BIRMINGHAM BOARD OF ZONING APPEALS AGENDA

UPDATED: VIRTUAL MEETING DUE TO COVID-19 PANDEMIC Go To: https://zoom.us/j/96343198370

Or Dial: 877 853 5247 US Toll-Free Meeting Code: 963 4319 8370

> DECEMBER 8, 2020 7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE MINUTES

a) November 10, 2020

4. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	1880 KENWOOD CT	CONWAY	20-46	DIMENSIONAL
2)	815 PURDY	TIMBERLAND HOMES	20-47	DIMENSIONAL

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 dia 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.

DECEMBER BZA MAP With Maywood Ave Raynale St Quarton Wimbleton Dr Lake Poppleton Park Park 1880 KENWOOD Oak Blvd Vinewood Ave Poppleton Harmon Stage Rivenoak St Madison St Quarton Oakland Ave Westwood Dr N-Glenhurst Dr Ridgedale Ave Booth Park Fairview St Knox St Jamilton Row Willits St Kroger E Maple Rd Birmingham Yosemite B W Maple Rd Forest Ave Park Villa Ln W Merrill St Chestnut St Linden Rd Linn Townsend St Smith Haz Park W Brown St Bowers Hayn Arlington St. Hanna St Webster St Gordon Ln Wallace St ELI W Lincoln St W Lincoln St St James Fairway Dr Park Be 00.05.1 0.2 0.3 0.4 Northlawn Blvd Chapin Ave

Birmingham Board Of Zoning Appeals Proceedings Tuesday, November 10, 2020 Held Remotely Via Zoom And Telephone Access

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, November 10, 2020. Vice-Chairman Canvasser convened the meeting at 7:36 p.m.

2. Rollcall

Present: Board Members Jason Canvasser, Kevin Hart (arrived 8:30 p.m.), Richard Lilley,

John Miller, Erik Morganroth; Alternate Board Members Jerry Attia, Ron Reddy (all members present at roll call were located in Birmingham, MI with the exception of Mr. Lilley, who was located in Folly Beach, SC. Since Mr. Hart arrived after roll call,

his location was not ascertained.)

Absent: Chairman Charles Lillie; Board Member Francis Rodriguez

Administration:

Mike Morad, Asst. Building Official Jeff Zielke, Asst. Building Official

Eric Brunk, IT Director Brooks Cowan, City Planner

Laura Eichenhorn, City Transcriptionist

Vice-Chairman Canvasser explained the meeting was being held virtually due to the Covid-19 pandemic. He explained the procedures to be followed for the virtual meeting.

Vice-Chairman Canvasser described BZA procedure to the audience. He noted that the members of the Board of Zoning Appeals are appointed by the City Commission and are volunteers who serve staggered three-year terms. They are a quasi-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. Appeals are heard by the board as far as interpretations or rulings. In that type of appeal the appellant must show that the official or board demonstrated an abuse of discretion or acted in an arbitrary or capricious manner. Four affirmative votes are required to reverse an interpretation or ruling.

Vice-Chairman Canvasser took rollcall of the petitioners. All expected petitioners were present.

3. Approval Of The Minutes Of The BZA Meeting Of September 8, 2020

Motion by Mr. Morganroth Seconded by Mr. Miller to accept the Minutes of the BZA meeting of September 8, 2020 as submitted.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Lilley, Morganroth, Miller, Reddy, Attia

Nays: None

Abstain: Canvasser

T# 11-56-20

4. Appeals

1) 707 Lakeview Appeal 20-40

Assistant Building Official Zielke presented the item, explaining that the owner of the property known as 707 Lakeview was requesting the following variances to construct a new home with an attached garage:

- **A. Chapter 126, Article 2, Section 2.08.4** of the Zoning Ordinance requires that the maximum building height for sloped roofs is 30.00 feet to the midpoint. The proposed is 35.30 feet. Therefore a variance of 5.30 feet is being requested.
- **B. Chapter 126, Article 2, Section 2.08.4** of the Zoning Ordinance requires that the maximum building height to the eave is 24.00 feet. The proposed is 30.60 feet. Therefore a variance of 6.60 feet is being requested.

ABO Zielke explained the applicant was requesting height variances to construct a new home with an attached garage. The lot slopes from the front to the rear. The southwest corner of the proposed house is the area in which the variances were being requested. This property is zoned R2 – Single Family Residential.

In reply to Mr. Morganroth, ABO Zielke confirmed that if the lot were flat the appellant would not need a variance to construct the home as proposed.

Brian Neeper, architect, reviewed the letter to the BZA describing why these two variances were being sought. The letter was included in the evening's agenda packet.

The Board had no questions for Mr. Neeper.

The public had no questions regarding the appeal.

Motion by Mr. Miller

Seconded by Mr. Morganroth with regard to Appeal 20-40, A. Chapter 126, Article 2, Section 2.08.4 of the Zoning Ordinance requires that the maximum building height for sloped roofs is 30.00 feet to the midpoint. The proposed is 35.30 feet. Therefore a variance of 5.30 feet is being requested; and B. Chapter 126, Article 2, Section 2.08.4 of the Zoning Ordinance requires that the maximum building height to the eave is 24.00 feet. The proposed is 30.60 feet. Therefore a variance of 6.60 feet is being requested.

Mr. Miller moved to approve both variances A and B and tied the approval to the plans as submitted. Mr. Miller explained that he had visited the home, and saw that the rear of the lot had a steep fall-off from the midpoint of the lot. He said due to those unusual conditions, strict compliance with the ordinance could not be expected as it would prevent the petitioner from using the property in a reasonable way. The issue is due to the terrain and is not self-created.

Motion carried, 5-1.

ROLL CALL VOTE

Yeas: Lilley, Canvasser, Morganroth, Miller, Reddy

Nays: Attia

2) 530 Vinewood Appeal 20-41

ABO Zielke presented the item, explaining that the owner of the property known as 530 Vinewood was requesting the following variance to reconstruct the existing non-conforming driveway and patio:

A. Chapter 126, Article 2, Section 2.08.1 of the Zoning Ordinance requires that a single family residential lot shall have a minimum open space of 40%. The minimum open space required is 2758.40 SF (40%). The proposed is open space is 1968.00 SF (28.5%). Therefore a variance of 790.40 SF (11.50%).

ABO Zielke noted the applicant was requesting a variance to reconstruct the existing brick paver driveway and patio. This property is zoned R2 – Single Family Residential.

ABO Zielke explained the patio in the front yard was not colored yellow in the drawings because it was considered a 'porch' which is allowed to project 10 feet into the front yard. As a result, it does not get counted against the required open space. He also explained that one must drive past the house and loop around to enter the garage.

Marko Berishaj, son-in-law of the homeowner, reviewed the letter to the BZA describing why Ms. Santa Zaiwadeh, owner, was seeking this variance. The letter was included in the evening's

agenda packet. Mr. Berishaj said Ms. Zaiwadeh attempted to mitigate the variance request where she could by planning not to bring the concrete of the deck back to the rear lot line.

Mr. Morganroth noted that the amount of lot coverage overage in this request was significant. He asked for information on the applicant's attempts at mitigation.

Mr. Berishaj said the patio in the rear is very small and that Ms. Zaiwadeh was making it smaller with these updates. He was not sure what other hardscape could be given up to mitigate the variance request.

There were no further questions from the Board and no questions from the public.

Motion by Mr. Reddy

Seconded by Mr. Miller with regard to Appeal 20-41, A. Chapter 126, Article 2, Section 2.08.1 of the Zoning Ordinance requires that a single family residential lot shall have a minimum open space of 40%. The minimum open space required is 2758.40 SF (40%). The proposed is open space is 1968.00 SF (28.5%). Therefore a variance of 790.40 SF (11.50%).

Mr. Reddy moved to approve the variance request and tied it to the plans as submitted. He said this request fell in the category of 'special or unique conditions or circumstances'. He ventured that the narrowness of the lot prevents the applicant from doing what one might normally do, which would be replacing the pavers with concrete while still allowing access to the garage.

Mr. Miller said the variance request was being necessitated by the unusual, existing condition of a garage facing backwards on the property. He said that even though the coverage overage in this request is significant, the circumstances are so unique that a variance approval in this case could not be seen to be creating a precedent. He stated that granting the variance would keep the lot functional and allow Ms. Zaiwadeh continued access to her garage.

Mr. Morganroth voiced his reluctant support for the motion. He explained that if the Ms. Zaiwadeh were granted half the variance she would not be able to access her garage. He noted that the lot has a particularly unusual configuration. He also noted that if the applicant had repaired the hardscape in pieces she may not have even had to appear before the BZA at all.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Reddy, Miller, Lilley, Canvasser, Morganroth, Attia

Nays: None

3) 1292 Cole Appeal 20-42

ABO Zielke presented the item, explaining that the owner of the property known as 1292 Cole was requesting the following variance to construct a new single family home with a detached garage:

A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum total distance between principle residential buildings on adjacent lots of 14.0 feet or 25% of the lot width whichever is greater. The required total is 14.00 feet. The proposed is 12.03 feet. Therefore, a variance of 1.97 feet is being requested.

ABO Zielke noted the applicant was requesting a variance to construct a new single family home with a detached garage. The house to the west is existing nonconforming on the adjoining side. This property is zoned R3 – Single Family Residential.

Alan Amchevslavsky of Amson Custom Homes LLC reviewed the letter to the BZA describing why the homeowners were seeking this variance. The letter was included in the evening's agenda packet.

There were no questions for Mr. Amchevslavsky from the Board and no questions from the public.

Motion by Mr. Lilley

Seconded by Mr. Reddy with regard to Appeal 20-42, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum total distance between principle residential buildings on adjacent lots of 14.0 feet or 25% of the lot width whichever is greater. The required total is 14.00 feet. The proposed is 12.03 feet. Therefore, a variance of 1.97 feet is being requested.

Mr. Lilley moved to support the petition and tied it to the plans. He noted that the new structure would meet all City ordinance requirements, and that it is the neighboring property causing the issue of non-compliance in this case.

Mr. Miller noted that the part of the neighboring home that exceeds the zoning envelope is windowless, and so granting the variance for 1292 Cole would cause no hardship for the neighbor.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Lilley, Reddy, Canvasser, Morganroth, Miller, Attia

Nays: None

4) 35001/35075 Woodward Appeal 20-43

City Planner Cowan presented the item, explaining that the owner of the property known as 35001 and 35075 Woodward Avenue was requesting the following dimensional variance to allow

10 parking spaces to be placed within 20.00 feet of the building frontage along Woodward Avenue, Hamilton Row and Park Street:

A. Chapter 126, Article 3, Section 3.04(D)(5) of the Zoning Ordinance requires that off-street parking contained in the first story shall not be permitted within 20.00 feet of any building façade on a frontage line or between the façade and the frontage line. Therefore, a variance of 20 feet is being requested.

City Planner Cowan noted the subject site, 35001 - 35075 Woodward Avenue, is currently home to the Hunter House restaurant, a City owned parking lot and vacant land currently leased to the city for public parking. The property is located on the west side of Woodward (southbound), and surrounded by four streets: Maple, Park, Hamilton Row, and Woodward.

On September 23, 2020, the applicant appeared before the Planning Board for a Revised Preliminary Site Plan. The applicant had proposed a number of changes to the originally approved preliminary site plan, one of which being the addition of parking spaces to the first floor within 20 feet of the building façade on a frontage line. 10 of the 12 proposed parking spaces would be within 20 feet of the frontage line which does not satisfy the Zoning Ordinance Section 3.04(D)(5).

The Planning Board denied the proposed site plan revisions, stating that the proposed site plan did not meet the requirements of Article 7, Section 7.27(a) which states that "The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic."

Hesham Gayar, owner of Select Commercial Assets Hospitality, reviewed the letter to the BZA explaining why this variance was being sought. The letter was included in the evening's agenda packet.

In response to Vice-Chairman Canvasser, Dr. Gayar confirmed that the building could be built without the variance.

Kelly Cobb, owner of Hunter House, explained that there are deed restrictions on the use of this parcel. Those deed restrictions predate both Dr. Gayar's ownership of the property and Mr. Cobb's ownership of Hunter House. He said the deed restrictions require parking surrounding Hunter House's storefront. Hunter House has a real property interest filed with Oakland County. If Dr. Gayar's development on this lot proceeds, Hunter House will be a first floor tenant. Mr. Cobb said withholding this variance would result in an economic hardship for Hunter House.

CP Cowan said that to his knowledge the deed restrictions had no impact on the variance request. CP Cowan stated that the City aims to avoid taking any position regarding the private contractual obligations between Select Commercial Assets Hospitality and Hunter House.

There were no questions from the public regarding this appeal.

Motion by Mr. Miller

Seconded by Mr. Morganroth with regard to Appeal 20-43, A. Chapter 126, Article 3, Section 3.04(D)(5) of the Zoning Ordinance requires that off-street parking contained in the first story shall not be permitted within 20.00 feet of any building façade on a frontage line or between the façade and the frontage line. Therefore, a variance of 20 feet is being requested.

Mr. Miller moved to deny the appeal. He said he could not find evidence of an oversight or of clear practical difficulty. Mr. Miller also stated that the ordinance did not seem overly burdensome in this case, and that the desire for the variance was not caused by any unique circumstances inherent to the property.

Vice-Chairman Canvasser said that the BZA was limited in what it could do in regards to the variance request. He noted Dr. Gayar's concession that the building can be built without the variance. Vice-Chairman Canvasser continued that the request for the variance is self-created.

Mr. Morganroth noted that this appeal involves a large parcel with a lot of flexibility. Without this variance the plans still had sufficient parking, which demonstrated that there is no clear need for increased, street-level parking, especially within the setback. Additionally, the City's traffic consultant found the proposed street-level parking was likely to pose a hazard to pedestrians due to the ingress and egress locations. For these reasons, Mr. Morganroth said he would support the motion to deny.

Motion carried, 6-1.

ROLL CALL VOTE

Yeas: Lilley, Canvasser, Morganroth, Miller, Reddy, Attia

Nays: Hart

5) 1352 Dorchester Appeal 20-44

ABO Zielke presented the item, explaining that the owner of the property known as 1352 Dorchester was requesting the following variance to construct an addition to the existing nonconforming home:

A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum total distance between principle residential buildings on adjacent lots of 14.0 feet or 25% of the lot width whichever is greater. The required total is 20.00 feet. The existing/proposed is 15.30 feet on the west side. Therefore, a variance of 4.70 feet is being requested.

ABO Zielke noted the applicant was requesting a variance to construct a second floor addition over a portion of the existing home that is existing non-conforming. The existing home and the

home to the west do not meet the required distance between structures. This property is zoned R1 – Single Family Residential.

Timothy Wiater, owner, reviewed the letter to the BZA describing why he and his wife were seeking this variance. The letter was included in the evening's agenda packet. He stated that he and Ms. Wiater also provided their plans to their neighbors, the Simonettis, who expressed their full support for the project.

The Board had no questions for Mr. Wiater. There were no questions from the public.

Motion by Mr. Morganroth

Seconded by Mr. Lilley with regard to Appeal 20-44, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum total distance between principle residential buildings on adjacent lots of 14.0 feet or 25% of the lot width whichever is greater. The required total is 20.00 feet. The existing/proposed is 15.30 feet on the west side. Therefore, a variance of 4.70 feet is being requested.

Mr. Morganroth moved to support the request and tied it to the plans as submitted. He noted that granting the variance would not increase the non-conformity, would be reasonable for fair use of the property, and would not cause any hardship to the neighbors.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Morganroth, Lilley, Canvasser, Hart, Miller, Reddy, Attia

Nays: None

6) 607 Hawthorne Appeal 20-45

ABO Zielke presented the item, explaining that the owner of the property known as 607 Hawthorne was requesting the following variance to construct an addition to the existing nonconforming home:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setback is 14.0 feet or 25% of the lot width whichever is greater. The required total is 25.27 feet. The proposed is 15.97 feet. Therefore, a variance of 9.30 feet is being requested.

ABO Zielke noted the applicant was requesting a variance to construct a rear addition to the existing non-conforming home. The lot is irregular in shape which the width narrows to the rear. This property is zoned R1 – Single Family Residential.

Mr. Miller noted the stairs shown in the plans are extant and not part of the new build.

Doyle Mosher, owner, reviewed his letter to the BZA describing why he was seeking this variance. The letter was included in the evening's agenda packet. He stated that his neighbors were comfortable with the proposed plans and that the addition would not move any further towards the lot line on the Linden Park side.

The Board had no questions for Mr. Mosher. There were no questions from the public.

Motion by Mr. Miller

Seconded by Mr. Reddy with regard to Appeal 20-45, A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setback is 14.0 feet or 25% of the lot width whichever is greater. The required total is 25.27 feet. The proposed is 15.97 feet. Therefore, a variance of 9.30 feet is being requested.

Mr. Miller moved to support the applicant's variance request and tied it to the plans as submitted. He said that it was not self-created and that it is due to the unique geometry of the property. Strict compliance would cause an unreasonable difficulty for the owner.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Miller, Reddy, Lilley, Canvasser, Hart, Morganroth, Attia

Nays: None

T# 11-57-20

5. Correspondence

Included in the agenda packet.

T# 11-58-20

6. General Business

None.

T# 11-59-20

7. Open To The Public For Matters Not On The Agenda

None.

T# 11-60-20

8. Adjournment

Motion by Mr. Morganroth Seconded by Mr. Lilley to adjourn the November 10, 2020 BZA meeting at 9:04 p.m.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Morganroth, Lilley, Canvasser, Miller, Reddy, Attia, Hart

Nays: None

Bruce R. Johnson, Building Official

CASE DESCRIPTION

1880 Kenwood Ct (20-46)

Hearing date: December 8, 2020

Appeal No. 20-46: The owner of the property known as 1880 Kenwood, requests the following variances to construct a new home with an attached garage:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 28.66 feet. The proposed is 25.00 feet. Therefore a 3.66 foot variance is being requested.

Chapter 126, Article 4, Section 4.75(A)1 of the Zoning Ordinance requires that a private, attached, single-family residential garages must be setback a minimum 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The proposed is the garage is 11.24 feet in front of the furthest façade. Therefore a variance of 16.24 feet is being requested.

Staff Notes: The applicant is requesting variances to construct a new home with an attached garage. This lot is rectangular in shape on a cul-de-sac.

This property is zoned R1 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP Assistant Building Official



CITY OF BIRMINGHAM

Community Development - Building Department 151 Martin Street, Birmingham, MI 48009

Community Development: 248-530-1850 Fax: 248-530-1290 / www.bhamgov.org

APPLICATION FOR THE BOARD OF ZONING APPEALS

Hearing Date: ____

Type of Variance:	Interpretation	Dimensional	Land Use	Sign	Admin Review
I. PROPERTY INFORMA	TION:				
Address: 1880 Kenwood Court		Lot Number		Sidwell Number: 08-19-26-179-052	
II. OWNER INFORMATIO	IN:			00 10 20 110 002	
Name: William and Sus	ean Conway				
Address: 998 Brookwo		City:		State:	Zip code:
Email:* susanconway		Birmi	ngham	MI Phone: 248-935	-6192 48009
III. PETITIONER INFORM					
Name: Thomas Af	foldt	Firm/Com	pany Name: M1	DTW Architects	
		City		State: MI	Zip code: 48207
	din Street, Suite 204	City. De	troit		Zip code. 48207
Email: thomas@n	n1dtw.com			Phone: 734	-646-7651
IV. GENERAL INFORMA	TION:				
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Application Date: _

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 12th day of the month preceding the next regular meeting. If the 12th 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 #110, Public Acts of 2006, Article VI, Section 125.3604 (3).

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.

D. Motions and Voting

- 1. A motion is made to either grant or deny a petitioner's request
 - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
 - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
 - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.
- 2. When a 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 the next regularly scheduled meeting when all the members are present.

- 3. When there are less than seven (7) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity at the beginning of the meeting to elect to have it heard at the next regularly scheduled meeting.
- 4. When there are less than six (6) members present for a meeting, then all petitioners shall be given an opportunity at the beginning of the meeting to elect to have the request heard at the next regularly scheduled meeting.

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 <u>Certificate of Survey</u> must be submitted to the Community Development Department with the building permit application. A building permit must be <u>obtained</u> 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.

William Downay Jusen Courry Signature of Applicant

M1DTW

November 5, 2020

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

RE: 1880 Kenwood Court

Board of Zoning Appeals

Dear Members of the Board,

On behalf of our clients, Susan and William Conway, we respectfully request your consideration for the approval of the required dimensional variances in order to allow the construction of the proposed single-family residence located at 1880 Kenwood Court. The existing property is zoned R1 Single-Family and is located on the north side of the Kenwood Court cul-de-sac.

The site's position on the cul-de-sac, irregular shape, and relationship with the adjacent house on 1886 Kenwood Court not only make strict adherence to the requirements of the ordinance difficult, but may actually run counter to the intended goals of the ordinance. It is important to note that these challenges are not self-created and they are unique to this irregular site and its immediate surroundings.

Ultimately, we strongly believe the position and the design of the proposed single-family house at 1880 Kenwood Court endeavor to meet the implicit intent of the zoning ordinance while also establishing a desirable relationship between neighboring houses. The two correlated variance requests are listed below:

Variance Request A - Front Setback

The required front setback is 28.66'. We are requesting a variance of **3.66**' in order to establish the front setback as 25.0'.

Variance Request B - Garage Setback

The required garage setback is 5' from "the portion of the front facade on the first floor of a principal residential building that is furthest setback from the front property line." Therefore, we are requesting a variance of **16.98**'.

Variance Request A - Front Setback

There are primarily two, unique, existing conditions that lead to the request for a variance of the front setback. The two conditions are the irregular shape of the lot and the position of the adjacent house located at 1886 Kenwood Court.

The curved property line of 1880 Kenwood Court combined with the position of the garage at 1886 Kenwood Court create a large dimensional discrepancy between the two (2) adjacent houses. With a 25' front setback as proposed, the facade of the garage at 1880 Kenwood Court would be approximately 31.5' to the north of the front facade of the garage at 1886 Kenwood Court.

The establishment of the 25' setback allows 1880 Kenwood Court to meet the required minimum combined front and rear yard setback as outlined in Section 2.06 R1 (Single-Family Residential) District Development Standards, while minimizing the dimensional discrepancy between the garage facade of 1886 Kenwood Court and the proposed garage facade of 1880 Kenwood Court.

In fact, we believe it is the intent of the 200' average setback calculation established in the ordinance to minimize these dimensional discrepancies and the resultant dissonance between houses along a street in order to maintain a walkable, neighborly street edge and a desirable continuity of rear yards. Therefore, we believe the proposed 25' front setback accomplishes these goals and also ensures that the proposed house does not adversely affect the views and sightlines of any neighbouring houses.

Variance Request B - Garage Setback

We understand the intent of Chapter 126, Article 4, Section 4.75 SS-02 is to minimize the presence of garages that face the street or begin to dominate a front elevation of a principal residence. This approach allows for a much more pedestrian friendly and walkable community where streets are lined with porches and windows as opposed to three-car garages.

With this understanding, the design of the proposed garage attempts to establish these desirable characteristics. Firstly, the garage is oriented to the west which eliminates garage doors facing the street and allows for the narrow end of the garage volume to face the street. In terms of a percentage of the front facade, the proposed garage occupies just over 20% of the building width. Secondly, the garage's form, materiality, and large window integrate it into the overall composition of the house. Thirdly, the position of the garage maintains a neighborly relationship with the garage of 1886 Kenwood Court while not adversely affecting sight lines from their backyard.

Per Chapter 126, Article 4, Section 4.75 SS-02, the zoning ordinance requires that "a garage must be setback a minimum of 5 feet from the portion of the front facade on the first floor of a principal residential building that is furthest setback from the front property line, excluding those items listed in Section 4.30(C)

Given the position of the house on the cul-de-sac and the curved front property line, it is possible to make an argument that the existing position of the garage is in compliance. Technically, the portion of the house that actually faces the street includes the garage, the front porch, and the two-story volume. Due to the curved property line, the portion of the front facade that is furthest from the property line is the facade of the 2-story portion of the house. The garage as proposed is 5' from this facade.

Additionally, it is worth mentioning that the design of the house meets many of the desired characteristics outlined in the city's draft Master Plan for 2040. The house is designed with a first-floor primary bedroom suite that will allow the house to support a diversity of ages and family structures which in turn increases the neighborhood's housing options. The architecture and the materiality strives to relate the neighborhood's traditional scale and sustainable practices are being incorporated including a green roof which will slow stormwater runoff and the potential to add photovoltaics to a portion of the roof.

In closing, we believe the position and design of the house as proposed meets the intent of the zoning ordinance and would be an attribute to Kenwood Court and the neighborhood. A decision that requires moving any portion of the house as proposed to the north would increase the relative dimension between 1886 and 1880 Kenwood Court, obstruct sight lines from 1886 Kenwood Court, disrupt the continuity of the rear yards, and increase the amount of impervious surfaces required on the lot. Along these lines, the Conway's, who have lived in the neighborhood for 38 years and are building this house in order to continue to do so and 'age-in-place,' have requested and received support for the proposed house from owners of the following addresses. A letter containing these signatures has been provided for inclusion in the agenda packet.

1886 Kenwood Court 1888 Kenwood Court 1906 Kenwood Court 1791 Kenwood Court 1885 Kenwood Court 1881 Kenwood Court 1901 Kenwood Court 900 Brookwood Street 952 Brookwood Street 1020 Brookwood Street

We greatly appreciate the board's consideration of these variance requests. Please do not hesitate to contact us if any additional information is required.

Sincerely,

Thomas Affeldt, AIA Principal, M1DTW Architects PLLC October 28, 2020

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

RE: 1880 Kenwood Court 4.75 SS-02 Structure Standard

Dear Board of Zoning Appeals,

We would like to state our support for the variance requested for the development of 1880 Kenwood Court. We believe pushing the garage toward the backyard to be in compliance with the zoning code would disrupt the backyard patto, outdoor living space, and interior living space of the residence at 1886 Kenwood Court. In its current location, the garage attempts to minimize the impact of car noise and disruptive lights on this neighbor.

1895 Kenwood Court.

Jeffrey Kalt 1886 Kenwood Ct. Sign 1 Mate

Danielle Kalt 1886 Kenwood Ct. Romali Keet

Ber Crino 952 Brookwood St to City

Tom CORDON - 10 AD BROKEDED Typh

John Green 1968 Kenwood Ct Statisfeedmich

Howard Brief 1791 Knowood G. Cara.

Svinivas Trola 1885 Kenwood G. Cara.

Susan Corway 1881 Kenwood Grany V.

Neil Gray 1901 Kerwood Muhiclay

Omy Ville 16k 900 Brookwood by Ville

Spenart Bassman 1084 Brookwood

October 28, 2020

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

RE: 1880 Kenwood Court 4.75 SS-02 Structure Standard

Dear Board of Zoning Appeals,

We would like to state our support for the variance requested for the development of 1880 Kenwood Court. We believe pushing the garage toward the backyard to be in compliance with the zoning code would disrupt the backyard patio, outdoor living space, and interior living space of the residence at 1886 Kenwood Court. In its current location, the garage attempts to minimize the impact of car noise and disruptive lights on this neighbor.

Sign ADDRESS NANCE

Leave Case 1044 N. Slenkus George CESTER

1044 Bisin wood South Fratoringer

E Hadringeli 1004 Brackward Elizabeth Fratoringeri

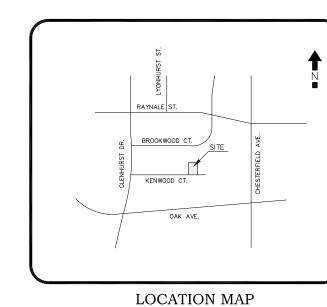
Gibern 1065 Chesterfield Co.

Slah Ishnear 979 Chesterfield Ave

Blak Ishnear 979 Chesterfield Jewenath

Doial Schwarth 949 clesterfield Baris M Schwa

BOUNDARY AND TOPOGRAPHIC SURVEY **UTILITY NOTES:** ALL UTILITIES DEPICTED HEREON ARE FROM VISIBLE EVIDENCE. Jlmus americana Fraxinus sp. SURVEYOR DID NOT CONTACT SUBSURFACE UTILITY LOCATOR SERVICE. 1678 1679 Acer saccharinum THE LOCATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON Fair / Poor D.L., M. Silver Maple Acer saccharinum THIS PLAN ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER Basswood Tilia americana 7", 9" Hophornbeam EXPRESSED OR IMPLIED AS TO THE Ostrya virginiana 1682 Fair Norway Maple Acer platanoides COMPLETENESS, EXACTNESS OF LOCATION OR ACCURACY THEREOF. White Walnut Juglans cinerea THE CONTRACTOR / OWNER SHALL BE EXCLUSIVELY RESPONSIBLE FOR 1684 1685 Fair / Poor B.D. Tilia americana Basswood DETERMINING THE EXACT LOCATION AND ELEVATION OF EXISTING Fair Fair Hophornbeam Ostrya virginiana 1686 1687 1688 1689 1690 1691 1692 1693 1694 1695 1696 1697 1698 1699 1700 1701 1702 1703 1704 1705 1706 Norway Maple Acer platanoides UTILITIES AND PROPOSED UTILITIES CROSSINGS IN THE FIELD PRIOR TO Acer saccharinum Silver Maple CONSTRUCTION OR ANY SITE MODIFICATION. Ostrya virginiana Hophornbeam 6" 15" Ulmus americana American Elm Tsuga canadensis Eastern Hemlock Good **MEASURED CURVE DATA:** Fair Fair Carya sp. Hickory Acer platanoides Norway Maple Fair Fair Acer saccharum Sugar Maple CURVE #1 Tsuga canadensis Eastern Hemlock EXIST. F. FLOOR 22" 12" Ulmus americana American Elm Fair / Poor D.L. Crabapple CHORD BEARING N83°23'16"W EXIST. Serviceberry CHORD LENGTH 84.16' American Elm HOUSE #998 Pinus strobus White Pine ARC LENGTH 100.02' BROOKWOOD CT. Poor B.D., D.L., L. **Black Cherry** RADIUS 50.00' Tilia americana EXIST. Acer saccharum Sugar Maple HOUSE #1004 Pinus nigra CURVE #2 **Austrian Pine** BROOKWOOD CT. Austrian Pine Fair / Poor D.L. Pinus nigra (NOT SHOWN, Not used. CHORD BEARING S48°22'46"W Crataegus sp. NOT MEASURED) 1707 1708 772.37 **Black Cherry** Fair / Poor B.D. CHORD LENGTH 12.70' Prunus serotina HOUSE #952 Ulmus americana American Elm ARC LENGTH 12.75' 1709 Sugar Maple BROOKWOOD CT. Acer saccharum RADIUS 40.00' × 772.05 LOT 81 Eastern Hemlock Tsuga canadensis (NOT SHOWN, Tsuga canadensis NOT MEASURED) PARCEL ID.:08-19-26-179-047 LOT 83 Good: The tree appears to be in a healthy and satisfactory condition with an overall sound stem structure and with a full PARCEL ID.:08-19-26-179-004 × 771.21 and balanced crown; the growth habit appears normal; there is no indication of pests or diseases present; and the life × 770.89 × 770.97 expectancy is judged to be greater than twenty-five (25) years. The rating based on the health / condition chart ranges PARCEL ID.:08-19-26-179-057 × 771.18 (PER PLAT) Fair: The tree appears to be in a healthy and satisfactory condition with a minimum of structural problems and with minor "HARROWGATE" SUBDIVISION" L. 50 P. 9 O.C.R. ×770.79 crown imbalance or thin crown; the growth habit appears normal; there is no indication of pests or diseases present: and the life expectancy is judged to be greater than twenty (20) years. The rating based on the health / condition chart ranges (PER PLAT) Poor: The tree appears to be in an unhealthy condition with structural problems and with major crown imbalance, dead or dying limbs, or growth only in the top quarter of the tree; the growth habit is misshapen and askew; there is evidence of pests or diseases present; and the life expectancy is judged to be less than ten (10) years. The rating based on the (HELD) health / condition chart ranges from 15 to 7. Very Poor: The tree appears to be in an unhealthy condition with major structural problems and with major crown FCI imbalance and several dead limbs and/or peeling bark; the growth habit is severely misshapen and askew; there is (HELD) evidence of pests or diseases present; and the life expectancy is judged to be less than five (5) years. The rating based on the health / condition chart ranges from 6 to 1. (TYP.) Dead: The tree has no live branches, is topped, or fallen. The rating based on the health / condition chart is 0.DITION EXIST. 12 FT. WD. PRIVATE EASEMENT FOR PUBLIC UTILITIES PRIVATE EASEMENT (PER PLAT) ×770.68 FOR PUBLIC UTILITIES × 770.62 (PER PLAT) WOOD FENCE 2 Growth rate > 6" twig elongation 2" - 6" twig elongation < 2" twig elongation 3 Structure One major or several minor Two or more major limbs dead × 770.70 × 770.37 4 Insects & No pests present One pest present Two or more pests present LOT 5 LOT 6 Full & balanced Unbalanced and lacking a full crown 5 Crown Full but unbalanced Development 6 Life Expectancy > 30 years 15 years to 20 years × 773.03 PARCEL ID.:08-19-26-179-053 DATE: DECEMBER 11, 2018 PARCEL ID.:08-19-26-179-052 TREES IDENTIFICATION BY: 7 "VACANT" × 770.40 31736 WEST CHICAGO AVENUE LIVONIA, MI 48150 PH.: 734-634-9208 J. BRIAN DEVLIN L.L.A. #1260 ぞう #1710 EXIST. HOUSE #1886 KENWOOD CT. EXIST. F. FLOOR ELEV.: 775.28 © DOOR SILL UNPLATTED LOT 91 EXIST. HOUSE #1906 HOUSE #1888 KENWOOD CT. KENWOOD CT. (FIELD VERIFY) #1686 (LOCATION & DEPTH) GARAGE EXIST. ASPHALT × 769.78 R.O.W. EXIST. 20 FT. WD. PRIVATE EASEMENT R.O.W. FOR WATER & R.O.W. STORM SEWER (HELD) (PER PLAT) EXIST. SAN. MANHOLE EXIST. STORM MANHOLE (PER PLAT) RIM 769.16 RIM 766.39 HOUSE #1791 E. 8" I.E. 762.26 EXIST. SAN. MANHOLE SW. 12" I.E. 760.79 KENWOOD CT. SW. 12" I.E. 762.16 S. 12" I.E. 763.61 SW. 12" I.E. 761.69 TO CB. RIM 766.20 E. 15" I.E. 760.79 W. 8" I.E. 763.30 R.O.W. R.O.W. ELEV.: 773.72 EXIST. STORM MANHOLE CATCH BASIN RIM 765.72 @ DOOR SILL RIM 767.58 NE. 12" I.E. 761.80 NE. 12" I.E. 761.48 S. 12" I.E. 762.33 EXIST. 6 FT. WD. PRIVATE EASEMENT PARCEL ID.:08-19-26-179-051 LOT 1 FOR STORM SEWER (PER PLAT) LOT 3 AVERAGE FRONT SETBACKS CALCULATION. **AVERAGE CALCULATION "A":** EXIST. (INCLUDES 1886 KENWOOD COURT PROJECTION) HOUSE #1895 BENCH MARK # 1 EXIST. 28.54' + 32.67' +29.64' = 30.28 ' KENWOOD CT. HOUSE #1885 ARROW ON HYD. KENWOOD CT. ELEVATION: 769.76 **AVERAGE CALCULATION "B":** (CITY OF BIRMINGHAM (OMITS 1886 KENWOOD COURT PROJECTION) VERTICAL DATUM) EXIST. 28.54' + 27.63' +29.64' = 28.60 ' HOUSE #1881 KENWOOD CT.



PROPERTY DESCRIPTION: (AS PROVIDED BY CLIENT)

NOT TO SCALE

PROPERTY DESCRIPTION

THE FOLLOWING DESCRIBED PREMISES SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND AND STATE OF MICHIGAN, AND MORE PARTICULARLY DESCRIBED AS:

LOT 5 OF "KENWOOD COURT" PART OF THE S.E. 1/4 OF N.W. 1/4 OF SEC. 26, T. 2 N., R. 10 E., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 216 OF PLATS, PAGES 32 & 33 OF THE OAKLAND COUNTY RECORDS.

ALSO KNOWN AS:
VACANT LAND
KENWOOD COURT,
CITY OF BIRMINGHAM,
OAKLAND COUNTY, MI 48009

PARCEL ID.:08-19-26-179-052

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD AREAS

AS INDICATED BY "FIRM" THE FLOOD INSURANCE RATE MAP, MAP NUMBER 26125C0536F, PANEL 536 OF 704
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN.
COMMUNITY: CITY OF BIRMINGHAM
NUMBER: 260168 PANEL: 0536 SUFFIX: F
EFFECTIVE DATE: SEPTEMBER 29, 2006
AS PREPARED BY THE NATIONAL FLOOD INSURANCE PROGRAM, FEDERAL EMERGENCY MANAGEMENT AGENCY.

REFERENCE BENCHMARK:

BRONZE DISC IN TOP OF CONCRETE MONUMENT POST AT THE SOUTHEAST CORNER OF CHESTERFIELD AVENUE AND REDDING ROAD

BENCHMARK # 18
ELEVATION: 776.358 (CITY OF BIRMINGHAM VERTICAL DATUM)

LEGEND OF SYMBOLS & ABBREVIATIONS

(M)	FIELD MEASUREMENT
(TYP.)	TYPICAL
EXIST.	EXISTING
CONC.	CONCRETE
R.O.W	RIGHT-OF-WAY
FT.	FEET
WD.	WIDE
TYP.	TYPICAL
O FCI	FOUND CAPPED IRON ROD
O FIR	FOUND IRON ROD
O FXC	FOUND "+" CUT
	BOUNDARY LINE
——он——	OVERHEAD ELECTRIC LINES
—— s ——	SANITARY SEWER
—— w ——	WATER
—— R ——	STORM SEWER
\$	LIGHT POLE
\Rightarrow	FIRE HYDRANT
*5	WATER SHUT-OFF-VALVE
	SQUARE CATCH BASIN
\otimes	GATE VALVE & WELL
0	STORM SEWER MANHOLE
S	SANITARY SEWER MANHOLE
£ 45	TREE
#1700	TREES TAG NUMBER
×770.76	SPOT ELEVATION
	CONCRETE SURFACE
	BRICK PAVER

BOULDER ROCK

ASPHALT PAVEMENT

ACCURATE SURVEYING AND MAP

LAND SURVEYORS/DEVELOPMENT CONSULTANT

Ph: 313-506-

ACCUIN 124 12500 Middlebelt Roc 130mia MI 48152

SEAL:



DATE: NOVEMBER 06, 2020

CLIENT:

SUSAN M CONWAY

998 BROOKWOOD CT., CITY OF BIRMINGHAM, OAKLAND COUNTY, MI 48009

PROJECT LOCATION:

"VACANT LAND"

"KENWOOD COURT"
SUBDIVISION

CITY OF BIRMINGHAM, OAKLAND COUNTY,

SHEET:

MI 48009

BOUNDARY AND TOPOGRAPHIC SURVEY



UNDERGROUND FACILITIES

DATE: REVISION:

11/06/2020 REV.: #1 AVERAGE FRONT SETBACKS

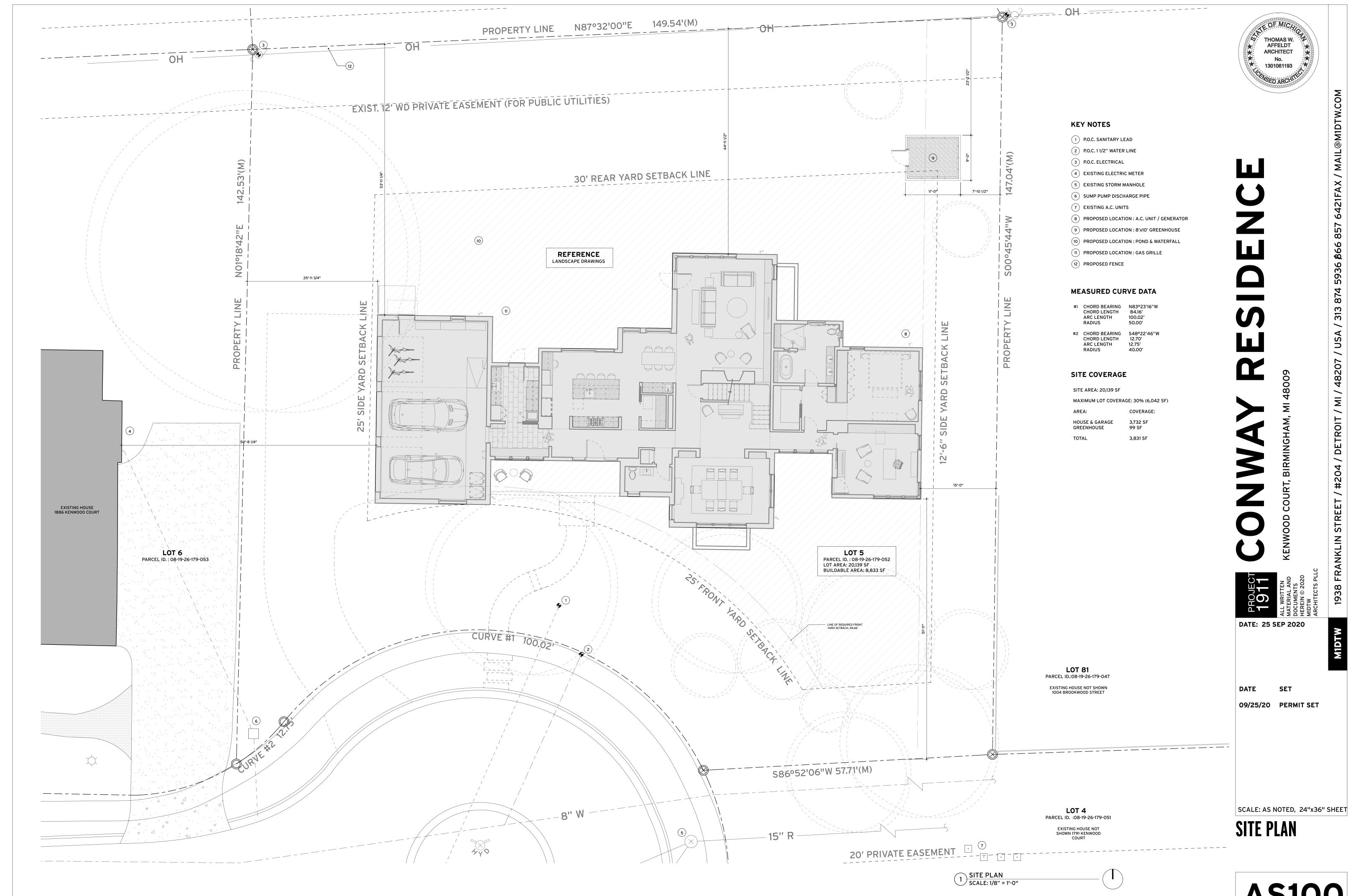
DRAWN BY:

DESIGNED BY:
APPROVED BY:

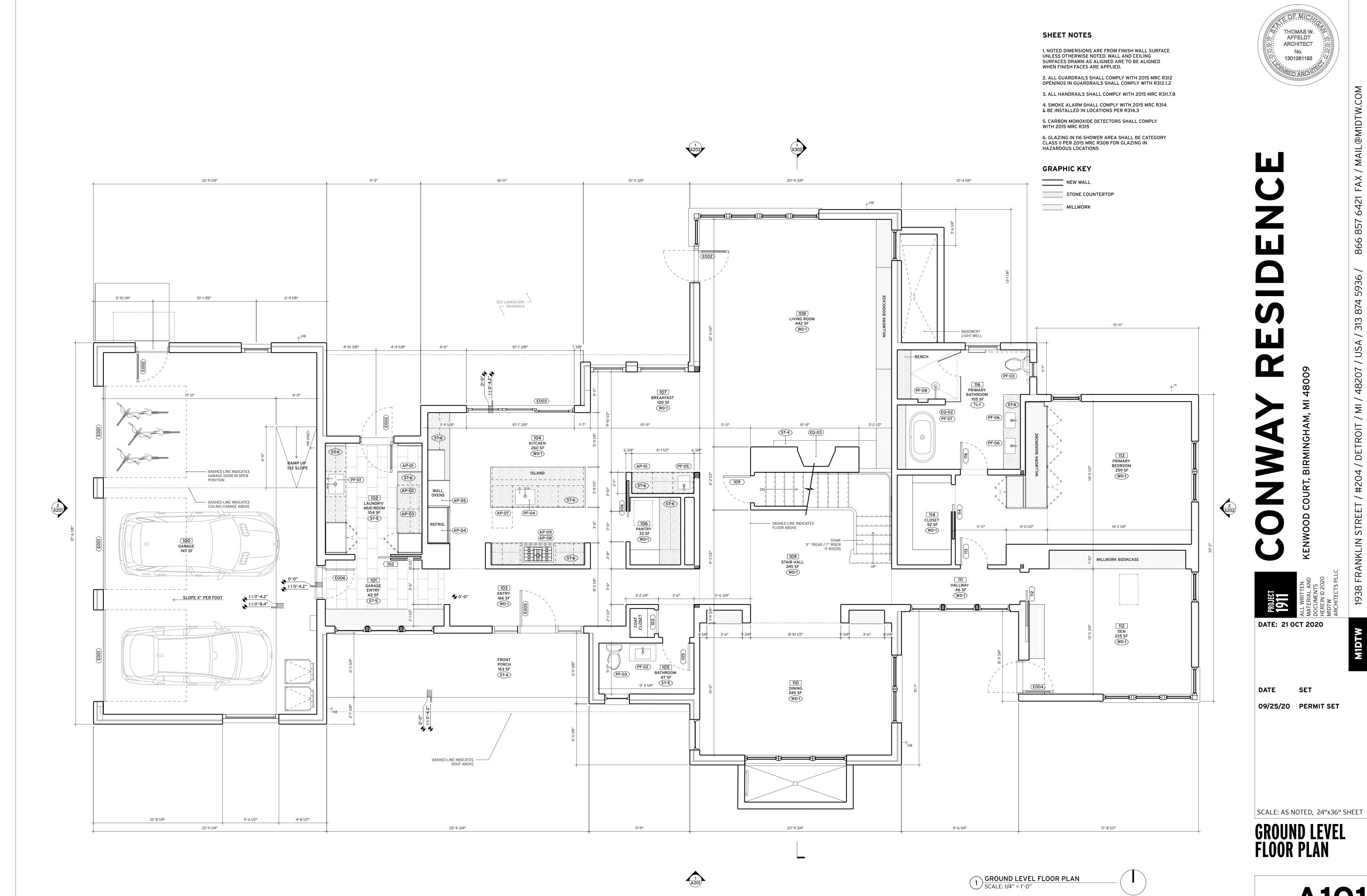
SURVEY DATE: JANUARY 17, 2019 SCALE: 1" = **2**0'

BOOK #: B-102

JOB NO. SHEET NO. 018-192 1 Of 1



AS100

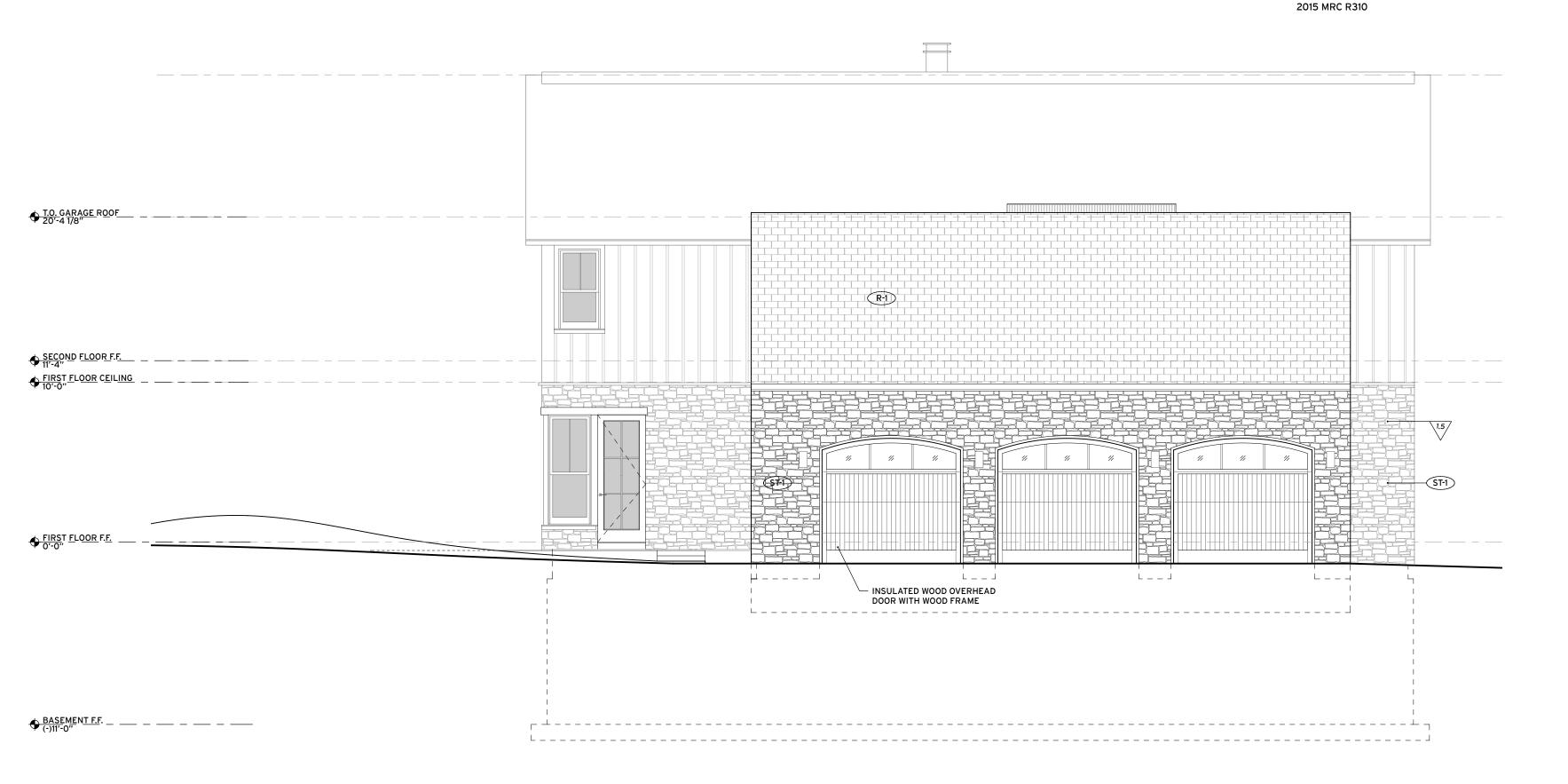


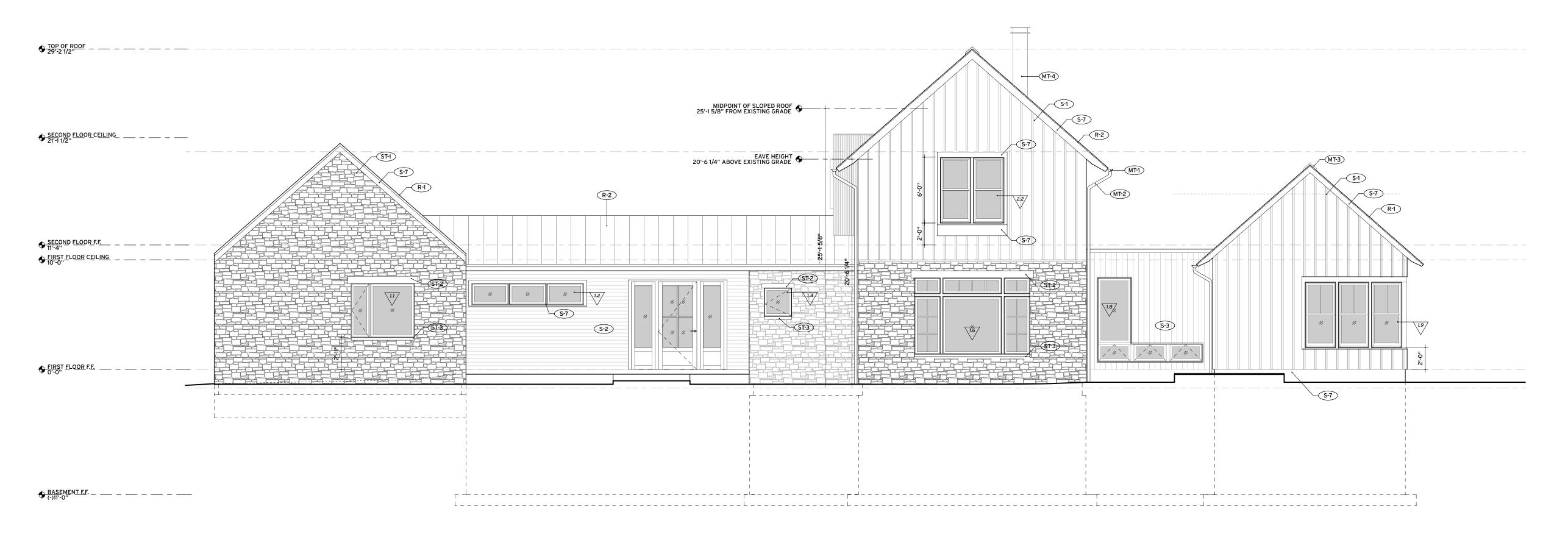


SHEET NOTES

1. PROVIDE TEMPERED GLASS AT ALL REQUIRED LOCATIONS PER 2015 MRC R308 2, EGRESS WINDOWS TO PROVIDE MINIMUM OPENING AREA AND DIMENSIONS AS REQUIRED PER







SOUTH EXTERIOR ELEVATION
SCALE: 3/8" = 1'-0"

DATE: 21 OCT 2020

DATE SET

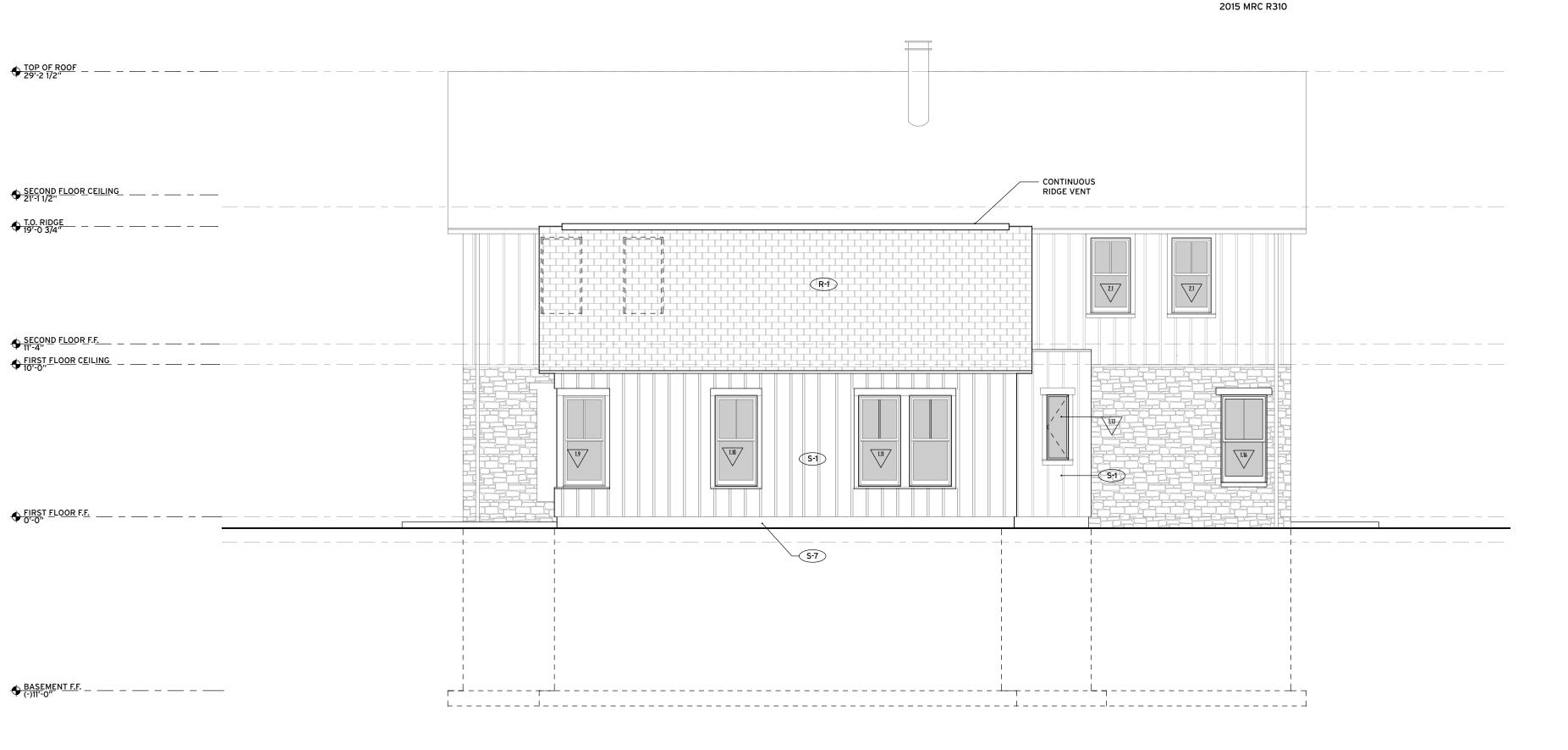
09/25/20 PERMIT SET

SCALE: AS NOTED, 24"x36" SHEET

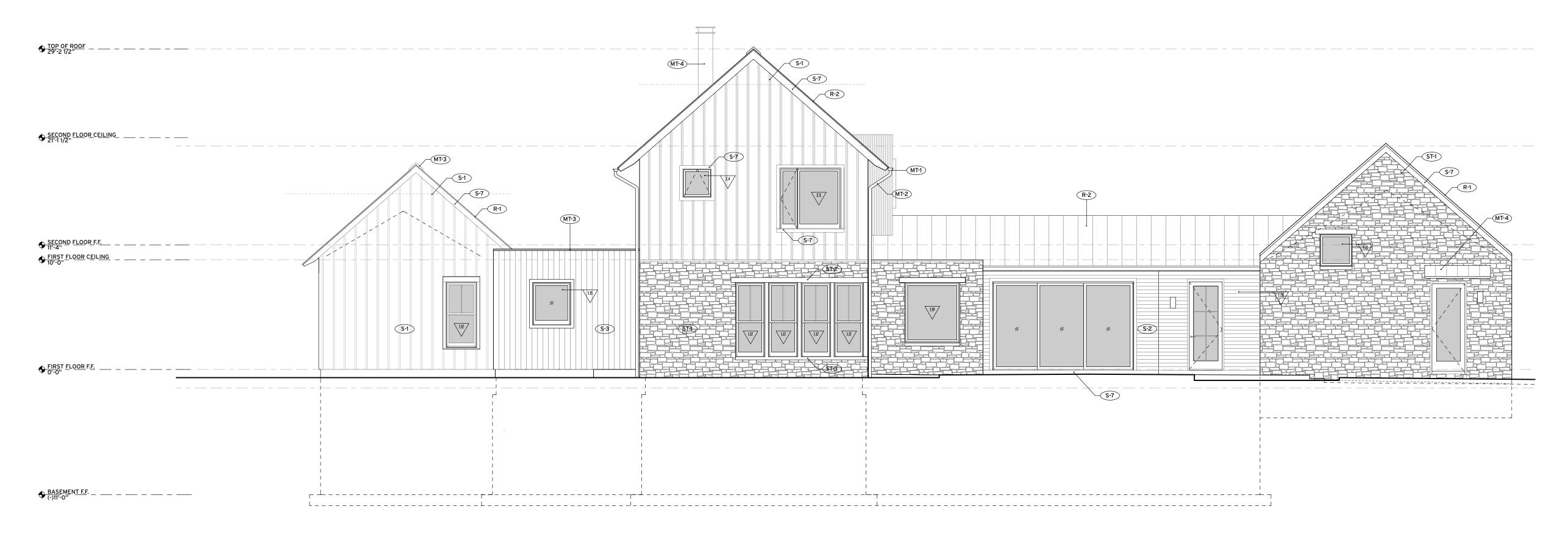
EXTERIOR ELEVATIONS

1. PROVIDE TEMPERED GLASS AT ALL REQUIRED LOCATIONS PER 2015 MRC R308 2, EGRESS WINDOWS TO PROVIDE MINIMUM OPENING AREA AND DIMENSIONS AS REQUIRED PER





2 EAST EXTERIOR ELEVATION
SCALE: 3/8" = 1'-0"



NORTH EXTERIOR ELEVATION
SCALE: 3/8" = 1'-0"

313 874

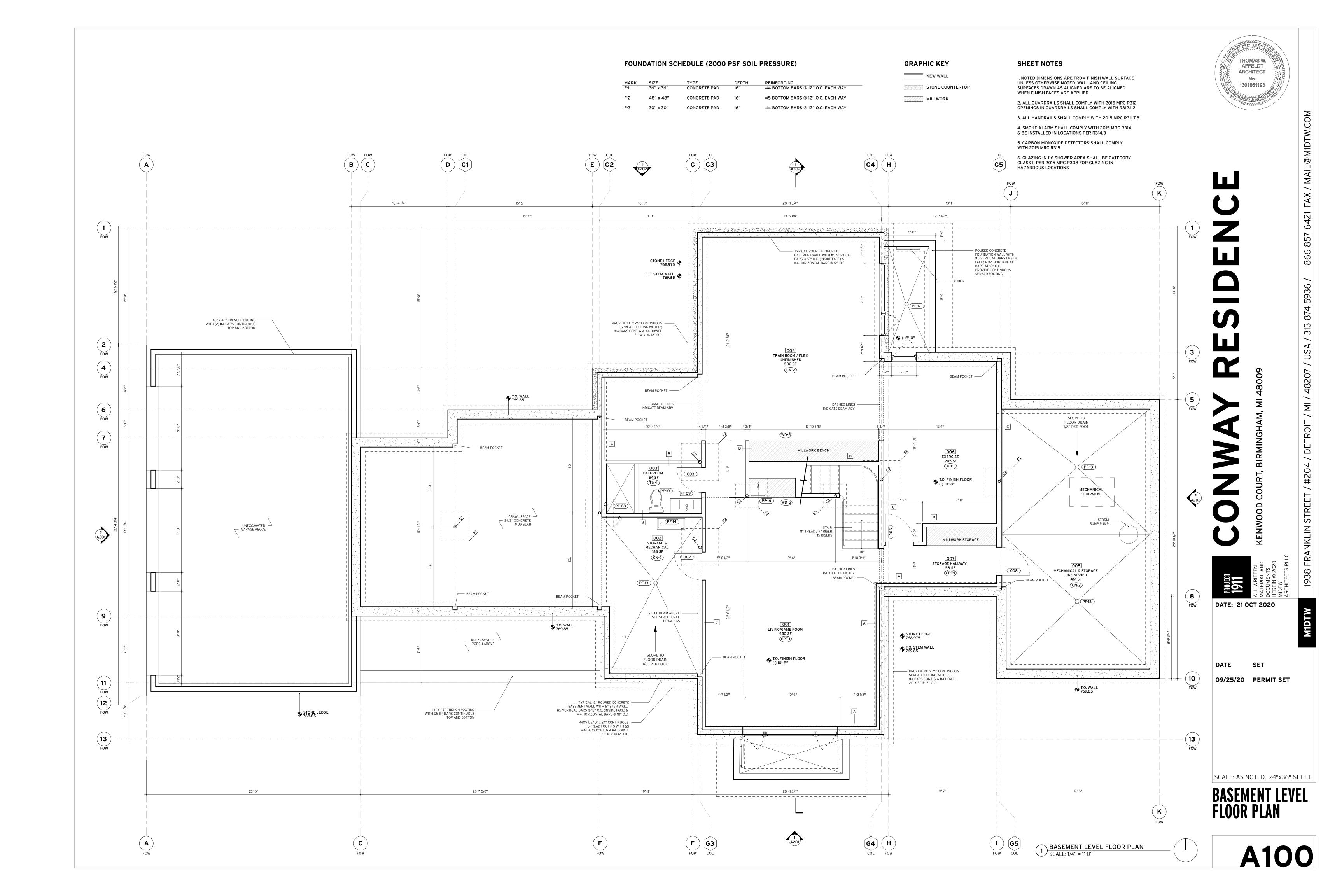
DATE: 25 SEP 2020

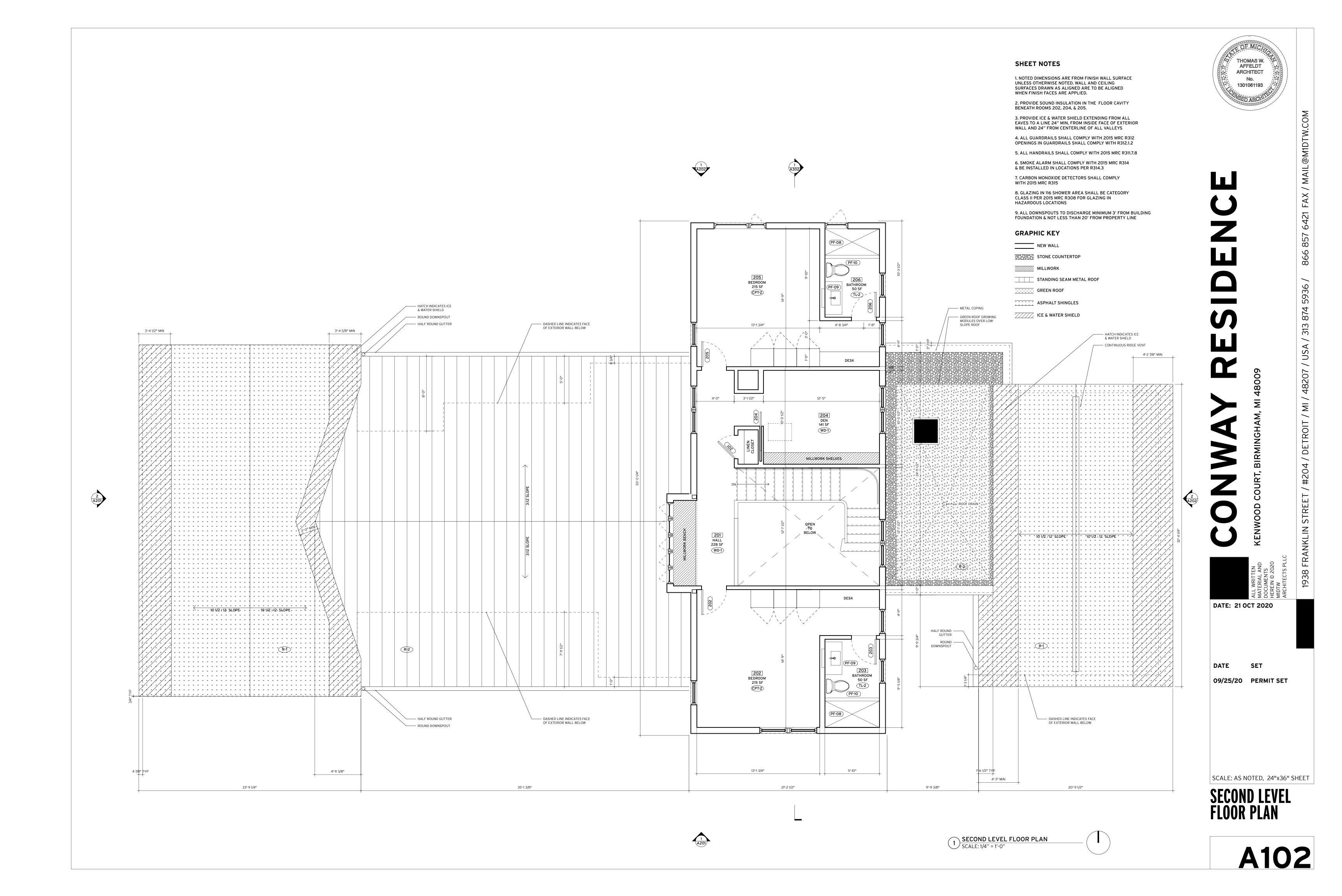
DATE SET

09/25/20 PERMIT SET

SCALE: AS NOTED, 24"x36" SHEET

EXTERIOR ELEVATIONS





CASE DESCRIPTION

815 Purdy (20-47)

Hearing date: December 8, 2020

Appeal No. 20-47: The owner of the property known as 815 Purdy, requests the following variances to construct a second floor addition with modification to the existing floor of an existing non-conforming home:

- A. Chapter 126, Article 4, Section 4.75(A)1 of the Zoning Ordinance requires that a private, attached, single-family residential garages shall not occupy more that 50% of a linear building width of a principal residential building that faces a street. The existing/proposed is the garage is 69.50%. Therefore a variance of 19.50% is being requested.
- **B.** Chapter 126, Article 4, Section 4.75(A)1 of the Zoning Ordinance requires that a private, attached, single-family residential garages must be setback a minimum 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The existing/proposed is the garage is 9.40 feet in front of the furthest façade. Therefore a variance of 14.40 feet is being requested.
- C. Chapter 126, Article 4, Section 4.75(A)2 of the Zoning Ordinance requires that garage doors on an attached garage which are facing a street may not exceed 9.00 feet in width; where there are multiple doors, they must be separated by a solid wall or jamb not less than 8.00 inches wide. The proposed is 18.00 feet. Therefore a variance of 9.00 feet is being requested.

Staff Notes: The applicant is requesting variances to construct a second floor addition and modifications to the existing non-conforming garage.

This property is zoned R3 –	Single Family	Residential



CITY OF BIRMINGHAM

Community Development - Building Department

151 Martin Street, Birmingham, MI 48009 Community Development: 248-530-1850

Fax: 248-530-1290 /

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date:						learing Date: Appeal #:	
Type of Variance:	Interpretation	✓ Dimensi	ional	Land Use	Sign	Admi	in Review
I. PROPERTY INFORMA	ATION:						
Address: 815	PURDY ST	Lot	Number:	33	Sidwell Number:	08193625	2011
II. OWNER INFORMATIO	DN:						
Name: FRRO	SIMMONS	ALISOF	1 PRE	мо			
Address: 1236	FOLEWOOD	Cit	ty: BIR	MINGHAM	State: Zip code:		
Email: ALIPREMO	DEGMAIL.COM	11111	Phone: (773) 621-30				
III. PETITIONER INFORM	ATION:						
Name: MARK	RAUN	Fir	rm/Compar	ny Name: TIME	BERLAND	HOMES	
Address: 615	FREEDOM LM	Cit	ty: LEO	MARD	State:	Zip code: 48	367
	MARKO TI		4D BUIL	r.com	Phone: (249) 670-4	
IV. GENERAL INFORMA	TION:						
Assistant Building Off to be submitted. Staf Each variance reques dimensions to be sho The BZA application f	pplications are provide ficial and/or City Plannor f will explain how all re t must be clearly show wn in feet measured to see is \$360.00 for single osted at the property a	er for a prelice equested var n on the sur the second family reside	minary disc iances mus vey and pla decimal po dential; \$56	cussion of their requist be highlighted on the sincluding a table point. 10.00 for all others. The suspension of the su	est and the docur the survey, site plants as shown in the e	nents that will be an and construct xample below. A	e required tion plans. Ali
			Variance Ch	art Example			
Requested Varia			Exis		Proposed	Variance A	267 10
Variance A, Front Setb Variance B, Height	eack 25.00 30.00		23.50 30.25		23.50 Feet 30.25 Feet	1.50 F	
V. REQUIRED INFORMA			30.23	1000	00.231000		
One original and nine copies of the signed application One original and nine copies of the signed letter of practical difficulty and/or hardship One original and nine copies of the certified survey 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting							
VI. APPLICANT SIGNATI	JRE						
	on, I agree to conform to my knowledge. Changes er:					icial or City Planne	er.
Signature of Petition	er:				Date:	11/12/2020	8

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

Letter of Intent In Support of Request for Variance 815 Purdy St., Birmingham Mi

This Letter of Intent is in support of my request for a variance for my clients addition on my clients existing non conforming lot. There are two parts to variance, First is to bring dormer over garage straight forward to front wall of existing garage, this addition doesn't go outside existing envelope, it is a straight up addition, hope is to add an additional bedroom from this space. Second would be to change the two single 8' wide forward facing garage doors to one 18' wide door, as the existing 8' doors won't accommodate a larger vehicle entry due to the tight width, the neighbor directly to the North is a forward facing larger single door and would like to do similar if possible.

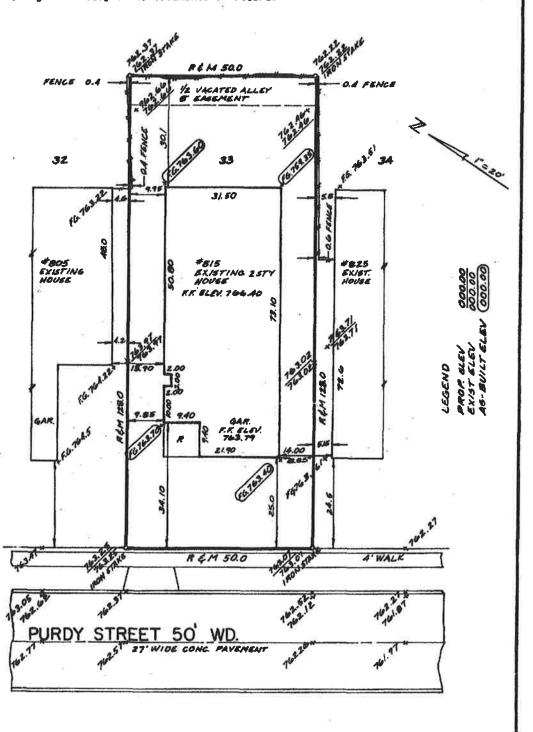
Thank you for your consideration.

Respectfully submitted,

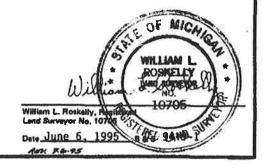
Mark Rauh

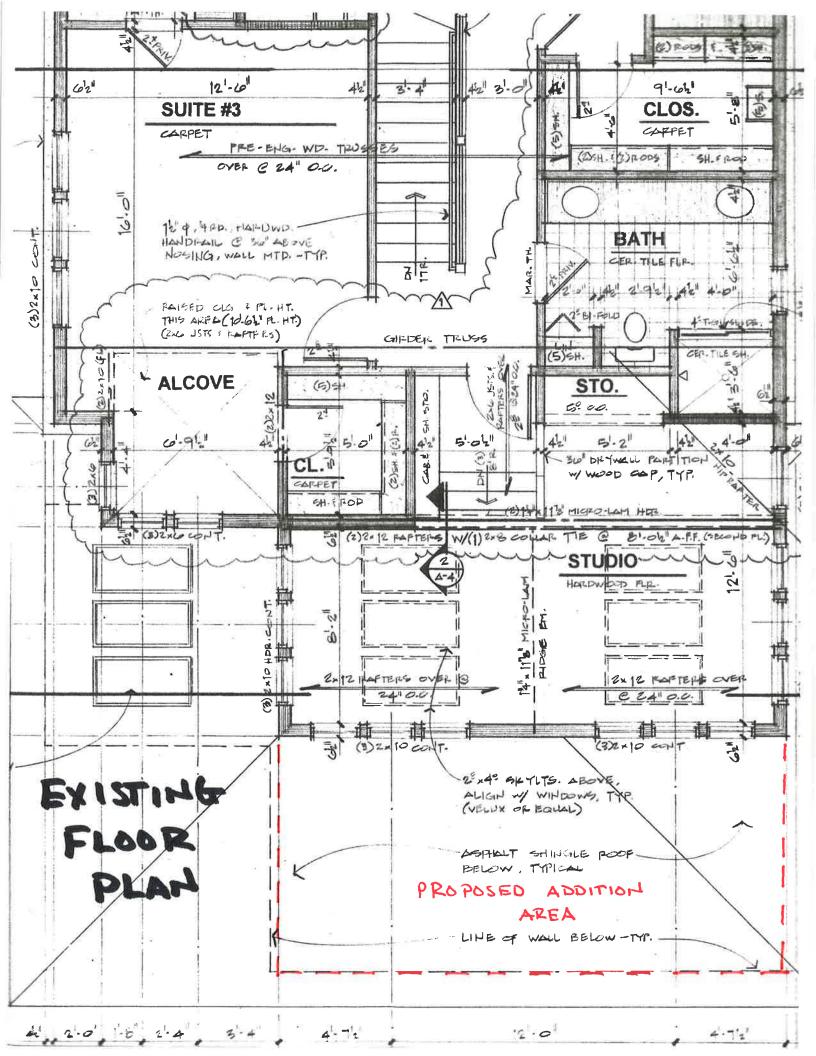
LEGAL DESCRIPTION

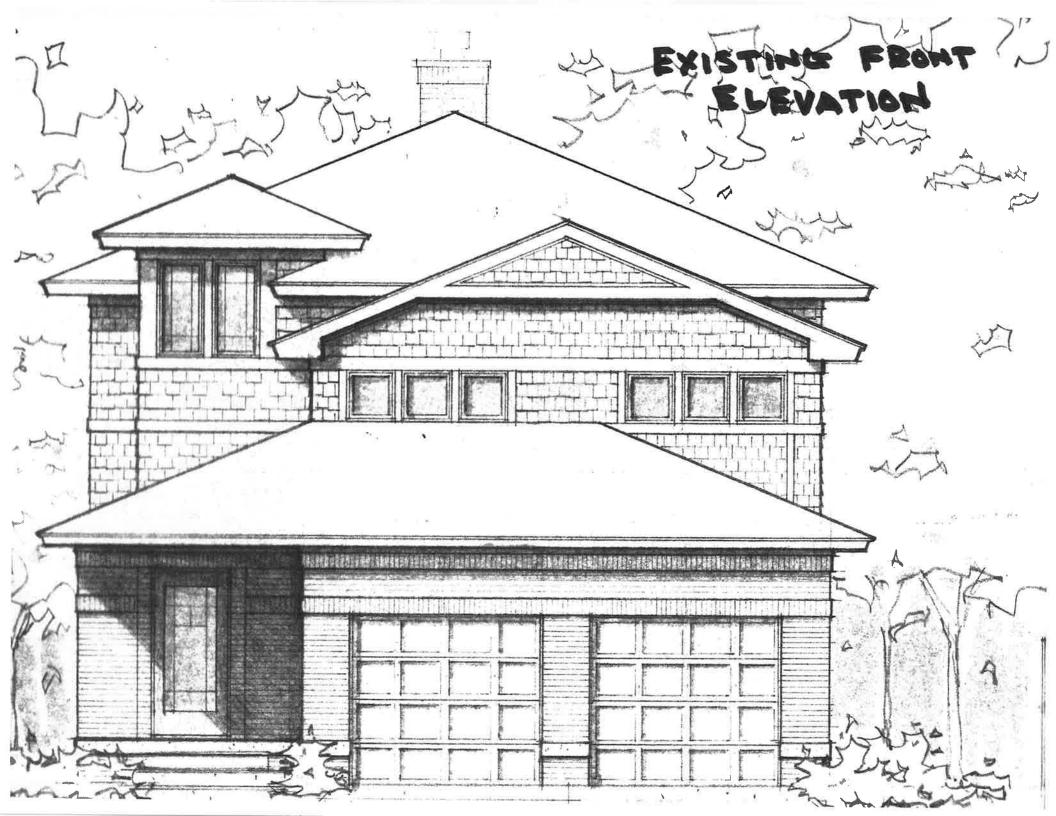
Lot 33 of "PLAT OF BUELL'S ADDITION" to the Village (Now City) of Birmingham, Oakland County, State of Michigan, S. 1/2 N.E. 1/4 Section 36, T.2 N.,R.10 E., City of Birmingham. Liber 5, Page 48. Subject to easements of record.

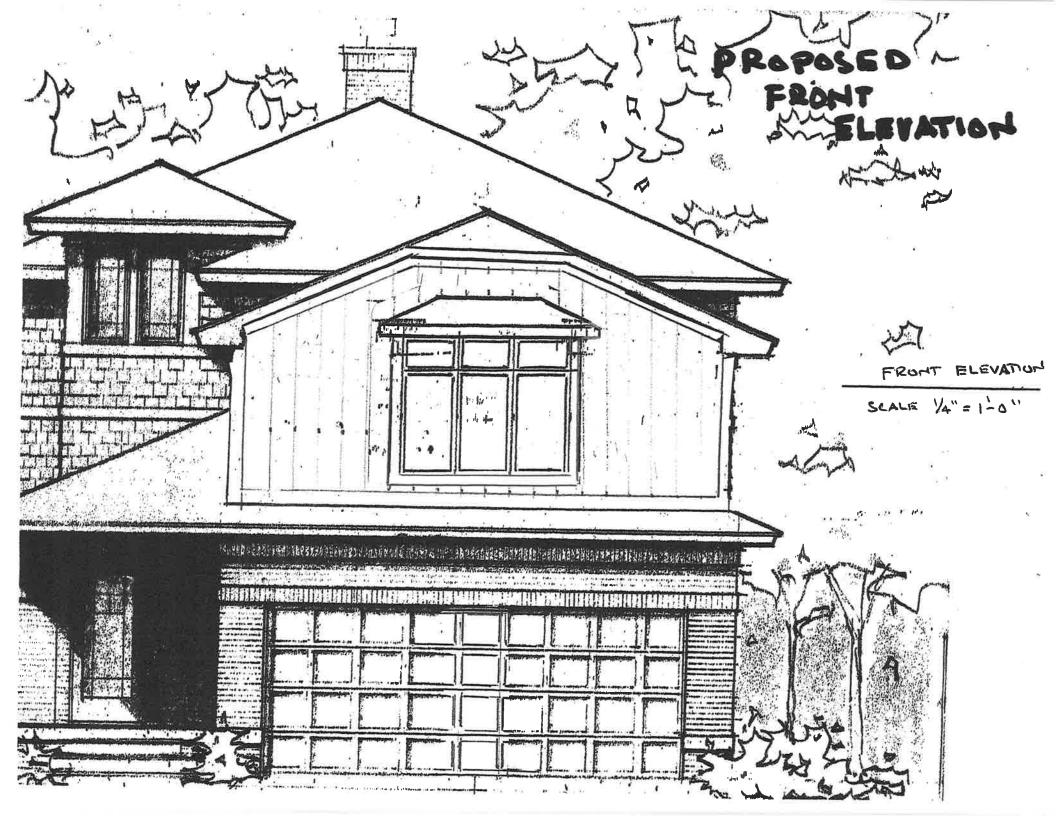


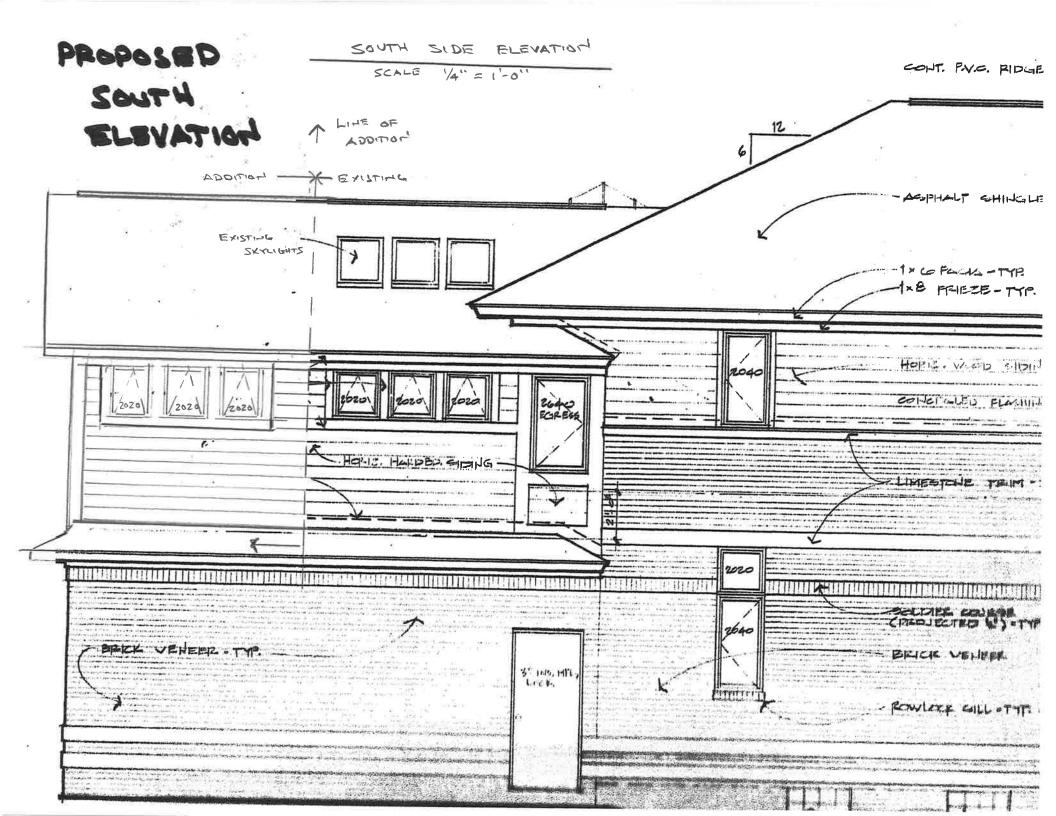
Spoutz Building Company 1975 Alpha Commerce Township MI 48382 (313) 363-7807

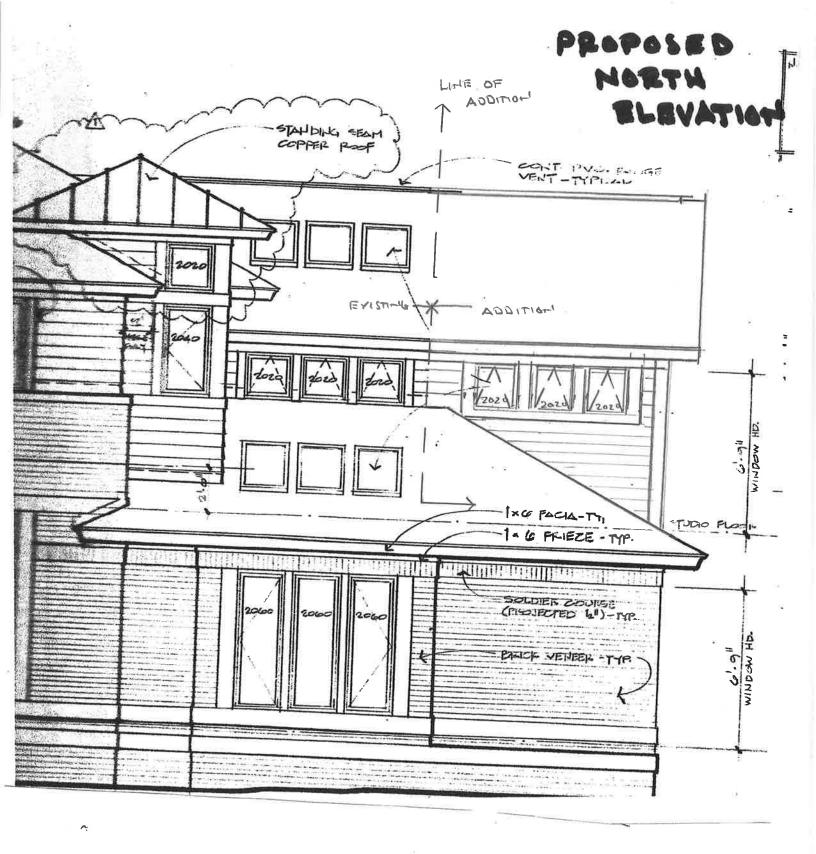










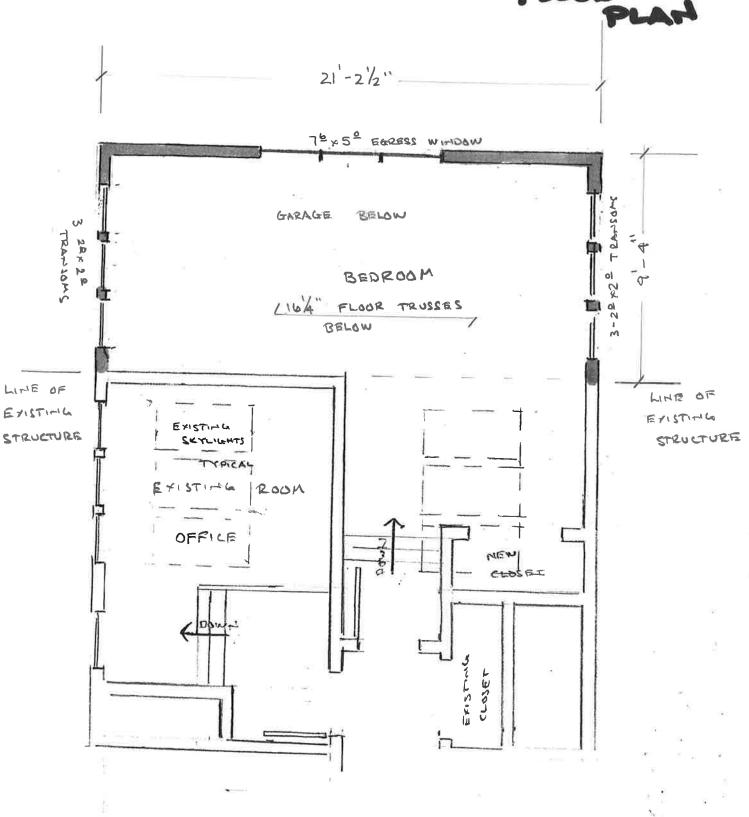


MORTH SIDE ELEVATION

SCALE 1/4"= 1-0"



PROPOSED FLOOR PLA



NEW FLOOR PLAT