

BOARD OF ZONING APPEALS AGENDA

City of Birmingham
Commission Room of the Municipal Building
151 Martin Street, Birmingham, Michigan
Tuesday, December 13, 2016
7:30 PM

1. ROLL CALL
2. APPROVAL OF THE MINUTES OF NOVEMBER
3. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1.	555 S OLD WOODWARD	METRO DETROIT	16-39	SIGN
2.	1982 BOWERS	EVANS	16-40	DIMENSIONAL
3.	538 PLEASANT	FISHER	16-41	DIMENSIONAL

4. CORRESPONDENCE
5. GENERAL BUSINESS
6. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA
7. ADJOURNMENT

Title VI

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

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

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

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

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS
TUESDAY, NOVEMBER 8, 2016
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, November 8, 2016. Chairman Charles Lillie convened the meeting at 7:30 p.m.

Present: Chairman Charles Lillie; Board Members Kevin Hart, Jeffery Jones, Randolph Judd, Peter Lyon, John Miller, Erik Morganroth; Alternate Board Member Jason Canvasser

Absent: Board Member John Miller; Alternate Board Member Cynthia Grove

Administration: Bruce Johnson, Building Official
Carole Salutes, Recording Secretary
Scott Worthington, Assistant Building Official

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.

T# 11-86-16

APPROVAL OF THE MINUTES OF THE BZA MEETING OF OCTOBER 11, 2016

Motion by Mr. Jones

Seconded by Mr. Morganroth to approve the Minutes of the BZA meeting of October 11, 2016 as presented.

Motion carried, 7-0.

VOICE VOTE

Yeas: Jones, Morganroth, Canvasser, Hart, Judd, Lillie, Lyon

Nays: None

Absent: Miller

T# 11-87-16

**1981 BRADFORD
(Appeal 16-37)**

The owner of the property known as **1981 Bradford** is requesting the following variance to construct a second floor addition.

A. Chapter 126, Article 4, Section 4.61 A.1 of the Zoning Ordinance requires a minimum of 23.9 ft. off S. Eton based on the average setback. The existing house is 16.77 ft. off the property line and the second floor will go directly above; therefore a variance of 7.13 ft. is requested.

This property is zoned R-3.

Mr. Worthington noted the house was built in 1953. The second-floor addition will follow the existing first floor and not enlarge the footprint. He advised how the average setback is determined.

The chairman explained the idea behind the required setbacks is to have a straight view down the street; however, in this case the street curves preventing a straight view. He also noted the back yard is heavily treed.

In response to Mr. Jones, Mr. Worthington noted the house conforms in every aspect other than the side setback.

Mr. Aaron Olmstead, the home owner, was present along with his family. He explained that because the house is located on a corner lot they are required to have dual frontages. They did not create the need for the variance and believe the request is in the spirit of the Ordinance. They are maintaining the existing footprint, going straight up and not encroaching on any road, sidewalk, or other homes. Also, they are using a hip roof structure to minimize the aerial appearance of the expansion.

There were no comments from the audience at 7:40 p.m.

Motion by Mr. Lyon

Seconded by Mr. Jones in regards to Appeal 16-37, 1981 Bradford, to approve the variance as advertised. He believes that strict compliance with the Zoning Ordinance would be unduly burdensome in this case, due to the unique circumstance of this lot. It is a corner lot with a substantial required side yard setback due to the interior lot behind it on Eton St.

He thinks this is the minimum variance that could be sought. They have minimized it to the existing wall. It does substantial justice to the homeowner and the surrounding residents in that it is not further encroaching into the side yard setback that is already there. The expansion is going straight up over the existing walls. He would tie the motion to the plans as presented.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Lyon, Jones, Canvasser, Hart, Judd, Lillie, Morganroth

Nays: None

Absent: Miller

T# 11-88-16

**583 MADISON
(Appeal 16-38)**

The owners of the property known as **583 Madison** request the following variances to rebuild an existing room.

A. Chapter 126, Article 4, Section 4.61 A. 2. of the Zoning Ordinance requires a minimum of 10 ft. off the side yard setback. The existing house is 4.8 ft. off the property line; therefore a variance of 5.2 ft. is requested.

B. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires a total for both side yards of 14 ft.. The existing total of side yards is 12.9 ft.; therefore a variance of 1.1 ft. is requested.

This property is zoned R-2.

Two e-mails have been received with regard to the requested variances, one in favor and one against.

Mr. Worthington explained that the applicant has a permit to add onto the rear of the house. During construction it was discovered that an existing room had structural deficiencies and needed repair. The room was rebuilt without consulting the Building Department. The repair was discovered during a building inspection and the applicant found out they were supposed to come in and apply for the changes. The setbacks were encroaching and they needed a variance for what they had done.

In response to the chairman, Mr. Worthington noted the applicant could put on a different roof than what has been constructed, such as a shed roof, and that would relieve the water problem.

With respect to whether the drawings were sufficient in detail to request a variance, Mr. Hart noted it is in the interest of the owners to receive a variance based on drawings. Then it is up to the Building Dept. to make sure the construction documents are in keeping with what the board has approved or disapproved. Mr. Worthington stated the plans show the house is well within the height requirements.

The majority of the board members felt the drawings were sufficient to proceed with the hearing.

Mr. James Vervisch, the homeowner, explained that his hardship is rebuilding the existing sunroom due to rotting. During construction, the existing sunroom structure was found to have severe damage from water. The flat roof had obviously failed multiple times over the years. So he proposed roof construction that would mimic the Gambrel roof design at the back of the original structure. He was unaware of the 10 ft. side yard setback requirement for the roof that was added. He can produce better construction drawings.

Chairman Lillie noted the applicant has vertically increased the mass of the house. Mr. Vervisch explained how he tried to keep the massing down and didn't extend out into the setback. He thought the Building Permit would allow the redesign of the roof.

The chairman called for comments from the public at 8:10 p.m.

Ms Ruth Hartman, 233 Madison, expressed her approval of the variances. The applicant is keeping the original design of the house. The neighbors she has spoken to have all been positive.

Motion by Mr. Lyon

Seconded by Mr. Judd in regards to Appeal 16-38, 583 Madison, to approve as advertised. There has been a procedural process issue with this particular variance and how it got to us. However, he looks at it as if it doesn't matter what they have done or what they have built already; he has to look at it or consider it as what we would have done had they followed the proper process.

He believes that strict compliance would be unduly burdensome due to the unique situation of the property. It is in existing non-conformity on the side yard. There are no interior lots behind this one, so it only requires a 10 ft. setback. But there is an existing sunroom that has been there apparently since the house was

built that has a basement under it, and so is all connected to the rest of the house. Clearly the sunroom is not self-created by the applicant. However, a flat roof in Michigan is not functionally desirable and the applicant seeks to put a pitched roof on that matches the architecture of the rest of the house.

Mr. Lyon believes this is the minimum variance required to the extent that the pitch of the new roof matches that of the house. He thinks it does substantial justice to the homeowner and the surrounding neighbors, as the public has noted. He would tie the motion to the sketches and plans presented tonight. He would also defer to the Building Dept. to insure that the final construction drawings and the final structure comply with what was presented tonight.

Mr. Judd said he doesn't like the "oops" defense; however he thinks the petitioner has certainly explained the situation. Secondly, he has never supported a motion based on a contingency which the board would do in this case. However, he thinks this particular situation especially with the weather the way it is lends itself to that. He depends on Mr. Johnson and his team to follow through and make sure this is done in accordance with our Ordinance.

Mr. Jones commented that he has a problem procedurally because he feels the process under which this board grants variances does matter. Secondly he is always leery of creating a circumstance where it can be viewed that it is a whole lot easier to give forgiveness than to ask permission. He disagrees with Mr. Lyon because he doesn't know how a new design cannot be self-created. For those reasons he will not support the motion.

Chairman Lillie also indicated he would not support the motion. He agrees with Mr. Jones that the second story is self-created and it is not that unduly burdensome for the petitioner to comply with the Ordinance

Mr. Hart agreed this does appear to be self-created and they probably could reduce the magnitude of the new roof. However he thinks in the interest of cohesiveness of the structure the new roof should look like it is an original part of the house. If it is not going to be a banister or balustrade with a flat roof that is bound to fail, it needs to be a matching gable. He will support the motion because he feels this is a unique situation.

Mr. Lyon reiterated that the board should not grant variances just because something has been built. However, if the petitioner had come in and requested the variance first he would have agreed.

Mr. Morganroth said if the petitioner had come in prior to construction and requested the variance he would have supported repairing the non-conforming existing structure and adding a new roof that would take the water away and that would have matched the existing style. Therefore he will approve the motion.

Mr. Canvasser announced he will support the motion as he would have if it had been brought to the board before construction. He feels there are unique circumstances and this is not self-created.

Motion carried, 5-2.

ROLLCALL VOTE

Yeas: Lyon, Judd, Canvasser, Hart, Morganroth

Nays: Jones, Lillie

Absent: Miller

T# 11-89-16

CORRESPONDENCE (none)

T# 11-90-16

GENERAL BUSINESS (not discussed)

T# 11-91-16

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA (no audience was left)

T# 11-92-16

ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 8:28 p.m.

Bruce R. Johnson, Building Official

CASE DESCRIPTION

555 S. Old Woodward 16-39

Hearing date: December 13, 2016

The owners of the property known as 555 S. Old Woodward are requesting the following variance to illuminate an existing building identification sign above the first floor sign band at the Triple Nickel restaurant:

- A. Chapter 86, Article 01, Section 1.10 B (5) d of the Sign Ordinance states that non-illuminated signs which identify the entire structure may be permitted above the first floor. The applicant is requesting a variance to allow illumination of the existing building identification sign.

Staff Notes: The applicant appeared before the Design Review Board on November 2, 2016 for a review of the proposed illumination. The Board did not approve the sign as it does not comply with the sign ordinance. However, they did express that they had no objection to the proposal as indicated in the attached draft minutes.

This property is zoned B-3.

Matthew Baka
Senior Planner

**BIRMINGHAM DESIGN REVIEW BOARD
MINUTES OF NOVEMBER 2, 2016**
Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, November 2, 2016. Chairman John Henke called the meeting to order at 7:45 p.m.

Present: Chairman John Henke; Board Members Mark Coir, Natalia Dukas, Thomas Trapnell, Vice Chairperson Shelli Weisberg, Michael Willoughby

Absent: Board Member Keith Deyer; Student Representative Loreal Salter-Dodson

Administration: Matthew Baka, Sr. Planner
Carole Salutes, Recording Secretary

11-38-16

**APPROVAL OF MINUTES
DRB Minutes of August 3, 2016**

Motion by Mr. Coir

Seconded by Ms. Dukas to approve the DRB Minutes of August 3, 2016 as presented.

Motion carried, 6-0.

VOICE VOTE

Yeas: Coir, Dukas, Henke, Trapnell, Willoughby, Weisberg

Nays: None

Absent: Deyer

08-39-16

**SIGN REVIEW
555 S. Old Woodward Ave.
Triple Nickel**

Mr. Willoughby recused himself.

Zoning: B-3 General Business

Proposal: Mr. Baka recalled the applicant was previously granted administrative approval to install a building identification sign above the second story of the two-story Triple Nickel Restaurant. The applicant is now seeking permission to illuminate the existing sign. Article 01 section 1.05 (K) 2 permits non-illuminated building identification signs above the first floor. Accordingly, the applicant has expressed their intent to apply for a variance from the Board of Zoning Appeals ("BZA"). They have indicated that due to the unique orientation of the building to Woodward Ave., particularly for north-bound traffic, patrons and staff alike have difficulty finding the building. As has been City policy, the applicant has been instructed to appear before the Design Review Board for a formal review in order to give the board members an opportunity to evaluate the proposal against the standards outlined in Article 02 section 2.02 C of the Sign Ordinance.

Signage: The previously approved building identification sign is a 17 in. x 180 in. wall sign. The sign was granted administrative approval on June 13, 2016. At that time the application was reviewed and verified for Sign Ordinance compliance.

Illumination: The signage will be internally illuminated with white LEDs.

Mr. Paul Dieter, Metro Detroit Signs, was present with Mr. Jack Reinhart, the building owner. Mr. Dieter stated that it is difficult for people to find the restaurant. There is a real challenge because of the mature tree canopy along S. Old Woodward Ave. Therefore it would be a tremendous benefit to have the sign illuminated.

Several board members spoke to say they didn't really mind an illuminated sign. It is facing S. Old Woodward Ave. and there is a lot of light coming from there. Mr. Reinhart said he plans to take down the temporary 'Open for Lunch' signs.

Chairman Henke cautioned that the request to illuminate the Powerhouse sign that faces Woodward Ave. was turned down by the Board of Zoning Appeals. Mr. Reinhart stated it has been a serious business problem because no one can find his establishment.

Motion by Mr. Coir

Seconded by Ms. Weisberg that the DRB support the illumination of the sign at 555 S. Old Woodward Ave., Triple Nickel.

Motion carried, 5-0.

VOICE VOTE

Yeas: Coir, Weisberg, Dukas, Henke, Trapnell

Nays: None

Recused: Willoughby

Absent: Deyer

08-40-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

A. Staff Reports

-- Administrative Approvals

- 150 Bird Ave. #23 - Install four (4) vinyl replacement windows.
- 199 W. Brown - Re-cover existing awning. Color: Brown.
- 203 Hamilton Row, Blush Couture Bride - Install one (1) 18 in. x 146 in. Blush Couture Bride wall sign.
- 340 Hamilton Row - I am using an existing sign from 250 Martin St., unit 1 and 2. I am just moving the exact sign to my new location at 340 Hamilton Row.
- 344 Hamilton Row - Install wall sign on the front of building.
- 361 N. Eton, Unit 34, Birmingham Woods - Replacement of glass block bathroom window with a traditional vinyl window. Scheduled for November 21, 2016.
- 395 Hamilton Row, retail store -
 - 1) Signage for the store: "Voila."
 - 2) Exterior paint: Navajo White from Benjamin Moore.
- 555 S. Old Woodward Ave., Core Revolution - Wall sign for Core Revolution, 18 in. x 178 in. = 22.5 sq. ft.
- 967 N. Old Woodward Ave. - Removal of entry door/installation of new door.
- 805 E. Maple Rd., Shift Digital - Install wall signs at the southeast and southwest corner of building.
- 980 S. Old Woodward Ave., Chemical Bank - Universal Sign, Inc. plans to replace the two existing wall signs with signs of similar size.
- 1875-1945 Southfield Rd., Birmingham Terrace - aka: Beachroe, LLC.
- 1964 Southfield Rd. - Changing the two (2) existing logos only on the S and E elevations. Adding five (5) new sets of secondary signage on the E elevation.

- 2253 Cole, Cole Business Center - Administrative approval to just add one (1) window.
- 2555 E. Maple Rd, Maple Gardens - Removal of existing steel frame and door/installation of new steel frame and door.
- 33263 Woodward Ave. - Brick and beam repair/replacement.

-- Violation Notices (none)

B. Communications

-- Commissioners' Comments (none)

08-41-16

ADJOURNMENT

No further business being evident, the board motioned to adjourn the meeting at 7:55 p.m.

Matthew Baka
Sr. Planner

Application Date: 11-14-16



Hearing Date: 12-13-16

Received By: BN.

Appeal # 16-99

Board of Zoning Appeals Application

Type of Variance: Interpretation _____ Dimensional _____ Land use _____ Sign _____ Admin review _____

Property Information:

Street address: <u>555 S. Old Woodward</u>	Sidwell Number:
Owners name: <u>Manorwood Properties LLC</u>	Phone #: <u>313-919-3313</u>
Owners address: <u>555 S. Old Woodward</u>	Email: <u>jiresnhart@gmail.com</u>
City: State: <u>BIRMINGHAM, MI</u>	Zip code: <u>48009</u>
Contact person: <u>Kevin Deters @ Metro Detroit Signs</u>	Phone #: <u>586-759-2700</u>

Petitioner Information:

Petitioner name: <u>Metro Detroit Signs</u>	Phone #: <u>586-759-2700</u>
Petitioner address: <u>11444 Kalfz Ave.</u>	Email: <u>kdeters@metrodetroit.com</u>
City: <u>Warren</u> State: <u>MI</u>	Zip Code: <u>48089</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.

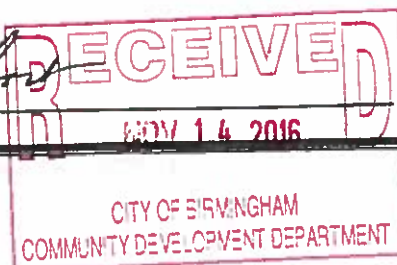
Location of all requested variances must be highlighted on plans and survey. All dimensions to be taken in feet to the first decimal point.

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: 11-14-16



Has sign. BN.

CITY OF BIRMINGHAM
Date 11/15/2016 10:32 AM
Ref: 09133269
Res: 344536
Am: \$560.00
Page 1



METRO SIGNS
— & LIGHTING —

11444 Kaltz Ave. Warren, MI 48089
P: (586)759-2700 F: (586)759-2703
kdeters@metrodetroitsigns.com

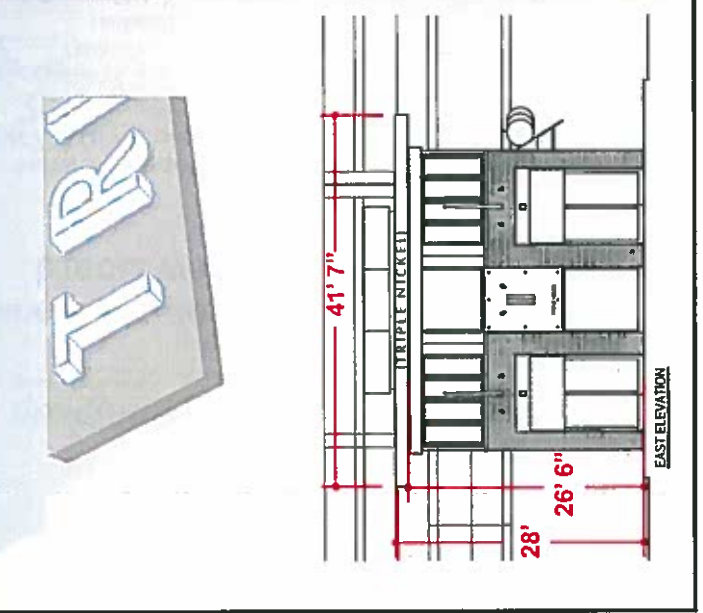
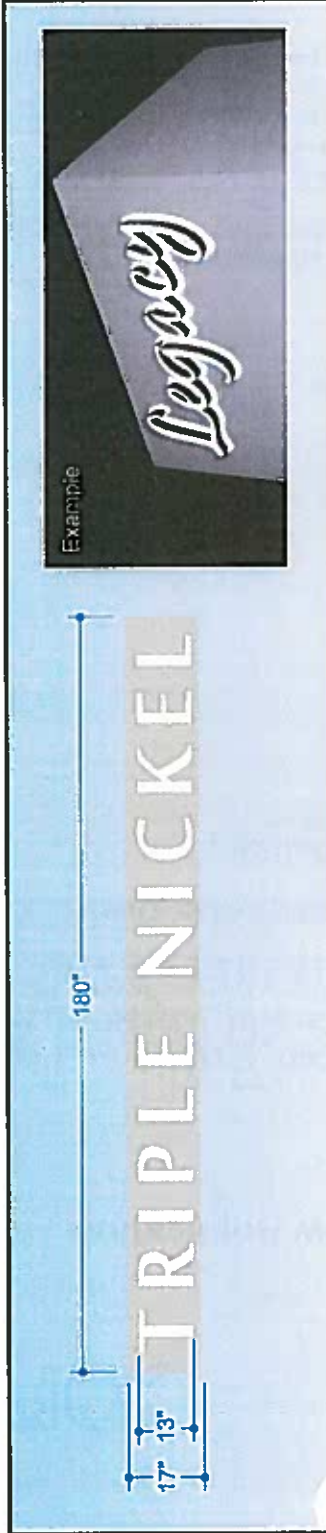
DATE: 11/14/16
TO: City of Birmingham Board of Zoning Appeals
FROM: Kevin Deters
Metro Detroit Signs
RE: Triple Nickel – 555 S. Old Woodward
Illumination for existing wall sign on east elevation facing Woodward

Letter of Hardship

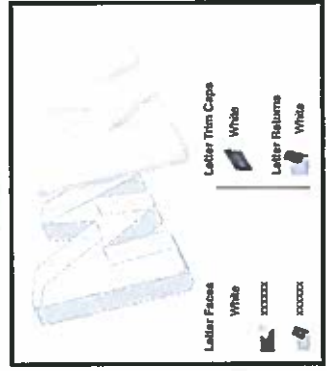
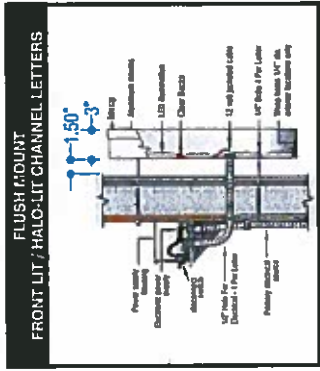
A few months ago we permitted and installed the wall signage at Triple Nickel. At the time the east elevation wall sign facing Woodward could not be illuminated, per the ordinance. We are requesting a variance to allow illumination for the existing wall sign on east elevation facing Woodward.

The proposed illuminated wall sign received approval from the Design Review Board on 11/2/16. Due to the unique orientation of the building to Woodward, patrons and employees are having difficulty identifying the building with the non-illuminated sign. Our proposed illumination and design would remain consistent with other illuminated signs along Woodward. Furthermore, it would not cause act as an eyesore, and it would not be a hindrance for neighboring properties. It would also not cause a safety or traffic hazard.

Feel free to call me at (586)759-2700 if anything else is needed. Thank you for your assistance.



Sign Dimensions
 17"x180" Overall - 21.25 Sq. Ft.



NOTES:
 • Backer Panel Color to Match Building



23544 Hoover Rd
 Warren MI 48089
 Phone: 586-759-2700
 Fax: 586-759-2703

File Name: Triple Nickel.cdr
 East Elevation Pg 2

Work Order#:

Date: 3/8/16

Drawn By: Connie Fotiu

Sales Person: Paul Deters

TRIPLE NICKEL

Revision: 9/8/16
 This drawing and design/layout is the property of Metro Detroit Signs. The use of which in part or in whole is not permitted without prior written consent from Metro Detroit Signs. All rights reserved. Copyright 2006

13 = 16.26

CASE DESCRIPTION

1982 Bowers 16-40

Hearing date: December 13, 2016

The owner of the property known as **1982 Bowers** is requesting the following variance to construct a new house.

- A. Chapter 126, Article 4, Section 4.74 of the Zoning Ordinance requires a minimum of 14' between principal structures. The proposed house is 12.2' away from the adjacent house to the east; therefore a variance of 1.8' is requested.

Staff Notes: The existing house is 11.5' away from the adjacent house to the east.

This property is zoned R-2.

Scott Worthington

Scott Worthington
Assistant Building Official

Application Date: 11-15-16

Hearing Date: 12-13-16



Received By: BW

Appeal # 11-40

Board of Zoning Appeals Application

Type of Variance: Interpretation _____ Dimensional Land use _____ Sign _____ Admin review _____

Property Information:

Street address: <u>1982 BOWERS</u>	Sidwell Number:
Owners name: <u>DENNIS E. EVANS</u>	Phone #: <u>810-499-5124</u>
Owners address: <u>55375 PARK PLACE</u>	Email: <u>DEEVANS@AOL.COM</u>
City: State: <u>NEW HUDSON, MI</u>	Zip code: <u>48165</u>
Contact person: <u>DENNIS E. EVANS</u>	Phone #: <u>810-499-5124</u>

Petitioner Information:

Petitioner name: <u>DENNIS E. EVANS</u>	Phone #: <u>810-499-5124</u>
Petitioner address: <u>55375 PARK PLACE</u>	Email: <u>DEEVANS@AOL.COM</u>
City: <u>NEW HUDSON</u> State: <u>MI</u>	Zip Code: <u>48165</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.

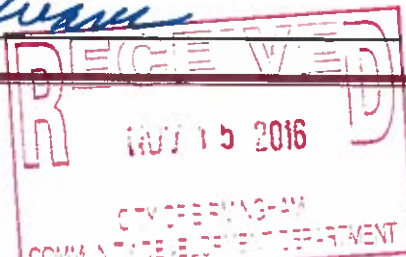
Variance chart example:	Required	Existing	Proposed	Amount of Variance
	25'	24'	24'	1'

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.

CITY OF BIRMINGHAM
 Date 11/15/2016 1:48:38 PM
 Ref: 20133277
 Recei: 344724
 Amount: \$310.00

Signature of Owner: Dennis E Evans

Date: 11-15-2016



133277

Mr. Dennis Evans
55375 Park Place
New Hudson, MI 48165

November 14, 2016

City of Birmingham, Michigan
Board of Zoning Appeals
151 Martin St.
Birmingham, MI 48012

Dear Members of the Board of Zoning Appeals:

RE: Letter of Hardship

I am requesting a dimensional variance to allow a new home to be constructed at 1982 Bowers St. at a distance of 12.2 feet from the east neighboring residence (1998 Bowers). The distance required between adjacent dwellings by the Birmingham Zoning Ordinance is 14.0'. The need for a variance is primarily driven by the placement of neighboring homes on their sites. The neighboring home to the west is placed 5.1 ft. from my west property line and the home to the east is placed 6.5' from my east property line. In an equitable situation, each lot on the street would have one 9.0' side setback and one 5.0' side setback. These setbacks would alternate such that a 5.0' setback would abut the neighboring 9.0' setback to provide the 14' space between houses. Such an equitable arrangement would allow for construction of a house up to 26' wide on a 40' wide lot. As a result of the existing constrained conditions, I am allowed to construct a house having a width of only 23'-7". I am proposing to construct a house that is 24'-8" (24.67') wide. This represents a compromise between the 23'-7" width allowed by the existing conditions and the 26' wide house that could be constructed under ideal conditions. A narrower home would result in a floorplan composed of poorly proportioned rooms that would provide for suboptimal furniture placement and circulation within the spaces.

I have explored the possibility of moving the proposed house toward the west in order to reduce the requested variance at the east. However, this decreases the width of an already narrow driveway and would make navigating it much more difficult-especially when driving in reverse nearly 135' from the proposed detached garage to the street.

I request a 1.8' dimensional variance to allow construction of a new home at 1982 Bowers 12.2 feet from the existing neighboring dwelling at 1998 Bowers. My plan improves the current situation where the distance between the existing houses is only 11.5'. This results in an increased distance between the neighboring homes of 0.7' and will allow me to construct a better home that will add value to the surrounding neighborhood.

Sincerely,



Dennis E. Evans
Owner, 1982 Bowers St.

CASE DESCRIPTION

538 Pleasant 16-41

Hearing date: December 13, 2016

The owner of the property known as **538 Pleasant** is requesting the following variances to replace the existing attached garage roof.

- A. Chapter 126, Article 2, Section 2.04 of the Zoning Ordinance requires a minimum setback of 5'. The existing attached garage is 3.8' off the property line; therefore a variance of 1.2' is requested.
- B. Chapter 126, Article 2, Section 2.04 of the Zoning Ordinance requires a total side yard setback of 17.5'. The existing attached garage has a total side yard setback of 13.8'; therefore a variance of 3.7' is requested.
- C. Chapter 126, Article 4, Section 4.74 of the Zoning Ordinance requires a minimum of 17.5' between principal structures. The attached garage is 10.8' away from the adjacent house to the south; therefore a variance of 6.7' is requested.

Staff Notes: The existing home was built in 1941. The owner wants to replace the existing flat roof with a new pitched roof over the existing attached garage.

This property is zoned R-1A.

Scott Worthington

Scott Worthington
Assistant Building Official

Application Date: 11-15-16



Hearing Date: 12-13-16

Received By: BM

Appeal # 16-41

Board of Zoning Appeals Application

Type of Variance: Interpretation _____ Dimensional Land use _____ Sign _____ Admin review _____

Property Information:

Street address: <u>538 PLEASANT</u>	Sidwell Number:
Owners name: <u>BENJAMIN FISHER</u>	Phone #: <u>248-379-8912</u>
Owners address: <u>538 PLEASANT</u>	Email: <u>Ben.fisher@gmail.com</u>
City: State: <u>Birmingham, MI</u>	Zip code: <u>48009</u>
Contact person: <u>Ben Fisher</u>	Phone #:

Petitioner Information:

Petitioner name: <u>BENJAMIN FISHER</u>	Phone #: <u>248-379-8912</u>
Petitioner address: <u>538 PLEASANT</u>	Email: <u>Ben.fisher@gmail.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.

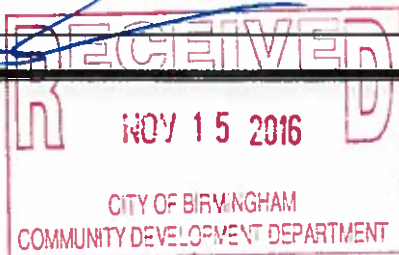
Location of all requested variances must be highlighted on plans and survey. All dimensions to be taken in feet to the first decimal point.

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: _____

Date: 11-8-16



To: Birmingham Zoning Board of Appeals

RE: Fisher Residence- 538 Pleasant Birmingham, MI 48009

Summary and Scope of Work

I am requesting a zoning variance for 3 separate zoning rules to replace the flat roof on my attached garage with a gabled roof. The current flat roof is costly to maintain, drains improperly, leaks, and is not aesthetically pleasing as a gabled roof or roof with a peak. This work would be done as part of a second-floor addition to the rest of the home. No living space would be added above the garage and is being done at the same time just as a matter of efficiency.

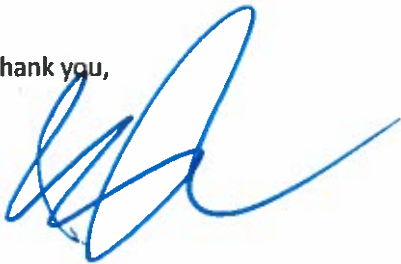
Zoning Variance Request Details

- Current structure sits 3 feet 8 inches from the neighbor's lot line (current rules require 5 feet)
- Current structure sits 10 feet 8 inches from the neighbor's structure
- Total for both right and left setbacks are less than 25 percent of the total lot width. Lot is 70 feet wide so setback requirement is 17.5 feet. Current setback is 3'8" on left and 11' on right totaling 14'8".

Hardship Statement

The hardship request is being made due to the cost to maintain a flat roof, the inferior drainage compared to the gabled roof, and the improvement in aesthetics for the neighborhood to add the gabled roof to the garage.

Thank you,



Benjamin Fisher

Date:11/10/2016

CERTIFIED SURVEY

PROPERTY DESCRIPTION:

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

THE SOUTH 70 FEET OF THE NORTH 280 FEET OF THE EAST 130 FEET OF LOT 33; ASSESSOR'S PLAT NO. 23, A REPLAT OF PARTS OF LOTS 4 & 11, ALL OF LOTS 1-3-12 & 5 TO 10 INC., OF INGLEWOOD FARMS AND INGLEWOOD VILLAS, A REPLAT OF BLOCK 11, INGLEWOOD FARMS SUBDIVISION, AS RECORDED IN LIBER 30 OF PLATS, PAGE 53 OF OAKLAND COUNTY RECORDS.

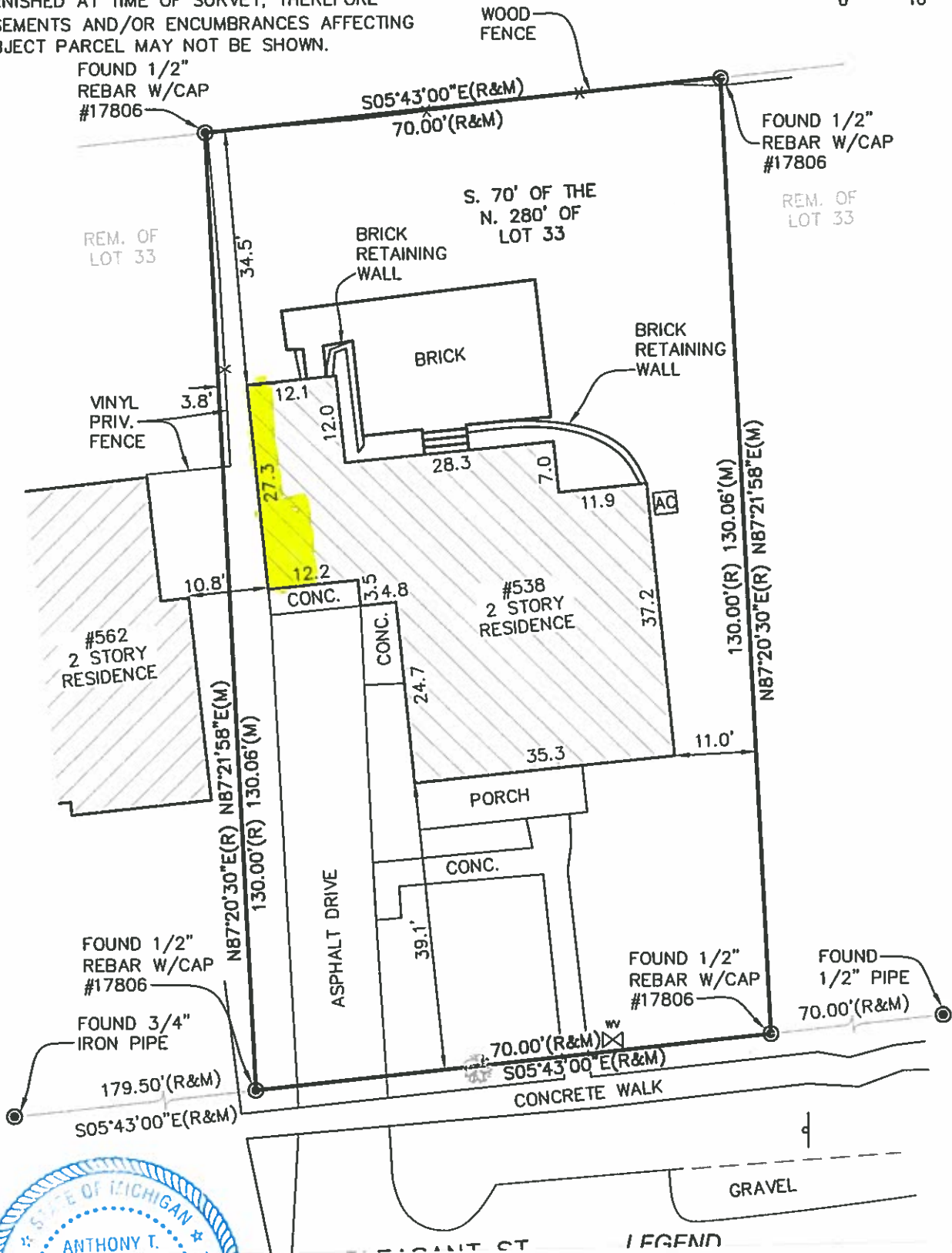


SCALE: 1"=20'



NOTE:

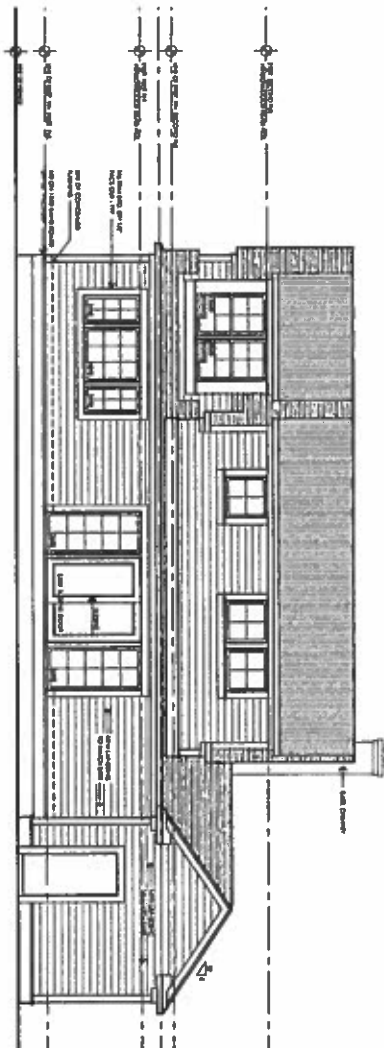
A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.



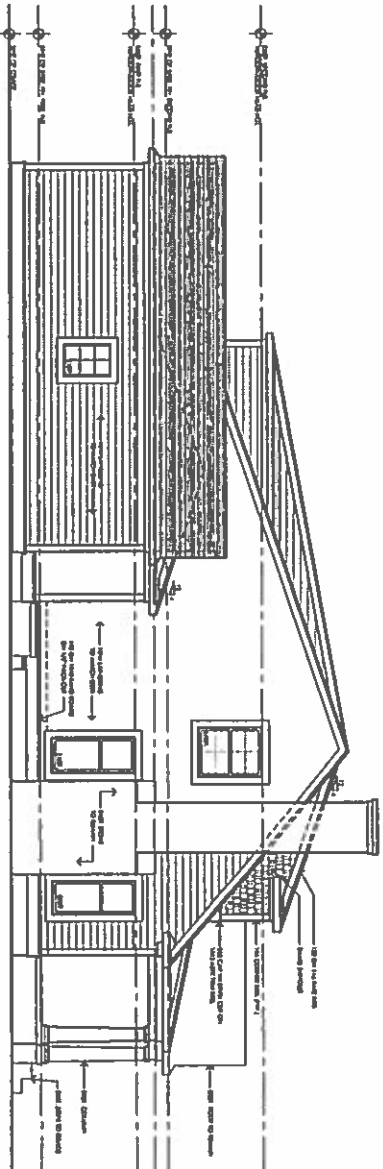
I HEREBY CERTIFY THAT THE PLATT OF CLOSURE IS IN ACCORDANCE WITH SECTION 132 OF 1970.

(Signature)
ANTHONY T. SYKES

	REQUIRED	EXISTING	PROPOSED	VARIANCE
Minimum 5' setback	5'	3.8'	3.8'	1.2'
Total side yard setbacks	17.5'	13.8'	13.8'	3.7'
Distance to adjacent house	17.5'	10.8'	10.8'	6.7'



Rear (West) Elevation



Left (South) Elevation

Preliminary - Not For Construction

krieger klatt
 ARCHITECTS
 architecture interiors consulting
 1412 East Eleven Mile Road, Royal Oak, MI 48047
 Phone: 248.414.9270 Fax: 248.414.9275 web: kklatt.com

Client:
 Fisher Residence

Project:
 Addition /
 Renovation

Issued:
 01.18.2015
 03.30.2015
 03.30.2015
 02.23.2015

Scale:

NOTE:
 Do not scale drawings, use
 calculated dimensions only.
 Verify existing conditions in field.
 North Arrow:

Sheet Title:
 Proposed
 Elevations

Scale:
 1/4" = 1'-0"
 Project Number:
 15-150

Sheet Number:
 A.200