

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS**  
**TUESDAY, JANUARY 12, 2016**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

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Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, January 12, 2016. Vice-Chairman Randolph Judd convened the meeting at 7:30 p.m.

**Present:** Board Members Jeffrey Jones, Randolph Judd, Peter Lyon, John Miller, Erik Morganroth; Alternate Board Members Jason Canvasser, Cynthia Grove

**Absent:** Chairman Charles Lillie; Board Member Kevin Hart

**Administration:** Bruce Johnson, Building Official  
Scott Lenhart, Asst. Building Official  
Carole Salutes, Recording Secretary

The vice-chairman welcomed everyone and explained the BZA procedure to the audience. Additionally, he noted that the members of the Zoning Board are appointed by the City Commission and are volunteers. They sit at the pleasure of the City Commission to hear appeals from petitioners who are seeking variances from the City's Zoning Ordinance. Under Michigan law, a dimensional variance requires four affirmative votes from this board, and the petitioner must show a practical difficulty. A land use variance requires five affirmative votes and the petitioner has to show a hardship. There are no land use variances called for this evening. Also, appeals are heard by the board as far as interpretations or rulings. Four affirmative votes are required to reverse an interpretation or ruling. There are no interpretations on this evening's agenda.

**T# 01-01-16**

**APPROVAL OF THE MINUTES OF THE BZA MEETING OF DECEMBER 8, 2015**

Vice-Chairman Judd:

Page 4 - Second paragraph of his motion, fifth line, add "feature" after "cosmetic"; remove the comma after "appearance."

**Motion by Mr. Jones**

**Seconded by Mr. Lyon to approve the Minutes of the BZA meeting of December 8, 2015 as amended by the vice-chairman.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

Absent: Hart, Lillie

**T# 01-02-16**

**569 PIERCE  
(Appeal 16-01)**

Withdrawn.

**T# 01-03-16**

**528 ABBEY  
(Appeal 16-02)**

The owners of the property known as 528 Abbey request the following variances to allow for the construction of a house addition less than the required minimum combined side yard setbacks for principal residential buildings:

**A. Chapter 126, Article 2, Section 2.06** of the Zoning Ordinance requires a combined minimum side yard setback distance of 16.25 ft. for this lot. The applicant is proposing 12.82 ft. Therefore, a variance of 3.43 ft. is requested.

**B. Chapter 126, Article 4, Section 4.69 (C)** of the Zoning Ordinance requires a minimum distance between principal residential buildings of 16.25 ft. for this lot. The applicant is proposing 15.15 ft. Therefore, a variance of 1.10 ft. is requested.

Mr. Lenhart explained the applicant proposes to build a rear two-story addition to an existing non-conforming house. They are continuing the second-story addition straight up. In response to Mr. Miller, Mr. Lenhart affirmed the granting of this variance would not adversely affect the residence to the west in either a renovation or a rebuild scenario. That owners of that residence would already have to come before the BZA for a variance for minimum distance between principal structures.

Mr. Jeff Klatt with Krieger Klatt Architects spoke for the homeowner, Mr. James Stanley. They are proposing to construct a 1,488 sq. ft. addition to the rear of the home over two levels. He presented photographs to clarify the area in question. A practical difficulty exists for both variances because the home is existing, non-conforming. Their goal is to stack the new addition directly above the existing first-floor footprint to take advantage of the existing load bearing conditions.

They are also proposing an addition to the back of the home which they have stepped in to lessen the variance.

Mr. Klatt noted the variances are necessary to allow the homeowner to construct the addition in a logical, straight forward manner. Further, the applicant has reached out to the neighbor to the west and they approve the addition.

At 7:43 p.m. there were no comments from members of the audience.

**Motion by Mr. Lyon**

**Seconded by Mr. Jones in regard to 528 Abbey St., Appeal 16-02, to approve the variances as advertised. The appellant seeks a variance under Chapter 126, Article 2, Section 2.06 of the Zoning Ordinance for a side yard setback of 3.43 ft. and a variance under Chapter 126, Article 4, Section 4.69 (C) of the Zoning Ordinance, minimum distance between principal residential buildings, of 1.1 ft.**

**Mr. Lyon believes that strict compliance in this case would be unduly burdensome in that the house is existing and the applicant seeks to build on top of it. He also would indicate that this is not self-created, in that the house has been there for a number of years and the appellant has done some amount of mitigation to reduce the side yard setback variance on intrusion to the neighbor's light and space.**

**He believes it does substantial justice to both the appellant and the surrounding neighbors. The motion is tied to the plans as submitted.**

**Mr. Miller spoke in support. He added that by approving this motion there would be no penalty paid by the adjacent land owner for either a renovation or a re-build of the home to the west.**

**Motion carried, 7-0.**

**VOICE VOTE**

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

**Nays: None**

**Absent: Hart, Lillie**

**T# 01-04-16**

**CORRESPONDENCE**

Vice Chairman Judd noted correspondence was provided to board members in the form of e-mails concerning property that is not before the BZA and that doesn't require any comment or action on the board's part or individually. However, he always pays attention to these things because one never knows what may be coming this way.

**T# 01-05-16**

**GENERAL BUSINESS**

**T# 01-06-16**

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

**T# 01-07-16**

**ADJOURNMENT**

No further business being evident, the board members passed a motion to adjourn at 7:52 p.m.

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Bruce R. Johnson, Building Official