NOTICE OF PUBLIC HEARING

BIRMINGHAM CITY COMMISSION
AMENDMENT TO ZONING ORDINANCE

Meeting - Date, Time, Location:	Monday, April 27, 2015, 7:30 PM Municipal Building, 151 Martin Birmingham, MI 48009
Nature of Hearing:	To consider an amendment to the Zoning Ordinance, Chapter 126, to amend: • Article 04, Structure Standards, section 4.70 SS-02, to amend the regulations for attached, single-family garages. • Article 04, Structure Standards, section 4.59 SB-02, to amend the regulations for attached, single-family garages on corner lots. A complete copy of the proposed ordinance amendment may be reviewed at the City Clerk's Office.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice:	Publish: April 5, 2015
Approved minutes may be reviewed at:	City Clerk's Office

Should you have any statement regarding the above, you are invited to attend the meeting or present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.
Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

City of Birmingham
A Walkable Community

MEMORANDUM

Community Development

DATE: **April 20, 2015**

TO: **Planning Board members**

FROM: **Jana L. Ecker, Planning Director**

SUBJECT: **Public Hearing to consider amendments to Article 4, Sections 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages**

On March 11, 2015, the Planning Board conducted a public hearing to discuss Zoning Ordinance Amendments to control the size and placement of private, attached, single-family residential garages. After much discussion, a majority of the Planning Board voted to recommend approval of the following:

1. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham to amend Article 04, Structure Standards, section 4.70 SS-02, to amend the regulations for attached, single-family garages; and
2. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham to amend Article 04, Structure Standards, section 4.59 SB-02, to amend the regulations for attached, single-family garages on corner lots.

Thus, the City Commission set a public hearing date for April 27, 2015 to consider amendments to Article 4, Sections 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages. Please find attached the staff report presented to the Planning Board, along with the relevant meeting minutes for your review.

SUGGESTED ACTION:

To approve amendments to Article 4, Sections 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages.

City of Birmingham
A Walkable Community

MEMORANDUM

Community Development

DATE: **March 6, 2015**

TO: **Planning Board members**

FROM: **Jana L. Ecker, Planning Director**

SUBJECT: **Public Hearing to consider amendments to Article 4, Sections 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages**

It came to the attention of the Planning Division that several issues have arisen with regards to the application of design standards for single family homes with attached private garages. While the Planning Division does not conduct site plan or design review for single-family zoned property in the City, the Planning Board in the late 1990's drafted basic design standards to ensure that the front of single-family homes provided an inviting and pedestrian-oriented façade and connection to the sidewalk and the neighborhood.

One such standard is found in Article 4, section 4.70 SS-02, Structure Standards, of the Zoning Ordinance, which states:

> The following structure standards apply:
> 1. A private, attached, single-family residential garage shall not occupy more than 50% of the linear building frontage of the principal residential building, and must be setback a minimum of 5 feet from the front façade of a principal residential building.
> 2. Garage doors on an attached garage which are visible from the street may not exceed 8 feet in width; wherever there are multiple doors, they must be separated by a solid wall or jamb not less than 8 inches wide.

The standards in section 4.70 apply to all of the single-family zoning districts, which include the R1A, R1, R2 and R3 zone districts. Article 9, section 9.02, Definitions, of the Zoning Ordinance further provides the following definitions to assist in clarifying the design standards outlined in section 4.70 above:

> **Garage, Attached Private:** That portion of a principal residential building to be used for the storage of non-commercial motor vehicles, provided that not more than one commercial vehicle of less than three-quarter-ton capacity may be stored in the private garage and there shall be no services or commodities offered to the public in connection therewith. These garages must be enclosed with doors.

Building, Principal: A building or, where the context so indicates, a group of buildings, in which is conducted the main or principal use of the lot on which the building is situated.

Façade: The vertical exterior surface of a building that is set parallel to a setback line.

Setback: That distance set forth on each two-page layout in Article 2, between any lot line and a line parallel thereto on the same lot except as otherwise provided in the Zoning Ordinance (see Lot and Building).

Use, Principal: The primary and chief purpose for which a lot is used, which use is conducted within a principal building, or as otherwise specified by the Zoning Ordinance.

The Planning Board drafted the provisions in section 4.70 and the definitions in section 9.02 of the Zoning Ordinance to ensure that attached private garages did not dominate the front of single family homes after complaints arose when multiple "garage front houses" were constructed in the late 1990's. In accordance with section 4.70, no more than 50% of the width of the front of a single-family home can be an attached private garage AND any such attached garage that is on the front façade must be setback 5' from the front façade of the principal residential home.

However, over the years, creative design plans have been submitted to the City and approved for single-family homes with attached, private garages that protrude in front of the principal residential building on the site. This has been accomplished by adding a small conditioned living space (such as an office, tool room, exercise room etc.) to the very front of the attached private garage facing the street, and / or building residential living space above the attached, private garages. Complaints have been received that these designs are a violation of the structure standards contained in section 4.70 of the Zoning Ordinance, or at the very least, are a violation of the intent of the structure standards contained in section 4.70 of the Zoning Ordinance.

The current interpretation of the Zoning Ordinance provisions by the Building Official for designs such as those described above is that when second story living space within the principal building extends over and five feet in front of an attached garage, the provisions of section 4.70 SS-02 (1) have been met. While these designs could be cantilevered in front of the garage or supported on columns, those recently constructed have habitable space in front of the attached garage that is connected by a stair to the second level living area. Extending the living area over an attached garage and then down in front of the garage by at least five feet, designers have found a way to technically comply with the ordinance by removing the garage from the linear building frontage and setting it back five feet from the front facade. The Building Official and Assistant Building Official were present at the January 26, 2014 Planning Board meeting to

further discuss this issue and to explain how several creative designs have been determined to technically meet the design standards in the Zoning Ordinance.

Based on numerous citizen complaints, the Planning Board was requested to review and discuss some of the recently approved designs and determine if these creative garage front home designs are consistent with the intent of the standards drafted by a former Planning Board and contained in the Zoning Ordinance, as well as the vision for the development of the City. If they are not, the Planning Board may wish to consider amending the Zoning Ordinance to further clarify the design standards for single family homes with attached private garages.

On January 26, 2014, the Planning Board discussed the issue of garage front houses after reviewing photos and plans from several different homes that have been built or are under construction. Individual board members expressed support to move garages to the side or rear of houses, while others expressed concern about pushing the scale and mass of garages into rear yards. The consensus of a majority of the Planning Board was to come up with a way to amend the ordinance language to bring the front door of houses closer to the street, and to reduce the dominance of attached garages so that they are not the primary feature visible from the street. The Planning Board requested that staff come up with some options for ordinance amendments and begin discussing the consequences of such changes.

On November 19, 2014, staff conducted a PowerPoint presentation that offered a history of home design in the City that illustrated why a provision to control the placement of garages was originally desired, and how home designs have been altered over the years as a result of the existing attached garage regulations. The presentation also illustrated how designers have managed to work around the provision to design homes with dominant attached garages, and offered two suggestions for the Planning Board to consider to provide appropriate controls.
The two main options considered by the Planning Board were as follows:

Option 1– Regulate the Placement of Attached Garages on the Front Facade

- Garage must be setback a minimum of 5' from the portion of the front façade that is furthest setback from the front property line;
- Front façade of garage cannot exceed 50% of the total front façade;
- Front facing garage doors are permitted if they do not exceed 9' in width and are separated by a solid wall or jamb not less than 8" in width (see garage door width below).

Option 2 – Regulate the Maximum Size of Attached Garages on the Linear Front Façade

- Provide a definition of linear front façade that includes all portions of the front façade from side yard to side yard regardless of whether parallel to the front property line;

- Maximum size for attached garages when any portion of the garage is located on the linear front façade (similar to the limitations for detached garages):
    - 600 Sq. Ft. in R1 and R1A;
    - 550 Sq. Ft. in R2; and
    - 500 Sq. Ft. in R3;
- Living space in front of and above garages must provide for daily living (such as master bedrooms, laundry rooms, bathrooms etc.);
- Living space in front of and above garages must function together between floors and be connected by an internal stair.

It was clearly noted that both options above place additional restrictions on attached garages located on front facades ONLY. Neither of the above options control the size or design of attached garages not located on the front façade, and neither of these options change the existing controls on detached garages and accessory structures.

On November 19, 2014, the Planning Board also discussed the maximum width of front facing garage doors to allow easier maneuvering of vehicles into the garage. Complaints are often received by the Building Division with regards to the narrow width of front facing garage doors permitted. Currently front facing garage doors can be a maximum of 8' in width and must be separated by a jamb at least 8" in width. The Planning Board indicated their support to increase the maximum width for front facing garage doors to 9' in width, while maintaining the requirement for such doors to be separated by a jamb at least 8" in width.

After much discussion, the consensus of the Planning Board was to eliminate option 2 as it was too complex and the Board was not in favor of allowing small areas of living space to be tacked on to the front of attached garages. Board members stated that they were in favor of allowing living space above attached garages. The Board thus directed staff to eliminate option 2, and to refine option 1 keeping in the provision that the front façade of attached garages cannot exceed 50% of the width of the front of the house and must be setback a minimum of 5' from the front of the house, but refining clearly what portion of the front façade the garage must be set back from. Board members discussed considering using the longest portion of the front façade for calculating the setback of the attached, front facing garage or the average front façade setback, or the setback from the main entrance to the home.

At the January 28, 2015 Planning Board meeting, staff presented four draft ordinance language options that incorporated each of the refinements requested to be made to the previously discussed option 1. Board members discussed each option, and consensus was to focus on the original option 1 to keep the regulations simple and easy to understand and enforce. Board members then discussed the importance of maintaining a prominent front entry while downplaying the dominance of attached garages, and making changes to option 1 to emphasize front entries. Board members also discussed the dominance of side-facing attached garages on corner lots, and made recommendations to allow only single 9' wide garage doors on the side elevations when they are visible from the street on corner lots.

At the February 11, 2015 Planning Board meeting, board members discussed draft ordinance language to amend section 4.70 that was a modification of the original option 1 that requires garage doors facing a street to be setback 5' from the portion of the first floor front façade that is furthest setback from the front property line, and continues to limit the width of garages to less than 50% of the width of a principal residential building. The proposed language also increases the maximum width of street facing garage doors from 8' to 9'. In addition, board members agreed upon an amendment to section 4.59(A) as well to control the size and prominence of garages facing side streets on corner lots, by increasing the setback of attached garages to match the setback for detached garages and other accessory structures.

It is important to note that no changes have been made with regards to regulating the specific placement of front doors. After much discussion between staff members of both the Planning and Building Divisions, it was determined that the proposed ordinance language by its very nature both reduces the dominance of the garage, AND thus increases the prominence of the pedestrian entry by moving the garages back 5' from the furthest setback portion of the front façade. Most of the examples previously approved with diminutive front entries setback from a large front-projecting attached garage could no longer be approved set well back from the garage, as they would be at least 5' in front of the garage. In addition, staff considered specific language to require pedestrian entries to homes with attached garages on either the front façade, or the front elevation of the home. However, requiring a door on the front façade or front elevation would not allow side-facing front doors or diagonal, corner entry doors to count as "front doors". Board members had stated that they did not wish to discourage creative or historic front entries that may not happen to be on the front façade as defined in the Zoning Ordinance. Finally, staff consensus was that the vast majority of home designs submitted for approval do in fact contain what most would consider front doors, and that other than the previously approved diminutive front entries that were set far back behind the front attached garage, the lack of front doors on homes has not been a problem.

Suggested Action:

To recommend to the City Commission the adoption of ordinance amendments to Section 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages.

CITY OF BIRMINGHAM
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.70 SS-02, TO AMEND THE REGULATIONS FOR ATTACHED, SINGLE-FAMILY GARAGES.

THE CITY OF BIRMINGHAM ORDAINS:

Section 4.70 SS-02, Structure Standards:

The following structure standards apply:

1. A private, attached, single-family residential garage shall not occupy more than 50% of ~~the~~ **a** linear building ~~frontage~~ **width** of ~~the~~ **a** principal residential building~~,~~ **that faces a street,** and must be setback a minimum of 5 feet from the **portion of the** front façade **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), Projections into Required Open Space**.
2. Garage doors on an attached garage which are ~~visible from the~~ **facing a** street may not exceed ~~8~~ **9** feet in width; where there are multiple doors, they must be separated by a solid wall or jamb not less than 8 inches wide.

ORDAINED this _____ day of _____, 2015 to become effective 7 days after publication.

_____
Stuart R. Sherman, Mayor

_____
Laura Pierce, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM TO AMEND ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.59 SB-02, TO AMEND THE REGULATIONS FOR ATTACHED, SINGLE-FAMILY GARAGES ON CORNER LOTS.

THE CITY OF BIRMINGHAM ORDAINS:

Section 4.59 SB-02, Setback Standards:

This Setback Standards section applies to the following districts:
The following setback standards apply:

A. Corner Lot:

1. 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 feet.

2. Where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 10 feet for the permitted principal building, **15 feet for permitted attached garages with vehicle entry doors facing the side street ,** and 15 feet for permitted accessory buildings.

ORDAINED this _____ day of _____, 2015 to become effective 7 days after publication.

_____
Stuart R. Sherman, Mayor

_____
Laura Pierce, City Clerk

PLANNING BOARD MINUTES
January 26, 2014

STUDY SESSION
Garage Front Houses

Ms. Ecker advised it has come to the attention of the Planning Division that several issues have arisen with regards to the application of design standards for single-family homes with attached private garages. The Planning Board in the late 1990's drafted basic design standards to ensure that the front of single-family homes provided an inviting and pedestrian-oriented façade and connection to the sidewalk and the neighborhood.

However, over the years, creative design plans have been submitted to the City and approved for single-family homes with attached, private garages that protrude in front of the principal residential building on the site. This has been accomplished by adding a small conditioned living space (such as an office, tool room, exercise room, etc.) to the very front of the attached private garage facing the street, and/or building residential living space above the attached, private garages.

The Planning Division and the Building Division request that the Planning Board review and discuss some of the recently approved designs and determine if these creative garage front home designs are consistent with the intent of the standards drafted by a former Planning Board and contained in the Zoning Ordinance, as well as the vision for the development of the City. If they are not, the Planning Board may wish to consider amending the Zoning Ordinance.

The group viewed several examples. It was Ms. Whipple-Boyce's opinion that the board needs to come up with a way to tighten up the Ordinance language in order to bring things closer to the intent of getting the garage behind the house and moving the front door up to the street. Mr. Johnson felt that could be done by clarifying definitions.

Chairman Boyle cautioned the board has to be careful not to kill thoughtful, sophisticated design and construction just to impose their regulations.

Mr. Cooper said the reason for these designs is that the builders' customers want attached garages.

Chairman Boyle noticed in the examples shown that people have decided to use the front space in a way that isn't as conducive to the neighborhood because they want to preserve their land at the rear. Mr. Cooper said garages are being designed in the front because by moving the garage to the rear, even though attached, a lot coverage issue comes into play and a lot more driveway is required.

Mr. Williams wasn't sure he agrees with the basic premise. He doesn't like the way some development is pushing detached garages as far back as possible, right up against the rear property owner's backyard.

Mr. DeWeese wanted to see some options along with their consequences for all types of lots.

The chairman invited comments from the public at 9:07 p.m.

Mr. J.C. Cataldo said that when he was part of the Planning Board they went through an exhaustive analysis of what was happening to the neighborhoods. They came to the conclusion that garages should not be the primary point of the home. He appreciates the board taking a look at the language again and thinks the neighborhoods will be a lot better off for it.

Ms. Ecker agreed that staff will come back with some solutions that show a little more context.

Chairman Boyle noted if too many rules and regulations are imposed the outcome will be cookie cutter designs.

PLANNING BOARD MINUTES
November 19, 2014

STUDY SESSION
Garage Front Houses

Ms. Ecker provided an overview. Back in 1998, the Planning Board drafted the provisions in section 4.70 and the definitions in section 9.02 of the Zoning Ordinance to ensure that attached private garages did not dominate the front of single-family homes after complaints arose when multiple "garage front houses" were constructed in the late 1990s.

However, over the years creative design plans have been submitted to the City and approved for single-family homes with attached, private garages that protrude in front of the principal residential building on the site. By extending the living area over an attached garage and then down in front of the garage by at least 5 ft., designers have found a way to technically comply with the ordinance by removing the garage from the linear building frontage and setting it back 5 ft. from the front facade. Complaints have been received that these designs are a violation of the structure standards contained in section 4.70 of the Zoning Ordinance, or at the very least, are a violation of the intent of the structure standards contained in section 4.70 of the Zoning Ordinance. There is no interaction between people within the house and people on the street.

Ms. Ecker conducted a PowerPoint presentation that illustrated why a provision was added in the first place, how people have gotten around it, and suggestions for appropriate controls.

At the January 26, 2014 meeting of the Planning Board, the majority consensus of the members was to request staff to come up with some options to amend the ordinance language to bring the front door of houses closer to the street, and to reduce the dominance of attached garages so they are not the primary feature visible from the street. The following options were offered for consideration by the Planning Board:

- Option 1 - Regulate the placement of attached garages on the front facade; and
- Option 2 - Regulate the maximum size of attached garages on the linear front facade.

Neither of the above options control the size or design of attached garages not located on the front facade or change the existing controls on detached garages and accessory structures. The rule remains that garages cannot be more than 50% of the width of the front of the house.

Additionally, the Planning Board may wish to increase the maximum width for front facing garage doors from 8 ft. to 9 ft. to provide for easier maneuvering of vehicles into the garage. It is recommended that if this is changed, the requirement for such doors to be separated by a jamb at least 8 in. in width continue.

Mr. Johnson announced the Building Dept. worked together with Planning to explore the garages.

Mr. Koseck was okay with living space being above the garage, but just not tacked out in front.

Chairman Clein's opinion was that Option 2 is far too complex and restrictive. Option 1 reflects more the intent. However, with Option 1 he feels that setting back 5 ft. from the furthest facade back from the front property line deters any articulation and keeps people from being creative with the frontages. He suggested allowing garages to be front facing only if they are less than 50% of the width of the front facade and only if they are 5 ft. back from the main entry.

Ms. Lazar leaned toward Option 1. Mr. Koseck thought Option 1 is clear and he doesn't find it restrictive. Ms. Whipple-Boyce suggested that the garage be pushed back from the largest front facade.

The chairman called for public comments at 8:16 p.m.

Mr. J.C. Cataldo, 271 Chesterfield, thought the garage could be set back 5 ft. from the average front footage of the remaining structure on the site.

Ms. Ecker summarized that staff will remove Option 2 from consideration and work on refining Option 1. Board members were fine with increasing the width of garage doors from 8 ft. to 9 ft. Mr. Koseck emphasized the necessity to act quickly on this matter.

PLANNING BOARD MINUTES
January 28, 2015

STUDY SESSION
Garage Front Houses (postponed from January 14, 2015)

Ms. Ecker provided an overview. Back in 1998, the Planning Board drafted theprovisions in section 4.70 and the definitions in section 9.02 of the Zoning Ordinance to ensure that attached private garages did not dominate the front of single-family homes.

However, over the years creative design plans have been submitted to the City and approved for single-family homes with attached, private garages that protrude in front of the principal residential building on the site. By extending the living area over an attached garage and then down in front of the garage by at least 5 ft., designers have found a way to technically comply with the ordinance by removing the garage from the linear building frontage and setting it back 5 ft. from the front facade. Complaints have been received that these designs are a violation of the Zoning Ordinance structure standards. There is no interaction between people within the house and people on the street.

On November 19, 2014, staff conducted a PowerPoint presentation that offered a history of home design in the City that illustrated why a provision to control the placement of garages was originally desired, and how home designs have been altered over the years as a result of the existing attached garage regulations. The presentation also offered two suggestions for the Planning Board to consider to provide appropriate controls.

It was clearly noted that both options place additional restrictions on attached garages located on front facades ONLY, and neither of these options change the existing controls on detached garages and accessory structures.

On November 19, 2014, the Planning Board also discussed the maximum width of front- facing garage doors to allow easier maneuvering of vehicles into the garage. The Planning Board indicated their support to increase the maximum width for front-facing garage doors to 9 ft. in width, while maintaining the requirement for such doors to be separated by a jamb at least 8 in. in width.

After much discussion, board members stated that they were in favor of allowing living space above attached garages. The board thus directed staff to eliminate the second option, and to refine option 1 keeping in the provision that the front façade of attached garages cannot exceed 50% of the width of the front of the house and must be set back a minimum of 5 ft. from the front of the house, but refining clearly what portion of the front façade the garage must be set back from.

Accordingly, Ms. Ecker presented ordinance language that incorporates each of the refinements previously discussed for the former option 1. Each option states the residential garage shall not occupy more that 50% of the linear building frontage. Also, each option discusses the 9 ft. garage door width and each talks about a 5 ft. setback from a particular portion of the facade:

* Original Option 1 - The setback must be 5 ft. back from the portion of the front facade on the first floor that is furthest set back from the front property line excluding allowable projections into the required open space as listed in Article 4. *This is easy to understand and design and easy to review for compliance and enforcement.*

* Option 1A - The garage must be setback 5 ft. back from the longest portion of the front facade on the first floor excluding allowable projections into the required open space. *This is also easy to understand and design and easy to review for compliance and enforcement.*

* Option 1B - The setback must be 5 ft. back from the average setback of all portions of the front facade on the first floor excluding allowable projections into the required open space. *This is most difficult to calculate and design and most difficult to review for compliance and enforcement.*

* Option 1C - The setback must be a minimum of 5 ft. from the main entry door on the front facade on the first floor. In order to be considered a main entry door, it must be located on a portion of the front facade at least 8 ft. in width. *This is harder to understand and design and easy to review for compliance and enforcement.*

Mr. Cooper explained the front facade is the address where the Certificate of Occupancy was issued. If the house is turned slightly so it is not exactly parallel to the street, Mr. Johnson said to look at the front facade as it is shown on the elevation of the drawings and that is the front facade.

Mr. Koseck expressed his preference for Option 1 because it keeps things simple. Mr. Jeffares noted the board is trying to downplay garage dominance, but play up front door prominence. If the board ignores the front door and just works on the garage they might not get what they want. The board has to balance their intent with staff's ability to enforce.

Mr. DeWeese declared they could specify that the main entry door cannot be behind the garage door and that there must be a main entry door on the front facade. Chairman Clein summarized that the board is leaning toward a version of the Original Option 1 with some emphasis on front entries.

There was board consensus that staff would come back with Option 1, adding language that puts emphasis on the real front door. Mr. Koseck added that garage doors facing any street must be 9 ft. in width. Ms. Whipple-Boyce wanted to be careful that the board doesn't tell people too much what to do with their designs.

PLANNING BOARD MINUTES
February 11, 2015

STUDY SESSION
Garage Front House Ordinance (postponed from the meeting of January 14, 2015)

Ms. Ecker recalled that on November 19, 2014, staff conducted a PowerPoint presentation that offered a history of home design in the City that illustrated why a provision to control the placement of garages was originally desired, and how home designs have been altered over the years as a result of the existing attached garage regulations.

On November 19, 2014, the Planning Board also discussed the maximum width of front- facing garage doors to allow easier maneuvering of vehicles into the garage. The Planning Board indicated their support to increase the maximum width for front-facing garage doors to 9 ft. in width, while maintaining the requirement for such doors to be separated by a jamb at least 8 in. in width. After much discussion, board members stated that they were in favor of allowing living space above attached garages. The board thus directed staff to keep in the provision that the front façade of attached garages cannot exceed 50% of the width of the front of the house and must be set back a minimum of 5 ft. from the front of the house, but refining clearly what portion of the front façade the garage must be set back from.

Therefore, ordinance language was presented at the January 28, 2015 Planning Board meeting that incorporated each of these refinements requested. The consensus was to keep the regulations simple and easy to understand and enforce. Board members discussed the importance of maintaining a prominent front entry while downplaying the dominance of attached garages. They also discussed the dominance of side-facing attached garages on corner lots, and made recommendations to allow only single 9 ft. wide garage doors on the side elevations when they are visible from the street on corner lots.

Accordingly, the draft ordinance language proposed this evening will force the garage back behind the house, therefore increasing the prominence of the front door. Also, the garage is limited in width to only 50% of the front elevation. This is coupled with a proposed amendment to section 4.59 to address both the size and placement of attached garages with doors visible from side streets on corner lots.

In response to Mr. Share, Mr. Cooper explained why a 40 ft. wide corner lot would be the most affected with this ordinance language. Also, he noted side elevation garages can become very dominant on a street that has a lot of traffic.

Mr. Cooper went on to show photos of existing homes in Birmingham to illustrate both the design outcome of the proposed ordinance changes, and to further the discussion on requiring entry doors on the front facade of homes with attached garages.

In answer to a question, Ms. Ecker advised that if an existing house burned down it would keep its grandfather status unless it was damaged by more than 75%.

Motion by Mr. Williams
Seconded by Mr. DeWeese to set a public hearing date for March 11, 2015 to consider recommending to the City Commission the adoption of ordinance amendments to Section 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages.

There were no comments from members of the public at 7:58 p.m.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, DeWeese, Clein, Jeffares, Koseck, Share, Whipple-Boyce
Nays: None
Absent: Boyle, Lazar

DRAFT Planning Board Minutes
March 11, 2015

PUBLIC HEARING

1. TO CONSIDER AMENDING CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.70 SS-02, TO AMEND THE REGULATIONS FOR ATTACHED, SINGLE-FAMILY GARAGES.

2. TO CONSIDER AMENDING CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.59 SB-02, TO AMEND THE REGULATIONS FOR ATTACHED, SINGLE-FAMILY GARAGES ON CORNER LOTS.

Chairman Clein opened the public hearing at 7:31 p.m.

Ms. Ecker provided an overview and showed a PowerPoint. Back in 1998, the Planning Board drafted the provisions in section 4.70 and the definitions in section 9.02 of the Zoning Ordinance to ensure that attached private garages did not dominate the front of single-family homes.

However, over the years creative design plans have been submitted to the City and approved for single-family homes with attached, private garages that protrude in front of the principal residential building on the site. By extending the living area over an attached garage and then down in front of the garage by at least 5 ft., designers have found a way to technically comply with the ordinance by removing the garage from the linear building frontage and setting it back 5 ft. from the front facade. Complaints have been received that these designs are a violation of the Zoning Ordinance structure standards. There is no interaction between people within the house and people on the street.

The Planning Board has met on several occasions to review this topic. At the February 11, 2015 Planning Board meeting, board members discussed draft ordinance language to amend section 4.70 that requires garage doors facing a street to be set back 5 ft. from the portion of the first floor front façade that is furthest set back from the front property line, and continues to limit the width of garages to less than 50% of the width of a principal residential building. The proposed language also increases the maximum width of street facing garage doors from 8 ft. to 9 ft. In addition, board members agreed upon an amendment to section 4.59(A) as well to control the size and prominence of garages facing side streets on corner lots, by increasing the setback of attached garages to match the setback for detached garages and other accessory structures.

It is important to note that no changes have been made with regards to regulating the specific placement of front doors. After much discussion between staff members of both the Planning and Building Divisions, it was determined that the proposed ordinance language by its very nature both reduces the dominance of the garage, AND thus increases the prominence of the pedestrian entry by moving the garages back 5 ft. from the furthest setback portion of the front façade.

Mr. Johnson explained that a detached garage is not allowed in the front open space.

No one from the public wished to join the discussion at 7:50 p.m.

Mr. Jeffares thought more study should be given to corner lots. It was discussed that on wide corner lots houses are constructed longer than they are deep. Mr. Cooper said it is the three car garages on wide lots that will be caught with the 50% limitation. As the third bay comes out, it creates a little private courtyard in the back. Mr. Jeffares thought that the rear courtyard blocks the resident's interaction with the street. Everything this board tries to do is the exact opposite of that.

Motion by Mr. DeWeese
Seconded by Ms. Lazar to recommend to the City Commission the adoption of ordinance amendments to Section 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages.

Amended by Mr. Jeffares
And accepted to only recommend Section 4.70 to the City Commission.

There was no discussion from the audience on the motion at 8:10 p.m.

Amended motion carried, 6-0.

ROLLCALL VOTE
Yeas: DeWeese, Lazar Clein, Jeffares, Share, Whipple-Boyce
Nays: None
Absent: Boyle, Koseck, Williams

Motion by Mr. DeWeese
Seconded by Ms. Lazar to recommend to the City Commission the adoption of ordinance amendments to Section 4.59 of the Zoning Ordinance to amend the regulations controlling the size and placement of single-family residential attached garages on corner lots.

There was no discussion from the audience on the motion at 8:10 p.m.

Motion carried, 5-1.

ROLLCALL VOTE
Yeas: DeWeese, Share, Clein, Lazar, Whipple-Boyce
Nays: Jeffares
Absent: Boyle, Koseck, Williams

Chairman Clein closed the public hearing at 8:13 p.m.