

# Agenda

City of Birmingham  
Board of Zoning Appeals

Commission Room of the Municipal Building  
151 Martin Street, Birmingham, Michigan  
November 11, 2014  
7:30 PM

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1. Roll Call
2. Approval of the October, 2014 Minutes
3. Appeals:

	Address	Petitioner	Appeal	Type/Reason
1.	1588 STANLEY	CARNOVALE	14-27	DIMENSIONAL
2.	1155 EMMONS	MOJARADI	14-28	DIMENSIONAL
3.	261 E MAPLE	AVEDIAN DEVELOPMENT	14-29	POSTPONED
4.	2159 E LINCOLN	LINCOLN BIRMINGHAM PROPERTIES	14-30	INTERPRETATION, DIMENSIONAL

4. Correspondence
5. General Business

## 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.

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS  
TUESDAY, OCTOBER 14, 2014**

City Commission Room  
151 Martin Street, Birmingham, Michigan

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Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, October 14, 2014. Chairman Charles Lillie convened the meeting at 7:32 p.m.

**Present:** Chairman Charles Lillie; Board Members Jeffery Jones, Kevin Hart, Thomas Hughes, Randolph Judd; Alternate Board Member Cynthia Grove

**Absent:** Board Members Peter Lyon, John Miller

**Administration:** Bruce Johnson, Building Official  
Ken Cooper, Asst. Building Official  
Carole Salutes, Recording Secretary

The chairman welcomed everyone and explained the BZA procedure to the audience. Additionally, he noted that the members of the Zoning Board are appointed by the City Commission and are volunteers. They 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. There are no land use variances called for this evening. Also, appeals are heard by the board as far as interpretations or rulings. Four affirmative votes are required to reverse an interpretation or ruling. There are no interpretations on this evening's agenda.

The chairman congratulated Mr. Hart on becoming a permanent member of the BZA, and Mr. Judd for being reappointed.

**T# 10-52-14**

**APPROVAL OF THE MINUTES OF THE BZA MEETING OF SEPTEMBER 9, 2014**

**Motion by Mr. Jones**

**Seconded by Mr. Hughes to approve the Minutes of the BZA meeting of September 9, 2014 as written.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Jones, Hughes, Grove, Hart, Judd, Lillie  
Nays: None  
Absent: Lyon, Miller

**T# 10-53-14**

**460 W. MAPLE RD.  
(Appeal 14-25)**

The owners of the property known as 460 W. Maple Rd. request the following variances to allow the attachment of an existing accessory structure to the existing principal structure:

- A. Article 2, Section 2.16 of the Zoning Ordinance requires a rear yard setback of 30.0 ft. for this lot; with 0.70 ft. existing and 0.70 ft. proposed. Therefore, a variance of 29.3 ft. is requested.
- B. Article 2, Section 2.16 of the Zoning Ordinance requires a side yard setback of 5.0 ft. for this lot; with 2.75 ft. existing and 2.75 ft. proposed. Therefore, a variance of 2.25 ft. is requested.

This property is zoned R-6 Multiple-Family Residential.

Mr. Cooper noted this is an existing historical home with an existing historical barn at the rear of the lot. A use variance was granted in 2009 and extended in 2010 to permit an office use. In 2011 the BZA granted a variance to place a basement under the existing detached barn. In 2013 approval was granted by the Historic District Commission ("HDC") to do the work that is under discussion this evening.

The applicant is proposing an underground connection and an above ground covered walkway between the house and barn. With that connection, they become attached. These proposed connections now require the side yard and rear yard setbacks of the non-conforming accessory structure to comply with the Zoning Ordinance as a single structure. If the requested variances are granted this evening the former variances become moot.

Mr. Lillie summarized that the large variance is required because the applicant is attempting to attach the barn to the main building.

Mr. Richard Rattner, Attorney, 380 N. Old Woodward Ave., spoke on behalf of the petitioner, Mr. Eric Jirgins and Young and Young Architects. The only person who will view the proposed change is the lady who lives next door and she has no problem with it. Mr. Rattner went on to explain that the underground walkway solidifies the barn because of the way the tunnel is built. So, they think it is an advantage to the property as well as allowing a convenience.

A strict interpretation of the Ordinance unreasonably prevents this property owner from reasonable use and enjoyment of his property. The normal development options are not available to the applicant due to the unusual characteristics and special historic condition of the property

The literal enforcement of the Ordinance causes unnecessary hardship, or for these dimensional variances, practical difficulties due to the conflict between modern ordinance requirements and Historic District and site area problems. The covering makes the ramp safe, and protected from snow, ice and rain.

The cover over the walkway makes that walkway safer for those using it. Likewise, it is safer to remain indoors to move from one part of the building to another. The requested variances contribute to the health, safety and welfare of the occupants and public invitees to the site.

Other property owners on other sites do not have tight physical restraints or Historic District regulations to contend with, nor the design, structural and safety problems that the applicant must solve.

Mr. Young explained for the chairman why the walkway has to be covered all the way. From a common sense standpoint it keeps rain, snow, and ice off. Further responding to the chairman, Mr. Rattner stated without the variances it might restrict the property from what other property owners might be able to do. They have worked to do the best they can with the existing condition of the site.

Mr. Judd questioned what purpose the tunnel serves. Mr. Rattner said if the property were not historic, they could use it differently. Mr. Hart noticed this solution provides handicap access to the house that does not presently exist. However, there are some sections of the home that will not be handicap accessible. Mr. Young replied the State Barrier Free Exception Rule was that the north end of the building would be completely barrier free accessible from the north entrance via the ramp into the home. There are no restroom facilities that are ADA compliant.

No one from the audience wished to comment on this appeal at 8:10 p.m.

**Motion by Mr. Judd**

**Seconded by Mr. Jones in regard to Appeal 14-25, 460 W. Maple Rd. The subject property contains two historic structures. It is the intent of the petitioner to improve the historic structures by connecting the main house with the existing barn by way of a tunnel and placed on top of that tunnel would be a covered walkway.**

**To accomplish this the appellant requires two variances, the first dealing with Article 2, Section 2.16. The rear yard setback which is normally required to be 30**

ft. is in this case 0.70 ft., requiring a 29.30 ft. variance. The second variance dealing with the same Article and Section requires the side yard setback to be 5 ft. with the existing and proposed being 2.75 ft., with a variance of 2.25 ft.

Since this is a historic property it bends the rules in this case and a dimensional variance is required. In this circumstance Mr. Judd feels that strict compliance with the ordinances and restrictions dealing with rear yard setback and side yard setback would unreasonably prevent the owner from using the property for a permitted purpose. In this case, a previously granted variance to use it as a non-commercial design center would render the conformity with such restrictions unnecessarily burdensome.

Further, he feels that to grant the variances would do substantial justice to the applicant and to the other property owners in the district. He feels the plight of the owner is due to the unique circumstances of the property which have been exhaustively discussed at this hearing, prior hearings, and also in a memorandum prepared by Richard Rattner, the counsel for the petitioner.

Is the problem self-created? He supposes every variance the board looks at is self-created. However, the magic word in this case is mitigation. He feels that dealing with a unique piece of property and the ambitious intent of the petitioner to take a piece of property which has been previously described as being condemned by neglect more than offsets what might be the one caveat problem of self-creation.

Mr. Judd would move to approve the variance and tie the motion to the plans.

**Motion carried, 6-0.**

Mr. Jones emphasized that he feels the circumstances are most compelling. To the extent that this is a desire, he concurs with Mr. Judd in this instance. As Mr. Rattner said, nothing is being moved or changed. Mr. Jones said he doesn't believe the variances will do any harm to the neighbors who are still in the same circumstances as they were before, and in fact it will only help.

**VOICE VOTE**

Yeas: Judd, Jones, Hughes, Grove, Hart, Lillie

Nays: None

Absent: Lyon, Miller

**T# 10-54-14**

**CORRESPONDENCE** (none)

**T# 10-55-14**

**GENERAL BUSINESS** (none)

**T# 10-56-14**

**ADJOURNMENT**

No further business being evident, the board members passed a motion to adjourn at 8:16 p.m.

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Bruce R. Johnson, Building Official

# CASE DESCRIPTION

## **1588 Stanley (14-27)**

**Hearing date: November 11, 2014**

The owners of the property known as 1588 Stanley request the following variances to renovate an existing detached garage:

- A. **Article 4, Section 4.03 AS-02 B.** The zoning ordinance requires the setback distance to the south property line be 3.00', with 2.70' existing, and 2.70' is proposed; therefore a variance of 0.30' is requested.
- B. **Article 4, Section 4.03 (B)** requires the accessory structure be a minimum of the sum of the required side setbacks as determined in Section 4.67 (C) from a principal structure on an adjoining lot. The required setback for the proposed accessory structure on this lot is 14.0' from a principal structure on the adjoining lot. The applicant is proposing 9.08'. Therefore a variance of 4.92' is requested.

**Staff Notes:** This existing garage was constructed in 1950 with a setback of 2.70' from the south property line. The adjoining residential structure to the south was constructed in 2006 with a 33.00' rear yard setback. The owner is proposing to enlarge and construct a loft area to the existing garage. The proposed addition to the garage meets all setback and lot coverage requirements. However, the new code required footing installation and new roof construction within the existing garage footprint is the reason for the requested variances.

This property is zoned R-2.

Application Date: 10-10-14Hearing Date: 11-11-14Received By: BMAppeal #: BZA 14-26

### Board of Zoning Appeals Application

Type of Variance: Interpretation Dimensional Land use Sign Admin review

#### Property Information:

Street address: <u>1588 SHELLEY BLVD</u>	Sidwell Number:
Owners name: <u>TERRELL MORSE</u>	Phone #: <u>248 203 1000</u>
Owners address: <u>1588 SHELLEY BLVD</u>	Email: <u>lauren@CARNOWALE1.com</u>
City: State: <u>BIRMINGHAM</u>	Zip code: <u>48009</u>
Contact person: <u>LAUREN@CARNOWALE1.com</u>	Phone #: <u>248 203 1000</u>

#### Petitioner Information:

Petitioner name: <u>CARNOWALE ASSOCIATES</u>	Phone #: <u>248 203 1000</u>
Petitioner address: <u>2006 COLE ST</u>	Email: <u>lauren@CARNOWALE1.com</u>
City: <u>BIRMINGHAM</u> State: <u>MI</u>	Zip Code: <u>48009</u>

#### Required Attachments:

- Original Certified Survey
- Original BZA application
- Letter of hardship or practical difficulty
- 10 folded copies of the site plan and building plans (existing and proposed floor plans and elevations)
- Set of plans and survey mounted on foam board
- If appealing a board decision, a written transcript from the meeting is required along with 10 copies of minutes from any previous Planning, HDC or DRB board.

#### General Information:

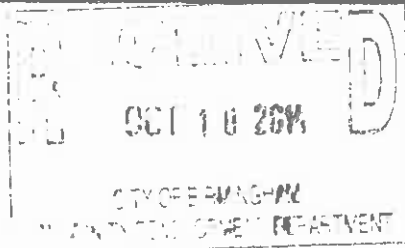
Prior to submitting for a Board of Zoning Appeals review, you must schedule an appointment with the Building Official or a City Planner for a preliminary discussion on your submittal. The deadline is the 15th of the previous month.

The BZA review fee is \$310.00 for single family residential; \$510.00 for all others; and \$50.00 for the public notice sign.

Location of all requested variances must be highlighted on plans and survey. All dimensions to be taken in feet to the first decimal point.

Variance chart example:	Required	Existing	Proposed	Amount of Variance
	25'	24'	24'	1'

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

Signature of Owner: [Signature]Date: 10/10/2014



October 10, 2014

Board of Zoning Appeals  
Planning Department  
151 Martin Street  
P.O. Box 3001  
Birmingham, Michigan 48012

Re: 1588 Stanley Blvd. – Board of Zoning Appeals Application Letter of Practical Difficulty

Dear Board Members of the Zoning Board of Appeals,

We are requesting two dimensional variances from the City of Birmingham Zoning Ordinance for the 1588 Stanley Blvd. garage renovation project:

1. We are requesting a variance of 00.3' from Section 4.03 AS-02 B
2. We are requesting a variance of 4.92' from Section 4.03 AS-02 B

1588 Stanley is a 50'-0" wide lot with an existing house and garage. We are proposing to remote the garage. The garage was built prior to the adoption of current ordinances. Consequentially, the garage has a 00.3' nonconforming side yard setback at the south property line. Additionally, the neighboring home to the south was constructed 9.08' from the garage at 1588 Stanley. This recent home construction imposes an additional nonconforming condition of 4.92' too close to the adjacent principal structure on an adjacent lot.

Both conditions of non-conformity are existing conditions and are not within the reasonable control of the homeowner. Moving or relocating the existing garage to the north would cause the garage to be unusable and too close to the principle structure. Additionally, it would violate percentage of lot coverage requirements.

We respectfully request relief from these two zoning requirements to improve the function of the garage.

Thank you for your careful consideration.

Sincerely,

Frank Carnovale AIA, CPE  
Carnovale Associates – Architects + Builders  
[frank@carnovale1.com](mailto:frank@carnovale1.com)  
[www.carnovale1.com](http://www.carnovale1.com)

# **CASE DESCRIPTION**

## **1155 Emmons (14-28)**

**Hearing date: November 11, 2014**

The owners of the property known as 1155 Emmons request the following variance to allow the construction of a new house and detached garage:

- A. **Article, Section 4.69, C** of the Zoning Ordinance requires the distance between principal residential buildings be 14.00' for this lot, with 11.70' proposed. Therefore, a variance of 2.30' is requested.

**Staff Notes:** The owner is proposing to construct a new house with a detached garage on this lot. The proposed new house and garage will meet all setbacks, height, and lot coverage requirements except the distance between principal structures requirement. The existing house to the west of this lot was built in 1925 and was constructed 6.70' from the shared property line.

This property is zoned R-3.

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Ken Cooper  
Assistant Building Official

Application Date: \_\_\_\_\_



Hearing Date: \_\_\_\_\_

Received By: \_\_\_\_\_

Appeal # \_\_\_\_\_

## Board of Zoning Appeals Application

Type of Variance: Interpretation \_\_\_\_\_ Dimensional \_\_\_\_\_ Land use \_\_\_\_\_ Sign \_\_\_\_\_ Admin review \_\_\_\_\_

### Property Information:

Street address: 1155 EMMONS	Sidwell Number:
Owners name: FAREED K. KARARI	Phone #: 248-790-1000
Owners address: 1155 EMMONS	Email: info@emmonsrealty.com
City: State: Birmingham, AL	Zip code: 35207
Contact person: FAREED K. KARARI	Phone #: 248-790-1000

### Petitioner Information:

Petitioner name: FAREED K. KARARI	Phone #:
Petitioner address: 1155 EMMONS	Email: info@emmonsrealty.com
City: Birmingham State: AL	Zip Code:

### Required Attachments:

Original Certified Survey      Original BZA application      Letter of hardship or practical difficulty  
10 folded copies of the site plan and building plans (existing and proposed floor plans and elevations)  
Set of plans and survey mounted on foam board  
If appealing a board decision, a written transcript from the meeting is required along with 10 copies of minutes from any previous Planning, HDC or DRB board.

### General Information:

Prior to submitting for a Board of Zoning Appeals review, you must schedule an appointment with the Building Official or a City Planner for a preliminary discussion on your submittal. The deadline is the 15th of the previous month.

The BZA review fee is \$310.00 for single family residential; \$510.00 for all others; and \$50.00 for the public notice sign.

Location of all requested variances must be highlighted on plans and survey. All dimensions to be taken in feet to the first decimal point.

Variance chart example:	Required	Existing	Proposed	Amount of Variance
	25'	24'	24'	1'

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

Signature of Owner: \_\_\_\_\_ Date: 12.14.14

14 October 2014

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

**Re: Board of Zoning Appeals Application for Dimensional Variance  
1155 Emmons Avenue, Birmingham, Michigan**

Dear Members of the Board of Zoning Appeals:

I am not able to conform to the required 14' distance between principal structures unless I place my new driveway on the west side of my property to abut my neighbor's driveway at 1139 Emmons. This will create an extreme hardship on my neighbor to the west due to the narrowness of his existing driveway. Therefore, I am requesting a dimensional variance of 2.3' on my west side yard setback.


Considering the existing conditions of the neighboring properties on Emmons Avenue, especially the narrowness of my next door neighbor's driveway to the west, and the existing east side pattern of driveways on Emmons, I am proposing to place the new house at 5 feet from the western property line and keep the new driveway on the east side where a driveway has existed since 1932. Maintaining the new driveway in the same location would also be in alignment with the driveways on the south side of the street and would not require a new curb cut on Emmons.

Preserving the desirable existing conditions would necessitate a variance from the required distance between principal structures. If this 2.3' dimensional variance is granted, I will have 11.7 feet between our houses. My next door neighbor to the west is supportive of this variance request. The neighboring property to the east has a driveway that is almost 11' wide and abuts my driveway. The owner of this property has no preference as to where I locate my new driveway.

I believe this variance will reduce the hardship on my neighbor to the west and will preserve and improve our property values.

Thank you for your consideration of this dimensional variance request.

Sincerely,

  
Fareed Mojaradi  
1155 Emmons Ave.  
Birmingham, MI 48009

15 October 2014

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

Dear Members of the Board of Zoning Appeals:

I am the owner of 1139 Emmons, the property on the west side of 1155 Emmons. It is my understanding that the owner of 1155 Emmons is proposing a new house located 5 feet from his western property line which is my eastern property line, and is requesting a dimensional variance on his west side from the required Zoning Ordinance distance of 14 feet between principal structures.

I am in support of this variance because it would be a practical difficulty for the owner to comply without creating an extreme hardship on my property due to existing conditions. My existing concrete driveway is less than 7' with its edge on the property line. Placing a new 9' wide driveway on the west side to adjoin my narrow driveway creates a combined driveway width of less than 16 feet between our houses. Functionally, this width would be even less, made smaller by the space necessary for safe vehicle maneuverability up and down the driveway without colliding with my house or a vehicle parked on the adjoining driveway. This new condition would severely impair my vehicle access to my garage and the use and enjoyment of my property. It would be detrimental to me and ultimately to the owner of 1155 Emmons by creating a chronic accessibility issue for both properties.

In addition, placing a new driveway on the west side to adjoin my driveway would require a new curb cut on Emmons. This new driveway would not have an aligning driveway on the opposite (south) side of the street or be uniform with the pattern of the majority of other driveways on Emmons that are on the east side of the houses.

For the above reasons, I ask that you grant this variance to alleviate the practical difficulty and hardship on our properties.

Respectfully,



Khalil Mogassabi  
1139 Emmons Ave  
Birmingham, MI 48009

# CASE DESCRIPTION

## **2159 E. Lincoln (Case No. 14-30)**

**Hearing date: November 11, 2014**

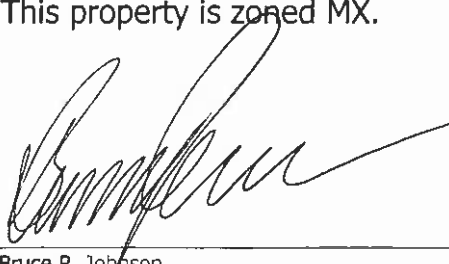
The owners of the property known as 2159 E. Lincoln request the following variance(s) from the zoning ordinance to allow parking contained within the first story of building to be closer than 10 feet of the front façade of the building.

- A. **Chapter 126, Article 08, Section 8.10 (D), Appeals**, allows for an appeal of the Building Official. The applicant is requesting an appeal of an interpretation made by the Building Official that when a building is allowed to be placed a distance from the frontage line in the MX Zoning District, the parking standards in Article 04, Section 4.52 (A) 1 of the zoning ordinance remain applicable.
- B. **Chapter 126, Article 04, Section 4.52 (A) 1, Off-Street Parking Facilities**, requires off-street parking contained in the first story shall not be permitted within 10.00' of any building façade of a frontage line. With 10.00' required and 0.00' proposed, a 10.00' variance is requested.

**Staff Notes:** The applicant has preliminary site plan approval for a proposed four story residential building. The first story is proposed to be enclosed parking for the residential units on the floors above. The zoning ordinance parking standards for the MX District require parking contained in the first story of a building not be located closer than 10-feet to the front façade if that façade is on a frontage line. The proposed building has parking wholly in this area.

A condition of preliminary site plan approval is that the applicant obtains a variance from the BZA, or a favorable interpretation from the building official. The applicant is appealing the interpretation (variance A), and in the event that the board upholds the building official determination, a request is made for a variance from the parking standards (variance B).

This property is zoned MX.



Bruce R. Johnson  
Building Official

Application Date: 10-15-14Hearing Date: 11-14-15Received By: BmAppeal # 14-30

## Board of Zoning Appeals Application

**Type of Variance:** Interpretation ☒ Dimensional ☒ Land use \_\_\_\_\_ Sign \_\_\_\_\_ Admin review \_\_\_\_\_

### Property Information:

<b>Street address:</b> 2159 Lincoln & 2295 Lincoln		<b>Sidwell Number:</b>	
<b>Owners name:</b> Orion Development Group, LLC & Donald H. Bailey Trust		<b>Phone # :</b> 586-206-0500	
<b>Owners address:</b> 4141 North Atlantic		<b>Email:</b>	
<b>City: State:</b> Auburn Hills, MI		<b>Zip code:</b> 48326	
<b>Contact person:</b> Donald Bailey		<b>Phone #:</b> 586-206-0500	

### Petitioner Information:

<b>Petitioner name:</b> Lincoln Birmingham Properties, LLC		<b>Phone #:</b> 248-647-2600	
<b>Petitioner address:</b> 30100 Telegraph Rd., Suite 218		<b>Email:</b> shavera@hughes-properties.net	
<b>City:</b> Bingham Farms	<b>State:</b> MI	<b>Zip Code:</b> 48025	

### Required Attachments:

- Original Certified Survey ☒ Original BZA application ☒ Letter of hardship or practical difficulty
- ✓ 10 folded copies of the site plan and building plans (existing and proposed floor plans and elevations)
  - ✓ Set of plans and survey mounted on foam board
  - ✓ If appealing a board decision, a written transcript from the meeting is required along with 10 copies of minutes from any previous Planning, HDC or DRB board.

### General Information:

Prior to submitting for a Board of Zoning Appeals review, you must schedule an appointment with the Building Official or a City Planner for a preliminary discussion on your submittal. The deadline is the **15th** of the previous month.

The BZA review fee is **\$310.00** for single family residential; **\$510.00** for all others; and **\$50.00** for the public notice sign.

Location of all requested variances must be highlighted on plans and survey. All dimensions to be taken in feet to the first decimal point.

Variance chart example:	Required 25'	Existing 24'	Proposed 24'	Amount of Variance 1'
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By signing this application I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.

Signature of Owner: \_\_\_\_\_

Date: 10-15-14



**HUGHES PROPERTIES**  
**HUGHES REALTY COMPANY**

30100 TELEGRAPH ROAD  
SUITE 220  
BINGHAM FARMS, MICHIGAN 48025  
248/647-2600 248/647-1330 FAX

October 15, 2014

City of Birmingham  
Building Department  
151 Martin Street  
Birmingham, MI 48012

RE: 2159 & 2295 E. Lincoln BZA Application

Mr. Johnson,

I write on behalf of Lincoln Birmingham Properties, LLC to appeal to the BZA. We are appealing the decision of the building official dated October 14, 2014 interpreting portions of the ordinance (see attached). The interpretation has the effect of prohibiting portions of our first floor interior parking as set forth in the plans submitted.

In the event the BZA does not modify the building official's interpretation to allow the interior parking as provided in the plans, we seek a dimensional (non-use) variance from the provisions of Section 4.52 A.1. to permit interior first floor parking within ten feet (10') of the front façade as shown on the plans submitted.

Since we did not receive the building official's decision until October 14, 2014, it was impossible to prepare the written materials for the two appeals in time for the October 15, 2014 deadline for the application (attached). We will submit those materials in time to be distributed to the board members with the other appeals for the November 11, 2014 meeting.

Sincerely,

Sean T. Havera  
Senior Project Manager  
Lincoln Birmingham Properties, LLC



**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, SEPTEMBER 24, 2014**

Item	Page
<p><b>PRELIMINARY SITE PLAN REVIEW</b>  <b>2159 and 2295 E. Lincoln</b> (postponed by the applicant to the meeting of September 24, 2014)  <b>The District Live/Work Apartments</b>  <b>New construction of a four-story mixed-use live/work building with parking</b></p> <p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Mr. Williams to approve the Preliminary Site Plan for 2159 and 2295 E. Lincoln subject to the following conditions:</b></p> <p>(1) Planning Board approves the adjustment of the front setback to 4 ft.;  (2) The applicant shift the first floor parking back 10 ft. from the front façade of the building or obtain a variance from the Board of Zoning Appeals, or a favorable interpretation by the building official;  (3) Applicant provide specification sheets for mechanical equipment and screening, all lighting and a photometric plan for Final Site Plan and Design Review;  (4) Applicant provide a detailed landscape plan to demonstrate compliance with all landscape requirements;  (5) Applicant add two additional light fixtures in the ROW along Cole;  (6) Applicant add three evergreen trees or obtain a variance from the Board of Zoning Appeals;  (7) Applicant address the first floor glazing requirements at Final Site Plan and Design Review; and  (8) Compliance with City Department requests; and  (9) Lots must be combined.</p> <p><b>Motion carried, 5-0.</b></p>	<p><b>2</b></p> <p><b>3</b></p> <p><b>4</b></p>
<p><b>DESIGN REVIEW</b>  <b>543 E. Lincoln</b>  <b>Installation of solar panels</b></p> <p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Mr. Williams to approve the Design Review for 543 E. Lincoln as it meets the requirements established in Article 4, section 4.09 of the Zoning Ordinance.</b></p>	<p><b>4</b></p> <p><b>5</b></p>

Item	Page
Motion carried, 5-0.	5

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 24, 2014  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held September 24, 2014. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Bryan Williams;  
Student Representatives Jack Moore, Shelby Wilson

**Absent:** Board Member Janelle Whipple-Boyce

**Administration:** Matt Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**09-139-14**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
HELD SEPTEMBER 10, 2014**

Chairman Clein:

Page 2 - First paragraph, correct spelling of his name.

**Motion by Mr. DeWeese**

**Seconded by Ms. Lazar to approve the Minutes of the regular Planning Board meeting held on September 10, 2014 with the change.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: DeWeese, Lazar, Clein, Koseck, Williams

Nays: None

Absent: Whipple-Boyce

**09-140-14**

**CHAIRPERSON'S COMMENTS**

Chairman Clein explained he will be taking over the chair from Robin Boyle who is out of the country on sabbatical from Wayne State University.

09-141-14

**APPROVAL OF THE AGENDA** (approved)

09-142-14

**PRELIMINARY SITE PLAN REVIEW**

**2159 and 2295 E. Lincoln** (postponed by the applicant to the meeting of September 24, 2014)

**The District Live/Work Apartments**

**New construction of a four-story mixed-use live/work building with parking**

Ms. Ecker advised that the subject sites, 2159 & 2295 E. Lincoln, are currently two parcels. The parcel at 2295 E. Lincoln contains an existing two-story commercial/industrial building and associated parking. No changes are proposed to this building or parking area. The parcel at 2159 E. Lincoln contains a vacant building and parking area. The applicant has advised that they intend to combine both parcels into one parcel. The combined site has a total land area of 2.07 acres and is located on the north side of Lincoln east of Eton Rd.

At this time, the applicant is proposing to demolish the existing former bus repair structure and surrounding pavement and fencing to construct a four-story live/work mixed-use building. A majority of the enclosed first floor is proposed to contain on-site parking while the second, third and fourth floor will contain 36 live/work units. Additional parking is also provided in a surface lot to the north of the building and on-street. The applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing one new building containing more than 20,000 sq. ft. of gross floor area. The CIS was accepted on August 27, 2014 by the Planning Board with several conditions. The City's traffic consultant has weighed in and indicated his agreement with everything in the Traffic Study.

Ms. Ecker advised that along the E. Lincoln frontage, the building is required to be on or within 3 ft. of the frontage line. The proposed building is set back 4 ft. In accordance with Article 4, Section 4.76, SS-08, the Planning Board may adjust this requirement. ***If the Planning Board does not approve an adjustment, the applicant will be required to obtain a variance from the Board of Zoning Appeals ("BZA").*** In addition, in accordance with Article 4, Section 4.52 PK-08, any off-street parking contained in the first story shall not be permitted within 10 ft. of any building façade on a frontage line or between the building façade and the frontage line. ***Thus, the applicant will be required to shift the first floor parking back 10 ft. from the front façade of the building or obtain a variance from the BZA.*** The applicant has filed a request for an Interpretation from the building official on this issue and is awaiting a ruling on that.

The revised plans now include a fully functional interior lobby that is accessible from both the front and rear of the building as requested by the Planning Board in August. This lobby includes an elevator, a staircase, a restroom, an office, a janitor's supply

closet and the mail pickup area. No pedestrian walkways are proposed throughout or along the edges of the parking lot. Also as discussed at the August Planning Board meeting, the applicant will be required to ensure safe pedestrian circulation throughout the parking area at Final Site Plan and Design Review. One other thing that the board asked for was more emphasis on the signage, so a new sign element has been proposed next to the front lobby.

Mr. Williams thought the lobby and signage are significantly improved from the previous plans.

Mr. Thom Phillips, Hobbs & Black Architects, was present with the owners, Mr. Ron Hughes, Mr. Don Bailey, and Mr. Sean Havera. Mr. Phillips noted there was a great effort to address the liveliness and life that the building projects onto the street. The parking layout is a result of losing three covered parking spaces in order to make the lobby more usable for pedestrians. If the board desires to add a sidewalk to access the parking lot they could do that, but they view the plan as providing sufficient access. The display windows along the frontage will potentially feature art work and/or interior images of the rental units. The windows will be 24 in. deep. Chutes next to the elevator are planned for disposal of trash. Their plan for the second parcel is not to change anything.

Mr. Havera said the original intent was to have 39 parking spaces which allowed for each unit to have at least one covered space. So, from a leasability standpoint having 36 spaces is a vital component to being able to market the building.

Mr. Williams thought the main lobby has been changed favorably and is consistent with what the board's concerns were at the last meeting. Discussion concerned the reason for the striped areas shown at the rear of the parking lot. Mr. Havera indicated they accommodate the turning radiuses for emergency vehicles but they plan to consult with the city engineer in this regard.

There was no discussion from the public at 8:10 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to approve the Preliminary Site Plan for 2159 and 2295 E. Lincoln subject to the following conditions:**

- (1) Planning Board approves the adjustment of the front setback to 4 ft.;**
- (2) The applicant shift the first floor parking back 10 ft. from the front façade of the building or obtain a variance from the Board of Zoning Appeals, or a favorable interpretation by the building official;**
- (3) Applicant provide specification sheets for mechanical equipment and screening, all lighting and a photometric plan for Final Site Plan and Design Review;**
- (4) Applicant provide a detailed landscape plan to demonstrate compliance with all landscape requirements;**
- (5) Applicant add two additional light fixtures in the ROW along Cole;**
- (6) Applicant add three evergreen trees or obtain a variance from the Board of Zoning Appeals;**

- (7) Applicant address the first floor glazing requirements at Final Site Plan and Design Review; and**
- (8) Compliance with City Department requests; and**
- (9) Lots must be combined.**

Mr. Koseck thought this is a great building for that district.

There were no final comments from the public at 8:14 p.m.

Mr. Havera noted that lot combination is typically a requirement of the Final Site Plan and is usually tied to the final Certificate of Occupancy. Ms. Ecker clarified the motion requires the lots to be combined but it doesn't say when.

**Motion carried, 5-0.**

#### VOICE VOTE

Yeas: DeWeese, Williams, Clein, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

**09-143-14**

#### **DESIGN REVIEW**

**543 E. Lincoln**

**Installation of solar panels**

Mr. Baka advised the subject site is located on the north side of E. Lincoln and west of Grant. This is a single-family home in the R-3 residential area. At this time, the property owner is seeking approval to install solar panels on the roof of the home.

There will be approximately 29 panels, 15 of which are proposed to be mounted on the south/front elevation of the home. The panels are non-integrated and flush mounted. They will be mounted to the roof with 1.22 in. fixed location brackets. The panels will not move or actuate. They will not project above the roof of the home nor will they project higher than the maximum building height in this zone.

The roof pitch is 4 in. of slope for every 12 in. of length. This would generally be considered a very moderate pitch which will limit the visibility of the panels from the ground.

Mr. DeWeese commented the roof is metal and the panels are compatible with the architecture.

Ms. Debbie Vernacki with Michigan Solar Solutions said on the south facing roofline they were able to add one extra panel on the last row, so they now propose six panels there. The 30 total panels follow the slope and pitch of the roof. The neighbor to the west already has solar panels that face E. Lincoln. The home is situated right across the street from a commercial area and trees block the view.

Chairman Clein asked for comments from the public at 8:20 p.m.

Mr. Jeffery Otto, 509 E. Lincoln, said he installed his solar panels three years ago and asked that the board make it easier for people to have solar panels. They are a great thing for the community and he was in support of the proposal.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to approve the Design Review for 543 E. Lincoln as it meets the requirements established in Article 4, section 4.09 of the Zoning Ordinance.**

Mr. Koseck observed that over time these panels have become thinner and more minimalist.

There were no comments from members of the public at 8:21 p.m.

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: DeWeese, Williams, Clein, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

**09-144-14**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA** (no one spoke)

**09-145-14**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

- a. Communications (none)
- b. Administrative Approvals
  - 34660 Woodward Ave., Birmingham Players Theater – New fence and gate.
  - 33353 Woodward Ave. – Request to change the roofing materials on the building to Duro-Last from an asphalt based material (upgrade).
- c. Draft Agenda for the Regular Planning Board Meeting on October 8, 2014
  - 2200 Holland, Mercedes Benz Building;
  - Another Site Plan and CIS on E. Lincoln submitted by tonight's applicant.

d. Other Business

- Joint meeting with the City Commission is October 20. The topic will be the Duany report.
- The group should devote more time to pure study sessions.
- Deficiencies in the current ordinance need to be identified.

**09-146-14**

**PLANNING DIVISION ACTION ITEMS**

- a. Staff report on previous requests (none)
- b. Additional items from tonight's meeting (none)

**09-147-14**

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 8:28 p.m.

Jana Ecker  
Planning Director



**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, AUGUST 27, 2014**

Item	Page
<p><b>SPECIAL LAND USE PERMIT (SLUP) FINAL SITE PLAN REVIEW 33588 Woodward Ave. Shell Gas Station and Dunkin Donuts New construction of gas station with Dunkin Donuts</b></p> <p><b>Motion by Mr. DeWeese</b> Seconded by Mr. Koseck to recommend approval of the Final Site Plan and SLUP for 33588 Woodward Ave., Shell Gas Station and Dunkin Donuts, with the following conditions:</p> <ol style="list-style-type: none"> <li>1. The applicant must reduce the max/min foot candle levels in the parking/drive area to 20/1 or obtain a variance from the BZA;</li> <li>2. The applicant address all department concerns as outlined in the report, subject to administrative approval;</li> <li>3. All mechanical equipment must be fully screened;</li> <li>4. The Planning Board approves the use of non-cutoff fixtures to up light the facade as proposed tonight;</li> <li>5. Full brick is allowed and permitted as indicated tonight.</li> </ol> <p>Motion carried, 6-0.</p>	<p style="text-align: center;"><b>2</b></p> <p style="text-align: center;"><b>4</b></p> <p style="text-align: center;"><b>5</b></p>
<p><b>COMMUNITY IMPACT STUDY ("CIS") REVIEW PRELIMINARY SITE PLAN REVIEW 2159 and 2295 E. Lincoln The District Live/Work Apartments New construction of a four-story mixed-use live/work building with parking</b></p> <p><b>Motion by Mr. DeWeese</b> Seconded by Mr. Koseck to accept the CIS as provided by the applicant for the proposed development at 2159 and 2295 E. Lincoln, The District Live/Work Apartments, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The applicant provide a drainage plan for the proposed new development;</li> <li>2. The applicant work with the Engineering Dept to relocate the existing storm sewer on site and provide an easement for same to the City, and mark these on the site plan;</li> <li>3. Applicant remove noted contaminants from the site soils and drainage</li> </ol>	<p style="text-align: center;"><b>6</b></p> <p style="text-align: center;"><b>6</b></p>

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systems on site to meet Generic Cleanup Criteria; 4. The applicant provide details regarding the proposed separation and collection of recycled materials on site; 5. Applicant resolve fire safety and access issues with the Fire Dept; and 6. Applicant resolve all issues raised by City Departments and the City's traffic consultant.  Motion carried, 6-0.	6
Motion by Mr. DeWeese Seconded by Mr. Williams to postpone the Preliminary Site Plan Review for 2159 and 2295 E. Lincoln, The District Live/Work Apartments, to September 10, 2014.	8
Motion carried, 6-0.	8

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, AUGUST 27, 2014**

Item	Page
<b>SPECIAL LAND USE PERMIT (SLUP)</b> <b>FINAL SITE PLAN REVIEW</b> 33588 Woodward Ave. Shell Gas Station and Dunkin Donuts New construction of gas station with Dunkin Donuts	2
Motion by Mr. DeWeese Seconded by Mr. Koseck to recommend approval of the Final Site Plan and SLUP for 33588 Woodward Ave., Shell Gas Station and Dunkin Donuts, with the following conditions: 1. The applicant must reduce the max/min foot candle levels in the parking/drive area to 20/1 or obtain a variance from the BZA; 2. The applicant address all department concerns as outlined in the report, subject to administrative approval; 3. All mechanical equipment must be fully screened; 4. The Planning Board approves the use of non-cutoff fixtures to up light the facade as proposed tonight; 5. Full brick is allowed and permitted as indicated tonight.	4
Motion carried, 6-0.	5
<b>COMMUNITY IMPACT STUDY ("CIS") REVIEW</b> <b>PRELIMINARY SITE PLAN REVIEW</b> 2159 and 2295 E. Lincoln The District Live/Work Apartments New construction of a four-story mixed-use live/work building with parking	6
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Item	Page
<p>systems on site to meet Generic Cleanup Criteria;</p> <p>4. The applicant provide details regarding the proposed separation and collection of recycled materials on site;</p> <p>5. Applicant resolve fire safety and access issues with the Fire Dept; and</p> <p>6. Applicant resolve all issues raised by City Departments and the City's traffic consultant.</p> <p>Motion carried, 6-0.</p>	6
<p>Motion by Mr. DeWeese</p> <p>Seconded by Mr. Williams to postpone the Preliminary Site Plan Review for 2159 and 2295 E. Lincoln, The District Live/Work Apartments, to September 10, 2014.</p>	8
<p>Motion carried, 6-0.</p>	8

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, AUGUST 27, 2014  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held August 27, 2014. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Shelby Wilson

**Absent:** Board Member Scott Clein; Student Representative Jack Moore

**Administration:** Matt Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**08-120-14**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
HELD JULY 23, 2014**

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Koseck to approve the Minutes of the regular Planning Board meeting on July 23, 2014 as**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Whipple-Boyce, Koseck, Boyle, Lazar, Williams

Nays: None

Abstain: Williams

Absent: Clein

**08-121-14**

**CHAIRPERSON'S COMMENTS**

The board is back now to review an interesting selection of developments they hope to see coming to fruition in the City.

**08-122-14**

**APPROVAL OF THE AGENDA**

Ms. Ecker announced that 2388 Cole St./Parcel 1 - 2400 E. Lincoln has verbally indicated they wish to withdraw their application. Their representative is not present this evening so if they come back, their application will be have to be re-noticed.

**08-123-14**

**FINAL SITE PLAN REVIEW**

**2388 Cole St./Parcel 1 - 2400 E. Lincoln**

**Expansion of existing parking lot of 2388 Cole St. to the south to include Parcel 1**

Postponed from July 23, 2014. Applicant verbally withdrew application.

**08-124-14**

**SPECIAL LAND USE PERMIT (SLUP)**

**FINAL SITE PLAN REVIEW**

**33588 Woodward Ave.**

**Shell Gas Station and Dunkin Donuts**

**New construction of gas station with Dunkin Donuts**

Mr. Baka advised the subject site is located on the northeast corner of Woodward Ave. and Chapin and was most recently a Citgo gasoline station. The parcel is zoned B-2B General Business. At this time, the applicant is applying to convert the property from Citgo to Shell/Dunkin Donuts. The proposal includes expanding the existing building, installing new gas pumps and canopy, lighting, new signage, screening and landscaping.

Due to the extensive building and site plan changes the applicant will be required to bring the entire site into compliance with the current Zoning Ordinance standards with the exception of the setback for the existing building, which will be retained.

Mr. Baka advised that the Planning Board conducted a review of the Preliminary Site Review and SLUP Amendment on June 25, 2014. At that time, the board requested additional information from the applicant regarding the interior floor plan, hours of operation, and the nature of the Dunkin Donuts use. In addition, the Planning Board expressed concern about the choice of materials proposed for the building and the lack of design details on the new addition, and the side and rear elevations. Board members indicated that they would not support encroachment into the rear setback, and did not approve of the proposed coolers being added to the rear of the building rather than being incorporated into the building. The Planning Board postponed the matter until the July 9, 2014 meeting.

At the July 9, 2014 meeting the applicant presented a revised plan with numerous design changes to the building and the site elements proposed. The applicant still maintained the scored CMU on the lower portion of the side and rear of the building and

added splitface CMU to the lower portion of the front of the building. The applicant proposed Azak composite wood paneling on the upper portion of the entire building. The Azak composite wood paneling was also proposed to be used on the underside of the gas canopy, and on the upper portion of the proposed screenwalls on the site. The applicant added a new addition to the rear of the building to house the proposed coolers as requested by the Planning Board. The applicant added three large storefront windows on the west elevation as requested by the Planning Board, but has not added any architectural details to the north, south or east elevations of the building; however they proposed to plant Boston Ivy to grow up the building and soften the blank walls. The Planning Board granted Preliminary Site Plan Review based on the changes that were presented.

The City Engineer is concerned about the angle with which cars have to pull in as it might require coming to almost a complete stop. It would have to be reviewed by M-DOT and they might request changes.

The max/min foot candle ratio of 48/5/1 exceeds the levels permitted in the ordinance. **The applicant must reduce the max/min foot candle levels in the parking/drive area to 10/1 or obtain a variance from the Board of Zoning Appeals ("BZA").**

It may be best not to have uplighting on the back of the building, considering that faces single-family residential.

#### *Design Review*

The applicant made design changes to the building and the site elements proposed at Preliminary Site Plan Review, and has provided color elevations and material samples. The applicant intends to construct the building of CMU clad in thin brick on the lower portions of the building and proposes to paint the thin brick in Martin\_Senour Burdick's Ordinary Black. The applicant proposes to use Azak composite wood paneling on the upper portion of the entire building which will act as the mechanical screening. The AZEK paneling will be constructed with ½ in. gaps between boards to allow the LED up lighting wall wash to be visible. The Azak composite wood paneling is also proposed to be used on the underside of the gas canopy, and on the upper portion of the proposed screenwall on the site. The applicant proposes seven (7) large storefront windows on the west elevation that will have an aluminum bronze sash and clear insulated glass.

#### *Sign Review*

The principal building frontage of the station on Woodward Ave. is 93 ft. 4 1/2 in. in length, and thus the applicant is permitted to have 140 sq. ft. of total signage on the property. All of the signs meet the ordinance requirements in regards to size and depth. The total sign area of the four proposed signs is 125.166 sq. ft., which is within the allowable signage for the site.

Upon receiving a recommendation on the site plan from the Planning Board, the City Commission will conduct another public hearing and make a final decision on the proposed SLUP amendment.

Mr. Roman Bonislowski, Ron and Roman Architects, responded to an inquiry from Ms. Lazar. The planting pocket around the alley is 12 in. and it is 6 in. around the rest of the building. He then discussed the lighting. They designed the canopy lighting system so that it is recessed into the construction of the canopy and is not overly bright. The balance of the lighting as it relates to the site and the property was then considered. Two corners of the site skew the lighting ratio. Mr. Baka advised that the ordinance allows him to take out 5 ft. from the property line provided it is lower than what the light trespass levels are. Anything below .6 can be subtracted from the photometric and recalculated.

With respect to uplighting they are proposing on the building facade that faces residential, Mr. Bonislowski described that it will be a subtle glow that comes out from between the 1/2 in. gaps in the Azak material that clads the building. The lighting is designed to become gentler as it raises towards the top of the wall. There would not be any objectionable light for a neighbor or light traveling into the night sky. They feel strongly that this lighting effect should continue all the way around the building. There are no other lights in that alleyway in the back.

They propose the use of thin brick onto the solid substrate where two different types of block currently exist. They cannot find actual brick that is dark enough. Mr. Koseck said he likes the idea of full brick versus thin brick. He has seen issues with thin brick even with a solid substrate. Mr. Bonislowski said all the areas of new construction would then be full brick. Mr. Koseck was supportive.

Mr. Duane Barbat, the property owner, spoke to the hours of operation. They would love to be open 24 hours because of their competition. He doesn't believe the neighbors have concerns. Dunkin Donuts will only do minor baking. Ninety percent of their product is baked off-site at a central kitchen. There will be inside seating for six. Gas deliveries will occur overnight. Mr. Scott Barbat, the station manager, pointed out the circulation pattern for tanker truck deliveries.

It was considered that ingress and egress signage would help. Ms. Whipple-Boyce did not want to see ingress and egress signage or the air pump placed in the front corner - don't pollute the front of the site with clutter. Mr. Barbat thought they may be able to place the air pump behind the dumpster. Employees will park by the dumpster.

Ms. Lazar recommended that the City Commission hearing notice include that a 24-hour operation is being proposed.

There were no comments from members of the public at 8:25 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Koseck to recommend approval of the Final Site Plan and SLUP for**

**33588 Woodward Ave., Shell Gas Station and Dunkin Donuts, with the following conditions:**

1. The applicant must reduce the max/min foot candle levels in the parking/drive area to 20/1 or obtain a variance from the BZA;



2. The applicant address all department concerns as outlined in the report subject to administrative approval;
3. All mechanical equipment must be fully screened;
4. The Planning Board approves the use of non-cutoff fixtures to up light the facade as proposed tonight;
5. Full brick is allowed and permitted as indicated tonight.

Mr. Koseck was glad the applicant listened to the comments of the board and he thinks this will be a nice building.

There were no final comments on the proposal from the audience at 8:27 p.m.

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: DeWeese, Koseck, Boyle, Lazar, Whipple-Boyce, Williams

Nays: None

Absent: Clein

**08-125-14**

**COMMUNITY IMPACT STUDY ("CIS") REVIEW  
PRELIMINARY SITE PLAN REVIEW**

**2159 and 2295 E. Lincoln**

**The District Live/Work Apartments**

**New construction of a four-story mixed-use live/work building with parking**

*CIS Review*

Ms. Ecker reported the subject sites, 2159 & 2295 E. Lincoln Street, are currently two parcels. The parcel at 2295 E. Lincoln Street contains an existing two story commercial/industrial building and associated parking. No changes are proposed to this building or parking area. The parcel at 2159 E. Lincoln contains a vacant building and parking area that was once occupied by a Birmingham Public Schools bus garage and repair shop.

The applicant has advised that they intend to combine both parcels into one parcel. The combined site has a total land area of 2.07 acres and is located on the north side of Lincoln east of Eton Rd.

Ms. Ecker advised that at this time, the applicant is proposing to demolish the existing former bus repair structure and surrounding pavement and fencing to construct a new four-story live/work mixed-use building. A majority of the first floor is proposed to contain on-site parking while the second, third and fourth floors will contain 36 live/work units. Additional parking is also provided in a surface lot to the north of the building and on the street, giving the building a total of 68,722 gross sq. ft. Thus, the applicant was required to prepare a CIS in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing one new building containing more than 20,000 sq. ft. of gross floor area.

No review by the City's traffic consultant has been received as yet. However, no objections are anticipated.

The applicant is required to meet certain standards with regards to environmental issues on the site and they would have to remediate them in accordance with Federal law. They can get some of their money back for future tax liabilities if they come through the Brownfield Redevelopment Authority.

There was no discussion on the CIS from members of the public at 8:47 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Koseck to accept the CIS as provided by the applicant for the proposed development at 2159 and 2295 E. Lincoln, The District Live/Work Apartments, subject to the following conditions:**

1. The applicant provide a drainage plan for the proposed new development;
2. The applicant work with the Engineering Dept to relocate the existing storm sewer on site and provide an easement for same to the City, and mark these on the site plan;
3. Applicant remove noted contaminants from the site soils and drainage systems on site to meet Generic Cleanup Criteria;
4. The applicant provide details regarding the proposed separation and collection of recycled materials on site;
5. Applicant resolve fire safety and access issues with the Fire Dept; and
6. Applicant resolve all issues raised by City Departments and the City's traffic consultant.

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: DeWeese, Koseck, Boyle, Lazar, Whipple-Boyce, Williams

Nays: None

Absent: Clein

*Preliminary Site Plan Review*

Ms. Ecker explained that along the E. Lincoln frontage, the building is required to be on or within 3 ft. of the frontage line. The proposed building is set back 5 ft. In accordance with Article 4, Section 4.76, SS-08, the Planning Board may adjust this requirement. ***If the Planning Board does not approve an adjustment, the applicant will be required to obtain a variance from the Board of Zoning Appeals ("BZA").***

In accordance with Article 4, Section 4.52 PK-08, any off-street parking contained in the first story shall not be permitted within 10 ft. of any building façade on a frontage line or between the building façade and the frontage line. ***Thus, the applicant will be required to shift the first floor parking back 10 ft. from the front façade of the building or obtain a variance from the BZA.***

***The applicant will be required to add one additional street tree along E. Lincoln and two additional street trees along Commerce St. to meet the street tree requirements or obtain a variance from the BZA.***

The applicant has proposed extensive landscaping around the perimeter of the property. As the applicant is proposing a total of 36 units, a total of 18 deciduous and 18 evergreen trees are required on-site. ***The applicant is proposing a total of 22 deciduous trees and no evergreen trees. The applicant will be required to add the required evergreen trees or obtain a variance from the BZA.***

Ms. Ecker observed there is not a clear and defined entrance on the front facade for the public to come in if they don't live there. She has discussed with the applicant the possibility of creating a lobby on the E. Lincoln frontage that would be an inviting and functional space for people to use. Also, there are no clearly defined pedestrian pathways along the driveway or through the parking lot to the front door. That is something the applicant will need to address.

#### *Design Review*

At this time, the applicant is proposing to utilize the following materials for the new live/work building:

- Split face load bearing masonry block on the first level;
- Burnished block veneer in two colors on the upper levels;
- Cement board accent panels on upper floors;
- Metal coping around the eave line/parapet wall;
- Aluminum windows with a tint;
- Painted metal canopies at the entrance on E. Lincoln; and
- Ornamental metal rails at windows.

It was noted that windows must be clear or lightly tinted only. Also the minimum glazing requirement for the first floor is 70% and for the upper floors it is 50%.

Mr. Tom Phillips with Hobbs and Black Architects was present with the property owners and the civil engineer. He noted upper level retail uses are not unusual in the City. The intent is to lease the units as live/work to professionals who will live and entertain clients on upper floors. They are willing to work on refining the entry from the street.

Mr. Koseck said the project is great but it is fundamentally flawed from many standpoints. It doesn't comply with the spirit and intent of the ordinance relative to this district and it will not get his vote. There is a reason 70% glazing is required on the first floor. There is no sales office or lobby for the residential. There should be a relationship between the building and the occupants and the visitors and how they interact with the City and the street.

Mr. Ron Hughes, Co-owner of the building, said he respectfully disagrees. They have spent an enormous amount of time to meet all ordinance requirements. Also, he thinks they have definitely met the spirit of the ordinance. The main entrance is in the rear where people park. They have minimized the impact of looking at cars on the site. The live/work units are a destination and people will know where the entry is in the back. If they don't know they can still go to the front and be buzzed into the building.

Mr. Don Bailey, the other co-owner, said the chances of visitors parking on the street and going into the building from the front are pretty slim. From a marketing standpoint the entrance being next to parking in the back is perfect. Mr. DeWeese remarked that as a pedestrian, access from the street is very difficult. The whole length of the building is dead. He doesn't see anything that makes it inviting or pedestrian friendly. If the 70% glazing is incorporated, all he sees is a car-oriented building on stilts. Everything that has been approved in the MX District is pedestrian friendly and accessed from the street.

Mr. Koseck did not have an issue with the concept of ground floor parking. Chairman Boyle added the challenge is how the applicant addresses the building. Everyone is forced around to the back. When one looks at the building from the street there is no obvious entrance. The board is asking the applicant to consider improving and strengthening the entrance on the street. That is part of the intent of the plan for Lincoln and the entire district. Mr. Koseck added that everything this board has done is about interaction between the street, the building and the visitor. However, this building is a bunker at the first floor.

Mr. Bailey indicated they view this as a destination building, more like an office building than retail. Ms. Whipple-Boyce said that something is needed on the front of this building that relates to pedestrians. That goes along with the 200 ft. wall that screens the parking. There is no experience for anyone walking down Lincoln.

Ms. Lazar observed the board is really asking for a pretend front entrance because the most practical way to enter that building will be from the back. Mr. Williams thought that modest improvements can be made to the front of the building at not significant expense and not detrimental to what the applicant is trying to achieve.

There was no one from the public who wished to comment at 9:57 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to postpone the Preliminary Site Plan Review for 2159 and 2295 E. Lincoln, The District Live/Work Apartments, to September 10, 2014.**

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: DeWeese, Williams, Boyle, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: Clein

Board members required that details of the second parcel and how the entire site relates to existing developments to the north be incorporated into the applicant's plans when they return.

**08-126-14**

**PRE-APPLICATION DISCUSSION  
33877 Woodward Ave.**

## **Sav-On Drugs**

### **Proposed drive-through facility**

Mr. Kevin Hart, Architect for the owner and operator of Sav-On Drugs, said his client would like to implement a drive-through at this location with very little structural modification to the existing building. There is a buffer area to allow space between the parking lot and the residential area behind. An 18 ft. alley runs down the back of the property. It would be desirable to have two lane access to the site which would allow 40 parking spaces when they are required to have 39. With the drive-through the demand for parking will go down.

Ms. Ecker said most of the past issues on the site have been resolved. The only real concern left is that the backs of the shelves face the exterior of the store. The drive-through will require a Special Land Use Permit so any concerns about the site will open up. Ms. Lazar observed the north end of the store is not particularly appealing as one walks in. Ms. Whipple-Boyce would like to see the issue of the shelving backs facing the exterior resolved.

Mr. Koseck said he needs to know more about the neighbor, and how the traffic flow works.

Chairman Boyle announced the issue for him is access and encouraging people to drive down alleys. Mr. DeWeese added the drive-through will increase traffic flow in the alley and things should be added to make it safer for pedestrians. Ms. Lazar wanted to know if there will be a change in the hours of operation.

**08-127-14**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA** (no public left)

**08-128-14**

## **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

### **a. Communications**

- Ms. Ecker said that Duany's final report has been received. It will be on the agenda for the joint Planning Board/City Commission meeting in October.
- Another draft of the S. Woodward Gateway Plan has been submitted.
- The Multi-Modal Transportation Board will be interviewing transportation consultants in September.
- Transitional Zoning will come back to the Planning Board in the near future.

### **b. Administrative Approvals**

- 480 Pierce - Removing ballast and single ply from roof, installing 1/2 in. high density fiberboard over existing insulation. Install .60 mil reinforced T.P.O. membrane with heat induction application.
- 215 W. Maple Rd. - Review of proposed rooftop screens for new roof-mounted HVAC units.
- 600 N. Old Woodward Ave., Suite 203, Maplewood Office Park - Expand the outdoor brick paver patio.
  - Remove existing tree and shrubs. Replace with four new trees and shrubs;
  - Remove existing retaining wall and replace with new product;
  - Remove existing steps and replace to match new walls and new planters.
- 33622 Woodward Ave. - Remove 15 ft. x 17 ft. of granite and replace with concrete slab.
- 33801 Woodward Ave., Pet People – Rooftop mechanical equipment and screening.
- 401 S. Old Woodward Ave. - The scope of this work includes removing three existing cell phone antennas and adding six + ancillary equipment to the existing structure. 96 in. tall, 119 in. wide, 21 in. deep. Will not extend above penthouse.
- 34977 Woodward Ave., Greenleaf Trust -
  - Paint over the three existing signs on the building;
  - Add two red umbrellas to the east side of the building;
  - Cut down the arborvitae - height 48 in.
- c. Draft Agenda for the Regular Planning Board Meeting on September 10, 2014
  - Special Land Use Permit for 2200 Holland;
  - 2159 and 2295 E. Lincoln, District Live/Work;
- d. Other Business (not discussed)

**08-129-14**

#### **PLANNING DIVISION ACTION ITEMS**

- a. Staff report on previous requests (none)
- b. Additional items from tonight's meeting (none)

**08-129-14**

## **ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 10:25 p.m.

Jana Ecker  
Planning Director

**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, SEPTEMBER 24, 2014**

Item	Page
<p><b>PRELIMINARY SITE PLAN REVIEW</b>  <b>2159 and 2295 E. Lincoln</b> (postponed by the applicant to the meeting of September 24, 2014)  <b>The District Live/Work Apartments</b>  <b>New construction of a four-story mixed-use live/work building with parking</b></p>	2
<p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Mr. Williams to approve the Preliminary Site Plan for 2159 and 2295 E. Lincoln subject to the following conditions:</b></p> <p>(1) Planning Board approves the adjustment of the front setback to 4 ft.;  (2) The applicant shift the first floor parking back 10 ft. from the front façade of the building or obtain a variance from the Board of Zoning Appeals, or a favorable interpretation by the building official;  (3) Applicant provide specification sheets for mechanical equipment and screening, all lighting and a photometric plan for Final Site Plan and Design Review;  (4) Applicant provide a detailed landscape plan to demonstrate compliance with all landscape requirements;  (5) Applicant add two additional light fixtures in the ROW along Cole;  (6) Applicant add three evergreen trees or obtain a variance from the Board of Zoning Appeals;  (7) Applicant address the first floor glazing requirements at Final Site Plan and Design Review; and  (8) Compliance with City Department requests; and  (9) Lots must be combined.</p>	3
<p><b>Motion carried, 5-0.</b></p>	4
<p><b>DESIGN REVIEW</b>  <b>543 E. Lincoln</b>  <b>Installation of solar panels</b></p>	4
<p><b>Motion by Mr. DeWeese</b>  <b>Seconded by Mr. Williams to approve the Design Review for 543 E. Lincoln as it meets the requirements established in Article 4, section 4.09 of the Zoning Ordinance.</b></p>	5



Birmingham Planning Board Proceedings  
September 24, 2014

Item	Page
Motion carried, 5-0.	5

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 24, 2014  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held September 24, 2014. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Bryan Williams;  
Student Representatives Jack Moore, Shelby Wilson

**Absent:** Board Member Janelle Whipple-Boyce

**Administration:** Matt Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**09-139-14**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
HELD SEPTEMBER 10, 2014**

Chairman Clein:

Page 2 - First paragraph, correct spelling of his name.

**Motion by Mr. DeWeese**

**Seconded by Ms. Lazar to approve the Minutes of the regular Planning Board meeting held on September 10, 2014 with the change.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: DeWeese, Lazar, Clein, Koseck, Williams

Nays: None

Absent: Whipple-Boyce

**09-140-14**

**CHAIRPERSON'S COMMENTS**

Chairman Clein explained he will be taking over the chair from Robin Boyle who is out of the country on sabbatical from Wayne State University.

09-141-14

**APPROVAL OF THE AGENDA** (approved)

09-142-14

**PRELIMINARY SITE PLAN REVIEW**

**2159 and 2295 E. Lincoln** (postponed by the applicant to the meeting of September 24, 2014)

**The District Live/Work Apartments**

**New construction of a four-story mixed-use live/work building with parking**

Ms. Ecker advised that the subject sites, 2159 & 2295 E. Lincoln, are currently two parcels. The parcel at 2295 E. Lincoln contains an existing two-story commercial/industrial building and associated parking. No changes are proposed to this building or parking area. The parcel at 2159 E. Lincoln contains a vacant building and parking area. The applicant has advised that they intend to combine both parcels into one parcel. The combined site has a total land area of 2.07 acres and is located on the north side of Lincoln east of Eton Rd.

At this time, the applicant is proposing to demolish the existing former bus repair structure and surrounding pavement and fencing to construct a four-story live/work mixed-use building. A majority of the enclosed first floor is proposed to contain on-site parking while the second, third and fourth floor will contain 36 live/work units. Additional parking is also provided in a surface lot to the north of the building and on-street. The applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing one new building containing more than 20,000 sq. ft. of gross floor area. The CIS was accepted on August 27, 2014 by the Planning Board with several conditions. The City's traffic consultant has weighed in and indicated his agreement with everything in the Traffic Study.

Ms. Ecker advised that along the E. Lincoln frontage, the building is required to be on or within 3 ft. of the frontage line. The proposed building is set back 4 ft. In accordance with Article 4, Section 4.76, SS-08, the Planning Board may adjust this requirement. ***If the Planning Board does not approve an adjustment, the applicant will be required to obtain a variance from the Board of Zoning Appeals ("BZA").*** In addition, in accordance with Article 4, Section 4.52 PK-08, any off-street parking contained in the first story shall not be permitted within 10 ft. of any building façade on a frontage line or between the building façade and the frontage line. ***Thus, the applicant will be required to shift the first floor parking back 10 ft. from the front façade of the building or obtain a variance from the BZA.*** The applicant has filed a request for an Interpretation from the building official on this issue and is awaiting a ruling on that.

The revised plans now include a fully functional interior lobby that is accessible from both the front and rear of the building as requested by the Planning Board in August. This lobby includes an elevator, a staircase, a restroom, an office, a janitor's supply

closet and the mail pickup area. No pedestrian walkways are proposed throughout or along the edges of the parking lot. Also as discussed at the August Planning Board meeting, the applicant will be required to ensure safe pedestrian circulation throughout the parking area at Final Site Plan and Design Review. One other thing that the board asked for was more emphasis on the signage, so a new sign element has been proposed next to the front lobby.

Mr. Williams thought the lobby and signage are significantly improved from the previous plans.

Mr. Thom Phillips, Hobbs & Black Architects, was present with the owners, Mr. Ron Hughes, Mr. Don Bailey, and Mr. Sean Havera. Mr. Phillips noted there was a great effort to address the liveliness and life that the building projects onto the street. The parking layout is a result of losing three covered parking spaces in order to make the lobby more usable for pedestrians. If the board desires to add a sidewalk to access the parking lot they could do that, but they view the plan as providing sufficient access. The display windows along the frontage will potentially feature art work and/or interior images of the rental units. The windows will be 24 in. deep. Chutes next to the elevator are planned for disposal of trash. Their plan for the second parcel is not to change anything.

Mr. Havera said the original intent was to have 39 parking spaces which allowed for each unit to have at least one covered space. So, from a leasability standpoint having 36 spaces is a vital component to being able to market the building.

Mr. Williams thought the main lobby has been changed favorably and is consistent with what the board's concerns were at the last meeting. Discussion concerned the reason for the striped areas shown at the rear of the parking lot. Mr. Havera indicated they accommodate the turning radiuses for emergency vehicles but they plan to consult with the city engineer in this regard.

There was no discussion from the public at 8:10 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to approve the Preliminary Site Plan for 2159 and 2295 E. Lincoln subject to the following conditions:**

- (1) Planning Board approves the adjustment of the front setback to 4 ft.;**
- (2) The applicant shift the first floor parking back 10 ft. from the front façade of the building or obtain a variance from the Board of Zoning Appeals, or a favorable interpretation by the building official;**
- (3) Applicant provide specification sheets for mechanical equipment and screening, all lighting and a photometric plan for Final Site Plan and Design Review;**
- (4) Applicant provide a detailed landscape plan to demonstrate compliance with all landscape requirements;**
- (5) Applicant add two additional light fixtures in the ROW along Cole;**
- (6) Applicant add three evergreen trees or obtain a variance from the Board of Zoning Appeals;**

- (7) Applicant address the first floor glazing requirements at Final Site Plan and Design Review; and**
- (8) Compliance with City Department requests; and**
- (9) Lots must be combined.**

Mr. Koseck thought this is a great building for that district.

There were no final comments from the public at 8:14 p.m.

Mr. Havera noted that lot combination is typically a requirement of the Final Site Plan and is usually tied to the final Certificate of Occupancy. Ms. Ecker clarified the motion requires the lots to be combined but it doesn't say when.

**Motion carried, 5-0.**

#### VOICE VOTE

Yeas: DeWeese, Williams, Clein, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

**09-143-14**

#### **DESIGN REVIEW**

**543 E. Lincoln**

**Installation of solar panels**

Mr. Baka advised the subject site is located on the north side of E. Lincoln and west of Grant. This is a single-family home in the R-3 residential area. At this time, the property owner is seeking approval to install solar panels on the roof of the home.

There will be approximately 29 panels, 15 of which are proposed to be mounted on the south/front elevation of the home. The panels are non-integrated and flush mounted. They will be mounted to the roof with 1.22 in. fixed location brackets. The panels will not move or actuate. They will not project above the roof of the home nor will they project higher than the maximum building height in this zone.

The roof pitch is 4 in. of slope for every 12 in. of length. This would generally be considered a very moderate pitch which will limit the visibility of the panels from the ground.

Mr. DeWeese commented the roof is metal and the panels are compatible with the architecture.

Ms. Debbie Vernacki with Michigan Solar Solutions said on the south facing roofline they were able to add one extra panel on the last row, so they now propose six panels there. The 30 total panels follow the slope and pitch of the roof. The neighbor to the west already has solar panels that face E. Lincoln. The home is situated right across the street from a commercial area and trees block the view.

Chairman Clein asked for comments from the public at 8:20 p.m.

Mr. Jeffery Otto, 509 E. Lincoln, said he installed his solar panels three years ago and asked that the board make it easier for people to have solar panels. They are a great thing for the community and he was in support of the proposal.

**Motion by Mr. DeWeese**

**Seconded by Mr. Williams to approve the Design Review for 543 E. Lincoln as it meets the requirements established in Article 4, section 4.09 of the Zoning Ordinance.**

Mr. Koseck observed that over time these panels have become thinner and more minimalist.

There were no comments from members of the public at 8:21 p.m.

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: DeWeese, Williams, Clein, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

**09-144-14**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA** (no one spoke)

**09-145-14**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications (none)

b. Administrative Approvals

- 34660 Woodward Ave., Birmingham Players Theater – New fence and gate.
- 33353 Woodward Ave. – Request to change the roofing materials on the building to Duro-Last from an asphalt based material (upgrade).

c. Draft Agenda for the Regular Planning Board Meeting on October 8, 2014

- 2200 Holland, Mercedes Benz Building;
- Another Site Plan and CIS on E. Lincoln submitted by tonight's applicant.

d. Other Business

- Joint meeting with the City Commission is October 20. The topic will be the Duany report.
- The group should devote more time to pure study sessions.
- Deficiencies in the current ordinance need to be identified.

**09-146-14**

**PLANNING DIVISION ACTION ITEMS**

- a. Staff report on previous requests (none)
- b. Additional items from tonight's meeting (none)

**09-147-14**

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 8:28 p.m.

Jana Ecker  
Planning Director



**City of Birmingham**  
**Community Development – Building Division**

P.O. Box 3001 Birmingham, Michigan 48012  
(248) 530-1850

**ZONING ORDINANCE INTERPRETATION**

Date: 09/24/2014 Application Number: I2014-0001

- Ordinance Section Number: Article 4.52.A.1.
- Describe Interpretation Requested: Please see attached letter.
- Property Address: 2159 & 2295 E. Lincoln Street
- Property Identification Number: 20-31-401-006 & 20-31-401-003
- Applicant's Name: Lincoln Birmingham Properties, LLC
- Applicant's Address: 3100 Telegraph Rd, Suite 220
- City, State, Zip: Bingham Farms, MI 48025
- Phone Number: 248-647-2600
- Fax Number: 248-647-1330
- E-Mail Address: shavera@hughes-properties.net  
tphillips@hobbs-black.com

One & two family zone districts: \$125.00

All other zone districts: \$175.00

Total Amount Paid:

\$175

\$175



# HOBBS + BLACK

September 12, 2014

Mr. Bruce Johnson,  
Building Official  
City of Birmingham  
151 Martin Street, 2<sup>nd</sup> Floor  
Birmingham, Michigan 48012

## Formal Request for Ordinance Interpretation

Project Name: "The District" Live Work Units West,  
2159 E Lincoln Street, Birmingham, MI 48009

Dear Bruce,

We respectfully request a formal interpretation of Article 4.52.A.1. written as follows:

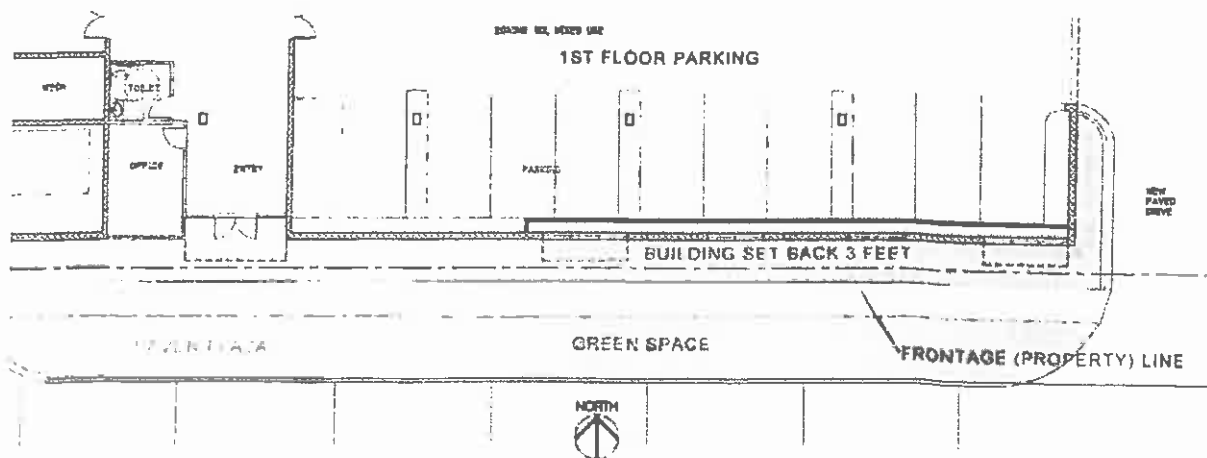
### "A. Off-Street Parking Facilities:

1. Off-street parking contained in the first story shall not be permitted within 10 feet of any building façade on a frontage line or between the building facade and the frontage line."

We propose that an ordinance compliant building may be placed 3 feet back from the frontage line. Once in that location, it is no longer "on" the frontage "line" and therefore Article 4.52 PK-08.A.1. does not apply, meaning parking may be located closer than 10 feet to the face of the building.

### CONTEXT

Project proposes a 4 story live work apartment building in an MX district with no overlays. Building consists of 1<sup>st</sup> floor parking with live-work units on 2-4<sup>th</sup> floors.



C:\REQUEST FOR ORDINANCE INTERPRETATION\_The District\_09122014\_HOBBS+BLACK.docx

## SUPPORTING ARTICLE REFERENCES

Article 2.40, MX District Development Standards:

The minimum front yard setback is 0, placing it on the frontage line.

Article 4.76 SS-08

A. Building Size and Placement:

1. Front building facades at the first story shall be located at the frontage line.
2. In the event of adjacent preexisting setbacks, or the appropriate use of other design elements to define the streetwall, an adjustment may be allowed or required by the Planning Board.

Article 4.76 Related Past Formal Interpretation:

A formal interpretation has been issued stating that "at" is interpreted to mean on or within 3' of the frontage line.

Article 9, Definitions:

Frontage Line, Non-Overlay

All lot lines that abut a public street, private street, or permanently preserved or dedicated public open space. A corner lot or a through lot has 2 or more frontage lines.

Thank you in advance for your consideration. Please phone with any questions or if we can provide any additional information. My cell is 734-645-6170.

Regards,

HOBBS+BLACK ASSOCIATS, INC.



Thom Phillips

Vice President

LEED AP

CC: Jana Ecker, City of Birmingham, Planning Director  
Ron Hughes, Lincoln Birmingham Properties, LLC  
Don Bailey, Bailey Properties, LLC  
Sean Havera, Hughes Properties, LLC  
James Sharba, HOBBS+BLACK Architects  
Steve Dykstra, HOBBS+BLACK Architects  
File



# City of Birmingham

*A Walkable Community*

**October 13, 2014**

Lincoln Birmingham Properties, LLC  
3100 Telegraph Rd, Suite 220  
Bingham Farms, MI 48025

**RE: Zoning Ordinance Interpretation Request  
Article 4.52 (A) 1  
Off Street Parking Facilities**

Dear Applicant:

This is a response to your formal request for interpretation received in the Community Development Department on September 25, 2014, pertaining to the off-street parking requirements in the MX Zoning District. Below you will find your request as stated in your application, followed by a summary of the request, and finally a findings and conclusion section.

## **REQUEST:**

### **"A. Off-Street Parking Facilities:**

1. Off-Street parking contained in the first story shall not be permitted within 10 feet of any building façade on a frontage line or between the building façade and the frontage line.

We propose that an ordinance compliant building may be placed 3 feet back from the frontage line. Once in that location, it is no longer "on" the frontage "line" and therefore Article 4.52 PK-08.A.1. does not apply, meaning parking may be located closer than 10 feet to the face of the building. "

## **SUMMARY:**

The supporting documentation provided with your application included a graphic showing the context of the request. The graphic shows a building with first floor parking spaces inside just opposite the exterior wall along the front façade of the building. The building is shown on a lot and is setback 3 feet from the front property line. In addition to the graphic, you reference Article 2.40, MX District Development Standards; Article 4.76 SS-08, as it relates to the front setback and frontage line; a past formal interpretation of Article 4.76, and the zoning ordinance definition of Frontage Line, Non-Overlay in support of your request.

The application and supporting documentation indicate that the specific question you are asking is whether or not the parking requirements in Article 4, Section 4.52 are applicable when a building has a front setback greater than zero feet. The applicable ordinance sections contain the answer to that question when they are put in logical order. The next section will discuss ordinance sections and definitions applicable to the MX zone district in typical developmental order. The interpretation requested will be in the conclusion section.

## **FINDINGS:**

The development standards for the MX District that determine where a building can be located on a lot are the Setback Standards in Section 4.58 and the Structure Standards in Section 4.76 (attached). The setback standards direct attention Section 2.40 that states the minimum front yard setback for buildings is 0 (zero) feet. The Structure Standards in Section 4.76 (A) 1 requires front building facades at the first story be located at the frontage line. However, Section 4.76 (A) 2, states the Planning Board may allow or require an adjustment for the location of the front facade for reasons stated there. These requirements indicate that the front facade of the first story of buildings be located 0 (zero) feet from frontage line or as adjusted by the Planning Board.

Article 1, Section 1.02 Defined Words (attached) states that words used in a special sense in the zoning ordinance are defined in Article 9. The zoning ordinance defines both the term "facade" and "frontage line". Facade is defined as "The vertical exterior surface of a building that is set parallel to a setback line." Frontage line is defined as "All lot lines that abut a public street, private street, or permanently preserved or dedicated public open space. A corner lot or a through lot has 2 or more frontage lines." (attached).

A formal interpretation of the term "at" (attached) as used in Section 4.76 (A) 1 was issued on February 26, 2003. That interpretation clarified that "at the frontage line" as used in that section means "near to the frontage line". This is in accordance with the Planning Board's ability in Section 4.76 (A) 1 to adjust the distance between a front facade of a building and the frontage line.

The development standards regulating parking within the MX District include Article 4, Section 4.52 (A) 1 (attached). It states, "Off-Street parking contained in the first story shall not be permitted within 10 feet of any building facade on a frontage line or between the building facade and the frontage line." The request places emphasis on the word "on" in this section, proposing that it means a building that has its front facade setback any distance from the frontage line would be excluded from the requirements of that section.

The Zoning Ordinance does not define the word "on". Therefore, it is not used in any special sense requiring careful consideration to the context it is used. According to Merriam-Webster online dictionary the word "on" is function word that can indicate position, location, source of attachment, means of conveyance, etc. Definition 1c states: "-used as a function word to indicate the position in close proximity with <a village *on* the sea> <stay *on* your opponent>" (attached). Webster's College Dictionary's defines "on" in its definition 7 to mean, "in immediate proximity to; a house on the lake" (attached).

## CONCLUSION:

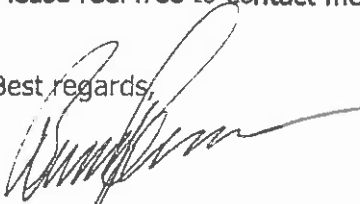
The applicable development standards to this request for locating a building on a property are the setback and structure standards. As discussed above, the required setback from the front property line is 0 (zero) feet. The structure standards require that front building facades at the first story be located at the frontage line, which is also the lot line. The Planning Board may allow or require an adjustment moving the building front facade a distance back from the property line, which is supported by the prior formal Interpretation of Section 4.76, (A) 1. These standards determine where a building can be placed on a lot including the distance between it and the frontage or lot line, which is typically the first step in the development process.

The development standards for parking such as those in Section 4.52 (A) 1 are not setback or structure standards regulating building placement. The parking standards are part of several other development standards that are typically applied after a building's location on a lot has been determined. Accordingly, the context of the parking standards is not related to the distance from something such as a lot line or frontage line. Rather, it is regarding proximity to something. The context of "on" in this section means a building facade facing a frontage line regardless of whether or not it is setback a distance from the frontage line.

A building approved to be placed a distance from the frontage line, 3 feet in your example, would still have front building facades on the frontage and the requirements of Article 4.52 would be applicable.

You have the right to appeal this determination in accordance with Section 125.3604 of the Michigan Zoning Enabling Act. In accordance with Article I-Appeals of the Board of Zoning Appeals Rules of Procedure, an appeal must be submitted within 30 days of this determination. Please feel free to contact me if you have any questions.

Best regards,



Bruce R. Johnson  
Building Official

CC: Joseph A. Valentine, City Manager  
Jana L. Ecker, Planning Director  
Timothy J. Currier, City Attorney

Enclosures:

## Standards (SB)

Article  
04

### 4.58 SB-01

This Setback Standards section applies to the following districts:

R1A R1 R2 R3 R4 R5 R6 R7 R8 O1 O2 P B1 B2 B2B B2C B3 B4

The following setback standards apply:

**Minimum Front Yard Setback:** The minimum front yard setback shall be as per each two-page layout in Article 2.

B. **Minimum Rear Yard Setback:** The minimum rear yard setback shall be as per each two-page layout in Article 2.

C. **Minimum Combined Front & Rear Yard Setback:** The minimum combined front and rear yard setback shall be as per each two-page layout in Article 2.

D. **Minimum Side Yard Setback:** The minimum side yard setback shall be as per each two-page layout in Article 2.

### 4.59 SB-02

This Setback Standards section applies to the following districts:

R1A R1 R2 R3 R4 R5 R6 R7 R8

The following setback standards apply:

#### A. **Corner Lot:**

1. A corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. This requirement shall not reduce the buildable width of any lot to less than 25 feet.
2. Where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 10 feet for the permitted principal building and 15 feet for permitted accessory buildings.

### 4.60 SB-03

This Setback Standards section applies to the following district:

RB

The following setback standard applies:

- A. **Front Setbacks:** A variation of front setbacks of dwelling units of at least 4 feet is required; however, this setback may be reduced by the appropriate reviewing body upon determination that the reduction shall not impair the free flow of air, light and other living amenities to the residents of the building and adjacent residential buildings.

### 4.61 SB-04

This Setback Standards section applies to the following district:

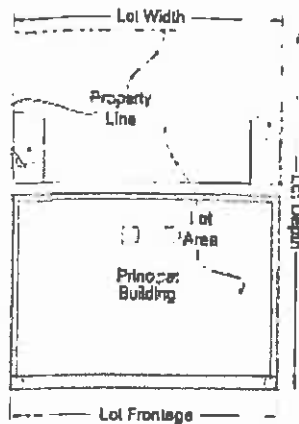
B3

The following setback standards apply:

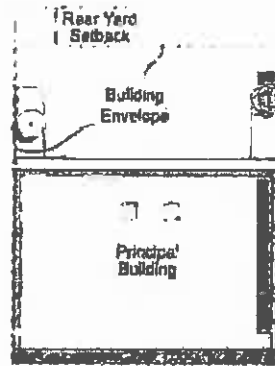
#### A. **Front Setback:**

1. For buildings containing residential in combination with commercial uses; no setbacks are required for commercial, office or parking stories.
2. The setbacks are measured to the centerline of the public right-of-way adjoining the front lot line.

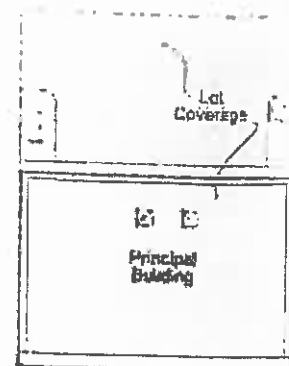
## 2.40 MX (Mixed Use) District Development Standards



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### Minimum Lot Area Per Unit:

- 1,500 sq ft (one bedroom)
- 2,000 sq ft (two bedroom)
- 2,500 sq ft (three or more bedroom)

### Minimum Open Space:

- n/a

### Maximum Lot Coverage:

- n/a

### Minimum Front Yard Setback:

- 0 feet

### Minimum Rear Yard Setback:

- 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, O1, O2, or MX Zoning District
- 20 feet when adjacent to a residential zoning district

### Minimum Combined Front and Rear Setback:

- n/a

### Minimum Side Yard Setback:

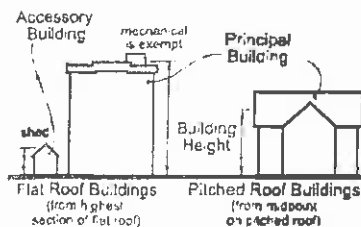
- 0 feet for commercial, office or parking stories
- 0 feet for residential stories with walls facing side lot lines which do not contain 20 foot minimum separation between adjacent buildings with walls that contain windows

### Minimum Floor Area Per Unit:

- 400 sq ft (efficiency)
- 600 sq ft (one bedroom)
- 800 sq ft (two bedroom)
- 1,000 sq ft (three or more bedroom)

### Maximum Total Floor Area:

- 100%
- 5,000 sq ft for commercial, office, and service uses



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### Maximum Building/Eave Height:

- 45 feet for flat roofs
- 40 feet maximum eave line for sloped roofs
- 50 feet maximum height to the peak or ridge for sloped roofs as measured to average grade
- 4 stories

### Minimum Eave Height:

- 18 feet for one-story building on Elon Road

## Additional Development Standards that Apply

### Accessory Structure (AS)

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### Essential Services (ES)

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### Fences (FN)

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### Height (HT)

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### Screening (SC)

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### Setback (SB)

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### Storage and Display (SD)

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### Structure (SS)

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### Temporary Use (TU)

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### Utility (UT)

- UT-01..... Page 4-47

### Vision Clearance (VC)

- VC-01..... Page 4-50

4.76 SS-08

This Structure Standards section applies to the following district:



The following structure standards apply:

A. Building Size and Placement:

- Front building façades at the first story shall be located at the frontage line.
- In the event of adjacent preexisting setbacks, or the appropriate use of other design elements to define the streetwall, an adjustment may be allowed or required by the Planning Board.
- 3. Side setbacks are not required.
- 4. A minimum 10-foot rear setback shall be provided from the midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the rear setback shall be equal to that of an adjacent, preexisting building.
- 5. All buildings shall have their principal pedestrian entrance on the frontage line.
- 6. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screenwalls shall be no less than 32 inches in height and made of brick, stone, or other masonry material matching the principal building. Upon approval by the Planning Board, screenwalls may be a continuous, maintained evergreen hedge or decorative metal fencing except when a screenwall is required by Section 4.53(C)(1) to screen parking facilities. Screenwalls may have openings a maximum of 25 feet to allow vehicular and pedestrian access. Screenwalls that exceed 48 inches in height shall include architectural details that are compatible with the architecture of the principal building.
- 7. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.
- 8. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window and encroaches upon the frontage line no more than 3 feet.
- 9. First floor space must be designed with a minimum clearance between the finished floor and the finished ceiling of 12 feet, to allow the space to be converted to/from residential and nonresidential uses.

B. Access:

- 1. All principal buildings shall have a frontage line on a public right-of-way, dedicated public open space, or permanently preserved open space.
- 2. The Planning Board may require shared access or connections between adjacent developments as a means to limit conflict points along public roads.
- 3. Street connections to adjacent parcels and the existing road network shall be provided where there is the possibility to create future street connections as determined by the Planning Board. Road stubs for future connections shall be improved to the parcel or lot line.
- 4. The proposed use shall be designed to minimize the impact of traffic generated by the use to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration shall be given to the following as reviewed by the City Staff, City Engineer, and/or the City's consultants:
  - a. Relationship between the proposed development and existing and proposed streets;
  - b. Estimated traffic generated by the proposed use;
  - c. Location and access to off-street parking;
  - d. Provisions for vehicular traffic; and
  - e. Continuation of the planned street network for the corridor as identified in the Eton Road Corridor Plan.



**1.01 Title**

This ordinance (Chapter 126 of the Birmingham City Code) shall be known as the Zoning Ordinance of the City of Birmingham and may also be cited and referred to as the "Zoning Ordinance".

**1.02 Defined Words**

Words used in a special sense in this Zoning Ordinance are defined in Article 9.

**1.03 Authority**

This Zoning Ordinance is adopted by the City pursuant to its authority under the laws of the State of Michigan, Chapter 125.36 Municipal Planning Commission. Whenever codes cited in this Zoning Ordinance refer to Michigan Code which has been amended or superseded, this Zoning Ordinance shall be deemed amended in reference to the new or revised code.

**1.04 Purpose**

This Zoning Ordinance is intended to guide the growth and development of the City in accordance with the goals, objectives, and strategies stated within the Birmingham Master Plan and Downtown Birmingham 2016 Plan.

**1.05 Compliance**

- A. Except as otherwise provided in this Zoning Ordinance, no structure or land shall be used or occupied and no structure or part thereof shall be erected, moved or altered, except in conformity with the regulations specified in this Zoning Ordinance for the zoning district in which the structure or land is located.
- B. None of the provisions in this Zoning Ordinance shall be applicable to any property owned by the state or any state agency.
- C. Use regulations. Except as otherwise provided herein, regulations governing land and building use are hereby established and shown on the schedule of regulations which is incorporated in Article 2.

**1.06 Interpretation**

- A. Application: The interpretation and application of the provisions in this Zoning Ordinance are the minimum requirements necessary to promote public health, morals, safety, comfort, convenience, or general welfare.
- B. Saving Provision: It is not intended by this Zoning Ordinance to repeal, abrogate, annul, or in any way impair or interfere with:
  - 1. Any existing provision of the law or ordinance, or
  - 2. Any rules, regulations, or permits previously adopted or issued, or
  - 3. Any rules, regulations, or permits which shall be adopted or issued pursuant to law.
- C. Conflicts: Where this Zoning Ordinance imposes a greater restriction than is required by other provisions of the law or ordinance, or by any rules, regulations or permits, the provisions of this Zoning Ordinance shall control.
- D. Text Supersedes Graphics: If there are found to be differences between the meaning or implication of any drawing, table, or figure, the text of this Zoning Ordinance shall apply.

**1.07 Rules of Construction**

The word "occupied" and the word "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

**1.08 Establishment of an Administrative Officer**

The provisions of the Zoning Ordinance shall be administered by the Building Official or his/her designee. The Building Official shall have the power to (1) grant Zoning Ordinance compliance permits (2) grant certificates of occupancy and use (3) and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of the Zoning Ordinance.

**1.09 Effect of Annexation or Vacation on Zoning**

Whenever any street, alley or other public way is vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

**Dormer:** A subunit of a main structure interrupting a roof slope of the main roof structure with its own walls and roof, and characterized by the roof shape of the dormer including but not limited to: flat, deck, hipped, shed, gabled, inset, arched, segmental, and eyebrow style roofs.

**Drainage:** The removal of surface water or ground water from land by means that include, but are not limited to, drains, grading and runoff controls.

**Drive-in:** A commercial establishment developed to serve patrons while in the motor vehicle in addition to within a building or structure.

**Drugstore:** A commercial establishment that employs a registered pharmacist full time for the purpose of dispensing prescriptions and ethical drugs.

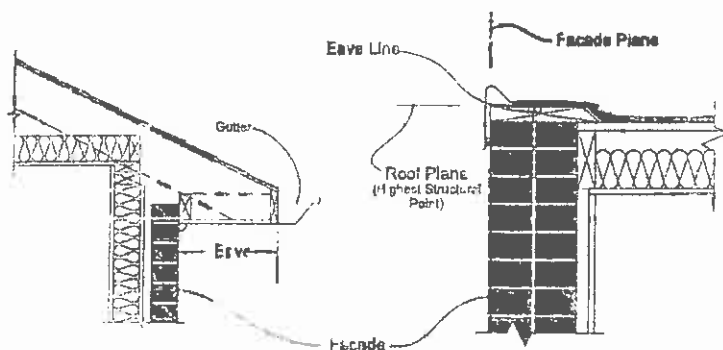
**Dwelling, Multiple-family:** A building containing 3 or more dwelling units (see Dwelling unit).

**Dwelling, Single-family:** A detached building containing 1 dwelling unit (see Dwelling unit).

**Dwelling, Two-family:** A building containing 2 dwelling units (see Dwelling unit).

**Dwelling Unit:** A building or portion thereof that provides independent living space for a family and has a sanitary connection. Dwelling unit does not include such a living space in an accessory structure used solely by the family living in the primary structure on the same lot, except that such living space shall not be used as any person's primary living area (see Family).

**Eave or Eave Line:** The lower edge of a sloping roof that projects past the face of the wall below; or the point of intersection of the roof and exterior wall on a flat roof building.



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**Electronic Video Game:** Any machine containing no automatic payoff device which may, on the insertion of a coin or slug, operate or be operated or used as a game, contest or amusement, and which consists solely of electronic play appearing on a video screen, and which is so constructed that it may not be converted into an automatic payoff device for the return or discharge of money, tokens, coins, checks or merchandise, or which provides no such payoff by any means whatsoever.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, gas regulator stations, and other similar equipment, and accessories connected therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or City Commission for the public health, safety or general welfare, but not including commercial buildings or activities.

**Evergreen Tree:** A tree with foliage that persists and remains green year-round.

**Facade:** The vertical exterior surface of a building that is set parallel to a setback line.

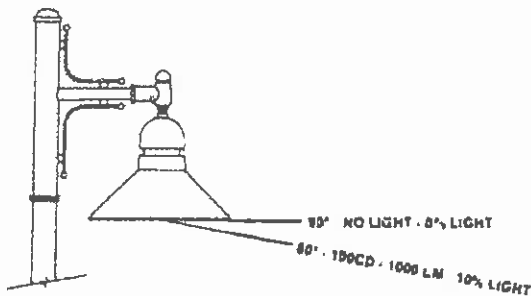
**Floor Area, Residential Total:** The measurement of total floor area for residential uses which shall be the sum of the area of the first story measured to the exterior face of exterior wall plus, similarly measured, the area having more than 7 feet, 6 inches of headroom of any upper story that is connected by a fixed stairway and which may be made usable for human habitation, but excluding the floor area of basements, garages, accessory buildings, attics, breezeways and unenclosed porches.

**Foot-candle:** A unit of illuminance amounting to one lumen per square foot.

**Frontage Line, Non-Overlay:** All lot lines that abut a public street, private street, or permanently preserved or dedicated public open space. A corner lot or a through lot has 2 or more frontage lines.

**Frontage Line, Overlay:** All lot lines that abut a public street. A corner lot or a through lot has 2 or more frontage lines.

**Full Cutoff Luminaire:** A luminaire light distribution with zero candela (intensity) at an angle of 90 degrees or above. Additionally, the candela per 1000 lamp lumens does not exceed 100 (10%) at a vertical angle of 80 degrees.



**Garage, Attached Private:** That portion of a principal residential building to be used for the storage of non-commercial motor vehicles, provided that not more than one commercial vehicle of less than three-quarter-ton capacity may be stored in the private garage and there shall be no services or commodities offered to the public in connection therewith. These garages must be enclosed with doors.

**Garage, Community:** An accessory building for the storage of noncommercial vehicles and having no services or commodities offered to the public in connection therewith.

**Garage, Private:** An accessory building to be used for the storage of noncommercial motor vehicles, provided that not more than one commercial vehicle of less than three-quarter-ton capacity may be stored in the private garage and there shall be no services or commodities offered to the public in connection therewith.

**Garage, Public:** Any garage operated for gain, and which is used for the storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

**Gasoline Full-Service Station:** A gasoline service station and service facility which may include lubrication, changing and repairing of tires, polishing, greasing, and mechanized washing, or servicing of motor vehicles but excluding steam cleaning, body repairing, vacuuming, bumping or painting. The mechanized washing of such vehicles shall be confined to a single-bay, single-vehicle capacity, exterior-only car wash system equipped with a separate entrance and exit.

**Gasoline Service Station:** A commercial establishment where gasoline or other fuels are available for purchase and may be dispensed by the customer from pump to motor vehicle. Convenience items may also be sold, provided such sales do not constitute the principal use of the premises.

**Glare:** The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**Grade:** A reference plane representing the average of finished ground levels adjoining the building at all exterior walls. When a finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building.

# MEMORANDUM

---

TO: Jana Ecker, City Planner  
FROM: M. B. Ferrario, Building Official  
RE: Interpretation  
DATE: February 26, 2003

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Your question asks for an interpretation of section 126-426(2)(a) of the City of Birmingham Zoning Ordinance.

The word *AT* in this section, specifically, "AT THE FRONTAGE LINE", refers to:

- a) in or near the area occupied by; in or near the location of, or in or near the position of. – ref, The American Heritage College Dictionary
- b) nearness and proximity, near or near to and involves the idea of proximity...or be equivalent to the words on, by, about, under, over, through, from, to, etc. – ref. Blacks Law Dictionary

Therefore, the *AT* in this section means near to the frontage line.

Reviewed by:

  
T. M. Markus, City Manager

## Parking Standards (PK)

Article  
04

### 4.50 PK-06

This Parking Standards section applies to the following districts:

☒ B3 ☐

The following parking standards apply:

- A. Parking for Residential Uses: Parking for residential uses shall be provided on the same lot with such building or on adjacent parcels of land having direct access to the principal building, as may be approved by the appropriate reviewing body pursuant to the Site Plan Review and Design Review Sections in Article 7.
- B. Office and Restaurant Parking: Where there is combined within a single building an office use and a commercial restaurant, up to 30% of the parking supplied to meet the requirement of the office use may also be used to meet the requirement for the commercial restaurant.
- C. Office and Residential Parking: Where there is combined within a single building, an office use and a residential use, up to 40% of the parking supplied to meet the requirement for the office use may also be used to meet the requirement for residential use, provided that the number of spaces required for residential parking shall never be less than 1 parking space per dwelling unit.
- D. Office, Residential and Restaurant Parking: Where there is combined within a single building, an office use, a residential use and a commercial restaurant, up to 40% of the parking supplied to meet the requirement for office use may also be used to meet the requirement for residential use and up to 30% of the remaining parking requirement for office use may be used to meet the requirement for the commercial restaurant.

### 4.51 PK-07

This Parking Standards section applies to the following district:

☒ B-1 ☐

The following parking standard applies:

- A. Parking for Residential Uses: Parking required for residential uses shall be supplied on site or within 300 feet of the residential lobby entrance of the building.

### 4.52 PK-08

This Parking Standards section applies to the following district:

☐

The following parking standards apply:

- A. Off-Street Parking Facilities:
  - 1. Off-street parking contained in the first story shall not be permitted within 10 feet of any building facade on a frontage line or between the building facade and the frontage line.
  - 2. The placement of 2 abutting off-street parking facilities with continuous street frontages shall not be permitted.


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on

on

Save

Popularity

327 ENTRIES FOUND

on

on and off

on limit

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'on

: touching and being supported by the top surface of (something)

: to a position that is supported by (something)

—used to indicate the part or object by which someone or something is supported

## Full Definition of ON

1 of 1

- 1 **a** —used as a function word to indicate position in contact with and supported by the top surface of <the book is lying *on* the table>  
**b** —used as a function word to indicate position in or in contact with an outer surface <the fly landed *on* the ceiling> <I have a cut *on* my finger> <paint *on* the wall>  
**c** —used as a function word to indicate position in close proximity with <a village *on* the sea> <stay *on* your opponent>  
**d** —used as a function word to indicate the location of something <*on* the left> <*on* the south side of the house> <*on* the farm>
- 2 **a** —used as a function word to indicate a source of attachment or support <*on* a string> <stand *on* one foot> <hang it *on* a nail>  
**b** —used as a function word to indicate a source of dependence <you can rely *on* me> <feeds *on* insects> <lives *on* a pension>  
**c** —used as a function word to indicate means of conveyance <*on* the bus>  
**d** —used as a function word to indicate presence in the possession of <had a knife *on* him>
- 3 —used as a function word to indicate a time frame during which something takes place <a parade *on* Sunday> or an instant, action, or occurrence when something begins or is done <*on* cue> <*on* arriving home, I found your letter> <news *on* the hour> <cash *on* delivery>
- 4 *archaic* : **on**
- 5 **a** —used as a function word to indicate manner of doing something ; often used with *the* <*on* the sly> <keep

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