

BIRMINGHAM BOARD OF ZONING APPEALS AGENDA

Municipal Building Commission Room
151 Martin Street, Birmingham, Michigan
January 14, 2020
7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE MINUTES

1) December, 2019

4. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	2282 W LINCOLN	MARCHETTI	19-41	DIMENSIONAL
2)	670 BENNAVILLE	MERLINI	20-01	DIMENSIONAL
3)	512 WALLACE	FOSTER	20-02	DIMENSIONAL
4)	995 HENLEY	DOKES	20-04	DIMENSIONAL
5)	675 PARK	HM HOMES	20-06	DIMENSIONAL
6)	482 PARK	SUPERB CUSTOM HOMES	20-07	DIMENSIONAL

5. CORRESPONDENCE

6. GENERAL BUSINESS

7. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

8. ADJOURNMENT

Title VI

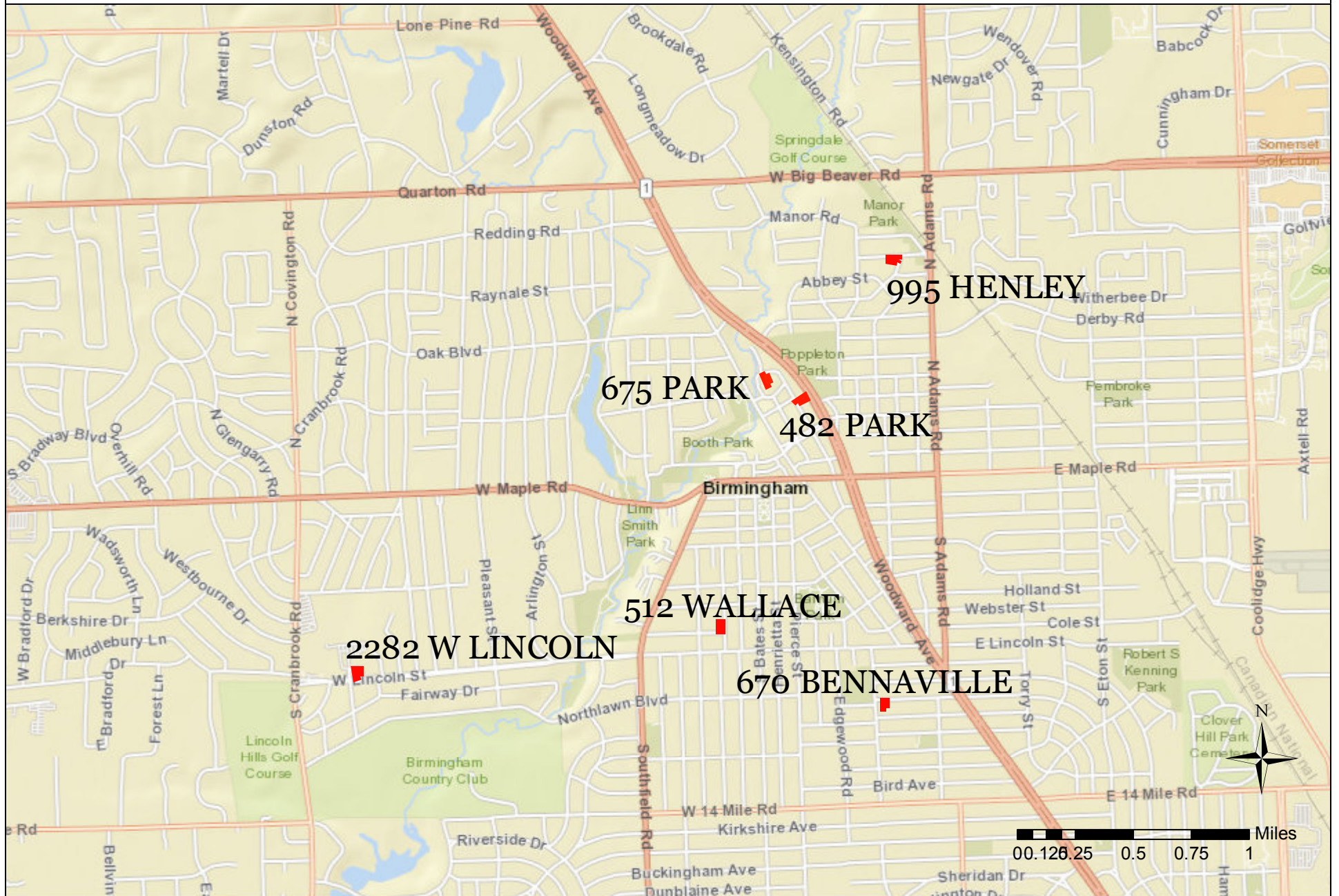
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

JANUARY BZA MAP



CASE DESCRIPTION

2282 W. Lincoln (19-41)

Hearing date: January 14, 2020

Appeal No. 19-41: The owner of the property known as 2282 W. Lincoln, request the following variance to improve the existing driveway:

A. Chapter 126, Article 4, Section 4.31(A)1 of the Zoning Ordinance requires a minimum of 65% of the front open space in all single-family districts shall be free of paved surfaces. The required open space is 1851.20 square feet (65%). The proposed is 1642.00 square feet (58.64%). Therefore, a 209.20 square feet (6.36%) variance is being requested.

Staff Notes: This site is located near the high school. An impervious permit had been issued in 2005 to rework the existing driveway into a circular driveway. This case was in front of the board in December and was tabled.

This property is zoned R1 – Single Family Residential.

Jeff Zielke, LEED AP
Assistant Building Official

2282 W LINCOLN



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: 11-12-19
Received By: BM

Hearing Date: 12-10-19
Appeal #: 19-41

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>2202 W. Lincoln</u>	Lot Number:	Sidwell Number:
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II. OWNER INFORMATION:

Name: <u>Roger Marchetti</u>			
Address: <u>2202 W. Lincoln</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email:	Phone:		

III. PETITIONER INFORMATION:

Name: <u>Roger Marchetti</u>		Firm/Company Name:	
Address: <u>2202 W. Lincoln</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>rogermarchetti@gmail.com</u>	Phone: <u>858-344-0601</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

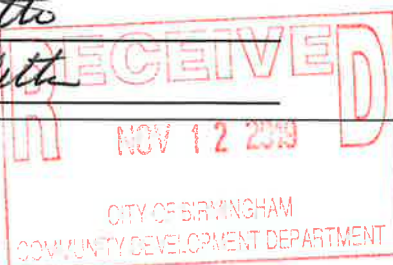
V. REQUIRED INFORMATION CHECKLIST:

- ☐ 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 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: <u>Roger Marchetti</u>	Date: <u>11/12/2019</u>
Signature of Petitioner: <u>Roger Marchetti</u>	Date: <u>11/12/2019</u>



CITY OF BIRMINGHAM
Date 11/12/2019 3:33:41 PM
Ref: 00164887
Receipt # 512700
Amount \$360.00

Roger Marchetti
2282 W. Lincoln
Birmingham MI 48009

December 6, 2020

City of Birmingham

Community Development – Building Department

Board of Zoning Appeals – ADDENDUM to variance request on 12-14-19 meeting,

Dear Board Members,

We are applying for a variance at our property located at 2282 W. Lincoln, Birmingham. The appeal is for the expansion of the permeability ratio for the front yard. The primary special condition for this property is safety. There is no parking along Lincoln ave due to the narrow width of the road. Parking is not allowed because site lines are obstructed and it can be dangerous backing out onto Lincoln. There is also no parking behind our home along Carrolwood Blvd Ct. Due to our close proximity to Seaholm High School, cars line up in front of our house. They are idling and moving slowly to pick up students both morning and afternoon of school days, making for a tricky situation.

The way in which our driveway is designed it is nearly impossible to back up and move forward along the driveway and enter Lincoln Ave facing forward. A much safer way to exit the property, especially when students are walking by and student drivers are passing. In addition our 2 car garage narrows from 16' to 10' making it difficult to park 2 cars. By expanding our driveway with a brick border, it allows our vehicles to safely manipulate our property and enter Lincoln. We thank you for your consideration in this matter.

This is an Addendum to our request based on the 12-14-19 meeting in regards to allowable permeable space for the property. We have made appropriate changes

based on the review of original variance request. A reduction of 120 sqft of pavers in the center area will lower the additional permeable space to just over 6%. A 24" border will remain along the driveway to allow a functional radius. The interior 120 sqft will be removed and will be replaced with soil and mulch. We appreciate the boards consideration in this matter.

Sincerely,

Roger Marchetti

CASE DESCRIPTION

670 Bennaville (20-01)

Hearing date: January 14, 2020

Appeal No. 20-01: The owner of the property known as 670 Bennaville, requests the following variance to construct a new single family home with a detached garage:

A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. The required distance is 14.00 feet. The proposed is 10.97 feet. Therefore, a 3.03 foot variance is being requested.

Staff Notes: The proposed single family home meets all setback ordinance regulations on the lot. However, it will not meet the minimum distance between structures on the west side.

This property is zoned R3 – Single Family Residential.

Jeff Zielke, LEED AP
Assistant Building Official

670 BENNAVILLE

680 HUMPHREY AVE

Bennaville Ave

670 BENNAVILLE

1322

599

e Ave

1401

Grant St



00.00 0.008 0.016 0.024 0.032 Miles

Chapin Ave

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: _____

Received By: _____

Hearing Date: _____

Appeal #: _____

Type of Variance:	<input 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: <u>670 BENVILLE</u>	Lot Number: <u>1157</u>	Sidwell Number: <u>1936430061</u>
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II. OWNER INFORMATION:

Name: WENDY MITCHELL Mary Martin			
Address: <u>32100 Arlington</u>		City: <u>Beverly Hills</u>	
Email: <u>mitzi525@ameritech.net</u>		State: <u>MI</u>	Zip code: <u>48025</u>
		Phone: <u>248-225-9466</u>	

III. PETITIONER INFORMATION:

Name: <u>RICK MERLINI</u>		Firm/Company Name:	
Address: <u>433 N. WASHINGTON</u>		City: <u>ROYAL OAK</u>	
Email: <u>RICK@LIVEWELLCUSTOMHOMES.COM</u>		State: <u>MI</u>	Zip code: <u>48067</u>
		Phone: <u>248-677-8484</u>	

IV. GENERAL INFORMATION:

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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
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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: Mary Martin Date: _____
DocuSigned by: B863A90CB06E48F
Signature of Petitioner: _____ Date: _____

ZBA Request for 670 Bennaville Birmingham

I am requesting dimensional variances of 3.03 ' on the East side yard setback.

My hardship is that the current zoning ordinance works well on all interior lots. But when you get to a interior lot that do not have a neighboring driveway on either side, it cause unfair hardship as an owner to comply to the ordinances requirement of 14' between homes.

To minimize my variances request, I have reduced the home size and have moved the home 5'2" off the Easterly lot line instead of the minimum of 5' to help minimize my request.

I would like to thank the board for their consideration of this matter.

Rick Merlini

Live Well Custom Homes

CASE DESCRIPTION

512 Wallace (20-02)

Hearing date: January 14, 2020

Appeal No. 20-02: The owner of the property known as 512 Wallace, requests the following variance to construct a new single family home with an attached garage:

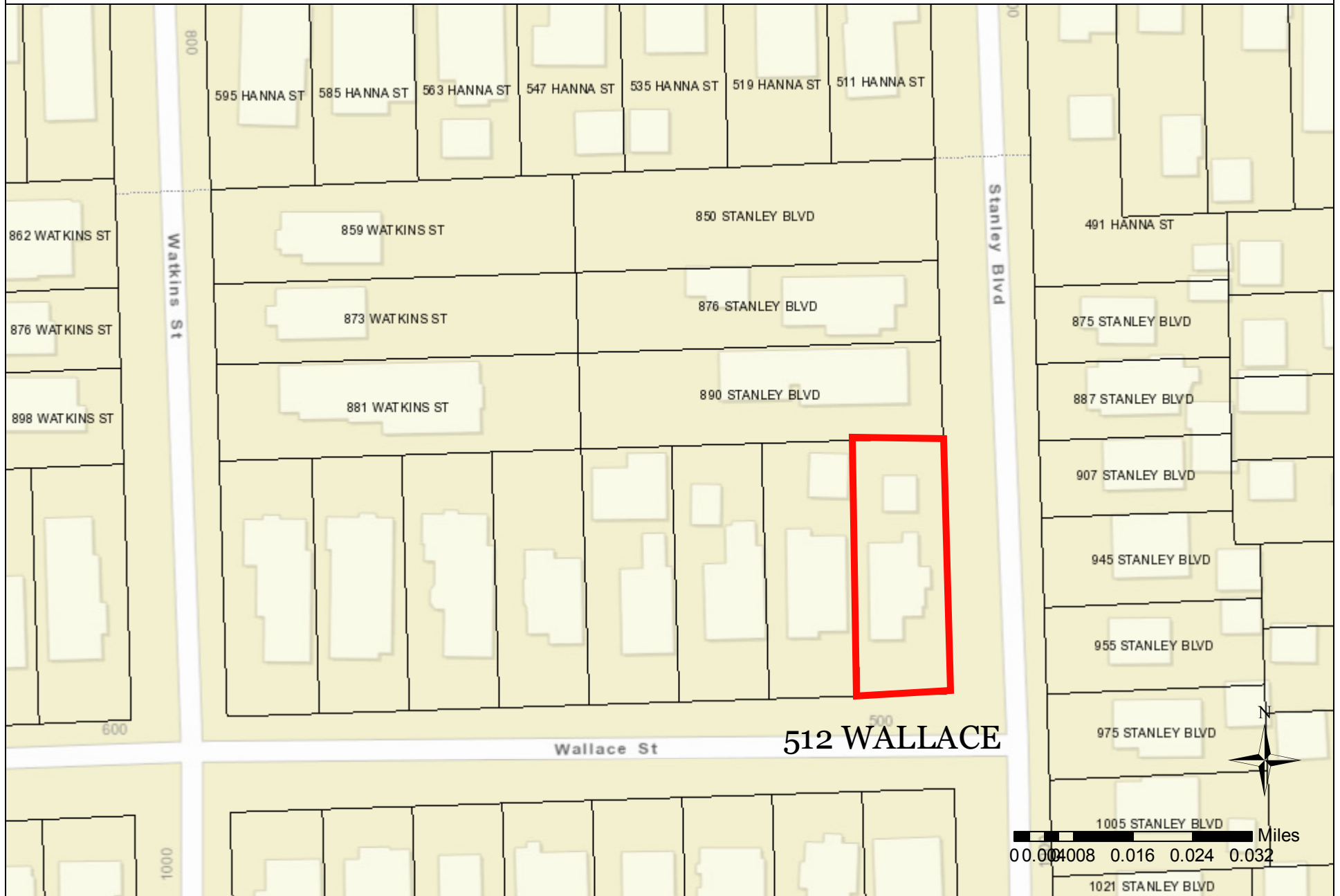
A. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback of the average of the homes within 200.00 feet in each direction. The required front yard setback is 18.16 feet. The proposed is 12.50 feet. Therefore a variance of 5.66 feet is being requested.

Staff Notes: The applicant is proposing to demolish an existing nonconforming home constructed in 1926 that is too close to the street side property line and then build a new home the same distance from the side property line.

This property is zoned R2 – Single Family Residential.

Jeff Zielke, LEED AP
Assistant Building Official

512 WALLACE



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: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

Address: 512 Wallace St.	Lot Number: 26	Sidwell Number: 08-19-36-156-020
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II. OWNER INFORMATION:

Name: David M. Foster			
Address: 512 Wallace St	City: Birmingham	State: Mi	Zip code: 48009
Email: Davidfosterlaw@aol.com		Phone: (248) 613-3092	

III. PETITIONER INFORMATION:

Name: David M. Foster	Firm/Company Name: N/A		
Address: 512 Wallace St.	City: Birmingham	State: Mi	Zip code: 48009
Email: Davidfosterlaw@aol.com		Phone: (248) 613-3092	

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Variance Chart Example

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*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: 12.12.19

Signature of Petitioner: _____

Date: 12.12.19

CITY OF BIRMINGHAM
Date: 12/12/2019 10:08:20 AM
Ref: 00165269
Receipt: 516925
Amount: \$360.00

December 12, 2019

City of Birmingham
Board of Zoning Appeals
151 Martin St.
Birmingham, Mi. 48012-3001

Att: Mr. Bruce Johnson

Re: David M. Foster, 512 Wallace St., Birmingham, Mi. 48009

Dear City of Birmingham Board of Zoning Appeals:

My name is David M. Foster. I am the owner of the property seeking a 5'8" non-use variance that is identical to my present front set-back on Stanley Blvd.(See Chart) Please accept this letter in support of my Application to the Board of Zoning Appeals for the January 14, 2020, Hearing.

INTRODUCTION AND BACKGROUND

The Applicant's property is zoned R 1. Chapter 126, Article 4.61 of the Birmingham Zoning Ordinance requires a corner lot with an abutting interior residential lot to have a "minimum front setback from the side street equal to the minimum front setback for the zoning district in which such building is located." In the Applicant's case, this requirement covers Wallace Street (a non-issue) and Stanley Blvd.

Over one century ago (1913) the applicant's lot was platted along with three (3) other virtually identical lots on Wallace St. (Ex. "A") It is ironic that a non-use variance is necessary for the front setback on Stanley Blvd because the proposed home's setback is identical to the front setback of the existing ninety-four (94) year old home. In fact, but for the fact the property line abuts the property line of the Youn family on Stanley Blvd (Ex. "B"), there would be no need to request this non-use variance.

STATEMENT OF FACTS

The applicant, David M. Foster, is sixty-six (66) years of age. He has been a resident of the City of Birmingham for over thirty (30) years. It has always been his

dream to build his own home. He has never been able to do so until now. There is little doubt given the age of his existing home, the lack of insulation discovered four (4) years ago when a pipe burst in the downstairs office, that the time has come to replace the existing home. In addition, as per Dr. Bortnick's letter (Ex. "C"), there is a medical reason for this requested non-use variance.

With respect to the request for a non-use variance on the Stanley Blvd side of the property line, there are a number of unique and unusual factors at play that the attached plat map illustrates. (Ex. "A")

The applicant's lot, along with the other three (3) adjacent lots on Wallace St. were platted on October 11, 1913. As can readily be seen, all four (4) lots on Wallace St. are uniform in size but the applicant's lot is unique because it is not platted "back to back" but, instead abuts Dr. Youn's lot on Stanley Blvd. Hence, there are two (2) front setbacks, one on Wallace St. (a non-issue) and one on Stanley Blvd that the applicant must comply with. The result is that the proposed home is non-conforming and can only be twenty five (25) feet wide if the 5' 8" non-use variance is denied.(Chap 126, Art. 461)

Second, the applicant did not create the issue. The applicant's home was built decades before there were zoning laws or homes were built on Stanley Blvd. For example, Dr. Youn's 4,000 sq foot home (890 Stanley Blvd) was built less than fifteen (15) years ago and Ms. Bertuzzi's 4,950 sq foot home (850 Stanley Blvd) was built three (3) years ago. (Ex. "D")

Third, complying with this particular zoning ordinance is "practically difficult". A twenty-five (25) foot wide home after subtracting one foot walls on the west and east side leaves twenty-three (23) feet. Subtracting four (4) more feet for a hallway from the

front door to the rest of the house leaves nineteen (19) feet. This means that a fourteen (14) foot wide Master Bedroom results in five (5) feet of space (width) for other rooms that run parallel to the length of the Master Bedroom

Fourth, the proposed home, located in an area zoned R 1, is 2,900 square feet. The area of the proposed home is in an established residential sub-division and, hence, consistent with the intent of the applicable zoning laws. The applicant's property cannot be used for any other purpose other than the construction of a single family home. Strict compliance with the front setback requirements for the proposed home that is appropriately designed and smaller than the adjacent home on Wallace St and the adjacent homes on Stanley Blvd (by 1,100 and 2,050 sq ft.) cannot be built without a non-use variance. Indeed, the requested front setback is identical to the existing home.

ELEMENTS FOR CONSIDERATION

A. SPECIAL CONDITIONS IF STRICTLY APPLY CREATE AN UNREASONABLE SITUATION PREVENTING THE APPLICANT FROM BUILDING HIS HOME

The unique and special condition causing the request for the non-use variance is because the applicant's home is not platted "back to back". Instead, it is a corner lot that abuts Dr. Youn's lot, which is almost four (4) times deeper and has a front setback identical with the other front setbacks on Stanley Blvd. Hence, the three (3) setbacks on Stanley Blvd (Ex. "A") are consistent with each other, comply with the Zoning Ordinance, yet also creates a "special condition" that unreasonable restricts the applicant from building his proposed home without the requested non-use variance. If not for this "special condition", the applicant could build his proposed home as close as ten (10) feet to the property line (Chap 126, Art. 461, (A)(2)), identical to the existing home at 511 Wallace., and the homes on the corner's of Stanley Blvd and Hanna St., and Stanley Blvd and Frank St.

B. LITERAL ENFORCEMENT WOULD RESULT IN A PRACTICAL DIFFICULTY

The legal standard for this Honorable Board to address this variance request is "practical difficulty", not hardship, because this is a non-use variance request. In this instance, two (2) facts lead to the conclusion that strict enforcement of the front set-back ordinance creates a "practical difficulty".

The first factual issue is the health of the applicant. According to Dr. Bortnick (Ex. "C"), Mr. Foster's osteoarthritis and sciatica makes it mandatory that a first floor Master Bedroom be designed for the proposed residence. This requirement leads to the second "practical difficulty".

Once a typically sized Master Bedroom is included on the first floor, this creates a "practical difficulty" for the rest of the first floor after deducting six (6) feet for the outside walls and hallway. Virtually no space will remain (five (5) feet) parallel to the Master Bedroom before the remainder of the floor juts out the entire width of the first floor of the proposed residence

C. THE GRANTING OF THE REQUESTED NON-USE VARIANCE COMPLIES WITH THE SPIRIT AND PURPOSE OF THE ZONING ORDINANCE AND IS NOT CONTRARY TO PUBLIC HEALTH, SAFETY OR WELFARE

As can readily be seen from the Chart attached to the Application, the requested non-use variance creates a setback identical to the present setback (12' 6"). This request complies with the spirit and purpose of the applicable Zoning Ordinance because "but for" the way the applicant's lot was platted, the variance would not be needed because the front set-back is greater than ten (10) feet and greater than other corner homes located at 511 Wallace St, and the corner homes at Stanley Blvd and Hanna St. or Stanley Blvd. and Frank St.

Second, the size of the home (2,900 sq ft) and its proposed dimensions do not impact the public's health or safety. A resident's view of on-coming traffic while driving south on Stanley Blvd and east on Wallace St. will not be blocked when they approach the corner of Stanley Blvd and Wallace St. In fact, the design of the home purposely maximizes open green spaces.

D. THE GRANTING OF THE 5' 8" NON-USE VARIANCE IS A SUBSTANTIALLY JUST RESULT FOR THE APPLICANT, THE NEIGHBORS AND THE PUBLIC

The Applicant, a thirty (30) year resident of Birmingham, is seeking a five (5) foot, eight (8) inch variance to build a residence that is designed by an award winning architect that will enhance the value of his property and the homes adjacent to his. The size of the proposed residence is not unusual because it is smaller than the adjacent homes on Wallace and Stanley. The design of the home is not atypical for the neighborhood because a contemporary home was built at 511 Wallace St a few years ago.

The applicant's residence is ninety-four (94) years old. It does not have any special or unique features that benefit the owner, his neighbors, or the general public. Indeed, Dr. Youn's letter makes this very point. (Ex. "B") Moreover, the lack of insulation (discovered four (4) years ago) results in a continuing negative result for the City, the neighborhood and the public.

E. THE PRACTICAL DIFFICULTY IS NOT SELF-CREATED

The Property was platted on October 11, 1913, well before there were any zoning laws, setback requirements, and decades before any of the three (3) homes on Stanley Blvd were built. As such, the applicant's property never conformed with the setback requirements after the homes were built at 890 Stanley, 876 Stanley, and 850 Stanley. The applicant did not create this situation or the resulting practical difficulty.

It is reasonable to assume that if zoning ordinances existed at the time the applicant's property was platted, consideration would have been given to permitting corner lots that abutted interior residential lots comply with zoning ordinances by averaging front setbacks of nearby corner lots instead of the average of front setbacks within 200 feet located on the same side of the street.

In conclusion, the proposed residential home fits the character of the neighborhood because of its size (2,900 sq feet), its width (31'), and its design. The proposed residence is consistent with well thought out building standards and complies with the spirit of zoning ordinances in the City of Birmingham.

CONCLUSION

The Applicant respectfully requests that this Board of Zoning Appeals grant his request for a five (5) foot, eight (8) inch non-use variance in order to allow him to build his proposed single family home. It is anticipated that further details for this request will be presented at the public hearing by the Applicant's architect and the City.

Respectfully submitted,



David M. Foster
512 Wallace St.
Birmingham, Mi. 48009
(248) 613-3092

December 9, 2019

City of Birmingham
Board of Zoning Appeals
151 Martin St.
Birmingham, MI 48012-3001
Attn: Mr. Bruce Johnson

Re: David M. Foster

Dear City of Birmingham Board of Zoning Appeals:

I am writing this letter to the Board on behalf of David M. Foster because he explained to me that the information in my letter may be helpful to the Board with respect to his request for a variance. The purpose of this letter is to explain why it is a medical necessity that the proposed residence have a first floor Master Bedroom.

On Saturday, September 14, 2019, I met with Mr. Foster because he was suffering from excruciating pain in his left hip. After examining him, I determined that his symptoms extended from his left hip and radiating to his left knee. I diagnosed Mr. Foster with sciatica secondary to osteoarthritis of the lumbosacral spine with possible lumbosacral disc disease/lumbosacral spinal stenosis. Given Mr. Foster's age, 66, this is not a surprise to me, based on my 40 years of experience specializing in internal medicine, this was a clinical diagnosis.

On September 14, 2019, I prescribed Mr. Foster prednisone, an oral steroid (10 mg) and an anti-inflammatory, Celebrex (celecoxib 200 mg). Mr. Foster informed me that after a few days the symptoms disappeared and he was able to walk without any pain.

In early November, when the weather became cold, Mr. Foster's symptoms returned. He is taking Celebrex on a daily basis to alleviate the pain that starts in his left hip and extends to his knee. Given his age, and my diagnosis, I expect these symptoms to worsen in the future.

With respect to the necessity of a first floor Master Bedroom, the simple fact is that as Mr. Foster grows older, he will have increasing difficulty navigating stairs or any other type of incline due to his medical condition. I therefore, strongly recommend that the Board take into account Mr. Foster's medication condition.

Very truly yours,


Cary J. Bortnick, MD

AMITA Health Medical Group
303 E Army Trail Rd., Ste. 100
Bloomington, IL 60108
Office: 630.980.8600
Fax: 630.980.8650

Location #2
5327 N Sheridan Rd., Ste. #C
Chicago, IL 60640
Office: 773.271.8801
Fax: 773.271.8099



December 9, 2019

City of Birmingham
Board of Zoning Appeals
151 Martin St.
Birmingham, Mi. 48012-3001

Att: Mr. Bruce Johnson

Re: David M. Foster, 512 Wallace St., Birmingham, Mi. 48009

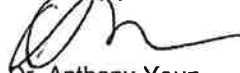
Dear City of Birmingham Board of Zoning Appeals:

My name is Dr. Anthony Youn. I am writing this letter to the Board in support of David M. Foster's request for a variance on the east side of his property that faces Stanley Blvd.

I and my wife and two (2) children have resided at 890 Stanley Blvd., Birmingham, Michigan for nine (9) years. The home was built approximately four (4) years earlier and is approximately 4000 square feet. My home is also one of three (3) homes next to each other on Stanley St. that has a depth of 181 feet.

Our house is next door to Mr. Foster's home and as I understand it, the reason for the variance request is because Mr. Foster's north end of his lot abuts the south side of our lot. I want the Board to know that Mr. Foster has shown me a rendering of the proposed new house by AZD Architects and explained to me the variance request is identical to the set back on the east side of his present home. I want the Board to know that I fully support the replacement of Mr. Foster's ninety-four (94) year home with a new home and that it will be a welcome addition to the neighborhood and most likely enhance my and other home's property values.

Very truly yours,



Dr. Anthony Youn

755 W. Big Beaver Rd., Suite 1200
Troy, Michigan 48064
Phone: 248-273-7700
Fax: 248-273-7701
Web: www.dryoun.com

*Cosmetic Facial Surgery · Breast Enhancement & Reduction · Body Sculpting
Facial Reshaping · Botox and Injectables · Laser Treatments · Aesthetic Skin Care*

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AMERICAN SOCIETY OF
PLASTIC SURGEONS

CERTIFIED BY
THE AMERICAN BOARD
OF PLASTIC SURGERY



Jeff Zielke <jzielke@bhamgov.org>

512 Wallace

1 message

Balardo, John <jb@hour-media.com>
To: "jzielke@bhamgov.org" <jzielke@bhamgov.org>

Fri, Jan 10, 2020 at 10:43 AM

Jeff,

After reviewing the requested variance to build a new structure at 512 Wallace, I wanted to address my concerns as I live and own the home directly next door at 522 Wallace.

First of all, I am in favor of the plan and think it is a positive addition to the neighborhood and is of the appropriate scale, quality and aesthetic. However, as planning evolves, I want to be assured that proper consideration is given to the extreme drainage issues in the area. As the home is situated now, whenever it rains, there is considerable water runoff into my property. Further, I am concerned about use of, and disruptions and inconveniences to my property in the build out of the new home as it is so close to my property.

All of this being said, I am in favor of the plan, provided proper consideration is given to these issues.

Thank you,

John Balardo | President

Hour Media - Atlanta Magazine - Cincinnati Magazine - Compass Media - Gemini Media
Greenspring Media - Los Angeles Magazine - Momentum Books - Orange Coast Magazine
Palm Beach Media Group - Professional Research Services - Sacramento Media - Target Distribution
[5750 New King Drive, Suite 100, Troy MI 48098](#) | v 248-691-1800 ext. 101 | f 248-691-4531

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CASE DESCRIPTION

995 Henley (20-04)

Hearing date: January 14, 2020

Appeal No. 20-04: The owner of the property known as 995 Henley, requests the following variance to construct an attached garage to an existing non-conforming home:

A. Chapter 126, Article 4, Section 4.61 (A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback of the average of the homes within 200.00 feet in each direction. The required front yard setback is 35.33 feet. The proposed is 11.04 feet. Therefore a variance of 24.29 feet is being requested.

Staff Notes: The property owner was in for a variance for a similar request back in September 2019, and was denied (minutes attached). The applicant has revised the plans and is submitting another variance request.

This property is zoned R1 – Single Family Residential.

Jeff Zielke, LEED AP
Assistant Building Official

995 HENLEY



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: 12-12-19
Received By: BM

Hearing Date: 1-14-20
Appeal #: 20-04

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: 995 Henley Street	Lot Number: 1925276012	Sidwell Number:
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II. OWNER INFORMATION:

Name: Taft Parsons III and Sherida DuBose Parsons				
Address: 995 Henley Street	City: Birmingham	State: MI	Zip code: 48009	
Email: tptra@hotmail.com			Phone: 313-212-6216	

III. PETITIONER INFORMATION:

Name: Kimberly Dokes	Firm/Company Name: Dokes Design Architecture LLC.			
Address: 512 N Main Street	City: Royal Oak	State: MI	Zip code: 48067	
Email: kim@dokesdesign.com			Phone: 248-763-3678	

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: <u>12-9-2019</u>	
Signature of Petitioner: 	Date: <u>12-10-19</u>	

CITY OF BIRMINGHAM
DATE: 12/10/2019 7:09:19 AM
Ref: 00165285
Receipt: 517015
Amount: \$360.00

December 11, 2019

Jeff Zielke, LEED AP
Assistant Building Official
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012

RE: Residence :995 Henley Birmingham – Garage Addition and Side Yard Setback Variance

Dear Mr. Zielke:

On behalf of Taft Parsons III and Sherida DuBose Parsons, I'm writing to re-request a side yard setback variance for a proposed 2 car garage addition plus carport to their residence. To clearly state the hardship: the home as existing sits on an oddly shaped corner lot where nothing is perpendicular; and the home is non-conforming to current set back rules. In addition, it has an existing detached garage that currently encroaches the rear setback. The proposed project intends to demolish the existing detached garage clearing rear yard space, which should improve existing sight lines for adjacent neighbors. The project intends to build a 2-car garage addition plus carport to the existing home for convenience of the homeowners; and to accommodate new drivers in the home.

It is understood that the intent of the ordinance is to meet a 15-foot side yard requirement; in this case a street facing side yard. In meeting the 15-foot side yard requirement: As existing the house sits on an angle, and our perpendicular dimension from new garage to property line is greater than 15 feet. Per the proposed site plan our project will not increase the non-conformance but seeks a variance of 23.79 feet to set the garage addition back 11.04 feet from the property line. Our first variance request during the September 2019 meeting was denied. This new layout address concerns from the last meeting, and decreases the variance requested.

Sincerely,

Dokes Design Architecture, LLC.



Kimberly M. Dokes RA NCARB
Principal

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS
TUESDAY, SEPTEMBER 17, 2019
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, September 17, 2019. Chairman Charles Lillie convened the meeting at 7:30 p.m.

2. ROLL CALL

Present: Chairman Charles Lillie; Board Members Kevin Hart, Richard Lilley, John Miller, Erik Morganroth, Francis Rodriguez; Alternate Board Member Ron Reddy

Absent: Board Member Jason Canvasser

Administration:

Bruce Johnson, Building Official
Mike Morad, Asst. Building Official
Jeff Zielke, Asst. Building Official
Laura Eichenhorn, Transcriptionist

Chairman Lillie appointed Mr. Morganroth Chairman for the duration of the evening's meeting.

Chairman Morganroth welcomed everyone and explained 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.

Chairman Morganroth took rollcall of the petitioners. All expected petitioners were present. Appeal 19-35 for 114 Lakeside was noted as postponed on the agenda.

T# 09-67-19

3. APPROVAL OF THE MINUTES OF THE BZA MEETING OF AUGUST 13, 2019

Mr. Lillie asked that a superfluous 'to' be removed from page eight of the minutes.

Motion by Mr. Lillie

Seconded by Mr. Lilley to accept the Minutes of the BZA meeting of August 13, 2019 as amended.

Motion carried, 7-0.

VOICE VOTE

Yeas: Lillie, Lilley, Morganroth, Rodriguez, Reddy, Hart, Miller

Nays: None

T# 09-68-19

4. APPEALS

**1) 995 Henley
Appeal 19-31**

Assistant Building Official Morad presented the item and explained the owner of the property known as 995 Henley requested the following variance to construct an attached garage to an existing non-conforming home:

A. Chapter 126, Article 4, Section 4.61 (A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback of the average of the homes within 200.00 feet in each direction. The required front yard setback is 39.94 feet. The proposed is 10.55 feet. Therefore a variance of 24.94 feet is being requested.

B. Chapter 126, Article 4, Section 4.75 (A)(1) of the Zoning Ordinance requires that a private attached, single-family residential garage shall not occupy more than 50% of a linear building width of a principal residential building that faces a street. The proposed is 52.60% (38.00 feet). Therefore a variance of 2.60% (3.78 feet) is being requested.

Assistant Building Official Morad added that the existing non-conforming home was constructed in 1952 on this irregular shaped corner lot. This property is zoned R1 – Single Family Residential.

Mr. Parsons, homeowner, spoke for the appeal. Ms. Dokes, architect, was also available to answer Board questions. Ms. Dokes confirmed the appellants tried to mitigate the need for variances through different potential configurations, but that none of the options were appropriate for what the appellants hoped to accomplish.

Mike Clement, resident at 897 Tottenham, said he supported the Parsons' appeal because the combination of a detached garage and young children is very difficult in inclement weather. He also said that, from his home, the changes the Parsons propose will look less visually imposing than the current situation. He added that when homeowners are able to do renovations the whole neighborhood tends to benefit, and for that reason he also supported the appeal.

Mr. Lillie replied the Mr. Clement that setbacks are designed to maintain the aesthetic experience of driving down the street, rather than looking across the street.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 19-31, A. Chapter 126, Article 4, Section 4.61 (A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback of the average of the homes within 200.00 feet in each direction. The required front yard setback is 39.94 feet. The proposed is 10.55 feet. Therefore a variance of 24.94 feet is being requested. B. Chapter 126, Article 4, Section 4.75 (A)(1) of the Zoning Ordinance requires that a private attached, single-family residential garage shall not occupy more than 50% of a linear building width of a principal residential building that faces a street. The proposed is 52.60% (38.00 feet). Therefore a variance of 2.60% (3.78 feet) is being requested.

Mr. Miller said the shape of the lot and positioning of the house on the lot were causing difficulties in conjunction. While he said he has concerns about granting a variance that would cause a reduction in front yard space, he said that once he visited the site he saw there was validity to the appeal. He said he would tie the demolition of the existing garage to approval of the plans because the garage is both visually prominent within the front yard and is very close to the next door house. He said that while the proposed garage would be located a bit further forward than the existing garage, he noted that most of the proposed garage would be more tucked in to the house. He said such a change would do substantial justice to the neighborhood. For these reasons he moved to approve the plans as submitted with note that the plans include the demolition of the existing garage.

Mr. Lillie said he would be opposing the motion, noting he had no problem with Variance A but disagreed with Variance B. He said that the lot shape has no bearing on the maximum square footage allowed. He said that no practical difficulty had been established for Variance B. He also said that the need for Variance B was self-created since it is not required that a family home be equipped with a two or three car garage.

Mr. Reddy said that the need for Variance B could be mitigated through a redesign of the garage since the variance requested is only 3.78 feet.

Mr. Rodriguez agreed, saying that if the motion were just to accept Variance A he would vote to approve, but that Variance B could be mitigated if not entirely removed with a redesign.

Chairman Morganroth said he would be voting against the motion for similar reasons. He said he would be willing to accept Variance A, but that Variance B is not particular to the irregular shaped lot since it is an issue of maximum square footage. He stated that Ms. Dokes also indicated that Variance B could be removed as a request with a redesign, and for that reason he would oppose the motion as well.

Mr. Hart said he would be supporting the motion, citing the fact that removing the current garage would do substantial justice to the neighborhood. He stated that the view would be better and that it would be removing a building that is 2.5 feet from the property line, which would also benefit the adjacent home.

Motion failed, 3-4.

ROLL CALL VOTE

Yeas: Miller, Hart, Lilley

Nays: Morganroth, Rodriguez, Reddy, Lillie

Mr. Lillie advised the appellants that they could come back with another appeal should they be able to configure a substantial change to their plans, since no Board Member expressed concerns about Variance A.

Mr. Miller concurred with Mr. Lillie, confirming for the appellants that the request for Variance A was well-substantiated and that Variance B was a much more difficult decision, even though he ultimately moved in its favor.

**2) 1917 Cole
Appeal 19-36**

Assistant Building Official Zielke explained the owner of the property known as 1917 Cole requested the following variances to construct a porch and a second floor addition to the existing non-conforming home:

A. Chapter 126, Article 2, Section 2.10 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 26.75 feet. The proposed is 24.82 feet. Therefore a 1.93 foot variance is being requested.

B. Chapter 126, Article 2, Section 2.10 of the Zoning Ordinance requires that the total side yard setback is 14.0 feet or 25% of the lot width whichever is greater. The required total side yard setback is 14.00 feet. The existing and proposed is 11.63 feet; Therefore a 2.37 foot variance is being requested.

C. Chapter 126, Article 2, Section 2.10 of the Zoning Ordinance requires that the minimum side yard of 9.0 feet or 10% of the total lot width whichever is larger for one

side. The required is 9.00 feet. The existing and proposed is 8.72 feet; Therefore a 0.28 foot variance is being requested on the East.

D. Chapter 126, Article 2, Section 2.10 of the Zoning Ordinance requires that no side yard shall be less than 5.00 feet. The existing and proposed is 2.91 feet; Therefore a 2.09 foot variance is being requested on the West.

E. Chapter 126, Article 4, Section 4.74 (C) of the Zoning Ordinance requires the minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is greater. The required distance is 14.00 feet. The existing and proposed is 13.82 feet. Therefore, a 0.18 foot variance is being requested on the East.

F. Chapter 126, Article 4, Section 4.74 (C) of the Zoning Ordinance requires the minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is greater. The required distance is 14.00 feet. The existing and proposed is 11.52 feet. Therefore, a 2.48 foot variance is being requested on the West.

Assistant Building Official Zielke added that this non-conforming single story home was constructed in 1949. This property is zoned R3 – Single Family Residential.

Tom Inger, architect for the project, spoke on behalf of the appellant. He stated that the appellants sought to make room for their growing family while minimizing the cost of doing so.

Mr. Lillie noted for Mr. Inger that financial constraints do not establish a practical difficulty.

Motion by Mr. Lillie

Seconded by Mr. Reddy with regard to Appeal 19-36, A. Chapter 126, Article 2, Section 2.10 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 26.75 feet. The proposed is 24.82 feet. Therefore a 1.93 foot variance is being requested. B. Chapter 126, Article 2, Section 2.10 of the Zoning Ordinance requires that the total side yard setback is 14.0 feet or 25% of the lot width whichever is greater. The required total side yard setback is 14.00 feet. The existing and proposed is 11.63 feet; Therefore a 2.37 foot variance is being requested. C. Chapter 126, Article 2, Section 2.10 of the Zoning Ordinance requires that the minimum side yard of 9.0 feet or 10% of the total lot width whichever is larger for one side. The required is 9.00 feet. The existing and proposed is 8.72 feet; Therefore a 0.28 foot variance is being requested on the East. D. Chapter 126, Article 2, Section 2.10 of the Zoning Ordinance requires that no side yard shall be less than 5.00 feet. The existing and proposed is 2.91 feet; Therefore a 2.09 foot variance is being requested on the West. E. Chapter 126, Article 4, Section 4.74 (C) of the Zoning Ordinance requires the minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is greater. The required distance is 14.00 feet. The existing and proposed is 13.82 feet. Therefore, a 0.18 foot variance is being

requested on the East. F. Chapter 126, Article 4, Section 4.74 (C) of the Zoning Ordinance requires the minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is greater. The required distance is 14.00 feet. The existing and proposed is 11.52 feet. Therefore, a 2.48 foot variance is being requested on the West.

Mr. Lillie moved to deny the variance requests. He explained that the BZA avoids increasing non-conformities. He acknowledged that the appellants may have financial constraints but reiterated that financial constraints do not establish a practical difficulty. Mr. Lillie also observed the 35 feet in the back of the home where the appellants would have different options for an addition without the need for a variance.

Mr. Hart said he would support the motion because he agreed that a practical difficulty was not established. He said that while cost cannot be a factor for a BZA decision, he also believed that the plans could be reconfigured to both minimize the need for variances and to avoid significant additional cost to the appellants. He concurred with Mr. Lillie that there was ample opportunity to avoid variances given the 35 feet in the back of the home.

Mr. Miller said that while updating a bungalow instead of building a home was personally appealing to him, and there have been situations where a home with many non-conformities was allowed to add on under very specific circumstances, the proposed front yard projection struck him as untenable to approve.

Mr. Rodriguez said he would support the motion because he would not be in favor of expanding the non-conformity.

Chairman Morganroth said he would support the motion because while the appeal cited necessary room sizes, the plan was already being proposed with an approximately 8.5 foot room in the back of the home. He noted that expanding the front of the home into the allowable projection would maintain the front bedroom at eight to nine feet and would allow for a larger room in the back of the home, where there is ample room to do so. He said he also concurred with his fellow Board Members' previous comments.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Lillie, Reddy, Rodriguez, Miller, Lilley, Hart, Morganroth
Nays: None

T# 09-69-19

5. CORRESPONDENCE

One item of correspondence was provided to the Board and the appropriate appellants at the outset of the evening's meeting.

T# 09-70-19

6. GENERAL BUSINESS (none)

T# 09-71-19

7. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA (no one from the public wished to comment)

T# 09-72-19

8. ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 8:41 p.m.



Bruce R. Johnson, Building Official

CASE DESCRIPTION

675 Park (20-06)

Hearing date: January 14, 2020

Appeal No. 20-06: The owner of the property known as 675 Park, requests the following variances to construct a single family home:

- A. Chapter 126, Article 2, Section 2.08** of the Zoning Ordinance requires a maximum roof height of the house for an R-2 zoning district of 30.00 feet for this property. The proposed roof height is 38.38 feet; therefore a variance of 8.38 feet is requested.
- B. Chapter 126, Article 2, Section 2.08** of the Zoning Ordinance requires a maximum eave height for the building for an R-2 zoning district of 24.00 feet for this property. The proposed eave height is 32.56 feet; therefore a variance of 8.56 feet is requested.
- C. Chapter 126, Article 4, Section 4.03(A)** of the Zoning Ordinance requires that no accessory structures shall be erected in the required front open space. A retaining wall is proposed to be constructed in the required front open space; therefore a variance to permit the retaining wall is requested.

Staff Notes: The applicant is proposing to excavate a portion of the front open space and install retaining walls.

This property is zoned R2 – Single Family Residential.

Jeff Zielke, LEED AP
Assistant Building Official

675 PARK



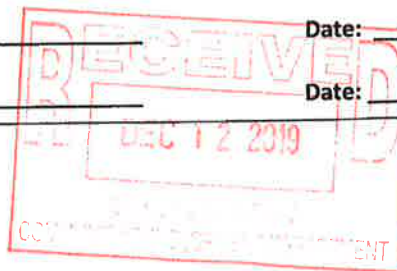
CITY OF BIRMINGHAM
Community Development - Building Department
151 Martin Street, Birmingham, MI 48009
Community Development: 248-530-1850
Fax: 248-530-1290 / www.bhamgov.org

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 12-12-19
Received By: BM

Hearing Date: 1-14-19
Appeal #: 20-06

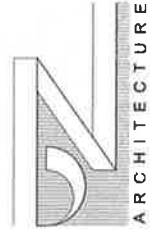
Type of Variance:	<input type="checkbox"/> Interpretation	<input checked="" type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
I. PROPERTY INFORMATION:					
Address: <u>675 PARK STREET</u>		Lot Number:		Sidwell Number: <u>19-25-352-001</u>	
II. OWNER INFORMATION:					
Name: <u>HM HOMES LLC</u>					
Address: <u>4426 Fernlee Ave</u>		City: <u>ROYAL OAK</u>		State: <u>MI</u>	Zip code: <u>48073</u>
Email: <u>justin@hmbuilt.com</u>				Phone: <u>(248) 789-8480</u>	
III. PETITIONER INFORMATION:					
Name:		Firm/Company Name: <u>HM HOMES LLC</u>			
Address: <u>see above.</u>		City:		State:	Zip code:
Email:		Phone:			
IV. GENERAL INFORMATION:					
<p>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.</p> <p>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.</p> <p>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.</p>					
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:					
<ul style="list-style-type: none"><input type="checkbox"/> One original and nine copies of the signed application<input type="checkbox"/> One original and nine copies of the signed letter of practical difficulty and/or hardship<input type="checkbox"/> One original and nine copies of the certified survey<input type="checkbox"/> 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations<input type="checkbox"/> 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: <u>12/12/19</u>			
Signature of Petitioner: _____		Date: _____			



CITY OF BIRMINGHAM
Date: 12/13/2019 12:01:03 PM
Ref: 00165297
Receipt: 517132
Amount: \$50.00

Brian Neeper Architecture P.C.

630 N. Old Woodward, Suite 203 Birmingham, MI 48009 248. 259. 1784 brianneeper.com



City of Birmingham
Board of Zoning Appeals
151 Martin St.
Birmingham, MI 48009

Re: 675 Park St.

December 12, 2019

Members of the Board,

On the behalf of my client, HM Homes, I respectfully request your consideration for the approval of the required dimensional variances to allow the construction of the proposed new single-family residence. The existing property is zoned R2. The property has some exceptional grading challenges at the front yard along Park St. which make it substantially more difficult to achieve a typical 2-story residence with front yard access while meeting all the requirements of the ordinance, than at other sites in the community.

The site, at the far southern end of Park St., is on top of a hill which falls roughly 15' to the front property line and then roughly another 5' to Park St.. To create grade level access to the sidewalk and streetfront along Park St. we are proposing to cut away the high grade adjacent to the proposed home. This lower level access to an accessible patio and lawn will activate the streetfront and increase the connectivity between the house and the neighborhood. To achieve the accessibility, we have proposed terraced landscape retaining walls projecting into the front yard open space. The landscape retaining in the front-yard open space is a common feature for many homes in the "Little San Francisco" neighborhood, especially along Brookside and Park St.

The interpretation of the maximum building and eave heights for this site have been taken from the lowest *proposed* grade at the proposed home. The home has been designed to meet the maximum building and eave heights taken from the *existing* low grade at the proposed home. The definition of building height from the zoning ordinance is "The vertical distance measured from existing grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the midpoint for gable, hip, gambrel, barrel and shed roofs." To enable front yard access to Park St. we have proposed landscape boulder retaining walls to hold back the grade. The Building and Eave heights for the proposed house as well as the landscape retaining walls will need variances as indicated below.

Variance A - Building Height The required building height for R-2 on this site is 30'-0". We are requesting an 8'-4 1/2" variance for a proposed building height of 38'-4 1/2".

Variance B - Eave Height The required eave height for R-2 is 24'-0". We are requesting an 8'-6 3/4" variance for an eave height of 32'-6 3/4".

Variance C - Landscape Retaining in Front Open Space Proposed 24' max. projection into front yard open space.

The unique topography in the front yard of the site has caused us to propose these 3 variances. I have taken great care in the architectural design to set the building and eave heights on the proposed house within the maximum heights taken from the existing low grade. The height interpretation would deprive my client from building the upper level of the proposed home. I believe the architecture of the proposed home will fit the scale of the site and the surrounding neighborhood's architecture. We believe the approval of this variance request will provide substantial justice and allow my client to build an attractive and functional single-family residence without any negative impact to the adjacent neighbors or the "Little San Francisco" neighborhood as a whole.

Thank you for your consideration.
Sincerely,

Brian Neeper
AIA

A handwritten signature in black ink, appearing to read 'Brian Neeper', written over a horizontal line.

CASE DESCRIPTION

482 Park (20-07)

Hearing date: January 14, 2020

Appeal No. 20-07: The owner of the property known as 482 Park, requests the following variances to construct a new single family home with a detached garage:

- A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. The required distance is 14.00 feet. The proposed is 11.90 feet. Therefore, a 2.10 foot variance is being requested on the North side.
- B. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. The required distance is 14.00 feet. The proposed is 11.90 feet. Therefore, a 2.10 foot variance is being requested on the South side.

Staff Notes: This lot was granted a similar variance in 2015 to construct a new single family home with the same requests for the distance between structures for both adjacent lots. However, that home was never constructed.

This property is zoned R2 – Single Family Residential.

482 PARK



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: 12-17-19

Received By: BK

Hearing Date: 2-11-19

Appeal #: 20-07

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: 482 Park St	Lot Number: 78	Sidwell Number: 1925451032
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II. OWNER INFORMATION:

Name: Hristos and Evanna Petrakis			
Address: 1287 Davis Ave	City: Birmingham	State: MI	Zip code: 48009
Email: petrakic2@gmail.com		Phone: (617) 460-0189	

III. PETITIONER INFORMATION:

Name: Richard Kligman	Firm/Company Name: Superb Custom Homes		
Address: PO Box 703450	City: Plymouth	State: MI	Zip code: 48170
Email: Rkligman@superbcustomhomes.com		Phone: (248) 735-8730	

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

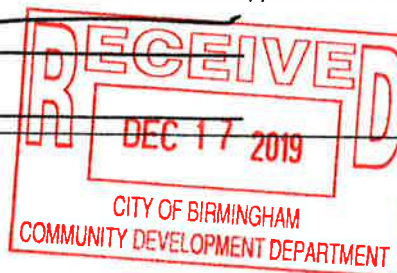
By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.

Signature of Owner: [Signature]

Date: 12/16/19

Signature of Petitioner: [Signature]

Date: 12/16/19



December 16, 2019

Hristos and Evanna Petrakis
482 Park St. (Lot 78)

To Whom It May Concern:

We purchased this property, in part, based on the receipt of a copy of the previously approved variance (see attached), and the belief that we would be granted the same accommodation. While we have designed a different style home to accommodate our family's lifestyle, we are holding the exact same distances between adjacent properties (11.9' per side in lieu of the required 14') as the home approved by the City on September 14, 2015. The property will not accommodate the home that suits our family's needs otherwise.

Thank you in advance for your consideration. We very much look forward to joining this wonderful community!

Sincerely,

Two handwritten signatures in black ink. The first signature is on the left, appearing to be 'Chris', and the second is on the right, appearing to be 'Evanna'. Both are written in a cursive, flowing style.

Chris and Evanna Petrakis