

**City of Birmingham**  
**MEETING OF THE BOARD OF ZONING APPEALS**  
**TUESDAY, JULY 13, 2021**  
**7:30 PM**

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

July 13, 2021  
7:30 PM

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF THE MINUTES**

a) June 8, 2021

**4. APPEALS**

	Address	Petitioner	Appeal	Type/Reason
1)	1220 BIRD	RENAISSANCE	21-27	DIMENSIONAL
2)	689 WESTWOOD	MACKENZIE	21-29	DIMENSIONAL
3)	282 GREENWOOD	JACOBS	21-30	DIMENSIONAL
4)	375 LAKEPARK	HELLER	21-31	DIMENSIONAL
5)	782 CHESTERFIELD	HELLER	21-32	DIMENSIONAL
6)	640 SUFFIELD	PARKINSON	21-33	DIMENSIONAL

**5. CORRESPONDENCE**

**6. GENERAL BUSINESS**

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

**8. ADJOURNMENT**

**Title VI**

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

*Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un 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.

# JULY BZA MAP



**Birmingham Board Of Zoning Appeals Proceedings**  
**Tuesday, June 8, 2021**  
**Held Remotely Via Zoom And Telephone Access**

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**1. Call To Order**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, June 8, 2021. Chair Charles Lillie convened the meeting at 7:31 p.m.

**2. Rollcall**

**Present:** Chair Charles Lillie; Board Members Jason Canvasser, Kevin Hart, John Miller, Erik Morganroth, Francis Rodriguez; Alternate Board Member Erin Rodenhouse

All located in Birmingham, MI.

**Absent:** Board Member Richard Lilley; Alternate Board Member Ron Reddy

**Administration:**

Jeff Zielke, Assistant Building Official  
Brooks Cowan, City Planner  
Laura Eichenhorn, City Transcriptionist  
Mike Morad, Assistant Building Official

Chair Lillie explained the meeting was being held virtually due to the Covid-19 pandemic. He explained the procedures to be followed for the virtual meeting. He then assigned duties for running the evening's meeting to Vice-Chair Morganroth.

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

Vice-Chair Morganroth took rollcall of the petitioners. All petitioners were present except for Appeal 21-27 for 1220 Bird.

**T# 06-31-21**

**3. Approval Of The Minutes Of The BZA Meeting Of May 11, 2021**

Mr. Rodriguez asked that 'extant' be changed to 'existing' on page four.

**Motion by Mr. Lillie**

**Seconded by Mr. Miller to accept the Minutes of the BZA meeting of May 11, 2021 as amended.**

**Motion carried, 5-0.**

ROLL CALL VOTE

Yeas: Lillie, Morganroth, Canvasser, Rodriguez, Miller

Nays: None

Abstain: Hart, Rodenhouse

**T# 06-32-21**

**4. Appeals**

**1) 1016 Pierce  
Appeal 21-21**

ABO Zielke presented the item, explaining that the owner of the property known as 1016 Pierce was requesting the following variance to construct a new single-family home with an attached garage:

**A. Chapter 126, Article 4.74(C)** of the Zoning Ordinance requires a 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 17.25 feet. The proposed is 14.00 feet on the North side therefore; a variance of 3.25 foot is being requested.

ABO Zielke continued that this appeal was in front of the board in May 2021. The applicant reduced the variance request based on the comments from the May meeting.

In reply to Ms. Rodenhouse, ABO Zielke confirmed that a new home could be built on this lot that would not require any variances.

The Eilanders, appellants, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Mr. Eilander said the sitting office bump out could not be reduced since the width as-proposed prevented the need for another variance.



Vice-Chair Morganroth noted that with the variance request the garage would be almost 27 feet wide, with almost seven feet of non-vehicle space. He observed that many garages in Birmingham are only 21 feet wide.

Mr. Eilander said that without the variance they could not fit a ramp.

Vice-Chair Morganroth said he was unsure that was the case.

In reply to Ms. Rodenhouse, Mr. Eilander said that with a 23-foot garage there would only be room for the ramp and two vehicles, with no room for storage.

Ms. Eilander said that the only prohibitive issue here is the distance between principal residential buildings. She said that if that were not the case there would be no need for a variance.

**Motion by Mr. Miller**

**Seconded by Mr. Hart with regard to Appeal 21-21, A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires a 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 17.25 feet. The proposed is 14.00 feet on the North side. Therefore a variance of 3.25 foot is being requested.**

**Mr. Miller moved to approve the appeal and tied it to the plans as submitted. He said it was a reasonable request given the location of the adjacent homes on the lots to the north and south and that strict compliance with the ordinance would prevent the petitioner from fully using their lot. He said that approving the appeal would do substantial justice and would not effect the property owners to the north or south of this home.**

**Mr. Lillie offered his support for the motion, explaining that the BZA has run into similar issues on a number of occasions where adjoining lots are not the same width. He noted that if the lot to the north were also approximately 70 feet there would be no need for the variance request in this case. He confirmed Ms. Eilander's contention that all the other ordinance requirements in this case were being met.**

**Mr. Rodriguez and Vice-Chair Morganroth concurred with Mr. Miller and Mr. Lillie.**

**Motion carried, 7-0.**

**ROLL CALL VOTE**

Yeas: Miller, Hart, Canvasser, Rodenhouse, Rodriguez, Lillie, Morganroth

Nays: None

**2) 815 Woodland  
Appeal 21-23**

ABO Zielke presented the item, explaining that the owner of the property known as 815 Woodland was requesting the following variances to construct an addition to an existing non-conforming garage:

**B. Chapter 126, Article 4.03(H)** of the Zoning Ordinance limits the maximum area of the first floor of any accessory structure in an R2 Zone district is 550 square feet. The existing and proposed is 564. Therefore a variance of 14 square feet is being requested.

ABO Zielke continued that this appeal was in front of the board in May 2021. Based on the comments from the May meeting, the applicant withdrew two of the three variances previously requested.

Mr. Lillie noted for the record that the appellant was not tearing the garage down, and was only adding on to the second floor.

W. David Tarver, appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

**Motion by Mr. Rodriguez**

**Seconded by Mr. Miller with regard to Appeal 21-23, B. Chapter 126, Article 4.03(H) of the Zoning Ordinance limits the maximum area of the first floor of any accessory structure in an R2 Zone district is 550 square feet. The existing and proposed is 564. Therefore a variance of 14 square feet is being requested.**

**Mr. Rodriguez moved to approve variance B and to tie it to the plans as submitted. He noted that the garage was existing non-conforming and that the appellant would not be expanding the non-conformity. He stated it was not self-created and would not impact any of the adjacent properties.**

**Mr. Rodriguez confirmed that, per ABO Zielke's presentation, the appellant would be required to consult with the City regarding the window on the dormer before receiving final approval.**

**Motion carried, 7-0.**

**ROLL CALL VOTE**

Yeas: Rodriguez, Miller, Hart, Canvasser, Rodenhouse, Lillie, Morganroth

Nays: None

**3) 856 N. Old Woodward, Suite 101  
Appeal 21-25**

CP Cowan presented the item, explaining that the owner of the business known as Fruition, located at 856 N. Old Woodward, Suite 101, was requesting the following dimensional variance to operate a food & beverage use in the O2-Office zone:

**A. Chapter 126, Article 4, Section 4.46(A), Table A** of the Zoning Ordinance requires that an eating establishment for indoor or combined indoor-outdoor consumption requires 1 parking space for every 75 square feet of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining. 856 N. Old Woodward "The Pearl" is a mixed-use building with three first floor tenant spaces, residential units on floors 2-4, and 70 parking spaces total. Fruition is a 1,227 square foot tenant space that requires 16 parking spaces as a food & beverage use with indoor dining, increasing the total parking requirement to 82 parking spaces for 856 N. Old Woodward, therefore a variance of 12 parking spaces is being requested.

Mr. Lillie noted that the landlord was obligated to make sure that the tenants would be able to run their businesses in adherence with the parking requirements. He observed that there was already an issue with too little parking in the area, and that if the BZA were to grant this variance it could both create a deleterious precedent for future businesses wanting to be granted parking spaces in excess of their allotment. He said it would also contribute to further parking issues in the area.

Leah Cason, appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

Ms. Cason confirmed for the Board that the majority of business at the Grand Rapids location of Fruition is takeout. She said that was true both before Covid-19 and after the Covid-19 restrictions were lifted.

In reply to Vice-Chair Morganroth, CP Cowan said that bartop tables without seating would be a grey area between dine-in and carryout. He said the impact on parking requirements would have to be determined by Planning Director Ecker and Building Official Johnson.

**Motion by Mr. Canvasser**

**Seconded by Mr. Lillie with regard to Appeal 21-25, A. Chapter 126, Article 4, Section 4.46(A), Table A of the Zoning Ordinance requires that an eating establishment for indoor or combined indoor-outdoor consumption requires 1 parking space for every 75 square feet of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining. 856 N. Old Woodward "The Pearl" is a mixed-use building with three first floor tenant spaces, residential units on floors 2-4, and 70 parking spaces total. Fruition is a 1,227 square foot tenant space that requires 16 parking spaces as a food & beverage use with indoor dining, increasing the total parking requirement to 82 parking spaces for 856 N. Old Woodward, therefore a variance of 12 parking spaces is being requested.**

**Mr. Canvasser moved to deny the variance request. He said that the issue the appellant was facing was a private contractual matter. He explained that the landlord was approved for a certain number of parking spaces, and that the landlord should have divvied up the retail spaces based on the approved parking spaces and based on the concepts of each of the tenants. He said he agreed with Mr. Lillie's caution that approving this variance could establish damaging precedent in terms of future**

**requests for parking spaces. Mr. Canvasser said he was strongly urging the appellant to consult with an appropriate person about the appellant's remedies and rights because there may have possibly been some representations made that were not appropriate. He said that he was sympathetic to the appellant, and wanted to see her succeed, but noted that within the specific charge of the BZA they had no choice but to deny the request.**

**Ms. Rodenhouse concurred with Mr. Canvasser. She stated that the appellant's remedy would be found with the landlord and not with the BZA.**

**Mr. Lillie concurred with Mr. Canvasser.**

**Mr. Miller concurred with Mr. Canvasser, stating that while he wanted to see the business succeed that the BZA was not the right instrument for trying to gain additional parking in this case.**

**Vice-Chair Morganroth concurred with Mr. Canvasser. He stated that while he would support Fruition as a member of the public, he explained that the BZA could not be used to resolve tenant-landlord issues.**

**Motion carried, 6-1.**

ROLL CALL VOTE

Yeas: Canvasser, Lillie, Morganroth, Rodriguez, Miller, Rodenhouse

Nays: Hart

**4) 555 S. Old Woodward, Suite 100  
Appeal 21-26**

CP Cowan presented the item, explaining that the owner of the business known as Birmingham Pub, located at 555 S. Old Woodward, Suite 100, was requesting the following variance to have an illuminated building identification sign:

**A. Article 1, Section 1.05(K)(2)** of the Sign Ordinance states that non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor in accordance with Section 2.02(C) Requirements. The applicant is proposing a 42-square foot illuminated building identification sign above the second floor, therefore a variance to allow the illumination of a 42-square foot sign is requested.

CP Cowan continued that the applicant received Final Site Plan and SLUP approval to operate an establishment with an Economic Development Liquor License on March 22nd, 2021. Neither the Planning Board nor the City Commission voiced concern or opposition to the signage. The previous restaurant tenant Triple Nickel received a variance for an illuminated building identification sign in December of 2016.



Vice-Chair Morganroth and Mr. Lillie asked how the color-changing lights visible from the railing of this establishment might factor into this variance request.

CP Cowan said that since the color-changing lights were already approved they were not being considered as a factor in the present variance request.

In reply to a question from Mr. Canvasser, CP Cowan said that the City had no concerns about the amount of illumination since the signage would have to comply with all other photometric requirements.

Timothy Muller, representing the appeal, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Mr. Canvasser, Mr. Muller stated that the Birmingham Pub signage letters were the same 10-inch height as the signage letters previously used for Triple Nickel.

**Motion by Mr. Miller**

**Seconded by Mr. Hart with regard to Appeal 21-26, A. Article 1, Section 1.05(K)(2) of the Sign Ordinance states that non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor in accordance with Section 2.02(C) Requirements. The applicant is proposing a 42 square foot illuminated building identification sign above the second floor, therefore a variance to allow the illumination of a 42 square foot sign is requested.**

**Mr. Miller moved to approve the variance and tied it to the plans as submitted. He noted that the same issue arose in consideration of the previous Triple Nickel signage, which the Board approved, and added that the Birmingham Pub signage only had one additional letter. He noted that the height of the Birmingham Pub signage and the height of the Triple Nickel signage were the same. Mr. Miller continued that the signage was unlikely to have a negative impact. Describing the the properties to the north and south as 'blighted' in terms of urban design, Mr. Miller stated that given the environs locating Birmingham Pub would be difficult without illuminated signage. He said the circumstances of the property made it unique, that granting the variance would benefit both the owner and the surrounding property owners, and that the need for the variance was not self-created.**

**Mr. Lillie explained that while he had previously opposed Triple Nickel's similar request he did not think it would be fair to deny Birmingham Pub's request since Triple Nickel's request had ultimately been approved. Given that, Mr. Lillie said he would support the motion.**

**Vice-Chair Morganroth concurred with Mr. Miller. He said that he had concerns about the illuminated railing and hoped that the City was looking at that.<sup>3</sup>**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Miller, Hart, Rodenhouse, Canvasser, Lillie, Morganroth, Rodriguez

Nays: None

**5) 1220 Bird  
Appeal 21-27**

Vice-Chair Morganroth asked again if the appellants were present. Since they were not, the Board moved to reschedule the hearing for Appeal 21-27 to the next regular BZA meeting.

**Motion by Mr. Lillie**

**Seconded by Mr. Rodriguez to reschedule the hearing for Appeal 21-27 to the July 2021 BZA meeting.**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Lillie, Rodriguez, Miller, Hart, Rodenhouse, Canvasser, Morganroth

Nays: None

**6) 2351 Buckingham  
Appeal 21-28**

ABO Zielke presented the item, explaining that the owner of the property known 2351 Buckingham was requesting the following variance to construct a rear second floor addition to an existing non-conforming single-family home:

**A. Chapter 126, Article 4.03(D)** of the Zoning Ordinance requires that an accessory building shall not be closer than 10.00 feet to the principal building located on the same lot. The existing and proposed is 9.00 feet. Therefore; a variance of 1.00 feet is being requested.

Stephanie Choate, appellant, and John Choate, contractor, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Ms. Choate stated that she did explore stepping in the second floor. She explained that doing so would cause the bedroom to be prohibitively constrained.

**Motion by Mr. Miller**

**Seconded by Mr. Hart with regard to Appeal 21-28, A. Chapter 126, Article 4.03(D) of the Zoning Ordinance requires that an accessory building shall not be closer than 10.00 feet to the principal building located on the same lot. The existing and proposed is 9.00 feet. Therefore; a variance of 1.00 feet is being requested.**

**Mr. Miller moved to approve the plans and tied it to the plans as submitted. He said the need for the variance arose as a result of the position of the two existing buildings**

**on the site. He said the issue was not self-created and that it arose from the unique circumstances of the site. He stated that strict compliance with the ordinance in this case would prevent the petitioner from reasonably improving their property.**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Miller, Hart, Rodenhouse, Canvasser, Lillie, Morganroth, Rodriguez

Nays: None

**T# 06-33-21**

## **5. Correspondence**

Included in the agenda packet.

**T# 06-34-21**

## **6. General Business**

Mr. Miller and Vice-Chair Morganroth thanked the City for the token of appreciation given to each BZA member as an acknowledgment of their volunteer service on the Board.

**T# 06-35-21**

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

None.

**T# 06-36-21**

## **8. Adjournment**

**Motion by Mr. Canvasser**

**Seconded by Mr. Lillie to adjourn the June 8, 2021 BZA meeting at 9:31 p.m.**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Canvasser, Lillie, Morganroth, Hart, Rodenhouse, Rodriguez, Miller

Nays: None

Bruce R. Johnson, Building Official



# **CASE DESCRIPTION**

## **1220 Bird (21-27)**

**Hearing date: July 13, 2021**

**Appeal No. 21-27:** The owner of the property known 1220 Bird, requests the following variances to construct a rear and front addition to an existing single-family home:

**A. Chapter 126, Article 2.10.2** of the Zoning Ordinance requires that the minimum front yard setback is the average setback of homes with 200 feet in each direction. The required front yard setback is 20.90 feet. The proposed is 15.00 feet. Therefore; a variance of 5.90 feet is being requested.

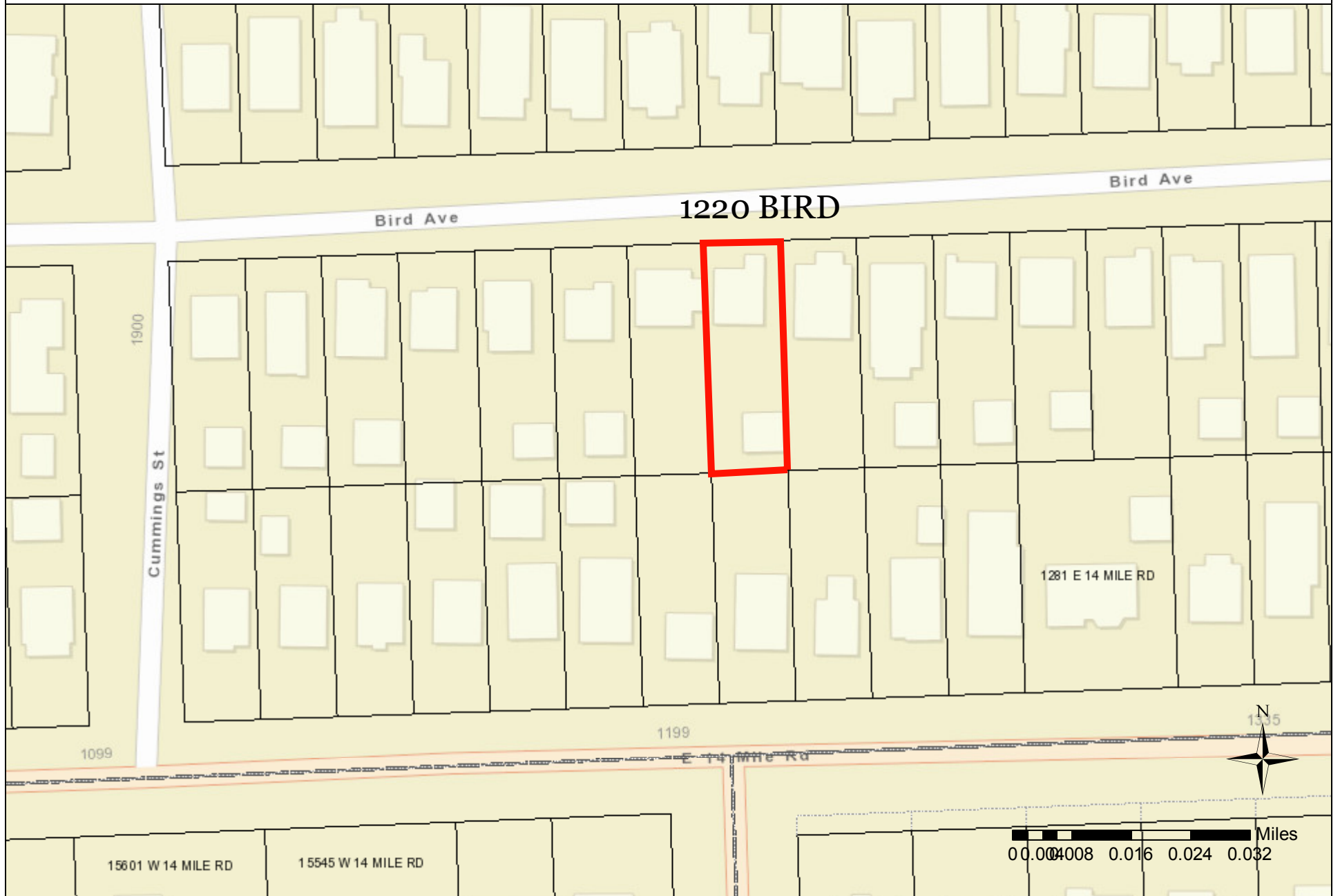
**B. Chapter 126, Article 2.10.2** of the Zoning Ordinance requires that no side yard shall be less than 5.00 feet. The existing and proposed is 3.80 feet. Therefore; a variance of 1.20 feet is being requested.

**Staff Notes:** The applicant is requesting variances to an existing non conforming home that was constructed in 1926. Variance A is for the front addition and variance B is for the rear addition.

*\*NOTE – The case was here in June. Your case package from last month is for this appeal.\**

This property is zoned R3– Single Family Residential.

# 1220 BIRD 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: 4/12/21

Hearing Date: 6-8-21

Received By: BM

Appeal #: 21-27

Type of Variance:	<input checked="" type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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**I. PROPERTY INFORMATION:**

Address: <u>1220 Bird AVE</u>	Lot Number:	Sidwell Number:
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**II. OWNER INFORMATION:**

Name: <u>CLASS ONE Commercial Realty &amp; Investment</u>			
Address: <u>1220 BIRD</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>JAMIE D CRAIG @ GMAIL.COM</u>		Phone: <u>248-259-6147</u>	

**III. PETITIONER INFORMATION:**

Name: <u>JAMIE CRAIG</u>	Firm/Company Name: <u>RENAISSANCE RESTORATIONS</u>		
Address: <u>1502 W. 13 MILE</u>	City: <u>ROYAL OAK</u>	State: <u>MI</u>	Zip code: <u>48073</u>
Email: <u>JAMIE D CRAIG @ GMAIL.COM</u>	Phone: <u>248-259-6147</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**

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.

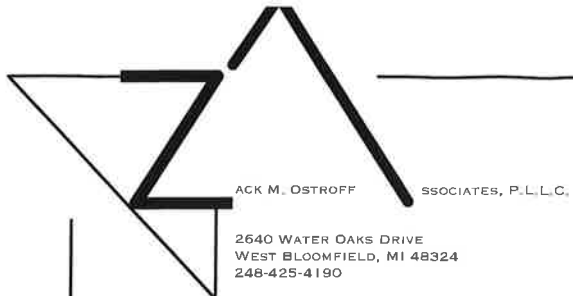
\*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: 

Date: 4/24/21

Signature of Petitioner: 

Date: 4/25/21



06/02/21

**RE: 1220 Bird**

To: Jeff Zielke, City of Birmingham

In regard to the proposed variances we are requesting:

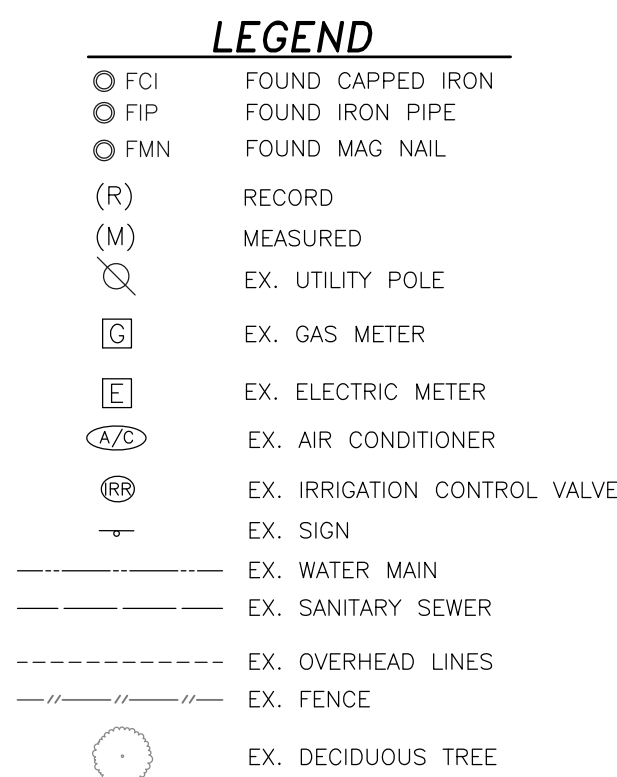
The owner's hardship is that the existing pre-existing, non-conforming enclosed porch has a complete foundation and is inline with other porches on the same street. The house desperately needs to be updated and allowing the variance would provide a foyer that does not making the non-conformity worse. We have designed a porch in front of the existing footprint that conforms to the ordinance.

Respectfully,

A handwritten signature in black ink, appearing to read 'Zack Ostroff', written in a cursive style.

Zack M. Ostroff





LOT AREA= 4,813 S.F. (0.11 ACRES)  
EX. HOUSE (587 S.F.) + EX. GARAGE (410 S.F.) + PRO. FRONT ADDITION (52 S.F.) +  
PRO. REAR ADDITION (393 S.F.) = 1,442 S.F. (29.96%)  
IMPERVIOUS PRO. PORCH/STEPS (41 S.F.) + EX. WALK (24 S.F.) = 65 S.F. (1.35%)  
IMPERVIOUS EX. DRIVEWAY AREA = 1,023 S.F. (21.25%)  
TOTAL IMPERVIOUS SURFACE AREA= 2,530 S.F. (52.56%)  
TOTAL OPEN SPACE= 2,283 S.F. (47.44%)

## R3, SINGLE-FAMILY RESIDENTIAL

FRONT: (SEE CALCULATIONS)  
REAR: 30 FEET  
SIDES:  
ONE SIDE = 9 FEET  
MINIMUM = 5 FEET  
TOTAL = 14 FEET

HOUSE NO.	FRONT SETBACK
1166	22.2 FEET
1188	21.5 FEET
1172	16.9 FEET
1186	28.9 FEET
1208	19.8 FEET
SITE	-----
1226	19.6 FEET
1240	24.8 FEET
1264	19.4 FEET
1276	19.6 FEET
1288	16.0 FEET
	AVG = 20.9 FEET

CITY OF BIRMINGHAM BENCHMARK #8:  
NORTHWEST CORNER OF CUMMINGS AND DAVIS  
ELEVATION: 748.568 CITY DATUM

BM1:  
MAG NAIL IN WEST FACE OF 24" LOCUST, IN  
FRONT OF HOUSE #1220 BIRD AVENUE.  
ELEVATION: 749.25 CITY DATUM

1. TITLE WORK WAS NOT PROVIDED. NOT ALL EXISTING EASEMENTS MAY BE SHOWN.
2. A WETLAND AND TREE SURVEY WERE NOT PERFORMED AS PART OF THIS SURVEY.

LOT 705 OF "LEINBACH - HUMPHREY'S WOODWARD AVENUE SUB."  
OF PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 31,  
TOWN 2 NORTH, RANGE 11 EAST, CITY OF BIRMINGHAM (FORMERLY  
TROY TOWNSHIP), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN  
LIBER 27 OF PLATS, PAGE 5, OAKLAND COUNTY RECORDS.

THIS PROPERTY IS LOCATED WITHIN A FEMA DESIGNATED ZONE "X" FLOOD HAZARD AREA AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FOR MICHIGAN FLOOD INSURANCE RATE MAP (FIRM) #26125C0537F (COMMUNITY ID NO. 260168 - CITY OF BIRMINGHAM, MI) WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2006. THIS STATEMENT IS BASED ON THE RESULT OF GRAPHIC PLATTING ONTO THE ABOVE NAMED MAP PANEL, WHICH IS THE CURRENT MAP FOR THE COMMUNITY IN WHICH THE PROPERTY IS LOCATED. ZONE "X" INDICATES AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.




CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.

CLIENT: ZACH M. OSTROFF

ZBA PLAN

#1220 BIRD AVENUE — PARCEL NO. 20-31-358-005  
SECTION: 31 TOWNSHIP: 2 N.  
CITY OF BIRMINGHAM RANGE: 11 E.  
OAKLAND COUNTY

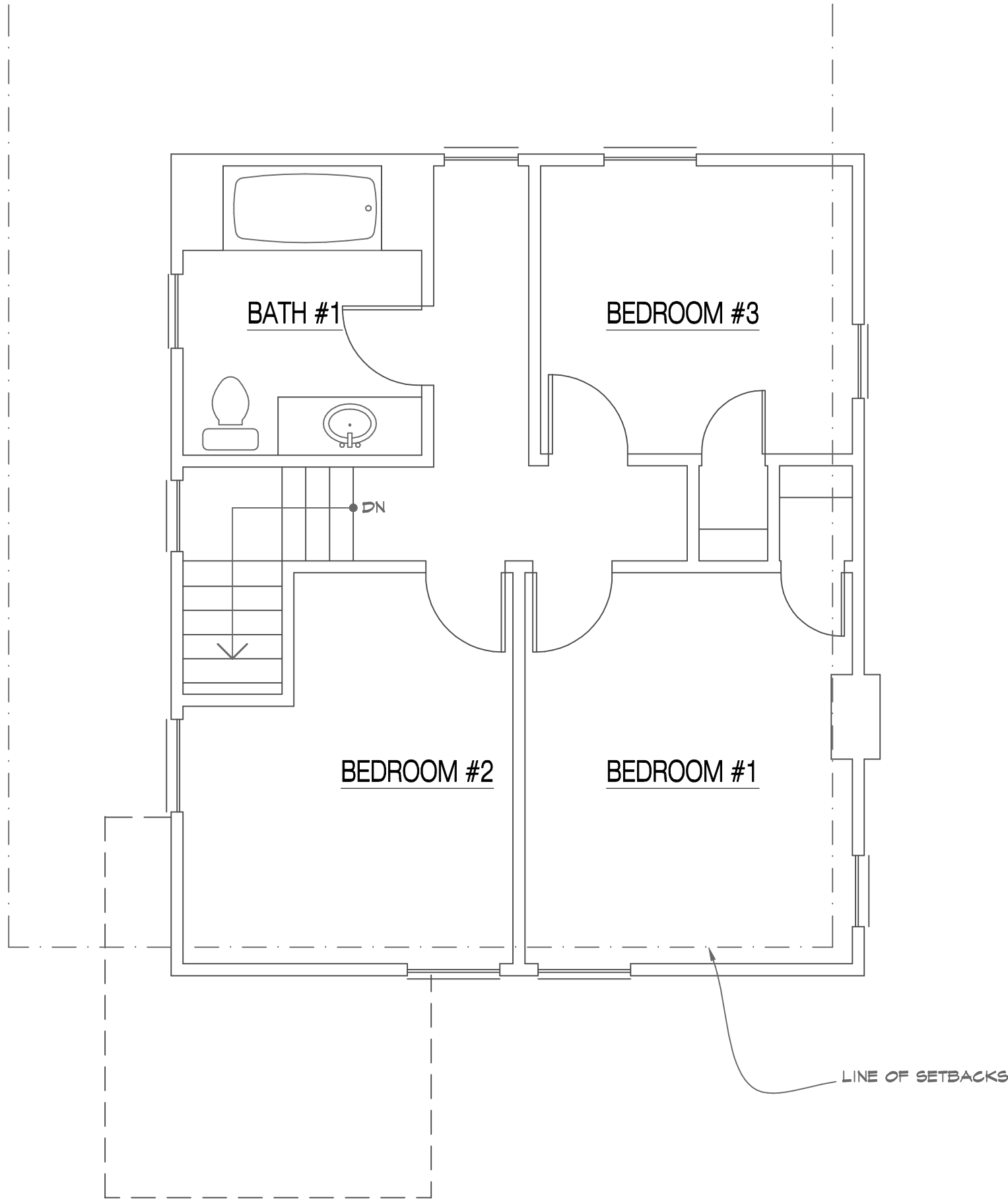
REVISED	
2021-5-14 PER CITY	
DATE: 3-4-2021	
DRAWN BY: CEH	
CHECKED BY: JPP/DJL	
	
FBK: --	1
CHF: PWK	
SCALE HOR 1"=10 FT. VER 1" = -- FT.	20-367

REVIEWED UNDER:  
2015 MICHIGAN RESIDENTIAL CODE &  
2015 MICHIGAN UNIFORM ENERGY CODE

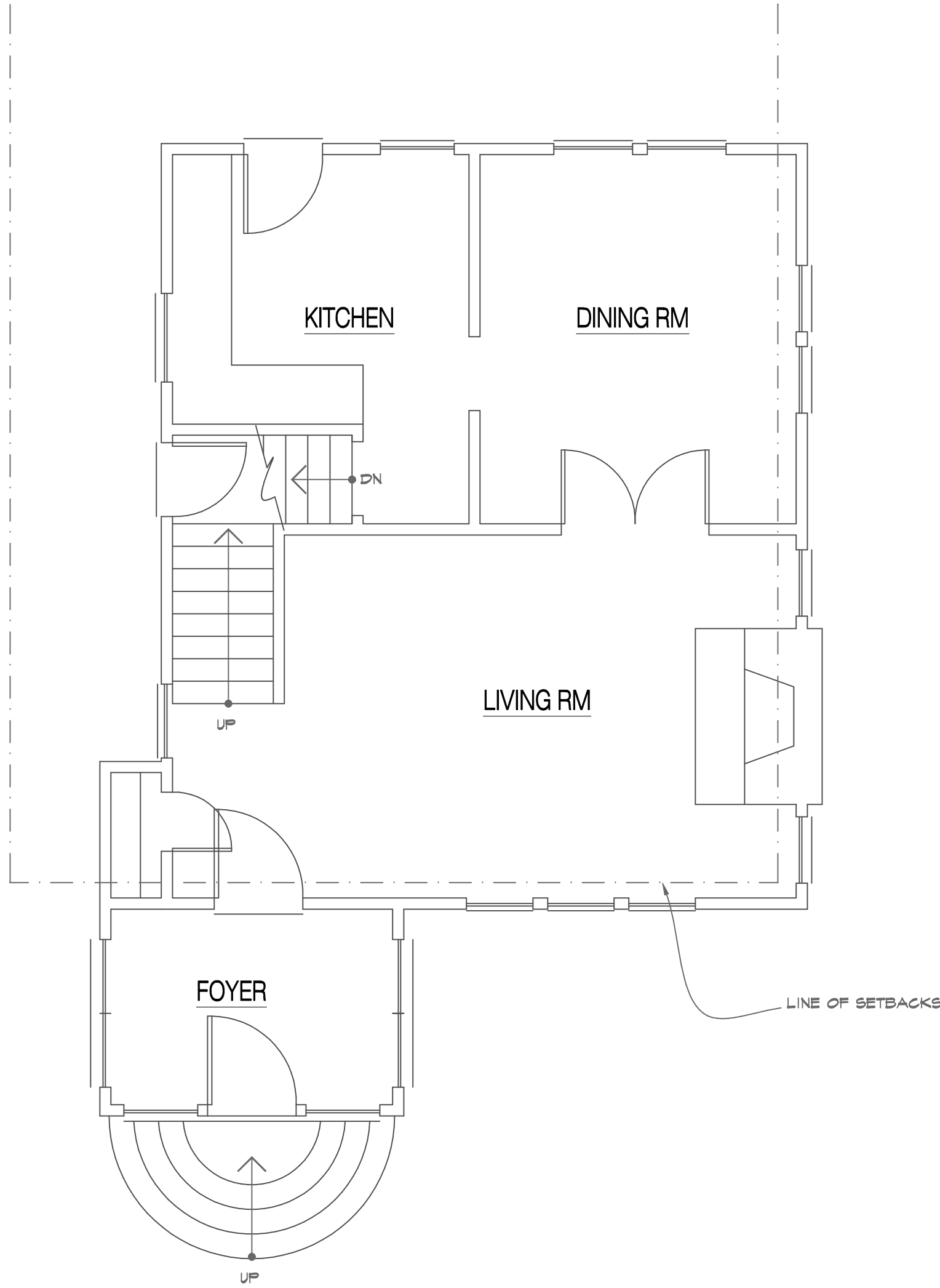
NOTES:

- 1. SMOKE ALARMS TO CODE: ALL SMOKE ALARMS TO BE ELECTRONICALLY INTERCONNECTED WITH A BATTERY BACKUP
- 2. R315.1 Carbonmonoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in *dwelling units* within which fuel-fired *appliances* are installed and in dwelling units that have attached garages.
- 3. ELECTRICAL TO CODE

WALL LEGEND	
EXISTING WALL	<div></div>
DEMOLITION WALL	<div></div>
NEW WALL	<div></div>
BRICK	<div></div>
MASONRY BLOCK	<div></div>



UPPER LEVEL:  
EXISTING FLOOR PLAN  
SCALE: 1/4"=1'-0"



MAIN LEVEL:  
EXISTING FLOOR PLAN  
SCALE: 1/4"=1'-0"

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION AND RENOVATION FOR:  
**D'ANGELO WADE RESIDENCE**  
1220 BIRD AVENUE  
BIRMINGHAM, MICHIGAN 48009

**ZACK M OSTROFF & ASSOCIATES**  
RESIDENTIAL/COMMERCIAL DESIGNER/PLANNER  
MEMBER  
**A I B D**  
web: www.zoarchitecture.com  
email: zack@zoarchitecture.com  
PH: 248.425.4190

THIS DRAWING AS AN INSTRUMENT OF SERVICE IS AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY WAY WITHOUT THE PERMISSION OF THE DESIGNER.  
THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF HIS WORK.

SHEET TITLE  
**EXISTING FLOOR PLANS**

SHEET SCALE  
**AS NOTED**

PROJECT NO.  
**20-144**

DATE  
**05.13.21**

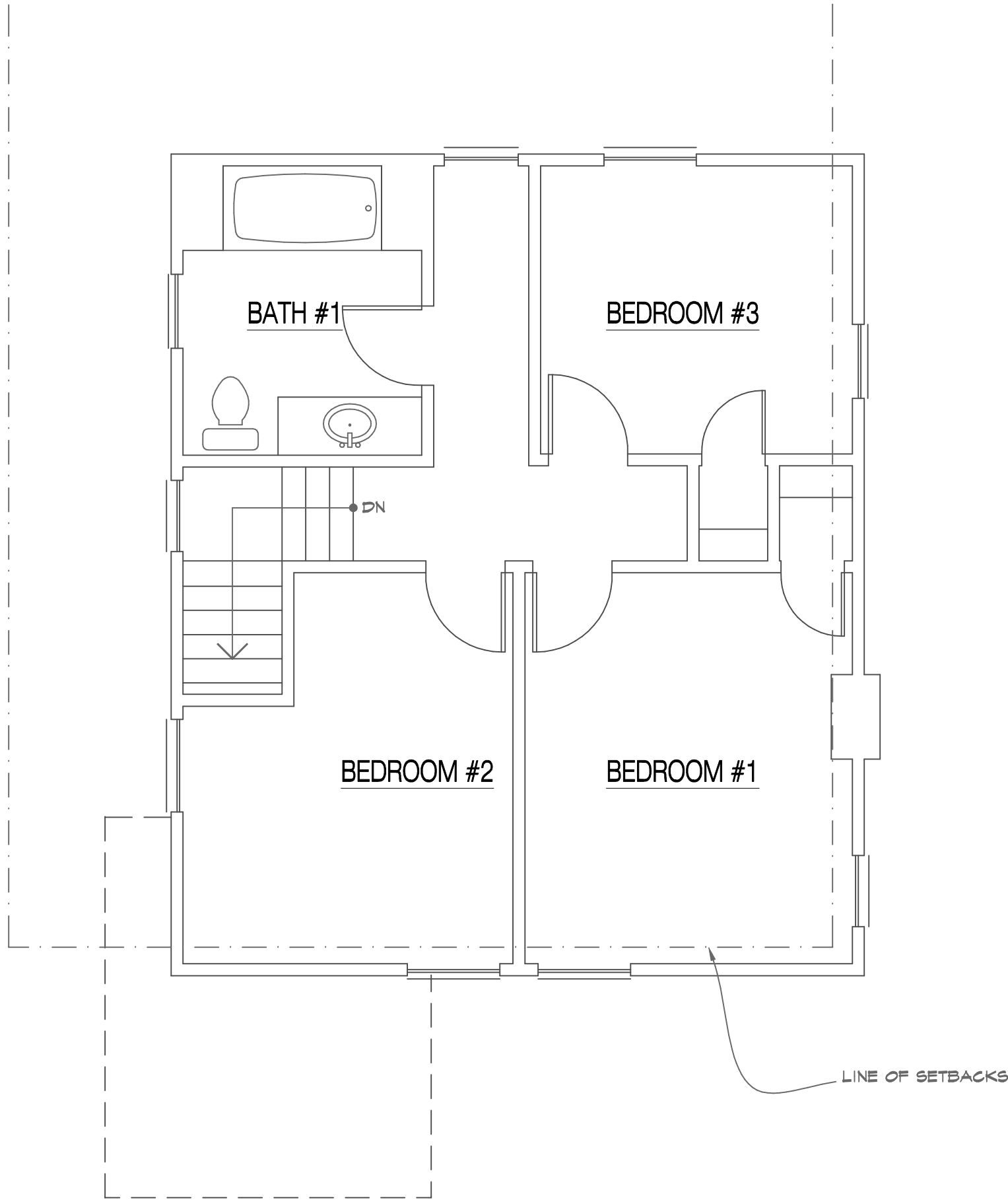
SHEET NUMBER  
**A-1**

REVIEWED UNDER:  
2015 MICHIGAN RESIDENTIAL CODE &  
2015 MICHIGAN UNIFORM ENERGY CODE

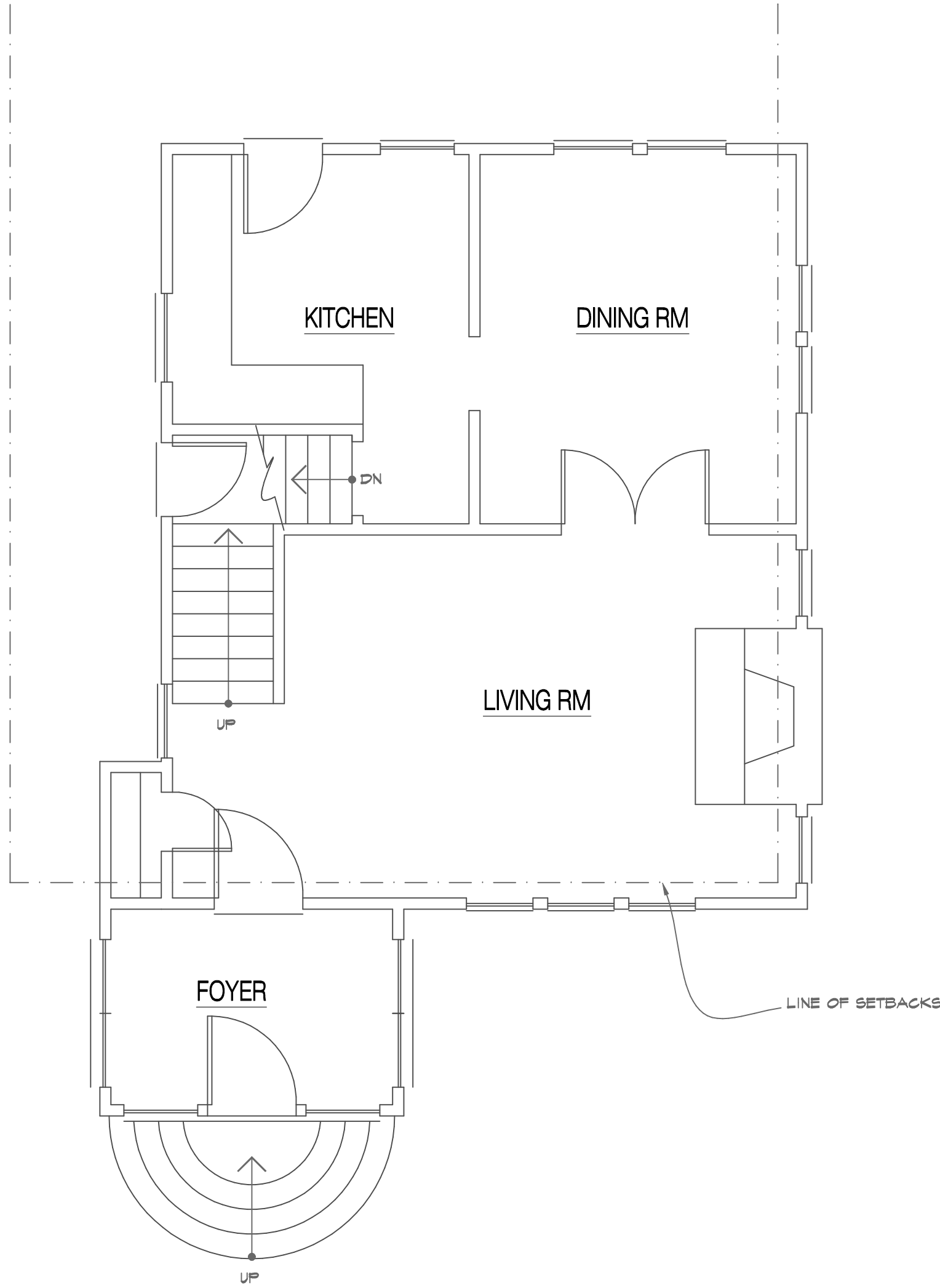
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WALL LEGEND	
EXISTING WALL	<div></div>
DEMOLITION WALL	<div></div>
NEW WALL	<div></div>
BRICK	<div></div>
MASONRY BLOCK	<div></div>



UPPER LEVEL:  
EXISTING FLOOR PLAN  
SCALE: 1/4"=1'-0"



MAIN LEVEL:  
EXISTING FLOOR PLAN  
SCALE: 1/4"=1'-0"

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION AND RENOVATION FOR:  
**D'ANGELO WADE RESIDENCE**  
1220 BIRD AVENUE  
BIRMINGHAM, MICHIGAN 48009

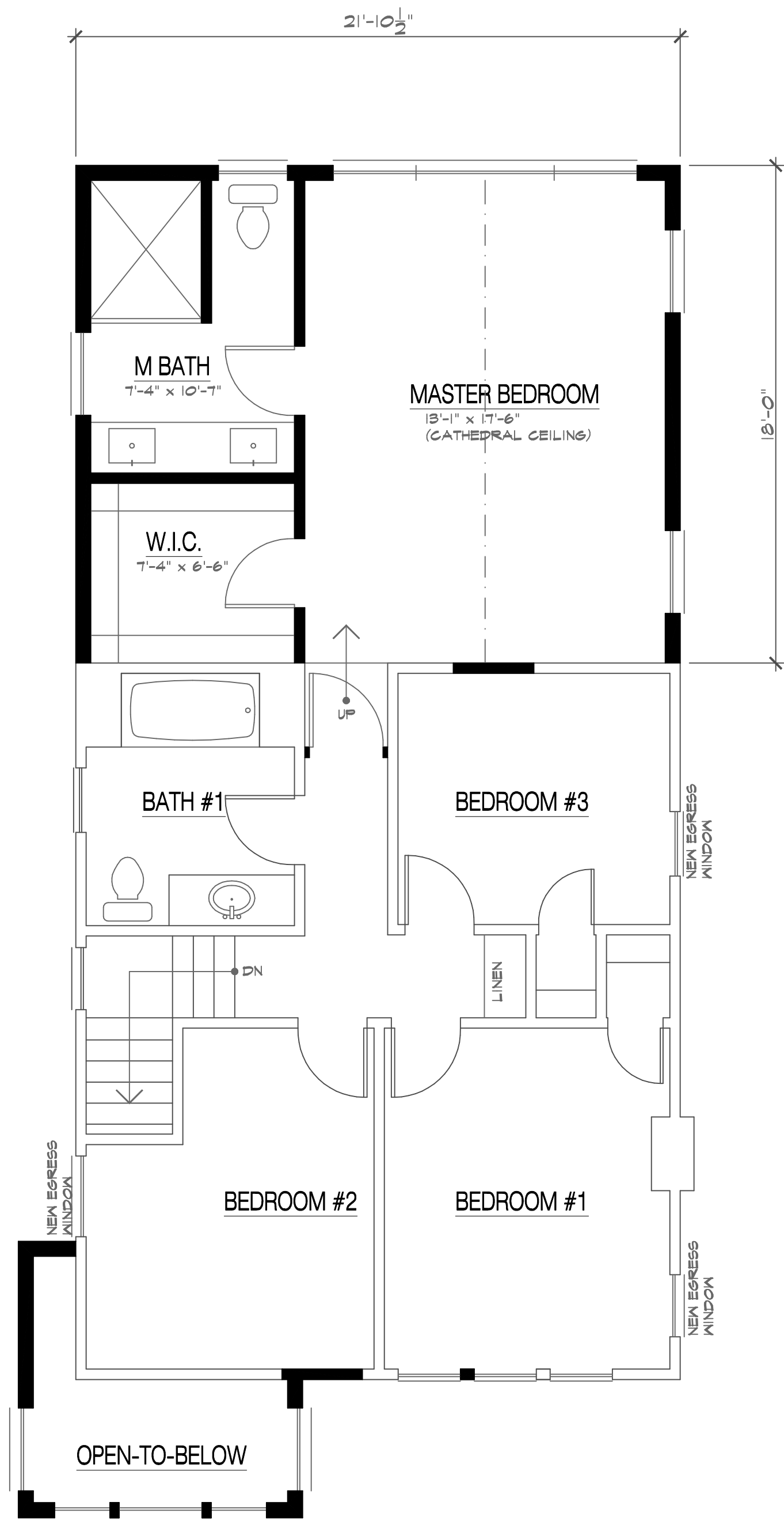
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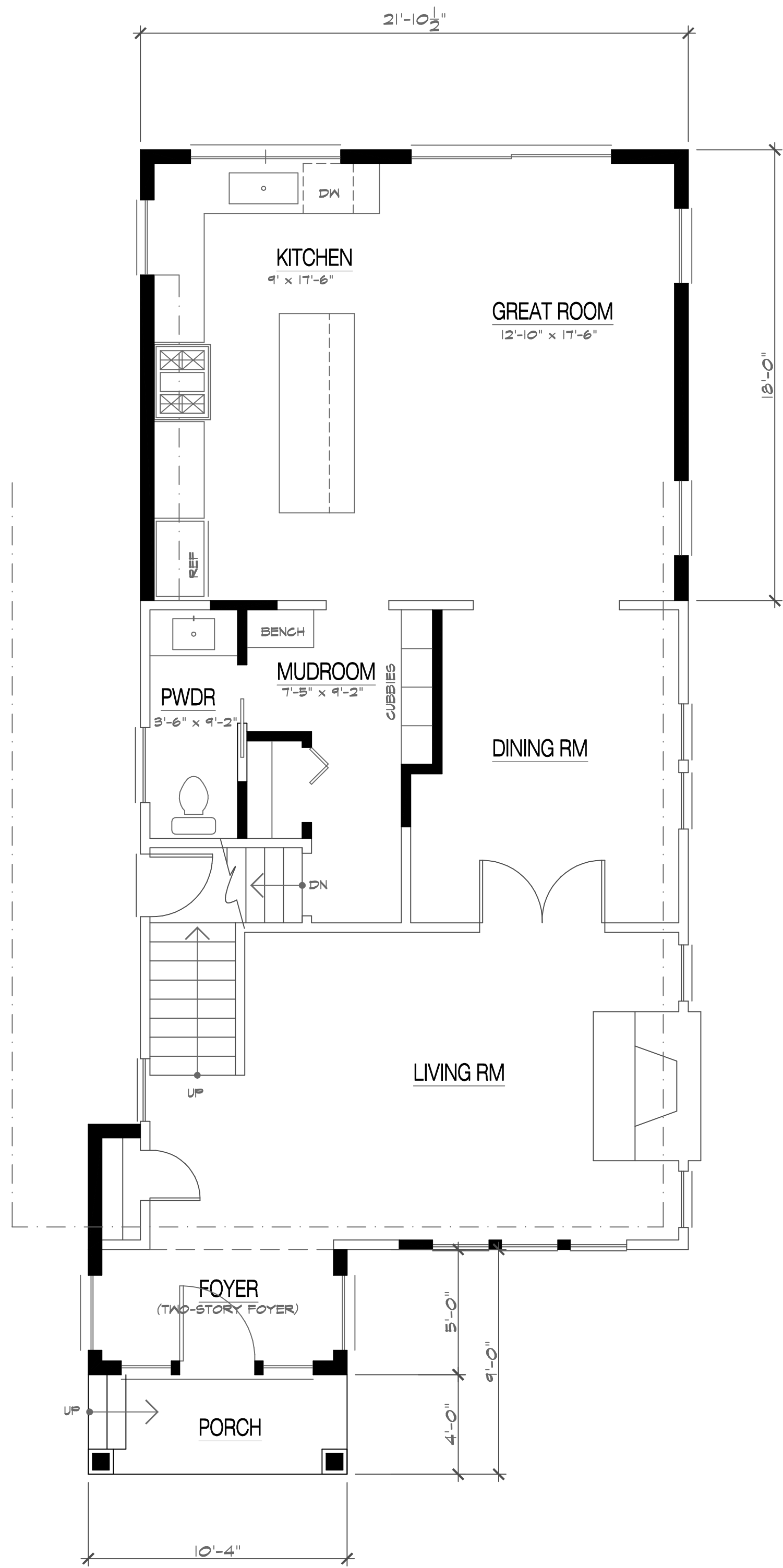
SHEET TITLE EXISTING FLOOR PLANS	
SHEET SCALE AS NOTED	PROJECT NO. 20-144
DATE 05.13.21	SHEET NUMBER A-1



WALL LEGEND	
EXISTING WALL	
DEMOLITION WALL	
NEW WALL	
BRICK	
MASONRY BLOCK	



UPPER LEVEL:  
PROPOSED FLOOR PLAN  
SCALE: 1/4"=1'-0"



MAIN LEVEL:  
PROPOSED FLOOR PLAN  
SCALE: 1/4"=1'-0"

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION AND RENOVATION FOR:  
**D'ANGELO WADE RESIDENCE**  
1220 BIRD AVENUE  
BIRMINGHAM, MICHIGAN 48009

**ZACK M OSTROFF & ASSOCIATES**  
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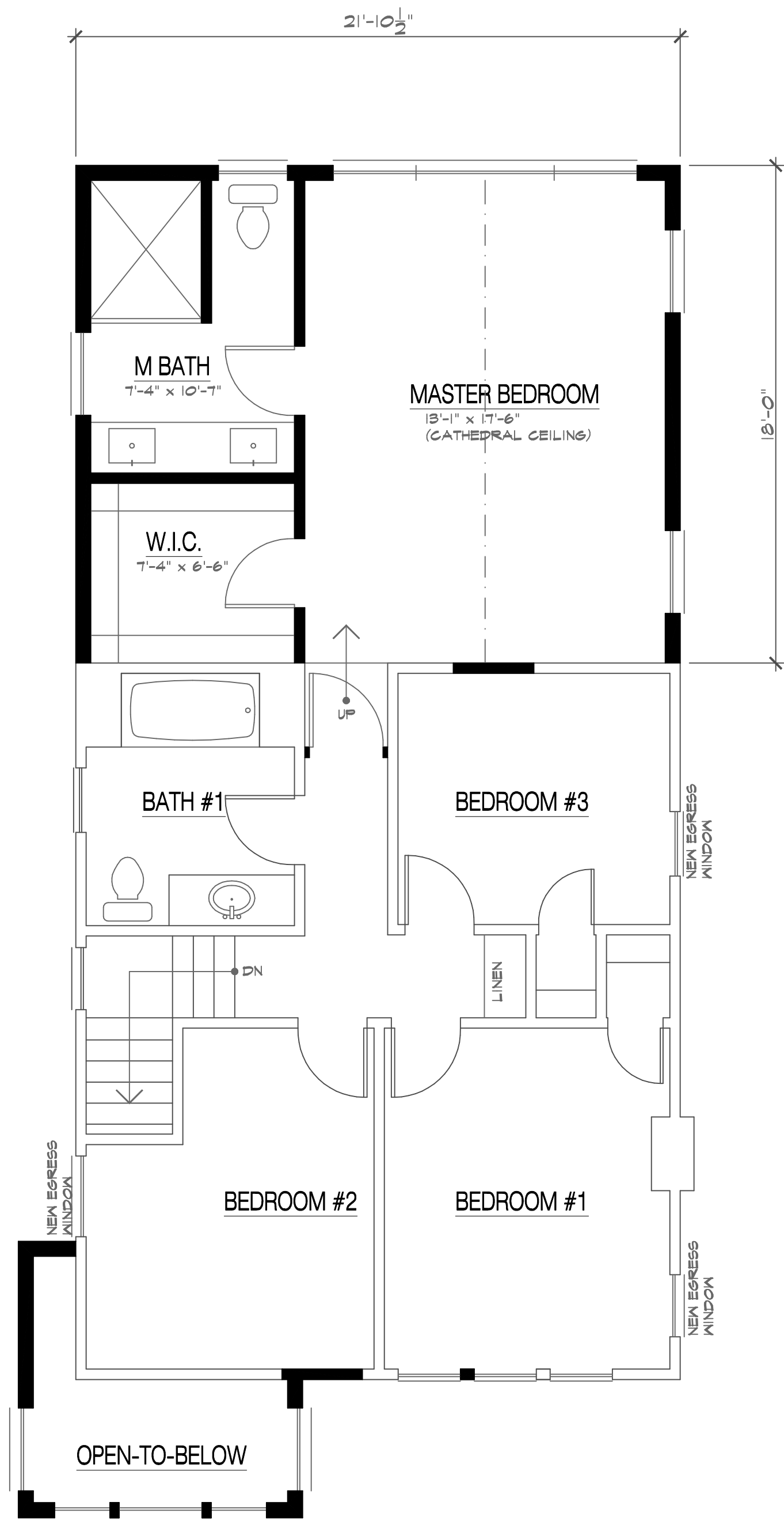
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SHEET TITLE  
**PROPOSED FLOOR PLANS**

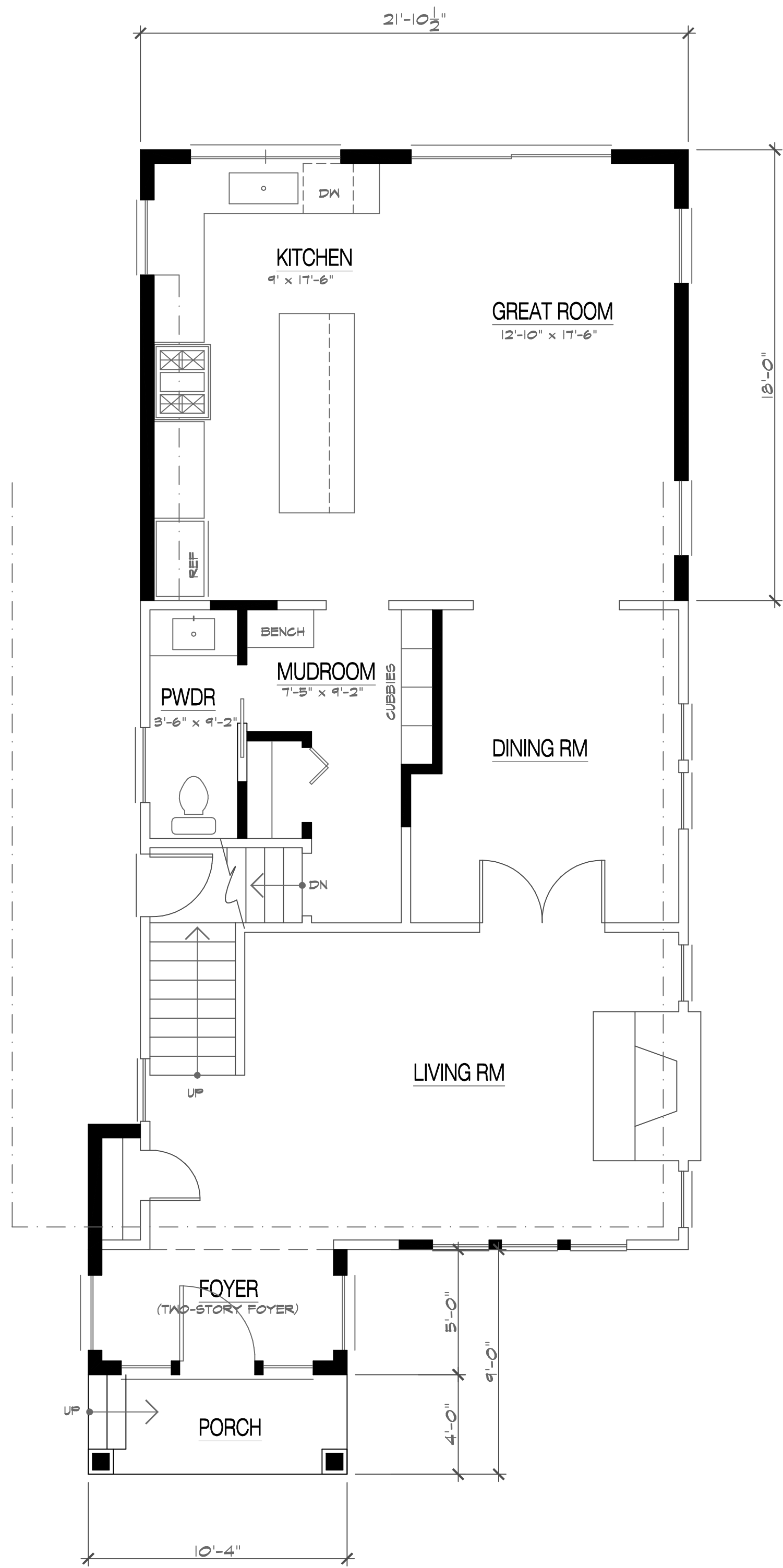
SHEET SCALE AS NOTED
PROJECT NO. 20-144
DATE 05.13.21
SHEET NUMBER <b>A-2</b>



WALL LEGEND	
EXISTING WALL	
DEMOLITION WALL	
NEW WALL	
BRICK	
MASONRY BLOCK	



UPPER LEVEL:  
PROPOSED FLOOR PLAN  
SCALE: 1/4"=1'-0"



MAIN LEVEL:  
PROPOSED FLOOR PLAN  
SCALE: 1/4"=1'-0"

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION AND RENOVATION FOR:  
**D'ANGELO WADE RESIDENCE**  
1220 BIRD AVENUE  
BIRMINGHAM, MICHIGAN 48009

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SHEET TITLE	
PROPOSED FLOOR PLANS	
SHEET SCALE	AS NOTED
PROJECT NO.	20-144
DATE	05.13.21
SHEET NUMBER	A-2



LEFT SIDE ELEVATION  
SCALE: 1/4"=1'-0"



FRONT ELEVATION  
SCALE: 1/4"=1'-0"



REAR ELEVATION  
SCALE: 1/4"=1'-0"

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION AND RENOVATION FOR:  
**D'ANGELO WADE RESIDENCE**  
1220 BIRD AVENUE  
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MEMBER  
**A I B D**

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THE PROPERTY OF THE DESIGNER  
AND SHALL NOT BE USED IN ANY  
WAY WITHOUT THE PERMISSION OF  
THE DESIGNER.

THE CONTRACTOR SHALL VERIFY ALL  
DIMENSIONS AND EXISTING CONDITIONS  
AT THE SITE BEFORE PROCEEDING  
WITH EACH PHASE OF HIS WORK.

SHEET TITLE  
**EXTERIOR  
ELEVATIONS**

SHEET SCALE  
**AS NOTED**

PROJECT NO.  
**20-144**

DATE  
**05.13.21**

SHEET NUMBER  
**A-3**

## **CASE DESCRIPTION**

**689 Westwood (21-29)**

**Hearing date: July 13, 2021**

**Appeal No. 21-29:** The owner of the property known 689 Westwood, requests the following variance to construct an addition to an existing non-conforming single-family home:

**A. Chapter 126, Article 2.06.2** of the Zoning Ordinance requires that the minimum total side yard setback are 14.00 feet or 25% of the total lot width whichever is larger. The required is 22.47 feet. The proposed is 18.82 feet. Therefore; a variance of 3.65 feet is being requested.

**Staff Notes:** The applicant was in front of the board in May, which the appeal was denied (minutes attached). The applicant is requesting a lesser variance to construct an addition to the home.

This property is zoned R1– Single Family Residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

## 689 WESTWOOD 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: 5.28.21

Received By: HT

Hearing Date: 7.13.21

Appeal #: 21-0029

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>689 Westwood</u>		Lot Number: <u>459 Part 45</u>		Sidwell Number:																
<b>II. OWNER INFORMATION:</b>																				
Name: <u>Mr. AND MRS L. Mackenzie</u>																				
Address: <u>689 Westwood</u>		City: <u>Birmingham</u>		State: <u>MI</u>	Zip code: <u>48009</u>															
Email:			Phone:																	
<b>III. PETITIONER INFORMATION:</b>																				
Name: <u>Mr. &amp; Mrs L. Mackenzie</u>		Firm/Company Name: <u>OWNER</u>																		
Address: <u>689 Westwood</u>		City: <u>Birmingham</u>		State: <u>MI</u>	Zip code: <u>48009</u>															
Email: <u>lmackenzie@ntvbm.edid.com</u>			Phone: <u>248-892-7717</u>																	
<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> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <caption style="text-align: center;">Variance Chart Example</caption> <tr> <th>Requested Variances</th> <th>Required</th> <th>Existing</th> <th>Proposed</th> <th>Variance Amount</th> </tr> <tr> <td>Variance A, Front Setback</td> <td>25.00 Feet</td> <td>23.50 Feet</td> <td>23.50 Feet</td> <td>1.50 Feet</td> </tr> <tr> <td>Variance B, Height</td> <td>30.00 Feet</td> <td>30.25 Feet</td> <td>30.25 Feet</td> <td>0.25 Feet</td> </tr> </table>						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
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 type="checkbox"/> One original and nine copies of the signed application <input type="checkbox"/> One original and nine copies of the signed letter of practical difficulty and/or hardship <input type="checkbox"/> One original and nine copies of the certified survey <input type="checkbox"/> 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations <input 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: <u>[Signature]</u>		Date: <u>5/27/21</u>																		
Signature of Petitioner: <u>same</u>		Date: <u>28 2021</u>																		



CITY OF BIRMINGHAM  
Date 06/01/2021 12:07:51 PM  
Ref 00180467  
Amount \$300.00

May 26, 2021

Re: MacKenzie Residence  
689 Westwood, Birmingham, MI

Dear Zoning Board Members:

After denial of 2 Variance requests at the May Board of Zoning Appeals in order to expand our Existing Garage, we have made several modifications to our building plans and are hereby applying for a Single Dimensional Variance in order to construct a Garage Addition with Second Floor above to the home that we have lived-in for over 20 years and wish to continue to do so in our new empty-nest life.

Unfortunately, we were unable to get access to speak on the Zoom Hearing, due to technical difficulties, when a board member questioned whether the 1.07' distance to neighbor variance could be eliminated but are willing to eliminate that Variance which would at least allow us to add 3' to our existing extremely narrow garage.

The 3' Addition to Garage would put our garage at 8.45' from our Lot Line and maintain the required 22.47' (25% of our lot width) from neighbor.

The Total Side Setbacks for our lot are 22.47' (25% of lot width). Because the existing South Side of our house is 10.53' from the Lot Line, our Total Side Setback proposed would be 18.98', requiring the Single Variance of 3.49' that are requesting.

This variance would only involve our own property, an item discussed at last month's meeting.

We have ALSO modified our plans to set the Second Floor Addition back from the Lot Line the 3.49' so that the Second Floor would be at the required total side setback and so the Variance we are requesting will only apply to the Ground Floor Garage (the second floor complying).

The current size of our garage poses a number of practical difficulties at its 18'-4" width. It does not fit 2 cars which is unreasonable to today's standards and our needs and does not provide any storage space for lawn equipment etc. The 3' addition requested would improve our situation greatly.

The original house was built with this undersized Garage AND prior to the Total Side Setback ordinance so this is not self-created. Given these pre-existing conditions and the practical difficulties they impose, literal enforcement of the ordinance would result in a hardship unreasonably preventing us from using our property for permitted use, an attached garage.

We respectfully request your consideration of the items that we have revised in order to get some addition to our existing Garage width (which no longer impacts the neighbor to north) and humbly request your approval.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Larry & Mari MacKenzie', written in a cursive, flowing style.

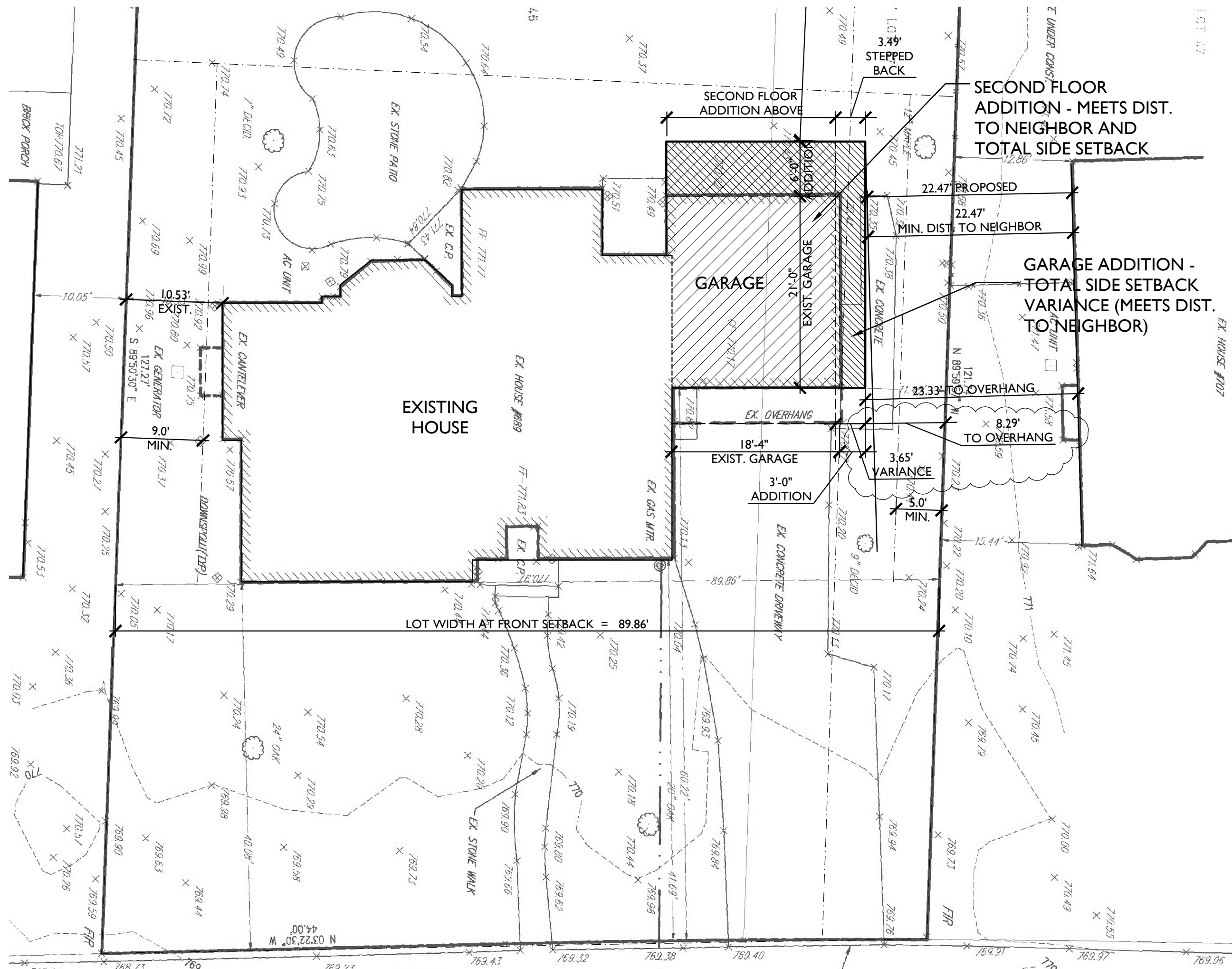
Larry & Mari MacKenzie





MacKenzie Residence  
689 Westwood







# MacKENZIE RESIDENCE

689 Westwood  
Birmingham, MI

Glenda MEADS Architects

114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009  
TELEPHONE: (248) 220-4998  
MOBILE: (248) 514-2971  
E-MAIL: glendameadsarchitects@comcast.net

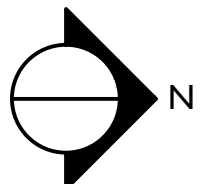
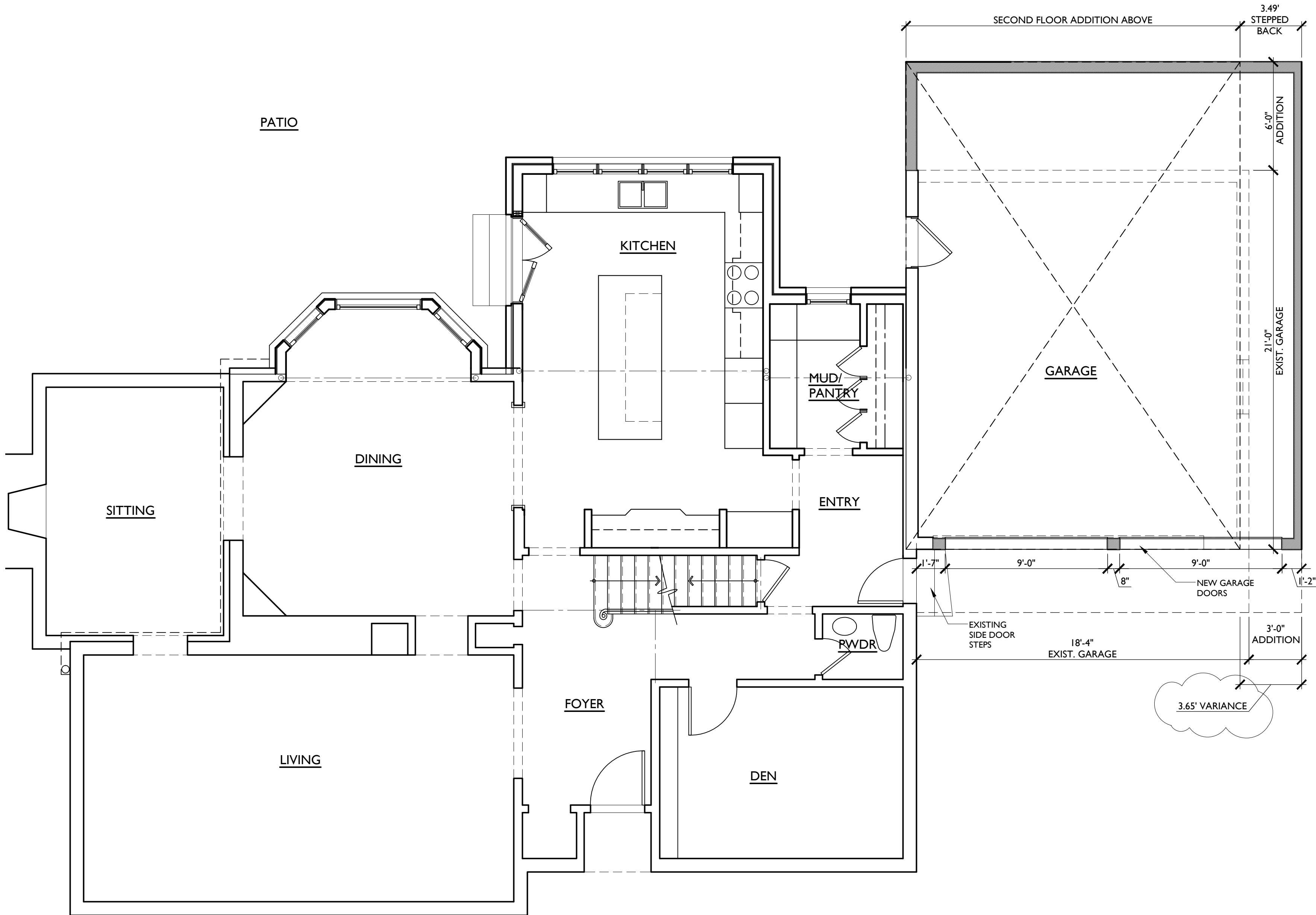
## Project Data:

ADDRESS	689 WESTWOOD		
ZONED	R-1 (SINGLE FAMILY RESIDENTIAL)		
LOT AREA	22,414 +/- SF		
FRONTAGE	90'		
LOT WIDTH AT FRONT SETBACK	89.86'		
SITE DATA			
	REQUIRED	PROPOSED	
FRONT SETBACK	AVE OF HOUSES	38.39 (EXIST. TO REMAIN)	- OK
REAR SETBACK	30' MIN.	35.6' +/- TO ADD'N	- OK
LEAST SIDE SETBACK	5' MIN.	7.45' TO ADD'N NORTH SIDE	- OK
SIDE SETBACK	9' MIN. (10% LOT WIDTH)	10.53' EXIST. SOUTH SIDE	- OK
TOTAL SIDES SETBACK	25 % OF 89.86' = 22.47' MIN.	EXIST. SOUTH SIDE 10.53' ADD'N NORTH SIDE 8.29'	18.82' - 3.65' VARIANCE
DIST. TO NEIGHBOR	25 % OF 89.86' = 22.47' MIN.	22.47 TO ADD'N NORTH SIDE	- OK

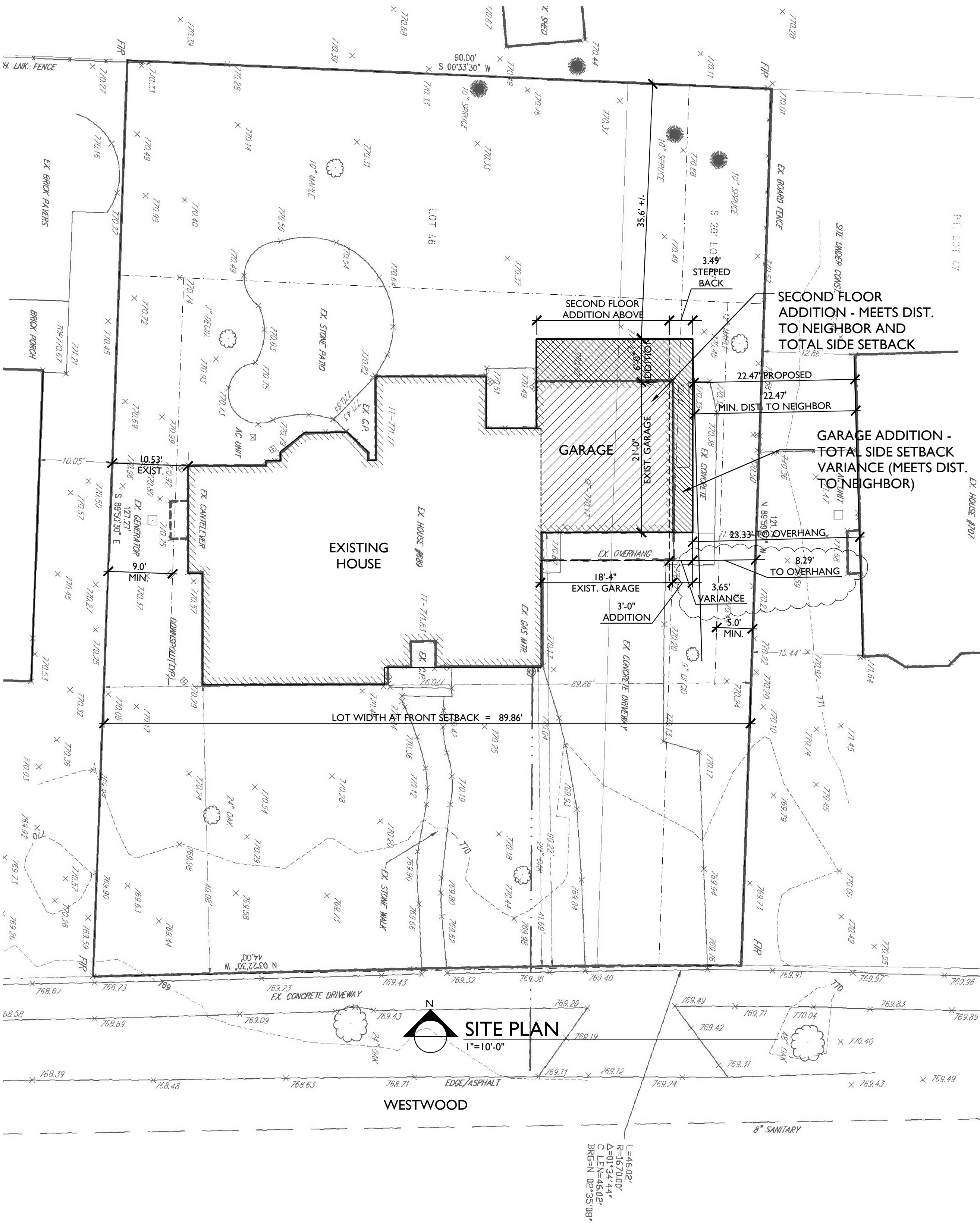
DIST. TO NEIGHBOR 25 % OF 89.86' = 22.47' MIN. 22.47' TO ADD'N NORTH SIDE - OK

## VARIANCE SUMMARY CHART

ITEM	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT
VARIANCE I:				
TOTAL SIDE SETBACK	22.47'	21.98'	18.82'	3.65'



GROUND FLOOR PLAN  
1/4"=1'-0"



MACKENZIE RESIDENCE

689 Westwood  
Birmingham, Mi

Glenda MEADS Architects

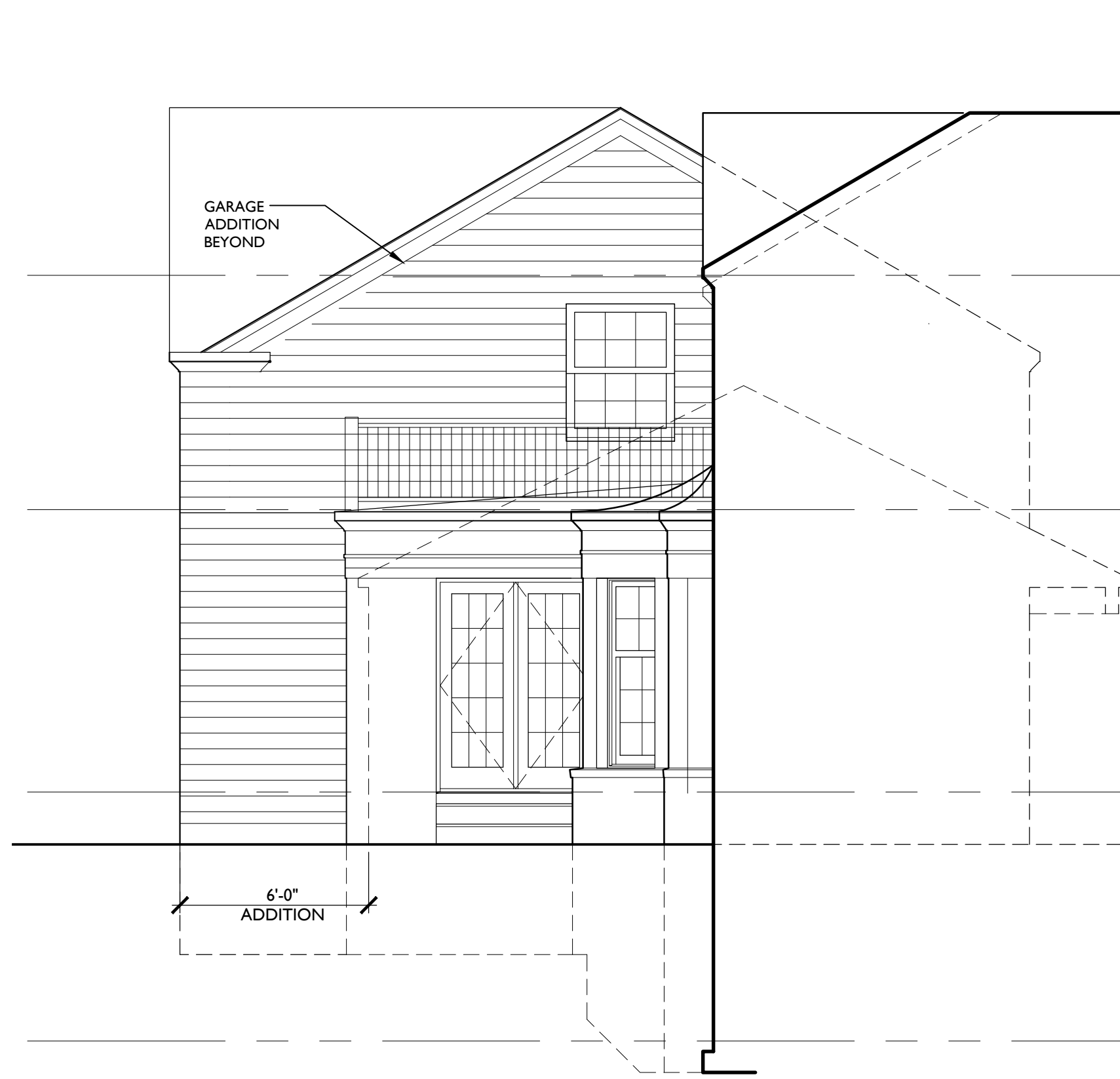
114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009  
T (248) 220-4998 M (248) 514-2971 glenda@glendameads.com

SITE & GROUND  
FLOOR PLANS

4-8-21  
ZONING APPEAL  
5-26-21  
ZONING APPEAL 2

6-17-21  
ZONING APPEAL 2  
REVISED

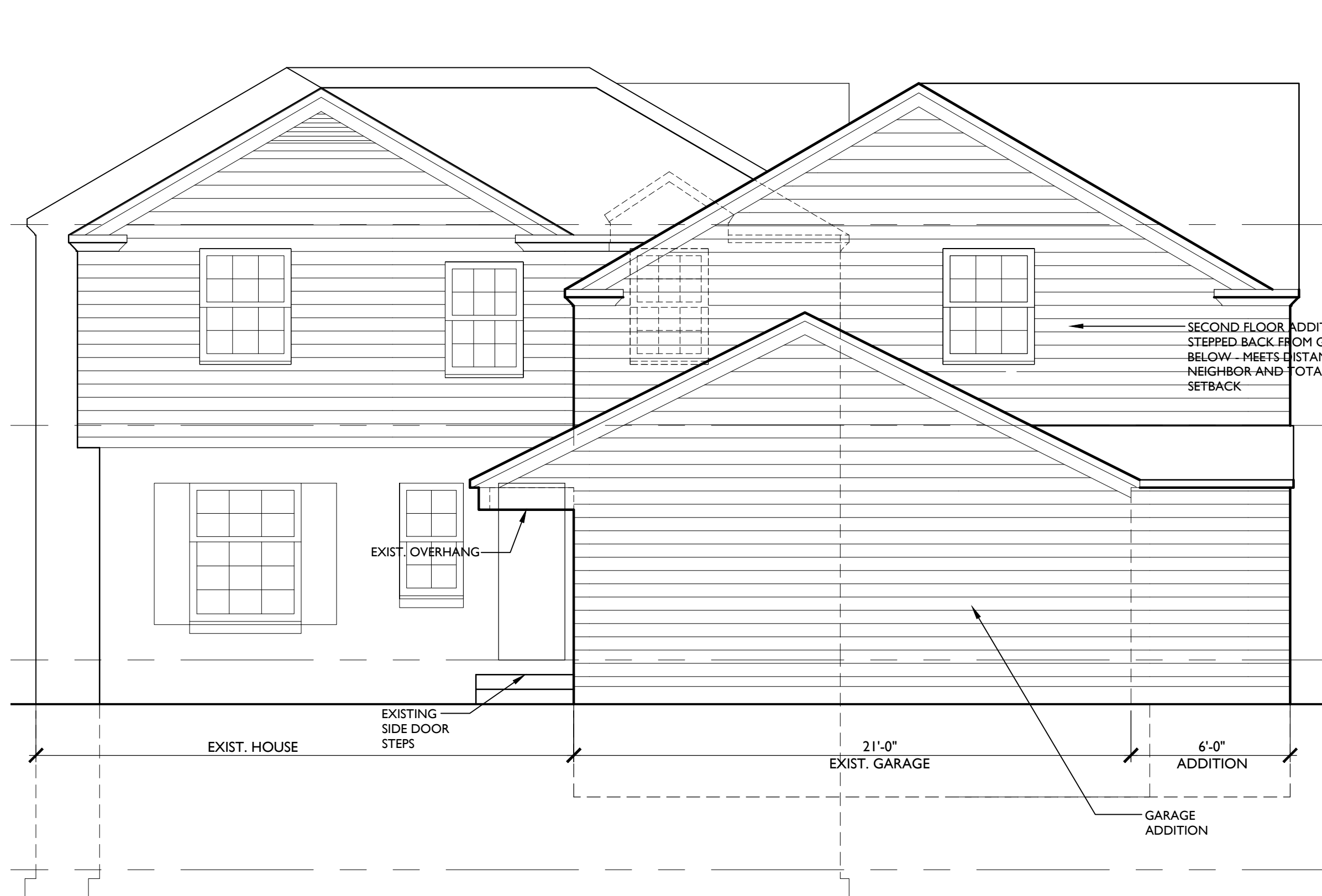
A101

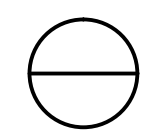


 **SOUTH (SIDE) ELEVATION**  
1/4"=1'-0"



 **EAST (FRONT) ELEVATION**  
1/4"=1'-0"



 **NORTH (SIDE) ELEVATION**  
1/4"=1'-0"



 **WEST (REAR) ELEVATION**  
1/4"=1'-0"

**MACKENZIE RESIDENCE**  
689 Westwood  
Birmingham, Mi

**Glenda MEADS Architects**  
1114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009  
T (248) 220-4998 M (248) 514-2971 glenda@glendameads.com

**ELEVATIONS**

4-8-21  
ZONING APPEAL  
5-26-21  
ZONING APPEAL 2

6-17-21  
ZONING APPEAL 2  
REVISED

**A102**

**Birmingham Board Of Zoning Appeals Proceedings  
Tuesday, May 11, 2021  
Held Remotely Via Zoom And Telephone Access**

---

**1. Call To Order**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, May 11, 2021. Chair Charles Lillie convened the meeting at 7:30 p.m.

**2. Rollcall**

**Present:** Chair Charles Lillie; Board Members Jason Canvasser, Richard Lilley, John Miller, Erik Morganroth, Francis Rodriguez; Alternate Board Member Ron Reddy (all located in Birmingham, MI.)

**Absent:** Board Member Kevin Hart; Alternate Board Member Erin Rodenhouse

**Administration:**

Bruce Johnson, Building Official  
Laura Eichenhorn, City Transcriptionist  
Mike Morad, Assistant Building Official  
Jeff Zielke, Assistant Building Official

Chair Lillie explained the meeting was being held virtually due to the Covid-19 pandemic. He explained the procedures to be followed for the virtual meeting. He then assigned duties for running the evening's meeting to Vice-Chair Canvasser.

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

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

**T# 05-25-21**

**3. Approval Of The Minutes Of The BZA Meeting Of April 13, 2021**

**Motion by Mr. Lilley**

**Seconded by Mr. Lillie to accept the Minutes of the BZA meeting of April 13, 2021 as submitted.**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Lilley, Lillie, Miller, Rodriguez, Morganroth, Canvasser, Reddy

Nays: None

**T# 05-26-21**

**4. Appeals**

**1) 900 Puritan  
Appeal 21-18**

ABO Zielke presented the item, explaining that the owner of the property known as 900 Puritan was requesting the following variances to construct new single-family home with an attached garage:

**A. Chapter 126, Article 4, Section 4.30(C)(1)** of the Zoning Ordinance states that covered or uncovered porches shall not project into the required side open space. The proposed 10.00 foot covered porch is to project 16.18 feet; therefore, a variance of 16.18 feet is being requested.

**B. Chapter 126, Article 4, Section 4.61(A)(1)** of the Zoning Ordinance requires a corner lot which has on the side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required side yard setback for this property is 38.03 feet. The proposed setback is 31.85 feet; therefore, a variance of 6.18 feet is requested.

ABO Zielke continued that the applicant proposed to construct a new home in place of the existing non-conforming home.

Timothy Martin, appellant, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

In reply to Mr. Lillie, Mr. Martin stated there has been multiple attempts to design a home that would fit within the building envelope. While he acknowledged that an ordinance-compliant home could be constructed within the building envelope, he opined that every ordinance-compliant option ended up less desirable than the proposed plans.

Mr. Lillie stated that if these variances were granted they could be used as precedent for the neighbors to request variances to move forward towards Oak.

In reply to Mr. Lillie, Mr. Martin said that might actually benefit the aesthetics of Oak.

Mr. Morganroth stated that there were a number of different options for building in the building envelope.

Mr. Martin said that granting the variances maintained the spirit of the ordinance, and that not granting the variances would cause his family to lose the rights available to others in the same area. He stated that the available building width would be substantially reduced due to the special circumstances of his lot.

Tom Sowden, neighbor, spoke in favor of granting the variances in order to maintain the trees between the two homes.

**Motion by Mr. Lillie**

**Seconded by Mr. Morganroth with regard to Appeal 21-18, A. Chapter 126, Article 4, Section 4.30(C)(1) of the Zoning Ordinance states that covered or uncovered porches shall not project into the required side open space. The proposed 10.00 foot covered porch is to project 16.18 feet; therefore, a variance of 16.18 feet is being requested; and, B. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires a corner lot which has on the side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required side yard setback for this property is 38.03 feet. The proposed setback is 31.85 feet; therefore, a variance of 6.18 feet is requested.**

**Mr. Lillie moved to deny the variances, stating that the petitioner had not demonstrated a practical difficulty. He said permitting the variance would do no justice to the neighbors, that the property had no unique characteristics necessitating the variances and that the petitioner failed to show why the home could not be built within the building envelope. He said the need for the variances was self-created since the plan is to tear down the existing home and begin with a blank slate.**

**Mr. Miller said that while he understood his colleague's reasoning he would not support the motion. He said the two homes to the east of 900 Puritan are anomalous in terms of their sideyard setbacks. He said the sideyard setback for Puritan would be more appropriate if it were more similar to the rest of the homes on Puritan and to the west. Granting the variances, then, would cause 900 Puritan to fall into alignment with the majority of the other homes on the street and would do justice to the overall neighborhood. He said the proposed plans also somewhat mitigate the existing non-conformities. He stated that moving the driveway to Puritan was both safer and more aesthetically pleasing.**

**Vice-Chair Canvasser said he would support the motion. He noted the appellant would be working with a blank slate once the home is torn down and that the appellant acknowledged an ordinance-compliant home could be built in the building envelope. Both of these facts indicated to Vice-Chair Canvasser that the desire for these two variances was self-created.**

**Mr. Rodriguez said he was somewhat torn on this petition, noting that the proposal did seek to decrease the extant non-conformity. He said the deciding factor was the appellant's acknowledgement that the property could be used for the permitted purpose without the variances and that an ordinance-compliant home could be built within the building envelope. He concurred with Mr. Lillie and Vice-Chair Canvasser that these factors demonstrated self-creation, so he said he would vote to support the motion.**

**Motion carried, 6-1.**

ROLL CALL VOTE

Yeas: Lillie, Morganroth, Lilley, Canvasser, Reddy, Rodriguez

Nays: Miller

**2) 1394 Westwood  
Appeal 21-19**

ABO Zielke presented the item, explaining that the owner of the property known as 1394 Westwood was requesting the following variances to construct an addition to the existing home with an attached garage:

**A. Chapter 126, Article 4, Section 4.61(A)(2)** of the Zoning Ordinance requires that a corner lot where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 10.00 feet for the permitted principal building. The proposed is 7.69 feet. Therefore, a 2.31 foot variance is being requested.

**B. Chapter 126, Article 4, Section 4.61(A)(2)** of the Zoning Ordinance requires that a corner lot where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 15.00 feet for permitted attached garages with vehicle entry doors facing the side street. The proposed is 11.17 feet. Therefore, a 3.83 foot variance is being requested.

ABO Zielke stated the existing home was constructed in 1961 on a corner lot.

Robert Clarke, architect, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Mr. Clarke explained that he was attempting to maintain the south and north edge of the garage and foundation areas.

Mr. Morganroth said a 21- or 22-foot garage should be able to adequately accommodate the kind of vehicles the appellants would be driving, which would mitigate the need for the variance. Mr. Morganroth also suggested that the garage doors be moved to the outside facade rather than the inside to create a bit more room.

In reply to Mr. Miller, Mr. Clarke said there was a grade drop of three-and-a-half to four feet on the east side of the garage.

In reply to Mr. Reddy, Mr. Clarke stated that he was trying to avoid a runaway building line in the front of the home in order to resemble the other homes in the area. He said he could not expand on the north face of the laundry room to create space because of the second floor window.

**Motion by Mr. Miller**

**Seconded by Mr. Lillie with regard to Appeal 21-19, A. Chapter 126, Article 4, Section 4.61(A)(2) of the Zoning Ordinance requires that a corner lot where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 10.00 feet for the permitted principal building. The proposed is 7.69 feet. Therefore, a 2.31 foot variance is being requested; and, B. Chapter 126, Article 4, Section 4.61(A)(2) of the Zoning Ordinance requires that a corner lot where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 15.00 feet for permitted attached garages with vehicle entry doors facing the side street. The proposed is 11.17 feet. Therefore, a 3.83 foot variance is being requested.**

**Mr. Miller made a motion to deny Appeal 21-19. He said the need for variances was self-created and that there were no particularly unique aspects of the property. He said the soft angle of the road and the slight fall-off of the grade did not amount to hardships. Mr. Miller found that strict compliance with the ordinance was not unreasonable in this case.**

**Mr. Morganroth said he would support the motion. While he acknowledged that the angle of the lot creates some challenges, he said the proposed changes to the home could likely be achieved in an ordinance-compliant way. He remained unconvinced that the appellant required the requested variances to meet their goals.**

**Vice-Chair Canvasser said he had concerns about self-creation and the expansion of a pre-existing non-conformity.**

**Mr. Reddy concurred with Vice-Chair Canvasser.**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Miller, Lillie, Rodriguez, Morganroth, Lilley, Canvasser, Reddy

Nays: None

**3) 689 Westwood  
Appeal 21-20**

ABO Zielke presented the item, explaining that the owner of the property known as 689 Westwood was requesting the following variances to construct an addition to an existing non-conforming home:

**A. Chapter 126, Article 2.06.2** of the Zoning Ordinance requires that the minimum total side yard setback are 14.00 feet or 25% of the total lot width whichever is larger. The required is 22.47 feet. The proposed is 17.78 feet. Therefore; a variance of 4.49 feet is being requested.

**B. Chapter 126, Article 4.74(C)** of the Zoning Ordinance requires a 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 22.47 feet. The proposed is 21.40 feet. Therefore; a variance of 1.07 feet is being requested.

ABO Zielke stated the existing home was constructed in 1945 along with a small kitchen addition in 2014 in the rear of the home.

Glenda Meads, architect, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

**Motion by Mr. Morganroth**

**Seconded by Mr. Rodriguez with regard to Appeal 21-20, A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setback are 14.00 feet or 25% of the total lot width whichever is larger. The required is 22.47 feet. The proposed is 17.78 feet. Therefore; a variance of 4.49 feet is being requested; and, B. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires a 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 22.47 feet. The proposed is 21.40 feet. Therefore; a variance of 1.07 feet is being requested.**

**Mr. Morganroth moved to deny Appeal 21-20. He said several issues formed the basis for his denial, noting that his most significant concern was substantial justice to the neighbor. He said expanding the non-conformity on the side could compromise the neighbor's maximum width home if they chose to tear down and build again at some point in the future. He said he understood the challenge of the garage but said Ms. Meads did not establish the side relative to the side-entry porch was a factor. He said the use was a factor.**

**Mr. Miller said this was a difficult case because he said wanting the garage to be a usable width was reasonable. Noting that, he still concurred with Mr. Morganroth that the Board could not compromise justice for the neighbor by granting the variances, and so he supported the motion to deny.**



**Vice-Chair Canvasser said he would support the motion since it would expand a pre-existing non-conformity and would impact the neighbor.**

**Mr. Lillie said he would support the motion for the previously stated reasons.**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Morganroth, Rodriguez, Lilley, Canvasser, Reddy, Lillie, Miller

Nays: None

**4) 1016 Pierce  
Appeal 21-21**

ABO Zielke presented the item, explaining that the owner of the property known as 1016 Pierce was requesting the following variance to construct a new single-family home with an attached garage:

**A. Chapter 126, Article 4.74(C)** of the Zoning Ordinance requires a 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 17.25 feet. The proposed is 12.95 feet on the South side. Therefore; a variance of 4.30 foot is being requested.

ABO Zielke stated the proposed home met the ordinance for the lot with the exception of meeting the distance between principal structures.

Ann and Brett Eilander, owners, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet. They stated Ben Templeton, builder, and Glenda Meads, architect, were also on the call.

Vice-Chair Canvasser said the lack of dimensions on the drawings made it difficult for him to evaluate the appellants' claims.

Mr. Miller concurred with Vice-Chair Canvasser, adding that the lack of information about vertical elevations in the drawings did the same.

Mr. Morganroth concurred with Vice-Chair Canvasser.

Mr. Templeton stated that plans with full elevations were not submitted because the Eilanders were waiting for the results of this BZA meeting to get a design set of drawings from Ms. Meads.

Mr. Morganroth suggested that if the elevator could come down to the garage floor and then the first floor that the ramp would not be needed. If that were the case, then minimizing the garage could possibly also minimize, if not completely mitigate, the need for the variance.

Mr. Eilander said the three feet also allows the appellants enough room to navigate the garage without having to move the cars.

Mr. Lillie suggested that the 12.95 feet could be split between the southern and northern neighbors.

The Eilanders said they would be happy to either keep the 12.95 feet as proposed or to follow Mr. Lillie's suggestion, whichever the Board ended up preferring.

In response to Board discussion, the Eilanders said they could return with plans that showed dimensions and elevations.

Vice-Chair Canvasser clarified for the Eilanders that a review of updated plans would not necessarily result in an approval. He said it would just provide more information to the Board members.

**Motion by Mr. Lillie**

**Seconded by Vice-Chair Canvasser with regard to Appeal 21-21, A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires a 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 17.25 feet. The proposed is 12.95 feet on the South side. Therefore a variance of 4.30 foot is being requested.**

**Mr. Lillie moved to adjourn Appeal 21-21 to the June 2021 BZA meeting with a request that the appellants submit the dimensions and elevations for the plans.**

**Mr. Miller cautioned the appellants that the proposed office bump-out would difficult to vote to approve.**

**Mr. Reddy concurred with the Mr. Miller. He said the bump-out could be mitigated. He said that slightly reducing the width of the garage and doing a bit of redesign might help the appellants achieve their goals.**

**Motion carried, 7-0.**

**ROLL CALL VOTE**

Yeas: Lillie, Canvasser, Reddy, Miller, Rodriguez, Morganroth, Lilley

Nays: None

**5) 1301 Fairway  
Appeal 21-22**

ABO Zielke presented the item, explaining that the owner of the property known as 1301 Fairway 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 32.24 feet. The proposed is 25.34 feet. Therefore; a 6.90 foot variance is being requested.

**B. Chapter 126, Article 2.06.2** of the Zoning Ordinance requires that the minimum total side yard setback are 14.00 feet or 25% of the total lot width whichever is larger. The required is 28.12 feet. The existing is 16.14 feet and the proposed is 15.94 feet. Therefore; a variance of 9.18 feet is being requested.

**C. Chapter 126, Article 4.74(C)** of the Zoning Ordinance requires a 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 28.12 feet. The proposed is 21.90 feet on the South side Therefore; a variance of 6.22 foot is being requested.

**D. Chapter 126, Article 4.75(A)(1)** of the Zoning Ordinance requires that single family attached garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The existing is 6.00 feet in front of the furthest setback portion. Therefore; a variance of 11.00 feet is being requested.

**E. Chapter 126, Article 4.75(A)(2)** of the Zoning Ordinance requires that garage doors on attached garages which facing a street may not exceed 9.00 feet in width. The existing is 16.00 feet. Therefore; a variance of 7.00 feet is being requested.

ABO Zielke stated the existing home, constructed in 1960, was a non-conforming home and sat on an irregularly-shaped lot.

Dana Warg, owner, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

**Motion by Mr. Reddy**

**Seconded by Mr. Lilley with regard to Appeal 21-22, 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 32.24 feet. The proposed is 25.34 feet. Therefore; a 6.90 foot variance is being requested; B. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setback are 14.00 feet or 25% of the total lot width whichever is larger. The required is 28.12 feet. The existing is 16.14 feet and the proposed is 15.94 feet. Therefore; a variance of 9.18 feet is being requested; C. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires a 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 28.12 feet. The proposed is 21.90 feet on the South side Therefore; a variance of 6.22 foot is being requested; D. Chapter 126, Article 4.75(A)(1) of the Zoning Ordinance requires that single family attached garages must be setback a minimum of 5.00 feet from the portion of the**

**front façade on the first floor of the principal residential building that is furthest setback from the front property line. The existing is 6.00 feet in front of the furthest setback portion. Therefore; a variance of 11.00 feet is being requested; and, E. Chapter 126, Article 4.75(A)(2) of the Zoning Ordinance requires that garage doors on attached garages which facing a street may not exceed 9.00 feet in width. The existing is 16.00 feet. Therefore; a variance of 7.00 feet is being requested.**

**Mr. Reddy moved to approve Variances A, B, C, D and E for Appeal 21-22 and tied it to the plans as submitted. He said denial of the appeal would prevent the appellant from gaining full use of the home because of its unusually-shaped lot. He said it was not self-created because the owner was seeking to improve the appearance of the home.**

**Mr. Miller said the unusual triangular-shaped lot was a reason to support the variance request.**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Reddy, Lilley, Canvasser, Lillie, Miller, Rodriguez, Morganroth

Nays: None

**6) 815 Woodland  
Appeal 21-23**

ABO Zielke presented the item, explaining that the owner of the property known as 815 Woodland was requesting the following variances to construct an addition to an existing non-conforming garage:

**A. Chapter 126, Article 4.03(G)** of the Zoning Ordinance limits the maximum eave height on accessory structures shall not exceed 12.00 feet. The proposed is 20.33 feet. Therefore; a variance of 8.33 feet is being requested.

**B. Chapter 126, Article 4.03(H)** of the Zoning Ordinance limits the maximum area of the first floor of any accessory structure in an R2 Zone district is 550 square feet. The existing and proposed is 564. Therefore a variance of 14 square feet is being requested.

**C. Chapter 126, Article 4.03(J)** of the Zoning Ordinance requires that dormers on accessory structures are limited to 50% or less of the width of the roof per elevation or 10.00 foot interior dimension, whichever is greater. The proposed is 100% of the roof width. Therefore; a variance of 50% is being requested.

ABO Zielke stated the existing detached structure footprint exceeded the allowable square footage. The proposed renovation to the existing structure would exceed the eave height and the dormer width permitted.

David Tarver, owner, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Discussion between Mr. Morganroth, ABO Zielke and Mr. Tarver clarified that if the side walls of the dormer aligned with the wall of the storage room and the interior staircase wall that most, if not all, of the need for Variance C could be mitigated.

Mr. Tarver confirmed that modification would be possible.

Discussion between the Board, Building Official Johnson, and Mr. Tarver concluded that the Board would give the Tarvers the opportunity to return with plans that included Variances A and B but mitigated Variance C.

**Motion by Mr. Morganroth**

**Seconded by Mr. Lillie with regard to Appeal 21-23, A. Chapter 126, Article 4.03(G) of the Zoning Ordinance limits the maximum eave height on accessory structures shall not exceed 12.00 feet. The proposed is 20.33 feet. Therefore; a variance of 8.33 feet is being requested; B. Chapter 126, Article 4.03(H) of the Zoning Ordinance limits the maximum area of the first floor of any accessory structure in an R2 Zone district is 550 square feet. The existing and proposed is 564. Therefore a variance of 14 square feet is being requested; and, C. Chapter 126, Article 4.03(J) of the Zoning Ordinance requires that dormers on accessory structures are limited to 50% or less of the width of the roof per elevation or 10.00 foot interior dimension, whichever is greater. The proposed is 100% of the roof width. Therefore; a variance of 50% is being requested.**

**Mr. Morganroth moved to adjourn Appeal 21-23 to the June 2021 BZA meeting in order to give the appellants an opportunity to revise their plans.**

**In reply to Mr. Reddy, Building Official Johnson said the Zoning Ordinance's definition of a dormer could be included in the next BZA agenda packet.**

**Motion carried, 7-0.**

**ROLL CALL VOTE**

Yeas: Morganroth, Lillie, Miller, Rodriguez, Lilley, Canvasser, Reddy

Nays: None

**T# 05-27-21**

**5. Correspondence**

Included in the agenda packet.

**T# 05-28-21**

**6. General Business**

There was brief discussion regarding when in-person meetings might resume. Building Official Johnson said he would inform the Board of any changes to the current policy.

**T# 05-29-21**

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

None.

**T# 05-30-21**

**8. Adjournment**

**Motion by Mr. Morganroth**

**Seconded by Mr. Lilley to adjourn the May 11, 2021 BZA meeting at 10:12 p.m.**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Morganroth, Lilley, Canvasser, Reddy, Lillie, Miller, Rodriguez

Nays: None



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Bruce R. Johnson, Building Official

# **CASE DESCRIPTION**

## **282 Greenwood (21-30)**

**Hearing date: July 13, 2021**

**Appeal No. 21-30:** The owner of the property known 282 Greenwood, requests the following variances to re-construct existing impervious areas to an existing non-conforming single-family home:

- A. Chapter 126, Article 2.08.1** of the Zoning Ordinance requires that a minimum open space of 40%, shall be maintained. The existing open space is 29.40% (5159.10 SF) and the proposed is 35.81% (4690.10 SF). Therefore; a variance of 4.19% (469 SF) is being requested
- B. Chapter 126, Article 4.31(A)** of the Zoning Ordinance requires that a minimum of 65% of the front open space in all single-family districts shall be free of paved surfaces. The existing is 43.19% (872.70 SF) and the proposed is 56.44% (669.20 SF). Therefore a variance of 8.56% (203.50 SF) is being requested.

**Staff Notes:** The applicant is requesting variances to construct a deck and replace the existing impervious surfaces in the front and rear of the home. The existing home constructed in 1996, which is non-conforming to the current ordinance.

This property is zoned R2– Single Family Residential.

## 282 GREENWOOD 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: 6-1-21  
Received By: BM

Hearing Date: 7-13-21  
Appeal #: 21-30

<b>Type of Variance:</b>	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input checked="" type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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**I. PROPERTY INFORMATION:**

Address: <u>282 Greenwood St.</u>	Lot Number: <u>48</u>	Sidwell Number: <u>08-19-25-355-008</u>
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**II. OWNER INFORMATION:**

Name: <u>Robert Jacobs</u>			
Address: <u>282 Greenwood St.</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>868rj@comcast.net</u>	Phone: <u>248-320-8744</u>		

**III. PETITIONER INFORMATION:**

Name: <u>Robert Jacobs</u>	Firm/Company Name:		
Address: <u>282 Greenwood St.</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>868rj@comcast.net</u>	Phone: <u>248-320-8744</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:**

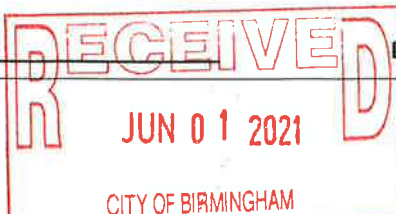
- ☐ One original and nine copies of the signed application
- ☐ One original and nine copies of the signed letter of practical difficulty and/or hardship
- ☐ One original and nine copies of the certified survey
- ☐ 10 folded copies of site plan and building plans including existing and proposed floor 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**

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: *Robert Jacobs* Date: May 24, 2024

Signature of Petitioner: *Robert Jacobs* Date: May 24, 2024



CITY OF BIRMINGHAM  
 Date: 06/09/2021 9:33:04 AM  
 Ref: 00180693  
 Receipt: 578160  
 Amount: \$360.00

ROBERT JACOBS  
288 GREENWOOD ST.  
BIRMINGHAM, MI 48009  
(248) 320-8744 | 868rj@comcast.net

**Letter of Practical Difficulty and/or Hardship**

May 24, 2021

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

**RE: Application for the Board of Zoning Appeals, Lot 48, Sidwell 08-19-25-355-008**

In the process of beautifying our home, which includes landscaping and a deck, we are also correcting a drainage problem on our property.

Although our current open space for total lot coverage and front yard coverage would both be out of compliance to existing requirements, our proposed changes will substantially improve them. We ask your assistance in granting the respective variances to accommodate our proposed changes.

Variance Chart for 288 Greenwood St., Birmingham, MI 48009				
Requested Variances	Required	Existing	Proposed	Variance Amount
Lot coverage % open space	40% or more	29.40%	35.81%	4.19%
Percent front open space	65% or more	43.19%	56.44%	8.56%

Thank you for your consideration.

Warmly submitted,



Robert Jacobs

## LOT COVERAGE DETAILS - JACOBS RESIDENCE

282 Greenwood Boulevard, Birmingham, MI 48009

R2 Zoning

May 10, 2021 - **ALL MATERIALS INCLUDED IN COUNT**

Minimum Lot Size 6000 sq ft  
Maximum Lot Coverage 30%  
Minimum Open Space = 40%  
Minimum Front Open Space = 65%

### LOT COVERAGE

Description	Current Existing Conditions (sq ft)	Proposed Conditions (sq ft)
Lot Size	7307	7307
Existing House Foot Print	2939.4	2939.4
Frontyard Walk (36" wide)	N/A	N/A
Frontyard Patio/Porch/Walk	184	82.4
Driveway	659.1	559.4
Frontyard Wall	29.6	27.4
Remaining Walls	304.2	71
Side Yard Walk and Steps (Gravel Walk is 36" wide)	229.4	121.8
Back Yard Patio	813.4	505.9
Backyard Deck (excludes SF overlapping patio below)	N/A	307.9
Pond	N/A	74.9
<hr/>		
<b>Sum of Above Less Lot Size</b>	<b>5159.1</b>	<b>4690.1</b>

Lot Coverage	<b>40.23%</b>	<b>40.23%</b>
Percent Open Space (40% or more needed)	<b>29.40%</b>	<b>35.81%</b>

### FRONT YARD COVERAGE

Description	Current Existing Conditions (sq ft)	Proposed Conditions (sq ft)
Front Yard Area	1536.2	1536.2
Frontyard Driveway	659.1	559.4
Frontyard Wall	29.6	27.4
Frontyard Patio/Porch/Walk	184	82.4
<hr/>		
<b>Sum of Front Coverage</b>	<b>872.7</b>	<b>669.2</b>

Percent Front Coverage	<b>56.81%</b>	<b>43.56%</b>
Percent Front Open Space (65% or more needed)	<b>43.19%</b>	<b>56.44%</b>



282 GREENWOOD  
PART OF THE SOUTHWEST 1/4 AND  
THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF  
SECTION 25, T2N, R10E, VILLAGE OF BIRMINGHAM  
OAKLAND COUNTY, MICHIGAN  
PARCEL #19-25-355-008

NOTE:	ALL CONSTRUCTION SITES ARE REQUIRED TO BE MAINTAINED FROM UNAUTHORIZED ENTRY. ALL EXCAVATIONS EXCEEDING 24 INCHES IN DEPTH, SUCH AS FOR BASEMENTS, CRAWL SPACES, POOLS, AND SPAS MUST BE SECURED THROUGH THE USE OF A 4' HIGH FENCE. CONSTRUCTION TYPE FENCING WILL BE ALLOWED FOR A PERIOD NOT TO EXCEED 30 DAYS. AT THE END OF THE PERIOD, THE PERMITTED WORK STILL PHYSICALLY BE UNABLE TO BE PROTECTED AND SECURED, A CHAIN LINK FENCE IS REQUIRED TO BE INSTALLED AND MUST REMAIN IN PLACE UNTIL REMOVAL HAS BEEN AUTHORIZED BY THE BUILDING OFFICIAL.	IN A SAFE CONDITION AND TO BE PROTECTED FROM UNAUTHORIZED ENTRY. SUCH AS FOR BASEMENTS, CRAWL SPACES, POOLS, AND SPAS MUST BE SECURED THROUGH THE USE OF A 4' HIGH FENCE. CONSTRUCTION TYPE FENCING WILL BE ALLOWED FOR A PERIOD NOT TO EXCEED 30 DAYS. AT THE END OF THE PERIOD, THE PERMITTED WORK STILL PHYSICALLY BE UNABLE TO BE PROTECTED AND SECURED, A CHAIN LINK FENCE IS REQUIRED TO BE INSTALLED AND MUST REMAIN IN PLACE UNTIL REMOVAL HAS BEEN AUTHORIZED BY THE BUILDING OFFICIAL.
MBC-CHAPTER 33		2009 MRC-R 104.1 & 2009



**PROJECT**  
282 GREENWOOD  
BIRMINGHAM, MICH

**Will Sangster**  
282 Greenwood  
Birmingham, MI, 48009  
517-294-2904  
Will.sangster@ryanconstruct.com

**PROJECT LOCATION**  
PARCEL #19-25-355-008

**811**  
Know what's **below**  
**Call** before you dig.

[illegible]

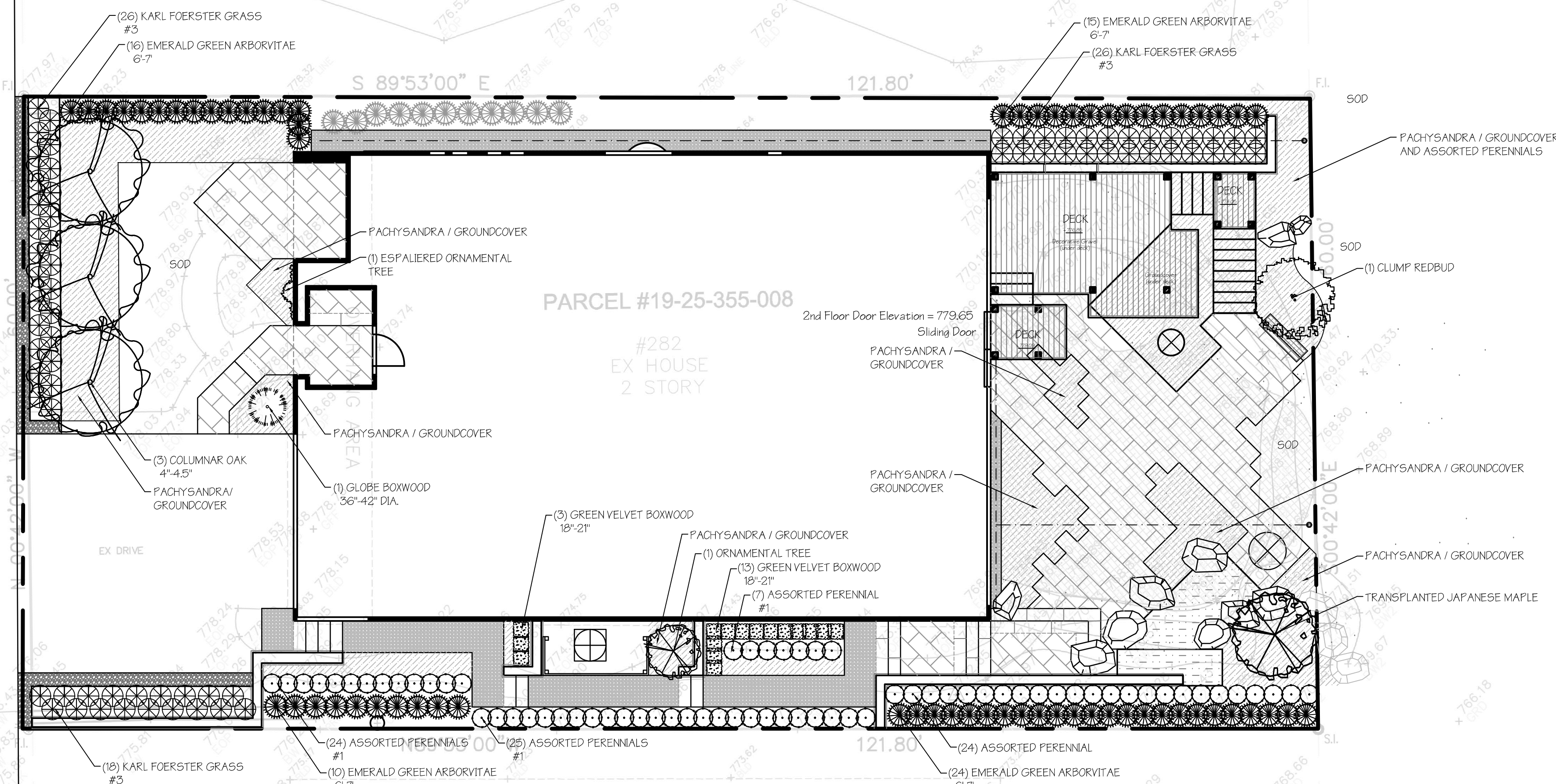
Job No.: Sheet:

20306 *I*

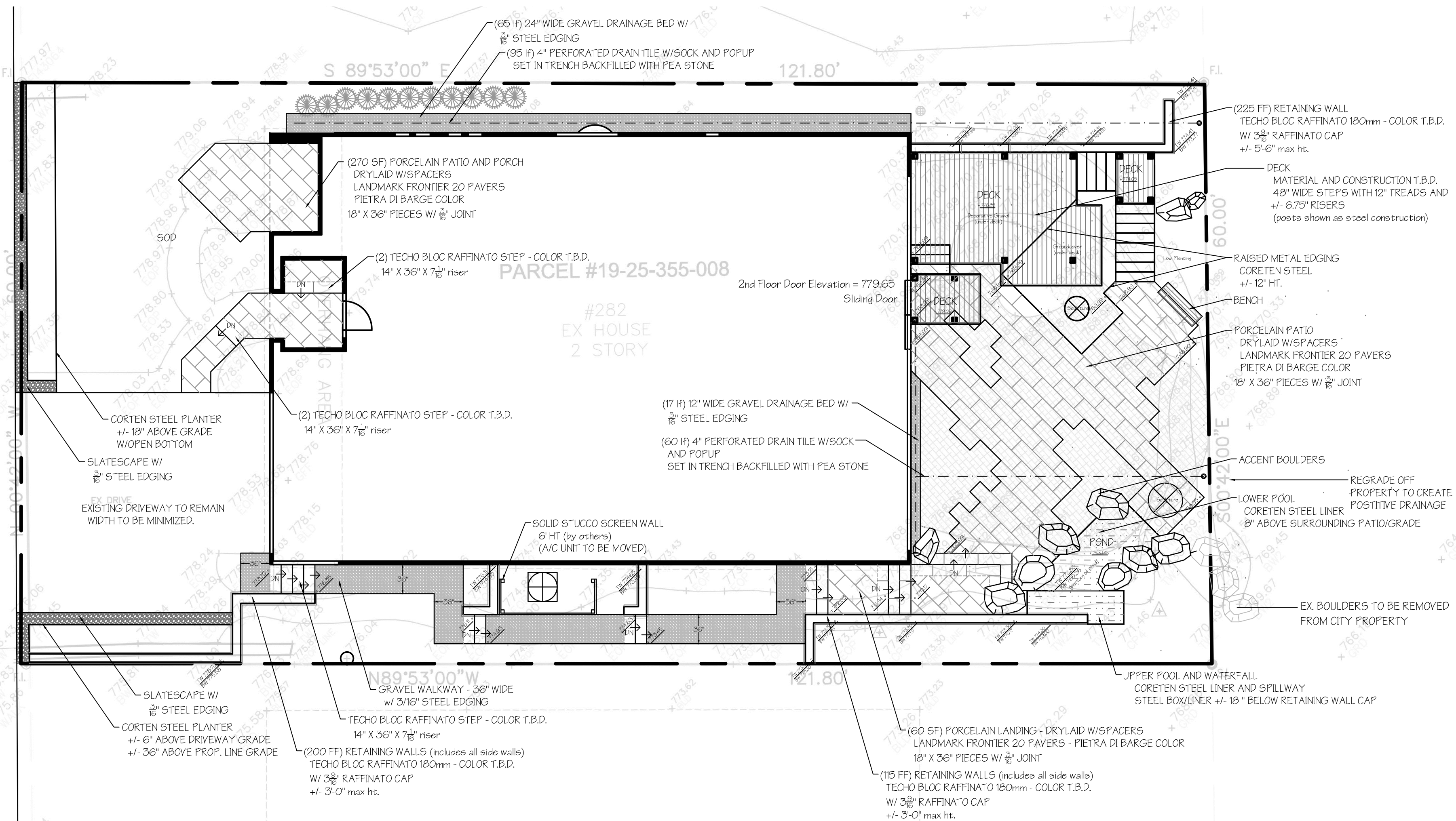
SOIL EROSION NOTES	TOTAL DISTURBED AREA 0.17 ACRES OF LAND
1. INSTALL EROSION CONTROL	
2. ALL SOIL EROSION MEASURES MUST BE IN PLACE PRIOR TO ANY EARTH MOVEMENT	LIMITS OF EARTH DISRUPTION WILL BE CONTAINED ON SITE. NO ACHIEVE POSITIVE DRAINAGE PER MASTER GRACE PLAN ON FILE
3. COMPLETE ALL EARTH MOVEMENTS	SOIL TYPE PER COUNTY SOIL MAP IS:
4. RIGHT OF WAY SHALL BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.	
5. ALL SWALE AREAS, ALL SLOPES GREATER THAN 1:5 AND AROUND STORM STRUCTURES MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.	SOIL EROSION CONTROL MEASURES WILL BE MAINTAINED ON A WEEKLY BASIS UNTIL THE NEXT RAINFALL EVENT
6. AFTER FINAL EARTH STABILIZATION IS COMPLETE REMOVE EROSION CONTROL MEASURES	TYPE OF PERMANENT VEGETATIVE RESTORATION WILL BE SEED & MULCH OR PLANTING



# PLANTING PLAN



# HARDSCAPE PLAN



**\*\* STEP LOCATIONS AND PROPOSED GRADES ARE ESTIMATED. LOCATION AND GRADES MUST BE FINALIZED BY THE ENGINEER AFTER A FULL SURVEY HAS BEEN COMPLETED. \*\***

This plan is a landscape concept and it is intended that the designer be involved to consider on-site decisions. The plans and specifications herein remain the property of Great Oaks Landscape Associates, Inc. for its sole use. Unauthorized use of this plan is prohibited.

Scale:	$10^0 = 10^0$	Revisions:	DECEMBER 08, 2020
Drawn by:	SAA		FEBRUARY 19, 2021
Checked by:	GR		FEBRUARY 23, 2021
			MARCH 19, 2021
			APRIL 27, 2021
			TOWNSHIP SUBMITTAL
			MAY 19, 2021
			MAY 18, 2021

**PROJECT:** Jacob Residence  
282 Greenwood St, Birmingham, MI

**SUBJECT:** PLANTING AND HARDSCAPE PLANS

**Client:** Robert Jacob

**HORTICULTURAL SERVICES  
CONTRACTORS  
ALL SEASON MAINTENANCE  
NURSERY**



**LANDSCAPE**  
28025 SAMUEL LINDEN COURT NOVI, MICHIGAN 48240  
PHONE 248.349.8555 ■ FAX 248.349.8556

**createonlylandscape.com**

Sheet #: 1 of 1

# **CASE DESCRIPTION**

## **375 Lakepark (21-31)**

**Hearing date: July 13, 2021**

**Appeal No. 21-31:** The owner of the property known 375 Lakepark, requests the following variance to construct an addition to an existing non-conforming single-family home:

**A. Chapter 126, Article 2.06.2** of the Zoning Ordinance requires that the minimum front yard setback is the average setback of homes with 200 feet in each direction. The required front yard setback is 45.50 feet. The proposed is 41.00 feet. Therefore; a variance of 4.50 feet is being requested.

**Staff Notes:** The original home was constructed in 1926 and had an addition in 2003. The applicant is looking to extend the existing porch with space above which brings the variance request. The existing home is 2.00 feet non-conforming with the required front yard setback.

This property is zoned R1– Single Family Residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

# 375 LAKEPARK 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: 6-1-21

Hearing Date: 7-13-21

Received By: BM

Appeal #: 21-31

<b>Type of Variance:</b>	<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>375 LAKEPARK</u>	Lot Number: <u>320</u>	Sidwell Number: <u>19-26-426-018</u>
------------------------------	------------------------	--------------------------------------

**II. OWNER INFORMATION:**

Name: <u>TODD AND NICOLE FINK</u>			
Address: <u>375 LAKEPARK</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>T.FINK@Q2INVESTMENT.COM</u>		Phone: <u>248-310-2996</u>	

**III. PETITIONER INFORMATION:**

Name: <u>BEN HELLER</u>		Firm/Company Name: <u>HELLER HOMES</u>	
Address: <u>7 SOUTH PERRY ST.</u>	City: <u>PONTIAC</u>	State: <u>MI</u>	Zip code: <u>48342</u>
Email: <u>JNICKOVICH@HELLERHOMES.NET</u>		Phone: <u>248-322-6777</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.

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**

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: [Signature]

Signature of Petitioner: [Signature]



CITY OF BIRMINGHAM  
Date: 06/09/2021 9:48:21 AM  
Ref: 00180694  
Receipt: 078181  
Amount: \$360.00





May 27, 2021

Todd & Nicole Fink  
375 Lake Park  
Birmingham, MI 48009

The existing home is pre-existing non-conforming.


The front wall of the foyer is the only wall that is pre-existing non-conforming. The existing front wall of the foyer is 1.9' into the average front yard set back. The proposed project does not intend to move the location of the front door. The interior living space and foyer that is entered into will not have its location altered. The proposed project includes extending the front with a limestone enclosure to create coverage at the entrance door. The ordinance does allow to build a front porch and create coverage up to 10.0' into the front yard set back, which would mean that the subject property could extend an enclosed porch out from the home approximately 8.1' from the existing.

Our current request is to create a limestone recess that extends 2.5' from the existing front door location to provide protection. Although the ordinance allows for us to extend 8.1' into the front yard with a covered front space, if that coverage has sides it is required to be reviewed by the BZA, due to the existing home being pre-existing non-conforming. I believe the intent of this requirement to prevent people from building room additions into the front yard set back while calling it a covered porch. Clearly this is not anything that can be converted to a room addition. It is a modest architectural element intended to create protection at the entry door. Which is in keeping with the intent of the ordinance.

Hardship:

The fact that the home predates the ordinance (the home is pre-existing non-conforming). This home was constructed many years before the ordinance was created, therefore this situation was not self-created. Not allowing the Finks to create the proposed coverage at their entry door would do damage to the Finks in that it prevents them from creating a safer entry and would force a colonial style covered porch to create the safety in which would not fit the historical Tudor home.

Approving the proposed alteration would not damage any of the neighboring property owners. The proposed extension is located in the middle of the property as is only 2.5' deep and therefore does not alter the neighboring property owners' views. We have reviewed this with the adjoining neighbors and have their full support and approval.

  
Ben Heller  
President

# TOPOGRAPHIC SURVEY

## PROPERTY DESCRIPTION:

LOT 320, OF "QUARTON LAKE ESTATES SUBDIVISION" OF THE EAST 1/2 OF SECTION 26, AND PART OF THE NORTHEAST 1/4 OF SECTION 35 AND THE NORTHWEST 1/4 OF SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, BLOOMFIELD TOWNSHIP (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 14 OF PLATS, PAGE 6, 6A AND 6B OF OAKLAND COUNTY RECORDS.

## NOTES:

1. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
2. DUE TO SNOW COVER SOME SURFACE LEVEL FEATURES MAY NOT BE SHOWN.
3. SEE SHEET 2 FOR DETAILS.

## BENCHMARKS

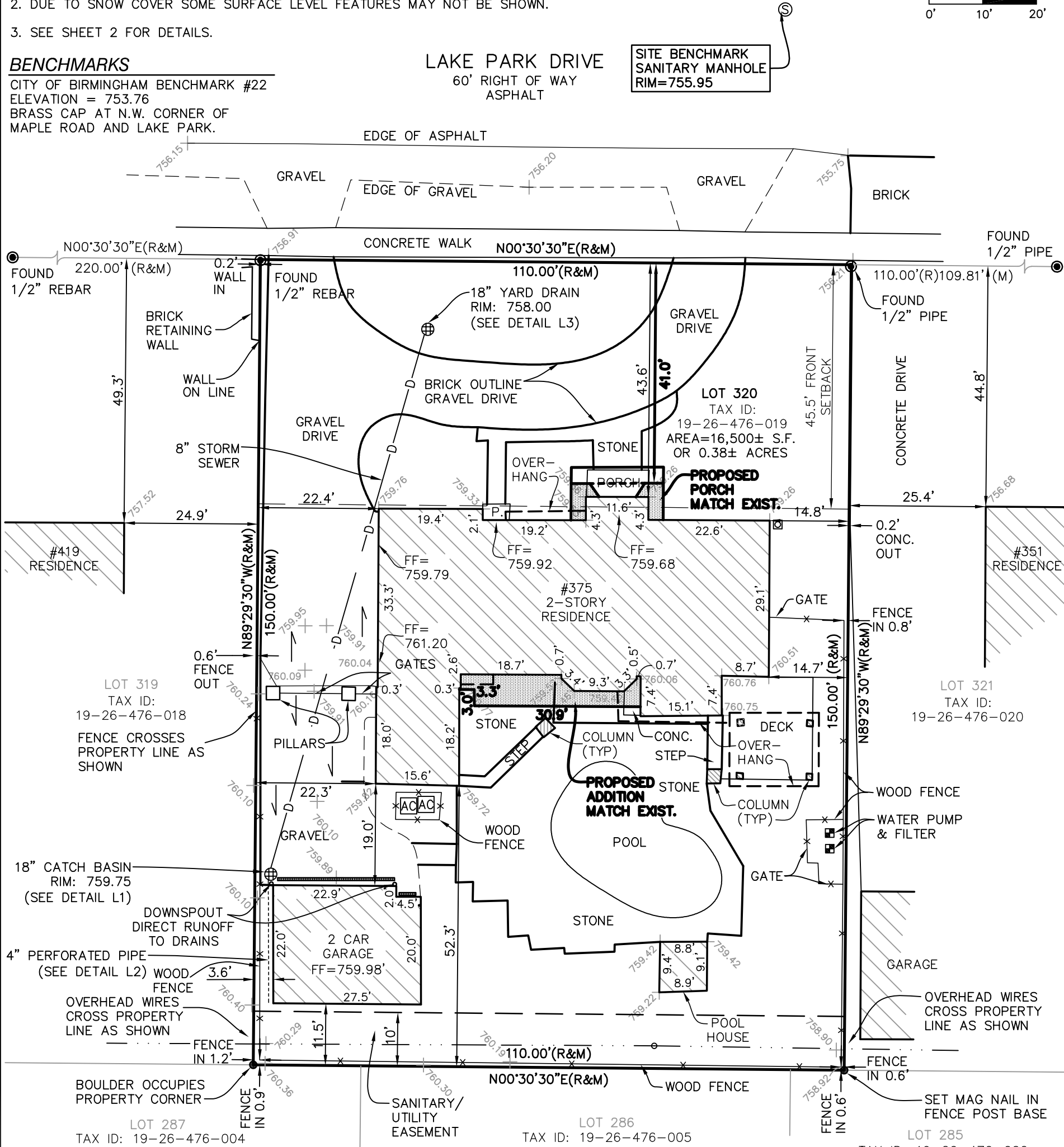
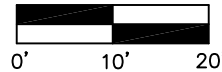
CITY OF BIRMINGHAM BENCHMARK #22  
ELEVATION = 753.76  
BRASS CAP AT N.W. CORNER OF  
MAPLE ROAD AND LAKE PARK.

LAKE PARK DRIVE  
60' RIGHT OF WAY  
ASPHALT

SITE BENCHMARK  
SANITARY MANHOLE  
RIM=755.95



SCALE: 1"=20'



## FRONT SETBACK TABLE

HOUSE ADDRESS:	DISTANCE:	MEASURED TO:
#451	49.9'	HOUSE
#419	49.3'	HOUSE
#375	43.6'	HOUSE
#351	44.8'	HOUSE
#321	39.9'	HOUSE
AVERAGE	45.5'	

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED. THE ELEVATIONS SHOWN HEREON ARE BASED ON A FIELD SURVEY AND THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME.

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

## OPEN SPACE

REAR YARD OPEN SPACE = 44%

## ACCESSORY STRUCTURE SIZE

MAX ALLOWABLE = 675 SQ FT  
EXISTING POOL HOUSE = 81 SQ FT  
GARAGE = 594 SQ FT  
TOTAL = 675 SQ FT



## LEGEND

- SET 1/2" REBAR WITH CAP, #47976
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION
- 000.0 GROUND ELEVATION

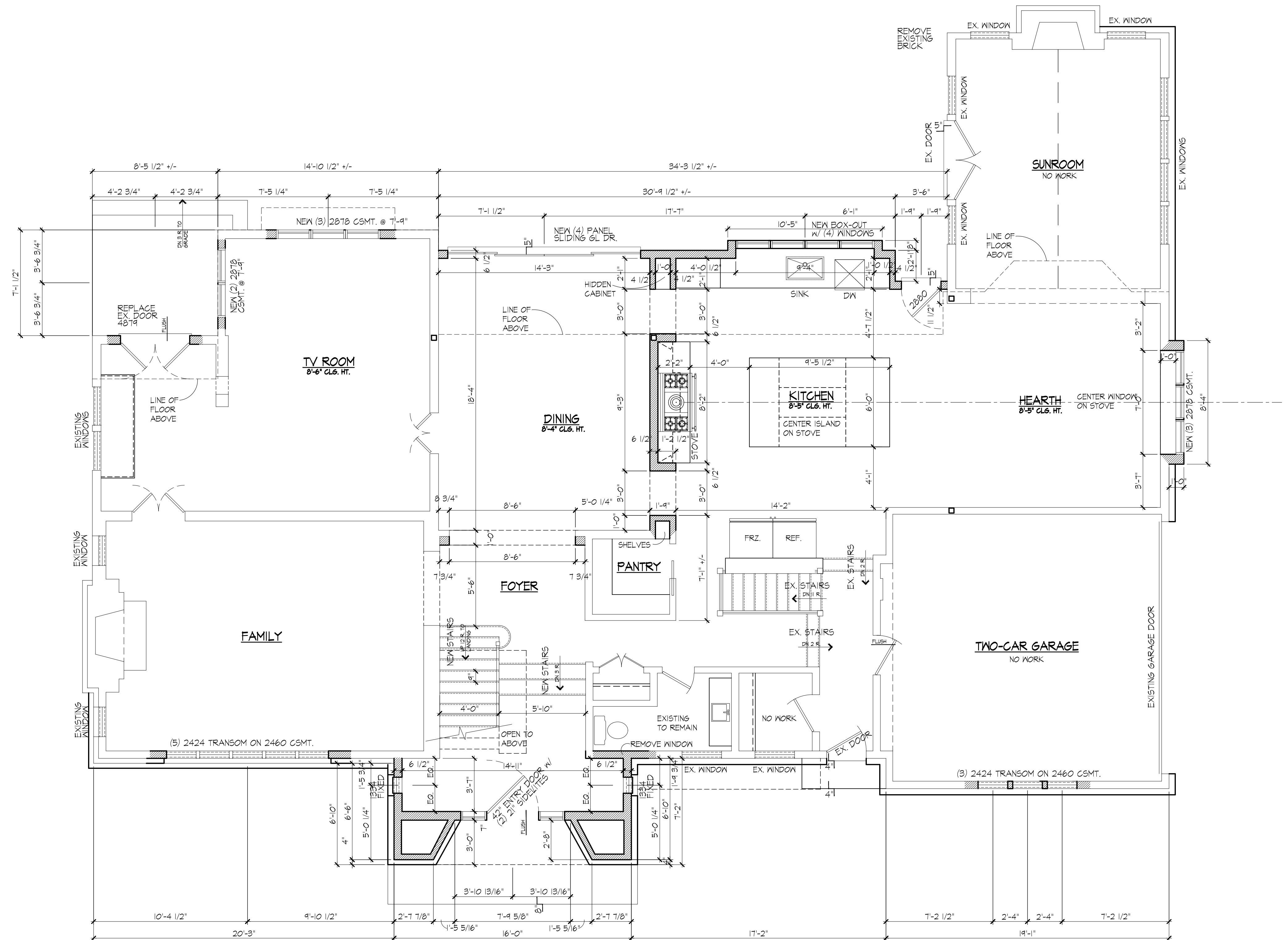
REVISED MAY 25, 2021 - REVISED SITE PLAN  
REVISED AUGUST 29, 2017 - PER REVIEW COMMENTS  
REVISED JULY 27, 2017 - PER REVIEW COMMENTS  
REVISED JUNE 28, 2017 - PER REVIEW COMMENTS  
REVISED MAY 24, 2017 - ADDED SITE PLANS



## KEM-TEC & ASSOCIATES

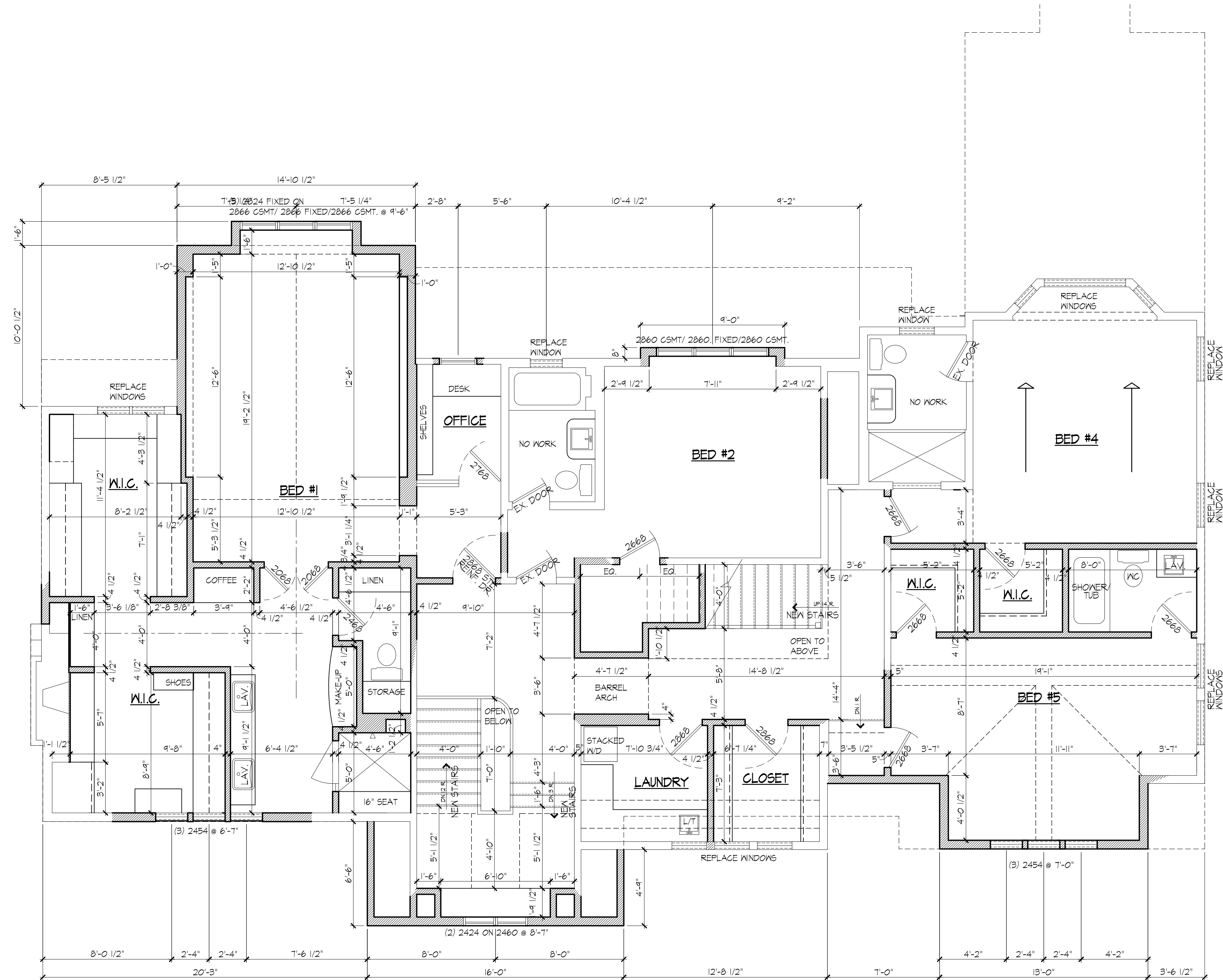
22556 GRATIOT AVE. EASTPOINTE, MI 48021  
PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS  
(586)772-2222 \* FAX (586)772-4048

CERTIFIED TO: MORGAN HELLER & ASSOCIATES	
FIELD SURVEY: KB MM JS VR	DATE: FEBRUARY 17, 2015
DRAWN BY: SK	SHEET: 1 OF 2
SCALE: 1" = 20'	JOB NO.: 15-00305



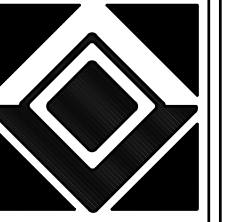
**MAIN LEVEL FLOOR PLAN**

SCALE: 1/4" = 1'-0"



## UPPER LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



**HELLER**  
& ASSOCIATES  
DESIGN + BUILD

**HELLER**  
& ASSOCIATES  
7 SOUTH PERRY STREET - PONTIAC, MICHIGAN 48342 - OFFICE: (248) 322-8777 FAX: (248) 322-5222 - www.hellerhomes.net

**FINK RESIDENCE**  
375 Lake Park, Birmingham, MI 48009

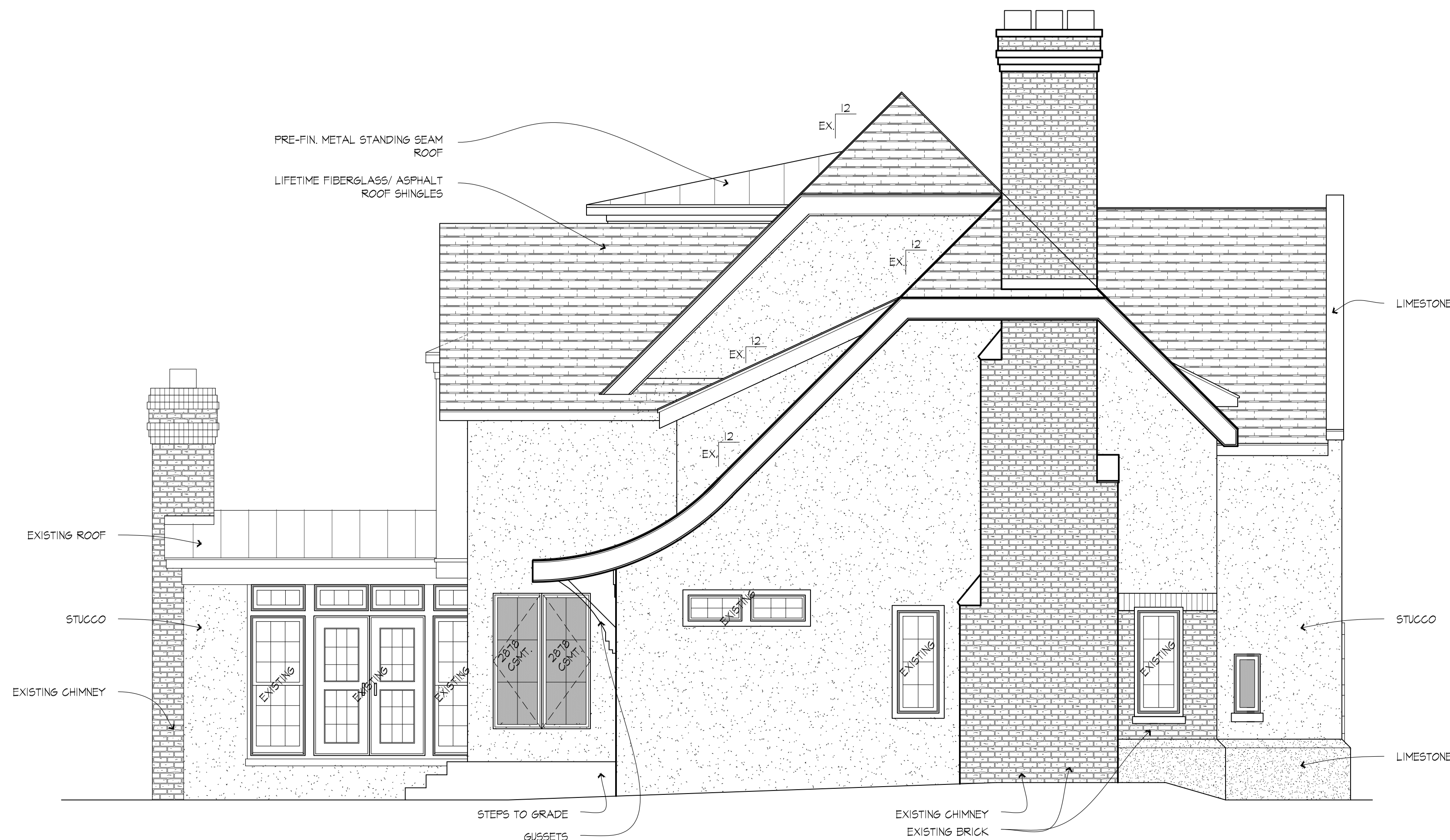
UPPER LEVEL  
COPYRIGHT 2021

DRAWN BY:  
B. HELLER  
D. ABATE

REVISIONS:  
12-15-2020  
12-28-2021  
12-28-2021

PAGE NO. #  
**10 OF 13**





## LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



## FRONT ELEVATION

SCALE: 1/4" = 1'-0"



July 10, 2021

City of Birmingham  
Zoning Board of Appeals  
151 Martin  
Birmingham, MI 48009  
Attn: Jeff Zielke

Re: **Support for Request for Variance – 375 Lake  
Park Drive**

**July 13, 2021, Board of Zoning Appeals Meeting**

Dear Members of the Board:

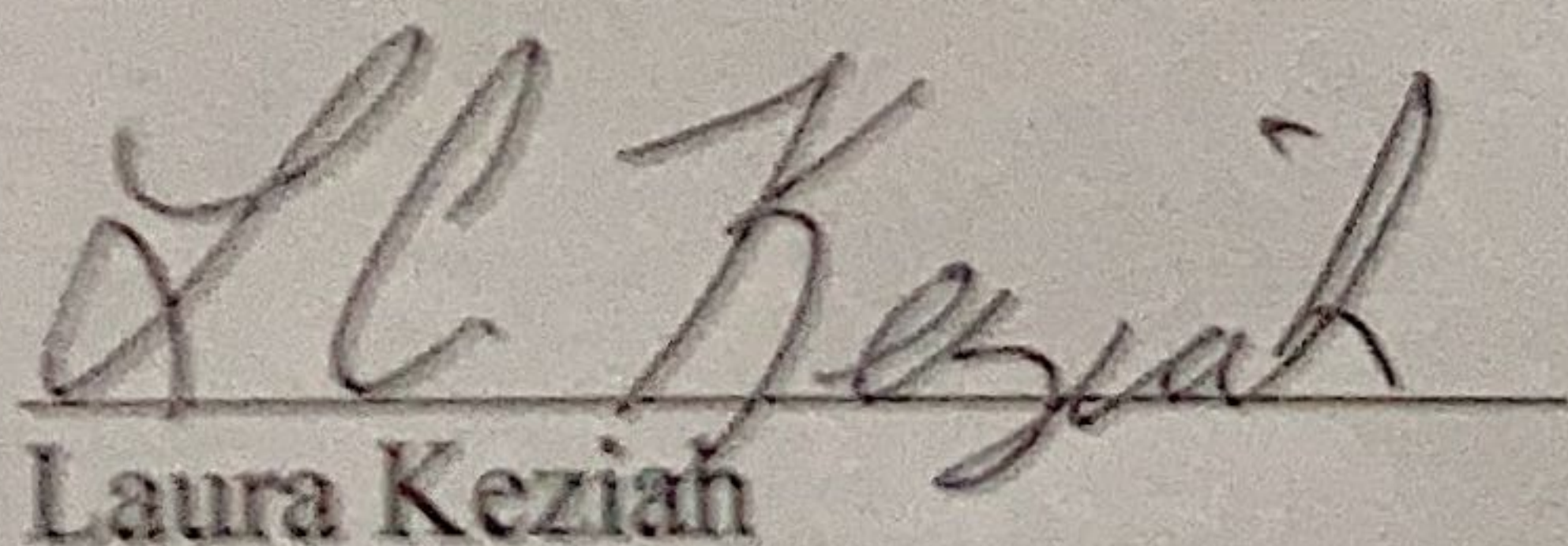
Our neighbors, Todd and Nicole Fink, have requested a variance relating to their front yard set back in order to create a limestone recess/overhang surrounding their front door.

Our home is adjacent to the Fink residence, and we enthusiastically support this request. The minor addition being presented is aesthetically pleasing, fits with the scale of the house and does not impact our sightlines.

We hope the Board will grant the variance so that the Finks may proceed with their plan.

Thank you for your time and attention to this matter.

Sincerely,



Laura Keziah

Address: 351 Lake Park Drive, Birmingham, MI 48009



# **CASE DESCRIPTION**

## **782 Chesterfield (21-32)**

**Hearing date: July 13, 2021**

**Appeal No. 21-32:** The owner of the property known 782 Chesterfield, requests the following variance to construct an addition to an existing non-conforming single-family home:

**A. Chapter 126, Article 2.06.2** of the Zoning Ordinance requires that the minimum front yard setback is the average setback of homes with 200 feet in each direction. The required front yard setback is 49.12 feet. The proposed is 37.61 feet. Therefore; a variance of 11.51 feet is being requested.

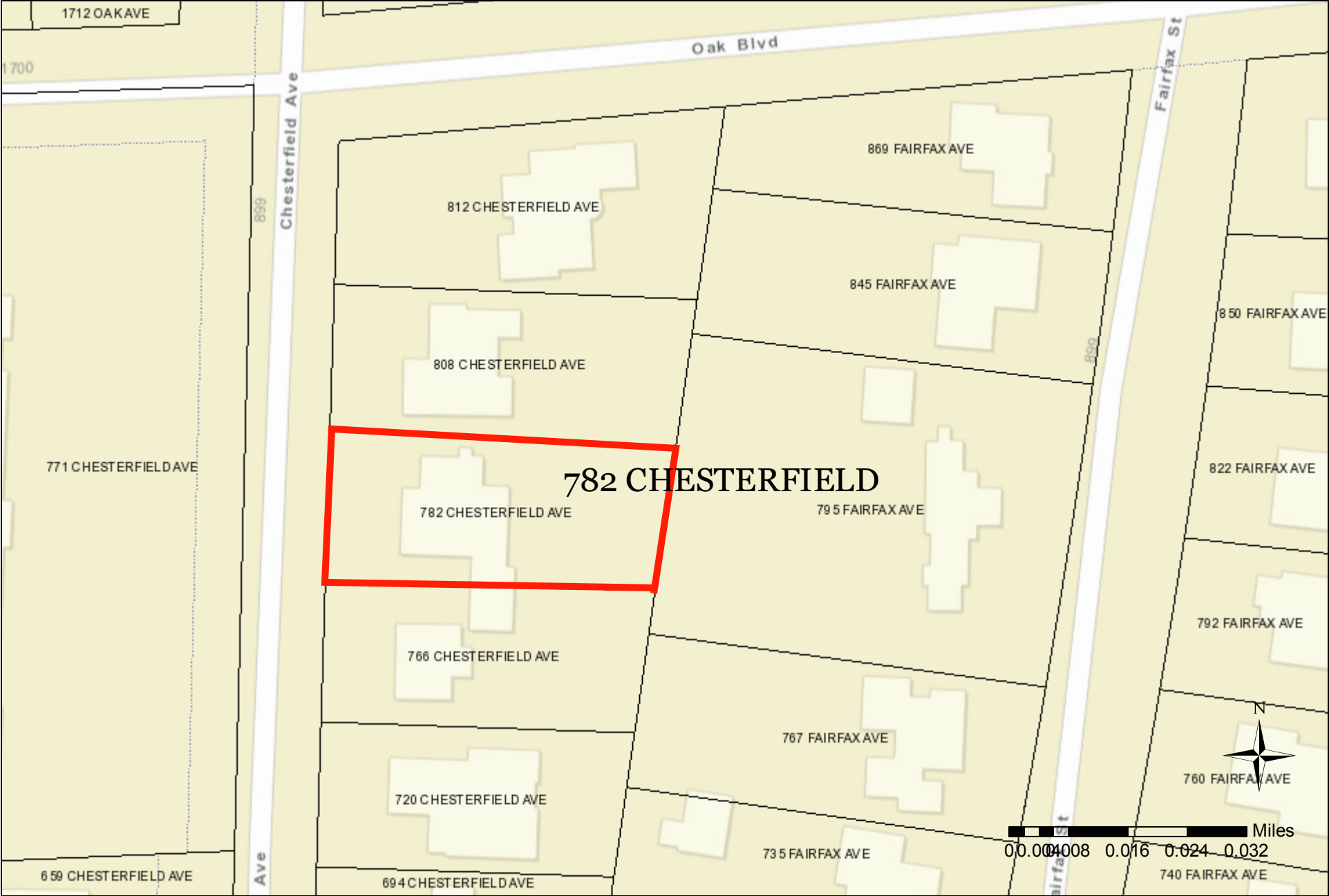
**Staff Notes:** The existing home was built in 1948. There was an addition to the rear and garage in 2006. The applicant is looking to renovate the home with an addition to the front of the house which the existing home is non-conforming in the front, therefore the requested variance.

This property is zoned R1– Single Family Residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

782 CHESTERFIELD 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: 6-1-21

Hearing Date: 7-13-21

Received By: BM

Appeal #: 21-32

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

**I. PROPERTY INFORMATION:**

Address: <u>782 CHESTERFIELD</u>	Lot Number: <u>29</u>	Sidwell Number: <u>19-26-401-003</u>
----------------------------------	-----------------------	--------------------------------------

**II. OWNER INFORMATION:**

Name: <u>LISA GARATONI AND JOE MASSA</u>			
Address: <u>782 CHESTERFIELD</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>LISAGARATONI@GMAIL.COM</u>		Phone: <u>574-286-4096</u>	

**III. PETITIONER INFORMATION:**

Name: <u>BEN HELLER</u>		Firm/Company Name: <u>HELLER HOMES</u>	
Address: <u>7 SOUTH PERRY ST.</u>	City: <u>PONTIAC</u>	State: <u>MI</u>	Zip code: <u>48342</u>
Email: <u>JNICKOVICH@HELLERHOMES.NET</u>		Phone: <u>248-322-6777</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

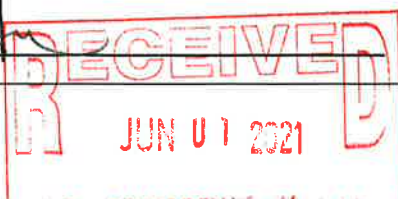
**V. REQUIRED INFORMATION CHECKLIST:**

- 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**

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: <u>Lisa Garatoni</u>	Date: <u>5.28.21</u>
Signature of Petitioner: <u>Ben Heller</u>	Date: <u>5.28.21</u>



CITY OF BIRMINGHAM  
Date: 06/09/2021 12:42:28 PM  
Ref: 00180696  
Receipt: 578186  
Amount: \$560.00



May 27, 2021

Lisa Garatoni  
782 Chesterfield  
Birmingham, MI 48009

Please accept this letter as an explanation of building hardship and reason for a formal review by the BZA.

The existing home is pre-existing non conforming.

The front wall of the home and location of the front door are to not have their location altered as part of the proposed project. The existing front wall is 7.55' into the front yard set back. Our proposed renovation includes a new front porch with a new limestone front door surround. The front door surround is proposed to project off the existing front wall and into the front yard set back 2.25' to provide a small amount of coverage at the front door. Although we can project into the front yard set back with an open porch, an enclosed limestone surround does require BZA review because the sides are closed. Our intention is to not alter or encroach into the front yard set back any farther with the living space, but to create some minimal coverage / protection at the entry in the same way a covered porch would, however with less massing. The proposed front porch is allowed to project into the front yard set back by 10.0' for a total porch set back requirement of 37.49'. With our 2.25' porch cover, we will be at 37.69' for a new set back that meets the porch requirements by 0.2'.

In addition, it should be noted that of the (6) homes on the average 200' each direction, the subject property is actually set farther back then (4) of the homes. Aesthetically (5) of the (6) homes (including ours) are set back in line with each other. (all within 12" of each other) Ours actually being the 2nd most set back. There is (1) home (812 Chesterfield) which is on the corner that is set back approximately 46.39' farther than the other (5) homes on the average. This home is a corner lot and is also substantially deeper than the other lots utilized to create the overage. This is an unusual condition created by the corner lot being an "abnormal lot configuration". This corner lot set back disrupts the current consistent configuration, it is abnormal and not created by my client and therefore creates a hardship.

  
Ben Heller  
President



# SITE PLAN

## LEGAL DESCRIPTION:

LOT 29 OF "SUBDIVISION OF LOTS 1 TO 184 INCLUSIVE OF QUARTON LAKE SUBDIVISION" PART OF THE S.E. 1/4 OF SECTION 26, T.2N., R.10E., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L.32 OF PLATS, P.40, O.C.R. ADDRESS: 782 CHESTERFIELD AVE., BIRMINGHAM, MI 48009 PID: 19-26-401-003

## NOTE:

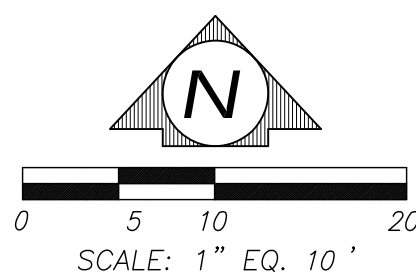
EXISTING LEAD TO HOUSE TO REMAIN.

IF NEW LEAD IS REQUIRED FOR WATERMAIN TO STOP BOX, COORDINATION WITH CITY FOR NEW SERVICES LINE. INSTALLATION BY THE CITY OF BIRMINGHAM REQUIRED FROM THE WATERMAIN TO THE STOP BOX.

## BENCHMARK:

SITE BM: MAG NAIL IN THE SOUTH SIDE OF UTILITY POLE LOCATED NEAR THE N.W. PROPERTY CORNER IN THE RIGHT OF WAY. ELEVATION: 767.28 CITY DATUM

JOB BM: CITY BM #19 NORTHEAST CORNER OF CHESTERFIELD & OAK. ELEVATION: 767.494 CITY DATUM



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Rochester, MI 48306

## SITE PLAN

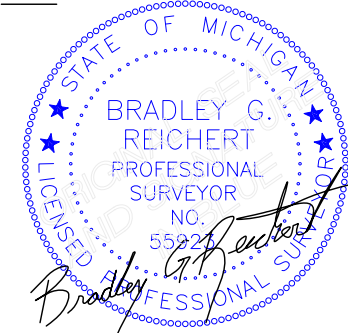
LOT 29 OF "SUBDIVISION OF LOTS 1 TO 184 INCLUSIVE OF QUARTON LAKE SUBDIVISION" PART OF THE S.E. 1/4 OF SECTION 26, T.2N., R.10E., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L.32 OF PLATS, P.40, O.C.R. ADDRESS: 782 CHESTERFIELD AVE., BIRMINGHAM, MI 48009 PID: 19-26-401-003

## PREPARED FOR:

HELLER HOMES

7 SOUTH PERRY ST.  
PONTIAC, MI 48342  
(248) 322-6777

SEAL:



NO.	DATE	DESCRIPTION	BY
1	4/12/21	REV. 25% LINE	BGR
2	4/12/21	ADD DIMENSION	BGR
3	4/17/21	ADD DOWNSPOTS	BGR
4	5/12/21	REV. SETBACK CALC.	BGR
5	5/14/21	REV. GAR. DIM.	BGR
6	5/14/21	REV. AC GRADING/FORUM	BGR
7			
8			
9			
10			

SCALE: 1"=10'

DATE: 4/21/21

CHECK: G.H.R.

JOB # 21-033PP SHEET: 1 OF 1

## ZONING INFO:

ZONING: R-1 - SINGLE FAMILY RESIDENTIAL

SETBACK:  
FRONT: AVERAGE OF HOMES WITHIN 200 FEET, IF NO HOMES WITHIN 200 FEET, THEN 25 FEET  
SIDE: 5 FT. MIN. / 14 FT. TOTAL  
9 FEET OR 10% OF TOTAL LOT WIDTH WHICHEVER IS LARGER FOR ONE SIDE YARD  
14 FEET OR 25% OF TOTAL LOT WIDTH WHICHEVER IS LARGER FOR BOTH SIDE YARDS  
NO SIDE YARD SHALL BE LESS THAN 5 FEET  
REAR: 30 FT.  
MIN. COMBINED FRONT AND REAR SETBACK: 55 FEET

HEIGHT: LOTS > 9,000 SQ. FT. IN AREA:

30 FEET TO MIDPOINT FOR SLOPED ROOFS; 24 FEET FOR FLAT ROOFS ONLY; 2 STORIES; 24 FEET FOR EAVES.

ACCESSORY STRUCTURE STANDARDS (AS): 4.03 AS-02

MINIMUM FLOOR AREA PER UNIT: 1,500 S.F.  
MINIMUM LOT AREA: 9,000 S.F. PER UNIT  
MINIMUM OPEN SPACE: 40%  
MAXIMUM LOT COVERAGE: 30%

## LOT INFO:

MAXIMUM LOT COVERAGE: 30%  
TOTAL LOT AREA: 13,227.56 S.F.  
MAXIMUM LOT COVERAGE: 13,227.56\*30% = **3,968.27 S.F.**

EXISTING COVERAGE:

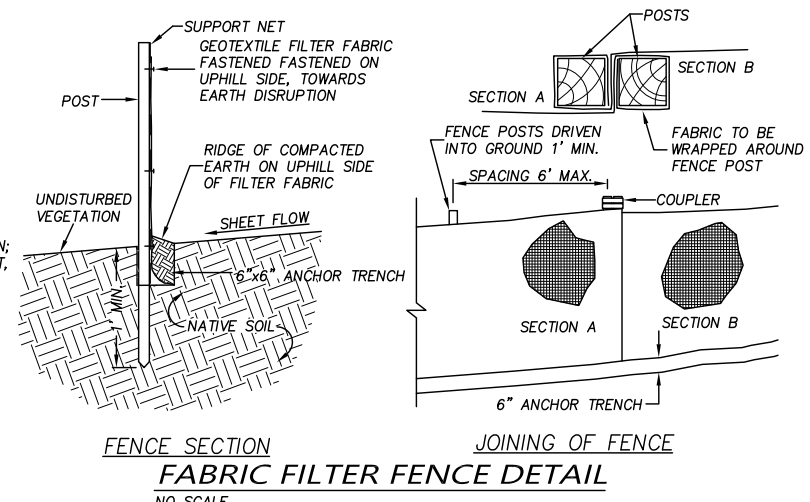
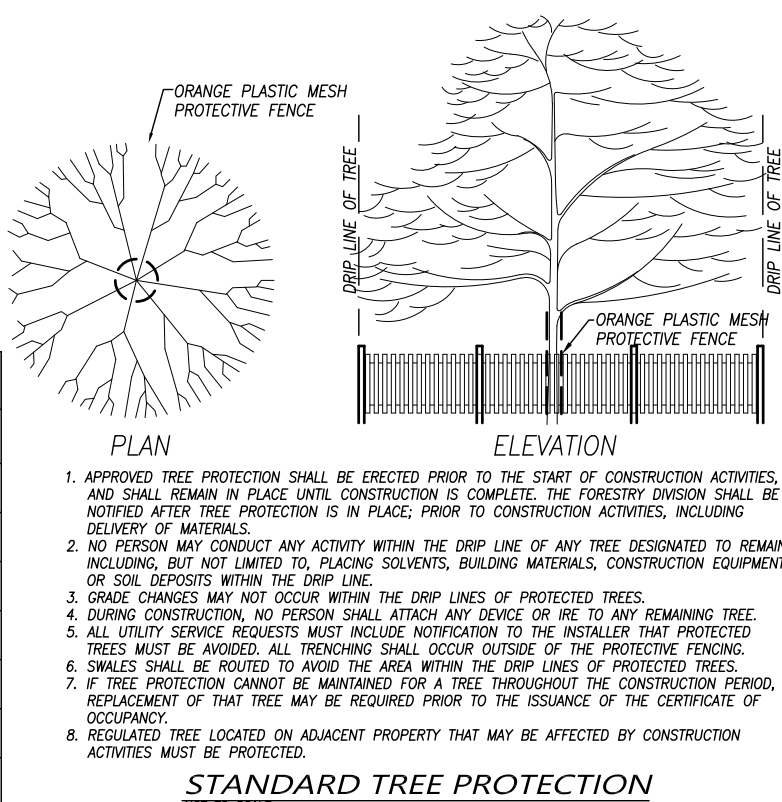
EX. HOUSE & EX. GARAGE  
2,198.92 S.F./13,227.56 S.F.=  
**.1662 OR 16.62%**

PROPOSED COVERAGE:

EX. HOUSE, PR. GARAGE & PR. ADDITION, LANAI  
3,075.51 S.F./13,227.56 S.F.=  
**.2325 OR 23.25%**

Parcel Table	
Name	Area
LOT	13,227.56
PR. HOUSE	2,541.10
EX. HOUSE	2,198.92
EX. DRIVE	991.67
PR. DRIVE	986.22
EX. PAVER	635.46
PR. LANAI	534.41
EX. WALK	151.49
PR. PATIO	66.00
EX. PORCH	59.90

TREE TABLE		
#	DESC.	ELEV.
261	22" PINE	768.80
262	13" ELM	768.06
263	14" MAPLE	766.42
264	13" MAPLE	768.28
265	18" MAPLE	767.83
266	9" CHERRY	766.93
267	15" PINE	767.07



## LEGEND:

- FOUND IRON
- SET IRON
- RECORD DISTANCE
- MEASURED DISTANCE
- EXISTING GRAVEL
- EXISTING PAVER STONE
- EXISTING BUILDING
- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- EXISTING WATERMAIN
- EXISTING OVERHEAD WIRES
- EXISTING FENCE
- EXISTING UTILITY POLE
- EXISTING WATER SHUT OFF
- EXISTING GATE VALVE
- EXISTING HYDRANT
- EXISTING WELL
- EXISTING GAS SHUT OFF
- EXISTING SANITARY STRUCTURE
- EXISTING STORM STRUCTURE
- EXISTING DOWN SPOUT
- EXISTING UTILITY PEDESTAL
- EXISTING GRADE

## PROPOSED DOWNSPOT

## PROPOSED GRADE

## PROPOSED CONCRETE

## PROPOSED BUILDING

## PROPOSED SILT FENCE

## PROP. DRAINAGE ARROW

## PROP. MAJOR CONTOURS

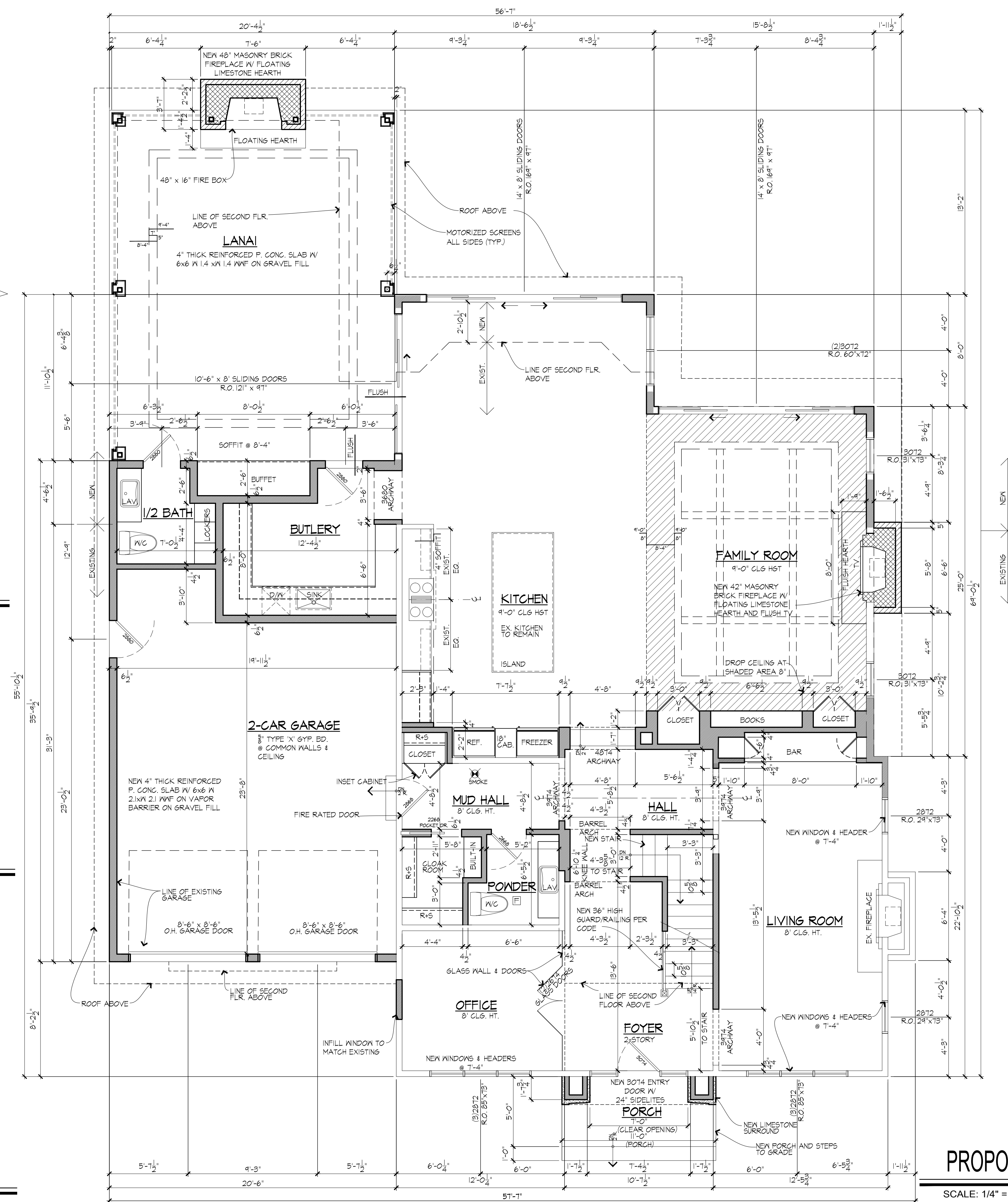
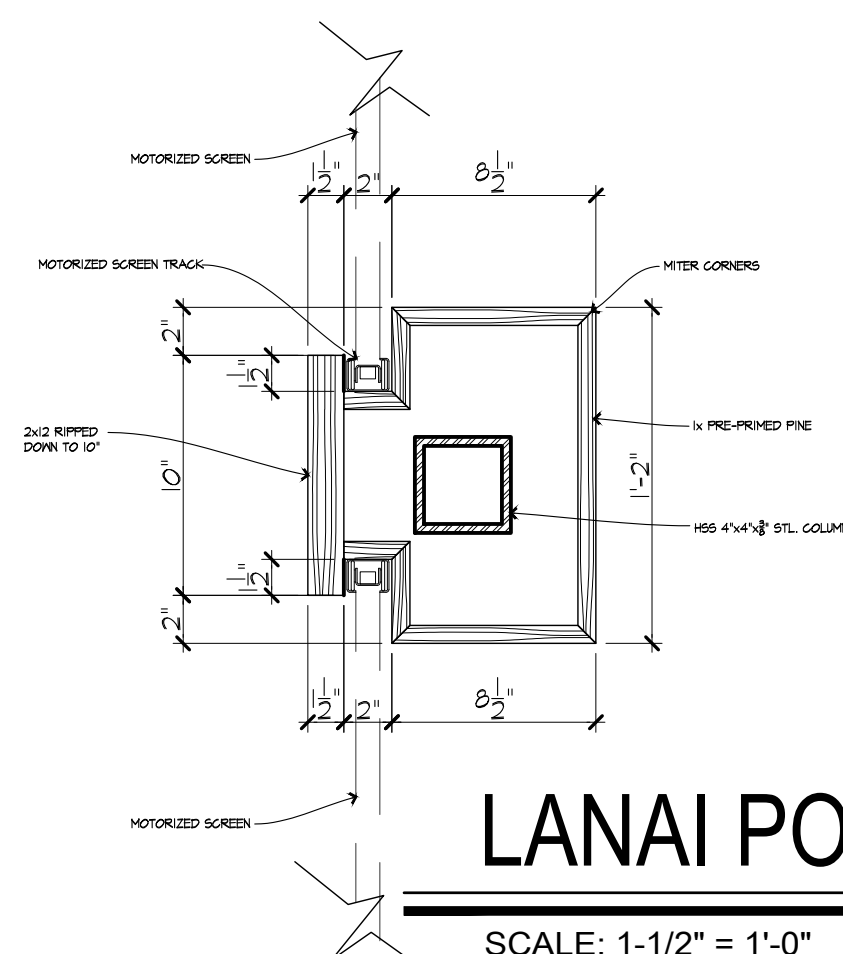
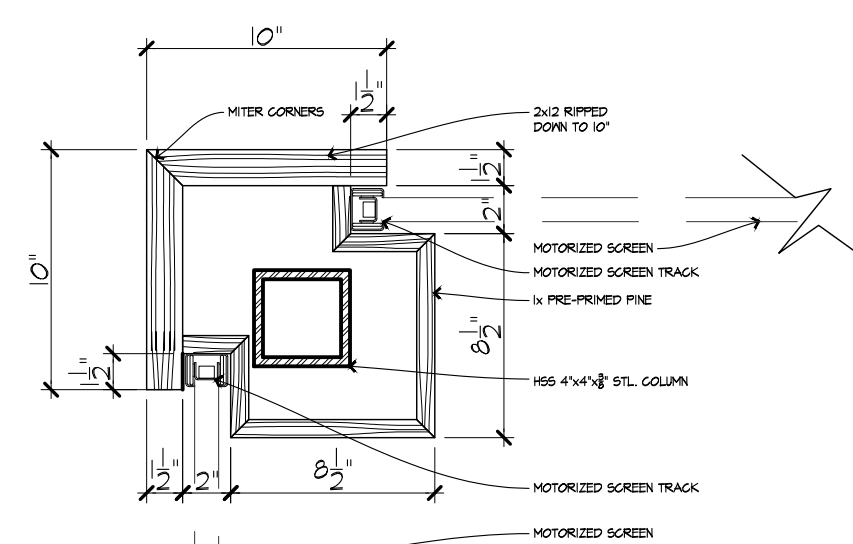
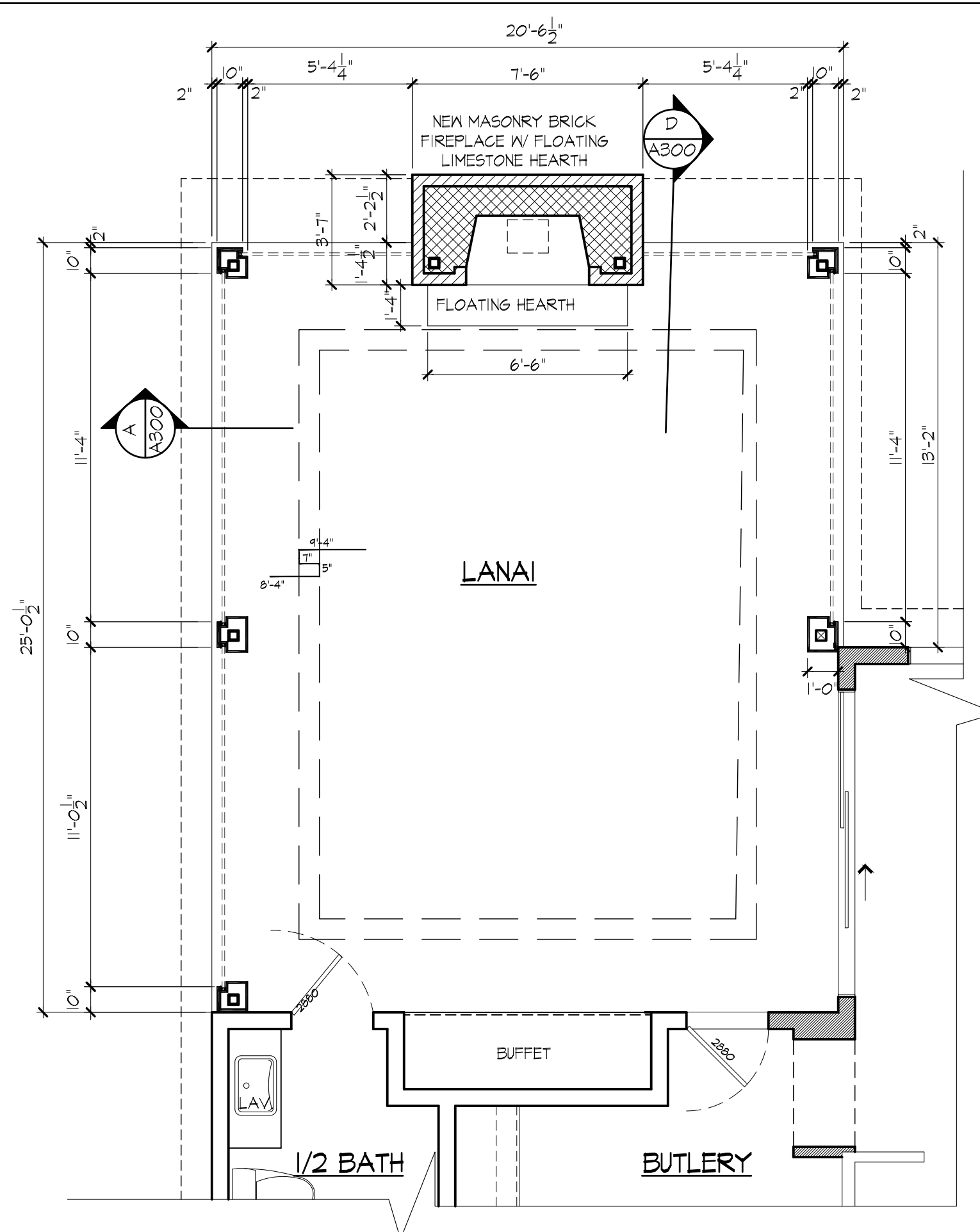
## PROP. MINOR CONTOURS

## CHESTERFIELD AVE. AVERAGING

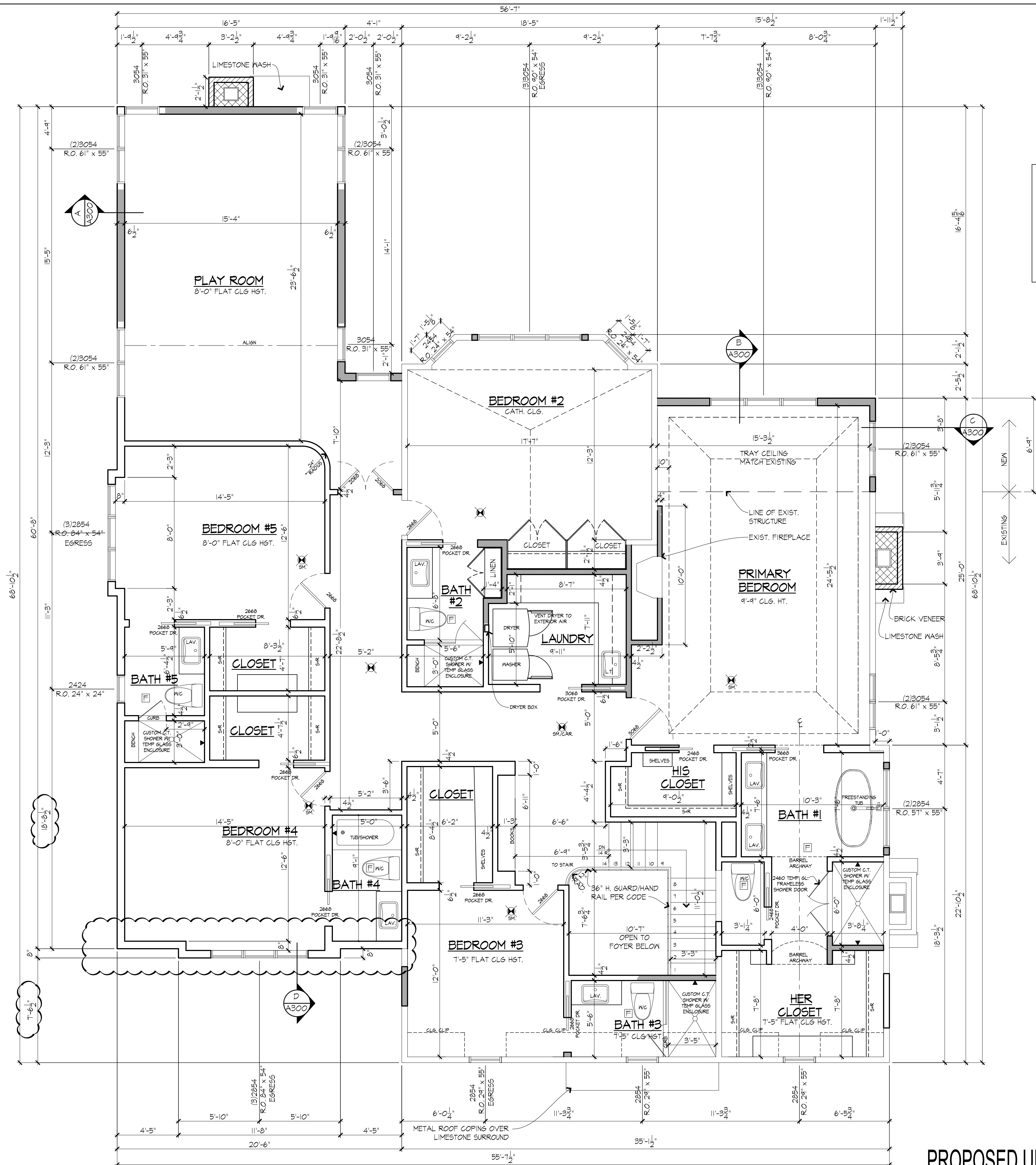
HOUSE #	HSE. DIST.	POR. DIST.
#812	86.33'	N/A
#808	40.29'	35.03'
SITE	N/A	N/A
#766	39.59'	N/A
#720	39.70'	N/A
#694	39.77'	35.09' UN. COV.
#664	39.28'	N/A
Σ 284.96/6=47.49' Σ 70.12/2=35.06'		



WALL LEGEND	
	NEW CONSTRUCTION
	EXISTING CONSTRUCTION
	CONSTRUCTION TO BE REMOVED



**PROPOSED MAIN LEVEL PLAN**



**WALL LEGEND**

NEW CONSTRUCTION

EXISTING CONSTRUCTION

CONSTRUCTION TO BE REMOVED

PROPOSED UPPER LEVEL PLAN

SCALE: 1/4" = 1'-0"



**HELLER**  
& ASSOCIATES  
DESIGN + BUILD  
7 SOUTH PERRY STREET - PONTIAC, MICHIGAN 48304 - OFFICE (248) 322-6222 - www.hellerhomes.net

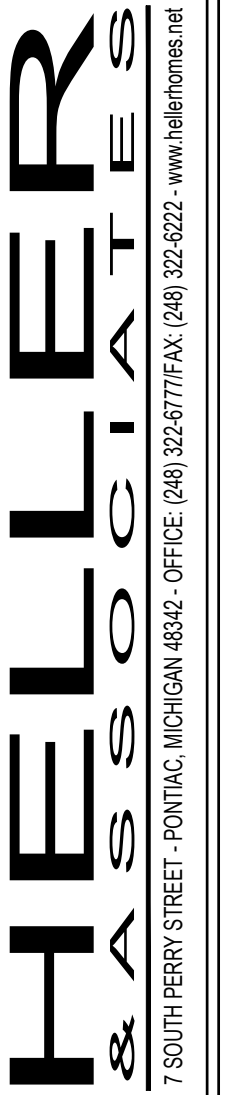
**GARATONI RESIDENCE**  
782 CHESTERFEILD, BIRMINGHAM, MI 48009

UPPER LEVEL  
PLAN  
COPYRIGHT 2021

DRAWN BY:  
B. HELLER  
D. ABATE

REVISIONS:  
03-19-2021  
04-19-2021  
05-12-2021  
05-27-2021

PAGE NO. #  
**A-102**



**GARATONI RESIDENCE**  
782 CHESTERFEILD, BIRMINGHAM, MI 48009

ELEVATIONS  
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03-19-2021
04-19-2021
05-12-2021
05-27-2021

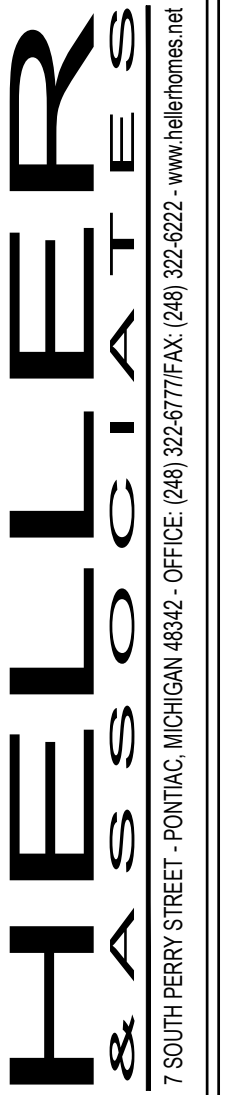
PAGE NO. #  
**A-200**



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"



**GARATONI RESIDENCE**  
782 CHESTERFELD, BIRMINGHAM, MI 48009

ELEVATIONS

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04-19-2021
05-12-2021
05-27-2021

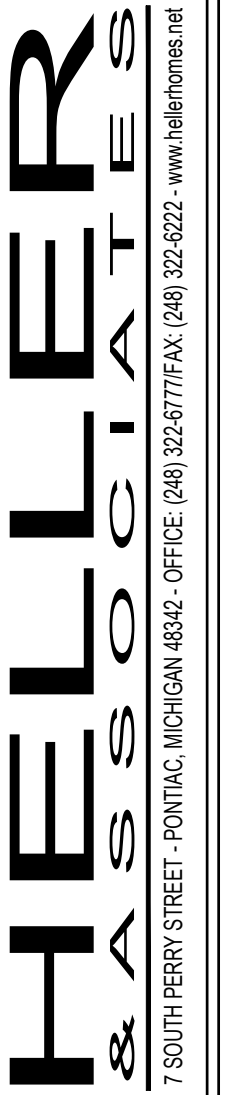
PAGE NO. #  
**A-201**



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

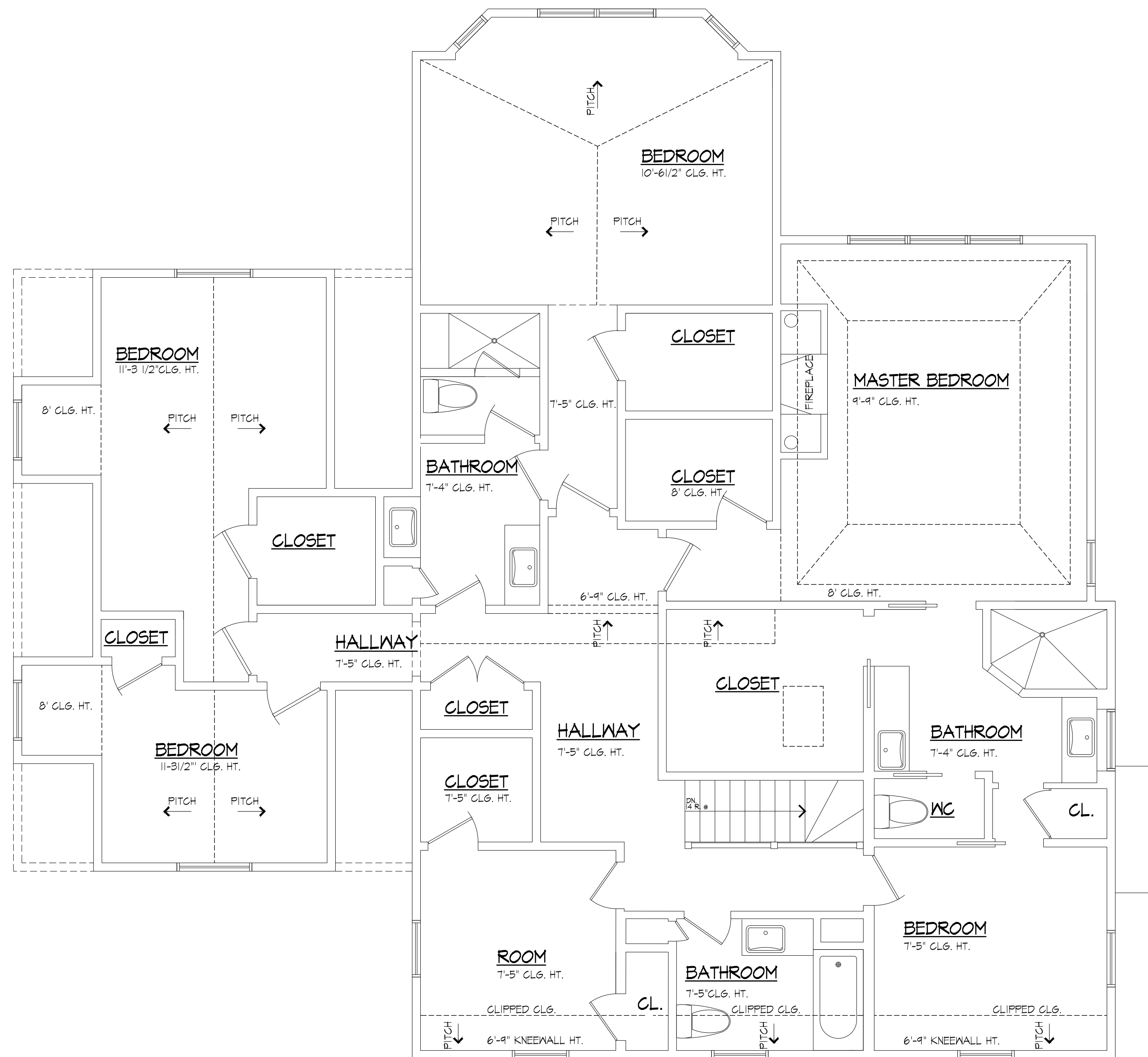


**GARATONI RESIDENCE**  
782 CHESTERFEILD, BIRMINGHAM, MI 48009

MAIN LEVEL PLAN  
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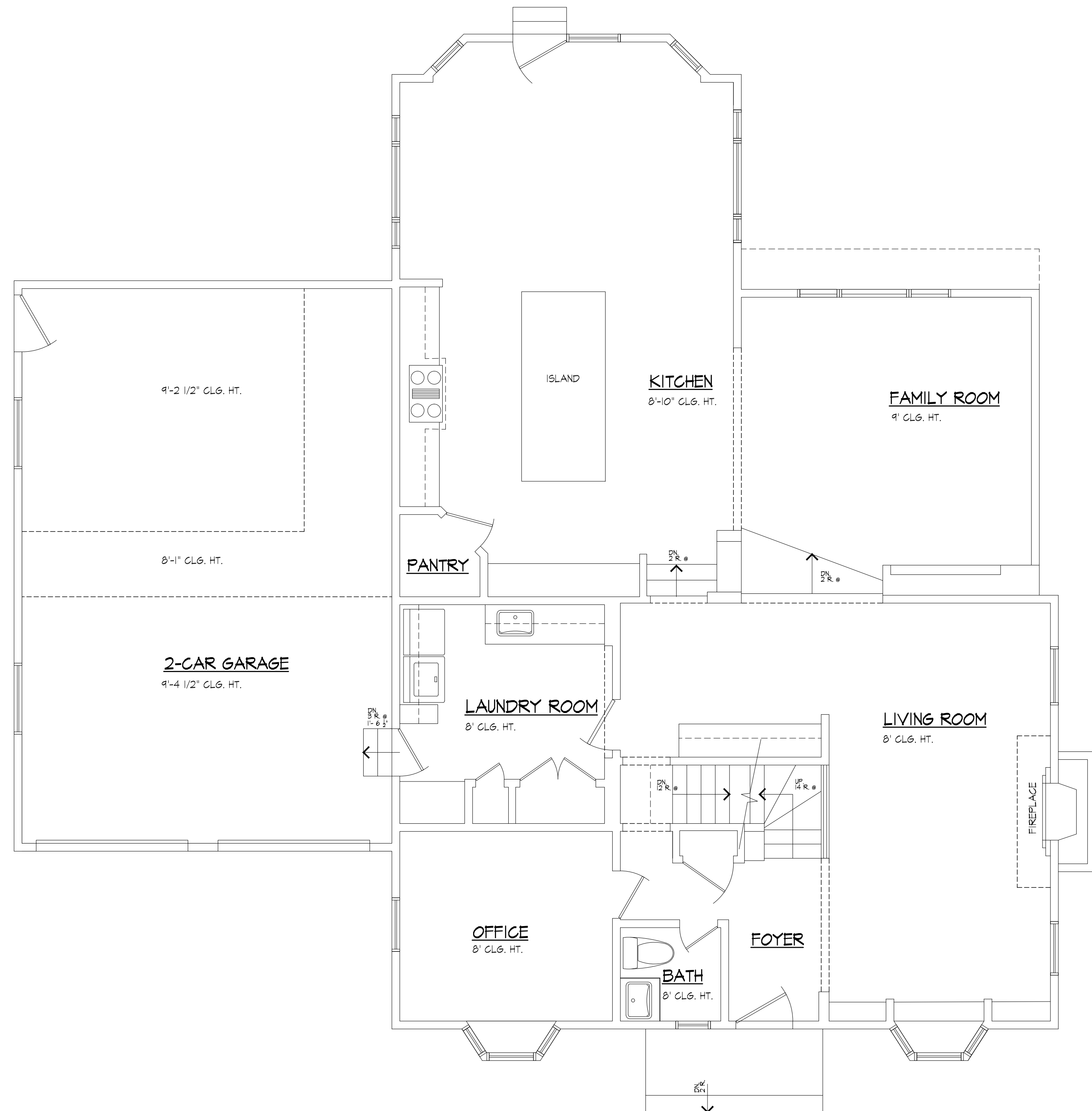
REVISIONS:
03-20-2021
04-19-2021
05-12-2021
05-27-2021

PAGE NO. #  
**AB-1**



## AS-BUILT UPPER LEVEL PLAN

SCALE: 1/4" = 1'-0"



## AS-BUILT MAIN LEVEL PLAN

SCALE: 1/4" = 1'-0"





AS-BUILT LEFT ELEVATION

SCALE: 1/4" = 1'-0"



AS-BUILT FRONT ELEVATION

SCALE: 1/4" = 1'-0"



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& ASSOCIATES  
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**GARATONI RESIDENCE**  
782 CHESTERFEILD, BIRMINGHAM, MI 48009

AS-BUILT  
ELEVATIONS  
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B. HELLER  
D. ABATE

REVISIONS:  
03-19-2021  
04-19-2021  
05-12-2021  
05-27-2021

PAGE NO. #  
**AB-2**



AS-BUILT RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



AS-BUILT REAR ELEVATION

SCALE: 1/4" = 1'-0"



**HELLER**  
& ASSOCIATES  
7 SOUTH PERRY STREET - PONTIAC, MICHIGAN 48302 - OFFICE (248) 322-6222 - www.hellerhomes.net

**GARATONI RESIDENCE**  
782 CHESTERFEILD, BIRMINGHAM, MI 48009

AS-BUILT  
ELEVATIONS  
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B. HELLER  
D. ABATE

REVISIONS:  
03-19-2021  
04-19-2021  
05-12-2021  
05-27-2021

PAGE NO. #  
**AB-3**

# **CASE DESCRIPTION**

## **640 Suffield (21-33)**

**Hearing date: July 13, 2021**

**Appeal No. 21-33:** The owner of the property known 640 Suffield, requests the following variance to construct an addition to an existing single-family home:

**A. Chapter 126, Article 7.74(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 19.75 feet. The proposed is 18.40 feet. Therefore; a variance of 1.35 feet is being requested.

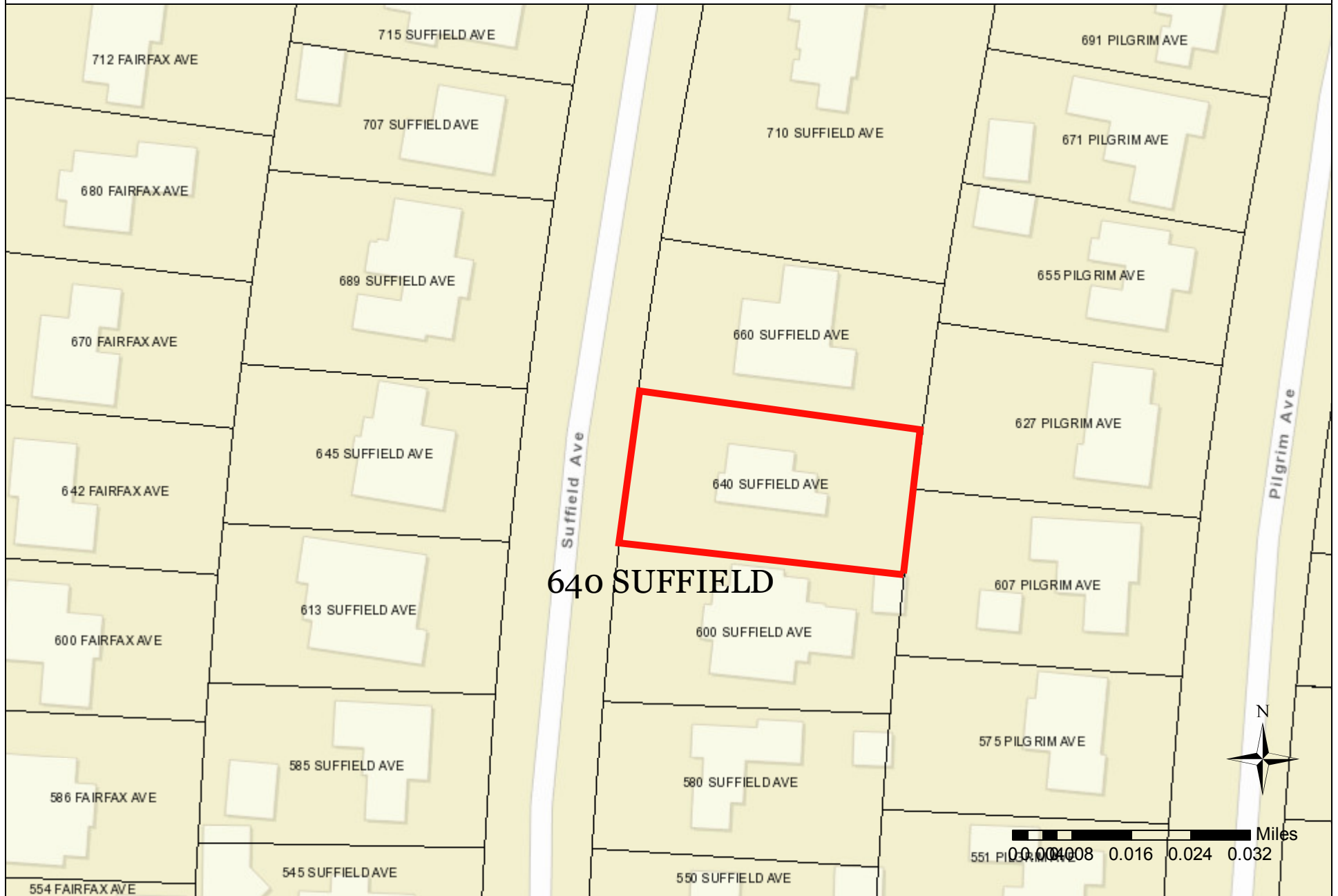
**Staff Notes:** The existing home was constructed in 1936. There is an existing detached garage. The detached garage is proposed to be demolished if the appeal is granted to construct a new attached garage to the home.

This property is zoned R1– Single Family Residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

## 640 SUFFIELD 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: 5/18/2021

Received By: BM

Hearing Date: 7-13-21

Appeal #: 21-0033

<b>Type of Variance:</b>	<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: 640 Suffield Ave	Lot Number: 18-19-26-403-010 (134)	Sidwell Number:
---------------------------	------------------------------------	-----------------

**II. OWNER INFORMATION:**

Name: Matthew Parkinson and Ashley Fidler			
Address: 640 Suffield Ave	City: Birmingham	State: MI	Zip code: 48009
Email: mattparkinson16@gmail.com		Phone: 248 505-3677	

**III. PETITIONER INFORMATION:**

Name: Matthew Parkinson	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**

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: Matthew Parkinson

Signature of Petitioner: Matthew Parkinson

Date: May 18th, 2021

Date:                     





**Letter of Intent**  
**In Support of Request for Variance**  
**640 Suffield Ave Birmingham, MI 48009**

This Letter of Intent is in support of my request for a 16" variance in the home setback requirement between the 640 Suffield and neighboring 660 Suffield homes. The home to home setback requirement is 19.75 feet. The intention is to construct an attached 2-car garage 20 feet wide with 2<sup>nd</sup> story living space above. The proposed addition is the minimum garage width to accommodate parking two vehicles. The structure would be 5.4 feet from the North side property line meeting the side setback requirement of 5 feet. The overall footprint of the addition is 20 feet extended to the North and 42 feet East to West meeting all the City of Birmingham requirements except for this variance, including meeting the total side setbacks.

In terms of hardship, this home was purchased in September 2019 with the understanding there was sufficient distance to the North property line to accommodate a 20-foot-wide garage and meet the 5-foot distance to the property line. After the recent plot survey, it was determined that the 5 feet is met. However, the 19.75 feet home to home requirement is not being met. 660 Suffield total side setbacks were found in the survey to be non-complying with an attached garage added in recent decades to the North. However, 660 Suffield has greater than 75 feet to their North neighboring home 710 Suffield. The 75 feet spacing allows 660 Suffield to have comfortable spacing between homes if the 16" variance was considered for approval.

What I would ask the board to consider, is (1) the fact that as requested the new footprint, even with the variance, would comply with all other building requirements, including total side setbacks and has 73.66% of lot open space. (2) the proposed style and structure of the house is consistent with the existing neighborhood and upon approval of the variance a highly reputable local architect would refine the aesthetics and create CAD drawings (3) Historical Birmingham homes such as 640 Suffield (1936) with smaller interior square footage and detached garages are more valuable for the land and this historical charming home is at risk upon next sale to be torn down. This addition would increase the value of the home significantly enough to financially discourage future demolition of this historical home which contributes to preserving Quarton Lake Estates neighborhood character.

Thank you for your consideration.

*Matthew Parkinson*

Matthew Parkinson

May 7, 2021

Building/Engineering Division  
Community Development Department  
City of Birmingham  
P.O. Box 3001  
Birmingham, MI 48012

**Re: Drainage Narrative & Statement on Tree Protection in the  
Suffield Avenue Right-of-Way  
640 Suffield Avenue – Garage/House Addition**

To Whom It May Concern:

Proposed improvements to the property located at 640 Suffield include a garage/house addition, as shown on the ZBA plan.

**Drainage Narrative:**

The topographic survey indicates the drainage discharge points to be the Suffield Avenue right-of-way and side-yard drainage swale to the existing drain in the rear yard. As a result of all proposed improvements, drainage will be maintained on-site until it reaches the Suffield right-of-way via proposed side-yard drainage swale or to the existing drain in the rear yard via side-yard drainage swale. The proposed improvements and grading will not adversely affect the neighboring lots.

**Statement on Tree Protection in the Suffield Avenue Right-of-Way:**

Tree protection may be required in the Suffield Avenue right-of-way in the areas that may be impacted by any driveway improvements or construction traffic. If tree protection is required, it will conform to the current standards and specifications as adopted by the City of Birmingham.

Should you have any questions or concerns with this letter, please contact me at (248) 668-0700.

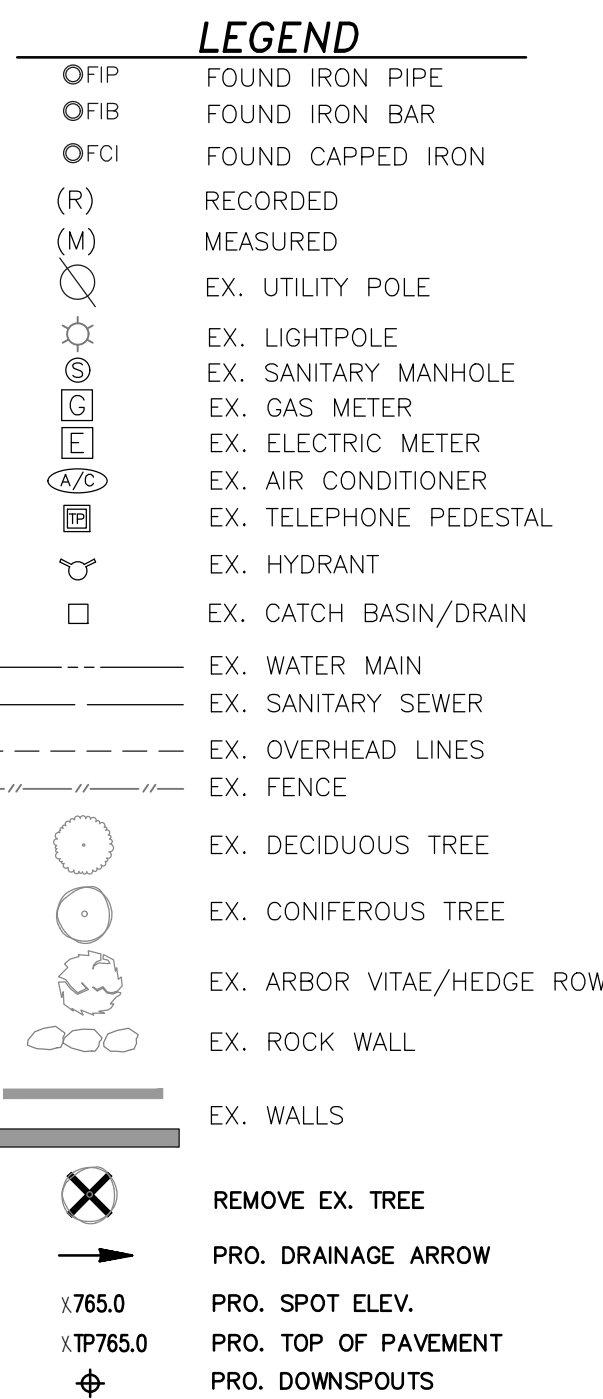
Sincerely,  
GreenTech Engineering, Inc.



Daniel J LeClair, PE  
Project Manager

  
Matt Parkinson  
Owner





## R1, SINGLE-FAMILY RESIDENTIAL

REQUIRED SETBACK

REQUIRED SETBACKS:

FRONT: (SEE CALCULATIONS)

REAR: 30 FEET  
SIDES:

SIDES:  
ONE SIDE = 9 FEET  
TOTAL = 14 FEET OR 25% OF TOTAL LOT  
WIDTH WHICHEVER IS LARGER FOR  
ONE SIDE YARD.  
 $25\% \times 79 = 19.75$  FEET

MIN. 5 FEET

**PROPOSED SETBACKS:**

FRONT: 37.6 FEET (EXISTING)

REAR: 58.3 FEET (PROPOSED)

**SIDES:**

SOUTH SIDE = 16.4 FEET (EXISTING)  
NORTH SIDE = 15.4 FEET (PROPOSED)

NORTH SIDE = \*5.4 FEET (PROPOSED, VARIANCE REQUIRED,  
TOTAL = 21.8 FEET

TOTAL = 21.8 FEET  
BUILDING SEPARATION:

SOUTH SIDE = 27.9 FEET (EXISTING)

NORTH SIDE = \*18.4 FEET (PROPOSED, VARIANCE REQUIRED)

AVERAGE FRONT SETBACK:

HOUSE NO.	FRONT SETBACK
#710	39.3 FEET
#660	39.9 FEET
SITE	-----
#600	40.2 FEET
#580	40.3 FEET
#550	<u>43.9 FEET</u>
	AVG. = 40.7 FEET

BENCHMARKS:

CITY OF BIRMINGHAM BENCHMARK #19:  
NORTHEAST CORNER OF CHESTERFIELD  
& OAK.  
ELEVATION: 767.49 CITY DATUM

BM#1  
ARROW ON HYDRANT ON THE WEST SIDE OF  
SUFFIELD AVENUE, IN FRONT OF HOUSE #715  
SUFFIELD AVE. (APPROX. 165'± NORTHEAST OF  
OF THE NORTHWEST LOT CORNER, #640 SUFFIELD)  
ELEVATION: 766.90 CITY DATUM

SURVEY NOTES:

1. TITLE WORK WAS NOT PROVIDED. EXISTING EASEMENTS, IF ANY, HAVE NOT BEEN SHOWN.
2. A WETLAND AND TREE SURVEY WERE NOT PERFORMED AS PART OF THIS SURVEY.
3. BEARINGS ARE ASSUMED. NO RECORD BEARINGS ON THE SUBJECT LOT PER PLAT OF "SUBDIVISION OF LOTS 1 TO 184 INCLUSIVE OF QUARTON LAKE ESTATES SUBDIVISION", LIBER 32 OF PLATS, PAGE 40, OAKLAND COUNTY RECORDS.

LEGAL DESCRIPTION:

LOT 134 OF "SUBDIVISION OF LOTS 1 TO 184 INCLUSIVE OF QUARTON LAKE ESTATES  
SUBDIVISION" VILLAGE OF BIRMINGHAM (NOW THE CITY OF BIRMINGHAM), OAKLAND COUNTY,  
MICHIGAN, AS RECORDED IN LIBER 32 OF PLATS, PAGE 40, OAKLAND COUNTY RECORDS.

FLOOD HAZARD STATEMENT:

THIS PROPERTY IS LOCATED WITHIN A FEMA DESIGNATED ZONE X FLOOD HAZARD AREA AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FOR MICHIGAN FLOOD INSURANCE RATE MAP (FIRM) #26125C0536F (COMMUNITY ID NO. 2610618 – CITY OF BIRMINGHAM, MI) WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2006. THIS STATEMENT IS BASED ON THE RESULTS OF GRAPHIC PLOTTING onto the ABOVE NAMED MAP AND PANEL, WHICH IS THE CURRENT MAP FOR THE COMMUNITY IN WHICH THE PROPERTY IS LOCATED. ZONE "X" INDICATES AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

NOTICE:

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

NOTE:

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.



PLOT PLAN NOTES:

- 1) LOCATION & ROTATION OF GARAGE AND HOUSE ADDITIONS ARE PER OWNER.
- 2) BUILDER SHALL VERIFY EXACT DIMENSIONS OF PROPOSED GARAGE/HOUSE ADDITIONS WITH ARCHITECTURAL PLANS.
- 3) SIDEWALKS & STREETS ARE TO BE MAINTAINED FREE OF DIRT AND DEBRIS.
- 4) CONSTRUCTION MATERIALS ARE NOT TO BE PLACED ON THE SIDEWALKS & STREETS.
- 5) BUILDING DOWNSPOUTS TO SURFACE DISCHARGE TO ON-SITE SWALES.
- 6) PROPOSED TREE PROTECTION FENCE TO BE MINIMUM 3 FOOT HIGH ORANGE CONSTRUCTION FENCING STAKED AT MINIMUM 8 FOOT INTERVALS. REMOVAL AS DIRECTED BY CITY BUILDING OFFICIAL.
- 7) LOCATION OF UTILITY SERVICES SHOWN ARE CONCEPTUAL ONLY. ACTUAL LOCATION OF SANITARY, WATER, ELECTRIC, GAS, ETC. SERVICING THE LOT TO BE DETERMINED AT TIME OF CONSTRUCTION BY THE CITY.
- 8) CONTRACTOR TO PLACE SILT FENCE AROUND ENTIRE PERIMETER OF LOT BEFORE CONSTRUCTION. MAINTAIN UNTIL FINAL GRADE IS ESTABLISHED.

PROPOSED IMPERVIOUS AREAS:

LOT AREA = 11,728 S.F. (0.27 ACRES)  
 LOT COVERAGE = EXISTING HOUSE (1,517 S.F.) + PROPOSED GARAGE (840 S.F.) +  
 PROPOSED HOUSE ADDITION (74 S.F.) = 2,431 S.F. (20.73%)  
 IMPERVIOUS REAR PATIO (119 S.F.) (EXCLUDE FRONT PORCH/STEPS) = 119 S.F. (1.01%)  
 IMPERVIOUS DRIVEWAY (EXCLUDE FRONT WALK) = 539 S.F. (4.60%)  
 TOTAL IMPERVIOUS SURFACE AREA = 3,089 S.F. (26.34%)  
 TOTAL OPEN SPACE = 8,639 S.F. (73.66%)





Architectural drawing of a building elevation. The drawing shows a stone sill labeled "STONE SILL ALL" with an arrow pointing to it. A chimney is shown with a label "ADDITION 1995" and arrows pointing to it. The chimney has a height of "12'" and a width of "10 V.I.F.". The building has a gabled roof and a small window with a pediment. The drawing is a black and white line drawing.

ADDITION

EXISTING

GRADE

SOUTH ELEVATION

12  
6

12  
6

EXISTING

ADDITION

HARDIE PLANK  
SIDING (N.F.I.)

WINDOWS TO  
MATCH EXISTING

ALL DOOR &  
WINDOW SILL STONE

WEST ELEVATION

EXISTING

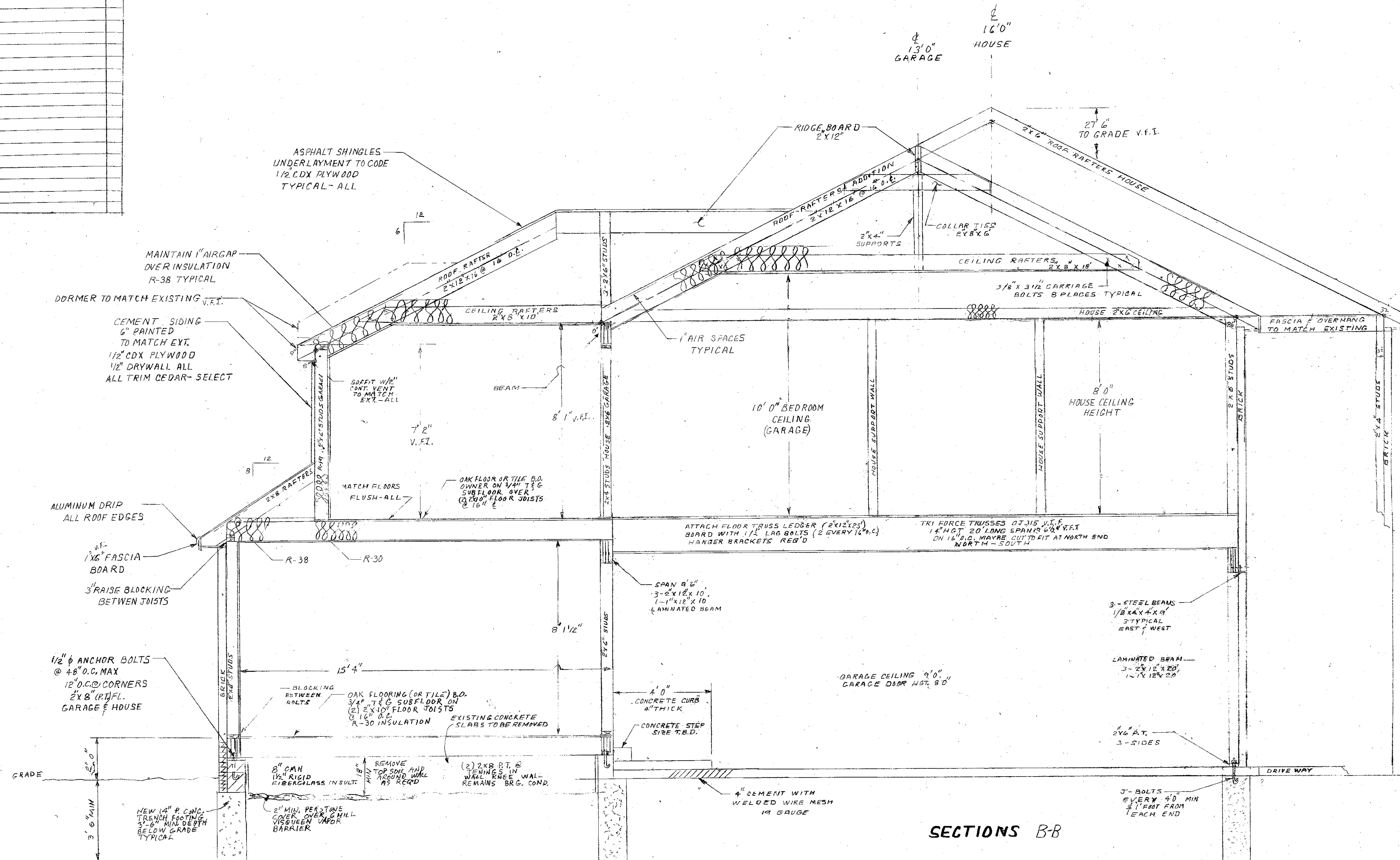
ADDITION

PARKINSON

PARKINSON RESIDENCE  
640 SUFFIELD  
BIRMINGHAM MI 48009  
DRAWN BY *Paul A. Parkinson* 7/62

SCALE  $\frac{1}{4}'' = 1 \text{ FOOT}$ , SH1 of 4

2 NOV 1963 65/81/11

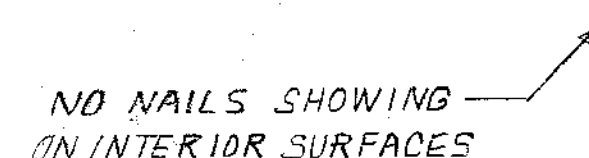
[illegible]

SECTIONS B-B

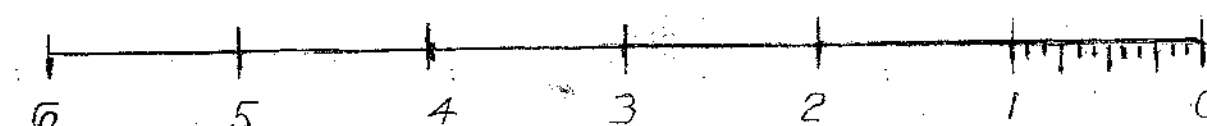
PARKINSON RESIDENCE  
640 SUFFIELD  
BIRMINGHAM MI 48009  
DRAWN BY Frank A. Parkinson 7/6/20

SCALE  $1\frac{1}{2}'' = 1 \text{ FOOT}$  SHT 3 of 4

11/27 MAR 72 SECTION B-B

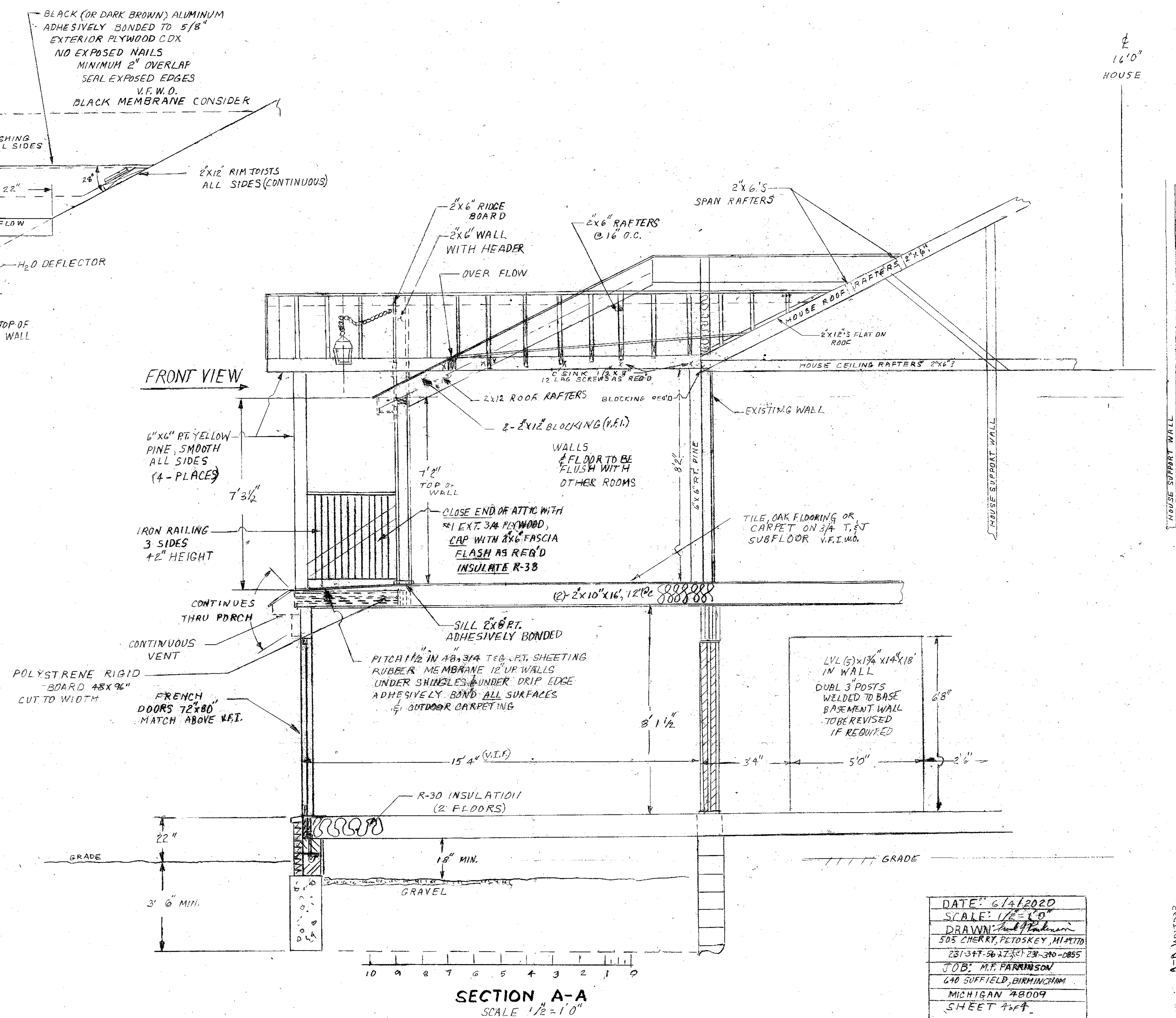


FRONT VIEW



SCALE 1" = 1' 0"

LETTER	REVISION	DATE
(A)	PORCH ROOF REVISED ROOF DRAIN IS REVISED ZAP	11/6/08
A	PORCH ROOF & DRAIN REVISED ZAP	7/2/12



DATE: 6/4/2020  
SCALE: 1/2" = 1'-0"  
DRAWN: *Paul Parkinson*  
505 CHERRY, PETOSKEY, MI 49777  
231-347-5627 (C) 231-340-0855  
JOB: M.F. PARKINSON  
640 SUFFIELD, BIRMINGHAM  
MICHIGAN 48009  
SHEET 4 of 4

A-R VOITS32



