

City of Birmingham
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, JANUARY 11, 2022
7:30 PM
CANCELLED

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

JANUARY 11, 2022
7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

- a) 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

- a) December 14, 2021

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	1217 WASHINGTON	GRANT	20-05	DIMENSIONAL
2)	1230 LATHAM	BLOOMINGDALE CONST.	21-53	DIMENSIONAL
3)	1563 LAKESIDE	JEFF DAWKINS, ARCH.	22-01	DIMENSIONAL
4)	1690 FAIRWAY	GRIFFIN	22-02	DIMENSIONAL
5)	1572 HOLLAND	BABI CONSTRUCTION	22-03	DIMENSIONAL

6. CORRESPONDENCE

7. GENERAL BUSINESS

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

ADJOURNMENT

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.

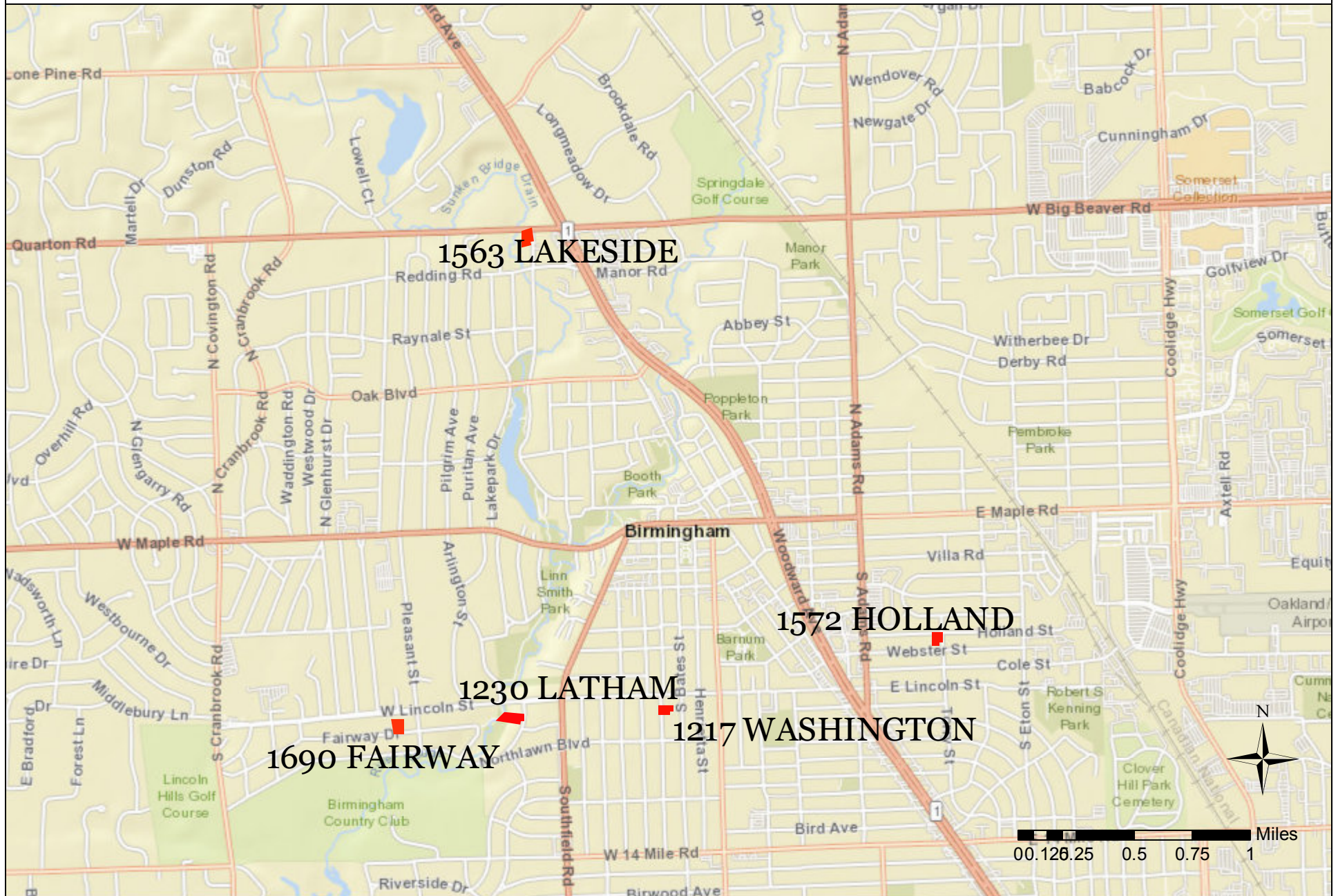
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JANUARY BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
Tuesday, December 14, 2021
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, December 14, 2021. Chair Charles Lillie convened the meeting at 7:30 p.m.

2. Rollcall

Present: Chair Charles Lillie; Board Members Jason Canvasser, Richard Lilley, John Miller, Erik Morganroth; Alternate Board Members Ron Reddy, Erin Rodenhouse

Absent: Board Members Kevin Hart, Francis Rodriguez

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

Chair Lillie welcomed those present, reviewed the meeting's procedures, and assigned duties for running the evening's meeting to Vice-Chair Canvasser.

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.

Vice-Chair Canvasser took rollcall of the petitioners. All petitioners were present.

T# 12-67-21

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 November 9, 2021

In the first full paragraph on page six, in the second line, Mr. Lillie recommended 'zoned' be changed to 'determined'. He recommended the same change be made in the third full paragraph on page six in the second-to-last line.

Motion by Mr. Lillie

Seconded by Mr. Reddy to accept the Minutes of the BZA meeting of November 9, 2021 as amended.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Morganroth, Lillie, Reddy, Rodenhouse, Canvasser, Miller, Lilley

Nays: None

T# 12-68-21

5. Appeals

1) 1679 Dorchester Appeal 21-51

ABO Zielke presented the item, explaining that the owner of the property known as 1679 Dorchester was requesting the following variances to construct a second floor addition to an existing nonconforming single-family home:

A. Chapter 126, Article 2.06.2 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 22.13 feet. The existing and proposed is 18.50 feet. Therefore; a variance of 3.63 feet is being requested.

B. Chapter 126, Article 4.61(A)(2) of the Zoning Ordinance states that a corner lot where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 10.00 feet from the permitted principal building. The existing and proposed is 9.00 feet. Therefore; a variance of 1.00 feet is being requested.

C. Chapter 126, Article 4.75(A)(1) of the Zoning Ordinance requires that a private attached, single-family residential garage shall not occupy more than 50% (15.40 feet) of a linear building width of a principal residential building that faces a street. The existing and proposed on the east side occupies 91.56% (28.20 feet). Therefore; a variance of 41.56% (12.80 feet) is being requested.

D. 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 in line with the garage (0.00 feet). Therefore; a variance of 5.00 feet is being requested.

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

The Board had no questions for the appellant.

Motion by Mr. Reddy

Seconded by Mr. Miller with regard to Appeal 21-51, A. Chapter 126, Article 2.06.2 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 22.13 feet. The existing and proposed is 18.50 feet. Therefore; a variance of 3.63 feet is being requested; B. Chapter 126, Article 4.61(A)(2) of the Zoning Ordinance states that a corner lot where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 10.00 feet from the permitted principal building. The existing and proposed is 9.00 feet. Therefore; a variance of 1.00 feet is being requested; C. Chapter 126, Article 4.75(A)(1) of the Zoning Ordinance requires that a private attached, single-family residential garage shall not occupy more than 50% (15.40 feet) of a linear building width of a principal residential building that faces a street. The existing and proposed on the east side occupies 91.56% (28.20 feet). Therefore; a variance of 41.56% (12.80 feet) is being requested; and, D. 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 in line with the garage (0.00 feet). Therefore; a variance of 5.00 feet is being requested.

Mr. Reddy moved to approve the four variances and to tie the approval to the plans as submitted. He noted that the home was existing non-conforming. He stated that denying the variances in this case would render conformity unnecessarily burdensome because the owner is trying to keep the addition within the existing footprint of the home. He also stated that home being on a corner lot in this case made the circumstances somewhat unique.

Mr. Miller noted that that there would be no impact on a neighboring property owner because there is no neighbor adjacent to the corner where the proposed addition would be located.

Mr. Lillie said he would support the motion since the house is existing non-conforming and the need for the variances was not self-created.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Reddy, Miller, Lilley, Morganroth, Lillie, Rodenhouse, Canvasser

Nays: None

**2) 999 Twin Oaks
Appeal 21-52**

Vice-Chair Canvasser noted he was a very distant relation of one of the appellants. He said he believed there was no basis for recusal but wanted to allow the Board and public the opportunity to comment if they saw fit.

Seeing no comment, Vice-Chair Canvasser invited ABO Zielke to present.

ABO Zielke presented the item, explaining that the owner of the property known as 999 Twin Oaks was requesting the following variance to construct an addition to an existing single-family home:

A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setback are 14.00 feet or 25% of the total lot width whichever is larger. The required is 19.85 feet. The proposed is 15.30 feet. Therefore; a variance of 4.55 feet is being requested.

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

In reply to Mr. Morganroth, Mr. Canvasser stated that extending the home back towards the Rouge River had been explored but had been decided against because it would still result in rooms and halls narrower than desired. Mr. Canvasser stated that many potential options for an addition had been reviewed over the years and that the submitted one was the most beneficial to the homeowners.

Motion by Mr. Miller

Seconded by Ms. Rodenhouse with regard to Appeal 21-52, A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setback are 14.00 feet or 25% of the total lot width whichever is larger. The required is 19.85 feet. The proposed is 15.30 feet. Therefore; a variance of 4.55 feet is being requested.

Mr. Miller moved to approve the variance and tied it to the plans as submitted. He said the request was reasonable giving the unusual slope and shape of the lot. He said granting the variance would have no adverse impact on the neighbors. Mr. Miller expressed that conformity to the ordinance in this case would be unduly burdensome.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Miller, Rodenhouse, Reddy, Lilley, Morganroth, Lillie, Canvasser

Nays: None

**3) 227 Northlawn
Appeal 21-54**

ABO Zielke presented the item, explaining that the owner of the property known as 227 Northlawn was requesting the following variances to construct a new single-family home with a detached garage and an A/C unit in the side yard:

A. Chapter 126, Article 4, Section 4.03(A) of the Zoning Ordinance requires that no accessory structures shall be located in the required side open space. The minimum required side open space is 5.00 feet. The proposed is 2.00 feet. Therefore a variance of 3.00 feet is being requested.

B. 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 14.00 feet. The proposed is 12.50 feet. Therefore; a variance of 1.50 feet is being requested.

Gayle McGregor, attorney, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Board comment, Ms. McGregor added:

- The appellant did not apply for a variance for a generator and that there were no plans to hardwire for a generator;
- The only matters at hand were the distance between houses and locating the air conditioner in the side yard;
- There is a DTE easement that runs along the rear of the property, behind the garage, which requires that everything be pushed towards Henrietta;
- Because 227 Northlawn is a small corner lot with two front yard setbacks, the only available room for using the outdoor space is between the house and the garage; and,
- The air conditioner will have screening built around it and will not be visible from the street.

In reply to Mr. Lillie, Jeff Klatt, architect, stated that the proposed house was fairly modest in size for a new home and met all the ordinance requirements with the exception of the two modest variances being requested.

Mr. Morganroth explained he was reasonably comfortable with Variance B since the askew positioning of the house makes it hard to meet the requirement and the house would meet the required sideyard setback. He explained he was less persuaded regarding Variance A, stating that the appellant could likely find an ordinance-compliant location for the air conditioner.

Mr. Klatt contended that the air conditioner would be more pleasant for the appellant and their neighbors if located in the proposed location.

Mr. Morganroth explained that reasoning did not rise to the level of a hardship or practical difficulty.

Mr. Reddy stated his house has similar circumstances and that he has located the air conditioner in the rear, as required. He said he was more comfortable with Variance B as well since the neighbor to the south of the appellant is existing non-conforming.

Ms. McGregor reiterated that the two front yard setbacks on this corner lot makes it difficult to place mechanicals.

Motion by Mr. Lillie

Seconded by Mr. Morganroth with regard to Appeal 21-54, B. 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 14.00 feet. The proposed is 12.50 feet. Therefore; a variance of 1.50 feet is being requested.

Mr. Lillie moved to grant Variance B and tied it to the plans as submitted. He said the petitioner demonstrated a practical difficulty by complying with the ordinances, and that it was the neighbors' existing non-conforming home that was causing the issue. He noted that if the neighbors' home were not there, the appellant would not need a variance for the minimum distance between principal residential buildings on adjacent lots. Mr. Lillie noted that the need for Variance B was not self-created.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Lillie, Morganroth, Miller, Canvasser, Rodenhouse, Reddy, Lilley

Nays: None

Motion by Mr. Lillie

Seconded by Mr. Morganroth with regard to Appeal 21-54, A. Chapter 126, Article 4, Section 4.03(A) of the Zoning Ordinance requires that no accessory structures shall be located in the required side open space. The minimum required side open space is 5.00 feet. The proposed is 2.00 feet. Therefore a variance of 3.00 feet is being requested.

Mr. Lillie moved to deny Variance A. He stated that the appellant did not demonstrate that compliance with the ordinance would be unduly burdensome. He stated that Variance A would do no justice to the neighbors by locating the air conditioner in the side open space. He held that the desire for Variance A was self-created since the construction would be brand new and could be designed to comply with the ordinance.

Mr. Miller said he would not support the motion due to the unique circumstances of the lot. He stated that air conditioners in the side yard seemed to be common in this section of the neighborhood and so Variance B seemed reasonable. He noted that 227 Northlawn's easement and corner location results in a very small rear yard, meaning that requiring the air conditioner to be in the rear yard is more onerous than appropriate.

Vice-Chair Canvasser concurred with Mr. Lillie in regards to self-creation and said he would support the motion.

Motion carried, 6-1.

ROLL CALL VOTE

Yeas: Lillie, Morganroth, Canvasser, Rodenhouse, Reddy, Lilley

Nays: Miller

Mr. Morganroth noted that while pool equipment, a pool, and a generator were shown on the site plans they were not presented or considered as part of Appeal 21-54. He stated for the record that approval of Variance A should not be construed as approval of any of these items.

**4) 34745 Woodward
Appeal 21-55**

SP Cowan presented the item, explaining that the owner of the property known as 34745 Woodward was requesting either the following appeal or the following variance to renovate the property and update the operations of a car wash use known as Jax Kar Wash (Jax):

A. Chapter 126, Article 4, Section 4.54(C)(3) of the Zoning Ordinance requires a 32 inch capped masonry screen wall to be placed along the front or side of any parking facility that abuts a street, alley, passage, or mixed passage. On October 13th, 2021, the Planning Board approved the applicant's site plan application with the condition that the applicant submit revised plans with sufficient screening that meets Article 4, Section 4.54 of the Zoning Ordinance. The applicant is requesting an appeal of the Planning Board's decision with the condition that the applicant satisfy all screening requirements of Article 4, Section 4.54.

OR

B. Chapter 126, Article 4, Section 4.54(C)(3) of the Zoning Ordinance requires a 32 inch capped masonry screen wall be placed along the front or side of any parking facility that abuts a street, alley, passage, or mixed passage. The applicant is proposing a site plan with a parking facility consisting of 47.75 feet of unscreened frontage along Woodward Avenue. Therefore, a dimensional variance of 47.75 feet is being requested.

In reply to Board inquiry, SP Cowan noted that 'parking facility' is not defined in the ordinance. He stated that 'parking' is defined as an area used for the parking of motor vehicles.

In reply to Ms. Rodenhouse, SP Cowan stated that screening is required for a 'parking facility', not just 'parking', per the ordinance in Chapter 126, Article 4, Section 4.54(C)(3).

BO Johnson stated that parking area total is defined as the actual parking area and the area of the access drives, and a parking lot interior is defined as all area within the perimeter of a parking lot which is including planting islands, curb areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side.

Vice-Chair Canvasser noted that in cases of Building interpretations or rulings of other boards, the appellant must show that the official or board demonstrated an abuse of discretion, or that the official or board acted in an arbitrary or capricious manner. He noted that standard would apply to Appeal A, and would require four affirmative votes to pass.

Bradley Scobel, attorney, explained why the appellant was seeking either the appeal or the variance. He stated:

- The appellant does not believe that the area in question meets the definition of a 'parking facility' as defined in the ordinance, and that there the Planning Board's requirement of a screen wall on Woodward amounted to an abuse of discretion;
- The appellant is concerned that a screen wall on Woodward would be hit by drivers, would prevent egress of vehicles in an emergency, and would also prevent the operator from effectively plowing snow from the lot;
- Having to install a screen wall on Woodward would be so prohibitive to operations that the appellant would instead withdraw all planned updates;
- If the Board denies Variance A, granting Variance B would still be appropriate because it would increase the safety of the entire site;
- There have been no pedestrian-vehicle safety issues in in the history of Jax's operations resulting from cars turning left onto of Woodward and then left onto Brown to re-enter the Jax lot;
- There have been no pedestrian-vehicle safety issues there because it is not a commonly traversed area by pedestrians and because the vehicle attendants look out for any potential safety issues;
- The planned updates will increase the safety of the site overall;
- The area in question adjacent to Woodward would be more appropriately described as a service aisle or a drive lane, and does not amount to a parking facility as intended by the ordinance because there is no parking on either side;

- The Speedway fuel station across the street has similar conditions in terms vehicles parking for three to four minutes to use an amenity and leaving and does not have a screen wall;
- The current conditions at the Jax site do amount to a parking facility along Woodward, but under the proposed plan the conditions would not; and,
- A drawing was submitted to the City indicating that wall that the appellant is requesting a variance from, and was provided to the Board members, but was not included in the evening's agenda packet.

BO Johnson advised the Board that if Speedway were to be opened today any of the parking areas would likely be subject to the ordinance's screen wall requirements.

In reply to Vice-Chair Canvasser, Mr. Scobel confirmed that in the absence of a definition of terms in the ordinance it would be appropriate to use the dictionary definition of the terms. He stated that he did not find a dictionary definition of 'parking facility' which is used in the ordinance. He stated he did look up a definition of an aisle or lane.

Ms. Rodenhouse explained that since this requires an interpretation of a zoning ordinance it would be most appropriate to conduct a de novo review, looking at the language of the ordinance itself without giving any deference to the Planning Board. Interpretation of an ordinance follows the same procedure as interpreting a statute. The BZA's role is to ascertain the intent of the legislative body, per case law. The first step is to give the words in question their plain meaning. The ordinance does not state precisely what a parking facility is, but does state that screening would only be required for a parking facility. The definition of a 'facility' as provided by Random House-Webster's Unabridged Dictionary, 2nd ed., is 'something designed, built, installed to serve a specific function, affording a convenience or service'. She noted that in this case that convenience or service would be parking, and the area in question would have to have been designed, built and installed to provide parking. She stated that the area in question was designed, built, and installed for vacuuming, not for parking.

Ms. Rodenhouse concluded that there was no ambiguity for the review process to be followed in this instance. She stated that ambiguity only exists if a statute creates irreconcilable conflict with another provision, or is equally susceptible to more than one meaning. She said neither of those two cases apply in this instance since the area in question is not a facility for parking.

Vice-Chair Canvasser replied that the BZA is a Zoning Board, not a Court of Appeals. He stated the Board would be reviewing for an abuse of discretion, not a de novo review of the ordinance.

Ms. Rodenhouse noted that a misinterpretation of the statute on the part of the Planning Board would be an error of law, and an error of law is necessarily an abuse of discretion. She contended that construing any place where one parks as a 'parking facility' would be an error of law, which consequently would be an abuse of discretion.

In reply to Mr. Lillie, Jason Milen, owner and operator of Jax, explained that currently when snow is plowed from the lot it gets pushed into the right of way by Woodward.

Mr. Lillie asked if the Shell fuel station at 33588 Woodward had screen walls for its parking since the business had done updates a few years prior.

Vice-Chair Canvasser said he thought he recalled some amount of wall on 33588 Woodward's lot, but could not recall exactly where it was located.

Motion by Ms. Rodenhouse

Seconded by Mr. Miller with regard to Appeal 21-55, A. Chapter 126, Article 4, Section 4.54(C)(3) of the Zoning Ordinance requires a 32 inch capped masonry screen wall to be placed along the front or side of any parking facility that abuts a street, alley, passage, or mixed passage. On October 13th, 2021, the Planning Board approved the applicant's site plan application with the condition that the applicant submit revised plans with sufficient screening that meets Article 4, Section 4.54 of the Zoning Ordinance. The applicant is requesting an appeal of the Planning Board's decision with the condition that the applicant satisfy all screening requirements of Article 4, Section 4.54.

Ms. Rodenhouse moved that the Planning Board erred as a matter of law in their interpretation. She reiterated her previous comments explaining how the Planning Board erred as a matter of law and therefore demonstrated an abuse of discretion. She added that not finding this area to be a 'parking facility' harmonizes with the rest of the ordinance since in Article 10, Section 26.397 building permits are required for a 'parking facility', meaning it is a built structure, and in Article 9, Section 110.137(C) it is indicated that a 'parking facility' is something which could require an attendant.

Mr. Lilley concurred with Ms. Rodenhouse.

Mr. Reddy stated that since there is no ordinance definition of a 'parking facility' he concurred with Ms. Rodenhouse's explanation.

Mr. Lillie said one of the questions was how long one must park in order to define an area as a parking area.

Vice-Chair Canvasser said he would not support motion. He said Ms. Rodenhouse's motion was well-articulated and well-reasoned. He said he hoped that the Commission would consider defining and reviewing the use of 'parking facility' in the ordinance as a result of this discussion. He noted that the area in question would be having drivers park their vehicles to use the vacuums. He said that while he may not think the Planning Board's interpretation of this area as a 'parking facility' was the best interpretation available, he felt that the Planning Board had a justifiable basis in doing interpreting it as such. Consequently, he said he believed the BZA could not say that the Planning Board unequivocally demonstrated an abuse of discretion, or that the Planning Board acted in an arbitrary or capricious manner.

Mr. Morganroth concurred with Vice-Chair Canvasser. He added that the vehicles are parked in the area in question and that the drivers exit their vehicles. He said he did

not see an error that rises to the level of the BZA having to repeal the Planning Board's findings. He said that while a court of law might be able to do so, he did not find an abuse of discretion or arbitrary or capricious actions in the Planning Board's decision.

In reply to Mr. Reddy, Vice-Chair Canvasser restated that the appellant must show that the official or board demonstrated an abuse of discretion, or that the official or board acted in an arbitrary or capricious manner.

Ms. Rodenhouse said she wanted it absolutely clear on the record that an abuse of discretion happens when an error of the law is made. An error of law is to improperly apply the rules of statutory construction. In this case, the plain definition of 'facility' tells the BZA what the ordinance means. As per the previously-given definition of 'facility', this area was not designed to serve the specific function of parking. Therefore the Planning Board committed an abuse of discretion by reading something into the word 'facility' that is not part of the definition. She said she wanted that reiterated for purposes that go beyond the evening's hearing.

Vice-Chair Canvasser noted that the appellant did not provide a definition of 'facility', and stated that it was not the Board's job to make the argument for the appellant.

Mr. Morganroth said the definition of 'parking' as provided in the Oxford English Dictionary is 'bringing a vehicle one is driving to a halt to leave it temporarily, typically in a parking lot or by the side of the road'. He said that the definition leaves the Planning Board's conclusion ambiguous enough that the BZA cannot find that the Planning Board demonstrated an abuse of discretion or acted in an arbitrary or capricious manner.

Mr. Lillie noted that the area in question is being designed for vehicles to be turned off and exited.

Motion failed, 3-4.

ROLL CALL VOTE

Yeas: Rodenhouse, Miller, Lilley

Nays: Morganroth, Reddy, Canvasser, Lillie

Vice-Chair Canvasser invited Mr. Scobel to explain the rationale behind requesting Variance B.

Mr. Scobel noted that there is screen wall and landscaping planned for the corner of Brown and Woodward which would sufficiently block any view of the area in question from the perspective of a vehicle heading south on Woodward at 50 miles per hour. He said vehicles are most likely to be stationary on Brown while waiting for the traffic light to turn onto Woodward, which is why Jax agreed to put a screen wall on Brown.

He continued that Jax cannot operate with the screen wall on Woodward, and therefore would not be able to complete the project. Since the project would increase the safety of the site, requiring the screen wall on Woodward would result in the site's safety remaining as-is.

Mr. Scobel concluded by saying that granting the variance, and therefore allowing the updates to proceed, would do substantial justice to the property owner, neighbors and wider community.

Mr. Morganroth asked if the appellant had considered an approximately 18 foot iron gate that would bridge the corner of the Brown Street wall and the portion that touches the wall of Jax that could be opened for snow clearing or emergency egress. He noted that would require a variance for materials but not for a complete absence of a wall.

Mr. Scobel said it had not been discussed. He noted that while the Planning Board required that the area adjacent to Woodward be screened, they did not require that the south side of the building, where there is a parking area, be screened. He said the Planning Board was inconsistent in their application of the ordinance and whether they had the authority to change them.

Vice-Chair Canvasser said that if the present variance under consideration was denied, that the appellant could return with a mitigated variance request if they saw fit. He said the conversation should not veer into possible ways of mitigating the variance at this point.

In reply to Vice-Chair Canvasser, Mr. Scobel said the need for the variance was not self-created since the owner did not create the shape of the building or the way it was situated on the lot. He noted that the requirements for operation have also changed since the business opened about seventy years ago, which is not self-created. He said the only way to modernize the site is to be granted the variance.

Mr. Miller asked why the 47.75 foot variance request could not be reduced.

Mr. Scobel reiterated his contention that any reduction in the variance request would prevent egress of vehicles in an emergency and would also prevent the operator from effectively plowing snow from the lot.

Mr. Miller said he was not fully persuaded that snow removal would require the full 47.75 foot variance. He said he understood the other concern.

In reply to Mr. Lillie, Mr. Scobel noted that the appellant submitted a study from a safety engineer that confirmed the plans would not require a screen wall in order to avoid confusing southbound traffic on Woodward with the headlights of vehicles on the Jax lot.

Mr. Reddy said that without some fencing in the space along Woodward he did not see how Jax could direct vehicles into the appropriate lanes.

It was noted that any change like that would have to return to the Planning Board for review.

Mr. Scobel said the appellant did not want to return to the Planning Board for review.

Motion by Mr. Reddy

Seconded by Mr. Miller with regard to Appeal 21-55, B. Chapter 126, Article 4, Section 4.54(C)(3) of the Zoning Ordinance requires a 32 inch capped masonry screen wall be placed along the front or side of any parking facility that abuts a street, alley, passage, or mixed passage. The applicant is proposing a site plan with a parking facility consisting of 47.75 feet of unscreened frontage along Woodward Avenue. Therefore, a dimensional variance of 47.75 feet is being requested.

Mr. Reddy moved to deny Variance B. He stated that strict compliance with the ordinance would not unreasonably prevent the appellant from using his property, that compliance with the ordinance was not unnecessarily burdensome, and that the need for the variance was self-created since the owner could mitigate the request by adding a fence and still operate the property as intended.

Mr. Miller supported the motion, saying that the length of the variance request was likely double what it needs to be. He said he had no quarrel with the appellant's concern, but rather with the extent of the request.

Mr. Morganroth said he would like to see a compromise that results in some amount or kind of wall along Woodward but also allows the appellant to undertake the planned updates to the business. He said he understood how the updates would be beneficial to both the safety and operations of the business.

Mr. Lillie concurred with Messrs. Miller and Morganroth.

Ms. Rodenhouse said she would not support the motion because she did not believe a screen wall along Woodward was required by the plain language of the ordinance. She said she believed the City has given this business the run-around and created an unreasonable restraint on the property. She noted the process has taken two years to get to this point. She noted that now the appellant will have to either appeal or reformulate their plans.

Motion carried, 5-2.

ROLL CALL VOTE

Yeas: Reddy, Miller, Morganroth, Canvasser, Lillie

Nays: Rodenhouse, Lilley

T# 12-69-21

6. Correspondence

All correspondence was included in the agenda packet.

T# 12-70-21

7. General Business

BO Johnson reminded the Board that this was the last month that Board members would be able to participate via Zoom. Starting in January 2022, appellants, Staff and the public could participate via Zoom but Board members must appear in person.

T# 12-71-21

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

None.

T# 12-72-21

8. Adjournment

Motion by Mr. Lillie

Seconded by Vice-Chair Canvasser to adjourn the December 14, 2021 BZA meeting at 10:15 p.m.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Lillie, Canvasser, Rodenhouse, Reddy, Lilley, Morganroth, Miller

Nays: None

Bruce R. Johnson, Building Official

CASE DESCRIPTION

1217 Washington (20-05)

Hearing date: January 11, 2022

Appeal No. 20-05: The owner of the property known as 1217 Washington, requests 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.

Staff Notes: The existing home was constructed in 1940. The applicant is proposing to add additions and renovate the existing non-conforming home. The applicant was before the board in 2009 for a similar request.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1217 WASHINGTON 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: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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: 1217 Washington Blvd	Lot Number: 88	Sidwell Number: 19-36-327-005
-------------------------------	----------------	-------------------------------

II. OWNER INFORMATION:

Name: Lyle Scott Grant			
Address: 1217 Washington Blvd	City: Birmingham	State: MI	Zip code: 48009
Email: * birminghammedical@ameritech.net		Phone: 248-645-5626	

III. PETITIONER INFORMATION:

Name: Lyle Scott Grant	Firm/Company Name: none		
Address: -as above-	City: Birmingham	State: MI	Zip code: 48009
Email: - as above -		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

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: Feb 12th, 2020

Signature of Petitioner: 

Date: Feb 12th, 2020

November 10th, 2021

City of Birmingham
Board of Zoning Appeals
151 Martin Street
Birmingham, MI 48009

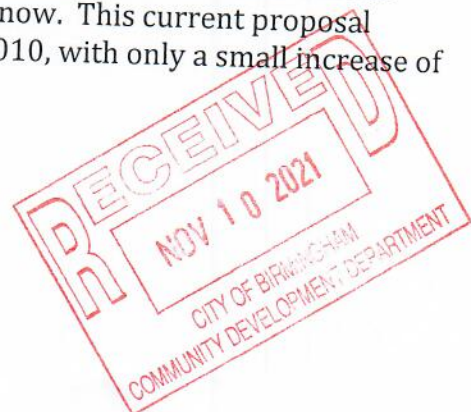
Re: Grant Residence / 1217 Washington Boulevard / Birmingham, MI

Dear Board Members:

I am the owner of the subject property, seeking to renovate my existing home of the past twenty-three years. This variance request is essentially a renewal of an approved project that was first proposed in 2009. At that time and since, many of the adjacent properties began undergoing significant changes. I started the proposal in 2010, which required three variances that were granted by unanimous vote, in April of that year. Unfortunately, due to circumstances relating to the recession and sparse labor forces of that time, the project was unable to commence before those variances expired. I am now returning to the BZA and presenting this request to you as a renewal of what is essentially that 2010 variance. The following paragraphs will reprise the details of that approved 2010 variance request.

My home's core structure dates from 1940. Its existing floor plan consists of a poorly planned warren of rooms in the original house, with an addition onto the rear in the early 1970s. My intent now is to expand the house to provide the expected amenities, and to make it more consistent with contemporary lifestyles. Basically, new foundation sections would be tied-in to "square off" the existing irregular perimeter, and a modest expansion of the current second floor. In the interest of decreased massing appearance, the second floor will be less than 75% of the first floor and be stepped back significantly as seen from the street-view (west). The first floor plan is "open", and conceptually more akin to a loft apartment than a traditionally compartmentalized house.

At the 2010 BZA meeting, the Board reviewed a proposal by my architect at that time, Russell Dixon. Mr. Dixon is now retired and acting in a consulting role, rather than lead architect. His previously approved scheme is being revisited with minimal changes. It depicts much of the same structure and elements in both appearance and style as to what I am proposing now. This current proposal contains the same 1st floor area footprint as in 2010, with only a small increase of about 15% to the upper level on the south.



Three variances were necessary for this project to proceed in 2010. However, through responsible planning and reasonable mitigation, only two variances are now necessary. This request originates from the desire to continue the existing side (south) building plane, which is presently non-conforming, and presumably dating from the 1940 construction. Since the second floor is smaller overall than the first and is set back at the west elevation, the variance request applies only to the south wall. The existing wall will extend into side (southeast) by 3.85' of the required side yard/total side yard setback. Both this variance and the prior granted variance were necessitated by the desire to recapture the irregular space of the existing footprint, establish a more structurally sound foundation to be carried up to the roof line, and reconfigure an unusable size garage space. The current garage does not accommodate any size vehicle beyond the compact length and leaves no room for ancillary storage. The most practical and environmentally responsible way of achieving these expansion goals were to extend the existing garage rearward and create a tandem parking arrangement where one car is parked behind the other. This is not the most desirable layout, but the most practical in light of any other planning option. It is also worth noting that the garage is akin to a "closet for car(s)" and is not living space that may generate cooking odors, illumination, noise; or any of those situations that form the basis for separations between dwellings, and thus, will not infringe on the adjacent properties.

I am requesting that this variance be renewed in order to make a reasonable expansion and improvement to my property. The variance is necessary because of the practical difficulties created by the current ordinance non-conformities that date back to the original construction in 1940. This variance is unique to this piece of property, and to deny it will result in a significant hardship by preventing the most efficient use of it. To approve this variance would provide substantial justice by allowing for these updates and, in turn, the useful enjoyment of my home, along with benefiting as a significant improvement to the neighborhood and the public interest in general.

Sincerely,

L. Scott Grant, MD
1217 Washington Blvd.
Birmingham, MI 48009

1217 Washington Blvd, Birmingham, MI 48009



SCOPE OF WORK

EXTENSIVE RENOVATION AND ADDITION TO EXISTING SINGLE STORY RESIDENCE. EXISTING FOUNDATION TO REMAIN, WITH NEW CONCRETE FOUNDATION AS REQUIRED FOR NEW DESIGN. WOOD FRAME CONSTRUCTION. EXTERIOR FINISHES PER ELEVATIONS.

BUILDING INFORMATION

ZONING: R-2 (RESIDENTIAL)

MINIMUM LOT AREA:
6,000 SF PER UNIT

8,445.94 SQUARE FEET

SETBACKS:

FRONT YARD:
AVERAGE OF 20' = 30.2' REQUIRED 30.2' EXISTING/PROVIDED

REAR YARD:
MIN. 30.0' REQUIRED 53.30' PROVIDED

FRONT AND REAR YARD COMBINED:
MIN. 55.0' REQUIRED 30.2' + 53.3' = 83.5' PROVIDED

SIDE YARD (1-SIDE):
GREATER OF 9.0' OR 10% OF WIDTH:
9.0' REQUIRED 6.3' PROVIDED
(SEE VARIANCE BELOW)

SIDE YARD (TOTAL):
GREATER OF 14.0' OR 25% OF WIDTH:
16.25' REQUIRED 12.4' PROVIDED
(SEE VARIANCE BELOW)

BUILDING HEIGHT: 28.0' TO MIDPOINT OF ROOF MAXIMUM
24'-4 3/4" PROPOSED

LOT COVERAGE:
EXISTING HOUSE/GARAGE: 1,654 SQUARE FEET
ADDITION/GARAGE: 742 SQUARE FEET
EXISTING GAZEBO STRUCTURE: 60 SQUARE FEET
TOTAL SQUARE FOOTAGE: 2,456 SQUARE FEET
2,456/8,445.94 = 29.1% PROPOSED LOT COVERAGE
30% MAXIMUM LOT COVERAGE

VARIANCE CHART

#	LOCATION:	REQUIRED SETBACK:	EXISTING SETBACK:	PROPOSED SETBACK:	VARIANCE REQUEST:
A	SOUTH SIDE YARD	9.0'	6.30'	6.30'	2.7'
B	TOTAL SIDE YARD	16.25'	6.1'+6.3'	6.1'+6.3'	3.85'
			12.4' TOTAL	12.4' TOTAL	

FIRE STOPPING

FIRE SPREAD SHALL BE CONTAINED WITHIN ALL CONCEALED SPACES BY FIRESTOPPING AND DRAFTSTOPPING, PER MRC 2015 R305.12 FIRESTOPPING SHALL OCCUR AT ALL INTERSECTIONS BETWEEN HORIZONTAL AND VERTICAL SPACES, SUCH AS SOFFITS/CEILING DROPS, AND IN ALL CONCEALED SPACES IN STUD WALLS/PARTITIONS. DRAFTSTOPPING SHALL OCCUR IN ALL ATTICS AND CONCEALED ROOF SPACES SUCH THAT THE SPACE CAN BE DIVIDED INTO APPROXIMATELY EQUAL AREAS NOT GREATER THAN 500 S.F. DRAFTSTOPPING SHALL BE INSTALLED PARALLEL TO THE MAIN FRAMING MEMBERS.

DRAWING LIST

A0.0 - COVER PAGE, BUILDING INFORMATION, ARCHITECTURAL SITE PLAN
A1.0 - PROPOSED FIRST AND SECOND FLOOR PLAN
A2.0 - PROPOSED EXTERIOR ELEVATIONS



GENERAL NOTES

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL LOCAL AND STATE CODE AND ORDINANCE (MICHIGAN RESIDENTIAL CODE 2015)
- THE G.C. IS REQUIRED TO FAMILIARIZE HIM / HER SELF WITH THE ENTIRE SET OF CONSTRUCTION DOCUMENTS AND ALL OF THE CONSTRUCTION DETAILS AND METHODOLOGIES PRESENTED PRIOR TO CONSTRUCTION. ANY QUESTIONS AND CONCERNS WILL BE DOCUMENTED AND PRESENTED IN A PRE-CONSTRUCTION MEETING.
- THE G.C. IS RESPONSIBLE TO SET UP AND ATTEND A PRE-CONSTRUCTION MEETING WITH THE DESIGNER AND HOME OWNER TO COVER ALL QUESTIONS, CONCERNS, POTENTIAL DISCREPANCIES AND ALTERNATES.
- IN EVENT OF ANY DISCREPANCY IN THESE DOCUMENTS, THE CONTRACTOR IS TO STOP WORK IMMEDIATELY AND NOTIFY THE DESIGNER.
- THE DESIGNER ASSUMES NO RESPONSIBILITY FOR ANY CHANGE ORDERS OR ADDENDUMS RESULTING FROM CHANGE OF MIND, ERRORS, OMISSIONS, OR DISCREPANCIES CAUSING ADDITIONAL WORK BY THE CONTRACTOR WITHOUT PROPER NOTIFICATION IN COMPLETE COMPLIANCE WITH THESE DOCUMENTS AND PRIOR WRITTEN CONSENT BY THE DESIGNER.
- THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY AND PROPER ASSEMBLY OF THE STRUCTURE WITHOUT VERIFYING ALL AS-BUILT CONSTRUCTION MEASUREMENTS. THE STRUCTURE MUST MATCH EXACTLY TO THE PROPOSED DRAWING DIMENSIONS. ANY NECESSARY ADJUSTMENTS OR COORDINATION TO THE STRUCTURE TO DUE DISCREPANCIES IN THE AS-BUILT CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE SELECTED GENERAL CONTRACTOR.
- THE DESIGNER WILL NOT BE RESPONSIBLE FOR PROVIDING ANY INFORMATION REGARDING EXISTING OR PROPOSED HVAC, PLUMBING OR ELECTRICAL SYSTEMS OR ENGINEERING. ALL PROPOSED SYSTEMS TO BE COORDINATED WITH THE DESIGNER.

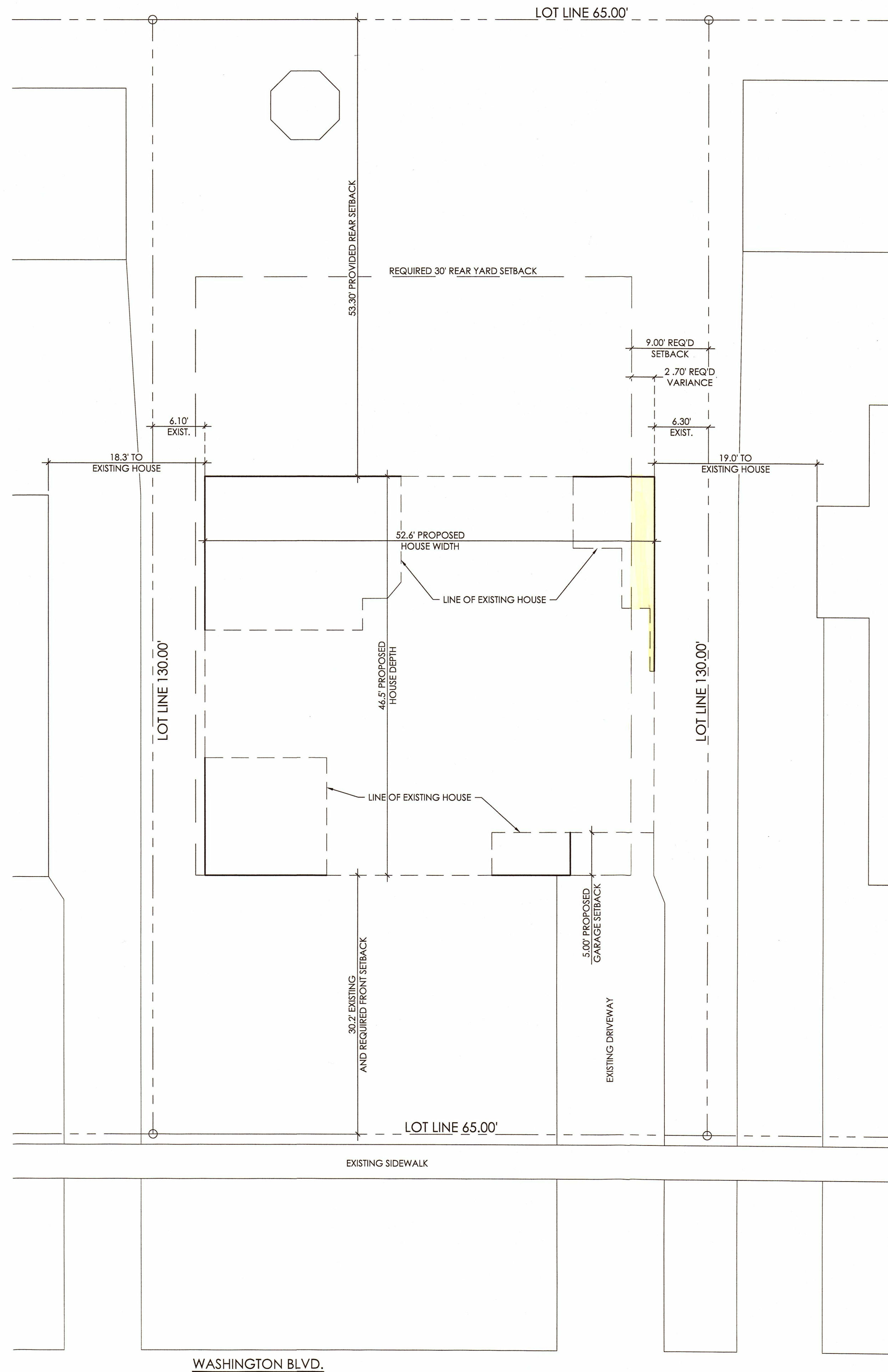
MICHIGAN ENERGY CODE NOTES

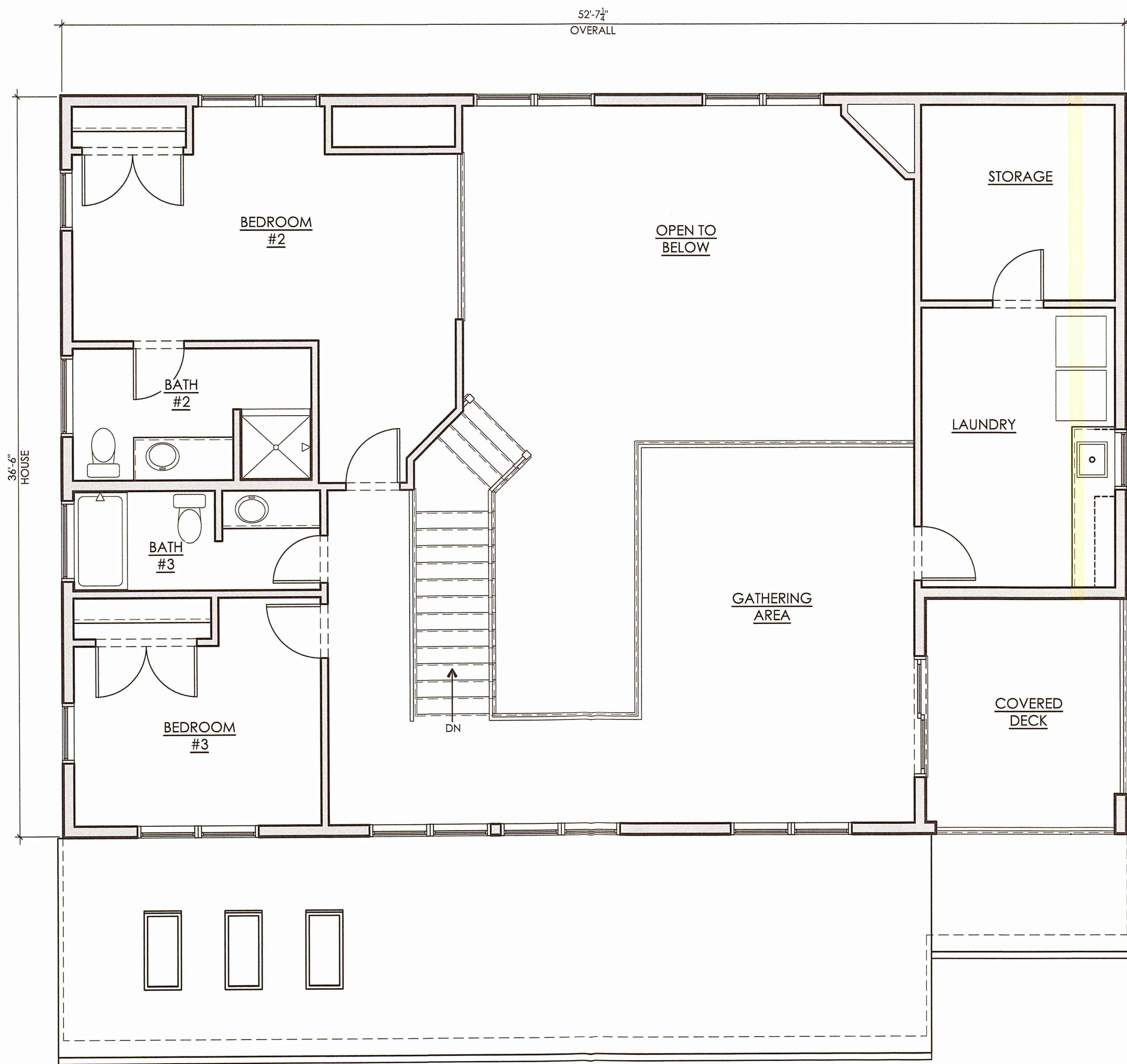
- WORK IS TO COMPLY WITH SECTION 402.2 OF THE CURRENT MEC PER CLIMATE ZONE 5A:

MINIMUM INSULATION AND FENESTRATION REQUIREMENTS:
FENESTRATION U-FACTOR: 0.32
CEILING R-VALUE: 38
WOOD FRAME WALL R-VALUE: 20
FLOOR R-VALUE: 30
BASEMENT WALL R-VALUE: 10

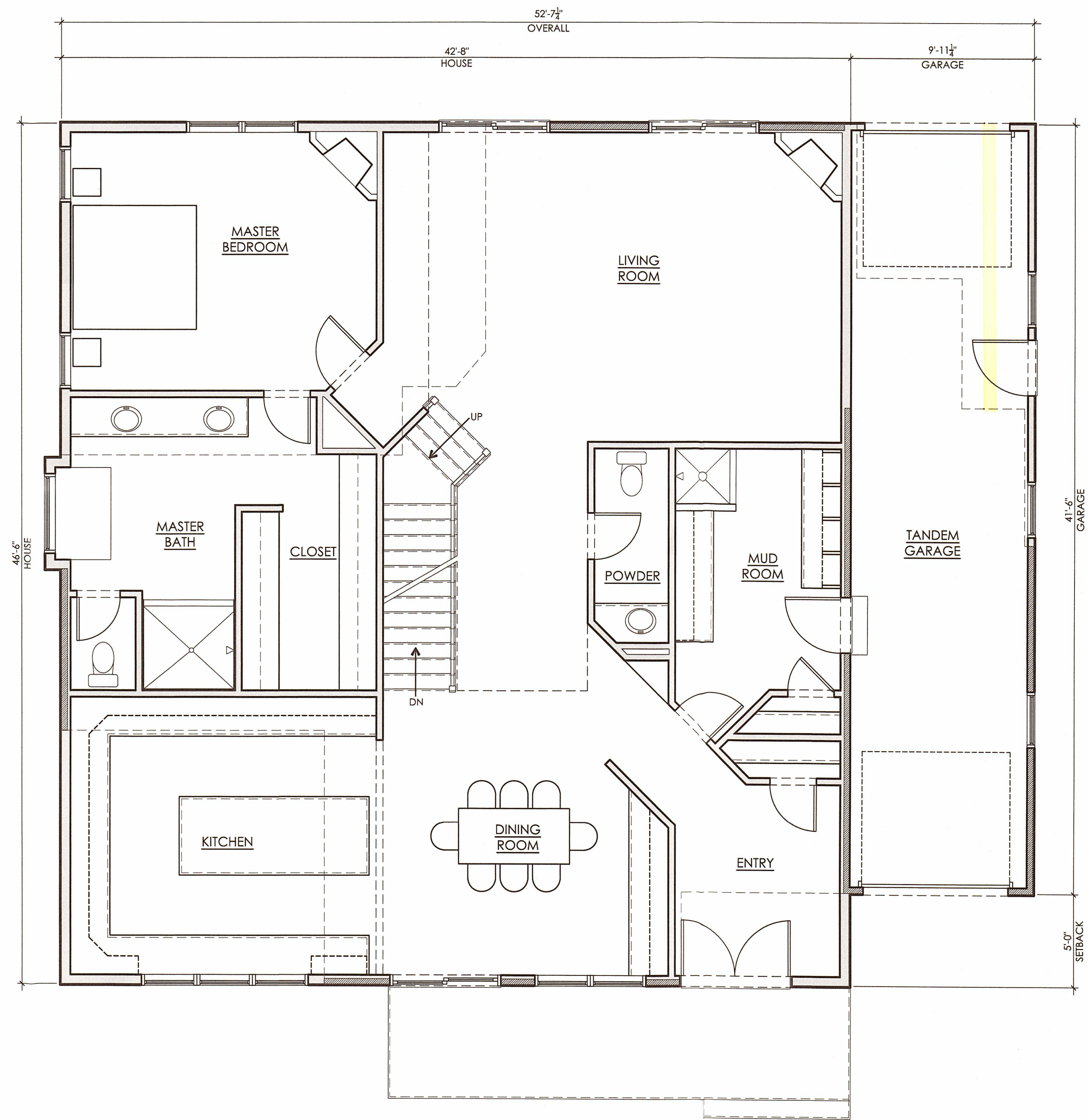
SURVEY NOTE

ARCHITECTURAL SITE PLAN INFORMATION RETRIEVED FROM GUARANTY SURVEY COMPANY, TROY MI, DATED DECEMBER 14, 2019. INFORMATION HEREIN DEEMED RELIABLE BUT NOT GUARANTEED BY STUDIO515,LLC.





2 PROPOSED SECOND FLOOR PLAN
A1.0 1/4" = 1'-0"



1 PROPOSED FIRST FLOOR PLAN
A1.0 1/4" = 1'-0"

ISSUE:	DATE:
REVIEW	01.30.2020
BZA SUBMISSION	02.12.2020

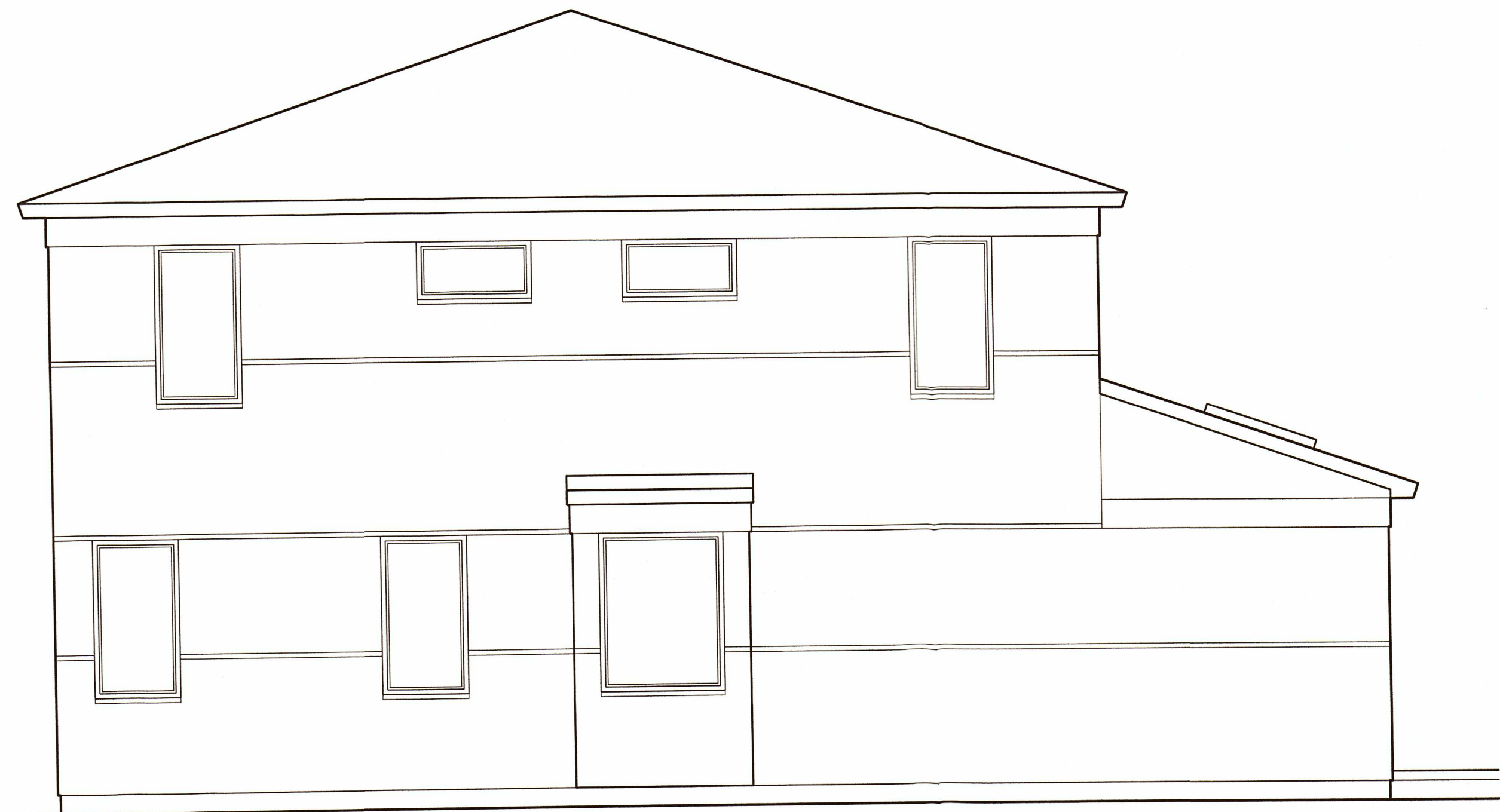
SHEET
A1.0

SHEET NAME:
PROPOSED FIRST FLOOR PLAN
PROPOSED SECOND FLOOR PLAN

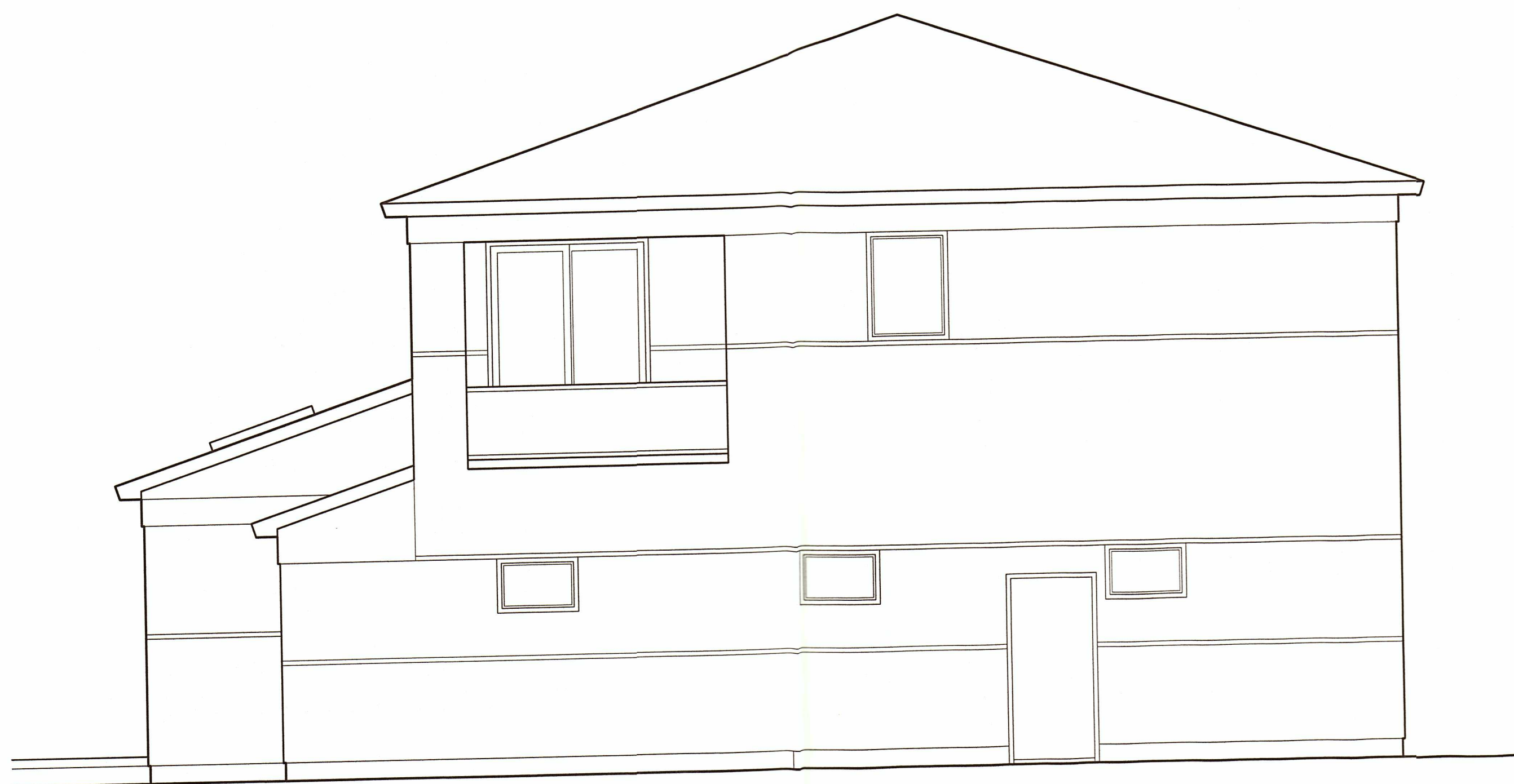
Grant Residence
1217 Washington Blvd
Birmingham, MI 48009



3 PROPOSED REAR (EAST) ELEVATION
A2.0 1/4" = 1'-0"



2 PROPOSED SIDE (NORTH) ELEVATION
A2.0 1/4" = 1'-0"



4 PROPOSED GARAGE SIDE (SOUTH) ELEVATION
A2.0 1/4" = 1'-0"



1 PROPOSED FRONT (WEST) ELEVATION
A2.0 1/4" = 1'-0"

STUDIO515,LLC

628 E. PARENT AVE.
SUITE 104
ROYAL OAK, MI 48067
(724) 207-6579

Grant Residence
1217 Washington Blvd
Birmingham, MI 48009

SHEET NAME:
PROPOSED EXTERIOR
ELEVATIONS

DATE:
01.30.2020
02.12.2020
ISSUE:
REVIEW
BZA SUBMISSION

SHEET

A2.0

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CASE DESCRIPTION

1230 Latham (21-53)

Hearing date: January 11, 2022

Appeal No. 21-53: The owner of the property known 1230 Latham, requests the following variances to construct a new single-family home with an attached garage:

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.

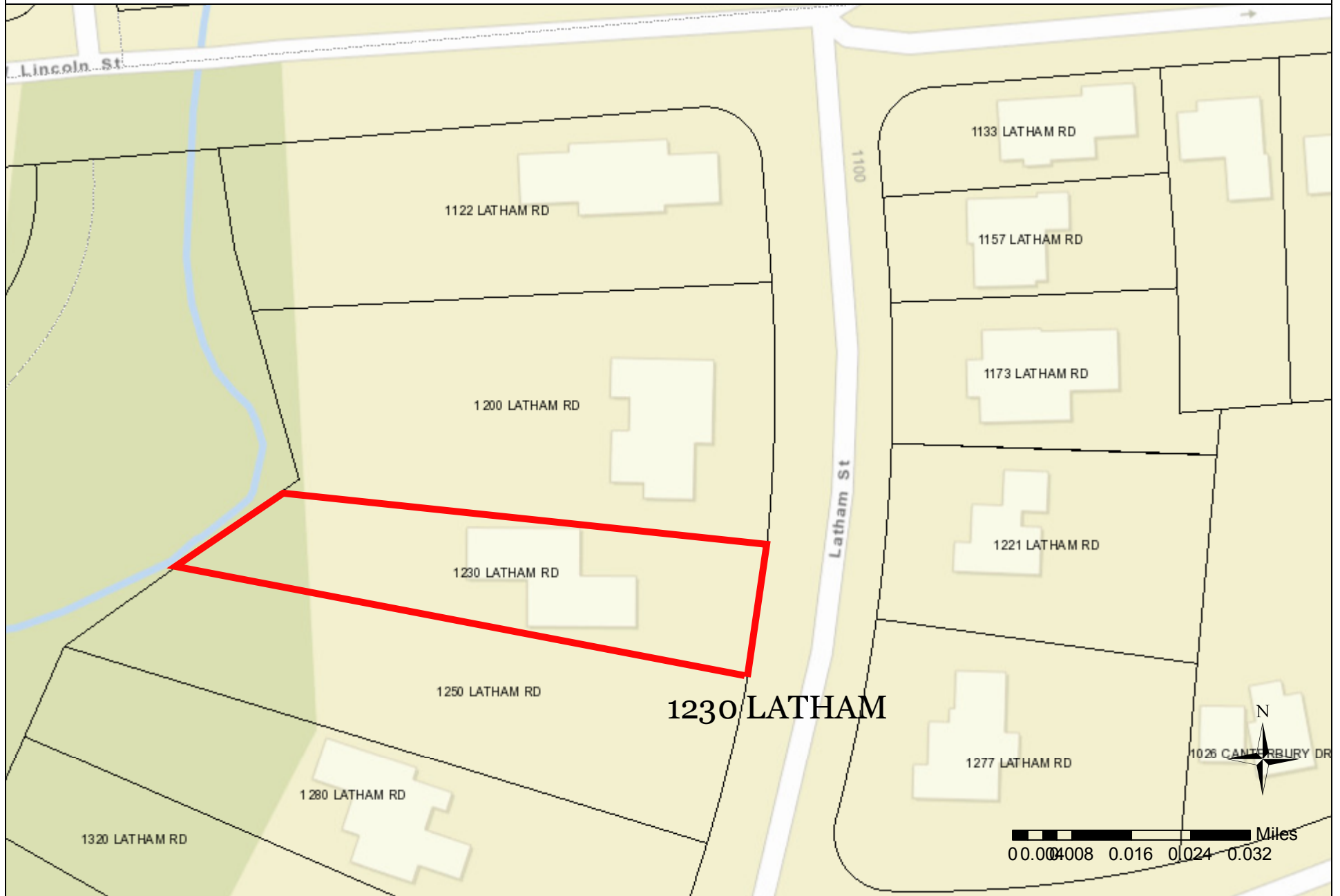
C. Chapter 126, Article 2.06.4 of the Zoning Ordinance requires a maximum building height is 30.00 feet. The proposed height is 35.33 feet; Therefore a variance of 5.33 feet is being requested.

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.

Staff Notes: The applicant is proposing to construct a new single family home with an attached garage. The lot narrows and slopes from the front to rear.

This property is zoned R1 – Single family residential.

1230 LATHAM 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: 12/10/2021

Received By: HT

Hearing Date: 1-11-22

Appeal #: 21-0053

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: 1230 Latham	Lot Number: 202	Sidwell Number: 19-35-426-008
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II. OWNER INFORMATION:

Name: 1230 Latham LLC			
Address: 602 W. University Drive	City: Rochester	State: MI	Zip code: 48307
Email: john@builtbybh.com		Phone: 248 877 6773	

III. PETITIONER INFORMATION:

Name: John Bloomingdale	Firm/Company Name: Bloomingdale Homes, Inc.		
Address: 602 W University Drive	City: Rochester	State: MI	Zip code: 48307
Email: john@builtbybh.com		Phone: 248 877 6773	

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:	<div style="border: 2px solid red; padding: 5px; display: inline-block;"> RECEIVED DEC 13 2021 CITY OF BIRMINGHAM COMMUNITY DEVELOPMENT DEPARTMENT </div>	Date: <u>12-10-21</u> Date: <u>12-10-21</u>
Signature of Petitioner:		

December 10, 2021

Board of Zoning Appeals
City of Birmingham
151 Martin St.
Birmingham, MI 48012
Attn: Bruce Johnson
Building Director

Re: 1230 Latham

Dear Members of the Board of Zoning Appeals:

Please accept the following as a practical difficulty/hardship letter in support of our request for a dimensional, non-use variance from Sections 2.06.2 and 2.06.4 Of the Zoning Ordinance to permit the construction of a new two-story single-family home with a walkout basement and a safe and useable backyard for the property owners and their families, as shown in the proposed construction plans and plot plan provided in connection with this variance request.

Background

Unique Topography

1230 Latham has an extremely unusual topography, including an extremely sloping lot, that creates special circumstances and practical difficulties that are shared by only a very small percentage of other properties in Birmingham.

From side-to-side, 1230 Latham slopes between approximately 2 feet and 4 feet at different points along the length of the property. From front-to-back, the front portion (roughly half) drops approximately 3.5 feet and the rear portion has a very steep grade dropping approximately an additional 32 feet from the back of the proposed home (and the existing home) to the rear property line.

Safety concerns include drops-off of 4 feet or more at the rear of the property. To address these safety concerns and avoid the need for large retaining walls, the landscaping will be designed to create a barrier (small fence, plantings, etc.) at the far end of the backyard to keep everything from children to toys in the backyard (and out of the river). From the backyard to (several feet before) the non-disturbance area, the property would transition from landscaping to nature. This would be done in a manner that creates both privacy in the backyard of 1230 Latham and improves the streetscape along the public path.

Existing Home

The existing home is a two-story single-family home with a walkout basement. The home has fallen into extreme disrepair and is beyond rehabilitation. The backyard has not been maintained and, in addition to being overgrown with vegetation, the rear portion of the property has suffered from runoff due to delapidated retention and water drainage systems.

Proposed Home

The proposed home will be a new two-story single-family home with a walkout basement. The proposed home has a 10'-0" first floor, 9'-0" second floor and 10'-10" poured basement. The first and second floor ceiling heights are consistent with other new homes in Birmingham. The additional ceiling height in the basement was included to help address the extreme slope in the backyard without adding to the building height of the proposed home.

The proposed home has a front building height (measured from existing grade and proposed grade) of 26'-3 3/8" and an eave height (measured from existing grade and proposed grade) of 22' 10 3/8'. The proposed home has no non-conforming setbacks or other non-conforming elements, other than those for which a variance is being requested. Finally, the landscaping of the proposed home is consistent with other homes that back onto the Rouge River and run from 1122 Latham to 1390 Northlawn Blvd (referred to herein, as the "block") and has been designed to improve the use and safety of the backyard, while also complying with water runoff and related water flow requirements provided for in the Zoning Ordinance and improve the streetscape on the public path running alongside the Rouge River at the rear of 1230 Latham (referred to herein, as the "public path").

As set forth in the Plot Plan, the required front setback of the proposed home is 65.3' and the requested front setback is 50.5'. One the homes used in calculating the required front setback, 1280 Latham, has an unusually large front setback – approximately 25 feet more than any other home on the block. If 1280 Latham is eliminated from the calculation, the required front setback would be reduced to approximately 52 feet. We note that homes with the largest front setbacks are mainly in the center of the block where lots are approximately 50 feet longer than the homes at each end of the block (including 1230 Latham). Whereas homes with the shorter lots at each end of the block have much smaller front setbacks of approximately 20 to 30 feet. The approximate front setback of homes on the block are set forth on Exhibit A.

Finally, because of the repositioning of the home and the "pie" shape of the backyard, a portion of the retaining wall (highlighted on Exhibit B) constitutes a structure resulting in a total side yard setback of 12.3 feet (versus the 16.3 feet required by the Zoning Ordinance). The relevant portion of the retaining wall in question has a starting height of approximately 5 feet (making a portion of the retaining wall a structure) and tapers off to 2 inches over approximately 30 feet.

Careful consideration, including consultation with Building Department, was given to the requested front setback, including compliance with the Zoning Ordinance, the impact on the

neighbors and the streetscape of the area around the proposed home. The requested front setback of 50.5 feet was ultimately chosen because, among other reasons, it maximizes the rear views of both neighbors, minimizes the grading to be done in the rear of the property, and eliminates the need for large unsightly retaining walls at the rear of the property (which, somewhat uniquely in Birmingham, forms part of the streetscape along the public path). While a 40 foot front setback would improve each of the foregoing items and still be consistent with front setbacks on both ends of the block and the neighbors across the street (at the Latham end of the block), it was felt that 50.5 feet was more logically supported and perhaps a little more consistent with a hardship request.

Need for Variance

A variance from the Zoning Ordinance is required to permit:

1. A front setback of 50.5 feet versus the 65.3 feet required by the Zoning Ordinance;
2. The portion of the retaining wall highlighted on Exhibit B that constitutes a “structure”, a side setback of 12.3 feet versus the 16.3 feet required by the Zoning Ordinance;
3. At the highest point, a building height of 27’-9 5/8” from existing grade and 35’-4” from proposed grade at the rear of the proposed home; and
4. At the highest point, an eave height of 24’-5 1/8” from existing grade and 31’-11” from proposed grade.

Basis of Variance Request

As set forth below, this variance request is based on the existence of an exceptional practical difficulty created by the unique topography of 1230 Latham and from safety concerns for the property owners and their families. Furthermore, the granting of this variance request will not negatively affect the character or harmony of the block or its streetscape (including the streetscape along the public path) and is consistent with other homes in this area of Birmingham. Finally, the need for the variance has not been caused by any action of the property owners.

Respectfully, and for the reasons set forth below, we believe the granting of the requested dimensional, nonuse variance is warranted.

Variance Standards

Chapter 8.01 The Board of Zoning Appeals Section F.3.a. provides:

Variances.

- a. The Board of Zoning Appeals shall hear and grant or deny requests for variances from the strict application of the provisions of the Zoning Ordinance where there are practical difficulties or unnecessary hardships in carrying out the strict letter of such chapter. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance. The Board of Zoning Appeals shall not grant any variance unless it first determines that:
 - (i) Because of special conditions applicable to the property in question, the provisions of the Zoning Ordinance, if strictly applied, unreasonably prevent the property owner from using the property for a permitted purpose;
 - (ii) Literal enforcement of the chapter will result in unnecessary hardship;
 - (iii) The granting of the variance will not be contrary to the spirit and purpose of the Zoning Ordinance nor contrary to the public health, safety and welfare; and
 - (iv) The granting of the variance will result in substantial justice to the property owner, the owners of property in the area and the general public.

Strict Application of the Zoning Ordinance Unreasonably Prevents a Permitted Purpose

This variance is requested to allow for permitted and accessory uses provided for in the Zoning Ordinance, including the construction of a two-story home with a basement and the use and enjoyment of the backyard without the risk of serious injury.

To strictly apply the Zoning Ordinance on this uniquely situated property would prevent the Property Owner from:

- a. Constructing a two-story home with a basement; and
- b. Enjoying the use of the backyard in a safe manner, including the accessory permitted use of a private swimming pool;

in each case, as permitted by and provided for in the Zoning Ordinance. Further, the requested variance encourages reasonable improvements on the block and discourages simply leaving dilapidated homes and yards from being maintained, replaced and improved for the betterment of the community.

Literal Enforcement Will Result in an Unnecessary Hardship

The unnecessary hardship experienced in this case relates primarily to 1230 Latham's unique topography that presents legitimate use issues and safety concerns for the property owners and their families. Due to the fact that very few properties in Birmingham have a similar topography as 1230 Latham, the granting of this variance would have limited application to other properties in Birmingham and, therefore, is unique, resulting in a very specific and unnecessary hardship for the property owners not experienced by other homeowners in Birmingham. Without the

variance, the permitted uses and safety concerns described above will be unnecessarily lost by the property owners without a correlating benefit to the neighborhood or the community at large.

The Variance is Consistent with the Spirit and Purpose of the Zoning Ordinance and is Consistent with the Public Health Safety and Welfare

The property owner's plight is due to the unique circumstances of 1230 Latham. The request to construct a two-story home with a basement and allow for the safe use of the backyard would be unnecessarily frustrated by denial of the requested variance without a corresponding public health, safety and welfare benefit to area residents or the City. The Zoning Ordinance permits reasonable variance requests to be granted by the BZA for this exact type of situation.

The Variance Will Result in Substantial Justice to the Property Owners, their neighbors and the General Public

In these unique circumstances, given the location and special characteristics of 1230 Latham, without the requested variance there is a practical difficulty and hardship that prevents the property owners from the use of the property in the same manner as enjoyed by other property owners in the City, including the benefit of the safe use of their backyard. Granting the variance request will not negatively affect the character or harmony of the surrounding area or its streetscape. Rather the variance would merely permit the construction of a new home similar to other homes and yards on the block and surrounding area; and furthermore, would be consistent with other variances granted by the Board of Zoning Appeals for similarly situated properties, most notably the variance approved by the Board of Zoning Appeals for 1330 Northlawn Blvd in April 2019.

Conclusion

The property owners respectfully contend that the variance standards in the Zoning Ordinance at Chapter 8.01, Section F.3.a. have been met for a dimensional, non-use variance from the literal requirements of the Zoning Ordinance to permit the construction of proposed home as set forth in the proposed plans.

If you have any questions or comments about the above, please do not hesitate to contact me.

Very truly yours,

John Bloomingdale

On behalf of Bloomingdale
Homes, Inc.

EXHIBIT A

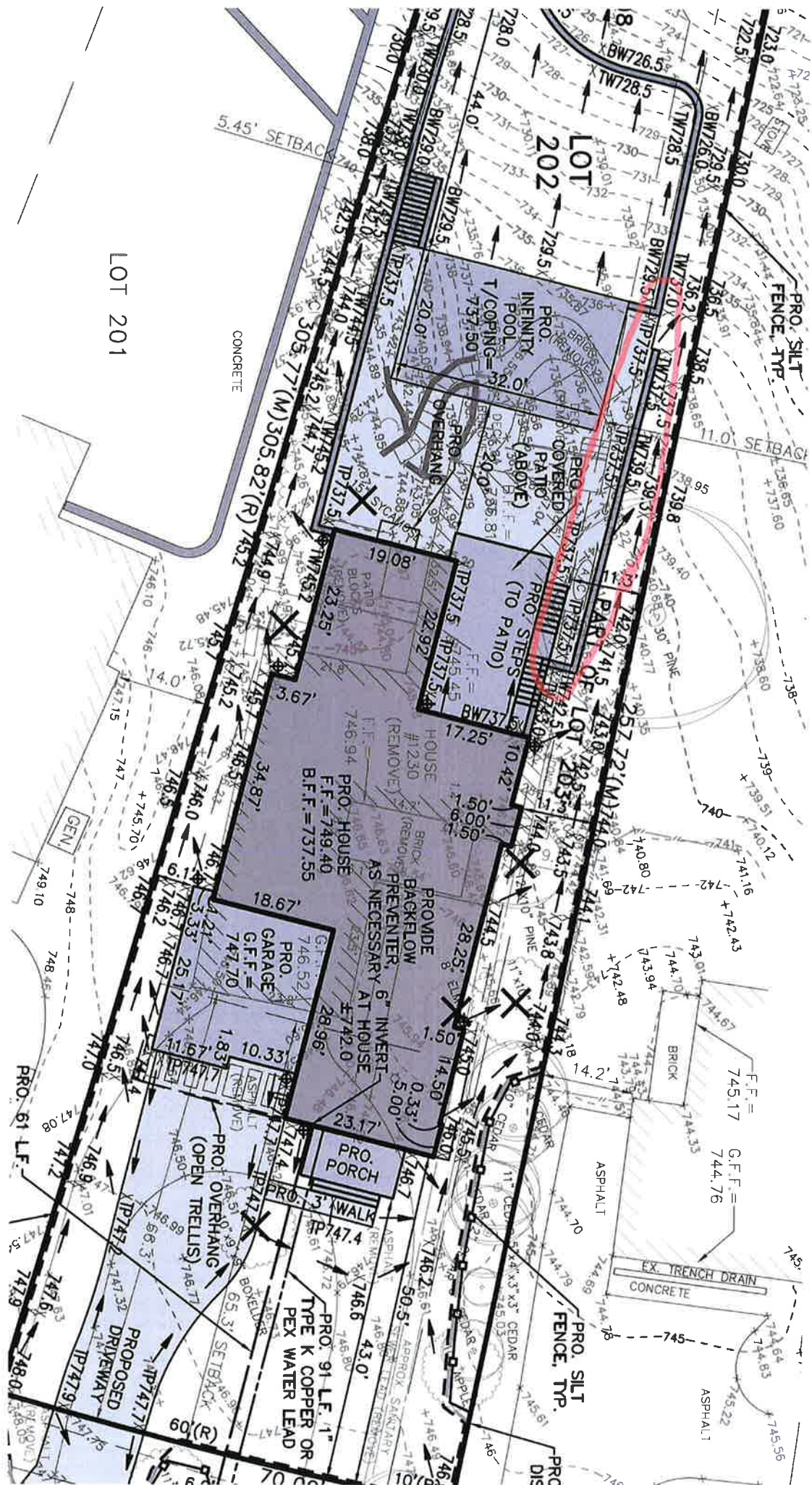
Front setback of homes within 200' of 1230 Latham

1155 Latham	28' 11"
1200 Latham	31' 0"
1230 Latham	Site
1250 Latham	69' 11"
1280 Latham	117' 0"
1320 Latham	79' 10"

(Approximate) front setback of homes more than 200' from 1230 Latham

1338 Latham	89'
1340 Latham	88'
1344 Latham	89'
1362 Latham	68'
1370 Latham	42'
1300 Northlawn	42'
1330 Northlawn	29'
1360 Northlawn	21'
1390 Northlawn	20'
1410 Northlawn	28'

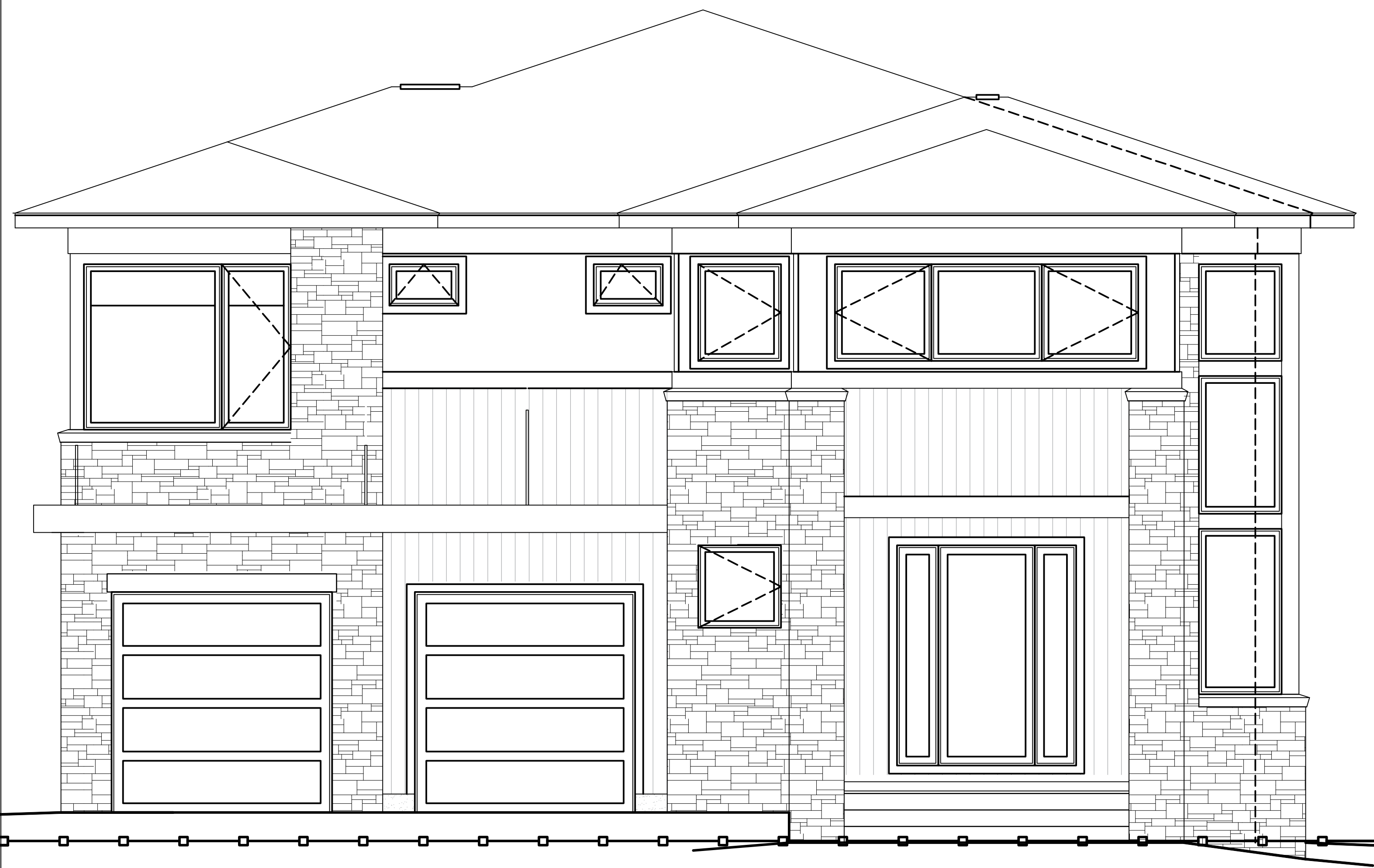
EXHIBIT B



PROJECT

Proposed Residence

1230 Latham Rd.
Birmingham, MI 48009



STRUCTURAL NOTES

-SOILS, FOOTINGS, & SLABS
ALL POURED CONCRETE FOOTINGS SHALL EXTEND TO A MINIMUM DEPTH OF 42" BELOW PROPOSED FINISHED GRADE IN ACCORDANCE WITH 2012 MICHIGAN RESIDENTIAL CODE, AND SHALL BEAR ON VIRGIN, UNDISTURBED SOIL. ADDITIONAL DEPTH MAY BE REQUIRED AS DICTATED BY SOIL CONDITIONS. REFER TO SHEET A-01 FOR THE MRC 403.1 2012 SOILS TABLE FOR PRESCRIPTIVE FOOTING WIDTHS. VERIFICATION OF ALLOWABLE SOIL BEARING CAPACITY AT EACH JOBSITE IS RESPONSIBILITY OF CONTRACTOR AND SHALL MEET MINIMUM 2015 MICHIGAN RESIDENTIAL CODE FOR THE PRESCRIBED FOOTING WIDTH PER THE MRC 403.1 TABLE. QUESTIONABLE SOIL CONDITIONS ARE TO BE INVESTIGATED BY A QUALIFIED SOILS ENGINEER.

PROVIDE VERTICAL REINFORCEMENT IN POURED CONCRETE WALLS AS REQUIRED PER TABLE R404.1 (5) IN THE 2015 MICHIGAN RESIDENTIAL CODE. THIS TABLE ESTABLISHES REINFORCEMENT REQUIREMENTS AS DETERMINED BY MAXIMUM WALL HEIGHT / MAXIMUM UNBALANCED BACKFILL HEIGHT, ALONG WITH CONCRETE WALL THICKNESS & DETERMINATION OF SOIL CLASSIFICATION & DESIGN LATERAL SOIL PROPERTIES.

ALL POURED CONC. WALLS TO BE BACKFILLED WITH SUITABLE TYPE BACKFILL MATERIAL THAT IS NOT WET CLAY OR IN FROZEN CHUNKS AND BE WELL BRACED UNTIL CONC. IS THOROUGHLY CURED AND ADDITIONAL WEIGHT OF THE BUILDING IS IN PLACE. BACKFILLING SHALL COMPLY WITH THE 2012 MICHIGAN RESIDENTIAL CODE

ADD CONCRETE REINFORCEMENT SUPPORT PER R702A.2 OF THE 2015 MICHIGAN RESIDENTIAL CODE FOR ALL SLABS ON GROUND, TO ENSURE THAT REINFORCEMENT SHALL BE SUPPORTED TO REMAIN IN PLACE FROM THE CENTER TO UPPER ONE THIRD OF THE SLAB FOR THE DURATION OF THE CONCRETE PLACEMENT.

ALL CONCRETE SLABS SHALL BE PLACED ON COMPACTED OR SELF-COMPACTING GRANULAR FILL BASE. ALL BASEMENTS SHALL HAVE A 6 MIL PVC VAPOR BARRIER PLACED BETWEEN EITHER THE SUB-GRADE AND THE BASE OR THE BASE AND THE SLAB.

ALL METAL STRAP SILL PLATE ANCHORS SHALL BE PLACED AND EMBEDDED IN THE POURED CONCRETE WALLS AND TRENCH FOOTINGS AND BE CONTINUOUS THRU THE BLOCK COURSE(S) AND ATTACH TO THE WALL SILL PLATE PER MANUFACTURERS INSTALLATION REQUIREMENTS AND SPECIFICATIONS.

-CONCRETE
ALL CONCRETE WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST A.C.I. AND N.C.M.A. RECOMMENDATIONS AND SPECIFICATIONS.

MINIMUM CONCRETE STRENGTH FOR FOOTINGS SHALL BE 3000 P.S.I. AT 28 DAYS UNLESS OTHERWISE NOTED. SLABS AND WALLS SHALL BE 4000 P.S.I. MINIMUM UNLESS OTHERWISE NOTED WITH 6% + 1% ENTRAINED AIR WHERE EXPOSED TO WEATHER.

ALL REINFORCING BARS, DOWELS, AND TOES SHALL CONFORM TO ASTM A615 GRADE 60, REINFORCING STEEL SHALL BE CONTINUOUS AND SHALL HAVE A MINIMUM 36 BAR DIAMETER OVERLAP AND BE FABRICATED AND PLACED IN ACCORDANCE WITH ACI RECOMMENDATIONS.

REINFORCED CONCRETE WALLS AND TRENCH FOOTINGS SHALL HAVE CORNER BARS AT ALL INTERSECTIONS OF THE SAME SIZE AND SPACING AS THE MAIN HORIZONTAL REINFORCING. PROVIDE (2) #5 DIAGONAL BARS AT CORNERS OF WALL OPENINGS.

-MASONRY

ALL MASONRY WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST ACI AND NCMA RECOMMENDATIONS AND SPECIFICATIONS.

ALL BLOCK MASONRY SHALL CONFORM TO ASTM C90 OR C145 TYPE N-1. MORTAR TYPES SHALL BE TYPE-S.

PROVIDE FLASHING AT (1) TOP OF WINDOWS AND DOORS (2) CHIMNEYS (3) DOOR AND WINDOW SILLS (4) AT ROOF INTERSECTIONS AND (5) AT THE FIRST BRICK/BLOCK COURSE ABOVE GRADE.

UNLESS OTHERWISE NOTED, USE 15X3-1/2X5/16 L.L.V. STEEL LINTEL FOR 4" NOMINAL BRICK VENEER SPANNING OPENINGS UP TO 8'-0" WITH 2 STORIES ABOVE, 8'-0" WIDTH WITH ONE STORY ABOVE, OR 10'-0" WITH NO STORIES ABOVE.

WEEP HOLES, AT 33" O.C. MAXIMUM, 3/16" MINIMUM DIAMETER SHALL BE PROVIDED IN THE FIRST COURSE ABOVE GRADE AND ALL THROUGH WALL FLASHING.

A FLASHING INSPECTION IS REQUIRED PRIOR TO THE INSTALLATION OF A FULL WALL OF BRICK, AND SHALL COMPLY WITH THE 2012 MICHIGAN RESIDENTIAL CODE

-DESIGN CRITERIA

FIRST FLOOR LOADING:
LIVE LOAD 40 P.S.F.
DEAD LOAD 15 P.S.F.
TOTAL LOAD 55 P.S.F.
LIVE LOAD DEFLECTION L/480
TOTAL LOAD DEFLECTION L/240

SECOND FLOOR LOADING:
LIVE LOAD 40 P.S.F.
DEAD LOAD 10 P.S.F.
TOTAL LOAD 50 P.S.F.
LIVE LOAD DEFLECTION L/480
TOTAL LOAD DEFLECTION L/240

FLOOR W/CERAMIC TILE:
LIVE LOAD 40 P.S.F.
DEAD LOAD 25 P.S.F.
TOTAL LOAD 65 P.S.F.
TOTAL LOAD DEFLECTION: L/360 MIN. (CERAMIC)
L/720 MIN. (STONE)

-FRAMING

WALL STUDS SHALL BE SPRUCE, PINE, FIR, #2, OR BETTER. BEARING WALL WINDOW AND DOOR HEADERS SHALL BE SPRUCE, PINE FIR, #2, OR BETTER (MUST BE (2) 2X10'S UNLESS OTHERWISE NOTED ON PLANS). ALL WALL PLATE MATERIALS SHALL PROVIDE A MINIMUM OF 425 PSI FC PERPENDICULAR TO THE GRAIN.

ALL CONVENTIONAL FRAMING HEADERS, BEAMS AND RAFTERS 2 X 10 AND LESS TO BE #2 OR BETTER HEM FIR. ALL 2 X 12'S TO BE #2 OR BETTER DOUGLAS FIR.

GENERAL NOTES

-FOUNDATION DRAINAGE
PROVIDE A CONTINUOUS 4" MIN. DIAMETER PERFORATED DRAIN TILE ON EACH SIDE OF BASEMENT WALL FOOTINGS. DRAIN TILES SHALL DISCHARGE BY GRAVITY OR MECHANICAL MEANS INTO AN APPROVED DRAINAGE SYSTEM. PROVIDE GRAVEL OR CRUSHED STONE AROUND ALL DRAINS AT LEAST 12 INCHES BEYOND THESE EDGE OF THE FOOTING, 6 INCHES OF COVER, AND 2 INCHES BELOW ALL DRAIN TILES. FOR ADDITIONAL SITE SPECIFIC REQUIREMENTS, IDEAL SOIL CONDITIONS ARE ASSUMED BY THE DESIGNER AND MAY VARY, SEE SOILS ANALYSIS BY OTHERS.

-SITE GRADING
THE SITE SHALL BE GRADED WITH A MINIMUM OF 6" FALL AT A DISTANCE OF TEN FEET FROM THE BUILDING FOUNDATION. SEE GRADING PLAN BY OTHERS FOR SPECIFIC GRADING DIAGRAMS.

-ATTIC VENTILATION
ATTIC VENTILATION SHALL BE PROVIDED IN THE RATION OF 1 SQ. FT. (NET) OF VENTILATION PER 300 S.F. (NET) OF ATTIC SPACE. 50% OF VENTING SHALL BE PROVIDED BY SOFFIT-TYPE VENTING AND 50% PROVIDED BY ROOF VENTS PLACED A MINIMUM OF 30" ABOVE SOFFIT VENTING.

-ATTIC ACCESS
A READILY-ACCESSIBLE OPENING NOT LESS THAN 22"x30" SHALL BE PROVIDED AT ANY ATTIC AREA HAVING A CLEAR HEIGHT OF OVER 30" AND AN AREA GREATER THAN 30 SQ. FT.

-DOOR AND WINDOW NOTATIONS
ALL DOOR AND WINDOW NOTATIONS REFER TO GENERIC WINDOW SIZES. REFER TO GENERAL CONTRACTOR AND/OR OWNER FOR FINAL DOOR AND WINDOW MANUFACTURER SPECIFICATIONS.

-DOOR AND EMERGENCY WINDOW EGRESS
1. ONE ENTRY DOOR INTO EACH DWELLING UNIT SHALL BE A MINIMUM OF 36" IN WIDTH. ALL OTHER DOORS SHALL BE A MINIMUM OF 24" CLEAR WIDTH EXCEPT DOOR INTO SPACES LESS THAN 10 SQ. FT.

2. EMERGENCY MEANS OF EGRESS FROM BEDROOMS SHALL BE PROVIDED BY A WINDOW WITH A NET CLEAR OPENING OF 5.0 SQ. FT. (FOR AT GRADE BEDROOM WINDOWS) OR 5.7 SQ. FT. FOR SECOND STORY WINDOWS AND ABOVE. CLEAR OPENING SHALL BE OBTAINABLE THROUGH NORMAL OPERATION OF THE WINDOW FROM THE INSIDE. THE MINIMUM CLEAR HEIGHT SHALL BE 24" AND THE MINIMUM CLEAR WIDTH SHALL BE 20" AND THE MAXIMUM SILL HEIGHT SHALL BE 44" ABOVE FINISH FLOOR.

4. ALL DOOR AND WINDOW SIZES ARE APPROXIMATE AND MUST BE VERIFIED WITH THE DOOR AND WINDOW MANUFACTURER FOR ROUGH OPENING SIZES AND COMPLIANCE TO THE 2015 MICHIGAN RESIDENTIAL CODE.

5. IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF THE WINDOW SHALL BE A MINIMUM OF 24 INCHES ABOVE THE FINISHED FLOOR ROOM IN WHICH THE WINDOW IS LOCATED. GLAZING BETWEEN THE FLOOR AND 24 INCHES SHALL BE FIXED OR HAVE OPENINGS THROUGH WHICH A 4 INCH DIAMETER SPHERE CANNOT PASS

-SAFETY GLAZING
SAFETY GLAZING SHALL BE PROVIDED IN THE FOLLOWING AREAS:
1. DOORS AND SIDELITES INCLUDING DOORWALLS AND FRENCH DOORS.
2. TUB AND/OR SHOWER ENCLOSURES AND WINDOWS OVER TUBS.
3. GLAZING IN SKYLITES.
4. GLAZING IN WINDOWS WITHIN 24 INCHES OF A DOOR.
5. GLAZING IN WINDOWS MEETING ALL OF THE FOLLOWING REQUIREMENTS:
A. INDIVIDUAL PANE OF MORE THAN 9 SQ. FT.
B. BOTTOM EDGE OF GLAZING LESS THAN 18" ABOVE THE FLOOR.
C. TOP EDGE OF GLAZING MORE THAN 36" ABOVE THE FLOOR.
D. ONE OR MORE WALKING SURFACES WITHIN 36" HORIZONTALLY OF THE PLANS OF GLAZING.

-INSTALLATION OF EQUIPMENT AND PRE-FAB UNITS
THE INSTALLATION OF EQUIPMENT AND PRE-FABRICATED UNITS SUCH AS, BUT NOT LIMITED TO: FIREPLACES, CHIMNEYS, MECHANICAL AND ELECTRICAL EQUIPMENT/ACCESSORIES, AND APPLIANCES SHALL BE IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS AND APPLICABLE CODES. ALL PRE-FAB UNITS AND EQUIPMENT SHALL BE TESTED AND LISTED BY AN APPROVED AGENCY (MOST COMMONLY U.L.)

-EXHAUST SYSTEMS
THE MAXIMUM LENGTH OF A CLOTHES DRYER EXHAUST DUCT SHALL NOT EXCEED 25 FEET FROM THE DRYER LOCATION TO THE WALL OR ROOF. TERMINATION: THE MAXIMUM LENGTH OF THE DUCT SHALL BE REDUCED BY 2.5 FEET FOR EACH 45-DEGREE BEND AND 5 FEET FOR EACH 90 DEGREE BEND. THE MAXIMUM LENGTH OF THE EXHAUST DUCT DOES NOT INCLUDE THE TRANSITION DUCT.

-SMOKE/CARBON MONOXIDE DETECTORS
SMOKE DETECTORS SHALL BE INSTALLED IN ALL SLEEPING ROOMS AND IN THE IMMEDIATE "HALL" AREA OUTSIDE SLEEPING ROOMS. DETECTORS SHALL BE INTERCONNECTED AND "HARD-WIRED" WITH BATTERY BACK-UP POWER SUPPLY. PROVIDE A MINIMUM OF ONE SMOKE DETECTOR PER FLOOR.

FOR NEW CONSTRUCTION, AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITHIN WHICH FUEL-FIRED APPLIANCES ARE INSTALLED AND IN DWELLING UNITS THAT HAVE ATTACHED GARAGES.

-LANDINGS AT DOORS (R311.4.3)
THERE SHALL BE A FLOOR OR LANDING ON EACH SIDE OF EACH EXTERIOR DOOR, WHERE A STAIRWAY OF 2 OR FEWER RISERS IS LOCATED ON THE EXTERIOR SIDE OF A DOOR, OTHER THAN THE REQUIRED EXIT DOOR, A LANDING IS NOT REQUIRED FOR THE EXTERIOR SIDE.

A LANDINGS AT AN EXTERIOR DOOR SHALL NOT BE MORE THAN 7 3/4" BELOW THE TOP OF THE THRESHOLD. THE WIDTH OF EACH LANDING SHALL NOT BE LESS THAN THE DOOR SERVED. EVERY LANDING SHALL HAVE A MIN. DIMENSION OF 36" MEASURED IN THE DIRECTION OF TRAVEL.

EXCEPTION: A FLOOR LANDING IS NOT REQUIRED AT THE TOP OF AN INTERIOR FLIGHT OF STAIRS, INCLUDING STAIRS IN AN ENCLOSED GARAGE, PROVIDED A DOOR DOES NOT SWING OVER THE STAIRS.

-STAIRWAY ILLUMINATION (R303.6)
ALL INTERIOR AND EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH A MEANS TO ILLUMINATE THE STAIRS, INCLUDING THE LANDINGS AND TREADS.

INTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF EACH LANDING OF THE STAIRWAY. FOR INTERIOR STAIRS THE ARTIFICIAL LIGHT SOURCES SHALL BE CAPABLE OF ILLUMINATING TREADS AND LANDINGS TO LEVELS NOT LESS THAN 1 FOOT-CANDELES MEASURED AT THE CENTER OF TREADS AND LANDINGS. EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF THE TOP LANDINGS OF THE STAIRWAY. EXTERIOR STAIRWAYS PROVIDING ACCESS TO A BASEMENT FROM THE OUTSIDE GRADE LEVEL, SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF THE BOTTOM LANDING OF THE STAIRWAY.

-ELECTRICAL BRANCH CIRCUITS (SECTION E3602.12)
ALL BRANCH CIRCUITS THAT SUPPLY 120-VOLT, SINGLE-PHASE, 15- AND 20-AMPERE OUTLETS INSTALLED IN BEDROOMS SHALL BE PROTECTED BY A COMBINATION TYPE OR BRANCH FEEDER TYPE ARC-FAULT CIRCUIT INTERRUPTER. INSTALLED TO PROVIDE PROTECTION OF THE ENTIRE BRANCH CIRCUIT, ARC-FAULT CIRCUIT INTERRUPTER SHALL BE COMBINATION TYPE.

-ELECTRICAL SERVICE GROUNDING
POURED WALL CONTRACTOR TO PROVIDE FOR A 20'-0" LONG (1/2" DIA. - #4 REBAR) ROD INTO FOOTING AND UP THROUGH POURED WALL NEAR ELECTRICAL SERVICE LOCATION FOR GROUNDING OF ELECTRICAL SERVICE. ROD SHALL LEAVE WALL ON EXTERIOR NEAR TOP OF WALL APPROXIMATELY 18" BELOW PROPOSED GRADE. LEAVE APPROX. 24" EXPOSED OUTSIDE OF CONC. WALL. FINAL LOCATION TO BE DETERMINED BY BUILDER IN FIELD.

GENERAL NOTES

-WATER RESISTANT GYPSUM BACKER BOARD (R702.4.2 & R702.4.3)
CEMENT, FIBER CEMENT-CEMENT AND GLASS MAT GYPSUM BOARD PER R702.4.2 IN COMPLIANCE WITH ASTM C 1288, C 1325 OR C 1178 AND INSTALLED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS SHALL BE USED AS BACKERS FOR WALL TILE IN TUB AND SHOWER AREAS AND WALL PANELS IN SHOWER AREAS. TO COMPLY WITH 2015 MICHIGAN RESIDENTIAL CODE

WATER-RESISTANT GYPSUM BACKER BOARD SHALL NOT BE USED OVER A VAPOR RETARDER IN A SHOWER OR BATHTUB COMPARTMENT, WHERE THERE WILL BE DIRECT EXPOSURE TO WATER, OR IN AREAS SUBJECT TO CONTINUOUS HIGH HUMIDITY

-FIRE SEPARATION
GARAGE SPACE BENEATH HABITABLE ROOMS SHALL BE SEPARATED FROM ALL HABITABLE ROOMS ABOVE BY NOT LESS THAN 5/8-INCH TYPE X GYPSUM BOARD OR EQUIVALENT. WHERE THE SEPARATION IS A FLOOR-CEILING ASSEMBLY, THE STRUCTURE SUPPORTING THE SEPARATION SHALL ALSO BE PROTECTED BY NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT. ALL OTHER GARAGE SPACE SHALL BE SEPARATED FROM THE RESIDENCE AND ITS ATTIC AREA BY NOT LESS THAN 1/2-INCH GYPSUM BOARD APPLIED TO THE GARAGE SIDE.

-WATER RESISTIVE BARRIER
NO. 15 ASPHALT FELT, FREE FROM HOLES AND BREAKS, COMPLYING WITH ASTM D 228 FOR TYPE 1 FELT OR OTHER APPROVED WATER-RESISTIVE BARRIER SHALL BE APPLIED OVER SHEATHING OF ALL EXTERIOR WALLS INCLUDING WALLS WHERE LIVING SPACE ABUTS A GARAGE. SUCH FELT OR MATERIAL SHALL BE APPLIED HORIZONTALLY, WITH THE UPPER LAYER LAPPED OVER THE LOWER LAYER NOT LESS THAN 2 INCHES WHERE JOINTS OCCUR, FELT SHALL BE LAPPED NOT LESS THAN 6 INCHES. THE FELT OR OTHER APPROVED MATERIAL SHALL BE CONTINUOUS TO THE TOP OF THE WALLS AND TERMINATED AT PENETRATIONS AND BUILDING APPENDAGES IN A MANNER TO MEET THE REQUIREMENTS OF THE EXTERIOR WALL ENVELOPE AS DESCRIBED IN SECTION R703.1 & TABLE # R703.4 OF THE 2015 MICHIGAN RESIDENTIAL CODE.

GENERAL CONDITIONS

-CODES
THESE PLANS ARE INTENDED TO BE CONSISTENT WITH THE FOLLOWING CODES AS MAY BE APPLICABLE (COLLECTIVELY, THE "PROJECT CODES"): 2015 MICHIGAN RESIDENTIAL CODE (MRC) SINGLE FAMILY DWELLING

-BUILDING OFFICIAL
THE BUILDING OFFICIAL IS HEREBY REQUESTED TO (A) CONFIRM THAT THESE PLANS ARE CONSISTENT WITH APPLICABLE PROJECT CODES, (B) TO RETURN A NOTED SET TO APPLICANT UPON ISSUANCE OF ANY PERMIT AND (C) TO PROMPTLY NOTIFY PINNACLE DESIGN SERVICES, LLC, AND THE APPLICANT IF THESE PLANS ARE SUSPECTED OR DETERMINED TO BE INCONSISTENT WITH APPLICABLE PROJECT CODES OR MUNICIPAL REQUIREMENTS.

-SCOPE OF THE PLANS
IT IS BEYOND THE SCOPE OF THESE PLANS TO INCORPORATE THE FULL TEXT OF APPLICABLE PROJECT CODES AND TO OTHERWISE DETAIL EVERY ASPECT THEREOF. ALL PERSONS, COMPANIES, TRADES, AND OTHERS USING AND/OR OTHERWISE RELYING ON THESE PLANS ARE ENCOURAGED TO REVIEW AND FAMILIARIZE THEMSELVES WITH THE PROJECT CODES, AND ALL SUCH PARTIES ARE DIRECTED TO RESOLVE AND CODE QUESTION REGARDING THESE PLANS IN FAVOR OF APPLICABLE PROJECT CODES.

-NOTES AND SPECIFICATIONS
ALL NOTES AND SPECIFICATIONS CONTAINED ON SHEET TS OF THESE PLANS SHALL APPLY TO ALL OF THE PLAN SHEETS CONTAINED WITHIN THE SHEET INDEX ONLY.

-CONFLICTING NOTATIONS
IF ANY GENERAL NOTE CONFLICTS WITH ANY DETAIL OR NOTE ON THE PLANS OR IN THE SPECIFICATIONS, THE STRICTEST SHALL GOVERN. CONFIRM ALL CONFLICTS AND CONFLICT RESOLUTIONS WITH THE SITE SUPERVISOR (I.E. GENERAL CONTRACTOR)

-SAFETY REQUIREMENTS
THE SAFETY CODE REQUIREMENTS OF MI O.S.H.A., O.S.H.A., AND MI D.E.Q. SHALL BE DETERMINED AND PROVIDED BY THE BUILDING COMPANY AND SHALL BE ENFORCED BY THE SITE SUPERVISOR AND SHALL APPLY TO ALL PERSONS ENTERING AND/OR WORKING ON SITE.

-TEMPORARY STRUCTURAL BRACING
TEMPORARY BRACING, GUYING, AND TIEDOWNS OF THE STRUCTURE DURING CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE ERECTOR AND THE CONTRACTOR. THE DESIGNER AND THE ENGINEER ASSUME NO RESPONSIBILITY FOR THE ABSENCE, PRESENCE, OR ADEQUACY OF ANY TEMPORARY BRACING. ALL EXISTING STRUCTURES THAT MAY BE AFFECTED BY THE CONSTRUCTION SHALL BE ADEQUATELY PROTECTED AND/OR BRACED AS REQUIRED.

SHEET INDEX

NO.	TITLE
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SD-2	STRUCTURAL DETAILS
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A-3	FIRST FLOOR PLAN
A-3a	FIRST FLOOR (STRUCTURE)
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A-4a	SECOND FLOOR (STRUCTURE)
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A-6	BUILDING SECTIONS/ ROOF
A-7	ELEVATIONS
A-8	ELEVATIONS
E-1	ELECTRICAL PLAN
E-2	ELECTRICAL PLAN
E-3	ELECTRICAL PLAN

BLOOMINGDALE HOMES

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Phone: 248.651.6701 | Fax: 248-608-6550



Oak Street Design

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ALL DESIGNS, DRAWINGS, AND IMAGES ARE PROPERTY OF BLOOMINGDALE HOMES AND ARE NOT TO BE COPIED OR REPLICATED IN ANY WITHOUT DIRECT CONSENT FROM BLOOMINGDALE HOMES.

Proposed Residence

1230 Latham Rd.
Birmingham, MI 48009

zoning:
ZONING: R-1
SETBACKS: 14' TOTAL SIDE YARD SETBACKS
5' MIN. EA. SIDE
MAX. HT.: 30' TO MIDPOINT FOR SLOPED ROOFS

LOT COVERAGE

LOT SIZE	=	16,402 SF
MAX. % COVERAGE	x	30 %
MAX. ALLOWABLE	=	4,920 SF
BUILDING FOOTPRINT	=	2,444 SF
GARAGE	=	512 SF
COVERED PORCHES	=	585 SF
ACTUAL COVERAGE	=	3,541 SF

SQUARE FOOTAGE

PRPSD. MAIN LEVEL	=	2,444 SF
PRPSD. SECOND LEVEL	=	3,099 SF
PRPSD. SQUARE FT	=	5,543 SF
FINISHED LOWER LEVEL SQUARE FT.	=	1,696 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

TITLE SHEET

date	
05.14.21	CONCEPT LAYOUTS
05.19.21	CONCEPT ADJUSTMNTS.
06.03.21	CONCEPT ELEVATIONS
06.15.21	CONCEPT ADJUSTMNTS.
08.19.21	INTERNAL REVIEW
09.29.21	GRADING REVIEW
12.10.21	ZBA

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

AutoCAD v2016

Drawn By:
sheet

A-1

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@oakstreetdesign.com

Phone: (248) 891-1629

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Proposed Residence
1230 Latham Rd.
Birmingham, MI 48009

zoning: R-1
SETBACKS: 14' TOTAL SIDE YARD SETBACKS
5' MIN. EA. SIDE
30' TO MIDPOINT FOR SLOPED
ROOFS
MAX. HT.: 30'

LOT COVERAGE	
LOT SIZE	= 16,402 SF
MAX. % COVERAGE	x 30 %
MAX. ALLOWABLE	= 4,920 SF
BUILDING FOOTPRINT	= 2,444 SF
GARAGE	= 512 SF
COVERED PORCHES	= 585 SF
ACTUAL COVERAGE	= 3,541 SF

SQUARE FOOTAGE	
PPPSD, MAIN LEVEL	= 2,444 SF
PPPSD, SECOND LEVEL	= 3,099 SF
PPPSD, SQUARE FT	= 5,543 SF
FINISHED LOWER LEVEL	= 1,696 SF
SQUARE FT	

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sheet title

FOUNDATION
PLAN

date	
05.14.21	CONCEPT LAYOUTS
05.19.21	CONCEPT ADJUSTMTS.
06.03.21	CONCEPT ELEVATIONS
06.15.21	CONCEPT ADJUSTMTS.
08.19.21	INTERNAL REVIEW
09.29.21	GRADING REVIEW
12.10.21	ZBA

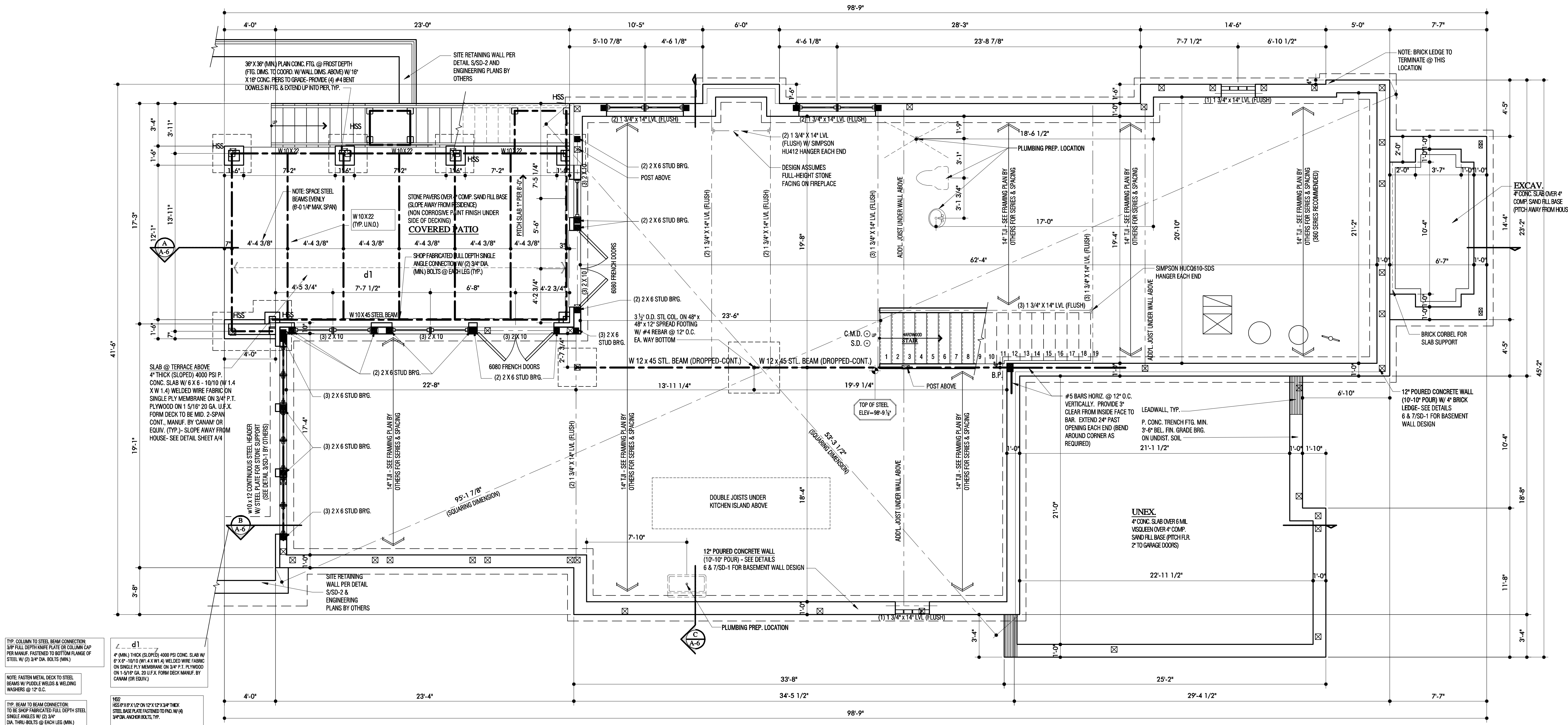
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Drawn By:

sheet

A-2

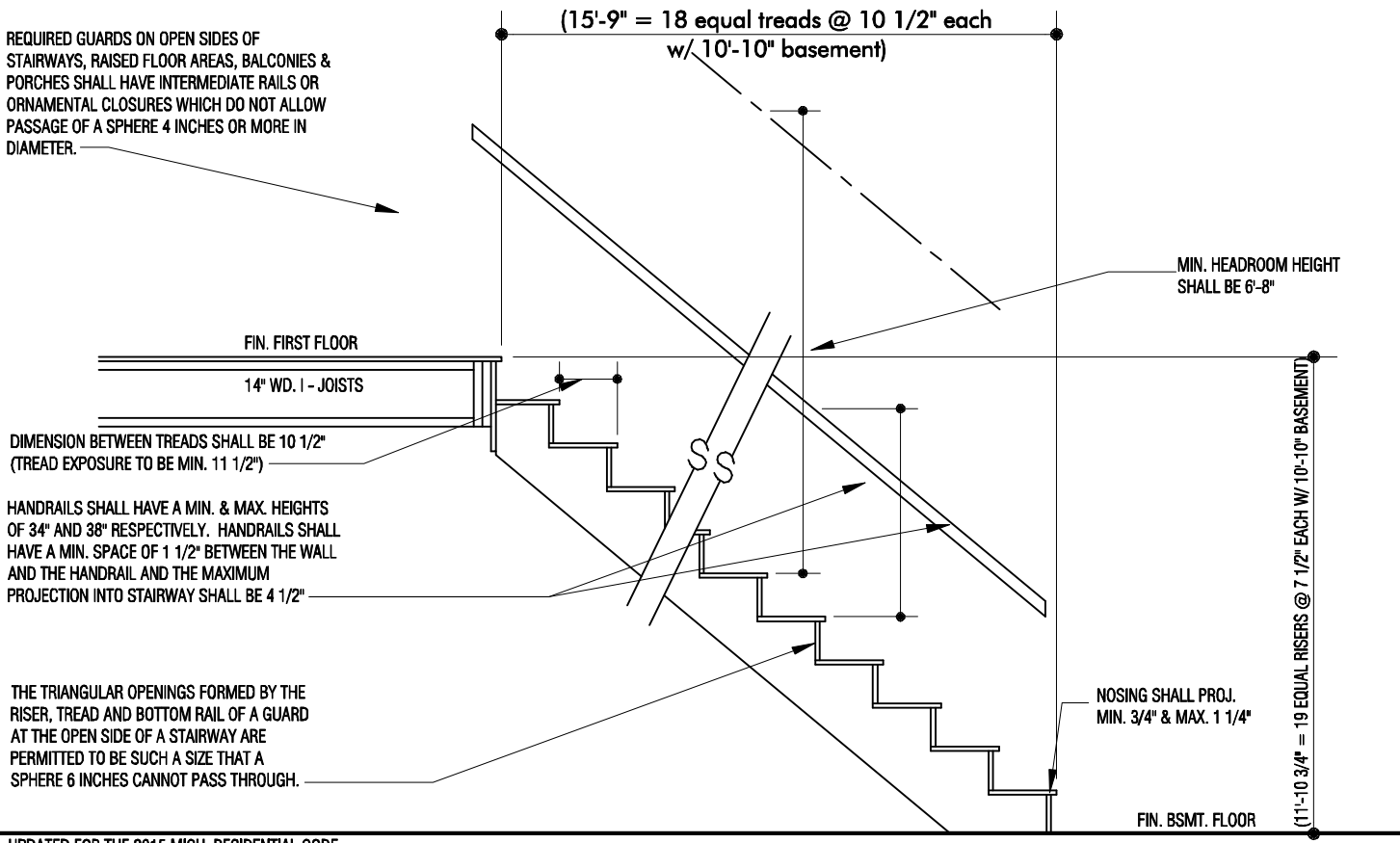


FOUNDATION
PLAN
SCALE: 1/4" = 1'-0"

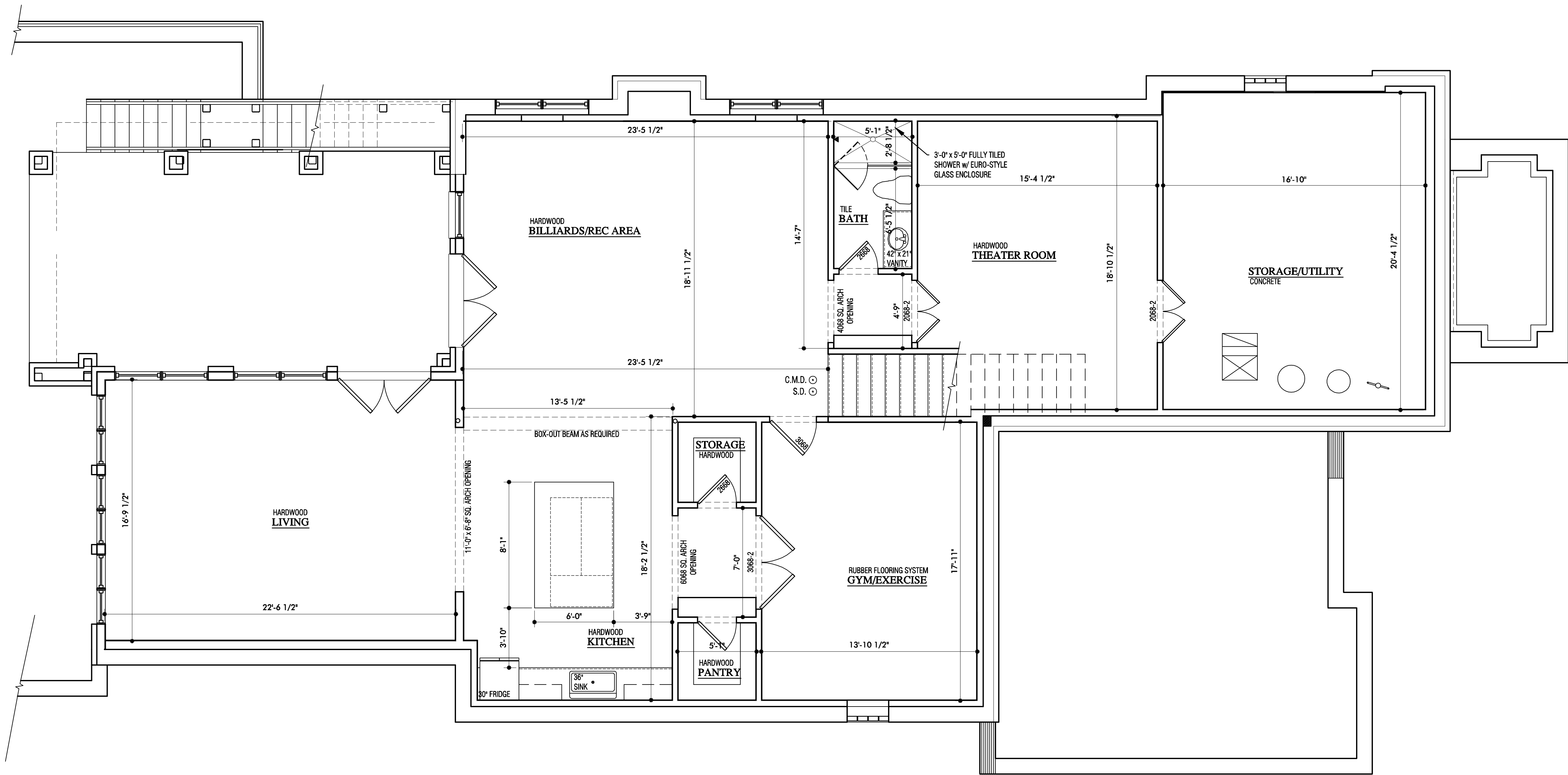
BRICK VENEER LINTEL SCHEDULE

span	steel angle size	height of veneer above lintel
up to 3'-0"	L3"x3"x 1/4" (LLV)	20 ft. max.
up to 3'-0"	L3"x3"x 1/4" (LLV)	3 ft. max.
up to 6'-0"	L4"x3"x 1/4" (LLV)	12 ft. max.
up to 6'-0"	L5"x3 1/2"x 5/16" (LLV)	20 ft. max.
up to 8'-0"	L4"x4"x 1/4" (LLV)	3 ft. max.
up to 8'-0"	L5"x3 1/2"x 5/16" (LLV)	12 ft. max.
up to 8'-0"	L6"x3 1/2"x 3/8" (LLV)	16 ft. max.
9'-0"	L7"x4"x 1/2" (LLV)	2 ft. max.
*16'-0"	L8"x4"x 1/2" (LLV)**	3 ft. max.

ALL LINTELS:
- SHALL SUPPORT 2 5/8" - 3 1/2" VENEER W/ 40 PSF MAX. LENGTH
- <= 16 SHALL HAVE 6" MIN. BEARING
- >= 16 SHALL HAVE 8" MIN. BEARING
- < 16 SHALL NOT BE FASTENED BACK TO HEADER
- >= 16 SHALL BE FASTENED BACK TO WOOD HEADER IN WALL @ 48" O.C. W/ 1/2" DIA. X 3 1/2" LONG LAG SCREWS IN 2" LONG VERTICALLY SLOTTED HOLES
- MAX. VENEER HT. APPLIES TO ANY PORTION OF BRICK OVER OPENING
- WHEN SUPPORTING VENEER - 3" WIDE THE EXTERIOR TIE OF THE HORIZONTAL LEG MAY BE CUT IN THE FIELD TO BE 3 1/4" WIDE OVER THE BEARING LENGTH ONLY. THIS IS TO ALLOW FOR MORTAR JOINT FLASHING
- SEE STRUCTURAL PLANS FOR ANY LINTEL CONDITION NOT ENCOMPASSED BY THE ABOVE PARAMETERS
* FOR QUEEN VENEER USE L4"x3"x 1/4"
** FOR 3 1/2" VENEER ONLY. SEE PLAN FOR VENEER SUPPORT IF VENEER < 3 1/2" THICK



BASEMENT TO FIRST FLOOR STAIR SECTION
SCALE: 3/8" = 1'-0"



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

BLOOMINGDALE HOMES

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Proposed Residence

1230 Latham Rd.
Birmingham, MI 48009

ZONING: R-1
SETBACKS: 14' TOTAL SIDE YARD SETBACKS
5' MIN. EA. SIDE
MAX. HT.: 30' TO MIDPOINT FOR SLOPED
ROOFS

LOT COVERAGE	
LOT SIZE	= 16,402 SF
MAX. % COVERAGE	x 30 %
MAX. ALLOWABLE	= 4,920 SF
BUILDING FOOTPRINT	= 2,444 SF
GARAGE	= 512 SF
COVERED PORCHES	= 585 SF
ACTUAL COVERAGE	= 3,541 SF

SQUARE FOOTAGE	
PRPSD. MAIN LEVEL	= 2,444 SF
PRPSD. SECOND LEVEL	= 3,099 SF
PRPSD. SQUARE FT	= 5,543 SF
FINISHED LOWER LEVEL	= 1,696 SF
SQUARE FT.	

CODE:
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sheet title

LOWER LEVEL PLAN

date	
05.14.21	CONCEPT LAYOUTS
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06.03.21	CONCEPT ELEVATIONS
06.15.21	CONCEPT ADJUSTMTS.
08.19.21	INTERNAL REVIEW
09.29.21	GRADING REVIEW
12.10.21	ZBA

NOTE:
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DIMENSIONS & NOTIFY GENERAL
CONTRACTOR OF ANY DISCREPANCIES

AutoCAD v2016

Drawn By:
sheet

A-2a

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1230 Latham Rd.
Birmingham, MI 48009

zoning	
ZONING:	R-1
SETBACKS:	14' TOTAL SIDE YARD SETBACKS 5' MIN. EA. SIDE
MAX. HT.:	30' TO MIDPOINT FOR SLOPED ROOFS

LOT COVERAGE	
LOT SIZE	= 16,402 SF
MAX. % COVERAGE	x 30 %
MAX. ALLOWABLE	= 4,920 SF
BUILDING FOOTPRINT	= 2,444 SF
GARAGE	= 512 SF
COVERED PORCHES	= 585 SF
ACTUAL COVERAGE	= 3,541 SF

SQUARE FOOTAGE	
PRPSD. MAIN LEVEL	= 2,444 SF
PRPSD. SECOND LEVEL	= 3,099 SF
<i>PRPSD. SQUARE FT</i>	<i>= 5,543 SF</i>
<i>FINISHED LOWER LEVEL SQUARE FT.</i>	<i>= 1,696 SF</i>

CODE:
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sheet title

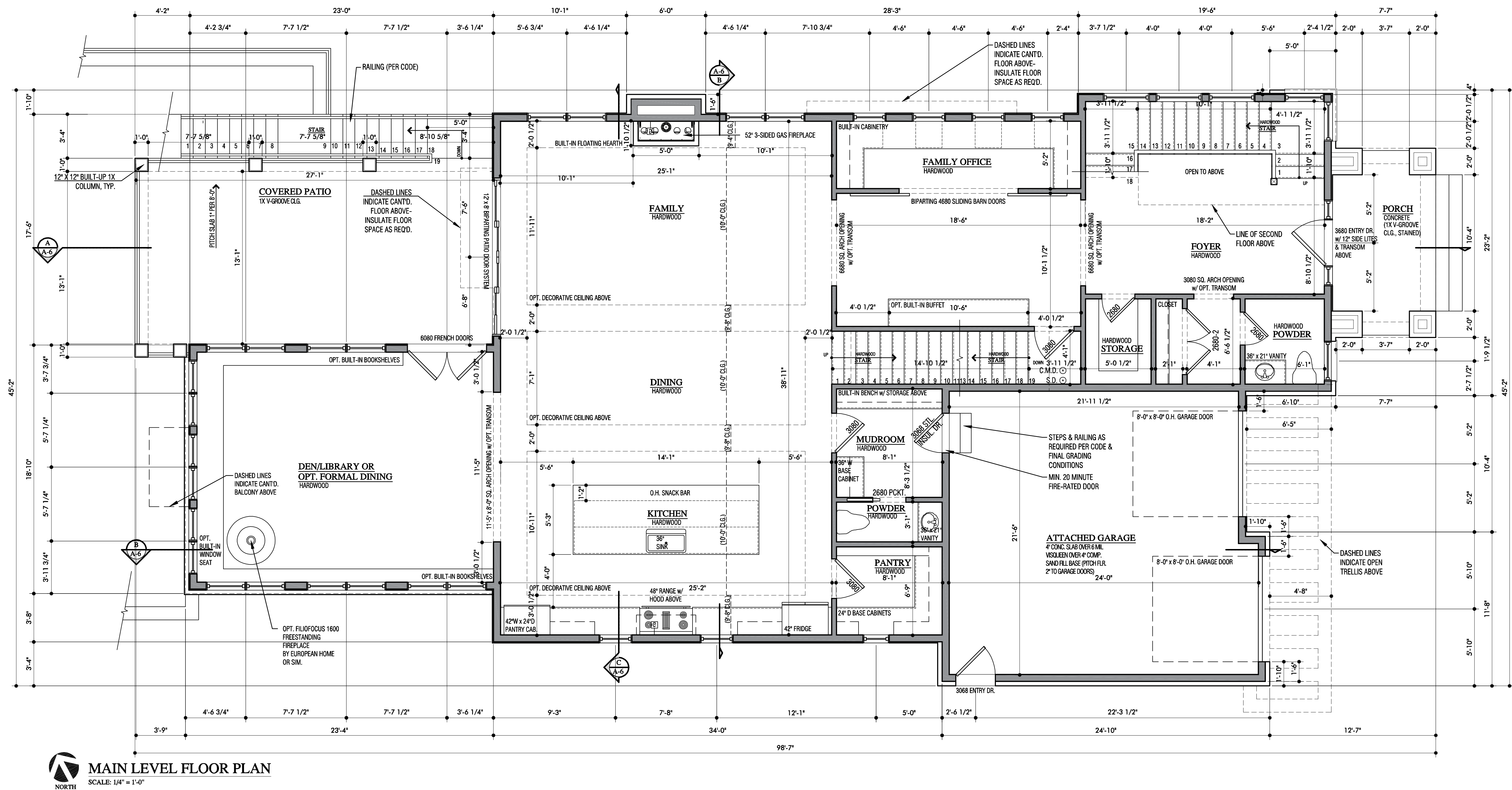
date	
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12.10.21	ZBA

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AutoCAD v2016

Drawn B
sheet

A-3



AutoCAD v2016

Drawn B
sheet

Proposed Residence
1230 Latham Rd.
Birmingham, MI 48009

zoning: R-1
SETBACKS: 14' TOTAL SIDE YARD SETBACKS
5' MIN. EA. SIDE
MAX. HT.: 30' TO MIDPOINT FOR SLOPED
ROOFS

LOT COVERAGE	
LOT SIZE	= 16,402 SF
MAX. % COVERAGE	= 30 %
MAX. ALLOWABLE	= 4,920 SF
BUILDING FOOTPRINT	= 2,444 SF
GARAGE	= 512 SF
COVERED PORCHES	= 585 SF
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SQUARE FOOTAGE	
PPPSD, MAIN LEVEL	= 2,444 SF
PPPSD, SECOND LEVEL	= 3,099 SF
PPPSD, SQUARE FT	= 5,543 SF
FINISHED LOWER LEVEL	= 1,696 SF
SQUARE FT.	

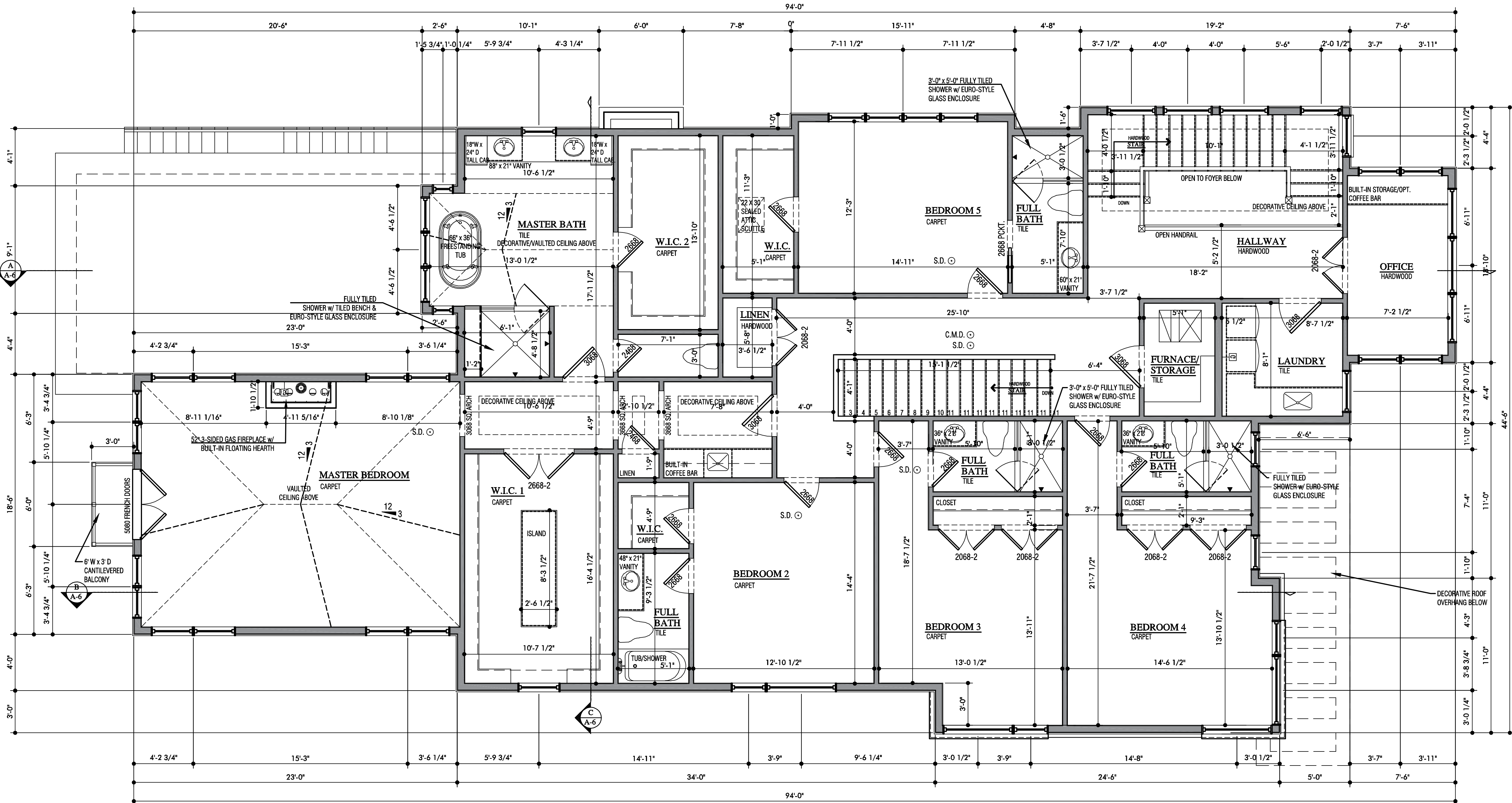
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PROPOSED
PLANS

date	
05.14.21	CONCEPT LAYOUTS
05.19.21	CONCEPT ADJUSTMTS.
06.03.21	CONCEPT ELEVATIONS
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12.10.21	ZBA

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

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Proposed Residence
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Birmingham, MI 48009

zoning: R-1
ZONING: 14' TOTAL SIDE YARD SETBACKS
SETBACKS: 5' MIN. EA. SIDE
MAX. HT.: 30' TO MIDPOINT FOR SLOPED ROOFS

LOT COVERAGE	
LOT SIZE	= 16,402 SF
MAX. % COVERAGE	x 30 %
MAX. ALLOWABLE	= 4,920 SF
BUILDING FOOTPRINT	= 2,444 SF
GARAGE	= 512 SF
COVERED PORCHES	= 585 SF
ACTUAL COVERAGE	= 3,541 SF

SQUARE FOOTAGE	
PRPSD. MAIN LEVEL	= 2,444 SF
PRPSD. SECOND LEVEL	= 3,099 SF
PRPSD. SQUARE FT.	= 5,543 SF
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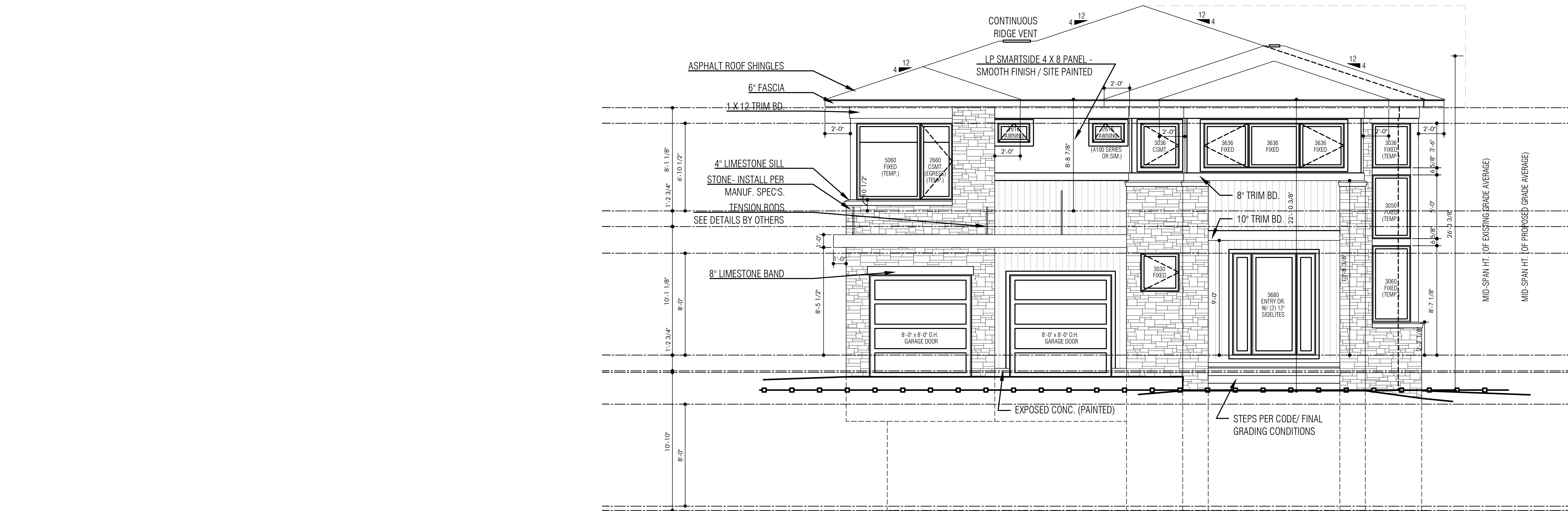
sheet title

PROPOSED ELEVATIONS

date	
05.14.21	CONCEPT LAYOUTS
05.19.21	CONCEPT ADJUSTMTS.
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06.15.21	CONCEPT ADJUSTMTS.
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12.10.21	ZBA

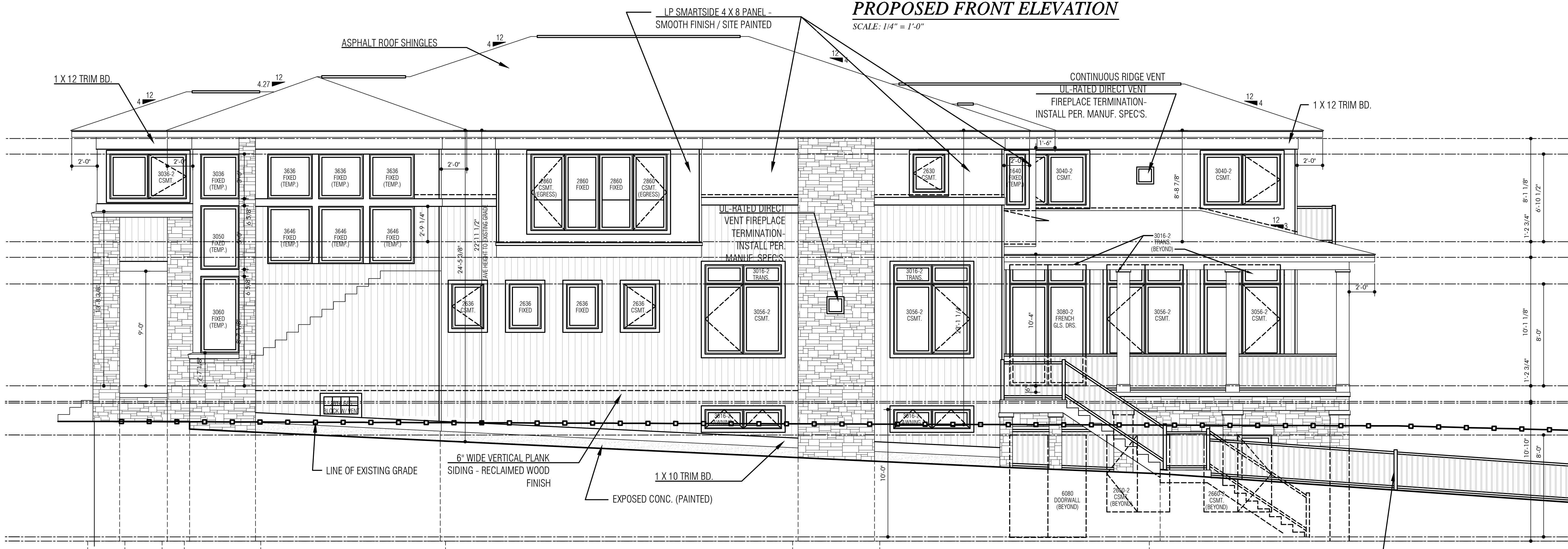
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sheet



PROPOSED FRONT ELEVATION

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



PROPOSED RIGHT ELEVATION

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

RETAINING WALL W/ 36" HIGH ALUMINUM GUARD RAIL (PER CODE)

BLOOMINGDALE
HOMES

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Proposed Residence
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Birmingham, MI 48009

zoning R-1
ZONING: 14' TOTAL SIDE YARD SETBACKS
SETBACKS: 5' MIN. EA. SIDE
MAX. HT.: 30' TO MIDPOINT FOR SLOPED ROOFS

LOT COVERAGE	
LOT SIZE	= 16,402 SF
MAX. % COVERAGE	x 30 %
MAX. ALLOWABLE	= 4,920 SF
BUILDING FOOTPRINT	= 2,444 SF
GARAGE	= 512 SF
COVERED PORCHES	= 385 SF
ACTUAL COVERAGE	= 3,541 SF

SQUARE FOOTAGE	
PRPSD. MAIN LEVEL	= 2,444 SF
PRPSD. SECOND LEVEL	= 3,099 SF
PRPSD. SQUARE FT	= 5,543 SF
FINISHED LOWER LEVEL	SQUARE FT. = 1,696 SF

CODE:
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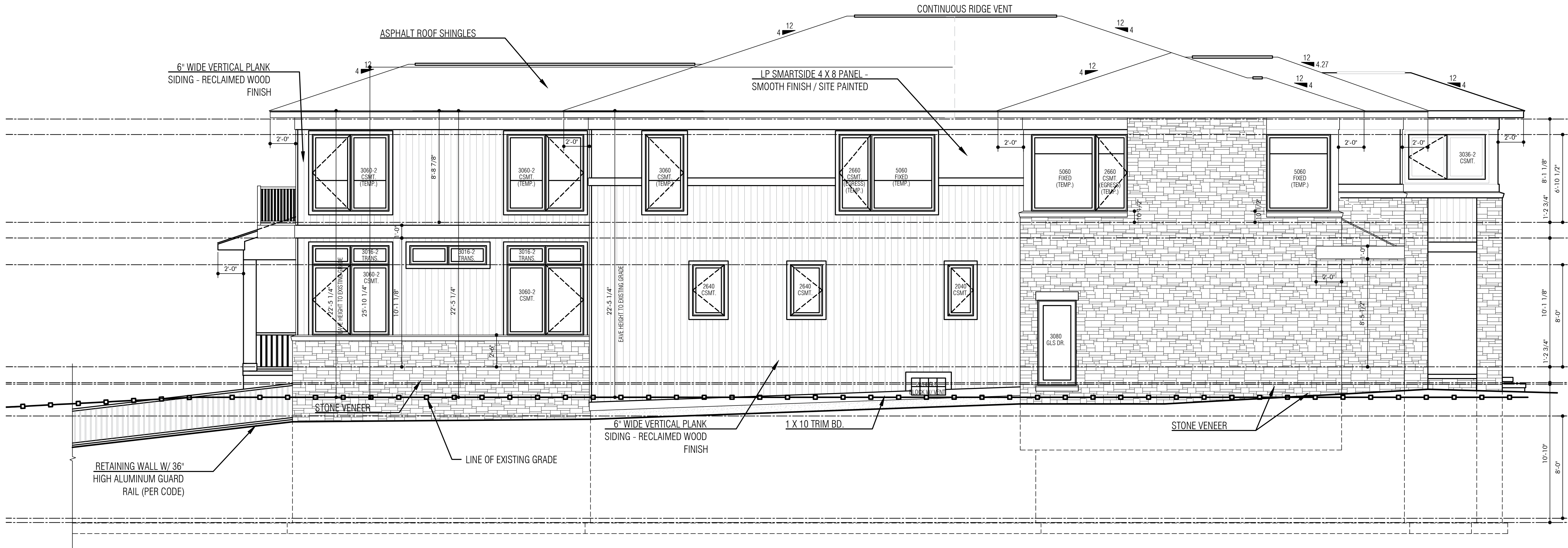
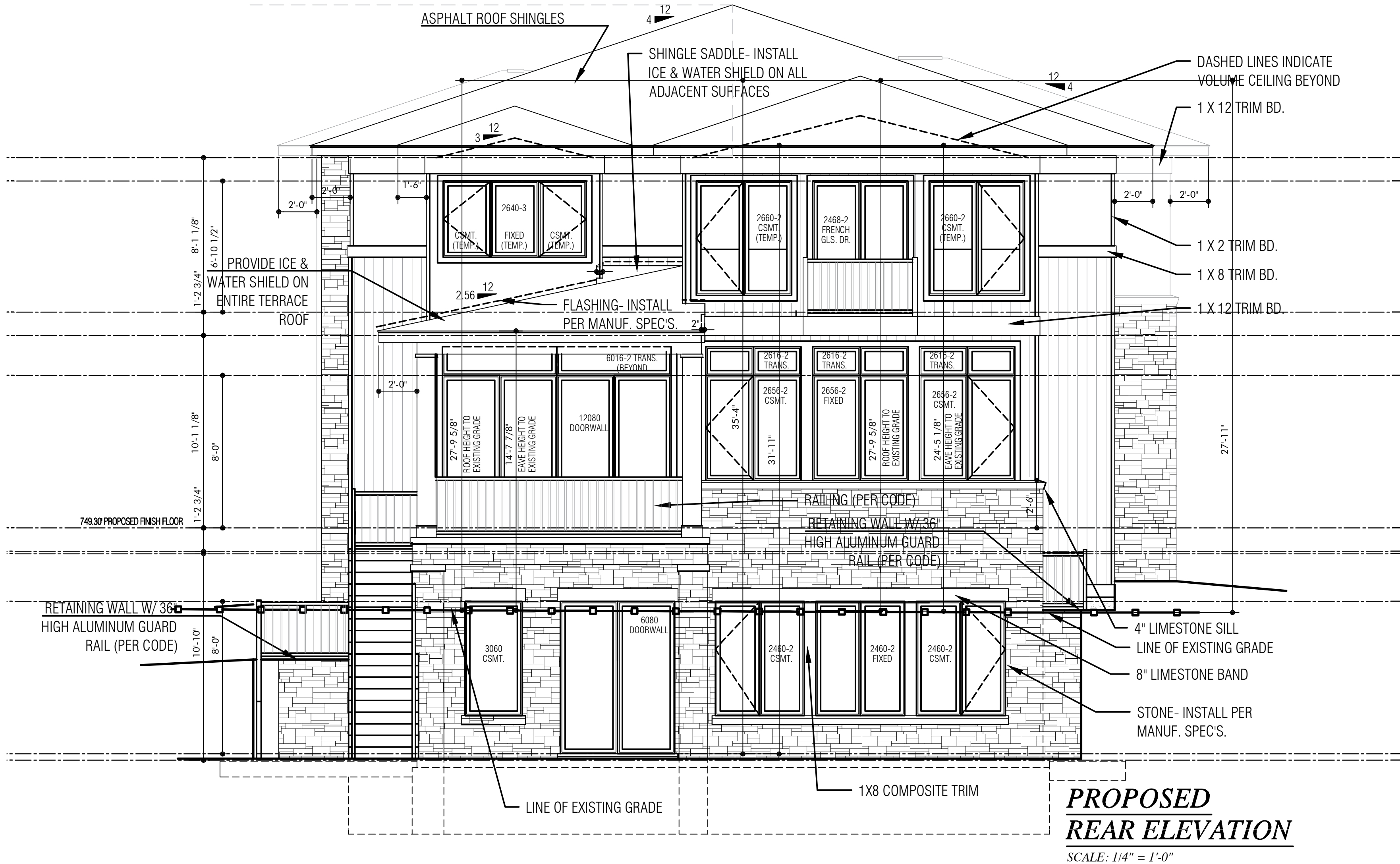
PROPOSED
ELEVATIONS

date	
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AutoCAD v2016
Drawn By:
sheet

A-8



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

CASE DESCRIPTION

1563 Lakeside (22-01)

Hearing date: January 11, 2022

Appeal No. 22-01: 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.

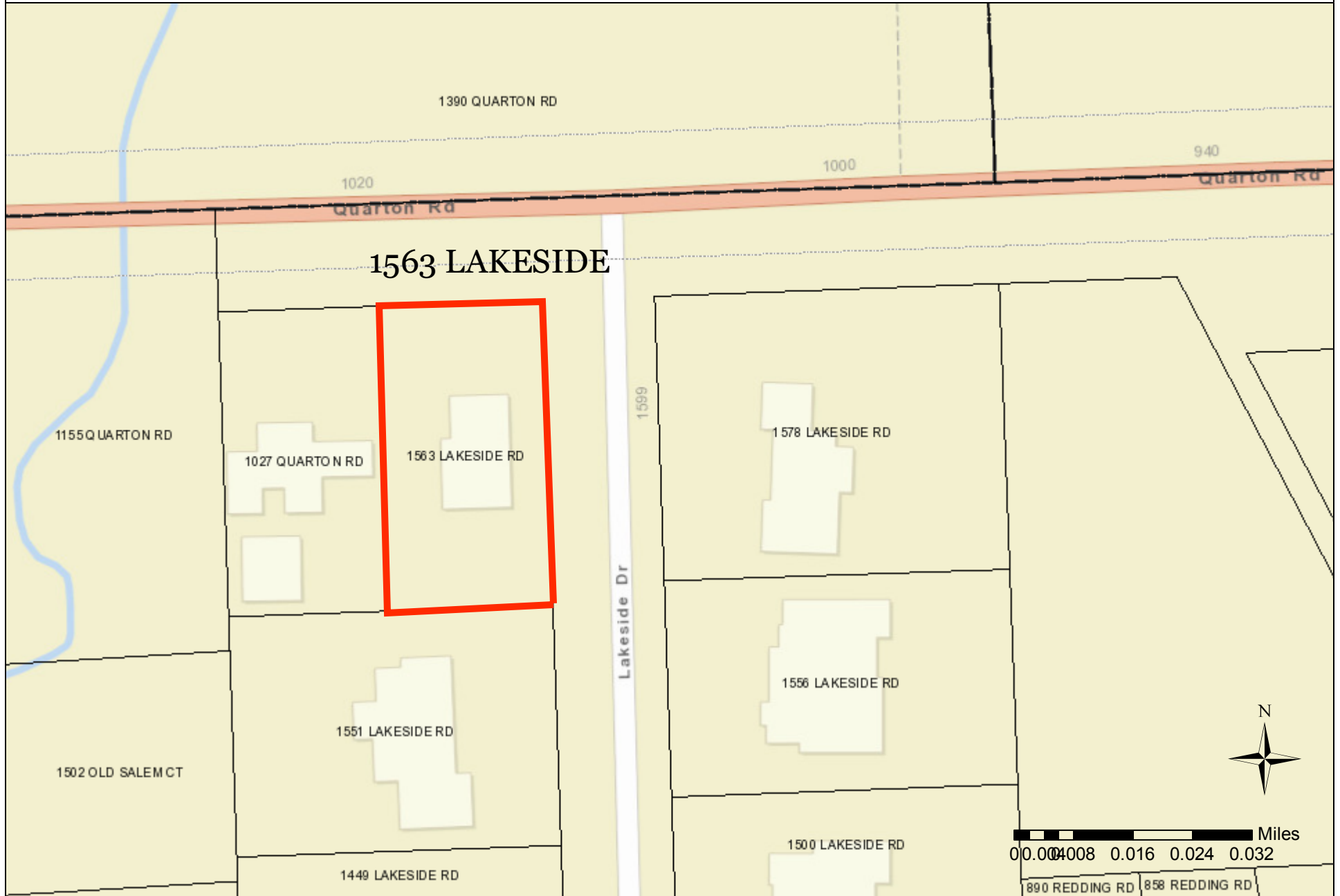
B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested.

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 is proposing to construct a new single family home. The lot is a corner lot. This lot had variances previously granted (See attached). The same variances are being requesting due to time and another builder involved.

This property is zoned R1 – Single family residential.

1563 LAKESIDE MAP



Hearing Date: _____

Appeal #: _____

Revised 12.4.19

November 30, 2021

City of Birmingham
Board of Zoning Appeals

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

To Whom it May Concern:

On February 13, 2018, the Board of Zoning Appeals granted the property owner's ("Owner") request for the following (3) variances:

Requested	Required	Proposed	Variance Amount
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 18-05, is attached hereto.)

The Owner was unable to improve the property within the allowable time frame and the variances expired. **Petitioner is therefore re-submitting his original request that the above (3) variances, approved in 2018, be re-approved.** Construction is proposed for early 2022.

As discussed and ultimately agreed to at the 2018 BZA meeting, the property presents a number of practical difficulties. Specifically, the property is unique in that it is a corner lot and basically has 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 the owner by limiting his ability to create a practical and functional floor plan.

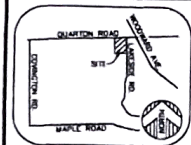
The proposed variance along Lakeside Road would allow for a home consistent in size and conformity with the neighborhood and would not be materially detrimental to property owners in the immediate vicinity. The residential designer worked hard to mitigate the encroachment to the front/side yard while designing 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 a property not otherwise restricted

The second and third variance requests are for a small covered front porch and a patio to provide the homeowner with an opportunity to enjoy protection from the elements and limited outdoor living. 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.

Petitioner's 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,

Jeff Dawkins



VICINITY MAP
(NOT TO SCALE)

PARCEL AREA
13,800⁰⁰ SQUARE FEET = 0.312⁹ ACRES

BASIS OF BEARING
NORTH 89°42'00" WEST, BEING THE SOUTH
RIGHT OF WAY LINE OF QUANTON ROAD.

BENCHMARK
ONE 30.0' CITY OF BIRMINGHAM BENCHMARK BRASS DISK IN
WALK LOCATED AT THE SOUTHWEST CORNER OF WOODWARD
AVENUE AND QUANTON ROAD. ELEVATION = 787.408.

SITE BENCHMARK
TOP OF HYDRANT LOCATED AT THE SOUTHWEST CORNER OF
LAKEVIEW ROAD AND QUANTON ROAD. ELEVATION = 758.81.

ZONING
RETRACTS

MINIMUM FRONT YARD SETBACK:
- AVERAGE OF 100' MIN. 200 FEET, IF NO HOMES WITHIN 200 FEET, THEN 25 FEET

MINIMUM REAR YARD SETBACK:
- 30 FEET

MINIMUM COMBINED FRONT AND REAR SETBACK:
- 55 FEET

MINIMUM SIDE YARD SETBACK:
- 8 FEET OR 10% OF TOTAL LOT WIDTH WHICHEVER IS LARGER FOR ONE SIDE YARD

- 14 FEET OR 20% OF TOTAL LOT WIDTH WHICHEVER IS LARGER FOR BOTH SIDE YARDS

AND SIDE YARD SHALL BE LESS THAN 5 FEET

CORNER LOT:
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 FOR

THE ZONING DISTRICT IN WHICH SUCH BUILDING IS LOCATED. THIS REQUIREMENT SHALL NOT REDUCE

THE BUILDABLE AREA OF ANY LOT TO LESS THAN 25 FEET WHERE THERE IS NO ABUTTING INTERIOR

RESIDENTIAL LOT ON SUCH SIDE STREET. THE MINIMUM SIDE STREET SETBACK SHALL BE 10 FEET

FOR THE EXISTING PRINCIPAL BUILDING. 15 FEET FOR PERMITTED ATTACHED GARAGES WITH VEHICLE

ENTRY DOORS FACING THE SIDE STREET, AND 15 FEET FOR PERMITTED ACCESSORY BUILDINGS.

QUANTON ROAD:
#1527 = 81.8'
#1528 = 81.8'

LAKESIDE ROAD:
#1531 = 48.5'
#1532 = 43.2'
#1533 = 48.4'

DISTANCE BETWEEN BUILDINGS:
EACH RESIDENTIAL LOT SHALL PROVIDE A MINIMUM DISTANCE BETWEEN PRINCIPAL RESIDENTIAL

BUILDINGS ON ADJACENT LOTS OF 14 FEET OR 20% OF THE TOTAL LOT WIDTH, WHICHEVER IS

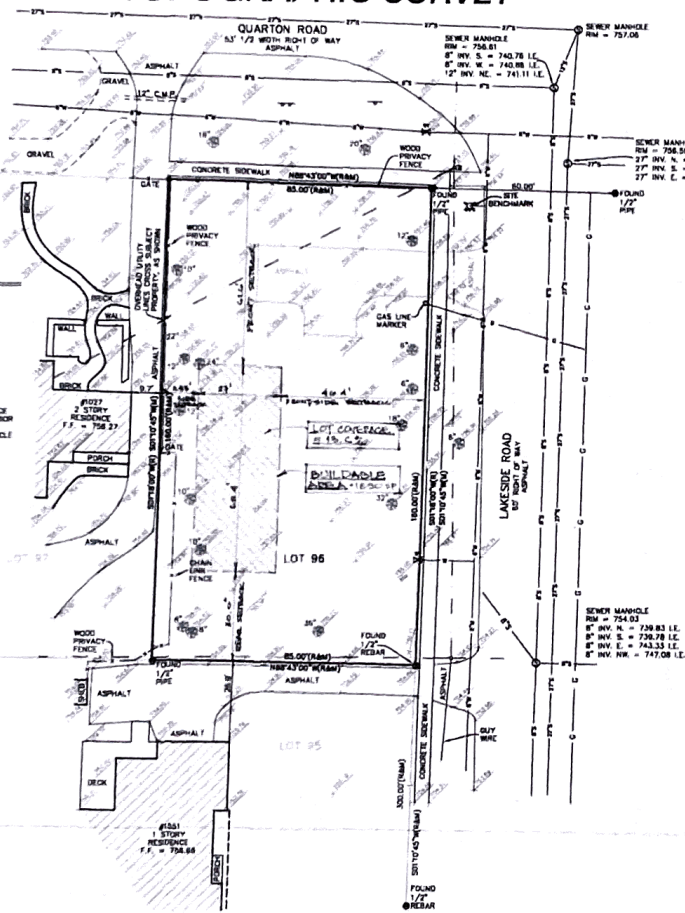
LARGER. THIS REQUIREMENT IS IN ADDITION TO THE SETBACK PROVISIONS AS SPECIFIED IN EACH

TWO-PAGE LAYOUT IN ARTICLE 2.

LEGEND

- SET 1/2" REBAR WITH CAP P.S. 47978
- FOUND MONUMENT (AS NOTED)
- (R&M) RECORD AND MEASURED DIMENSION
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- GROUND POINT
- GAS LINE MARKER
- ELECTRIC METER
- UTILITY POLE
- GAS METER
- TELEPHONE METER
- SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- AIR CONDITIONING UNIT
- SINGLE POST SIGN
- DOUBLE POST SIGN
- TREE
- PARCEL BOUNDARY LINE
- PLATTED LOT LINE
- EASEMENT (AS NOTED)
- BUILDING OVERHANG
- EDGE OF CONCRETE (CONC.)
- EDGE OF ASPHALT (ASPH.)
- EDGE OF BRICK
- EDGE OF GRAVEL
- FENCE (AS NOTED)
- WALL (AS NOTED)
- OVERHEAD UTILITY LINE
- GAS LINE
- SEWER LINE
- WATER LINE
- CORRUGATED METAL PIPE (AS NOTED)

TOPOGRAPHIC SURVEY



GRAPHIC SCALE
(IN FEET)
1 inch = 80 ft.

PROPERTY DESCRIPTION

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF DAKOTA, STATE

OF MICHIGAN IS DESCRIBED AS FOLLOWS:

LOT 96, QUANTON LAKE ESTATES REPLAT, AS RECORDED IN LITER 38 OF

PLATS, PAGES 24 & 24A OF OAKLAND COUNTY RECORDS.

SURVEYOR'S NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD

SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO

GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL

SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE

SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND

UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE

DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE

FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY

LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE

INVENTORY SHOWN HEREON.

2. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF

SURVEY. THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING

SUBJECT PARCEL MAY NOT BE SHOWN.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN

DESCRIBED. THE ELEVATIONS SHOWN HEREON ARE BASED ON A FIELD

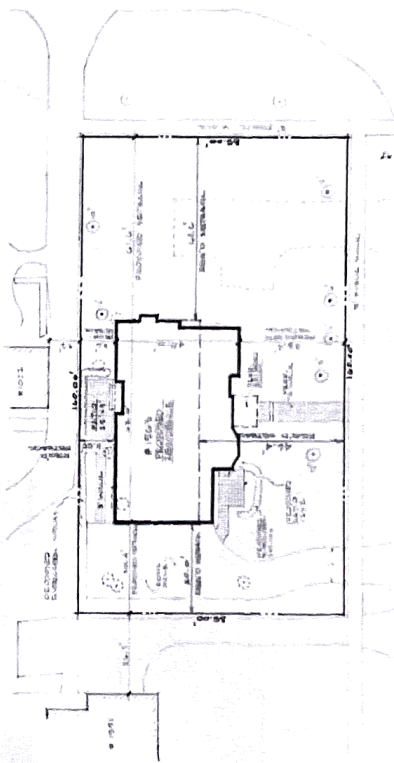
SURVEY AND THE DRAWING HEREON DELINEATED IS A CORRECT

REPRESENTATION OF THE SAME.

ANTHONY T. BYRKO, JR., P.E.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47978

KEM-TEC & ASSOCIATES
PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS
27208 GRATIOT AVE. • EASTPOINTE, MICHIGAN 48021
(586) 777-2222 • (800) 285-7222 • FAX (586) 777-4048

CERTIFIED TO: TALAL KHADER	JOB #: 17-04005
DATE: OCTOBER 27, 2017	SHEET: 1 OF 1
SCALE: 1" = 20'	DRAWN BY: BA
REV:	REV:



SITE PLAN
1" = 20'-0"

PROJECT SUMMARY

- LOT SIZE 13,800 SF
- ALLOWED LOT COVERAGE 90%
- 13,800 x .9 = 12,420 SF
- PROPOSED LOT COVERAGE 18.62%
- 2560' x 13,800' = 18.62%
- BUILDABLE AREA PER ALLOWED SETBACKS - 12,420 SF = 18.62% OF (3.2%)

Project Title:

PROPOSED RESIDENCE, R.P.

DR. & MRS. KHADER

1563 LAKESIDE BIRMINGHAM, MI 48007

Sheet Title:

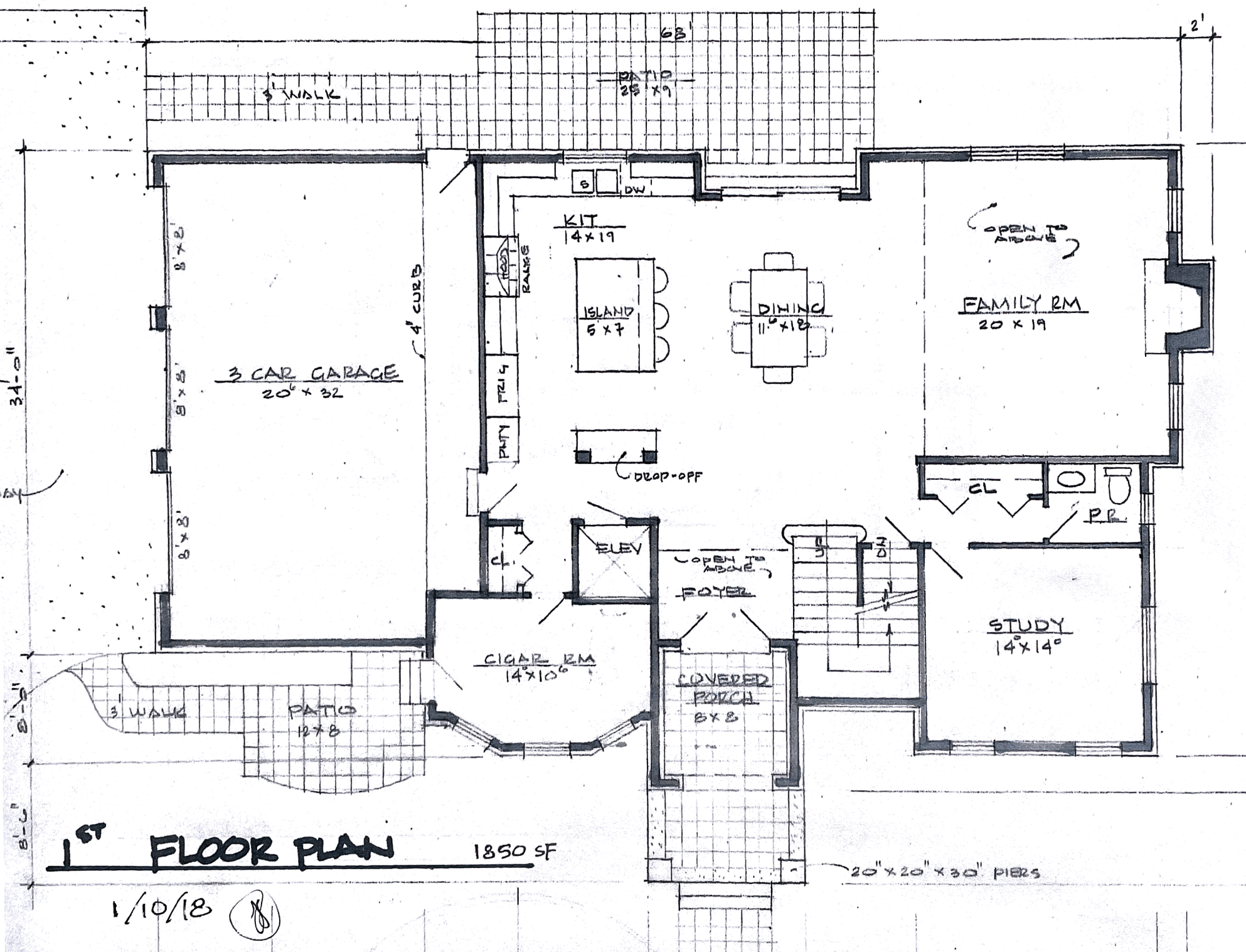
Project Number: 2017-030
Drawn By: JOHN JAKUPI
784 765-9427

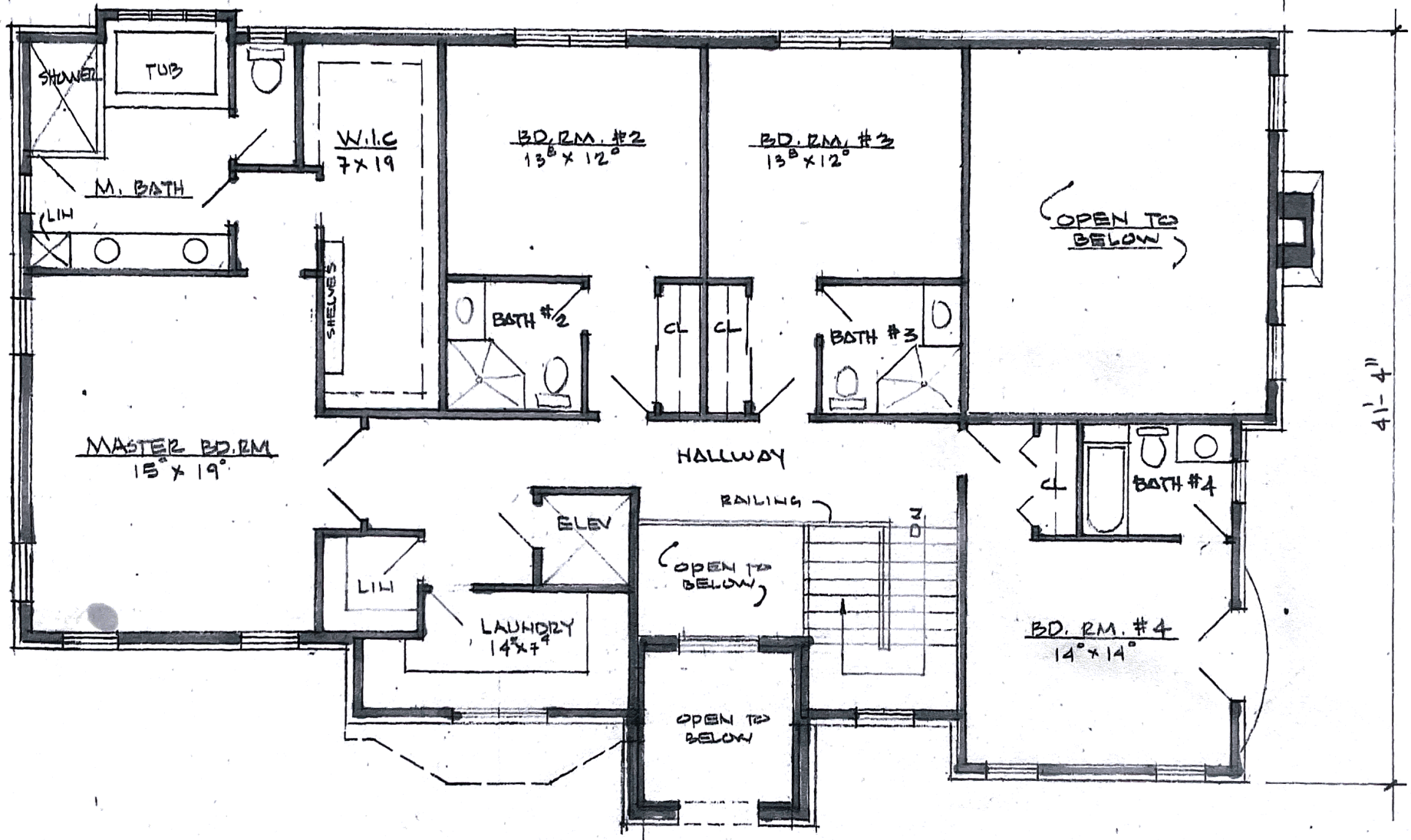
Issued:

6-20-18

PERMIT

Sheet Number:





SECOND FLOOR PLAN

1/8" = 1'-0"

2050 SF

1/10/18 (signature)



VIEW FROM LAKESIDE RD.

1/10/18 (H)



VIEW FROM QUARTON RD.

1/10/18 (8)

CASE DESCRIPTION

1690 Fairway (22-02)

Hearing date: January 11, 2022

Appeal No. 22-02: The owner of the property known 1690 Fairway, requests the following variance 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.

Staff Notes: The applicant is requesting a variance for rear additions that were constructed onto an existing non-conforming home. This home was constructed in 1951.

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1690 FAIRWAY 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: 12-9-21

Hearing Date: 1-11-22

Received By: HT

Appeal #: 22-0002

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: 1690 FAIRWAY DR. Lot Number: 23 Sidwell Number: ~~23~~

II. OWNER INFORMATION:

Name: KAREN GRIFFIN
 Address: 1690 FAIRWAY DR City: BIRMINGHAM State: MI Zip code: 48009
 Email: VIC@V20CONSULTINGLLC.COM Phone: 248 227 0066

III. PETITIONER INFORMATION:

Name: _____ 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

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: Karen Griffin

Date: 12-9-21

Signature of Petitioner: _____

Date: _____



I am writing to seek a wall Variance for my single family home at 1690 Fairway dr. Birmingham Mi.

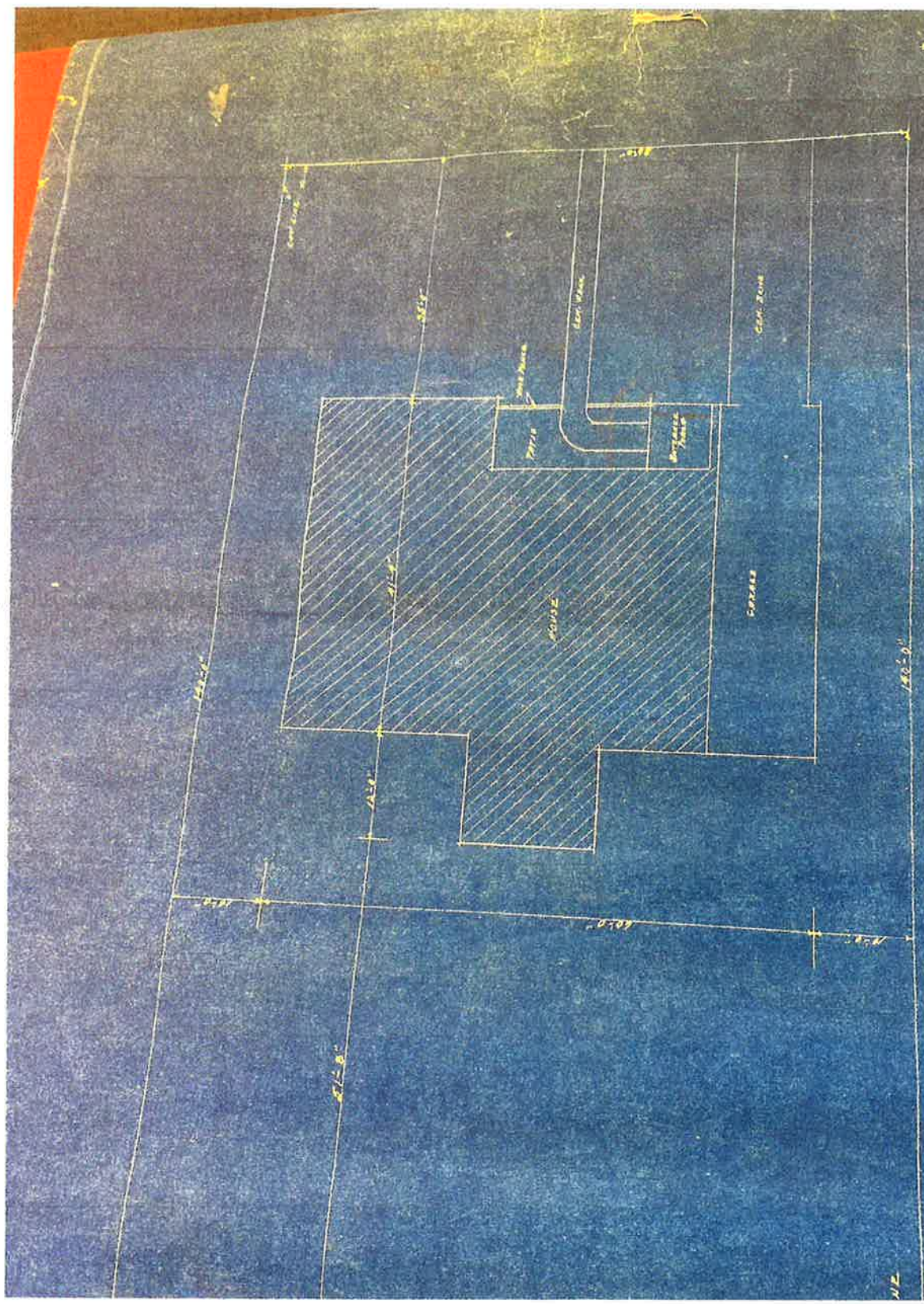
The current zoning rule, I believe the easement is to be 10 feet from lot line and 20 feet from house to house. We built the addition based on the existing blue prints that we had that showed house was built 10 feet from lot line & never thought we were not conforming. This house was built 70 years ago and conformed then.

Due to a code revision, houses need to be 20 feet apart from house to house it does not conform today, however it is truly a charming home then and now. Moving the wall approx. 15 inches by 7 feet that was built

unconsciously out of conformance that is in question. I am sorry that I did not know about the change. I hope that visually you can see that this looks natural and has no effect or harm to any neighbors near us. I respectfully request for the current wall that we built be approved.

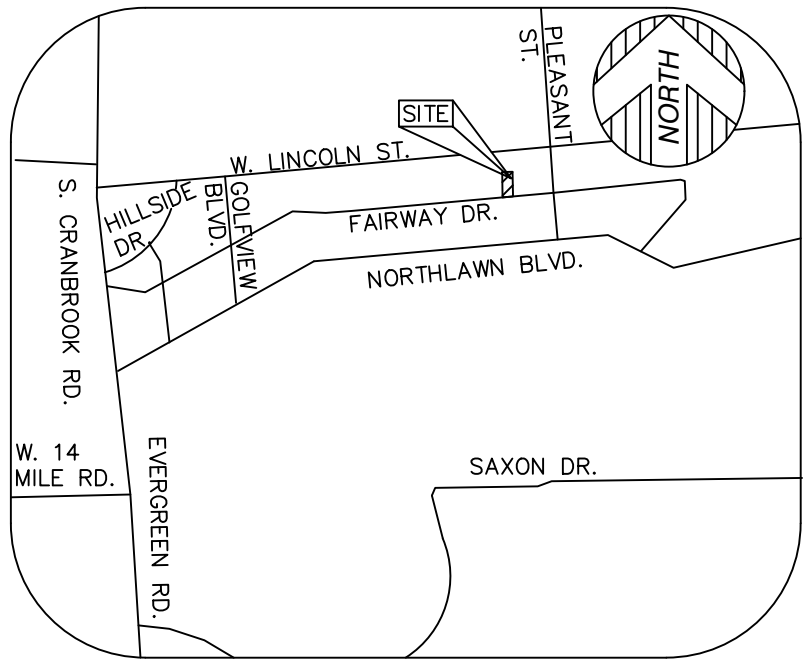
This variance has no safety issues, or obstruction it is visually attractive. Also we saved a ranch in our beautiful city that are being demolished as of today.

Respectfully,

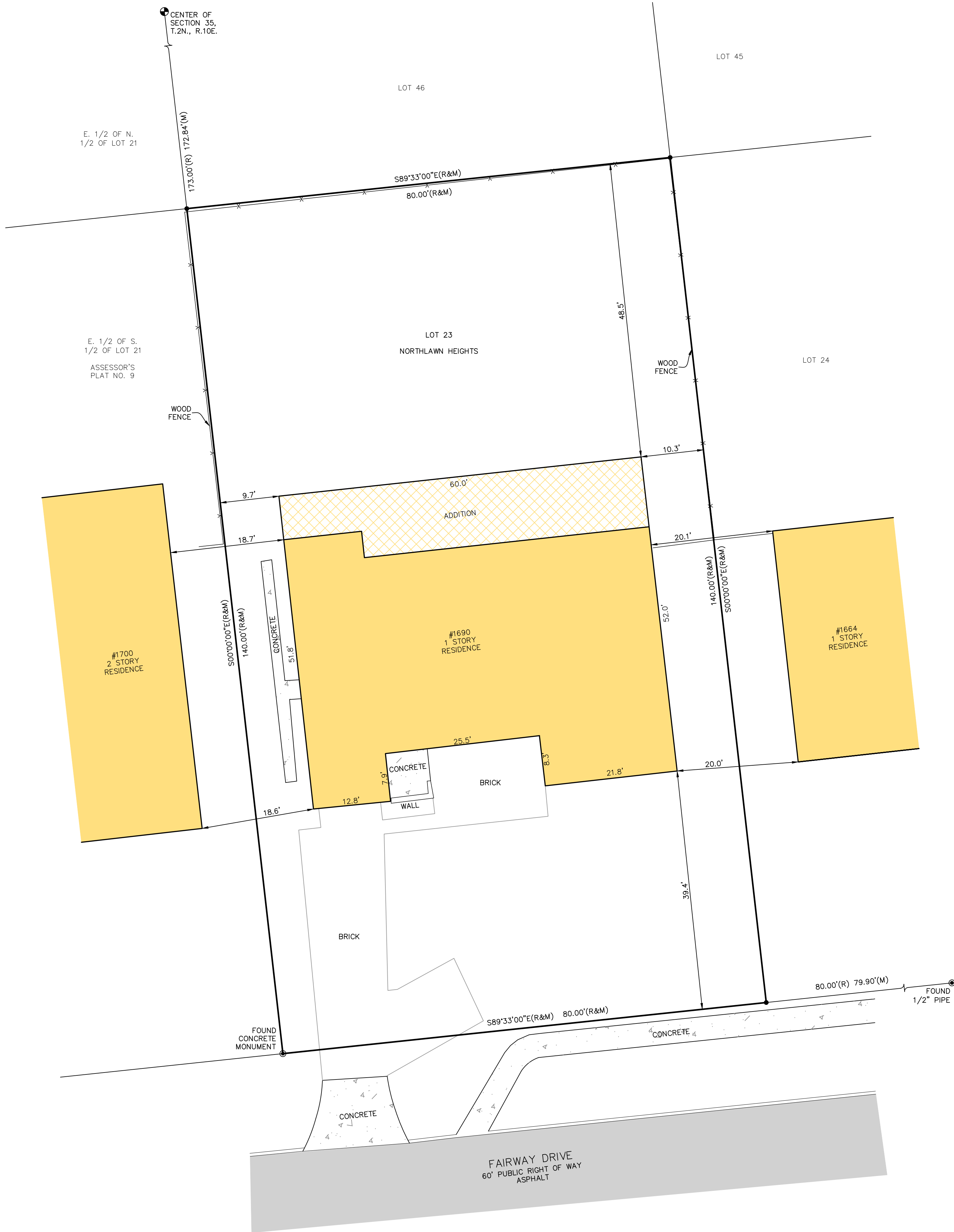


LOT PLAN FOR LOT NO. 23
NORTHLAWN HEIGHTS SUB.
SCALE 1" = 10'

LEE J. SCHOWALTER
Registered Architect
1904 WEST 10TH

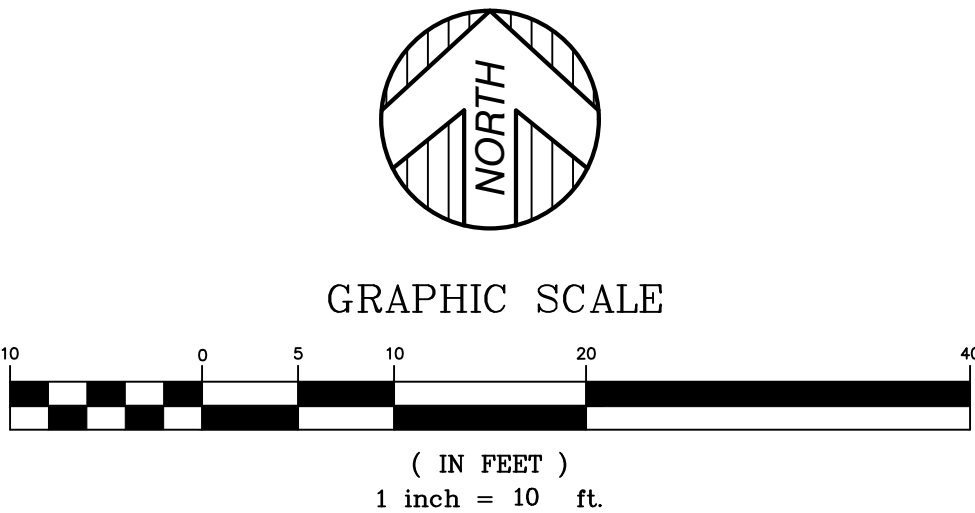


VICINITY MAP
(NOT TO SCALE)



LEGEND

- SET 1/2" REBAR WITH CAP P.S. 47976
- ⊙ FOUND MONUMENT (AS NOTED)
- ⊙ FOUND SECTION CORNER (AS NOTED)
- (R&M) RECORD AND MEASURED DIMENSION
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- PARCEL BOUNDARY LINE
- PLATTED LOT LINE
- BUILDING
- CONCRETE CURB
- EDGE OF CONCRETE (CONC.)
- EDGE OF BRICK
- FENCE (AS NOTED)
- WALL (AS NOTED)
- BUILDING HATCH
- ASPHALT HATCH
- CONCRETE HATCH



PROPERTY DESCRIPTION

THE LAND, SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOT 23, NORTHLAWN HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 37, PAGE 15 OF PLATS, OAKLAND COUNTY RECORDS.

TITLE REPORT NOTE

A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.

PARCEL AREA

11,199± SQUARE FEET = 0.257± ACRES

SURVEYOR'S NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN DESCRIBED AND THAT THIS MAP REPRESENTS THE RESULTS OF THE SURVEY.

ANTHONY T. SYCKO, JR., P.S.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47976
22556 GRATIOT AVE., EASTPOINTE, MI 48021
TSycko@kentec-survey.com



DATE	BY	REVISION	DESCRIPTION

DRAWN BY:	NPH	12/07/21
CHECKED BY:	ATS	12/07/21
DATE:	DECEMBER 07, 2021	
PROJECT NO:	21-03932	SCALE: 1" = 10'

WALL KEY

EXISTN'G EXTERIOR WALL

EXISTN'G INTERIOR WALL

NEW EXTERIOR WALL

NEW INTERIOR WALL

DEMO WALL

The first floor plan illustrates the layout of the Ventimiglia/Griffin Residence, distinguishing between existing structures and new additions. The plan includes a Master Bedroom, a Living Room, a Kitchen, a Garage, a Closet, a New Bedroom, and a Pantry. Dimensions are provided for various sections: the New Bedroom is 21'-5" wide and 11'-0" deep; the Living Room is 27'-7" wide and 14'-7" deep; the Kitchen is 22'-10" wide and 7'-11" deep; and the Pantry is 8'-3" wide and 6'-8" deep. The plan also shows a New Addition of 22'-4" wide and 11'-10" deep, and an Existing section of 14'-7" wide and 14'-7" deep. The plan includes a Wall Key and a Scale of 1/8"=1'0".

FIRST FLOOR PLAN

SCALE: 1/8"=1'0"

DRAWN BY
EK

DESCRIPTION
SINGLE FAMILY RESIDENTIAL

ISSUE
12.7.21

RE-ISSUE

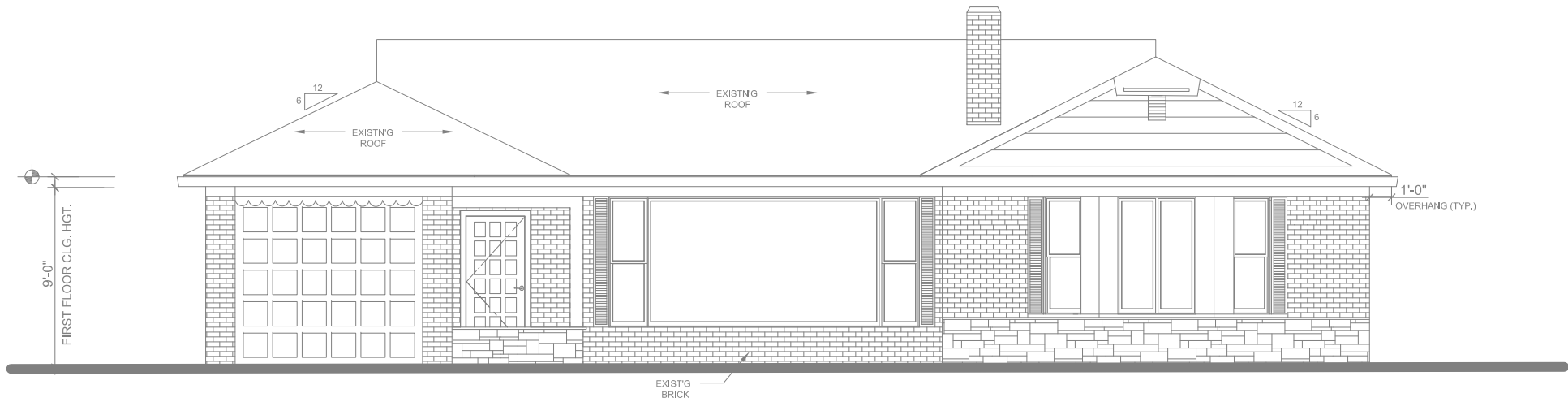
VENTIMIGLIA/GRIFFIN RESIDENCE
1690 FAIRWAY DR
BIRMINGHAM, MI 48009

1066 COMMERCE STREET
BIRMINGHAM MI 48009
EVANDER@VIVIDDESIGNSTUDIO.COM
248.520.5357

VIVID
DESIGN
STUDIO

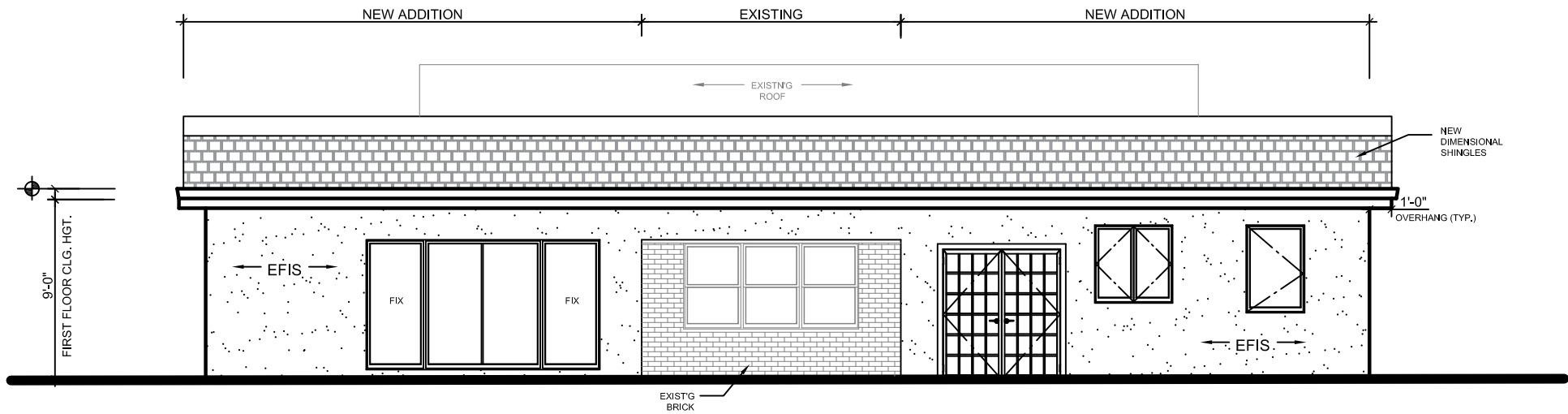
A

01



SOUTH ELEVATION (EXISTING)

SCALE: 1/8"=1'0"



NORTH ELEVATION

SCALE: 1/8"=1'0"

ISSUE
12.7.21

RE-ISSUE

DRAWN BY
EK

DESCRIPTION
SINGLE FAMILY RESIDENTIAL

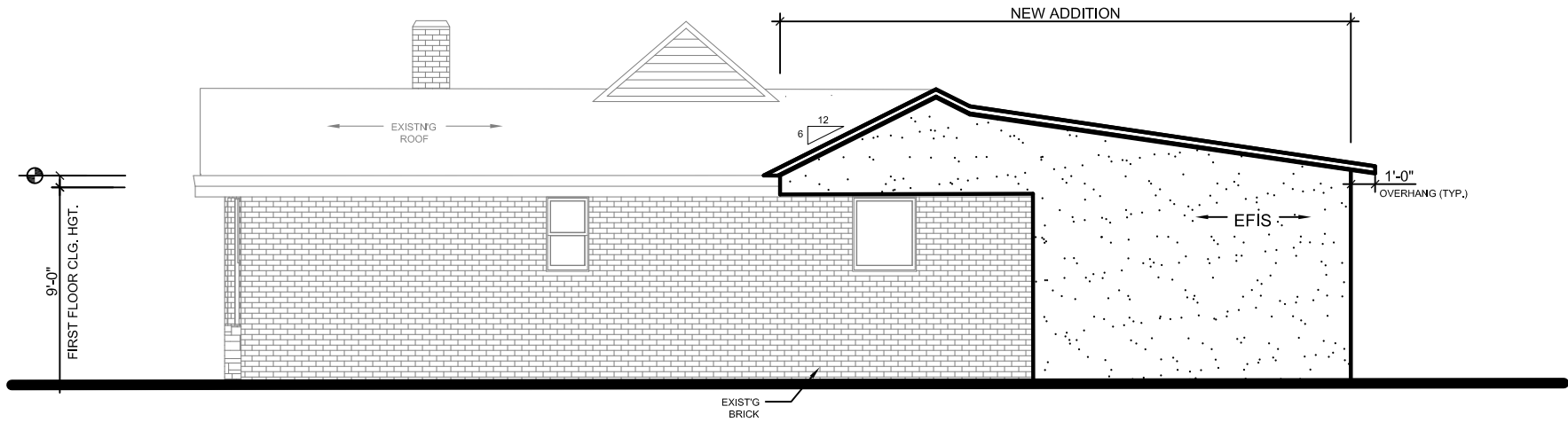
VENTIMIGLIA/GRIFFIN RESIDENCE
1690 FAIRWAY DR
BIRMINGHAM, MI 48009

1066 COMMERCE STREET
BIRMINGHAM MI 48009
EVANDER@VIVIDDESIGNSTUDIO.COM
248.520.5357

VIVID
DESIGN
STUDIO

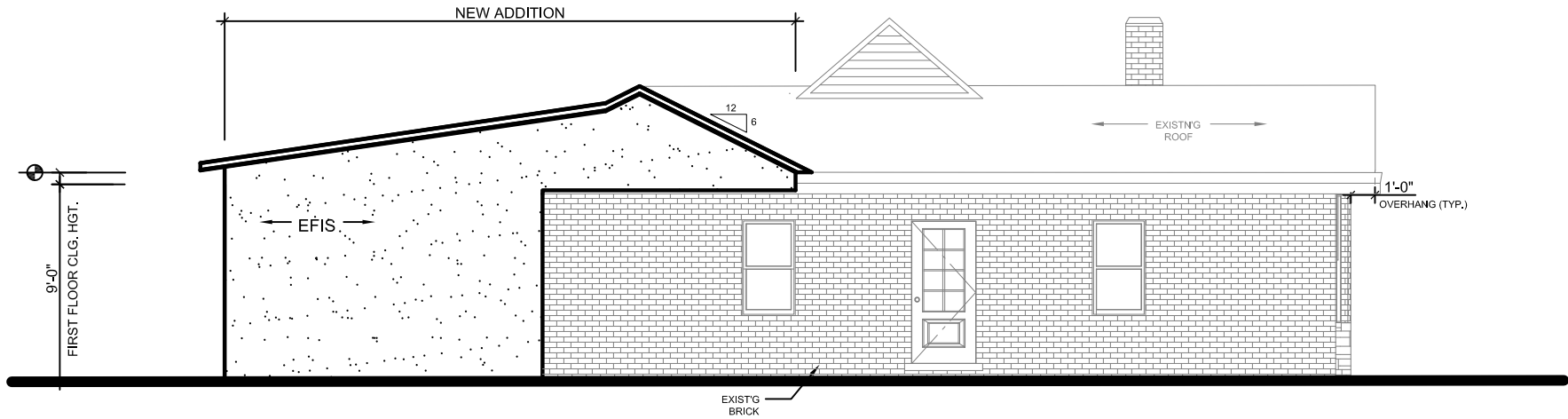
A

02



EAST ELEVATION

SCALE: 1/8"=1'0"



WEST ELEVATION

SCALE: 1/8"=1'0"

CASE DESCRIPTION

1572 Holland (22-03)

Hearing date: January 11, 2022

Appeal No. 22-03: The owner of the property known as 1572 Holland requests the following variance to construct a new single-family home with an attached garage:

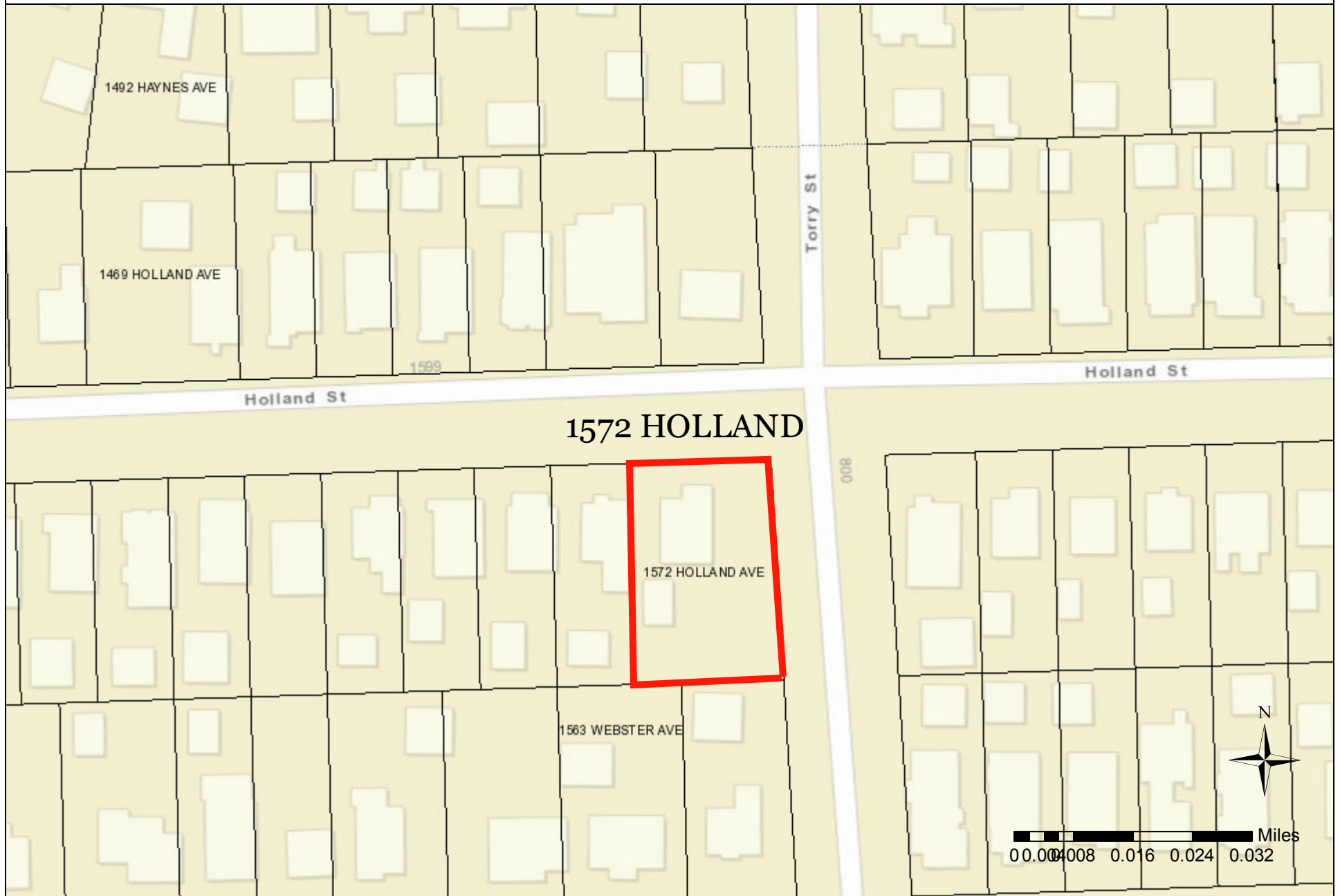
A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 19.20 feet. The proposed is 14.61 feet. Therefore; a variance of 4.59 feet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

Staff Notes: The applicant is proposing to construct a new home on a corner parcel consisting of two platted lots.

This property is zoned R3 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1572 HOLLAND 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: 12/13/21 **APPLICATION FOR THE BOARD OF ZONING APPEALS**

Hearing Date: 1.11.22

Received By: HT

Appeal #: 22-0003

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: 1572 Holland Lot Number: 78 & 79 Sidwell Number: 20-31-153-067

II. OWNER INFORMATION:

Name: Babi Construction Inc.

Address: PO Box 974 City: Birmingham State: MI Zip code: 48012

Email: * Babibuilders@yahoo.com Phone: 248-217-2224

III. PETITIONER INFORMATION:

Name: MICHAEL J. GORDON RA Firm/Company Name: MOISSEV / GORDON ASSOCIATES, INC

Address: 4351 DELEMERIE COURT City: ROYAL OAK State: MI Zip code: 48073

Email: michaelg @ mga - architects. net Phone: 248.549.4500

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: 12/13/21

Signature of Petitioner: [Signature]

Date: 12/13/21



13 December 2021

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

Re: 1572 Holland, Birmingham, MI
Architect Job Number: 21114

Dear Sir or Madam:

We are applying for a Zoning Board of Appeals to reduce a required side yard from 19.2 feet to 14 feet 5 ½ inches or a reduction of 4 feet 9 inches.

This corner lot was studied in multiple ways; including what's being presented, a front facing garage, a side street facing garage and a rear yard facing garage.

The side street facing garage was rejected since it pushed the garage deep into the lot due to the need for a driveway the depth to park a car without blocking the sidewalk.

The rear facing garage was rejected since it would create a driveway covering about half the backyard reducing usable yard space and increasing impervious surface.

The forward facing garage seemed to put the garage in the best location and allow for outdoor covered entertaining space as well as multiple rooms opening onto the private backyard.

The need for the variance grows out of the difficulty in keeping a functioning garage that is less than half of the buildable envelope facing the street. The additional frontage allows for more house with functional room sizes addressing Holland.

Further, the amount requested maintains the house to house separation of fourteen feet and even if the house to the west is torn down and the site is redeveloped the minimum setback required would maintain the same fourteen foot separation required.

We hope you look favorably upon this request and grant the variance for this property.

Sincerely,
MOISEEV/GORDON ASSOCIATES, INC.


Michael J. Gordon, RA

MJG/em

Moiseev/Gordon Associates, Inc.
4351 Delemere Court Royal Oak, MI 48073

www.mga-architects.net
248.549.4500 voice 248.549.7300 faxes

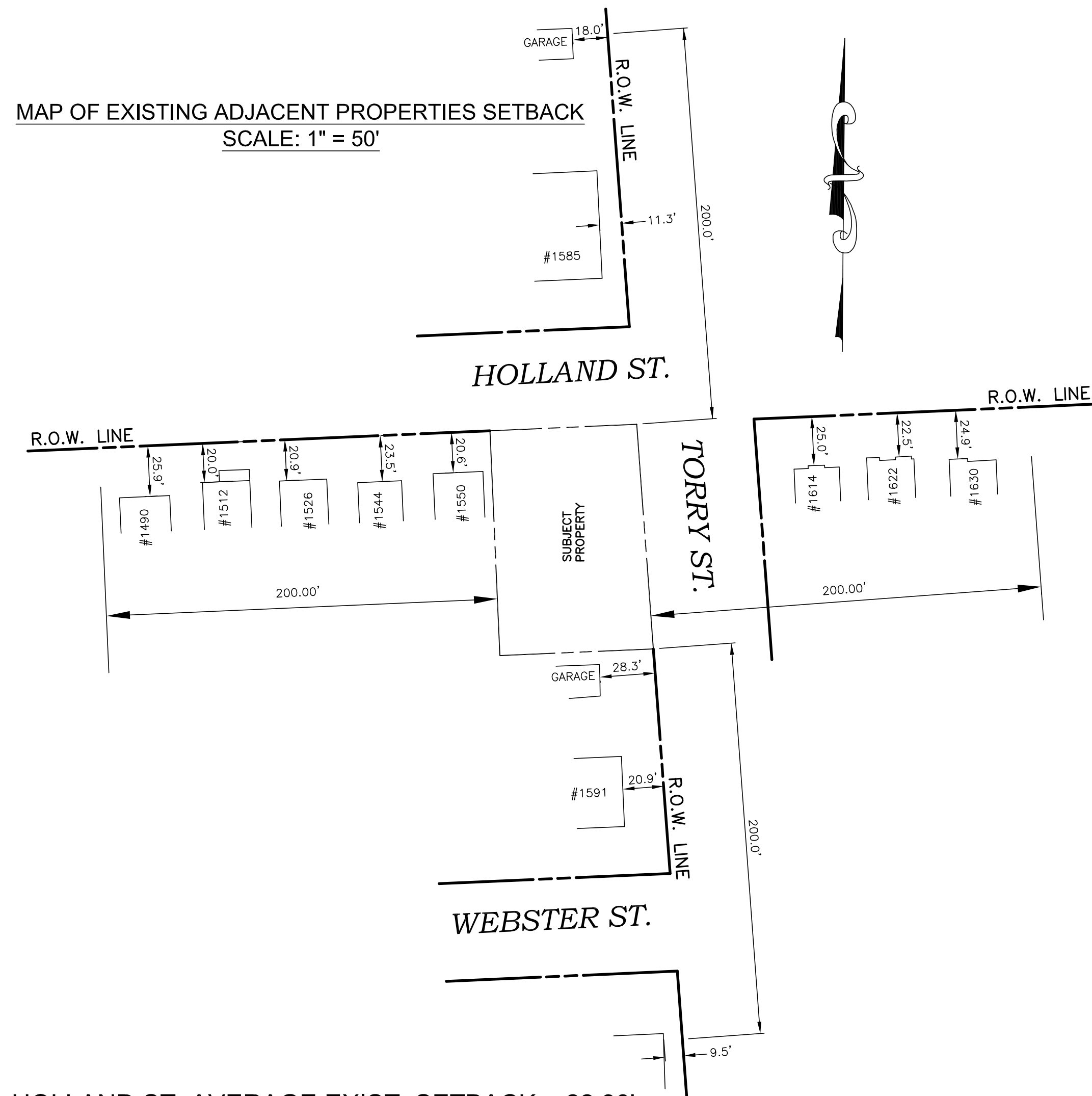
811

1-800-482-7171 www.missdig.net
(TOLL FREE)

SAFETY NOTE:
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. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT LIMITED TO NORMAL WORKING HOURS.

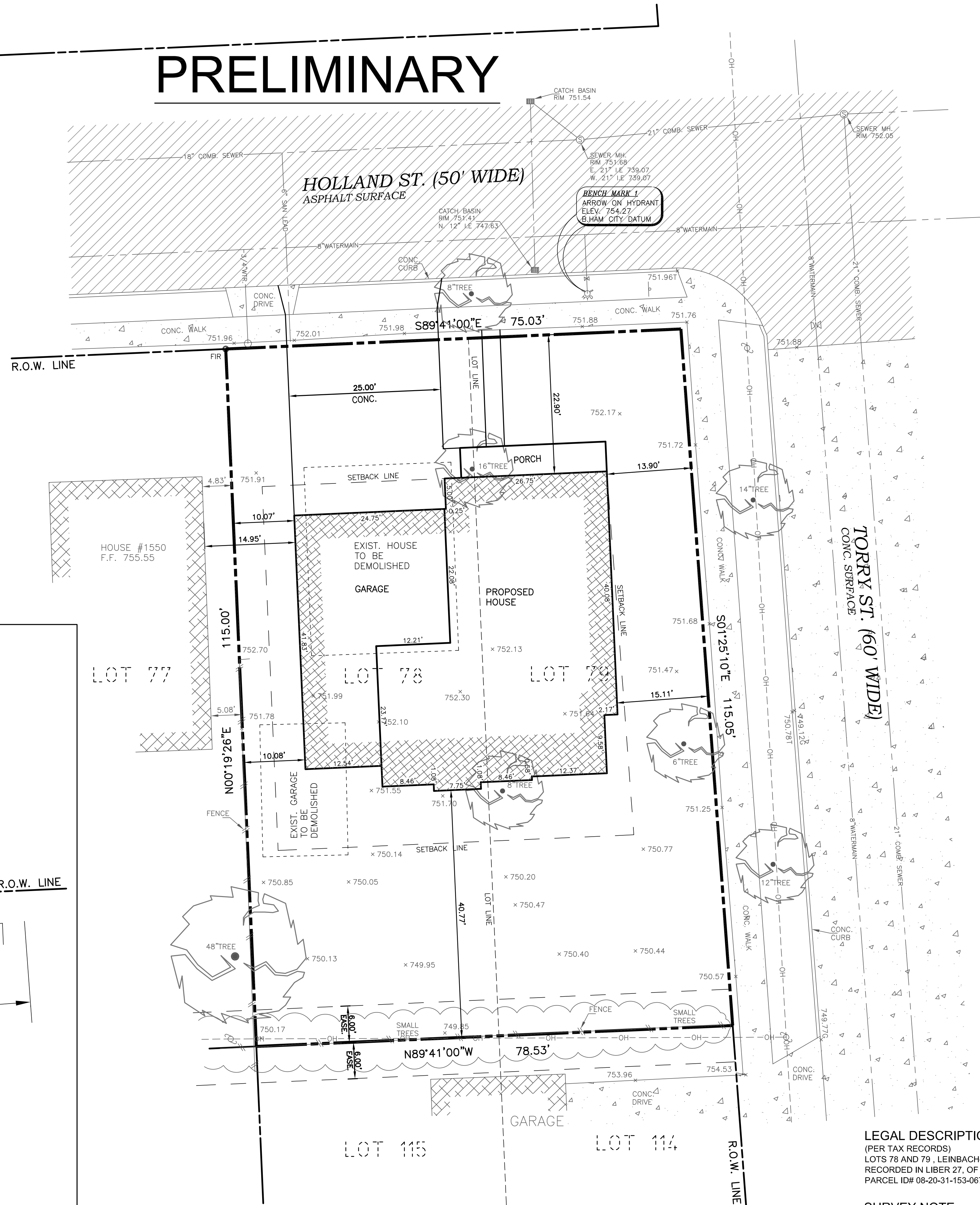
UTILITIES NOTE:
THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS PLAN ARE ONLY APPROXIMATE. THEY ARE SHOWN PER INFORMATION DISCLOSED BY AVAILABLE PUBLIC RECORDS, AND BY FIELD DATA WHENEVER POSSIBLE. NO WARRANTY IS MADE BY EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES IN THE FIELD BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND DETERMINE THE DEPTH OF ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.

MAP OF EXISTING ADJACENT PROPERTIES SETBACK
SCALE: 1" = 50'



HOLLAND ST. AVERAGE EXIST. SETBACK = 22.90'
TORRY ST. AVERAGE EXIST. SETBACK = 13.9' (EXCLUDING GARAGES)

PRELIMINARY

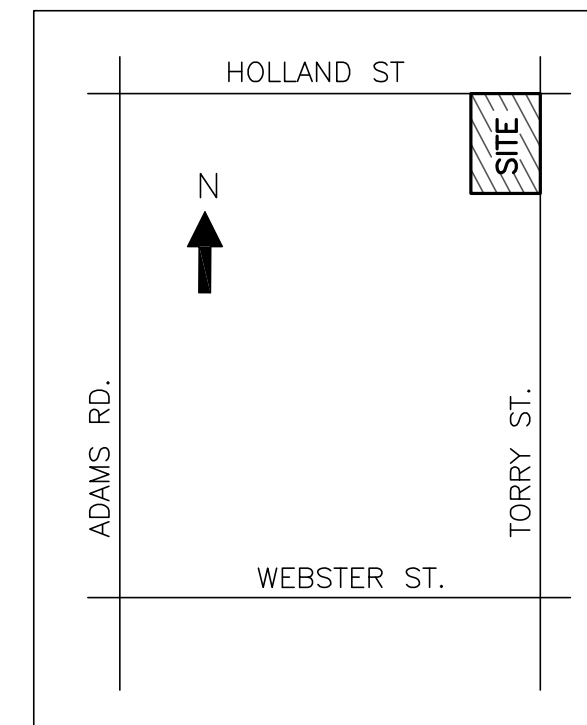


PRELIMINARY

(PER TAX RECORDS)
 LOTS 78 AND 79, LEINBACH-HUMPHREY'S WOODWARD AVE SUB, T2N, R11E, SEC 31, AS
 RECORDED IN LIBER 27, OF PLATS, PAGE 5. OAKLAND COUNTY RECORDS.
 PARCEL ID# 08-20-31-153-067

NO TITLE POLICY WAS PROVIDED BY THE CLIENT, MORE EASEMENTS
AND RETRACTIONS MAY EXIST ON THE PROPERTY BUT HAVE NOT
BEEN SHOWN ON THIS PLAN.

REFERENCE CITY BENCHMARK:
TOP OF DISK IN HAND HOLE LOCATED AT NORTHEAST CORNER OF LINCOLN AND
ADAMS, (CITY BM#7)
ELEVATION: 752.11 (CITY OF BIRMINGHAM DATUM)

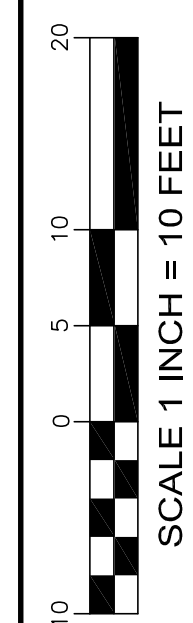
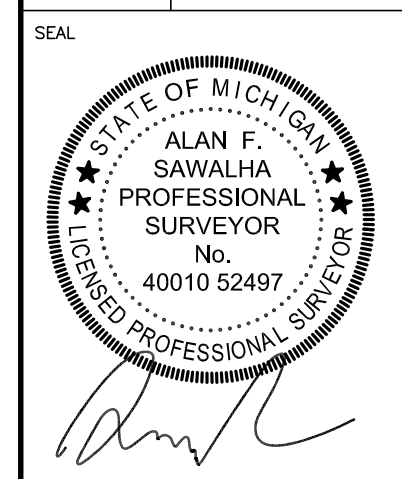


VICINITY MAP
NO SCALE

Landwise Inc.

Civil Engineers • Land Surveyors
P.O. Box 1952, Dearborn, MI 48121
Tel: 248-257-5700, Fax: 248-257-5555
email: info@landwiseinc.com

This drawing, design, concepts, ideas, and specifications, are property of LANDWISE, INC. and must be returned to LANDWISE, INC. immediately upon request. They are submitted for the purpose of presentation / or construction of this specific project on the condition that they are not to be used, reproduced, or copied, in whole or in part, or used for other projects or for furnishing information to others, without prior written consent of LANDWISE, INC.

[illegible]

CLIENT: **BABI CONSTRUCTION**

PLOT PLAN

1572 HOLLAND ST.
BIRMINGHAM, MICHIGAN

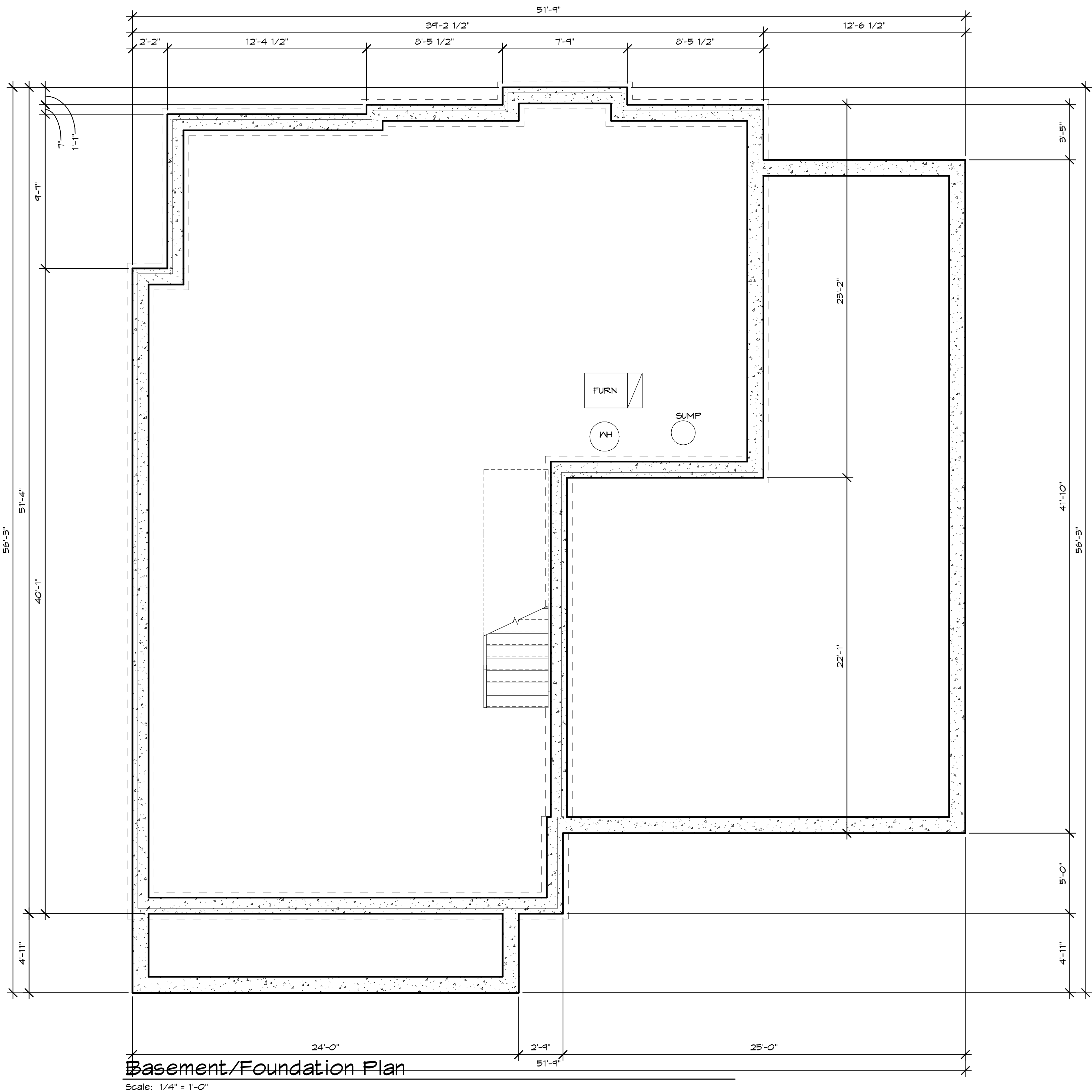
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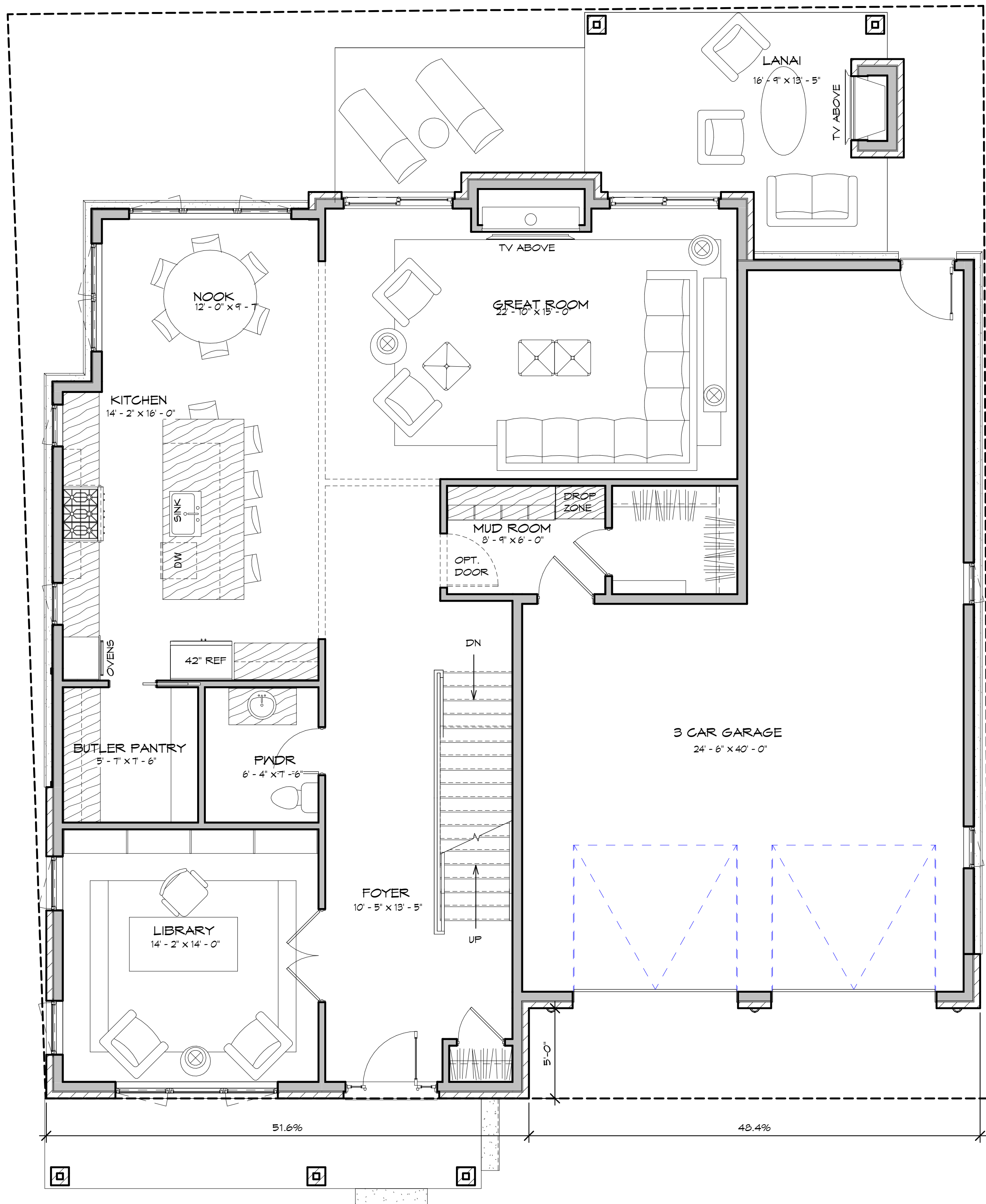
DRN: A.S.	CHKD: A.S.
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FILE NO. 21-135PP01.dwg

SHEET NO.

E:\Land Projects 2005\21-135\dwg\21-135PP01.dwg

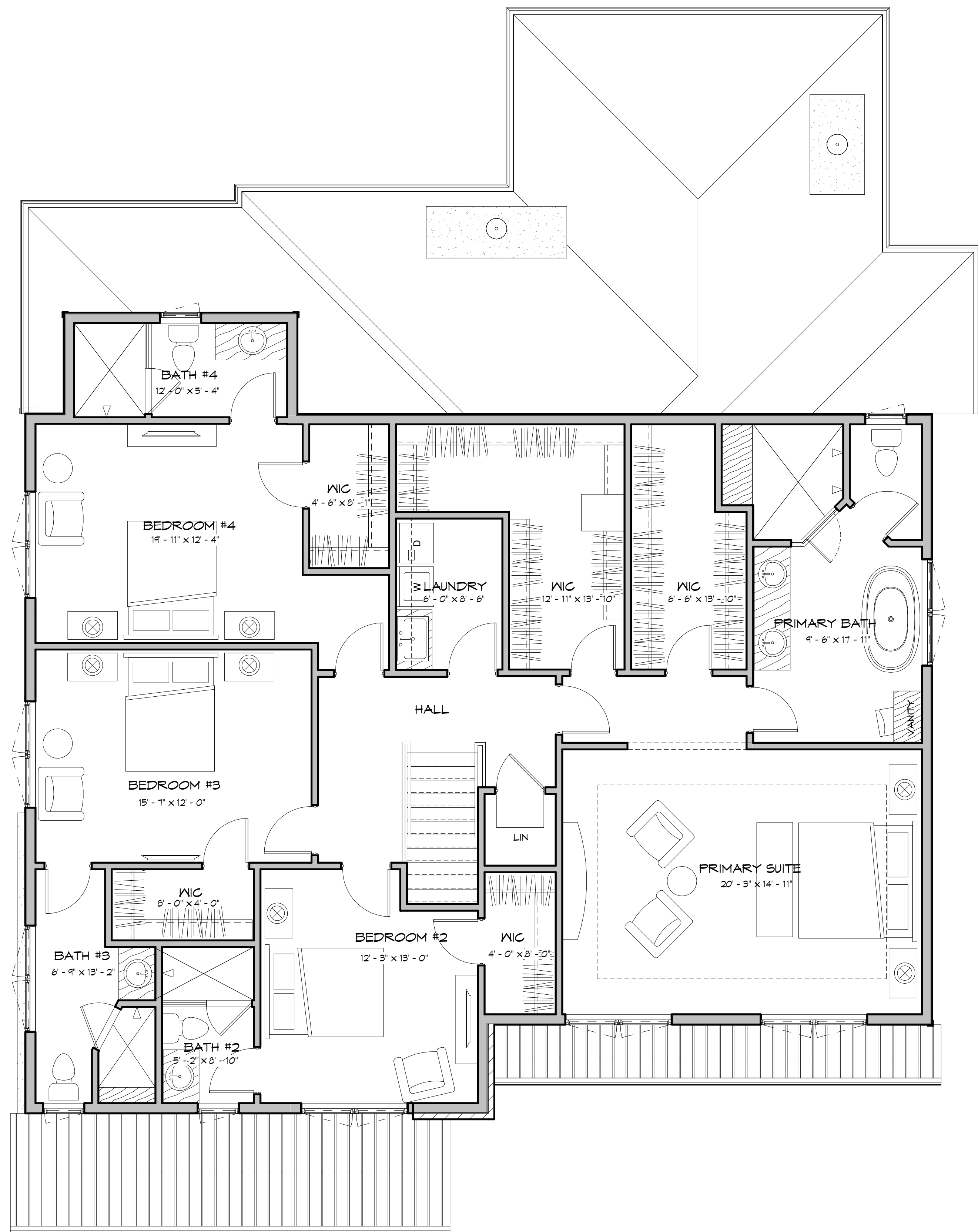




First Floor

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

FIRST FLOOR AREA: 1,589 SQFT
SECOND FLOOR AREA: 1,961 SQFT
TOTAL: 3,550 SQFT



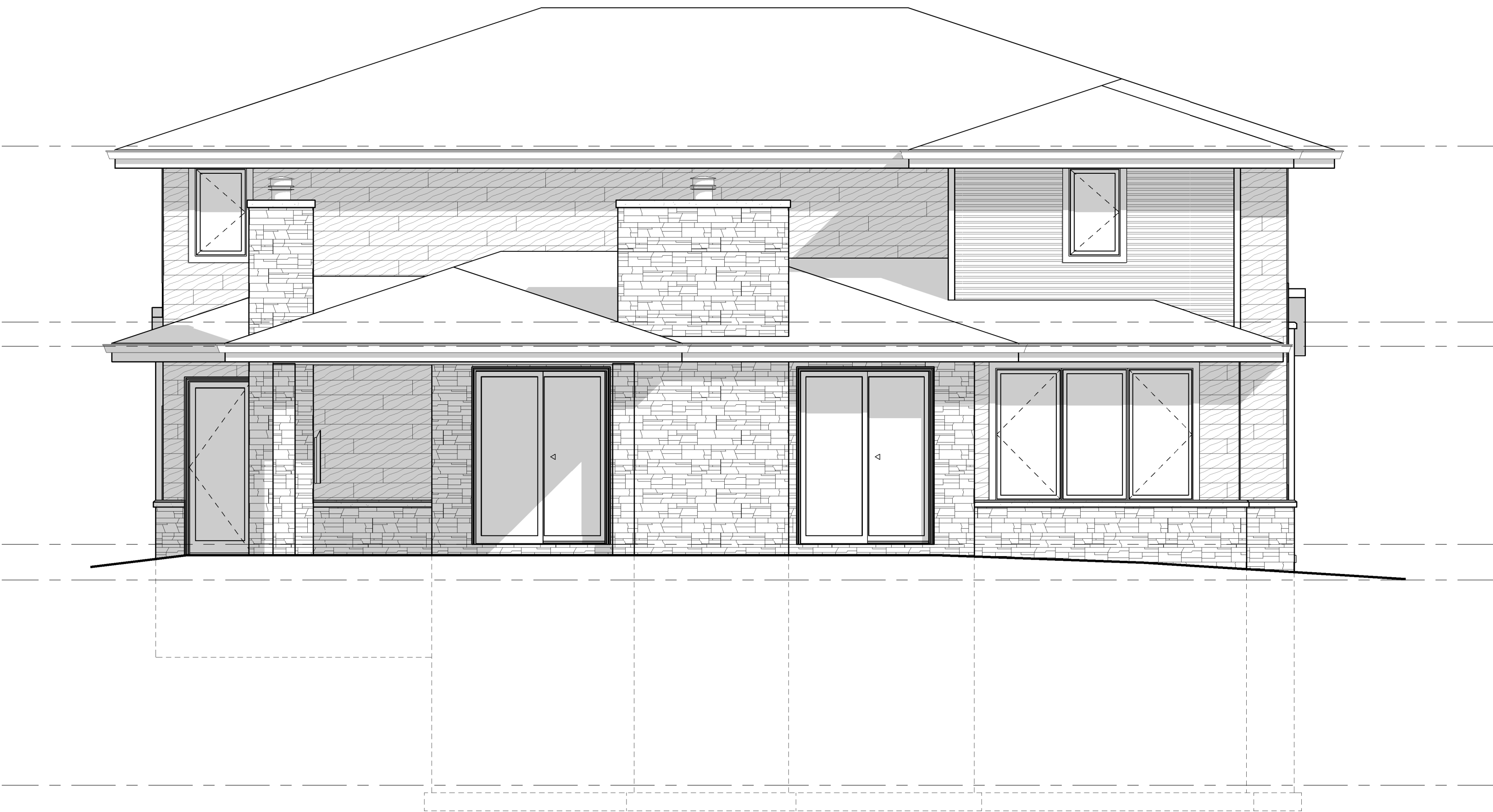
Second Floor

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



Front Elevation

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



Rear Elevation

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



Left Elevation

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



Right Elevation

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