# BIRMINGHAM BOARD OF ZONING APPEALS AGENDA

**UPDATED: VIRTUAL MEETING DUE TO COVID-19 PANDEMIC**
**Go To: https://zoom.us/j/96343198370**
**Or Dial: 877 853 5247 US Toll-Free**
**Meeting Code: 963 4319 8370**

NOVEMBER 10, 2020
7:30 PM

## 1. CALL TO ORDER

## 2. ROLL CALL

## 3. APPROVAL OF THE MINUTES

a) September 8, 2020

## 4. APPEALS

| | Address | Petitioner | Appeal | Type/Reason |
|---|---|---|---|---|
| 1) | 1496 CHESTERFIELD | LUXE DESIGN & BUILD | 20-39 | WITHDRAWN |
| 2) | 707 LAKEVIEW | BRIAN NEEPER ARCHITECTURE | 20-40 | DIMENSIONAL |
| 3) | 530 VINEWOOD | ZAWAIDEH | 20-41 | DIMENSIONAL |
| 4) | 1292 COLE | AMSON CUSTOM HOMES | 20-42 | DIMENSIONAL |
| 5) | 35001/35075 WOODWARD | BIDDISON | 20-43 | DIMENSIONAL |
| 6) | 1352 DORCHESTER | WIATER | 20-44 | DIMENSIONAL |
| 7) | 607 HAWTHORNE | MOSHER | 20-45 | DIMENSIONAL |

## 5. CORRESPONDENCE

## 6. GENERAL BUSINESS

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

## 8. ADJOURNMENT

**Title VI**

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

*Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un dia 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.

NOVEMBER BZA MAP

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS**
**TUESDAY, OCTOBER 13, 2020**
**Held Remotely Via Zoom And Telephone Access**

## 1. CALL TO ORDER

On October 2, 2020, the Michigan Supreme Court overturned Governor Whitmer's prior Executive Order allowing municipal virtual meetings. On October 13, 2020 at 7:30 p.m., City Attorney Mary Kucharek explained to the Board the legal ramifications of the Michigan Supreme Court's decision. She stated that as a result of the Michigan Supreme Court's decision Birmingham City Manager Valentine said no further virtual meetings should proceed until new guidance on municipal virtual meetings was issued by the state.

Consequently, the October 13, 2020 regular meeting of the City of Birmingham Board of Zoning Appeals was not held.

Bruce R. Johnson, Building Official

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS**
**TUESDAY, SEPTEMBER 8, 2020**
**Held Remotely Via Zoom And Telephone Access**

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## 1. CALL TO ORDER

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, September 8, 2020. Chairman Lillie convened the meeting at 7:31 p.m.

## 2. ROLLCALL

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

**Absent:** Board Members Jason Canvasser, Kevin Hart; Alternate Board Member Jerry Attia

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

Chairman Lillie explained the meeting was being held virtually due to the Covid-19 pandemic. He explained the procedures that would be followed for the virtual meeting. He then welcomed Vice-Chairman Morganroth to assume leadership of the meeting.

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

**T# 09-49-20**

## 3. APPROVAL OF THE MINUTES OF THE BZA MEETING OF AUGUST 11, 2020

**Motion by Mr. Lilley**
**Seconded by Mr. Lillie to accept the Minutes of the BZA meeting of August 11, 2020 as submitted.**

**Motion carried, 6-0.**

ROLL CALL VOTE
Yeas: Lilley, Morganroth, Lillie, Miller, Reddy, Rodriguez
Nays: None

**T# 09-50-20**

## 4. APPEALS

### 1) 1120 E. Lincoln
### Appeal 20-38

City Planner (CP) Cowan explained that the owner of a business applying to occupy a tenant space located at 1120 E. Lincoln Avenue was requesting an administrative appeal of the proposed use for the property:

> **A. Chapter 126, Article 08, section 8.01 (F)1(a)** of the Zoning Ordinance authorizes the Board of Zoning appeals to hear and decide appeals from and review any determination made by an administrative official charged with the enforcement of the Zoning Ordinance. The Community Development Department has determined that the proposed use of alcoholic beverage sales for off-premise consumption does not meet the requirements of permitted uses as outlined in the Zoning Ordinance. Therefore, the applicant is requesting a reversal of that decision.

CP Cowan then reviewed the staff notes included in the agenda related to the item.

According to Building Official Johnson the City determined that permits granted to Birmingham Wine by the City in 2014 allowing the sales of takeaway alcoholic beverages in the O2 were granted incorrectly. Since then, Birmingham Wine moved its location a bit northward of its previous one and applied for an initial merchant's license to operate in that space. At that point the City discovered Birmingham Wine had applied neither for their business permits nor occupancy permits to operate in that space, which the City is currently working through with the business. Building Official Johnson stated that Birmingham Wine will be receiving a violation notice. He explained that their new application to operate and sell alcoholic beverages in that location will not be granted because the sale of alcoholic beverages is not a permitted use in the O2 zone.

In reply to Vice-Chairman Morganroth, CP Cowan explained that 'incidental' in the zoning ordinance is usually determined on a case-by-case basis by Planning Staff. He said if reasonable minds could infer that a use is incidental that finding usually stands. CP Cowan continued that

since alcohol is such a highly-regulated use and its use is specified in nine other zones in the zoning ordinance it is difficult to define alcohol sales as incidental.

Stephon Bagne, lawyer for the applicant, was present on behalf of the application. Mr. Bagne reviewed the letter and letter addendum submitted to the BZA by William Werner, co-owner of Mongers' Provisions (Mongers'), both of which are included in the meeting's agenda packet.

In reply to Vice-Chairman Morganroth, Mr. Bagne acknowledged that the O2 zone was intended as a buffer between residential neighborhoods and commercial districts in Birmingham. He said that with this understanding it would be appropriate to have a specialty food store that sells alcohol to be part of such a buffer zone because it would be a low-traffic, low-intensity use. He explained that it would have no impact on the surrounding residences whether a customer leaves Mongers' with just charcuterie or leaves with both charcuterie and a bottle of wine. The City's allowance of bistros in the O2 zone also proves that the sale of alcohol is not inherently prohibited in the O2 zone.

In reply to Mr. Rodriguez, Mr. Bagne reported that in general Mongers' alcohol sales comprise about 8% of their revenue at their Detroit and Ferndale locations.

Mr. Lillie said zoning regulations in the City are very specific about where alcohol can be sold, and that he was not persuaded that the City intended to allow off-premises alcohol sales in the O2 zone. He also noted that alcohol available in bistros is consumed on-premises, whereas the alcohol sold in a specialty food store is takeaway, which constitutes an important difference. Mr. Lillie concluded by stating that it is up to the City Commission to determine where alcohol can be sold, and not the BZA.

Mr. Bagne asserted that the City unequivocally meant to allow alcoholic beverages in the O2 when they used the word 'beverage' in the zoning information without any modification. He noted that definitions of the word 'beverage' include beer and wine as possible beverage types. If the Commission had wanted to exclude alcoholic beverages, they either could have written non-alcoholic beverages or could have written a definition of beverages specific to the ordinance that excluded alcoholic beverages. With this understanding, Mr. Bagne opined that ruling against Mongers' in this situation would do exactly what Mr. Lillie stated he wanted to avoid, which was failing to follow the City Commission's previous determinations.

In reply to Mr. Reddy, Mr. Bagne said he had not seen any evidence that allowing Birmingham Wine in 2014 to operate in the O2 zone was actually in error. Mr. Bagne said declaring it such seemed like a retroactive change by City staff, uninvolved in the original decision, in order to justify treating Mongers' differently from how Birmingham Wine had been treated. Using a different definition of 'beverage' now to render moot the singular precedent in this case is an erroneous interpretation, arbitrary and capricious, and an abuse of discretion, Mr. Bagne continued. If allowing Birmingham Wine to operate in the O2 had indeed been an abuse of discretion then the City should have altered the ordinance to specify non-alcoholic beverages in the definition of specialty food store to make that clear. Birmingham Wine would have then become a legal non-conforming use which could not be used to establish precedent for any following businesses. Allowing Birmingham Wine to operate for six years without making it a legal

non-conforming use proves that it can be used to establish precedent for selling alcoholic beverages in the O2 zone.

Mr. Lillie responded to Mr. Bagne's contention that there was no evidence the City made a permitting mistake for Birmingham Wine in 2014. While Mr. Lillie granted that may be true, he explained there was also no evidence contradicting the assertion.

Mr. Bagne disputed that the onus was on him to prove the absence of a permitting mistake. Rather, he suggested, the City should have to convincingly prove that a permitting mistake existed vis-a-vis Birmingham Wine. He reiterated that since the City did not change Birmingham Wine into a legal non-conforming use in the O2 in the course of its six-year operation it could reasonably be used to establish precedent for alcohol sales in the O2 zone. He stated that Birmingham Wine was allowed to engage in selling takeaway alcohol in the O2, that the ability to do so is supported by the ordinance's use of the word 'beverage', and that the zoning ordinance included no special definition of the word 'beverage' in the zoning ordinance to make alcoholic sales prohibited. For these reasons, Mr. Bagne reasserted his client's right to sell takeaway alcohol in the O2.

Vice-Chairman Morganroth said he the assertion that the City should have corrected Birmingham Wine's erroneous licensing in order to avoid potentially establishing a precedent had some merit. Acknowledging that, he said he also saw the following two facts that indicated the City did intend to prohibit the sales of takeaway alcohol in the O2 area:

- That when alcohol sales are permitted in a given zone, the zoning ordinance explicitly states it; and,
- That no other businesses have been permitted in the O2 zone to sell takeaway alcohol.

Mr. Bagne replied that Article 5.09 in the zoning ordinance says that "alcoholic beverage sales for consumption off-premises, in conjunction with grocery stores and drug stores is permitted subject to a special land use permit" because the City desired to limit alcohol sales in the B1 district. He said that the O2 lacked that specification, in contrast, because the City did not wish to limit takeaway alcohol sales in the zone.

Seeing no further discussion at the BZA level, Vice-Chairman Morganroth invited public comment.

Dr. Andrew Rosenberg asserted that across the United States it is understood that a specialty food store includes the sale of specialty alcoholic beverages. He said that since Mongers' is a specialty food shop, they should be permitted to sell specialty alcoholic beverages. Dr. Rosenberg noted that in general one would be more likely to buy alcohol incidentally at Mongers' especially because the alcohol selection is curated to pair with Mongers' other products. He said that while he appreciated the zoning ordinances' intention to prevent nuisance and danger, he could not see how buying a wine to pair with cheese would cause a nuisance to the surrounding residences. Dr. Rosenberg said that the existence of many stores selling alcohol within 500 feet of Mongers' also belies the idea that City intended to provide an alcohol-free 'buffer', via the O2, to the nearby residences. He said it would be a great inconvenience to him to have to make two trips for food and wine when he could just stop at Mongers' to purchase both.

**Motion by Mr. Lillie**

**Seconded by Mr. Reddy with regard to Appeal 20-38, A. Chapter 126, Article 08, section 8.01 (F)1(a) of the Zoning Ordinance authorizes the Board of Zoning appeals to hear and decide appeals from and review any determination made by an administrative official charged with the enforcement of the Zoning Ordinance. The Community Development Department has determined that the proposed use of alcoholic beverage sales for off-premise consumption does not meet the requirements of permitted uses as outlined in the Zoning Ordinance. Therefore, the applicant is requesting a reversal of that decision.**

**Mr. Lillie moved to deny the applicant's request for a reversal of the Community Development (CD) department's decision to prohibit the sale of alcoholic beverages in the O2 for off-premises consumption. He said he believed CD acted properly and that their decision was supported by the zoning ordinance. He explained that the sale of alcoholic beverages is regulated by the City, that the City designated nine zones in which alcoholic beverages for off-premises consumption could be sold, and that the O2 is not listed among those zones. Mr. Lillie continued that only the City Commission is authorized to permit the sale of takeaway alcoholic beverages in the O2 district.**

**Mr. Miller said that there were many positive aspects of the project both for the neighborhood and for the City, but to allow the sale of takeaway alcohol in the O2 would cause the BZA to be too far afield of its review scope. He said deciding where liquor can be sold in the City is addressed variously by the City Commission, Master Plan, the Planning Board, and the Planning Department and not by the BZA. Beyond that, Mr. Miller stated that CD made a reasonable determination in this case and that those facts lead to him supporting the motion.**

**Vice-Chairman Morganroth said he would also be supporting the motion. He said that while he would love to see Mongers' thrive in Birmingham, he did not find that this matter showed any kind of capricious or inappropriate interpretation on the part of CD. He said he was hard pressed to see alcoholic sales as incidental given its regulation by both the State and the City.**

**Motion carried, 5-1.**

ROLL CALL VOTE
Yeas: Morganroth, Lillie, Miller, Reddy, Rodriguez
Nays: Lilley

**T# 09-51-20**

## 5. CORRESPONDENCE

Included in the agenda packet.

**T# 09-52-20**

## 6. GENERAL BUSINESS

None.

**T# 09-53-20**

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

None.

**T# 09-54-20**

## 8. ADJOURNMENT

**Motion by Mr. Lillie**
**Seconded by Mr. Lilley to adjourn the September 8, 2020 BZA meeting at 8:41 p.m.**

**Motion carried, 6-0.**

ROLL CALL VOTE
Yeas: Morganroth, Rodriguez, Lilley, Miller, Lillie, Reddy
Nays: None

Bruce R. Johnson, Building Official

# CASE DESCRIPTION

## 707 Lakeview (20-40)

**Hearing date: October 13, 2020**

**Appeal No. 20-40:** The owner of the property known as 707 Lakeview, requests the following variances to construct a new home with an attached garage:

A. **Chapter 126, Article 2, Section 2.08.4** of the Zoning Ordinance requires that the maximum building height for sloped roofs is 30.00 feet to the midpoint. The proposed is 35.30 feet. Therefore a variance of 5.30 feet is being requested.

B. **Chapter 126, Article 2, Section 2.08.4** of the Zoning Ordinance requires that the maximum building height to the eave is 24.00 feet. The proposed is 30.60 feet. Therefore a variance of 6.60 feet is being requested.

**Staff Notes:** The applicant is requesting height variances to construct a new home with an attached garage. The lot slopes from the front to the rear. The southwest corner of the proposed house is the area in which the variance are being requested.

This property is zoned R2 – Single Family Residential.

_____

Jeff Zielke, NCIDQ, LEED AP
**Assistant Building Official**

# 707 LAKEVIEW 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:** 9-11-20 **Hearing Date:** 10-13-20

**Received By:** BM **Appeal #:** 20-40

| **Type of Variance:** | ☐ Interpretation | ☐ Dimensional | ☐ Land Use | ☐ Sign | ☐ Admin Review |
|---|---|---|---|---|---|

**I. PROPERTY INFORMATION:**

| Address: 707 LAKEVIEW | Lot Number: 43+44 | Sidwell Number: 19-26-427-038 |
|---|---|---|

**II. OWNER INFORMATION:**

| Name: BRANDON + SARA LIPARI | | | |
|---|---|---|---|
| Address: 359 FERNDALE | City: BIRMINGHAM | State: MI | Zip code: 48009 |
| Email:* | | Phone: | |

**III. PETITIONER INFORMATION:**

| Name: BRIAN NEEPER | Firm/Company Name: BRIAN NEEPER ARCHITECTURE PC | | |
|---|---|---|---|
| Address: 680 N. OLD WOODWARD | City: BHAM | State: MI | Zip code: 48009 |
| Email: BRIAN@BRIANNEEPER.COM | | Phone: 248 259 1784 | |

**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:** 9-11-20

**Signature of Petitioner:** [signature] **Date:** 9-11-20

RECEIVED
SEP 14 2020
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF BIRMINGHAM
Date 09/15/2020 2:24:44 PM
Ref 0017666
Receipt 545922
Amount $360.00

Revised 12.4.19

**Brian Neeper Architecture P.C.**
630 N. Old Woodward, Suite 203 Birmingham, MI 48009 248. 259. 1784 brianneeper.com

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

Re: 707 Lakeview, Lipari Residence

September 14, 2020

Members of the Board,

On the behalf of my clients, Brandon and Sarvy Lipari, I respectfully request your consideration for the approval of the required dimensional variances to allow the construction of the proposed new single-family residence. The existing property is zoned R2. The property has some exceptional grading challenges, unique to this site, which make it substantially more difficult to achieve a typical 2-story residence with a pitched roof, within the requirements of the ordinance.

The site's grade falls roughly 8' from the front to the rear of the property. The interpretation of the required heights for this site are taken from the lowest existing grade at the proposed structure (752.25'). Thus, our base line for the required height calculations is roughly 7.75' lower than the proposed high grade at the front (760.0'). The Building and Eave heights for the proposed house will need variances as indicated below.

***Variance A - Building Height***

The required building height for R-2 is 30'-0". We are requesting a 5.3' variance for a building height of 35.3' from the low grade.

***Variance B – Eave Height***

The required eave height for R-2 is 24'-0". We are requesting a 6.6' variance for an eave height of 30.6' from the low grade.

I have taken care in the architectural design to set the roof to a low profile so that most of the building heights and eave heights on the front of the house fall within in the allowable heights as measured from the proposed grade at the street front. The roof lines have been designed to step down towards the rear following the natural grades. The existing natural grades on the site will be maintained, therefore the height issues are not self-created. I believe the architecture of the proposed home will fit the scale of the site and the surrounding neighborhood's architecture. We believe the approval of this variance request will allow my client to build an attractive and functional 2 story single-family residence without any negative impact to the adjacent neighbors or the "Holy Name" neighborhood as a whole.

Thank you for your consideration.
Sincerely,

Brian Neeper, AIA

City of Birmingham
A Walkable Community

**Jeff Zielke <jzielke@bhamgov.org>**

# 707 Lakeview Variance

1 message

**Alvin Sallen** <asallenlaw@gmail.com> Wed, Sep 30, 2020 at 3:11 PM
To: jzielke@bhamgov.org

Dear Mr. Zielke:

I emphatically object to the requested variance.

I have resided on Lakeview since 1981. When I built my present house at 675 Lakeview in 1998 I requested and was denied a variance.

The builder spec house to my West, which was built several years ago , removed my view of Quarton Lake, its park trees, and my open view of the sky and sunsets.

Now, this new builder, requesting this variance, will further significantly close me in by adversely impacting upon and diminishing my open space to the North.

My right to open space is protected by Birmingham's building code.

Thank you.

Alvin Sallen

# CASE DESCRIPTION

## 530 Vinewood (20-41)

**Hearing date: October 13, 2020**

**Appeal No. 20-41:** The owner of the property known as 530 Vinewood, requests the following variance to reconstruct the existing non-conforming driveway and patio:

A. **Chapter 126, Article 2, Section 2.08.1** of the Zoning Ordinance requires that a single family residential lot shall have a minimum open space of 40%. The minimum open space required is 2758.40 SF (40%). The proposed is open space is 1968.00 SF (28.5%). Therefore a variance of 790.40 SF (11.50%).

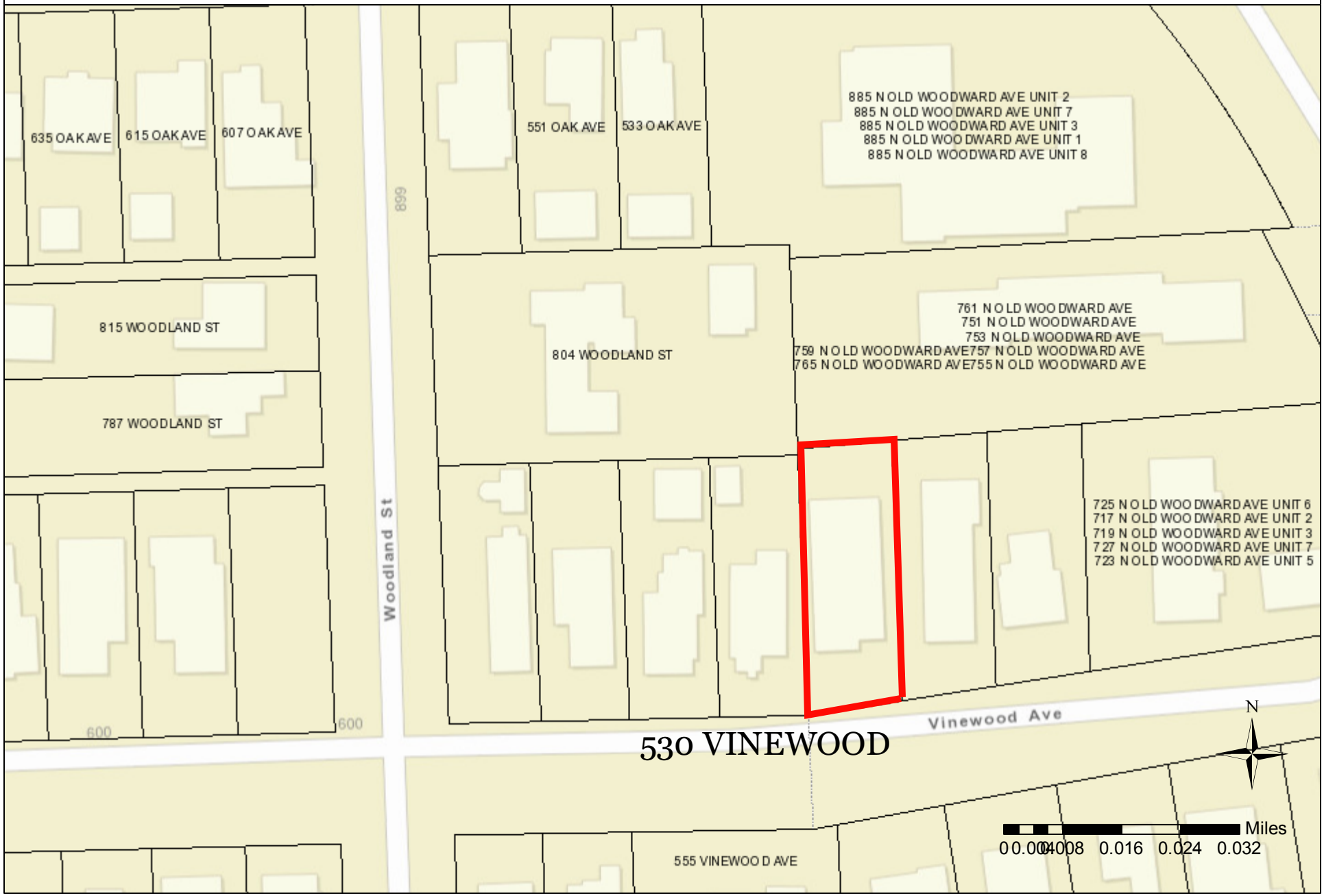
**Staff Notes:** The applicant is requesting a variance to reconstruct the existing brick paver driveway and patio.

This property is zoned R2 – Single Family Residential.

_____

Jeff Zielke, NCIDQ, LEED AP
**Assistant Building Official**

# 530 VINEWOOD 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: 9-15-20
Received By: BM

Hearing Date: 10-13-20
Appeal #: 20-41

| Type of Variance: | ☐ Interpretation | ☐ Dimensional | ☐ Land Use | ☐ Sign | ☐ Admin Review |
|---|---|---|---|---|---|

**I. PROPERTY INFORMATION:**

| Address: 530 Vinewood Ave | Lot Number: 4 | Sidwell Number: 08-19-25-326-011 |
|---|---|---|

**II. OWNER INFORMATION:**

| Name: Santa Zawaideh | | | |
|---|---|---|---|
| Address: 530 Vinewood Ave | City: Birmingham | State: MI | Zip code: 48009 |
| Email: szawaideh@directv.com | | Phone: 248-884-2270 | |

**III. PETITIONER INFORMATION:**

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

**IV. GENERAL INFORMATION:**

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

*Variance Chart Example*

| Requested Variances | Required | Existing | Proposed | Variance Amount |
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| Variance A, Front Setback | 25.00 Feet | 23.50 Feet | 23.50 Feet | 1.50 Feet |
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**V. REQUIRED INFORMATION CHECKLIST:**

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

**VI. APPLICANT SIGNATURE**

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

**Signature of Owner:** _____ **Date:** 9/14/20

**Signature of Petitioner:** _____ **Date:** _____

CITY OF BIRMINGHAM
Date 09/15/2020 3:34:51 PM
Ref 0017268
Receipt 545924
Amount $360.00

Re: 530 Vinewood

Dear Zoning Board Members,

I am writing this letter to request approval for a variance that will allow me to replace my current driveway, porch, walkway, and deck. Currently the driveway, porch, and walkways are red brick pavers and the deck is made of wood. The proposal calls for regular and decorative exposed aggregate concrete. Here are the reasons in which I respectfully ask for the board's approval.

1. The home was built prior to current lot coverage standards for impervious surfaces and my request is only to replace what is currently on the property, except for the deck.
2. The current red brick pavers continue to present issues. Every year I must have them adjusted as they "fall" and become uneven throughout the property. I am concerned with my safety and the safety of all my grandchildren when they visit.
3. I want to continue to maintain the aesthetic beauty of my home on the outside and keep up with the standards of our beautiful street.
4. Although I am replacing the current rotted out deck with concrete, my contractor will not be going all the way back to the rear lot line (as it is currently with brick pavers). Total "green" space will increase.

I thank the Board members for their consideration and look forward to their approval. Should any more information be required, please do not hesitate to contact me.

Sincerely,

Santa Zawaideh, Homeowner
248-884-2270

# CASE DESCRIPTION

## 1292 COLE (20-42)

**Hearing date: October 13, 2020**

**Appeal No. 20-42:** The owner of the property known as 1292 Cole, requests the following variance to construct a new single family home with a detached garage:

**A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that the minimum total distance between principle residential buildings on adjacent lots of 14.0 feet or 25% of the lot width whichever is greater. The required total is 14.00 feet. The proposed is 12.03 feet. Therefore, a variance of 1.97 feet is being requested.

**Staff Notes:** The applicant is requesting a variance to construct a new single family home with a detached garage. The house to the west is existing non-conforming on the adjoining side.

This property is zoned R3 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
**Assistant Building Official**

# 1292 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:** 9/10/2020 **Hearing Date:** 10/12/2020

**Received By:** _____ **Appeal #:** _____

| **Type of Variance:** | ☐ Interpretation | ☑ Dimensional | ☐ Land Use | ☐ Sign | ☐ Admin Review |
|---|---|---|---|---|---|

**I. PROPERTY INFORMATION:**

| Address: 1292 COLE ST | Lot Number: 250 | Sidwell Number: 20311550097 |
|---|---|---|

**II. OWNER INFORMATION:**

| Name: AMSON CUSTOM HOMES / ALAN AMCHESLAVSKY | | | |
|---|---|---|---|
| Address: 1954 DEER PATH TRL | City: COMMERCE TWP | State: MI | Zip code: 48390 |
| Email: AMSONCUSTOMHOMES@YAHOO.COM | | Phone: 248-420-0805 | |

**III. PETITIONER INFORMATION:**

| Name: ALAN AMCHESLAVSKY | Firm/Company Name: AMSON CUSTOM HOMES | | |
|---|---|---|---|
| Address: 1954 DEER PATH TRL | City: COMMERCE TWP | State: MI | Zip code: 48390 |
| Email: AMSONCUSTOMHOMES@YAHOO.COM | | Phone: 248-420-0805 | |

**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:** 9/10/2020

**Signature of Petitioner:** _____ **Date:** 9/10/2020

September 10th, 2020

# HARDSHIP LETTER

Re: 1292 Cole Street

Birmingham Mi 48009

TO: Birmingham Board of Zoning Appeals

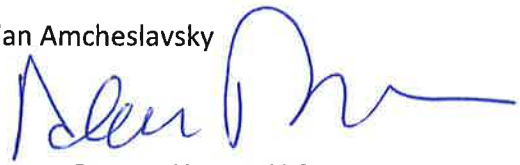
Dear Board Members,

I'm in the process of trying to build an approximately 2,200 sqft 2 Story New Construction home located at 1292 Cole Street. The plans are in the process of being approved by the City of Birmingham. The west side neighboring home (1272 Cole) built an addition to the home at some point in the past. This addition is encroaching into the east side setback, thus preventing me from having a 14' distance in between structures.

I am humbly asking your permission for a 1.97 foot variance in the distance allowed in between structures. It will not effect the resident of 1272 Cole in any way since his/her encroachment is enclosed with no windows and it's a very small area of the total square feet of his/her house (10.5x2- total 21sqft). This new build plan has been built before in the City of Birmingham (2019) on the same size lot (40x120) with no issues.

I greatly appreciate your consideration.

Alan Amcheslavsky



Amson Custom Homes LLC

# CASE DESCRIPTION

## 35001-35075 Woodward Avenue
## (20-43)

**Hearing date: November 10, 2020**

**Appeal No. 20-43:** The owner of the property known as 35001 and 35075 Woodward Avenue requests the following dimensional variance to allow 10 parking spaces to be placed within 20.00 feet of the building frontage along Woodward Avenue, Hamilton Row and Park Street.

A. **Chapter 126, Article 3, Section 3.04(D)(5)** of the Zoning Ordinance requires that off-street parking contained in the first story shall not be permitted within 20.00 feet of any building façade on a frontage line or between the façade and the frontage line. Therefore, a variance of 20 feet is being requested.

**Staff Notes:**
The subject site, 35001 - 35075 Woodward Avenue, is currently home to the Hunter House restaurant, a City owned parking lot and vacant land currently leased to the city for public parking. The property is located on the west side of Woodward (southbound), and surrounded by four streets: Maple, Park, Hamilton Row, and Woodward.

On September 23, 2020, the applicant appeared before the Planning Board for a Revised Preliminary Site Plan. The applicant had proposed a number of changes to the originally approved preliminary site plan, one of which being the addition of parking spaces to the first floor within 20 feet of the building façade on a frontage line. 10 of the 12 proposed parking spaces are within 20 feet of the frontage line which does not satisfy the Zoning Ordinance Section 3.04(D)(5). The Planning Board denied the proposed site plan revisions, citing that the proposed site plan does not meet the requirements of Article 7, Section 7.27(a) which states that “The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

# 35001/35075 WOODWARD 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:** 10-9-20 **Hearing Date:** 11-10-20

**Received By:** BM **Appeal #:** 20-0043

| **Type of Variance:** | ☐ Interpretation | ☐ Dimensional | ☐ Land Use | ☐ Sign | ☐ Admin Review |
|---|---|---|---|---|---|

**I. PROPERTY INFORMATION:**

| Address: | Lot Number: | Sidwell Number: |
|---|---|---|
| 35001 and 35075 Woodward Ave, Birmngham MI 48009 | | 19-25-456-037, 19-25-456-014, 19-25-456-043 |

**II. OWNER INFORMATION:**

| Name: | | | | | |
|---|---|---|---|---|---|
| **Hesham Gayar** | | | | | |
| Address: **8469 Warwick Grove Court** | City: **Grand Blanc** | State: **MI** | Zip code: **48439** | | |
| Email:* hesham.gayar@gmail.com | | Phone: 810.338.3926 | | | |

**III. PETITIONER INFORMATION:**

| Name: | Firm/Company Name: | | |
|---|---|---|---|
| **Hesham Gayar** | **Select Commercial Assets Hospitality** | | |
| Address: Same as above | 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:** _____ **Date:** 10.07.2020

**Signature of Petitioner:** _____ **Date:** 10.07.2020

RECEIVED
OCT 09 2020
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF BIRMINGHAM
Date 10/09/2020 3:46:52 PM
Ref 00173548
Receipt 549251
Amount $560.00

Revised 12.4.19

**BIDDISON**
**ARCHITECTURE**

Board of Zoning Appeals
City of Birmingham
151 Martin Street
Birmingham, Mi. 48012

RE: Variance Request for 35001 Woodward Avenue

Members of the Zoning Board,

We are coming before you to request a variance to allow for first floor street level parking within the first 20' on the north end of the proposed (5) story mixed use building which will include first floor retail, second floor office and third through fifth floors to be comprised of (42) Apartments. Two levels of underground parking are also proposed to service the Office and Residential Tenants totaling (82) cars.

The northern portion of the property has been and is currently occupied by a long standing quick-service restaurant. The Owner of the restaurant believes that on-site surface parking for its customers is critical to the restaurants viability and without the onsite parking spaces, the restaurant cannot continue at its historic location.

While the building sits within the parking assessment district the quick-service in and out nature of the business cannot be served by the City parking structure.

Sincerely,

Kevin Biddison, AIA
Biddison architecture P.C.

320 Martin Street Suite LL-10
Birmingham, MI 48009
p 248•554•9500

biddison-ad.com

# CASE DESCRIPTION

## 1352 Dorchester (20-44)

**Hearing date: November 10, 2020**

**Appeal No. 20-44:** The owner of the property known as 1352 Dorchester, requests the following variance to construct an addition to the existing non-conforming home:

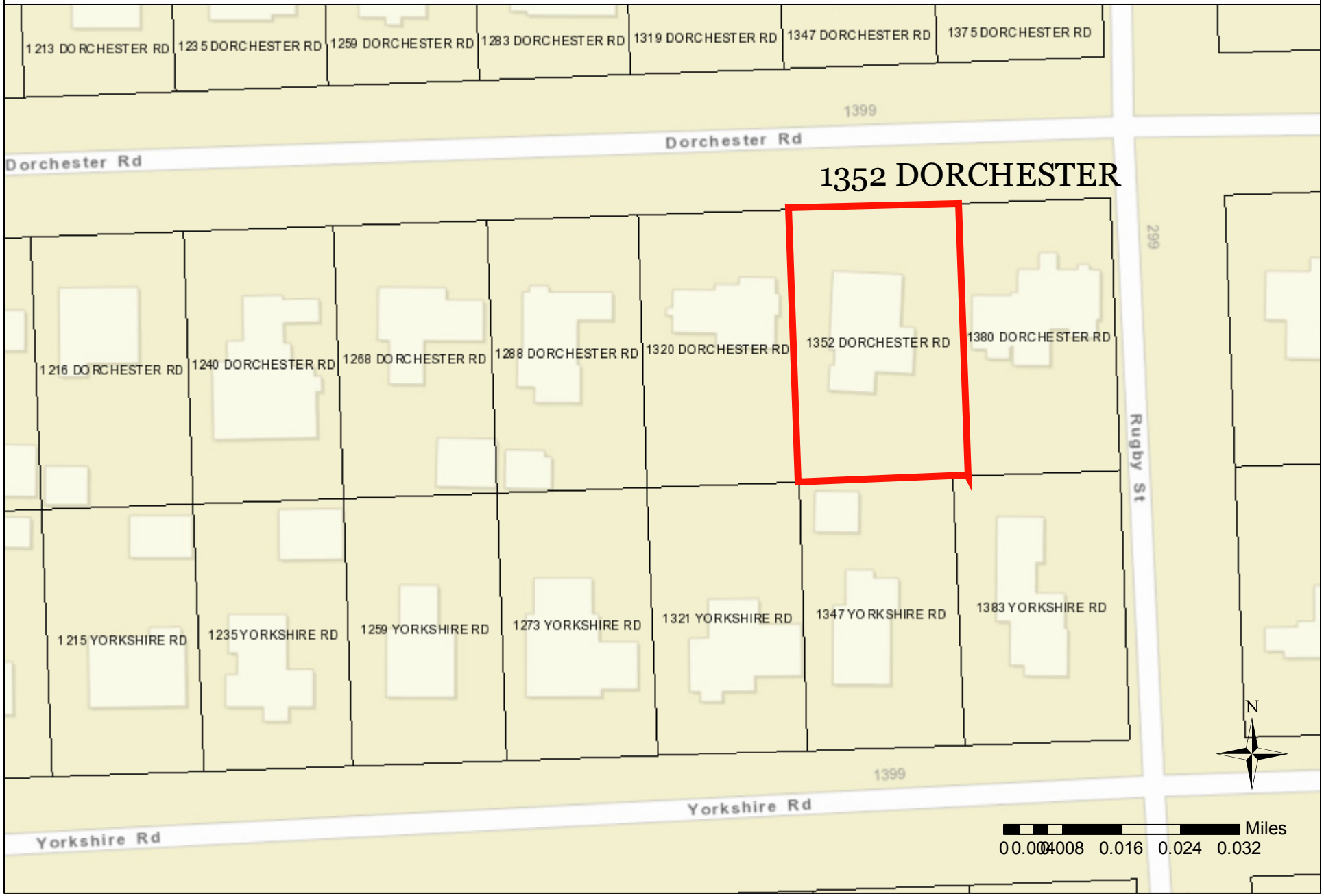
**A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that the minimum total distance between principle residential buildings on adjacent lots of 14.0 feet or 25% of the lot width whichever is greater. The required total is 20.00 feet. The existing/proposed is 15.30 feet on the west side. Therefore, a variance of 4.70 feet is being requested.

**Staff Notes:** The applicant is requesting a variance to construct a second floor addition over a portion of the existing home that is existing non-conforming. The existing home and the home to the west do not meet the required distance between structures.

This property is zoned R1 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
**Assistant Building Official**

# 1352 DORCHESTER 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:** 10/8/20
**Received By:** BM

**Hearing Date:** 11-10-20
**Appeal #:** 20-0044

| **Type of Variance:** | ☐ Interpretation | ☑ Dimensional | ☐ Land Use | ☐ Sign | ☐ Admin Review |
|---|---|---|---|---|---|

**I. PROPERTY INFORMATION:**

| Address: 1352 Dorchester Rd. | Lot Number: 112 | Sidwell Number: 08-20-30-352-009 |
|---|---|---|

**II. OWNER INFORMATION:**

| Name: Timothy Wiater | | | |
|---|---|---|---|
| Address: 1352 Dorchester Rd. | City: Birmingham | State: MI | Zip code: 48009 |
| Email: jrwiater@gmail.com | | Phone: 586-214-5860 | |

**III. PETITIONER INFORMATION:**

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

**IV. GENERAL INFORMATION:**

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

*Variance Chart Example*

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

**V. REQUIRED INFORMATION CHECKLIST:**

- ☑ One original and nine copies of the signed application
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**VI. APPLICANT SIGNATURE**

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

**Signature of Owner:** Timothy Wiater **Date:** 11-8-2020

**Signature of Petitioner:** _____ **Date:** _____

Variance Application Letter
Wiater Residence
1352 Dorchester Rd. Birmingham, MI 48009

To the women and men of the city Zoning Board of Appeals:

A practical difficulty exists on our property and we are appealing to the ZBA of the City of Birmingham for a variance. We have been approved by the City of Birmingham as of 10/5/20 to begin construction on phase 1 of our building plan, which is to include an additional bed and bath over our existing family room on the south end of the house. We would also like to construct a second floor bathroom over an existing part of our house on the west side. When we applied for our building permit, we discovered that this existing west side, first floor room is too close to our neighbors' home. There is a privacy fence between the two homes. We are not attempting to increase any violation, as this first floor room already existed when we purchased the house. The footprint of our home will not be changed, we will be building up, not out. We will be conforming to all other setbacks besides the distance to our neighbors. We feel that this variance would not harm our neighbors and public safety would be secured for our neighborhood. This proposed structure would not obstruct our neighbors' view or sunlight, nor would it create any additional noise or light. We have discussed this with our neighbors and provided them with the architectural drawings of the proposed addition. They did not voice any objection to our plan.

When we bought this house 6 years ago, we fell in love with the character and charm of this historic home and our neighborhood. We have strived to maintain the historical integrity and beauty of the home with the many improvements that we have made over the years. When we moved in, we were a family of 4 and the square footage and number of bathrooms were adequate. Now we are a family of 6, with 4 young girls ages 8,6,4 and 19 months. We are now pressed for space and most importantly, bathrooms. We fear that without another bathroom, it would be very difficult for us to stay in this house and we would have to move. Adding this proposed bathroom would help meet the needs of our growing family and provide us with the ability to raise our children in this home. We carefully planned this addition to avoid having to alter the footprint of the house and maintain it's historical and aesthetic appeal. This addition would dramatically add to the value of the home for us as well as any future owners.

Thank you for your consideration,

Timothy Wiater Jeannette Wiater

Timothy & Jeannette Wiater

# CASE DESCRIPTION

## 607 Hawthorne (20-45)

**Hearing date: November 10, 2020**

**Appeal No. 20-45:** The owner of the property known as 607 Hawthorne, requests the following variance to construct an addition to the existing non-conforming home:

**A. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that the minimum total side yard setback is 14.0 feet or 25% of the lot width whichever is greater. The required total is 25.27 feet. The proposed is 15.97 feet. Therefore, a variance of 9.30 feet is being requested.

**Staff Notes:** The applicant is requesting a variance to construct a rear addition to the existing non-conforming home. The lot is irregular in shape which the width narrows to the rear.

This property is zoned R1 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
**Assistant Building Official**

# 607 HAWTHRONE MAP

RJ

**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:** 10-12-20
**Received By:** BM

**Hearing Date:** 11-10-20
**Appeal #:** 20-45

| **Type of Variance:** | ☐ Interpretation | ☒ Dimensional | ☐ Land Use | ☐ Sign | ☐ Admin Review |
|---|---|---|---|---|---|

## I. PROPERTY INFORMATION:

| Address: 607 Hawthorne St | Lot Number: 44 | Sidwell Number: 08-19-35-277-011 |
|---|---|---|

## II. OWNER INFORMATION:

| Name: Doyle Mosher | | | |
|---|---|---|---|
| Address: 607 Hawthorne St | City: Birmingham | State: MI | Zip code: 48009 |
| Email: Doyle.Mosher@gmail.com | | Phone: 248-320-1177 | |

## III. PETITIONER INFORMATION:

| Name: Doyle Mosher | Firm/Company Name: | | |
|---|---|---|---|
| Address: 607 Hawthorne St | City: Birmingham | State: MI | Zip code: 48009 |
| Email: Doyle.Mosher@gmail.com | | Phone: | |

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**Signature of Owner:** _____ **Date:** 10-09-20

**Signature of Petitioner:** _____ **Date:** 10-09-20

RECEIVED
OCT 12 2020
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF BIRMINGHAM
Date 10/13/2020 1:23:35 PM
Ref 00173626
Receipt 549327
Amount $360.00

*Revised 12/12/2018*

Doyle Mosher
607 Hawthorne
Birmingham, MI 48009

October 9, 2020

Birmingham Zoning Appeals
Community Development - Building Department
151 Martin Street, Birmingham, MI 48009

**Re: 607 Hawthorne - Mosher Residence - Sitting Room Addition / Stair to Patio**

Dear Birmingham Zoning Appeals:

Practical Difficulty

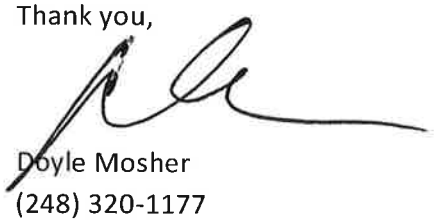
The original house was built in 1928 / 1929 on a compound pie shaped lot adjacent to public property to the South (rear) and to the East (side). The East side lot line is angled following the adjacent Rouge River, which is 150-200 ft away. The West side the property line is straight, allowing sufficient distance between residences.

As purchased in 1983, the footprint of the original home was existing / non-conforming. The home angles away from the house to the West (West property line) and sits less than a foot from the properly line at the furthermost Southeast corner (East property line).

The addition being requested is on the rear West side in line with the existing West wall of the home. Since the home currently recedes away from the home to the West, the addition will be further away than the existing structure. All materials and workmanship will be consistent with the existing residence and in harmony with the structure.

I feel that due to the existing, non-conforming nature of the home, the distance from the home to the West and the harmony and seamless nature of the addition, that my request complies with all Practical Difficulties as put forth by the ZBA.

Thank you,



Doyle Mosher
(248) 320-1177

**DAVID & ANN LEVY**
**633 Hawthorne**
**Birmingham, MI 48009**
**(248) 752-1800**

November 6, 2020

City Clerk
City of Birmingham
151 Martin Street
Birmingham, MI 48009

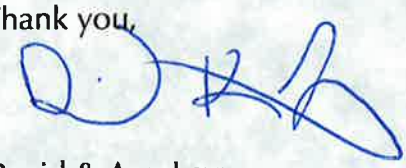
Re: 607 Hawthorne Variance Hearing
November 10, 2020 at 7:30 p.m.

Dear Birmingham City Clerk:

In regard to the above variance request, we are the nearest neighbors to the residence at 607 Hawthorne. We are in favor of allowing the variance requested by Mr. and Mrs. Mosher.

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

Thank you,



David & Ann Levy

cc: Doyle & Cindi Mosher

Hand Delivered

October 30th, 2020

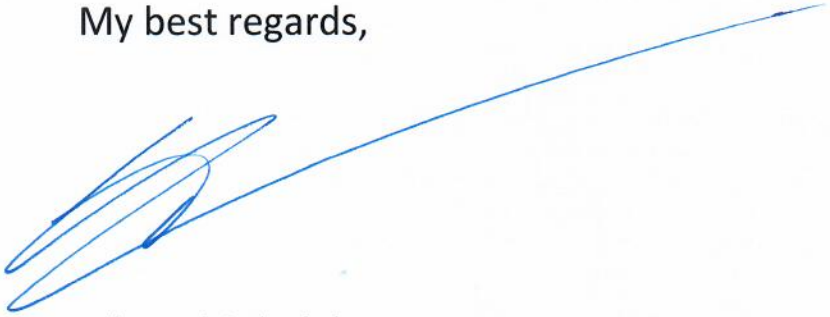
Birmingham Board of Zoning Appeals

To whom it may concern:

I am a long-time neighbor of Doyle Mosher, residing directly across the street from his property, which is currently seeking a variance at 607 Hawthorne.

I support giving the variance, the quality of his work, landscaping and good citizenship have always been exemplary.

My best regards,



Edward Schulak

567 Aspen Road
Birmingham, MI

City of Birmingham
151 Martin
Birmingham, MI 48009


1935230030
EDWARD R SCHULAK REVOC LVNG TRUST
567 ASPEN RD
BIRMINGHAM, MI 48009

# NOTICE OF VIRTUAL PUBLIC HEARING

**BIRMINGHAM BOARD OF ZONING APPEALS**

**VIRTUAL MEETING DUE TO COVID-19 PANDEMIC**

| | |
|---|---|
| Meeting Date, Time, Location: | Tuesday, November 10, 2020, 7:30 p.m.<br>**Go To: https://zoom.us/j/96343198370**<br>**Or Dial: 877 853 5247 US Toll-Free**<br>**Meeting Code: 96343198370** |
| Location of Request: | **607 Hawthorne** |
| Nature of Hearing: | A variance on the total sideyard setbacks to construct an addition. |
| City Staff Contact: | Jeff Zielke, jzielke@bhamgov.org, (248) 530-1849 |
| Notice Requirements: | Mailed to all property owners and occupants within 300 feet of subject address and published in newspaper 15 days prior. |

Persons wishing to express their views may do so at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request assistance. **You may participate at no cost in the virtual meeting using the link or call in number above.**