

BOARD OF ZONING APPEALS AGENDA

City of Birmingham
Commission Room of the Municipal Building
151 Martin Street, Birmingham, Michigan
Tuesday, July 11, 2017
7:30 PM

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

	Address	Petitioner	Appeal	Type/Reason
1.	612 DAVIS	PISANO	17-17	DIMENSIONAL
2.	551 RIDGEDALE	ACTION FENCE	17-18	DIMENSIONAL
3.	607 S. BATES	FINNICUM	17-19	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, JUNE 13, 2017
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, June 13, 2017. Chairman Charles Lillie convened the meeting at 7:30 p.m.

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

Absent: Alternate Board Member Jason Canvasser

Administration: Bruce Johnson, 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.

T# 06-38-17

APPROVAL OF THE MINUTES OF THE BZA MEETING OF MAY 9, 2017

Motion by Mr. Morganroth

And seconded to approve the Minutes of the BZA meeting of May 9, 2017 as presented.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

T# 06-39-17

**345 HAWTHORNE
Appeal 17-15**

Mr. Hart recused himself on this matter because his firm represents the appellant. Ms. Bairdi joined the board.

The owners of the property known as 345 Hawthorne request the following variance to allow for the construction of a one-story addition.

A. Chapter 126, Article 4, Section 4.74 (C) requires a minimum of 27.56 ft. between principal structures. The existing and proposed distance between principal structures (north side) is 17.39 ft.; therefore a variance of 10.17 ft. is requested.

B. Chapter 126, Article 2, Section 2.06 requires the total side yard setback to be a minimum of 27.56 ft. The existing and proposed total side yard setback is 25.87 ft.; therefore a variance of 1.69 ft. is requested.

This property is zoned R-1.

Three letters have been received that complain about the condition of the property.

Mr. Worthington explained the one-story addition is in line with the existing non-conforming home that was built in 1950. A variance was granted on 9/13/2016 for the installation of pool on the south side of the home to project into the required side open space.

Mr. John Vanbrook, Vanbrook & Associates, spoke to represent Kevin Hart Architects as well as the homeowner, Mr., Anthony Kupisz. Basically they are following the existing pattern of the home with the single-story addition. They are just filling in the corner of the garage by extending the rear wall to square it off. That was the most logical way to give the owner additional space in the garage and to create a new laundry/mud room area in the back. It cleans up that side of the garage by continuing the roof line across and squaring it up.

With respect to the condition of the property, the owner has now hired a building contractor and from this point on it will be professionally cared for. The project should be completed in about three months.

At 7:43 p.m. no one in the audience wished to comment on this appeal.

Motion by Mr. Miller

Seconded by Mr. Morganroth to approve appeal 17-15 at 345 Hawthorne. It seems that the problem is due to the circumstance of the property and the seating of the existing house on the property. The problem was not self-created. It is about the position of the existing house on the property.

It also seems reasonable to be able to add on to your house aligning with the side wall that kind of notches back. Filling that in would seem to be a reasonable use of the property. Certainly rendering conformity to the Zoning Ordinance would be burdensome in that regard. Mr. Miller believes this kind of addition is very reasonable within the context of that neighborhood.

With regard to the written objections that were submitted, they seem to be more about the timing and construction concerns and not really applicable to our judgment here. So, Mr. Miller would move to approve the appeal, tied to the drawings as submitted.

Mr. Lyon asked the owner's agent to be aware of the condition of the property and he encouraged Mr. Johnson to have the Code Enforcement folks pay visits periodically.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Miller, Morganroth, Bairdi, Jones, Judd, Lillie, Lyon

Nays: None

Absent: Hart

T# 06-40-17

1407 STANLEY

Appeal 17-16

Mr. Hart rejoined the board at this time, and Ms. Bairdi stayed in the audience for the election of officers.

The owners of the property known as 1407 Stanley are requesting the following variance to allow for the construction of a new house.

A. Chapter 126, Article 4, Section 4.74 (C) requires a minimum of 14 ft. between principal structures. The proposed distance between principal structures (south side) is 12.34 ft.; therefore a variance of 1.66 ft. is requested.

This property is zoned R-2.

Mr. Worthington noted this is a corner lot and the house to the south is 5.84 ft. off the property line.

Chairman Lillie said the applicant needs 10 ft. on one side and 5 ft. on the other. He is providing 6.49 ft. Chairman Lillie noticed that everyone on the east side of Stanley has their driveway on the south side of the house. So if that pattern follows the whole block then the lot on the corner of Stanley and Fourteen Mile Rd. doesn't have a problem but the house at the other end has a problem. If the driveways were reversed, then this house would not have a problem but the house at Fourteen Mile Rd. and Stanley would have a problem. It was agreed there is always one house on the block that will have a problem.

Mr. Rick Merlini, Live Well Custom Homes, said his hardship is relatively simple. He indicated that most of his competitors have a 35 ft. building envelope. He tried to minimize his variance request by reducing the size of the home.

At 7:50 p.m. the chairman asked for comments from the audience on this appeal.

Mr. J. Bryan Williams, 1421 Stanley, the house immediately to the south, said he did not receive a postcard about this hearing, nor did his neighbor at 1439 Stanley. Mr. Williams noted he is opposed to the variance. The houses as they exist are about 15 ft. apart. There has been no hardship demonstrated other than the petitioner wants to build a bigger house. He pointed out that if the variance is granted and some day if he were demolish his house, he could not build without a variance even to the footprint that he currently has because he would be less than 14 ft. between structures. He believes this is not only a hardship; it is basically a taking of his property value.

Mr. Williams also pointed out that the rear of the lot floods and he hopes the Building Dept. will ensure that the construction will not be raised up so that there is further flooding onto his yard.

Mr. David Bloom, 1591 Stanley, pointed out that the petitioner will not benefit from this except financially. The backyard floods in his area as well, and larger houses certainly contribute more to flooding. He suggested that the board deny this request and the property owner can either work within the confines of the existing regulations or he can find someone else that will.

Motion by Mr. Lyon

Seconded by Mr. Judd in regard to Appeal 17-16, 1407 Stanley, while he agrees with the concerns of the neighbors he believes the appellant has met the burden

for a practical difficulty. This is a variation on our 9-5, 5-9 issue, and now he will call it the 9-5, 5-10 rule in that everybody on one block is going to need a variance because of the distance between principal structures.

He believes that strict compliance would be unduly burdensome due to the plight of this property. It is the unique lot on this block, with the driveway to the south facing it, along with being on a corner, and there are going to be two houses that will need a variance, this one and the one next to it.

Mr. Lyon believes it does substantial justice to both the appellant and the surrounding neighborhood, in that this is somewhat of an unfortunate part of our Ordinance. But, we do need to grant these variances as they arrive for this particular circumstance of a corner lot with an adjacent sidewalk.

He feels the appellant has mitigated it. As he stated, other folks could build 36 ft. on a 50 ft. lot with 14 ft. total. He has reduced it to 33 ft. and change to help mitigate. Mr. Lyon tied the motion to the plans as presented.

Mr. Morganroth announced he would support the motion. There does appear to be mitigation on the maximum width that could have been requested. In addition, it looks like all the room dimensions seem appropriate and not out of scale relative to this size home on this size property.

Mr. Jones said that Mr. Lyon is correct. This is a variation on the 9-5, 5-9 issue. Economics are not the business of this board. It is the land and what has occurred by it. What competitors are doing cannot be this board's business.

Mr. Lyon further noted this problem is not self-created, in that the house to the south is part of the issue forcing the variance appeal.

Chairman Lillie said this is a common problem that the BZA runs into. Going down the street if all the driveways are not on the same side of the house, at some point in time you run into a problem where the houses are going to be too close together. In this case if all the driveways are on the south side, then the corner lot at Northlawn and Stanley has the problem. If the house to the south was not there the appellant would not need a variance. He is complying with the Ordinance. The only problem is distance between buildings. It works out that someone along the block will run into this discrepancy. Therefore, the chairman indicated he would also support the motion.

Motion carried, 7-0.

ROLLCALL VOTE

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

Nays: None

Absent: None

Mr. Williams announced his intention to take his appeal to Circuit Court.

T# 06-41-17

**612 DAVIS
Appeal 17-17**

This appeal is postponed to the July 2017 BZA meeting.

CORRESPONDENCE (none)

T# 06-42-17

GENERAL BUSINESS

Election - Chairman

**Motion by Mr. Lyon
Seconded by Mr. Judd to nominate Charles Lillie as Chairman.**

There were no further nominations.

Motion carried, 8-0.

Election - Vice-Chairman

**Motion by Mr. Judd
Seconded by Mr. Hart to nominate Peter Lyon as Vice-Chairman.**

There were no further nominations.

Motion carried, 8-0.

Mr. Jones thanked Mr. Judd for his years of service as vice-chairman. Everyone joined in.

T# 06-43-17

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

T# 06-44-17

ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 8:02 p.m.

Bruce R. Johnson, Building Official

CASE DESCRIPTION

612 Davis (17-17)

Hearing date: July 11, 2017

The owners of the property known as 612 Davis is requesting the following variance to allow for the construction of a porch.

- A. **Chapter 126, Article 4, Section 4.30 (C. 1.)** requires a porch to be a minimum of 10' from the property line. The proposed porch will be 7.7' from the property line; therefore a variance of 2.3' is requested.

Staff Notes: The house was built in 1975 and was constructed on an angle that is not parallel with the side yard property line. The applicant is proposing a one story addition that complies with the zoning requirements and a porch which requires the above variance.

This property is zoned R-3.

Scott Worthington

Scott Worthington
Plan Reviewer

Application Date: 5-15-17



Hearing Date: 6-13-17

Received By: Bm

Appeal # 17-17

Board of Zoning Appeals Application

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

Property Information:

Street address: <u>612 DAVIS</u>	Sidwell Number: <u>19-36-478-046</u>
Owners name: <u>AMY & FRANK PISANO</u>	Phone #: <u>248-321-3207</u>
Owners address: <u>612 DAVIS</u>	Email: <u>jlbboyce@gmail.com</u>
City: State: <u>BIRMINGHAM MI</u>	Zip code: <u>48009</u>
Contact person: <u>JANELLE BOYCE</u>	Phone #: <u>248-321-3207</u>

Petitioner Information:

Petitioner name: <u>JANELLE BOYCE</u>	Phone #: <u>248-321-3207</u>
Petitioner address: <u>179 CATALPA DRIVE</u>	Email: <u>jlbboyce@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.

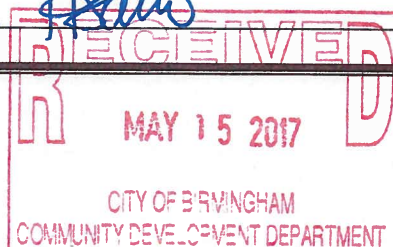
The BZA review fee is **\$310.00** for single family residential; **\$510.00** for all others; and **\$50.00** for the public notice sign.

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: Frank J. Pisano Date: 5-8-17



July 1, 2017

Letter of Practical Difficulty

Applicant/Address of Variance Request: Amy and Frank Pisano

612 Davis

Birmingham, MI 48009

Petitioner: Janelle Boyce

Relationship: Designer/Builder

The following is an explanation of the practical difficulty leading to our request for a dimensional variance at the property address 612 Davis:

1. **Special or unique conditions:**

The placement of the existing home, on the lot, is unusual in the sense that the home (built in 1975) was positioned at a 20-degree angle to the rectilinear lot.

The front door of the home faces Grant Street, the driveway is on Davis. The address is Davis,

We are requesting a small 8.85 square foot porch corner be permitted for the addition of a covered front porch at the front door of the home on Grant Street. The largest encroachment of the northwest corner of the porch is at 7.7' from the lot line where the permitted setback is 10'.

2. **Literal interpretation:**

The ordinance requires we setback the porch 10' from the property line, for most of the entirety of the porch we are able to accomplish this. In order to maintain a comfortable walking path on the porch we are unable to clip the corner of the porch, and therefore keep the entire porch within the 10' setback. Because of the angled placement of the home on the lot the northwest corner of the proposed porch falls outside the permitted setback. The Pisano's would like for themselves and guests to be able to park in their driveway (on Davis) and follow a walk from the driveway to the porch leading to the front door. Currently, guests walk across the grass and/or back down the driveway to the city sidewalk and around the corner to access the front door. We considered a flat walkway to the front porch to stay within compliance and avoid needing this variance. However, the proposed change with the slightly elevated covered porch gives comfort to the applicant in inclement weather and provided much needed curb appeal that this "garage front house" is sorely missing. The

new wrap around porch, new siding, gutters, windows, roof and landscaping will be a tremendous improvement in the overall appearance of this home. It will also act to help alleviate its current non-compliance as a "garage front house".

3. Not self created:

The home was originally constructed at a 20-degree angle on a rectilinear lot (the Pisano's are not the original owners). The exterior and interior features of the home are designed facing Grant Street, and the garage front is facing Davis Avenue.

4. Harmony:

Complying with the ordinance is impractical because since this home was built new ordinances have been adopted. The desire of the City is to accentuate the importance of a front entry in relationship to the pedestrian and to improve the aesthetics of the neighborhoods. We believe we are accomplishing this and therefore helping to bring the home into a closer overall compliance.

5. No adverse affects:

The proposed porch does not adversely affect the adjacent properties, the neighborhood in general, or the health, safety, and welfare of the community. In fact, it will contribute to the general enhancement and value of the general area with a significant investment and quality of architecture. We would argue that not granting the variance would have adverse affects.

6. The spirit of this ordinance / health, safety, welfare / substantial justice:

The intent of porches at the front of homes is to encourage the softening of building elevations, to create architectural character and to engage with the sidewalk and the pedestrian. The front of the house should have a relationship to the interior of the home. We believe the spirit of the ordinance is to promote good architecture, harmony, appropriate building forms, open space, and a relationship between neighboring buildings. Our proposed design is respectful of this and adheres to the principles of planning relative to the zoning ordinance requirements. This proposal has no adverse affects on the health, safety, and welfare of the community. To grant this variance would do us substantial justice.

Thank you for your consideration.

CASE DESCRIPTION

551 Ridgedale (17-18)

Hearing date: July 11, 2017

The owners of the property known as 551 Ridgedale is requesting the following variance to allow for the construction of a fence higher than the 6 foot maximum.

- A. **Chapter 126, Section 4.11 A.1** requires that a fence not to exceed 6' in height in the required side or rear yard. The proposed fence is 8' tall; therefore a variance of 2' is required.

Staff Notes: The property is located next to the Holiday Inn Express and zoned B-2. The Holiday Inn Express would be allowed to construct a fence over 6' in height with administrative approval from Planning, but the R-2 zoned property is limited to 6' in height.

This property is zoned R-2.

Scott Worthington

Scott Worthington
Plan Reviewer

Application Date: 6-14-17



Hearing Date: 7-11-17

Received By: BM

Appeal # 17-18

Board of Zoning Appeals Application

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

Property Information:

Street address: 551 Ridgedale Ave	Sidwell Number:
Owners name: Lila Cherri	Phone #: 248-705-5980
Owners address: 551 Ridgedale Ave	Email:
City: State: Birmingham, MI	Zip code: 48009
Contact person: Lila Cherri	Phone #:

Petitioner Information:

Petitioner name: Action Fence of Michigan	Phone #: 248-542-3900	
Petitioner address: 4248 Delemere ct	Email: randy@actionfenceofmi.com	
City: Royal Oak	State: MI	Zip Code: 48073

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: Lila Cherri

Date: 6.14.17

CITY OF BIRMINGHAM
Date 06/16/2017 1:30:46 PM
Ref ID: A39213
Received 377100
Amount \$360.00

needs 10 sets/boards,
~~10 sets/boards~~

**CITY OF BIRMINGHAM
BOARD OF ZONING APPEALS
RULES OF PROCEDURE**

ARTICLE I - Appeals

A. Appeals may be filed under the following conditions:

1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.

B. Procedures of the Board of Zoning Appeals (BZA) are as follows:

1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
2. All applications for appeal shall be submitted to the Community Development Department on or before the 15th day of the month preceding the next regular meeting. If the 15th falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.

5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.
 6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
 7. An aggrieved party may appeal a Planning Board decision. Such appeal must be made within 30 days of the date of the decision. The BZA, in its discretion, may grant additional time in exceptional circumstances.
 8. Appeals from a decision of the Building Official shall be made within 30 days of the date of the order, denial of permit, or requirement or determination contested. The BZA, in its discretion, may grant additional time in exceptional circumstances.
 9. An appeal stays all proceedings in accordance with Act #202, Public Acts of 1969, Section 5(c), which amended Section 5 of Article #207 of the Public Acts of 1921.
- C. The order of hearings shall be:
1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
 2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
 3. Interested parties' comments and view on the appeal.
 4. Rebuttal by applicant.
 5. The BZA may make a decision on the matter or request additional information.

ARTICLE II - Results of an Appeal

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.

- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a Certificate of Survey must be submitted to the Community Development Department with the building permit application. A building permit must be obtained within one year of the approval date.
- D. Failure of the appellant, or his representative, to appear for his appeal hearing will result in the appeal being adjourned to the next regular meeting. If, after notice, the appellant fails to appear for the second time, it will result in an automatic withdrawal of the appeal. The appellant may reapply to the BZA.
- E. Any applicant may, with the consent of the Board, withdraw his application at any time before final action.
- F. Any decision of the Board favorable to the applicant is tied to the plans submitted, including any modifications approved by the Board at the hearing and agreed to by the applicant, and shall remain valid only as long as the information or data provided by the applicant is found to be correct and the conditions upon which the resolution was based are maintained.

ARTICLE III - Rehearings

- A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.
- B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

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



Signature of Applicant

Lila Cherri
551 Ridgedale Ave
Birmingham, MI 48009
248-705-5980

Board Members,

I am asking for a dimensional variance of 2' for my new fence that runs along the back of the Holiday Inn parking lot.

I had a 6' tall fence that was blown over in the wind storm this year and I am Having Action Fence replace it.

I am asking for the 2' variance for my security, safety and to help shield my view of the Holiday Inn parking lot and the lights from Woodward. The cars, parking lot and lights are visible from my kitchen, sitting room and living room windows.

This variance for an 8' tall fence will sufficiently shield me from the cars, parking lot, lights and give me the safety and security I am looking for.

Proposed fence height: 8'

Allowed fence height: 6'

Dimensional variance: 2'

Thank you for the consideration.

Lila Cherri

A handwritten signature in black ink, appearing to read "Lila Cherri", written in a cursive style.

S. INC		551 RIDGEDALE AVENUE		DATE: SEPTEMBER 16, 1989	
48187		LOT 08 "RIDGEDALE PARK" SUB'N BIRMINGHAM, MICHIGAN		REVISIONS: 10-12-89 REVISE GRADING	
19-2585		ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 17 OF PLAT		12-1-89 11:11 AM	
		PAGE 23 OF OAKLAND COUNTY RECORDS TAX ID 1925460015			
		A.E. HORN, 1 = 20		CITY OF BIRMINGHAM DATUM	
		VERT		AS SHOWN	

CASE DESCRIPTION

607 S. Bates (17-19)

Hearing date: July 11, 2017

The owners of the property known as 607 S. Bates are requesting the following variances to allow for the construction of a two story addition.

- A. **Chapter 126, Article 2, Section 2.10** requires the maximum building height to be 28' to the midpoint. The proposed midpoint for the room referred to as a cupola is 32.81'; therefore a variance of 4.81' is requested.
- B. **Chapter 126, Article 2, Section 2.10** requires the maximum eave height of 24'. The proposed cupola's eave height is 28.94'; therefore a variance of 4.94' is requested.
- C. **Chapter 126, Article 4, Section 4.75 SS-02 B.3** requires a dormer on the side yard to be setback a minimum of 8" from the face of the second floor below. The dormer on the South elevation is flush with the second floor below; therefore a variance of 8" is required in order to be flush with the floor below.
- D. **Chapter 126, Article 4, Section 4.75 SS-02 B.3** requires a dormer on the side yard to be setback a minimum of 8" from the face of the second floor below. The dormer on the North elevation is cantilevered out 3.06' from the second floor below; therefore a variance of 3.73' (3.06' + .67") is required.

Staff Notes: The house was constructed in 1901 and is designated historical. The applicant is going to the Historic District Commission on 6/21/17 for review and comments.

This property is zoned R-3.

Scott Worthington

Scott Worthington
Plan Reviewer

Birmingham Board of Zoning Appeals
C/O Scott Worthington
151 Martin St.,
Birmingham, MI 48009

Dear Board Members,

This letter is in regard to the property at 607 S. Bates and the hearing with respect to the request for variance on July 11, 2017. We have reviewed the proposed plans received from the homeowners and understand the height variance being requested. Based on our review, we support and endorse the requested variance.

Sincerely,

Mr. & Mrs. Robert Murdock
595 So. BATES ST

We are the ~~home~~ to the immediate north of 607 Bates, the property in question. — We wholly support the plans that have been submitted for the construction.

Between the beautiful proposed addition to the home, and the land scaping to be added, it could only greatly enhance the beauty of Bates St.

We strongly urge that you approve the Angileri family to proceed with construction of their home.

Application Date: 6.14.17



Hearing Date: 7.11.17

Received By: BH

Appeal # 17-19

Board of Zoning Appeals Application

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

Property Information:

Street address: <u>607. S. Bates</u>	Sidwell Number: <u>19.36.178.026 19.36.178.027</u>
Owners name: <u>Joseph R. Angileri / Julie-Douce Angileri</u>	Phone #: <u>313.919.3265</u>
Owners address: <u>25800 Meadowdale</u>	Email: <u>joerangileri@gmail.com</u>
City: State: <u>Franklin, MI 48025</u>	Zip code: _____
Contact person: <u>WILLIAM FINNICUM</u>	Phone #: <u>248.851.5022</u>

Petitioner Information:

Petitioner name: <u>William Finnicum, Finnicum Brownlie Arch</u>	Phone #: <u>248.851.5022</u>
Petitioner address: <u>25805 German Mill Rd</u>	Email: <u>wfinnicum@fbarch.com</u>
City: <u>Franklin</u> State: <u>MI</u>	Zip Code: <u>48025</u>

Required Attachments:

- Original Certified Survey ☒ Original BZA application ☒ Letter of hardship or practical difficulty Negative
- ☒ 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.
Attached

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: Joseph R. Angileri, Julie-Douce Angileri Date: 6.14.17

signed for Owner by W.L. Finnicum

CITY OF BIRMINGHAM
Date: 6/16/2017 1:34:05 PM
Ref: 0009214
Received: 377101
Amount: 360.00



HARDSHIP STATEMENT: 607 South Bates
Board of Zoning Appeals

June 14, 2017
City of Birmingham

Mr. and Mrs. Joseph Angileri have purchased 607 South Bates, the historic Major Jones House, to make it into their primary residence. The plans propose to rehabilitate the contributing historic resource; demolish noncontributing additions; and add new living space. To relate to the historic resource, the addition features cross gables and a cupola on the roof. This appeal requests dimensional variances to the height of the cupola and, because the building department is interpreting the cross gables as dormers, a variance is requested for each of two gables that do not meet all the restrictions of the new dormer regulations. The practical hardships relating to first the cupola and second to the cross-gables are addressed below.

Background:

The Westerly two-story section of the existing house, the historic resource, is a contributing asset within the Bates Street Historic District. It is an example of the Queen Anne farmhouse style prevalent in the Mid-West from 1880 – 1910. It is characterized by cross-gabled roofs, decorative detailing and variations in wall textures as decorative features. The Major Jones House exhibits these exterior characteristics: Cross gables; window head detail; gable rake detail; scalloped siding gable ends; decorative brackets; ornamental window pattern with partial stained glass. The exterior of the existing two-story portion will be fully restored, with all architectural detail retained and preserved.

Cupola:

The City of Birmingham Historic District Ordinance mandates that the Historic District Commission follow the U. S. Department of Interior *Standards for Rehabilitation* and guidelines for rehabilitating historic Buildings. Paragraph i) of the *Standards* and guidelines states in part: *The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.* Cupolas and towers are common elements in the Queen Anne Style. Because of its compact size, small scale, and appropriateness to the historic resource a cupola was chosen as a necessary element to simultaneously balance and differentiate the old and new portions of the house.

Two variances are required:

1. The height of the cupola is 32'-9 ¾", as measured to the midpoint between the eaves and the ridge. The maximum allowable roof height in the R-3 zone district is 28'-0". **A variance of 4'-9 ¾" is requested.**
2. The height of the cupola eaves is 28'- 11 ¼" the maximum allowable eave height is 24'-0". **A variance of 4'- 11 ¼" is requested.**

Practical hardships - Cupola:

1. The design of the addition is restricted by the need to protect the integrity of the property and its environment. All design decisions were made to respect the historic resource and the need to establish its prominence over the addition. To control the scale of the addition its eaves height, the roof pitches and the ridge height have been maintained the same as the historic resource. The height of the addition is 6'-3" *less than* the allowable building height. The addition has been placed fully behind the house, recessed 26 FT farther from the street. The cupola is setback 55'-3" from the street-side (west) property line. Therefore, the cupola sits comfortably in relationship to the ground and the existing historic resource balancing the old and the new. It does not tower overhead and dominate the surroundings. To do otherwise would be contrary to the requirements of the Department of Interior *Standards* and guidelines.
2. If the relationship to the historic resource were to be ignored, a much higher addition could be constructed. The proposed height to the ridge, which matches the existing dimension, is just 25'-8". Based upon the existing eaves height of 18' and the maximum building height of 28' (measured to the midpoint), an addition with an overall ridge height of 38' could have been designed within the restrictions; 50% higher. An addition of that height is not viable given the need to preserve the integrity of the historical nature of the house. However, if a roof of that height was built, the cupola at its current height and location would fit into that allowable roof comfortably as a dormer, conforming in height with the ordinance. See the attached diagram.
3. The Board of Zoning Appeals is permitted by the Zoning Ordinance to modify the height restriction of a cupola provided "such height modifications do not violate the spirit and intent of the Zoning Ordinance." ** It is our professional opinion that structure on the roof is a cupola and as designed reflects the spirit of the ordinance because: it is appropriate to the architectural style; does not dominate the historic resource nor the historic district; and there is precedence within the Bates Street Historic District. Towers and secondary roof forms exist within the district that are higher than their respective primary roof eaves and this proposed cupola. Many homes within the BSHD are taller than 607 S. Bates.
4. The HDC has ruled the cupola is designed within the spirit of the ordinance. It is an element necessary in balancing the old and the new and important in distinguishing one from the other.

Cross-gables (Dormers):

The use of cross-gables on the addition further breaks down its scale and relates it directly to the existing historic resource. Each cross-gable has been carefully sized to match the existing house bay width of 14'-3". Although the cross-gables are reflective of the historic resource and an essential component of the design, respectfully and effectively unifying the marriage of the old and the new, the building department has defined them as dormers. Two such cross-gables do not conform to the new ordinance requirements for a dormer. The building department review cites:

1. Chapter 126, Article 4, Section 4.75 SS-02 B.3 requires a dormer on the side yard to be setback a minimum of 8" from the face of the second floor below. The dormer on the North elevation is cantilevered out 3.06' from the second floor below; **a variance of 3.73' (3.06' + .67") is required.**
2. Chapter 126, Article 4, Section 4.75 SS-02 B.3 requires a dormer on the side yard to be setback a minimum of 8" from the face of the second floor below. The dormer on the South elevation is flush with the second floor below; **a variance of 8" is required in order for the gable to be flush with the floor below.**

Practical Hardships – Dormers

1. Section 4.75 SS-02, Structure Standards states roof structures covering living space that projects a minimum of 24" from the main building and is supported on a foundation are not considered dormers. On the North elevation, the exterior wall and roof over Bedroom 3 extends 36 5/8" from the main wall of the house. It is integral with a short, shed roof that shelters the garage door and is supported to the ground on one side by the East wall of the office bay. A practical hardship exists because the garage wall is just 20' from the property line. If the wall and roof of Bedroom 3 were fully supported on a foundation, the roof form would therefore not be considered a dormer. However, the access to the garage would be reduced to under 17' and the garage access would be severely limited. Historic District Commission has determined that the roofline as designed meets the requirements of Paragraph i) of the D.O. I. *Standards* and guidelines.
2. Section 4.75 SS-02 states further, Dormers on elevations facing interior lot lines must be located behind the eaves of the roofline they project from and setback a minimum of 8" from the face of the second-floor facade below. The roof form on the South elevation forms a cathedral ceiling over the Master Bedroom and is again sized to match the primary roof of the historic resource. If the triangular gable-end were to be setback 8" creating a defined eaves line, it would appear to be a style different than Queen Anne. The incongruity would be detrimental to the historic resource. Historic District Commission has determined that the roofline as designed meets the requirements of Paragraph i) of the D.O.I. *Standards* and guidelines.
3. The subject cross gables should not be reviewed as dormers because they do not meet the Zoning Ordinance definition of "dormer":

Article 9.02 Definitions: 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 shape of the dormer including but not limited togable...." Neither roof form has walls that interrupt the main roofline. The North roof form is identical in form to the two existing cross gables that are being restored on the historic resource.

4. Applying the new Dormer ordinance to these cross gables is contrary to the spirit of the ordinance.

Section 4.75 SS-02, Structure Standards, was created to discourage "dormers" from being used to provide access to usable third floor attic space and pumping up the allowable building volume.

The subject cross gables, reflective of the existing gables of the historic resource, do not have side walls projecting above the eaves of the main roof; are integral with the second floor; and do not provide usable third floor space.

We request that the Board of Zoning Appeals determines the cupola and cross-gables are designed within the spirit of the Zoning Ordinance and the Department of Interior *Standards* and guidelines and grants the necessary variances to enable Mr. and Mrs. Angileri to proceed with the rehabilitation of 607 S. Bates.

Respectfully submitted,
Finnicum Brownlie Architects



William L. Finnicum AIA NCARB

**

City of Birmingham, Michigan Zoning Ordinance, Article 4.16 HT-01

E: Modifications: *The height limits set forth in the two-page layout in Article 2 may be modified by the Board of Zoning Appeals in their application to belfries, chimneys, church spires, cupolas, dome, masts, aerials, skylights, smokestacks, ventilators, towers and other similar appurtenances pertaining to and necessary to the permitted uses of the districts in which they are located, provided that such height modifications do not violate the spirit and intent of the Zoning Ordinance.*



ROOF HEIGHT DIAGRAM

1/8" = 1'-0"

BIRMINGHAM HISTORIC DISTRICT COMMISSION

MINUTES OF JUNE 21, 2017

Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, June 21, 2017. Chairman John Henke called the meeting to order at 7 p.m.

Present: Chairman John Henke, Board Members Keith Deyer, Natalia Dukas, Vice Chairperson Shelli Weisberg, Michael Willoughby; Alternate Board Member Dulce Fuller

Absent: Board Members Mark Coir, Thomas Trapnell; Alternate Board Member Adam Charles; Student Representatives Josh Chapnick, Griffin Pfaff

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

06-22-17

APPROVAL OF MINUTES

HDC Minutes of May 3, 2017

Approval of the minutes was postponed to the next HDC meeting because there was not a quorum of those present at the May 3 meeting.

06-23-17

HISTORIC DESIGN REVIEW

607 Bates

Major Jones House

Bates St. Historic District

Zoning: R-3 Single-Family Residential

History: The house was designated historic in 1978 and the Bates St. Historic District designation came into effect in January of 1998. The house has been sold several times and reviewed by the HDC for potential renovations. However, none of those approved plans were executed, and the current owner is seeking to renovate the property with a new proposal.

Proposal: The existing two-story portion of the 1865 structure is proposed to be fully restored, with all architectural detail retained and preserved. The single-story

691 sq. ft. non-contributing rear portion of the house is proposed to be removed. A large wing addition is planned for the rear and the south elevations. Also, a recently constructed, non-contributing canopy over an existing basement door on the north side is proposed be removed.

West (Front) Elevation

The applicant proposes to retain the historic house on the west elevation. The existing enclosed front porch will be removed to allow for a wraparound porch that will connect the historic structure with the proposed addition. The proposed addition will extend out towards the south property line and feature two gable ends side by side and a cupola. The cupola exceeds the maximum height permitted. **Accordingly, the applicant must obtain approval from the Board of Zoning Appeals for the construction of the cupola. Also they will have to go before the City Commission to combine the lots again.**

South-West (Side) Elevation

Moving west to east, the south elevation will feature a row of eight 1/1 double hung windows with single transom windows above. There will then be a chimney constructed of Michigan fieldstone. To the east of the chimney is proposed another bank of windows which include two single-pane windows at ground level with two additional double-hung windows and transoms above that will match the eight windows to the west of the chimney. On the second floor of the south elevation the applicant is proposing four single-pane windows to the west of the chimney and two double windows to the east of the chimney.

East (Rear) Elevation

The applicant proposes to renovate the existing one-story rear addition into a two-story addition. The east (rear) elevation is proposed to feature extensive glazing with two sets of sliding glass doors opening out to a first floor deck. At the second story the applicant is proposing to construct a balcony space accessible from glass doors located on the second story. At the north end of the east elevation are two windows and a single man door to access the two-car attached garage.

North (Side) Elevation

The north elevation of the proposed addition will consist predominately of the entrance to the two-car garage. Above the western most garage door is a single gable end dormer. Between the garage and the historic portion of the house are two double-hung windows.

Differentiation

The new addition is proposed to be located fully behind the house, recessed 26 ft. farther away from the street. This has been done with the intent of respecting the historic resource and establishing its prominence over the addition. The eave height of the addition matches the existing house, the roof pitches match and the same roof height has been maintained. The use of cross gables attempts to

further break down the scale and relates it directly to the existing house. The new construction will be compatible with the old house in size, scale and architectural features but the new and the old will be clearly distinguished one from the other. The existing house is sided with wood clapboard lap-siding with a 3 ft. exposure and 3 1/2+ in. corner boards. The addition is proposed to have Hardiplank cement board clapboard lap-siding with a 5 in. exposure and mitered corners.

The details of the original portion of the house, such as the eaves and window headers, will be restored. The addition will have trim that matches the original in scale but without the ornamentation. The windows will be rectangular and vertically oriented but will vary in size (due to egress window requirements). The existing windows will retain their decorative sash and colored glass, the new windows will be clear glass, without mullions. The wrap-around porch unifies the old and new by defining the entrance, and it also distinguishes the addition from the old house by breaking down the scale of the addition. The porch roof is a horizontal element that contrasts with the historic facade's verticality.

The Building Dept. had the comment that the dormers on the north and south elevations are too wide. ***The applicant may have to apply to the Board of Zoning Appeals ("BZA") for a variance on the width of the dormers.*** Mr. Willoughby maintained that a dormer sits on the base of the roof and these do not, so they are gable ends.

Mr. Deyer commented that at least from the drawings the original house almost disappears. There is so much going on that he would not recognize it as a historic home and he thinks the wrap-around porch adds to the confusion.. They are adding almost two-thirds of a house to the remaining one-third. The addition seems out of scale with the historic home.

Mr. Bill Finnicum, Finnicum Brownlee Architects, the project architect, provided a three dimensional view and stated the historic resource is only 23 ft. and the new addition is 23 ft. behind it. It actually decreases the density that is allowable on that property. If they put in the roof that is allowed, it would be 38 ft. high and they are only under 26 ft. high for the entire building. The wrap-around porch doesn't enlarge the scale of the building; it cuts it down because it is a horizontal element interrupting the verticality, allowing the historic resource to come from the ground up to the ridge and dominating the composition of the building. The idea for the cupola is because his clients asked for a quiet and contemplative space.

Ms. Weisberg observed this is one of the best plans the HDC has seen for this house. However, she hates the cupola and wouldn't mind if it went away. Mr. Deyer said the view from the southwest doesn't recognize the historic home. Chairman Henke added that the concern is the new wraparound porch. The last section disguises what was the original portion of the historic house. Mr. Finnicum noted another way to put it is that it pulls and old and the new together.

Mr. Willoughby didn't know of anything that says an addition to a historic home cannot be larger than the original home. He thinks the simplicity of the detail is quite appropriate. To him the cupola on the addition isn't a problem. It is clearly more contemporary, plus he doesn't think the height is an issue. The only thing that bothers him is not restoring the front porch.

Ms. Dukas liked the design. However she is not a big fan of the cupola and would not have a problem if the roofline of the addition was higher. To her the cupola seems to take away from the roofline of the original house. Further, she is concerned that the southeast corner of original house gets lost because of the wraparound porch element.

Ms. Fuller stated this is not a beautiful historic house and she feels the new addition is appropriate.

Motion by Mr. Willoughby

Seconded by Ms. Weisberg to approve the Historic Design Review for 607 Bates, Major Jones House, except that the porch is postponed for further study. The dormers (which are really not dormers but gable ends) are approved. Further, the foundation on the west facade should be stucco to distinguish it from the original stone.

There were no comments from the public on the motion at 8 p.m.

Motion carried, 6-0.

VOICE VOTE

Yeas: Willoughby, Weisberg, Deyer, Dukas, Fuller, Henke

Nays: None

Absent: Coir, Trapnell

Mr. Steve Lemberg, 648 S. Bates, said he and his wife are very pleased with the plans for such a nice house. They are not opposed to the cupola.

Ms. Lee Zak, 630 Henrietta, said she and her husband also welcome the project because it looks absolutely beautiful and they don't have a problem with the cupola.

In response to Mr. Willoughby, Mr. Baka explained the cupola must go to the BZA because mid-point is above 28 ft. measuring from the eave of the cupola to the top. Mr. Finnicum added the cupola is scaled properly in relationship to the ground and the front face of it is 53 ft. back from the street. It is a contemporary element of Queen Anne homes which is appropriate.

Mr. Willoughby noted the cupola sits on the addition and because of its contemporary nature it really does distinguish from the historical portion. He thinks it reinforces the standards. The fact that it pops up above the roof is irrelevant. That is why he is in favor of it and feels this commission shouldn't impede the process with the BZA.

Mr. Deyer observed that just because something meets the Ordinance doesn't necessarily mean it would be approved by this commission. Also, if it exceeds the Ordinance, then the commission can't approve it.

Mr. Joseph Angileri, the property owner, said they are trying to maintain the integrity of the neighborhood that says a home similar to this is needed in order to fit into the context of the area. They came up with the cupola idea to separate the old from the new. It doesn't impact the scale of the neighborhood and if they had raised the roof it would literally be a dormer.

Chairman Henke said it sounds to him the cupola portion may be a scale and massing issue. Therefore he suggested the applicant do an elevation drawing that shows the relationship to the other two homes on the block. It may give the commission a better sense that this isn't as intrusive as it appears to be on a two-dimensional drawing.

Motion by Mr. Willoughby

Seconded by Ms. Weisberg to recommend to the BZA that they accept the design of the cupola because it reinforces what the Secretary of Interior Standards asks to be done to historic homes when an addition is put on.

Comments from the public on the motion were taken at 8:23 p.m.

Ms. Barbara Connolly, 648 S. Bates, said she is very much in favor of going forward with the plans for this beautiful house.

Mr. Bruce Zak, 630 Henrietta, indicated he and his wife, Lee, are totally in favor of the plans for this wonderful addition to their neighborhood.

Mr. Steve Lemberg, neighbor across the street, added he hopes the commission would have a holistic view of this because the applicant is taking something that is a mess and making it something wonderful. It will be a blessing to have that kind of house on the street.

Ms. Barbara Connolly observed it is notable that the neighbors are here pleading with the commission to support this requested design review.

Motion carried, 4-2.

VOICE VOTE

Yeas: Willoughby, Weisberg, Dukas, Fuller
Nays: Deyer, Henke
Absent: Coir, Trapnell.

06-24-17

HISTORIC DESIGN REVIEW

298 S. Old Woodward Ave.
Boutique Hotel
CBD Historic District

Zoning: B-4/D-4

Proposal: This non-contributing resource is located at the corner of S. Old Woodward Ave. and Brown St. The property consists of one vacant single-story commercial building and a surface parking lot. The applicant is proposing to demolish the existing structure and parking lot to replace it with a five-story boutique hotel and residential units. Because it is located in the CBD Historic District, the HDC is asked to review the design of the development and its adherence to the historical character of the other areas in the District with regard to massing, scale and design.

Design: The applicant is proposing to construct a five-story mixed-use commercial building with two levels of underground parking. Levels one through four will be a restaurant and hotel, and the fifth floor is to be residential. The development adheres to the building standards envisioned in the Downtown Birmingham 2016 Plan as it is designed with an attractive façade, is built to the property line, and has a pedestrian scale featuring coated metal canopies, extensive window glazing and tasteful streetscape landscaping.

East (Front) Elevation

The east elevation along S. Old Woodward Ave. is home to the hotel entrance, general entrance and the underground parking exit. The plan for the front facade shows a granite base and limestone cladding being the principal façade elements. The limestone is grey ("Madison Café" from Quarrastone); the granite base will be dark grey ("Wisp Granite" from Quarrastone); and the painted aluminum metal panels, window frames and metal screening will be Ascher Bronze. Some other features on the façade are an aluminum window system and the use of coated metal on window surrounds, coping along the roofline, and some cladding for the staircases. An interesting feature visible along the east elevation is an inset at around 22 ft. above grade with aluminum and glass skylights over the hotel lobby. The plans depict a pyramidal shape with a green roof surrounding them. The residential fifth floor is recessed and the mechanical units on the roof are screened with coated metal.

West (Rear) Elevation