to extend the sight-line without adding to the non-conformity. He said that despite the improper steps that occurred to date, he would support a motion granting this variance.

Mr. Hart said he would not support the motion either. He said that while appellant's building without permits showed disrespect for the process and the neighboring properties, the appeal itself fulfills the requirements of not being self-created, and of doing substantial justice to the neighboring properties. He said that drawing out this process could serve to inconvenience the neighbor.

Vice-Chair Morganroth noted that while Messrs. Ventimiglia and Gleeson both acknowledged that permits should have been pulled for the construction on this home, permitting matters would be handled by the Building Department and not by the Board. He said that if the variance request had been submitted properly before construction began, he likely would have supported the request to align the new construction with the existing wall.

Motion failed, 2-3.

VOICE VOTE

Yeas: Miller, Rodenhouse

Nays: Morganroth, Canvasser, Hart

Motion by Ms. Canvasser

Seconded by Mr. Hart with regard to Appeal 22-02, A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 20.00 feet. The existing and proposed is 18.70 feet. Therefore; a variance of 1.30 feet is being requested.

Ms. Canvasser moved to approve the variance and to tie it to the plans as submitted. He said it was not a self-created problem since the house is pre-existing non-conforming which qualifies as unique circumstances. He said compliance with the ordinance would be unnecessarily burdensome. He concurred with Mr. Hart that granting the variance would do both substantial justice to the property owner and to the neighbor, since if the variance is denied Ms. Dufault would have to now deal with demolition at 1690 Fairway. He said the majority of similar appeals in the past have been approved by the Board.

Mr. Hart said he was supporting the motion, describing it as the lesser of two evils. He said that since the appeal meets the criteria for approval, it should be granted.

Vice-Chair Morganroth reminded all present that four affirmative votes would be required and that the chance to postpone being heard was offered at the beginning of the meeting.

Ms. Rodenhouse said she wanted the record clear that she was against the variance because similar variances have been denied by the Board, citing appeals in July 2021 as examples. She said she was not against the variance because the construction was improperly done, though she described that as unsavory. She said the appellants for July 2021 would have cause to wonder if this current appeal was approved because construction was already started or because it would cause the neighbor inconvenience via demolition. She said the City has an obligation to treat neighbors alike, and that since neighbors in the same exact scenario have been denied in the past she would not be supporting this motion to approve.

Mr. Miller said he would also not support the motion. He said the Board needs the opportunity to explore alternatives to plans and elevations and that here the Board has none. He said the house did not have to be built as it was and that there were other options.

Motion failed, 3-2.

VOICE VOTE

Yeas: Morganroth, Canvasser, Hart

Nays: Miller, Rodenhouse

**5) 1572 Holland
Appeal 22-03**

Mr. Canvasser stated he would have to recuse himself from Appeal 22-03. With Mr. Canvasser's recusal there would have been too few regular Board members to hear the appeal. Staff will contact the appellant to reschedule the appeal.

**6) 1572 Humphrey
Appeal 22-04**

ABO Zielke presented the item, explaining that the owner of the property known as 1572 Humphrey was requesting the following variance to construct a detached garage:

A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal residential building on an adjoining lot than the sum of the minimum required side setbacks. The required is 14.00 feet. The proposed is 8.30 feet. Therefore; a variance of 5.70 feet is being requested.

Brandon Potash, builder, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Mr. Potash said the resident of 1572 Humphrey would back out of their garage and down the driveway.

Motion by Mr. Hart

Seconded by Mr. Miller with regard to Appeal 22-04, A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal residential building on an adjoining lot than the sum of the minimum required side setbacks. The required is 14.00 feet. The proposed is 8.30 feet. Therefore; a variance of 5.70 feet is being requested.

Mr. Hart moved to approve the variance and to tie the approval to the plans as submitted. He noted that the current garage was one of the smaller ones in Birmingham and stated that the appellant proved the practical difficulty of the current garage configuration. Mr. Hart said strict compliance with the ordinance would prevent the appellant from proper use of the property, that compliance with the ordinance would be unduly burdensome, and that granting the variance would do substantial justice to the neighboring properties. He said the problem was due to the unique circumstances of the overhead DTE lines and that the problem was not self-created.

Mr. Miller noted that the non-conformity of the adjacent house was also a reason to grant the variance.

Mr. Hart concurred.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**7) 839 Ridgedale
Appeal 22-05**

ABO Zielke presented the item, explaining that the owner of the property known as 839 Ridgedale, was requesting the following variance to construct a second floor addition to an existing non-conforming home:

A. Chapter 126, Article 2.08.2 of the Zoning Ordinance requires that a minimum front yard setback is the average of homes within 200 feet each way. The required is 32.70 feet. The existing and proposed is 28.30 feet. Therefore a variance of 4.40 feet is being requested.

Art Lang, architect, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

Motion by Mr. Miller

Seconded by Mr. Canvasser with regard to Appeal 22-05, A. Chapter 126, Article 2.08.2 of the Zoning Ordinance requires that a minimum front yard setback is the

average of homes within 200 feet each way. The required is 32.70 feet. The existing and proposed is 28.30 feet. Therefore a variance of 4.40 feet is being requested.

Mr. Miller moved to approve the variance and to tie the approval to the plans as submitted. He said that since the appeal regards an addition to an existing non-conforming home the problem was not self-created. He said there were also unique circumstances to the property. He said the proposed remodeling will mitigate an existing non-conformity.

Mr. Hart said that while the Board does not usually comment on topics outside the Board's purview, he said that this was a good example of stewardship of an old home and he commended Mr. Lang on his work. Mr. Hart said the City would like to see more projects similar to this one. Mr. Hart said he would be supporting the motion.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

T# 02-03-22

6. Correspondence

All correspondence was included in the agenda packet.

T# 02-04-22

7. General Business

T# 02-05-22

8. Open To The Public For Matters Not On The Agenda

None.

T# 02-06-22

8. Adjournment

Motion by Mr. Canvasser

Seconded by Ms. Rodenhouse to adjourn the February 8, 2022 BZA meeting at 9:31 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

Bruce R. Johnson, Building Official

A handwritten signature in black ink, appearing to read 'Laura Eichenhorn', with a long horizontal flourish extending to the right.

Laura Eichenhorn

City Transcriptionist