

BIRMINGHAM BOARD OF ZONING APPEALS AGENDA

Municipal Building Commission Room
151 Martin Street, Birmingham, Michigan
March 10, 2020
7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE MINUTES

a) February 11, 2020

4. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	932 CHESTNUT	IONESCU	20-11	DIMENSIONAL
2)	295 S CRANBROOK	MASTROIANNI	20-12	DIMENSIONAL
3)	1054 SAXON	ATKINS	20-13	DIMENSIONAL
4)	1063 W SOUTHLAWN	PINE BLDG	20-14	DIMENSIONAL
5)	725 TOTTENHAM	FISCHER	20-15	DIMENSIONAL
6)	487 WILLITS	MARTIN	20-03	DIMENSIONAL
7)	1602 COLE	LUDWIG	20-16	DIMENSIONAL

5. CORRESPONDENCE

6. GENERAL BUSINESS

a) Review of the first draft of The Birmingham Plan

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

8. ADJOURNMENT

Title VI

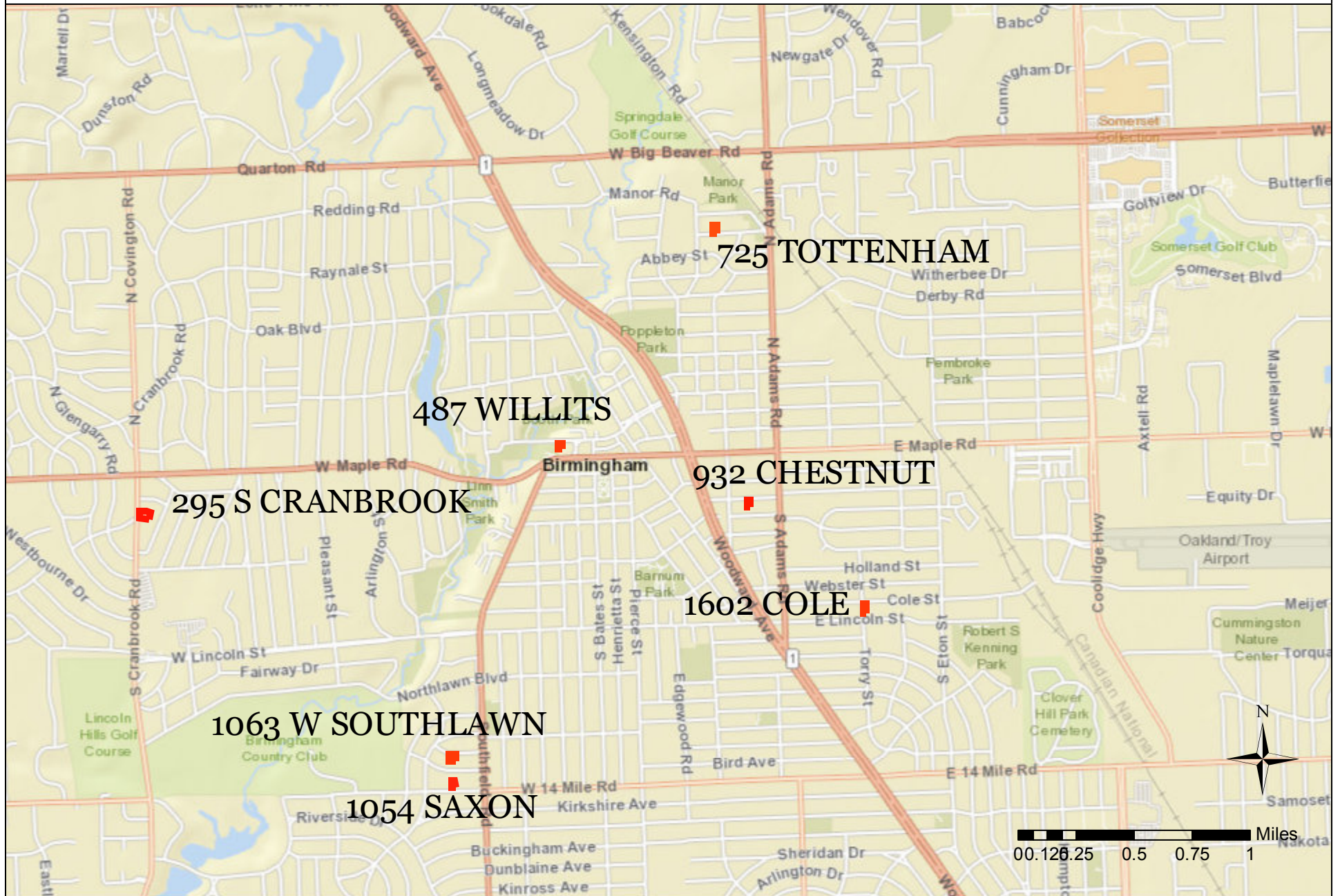
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

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

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

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

MARCH BZA MAP



BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS
TUESDAY, FEBRUARY 11, 2020
City Commission Room
151 Martin Street, Birmingham, Michigan

1. CALL TO ORDER

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, February 11, 2020. Vice-Chairman Jason Canvasser convened the meeting at 7:30 p.m.

2. ROLLCALL

Present: Board Members Jason Canvasser, Kevin Hart, John Miller, Erik Morganroth, Francis Rodriguez; Alternate Board Member Ron Reddy

Absent: Chairman Charles Lillie; Board Member Richard Lilley; Alternate Board Member Jerry Attia

Administration:

Bruce Johnson, Building Official
Mike Morad, Asst. Building Official
Jeff Zielke, Asst. Building Official
Brooks Cowan, City Planner
Laura Eichenhorn, Transcriptionist

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

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

T# 02-07-20

3. APPROVAL OF THE MINUTES OF THE BZA MEETING OF JANUARY 14, 2020

Motion by Mr. Morganroth

Seconded by Mr. Reddy to accept the Minutes of the BZA meeting of January 14, 2020 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Morganroth, Reddy, Canvasser, Hart, Miller, Rodriguez

Nays: None

T# 02-08-20

4. APPEALS

**1) 1616 Croft
Appeal 20-09**

Assistant Building Official Morad presented the item, explaining the owner of the property known as 1616 Croft was requesting the following variance to construct a second floor addition on top of an existing non-conforming home along with an addition to the first floor at the rear of the home:

A. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback of the average of the homes within 200.00 feet in each direction. The required front yard setback is 35.90 feet. The proposed is 15.10 feet. Therefore a variance of 20.80 feet is being requested.

Assistant Building Official Morad noted the home was constructed in 1949. This property is zoned R2 – Single Family Residential.

Robin Ballew, architect, was present on behalf of the appeal.

Mr. Ballew explained that he did not limit the overhangs only to the portion of the home that would not have increased the non-conformity because to do so would have prevented the home from being aesthetically pleasant and from having a cohesive feel. He explained that limiting the house to only having an overhang in the area of conformity would not likely have been the original intention of the ordinance, and that this home presents an exception to an ordinance that otherwise works for most homes in the neighborhood.

No members of the public wished to comment.

Motion by Mr. Rodriguez

Seconded by Mr. Morganroth with regard to Appeal 20-09, A. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the

side street equal to the minimum front setback of the average of the homes within 200.00 feet in each direction. The required front yard setback is 35.90 feet. The proposed is 15.10 feet. Therefore a variance of 20.80 feet is being requested.

Mr. Rodriguez moved to approve the variance because practical difficulty had been established, and to tie approval to the plans as submitted. He said the existing non-conforming home is a unique circumstance of the property, that the need for the variance is not self-created, granting the variance would not adversely affect the adjacent properties, and that the variance requested is the minimum necessary since it does not expand the existing footprint of the home.

Mr. Miller said he would support the motion because while a 20 foot variance is unusual in a front yard, this is a corner lot with unique conditions that merit the granting of the variance and does not set any precedent.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Rodriguez, Morganroth, Reddy, Canvasser, Hart, Miller

Nays: None

**2) 770 S. Adams
Appeal 20-10**

City Planner Cowan presented the item, explaining the owner of the property known as 770 S. Adams was requesting the following interpretation OR variance regarding side yard setback in the Triangle District:

A. Chapter 126, Article 3, Section 3.08(B) of the Zoning Ordinance Triangle District Overlay requires a minimum side yard setback of 10 feet for walls that contain windows. Meanwhile, **Chapter 126, Article 3, Section 3.16(C)(1)** of the Zoning Ordinance Via Activation Overlay states that side setbacks shall not be required where side lot lines adjoin a via. The subject property resides within the Triangle Overlay District and is adjacent to a public alley, therefore the property is subject to both the Triangle District Overlay standards and the Via Activation Overlay standards.

Chapter 126, Article 3, Section 3.06(C) states that the provisions of the Triangle Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence. However, **Chapter 126, Article 3, Section 3.15(C)** states the provisions of the Via Activation Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence. The applicant has requested an interpretation as to which overlay standard takes precedence in regards to side setbacks along an alley within the Triangle Overlay District and Via Overlay District.

B. Chapter 126, Article 3, Section 3.08(B) of the Triangle District Overlay standards in the Zoning Ordinance requires a minimum side yard setback of 10 feet for walls that

contain windows. The applicant has proposed a windowed side wall on the southern elevation that is setback 3'4" from the property line on the first floor, and a windowed side wall that is 2 feet from the property line on floors two through six. Therefore, a dimensional variance of 6'8" for the first floor on the southern elevation and 8 feet for floors two through six on the southern elevation has been requested.

City Planner Cowan noted the subject property is zoned B2 General Business, as well as MU-3 and MU-5 in the Triangle District Overlay. The proposed project was brought before the Planning Board on January 8th, 2020. The report presented by the Planning Division called out the side setback requirement on the southern elevation of 10 feet for walls with windows as per the Triangle Overlay District standards. The Preliminary Site Plan report considered the subject property to be adjacent to an alley and subject to the Via Activation Overlay standards as it recommends that the Planning Board consider design enhancements along the alley. It is of note that the report did not mention the setback requirements for the Via Activation Overlay District standards at the time. The Triangle Overlay District standards were approved in 2007 while the Via Activation Overlay District standards were approved in 2012.

In reply to Vice-Chairman Canvasser, City Planner Cowan said he was unsure whether the City intended the Via Activation Overlay District standards to prevail over the Triangle Overlay District standards or vice-versa.

Vice-Chairman Canvasser asked if there was any intent on the part of the City to clarify which set of standards should take precedence.

City Planner Cowan stated it would be beneficial if the City did so.

In reply to Mr. Reddy, Building Official Johnson said that conflicts in the zoning ordinance may be resolved by the Board of Zoning Appeals.

Vice-Chairman Canvasser said there were two requests before the Board in this appeal:

1. Which set of standards should take precedence in this appeal; and,
2. If the Board concurs that the Triangle Overlay District standards supercede the Via Activation Overlay District standards in this appeal, whether the requested dimensional variance should be granted.

In reply to Mr. Miller, City Planner Cowan explained the question of standard precedence was not resolved by the Planning Board in this case because the Planning Department only discussed the ten-foot setback requirement of the Triangle Overlay District standards during preliminary site plan review, and did not note that this property is also subject to Via Activation District overlay standards, which do not require a side setback.

In reply to Mr. Miller, Vice-Chairman Canvasser said that a BZA decision on standard precedence in this appeal would not set a binding precedent for future appeals. He said the Board could pass an interpretation specific to this circumstance. He also said it would be wise for the BZA to invite the Planning Board and the City to review the issue of standard precedence and to resolve the attendant ambiguity present in the zoning at this time.

Building Official Johnson agreed, saying City staff need to work with the Planning Board to resolve the ambiguity present in the zoning ordinance regarding the standard precedence question.

Rick Rattner, attorney for the appeal, reviewed the appellant's request.

In reply to Mr. Hart, Mr. Rattner explained:

- A solid wall along the alley would be more detrimental to the appeal than the proposed windows because a large blank wall go against the precepts of the Triangle Overlay District.
- The issue would be resolved if the Via Activation District standards are found to supercede the Triangle Overlay District standards in this appeal.
- Having the windows along the alley would necessitate glass that addresses any fire concerns and other design elements to make sure the building conforms to safety codes. Adhering to these requirements would present no issue for the appellant.

No members of the public wished to comment.

Motion by Vice-Chairman Canvasser

Seconded by Mr. Rodriguez with regard to Appeal 20-10, A. Chapter 126, Article 3, Section 3.08(B) of the Zoning Ordinance Triangle District Overlay requires a minimum side yard setback of 10 feet for walls that contain windows. Meanwhile, Chapter 126, Article 3, Section 3.16(C)(1) of the Zoning Ordinance Via Activation Overlay states that side setbacks shall not be required where side lot lines adjoin a via. The subject property resides within the Triangle Overlay District and is adjacent to a public alley, therefore the property is subject to both the Triangle District Overlay standards and the Via Activation Overlay standards. Chapter 126, Article 3, Section 3.06(C) states that the provisions of the Triangle Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence. However, Chapter 126, Article 3, Section 3.15(C) states the provisions of the Via Activation Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence. The applicant has requested an interpretation as to which overlay standard takes precedence in regards to side setbacks along an alley within the Triangle Overlay District and Via Overlay District. B. Chapter 126, Article 3, Section 3.08(B) of the Triangle District Overlay standards in the Zoning Ordinance requires a minimum side yard setback of 10 feet for walls that contain windows. The applicant has proposed a windowed side wall on the southern elevation that is setback 3'4" from the property line on the first floor, and a windowed side wall that is 2 feet from the property line on floors two through six. Therefore, a dimensional variance of 6'8" for the first floor on the southern elevation and 8 feet for floors two through six on the southern elevation has been requested.

Vice-Chairman Canvasser moved to approve an interpretation whereby the Via Activation Overlay District controls in this situation, thereby allowing the windows to abut the alley and negating the necessity for the Board to consider any variances. He strongly recommended to City Staff and the Planning Board that the issue of standard

precedence be studied and resolved. Vice-Chairman Canvasser stated that this BZA decision was based on the particular facts and circumstances of this appeal, and shall not be taken as a binding precedent for future BZA appeals. Vice-Chairman Canvasser concluded that an approval of this appeal would be tied to the plans as submitted.

Mr. Morganroth said that he would support this motion because having an alley with no windows contradicts the City's stated goal of activating its alleys.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Canvasser, Rodriguez, Reddy, Hart, Miller, Morganroth

Nays: None

**3) 932 Chestnut
Appeal 20-11**

Assistant Building Official Zielke presented the item, explaining the owner of the property known as 932 Chestnut requested was requesting the following variance to construct a window well in the required front open space:

A. Chapter 126, Article 4, Section 4.30(C) 4 of the Zoning Ordinance prohibits window wells to be erected in the required front open space. A window well is proposed to be constructed in the required front open space; therefore a variance to permit the window well is requested.

Assistant Building Official Zielke noted the applicant proposes to construct a window well around an existing basement window on the front of the home. The existing home was constructed in 1976. This property is zoned R2 – Single Family Residential.

Daniel Ionescu, owner, and Lee Traxler of ZLM Services were present on behalf of the appeal. Mr. Traxler reviewed the appeal for the Board.

In reply to Mr. Hart, Building Official Johnson said he could see an argument that a window well already exists on this property and this appeal only proposes to raise the grade and slope the water out to the road. He said in putting in the walls and raising the grade, however, the proposal would actually be creating the window well. Building Official Johnson said the appellant seemed to be attempting mitigation by proposing to disguise the window well as part of the porch.

Mr. Traxler told Mr. Miller the top of the drain would remain where it is currently located.

Mr. Miller said he would have liked a clear layout of the existing wall, drain, window and sidewalk, a clear layout of the proposed changes to those elements, and why those proposed changes would be necessary. He said without that documentation the Board could only speculate how high the window well retaining wall should be and if the guard rail is required. While acknowledging that this lot had a unique condition, Mr. Miller emphasized that City zoning

regularly aims to avoid window wells in front yards. Mr. Miller said the appeal seemed well thought out, but that without line drawings of the present and proposed conditions he could not determine the appeal's necessity.

Michael Heilman, resident of Forest Street, said he wanted to do a window well on his property and noted that the most recent revisions to the Building Officials and Code Administrators (BOCA) National Code require a means of egress from basements. Mr. Heilman said he was in support of Mr. Ionescu's appeal, that he could not understand why the Board found window wells in front yards objectionable, and that the City's prohibition on window wells in front yards needs to be revisited.

Vice-Chairman Canvasser explained that the ordinance that prohibits window wells in front yards, not the Board.

Mr. Heilman said he understood, and that he was asking the BZA to revisit the matter.

Mr. Morganroth said that if window wells were prohibited on all sides of a home, that would present a practical difficulty. He noted that the ordinance allows window wells on all sides of a home except for the front, however, which makes it much more difficult to explain why putting a window well in the front yard is a necessity.

Mr. Heilman said he could not understand why an eight to ten foot porch into the front yard setback is not a problem, but a hole in the ground would be. He said he understood that to be the case in City ordinance, and asked the BZA again to consider the matter for review.

Assistant Building Official Zielke confirmed for Mr. Hart that the window being requested as part of this appeal is not an egress window.

After discussion, the Board concurred they would like to have more documentation from the applicant regarding the grade, the flow of water, where the drain would be located, whether the drain could be lowered, and whether the same results could be achieved without creating a well prohibit by the ordinance.

Vice-Chairman Canvasser advised the appellant that they could elect to return with the requested documentation, or could ask the Board to presently proceed with a vote on the appeal. Vice-Chairman Canvasser reminded the appellant that he would need four affirmative votes from Board members, that there were only six Board members present, and that a number of Board members had already expressed that they did not feel they had enough information to render a decision.

Mr. Ionescu said he would like consideration of Appeal 20-11 to be adjourned to the March 2020 BZA meeting, saying he would return with more information.

Motion by Mr. Reddy

Seconded by Vice-Chairman Canvasser with regard to Appeal 20-11, A. Chapter 126, Article 4, Section 4.30(C) 4 of the Zoning Ordinance prohibits window wells to be erected in the required front open space. A window well is proposed to be constructed

in the required front open space; therefore a variance to permit the window well is requested.

Mr. Reddy moved to adjourn consideration of Appeal 20-11 to the regularly scheduled March 2020 BZA meeting, at which time the appellant would provide more information with regards to the Board's questions regarding grade, efficacy of the solution proposed, and whether any other solution would equally well without requiring a variance.

Motion carried, 6-0.

Yeas: Reddy, Canvasser, Rodriguez, Hart, Miller, Morganroth
Nays: None

T#02-09-20

5. CORRESPONDENCE (included in agenda)

T# 02-10-20

6. GENERAL BUSINESS

Building Official Johnson asked the Board members to review the draft master plan and to be prepared to give BZA-related comments regarding the draft's contents during the March 2020 BZA meeting. He explained that discussion would be open to public comment as well. He advised the Board members that he was providing them with a hard copy of highlights from the draft, and that a full version of the draft could be found at thebirminghamplan.com.

Building Official Johnson also noted that the Board members were being provided with a hard copy of the new zoning ordinance. He recommended the Board members view the online version of the zoning ordinance as well, saying it had been optimized to provide a much more user-friendly experience than the previous version.

T# 02-11-20

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

No members of the public wished to comment.

T# 02-12-20

8. ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 8:47 p.m.

Bruce R. Johnson, Building Official

CASE DESCRIPTION

932 CHESTNUT (20-11)

Hearing date: March 10, 2020

Appeal No. 20-11: The owner of the property known as 932 Chestnut, requests the following variance to construct a window well in the required front open space:

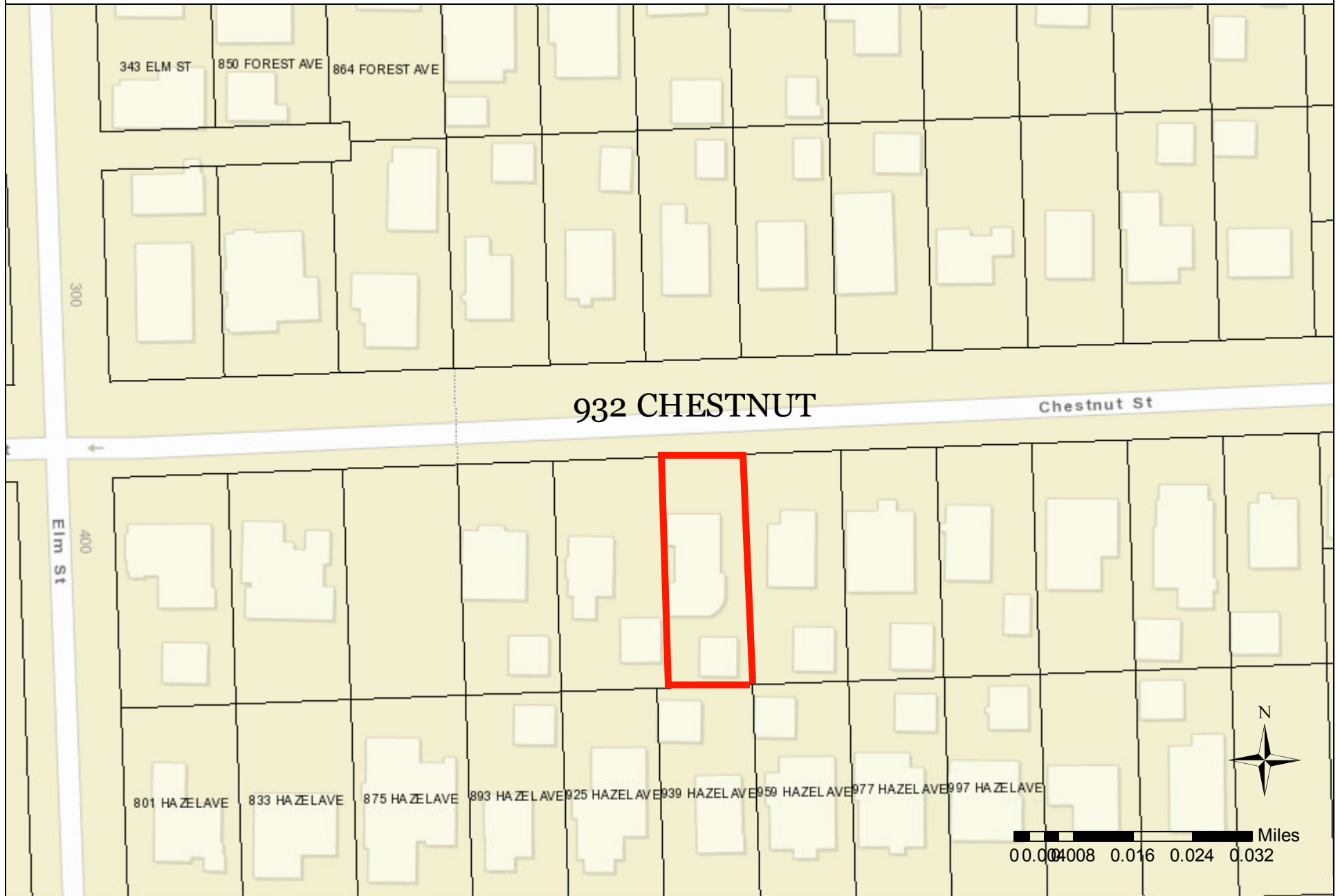
A. Chapter 126, Article 4, Section 4.30(C) 4 of the Zoning Ordinance prohibits window wells to be erected in the required front open space. A window well is proposed to be constructed in the required front open space; therefore a variance to permit the window well is requested.

Staff Notes: This appeal was before the board last month and was tabled until this month. The applicant has proposed a window well around an existing basement window on the front of the home. The existing home was constructed in 1976.

This property is zoned R2 – Single Family Residential.

Jeff Zielke, LEED AP
Assistant Building Official

932 CHESTNUT 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: 1-13-20
Received By: BM

Hearing Date: 2-11-20
Appeal #: 20-11

Type of Variance:	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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I. PROPERTY INFORMATION:		
Address: <u>932 Chestnut St</u>	Lot Number:	Sidwell Number:

II. OWNER INFORMATION:			
Name: <u>Don Ionescu</u>			
Address: <u>932 Chestnut St</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>msm211@hotmail.com</u>		Phone: <u>517-256-2919</u>	

III. PETITIONER INFORMATION:			
Name:		Firm/Company Name:	
Address:		City:	
Email:		State:	
		Zip code:	
		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.

Signature of Owner: _____

Date: 12-25-2019

Signature of Petitioner: _____

Date: 1-13-20

Revised 12/12/2018



CITY OF BIRMINGHAM
Date 01/13/2020 4:15:08 PM
Ref 00165894
Receipt 520917
Amount \$360.00

Bringing in Boards.

To whom it may concern,

My current home at 932 Chestnut had a sloping, downgrade front yard that not only made it impossible to easily be cared for, landscaped or be visually appealing but most importantly caused water damage and infiltration into the basement and foundation. In the 5 years I have owned the house I noticed each year the soil kept eroding more and the grade kept increasing. I have hired ZLM to rectify the situation by building a retaining wall to prevent further damage to the property and keep the soil from moving. Not to mention greatly improve the curb appeal.

There was an existing drain already in place that was constantly collecting debris. It was my understanding that egress windows in the front of the house are not permitted. I do however also have been told that a front porch 8ft out from the house is permitted. These existing windows are not for egress and a rail for safety purpose on the retaining wall would conclude this area as a non-functioning front porch as well as let light into my daylight windows.

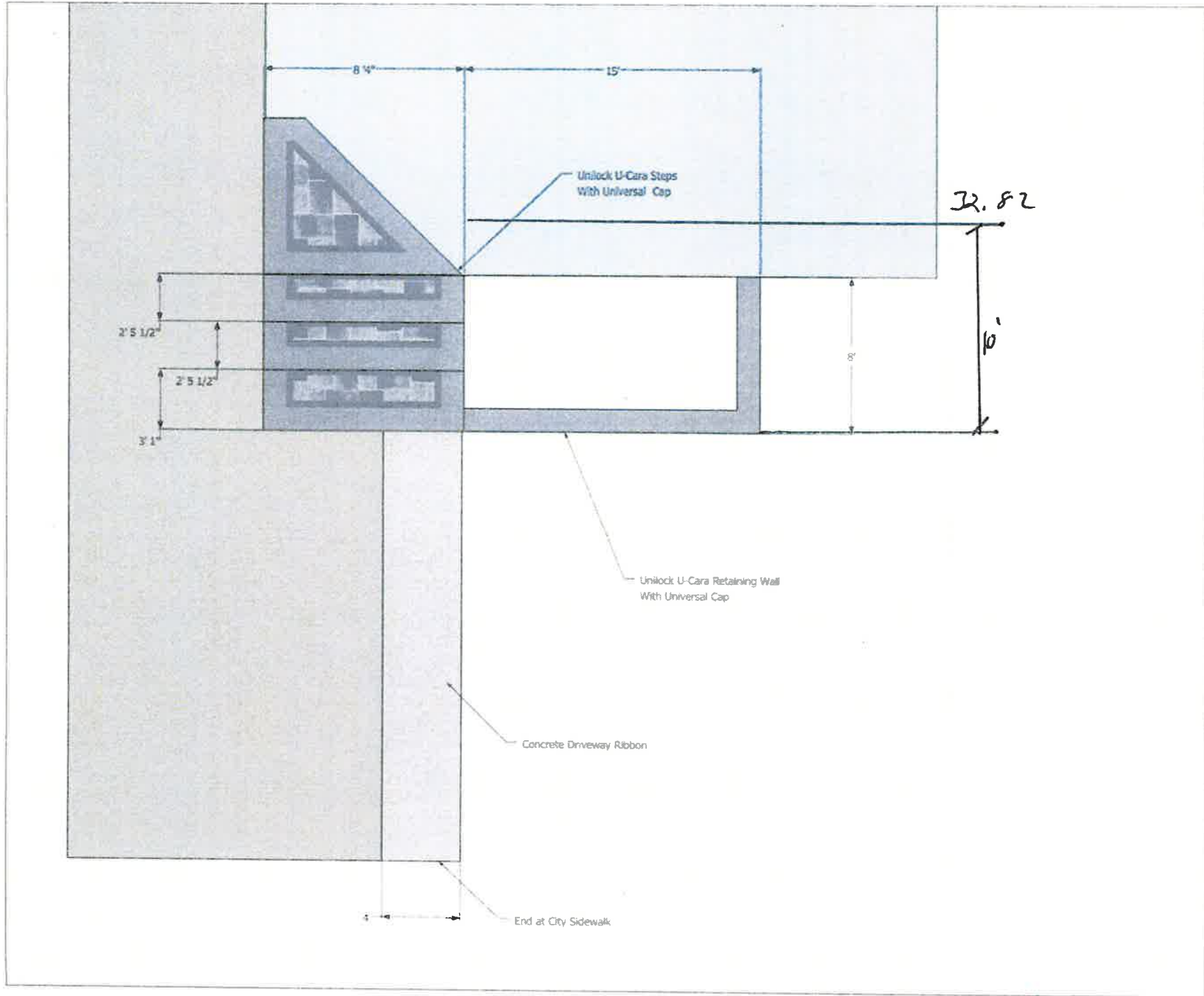
The existing drain was not able to be moved any closer to the house and is now working properly with the retaining wall. This greatly reduces the water that the lower area and drain must handle. It also virtually eliminates all the debris eroding from under the front porch and front yard into the house windows.

I do not see another way to solve the problem for this structure. I am asking for this to be an acceptable solution as a railed off non functioning porch.

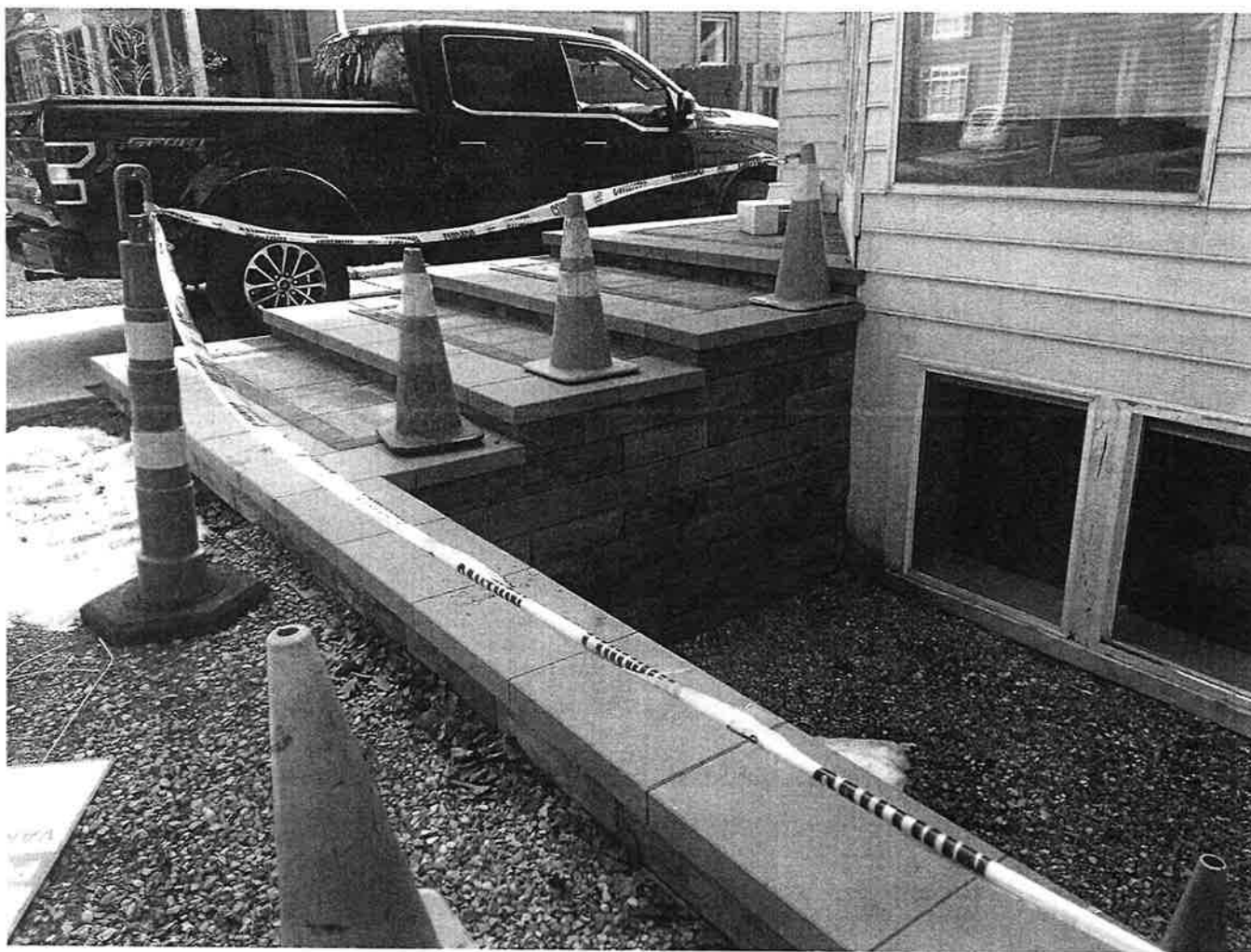
Thank you for your consideration.

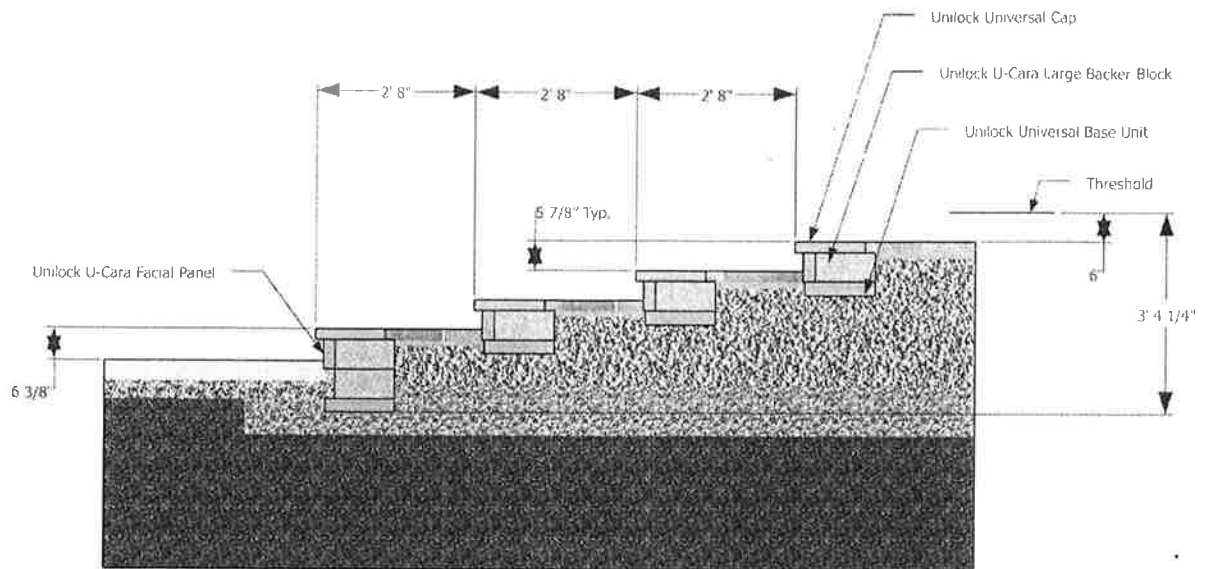
Respectfully submitted,
Dan Ionescu

A handwritten signature in blue ink, appearing to read 'Dan Ionescu', with a stylized, flowing script.

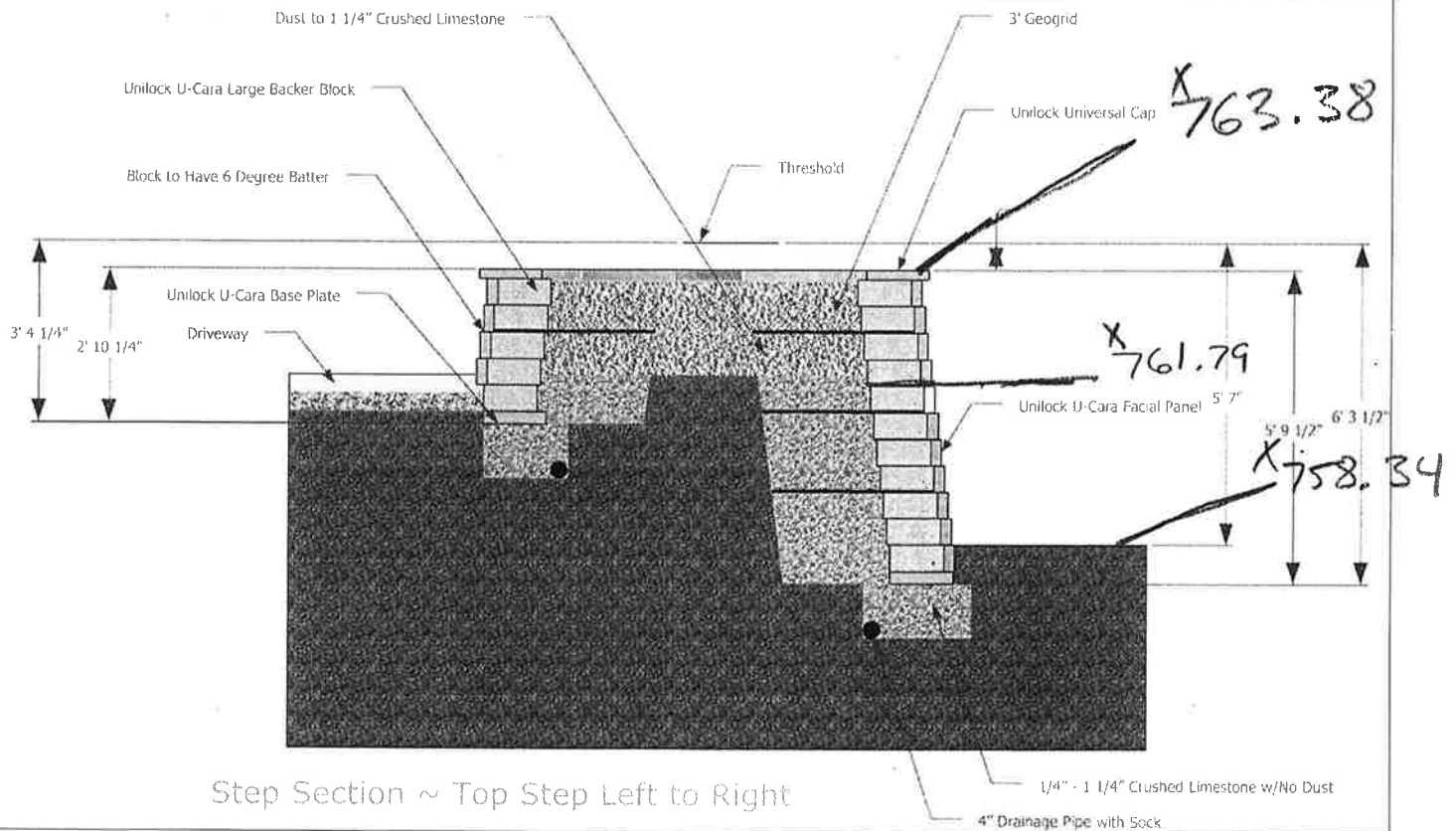




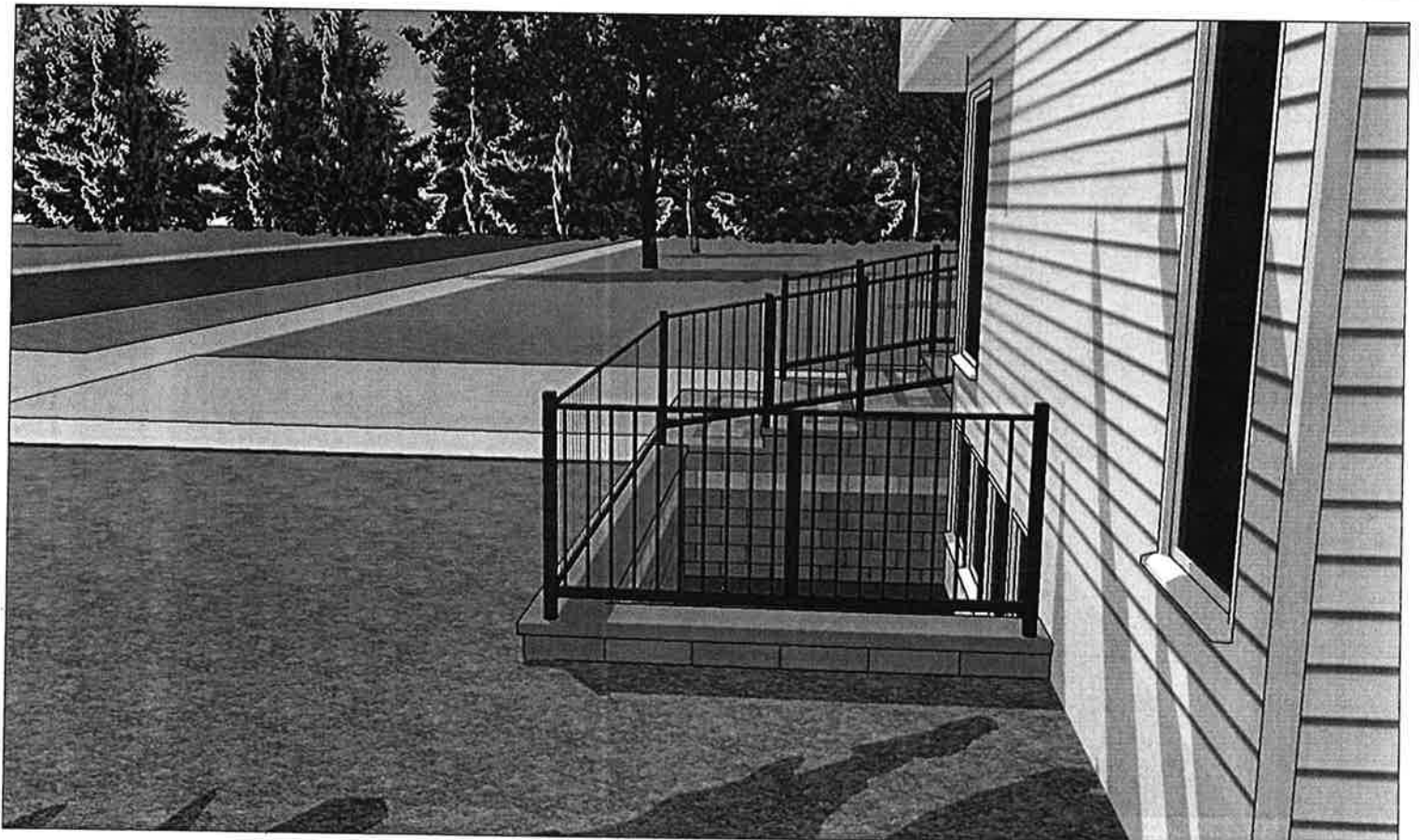
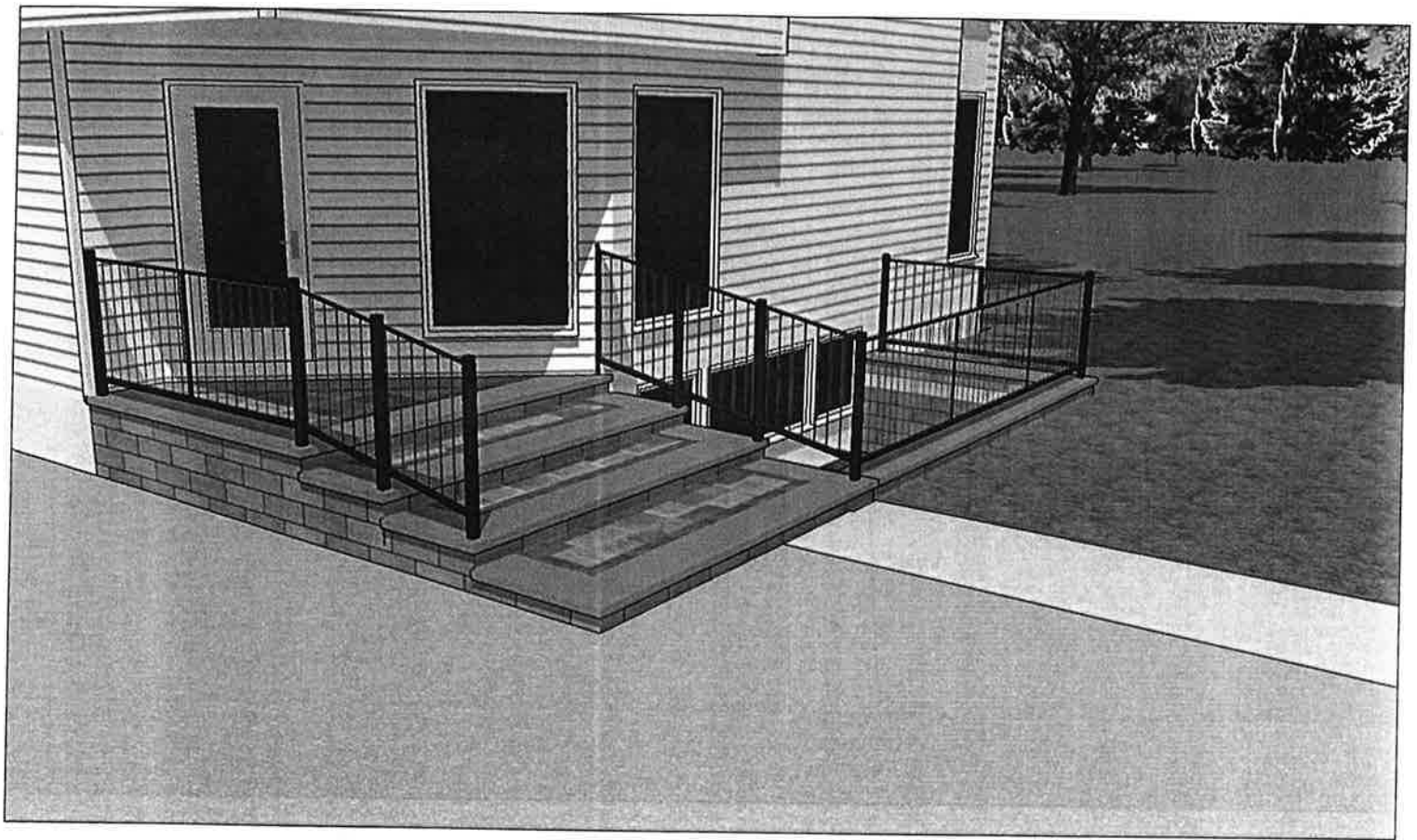




Step Section ~ Front to Back



Step Section ~ Top Step Left to Right



ZLM
SERVICES, LLC.

Customer Name:
932 Chestnut

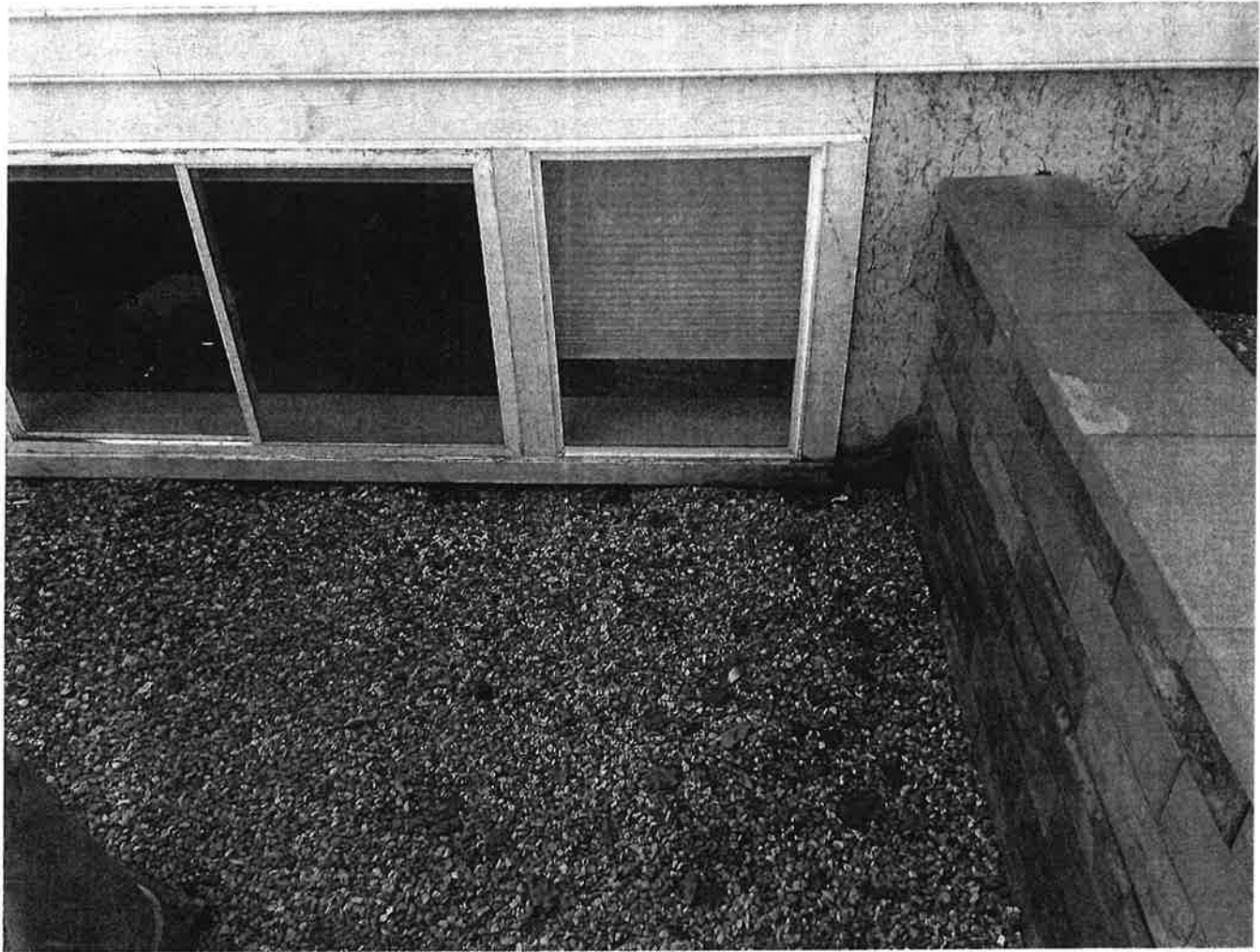
WARNING: Drawings are designs only. These are NOT engineered drawings. For personal use only. Reproduction or distribution of designs without prior written authorization strictly prohibited. Violators will be prosecuted.

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ZLM Services • 51343 Oro Rd., Shelby Township, MI 48315

page no.

02









CASE DESCRIPTION

295 S. Cranbrook (20-12)

Hearing date: March 10, 2020

Appeal No. 20-12: The owner of the property known as 295 S. Cranbrook, requests the following variance to construct a second floor addition to an existing non-conforming home:

A. Chapter 126, Article 4, Section 4.75(A)1 of the Zoning Ordinance requires that a private, attached, single-family residential garage must be setback a minimum of 5 feet from the portion of the front facade on the first floor of a principal residential building that is furthest setback from the front property line. The existing and proposed is 4.30 feet forward of the front facade. Therefore, a variance of 9.30 feet is being requested.

Staff Notes: The applicant is requesting to maintain the existing garage that was constructed 1959. The applicant has a current permit to construct the second floor addition to this home, which the existing garage was proposed to be converted living space. but due to the limitations to add a new attached garage. They are requesting to maintain the current garage as it exists.

This property is zoned R1 – Single Family Residential.

Jeff Zielke, LEED AP
Assistant Building Official

295 S CRANBROOK 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: 1-29-20

Hearing Date: 3-10-20

Received By: BW

Appeal #: 20-12

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

Address: <u>295 S. CRANBROOK</u>	Lot Number:	Sidwell Number: <u>081935102003</u>
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II. OWNER INFORMATION:

Name: <u>FRANK A. MASTROIANNI</u>			
Address: <u>26536 ANCHORAGE CT</u>	City: <u>NOVI</u>	State: <u>MI</u>	Zip code: <u>48374</u>
Email: * <u>FMASTROIANNI55@GMAIL.COM</u>		Phone: <u>313-790-3384</u>	
<u>248-912-5512</u>			

III. PETITIONER INFORMATION:

Name: <u>FRANK A. MASTROIANNI</u>		Firm/Company Name: <u>OWNER</u>	
Address: <u>26536 ANCHORAGE CT</u>	City: <u>NOVI</u>	State: <u>MI</u>	Zip code: <u>48374</u>
Email: <u>SAME ABOVE</u>		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: [Signature] Date: 1/28/20

Signature of Petitioner: [Signature] Date: 1/28/20



CITY OF BIRMINGHAM
Date: 01/29/2020 3:41:47 PM
Ref: 00166326
Receipt # 523407
Amount: \$360.00

Has sign. BW
Date: 1/29/20

January 28, 2020

Frank Mastroianni
26536 Anchorage Ct.
Novi, MI 48374

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

To Whom This May Concern:

I, Frank Mastroianni, own the property at 295 S. Cranbrook, Birmingham, MI. When I purchased my home on March 1, 2019, I investigated and did my due diligence that I could build-up adding a second story for additional living space.

I designed plans with my architect and submitted them to the City for approval of the remodeling project. Upon submitting the plans and the City's review, I was told that I could not maintain the existing attached garage as it was when I purchased it. It was brought to my attention that the existing attached garage was non-conforming.

When the existing home was built the hardship was created due to the location. Trying to build a new attached garage beyond the current existing attached garage would require variances and would be more egregious than what I am currently requesting. The current attached garage requires a variance of a 9³/₁₆ setback to require me to maintain the current attached garage as is. Please be mindful that this variance would not change any current setback.

I am also requesting a variance if required, for a two column gable roof overhang porch extension per the attached plan. This will not change the masonry existing porch design or steps. This will just add a gable overhang extension off of the existing porch to protect the entrance.

In closing, I greatly appreciate your time in addressing this ZBA request. I would greatly appreciate an approval for the above variances, and I think we can all agree that the final design and construction of the completed home will be an asset to the City of Birmingham.

Thank you for your time and efforts.

Sincerely



Frank Mastroianni

CASE DESCRIPTION

1054 Saxon (20-13)

Hearing date: March 10, 2020

Appeal No. 20-13: The owner of the property known as 1054 Saxon, requests the following variances to construct a second floor addition to an 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 16.75 feet. The existing and proposed total is 14.00 feet. Therefore, a variance of 2.75 feet is being requested.
- B. Chapter 126, Article 2, Section 2.08.2** of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing and proposed is 4.80 feet. Therefore, a variance of 0.20 feet is being requested.
- C. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. The required distance is 16.75 feet. The existing and proposed is 14.80 feet. Therefore, a variance of 1.95 feet is being requested on the West side.
- D. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. The required distance is 16.75 feet. The existing and proposed is 15.20 feet. Therefore, a variance of 1.55 feet is being requested on the East side.
- E. Chapter 126, Article 4, Section 4.75(A)1** of the Zoning Ordinance requires that a private, attached, single-family residential garage must be setback a minimum of 5 feet from the portion of the front facade on the first floor of a principal residential building that is furthest setback from the front property line. The existing and proposed is 4.90 feet forward of the front facade. Therefore, a variance of 9.90 feet is being requested.

Staff Notes: The applicant is requesting to construct a second floor addition to the existing non-conforming home that was constructed in 1959.

This property is zoned R2 – Single Family Residential.

1054 SAXON 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: 2-10-20

Received By: BM

Hearing Date: 3-10-2020

Appeal #: 20-13

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

Address: <u>1054 SAXTON</u>	Lot Number:	Sidwell Number:
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II. OWNER INFORMATION:

Name: <u>Charles Atkins</u>			
Address: <u>1054 Saxton</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48012</u>
Email:	Phone:		

III. PETITIONER INFORMATION:

Name: <u>Pauli Kurtz</u>		Firm/Company Name: <u>Set IN Stone</u>	
Address:	City: <u>Richmond</u>	State: <u>MI</u>	Zip code: <u>48062</u>
Email: <u>Sisbirdse@yahoo.com</u>	Phone: <u>586-231-0095</u>		

IV. GENERAL INFORMATION:

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

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

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

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: Charles W Akers

Signature of Petitioner: [Signature]

Date: 01/13/2020

Date:



CITY OF BIRMINGHAM
Date 02/10/2020 12:19:19 PM
Ref 00167610
Receipt # 525403
Amount \$360.00

Date: 2 - 10 - 2020

LETTER OF HARDSHIP FOR THE PROPERTY :

1054 Saxton

Birmingham , Mi.

Owner : Charles Atkins

The owner of 1054 Saxton would like to add an addition to his house there is no room on his site to add a couple of bedrooms, Adding above the garage will make the bedroom addition possible. The problem is the attached garage is out of compliance ,which makes the garage a hardship because of its location on the site.

The existing garage is attached to the house, the addition above the garage would be attached to the house , which makes it work well with the existing upper level.

The variances we are asking for are as follows :

1. The distance between dwellings , required 25% of width of property.
.25 x 67 ft = 16.75ft.
existing distance is 15.2' we are asking for a 1.55 ft variance
2. Side yard min. setback is 5 ft. existing is 4.3 ft. asking for .7 ft. variance.
3. Front of garage is required to set back 5 ft from front of house, it exist at 4.9 ft. in front of existing house. asking for a 9.9 ft. variance .
4. Side yard combo set back required 16.75 ft. existing is 14 ft. asking for 2.75 ft. variance

The home owner is asking for these variances so he can add the bedrooms upstairs over the garage, the hardship of the existing garage makes the project not work.



2-11-20

CASE DESCRIPTION

1063 W. Southlawn (20-14)

Hearing date: March 10, 2020

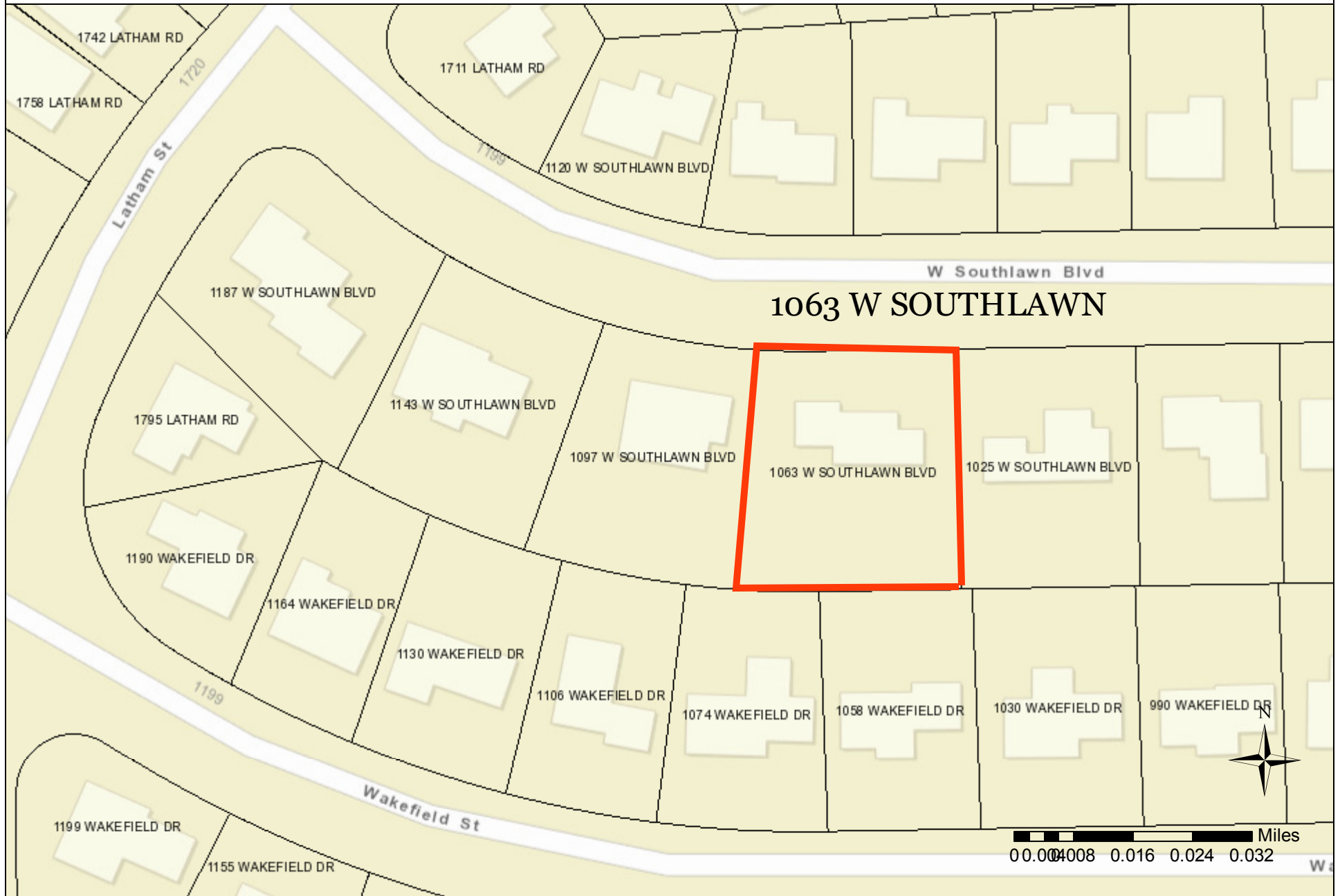
Appeal No. 20-14: The owner of the property known as 1063 W. Southlawn, requests the following variances to construct a two-story rear addition along with renovations to an existing non-conforming home:

- A. Chapter 126, Article 2, Section 2.08** of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 32.51 feet. The existing and proposed is 29.77 feet. Therefore a 2.74 foot variance is being requested.
- B. Chapter 126, Article 4, Section 4.75(A)(1)** of the Zoning Ordinance requires attached garages that face the street must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The existing and proposed garage is 15.25 feet in front of the furthest front facade. Therefore a variance of 20.25 feet is being requested.
- C. Chapter 126, Article 4, Section 4.75(A)(2)** of the Zoning Ordinance requires attached garages that face the street may not have garage doors exceed 9.00 feet in width. The existing and proposed is 16.00 foot. Therefore a variance to maintain the existing is being requested.

Staff Notes: The applicant is seeking variances to construct a two story rear addition to the existing home that was constructed in 1948.

This property is zoned R2 – Single Family Residential.

1063 W. SOUTHLAWN MAP



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 3-11-20
 Received By: BM

Hearing Date: 3-10-20
 Appeal #: 20-14

Type of Variance:	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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I. PROPERTY INFORMATION:		
Address: <u>1063 W. Southlawn</u>	Lot Number:	Sidwell Number:

II. OWNER INFORMATION:			
Name: <u>Fred & Susan Cusimano</u>			
Address: <u>1063 W. Southlawn</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>f.j.cusimano@gmail.com</u>		Phone: <u>(248) 766-0334</u>	

III. PETITIONER INFORMATION:			
Name: <u>Pine Building Co., Inc.</u>		Firm/Company Name: <u>Pine Building Co., Inc.</u>	
Address: <u>31811 Middlebelt Rd. #201</u>	City: <u>Farm. Hills</u>	State: <u>MI</u>	Zip code: <u>48334</u>
Email: <u>pine@pinebuilding.com</u>		Phone: <u>(248) 539-9600</u>	

IV. GENERAL INFORMATION:

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

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

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

V. REQUIRED INFORMATION CHECKLIST:	
<input type="checkbox"/> One original and nine copies of the signed application <input type="checkbox"/> One original and nine copies of the signed letter of practical difficulty and/or hardship <input type="checkbox"/> One original and nine copies of the certified survey <input type="checkbox"/> 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations <input type="checkbox"/> If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting	<div style="border: 2px solid red; padding: 10px; display: inline-block;"> RECEIVED FEB 11 2020 CITY OF BIRMINGHAM COMMUNITY DEVELOPMENT DEPARTMENT </div>

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: <u>[Signature]</u>	Date: <u>2/5/20</u>
Signature of Petitioner: <u>[Signature]</u>	Date: <u>12/27/20</u>

Barry is back.



31811 Middlebelt Road, Suite 201
Farmington Hills, MI 48334

t 248.539.9600
e pine@pinebuilding.com

pinebuilding.com

February 5, 2020

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

Dear Board Members:

We come before you to request three variances to a non-conforming existing home.

The three requested variances are to allow for the homeowner to erect a 2-story rear addition off the existing attached garage. The variances requested would provide additional living space for the homeowners and their four children. Strict compliance would unreasonably prevent the homeowners from using the property for the intended purpose and would be unnecessarily burdensome.

Please note the homeowners did not create the three requested variances. The property is non-conforming.

We ask that you grant us the variance for the overhead garage door. The homeowner currently has a single 16' overhead door that they were not planning on replacing. Other neighbors that have front facing garages that have added additions recently maintain only one 16' wide overhead door.

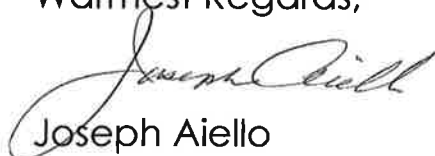
The variances are necessary for the preservation and enjoyment of a substantial property rights like that enjoyed by other properties in the same zoning district and in the vicinity.

Granting the variances will not result in a detriment to nearby properties and will not impair the adequate supply of light and air to adjacent properties and will not impair the property values in surrounding areas and will not cause public health or safety concerns.

In conclusion, we ask the board to grant the three requested variances to the non-conforming existing structure that was not self-created, would not be deleterious to the surrounding property owners and a lesser relaxation would prevent the homeowners from using the property for the intended purpose.

Thank you for your consideration.

Warmest Regards,



Joseph Aiello
President

CASE DESCRIPTION

725 Tottenham(20-15)

Hearing date: March 10, 2020

Appeal No. 20-15: The owner of the property known as 725 Tottenham, requests the following variances to construct a second floor addition to an existing non-conforming home:

- A. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 36.80 feet. The existing and proposed is 31.60 feet. Therefore a 5.20 foot variance 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 16.25 feet. The existing and proposed total is 14.25 feet. Therefore, a variance of 2.00 feet is being requested.
- C. Chapter 126, Article 4, Section 4.75(A)(1)** of the Zoning Ordinance requires attached garages that face the street must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The existing and proposed garage is 8.40 feet in front of the furthest front facade. Therefore a variance of 13.40 feet is being requested.
- D. Chapter 126, Article 4, Section 4.75(A)(2)** of the Zoning Ordinance requires attached garages that face the street may not have garage doors exceed 9.00 feet in width. The existing and proposed is 16.00 foot. Therefore a variance to maintain the existing is being requested.

Staff Notes: The applicant is requesting variances to maintain the existing non conformities of the home that was construction in 1954.

This property is zoned R1 – Single Family Residential.

725 TOTTENHAM 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: 2-11-20

Hearing Date: 3-10-20

Received By: BM

Appeal #: 20-15

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

Address: 725 TOTTENHAM ROAD Lot Number: 41 Sidwell Number: _____

II. OWNER INFORMATION:

Name: CAROLYN AND CHRIS FISCHER
 Address: 725 TOTTENHAM ROAD City: BIRMINGHAM State: MI Zip code: 48009
 Email: CLFISCHER18@GMAIL.COM Phone: 248.613.2482

III. PETITIONER INFORMATION:

Name: JOHN VAN BROUCK Firm/Company Name: VAN BROUCK ASSOCIATES
 Address: 360 HAMILTON ROAD City: BIRMINGHAM State: MI Zip code: 48009
 Email: KDHARCHIE@AOL.COM Phone: 248.876.4233

IV. GENERAL INFORMATION:

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Variance Chart Example				
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- 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

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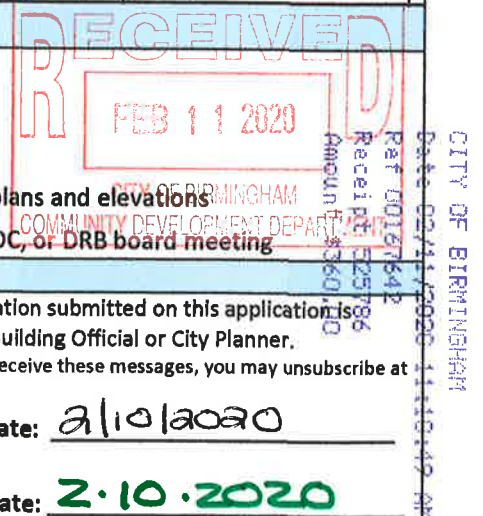
*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: Carolyn Fischer

Date: 2/10/2020

Signature of Petitioner: John Van Brouck
 PER K.H.

Date: 2.10.2020



John VanBrouck
LUXE Homes Design + Build
360 Hamilton Row
Birmingham, Michigan 48009

February 10, 2020

City of Birmingham Board of Zoning Appeals
151 Martin Street
Birmingham, Michigan 483009

Subject: Fischer Residence-725 Tottenham Road

Dear Members of the Board,

The Fischer Family currently lives in an existing non-conforming home located at 725 Tottenham Road in Birmingham. The home was originally built in the 1940's and its construction preceded the existing ordinance by several decades. The current house is a legal, non-conforming structure with encroachments of 5.2 feet into the South front 36.8 foot front setback, and 1.42 feet into the West 10.17 foot side yard setback.

Carolyn and Chris Fischer are proposing to build an austere 573 square foot addition to their home. The first floor addition would include a storage area and a new mudroom off of the back of the existing garage. The second floor addition would include a bonus room, laundry room and study area, above the existing garage. The proposed construction will not extend beyond the current lines of structure. The design sensibly stacks the new walls over the existing walls seamlessly. It was determined that the existing front garage roof might be compromised with the new construction of the room above. We might be able to build this new section without compromising the existing, but as a precaution, we are requesting this front variance to cover any re-construction effort if necessary. The existing garage south wall and 16 foot roll-up garage door will remain. The new square footage will be built within the required front setback area.

The unique circumstance for the house is its age. The home is an existing, non-conforming structure. The non-conformity was not self created. The proposed addition is a sensible approach enlarging the structure without adverse effects on the neighboring properties. Forcing the homeowners to adhere to the side yard setback requirement would create an undue hardship with a complicated structure that would require an expensive, disjointed and unseemly geometry. The proposed addition would be harmonious to the existing structure and would appear to have been part of the original construction. The work will be attractive to the homeowners and to the neighbors.

The Fischer Family respectfully requests relief from the 10.17 foot North Side Yard Dimensional Setback requirement with a variance of 1.92 feet. They are requesting relief from the garage facing front façade setback of 44.87 feet with a variance of 8.07 feet. A 5.25 foot variance for altering existing construction is also included in this request.

Please feel free to contact me if you have any questions.

Thank you.

Sincerely,

John VanBrouck

LOT 20

LOT 21

LOT 22

GARAGE
WOOD

GARAGE
BRICK

N 87°34'14" E
65.00'

4' WOOD
FENCE

6' WOOD
FENCE

LOT 40

ASPHALT

LOT 42

LOT 41

6' WOOD
FENCE

GARAGE
G.F.: 773.33

#709
BRK. & WD.
HSE. W/ BSMT.
F.F.: 774.15

N 00°49'52" W
140.00'

BRICK
PVR.

#725
EX. 2 STY
BRK. & WD.
HSE. W/ BSMT
F.F. 775.75

GARAGE
G.F.: 775.04

#747
BRK. & WD.
HSE. W/ BSMT.
F.F.: 777.34

1st & 2nd
Floor
Addition

Garage Setback
G.F. 774.48

CONC.
DRIVE

2nd Floor
Addition over
Ex Garage

BRICK
PAVERS

ASPH

CONC.

EDGE OF
GRAVEL

GRAV.

ON-SITE
BM

ASPH.

65.00'

ASPH.

F.I.R.

EDGE OF
ASPHALT

BM#2
MAG NAIL IN N. FACE
ELEV.: 775.10 BIRMINGHAM DATUM

CB BEEHIVE
RIM: 774.48
12" S IE 772.18

SAN MH
RIM: 767.32
12" E IE 759.22
12" W IE 759.02
12" S IE 761.12

STM MH
RIM: 775.21
12" N IE 771.53

TOTTENHAM RD.
(ASPH. PAVT. 50' WD.)

CASE DESCRIPTION

487 Willits (20-03)

Hearing date: March 10, 2020

Appeal No. 20-03: The owner of the property known as 487 Willits, requests the following variance to reconstruct an existing non-conforming accessory structure:

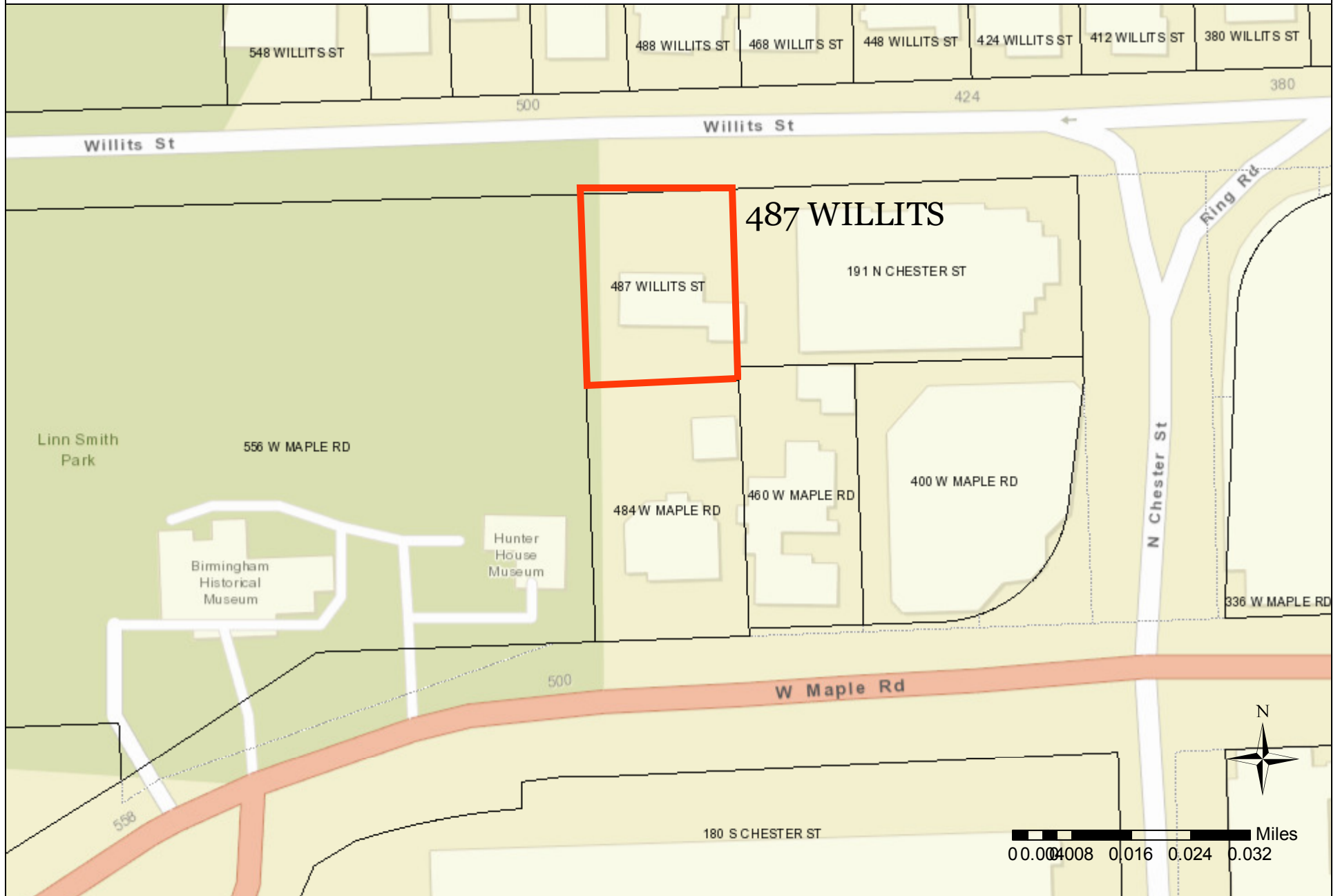
A. Chapter 126, Article 4, Section 4.03(D) of the Zoning Ordinance requires accessory structures shall not be closer than 10.00 feet to the principal building located on the same lot. The existing and proposed is 4.40 feet. Therefore a variance of 5.60 feet is being requested.

Staff Notes: The applicant request this variance to reconstruct an existing accessory structure from 1910. The placement of it in relation to the existing home does not meet the current zoning ordinance. This location is Historic and the reconstruction has been approved by the HDC on November 6th 2019. (Minutes attached)

This property is zoned R3 – Single Family Residential.

Jeff Zielke, LEED AP
Assistant Building Official

487 WILLITS 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: 12-12-19

Hearing Date: 1-14-20

Received By: BM

Appeal #: 20-03

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: 487 WILLITS STREET	Lot Number:	Sidwell Number:
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II. OWNER INFORMATION:

Name: SUSAN MARTIN			
Address: 487 WILLITS STREET	City: BIRMINGHAM	State: MI	Zip code: 48009
Email: *		Phone: 248 705-1433	

III. PETITIONER INFORMATION:

Name: (ABOVE)	Firm/Company Name:		
Address:	City:	State:	Zip code:
Email:	Phone:		

IV. GENERAL INFORMATION:

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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

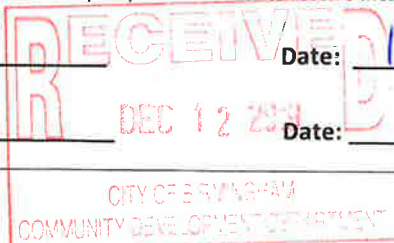
VI. APPLICANT SIGNATURE

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: *Susan Martin* Date: 12-11-19

Signature of Petitioner: _____ Date: _____



CITY OF BIRMINGHAM
Date: 12/13/2019 8:02:09 AM
Ref: 00145284
Receipt: 517016
Amount: \$360.00

10 December, 2019

Planning Department

City of Birmingham

My plans called for renovation of the existing, unusable and non-conforming 1920's cinderblock garage (built too close to the house) as a covered outdoor space. An addition in 1992 removed the driveway and access to this structure. Upon examination it was found that the East and South cinderblock walls (which acted as retaining walls for the hill to the Southeast) were so deteriorated that immediate replacement was needed. This was done with modern materials and methods to permanently secure the hillside. The new walls exactly follow the original footprint of the non-conforming 1920's garage and thus do not meet present set-back requirements for distance from the house.

The proposed structure and its roof will serve to provide some measure of privacy from the 3 story glass walled office building under construction immediately to the East and considerably higher up the hill.

I respectfully ask for your consideration,



Susan Martin

487 Willits Street

Birmingham, Michigan 48009

**HISTORIC DISTRICT COMMISSION
MINUTES OF NOVEMBER 6, 2019**
Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, November 6, 2019. Vice-Chairman Keith Deyer called the meeting to order at 7:02 p.m.

1) ROLLCALL

Present: Chairman John Henke (arrived 7:03 p.m.); Board Members Doug Burley, Gigi Debbrecht, Keith Deyer, Natalia Dukas (arrived 7:04 p.m.), Patricia Lang

Absent: Board Member Michael Willoughby; Alternate Member Kevin Filthaut; Student Representative Klea Ahmet

Administration: Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

11-46-19

2) Approval Of Minutes

Motion by Ms. Lang

Seconded by Mr. Burley to approve the HDC Minutes of October 16, 2019 as submitted.

Motion carried, 4-0.

VOICE VOTE

Yeas: Lang, Burley, Debbrecht, Deyer

Nays: None

11-47-19

3) Courtesy Review (none)

11-48-19

4) Historic Design Review

A. 135 Pierce – Planthropie

City Planner Dupuis presented the item.

It was explained that issues with the window, including cracks and condensation, led to Planthropie replacing the window. The applicant stated they were not aware that it would

be an issue with the HDC, and that they were not attempting to be deceptive in not seeking approval. The applicant apologized for the mistake.

Chairman Henke said that while the applicant may not have been aware, Mr. Simon, the owner of the building, has undertaken changes to the building a number of times without proper City approval. Chairman Henke told the applicant that Mr. Simon should have been aware of the likely issue with proceeding without approval.

The applicant said that while Mr. Simon did split the costs for replacing the window, he may not have been directly aware of the work being done since all the financial matters were handled by Mr. Simon's accountant.

Motion by Mr. Deyer

Seconded by Ms. Debbrecht to approve the Historic Design Review application and issue a Certificate of Appropriateness for 135 Pierce - Planthropie with the understanding that any further changes to the building must go through the appropriate City process for approvals. The work as proposed meets "The Secretary of the Interior's Standards for Rehabilitation" standard numbers 1 and 5.

Motion carried, 6-0.

VOICE VOTE

Yeas: Deyer, Debbrecht, Dukas, Henke, Lang, Burley
Nays: None

B. 487 Willits – Edgar Lamb House

City Planner Dupuis presented the item.

Thomas Holleman was present as the architect for the project, and Susan Martin was present as the applicant.

The HDC advised Mr. Holleman and Ms. Martin of the importance of receiving proper City approval for changes made to historic buildings in the future.

Ms. Martin stated that she and Mr. Holleman sought to update the cinder block building in the back yard, which was being referred to as a summer home. Ms. Martin's presentation, and discussion among the HDC, concluded that the building in the back yard had more appropriately resembled a garage than a summer home, and that the changes made to the building could remain.

Motion by Mr. Deyer

Seconded by Ms. Debbrecht to approve the Historic Design Review application and the issuance of a Certificate of Appropriateness for the work completed at 487 Willits. The work as proposed meets "The Secretary of the Interior's Standards for Rehabilitation" standard numbers 2, 1 and 9.

Motion carried, 6-0.

VOICE VOTE

Yeas: Deyer, Debbrect, Dukas, Henke, Lang, Burley

Nays: None

10-42-19

5) Sign Review (none)

10-43-19

6) Study Session (none)

11-49-19

7) Miscellaneous Business and Communication

A. Pre-Application Discussions

1. 100 N. Old Woodward

Victor and Alex Saroki presented the new drawings submitted to the HDC since the last meeting and fielded HDC questions.

Mr. Boji emphasized his respect for working within the confines of maintaining historical buildings, citing his firm's work around Michigan. Mr. Boji invited the HDC to reach out to previous clients for references, and emphasized that he would seek City approval every step of the way in this project rather than implementing changes without approval.

While HDC members expressed some concerns with various aspects of the plan, they also largely agreed they would be willing to consider further discussion of the project even at the proposed five floors. This was in response to Mr. Boji stating what a significant financial investment it would be for his firm to purchase the building, and that there likely would not be a sufficient return on investment if the building were limited to four floors.

B. Staff Reports

1. Administrative Sign Approvals

2. Administrative Approvals

3. October Demolitions

11-50-19

ADJOURNMENT

No further business being evident, the board motioned to adjourn the meeting at 9:10 p.m.

Nicholas Dupuis
City Planner

APPROVED

CASE DESCRIPTION

1602 Cole (20-16)

Hearing date: March 10, 2020

Appeal No. 20-16: The owner of the property known as 1602 Cole, requests the following variance to construct a detached garage:

- A. Chapter 126, Article 4, Section 4.03(B)** of the Zoning Ordinance requires accessory buildings may occupy a portion of the rear open space. They shall be at least 3 feet from any lot line. The proposed is 1.10 feet. Therefore a variance of 2.90 feet is being requested.
- B. Chapter 126, Article 4, Section 4.03(G)** of the Zoning Ordinance requires that the maximum building height for accessory structures in R3 District is 14.50 feet to the mid-point. The proposed mid-point is 16.38 feet. Therefore a variance of 1.88 feet is being requested.
- C. Chapter 126, Article 4, Section 4.03(H)** of the Zoning Ordinance requires The maximum area of the first floor of any accessory structure or accessory structures in combination shall not exceed 10% of the lot area or 500 square feet in R3, whichever is less. Chapter 126, Article 4, Section 4.30(C)6 of the zoning ordinance allows a bonus of an additional 75 square feet of area for the use of an interior fixed and stationary staircase. This will allow a maximum area of 575 square feet for the accessory structure. The proposed is 604.80 square feet. Therefore a variance of 29.80 square feet is being requested.
- D. Chapter 126, Article 4, Section 4.30(C)2** of the Zoning Ordinance requires Roof overhangs, cornices, eaves, gutters, lintels, planter boxes, chimneys, bay windows and similar projections may extend or project into a required open space not more than 2 inches for each 1 foot of width of such required open space. The open space of 1.10 feet as per variance request A, allows an allowable projection of 2.20 inches. The proposed projection is 12.00 inches. Therefore a variance of 9.80 inches is being requested.

Staff Notes: The applicant is requesting variances to construct a new detached structure.

This property is zoned R3 – Single Family Residential.

1602 COLE 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: 02/10/20

Hearing Date: 3-10-20

Received By: BW

Appeal #: 20-16-

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

Address: <u>1602 COLE</u>	Lot Number: <u>270</u>	Sidwell Number: <u>08-20-31-180-001</u>
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II. OWNER INFORMATION:

Name: <u>MSG. Craig Ludwig, M.D.</u>			
Address: <u>1602 COLE</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>craigludwig1969@gmail.com</u>		Phone: <u>(248) 245-7991</u>	

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

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Signature of Owner: [Signature] M.D.

Date: 02/10/20 @ 1451

Signature of Petitioner: [Signature] M.D.

Date: 02/10/20 @ 1451

January, 31th 2020

MSG Craig Ludwig M.D.
P.O. Box 2112
Birmingham, MI 48012-2112

BZA Hardship Letter: 1602 Cole Ave, Birmingham, MI 48009

To Whom it concerns,

I am writing this letter for a hardship variance due to non conforming R3 lot size and because it is located in a school zone and the curb for Birmingham Public school bus pick up and drop off. Also, because I require said office space for administrative desk work.

- 1) Property total surveyed square footage equals 7138, which is much greater the it's R3 designation (<4500 sqft.). R2 is >6000+ and R1 is >9000+. So Lot #270 in the Linebach/Humphrey plot, sidewell/parcel ID #:20-31-180-001 is really more towards an R1 designation being that it is a corner lot, at the very least the property is a very big R2 size lot.
- 2) In order to place the proposed constructed garage even designated as is (R3) we are faced with set back problems above sidewalk on Tory driveway side which is a shared easement for Tory Elementary School (Our Sheperd Lutheran School) and Birmingham Public Schools Bus stop pick up and drop off. We need enough space to adequately be able to pull into driveway above sidewalk with a car or full size SUV truck in front of closed garage door without being parked over the existing sidewalk and blockading it that numerous kids use during school hours and the public dog walkers use daily and can only achieve said space by pushing the garage setback towards rear SE corner of property into required 3.0' setback space.
- 3) With ADUs on the Horizon, of the new Birmingham City Plan, right around the corner, which should be approved as early as October 2020 according to Ms. Jana Ecker and with my personal situation of needing more storage above the garage which has normal 8' overhead space as well as office space which I do not have space for inside house for said office (which code says residents are allowed 25% usage of livable square footage either in house or above garage space). We are also requesting a foot print size of 606 soft which is indicative of R1-R2 size due to staircase being inside said garage structure. I'm 6' and can not move around in the attic space of an R3 size 14.5 mid point garage roof line even should it have a 10' dormer below ridge line. Plus, I do not have enough room in existing 756 square foot 1st story cape cod house with 3 kids and normal household domestic useage. I am with Pfizer, Inc. and am US Military so I need desk space for both jobs which require at home administrative tasks to be completed professionally on a weekly basis and sometimes daily. So I am requesting a change to roof mid point to be 16' instead of 14.5'.

In summary I am asking for a hardship with regards to lot size (7138sqft.) being more indicative of a R2-R1 classification. Also due to shared easement with Birmingham Public Schools Bus stop and Tory Elementary school's curbside pick up and drop off along 166' on Tory/Cole. Also, because of utilization purposes of garage space, which second story would be for file storage and office space during normal day hours as per city code. Thus, I am including a variance request for setback into typical 3' easement space towards SE property line shared with 1624 Cole, and Tory Elementary for rear E wall and chimney protrusion, mid point height, and foot print square footage.

Best Regards,

MSG Craig Ludwig M.D.
(248) 245-7991



M.D. 02022020
1856

original copy.