

**CITY OF BIRMINGHAM
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, DECEMBER 12, 2023
7:30 PM**

The meeting will be held in the City Commission Room at City Hall, 151 Martin St. Birmingham, MI 48009. Should you have any statement regarding any appeals, you are invited to attend the meeting in person or virtually through ZOOM:

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

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

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

4. APPROVAL OF THE MINUTES

a) November 14, 2023

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	490 BERWYN	RICHARD NAUER	23-40	DIMENSIONAL
2)	612 DAVIS	FRANK PISANO	23-37	DIMENSIONAL
3)	631 RUFFNER	ALAN GHASSAN	23-39	DIMENSIONAL
4)	2428 NORTHLAWN	SHANTIH JOHNSTON	23-42	DIMENSIONAL

6. CORRESPONDENCE

7. GENERAL BUSINESS

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

9. ADJOURNMENT

Title VI

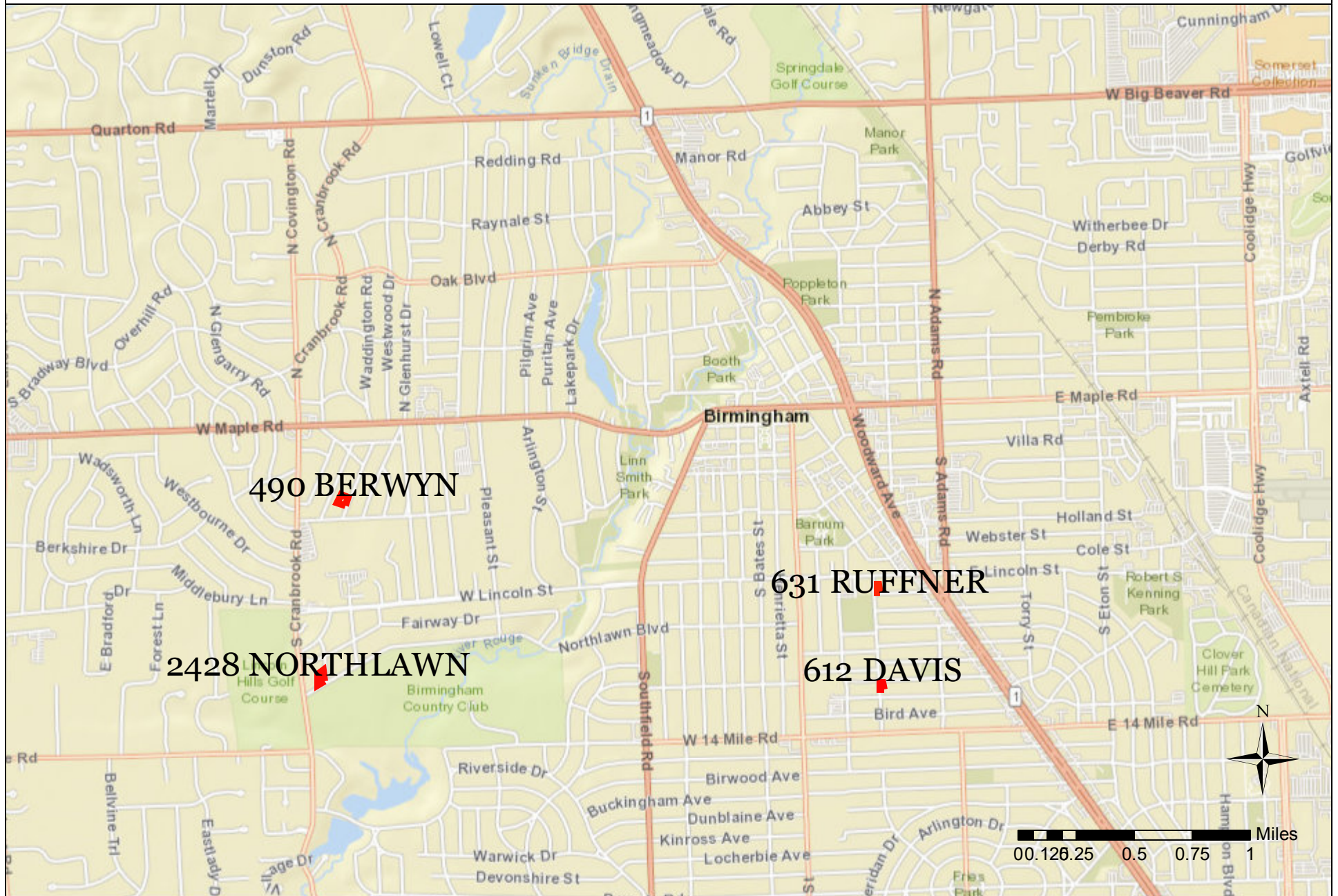
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

DECEMBER BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
Tuesday, November 14, 2023
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, November 14, 2023. The meeting was convened at 7:30 p.m.

2. Rollcall

Present: Board Members Kevin Hart, Richard Lilley, John Miller, Pierre Yaldo; Alternate Board Member Carl Kona

Absent: Chair Erik Morganroth; Board Member Ron Reddy

Staff: Building Official Johnson; Senior Planner Cowan, City Transcriptionist Eichenhorn, Assistant Building Official Zielke

T# 11-52-23

Motion by Mr. Miller

Seconded by Mr. Lilley to nominate Mr. Hart to serve as the chairperson for the meeting.

Motion carried, 5-0.

VOICE VOTE

Yeas: Lilley, Miller, Yaldo, Kona, Hart

Nays: None

Acting Chair Hart welcomed those present and reviewed the meeting's procedures. 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.

Acting Chair Hart took rollcall of the petitioners. All petitioners were in attendance. It was noted that Appeal 23-40 for 490 Berwyn would be postponed to the following meeting.

The appellants for Appeal 23-38 for 1285 Ruffner were given the option to postpone their appeal to the following meeting given that there were only five Board members in attendance. The appellants for Appeal 23-38 elected to move forward with their appeal during the present meeting.

3. Announcements

Announcements can be found in the evening's agenda packet.

4. Approval Of The Minutes Of The BZA Meetings Of October 10, 2023

T# 11-53-23

Motion by Mr. Lilley

Seconded by Mr. Yaldo to approve the minutes of the BZA meeting of October 10, 2023 as submitted.

Motion carried, 5-0.

VOICE VOTE

Yeas: Lilley, Miller, Yaldo, Kona, Hart

Nays: None

5. Appeals

T# 11-54-23

1) 1285 Ruffner Appeal 23-38

ABO Zielke presented the item, explaining that the owner of the property known as 1285 Ruffner was requesting the following variance to construct a second floor addition:

A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing is 4.80 feet. The proposed is 4.80 feet. Therefore, a variance of 0.20 feet is being requested.

Staff answered informational questions from the Board.

William Currier, owner, reviewed the letter describing why this variance was being sought and answered informational questions from the Board. The letter was included in the evening's agenda packet.

Motion by Mr. Lilley

Seconded by Mr. Yaldo with regard to Appeal 23-38, A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing is 4.80 feet. The proposed is 4.80 feet. Therefore, a variance of 0.20 feet is being requested.

Mr. Lilley moved to approve to allow the addition tied to the plans.

Mr. Yaldo seconded the motion, stating that strict compliance with the ordinance would be unnecessarily burdensome. He stated that the building's location on the property and nonconformance resulted in a plight unique to the property owner and would not be shared by similar properties in the same zone. He stated that granting the variance would result in substantial justice to the appellant and neighbors and would not be contrary to the spirit or intent of the ordinance.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Lilley, Miller, Yaldo, Kona, Hart

Nays: None

T# 11-55-23

**2) 34745 Woodward
Appeal 23-41**

SP Cowan presented the item, explaining that the Honorable Kwame Rowe of the Circuit Court for the County of Oakland has ordered that the City of Birmingham's Board of Zoning Appeals' December 13, 2022 decision finding that Jax' proposed site plan constitutes a "parking facility" within the meaning of Chapter 126, Article 4, Section 4.54(C)(3) of the City's ordinances is REVERSED;

It is further ordered that the City of Birmingham's Board of Zoning Appeals' requirement that a screening wall be installed pursuant to Chapter 126, Article 4, Section 4.54(C)(3) of the City's ordinances is therefore REVERSED;

It is further ordered that this matter is remanded to the City of Birmingham's Board of Zoning Appeals for entry of a decision on the proposed site plan, within 60 days of the Opinion and Order (September 14th, 2023), that comports with this Court's rulings herein.

Staff answered informational questions from the Board.

Nicholas Carmago, attorney for Jax Kar Wash, spoke on behalf of the appellant and answered informational questions from the Board.

**Motion by Mr. Yaldo
Seconded by Mr. Kona with regard to Appeal 23-41.**

Mr. Yaldo moved to reverse the Board of Zoning Appeals December 13, 2022 decision finding that Jax's proposed site plan constitutes a "parking facility" within the meaning of Chapter 126, Article 4, Section 4.54(C)(3) of the City's ordinances, and to the extent that it is within the Board of Zoning Appeals' jurisdiction and required by the Circuit Court, to also decide affirmatively on the site plan proposed by the appellants,

And

To reverse the City of Birmingham's Board of Zoning Appeals' requirement that a screening wall be installed pursuant to Chapter 126, Article 4, Section 4.54(C)(3) of the City's ordinances.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Lilley, Miller, Yaldo, Kona, Hart

Nays: None

- 6. Correspondence**
- 7. Open To The Public For Matters Not On The Agenda**
- 8. Adjournment**

No further business being evident, the Board motioned to adjourn at 7:58 p.m.



Bruce R. Johnson, Building Official

Laura Eichenhorn, City Transcriptionist

CASE DESCRIPTION

490 Berwyn (23-40)

Hearing date: December 12, 2023

Appeal No. 23-40: The owner of the property known as **490 Berwyn**, requests the following variance to construct a rear addition:

A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 36.53 feet. The proposed is 26.46 feet on the north side. Therefore, a variance of 10.07 feet is being requested.

Staff Notes: This applicant is requesting variance for the distance between structures on the adjacent property by constructing an addition in the rear corner of the existing non-conforming home from 1929.

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

490 BERWYN 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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 490 BERWYN	Lot Number: 278	Sidwell Number: 19-35-104-028
----------------------------	------------------------	--------------------------------------

II. OWNER INFORMATION:

Name: KATHLEEN AND RICHARD NAUER			
Address: 490 BERWYN	City: BIRMINGHAM	State: MI	Zip code: 48009
Email: KNAUER@FINONEINC.COM		Phone: 248.390.2600	

III. PETITIONER INFORMATION:

Name: RITA O'BRIEN		Firm/Company Name: RITA O'BRIEN INTERIORS	
Address: 1700 STUTZ DRIVE	City: TROY	State: MI	Zip code: 48064
Email: RITA@RITAOBRIEN.COM		Phone: 248.761.2357	

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. COMPLETE digital 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:

Please provide the following in your electronic submission:

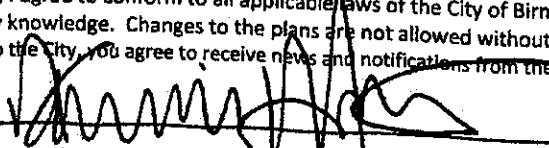
- ☐ Completed and signed application
- ☐ Signed letter of practical difficulty and/or hardship
- ☐ Certified survey
- ☐ Building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, provide a copy of the minutes from any previous Planning, HDC, or DRB board meeting

VI. APPLICANT SIGNATURE

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.

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

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

Signature of Owner: 

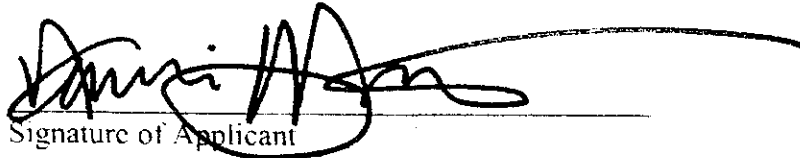
Date: **9/11/23**

Signature of Petitioner: **Rita O'Brien**

Date: **9.11.23**

B Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.



Signature of Applicant

OCTOBER 11, 2023

DEAR MEMBERS OF THE BOARD,

THANK YOU FOR YOUR REVIEW OF THE NAUER RESIDENCE VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 490 BERWYN. THE NAUER FAMILY IS PROPOSING AN AUSTERE ADDITION ABOVE THEIR EXISTING SCREECHED PORCH. THE ADDITION OF 212 SQUARE FEET AT THE SECOND FLOOR WOULD HOUSE A NEW MASTER BATHROOM AND TWO SENSIBLY SCALED CLOSETS. THE NEW STRUCTURE WOULD SET ON THE EXISTING WALLS BELOW AND WOULD NOT ENCRoACH FURTHER TO THE RESIDENCE DIRECTLY NORTH OF THE EXISTING PORCH BELOW.

THE EXISTING HOME IS A NON-CONFORMING STRUCTURE, WITH AN ENCRoACHMENT OF 9.54' INTO THE REQUIRED DISTANCE BETWEEN REQUIREMENT OF 36.0'. THE ENCRoACHMENT WAS NOT SELF-CREATED, AS THE HOME WAS BUILT PRIOR TO THE CURRENT ORDINANCE IN 1927. STRICT COMPLIANCE TO THE ORDINANCE WOULD NOT ALLOW THE HOMEOWNERS TO REPAIR OR IMPROVE THEIR HOME. THERE IS NO ADVERSE EFFECT TO NEIGHBORING PROPERTIES AS THE IMPROVEMENT WOULD NOT EXTEND BEYOND THE EXISTING OUTLINES OF THE HOUSE. APPROVING THIS REQUEST PROVIDES SUBSTANTIAL JUSTICE TO THE HOMEOWNER AND TO THE NEIGHBORS. THE NAUER FAMILY RESPECTFULLY REQUESTS RELIEF FROM THE DISTANCE BETWEEN STRUCTURES REQUIREMENT WITH A VARIANCE OF 9.54'.

DESIRED, 

1. DO NOT SCALE DRAWINGS, USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS NOTIFY THE ARCHITECT IMMEDIATELY FOR DISCUSSION.

2. CONTRACTOR SHALL VERIFY ALL CONDITIONS, INCLUDING UNDERGROUND UTILITIES AND FIELD MEASUREMENTS AT THE JOB SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK.

3. ALL POURED CONC. FOOTINGS TO BE A MINIMUM OF 3'-6" BELOW PROPOSED FINISH GRADE, AND SHALL BEAR ON UNDISTURBED SOIL. ADDITIONAL DEPTH MAY BE REQUIRED BY SOIL CONDITIONS. ALLOWABLE SOIL BEARING PRESSURE OF 3000 PSF IS ASSUMED. CONTRACTOR SHALL MAINTAIN A MINIMUM OF 12" VISIBLE SPACE ABOVE ALL EXISTING FOUNDATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE OF THE CONTRACTOR. QUESTIONABLE CONDITIONS TO BE INVESTIGATED BY A QUALIFIED SOILS ENGINEER.

4. PROVIDE NECESSARY SHEATHING, SHORING, BRACING, AND ALL TEMPORARY SUPPORTS AS REQUIRED DURING EXCAVATIONS TO PROPERLY SUPPORT SIDES OF EXCAVATIONS.

5. PROTECT ALL EXISTING WORK AND WORK IN PROGRESS.

6. COMPLY FULLY WITH REQUIREMENTS OF OSHA AND OTHER REGULATORY AGENCIES FOR ALL SAFETY PROVISIONS.

1. ALL CONCRETE TO ACHIEVE COMPRESSIVE STRENGTH OF 3000 PSI AT 28-DAY TEST. EXTERIOR CONCRETE SHALL BE AIR ENTRAINED 5% PLUS OR MINUS 1%.
2. CONCRETE WORK AND PLACEMENT SHALL CONFORM TO THE LATEST SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE. PLACE ALL CONCRETE WITHOUT ADDING WATER TO THE TRANSIT MIX CONCRETE. SLUMP = 3" - 4".
3. ALL REINFORCING SHALL CONFORM TO ASTM A-615 GRADE 60, FABRICATED AND ERECTED ACCORDING TO ACI STANDARDS.
4. WELDED WIRE FABRIC SHALL BE FURNISHED IN FLAT SHEET AND SHALL CONFORM TO ASTM A-185 AND SHALL HAVE A MINIMUM SIDE AND END LAP OF 8".
5. THE ROUGH CARPENTRY CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO THE START OF FABRICATION OF CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
6. ALL LUMBER AND FRAMING TECHNIQUES SHALL CONFORM TO APPLICABLE SECTIONS OF THE LATEST SPECIFICATIONS FOR STRESS GRADE LUMBER AND ITS FASTENERS. ALL WORK SHALL CONFORM WITH THE TRUSS PLATE INSTITUTE, AMERICAN PLYWOOD ASSOCIATION, TRUSS JOINT FABRICATOR AND THE NATIONAL FOREST PRODUCTS ASSOCIATION.
7. ALL FLUSH BEAMS AND JOIST CONNECTIONS SHALL BE FASTENED WITH AN APPROPRIATE CAPACITY METAL HANGER OR STRAP (1) JOIST HANGERS SHALL BE 10" WIDE METAL PRODUCT AS APPROVED BY A STRUCTURAL ENGINEER AND (1) TWO NAILS PER EACH LBS. OF AXIAL LOAD OR EACH SUPPORT STUD. POST BEAMS AND SUPPORT SHALL PROVIDE SUFFICIENT BEARING WITH ENGINEER APPROVED METAL CONNECTOR AND/OR TWO (2) NAILS FOR EACH 1000 LBS. OF AXIAL LOAD OR SUPPORT STUD.
8. ALL LUMBER BEARINGS SHALL PROVIDE SUFFICIENT AREAS SO AS NOT TO EXCEED 430 PSI.

19. ALL SHEATHED JOISTS SHALL BE LIMITED TO 2250 LBS. OF AXIAL LOAD.
20. ALL FLOOR JOISTS, RAFTERS, STUDS, CEILING JOIST, AND BLOCKING TO BE 2" OR BETTER HEM FIR UNLESS OTHERWISE NOTED. FLOOR JOIST TO HAVE 1 X 3 CROSS BRACES.
21. ALL BUILT UP WOOD POSTS, BEAMS & GIRDERS SHALL BE NAILED AND/OR BOLTED PER N.D.S.
22. ROOF TRUSS MANUFACTURER TO SUPPLY THE ARCHITECT WITH TRUSS SHOP DRAWINGS PRIOR TO FLOORING.
23. ROOF TRUSS FRAMING INDICATED ON THE DRAWINGS IS AN ASSUMED LAYOUT. TRUSS MANUFACTURER SHALL REVIEW THE DRAWINGS AND INDICATE TO THE ARCHITECT, PRIOR TO FABRICATION, ANY CHANGE IN BEARING CONDITION THAT WOULD REQUIRE RE-FRAMING THE STRUCTURE TO ACCOMMODATE THE TRUSSES.
24. ROOF TRUSS DESIGN SHALL BE BY TRUSS MANUFACTURER AND SHALL CONFORM TO DESIGN LOAD REQUIREMENTS LISTED BELOW. BRACE ALL ROOF TRUSSES PER CONNECTIONS.

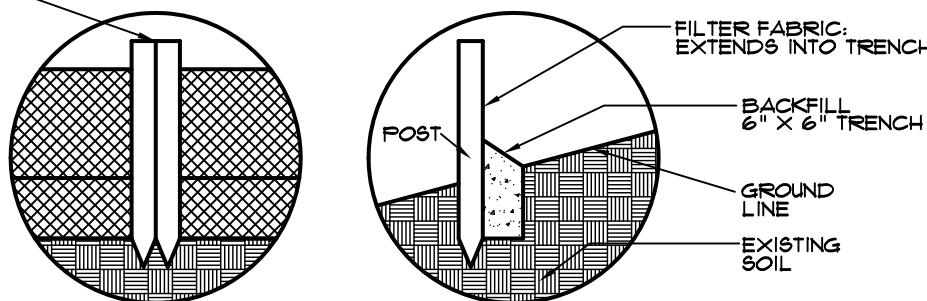
ROOF TRUSSES

TOP CHORD	LIVE LOAD	30 PSF
	DEAD LOAD	15 PSF
BOTTOM CHORD	LIVE LOAD	15 PSF
	DEAD LOAD	15 PSF
	TOTAL	75 PSF

2. NAILING SCHEDULE FOR PLYWOOD SHEATHING: 12x6 NAILS AT 6" ON CENTER, AT DIAPHRAGM BOUNDARY AND ALONG END SAILING MEMBERS, 12x4 NAILS AT 12" ON CENTER ALONG INTERMEDIATE FRAMING MEMBERS.
3. MICRO-LAM BEAMS (LVL'S) SHALL BE BY "TRUS JOIST" MACMILLAN OR EQUAL. ALL BEAMS JOINED TOGETHER SHALL BE PER MANUFACTURER'S SPECIFICATIONS, NO SUBSTITUTIONS SHALL BE ACCEPTABLE WITHOUT PRIOR APPROVAL OF THE ARCHITECT.
- 3.2. INSTALL DOUBLE FLOOR JOISTS UNDER ALL UPPER FLOOR LEVEL PARALLEL PARTITIONS.
4. BUILDER SHALL PROVIDE METAL DIAGONAL CORNER AND END BRACING AT CORNERS PER CODE 'X' AND 'K' SHAPED BRACING ARE ACCEPTABLE.
25. ALL WINDOW NUMBERS REFER TO MANUFACTURER INDICATED ON THE PLANS. IF AN ALTERNATE WINDOW MANUFACTURER IS USED, THE SIZE AND SIZES SHALL MATCH IN ALL DIMENSIONS. EVERY SLEEPING RM SHALL BE PROVIDED WITH AN OPERABLE EGRESS WINDOW. THE SILL HEIGHT SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR. THE WINDOW WHEN OPEN, SHALL HAVE A NET CLEAR OPENING AREA OF 5.7 SQ.FT. THE MINIMUM NET CLEAR OPENING WIDTH SHALL BE AT LEAST 20" AND MINIMUM NET CLEAR OPENING HEIGHT OF AT LEAST 24" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
41. ALL MASONRY VENEER SHALL TO BE PROVIDED WITH WALL TIES AND WEEP HOLES PER CURRENT CODE, AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
42. ALL STAIRWAYS STAIRWAY GUARDS, HANDRAILS, BALUSTERS, HEADROOM DIMENSIONS, RISERS AND TREADS SHALL COMPLY WITH ALL CODE REQUIREMENTS, AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
43. PROPERLY VENTILATE ROOF SO THERE IS A CROSS-VENTILATION WITH ROOF VENTS AND SOFFIT VENTS PER THE CURRENT MICHIGAN BUILDING CODE. CONTINUOUS ROOF RIDGE VENT SHALL BE BY MID-AMERICA BUILDING PRODUCTS, PLYMOUTH, MICHIGAN (800) 515-4 UNDERLAYMENT OF 3" BELT UNDER ASPHALT SHINGLES AND A LAYER OF GRACE ICE AND WATER SHIELD FROM EAVE TO END OF ROOF (100% OF ROOF ENTIRELY). SEE SILL SECTION 1. THE UPPER PORTION OF THAT SPACE BETWEEN INSULATION IS TO BE PROVIDED WITH A VAPOR BARRIER ON THE WARM SIDE SURFACE. NET WATER VENTILATION AREA REQUIRED FOR THE CONTINUOUS VENTILATION IS TO BE PROVIDED BY CONTINUOUS SOFFIT VENTS, EAVE VENTS AND CROSS VENTS.
29. ALL CONCRETE FLAT WORK SHALL BE PLACED ON 4" OF COMPACTED SAND.
30. PROVIDE ALL NECESSARY UNDERPINNING AND BRACING AS REQUIRED TO PROPERLY INSTALL NEW FOOTINGS.
31. PROVIDE WATERPROOFING ASPHALTIC PARGING COATING BELOW GRADE IF REQUIRED.
2. THE CONTRACTOR SHALL PROVIDE WRITTEN CHANGE ORDERS DOCUMENTING ADDITIONAL WORK, OR DELETION OF WORK, PRIOR TO THE CHANGE EFFORT ON THE JOB.
3. LOTS AND STREET SHALL BE MAINTAINED FREE OF DIRT AND DEBRIS DURING CONSTRUCTION.
34. PLASTER AND TAP ALL BRICK BELOW GRADE.
35. PROPERLY VENT CRAWL SPACES PER STATE MECHANICAL CODE.
36. BATH FANS TO BE VENTED TO EXTERIOR
37. HANDRAIL GRIP SIZE SHALL NOT EXCEED A MAXIMUM HORIZONTAL CROSS-SECTIONAL DIMENSION OF 2 5/8" PER THE CURRENT MICHIGAN BUILDING CODE.
38. BALCONY GUARDS SHALL BE BALUSTERS SPACED NO FARTHER THAN 4" APART PER THE REQUIREMENTS OF THE CURRENT MICHIGAN BUILDING CODE.
39. PROVIDE 2X10 DOUBLE HEADER AT ALL INTERIOR DOOR OPENINGS AND 2X10 TRIPLE HEADER AT ALL EXTERIOR DOOR AND WINDOW OPENINGS (UNLESS OTHERWISE SPECIFIED)
40. PROVIDE METAL STRAPPED UNDERDRAG AT EACH END OF EXTERIOR WALLS (TYPICAL)
41. PROVIDE ELECTRICALLY POWERED SMOKE DETECTORS ON EACH LEVEL, IN EACH BEDROOM, AND BEDROOM HALLWAYS. UNITS SHALL BE WIRED SO IF ONE SOUNDS, THEY ALL SOUND. ALL SHALL HAVE BATTERY BACK UP PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
42. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
43. FIRESTOP ALL DROPS 4 CHASES, ELECTRICAL, PLUMBING 4 HEATING, APPROVED FIRESTOP MATERIAL REQUIRED FOR ALL DROPS 4 FLOOR OR CEILING PENETRATIONS AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
44. DESIGN LOADS:

ROOF LIVE LOAD	= 25 P.S.F.
ROOF DEAD LOAD	= 5 P.S.F.
FLOOR LIVE LOAD	= 40 P.S.F.
FLOOR DEAD LOAD	= 5 P.S.F.
WALL DEAD LOAD	= 40 P.S.F.
45. INSULATION 'R' VALUES SHALL COMPLY WITH TABLE N102.1 OF THE 2015 MICHIGAN RESIDENTIAL CODE, UNLESS OTHERWISE NOTED.
46. PROVIDE ON-SITE DUMPSTER THROUGHOUT THE DURATION OF THE WORK.
47. PROVIDE ON-SITE PORTABLE "PORT-A-JOIN" THROUGHOUT THE DURATION OF THE WORK.
48. PAINT INTERIOR AND EXTERIOR OF HOME EXTERIOR SIDING AND TRIM TO BE PAINTED WITH ONE COAT PRIMER AND TWO COATS FINISH WITH BENJAMIN MOORE FREEMIT PAINT OR GUNERS EQUAL. SPECIFICATION SHOULD INCLUDE THREE COLORS AND COMPLETE CAULKING BOTH EXTERIOR AND INTERIOR INTERIOR CEILING TO BE FLAT FINISH, WALLS IN EGG SHELL, AND ALL TRIMS AND CASINGS IN HIGH GLOSS PEARL FINISH.
49. ALL ENGINEERED WOOD PRODUCT DOCUMENTATION (IE TRUSSES 1-JOIST ETC.) WILL BE REQUIRED TO BE SUBMITTED PRIOR TO OR AT THE ROUGH FRAME INSPECTION.
50. AN INSULATION CERTIFICATE IS REQUIRED TO BE SUBMITTED PRIOR TO THE CERTIFICATE OF OCCUPANCY INCLUDING ANY BLOUN IN PRODUCT.

WHEN JOINING TWO OR MORE SILT
FENCES TIE THE TWO END POSTS
TOGETHER WITH NYLON CORD.



1. SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF THE STATE AND COUNTY BUILDING OFFICIALS.
2. DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE EFFECTIVENESS OF EROSION AND SEDIMENTATION CONTROL MEASURES, AND NECESSARY REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
3. EROSION AND SEDIMENTATION FROM WORKS ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT ALLOWED TO OBSTRUCT OR OPERATE AS A HAZARD TO THE PUBLIC. MEASURES SHALL MEAN BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM SEWER DRAINS, LAKES, PONDS, AND WETLANDS.
4. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PLACED PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION. SEDIMENTATION CONTROL MEASURES SHALL BE PROVIDED AS A DEFENSE AGAINST TRANSPORTING OF SILT OFF THE SITE.
5. CONTROL SHALL APPLY FOR TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED AND AS DIRECTED, ON THESE PLANS. CONTRACTOR SHALL REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, DITCHES, AND OTHER EARTH CHANGES HAVE BEEN ACCOMPLISHED.
6. TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE REMOVED FROM CHURNED OR DISTURBED LAND AREAS SHALL BE COMPLETED WITHIN 90 CALENDAR DAYS AFTER FINAL GRADING OF THE FINAL EARTH CHANGES HAVE BEEN COMPLETED. WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA AFTER AN EARTH CHANGE HAS BEEN COMPLETED, SUCH AS A SLOPE, DITCH, OR OTHER EARTH CHANGE, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTED. PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE REINFORCED AND ESTABLISHED BEFORE A CERTIFICATE OF COMPLIANCE IS ISSUED.
7. MUD/DIRT TRACKED ON EXISTING TOWNSHIP/COUNTY ROADS FROM THIS SITE, DUE TO CONSTRUCTION, SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
8. MUD/DIRT TRACKED OR SPILLED ON PAVED ROADS/SURFACES WITHIN THIS SITE SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
9. VEGETATION MUST BE ACCEPTABLY ESTABLISHED PRIOR TO FINAL RELEASE OF THE CONSTRUCTION DEPOSIT BY THE CITY AND BY THE COUNTY IF APPLICABLE.
10. SOIL BORING REPORTS ARE TO ACCOMPANY THIS APPLICATION FOR SOIL EROSION SEDIMENTATION CONTROL. PERMIT.

NOTE:
TYPE OF PERMANENT VEGETATIVE RESTORA
WILL BE SEED/MULCH PER BUILDER UNLESS
SPECIFIED OTHERWISE.

NOTE:
SOIL EROSION CONTROL MEASURES WILL BE
INSTALLED BY BUILDER AND MAINTAINED ON
WEEKLY BASIS AND AFTER EACH STORM EVENT.

1. PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION, A DEFENSE AGAINST EROSION AND SEDIMENTATION SHALL BE INSTALLED AS INDICATED ON DRAWINGS. DEFENSE SHALL CONSIST OF STONE OR FILTER SILT INLET AS SHOWN. AFTER TREE REMOVAL, ADDITIONAL SILT FENCE SHALL BE INSTALLED IF REQUIRED, AS DIRECTED BY THE MUNICIPALITY.
2. DURING CONSTRUCTION OF THE STORM SEWER SYSTEM, THE END OF OPEN-END PIPES SHALL BE PROTECTED WITH STORM FILTERS, SILT FENCE OR OTHER APPROVED METHOD.
3. PROMPTLY UPON BACKFILLING OF STORM STRUCTURES, INLET FILTERS SHALL BE REPLACED AROUND THE STRUCTURE PER DETAIL.
4. UNDER SILT FILTERS, PROTECT FROM AROUND PAVEMENT CATCH BASINS TO ALLOW FOR STRIPPING, GRADING AND PAVING. STORM SEWER STRUCTURES SHALL BE PROTECTED FROM ERODING EARTH AND SEDIMENT AT ALL TIMES.
5. WITHIN 30 DAYS AFTER COMPLETION OF PAVING, GAS, ELECTRICAL, TELEPHONE AND SANITARY SEWER INSTALLATION, A 6 FOOT STRIP AROUND PAVED AREAS SHALL BE PROTECTED FROM EROSION BY AN APPROVED METHOD CONSISTENT WITH THE GROWING SEASON.
6. WITHIN 5 DAYS AFTER COMPLETION OF FINAL GRADING, DENIED AREA SHALL BE PROTECTED BY AN APPROVED METHOD CONSISTENT WITH THE GROWING SEASON. SEED 4 PULCH FOR PERMANENT CONTROL, WITH A SUGGESTED MIXTURE OF:
 - 50% PERENNIAL RYE
 - 15% KENTUCKY BLUEGRASS
 - 35% CREEPING RED FESCUE

1. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SEQUENCE OF CONSTRUCTION:

- A. INSTALL SILT FENCE AS SHOWN ON PLANS.
- B. STRIP AND STOCKPILE TOPSOIL, AND GRADE SITE.
- C. INSTALL STORM SEWERS.
- D. INSTALL PAVEMENT, REPAIR STORM FILTERS AS REQUIRED.
- E. INSTALL PUBLIC UTILITIES (GAS, TELEPHONE, ELECTRICAL).
- F. FINISH GRADE, REDISTRIBUTE TOP SOIL, ESTABLISH VEGETATION / LANDSCAPE.
- G. CLEAN PAVEMENT, CULVERTS, DITCHES, WATERCOURSES, AND STORM SEWER SYSTEMS OF ACCUMULATED SEDIMENT IN CONSTRUCTION WITH REMOVAL OF REMOVAL DEVICES.

2. PERMANENT STABILIZATION OF THE SITE IS TO BE ACCOMPLISHED WITHIN (5) DAYS OF FINAL GRADING.

FRONT SETBACK: 32.92' (200' Avg.)

SIDE SETBACKS:

NORTH SIDE = 14
SOUTH SIDE = 21

REAR SETBACK: 30.0

ZONE: R-1

USE GROUP: R-3

CONSTRUCTION TYPE: 5B COMBUSTIBLE
UNPROTECTED

* LOT AREA = 19,382 SQ. FT. LOT

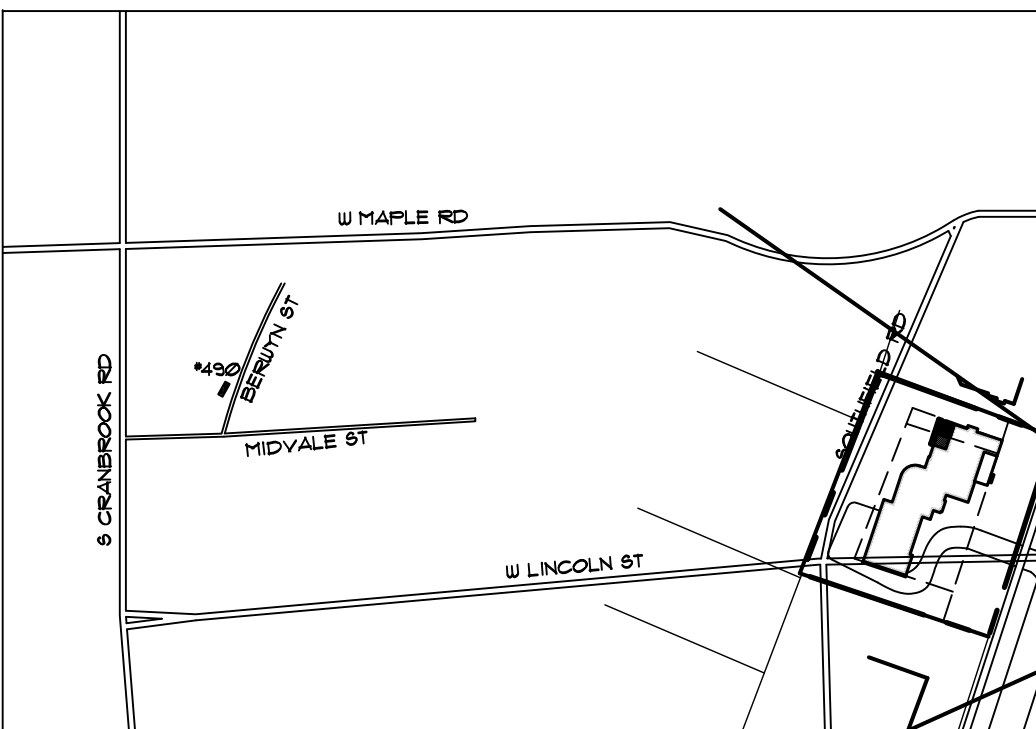
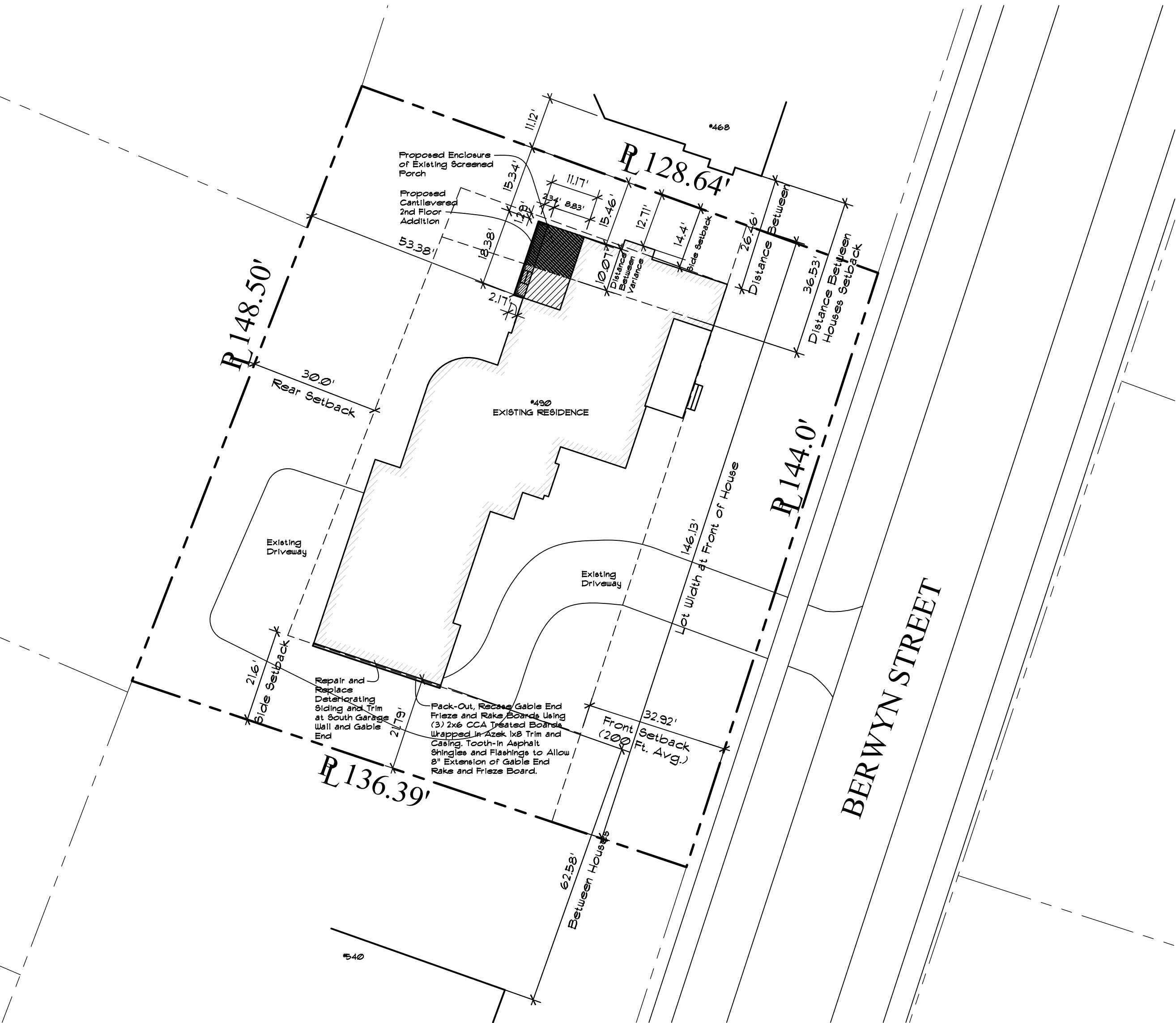
* BUILDING COVERAGE

* 4,090 SQ. FT. PROPOSED OR 21.10% OVERALL

* OPEN AREA = 19,382 SQ. FT. LOT

* 15,292 SQ. FT. PROVIDED OR 78.90% OVERALL
* 15,292 SQ. FT. PROPOSED OR 78.90% OVERALL

REQUESTED VARIANCE	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT
DISTANCE BETWEEN HOUSES SETBACK	36.53'	26.46'	26.46'	10.07'



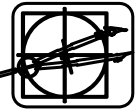
PLEASE DO NOT SCALE DRAWINGS
Copy right
© 1996
Kevin D. Hart Associates, Inc.
Use of these drawings is limited to
the client for the subject project.
Common law copy right is reserved
by Architect.
Use figured dimensions only do not
scale drawings

ISSUED FOR:
6-1-23
6-13-23
9-28-23
10-11-23
10-24-23

NAUER RESIDENCE
490 BERWYN
BIRMINGHAM, MICHIGAN

CLIENT: RITA C
1700 S
TROY,
248-76
KATHY

KEVIN D. HART, AIA



PLANNING/DESIGN/ENGINEERING
TELEPHONE (248) 642-9427

405 SOUTH ETON STREET, BIRMINGHAM, MI 48009
TELEPHONE (248) 942-3921

SHEET NO.

A-1

KDH A-1 Site Flaming

5/4/2007 9:13 AM

Patricia Keller

SITE PLAN

SCALE: 1" = 20'-0"

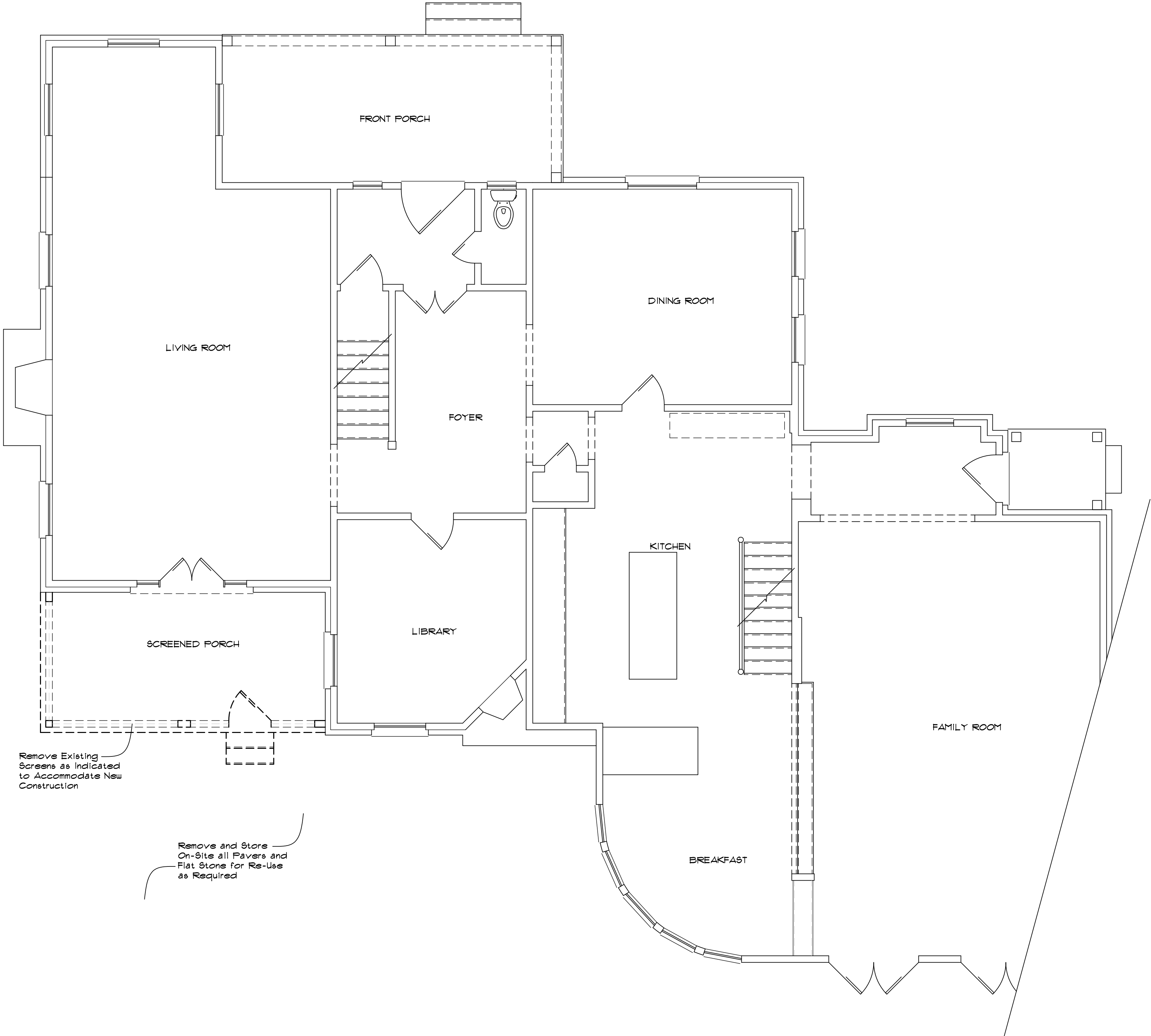
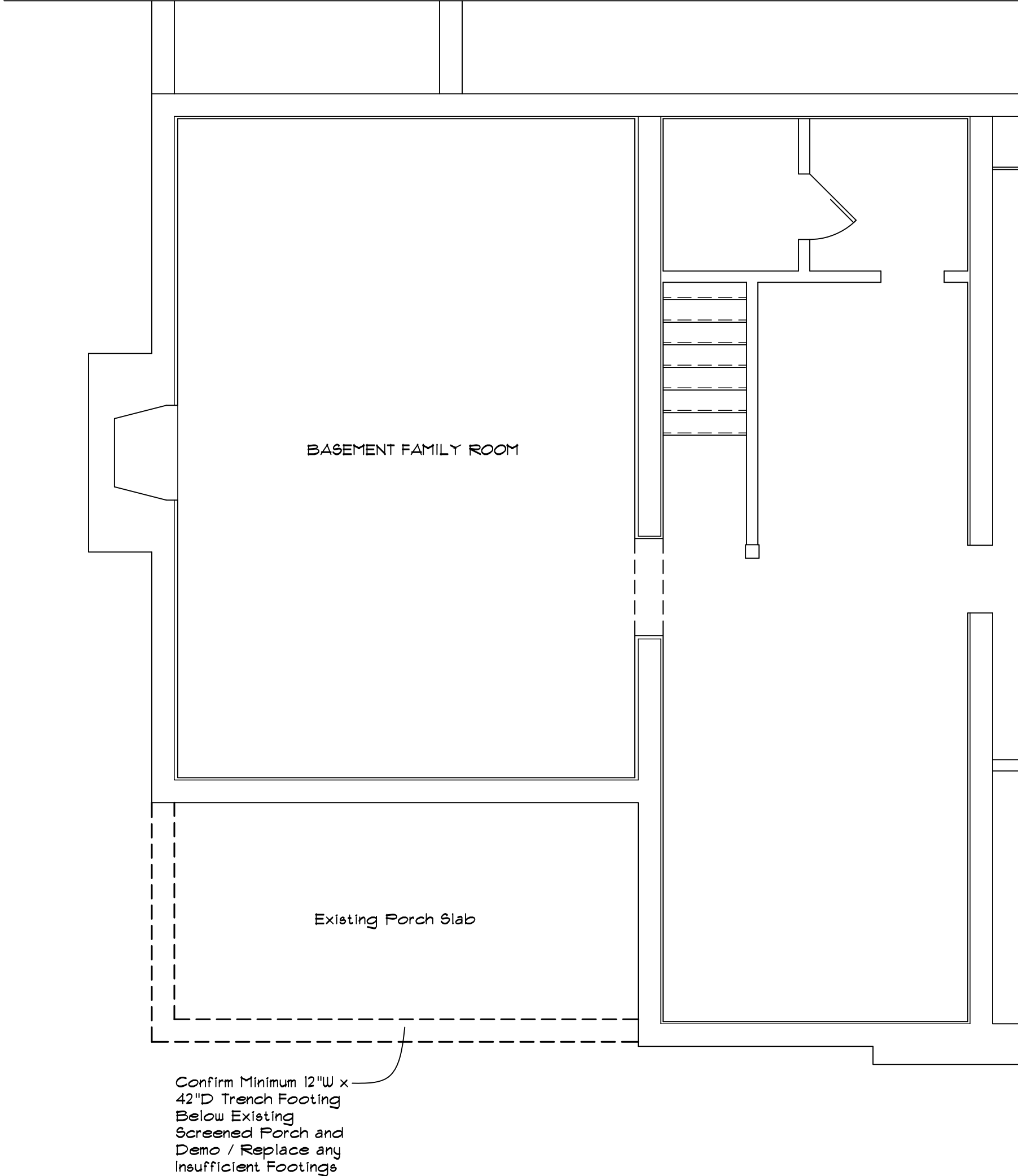


LOCATION
N.T.S.



DEMOLITION NOTES:

- 1. PROVIDE ALL NECESSARY TEMPORARY BRACING AND SHORING AND BACKFILLING AS REQUIRED TO IMPLEMENT THE NEW DESIGN.
- 2. PROVIDE WEATHER PROTECTION FOR ALL NEW AND EXISTING WORK THROUGHOUT THE DURATION OF THE JOB.
- 3. MAINTAIN SECURITY FOR THE JOB SITE AT THE END OF EACH WORK DAY THROUGHOUT THE DURATION OF THE JOB.
- 4. MAINTAIN A CLEAN AND ORDERLY JOB SITE THROUGHOUT THE DURATION OF THE JOB. PROVIDE AN ON-SITE DUMPSTER FOR THE ENTIRE LENGTH OF THE WORK.
- 5. PROVIDE PORT-A-JOHN ON THE SITE THROUGHOUT THE DURATION OF THE JOB. SET PORT-A-JOHN IN REAR YARD THROUGHOUT THE DURATION OF THE JOB.
- 6. REMOVE ALL FLOORING AND RELATED MATERIALS IN ORDER TO ACCOMMODATE NEW LAY-OUT.
- 7. REMOVE ALL FLOOR REGISTERS AND RELATED MATERIALS IN ORDER TO ACCOMMODATE NEW HVAC LAY-OUT.
- 8. SEE A-3 FOR SECOND FLOOR DEMO PLAN.
- 9. IT IS IMPERATIVE THAT ALL CONTRACTORS WORKING AT THIS SITE MAINTAIN A CLEAN AND ORDERLY ENVIRONMENT IN THE YARD, IN THE STREET, AND WITHIN THE HOUSE ON A DAILY BASIS.



PLEASE DO NOT SCALE DRAWINGS

Copyright © 2006

Use of these drawings is limited to the client for the subject project. Common law copyright is reserved by Architect. Use figured dimensions only do not scale drawings.

ISSUED FOR:

4-4-23

6-1-23

6-13-23

10-11-23

CLIENT:

RITA O'BRIEN

1700 STUTZ DRIVE

TROY, MI 48064

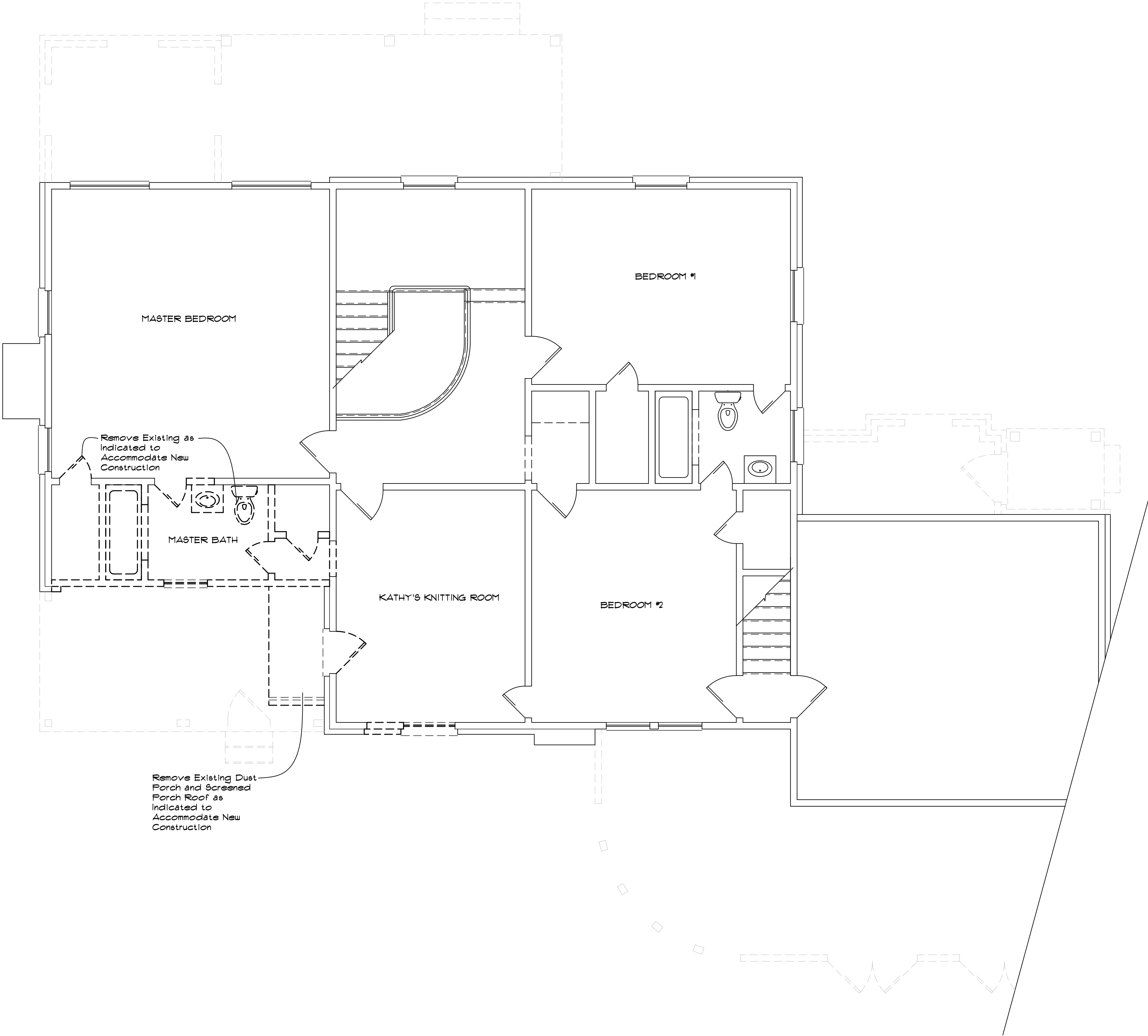
248-161-2351

SHEET NO.

A-2

DEMOLITION NOTES:

- 1. PROVIDE ALL NECESSARY TEMPORARY BRACING AND SHORING AND BACKFILLING AS REQUIRED TO IMPLEMENT THE NEW DESIGN.
- 2. PROVIDE WEATHER PROTECTION FOR ALL NEW AND EXISTING WORK THROUGHOUT THE DURATION OF THE JOB.
- 3. MAINTAIN SECURITY FOR THE JOB SITE AT THE END OF EACH WORK DAY THROUGHOUT THE DURATION OF THE JOB.
- 4. MAINTAIN A CLEAN AND ORDERLY JOB SITE THROUGHOUT THE DURATION OF THE JOB. PROVIDE AN ON-SITE DUMPSTER FOR THE ENTIRE LENGTH OF THE WORK.
- 5. PROVIDE PORT-A-JOHN ON THE SITE THROUGHOUT THE DURATION OF THE JOB. SET PORT-A-JOHN IN REAR YARD THROUGHOUT THE DURATION OF THE JOB.
- 6. REMOVE ALL FLOORING AND RELATED MATERIALS IN ORDER TO ACCOMMODATE NEW LAY-OUT.
- 7. REMOVE ALL FLOOR REGISTERS AND RELATED MATERIALS IN ORDER TO ACCOMMODATE NEW HYAC LAY-OUT.
- 8. SEE A-3 FOR SECOND FLOOR DEMO PLAN.
- 9. IT IS IMPERATIVE THAT ALL CONTRACTORS WORKING AT THIS SITE MAINTAIN A CLEAN AND ORDERLY ENVIRONMENT IN THE YARD, IN THE STREET, AND WITHIN THE HOUSE ON A DAILY BASIS.



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



PLEASE DO NOT SCALE DRAWINGS
Copyright
© 2006
Use of these drawings is limited to
the client for the subject project.
Contract law copyright is reserved
by architect.
Use figured dimensions only do not
scale drawings

ISSUED FOR:
4-4-23
6-1-23
6-13-23
10-11-23

NAUER RESIDENCE
490 BERWYN
BIRMINGHAM, MICHIGAN

CLIENT:
RITA O'BRIEN
1700 STUTZ DRIVE
TROY, MI 48064
248-161-2351

SHEET NO.

A-3



WEST ELEVATION



NORTH ELEVATION

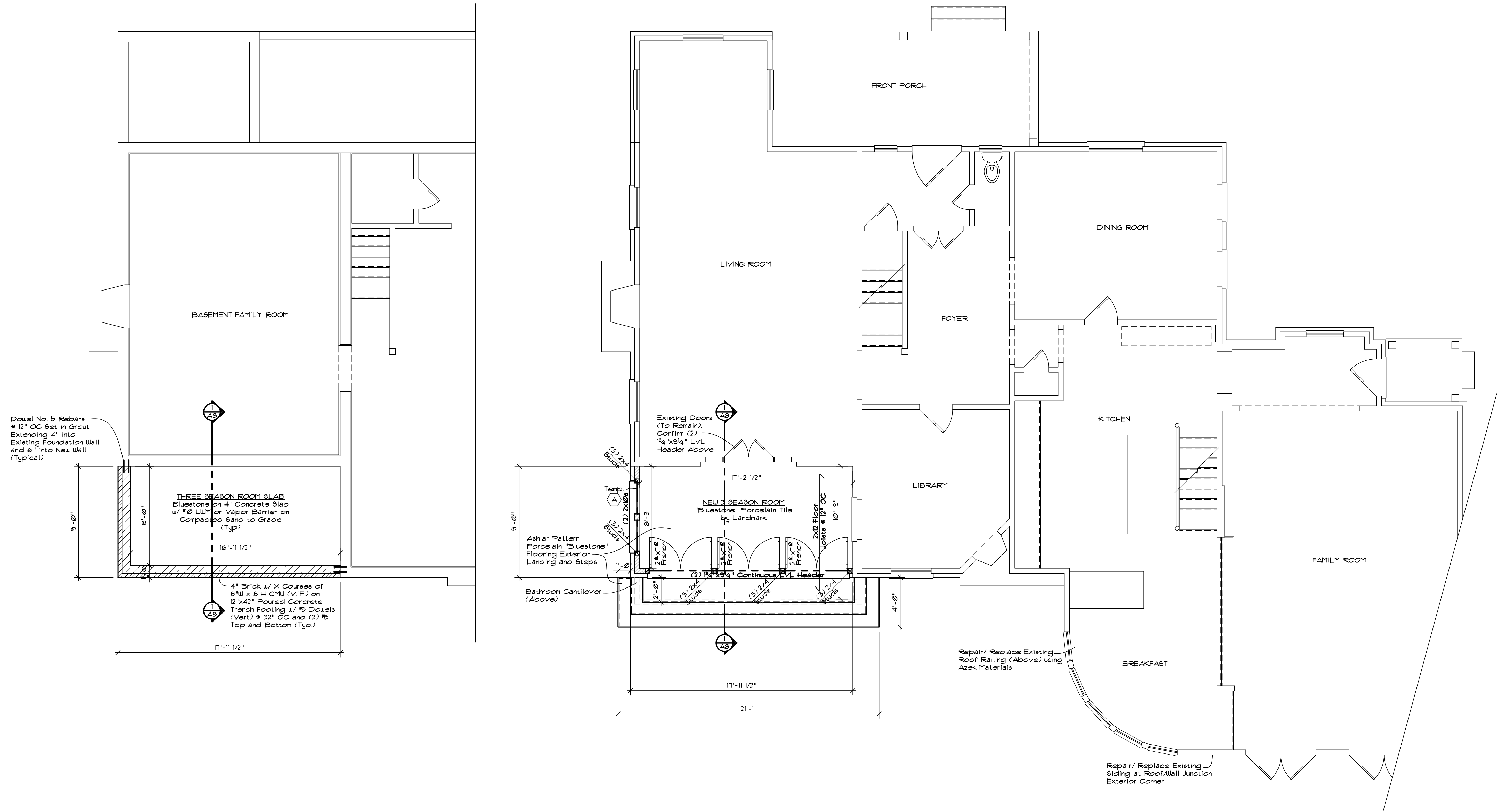
ISSUED FOR:
4-19-23
5-3-23
6-1-23
6-13-23
10-11-23

NAUER RESIDENCE
490 BERWYN
BIRMINGHAM, MICHIGAN

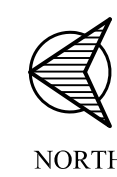
CLIENT: RITA O'BRIEN
1700 STUTZ DRIVE
TROY, MI 48064
248-761-2357
KATHY NAUER: 248-390-2600

SHEET NO.

A-5

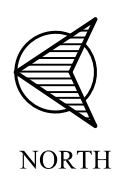


PROPOSED FOUNDATION PLAN



PROPOSED FIRST FLOOR PLAN

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



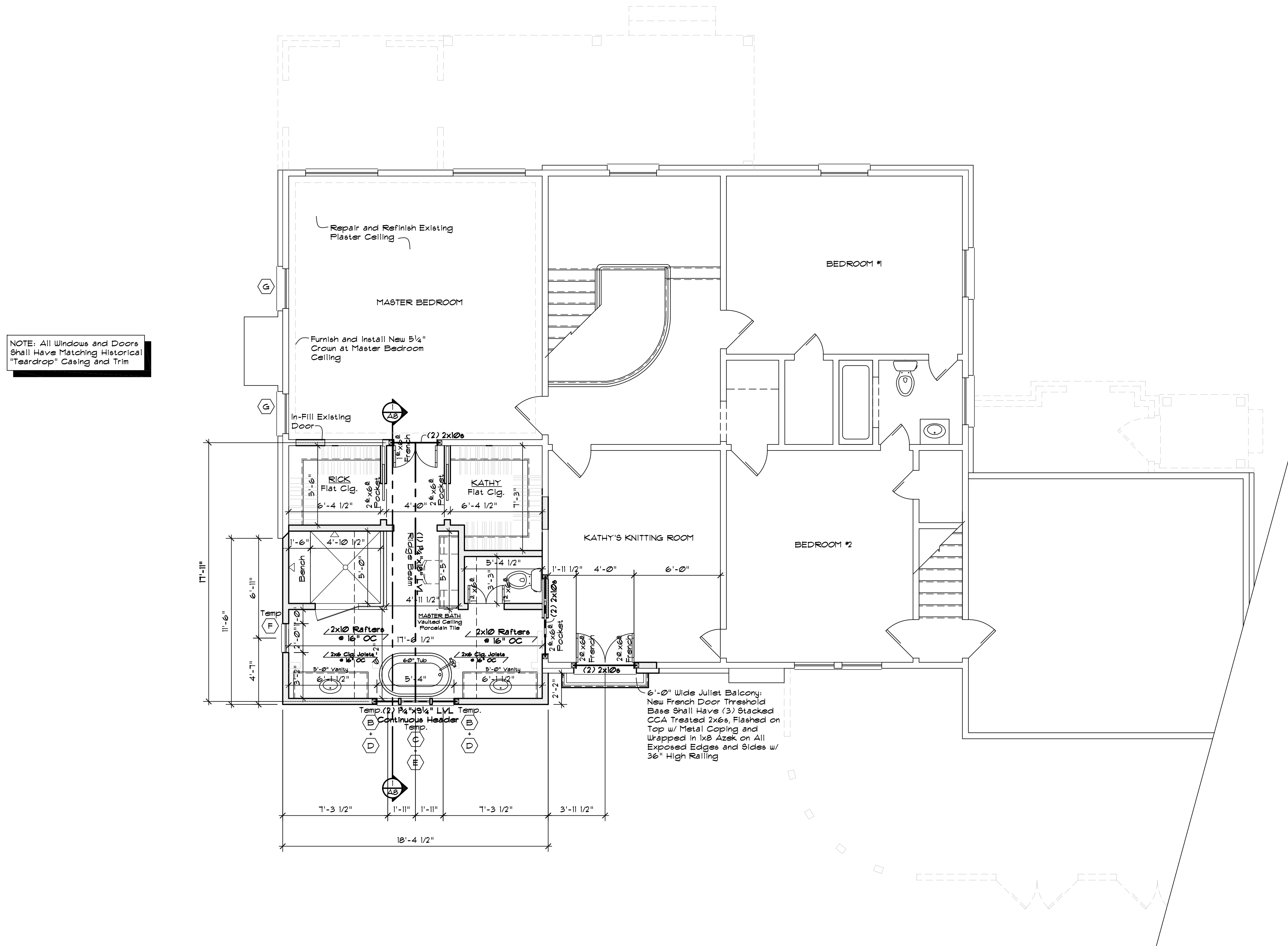
ISSUED FOR:
4-12-23
5-25-23
6-1-23
6-13-23
6-14-23
10-11-23

NAUER RESIDENCE
490 BERWYN
BIRMINGHAM, MICHIGAN

CLIENT: RITA O'BRIEN
1700 STUTZ DRIVE
TROY, MI 48064
248-761-2357
KATHY NAUER: 248-390-2600

EET NO.

A-6



PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0" ADDITION: 212 SQ. FT.



NORTH

WINDOW SCHEDULE						
TYPE	NO.	SIZE R.O.	WINDOW NO.	TYPE	MANUFACTURER	REMARKS
A	1	(2) 2'-6" x 6'-8"	UDHRT-XXXX	ALUMINUM CLAD WOOD CUSTOM DOUBLE HUNG	MARVIN ULTIMATE SERIES	
B	2	1'-6" x 5'-6"	WUCA-1656	ALUMINUM CLAD WOOD CASEMENT		MULLED TO "C"
C	1	2'-0" x 5'-6"	WUCA-2056	ALUMINUM CLAD WOOD CASEMENT		MULLED BETWEEN "B"
D	2	1'-6" x 1'-6"	WUCAP-1616	ALUMINUM CLAD WOOD CASEMENT PICTURE		(1) TEMPERED
E	1	2'-0" x 1'-6"	WUCAP-2016	ALUMINUM CLAD WOOD CASEMENT PICTURE		
F	1	2'-0" x 4'-0"	UDHG2-2040	ALUMINUM CLAD WOOD DOUBLE HUNG		
G	2	2'-9" x 4'-0"	UDHG2-2040	ALUMINUM CLAD WOOD DOUBLE HUNG		

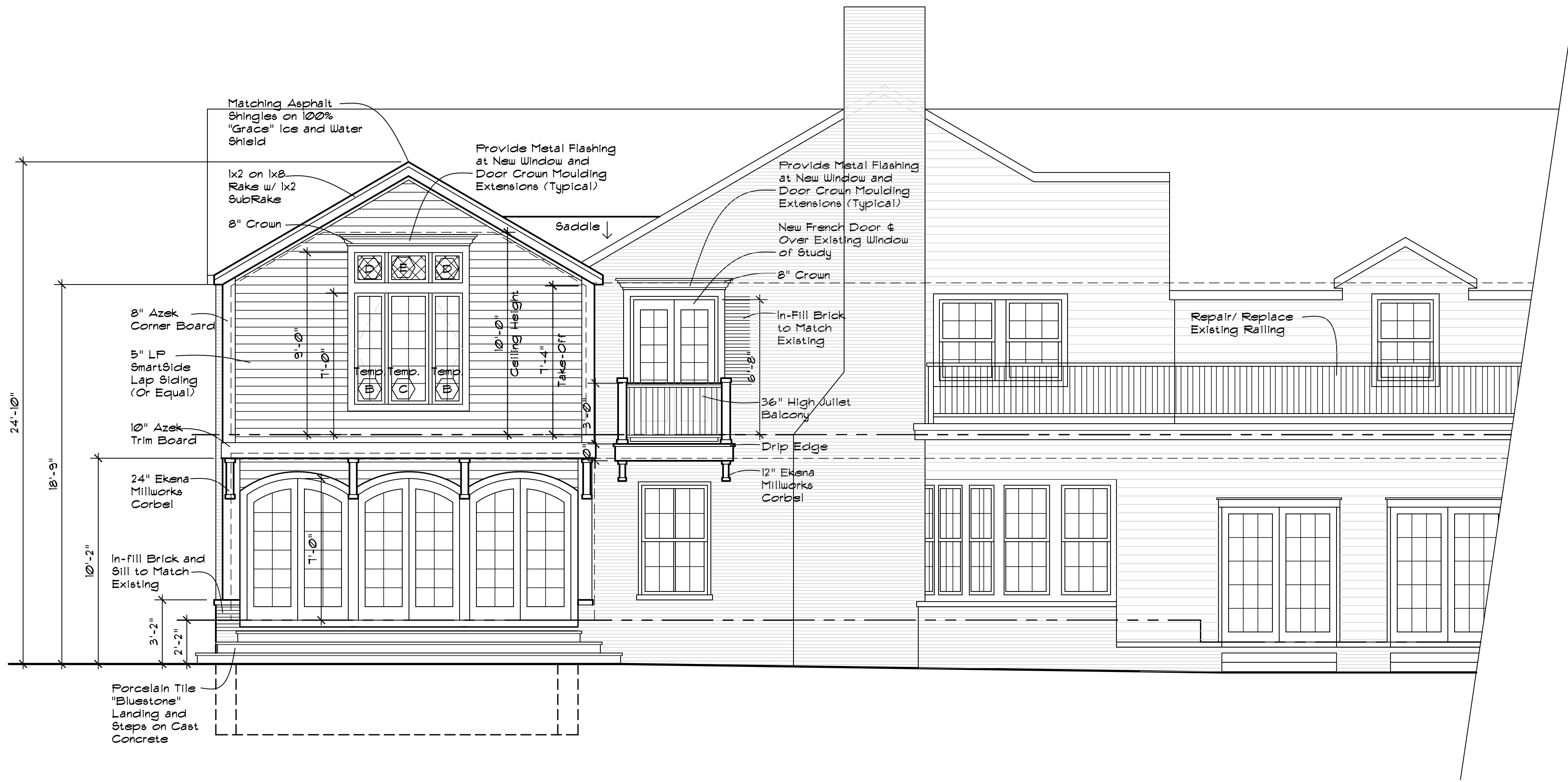
CONTACT: ROB HUNTER
313-900-5181
ROB.HUNTER@MARVIN.COM



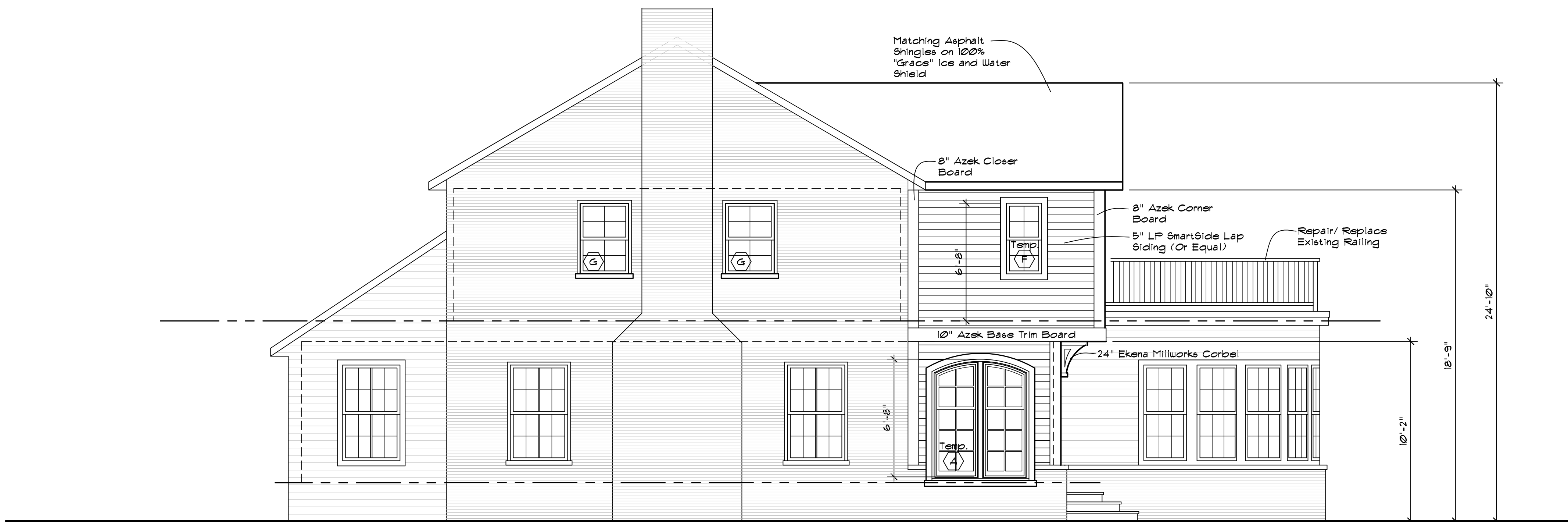
WEST ELEVATION- Option B



WEST ELEVATION- Option C



WEST ELEVATION



NORTH ELEVATION

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

PLEASE DO NOT SCALE DRAWINGS
Copyright © 2016
Use of these drawings is limited to the client for the subject project. Common law copyright is reserved by Architect.
Use figured dimensions only do not scale drawings.

ISSUED FOR:

4-18-23
4-19-23
5-3-23
5-25-23
6-1-23
6-13-23
7-5-23
8-1-23
10-11-23

NAUER RESIDENCE
490 BERWYN
BIRMINGHAM, MICHIGAN

CLIENT:
RITA O'BRIEN
1700 STUTZ DRIVE
TROY, MI 48064
248-161-2351

SHEET NO.
A-7

CASE DESCRIPTION

612 Davis (23-37)

Hearing date: December 12, 2023

Appeal No. 23-37: The owner of the property known as **612 Davis**, requests the following variances to construct a second floor addition:

A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing is 4.67 and the proposed is 4.67 feet with an overhang of 1.67 feet. Therefore, a variance of 0.33 feet for the addition and a 1.17 foot for the overhang is being requested.

B. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 14.00 feet. The existing and proposed is 13.49 feet on the east side. Therefore, a variance of 0.51 feet is being requested.

Staff Notes: This applicant is requesting variances to the existing non-conforming home that was constructed in 1975. This requires the distance between structures on the adjacent property and the minimum 5.00 foot setback. The existing house is not placed on this corner lot parallel to the lot lines.

This property is zoned R3 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

612 DAVIS 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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 612 DAVIS AVE.	Lot Number: 893	Sidwell Number:
-------------------------	-----------------	-----------------

II. OWNER INFORMATION:

Name: FRANK & AMY PISANO			
Address: 612 DAVIS AVE.	City: BIRMINGHAM	State: MI	Zip code: 48009
Email: afapisano@yahoo.com		Phone: 248.835.6059	

III. PETITIONER INFORMATION:

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

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. COMPLETE digital 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:

Please provide the following in your electronic submission:

- ☒ Completed and signed application
- ☒ Signed letter of practical difficulty and/or hardship
- ☒ Certified survey
- ☒ Building plans including existing and proposed floor plans and elevations
- ☒ If appealing a board decision, provide a copy of the minutes from any previous Planning, HDC, or DRB board meeting

VI. APPLICANT SIGNATURE

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.

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

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

Signature of Owner: AMY & FRANK PISANO

Date: 10.4.2023

Signature of Petitioner: SAME AS OWNER

Date: 10.4.2023

B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.

Amy J. Frank PLSM
Signature of Applicant

612 Davis Avenue, Birmingham, Michigan

SIGNED LETTER OF PRACTICAL DIFFICULTY AND /OR HARDSHIP

The attached presentation graphics are intended to serve as the Letter of Practical Difficulty.
It addresses the following:

- Spirit and Intent
- Unique Circumstances
- Not Self-Created
- Strict Compliance
- Adverse Impact to Others
- Health, Safety, and Welfare
- Substantial Justice, Relief, Consistent with Others

Signed:



Amy and Frank Pisano

10.4.23

PROPOSED SECOND FLOOR ADDITION ABOVE AN EXISTING ATTACHED GARAGE
612 DAVIS ROAD
BIRMINGHAM, MICHIGAN
BOARD OF ZONING APPEAL APPLICATION
10.04.2023

**SPACE PROGRAM NEEDS
PROPOSED SOLUTION
ZONING ORDINANCE ISSUES**

DEFICIENCIES/NEEDS and ZONING ISSUES

OWNER'S DEFICIENCIES AND NEEDS

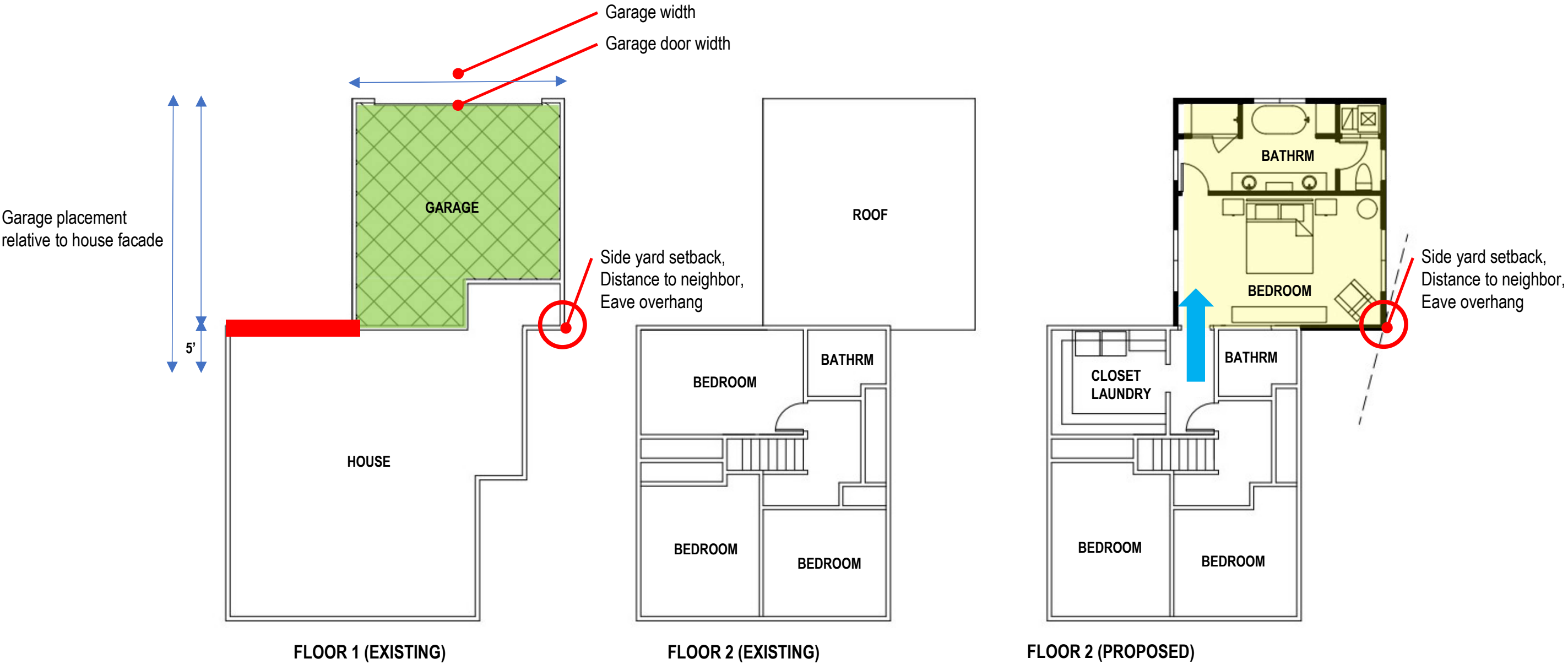
- Lack of second floor space (small bedrooms and closets/storage, only one shared small bathroom)
- Desire to have a larger bedroom, additional bathroom, closet, and laundry room

DESIGN SOLUTION

- Only functional way and avoid additional zoning issues is to expand over the existing garage

ZONING ORDINANCE NON-CONFORMANCE, REQUIRED ZONING VARIANCES

- Existing garage encroaches into required side yard setback, eave exceeds maximum allowable distance, and is deficient in distance to neighboring house - proposed floor 2 addition will also
- Existing garage exceeds allowable width, does not meet placement requirements relative to house façade, garage door exceeds maximum allowable



ZONING ORDINANCE VARIANCES
ARGUMENT FOR PRACTICAL CIRCUMSTANCES
SUPPORT FOR THE GRANTING OF VARIANCES

	REQUESTED VARIANCE	REQUIRED	EXISTING	PROPOSED	VARIANCE
1	SIDE YARD SETBACK – ON EAST	5.00’ MINIMUM	4.67’	4.67’	0.33’
2	DISTANCE TO NEIGHBORING HOUSE – ON EAST	14.00’ MINIMUM	13.49’	13.49’	0.51’
3	EAVE OVERHANG	10” MAXIMUM INTO SETBACK	20”	20”	10”
4	FRONT FACING GARAGE WIDTH	50% MAX OF BUILDING FRONT, 31.3’ X 50% = 15.75’	25.00’	NO CHANGE	9.25’
5	FRONT FACING GARAGE DOOR WIDTH	9.00’ MAXIMUM	16.00’	NO CHANGE	7.00’
6	GARAGE FAÇADE RELATIVE TO HOUSE FACADE	5.00’ MINIMUM TO REAR OF FURTHEST FRONT FACING WALL	-34.10’	NO CHANGE	34.10’

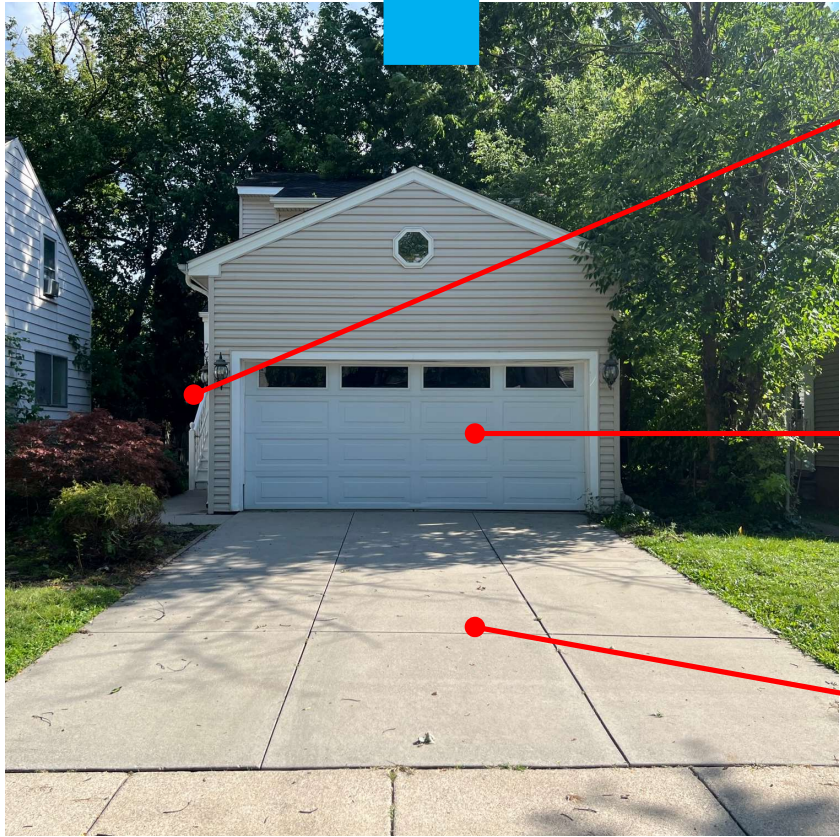
SPIRIT AND INTENT – Disallow “Garage Houses”

- Make for visual interaction between the public street/sidewalk with the living space of a home
- Don’t allow “Garage Houses” (dominant garages, hidden front entrances, garage dominates the home living areas)
- Promote friendly front elevations with visible front entrances, porches, and windows

Some examples of Birmingham’s “Garage Houses” which caused for changes to the zoning ordinance to avoid this type of development



Interior lot



Entrance door at rear of garage, hidden from view

Dominant garage door, no habitable spaces

Dominant driveway, limited greenspace

SPIRIT AND INTENT – Subject house is NOT perceived as a “Garage House”

- Living space of the house is dominant
- Front door is visible from the public street and sidewalk
- Adding living space above the garage actually diminishes the garage element
- **Conclusion: The proposed design meets the spirit and intent of the zoning ordinance**

VIEW ‘A’



Front door - visible

VIEW ‘B’



New livings space diminishes garage element

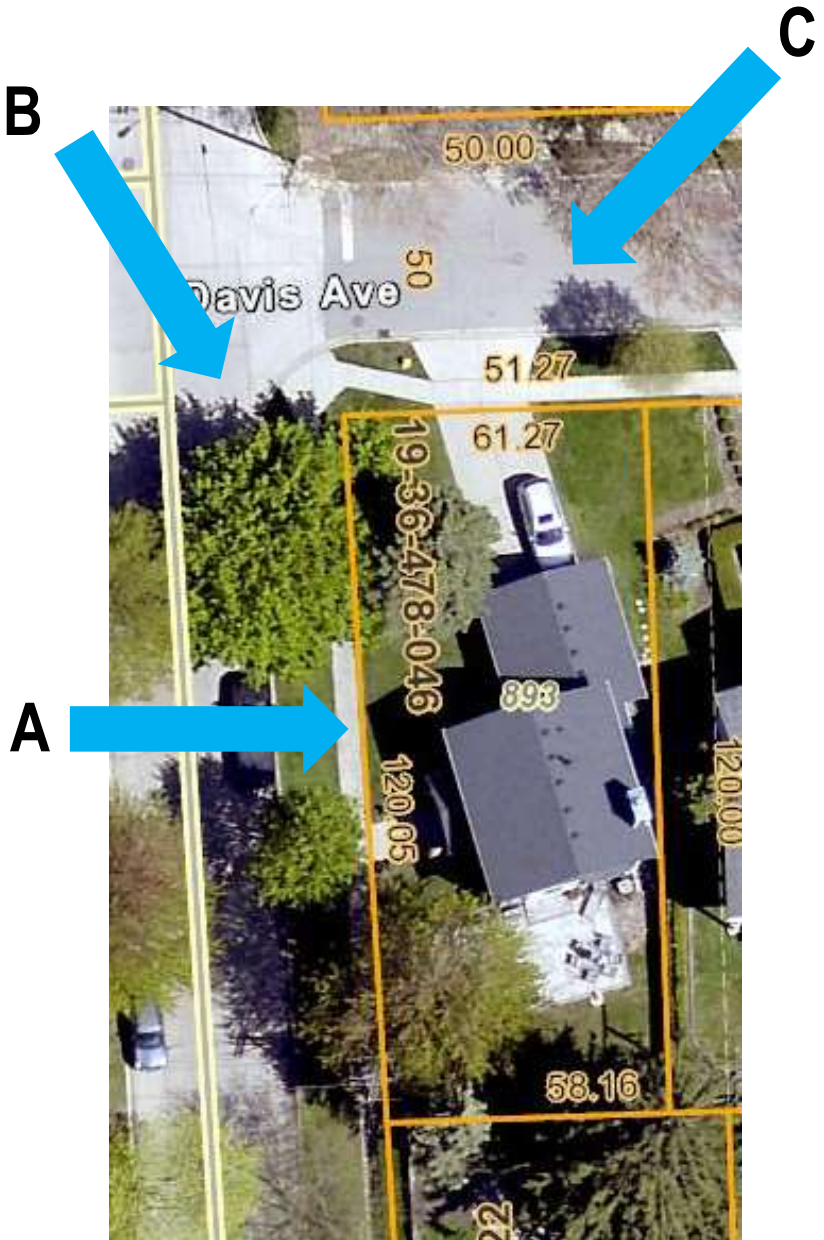
Front door - visible

VIEW ‘C’



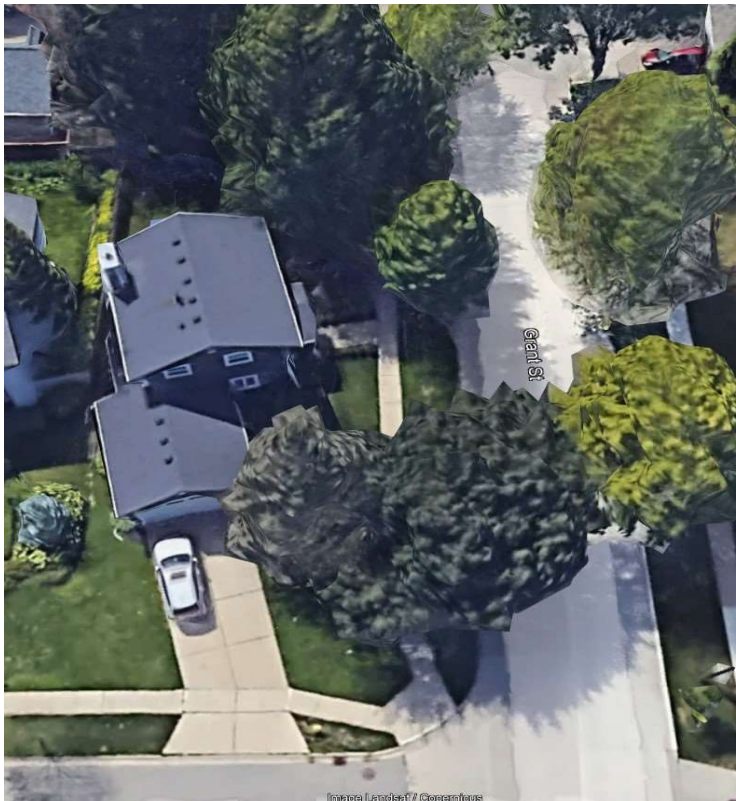
New livings space diminishes garage element

Roof element recesses overhead garage door



UNIQUE CIRCUMSTANCES

- Corner lot
- Front yard is perceived to be Grant Street (not on Davis Avenue)
- Existing conditions do not allow for reasonable alternatives
- **Conclusion: A number of circumstances unique to the subject site and existing conditions exist**



Main "Front" Door,
Porch, and Sidewalk



DAVIS AVENUE
FRONT YARD BASED ON ADDRESS



Main "Front" Door,
Porch, and Sidewalk

GRANT STREET
PERCEIVED FRONT YARD

NOT SELF CREATED

- Placement and garage use complied with ordinance when constructed (1980?)
- Current owner (applicant) had no ownership or involvement when house was constructed
- Zoning ordinance changed causing the current non-conformity
- **Conclusion: The non-conforming aspects of the subject property pre-dated current zoning requirements, owner did not influence the non-conformity**



AERIAL PHOTO - 1990



AERIAL PHOTO - 2023



CURRENT HOUSE- 2023

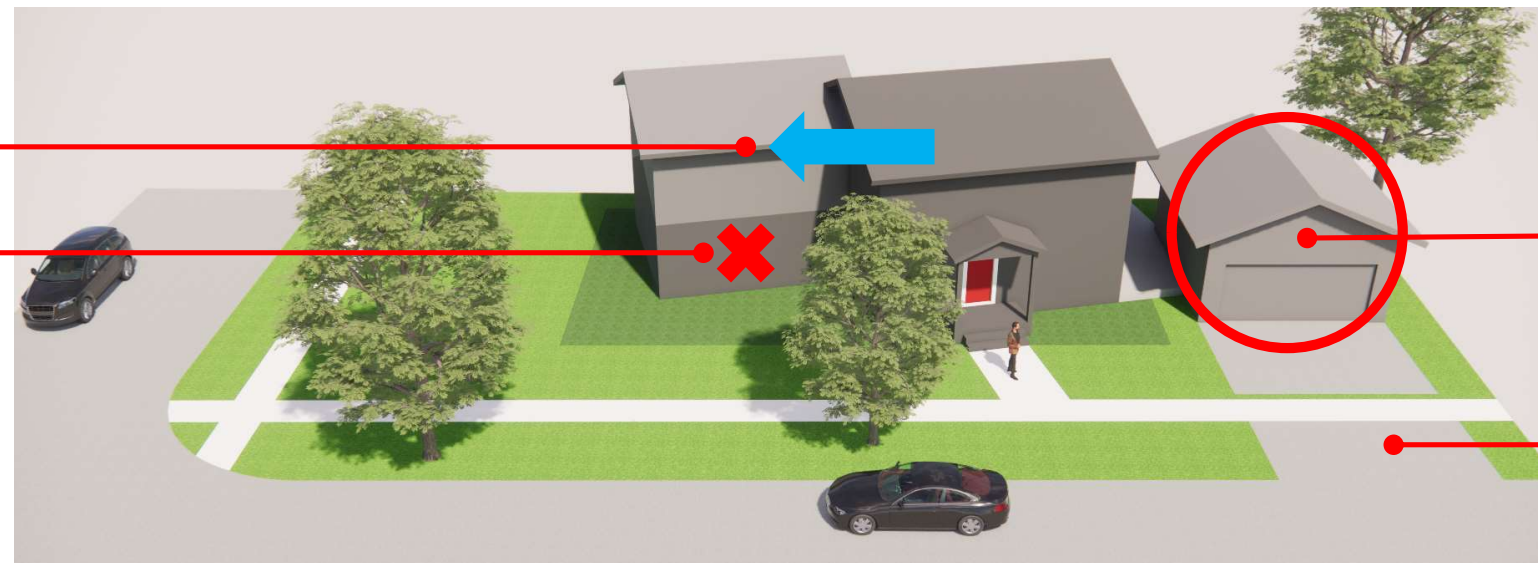
Subject Property/House

STRICT COMPLIANCE

- The only option to expand the second floor is over the existing 1-story garage
- The new form generally conforms with all other zoning requirements – Only the fact that it is being built over the non-conforming garage use is creating the primary issue
- Only alternative for garage placement that complies would be to construct a new, detached garage in the rear yard - Only allows for a 1.5 car garage)
- This would require the removal of a mature tree to access the garage, and demolition of the existing patio and landscaping
- **Conclusion: Forcing strict compliance to the zoning ordinance would be unduly burdensome with no benefit to Birmingham**

Only way to expand the existing second floor

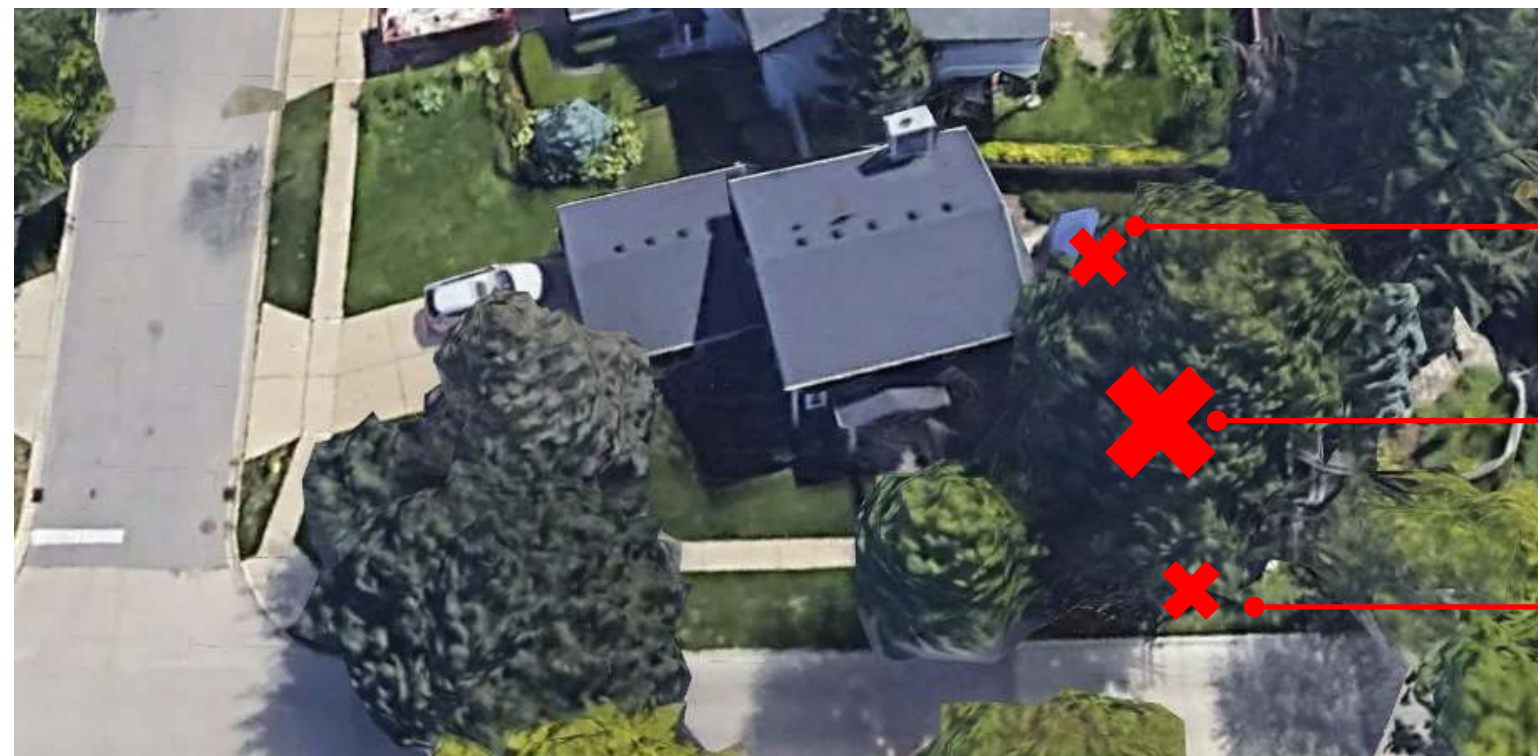
Existing garage use need to be replaced with a compliant use



Alternative:
New 1.5 car detached garage

New driveway

THIS OPTION COMPLIES BUT CAUSES A NUMBER OF ISSUES



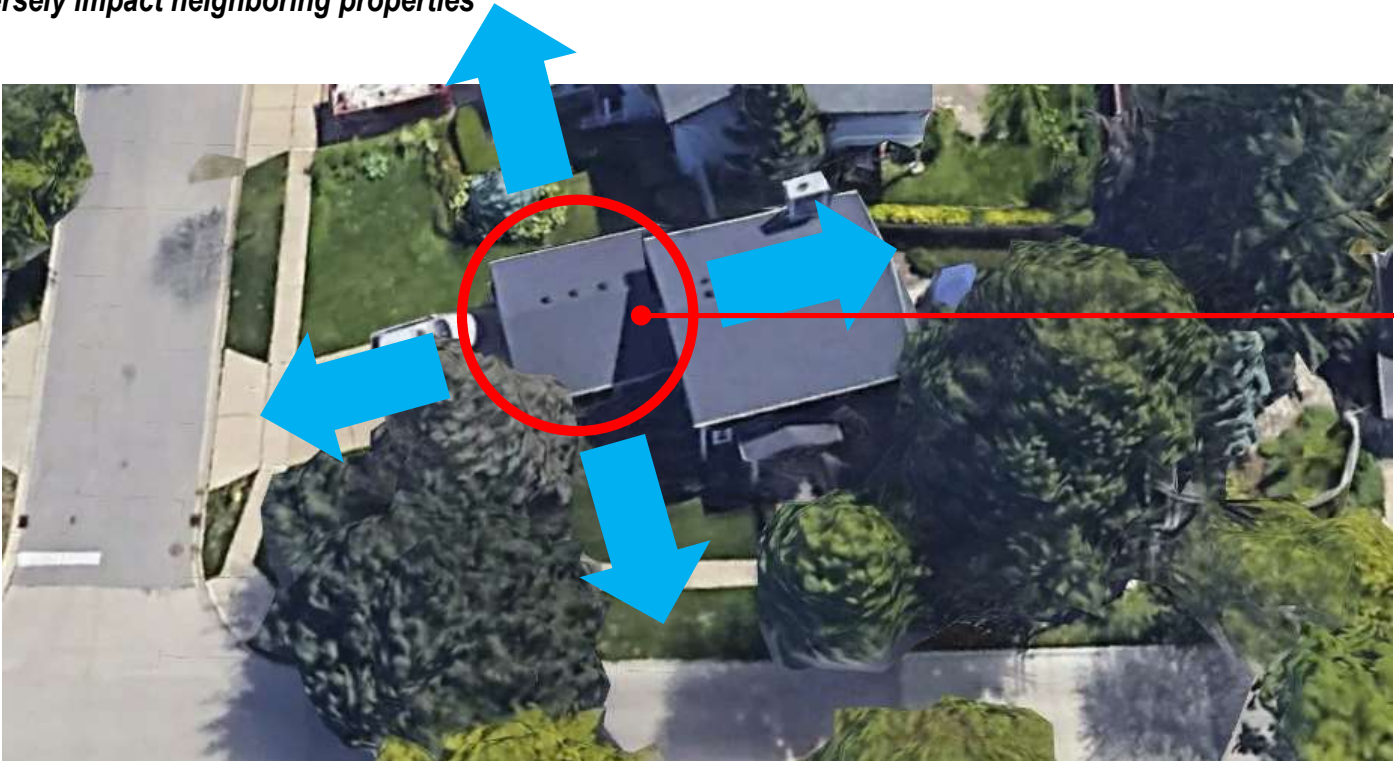
Remove existing patio and landscaping

Remove existing tree

Remove existing lawn area

ADVERSE IMPACT TO OTHERS

- The general form of the second floor in addition is allowed by right, the primary issue is that it is constructed above the existing non-conforming garage “use”
- The addition does not impact neighboring properties any more than a form that is allowed by right
- Forcing a detached garage in the rear yard would have adversely impact neighbors (sense of open space, removal of trees)
- **Conclusion: Granting of the variance would not adversely impact neighboring properties**



Proposed floor 2 addition has no adverse impact to others

Proposed floor 2 addition has no adverse impact to others

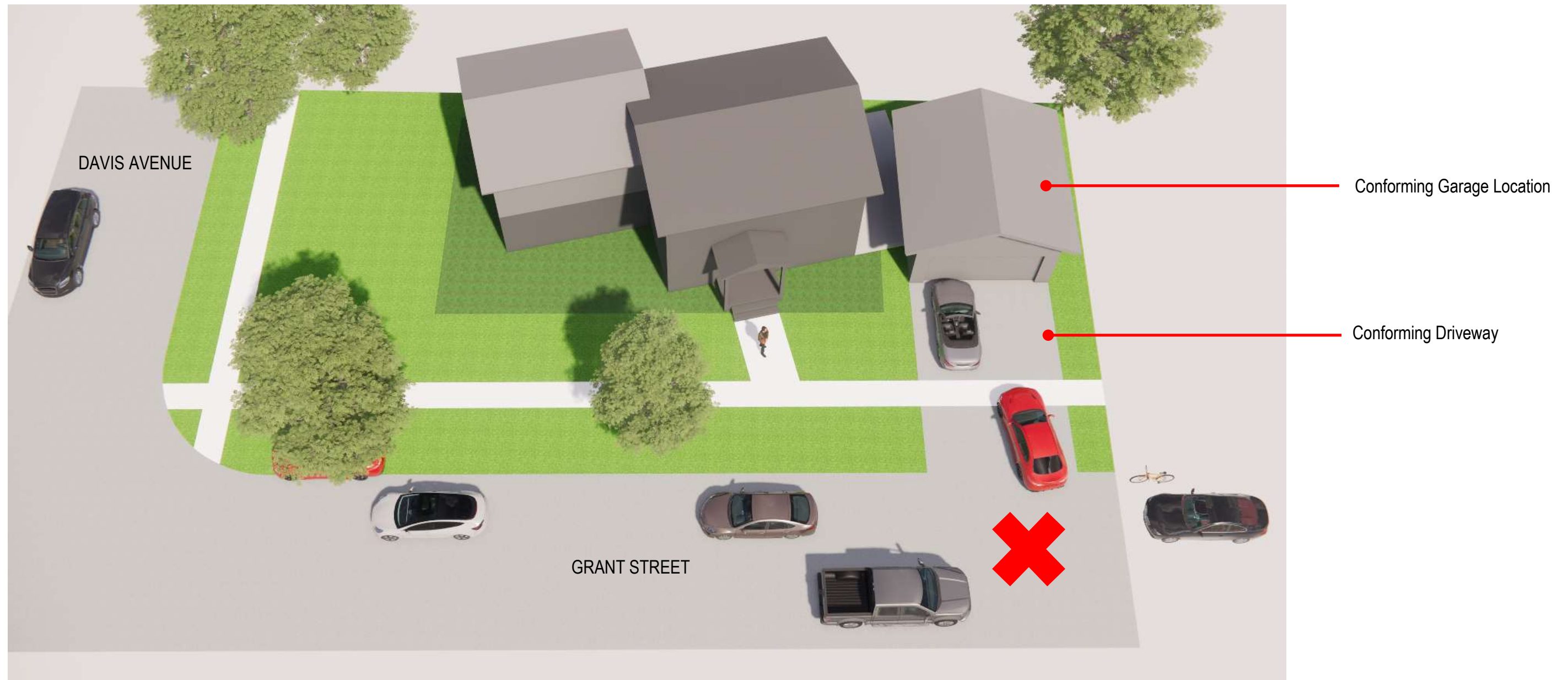


Proposed floor 2 addition has no adverse impact to others

Requiring a compliant garage at this location WOULD adversely impact neighboring properties.

HEALTH, SAFETY, AND WELFARE

- Grant Street has substantially higher traffic volumes and cars typically driving at higher speeds than Davis
- Strict compliance would require a new driveway and curb-cut on with cars backing into Grant Street making for an unsafe condition
- **Conclusion: Granting of the variance would maintain a safer condition than a replacement garage with adverse traffic impact to Grant Street**



SUBSTANTIAL JUSTICE, RELIEF, BE CONSISTANT WITH OTHERS

- Some other Birmingham have similar conditions with non-conforming garages but do have living space above
- There are no other options for enhancing the function of the second
- **Conclusion: The proposed second floor addition is reasonable and in keeping with what others have**



SIMILAR HOME WITHIN THE IMMEDIATE NEIGHBORHOOD
Second floor living space above a non-conforming garage,
Many homes like this within the immediate neighborhood



SIMILAR HOME – WAS GRANTED A VARIANCE (2019)
Second floor living space above a non-conforming garage,
Located in the Holy Name Neighborhood



Conclusion:

The existing garage is the non-conforming part, not the new addition

The variance is only triggered by the fact that it is constructed above the garage

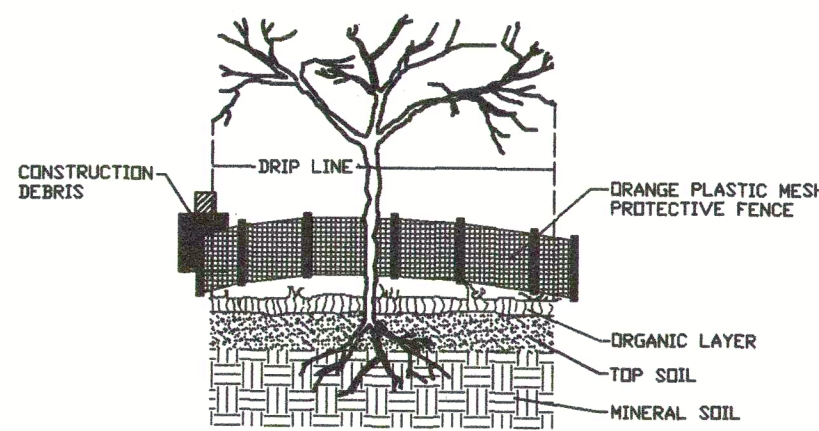
We have no other reasonable design options to meet our functional needs within the restrictions of the site and existing house

The total new area of the second floor is reasonable and in keeping with other Birmingham homes

Nobody is adversely impacted

Strict compliance is unduly burdensome

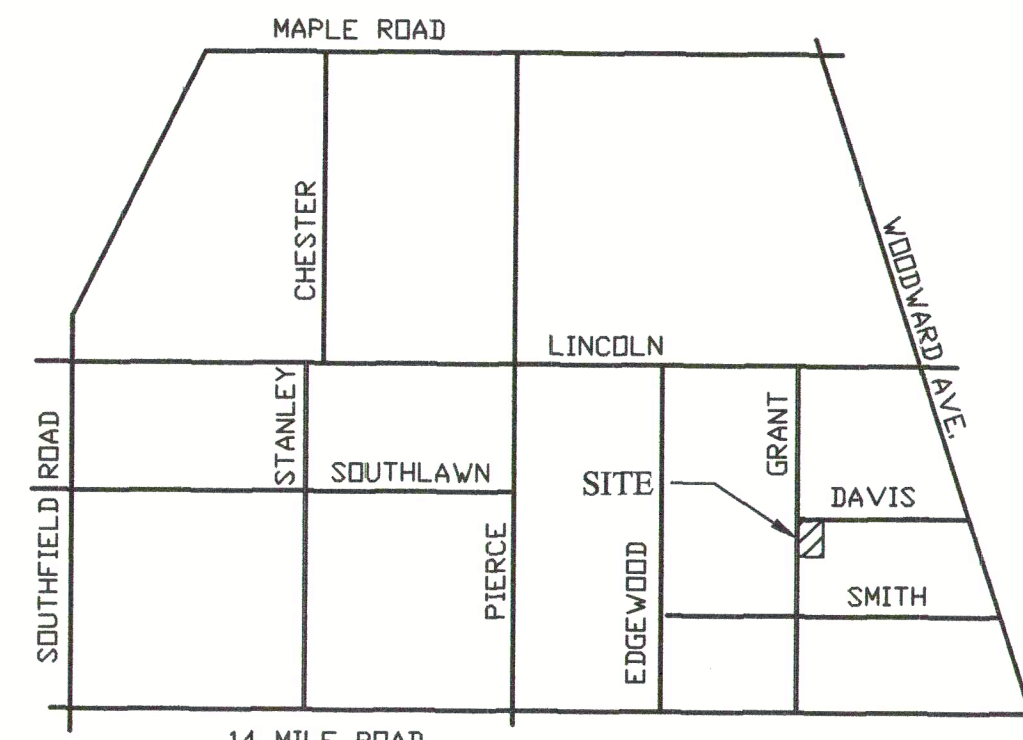
SURVEY AND SITE DRAINAGE PLAN



SCALE 1" = 20'

SITE BENCH MARK #1
NORTH RIM COMB MH 1
ELEVATION = 752.08 CITY
OF BIRMINGHAM DATUM

DAVIS AVENUE
50 FT. WD. RIGHT-OF-WAY
29 FT. WD. CONC. CURBS W/ CONC. SUR.



LOCATION MAP
NO SCALE

- APPROVED TREE PROTECTION SHALL BE ERECTED PRIOR TO START OF CONSTRUCTION ACTIVITIES, AND SHALL REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE. THE FORESTRY DIVISION SHALL BE NOTIFIED AFTER TREE PROTECTION IS IN PLACE PRIOR TO CONSTRUCTION ACTIVITIES, INCLUDING DELIVERY OF MATERIALS.
- NO PERSON MAY CONDUCT ANY ACTIVITY WITHIN THE DRIP LINE OF ANY TREE DESIGNATED TO REMAIN INCLUDING, BUT NOT LIMITED TO, PLACING SOLVENTS, BUILDING MATERIALS, CONSTRUCTION EQUIPMENT, OR SOIL DEPOSITS WITHIN THE DRIP LINES.
- GRADE CHANGES MAY NOT OCCUR WITHIN THE DRIP LINES OF PROTECTED TREES.
- DURING CONSTRUCTION, NO PERSON SHALL ATTACH ANY DEVICE OR WIRE TO ANY REMAINING TREE.
- ALL UTILITY SERVICE REQUESTS MUST INCLUDE NOTIFICATION TO THE INSTALLER THAT PROTECTED TREES MUST BE AVOIDED. ALL TRENCHING SHALL OCCUR OUTSIDE OF THE PROTECTIVE FENCING.
- SVALES SHALL BE ROUTED TO AVOID THE AREA WITHIN THE DRIP LINES OF PROTECTED TREES.
- IF TREE PROTECTION CANNOT BE MAINTAINED FOR A TREE THROUGHOUT THE CONSTRUCTION PERIOD, REPLACEMENT OF THAT TREE MAY BE REQUIRED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
- REGULATED TREES LOCATED ON ADJACENT PROPERTY THAT MAY BE AFFECTED BY CONSTRUCTION ACTIVITIES MUST BE PROTECTED.

TREE CHART

TREE NUMBER	ELEVATION	CANOPY	STATUS	DESCRIPTION
1	752.5	15 FT.	⊙	6" MAPLE
2	752.5	30 FT.	⊙	12" MAPLE
3	752.5	30 FT.	⊙	14" MAPLE
4	752.5	30 FT.	⊙	18" MAPLE
5	751.8	24 FT.	⊙	9" MAPLE
6	752.2	24 FT.	⊙	8" MAPLE
7	752.6	30 FT.	⊙	14" MAPLE
8	752.4	8 FT.	⊙	4" HICKORY
9	753.5	25 FT.	⊙	14" SPRUCE
10	753.6	1.5 FT.	⊙	18" STUMP
13	752.1	40 FT.	⊙	14" MAPLE

REQUESTED VARIANCE	REQUIRED	EXISTING	PROPOSED	VARIANCE
1 SIDE YARD SETBACK - ON EAST	5.00' MINIMUM	4.67'	4.67'	0.33'
2 DISTANCE TO NEIGHBORING HOUSE - ON EAST	14.00' MINIMUM	13.49'	13.49'	0.51'
3 EAVE OVERHANG	10" MAXIMUM INTO SETBACK	20"	20"	10"
4 FRONT FACING GARAGE WIDTH	50% MAX OF BUILDING FRONT 31.3' X 50% = 15.75'	25.00'	NO CHANGE	9.25'
5 FRONT FACING GARAGE DOOR WIDTH	9.00' MAXIMUM	16.00'	NO CHANGE	7.00'
6 GARAGE FAÇADE RELATIVE TO HOUSE FAÇADE	5.00' MINIMUM TO REAR OF FURTHEST FRONT FACING WALL	-34.10'	NO CHANGE	34.10'

LEGAL DESCRIPTION:

LOT 893, EXCEPT THE EAST 10 FEET, OF "LEINBACH-HUMPHREY'S WOODWARD AVENUE SUB." OF THE EAST 1/2 OF THE S.E. 1/4 OF SEC. 36, T. 2 N., R. 10 E., BLOOMFIELD TWP. AND PART OF THE W. 1/2 OF THE S.W. 1/4 OF SEC. 31 AND AND PART OF THE N.W. 1/4 OF SEC. 31, T. 2 N., R. 11 E., TROY TWP. (NOW CITY OF BIRMINGHAM) EXCEPTING THE G.T.R.R. RIGHT-OF-WAY, OAKLAND CO., MICH., AS RECORDED IN LIBER 27 OF PLATS, PAGE 5, OAKLAND COUNTY RECORDS, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

LOT AREA

0.137 ACRES
5970 SQUARE FEET

CURRENT ZONING

R - 3 (SINGLE FAMILY RESIDENTIAL)

REQUIRED SETBACKS FOR CORNER LOT

5 FEET SIDE YARD
10 FEET MINIMUM ROAD SIDE YARD
15 FEET TOTAL OF BOTH SIDE YARDS
14 FEET TO BE MAINTAINED BETWEEN STRUCTURES
30 FEET REAR YARD
MINIMUM FRONT YARD NOT DETERMINED
VERIFY SETBACKS WITH CITY BLDG. DEPT.

AVERAGE FRONT SETBACK DISTANCE FOR EXISTING HOUSES = NOT DETERMINED

AVERAGE GRADE PLAIN ELEVATION OF EXISTING LOT ELEVATIONS PER ORIDANCE = 753.25

UTILITIES NOTE: UTILITY LOCATIONS ARE FROM MUNICIPAL AND VARIOUS UTILITY COMPANY RECORDS AND NO GUARANTEE, EITHER IMPLIED OR EXPRESSED, IS GIVEN BY THIS FIRM AS TO THE ACCURACY OF SAID LOCATIONS. THE CONTRACTOR SHALL REQUEST APPROPRIATE UTILITY OWNERS TO STAKE THE LOCATION OF THE UTILITY IN ANY AREA WHERE CONSTRUCTION WILL TAKE PLACE, 72 HOURS BEFORE SUCH WORK STARTS, AND SHALL NOT START CONSTRUCTION UNTIL SUCH STAKES HAVE BEEN PLACED. THE CONTRACTOR SHALL PROTECT, OR HAVE RELOCATED, AT CONTRACTOR'S EXPENSE, ALL UTILITIES AND STAKES THAT MIGHT BE DISTURBED BY CONSTRUCTION.



3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171

CALL-FREE FOR THE LOCATION
OF UNDERGROUND FACILITIES

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME,
OR UNDER MY DIRECT SUPERVISION.

MICHAEL F. TIGHE NO. 27462

SKL SEIBER KEAST LEHNER
ENGINEERING | SURVEYING

September 27, 2023

Amy & Frank Pisano
612 Davis Avenue
Birmingham, MI 48009

RE: Job #23-191

To Whom it May Concern:

Seiber Keast Lehner (SKL) has performed a field survey to establish the Davis Avenue Right-of-Way line along the North line of Lots 893 through 898 of "Leinbach-Humphrey's Woodward Avenue Subdivision" as recorded in Liber 27 of Plats, Page 5, Oakland County Records in Section 36, T2N, R10E, City of Birmingham, Oakland County, Michigan.

The survey was completed to determine the front setback dimensions of the existing homes and was performed on September 20, 2023. The results are as follows:

612 Davis (Part of Lot 893) = 29.8' (subject parcel not included in calculation)
620 Davis (Part of Lot 893-894) = 24.7'
640 Davis (Lot 895) = 25.8'
664 Davis (Lot 896) = 25.4'
702 Davis (Lot 897) = 24.8'
708 Davis (Lot 898 & Part of Lot 899) = 20.2'

Average Front Setback = 24.18 feet

Sincerely,
Seiber Keast Lehner

Lisa M. Drouillard, PS
Survey Project Manager
Professional Surveyor License #4001046723



Clinton Township Office
17001 Nineteen Mile Road, Suite 3
Clinton Township, MI 48038
586.412.7050

Farmington Hills Office
39205 Country Club Drive, Suite C8
Farmington Hills, MI 48331
248.308.3311

CONSTRUCTION NOTES & SEQUENCE

- OBTAIN ALL REQUIRED APPROVALS FROM GOVERNING AGENCIES.
- OBTAIN ALL REQUIRED PERMITS AND PAY ALL REQUIRED FEES.
- INSTALL SILT FENCE AROUND ENTIRE SITE OR AT PLACES DESIGNATED ON PLAN BEFORE ANY AND ALL CONSTRUCTION BEGINS.
- REMOVE EXISTING TREES WHERE NEEDED.
- STRIP VEGETATION AND TOP SOIL FROM CONSTRUCTION AREA.
- BEGIN CONSTRUCTION.
- CALL GOVERNING AGENCIES FOR INSPECTION WHEN REQUIRED.
- COMPLETE CONSTRUCTION.
- SID AND / OR SEED AND MULCH AND / OR LANDSCAPE ALL DISTURBED AREAS.
- MAINTAIN SILT FENCE AND / OR SOIL EROSION CONTROL UNTIL GRASS AND / OR LANDSCAPING IS ESTABLISHED.

AN EMBOSSED OR ORIGINAL STAMPED SEAL
MUST APPEAR BELOW FOR THIS PLAN TO
BE CONSIDERED VALID



EXISTING PROPERTY ADDRESS

612 DAVIS AVENUE

SIDWELL NO.

19-36-478-046

OWNERS

FRANK J. & AMY L. PISANO
612 DAVIS AVENUE
BIRMINGHAM, MI 48009
PHONE: (248) 593-3723

BUILDER

JANELLE BOYCE
179 CATALPA
BIRMINGHAM, MI 48009
PHONE: (248) 321-3207

CERTIFIED EXCLUSIVELY TO: FRANK J. & AMY L. PISANO

Copyright, © Tighe Surveying Inc.

CHANGED PROPOSED
PORCH BACK TO
EXISTING PORCH,
PROVIDED MORE
ELEVATIONS ALONG
EAST PROPERTY
LINE BY ADDITION,
& CHANGED TREE
CHART & NOTE

TIGHE SURVEYING INC.
MICHAEL F. TIGHE
3324 CUMMINGS AVENUE
PHONE: (248) 542-0002
BERKLEY, MICHIGAN 48072
FAX: (248) 542-6351

SCALE: 1" = 20' DATE: 6-18-15 BY: M.F.T. CHKD: J.M.T. SH. 1 OF 1

PROJECT: SURVEY AND SITE DRAINAGE PLAN

NO. REVISED DATE FOR: FRANK J. & AMY L. PISANO JOB #14-2458SD2

ZONING REVIEW

REFER TO SURVEY BY PROFESSIONAL SURVEYOR/ENGINEER FOR ADDITIONAL INFORMATION

ZONING DISTRICT

R-2, SINGLE FAMILY RESIDENTIAL

PRINCIPAL BUILDING

BUILDING SETBACKS

FRONT SETBACK

AVERAGE FRONT YARD SETBACK OF EXISTING HOMES WITHIN 200 FT EITHER SIDE OF SUBJECT LOT, OR 25 FT, WHICHEVER GREATER – REFER TO SITE SURVEY

620 DAVIS: 24.7'

640 DAVIS: 25.8'

664 DAVIS: 25.4'

702 DAVIS: 24.8'

708 DAVIS: 20.1'

REQUIRED: 24.18' (TOTAL AVERAGE)

EXISTING: 29.8'

PROPOSED: 28.3' (TO SECOND FLOOR ADDITION)

PROPOSED: 26.1' (TO ROOF OVERHANG)

SIDE YARD SETBACKS

SHORT SIDE (EAST)

MINIMUM REQUIRED: 5.0'

EXISTING: 4.67' (EXISTING NON-CONFORMING BY 0.33')

PROPOSED (SECOND FLOOR ADDITION): 4.67' (REQUIRES 0.33' VARIANCE)

EAVE OVERHANG INTO SETBACK

ALLOWABLE: 2" PER FOOT OF REQUIRED SETBACK, THEREFORE 10"

MAXIMUM ALLOWABLE: 10"

EXISTING (EAVE + GUTTER EXTENDS FROM REQ'D BUILDING SETBACK 20"): NON-CONFORMING BY 10"

PROPOSED (SECOND FLOOR ADDITION): (EAVE +GUTTER EXTENDS FROM REQ'D BUILDING SETBACK 20"): REQUIRES 10" VARIANCE

OPPOSITE SIDE

AT LEAST 9.0' OR 10% LOT WIDTH, WHICHEVER GREATER

10% X 50.0' LOT WIDTH = 5.0'

REQUIREMENT THEREFORE IS 9.0'

EXISTING: 13.7'

PROPOSED: NO CHANGE

TOTAL SIDE YARD SETBACK

14.0' OR 25% LOT WIDTH, WHICHEVER GREATER

25% X 50.0' LOT WIDTH = 12.5'

REQUIREMENT THEREFORE IS 14.0'

EXISTING: 4.67' + 13.7': 18.37'

PROPOSED: NO CHANGES

MINIMUM DISTANCE BETWEEN PRINCIPAL RESIDENTIAL BUILDINGS

14.0' OR 25% LOT WIDTH, WHICHEVER GREATER

25% X 50.0' LOT WIDTH = 12.5'

REQUIREMENT THEREFORE IS 14.0'

EAST SIDE

EXISTING: 13.49' (NON-CONFORMING BY 0.51')

PROPOSED (SECOND FLOOR ADDITION): 13.49' (REQUIRES 0.51' VARIANCE)

WEST SIDE: CORNER LOT, NOT APPLICABLE

REAR SETBACK

REQUIRED MINIMUM: 30.0'

EXISTING: 34.1'

PROPOSED: NO CHANGE

COMBINED FRONT AND REAR SETBACK

REQUIRED MINIMUM: 55.0'

EXISTING: 28.3' + 34.1' = 62.4'

PROPOSED: 26.1' (ROOF OVERHANG) + 34.1' = 60.2'

BUILDING HEIGHT

HOUSE

MAXIMUM:

LOTS 6,000 SF TO 9,000 SF (LOT IS 6,072 SF)

ROOF: 28.0' TO MIDPOINT FOR SLOPED ROOF

EAVE: 24.0'

ROOF

EXISTING: LESS THAN 21.0'

PROPOSED: NO CHANGE

EAVE

EXISTING: LESS THAN 18.5'

PROPOSED: NO CHANGE

ATTACHED FRONT FACING GARAGE

MAXIMUM WIDTH ALLOWABLE, 50% OF HOUSE TOTAL ELEVATION WIDTH

ALLOWABLE MAXIMUM: 50% X 31.3' = 15.75'

EXISTING: 25.0' (NON-CONFORMING BY 9.25')

PROPOSED: NO CHANGE (REQUIRES 9.25' VARIANCE)

ATTACHED FRONT FACING GARAGE DOOR WIDTH

MAXIMUM WIDTH ALLOWABLE: 9.0'

EXISTING: 16.0' (NON-CONFORMING BY 7.0')

PROPOSED: NO CHANGE (REQUIRES 7.0' VARIANCE)

ATTACHED FRONT FACING GARAGE FACADE RELATIVE TO HOUSE FACADE

REQUIRED MINIMUM: 5.0' TO REAR OF FURTHEST FRONT FACING WALL

EXISTING: -34.1' (NON-CONFORMING BY 34.1')

PROPOSED: NO CHANGE (REQUIRES 34.1' VARIANCE)

MAXIMUM LOT COVERAGE

AREA COVERED BY BUILDINGS AND STRUCTURES

EXCLUDES:

ALLOWABLE PROJECTIONS INTO OPEN SPACE:

FRONT PORCH (COVERED OR UNCOVERED)

ROOF OVERHANGS, EAVES, GUTTERS, CHIMNEYS, BAY WINDOWS (NOT MORE THAN 2" PER FOOT OF REQUIRED

OPEN SPACE BUT NOT MORE THAN 2 FEET)

REAR UNCOVERED PATIO, TERRACE, PORCH, OR DECK

BASEMENT WINDOW WELLS, 3 FEET IN DEPTH, 6 FEET WIDE

GARAGE INTERIOR STAIR, MAXIMUM OF 75 SF

MAXIMUM ALLOWABLE: 30% OF SITE AREA

6,072 SF LOT AREA x 30% = 1,822 SF

INCLUDED THEREFORE IS:

TOTAL (HOUSE, ATTACHED GARAGE, COVERED PORCH IN SIDE YARD, ROOF OVERHANG IN FRONT YARD): 1,303 SF

PROPOSED LOT COVERAGE (HOUSE + GARAGE): 1,303 SF OR 21.5% (COMPLIES)

MINIMUM REQUIRED OPEN SPACE

LOT AREA LESS AREAS OCCUPIED BY BUILDINGS, STRUCTURES, OR IMPERVIOUS SURFACES – EXCLUDES ALLOWABLE

PROJECTIONS INTO OPEN SPACE:

FRONT PORCH (COVERED OR UNCOVERED)

ROOF OVERHANGS, EAVES, GUTTERS, CHIMNEYS, BAY WINDOWS (NOT MORE THAN 2" PER FOOT OF REQUIRED OPEN

SPACE BUT NOT MORE THAN 2 FEET

REAR UNCOVERED PATIO, TERRACE, PORCH, OR DECK

BASEMENT WINDOW WELLS, 2 FEET IN DEPTH, 6 FEET WIDE

SIDEWALKS 3 FEET OR LESS IN WIDTH

GARAGE INTERIOR STAIR, MAXIMUM OF 75 SF

MINIMUM REQUIRED: 40% OF SITE AREA

6,072 SF LOT AREA x 40% = 2,428 SF

PROPOSED:

6,072 LOT AREA LESS:

HOUSE, ATTACHED GARAGE, ROOF OVERHANG, DRIVEWAY, SIDEWALK, COVER PORCH IN SIDE YARD: 1,860 SF

6,072 SF – 1,860 SF = 4,212 SF (69.3%) COMPLIES

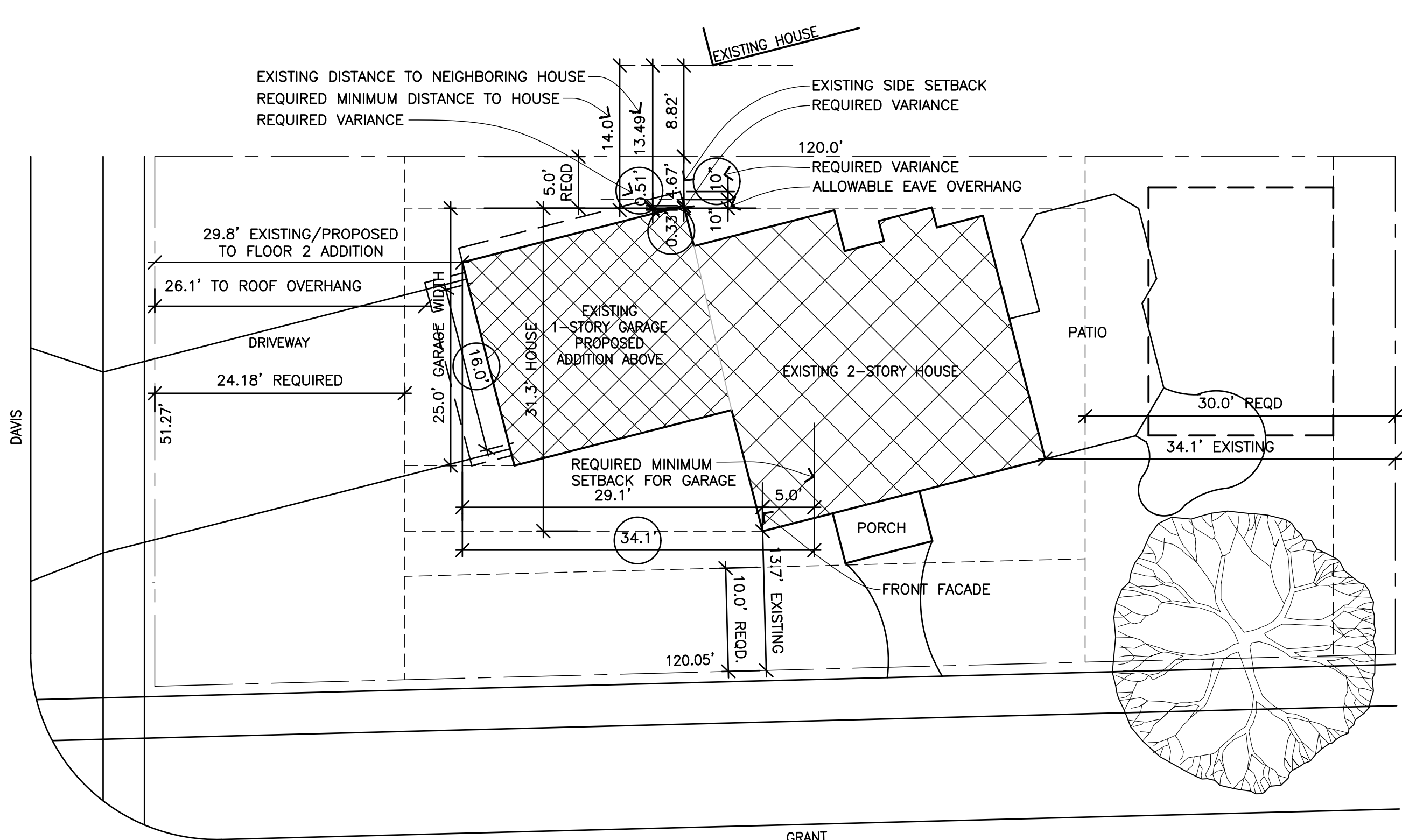
PAVED SURFACE LIMITATION

MINIMUM OF 65% OF FRONT OPEN SPACE SHALL BE FREE OF PAVED SURFACES (EXCLUDING BUILDING

ENCROACHMENTS, UNCOVERED PORCHES, SIDEWALKS 3' IN WIDTH OR LESS)

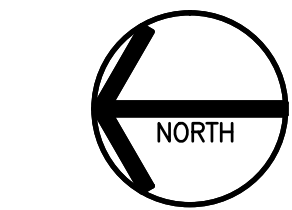
MINIMUM REQUIRED: 1,331 SF x 65% = 865 SF

PROPOSED: 873 SF (COMPLIES)



SITE PLAN

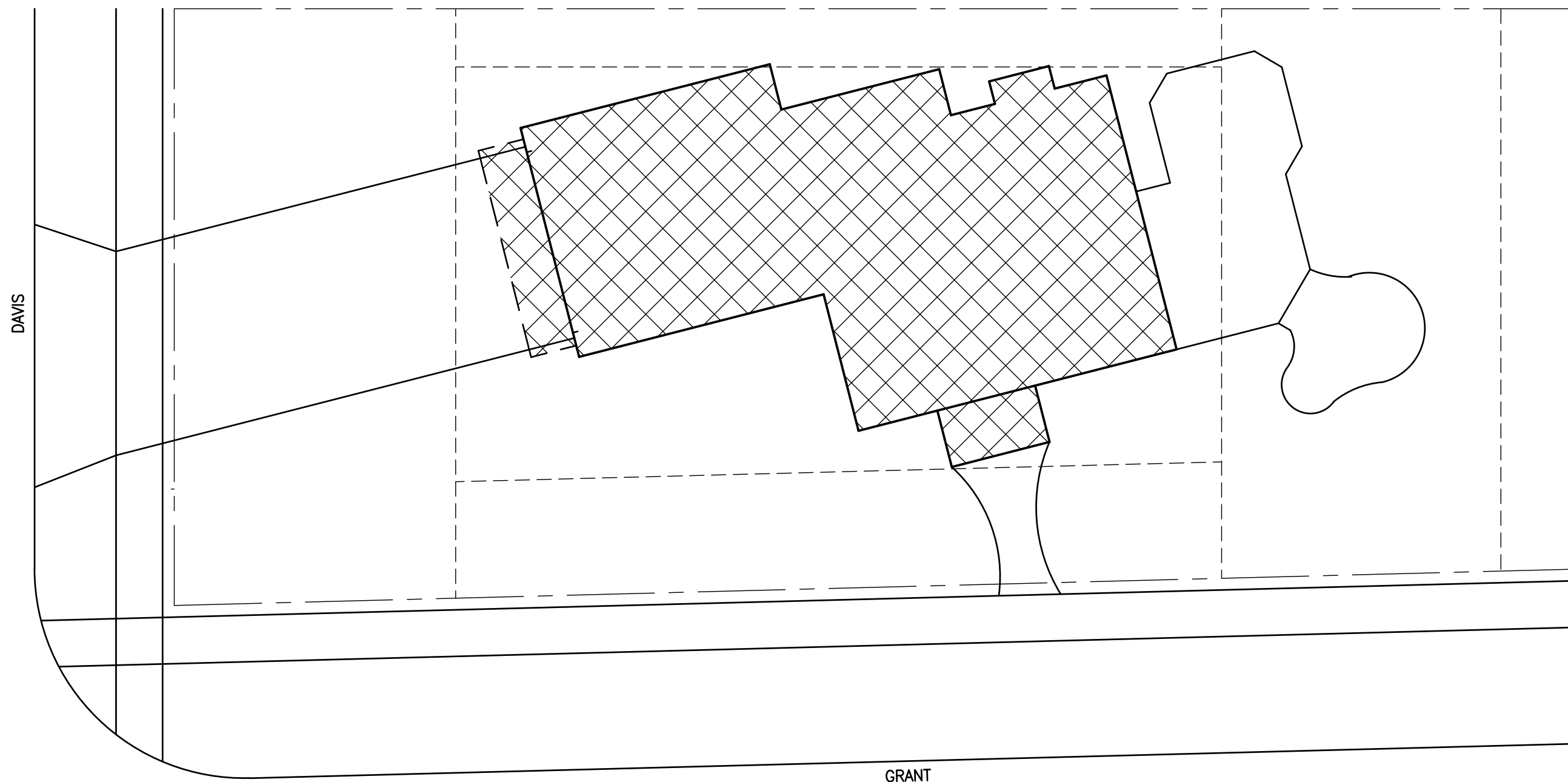
SCALE: 1"= 20'-0"



REQUESTED VARIANCE	REQUIRED	EXISTING	PROPOSED	VARIANCE
SIDE YARD SETBACK – ON EAST	5.00' MINIMUM	4.67'	4.67'	0.33'
DISTANCE TO NEIGHBORING HOUSE – ON EAST	14.00' MINIMUM	13.49'	13.49'	0.51'
EAVE OVERHANG	10" MAXIMUM INTO SETBACK	20"	20"	10"
FRONT FACING GARAGE WIDTH	50% MAX OF BUILDING FRONT: 31.3 X 50% = 15.75'	25.00'	NO CHANGE	9.25'
FRONT FACING GARAGE DOOR WIDTH	9.00' MAXIMUM	16.00'	NO CHANGE	7.00'
GARAGE FAÇADE RELATIVE TO HOUSE FACADE	5.00' MINIMUM TO REAR OF FURTHEST FRONT FACING WALL	-34.10'	NO CHANGE	34.10'

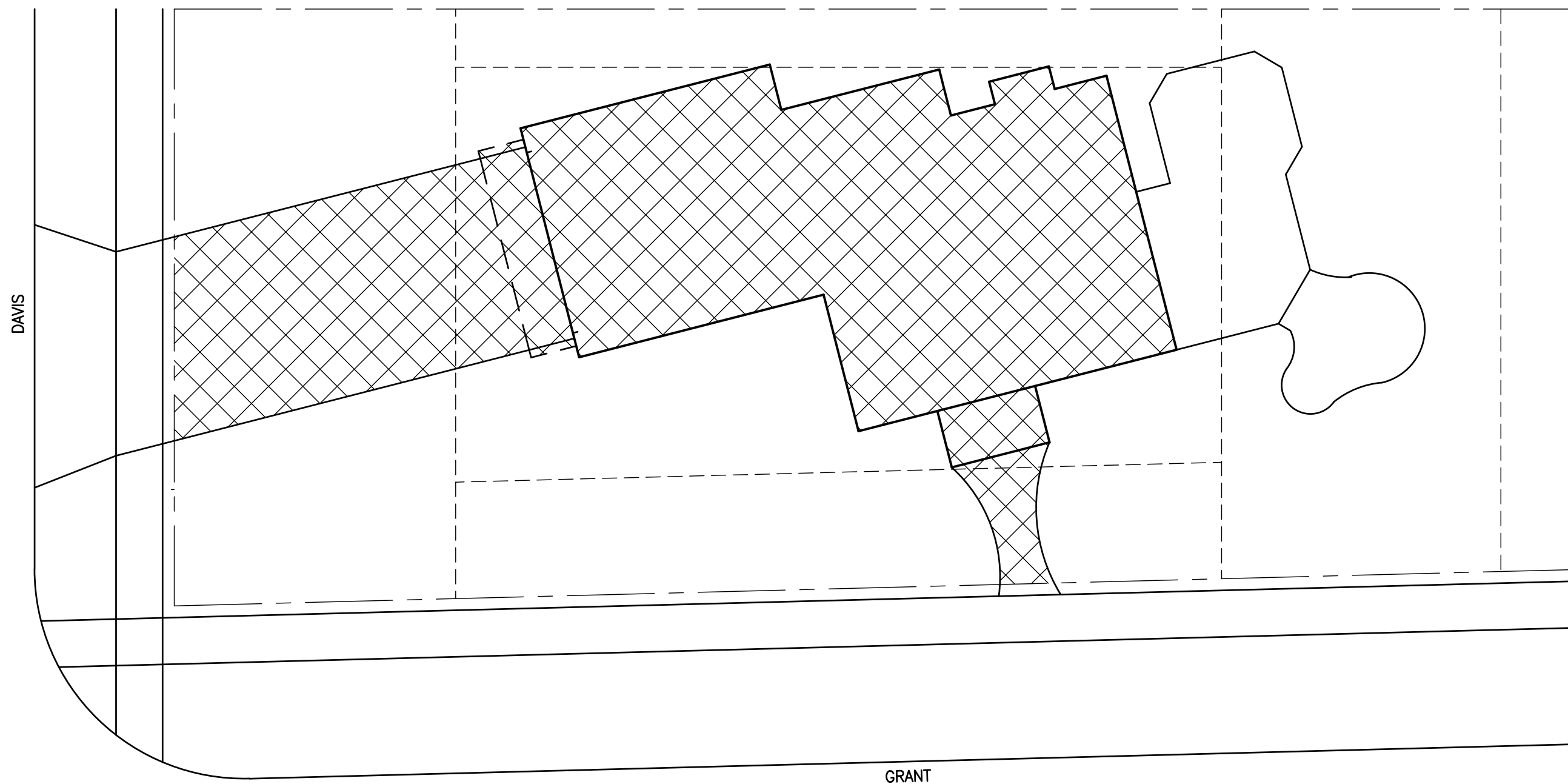
LOT COVERAGE

SCALE: 1"= 20'-0"



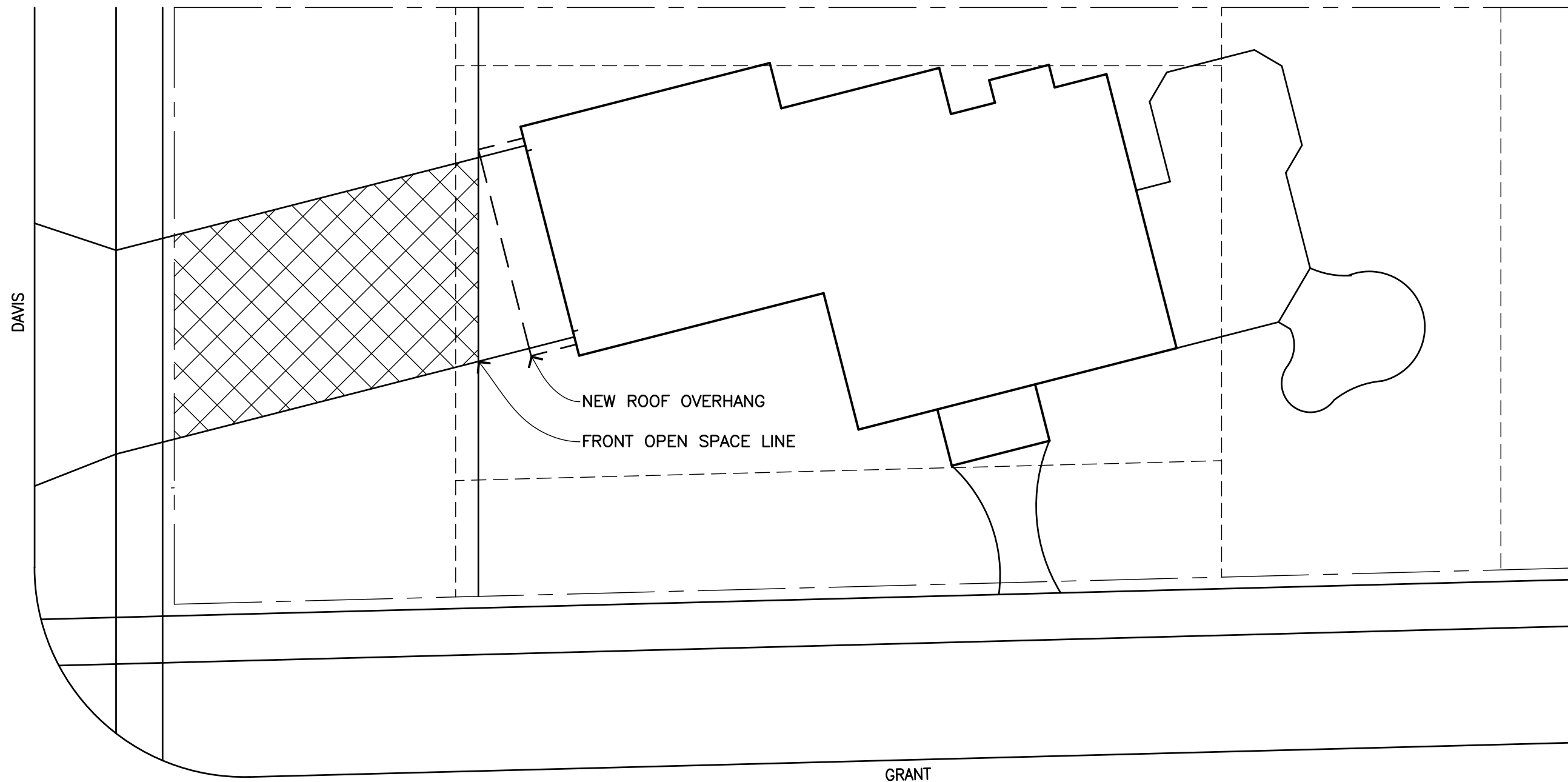
OPEN SPACE

SCALE: 1"= 20'-0"



FRONT YARD

SCALE: 1"= 20'-0"



KOSECK+ARCHITECTURE

2441 Dorchester Road
Birmingham, MI 48009
koseckarch@gmail.com
248.302.4018

Design is COPYRIGHTED

ANY UNAUTHORIZED REPRODUCTION, DUPLICATION, TRANSMISSION, PUBLICATION OR USE OF THIS ORIGINAL WORK OF ANY KIND, BY ANY MEDIUM, BEYOND THE EXPRESS AND LIMITED RIGHT PROVIDED SOLELY AND EXCLUSIVELY FOR THIS SINGULAR CLIENT AND PROJECT OF BERT H. KOSECK, THE ARCHITECT, IS A VIOLATION OF FEDERAL LAW. THE DESIGN CONTAINED IN THIS PRINT IS, AND SHALL REMAIN THE EXCLUSIVE AND PROTECTED INTELLECTUAL PROPERTY OF THE ARCHITECT. FEDERAL COPYRIGHT PROTECTION EXTENDS TO ORIGINAL AND MODIFIED DERIVATIVE PLANS, IS APPLICABLE TO INTENTIONAL AND UNINTENTIONAL INFRINGEMENTS, AND PROVIDES FOR SPECIFIC STATUTORY DAMAGES AS WELL AS SERIOUS CIVIL AND CRIMINAL PENALTIES. ABRIDGED TECHNICAL DRAWINGS AND THEIR RESPECTIVE WORKS ARE COPYRIGHTED AND SPECIFICALLY PROTECTED BY TITLE 17 OF THE UNITED STATES CODE. ALL RIGHTS PROTECTED BERT H. KOSECK, THE ARCHITECT.

Issue Date and For

10.05.2023

BZA Variance Application

Project

Pisano Residence

HOUSE ADDITION ABOVE GARAGE

612 Davis

Birmingham, Michigan

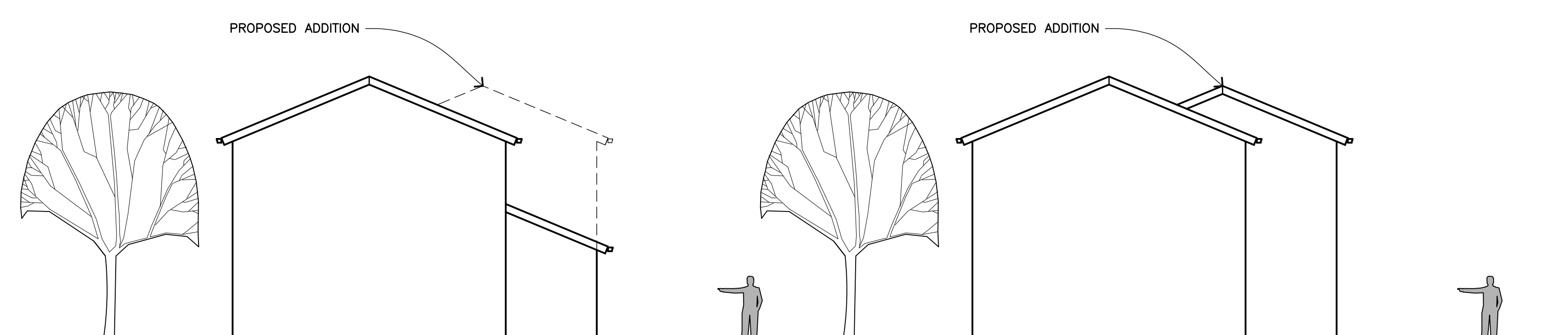
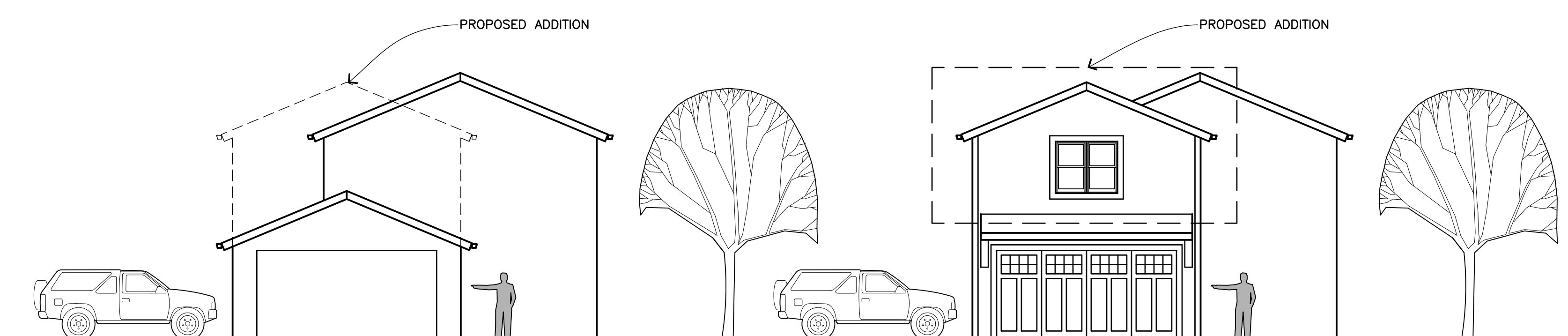
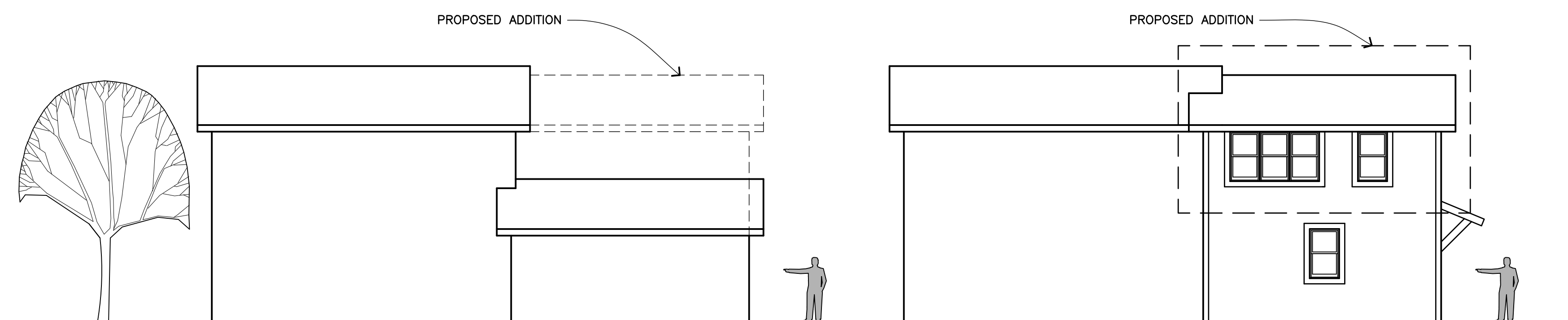
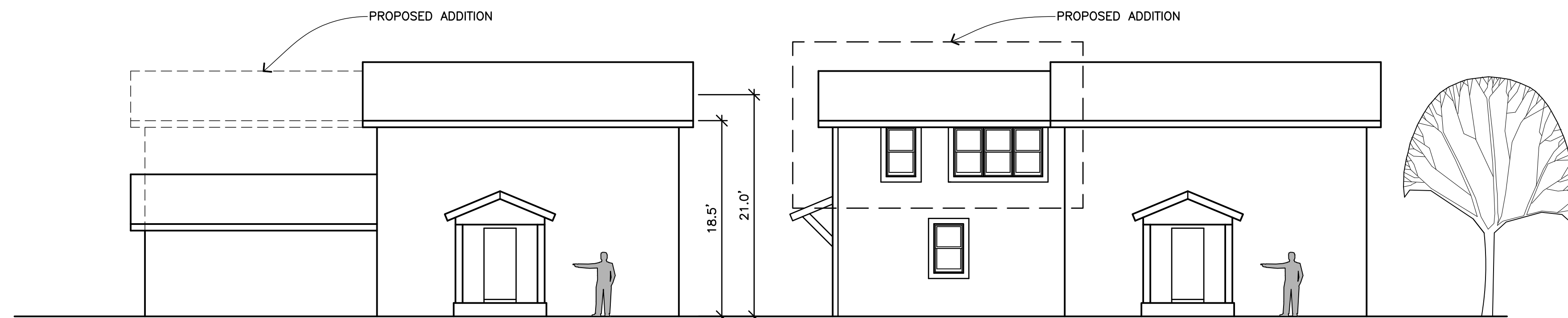
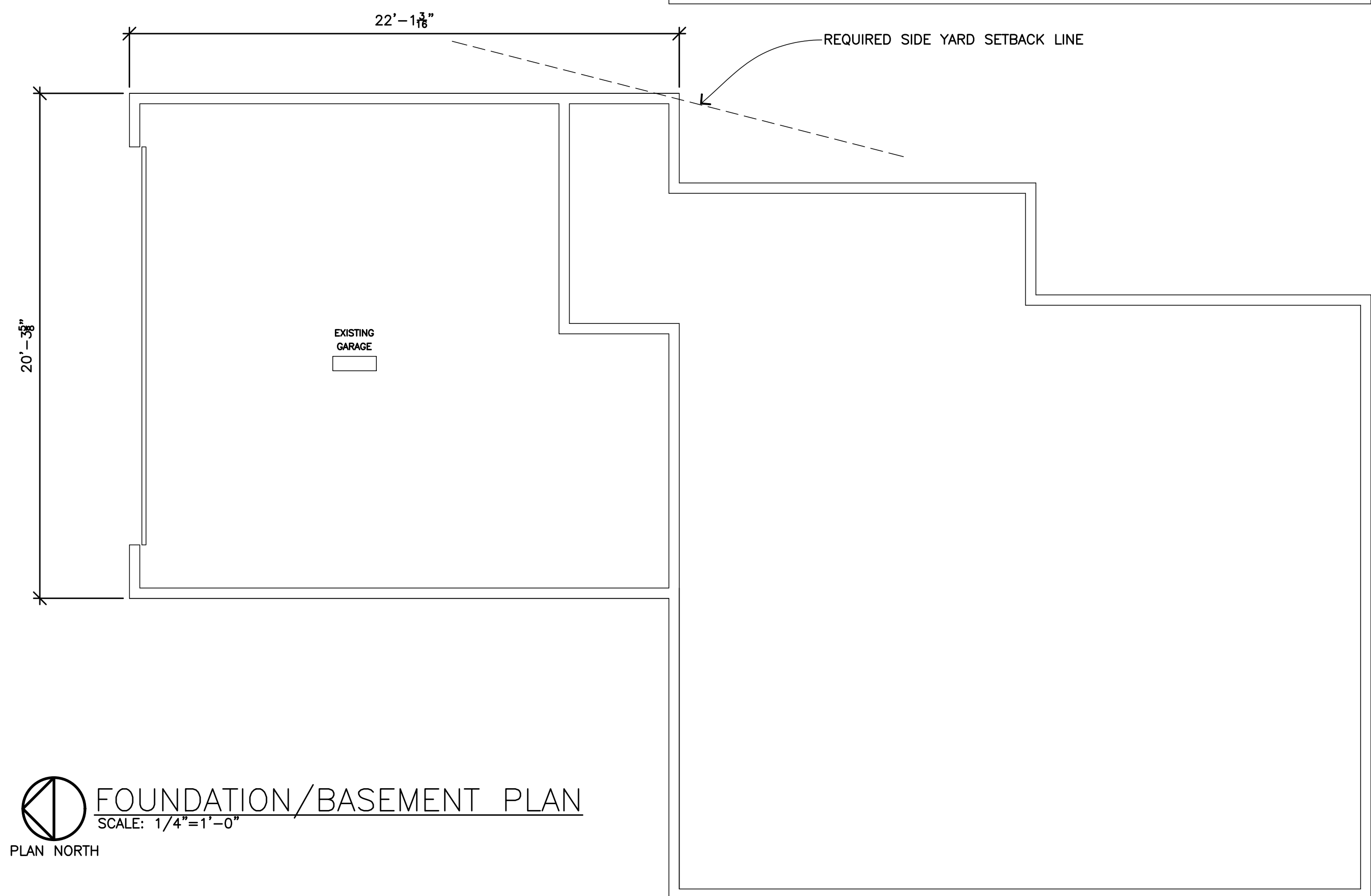
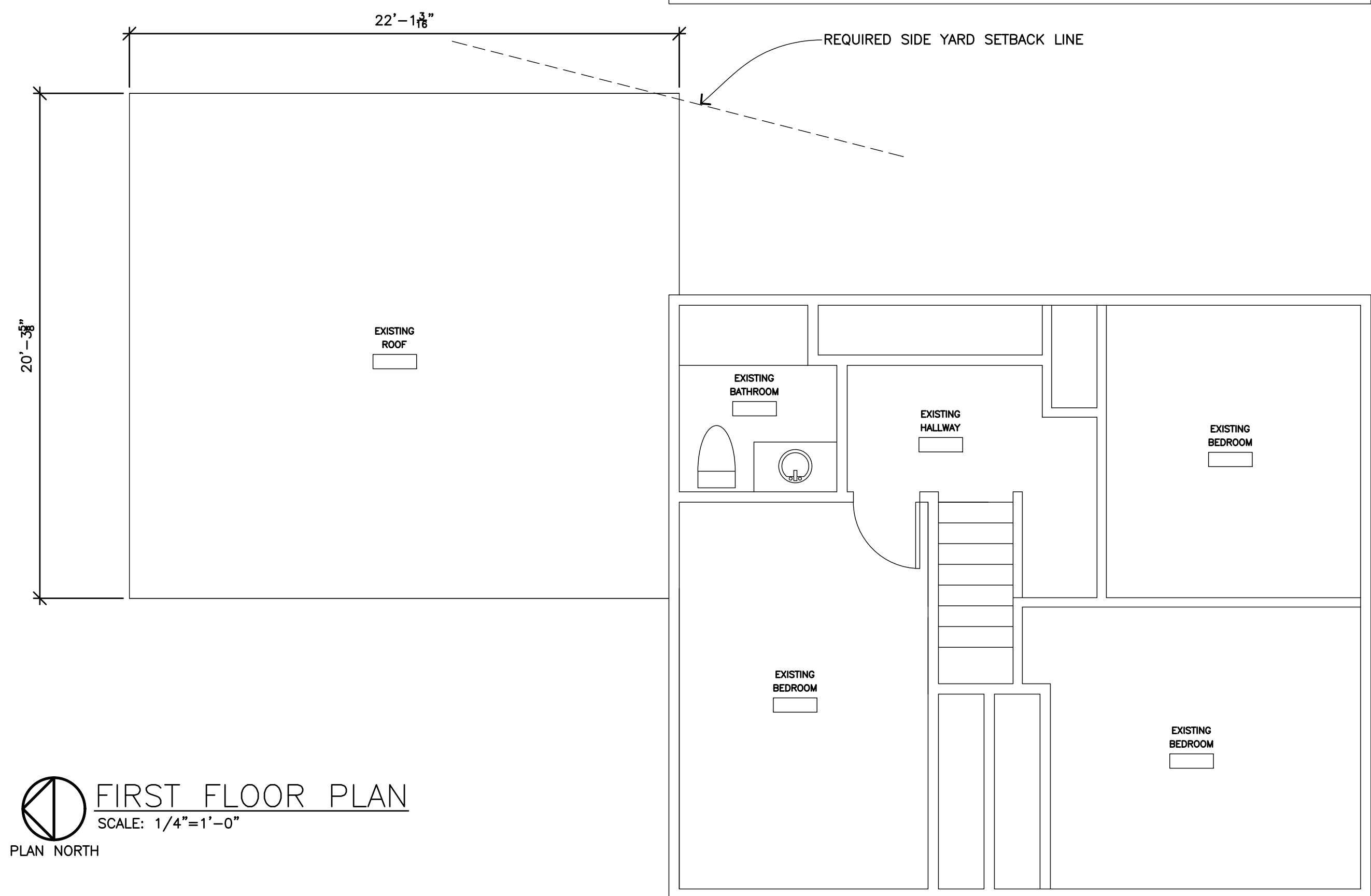
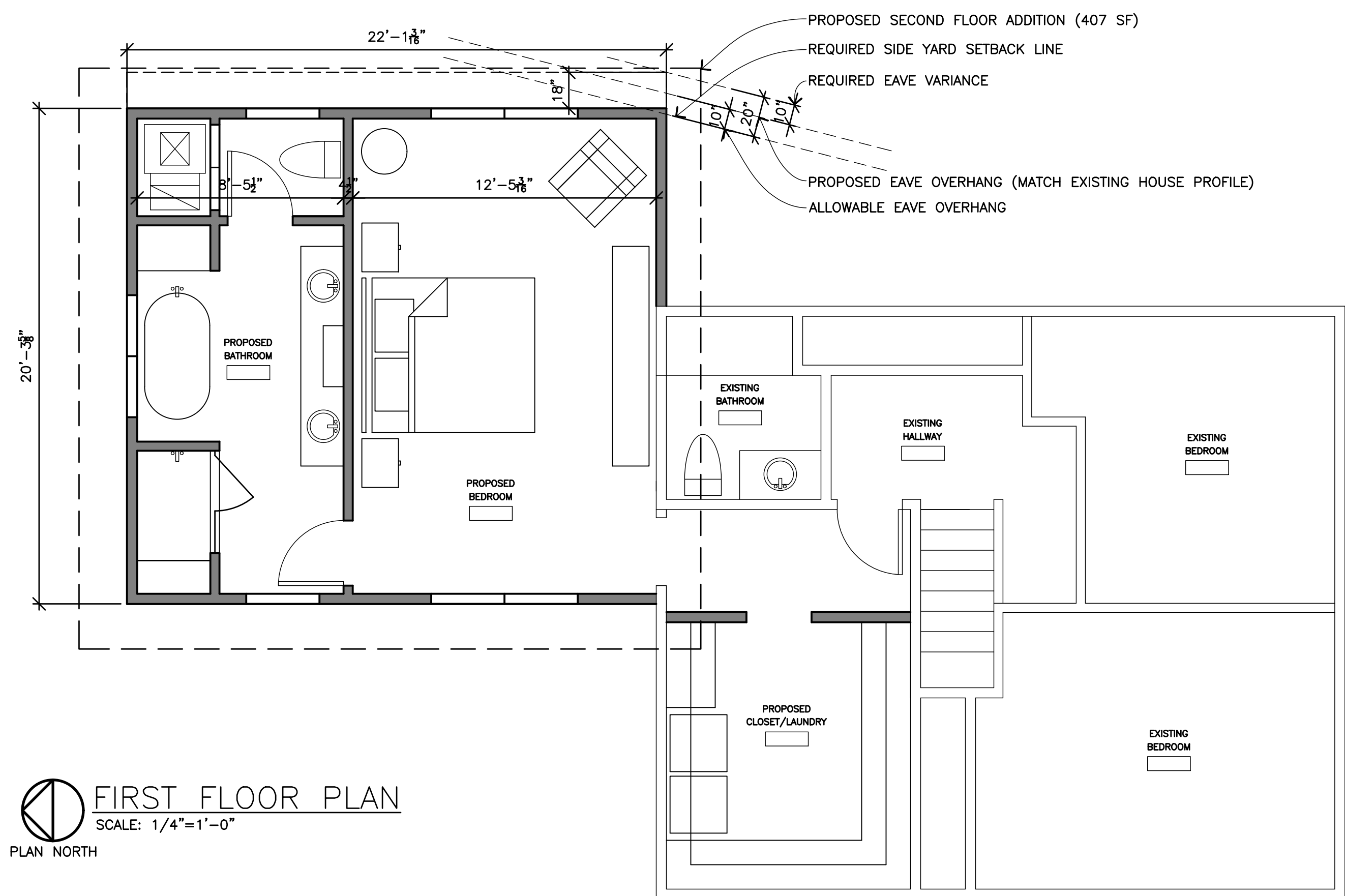
Sheet Name

Site Plan

Zoning Review

Sheet Number

A.1



CASE DESCRIPTION

631 Ruffner (23-39)

Hearing date: December 12, 2023

Appeal No. 23-39: The owner of the property known as **631 Ruffner**, requests the following variances to construct an addition:

A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that the minimum total side yard setbacks of 14.00 feet or 25% of total lot width, whichever is larger. The required is 14.00 feet. The proposed is 13.71 feet. Therefore, a variance of 0.29 feet is being requested.

B. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing is 4.87 and the proposed is 4.87 feet. Therefore, a variance of 0.13 feet is being requested.

C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 14.00 feet. The existing and proposed is 10.59 feet on the west side. Therefore, a variance of 3.41 feet is being requested.

D. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 14.00 feet. The existing and proposed is 11.98 feet on the east side. Therefore, a variance of 2.02 feet is being requested.

Staff Notes: This applicant is requesting variances to construct a second floor addition on the existing non-conforming home that was constructed in 1989. This lot is adjacent to a corner lot. The existing home has the garage door facing the street.

This property is zoned R3 – Single family residential.

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

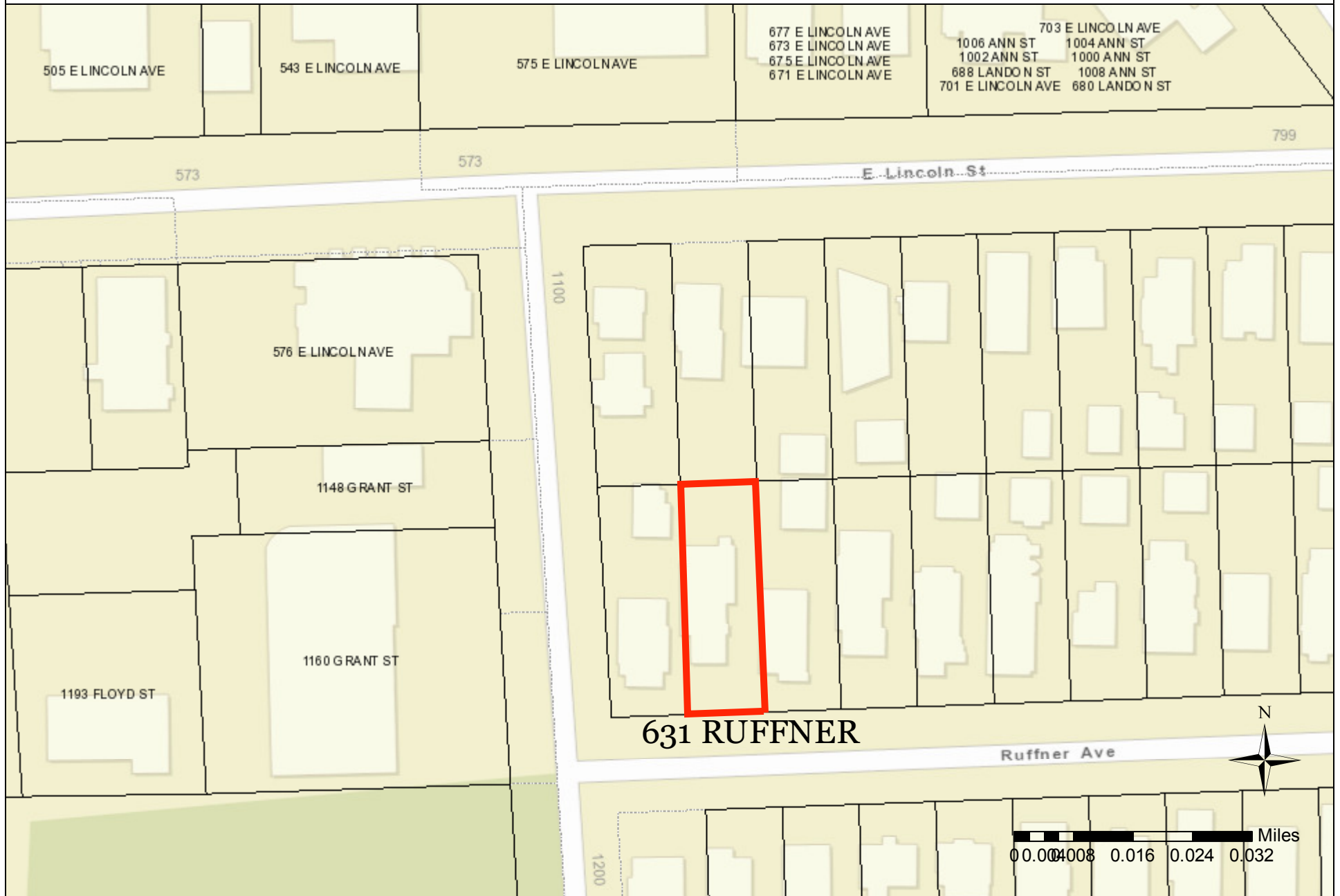
8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

631 RUFFNER 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

Received Date: _____

Hearing Date: 11/14/2023

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 631 Ruffner Ave Birmingham MI 48009	Lot Number: 1337	Sidwell Number: 08-19-36-426-047
--	----------------------------	---

II. OWNER INFORMATION:

Name: Alan Ghassan			
Address: 631 Ruffner Ave Birmingham MI 48009	City: Birmingham	State: MI	Zip code: 48009
Email: alanhassan929@hotmail.com		Phone: 248-709-7726	

III. PETITIONER INFORMATION:

Name: Alan Ghassan		Firm/Company Name:	
Address: 631 Ruffner Ave Birmingham MI 48009	City: Birmingham	State: MI	Zip code: 48009
Email: alanhassan929@hotmail.com		Phone: 248-709-7726	

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. COMPLETE digital 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:

Please provide the following in your electronic submission:

- ☐ Completed and signed application
- ☐ Signed letter of practical difficulty and/or hardship
- ☐ Certified survey
- ☐ Building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, provide a copy of the minutes from any previous Planning, HDC, or DRB board meeting

VI. APPLICANT SIGNATURE

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.
By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.
*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: _____

Date: 10/07/2023

Signature of Petitioner: _____

Date: 10/07/2023

CITY OF BIRMINGHAM
BOARD OF ZONING APPEALS
RULES OF PROCEDURE

ARTICLE I - Appeals

- A. Appeals may be filed under the following conditions:
1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
 2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
 3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.
- B. Procedures of the Board of Zoning Appeals (BZA) are as follows:
1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
 2. All applications for appeal shall be submitted to the Community Development Department on or before the 12th day of the month preceding the next regular meeting. If the 12th falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
 3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
 4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
 5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
7. An aggrieved party may appeal a Planning Board decision. Such appeal must be made within 30 days of the date of the decision. The BZA, in its discretion, may grant additional time in exceptional circumstances.
8. Appeals from a decision of the Building Official shall be made within 30 days of the date of the order, denial of permit, or requirement or determination contested. The BZA, in its discretion, may grant additional time in exceptional circumstances.
9. An appeal stays all proceedings in accordance with Act #110, Public Acts of 2006, Article VI, Section 125.3604 (3).

C. The order of hearings shall be:

1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
3. Interested parties' comments and view on the appeal.
4. Rebuttal by applicant.
5. The BZA may make a decision on the matter or request additional information.

D. Motions and Voting

1. A motion is made to either grant or deny a petitioner's request
 - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
 - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
 - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.
 2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.
-

3. When there are less than seven (7) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity at the beginning of the meeting to elect to have it heard at the next regularly scheduled meeting.
4. When there are less than six (6) members present for a meeting, then all petitioners shall be given an opportunity at the beginning of the meeting to elect to have the request heard at the next regularly scheduled meeting.

ARTICLE II - Results of an Appeal

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.
- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a Certificate of Survey must be submitted to the Community Development Department with the building permit application. A building permit must be obtained within one year of the approval date.
- D. Failure of the appellant, or his representative, to appear for his appeal hearing will result in the appeal being adjourned to the next regular meeting. If, after notice, the appellant fails to appear for the second time, it will result in an automatic withdrawal of the appeal. The appellant may reapply to the BZA.
- E. Any applicant may, with the consent of the Board, withdraw his application at any time before final action.
- F. Any decision of the Board favorable to the applicant is tied to the plans submitted, including any modifications approved by the Board at the hearing and agreed to by the applicant, and shall remain valid only as long as the information or data provided by the applicant is found to be correct and the conditions upon which the resolution was based are maintained.

ARTICLE III - Rehearings

- A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.
-

B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.

A handwritten signature in dark ink, appearing to read "Gossman", is written above a horizontal line.

Signature of Applicant

Letter of Practical Difficulty or Hardship

631 Ruffner Ave

Birmingham, MI 48009

Letter of Intent for Zoning Variances Due to Practical Difficulty or Hardship:

LOT# 1337

PARCEL ID: 08-19-36-426-047

Dear Planning & Zoning Members,

We are requesting a variance for the above address, for the reasons outlined below. The proposed relocation of the front door would allow us to expand our living space while improving the appearance and curb appeal of our home. The additional space above the garage will allow us to remain in our home as we continue to expand our family. With these modifications, we would be able to improve the exterior of our home to be modern and attractive which would better fit the aesthetic of the new homes in our community.

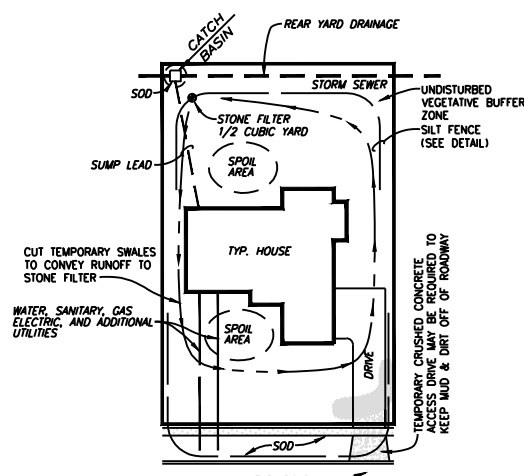
- 1) The granting of the variance will not have any effect on the neighboring properties
- 2) We are faced with a practical difficulty/hardship due to the former requirements which allowed our home to be built with a garage in the front. At the time it was built it was compliant with city requirements and we purchased the home as such. Now with the more recent ordinances, it is not compliant to have the front door behind the garage which poses a practical difficulty as we are trying to work with the current layout of our home while modifying it to improve the curb appeal.

Thank you for your consideration,

Sincerely,



Alan Ghassan



NOTE:

NOTE:
THE CONTRACTOR IS REQUIRED TO
INSPECT THE EROSION MEASURES ON
A WEEKLY BASIS AND AFTER EVERY
RAINSTORM

SEQUENCE OF CONSTRUCTION

1. CONSTRUCTION FENCE SHALL BE INSTALLED PRIOR TO EROSION MEASURES.
2. EROSION MEASURES SHALL BE OBSERVED DURING THE EROSION, THE
SILT FENCE AND TEMPORARY SHALES AS SHOWN.
3. THE TEMPORARY SHALES SHALL BE MAINTAINED AS SHOWN. THESE SHALL
BE MAINTAINED IN PLACE UNTIL CONSTRUCTION IS COMPLETE, AND THE
EROSION MEASURES ARE OBSERVED BY THE CONTRACTOR.
4. DIRECT SURFACE RUN-OFF TOWARDS CENTER OF SILT FENCE.
5. ALLOW OPENING IN SILT FENCE FOR CONSTRUCTION TRUCK.
6. PRIOR TO FINAL FILL, TEMPORARY SHALES IN PLACE, THESE SHALL
SLOPE GREATER THAN 1% AND 10' AROUND CATCH BASINS.
7. AFTER EROSION MEASURES ARE OBSERVED, THESE SHALL BE 15' OR GREATER
WITH A MINIMUM OF 10' FOR TEMPORARY FILL.

SILT FENCE DETAIL

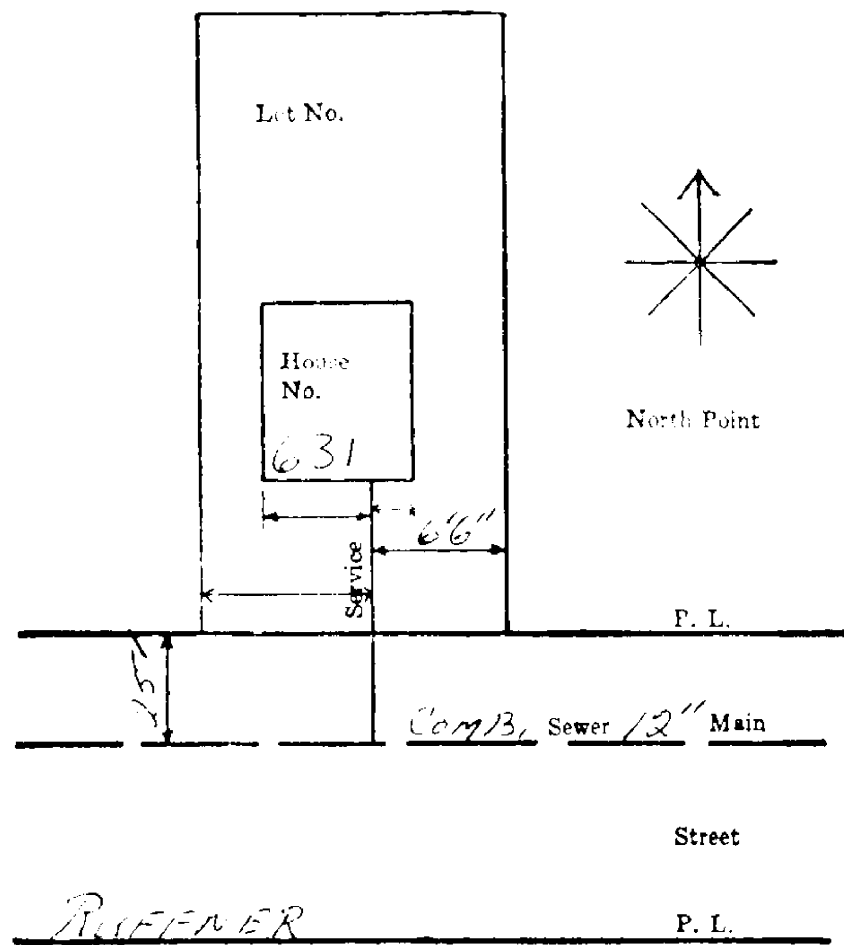
(NO SCALE)

SOIL EROSION DETAILS

(NO SCALE)

STREET NAME	HOUSE #	SETBACK	EAVE HT.	PEAK HT.
RUFFNER	611	12.8'	10.5'	19.8'
RUFFNER	631**	24.6'	18.6'	26.0'
RUFFNER	647	17.5'	19.8'	25.4'
RUFFNER	651	25.0'	17.8'	25.1'
RUFFNER	683	13.6'	17.0'	23.8'
RUFFNER	707	19.7'	19.7'	27.5'
RUFFNER	727	20.1'	10.0'	21.4'

AVERAGE SETBACK - 18.1' RUFFNER



Depth of Sewer Main: 6' INVERT
Size of Sewer Main: 12"
Depth of Service at P.L.: 7'
Size of Service at P.L. to Block: 12"
Type of Main at Inside Service: Plastic
Type of Main at Outside Service: Plastic
Ruffner location 6' 6" water
water share branch

9-12-1937 J. Parker
Date Sign: 1



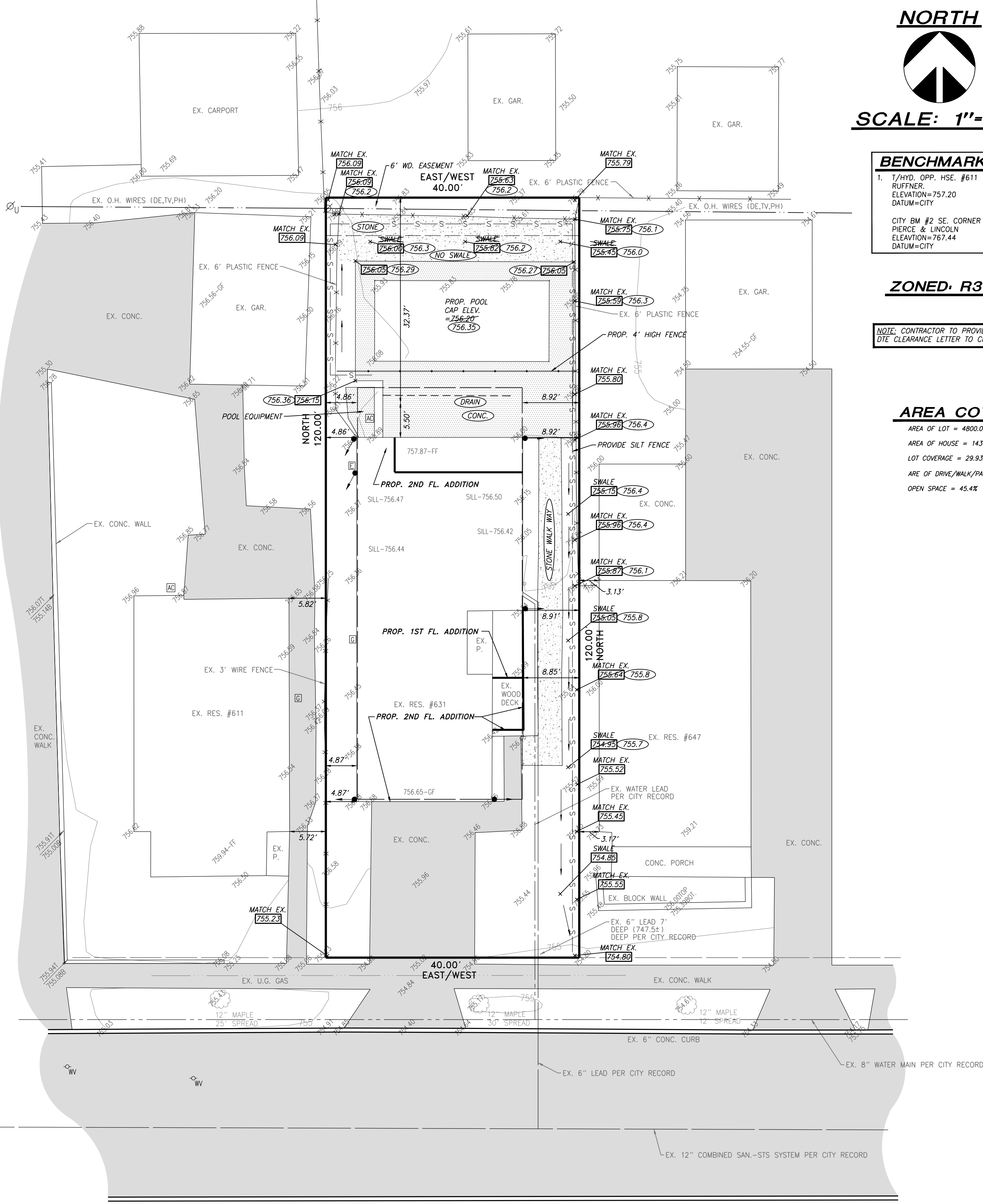
Contractor Note:
The locations of existing underground utilities
are shown in an approximate way only.
The contractor shall determine the exact location
of all existing utilities before commencing
work. He agrees to be fully responsible for
any and all damages which might be
occasioned by his failure to exactly locate
and preserve any and all underground utilities.

CAUTION

CONTRACTOR TO VERIFY GROUND WATER
PRIOR TO CONSTRUCTION.

ULC RECOMMENDS SOIL ANALYSIS TO BE
PERFORMED BY A PROFESSIONAL.

CONTRACTOR TO MONITOR EXCAVATION FOR
SOIL/GROUND WATER CONDITIONS.



NORTH

SCALE: 1"=10'

BENCHMARK

1. T/HYD. OPP. HSE. #611
RUFFNER,
ELEVATION=757.20
DATUM=CITY
CITY BM #2 SE. CORNER OF
PIERCE & LINCOLN
ELEVATION=767.44
DATUM=CITY

ZONED: R3

NOTE: CONTRACTOR TO PROVIDE
DIE CLEARANCE LETTER TO CITY

AREA COVERAGE

AREA OF LOT = 4800.0 S.F.
AREA OF HOUSE = 1437 S.F.
LOT COVERAGE = 29.93%
ARE OF DRIVE/WALK/PATIO = 1181.5 S.F.
OPEN SPACE = 45.4%

LEGEND

- 100 EXISTING CONTOURS
- 100.00 EXISTING GRADE
- 0.0 AS-BUILT GRADE
- 0.0 PROPOSED GRADE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- S-S PROPOSED SILT FENCE

TOPOGRAPHY LEGEND

- WATER MAIN
- STORM SEWER
- SANITARY SEWER
- EASEMENT
- EX. U.G. ELEC.
- EX. O.H. WIRES
- EX. U.G. TELE.
- EX. U.G. GAS
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- UTILITY MANHOLE
- STORM MANHOLE
- END OF PIPE
- SANITARY MANHOLE
- CLEAN-OUT
- MANHOLE
- HYDRANT
- DW GATE VALVE WELL
- WATER VALVE
- WATER BOX
- VALVE
- LIGHT POLE
- AIR CONDITIONER
- MAIL BOX
- FENCE POST
- DOWN SPOUT
- SOIL BORING
- ELEC TRANS PAD
- UTILITY POLE
- GUY ANCHOR
- GUY POLE
- SPRINKLER HEAD
- GAS METER
- TELEPHONE RISER
- ELECTRICAL RISER
- CABLE TV RISER
- FINISHED FLOOR
- GARAGE FLOOR
- CONCRETE
- CONC.
- SET MAG. MAIL
- SET IRON BAR
- FOUND IRON BAR
- FOUND C. MONUMENT

Surveyor's Certificate

I hereby certify that I have surveyed and
mapped the land above plotted and/or
described on March 22, 2000 and that the
ratio of closure on the unadjusted field
observations of such survey was 1/50,000.

NOTE:

CONTRACTOR TO CONFIRM
BASEMENT WALL HEIGHT, FIRST
FLOOR ELEVATION AND BASEMENT
FLOOR ELEVATION PRIOR TO THE
START OF CONSTRUCTION!!!

URBAN LAND CONSULTANTS WILL SET HIGH GRADE/BRICKLEDGE
CONTRACTOR TO USE GRADE SET ON SITE

LOT 1337, LIENBACH-
HUMPHRY'S WOODWARD SUB.
PART OF THE S.E. 1/4 OF SECTION 36
T.21N., R.10E., CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

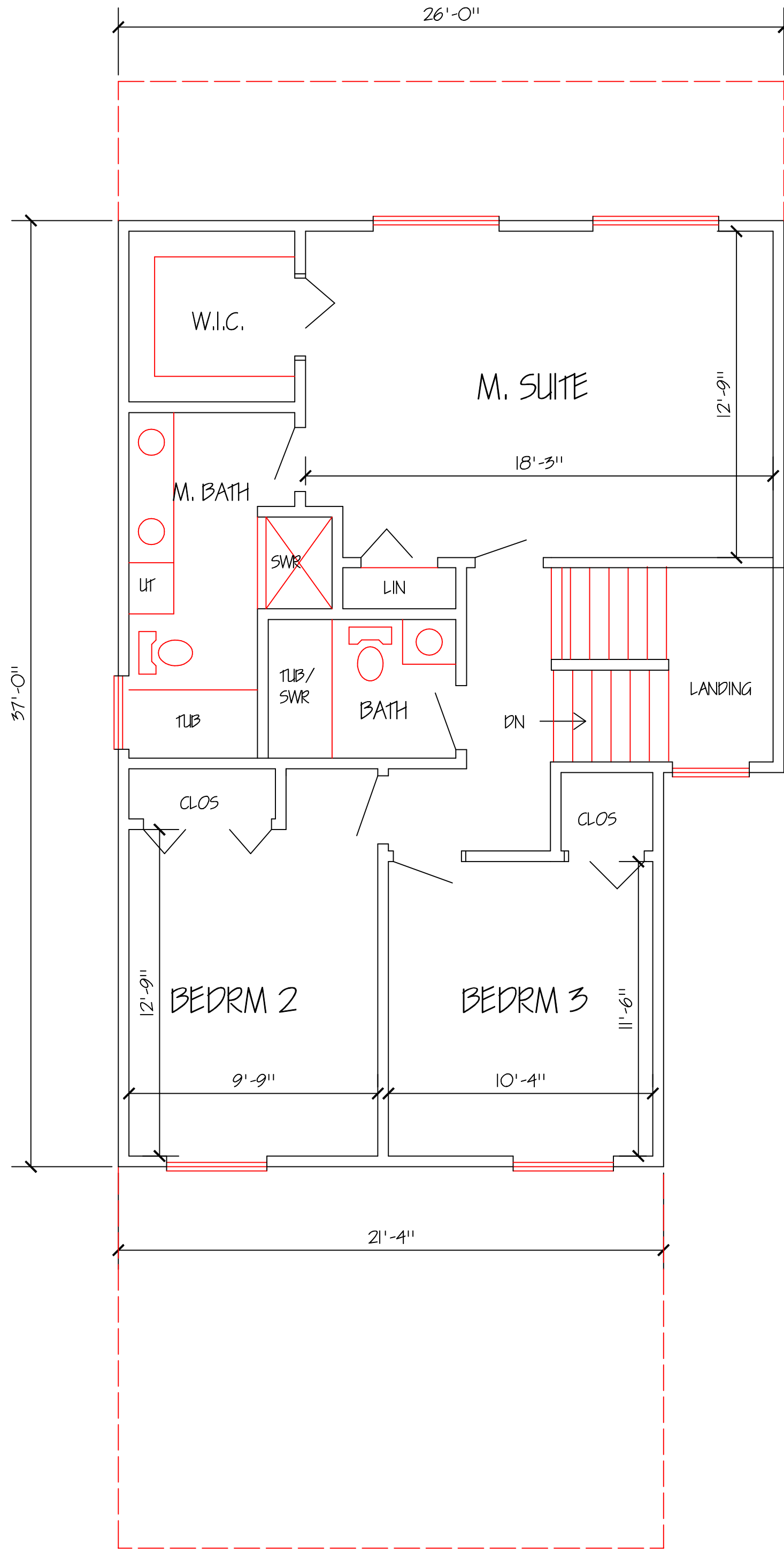
211036-10601
Job No.
Date 12-3-21
Scale 1" = 10'
Drawn KG
Check R. LINDH
Sheet 1 of 1
Fid. BK.

ALAN GHASSAN

631 RUFFNER
BIRMINGHAM, MI
248-709-7726

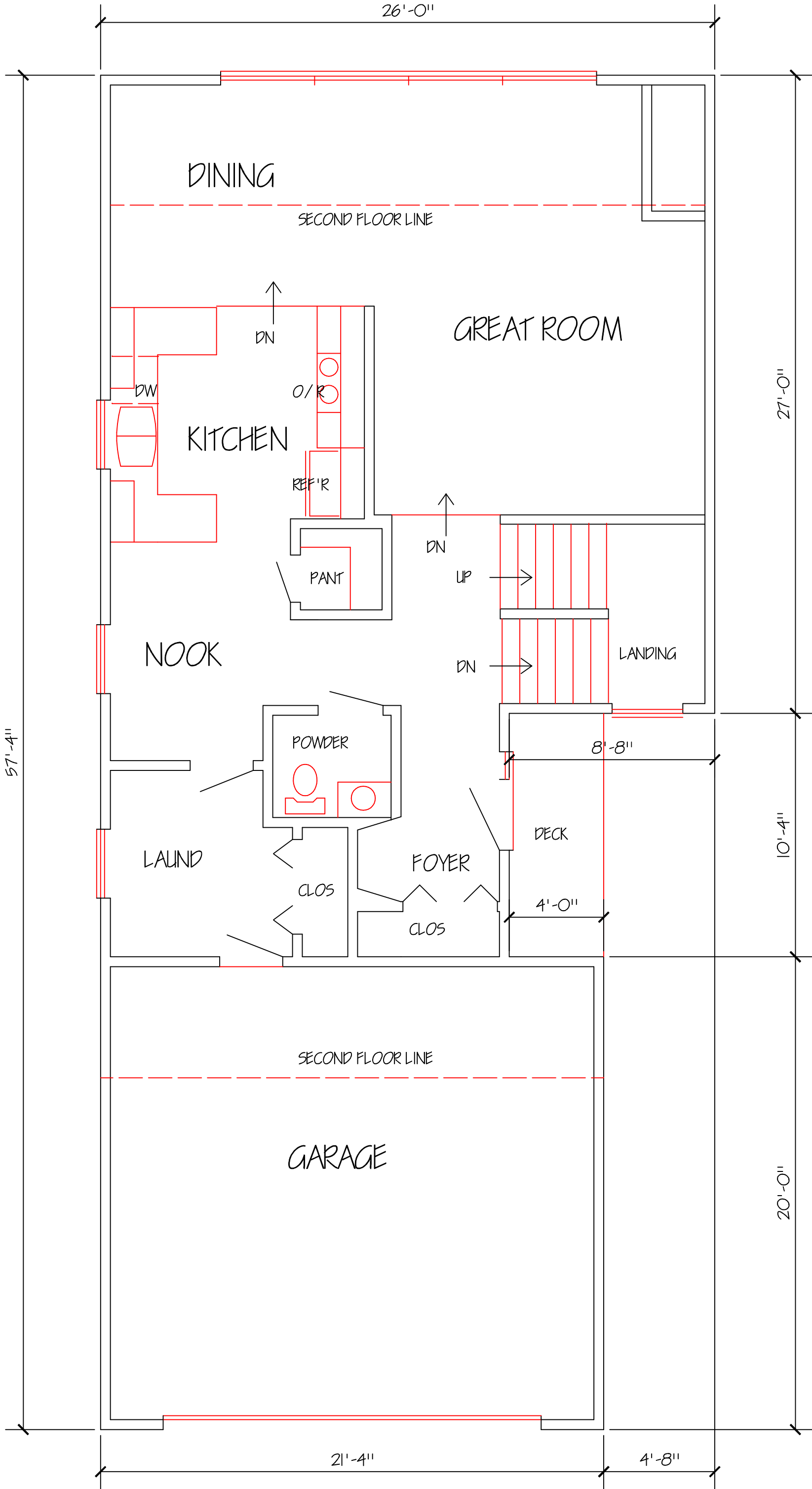
PHONE 586 731-8030

URBAN
LAND
CONSULTANTS ©
PLANNERS LAND SURVEYORS
8800 23 MILE ROAD
SHELLEY TWP., MI 48316-4516



EXISTING SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"
883 SQ. FT.
1306 SQ. FT. LOT COVERAGE



EXISTING FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"
887 SQ. FT.
1306 SQ. FT. LOT COVERAGE

DATE:	REV'S:
9-5-2023	
9-13-2023	

CLIENT:

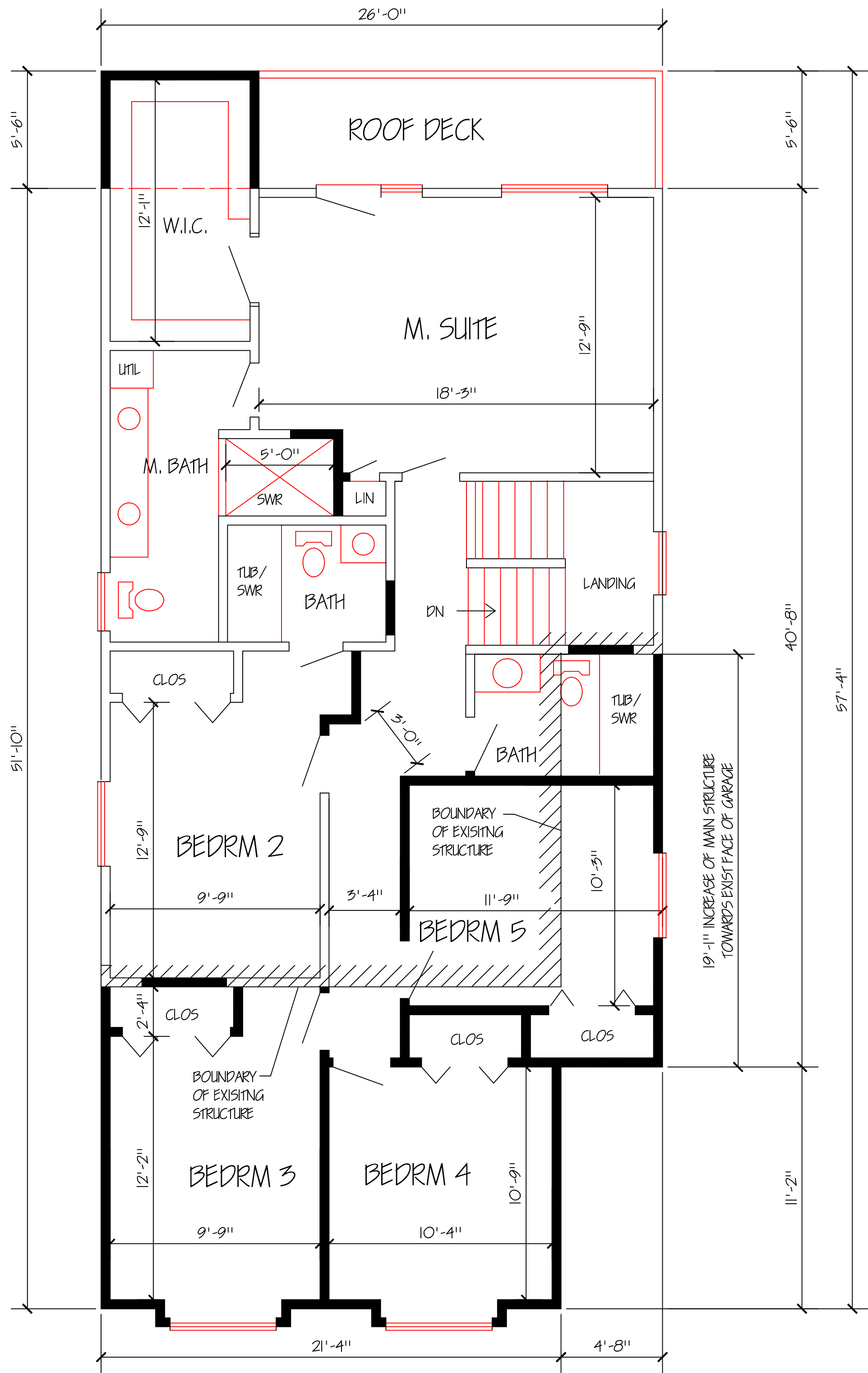
ALAN & SARAH GHASSAN
631 RUFFNER BIRMINGHAM, MI

COPYRIGHT NOTICE
ALL MATERIAL CONTAINED HEREIN
IS THE PROPERTY OF
ROBERT KOZLOSKI
AND IS NOT TO BE REPRODUCED
OR TRANSMITTED IN ANY FORM
WITHOUT WRITTEN PERMISSION
ROBERT KOZLOSKI

PROFESSIONAL HOME DESIGNERS970-471-6089

ROBERT KOZLOSKI & ASSOCIATES
7904 S FRANCIS RD.
DEWITT, MI 48820

PLAN NO.
C-2362-5
SHEET NO.:
OF: 4



PROPOSED SECOND FLOOR PLAN

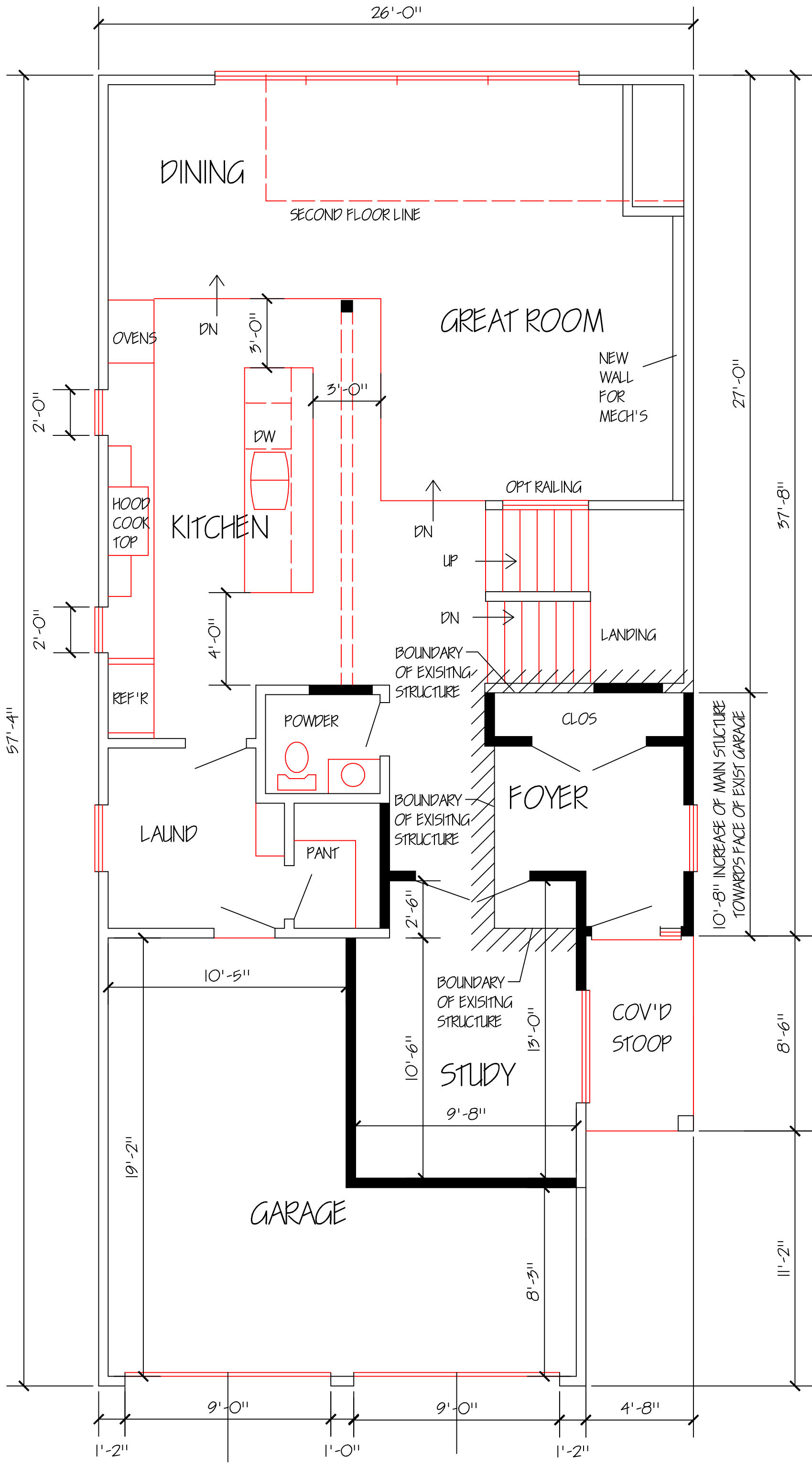
SCALE: 1/4" = 1'-0"
1267 SQ. FT.
1436 SQ. FT. LOT COVERAGE
1440 ALLOWED LOT COVERAGE

NOTES

ALL WORK TO BE PERFORMED PER 2015 MRC
ALL SMOKE DETECTORS TO BE HARD WIRED
TOGETHER W/ BATTERY BACKUPS
PROVIDE CARBON MONOXIDE DETECTORS AS/ sec R 315

SHADED WALLS ARE NEW
UNSHADED WALLS ARE EXISTING
DIMENSIONS ARE APPROXIMATE

BUILDER TO VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION
IF ANY CONFLICTING CONDITIONS ARISE IN ORDER TO EXECUTE
THE PROPOSED IMPROVEMNTS TO THE PROJECT, Robert Kozloski & Assoc. IS TO BE NOTIFIED
PRIOR TO ANY FIELD CHANGES



PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"
1095 SQ. FT.

DATE:	REV'S:
9-5-2023	
9-6-2023	
9-13-2023	
10-11-2023	

CLIENT:

ALAN & SARAH GHASSAN
631 RUFFNER BIRMINGHAM, MI

COPYRIGHT NOTICE
ALL MATERIAL CONTAINED HEREIN
IS THE PROPERTY OF
ROBERT KOZLOSKI
AND IS NOT TO BE REPRODUCED
OR TRANSMITTED IN ANY FORM OR
BY ANY MEANS, ELECTRONIC OR
MECHANICAL, WITHOUT THE
EXPRESSED WRITTEN PERMISSION
OF ROBERT KOZLOSKI

PROFESSIONAL HOME DESIGNERS

970-471-6089

ROBERT KOZLOSKI & ASSOCIATES
7904 S FRANCIS RD.
DEWITT, MI 48820

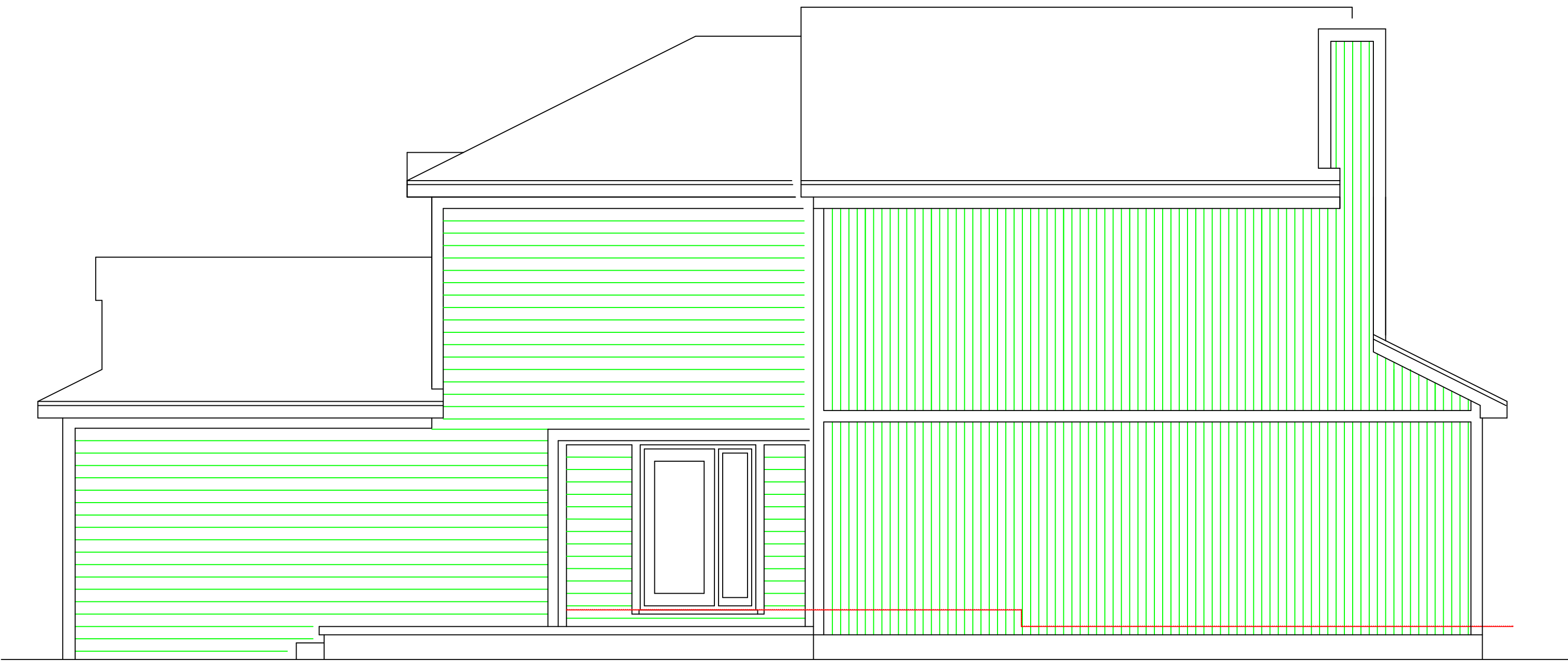
PLAN NO.
C-2362-5

SHEET NO.: 2

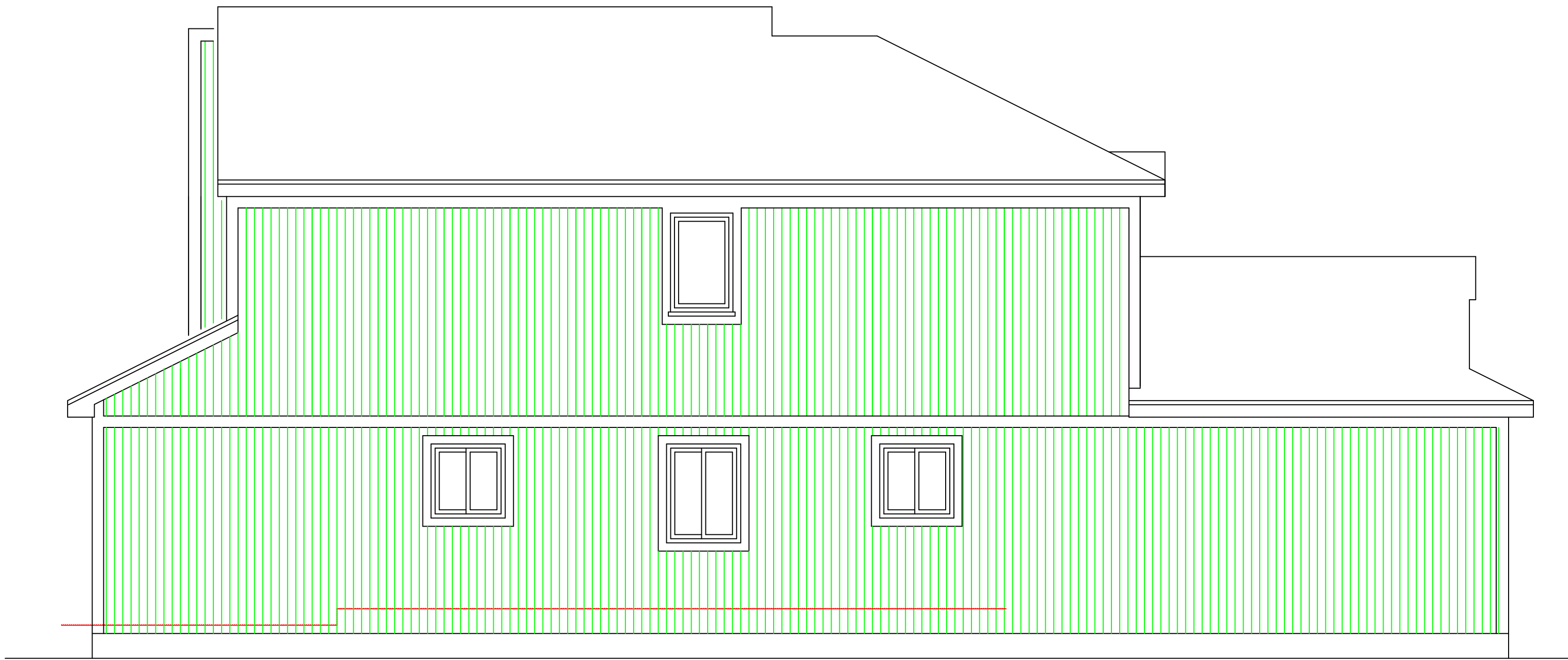
OF: 4



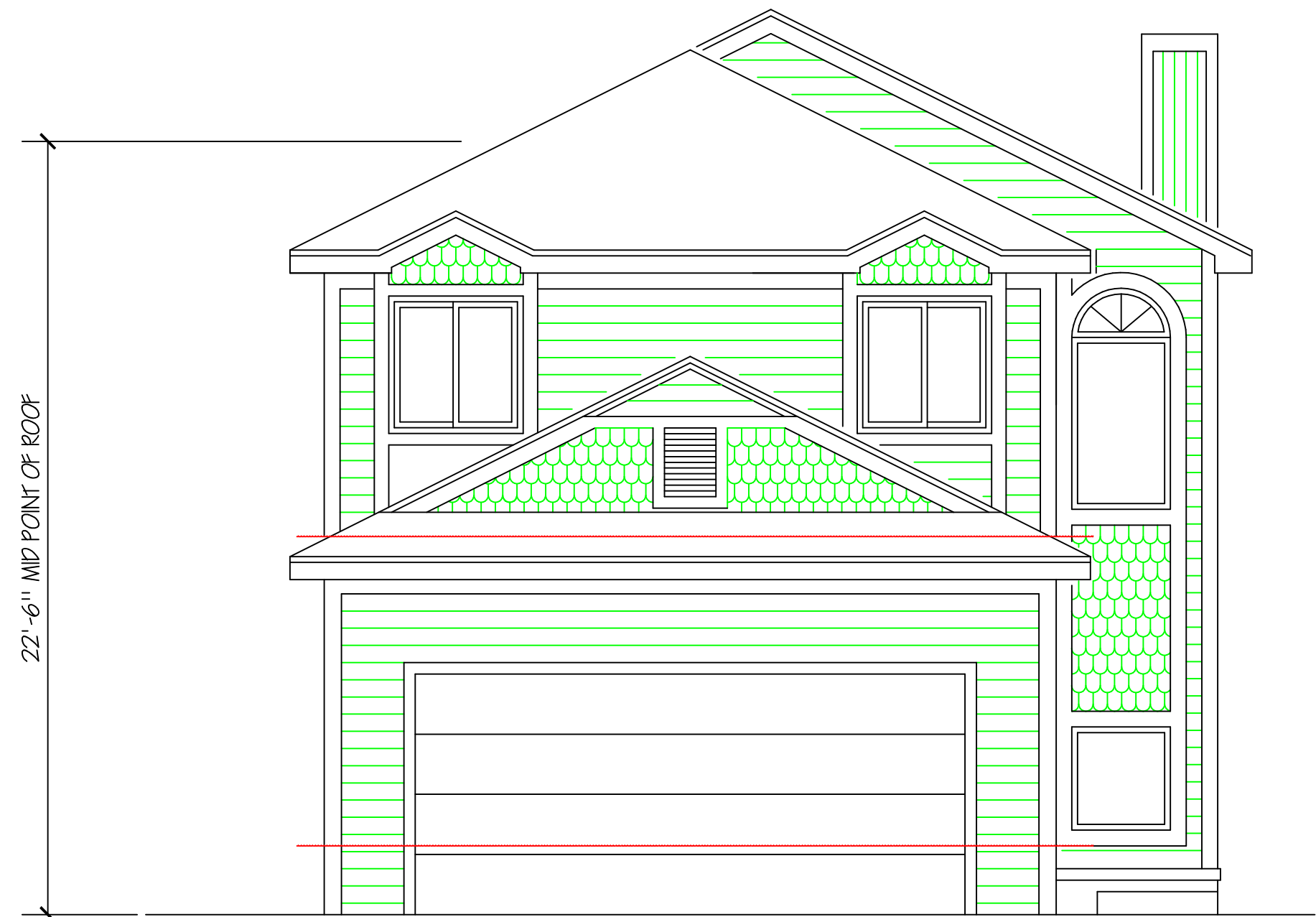
EXISTING REAR ELEVATION



EXISTING RIGHT ELEVATION



EXISTING LEFT ELEVATION



EXISTING FRONT ELEVATION

DATE:	REV'S:
9-5-2023	
9-6-2023	
9-25-2023	

CLIENT:
ALAN & SARAH GHASSAN
631 RUFFNER BIRMINGHAM, MI

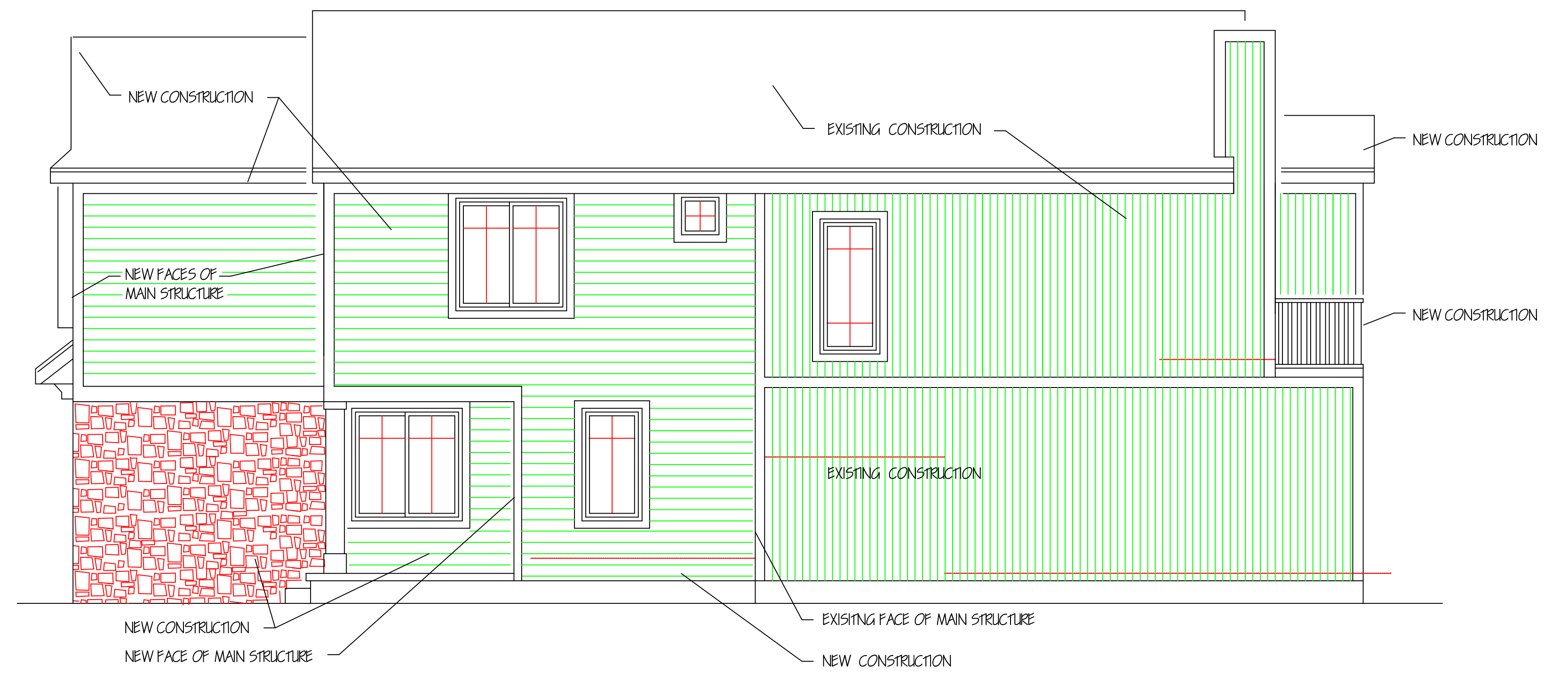
COPYRIGHT NOTICE
ALL MATERIAL CONTAINED HEREIN
IS THE PROPERTY OF
ROBERT KOZLOSKI
AND IS NOT TO BE REPRODUCED
OR TRANSMITTED IN ANY FORM
EXPRESSED OR IMPLIED WITHOUT THE
WRITTEN PERMISSION
OF ROBERT KOZLOSKI

PROFESSIONAL HOME DESIGNERS 970-471-6089
ROBERT KOZLOSKI & ASSOCIATES
7904 S FRANCIS RD.
DEWITT, MI 48820

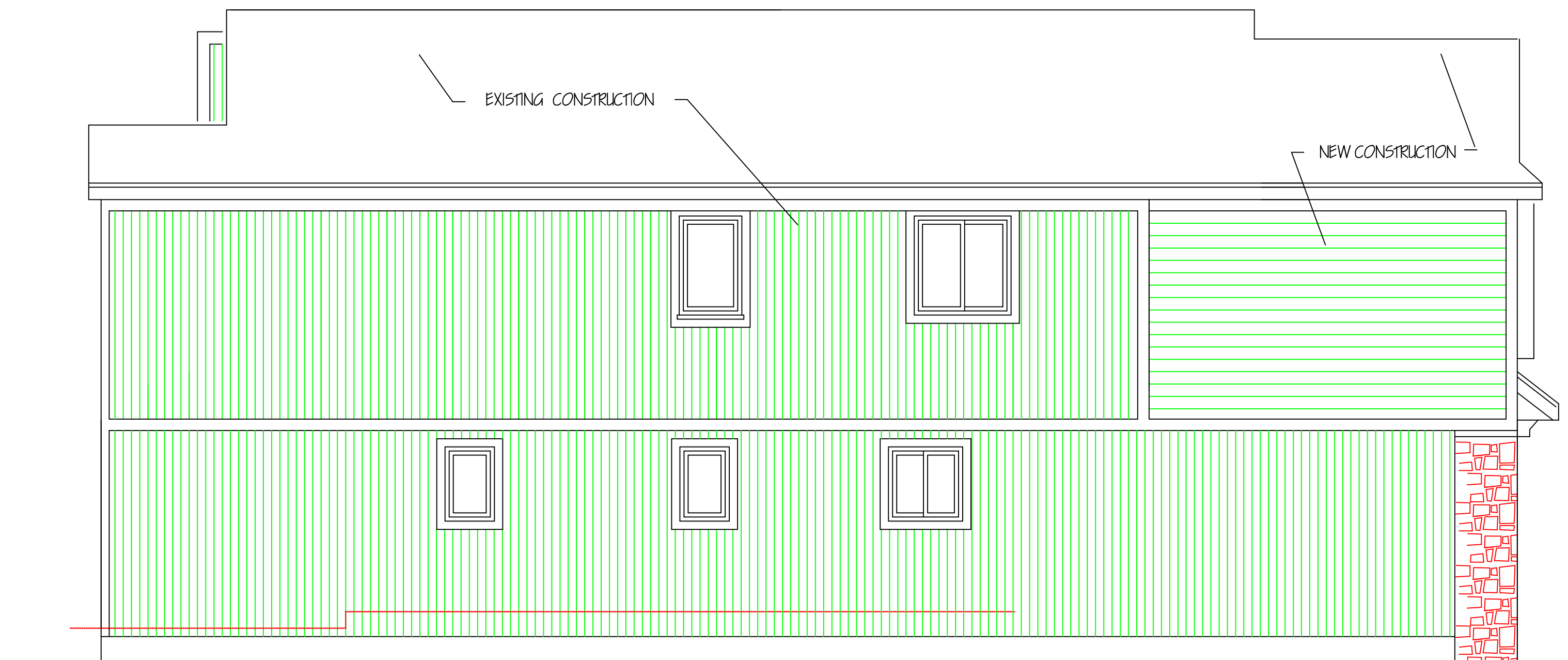
PLAN NO.
C-2362-5
SHEET NO.: 3
OF: 4



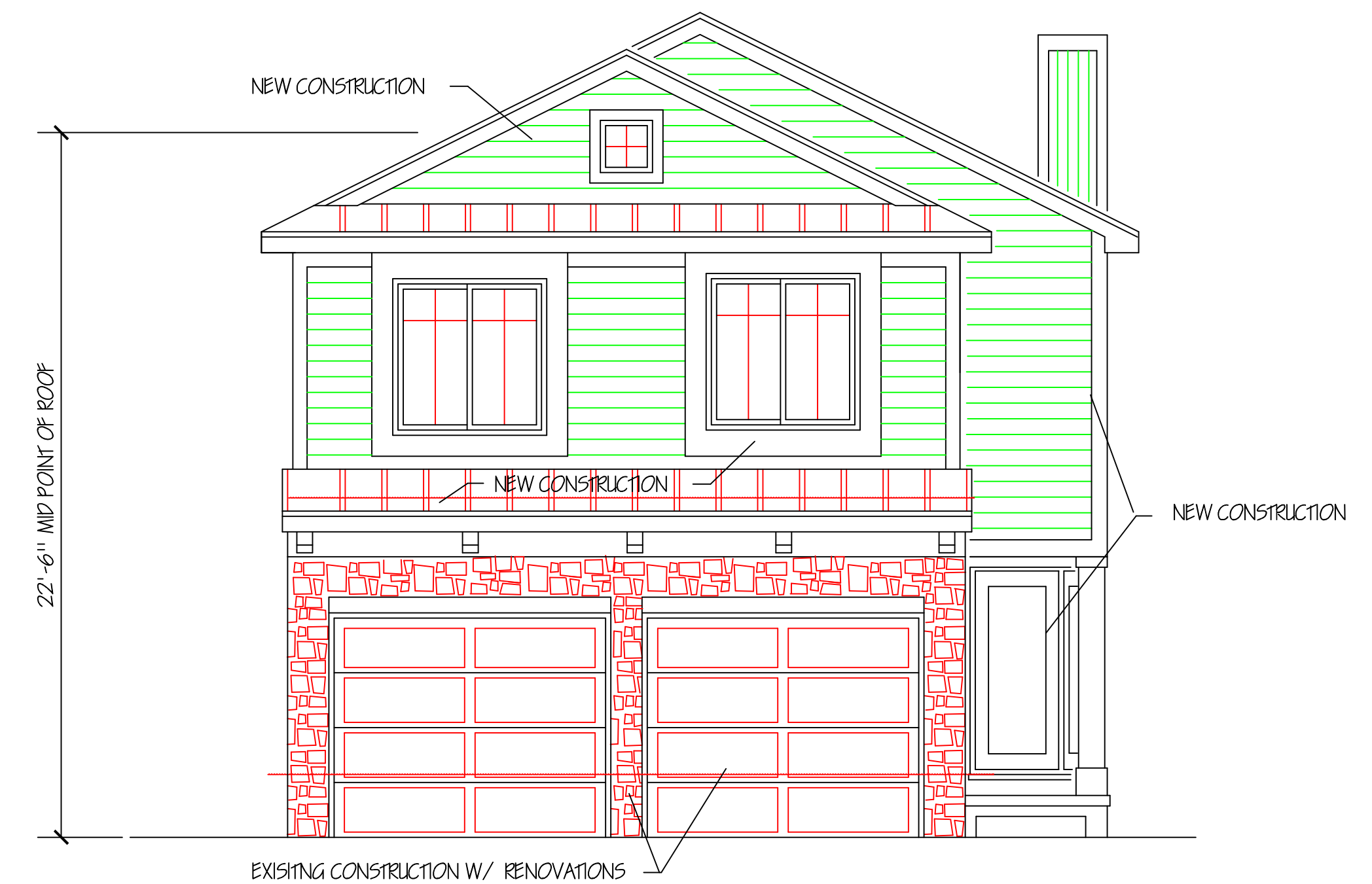
PROPOSED REAR ELEVATION



PROPOSED RIGHT ELEVATION



PROPOSED LEFT ELEVATION



PROPOSED FRONT ELEVATION

DATE:	REV'S:
9-5-2023	
9-6-2023	
9-25-2023	
9-26-2023	
10-11-2023	

CLIENT:

ALAN & SARAH GHASSAN
631 RUFFNER BIRMINGHAM, MI

COPYRIGHT NOTICE

ALL MATERIAL CONTAINED HEREIN
IS THE PROPERTY OF
ROBERT KOZLOSKI
AND IS NOT TO BE REPRODUCED
OR TRANSMITTED IN ANY FORM
EXPRESSED OR IMPLIED WITHOUT THE
WRITTEN PERMISSION
OF ROBERT KOZLOSKI

PROFESSIONAL HOME DESIGNERS

970-471-6089

ROBERT KOZLOSKI & ASSOCIATES
7904 S FRANCIS RD.
DEWITT, MI 48820

PLAN NO.
C-2362-5
SHEET NO.:
4

OF: 4

CASE DESCRIPTION

2428 Northlawn (23-42)

Hearing date: December 12, 2023

Appeal No. 23-42: The owner of the property known **2428 Northlawn**, requests the following variance to construct a new 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 for the zoning district in which such building is located. The required is 47.25 feet on the east side. The proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested.

Staff Notes: This applicant is requesting variance for the side yard setback that faces a side street. This applicant was before the board for variances on this lot. The variances were granted for this applicant in July 2022 and January 2023 (minutes attached). Both these appeals were granted. The reason for the January 2023 appeal was that the allowable time to construct the project has pasted. This appeal is for a reduced number of variances which is due to the applicant is planning a new basement with these proposed plans.

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

2428 NORTHLAWN 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

Received Date: _____

Hearing Date: 12/12/23

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 2428 Northlawn Blvd Lot Number: 13 Sidwell Number: Parcel 19-35-305-009

II. OWNER INFORMATION:

Name: Kent and Shanthi Johnston
Address: 576 Merritt Lane City: Birmingham State: MI Zip code: 48009
Email: KSLTJ1 @ yahoo.com Phone: 248 961 3256

III. PETITIONER INFORMATION:

Name: Kent and Shanthi Johnston Firm/Company Name: Homeowners
Address: 576 Merritt Lane City: Birmingham State: MI Zip code: 48009
Email: KSLTJ1 @ yahoo.com Phone: 248 961 3256

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. COMPLETE digital 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:

Please provide the following in your electronic submission:

- ☒ Completed and signed application
- ☒ Signed letter of practical difficulty and/or hardship
- ☒ Certified survey
- ☒ Building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, provide a copy of the minutes from any previous Planning, HDC, or DRB board meeting

VI. APPLICANT SIGNATURE

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.

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

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

Signature of Owner: _____

Date: 11/11/23

Signature of Petitioner: _____

Date: 11/11/23

CITY OF BIRMINGHAM
BOARD OF ZONING APPEALS
RULES OF PROCEDURE

ARTICLE I - Appeals

- A. Appeals may be filed under the following conditions:
1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
 2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
 3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.
- B. Procedures of the Board of Zoning Appeals (BZA) are as follows:
1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
 2. All applications for appeal shall be submitted to the Community Development Department on or before the 12th day of the month preceding the next regular meeting. If the 12th falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
 3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
 4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
 5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
7. An aggrieved party may appeal a Planning Board decision. Such appeal must be made within 30 days of the date of the decision. The BZA, in its discretion, may grant additional time in exceptional circumstances.
8. Appeals from a decision of the Building Official shall be made within 30 days of the date of the order, denial of permit, or requirement or determination contested. The BZA, in its discretion, may grant additional time in exceptional circumstances.
9. An appeal stays all proceedings in accordance with Act #110, Public Acts of 2006, Article VI, Section 125.3604 (3).

C. The order of hearings shall be:

1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
3. Interested parties' comments and view on the appeal.
4. Rebuttal by applicant.
5. The BZA may make a decision on the matter or request additional information.

D. Motions and Voting

1. A motion is made to either grant or deny a petitioner's request
 - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
 - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
 - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.
2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.

3. When there are less than seven (7) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity at the beginning of the meeting to elect to have it heard at the next regularly scheduled meeting.
4. When there are less than six (6) members present for a meeting, then all petitioners shall be given an opportunity at the beginning of the meeting to elect to have the request heard at the next regularly scheduled meeting.

ARTICLE II - Results of an Appeal

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.
- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a Certificate of Survey must be submitted to the Community Development Department with the building permit application. A building permit must be obtained within one year of the approval date.
- D. Failure of the appellant, or his representative, to appear for his appeal hearing will result in the appeal being adjourned to the next regular meeting. If, after notice, the appellant fails to appear for the second time, it will result in an automatic withdrawal of the appeal. The appellant may reapply to the BZA.
- E. Any applicant may, with the consent of the Board, withdraw his application at any time before final action.
- F. Any decision of the Board favorable to the applicant is tied to the plans submitted, including any modifications approved by the Board at the hearing and agreed to by the applicant, and shall remain valid only as long as the information or data provided by the applicant is found to be correct and the conditions upon which the resolution was based are maintained.

ARTICLE III - Rehearings

- A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.

B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.



Signature of Applicant

Kent & Shantih Johnston
2428 Northlawn Boulevard
Birmingham MI 48009

December 11, 2023

RE: Application for the BZA, 2428 Northlawn Blvd, Birmingham

My wife and I purchased 2428 Northlawn in March 2021 due to its 1/2 acre size, beautiful views and Southern-facing exposure. We moved into the house and really appreciated the light, space, and feel - eager to renovate our "forever home." We have presented to the Board of Zoning Appeals two (2) times over the last 17 months, each time getting unanimous approval for 3 variances (the second appeal was identical, but a new submission was required due to the removal of a planned rear porch (which turned out to be outside our budget).

This third appeal is to proceed with a slightly reduced footprint with a new & improved basement from what was presented in the last BZA Meeting. The special conditions that have contributed to the practical difficulty are A) the shape and location (corner) of the lot relative to the house as presented and previously approved, and B) a water situation created by the property to the North requiring a new basement.

The spring after our January 2023 appeal was approved, we found water in the basement. Upon removing the wall treatments, we found evidence of significant water intrusion. The source: 1356 Greenlawn - property to our North. Their renovation increased their overall elevation with a designed water run-off from their roof to the gutters, to the driveway, to our yard resulting in nearly a third of their water dispersing onto our property (see images).

The Southern facing orientation was significant to our purchase and design: it provides the best solar efficiency. Being 'green' is important to us: we have already contracted geothermal, designed for spray foam insulation, metal roofing, and high efficiency windows. Utilizing a future solar and battery system will allow the lowest carbon footprint.

We are requesting to maintain the Southern-facing orientation of the house as twice approved (see Table 1). We are eliminating the West and front yard setback variances and seeking to keep the same East variance.

Table 1: BZA Variance Request History: 2428 Northlawn Blvd

Variations Requested	July 26, 2022	January 10, 2023	December 11, 2023
West side setback	Yes APPROVED	Yes APPROVED	NOT requested
Front yard setback	Yes APPROVED	Yes APPROVED	NOT requested
East side setback	Yes APPROVED	Yes APPROVED	Same variance requested

Requested Variance	Required	Existing	Proposed	Variance Amount
Variance A, East Side	47.25	24.97	24.97	22.28

Respectfully,

Kent & Shantih Johnston

Images: Flooding Due to 1356 Greenlawn Water Run-off

Remnants of the water remains throughout the year and never really goes away.

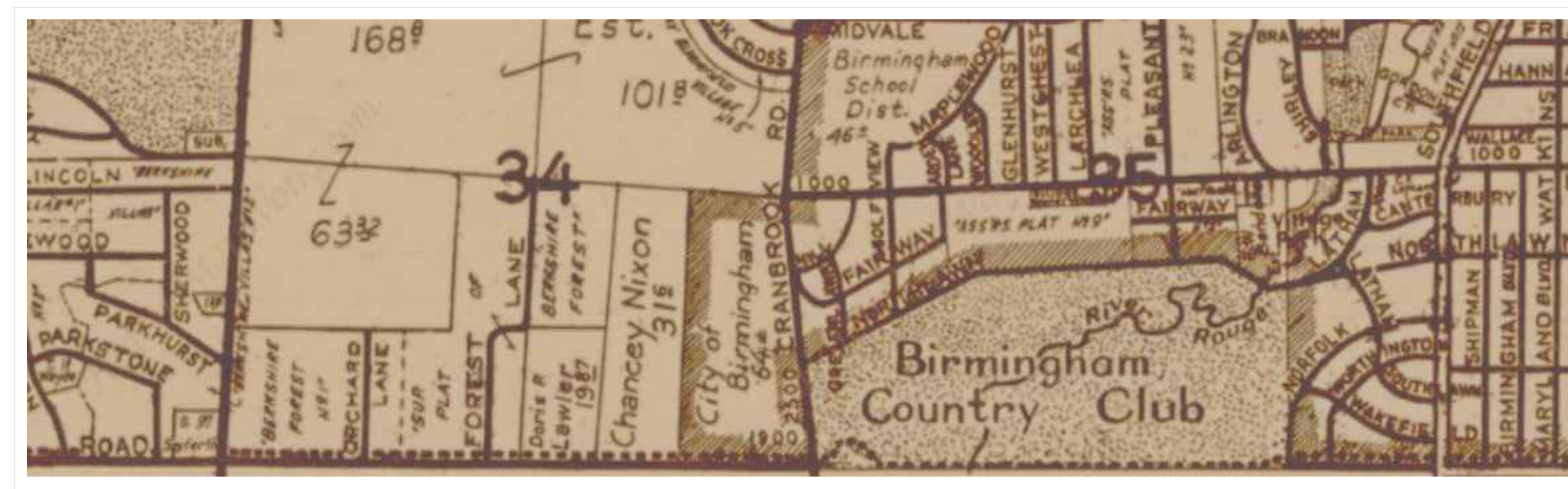




Satellite images showing the original perspective of the driveway prior to elevation change



JOHNSTON RESIDENCE



2428 NORTHLAWN BOULEVARD
BIRMINGHAM, MI

ISSUE FOR ZONING REVIEW 12 DECEMBER 2023

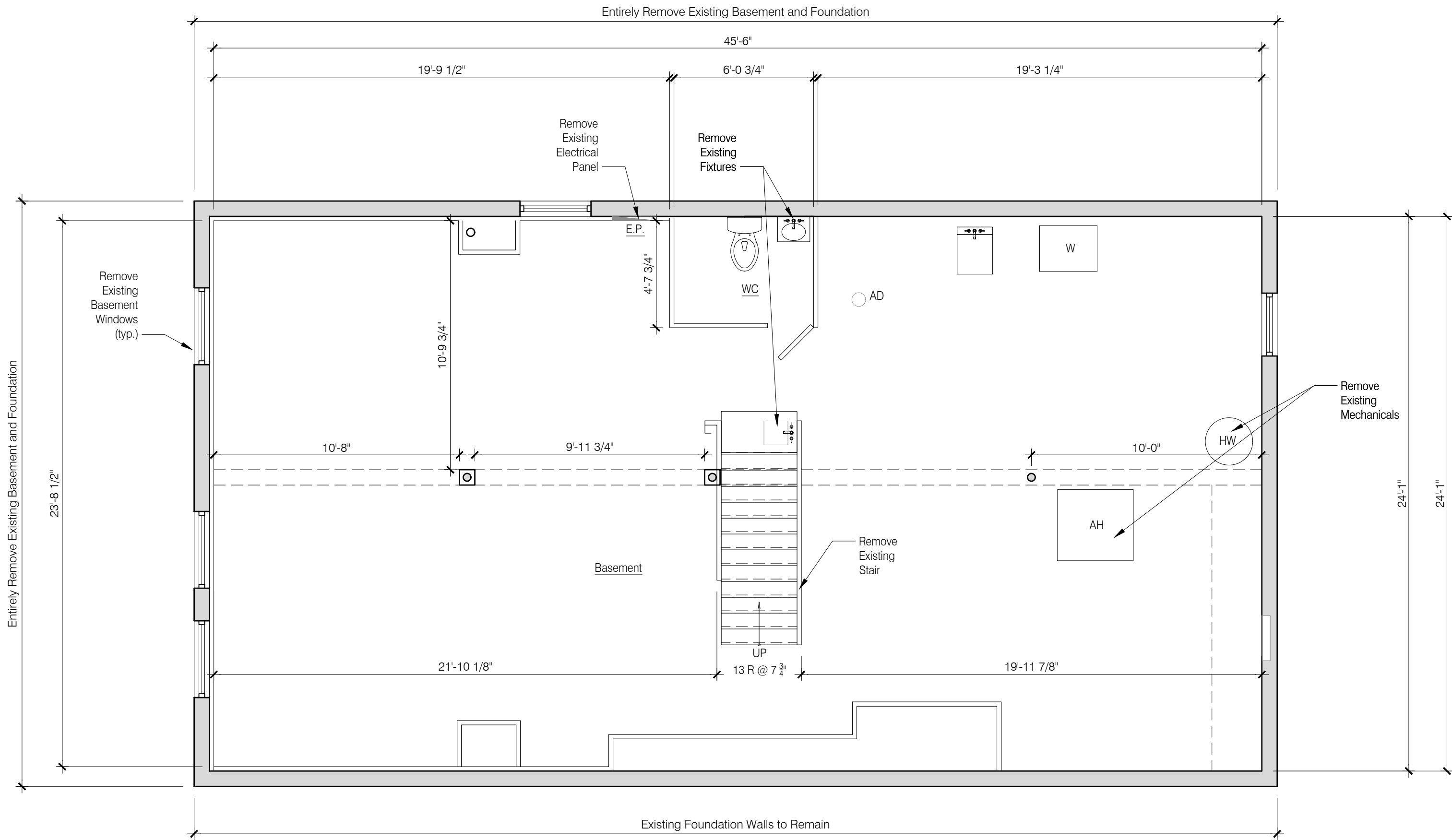
<div>Governing Jurisdiction</div> <div><div>City of Birmingham Building Department 151 Martin Street Birmingham, MI 48009</div></div>	<div>Project Team</div> <div><div>DESIGNER Yamasaki Studio LLC 6377 West Echo Valley Road Empire, MI 49663 Tel: 212-361-9463</div><div>CIVIL ENGINEER Land Development Services of Michigan LLC 48597 Hayes Road Shelby Township, MI 48315 Tel: 586-854-7310</div></div>	<div>General Notes</div> <div><div>1. Contractor shall obtain full knowledge by personal and careful examination of all existing conditions at the site and of all requirements of the specifications and drawings. The contractor hereby accepts all such conditions and requirements and hereby accepts all responsibility and costs resulting from his failure to obtain knowledge of any of them. Any discrepancies between the drawings and the field conditions are to be reported to the architect prior to the commencement of the work.</div><div>2. The Contractor shall take care that all work and materials installed are in strict compliance with the Michigan State Residential Building Code, as well as the accepted industry standards for the various components of the project. Any test specified and/ or required under the laws, rules and regulations of such departments will be performed by the contractor, with reports forwarded to architect.</div><div>3. The areas of work shall be confined to those areas indicated on the contract drawings. Areas outside of and adjacent to construction area will be protected with adequate dust covers and barriers to prevent damage to finished areas of the building not included as part of the contract.</div><div>4. The general contractor shall notify the designer of any and all discrepancies between existing conditions and the contract documents before proceeding with that portion of the work. Failure to notify the designer will not relieve the contractor of responsibility to perform the work as intended by the contract documents. The contractor shall correct all work arising from such failure to coordinate discrepancies to the satisfaction of the designer.</div><div>5. The contractor shall coordinate the work of the various trades whether included in his contract or not. He shall make openings as required by other trades and close same. He shall schedule the work of the various trades so as not to impede the progress of the work.</div><div>6. Removal of debris and other materials shall be made as often as necessary to maintain a clean, safe and accessible site.</div><div>7. Contractor may store debris, building materials or equipment in designated areas only.</div><div>8. The contractor shall be responsible for the protection of all finishes, features and construction in areas traversed as a part of this work. These areas are to remain clean at all times. Contractor to verify floor as being level prior to installation of tile.</div><div>9. Contractor shall secure doors at every means of entrance to the work area.</div><div>10. Prior to commencement of the work contractor shall provide owner with evidence of Workmen's Compensation Insurance and a Certificate of Insurance covering public liability, personal injury and property damage with limits of not less than \$2,000,000.00 per incident and naming as additional named insured on said policy the owner and their agents. In addition contractor shall obtain \$3,000,000 comprehensive liability and \$3,000,000 property damage liability.</div><div>11. The contractor shall indemnify the owner and their agents for and against all suits, claims or liability on account of personal injuries or property damage arising out of the negligent acts of the contractor in the performance of the work covered under this contract.</div><div>12. All work included in these drawings and specifications shall be guaranteed by the contractor for a period of one (1) year from the date of acceptance by owner.</div><div>13. Contractor to provide owner and designer with a detailed schedule of the work prior to the execution of the Contract for Construction. Owner's contractor shall submit a copy of the building permit and certificates of insurance prior to commencing construction.</div><div>14. Contractor shall furnish a full strength crew at all times to ensure the completion of work according to the agreed schedule.</div><div>15. Contract shall consist of these documents and specifications and an AIA 201 Agreement between Owner and Contractor.</div><div>16. At the completion of the work contractor shall provide owner with a waiver of liens and shall certify that all suppliers and subcontractors have been paid in full.</div></div>	<div>Site Data</div> <div><div>Location:</div><div>2428 Northlawn Blvd. Birmingham, MI 48009 (Oakland County) 19-35-305-009</div><div>Parcel Number:</div><div>R-1</div><div>Lot:</div><div>13 and ½ 14</div><div>Lot Size:</div><div>.51 acres</div></div> <div>Site Map</div> <div></div>	<div>YAMASAKI STUDIO</div> <div>3677 W Echo Valley Road Empire MI 49633 212-361-9463 yamasaki@yamasakistudio.com</div>
<div>Applicable Codes</div> <div>2015 Michigan Building Code 2015 Michigan Residential Code 2015 Michigan Mechanical Code 2018 Michigan Plumbing Code 2017 National Electrical Code & Michigan Part 8 Electrical Rules 2015 Michigan Uniform Energy Code 2015 Michigan Rehabilitation Code</div>	<div>Construction Notes</div> <div><div>1. All dimensions to finish wall</div><div>2. Contractor to layout all wall locations for designer's approval prior to construction.</div></div>			
<div>Architectural Abbreviations</div> <div><div><div>- Air Conditioning</div><div>Adj. - Adjustable</div><div>A.D. - Area Drain</div><div>A.F.F. - Above finish floor</div><div>B.F. - Boiler Flue</div><div>B.O. - Bottom Of</div><div>BR - Bedroom</div><div>Bldg. - Building</div><div>Blkg. - Blocking</div><div>Bsmt. - Basement</div><div>C.B. - Catch Basin</div><div>C.J. - Control Joint</div><div>Cab. - Cabinet</div><div>Clg. - Ceiling</div><div>Clo. - Closet</div><div>Conc. - Concrete</div><div>Ctr. - Counter</div><div>DS - Downspout</div><div>DW - Dishwasher</div><div>Dbl. - Double</div><div>D.L.O. - Day Light Opening</div><div>DN - Down</div><div>DR - Door</div><div>E.J. - Expansion Joint</div><div>Elev. - Elevation</div><div>EQ. - Equal</div><div>Exist. - Existing</div><div>F.B.O. - Furnished by others</div><div>F.D. - Floor drain</div><div>F.O.F. - Face of finish</div><div>F.S. - Full size</div><div>Fdn. - Foundation</div></div><div><div>Fin. - Finish</div><div>GWB - Gypsum wall board</div><div>H.B. - Hose bib</div><div>H.W.H. - Hot water heater</div><div>Hdr. - Header</div><div>Hdw. - Hardware</div><div>H.P. - High Point</div><div>H.T. - House Trap</div><div>Ht. - Height</div><div>H.T.B. - Heated towel bar</div><div>Htg. - Heating</div><div>HVAC - Heat., Vent. & Air Cond.</div><div>I.D. - Inside diameter</div><div>Klt. - Kitchen</div><div>L.C.C. - Lead coated copper</div><div>Lam. - Laminate</div><div>Lav. - Lavatory</div><div>Lib. - Library</div><div>L.P. - Low Point</div><div>M.O. - Masonry opening</div><div>Max. - Maximum</div><div>Min. - Minimum</div><div>N/E - Not Electrified</div><div>N/A - Not Applicable</div><div>N.I.C. - Not in Contract</div><div>N.T.S. - Not to scale</div><div>O.C. - On center</div><div>O.D. - Outside diameter</div><div>Opg. - Opening</div><div>Opp. Sim. - Opposite Similar</div><div>Pl. Lam. - Plastic laminate</div><div>Pol. - Polished</div><div>Plwd. - Plywood</div></div><div><div>R - Radius</div><div>R.D. - Roof drain</div><div>R.O. - Rough opening</div><div>Req'd. - Required</div><div>RM - Room</div><div>SH. - Shelf</div><div>SS - Stainless steel</div><div>Sym. - Symmetrical</div><div>T.B. - Towel bar</div><div>T.B.D. - To be determined</div><div>T.O - Top of</div><div>T.P - Toilet paper</div><div>TV - Television</div><div>T & G - Tongue & Groove</div><div>Tele. - Telephone</div><div>Typ. - Typical</div><div>U.O.N - Unless otherwise noted</div><div>VIF - Verify in field</div><div>Vert. - Vertical</div><div>Vest. - Vestibule</div><div>W/ - With</div><div>W/W - Wall to wall</div><div>WP - Waterproof</div><div>WWF - Welded Wire Fabric</div><div>WC - Water Closet</div><div>WD - Wood</div></div></div>	<div>Excavation Notes</div> <div><div>1. Before excavating the contractor shall verify the location of utilities in the field.</div><div>2. Existing adjacent structures shall be adequately shored and braced, and underpinned where necessary.</div><div>3. All roots of existing trees to be protected.</div></div>			
	<div>Electrical Notes</div> <div><div>1. All electrical work shall be performed in strict accordance of with the 2017 National Electrical Code & Michigan Part 8 Electrical Rules.</div><div>2. Unless dimensioned, all electrical layouts are schematic. Exact locations to be determined by field coordination with Architect's approval.</div><div>3. Electrical contractor shall obtain all inspection and approvals required by local building codes, state and national codes, and shall be responsible for all electrical work called for on drawings, specifications and other requirements.</div><div>4. Electrical contractor shall verify total electrical load for existing and proposed work and shall notify architect on service requirements, and additional services shall be installed in conformance with local codes.</div><div>5. All surface mounted light fixtures by owner - installed by contractor unless specified otherwise.</div><div>6. Electrical contractor to do all necessary wiring and connections for all mechanical equipment as required.</div><div>7. Thermostats to be supplied by HVAC contractor and installed by electrical contractor.</div><div>8. Contractor shall coordinate with owner and installer during construction to insure all wires are hidden in construction prior to installation of final finishes.</div><div>9. All new switches to be silent switches.</div><div>10. Distribution shall be circuit breakers type with minimum (2) extra circuits.</div><div>11. Dedicated circuits shall be provided for high equipment and appliance.</div><div>12. All electrical receptacles shall be duplex type, 15 amp minimum.</div></div>			
	<div>Plumbing Notes</div> <div><div>1. All plumbing work shall be installed in strict accordance with the 2018 Michigan Plumbing Code.</div><div>2. Plumbing fixtures shall be of type and manufacture approved for use in 2018 Michigan Plumbing Code and shall be BSA approved.</div><div>3. Work shall consist of furnishing all labor, materials and equipment necessary and required to complete all plumbing work as indicated on the drawings and specified herein, including but not limited to the following:<div><div>A. Rubbish removal.</div><div>B. A sanitary drainage and venting system conveying the waste from plumbing fixtures, to connect with the sanitary sewer, septic system, or existing system.</div><div>C. Cold water supply from the water main or existing system, distribution piping, and connections to all plumbing fixtures and equipment requiring cold water.</div><div>D. Hot water supply from new or existing hot water supply system, hot water supply piping, and connections to all piping fixtures and equipment requiring hot water.</div><div>E. Cleaning, adjusting and testing.</div><div>F. All plumbing fixtures and supports, trimmings, pipe fittings, hangers, valves, traps, vacuum breakers, insulation, and other accessories required to complete the work ready for operation.</div></div></div><div>4. All materials shall be new and installed with skilled labor in a first class manner.</div><div>5. All drainage piping shall pitch at a minimum of 1/8" per foot in direction of flow unless otherwise shown on plans.</div><div>6. The contractor shall apply for all necessary permits for plumbing work with the proper authorities, any changes requested or required to the drawings shall be updated by the engineer and all necessary forms & permits shall be updated by the contractor. Contractor to obtain and pay for all necessary approvals and permits for the plumbing systems required by local authorities, county, and/or the state; he shall pay for all the fees, changes etc., required by these authorities without any additional charge to the owner.</div></div>			
	<div>Energy Code Notes</div> <div>2015 International Energy Conservation Code. Prescriptive Building Envelope requirements from Code sections N1102.2 - N1102.4</div>			
	<div>Smoke & Carbon Monoxide Detection Devices</div> <div><div>CARBON MONOXIDE DETECTOR NOTES</div><div>1. The installation, wiring, and equipment shall be in accordance with the 2015 Michigan Residential Code.</div><div>2. Every dwelling unit / building where a fossil fuel - burning furnace or boiler is located, shall be equipped with an operable carbon monoxide detecting device approved in accordance with the rules promulgated by the commissioner in consultation with the fire department and the department of health and mental hygiene.</div><div>3. There shall be installed at least one approved and operational carbon monoxide detecting device within fifteen feet of each room lawfully used for sleeping purposes, or one per each dwelling unit, whichever may apply.</div><div>4. Such carbon monoxide detecting device may be combined with a smoke detecting device that complies with the provisions of this title and any applicable rules promulgated thereunder.</div><div>5. The carbon monoxide detecting device shall be kept and maintained in good repair and be replaced, in case such device is stolen, removed, missing or rendered inoperable.</div><div>6. It shall be unlawful for any person to tamper with or render inoperable carbon monoxide detecting device, except for replacing the batteries or for other maintenance purposes.</div></div> <div><div>SMOKE DETECTORS NOTES</div><div>1. The installation, wiring, and equipment shall be in accordance with 2015 Michigan Residential Code.</div><div>2. Smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in the dwelling units and in basement and recreation rooms.</div><div>3. Each smoke detector shall have an integral test means to permit the occupant to check that it is operational, a continuous power display indicator light is recommended.</div><div>4. Smoke detectors shall be located on or near the ceiling and within fifteen feet of all rooms used for sleeping purposes.</div><div>5. If ceiling mounted the closest edge of detectors shall be minimum of four inches from any wall.</div><div>6. If wall mounted, the closest edge of the detectors shall be minimum of four inches and maximum of twelve inches from the ceiling.</div></div>			
	<div>Special Inspections</div> <div><div>Note: To the best of my knowledge, belief and professional judgement, these plans and specifications are in compliance with Mlghigan Building Code.</div></div>			
	<div>Window and Glazing Notes</div> <div><div>1. All new windows are to have a maximum U-factor of .30. Low-E coated, Argon filled insulated glazed units.</div><div>2. All glazing must be tempered glass when meeting the following conditions and any other conditions within CABO Section 308:<div><div>A. Side of glazing is within 24" of any door.</div><div>B. Bottom of glazing is within 18" of the floor</div></div></div><div>3. All glass shower enclosures must be tempered.</div></div>			

<div>1. Zoning Review</div> <div>2. Zoning Revision</div> <div>3. Zoning Revision</div>	<div>07/26/22</div> <div>01/10/23</div> <div>12/12/23</div>
<div>Johnston Residence 2428 Northlawn Boulevard Birmingham, MI 48009</div>	
<div>Index & Notes</div> <div>N-1</div>	
<div>13 November 2023</div>	

1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Index & Notes



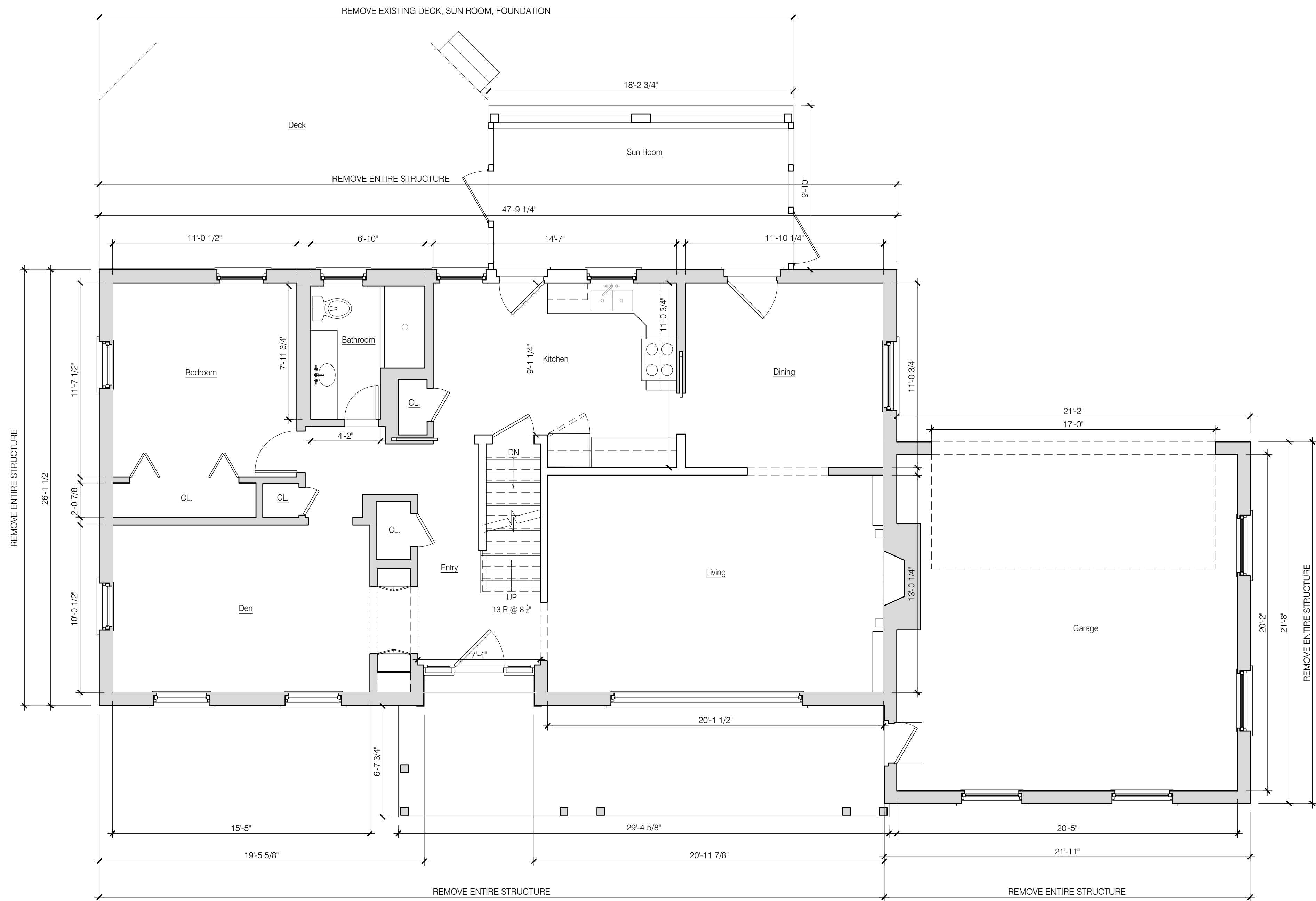
BASEMENT PLAN WITH DEMOLITION NOTES 1/4" = 1'-0"

1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions
Basement Plan - Demo. Notes



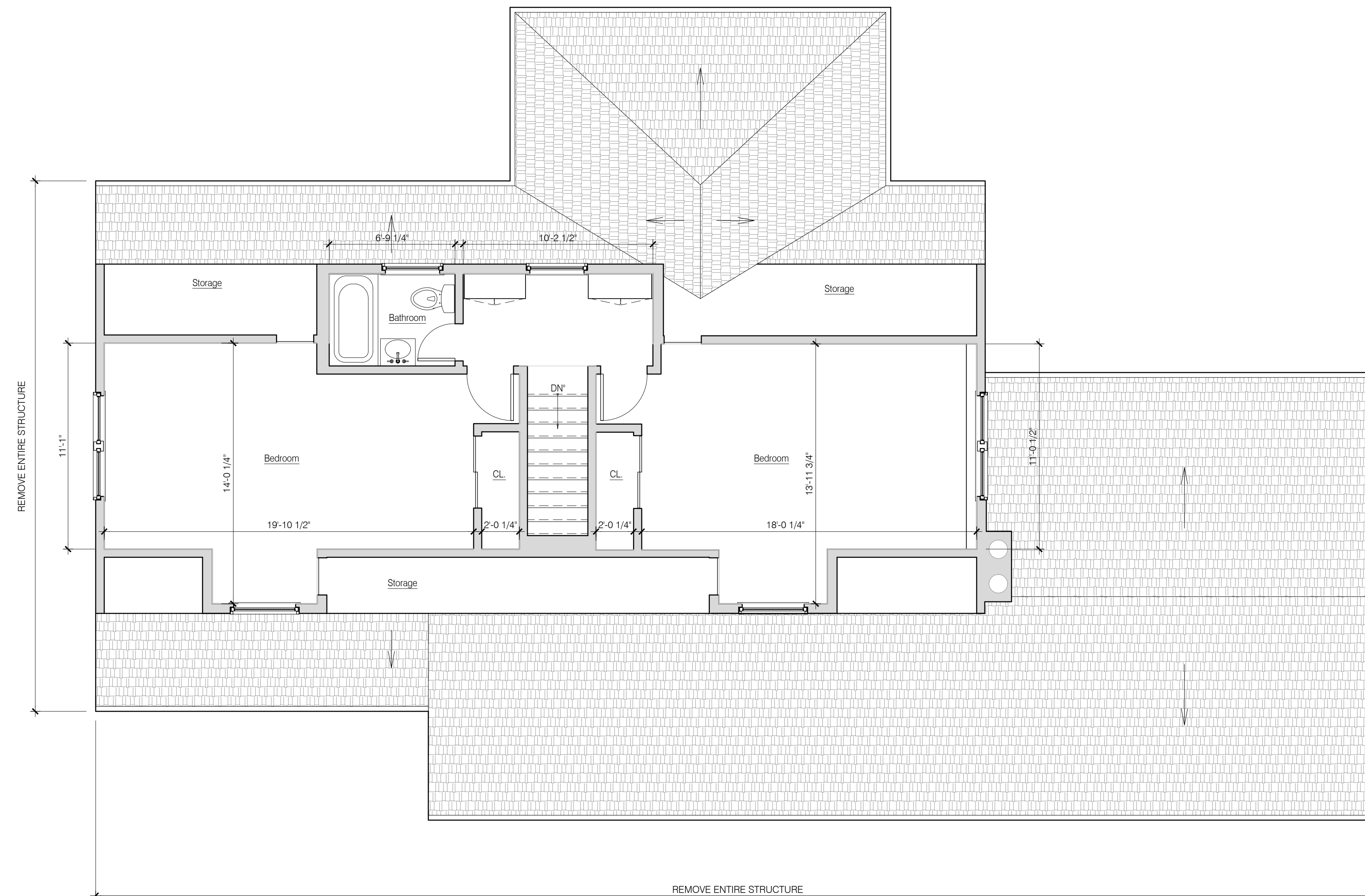


FIRST FLOOR PLAN WITH DEMOLITION NOTES 1/4" = 1'-0"

1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions
1st Floor Plan - Demo. Notes

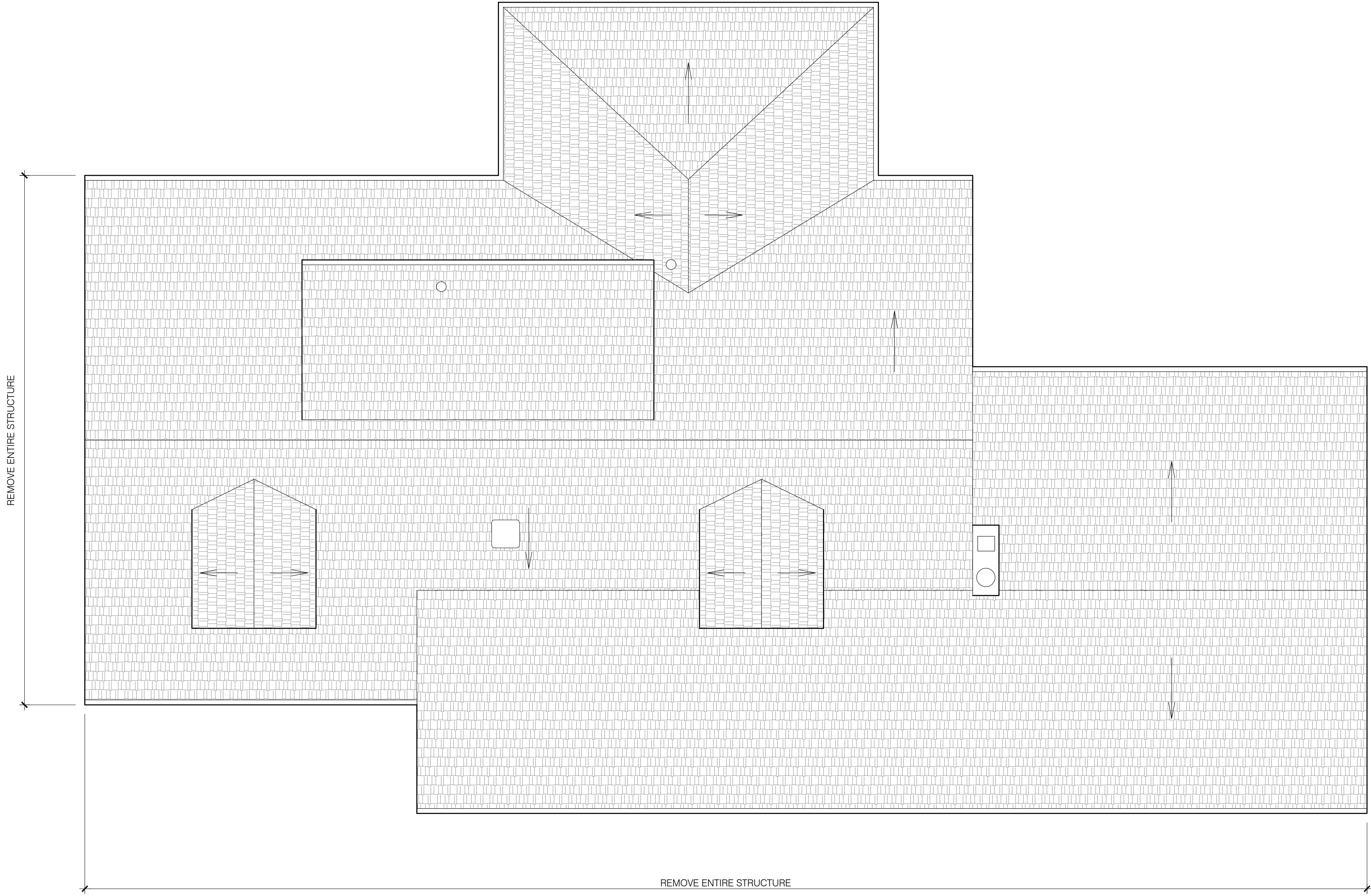


SECOND FLOOR PLAN WITH DEMOLITION NOTES 1/4" = 1'-0"

1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions
2nd Floor Plan - Demo. Notes



ROOF PLAN WITH DEMOLITION NOTES 1/4" = 1'-0"

1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions
Roof Plan - Demo. Notes





SOUTH ELEVATION 1/4" = 1'-0"



WEST ELEVATION 1/4" = 1'-0"



NORTH ELEVATION 1/4" = 1'-0"

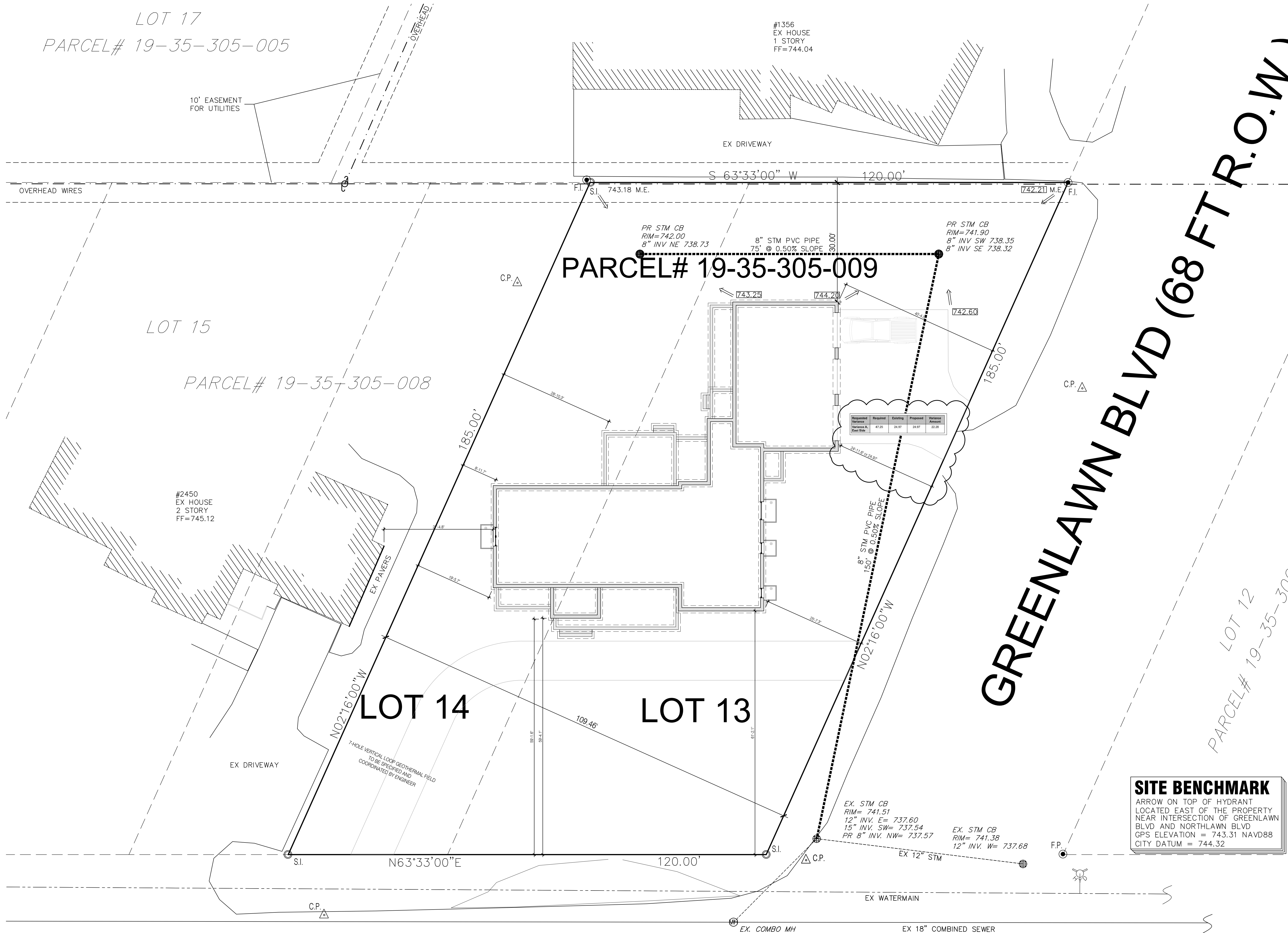


EAST ELEVATION 1/4" = 1'-0"

1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions
Exterior Elev. - Demo. Notes

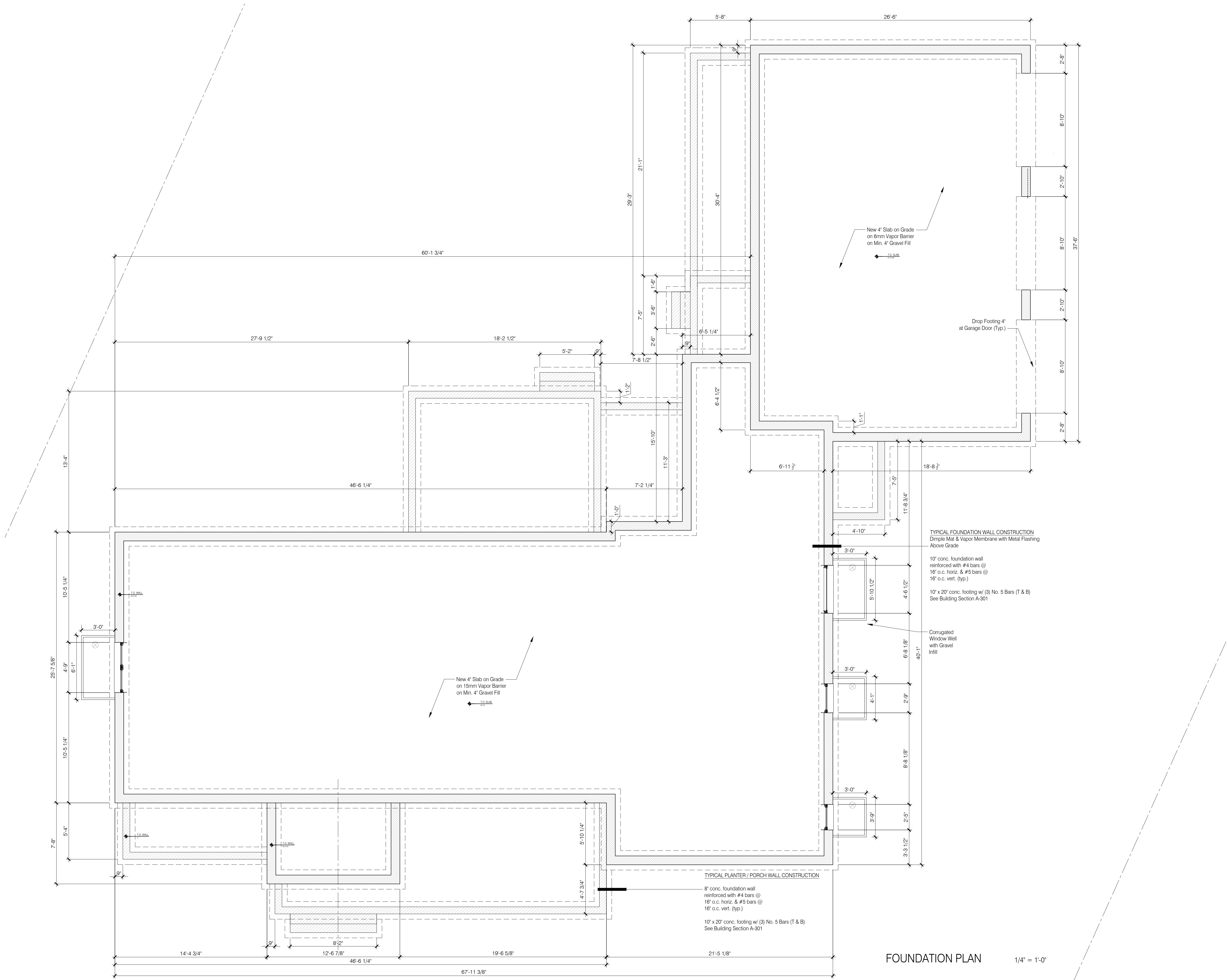


SITE PLAN 3/32" = 1'-0"

- 1. Zoning Review 07/26/22
- 2. Zoning Revision 01/10/23
- 3. Zoning Revision 12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

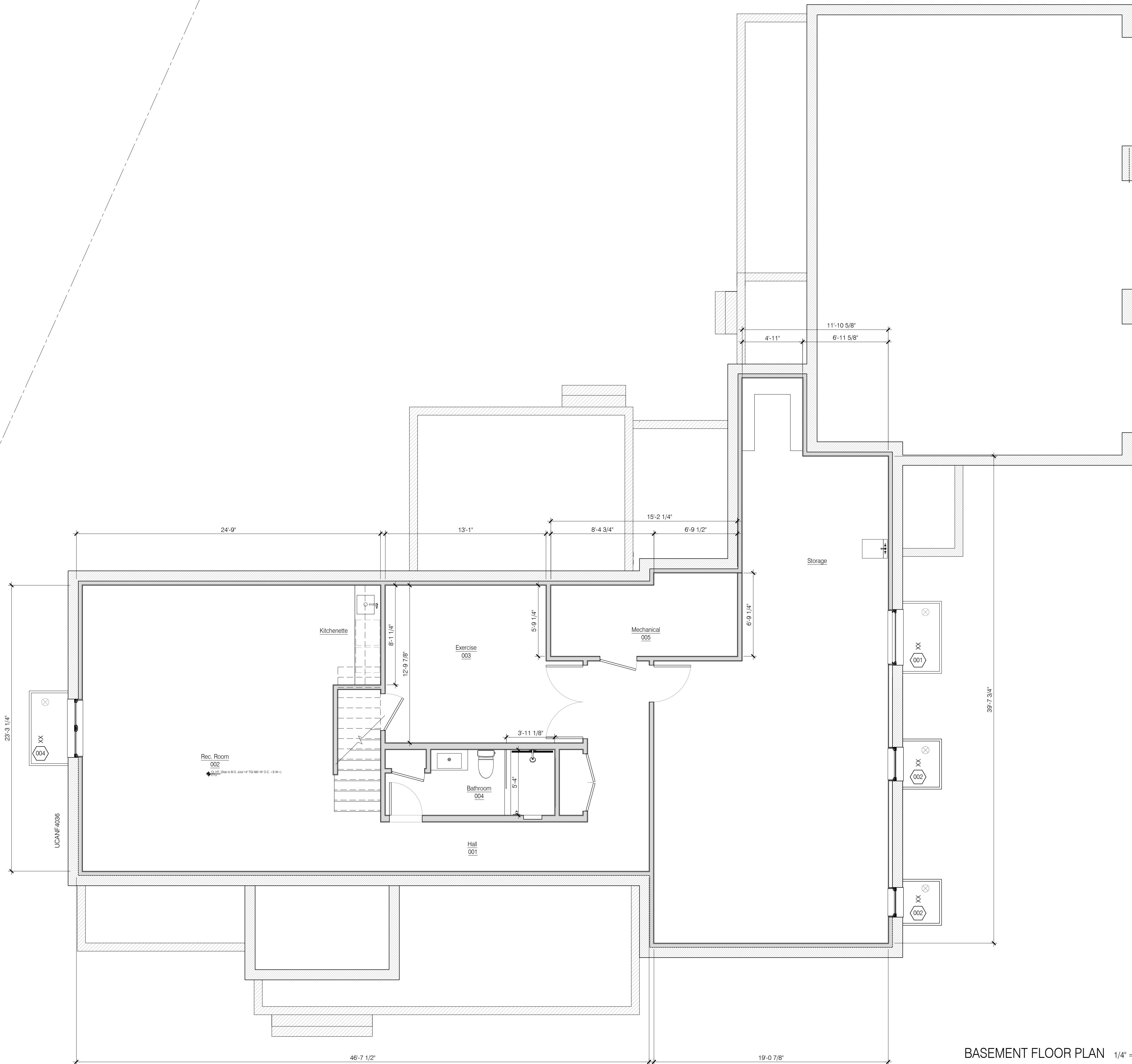
Construction Plans
Proposed Site



1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Construction Plans
Foundation

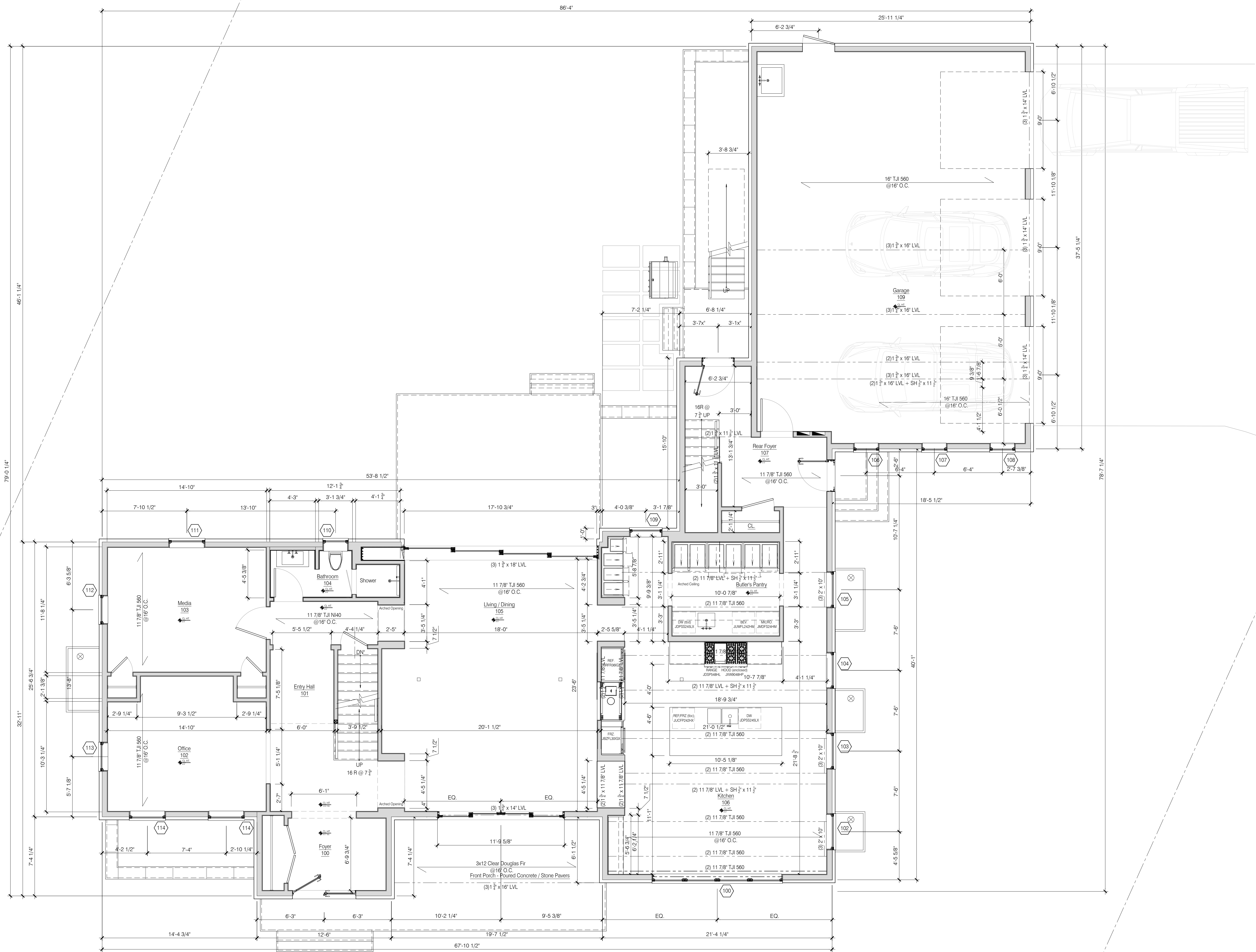


BASEMENT FLOOR PLAN 1/4" = 1'-0"

1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Construction Plans
Basement - FUTURE BUILD

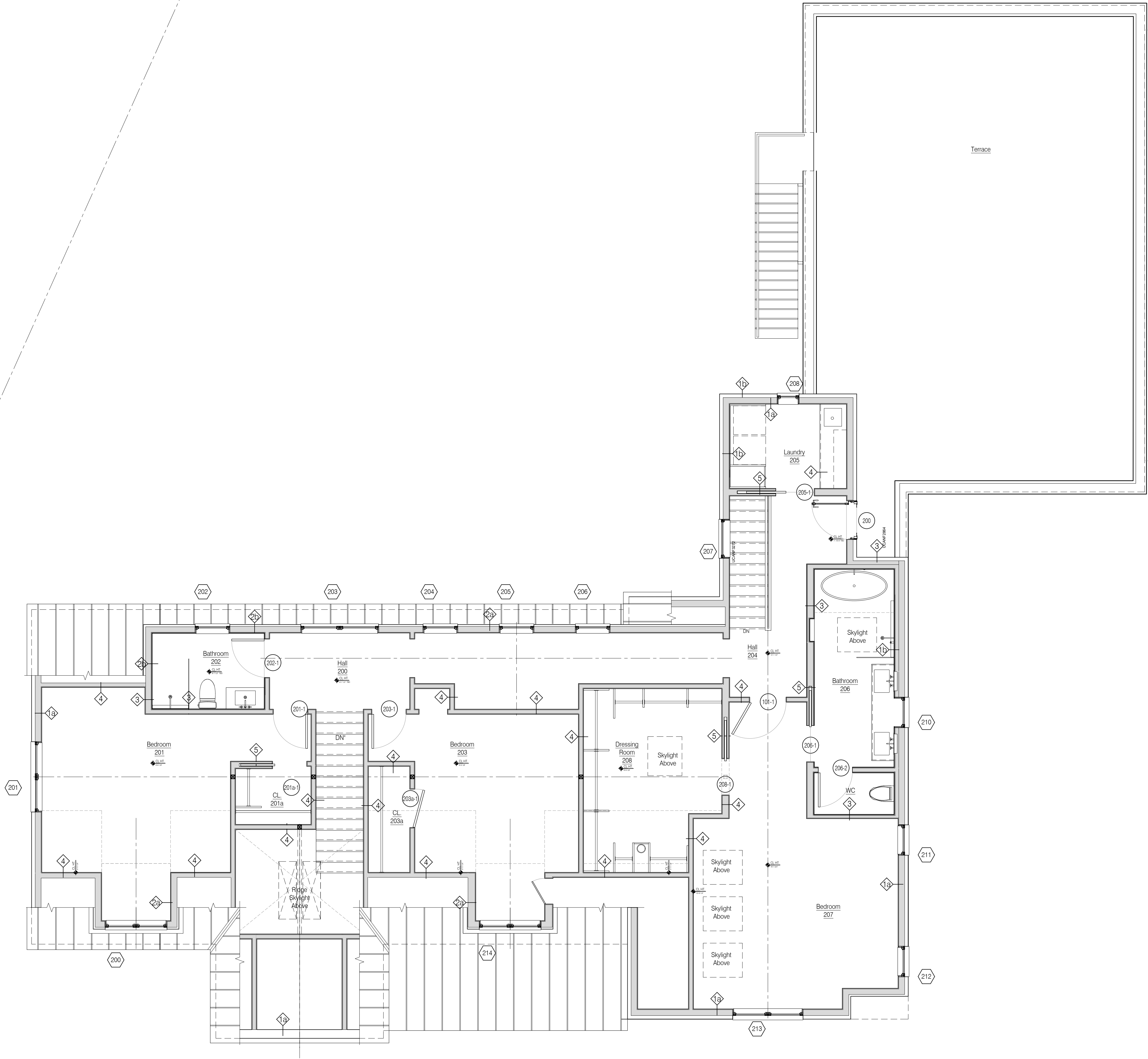


FIRST FLOOR PLAN 1/4" = 1'-0"

- | | |
|--------------------|----------|
| 1. Zoning Review | 07/26/22 |
| 2. Zoning Revision | 01/10/23 |
| 3. Zoning Revision | 12/12/23 |

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Construction Plans
1st Floor

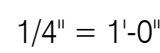


SECOND FLOOR PLAN 1/4" = 1'-0"

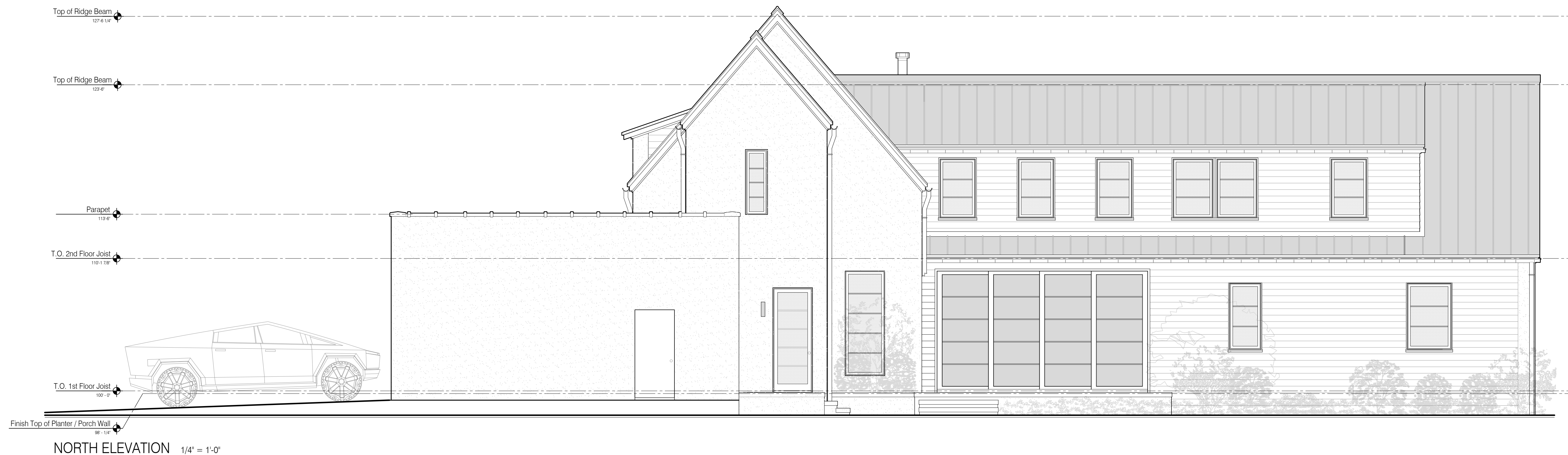
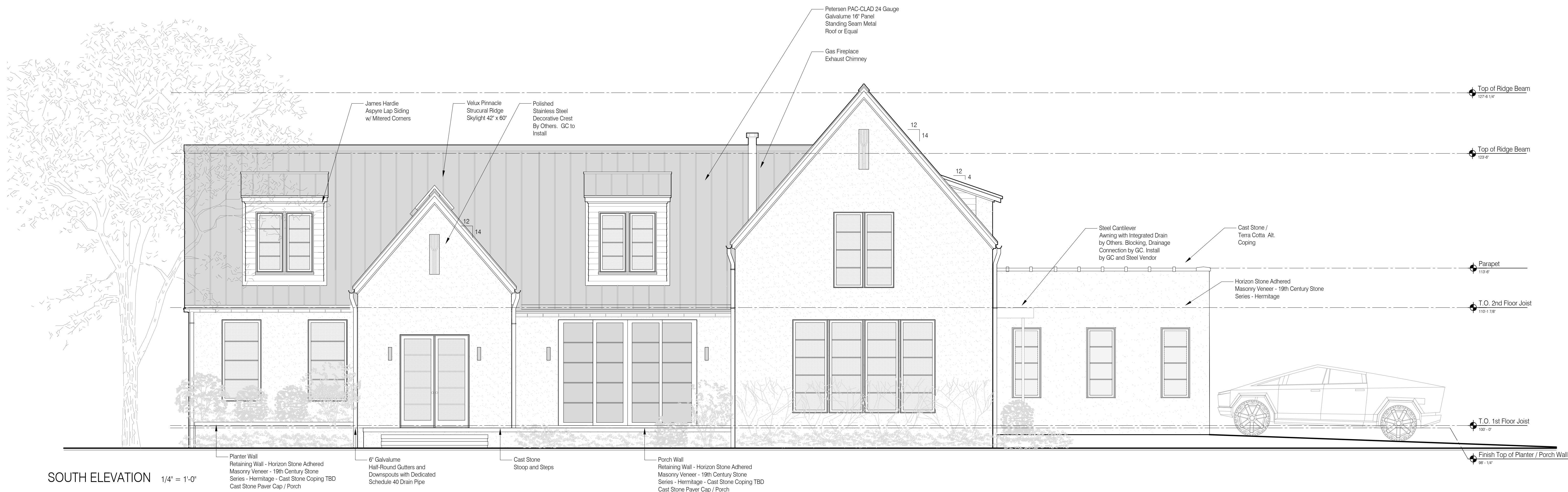
1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Construction Plans
2nd Floor



Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009



- | | |
|--------------------|----------|
| 1. Zoning Review | 07/26/22 |
| 2. Zoning Revision | 01/10/23 |
| 3. Zoning Revision | 12/12/23 |

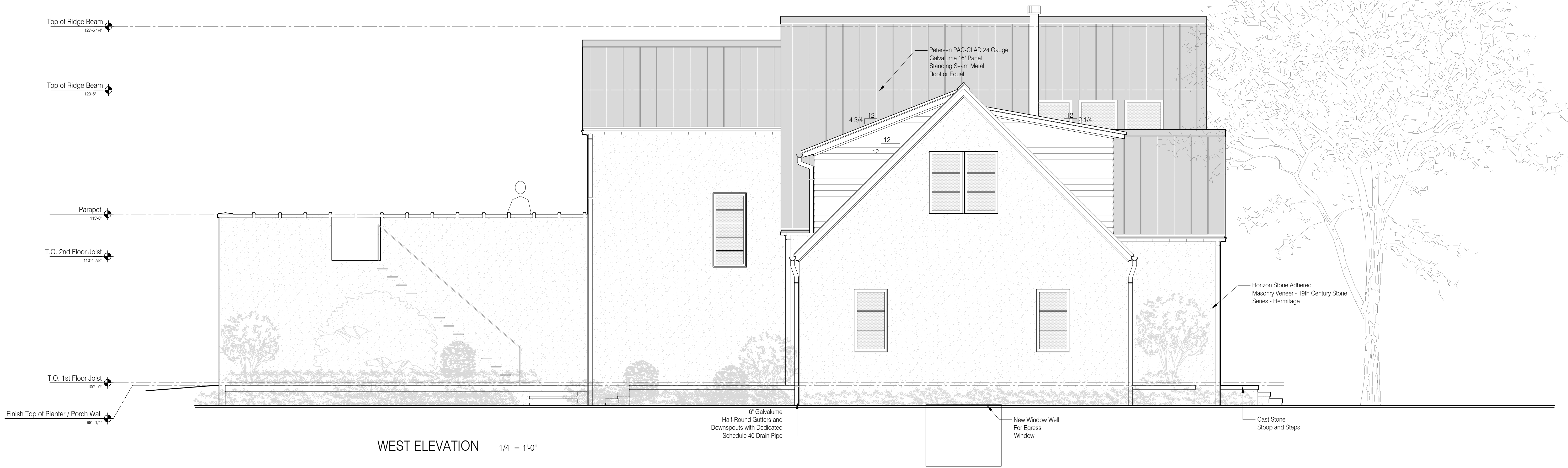
Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Exterior Elevations

South & North



EAST ELEVATION 1/4" = 1'-0"



WEST ELEVATION 1/4" = 1'-0"

1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Zoning Revision	12/12/23

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Exterior Elevations
East & West

distances between existing structures combined to create unusual circumstances on this lot. The neighboring property to the east created an addition that was in compliance but caused Mr. DePorre's garage to become out-of-compliance. Mr. Hart noted Mr. DePorre's compliance with DTE's easements, said the request was minimal and reasonable, and that it would be built on the foundation of the extant garage.

Mr. Miller said he initially expected to not support the request, but upon hearing the constraints believed it would be appropriate to grant the request.

The Chair said he would also support the motion, noting that the non-conformity was not being expanded and was not self-created.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Canvasser, Hart, Miller, Morganroth, Yaldo, Lillie, Kona

Nays: None

T# 07-49-22

**6) 2428 Northlawn
Appeal 22-32**

ABO Zielke presented the item, explaining that the owner of the property known as 2428 Northlawn was requesting the following variances to construct an 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 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is being requested.

B. 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 residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested.

C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Staff answered informational questions from the Board.

Kent Johnston, homeowner, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

In reply to Board inquiry, Mr. Johnston stated variance A would allow the home to be more aesthetically pleasing than if that aspect of the home had to be ordinance-compliant. Allowing that variance would comply with the spirit of the ordinance since it would increase the aesthetic appeal of the front of the home. If the home were not set at an angle, he would not need to request variance A. He could still build the home without variance A if required.

Motion by Mr. Hart

Seconded by Mr. Yaldo with regard to Appeal 22-32, 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 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is being requested; B. 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 residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested; C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Mr. Hart moved to approve variances A, B, and C, and tied them to the plans as submitted. He said the appellant faced a number of challenges with the home given the way it is situated on the lot. He said the home being squared off to the street created difficult setback requirements on all four sides of the home. He said the requests were reasonable.

Mr. Miller said he would also support the motion, stating that variance A only was required because of the orientation of the house on the lot. He said that granting variance A also does not push that part of the home beyond the corner of the adjacent house, and so did not represent a detriment to the neighbor.

The Chair concurred with Mr. Miller.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Canvasser, Hart, Miller, Morganroth, Yaldo, Lillie, Kona

Nays: None

5. Correspondence

Mr. Reddy moved to approve the variance request and tied approval to the plans as submitted. He noted that the property in question had an existing non-conforming home. He noted it would not be encroaching any further to the south and that the setback did not appear to be an issue.

Motion carried, 6-1.

ROLL CALL VOTE

Yeas: Miller, Canvasser, Reddy, Yaldo, Lilley, Hart

Nays: Kona

T# 01-03-23

**2) 2428 Northlawn
Appeal 23-03**

ABO Zielke presented the item, explaining that the owner of the property known as 2428 Northlawn was requesting the following variances to construct an 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 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is being requested.
- B. 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 residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested.
- C. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Staff answered informational questions from the Board.

Kent Johnston, homeowner, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 23-03, 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 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is

being requested; B. 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 residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested; and, C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Mr. Miller moved to approve the variance requests and tied approval to the plans as submitted. He noted the request was essentially the same as the July 2022 approval in regards to the critical aspects. He explained that since the changes were so minor and actually mitigated some of the previous issues, he believed the variances should be granted.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Miller, Canvasser, Reddy, Yaldo, Lilley, Hart, Kona

Nays: None

T# 01-04-23

**3) 300 S. Old Woodward
Appeal 23-05**

SP Cowan presented the item, explaining that the owner of the property known as 300 S. Old Woodward was requesting the following variances:

- A. Chapter 126, Article 3, Section 3.04 (E)(4)** requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed building contains a storefront on Daines with a transparency percentage of 62% (392 sq. ft.) where 70% (440 sq. ft.) is required. Therefore, a variance of 48 sq. ft. is requested for the Daines storefront.
- B. Chapter 126, Article 3, Section 3.04 (E)(4)** requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed building contains a storefront on S. Old Woodward with a transparency percentage of 60% (700 sq. ft) where 70% (812 sq. ft.) is required. Therefore, a variance of 112 sq. ft. is requested for the S. Old Woodward storefront.
- C. Chapter 126, Article 3, Section 3.04 (E)(4)** requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the