City of Birmingham MEETING OF THE BOARD OF ZONING APPEALS SPECIAL MEETING TUESDAY, JULY 26, 2022 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/i/963 4319 8370 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 26, 2022 7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

a) The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. The cases of COVID-19 are increasing in the area. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

4. APPROVAL OF THE MINUTES

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	338 PILGRIM	VANBROUCK & ASSOC	22-21	DIMENSIONAL
2)	333 FERNDALE	BROWN	22-26	DIMENSIONAL
3)	1165 HILLSIDE	SAMARTINO	22-27	DIMENSIONAL
4)	564 RIDGEDALE	BEDI	22-29	DIMENSIONAL
5)	269 SOUTHLAWN	DEPORRE	22-30	DIMENSIONAL
6)	2428 NORTHLAWN	JOHNSTON	22-32	DIMENSIONAL

6. CORRESPONDENCE

7. GENERAL BUSINESS

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

ADJOURNMENT

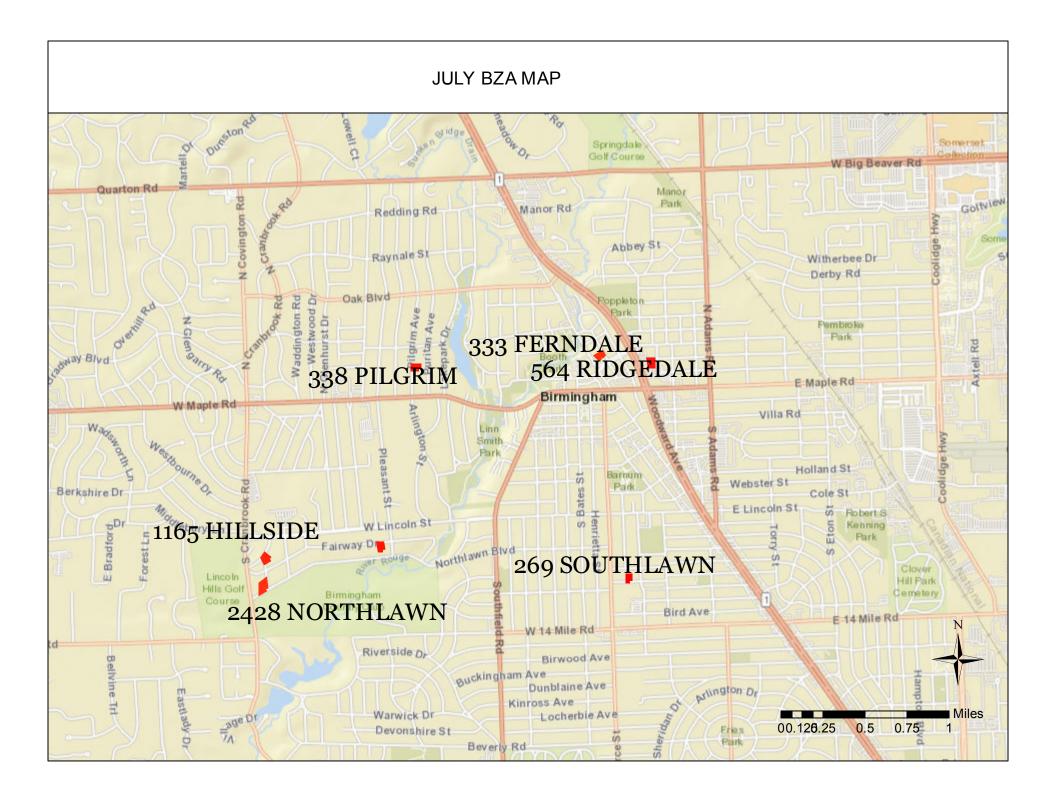
Title VI

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 dia 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.



CASE DESCRIPTION

338 PILGRIM

Hearing date: July 26, 2022

- **Appeal No. 1:** The owner of the property known **338 Pilgrim**, requests 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 combined total side yard is 14 feet or 25 percent of lot width, which is greater. The required is 17.50 feet. The proposed 14.95 feet. Therefore, a variance of 2.55 feet is being requested.
- B. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 17.50 feet on the north side. The proposed is 16.46 feet. Therefore, a variance of 1.04 feet is being requested.
- C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 17.50 feet on the south side. The proposed is 16.41 feet. Therefore, a variance of 1.09 feet is being requested.

Staff Notes: The applicant was in front of the board in June regarding this existing home that was constructed in 1952. The applicant revised the plans to bring the proposed modification closer to conformance with the zoning ordinance. (See draft minutes included in package.)

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP Assistant Building Official



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: <u>4/12/22</u>					Hearing Date: <u>6.14.22</u>		
Received By:					Appeal #: _22_0021		
	erpretation	Dimensional	Land Use	Sign	Appear #: Admin Review		
I. PROPERTY INFORMATION:							
Address: 338 PILGRIM AVE		Lot Number:	226	Sidwell Numbe	r: 19-26-454-007		
OWNER INFORMATION:		<					
Name: LISA FULGENZI							
Address: 338 PILGRIM AVE		City: BIRMIN	GHAM	State: MI	Zip code: 48009		
mail:* JLFULGENZI@COMCAST.N	↓ET	- 1		Phone: 248-	425-1844		
PETITIONER INFORMATION:				210			
Name: JOHN VANBROUCK		Firm/Compa	ny Name: VANBRO	OUCK & ASSOCIATES	3		
Address: 360 HAMILTON ROW		City: BIRMING		State: MI	Zip code: 48009		
mail: VANBROUCK@COMCAST.NE				Phone: 248-8	hone: 248-876-4233		
V. GENERAL INFORMATION:		2.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1		galan ganariak			
Official and/or City Planner for a pre- now all requested variances must be urvey and plans including a table as the BZA application fee is \$360.00 for the posted at the property at least 15	e highlighted on the s s shown in the examp or single family reside	survey, site plan ar ble below. All dime ential; \$560.00 for heduled hearing d	nd construction plan ensions to be shown all others. This amc ate.	s. Each variance req in feet measured to	uest must be clearly shown on the the second decimal point.		
Requested Variances	Demulard	Variance Ch					
Variance A, Front Setback	Required 25.00 Feet	23.50		23.50 Feet	Variance Amount		
Variance B, Height 30.00 Feet		30.25		30.25 Feet	1.50 Feet 0.25 Feet		
. REQUIRED INFORMATION CHECK	LIST:	1911 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 - 1917 -					
 One original and 							
o one one indi dite	d nine copies of the	e signed applicat	ion				
 One original and 	d nine copies of the	signed letter of	practical difficulty	/ and/or hardship			
 One original and One original and 	d nine copies of the d nine copies of the	e signed letter of e certified survey	practical difficulty		ngg vogt n		
 One original and One original and 	d nine copies of the d nine copies of the	e signed letter of e certified survey	practical difficulty		lans and elevations		
 One original and One original and One original and I0 folded copies If appealing a box 	d nine copies of the d nine copies of the	e signed letter of e certified survey	practical difficulty		lans and elevations		
 One original and One original and One original and 10 folded copies If appealing a box 	d nine copies of the d nine copies of the	e signed letter of e certified survey	practical difficulty		C, or DRB board meeting		
 One original and One original and 	d nine copies of the d nine copies of the s of site plan and be pard decision, 10 co ner designated below	e signed letter of e certified survey uilding plans incl opies of the minu	practical difficulty uding existing and utes from any prev	l proposed floor p vious Planning, HD	23 SS		

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

CITY OF BIRMINGHOM

5

unsubscribe at any time.	
Signature of Owner:	Date:
Signature of Petitioner: John Van Brook	Date: 4-12-22

CITY OF BIRMINGHAM BOARD OF ZONING APPEALS RULES OF PROCEDURE

ARTICLE I - Appeals

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

- 6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
- 7. An aggrieved party may appeal a Planning Board decision. Such appeal must be made within 30 days of the date of the decision. The BZA, in its discretion, may grant additional time in exceptional circumstances.
- 8. Appeals from a decision of the Building Official shall be made within 30 days of the date of the order, denial of permit, or requirement or determination contested. The BZA, in its discretion, may grant additional time in exceptional circumstances.
- 9. An appeal stays all proceedings in accordance with Act #110, Public Acts of 2006, Article VI, Section 125.3604 (3).
- C. The order of hearings shall be:
 - 1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
 - 2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
 - 3. Interested parties' comments and view on the appeal.
 - 4. Rebuttal by applicant.
 - 5. The BZA may make a decision on the matter or request additional information.
- D. Motions and Voting
 - 1. A motion is made to either grant or deny a petitioner's request
 - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
 - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
 - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.
 - 2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

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

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

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

rouch ignature of Applicant

Van Brouck & Associates, Inc. 5517 Arbor Bay Drive Brighton, Michigan 48116

April 12, 2022

1 x - 8 - 8

The Board of Zoning Appeals City of Birmingham 151 Martin Street Birmingham, Michigan 48009

Subject: 338 Pilgrim Avenue-Side Yard Setback Dimensional Variance

Dear Members of the Board,

The Fulgenzi Residence on Pilgrim Avenue in Birmingham, Michigan is an existing non-conforming structure that protrudes into the Front Setback by 0.6 feet and the South Side Setback by 0.04 feet. The Fulgenzi Family proposes to construct an austere first and second floor addition onto the existing home that will build a new two-car garage, mud room, family room, and kitchen on the first floor. A ramp for a special needs child is proposed within the new front portico. The second-floor work will include a new laundry room laundry room, third bedroom and Master suite.

The new two car garage has a minimal proposed interior dimension of 21'-0". With the thickness of the new wall, and the placement of the garage next to the existing North wall, the new construction protrudes into the North side yard setback by 0.21 feet. The remainder of the new construction will be conforming to all the ordinance requirements.

The existing house was not built squared up with the street like most of the homes on Pilgrim Avenue. It is slightly tipped to the Northwest bringing the house out of compliance on three sides. Forcing the Fulgenzi Family to build onto their home within the north side setback would create an undue hardship with a difficult roof/wall flashing issue and an awkward line along the North edge of the home. The proposed addition is harmonious and within scale of the existing house and the neighborhood.

Strict compliance with the ordinance will unreasonably prevent the owners from using the property to build a truly functional garage. Granting this variance will do substantial justice to the neighboring properties by creating a seamless junction of the new North wall of the garage without senseless jogs in the wall. This challenge was not self-created and is a unique circumstance, with the odd placement of the existing house on the property, and the original construction preceded the current ordinance by several decades.

The owners respectfully request relief from the 5'-0" North side yard setback requirement with a variance of 0.21 feet.

Please feel free to contact me at 734.604.2409 if you have any questions. Thank you,

Sincerely,	NORTH SIDE YARD SETBACK VARIANCE:					
	REQUIRED	EXISTING	PROPOSED	VARIANCE		
	5.0'	7.08	4.79'	0.21'		
John Van Brouck						

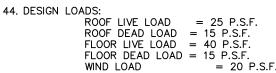
GENERAL CONSTRUCTION NOTES

- 1. DO NOT SCALE DRAWINGS, USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS NOTIFY THE ARCHITECT IMMEDIATELY FOR DIRECTION.
- 2. CONTRACTOR SHALL VERIFY ALL CONDITIONS, INCLUDING UNDERGROUND UTILITIES AND FIELD MEASUREMENTS AT THE JOB SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK.
- 3. ALL POURED CONC. FOOTINGS TO BE A MINIMUM OF 3'-6" BELOW PROPOSED FINISH GRADE, AND SHALL BEAR ON UNDISTURBED SOIL. ADDITIONAL DEPTH MAY BE REQ'D BY SOIL CONDITIONS. ALLOWABLE SOIL BEARING PRESSURE OF 3000 PSF IS ASSUMED FOR FOOTING SIZES INDICATED ON THE PLANS. VERIFICATION OF ALLOWABLE SOIL BEARING PRESSURE OF 3000 PSF IS THE RESPONSIBILITY OF THE CONTRACTOR. QUESTIONABLE CONDITIONS TO BE INVESTIGATED BY A QUALIFIED SOILS ENGINEER.
- 4. PROVIDE NECESSARY SHEATHING, SHORING, BRACING, AND ALL TEMPORARY SUPPORTS AS REQUIRED DURING EXCAVATIONS TO PROPERLY SUPPORT SIDES OF EXCAVATIONS.
- 5. PROTECT ALL EXISTING WORK AND WORK IN PROGRESS.
- 6. COMPLY FULLY WITH REQUIREMENTS OF OSHA AND OTHER REGULATORY AGENCIES FOR ALL SAFETY PROVISIONS
- 7. ALL CONCRETE TO ACHIEVE COMPRESSIVE STRENGTH OF 3000 PSI AT 28-DAY TEST. EXTERIOR CONCRETE SHALL BE AIR ENTRAINED 5% PLUS OR MINUS 1%.
- 8. CONCRETE WORK AND PLACEMENT SHALL CONFORM TO THE LATEST SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTION. PLACE ALL CONCRETE WITHOUT ADDING WATER TO THE TRANSIT MIX CONCRETE. SLUMP = 3" - 4".
- 9. ALL REINFORCING SHALL CONFORM TO ASTM A-615 GRADE 60, FABRICATED AND ERECTED ACCORDING TO ACI STANDARDS.
- 10. WELDED WIRE FABRIC SHALL BE FURNISHED IN FLAT SHEET AND SHALL CONFORM TO ASTM A-185 AND SHALL HAVE A MINIMUM SIDE AND END LAP OF 8"
- 11. THE ROUGH CARPENTRY CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO THE START OF FABRICATION OR CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
- 12. ALL LUMBER AND FRAMING TECHNIQUES SHALL CONFORM TO APPLICABLE SECTIONS OF THE LATEST SPECIFICATIONS FOR STRESS GRADE LUMBER AND IT'S FASTENERS. ALL WORK SHALL CONFORM WITH THE TRUSS PLATE INSTITUTE, AMERICAN PLYWOOD ASSOCIATION, TRUSS JOIST MACMILLAN AND THE NATIONAL FOREST PRODUCTS ASSOCIATION.
- 13. ALL FLUSH BEAMS AND JOIST CONNECTIONS SHALL BE FASTENED WITH AN APPROPRIATE CAPACITY METAL HANGER OR STRAP (NO JOIST ANGLES) OR EQUIVALENT METAL PRODUCT AS APPROVED BY A STRUCTURAL ENGINEER AND (1) TOE NAIL (16d) FOR EACH 1000 LBS. OR AXIAL LOAD OR EACH SUPPORT STUD. POST BASE AND SUPPORT SHALL PROVIDE SUFFICIENT BEARING WITH ENGINEER APPROVED METAL CONNECTOR AND/OR TWO (2) TOE NAILS FOR EACH 1000 LBS. OF AXIAL LOAD OR SUPPORT STUD..
- 14. ALL LUMBER BEARINGS SHALL PROVIDE SUFFICIENT AREAS SO AS NOT TO EXCEED 430 PSI.
- 15. ALL SHEATHED STUDS SHALL BE LIMITED TO 2250 LBS. OF AXIAL LOAD.
- 16. ALL FLOOR JOISTS, RAFTERS, STUDS, CEILING JOIST, AND BLOCKING TO BE #2 OR BETTER HEM FIR UNLESS OTHERWISE NOTED. FLOOR JOISTS TO HAVE 1 X 3 CROSS BRIDGING 8'-0" ON CENTER.
- 17. ALL BUILT UP WOOD POSTS, BEAMS AND GIRDERS SHALL BE NAILED AND/OR BOLTED PER N.D.S.
- 18. ROOF TRUSS MANUFACTURER TO SUPPLY THE ARCHITECT WITH TRUSS SHOP DRAWINGS PRIOR TO FABRICATION. 19. ROOF TRUSS FRAMING INDICATED ON THE DRAWINGS IS AN ASSUMED LAYOUT. TRUSS MANUFACTURER SHALL REVIEW THE DRAWINGS AND INDICATE TO THE ARCHITECT, PRIOR TO FABRICATION, ANY CHANGE IN BEARING CONDITION THAT WOULD REQUIRE RE-FRAMING THE STRUCTURE TO ACCOMMODATE THE TRUSSES.
- 20. ROOF TRUSS DESIGN SHALL BE BY TRUSS MANUFACTURER AND SHALL CONFORM TO DESIGN LOAD REQUIREMENTS LISTED BELOW. BRACE ALL ROOF TRUSSES PER MANUFACTURER'S SPECIFICATIONS.

RUSSES:		
TOP CHORD	LIVE LOAD DEAD LOAD	30 PSF 7 PSF
BOTTOM CHORD	LIVE LOAD DEAD LOAD	0 PSF 10 PSF
	TOTAL	47 PSF

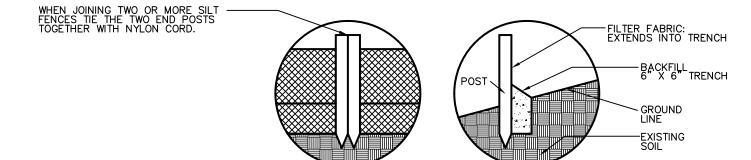
ROOF TF

- 21. NAILING SCHEDULE FOR PLYWOOD SHEATHING; 10d NAILS AT 6" ON CENTER, AT DIAPHRAGM BOUNDARY AND ALONG END SUPPORTING MEMBERS, 10d NAILS AT 12" ON CENTER ALONG INTERMEDIATE FRAMING MEMBERS.
- 22. MICRO-LAM BEAMS (LVL'S) SHALL BE BY "TRUS JOIST MACMILLAN" OR EQUAL. ALL BEAMS JOINED TOGETHER SHALL BE PER MANUFACTURER'S SPECIFICATIONS. NO SUBSTITUTIONS SHALL BE ACCEPTABLE WITHOUT PRIOR APPROVAL OF THE ARCHITECT.
- 23. INSTALL DOUBLE FLOOR JOISTS UNDER ALL UPPER FLOOR LEVEL PARALLEL PARTITIONS.
- 24. BUILDER SHALL PROVIDE METAL DIAGONAL CORNER AND WIND BRACING AT CORNERS PER CODE 'X' AND 'K' SHAPED BRACINGS ARE ACCEPTABLE.
- 25. ALL WINDOW NUMBERS REFER TO MANUFACTURER INDICATED ON THE PLANS. IF AN ALTERNATE WINDOW MANUFACTURER IS USED, ALL SHAPES AND SIZES SHALL MATCH IN ALL DIMENSIONS. EVERY SLEEPING RM. SHALL BE PROVIDED WITH AN OPERABLE EGRESS WINDOW. THE SILL HEIGHT SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR. THE WINDOW, WHEN OPEN, SHALL HAVE A NET CLEAR OPENING AREA OF 5.7 SQ. FT. THE MINIMUM NET CLEAR OPENING WIDTH SHALL BE AT LEAST 20" AND MINIMUM NET CLEAR OPENING HEIGHT OF AT LEAST 24" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE
- 26. ALL MASONRY VENEER WALLS TO BE PROVIDED WITH WALL TIES AND WEEP HOLES PER CURRENT CODE. AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- 27. ALL STAIRWAYS, STAIRWAY GUARDS, HANDRAILS, BALUSTERS, HEADROOM DIMENSIONS, RISERS AND TREADS SHALL COMPLY WITH ALL CODE REQUIREMENTS. AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- 28. PROPERLY VENTILATE ROOF SO THERE IS A CROSS-VENTILATION WITH ROOF VENTS AND SOFFIT VENTS PER THE CURRENT MICHIGAN BUILDING CODE. CONTINUOUS ROOF RIDGE VENT SHALL BE BY MID-AMERICA BUILDING PRODUCTS, PLYMOUTH, MICHIGAN (800) 521-8476. PROVIDE AN UNDERLAYMENT OF 15# FELT UNDER ASPHALT SHINGLES AND A LAYER OF GRACE ICE AND WATER SHIELD FROM EAVE TO ENTIRE LENGTH OF ROOF (100% OF ROOF ENTIRELY). SEE WALL SECTION FOR ICE SHIELD DETAIL. INSULATION IS TO BE PROVIDED WITH A VAPOR BARRIER ON THE WARM SIDE SURFACE. NET FREE VENTILATION AREA REQUIRED IS 1/300th OF THE AREA BEING VENTILATED. N50% OF THAT AREA SHALL BE IN THE UPPER PORTION OF THAT SPACE. THE REMAINDER VENTILATION IS TO BE PROVIDED BY CONTINUOUS SOFFIT VENTS, EAVE VENTS AND CROSS VENTS
- 29. ALL CONCRETE FLAT WORK SHALL BE PLACED ON 4" OF COMPACTED SAND.
- 30. PROVIDE ALL NECESSARY UNDERPINNING AND BRACING AS REQUIRED TO PROPERLY INSTALL NEW FOOTINGS.
- 31. PROVIDE WATERPROOFING ASPHALTIC PARGING COATING BELOW GRADE IF REQUIRED. 32. THE CONTRACTOR SHALL PROVIDE WRITTEN CHANGE ORDERS DOCUMENTING ADDITIONAL WORK, OR DELETION OF WORK, PRIOR TO THE CHANGE EFFORT ON THE JOB.
- 33. LOTS AND STREET SHALL BE MAINTAINED FREE OF DIRT AND DEBRIS DURING CONSTRUCTION
- 34. PLASTER AND TAR ALL BRICK BELOW GRADE.
- 35. PROPERLY VENT CRAWL SPACES PER STATE MECHANICAL CODE.
- 36. BATH FANS TO BE VENTED TO EXTERIOR
- 37. HANDRAIL GRIP SIZE SHALL NOT EXCEED A MAXIMUM HORIZONTAL CROSS-SECTIONAL DIMENSION OF 2 5/8" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- 38. BALCONY GUARDS SHALL BE BALUSTERS SPACED NO FARTHER THAN 4" APART PER THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL
- 39. PROVIDE 2X10 DOUBLE HEADER AT ALL INTERIOR DOOR OPENINGS AND 2X10 TRIPLE HEADER AT ALL EXTERIOR DOOR AND
- WINDOW OPENINGS (UNLESS OTHERWISE SPECIFIED) 40. PROVIDE METAL STRAPPED WINDBRACING AT EACH END OF EXTERIOR WALLS (TYPICAL)
- 41. PROVIDE ELECTRICALLY POWERED SMOKE DETECTORS ON EACH LEVEL, IN EACH BEDROOM, AND BEDROOM HALLWAYS. UNITS D BE WIRED SO IF ONE SOUNDS, THEY ALL SOUND. ALL SHALL HAVE BATTERY BACK UP PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE SECTION R317.
- 42. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- 43. FIRESTOP ALL DROPS & CHASES, ELECTRICAL, PLUMBING & HEATING, APPROVED FIRESTOP MATERIAL REQUIRED FOR ALL DROPS & FLOOR OR CEILING PENETRATIONS AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.



- 45. INSULATION 'R' VALUES SHALL COMPLY WITH TABLE N1102.1, OF THE 2015 MICHIGAN RESIDENTIAL CODE, UNLESS OTHERWISE NOTED.
- 46. PROVIDE ON-SITE DUMPSTER THROUGHOUT THE DURATION OF THE WORK.
- 47. PROVIDE ON-SITE PORTABLE "PORT-A-JOHN" THROUGHOUT THE DURATION OF THE WORK.
- 48. PAINT ENTIRE INTERIOR AND EXTERIOR OF HOME. EXTERIOR SIDING AND TRIM TO BE PAINTED WITH ONE COAT PRIMER AND TWO COATS FINISH WITH BENJAMIN MOORE PREMIUM PAINT OR OWNER'S EQUAL. SPECIFICATION SHOULD INCLUDE THREE COLOR
- AND COMPLETE CAULKING BOTH EXTERIOR AND INTERIOR. INTERIOR CEILINGS TO BE FLAT FINISH, WALLS IN EGG SHELL AND ALL TRIMS AND CASINGS IN HIGH GLOSS "PEARL" FINISH.
- 49. ALL ENGINEERED WOOD PRODUCT DOCUMENTATION I.E. TRUSSES, I-JOIST ETC., WILL BE REQUIRED TO BE SUBMITTED PRIOR TO OR AT THE ROUGH FRAME INSPECTION.
- 50. AN INSULATION CERTIFICATE IS REQUIRED TO BE SUBMITTED PRIOR TO THE CERTIFICATE OF OCCUPANCY INCLUDING ANY BLOWN IN PRODUCT.

GEOTEXTILE SILT FENCE



THIS PLOT PLAN WAS PREPARED BASED ON INFORMATION PROVIDED BUY THE OWNER. CONTRACTOR AND OR CIVIL ENGINEER. AND IS SCHEMATIC ONLY. FOR DEFINITIVE INFORMATION SEE CIVIL DRAWINGS (BY OTHER)

KEVIN HART AND ASSOCIATES ASSUMES NO RESPONSIBILITY FOR ANY CHANGES MADE TO THIS DRAWING IN THE FIELD.

THIS DRAWING IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY. THIS DRAWING IS NOT TO BE USED FOR THE ESTABLISHMENT OF ANY PROPERTY LINES OR OTHER IMPROVEMENTS.

THIS PLOT PLAN WAS PREPARED IN THE OFFICE FIELD WORK WAS PERFORMED, APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVED THE OWNER/BUILDER OF COMPLIANCE WITH ALL APPLICABLE CODES AND OR ORDINANCES.

TYPE OF PERMANENT VEGETATIVE RESTORATION WILL BE SEED/MULCH PER BUILDER UNLESS SPECIFIED DTHERWISE.

SOIL EROSION CONTROL MEASURES WILL BE INSTALLED BY BUILDER AND MAINTAINED ON A WEEKLY BASIS AND AFTER EACH STORM EVENT

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SOIL EROSION AND SEDIMENTATION CONTROL PLAN NOTES:

- 1. SOIL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TOTHE CURRENT STANDARDS AND SPECIFICATIONS OF THE STATE AND COUNTY BUILDING OFFICIALS
- 2. DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE EFFECTIVENESS OF EROSION AND SEDIMENTATION CONTROL MEASURES. AND NECESSARY REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
- 3. EROSION AND SEDIMENTATION FROM WORK ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON OFF-SITE AREAS OR IN WATERWAYS. WATERWAYS SHALL MEAN BOTH NATURAL AND MAN-MADE OPEN
- DITCHES, STREAMS, STORM SEWER DRAINS, LAKES, PONDS, AND WETLANDS. 4. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PLACED PRIOR TO OR AS THE FIRST STEP IN
- CONSTRUCTION. SEDIMENTATION CONTROL MEASURES SHALL BE PROVIDED AS A DEFENSE AGAINST TRANSPORTING OF SILT OFF THE SITE.
- 5. CONTRACTOR SHALL APPLY FOR TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED AND AS DIRECTED ON THESE PLANS. CONTRACTOR SHALL REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, DITCHES, AND OTHER EARTH CHANGES HAVE BEEN ACCOMPLISHED. 6. PERMANENT SOIL EROSION CONTROL MEASURES FOR SLOPE, CHANNELS, DITCHES OR DISTURBED LAND AREAS SHALL BE COMPLETED WITHIN 5 CALENDAR DAYS AFTER FINAL GRADING OF THE FINAL EARTH CHANGES HAVE BEEN COMPLETED. WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA-AFTER AN EARTH CHANGE HAS BEEN COMPLETED OR WHEN SIGNIFICANT EARTH CHANGE ACTIVITY CEASES, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAIN-TAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTED. PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AND ESTABLISHED BEFORE A CERTIFICATE OF COMPLIANCE IS ISSUED.
- 7. MUD/DIRT TRACKED ONTO EXISTING TOWNSHIP/COUNTY ROADS FROM THIS SITE, DUE TO CONSTRUCTION, SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
- 8. MUD /DIRT TRACKED OR SPILLED ON PAVED ROADS/SURFACES WITHIN THIS SITE SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR. 9. VEGETATION MUST BE ACCEPTABLY ESTABLISHED PRIOR TO FINAL RELEASE OF THE CONSTRUCTION DEPOSIT BY THE CITY AND BY THE COUNTY IF APPLICABLE.
- 10. SOIL BORING REPORTS ARE TO ACCOMPANY THS APPLICATION FOR SOIL EROSION SEDIMENTATION CONTROL PERMIT.

REQUESTED VARIANCES

	PREVIOUS REQUEST	CURRENT REQUEST
TOTAL SIDEYARDS REQUIRED: PROPOSED NORTH SIDEYARD: PROPOSED SOUTH SIDEYARD: PROPOSED TOTAL SIDEYARD:	17.50' 5.0' 8.96' 13.96'	17.50' 5.66' 9.29' 14.95'
SIDEYARD VARIANCE:	3.54'	2.55'
DISTANCE BETWEEN STRUCTURES (NORTH SIDE) REQUIRED: EXISTING BETWEEN: PROPOSED BETWEEN:	17.50' 17.88' 15.80'	17.50' 17.88' 16.46'
DISTANCE BETWEEN VARIANCE:	1.70'	1.04'
DISTANCE BETWEEN STRUCTURES (SOUTH SIDE) REQUIRED: EXISTING BETWEEN (NONCOMFORMING): PROPOSED BETWEEN:	17.50' 16.08' 16.08'	17.50' 16.08' 16.41'
DISTANCE BETWEEN VARIANCE:	1.42'	1.09'

- SILT FENCE OR OTHER APPROVED METHOD.

50% PERENNIAL RYE 15% KENTUCKY BLUEGRASS 35% CREEPING RED FESCUE

A. INSTALL SILT FENCE AS SHOWN ON PLANS.

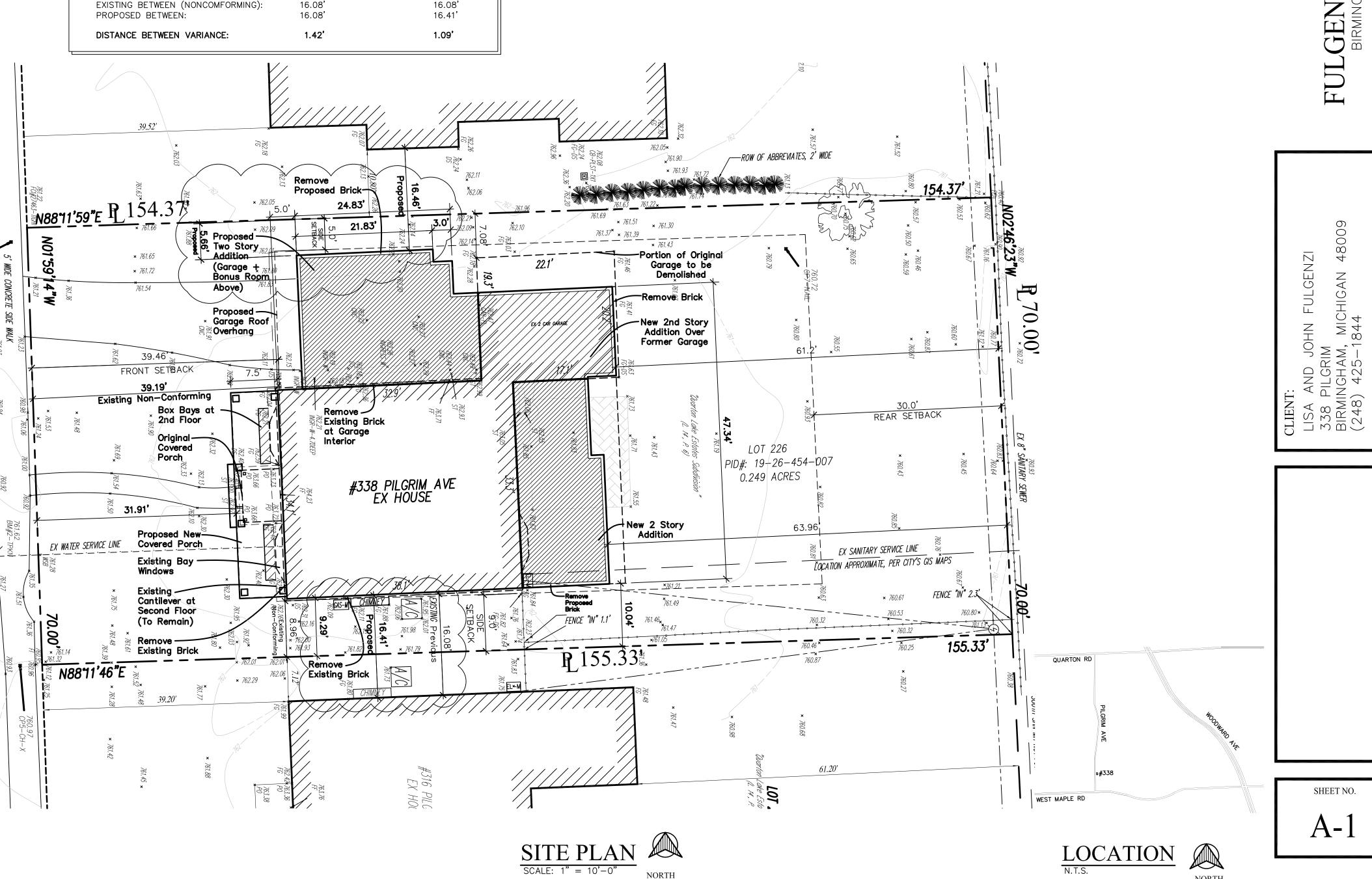
- STRIP AND STOCKPILE TOPSOIL AND GRADE SITE. INSTALL STORM SEWERS.
- 8. PERMANENT STABILIZATION OF THE SITE IS TO BE ACCOMPLISHED WITHIN (5) DAYS

OF FINAL GRADING.

FRONT SET BACK SETBACKS: (R-1) . #400 Pilgrim Ave.: 40.43' #382 Pilgrim Ave.: 38.97 . #350 Pilgrim Ave.: 39.52 4. #356 Pilgrim Ave.: 38.86' 5. #316 Pilgrim Ave.: 39.20' 6. #284 Pilgrim Ave.: 39.59' <u>SIDE SETBACKS:</u> #268 Pilgrim Ave.: 39.65' Total= 276.22' Average Front Set Back:

276.22 : 7 = 39.46'

NORTH SIDE = 5.0' SOUTH SIDE = 9.0'REAR SETBACK: 30.0' <u>ZONE:</u> R-1



SEQUENCE OF EROSION AND SEDIMENTATION CONTROL OPERATIONS

EASE DO NOT SCALE DRAWINGS

of these drawings is limited to

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ISSUED FOR:

4-11-22

5-26-22

5-31-22

6-20-22

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NORTH

1. PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION, A DEFENSE AGAINST EROSION AND SEDIMENTATION SHALL BE INSTALLED AS INDICATED ON DRAWINGS. DEFENSE SHALL CONSIST OF STONE FILTERS OR SILT FENCE AS SHOWN. AFTER TREE REMOVAL ADDITIONAL SILT FENCE SHALL BE INSTALLED IF REQUIRED, AS DIRECTED BY THE MUNICIPALITY.

2. DURING CONSTRUCTION OF THE STORM SEWER SYSTEM, THE END OF OPEN-END PIPES SHALL BE PROTECTED WITH STORM FILTERS,

3. PROMPTLY UPON BACKFILLING OF STORM STRUCTURES, INLET FILTERS SHALL BE REPLACED AROUND THE STRUCTURE PER DETAIL. 4. WHEN INLET FILTERS ARE REMOVED FROM AROUND PAVEMENT CATCH BASINS TO ALLOW FOR STRIPPING, GRADING AND PAVING, STORM SEWER STRUCTURES SHALL BE PROTECTED FROM ERODING EARTH AND SEDIMENT AT ALL TIMES. 5. WITHIN 30 DAYS AFTER COMPLETION OF PAVING, GAS, ELECTRICAL TELEPHONE AND SANITARY SEWER INSTALLATION, A 15 FOOT STRIP AROUND PAVED AREAS SHALL BE PROTECTED FROM EROSION BY AN APPROVED METHOD CONSISTENT WITH THE GROWING SEASON. 6. WITHIN 5 DAYS AFTER COMPLETION OF FINAL GRADING, DENUDED AREA SHALL BE PROTECTED BY AN APPROVED METHOD CONSISTENT WITH THE GROWING SEASON. SEED & MULCH FOR PERMANENT CONTROL WITH A SUGGESTED MIXTURE OF:

7. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SEQUENCE OF CONSTRUCTION:

INSTALL PAVEMENT, REPAIR STORM FILTERS AS REQUIRED INSTALL PUBLIC UTILITIES (GAS, TELEPHONE, ELECTRICAL). FINISH GRADE, REDISTRIBUTE TOP SOIL, ESTABLISH VEGETATION & LANDSCAPE. G. CLEAN PAVEMENT, CULVERTS, DITCHES, WATERCOURSES, AND STORM SEWER SYSTEMS OF ACCUMULATED SEDIMENT IN CONSTRUCTION WITH REMOVAL OF TEMPORARY DEVICES.

LOT COVERAGES:

*<u>ALLOWABLE BUILDING COVERAGE</u> = 30% MAXIMUM

FRONT SETBACK: 39.46' (200' Avg.)

CONSTRUCTION TYPE: 5B COMBUSTIBLE

UNPROTECTED

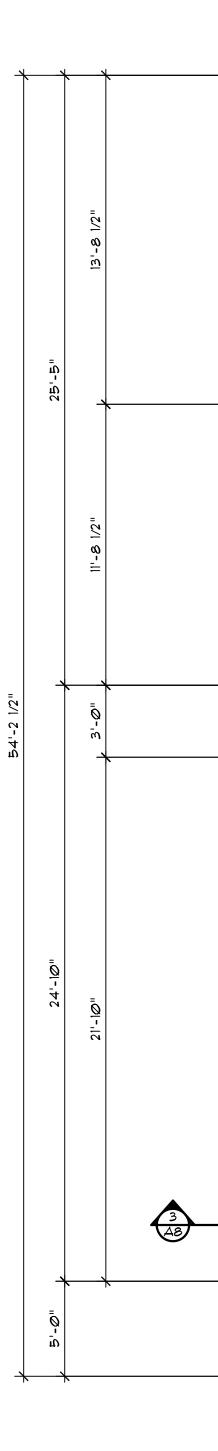
*<u>ALLOWABLE OPEN SPACE</u> = 40% MINIMUM *40% OF 10,839 SQ. FT. LOT = 4,335.40 SQ. FT. *9,099 SQ. FT. PROVIDED OR 83.95% OVERALL

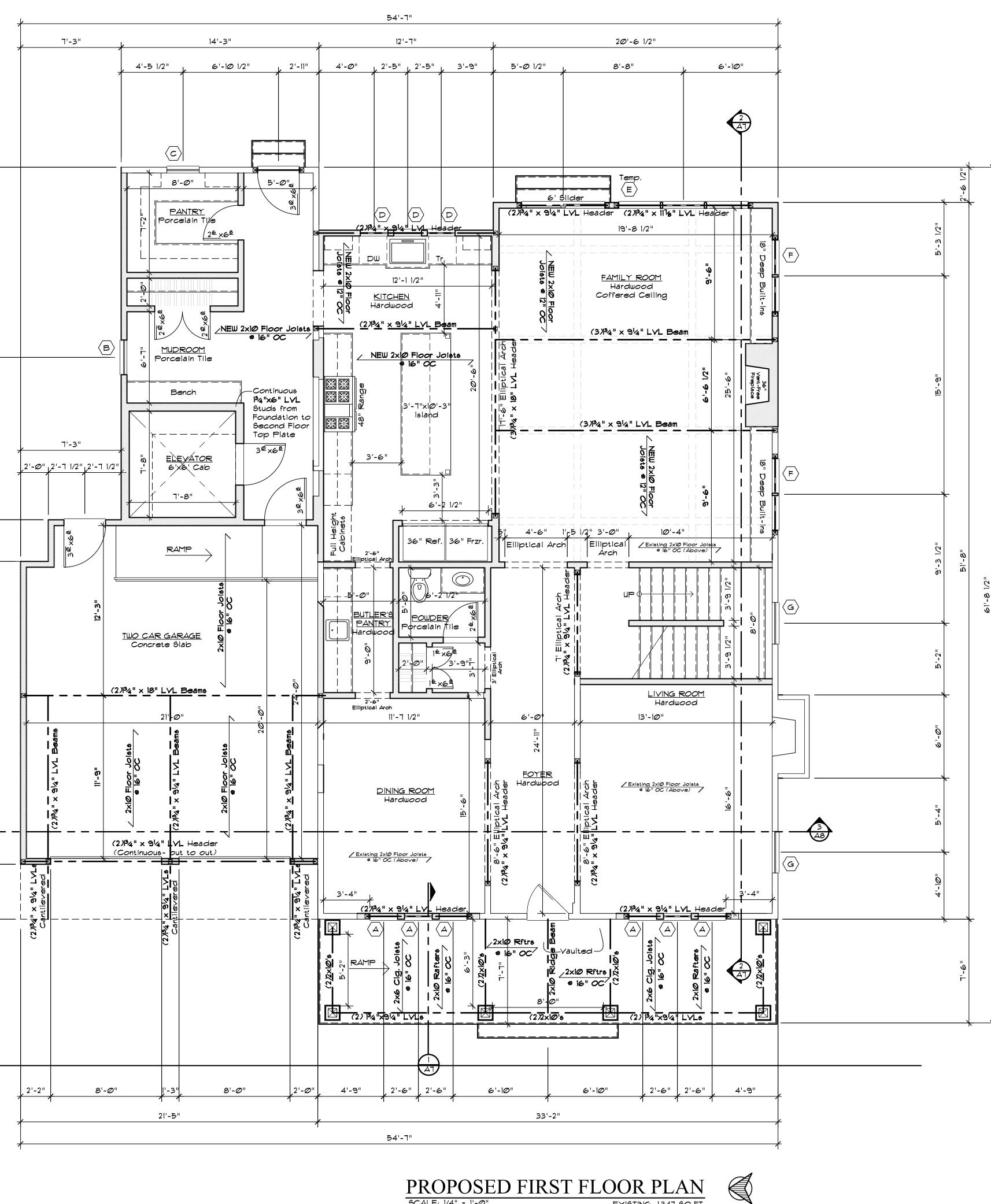
*30% OF 10,839 SQ. FT. LOT = 3,251.70 SQ. FT.

*1,740 SQ. FT. PROVIDED OR 16.05% OVERALL

*2.675 SQ. FT. PROPOSED OR 24.68% OVERALL

*8,164 SQ. FT. PROPOSED OR 75.32% OVERALL



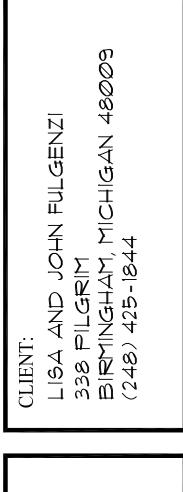


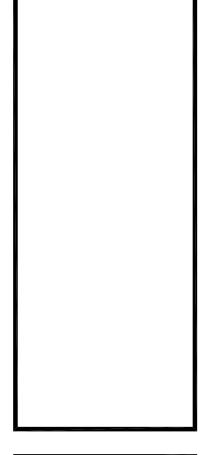
PROPOSED FIRST FLOOR PLAN SCALE: 1/4" = 1'-Ø"

EXIGTING: 1,347 SQ FT. PROPOSED ADDITION: 784 SQ FT. PROPOSED FIRST FLOOR: 2,131 SQ FT. PROPOSED NEW TOTAL: 4,903 SQ FT.

NORTH

FULGENZI RESIDENCE BIRMINGHAM, MICHIGAN



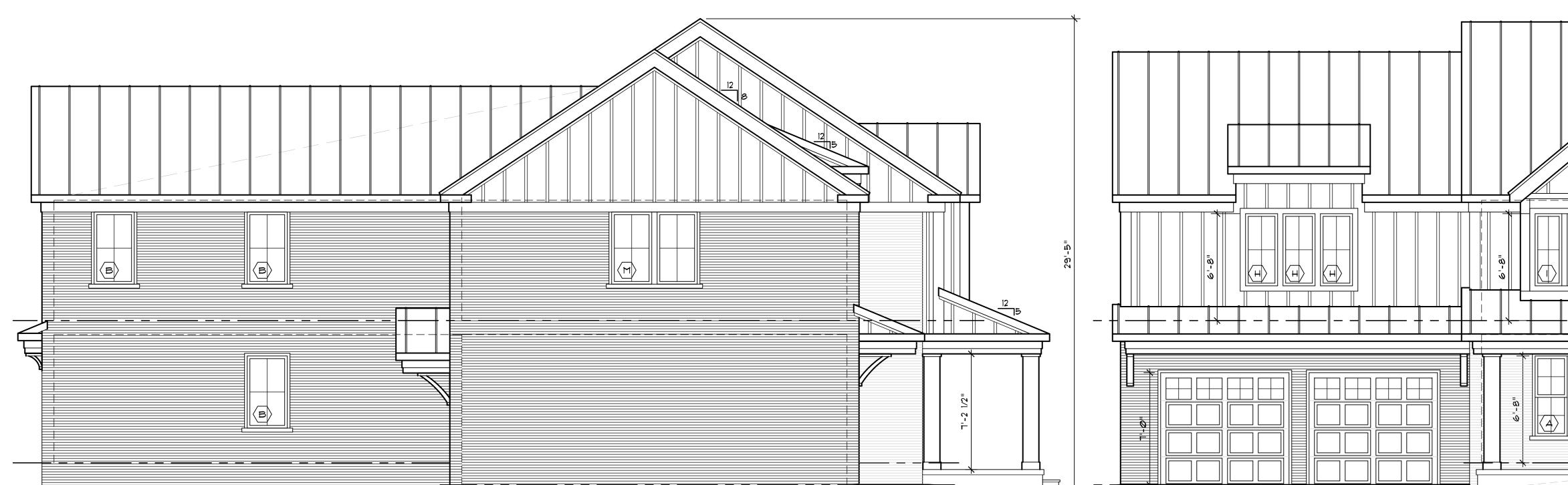


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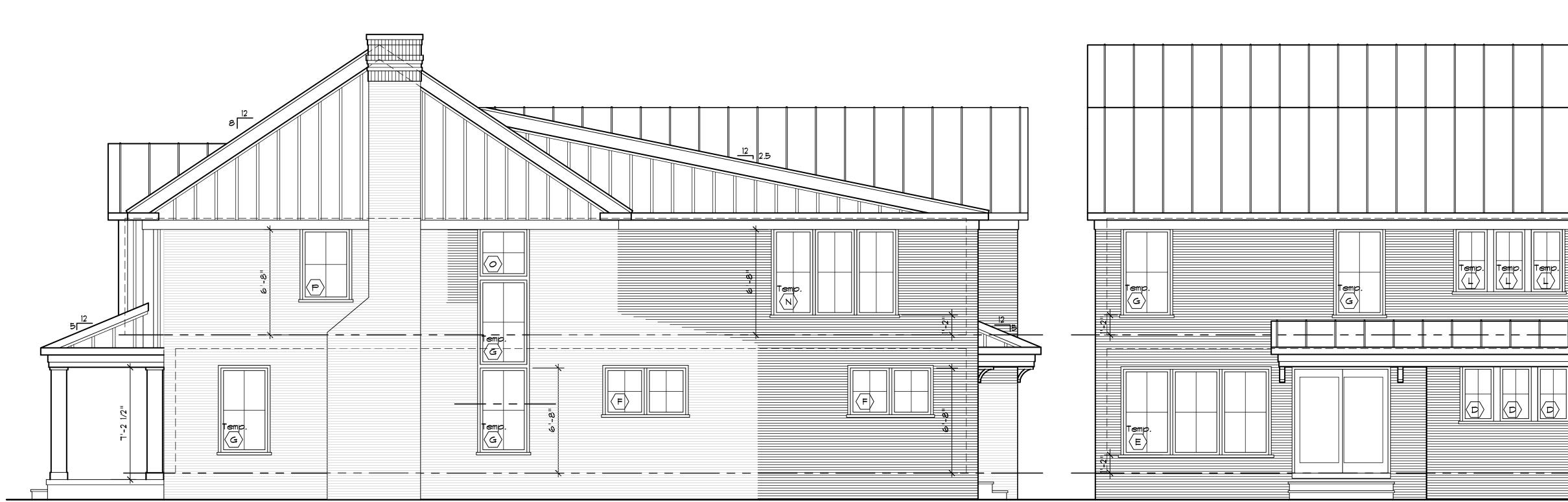
A-4

LEASE DO NOT SCALE DRAWINGS Copy right Jse of these drawings is limited to the client for the subject project. Common law copy right is reserved y Architect. Jse figured dimensions only do not cale drawings **ISSUED FOR:** 3-29-22 4-4-22 4-5-22 4-12-22 5-20-22 5-31-22 6-9-22 6-17-22

PROPOSED NORTH ELEVATION SCALE: 1/4" = 1'-Ø"



PROPOSED SOUTH ELEVATION SCALE: 1/4" = 1'-@"





PROPOSED WEST ELEVATION SCALE: 1/4" = 1'-Ø"

SHEET NO. A-6

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Birmingham Board of Zoning Appeals Proceedings Tuesday, June 14, 2022 City Commission Room 151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, June 14, 2022. Chair Erik Morganroth convened the meeting at 7:30 p.m.

2. Rollcall

- **Present:** Chair Erik Morganroth, Vice-Chair Jason Canvasser; Board Members Kevin Hart, John Miller, Ron Reddy, Pierre Yaldo; Alternate Board Member Carl Kona
- Absent: Board Member Charles Lillie

Administration:

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

Chair Morganroth welcomed those present and reviewed the meeting's procedures.

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.

Chair Morganroth took rollcall of the petitioners. All petitioners were present.

3. Announcements

Per the CDC, Oakland County has a COVID-19 Community level and transmission level of HIGH. The City continues to highly recommend the public wear masks while attending City meetings per

CDC guidelines. These precautions are due to COVID-19 transmission levels remaining high in Oakland County that have led to an increase in infections of City employees and board members. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

T# 06-30-22

4. Approval Of The Minutes Of The BZA Meetings Of May 10, 2022

Motion by Mr. Reddy Seconded by Vice-Chair Canvasser to accept the Minutes of the BZA meeting of May 10, 2022 as submitted.

Motion carried, 7-0.

VOICE VOTE Yeas: Morganroth, Canvasser, Hart, Reddy, Miller, Kona, Yaldo Nays: None

5. Appeals

T# 06-31-22

1) 2225 E Fourteen Mile Rd Appeal 22-16

SP Cowan presented the item, explaining that the owner of the property known 2225 E Fourteen Mile, Our Shepherd Lutheran Church, was requesting the following variance to install three signs:

A. Chapter 1, Article 1, Table D of the Sign Ordinance permits religious institutions to have one sign at 20 square feet or less if less than 500 feet from occupied residential dwellings, or 40 square feet of signage if it is more than 500 feet from occupied residential dwelling units. The applicant is proposing three signs for a total of 104 square feet of signage, therefore a dimensional variance of 84 square feet is being proposed.

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

In reply to BZA inquiry, Mr. Abanatha explained:

- The sign on Melton would only be a 3.7 sq. ft. sign, which would be just enough to let visitors know there was an access point there;
- The end of that sign would be facing the residences, and not the long side of the sign;
- Much of the traffic would be entering the church parking lot at the northwest access;
- The access points are already extant, and the aim is to provide good wayfinding for those access points; and,
- The signs are scaled to the likely speeds of traffic passing the signs.

In response to Mr. Kona, Mr. Abanatha confirmed the font size for 'Lutheran Church' could be reduced on the sign in order to reduce the variance request.

Mr. Kona suggested the sign at the southeast corner could also be reduced since it would not be viewed by westbound traffic. He said if smaller signs were installed at the southeast and northeast corners, and the main sign at the southwest corner, it would also reduce the need for a variance.

Mr. Abanatha acknowledged that was possible but reiterated his contention that the signs as proposed were scaled appropriately to the traffic speeds, size of the property, and wayfinding needs.

Mr. Kona said the signs at the northeast and southeast corners are only about 400 feet apart and very substantial. He said when he drove the area he saw no need for two monument signs that close together. He said he also could not find another house of worship in Birmingham that has a similar sign condition.

Motion by Vice-Chair Canvasser

Seconded by Mr. Reddy with regard to Appeal 22-16, A. Chapter 1, Article 1, Table D of the Sign Ordinance permits religious institutions to have one sign at 20 square feet or less if less than 500 feet from occupied residential dwellings, or 40 square feet of signage if it is more than 500 feet from occupied residential dwelling units. The applicant is proposing three signs for a total of 104 square feet of signage, therefore a dimensional variance of 84 square feet is being proposed.

Vice-Chair Canvasser moved to deny the variance request, saying that the request variance was excessive and self-created. He said he would be willing to consider some amount of variance, but that the appellant did not demonstrate why they need three double-sided signs in the fonts proposed. He encouraged the appellant to work with the City to see if some of the goals could be accomplished with directional signs and/or with a reduced variance request.

Mr. Miller said he would support the motion, noting that two signs on 14 Mile Road were likely not needed because of the location and significant size of the church.

Mr. Kona said he would support the motion. He said if the font for 'Lutheran Church' were reduced and the two smaller signs were placed at the northeast and southeast corners the appellant would very nearly meet the requirements of the ordinance. He said there are ways to nearly meet the ordinance and to meet the needs of the church.

Chair Morganroth said he would support the motion. He noted that GPS reduces the need to rely on signage and that viable options were proposed during the discussion for reducing the variance request.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Miller, Morganroth, Canvasser, Hart, Reddy, Kona, Yaldo Nays: None

T# 06-32-22

2) 1029 Lake Park Appeal 22-17

ABO Zielke presented the item, explaining that the owner of the property known as 1029 Lake Park was requesting the following variance to the required open space for the impervious surface and turf installed in the rear yard:

A. Chapter 126, Article 2.06.1 of the Zoning Ordinance requires that a minimum open space of a lot is to be 40% (8202.00 SF). The proposed is 35.30% (7234.00 SF). Therefore, a variance of 4.70% (968.00 SF) is being requested.

Amie Ackerman, representative for Sapphire Landscaping, 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 Canvasser, Ms. Ackerman said the appellant could explore ways of mitigating the 968 sq. ft. variance being requested.

Mr. Miller noted that the amount of impervious surface in the front yard could be reduced to increase the amount of turf that could remain in the rear yard.

In reply to Mr. Hart, Ms. Ackerman said it was likely that the turf was proposed partially because this lot has a lower elevation than the neighboring homes.

BO Johnson stated that the site had an approved drainage plan.

Ms. Ackerman noted that the property received an approved as-built.

In response to additional comment by Ms. Ackerman, the Chair explained that the definition of 'impervious' was already provided to the BZA and could not be changed in this case. He said Ms. Ackerman must establish why the appellant cannot meet the ordinance, not why the she thinks the interpretation of the ordinance should be changed.

Motion by Mr. Reddy

Seconded by Mr. Miller with regard to Appeal 22-17, A. Chapter 126, Article 2.06.1 of the Zoning Ordinance requires that a minimum open space of a lot is to be 40% (8202.00 SF). The proposed is 35.30% (7234.00 SF). Therefore, a variance of 4.70% (968.00 SF) is being requested.

Mr. Reddy moved to deny the variance, stating that no special or unique circumstances were demonstrated. He said the need for the variance was self-

created. He also noted that there were a number of ways to mitigate the need for the variance.

Mr. Miller agreed that there were options for mitigation and said he also said granting the variance could establish a potentially difficult precedent for the future.

Vice-Chair Canvasser noted that this was not an appeal of interpretation and so the definition of 'impervious' is provided for the BZA in this case. He opined that turf was not clearly addressed in the open space definition, structure definition, or impervious definition of the ordinance. He said it would be beneficial for the Commission and Planning Board to create an ordinance that specifically addresses turf.

The Vice-Chair said that he supported the motion because there were mitigating options, but said the BZA does need guidance from the Commission on the issue.

The Chair noted that installation of the turf requires a compacting machine, which may impact how pervious or impervious the turf is.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Miller, Morganroth, Canvasser, Hart, Reddy, Kona, Yaldo Nays: None

T# 06-33-22

3) 338 Pilgrim Appeal 22-21

Mr. Hart recused himself from the item at 8:41 p.m. citing a business relationship.

ABO Zielke presented the item, explaining that the owner of the property known as 338 Pilgrim was requesting the following variances to construct an addition to an existing non-conforming home:

It was determined that Variance A was no longer relevant.

B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the combined total side yard is 14 feet or 25 percent of lot width, which is greater. The required is 17.50 feet. The proposed 13.96 feet. Therefore, a variance of 3.54 feet is being requested.

C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 17.50 feet on the north side. The proposed is 15.80 feet. Therefore, a variance of 1.70 feet is being requested.

D. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 17.50 feet on the south side. The proposed is 16.08 feet. Therefore, a variance of 1.42 feet is being requested.

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

In reply to Board inquiry, Mr. VanBrouck stated:

- The request for Variance D stemmed from the need to maneuver a wheelchair around two vehicles and the need to be able to fit two vehicles in the garage;
- The neighbor is supportive of the requested variances; and,
- It would be difficult to move the garage to the south in order to achieve a garage of the desired size without a variance.

Mr. Miller said it seemed like there would be a way to eliminate the need for Variance D and still accomplish the appellant's main goals.

The Chair concurred.

Motion by Vice-Chair Canvasser

Seconded by Mr. Miller with regard to Appeal 22-21, B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the combined total side yard is 14 feet or 25 percent of lot width, which is greater. The required is 17.50 feet. The proposed 13.96 feet. Therefore, a variance of 3.54 feet is being requested; C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 17.50 feet on the north side. The proposed is 15.80 feet. Therefore, a variance of 1.70 feet is being requested; and, D. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 17.50 feet on the north side. The proposed is 15.80 feet. Therefore, a variance of 1.70 feet is being requested; and, D. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 17.50 feet on the south side. The proposed is 16.08 feet. Therefore, a variance of 1.42 feet is being requested.

Vice-Chair Canvasser moved to approve Variances B, C, and D and tied them to the plans as submitted. He noted that part of the house is pre-existing non-conforming. He said the appellant describes efforts to mitigate the variance requests and that strict compliance with the ordinance would be unnecessarily burdensome in this situation. He said that other options may still require a variance and that it was not appropriate to trade one variance for another. He said granting these variances would do substantial justice to the appellant and the neighbors. He said it was a well-designed option for moving the garage forward while meeting the intent of the ordinance. He said there were unique circumstances on the lot and that the need for the variances was not self-created.

Motion failed, 3-3.

ROLL CALL VOTE Yeas: Miller, Canvasser, Yaldo Nays: Morganroth, Reddy, Kona

T# 06-34-22

4) 310 E Maple Appeal 22-22

Mr. Hart rejoined the meeting at 9:13 p.m.

SP Cowan presented the item, explaining that the owner of the property known as 310 E Maple was requesting the following variance to enclose a portion of their outdoor dining to facilitate year round outdoor dining:

A. Chapter 126, Article 3, Section 3.04(C)(10)(i) of the Zoning Ordinance states "enclosures facilitating year round dining outdoors are not permitted." The applicant is proposing 767.25 square feet of isinglass to enclose 26 outdoor dining seats, therefore a dimensional variance of 767.25 square feet for an enclosure facilitating year round dining outdoors is being requested.

Kelly Allen, attorney, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet. Luciano DelSignore, owner, also answered a few technical questions.

In reply to the Chair, Ms. Allen stated protecting the restaurant's equipment was not before the BZA, but the enclosure was before the BZA. Without the enclosure and the eisenglass, equipment essential to the running of the business could be destroyed by the elements.

The Chair suggested a protective vestibule could be created without outside dining.

Mr. Hart said the vestibule was a major component of the restaurant's ability to function in Michigan weather. He noted the design being discussed was part of the Cafe Via's original design.

Mr. Kona asked how the owner of the restaurant planned to protect the equipment in the vestibule when he was made aware that he would have to take the eisenglass down.

Ms. Allen said Mr. DelSignore only took the eisenglass down and did not have an alternate plan for protecting the equipment.

Mr. Kona noted that did not coming up with a plan to protect the equipment in winter meant that the operator did not have a plan to comply with the City's requirements.

Ms. Allen said that Mr. DelSignore did comply because he took the eisenglass down.

The Chair posed Mr. Kona's question to Mr. DelSignore regarding whether there was a plan to protect the equipment when the eisenglass came down.

Mr. DelSignore said the intent was to not use the equipment in that area during the winter, and to just rely on the internal equipment. He said it became clear that was not working. He said removing the eisenglass also made it so that the via-side indoor dining could not be used in the winter because it became too cold.

In reply to Mr. Hart, BO Johnson explained that when Casa Pernoi reopened the Special Land Use Permit for the restaurant all aspects came under review.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 22-22, A. Chapter 126, Article 3, Section 3.04(C)(10)(i) of the Zoning Ordinance states "enclosures facilitating year round dining outdoors are not permitted." The applicant is proposing 767.25 square feet of isinglass to enclose 26 outdoor dining seats, therefore a dimensional variance of 767.25 square feet for an enclosure facilitating year round dining outdoors is being requested.

Mr. Miller moved to approve the variance and tied it to the plans as submitted. He said the uniqueness of the circumstances would prevent this approval from establishing an inappropriate precedent. He said the area in question was designed and approved as an integral part of the building, which makes the circumstances unique. He noted it is also on private property. He said the issue was not self-created and was due to the unique circumstances of the property. He said approving the variance would due substantial justice to the petitioner and to the area. He said denial would prevent the petitioner from using the property for its intended purpose by hindering the use, functioning, and mechanical systems of the building.

Mr. Reddy concurred with Mr. Miller. He added that the restaurant was purchased under one set of rules which changed after the purchase as another reason for his support.

Vice-Chair Canvasser concurred with Mr. Miller. He said approval would also prevent a somewhat absurd situation where a sealed off area would be kept vacant with no seats inside, which he said would benefit no one.

Mr. Yaldo concurred with Vice-Chair Canvasser.

Mr. Kona said he could not support the motion because he saw other ways to resolve the issue and said the issue was a business one, not a weather one.

Mr. Hart voiced his support for the motion, also citing the unique circumstances. He noted that making a vacant area could have safety and security impacts, and said the success of this business impacts the businesses in the area as well.

The Chair said that while a vestibule could be created that would allow functioning, he also agreed that this area was created as an integral part of the functioning of the restaurant. He also concurred with the Vice-Chair's comments. The Chair said he would support the motion.

Motion carried, 6-1.

ROLL CALL VOTE Yeas: Miller, Morganroth, Canvasser, Hart, Reddy, Yaldo Nays: Kona

T# 06-35-22

5) 843 Tottenham Appeal 22-23

ABO Zielke presented the item, explaining that the owner of the property known as 843 Tottenham was requesting the following variances to reconstruct the existing front porch:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the combined total side yard is 14 feet or 25 percent of lot width, which is greater. The required is 16.25 feet. The existing and proposed 13.80 feet. Therefore, a variance of 2.45 feet is required.

B. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 16.25 feet on the north side. The existing and proposed is 13.80 feet. Therefore, a variance of 2.45 feet is being requested.

Fred Dawson, representative for the appellant, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Motion by Vice-Chair Canvasser

Seconded by Mr. Reddy with regard to Appeal 22-23, A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the combined total side yard is 14 feet or 25 percent of lot width, which is greater. The required is 16.25 feet. The existing and proposed 13.80 feet. Therefore, a variance of 2.45 feet is required; and, B. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 16.25 feet on the north side. The existing and proposed is 13.80 feet. Therefore, a variance of 2.45 feet is required is 16.25 feet on the north side. The existing and proposed is 13.80 feet. Therefore, a variance of 2.45 feet is 16.25 feet on the north side. The existing and proposed is 13.80 feet. Therefore, a variance of 2.45 feet is 16.25 feet on the north side. The existing and proposed is 13.80 feet. Therefore, a variance of 2.45 feet is 16.25 feet on the north side. The existing and proposed is 13.80 feet. Therefore, a variance of 2.45 feet is being requested.

Vice-Chair Canvasser moved to approve the variance and tied the approval to the plans as submitted. He said it was not a self-created issue and that there would be no expansion of the existing non-conformity. He said allowing it was a safety issue,

would allow substantial justice to the petitioner, and that strict compliance would render conformity with the ordinance unnecessarily burdensome.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Miller, Morganroth, Canvasser, Hart, Reddy, Kona, Yaldo Nays: None

T# 06-36-22

6) 843 Chestnut Appeal 22-24

ABO Zielke presented the item, explaining that the owner of the property known as 843 Chestnut was requesting the following variance to reconstruct the existing rear patio.

A. Chapter 126, Article 4, Section 4.30(C)5 of the Zoning Ordinance permits patios to project into the rear open space for a minimum distance of 15.00 feet. The provision shall not reduce the required rear setback to less than 15.00. The existing reduces the rear setback to 13.95 feet. Therefore, a variance of 1.05 feet is being requested.

Mark Vinckier, owner of the home, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to the Chair, Mr. Vinckier explained that mitigating the 1.05 feet was considered but given the already small size of the patio, the three young children, and a fixed gas fireplace making the patio any smaller could endanger members of the family.

Motion by Mr. Reddy

Seconded by Mr. Miller with regard to Appeal 22-24, A. Chapter 126, Article 4, Section 4.30(C)5 of the Zoning Ordinance permits patios to project into the rear open space for a minimum distance of 15.00 feet. The provision shall not reduce the required rear setback to less than 15.00. The existing reduces the rear setback to 13.95 feet. Therefore, a variance of 1.05 feet is being requested.

Mr. Reddy moved to approve the variance and tied it to the plans as submitted. He said the existing non-conformity was being reduced and granting the variance would do substantial justice to the petitioner.

The Chair noted that the fixed fireplace prevents the petitioner from eliminating the need for the variance.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Miller, Morganroth, Canvasser, Hart, Reddy, Kona, Yaldo Nays: None

T# 06-37-22

7) 1511 E Maple Appeal 22-25

ABO Zielke presented the item, explaining that the owner of the property known as 1511 E Maple was requesting following variance to construct a rear addition to the existing non-conforming house:

A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 20.00 feet on the east side. The proposed is 19.20 feet. Therefore, a variance of 0.80 feet is being requested.

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

In reply to the Chair, Mr. Hurst said mitigating the .8 feet was considered but having the plans redrawn would represent a financial burden and he preferred to leave a straight-run gutter on the rear to prevent backups.

Motion by Mr. Hart

Seconded by Vice-Chair Canvasser with regard to Appeal 22-25, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 20.00 feet on the east side. The proposed is 19.20 feet. Therefore, a variance of 0.80 feet is being requested.

Mr. Hart moved to approve the variance and tied the approval to the plans as submitted. He said the appellant demonstrated the unique aspects of the property and that strict compliance to the ordinance would unreasonably prevent the petitioner from using the property for its permitted use and would create an undue burden. He said granting the variance would do substantial justice to the appellant and the neighboring properties and that the problem was not self-created.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Miller, Morganroth, Canvasser, Hart, Reddy, Kona, Yaldo Nays: None

6. Correspondence

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

T# 06-37-22

8. Adjournment

Motion by Vice-Chair Canvasser Seconded by Mr. Reddy to adjourn the June 14, 2022 BZA meeting at 10:35 p.m.

Motion carried, 7-0.

VOICE VOTE Yeas: Miller, Morganroth, Canvasser, Hart, Reddy, Kona, Yaldo Nays: None

Bruce R. Johnson, Building Official

Laura Eichenhorn

City Transcriptionist

CASE DESCRIPTION

333 FERNDALE

Hearing date: July 26, 2022

- **Appeal No. 2:** The owner of the property known **333 Ferndale**, requests the following variance regarding the height of a masonry fence in the front open space.
- A. Chapter 126, Article 4, Section 4.1(A)2 of the Zoning Ordinance requires that fences located in the front open space shall not exceed 3.00 feet in height. The wall installed varies in height. The maximum height is 3.92 feet. Therefore, a variance of 0.92 feet is being requested.

Staff Notes: The applicant is looking for relief on the height of the masonry wall due to a sloping lot. This was a permit issued in 2019 indicating that the maximum height of the wall to be no greater than 3.00 feet.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP Assistant Building Official



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

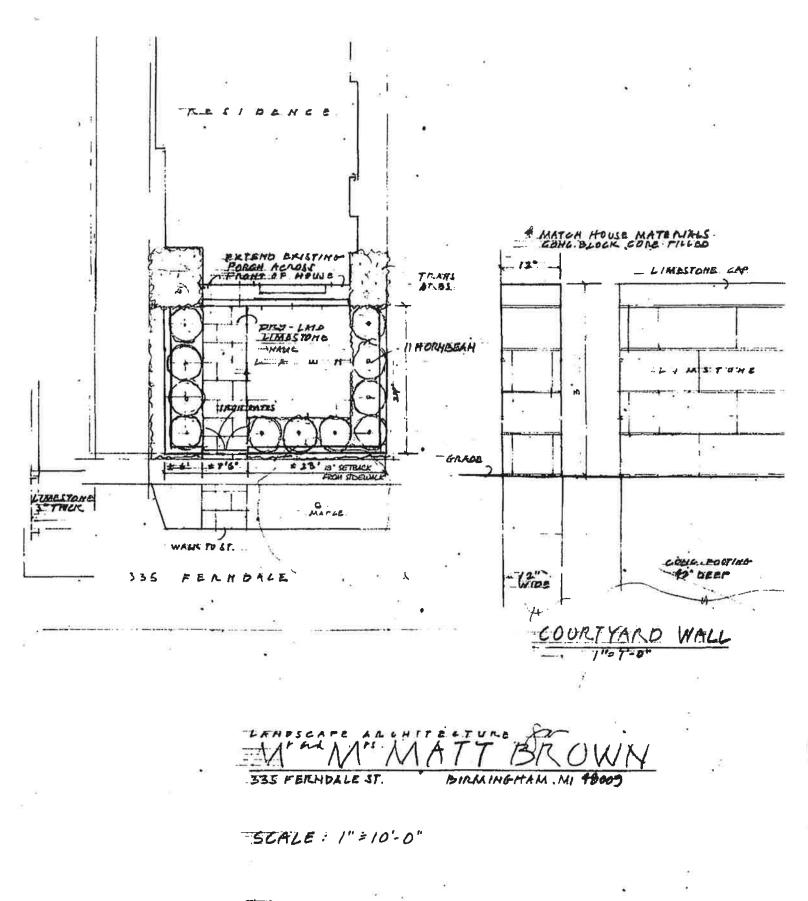
Application Date: 5/3/22

Hearing Date: 6/14/22

Received By: BM Appeal #: $23 - 26$									
Type of Variance:	Interpretation	Dimi	ensional	ional 🔄 Land Use		Sign		Admin Review	
I. PROPERTY INFORMATION:									
Address: 333 Fern									
II. OWNER INFORMATION		6,000	#24 Oa	Grove Addit			19-25	-379-015	
Name: J. Matthew Brown									
Address: 333 Fernd	ale Ave.	(City: Birmingham			State: MI	Zip cod	^{le:} 48009	
Email:* hyperion1(00@gmail.com					Phone: 24	8-709-4	4950	
III. PETITIONER INFORMA	TION:	1.180		6.000		a de la se			
Name: J. Matthe	w Brown	F	irm/Compa	ny Name:					
Address: 333 Ferno	lale Ave.	(^{lity:} Bi	mingha	-	State: MI	Zip cod	le: 48009	
Email: hyperion1	00@gmail.com		m			Phone: 24	48-709-	4950	
IV. GENERAL INFORMATI	ON:		The set				- I.	W 2010 - 214 - 21	
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 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 INFORMATI			5512	, reet		0.25 Feet		0.25 Feet	
 One original and nine copies of the signed application One original and nine copies of the signed letter of practical difficulty and/or hardship One original and nine copies of the certified survey 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting 									
VI. APPLICANT SIGNATURE									
Owner hereby authorizes the petitioner designated below to act on behalf of the owner. By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner. "By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time. Signature of Owner:									
Signature of Petitioner:									

CITY OF BIRMINGHAM COMMUNITY DEVELOPMENT DEPARTMENT

evised 10 11 21 HAS SUBN/FAM



R.D. LESZCZYNSKI R.L.A. Nº 788

5 AUE 17 WALL SAUE 17 WALL THUP 77 RAY

MEMBERS OF THE BOARD OF ZONING APPEALS

We have lived at 333 Ferndale Street since 2017. We are requesting a variance to allow our limestone courtyard wall to remain as constructed. Our courtyard wall was designed to be the compliant with three (3') foot height allowed by the ordinance. We received a Misdemeanor Ordinance Violation Ticket long after the wall was completed.

The practical difficulty we face is the significant elevation slope of our lot, both south to north and west to east. Ferndale Street negatively pitches south to north, beginning at Oakland Avenue; and we are next to the four-story Belfor Commercial Property. See Photos No. 1 thorough No. 4.

Our front property lot line elevation at the sidewalk drops nearly 13" from the south lot line (immediately adjacent to the Belfor Commercial Piece) to our north lot line. (See **Photo No. 5**). It is this significant downslope of the lot which accounts for the courtyard wall measuring 47" at its highest point; yet measuring just over 36" at the driveway south east corner. (**Photo No. 6**) This declining slope of our south to north created the practical difficulty of being able to make the top of the wall level south to north.

Compounding the south to north slope is the downward pitch from the front of our house to the street. **Photos No. 7** and **No. 8** are the wall at 34" at the front of our house, driveway side. On the north side, the slope (house to sidewalk) is over 12". **Photos No. 8** and **No. 9** show the downward slope from the front of our house to the street.

1

We have included additional photos of:

- The kitty-corner neighbor to the south east whose brick wall is 6' high (Photo Nos.
 10 and 11);
- Belfor's (commercial) property directly adjacent to us. (Photos Nos. 1, 3 and 12)
- Street views. (Photos Nos. 4 and 13).
- Other homes in the neighborhood with "higher than 36" walls" (Photos No. 14).

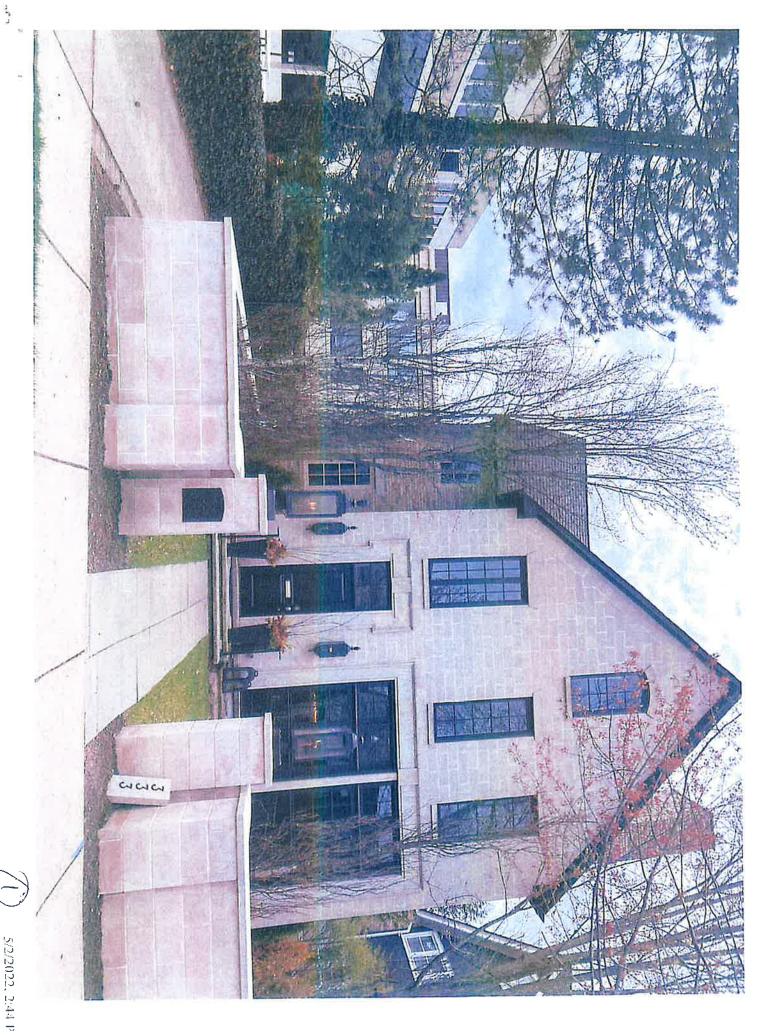
Given the condition of our lot, we are asking for a variance. Thank you.

Rachelland Matt Brown 333 Ferndale Street

Birmingham, Michigan 48009

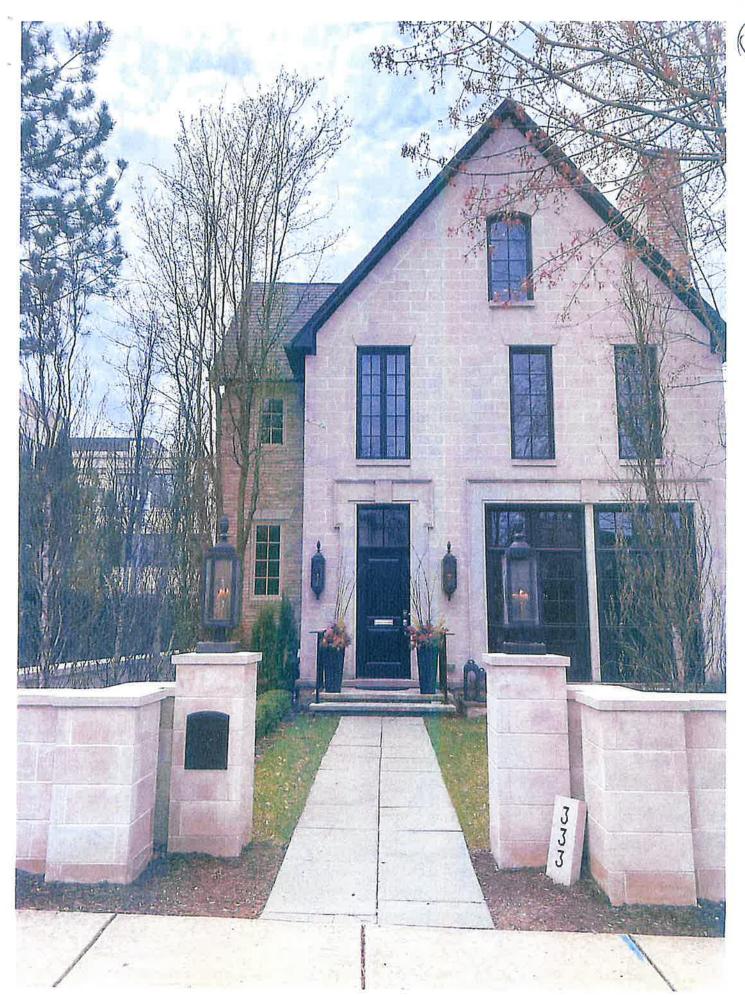
Dated: May 3, 2022

PHOTO NO. 1



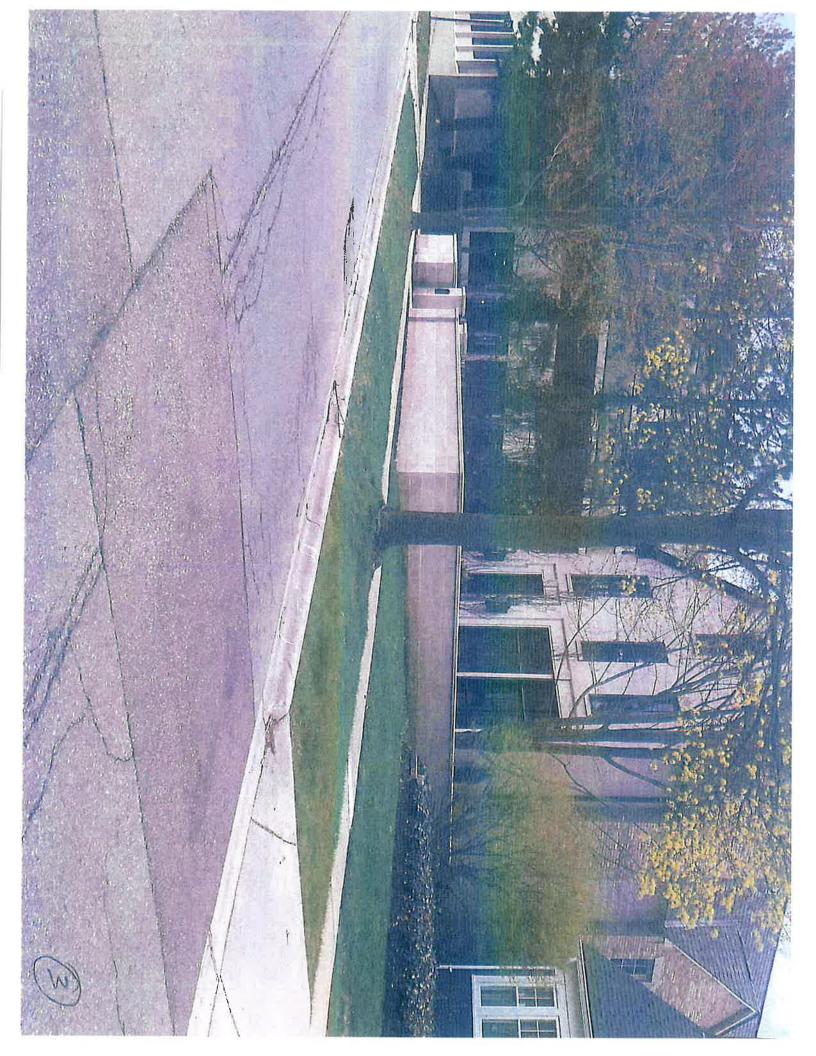
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PHOTO NO. 2

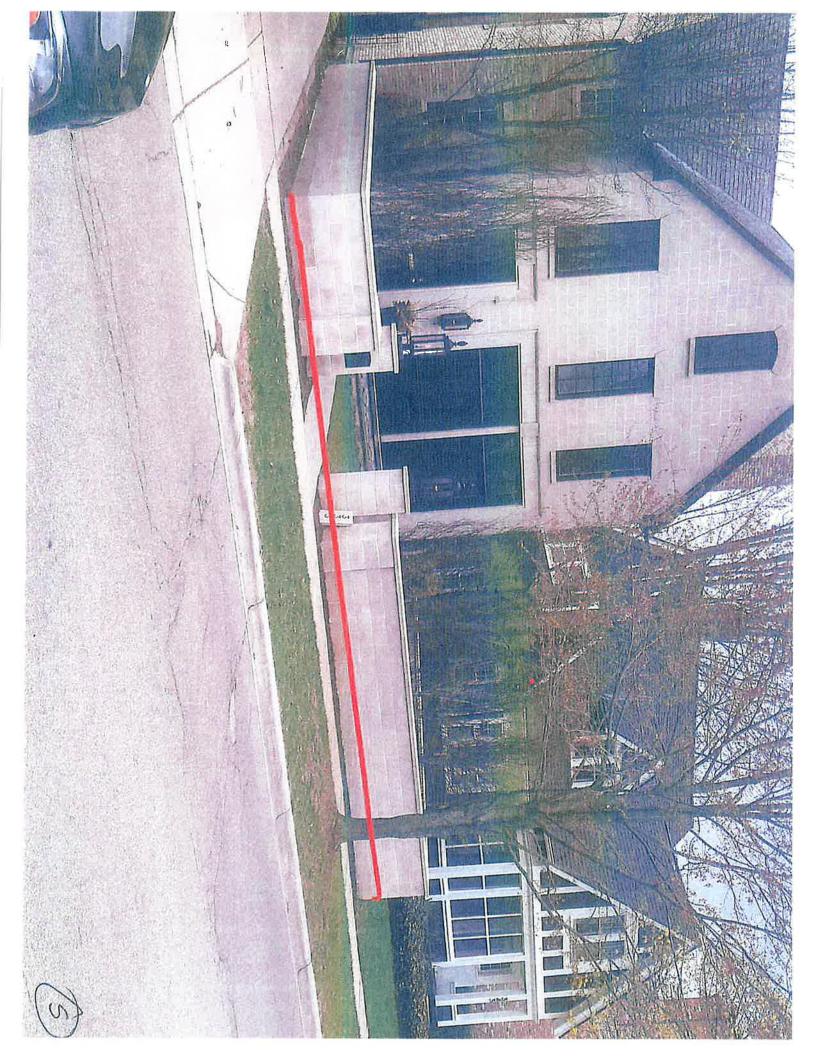


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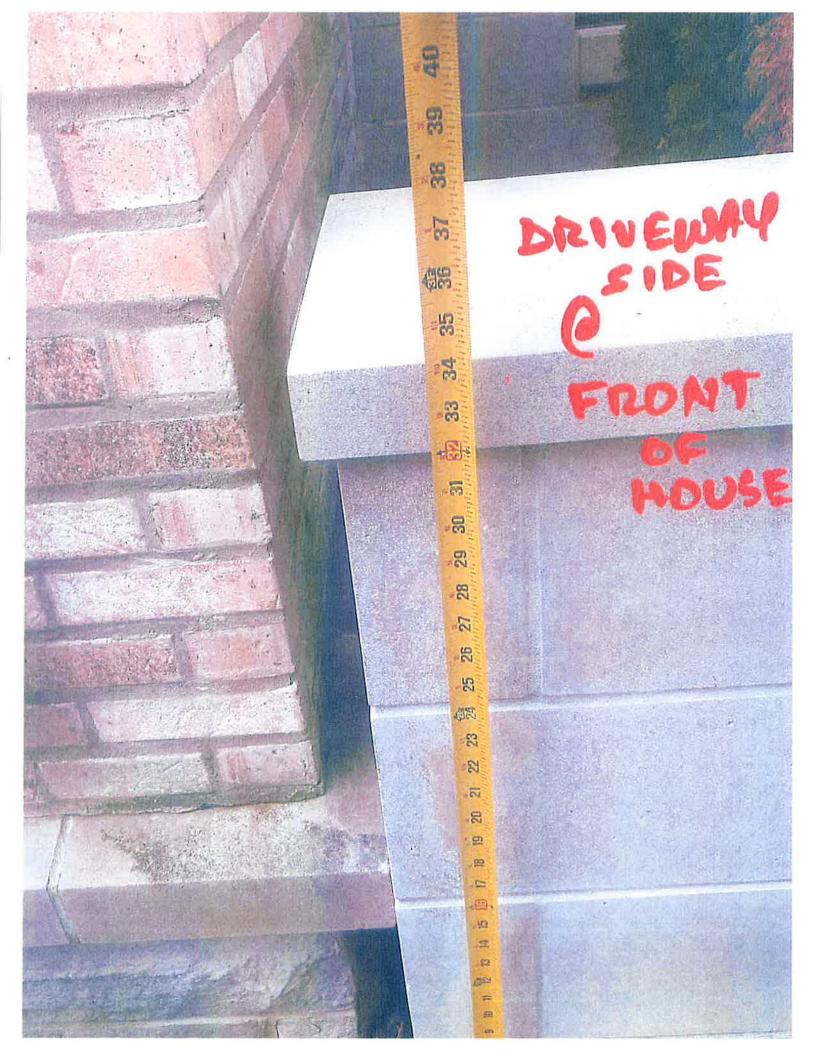
PHOTO NO. 3





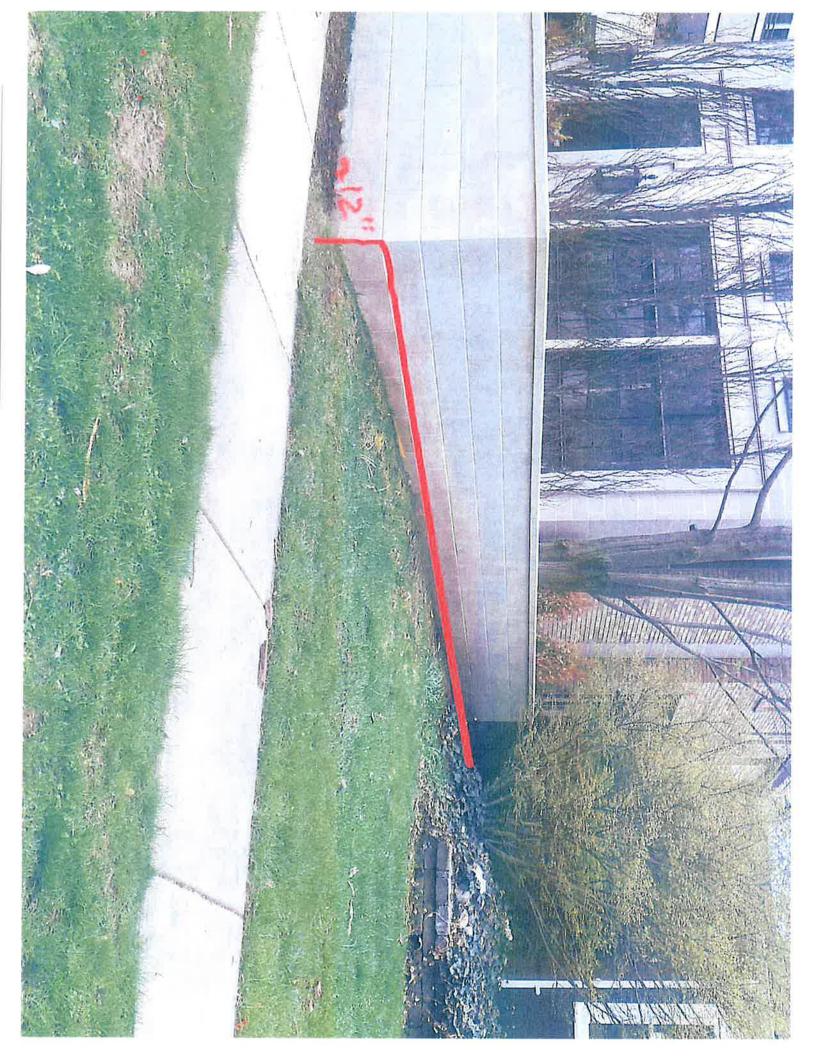












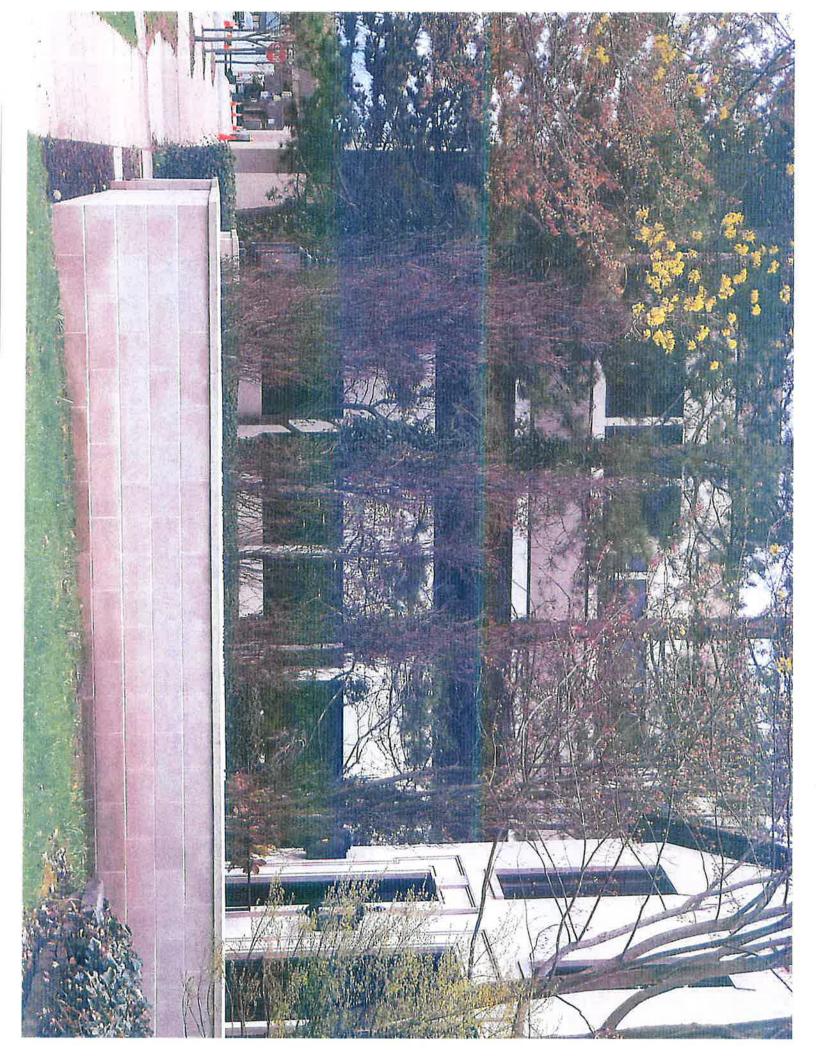


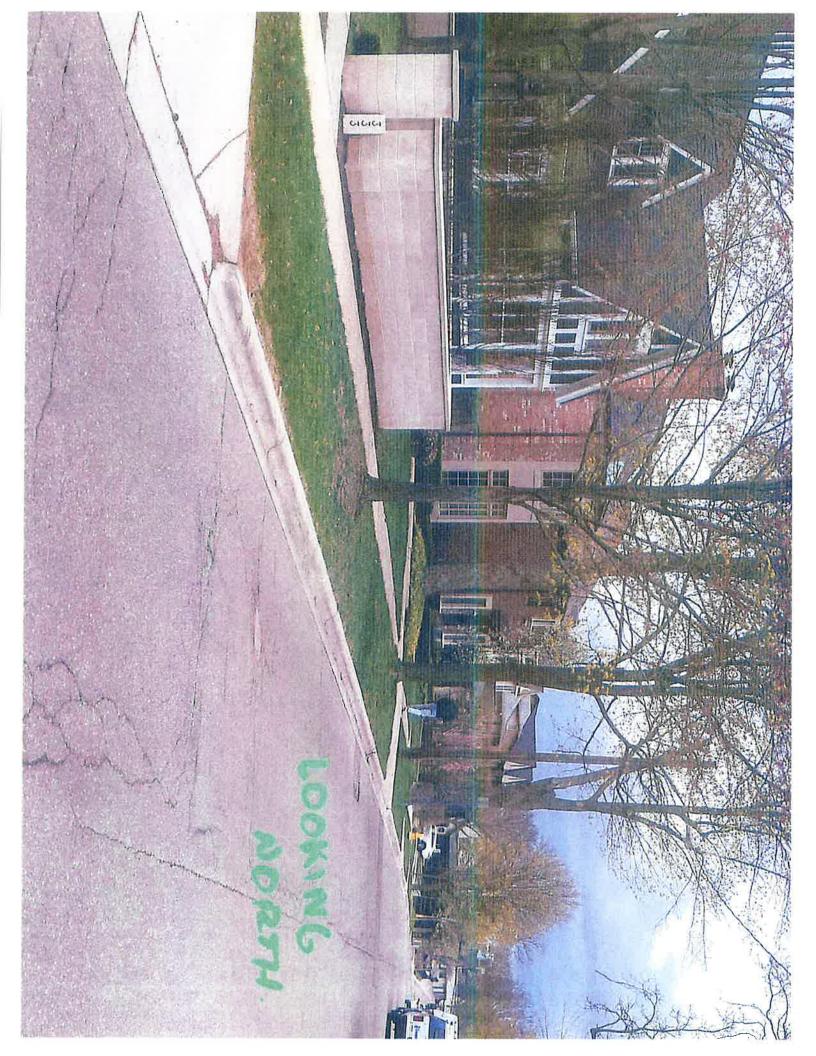
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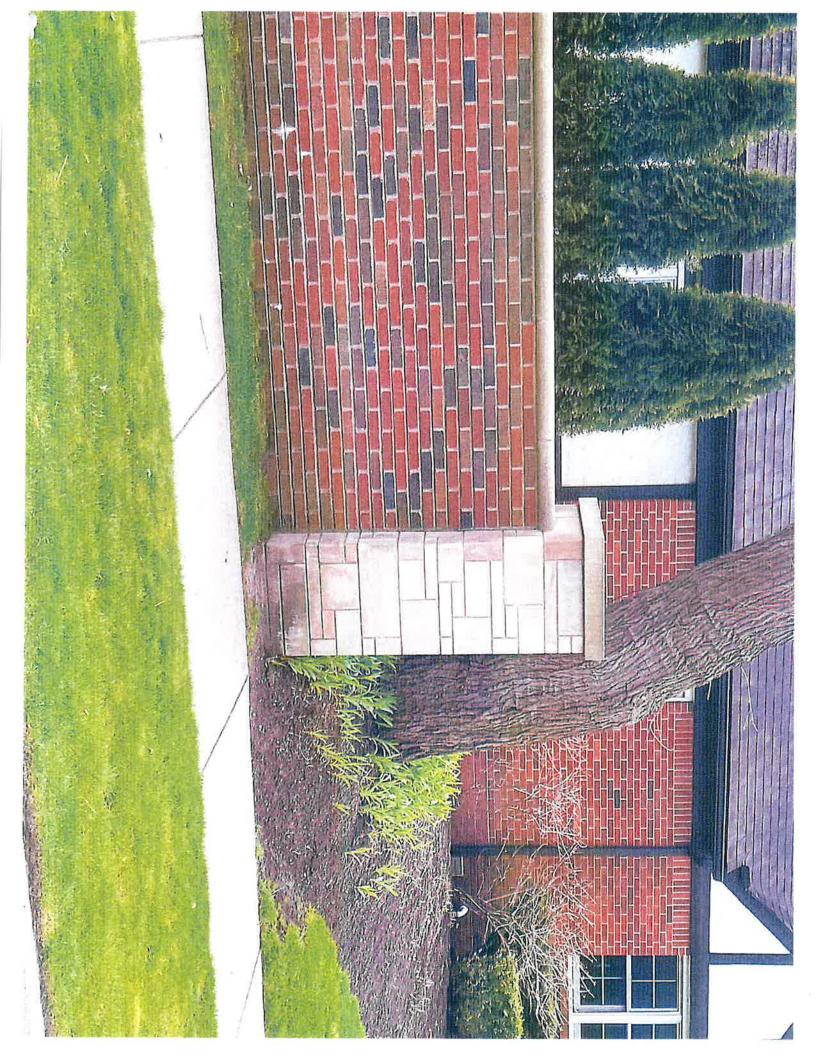
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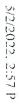




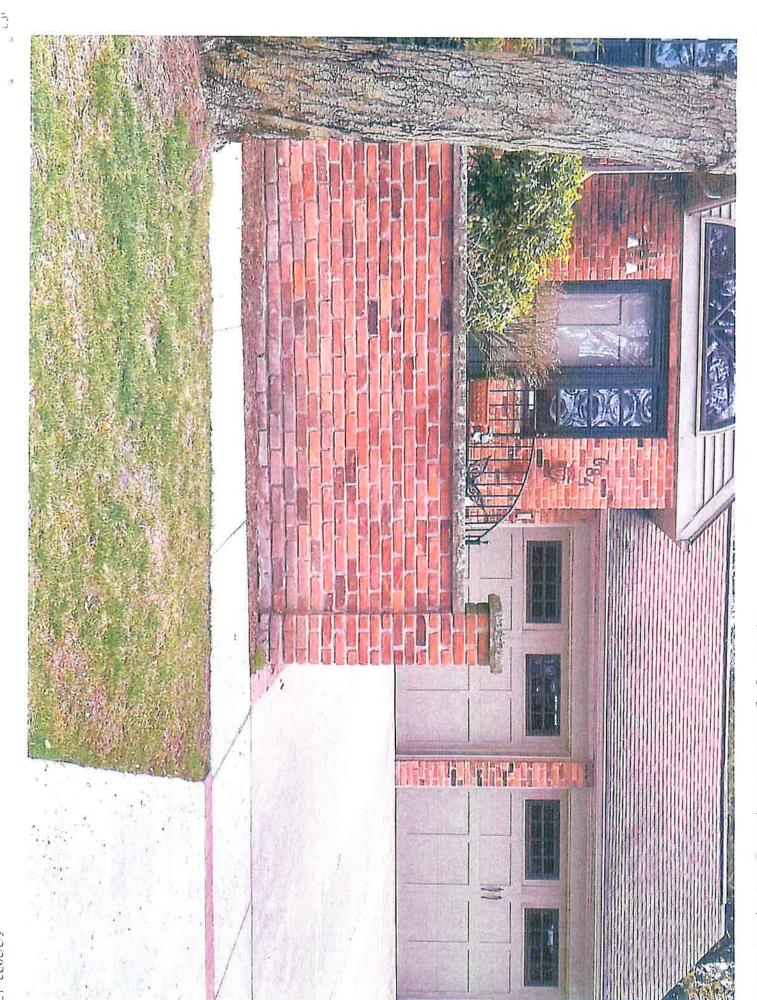


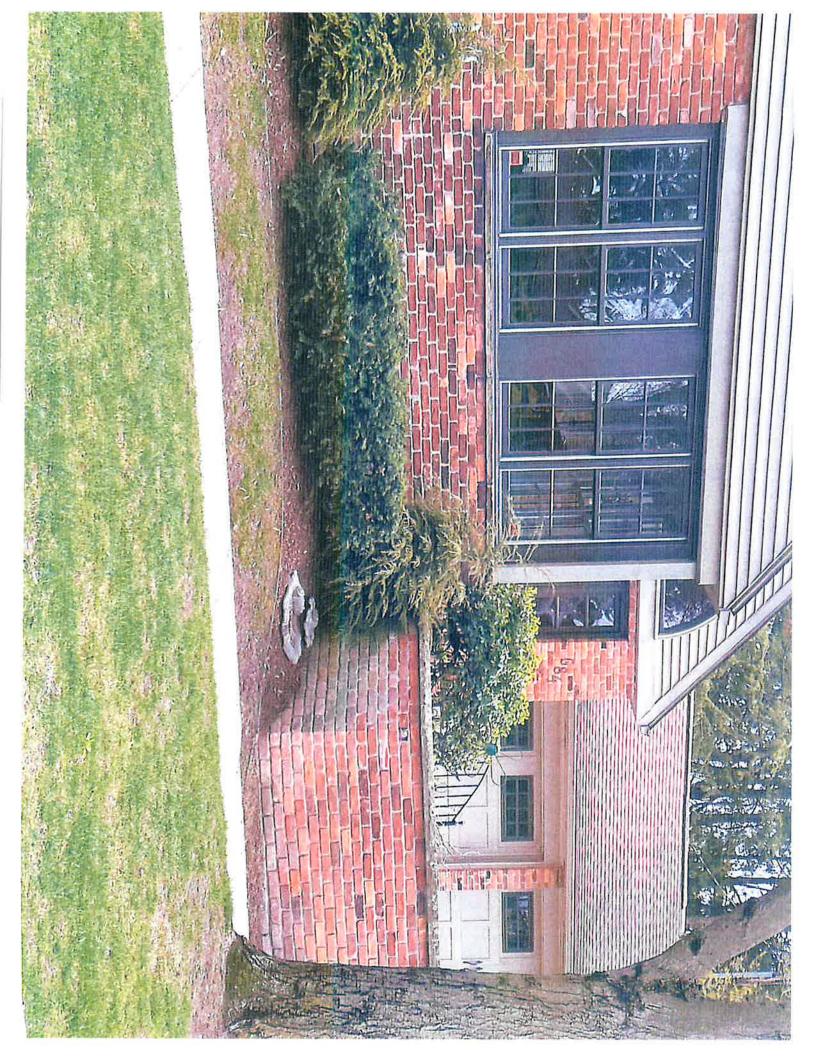
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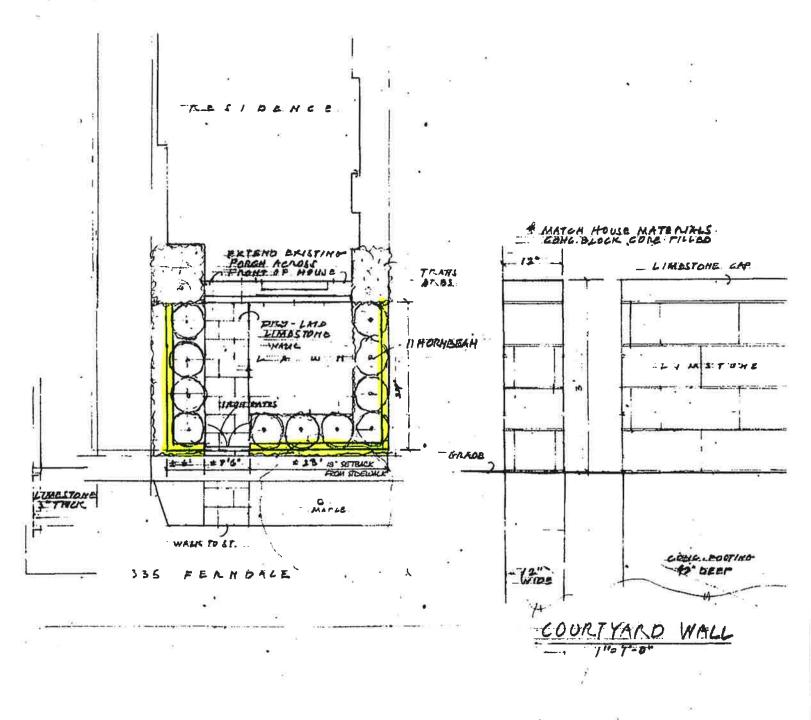






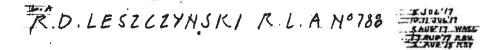


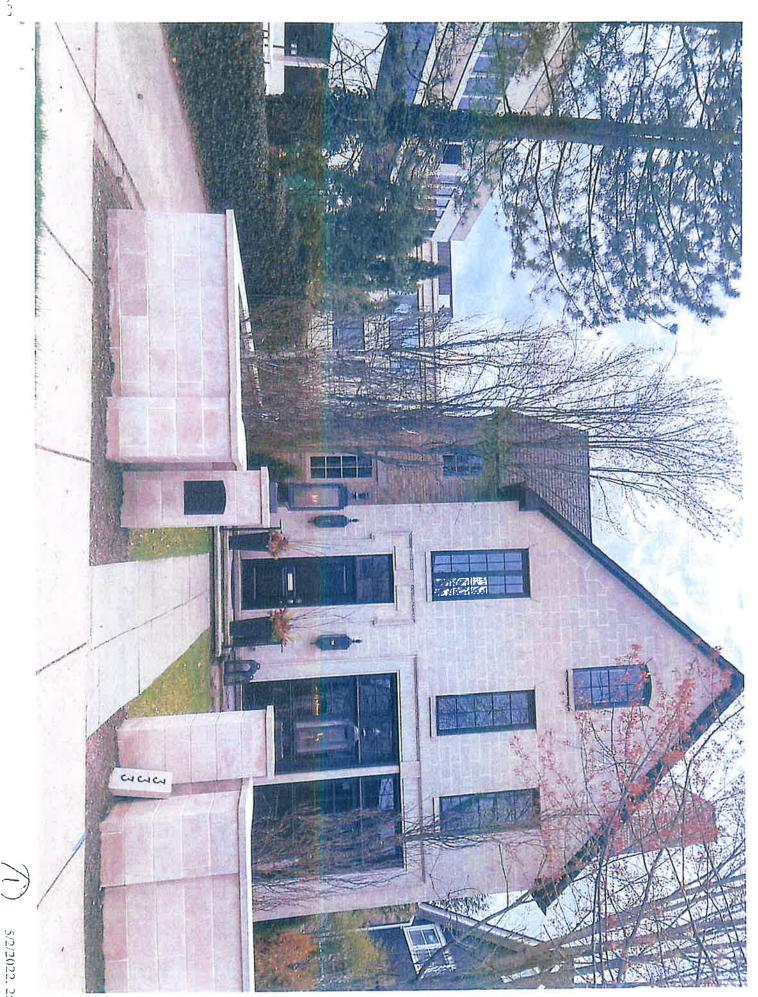




Si FARSCAPE ALGHTTESTURE - L nd BIRMINGHAM . MI 48009 335 FERNDALE ST.

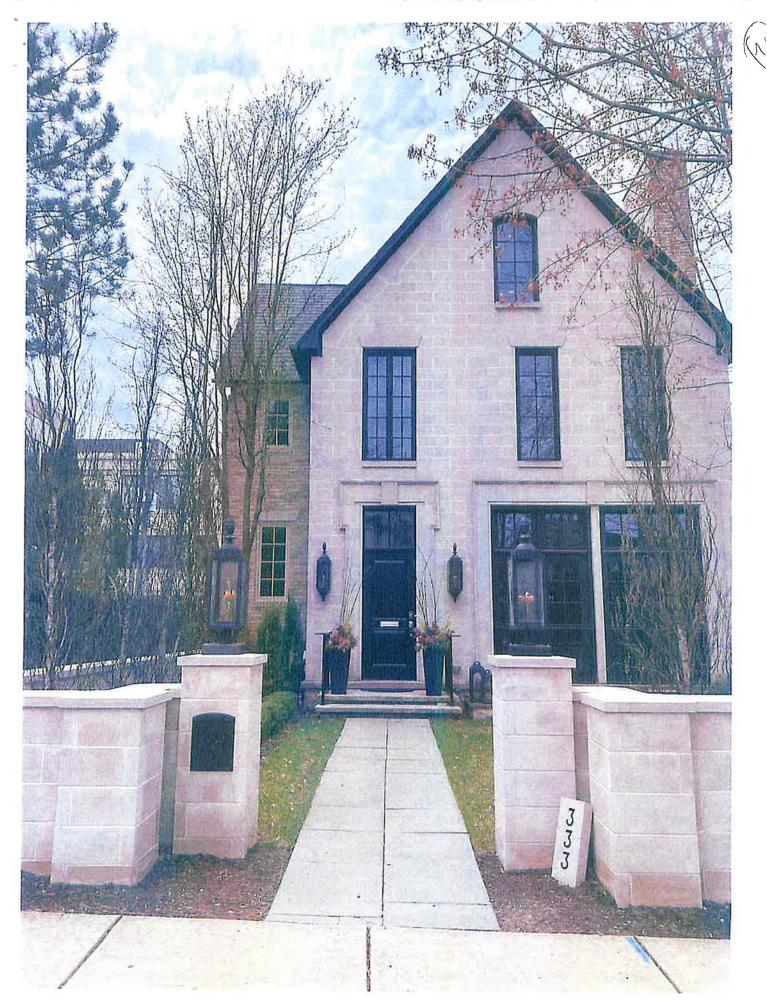
-SCALE : 1"=10'-0"

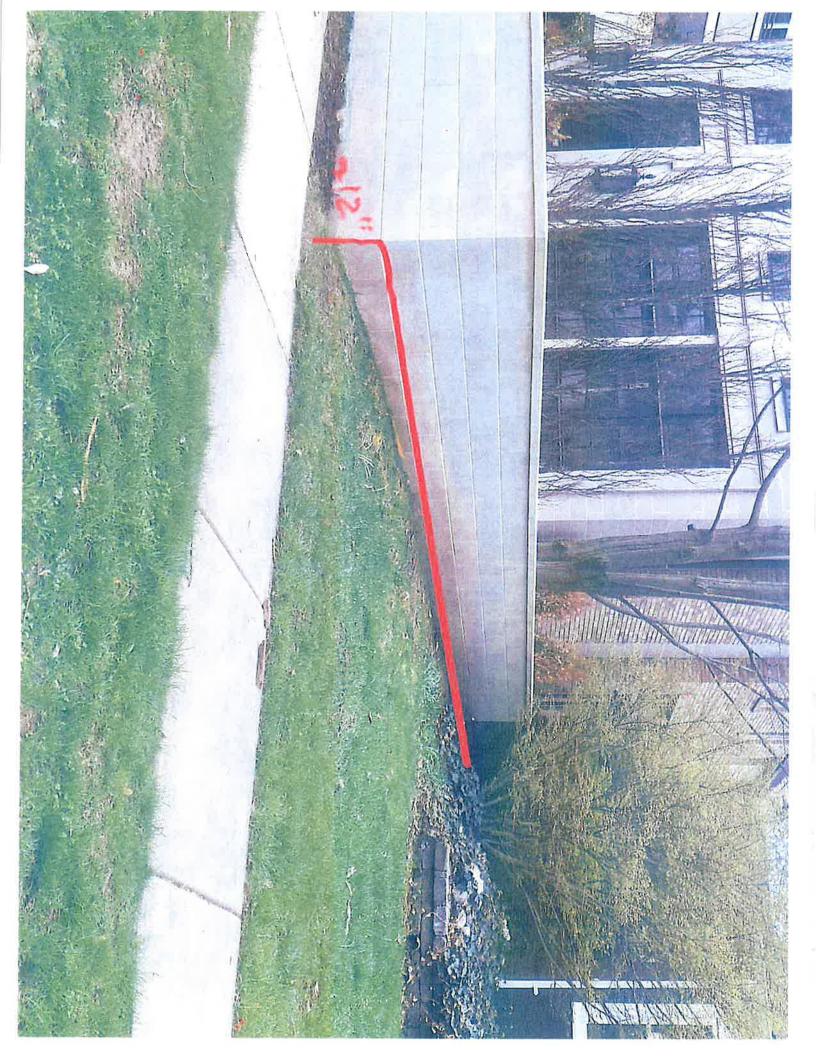




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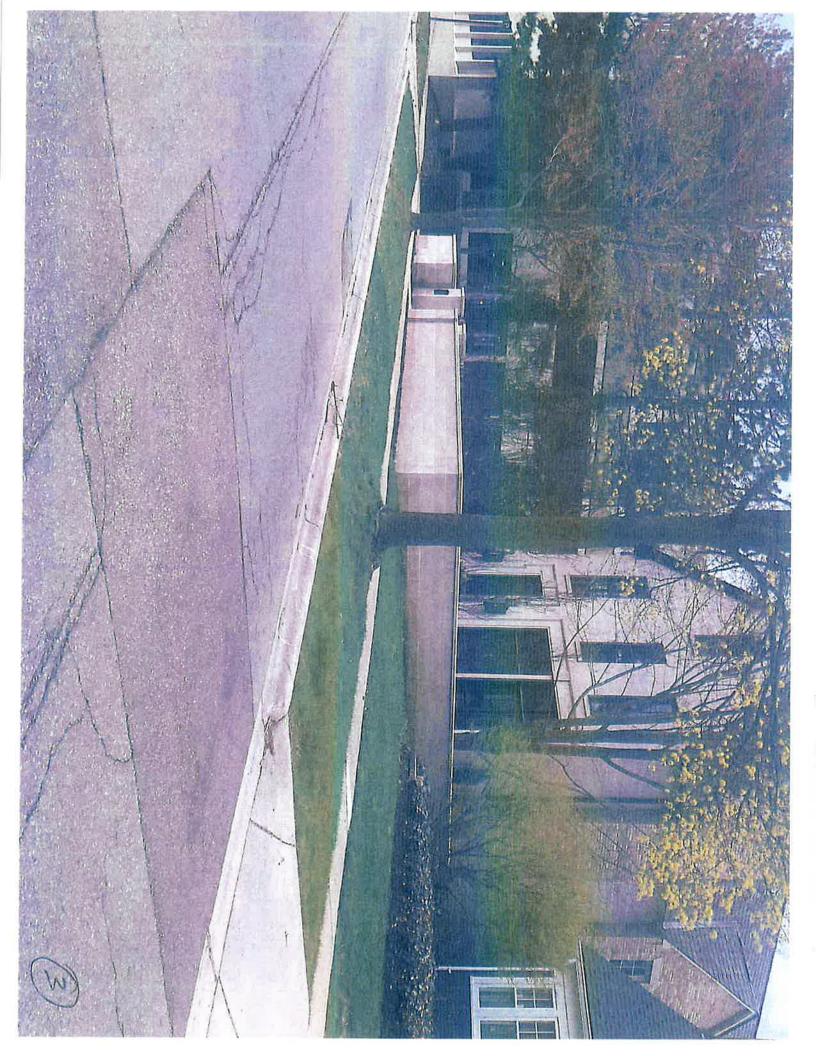
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CASE DESCRIPTION

1165 Hillside

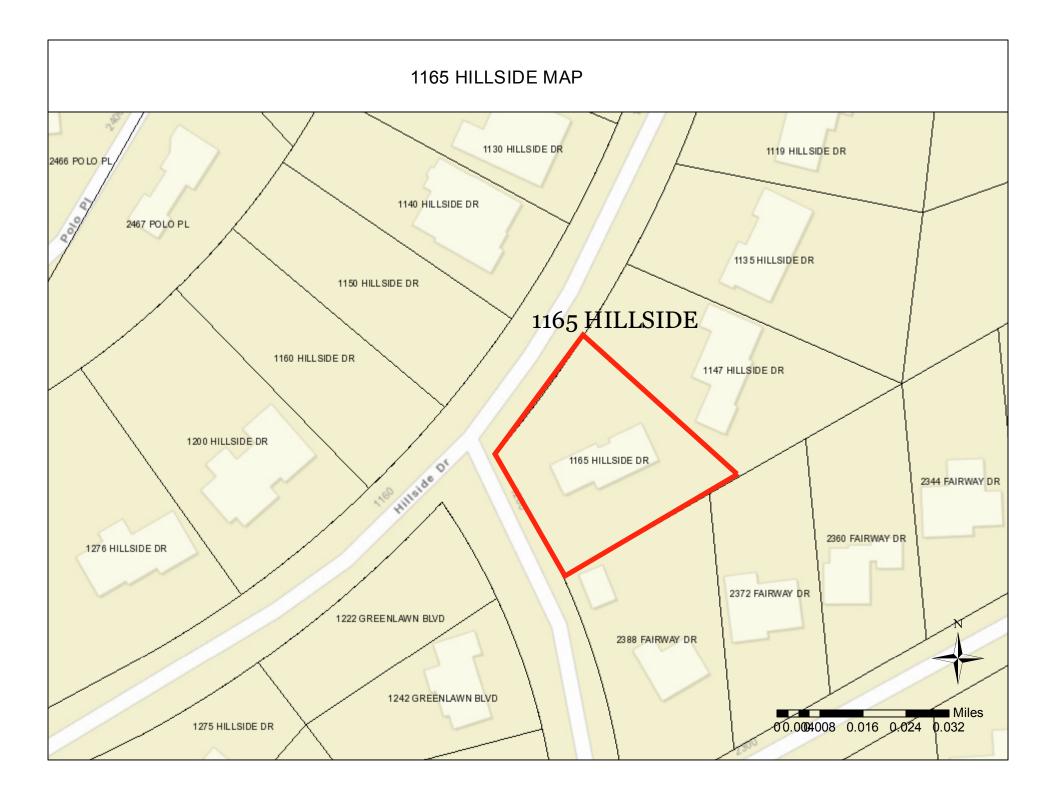
Hearing date: July 26, 2022

- **Appeal No. 3:** The owner of the property known **1165 Hillside**, requests the following variances to construct a new 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 53.20 feet. The proposed is 41.20 feet. Therefore, a 12.00 foot variance is being requested.
- B. 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 53.20 feet. The proposed covered porch is 32.30 feet. Porches are permitted per article 4, section 4.30(C)(1) to project into the required front open space for 10.00 feet. Therefore, a 10.90 foot variance is being requested.
- C. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that private, attached, single-family residential garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The proposed is the garage is 9.71 feet in front of the furthest façade. Therefore, a variance of 14.71 feet is being requested.

Staff Notes: The applicant is looking to construct a new home this irregular shape lot. This lot has been in front of the board a two times regarding variances on the required front yard setback. In both of these cases the property was sold, and the project never was pulled (See attached minutes from each request)

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP Assistant Building Official



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

Application Date: 4/11/22				IING APPEALS	Hearing Date: <u>7/12/2</u>		
Received By: BM							
		Dimensional I			Appeal #: <u>27 - 27</u>		
Type of variance:	rpretation	Dimensional	Land Use	Sign	Admin Revie		
I. PROPERTY INFORMATION:							
Address: 1165 Hillside Dr.		Lot Number:	64	Sidwell Number:	19-35-303-009		
II. OWNER INFORMATION:			a fillar - See	all all and a second			
Name: Helen Arsenault Trust							
Address: 17248 Crestbrook Dr	-	City: North	ville	State: Mi	Zip code: 48168		
Email:* helenarsenault9@gma	ail.com						
II. PETITIONER INFORMATION:				1 10			
Name: Paul Samartino		Firm/Compa	ny Name:	entini Comonto - D	2		
Address: 920 E. Long Lake, Su	ite 200	City: Troy	, M	artini-Samartino Desigi State: MI	1		
ere z. cong cano, ou		city. Hoy			Zip code: 48085		
pound ano gind ano	martino.com			Phone: 248	.524.0445		
IV. GENERAL INFORMATION:							
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Revised 10.11.21

200



April 28, 2022

Setback Variance Request for 1165 Hillside Birmingham MI:

Members of the board,

On behalf of our client, I respectfully ask you to consider re-enstating the granted front yard setback variance from July of 2020. The irregular site shape and extreme setbacks of the existing homes to the north provide a unique situation and restrict the builable envelope of the site. The site is 13,743 s.f. We are allowed to cover 30% of the site per the ordinance (or 4,122 s.f.). If we use the required setback of 53.2' and completely fill the given building envelope, we would only be able to build/cover 3,300 s.f.

Front Yard Setback Variance:

The site has a required setback of 53.2'. The site was granted a varinace of 12'-0" in July of 2020. The property has changed ownership and that approved varinace has lapsed. We are requesting that the 12'-0" variance is reconsidered bringing the front yard setback to 41.2'.

We have attached the minutes from July 14, 2020 motion to approve the variance.

Thank you for your consideration.

Sincerely, Paul Samartino

Motion by Mr. Lilley Seconded by Mr. Morganroth to accept the Minutes of the BZA meeting of June 9, 2020 as submitted.

Motion carried, 6-0.

ROLL CALL VOTE Yeas: Lilley, Morganroth, Canvasser, Miller, Rodriguez, Reddy Nays: None

T# 07-38-20

4. APPEALS

1) 1165 Hillside Appeal 20-28

Assistant Building Official Zielke presented the item, explaining that the owner of the property known as 1165 Hillside was requesting the following variances to construct a new single family home with a detached garage:

A. Chapter 126, Article 2, Section 2.08 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 53.20 feet. The proposed is 41.20 feet. Therefore a 12.00 foot variance is being requested.

B. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that a private, attached, single-family residential garages must be setback a minimum 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The proposed is the garage is 2.33 feet in front of the furthest façade. Therefore a variance of 7.33 feet is being requested.

Assistant Building Official Zielke noted the applicant proposed to construct a new home with an attached and detached garage on this irregular shaped corner lot. This appeal was before the BZA in June 2020 and was tabled until July 2020 with additional clarifications provided with the site plan. This property is zoned R1 – Single Family Residential.

Brain Neeper, architect, reviewed his letter to the BZA outlining his request for the variances. The letter was included in the evening's agenda packet.

In reply to Mr. Morganroth, Mr. Neeper explained he brought the laundry room forward in the front in an attempt to draw attention away from the garage's placement.

Mr. Morganroth said that while the home was well-designed, he saw a number of opportunities to minimize the extension of the home into the front yard setback.

Motion by Mr. Miller

Seconded by Mr. Morganroth with regard to Appeal 20-28, A. Chapter 126, Article 2, Section 2.08 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 53.20 feet. The proposed is 41.20 feet. Therefore a 12.00 foot variance is being requested.

Mr. Miller moved to approve variance request A and tied it to the plans as submitted. He said he thought there might be disagreement among the board members in terms of granting both variances so he wanted to begin with just variance request A. He said the need for this variance was caused by the unusual alignment of the adjacent homes and the unusual shape of the lot. Mr. Miller noted that the BZA often accommodates homes on corner lots since that can cause difficulties with ordinance compliance, and said an irregular lot compounds those issues.

Mr. Miller noted that the proposed home would not be out of character for the neighborhood, with the exception of the adjacent house which is itself outside of the zoning envelope and two other homes which are unusually far back on their lots.

Mr. Morganroth said he would second the motion with the caveat that a disapproval of variance request B could lead to a change in the encroachment for variance request A. Mr. Morganroth asked Vice-Chairman Canvasser how the Board could best approach that issue.

Vice-Chairman Canvasser recommended that the Board discuss and vote on the present motion with variance request B to be addressed subsequent to the vote.

Mr. Rodriguez said he would also support the motion, agreeing with Mr. Miller's stated reasons.

Vice-Chairman Canvasser said he would also support the motion for the reasons previously stated.

Motion carried, 6-0.

ROLL CALL VOTE Yeas: Lilley, Morganroth, Canvasser, Miller, Rodriguez, Reddy Nays: None

Motion by Mr. Miller

Seconded by Mr. Rodriguez with regard to Appeal 20-28, B. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that a private, attached, single-family residential garages must be setback a minimum 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from



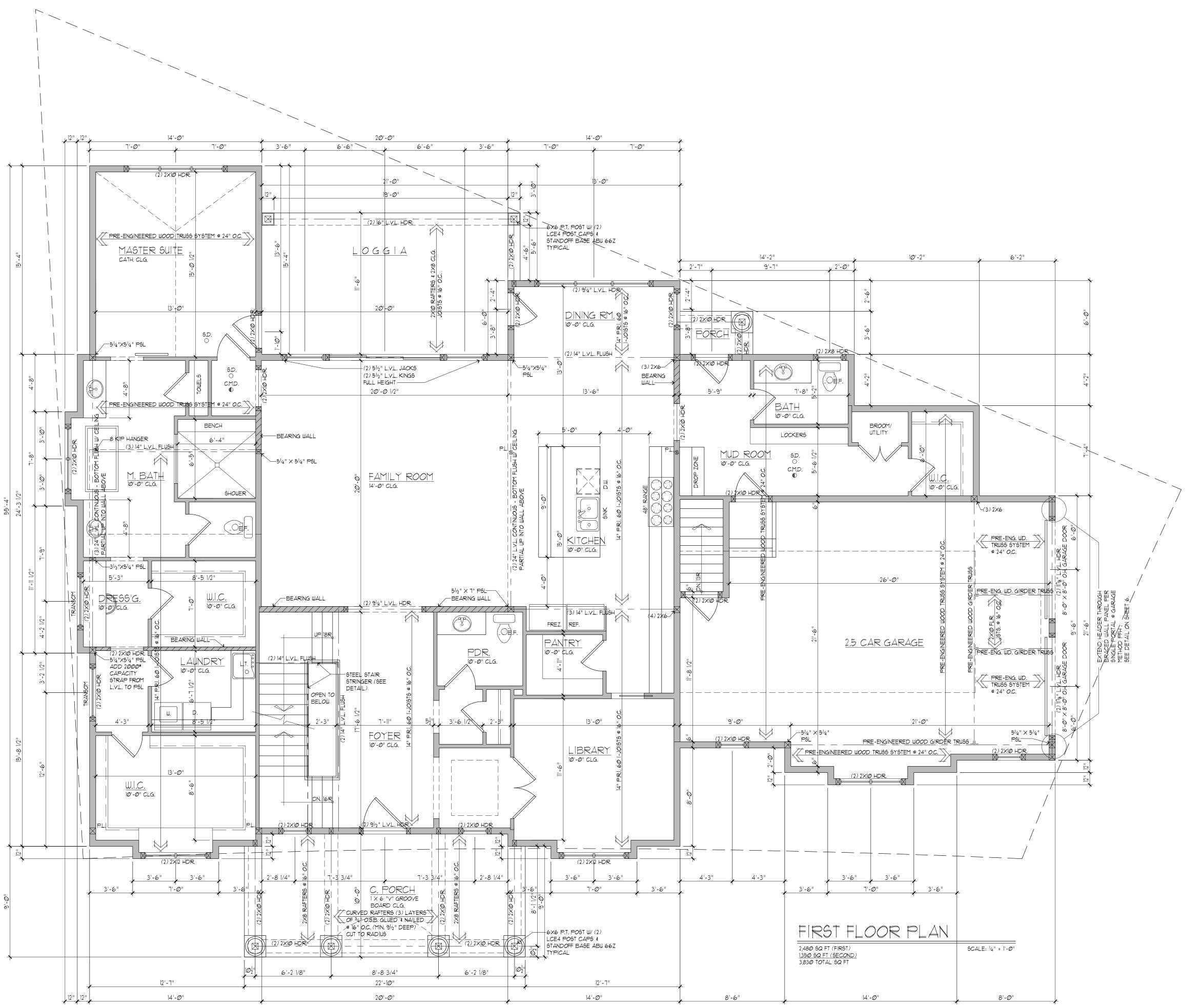
2015 ENERGY EFFICIENCY TABLE Table nii02.11 - Insulation and fenestration requirements by component									
CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^g	FL <i>OO</i> R R-VALUE	BASEMENT WALL ^C R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ° WALL R-VALUE
5А	Ø.32	Ø.55	38	20 OR 13+5 ^f	13/17	30 °	10/13	1Ø, 2 FT.	15/19
6 A	Ø.32	Ø.55	49	20 OR 13+5	15/2Ø	30 °	15/19	1Ø, 4 FT.	15/19
Г	Ø.32	Ø.55	49	20 OR 13+5	19/21	38 ^e	15/19	1Ø, 4 FT.	15/19

a. R-VALUES ARE MINIMUMS. U-FACTORS ARE MAXIMUMS. WHEN INSULATION IS INSTALLED IN A CAVITY WHICH IS LESS THAN THE LABEL OR DESIGN THICKNESS OF THE INSULATION, THE INSTALLED R-VALUE OF THE INSULATION SHALL NOT BE LESS THAN THE R-VALUES SPECIFIED IN THE TABLE.

b. THE FENESTRATION U-FACTOR COLUMN EXCLUEDS SKYLITES.

- c. "15/19" MEANS R-15 CONTINUOUS INSULATION ON THE INTERIOR OR EXTERIOR OF THE HOME OR R-19 CAVITY INSULATION AT THE INTERIOR OF THE BASEMENT WALL. "15/19 " MAY BE MET WITH R-13 CAVITY INSULATION ON THE INTERIOR OF THE BASEMENT WALL PLUS R-5 CONTINUOUS INSULATION ON THE INTERIOR OR EXTERIOR OF THE HOME. "10/13" MEANS R-10 CONTINUOUS INSULATION ON THE INTERIOR OR EXTERIOR OF THE HOME OR R-13 CAVITY INSULATION AT THE INTERIOR OF THE BASEMENT WALL.
- d. R-5 SHALL BE ADDED TO THE REQUIRED SLAB EDGE R-VALUES FOR HEATED SLABS.
- e. OR INSULATION SUFFICIENT TO FILL THE FRAMING CAVITY, R-19 MINIMUM.
- f. FIRST VALUE IS CAVITY INSULATION, SECOND IS CONTINUOUS INSULATION OR INSULATED SIDING, SO "13+5" MEANS R-13 CAVITY INSULATION PLUS R-5 CONTINUOUS INSULATION OR INSULATED SIDING. IF STRUCTURAL SHEATHING COVERS 40% OR LESS OF THE EXTERIOR, CONTINUOUS INSULATION R-VALUE MAY BE REDUCED BY NO MORE THAN R-3 IN THE LOCATIONS WHERE STRUCTURAL SHEATHING IS USED - TO MAINTAIN A CONSISTENT TOTAL SHEATHING THICKNESS.
- g. THE SECOND R-VALUE APPLIES WHEN MORE THAN HALF THE INSULATION IS ON THE INTERIOR OF THE MASS WALL.

R408.30547d



LATERAL WIND BRACING REQUIREMENTS:

USE CONTINUOUS SHEATHED METHOD PER R602.10.4.2 OF THE 2015 MICHIGAN RESIDENTIAL CODE (MRC). EXTERIOR SHEATHING SHALL BE 1/16" OSB (APA RATED) AND NAILED TO WALL STUDS/PLATES, AND ALL SHEATHABLE SURFACES OF THE EXTERIOR WALLS WITH & COMMON NAILS (0.131" \times 2.5") @ 6" O.C. FOR EDGES AND 12" O.C. FOR FIELD.

D. BUILDER TO PROVIDE

APPROVED SMOKE

DETECTORS AS REQ'D ON ALL FLOORS (INTER-CONNECTED)

WITH BATTERY BACK-UP

MANUE, SPECIFICATIONS

M.D. CARBON MONOXIDE

NOTE: ALL STAIRWAYS SHALL

BE ILLUMINATED WITH MIN. (1)

INDICATES TYPICAL -

(2) STUD BEARING

NOTED ON PLAN)

BUILDER TO COORDINATE

(FANS, OUTLETS, SWITCHES, LIGHTING, ETC.) W/ HOMEOWNER

ALL ELECTRICAL UPGRADES

(UNLESS OTHERWISE

FOOTCANDLE

DETECTOR (PER CODE) TO COMPLY W/ UL#2034 AND INSTALLED PER

PRIOR TO CONSTRUCTION INTERIOR WALL DIMENSIONS ARE FROM STUD TO STUD. EXTERIOR WALLS INCLUDE SHEATHING NOTE MINIMUM THREE STUD SPACING AT ALL DOOR JAMBS -CARPERNTER TO VERIFY CASING SIZE WITH BUILDER M A R T I N I S A M A R T I N O Design Group 920 EAST LONG LAKE RD. SUITE 200 TROY MI 48085 P 248 524 0445 F. 248.524.0447 © COPYRIGHT 2010-2022 MARTINI-SAMARTINO DESIGN GROUP, LLC expressly reserves its common law copyright and other property rights in these plans. These plans are not to be reproduced, changed or copied in any form or maner whatsoever. ARSENAULT RESIDENCE 1165 HILLSIDE DRIVE BIRMINGHAM, MI 04.27.22 Review Set: Permit Set: Revisions: Final Set: P.S./ C.T. Drawn By: D.D. Checked By: Job No: 22-182 Sheet No: 2 OF 7

GENERAL NOTES:

- 1. DOUBLE EVERY JOIST UNDER CERAMIC TILE WHEN USING DIMENSIONAL LUMBER.
- 2. ALL POURED CONCRETE WALLS TO BE BACKFILLED WITH SANDY TYPE SOIL AND BE WELL BRACED UNTIL CONCRETE IS THOROUGHLY CURED AND ADDITIONAL WEIGHT OF THE BUILDING IS IN PLACE.
- 3. ALL POURED CONCRETE FOOTING TO BE A MINIMUM OF 3'-6" BELOW FINISHED GRADE BEARING ON UNDISTURBED VIRGIN SOIL WITH A MINIMUM BEARING CAPACITY OF 2,500 P.S.F. MUST BE VERIFIED BY SOILS ENGINEER IN THE FIELD FOR FOOTING INSPECTION.
- 4. UNEXCAVATED GARAGE SLAB SHALL COMPLY W/ TABLE R402.2 4" CONCRETE SLAB MIN, 3,500 MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF CONCRETE ON 4" MIN. WELL COMPACTED SAND BASE.
- 5. ALL POURED CONCRETE WALLS WITH A BRICK LEDGE GREATER THAN 4'-O", SHALL BE REINFORCED VERTICALLY WITH #5 BARS 32" O.C. AND HORIZONTALLY WITH ONE (1) #4 BAR @ 12" FROM TOP AND @ THE THIRD-POINT OF THE WALL, UNLESS NOTED OTHERWISE ON DRAWINGS.
- 6. TYPICALLY ALL PINS IN POURED CONCRETE FOUNDATION WALLS MUST BE REMOVED AND FILLED WITH FOUNDATION COATING PRIOR TO BACK FILL INSPECTION.
- 1. PROVIDE 4" PERIF, DRAIN TILE CONT. AT BASEMENT FTG, IN 12" (MIN) PEASTONE WITH 2" BELOW DRAIN TILE. CONNECT TO SUMP AND STORM SEWER AS REQUIRED.
- 8. BUILDER AND SUB BRICK CONTRACTORS TO PROVIDE WEEP HOLES RESTING ON THE FLAGHING SPACED 33" O.C. MAX. (24" PREFERRED) AT HEAD DETAILS OF: WINDOWS, DOORS, BASEMENT WINDOWS AND GARAGE DOORS. ALSO PROVIDE FLASHING TO FACE OF BRICK W/ MIN. 8" VERTICAL LEG AND FORM END DAMS (LAP UNDER AIR/MOISTURE BARRIER), MICHIGAN REGIDENTIAL CODE 2015 SEC. 103.1.5 - 103.8. A PRE-BRICK INSPECTION WILL BE REQ'D PRIOR TO BRICK INSTALLATION FOR FLASHING INSPECTION.
- 9. ALL ENGINEERED WOOD FLOOR TRUSSES TO BE # DENSE K.D. WITH 2" BY 6" CONTINUOUS RIBBON BRACING ON BOTTOM CORD 8'-0" O.C. (MINIMUM 2 PER SPAN) WELL NAILED TO TRUSSES. PROVIDE DRAFTSTOPPING.
- 10. ALL MICRO-LAM BEAMS TO BE JOINED TOGETHER PER MANUFACTURER'S SPECIFICATIONS.
- 11. ALL FLOOR JOISTS TO BE #2 OR BETTER HEM FIR WITH 1" X 3" CROSS BRIDGING 8'-0" O.C. (UN.O.)
- 12. PROVIDE 15 POUND FELT AT UNTREATED EXPOSED LUMBER.
- 13. PROVIDE 2X6 WOLMANIZED PRESSURE TREATED SILL PLATE ON SILL SEALER WITH $\frac{1}{2}$ " ANCHOR BOLTS @ 6'-O" O.C. AND LOCATED NOT MORE THAN 12" INCHES AND NOT LESS THAN $3^{1}2^{"}$ INCHES FROM THE ENDS OF EACH PLATE SECTION. EXCEPTION: USE ANCHOR STRAPS, SPACED AS REQUIRED TO PROVIDE EQUIVALENT ANCHORAGE TO $\frac{1}{2}$ " ANCHOR BOLTS.
- 14. PROVIDE METAL FLASHING, COUNTER FLASHING AND STEPPED FLASHING WHERE NOTED AND AT ALL PENETRATIONS AND TERMINATIONS OF EXTERIOR WALL ASSEMBLIES, EXTERIOR WALL INTERSACTIONS WITH ROOF, CHIMNEYS, PORCHES, DECKS, BALCONIES AND SIMILAR PROJECTIONS.
- 15. PROVIDE APPROVED SEALANT WHERE REQUIRED AND AS DETAILED BY MFG.
- 16. DO NOT DRILL KITCHEN WINDOW DOUBLERS.
- 17. PROVIDE A 1" MIN. SOLID CORE FIRERATED DOOR BETWEEN GARAGE AND REGIDENCE MIN. 20 MINUTE FIRERATED R302.5.1,
- 18. ALL WINDOW NUMBERS REFER TO GENERIC WINDOW SIZES. VERIFY SIZES WITH WINDOW MANUFACTURER USED. ALL SIZES AND SHAPES TO MATCH DIMENSIONALLY.
- 19. ALL BEDROOM WINDOWS TO MEET 2015 MICHIGAN RESIDENTIAL EGRESS CODES. ALL WINDOW SILLS, 72" ABOVE FINISH GRADE, SHALL HAVE THE BOTTOM OF THE OPENING LOCATED A MIN. OF 24" ABOVE FINISH FLOOR OF THE ROOM PER MRC 2015 SEC. R612.2.
- 20. AREAS THAT REQUIRE TEMPERED GLASS:
- A. FIXED AND SLIDING PANELS OF SLIDING TYPE DOORS. B. SHOWER AND BATHTUB DOORS AND ENCLOSURES
- (IF APPLICABLE).
- C. PANELS WITH A GLAZED AREA IN EXCESS OF 9 SQ. FT. WITH LOWEST EDGE LESS THAN 18 INCHES ABOVE THE
- FINISHED FLOOR LEVEL D. ALL OTHER AREAS AS CODE REQUIRES PER 2015 MICHIGAN RESIDENTIAL CODE.
- 21. PROVIDE UNDERSTAIR PROTECTION MRC 2015 ENCLOSED ACCESSIBLE SPACE UNDER SHALL HAVE WALLS, UNDER STAIR SURFACE AND ANY SOFFITS PROTECTED ON THE ENCLOSED SIDE WITH $\frac{1}{2}$ " GYPSUM BOARD.
- 22. WHERE HANDRAILS ARE SHOWN, HANDRAIL HEIGHT IS TO BE NOT LESS THAN 34" AFF. AND MORE THAN 38" AFF. PER R311.1.1.1 GUARD RAIL IS TO BE NOT LESS THAN 36" AFF. PER R312.2. PROVIDE HANDRAIL ON AT LEAST (1) SIDE OF EVERY STAIRWAY PER SECTION R311.1.1 OF THE (MRC-2015) 2015 MICHIGAN RESIDENTIAL CODE. HANDRAIL GRIP TO COMPLY WITH 2015 MICHIGAN RESIDENTIAL CODE SECTION R311.7.7.3 HANDRAIL SHALL BE CONTINUOUS. WHERE ADJACENT TO WALLS SHALL HAVE A SPACE OF MIN 1 1/2" BETWEEN WALLS AND THE HANDRAIL. PER R317.7.2
- 23. ALL STAIRWAYS SHALL BE ILLUMINATED WITH MIN. (1) FOOT CANDLE OF LIGHT.
- 24. 6'-8" CLEAR HEADROOM REQUIRED ON ALL STAIRS.
- 25. PROVIDE A BATH FAN WHERE SHOWN ON PLAN AND VENT FAN TO EXTERIOR AS REQUIRED. VENT MECHANICAL EXHAUGT DIRECTLY OUTGIDE PER R303.3. (MRC-2015)
- 26. TYPICAL ALL HABITABLE ROOMS TO HAVE PROPER LIGHT, VENTILATION AND COMPLY WITH 2015 MICHIGAN RESIDENTIAL CODES.
- 27. PROVIDE ELECTRICAL SMOKE DETECTORS IN ALL SLEEPING AREAS, HALLWAYS, AND MECHANICAL ROOMS ON ALL FLOOR LEVELS, INCLUDING THE BASEMENT. SMOKE DETECTORS SHALL BE WIRED TOGETHER SO AS WHEN ONE SOUNDS THEY ALL SOUND AND HAVE BATTERY BACKUP PER SEC. R314 OF 2015 MICHIGAN RESIDENTIAL CODE.
- 28. FIRESTOP ALL DROPS AND CHASES, ELECTRICAL, PLUMBING AND H.V.A.C.
- 29. VERIFY ELECTRICAL SERVICE IN ACCOMMODATING ALL NEW WORK, VERIFY ALL PROPOSED ELECTRICAL OUTLETS, SWITCHES, DIMMERS, LIGHT LOCATION, ETC. INCLUDING CABLE AND PHONE PRE-WIRING SECURITY. TAKE INTO CONSIDERATION ALL ELECTRICAL INSTALLATION WITH OWNER, AND COMPLY WITH 2015 MICHIGAN RESIDENTIAL ELECTRICAL CODES.
- 30. WHERE APPLICABLE, VERIFY FIREPLACE OPTION WITH SUBDIVISION SPECS. AND WORK ORDER.
- 31. VERIFY SIZE OF FIREPLACE UNIT WITH BUILDER/OWNER. CONTRACTOR TO VERIFY ROUGH OPENING SIZE OF SELECTED UNIT, WITH MANUF. SPECS, PRIOR TO BUILDING. CONSTRUCT CHIMNEY PER CHAPTER 10 OF THE 2015 MRC.
- 32. PROVIDE 5/8" DRYWALL ON THE GARAGE SIDE OF WALLS COMMON TO RESIDENCE AND GARAGE. APPLY 5/8" TYPE "X" DRYWALL TO GARAGE CEILINGS AREAS BELOW HABITABLE ROOMS PER MRC 2015 TABLE R302.6.
- 33. LOWER LEVEL AREA CONSIDERED UNINHABITABLE. ANY FUTURE ALTERATIONS TO MODIFY LOWER LEVEL TO A HABITABLE SPACE WILL COMPLY STRICTLY TO THE 2015 MICHIGAN RESIDENTIAL CODE. EGRESS WINDOW(S) PROVIDED, AS REQUIRED, IN COMPLIANCE W/ MRC 2015 SEC. R310.1 - R310.5.
- 34. CHIMNEY TERMINATION MUST PROJECT 2'0" ABOVE ANY PART OF THE BUILDING WITHIN 10 FEET, BUT SHALL NOT BE LESS THAN 3'0" ABOVE HIGHEST POINT WHERE CHIMNEY PASSES THROUGH THE ROOF.
- 35. ROOF VENTILATION WHERE EAVE OR CORNICE VENTS ARE INSTALLED INSULATION SHALL NOT BLOCK THE FREE FLOW OF AIR. A MINIMUM OF A 1" INCH SPACE SHALL BE PROVIDED BETWEEN THE INSULATION AND THE ROOF SHEATHING AT THE LOCATION OF THE VENTS.
- 36. NOT USED.

- 38. PROVIDE FIBER-CEMENT, FIBER-MAT REINF. CEMENT, GLASS MAT GYPSUM BACKERS OR FIBER REINF. GYPSUM BACKERS AS BACKERS FOR TUB AND/OR SHOWER WALL TILES AND PANELS. BACKERS MUST COMPLY W/ ASTM C 1288, C 1325, C1178 OR C 1278 AND BE INSTALLED PER MANUF, RECOMMENDATIONS, MRC 2015 SEC, RT02.4.2.
- 39, PROVIDE NON-ABSORBENT FINISH, TO THE SURFACE OF ALL BATHING AREAS W/ WALL MOUNTED SHOWER HEADS, A MIN. OF 6'-0" ABOVE FINISH FLOOR PER MRC 2015 SEC. R307.2.
- 40. PROVIDE 2-LAYER MINERAL COATED ROLLED ROOFING AT ALL EAVES TO 24" INSIDE BUILDING. 2-LAYERS MUST BE CEMENTED TOGETHER VERIFY WITH BUILDING DEPARTMENT.
- 41. PROVIDE ADEQUATE ROOF VENTILATION AND SOFFIT VENTILATION (MIN) AS REQUIRED. VERIFIED BY CALCULATION 1/150 OF AREA VENTILATION REQ'D PER SEC. R806.2.
- 42. FASTENER SCHEDULE FOR STRUCTURAL MEMBERS TABLE R6@2.3 (1) WOOD STRUCTURAL PANELS, SUBFLOOR, ROOF AND WALL SHEATHING TO FRAMING AND PARTICLEBOARD WALL SHEATHING TO FRAMING, BUILDING MATERIALS OF "5/16 - 1/2" USE 6d COMMOM NAIL (SUBFLOOR, WALL) @ 6" FROM EDGES 12" INTERMEDIATE SUPPORTS AND USE 8d COMMON NAILS FOR ROOF 6" FROM EDGES 12" INTERMEDIATE.
- 43. BUILDER /OWNER TO PROVIDE WATERPROOFING TO CODE SUBMIT INFORMATION ON APPROVED PRODUCTS
- 44. ROOF TRUSS FRAMING INDICATED ON DRAWINGS IS OUR ASSUMED LAYOUT. TRUSS MANUFACTURER SHOULD REVIEW THE DRAWING AND INDICATE TO ARCHITECT PRIOR TO FABRICATION, ANY CHANGE IN BEARING CONDITIONS THAT WOULD REQUIRE RE-FRAMING OF OUR STRUCTURE TO ACCOMODATE TRUSSES.
- 45. THE ROOF TRUSS MANUFACTURER TO FURNISH SHOP DRAWING TO THE DESIGNER PRIOR TO FABRICATION OF THE TRUSSES.
- 46, ROOF TRUSS DESIGNED BY TRUSS MANUFACTURER TO CONFORM TO ALL MINIMUM DESIGN LOAD REQUIREMENTS.
- 41. BUILDER/TRUSS MFG. TO PROVIDE TRUSS DESIGN DRAWINGS IN COMPLIANCE WITH MRC 2015 AND SHALL INCLUDE AT MINIMUM, THE INFORMATION SPECIFIED BELOW:
- . SLOPE OR DEPTH, SPAN, AND SPACING
- 2. LOCATION OF ALL JOINTS 3. REQUIRED BEARING WIDTHS
- 4. DESIGN LOADS AS APPLICABLE 4.1. TOP CHORD LIVE LOAD (INCLUDING SNOW LOADS)
- 4.2. TOP CHORD DEAD LOAD 4.3. BOTTOM CHORD LIVE LOAD
- 4.4. BOTTOM CHORD DEAD LOAD 4.5. CONCENTRATED LOADS AND THEIR POINTS OF
- APPLICATION
- 4.6. CONTROLLING WIND AND EARTH QUAKE LOADS 5. ADJUSTMENTS TO LUMBER AND JOINT CONNECTOR
- DESIGN VALUES FOR CONDITIONS OF USE. 6. EACH REACTION FORCE AND DIRECTION
- 1. JOINT CONNECTOR TYPE AND DESCRIPTION E.G., SIZE THICKNESS OR GAUGE), AND THE DIMENSIONED LOCATION OF EACH JOINT CONNECTOR EXCEPT WHERE SYMMETRICALLY LOCATED RELATIVE TO THE JOINT
- INTERACE. 8. LUMBER SIZE, SPECIES AND GRADE FOR EACH MEMBER.
- 9. CONNECTION REQUIREMENTS FOR: TRUSS-TO-TRUSS GIRDER 9.2. TRUSS PLY TO PLY
- 9.3. FIELD SPLICES
- 10. CALCULATED DEFLECTION RATIO AND/OR MAXIMUM DESCRIPTION FOR LIVE AND TOTAL LOAD. . MAXIMUM AXIAL COMPRESSION FORCES IN THE TRUSS MEMBERS TO ENABLE THE BUILDING DESIGNER TO DESIGN THE SIZE CONNECTIONS AND ANCHORAGE OF THE PERMANENT CONTINUOUS LATERAL BRACING. FORCES SHALL BE SHOWN ON THE TRUSS DRAWING OR ON
- SUPPLEMENTAL DOCUMENTS. 12. REQ'D PERMANENT TRUSS MEMBER BRACING, BRACE ROOF TRUSSES AS RECOMENDED BY MANUFACTURER.

ALL CODES SHALL COMPLY WITH THE MICHIGAN BUILDING CODES, INTERNATIONAL BUILDING CODES WHERE APPLICABLE 4 2015 MICHIGAN RESIDENTIAL CODE. THEY SHALL ALSO COMPLY WITH ANY JURISDICTION CODES IN THEIR RESPECTIVE COUNTY, CITY, VILLAGE, OR TOUNSHIP AND THEIR PROVISIONS AND ORDINANCES.

(3)2×6—

GENERAL NOTES INDICATED ABOVE ARE JUST A SMALL PORTION OF OUR STANDARD NOTES & THE 2015 MICHIGAN RESIDENTIAL CODE BUT THE CODE IS MUCH BROADER & SHOULD BE STRICTLY FOLLOWED BY BUILDERS, TRADES & CRAFTSMAN.

DO NOT SCALE DRAWING. USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS, NOTIFY THE DESIGNER IMMEDIATELY FOR DIRECTION, BUILDER RESPONSIBLE TO HAVE REVIEWED ALL DRAWINGS AND IF ADDITIONAL CLARIFICATION OR INFORMATION IS NEEDED BUILDER IS TO CONTACT DESIGNER AND SALES COUNSELOR.

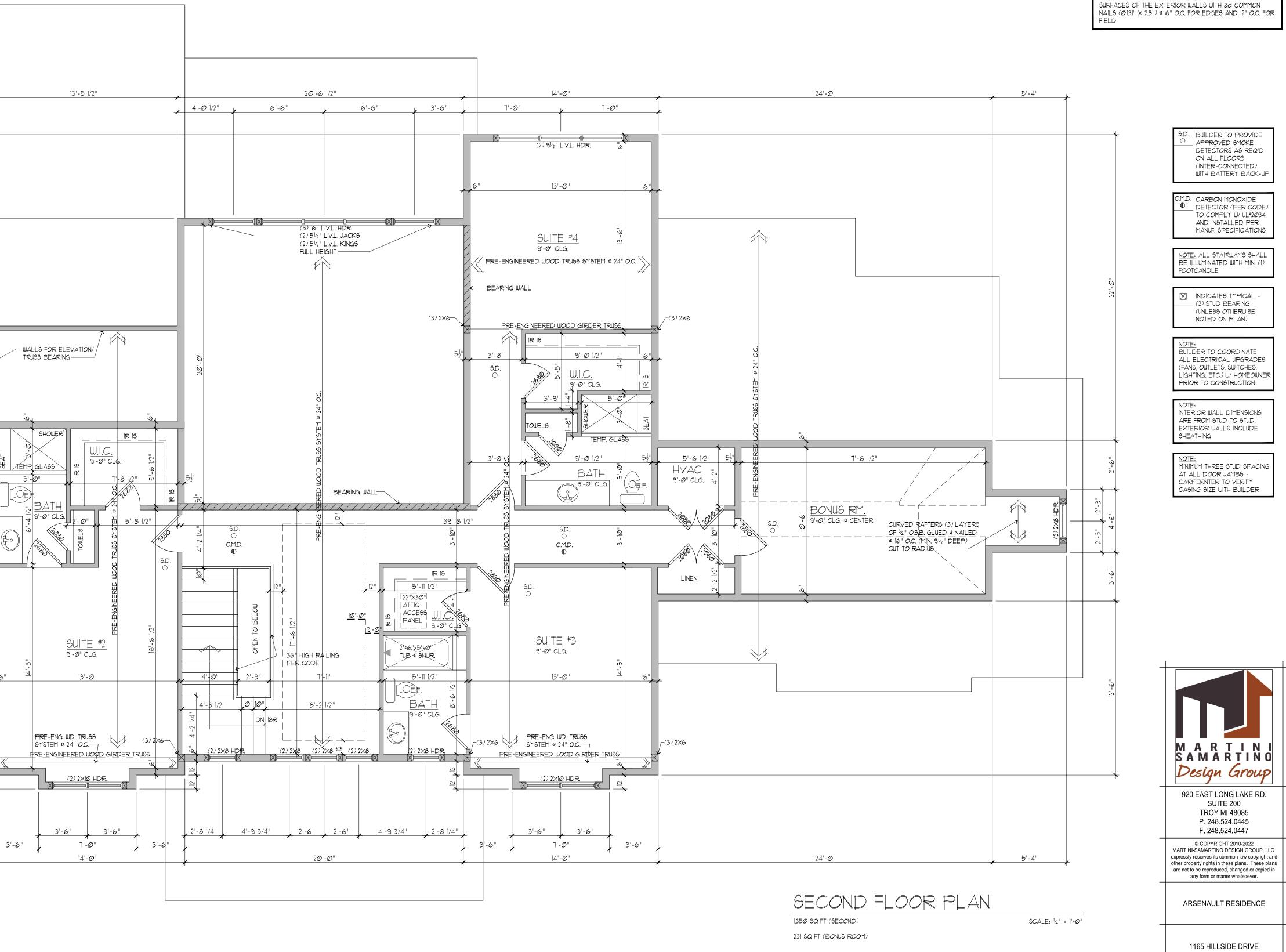
THESE CONSTRUCTION DOCUMENST ARE A GRAPHIC REPRESENTATION FOR THE PROPOSED PROJECT. DIMENSIONS OF ROOMS, WINDOWS OR FIXTURES MAY VARY BETWEEN MANUFACTURERS AND INSTALLATION. BUILDER TO MAKE EVERY ATTEMPT TO MATCH DIMENSIONS AS DRAWN.

WINDOW DESIGNATIONS ARE APPROXIMATE. EXACT SIZES ARE PER THE MANUFACTURER'S SPECIFICATIONS.

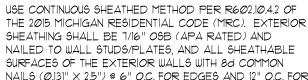
ALLOWABLE SPANS FOR LINTELS SUPPORTING MASONRY VENEER TABLE RT03.13.1 OF MRC 2015						
SIZE OF ANGLE (IN) ^{a, c}	NO STORY ABOVE	ONE STORY ABOVE	TWO STORIES ABOVE	NO. OF 1/2" OR EQ. REINF. BARG b		
3 X 3 X 1/4	6'-0"	4'-6"	3'-Ø"	1		
$4 \times 3 \times \frac{1}{4}$	8'-Ø"	6'-0"	4'-6"	1		
$5 \times 3^{1}_{2} \times {}^{5}_{16}$	10'-0"	8'-Ø"	6'-Ø"	2		
$6 \times 3^{1}_{2} \times {}^{5}_{16}$	14'-Ø"	9'-6"	ד'-∅"	2		
$(2) 6 \times 3^{1}_{2} \times {}^{5}_{16}$	20'-0"	12'-Ø"	9'-6"	4		

a, LONG LEG OF THE ANGLE SHALL BE PLACED IN A VERTICAL POSITION b. DEPTH OF REINFORCED LINTELS SHALL NOT BE LESS THAN 8 INCHES AND ALL CELLS OF HOLLOW MAGONRY LINTELS SHALL BE GROUTED SOLID. REINFORCING BARS SHALL EXTEND NOT LESS THAN & INCHES INTO THE SUPPORT

c. STEEL MEMBERS INDICATED ARE ADEQUATE TYPICAL EXAMPLES. OTHER STEEL MEMBERS, MEETING STRUCTURAL DESIGN REQUIREMENTS, MAY BE USED.

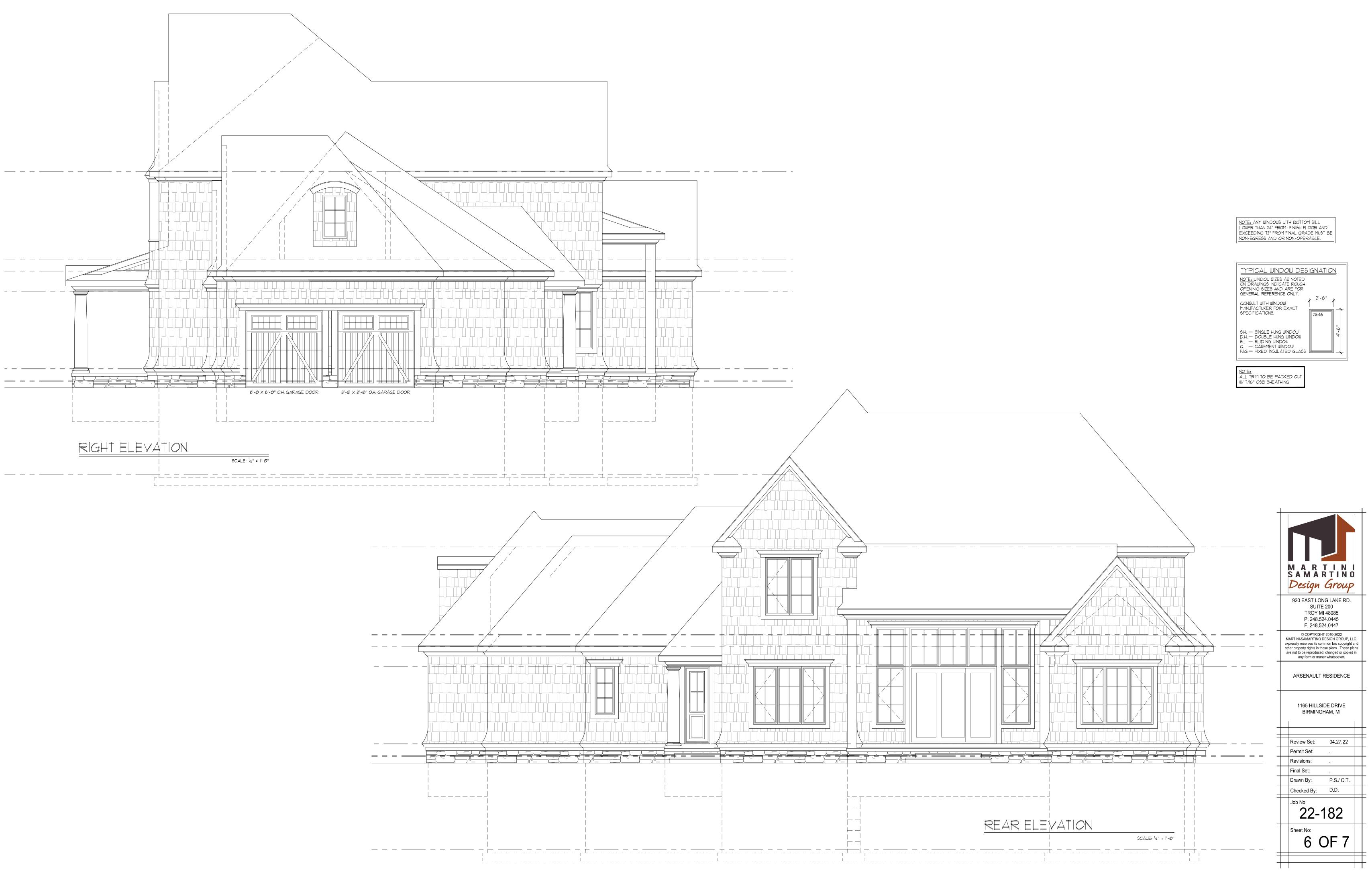


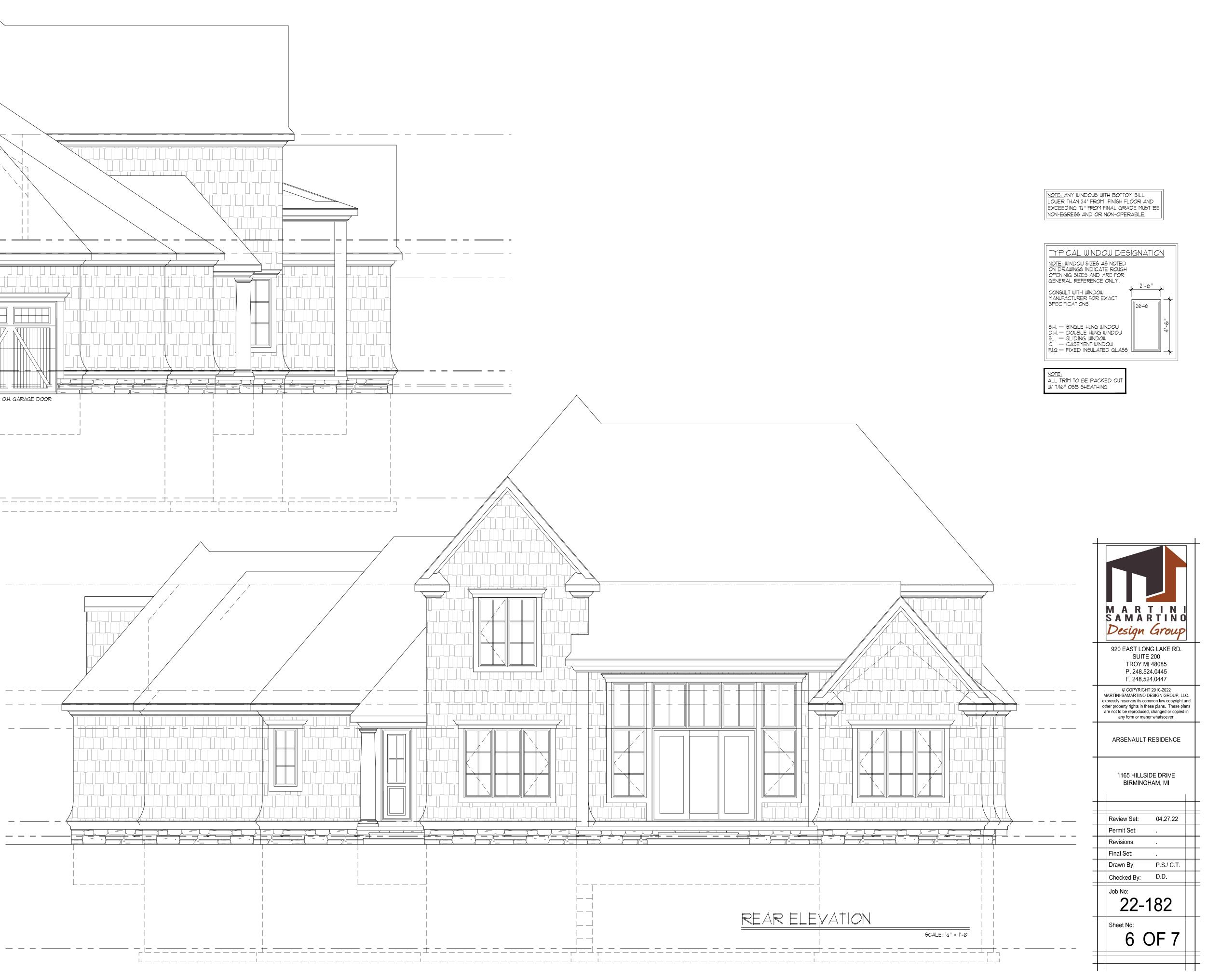
ATERAL WIND BRACING REQUIREMENTS:



BIRMINGHAM, MI Review Set: 04.27.22 Permit Set: Revisions: Final Set: P.S./ C.T. Drawn By: D.D. Checked By: Job No: 22-182 Sheet No: 3 OF 7







BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS TUESDAY, MAY 14, 2019 City Commission Room 151 Martin Street, Birmingham, Michigan

1. CALL TO ORDER

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, May 14, 2019. Chairman Charles Lillie convened the meeting at 7:30 p.m.

2. ROLLCALL

- **Present:** Chairman Charles Lillie; Board Members Jason Canvasser, Kevin Hart, John Miller, Erik Morganroth; Alternate Board Members Richard Lilley, Ron Reddy
- Absent: Board Member Francis Rodriguez

Administration:

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

Chairman Lillie spoke in memory of former BZA Vice-Chairman Randolph Judd, who passed away on April 11, 2019. Chairman Lillie reviewed Mr. Judd's work for the City and said Mr. Judd would be sorely missed by the BZA and by the City of Birmingham.

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

Chairman Lillie then took rollcall of the petitioners; all expected petitioners were present. 280 North Old Woodward was postponed as noted in the evening's agenda.

T# 05-35-19

3. APPROVAL OF THE MINUTES OF THE BZA MEETING OF APRIL 9, 2019

Motion by Mr. Morganroth

Seconded by Mr. Lilley to accept the Minutes of the BZA meeting of April 9, 2019 as presented.

Motion carried, 7-0.

VOICE VOTE Yeas: Morganroth, Lilley, Canvasser, Lillie, Hart, Miller, Reddy Nays: None

T# 05-36-19

6. APPEALS

1) 2010 COLE STE 100 Appeal 19-11

City Planner Cowan explained the owner(s) of the property known as 2010 Cole Street, Suite 100 request the following variances to install a tenant sign:

A. Chapter 86, Article 1, Section 1.05(K)(4)(a) of the Sign Ordinance requires wall signs to only be permitted on a designated first floor sign band.

City Planner Cowan further explained that the applicant is proposing a wall sign below the sign band of the building at 2010 Cole Street for Braam's Custom Cabinets. The current dimensions of the proposed sign location extends 31 inches below the sign band, therefore the applicant will need a dimensional variance of 31 inches. Prior issues related to projection distance and the length of the raceway have since been resolved. The canopy currently located along the sign band was approved by the Planning Board on June 27th, 2018. On April 17th, 2019, the Design Review Board approved the proposed sign with the condition that the sign be placed on the sign band, which will require the removal of approximately six feet of awning. This property is zoned MX – Mixed Use Commercial.

It was confirmed that the landlord installed the the current awning.

Allen Chika, FASTSIGNS of Birmingham, spoke as the tenant's representative. He stated that the sign could neither be placed under the awning or on the front of the building in a space cut from the awning and remain visible from the road. He said the awning was decorative, and that he had recommended the landlord take the awning down prior to applying for a variance.

Motion by Mr. Miller

Seconded by Mr. Morganroth with regard to Appeal 19-11, A. Chapter 86, Article 1, Section 1.05(K)(4)(a) of the Sign Ordinance requires wall signs to only be permitted on a designated first floor sign band.

Mr. Miller said strict compliance with the ordinance would not prevent the petitioner from using the property as permitted and would only require moving the awning or cutting a piece from the awning in order to place the sign within the required signage band. He continued that the problem was self-created likely by the building owner, and would set a negative precedent for future consideration of signs and sign bands in the City.

For those reasons, Mr. Miller moved to deny the petition.

Mr. Canvasser agreed with Mr. Miller and said he was unsure why the Planning Board approved this awning, since it blocked the signage required for the various tenants. He said the Design Review Board was correct in noting the issue with the awning's approval by the Planning Board.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Miller, Morganroth, Lilley, Canvasser, Lillie, Hart, Reddy Nays: None

T# 05-37-19

2) 1165 HILLSIDE Appeal 19-17

Assistant Building Official Zielke explained the owner of the property known as 1165 Hillside request the following variance to renovate the existing front roof line and construct an addition to an existing non-conforming home:

A. Chapter 126, Article 2, Section 2.06 of the Zoning Ordinance requires a minimum front yard setback is the average of the homes within 200 feet in each direction. The required front yard setback for this property is 53.40 feet. The existing and proposed is 41.30 feet; therefore, a variance of 12.10 feet is requested.

Assistant Building Official Zielke added:

- The applicant proposes to construct a new one story addition with renovations to the home and a new detached garage.
- The existing one story home was constructed in 1959 on this irregular shaped corner lot.
- This property is zoned R1 Single Family Residential.
- The applicant was made aware that their proposed addition would add to the existing non-conformity and that the unusual lot made the process difficult.
- The applicant attempted to mitigate the non-conformity.
- The majority of the 12.10 feet variance was because of the existing non-conformity. Only 2.90 feet would be added to the existing non-conformity.

• The variance cannot be made any smaller because of the distance from the garage and it cannot be shifted back because of the rear setback.

Robert Denton, contractor, spoke on behalf of the petitioner. He stated:

- He had met with both Assistant Building Official Zielke and Building Official Johnson about this project a number of times to try and mitigate the variance.
- His clients would like to continue living in Birmingham and they have a special needs child they would like to keep in the home.
- The way the ceiling clips on the garage is not livable space without raising the existing wall.
- Even without the walk-in closet in the planned bedroom the 2.90 foot variance would be necessary to allow keep the room usable, allow the child some distance from the main part of the house, and to keep him closer to his parents. Without the closet in the bedroom there would not be room for a closet in that part of the house.

Motion by Mr. Miller

Seconded by Mr. Morganroth with regard to Appeal 19-17, A. Chapter 126, Article 2, Section 2.06 of the Zoning Ordinance requires a minimum front yard setback is the average of the homes within 200 feet in each direction. The required front yard setback for this property is 53.40 feet. The existing and proposed is 41.30 feet; therefore, a variance of 12.10 feet is requested.

Mr. Miller said he was initially skeptical regarding the request, but after looking at the house and its relation to its neighbors he was moving to support the appeal. He said the problem is due to the orientation of the house on the unusual lot. The proposed changes to the home would do substantial justice to the neighborhood. Maintaining strict adherence to the ordinance would be unnecessarily burdensome due to the oddly shaped lot.

For those reasons, Mr. Miller moved to approve the petition and tie it to the plans as submitted.

Mr. Morganroth said he would also support the motion because the applicant made significant efforts to mitigate the need for the variance and that the oddity of the lot made it difficult to conform to the ordinance.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Miller, Canvasser, Morganroth, Lilley, Lillie, Hart, Reddy Nays: None

T# 05-38-19

3) 1645 BUCKINGHAM Appeal 19-18

Assistant Building Official Morad explained the owner(s) of the property known as 1645 Buckingham request the following variances to construct a second floor addition to an existing nonconforming home:

A. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires the total of both side yard setbacks for this property is 20.00 feet. The existing and proposed total side yard setbacks is 15.70 feet; therefore, a 4.30 variance is requested.

B. Chapter 126, Article 4, Section 4.74 (C) of the Zoning Ordinance requires a minimum distance between principal residential buildings for this lot to be 20.00 feet. The existing and proposed distance is 15.80 feet, therefore a variance of 4.20 is requested.

Assistant Building Official Morad also explained that the applicant proposes to construct a new second story addition on the existing nonconforming home. The existing one story home was constructed in 1940 on this lot. This property is zoned R1 – Single Family Residential. He confirmed the applicant's plans would be staying within the existing plane of the house.

Nancy Martins, applicant, verified that the BZA received the two letter of support from her neighbors, which the BZA had. She noted that her home is the only ranch in the neighborhood so the addition would be beneficial to the neighborhood and that the home was non-compliant at purchase. She said that indenting the second floor would be unsightly.

Glenda Meads, architect for the applicant, said the bedroom would not be a usable size without the requested variances. Ms. Mead confirmed she had selected the most efficient stair design to mitigate the request as much as possible.

Motion by Mr. Canvasser

Seconded by Mr. Morganroth with regard to Appeal 19-18, A. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires the total of both side yard setbacks for this property is 20.00 feet. The existing and proposed total side yard setbacks is 15.70 feet; therefore, a 4.30 variance is requested; and B. Chapter 126, Article 4, Section 4.74 (C) of the Zoning Ordinance requires a minimum distance between principal residential buildings for this lot to be 20.00 feet. The existing and proposed distance is 15.80 feet, therefore a variance of 4.20 is requested.

Mr. Canvasser believes strict compliance with the ordinance would unreasonably restrict the homeowner from using the property for its permitted purpose, the variances would do substantial justice to the petitioner and to the neighboring property owners, the need for the variance is not self-created, the non-conformity will not be expanded, and a stepped-in second story would lead to an unusable bedroom.

For those reasons, Mr. Canvasser moved to approve the petition and tie it to the plans as submitted.

Mr. Miller agreed with Mr. Canvasser and said the proposed improvements would be very positive to the home and would make the house more in-line with the surrounding neighborhood.

Mr. Hart said he would support the motion as the necessity for the variances was well demonstrated and the proposed changes would allow the house to remain in place without having to demolish the home entirely. He said it would be a tremendous enhancement to the neighborhood.

Chairman Lillie said he would also support the motion for all the aforementioned reasons.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Canvasser, Morganroth, Miller, Lilley, Lillie, Hart, Reddy Nays: None

T# 05-39-19

5. CORRESPONDENCE (included in agenda packet)

T# 05-40-19

6. GENERAL BUSINESS

1) Election of Chairperson and Vice Chairperson

Chairman Charles Lillie retained his position as Chair and Jason Canvasser and Erik Morganroth will co-occupy the Vice-Chair position.

T# 05-41-19

7. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA (no one from the public wished to comment)

T# 05-42-19

8. ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 8:14 p.m.

Bruce R. Johnson, Building Official

1. CALL TO ORDER

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, June 9, 2020. Chairman Charles Lillie convened the meeting at 7:30 p.m.

2. ROLLCALL

- **Present:** Chairman Charles Lillie; Board Members Jason Canvasser, Kevin Hart (arrival acknowledged by the Chair at 7:52 p.m.), Richard Lilley, John Miller, Erik Morganroth, Francis Rodriguez
- Absent: Alternate Board Members Jerry Attia; Ron Reddy

Administration:

Bruce Johnson, Building Official Eric Brunk, I.T. Manager Brooks Cowan, City Planner Laura Eichenhorn, Transcriptionist Mike Morad, Asst. Building Official Jeff Zielke, Asst. Building Official

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

Chairman Lillie took rollcall of the petitioners. All petitioners were present. Chairman Lillie explained the meeting was being held virtually due to the Covid-19 pandemic. He explained the procedures that would be followed for the virtual meeting.

T# 06-31-20

3. APPROVAL OF THE MINUTES OF THE BZA MEETING OF MAY 12, 2020

Motion by Mr. Morganroth Seconded by Mr. Lilley to accept the Minutes of the BZA meeting of May 12, 2020 as submitted.

Motion carried, 6-0.

ROLL CALL VOTE Yeas: Morganroth, Lilley, Lillie, Canvasser, Rodriguez, Reddy Nays: None

T# 06-32-20

4. APPEALS

1) 501 S. Eton Appeal 20-22

City Planner Cowan presented the item, explaining that the owner of the property known as 501 S. Eton requests the following dimensional variance regarding parking requirements in the MX Zone:

A. Chapter 126, Article 4, Section 4.46(A) states that off-street parking spaces are required based on land use or land uses for the site, and that the number of spaces required per land use is detailed in Table A. Chapter 126, Article 4, Table A requires eating establishments with combined indoor-outdoor consumption to provide 1 parking space for each 75 square feet of floor area and 1 parking space per 300 square feet of commercial office or retail use.

The subject property currently has a total of 21 parking spaces. 13 parking spaces are located on site while an additional 8 parking spaces in the public right-of-way were approved by City Commission in 2007. The Whistle Stop restaurant is one of three tenant spaces in the subject building, the other two spaces are currently vacant. Whistle Stop occupies 1,494 square feet and therefore requires 20 parking spaces as an eating establishment. This requirement leaves one remaining parking space for the two vacant tenant spaces on the southern portion of the building.

The applicant is proposing to combine two tenant spaces and expand Whistle Stop into 2,554 square feet of restaurant use. Doing so would require 34 parking spaces for the eating establishment. The remaining 1,175 square foot tenant space is currently vacant, though if used for office/retail would require an additional 4 parking spaces. Assuming the aforementioned uses for the subject building, a total of 38 parking spaces would be required for the two tenant spaces. Therefore, the applicant has requested a dimensional variance of 17 parking spaces.

City Planner Cowan noted the subject property was built in 1968 and is zoned MX, Mixed Use. At the time of construction, the building was zoned (I) Industrial and had a parking requirement of 2 parking spaces + 1 square foot of parking space per 1 square foot of building space over 2,001 square feet. The building is 3,729 square feet and therefore was required to provide a total of 12 parking spaces when originally constructed. In 1974, the Zoning Ordinance was amended to require food services to provide 1 parking space per 75 square feet of floor area, therefore creating a legal conformity for the subject property.

The applicant appeared before the Planning Board on January 22nd, 2020. The Planning Board expressed their support for the project and motioned to approve the Final Site Plan and Design Review with the condition that the applicant satisfy the parking requirements through either a shared parking agreement or by obtaining a variance from the Board of Zoning Appeals

The Xhomaqis, owners, Jerome Pesick, attorney, and Jawan Matti, architect, were present on behalf of the petition. Mr. Pesick spoke on behalf of the petition.

Mr. Pesick stated that while the Xhomaqis still have an informal parking agreement with Norman LePage, owner of Griffin Claw, the two parties had not been able to reach a formal parking agreement since the appellants' appearance at the May 2020 BZA meeting. Mr. Pesick said that Mr. LePage remains in favor of the Whistle Stop's proposed updates.

On behalf of the appeal Mr. Pesick also reached out to Dominic Moceri, owner of the Irongate Apartments, who expressed his resounding support for the proposed project and offered to share any of their available on street parking with the Whistle Stop. Mr. Pesick stated that the City's Building Department indicated that that kind of shared parking arrangement would not be permitted.

In reply to the Chair, Mr. Pesick said the Xhomaqis estimate that about 50% of their customers walk to the diner in the summer. Mr. Pesick also noted that Mr. Moceri said in an email that the Whistle Stop's proximity to the Irongate Apartments is a draw for potential tenants, which he said further proves that there is substantial appeal for nearby residents to walk to the diner.

Rick Rattner, attorney for Mr. LePage, stated that Mr. LePage would strongly urge the BZA to grant the requested variance to the appellants. Mr. Rattner said that the Xhomaqis have been great neighbors to the Griffin Claw and that can continue. According to Mr. Rattner, current circumstances prevent Mr. LePage from doing more than being a vocal supporter of the appeal and continuing the informal parking arrangement. Mr. Rattner stated that granting the variances would be in support of the health, safety and welfare of the rail district residents and Birmingham residents overall.

Motion by Mr. Rodriguez

Seconded by Mr. Canvasser with regard to Appeal 20-22, A. Chapter 126, Article 4, Section 4.46(A) states that off-street parking spaces are required based on land use or land uses for the site, and that the number of spaces required per land use is detailed in Table A. Chapter 126, Article 4, Table A requires eating establishments with combined indoor-outdoor consumption to provide 1 parking space for each 75

square feet of floor area and 1 parking space per 300 square feet of commercial office or retail use. The subject property currently has a total of 21 parking spaces. 13 parking spaces are located on site while an additional 8 parking spaces in the public right-of-way were approved by City Commission in 2007. The Whistle Stop restaurant is one of three tenant spaces in the subject building, the other two spaces are currently vacant. Whistle Stop occupies 1,494 square feet and therefore requires 20 parking spaces as an eating establishment. This requirement leaves one remaining parking space for the two vacant tenant spaces on the southern portion of the building. The applicant is proposing to combine two tenant spaces and expand Whistle Stop into 2,554 square feet of restaurant use. Doing so would require 34 parking spaces for the eating establishment. The remaining 1,175 square foot tenant space is currently vacant, though if used for office/retail would require an additional 4 parking spaces. Assuming the aforementioned uses for the subject building, a total of 38 parking spaces would be required for the two tenant spaces. Therefore, the applicant has requested a dimensional variance of 17 parking spaces.

Mr. Rodriguez moved to grant Appeal 20-22 and to tie it to the plans as submitted. He said that a practical difficulty was established and that the need for the variance is not self created. He said the variance was necessary due to the unique size, shape, and characteristics of the property, as well as its relation to the neighboring properties. Mr. Rodriguez said granting the variance would do substantial justice to the public.

Mr. Canvasser said he agreed with Mr. Rodriguez. He asked Mr. Pesick and Mr. Rattner to keep dialogue open regarding the possibility of a more formal shared parking agreement in the future.

Chairman Lillie said he would be voting against the motion due to concerns about insufficient parking.

Mr. Hart said he would be voting in favor of the motion. He said the appellant had amply demonstrated practical difficulty. Mr. Hart also noted that since the restaurant is frequented by pedestrians, he was less concerned about potential parking issues. He commended the Xhomaqis for wanting to update their space both for the comfort of their employees and to achieve ADA compliance.

Motion carried, 5-2.

ROLL CALL VOTE Yeas: Rodriguez, Canvasser, Hart, Lilley, Miller Nays: Lillie, Morganroth

2) 1602 Cole Appeal 20-16 Assistant Building Official Zielke presented the item, explaining that the owner of the property known as 1602 Cole, was requesting the following variances to construct a detached garage:

A. Chapter 126, Article 4, Section 4.03(G) of the Zoning Ordinance requires that the maximum building height for accessory structures in R3 District is 14.50 feet to the midpoint. The proposed mid-point is 15.50 feet. Therefore a variance of 1.00 feet is being requested.

B. Chapter 126, Article 4, Section 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 a 10.00 foot interior dimension, whichever is greater. The proposed dormer width on the east side is 100% of the width of the roof, therefore a variance of 50% of the width is being requested.

Assistant Building Official Zielke noted the applicant was in front of the board in March 2020 for variances for this proposed detached garage. This appeal was tabled at that time so the appellant could rework the design. This property is zoned R3 – Single Family Residential.

Craig Ludwig reviewed the letter to the BZA, as included in the evening's agenda packet, outlining his request for the variances.

Motion by Mr. Canvasser

Seconded by Mr. Rodriguez with regard to Appeal 20-16, A. Chapter 126, Article 4, Section 4.03(G) of the Zoning Ordinance requires that the maximum building height for accessory structures in R3 District is 14.50 feet to the mid-point. The proposed mid-point is 15.50 feet. Therefore a variance of 1.00 feet is being requested. B. Chapter 126, Article 4, Section 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 a 10.00 foot interior dimension, whichever is greater. The proposed dormer width on the east side is 100% of the width of the roof, therefore a variance of 50% of the width is being requested.

Mr. Canvasser moved to deny the requested variances. He said the need for the variances was self-created and that strict compliance with the ordinance would not unreasonably limit the petitioner's use of the property.

Mr. Morganroth acknowledged MSG Ludwig's efforts to mitigate the extent of the variance requests. He also expressed admiration for the design of the proposed garage, saying he could understand why MSG Ludwig would pursue it. Mr. Morganroth stated that while he admired the design, the BZA must grant or deny variances according to whether the need for the variances is self-created. Mr. Morganroth said he agreed with Mr. Canvasser that the need for the variances was self-created in this case, and said for that reason he was obligated to support the motion.

Mr. Miller expressed agreement with the previous statements that the issue was selfcrated.

Motion carried, 6-1.

ROLL CALL VOTE Yeas: Miller, Lilley, Morganroth, Rodriguez, Canvasser, Lillie Nays: Hart

3) 1884 W Melton Appeal 20-27

Assistant Building Official Zielke presented the item, explaining that the owner of the property known as 1884 W Melton, requests the following variances to construct a new single family home with an attached garage:

A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. The required distance is 20.00 feet. The proposed is 15.72 feet. Therefore, a variance of 4.28 feet is being requested on the West side.

B. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. The required distance is 20.00 feet. The proposed is 16.06 feet. Therefore, a variance of 3.94 feet is being requested on the East side.

Assistant Building Official Zielke noted the applicant was proposing to construct a new home with an attached garage. The site meets the zoning requirements with the exception of the requested variances mentioned above. This property is zoned R2 – Single Family Residential.

Patrick Raye, builder, and Alex Karchon, owner, were present on behalf of the appeal.

Mr. Karchon stated that the lot width of 1854 Melton is 107 feet.

Steve Gunderson, across-the-street neighbor of 1884 W Melton, stated that he was in full support of the proposal and said he thought it would benefit the neighborhood.

Motion by Mr. Rodriguez

Seconded by Mr. Morganroth with regard to Appeal 20-27, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. The required distance is 20.00 feet. The proposed is 15.72 feet. Therefore, a variance of 4.28 feet is being requested on the West side. B. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. The required distance is 20.00 feet. The proposed is 16.06 feet. Therefore, a variance of 3.94 feet is being requested on the East side.

Mr. Rodriguez moved to approve both variances and to tie them to the plans as submitted. He stated that the petitioner established practical difficulty and noted that the property has unique circumstances due to the non-conforming homes to both the east and the west. Mr. Rodriguez also noted the need for the variance is not self-created.

Mr. Miller observed that granting the appeal would actually increase conformity in the neighborhood. He said he would support the motion.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Rodriguez, Morganroth, Miller, Hart, Lilley, Canvasser, Lillie Nays: None

4) 1165 Hillside Appeal 20-28

Assistant Building Official Zielke presented the item, explaining that the owner of the property known as 1165 Hillside, requests the following variances to construct a new single family home with a detached garage:

A. Chapter 126, Article 2, Section 2.08 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 53.20 feet. The proposed is 41.20 feet. Therefore a 12.00 foot variance is being requested.

B. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that a private, attached, single-family residential garages must be setback a minimum 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The proposed is the garage is 2.33 feet in front of the furthest façade. Therefore a variance of 7.33 feet is being requested.

Assistant Building Official Zielke noted the applicant proposed to construct a new home with an attached and detached garage on this irregular shaped corner lot. This property is zoned R1 – Single Family Residential.

Chairman Lillie expressed his belief that the Board needed more information to discuss this appeal. He said that normally when there is a setback issue the Board receives a drawing of the distances of the homes from the street. He said that while often there is uniformity, occasionally there is one home with a vastly different front setback which could throw off the front setbacks for the street. Mr. Miller agreed.

Mr. Morganroth agreed, and added that the Board should also receive a drawing of the building envelope to see what is available in terms of space on the lot.

Brain Neeper, architect, was present on behalf of the appeal.

Mr. Morganroth said it was conceivably possible to get the information he needed from the pending discussion.

Mr. Miller said that while it would not be impossible to proceed, he noted that there would likely be controversy regarding this house from other residents in the neighborhood. He said without a drawing that shows the house in relation to the other houses on the street the Board's determination would be more difficult to reach.

Mr. Hart said that without more detailed drawings it would be very difficult to support this appeal. He noted that there are unique circumstances to the lot and that it would benefit the appellant for those to be rendered more clearly.

Motion by Mr. Miller

Seconded by Mr. Morganroth with regard to Appeal 20-28, A. Chapter 126, Article 2, Section 2.08 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 53.20 feet. The proposed is 41.20 feet. Therefore a 12.00 foot variance is being requested. B. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that a private, attached, single-family residential garages must be setback a minimum 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The proposed is the garage is 2.33 feet in front of the furthest façade. Therefore a variance of 7.33 feet is being requested.

Mr. Miller moved to table Appeal 20-28 until the July 2020 regular BZA meeting. He requested that the appellant submit an expanded site plan that shows the homes up to Lincoln and the homes across the street for the Board's review.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Miller, Morganroth, Hart, Lilley, Rodriguez, Canvasser, Lillie Nays: None

5) 515 Westwood Appeal 20-29

Assistant Building Official Zielke presented the item, explaining that the owner of the property known as 515 Westwood, requests the following variances to construct an addition the existing nonconforming home:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires a minimum rear yard setback is 30.00 feet. The proposed is 23.13 feet. Therefore, a variance of 6.87 feet is being requested.

B. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting 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 is 22.56 feet. The proposed is 17.06 feet, therefore a variance is 5.50 feet.

Assistant Building Official Zielke noted the applicant was requesting variances to construct an addition to the existing home that was granted variances in 2014 and 2005. The variance that was granted in 2005 was not constructed, which this proposed variance is similar in nature that requested. This property is zoned R1 – Single Family Residential.

Ron Stern, builder, and Michael Dresden, owner, were present on behalf of the petition.

Mr. Stern reviewed the letter to the BZA, as included in the evening's agenda packet, outlining his request for the variances.

Motion by Mr. Morganroth

Seconded by Mr. Canvasser with regard to Appeal 20-29, A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires a minimum rear yard setback is 30.00 feet. The proposed is 23.13 feet. Therefore, a variance of 6.87 feet is being requested. B. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting 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 is 22.56 feet. The proposed is 17.06 feet, therefore a variance is 5.50 feet.

Mr. Morganroth moved to deny the variance requests. He said that while he understood the desire for the variances the need for it was self-created. He said that the proposed spaces in the plans are generous, and that some of those spaces could be reduced to achieve additional mitigation.

Chairman Lillie said he would support the motion to deny. He noted that the BZA is traditionally very judicious about not giving variances for the rear setback. He acknowledged that there was a variance granted allowing building into the rear setback in 2005, but opined that said variance would not have been granted had all regular members of the BZA been present for the vote that night.

Mr. Miller said he looked for another justification for these variances beyond selfcreation and said he was unable to find one. He said for that reason he would support the motion.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Morganroth, Canvasser, Hart, Lilley, Lillie, Miller, Rodriguez Nays: None

6) 1055 Larchlea Appeal 20-30

Assistant Building Official Zielke presented the item, explaining that the owner of the property known as 1055 Larchlea was requesting the following variance to expand the impervious surface in the required front open space:

A. Chapter 126, Article 4, Section 4.31(A)(1) of the Zoning Ordinance requires a minimum of 65% of the front open space in all single-family districts shall be free of paved surfaces. The required is 65%(2120.00 sf) The proposed is 59%(1932.00 sf). Therefore, a variance of 6.00%(188.00sf) is being requested.

Assistant Building Official Zielke noted the applicant was requesting additional paving in the required front yard. The home was issued a permit in 2018 and is currently still under construction. This property is zoned R1 – Single Family Residential.

Matt Whetstone, landscape architect, reviewed the letter to the BZA, as included in the evening's agenda packet, outlining his request for the variance.

In reply to Mr. Morganroth, Mr. Whetstone confirmed that granting the variances would make the turn into the driveway a bit easier and would allow the resident the exit their vehicle onto hardscape instead of onto grass. He said he hoped the Board would be amenable to granting the variances since while the front yard would exceed the allowed amount of hardscape, the plans overall would provide for more open space than the ordinance requires. He conceded that while these would be improvements for the resident, they could not be described as hardships.

Nitin Paranjpe, resident to the south of 1055 Larchlea, said that gravel from Larchlea gets washed down the hill and ends up on Lincoln. He said it is making ruts on the streets where City property meets the road. Mr. Paranjpe said granting a variance to allow for an increase in hardscape only for resident preference would be unreasonable. He continued that the City should limit the resident of 1055 Larchlea to the ordinance-allowed amount of hardscape in order to prevent water from running into Mr. Paranjpe's yard. People turning from Larchlea onto Lincoln sometimes skid in their vehicles due to the accumulation of gravel at the bottom of the hill, which he said causes a safety issue as well.

Motion by Mr. Rodriguez

Seconded by Mr. Lilley with regard to Appeal 20-30, A. Chapter 126, Article 4, Section 4.31(A)(1) of the Zoning Ordinance requires a minimum of 65% of the front open space in all single-family districts shall be free of paved surfaces. The required is 65%(2120.00 sf) The proposed is 59% (1932.00 sf). Therefore, a variance of 6.00% (188.00sf) is being requested.

Mr. Rodriguez moved to deny the requested variance. He cited Mr. Whetstone's acknowledgment that there was no practical difficulty that would necessitate the variance. Mr. Rodriguez said the need was self-created.

Mr. Miller also cited Mr. Whetstone's statement that the variance request was a result of preference and not of hardship. He said that once that is stated the Board has no other choice than to deny the request.

Chairman Lillie said he agreed. He noted that even if Mr. Whetstone had not made the statement there was no proof that a practical difficulty was motivating this request.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Rodriguez, Lilley, Lillie, Miller, Morganroth, Canvasser, Hart Nays: None

T# 06-33-20

- 5. CORRESPONDENCE (included in agenda)
 - T# 06-34-20

6. GENERAL BUSINESS

T# 06-35-20

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

T# 06-36-20

8. ADJOURNMENT

Motion by Mr. Canvasser Seconded by Mr. Lilley to adjourn the June 9, 2020 BZA meeting at 9:44 p.m.

Motion carried, 7-0.

ROLL CALL VOTE Yeas: Canvasser, Lilley, Miller, Hart, Morganroth, Rodriguez, Lillie Nays: None

Bmill

Bruce R. Johnson, Building Official

CASE DESCRIPTION

564 Ridgedale

Hearing date: July 26, 2022

- **Appeal No. 4:** The owner of the property known **564 Ridgedale**, requests the following variance to construct a patio in the side yard:
- A. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space.
 A proposed patio is projecting into the east required side open space 5.03 feet; therefore, a variance of 5.03 feet is requested.

Staff Notes: The applicant is looking to construct a patio in the required side yard. The existing home was constructed in 1923 and there was a permit for interior/exterior work in 2015. This property consists of one and a half lots.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP Assistant Building Official



CITY OF BIRMINGHAM

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Community Development - Building Department

151 Martin Street, Birmingham, MI 48009

Community Development: 248-530-1850

Fax: 248-530-1290 / www.bhamgov.org

APPLICATION FOR THE BOARD OF ZONING APPEALS

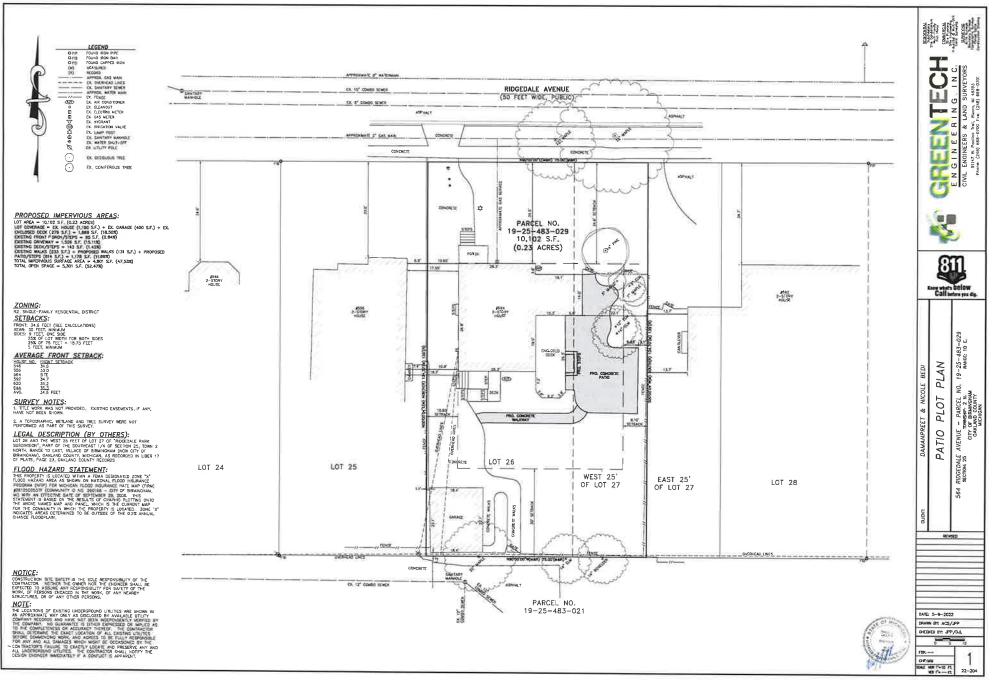
Application Date: May 10, 2022					Hearing Date: 7-12.22
Received By:					- OP
	cerpretation	Dimensional	Land Use	Sign	Appeal #:Admin Review
I. PROPERTY INFORMATION:					
Address: 564 Ridgedale Av	'e	Lot Number:		Sidwell Number:	
II. OWNER INFORMATION:					
Name: Nicole Bedi					
Address: 564 Ridgedale Av	e	City: Birmi	ngham	State: MI	Zip code: 48009
Email:* nicolebedi@gmail.co				Phone: 617-8	
III. PETITIONER INFORMATION:		0.1			21-0039
Name:		Firm/Compa	iny Name:		
Address:		City:		State:	Zip code:
Email:				Phone:	
IV. GENERAL INFORMATION:					
The Board of Zoning Appeals typica on or before the 12 th day of the mo To insure complete applications are Official and/or City Planner for a pr how all requested variances must b survey and plans including a table a The BZA application fee is \$360.00 be posted at the property at least 1 Requested Variances	onth preceding the n e provided, appellant eliminary discussion be highlighted on the is shown in the exam for single family resid	ext regular meeting ts must schedule a of their request ar survey, site plan a nple below. All dim dential; \$560.00 fo scheduled hearing of Variance Ch	g. Please note that inco pre-application meetin Id the documents that v nd construction plans. I ensions to be shown in r all others. This amoun	mplete application g with the Building vill be required to l Each variance requi feet measured to t	s will not be accepted. Official, Assistant Building be submitted. Staff will explain est must be clearly shown on the he second decimal point.
Variance A, Front Setback	25.00 Feet) Feet	23.50 Feet	1.50 Feet
Variance B, Height V. REQUIRED INFORMATION CHECK	30.00 Feet	30.2	5 Feet	30.25 Feet	0.25 Feet
 One original an One original an 10 folded copie 	d nine copies of the sof site plan and b oard decision, 10 o oner designated belo conform to all appl ge. Changes to the p	ne signed letter or ne certified survey building plans inc copies of the min we to act on behalf licable laws of the C plans are not allowe	f practical difficulty a / luding existing and p utes from any previo of the owner. City of Birmingham. All	information submi m the Building Offi o not wish to receiv	tted on this application is
Revised 10.11.21			MAY 1 CITY OF BII COMMUNITY DEV	MINGHAM	Τ.

564 Ridgedale Ave Variance Chart:

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Requested Variance	Required	Existing	Proposed	Variance Amount
Back, East side yard	8.13 ft	8.13 ft	3.1 ft	5.03ft



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May 9, 2022

Birmingham Board of Zoning Appeals 151 Martin Street Birmingham, MI 48009

Dear Members of Birmingham Board of Zoning Appeals (Mr. Canvasser, Mr. Hart, Mr. Lillie, Mr. Miller, Mr. Morganroth, Mr. Reddy, and Mr. Yaldo):

Thank you for your service to the City of Birmingham. We greatly appreciate your consideration of this request to allow a variance of zoning ordinance for our home on 564 Ridgedale Avenue.

My husband and I own a Poppleton Park colonial, built in 1923. As old houses often go, our home doesn't conform to modern standards. Our house is not centered on the property. Instead, it is off-set on the northeast corner of the lot, which leaves a large space on the side of our home. There's an egress on that side, leading out to a screened porch. As is the allure of our neighborhood, there are several mature trees between our property and that of our neighbors - but all of the shade prevents any viable landscaping on that side. Ever since we purchased this house in 2015, the entire area has been an unruly patch of dirt, visible to our neighbors from the street and unusable by us.

As the pandemic continues and we move to socializing outside, we wanted to turn the unused space and eyesore of dirt into a small patio for our family to enjoy. With the egress from the house, it is the most logical and usable place for a patio. Unfortunately, the side yard ordinance limiting the patio will prohibit this space from being usable or wide enough to accommodate outdoor furniture.

Moving the patio to alternate parts of the property would come at the expense of a great deal of green space, which is a commodity of great value in Birmingham lots. Furthermore, our home backs up to commercial space (the Kroger parking lot, Generations OB/GYN medical office building, and the Birmingham water tower), so relocating the patio would sacrifice privacy as well (given this is a considerable foot traffic area). Moving the patio location also does not solve the problem of the egress to the home, nor the eyesore of the unmanageable dirt patch resulting from the shaded area of the mature trees.

We look forward to your visit to our home. We know that you will see that this zoning variance will allow our family:

- Much needed privacy from the commercial abutment of our property
- Adequate egress from the side door of our home
- Beautification of the landscaping problem, adding potential value to not only our, but our neighbors', homes.
- A welcoming space for friends and neighbors to socialize, celebrate milestones and create memories.

We look forward to working with you to resolve this issue. Thank you in advance for considering our circumstances.

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Sincerely,

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Nicole Bedi

CITY OF BIRMINGHAM BOARD OF ZONING APPEALS RULES OF PROCEDURE

ARTICLE I - Appeals

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

Revised 10.11.21

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

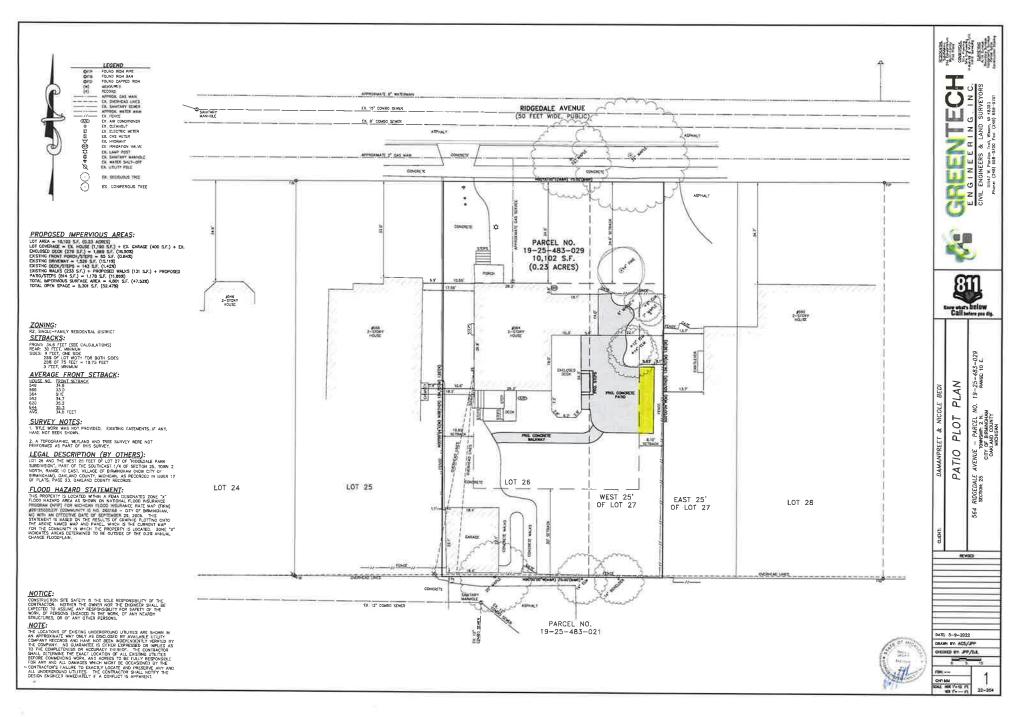
A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.

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

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

Signature of Applicant

S.B.



CASE DESCRIPTION

269 Southlawn

Hearing date: July 26, 2022

- **Appeal No. 5:** The owner of the property known **269 Southlawn**, requests the following variance to construct a new detached garage.
- A. Chapter 126, Article 4, Section 4.03(B) of the Zoning Ordinance does not permit accessory building to be constructed closer to a principal building on an adjoining lot than the sum of the minimum required side setbacks as determined in Section 4.74. The required distance is 14.00 feet. The Proposed is 12.77 feet. Therefore, a variance of 1.23 feet is being requested.

Staff Notes: The applicant is looking to demolish their existing deteriorating garage and to construct a new garage in the same location.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP Assistant Building Official



CITY OF BIRMINGHAM

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

Community Development: 248-530-1850

Fax: 248-530-1290 / www.bhaingov.org

Hearing Date:

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date:

Type of Variance:	Interpretation		imensional	Land Use	Sign Sign	Admin Review
I. PROPERTY INFORMA	TION:					
Address: 71.6 F	- un lavata		Lot Number:		Sidwell Number:	19-36-451-021
LOWNER INFORMATIO	bouth lawn				المستعمد الم	11-30 901-061
Name: Vince	Deforme					
Address: 269.E	. Southlau	Nn	City: BIC	minham	State: MI	Zip code: 48209
mail: Vde.000	reth	ome.	States and the second second		Phone: 904	1-318-7669
I. PETITIONER INFORM	ATION:	orno.(Jun	and the second		
Name: John D	epome		Firm/Comp	any Name: D.P.	ma Rild	Ins/11/2
Address: 1 Alar	Cruite	T	City D.	Cill	State: 11+	Zid code: 1/102.V/
41662	pr thu	Dr.	City: Blu	mbell	ME	44504
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City of Birmingham

Community Development – Building Department

151 Martin Street, Birmingham, MI 48009

RE: Dimensional Variance Letter for 269 E. Southlawn Garage

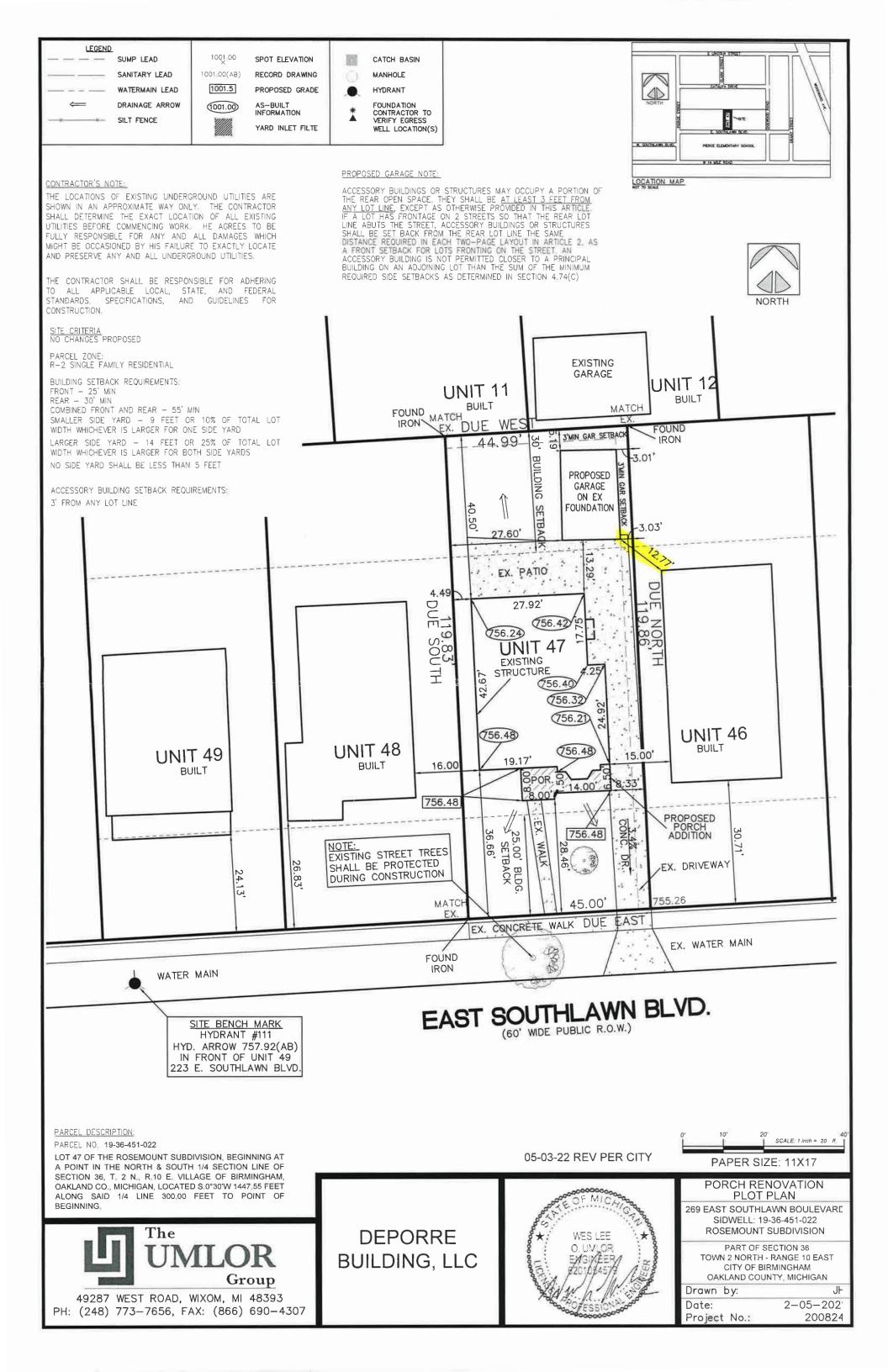
Dear Board of Zoning Appeals,

I am renovating my garage on 269 E. Southlawn and require a variance due to the current 12.47' from the principal building on the adjoining lot. As you know, a 14' minimum is required. My garage has not been moved since it was originally built, and I am keeping the original foundation for my renovation. When the home on the adjoining lot was renovated, it was allowed to encroach into the required setback.

I am requesting that my variance be granted because the garage is built with the existing condition and the variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.

Sincerely,

Vince DePorre 269 E. Southlawn Birmingham, MI 48009



CASE DESCRIPTION

2428 Northlawn

Hearing date: July 26, 2022

- **Appeal No. 6:** The owner of the property known **2428 Northlawn**, requests the following variances to construct an addition to an existing non-conforming home.
- A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is being requested.
- B. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested.
- C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Staff Notes: The applicant is looking to construct an addition to the existing non-conforming home that was constructed in 1950.

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP Assistant Building Official



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 5/93/17 APPLICATION FOR THE BOARD OF ZONING APPEALS						
Application Date: 22					Hearing Date	2.22
Received By: JZ					Appeal #:	32
Type of Variance:	erpretation	Dimensional	Land Use	Sign		min Review
I. PROPERTY INFORMATION:		in a star a new		The second second		
Address: 2428 North	awn Blvd.	Lot Number: 2	428	Sidwell Number:	-35-305-	NOA
II. OWNER INFORMATION:				108-19-	- 25- 205-	004
Name: Kent and	Shantih T	chuston			AND STORE STORE	
Address: 12.66 Norfo	IK CE	City: River	ingham	State: M1	Zip code: // Q/	0.00
Email:* KSLLT10	Vahoo_ Cor	1 · 0// //	ingram	Phone: 7 (1)	48(109
III. PETITIONER INFORMATION:	yunov- (vi	r - Islandrata		L4	8 941 325	6
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MAIL JUNIVIST				-		
1000 110170		City: BITM	Ingham	State: MI	Zip code: 480	the second se
	ac-com		5	Phone: 248	2056218	3
IV. GENERAL INFORMATION: The Board of Zoning Appeals typica						COMPANY /
To insure complete applications are Official and/or City Planner for a pre how all requested variances must b survey and plans including a table a The BZA application fee is \$360.00 f be posted at the property at least 1	eliminary discussion of e highlighted on the su s shown in the example or single family resider	their request and rvey, site plan and e below. All dimer ntial; \$560.00 for a	the documents that construction plans. isions to be shown ir ill others. This amou	will be required to b Each variance reque n feet measured to th	be submitted. Staff est must be clearly s he second decimal j	will explain shown on the point.
	T	Variance Cha				
Requested Variances	Required	Existi		Proposed	Variance A	mount
Variance A, Front Setback Variance B, Height	25.00 Feet 30.00 Feet	23.50		23.50 Feet 30.25 Feet	1.50 Fe	
V. REQUIRED INFORMATION CHECK		30.23		30.25 reet	0.25 Fe	et
 One original and One original and One original and 10 folded copies 	d nine copies of the s d nine copies of the s d nine copies of the s s of site plan and bui pard decision, 10 cop	signed letter of p certified survey Iding plans inclu	practical difficulty a ding existing and p	proposed floor plar	ns and elevations , or DRB board me	
VI. APPLICANT SIGNATURE						10 to 10
Owner hereby authorizes the petitio By signing this application, I agree to accurate to the best of my knowledg *By providing your email to the fity, y unsubscribe at any time. Signature of Owner: Signature of Petitioner:	conform to all applica	ble laws of the Cit	y of Birmingham, All	om the Building Offic do not wish to receive	aiol ex City Diaman	tion is 8 13 22
Revised 10.11.21		V				

CITY OF BIRMINGHAM i U

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

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

Kent and Shantih Johnston 1266 Norfolk St. Birmingham, MI 48009

May 23, 2022

RE: Variance requested for 2428 Northlawn Blvd, Birmingham

Board of Zoning Appeals,

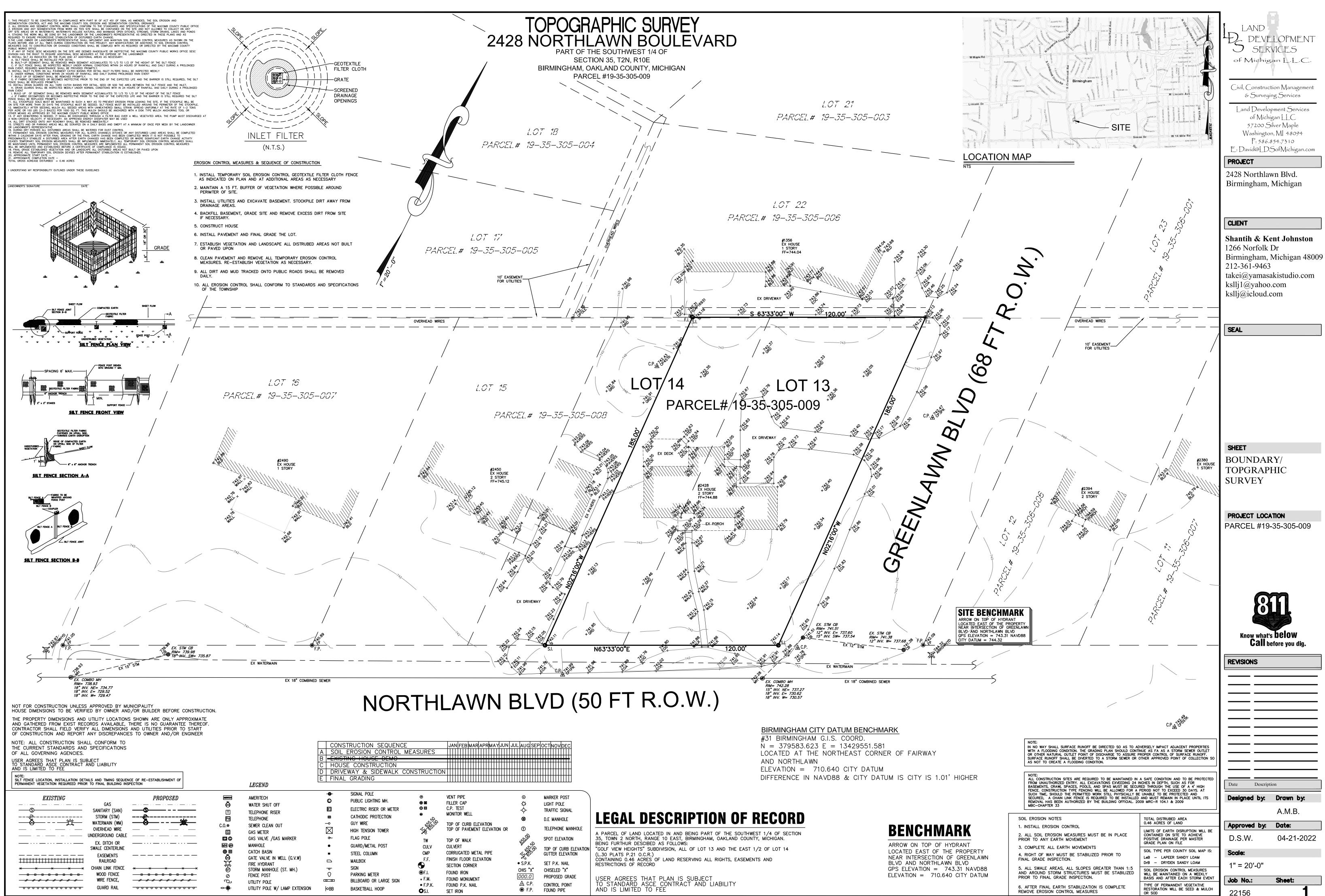
My husband and I have been residents of Birmingham for over 25 years. We've raised our family here and now that 2 of our 3 children have moved out, we've purchased a smaller house on 2428 Northlawn Blvd that will be our "forever" home. We are keeping the original footprint and adding a garage off the back that will be accessible from the adjacent side street (Greenlawn), as the house is on a corner lot. We plan to add many windows to the current structure to take advantage of the beautiful southern exposure facing the Birmingham Country Club golf course. We'd also like to add a master suite on the first level, so the house can be wheelchair accessible if/when needed. Here is the hardship: The house was built in 1951 at an angle on the property to begin with and is currently non-conforming on the west side setback. Our proposed addition will encroach LESS than the current non-conforming west wall. In addition, by moving the location of the garage to the back (east side), we are eliminating a non-conforming front setback of the current garage.

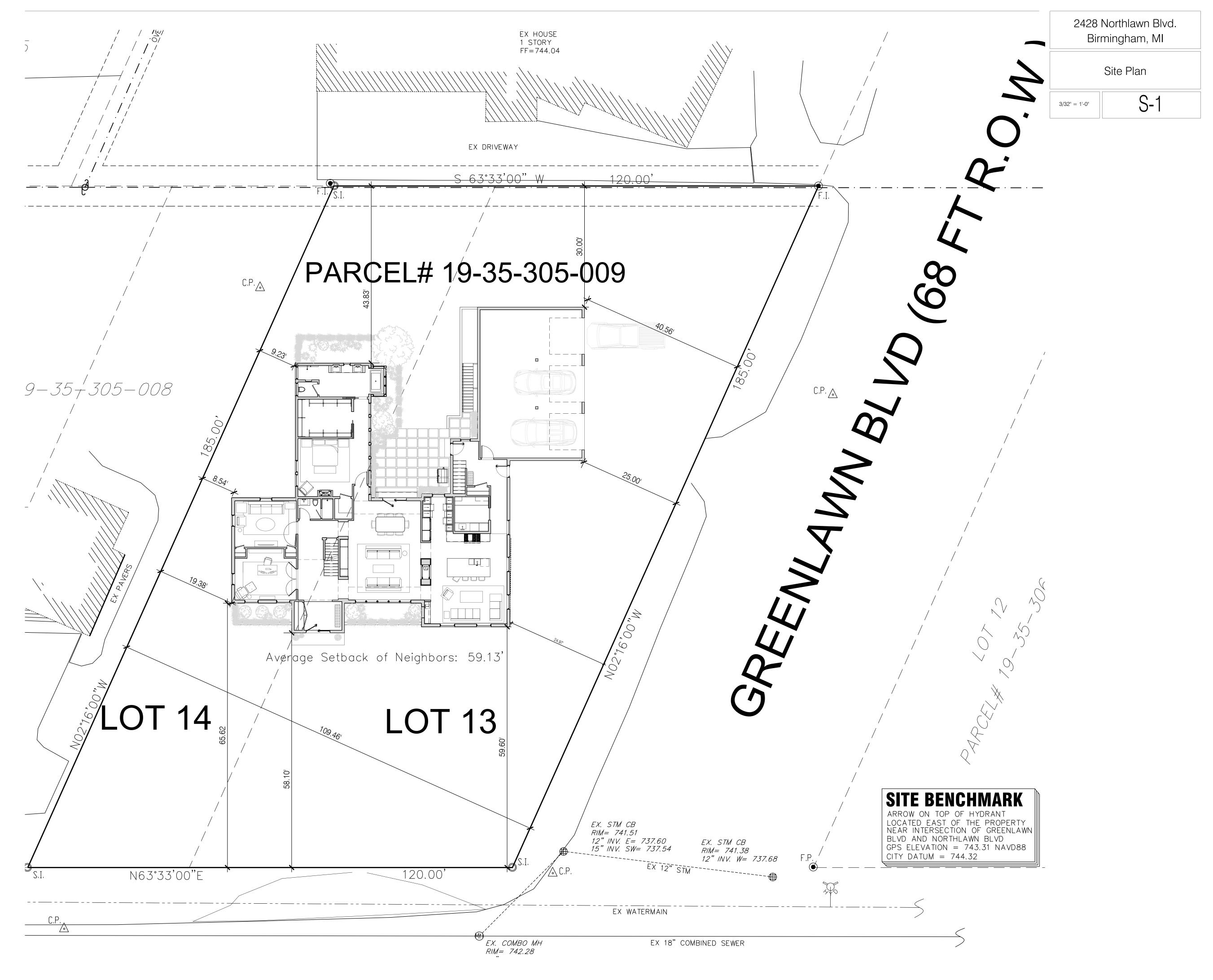
For the front setback variance, we'd like to add a foyer to the entrance which will provide more architectural interest/curb appeal and allow us to enter the front living space without stepping right into the staircase. The hardship for this is that the current layout leaves little room to enter the home and have space before the stairway begins (or for a wheelchair if needed). In addition, the home is very long and flat and could use some added dimension in the front.

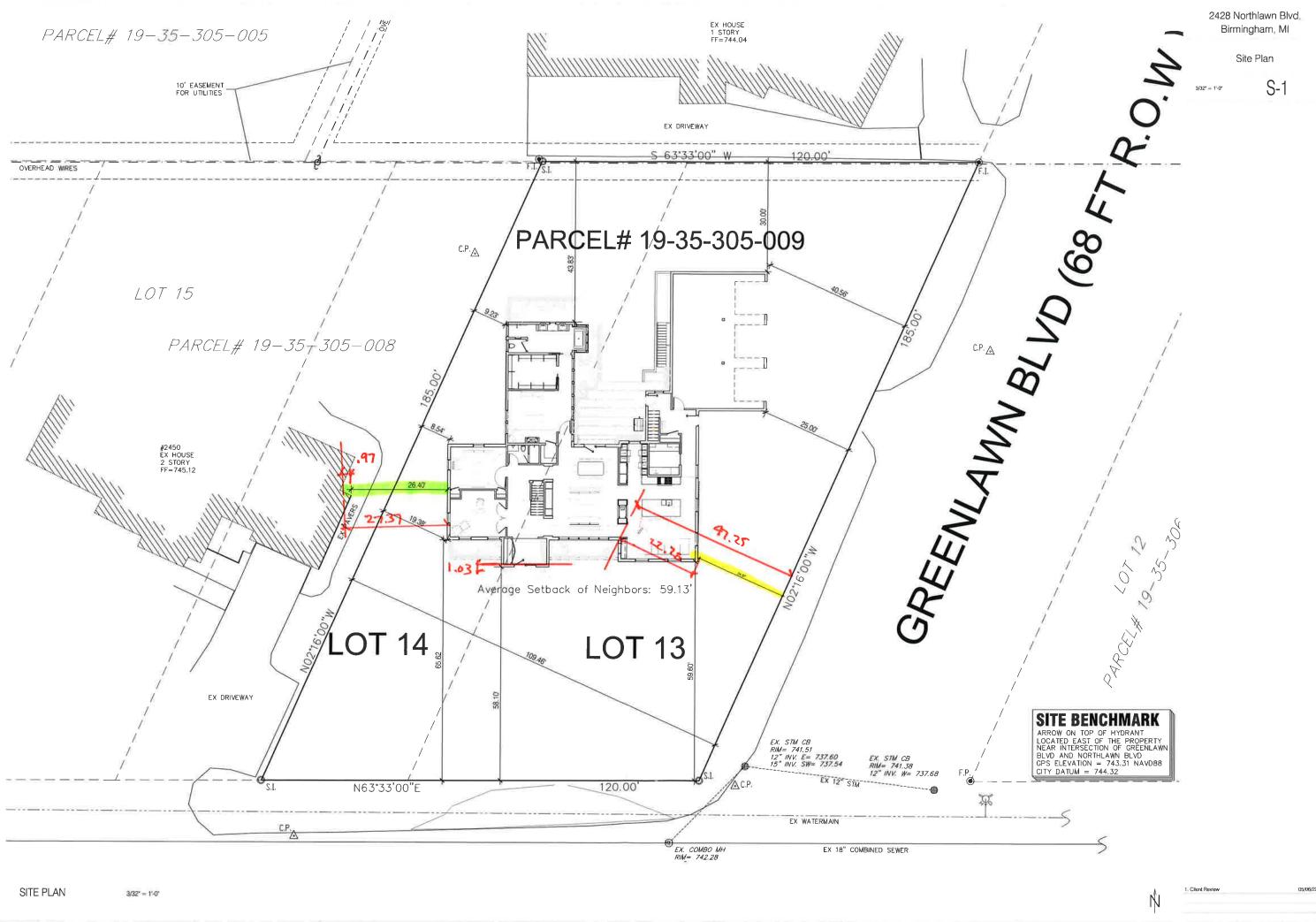
Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A: Side yard setback West (<i>existing structure</i>)	9	8.54	8.54	0.46
Variance B: Side yard setback West (<i>existing structure</i>)	25% of total lot width: 27.365	26.4	26.4	0.965
Variance C: Front yard setback	59.13	59.7	58.1	1.03

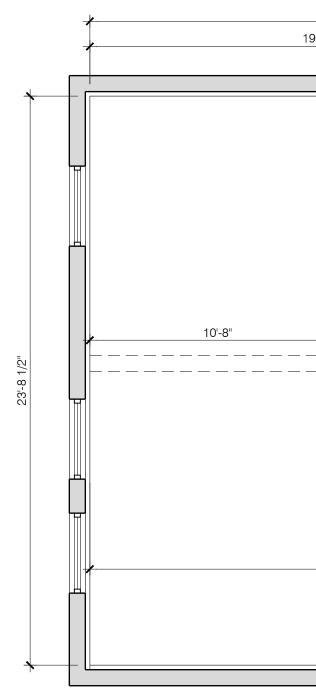
Thank you for your time. We hope that a variance can be granted so that we can renovate our new home in a tasteful, beautiful manner and one that makes sense for our lifestyle.

Warm Regards, Shantih and Kent Johnston

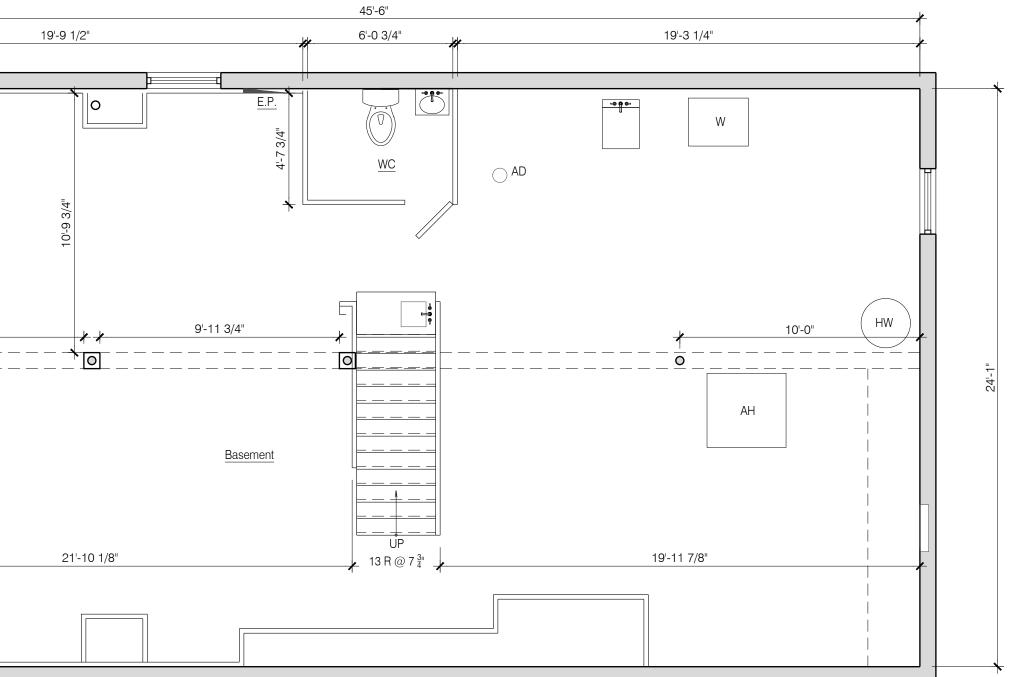






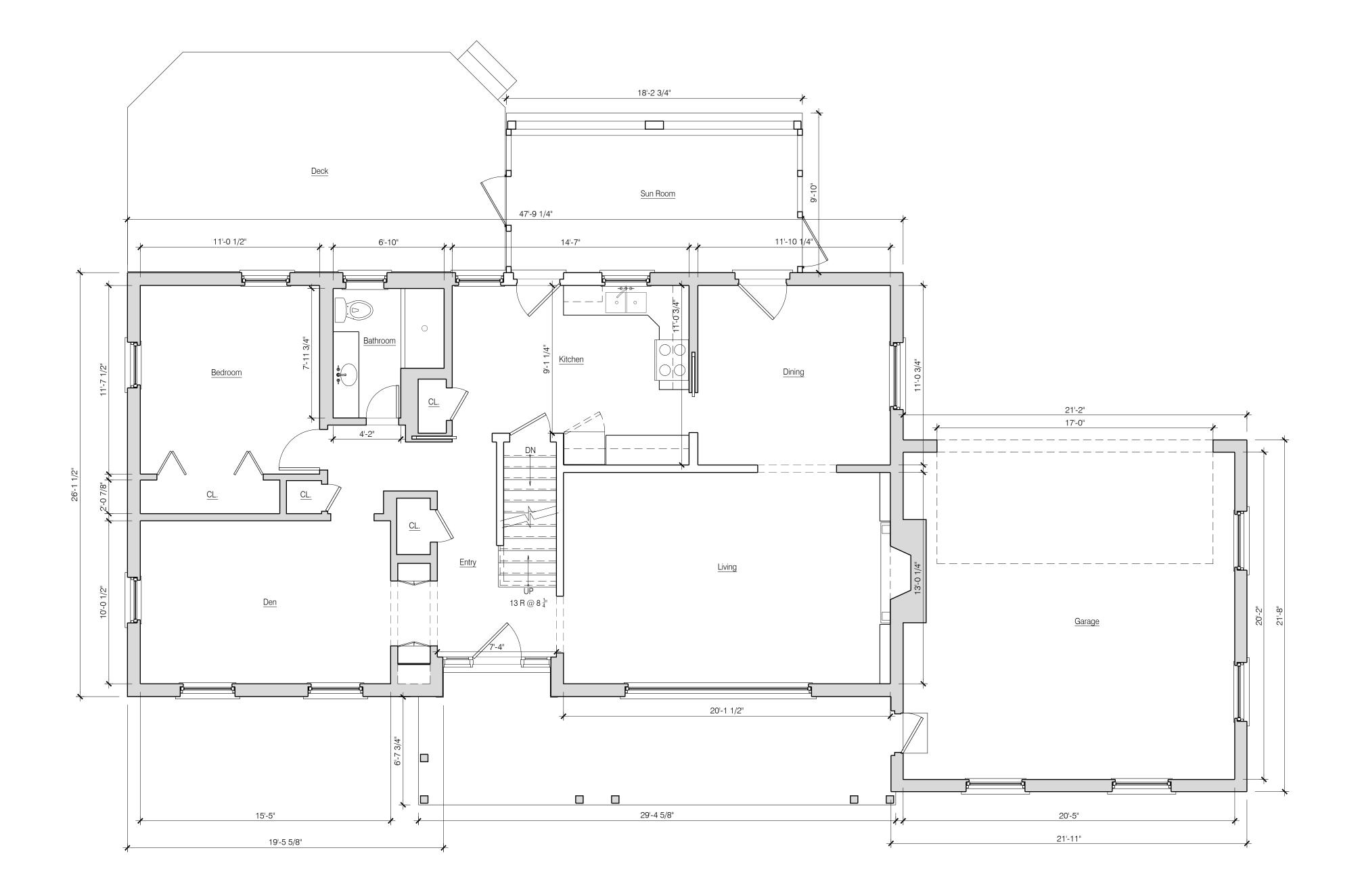


BASEMENT PLAN



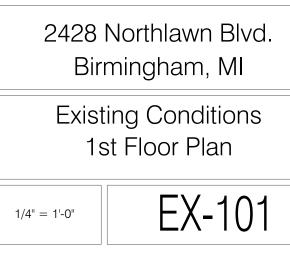
1/4" = 1'-0"

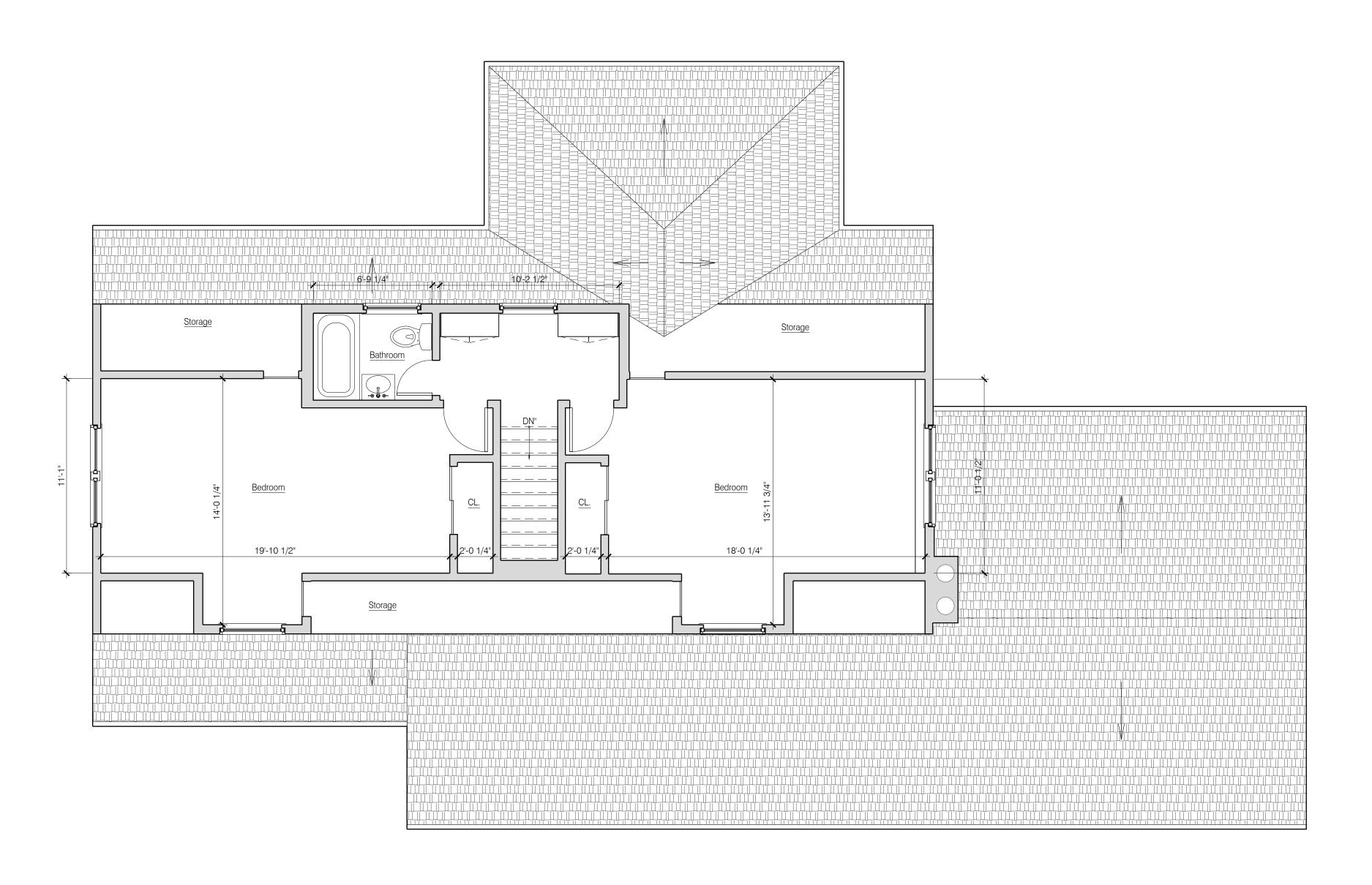
•	Northlawn Blvd. mingham, Ml
	ing Conditions sement Plan
1" = 1'-0"	EX-100



FIRST FLOOR PLAN

1/4" = 1'-0"



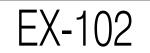


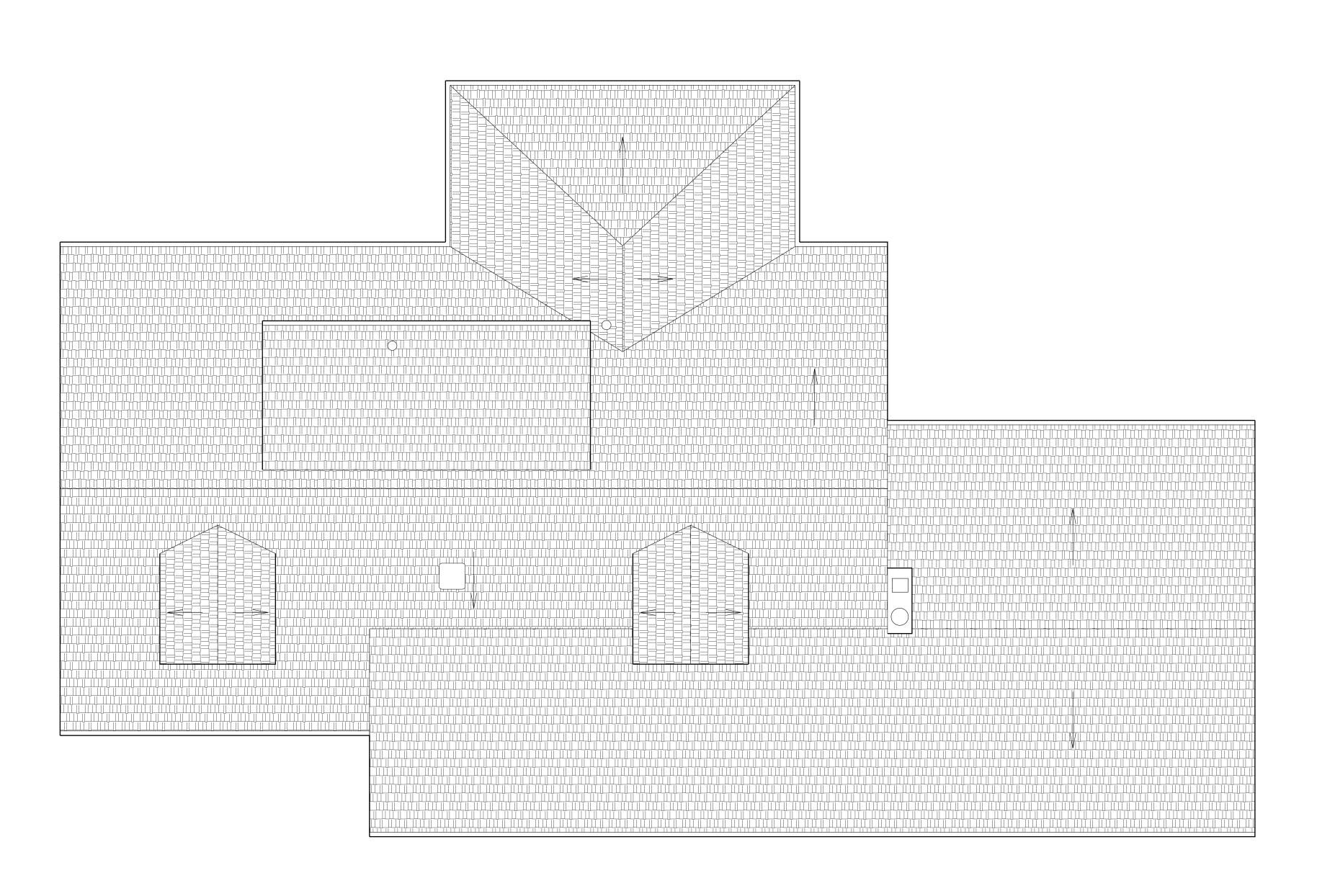
SECOND FLOOR PLAN

1/4" = 1'-0"

2428 Northlawn Blvd. Birmingham, MI Existing Conditions 2nd Floor

1/4" = 1'-0"

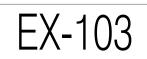




ROOF PLAN

2428 Northlawn Blvd. Birmingham, MI Existing Conditions Roof Plan

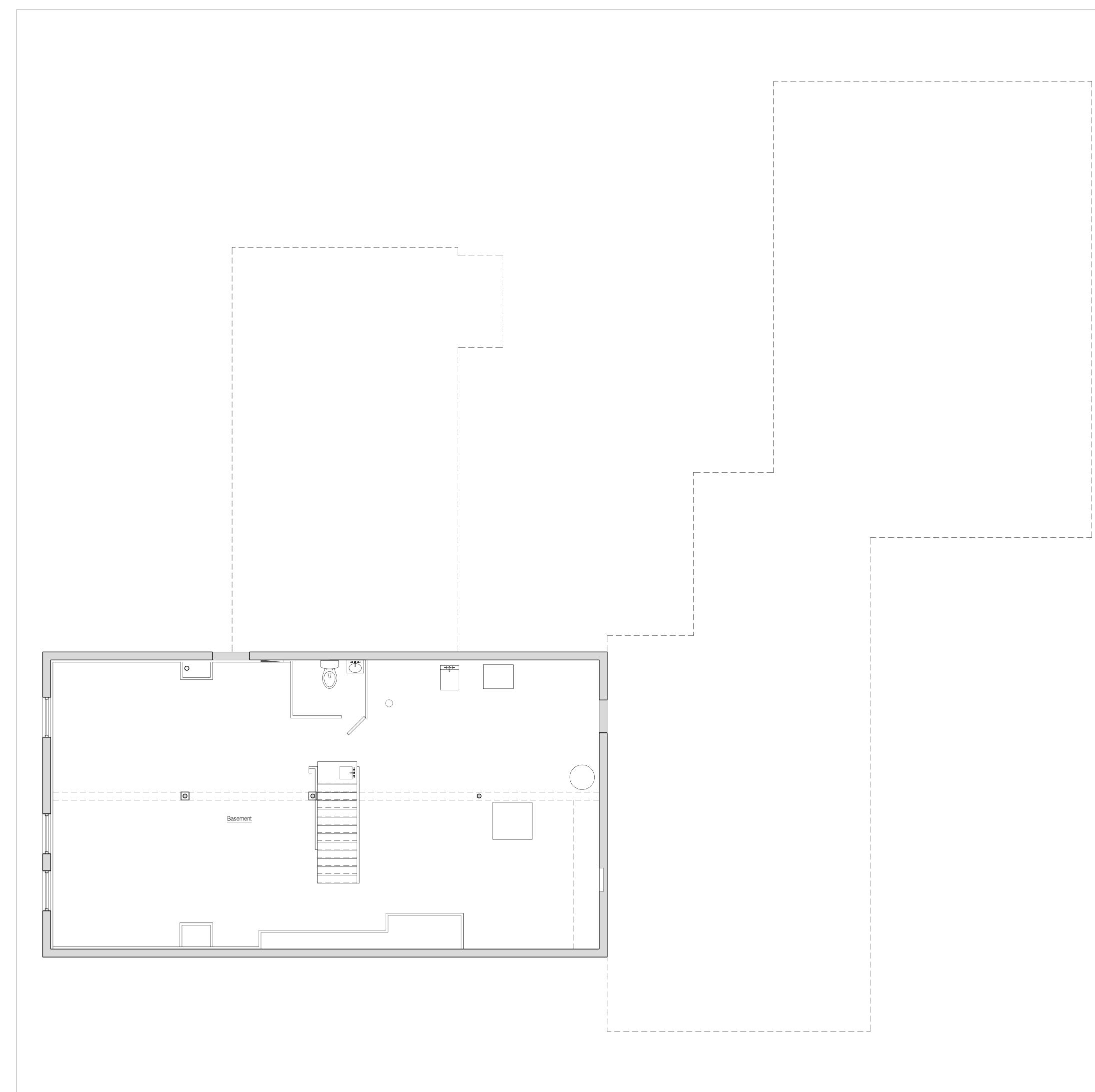
1/4" = 1'-0"



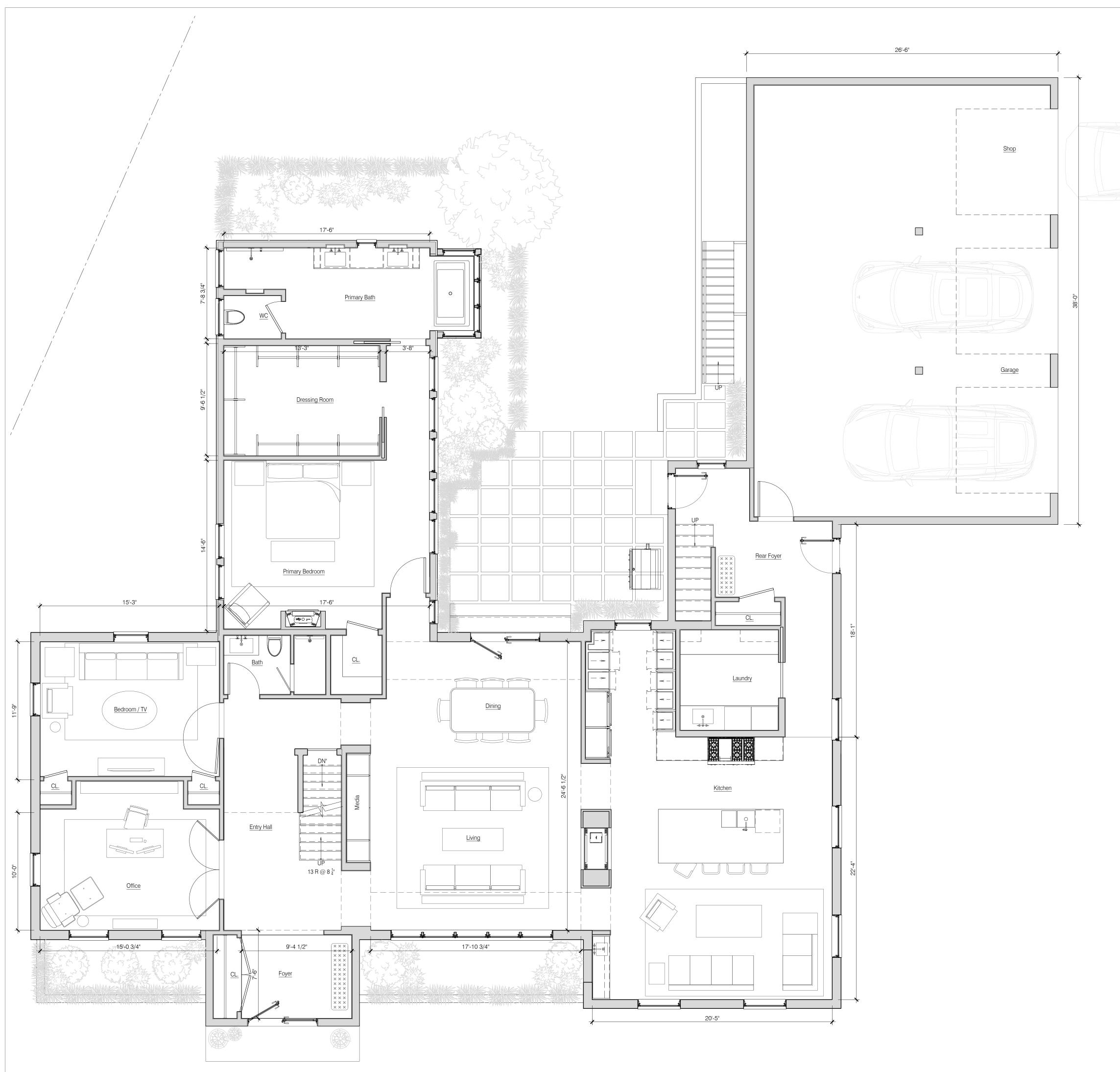


NORTH ELEVATION 1/4" = 1'-0"

EAST ELEVATION 1/4" = 1'-0"

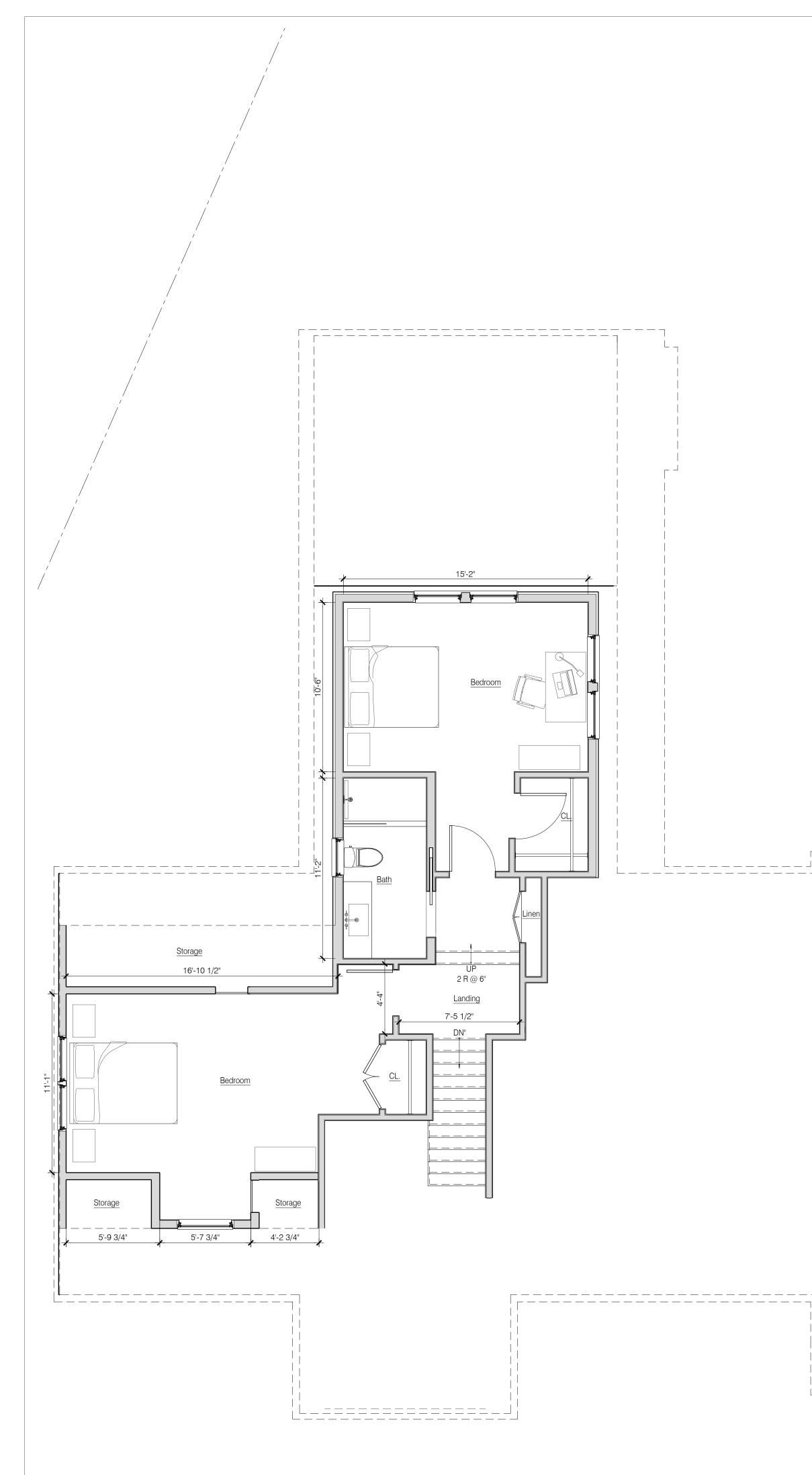


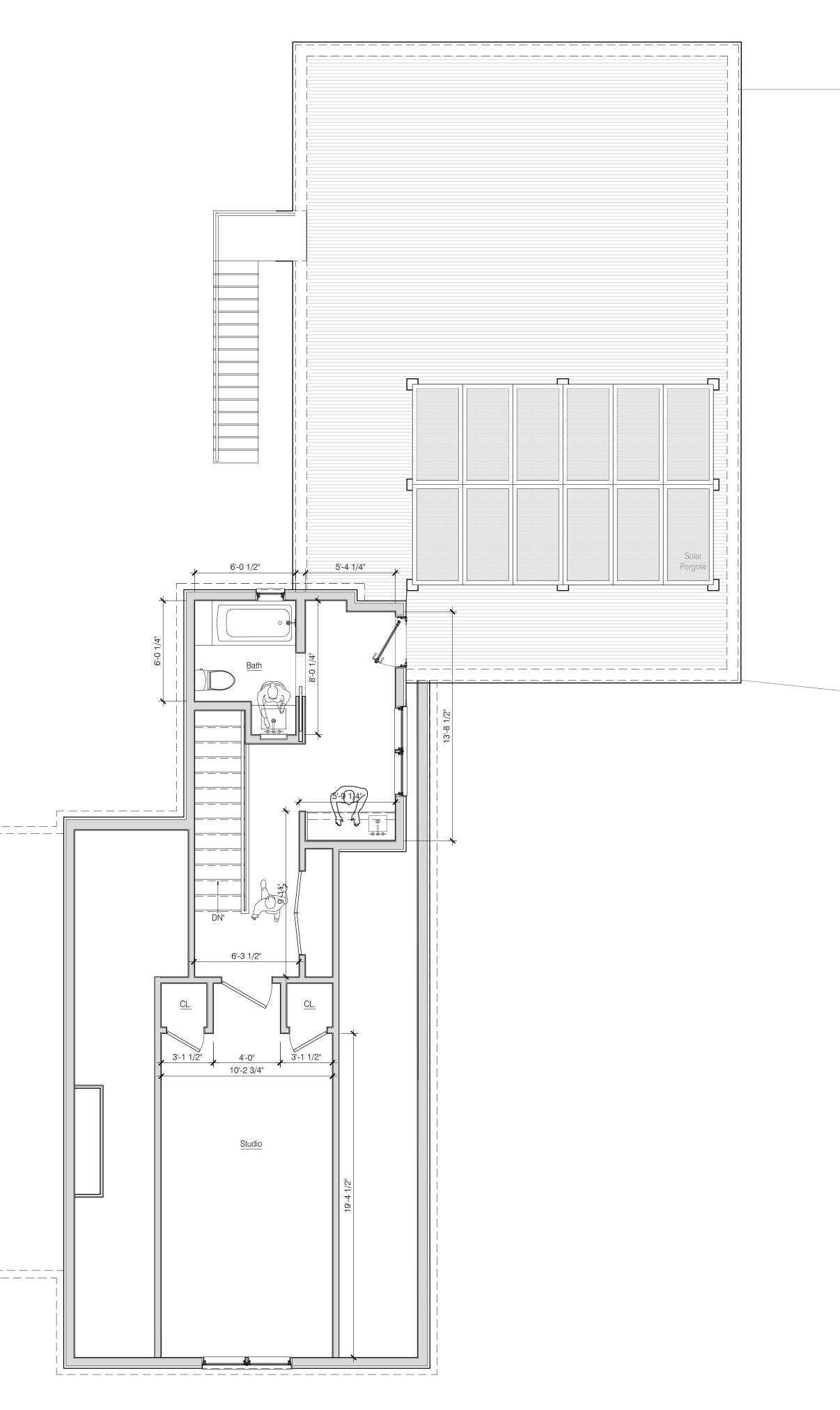
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1/4" = 1'-0"	A-100

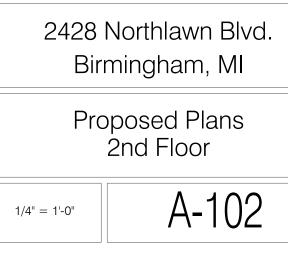


FIRST FLOOR PLAN 1/4" = 1'-0"

Northlawn Blvd. mingham, Ml
posed Plans 1st Floor
A-101



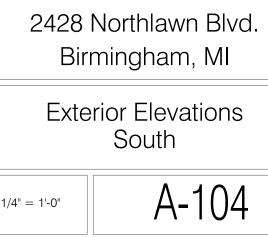


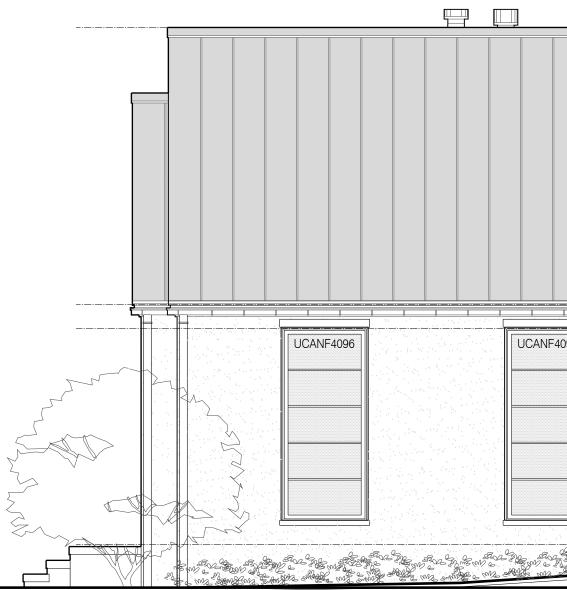


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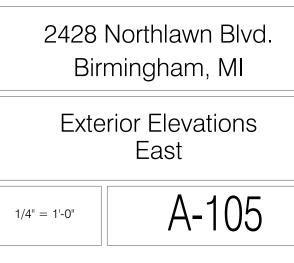




EAST ELEVATION 1/4" = 1'-0"

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PV Panels 22' - 0" Ridge 21' - 6-1/2"

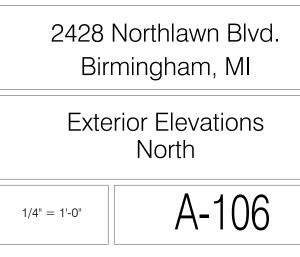
Second Floor Second Floor

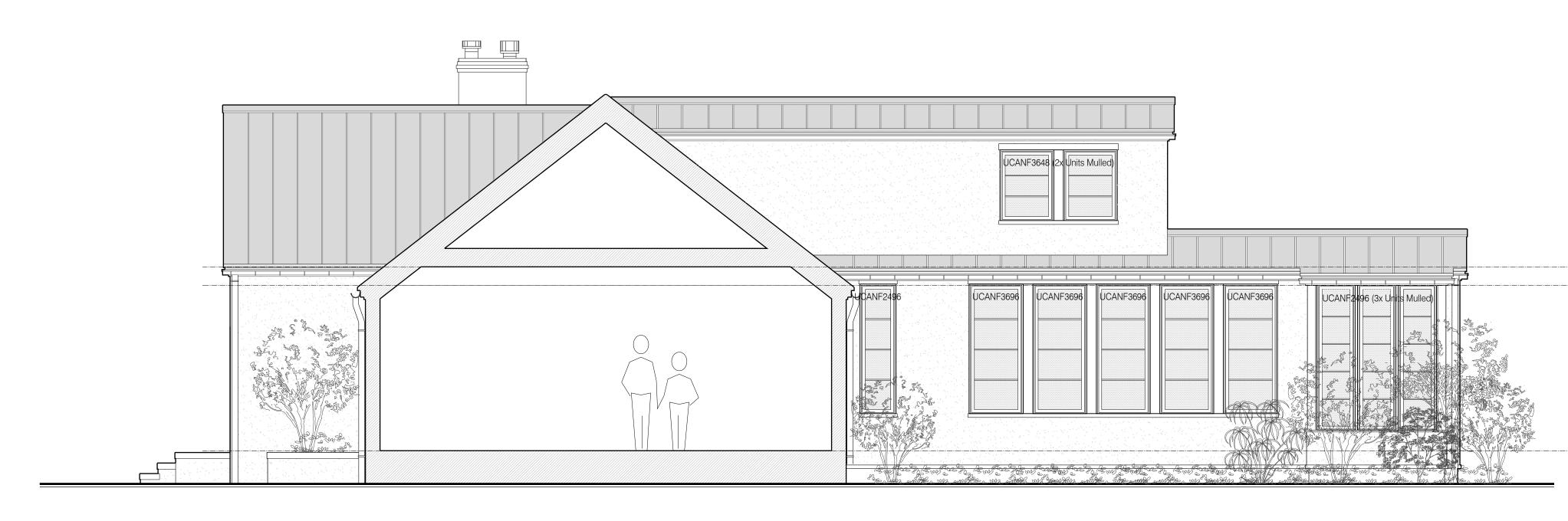
First Floor



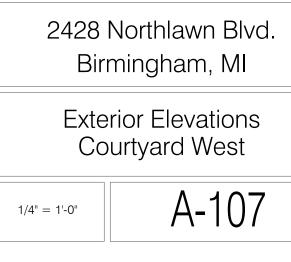


NORTH ELEVATION 1/4" = 1'-0"





COURTYARD WEST 1/4" = 1'-0"

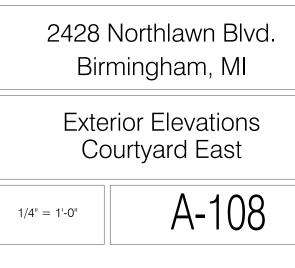


Second Floor 10' - 0' Second Floor 9' - 0''

First Floor







PV Panels 22' - 0" Ridge 21' - 6-1/2"

Second Floor 10'- 0" Second Floor 9'- 0"

First Floor



WEST ELEVATION 1/4" = 1'-0"

