

BIRMINGHAM BOARD OF ZONING APPEALS AGENDA

Municipal Building Commission Room
151 Martin Street, Birmingham, Michigan
January 8, 2019
7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE MINUTES

1) December 11, 2018

4. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	211 VALLEY VIEW LANE	ROGERS	19-01	DIMENSIONAL
2)	555 S OLD WOODWARD	ZIEGELMAN	19-02	DIMENSIONAL
3)	280 N OLD WOODWARD – SUITE 100	WORK COMPANY LLC	19-03	INTERPRETATION

5. CORRESPONDENCE

6. GENERAL BUSINESS

7. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

8. ADJOURNMENT

Title VI

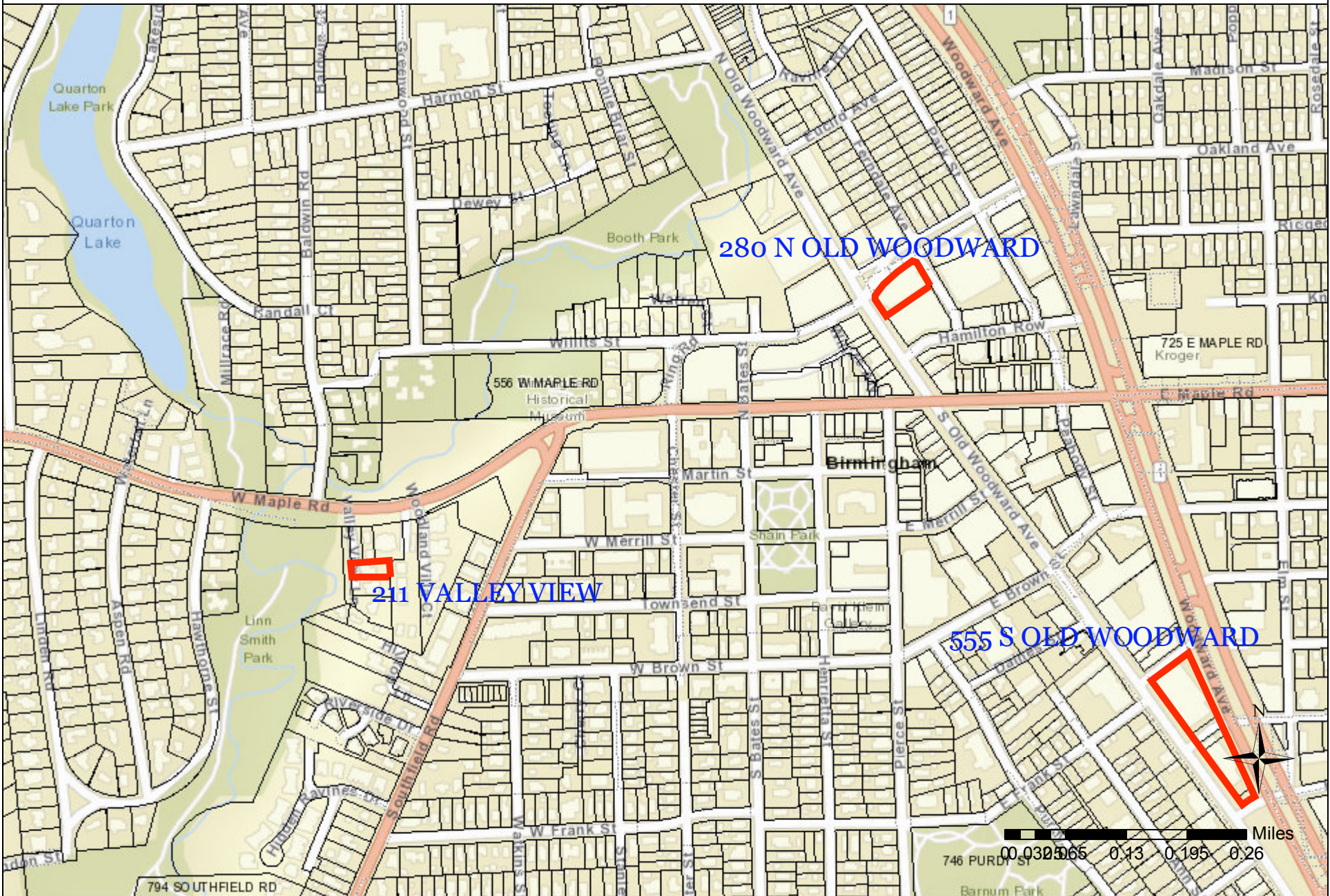
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

JANUARY BZA MAP



**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS
TUESDAY, DECEMBER 11, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

1. CALL TO ORDER

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, December 11, 2018. Chairman Charles Lillie convened the meeting at 7:30 p.m.

2. ROLL CALL

Present: Chairman Charles Lillie; Board Members Jason Canvasser, Kevin Hart, Vice-Chairman Randolph Judd, Erik Morganroth, Francis Rodriguez; Alternate Board Member Richard Lilley

Absent: John Miller

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

The Chairman welcomed everyone. He 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 are a quazi judicial board and 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. He pointed out that this board does not make up the criteria for practical difficulty or hardship. That has been established by statute and case law. 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# 12-109-18

3. APPROVAL OF THE MINUTES OF THE BZA MEETING OF NOVEMBER 13, 2018

Chairman Lillie made the following changes:

Page 5 - Second sentence, scratch "represented" and substitute with "been presented."

Page 8 - Third line of the motion, substitute "lot" for "not."

Motion by Mr. Morganroth

Seconded by Mr. Lilley to approve the Minutes of the BZA meeting of November 13, 2018 as amended.

Motion carried, 7-0.

VOICE VOTE

Yeas: Morganroth, Lilley, Canvasser, Hart, Judd, Lillie, Rodriguez

Nays: None

Absent: Miller

The Chairman congratulated Mr. Rodriguez who is now a regular board member.

T# 12-110-18

4. APPEALS

1) 592 W. FRANK

Appeal 18-42

The owner(s) of the property known as 592 W. Frank request the following variances to construct a new single-family home with a detached garage:

A. Chapter 126, Article 4, Section 4.61(C)(1) of the Zoning Ordinance requires a corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. This requirement shall not reduce the buildable width of any lot to less than 25.00 ft. The required side yard setback for this property is 18.50 ft. The proposed setback is 16.10 ft., therefore a variance of 2.40 ft. is requested.

B. Chapter 126, Article 4, Section 4.30 (C)(2) of the Zoning Ordinance allows overhangs to project into the required side open space 2.00 in. per foot for each 1.00 ft. of such required open space. The required allowable projection is 3.08 ft., the proposed overhang projection is 4.73 ft., therefore a variance of 1.65 ft. is being requested.

C. Chapter 126, Article 4, Section 4.30 (C)(3) of the Zoning Ordinance does not allow patios to project into the required side open space. A proposed patio is projecting into the required open space for 6.40 ft., therefore a variance of 6.40 ft. is being requested.

Mr. Zielke noted that the applicant is requesting to construct a new single-family home with a detached garage on this corner lot. There is an interior residential lot at the rear of the property requiring that the street side-yard setback be the average of the homes facing the side street without reducing the buildable width to less than 25.00 ft. The width of this lot is 48.50 ft. and buildable width is 25.00 ft. There is a newly constructed home to the east located 6.80 ft. from the side property. The applicant is proposing to comply with the minimum distance between principal structures by shifting the home to the west, requiring the proposed street side-yard setback variance.

Chairman Lillie received confirmation from Mr. Zielke on the following:

- With regard to Variance (A), while the proposed house will be closer to the house to the east the applicant is reducing the non-conformity on the street side.
- Regarding (B), if there wasn't the problem with the side setback, the house would comply with the overhangs because they will be reduced back to 2.4 ft.
- With (C) if the patio was pushed back into the house it would be about 3 ft. going into the side yard. The steps to the sidewalk would be allowed.

Mr. Canvasser received confirmation that if this was an interior lot the variance for the patio would still be needed.

In response to Mr. Morganroth, Mr. Zielke verified that the decorative awning with wire cables is the only overhang that needs the variance.

Mr. Charles Hess, the homeowner, added his perspective on each of the variance requests:

- Regarding Variance (A), the proposed house requires a variance on its proximity to the home to the east. When they do that they compromise 2.4 ft. on the required side yard setback. They felt this was the least intrusive location for the proposed home on that lot. The current home has a setback of 14.0 ft. and the proposed structure will increase that setback to 16.1 ft.
- For Variance (B), they are allowed to have a canopy that projects out into the open space by 3.08 ft. Their design is only 2.33 ft. So the canopy is well within the allowable projection into open space. The canopy is attached to the house and because the house is 2.40 ft. to the west of the required side lot there is nothing to do other than obtain a variance.
- With Variance (C) they don't consider that the design is meant to be a patio. Low 6.00 in. tall steps lead up to an entrance to the home which will likely be the main entrance. The steps project out from the house by 4.00 ft. The Ordinance allows a projection of 3.00 ft.

They worked on this design for a long time trying to get what they need as well as comply with the Zoning Ordinances.

Responding to Mr. Canvasser, Mr. Johnson established that a walkway up to 3.00 ft. in width does not count against open space; it is considered as open space. Walks that

are in excess of 3.00 ft. wide count against open space. So, Mr. Canvasser deduced the applicant could have a 3.00 ft. wide walkway up to the door with a couple of stairs and they wouldn't need a variance.

Mr. Morganroth asked Mr. Hess whether the entrance is more of a covered deck area rather than a simple means of egress. Mr. Hess responded that the porch is inset by 2.00 ft. so they have given up interior floor space, but it is not big enough to have furniture. So, it is a matter of aesthetics. He suggested that the recess was a mitigation of not having the patio go further into the side setback. The Ordinance allows for a projection of 3.00 ft. for steps. They are at 4.00 ft. The original design had an 8.00 ft. deep full length porch. After discussion with staff, they trimmed it all back so that it just provides shelter from either the sun or the rain when entering the home.

Mr. Hart received confirmation from Mr. Hess that the center section that insets slightly in the dining room and the living room was to minimize the encroachment onto the side yard. That was also the intent of not having columns over that space for the canopy.

Mr. Canvasser said he is struggling with the patio issue as to whether or not it was self-created. Mr. Hess explained the reason for requesting the variance for the structure, Variance (A), is that it encroaches onto the required side yard open space of 18.50 ft. Variance (B) follows suit with the same because the projection into open space goes beyond 18.50 ft.. and requires a variance. The same follows for the steps leading to the patio Variance (C). The steps project out beyond the 18.50 ft. and that requires a variance. The design intent for the steps is for an entrance.

Responding to Mr. Morganroth, Mr. Johnson advised the walkway is allowed to be 3.00 ft. wide. If they did not have the indentation they would have another 2.00 ft. plus the 3.00 ft. So they would have 5 ft. and not need a variance.

Mr. Judd felt that in a sense the Board is arguing about aesthetics versus measurement. Therefore he agreed with Mr. Canvasser that this is self-created.

At this time the Chairman called for comments from members of the audience.

Mr. Mark Alhermizi said he lives at 556 W. Frank and is also building a house 633 W. Frank, immediately kitty-corner to this home. He used to own this lot and the lot next door. The reason that he sold both lots is because this lot is a very difficult one. Its unusual nature makes it complicated to design and construct something that not only matches the community but the value of the properties. He thinks the lot has turned hands several times because of the significant setback issues. As a neighbor, he asked the Board to approve the variances for the good of the neighborhood.

Motion by Mr. Judd

Seconded by Mr. Canvasser in regard to Appeal 18-42, 592 W. Frank, the petitioner seeks three variances on what has been described as a very difficult piece of property. Variance (A) is a variance to Chapter 126, Article 4, section 4.61 (C)(1) which is a setback on the side street, Watkins, that is required to be 18.50 ft. The petitioner seeks a proposed setback of 16.10 ft., or a variance of 2.40 ft. As to that variance, Mr. Judd feels that strict compliance with the restrictions dealing with setbacks would unreasonably prevent the owner from using the property for a permitted purpose. He feels to grant that particular variance would do substantial justice to the applicant as well as to the surrounding property owners. Further, he feels that the plight of the owner is due to unique circumstances, and in this case he does not feel that the problem is self-created. If it is, it is certainly well mitigated.

As to Variance (B) which deals with Chapter 126, Article 4, section 4.30 (C)(2) of the Zoning Ordinance dealing with an overhang projection, the petitioner seeks a variance of 1.65 ft. The required allowable projection is 3.08 ft., and the proposed overhang is 4.73 ft. As with Variance (A) Mr. Judd feels that strict compliance once again would unreasonably prevent the owner from using the property for a permitted purpose and would be unnecessarily burdensome. He feels that to grant the variance would do substantial justice to the applicant as well as to the surrounding property owners. Further, he feels that the plight of the owner is due to unique circumstances due to the unique configuration of the lot and its location. Once again while the problem may be self-created, he feels that it has been mitigated. The applicant has certainly adequately and very ably explained the requirement.

Variance (C) deals with a patio in the side open space, and this is a variance to Chapter 126, Article 4, section 4.30(C)(3) of the Zoning Ordinance. Mr. Judd has heard this architectural feature projects into the required open space for 6.40 ft. and requires a variance of 6.40 ft. In discussion, that seems to be really dealing with 1.00 ft. beyond what is required in the Ordinance in this circumstance. But, he feels that the particular feature in this case is one that is driven by style and not by necessity, and he also feels that that the problem is self-created. For that reason, Mr. Judd feels that strict compliance with that particular section does not unreasonably prevent the owner from using the property for a permitted purpose; and he feels that substantial justice would not be done to the applicant or to adjacent property owners. He does not feel that the plight of the owner is due to unique circumstances; rather a desire on the petitioner's part. Additionally he feels that the problem is self-created.

For those reasons, Mr. Judd would move to grant Variances (A) and (B) and deny Variance (C). The motion is tied to the plans presented this evening.

Motion to grant Variance (A) as advertised:

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Judd, Canvasser, Hart, Lilley, Lillie, Morganroth, Rodriguez

Nays: None

Absent: Miller

Motion to grant Variance (B) as advertised:

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Judd, Canvasser, Hart, Lilley, Lillie, Morganroth, Rodriguez

Nays: None

Absent: Miller

Motion to deny Variance (C) as advertised:

Mr. Morganroth said he would be able to support Variance (C) if they granted 5.4 ft.; but he has a challenge in denying it outright because he thinks everyone agrees that it is really 1.00 ft. because of the recessed area plus the 3.00 ft. that are allowed that could be granted as a variation of this. So he will not support the motion.

Mr. Hart indicated he will not support the motion for the same reason. He thinks that the appellant is being penalized for making concession to move the house in. He doesn't think this is really a patio, but doesn't feel there is any other title for it. This is an integrated inset or access point to the house.

Mr. Canvasser noted he will support the motion for two reasons: He thinks this is entirely self-created. Also, since this has been defined by staff as a patio, he believes the Board needs to review it as a patio, absent a request for an interpretation. While this feature may be aesthetically pleasing, what he has heard tonight is that there could still be an entrance at that location; there could still be a walkway; and there could still be stairs without the need for a variance.

Responding to Mr. Morganroth, Mr. Johnson explained that because the applicant has chosen to maintain 14.00 ft. between principal buildings to the east, he has moved the house 2.00 ft. out past the setback line. He agreed the patio is recessed back 2.00 ft. but they are looking at what is projecting past the face of the house which adds another 4.40 ft.

Motion failed, 3-4.

ROLLCALL VOTE

Yeas: Judd, Canvasser, Lillie

Nays: Hart, Lilley, Morganroth, Rodriguez

Absent: Miller

Since the motion to deny Variance (C) of the petitioner's request did not pass, Chairman Lillie asked for a motion to approve Variance (C) of the petitioner's request.

Mr. Hart motioned with regard to Appeal 18-42, 592 W. Frank, Chapter 126, Article 4, section 4.30(C)(3) to approve Variance (C) for of 6.40 ft. as requested and tied to the plans. **The motion failed for lack of a second.**

Since no motion was passed to approve Variance (C) of the petitioner's request as advertised, it is deemed denied.

Motion by Mr. Hart

Seconded by Mr. Morganroth with regard to Appeal 18-42, 592 W. Frank, Chapter 126, Article 4, section 4.30(C)(3) to approve a variance 5.40 ft. for a side projection structure, contingent upon approval of the design by the Building Dept.

Mr. Canvasser raised the issue of what the Board would be approving in terms of 5.40 ft. as there are no drawings. That is why he cannot support the motion.

Mr. Johnson responded that he understands those concerns. If the patio was part of the structure he would have the same concerns; but when it is a patio near a slab on grade he thinks that could be handled during the review process to make sure that it follows the guidelines of the motion.

Mr. Morganroth indicated he would support the motion for the following reasons:

- He believes this is a challenging lot;
- The limitations of the lot are not self-created;
- The applicants have gone to the minimum and maximum width potentially to build a home of this caliber on this lot;
- They have made an active attempt to mitigate the side entrance by recessing and sacrificing potential square footage;
- He believes that Variance (C) will do substantial justice to the homeowner and to the neighbor;
- He further believes they could say that since the steps are a typical size, the 1 ft. would have to come out of the flat patio as a means to achieve this approval.

Motion carried, 6-1.

VOICE VOTE

Yeas: Hart, Morganroth, Lilley, Judd, Lillie, Rodriguez

Nays: Canvasser
Absent: Miller

T# 12-111-18

5. CORRESPONDENCE (none)

T# 12-112-18

6. GENERAL BUSINESS

1) Rules of Procedure Revisions

Board members reviewed the proposed changes to the Rules of Procedure.

Motion by Mr. Judd

Seconded by Mr. Morganroth to adopt the proposed Rules of Procedure as presented.

Motion carried, 7-0.

VOICE VOTE

Yeas: Judd, Morganroth, Canvasser, Hart, Lilley, Lillie, Rodriguez

Nays: None

Absent: Miller

Mr. Judd noted that sections of the Code that deal with the powers of the BZA to sit in judgment of two sister boards and the Building Official are based on State Statute MCL125.581. Unfortunately in 2006 that statute was repealed. Yet the BZA still goes by that same section. Now there is a new section MCL125.3603 that became effective July 1, 2006, which is the same date that the old section was repealed. So, the Board has been dealing with a section that is 12 years out of date.

Mr. Johnson said they can work on bringing that up to date. It has to go before the Planning Board as an amendment to the Zoning Ordinance. Mr. Judd added they might also request an opinion from the City Attorney.

T# 12-113-18

7. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA (no public remained)

T# 12-114-18

8. ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 8:35 p.m.

Bruce R. Johnson, Building Official

CASE DESCRIPTION

211 VALLEY VIEW LANE (19-01)

Hearing date: January 8, 2019

The owner(s) of the property known as 211 Valley View Lane request the following variances to construct a new single family home with an attached garage:

- A. Chapter 126, Article 2, Section 2.06** of the Zoning Ordinance requires a maximum building height of 24.00 feet for a flat roof. The required height for this property is 24.00 feet. The proposed building height is 28.00 feet, therefore a variance of 4.00 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 32.33 feet in front of the furthest front facade. Therefore, a variance of 37.33 feet is requested.

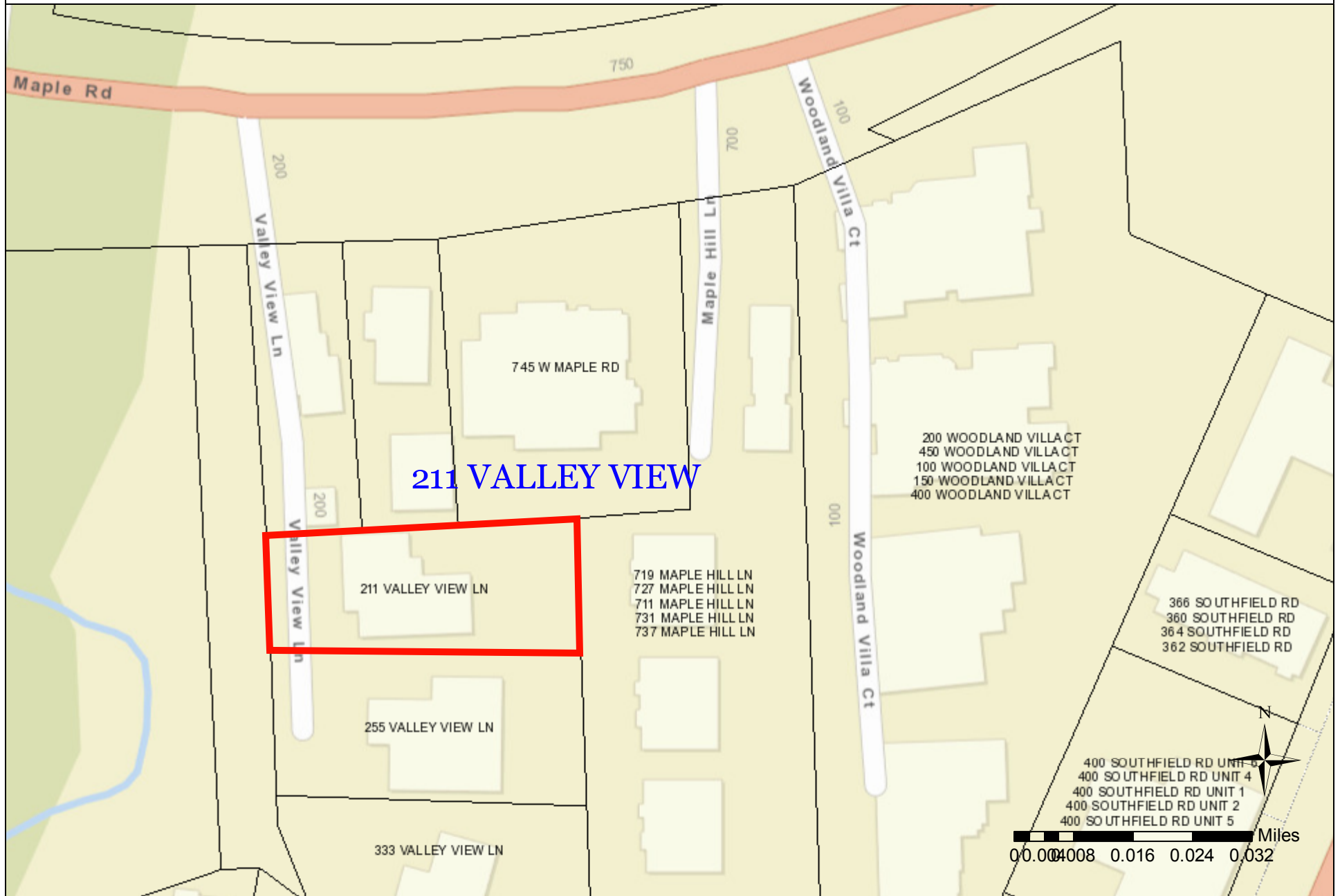
Staff Notes:

The applicant proposes to construct a new two story home with an attached garage. The grade on this lot slopes in two directions.

This property is zoned R1.

Jeff Zielke
Plan Examiner

211 VALLEY VIEW LANE



Application Date: 11-30-18



Hearing Date: January 8, 2018

Received By: BW

Appeal # 19-01

Board of Zoning Appeals Application

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

Property Information:

Street address: <u>211 VALLEY VIEW LANE</u>	Sidwell Number: <u>08-19-36-103-005</u>
Owners name: <u>JEFF ROGERS</u>	Phone #: _____
Owners address: <u>630 CHESTER ST</u>	Email: <u>Jrogers@universallogistics.com</u>
City: State: <u>BIRMINGHAM, MI</u>	Zip code: <u>48009</u>
Contact person: _____	Phone #: _____

Petitioner Information:

Petitioner name: <u>KEVIN AKET</u>	Phone #: <u>248-540-6009</u>
Petitioner address: <u>665 HULET DR.</u>	Email: <u>KEVIN@AZDARCH.COM</u>
City: <u>BLOOMFIELD 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: _____

Date: Nov. 30, 2018

Not signed
BW

Dec 1, 2018

Zoning Board of Appeals
City of Birmingham
151 Martin St
Birmingham, MI

RE: 211 Valley View Lane

Building Height:

The property slopes from the rear down to the road (11'-12' from rear to front property line). Because of the required cutaway for the drive way and the existing slope, the house can not be located in a way to satisfy the cities engineering departments requirements for grading and drainage, and the zoning regulated building height, which creates an unfair hardship.

Garage Setback:

An attached garage is required to be 5' back from the front facade. There is a small portion of the living room wall at the rear of the house that protrudes further to the side (3'-6") than the front facade (because of the skewed side property line). The building department has determined that that rear wall (which is almost un-viewable from the road) counts towards the front facade. We feel this interpretation is not consistent with the spirit or intent of the ordinance and creates an necessary hardship for our client with regards to the location of the proposed attached garage.

Best Regards,

Bradley Balkwill
AZD Associates Inc.

AZD

associates, inc.

665 hulet drive suite 100 bloomfield hills, mi 48302
architects



ph. (248) 540 . 6009
www.azdarch.com

CASE DESCRIPTION

555 S. Old Woodward (19-02)

Hearing date: January 8, 2019

Appeal No. 19-02: The owner(s) of the property known as 555 S. Old Woodward request the following variances to allow the installation of additional signage on the building:

- A. **Chapter 86, Article 01, Section 1.04 (B)** of the sign ordinance permits 1 square foot (1.5 square feet for addresses on Woodward Ave.) of sign area per linear foot of principle building frontage. The property owner is requesting a variance to be allowed 1.5 square feet of signage per linear foot of principle building frontage.
- B. **Chapter 86, Article 01, Section 1.05 (K)2** of the sign ordinance permits non-illuminated signs identifying the entire structure by a building name above the first floor. The property owner is proposing an illuminated building identification sign. Therefore, a variance to add illumination to the building identification sign is requested.

Staff Notes:

The applicant appeared before the Design Review Board on 1.02.19 to request a recommendation from the Board. The Design Review Board recommended approval of both variance requests. They felt that granting the variances would not compromise the design review standards of section 7.09 of the Zoning Ordinance which outline practical and aesthetic guidelines by which applications are evaluated. Draft meeting minutes will be available prior to the meeting for your review.

This property is zoned B3.

Matthew Baka
Senior Planner

555 S. OLD WOODWARD



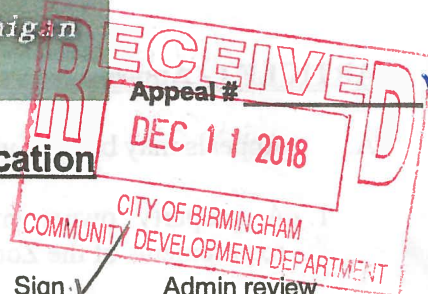
Application Date: 12.11.18



Hearing Date: 1.8.19

Received By: HT

Board of Zoning Appeals Application



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

Property Information:

Street address: <u>555 S. OLD WOODWARD</u>	Sidwell Number: _____
Owners name: <u>JACK REINHART</u>	Phone #: <u>248.792.5085</u>
Owners address: <u>555 S. OLD WOODWARD</u>	Email: <u>JJ REINHART@GMAIL.COM</u>
City: State: <u>BIRMINGHAM, MI.</u>	Zip code: <u>48009</u>
Contact person: <u>JACK REINHART</u>	Phone #: <u>248.645.1191</u>

Petitioner Information:

Petitioner name: <u>ROBERT L. ZIEGELMAN FAIA</u>	Phone #: <u>248.644.0600</u>
Petitioner address: <u>555 S. OLD WOODWARD #127</u>	Email: <u>RZIEGELMAN@L2ARCH.COM</u>
City: <u>BIRMINGHAM</u> State: <u>MICH.</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. (WE HAVE ONE)

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: X

Date: 12-8-18

Luckenbach|Ziegelman|Gardner Architects pllc
555 S. Old Woodward Avenue, Suite 27L
Birmingham, MI 48009
Tel 248.644.0600

December 6, 2018

Board of Zoning Appeals
Birmingham, Michigan 48009

Letter of Practical Difficulty: Re 555 S. Old Woodward Ave signs and lighting.

- We are asking that the building identification "555" is placed above the sign band on the south face of the 15 story apartment building (looking south down Woodward) and backlighted so it can be seen above the trees.
See pages 2 thru 7. and Location map at 7.
- Also, we are asking that the building identification "555" at the entry of the northern commercial building is placed above the sign band (unlighted) so it is not confusing as to being part of a store sign. See page 1. and Location map at 1a.
- Install a thin vertical continuous light (½" tubular led) at the south end of the 15 story residential building to help identify the Gateway to Birmingham. See page 4 thru 7 and location map at 6.
- Because of the unique 2 level design of the Commercial space at "555" resulting in doubling the signage needed for the "front address" on Old Woodward, we are requesting a variance to permit the building to use the main Woodward (M-1) address for frontage to calculate the allowable square footage for signage. (See enclosed Site Location Map)

This means for example:

The ordinance allows 1 sq.ft. of sign per lineal foot of frontage on the Old Woodward address or 412 sq. ft. of signage. This application is presently 10 sq. ft. over the requirement.

The same ordinance allows 1.5 sq. ft. of sign area per lineal foot of frontage on the (M-1) Woodward side or $412 \times 1.5 = 618$ sq. ft. which would allow us to conform and the remaining tenants to qualify for signs.

Respectfully submitted,


Robert L. Ziegelman FAIA

DESIGN REVIEW BOARD
MINUTES OF JANUARY 2, 2019
Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, January 2, 2019. Vice-Chairman Keith Deyer called the meeting to order at 7 p.m.

1) ROLL CALL

Present: Vice-Chairman Keith Deyer, Board Members Gigi Debrecht, Natalia Dukas, Patricia Lang, Joseph Mercurio, Michael Willoughby (left at 8:50 p.m.); Alternate Board Member Alex Jerome

Absent: Chairman John Henke; Alternate Board Member Dulce Fuller, Student Representatives Grace Donati, Ava Wells

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

01-01-19

2) APPROVAL OF MINUTES
DRB Minutes of December 5, 2018

Motion by Mr. Willoughby

Seconded by Mr. Mercurio to approve the DRB Minutes of December 5, 2018 as presented.

Motion carried, 7-0.

VOICE VOTE

Yeas: Willoughby, Mercurio, Deyer, Dukas, Debrecht, Jerome, Lang

Nays: None

Absent: Fuller, Henke

01-02-19

3) DESIGN REVIEW

555 S. Old Woodward Ave.

Building ID sign and lighting plan (postponed from December 5, 2018)

Zoning: B-3 Office-Residential

Existing Use: Mixed Use

Proposal: The applicant proposes to replace the existing non-conforming building identification sign with a new illuminated building identification sign at the top of the building on the south facing façade, and to install a vertical accent light on the southeast corner of the residential (south) building.

Signage: The applicant has submitted for administrative approval of several new signs on the site, including an illuminated building identification sign. The Birmingham Sign Ordinance permits non-illuminated building identification signs provided that the sign does not exceed the allowable combined sign area by more than 25%. The sign is proposed to be backlit with diffused illuminated LEDs. Accordingly, the applicant has submitted an application to the Board of Zoning Appeals (“BZA”) to request a variance to allow backlighting to be added to the proposed building ID sign on the south face of the residential (south) building of the 555 complex.

In addition, the administrative approval application that the applicant has submitted exceeds the permitted combined sign area for the building. Accordingly, they have also requested that the BZA grant them a variance to apply the Woodward Ave. standard of 1.5 sq. ft. of combined sign area for each linear foot of principal building frontage that is permitted for buildings with a Woodward Ave. address. The 555 Building complex is not eligible for this amount of signage per the Ordinance as their address is located on S. Old Woodward Ave., even though the buildings front on both streets. If granted, the variance would allow them to multiply their frontage by 1.5, which gives them 50% more allowable signage and the flexibility to have additional signage for their retail tenants on the garden level and on the first floor, along with new directional signage.

The BZA has a long standing policy of requiring that sign variance applicants appear before the Design Review Board or Historic District Commission for an aesthetic review prior to appearing in front of the BZA.

Illumination: The proposed logo signs will be illuminated with white LEDs.

Responding to the Vice Chairman, Mr. Baka explained what is driving the need for the variance for a Woodward Ave. address. Not including the building identification, the application for new signage would exceed the signage permitted by the Ordinance. Vice Chairman Deyer thought there are empty tenant spaces because the larger spaces are being subdivided to create more spaces.

Mr. Bob Ziegelman, Lukenbach, Ziegelman, Gardner Architects, said they are responsible for the renovation of the building. Part of the reason more signage is needed is because they are adding building signage to identify the apartments,

the office building, directional signs, and public parking. Further, there may be more small retail tenants in the same amount of space.

Mr. Baka explained that the second variance that the applicant will request is to illuminate the building identification sign with backlighting.

The architectural lighting proposed for the southeast corner of the building can be approved by this Board.

Mr. Ziegelman explained the logic for the backlighting is so that the sign can be seen. He provided a rendering of their proposal. The intention is to keep the letters black and three dimensional. The existing uplighting on the building will cast a shadow on the letters and they will lose their shape and readability. If the letters are backlit, then the shadows will disappear, the sign will be seen, and the letters won't seem like they are backlit. He demonstrated the LED uplight that goes up 11 stories and said that it can be seen from a mile away. The proposed backlighting is in addition to the uplighting that already exists.

Mr. Willoughby said he saw the mockup of the architectural lighting and it is very subtle and can be seen from a good distance. He thought it would be a great gateway to the City.

Ms. Dukas asked if there is a possibility of the white changing to a color. Mr. Ziegelman said they have gone through mockups and the owners have agreed they don't want anything but white.

Motion by Ms. Lang

Seconded by Ms. Debrecht to APPROVE the LED architectural lighting proposal for the southeast corner of 555 S. Old Woodward Ave.

Motion carried, 7-0.

VOICE VOTE

Yeas: Lang, Debrecht, Deyer, Dukas, Jerome, Mercurio, Willoughby

Nays: None

Absent: Fuller, Henke

Motion by Mr. Willoughby

Seconded by Ms. Dukas to recommend that the BZA approve a variance for the illumination of the new 555 Building Sign on the south façade of the building. The current sign is not visible and with the new sign up higher, the ground uplighting creates a problem with shadows being cast.

Motion carried, 7-0.

VOICE VOTE

Yeas: Willoughby, Dukas, Debrecht, Deyer, Jerome, Lang, Mercurio
Nays: None
Absent: Fuller, Henke

With respect to the requested variance for a Woodward Ave. address, Mr. Baka noted the applicant is not asking for larger signage only the additional sign area.

Vice-Chairman Deyer said that an updated Sign Plan needs to be submitted in order to make approvals easier for everyone going forward. The Sign Plan should include location of the signs; how many linear feet by what height; what type of signs such as pin, mounted, backlit; graphics. If a tenant doesn't want to follow the rules outlined in the Sign Plan, then they must come before the DRB, request approval, and submit the fee.

Motion by Mr. Willoughby

Seconded by Ms. Lang regarding 555 S. Old Woodward Ave. to recommend that the BZA grant a variance for the square footage allowable for buildings with a Woodward Ave. address which allows 1.5 times the principle building frontage, and not the S. Old Woodward Ave. address. The Board believes that due to the building two having levels of retail; the need for public parking signs and other directional signage, the additional signage would be appropriate and not excessive or garish and would be compatible with the size and scale of the buildings.

Motion carried, 7-0.

VOICE VOTE

Yeas: Willoughby, Lang, Debrecht, Deyer, Dukas, Jerome, Mercurio
Nays: None
Absent: Fuller, Henke

01-03-19

6) STUDY SESSION (not discussed)

01-04-19

7) MISCELLANEOUS BUSINESS AND COMMUNICATIONS

A. Staff Reports

-- Administrative Approvals

- 2055 Fourteen Mile Rd. - New wall signage, east and west of building, 1.5 in. acrylic letters.

- 1105 S. Adams, Simply Good Take Out Food - Remove existing three signs on north, south, and west walls (all non-illuminated); replace north and south with illuminated signs with slightly different design; replace west sign with non-illuminated sign with slightly different design.

B. Communications

-- Commissioners' Comments

As there are no pending applications, there will be no meeting on January 16.

12-50-18

ADJOURNMENT

No further business being evident, the board motioned to adjourn the meeting at 8:56 p.m.

Matthew Baka
Sr. Planner

CASE DESCRIPTION

280 N. Old Woodward (19-03)

Hearing date: January 8, 2019

Appeal No. 19-03: The owner(s) of the property known as 280 N. Old Woodward, Suite 100 requests an administrative appeal of the interpretation of the proposed use for the property.

- A. **Chapter 126, Article 08, section 8.01 (F)1(a)** of the Zoning Ordinance authorizes the Board of Zoning appeals to hear and decide appeals from and review any determination made by an administrative official charged with the enforcement of the Zoning Ordinance. The Building Official has determined that the proposed use of the ground floor space located at the property does not meet the requirements of the redline retail district as outlined in the Zoning Ordinance. Therefore, the applicant is requesting a reversal of that decision.

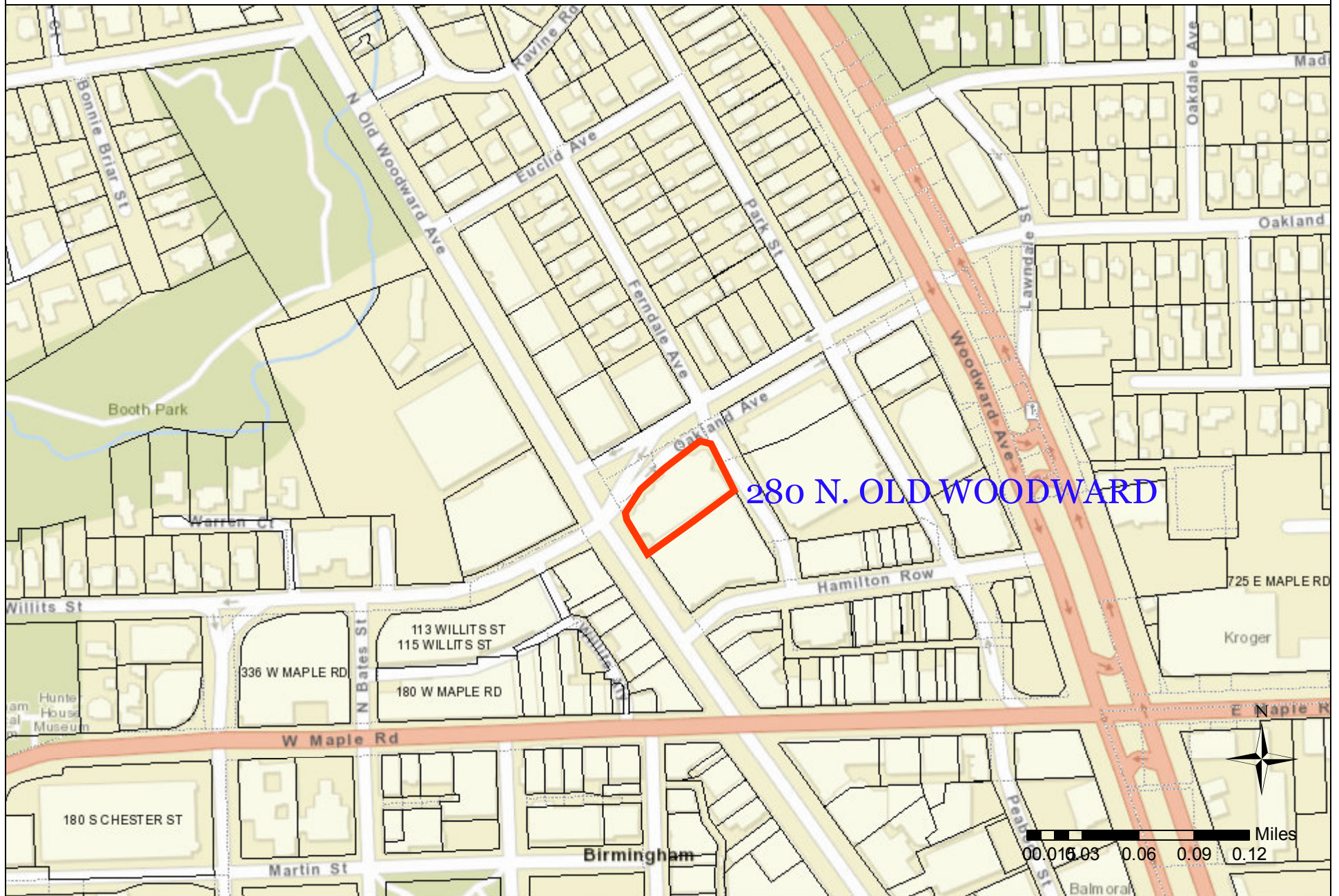
Staff Notes:

The Redline Retail District requires that the first 20' of depth along any street designated as retail frontage on the Zoning Map must provide retail uses within that district as defined in the zoning ordinance. The proposed use by the applicant is a flexible office space that is available for temporary short term rental without a lease. The 20' retail zone require by ordinance is proposed to be used for accessory uses to the principle office use. A recent zoning compliance letter outlining the definitions that dictate the standards for the Redline Retail District has been included for your reference.

This property is zoned B4.

Matthew Baka
Senior Planner

280 N. OLD WOODWARD



Application Date: 12-17-18



Hearing Date: 1-8-19

Received By: BM

Appeal # 19-03

Board of Zoning Appeals Application

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

Property Information:

Street address: 280 N Old Woodward <u>Ste. 100</u> Sidwell Number:	
Owners name: JFK Investment Company LLC	Phone #: 248-333-2373 x103
Owners address: 43252 Woodward Avenue, Suite 210	Email: tomkosik@jfkinv.com
City: State: Bloomfield Hills, MI	Zip code: 48302
Contact person: Thomas Kosik	Phone #: 248-333-2373 x103

Petitioner Information:

Petitioner name: Work Company LLC / Emil Jakupovic	Phone #: 313-729-7671
Petitioner address: 628 Springview Dr	Email: emil@workcompany.com
City: Rochester	State: MI
Zip Code: 48307	

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.

JFK Investment Company L.L.C.

Signature of Owner: By: Thomas H Kosik Date: 12/14/18
Thomas H. Kosik, Manager



What is Coworking / Flexible Workspace:

- can be used by a variety of different people for a variety of different reasons
 - rent the space by the month, the day, even by the hour if they need an attractive, comfortable meeting room
- individuals use the space as they want to and how much they need
 - cost effective solution
- networking hub given the diverse background of members and users
- great startup incubator
 - start with an idea in an innovative space that's encouraging for development
- alternative to a home office, coffee shop, or traditional workplace

Location:

- 6,000 square feet at 280 N Old Woodward (former Fidelity Investments suite)
- Investment of \$500K - \$750K for construction and furniture, fixtures, and equipment
- Planned launch in Q2 2019

Proposed Use of Space:

- promote entrepreneurial activity, networking, and community development
- market our business to individuals as an alternative atmosphere to socialize and collaborate with others
- unlike a traditional office space, we do not "lease" space to tenants.
 - we offer memberships to those wanting to utilize our services on a daily, weekly, monthly basis
- event space and conference rooms available for rent to meet the various needs of customers, whether it be a holiday party or an artist showcase
- **open to the general public** and anyone may stop by during business hours to purchase or inquire about our offerings

Additional Retail Offerings:

- retail purchases of snacks and beverages are available through our self-service kiosks
- package/letter mailing, copying, faxing and other general concierge services

Marketing Plan:

- engage local advertising/marketing firm to support the launch via digital and traditional platforms, and encourage word of mouth engagement
- design and layout the space so that it is aesthetically pleasing and inviting
 - allow the innovative concept and design language to market the business



Birmingham Zoning (redline retail district):

- Retail Use
 - any of the following uses: artisan, community, **commercial**, entertainment (including all establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development) bistro or restaurant uses.
- Commercial Use
 - Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or **personal services**
- Personal Services
 - **an establishment that is open to the general public and engaged primarily in providing services directly to individual consumers, including but not limited to, personal care services**, services for the care of apparel and other personal items, but not including business to business services, medical, dental and/or mental health services.

We are here to dispute the informal interpretation of proposed use we received from Bruce Johnson, the City Building Official.

1. The Birmingham Downtown Redline Retail Report, **dated March 9, 2018**, delivered to the City Commission provided a detailed analysis of the tenants occupying space in the Redline Retail District and the use category under which they are classified:
 - a. Realtors, IT providers, architecture firms, and engineering firms are all classified as “retail services”
 - i. Additional research included in exhibit E
2. Our proposal falls under the personal services commercial use due to:
 - a. open to the general public
 - b. engaged primarily in providing services directly to individual consumers
 - c. variety of retail offerings
 - d. nature of the business is personal in nature

Exhibits:

- Exhibit A: proposed layout
- Exhibit B: 3D rendering of reception/lobby area
- Exhibit C: 3D rendering of kitchen/shared workspace
- Exhibit D: 3D rendering of open/sales area
- Exhibit E: letter submitted for support of zoning
- Exhibit F: informal interpretation of proposed use

Exhibit A: Proposed Layout

Oakland Ave



Exhibit B: Reception/Lobby Area



Exhibit C: Kitchen/Shared Workspace



Exhibit D: Open/Sales Area



December 07, 2018

Bruce Johnson
Building Official
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Re: Letter in Support of Zoning for 280 N. Old Woodward Ave., Suite 100

Dear Mr. Johnson:

I am writing to you in regards to the proposed use of the space located at 280 N. Old Woodward Ave., Suite 100, Birmingham, MI (the "Premises") in accordance with the lease between The Work Company LLC, as tenant, and JFK Investment Company, LLC, as landlord.

As you are aware from our previous discussions, we have proposed opening a co-working space at the Premises. Since the building is subject to the Redline Retail District it requires, among other things, that the Premises be used for retail within the first 20 feet of depth of window frontage. You informed me that you did not believe that our initial proposal would be sufficient to meet this requirement. However, we have conducted an analysis of the tenants currently zoned as retail within the Redline Retail District by your office (as discussed in more detail below) and, based on these results, we ask that you reconsider our proposal.

According to the City of Birmingham Zoning Ordinance (the "Ordinance"), all lot lines abutting a public street in the Redline Retail District are required to be retail in nature. "Retail Use" is defined as, among other things, commercial use. "Commercial Use" is where the premises are used in connection with personal services. The City Commission recently adopted a definition of "personal services" that states an "establishment open to the general public and engaged primarily in providing services directly to individual consumers...but not including business to business services, medical, dental, and/or mental health services."

The Birmingham Downtown Redline Retail Report, dated March 9, 2018, delivered to the City Commission provides a detailed analysis of the tenants occupying space in the Redline Retail District and the use category under which they are classified by your office. In order to meet the zoning requirements of the Redline Retail District, a business must primarily provide services to the individual consumers and not other business, nor may they provide medical, dental or mental health services. In accordance with these requirements, we discuss in more detail the existing tenants included in the report below.

- **Realtors:** The following tenants are classified as "retail-services": Birmingham Realty; Max Broock Realtors; Hall & Hunter Realtors; Berkshire Hathaway; Signature Sotheby's; Cranbrook Realtors; National Realty; Jeff Glover Associates; Shane Park Properties; Coldwell Banker. None of these tenants provide "personal care services or services for care of apparel and other personal items." While they may provide some services to individual consumers in the form of acting as agents/brokers in the purchase/sale of single

family homes, they also provide a wide range of business to business services which are clearly excluded from the definition of “personal services” in the Ordinance. For an example, Max Boock Realtors lists business to business services on the top of their website, which includes corporate employee relocation and property management services.

- **Shift Digital:** Classified as “retail-services.” According to their website, they provide innovative business solutions and classify themselves as a digital marketing and technology company. Clearly they don’t primarily provide retail services to meet the requirements of the Ordinance.
- **Medical, Dental and Mental Health:** The following tenants are classified as “medical”: John M. Sushko; Stephen Fabick, EDD; Joelyn Nyman, L.P.C.; Di Pilla Dental; Vein Center; Dr Patrick Smith. All of these tenants are specifically excluded under the definition of “personal services.”
- **Brian Neeper Architecture:** Classified as “retail-services.” Similar to the realtors listed above, this tenant does not provide “personal care services or services for care of apparel and other personal items.” While it may provide some services directly to individual consumers in the form of architectural services to owners of single family homes, they also provide a wide range of business to business services to developers and home builders which are clearly excluded from the definition of “personal services” in the Ordinance.
- **Office:** The following are classified as “office”: Junior League of Birmingham; Flex Cable; SAIC USA Inc; Tri-Phase; Centigrade; Google; Banco; International Manufacturing and Assembly; Cultural Council of Birmingham; Lutz Real Estate; Luxe Homes; Brogan & Partners. Since the primary function of these tenants is general office purposes, all of these tenants are specifically excluded under the definition of “personal services.”
- **MA Engineering:** Classified as “retail-services.” According to their website, they provide comprehensive mechanical and electrical engineering services to business clients. Thus, since they primarily provide business to business services, they would not meet the definition of “personal services” under the Ordinance.
- **Conway Mackenzie:** Classified as “retail-services.” According to their website, they provide “a wide spectrum of consulting services to help companies throughout the world overcome their most complex business challenges and achieve their strategic and financial goals.” Since they primarily provide business to business services, they would not meet the definition of “personal services” under the Ordinance.
- **IT Providers:** The following are classified as “retail-services”: Mad Dog Technology and Detroit IT. Mad Dog Technology specializes in advanced technology and mobile device development for businesses. Detroit IT provides managed information technology solutions for businesses. Since the primary purpose of these tenants is to provide business to business services, they are specifically excluded under the definition of “personal services.”
- **Pluto:** Classified as “retail-services.” According to their website, they provide businesses with creative content, including video production, communication and editorial services. Since the primary purpose of this tenant is to provide business to business services, it is specifically excluded under the definition of “personal services.”

- **Kojaian Development:** Classified as “construction.” According to its website, it provides development, design and build, acquisition and management of distinctive office, industrial, high-tech and retail spaces. Thus, since the primary purpose of this tenant is to provide business to business services, it is specifically excluded under the definition of “personal services.”

Our proposed use of the space is intended to promote entrepreneurial activity, networking and community development. We intend to market our business to individuals as an alternative atmosphere to socialize and collaborate with others. Unlike a traditional office space, we do not “lease” space to tenants. In fact, we offer memberships to those wanting to utilize our services on a daily, weekly or monthly basis. Event space and conference rooms are also available for rent to meet the various needs of customers, whether it be a holiday party or an artist showcase. We are open to the general public and anyone may stop by during business hours to purchase or inquire about our offerings.

Additionally, retail purchases of snacks, small meals and beverages are available through our self-service kiosks. We also provide various other retail services, such as package/letter mailing, copying, faxing and other general concierge services.

Unlike several of the existing tenants noted above classified by your office as providing “retail services,” our business is primarily focused on providing personal services to individual consumers. For example, Mad Dog Technology and Detroit IT provide various information technology services, Pluto primarily provides video production services and Shift Digital provides digital marketing, all exclusively focused on businesses to business sales. Our business is primarily focused on providing personal services to individual consumers, business to business sales are secondary. Thus, if these businesses can be classified as retail even though they primarily provide business to business services, then our business should similarly be classified as “retail-service” under the Ordinance.

Furthermore, your office has classified the above listed realty offices as “retail-services” but have not provided a distinction between the tenants that provide services exclusively to individuals and those that also provide business to business services. Your office has made this distinction with certain providers, such as Luxe Homes and Lutz Realty which solely provide commercial real estate investment services and as such are classified as “office” use. However, our business does not solely provide businesses to business services. We provide services to individuals and other businesses. Therefore, we should similarly be classified as “retail-services” consistent with the standard practices of your office.

If you have additional questions, please feel free to contact me at (313) 729-7671.

Sincerely,

Emil Jakupovic
Managing Member



December 13, 2018

Emil Jakupovic
Work Company, LLC
628 Springview Dr
Rochester, MI 48307

RE: 280 N Old Woodward, Suite 100
Informal Interpretation of Proposed Use

Dear Mr. Jakupovic:

This is a response to your letter dated December 7, 2018 in regards to a proposed use at the referenced location. The proposed space as described in your letter and shown on the floor plan is a co-working office space. It appears that individuals or groups can pay to occupy work space by the day, week, month, etc. The plan shows an area along the Old Woodward elevation that has a kitchen, seating areas, sales area and workstations. Self-serve vending machines will be located in this area as mentioned in your letter.

The City's Zoning Ordinance requires the first 20-feet of depth from the Old Woodward frontage to be retail. A review of your letter and floor plan resulted in a determination that the proposed use of this area would not be considered retail per the City's Zoning Ordinance's definitions. The area described and shown appears to primarily serve the office workers rather than the general public.

You indicated in your letter that it was provided is support of a zoning variance. The deadline for submitting an application for the January regular meeting of the Zoning board of Appeals is Monday December 17, since the 15th falls on a Saturday. You will need to schedule a pre-application meeting to discuss the application and supporting documents necessary to submit an appeal. Please feel free to contact me to schedule a meeting.

Best regards,

Bruce R. Johnson
Building Official



September 19, 2018

[REDACTED]
[REDACTED]
[REDACTED]

RE: 280 N. Old Woodward, Birmingham MI, 48009
Parcel #19-25-453-010 "The Property"

To Whom It May Concern,

As per your request, please be advised of the following;

- The property at 280 N. Old Woodward is currently zoned B-4/D-4. The B-4/D-4 zoning district permits the use of the property for office, commercial, or residential;
- The property is located in the red line retail area as designated by the Downtown Regulating Plan. Buildings that have frontage in the red line retail area, as specified on the Regulating Plan, shall consist of retail with a minimum depth of 20 feet from the frontage line within the first-story. The following definitions guide the determination of acceptable retail uses:

Retail Use: Any of the following uses: artisan, community, commercial, entertainment, bistro or restaurant uses.

Commercial Use: Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.

Personal Services: An establishment that is open to the general public and engaged primarily in providing services directly to individual consumers, including, but not limited to, personal care services, services for the care of apparel and other personal items, but not including business to business services, medical, dental and/or mental health services.

- Any divergence from the current allowable development standards in regards to the existing building or use currently located on the site is considered legal non-conforming;

- Any existing non-conforming uses shall not be reestablished after discontinuance for 6 months or more;
- Any nonconforming building shall not be rebuilt or repaired after damage exceeding 75% of the true market value of the building immediately prior to damage;
- There are currently no outstanding violations on record for this property;
- The Certificate of Occupancy and/or final building permits are not available for this building; and
- This property is located within the Parking Assessment District; therefore, no off-street parking is required for office or commercial uses.

Please see the attached B4 and D4 zoning summary for a detailed list of permitted uses and development standards. If you have any questions, please feel free to contact me.

Sincerely,



Matthew Baka

Senior Planner

mbaka@bhamgov.org

1(248) 530-1848