

# BOARD OF ZONING APPEALS AGENDA

City of Birmingham  
Commission Room of the Municipal Building  
151 Martin Street, Birmingham, Michigan  
July 10, 2018  
7:30 PM

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

	Address	Petitioner	Appeal	Type/Reason
1.	34977 WOODWARD	RON & ROMAN	18-23	DIMENSIONAL
2.	850 PURDY	KAFTAN	18-24	DIMENSIONAL
3.	1370 LATHAM	YOUNG & YOUNG	18-25	DIMENSIONAL

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

## Title VI

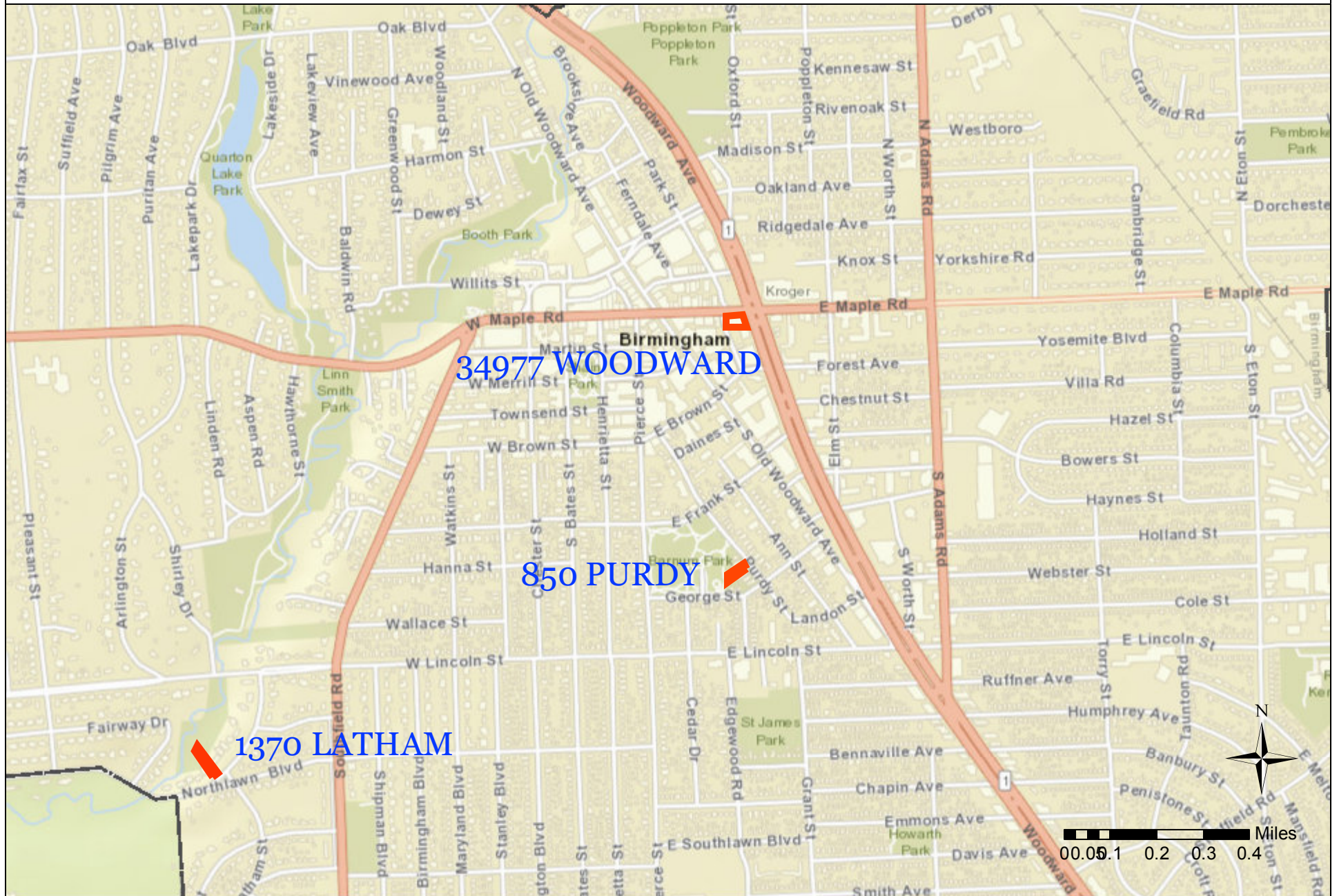
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

# JULY BZA MAP



**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS  
TUESDAY, JUNE 12, 2018  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, June 12, 2018. Chairman Charles Lillie convened the meeting at 7:30 p.m.

**Present:** Chairman Charles Lillie; Board Members Kevin Hart, Jeffery Jones, John Miller, Erik Morganroth; Alternate Board Members Jason Canvasser, Francis Rodriguez

**Absent:** Board Member Vice Chairman Randolph Judd

**Administration:** Bruce Johnson, Building Official  
Mike Morad, Asst. Building Official  
Carole Salutes, Recording Secretary  
Jeff Zielke, Building Inspector

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 who serve staggered three-year terms. 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 two interpretations on this evening's agenda.

**T# 06-47-18**

**APPROVAL OF THE MINUTES OF THE BZA MEETING OF MAY 8, 2018**

Chairman Lillie:

Page 9 - Delete the fifth paragraph and replace with: "Chairman Lillie said that on a given street if all the driveways are either on the left side of the house or on the right side of the house, one of the corner lots will wind up having a problem with the distance between buildings."

Page 11 - Globally Replace "Mr. Vote" with "Mr. Vogt."

**Motion by Mr. Jones**  
**Seconded by Mr. Morganroth to approve the Minutes of the BZA meeting of May 8, 2018 with the changes.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Jones, Morganroth, Canvasser, Hart, Lillie, Miller, Rodriguez

Nays: None

Absent: Judd

**T# 06-48-18**

**1097 CHESTERFIELD**  
**Appeal 18-21**

The owner(s) of the property known as 1097 Chesterfield request the following variance(s) to install an emergency egress window into the required front open space:

**A. Chapter 126, Article 4, section 4.30 C (4)** of the Zoning Ordinance allows basement window wells to project into a required side or rear open space a maximum of 3.00 ft. measured to the inside of the well opening. A proposed basement window well is to project 2.53 ft. into required front open space; therefore, a variance of 2.53 ft. is requested.

This property is zoned R-1.

Mr. Morad explained the existing home is located on a corner lot which has had an addition constructed on the rear. The rear addition was constructed on a crawl space. The proposed finished basement is to have a bedroom which requires an egress window to be located in it. The applicant is proposing an egress window well to project into the required front open space.

The applicant offered two alternate locations for the window well. One location is blocked by the AC units and the power coming into the home. The second location has a gas meter and a water faucet in the area. The two alternate locations are not in the proposed bedroom, but they are required to be; so they are not alternates.

Mr. Warwick Stirling, the homeowner, said they want some kind of safety window in the basement. The window well would be invisible from the street because of the landscaping surrounding it. The proposal is that it would be at grade, built out of brick, and have a metal grate over the top. He verified for Mr. Miller that the window well



would have existing landscaping surrounding it as shown in the photos that were submitted with the appeal.

Mr. Morad advised that by Ordinance the window well would be restricted to no more than 8 in. above grade.

No one in the audience wished to comment on this appeal at 7:45 p.m.

**Motion by Mr. Morganroth**

**Seconded by Mr. Jones in regard to Appeal 18-21, 1097 Chesterfield, Chapter 126, Article 4, section 4.30 C (4) the applicant is requesting a variance for 2.53 ft. into the required open space for an egress window well as well as the installation of a window well into the front yard setback.**

**Mr. Morganroth moves to approve, based on that for him the applicant has shown a practical difficulty. The location of the bedroom makes sense based on the challenges of the existing mechanicals. The egress window has to be installed. So, for the homeowner to have a finished basement bedroom he needs an egress window and this is the most practical location.**

**He ties his motion to the statement from the applicant that he intends to veneer the interior and any exposed exterior in either brick or stone with, as he proposes in his documents, a limestone or bluestone cap, as well as an appropriate amount of screening because it is being allowed on the front elevation.**

**The motion is tied to the plans as submitted, with the additional details.**

**Motion carried, 7-0.**

Mr. Jones commented there are only certain areas where a basement bedroom could go. He doesn't know why the Ordinance couldn't be amended to permit a window of this nature in the front setback, since it already permits it on the sides. Mr. Johnson agreed to bring that up at a development meeting.

Mr. Rodriguez announced that he also supports the motion. He does not think it will adversely affect any of the neighbors. Given the existing landscaping the public will not see the window.

Mr. Hart thought it is commendable that the appellant wants to install the window for safety reasons. He will support the motion.

Mr. Miller said he also supports the motion. He wished the submittal was more explicit. However, he thought it is obvious what the applicant wants to do.

ROLLCALL VOTE

Yeas: Morganroth, Jones, Canvasser, Hart, Lillie, Miller, Rodriguez

Nays: None

Absent: Judd

**T# 06-49-18**

**1370 LATHAM**

**Appeal 18-22**

The owner(s) of the property known as 1370 Latham request the following variances to construct a garage addition on an existing non-conforming home:

**A. Chapter 126, Article 2, section 2.08** of the Zoning Ordinance requires the front yard setback is the average of homes within 200 ft. The required front yard setback for this property is 58.97 ft. The proposed setback is 39.19 ft; therefore, a variance of 19.78 ft. is requested.

**B. Chapter 126, Article 4, section 4.75 A (1)** of the Zoning Ordinance requires that attached garages be set back a minimum of 5.00 ft. from the portion of the front façade that is furthest setback from the front property line. The proposed garage is 14.33 ft. in front of the furthest front facade. Therefore, a variance of 19.33 ft. is requested.

This property is zoned R-1.

Mr. Zielke explained this non-conforming home has an existing front street-facing garage with a single 16.00 ft. garage door. The existing garage also is non-conforming to being 5.00 ft. behind the furthest front façade. The applicant is proposing an addition to the front of the existing two car garage which will expand the non-conforming structure by 8 ft. The applicant is proposing to correct the widths of the garage door(s).

Mr. Hart noticed that the inside depth of the garage is barely 17 ft.

Mr. Roger Young with Young & Young Architects spoke to represent Dr. Paul Gradolph, the homeowner. The home was built in 1981. The practical difficulty is that the rear yard falls precipitously to the north along the Rouge River ravine. Dr. Gradolph has been parking outside the garage. He parks his classic Corvette inside but one stall is basically not useful for parking his regular vehicle. Recyclables and garbage are stored there. The need for increased depth is to allow enough room to park a vehicle, to walk around that vehicle and still have room for garbage cans. They want a provision to provide an accessible ramp entrance into the home through the garage, if needed in the future. Distance from the curb to the garage is about 45 ft. so they are still way back. Latham curves, so that visibly it can't be seen that the garage is closer to the road than the neighbors' garages. They feel the depth of the garage at 25 ft. is akin to what is

seen in new construction. It will not project any further than the landscape wall. The plan is to replace the single overhead garage door with two 9 ft. overhead doors.

They received a letter of support of the variances from the neighbors to the west.

Chairman Lillie noted that 25 ft. may be the depth for new construction, but there are many houses in the City that don't have a garage that deep.

Mr. Morganroth said he is involved with new construction and what he is used to is a 20 - 22 ft. garage depth. So he sees this request as excessive, considering the garage is existing non-conforming. Mr. Young replied it would be a tremendous benefit to the homeowner to have 17 ft. to the face of the vehicle, 2 ft. for circulation and 3 ft for storage space. In terms of mitigation, as it relates to the exterior architecture a foot or two would not be noticed.

Chairman Lillie noted that how the house looks doesn't justify increasing a non-conformity.

Mr. Canvasser indicated that he too is having trouble with the 8 ft. variance request.

Mr. Young said they would be open to offering a lesser variance by reducing the request from 8 ft. to 6 ft. 5 in. from the face of the existing building.

Mr. Hart said his experience has been that 24 ft. x 24 ft. is a minimum two-car garage.

It was agreed that the board has the ability to grant a variance that is less than what was advertised if nothing else changes.

No one in the audience wished to comment on this appeal at 8:26 p.m.

**Motion by Mr. Hart**

**Seconded by Mr. Miller in regard to 1370 Latham, Appeal 18-22, that the board approve the variance request (A) with the modification for Chapter 126. Article 2, section 208 that the applicant is no longer asking for an 8 ft. extension of the existing non-conformity, but is asking for a 6 ft. 5 in. variance to the non-conforming structure. The variance would now be 18.20 ft.**

**He thinks that the appellant has demonstrated that this would be substantial justice for the owner and for the neighborhood. We have an existing non-conformity which is a practical difficulty and a hardship. Again, he thinks the size being close to 24 ft. is a reasonable request.**

**The second variance (B) to Chapter 126, Article 4, section 4.75 A (1) is also approved. at a modification to 17.75 ft.**

**The motion is tied to the plans and letters presented this evening.**

Mr. Rodriguez said he will support the motion because of the unique circumstances that apply to the property and the reduced variances.

Mr. Canvasser indicated he will not support the motion because the goal is to get rid of a pre-existing non-conforming use if possible. In this case he is not convinced the applicant has mitigated to the fullest extent possible to allow a garage that fits a modern vehicle.

Chairman Lillie announced that he also will not support the motion for the reasons that Mr. Canvasser has stated and that the board does not have enough information to make an informed decision.

Mr. Morganroth stated he would not support the motion. He thinks the request exceeds what is reasonable considering the garage is existing non-conforming.

Mr. Miller said he supports the appeal. There are two garage doors that reduce the scale and he thinks that is a further mitigation and a softening of the fact that the garage is being pushed forward into the front yard. Also, mitigating the situation is the introduction of a closed storage area that will hide some of the clutter, with the garage facing out to the street.

Mr. Jones said he believes this is a unique circumstance. The house cannot go back because the lot drops off into a ravine. He doesn't know if 6 or 8 more feet added to the garage will affect the community or the neighborhood. But he is keenly aware that he doesn't like to sit on the Board of Zoning Appeals and allow extension of the non-conforming use. He doesn't know if an additional 6 ft. 5 in. will do it and he isn't going to support the motion because he thinks more information is needed.

**Motion failed, 3-4.**

**ROLLCALL VOTE**

Yeas: Hart, Miller, Rodriguez

Nays: Jones, Lillie, Morganroth, Canvasser

Absent: Judd

**06-50-18**

**CORRESPONDENCE (none)**

**T# 06-51-18**



## **GENERAL BUSINESS**

### **a) Rules of Procedure Discussion**

Chairman Lillie recalled this is a continuation from last month's discussion. There are still some issues that need to be resolved. A quorum is four (4) board members present. When an even number of members is present and there is a tie vote then the applicant has the option to come back next month.

Mr. Johnson highlighted proposed changes to the Rules:

- An appeal stays all proceedings in accordance with Act 110, Public Acts of 2006, Article VI, section 125.3604 (3).
- For a motion to either grant or deny a petitioner's request, the motion must receive four (4) affirmative votes.
- When the motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard at the next regularly scheduled meeting when all the members are present.
- When there are only six (6) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity before his/her request is heard to elect to have it heard at the next regularly scheduled meeting where they would be first on the agenda.
- When there are only four (4) or five (5) members present for a meeting, than all petitioners shall be given an opportunity before the petitioner's request is heard to elect to have the request heard at the next regularly scheduled meeting.

Mr. Johnson recommended that he and the chairman spend more time working out the specifics to be discussed further at the August regular meeting.

**T# 06-52-18**

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

**T# 06-53-18**

## **ADJOURNMENT**

No further business being evident, the board members passed a motion to adjourn at 8:53 p.m.

Bruce R. Johnson, Building Official

# **CASE DESCRIPTION**

## **34977 Woodward (18-23)**

**Hearing date: July 10, 2018**

**Appeal No. 18-23:** The owner(s) of the property known as 34977 Woodward request the following variance(s)

- A. **Chapter 86, Article 01, Section 1.10 B (4) d** Overlay Sign Standards state that each business whose principal square footage is on the first story may have one sign per entry. The tenant is located on the first floor of the building, which is accessible from one entrance on Peabody. The applicant is proposing four signs where one is permitted. Therefore, a variance to allow four signs where one entrance exists is requested.
- B. **Chapter 86, Article 01, Table B, Ground signs**, permits ground signs to be constructed up to a height of 8.00 feet. The applicant is proposing a ground sign at the height of 21.50 feet. Therefore, a variance of 13.50 feet is requested.

**Staff Notes:** The applicant is requesting new signage for a first floor tenant space that fronts on three streets (Peabody, E. Maple and Woodward). The entrance to the restaurant is located on Peabody Street. The applicant is proposing one sign per elevation as well as one sculpture that incorporates the initials of the restaurant and is therefore considered a sign. The previous restaurant located in this space had four signs as well which were considered legal non-conforming. As discussed at recent Board of Zoning Appeals meetings, the Overlay signage standards are currently under review by the City for modification or elimination. Relevant meeting minutes of the current review are attached.

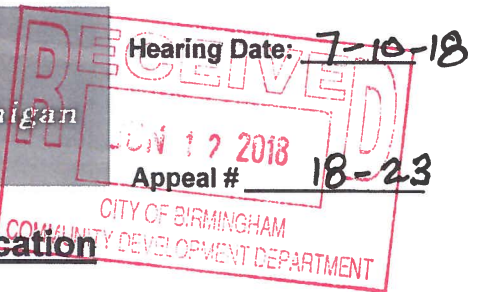
This property is zoned B-4/D-4

# 324977 WOODWARD



Application Date: 6-12-18

Received By: MB



### Board of Zoning Appeals Application

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

Property Information: Hazel Ravines and Downtown

Street address: <u>34977 Woodward Ave.</u> Sidwell Number: _____	
Owners name: <u>Catalyst Development Co. LLC</u>	Phone #: <u>269-492-6810</u>
Owners address: <u>277 South Rose St. sk 200</u>	Email: <u>powers@catalystdevco.com</u>
City: <u>Kalamazoo MI</u> State: <u>MI</u> Zip code: <u>49007</u>	
Contact person: <u>Patti Owens</u>	Phone #: <u>269-492-6810</u>

#### Petitioner Information:

Petitioner name: <u>Beth Hussey</u>	Phone #: <u>248-765-0237</u>
Petitioner address: <u>34977 Woodward Ave. #100</u>	Email: <u>beth@hrd.kitchen</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 25'	Existing 24'	Proposed 24'	Amount of Variance 1'
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By signing this application I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.

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

Date: 6/8/18



**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 15<sup>th</sup> day of the month preceding the next regular meeting. If the 15<sup>th</sup> 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**

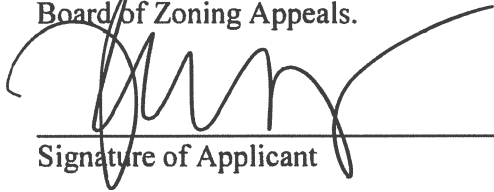
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration 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

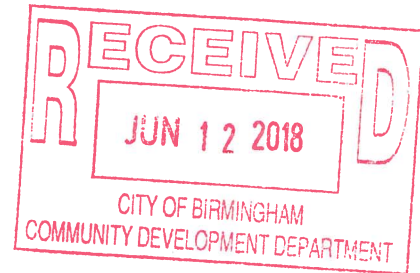
# R O N A N D R O M A N

June 11, 2018

34977 Woodward Ave., #100  
Hazel, Ravines & Downtown

Board of Zoning Appeals  
City of Birmingham, MI

Sign Variance Request - Letter of Hardship



Variance #1 – Sign Ordinance 1.10.B – one sign per entry – 3 signs proposed

Variance #2 – Sign Ordinance Table B – ground signs no more than 8' above street level – 21.5' proposed

*We propose the following practical difficulties in adhering to the overlay district sign standards as related to the proposed signage.*

*Due to the design and layout of the tenant space in the Greenleaf Building, the entrance is hidden on the West side of the building at Peabody Street. Per the standards we would only be permitted a sign at that entry. Unlike most restaurant layouts where the entry is situated in the primary storefront, allowing the restaurant function to be clearly seen and related to the sign, our storefront is situated along the North (Maple) and the East (Woodward) completely isolated from the entry.*

*Additionally, the existing sign band on the building is cluttered and does not visually relate to the main floor function on the North & East elevations.*

*For purposes of branding and clearly identifying the restaurant in the building, we are proposing to not utilize the sign band, and to define the Northeast corner of the building as the restaurant storefront by replacing the aluminum awnings at the corner and providing new canvas fascia panels which would incorporate the signage. There will be new lighting, landscaping and ornamental fences at this corner to reinforce this. Though this method introduces six locations with new verbiage on each panel, the name of the restaurant (Hazel, Ravines & Downtown) is spread over the three fascias facing North and the three fascias facing East, resulting in two total additional signs. This will result in clearly identifying the restaurant at the most monumental intersection in Downtown Birmingham.*

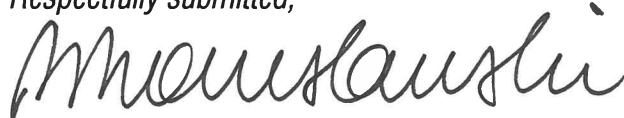
*If compared to other districts in Birmingham where signage area is based on linear storefronts our solution provides minimal signage area focused at the logical location for the enterprise.*

*The separation of storefront from entry results in our secondary variance request for our proposed*

*sculptural weathervane which includes an arrow to identify the direction of the entry to the restaurant. The "Entrance on Peabody" portion of the sculpture is positioned in line with our proposed lettering on the canopy fascias to clearly indicate the relationship between Hazel, Ravines & Downtown with its entrance on Peabody Street. The proposed weathervane is positioned at 21'-6" high, which is clearly in front of the building and not related to the existing sign band.*

*It is intentionally highly visible, does not add to the congestion of the existing sign band, and is intended to overcome the hardship and practical difficulties associated with the disjointed entrance location for this burden.*

*Respectfully submitted,*

A handwritten signature in cursive script, reading "Roman Bonislowski". The signature is written in dark ink and is positioned below the phrase "Respectfully submitted,".

*Roman Bonislowski*



**BIRMINGHAM HISTORIC DISTRICT COMMISSION  
MINUTES OF APRIL 4, 2018**

Municipal Building Commission Room  
151 Martin, Birmingham, Michigan

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Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, January 17, 2018. Chairman John Henke called the meeting to order at 7:02 p.m.

**Present:** Chairman John Henke; Board Members Doug Burley (left at 7:55 p.m.), Vice-Chairman Keith Deyer, Michael Willoughby; Alternate Board Member Kevin Filthaut

**Absent:** Board Members Adam Charles, Natalia Dukas, Thomas Trapnell; Alternate Board Member Dulce Fuller

**Administration:** Matthew Baka, Sr. Planner  
Leslie Pielack, Museum Director  
Carole Salutes, Recording Secretary

**04-06-18**

**APPROVAL OF MINUTES  
HDC Minutes of January 17, 2018**

**Motion by Mr. Willoughby**

**Seconded by Mr. Burley to approve the HDC Minutes of January 17, 2018 as presented.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Willoughby, Burley, Deyer, Filthaut, Henke

Nays: None

Absent: Charles, Dukas, Trapnell

**04-07-18**

**HISTORIC REVIEW  
607 Bates  
Major Jones House  
Bates St. Historic District**

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Mr. Bill Finnicum, Finnicum Brownlee Architects, asked if they could proceed tonight only with items on the non-historic portion of the house and not having to do with replacing original materials on the historic portion.

Zoning: R-3 Single-Family Residential

History: The Historic Major Jones House is located on the north half of a large lot at 607 S. Bates. The south half of the lot is vacant. The Historic Major Jones House was constructed in 1865 and is believed to be one of the oldest homes in the Bates St. Historic District. The house was designated historic in 1978 and the Bates St. Historic District designation came into effect in January of 1998.

The house served as a two-unit rental property for several years, and it has been vacant for many years. In 2003, the owner was cited for maintenance violations, and in 2006, after making several requests to demolish the property, the owner was cited for Demolition – by - Neglect (DXN). The owner was required to make several repairs to upgrade the condition of the house. 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 was approved to renovate the property with a new proposal.

Approval History: On June 21, 2017, the applicant appeared before the Historic District Commission seeking approval of an addition to the Major Jones House. The application was approved with the exception of the front porch. The Commission requested that the applicant consider altering the design in a way that accentuates the original portion of the home and its detail features.

Accordingly, the applicant submitted revised plans in August of 2017. The applicant was approved on August 16, 2017 to expose the window and restore the decorative wood details shown in the historic photos available for the house.

In addition, the applicant was granted the required variances at the July 11, 2017 Board of Zoning Appeals meeting to construct the copula and the gabled ends that were previously identified as dormers.

Proposal: The applicant is now returning to the commission to request additional modifications to the approved plan. The following changes are proposed:

- Change of window color;
- Change of roofing color;
- Add glass block windows;
- Replace masonry apron on porch with lattice for ventilation;
- Combine two kitchen windows into one;
- Replace stone wall with wood fence and 10 ft. arborvitae;
- Replace original windows;
- Replace original wood siding.

Mr. Finnicum indicated the following:

- The window color will remain the same; only the source will change.
- The black roof will turn to a warm black because of reflection from the sky.
- The block windows on the new basement will not be visible from the street.
- The lattice on the porch will be painted the same medium grey color as the foundation.
- The kitchen window will be over the sink.
- The reason for replacing the stone wall with a wood fence and mature shrubbery is to block out the view of the neighbor's garage and to filter out sounds from the neighbor's swimming pool.

These are all of the changes to the addition.

**Motion by Mr. Deyer**

**Seconded by Mr. Willoughby to approve the items that were highlighted tonight.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Deyer, Willoughby, Burley, Filthaut, Henke

Nays: None

Absent: Charles, Dukas, Trapnell

**Motion by Mr. Deyer**

**Seconded by Mr. Willoughby to postpone the two remaining items.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Deyer, Willoughby, Burley, Filthaut, Henke

Nays: None

Absent: Charles, Dukas, Trapnell

Chairman Henke went on the record to say that he does not believe, knowing the history of this house, that tearing all the siding off the historic portion and replacing it meets The Secretary of Interior Standards #9. The house is not that bad on the exterior, and there is a company in Ann Arbor that can basically take an old wood window and rebuild it to make it look brand new. For those reasons, he will not recommend those two requests.

Mr. Deyer observed when he watched the BZA hearing regarding the copula there was no discussion of whether it is appropriate to the house. So it is clear to him if this commission refers something to the BZA again they need to be clear about what we like and what we don't like so the BZA doesn't take a narrow view.

Mr. Willoughby thought it is nice that they don't get out of their box because they really are not qualified to weigh in on aesthetic issues.

**04-08-18**

## **HISTORIC DESIGNATION REVIEW**

**556 W. Maple Rd.**

**Allen House**

**Birmingham Historic Museum**

**Mill Pond Historic District**

Zoning: PP Public Property

Proposal: Mr. Baka offered background. The 1928 Allen House and surrounding grounds at the Birmingham Museum have a unique history that dates from the 1818 pioneer period, when Elijah Willits first came to what is now Birmingham and bought 160 acres that include the site. Although it is part of the city's Mill Pond Historic District, the Allen House has numerous historic features and associations that make it eligible for individual listing as a historic site with the honorary National Register of Historic Places. The National Register of Historic Places is the official list of the nation's historic places worthy of preservation.

Listing in the National Register of Historic Places provides formal recognition of a property's historical, architectural, or archeological significance based on national standards used by every state. Pursuing formal listing for the Allen House has a number of distinct advantages:

- Helps to meet goals of the city's Certified Local Government ("CLG") program through the Michigan State Historic Preservation Office ("SHPO") to work toward local historic preservation and to identify potential properties for listing in the National Register;
- Makes the Allen House eligible for CLG grant funding for preservation and rehabilitation projects for the house and grounds;
- National Register designation can help with other historic preservation-related grants and funding partnerships for the site;
- Acknowledgement and promotion of the historic importance of the house and grounds at the national and state level and heritage tourism.

The nomination process involves a detailed application with documentary evidence that meets established eligibility criteria. The materials are formally reviewed by SHPO and, if deemed eligible, forwarded to the National Park Service for listing. The Allen House would be listed in a national database as meeting the historic and preservation standards of the applicable criteria.

When Community Development Block Grant funds were used in 2010 for barrier-free access projects for the Allen House, the SHPO was required to review the house's historic status as part of the federal funding requirements. At that time,

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the SHPO determined that the Allen House would be eligible for future individual listing on the National Register. This previous review and familiarity of the SHPO with the Allen House and its history may help facilitate the application process.

On February 1, 2018, the Museum Board voted unanimously to support the pursuit of the nomination process to list the Allen House and grounds on the National Register of Historic Places through application with the State Historic Preservation Office.

Ms. Pielack emphasized that the advantage for them is if they are able to be listed on the National Register for the Allen House it would include the grounds, which are historic. Therefore they would potentially have access to some grant funds that they wouldn't have currently. The folks at SHPO are familiar with the Allen House and two different members have said that, provided the application is complete they didn't see any problems. They said to make sure in the application to clarify the history of the Hunter House as well, because it is now on the site. What they will be doing is assessing in its current situation whether the Allen House and grounds meets their test for historic integrity.

**Motion by Mr. Deyer**

**Seconded by Mr. Burley to recommend approval to the City Commission of the request to apply for nomination of the Allen House and grounds to the National Register of Historic Places through application with the Michigan State Historic Preservation Office.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Deyer, Burley, Filthaut, Henke, Willoughby

Nays: None

Absent: Charles, Dukas, Trapnell

**04-09-18**

**STUDY SESSION**

**Overlay Signage Standards**

Mr. Baka recalled that over the past several meetings the HDC and DRB members have had informal discussions regarding the differences between the Overlay Signage Standards and the Standard Sign Ordinance. These discussions have been initiated by a number of sign reviews and variance applications that have come to the boards for review as part of their attempts to be allowed signage in line with the Standard Sign Ordinance rather than the Overlay Sign Standards.



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After he reviewed the standards for the Briggs, Greenleaf Trust and now the Balmoral Bldg., he came to the realization that over the years the Overlay Signage Standards had not been strictly applied on them. There is a rule, specific to the Overlay District that businesses above the first floor are not allowed any signage. This has become a problem because there are a lot of businesses on second floors that desire signage.

One big thing is that within the Standard Sign Ordinance the amount of sq. ft. of signage allowed is determined by the width of the storefront. The Overlay Ordinance has no specific limit to the amount of area. The signage is just limited by the number of entrances a business has to the building. One sign is allowed at every entrance.

Ground signs are not addressed in the Overlay Ordinance.

Projecting signs under the Standard Sign Ordinance are allowed to protrude 30 in. off the face of the building; whereas under the Overlay Ordinance they are allowed to be 1 1/2 ft. tall by 4 ft. wide. Both have to be 8 ft. above grade.

There is nothing the City can do about existing signage that was erroneously approved by the City. However, from this point forward, now that the problem has been identified, the Ordinance has to be enforced the way it is written.

The discussion turned to defining types of signs. Mr. Baka stated a name letter sign is composed of individually constructed and applied letters, numbers or characters. A wall sign is comprised of name letters mounted to a background. Wall signs are allowed to be taller than name letter signs.

Mr. Deyer said it seems to him that the Overlay Signage could just go away. This is an opportunity to adopt the Standard Sign Ordinance after making minor tweaks to it.

Mr. Baka said he never fully understood why in the Standard Sign Ordinance it says that no sign shall be erected at street intersections and no signs other than municipal traffic control signs shall be located in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 ft. each way from the intersection of the right-of-way lines at the corner. With regard to municipal traffic control signs, those are never on private property. So that makes him question what they are talking about.

Further, at a corner going 25 ft. each way from the intersection of the right-of-way lines, and drawing a diagonal line across the private property, there are no signs allowed in that area. However, a building is permitted to be constructed there. Mr. Baka did not understand that point and it was agreed that it could be eliminated.

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Mr. Baka thought that multiple tenant buildings would have to be mindful of doing a Master Sign Plan before putting up signs everywhere. Many businesses choose window signage. They are allowed 12 sq. ft. per frontage in the Standard Sign Ordinance. Window signs in the Overlay are only allowed to be 6 sq. ft.

Consensus was to clean up the language and the definitions in the Standard Sign Ordinance in order to make it simpler to understand.

It was discussed that sandwich boards are loved by businesses. They are mostly 2 ft. by 3 ft. It was considered that the businesses might be allowed either window signage or an A-Frame.

Board members thought that the thickness of transformers could now be reduced from 4 in. because of LED lighting.

Mr. Deyer summed up the discussion by saying the board would like to just eliminate what is in the Overlay Sign Ordinance and apply what is in the Standard Sign Ordinance so it is consistent across the City. They have found some areas in the Sign Ordinance that can be cleaned up in order to make it easier for people to understand.

Mr. Willoughby thought they could take a building and see how the Standard Sign Ordinance applies to it. Mr. Baka thought that giving the board the leeway to make judgment calls is very useful to avoid having applicants go to the BZA.

Mr. Baka indicated he will take up this issue with the DRB next because it will be good to have input from both boards. It will go to the Planning Board as well.

**04-10-18**

## **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

### **A. Staff Reports**

#### **-- Administrative Approvals**

- 167 N. Old Woodward Ave., Grabba Green - Install one illuminated blade sign, one illuminated Grabbagreen food + juice letterset and one "open" window sign.
- 160 W. Maple Rd. - Awning for rear door, no signage.
- 141 W. Maple Rd., White Birch - Place signage on facade above front windows.

- 160 W. Maple Rd., Dick-O'Dows - Match paint approved for rear of building to front, BM2126-20
- 135 S. Old Woodward Ave, Verizon - Change existing color to Benjamin Moore 2124-10 (Wrought Iron) on the exterior.
- Violation Notices (none)
- Demolition Applications
  - 534 W. Glenhurst
  - 1212 Webster
  - 415 Wellesley
  - 885 Redding
  - 2614 Yorkshire
  - 2350 Yorkshire
  - 1476 Humphrey
  - 1279 Washington
  - 426 Bird
  - 1300 Washington
  - 2225 Windemere
  - 2413 Manchester
  - 648 Dewey
  - 1383 Cedar
  - 1675 Banbury
  - 298 S. Old Woodward
  - 223 E. Hoover
  - 1042 Smith
  - 1515 Webster
  - 1608 Washington
  - 1264 Smith

## **B. Communications**

- Commissioners' Comments (none)

**04-11-18**

## **ADJOURNMENT**

No further business being evident, the Chairman motioned to adjourn the meeting at 8:07 p.m.

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Matthew Baka  
Sr. Planner

**DESIGN REVIEW BOARD**  
**MINUTES OF MAY 16, 2018**  
Municipal Building Commission Room  
151 Martin, Birmingham, Michigan

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Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, May 16, 2018. Chairman John Henke called the meeting to order at 8:35 p.m.

**Present:** Chairman John Henke; Board Members Joseph Mercurio, Michael Willoughby Alternate Board Members Adam Charles, Dulce Fuller; Student Representatives Grace Donati, Ava Wells

**Absent:** Board Members Vice-Chairman Keith Deyer; Natalia Dukas, Thomas Trapnell

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

**05-26-18**

**APPROVAL OF MINUTES**  
**DRB Minutes of February 21, 2018**

**Motion by Mr. Willoughby**  
**Seconded by Mr. Charles to approve the DRB Minutes of February 21, 2018 as presented.**

**Motion carried,**

**VOICE VOTE**

Yeas: Willoughby, Charles, Henke, Fuller Mercurio

Nays: None

Absent: Deyer, Dukas, Tolles

**05-27-18**

**DESIGN REVIEW**  
**24200 Woodward Ave.**  
**Tomatoes Pizza**

Zoning: MU-7 Mixed Use

Proposal: The applicant is proposing to refresh the façade of the space that was formerly occupied by Pizza Hut within the Papa Joe's Plaza. The proposal includes painting the storefront façade with alternating vertical stripes of black

and white and adding three (3) black and white striped awnings. The awnings are proposed to have white valances with the name of the business printed on them. The existing windows and doors are proposed to remain.

Signage: The applicant is proposing one name letter sign and three canopy signs. The size of the canopy signs was not provided. The name letter sign is proposed to be 2 ft. 8.25 in. tall by 14 ft. wide for a total of 37.625 sq. ft. However, the applicant is proposing to mount the sign with a vertical orientation. Article 01 section 1.05 K (5) allows the DRB to approve signs in vertical orientation provided that the sign meets the other provisions of the Sign Ordinance in regards to total area, thickness and height. However, the total area of the existing signage was not provided. Therefore, determining compliance with the Master Sign Plan is not possible with the available information. Papa Joe's Plaza was approved for a Master Sign Plan in 2012. At that time the plaza was approved for several sign locations not to exceed 227 sq. ft. of signage. When the Master Sign Plan was approved the plaza had 153.17 sq. ft. of signage. Since that time several of the signs have changed. While it appears that the total signage still remains under 227 sq. ft., an additional analysis must be done to verify the total amount of signage. The DRB may wish to consider the appropriateness of the current design orientation for approval and allow the new signs to be approved administratively provided that they comply with the Sign Ordinance.

Illumination: No new illumination is proposed at this time.

Mr. Roman Bonislowski, Ron and Roman Architecture, described the signage and said they are well below the signage standards.

**Motion by Mr. Willoughby**

**Seconded by Ms. Fuller to approve the Design Review for 24200 Woodward Ave., Tomatoes Pizza, providing the signage meets the required dimensions.**

Yeas: Willoughby, Fuller, Charles, Henke, Mercurio

Nays: None

Absent: Deyer, Dukas, Tolles

**05-28-18**

**STUDY SESSION**  
**Overlay Signage**

Mr. Baka recalled that over the past several months the HDC and DRB members have been having informal discussions regarding the differences between the Overlay Signage standards and the Standard Sign Ordinance. These discussions have been initiated by a number of sign reviews and variance applications that

have come to the board for review as part of their attempts to be allowed signage in line with the Standard Sign Ordinance rather than the Overlay Sign Standards. Specifically, the discussion has centered on the type and amount of signage that would be permitted in most areas of the City but are prohibited on buildings or sites that were developed under the Overlay Standards. These topics include the following;

- The number of signs permitted determined by the number of entrances;
- Signage for upper floor commercial tenants is prohibited;
- Height of signs restricted to half the height permitted in other areas.

In addition to the differing restrictions listed above there are also subtle differences between the two ordinances which make interpretation and enforcement difficult and confusing for business owners and sign companies who are not familiar with Birmingham ordinances. The board expressed a desire to study this issue to look at possible amendments that could be made to improve the two ordinances so that they are more easily implemented and understood. To that end planning staff has created a chart that illustrates the main differences between the ordinance sections and how they affect the use of signage in the City.

Mr. Baka noted that last month the HDC in reviewing this suggested that the Overlay Signage be eliminated.

Chairman Henke agreed. The only thing is that with new construction buildings there could be signage nine stories in the air.

Mr. Baka agreed that staff would study this proposal to make sure there are no unintended consequences. He will come back with proposed Ordinance changes when both boards are present.

**05-29-18**

## **MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

### **A. Staff Reports**

-- Administrative Approvals

- 35300 Woodward Ave., Poppleton Place Condos –
  - Remove aluminum flashing;
  - Remove existing siding and J channel;
  - Remove old caulking;
  - Remove and Replace Y, plywood sheeting;
  - Install Tyvek;
  - Install new siding, J-Channel and vinyl corners;
  - Caulk J channel with matching caulk;



- Install aluminum coil with PVC coating on bottom of columns;
  - Install PVC trim board around windows and bottom of columns, galvanized nails will be used;
  - Grind, and clear seal tops of balconies using Sherwin Williams H&C Silicone based sealer;
  - Scrape, prep, prime, and paint sides, and bottoms of balconies.
- 
- 33347 Woodward Ave. – We would like to install a raceway mounted channel letters sign, LED illuminated. Sign will be connected to the existing sign circuit provided by others.
  - 2253 Cole – Replace existing awning and frame.
  - 730 N. Old Woodward Ave. – We are removing the existing non-illuminated Felicia roof sign and replacing it with the same size sign for Alex Emilio Salon, illuminated.
  - 1115, 1113, 1111 Holland – Replacing windows with new Genex windows. AC units removed. Replace brick.
  - 297 E. Fourteen Mile Rd. - Install three (3) vinyl replacement windows.
  - 34611 Woodward Ave. - Replace existing sign panel.
  - 33353 Woodward Ave., B7 Investments, LLC – Tropical Smoothie Café sign.
  - 385 S. Eton, Oppenheimer – Seeking permission to install non-illuminated metal letters reading “Oppenheimer” on west and south elevations. Letters will be 21 1/16 in. high and 9 ft. long.
  - 300 Hamilton Row, Commonwealth Café - ??????
- 
- Violation Notices (none)

## **B. Communications**

- Commissioners' Comments (none)

**05-30-18**

## **ADJOURNMENT**

No further business being evident, the board motioned to adjourn the meeting at

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Matthew Baka  
Sr. Planner

# **CASE DESCRIPTION**

## **850 PURDY (18-24)**

**Hearing date: July 10, 2018**

The owner(s) of the property known as 850 Purdy request the following variance(s) to construct an attached pergola on an existing home:

- A. Chapter 126, Article 2, Section 2.10** of the Zoning Ordinance requires maximum lot coverage is 30.0%. The maximum allowable coverage is 2794.00 square feet. The proposed coverage of 3285.00 square feet (35.30%); therefore a variance of 491.00 square feet (5.3%) is being requested.

**Staff Notes:** This existing home was constructed in 2005 and completed in 2006. At the time the home was constructed to the maximum lot coverage of 30%. The applicant is requesting the construct a pergola with a fireplace with requires additional lot coverage, which will exceed the allowable per the zoning.

This property is zoned R3.

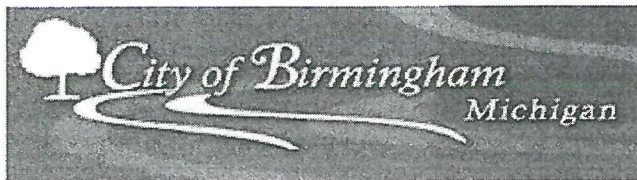
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Jeff Zielke  
**Plan Examiner**

# 850 PURDY



Application Date: 6-15-18



Hearing Date: July 10, 2018

Received By: BM

Appeal # 18-24

### Board of Zoning Appeals Application

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

#### Property Information:

Street address: <u>850 PURDY ST</u>	Sidwell Number: <u>19-36-251-021</u>
Owners name: <u>JEFFREY KAPTAN</u>	Phone #: <u>248-352-3800</u>
Owners address: <u>SAME</u>	Email: <u>jkaptan@kaptanmail.com</u>
City: State: <u>BIRMINGHAM, MI</u>	Zip code: <u>48009</u>
Contact person: <u>SAME</u>	Phone #: <u>SAME</u>

#### Petitioner Information:

Petitioner name: <u>SAME AS OWNER</u>	Phone #:	
Petitioner address:	Email:	
City:	State:	Zip Code:

#### Required Attachments:

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

#### General Information:

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

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

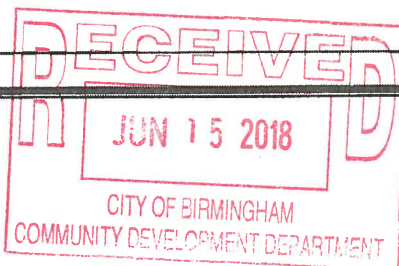
Location of all requested variances must be highlighted on plans and survey. All dimensions to be taken in feet to the first decimal point.

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

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

Signature of Owner: [Signature]

Date: 6/15/18



CITY OF BIRMINGHAM  
Date 06/15/2018 2:52:02 PM  
Ref 00149600  
Receipt 433324  
Amount \$360.00

Has  
Sign  
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 15<sup>th</sup> day of the month preceding the next regular meeting. If the 15<sup>th</sup> 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

City of Birmingham

151 Martin Street, P.O. Box 3001

Birmingham, Michigan 48012

Attention: Board of Zoning Appeals

June 19, 2018

Members of the BZA,

We are requesting a **very minimal variance** for lot coverage at 850 Purdy Street based on the following hardship.

Variance Chart (lot coverage)

Required 30%	Existing 30%	Proposed 35.3%	Amount of variance 5.3%
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Our hardship is due to **several very difficult existing conditions**.

The first is that the neighbors on either side of our lot have homes which are ***much larger*** than ours ***and essential tower over our home***. They have windows which look directly down into our rear yard; ***we have virtually no privacy in our rear yard due to this condition***.

The second is that we have western exposure ***which makes it impossible to enjoy the outdoors in the afternoon and evening*** when the sun is at an angle that it cannot be controlled by a simple sun umbrella or similar type of sun screen.

The third condition is that the city ***very recently*** started to review pergola structures as accessory structures which count towards lot coverage. Since our home was constructed in 2005 and met the building and zoning codes of the time we are now in a situation where we are required to seek a variance of 5.3% ***in order to have a sense of privacy and to control the sun to a point where we can enjoy the outdoors in our rear yard***.

We have reviewed our proposed plans with our neighbors and they have no objections to our proposal.

We would respectfully ask the BZA to grant ***our very minimal 5.3% variance*** based on the hardships stated above.

We look forward to discussing our variance request with the Board at their next available meeting.

Sincerely

*Jeffrey Kaftan*

Jeffrey Kaftan

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

Regarding: Proposed Pergola at 850 Purdy Street

Members of the BZA,  
The undersigned neighbors of the above project have met with  
Marla and Jeffrey Kaftan, Applicant, We have seen the  
drawings of the proposed outdoor fire place and pergola.  
We have no objection to this proposal.

Sincerely ,

Name

*Lynn M Little*

Address

NED & LYNN LITTLE 888 PURDY  
BIRMINGHAM, MI 48009

*GARY ASTACIN*  
1805 Purdy Bldg 48009

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

Regarding: Proposed Pergola at 850 Purdy Street

Members of the BZA,

The undersigned neighbors of the above project have met with  
Marla and Jeffrey Kaftan, Applicant, We have seen the  
drawings of the proposed outdoor fire place and pergola.  
We have no objection to this proposal.

Sincerely ,

Name

Address

James Graham 850 Purdy  
James Graham 850 Purdy

Raven Shacker 870 Purdy

Allen Egan 363 George St.

# **CASE DESCRIPTION**

**1370 Latham (18-25)**

**Hearing date: July 10, 2018**

The owner(s) of the property known as 1370 Latham request the following variance(s) to construct a garage addition on an existing non-conforming home:

- A. Chapter 126, Article 2, Section 2.08** of the Zoning Ordinance requires the front yard setback is the average of homes within 200 feet. The required front yard setback for this property is 58.97 feet. The proposed setback is 41.00 feet; therefore, a variance of 17.97 feet is requested.
- B. Chapter 126, Article 4, Section 4.75 A (1)** of the Zoning Ordinance requires that attached garages be setback a minimum of 5.00 feet from the portion of the front façade that is furthest setback from the front property line. The proposed garage is 12.58 feet in front of the furthest front facade. Therefore, a variance of 17.58 feet is requested.

**Staff Notes:** This non-conforming home has an existing front street facing garage with a single 16.00 foot garage door. The existing garage also is non-conforming to being 5.00 feet behind the furthest front façade. The applicant is proposing an addition to the existing garage which will expand the non-conforming structure. The applicant is proposing to correct the widths of the garage door(s).

This property is zoned R1.

# 1370 LATHAM





Application Date: 6-15-18



Hearing Date: 7-10-18

Received By: BM

Appeal # 18-25

## Board of Zoning Appeals Application

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

### **Property Information:**

Street address: <u>1370 LATHAM ST.</u>	Sidwell Number: <u>19-35-426-015</u>
Owners name: <u>DR. PAUL GRADOLPH</u>	Phone #: <u>248 496 8359</u>
Owners address: <u>1370 LATHAM ST.</u>	Email: <u>PGRADOLPH@AOL.COM</u>
City: State: <u>BIRMINGHAM, MI</u>	Zip code: <u>48009</u>
Contact person:	Phone #:

### **Petitioner Information:**

Petitioner name: <u>YOUNG &amp; YOUNG ARCHITECTS</u>	Phone #: <u>248 646 4900</u>
Petitioner address: <u>1133 W. LONG LAKE RD</u>	Email: <u>ROGER@Y4ARCHITECTS.COM</u>
City: <u>B. HILLS</u> State: <u>MI</u>	Zip Code: <u>48302</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.

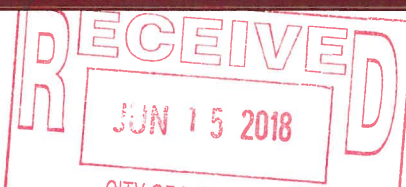
The BZA review fee is **\$310.00** for single family residential; **\$510.00** for all others; and **\$50.00** for the public notice sign.

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: Paul Gradolph Date: 06/14/18



CITY OF BIRMINGHAM  
Date 06/15/2018 4:13:18 PM  
Ref#0049606  
Receipt# 433343  
Amount \$360.00

Sign  
boards ✓



June 15<sup>th</sup>, 2018

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

Re: Revised Submittal - Request for Dimensional Variance 1370 Latham Street.

Dear Members of the Board of Zoning Appeals,

Please find attached a Registered Land Survey and revisions to the Architectural Site Plan, Floor Plans and Elevations for a proposed addition to the existing two car garage of homeowner, Dr. Paul Gradolph. The current garage interior depth is 17'-2" and 18'-10" respectively (please refer to the attached photos for reference).

Pursuant to the comments and suggestions made by the board at the June 12<sup>th</sup> meeting, we have redesigned the addition. This new design would require a dimensional variance of 6'-3" to provide reasonable space within (23'-5") to park two modern vehicles. The total overall garage dimensions to the exterior face would be 21'-4" wide x 24' deep.

The existing interior cabinet & workspace is to remain. The proposed plan does provide space for a future ADA ramp, should an accessible entrance be needed.

The existing single 18' wide overhead door will be replaced with two conforming overhead doors. All building materials proposed will match the existing identically.

The Owner and Young & Young Architects appreciate your consideration of this request.

Respectfully submitted,

Roger W. Young