

AGENDA
BIRMINGHAM HISTORIC DISTRICT COMMISSION
MUNICIPAL BUILDING-COMMISSION ROOM-151 MARTIN STREET
WEDNESDAY – October 18, 2017
*******7:00 PM*******

- 1) **Roll Call**
- 2) **Approval of the HDC Minutes of September 13, 2017**
- 3) **Historic Design Review**
 - **460 W. Maple – Chatfield-Campbell House**
- 4) **Study Session**
- 5) **Miscellaneous Business and Communication**
 - A. Staff Reports
 - **Administrative Approvals**
 - **Violation Notices**
 - **Demolition Applications**
 - B. Communications
 - **Commissioners Comments**

6) Adjournment

Notice: Individuals requiring accommodations, such as interpreter services, for effective participation in this meeting should contact the City Clerk's Office at [\(248\) 530-1880](tel:2485301880) at least on day in advance of the public meeting.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:2485301880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

A PERSON DESIGNATED WITH THE AUTHORITY TO MAKE DECISIONS MUST BE PRESENT AT THE MEETING.

**BIRMINGHAM HISTORIC DISTRICT COMMISSION
MINUTES OF SEPTEMBER 13, 2017**
Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission (“HDC”) held Wednesday, September 13, 2017. Chairman John Henke called the meeting to order at 6 p.m.

Present: Chairman John Henke; Board Members Thomas Trapnell, Michael Willoughby; Alternate Board Member Adam Charles

Absent: Board Members Keith Deyer, Shelli Weisberg, Natalia Dukas; Alternate Board Member Dulce Fuller; Student Representatives Josh Chapnick, Griffin Pfaff

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

09-43-17

**APPROVAL OF MINUTES
HDC Minutes of August 16, 2017**

Motion by Mr. Willoughby

Seconded by Mr. Charles to approve the HDC Minutes of August 16, 2017 as presented.

Motion carried, 4-0.

VOICE VOTE

Yeas: Willoughby, Charles, Henke, Trapnell

Nays: None

Absent: Deyer, Weisberg, Dukas

The Chairman noted that only four of seven board members were present this evening. He offered applicants the opportunity to adjourn their hearing to the next HDC meeting when a more full board might be present. All applicants wished to be heard.

09-44-17

**HISTORIC DESIGN REVIEW
460 W. Maple Rd.**

Chatfield-Campbell House

Mr. Charles indicated he has a conflict of interest for this review. He is an employee of Thomas Seboldt, who is the contractor. However he is not directly involved in the project.

Therefore there was not a full quorum to make a motion. However, commission members could place their comments on the record.

Zoning: R-6 Multiple-Family Residential

History: Mr. Baka noted the Chatfield-Campbell House is significant because it is one of the oldest remaining houses in Birmingham. The original house was constructed in 1865, and in 1885, part of the roof was raised to add the second story. In 1928, a brick addition designed by Wallace Frost, and constructed by Scott Hersey, was added to the rear of the house. The notoriety of Wallace Frost added to the significant history of the house. Members of the same family lived in the house from 1887 to 2007. The house was purchased by Eric Charles Designs in 2009, for use as an interior design studio. The building received historic design review approval at the October 7, 2009, the November 17, 2010, July 20, 2011, and February 6, 2013 HDC meetings. The applicant was granted a variance by the Board of Zoning Appeals ("BZA") in 2009 and renewed in 2010 to permit an office use for the structure.

Proposal: The applicant is proposing extensive landscaping and site changes around the existing historic structure. The submitted plans demonstrate a new concrete driveway, ornamental paving patios and walkways, fencing and gates, and the installation of a gas light with a sign at the entry. Additionally, the applicant is seeking approval for the installation of a ground mounted AC unit 0 ft. from the east lot line. However, the Zoning Ordinance requires a 3 ft. side setback for any structure. ***If approved in concept by the HDC, the applicant will be required to obtain a variance from the BZA to allow the installation of the AC unit within the required side open space.***

Site Changes

South (front) Yard

The applicant is proposing to make use of crushed stone mulch as the primary lawn material. The plans demonstrate an array of three diamond shaped garden beds along with a semi-circular garden bed on the right side of the front lawn facing the house. A lantern will illuminate a new sign for the building and the front entrance will be accented with planter pots on each side.

West (side) Yard

Yew plantings are proposed to extend into the west side yard running parallel along the property line. The northwest corner will feature a planter wall and a

lawn leading to an entertainment deck. Between the lawn and garage the applicant proposes a vegetable garden.

North (rear) Yard

The property owner plans to feature a new enclosed lawn, garden, and an entertainment deck. An exposed aggregate concrete apron will be installed around the garage for parking.

East (side) Yard

The interior courtyard formed by the recessed wall along the east elevation and an existing wall along the gravel driveway is proposed to be landscaped. The courtyard will be made accessible by an existing bluestone walk to the right and a new walkway on the left connecting to the front. A swinging gate will be installed to restrict public access from the front. As previously noted the applicant is proposing to install a ground mounted AC unit at the east lot line which will require a variance from the BZA.

Mr. Willoughby announced this commission's purpose is to keep the integrity of historic structures in their community intact. So, in his opinion, the further the AC unit is away from the building, the better. Given the fact it is behind a transformer it will not be seen and that seems like the smartest place to put it. Therefore, he encouraged the members of the BZA to grant the variance.

Mr. Eric Jirgens, the property owner, explained they had previously received variances for two AC units that sit on the west side of the main residence. This unit would service the barn only. Chairman Henke said he has no issues with the placement of this unit. All the HDC can do is build a record to send forward to the BZA for them to deal with.

Mr. Willoughby indicated he does a lot of work with Mr. Seboldt's company and they do not do landscaping. Therefore he does not see that Mr. Charles would have a conflict of interest with the landscape. Mr. Charles said he is comfortable with that.

Mr. Michael Dul, Landscape Architect, passed out a colored diagram to the commission members and went on to describe his extensive proposal. They are even planting on the adjacent property with their permission, and the neighbors are very happy to cooperate with the planting. They are trying to make this condensed site very elegant and fitting. The garden will be maintained in a low key manner as a showpiece for the design studio. The proposed lantern in the front yard is pretty much a duplicate of the historic fixture, as is the panel sign that will hang from the post. They hope to place the utilities all in one area. Along the right-of-way low-grow sumac will be planted which is durable and has great fall color.

Mr. Charles inquired about what will be done to keep the pleached Linden trees from infringing into the very constricted alleyway. Mr. Dul said they are a canopy street tree and will be a great ceiling for the alley. He didn't think there would be a problem.

It was noted that the fencing material color will need to be submitted for administrative approval.

**Motion by Mr. Willoughby
Seconded by Mr. Trapnell to approve the landscape plan for 460 W. Maple Rd. in its entirety as submitted.**

There were no comments from the public on the motion.

Motion carried, 4-0.

VOICE VOTE

Yeas: Willoughby, Trapnell, Charles, Henke

Nays: None

Absent: Deyer, Weisberg, Dukas

09-45-17

STUDY SESSION

927 Purdy

Historic Designation request

Mr. Baka reported that the City of Birmingham recently received a request from a home owner to consider Historic Designation of their home at 927 Purdy. Accordingly, the Birmingham Historic Designation Study Committee ("HDSC") met several times to compile and review relevant information and research. Upon review of the information, the HDSC voted to recommend approval of the request to the City Commission. In accordance with the Birmingham City Code, Chapter 127 section 127-4 (c) 5, the City is now transmitting the preliminary report that has been compiled to the HDC in a request for review and comments on the appropriateness of this designation request.

The preliminary designation report along with all available and relevant research and information on the subject property was presented. The Birmingham City Code requires that the HDC review the recommendation of the HDSC and provide comments.

The house was originally located on Pierce, basically right across from City Hall. The current property owner bought it four or five years ago and has been restoring it. Architecturally there are some question marks about what is original and what is not. What is interesting about the house is that it was once owned

by Almeron Whitehead, who was the founder of the Birmingham Eccentric along with his many other accomplishments. In about 1950 the house was purchased by Russell McBride who moved it to Purdy. Then his son and family lived in the house. The HDSC felt the ownership by Almeron Whitehead makes the house significant and therefore they were in favor of designating it.

Chairman Henke commended the owners for renovating the house. It looks like they have done a nice job of putting back as much as they could. Mr. Baka noted some of the elements have been recreated without actual verification. The details have been taken from other houses that were built at the same time rather than from photographs. Therefore from the standpoint of designation Mr. Baka thought it would be more for the historical aspect rather than an architectural one.

Mr. Willoughby liked the fact that the homeowners have stepped up to seek the designation. Certainly the home is pretty close to what it once was, so he would support designation. Chairman Henke, agreed, especially given the long history of the house and who owned it.

09-46-17

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

A. Staff Reports

-- Administrative Approvals

- Community House - Purpose is to paint the Community House. Lift required to reach high paint areas.
- 320 Martin, 320 Investments, LLC - Roof tear off and replacement with EPDM rubber.
- 101 N. Old Woodward Ave. - Addition of umbrellas to outdoor patio space.
- 271 W. Maple Rd., Apt. 6 - Install one vinyl replacement window on the side of the building.

-- Violation Notices (none)

-- Demolition Applications

- 1544 Holland
- 832 Humphrey
- 185 Linden
- 583 Southfield

B. Communications

-- Commissioners' Comments

09-47-17

ADJOURNMENT

No further business being evident, the commissioners motioned to adjourn the meeting at 6:38 p.m.

Matthew Baka
Sr. Planner



MEMORANDUM

Planning Division

DATE: October 12, 2017

TO: Historic District Commission

FROM: Matthew Baka, Senior Planner

SUBJECT: Final Historic Design Review – 460 W. Maple – Chatfield-Campbell Historic House

Zoning: R-6, Multiple-Family Residential

Existing Use: Office

History

The Chatfield-Campbell House is significant because it is one of the oldest remaining houses in Birmingham. The original house was constructed in 1865, and in 1885, part of the roof was raised to add the second story. In 1928, a brick addition designed by Wallace Frost, and constructed by Scott Hersey, was added to the rear of the house. The notoriety of Wallace Frost added to the significant history of the house. Members of the same family lived in the house from 1887 to 2007. The house was purchased by Eric Charles Designs in 2009, for use as an interior design studio.

The building received historic design review approval at the October 7, 2009, the November 17, 2010, July 20, 2011, and February 6, 2013 HDC meetings. The applicant was granted a variance by the Board of Zoning Appeals in 2009 and renewed in 2010 to permit an office use for the structure. The minutes from these meetings have been attached for your review.

Proposal

On September 13, 2017 the Historic District Commission held a special meeting to review revisions to the approved plan that included fencing, two gates and landscaping. The proposal also included the location of a new AC unit on the east side of the garage. Due to a conflict of interest for one of the Commissioners the AC unit was not reviewed at that time. Accordingly, they are now returning to the Commission for review of the AC unit.

The applicant is seeking approval for the installation of a ground mounted AC unit 0' from the east lot line. **However, the Zoning Ordinance requires a 3' side setback for any structure. If approved in concept by the Historic District Commission, the applicant will be required to obtain a variance from the BZA to allow the installation of the AC unit within the required side open space.**

Sec. 127-11. Design review standards and guidelines.

1. (a) In reviewing plans, the commission shall follow the U.S. secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the commission may be followed if they are equivalent in guidance to the secretary of interior's standards and guidelines and are established or approved by the state historic preservation office of the Michigan Historical Center.
- (b) In reviewing plans, the commission shall also consider all of the following:
 - (1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
 - (2) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
 - (3) The general compatibility of the design, arrangement, texture, and materials proposed to be used.
 - (4) Other factors, such as aesthetic value, that the commission finds relevant.

RECOMMENDATION

The Planning Division recommends APPROVAL of the Historic Design Review application for design 460 W. Maple with the following conditions:

1. The applicant obtain a variance from the Board of Zoning Appeals for the location of an AC unit in the required side open space;

The work meets The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, standard number 9, "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, scale, and architectural features to protect the historic integrity of the property and its environment."

WORDING FOR MOTIONS

I move that the Commission issue a Certificate of Appropriateness for _____. The work as proposed meets "The Secretary of the Interior's Standards for Rehabilitation" standard number_____.

I move that the Commission issue a Certificate of Appropriateness for _____, provided *the* following conditions are met: (List Conditions). "The Secretary of the Interior's Standards for Rehabilitation" standard number_____.

I move that the Commission deny application number _____. Because of _____ the work does not meet "The Secretary of the Interior's Standards for Rehabilitation" standard number _____.

"THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS"

The U. S. secretary of the interior standards for rehabilitation are as follows:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Notice To Proceed

I move the Commission issue a Notice to Proceed for number _____. The work is not appropriate, however the following condition prevails: _____ and the proposed application will materially correct the condition.

Choose from one of these conditions:

- a) The resource constitutes hazard to the safety of the public or the structure's occupants.
- b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district. have been attempted and exhausted by the owner.
- d) Retaining the resource is not in the best of the majority of the community.

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS
TUESDAY, OCTOBER 14, 2014**

T# 10-53-14

**460 W. MAPLE RD.
(Appeal 14-25)**

The owners of the property known as 460 W. Maple Rd. request the following variances to allow the attachment of an existing accessory structure to the existing principal structure:

- A. Article 2, Section 2.16 of the Zoning Ordinance requires a rear yard setback of 30.0 ft. for this lot; with 0.70 ft. existing and 0.70 ft. proposed. Therefore, a variance of 29.3 ft. is requested.
- B. Article 2, Section 2.16 of the Zoning Ordinance requires a side yard setback of 5.0 ft. for this lot; with 2.75 ft. existing and 2.75 ft. proposed. Therefore, a variance of 2.25 ft. is requested.

This property is zoned R-6 Multiple-Family Residential.

Mr. Cooper noted this is an existing historical home with an existing historical barn at the rear of the lot. A use variance was granted in 2009 and extended in 2010 to permit an office use. In 2011 the BZA granted a variance to place a basement under the existing detached barn. In 2013 approval was granted by the Historic District Commission ("HDC") to do the work that is under discussion this evening.

The applicant is proposing an underground connection and an above ground covered walkway between the house and barn. With that connection, they become attached. These proposed connections now require the side yard and rear yard setbacks of the non-conforming accessory structure to comply with the Zoning Ordinance as a single structure. If the requested variances are granted this evening the former variances become moot.

Mr. Lillie summarized that the large variance is required because the applicant is attempting to attach the barn to the main building.

Mr. Richard Rattner, Attorney, 380 N. Old Woodward Ave., spoke on behalf of the petitioner, Mr. Eric Jirgins and Young and Young Architects. The only person who will view the proposed change is the lady who lives next door and she has no problem with it. Mr. Rattner went on to explain that the underground walkway solidifies the barn because of the way the tunnel is built. So, they think it is an advantage to the property as well as allowing a convenience.

A strict interpretation of the Ordinance unreasonably prevents this property owner from reasonable use and enjoyment of his property. The normal development options are not available to the applicant due to the unusual characteristics and special historic condition of the property

The literal enforcement of the Ordinance causes unnecessary hardship, or for these dimensional variances, practical difficulties due to the conflict between modern ordinance requirements and Historic District and site area problems. The covering makes the ramp safe, and protected from snow, ice and rain.

The cover over the walkway makes that walkway safer for those using it. Likewise, it is safer to remain indoors to move from one part of the building to another. The requested variances contribute to the health, safety and welfare of the occupants and public invitees to the site.

Other property owners on other sites do not have tight physical restraints or Historic District regulations to contend with, nor the design, structural and safety problems that the applicant must solve.

Mr. Young explained for the chairman why the walkway has to be covered all the way. From a common sense standpoint it keeps rain, snow, and ice off. Further responding to the chairman, Mr. Rattner stated without the variances it might restrict the property from what other property owners might be able to do. They have worked to do the best they can with the existing condition of the site.

Mr. Judd questioned what purpose the tunnel serves. Mr. Rattner said if the property were not historic, they could use it differently. Mr. Hart noticed this solution provides handicap access to the house that does not presently exist. However, there are some sections of the home that will not be handicap accessible. Mr. Young replied the State Barrier Free Exception Rule was that the north end of the building would be completely barrier free accessible from the north entrance via the ramp into the home. There are no restroom facilities that are ADA compliant.

No one from the audience wished to comment on this appeal at 8:10 p.m.

Motion by Mr. Judd

Seconded by Mr. Jones in regard to Appeal 14-25, 460 W. Maple Rd. The subject property contains two historic structures. It is the intent of the petitioner to improve the historic structures by connecting the main house with the existing barn by way of a tunnel and placed on top of that tunnel would be a covered walkway.

To accomplish this the appellant requires two variances, the first dealing with Article 2, Section 2.16. The rear yard setback which is normally required to be 30

ft. is in this case 0.70 ft., requiring a 29.30 ft. variance. The second variance dealing with the same Article and Section requires the side yard setback to be 5 ft. with the existing and proposed being 2.75 ft., with a variance of 2.25 ft.

Since this is a historic property it bends the rules in this case and a dimensional variance is required. In this circumstance Mr. Judd feels that strict compliance with the ordinances and restrictions dealing with rear yard setback and side yard setback would unreasonably prevent the owner from using the property for a permitted purpose. In this case, a previously granted variance to use it as a non-commercial design center would render the conformity with such restrictions unnecessarily burdensome.

Further, he feels that to grant the variances would do substantial justice to the applicant and to the other property owners in the district. He feels the plight of the owner is due to the unique circumstances of the property which have been exhaustively discussed at this hearing, prior hearings, and also in a memorandum prepared by Richard Rattner, the counsel for the petitioner.

Is the problem self-created? He supposes every variance the board looks at is self-created. However, the magic word in this case is mitigation. He feels that dealing with a unique piece of property and the ambitious intent of the petitioner to take a piece of property which has been previously described as being condemned by neglect more than offsets what might be the one caveat problem of self-creation.

Mr. Judd would move to approve the variance and tie the motion to the plans. Motion carried, 6-0.

Mr. Jones emphasized that he feels the circumstances are most compelling. To the extent that this is a desire, he concurs with Mr. Judd in this instance. As Mr. Rattner said, nothing is being moved or changed. Mr. Jones said he doesn't believe the variances will do any harm to the neighbors who are still in the same circumstances as they were before, and in fact it will only help.

VOICE VOTE

Yeas: Judd, Jones, Hughes, Grove, Hart, Lillie Nays:

None

Absent: Miller

**HISTORIC DISTRICT COMMISSION
MINUTES OF FEBRUARY 6, 2013**

02-03-13

HISTORIC DESIGN REVIEW

460 W. Maple Rd.

Chatfield-Campbell House

Chatfield-Campbell Historic District

Zoning: R-6 Multiple-Family Residential

Proposal: The Chatfield-Campbell House is significant because it is one of the oldest remaining houses in Birmingham. The original house was constructed in 1865, and in 1885, part of the roof was raised to add the second story. In 1928, a brick addition designed by Wallace Frost, and constructed by Scott Hersey was added to the rear of the house. The notoriety of Wallace Frost added to the significant history of the house. Members of the same family lived in the house from 1887 to 2007. The house was purchased by Eric Charles Designs in 2009, for use as an interior design studio.

The building received historic design review approval at the October 7, 2009, the November 17, 2010, and the July 20, 2011, HDC meetings. The applicant is currently seeking approval to construct an addition and covered walkway on the rear, and for the restoration of the barn. ***The applicant will seek approval from the Board of Zoning Appeals for the construction of an underground tunnel from the house to the barn.***

Design:

Rear Addition

The applicant proposes to construct a new two-story addition on the rear (north) elevation of the house. The existing elevation has a small two-story addition with clapboard siding. The applicant proposes to demolish the existing addition, and construct a Mid-Century Modern inspired addition which will be 121 sq. ft. on the first-story, and 165 sq. ft. on the second story.

On the east elevation, a 4 ft. w two-story wall with a narrow window is proposed to be constructed perpendicular to the existing small round window on the north elevation.

The north (rear) elevation of the proposed addition will have a two-story curved wall with a wide, 10-lite, full height window. A covered L-shaped ramp/walkway is proposed to be constructed on the west end of the north elevation. The ramp will lead to a recessed entry door on the first story. A second-story terrace will have ½ in. glass guard railing.

On the north end of the west elevation, the two-story wall will have a plain first-story, and full height window facing the second-story terrace. A protruding two-story wall on the west elevation will have an entry door and a small window on the first-story.

The addition is proposed to be constructed of CMU blocks with burnished 4 in. x 12 in. x 24 in. limestone veneer, similar to the texture and color of the existing residence foundation walls on the Frost addition, and the knee walls of the new ramp. New Zinc Tin standing seam copper is proposed for the top portion of the Dutch Gable roof, and the covered ramp. New cedar shingles are proposed to be installed on the remaining areas of the existing roof. Douglas Fir shiplap siding which matches the existing siding will replace damaged areas as needed. All of the new French doors will be aluminum framed, and all of the new windows will be set in 1 in. aluminum framing.

Barn

The applicant proposes to dismantle the existing two-story barn, and excavate the area beneath it to construct a deeper basement which will be used for storage and parking. The barn will be reconstructed on a new 3 ft. foundation constructed of CMU blocks with burnished 4 in. x 12 in. x 24 in. limestone veneer, similar to the texture and color to match the new addition and the existing residence foundation walls on the Frost addition.

The applicant proposes to install a new dormer on the west end of the south elevation of the barn. A new dormer is also proposed for the west end of the north elevation as well. The proposed dormers will allow adequate height for the second-story.

On the south elevation, a new sliding door, constructed of shiplap siding, is proposed for the east end of the first-story. The proposed sliding door will have screen vents for the enclosed generator. The remainder of the north and south elevations, and the east and west elevations, will be reconstructed to match the existing.

Mr. Roger Young with Young & Young Architects was present along with the property owner, Mr. Eric Jirgens, Owner/Principal of Eric Charles Designs. Mr. Young explained that after working with the Building Dept. it was determined they needed to have ADA accessibility from the site throughout the entire building. Variances may be required for a ramp connecting the barn as well as other aspects of the project.

Ms. Bashiri added that when the building official looked at the covered area from the house to the barn as well as the tunnel from the house to the barn he considered the barn to be an attached garage, and that changes the setbacks. Those setback issues would need a variance.

Mr. Young noted the spirit of the design is meant to be a continuum of Wallace Frost Mid-Century Modern architecture. Mr. Jirgens described how the parts of the barn will be numbered, dismantled and then put back where they came from with the addition of proper structure to support the building.

The group thought the applicants have done an amazing job with this site.

Motion by Mr. Goldman

Seconded by Ms. Weisberg to issue a Certificate of Appropriateness for 460 W. Maple Rd., Chatfield-Campbell House. The work meets "The Secretary of the

Interior's Standards for Rehabilitation" standard number 9.

There were no comments from the public on the motion at 8:45 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Goldman, Weisberg, Coir, Gehringer, Henke, Lekas, Willoughby

Nays: None

Absent: Deyer

Members of the commission recommended that the Board of Zoning Appeals approve any variances that may be required for this project.

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS
TUESDAY, JUNE 14, 2011**

06-33-11

**460 W. MAPLE RD.
(Appeal 11-09)**

The owners of the property known as 460 W. Maple Rd. request the following variances:

- A. A dimensional variance of 4.167 ft. to permit two HVAC units in the side open space in lieu of the required 5 ft. side yard setback per Chapter 126, Zoning, Article 02, section 2.16 R6.
- B. A dimensional variance of 1.75 ft. to permit an accessory structure setback of 1.25 ft. along the north property line and .25 ft. to permit an accessory structure setback of 2.75 ft. along the west property line in lieu of the required 3 ft. setback per chapter 126, Zoning, Article 04, section 4.03 (B), Accessory Structure Standards.

This property is zoned R-6 Single-Family Residential.

A letter of support has been received from the neighbor to the west who would be directly affected by variance B.

Mr. Baka explained the applicant wants to temporarily remove the barn which is legal non-conforming, add a basement, and then return the barn to its original location. This is a historic property and the Historic District Commission ("HDC") supports the variance B because otherwise the relationship between the buildings would be changed. The "U.S. Secretary of the Interior's Standards for Rehabilitation" recommends maintaining all the relationships between historic buildings.

Mr. Roger Wade Young, Young & Young Architects, spoke to represent the property owner, Mr. Eric Jirgens. Mr. Young verified that the units referred to in variance (A) are actually heat pumps. The heat pumps have low decibel ratings and the discharge volume is much less than a standard air conditioning unit. In this case, they discharge toward the building. The nature of the units is they want to be about 50 ft. from the furnaces, so this location works out almost perfectly. They discussed it with the neighbor and she had no objection. If the units were placed in the rear yard they would be more visible from her kitchen window.

With variance (B), part of the reason for raising the barn up is that they would like to have enough clear area for a modern vehicle to pull in. The basement will be used for storage. The barn elevation will increase by about 18 in. of additional exposed block. They intend to install a new, modern garage door that will look like a carriage door. The new materials meet the "U.S. Secretary of the Interior's Standards for Rehabilitation" for being accurate replicas of what is existing.

They considered putting the HVAC units up on the rooftop; however, that didn't seem to be appropriate, given the residential nature of the building. The most unobtrusive and practical location would be along the western wall where the electrical meters and gas service occur, as well as all of the furnace discharges. The fence and evergreens will help to hide those unsightly building requirements.

Mr. Lyon worried that the sound would bounce off the walls and into the neighbor's house. Mr. Young went on to discuss other locations and why they would not be as appropriate. Mr. Judd pointed out after reading a pamphlet that one of the benefits of heat pumps is that they can go anywhere. Secondly, if they are so quiet, they can be moved to other areas that would not affect the neighbor quite as much.

No one in the audience wished to comment on this appeal at 8:30 p.m.

Motion by Mr. Judd

Seconded by Mr. Lyon in regard to Appeal 11-09, 460 W. Maple Rd., the petitioner has presented us with two variances, the first being a dimensional variance of 4.167 ft. to permit two HVAC units in the side open space in lieu of the required 5 ft. side yard setback per chapter 126, Zoning, Article 02, section 2.16 R6. Mr. Judd would move to deny this variance. He does not feel that the petitioner has met the requirements for the board to grant it.

According to the representative for the petitioner, the two HVAC units are placed mainly for aesthetic reasons. They can be placed anywhere. The lines can be insulated to make them just as efficient.

Mr. Judd feels that strict compliance with the Ordinances covering this would not unreasonably prevent the owner from using the property for a permitted purpose and such restrictions are not unnecessarily burdensome.

He also feels that this would do substantial justice to the other property owners in the district who have complied over the years in the placement of not only HVAC units, but generators and other such devices.

He does not feel that the plight of the owner is due to unique circumstances of the property, since these units can be placed in other locations and adequately shielded and concealed with various plantings. He does feel the problem is self-created. So, for those reasons he would deny variance (A).

Mr. Hughes stated his intention to vote against the motion. He believes sufficient information has been provided that there are severe and challenging practical difficulties with respect to the location of these units. It is very clear from the applicant's presentation that much consideration has been given to the various locations on the site that could accommodate these units. However, none of them seems to be as appropriate as the one reflected on their plan.

Mr. Jones said that the uniqueness of the area, the circumstance that the neighbor has stated her non-objection, and the historical aspects of this building have convinced him to vote against the motion to deny. This is as unique a site as he has seen during his tenure on the board.

Mr. Miller also believed this is a very unique condition and his feeling is to support the proposed location and vote against the motion.

Mr. Lyon supported the motion because he believes there is flexibility to some extent. He would prefer to see the HVAC units behind the barn, or in the brand new basement in the garage where nobody would hear them. There are other alternatives that don't necessarily impose on the neighbor.

Mr. Lewand announced he could not support the motion either. Knowing this is a historic residence, there is an aesthetic that has to be considered. It is the applicant's requirement to upgrade truly historic buildings. He feels that special accommodations need to be made in this circumstance and that is what this board is here for.

Motion to deny failed, 3-4.

ROLLCALL VOTE

Yeas: Judd, Lyon, Lillie

Nays: Hughes, Jones, Lewand, Miller

Absent: Conlin

Motion by Mr. Miller

Seconded by Mr. Jones to support variance (A), Appeal 11-09, 460 W. Maple Rd. Mr. Miller believes the board should grant the variance because of the unique qualities of the site. He believes it does essential justice to the character of the area. He believes that the problem is not self-created and is due to the unique circumstances of the lot, and it would do justice to the historic nature of the property and the adjacent properties. This motion is tied to the submitted plans.

Motion carried, 4-3.

ROLLCALL VOTE

Yeas: Miller, Jones, Hughes, Lewand

Nays: Judd, Lillie, Lyon

Absent: Conlin

Motion by Mr. Judd

Seconded by Mr. Lewand, with respect to variance (B), a dimensional variance of 1.75 ft. to permit an accessory structure setback of 1.25 ft. along the north property line and .25 ft. to permit an accessory structure setback of 2.75 ft. along the west property line in lieu of the required 3 ft. setback per Chapter 126, Zoning, Article 04, section 4.03 (B), Accessory Structure Standards.

Mr. Judd moved to grant this variance. He feels that strict compliance with the Ordinance in this case would unreasonably prevent the owner from using the property for a permitted purpose and would render the conformity with such restrictions unnecessarily burdensome. He feels it would do substantial justice in this area, due to the historic nature of the buildings and the yeoman service done by the applicant and his architect to preserve this property.

Mr. Judd thinks there are unique circumstances in this particular part of this property, and he does not feel this problem is self-created. He would tie his motion to the plans.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Judd, Lewand, Hughes, Jones, Lillie, Lyon, Miller

Nays: None

Absent: Conlin

**HISTORIC DISTRICT COMMISSION
MINUTES OF JULY 20, 2011**

07-40-11

**FINAL HISTORIC DESIGN REVIEW
460 W. Maple Rd.
Eric Charles Designs
Historic Chatfield-Campbell House**

Zoning: R-6 Multiple-Family Residential

Proposal: This application was given preliminary historic design review approval at the October 7, 2009 HDC meeting, which expired after one year, and again on November 17, 2010. The applicant proposes to rehabilitate a historic house for use as the interior design studio of Eric Charles Designs. The applicant is seeking approval to rehabilitate the exterior of the structure while retaining the historic character of the building. The structure is significant because it is one of the oldest remaining houses in Birmingham. The original house was constructed in 1865, and in 1885, part of the roof was raised to add the second story. In 1928, a brick addition designed by Wallace Frost, and constructed by Scott Hersey, was added to the rear of the house. The notoriety of Wallace Frost added to the significant history of the house. Members of the same family lived in the house from 1887 to 2007.

The applicant proposes to replace the windows, replace the wood shutters, replace the gutters and downspouts, replace the barn garage door, paint the house and barn, and install new signage and lighting. The applicant proposes to have the landscaping administratively approved at a later date.

Windows: Due to severe deterioration the applicant proposes to replace only the existing double-hung wood windows. The applicant is proposing to replace ten windows on the first- story, and seven windows on the second-story of either six-over-six, or eight-over-eight lite configurations. The proposed windows will be an exact replica of the existing windows, storms and screens. Period hardware is proposed to be installed. The Planning Division examined the existing windows and determined that most of them were deteriorated beyond repair. The Planning Division examined the mockup of the replacement windows, and found it replicates the original in every respect.

Wood Shutters: The applicant proposes to replace the existing wood shutters with new shutters. The existing shutters are deteriorated, and the proposed new shutters will match the originals. The shutters are proposed to be painted black to match the original shutter color and hardware.

Gutters and Downspouts: The applicant is proposing to replace the existing gutters and downspouts with new gutters and downspouts fabricated from period-correct zinc-tin with profiles that match the existing.

Barn Door: The existing steel barn overhead door is proposed to be replaced with a wood carriage-style segmented door. The proposed door will look like an out-swing barn door with hinges, brackets, and wood assembly similar to the original wood-framed barn doors.

Building Paint: The applicant proposes to retain the existing (original) color scheme of the house. The new composition of colors will consist of white siding, trim, windows, and entry doors. The applicant is also proposing to strip the barn siding, and restore it to match the original red body with white trim.

The applicant proposes to install a post-mounted projecting sign. The total linear building frontage is 60 ft., permitting 60 sq. ft. of sign area. The proposed post-mounted projecting sign will measure 2.72 sq. ft. which is in accordance with Article 1.0, section 1.04 (B) of the Birmingham Sign Ordinance, Combined Sign Area. The post-mounted projecting sign is proposed to be mounted less than 6 ft. above grade, which meets the requirements of Article 1.0, Table B of the Birmingham Sign Ordinance – Post-mounted Projecting Signs shall not be mounted at a height of more than 8 ft. above a public grade. The proposed post-mounted sign will be mounted on the lamp post, which is the same location as the previous business owner's sign. The proposed projecting sign and post will be constructed of antique metal with applied letters. Letters will read "Eric Charles Designs" and "Fine Interiors."

Illumination: In the front yard of the building, the applicant proposes to install a lamp post which will be a traditional round post with a coach style lantern finished in antique steel Finish (Troy Lighting- Montgomery P9132CI). Above the front and side entry doors, the applicant proposes to install flush, surface mounted lamps similar in style to the coach lamp. All lamps are proposed to have 100w incandescent bulbs. The applicant proposes to install additional soft landscape "moonlighting" which will create a subtle wash of the building façade. These lamps will be concealed low-voltage floodlights located within the landscaping installation. **The landscaping lights will be reviewed as part of the Administrative Approval.**

Mr. Roger Young with Young & Young Architects represented the property owner, Mr. Eric Jirgens, Owner/Principal of Eric Charles Designs. He noted the original windows on the home have deteriorated to a point where they cannot be restored. Therefore they decided that Marvin Windows would do the exact replication of what exists on the house. The only difference is .08 in. additional thickness on the middle bar across the window for warranty purposes. The windows are solid wood construction and have clear panes on the interior lite, and on the exterior they are insulated and look identical to the antique glass found in historic homes. Brass ornamental brackets for removing the storm windows have not yet been selected. They propose the same windows for 460 W. Maple Rd. and for the Wallace Frost studio.

They will also replace the shutters identical to what is existing.

Board members were extremely supportive of what the petitioner is trying to accomplish. Mr. Young observed that Ms. Bashiri has been very helpful in helping them do what is sensible and appropriate without losing the tax credits.

Mr. Young went on to explain the barn door will not have an arched top; but it will have a man door in the middle constructed of tongue in groove solid Douglas Fir. From the street side it will appear to be a swinging carriage door. Per approval by the Board of Zoning Appeals, they are raising the barn foundation to allow room to pull in a modern vehicle.

Mr. Jirgens' intention is to retain the existing color palette. The body of the house will be white with black shutters. The windows, sashes, storms and screens will have transparent wood stain. Entry doors will be painted solid white. The barn will be barn red.

The sign on the light post will be no greater than 30 in. wide and no taller than 15 in. The only lighting for the sign will be the coach lamp.

It was discussed that the lighting, landscaping, and hardware can all be presented at one time for administrative approval.

Motion by Mr. Deyer

Seconded by Ms. Selis that the HDC issue a Certificate of Appropriateness for 460 W. Maple Rd., Eric Charles Designs, Historic Chatfield-Campbell House. Based on this submission the work as proposed meets "The Secretary of the Interior's Standards for Rehabilitation" standard numbers 6 and 9. The hardware for the barn, windows, shutters, doors, lighting and landscape lighting are to be administratively approved. This total approval recognizes the Wallace Frost addition as well as the barn.

There were no comments from the public on the motion at 7:28 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Deyer, Selis, Goldman, Henke, Willoughby

Nays: None

Absent: Gehringer, Weisberg

**HISTORIC DISTRICT COMMISSION
MINUTES OF NOVEMBER 17, 2010**

11-105-10

HISTORIC DESIGN REVIEW

460 W. Maple Rd.

Eric Charles Designs

Historic Chatfield Campbell House

CBD Historic District

Zoning: R-6 Multiple-Family Residential

Proposal: The applicant proposes to rehabilitate a historic house for use as the interior design studio of Eric Charles Designs. The applicant is seeking approval to rehabilitate the exterior of the structure while retaining the historic character of the building. The structure is significant because it is one of the oldest remaining houses in Birmingham. The original house was constructed in 1865, and in 1885, part of the roof was raised to add the second story. In 1928, a brick addition designed by Wallace Frost, and constructed by Scott Hersey, was added to the rear of the house. The notoriety of Wallace Frost added to the significant history of the house. Members of the same family lived in the house from 1887 to 2007.

This application was given preliminary historic design review approval at the October 7, 2009 HDC meeting. While waiting for the financing to be completed, the one year deadline passed. In accordance with the Historic Districts Ordinance, Sec. 127-14 - Expiration of the certificate of appropriateness - Projects approved by the commission will be issued a certificate of appropriateness. This certificate shall be valid for a period of one year from the date it is granted. Therefore, the applicant is seeking approval for the exact same proposal.

The purpose of the preliminary design review is to see the applicant's proposal for any changes to the property, and to guide them through the process to assure that the project meets the needs of the applicant, while at the same time adheres to the Secretary of Interior Standards. The HDC and the Planning Division have determined that the SOI Standards are being adhered to, and that the needs of the owner will be met. Also, the applicant was given a preliminary historic design review as opposed to a final historic design review by the HDC because the zoning for the property is R-6, Multi-Family residential. The applicant had to request a use variance from the Board of Zoning Appeals so that a commercial business may be operated on the premises. The use variance was granted on October 13, 2009. Based on the one year validity date, the use variance has also expired. Therefore, the applicant will return to the BZA on December 14, 2010 to seek approval for the same proposal.

The house was on the market for over two years, and for many years the previous owner was unable to maintain the property. The property has continued to deteriorate as a result of neglect and there was a threat of demolition due to its condition. The

applicant purchased the property with plans to restore it to its former glory. The property has been used for commercial purposes in the past, including serving as the office and studio of Wallace Frost and as the construction office of Scott Hersey. Because the house next to the property and the Birmingham Historical Museum are also zoned residential, the applicant decided not to seek a zoning change. If at some time in the future the house were to become a residence again, the zoning would still be intact.

Design: The applicant proposes to replace the existing asphalt shingles with cedar shingles. The existing metal gutters will be replaced with new gutters that match the existing profiles. The proposal also includes repairing/replacing the existing brick chimneys with reclaimed brick. The existing ventilation pipe will be removed. The deteriorating windows are proposed to be repaired and/or replaced as needed. The existing wood shutters will be replaced with new wood shutters which will be painted to match the existing. The existing wood siding fascia will be stripped and repainted. The existing handrail and guardrail at the front porch will be removed and replaced with new handrails and guardrails.

The applicant proposes to install an accessibility ramp on the east elevation leading from the front sidewalk to the side door. The plans also show a future Zen Garden where the existing courtyard is located, and a patio would replace the existing rear concrete porch. All of the vegetation around the property will be cleaned up and trimmed. Parking is proposed on the north end of the property to replace the existing gravel parking lot.

The applicant must return to the HDC for final approval of the design and any signage, lighting and landscaping plans.

Mr. Roger Young with Young & Young Architects represented the property owner, Mr. Eric Jirgens, Owner/Principal of Eric Charles Designs. Mr. Jirgens was not able to secure solid financing for the project until this time. They are revisiting their identical presentation of last year which is converting the existing 460 W. Maple residence, the Campbell residence and Hershey residence and the Wallace Frost studio to the north to be Mr. Jirgens' future interior design studio. The only issue they are still grappling with is the ADA compliant ramp that they are proposing. The one place it presently works to meet Code is off of W. Maple at the eastern entrance to the 460 house. However, they are developing several studies to re-work the drive so people can enter from the north side of the house. Also, they are contemplating how to avoid having parking on the property in order to allow more green space. Mr. Jirgens' intention is to restore the house back to its original beauty. He hopes to keep the house open to the public and hold fund raising events there for a variety of causes.

They plan to present the identical submission as last year to the Board of Zoning Appeals ("BZA") in December after receiving Preliminary Site Plan Approval from this board.

Motion by Mr. Deyer

Seconded by Mr. Willoughby to approve preliminary approval for the site plan for 460 W. Maple Rd. with all of the positive comments that the HDC made in the past

still appropriate to this project; both ones that were made in this meeting as well as ones that were made at the BZA in support of the applicant's proposal.

Motion carried, 4-0.

VOICE VOTE

Yeas: Deyer, Willoughby, Henke, Weisberg

Nays: None

Absent: Gehringer, Goldman, Selis

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS
TUESDAY, OCTOBER 13, 2009**

10-46-09

460 W. MAPLE RD.
(Appeal 09-20)

The owners of the property known as 460 W. Maple Rd., Historic Chatfield Campbell House, request the following variance:

A. A use variance from Chapter 166, Article 02, Section 2.15, Permitted uses, of the Zoning Ordinance, to allow the operation of an interior design firm, which is not a permitted use in an R-6 Multiple-Family Residential Zoning District.

This property is zoned R-6 Multiple-Family Residential.

Chairman Lillie offered the applicant the opportunity to postpone until a full board might be present. A use variance requires five affirmative votes and there are only six board members in attendance this evening. The applicant responded that they wish to proceed.

Ms. Robinson went through a history of the building which was designated as a historic landmark in the City of Birmingham in 1978. It is estimated that the house was built around 1850 and currently it is one of the oldest standing structures in the City. In 1928 a brick addition was added to the rear of the structure by Architect Wallace Frost for his architecture studio. The existing house has been vacant for about two years and was on the market during that time. It came into disrepair because the previous owner was not able to maintain it for many years.

The property has continued to deteriorate as a result of neglect and there was a threat of demolition due to its condition. The applicant recently purchased the property with plans to restore it to its former glory. The property has been used for commercial purposes in the past, including serving as the office and studio of Wallace Frost and as the construction office of Scott Hersey. It has also been used as a doctor's office and a real estate office. Because the house next to the property and the Birmingham Historical Museum are also zoned residential, the applicant decided not to seek a zoning change. If at some time in the future the house were to become a residence again, the zoning would still be intact.

The applicant appeared before the Historic District Commission ("HDC") on October 7, at which time the commission voted unanimously to approve the preliminary site plan. The applicant proposes to refurbish the entire building and is planning some minor site changes. They want to go for the highest level of Leadership in Energy and Environmental Design ("LEED") certification possible for both the site and the building.

The requirement for parking can be provided within 300 ft. of the building because it is located across from the Merrill St. Parking Structure.

If the applicant is granted a use variance this evening they will return to the HDC for final site plan review.

Mr. Roger Young of Young & Young Architects represented the property owner, Mr. Eric Jirgens, Owner/Principal of Eric Charles Designs. Only the principal and perhaps one staff member will be parking on-site. There will always be at least two or three spaces for clients to visit the firm. Much of the practical difficulty of this project has to do with bringing the building up to Code and ADA compliance. At this time their only alteration to the exterior of the building would be the addition of an ADA ramp to the side entrance on the east side. The proposed use is not a traffic generator. Mr. Young then went through a concept plan of the interior space. Nothing lends itself to activities that would not be residential in nature. Much of the re-working is very minor. They are not in any way undermining the ultimate use of the building as a single-family residence. One might say the building could be condemned if they don't expedite the preservation process.

Mr. Young detailed why they cannot use the property as zoned, R-6 Residential Multiple Family. In today's market the spatial arrangement within the walls would not be appropriate for multi-family. Further, given the condition of the building it would not be feasible to reclaim it for single-family use.

He expanded on the unique circumstances peculiar to the property and not to the neighborhood generally as to why they need a use variance. Any developer that would consider this site for a multi-family endeavor would look at the spatial needs of modern living and determine it doesn't fit the lifestyle requirements for a saleable property. Additional constraints of the property, between preserving the barn and the limitation of parking and green space, would probably require more variances to preserve it as a multi-family site. Whereas the only variance the applicant requires is a strict use variance.

Mr. Eric Jirgens explained exactly how he intends to use the property as an interior design studio. He has a staff of five and they provide interior architectural services as well as interior design services which include schedules of tile, flooring, materials for walls and floors, as well as interior architecture drawings. They have a resource library which includes tile and fabric samples along with wood samples and furniture binders. Most of their work is done out in the field meeting with contractors and clients. This results in a low impact footprint. Occasionally larger groups come in for meetings in the conference room to discuss projects. Most of their work is residential in nature.

There are no retail sales on site. He hopes to eventually accommodate the barn to park a car. Tackling the house first would be the priority.

He defined a design studio as a non-retail environment with a use to provide specifications for materials related to construction and interiors.

The chairman asked for comments from the audience at 9:55 p.m.

Mr. Keith Deyer who is on the HDC, Design Review Board, and Historic District Study Committee described why the HDC thought this variance is really important to the City. The building is truly unique. It is not only a historic structure that has not been decimated but it is also an asset for Wallace Frost who is very well respected in this area. Very honestly, no one wants this as a single-family residence. The rooms are too small. In the past where there have been historic homes they have gotten condemnation by neglect. In this case the new owner has come in and wants to save the building right now, wants to put money into it, and doesn't want to change it.

Secondly, the home literally sits on an island on Maple Rd. The other thing that is unique about the property is that it has been in the same family for almost one hundred years. It is hard to restore these buildings to their historic nature when they have been constantly turned over. The HDC could not approve this because of the zoning issue. Therefore he respectfully requested the BZA to grant a use variance. If it doesn't get granted there is no way the house will turn into a residential structure.

Ms. Linda Block, who lives at 484 W. Maple Rd., the Martha Baldwin House which is next to the subject property, said she also is thrilled about this request and that Young & Young is involved in the project. They did renovations on her house with historic sensitivity. She supports the project and Mr. Jirgens' use of it. She agrees that no one will renovate the house for single-family use.

Ms. Pam DeWeese, President of the Birmingham Historical Society, noted there has to be a high standard for a use variance. From her standpoint there can't be a higher standard than the historic value of this house as a reason for the use variance. This is a win situation for the City.

Motion by Mr. Judd

Seconded by Mr. Conlin that in regard to Appeal 09-20, 460 W. Maple Rd., we have an application for a use variance on a subject piece of property which is presently zoned as an R-6 Multiple-Family Residential dwelling in the Zoning District.

The appellant wishes to utilize this in a commercial sense which is at odds with the R-6 Multiple-Family zoning. To do this he must have a use variance which is, as the board has often said, like climbing a mountain. It requires all four points being met.

The first is that the property cannot be used for the purposes permitted in that zone, which has been a point which apparently has caused some difficulty for some members

of the board (also causing him some problems). However, Mr. Deyer in his letter and presentation, while he thinks the BZA is a tough group

when it comes to use variances; I thought the term "condemnation by neglect" was very eloquent in describing why this piece of property cannot be use for its present purpose. It is in a state of decay. He feels they have met that burden.

The second is that the plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions. Once again he will adopt some of the language used by some of the people who spoke in support that this piece of property is like an island. To the east it is blocked by an unfortunate building that was put up. In this circumstance he feels that it is a unique circumstance. So, he feels they have met that burden.

The third is the use would not alter the essential character of the area. It sets smack dab in the middle of what has become another island of historic buildings. He thinks that it lends itself to this use very well and once again the presenters, both the architect and the purchaser of this property will maintain the character of that property. While using it in a commercial sense they will maintain the historic aspects of it.

Last is whether or not the problem is self-created. This is one that Mr. Judd always finds interesting because he thinks just about every application that is made to this board is self-created. However in this case he feels that once again we are talking a mitigation of circumstances. It is the desire on the part of the applicant to use the property for a purpose that is not normally utilized in this case. However, once again he feels that there is something of a tsunami if you will of good will of good intention to maintain the property and use it for a new purpose.

For those reasons he will tie the motion to granting a use variance to use the premises as a non-retail interior design facility. Services and items related to interior design are being sold.

Mr. Conlin clarified that he seconded the motion because it preserves the property in the most residential aspect that it could be preserved with a low impact, by appointment only, interior design use that will not alter the presentation of the historic features of the house.

Chairman Lillie indicated he would support the motion. He feels in this case the petitioner has met his burden. Based on its location there is no way someone will use this property for multi-residential use. Whether this is a historic house or not he thinks there is enough grant the variance.

Mr. Jones also said he would support the motion. This is such a highly unique property that it doesn't fall into the category of spot zoning. Plus, the board has said the

variance is specific to this use and has gone to great lengths to make a record of what type of use is specified.

Motion carried, 6-0.

VOICE VOTE

Yeas: Judd, Conlin, Hughes, Jones, Lewand, Lillie Nays: None

Absent: Lyon

**HISTORIC DISTRICT COMMISSION
MINUTES OF OCTOBER 7, 2009**

10-62-09

PRELIMINARY HISTORIC DESIGN REVIEW

460 W. Maple Rd.

Eric Charles Designs

Historic Chatfield-Campbell House

CBD Historic District

Zoning: R-6 Multiple-Family Residential

Proposal: The applicant is seeking preliminary approval to rehabilitate a historic house for use as the interior design studio of Eric Charles Designs. The applicant is seeking preliminary approval to rehabilitate the exterior while retaining the historic character of the building. The purpose of the preliminary design review is to see the applicant's proposal for any changes to the property, and to guide him through the process to assure that the project meets the needs of the applicant, while at the same time adheres to the Secretary of Interior Standards. The structure is significant because it is one of the oldest remaining houses in Birmingham. The original house was constructed in 1865, and in 1885, part of the roof was raised to add the second story. In 1928, a brick addition designed by Wallace Frost and constructed by Scott Hersey was added to the rear of the house. The notoriety of Wallace Frost added to the significant history of the house. Members of the same family lived in the house from 1887 to 2007.

The house was on the market for over two years, and for many years the previous owner was unable to maintain the property. The property has continued to deteriorate as a result of neglect and there was a threat of demolition due to its condition. The applicant recently purchased the property with plans to restore it to its former glory. However, because the property is zoned residential, the applicant will be going before the Board of Zoning Appeals ("BZA") on October 13, 2009 to seek a use variance so that a commercial business may be operated on the premises. The property has been used for commercial purposes in the past, including serving as the office and studio of Wallace Frost and as the construction office of Scott Hersey. Because the house next to the property and the Birmingham Historical Museum are also zoned residential, the applicant decided not to seek a zoning change. If at some time in the future the house were to become a residence again, the zoning would still be intact.

Design: The applicant proposes to replace the existing asphalt shingles with architectural dimensional asphalt singles. The existing metal gutters will be replaced with new gutters that match the existing profiles. The proposal also includes repairing/replacing the existing brick chimneys with reclaimed brick. The existing ventilation pipe will be removed. The deteriorating windows are proposed to be repaired and/or replaced as needed. The existing wood shutters will be replaced with new wood shutters which will be painted to match the existing. The existing wood siding fascia will be stripped and repainted. The existing handrail and

guardrail at the front porch will be removed and replaced with new handrails and guardrails.

The applicant proposes to install an accessibility ramp on the east elevation leading from the front sidewalk to the side door. The plans also show a future Zen Garden where the existing courtyard is located, and a patio would replace the existing rear concrete porch. All of the vegetation around the property will be cleaned up and trimmed. Parking is proposed on the north end of the property to replace the existing gravel parking lot.

If and when the applicant is granted a use variance, and the plans are finalized, the applicant must return to the HDC for a Final Historic Design Review.

Mr. Roger Young of Young & Young Architects gave an overview of their proposal. He feels the house lends itself to a moderate to low level of day-to-day traffic from clients. Many of Mr. Jirgins' client meetings take place in the evening hours. Given the location and spatial needs of most people, the house would require a lot of expansion to serve as either multi-family apartments or as a single-family residence. Mr. Jirgins' intention with the building is to strip everything down to bare wood, replace the rotten boards, and provide an ADA compliant ramp entrance on the east side. The ramp and handrail would be the only alteration visible from W. Maple Rd.

In the spirit of reclaiming the building, Mr. Jirgins wants to go for the highest level of Leadership in Energy and Environmental Design ("LEED") certification possible for both the site and the building. Mr. Young guaranteed that whatever they present will be in keeping and harmonious and appropriate for this building. The intention is to raise the bar with performance of the house.

Mr. Deyer's opinion was that they have not done anything to either the original historic house or the Frost addition that would cause any problems with the State. Mr. Goldman noted that without this renovation the historic house might soon fall down. Mr. Young expressed the desire to get into the building and button it up before Winter.

Discussion revealed that if the applicant does not get a use variance from the BZA they would ask for a zoning change to B-2 for the professional office. However, that could take many months and the building might collapse by then. Mr. Deyer observed that the house is zoned residential but it is not in a residential area.

Ms. Lekas said the building currently is an eyesore and really is not in a location that lends itself to residential zoning. Further, a multi-family use would be a disaster because it would not be financially feasible for an owner to put in the money required to bring the building up to speed due to the historic designation of the property. Ms. Lekas favors the proposed use because the traffic will be low and the building will be preserved. The house has a lot of beautiful features; they just need to be brought forward.

Mr. Goldman agreed. He is very glad that someone has come forward with the funds and desire to upgrade the condition of this existing house. The number one job of this

commission should be to try and maintain the structure. The use proposed is certainly better than a high traffic commercial use. He feels the BZA should look favorably on the petitioner's proposal.

Ms. Selis also agreed. She walks by the house all the time and would hate to see it completely demolished, which it is probably very close to happening now. She agreed with Ms. Lekas that the building is in too bad a shape to be converted to multi-family. Therefore, she hopes the BZA will approve the use variance.

Acting Chairman Deyer was totally in support of the proposal. This is the entrance to the downtown area and to the Historic District. It enhances what is already there and will provide almost a signature entrance to the City. However, time is of the essence because of the current state of disrepair. Condemnation by neglect is absolutely something the applicant and the HDC would like to avoid. The building would fall apart and the designation would be pulled. If the applicant is unable to get a use variance approved it is likely that the house will be condemned. From a historic perspective that would be tragic, given the original structure goes back to 1865. Given the Wallace Frost designation, to promote his name really is the right thing to do.

Further, Acting Chairman Deyer pointed out there is precedent because the building has had the same commercial use in its past history as presently proposed.

Historically the BZA has not been very supportive of providing this type of use change. However this is a very unique situation, a very unique property, and a very unique location. Therefore, Acting Chairman Deyer is supportive of the proposal and the use variance.

Mr. Young indicated he is grateful for the board's support.

The Acting Chairman asked for comments from the audience at 8:05 p.m.

Ms. Pam DeWeese, President of the Birmingham Historical Society, said she thinks this is a significant house in Birmingham's history, and she also is concerned about its condemnation by neglect.

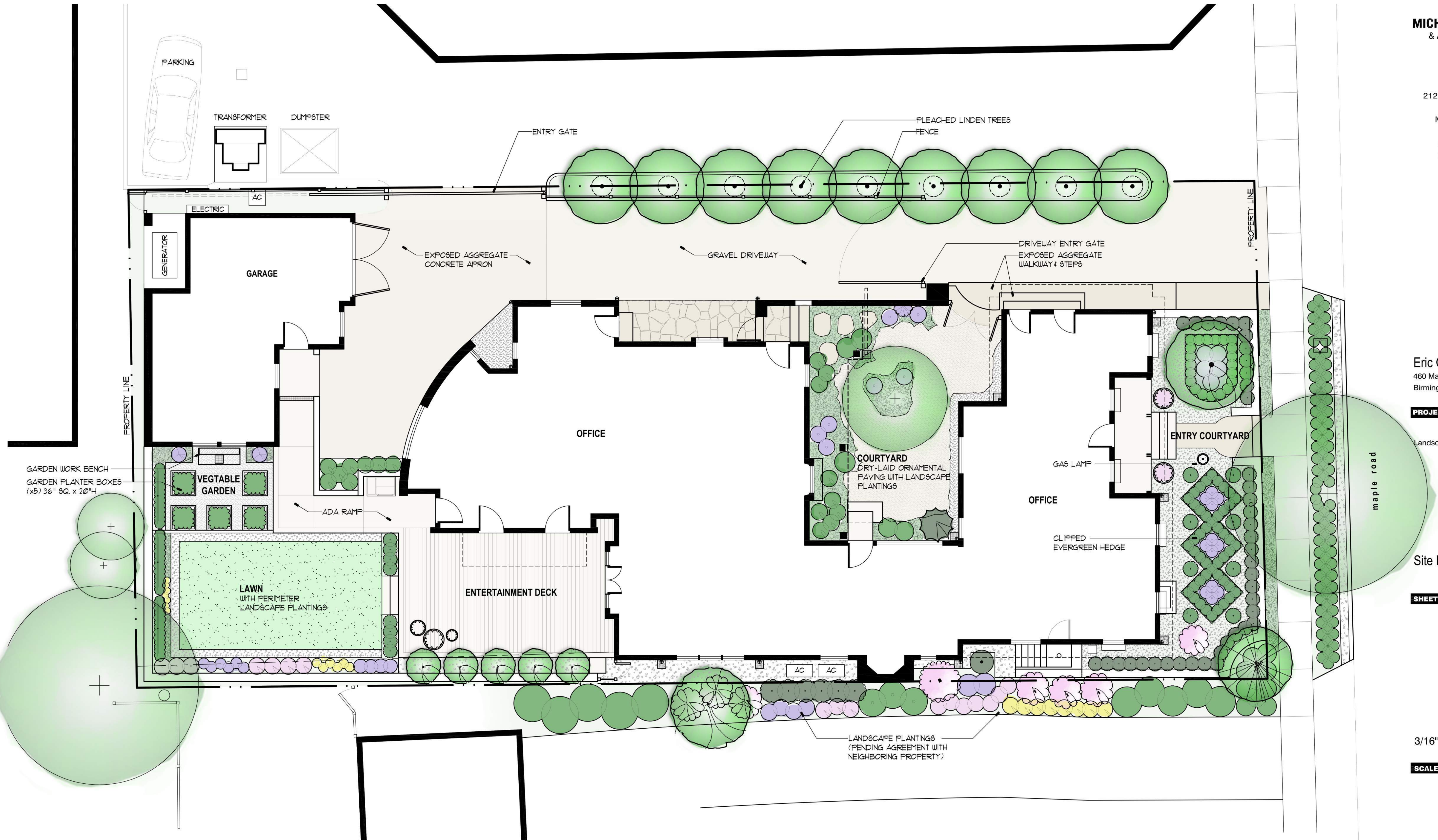
Ms. Bashiri commented that what Mr. Jirgins is planning on doing goes right along with what the City of Birmingham is trying to do as far as sustainability and making buildings green. He is taking a building and recycling it rather than looking for a building that he can tear down and build new. It is exciting that he plans to bring the house up to LEED standards and she totally supports his efforts. This will help to retain the character of the Historic District.

Motion by Mr. Goldman

Seconded by Ms. Lekas that this commission unanimously supports the use as proposed for an architect's interior design office at 460 W. Maple Rd., and unanimously supports the project and hopes it will go forward.

There were no comments from the audience at 8:10 p.m.

Motion carried, 4-0.





1 EXISTING IMAGE - # 1
L5 Photograph



2 EXISTING IMAGE - # 2
L5 Photograph



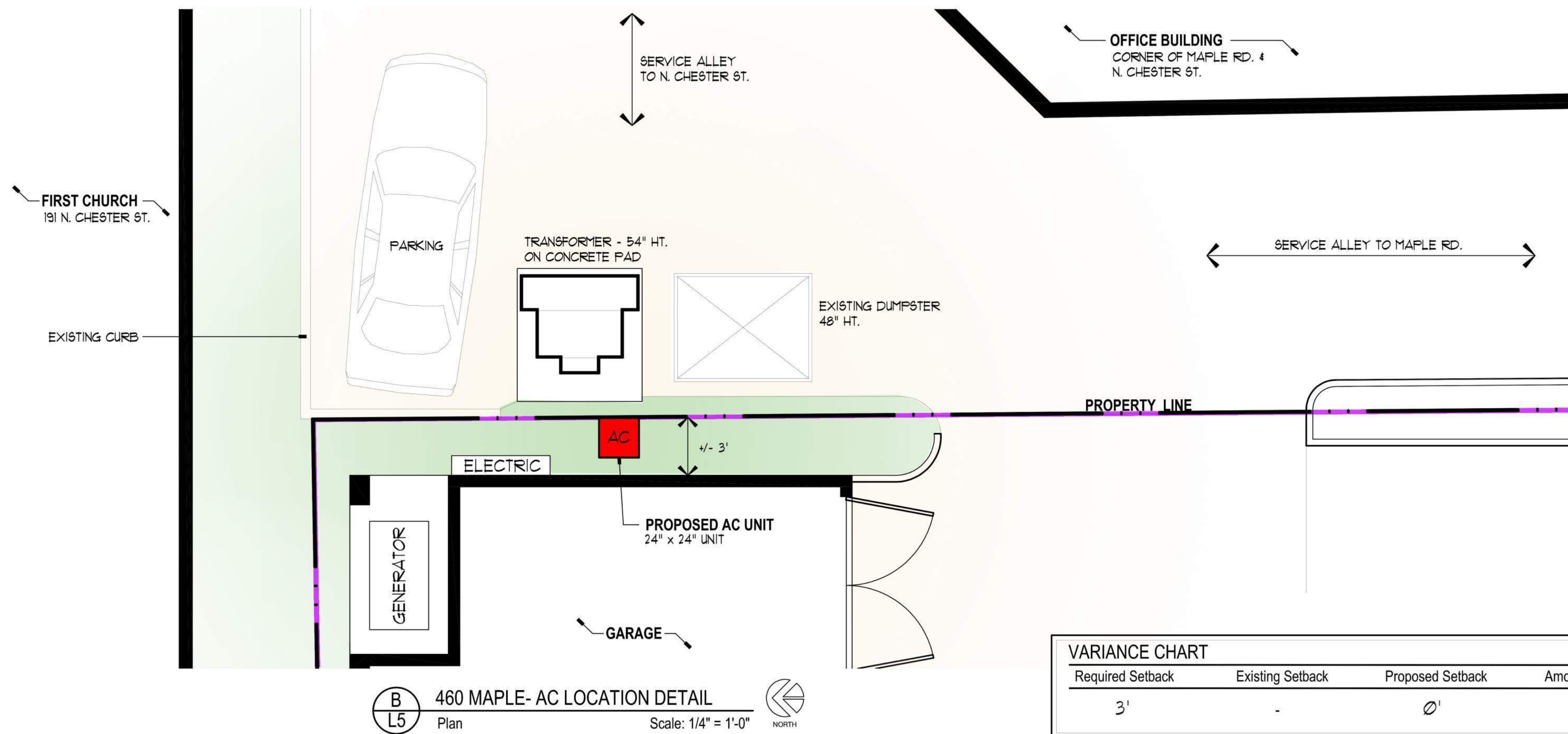
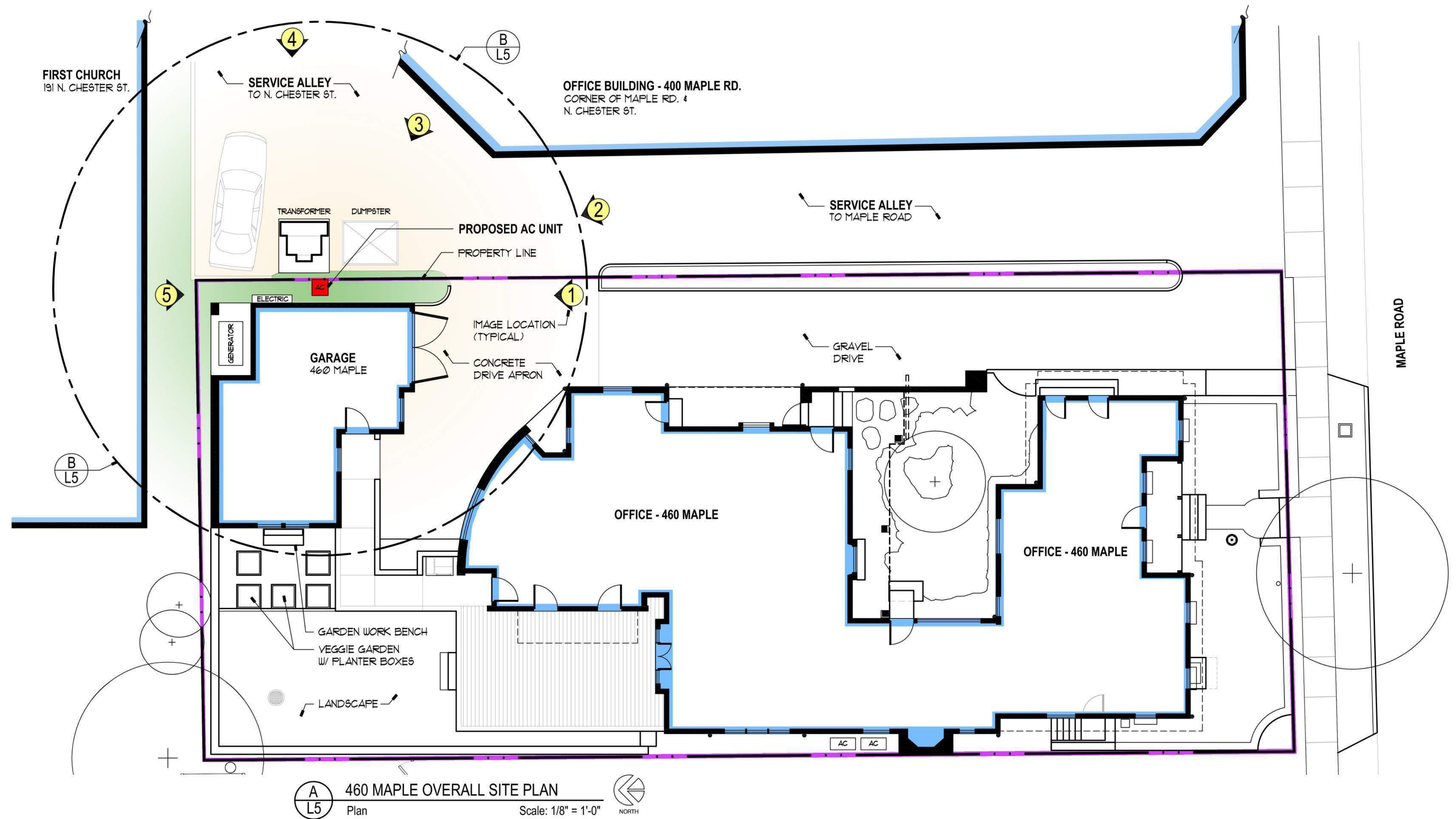
3 EXISTING IMAGE - # 3
L5 Photograph



4 EXISTING IMAGE - # 4
L5 Photograph



5 EXISTING IMAGE - # 5
L5 Photograph



VARIANCE CHART			
Required Setback	Existing Setback	Proposed Setback	Amount of Variance
3'	-	0'	3'

LANDSCAPE
ARCHITECTURE

MICHAEL J. DUL
& ASSOCIATES, INC

212 DAINES STREET
BIRMINGHAM
MICHIGAN 48009

P 248 644 3410
F 248 644 0819

mjdul.com

Eric Charles Designs
460 Maple Rd.
Birmingham, Michigan

PROJECT

Landscape Development

SITE PLAN
Garage AC Location

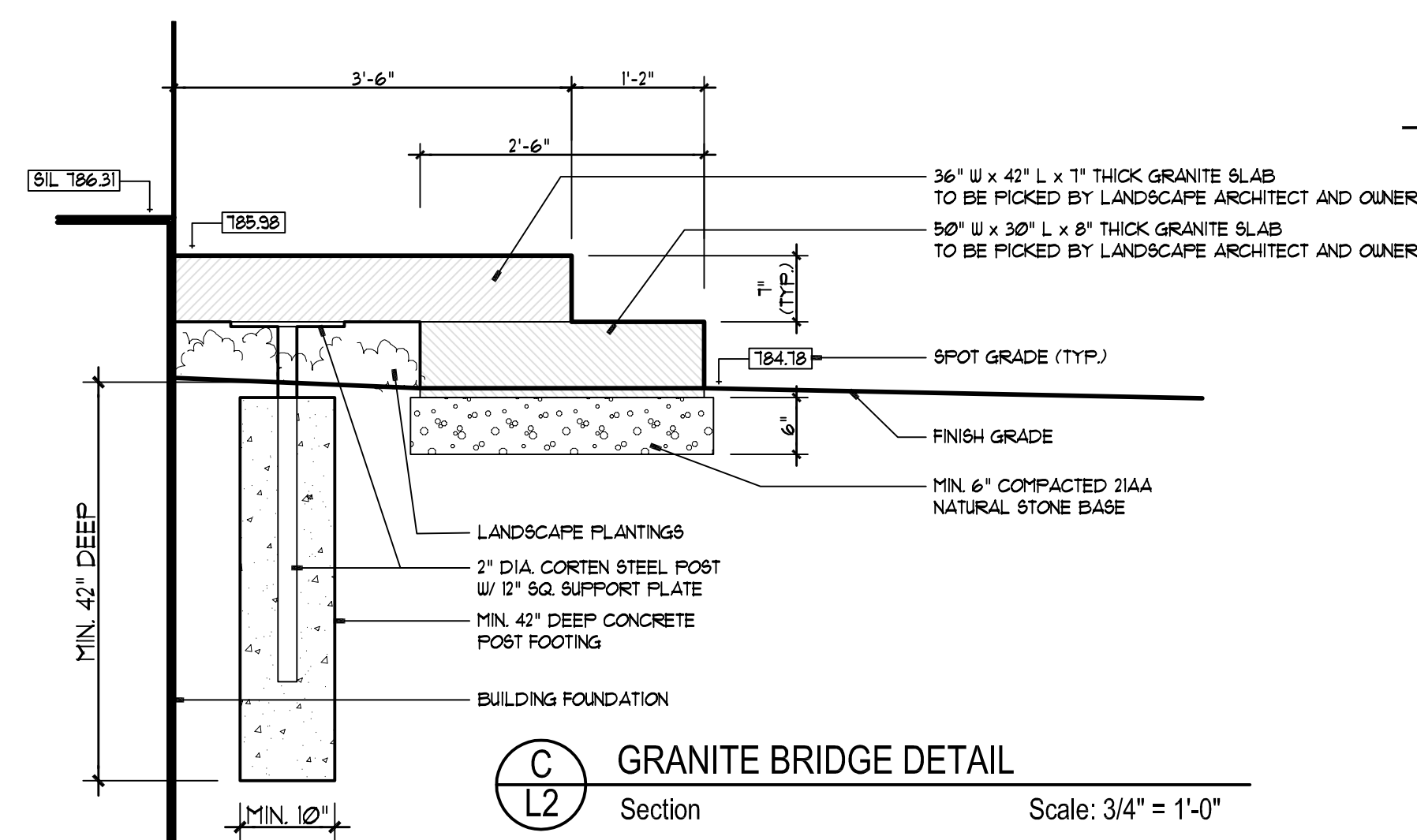
SHEET TITLE

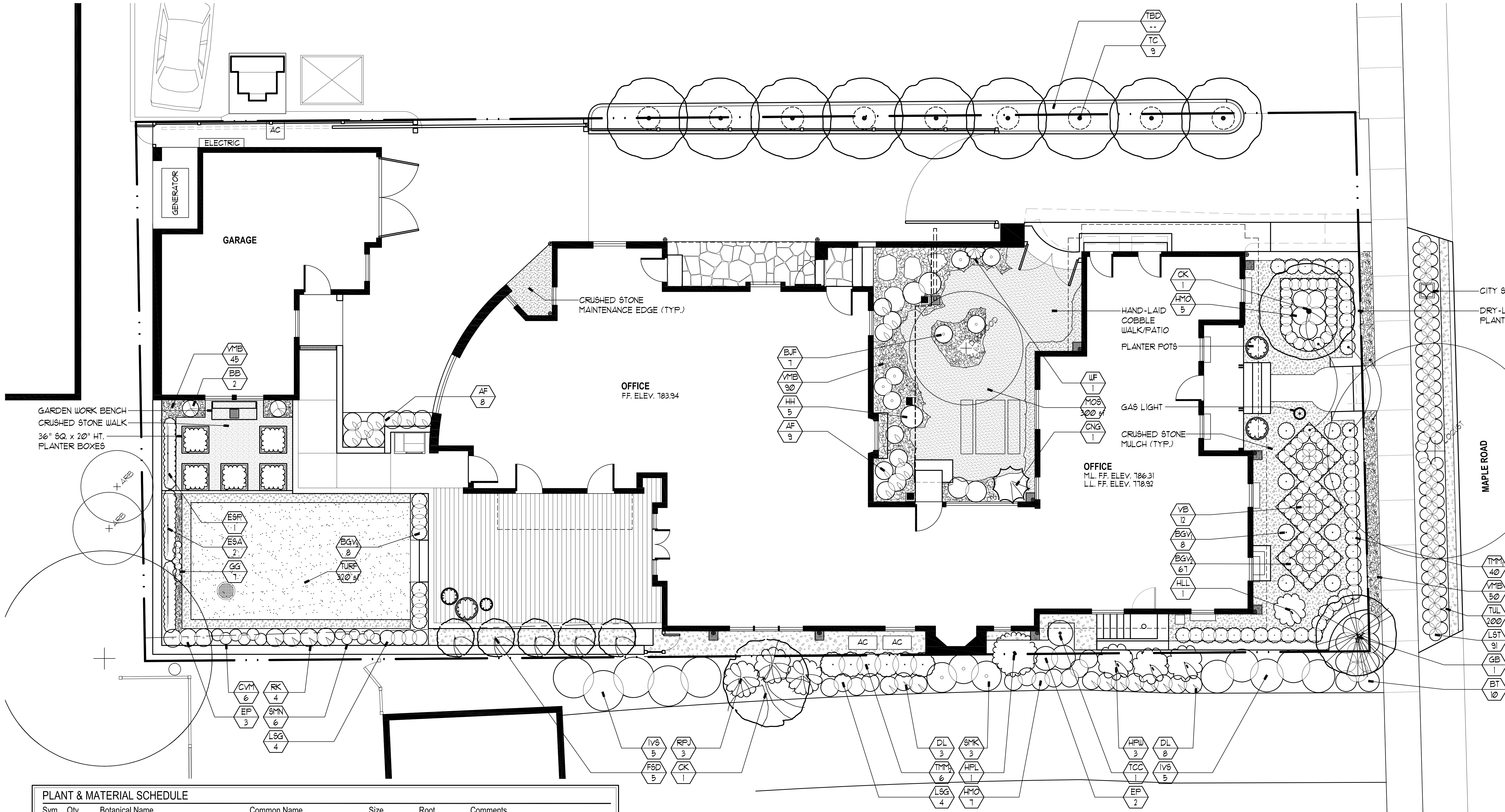
See Details

SCALE

PROJECT NUMBER: 14188
DRAWN: T. Shoemaker
CHECKED: M. Dul
DATE: August 15, 2017
REVISIONS: September 13, 2017
BZA Submittal

L5





PLANT & MATERIAL SCHEDULE

Sym.	Qty.	Botanical Name	Common Name	Size	Root	Comments
Deciduous Trees						
CK	2	Cornus kousa	Kousa Dogwood	10'-12' ht.	B4B	Specimens, TREE FORM
ESA	2	Malus esp.	Espaller Apple	2" cal.	B4B	Matching specimens
ESP	1	Pyrus esp.	Espaller Pear	2" cal.	B4B	Specimen
FSD	5	Fagus sylvatica 'Dawyc Purple'	Dawyc Purple Beech	2-2 1/2" cal.	B4B	Matching specimens
GB	1	Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo	2-2 1/2" cal.	B4B	Specimen, full head
TC	9	Tilia cordata 'Corinthian'	Corinthian Linden	2 1/2-3" cal.	B4B	Matching specimens, high branched
Evergreen Shrubs						
BGV ₁	8	Buxus x microphylla 'Green Velvet'	Green Velvet Boxwood	24-30"	B4B	Trim into globe, acidify
BGV ₂	67	Buxus x microphylla 'Green Velvet'	Green Velvet Boxwood	15-18"	B4B	Space 12" o.c., trim into hedge, acidify
BGV ₃	8	Buxus x microphylla 'Green Velvet'	Green Velvet Boxwood	18-24"	B4B	Space 14" o.c., trim into hedge, acidify
CNG	1	Chamaecyparis obtusa 'Nana Gracilis'	Hinoki Cypress	30-36"	B4B	Specimen
TCC	1	Taxus cuspidata 'Capitata'	Pyramid Yew	36-42"	B4B	Specimen
TMM ₁	40	Taxus x media 'Moon'	Moon Yew	18-24"	B4B	Space 18" o.c., trim into hedge
TMM ₂	6	Taxus x media 'Moon'	Moon Yew	30-36"	B4B	Space 24" o.c., trim into hedge
Deciduous Shrubs						
BT	10	Berberis thunbergii 'Crimson Pygmy'	Crimson Pygmy Barberry	18-24"	Can	Space 18" o.c., clip into mass
BB	2	Buddleia 'Blue Chip'	Blue Chip Butterfly Bush	18-24"	Can	Min. 3 gal.
HLL	1	Hydrangea paniculata 'Jane'	Little Lime Hydrangea	24-30"	Can	Min. 3 gal, acidify soil
HPL	1	Hydrangea paniculata 'Limelight'	Limelight Hydrangea	30-36"	Can	Min. 5 gal, acidify soil
HFW	3	Hydrangea paniculata 'Pinky Winky'	Pinky Winky Hydrangea	30-36"	Can	Min. 5 gal, space 48" o.c., acidify soil
IVS	10	Itea virginica 'Spirch'	Itea Little Henry	24-30"	Can	Min. 3 gal, space 48" o.c.
RK	4	Rosa 'Knockout'	Knockout Rose	24-30"	Can	Min. 3 gal, space 24" o.c.
RFJ	3	Rhododendron 'PJM'	PJM Rhododendron	30-36"	Can	Min. 5 gal, space 48" o.c.
SMK	3	Syringa patula 'Miss Kim'	Miss Kim Dwarf Lilac	24-30"	Can	Min. 3 gal, space 36" o.c.

PLANT & MATERIAL SCHEDULE

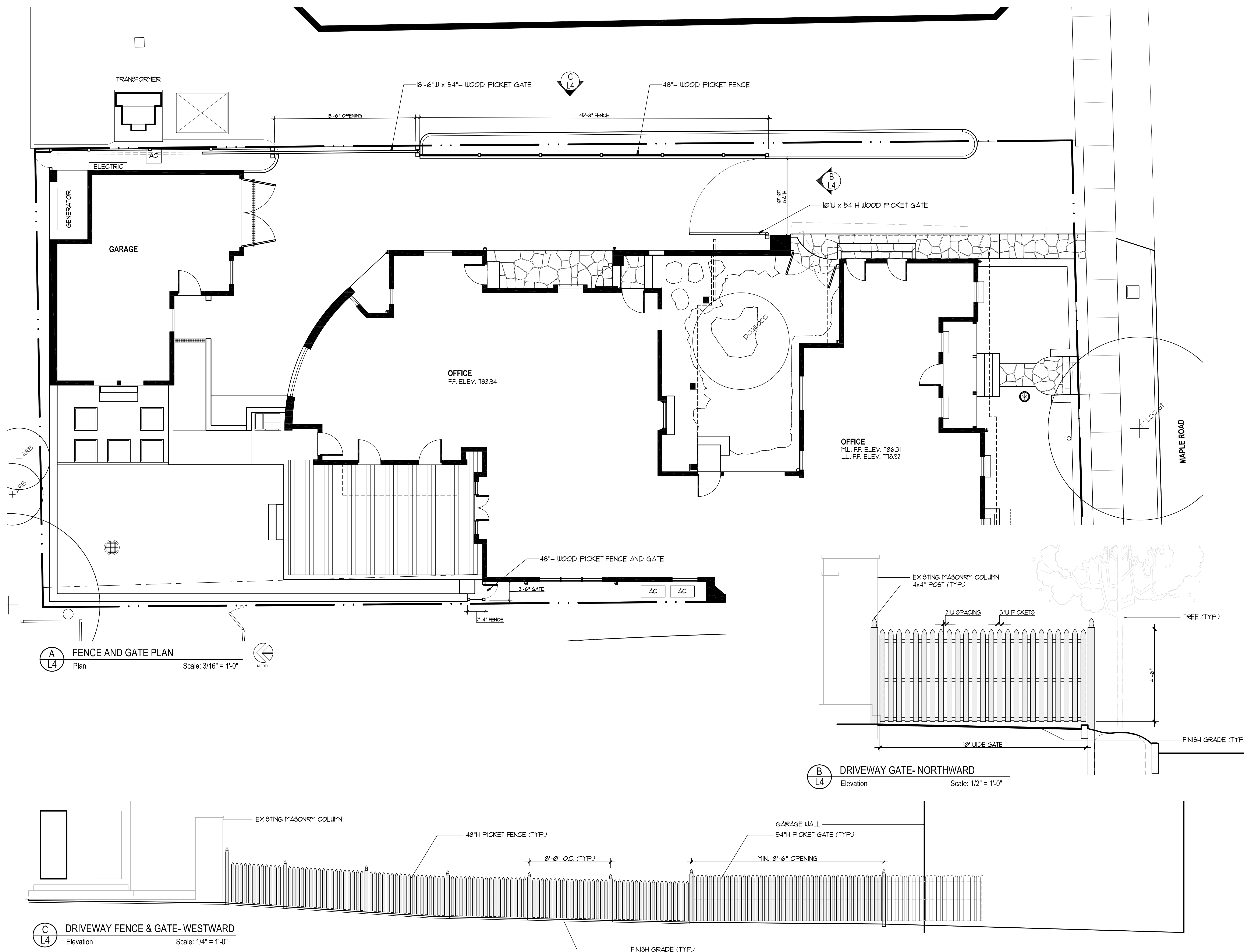
Sym.	Qty.	Botanical Name	Common Name	Size	Root	Comments
Perennials, Groundcovers, Vines, & Annuals						
AF	17	Athyrium filix-femina	Lady Fern	1 gal.	Can	Space 18" o.c.
BJF	1	Brunnera macrophylla 'Jack Frost'	Jack Frost Brunnera	1 gal.	Can	Space 18" o.c.
CVM	6	Coreopsis verticillata 'Moonbeam'	Moonbeam Coreopsis	1 gal.	Can	Space 18" o.c.
EP	5	Echinacea purpurea 'Bright Star'	Bright Star Purple Coneflower	1 gal.	Can	Space 24" o.c.
DL	11	Heimerocallis 'Happy Returns'	Happy Returns Daylily	1 gal.	Can	Space 18" o.c.
HMO	12	Heuchera macrophylla 'Obsidian'	Obsidian Coral Bells	1 gal.	Can	Space 18" o.c.
HH	5	Hosta 'Halcyon'	Halcyon Hosta	1 gal.	Can	Space 24" o.c.
GG	1	Galardia x grandiflora	Blanket Flower	1 gal.	Can	Space 10" o.c.
L&G	8	Liatris spicata 'Kobold'	Gayfeather	1 gal.	Can	Space 18" o.c.
L&T	91	Liriope spicata	Lily Turf	1 gal.	Can	Space 12" o.c.
MOS	300 sf.	Moss	Moss	Plug	Flats	Place in-between cobbles
SMN	6	Salvia x sylvestris 'Mainacht'	Salvia May Night	1 gal.	Can	Space 15" o.c.
TUL	200	Tulip	Tulip	Bulb	.	Space 6" o.c.
VB	12	Verbena bonariensis	Verbena	1 gal.	Can	Space 12" o.c., annual
VMB	105	Vinca minor 'Bowles'	Myrtle	1 gal.	Can	Space 12" o.c.
WF	1	Wisteria frutescens	Wisteria	3 gal.	Can	Staked

Landscape Development

SHEET TITLE

SCALE

PROJECT NUMBER: 14188
DRAWN: T. Shoemaker
CHECKED: M. Dul
DATE: April 13, 2017
REVISIONS: June 27, 2017
August 29, 2017



PROPERTY DESCRIPTION
LOT 11 EXCEPT THE SOUTH 2 FEET, AND THE SOUTH 20 FEET OF LOT 14 OF "WILLETTS ADDITION"
A SUBDIVISION OF PART OF THE S.W. 1/4 OF SECTION 25, T.2N., R.10E., CITY OF BIRMINGHAM,
OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 3 OF PLATS, ON PAGE 6, OAKLAND COUNTY
RECORDS.



SITE BM#1: N.E. NUT ON LIGHT POLE ELEV. = 785.07 CITY
OF BIRMINGHAM DATUM

SITE BM#2: SET MAG NAIL IN SOUTH SIDE OF POWER POLE
ELEV. = 783.61 CITY OF BIRMINGHAM DATUM



REICHERT
SURVEYING INC.
140 FLUMERFELT LANE
ROCHESTER, MI 48306

P: (248) 651-0592
F: (248) 656-7099
E-MAIL: MAIL@REICHERTSURVEYING.COM

PREPARED FOR:
MR. ERIC JIRGENS
460 WEST MAPLE ROAD
BIRMINGHAM, MI 48009

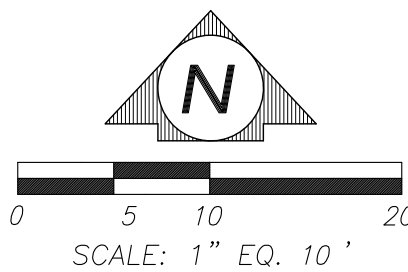
SITE PLAN

SITE PLAN



































SEAL:



No.	Date	Description	Ety
SCALE: 1"=10'		DRAWN: B.G.R.	
DATE: 6/3/15		CHECK: G.H.R.	
JOB # 10-020		SHEET: 1 OF 1	



- LEGEND:**

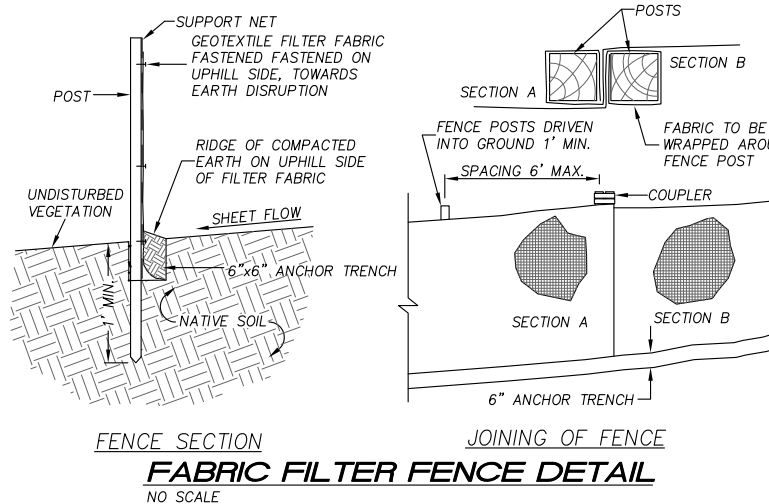
-  FOUND IRON
 SET IRON
 RECORD DISTANCE
 MEASURED DISTANCE
 PLAT DISTANCE
 CALC. DISTANCE
 EXISTING GRAVEL
 EXISTING PAVER STONE
 EXISTING BUILDING
 EXISTING CONCRETE
 EXISTING ASPHALT
 EXISTING LANDSCAPED AREA
 EXISTING STORM SEWER
 EXISTING SANITARY SEWER
 EXISTING WATERMAIN
 EXISTING OVERHEAD WIRES
 EXISTING FENCE
 EXISTING UTILITY POLE
 EXISTING WATER SHUT OFF
 EXISTING GATE VALVE
 EXISTING HYDRANT
 EXISTING WELL
 EXISTING GAS SHUT OFF
 EXISTING SANITARY STRUCTURE
 EXISTING STORM STRUCTURE
 EXISTING DOWN SPOUT
 EXISTING UTILITY PEDESTAL
 EXISTING RET. WALL
 EXISTING GRADE
 PROPOSED GRADE
 PROPOSED CONCRETE
 PROPOSED BUILDING
 PROPOSED SILT FENCE
 PROP. DRAINAGE ARROW

TREE LEGEND

- LOCUST TREE
ELM TREE
MAPLE TREE

TREE LIST:

PT. NO.	SIZE	TREE
1150	10"	MAPLE
1151	8"	ELM
1152	13"	LOCUST





Administrative Sign Approval Application Planning Division

Form will not be processed until it is completely filled out

1. Applicant

Name: Signs By Tomorrow
Address: 31930 Woodward Ave
Royal Oak, MI 48073
Phone Number: 248-549-0095
Fax Number: 248-549-0097
Email: royal oak e signs by tomorrow.com

Property Owner

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

2. Applicant's Attorney/Contact Person

Name: Jack Hemp
Address: 31930 Woodward Ave
Royal Oak, MI 48073
Phone Number: 248-549-0095
Fax Number: 248-549-0095
Email: royal oak e signs by tomorrow.com

Project Designer

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email: _____

3. Project Information

Address/Location of Property: 142 South Old Woodward
Name of Development: _____
Parcel ID #: _____
Current Use: _____
Area in Acres: _____
Current Zoning: _____

Name of Historic District site is in, if any: _____
Date of HDC Approval, if any: _____
Date of Application for Preliminary Site Plan: _____
Date of Preliminary Site Plan Approval: _____
Date of Application for Final Site Plan: _____
Date of Final Site Plan Approval: _____
Date of Revised Final Site Plan Approval: _____

4. Attachments

- Two (2) folded paper copies of plans
- Authorization from Owner(s) (if applicant is not owner)
- Material Samples/Specification Sheets
- Digital Copy of plans

5. Details of the Request for Administrative Approval

PRODUCTION AND INSTALLATION OF 1" THICK PVC LETTERING,
GOLD PAINT ON DOORWAY ENTRANCE HANGOVER

6. Location of Proposed Signs

FRONT, EAST FACING

7. Type of Sign(s)

Wall: ☒ _____
Ground: _____
Projecting: _____

Canopy: _____
Building Name: _____
Post-mounted Projecting: _____

8. If a wall sign, indicate wall to be used:

Front: EAST FACE
Left side: _____

Rear: _____
Right side: _____

9. Size of Sign

Width: 64"
Depth: 1"
Height of lettering: 14"

Height: 14"
Total square feet: 602

10. Existing signs currently located on property

Number: NA
Square feet per sign: _____

Type(s): _____
Total square feet: _____

11. Materials/Style

Metal: _____
Plastic: X
Color 1 (including PMS color #): _____
Additional colors (including PMS color #): _____

Wood: _____
Glass: _____
Color 2 (including PMS color #): _____

12. Sign(s) Read(s): ROCOCO

13. Sign Lighting

Type of lighting proposed: NA
Size of light fixtures (LxWxH): _____

Number proposed: _____
Height from grade: _____

Maximum wattage per fixture: _____
Location: _____

Proposed wattage per fixture: _____
Style (include specifications): _____

14. Landscaping (Ground signs only)

Location of landscape areas: NA

Proposed landscape material: _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: _____

Date: 5/11/17

Application #: 17-0067

Office Use Only

Date Received: 6/29/17

Fee: \$100

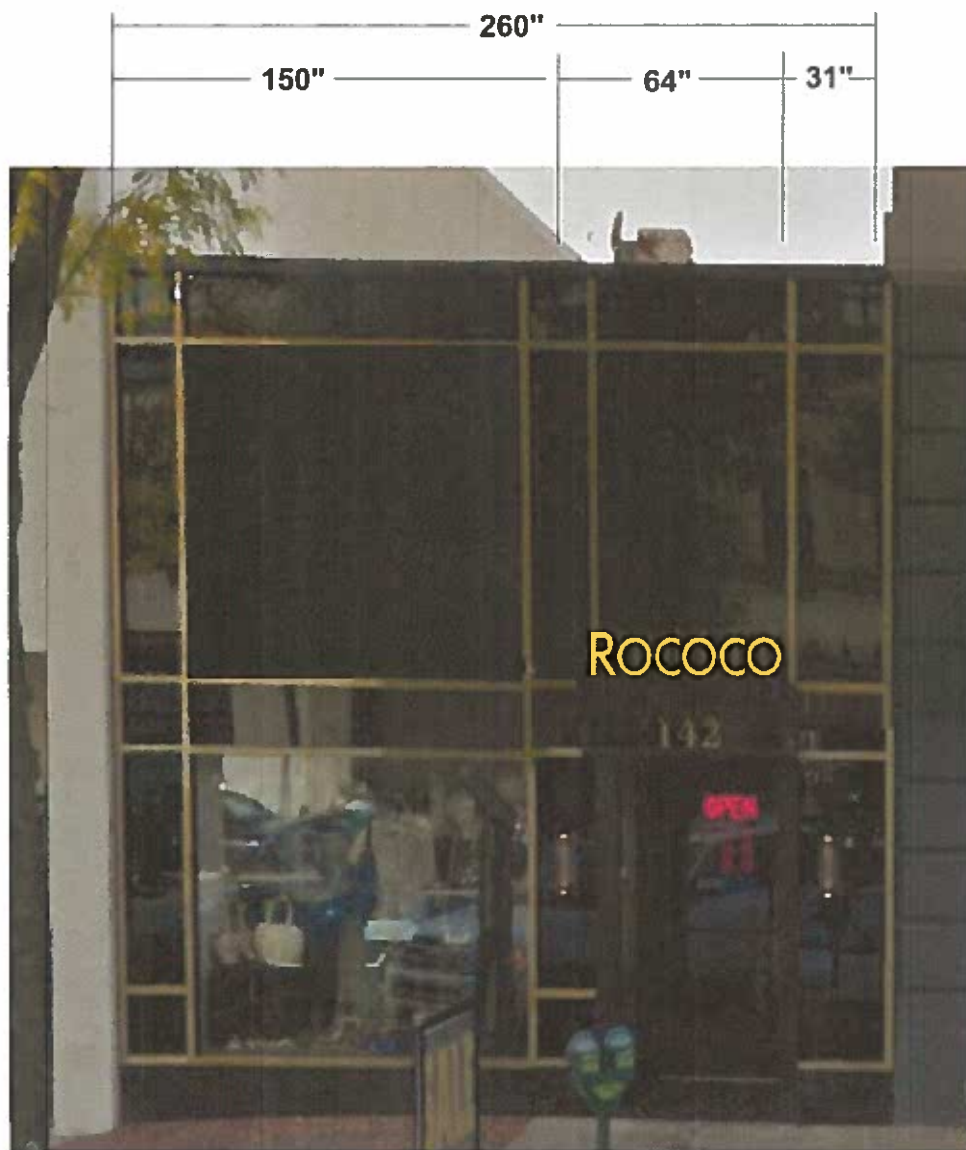
Date of Approval: 7/3/17

Date of Denial: _____

Reviewed by: M. B. L.

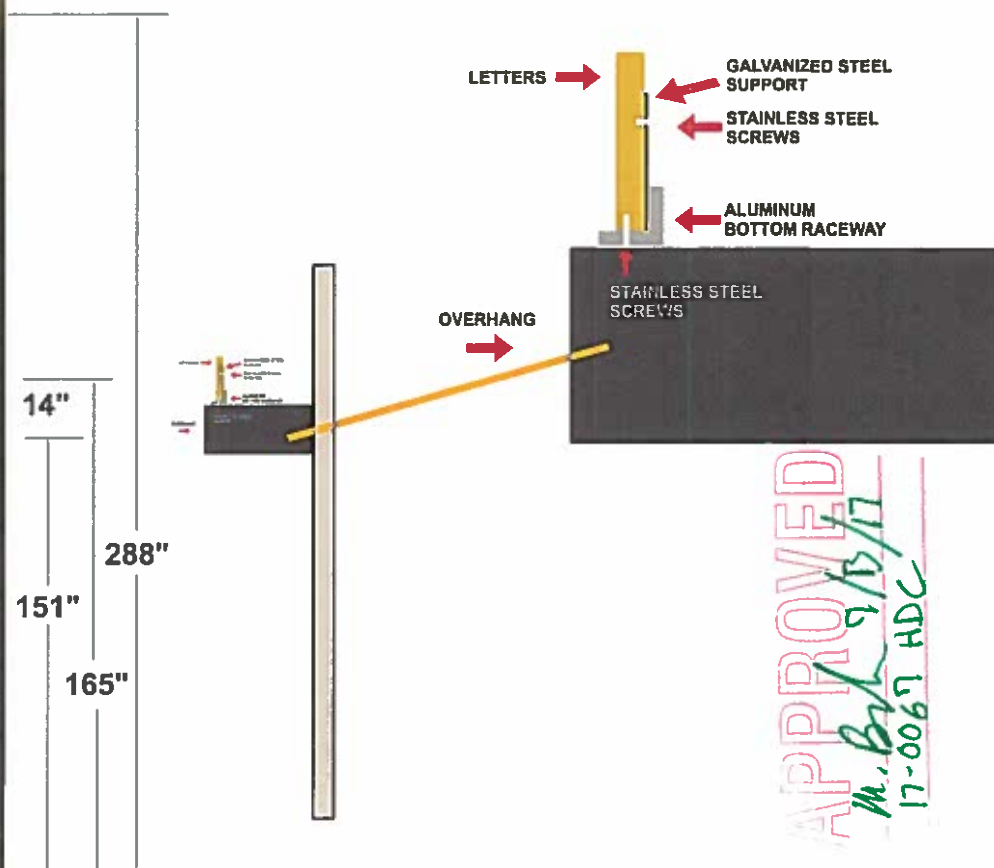
ROCOCO

142 South Old Woodward



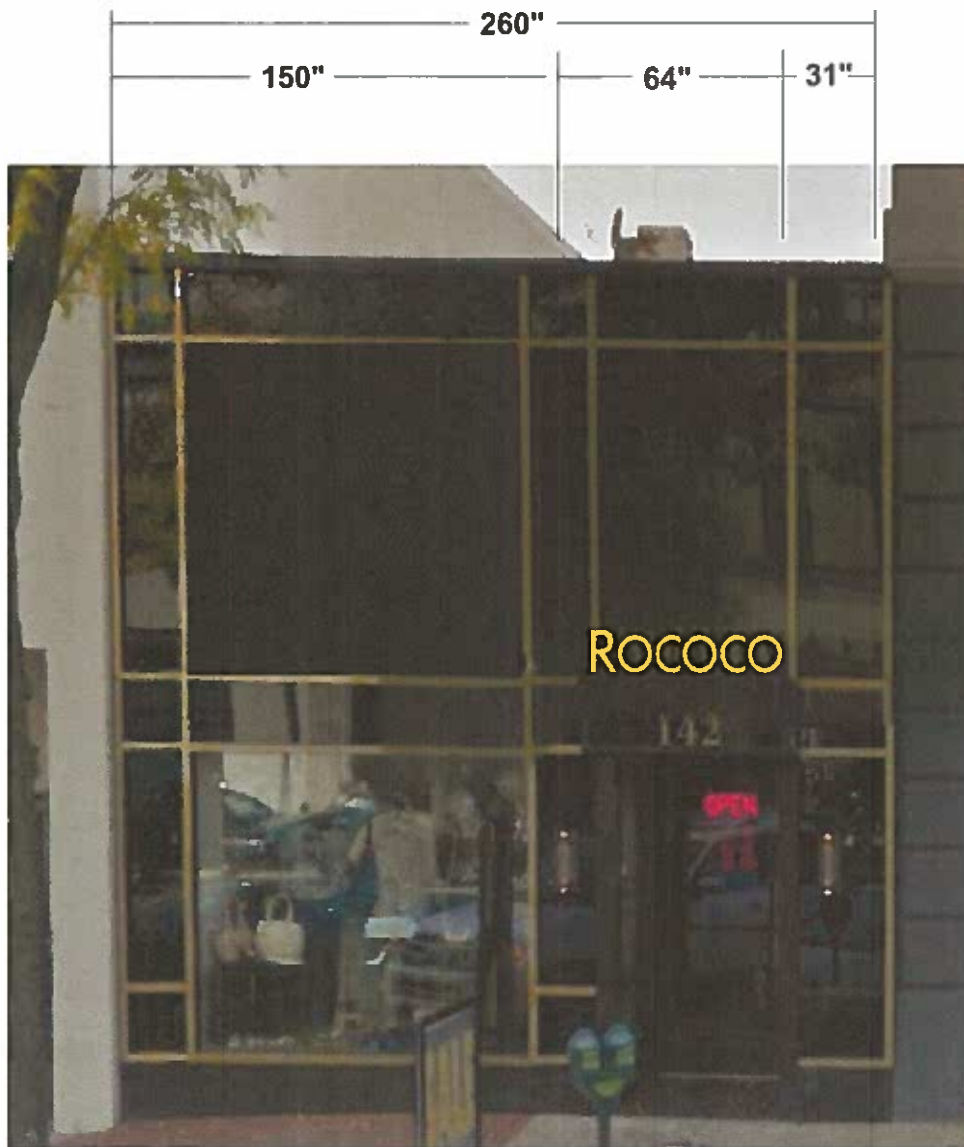
Wall sign

- 14" height, 1 inch thick lettering
- PVC Plastic router letters
- Gold Metallic finish
- Installation to Black aluminum extrusion and double supported with rear brackets on each letter



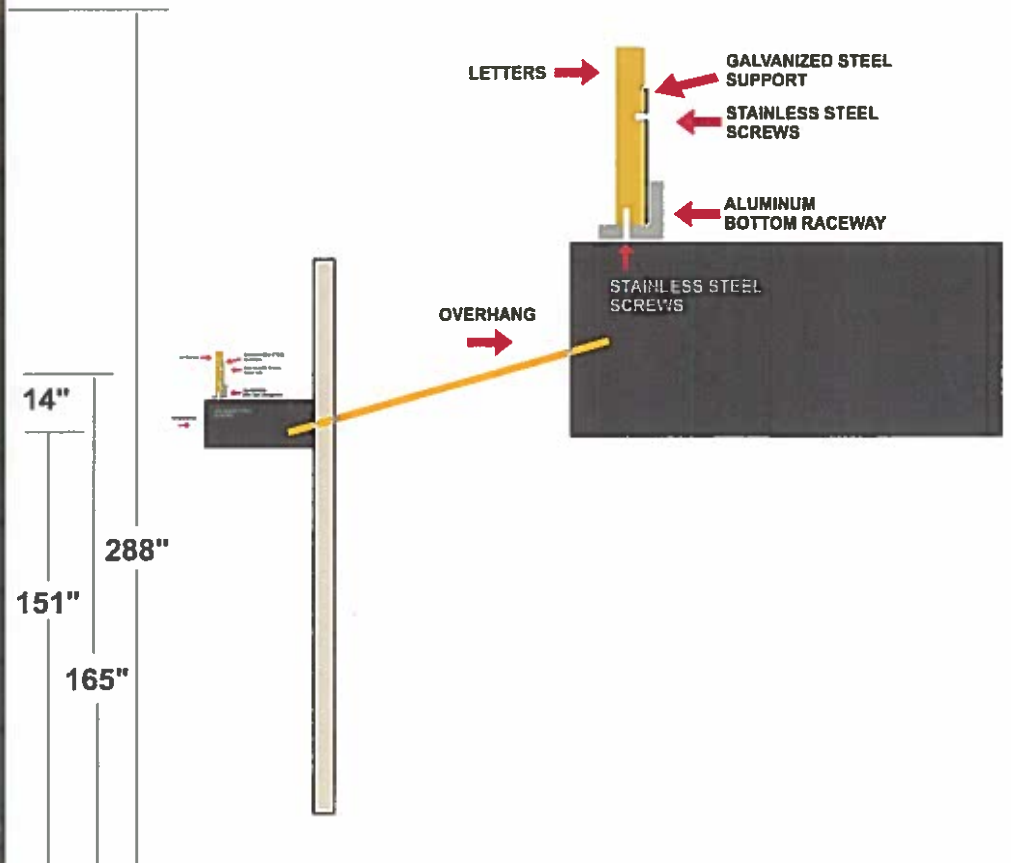
ROCOCO

142 South Old Woodward



Wall sign

- 14" height, 1 inch thick lettering
- PVC Plastic router letters
- Gold Metallic finish
- Installation to Black aluminum extrusion and double supported with rear brackets on each letter



1544 HOLLAND

Back to Agenda











1239 Holland

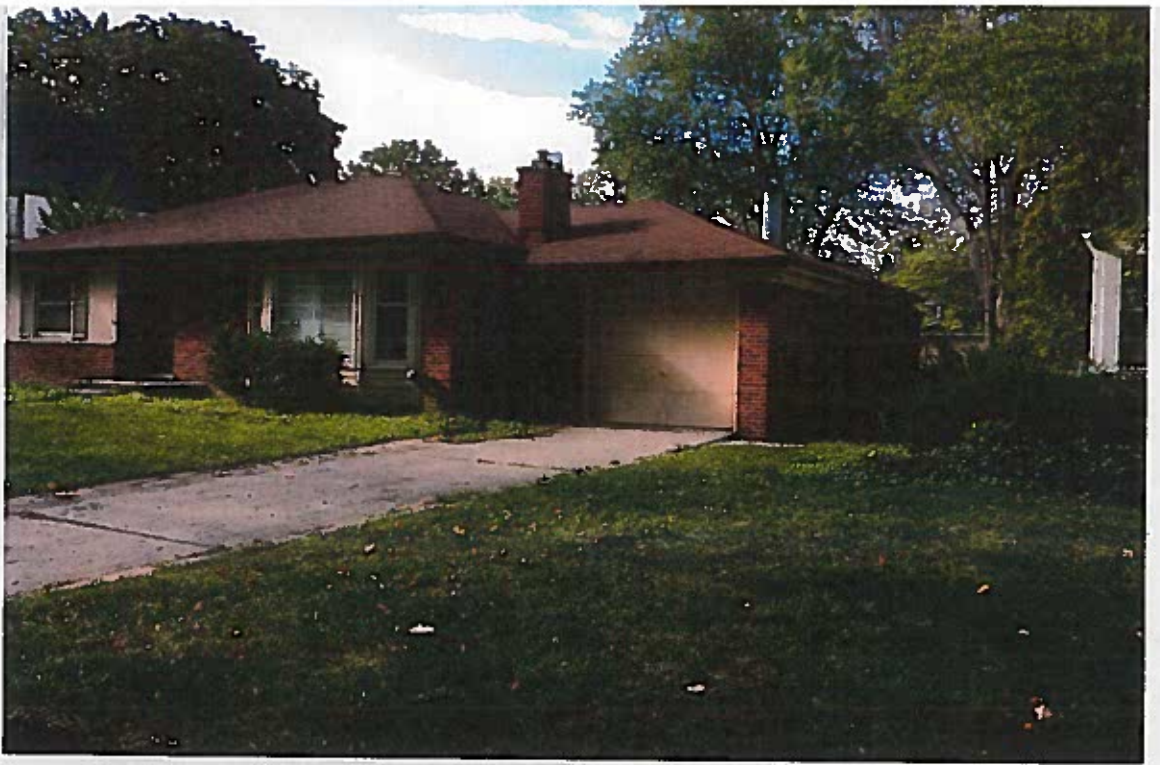






2851 Yorks hire







574 Westchester Way



Front

(2) 980-7757

574 westchester



Right side

574 Westchester



Rear elevation

574 westchester



Left side





893 Hazel

9/21/2011

IMG_3005.JPG

893 Hazel







