

**CITY OF BIRMINGHAM  
MEETING OF THE BOARD OF ZONING APPEALS  
TUESDAY, FEBRUARY 14, 2023  
7:30 PM**

The meeting will be held in the City Commission Room at City Hall, 151 Martin St. Birmingham, MI 48009. Should you have any statement regarding any appeals, you are invited to attend the meeting in person or virtually through ZOOM:

**[https://zoom.us/j/963 4319 8370](https://zoom.us/j/96343198370) or dial: 877-853-5247 Toll-Free,  
Meeting Code: 963 4319 8370**

You may also provide a written statement to the Board of Zoning Appeals, City of Birmingham, 151 Martin Street,  
P.O. Box 3001, Birmingham MI, 48012-3001 prior to the hearing

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| <b>1. CALL TO ORDER</b> |
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| <b>2. ROLL CALL</b> |
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| <b>3. ANNOUNCEMENTS</b> |
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a) The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple layered masks for attendees.

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| <b>4. APPROVAL OF THE MINUTES</b> |
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a) January 10, 2023

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| <b>5. APPEALS</b> |
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|    | Address          | Petitioner | Appeal | Type/Reason |
|----|------------------|------------|--------|-------------|
| 1) | 584 TOOTING LANE | ABLESON    | 23-02  | DIMENSIONAL |
| 2) | 1616 CROFT       | SARNA      | 23-04  | DIMENSIONAL |
| 3) | 832 ANN          | RATLIFF    | 23-08  | DIMENSIONAL |

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| <b>6. CORRESPONDENCE</b> |
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| <b>7. GENERAL BUSINESS</b> |
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| <b>8. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA</b> |
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| <b>9. ADJOURNMENT</b> |
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**Title VI**

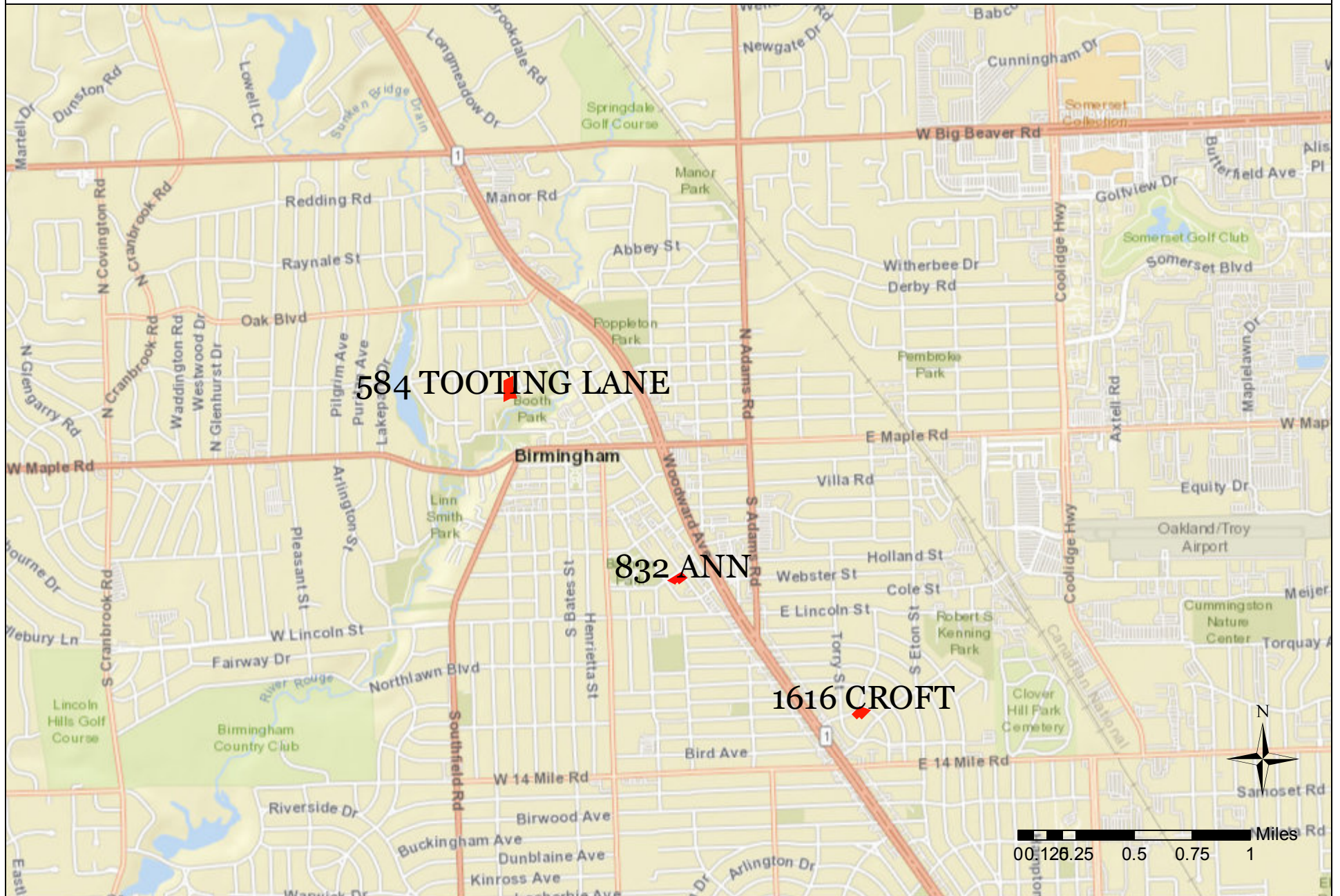
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

*Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).*

The public entrance during non-business hours is through the police department at the Pierce Street entrance only. Individuals requiring assistance entering the building should request aid via the intercom system at the parking lot entrance gate on Henrietta Street.

La entrada pública durante horas no hábiles es a través del Departamento de policía en la entrada de la calle Pierce solamente. Las personas que requieren asistencia entrando al edificio debe solicitar ayudan a través del sistema de intercomunicación en la puerta de entrada de estacionamiento en la calle de Henrietta.

## FEBRUARY BZA MAP





**Birmingham Board Of Zoning Appeals Proceedings**  
**Tuesday, January 10, 2023**  
**City Commission Room**  
**151 Martin Street, Birmingham, Michigan**

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**1. Call To Order**

Minutes of the special meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, January 10, 2023. Vice-Chair Canvasser convened the meeting at 7:30 p.m.

**2. Rollcall**

**Present:** Vice-Chair Jason Canvasser; Board Members Kevin Hart (arrived 7:36 p.m.), Richard Lilley, John Miller, Ron Reddy, Pierre Yaldo; Alternate Board Member Carl Kona

**Absent:** Chair Erik Morganroth

**Staff:** Building Official Johnson; Senior Planner Cowan, City Transcriptionist Eichenhorn, Assistant Building Official Morad, Assistant Building Official Zielke

VC Canvasser welcomed those present and reviewed the meeting's procedures. He noted that the members of the Board of Zoning Appeals are appointed by the City Commission and are volunteers who serve staggered three-year terms. They are a quasi-judicial board and sit at the pleasure of the City Commission to hear appeals from petitioners who are seeking variances from the City's Zoning Ordinance. Under Michigan law, a dimensional variance requires four affirmative votes from this board, and the petitioner must show a practical difficulty. A land use variance requires five affirmative votes and the petitioner has to show a hardship. He pointed out that this board does not make up the criteria for practical difficulty or hardship. That has been established by statute and case law. Appeals are heard by the board as far as interpretations or rulings. In that type of appeal the appellant must show that the official or board demonstrated an abuse of discretion or acted in an arbitrary or capricious manner. Four affirmative votes are required to reverse an interpretation or ruling.

VC Canvasser took rollcall of the petitioners. He noted that 584 Tooting Lane, 1616 Croft, and 188 N. Old Woodward were being postponed. All remaining petitioners were either present or arrived in time for their appeals to be heard.

**3. Announcements**

Announcements can be found in the evening's agenda packet.

**4. Approval Of The Minutes Of The BZA Meetings Of December 13, 2022**

**T# 01-01-23**

**Motion by Mr. Lilley**

**Seconded by Mr. Yaldo to accept the Minutes of the BZA meeting of December 13, 2022 as submitted.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Miller, Canvasser, Kona, Reddy, Yaldo, Lilley

Nays: None

**5. Appeals**

**T# 01-02-23**

**1) 1496 Chesterfield  
Appeal 23-01**

ABO Zielke presented the item, explaining that the owner of the property known as 1496 Chesterfield was requesting the following variance to construct an addition to an existing non-conforming home:

- A. Chapter 126, Article 4.74(C)** of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 27.10 feet. The proposed is 17.29 feet on the south side. Therefore, a variance of 9.81 feet is being requested.

Staff answered informational questions from the Board.

Joe Novitsky, architect for the appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Board inquiry, Mr. Novitsky stated:

- It was difficult to demonstrate a hardship but said that granting the variance would do no harm to the neighbor or neighborhood; and,
- The home would not be extended south.

Public Comment

Jeff Hannigan, neighbor to the south, said he wanted to ensure that the ordinances were met. Given the larger size of 1496 Chesterfield's lot, he said it should not be difficult for the owner to meet the ordinances.

**Motion by Mr. Reddy**

**Seconded by Mr. Lilley with regard to Appeal 23-01, A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 27.10 feet. The proposed is 17.29 feet on the south side. Therefore, a variance of 9.81 feet is being requested.**

**Mr. Reddy moved to approve the variance request and tied approval to the plans as submitted. He noted that the property in question had an existing non-conforming home. He noted it would not be encroaching any further to the south and that the setback did not appear to be an issue.**

**Motion carried, 6-1.**

**ROLL CALL VOTE**

**Yeas: Miller, Canvasser, Reddy, Yaldo, Lilley, Hart**

**Nays: Kona**

**T# 01-03-23**

**2) 2428 Northlawn  
Appeal 23-03**

ABO Zielke presented the item, explaining that the owner of the property known as 2428 Northlawn was requesting the following variances to construct an addition to an existing non-conforming home:

- A. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is being requested.
- B. Chapter 126, Article 4, Section 4.61(A)(1)** of the Zoning Ordinance requires that a corner lot which has on its side street an abutting 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. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested.
- C. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Staff answered informational questions from the Board.

Kent Johnston, homeowner, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

**Motion by Mr. Miller**

**Seconded by Mr. Hart with regard to Appeal 23-03, A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is**



being requested; B. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting 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. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested; and, C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Mr. Miller moved to approve the variance requests and tied approval to the plans as submitted. He noted the request was essentially the same as the July 2022 approval in regards to the critical aspects. He explained that since the changes were so minor and actually mitigated some of the previous issues, he believed the variances should be granted.

**Motion carried, 7-0.**

**ROLL CALL VOTE**

**Yeas: Miller, Canvasser, Reddy, Yaldo, Lilley, Hart, Kona**

**Nays: None**

**T# 01-04-23**

**3) 300 S. Old Woodward  
Appeal 23-05**

SP Cowan presented the item, explaining that the owner of the property known as 300 S. Old Woodward was requesting the following variances:

- A. Chapter 126, Article 3, Section 3.04 (E)(4)** requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed building contains a storefront on Daines with a transparency percentage of 62% (392 sq. ft.) where 70% (440 sq. ft.) is required. Therefore, a variance of 48 sq. ft. is requested for the Daines storefront.
- B. Chapter 126, Article 3, Section 3.04 (E)(4)** requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed building contains a storefront on S. Old Woodward with a transparency percentage of 60% (700 sq. ft.) where 70% (812 sq. ft.) is required. Therefore, a variance of 112 sq. ft. is requested for the S. Old Woodward storefront.
- C. Chapter 126, Article 3, Section 3.04 (E)(4)** requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the

facade between one and eight feet from the ground. The proposed building contains a storefront on Brown with a transparency percentage of 58% (364 sq. ft) where 70% (440 sq. ft.) is required. Therefore, a variance of 76 sq. ft. is requested for the Brown storefront.

**D. Chapter 86, Article 1, Section 1.05 (K)(2)** of the Sign Ordinance permits non-illuminated signs identifying the entire structure by a building name to be permitted above the first floor. The applicant is proposing four illuminated building identification signs at 16.5 sq. ft. each (66 sq. ft. total). Therefore, the applicant is requesting a dimensional variance of 66 sq. ft. of illuminated building identification signage.

Staff answered informational questions from the Board.

Rick Rattner, attorney for the appellant, reviewed the letter describing why the variances were being sought. The letter was included in the evening's agenda packet. Mr. Rattner and Victor Saroki, architect for the appellant, answered questions from the Board.

In reply to Board inquiry, Messrs. Rattner and Saroki stated:

- The RH sign would be light bronze in color, as would the other metals on the building;
- When the restaurant closes in the evening, the top floor lights would be turned off;
- When the building closes at 9 p.m., the sign on the western facade would be turned off so as to not impact the residences across the street;
- Lowering the signs would result in pedestrians not being able to see the signs as they would be eclipsed by the canopies;
- The distance between the western facade of the building and the buildings to the west would be 20 feet;
- RH would not be able to add signage in a sign band to this building, and so the proposed signage was appropriate;
- The slight backlighting on the sign would be more appropriate for the context and aligns better with the Master Plan. The sign had no photometric value at the street level;
- Granting the variance for a sign would not establish a precedent since this building is unique in being all-retail and the size of a City block;
- Lighting the sign was necessary because of its location on the building. At eye level, the sign would not need to be lit;
- It is normal and expected that a retail building would have a illuminated sign, in contrast with an office or non-profit building;
- If the sign were located in the sign band the sign could be approximately 90% larger than the sign presently proposed;
- In the evenings, if the sign is not halo-lit it would not be seen; and,
- Usually when a building has a canopy, it would be at eight or nine feet and the sign could be above it. In this case, the canopies would be at nearly 14 feet, which is why signage above the canopies would be obscured from pedestrian level.

Mr. Yaldo said the sign would look strange in its proposed location without being slightly backlit.

Mr. Hart noted that if the sign were moved down in location it would have a higher photometric value at the pedestrian level.

Mr. Kona said the building would be so notable that it was hard to argue that the proposed signage needed to be illuminated in order to identify the building.

**Motion by Mr. Miller**

**Seconded by Mr. Reddy with regard to Appeal 23-05, A. Chapter 126, Article 3, Section 3.04 (E)(4) requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed building contains a storefront on Daines with a transparency percentage of 62% (392 sq. ft.) where 70% (440 sq. ft.) is required. Therefore, a variance of 48 sq. ft. is requested for the Daines storefront; B. Chapter 126, Article 3, Section 3.04 (E)(4) requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed building contains a storefront on S. Old Woodward with a transparency percentage of 60% (700 sq. ft) where 70% (812 sq. ft.) is required. Therefore, a variance of 112 sq. ft. is requested for the S. Old Woodward storefront; and, C. Chapter 126, Article 3, Section 3.04 (E)(4) requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed building contains a storefront on Brown with a transparency percentage of 58% (364 sq. ft) where 70% (440 sq. ft.) is required. Therefore, a variance of 76 sq. ft. is requested for the Brown storefront.**

**Mr. Kona moved to approve variances A, B, and C and to tie approval to the plans as submitted. He said the glazing satisfied the intent of the ordinance in this case.**

**Mr. Lilley said the building would be a valuable addition to the City, and that the ordinances pertaining to lighting had many aspects that were no longer relevant to today's technology. He acknowledged that the Board could not change ordinances, but recommended that the Board consider that the ordinances had obsolete aspects in making its decision.**

**Mr. Miller offered his support for the motion noting the building was unique in its size and activation on all four sides. Dealing with 70% glazing requirement and architectural aspects like stairwells and loading docks would be difficult, and the amount of the variance requested was very minimal. He said the 70% glazing requirement makes sense when a retail building only has glass in the front. He said in this case, given the size and the glass on all sides, this building represented a unique condition. He said granting these variances would not set a precedent for these reasons.**

**VC Canvasser said he would also support the motion. He praised the aesthetics of the building and said the City was fortunate to have it. He agreed with Mr. Miller that granting these variances would not set a precedent. He noted that approval would be tied to the plans, which would necessitate further reviews by the City should changes to the building be proposed in the future.**



**Motion carried, 7-0.**

**ROLL CALL VOTE**

**Yeas: Miller, Canvasser, Reddy, Yaldo, Lilley, Hart, Kona**

**Nays: None**

**T# 01-05-23**

**Motion by Mr. Kona**

**Seconded by VC Canvasser with regard to Appeal 23-05, D. Chapter 86, Article 1, Section 1.05 (K)(2) of the Sign Ordinance permits non-illuminated signs identifying the entire structure by a building name to be permitted above the first floor. The applicant is proposing four illuminated building identification signs at 16.5 sq. ft. each (66 sq. ft. total). Therefore, the applicant is requesting a dimensional variance of 66 sq. ft. of illuminated building identification signage.**

**Mr. Kona said that since the building featured so much illumination, and the sign would be so minimally backlit that the lighting may not even be visible, he would move to deny variance D.**

**Mr. Yaldo said it was likely difficult to design a building consistent with the Master Plan that did not have a prominent identification sign. He said without the backlit sign the building could seem like an office building. He said trying to see signs above the canopies from the pedestrian level would be difficult, and said the signage would look asymmetrical in other locations. He said he would not support the motion to deny for these reasons.**

**VC Canvasser said that the ordinance did not allow the backlighting of the sign, and said he was not sure that the Board could allow a variance from the ordinance based on the fact that the proposed backlighting would be lesser than some other backlighting could be. He said he would not want this approval to set a precedent. He opined that the need for the backlit sign in this case was a matter of self-creation. He said it would likely be more appropriate for the Commission to address this through an ordinance amendment if they wanted to grant permission for the sign as-proposed.**

**Mr. Miller said he would not support the motion, explaining that he had previously noted around five or six illuminated signs in Birmingham located above the third story level on their respective buildings. He said that those instances demonstrate that lighted signage in certain unique conditions was not unreasonable. He said the conditions for this building met that requirement.**

**Mr. Reddy said that while he was normally advocated adherence to the ordinance for these types of requests, there were a number of unique circumstances that would cause him to vote differently in this case. He noted that the restaurant above the sign would be lit most of the time the sign would be illuminated, that there was a lot of**

ground-level illumination that would minimize the sign's visibility, that the backlighting of the sign in the context of the rest of the illumination would seem comparable to the rest of the building's lighting, the glazing on the higher floors would be adding ambient illumination, and the building would be a City block long. He said that while he was sympathetic to concerns about precedent, there were so many unique circumstances here that he did not share the concern. He said he would not be able to support the motion.

Mr. Hart said he would not support the motion. He explained that the proposed signage adhered to the spirit of the ordinance in terms of its subtle and minimalist approach to signage.

**Motion failed, 2-5.**

**ROLL CALL VOTE**

**Yeas: Canvasser, Kona**

**Nays: Miller, Lilley, Reddy, Yaldo, Hart**

**T# 01-06-23**

**Motion by Mr. Hart**

**Seconded by Mr. Miller with regard to Appeal 23-05, D. Chapter 86, Article 1, Section 1.05 (K)(2) of the Sign Ordinance permits non-illuminated signs identifying the entire structure by a building name to be permitted above the first floor. The applicant is proposing four illuminated building identification signs at 16.5 sq. ft. each (66 sq. ft. total). Therefore, the applicant is requesting a dimensional variance of 66 sq. ft. of illuminated building identification signage.**

**Mr. Hart moved to approve variance D and tied approval to the plans as submitted. He said the appellant identified the hardships and the challenges of the building. He said there was no adverse effects for neighboring properties and that granting the variance would do substantial justice to the appellant and neighbors. He said the need for the variance was not self-created. He also required that the western facade sign be turned off at 9 p.m. every evening.**

**Motion carried, 5-2.**

**ROLL CALL VOTE**

**Yeas: Miller, Lilley, Reddy, Yaldo, Hart**

**Nays: Canvasser, Kona**

**6. Correspondence**

BO Johnson noted that three letters were submitted after the agenda was published regarding 1496 Chesterfield and 584 Tooting Lane. He noted that the Board members would be provided with copies of the correspondence.

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

The Board briefly discussed the Board's upcoming transition from paper agendas to electronic ones.

**8. Adjournment**

No further business being evident, the Board motioned to adjourn at 9:14 p.m.

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Bruce R. Johnson, Building Official



Laura Eichenhorn, City Transcriptionist



# **CASE DESCRIPTION**

## **584 Tooting Lane (23-02)**

**Hearing date: February 14, 2023**

**Appeal No. 23-02:** The owner of the property known **584 Tooting Lane**, requests the following variances to reconstruct the second floor and roof of an existing non-conforming detached garage:

A. Chapter 126, Article 4, Section 4.03(H) of the Zoning Ordinance requires the maximum area of the first floor of any accessory structure in the R2 zoning district is 550.00 SF and per Section 4.30(C)(6) permits an additional 75.00 SF for having an interior staircase. Therefore, the accessory structure can be 625.00SF. The existing and proposed is 747.50 SF. Therefore, a variance of 122.50 SF is being requested.

B. Chapter 126, Article 4, Section 4.03(B) of the Zoning Ordinance requires that accessory structures shall be at least 3.00 feet from any lot line. The existing and proposed on the southeast side is 0.00 feet. Therefore, a variance of 3.00 feet is being requested.

**Staff Notes:** This applicant is proposing to reconstruct the roof to an existing non-conforming garage. This location had variances granted in August 1991 for a similar request. (Minutes attached)

This property is zoned R2 – Single family residential.

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Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

## 584 TOOTING LANE MAP



**CITY OF BIRMINGHAM**  
**Community Development - Building Department**  
**151 Martin Street, Birmingham, MI 48009**  
Community Development: 248-530-1850  
Fax: 248-530-1290 / [www.bhamgov.org](http://www.bhamgov.org)

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: 12.1.22

Hearing Date: 1.10.23

Received By: 276

Appeal #: 23-002

|                   |   |   |                                   |                               |                                       |
|-------------------|---|---|-----------------------------------|-------------------------------|---------------------------------------|
| Type of Variance: | <input type="checkbox"/> Interpretation | <input checked="" type="checkbox"/> Dimensional | <input type="checkbox"/> Land Use | <input type="checkbox"/> Sign | <input type="checkbox"/> Admin Review |
|-------------------|---|---|-----------------------------------|-------------------------------|---------------------------------------|

**I. PROPERTY INFORMATION:**

|                                  |                      |   |
|----------------------------------|----------------------|---|
| Address: <u>584 TOOTING LANE</u> | Lot Number: <u>8</u> | Sidwell Number: <u>RANDALL ADDITION</u> |
|----------------------------------|----------------------|---|

**II. OWNER INFORMATION:**

|                                       |                         |                            |                        |
|---------------------------------------|-------------------------|----------------------------|------------------------|
| Name: <u>MIKE &amp; KATHY ABLESON</u> |                         |                            |                        |
| Address: <u>584 TOOTING LANE</u>      | City: <u>BIRMINGHAM</u> | State: <u>MI</u>           | Zip code: <u>48009</u> |
| Email: <u>mableson@sbcglobal.net</u>  |                         | Phone: <u>313-720-4839</u> |                        |

**III. PETITIONER INFORMATION:**

|                              |                    |        |           |
|------------------------------|--------------------|--------|-----------|
| Name: <u>see owner above</u> | Firm/Company Name: |        |           |
| Address:                     | City:              | State: | Zip code: |
| Email:                       | Phone:             |        |           |

**IV. GENERAL INFORMATION:**

The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted. Staff will explain how all requested variances must be highlighted on the survey, site plan and construction plans. Each variance request must be clearly shown on the survey and plans including a table as shown in the example below. All dimensions to be shown in feet measured to the second decimal point.

The BZA application fee is **\$360.00** for single family residential; **\$560.00** for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.

**Variance Chart Example**

| Requested Variances       | Required   | Existing   | Proposed   | Variance Amount |
|---------------------------|------------|------------|------------|-----------------|
| Variance A, Front Setback | 25.00 Feet | 23.50 Feet | 23.50 Feet | 1.50 Feet       |
| Variance B, Height        | 30.00 Feet | 30.25 Feet | 30.25 Feet | 0.25 Feet       |

**V. REQUIRED INFORMATION CHECKLIST:**

- ☐ One original and nine copies of the signed application
- ☐ One original and nine copies of the signed letter of practical difficulty and/or hardship
- ☐ One original and nine copies of the certified survey
- ☐ 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting

**VI. APPLICANT SIGNATURE**

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.

By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.

\*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: *Matthew Ableson*

Date: Dec 1, 2022

Signature of Petitioner: same/owner

Date: \_\_\_\_\_



**CITY OF BIRMINGHAM  
BOARD OF ZONING APPEALS  
RULES OF PROCEDURE**

**ARTICLE I - Appeals**

- A. Appeals may be filed under the following conditions:
1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
  2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
  3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.
- B. Procedures of the Board of Zoning Appeals (BZA) are as follows:
1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
  2. All applications for appeal shall be submitted to the Community Development Department on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. If the 12<sup>th</sup> falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
  3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
  4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
  5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
7. An aggrieved party may appeal a Planning Board decision. Such appeal must be made within 30 days of the date of the decision. The BZA, in its discretion, may grant additional time in exceptional circumstances.
8. Appeals from a decision of the Building Official shall be made within 30 days of the date of the order, denial of permit, or requirement or determination contested. The BZA, in its discretion, may grant additional time in exceptional circumstances.
9. An appeal stays all proceedings in accordance with Act #110, Public Acts of 2006, Article VI, Section 125.3604 (3).

C. The order of hearings shall be:

1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
3. Interested parties' comments and view on the appeal.
4. Rebuttal by applicant.
5. The BZA may make a decision on the matter or request additional information.

D. Motions and Voting

1. A motion is made to either grant or deny a petitioner's request
    - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
    - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
    - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.
  2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.
-

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

## **ARTICLE II - Results of an Appeal**

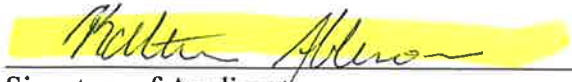
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.
- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a Certificate of Survey must be submitted to the Community Development Department with the building permit application. A building permit must be obtained within one year of the approval date.
- D. Failure of the appellant, or his representative, to appear for his appeal hearing will result in the appeal being adjourned to the next regular meeting. If, after notice, the appellant fails to appear for the second time, it will result in an automatic withdrawal of the appeal. The appellant may reapply to the BZA.
- E. Any applicant may, with the consent of the Board, withdraw his application at any time before final action.
- F. Any decision of the Board favorable to the applicant is tied to the plans submitted, including any modifications approved by the Board at the hearing and agreed to by the applicant, and shall remain valid only as long as the information or data provided by the applicant is found to be correct and the conditions upon which the resolution was based are maintained.

## **ARTICLE III - Rehearings**

- A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.
-

B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.

  
\_\_\_\_\_  
Signature of Applicant

November 28, 2022

Re: ABLESON RESIDENCE  
584 Tooting Lane, Birmingham, MI

Dear Zoning Board Members:

We are hereby applying for 2 Dimensional Variances to construct a new Roof on our Existing Detached Garage/Accessory Structure.

It is an EXISTING NON-CONFORMING structure which we would like to update/enhance to be more in character with our Heritage Wallace Frost home and to have some usable storage above.

The EXISTING FOOTPRINT (on which we wish to construct a more historically accurate roof line but NO expansion of footprint) is 747.5 SF. The maximum permitted Accessory Structure Area is 600 SF + 75 SF for a fixed Interior Stair which we are adding (which reduces the non-conformity) so we are requesting a 122.5 SF variance.

The EXISTING LOCATION of the garage is on the property line at south-east corner and .5' away from the property line at the north-east corner, not providing the minimum 3' for Accessory Structure so we are requesting a 3' Setback Variance. (The new eave on that side will be a minimum 1 1/2" necessary for proper water management where the Existing Overhang is 1.5' so we are also decreasing the non-conformity there as well).

This variance request is not self-created since the Existing Garage is an existing condition which was granted a variance 08-13-1991 and permitting us to improve on the roof line would alleviate the practical difficulty that it poses to us.

Granting this request would not be a detriment to the neighborhood as the Garage exists and would provide us substantial justice in full use of our structure.

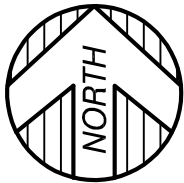
The proposed garage roof design meets all other Height & Bulk requirements of the Zoning Ordinance, has DTE approval, and we humbly request your approval.

Respectfully Submitted,

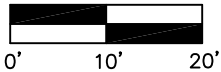


Mr. & Mrs. M. Ableson  
584 Tooting Lane, Birmingham, MI

BOUNDARY SURVEY



SCALE: 1"=20'



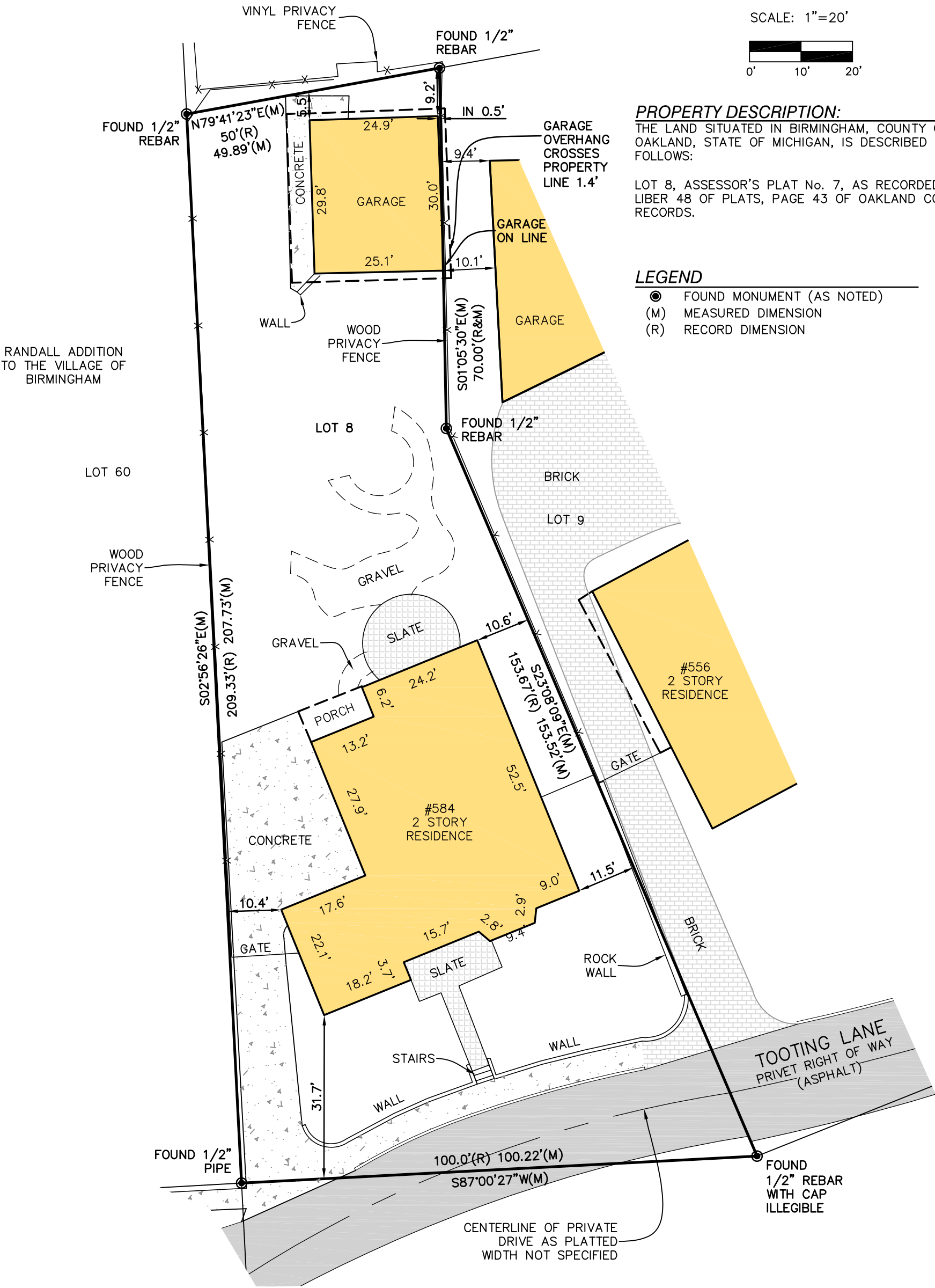
PROPERTY DESCRIPTION:

THE LAND SITUATED IN BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOT 8, ASSESSOR'S PLAT No. 7, AS RECORDED IN LIBER 48 OF PLATS, PAGE 43 OF OAKLAND COUNTY RECORDS.

LEGEND

- FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION



I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN DESCRIBED AND THAT THIS MAP REPRESENTS THE RESULTS OF THE SURVEY.

*Anthony T. Sycko, Jr.*

ANTHONY T. SYCKO, JR., P.S.  
PROFESSIONAL SURVEYOR  
MICHIGAN LICENSE NO. 47976



**KEM-TEC**

PROFESSIONAL ENGINEERING,  
SURVEYING & ENVIRONMENTAL  
SERVICES

A GROUP OF COMPANIES

Eastpointe

(800) 295.7222

Detroit

(313) 758.0677

Ann Arbor

(734) 994.0888

Grand Blanc

(888) 694.0001

FAX: (586) 772.4048

FAX: (586) 772.4048

FAX: (734) 994.0667

FAX: (810) 694.9955

[www.kemtecagroupofcompanies.com](http://www.kemtecagroupofcompanies.com)

CERTIFIED TO: MICHAEL ABLESON

FIELD SURVEY: KG TN

DATE: MAY 12, 2022

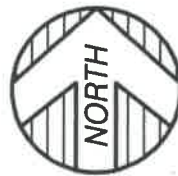
DRAWN BY: DAH

SHEET: 1 OF 1

SCALE: 1" = 20'

JOB NO.: 22-00950

# SITE PLAN



SCALE: 1"=20'



LOT 11

VINYL PRIVACY FENCE

FOUND 1/2" REBAR

FOUND 1/2" REBAR

N79°41'23"E(M)  
50'(R)  
49.89'(M)

NEW ROOF LINE  
ON EXISTING  
747.5 SF GARAGE  
(122.5 SF VARIANCE)

CONCRETE

GARAGE

IN 0.5'

GARAGE  
OVERHANG  
CROSSES  
PROPERTY  
LINE

3' REQUIRED  
VARIANCE

GARAGE  
ON LINE

WALL

WOOD  
PRIVACY  
FENCE

GARAGE

S01°05'30"E(M)  
70.00'(R&M)

FOUND 1/2" REBAR

LOT 8

BRICK

LOT 9

LOT 60

WOOD  
PRIVACY  
FENCE

S02°56'26"E(M)

209.33'(R) 207.73'(M)

GRAVEL

GRAVEL

SLATE

PORCH

CONCRETE

#584  
2 STORY  
RESIDENCE

#556  
2 STORY  
RESIDENCE

GATE

S23°08'09"E(M)  
153.67'(R) 153.52'(M)

52.5'

GATE

10.4'

17.6'

22.1'

18.2'

15.7'

2.8'

2.9'

9.4'

9.0'

11.5'

31.7'

STAIRS

WALL

WALL

ROCK  
WALL

BRICK

TOOTING LANE  
PRIVET RIGHT OF WAY  
(ASPHALT)

FOUND 1/2" PIPE

100.0'(R) 100.22'(M)

S87°00'27"W(M)

CENTERLINE OF PRIVATE  
DRIVE AS PLATTED  
WIDTH NOT SPECIFIED

FOUND  
1/2" REBAR  
WITH CAP  
ILLEGIBLE

## PROPERTY DESCRIPTION:

THE LAND SITUATED IN BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOT 8, ASSESSOR'S PLAT No. 7, AS RECORDED IN LIBER 48 OF PLATS, PAGE 43 OF OAKLAND COUNTY RECORDS.

## LEGEND

- FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

Glenda Meads Architects

114 S. Old Woodward, Suite 5  
Birmingham, MI 48009



Project Data:

ADDRESS 584 TOOTING LAVE  
ZONED R-2 (SINGLE FAMILY RESIDENTIAL)  
LOT AREA 13,824 SF  
LOT WIDTH (AT FRONT SETBACK) 79.33'

LOT COVERAGE 30 % MAX.  
EXISTING HOUSE & GARAGE FOOTPRINT 2,258.0 SF  
EXISTING REAR COVERED PORCH 92.0 SF  
EXISTING DETACHED GARAGE 747.5 SF  
TOTAL COVERAGE AREA : 3,097.5 SF

LOT AREA COVERAGE:  
3,097.5 SF / 13,824 SF = 22.4 % 30 % MAX.

OPEN SPACE 40 % MIN.  
TOTAL STRUCTURES 3,097.5 SF  
EXISTING FRONT PORCH 145.0 SF  
EXISTING REAR TERRACE 400.0 SF  
PAVED SIDE PATIO 380.0 SF  
EXISTING DRIVEWAY (INCL ALL IN FRONT YARD) 3,287.5 SF  
TOTAL IMPERVIOUS 7,312.5 SF

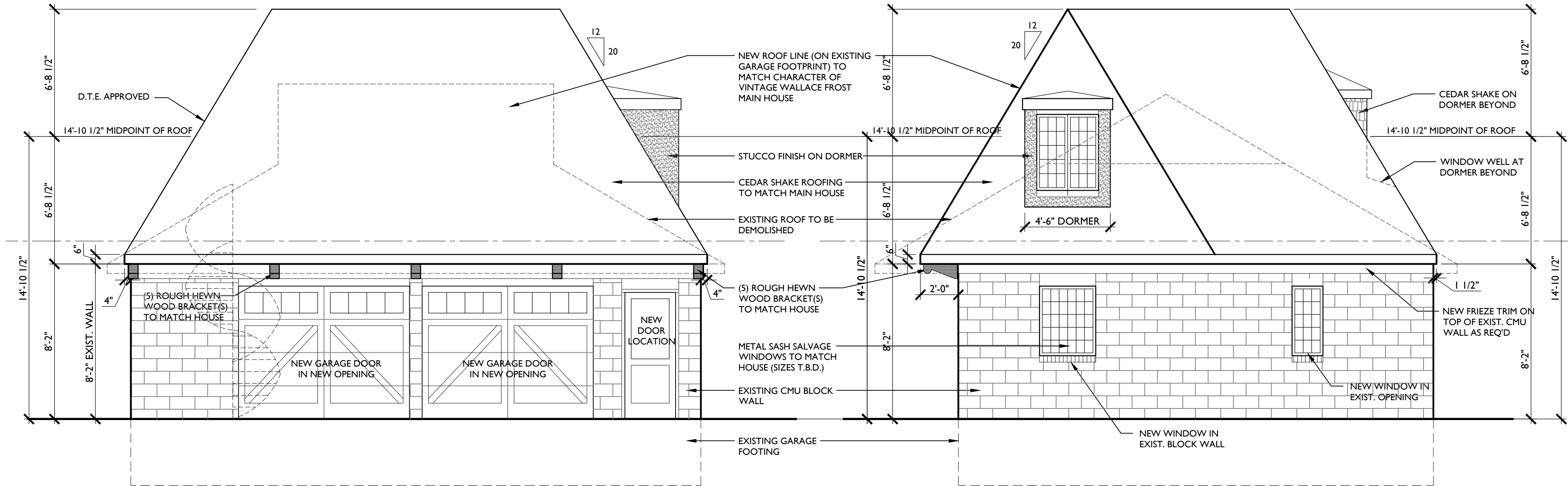
OPEN SPACE:  
13,824 SF - 7,312.5 SF / 13,824 SF = 47 % 40 % MIN.

ACCESSORY STRUCTURE DATA

| ITEM                       | REQUIRED        | EXISTING/PROPOSED   |
|----------------------------|-----------------|---|
| DISTANCE FROM LOT LINE     | 3' MIN.         | 5.5' AND 9.2' EXIST. FROM REAR LOT LINE - OK<br>0' AND 0.5 EXIST. FROM SIDE LOT LINE - VARIANCE REQ'D |
| ACCESSORY STRUCTURE AREA   | 550 SF. MAX.    | 747.5 SF EXISTING - VARIANCE REQ'D  |
| ACCESSORY STRUCTURE HEIGHT | 15' TO MIDPOINT | 14'-10 1/2" PROPOSED - OK   |

VARIANCE CHART

| ITEM                   | REQUIRED                          | EXISTING     | VARIANCE AMOUNT |
|------------------------|-----------------------------------|--------------|-----------------|
| DISTANCE FROM LOT LINE | 3'                                | 0' EAST SIDE | 3'              |
| MAXIMUM FLOOR AREA     | 550 SF + 75 SF FOR STAIR = 625 SF | 747.5 SF     | 122.5 SF        |

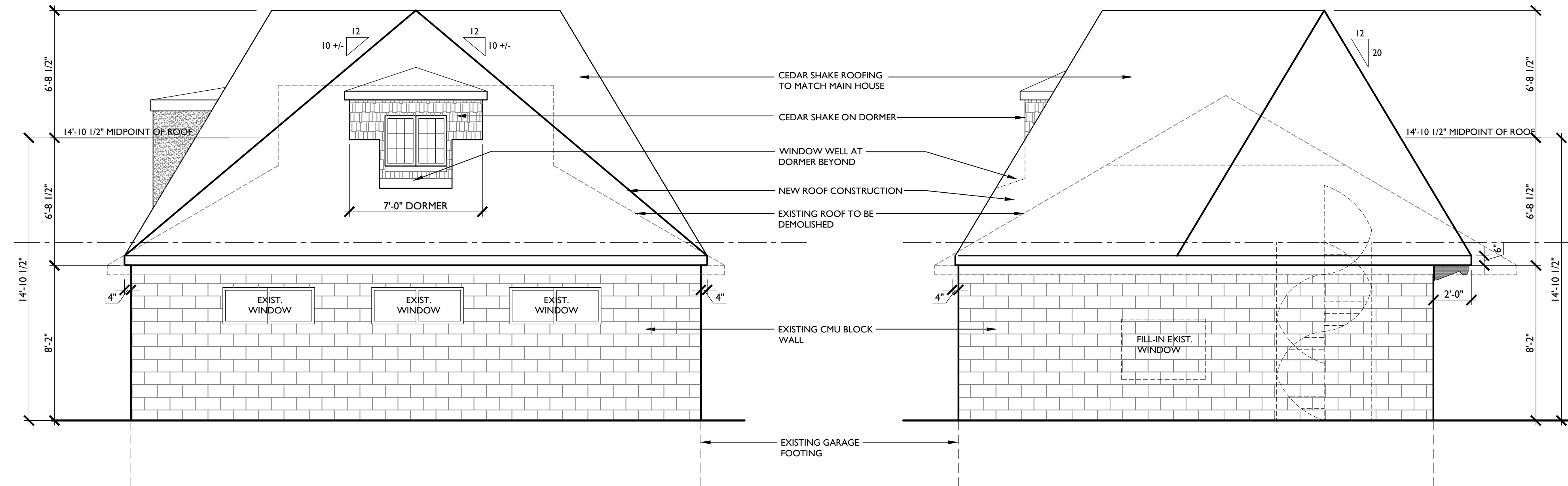


WEST ELEVATION

1/4"=1'-0"

SOUTH ELEVATION

1/4"=1'-0"

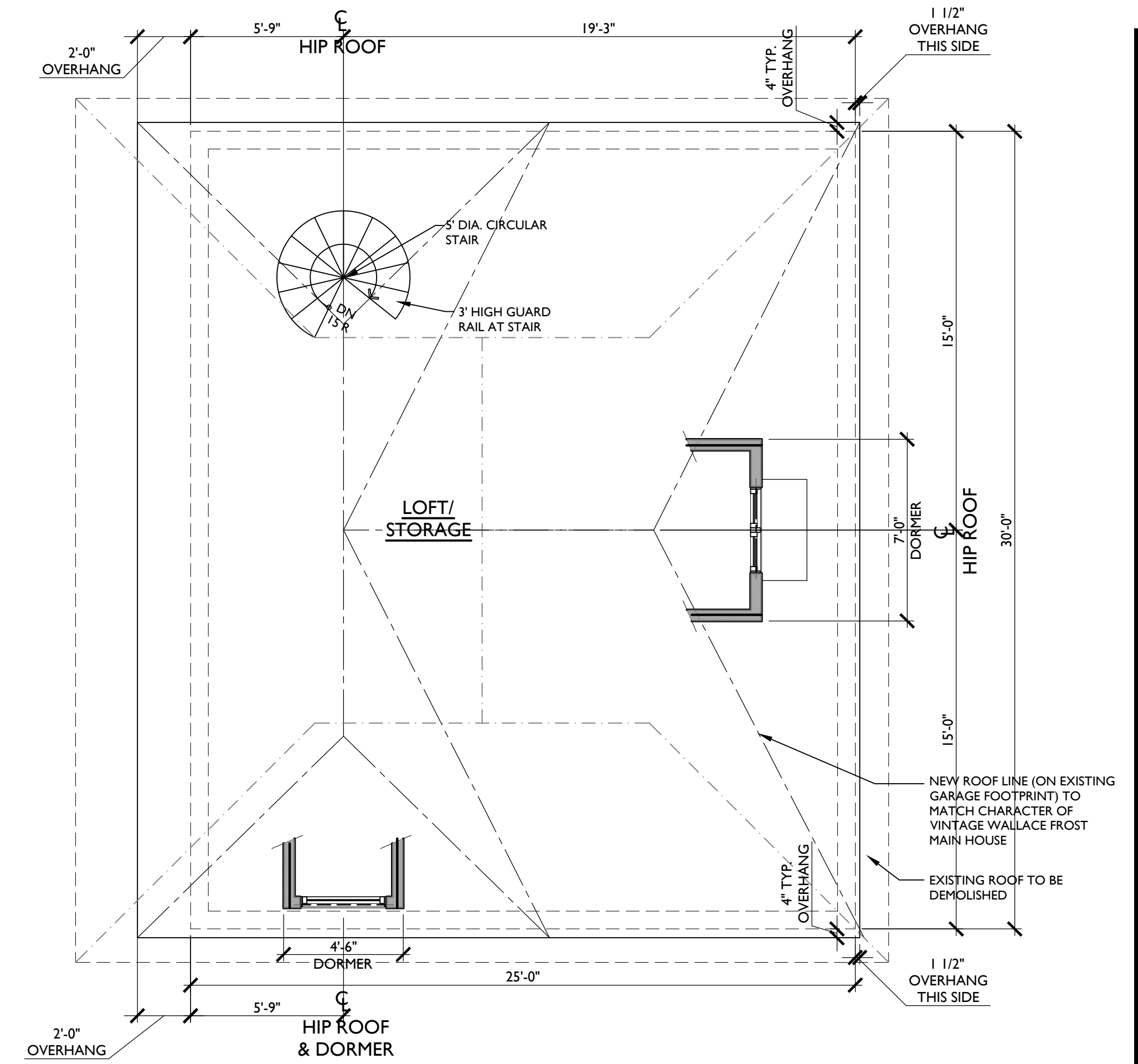


EAST ELEVATION

1/4"=1'-0"

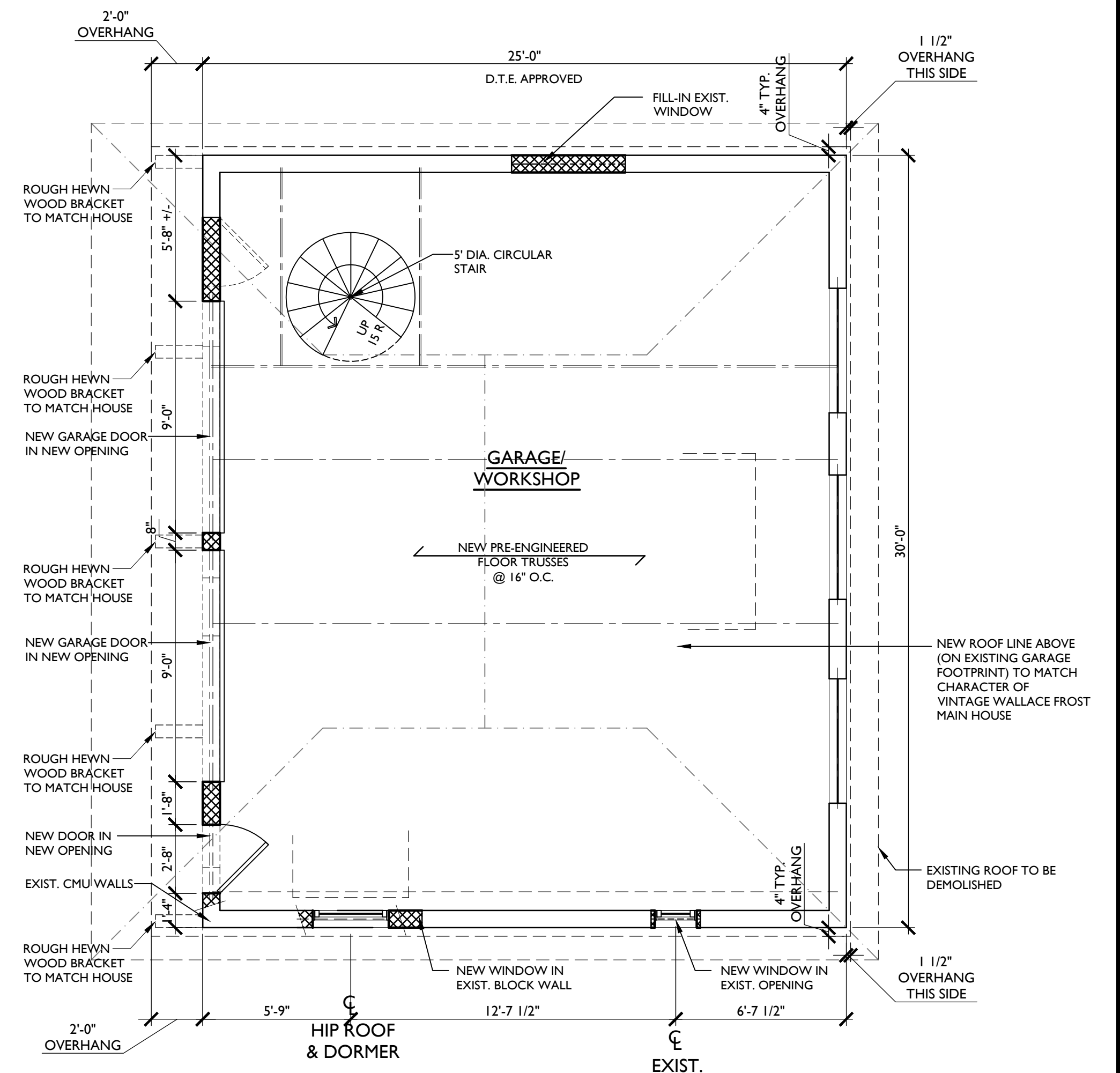
NORTH ELEVATION

1/4"=1'-0"



SECOND FLOOR PLAN

1/4"=1'-0"



GROUND FLOOR PLAN

1/4"=1'-0"

ABLESON GARAGE  
584 Tooting Lane  
Birmingham, Mi

Glenda MEADS Architects  
114 S. OLD WOODWARD AVE. SUITE 5, BIRMINGHAM, MI 48009  
T (248) 220-4998 M (248) 514-2971 glenda@glendameads.com

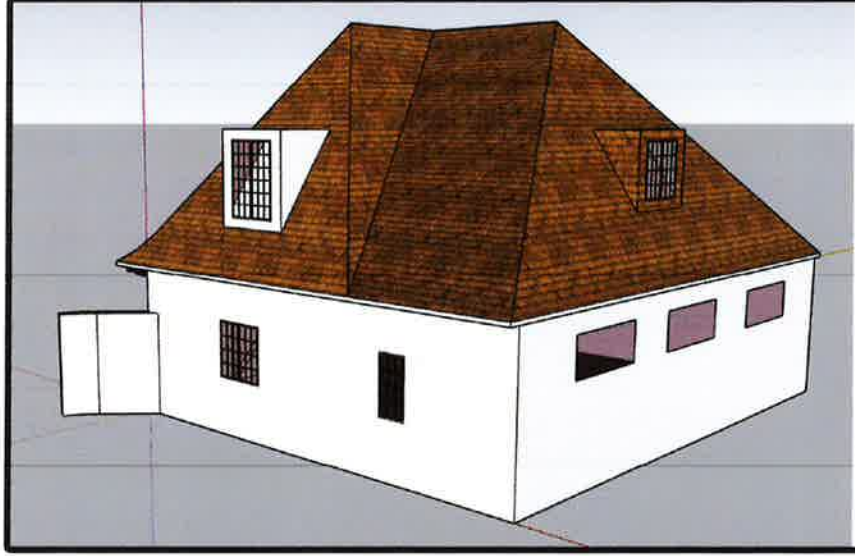
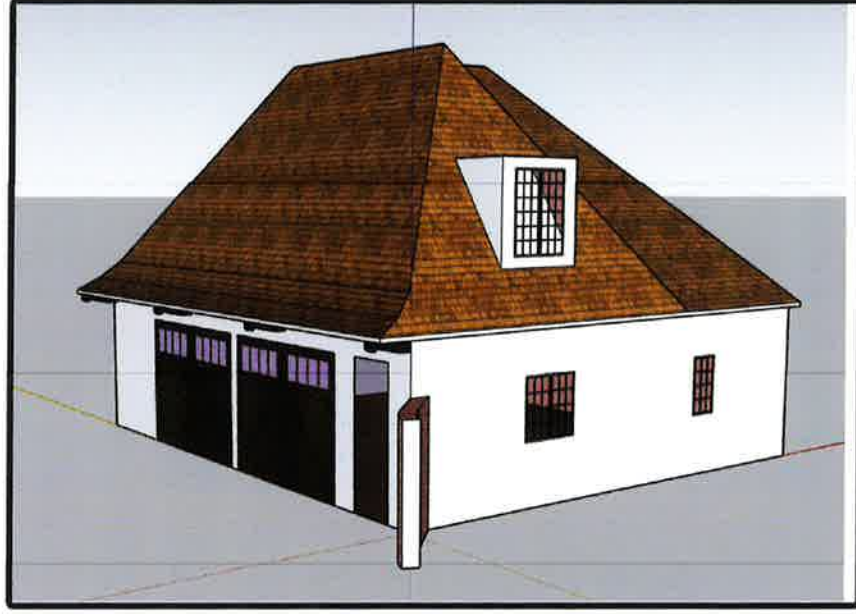
PLANS & ELEVATIONS

5-28-21 PRE-LIM DESIGN  
6-16-21 REVISED DESIGN  
11-30-21 REVISED DESIGN  
12-23-21 REVISED DESIGN  
1-6-22 FINAL DESIGN  
11-22-22 ZONING APPEAL

A100



3D Rendering of Proposed Garage Restoration  
at 584 Tooting Lane



















**VARIANCE REQUEST**

 ☐ BOARD OF ZONING APPEALS

Questions? (248) 530-1850  
[www.bhamgov.org/publicnotices](http://www.bhamgov.org/publicnotices)

 **BIRMINGHAM**  
A DALLAS CITY





Sami Asmar, MD  
638 Dewey St.  
Birmingham, MI 48009


December 27<sup>th</sup>, 2002

Building Department  
City of Birmingham  
151 Martin St  
P.O. Box 3001  
Birmingham, MI 48009

Dear Members of the Board of Zoning Appeals,

I received notice of our neighbors, Mike and Kathy Ableson's, request for a variance to restore their existing garage at 584 Tooting Lane. I'm writing to let you know I am fully in support of the project. I understand it is their intention to repair the existing structure to reflect the historic nature of their house and believe the project will enhance the overall symmetry and balance of our neighborhood.

Sincerely,



Sami Asmar, MD

## NOTICE OF PUBLIC HEARING

### BIRMINGHAM BOARD OF ZONING APPEALS

|  |  |
|--|--|
| Meeting Date, Time, Location:  | Tuesday, January 10, 2023, 7:30 p.m.<br>Municipal Building, 151 Martin<br>Birmingham, MI 48009                                 |
| Location of Request:   | 584 TOOTING LANE   |
| Nature of Hearing:   | Variances regarding the allowable size and setbacks to construct a second floor to an existing non-conforming detached garage. |
| City Staff Contact:  | Jeff Zielke 248-530-1849<br>jzielke@bhamgov.org  |
| Notice Requirements:   | Mailed to all property owners and occupants within 300 feet of subject address and published in newspaper 15 days prior.       |
| Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: <a href="https://zoom.us/j/96343198370">https://zoom.us/j/96343198370</a><br><b>Meeting Code: 963 4319 8370 or Dial: 877 853-5247 US Toll-Free</b><br>You may also present your written statement to the Building Dept., 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.  |  |

JANET & DONN DICKERSON  
525 TOOTING LANE  
BIRMINGHAM, MI 48009  
Ph-248-594-1424  
Email [janet525tooting@comcast.net](mailto:janet525tooting@comcast.net)  
12/23/2022



Building Dept.,  
City of Birmingham  
151 Martin Street, PO Box 3001  
Birmingham, MI 48012-3001

Re: Variances for 584 Tooting Lane

Gentlepersons,

Please be advised that we fully support the Abelson's effort to repair and rebuild the unit with variances applied for. The historic significance of the property is important to all in the neighborhood.

Thank You

Janet Dickerson

Donn Dickerson

cc---The Abelson's

## NOTICE OF PUBLIC HEARING

### BIRMINGHAM BOARD OF ZONING APPEALS

|  |  |
|--|--|
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# NOTICE OF PUBLIC HEARING

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RECEIVED

DEC 29 2022

CITY OF BIRMINGHAM  
COMMUNITY DEVELOPMENT DEPT.

We would like to register our  
Support for this proposed  
variance at 584 TOOTING LANE!

Jeff & Michelle Arming  
515 TOOTING LANE



# **CASE DESCRIPTION**

## **1616 Croft (23-04)**

**Hearing date: February 14, 2023**

**Appeal No. 23-04:** The owner of the property known **1616 Croft**, requests the following variances regarding a pergola and impervious surfaces to an existing non-conforming home:

A. Chapter 126, Article 4, Section 4.03(H) of the Zoning Ordinance requires the maximum area of the first floor of any accessory structure in the R2 zoning district is 550.00 SF. The existing detached garage is 528.00 SF. The constructed pergola brings the structures to 662.00 SF. Therefore, a variance of 112.00 SF is being requested.

B. Chapter 126, Article 4, Section 4.03(D) of the Zoning Ordinance requires that an accessory structure shall not be closer than 10.00 feet to the principal building located on the same lot. The constructed pergola is 4.50 feet away from principle house. Therefore, a variance of 5.50 feet is being requested.

C. Chapter 126, Article 4, Section 4.03(A) of the Zoning Ordinance requires that no accessory structure shall be erected in the required front or side open space. This is a corner lot and per Section 6.61(A)1; A Corner lot which has on its side street an abutting an 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. The required is 35.90 feet. The constructed pergola is 2.80 feet. Therefore, a variance of 33.10 feet is being requested.

D. Chapter 126, Article 4, Section 4.30 (C) (3) of the Zoning Ordinance requires that patios, porches or decks may not project into the required side open space. The patio is in the required side open space. Therefore, a variance to permit a patio in the side open space of 35.90 feet is being requested.

**Staff Notes:** This applicant is seeking approval for the pergola and the patio that was constructed. This location was granted a variance to construct an addition in February 2020 (Minutes attached) regarding the setback along the side street.

This property is zoned R2 – Single family residential.

## 1616 CROFT MAP



**CITY OF BIRMINGHAM**  
**Community Development - Building Department**  
**151 Martin Street, Birmingham, MI 48009**  
Community Development: 248-530-1850  
Fax: 248-530-1290 / [www.bhamgov.org](http://www.bhamgov.org)

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: 12.12.22

Received By: HT

Hearing Date: 1.10.23

Appeal #: 23.04

|                   |   |   |                                   |                               |                                       |
|-------------------|---|---|-----------------------------------|-------------------------------|---------------------------------------|
| Type of Variance: | <input type="checkbox"/> Interpretation | <input checked="" type="checkbox"/> Dimensional | <input type="checkbox"/> Land Use | <input type="checkbox"/> Sign | <input type="checkbox"/> Admin Review |
|-------------------|---|---|-----------------------------------|-------------------------------|---------------------------------------|

|                                 |             |   |
|---------------------------------|-------------|---|
| <b>I. PROPERTY INFORMATION:</b> |             |   |
| Address: <u>1616 CROFT RD</u>   | Lot Number: | Sidwell Number: <u>08-20-31-379-001</u> |

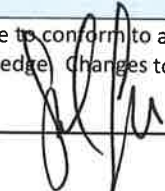
|                                       |                         |                            |                        |
|---------------------------------------|-------------------------|----------------------------|------------------------|
| <b>II. OWNER INFORMATION:</b>         |                         |                            |                        |
| Name: <u>SANDEEV SARNA</u>            |                         |                            |                        |
| Address: <u>1616 CROFT RD</u>         | City: <u>BIRMINGHAM</u> | State: <u>MI</u>           | Zip code: <u>48009</u> |
| Email: <u>sandeev.sarna@gmail.com</u> |                         | Phone: <u>248.217.6396</u> |                        |

|                                     |  |                    |        |
|-------------------------------------|--|--------------------|--------|
| <b>III. PETITIONER INFORMATION:</b> |  |                    |        |
| Name:                               |  | Firm/Company Name: |        |
| Address:                            |  | City:              | State: |
| Email:                              |  | Zip code:          |        |
|                                     |  | Phone:             |        |

|   |  |  |  |  |
|---|--|--|--|--|
| <b>IV. GENERAL INFORMATION:</b>   |  |  |  |  |
| <p>The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.</p> <p>To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted. Staff will explain how all requested variances must be highlighted on the survey, site plan and construction plans. Each variance request must be clearly shown on the survey and plans including a table as shown in the example below. All dimensions to be shown in feet measured to the second decimal point.</p> <p>The BZA application fee is <b>\$360.00</b> for single family residential; <b>\$560.00</b> for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.</p> |  |  |  |  |

| Variance Chart Example    |            |            |            |                 |
|---------------------------|------------|------------|------------|-----------------|
| Requested Variances       | Required   | Existing   | Proposed   | Variance Amount |
| Variance A, Front Setback | 25.00 Feet | 23.50 Feet | 23.50 Feet | 1.50 Feet       |
| Variance B, Height        | 30.00 Feet | 30.25 Feet | 30.25 Feet | 0.25 Feet       |

|   |  |
|---|--|
| <b>V. REQUIRED INFORMATION CHECKLIST:</b>   |  |
| <input checked="" type="checkbox"/> One original and nine copies of the <u>signed</u> application   |  |
| <input checked="" type="checkbox"/> One original and nine copies of the <u>signed</u> letter of practical difficulty and/or hardship              |  |
| <input checked="" type="checkbox"/> One original and nine copies of the certified survey  |  |
| <input checked="" type="checkbox"/> 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations   |  |
| <input checked="" type="checkbox"/> If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting |  |

|  |                       |
|--|-----------------------|
| <b>VI. APPLICANT SIGNATURE</b>   |                       |
| By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner. |                       |
| Signature of Owner:   | Date: <u>12.12.22</u> |
| Signature of Petitioner: _____   | Date: _____           |

## Letter of Practical Difficulty

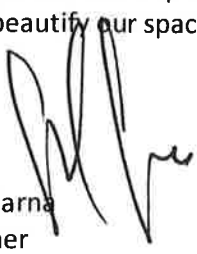
Dear Esteemed Board,

My family purchased our home at 1616 Croft Rd in January 2022, and wanted to maximize our lot space to use for family and pets. We had an existing fence and wanted to create a space to enjoy during the summer. To avoid any issues and to stay within guidelines, I reached out to a number of vendors who were recommended on the Birmingham Moms FB group. These were highly rated vendors who had completed projects for other homeowners and neighbors in the community. In March 2022, we selected Dan, from Long and Lockhart who advised that he had completed a number of projects within Birmingham. He also made claims that he had active sewer line repair contracts with the City so he was very familiar with Birmingham's codes and processes. I was presented a preliminary draft of the project which he mentioned was reviewed with the city and that would satisfy all the code and ordinance requirements. He assured me that all the needed permits were submitted and that we could get the project done by early May. During the buildout, we received no complaints from neighbors and the site was kept clean and free of any hazards. Towards the completion, we learned from city inspector Doug Manigold that Dan was delinquent in submitting an impervious permit and also a building permit. At this point, I was caught in between Dan and Doug the inspector. We asked Dan to halt the project in May and resolve the permit issues before moving forward. Since then, Dan has been fired after the owner learned of him misrepresenting the company, and in working outside of the approved processes. Dan is currently being sued by the majority owner of the company. The owner of the company is also very apologetic for all of Dan's lies and incompetence and is wanting to do what is needful.

At this point in the situation, I would like to request some variances with some changes that hopefully would allow us to get to a compromise. I would be willing to move the top wood pergola portion so that it would reduce the overall footprint from 100 sq feet to 66 sq ft. This would also reduce the height and any visibility from the street. The outdoor bar has a footprint of 2 feet by 33 feet. I would also be willing to remove all the pavers on the side of the house per the hand sketch attached (Proposed Changes) to reduce the amount of patio area and replace it with green space. I would appreciate it if we could keep the accessory structure in the space where it has been built considering it is already in place, not visible from the street or by neighbors, and screened from the street by the existing fence.

I am willing to discuss other options or suggestions you would have and appreciate the time you are taking to review this request for variances. It was not our intention to cause any issues. We were just trying to beautify our space and make it more useable for our family.

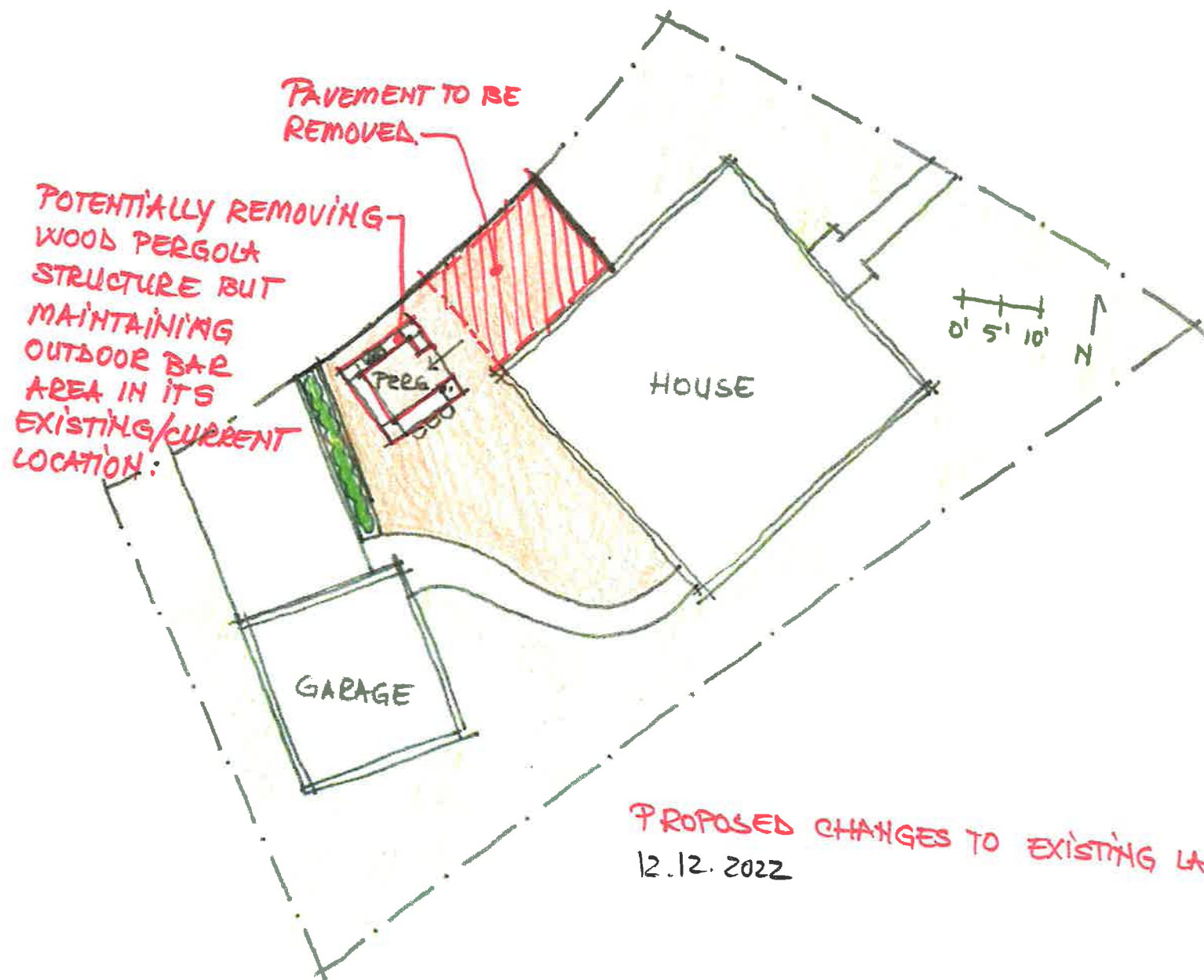
Sincerely,



Sandeep Sarna  
Homeowner

248-217-6396

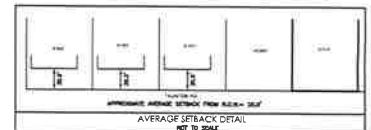
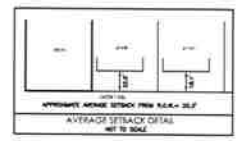
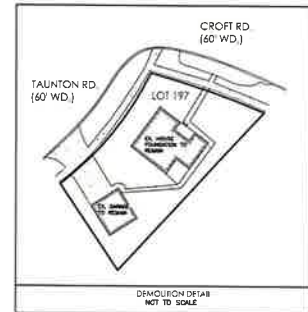
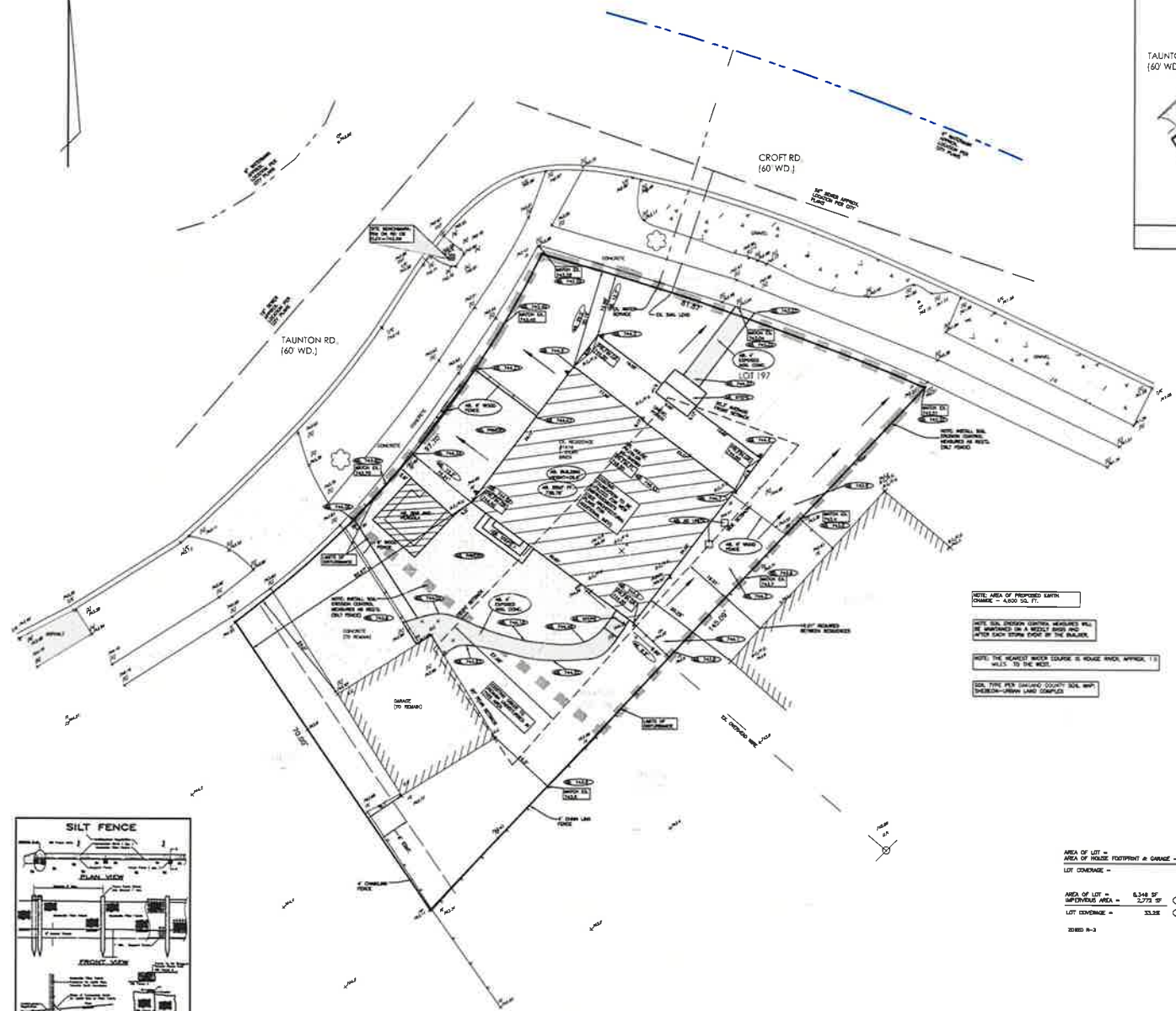
[Sandeep.sarna@gmail.com](mailto:Sandeep.sarna@gmail.com)



PROPOSED CHANGES TO EXISTING LAYOUT  
12.12.2022







**SOIL EROSION NOTES:**

- 1) INITIAL EROSION CONTROL MEASURES PRIOR TO CONSTRUCTION.
- 2) ALL SOIL EROSION MEASURES MUST BE IN PLACE PRIOR TO ANY DIRT MOVEMENT.
- 3) COMPLETE ALL EARTH MOVEMENT.
- 4) RIGHT-OF-WAY MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
- 5) ALL DRAINAGE AREAS, ALL SLOPES GREATER THAN 1:5 AND 10' AROUND STORM STRUCTURES MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
- 6) AFTER PERMANENT EARTH STABILIZATION IS COMPLETED, REMOVE EROSION CONTROL MEASURES.

- LEGEND**
- SECTION CORNER
  - EXISTING DRAIN, ROAD, RAIL
  - SET BACK
  - MEASURED
  - CALCULATED
  - CONSTRUCTION
  - UTILITY POLE
  - EDGE OF WOODS
  - BOTTOM OF BERM
  - TOP OF BERM
  - EDGE OF ASPHALT
  - EDGE OF CONCRETE
  - COMPOSITE METAL PIPE INVERT
  - TOP OF WALL
  - BOTTOM OF WALL
  - EXISTING GRADE
  - PROPOSED GRADE
  - EXISTING GRADE
  - PAVE PROPOSED GRADE AS SHOWN
  - C.S. FILTER
  - SEWER/POUT
  - TRIE
  - TRIE (REMOVE)
  - SILT FENCE

NOTE: THIS PLAN WAS PREPARED BY THE ENGINEER, FIELD WORK AND PERFORMANCE APPROVAL OF THIS PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL APPLICABLE CODES AND/OR ORDINANCES.

NOTE: THIS SHOWN IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY. THE SHOWN IS NOT TO BE USED FOR THE ESTABLISHMENT OF ANY PROPERTY LINES OR OTHER INTERESTS.

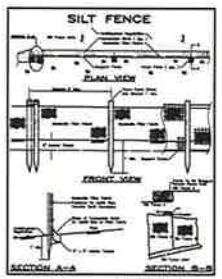
NOTE: ACTUAL AS-BUILT LAND LOCATIONS MUST BE OBTAINED FROM THE CITY/TOWNSHIP.

NOTE: PROPOSED HOUSE HAS PROPOSED DEEP DRAIN LEADER.

| CONSTRUCTION SEQUENCE               | DATE | BY | REVISIONS |
|-------------------------------------|------|----|-----------|
| A. SOIL EROSION CONTROL MEASURE     |      |    |           |
| B. HOUSE CONSTRUCTION               |      |    |           |
| C. DRIVEWAY & SIDEWALK CONSTRUCTION |      |    |           |
| D. FINAL GRADING                    |      |    |           |
| E. PERMANENT SOIL EROSION           |      |    |           |

AREA OF LOT = 6,346 SF.  
AREA OF HOUSE FOOTPRINT & GARAGE = 2,247 SF.  
LOT COVERAGE = 35.38%

AREA OF LOT = 6,346 SF.  
AREA OF HOUSE FOOTPRINT & GARAGE = 2,247 SF.  
LOT COVERAGE = 35.38%



**811**  
BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171

ADDRESS: 1616 CROFT RD.  
PARCEL ID: #20-31-379-001

CITY RECORDING: \$14. BRIDGE DATE LOCATED AT THE NW CORNER OF ETON AND SHEFFIELD, ELEV: 741.30 (2007 DATUM)

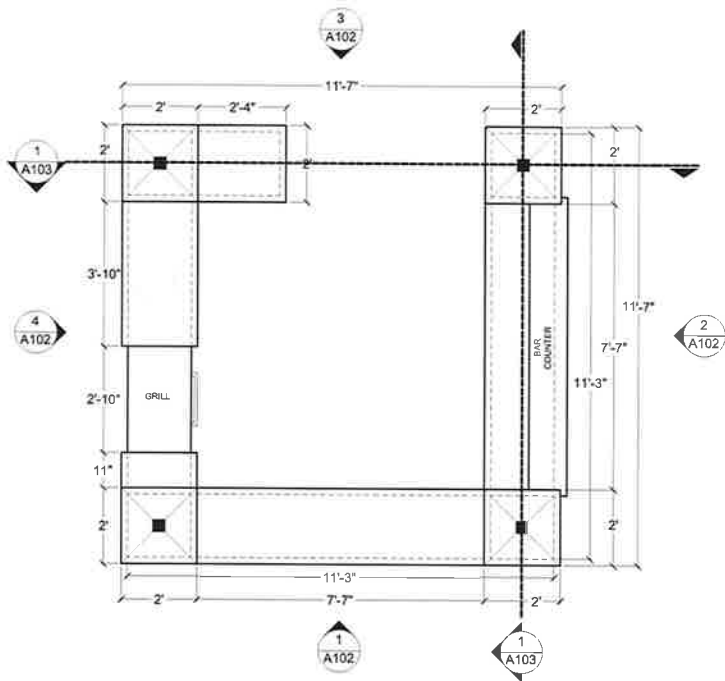
**REVISIONS**

| NO. | DATE   | DESCRIPTION        | BY   | CHKD |
|-----|--------|--------------------|------|------|
| 1   | 3/1/20 | ISSUED FOR PERMITS | J.M. | J.M. |

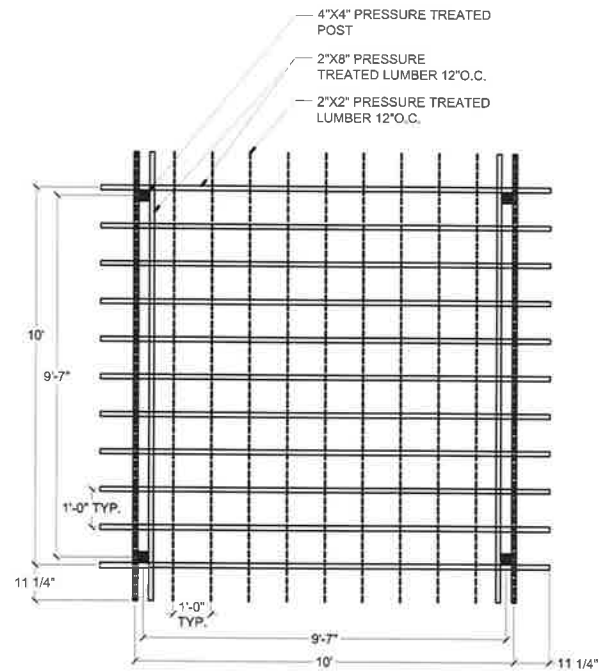
**Fenn & Associates, Inc.**  
Land Surveying and Civil Engineering  
20703 Commerce at Three, Suite 100, Farmington, CT 06031  
(203) 671-1111  
FENN & ASSOCIATES, INC. IS AN EQUAL OPPORTUNITY EMPLOYER

CLIENT: SANGDEY SAINHA

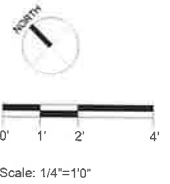
19-00358-02



FLOOR PLAN



ROOF PLAN



ORIGINAL ISSUE DATE:  
AS-BUILT 10.27.2022

REVISIONS:

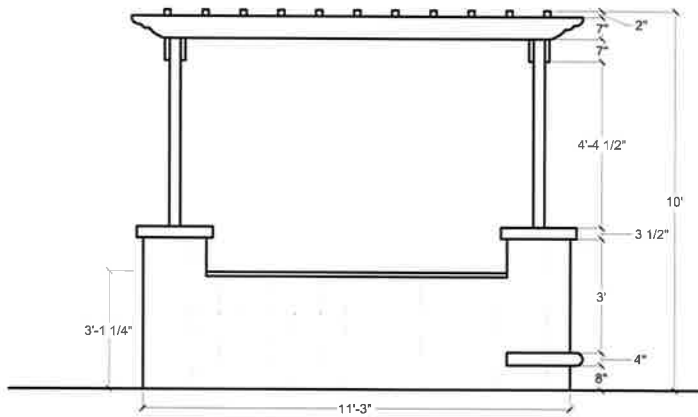
PROJECT LOCATION:  
1616 CROFT  
BIRMINGHAM, MI 48009

ISSUED FOR:  
LONG & LOCKHART LLC

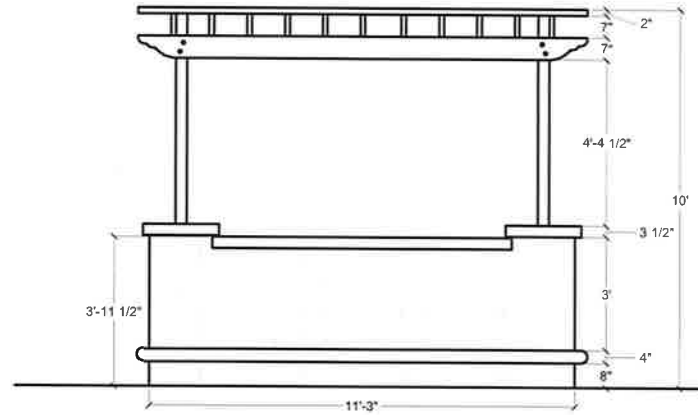
PREPARED BY:  
CORINA HOPKINS  
CORINA HOPKINS DESIGN LLC

A 101

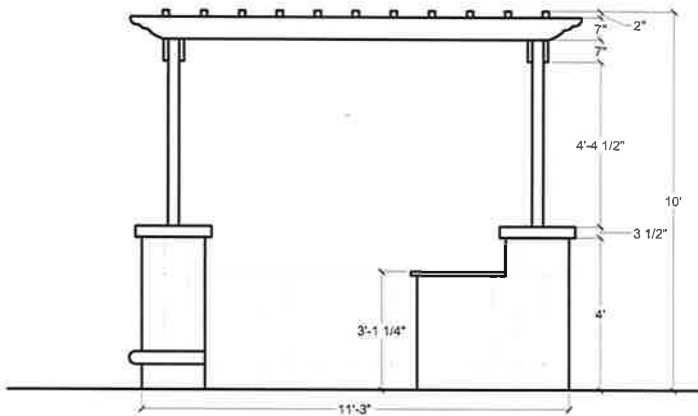




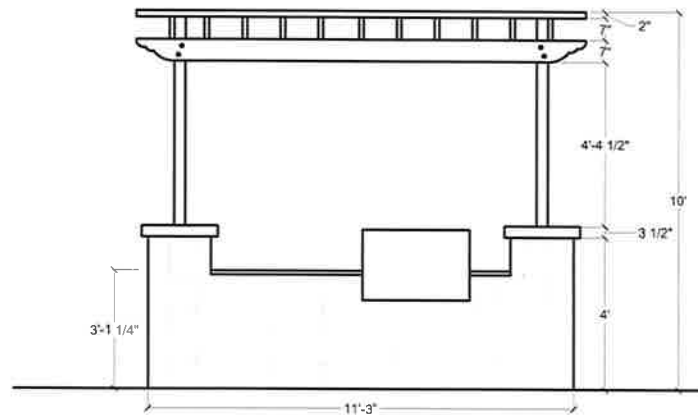
ELEVATION 1



ELEVATION 2



ELEVATION 3



ELEVATION 4



Scale: 1/4"=10'

ORIGINAL ISSUE DATE:  
AS-BUILT 10.27.2022

REVISIONS:

PROJECT LOCATION:  
1616 CROFT  
BIRMINGHAM, MI 48009

ISSUED FOR:  
LONG & LOCKHART LLC

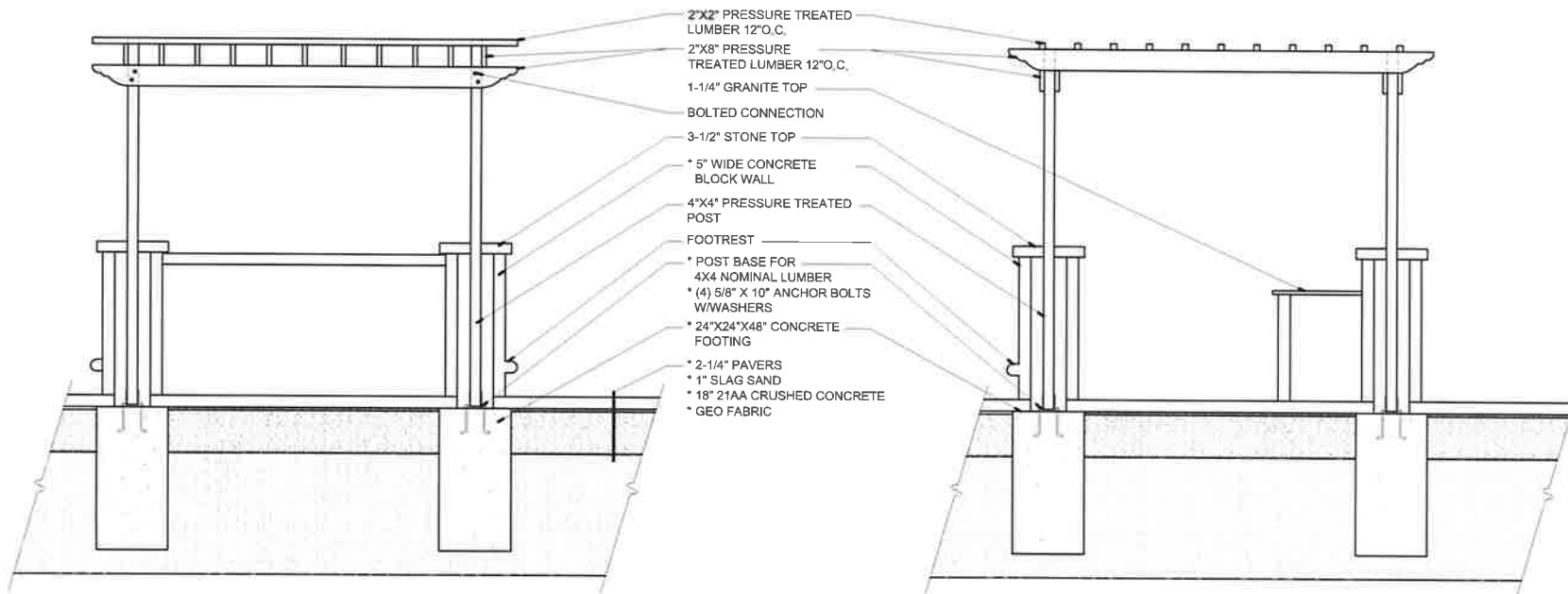
PREPARED BY:  
CORINA HOPKINS  
CORINA HOPKINS DESIGN LLC

A 102

NOTES:

AS-BUILT DRAWINGS BASED ON  
FIELD MEASUREMENTS AND

\* INFORMATION PROVIDED BY  
INSTALLER



SECTION 1

SECTION 2



Scale: 1/4"=1'0"

ORIGINAL ISSUE DATE:

AS-BUILT 10.27.2022

REVISIONS:

PROJECT LOCATION:

1616 CROFT  
BIRMINGHAM, MI 48009

ISSUED FOR:

LONG & LOCKHART LLC

PREPARED BY:

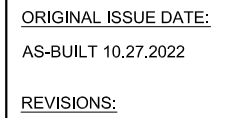
CORINA HOPKINS  
CORINA HOPKINS DESIGN LLC

A 103







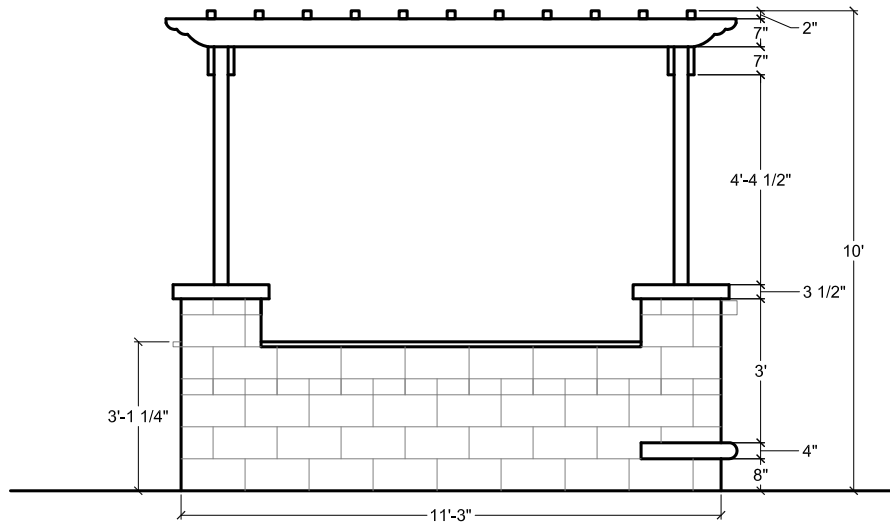


PROJECT LOCATION:  
1616 CROFT  
BIRMINGHAM, MI 48009

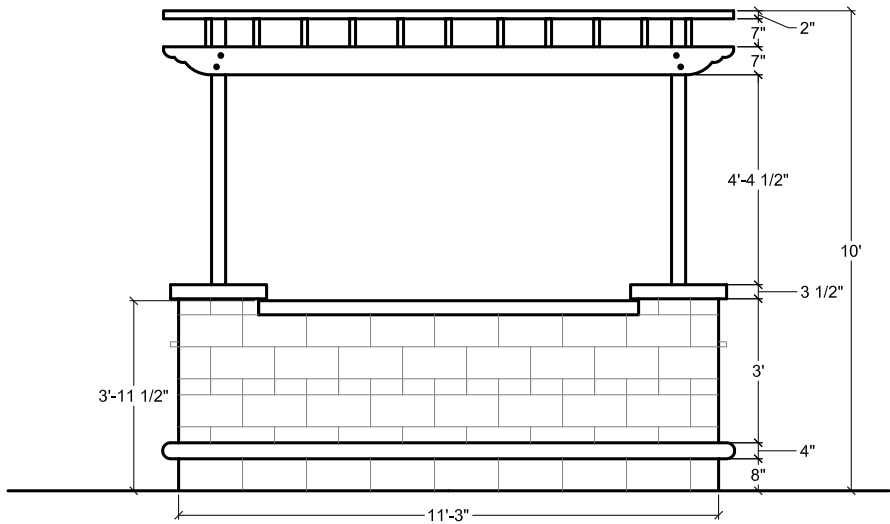
ISSUED FOR:  
LONG & LOCKHART LLC

PREPARED BY:  
CORINA HOPKINS  
CORINA HOPKINS DESIGN LLC

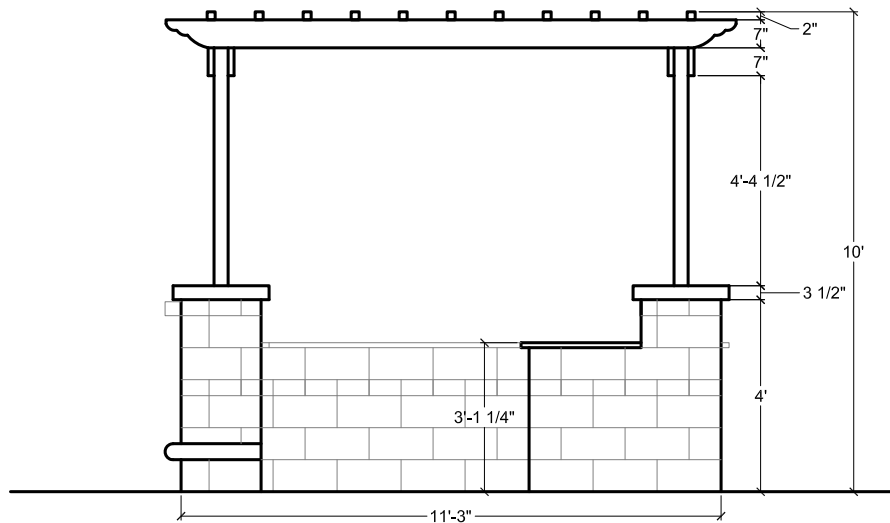
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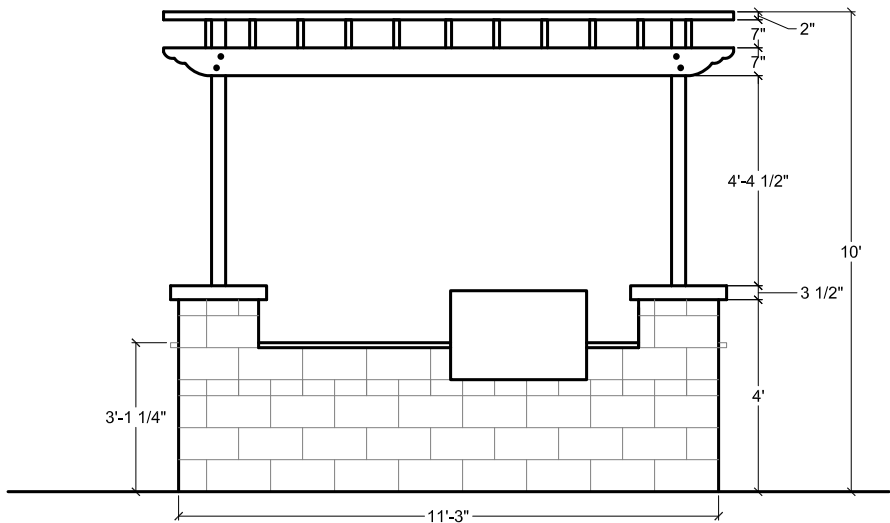
ELEVATION 1



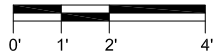
ELEVATION 2



ELEVATION 3



ELEVATION 4



Scale: 1/4"=1'0"

ORIGINAL ISSUE DATE:

AS-BUILT 10.27.2022

REVISIONS:

PROJECT LOCATION:

1616 CROFT  
BIRMINGHAM, MI 48009

ISSUED FOR:

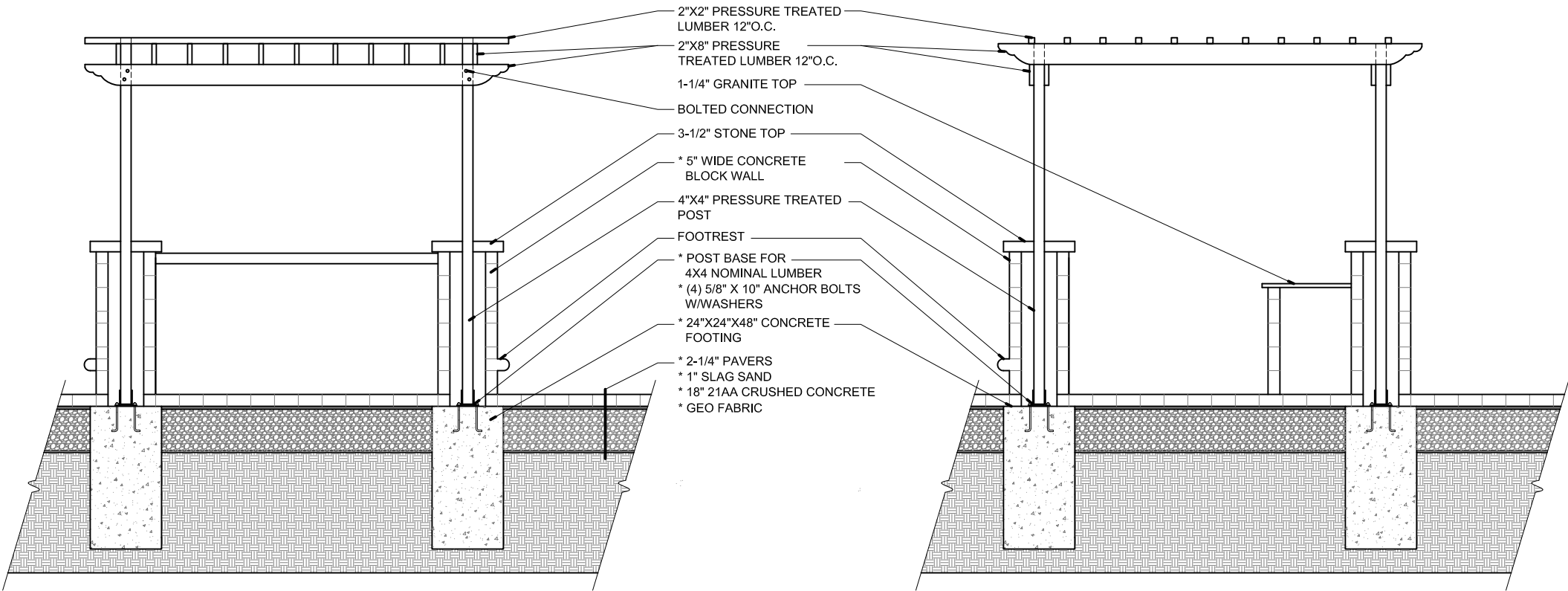
LONG & LOCKHART LLC

PREPARED BY:

CORINA HOPKINS  
CORINA HOPKINS DESIGN LLC

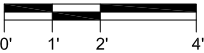
A 102

NOTES:  
AS-BUILT DRAWINGS BASED ON  
FIELD MEASUREMENTS AND  
\* INFORMATION PROVIDED BY  
INSTALLER



SECTION 1

SECTION 2



Scale: 1/4"=1'0"

ORIGINAL ISSUE DATE:

AS-BUILT 10.27.2022

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LONG & LOCKHART LLC

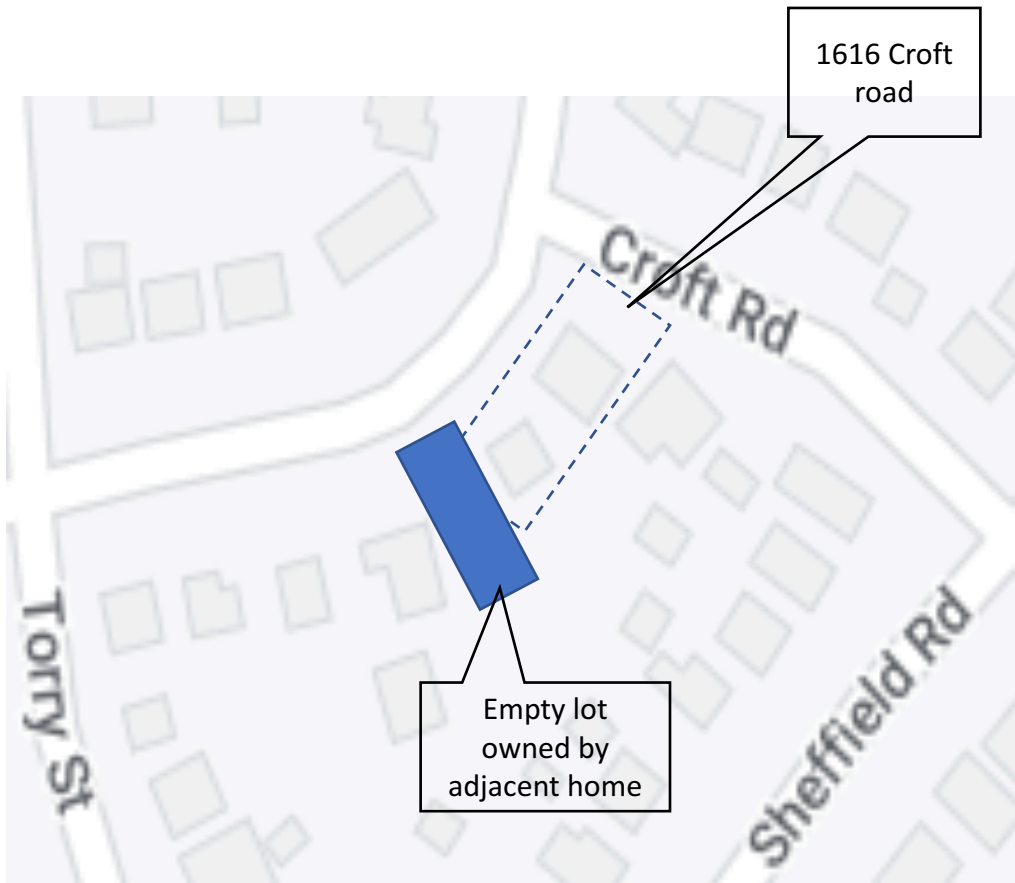
PREPARED BY:

CORINA HOPKINS  
CORINA HOPKINS DESIGN LLC

A 103

1616 Croft rd

The orientation of the lot on which 1616 Croft sits, is abnormal and does not allow for very many options for an owner to appropriately utilize the space for family dwelling. The codes and ordinances limit the usage of the space.



Existing abnormalities contributing to hardship considerations:

- Abnormal lot configuration has 1 side lot and 2 fronts. This is a rare case.
- Rear of home is separated from the next residence (side lot) by an empty lot and garage.
- Builder was granted a variance in order to build a house appropriate for the lot size.
- Location of existing garage structure does not allow for great usage of backyard for kids and dog.



Hardscaping within fence at the rear and side lots are to maximize gathering space for the family

### **Rear of home**

- Structure was placed under the tree to take advantage of the tree shade



### **Side of home**

- Hardscaping done to maximize usable space



Images of the gathering space from outside the fence. The fence and pergola would be painted the same color as to blend into the background.

- The gathering space and hardscaping are protected behind the privacy fence
- The project was inspired by many of the homes seen throughout the City of Birmingham





**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS**  
**TUESDAY, FEBRUARY 11, 2020**  
**City Commission Room**  
**151 Martin Street, Birmingham, Michigan**

---

**1. CALL TO ORDER**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, February 11, 2020. Vice-Chairman Jason Canvasser convened the meeting at 7:30 p.m.

**2. ROLL CALL**

**Present:** Board Members Jason Canvasser, Kevin Hart, John Miller, Erik Morganroth, Francis Rodriguez; Alternate Board Member Ron Reddy

**Absent:** Chairman Charles Lillie; Board Member Richard Lilley; Alternate Board Member Jerry Attia

**Administration:**

Bruce Johnson, Building Official  
Mike Morad, Asst. Building Official  
Jeff Zielke, Asst. Building Official  
Brooks Cowan, City Planner  
Laura Eichenhorn, Transcriptionist

Vice-Chairman Canvasser explained BZA procedure to the audience. He noted that the members of the Board of Zoning Appeals are appointed by the City Commission and are volunteers who serve staggered three-year terms. They are a quasi-judicial board and sit at the pleasure of the City Commission to hear appeals from petitioners who are seeking variances from the City's Zoning Ordinance. Under Michigan law, a dimensional variance requires four affirmative votes from this board, and the petitioner must show a practical difficulty. A land use variance requires five affirmative votes and the petitioner has to show a hardship. He pointed out that this board does not make up the criteria for practical difficulty or hardship. That has been established by statute and case law. Appeals are heard by the board as far as interpretations or rulings. In that type of appeal the appellant must show that the official or board demonstrated an abuse of discretion or acted in an arbitrary or capricious manner. Four affirmative votes are required to reverse an interpretation or ruling.

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

**T# 02-07-20**

**3. APPROVAL OF THE MINUTES OF THE BZA MEETING OF JANUARY 14, 2020**

**Motion by Mr. Morganroth**

**Seconded by Mr. Reddy to accept the Minutes of the BZA meeting of January 14, 2020 as submitted.**

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: Morganroth, Reddy, Canvasser, Hart, Miller, Rodriguez

Nays: None

**T# 02-08-20**

**4. APPEALS**

**1) 1616 Croft  
Appeal 20-09**

Assistant Building Official Morad presented the item, explaining the owner of the property known as 1616 Croft was requesting the following variance to construct a second floor addition on top of an existing non-conforming home along with an addition to the first floor at the rear of the home:

**A. Chapter 126, Article 4, Section 4.61(A)(1)** of the Zoning Ordinance requires that 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 of the average of the homes within 200.00 feet in each direction. The required front yard setback is 35.90 feet. The proposed is 15.10 feet. Therefore a variance of 20.80 feet is being requested.

Assistant Building Official Morad noted the home was constructed in 1949. This property is zoned R2 – Single Family Residential.

Robin Ballew, architect, was present on behalf of the appeal.

Mr. Ballew explained that he did not limit the overhangs only to the portion of the home that would not have increased the non-conformity because to do so would have prevented the home from being aesthetically pleasant and from having a cohesive feel. He explained that limiting the house to only having an overhang in the area of conformity would not likely have been the original intention of the ordinance, and that this home presents an exception to an ordinance that otherwise works for most homes in the neighborhood.

No members of the public wished to comment.

**Motion by Mr. Rodriguez**

**Seconded by Mr. Morganroth with regard to Appeal 20-09, A. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that 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 of the average of the homes within 200.00 feet in each direction. The required front yard setback is 35.90 feet. The proposed is 15.10 feet. Therefore a variance of 20.80 feet is being requested.

Mr. Rodriguez moved to approve the variance because practical difficulty had been established, and to tie approval to the plans as submitted. He said the existing non-conforming home is a unique circumstance of the property, that the need for the variance is not self-created, granting the variance would not adversely affect the adjacent properties, and that the variance requested is the minimum necessary since it does not expand the existing footprint of the home.

Mr. Miller said he would support the motion because while a 20 foot variance is unusual in a front yard, this is a corner lot with unique conditions that merit the granting of the variance and does not set any precedent.

**Motion carried, 6-0.**

ROLL CALL VOTE

Yeas: Rodriguez, Morganroth, Reddy, Canvasser, Hart, Miller

Nays: None

**2) 770 S. Adams  
Appeal 20-10**

City Planner Cowan presented the item, explaining the owner of the property known as 770 S. Adams was requesting the following interpretation OR variance regarding side yard setback in the Triangle District:

**A. Chapter 126, Article 3, Section 3.08(B)** of the Zoning Ordinance Triangle District Overlay requires a minimum side yard setback of 10 feet for walls that contain windows. Meanwhile, **Chapter 126, Article 3, Section 3.16(C)(1)** of the Zoning Ordinance Via Activation Overlay states that side setbacks shall not be required where side lot lines adjoin a via. The subject property resides within the Triangle Overlay District and is adjacent to a public alley, therefore the property is subject to both the Triangle District Overlay standards and the Via Activation Overlay standards.

**Chapter 126, Article 3, Section 3.06(C)** states that the provisions of the Triangle Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence. However, **Chapter 126, Article 3, Section 3.15(C)** states the provisions of the Via Activation Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence. The applicant has requested an interpretation as to which overlay standard takes precedence in regards to side setbacks along an alley within the Triangle Overlay District and Via Overlay District.

**B. Chapter 126, Article 3, Section 3.08(B)** of the Triangle District Overlay standards in the Zoning Ordinance requires a minimum side yard setback of 10 feet for walls that

contain windows. The applicant has proposed a windowed side wall on the southern elevation that is setback 3'4" from the property line on the first floor, and a windowed side wall that is 2 feet from the property line on floors two through six. Therefore, a dimensional variance of 6'8" for the first floor on the southern elevation and 8 feet for floors two through six on the southern elevation has been requested.

City Planner Cowan noted the subject property is zoned B2 General Business, as well as MU-3 and MU-5 in the Triangle District Overlay. The proposed project was brought before the Planning Board on January 8th, 2020. The report presented by the Planning Division called out the side setback requirement on the southern elevation of 10 feet for walls with windows as per the Triangle Overlay District standards. The Preliminary Site Plan report considered the subject property to be adjacent to an alley and subject to the Via Activation Overlay standards as it recommends that the Planning Board consider design enhancements along the alley. It is of note that the report did not mention the setback requirements for the Via Activation Overlay District standards at the time. The Triangle Overlay District standards were approved in 2007 while the Via Activation Overlay District standards were approved in 2012.

In reply to Vice-Chairman Canvasser, City Planner Cowan said he was unsure whether the City intended the Via Activation Overlay District standards to prevail over the Triangle Overlay District standards or vice-versa.

Vice-Chairman Canvasser asked if there was any intent on the part of the City to clarify which set of standards should take precedence.

City Planner Cowan stated it would be beneficial if the City did so.

In reply to Mr. Reddy, Building Official Johnson said that conflicts in the zoning ordinance may be resolved by the Board of Zoning Appeals.

Vice-Chairman Canvasser said there were two requests before the Board in this appeal:

1. Which set of standards should take precedence in this appeal; and,
2. If the Board concurs that the Triangle Overlay District standards supercede the Via Activation Overlay District standards in this appeal, whether the requested dimensional variance should be granted.

In reply to Mr. Miller, City Planner Cowan explained the question of standard precedence was not resolved by the Planning Board in this case because the Planning Department only discussed the ten-foot setback requirement of the Triangle Overlay District standards during preliminary site plan review, and did not note that this property is also subject to Via Activation District overlay standards, which do not require a side setback.

In reply to Mr. Miller, Vice-Chairman Canvasser said that a BZA decision on would not set a binding precedent for future appeals. He said the Board could pass an interpretation specific to this circumstance. He also said it would be wise for the BZA to invite the Planning Board and the City to review this issue and to resolve the attendant ambiguity present in the zoning at this time.



Building Official Johnson agreed, saying City staff need to work with the Planning Board to resolve the ambiguity present in the zoning ordinance regarding the standard precedence question.

Rick Rattner, attorney for the appeal, reviewed the appellant's request.

In reply to Mr. Hart, Mr. Rattner explained:

- A solid wall along the alley would be more detrimental to the appeal than the proposed windows because a large blank wall go against the precepts of the Triangle Overlay District.
- The issue would be resolved if the Via Activation District standards are found to supercede the Triangle Overlay District standards in this appeal.
- Having the windows along the alley would necessitate glass that addresses any fire concerns and other design elements to make sure the building conforms to safety codes. Adhering to these requirements would present no issue for the appellant.

No members of the public wished to comment.

**Motion by Vice-Chairman Canvasser**

**Seconded by Mr. Rodriguez with regard to Appeal 20-10, A. Chapter 126, Article 3, Section 3.08(B) of the Zoning Ordinance Triangle District Overlay requires a minimum side yard setback of 10 feet for walls that contain windows. Meanwhile, Chapter 126, Article 3, Section 3.16(C)(1) of the Zoning Ordinance Via Activation Overlay states that side setbacks shall not be required where side lot lines adjoin a via. The subject property resides within the Triangle Overlay District and is adjacent to a public alley, therefore the property is subject to both the Triangle District Overlay standards and the Via Activation Overlay standards. Chapter 126, Article 3, Section 3.06(C) states that the provisions of the Triangle Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence. However, Chapter 126, Article 3, Section 3.15(C) states the provisions of the Via Activation Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence. The applicant has requested an interpretation as to which overlay standard takes precedence in regards to side setbacks along an alley within the Triangle Overlay District and Via Overlay District. B. Chapter 126, Article 3, Section 3.08(B) of the Triangle District Overlay standards in the Zoning Ordinance requires a minimum side yard setback of 10 feet for walls that contain windows. The applicant has proposed a windowed side wall on the southern elevation that is setback 3'4" from the property line on the first floor, and a windowed side wall that is 2 feet from the property line on floors two through six. Therefore, a dimensional variance of 6'8" for the first floor on the southern elevation and 8 feet for floors two through six on the southern elevation has been requested.**

**Vice-Chairman Canvasser moved to approve an interpretation whereby the Via Activation Overlay District controls in this situation, thereby allowing the windows to abut the alley and negating the necessity for the Board to consider any variances. He strongly recommended to City Staff and the Planning Board that the issue of standard**

**precedence be studied and resolved. Vice-Chairman Canvasser stated that this BZA decision was based on the particular facts and circumstances of this appeal, and shall not be taken as a binding precedent for future BZA appeals. Vice-Chairman Canvasser concluded that an approval of this appeal would be tied to the plans as submitted.**

**Mr. Morganroth said that he would support this motion because having an alley with no windows contradicts the City's stated goal of activating its alleys.**

**Motion carried, 6-0.**

ROLL CALL VOTE

Yeas: Canvasser, Rodriguez, Reddy, Hart, Miller, Morganroth

Nays: None

**3) 932 Chestnut  
Appeal 20-11**

Assistant Building Official Zielke presented the item, explaining the owner of the property known as 932 Chestnut requested was requesting the following variance to construct a window well in the required front open space:

**A. Chapter 126, Article 4, Section 4.30(C) 4** of the Zoning Ordinance prohibits window wells to be erected in the required front open space. A window well is proposed to be constructed in the required front open space; therefore a variance to permit the window well is requested.

Assistant Building Official Zielke noted the applicant proposes to construct a window well around an existing basement window on the front of the home. The existing home was constructed in 1976. This property is zoned R2 – Single Family Residential.

Daniel Ionescu, owner, and Lee Traxler of ZLM Services were present on behalf of the appeal. Mr. Traxler reviewed the appeal for the Board.

In reply to Mr. Hart, Building Official Johnson said he could see an argument that a window well already exists on this property and this appeal only proposes to raise the grade and slope the water out to the road. He said in putting in the walls and raising the grade, however, the proposal would actually be creating the window well. Building Official Johnson said the appellant seemed to be attempting mitigation by proposing to disguise the window well as part of the porch.

Mr. Traxler told Mr. Miller the top of the drain would remain where it is currently located.

Mr. Miller said he would have liked a clear layout of the existing wall, drain, window and sidewalk, a clear layout of the proposed changes to those elements, and why those proposed changes would be necessary. He said without that documentation the Board could only speculate how high the window well retaining wall should be and if the guard rail is required. While acknowledging that this lot had a unique condition, Mr. Miller emphasized that City zoning

regularly aims to avoid window wells in front yards. Mr. Miller said the appeal seemed well thought out, but that without line drawings of the present and proposed conditions he could not determine the appeal's necessity.

Michael Heilman, resident of Forest Street, said he wanted to do a window well on his property and noted that the most recent revisions to the Building Officials and Code Administrators (BOCA) National Code require a means of egress from basements. Mr. Heilman said he was in support of Mr. Ionescu's appeal, that he could not understand why the Board found window wells in front yards objectionable, and that the City's prohibition on window wells in front yards needs to be revisited.

Vice-Chairman Canvasser explained that it is the ordinance that prohibits window wells in front yards, not the Board.

Mr. Heilman said he understood, and that he was asking the BZA to revisit the matter.

Mr. Morganroth said that if window wells were prohibited on all sides of a home, that would present a practical difficulty. He noted that the ordinance allows window wells on all sides of a home except for the front, however, which makes it much more difficult to explain why putting a window well in the front yard is a necessity.

Mr. Heilman said he could not understand why an eight to ten foot porch into the front yard setback is not a problem, but a hole in the ground would be. He said he understood that to be the case in City ordinance, and asked the BZA again to consider the matter for review.

Assistant Building Official Zielke confirmed for Mr. Hart that the window being requested as part of this appeal is not an egress window.

After discussion, the Board concurred they would like to have more documentation from the applicant regarding the grade, the flow of water, where the drain would be located, whether the drain could be lowered, and whether the same results could be achieved without creating a well prohibit by the ordinance.

Vice-Chairman Canvasser advised the appellant that they could elect to return with the requested documentation, or could ask the Board to presently proceed with a vote on the appeal. Vice-Chairman Canvasser reminded the appellant that he would need four affirmative votes from Board members, that there were only six Board members present, and that a number of Board members had already expressed that they did not feel they had enough information to render a decision.

Mr. Ionescu said he would like consideration of Appeal 20-11 to be adjourned to the March 2020 BZA meeting, saying he would return with more information.

**Motion by Mr. Reddy**

**Seconded by Vice-Chairman Canvasser with regard to Appeal 20-11, A. Chapter 126, Article 4, Section 4.30(C) 4 of the Zoning Ordinance prohibits window wells to be erected in the required front open space. A window well is proposed to be constructed**

**in the required front open space; therefore a variance to permit the window well is requested.**

**Mr. Reddy moved to adjourn consideration of Appeal 20-11 to the regularly scheduled March 2020 BZA meeting, at which time the appellant would provide more information with regards to the Board's questions regarding grade, efficacy of the solution proposed, and whether any other solution would equally well without requiring a variance.**

**Motion carried, 6-0.**

Yeas: Reddy, Canvasser, Rodriguez, Hart, Miller, Morganroth  
Nays: None

**T#02-09-20**

**5. CORRESPONDENCE** (included in agenda)

**T# 02-10-20**

**6. GENERAL BUSINESS**

Building Official Johnson asked the Board members to review the draft master plan and to be prepared to give BZA-related comments regarding the draft's contents during the March 2020 BZA meeting. He explained that discussion would be open to public comment as well. He advised the Board members that he was providing them with a hard copy of highlights from the draft, and that a full version of the draft could be found at [thebirminghamplan.com](http://thebirminghamplan.com).

Building Official Johnson also noted that the Board members were being provided with a hard copy of the new zoning ordinance. He recommended the Board members view the online version of the zoning ordinance as well, saying it had been optimized to provide a much more user-friendly experience than the previous version.

**T# 02-11-20**

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

No members of the public wished to comment.

**T# 02-12-20**

**8. ADJOURNMENT**

No further business being evident, the board members passed a motion to adjourn at 8:47 p.m.

A handwritten signature in blue ink, appearing to read "Bruce R. Johnson", is positioned above a horizontal line.

Bruce R. Johnson, Building Official

# **CASE DESCRIPTION**

**832 Ann Street (23-08)**

**Hearing date: February 14, 2023**

**Appeal No. 23-08:** The owner of the property known **832 Ann Street**, requests the following variances for a constructed Pergola in the rear yard:

A. Chapter 126, Article 2, Section 2.10.1 of the Zoning Ordinance requires the maximum lot coverage of the lot is 30% (1885.80 SF). The existing is 29.10% (1830.00 SF). The proposed with the pergola is 34.01% (2138.00 SF). Therefore, a variance of 4.10% (254.30 SF) is being requested.

B. Chapter 126, Article 4, Section 4.03(H) of the Zoning Ordinance requires the maximum area for permitted accessory structures in the R3 zoning district is 500.00 SF. The existing detached garage is 420 SF and the constructed pergola is 308 SF. The total of accessory structures is 728.00 SF. Therefore, a variance of 228.0 SF is being requested.

**Staff Notes:** This applicant is requesting an additional square footage on the lot coverage and accessory structures on a home that was constructed in 2019/2020.

This property is zoned R3 – Single family residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official



## 832 ANN MAP



**CITY OF BIRMINGHAM**  
**Community Development - Building Department**  
151 Martin Street, Birmingham, MI 48009  
Community Development: 248-530-1850  
Fax: 248-530-1290 / [www.bhamgov.org](http://www.bhamgov.org)

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: 1/6/2023

Hearing Date: 2/14/2023

Received By: HT

Appeal #: 23-0008

|                   |  |   |  |  |  |
|-------------------|--|---|--|--|--|
| Type of Variance: | <input checked="" type="checkbox"/> Interpretation | <input checked="" type="checkbox"/> Dimensional | <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Sign | <input checked="" type="checkbox"/> Admin Review |
|-------------------|--|---|--|--|--|

**I. PROPERTY INFORMATION:**

|                             |                                     |                 |
|-----------------------------|-------------------------------------|-----------------|
| Address: <u>832 Ann St.</u> | Lot Number: <u>08-19-36-256-009</u> | Sidwell Number: |
|-----------------------------|-------------------------------------|-----------------|

**II. OWNER INFORMATION:**

|                                      |                      |                            |                        |
|--------------------------------------|----------------------|----------------------------|------------------------|
| Name: <u>Kevin and Toni Ratliff</u>  |                      |                            |                        |
| Address: <u>934 Columbia St.</u>     | City: <u>Houston</u> | State: <u>TX</u>           | Zip code: <u>77008</u> |
| Email: <u>Ratliff.toni@gmail.com</u> |                      | Phone: <u>713-206-4688</u> |                        |

**III. PETITIONER INFORMATION:**

|                                      |                      |                              |                        |                    |  |
|--------------------------------------|----------------------|------------------------------|------------------------|--------------------|--|
| Name: <u>Kevin and Toni Ratliff</u>  |                      |                              |                        | Firm/Company Name: |  |
| Address: <u>934 Columbia St.</u>     | City: <u>Houston</u> | State: <u>TX</u>             | Zip code: <u>77008</u> |                    |  |
| Email: <u>Ratliff.toni@gmail.com</u> |                      | Phone: <u>(713) 206-4688</u> |                        |                    |  |

**IV. GENERAL INFORMATION:**

The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted. Staff will explain how all requested variances must be highlighted on the survey, site plan and construction plans. Each variance request must be clearly shown on the survey and plans including a table as shown in the example below. All dimensions to be shown in feet measured to the second decimal point.

The BZA application fee is **\$360.00** for single family residential; **\$560.00** for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.

**Variance Chart Example**

| Requested Variances       | Required   | Existing   | Proposed   | Variance Amount |
|---------------------------|------------|------------|------------|-----------------|
| Variance A, Front Setback | 25.00 Feet | 23.50 Feet | 23.50 Feet | 1.50 Feet       |
| Variance B, Height        | 30.00 Feet | 30.25 Feet | 30.25 Feet | 0.25 Feet       |

**V. REQUIRED INFORMATION CHECKLIST:**

- ☐ One original and nine copies of the signed application
- ☐ One original and nine copies of the signed letter of practical difficulty and/or hardship
- ☐ One original and nine copies of the certified survey
- ☐ 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting

**VI. APPLICANT SIGNATURE**

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.

By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.

\*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: Kevin Ratliff, Toni Ratliff

Date: 1/5/2023

Signature of Petitioner: Toni Ratliff

Date: 1/5/2023

B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

I certify that I have read and understand the above rules of procedure for the City of Birmingham Board of Zoning Appeals.

  
Signature of Applicant

Mail body: Fwd: Birmingham letter

Sent from my iPhone

Begin forwarded message:

**From:** Toni Ratliff <ratliff.toni@gmail.com>  
**Date:** January 5, 2023 at 5:51:46 PM EST  
**To:** staples@printme.com  
**Subject:** Fwd: Birmingham letter

»

Sent from my iPhone

Begin forwarded message:

**From:** Kevin Ratliff <kratliff@goesheatingsystems.com>  
**Date:** January 5, 2023 at 5:49:23 PM EST  
**To:** ratliff.toni@gmail.com  
**Subject:** Birmingham letter

»

City of Birmingham

My wife and I, the homeowners of 832 Ann St. are requesting a variance with regards to the pergola and patio in our backyard. We purchased our home as a spec from Neil Check at Tech Homes a few weeks prior to the March 15, 2020 Covid-19 lockdown. Building materials, lack of labor, trying to meet with the project manager and settling for what was available in a reasonable amount of time compounded an already stressful situation as we were living out of state.

We met with Jim Eppink, Neil Check's landscape architect in June 2020 to discuss the landscaping for both the front and back yard. Our initial thought was to put a small pool with a patio/pergola off the back of the house. It became apparent there was no way a pool could be built as we could not move the required drain per city code that was placed in the middle of the yard. According to the builder, that was where the City of Birmingham said to put it. The patio and pergola off the back of the house was also not an option because there needed to be a 10ft. distance between the patio/pergola and the garage. After further discussion with Jim Eppink we opted to place the patio off the side of the garage. He drew up the plans and sent them to Tech Homes to be submitted to the City of Birmingham for approval (see attached July 10, 2020). We also discussed putting a pergola over the patio. We were all of the understanding that the drawings had been submitted to the city and approved. Jim did state that the pergola could not go beyond the patio due to the previous/imperious ratio. We were unaware of accessory structure limitations. We paid Jim Eppink for the design of the front and back yard and at no time were we told that the plans had never been submitted particularly since Tech Homes asked for them so they could submit them to the city. As October 2020 came to a close, Tech Homes suggested that we wait until spring of 2021 to commence the backyard landscaping. This, they stated would also save on property taxes at closing. We closed and moved into our house in December 2020.

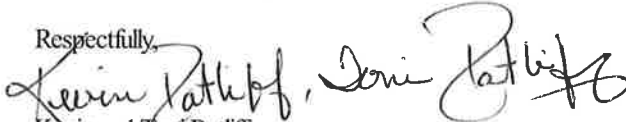
We began the backyard landscaping in the spring of 2021 with Sunnyside Landscaping who was working with Tech Homes. In fact Tech Homes building supervisor Nate Farrell helped us facilitate the tile and carpenter work on the side of the garage. During the entire building process the city municipal buildings remained closed to the public and currently still are to some extent. We relied on the builder and neighbors, many who have pergolas, pools and large outside areas for entertaining for guidance. Before we even bought our house we met at Neil Check's home. He had a great patio with pergola and artificial turf in the back yard. This was exactly what we wanted.

Surprisingly in July 2022 while we were removing improperly installed turf from the backyard Birmingham Code Enforcement came by. They stated that synthetic turf was not approved by the city and upon further investigation we were informed that we did not have a C of O and needed to stop work immediately. At this point we had been in

the house for 19 months. Apparently there were building violations that were never addressed. All violations were corrected and we finally received the C of O in October 2022. It was shortly after this that we were also made aware of the fact that the drawings of the backyard were never submitted to the city. In fact after meeting with Mike Morad we were informed that there was really not much we could do in the backyard because Tech Homes used all available impervious space. We can only assume that was why the yard drawings were never submitted.

After being gone for forty years, we bought this home with every intention of being able to have family gatherings and enjoy the Michigan summers and fall. Had we known that we would not be able to utilize the backyard in any way, we never would have purchased this home. We are hoping the City of Birmingham grant us the variance that allows us to keep the pergola as it stands due to the placement of the drain, misinformation from the builder by omission and deviations in standard operating procedures amidst the Covid-19 pandemic.

Respectfully,

  
Kevin and Toni Ratliff

*Sincerely,*

**Kevin Ratliff**



Vice President

Bus-713.699.5344

Cell- 713.882.7549

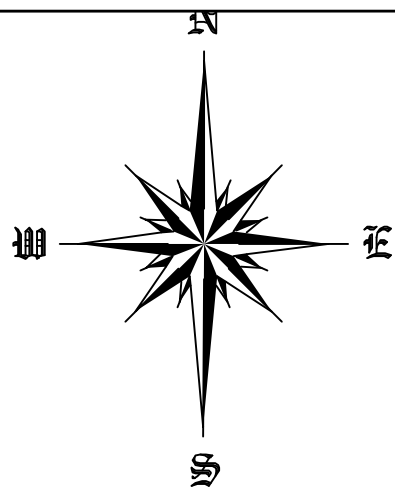
Toll Free- 1.866.699.5344

**HUB/DBE/WBE/SBE Certified**

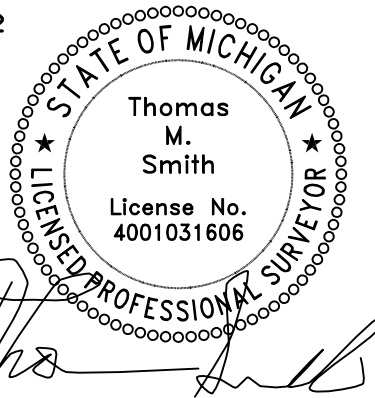
[www.goesheatingsystems.com](http://www.goesheatingsystems.com)



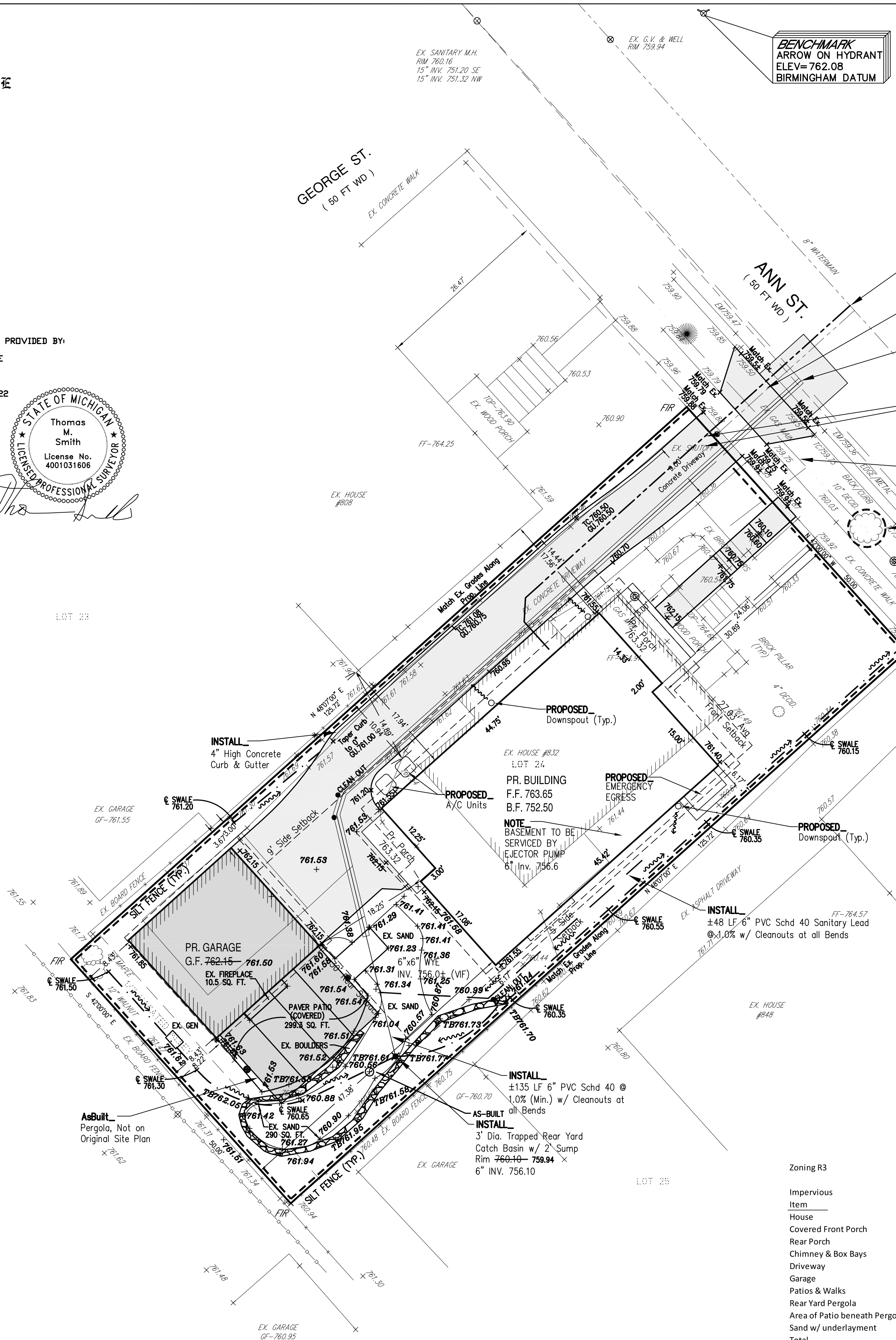




AS-BUILT INFORMATION PROVIDED BY:  
THOMAS M. SMITH, P.S.  
7559 OLDE STURBRIDGE  
CLARKSTON, MI 48348  
(248)-625-3276  
DATED: DEC. 7, 2020  
Revised Dec. 8 2022  
AS-BUILT: 555.55AB



LOT 23



Zoning R3

| Item  | Area Square Feet | AsBuilt Area Square Feet |
|---|------------------|--------------------------|
| House   | 1,410            | 1,410                    |
| Covered Front Porch                             | 98               | 98                       |
| Rear Porch                                      | 56               | 56                       |
| Chimney & Box Bays                              | 8                | 8                        |
| Driveway  | 1,124            | 1,065                    |
| Garage  | 420              | 420                      |
| Patios & Walks                                  | 96               | 404                      |
| Rear Yard Pergola                               | 275              | 275                      |
| Area of Patio beneath Pergola                   |                  | -264                     |
| Sand w/ underlayment                            | 291              |                          |
| Total   | 3,212            | 3,763                    |
| Area of Lot                                     | 6,279            | 6,279                    |
| % of Impervious Area                            | 51.2%            | 59.9%                    |
| % of Lot Coverage                               | 29.1%            | 29.1%                    |
| % Open Space                                    | 48.8%            | 40.1%                    |
| Max Lot Coverage Allowed                        | 30%              | 912                      |
| Minimum Open Space Required                     | 40%              | 275                      |
| Area of Accessory Structures (Garage + Pergola) |                  | 695                      |
| Amount of Variance Required (500 S.F. Max)      |                  | 195 Avg. Front Setback   |

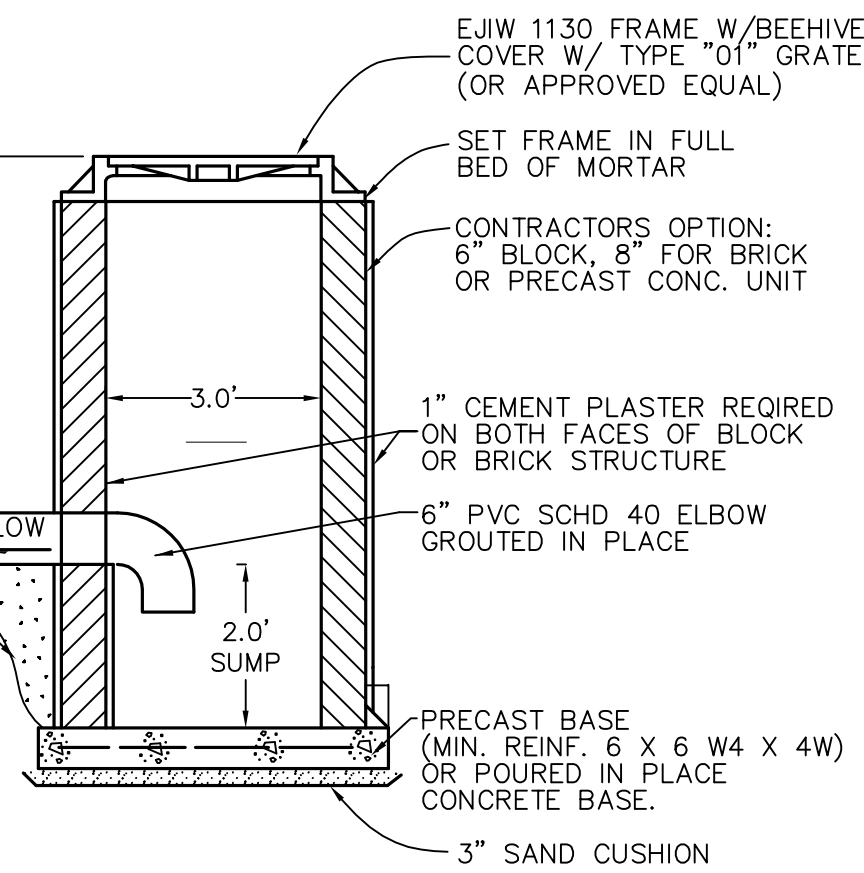
Off-Site Setback Table

| Address                | Existing Front Setback | Feet |
|------------------------|------------------------|------|
| 808                    | 26.47                  | Feet |
| 848                    | 26.72                  | Feet |
| 864                    | 27.34                  | Feet |
| 888                    | 27.40                  | Feet |
| 912                    | 27.20                  | Feet |
| Total Setback          | 135.13                 |      |
| 195 Avg. Front Setback | 27.03                  | Feet |

GRADE "C" CONCRETE

### TRAPPED REAR YARD CATCH BASIN

NOT TO SCALE



#### NOTES:

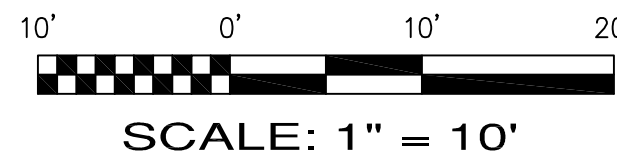
- EXISTING HOUSE, GARAGE, ASSOCIATED DRIVES, PATIOS AND WALKS ARE TO BE DEMOLISHED AS NEEDED.
- ANY DAMAGE TO EITHER NEIGHBORING PROPERTY SHALL BE REPLACED AT THE CONTRACTORS EXPENSE.
- ALL PUBLIC WALKS DAMAGED OR REMOVED SHALL BE REPLACED IN FULL FLAGS.
- PROPOSED ADDITION AND GARAGE ARE TO BE STAKED FROM THE APPROVED ARCHITECTS FOUNDATION PLANS (ONLY).

#### SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON THAT THE PROPERTY LINES ARE AS SHOWN.

THOMAS M. SMITH  
R.L.S. No. 31606

### LOCATION MAP



#### LEGEND

- EX. GRADE  
EX. CONTOUR  
EX. WATER MAIN  
EX. STORM SEWER  
EX. SANITARY SEWER  
EX. OVERHEAD  
EX. FENCE  
EX. GAS  
EX. UNDERGROUND UTILITY  
EX. HYDRANT  
EX. CATCH BASIN  
EX. MANHOLE  
EX. SIGN  
EX. GATE VALVE  
EX. LIGHT POLE  
EX. UTILITY POLE  
PR. GRADE  
PR. CONTOUR  
PR. WATER MAIN  
PR. STORM SWR.  
PR. SANITARY SWR.  
PR. COMPACTED SAND BACKFILL  
PR. HYDRANT  
PR. GATE VALVE  
PR. CATCH BASIN  
PR. MANHOLE  
PR. R.Y.C.B.  
PR. REVERSE CURB  
PR. SILT FENCE  
PR. CONCRETE  
As-Built Accessory Structure  
PR. CONCRETE  
PR. SILT SACK/INLET FILTER  
DRAINAGE ARROW  
VERIFY IN FIELD  
TOP OF CURB ELEV.  
GUTTER PAN ELEV.  
TOP OF WALK ELEV.  
GROUND ELEVATION AT WALL  
EDGE OF SHOULDER ELEV.  
EDGE OF ROAD ELEV.

#### TOPO. NOTES:

- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD UNTIL AN UPDATED TITLE POLICY HAS BEEN FURNISHED TO THE SURVEYOR BY THE OWNER.
- ALL ELEVATIONS ARE EXISTING ELEVATIONS
- SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26125C0537F. EFFECTIVE DATE: SEPTEMBER 29, 2006
- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

#### LEGAL DESCRIPTION:

LOT 24, INCLUDING 1/2 VACATED ALLEY LYING ADJACENT THERETO, BUELL'S ADDITION, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN



| REV | DESCRIPTION             | BY  | DATE       |
|-----|-------------------------|-----|------------|
| 1   | Revised Roof Overhang   | TCS | 3/25/2019  |
| 2   | Add Setback Table       | TCS | 5/13/2019  |
| 3   | Per City Review         | TCS | 8/29/2019  |
| 4   | Revised Sanitary Lead   | TCS | 10/22/2019 |
| 5   | Revised Sanitary Invert | TCS | 1/25/2023  |
| 6   | As-Built for Variance   | TCS |            |

**SE** Sujak Engineering PLC

CIVIL ENGINEERING \$ PLANNING \$ DESIGN \$

4031 Coolidge Highway  
Troy, MI 48068  
Phone: (248) 885-8431  
Fax: (248) 885-8432  
Email: SujakEngineering@Comcast.net

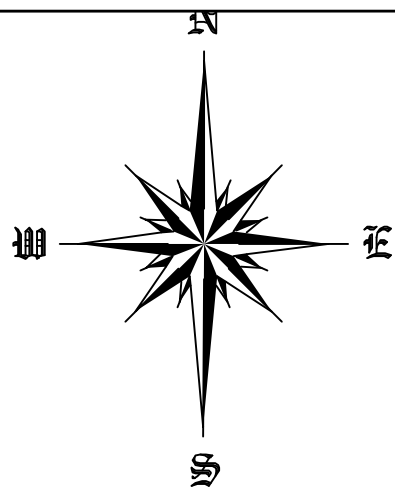


832 Ann  
Birmingham, MI

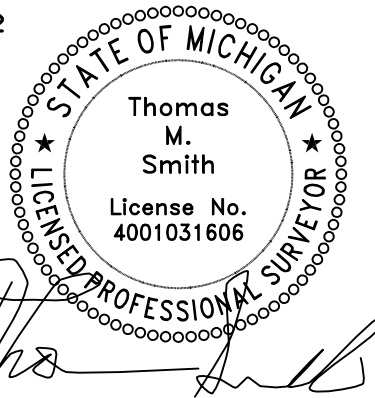
Site Plan

|           |           |
|-----------|-----------|
| Scale:    | 1" = 10'  |
| Drawn:    | TCS       |
| Checked:  | TCS       |
| Approved: | TCS       |
| Date:     | 1/14/2019 |
| Job No.   | 18-068    |
| Sheet No. | C1.0      |

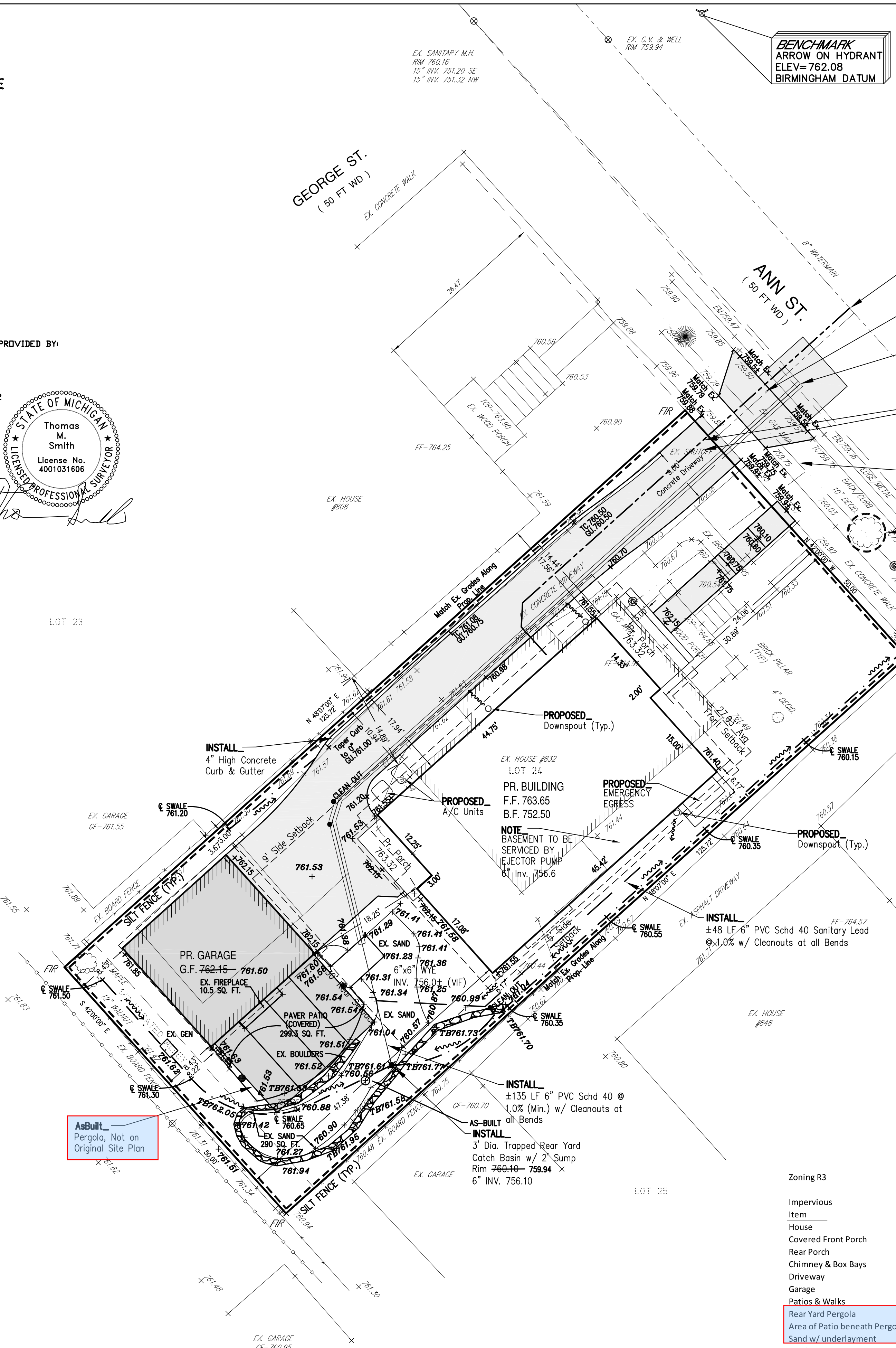




AS-BUILT INFORMATION PROVIDED BY:  
THOMAS M. SMITH, P.S.  
7559 OLDE STURBRIDGE  
CLARKSTON, MI 48348  
(248)-625-3276  
DATED: DEC. 7, 2020  
Revised Dec. 8 2022  
AS-BUILT: 555.55AB



LOT 23



As-Built Pergola, Not on Original Site Plan

Zoning R3

| Impervious Item               | Area Square Feet | AsBuilt Area Square Feet |
|-------------------------------|------------------|--------------------------|
| House                         | 1,410            | 1,410                    |
| Covered Front Porch           | 98               | 98                       |
| Rear Porch                    | 56               | 56                       |
| Chimney & Box Bays            | 8                | 8                        |
| Driveway                      | 1,124            | 1,065                    |
| Garage                        | 420              | 420                      |
| Patios & Walks                | 96               | 404                      |
| Rear Yard Pergola             |                  | 275                      |
| Area of Patio beneath Pergola |                  | -264                     |
| Sand w/ underlayment          |                  | 291                      |
| Total                         | 3,212            | 3,763                    |

|                      |       |       |
|----------------------|-------|-------|
| Area of Lot          | 6,279 | 6,279 |
| % of Impervious Area | 51.2% | 59.9% |
| % of Lot Coverage    | 29.1% | 29.1% |
| % Open Space         | 48.8% | 40.1% |

|                             |     |
|-----------------------------|-----|
| Max Lot Coverage Allowed    | 30% |
| Minimum Open Space Required | 40% |

|   |     |
|---|-----|
| Area of Accessory Structures (Garage + Pergola) | 685 |
| Amount of Variance Required (500 S.F. Max)      | 195 |

#### Off-Site Setback Table

| Address            | Existing Front Setback |      |
|--------------------|------------------------|------|
| 808                | 26.47                  | Feet |
| 848                | 26.72                  | Feet |
| 864                | 27.34                  | Feet |
| 888                | 27.40                  | Feet |
| 912                | 27.20                  | Feet |
| Total Setback      | 135.13                 |      |
| Avg. Front Setback | 27.03                  | Feet |

GRADE "C" CONCRETE

#### TRAPPED REAR YARD CATCH BASIN

NOT TO SCALE

#### NOTES:

EXISTING HOUSE, GARAGE, ASSOCIATED DRIVES, PATIOS AND WALKS ARE TO BE DEMOLISHED AS NEEDED.

ANY DAMAGE TO EITHER NEIGHBORING PROPERTY SHALL BE REPLACED AT THE CONTRACTORS EXPENSE.

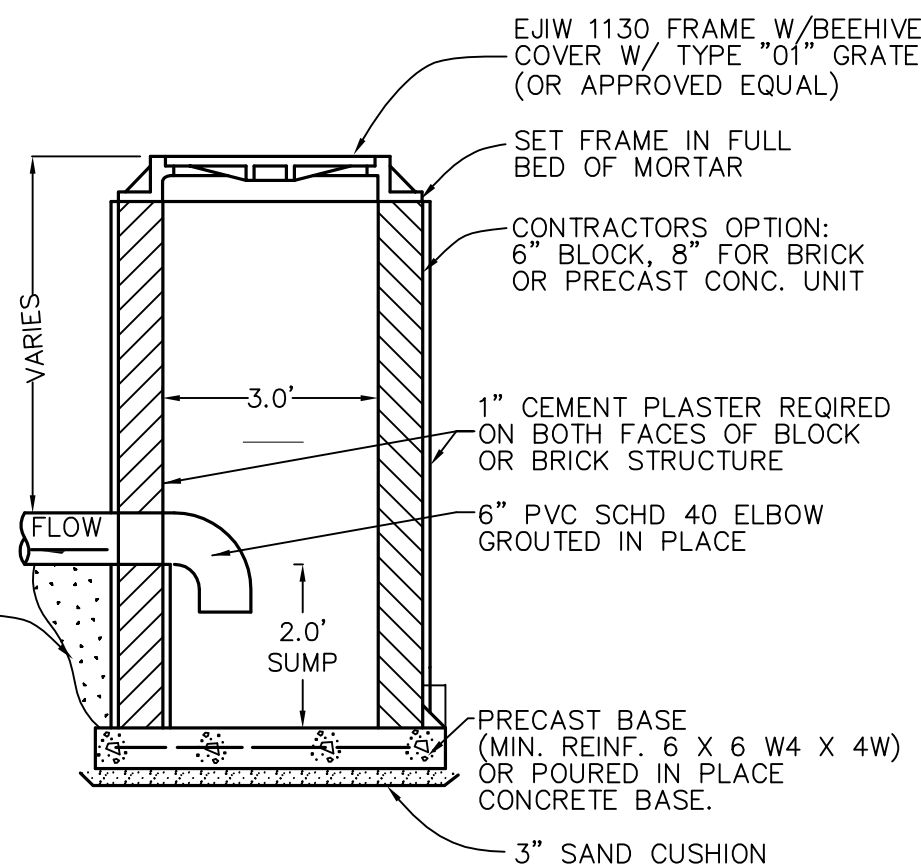
ALL PUBLIC WALKS DAMAGED OR REMOVED SHALL BE REPLACED IN FULL FLAGS.

PROPOSED ADDITION AND GARAGE ARE TO BE STAKED FROM THE APPROVED ARCHITECTS FOUNDATION PLANS (ONLY).

#### SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON THAT THE PROPERTY LINES ARE AS SHOWN.

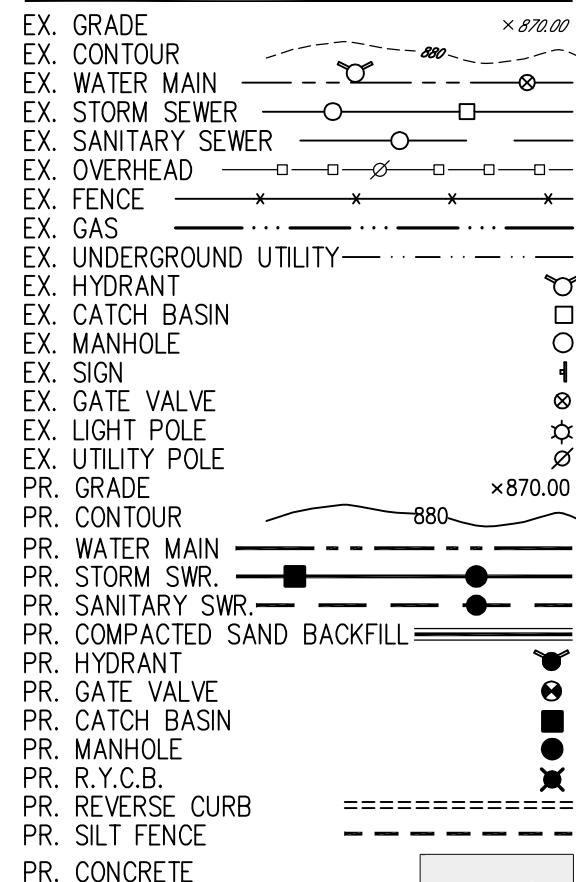
THOMAS M. SMITH  
R.L.S. No. 31606



#### LOCATION MAP



#### LEGEND



#### TOPO. NOTES:

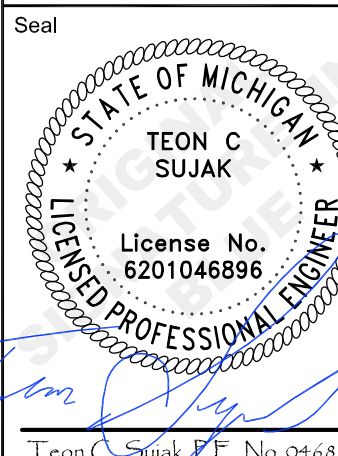
- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD UNTIL AN UPDATED TITLE POLICY HAS BEEN FURNISHED TO THE SURVEYOR BY THE OWNER.
- ALL ELEVATIONS ARE EXISTING ELEVATIONS
- SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26125C0537F. EFFECTIVE DATE: SEPTEMBER 29, 2006
- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

#### LEGAL DESCRIPTION:

LOT 24, INCLUDING 1/2 VACATED ALLEY LYING ADJACENT THERETO, BUELL'S ADDITION, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN



SE Sujak Engineering PLC  
CIVIL ENGINEERING \$ PLANNING \$ DESIGN \$  
401 Coolidge Highway  
Troy, MI 48068  
Phone: (248) 885-8431  
Fax: (248) 885-8432  
Email: SujakEngineering@Comcast.net



832 Ann  
Birmingham, MI  
Site Plan

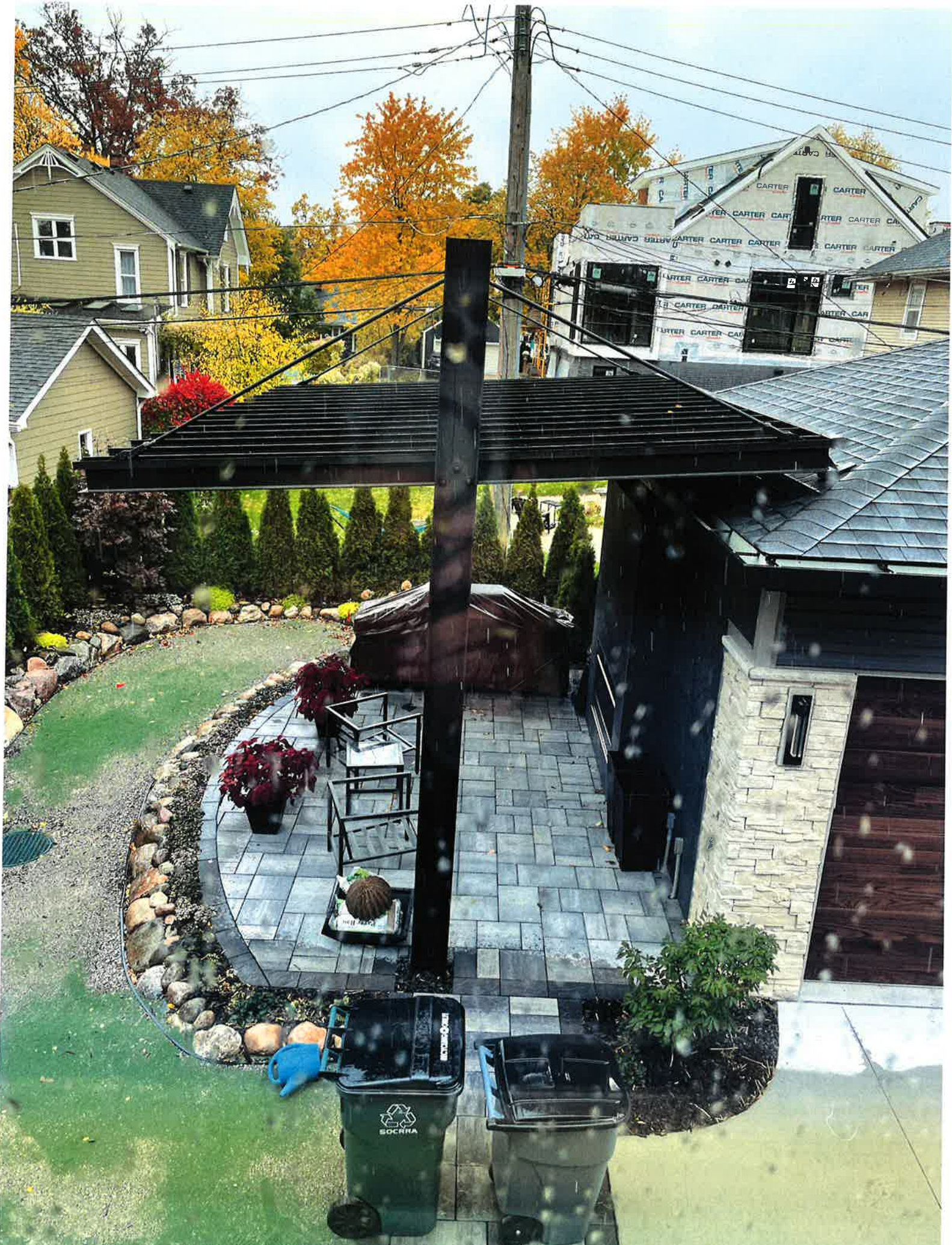
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Drawn: TCS  
Checked: TCS  
Approved: TCS  
Date: 1/14/2019  
Job No.  
18-068  
Sheet No.

C1.0









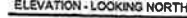
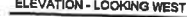












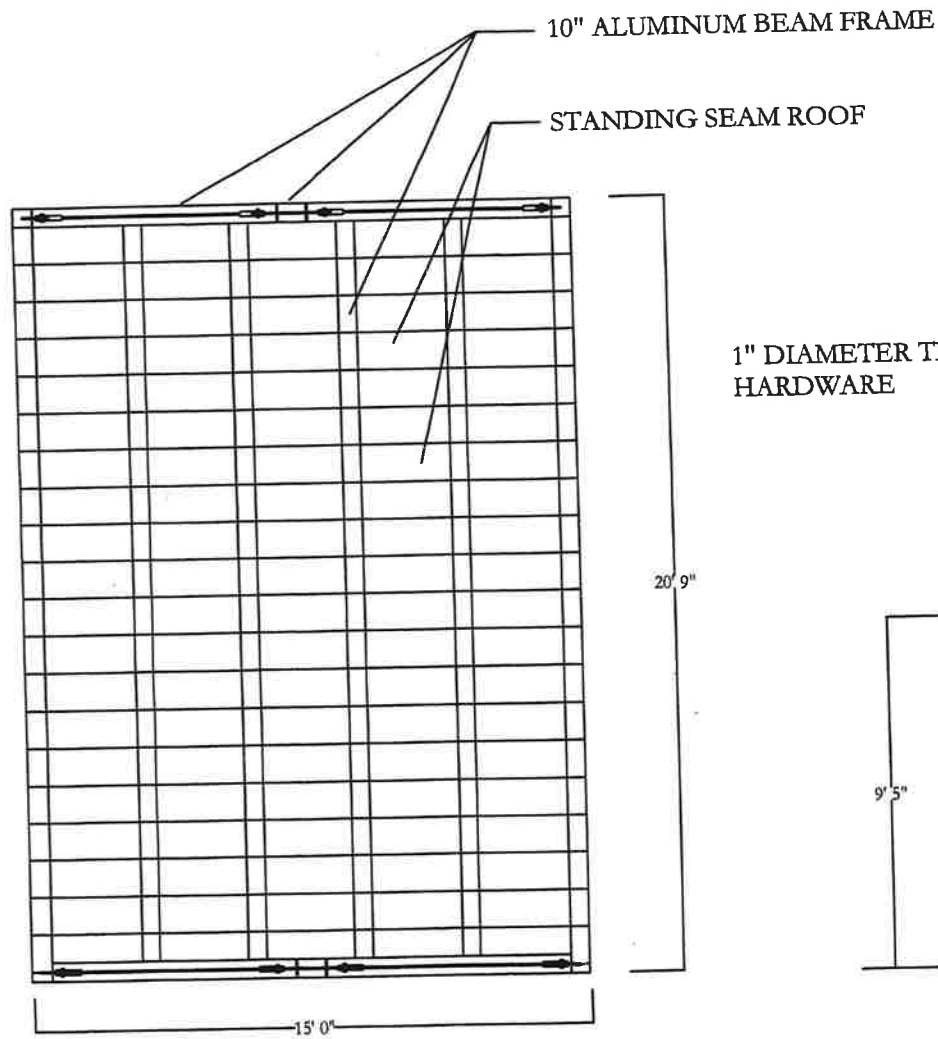
1. CONTRACTOR SHALL BE RESPONSIBLE TO FIELD VERIFY ALL MEASUREMENTS PRIOR TO DEVELOPMENT OF SHOP DRAWINGS AND FABRICATION OF STEEL STRUCTURE.
2. PROPERTY OWNER SHALL BE RESPONSIBLE FOR ALL CITY REVIEWS, APPROVALS, PERMITS, FEES, AND INSPECTIONS
3. CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLYING AND INSTALLING STEEL STRUCTURE, INCLUDING LAYOUT, BEAMS, STRUTS AND DECORING PER DESIGN AND TO MEET CITY OF DENVIRNHAM BUILDING CODE.
4. STEEL DESIGN TO BE:  
1) VERTICAL STEEL BEAM  
6" HORIZONTAL STEEL BEAM  
8" X 12" STEEL BASE PLATE
5. CONTRACTOR SHALL BE RESPONSIBLE FOR TECHNICAL & STRUCTURAL DESIGN AND PROVIDING ACCURATE STRUCTURAL AND SHOP DRAWINGS FOR CONSTRUCTION OF PAVILION STRUCTURE.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING AND COORDINATING WITH ALL PERTINENT UTILITY COMPANIES TO OBTAIN PERMISSION FOR ACCESSING TO MAKE THEMSELVES FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY DAMAGE INCURRED DUE TO DAMAGE OF SAO UTILITIES OR STRUCTURES.
7. CONTRACTOR SHALL NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED WHEN IT IS OBVIOUS THAT EXISTING OBSTRUCTIONS AND/OR GRADE DIFFERENCES EXIST. SUCH CONSTRUCTION VIOLATIONS MUST BE BROUGHT TO THE ATTENTION OF THE OWNERS REPRESENTATIVE. THE CONTRACTOR SHALL BE FULL RESPONSIBILITY FOR ALL NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.
8. ANY DISCREPANCIES BETWEEN DIMENSIONED LAYOUTS AND EXISTING FIELD CONDITIONS SHALL BE REPORTED TO THE OWNERS REPRESENTATIVE. THE CONTRACTOR SHALL HAVE SOLE DISCREPANCIES KNOWN WILL RESULT IN CONTRACTORS LIABILITY AND LIABILITY FOR ANY CHANGES AND ASSOCIATED COSTS.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH CONSTRUCTION INSTALLATION OPERATIONS.
10. CONTRACTOR SHALL PROVIDE AND MAINTAIN PROPOSED SURFACE DRAINAGE FOR EXISTING DRIVEWAY, PROPOSED PATIO AND LANDSCAPE.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY EXISTING MATERIALS THAT ARE DAMAGED DURING CONSTRUCTION.



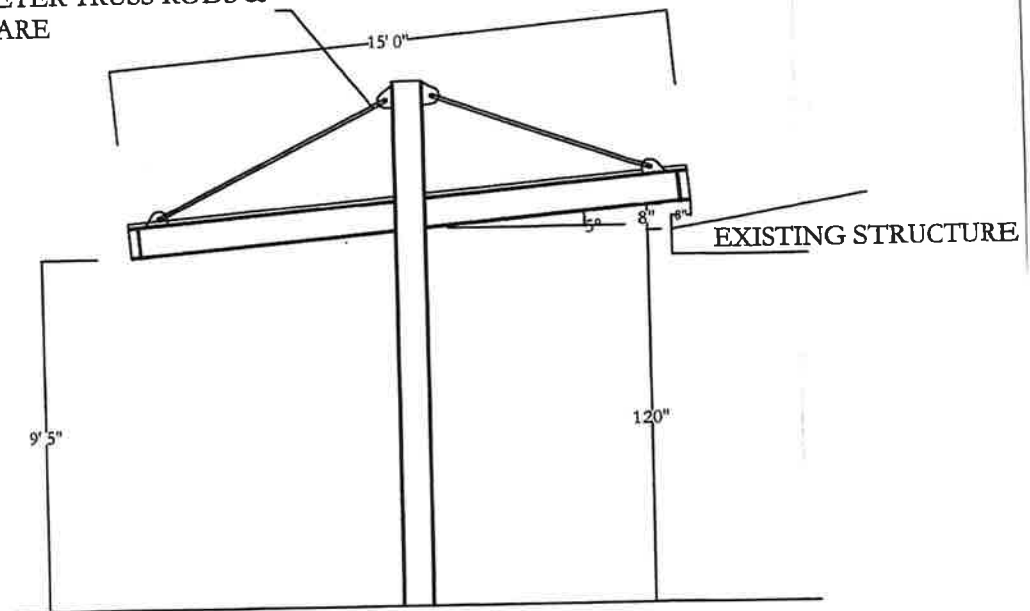
as shown  
P-2



# PERGOLA



1" DIAMETER TRUSS RODS & HARDWARE



|                                      |                |   |  |
|--------------------------------------|----------------|---|--|
| PROJECT:<br>Radloff Residence        |                | San Marine Iron Co.<br>21401 HOOVER ROAD<br>WARREN, MICHIGAN 48089<br>TELEPHONE: 248.268.9525<br>FACSIMILE: 586.910.4804<br>www.sanmarineiron.com |  |
| CLIENT:<br>J. Ruppert Partners, Inc. |                | DATE:<br>JUNE   |  |
| SCALE:                               | SMIC PROJECT#: | APPROVED BY:  |  |
| DRAWN BY:                            | CHECKED BY:    | APPROVED BY:  |  |