# CITY OF BIRMINGHAM MEETING OF THE BOARD OF ZONING APPEALS TUESDAY, JUNE 13, 2023 7:30 PM

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

# https://zoom.us/j/963 4319 8370 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

# 1. CALL TO ORDER

# 2. ROLL CALL

# 3. ANNOUNCEMENTS

# 4. APPROVAL OF THE MINUTES

# a) MAY 9, 2023

# 5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	185 OAKLAND	HOBBS & BLACK	23-17	DIMENSIONAL
2)	1511 E MAPLE	ADRIANA LIBURDI	23-19	DIMENSIONAL
3)	220 PARK	CLARK HILL	23-20	DIMENSIONAL
4)				
5)				
6)				
7)				
6.	CORRESPONDENCE			

# 7. GENERAL BUSINESS

# 8. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

# 9. ADJOURNMENT

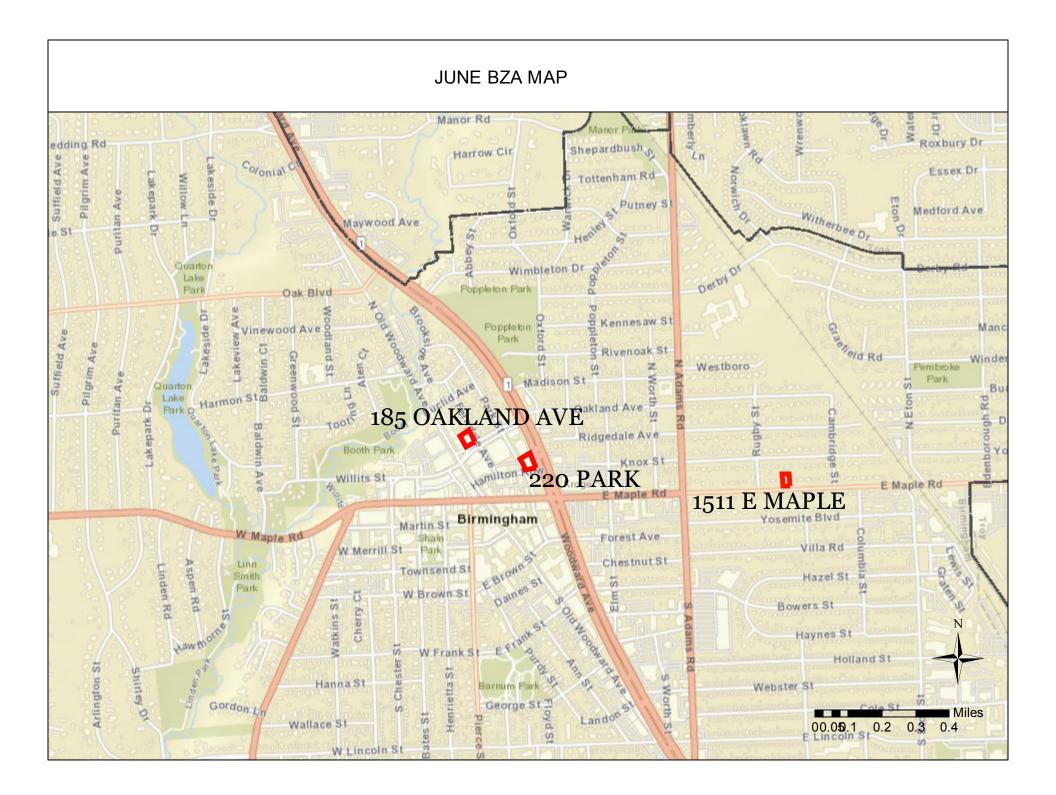
## Title VI

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.



# Birmingham Board Of Zoning Appeals Proceedings Tuesday, May 9, 2023 City Commission Room 151 Martin Street, Birmingham, Michigan

# 1. Call To Order

Minutes of the special meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, May 9, 2023. Chair Morganroth convened the meeting at 7:30 p.m.

# 2. Rollcall

- **Present:** Chair Erik Morganroth, Vice Chair Jason Canvasser; Board Members Kevin Hart Richard Lilley, Ron Reddy, Pierre Yaldo; Alternate Board Member Carl Kona
- Absent: Board Member John Miller
- **Staff:** Building Official Johnson; Senior Planner Cowan, City Transcriptionist Eichenhorn, Assistant Building Official Zielke

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

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

# 3. Announcements

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

# 4. Approval Of The Minutes Of The BZA Meetings Of April 11, 2023

T# 05-22-23

Motion by Mr. Lilley

# Seconded by VC Canvasser to accept the minutes of the BZA meeting of April 11, 2023 as submitted.

# Motion carried, 7-0.

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

# 5. Appeals

T# 05-23-23

# 1) 220 Hamilton Row Appeal 23-06

SP Cowan presented the item, explaining that the owner of the property known as 220 Hamilton Row was requesting the following variance:

A. Chapter 126, Article 3, Section 3.04 (E)(1) requires all buildings in the Downtown Overlay District to be constructed with at least 90% of the exterior finish material on all facades that face a street limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited. The applicant is proposing to replace existing, non-conforming metal siding with new metal siding that is not a permitted material. Therefore, a dimensional variance of 1,210 square feet is requested.

Staff answered informational questions from the Board.

James Noecker, representative for the appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Board inquiry, Mr. Noecker explained:

- It would be very difficult to fabricate the rectangular frame to put in another panel;
- The system would be rainproof, would hold up better than stucco, and would be expected to last 40 to 50 years; and,
- The work would span over the two by three foot hole, would be supported properly, and none of the panels to be removed would be structural.

# Motion by Mr. Hart

Seconded by Mr. Lilley with regard to Appeal 23-06, A. Chapter 126, Article 3, Section 3.04 (E)(1) requires all buildings in the Downtown Overlay District to be constructed with at least 90% of the exterior finish material on all facades that face a street limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited. The applicant is proposing to replace existing, non-conforming metal siding with new metal siding that is not a permitted material. Therefore, a dimensional variance of 1,210 square feet is requested.

Mr. Hart moved to approve the variance request and tied approval to the plans as submitted. He said the appellant demonstrated the practical difficulty of repairing the structural and facade damage. He noted the matter was properly reviewed by other City Departments and the Historic District Commission.

The Chair supported the motion, saying that it was an attempt to repair with a similar product. He said the product was allowed and supported by the Historical District. He noted that the proposed material was a slightly more modern version than the present material. He said that even if an attempt to repair the present damage was made, much of the material has been worn. He said allowing the variance would allow the appellant to make repairs that would benefit the building's neighbors and the community.

# Motion carried, 7-0.

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

# T# 05-24-23

# 2) 479 S Old Woodward Appeal 23-16

SP Cowan presented the item, explaining that the owner of the property known as 479 S Old Woodward was requesting the following variance:

A. Chapter 126, Article 4, Section 4.46(A), Table A of the Zoning Ordinance requires off-street parking to be based on land uses for the site. The applicant is required to provide 98 parking spaces on-site and is proposing 87 parking spaces on-site. Therefore, a variance of 11 parking spaces is requested.

Staff answered informational questions from the Board.

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

In reply to the Board, Mr. Estey explained:

- The City Commission might not grant the use of 11 parking spaces;
- A shared parking agreement was not a viable option at the present time;
- There would be no guarantee that a Special Land Use Permit (SLUP) would be granted for the site;
- Changing an additional floor's use to residential may not be economically viable;
- The practical difficulty existed whether there were other potential avenues for addressing the parking issue. The standard for demonstrating a practical difficulty is not that every other avenue has to be adjusted first;
- He was not sure what the next steps would be if the variance were not granted;

- The nearby parking structures have sufficient parking available for the project and nearby demands;
- The Planning Board supported the appellant appearing before the BZA with the variance request; and,
- The foundation issue is what necessitated a higher variance request than the one approved for this property in 2021.

# Motion by Mr. Yaldo

Seconded by Mr. Hart with regard to Appeal 23-16, A. Chapter 126, Article 4, Section 4.46(A), Table A of the Zoning Ordinance requires off-street parking to be based on land uses for the site. The applicant is required to provide 98 parking spaces on-site and is proposing 87 parking spaces on-site. Therefore, a variance of 11 parking spaces is requested.

Mr. Yaldo moved to approve the variance request and tied approval to the plans as submitted. He noted that the appellant has made significant efforts to get to the present request. He noted that the previous variance request was for a much higher number of parking spaces than the present 11 space request. He recalled that the BZA previously recommended that the plans be revised to reduce the variance for the number of parking spaces and observed that the appellant had done so. He said 11 spaces should not prevent the appellant from moving forward.

Mr. Reddy concurred with Mr. Yaldo. He added the fact that this building is the only one zoned D4 and not included in the Parking Assessment District justified the variance for a relatively small number of spaces. He noted the applicant attempted to mitigate their variance requests over a number of meetings and deserved credit for their efforts. He said he would support the motion for those reasons.

VC Canvasser noted that based on actions in December 2022, it would be possible for the appellant to have the parking requirements waived by the City Commission through a SLUP. He explained that would allow the appellant to build the plans asproposed without a variance. He noted that a shared parking agreement or a change of the proposed interior uses would also allow the building to be built without a variance. VC Canvasser suggested that the BZA should be the Board of last resort, and said that he might feel differently had all other options been exhausted. He said he would not support the motion for those reasons.

Mr. Kona concurred with VC Canvasser and stated could not support the motion at this time.

Mr. Hart said the appellant demonstrated how the building faced unique circumstances, that the appellant made a significant effort to mitigate prior variance requests with the present variance request, that approving the variance would do substantial justice to the owners and to the neighboring properties, and that the site is very difficult to develop. He offered his support for the motion for those reasons.

The Chair said he would not support the motion. He said while the request for 11 parking spots was not unreasonable, the building could be built as designed without a variance. He noted that a change of use of one floor to residential would allow the building to be built without a SLUP, variance, or parking agreement, and that the economic consequences of such a change were not part of the BZA's purview. He said he could not support a variance when he knew a variance was not required.

# Motion carried, 4-3.

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

# 3) 185 Oakland Appeal 23-17

SP Cowan presented the item, explaining that the owner of the property known as 185 Oakland was requesting the following variances:

- A. Chapter 126, Article 3, Section 3.09(B)(1) requires that no less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway. The applicant is proposing changes to the façade facing Oakland Ave that will result in a glazing percentage of 41% (256 square feet), therefore a variance of 167 square feet is being requested.
- B. Chapter 126, Article 3, Section 3.09(B)(1) requires that no less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway. The applicant is proposing changes to the façade facing Ferndale Ave that will result in a glazing percentage of 53% (421 square feet), therefore a variance of 132 square feet is being requested.

Staff answered informational questions from the Board.

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

In reply to the Board, Mr. Hinkle said:

- While there are always different ways to address a building's issues, it was felt that this proposal did not significantly expand the present non-conformity;
- The mullions, windows, pilasters, and other features could potentially be changed to reduce the non-conformities; and,
- The new glazing on the first floor could likely approach the present levels, but would not likely reach 70%.

VC Canvasser and the Chair asked Mr. Hinkle whether he would prefer to postpone his request for a month to try and reduce the variance request or whether he would prefer the Board move forward on voting on the present proposal. The Vice Chair and Chair explained that if the Board voted against the present proposal, the appellant would only be able to return with a substantially different request.

Mr. Hinkle confirmed that he would like the request postponed for to the June 13, 2023 meeting. The Board postponed the request to the June 13, 2023 meeting by unanimous consent.

The Board and Staff had a brief discussion about the difficulties some appellants face regarding complying with the energy code or complying with the City's glazing requirements.

The Chair noted that if the appellant faced a practical difficulty regarding the energy code and the glazing requirements, that could be presented as part of the future request.

# T# 05-25-23

# 4) 1587 S Bates Appeal 23-18

ABO Zielke presented the item, explaining that the owner of the property known as 1587 S Bates was requesting the following variance 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 that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 13.22 feet on the south side. Therefore, a variance of 0.78 feet is requested.

Staff answered informational questions from the Board.

Nadim Yahchouchi, owner and architect, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to the Board, Mr. Yahchouchi said the cladding would be four inches wide, and would bring the setback to five feet on the side requiring that.

The Chair addressed the letter received from the neighbor at 1607 S. Bates. The Chair noted that the property at 1587 S. Bates would be conforming if not for 1607 S. Bates' pre-existing nonconformity. The Chair noted that the variance request was in response to 1607 S. Bates' nonconformity.

# Motion by Mr. Reddy

Seconded by Mr. Kona with regard to Appeal 23-18, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 13.22 feet on the south side. Therefore, a variance of 0.78 feet is requested.

Mr. Reddy moved to approve the variance request and tied approval to the plans as submitted. He explained that this was a conforming design impacted by a nonconforming neighbor and that the Board has reviewed similar cases before.

# Motion carried, 7-0.

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

- 6. Correspondence
- 7. Open To The Public For Matters Not On The Agenda
- 8. Adjournment

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

fqu

Bruce R. Johnson, Building Official

Laura Eichenhorn, City Transcriptionist

# **CASE DESCRIPTION**

# 185 Oakland Ave (23-17)

# Hearing date: June 13, 2023

**Appeal No. 23-17:** The owner of the property known as **185 Oakland Ave**, requests the following variances:

A. Chapter 126, Article 3, Section 3.09(B)(1) requires that no less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway. The applicant is proposing changes to the façade facing Oakland Ave that will result in a glazing percentage of 51.5% (300.29 square feet); therefore, a variance of 18.5% (107.81 square feet) is being requested.

B. Chapter 126, Article 3, Section 3.09(B)(1) requires that no less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway. The applicant is proposing changes to the façade facing Ferndale Ave that will result in a glazing percentage of 59.5% (472.89 square feet), therefore a variance of 10.5% (83.4 square feet) is being requested.

# Staff Notes:

185 Oakland is an office building situated on the corner of Oakland Ave and Ferndale Street. The property is zoned B2 Business and D3 in the Downtown Overlay. The applicant is proposing changes to the exterior façade that is currently non-conforming for window glazing. The current glazing percentage on the south elevation is 49.4%, and is proposed to be increased to 51.5%. The glazing percentage on the eastern elevation is 58.4% which is proposed to be increased to 60.80%. Although the proposed glazing area brings the building closer to compliance, the applicant is still under the 70% requirement after significant exterior renovations and therefore must obtain a variance from the Board of Zoning Appeals.

On March 1<sup>st</sup>, 2023, the applicant appeared before the Design Review Board. The Design Review moved to approve the new plans with the condition that the applicant obtain a variance for glazing standards.

On May 9<sup>th</sup>, 2023, the Board of Zoning appeals moved to postpone the variance request to June 13<sup>th</sup>, 2023 to permit the applicant time to revisit the design to reduce the variance amount requested.

Brooks Cowan Senior Planner



# **CITY OF BIRMINGHAM**

**Community Development - Building Department** 

151 Martin Street, Birmingham, MI 48009

Community Development: 248-530-1850

Fax: 248-530-1290 / <u>www.bhamgov.org</u>

# APPLICATION FOR THE BOARD OF ZONING APPEALS

Received	Date:
neceiveu	Date.

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

Received By:					Appeal #:
Type of Variance:	Interpretation	Dimensional % of first floor glazing	Land Use	Sign	Admin Review
I. PROPERTY INFORMATION	1:	-	-		
Address: 185 Oakland		Lot Number: 19-25-379-023		Sidwell Number:	
II. OWNER INFORMATION:		•		•	
Name: Hollywood Sheridan Associates, LLC					
Address: 29100 Northwestern HWY, Suite 410		City: Southfield		State: Michigan	Zip code:
Email:* erogers@haymanco.com				Phone: 248 879 777	
III. PETITIONER INFORMATIO	N:				
Name: Russell W. Hinkle		Firm/Comp Hobbs+Bladc Associates	any Name:		
Address: 100 N. State Street		City: Ann Arbor		State: Michigan	Zip code:
Email: rhinkle@hobbs-black.com		· ·		Phone: 734 660 9560	
IV. GENERAL INFORMATION	l:			· ·	
To insure complete applica Building Official and/or Ci Staff will explain how all req clearly shown on the survey decimal point. The BZA application fee is \$3	accepted. <b>To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant</b> <b>Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted</b> . 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 <b>\$360.00</b> for single family residential; <b>\$560.00</b> for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.				<i>ill be required to be submitted</i> . ach variance request must be in feet measured to the second
De marche d'Mariane e			hart Example	Deserved	Madana Amand
Requested Variances Variance A, Front Setba	ck 25.00 Fe		ting ) Feet	Proposed 23.50 Feet	1.50 Feet
Variance B, Height	30.00 Fe		5 Feet	30.25 Feet	0.25 Feet
V. REQUIRED INFORMATION	N CHECKLIST:	÷	·		·
Please provide the following in your electronic submission:         Ommodel Completed and signed application         Signed letter of practical difficulty and/or hardship         Certified survey         Building plans including existing and proposed floor plans and elevations         If appealing a board decision, provide a copy 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:     Date:					

# CITY OF BIRMINGHAM BOARD OF ZONING APPEALS RULES OF PROCEDURE

# ARTICLE I - Appeals

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

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

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

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

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.
- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a <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.

# <u> ARTICLE III - Rehearings</u>

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.

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Signature of Applicant

# HOBBS + BLACK ARCHITECTS ARCHITECTURE | PLANNING | INTERIOR DESIGN

April 6, 2023

Nicholas J. Dupuis Planning Director City of Birmingham 151 Marin Street Birmingham, MI 48009

RE: 185 Oakland Building, Zoning Variance Hobbs+Black Project #: 22111

Dear Mr. Dupuis:

The owner is proposing to reskin the existing 40-year-old building at the above address. This will solve problems with leaks and failed glazing as well as update the look of this building. This building is currently fully occupied as an office. Given its location away from the Old N. Woodward and at the edge of the D3 downtown overlay, it is unlikely that it will have a retail tenant.

The renovation proposes minimal changes to the amount of glazing, maintaining the current windowsill and window head locations. The intent is to minimize the disruption to the current tenants and the amount of renovation work required on the interior. Lowering the windowsill to increase the glazing percentage will only expose the back sides of desks within these offices. Increasing the window head height is not possible, due to existing ceiling heights.

The proposed renovation does not meet the 70% requirement for glazing on the first floor. The proposed glazing percentage is 54%. We are requesting a variance for this requirement.

Sincerely,

hussell W Hinhl

Russell W. Hinkle, ÅIA Senior Associate

rwh

Enclosures: (if Any)

cc: Andrew Hayman, The Hayman Company Elizabeth Rogers, The Hayman Company

Document1

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# **185 OAKLAND OFFICE RENOVATION**

# **OWNER**

HOLLYWOOD SHERIDAN ASSOCIATES, LLC 29100 NORTHWESTERN HWY, SUITE 410 SOUTHFIELD, MI 48034 PHONE: (248)879-7777

# ARCHITECT

HOBBS+BLACK ARCHITECTS 100 N. STATE STREET ANN ARBOR, MI 48104 PHONE: (734)663-4189

# CONTRACTOR

F

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**KIRCO MANIX** 101 W. BIG BEAVER ROAD, SUITE 200 TROY, MI 48084 PHONE: (248)354-5100

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# **ZONING VARIANCE SUBMITTAL** 4/19/2023

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# SHEET INDEX

- G-1 COVER SHEET
- A-1 EXISTING VS PROPOSAL
- A-2 RENDERING & MATERIALS
- A-3 ELEVATIONS

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A-5 - WALL SECTIONS

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C-1.0 - TOPOGRAPHIC SURVEY

С

В



BIRMINGHAM

PROJECT

CONSULTAN

COVER SHEET

Sheet Size - 24x36 © Copyright 2021, Hobbs + Black Associates, Ind ALL RIGHTS RESERVED

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SUBMITAL REV 03/28/202 DRB SUBMITTAL 02/08/2023

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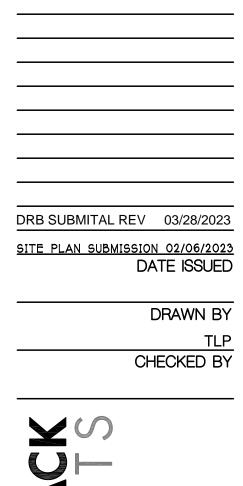
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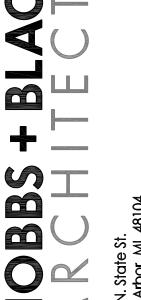


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CONSULTANT

# EXISTING VS. PROPOSED

SHEET TITLE

22-111

PROJECT NUMBER

A-1

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C5 PROPOSED EAST VIEW A-2 SCALE -FILENAME

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C1 PROPOSED NORTHEASTERN VIEW A-2 SCALE -

MATERIALS						
CASTSTONE BUFF(SMOOTH)	FIBER CEMENT PANEL GRAY	METAL PANEL - 1	SPECIALTY SIDING WOOD	METAL PANEL - 1 Champagne Bronze	PRE-FINISHED I METAL AV DARK BR	

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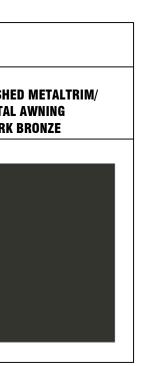
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5	SITE PLAN SUBMI	SSION 05/3	
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•	A R C H	100 N. State St. Ann Arbor, MI 48104 P.734.663.4189	www.hobbs-black.com

Sheet Size - 24x36

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185 OAKLAND AVENU	OFFICE RENOVATION	BIRMINGHAM, MICHIGAN
		PROJECT

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CONSULTANT

RENDERINGS AND MATERIALS

SHEET TITLE

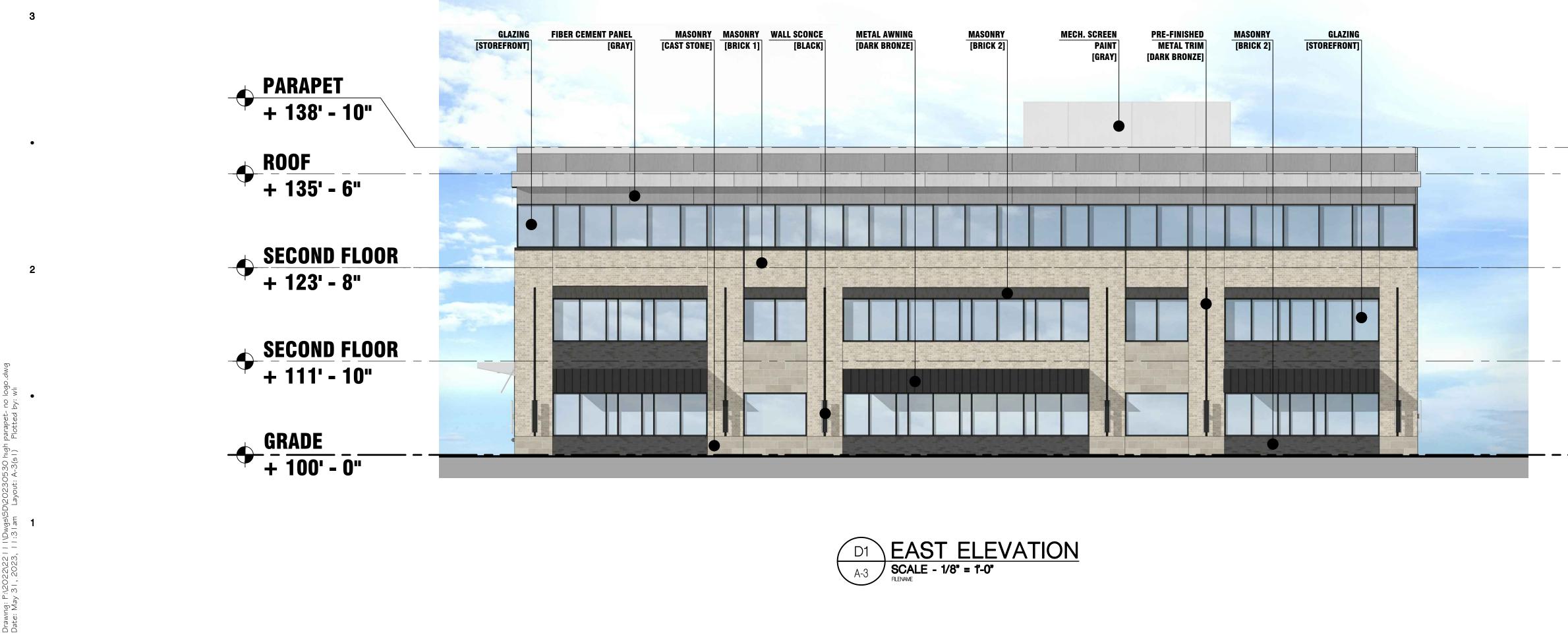
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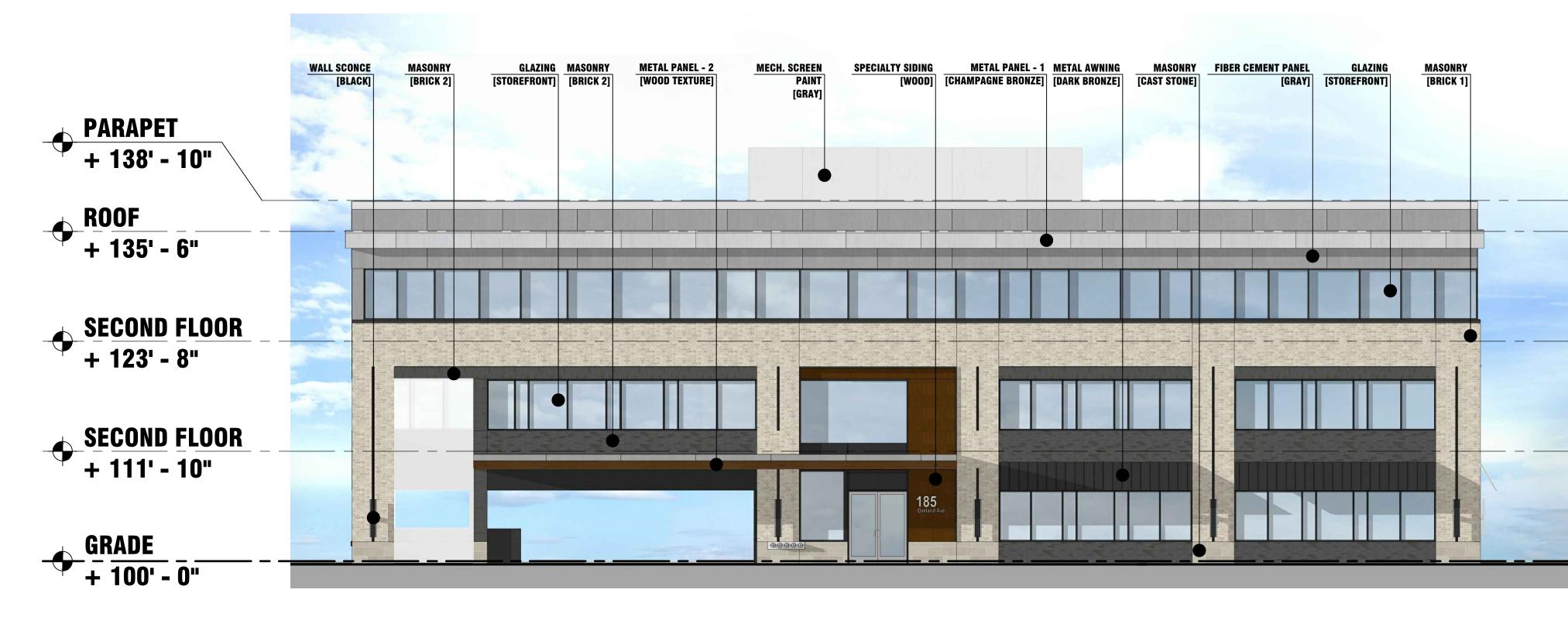
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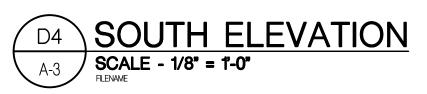
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22-111 PROJECT NUMBER

SHEET TITLE

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SITE PLAN SUBMISSION 05/30/2023 DATE ISSUED

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BIRMINGHAM, MICHIGAN

PROJECT

100 N. State St. Ann Arbor, MI 481( P.734.663.4189

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DRAWN BY

TLP CHECKED BY

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**EXISTING SOUTH ELEVATION** 

Total Facade Area: 4154.44 sqft

Glazing Above 1st Floor:1028.25 sqft(24.8%)

Total Facade Area Between 1'-8': 518.75 sqft

**PROPOSED SOUTH ELEVATION** 

Total Facade Area: 4218.49 sqft

Glazing Above 1st Floor:1124.73 sqft(26.7%)

Total Facade Area Between 1'-8': 583.05 sqft

Glazing Area Between 1'-8': 300.29 sqft (51.5%)

**EXISTING SOUTH ELEVATION** 

Total Facade Area: 4364.75 sqft

Glazing Above 1st Floor: 1111 sqft (25.4%)

Total Facade Area Between 1'-8': 791 sqft

Glazing Area Between 1'-8':462 sqft(58.4%)

**PROPOSED SOUTH ELEVATION** 

Total Facade Area: 4366.06 sqft

Glazing Above 1st Floor: 1094.08 sqft (25.1%)

Total Facade Area Between 1'-8': 794.85 sqft

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Glazing Area Between 1'-8':472.89 sqft(60.8%)

Glazing Area Between 1'-8': 256.42 sqft (49.4%)

**ELEVATIONS** 

PROPOSED GLAZING CHARACTERISTICS FOR 185 OAKLAND RENOVATION

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Minimum Requirements per local zoning Visible light Transmittance 66% or greater. Visible light Reflectance 15% or less.



Calculated Values are in accordance with NFRC2010

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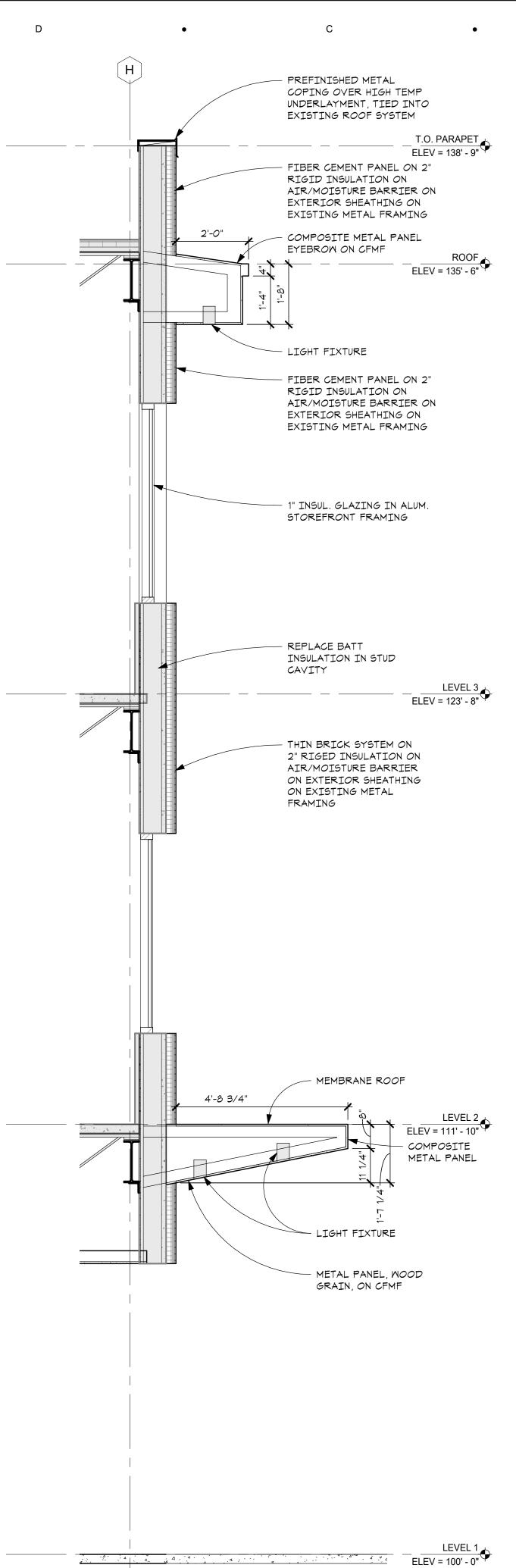
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A-5 / SCALE - 1/2" = 1'-0"

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SOUTH WALL SECTION

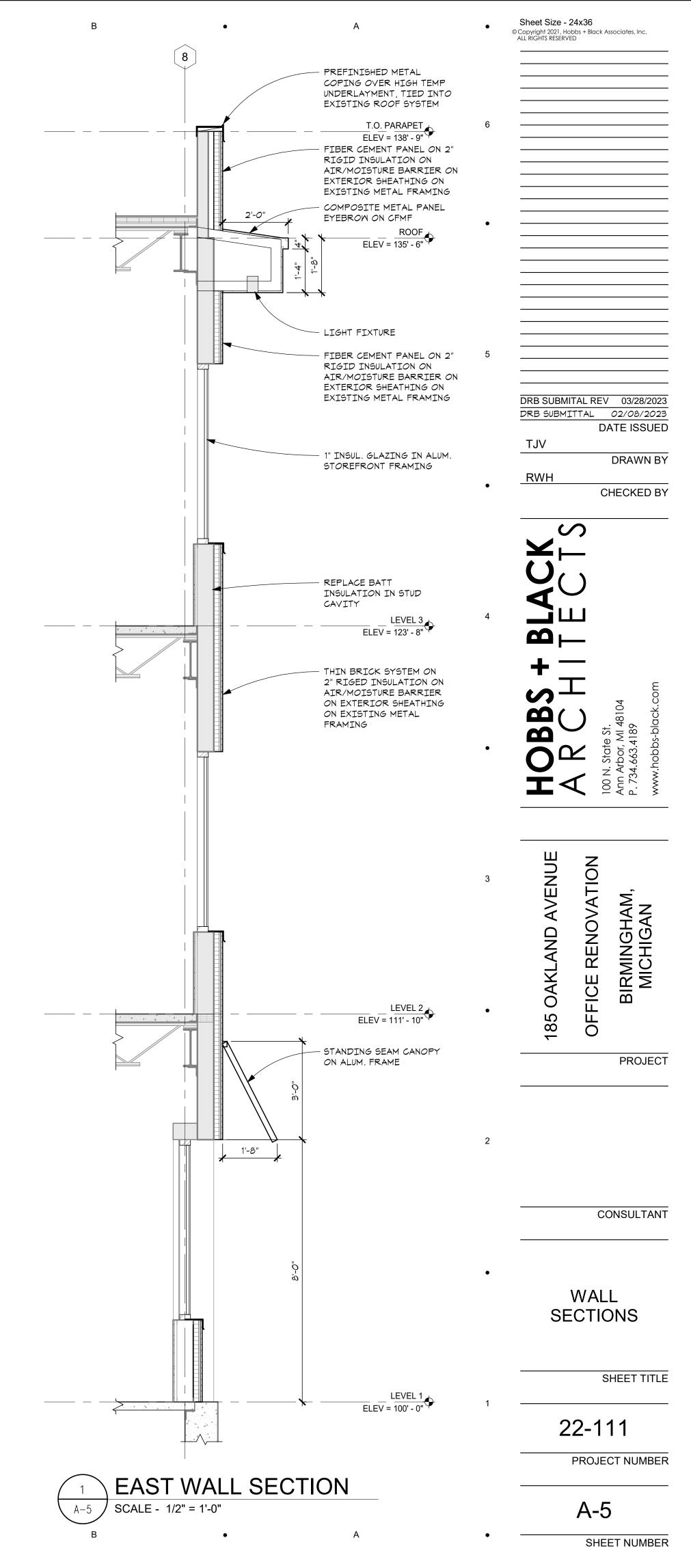
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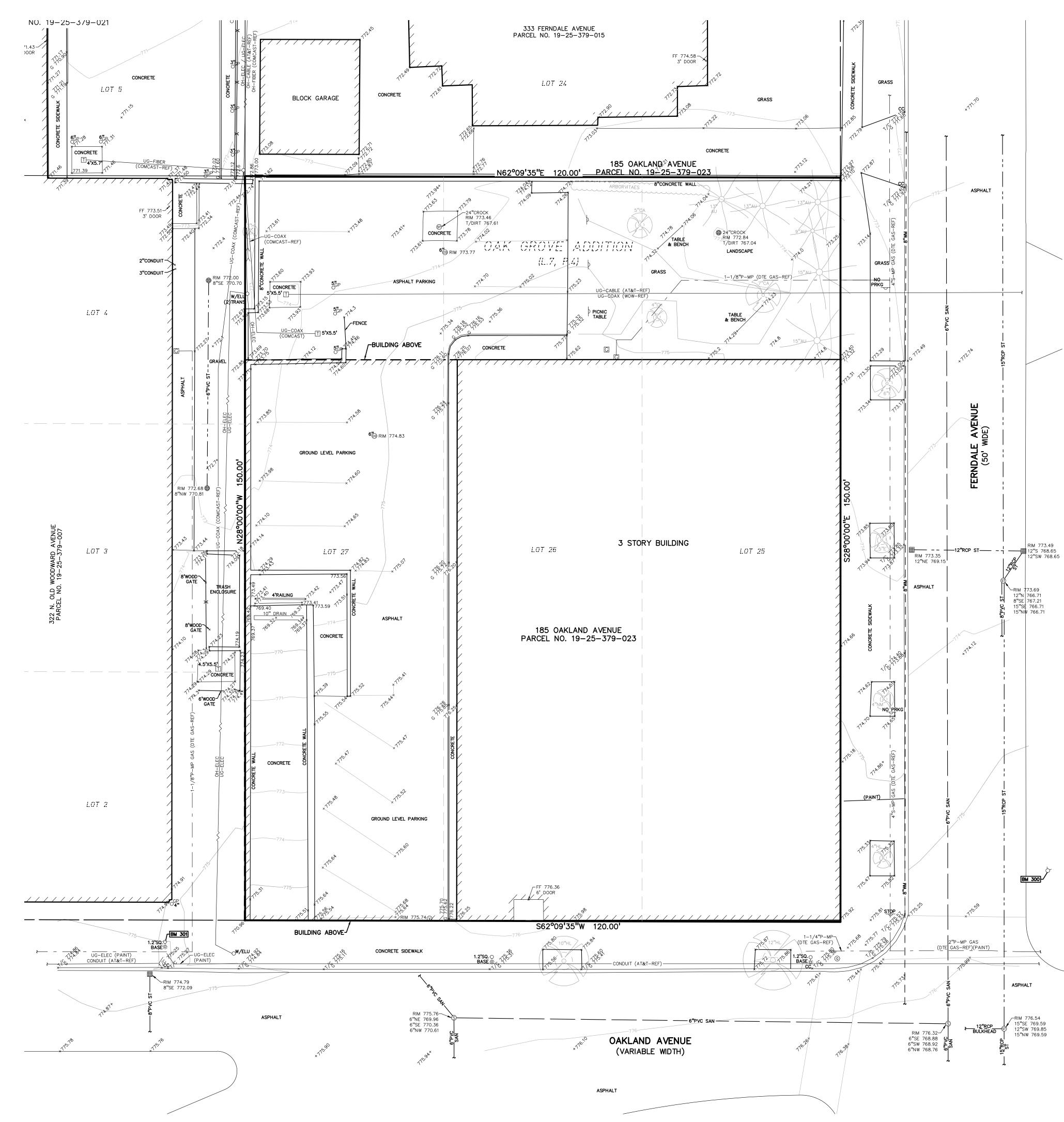
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Performance	Values

LE LIGHT	Transmittance (τν) Reflectance outside (ρν) Reflectance inside (ρν) General Color Rendering Index (CRI)	68 % 11 % 12 % 95.4
AVIOLET	Transmittance UV (τυν)	30 %
R ENERGY	Solar transmittance (τe) Reflectance outside (pe) Reflectance inside (pe) Solar absorptance (αe) Solar Heat Gain Coefficient (SHGC) Shading Coefficient (sc)	33 % 33 % 36 % 34 % 0.37 0.43
MAL PERTIES	Winter night U-Value Summer day U-value	0.245 Btu/hr·ft²·F 0.220 Btu/hr·ft²·F
T TO SOLAR	Light to Solar Gain (LSG)	1.82

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LEGEND	:	
−OH−ELECV	V-O< EX. OH. ELEC, POLE & GUY WIRE	
-UG-CATV-		
-UG-COMM-		
-UG-ELEC-E	⑥ EX. U.G. ELEC,MANHOLE, METER & HANDHOLE	
	– – EX. GAS LINE	GROUP
© I	EX. GAS VALVE & GAS LINE MARKER	
T	EX. TRANSFORMER & IRRIGATION VALVE	t: 844.813.2949
	— — EX. WATER MAIN	www.peagroup.com
V ↔	EX. HYDRANT, GATE VALVE & POST INDICATOR VALVE	
Solution 1	පී EX. WATER VALVE BOX & SHUTOFF	
	EX. SANITARY SEWER	
0	S EX. SANITARY CLEANOUT & MANHOLE	
©	EX. COMBINED SEWER MANHOLE	
	EX. STORM SEWER	
6	ジ EX. CLEANOUT & MANHOLE	
■ ●	EX. SQUARE, ROUND, & BEEHIVE CATCH BASIN	
O <sup>Y.D.</sup>	® EX. YARD DRAIN & ROOF DRAIN	
?	EX. UNIDENTIFIED STRUCTURE	
M	* EX. MAILBOX, SIGN & LIGHTPOLE	
	EX. FENCE	
<u> </u>	EX. GUARD RAIL	
*6 <sup>96.9)</sup>	EX. SPOT ELEVATION	
670-	EX. CONTOUR	
عد عد	🔹 🍟 EX. WETLAND	
	IRON FOUND / SET	NORTH
بر ا	Ø NAIL FOUND / NAIL & CAP SET	
<b>Q</b>	BRASS PLUG SET	0 5 10 2
۱	MONUMENT FOUND / SET	
	SECTION CORNER FOUND	
RM	C RECORDED / MEASURED / CALCULATED	SCALE: 1" = 10'
REFERENCE DR. CABLE	AT&T MAP A1, DATED 11/10/2022 COMCAST MAP, EMAIL DATED 11/11/022	Know what's below.
24.0	WOW MAP, EMAIL DATED 11/04/2022	Call before you di
GAS	DTE GAS COMPANY MAP 0260254, DATED 08/31/22	
VATER MAIN	CITY OF BIRMINGHAM MAP, EMAIL DATED 11/04/2022	CAUTION!!
	OTVOE DIDNINGUANANAD ENAM DATED 44/04/0000	

SANITARY SEWER CITY OF BIRMINGHAM MAP, EMAIL DATED 11/04/2022

Land in the City of Birmingham, Oakland County, Michigan, described as follows:

T2N, R10E, SEC 25 OAK GROVE ADD LOTS 25, 26 & 27 01/11/89 FR 016, 017 & 018

ARROW ON A HYDRANT LOCATED AT THE SOUTHEAST CORNER OF FERNDALE AVENUE & OAKLAND AVENUE.

CUT 'X' ON THE SOUTHEAST BOLT OF A LIGHT POLE BASE LOCATED ON THE

NORTH SIDE OF OAKLAND AVENUE, NEAT THE SOUTHEAST BUILDING CORNER OF 322 N. OLD WOODWARD AVENUE.

STORM SEWER

BENCHMARKS:

BM #300

BM #301

ELEV. - 778.57

ELEV. - 775.47

LEGAL DESCRIPTION:

PARCEL ID 19-25-379-023

(GPS DERIVED - NAVD88)

ELECTRIC

CITY OF BIRMINGHAM MAP, EMAIL DATED 11/04/2022

HAVE NOT RECEIVED UTILITY MAPS AS OF 11/14/2022

BM 300

RIM 773.49

FLOODPLAIN NOTE:
BY GRAPHICAL PLOTTING, SITE IS WITHIN ZONE 'X', AN AREA DETERMINED
TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FLOOD
INSURANCE RATE MAP NUMBER 26125C0537F, DATED SEPTEMBER 29, 2006.



HOBBS & BLACK ASSOCAITES, INC 100 N. STATE STREET ANN ARBOR, MICHIGAN 48104

CLIENT

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

PROJECT TITLE
OAKLAND AVENUE
PROJECT
185 OAKLAND AVENUE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

REVISIONS
-

ORIGINAL ISSUE DATE: NOVEMBER 18, 2022



PEA JOB NO.	2022-1224			
P.M.	JPB			
DN.	LKP			
DES.				
DRAWING NUMBER	:			
C-1.0				

# Design Review Board Minutes Of March 1, 2023

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, March 1, 2023. Mr. Deyer called the meeting to order at 7:20 p.m.

# 1) Rollcall

- **Present:** Board Members Keith Deyer, Natalia Dukas, Patricia Lang; Alternate Board Members Samantha Cappello, Sam Lanfear
- Absent: Chair John Henke; Board Members Dustin Kolo, Michael Willoughby, Julie Rasawehr

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn

# 2) Approval of the DRB Minutes of February 15, 2023

# 03-09-23

# Motion by Ms. Cappello Seconded by Ms. Lang to approve the February 15, 2023 minutes as submitted.

# Motion carried, 5-0.

VOICE VOTE Yeas: Dukas, Lanfear, Deyer, Lang, Cappello Nays: None

# 3) Public Hearing

4) Design Review

# A. 185 Oakland

PD Dupuis presented the item and answered informational questions from the DRB.

Ross Hinkle, architect, spoke on behalf of the item. He stated that the dimensions of the soffit and the foot candles of the lighting would be changed to meet the ordinance requirements. He explained that it would be difficult to meet the glazing requirements since the landlord was trying to conduct exterior repairs to the building without disturbing the tenants.

Ms. Dukas said the design changes would be an improvement to the look of the building and commended the applicant team.

# 03-10-23

Motion by Ms. Dukas

Seconded by Ms. Lang to approve the Design Review application for 185 Oakland with the following conditions:

- 1. The Design Review Board approves the non-cutoff wall sconces pursuant to Article 4, Section 4.21;
- 2. The applicant must submit revised lighting/photometric plans that meet the requirements of Article 4, Section 4.21 of the Zoning Ordinance;
- 3. The Design Review Board approves the canopy and awning projections into the Oakland and Ferndale right-of-way so long as the applicant submit revised plans with all dimensions clearly labeled and confirmed. In addition, the applicant must submit revised plans reducing the soffit projection to 2 ft. or less, or obtain a lease from the City Commission; and,
- 4. The applicant must submit revised design plans demonstrating transparent areas equal to 70% of its portion of the facade, between one and eight feet from the ground on the south and east facades, or obtain a variance from the Board of Zoning Appeals. Additionally, the applicant must submit glazing specification sheets to ensure the clarity requirements are met.

In reply to Mr. Deyer, PD Dupuis noted that any future proposed sign could be administratively approved as long as it complies with the sign requirements.

Mr. Dever noted that if more than one tenant occupies the building in the future, a sign plan should be submitted.

Mr. Hinkle said the intent was to return with a sign plan.

# Motion carried, 5-0.

VOICE VOTE Yeas: Dukas, Lanfear, Deyer, Lang, Cappello Nays: None

# B. 33680 Woodward – Petrucci Homes

PD Dupuis presented the item and answered informational questions from the DRB.

Trent Schmitz, architect, and Mike Petrucci, owner, spoke on behalf of the item.

PD Dupuis confirmed for Mr. Petrucci that future plans for exterior paint would need to be submitted to the Planning Department for review.

Mr. Schmitz explained that the backer for the sign would be changed from the submitted plans to be the same color as the building. Mr. Petrucci added that it would have panel detail in the plaster, and that it would not be brass.

It was noted that lighting only the letters of the sign would comply with the ordinance.

Mr. Petrucci stated that there would be no light above the sign.

In reply to Mr. Deyer, Mr. Schmitz confirmed that the applicant would submit updated renderings.

PD Dupuis advised the DRB that a recent Supreme Court case prohibited the regulation of the content of signs. He said the Board could still regulate design standards, including concepts such as 'visual clutter' and 'architectural harmony'.

Ms. Cappello commended the applicant on the gas lanterns.

Ms. Dukas said the design was beautiful.

# 03-11-23

# Motion by Ms. Cappello

Seconded by Ms. Lang to approve the Design Review application for 33680 Woodward – Petrucci Studio – with the following conditions:

- 1. The applicant must submit revised site/design plans with consistent material notes throughout;
- 2. The applicant must submit revised sign plans with all required dimensions, and also with changes to the brass element to match the exterior of the building;
- 3. The applicant must clarify the rooftop plans to show no new proposed RTU; and,
- 4. The applicant must submit glazing specification sheets for all proposed glazing to ensure the clarity requirements are met.

Mr. Deyer advised the applicant that any changes to these approvals or to the exterior of the building must be submitted to the Planning Department for review prior to occurring.

# Motion carried, 5-0.

VOICE VOTE Yeas: Dukas, Lanfear, Deyer, Lang, Cappello Nays: None

- 5) Sign Review
- 6) Study Session
- 7) Miscellaneous Business And Communications
  - A. Pre-Application Discussions
  - B. Draft Agenda
  - C. Staff Reports
    - 1. Administrative Sign Approvals
    - 2. Administrative Approvals
    - 3. Action List 2023

03-12-23

Design Review Board Minutes of March 1, 2023

# Motion by Ms. Lang Seconded by Mr. Lanfear to approve the 2023 DRB Action List.

# Motion carried, 5-0.

VOICE VOTE Yeas: Dukas, Lanfear, Deyer, Lang, Cappello Nays: None

# 8) Adjournment

No further business being evident, the Board motioned to adjourn at 8:01 p.m.

Nick Dupuis, Planning Director

Laura Eichenhorn, City Transcriptionist

# **CASE DESCRIPTION**

# 1511 E. MAPLE (23-19)

# Hearing date: June 13, 2023

**Appeal No. 22-19:** The owner of the property known **1511 E. Maple**, requests the 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 17.20 feet. Therefore, a variance of 2.80 feet is being requested.

**Staff Notes:** This applicant was in front of the board in November 2022 (attached minutes). The applicant's appeal is to construct a rear addition to the existing non-conforming 1950 home approved. The applicants made a design change for a proposed complete full second floor. The applicant is requesting the same dimensional variance and it tie it to the redesigned plans.

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 / <u>www.bhamgov.org</u>

# APPLICATION FOR THE BOARD OF ZONING APPEALS

Received Date:					Hearing Date:	
Received By:					Appeal #:	
Type of Variance:	Interpretation	Dimensional	Land Use	- Sign	Appear #: Admin Review	
I. PROPERTY INFORMAT	ON:					
Address:		Lot Number:		Sidwell Number:		
1511 Emaple Not Birmingham NI 48009 Lot Number: 11. OWNER INFORMATION:				Sidweir Number.		
	· · · · · · · · · · · · · · · · · · ·	11				
Name: Adriana Lit	andi A Jasc	in Hurst				
Address: ISIIE. Maple Rd City: Birmingham		mingham	State: ML Zip code: 48009			
Email:* Liburdi 82@Yahoo, com			Phone: 248-705-7538/7740073			
III. PETITIONER INFORMA	TION:					
Name: Adriana Li	burdi / Jaso	In Hust Firm/Comp	any Name:			
Address: KILE MG	ala Ad B	City: Birr	ningham	State: ML	Zip code: 48 009	
Email: / ila and a	Qualiza		Mighart	Phone: 248	2020 /734 -22	
IV. GENERAL INFORMATI	<u>- Cyahoo.c</u> on:	017		705	5-1528/177-0013	
The Board of Zoning Anno	als typically meets the	second Tuesday of each	month COMPLETE di	gital applications alor	ng with supporting documents	
					omplete applications will not be	
accepted.					simplete applications will not be	
	lications are provided.	appellants must schee	dule a pre-applicatio	n meetina with the	Building Official, Assistant	
					ill be required to be submitted.	
					ach variance request must be	
					in feet measured to the second	
decimal point.						
The BZA application fee is be posted at the property				unt includes a fee for	r a public notice sign which must	
			hart Example			
Requested Variance	es Require	ed Exis	ting	Proposed	Variance Amount	
Variance A, Front Set			) Feet	23.50 Feet	1.50 Feet	
Variance B, Heigh		eet   30.25	Feet	30.25 Feet	0.25 Feet	
		lowing in your ele	ctronic submiss	ion:		
	leted and signed appl		ctrome submiss	1011.		
<ul> <li>Signed letter of practical difficulty and/or hardship</li> </ul>						
O Certified survey						
<ul> <li>Building plans including existing and proposed floor plans and elevations</li> </ul>						
		on, provide a copy of t	he minutes from an	y previous Planning	g, HDC, or DRB board meeting	
VI. APPLICANT SIGNATUR						
Owner hereby authorizes	•				Survey and the second second second	
accurate to the best of m					nitted on this application is ficial or City Planner	
					ive these messages, you may	
unsubscribe at any time.	1	7	2	0	0.00	
Signature of Owner: Date: S/9/23						
Signature of Petitione						

# CITY OF BIRMINGHAM BOARD OF ZONING APPEALS RULES OF PROCEDURE

# **ARTICLE I - Appeals**

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

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

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

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

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.
- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a <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.

Application or rehearing of a case shall be in writing and subject to the same rules as an Β. 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

# Letter of Practical Difficulty

Address: 1511 E. Maple Birmingham, MI 48009

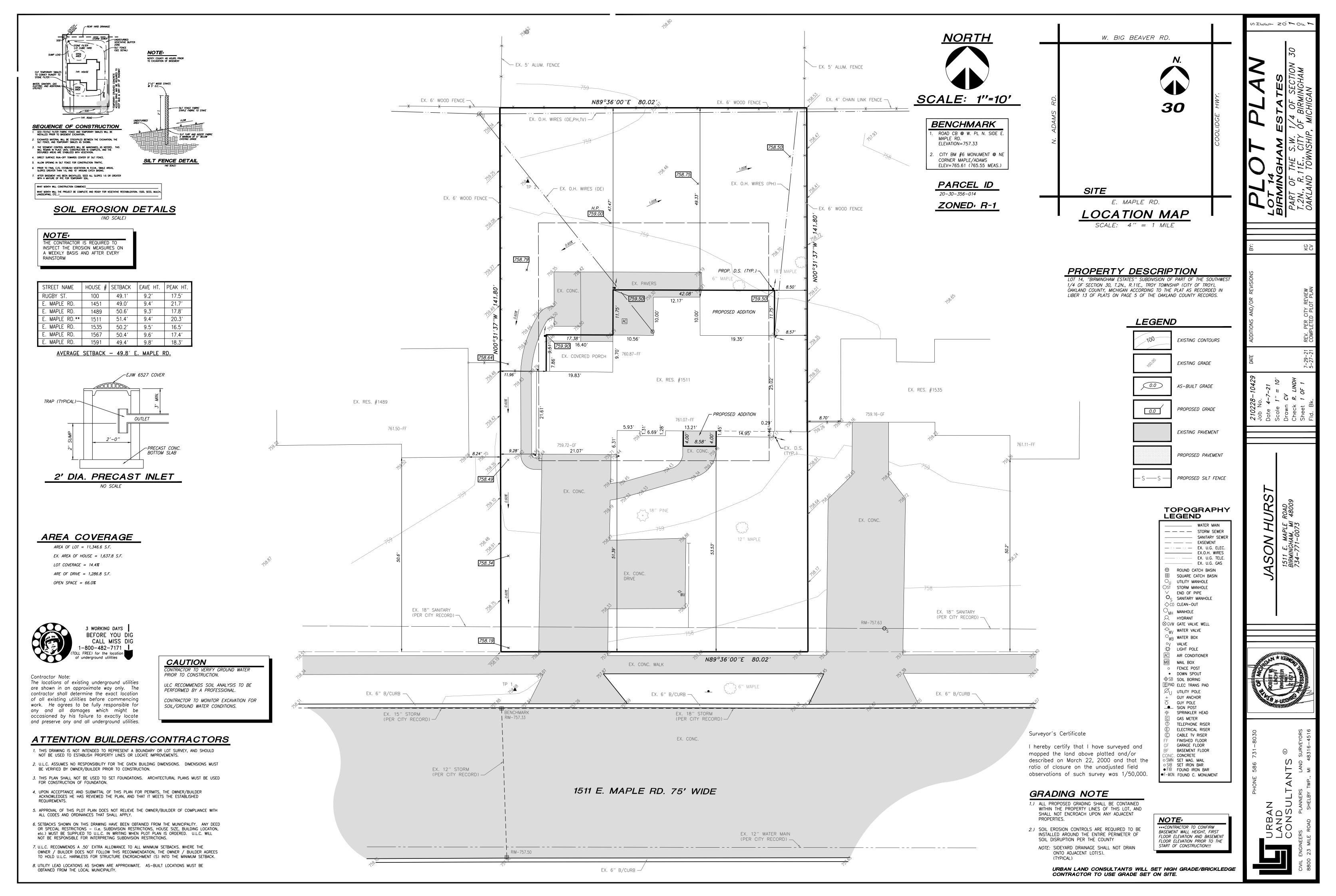
Owners: Adriana Liburdi / Jason Hurst

To facilitate a first-floor primary bedroom with walk in closet and bathroom and converting the current second floor bungalow to a full functional second floor, the above-mentioned owners are requesting a variance on the east facing side of the home. Existing original exterior wall is over the current side set back encroachment regulations. The renovations will only follow the current fore-aft plane extending rearwards / up and will not encroach any further on the side yard setback. The purpose of this letter is to address the need for the expansion of our first-floor primary bedroom and converting the second story into a fully functional living space. The expansion is to allow more space for our growing family, expecting our little girl later this year. With the proposed renovations we will have enough space for our two children to have their own rooms, a full second story bath for the children, an office space for Adriana whose job is fully remote and a dedicated play area for the children. With the current housing market, buying a house large enough to facilitate our growing family's needs is unlikely. So, we have decided to renovate our current house.

Thank you for your time and review.

Best Regards,

Adriana Liburdi and Jason Hurst



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LARGE SCALE PLAN OR DETAIL	
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COLUMN CENTER IS REFERENCED ON	
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# WALL TYPE NUMBER	
DOOR MINDOW NUMBER NUMBER	
DOOR NUMBER WINDOW TYPE	
MATCHLINE SHEET #	
SHEET #	
	BIRM
<u>GENERAL NOTES</u> DIMENSIONS AND SQUARE FOOTAGES ARE APPROXI	
SPECIFICATIONS	WATE AND WAT VART WITTACTUAL CONSTRUCTION
1. CONTRACTOR SHALL INSPECT SITE TO VERIFY ALL 2. CONTRACTOR SHALL CALL "MISS DIG" PRIOR TO DI	IGGING.
4. CONTRACTOR SHALL PAY FOR ALL REQUIRED PER	
5. CONTRACTOR SHALL PROVIDE PORTABLE TOILET ( 6. CONTRACTOR SHALL CLEAN SITE OF ANY DEBRIS I 7. CONTRACTOR SHALL HAVE THE OPTION TO SUBST	
OWNER'S AND BUILDER'S APPROVAL.	
	KS, UTILITIES, ETC. THAT ARE DAMAGED IN THE PERFORMANC
DEVELOPER.	AUTHORITIES HAVING JURISDICTION, OR AS DIRECTED BY TH
REQUIRED, AREA WITHIN PROJECT LIMITS SHALL BE	VED BY THE DEVELOPER AND MINOR ADJUSTMENTS MADE, IF CLEARED OF UNUSABLE MATERIALS, INCLUDING, BUT NOT POLES, DRIVERS, WALKS, PAVING, TREES, BRUSH, OTHER
	MS STIPULATED TO REMAIN. LEGALLY DISPOSE OF SAID
3. ALL EXCESS DIGGINGS TO BE TRUCKED AWAY BY	G.C.
FOUNDATION A. ALL FOOTINGS SHALL REST ON UNDISTURBED SOI	L AND 3'-6" MINIMUM BELOW GRADE.
	MPRESSIVE STRENGTH IN 28 DAYS.D. BACKFILL: TO BE SUITAE
	TTER, CONSTRUCTION MATERIALS, AND RUBBISH. MATERIAL DER ALL SITE CONDITIONS. BACKFILL MUST EXTEND OUT MINIM
18" FROM THE FOUNDATION, AND IN HEIGHT FROM DI	
	EWER THAN TWO ANCHOR BOLTS OR EQUIVALENT ANCHOR
<u>CARPENTRY</u>	
2. FRAMING LUMBER: ALL KD SPF CONSTRUCTION GF	FABRICATE IN ACCORDANCE WITH THE "NATIONAL DESIGN ENING". SUBMIT SHOP DRAWINGS FOR OWNER'S APPROVAL.



# HE HURST'S RESIDENCE "

# SINGLE FAMILY HOME

# RMINGHAM, OAKLAND CO., MICHIGAN

- 4. FLOR SHEATHING: TO BE 3/4" OSB. UNDERLAYMENT/SHEATHING. TONGUE AND GROOVED AND NAILED + 8" O.C. WITH 8D HOT-DIPPED GALVANIZED NAILS (OR APPROVED EQUAL). 5. FLOOR INSULATION: OPTIONAL.
- 6. WALL FRAMING: EXTERIOR TO BE 2x4 KF SPF (SPRUCE-PINE-FIR) CONSTRUCTION GRADE W/ R-13 FIBERGLASS INSULATION.
- 7. WINDOW AND DOOR HEADERS: 2/2x10 KID FIR, WITH 2x3 SEPARATORS AND FIBERGLASS INFILL. 8. WALL SHEATHING: TO BE 7/16" OSB, FASTENED WITH 6D HOT-DIPPED GALVANIZED NAILS.
- 9. EXTERIOR WALL: TYVEK WRAPPING ENTIRE EXTERIOR WALL. 10. INSULATION: R-13 FIBERGLASS INSULATION FOR ALL EXTERIOR WALLS AND R-30 IN ATTIC. 11. ROOF SHEATHING: TO BE 1/2" OSB, FASTENED WITH 8D HOT-DIPPED GALVANIZED NAILS OR
- EQUIVALENT.
- 12. INSECT SCREEN: 16 MESH TO THE INCH.
- 13. PLYWOOD/OSB (INTERIOR): A-A INT-DFPA IN ACCORDANCE WITH AMERICAN PLYWOOD ASSOCIATION GRADE MARK.
- 14. TRIM:ON ALL INTERIOR DOORS AND WINDOWS.
- 15. MOULDING: TO BE DETERMINED.
- 16. GYPSUM BOARD: SHEET ROCK SW WALL BOARD BY USG, GLUE & SCREW FASTENED. 1/2" WALLS & SUPPLY AND CPVC DWV RUNS AS PER PLUMBING CODE. 5/8" CEILINGS/GARAGE & (2)-LAYERS 1" FIRERATED FOR FIREWALL
- 17. BASE TRIM: 3 <sup>1</sup>/<sub>4</sub>" WOOD BASE SHERWIN WILLIAMS OR EQUAL.
- 18. PAINT: PRIMER PLUS ONE COAT FLAT PAINT (COLOR TO BE DETERMINED)
- FLAT FOR ALL CEILINGS.
- 19. BUILT-IN'S: VERIFTY WITH OWNER.
- 20. EXTERIOR SIDING: DOUBLE 4" VINYL LAP SIDING.
- WINDOWS AND DOORS
- 1. WINDOWS: VINYL CLAD SLIDERS WITH LOW E/ARGON.

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- 2. INTERIOR DOORS: 6 PANEL MASONITE DOOR. 3. METAL DOORS: 3'-0" X 6'-8" INSUL.
- H.M. DOOR & FRAME

# <u>METAL</u>

•

- 1. ALL STEEL A-36 (GRADE 60)
- 2. BOLTS: A-325 HIGH STRENGTH STEEL 3. WELDING ELECTRODES: A-23, SERIES E-70
- MOISTURE PROTECTION
- 1. ROOF SHINGLES: ASPHALT SHINGLES, ARCHITECTURAL SERIES 30 YEAR SHINGLE OR EQUIVALENT 2. ROOFING BARRIER: 15 LB FLET PAPER

D

- 4. SIDING: DOUBLE 4" VINYL LAP SIDING 5. CAULKING: CONSTRUCTION SEALANT.
- 6. GUTTERS: SEAMLESS ALUMINUM GUTTERS
- 7. VAPOR BARRIER: 6-MIL VAPOR BARRIER BY W.R. GRACE BELOW CONC. SLAB

# **FLOORING**

- 1. HARD WOOD: SEE DRAWINGS 2. VINYL TILES: SEE DRAWINGS
- 3. CARPET: SEE DRAWINGS
- 4. CERAMIC TILE: SEE DRAWINGS
- COUNTER TOPS

# 1. PLASTIC LAMINATE- COLOR & STYL

# PLUMBING

1. TO BE COMPLETED WITH TYPE M COPPER 3. ONE (1) 40-GALLON WATER HEATER 4. BATHROOM FIXTURES BY GENERAL CONTRACTOR. INCLUDES GLASS SHOWER ENCLOSURE, SINS, TUBS, TOILETS ETC. 5. PROVIDE SUMP IN BASEMENT.

# **ELECTRICAL**

TO BE 100 AMP. UNDERGROUND SERVICES, OUTLETS AS PER CODE, SWITCH CONTROLLED LIGHTING IN ALL ROOMS TO CODE, LIGHTING IN ATTIC, VENTILATION FANS IN ALL BATHS, CONNECTIONS TO HVAC UNITS, RANGE HOOD, WATER HEATERS AND STANDARD RECESSED LIGHTING CANS BY G.C., LIGHTING FIXTURES BY G.C. RANGE HOOD, FANS AND/OR FAN/LIGHTS, YARD AND POST LIGHTS ARE CONSIDERED FIXTURES. <sup>1</sup>/<sub>2</sub> HP GARBAGE DISPOSAL FOR SINK.PROVIDE ADDITIONAL SLOTS IN BREAKER BOX FOR FUTURE EXPANSION.

## TELEPHONE

TO BE BASED ONE (1) INCOMING LINES. ALL PERMANENT PHONE WIRING ABOVE FIRST FLOOR LEVEL TO BE PREWIRED AND CONCEALED. PHONE EQUIPMENT BY OWNER. USE MULTI-CONDUCTOR PHONE WIRE.

TO BE DISGNED BY HVAC CONTRACTOR AS PER CODE TO PROVIDE A 72 F INDOOR TEMPERATURE YEAR-ROUND AND COMPLETE VENTILATION OF ALL ROOMS.

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# LANDSCAPING

LANDSCAPING BY OWNER

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### SHEET INDEX

ARCHI	TECTURAL
A-00	COVER SHEET
A-01	EXISTING SITE PLAN
A-02	EXISTING 1ST FLOOR PLAN
A-03	EXISTING 2ND FLOOR PLAN
A-04	EXISTING ROOF PLAN
A-05	EXISTING ELEVATIONS
A-06	EXISTING ELEVATIONS
A-07	DEMO 3D VIEWS
A-08	PROPOSED SITE PLAN
A-09	PROPOSED 1ST FLOOR PLAN
A-10	PROPOSED 2ND FLOOR PLAN
A-11	PROPOSED ROOF PLAN
A-12	REFLECTED CEILING PLANS
A-13	PROPOSED ELEVATIONS
A-14	PROPOSED ELEVATIONS
A-15	SECTIONS
A-16	SECTIONS
A-17	3D STUDIES
A-18	DOOR/ WINDOW SCHEDULES
A-19	MATERIAL SCHEDULE

<u>MATE</u>	RIAL LEGEND
	BRICK
	CONCRETE
	EARTH
	SAND FILL
	WOOD BLOCKING
	WOOD FINISH
	RIGID INSULATION
	METAL
	PLYWOOD
	PLASTER
	TILE
2222222	BATH INSULATION

3. ICE AND WATERPROOFING: BITUTHENE MEMBRANE BY W.R. GRACE

E	ΒY	OWNER	

2. PLUMBING ACCESSORIES SELECTED BY OWNER AND INSTALLED BY THIS CONTRACTOR.

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•	No.     Description     Date       1.     CONSTRUCTION DOCUMENTS     04/23/2023
4	
•	OWNER ADRIANA & JASON
3	1511 E. Maple St Birmingham, MI 48009
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2	Project 1511 E. Maple St Birmingham, MI 48009
•	Tittle COVER SHEET
1	Project number 20-01 Date 09/14/2020 Drawn by ACS A-00
•	Scale: 1/4" = 1'-0" Sheet Size - 24x36 © Copyright 2020, Bay View Building Group,LLC ALL RIGHTS RESERVED

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2	Project 1511 E. Maple St Birmingham, MI 48009					
•	Tittle EXISTING SITE PLAN					
1	Project number 20-01 Date 09/14/2020 Drawn by Author A-01					
	Scale: 1/8" = 1'-0" Sheet Size - 24x36 © Copyright 2020, Bay View Building Group,LLC ALL RIGHTS RESERVED					
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# B1 EXISTING SITE PLAN A-01 1/8" = 1'-0"

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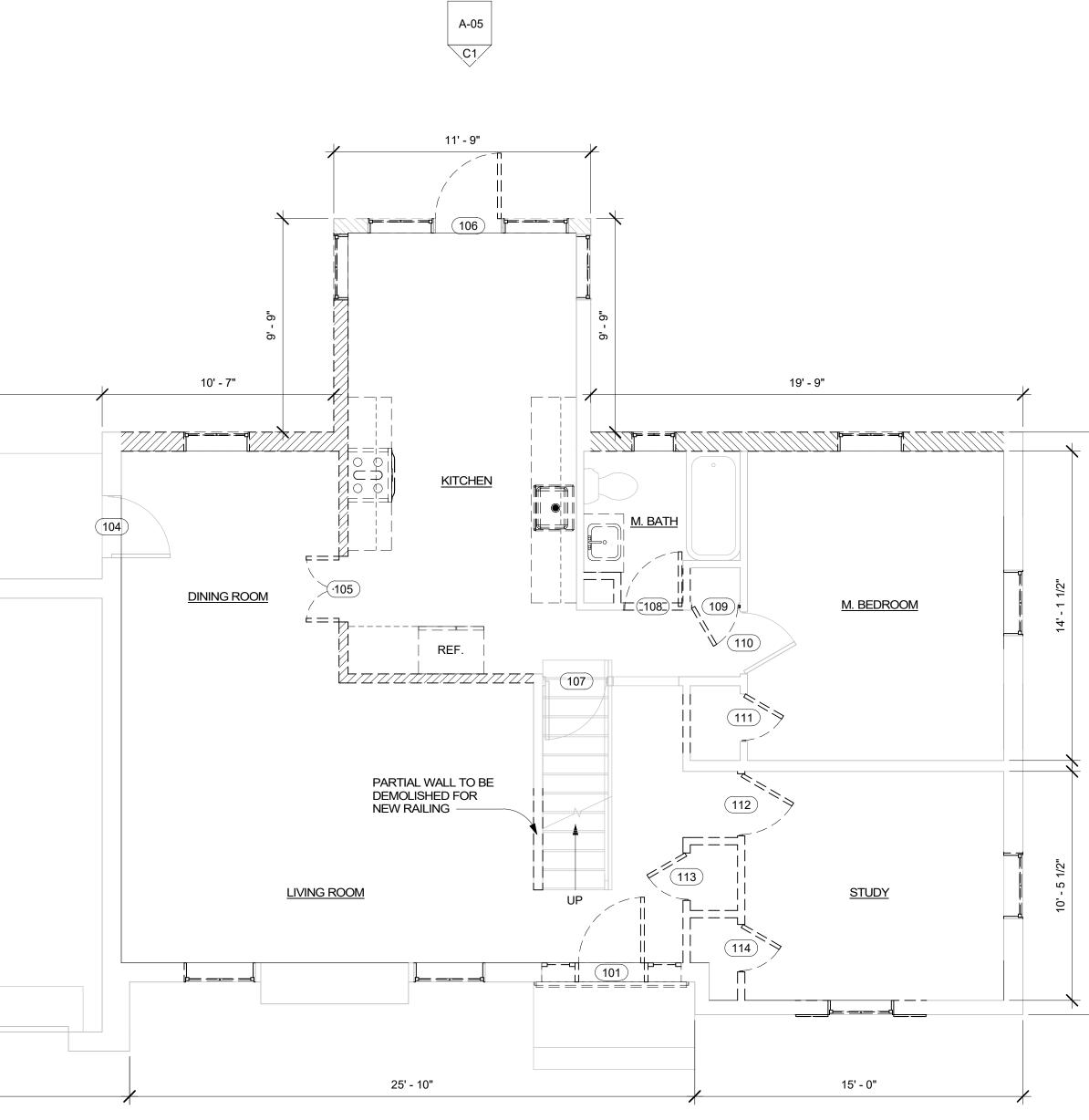
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# C1 EXISTING 1ST FLOOR PLAN

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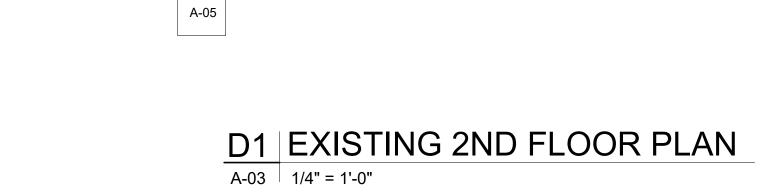
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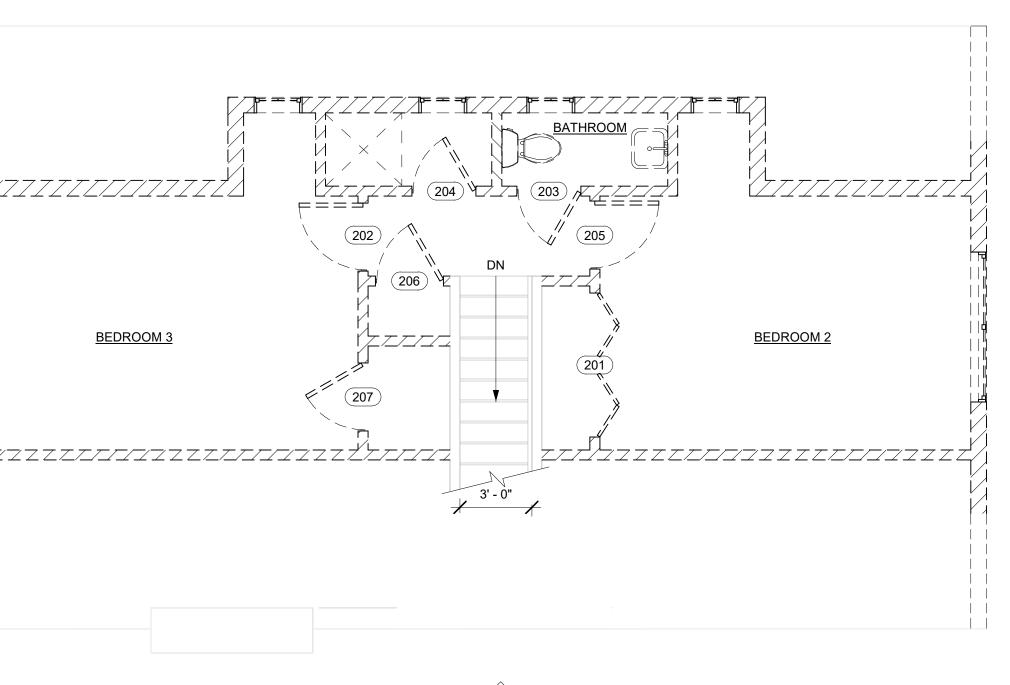
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•	Tittle EXISTING 2ND FLOOR PLAN					
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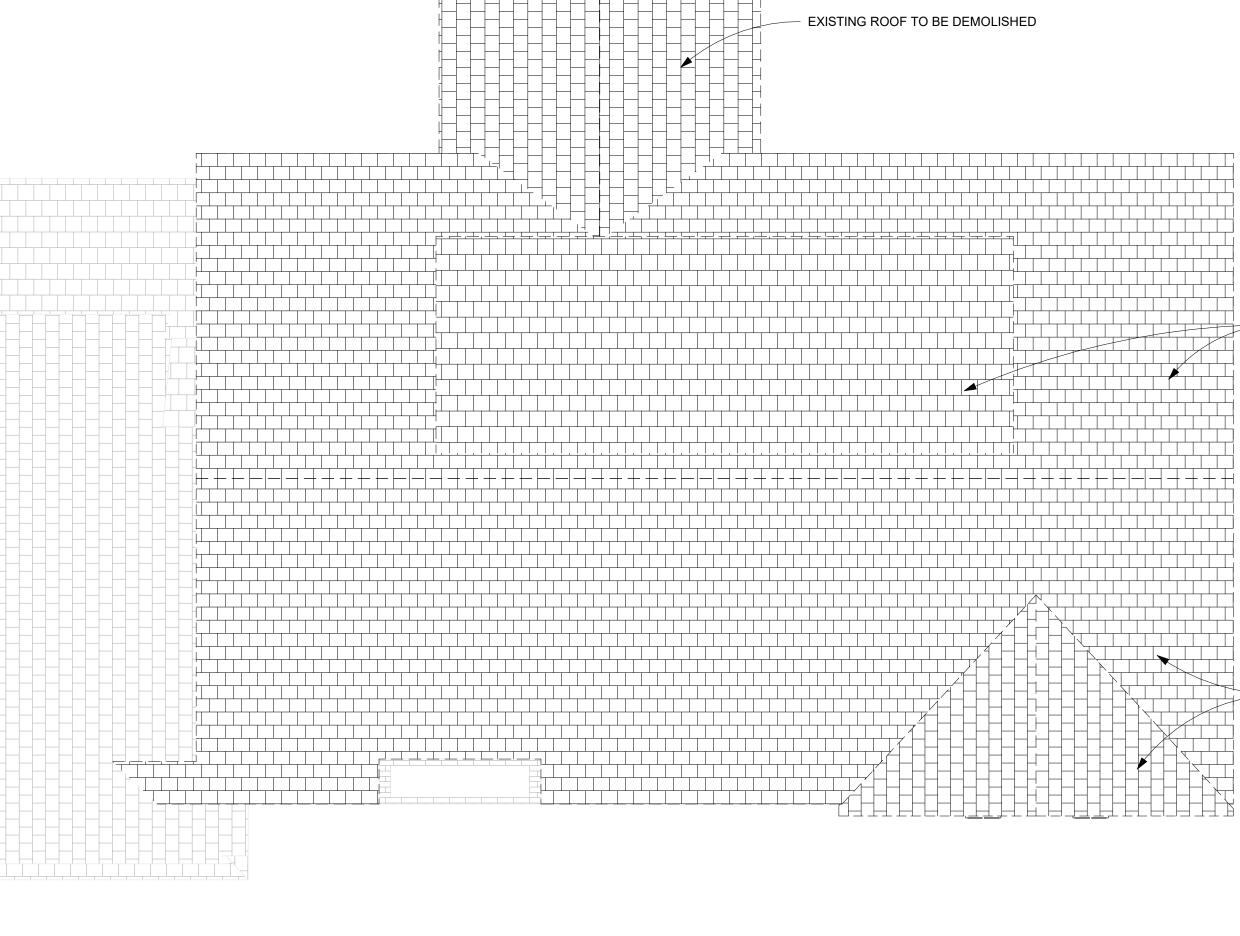
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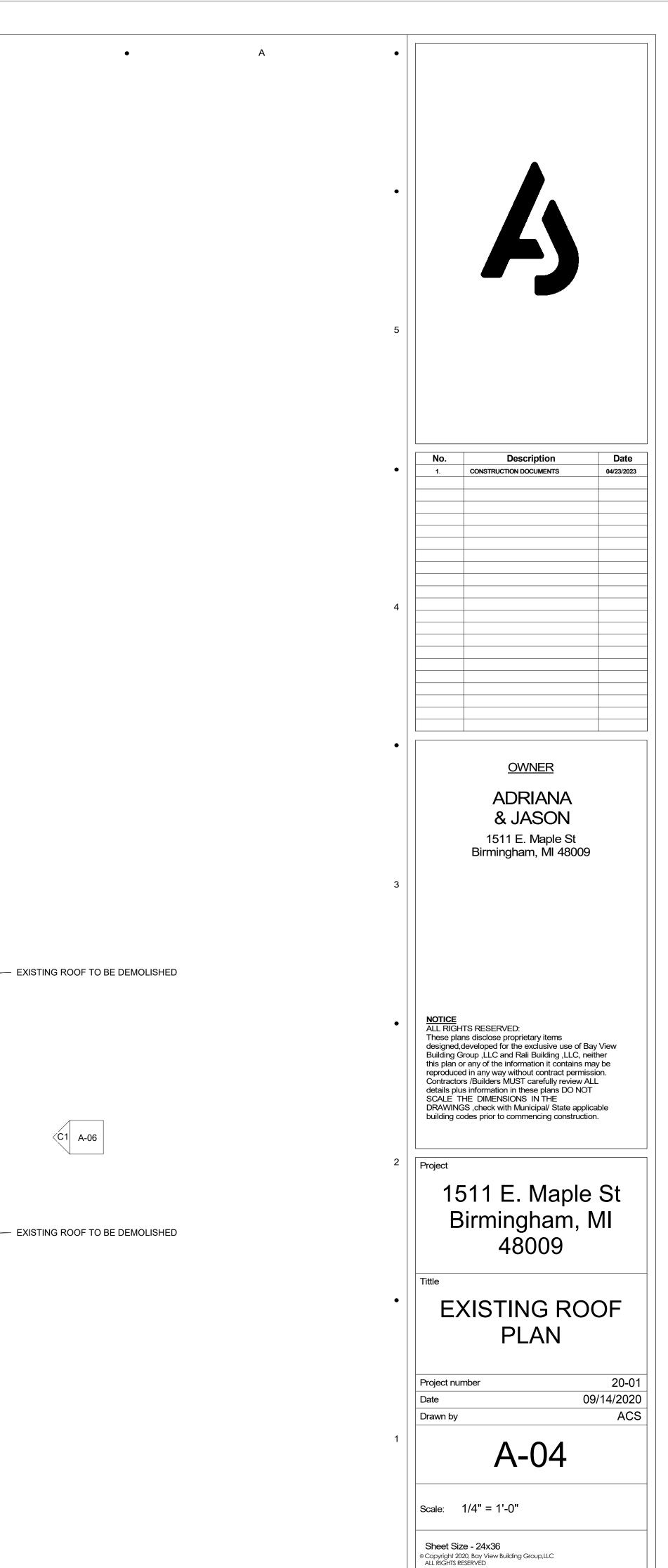
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C1 EXISTING ROOF PLAN

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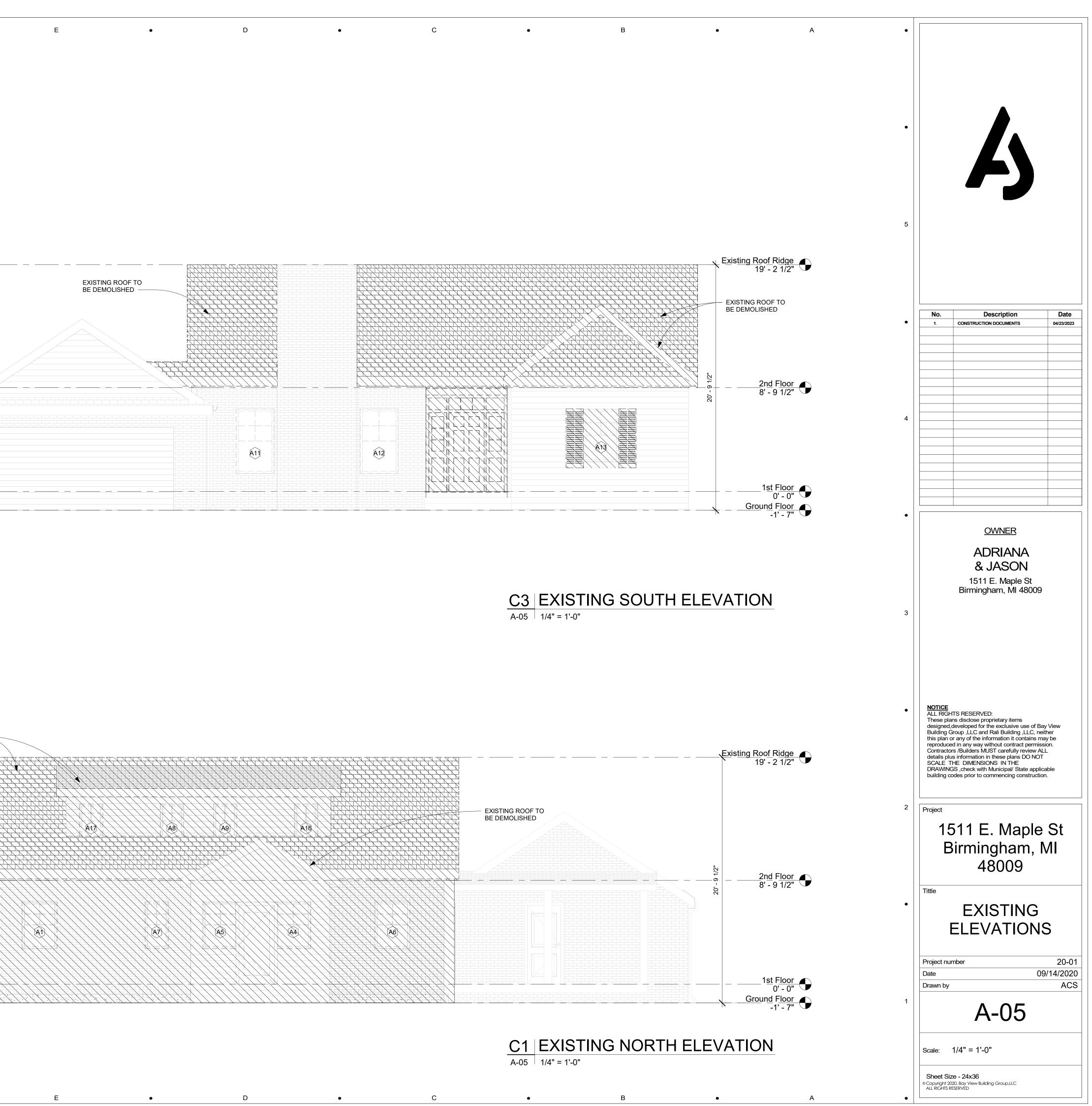
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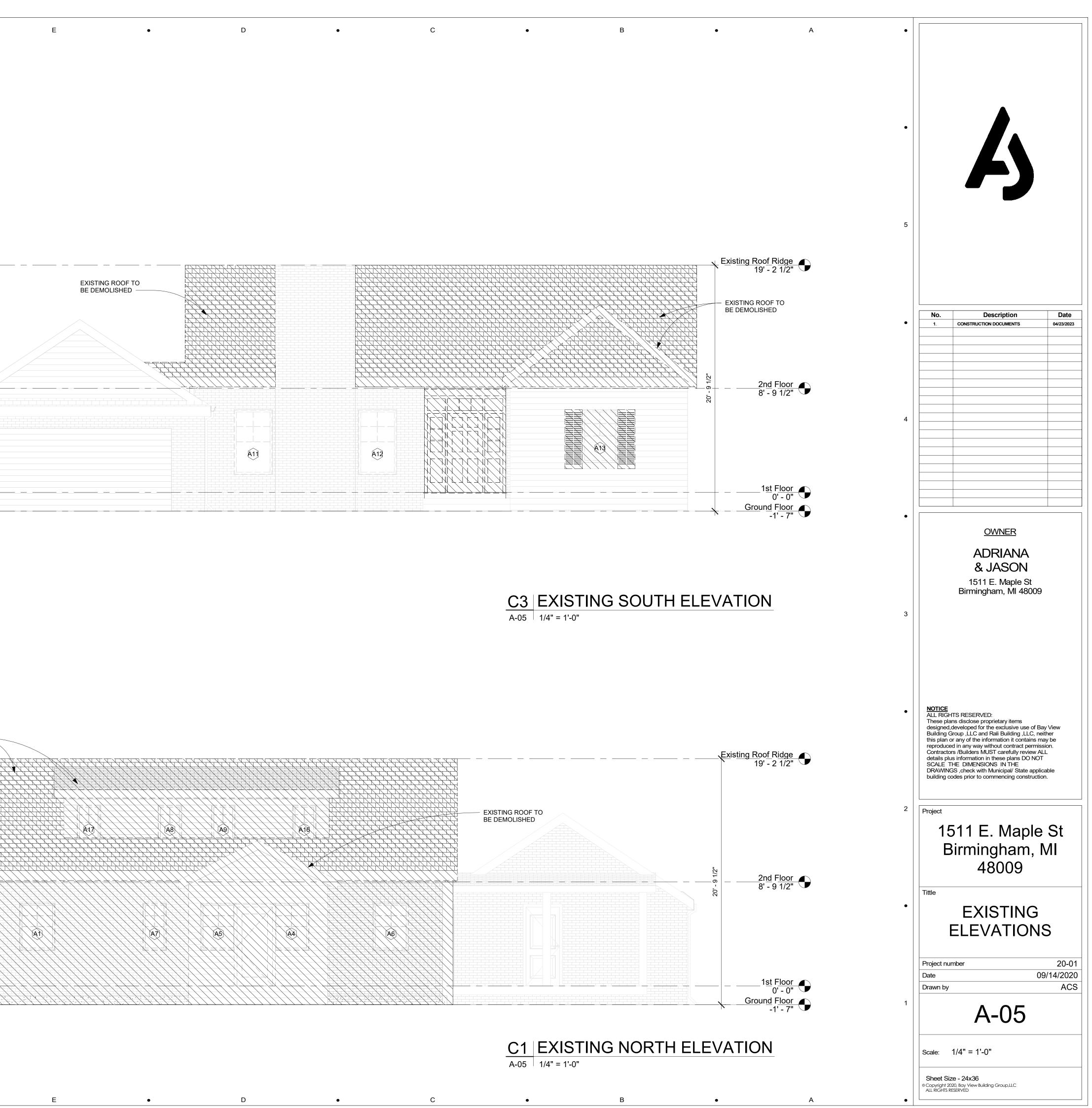
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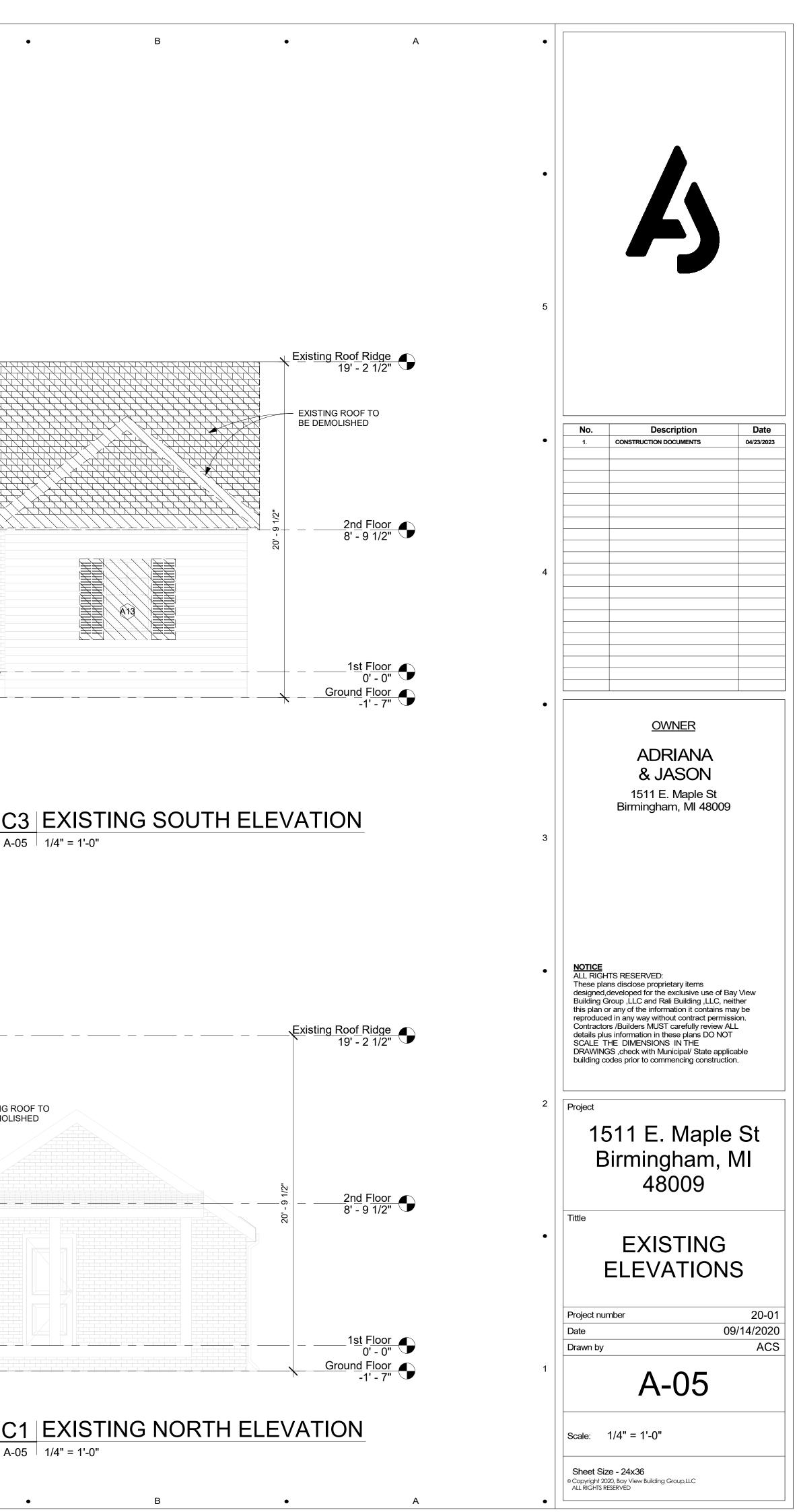
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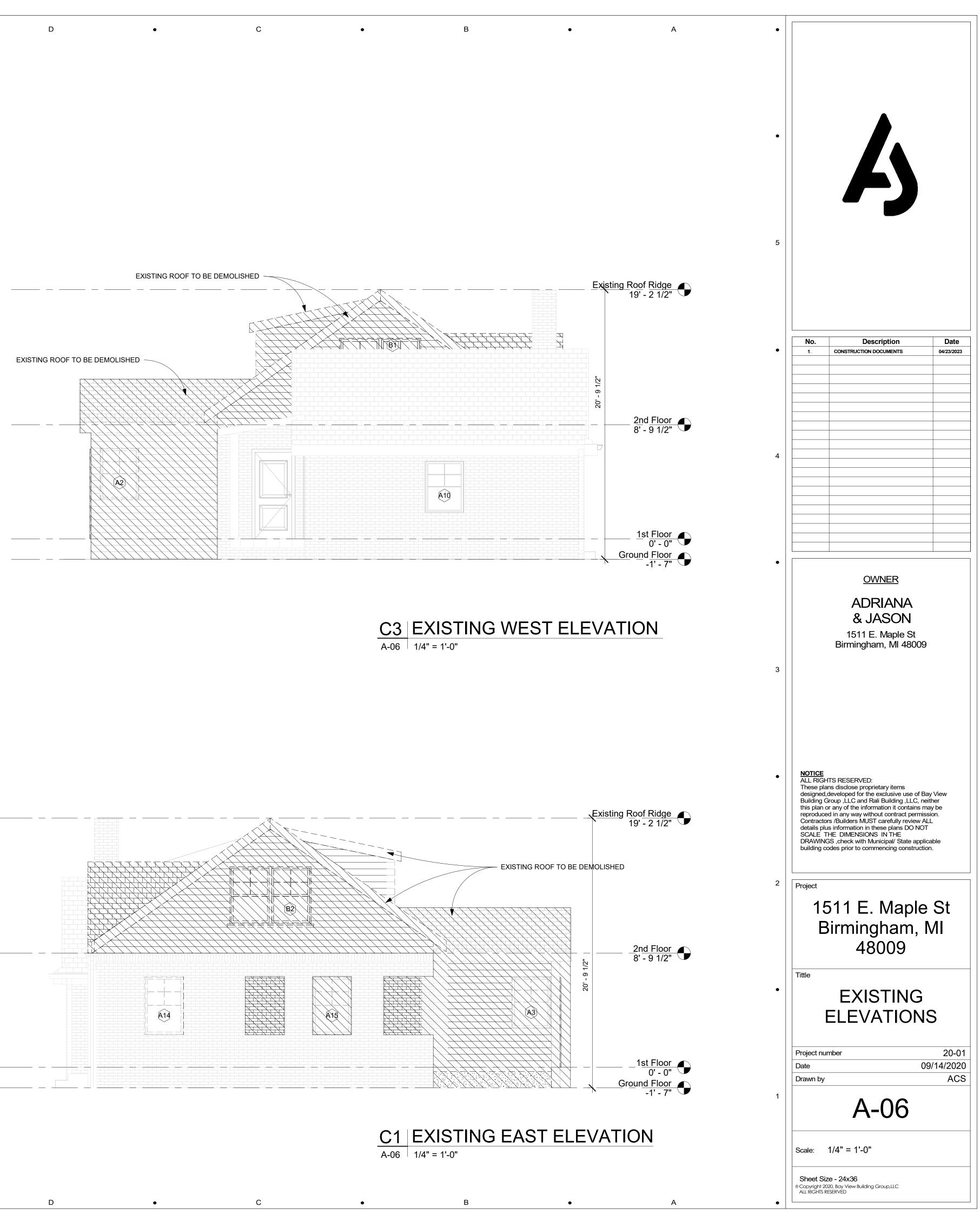
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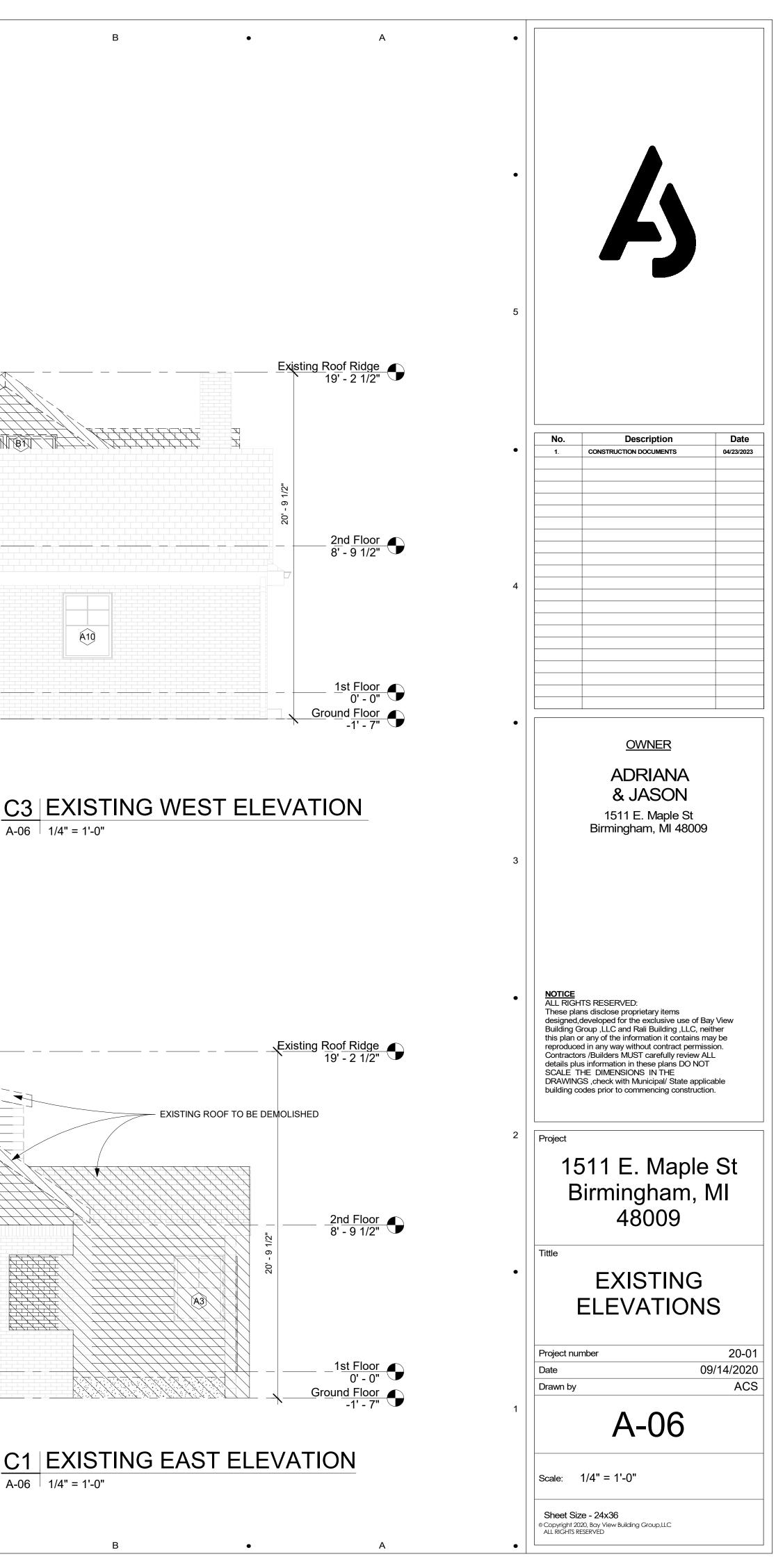
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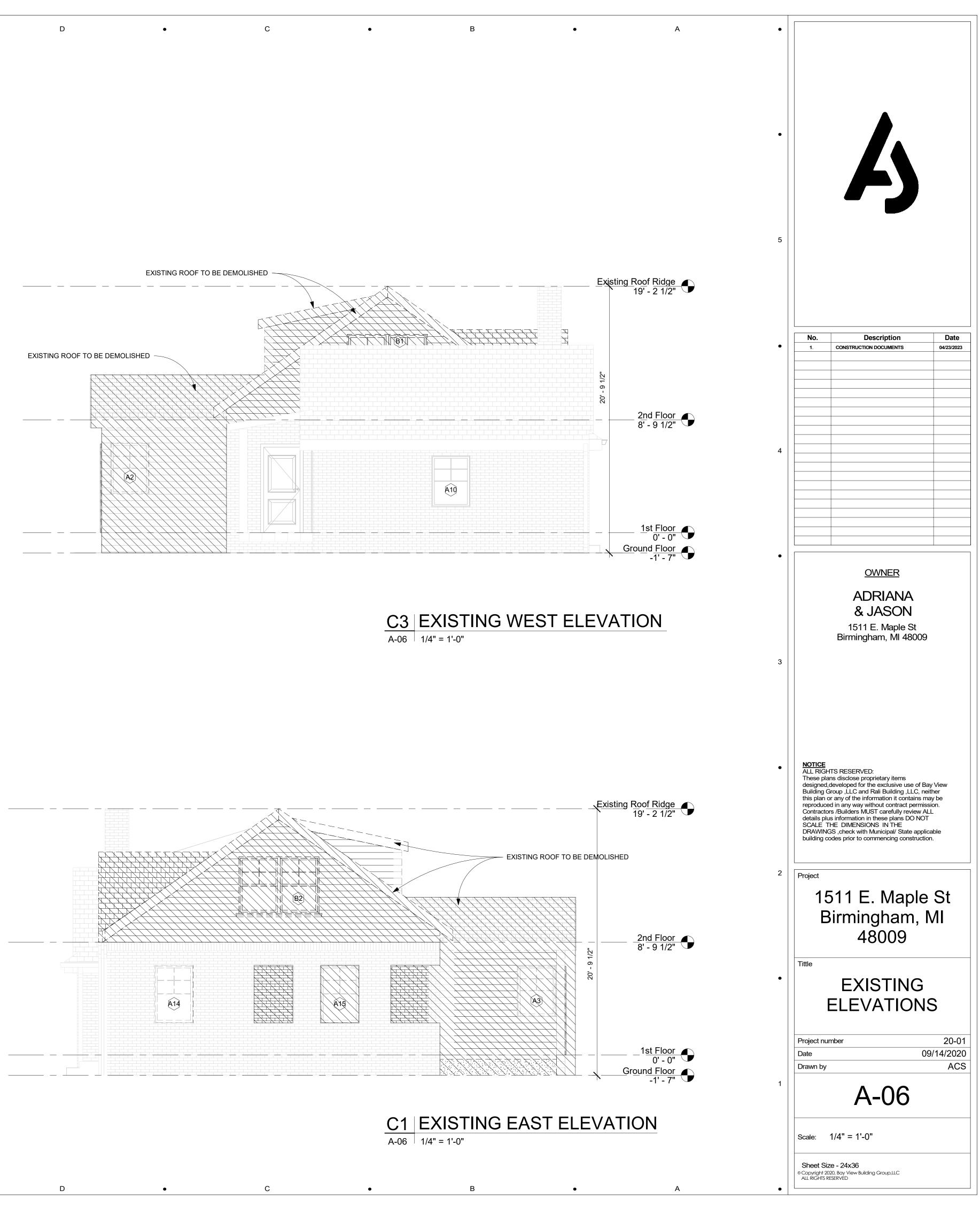
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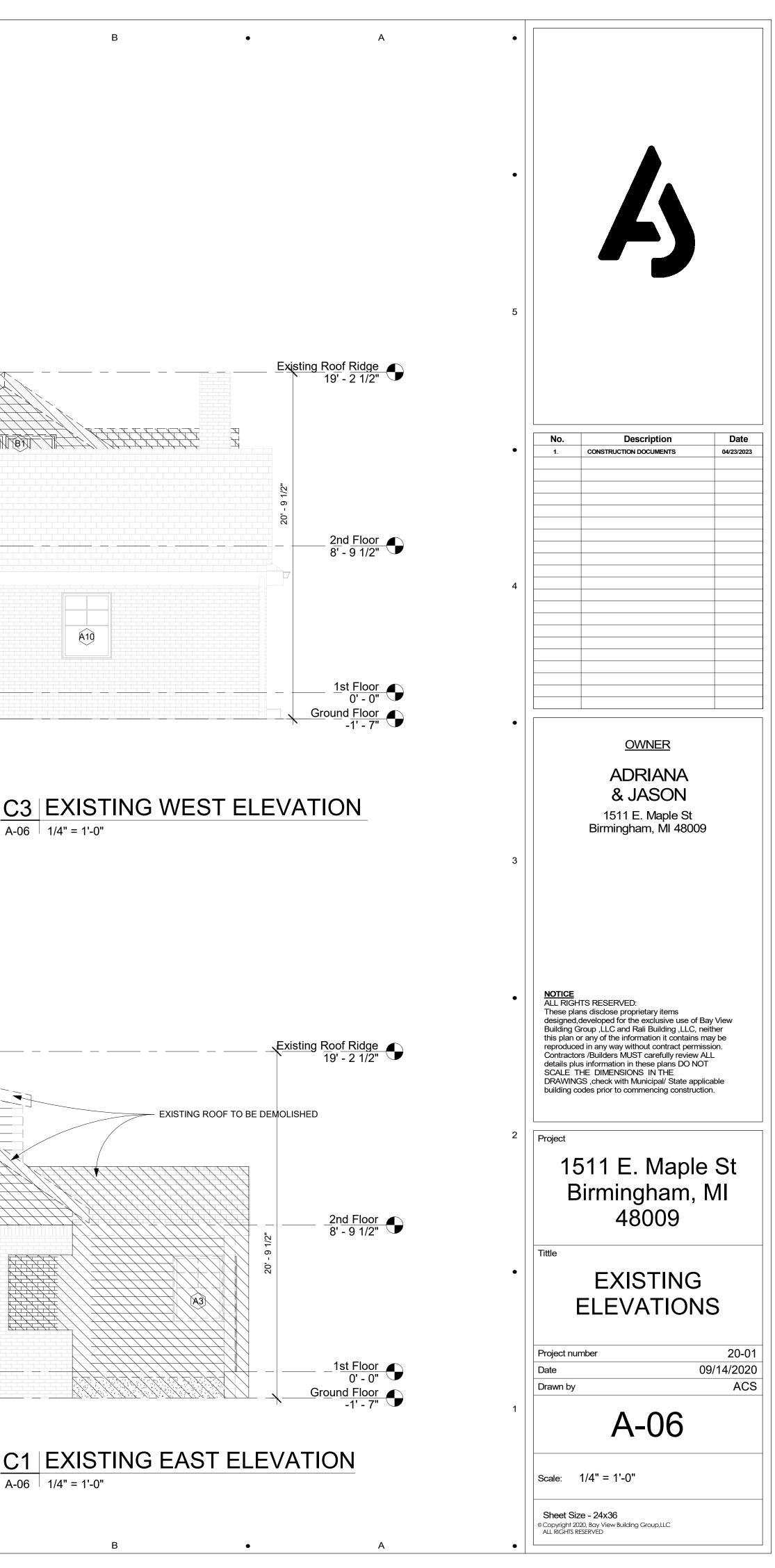
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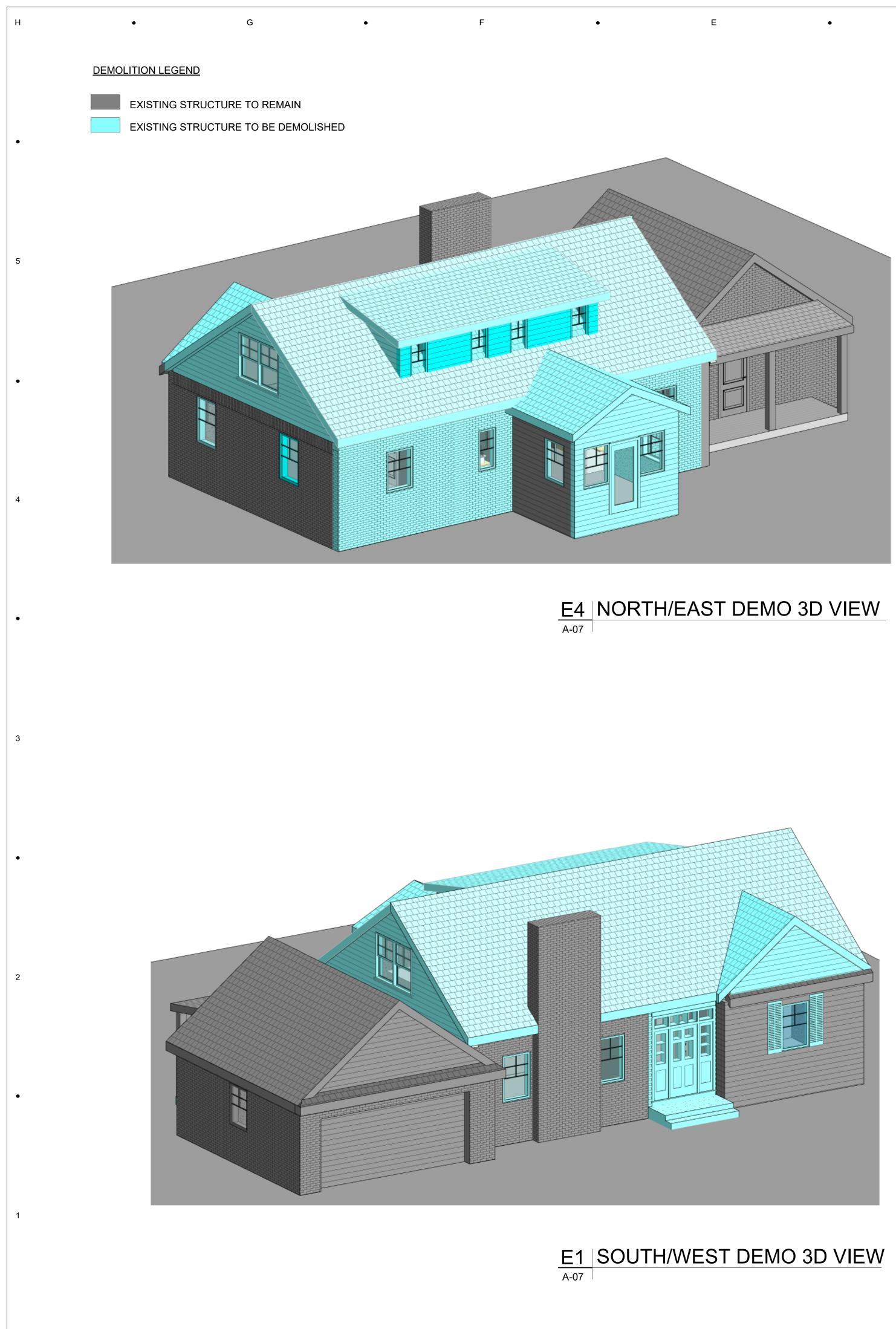


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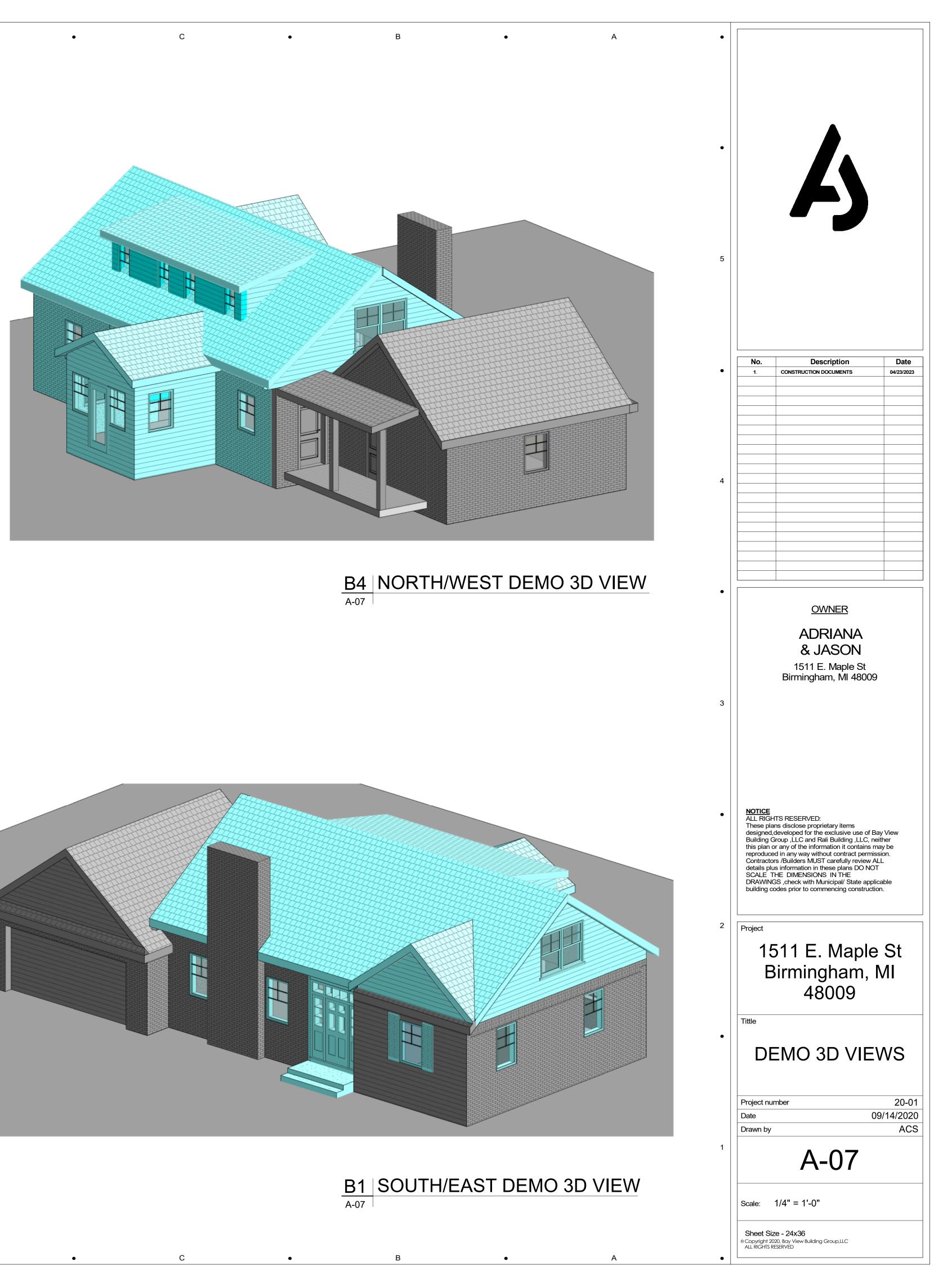
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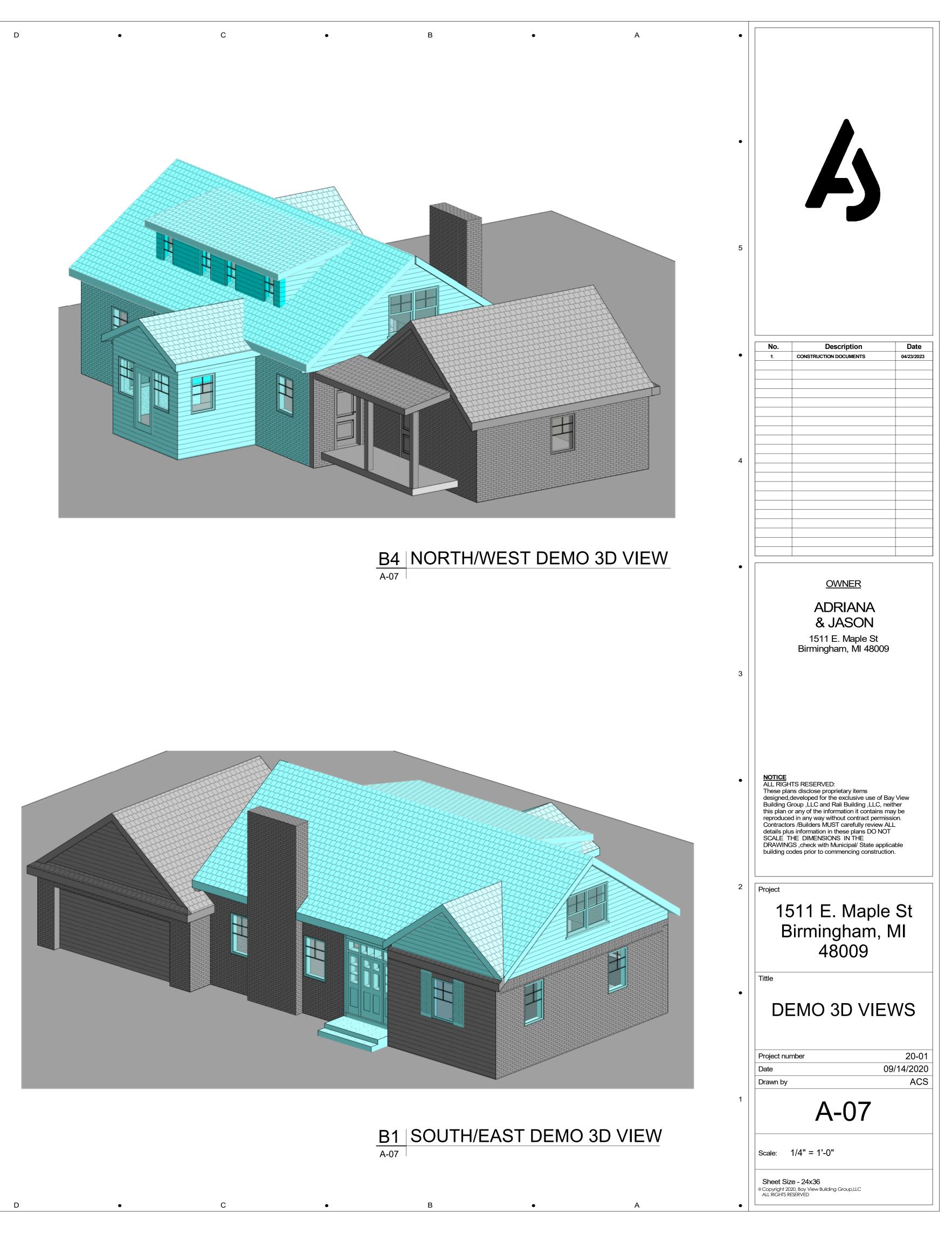
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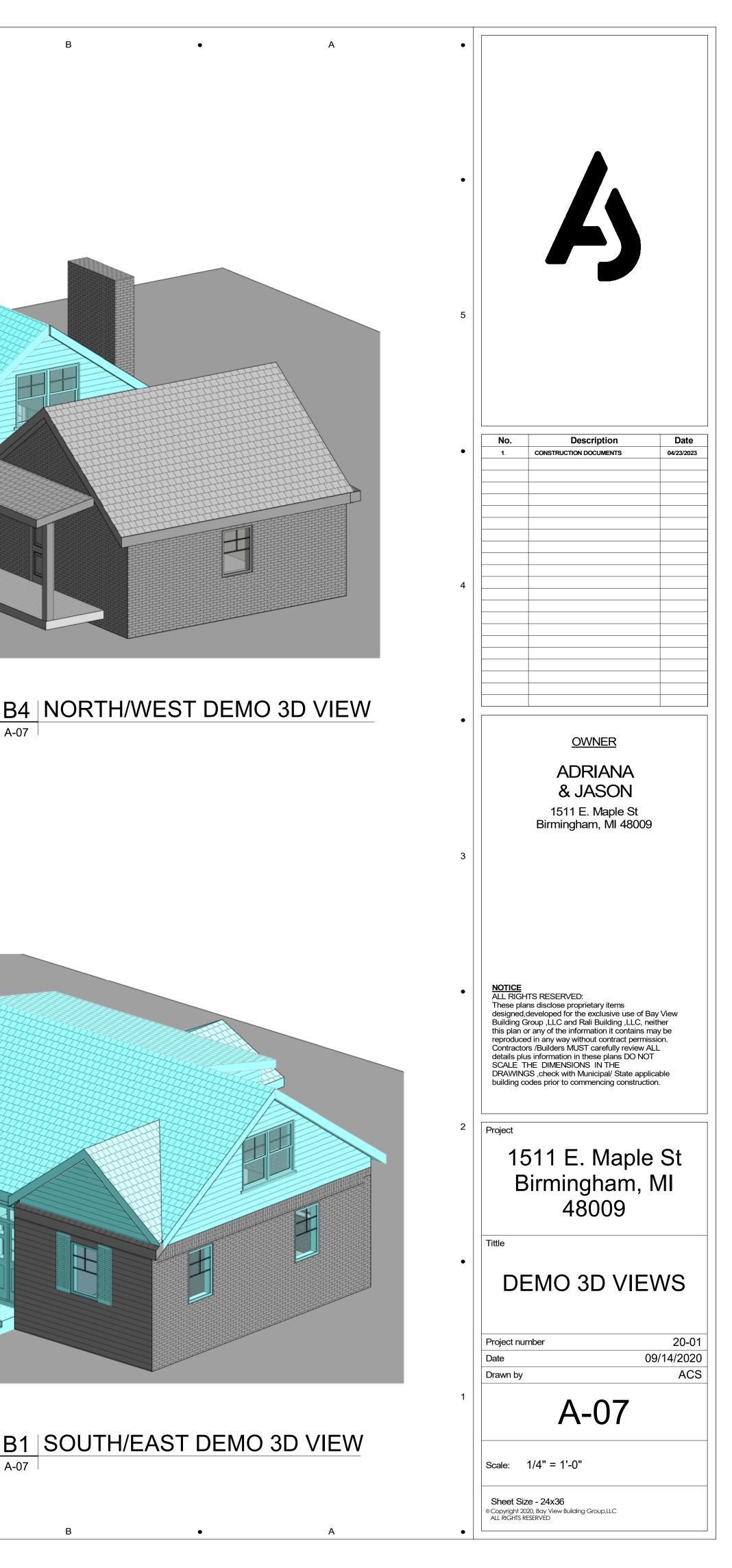
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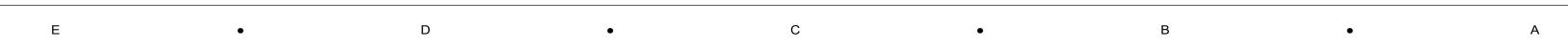
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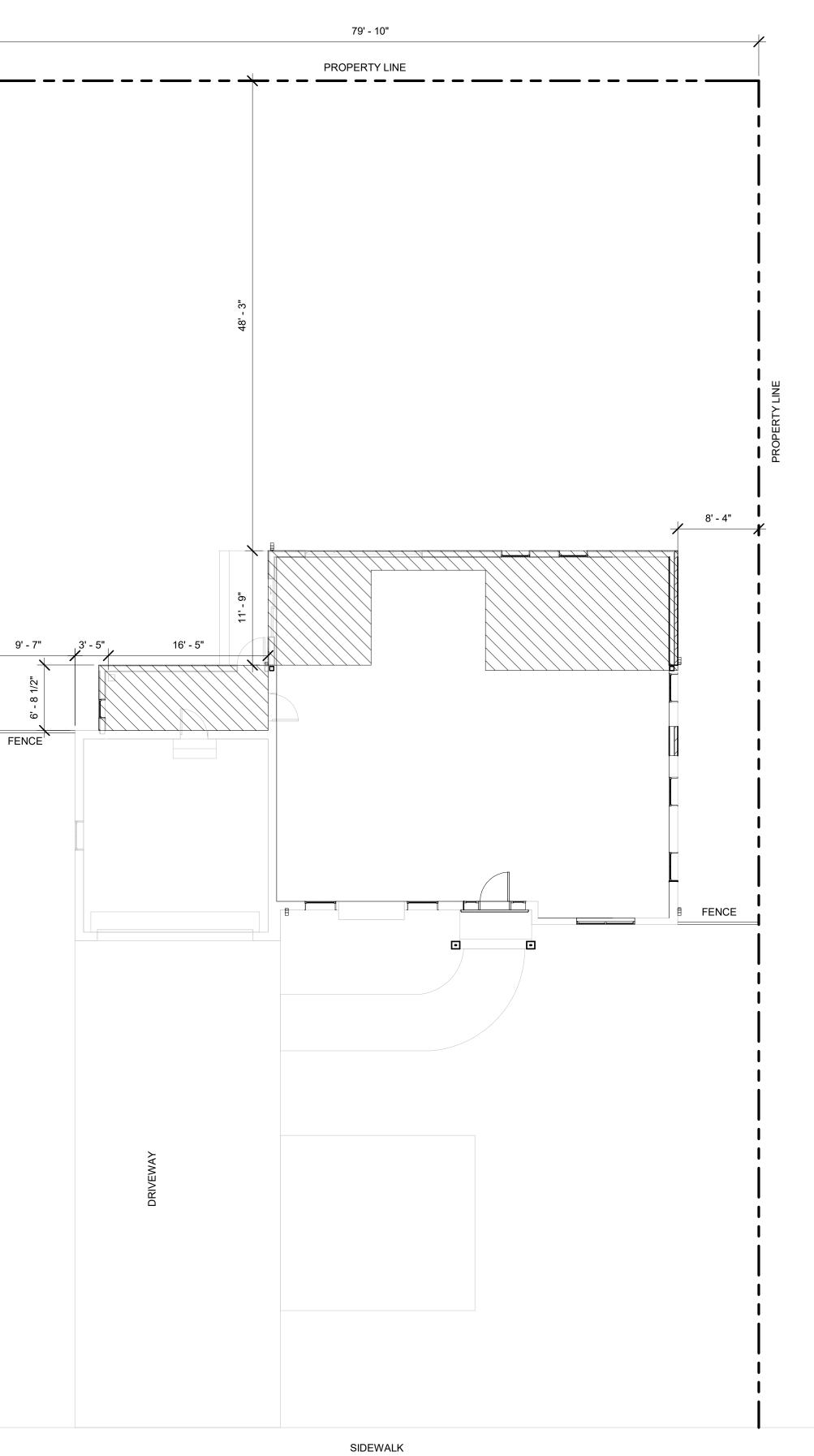






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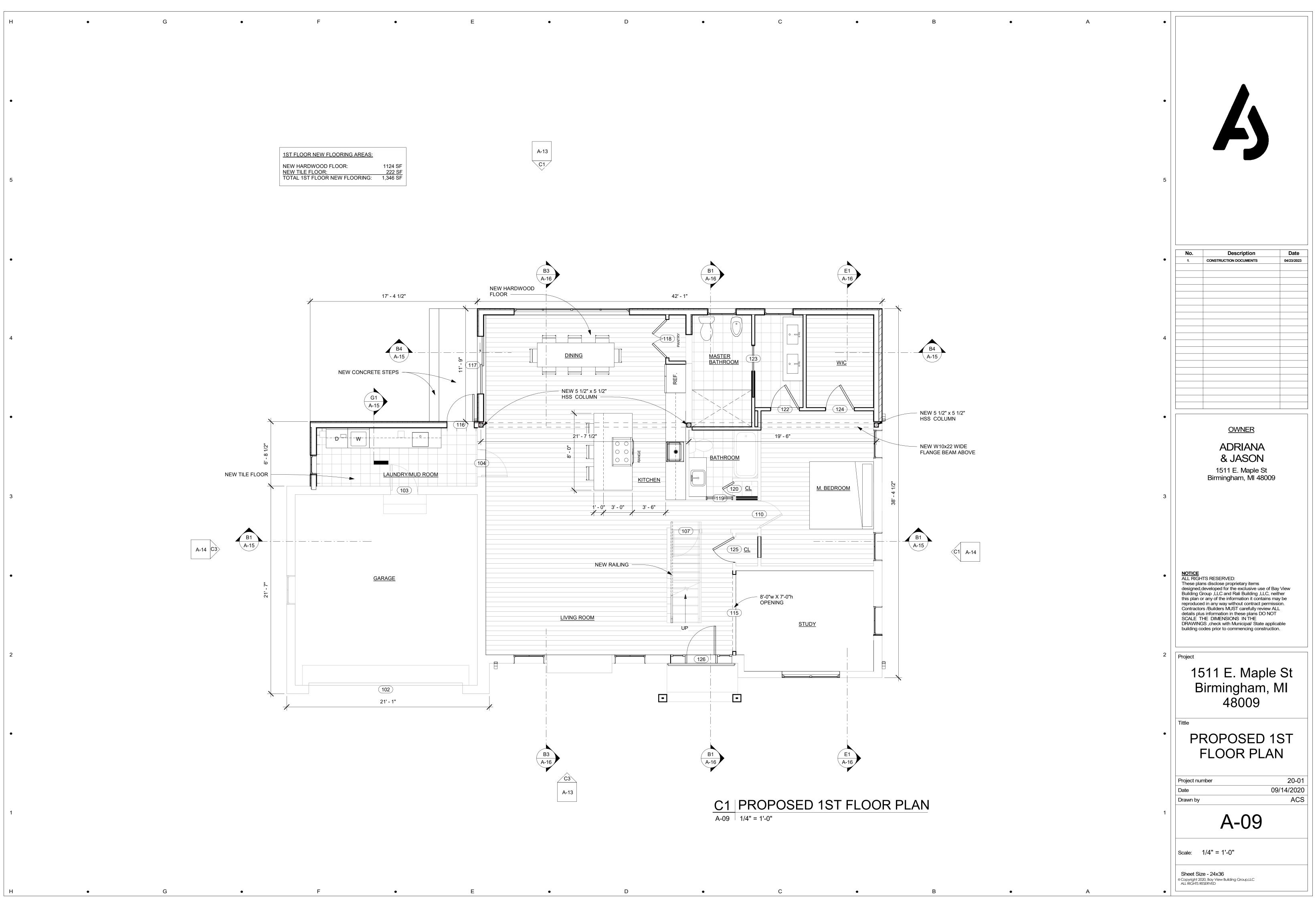
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31	PROPOSED SITE PLAN
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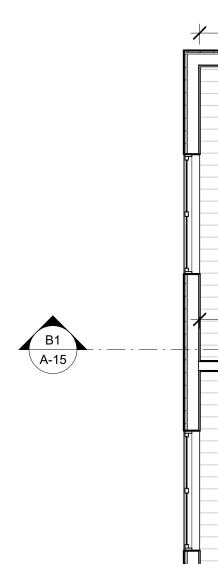
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•	OWNER ADRIANA & JASON
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2	Project 1511 E. Maple St Birmingham, MI 48009
•	Tittle PROPOSED SITE PLAN
1	Project number 20-01 Date 09/14/2020 Drawn by Author Author
•	Scale: 1/8" = 1'-0" Sheet Size - 24x36 © Copyright 2020, Bay View Building Group,LLC ALL RIGHTS RESERVED



2ND FLOOR NEW FLOORING AREAS:	
NEW HARDWOOD FLOOR:	18 SF
<u>NEW TILE FLOOR:</u>	<u>824 SF</u>
TOTAL 2ND FLOOR NEW FLOORING:	842 SF



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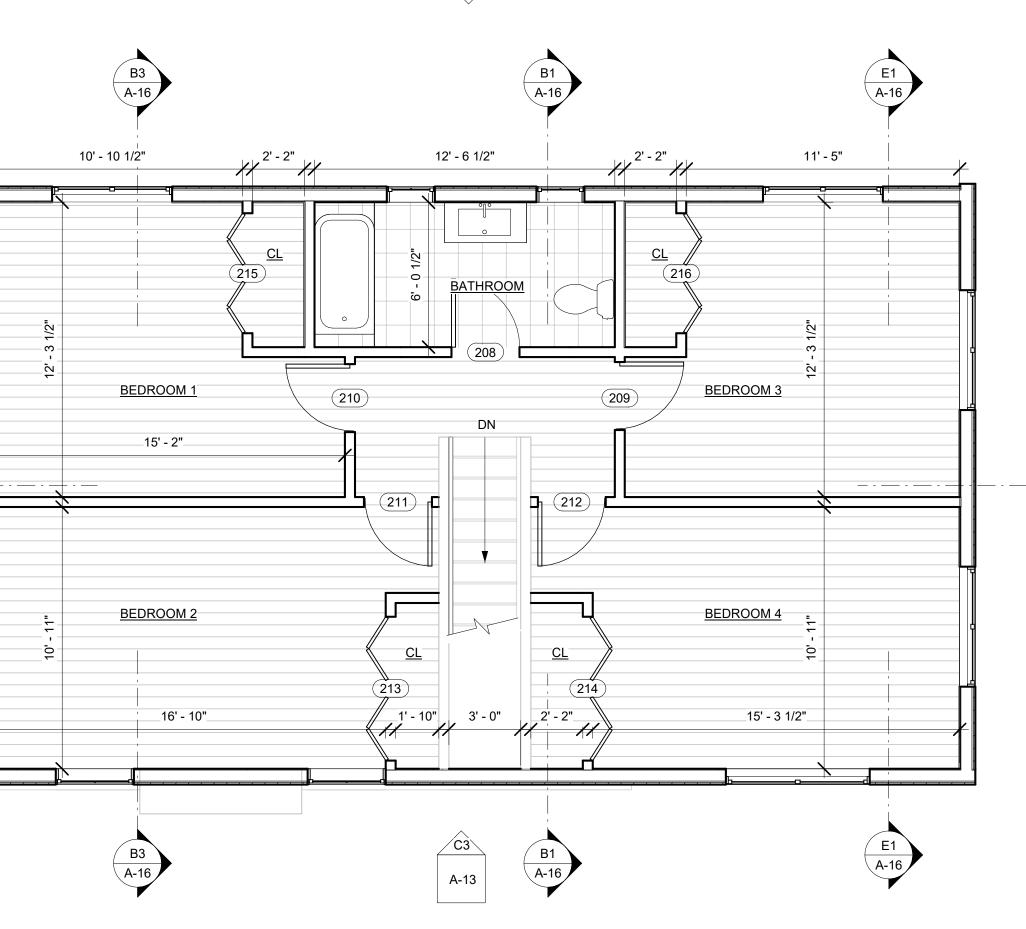
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3	OWNER ADRIANA & JASON 1511 E. Maple St Birmingham, MI 48009						
•	<b>NOTICE</b> ALL RIGHTS RESERVED: These plans disclose proprietary items designed, developed for the exclusive use of Bay View Building Group ,LLC and Rali Building ,LLC, neither this plan or any of the information it contains may be reproduced in any way without contract permission. Contractors /Builders MUST carefully review ALL details plus information in these plans DO NOT SCALE THE DIMENSIONS IN THE DRAWINGS ,check with Municipal/ State applicable building codes prior to commencing construction.						
2	Project 1511 F. Maple St						
	1511 E. Maple St Birmingham, MI 48009						
•	Tittle PROPOSED 2ND FLOOR PLAN						
1	Project nun Date Drawn by		20-01 /14/2020 ACS				
	Scale:	1/4" = 1'-0"					
•	Sheet Size © Copyright 202 ALL RIGHTS RE	10, Bay View Building Group,LLC					

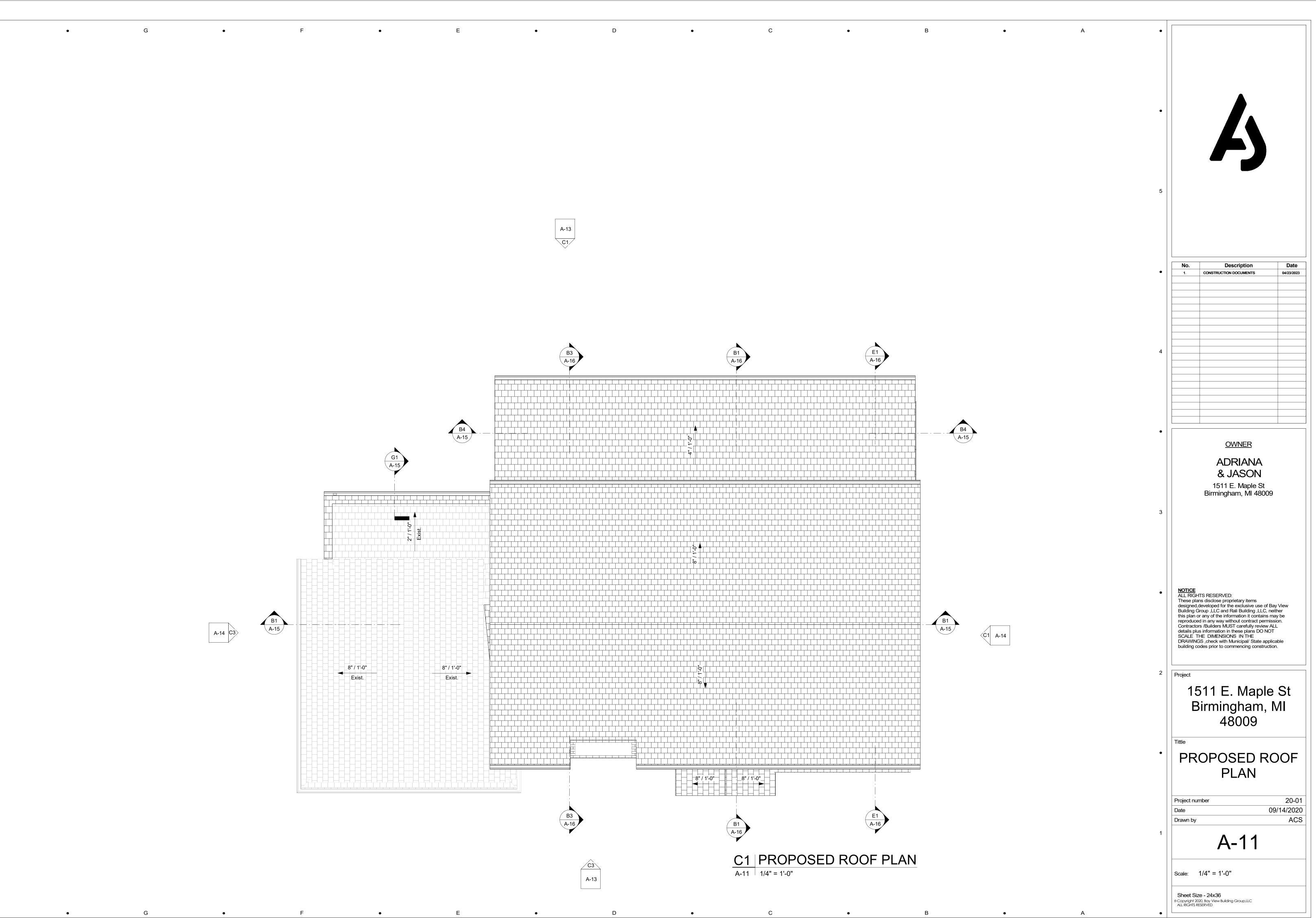
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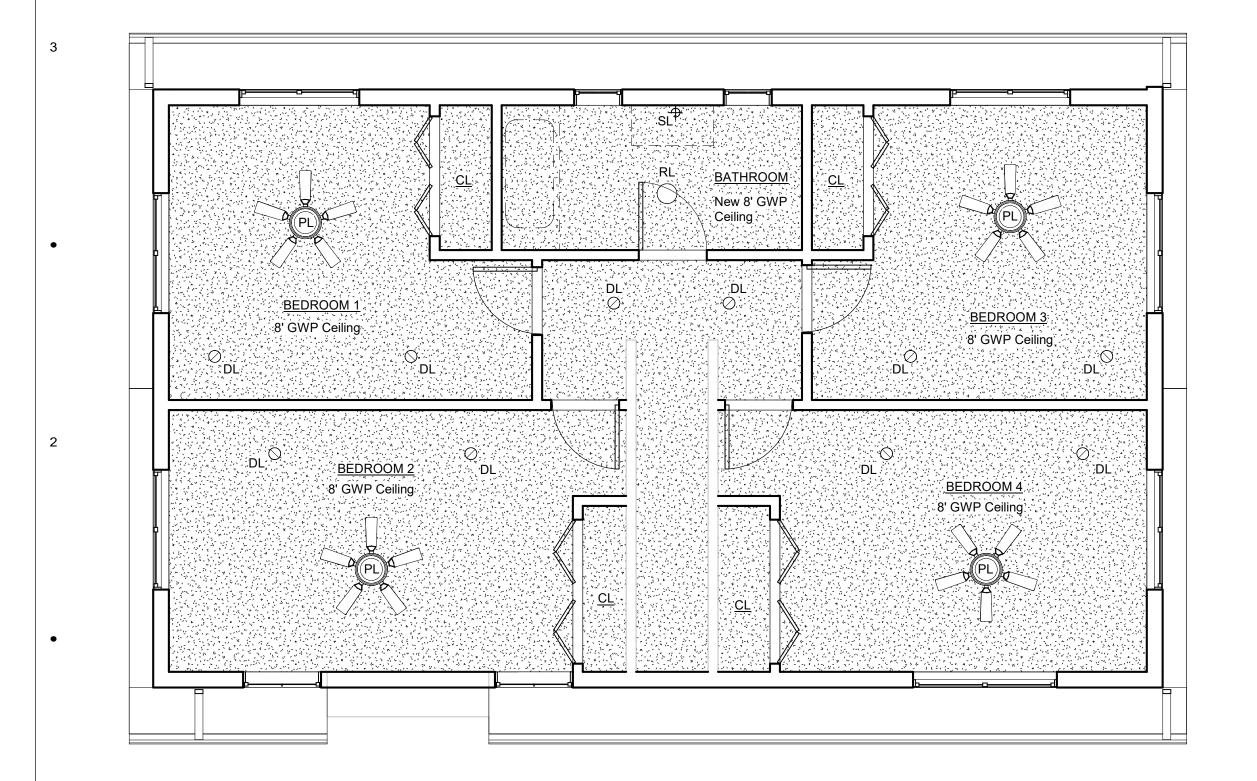


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- PL: PENDANT LIGHT, CLG. MOUNTED
- LL: RECESSED LINEAR LIGHT, UNDER CABINETS SL: SCONCE LIGHT, WALL MOUNTED
- EL: EXTERIOR LIGHT, WALL MOUNTED
- RL: ROUND LIGHT, CLG. MOUNTED

# <u>NOTE:</u> FINAL LIGHTING LAYOUT WILL BE COORDINATED BY CONTRACTOR



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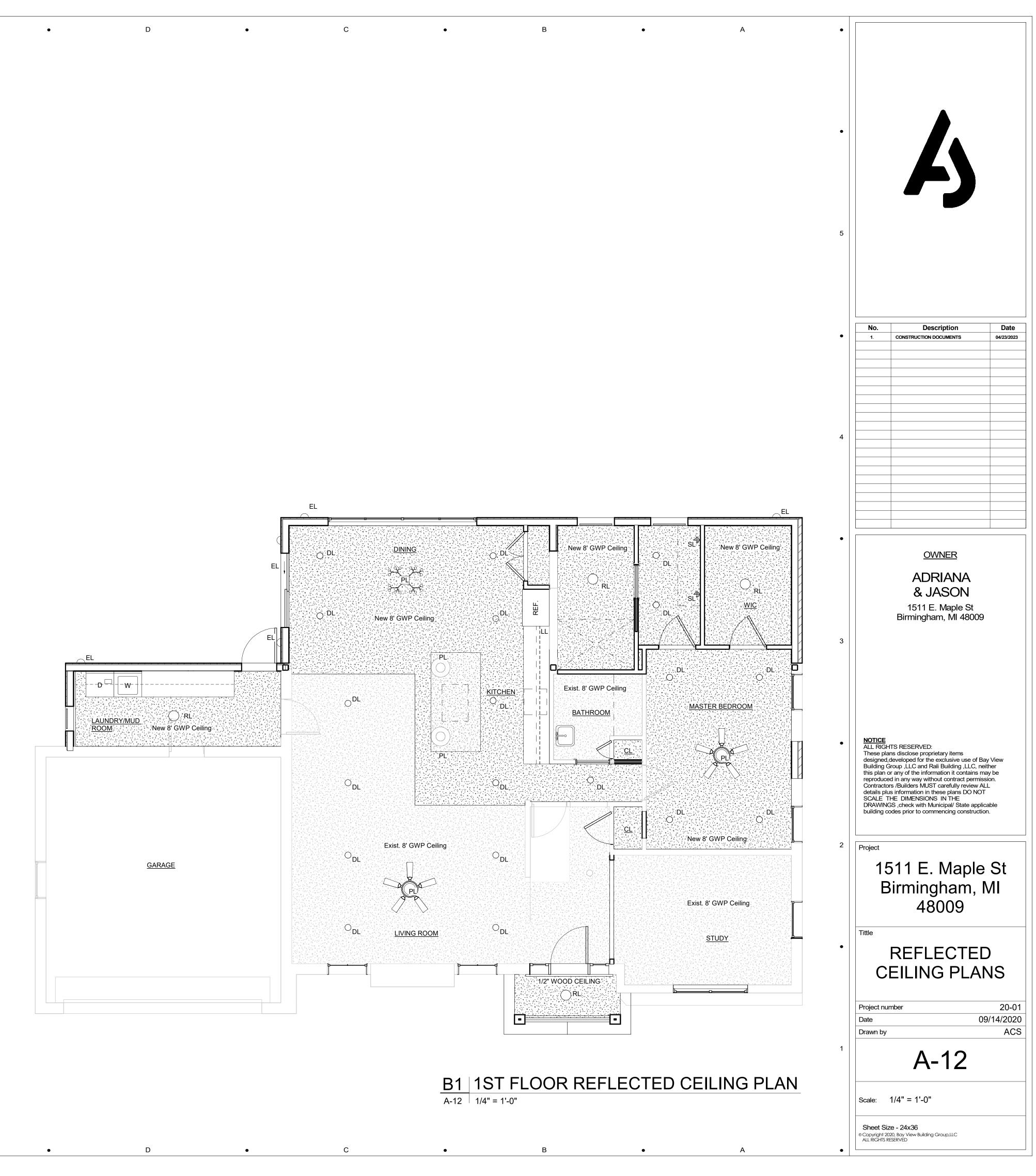
G1 2ND FLOOR REFLECTED CEILING PLAN A-12 1/4" = 1'-0"

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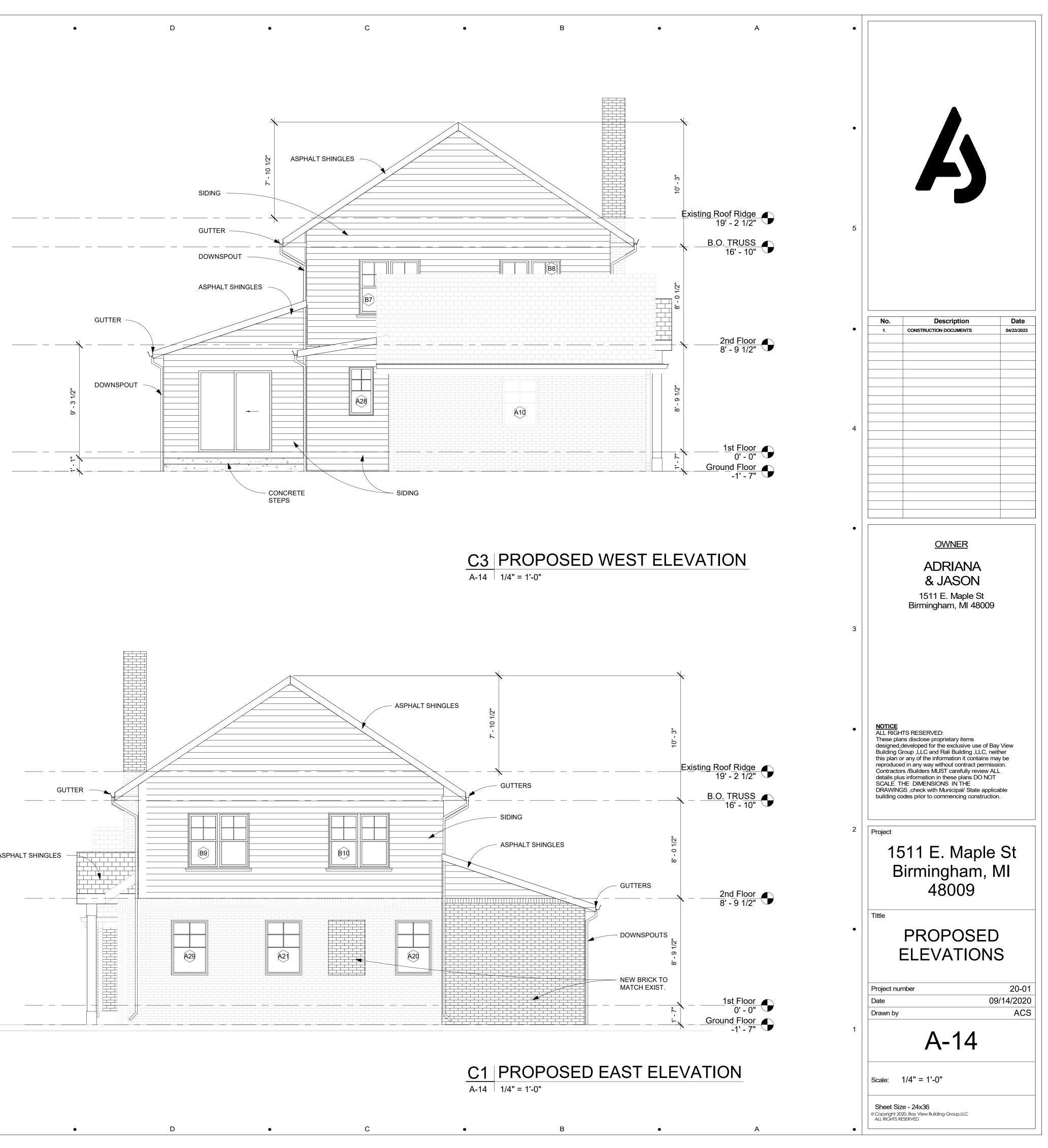
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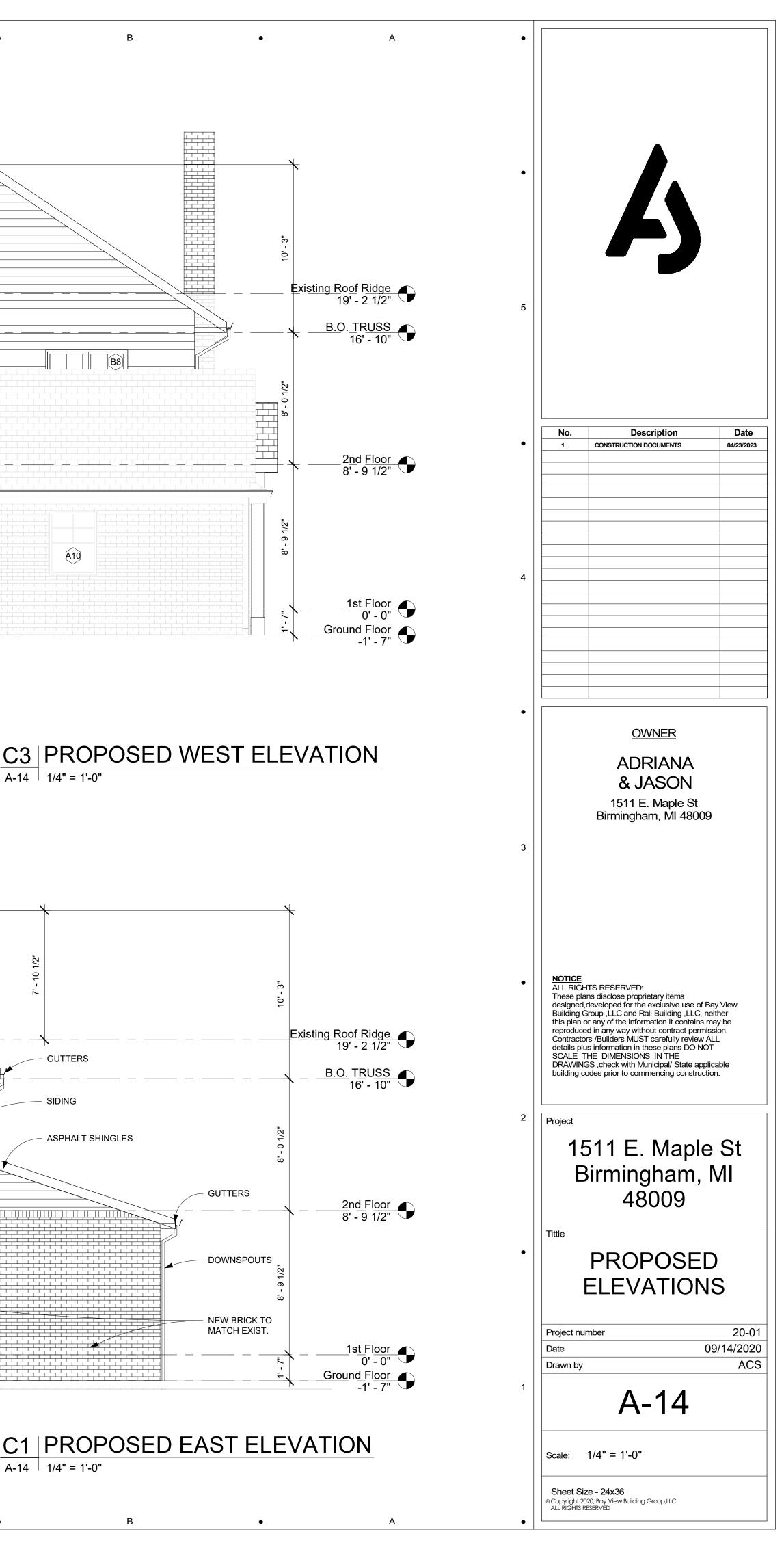
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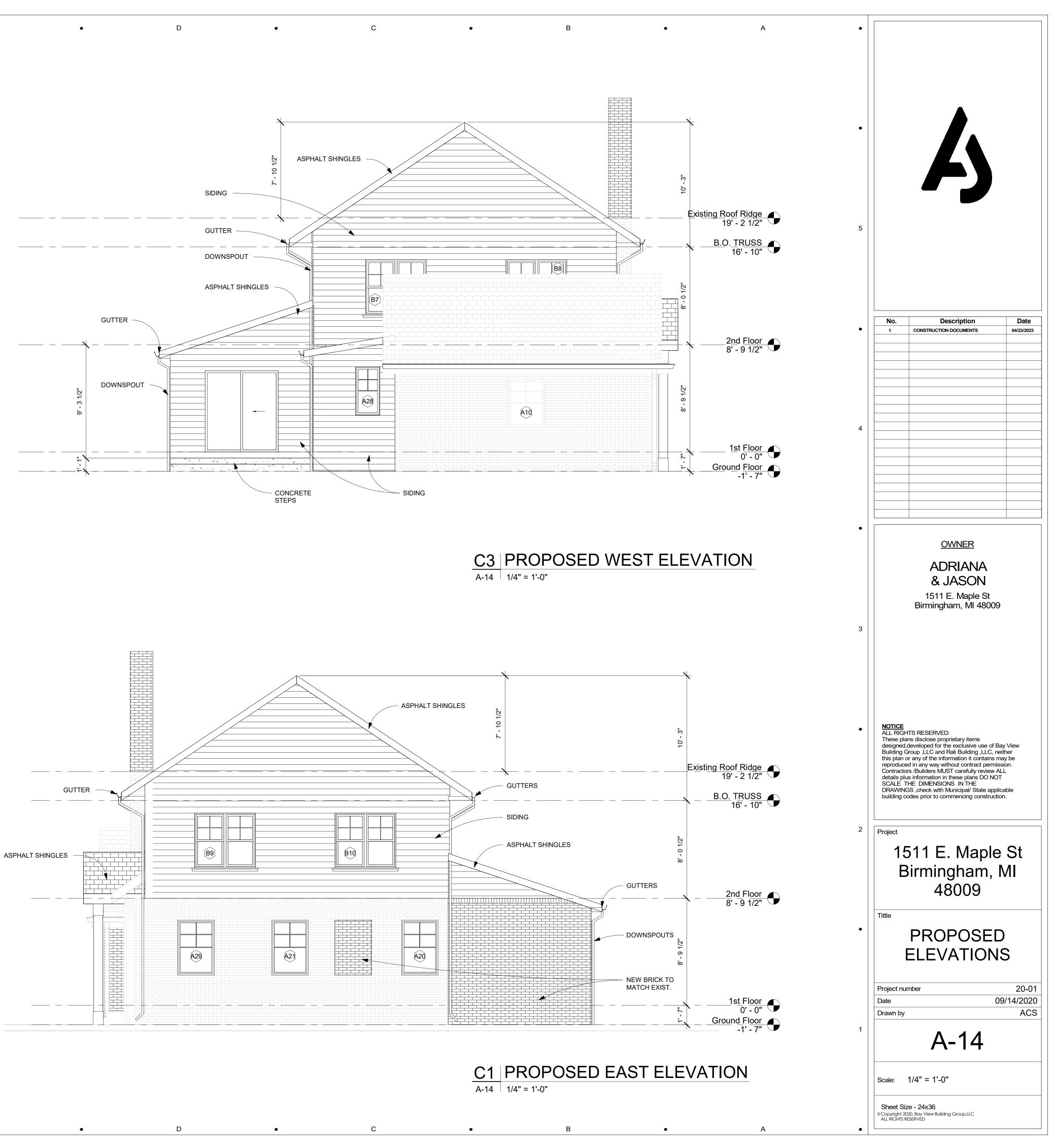
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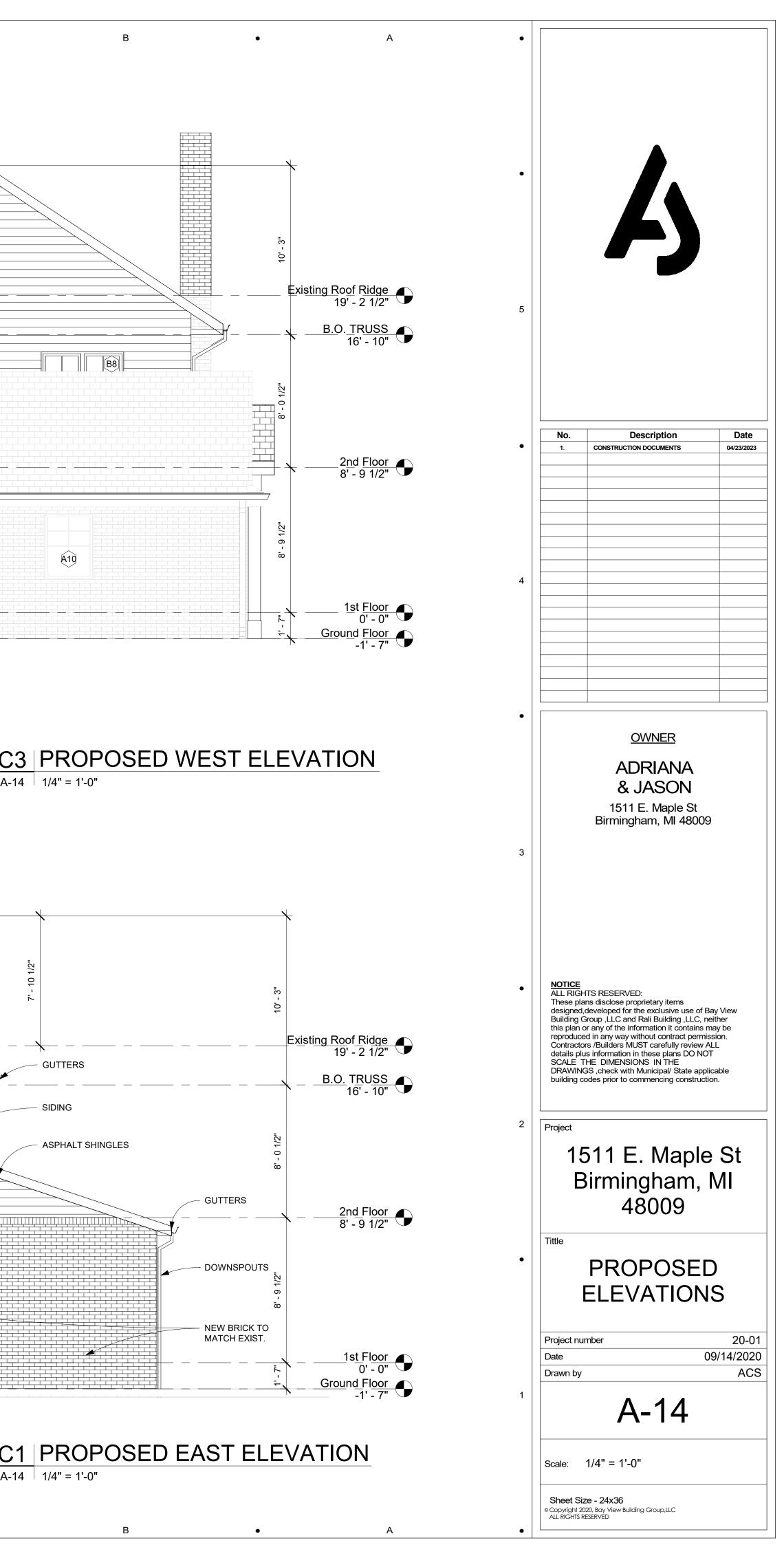
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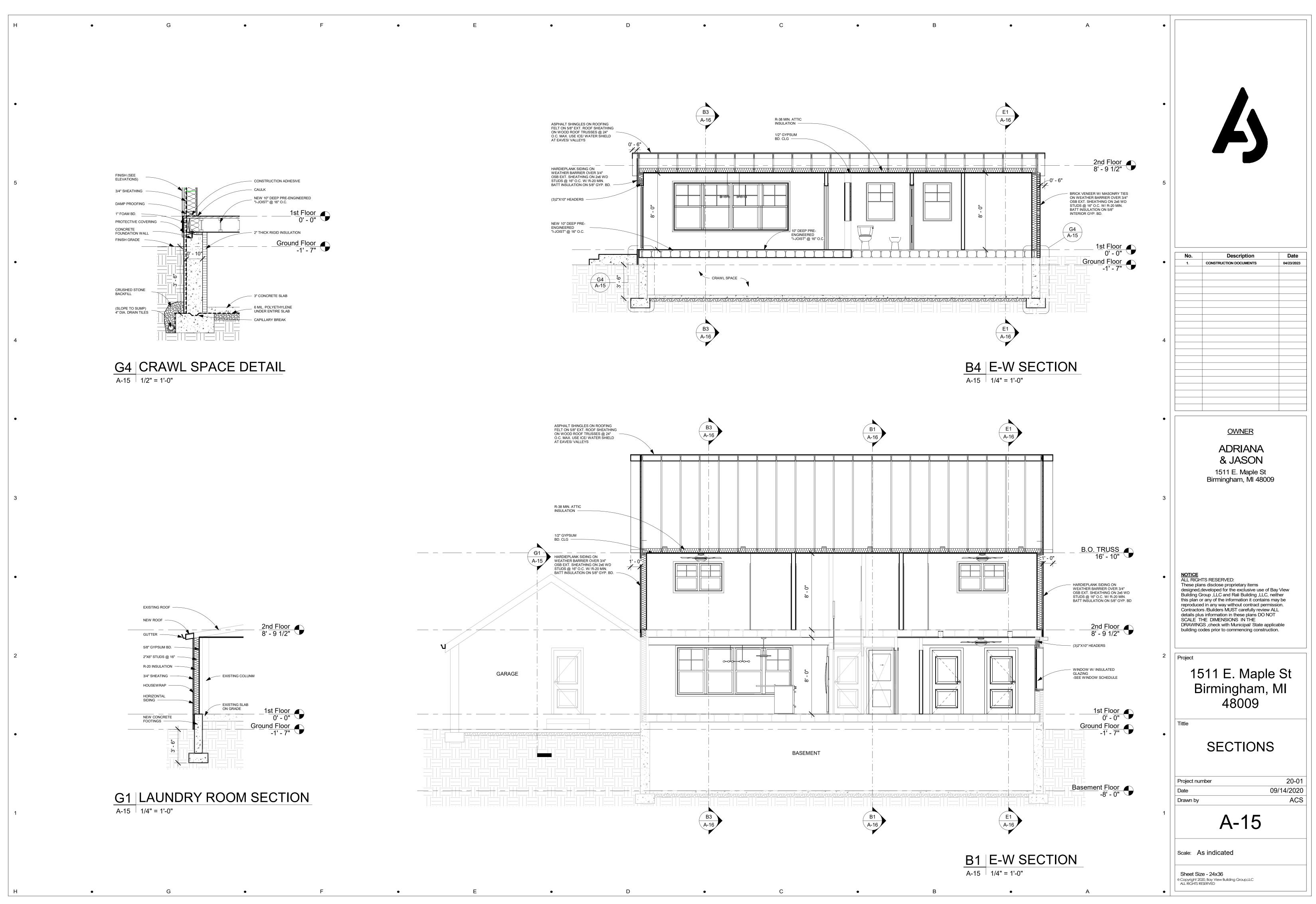


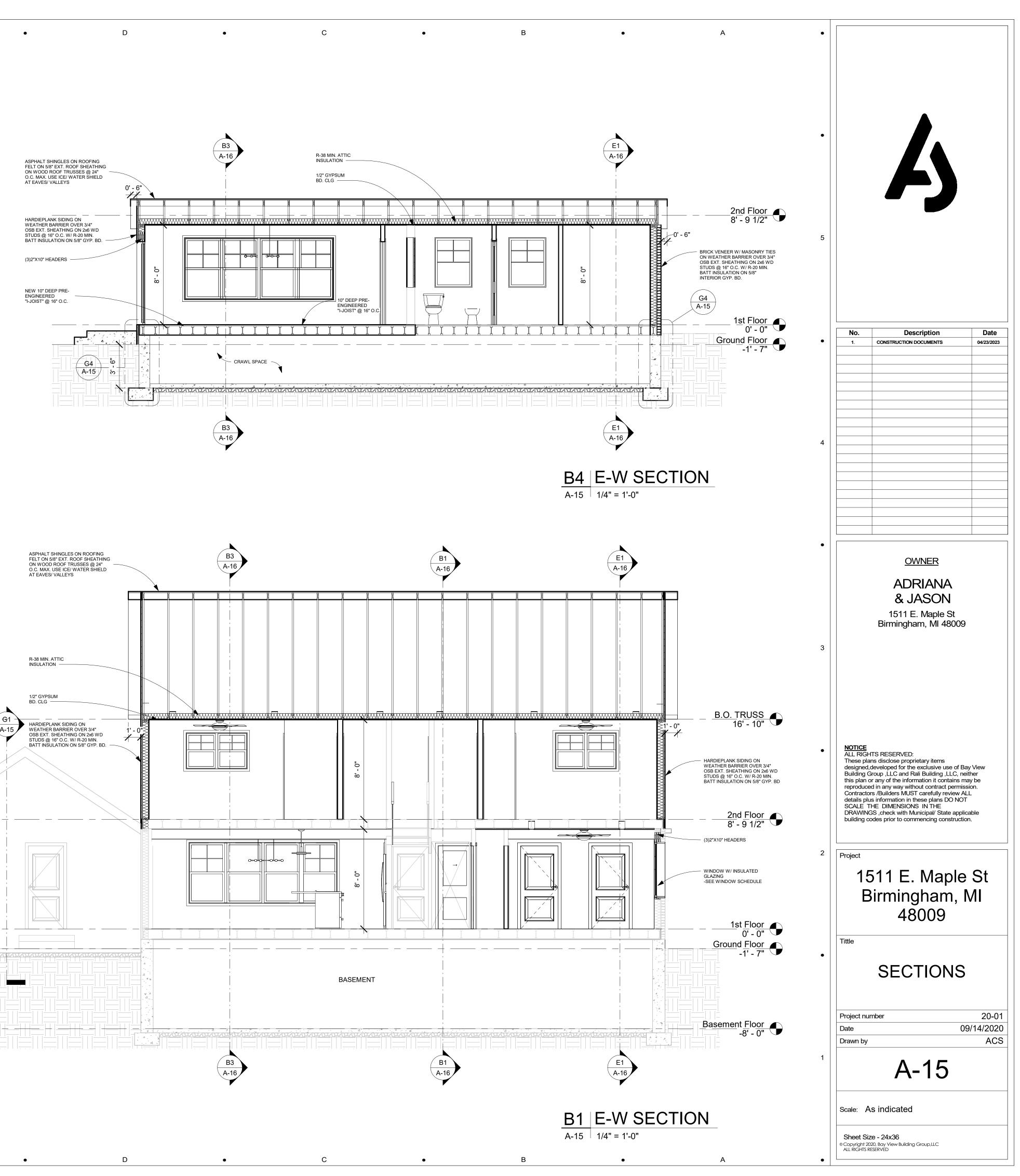


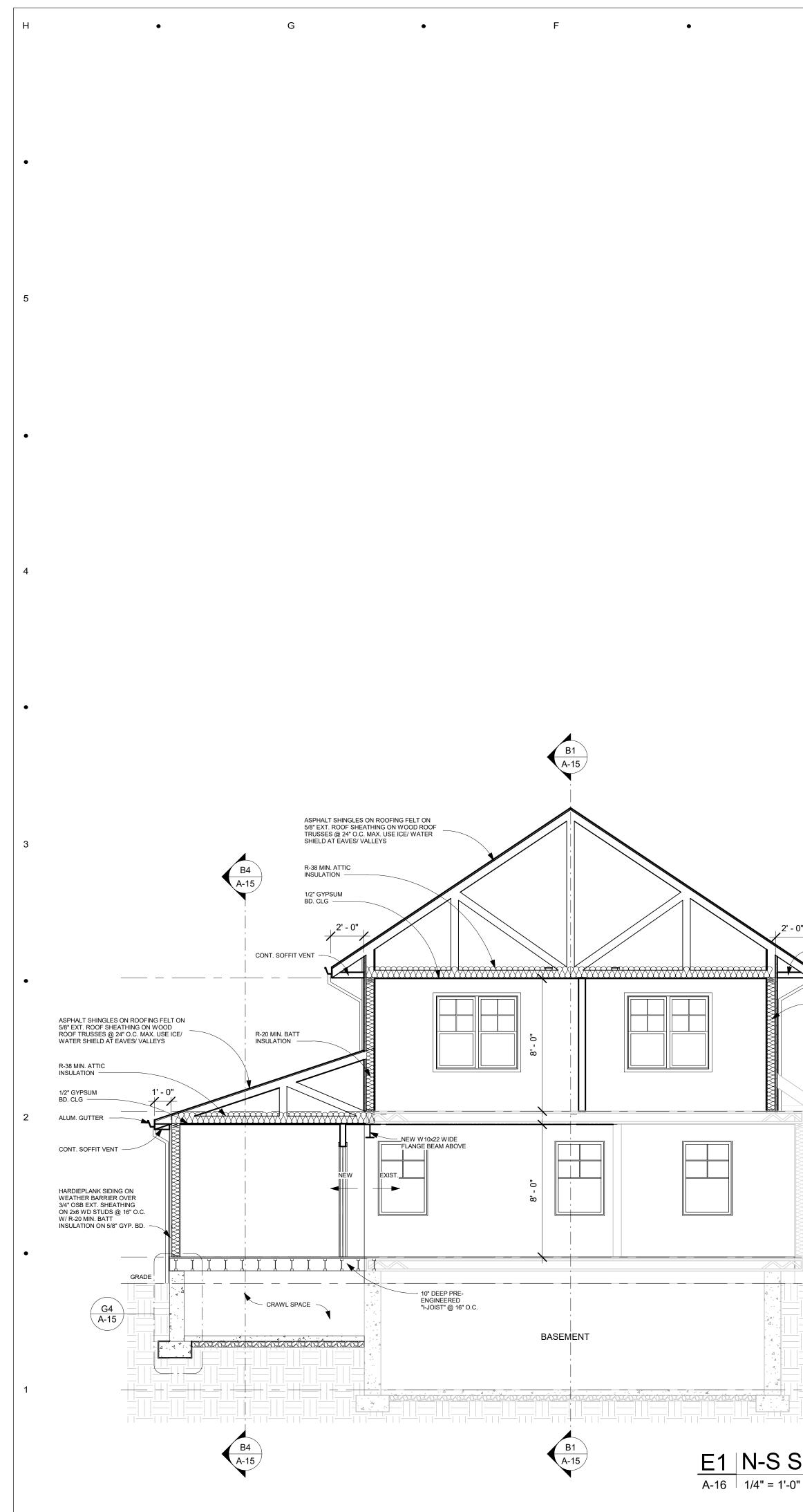
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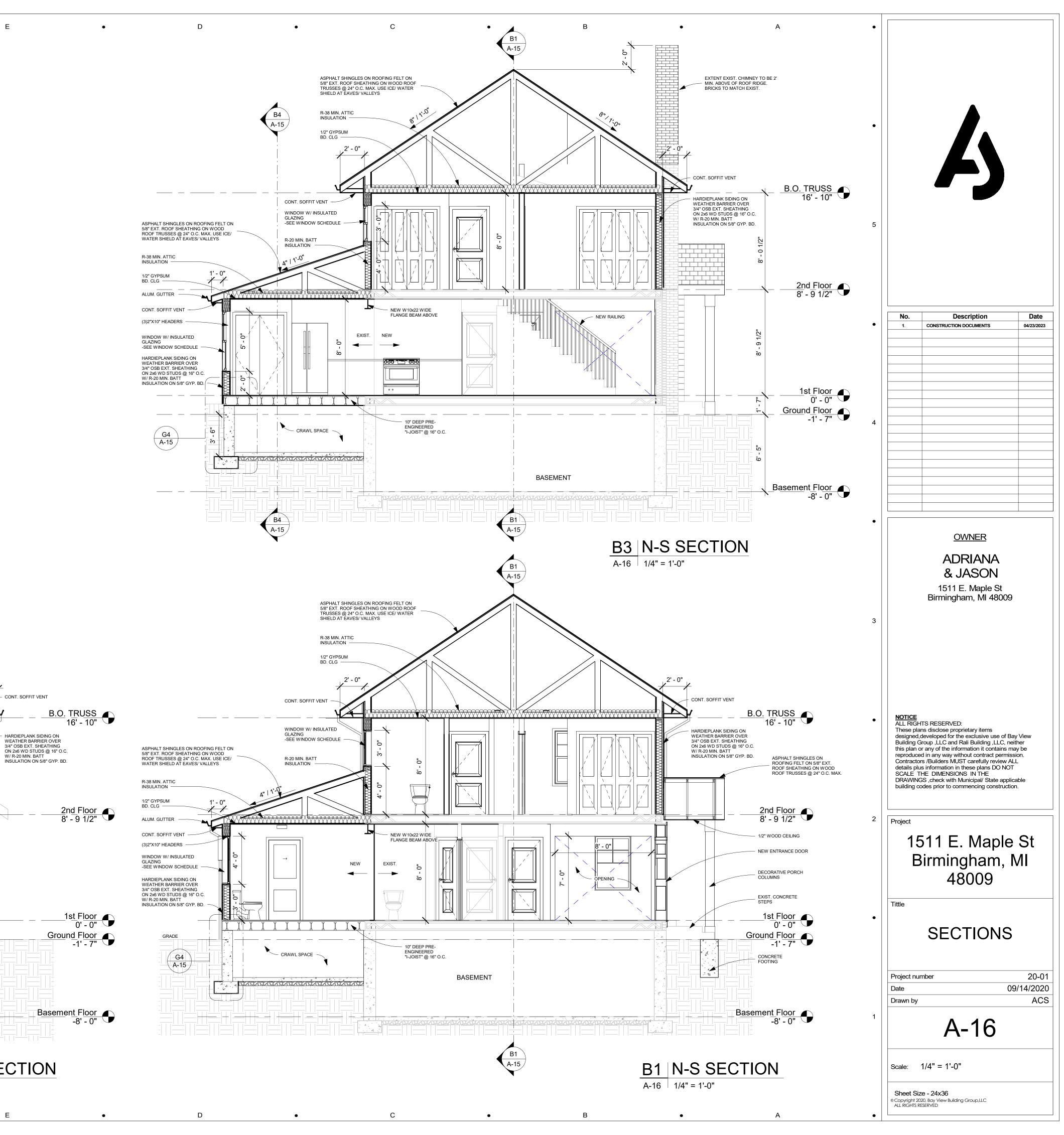
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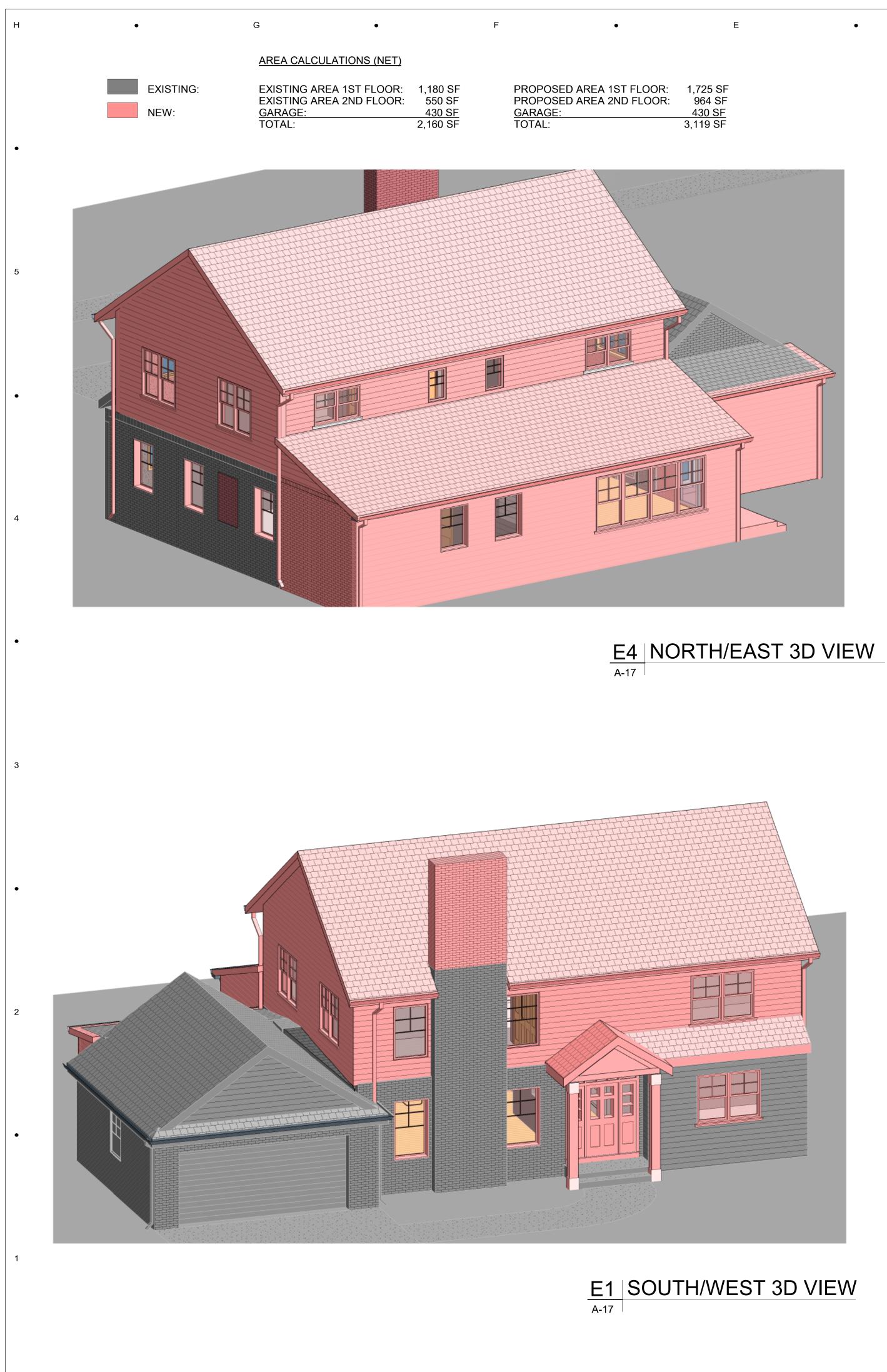




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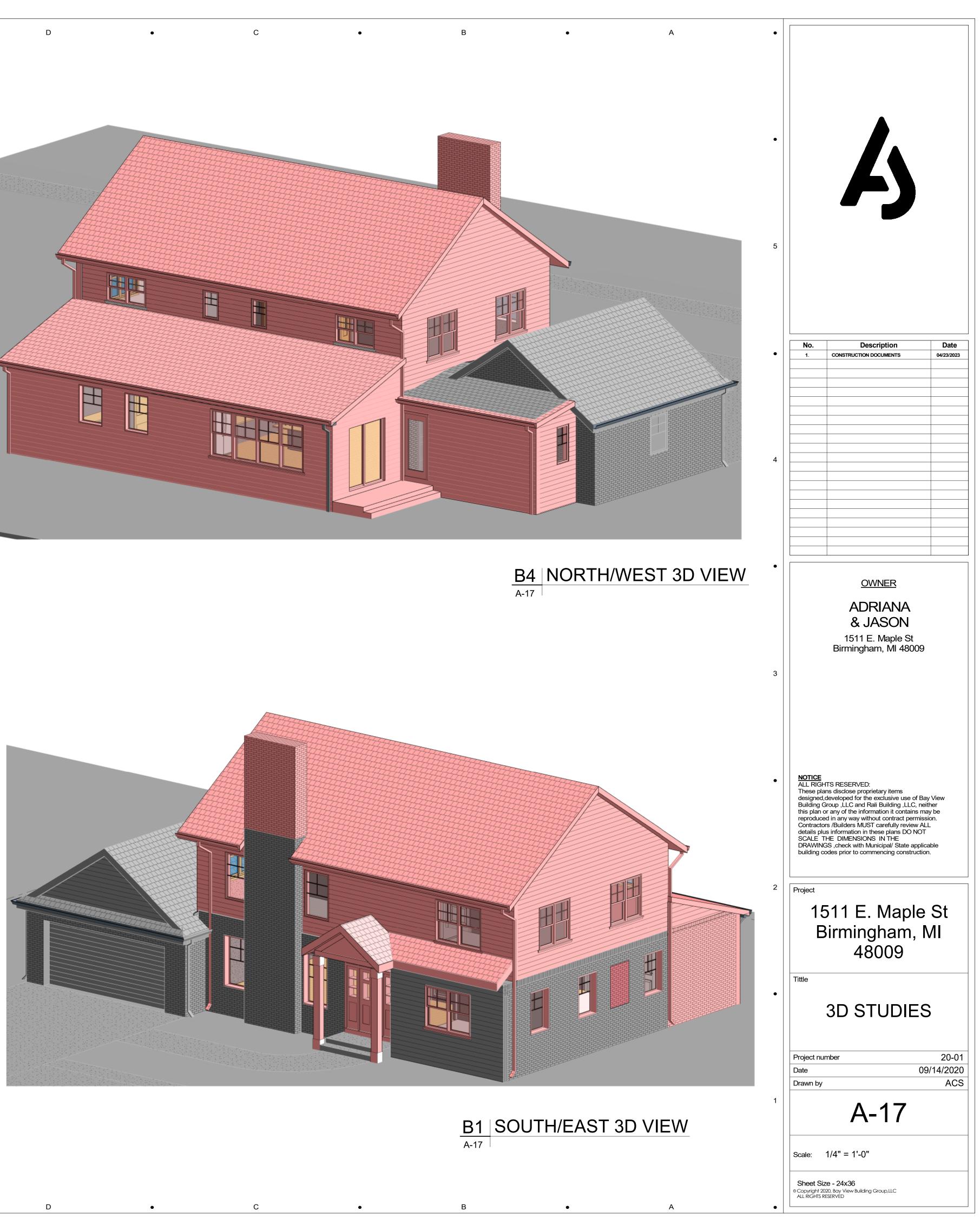


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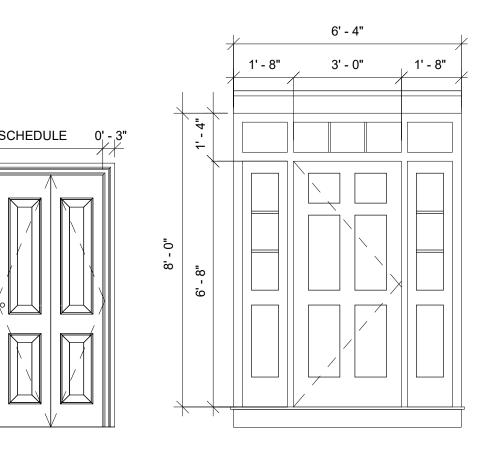
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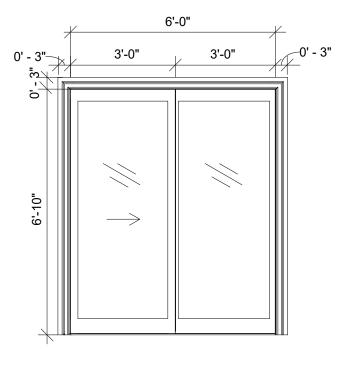
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OW	OW SCHEDULE								
-									

<u>TYPE 'C'</u> SLIDER WINDOW (4 PANELS)



<u>TYPE '5'</u> SINGLE HUNG ENTRANCE DOOR



<u>TYPE '8'</u> SLIDING GLASS DOOR

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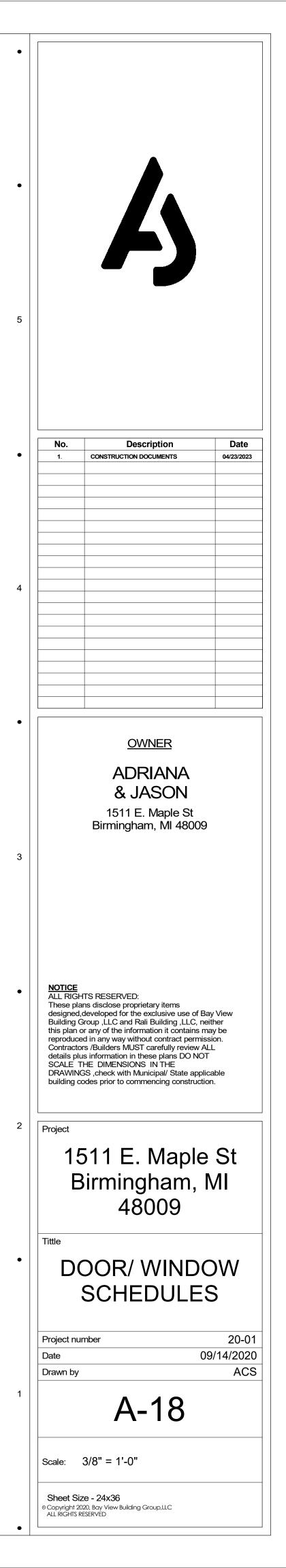
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WINDOW SCHEDULE									
Mark	Family	Туре	Height	Width	Sill Height	Material	Finish	Comments	
A1	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	_	_	Existing window to be remove	
A2	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	-	_	Existing window to be remove	
A3	Single hung window	A	4' - 0"	3' - 0"	3' - 0"		_	Existing window to be remove	
A3 A4	Single hung window	A	4 - 0"	3' - 0"	3' - 0"		-	Existing window to be remove	
A5	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	-	-	Existing window to be remove	
A6	Single hung window	A	4 - 0"	3' - 0"	3' - 0"		-	Existing window to be remove	
A0 A7	Single hung window	A	4 - 0"	2' - 0"	3' - 0"	-	-	Existing window to be remove	
A7 A8	Single hung window		4 - 0 3' - 0"	2 - 0"	3 - 0	-			
		A	3 - 0"	2 - 0"	3 - 6"	-	-	Existing window to be remove	
A9	Single hung window	A		2 - 0	2' - 0"	-	-	Existing window to be remove	
A10	Single hung window	A	4' - 0"			-	-	Existing window to remain	
A11	Single hung window	A	5' - 6"	3' - 3"	1' - 6"	-	-	Existing window to be replace	
A12	Single hung window	A	5' - 6"	3' - 3"	1' - 6"	-	-	Existing window to be replace	
A13	Single hung window	A	4' - 6"	3' - 0"	2' - 6"	-	-	Existing window to be remove	
A14	Single hung window	A	4' - 6"	3' - 0"	2' - 6"	-	-	Existing window to be replace	
A15	Single hung window	A	4' - 6"	3' - 0"	2' - 6"	-	-	Existing window to be remove	
A16	Single hung window	A	3' - 0"	2' - 0"	3' - 6"	-	-	Existing window to be remove	
A17	Single hung window	A	3' - 0"	2' - 0"	3' - 6"	-	-	Existing window to be remove	
A18	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	Fiberglas/ composite			
A19	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	Fiberglas/ composite			
A20	Single hung window	A	4' - 6"	3' - 0"	2' - 6"	Fiberglas/ composite	Prefinished		
A21	Single hung window	A	4' - 6"	3' - 0"	2' - 6"	Fiberglas/ composite	Prefinished		
A22	Single hung window	A	5' - 0"	3' - 3"	2' - 0"	Fiberglas/ composite	Prefinished		
A23	Single hung window	A	5' - 6"	3' - 3"	1' - 6"	Fiberglas/ composite			
A24	Single hung window	A	3' - 0"	2' - 0"	4' - 0"	Fiberglas/ composite	Prefinished		
A25	Single hung window	A	3' - 0"	2' - 0"	4' - 0"	Fiberglas/ composite	Prefinished		
A26	Single hung window	A	5' - 0"	3' - 3"	2' - 0"	Fiberglas/ composite	Prefinished		
A27	Single hung window	A	5' - 6"	3' - 3"	1' - 6"	Fiberglas/ composite	Prefinished		
A28	Single hung window	A	4' - 0"	2' - 0"	3' - 0"	Fiberglas/ composite	Prefinished		
A29	Single hung window	Α	4' - 6"	3' - 0"	2' - 6"	Fiberglas/ composite	Prefinished		
B1	Slider window (2 panels)	В	4' - 5"	6' - 3"	2' - 3"	-	-	Existing window to be remove	
B2	Slider window (2 panels)	В	4' - 5"	6' - 3"	2' - 3"	-	-	Existing window to be remove	
B3	Slider window (2 panels)	E	3' - 0"	5' - 0"	4' - 0"	Fiberglas/ composite	Prefinished		
B4	Slider window (2 panels)	E	3' - 0"	5' - 0"	4' - 0"	Fiberglas/ composite	Prefinished		
B5	Slider window (2 panels)	В	4' - 6"	6' - 0"	2' - 6"	Fiberglas/ composite			
B6	Slider window (2 panels)	В	4' - 6"	6' - 0"	2' - 6"	Fiberglas/ composite			
B7	Slider window (2 panels)	В	4' - 6"	5' - 0"	2' - 6"	Fiberglas/ composite			
B8	Slider window (2 panels)	B	4' - 6"	5' - 0"	2' - 6"	Fiberglas/ composite			
B9	Slider window (2 panels)	B	4' - 6"	5' - 0"	2' - 6"	Fiberglas/ composite			
B10	Slider window (2 panels)	B	4' - 6"	5' - 0"	2' - 6"	Fiberglas/ composite			
C1	Slider window (4 panels)	C	5' - 0"	12' - 0"	2' - 0"	Fiberglas/ composite			

DOOR SCHEDULE								
Mark	Family	Type Mark	Height	Width	Material	Finish	Comments	
1st Floor		F	C! 0"	3' - 0"			Eviating deapte be replaced	
101 102	Entrance door	5	6' - 8" 7' - 0"	3 - 0 16' - 0"	-	-	Existing door to be replaced	
102	Garage door Single door	1	6' - 8"	2' - 10"	-	-	Existing door to remain Existing door to remain	
103	Single door	1	6' - 8"	2 - 10 2' - 10"	- Wood	 Stain	Existing door to be replaced	
104	Double door	2	6' - 8"	2 - 10 3' - 0"	vvoou	Stall	Existing door to be removed	
105	Single Glass door	6	6' - 8"	3 - 0"	-	-	Existing door to be removed	
100	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to remain	
107	Single door	1	6' - 8"	2' - 8"	_	-	Existing door to be removed	
100	Single door	1	6' - 8"	2' - 2"	_		Existing door to be removed	
110	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to remain	
111	Single door	1	6' - 8"	2' - 2"	-	-	Existing door to be removed	
112	Single door	1	6' - 8"	2' - 10"	_	-	Existing door to be removed	
113	Single door	1	6' - 8"	2' - 2"	_	-	Existing door to be removed	
114	Single door	1	6' - 8"	2' - 2"	_	-	Existing door to be removed	
115	Door-Opening	-	7' - 0"	8' - 0"	_	-		
116	Single Glass door	6	6' - 8"	2' - 10"	Fiberglass	Prefinished		
117	Sliding glass door	8	6' - 8"	6' - 0"	Fiberglass	Prefinished		
118	Double door	2	6' - 8"	4' - 0"	Wood	Stain		
119	Sliding door	3	6' - 8"	2' - 8"	Wood	Stain		
120	Single door	1	6' - 8"	1' - 6"	Wood	Stain		
122	Single door	1	6' - 8"	3' - 0"	Wood	Stain		
123	Sliding door	3	6' - 8"	2' - 8"	Wood	Stain		
124	Single door	1	6' - 8"	3' - 0"	Wood	Stain		
125	Single door	1	6' - 8"	2' - 8"	Wood	Stain		
126	Entrance door	5	6' - 8"	3' - 0"	Fiberglass	Prefinished		
2nd Floo	r		1		- 1			
201	Bifold 4 panel door	4	6' - 8"	6' - 0"	-	-	Existing door to be removed	
202	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to be removed	
203	Single door	1	6' - 8"	2' - 8"	-	-	Existing door to be removed	
204	Single door	1	6' - 8"	2' - 8"	-	-	Existing door to be removed	
205	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to be removed	
206	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to be removed	
207	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to be removed	
208	Single-Flush	1	6' - 8"	2' - 10"	Wood	Stain		
209	Single door	1	6' - 8"	2' - 10"	Wood	Stain		
210	Single door	1	6' - 8"	2' - 10"	Wood	Stain		
211	Single door	1	6' - 8"	2' - 10"	Wood	Stain		
212	Single door	1	6' - 8"	2' - 10"	Wood	Stain		
213	Bifold 4 panel door	4	6' - 8"	6' - 0"	Wood	Stain		
214	Bifold 4 panel door	4	6' - 8"	6' - 0"	Wood	Stain		
215	Bifold 4 panel door	4	6' - 8"	5' - 0"	Wood	Stain		
216	Bifold 4 panel door	4	6' - 8"	5' - 0"	Wood	Stain		

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CODE	MANUFACTURER/PRODUCT	PRODUCT #	MATERIAL/SYSTEM	SIZE/ THICKNESS	COLOR	FINISH	ADDITIONAL FI
BASE						I	
RB-1	PINE FLOOR BASE	-	WOOD	5" HIGH	-	PTD	-
MASONF	Y VENEER - BRICK					I	
MA-1	EXTERIOR BRICK	-	-	PER DETAILS	-	-	-
-	-	-	-	-	-	-	-
CASING						·	
CA-1	PINE DOOR/ WINDOW CASING	-	WOOD	3"	-	PTD	-
CONCRE	TE	·				·	
CONC-1	EXTERIOR CONCRETE STEPS	-	CONCRETE FLOOR	PER STRUCT.	STANDARD	-	-
-	-	-	-	-	-	-	-
GYPSUM	BOARD / CEMENT BOARD						
GB-1	GYPSUM BOARD	-	-	-	-	PTD., U.N.O.	-
FLOORIN	IG						
FL-1	HARDWOOD FLOOR	-	ОАК	-	-	-	-
PAINT							
PT-1	SHERWIN WILLIAMS	-	-	-	-	-	-
PT-2	SHERWIN WILLIAMS	-	-	-		-	-
QUARTZ							
QU-1	QUARTZ COUNTERTOPS	-	QUARTZ	-	-	-	-
ROOFING	3		<u> </u>			I	
RF -1	ASPHALT SHINGLES ROOFING	-	ASPHALT SHINGLES	-	-	-	-
STONE			I			I	
ST -1	STONE VENEER	-	STONE VENEER	-	GREY	-	-
TILE		I				I	1
TL-1	FLOOR TILE	-	CERAMIC TILE	-	-	-	-
TL-2	WALL TILE	-	CERAMIC TILE	-	-	-	-
NOTES			I			I	1

NISH COMMENTS	LOCATION	REMARKS
	1ST & 2ND FLOOR	
	PER DRAWINGS	
	-	
	PER DRAWINGS	-
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	PER DRAWINGS	-
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	PER DRAWINGS	-
	PER DRAWINGS	-
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	L	
	KITCHEN AND BATHROOMS	-
	PER DRAWINGS	-
	PER DRAWINGS	-
	BATHROOMS	
	BATHROOMS	-
		-

				EDULE	NISH SCI	RIALS FI	MATE			
	REMARKS	LOCATION	NAL FINISH COMMENTS	FINISH A	COLOR	SIZE/ THICKNESS	# MATERIAL/SYSTEM	PRO'	MANUFACTURER/PRODUCT	CODE
•										BASE
	-	1ST & 2ND FLOOR		PTD -	-	5" HIGH	WOOD		PINE FLOOR BASE	RB-1
									RY VENEER - BRICK	MASONRY
5	-	PER DRAWINGS			-	PER DETAILS	-		EXTERIOR BRICK	MA-1
	-	-			-	-	-		-	-
										CASING
	-	PER DRAWINGS		PTD -		3"	WOOD		PINE DOOR/ WINDOW CASING	CA-1
• No			T			1 1	1		ETE	CONCRETE
	-	PER DRAWINGS			STANDARD	PER STRUCT.	CONCRETE FLOOR		EXTERIOR CONCRETE STEPS	CONC-1
	-	-			-	-	-		-	-
			T							
4	-	PER DRAWINGS		PTD., U.N.O	-	-	-		GYPSUM BOARD	GB-1
	-	PER DRAWINGS				_	ОАК		HARDWOOD FLOOR	FLOORING
										PAINT
•						-	_		SHERWIN WILLIAMS	PT-1
	-				<u> </u>	-			SHERWIN WILLIAMS	PT-2
				I					7	QUARTZ
Bi	-	ITCHEN AND BATHROOMS				_	QUARTZ		QUARTZ COUNTERTOPS	QU-1
3									G	ROOFING
		PER DRAWINGS				-	ASPHALT SHINGLES		ASPHALT SHINGLES ROOFING	RF -1
										STONE
	-	PER DRAWINGS			GREY	-	STONE VENEER		STONE VENEER	ST -1
NOTICE				I						TILE
ALL RIGHTS     These plans (     designed,dev     Building Cross	-	ATHROOMS	f		-	-	CERAMIC TILE		FLOOR TILE	TL-1
NOTICE     ALL RIGHTS     These plans of     designed,deve     Building Group     this plan or an     reproduced in     Contractors /E     details plus in     SCALE THE     DRAWINGS,     building codes	-	ATHROOMS	F		-	-	CERAMIC TILE		WALL TILE	TL-2
details plus ir SCALE THE DRAWINGS building code										NOTES
										1. NOTES
<sup>2</sup> Project										
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#### Birmingham Board Of Zoning Appeals Proceedings Tuesday, November 8, 2022 City Commission Room 151 Martin Street, Birmingham, Michigan

#### 1. Call To Order

Minutes of the special meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, November 8, 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, Richard Lilley, John Miller, Ron Reddy, Pierre Yaldo

Absent: Alternate Board Member Carl Kona

**Staff:** Building Official Johnson; Planning Director Dupuis, City Transcriptionist Eichenhorn, Assistant Building Official Morad, Assistant Building Official Zielke

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

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

#### 3. Announcements

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 Of The BZA Meetings Of October 11, 2022

#### T# 11-72-22

#### Motion by Mr. Reddy Seconded by Mr. Lilley to accept the Minutes of the BZA meeting of October 11, 2022 as amended.

#### Motion carried, 7-0.

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

#### 5. Appeals

#### T# 11-73-22

1) 1511 E. Maple Appeal 22-50

ABO Zielke presented the item, explaining that the owner of the property known as 1511 E. Maple was requesting the 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 17.20 feet. Therefore, a variance of 2.80 feet is being requested.

Staff answered informational questions from the Board.

It was noted that the appellant was granted an incorrect variance in June 2022 due to a clerical error, and was before the BZA presently to request that the variance be changed from .80 feet to 2.80 feet.

In reply to the Chair, Jason Hurst, co-owner, explained that mitigating the requested variance would have introduced issues with the gutters and the foundation.

#### Motion by Mr. Reddy

Seconded by Mr. Yaldo with regard to Appeal 22-50, 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 17.20 feet. Therefore, a variance of 2.80 feet is being requested.

Mr. Reddy moved to approve the requested variance, stating that the request was largely similar to the variance granted by the BZA in June 2022, and that it did not

appear to be the appellant's fault that the correct variance amount was not noted at the June 2022 meeting. He tied approval to the plans as submitted.

Mr. Yaldo seconded the motion because granting the variance did substantial justice to the owner and neighboring properties, the issue was not self-created, and it was not contrary to the spirit or intent of the ordinance.

The Chair noted he would support the motion because the property was existing nonconforming, and the variance did not add to the non-conformity. He agreed with Mr. Yaldo that the variance would do substantial justice since it did not expand the nonconformity.

#### Motion carried, 7-0.

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

#### T# 11-74-22

#### 2) 220 Lake Park Appeal 22-48

ABO Zielke presented the item, explaining that the owner of the property known as 220 Lake Park was requesting the following variance to construct a front addition to the existing house:

**A. 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 95.00 feet in front of the furthest façade. Therefore, a variance of 100.00 feet is being requested.

Staff answered informational questions from the Board.

Gayle McGregor, attorney for the appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

The Chair noted that while the stated issue was replacing a non-functional garage, the request went beyond what would be needed to create a functional garage.

Mr. Reddy noted that a 100-foot variance request was particularly large. He said there was likely opportunity to at least partially mitigate the variance request.

Mr. Yaldo concurred with his colleagues' comments, asking whether the requested variance was the minimum required to add a functional garage.

# **CASE DESCRIPTION**

#### 220 Park (23-20)

#### Hearing date: June 13, 2023

**Appeal No. 22-20**: The owner of the property known **220 Park**, requests the following variance to install two illuminated building identification signs:

A. Chapter 86, Article 1, Section 1.05 (K)(2) of the Sign Ordinance permits non-illuminated signs identifying the entire structure by a building name to be permitted above the first floor. The applicant is proposing two illuminated building identification signs at 18.3 square feet each (36.6 square feet total). Therefore, the applicant is requesting a dimensional variance of 36.6 square feet of illuminated building identification signs.

#### Staff Notes:

The applicant is proposing two building identification signs that read "Clark Hill", one on the south elevation and another on the eastern elevation. Building identification signs may be placed above the first floor, however they are not allowed to be illuminated as the applicant has proposed. Signage is allowed to be illuminated when located on the sign band which is the area between the first and second floor. General consensus from the Design Review Board hearing on May 17<sup>th</sup>, 2023 was that the illuminated building identification signs were not garrish or obtrusive.

This property is zoned B4 and D4 Overlay.

Brooks Cowan City Planner



#### 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

Received Date:	5/11/2023
Received Date:	

Hearing Date: 6/13/2023

Received By:					Appeal #:	23-20
Type of Variance:	Interpretation	Dimensional	Land Use	Sign 1 variance fe		Admin Review
I. PROPERTY INFORMA	TION:					
Address: 220 Park Street, Birmingha	m MI 48009	Lot Number:	TS 42 & 70 ALSO LOT 43	Sidwell Numbe	r:	
I. OWNER INFORMATIO	CALL AND A REAL PROPERTY OF A REAL PROPERTY		10 42 0 70 ALGO LOT 45	00-13-23-403-017	and the second	Provident Altra
Name: 20 Park Ave LLC	ana baya ana kata ing ting ting an		1997-1998 - 1997-1997 - 1997 - 1998 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 19			
Address: 32 N. Old Woodward Ave.		City: Birmingham		State:	Zip cod	le:
mail:* erore@bojlgroup.com / Jordan Jeroi	70			Phone: 248-646-3151	10000	
I. PETITIONER INFORM	A REAL PROPERTY AND A REAL			248-040-3151		
Name: Daniel Minkus	and the second secon	Firm/Comp Clark Hill PLC	any Name:			
Address:		City:		State:	Zip cod	le:
51 S. Old Woodward Ave, Suite 20		Birmingham		Phone:	48009	
minkus@clarkhill.com / Daniel	and the second se			248-642-9692	and the country	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -
	is \$360.00 for single family at least 15-days prior t	o the scheduled hearing Variance C		Int includes a fee f		notice sign which mus
Variance A, Front Se			) Feet	23.50 Feet	· · · · ·	1.50 Feet
Variance B, Heig		eet 30.25	5 Feet	30.25 Feet		0.25 Feet
. REQUIRED INFORMA	TION CHECKLIST:					
	se provide the foll		ctronic submission	on:		
	pleted and signed appl					
-	ed letter of practical dit fied survey	ficulty and/or hardsh	ip			
	ing plans including exis	sting and proposed fl	or plans and elevativ	205		
	pealing a board decisio				ng, HDC, oi	r DRB board meetir
I. APPLICANT SIGNATU					<u> </u>	S. S. Same and Stranger
Owner hereby authorize	s the petitioner designate	ed below to act on beha	If of the owner.			
accurate to the best of n	n, I agree to conform to ny knowledge. Changes t	o the plans are not allo	wed without approval f	rom the Building (	Official or Cit	ty Planner.
insubscribe at any time	to the City, you agree to re	eceive news and notificat	ions from the city. If you			
Signature of Owner:	- ACON NIN	#		Date: 5	5/4/2023	
Signature of Petitione		WALL		Date: 🧾	14/11	,2023
Revised 03/09/2023					/	
Revised 05/09/2023						

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

#### **ARTICLE I - Appeals**

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

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

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

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

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration of five (5) days from the date of entry of such orders or unless the Board shall find that giving the order immediate effect is necessary for the preservation of property and/or personal rights and shall so certify on the record.
- C. Whenever any variation or modification of the Zoning Ordinance is authorized by resolution of the BZA, a <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



Daniel H. Minkus T (248) 988-5849 F (248) 988-1835 Email:DMinkus@ClarkHill.com Clark Hill PLC 151 S. Old Woodward Ave., Suite 200 Birmingham, MI 48009 T (248) 642-9692 F (248) 642-2174

May 11, 2023

CITY OF BIRMINGHAM Community Development – Building Department 151 Martin Street Birmingham, Michigan 48009

#### Re: Clark Hill Signage – Application to Board of Zoning Appeals

Dear Members of the Board of Zoning Appeals:

For more than 40 years, Clark Hill PLC has had a continuous presence in the City of Birmingham During those years, we have seen the size of our Birmingham office grow from 15 people to over 90. We believe Clark Hill's Birmingham office is the largest law firm office in the City. We are proud to be associated with the City and for this reason we have chosen to continue our commitment to the City center, albeit at another location, for our new long-term lease with Boji Group.

Our new location is no longer on Old Woodward (we have been tenants on Old Woodward since 1983). We are moving to 220 Park and have made a long-term commitment to this new location. As part of that commitment, Boji Group is spending significant resources to modernize and update the entire building. For Clark Hill, one of the advantages of the new location and building is the ability to have meaningful building signage – visible to both north/south as well as east/west traffic. Our landlord has generously agreed to rename the building to "The Clark Hill Building". This demonstrates both our commitment to the City and the landlord's acknowledgement of Clark Hill's strong reputation and association with the City.

Chapter 86, Article 1, Section 1.05(K)(2) of the City's Sign Ordinance permits nonilluminated signs above the first floor when identifying the entire structure by a building name. The City has approved the size and placement of the "Clark Hill" signage on Woodward and on Hamilton and we respectfully request a variance to allow for the illumination of this signage for the following reasons:

- Clark Hill regularly has clients and other visitors come to its offices before sunrise and after sundown. Often, these clients and visitors are dealing with time-sensitive legal matters. Allowing quick and easy ability to locate our offices is extremely important during these times.
- 2. The Sign Ordinance already permits placement of a wall sign at the top of the building and we are requesting illumination to help visitors easily identify our new

City of Birmingham

Community Development – Building Department May 11, 2023

Page 2

building. This is consistent with the spirit and intent of the ordinance. It is also consistent with this Board's recent decision to allow RH to illuminate its signage.

- 3. The granting of the variance will not be materially detrimental to the property owners in the immediate vicinity. The area is already highly illuminated during the evening hours and the signage will not impact any residential occupants.
- 4. There is no self-created practical difficulty and the illumination of the signage will not impact traffic or street level activity.

Thank you for your consideration.

Sincerely,

Daniel H. Minkus

DHM:tas. Enclosures

# 220 Park-Facade Improvements - Phase 2 220 Park Street Birmingham, MI 48009

# Owner/General Contractor

Boji Group LLC Ken Lamontagne 220 Park Street, Suite 102 Birmingham, MI 48009 P. 313.682.2100

# Architect

Krieger | Klatt Architects Inc. Jeff Klatt, RA 2120 E. 11 Mile Rd. Royal Oak, MI 48067 P.248.414.9270. F.248.414.9275

# General Scope of Work:

- Facade Improvements to existing Park St elevation to incorporate new glazing and entrance canopy.
- Replacement of exterior lighting fixtures and addition of new light ixtures at three sides of building
- Existing exterior stairs and railsing to be removed and replaced.
- Exist planter landscping improvements

# General Sheet Index

C.104 C.105 C.106

Existing Site & Building Photographs Existing Surrounding Site Photographs Exterior Renderings

# Demolition Sheet Index

	Sheet No	Title	
	D.100	First Floor Exterior Demolition Plan	
	D.200	Demolition Elevations	$\sum$
	Arch	<u>nitectural Sheet Index</u>	_
$\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{\mathbf{$	Sheet No	Title	- )
(	A.100	First Floor Plan	
$\geq$	A.101	Enlarged First Floor Plan	$\prec$
, ,	A.201	Exterior Elevations	)
	A.202	Exterior Elevations	
>	A.203	Enlarged Exterior Elevation	)
	A.500	Wall Sections	
	A.600	Entrance Canopy Details	
	A.602	Section Details	4
	A.603	Section Details	
	A.800	Door and Glazing Schedule	
٦	$\checkmark$		$\mathcal{I}$

#### Structural Sheet Index Sheet N

- S.001 S101 S.501
- General Notes Structure
- Typical Steel Sections and Details

# Zoning Information (City of Birmingham) **ZONED:** B-4 BUSINESS-RESIDENTIAL, D-4 DOWNTOWN BIRMINGHAM OVERLAY DISTRICT LOT AREA: 19,993 SQ. FT. (EXIST)

PARCEL NUMBER: 1925455017 PROPERTY DESCRIPTION:

2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 LOTS 42 & 70 ALSO LOT 43 EXC BEG AT SW LOT COR, TH N 82-23-50 E 5.50 FT, TH N 08-05-01 W 30.43 FT, TH ALG CURVE TO LEFT, RAD 125 FT, CHORD BEARS N 16-36-50 W 37.08 FT, DIST OF 37.22 FT, TH \$ 08-05-01 E 67.06 FT TO BEG, ALSO VAC PART OF PARK ST BEG AT NW COR OF SD LOT 43, TH \$ 82-03-32 W 10.18 FT, TH S 29-42-55 E 18.65 FT, TH ALG CURVE TO RIGHT, RAD 125 FT, CHORD BEARS S 27-25-49 E 9.97 FT, DIST OF 9.97 FT, TH N 08-05-01 W 26.72 FT TO BEG 01/11/89 FR 008, 011 & 012

LOT COVERAGE (FOOTPRINTS ): (126 2.38 B4)

1. EXISTING BUILDING: 14,578 SQ. FT.

14,578 SQ. FT. / 19,993 SQ. FT. = 73 % LOT COVERAGE MAXIMUM LOT AREA: NA

#### SETBACK INFORMATION (126 2.38.2 B4)

FRONT YARD (3) REQUIRED: 0.00' -EXISTING SETBACK TO REMAIN

REAR YARD REQUIRED: 10.00' -EXISTING SETBACK TO REMAIN

PARKING INFORMATION EXISTING: BELOW GRADE PARKING TO REMAIN

# **Deferred Submittal Note**

The registered design professional is Jeff Klatt, architect hese Construction Documents were prepared for compliance with the Michigan Construction Codes in effect at time of permit submittal. All engineers, contractors and suppliers involved with this project shall comply with the same codes. Issued and approved code modifications and/or Construction Boards of Appeals ruling (and whenever required) shall provide Shop Drawings and Submittals clearly describing compliance to the responsible Registered Design Professional in charge for review and approval.

Deferred submittal items shall include: interior finish flame spread smoke development requirements

All signage to meet the city code of ordinances and be approved under a separate permit issued by the City of **Birmingham**, MI. Signage has <u>not</u> been included within this submittal.

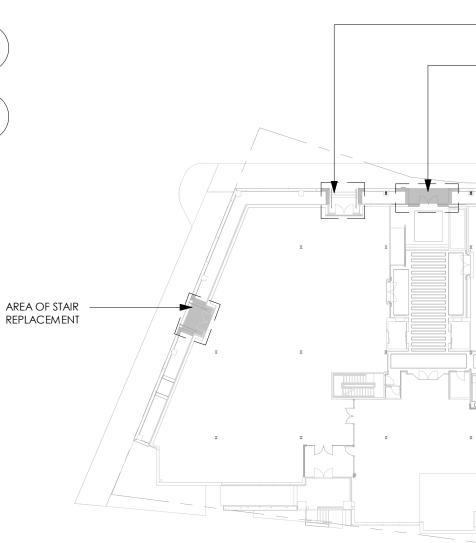
# **General Building Information** Code Review Analysis

Application Building: Application Plumbing: Application Electrical: Accessibility: Energy: Fire

Michigan Rehabilitation Code 2015 Michigan Plumbing Code 2018 2017 National Electrical Code ICC/ANSI A.117.1-2015 2015 Michigan Energy Code 2021 International Fire Code

Classification of Work: Construction Type: Sprinkled: Occupancy Use:

Alteration - Level 2 Exist. Yes (Exist. Condition) TBD by future tenant; assumed B

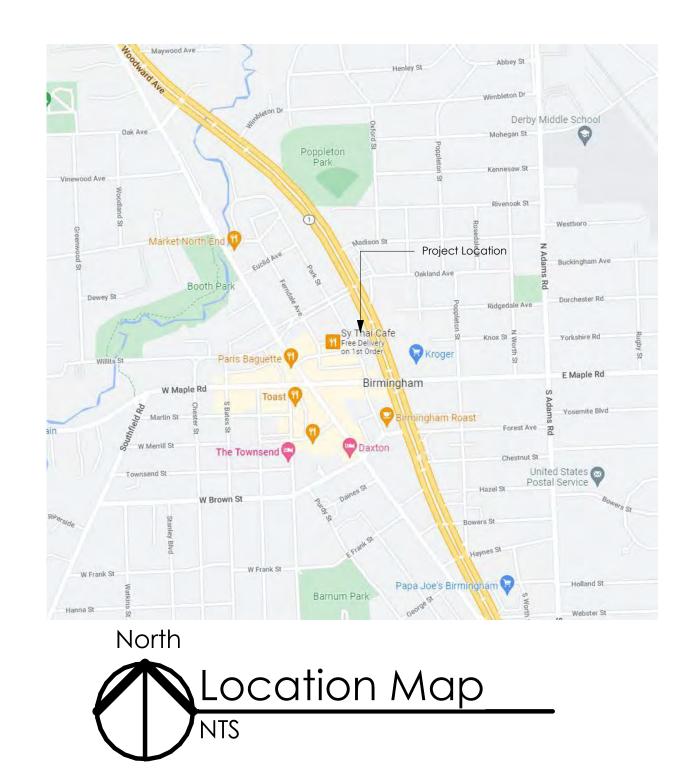


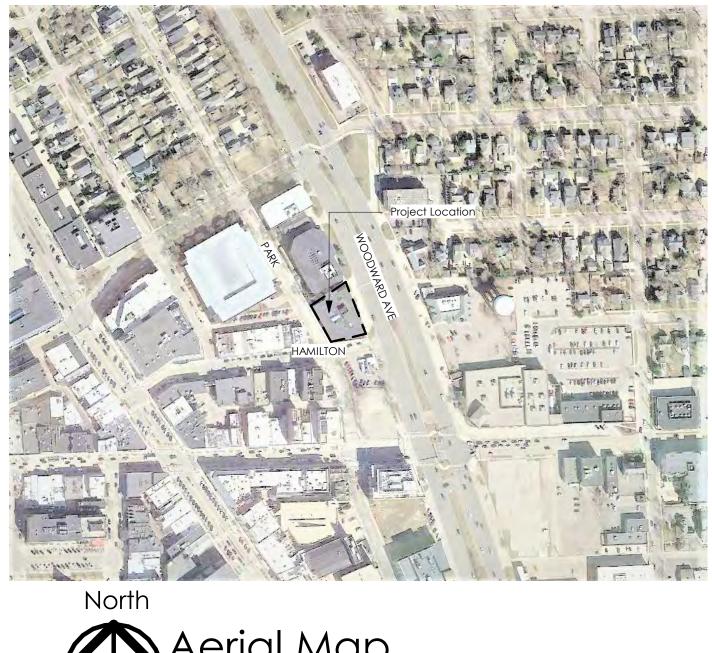
1/32'' = 1'-0''





# View to 220 Park from Park Street





AREA OF STAIR REPLACEMENT

AREA OF FACADE RENOVATION

AREA OF STAIR REPLACEMENT

<u>Scope of Work Plan</u>

Aerial Map NTS

#### **KRIEGER KLATT** ARCHITECTS

2120 E. 11 Mile Rd. | Royal Oak, MI 48067 **P:** 248.414.9270 **F:** 248.414.9275 www.kriegerklatt.com

Client:

Boji Group 220 Park Street Birmingham, MI 48009

Project:

220 Park Street-Phase 2 Birmingham, MI 48009

Issued	Description DRB REV. 4	Ву
07.06.2022	DRB REV. 4	
10.07.2022	BIDS/PERMITS	
01.20.2023	Admin Approval	
01.27.2023	Bulletin 1	
01.27.2025		
		_

Seal:



Note:

Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:

Sheet Title: Cover Sheet

Project Number:

22-014

Scale: 1/32" = 1'-0"

Sheet Number:



View of West Side of Building



View of North Side of Building



View of South Side of Building



View of East Side of Building

## KRIEGER KLATT Architects

2120 E. 11 Mile Rd. | Royal Oak, MI 48067 P: 248.414.9270 F: 248.414.9275 www.kriegerklatt.com

# <u>Client:</u>

Boji Group 220 Park Street Birmingham, MI 48009

# Project:

220 Park Street-Phase 2 Birmingham, MI 48009

Issued	Description	Ву
		Dy
04.29.2022		
06.09.2022	DRB REV. 3	
07.06.2022	DRB REV. 4	
07.22.2022	PERMIT	
10.07.2022	BIDS/PERMITS	
01.27.2023	Bulletin 1	

Seal:



Note: Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:

Sheet Title:

Existing Site & Building Photographs Project Number: 22-014

Scale:

Sheet Number:
C.104



View to 220 Park from Park Street



View to 220 Park from Hamilton Row



View to 220 Park from Park Street



View to 220 Park from Woodward Ave

KRIEGER KLATT Architects

2120 E. 11 Mile Rd. | Royal Oak, MI 48067 P: 248.414.9270 F: 248.414.9275 www.kriegerklatt.com

<u>Client:</u>

Boji Group 220 Park Street Birmingham, MI 48009

Project:

220 Park Street-Phase 2 Birmingham, MI 48009

Issued	Description	B <sub>1</sub> /
	Description	Ву
04.29.2022	DRB	
06.09.2022	DRB REV. 3	
07.06.2022	DRB REV. 4	
07.22.2022	PERMIT	
10.07.2022	BIDS/PERMITS	
01.27.2023	Bulletin 1	

Seal:



Note:

Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:

Sheet Title:

Existing Surrounding Site Photographs Project Number: 22-014 Scale:

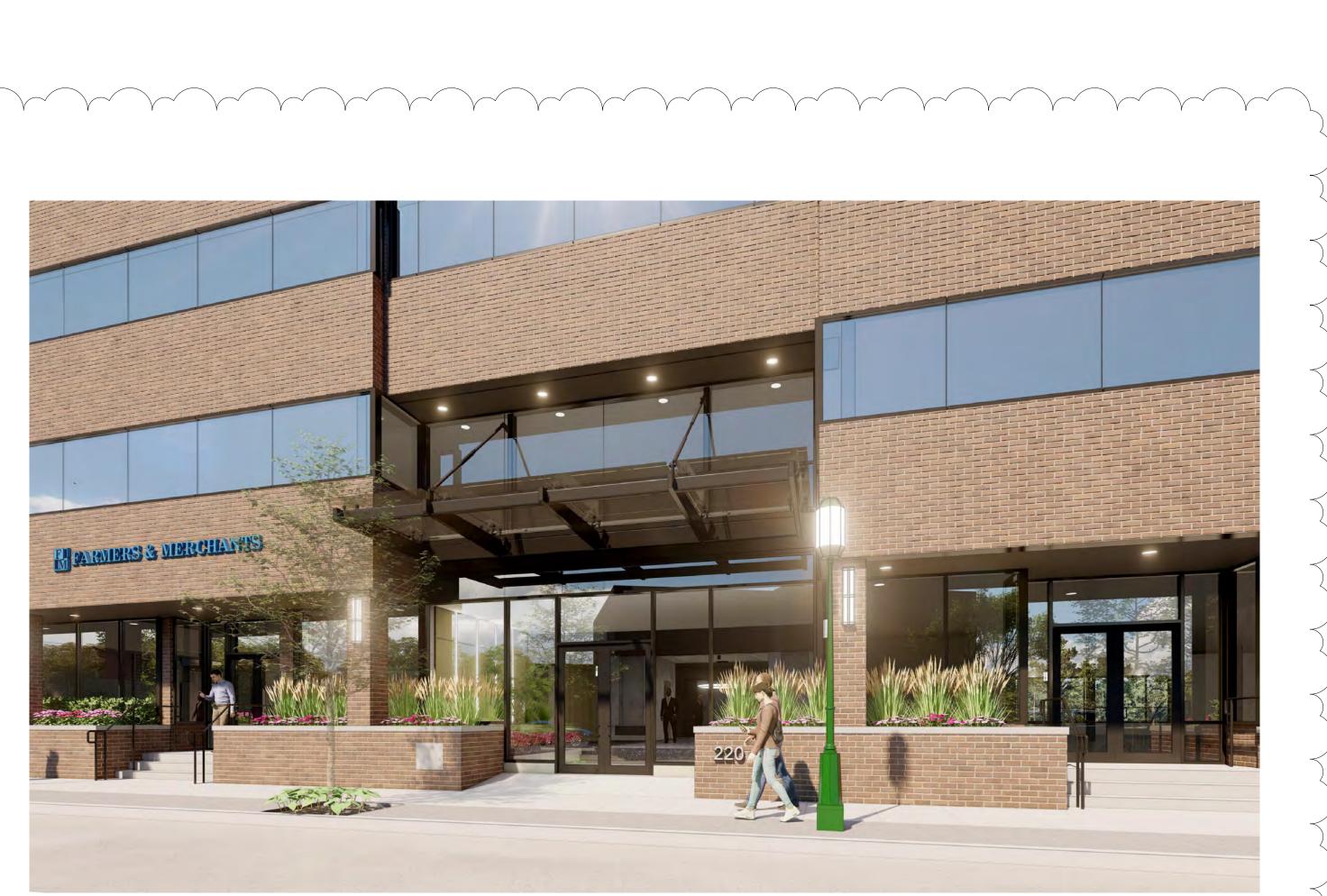
Sheet Number:



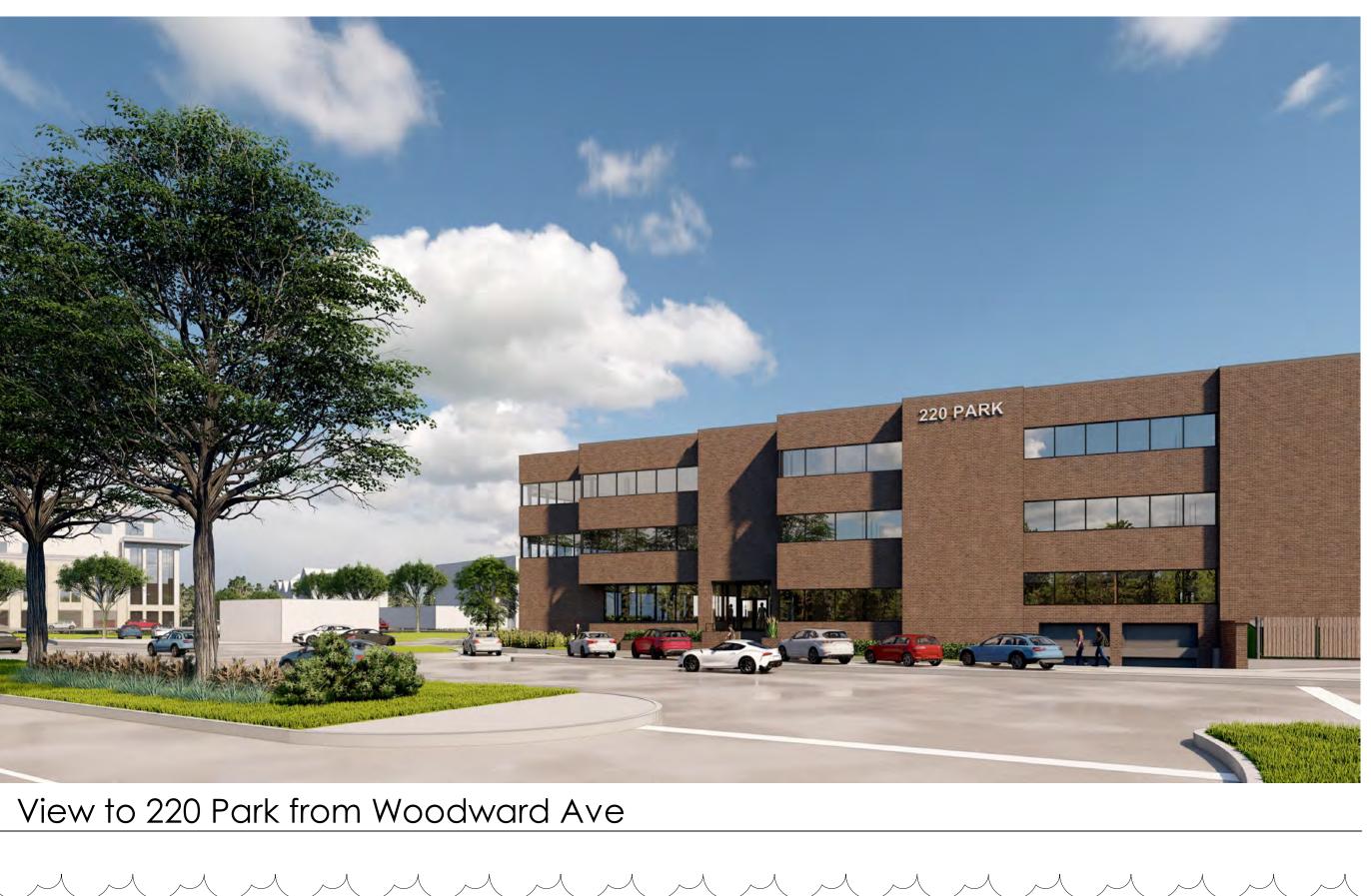
View to 220 Park from Park Street



View to 220 Park from Hamilton Row



View to 220 Park Entrance Canopy



# KRIEGER KLATT Architects

2120 E. 11 Mile Rd. | Royal Oak, MI 48067 P: 248.414.9270 F: 248.414.9275 www.kriegerklatt.com

<u>Client:</u>

Boji Group 220 Park Street Birmingham, MI 48009

Project:

220 Park Street-Phase 2 Birmingham, MI 48009

Issued	Description	By
04.29.2022	DRB	
06.09.2022	DRB REV. 3	
07.06.2022	DRB REV. 4	
10.07.2022	BIDS/PERMITS	
01.20.2023	Admin Approval	
01.20.2023	Bulletin 1	
01.27.2023		

Seal:



Note:

Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:

Sheet Title: Exterior Renderings

Project Number: 22-014 Scale:

Sheet Number:



View from Hamilton



View from Hamilton and Woodward Ave. Intersection

View from Park Street and Hamilton Intersection



View from Woodward Ave.

KRIEGER KLATT ARCHITECTS

2120 E. 11 Mile Rd. | Royal Oak, MI 48067 P: 248.414.9270 F: 248.414.9275 www.kriegerklatt.com

Client: Boji Group

# Project:

220 Park-Facade Improvements -Phase 4 Birmingham, MI 48009

Issued	Description	Ву

Seal:



Note: Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:

Sheet Title: 3D Views

Project Number: 22-014 Scale:

Sheet Number: A.005

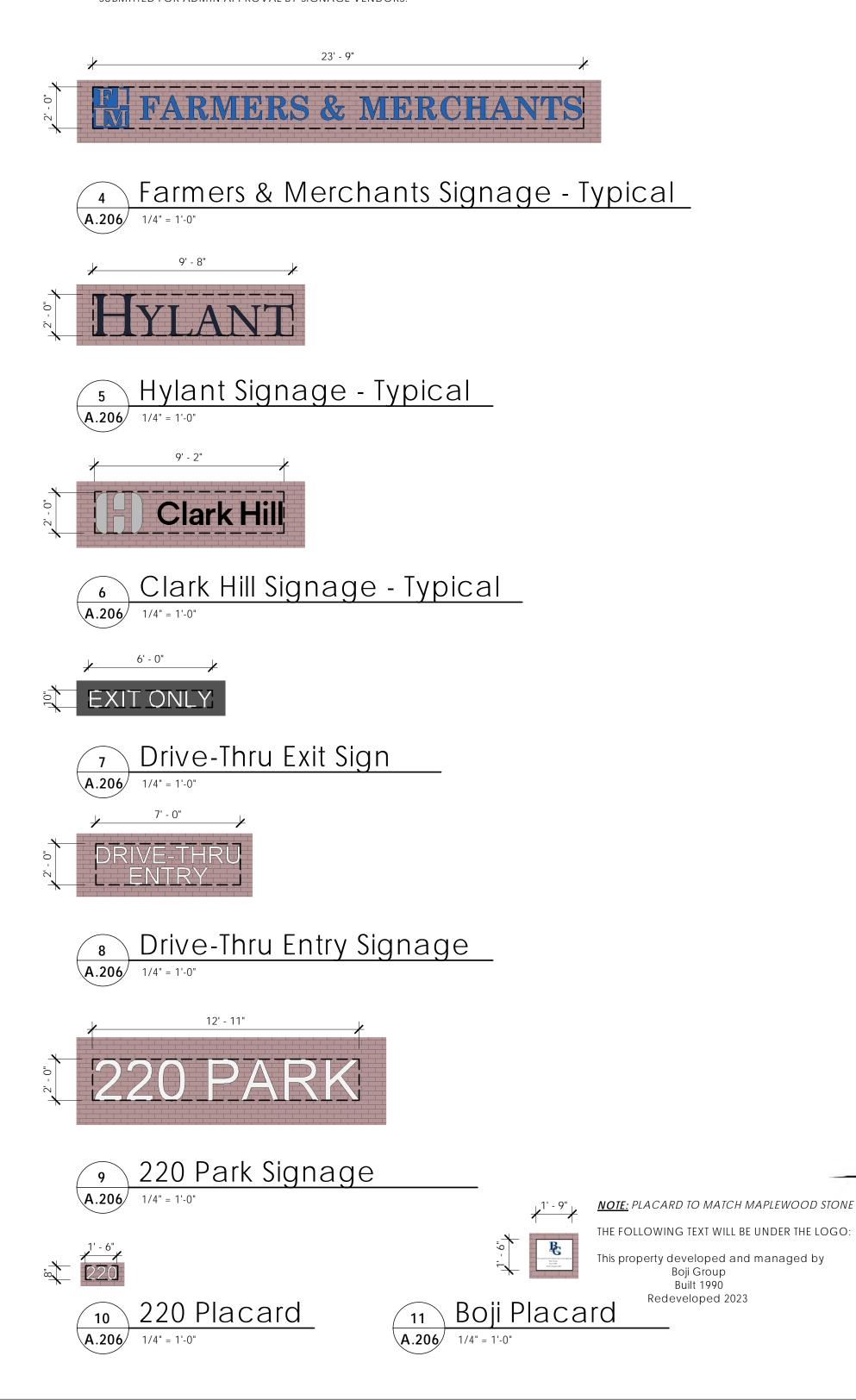
IDENTIFICATION SIGNAGE AREAS			
SIGN	AREA OF PROPOSED SIGN		
Farmers & Merchants - Park St.	47.33 S.F.		
Farmers & Merchants - Woodward Ave.	47.33 S.F.		
Hylant - Park St.	19.33 S.F.		
Hylant - Woodward Ave.	19.33 S.F.		
Clark Hill - Hamilton Row	18.33 S.F.		
Clark Hill - Woodward Ave.	18.33 S.F.		
220 Park - Woodward Ave.	25.83 S.F.		
TOTAL AREA ALLOWED:	<u>200 S.F.</u>		
TOTAL AREA PROPOSED:	<u>195.81 S.F.</u>		
NON-CONTRIBUTING	SIGNAGE AREA		
SIGN	AREA OF PROPOSED SIGN		
Drive-Thru Entry	14 S.F.		
Drive-Thru Exit	5 S.F.		
220 Placard	1 S.F.		
Boji Group Placard	2.65 S.F.		

#### GENERAL NOTES:

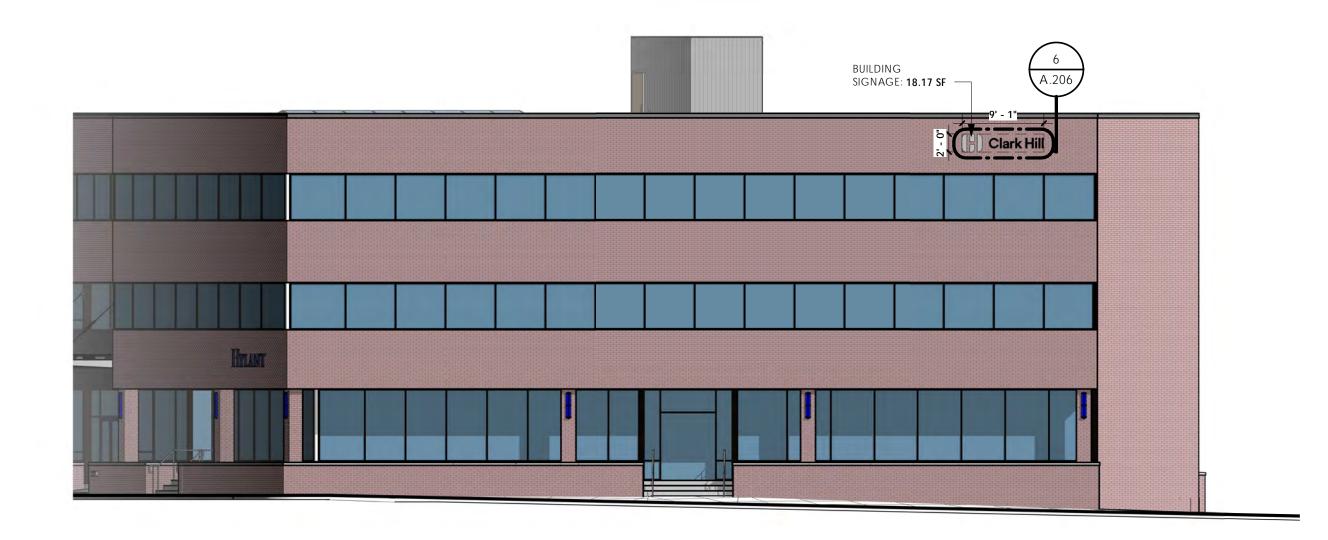
ALL LETTERS TO BE PIN MOUNTED ALL ILLUMINATED LETTERS TO BE HALO LIT

- TENANT SIGNAGE IS RESTRICTED TO THE PROPOSED AREA OF THE SIGNAGE ON THIS PLAN FOR THE TOTAL OF THE TWO SIGNS PER TENANT. SIGNAGE WAS ALLOCATED BASED ON TENANT NAME AND HEIGHT OF LETTER RESTRICTIONS.
- IN THE EVENT OF A TENANT CHANGE, THE NEW TENANT FOR THAT SPACE MUST COMPLY WITH THE ABOVE REGULATIONS SET FORTH BY THE OWNER, 220 PARK, LLC.

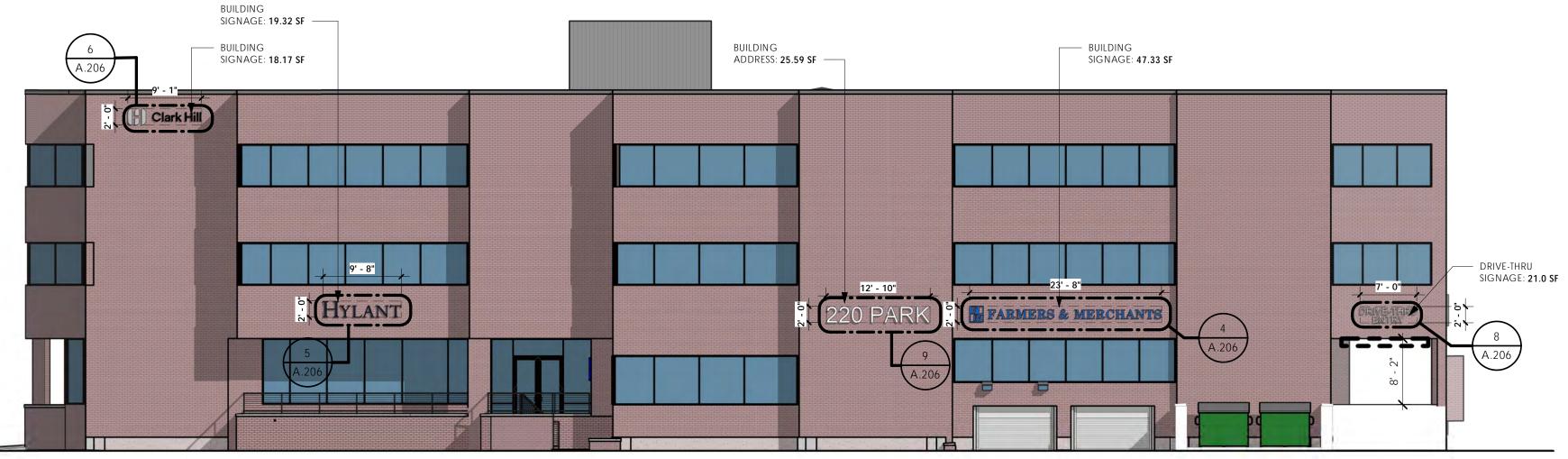
NOTE: FINAL THICKNESS, SYSTEM, ILLUMINATION, AND MATERIAL TO BE SUBMITTED FOR ADMIN APPROVAL BY SIGNAGE VENDORS.











East Elevation - Signage 1 **D.100** 3/32" = 1'-0"

NOTE: FRONTAGE LENGTH TO INTERSECTION" 186' - 2"

**KRIEGER KLATT** ARCHITECTS

2120 E. 11 Mile Rd. | Royal Oak, MI 48067 **P:** 248.414.9270 **F:** 248.414.9275 www.kriegerklatt.com

Client: Boji Group

## Project:

220 Park-Facade Improvements -Phase 4 Birmingham, MI 48009

Issued	Description	Ву
12.19.2022	Description DRB - Signage Application	

Seal:



Note: Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:

Sheet Title:

Elevations -Building Signage

Project Number: 22-014 Scale:

As indicated

Sheet Number:



# 24"

# CONSTRUCTION:

- 2" deep Aluminum logo and letters
- Face and side walls to be painted

# ILLUMINATION:

- Sign letters to be internally illuminated with white LEDs,
- Back/Halo illumination
- LED power supply (transformer), mounted remote behind wall.
- 120 volt input, 12 volt output.

ELECTRICAL REQUIREMENTS: (1) 20 amp dedicated circuit.

# TWO (2) EXTERIOR BUILDING SIGNAGE

Scale: 3/4'' = 1'



8457 Andersonville Rd, Suite H Clarkston, Michigan 48346 (O) 248.848.1700 (F) 248.848.1722 www.signgraphix.net

Clark Hill

DRAWING: 4-17-23 A-3006 4-19-23 JOB: 26373

— 110" —	2"
ELEVATION	SIDE VIEW

UL Listed Fabrication 2" \_\_\_\_\_ Aluminum channel letter **B** Low voltage electrical input Ø Clear polycarbonate backer, "back lit" White LED modules D B Aluminum stand-off (spacer) Anchors as required **G** Low voltage LED power supply 0 120 volt input electrical Metal transformer box **U** Weep holes for draining condensation. J

220 Park St. Birmingham, MI 48009

These designs, details and plans represented herein are the property of SignGraphix, Inc; specifically developed for your personal use in connection with the project being planned for you by SignGraphix, Inc. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, exhibited or copied in any fashion whatsoever all any part of this design (excepting registered trademarks) remain the property of SignGraphix, Inc.

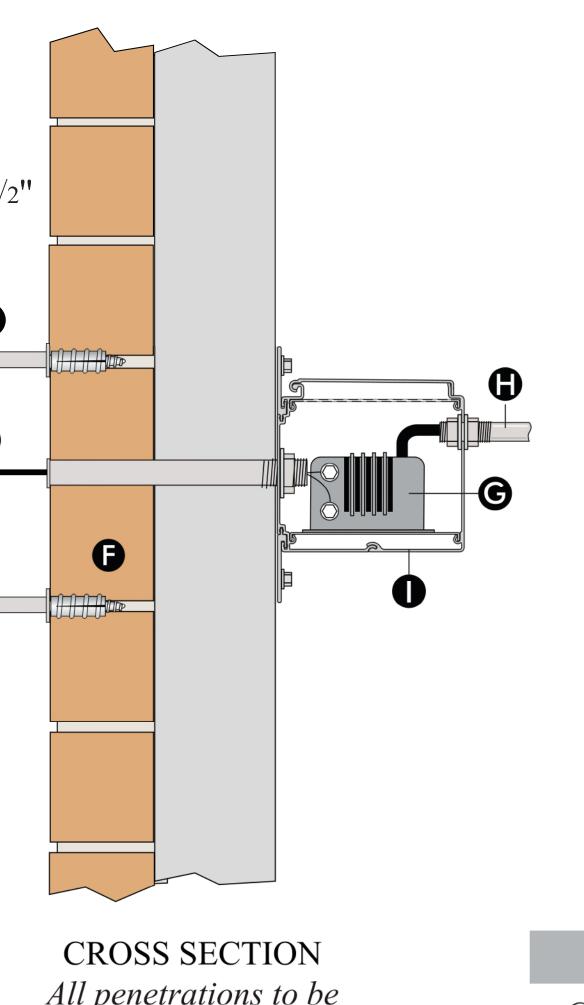
CLIENT SIGNATURE:

DATE:





# Night Simulation

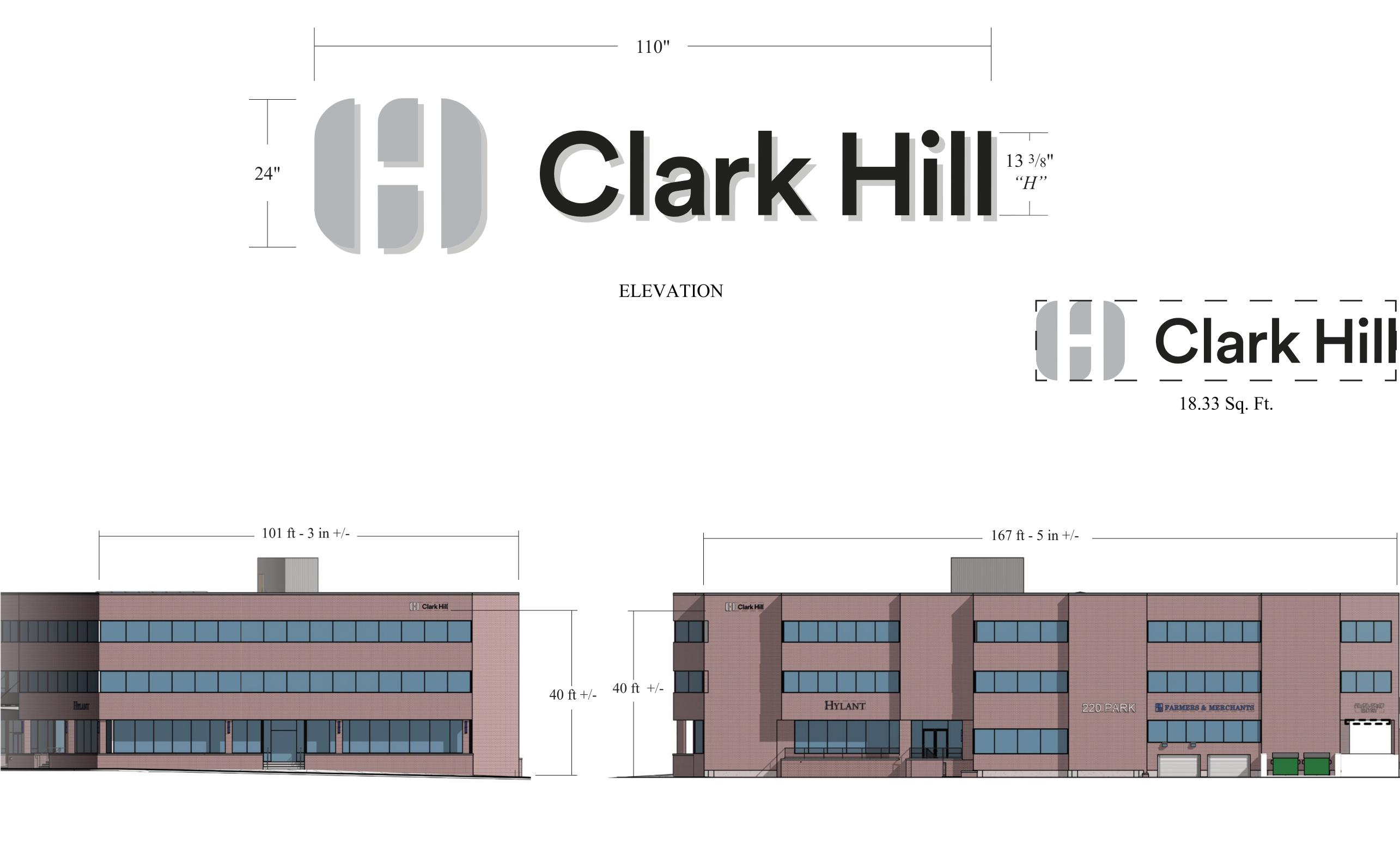


All penetrations to be sealed and water tight.



Black





# EAST ELEVATION

# TWO (2) EXTERIOR BUILDING SIGNAGE

Scale: 1/2" = 1'



8457 Andersonville Rd, Suite H Clarkston, Michigan 48346 (O) 248.848.1700 (F) 248.848.1722 www.signgraphix.net

drawing:	4-4-23
<b>A-2986</b>	4-17-23
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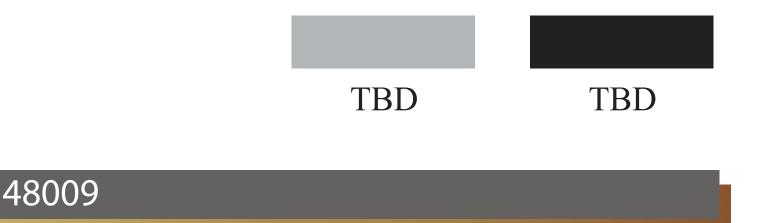
# 220 Park St. Birmingham, MI 48009

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# SOUTH ELEVATION



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BIRMINGHAM OFFICE – MAPLEWOOD 132 N. OLD WOODWARD | BIRMINGHAM, MI 48009 PHONE: (248) 646-3151 www.bojigroup.com



CITY OF BIRMINGHAM Community Development – Building Department 151 Martin Street Birmingham, MI 48009 Thursday, May 4, 2023

#### Re: Clark Hill, 220 Park Street Bldg. Signage - Application for the Board of Zoning Appeals

To the Board of Zoning Appeals,

Ownership (220 Park Ave LLC) previously received approval from the Design Review Board for the Master Sign Plan for the 220 Park Building, inclusive of Clark Hill tenant signage. Clark Hill will be the primary tenant at 220 Park Street and is requesting approval to illuminate their exterior building signs along Woodward Avenue and Hamilton Row.

Please let this letter from Ownership serve as support for Clark Hill's Application to the Board of Zoning Appeals on their request.

Ownership has agreed to rename 220 Park to the 'Clark Hill Building', as Clark Hill is continuing their commitment to the local Birmingham Market by executing a long-term lease at 220 Park Street. Being one of the leading law firms in the area, this new location provides a strong presence to the transitory traffic along Woodward and Hamilton Row that historically wasn't captured at their former location. Illumination of these signs would allow for such recognition during the day as well as evening and nighttime traffic.

We do not believe that spirit and intent of this request will be a detriment to the building, or affect the character of the design, but rather provide a new aesthetic that establishes gentrification and a continued draw to the CBD.

Thank you for your consideration on this matter.

Respectfully Submitted,

Juhr

John Hindo, President and General Counsel Boji Group, LLC dba 220 Park Ave LLC, Authorized Member

#### Design Review Board Minutes Of May 17, 2023

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, May 17, 2023. VC Kolo called the meeting to order at 7:20 p.m.

#### 1) Rollcall

- **Present:** Board Members Keith Deyer, Natalia Dukas, Dustin Kolo, Michael Willoughby; Alternate Board Member Sam Lanfear
- Absent: Chair John Henke; Board Members Patricia Lang, Julie Rasawehr; Alternate Board Member Samantha Cappello
- **Staff:** Planning Director Dupuis; City Planner Blizinski, City Transcriptionist Eichenhorn

#### 2) Approval of the DRB Minutes of May 3, 2023

#### 05-15-23

#### Motion by Mr. Willoughby Seconded by Mr. Deyer to approve the May 3, 2023 minutes as submitted.

#### Motion carried, 5-0.

VOICE VOTE Yeas: Kolo, Willoughby, Deyer, Dukas, Lanfear Nays: None

#### 3) Public Hearing

- 4) Design Review
- 5) Sign Review A. 34040 Woodward – Community Unity Bank

CP Blizinski presented the item and answered informational questions from the DRB.

Mr. Deyer said his only hesitance regarding the sign was the wood backer.

Ms. Dukas said she viewed the wooden piece as a feature of the building, rather than a backer. She said she preferred this proposal to the applicant's previous proposal.

VC Kolo concurred. CP Blizinski said Staff interpreted the wooden piece as part of the building's facade and not as part of the sign.

Dorian Moore, architect, spoke on behalf of the project and answered informational questions from the DRB.

Design Review Board Minutes of May 17, 2023

In reply to Mr. Deyer, Mr. Moore said he could supply information regarding the stain that would be used on the wood.

#### 05-16-23

#### Motion by Ms. Dukas

Seconded by Mr. Willoughby to approve the design review application for Community Unity Bank with the following condition:

**1.** The Design Review Board APPROVES the non-cutoff light fixtures pursuant to Article 4, Section 4.21 (D) of the Zoning Ordinance.

#### Motion carried, 5-0.

VOICE VOTE Yeas: Kolo, Willoughby, Deyer, Dukas, Lanfear Nays: None

#### B. 220 Park – Clark Hill

PD Dupuis summarized the item and answered informational questions from the DRB.

Dan Minkus, managing partner of the Birmingham office of Clark Hill, spoke on behalf of the proposal and answered informational questions from the DRB.

Mr. Willoughby said it seemed like the applicant had met all of the criteria for the design review. He said the DRB could support the design review portion of the request. He said the DRB would not be establishing precedent by approving the design review aspect of proposal.

Mr. Dever said the proposal was tastefully done and would look fine. He concurred with Mr. Minkus that the proposal would make it easier for clients to locate the applicant. He said that the proposal was appropriate and met all of the design review requirements. He opined that the DRB should solely offer approval of the design review aspects of the proposal.

PD Dupuis offered a modification to the suggested motion language to address Mr. Deyer's comment.

Mr. Dever motioned using the modified suggested motion language.

#### 05-17-23

#### Motion by Mr. Deyer

Seconded by Mr. Willoughby to approve the Design Review application for 220 Park St. – Clark Hill – with the following conditions:

- 1. The applicant must submit revised sign plans with no illumination on the building identification sign, or the applicant must obtain a variance for 36.7 sq. ft. of illuminated building identification signage; and,
- 2. The applicant must submit revised plans to the Planning Division with consistent signage.

Design Review Board Minutes of May 17, 2023

#### Motion carried, 5-0.

VOICE VOTE Yeas: Kolo, Willoughby, Deyer, Dukas, Lanfear Nays: None

DRB members agreed that the modification to condition one allowed them to only comment on the aspects of the project within their purview.

PD Dupuis said he would remember that for future suggested motion language.

#### 6) Study Session

#### 7) Miscellaneous Business And Communications

In reply to Mr. Deyer, PD Dupuis said he would raise questions regarding potential vehicle storage near Adams Square with Code Enforcement.

- A. Pre-Application Discussions
- B. Draft Agenda
- C. Staff Reports
  - 1. Administrative Sign Approvals
  - 2. Administrative Approvals
  - 3. Action List 2023

#### 8) Adjournment

No further business being evident, the Board motioned to adjourn at 7:56 p.m.

Nick Dupuis, Planning Director

Laura Eichenhorn, City Transcriptionist