

BOARD OF ZONING APPEALS AGENDA

City of Birmingham
Commission Room of the Municipal Building
151 Martin Street, Birmingham, Michigan
March 8, 2016
7:30 PM

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

	Address	Petitioner	Appeal	Type/Reason
1.	1247 BIRD	KUZA	16-03	POSTPONED
2.	231 S GLENHURST	NOVITSKY	16-05	DIMENSIONAL
3.	1515 PIERCE	MONIGOLD	16-06	DIMENSIONAL
4.	1375 WEBSTER	MOJARADI	16-07	DIMENSIONAL
5.	1792 BANBURY	GRAHAM	16-08	DIMENSIONAL
6.	2200 AVON LN	HURSLEY	16-09	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, FEBRUARY 9, 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, February 9, 2016. Vice-Chairman Randolph Judd convened the meeting at 7:30 p.m.

Present: Vice-Chairman Randolph Judd; Board Members Kevin Hart, Jeffery Jones, Peter Lyon, John Miller, Erik Morganroth; Alternate Board Members Jason Canvasser, Cynthia Grove

Absent: Chairman Charles Lillie

Administration: Bruce Johnson, Building Official
Scott Lenhart, 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 is one interpretation on this evening's agenda.

T# 02-08-16

APPROVAL OF THE MINUTES OF THE BZA MEETING OF JANUARY 12, 2016

Motion by Mr. Jones

Seconded by Mr. Morganroth to approve the Minutes of the BZA meeting of January 12, 2016 as presented.

Motion carried, 7-0.

VOICE VOTE

Yeas: Jones, Morganroth, Canvasser, Grove, Judd, Lyon, Miller

Nays: None

Absent: Lillie

T# 02-09-16

**1247 BIRD AVE.
(Appeal 16-03)**

The owners of the property known as 1247 Bird Ave. request the following variance to allow for the construction of a house addition less than the required minimum front and side yard setbacks, distance between principal residential buildings, allowable overhang projection.

A. **Chapter 126, Article 2, Section 2.10** of the Zoning Ordinance requires a minimum front yard setback distance of 21.80 ft. for this lot. The applicant is proposing 20.00 ft. Therefore, a variance of 1.80 ft. is requested.

B. **Chapter 126, Article 2, Section 2.10** of the Zoning Ordinance requires a minimum side yard setback of 5.00 ft. for this lot. The applicant is proposing 3.07 ft. Therefore, a variance of 1.93 ft. is requested.

C. **Chapter 126, Article 4, Section 4.69 (C)** of the Zoning Ordinance requires a minimum of 14.00 ft. between principal buildings for this lot. The applicant is proposing 10.77 ft. Therefore, a variance of 3.23 ft. is requested.

D. **Chapter 126, Article 4, Section 4.30 (C-2)** of the Zoning Ordinance allows overhangs to project 0.84 ft. into the west required side yard setback for this property. Due to the existing home's non-conforming setback, the existing overhang projects 2.07 ft. into the required open space. With 2.57 ft. proposed, a variance of 1.59 ft. is requested.

This property is zoned R-3.

Mr. Lenhart advised the existing house was built in 1928. The applicants had a house fire in July of 2015 and want to renovate house with a new 2nd story and rear addition.

Vice-Chairman Judd questioned the demolition of the house, leaving just one wall and the basement. It seems the west wall of the basement is the engine causing the appeal. In response to Mr. Lyon, Mr. Lenhart noted that according to the Fire Dept. most of the damage was caused by water.

Mr. Johnson advised that once a home is destroyed over 75% it cannot be rebuilt except in conformity with the Zoning Ordinance, unless a variance is received. He agreed that demolition of the proposed project exceeds well over 75% of current cash value of the structure. Mr. Lenhart explained the proposal is to use the existing setbacks and foundation and rebuild. He noted for Mr. Miller that the existing house is already forward of the setback line by 1.80 ft. Therefore because the proposed house is non-conforming with the setback the applicant must come before the board for variances. As far as the structure, the Building Dept. will need a structural engineering

report. He agreed with Vice-Chairman Judd that the board would have liked to have the report before this meeting.

Responding to Mr. Miller, Mr. Lenhart reported that since the house next door to the west is at 7.70 ft. setback there are two existing non-conforming structures next to each other. Therefore if that house does anything along their east side they would need a variance. However, that condition already exists because the applicant is not coming any closer than they are presently.

Mr. Steven Kuza, the petitioner, explained the second floor and roof incurred most of the fire damage. So in rebuilding the house they plan to go up along the lines that they currently have on the first floor. He has spoken to the neighbors to the west and received a letter of support from them. They know that if they ever choose to do something they are non-conforming too. Mr. Kuza noted he has moved in his porch by 2.00 ft. in case the neighbors ever want to add a porch to their home.

Vice-Chairman Judd pointed out there are four points that the applicant needs to address. One is whether strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose and would render conformity with such restrictions unnecessarily burdensome. That is followed by whether granting a variance would do substantial justice to the applicant as well as to the other property owners in the district. He questioned why the applicant cannot take out the basement and make the house completely compliant.

Mr. Kuza explained their whole idea is to put the house together the right way and add to the beauty of Bird Ave. It would not be practical for them to dig up the basement or to keep it and come in 2.00 ft. for the second floor.

Vice-Chairman Judd wondered if the insurance company suggested leaving the basement because it would save them some money. Mr. Lyon commented that most insurance companies will pay to rebuild according to existing ordinances and he didn't understand why the 80 year old basement needs to be kept. Mr. Kuza responded that the insurance company has not declared the property a total loss. Mr. Morganroth noted if they can't re-build non-conforming then the house is a total loss.

Mr. Jones said this appeal is premature on the issue of the damage. it was discussed that the Building Dept. will need to conduct a determination as to the percentage of loss on the house. Mr. Kuza was agreeable to postponing his appeal 30 days contingent upon the Building Dept. being able to gain access to the property and to conduct an examination and reach a decision as to the extent of the damage.

Motion by Mr. Jones

Seconded by Mr. Lyon to adjourn 1247 Bird Ave. (Appeal 16-03) for 30 days until the next BZA meeting, based upon the willingness as stated by the petitioner.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Jones, Lyon, Canvasser, Grove, Judd, Miller, Morganroth

Nays: None

Absent: Lillie

T# 02-10-16

**555 S. OLD WOODWARD AVE.
(Appeal 16-04)**

Mr. Miller recused himself from this appeal because his firm did early-on consultation work on the property. Mr. Hart came forward to fill in.

The owners of the property known as 555 S. Old Woodward Ave. request the BZA to confirm that their revised plans for a new curtain wall proposed on the office building still meet the intent of an interpretation made by the building official in 2013.

A. Chapter 126, Article 8, Section 8.01 (D) of the Zoning Ordinance allows for an appeal of a decision of the building official. The building official has determined that revised plans submitted are not in agreement with plans submitted and approved in July 2013 for an interpretation that was confirmed by the BZA.

Mr. Johnson confirmed this case is not seeking to reverse or overturn a decision of the building official; rather it is seeking BZA approval that revised plans are still in agreement with the interpretation that was made. The south building is the apartment building and the building to the north is the commercial building. In 2013 he as the building official made an interpretation that the curtain walls proposed at that time could be considered maintenance rather than an expansion of a non-conforming structure that would require a variance. The board confirmed the interpretation as presented and tied it to the plans and specifications from which the interpretation was made.

The owners have recently revised their plans for the new curtain walls and the plan for the north building proposes a different type of curtain wall system than the one originally proposed in 2013 that the BZA tied its confirmation to.

On October 21, 2015 the Design Review Board approved the curtain walls for the north and south buildings with the condition that the issues surrounding the interpretation be resolved prior to the applicant proceeding with the new curtain wall system for the north building.

Mr. Jones noted the need hasn't changed. The necessity to do something still meets with the intent of the maintenance. It is simply that the design on the north commercial building has changed. Mr. Johnson explained specifically how the design is different. The new curtain wall system for the north building projects out further and is 30% more energy efficient than the 2013 system.

Mr. Richard Rattner, Attorney, 380 N. Old Woodward Ave. was present with Messrs. Jack and Jerry Reinhart, representing the building ownership, along with Mr. Bob Ziegelman and Mr. John Gardner, Architects. Mr. Rattner gave a brief PowerPoint presentation affirming that this is a maintenance and repair issue for the north building and not an enlargement issue. The new curtain wall complies with all of the terms, conditions, spirit and intent of the 2013 interpretation, and it is clear that the installation of the curtain wall and its design is intended to maintain the building in good condition and should be considered maintenance. The plan for construction anticipates that the current tenants will be able to remain in place while the work is being completed. The plan eliminates most of the debris that would have to be hauled to landfills. The design represents the most efficient, environmentally responsible, and cost efficient way to repair and maintain the building for the benefit of the citizens of Birmingham.

Mr. Bob Ziegelman graphically went over the design and the concept of the curtain wall. They have chosen to keep the existing curtain wall and encase it. Using this concept will end up providing triple glazing. Per code requirements, the space in between leaves enough room for window washers to get in and wash the windows. He confirmed the old windows will be replaced with new double panes.

Mr. Lyon inquired why they could not just re-skin the outside. Mr. Ziegelman replied the building would have to be closed down and the external wall removed. It would then end up in a landfill.

In response to Mr. Jones, Mr. Ziegelman stated that the first system did not function properly and this one does. Mr. Canvasser asked if there would be reflection off of the building. Mr. Ziegelman said there would not be reflection because that is taken care of in the chemistry of the low E glass that is basically transparent. Mr. Hart received confirmation there will be a significant cut in utility usage.

The vice-chairman took comments from the audience at 8:40 p.m.

Mr. Bitonti, 709 Ann St. indicated he and his clients are looking forward to the change in this building.

Motion by Mr. Lyon

Seconded by Mr. Morganroth regarding 555 S. Old Woodward Ave., Appeal 16-04 to affirm the building official's interpretation in the latest memorandums with respect to renovation and maintenance. Mr. Lyon moved to confirm the

interpretation of the building official that the proposed project to re-skin the exterior of the north building falls under maintenance of existing non-conformance and not expansion of an existing non-conformance. The motion is tied to the prints, plans, pictures, renderings, etc. as presented tonight as far as possible.

Mr. Jones liked the idea that needed maintenance comes back to this board and to the building official with the onset of technology, and policy is once more reviewed according to the Ordinance. He will vote to support the motion.

Mr. Hart thought this is a great example of re-purposing an existing structure. The ability to fix the building 20 years from now is going to be vital and that is taken into consideration with this proposed solution. It is wonderful that Birmingham will be a good example of sustainable design and restoration design for the future. Therefore he will support the motion.

Mr. Lyon called this simple maintenance.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Lyon, Morganroth, Canvasser, Grove, Hart, Judd, Miller

Nays: None

Recused: Miller

Absent: Lillie

T# 02-11-16

CORRESPONDENCE (none)

T# 02-12-16

GENERAL BUSINESS (not discussed)

T# 02-13-16

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA (no one spoke)

T# 02-14-16

ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 8:56 p.m.

Bruce R. Johnson, Building Official

CASE DESCRIPTION

231 S. Glenhurst (16-05)

Hearing date: March 8, 2016

The owners of the property known as 231 S. Glenhurst request the following variances to allow for the construction of a house addition less than the required minimum front setbacks and distance between principal residential buildings.

- A. **Chapter 126, Article 2, Section 2.10** of the Zoning Ordinance requires a minimum front yard setback distance of 26.76' for this lot. The applicant is proposing 23.07'. Therefore, a variance of 3.69' is requested.
- B. **Chapter 126, Article 4, Section 4.69 (C)** of the Zoning Ordinance requires a minimum of 17.50' between principal buildings for this lot. The applicant is proposing 15.10'. Therefore, a variance of 2.40' is requested.

Staff Notes: The applicant is proposing to put a foundation under existing front bay window cantilever and add gabled façade above. Proposed rear addition variance request is due to the existing non-conforming attached garage to the north. Garage is set off property line 6.10'. 9.00' is minimum required.

This property is zoned R-1.

Scott Lenhart

Scott Lenhart
Assistant Building Official

Application Date: 2/8/16



Hearing Date: 3/8/16

Received By: SW

Appeal # 16-05

Board of Zoning Appeals Application

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

Property Information:

Street address: <u>231 S. GLENHURST DR</u> Sidwell Number: _____	
Owners name: <u>MICHAEL & MARY FLYNN</u>	Phone #: <u>248-415-2083</u>
Owners address: <u>SAME -</u>	Email: <u>mjeffreyflynn@gmail.com</u>
City: State: <u>BIRMINGHAM</u>	Zip code: <u>48009</u>
Contact person: <u>MIKE OR MARYBETH</u>	Phone #: _____

Petitioner Information:

Petitioner name: <u>JOSEPH S. NOVITSKY</u>	Phone #: <u>(248) 433-2030</u>
Petitioner address: <u>1785 ROYAL AVE.</u>	Email: <u>JOE@JSN-AIA.COM</u>
City: <u>BERKLEY</u> State: <u>MI.</u>	Zip Code: <u>48072</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: 2/7/16

Has Signed 2-8-16.
BM.



Joseph S Novitsky
Architecture
1755 Royal Ave
Berkley, MI 48072

BZA Petition - JSN# 15073
Michael and Maryberth Flynn
231 S. Glenhurst Drive.
Birmingham, Mi. 48009

February 15, 2016

Dear Chair and BZA Board Members,

As part of our BZA submission, please accept this document as our narrative concerning the three items the Plan Review has raised.

**1. Dimensional variance on the North Side of the Lot. - Space between buildings
(2.4' Requested, 17.5' Required, 15.1' Existing, 15.1' Proposed)**

We are compliant within our lot as designed. We are not making conditions worse in any way by extending the existing line of the building. The design as presented – including the removal of the existing garage and moving the Southern build line 2.5' North, allows for compliance on the Lot with the new Ordinance. The fact the neighbors to the North are non-compliant, has presented us with this dilemma and practical hardship. Even if we collapse the newly designed modest rooms, the less than the 2.5 feet on the design, the Neighbors to the North would always and forever, until the Ordinance is revisited and relaxed, be made to take their building down to comply with this Ordinance, for their Setbacks on the North are nowhere near the now required combined 17.5' feet with the 6.1' on the Southern edge and it appears to be 5' or so from the surveys and documents we have at this time. Our Northern building line will still be there--- insisting on the same distance they would need to achieve, with or without our new addition being moved 2.5 feet South. No one is then served or helped by this dimension.

We are Compliant within our lot by design. When and if the neighbors to the North work on their home, they would be required to be compliant to the same distance and degree with or without this Variance being accommodated.

**2. Dimensional Variance within the front yard setback. Setbacks now established by Averaging.
(Average= 26.76', 23.07' existing to bay, 23.07' proposed, variance requested=3.69')**

The large front cantilevered bay window under the existing second floor overhang that has graced the building since it was constructed 60 years or so ago has "drooped" or settled nearly 2" over time. Our Practical Difficulty in this case is the fact that there is a finished basement and hard plaster ceiling there that we would rather not demolish with this remodel, and to re-support this cantilever, we would need to do that, and more. We simply are asking for permission to put a new concrete footing under it to re-support it, so we do not have to destroy the basement recreation room to access the structure there and re build the first floor (finished hardwood), and basement ceiling to accommodate this structural flaw.

3. Dimensional variance within the front yard setback: Setbacks now determined by averaging. (Average= 26.76', Existing Second floor = 23.4', Proposed= 23.28', Variance requested= 3.48') The 2 story "colonial-ette" has a fairly simple and plain aesthetic design, and the windows don't even align in this location from first to second floor on the front elevation. We are asking aesthetically improve the home by moving the second floor window to be aligned with the center of the first floor bay previously discussed and to change the siding material so break up the long boring expanse of the existing second story façade. The Practical Difficulty in this case is that the primary building foundation and building was legally built, and conforming, but for whatever reasons, the new Ordinance does not allow the second floor cantilever as was once permitted, so the less than TWO INCH of new material projection becomes a BZA request. We are discussing the thickness of material here, no tangible dimension. The bearing and insulated walls are remaining as is.

To summate: We have not "self created" these conditions. We are simply bringing this beautiful building up to the current standards expected and anticipated in this neighborhood, or repairing structural flaws that diminish the inherent value of our home, and adjacent neighborhood.

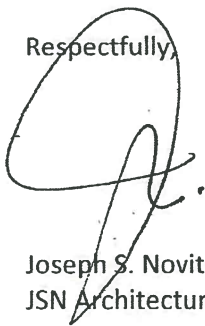
The granting of these variances will be in harmony with the general purpose and intent of the Ordinance.

The granting of these variances, will not be injurious to the neighborhood. In fact, they will improve the general welfare of the entire neighborhood.

The spirit and intent of the new Ordinance will be preserved by approving these variances.

Thank you for your consideration.

Respectfully,



Joseph S. Novitsky, AIA
JSN Architecture

For
Michael and Mary Flynn
Owners and Residents of Birmingham
231 S. Glenhurst Drive.

CASE DESCRIPTION

1515 Pierce (16-06)

Hearing date: March 8, 2016

The owners of the property known as 1515 Pierce request the following variance to allow for the construction of a house addition less than the required minimum side yard setback.

- A. **Chapter 126, Article 4, Section 4.59** of the Zoning Ordinance requires a minimum north side yard setback of 29.19' for this lot. The applicant is proposing 16.72'. Therefore, a variance of 12.47' is requested.

Staff Notes: The applicant has purchased the house to the south of this lot (1525 Pierce) and is proposing to demolish the existing home, combine the lots and construct new house addition on the existing house at 1515 Pierce. Although the Catalpa frontage is considered a side the setback is based on the 200' average setback. All other setbacks and distance requirements are conforming.

This property is zoned R-2.

Scott Lenhart

Scott Lenhart
Assistant Building Official

Application Date: 2-10-16



Hearing Date: 3-8-16

Received By: Bm

Appeal # 16-06

Board of Zoning Appeals Application

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

Property Information:

Street address: <u>1515 PIERCE ST</u>	Sidwell Number: _____
Owners name: <u>JOHN MONIGOLD</u>	Phone #: <u>248 892 1043</u>
Owners address: <u>1515 PIERCE ST</u>	Email: <u>John.Monigold@bolyardlumber.com</u>
City: State: <u>BIRMINGHAM MI</u>	Zip code: <u>48009</u>
Contact person: <u>JOHN MONIGOLD</u>	Phone #: <u>248 892 1043</u>

Petitioner Information:

Petitioner name: <u>JOHN MONIGOLD</u>	Phone #: <u>248 892 1043</u>
Petitioner address: <u>1515 PIERCE ST</u>	Email: <u>john.monigold@bolyardlumber.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'

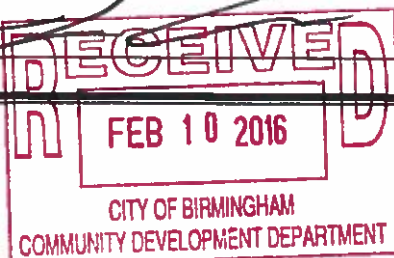
By signing this application I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.

Signature of Owner: _____

Date: _____

Revised 12/9/2013

Has sign. Needs to bring in boards. Bm.



CITY OF BIRMINGHAM
Date 02/19/2016 3:51 PM
P# 00125346
R# 3300295
Am# \$360.00

Page 1

125346

2/9/16

To: Board of Zoning Appeals

From: John & Courtney Monigold, 1515 Pierce St

RE: Variance request of 12.47' side yard setback based on the 200' average

We are applying for a setback variance. Our house at 1515 Pierce sits on the Southeast corner of Pierce & Catalpa and we are applying for a dimensional setback variance along the Catalpa side of our lot. We recently purchased the house directly to the south of us (1525 Pierce) in hopes putting an addition onto our home. The proposed addition off of the rear of our existing house requires a variance. Our situation is very unique since our house sits on the corner and faces Pierce. The houses behind us face Catalpa and have an average front yard setback of 29.19'. My house currently has a side yard set back on the Catalpa side of 17.01'. When I initially built the home back in 2000, a variance was not required because a 29.19' set back was not reasonable and would have made my house 12.83' wide. I am asking for a variance for a rear addition and I am asking for an approval to keep my existing side yard setback as I would like to keep the addition directly in line with my existing house.

There are three items worth noting. First, all other setbacks will be conforming according to the ordinance as no unique circumstances apply to those. Our house currently borders 2 other properties, and the proposal will give more green space between our house and both of my neighbors. Currently I have a detached garage which borders my neighbors to the east and it sits 5.5' off of their property line. I plan to deconstruct the garage if the variance is granted and the new addition will give my neighbors to the East a 30' set back and over 39' of space from my house to their house.

Second, as I mentioned in the previous paragraph I plan to deconstruct my existing garage. It is worth noting that the current garage falls in line with the current house set back.

Third, my neighbors to the South also will look forward to more green space. The house that I purchased at 1525 Pierce currently sits 4.2' off of their property line. I plan to deconstruct the existing house, and place an attached garage onto my house effectively giving a 11.86' setback to his property line and 23.66' of space from my house to their house. The existing house at 1525 is very old and is not well kept. I plan to deconstruct the house and detached garage, combine the 2 lots together, and make this a very fitting home to the neighborhood.

John & Courtney Monigold



CASE DESCRIPTION

1375 Webster (16-07)

Hearing date: March 8, 2016

The owners of the property known as 1375 Webster request the following variance to allow for the construction of a new house less than the required minimum distance between principal residential buildings.

- A. **Chapter 126, Article 4, Section 4.69 (C)** of the Zoning Ordinance requires a minimum of 14.00' between principal buildings for this lot. The applicant is proposing 12.70'. Therefore, a variance of 1.30' is requested.

Staff Notes: The applicant is proposing to demolish existing home and build a new home on a 40' wide interior lot. The existing non-conforming house to the west was built with a 2.70' side setback. All other setbacks and distance requirements are conforming.

This property is zoned R-3.

Scott Lenhart

Scott Lenhart
Assistant Building Official

Application Date: 2/12/16



Hearing Date: 3-8-16

Received By: BM

Appeal # 16-07

Board of Zoning Appeals Application

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

Property Information:

Street address: <u>1375 WEBSTER</u>	Sidwell Number: <u>720-21-153-049</u>
Owners name: <u>FAREED MOJARADI</u>	Phone #: <u>248-790-1639</u>
Owners address: <u>29923 RAVENS CROFT</u>	Email: <u>info@atelierarchitect.com</u>
City: State: <u>FARMINGTON HILLS</u>	Zip code: <u>48331</u>
Contact person: <u>FAREED MOJARADI</u>	Phone #: <u>248-790-1639</u>

Petitioner Information:

Petitioner name: <u>FAREED MOJARADI</u>	Phone #: <u>248-790-1639</u>
Petitioner address: <u>29923 RAVENSCROFT</u>	Email: <u>info@atelierarchitect.com</u>
City: <u>FARMINGTON HILLS</u> State: <u>MI</u>	Zip Code: <u>48331</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:

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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: 2.11.16

CITY OF BIRMINGHAM
Date: 02/12/2016 2:40 PM
Ref: 025423
Rec'd: 300905
Am: \$360.00

February 11, 2016

City of Birmingham
Board of Zoning Appeals:

RE: Variance request for a 1.3 foot distance between buildings
Property 1375 Webster
Zoning district: R 3 District

Board of Zoning Appeals;

I hear by request relief from the required fourteen foot distance between proposed residence on 1375 Webster and the existing residence located at 1363 west of this property.

Whereas the east side set back of 1363 Webster residence is partially non-compliant with the current ordinance, it presents a practical difficulty in carrying out the strict letter of such chapter.

The existing setback of 1363 Structure is 2.7 feet from our common property line. This setback will cause the proposed house have a 23.7 feet width, where a 26 foot wide structure is allowed.

To lessen this difficulty and decrease the required variance, the proposed house width is narrowed to 25 feet.

Granting of this variance will not be contrary to the spirit of purpose of the Zoning Ordinance nor contrary to the public health safety or welfare of this area,

Respectfully

Applicant and property owner

Fareed Mojaradi



CASE DESCRIPTION

1792 Banbury (16-08)

Hearing date: March 8, 2016

The owners of the property known as 1792 Banbury request the following variances to allow for the construction of a house addition less than the required minimum side yard setbacks and distance between principal residential buildings.

- A. **Chapter 126, Article 2, Section 2.10** of the Zoning Ordinance requires a minimum side yard setback of 5.00' for this lot. The applicant is proposing 4.50'. Therefore, a variance of 0.50' is requested.
- B. **Chapter 126, Article 4, Section 4.69 (C)** of the Zoning Ordinance requires a minimum of 14.02' between principal buildings for this lot. The applicant is proposing 12.60'. Therefore, a variance of 1.42' is requested.

Staff Notes: The applicant is proposing to build a second story rear addition to construct space for a bathroom. All other setbacks and distance requirements are conforming.

This property is zoned R-2.

Scott Lenhart

Scott Lenhart
Assistant Building Official

Application Date: 2-15-16



Hearing Date: 2-8-16

Received By: SW

Appeal # 16-08

Board of Zoning Appeals Application

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

Property Information:

Street address: <u>1792 Banbury Street</u>	Sidwell Number: <u>08-20-31-332-010</u>
Owners name: <u>Willie & Terrah Green</u>	Phone #: <u>(734) 558-8806</u>
Owners address: <u>1792 Banbury Street</u>	Email: <u>westonterrah@yahoo.com</u>
City: State: <u>Birmingham MI</u>	Zip code: <u>32836</u>
Contact person: <u>Terrah Green or John Graham</u>	Phone #: <u>(734) 558-8806 / (248) 217-2752</u>

Petitioner Information:

Petitioner name: <u>John Graham</u>	Phone #: <u>(248) 217-2752</u>
Petitioner address: <u>1112 E. 14 Mile Rd</u>	Email: <u>jgtotalconstruction@gmail.com</u>
City: <u>Royal Oak</u> State: <u>MI</u>	Zip Code: <u>48073</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 25'	Existing 24'	Proposed 24'	Amount of Variance 1'
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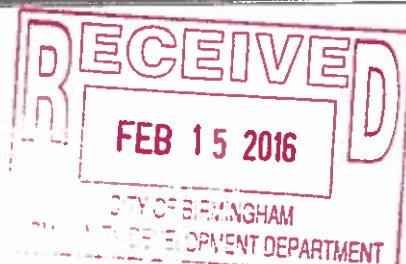
By signing this application I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.

Signature of Owner: [Signature]

Date: 02/9/2016

Revised 12/9/2013

HAS STEN. PM.



125432

CITY OF BIRMINGHAM
Date 02/15/2016 12:09:32 PM
Ref 00125432
Receipt 39017
Amount \$ 60.00
Page 1

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

February 10, 2016

Dear Board of Zoning Appeals,

This proposal letter is to request and substantiate the grant of a variance for a residence at **1792 Banbury Street** in Birmingham, MI.

The first variance requested is for 0.5' side yard setback.

The second variance requested is for 1.42' distance between principal structures.

The petitioner requests a variance based on the existence of a practical difficulty by showing that:

1) Special or unique conditions and circumstances exist which are particular to the land, structure, or building involved, and which are generally applicable to other lands, structures or buildings in the same district.

The variance remains with the land and is a result of the shape of the lot that tapers from 65.42' at front to 30.54' at rear. The home at 1792 Banbury, as well as other homes in the neighborhood, was set askew for property lines to create a uniform look on a curved street. The variance is needed to relieve a practical difficulty caused by the unique condition of the land as outlined in the boundary survey attached.

2) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; and that the variance is the minimum necessary.

This request for variance will not increase the footprint of any existing structure on the property. This request will not increase existing non-conformity with side yard setback or distance between principle structures.

3) The special conditions and circumstances do not result from the actions of the applicant.

The applicants have owned the home since December 2014. The home was built in 1949 and fails to meet current yard setback and distance between principal structure ordinances.

4) The granting of the variance will be in harmony with the general purpose and intent of this ordinance.

The granting of the variance will be in harmony with the general purpose and intent of this ordinance due to the fact that the footprint of existing structure will not increase and there will be no encroachment on existing boundaries.

5) The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.

The proposed variance will not be harmful to adjacent properties. The proposed addition will not encroach or infringe on any neighboring residential properties, due to no increase in footprint of principal structure.

6) The spirit of this ordinance shall be observed, public safety secured and substantial justice done.

The variance, if approved, will not create an unsafe condition. The proposed addition will be located in the rear of the property. All construction material, dumpster and work will be contained within an existing fence that surrounds property on all sides of construction. Workmanship and professional practice will follow guidelines listed in City building permit.

The proposed addition will be 8'x16' dormer.

Diagrams in support of the requested variance are attached within the land boundary survey and additional documentation.

Respectfully submitted,

Willie & Terrah Green
C/o John Graham Total Construction, Inc.
1792 Banbury Street
734-558-8806
westonterrah@yahoo.com

CASE DESCRIPTION

2200 Avon Lane (16-09)

Hearing date: March 8, 2016

The owners of the property known as 2200 Avon Lane request the following variance to allow for the construction of a house addition less than the required minimum distance between principal residential buildings.

- A. **Chapter 126, Article 4, Section 4.69 (C)** of the Zoning Ordinance requires a minimum of 20.00' between principal buildings for this lot. The applicant is proposing 18.55'. Therefore, a variance of 1.45' is requested.

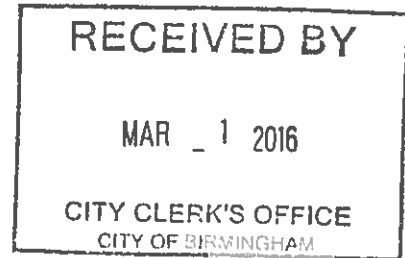
Staff Notes: The applicant is proposing to construct a second story addition over the garage and a rear 2 story addition to an existing non-conforming structure. All other setbacks and distance requirements are conforming.

This property is zoned R-1.

Scott Lenhart

Scott Lenhart
Assistant Building Official

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



Re: Board of Zoning Appeals, location, 2200 Avon Lane

February 26, 2016

We are the owners of the property at 215 Berwyn, across the street from 2200 Avon Lane. We have reviewed the proposed addition to the home at 2200 Avon Lane and feel strongly that the addition would not only enhance the neighborhood esthetically but also add positive value to the neighborhood.

We respectfully support a positive vote for the requested variance.

Sincerely,


Keith R. Petherick


Wendy Petherick

125442

Application Date: 2-15-14



Hearing Date: 3-08-16

Received By: SW

Appeal # 16-09

Board of Zoning Appeals Application

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

Property Information:

Street address:	2200 Avon Lane	Sidwell Number:	
Owners name:	Scott Hursley	Phone #:	248.703.6208
Owners address:	2200 Avon Lane	Email:	shursley@pandora.com
City: State:	Birmingham, MI	Zip code:	48009
Contact person:	Scott Hursley	Phone #:	248.703.6208

Petitioner Information:

Petitioner name:	Jeff Klatt, R.A	Phone #:	248.414.9270
Petitioner address:	1214 E. 11 Mile Rd.	Email:	jeff@kriegerklatt.com
City: Royal Oak	State: MI	Zip Code:	48067

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:

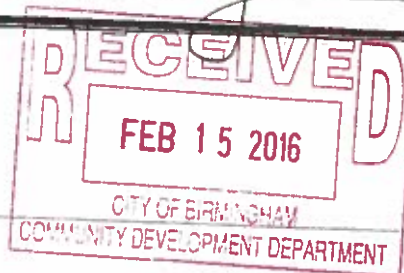
Required	Existing	Proposed	Amount of Variance
25'	24'	24'	1'

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: Scott Hursley

Date: 2/12/16

Revised 12/9/2013



How Signatures

125442

February 15th, 2016

Board of Zoning Appeals
Birmingham Planning Division
151 Martin Street
Birmingham, MI 48012

Re: 2200 Avon Lane – Side Yard & Second Floor Addition Request for Variance

Board of Zoning Appeals Members,

We are proposing to construct a new modest second story addition to the existing home at 2200 Avon Lane. The attached plans indicate the scope of work for the project. We are requesting one (1) dimensional variances listed below. The intent is to utilize the same materials in order to provide a seamless transition from the current residence to the addition. The addition at the Second level will be used for a master suite.

Request for Dimensional Variance (For existing non-conforming residence)

The request for this variance is directly above an existing, non-conforming east side of the first floor. Currently, the existing garage encroaches upon the required 20.00' structure to structure open space requirement. The current existing attached garage encroaches by 1.45'. We are requesting a dimensional variance for 1.45' for both the proposed work at the second floor due to the current, non-conforming distance between neighboring structures. This dimensional variance would include a new proposed brick veneer at the east side of the house. Currently the existing garage on the east side does not include this material. The design intent is to create a cohesive, uniform look around the first floor.

Please note: The new construction addition was designed using high quality exterior finishes to compliment and match the constructed primary residence. The use of the sliding doors, windows and traditional detailing complement the existing trim.

We feel the following standards exist for the requested dimensional variances:

The special conditions and circumstances do not result from the actions of the applicant. A practical difficulty exists due to the existing, non-conforming placement of the home. The existing footprint extends into the required side yard setback 1.45'. This condition existed before the current owners purchased the property. The granting of the variance will be in harmony with the general purpose and intent of the Ordinance. We feel the addition will be harmonious to the property and surrounding neighborhood. It will not adversely affect the neighboring residents as it is reasonable in height and size. The new design will complement the quiet neighborhood.

Please contact me with any questions you may have regarding this submittal. Thank you for consideration.

Sincerely,

Jeff Klatt, RA
Krieger Klatt Architects, Inc

