

**City of Birmingham**  
**MEETING OF THE BOARD OF ZONING APPEALS**  
**TUESDAY, JUNE 14, 2022**  
**7:30 PM**

Should you have any statement regarding any appeals, you are invited to attend the meeting in person or virtually through ZOOM:

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

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

JUNE 14, 2022  
7:30 PM

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. ANNOUNCEMENTS**

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

**4. APPROVAL OF THE MINUTES**

a) May 10, 2022

**5. APPEALS**

	Address	Petitioner	Appeal	Type/Reason
1)	2225 E FOURTEEN MILE RD	OUR SHEPHERD LUTHERAN	22-16	DIMENSIONAL
2)	1029 LAKE PARK	SAPPHIRE LANDSCAPING	22-17	DIMENSIONAL
3)	338 PILGRIM	VANBROUCK & ASSOC	22-21	DIMENSIONAL
4)	310 E MAPLE	DELSIGNORE	22-22	DIMENSIONAL
5)	843 TOTTENHAM	DAWSON	22-23	DIMENSIONAL
6)	843 CHESTNUT	VINCKIER	22-24	DIMENSIONAL
7)	1511 E MAPLE	HURST	22-25	DIMENSIONAL
8)	333 FERNDAL	BROWN	22-26	DIMENSIONAL (POSTPONED)

**6. CORRESPONDENCE**

**7. GENERAL BUSINESS**

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

**ADJOURNMENT**

**Title VI**

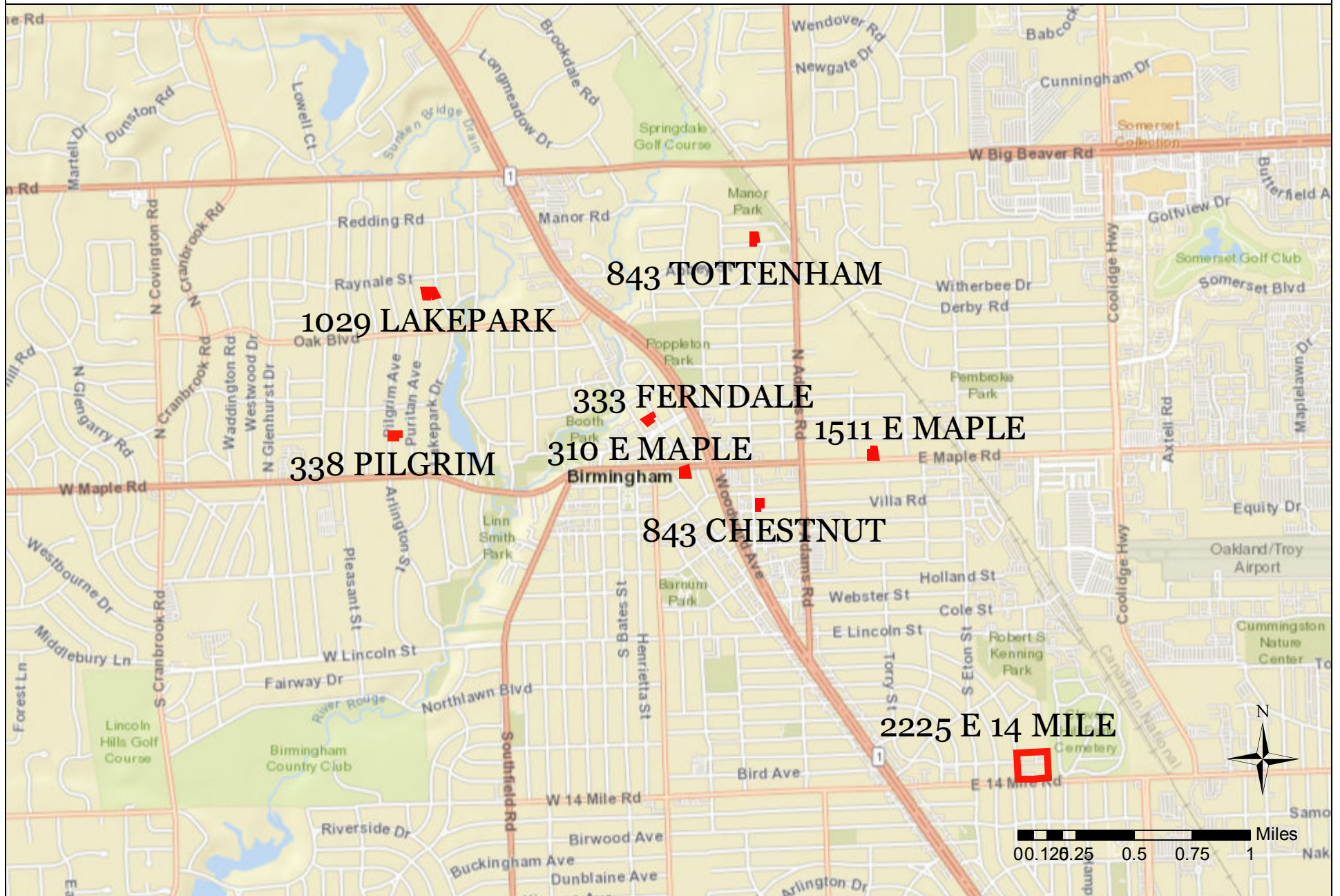
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

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

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

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

# JUNE BZA MAP





**Birmingham Board Of Zoning Appeals Proceedings**  
**Tuesday, May 10, 2022**  
**City Commission Room**  
**151 Martin Street, Birmingham, Michigan**

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**1. Call To Order**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, May 10, 2022. Chair Erik Morganroth convened the meeting at 7:30 p.m.

**2. Rollcall**

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

**Absent:** Board Members Charles Lillie, Pierre Yaldo

**Administration:**

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

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

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

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

**3. Announcements**

Michigan and Oakland County are at a substantial rate of COVID-19 community transmission. Per Occupational Safety and Health Administration (OSHA) mask guidance for areas of high or

substantial community transmission levels, and to continue to protect essential government operations and functions, the city requires masks in City Hall for all employees, and for board and commission members. Masks are recommended for members of the public who attend city meetings. The city continues to provide KN-95 respirators for all in-person meeting attendees.

**T# 05-21-22**

**4. Approval Of The Minutes Of The BZA Meetings Of April 12, 2022**

Vice-Chair Canvasser said that on page five, the third full paragraph, 'orginance' should be changed to 'ordinance', and 'building' should be changed to 'buildable' in the same line.

**Motion by Mr. Reddy**

**Seconded by Vice-Chair Canvasser to accept the Minutes of the BZA meeting of April 12, 2022 as amended.**

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

**5. Appeals**

**T# 05-22-22**

**1) 525 W. Merrill  
Appeal 22-14**

SP Cowan presented the item, explaining that the owner of the property known as 525 W Merrill was requesting the following variance to install a sign for a legal nonconforming commercial use in an R8 Attached Single Family residential zone:

**A. Article 1, Table B of the Sign Ordinance** permits permanent business signs in commercial zones only. The applicant is applying to have a permanent business sign in an R8 Attached Single-Family zone, therefore a dimensional variance of 2.58 square feet is being requested.

In reply to Vice-Chair Canvasser, BO Johnson stated that tying an approval to the present plans as submitted would prevent the variance from transferring to any potential future owner of 525 W. Merrill.

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

In reply to Chair Morganroth, Mr. Biddison said the aim was to make the business a little bit easier to find since it is residential in appearance.



In reply to Mr. Kona, Mr. Biddison said clients are both walk-in and by-appointment. He noted that there are also new clients to the business and the sign helps those clients locate the business.

**Motion by Mr. Miller**

**Seconded by Vice-Chair Canvasser with regard to Appeal 22-14, A. Article 1, Table B of the Sign Ordinance permits permanent business signs in commercial zones only. The applicant is applying to have a permanent business sign in an R8 Attached Single-Family zone, therefore a dimensional variance of 2.58 square feet is being requested.**

**Mr. Miller moved to approve the variance and tied the approval to the plans as submitted. He said he saw no negative impacts in allowing the signage given its subtlety and said it would be helpful in locating the business. He said the need for the variance was not self-created and is due to the unique circumstances of the business being legally non-conforming in the R8 zone.**

**Mr. Hart said he was supportive of the motion. He said allowing the sign would prevent this business' clients from accidentally knocking on residential neighbors' doors when trying to find the business. He said it was a reasonable request, not really a change in use, and fitting in the context.**

**Mr. Kona said he would not support the motion because the area was predominantly residential, with the commercial building across the street having no signage. He said that residents of the Baldwin House would be able to see 525 W. Merrill's illuminated sign at night.**

**Mr. Reddy said he would also not support the motion, stating that strict compliance with the ordinance would not prevent the petitioner from using the property as it was designed to be used.**

**Chair Morganroth said he would support the motion. He said that if the City aimed to phase out legally non-conforming parcels, then the City would not allow a six-month gap in occupancy during which the legally non-conforming status can transfer to a new occupant. Since the City does allow this, he said the City is encouraging this legally non-conforming use, and thus this use deserves the right to a regular sign.**

**Vice-Chair Canvasser reiterated BO Johnson's statement that this variance would be limited to the present occupant and any future occupant would have to seek a new variance if they desired a sign. He said the variance did not enlarge an existing non-conformity, that there was a practical difficulty, and that granting the variance would help reduce potential disruptions to the residential surroundings. He said there was a benefit to both the neighborhood and owners of 525 W. Merrill. For these reasons, Vice-Chair Canvasser said he would support the motion.**

**In reply to the Chair, SP Cowan confirmed that the illuminance of the sign is regulated by the sign ordinance and would be reviewed as part of the final application.**

**Motion carried, 4-2.**

ROLL CALL VOTE

Yeas: Miller, Morganroth, Canvasser, Hart

Nays: Reddy, Kona

**T# 05-23-22**

**2) 500 Arlington  
Appeal 22-15**

ABO Zielke presented the item, explaining that the owner of the property known as 500 Arlington was requesting the following variance to construct a new home with attached garage:

**A. Chapter 126, Article 4.75 (A)1** of the Zoning Ordinance requires that a private attached, single family residential garage be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The proposed garage is 36.96 feet in front of the portion of the front façade. Therefore, a variance of 41.96 feet is being requested.

Greg Sweeney, 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 Chair, Mr. Sweeney said:

- If he had to comply with the ordinance the home would not be able to have an attached garage without going 40 feet further into the backyard;
- It would be an odd location for the garage and would cause it to be facing the neighboring home;
- It would also be possible that they would have to eliminate the garage entirely;
- He could move the house forward a bit under 20 feet and remain within the setbacks;
- Locating the house further from the street made the variance request larger;
- The variance could be half the requested amount if the house were moved closer to the street;
- The intention was to avoid having the angle of the street dictate the design of the house; and,
- He created the volume where the house could be built, and he did not feel that the house was required to be parallel to the property line or to the street at the front of the house.

In reply to Mr. Miller, Mr. Sweeney stated:

- He only became aware that he was not meeting the ordinance in March 2022;
- When the home was being designed he thought he was meeting the ordinance;
- A facade is a plane, not a point, and so the plane of the glass on the front of the home was being treated as the front facade when he met with the City two years ago;
- The garage was placed about 6.5 feet behind that plane of glass;
- Whether the garage had to be moved another foot or had to be shrunken a bit remained up for debate because the definition of 'facade' in this case was still being discussed. The



ordinance is not clear on what length of a building qualifies as a 'facade', and he has no vertical surface parallel to the setback line;

- He believed the interpretation took this long because he and the City agree on what would be allowed on a rectilinear lot, but diverge on what is allowed on an angular lot; and,
- The City's interpretation created a line, parallel to the front property line, that passes through the building and behind which the garage must be located.

Mr. Miller said:

- The project began as a large lot and new construction, and that one of the more simple aspects of the ordinance is that the garage must be located five feet back from the face of the house. In those circumstances it is usually not difficult to meet that aspect of the ordinance;
- The BZA would need to see a hardship or uniqueness in this case to grant the variance;
- If the two axes of the home had been angled to the front of the lot, the applicant likely could have met the zoning ordinance;
- He was sure that the applicant could still locate a two-vehicle garage on the lot; and,
- The applicant's contention seemed to be that the design was very far along, and the City's interpretation of the ordinance is what is causing the hardship.

Mr. Sweeney said he did not know of many houses that have an approximately 2400 sq. ft. area in front of the garage, where the garage is still considered not far enough back. He said the matter arose because measuring the front facade was not clear in the ordinance or in this case, and was not communicated to the applicant until March 2022. He said the issue was not simple since the applicant met with the City two years prior and was not informed of the present expectation. He said a case similar to this one has probably not arisen before, which likely complicated the interpretation.

Mr. Miller asked if Mr. Sweeney's description of the chronology of events aligned with the City's.

ABO Zielke said once the item was submitted, there was some back-and-forth regarding where the facade would be located on the plans. He said that because of the uniqueness of the angles, it took the City some time to conclude how it should be measured.

Vice-Chair Canvasser noted that the variance request before the BZA was a dimensional variance, and not an appeal of an interpretation. He said the BZA should be focused on the present request. He asked BO Johnson if he concurred.

BO Johnson said in response to Mr. Miller's inquiry, he believes the chronology as presented by Mr. Sweeney is accurate. BO Johnson said he was not involved early on or with the concluding decision about where the facade should be located on the drawings.

Mr. Hart said he believed the City interpreted the ordinance correctly, and provided an example where the BZA has required a garage to be located five feet behind a front door that was inset three feet from a front facade. He said this case was similar, in that part of the house is approximately 51 feet in front of the front door. He said the BZA exists because of situations like

this, however, to also consider the spirit of the law, and that it was clear in this case that the front door is far behind the front of the house.

Chair Morganroth concurred, saying that the City seeks to avoid a form where a garage is the leading facade instead of the front door. He said in this case there is a lot of massing in front of the garage, and so the question becomes whether this unique design adequately meets the spirit of the ordinance or not.

The Chair reminded the BZA that they had received three letters of support for the variance request.

**Motion by Mr. Reddy**

**Seconded by Mr. Miller with regard to Appeal 22-15, A. Chapter 126, Article 4.75 (A)1 of the Zoning Ordinance requires that a private attached, single family residential garage be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The proposed garage is 36.96 feet in front of the portion of the front façade. Therefore, a variance of 41.96 feet is being requested.**

**Mr. Miller said because of the unique circumstances of this request he would move to approve the variance and to tie it to the plans as submitted. He noted that there is a 24-foot wide portion of the building that is approximately 40 feet in front of the garage door. He said the ten foot area on the far north side of the door could be considered the facade and that the applicant could be seen as attempting to meet the spirit of the ordinance.**

**Mr. Miller said much of the issue stems from the front angle of the street line of the lot. He said it was a unique lot with a unique condition. He said approval in this case should establish no precedent and that keeping the garage five feet behind the front facade is important on typical residential streets. He said the garage in this case is far behind the east wing of the house, and so given that he supported the motion.**

**Vice-Chair Canvasser said he would not support the motion, stating that supporting the motion would be a reinterpretation of the City's interpretation. He said that while there is an avenue to challenge the City's interpretation, such a request was not presently before the BZA. He echoed Mr. Miller's prior observation that this would be new construction with no particular topographical issues or other issues that would establish a practical difficulty. He stated that a substantially similar house could be built on this lot. The Vice-Chair concluded that the appeal did not surmount the self-creation issue.**

**Mr. Hart said he would support the motion. He said it was an extremely unique circumstance, and said supporting the motion reflects not on the City's interpretation but on the spirit and intent of the ordinance. He noted that the BZA exists specifically for cases like this, and that this project meets the intent of the ordinance. He said the**



**unique design of the home should be encouraged and that the garage was well behind the front facade.**

**The Chair said he would be supporting the motion. He said the unique angles of the lot and the architecture require a more unique analysis. He concurred with Mr. Hart that there is a large massing in front of the garage, and that if not for the unique angles that make this structure notable the home could likely comply with the ordinance but would also eliminate the uniqueness of the design. The home is set back far from the street so any concern about the garage facing the street and being visually unattractive does not apply to this particular home. He would like to encourage unique structures like this to beautify the community.**

**Motion carried, 5-1.**

ROLL CALL VOTE

Yeas: Morganroth, Hart, Reddy, Miller, Kona

Nays: Canvasser

**T# 05-24-22**

**3) 2225 E. Fourteen Mile Rd  
Appeal 22-16**

SP Cowan presented the item, explaining that the owner of the property known as 2225 E. Fourteen Mile Rd was requesting the following variances to update the site's parking lot and landscaping:

**A. Chapter 126, Article 4, Section 4.54(C)(1)** requires a screen wall along the side or rear line of any parking facility which immediately adjoins the side line of property zoned to a residential district. The subject property adjoins a school and a cemetery that are zoned R2 Single Family Residential for a total of 997 feet, therefore, a dimensional variance of 997 feet is being requested.

**B. Chapter 126, Article 4, Section 4.54(C)(3)(a)** requires a screen wall along the front or side of any parking facility that abuts a street. The subject property has 441 feet of parking lot facing a street; therefore, a dimensional variance of 441 feet is being requested.

**C. Chapter 126, Article 4, Section 4.21(F)(1)** requires maximum height for pole mounted luminaires to be 13' for parking lots adjacent to residential properties. The subject site is proposing 16' pole mounted luminaires; therefore, a dimensional variance of 3 feet is being requested.

**D. Chapter 1, Article 1, Table D of the Sign Ordinance** permits religious institutions to have one sign at 20 square feet or less if less than 500 feet from occupied residential dwellings, or 40 square feet of signage if it is more than 500 feet from occupied residential

dwelling units. The applicant is proposing three signs for a total of 104 square feet of signage, therefore a dimensional variance of 64 square feet is being proposed.

It was noted by Staff that the 64 feet requested in variance D was incorrect, and should have been noticed as 84 feet.

Since variance D was noticed improperly, the BZA proceeded with variances A, B, and C and postponed hearing variance D until it could be appropriately noticed.

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

In reply to Mr. Bogaerts, SP Cowan said the intent of Chapter 126, Article 4, Section 4.54(C)(3)(a) was likely to ensure that a vehicle would be impeded from accidentally entering a street or sidewalk from the parking lot, and to screen vehicle headlights and taillights.

In reply to Chair Morganroth, Mr. Bogaerts said variance B was being requested because the parking is at least 60 feet back from the property line and is parallel parking. He noted that meant there is no risk of a vehicle accidentally entering a street or sidewalk from the parking area, and noted that vehicle headlights or taillights would not be effectively obscured by the screening wall in this case.

Regarding variance C, Mr. Reddy said he would be concerned about the impact of the requested taller light poles on the single family residences north of Bradford on the west side of Melton.

Mr. Bogaerts estimated that the impact on those residences would be similar between a 13-foot light pole and a 16-foot light pole. He noted that there would be at least 200 feet of green space and two layers of trees between the parking area near Melton and Melton Road itself, which he said would prevent the residences from being impacted. He noted that the lights are shielded to point downward. Mr. Bogaerts added that none of the residents on Melton had voiced concern either during the Planning Board's review of the item or during the present BZA review of the item.

**Motion by Mr. Miller**

**Seconded by Vice-Chair Canvasser with regard to Appeal 22-16, A. Chapter 126, Article 4, Section 4.54(C)(1) requires a screen wall along the side or rear line of any parking facility which immediately adjoins the side line of property zoned to a residential district. The subject property adjoins a school and a cemetery that are zoned R2 Single Family Residential for a total of 997 feet, therefore, a dimensional variance of 997 feet is being requested; and, C. Chapter 126, Article 4, Section 4.21(F)(1) requires maximum height for pole mounted luminaires to be 13' for parking lots adjacent to residential properties. The subject site is proposing 16' pole mounted luminaires; therefore, a dimensional variance of 3 feet is being requested.**

**Mr. Miller moved to approve variances A and C and tied them to the plans as submitted. He said those two variances were unique in that they are triggered by the**



**residential zoning designation of Eton Academy to the north and the cemetery to the east, neither of which are actually residential. The need for variances A and C, then, was not self-created and was due to the unique circumstances of the property.**

**Chair Morganroth asked it be noted that Mr. Bogaerts said that if either Eton Academy or the cemetery did become residential in the future that Our Shepherd Lutheran would be open to meeting the ordinance.**

**Motion carried, 6-0.**

ROLL CALL VOTE

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

Nays: None

**T# 05-25-22**

**Motion by Mr. Hart**

**Seconded by Vice-Chair Canvasser with regard to Appeal 22-16, B. Chapter 126, Article 4, Section 4.54(C)(3)(a) requires a screen wall along the front or side of any parking facility that abuts a street. The subject property has 441 feet of parking lot facing a street; therefore, a dimensional variance of 441 feet is being requested.**

**Mr. Hart moved to approve variance B and tied it to the plans as submitted. He said the appellant submitted a responsible design of the property, with particular attention to the perviousness of the site through the inclusion of the bioswale and landscape islands. He said the variance would have little to no impact on the neighboring properties. He said granting the variance would do substantial justice both to the owner and to the neighbors.**

**Mr. Miller said he would not support the motion because of the importance of screening parking.**

**Chair Morganroth said he also would not support the motion because the appellant did not establish why they could not include the screening walls required by the ordinance. He said the assumption of the intent of the ordinance as occurred during the item's discussion is not established fact. He said that this variance is not related to the residential zoning of the parcels adjacent to the property and no hardship was established. He said the screening walls in this case would have both benefit and purpose.**

**Mr. Kona said he also would not support the motion. He noted the appellant has the option to use greenery to replace the screening wall, and said screening parking is as much an aesthetic issue as it is an issue of safety or an issue of obscuring headlights or taillights. He stated that 60 feet is only about three car lengths away and a lack of a screening wall in this case would result in a lot of additional illumination of 14 Mile.**

**Motion failed, 3-3.**

ROLL CALL VOTE

Yeas: Canvasser, Hart, Reddy

Nays: Morganroth, Miller, Kona

BO Johnson asked the Board to retain their materials for this appeal.

**T# 05-26-22**

**4) 1061 Forest  
Appeal 22-18**

ABO Zielke presented the item, explaining that the owner of the property known as 1061 Forest was requesting to construct a porch/patio in the required side yard of an existing home:

**A. Chapter 126, Article 4, Section 4.30(C)(3)** of the Zoning Ordinance requires that patios do not project into a required side open space. A patio and stairs is being proposed to project 8.00 feet into the south side open space; therefore, a variance of 8.00 feet is being requested.

Nicholas Green, representative for the petitioner, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to the Chair, Mr. Green stated that the distance from the last step to the front door would be further than it presently is. The porch and steps will be Trex composite decking.

**Motion by Vice-Chair Canvasser**

**Seconded by Mr. Kona with regard to Appeal 22-18, A. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios do not project into a required side open space. A patio and stairs is being proposed to project 8.00 feet into the south side open space; therefore, a variance of 8.00 feet is being requested.**

**Vice-Chair Canvasser moved to approve the variance and tied it to the plans as submitted. He said it was not a self-created issue and that the property had very unique circumstances including how the house is angled, where the front of the home is, and how those do not align. He said the steps are a safety issue and that the applicant would not be going substantially larger than the current steps. He said he saw effort at mitigating the request. The Vice-Chair stated the variance would do substantial justice to the petitioner as well as other property owners, and strict compliance with the ordinance would render conformity unnecessarily burdensome.**

**Motion carried, 6-0.**

ROLL CALL VOTE

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

Nays: None

**T# 05-27-22**

**5) 36877 Woodward  
Appeal 22-19**

SP Cowan presented the item, explaining that the owner of the property known as 36877 Woodward was requesting the following variances to construct a new veterinary clinic in the TZ-3 Transition Zone:

**A. Chapter 126, Article 4, Section 2.46.2** of the Zoning Ordinance requires the minimum front yard setback for the building façade to be built within 5 feet of the front lot line for a minimum of 75% of the street frontage length. The applicant is proposing a building façade within 5 feet of the front lot line for 55% of the street frontage length, therefore a dimensional variance of 35 feet is being requested.

**B. Chapter 126, Article 4, Section 4.53(A)(1)** of the Zoning Ordinance requires that no more than 25% of a property's frontage, or 60 feet, whichever is less, shall be occupied by parking lot. The applicant is proposed 32% of their frontage line to be occupied by parking a parking lot; therefore, a dimensional variance of 12 feet is being requested.

**C. Chapter 126, Article 4, Section 4.83(B)(3)** of the Zoning Ordinance requires that buildings longer than 100 feet to have one (1) usable entrance for every full 50 feet of frontage along the front public sidewalk. The applicant is proposing a building width of 100'8" with one door facing the frontage, therefore a dimensional variance of 1 door is being requested.

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

In reply to Chair Morganroth, Mr. Matthys said variance A was being sought because complying with the ordinance would make the building less architecturally pleasant, especially when viewed from Woodward heading north. He added that meeting the ordinance and maintaining the extant access points would also be problematic. He said he was unsure if he could move the parking to the building's rear if he lengthened the building to the north while making the building shallower.

Chair Morganroth noted that the petitioner was not restrained by the existing footprint since the proposal was for a complete demolition and rebuild.

Mr. Matthys acknowledged that to be the case, but said the plans were constrained by efforts to maintain the same access points, efforts to maximize parking on-site, and the utility on the southern boundary of the site. He said the petitioner has pushed to meet the intent of the ordinance while accommodating the restraints of the site.

In reply to the Chair, Mr. Matthys said variance A could be lessened by approximately 15 feet if the southern trapezoidal corner were eliminated.

BO Johnson confirmed for Mr. Reddy that the locations of the site's curb cuts are determined by MDOT.

**Motion by Vice-Chair Canvasser**

**Seconded by Mr. Hart with regard to Appeal 22-19, A. Chapter 126, Article 4, Section 2.46.2 of the Zoning Ordinance requires the minimum front yard setback for the building façade to be built within 5 feet of the front lot line for a minimum of 75% of the street frontage length. The applicant is proposing a building façade within 5 feet of the front lot line for 55% of the street frontage length, therefore a dimensional variance of 35 feet is being requested; B. Chapter 126, Article 4, Section 4.53(A)(1) of the Zoning Ordinance requires that no more than 25% of a property's frontage, or 60 feet, whichever is less, shall be occupied by parking lot. The applicant is proposed 32% of their frontage line to be occupied by parking a parking lot; therefore, a dimensional variance of 12 feet is being requested; and, C. Chapter 126, Article 4, Section 4.83(B)(3) of the Zoning Ordinance requires that buildings longer than 100 feet to have one (1) usable entrance for every full 50 feet of frontage along the front public sidewalk. The applicant is proposing a building width of 100'8" with one door facing the frontage, therefore a dimensional variance of 1 door is being requested.**

**Vice-Chair Canvasser moved to approve all three variances and tied the approvals to the plans as submitted. He stated that the property had unique circumstances that would render compliance with the ordinance unnecessarily burdensome. He said the plans would do substantial justice to other property owners and to the City as a whole, especially given the site's gateway location.**

**Vice-Chair Canvasser said that while the petitioner could meet the ordinance instead of seeking variance C, he noted that asking the petitioner to do so would have cascading effects that would change the entire proposal. He said he found the proposed plans reasonable overall, that the door is almost on the frontage, and that the grade of the property also impacted this aspect of the plans.**

**Mr. Hart said the petitioner worked to make the plans as ordinance-compliant as possible. He noted that there are specific architectural challenges with veterinary medicine that the plans address.**

**Chair Morganroth said he would not support the motion. He said the requirements of TZ-3 zoning were designed intentionally, and that this proposal could do more to come closer to compliance. He noted that removing the trapezoidal design of the southern corner could lower the request for Variance A to about 20 feet.**

**Motion carried, 4-2.**

ROLL CALL VOTE

Yeas: Canvasser, Hart, Reddy, Miller

Nays: Kona, Morganroth

**T# 05-28-22**

**6) 201 Southfield  
Appeal 22-20**

SP Cowan presented the item, explaining that the owner of the property known as 201 Southfield was requesting the following variance to install additional bedrooms within the property's four multi-family units:

**A. Chapter 126, Article 4, Section 4.46, Table A** of the Zoning Ordinance requires 2 parking spaces per residential unit with 3 or more room units in an R7 Zone. The applicant is proposing four multi-family units with three room units each, therefore requiring eight parking spaces. The subject site has four parking spaces; therefore, a dimensional variance of four parking spaces is being requested.

Stephen Bonamy with Creative Brick reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

The Chair explained that there is a history of parking variance requests coming before the BZA. He noted that it is difficult for the BZA to consider approving a variance if the parking spaces needed are not provided elsewhere, possibly through on-street parking or leasing parking from another owner. He asked whether the applicant had pursued any such options.

John Ketty, owner of Creative Brick, stated he had not checked with the parking structure across the street about leasing four parking spaces to meet the ordinance.

**Motion by Mr. Miller**

**Seconded by Mr. Reddy with regard to Appeal 22-20, A. Chapter 126, Article 4, Section 4.46, Table A of the Zoning Ordinance requires 2 parking spaces per residential unit with 3 or more room units in an R7 Zone. The applicant is proposing four multi-family units with three room units each, therefore requiring eight parking spaces. The subject site has four parking spaces; therefore, a dimensional variance of four parking spaces is being requested.**

**Mr. Miller moved to deny the variance request. He said that while there are challenges given the size of the site, in similar circumstances there have always been attempts to supply parking spaces in other ways, as the Chair previously stated. Mr. Miller said he had heard no attempts at mitigating the variance request on the part of the applicant. He said the situation was self-created since the applicant was undertaking the work that would require the increase in parking spaces.**

**Mr. Kona concurred with Mr. Miller. He said the applicant could also not control how the two-bedroom units would be used, and noted that he could not support increasing the demand on the available parking.**

**Mr. Reddy said the parking ordinances exist to maintain sufficient parking, and noted that there are already challenges in parking on residential streets in the area near 201 Southfield.**

**Vice-Chair Canvasser said he would not support the motion. He said two adults renting an apartment with one parking spot would determine for themselves how to navigate the lack of an additional parking space. He said that the pre-existing non-conformity and some self-creation made the decision a close one, but that he was ultimately all right with granting the variance.**

**Mr. Hart said he would not support the motion either. He said that putting two more parking spaces in place of the proposed pergola would reduce the value and aesthetic of the property. He stated that this is an urban setting and noted that the draft 2040 Plan has discussed increasing density. He said he did not believe that the additional bedrooms would increase the occupancy of the building and said that adding more parking spaces in this situation was not justified.**

**Motion carried, 4-2.**

ROLL CALL VOTE

Yeas: Morganroth, Reddy, Miller, Kona

Nays: Canvasser, Hart

## **6. Correspondence**

Three letters regarding Appeal 22-15 were provided to the BZA and to the petitioner.

BO Johnson also summarized a memorandum from the City Attorney regarding the Open Meetings Act.

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

**T# 05-29-22**

## **8. Adjournment**

**Motion by Vice-Chair Canvasser**

**Seconded by Mr. Kona to adjourn the May 10, 2022 BZA meeting at 10:22 p.m.**

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None



---

Bruce R. Johnson, Building Official

A handwritten signature in black ink, appearing to read 'Laura Eichenhorn', with a long horizontal flourish extending to the right.

Laura Eichenhorn

City Transcriptionist

# **CASE DESCRIPTION**

## **2225 E Fourteen Mile (22-16)**

**Hearing date: June 14, 2022**

**Appeal No. 22-16:** The owner of the property known 2225 E Fourteen Mile, Our Shepard Lutheran Church, requests the following variance to install three signs.

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

**Staff Notes:** Our Shepherd Lutheran Church is within 500 feet of occupied residential dwellings and therefore is allowed 20 square feet of signage. The applicant is proposing three monument signs for the subject site with a total of 104 square feet, one at the southeast entrance from 14 Mile, one at the northwest entrance from Melton, and one in the front lawn at the corner of 14 Mile and Melton. All three signs will display "Our Shepherd Lutheran Church". The sign in the front lawn will also display service times.

---

Brooks Cowan  
Senior Planner

## 2225 E FOURTEEN MAP



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

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: 4-7-22

Hearing Date: 5-10-22

Received By: \_\_\_\_\_

Appeal #: 22-16

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

<b>I. PROPERTY INFORMATION:</b>		
Address: <u>2225 E. 14 MI BIRMINGHAM MI 48009</u>	Lot Number: _____	Sidwell Number: <u>20.31.455.005</u> <u>20.31.456.002</u> <u>20.31.401.000</u>

<b>II. OWNER INFORMATION:</b>			
Name: <u>OUR SHEPHERD LUTHERAN CHURCH</u>			
Address: <u>2225 E. 14 MI RD</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>CHURCHOFFICE@OURSHEPHERD.NET</u>	Phone: <u>248.646.6100</u>		

<b>III. PETITIONER INFORMATION:</b>			
Name: <u>SAME AS OWNER</u>	Firm/Company Name: _____		
Address: _____	City: _____	State: _____	Zip code: _____
Email: _____	Phone: _____		

**IV. GENERAL INFORMATION:**

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

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

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

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

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

<b>VI. APPLICANT SIGNATURE</b>	
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: <u>[Signature]</u>	Date: <u>4/6/2022</u>
Signature of Petitioner: _____	Date: _____

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

**ARTICLE I - Appeals**

A. Appeals may be filed under the following conditions:

1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.

B. Procedures of the Board of Zoning Appeals (BZA) are as follows:

1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
2. All applications for appeal shall be submitted to the Community Development Department on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. If the 12<sup>th</sup> falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

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

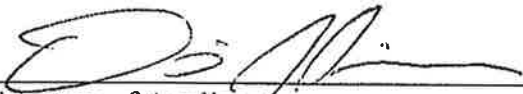
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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

## **ARTICLE III - Rehearings**

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

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

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

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





**ALEXANDER V. BOGAERTS & ASSOCIATES, P.C.**

*Architecture*

*Planning*

*Interior Design*

2445 Franklin Rd.  
Bloomfield Hills, MI 48302  
248/ 334-5000  
fax: 248/ 334-0092

April 7, 2022

Board of Zoning Appeals  
151 Martin Street  
Birmingham, MI 48099

Re: Our Shepherd Lutheran Church  
Waiver/variance request

Board Members,

The plan you are reviewing is a master plan approach for the church.  
**We received approval from the Planning Board in March for the project.**

At the Planning Board meeting we discussed the unique and unusual circumstances of our site.

Even though the adjacent parcels to the North and East abutting our property are zoned single-family, ***they are not single family residential developments. The unique and unusual circumstance of our site and the reason we are requesting the following waivers is that we only have a small number occupied single family residential dwellings near our site; and they are separated from the site by roads.***

**The Planning Board agreed with our position** that we have a good argument supporting our request for waivers/variances **based on the hardship the zoning ordinance would cause if enforced, due to our sites unique and unusual circumstances** which is the reason we are requesting waivers/variances from the BZA based on the following Articles/Sections.

1. Article 4, Section 4.54 requires a 32 in. capped masonry screen wall along a residential district. **(see waiver/variance request below)**
2. Article 4, Section 4.21 requires fully cut off fixtures, specific lighting foot-candle levels and a maximum pole height of 13 ft adjacent to residential districts. **(see waiver/variance request below)**
3. Article 1, Table D of the sign ordinance permits 20 sq ft of sign letter area or less if less than 500 ft from occupied residential dwellings. **(see waiver/variance request below)**

**Waiver/variance request no. 1.**

**Masonry screen wall**

**Parcel to the north is a large school with parking lot similar in scale to our project**

We're adding a 10 foot Greenbelt and landscape hedge (see landscape plan) in lieu of the required masonry screen wall separating our parking lots.

The Planning Board agreed with this approach and didn't think that a masonry screen wall is appropriate due to the fact that our neighbor is a school, not residential dwellings.

**Parcel to the east is a cemetery**

On the neighbor's property along the east property line there is existing vegetation, along with a pond and road.

The Planning Board agreed with our argument that there is no reason to provide a masonry screen wall in this location based on the existing conditions on our neighbor's property.

**The south side of our property is 14 mile road**

We are providing a landscape hedge on the south side of our parking lot which will screen a small section of parking at the south east corner of the site.

**The West side of our property is Melton Rd**

There is only one row of parking on the north side of the building and parallel parking on the south side of the building adjacent to Melton Rd.

The Planning Board agreed with our argument that there is no reason to provide a masonry screen wall at these locations due to the small amount of parking along the Melton Rd frontage, and the fact that Melton Rd separates our site from *the minimal single family on the west side of Melton Rd.*

## Waiver/variance request no. 2.

### Lighting

We are proposing all new energy efficient lighting.

New pole lights in the parking lot, soffit lighting in the porte cohere canopies and the new pedestrian south entrance, replacing building mounted fixtures and new bollards along the south sidewalk.

New ground lighting will light the proposed new monument signs.

**Design goal: to enhance the projects aesthetics and create safer vehicular and pedestrian lighting.**

### Sign lighting variance

We are asking for a variance to allow these sign lights as designed.

The lights will be directed specifically at the sign lettering. Because they are a directed light source, there should not be any significant unwanted light pollution or glare. These types of fixtures do not come with refractors or shields due to the nature of their directed task lighting.

**We believe this is a reasonable waiver/variance request that meets the spirit and intent of the cities lighting ordinance.**

### Pole lighting & recessed lighting variance

**We are asking for a waiver/variance (for the items listed in the planning department review letter dated 3-23-22) to allow the 16' pole lights, recessed downlights and sign lights with the photometrics as designed on Gasser Bush plan dated 11-2-21 vs the 13' high allowable pole lights, down lights and sign lights and required photometrics.**

**Once again we are not abutting single family residential dwellings, we are adjacent to a large school similar in scale to our church and a cemetery.**

We looked at the site lighting using 13' high poles that meet the ordinance requirements for photometrics.

**In order to meet the ordinance lighting requirements using the 13'high poles, we would have to add 20 additional poles and 2 wall packs.**

***Adding these additional 20 poles clutters the site with an unnecessary number of poles for a project of this scale.***

***This is not a reasonable lighting solution, it is a hardship forcing us to use an unnecessary number of light poles and to design the lighting for the project as though we are adjacent to single family residential. Our lighting consultants have designed all of the lighting on the site to create safe vehicular & pedestrian lighting that meets industry standards. We believe we are respecting our neighbors and the spirit and intent of the Birmingham lighting ordinance.***

**Waiver/variance request no. 3.**

**Sign ordinance - sign letter area**

Signage is a very important component of the churches master plan.

**For a project of this size we feel that the signage as proposed is appropriate to serve the church properly. We reduced the size of the signs based on the Planning Boards comments at their March meeting.**

Large site: 5.3 acres

Large building with over 500' of frontage on 14 mi

**Multiple vehicular and pedestrian access points, which requires multiple signs.**

We plan on removing the 2 existing signs on 14 mi and replacing them with the two new signs.

The existing main sign is parallel to 14 mi and has poor visibility, the other sign is very small and doesn't meet the current needs of the church.

The new signage will improve the signage along 14 mile...

(The 2 new perpendicular signs will provide better visibility for east & west bound traffic)

Majority of the parking is at the rear of the building

We are providing 1 new sign at the Melton Rd entrance... directing traffic to the rear parking lot.

We designed the new signs to compliment the church architecture incorporating similar design features and materials.

***We do not feel the allowable 20 sq ft of signage area per the ordinance fits our site or use. Limiting us to 20 sq ft of signage for a project of this size with multiple vehicular and pedestrian access points is a hardship and creates a practical difficulty that doesn't meet the needs or scope of the project.***

As we have previously stated we abut a large school to the north which is similar in size to the church and a cemetery to the east. We also have an office building directly across Melton on the SW corner of 14 mile Rd. ***There is minimal occupied single family residential across Melton Rd to the west and across 14 mi to the south.***

**We do not feel it is appropriate or a reasonable to limit the amount of signage to 20 sq ft for a project of this scope & scale considering the unique and unusual circumstances of our site.**

We look forward to presenting our project to the BZA at your May 10, 2022 meeting.

Sincerely

*Mark Abanatha*

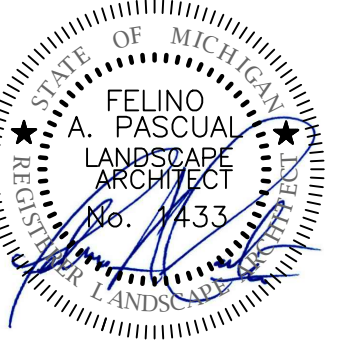
Mark Abanatha

Architect





seal:



client:

**Our Shepherd  
Lutheran  
Church**  
2225 14 Mile Rd  
Birmingham,  
Michigan

project:

**Our  
Shepherd  
Lutheran  
Church**

project location:

City of Birmingham,  
Michigan  
14 Mile Road

sheet title:

**COLOR  
LANDSCAPE PLAN**

job no./issue/revision date:

LS21.073.05 review 5-13-2021  
LS21.073.10 review 11-12-2021  
LS22.010.01 city 1-31-2022

drawn by:

**JP, DK, HP**

checked by:

**FP**

date:

**1-2-2022**

notice:

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The location 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 of accuracy. contractor shall be  
exclusively responsible for determining the  
exact location and elevation prior to the start  
of construction

project no:

**LS22.010.01**

sheet no:

**LSR-1**







**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**Wednesday, March 23, 2022**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 23, 2022.  
Chair Scott Clein convened the meeting at 7:36 p.m.

**A. Roll Call**

**Present:** Chair Scott Clein; Board Members Robin Boyle, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Student Representatives MacKinzie Clein, Andrew Fuller

**Absent:** Board Member Stuart Jeffares, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin

**Administration:**

Nick Dupuis, Planning Director  
Leah Blizinski, City Planner  
Brooks Cowan, Senior Planner  
Laura Eichenhorn, City Transcriptionist

**03-61-22**

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of March 9, 2022**

**Motion by Mr. Share**

**Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of March 9, 2022 as submitted.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Share, Boyle, Whipple-Boyce, Koseck, Clein

Nays: None

**03-62-22**

**C. Chair's Comments**

Chair Clein welcomed everyone to the meeting and reviewed the meeting's procedures.

**03-63-22**

**D. Review Of The Agenda**

**03-64-22**

**E. Unfinished Business**

None.

## **H. Special Land Use Permits**

### **1. 2225 E. 14 Mile – Our Shepherd – SLUP request for parking lot/circulation improvements and minor exterior façade changes.**

After the review of Items G1 and I1, Chair Clein resumed facilitation of the meeting at 8:26 p.m.

PD Dupuis reviewed the item.

David Priskorn, Director of Operations for Our Shepherd, Howard Adams, Chair of the Board of Trustees for Our Shepherd, and Mark Abanatha, architect, spoke on behalf of the project.

Ms. Whipple-Boyce said she did not believe screening was necessary. She said she was concerned about the height and number of signs proposed. She said she appreciated the plans for the landscaping and street trees.

In reply to Board inquiry, PD Dupuis said he did not believe the ordinance imposes limitations on signage heights for religious institutions.

Mr. Boyle asked if the church had considered a further reduction in the size of their parking lot given potential changes in attendance.

Mr. Priskorn said that attendance was regularly at two-thirds to three-quarters of pre-pandemic rates.

Mr. Koseck said he felt that the site had unique adjacencies and conditions that made screening unnecessary. He said the plans would result in a number of improvements to the site. He said he was less concerned about the size of the sign on 14 Mile given the speed of traffic on the road. He said he was also glad to hear the parking lot and vehicular access are shared with Eton Academy (Eton).

Mr. Share concurred with Mr. Koseck regarding the signs on 14 Mile, though he said the sign could stand to be smaller on Melton. He said he was interested in seeing some sort of separation between the church's lot on the north side of the property, and Eton's lot.

Chair Clein and Mr. Share both said they would be supportive of landscaping at the north side of the property to visually provide some break between the two parking lots.

The Chair offered praise for the planned bio-garden, pedestrian improvements, and increases in landscaping. He said he wished the size of the parking lot would be reduced a bit further. He also agreed that the size of the sign on Melton could likely be reduced. He said that neither of those issues would cause him to vote against the project.

#### **Motion by Mr. Share**

**Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission the Special Land Use Permit for 2225 E. 14 Mile – Our Shepherd – subject to the conditions of Final Site Plan approval.**



**Motion carried, 5-0.**

VOICE VOTE

Yeas: Share, Boyle, Whipple-Boyce, Koseck, Clein

Nays: None

**03-68-22**

**I. Site Plan & Design Reviews**

**1. 294 E. Brown St. – Request for new 4-story mixed-use building**

Discussed during Item G1.

**Motion by Mr. Koseck**

**Seconded by Mr. Share to approve the Preliminary Site Plan for 294 E. Brown with the following conditions:**

- 1. The applicant must remove the synthetic planting material (turf, groundcover, birch trees, etc.) as currently proposed, or at final site plan review provide alternative definitions and how it might be considered in reference to Article 4, Section 4.20;**
- 2. The applicant must submit revised plans showing a loading space that meets the requirements of Article 4, Section 4.24 (C) of the Zoning Ordinance;**
- 3. The applicant must submit material specifications, samples and all other required information for the proposed building to complete the Design Review at Final Site Plan; and**
- 4. The applicant must comply with the requests of all City Departments.**

**Motion carried, 4-0.**

ROLL CALL VOTE

Yeas: Share, Boyle, Whipple-Boyce, Koseck

Nays: None

**2. 2225 E. 14 Mile – Our Shepherd – Final Site Plan and Design Review request for parking lot/circulation improvements and minor exterior façade changes.**

Discussed during Item H1.

**Motion by Mr. Boyle**

**Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission the Final Site Plan and Design Review for 2225 E. 14 Mile – Our Shepherd – subject to the following conditions:**

- 1. The applicant must submit revised site plans with parking lot screening that meets the requirements of Section 4.54, or obtain a variance from the Board of Zoning Appeals;**

- 2. The applicant must submit revised landscaping plans replacing the prohibited Burning Bush Plantings with a permitted species;**
- 3. The applicant must submit revised site plans with the required street trees on Melton and 14 Mile, obtain a variance from the Board of Zoning Appeals, or obtain a waiver from the Staff Arborist;**
- 4. The applicant must submit revised photometric plans that meet the requirements of Article 4, Section 4.21 of the Zoning Ordinance;**
- 5. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and,**
- 6. The applicant must comply with the requests of all City Departments.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Share, Boyle, Whipple-Boyce, Koseck, Clein

Nays: None

**3. 36877 Woodward – Gasow – Preliminary Site Plan request for a new 2-story building and associated site improvements**

SP Cowan presented the item.

In reply to Mr. Koseck's comments about the number of conditions, PD Dupuis noted that approximately a third of the items were topics that the Board does not usually address until final site plan and design review.

Mike Matthys, architect, and Mike Bailey, owner of the property, spoke on behalf of the project. Mr. Matthys said adding sufficient screening to the north parking spots, accommodating the 14 foot floor-to-floor minimum, adjusting the sidewalks to meet the zoning requirements, and providing the materials for refuse container screening would be no issue.

Mr. Matthys said he was hoping to hear Board comment about screening in the rear of the building, screening on the south side of the parking lot, and access to the parking lot from Woodward. He added that the plans could likely meet the glazing requirements without issue.

Mr. Koseck said he would like to see the applicant modify the site plan to come closer to having 75% of the building façade within zero to five feet of the front lot line. He recommended that the lobby area be within zero to five feet of the front lot line with the exam room areas being further back. He said he was excited to see a new building with quality materials in this location, but that aspects of it could come further into compliance with the ordinance.

Mr. Bailey noted the site's conditions are difficult since it is bound by Consumers, DTE, and extant MDOT curb cuts. He said that the site could not accommodate more parking in the rear because of the alley and the topography. He opined that while requiring the building façade to be within zero to five feet of the lot line makes sense to prevent a gap in retail in a pedestrian-heavy area,

# **CASE DESCRIPTION**

## **1029 LAKEPARK (22-17)**

**Hearing date: June 14, 2022**

**Appeal No. 22-17:** The owner of the property known as 1029 Lake Park requests the following variance to the required open space for the impervious surface and turf installed in the rear yard:

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

**Staff Notes:** The applicant constructed a new home that was permitted in 2019. Due to the weather at the time the home was ready to be completed, a temporary certificate of occupancy was issued allowing the installation of sod, road right of way and soil erosion final inspections to be completed at a later date. At the time of the final building and as-built final inspections were preformed, the applicant had installed artificial turf and a sport court that was not on the approved plans. The applicant has applied for an impervious surface permit when discovered. A variance on the allowable quantity of the permitted impervious surface is being requesting.

This property is zoned R1 – Single family residential.

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Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

# 1029 LAKEPARK MAP



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

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: 4-12-22

Received By: BM

Hearing Date: 5-10-22

Appeal #: 22-17

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

Address: 1029 Lake Park	Lot Number: 79	Sidwell Number: 19-26-276-014
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**II. OWNER INFORMATION:**

Name: James and Lisa Lipari			
Address: 1209 Lake Park	City: Birmingham	State: MI	Zip code: 48009
Email:		Phone: 586-863-2676	

**III. PETITIONER INFORMATION:**

Name: Sapphire Landscaping	Firm/Company Name: Sapphire Landscaping		
Address: 775 Industrial Court	City: Bloomfield Twp	State: MI	Zip code: 48302
Email: amie@sapphirelandscaping.com		Phone:	

**IV. GENERAL INFORMATION:**

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

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

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

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

**V. REQUIRED INFORMATION CHECKLIST:**

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

**VI. APPLICANT SIGNATURE**

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

Signature of Owner: <u>James Lipari</u>	Date: <u>03/17/2022</u>
Signature of Petitioner: <u>Amie Ackerman</u>	Date: <u>3.17.22</u>



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

**ARTICLE I - Appeals**

A. Appeals may be filed under the following conditions:

1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.

B. Procedures of the Board of Zoning Appeals (BZA) are as follows:

1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
2. All applications for appeal shall be submitted to the Community Development Department on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. If the 12<sup>th</sup> falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.

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

C. The order of hearings shall be:

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

D. Motions and Voting

1. A motion is made to either grant or deny a petitioner's request
  - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
  - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
  - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.

2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.
3. When there are less than seven (7) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity at the beginning of the meeting to elect to have it heard at the next regularly scheduled meeting.
4. When there are less than six (6) members present for a meeting, then all petitioners shall be given an opportunity at the beginning of the meeting to elect to have the request heard at the next regularly scheduled meeting.

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

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



### ARTICLE III - Rehearings

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

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

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

*Amie Ackerman*  
Signature of Applicant



April 12, 2022

City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

**RE: 1029 Lake Park – Lipari Residence Zoning Board of Appeals**

Dear City of Birmingham and ZBA:

The enclosed package is for 1029 Lake Park – Lipari Residence, and includes this letter, a letter from the homeowner, photographs, copies of the site plan, details and an open space sketch. We are requesting your review and consideration for the following items.

The new home and landscaping was constructed in 2021. Upon final inspection from the city, we were denied based on the open space calculation. The property, as reviewed by the city, indicates we are 4.7% below the required 40% open space. This deficiency is caused by the turf used in the rear of the property. The rear of the property is completely screened from all neighbors and cannot be seen from any adjacent homes. This design choice to use turf was made for multiple reason, the most significant being the homeowners health concerns and being able to use their backyard with reduced allergen exposure. The homeowner has provided a letter with additional information about this issue. Drainage was also a concern with this property and using the turf has alleviate this problem as it is perforated and has a porous subbase. During the very heavy rains last summer, the rear yard did not hold any water and drained better than surrounding properties. Considering the turf to be a permeable surface and included in the open space we would be 18.5% over the 40% requirement.

Two other items have come to our attention during this process which we will address. The city has pointed out the containment netting for the sport court is currently 10'. This can be reduced to meet the 6' requirement. The other concern is the light on top of the basketball hoop which will be lowered to 12' to meet the requirement.



We would respectfully ask that you approve the plan as submitted considering the permeability of the turf and the health concerns addressed by the homeowner.

Please let me know if you have any questions or need additional information prior to the ZBA meeting. We appreciate your time and consideration of this request.

Respectfully,

Amie Ackerman  
248-930-389  
amie@sapphirelandscaping.com

## Photos of 1029 Lake Park - Lipari Residence



To Whom It May Concern:

I understand that there may be an issue with the turf that was installed in our backyard in the fall of 2021. The main reason that we decided to choose turf in the backyard over grass is for health issues for myself and potentially for my children. I have suffered from severe allergies my entire life, mainly environmental allergies, amongst many other allergies. I had to get shots for 7 years as a child and was also on medication constantly, which I continue to be on in my adult life especially in the spring and fall during hayfever season. I have always been allergic to grass, and although my grass allergy has gotten less severe as I get older, I am still allergic to grass and I have my results from an allergy test performed 3/10/21 to support this. As you can see on the test performed, I am allergic to 5 of the 8 different grasses present in Michigan. In addition to grass, I am allergic to several weeds that grow in regular grass, with ragweed still being my most severe allergy. I am most allergic to grass when it is freshly cut so that is on a weekly basis with regular grass. I also have asthma which gets flared up from allergic rhinitis and I suffered from several asthma attacks as a child as a result of running and playing outside on the grass.

My husband also has environmental allergies and they were very bad as a child, and we have two children ages 4 ½ and 8 months. Both the pediatrician and my child's allergist, who my oldest son has been seeing since 9 months, said there is a very high probability that both of our children will suffer from severe allergies. While we have not had the children tested for allergies yet, both of them suffer from eczema, my son's being more severe, and that is a first sign of allergies in young children. While turf is much more expensive than grass and it was a hard financial decision, it made the most sense for my health but more so for the future of my children's health. I do not want my children to suffer like I did as a child so if this can be prevented, then why would we not do that for our kids. Not to mention, our turf is only in our backyard and cannot be seen at all unless you are physically in our backyard so I'm not sure why it would even bother any neighbors.

I hope you can understand our reasoning and allow us to keep the turf in our backyard.

Sincerely,  
Lisa Lipari



## NOTES

1. ORIGINAL SURVEY AND TOPOGRAPHY IS AS PERFORMED BY AZTEC LAND SURVEYORS, INC. JOB NO. 19-105 ON JUNE 14, 2019; FINAL AS-BUILT ON FEBRUARY 23, 2021 TO APRIL 13, 2021.
2. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.
3. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
4. ALL RAIN GUTTER DOWNSPOUTS MUST BE CONSTRUCTED IN A MANNER THAT DIRECTS WATER FLOW TO THE FRONT OF SUBJECT PROPERTY WHENEVER POSSIBLE.
5. ALL TREES IN THE EXISTING RIGHT OF WAY MUST BE PROTECTED DURING TIME OF CONSTRUCTION.
6. THE BUILDER AND CONTRACTOR SHALL VERIFY ALL FOUNDATION DIMENSIONS AND FINISH FLOOR ELEVATIONS WITH THE FINAL APPROVED BUILDING PLANS PRIOR TO THE START OF CONSTRUCTION.

## LEGEND

	EXISTING GRADE		EXISTING ASPHALT PAVEMENT TO REMAIN
	EXISTING CONTOURS, 1' INTERVAL		EXISTING CONCRETE PAVEMENT TO REMAIN
	PROPOSED GRADE		AS-BUILT NEW PAVEMENT AREAS
	AS-BUILT GRADE		EXISTING TREE TO REMAIN
	DIRECTION OF SURFACE DRAINAGE		

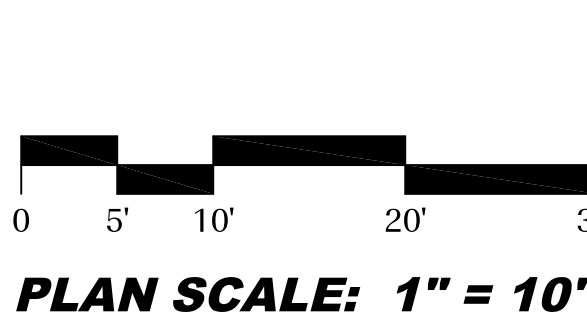
## BENCHMARKS

CITY BENCHMARK #19  
ELEVATION = 767.49 (CITY DATUM)  
TOP OF BRASS MONUMENT ON THE NORTHEAST CORNER OF OAK STREET AND CHESTERFIELD AVENUE.

SITE BENCHMARK  
ELEVATION = 759.07 (CITY DATUM)  
SET CUT NAIL IN NORTH FACE OF 8 INCH LOCUST ON WEST SIDE OF LAKE PARK DRIVE IN FRONT OF EXISTING RESIDENCE #1029 (SUBJECT PROPERTY).

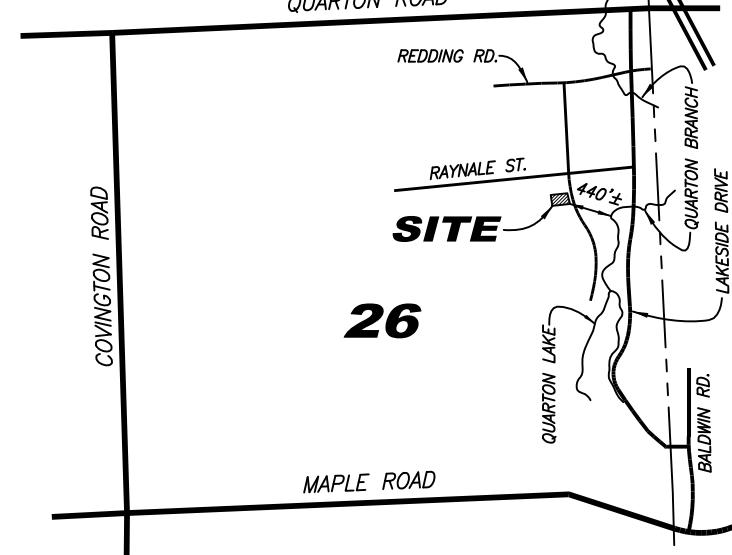
## SITE CRITERIA

- ADDRESS: #1029 LAKE PARK DRIVE
- PARCEL ID NO.: 19-26-276-014
- ZONING: R-1, SINGLE FAMILY RESIDENTIAL
- AVERAGE FRONT SETBACK AS SURVEYED = 54.33'
- REQUIRED MINIMUM COMBINED FRONT AND REAR SETBACK = 55'
- REQUIRED MINIMUM SIDE SETBACK = 5'
- REQ'D MIN. SIDE SETBACK, ONE SIDE =  $115.00' \times 10\% = 11.50'$
- REQUIRED TOTAL SIDE SETBACK =  $115.00' \times 25\% = 28.75'$
- REQUIRED DISTANCE BETWEEN STRUCTURES = 28.75'
- PARCEL AREA: 20,506 S.F. (0.471 ACRE)
- LOT COVERAGE ALLOWED = 30% = 6,152 S.F.
- LOT COVERAGE AS-BUILT = 3,869 S.F. (18.9%)
- OPEN SPACE REQUIRED = 4,008 = 8,202 S.F.
- OPEN SPACE AS-BUILT = 7,234 S.F. (35.3%)
- FRONT YARD AREA = 6,254 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% = 4,065 S.F.
- FRONT YARD OPEN SPACE AS-BUILT = 4,088 S.F. (65.4%)
- AREA OF EARTH DISTURBANCE = 0.49 ACRE
- DISTANCE TO NEAREST BODY OF WATER = APPROXIMATELY 440 FEET TO THE QUARTON BRANCH TO THE SOUTHEAST (REFER TO LOCATION MAP).

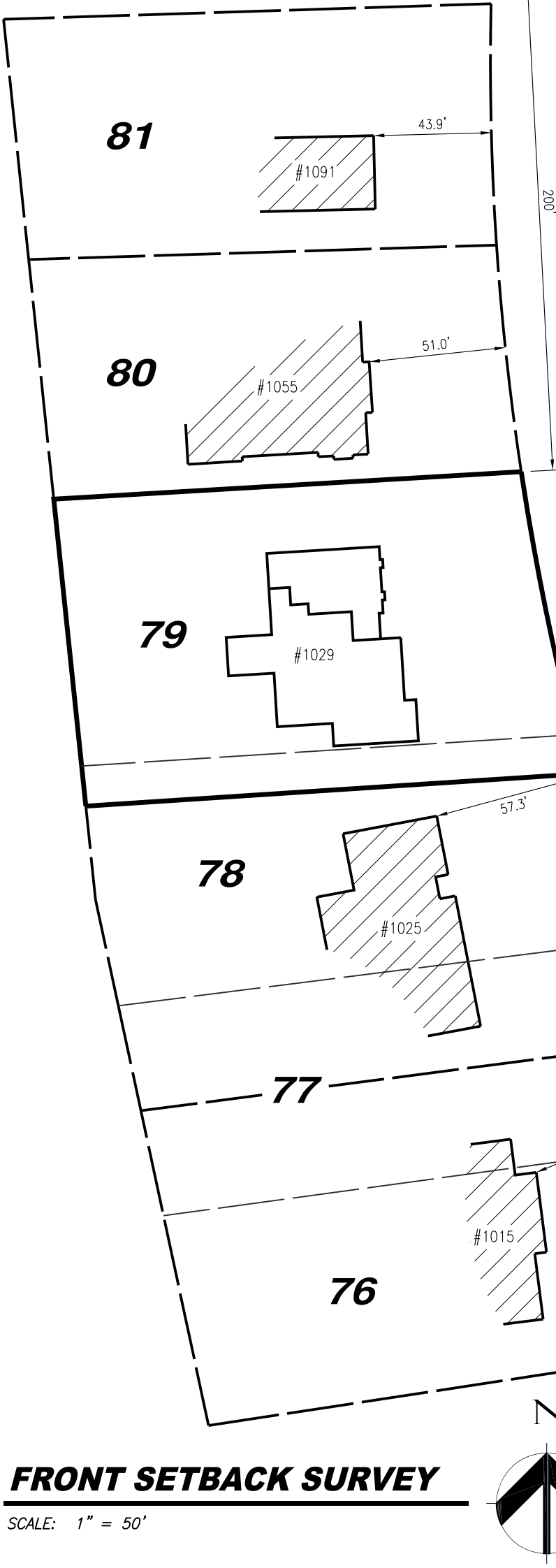


## PROPERTY DESCRIPTION

PARCEL NO. 19-26-276-014  
THE NORTHERLY 15 FEET OF LOT 78 AND ALL OF LOT 79, "THE HEIGHTS, A REPLAT OF LOTS 421 TO 508 INCLUSIVE AND LOTS 693 TO 701 INCLUSIVE OF QUARTON LAKES ESTATES", PART OF THE NORTHEAST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 10 EAST, BLOOMFIELD TOWNSHIP (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 34 OF PLATS, PAGE 53 OF OAKLAND COUNTY RECORDS.



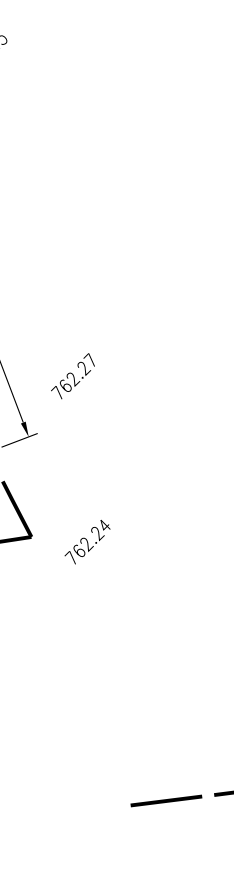
## RAYNALE STREET



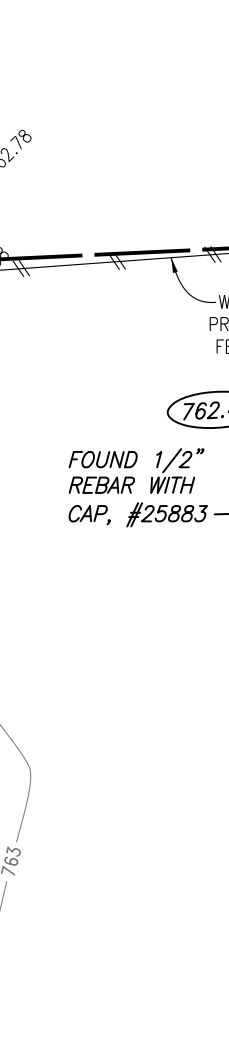
## LOT 64



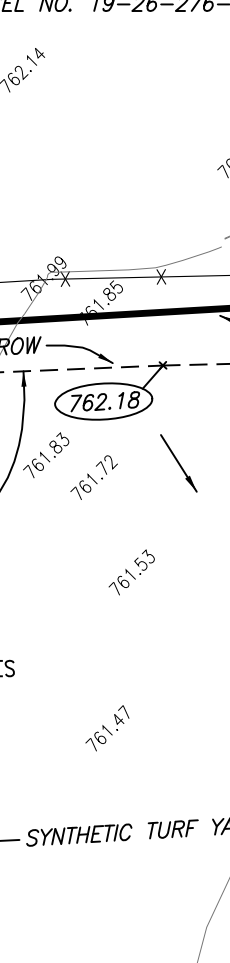
## LOT 65



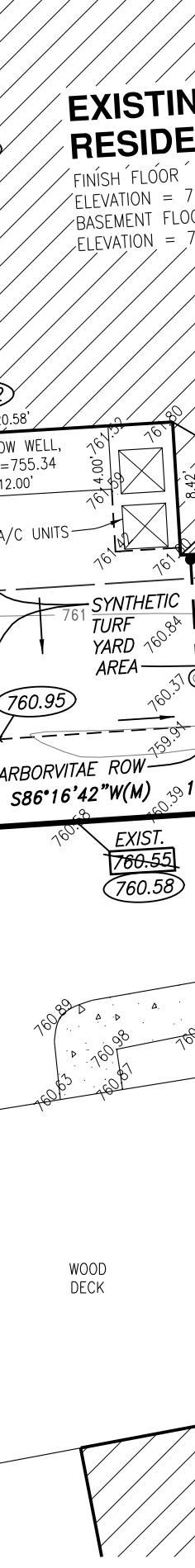
## LOT 63



## LOT 80



## LOT 79



## REMAINDER OF LOT 78

PARCEL NO. 19-26-276-015

**SITE BENCHMARK**  
ELEVATION = 759.07 (CITY DATUM)  
SET CUT NAIL IN NORTH FACE OF 8 INCH LOCUST ON WEST SIDE OF LAKE PARK DRIVE.

## CONTRACTOR'S NOTE

The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG  
1-800-482-7171  
(TOLL FREE) for the location of underground utilities

The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.

**HORIZON ENGINEERING LLC**  
NATHAN PAUL ROBINSON  
Professional Engineer  
License No. 6201047469  
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586-453-8097 Fax 586-580-0053

**Lot 79 & North 15' of Lot 78 "The Heights"**  
#1029 LAKE PARK DRIVE  
PARCEL NO. 19-26-276-014  
PART OF THE NE 1/4 OF SECTION 26, T2N, R10E, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

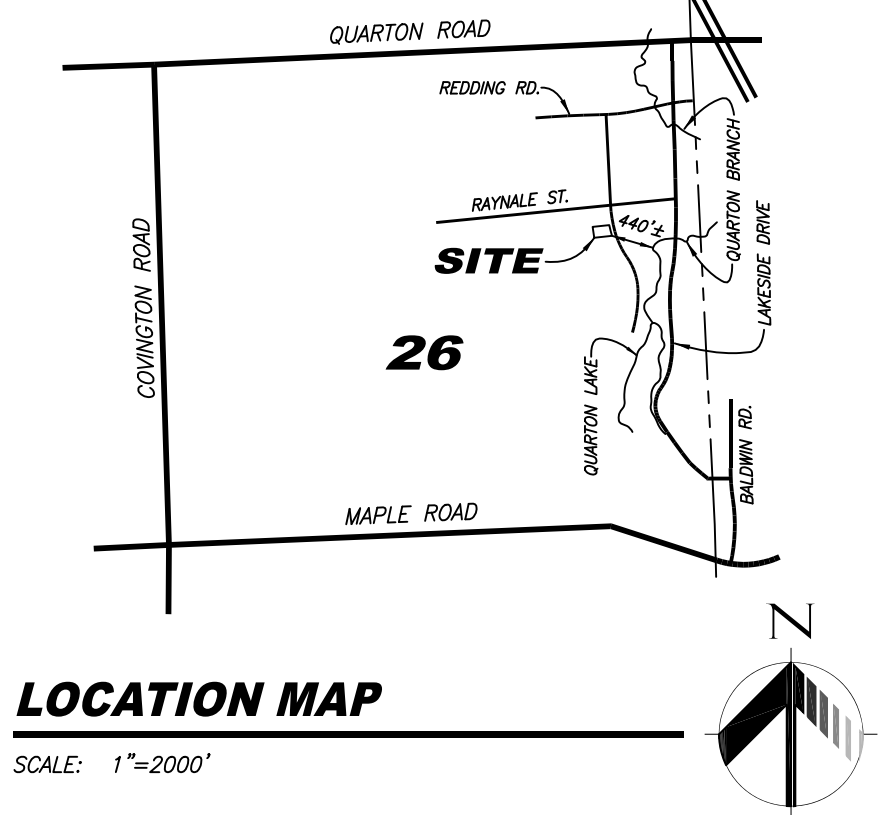
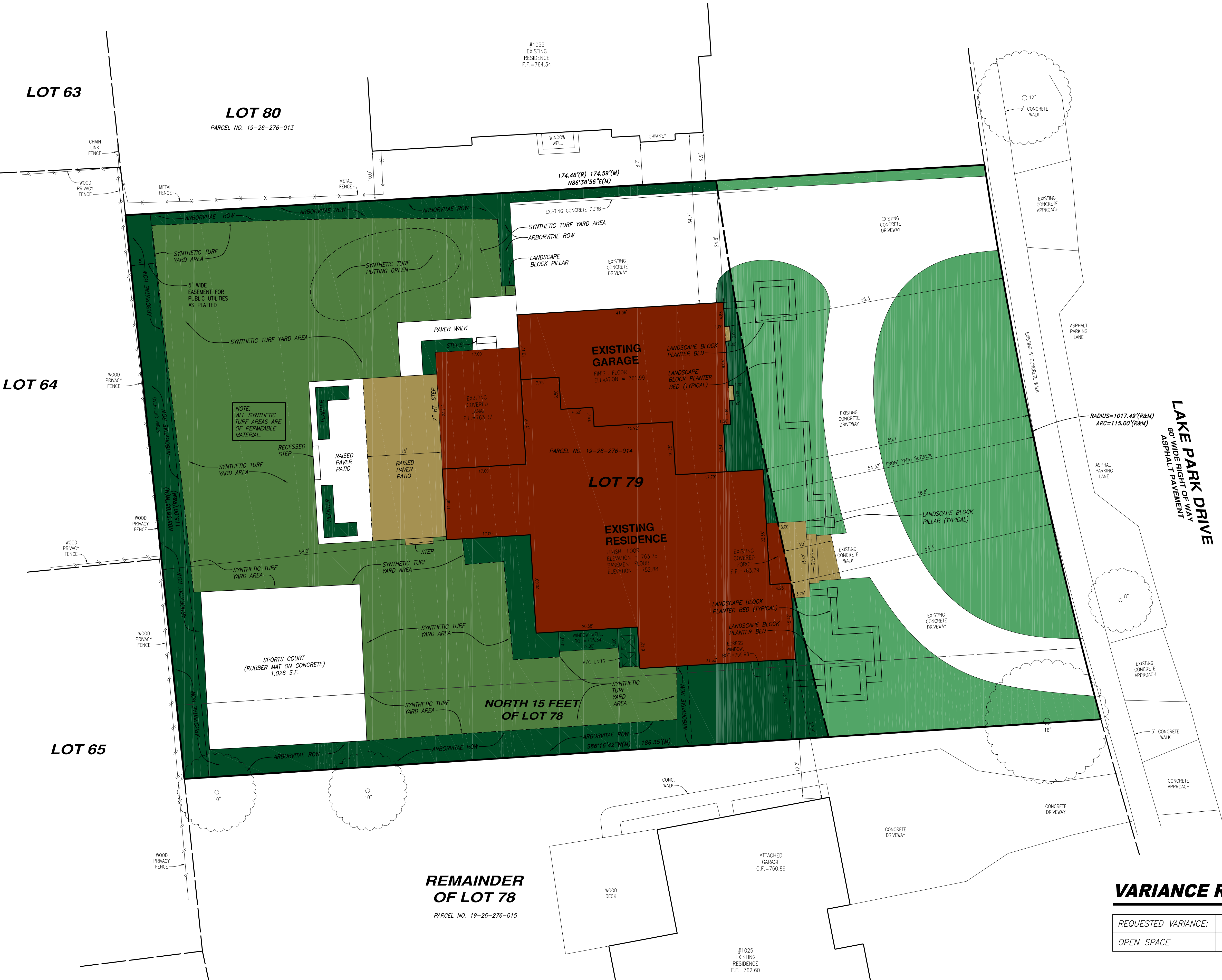
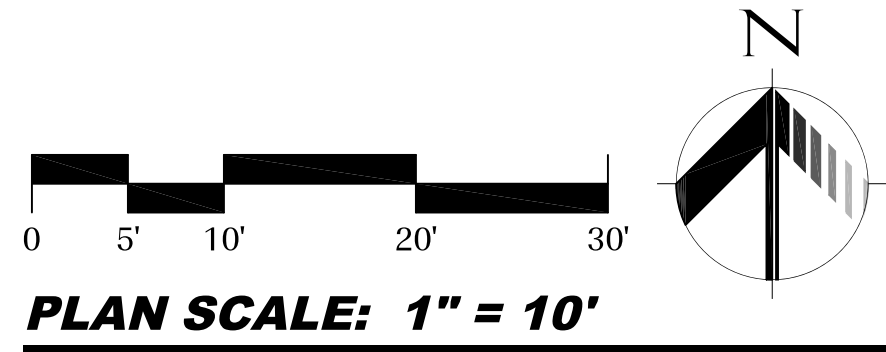
**SITE PLAN**  
SHEET: 1 OF 1  
MUNICIPAL REVIEW NUMBERS:

CLIENT: MR. DEREK CASACIO  
SAPPHIRE LANDSCAPING  
3005 W. WYOMING AVE., SUITE 200  
BIRMINGHAM, AL 35209  
(205) 948-5889

REVISIONS:  
11-9-21 AS-BUILT  
3-18-22 REVISED PER CLIENT  
4-12-22 UPDATED FOR VARIANCE REQUEST.

JOB NO: 19-067  
DATE: 5-5-21  
DRAWN BY: N.P.R.





**PROPERTY DESCRIPTION**

PARCEL NO. 19-26-276-014  
THE NORTHERLY 15 FEET OF LOT 78 AND ALL OF LOT 79, "THE HEIGHTS, A REPLAT OF LOTS 421 TO 508 INCLUSIVE AND LOTS 693 TO 701 INCLUSIVE OF QUARTON LAKES ESTATES", PART OF THE NORTHEAST 1/4 OF SECTION 26, TOWN 2 NORTH, RANGE 10 EAST, BLOOMFIELD TOWNSHIP (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 34 OF PLATS, PAGE 53 OF OAKLAND COUNTY RECORDS.

- SITE CRITERIA**
- ADDRESS: #1029 LAKE PARK DRIVE
  - PARCEL ID NO.: 19-26-276-014
  - ZONING: R-1, SINGLE FAMILY RESIDENTIAL
  - AVERAGE FRONT SETBACK AS SURVEYED = 54.33'
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  - REQUIRED MINIMUM COMBINED FRONT AND REAR SETBACK = 55'
  - REQUIRED MINIMUM SIDE SETBACK = 5'
  - REQ'D MIN. SIDE SETBACK, ONE SIDE = 115.00'x10% = 11.50'
  - REQUIRED TOTAL SIDE SETBACK = 115.00' x 25% = 28.75'
  - REQUIRED DISTANCE BETWEEN STRUCTURES = 28.75'

- COVERAGE CALCULATIONS**
- PARCEL AREA: 20,506 S.F. (0.471 ACRE)
  - LOT COVERAGE ALLOWED = 30% = 6,152 S.F.
  - LOT COVERAGE AS-BUILT:
  - BUILDING AREA = 3,869 S.F. (18.9%)
  - OPEN SPACE REQUIRED = 40% = 8,202 S.F.
  - OPEN SPACE AS-BUILT:
  - ALLOWABLE PROJECTIONS = 630 S.F.
  - FRONT YARD LANDSCAPE AREA = 3,966 S.F.
  - REAR YARD LANDSCAPE AREA = 2,638 S.F.
  - TOTAL OPEN SPACE AREA, WITHOUT TURF AREA = 7,234 S.F. (35.3%). VARIANCE REQUESTED FOR DEFICIENCY (SEE "VARIANCE REQUEST SUMMARY" BELOW).
  - REAR YARD TURF AREA = 4,766 S.F.
  - TOTAL OPEN SPACE AREA, WITH TURF AREA = 12,000 S.F. (58.5%)
  - FRONT YARD AREA = 6,254 S.F.
  - FRONT YARD OPEN SPACE REQUIRED = 65% = 4,065 S.F.
  - FRONT YARD OPEN SPACE AS-BUILT:
  - ALLOWABLE PROJECTION = 122 S.F.
  - FRONT YARD LANDSCAPE AREA = 3,966 S.F.
  - TOTAL FRONT YARD OPEN SPACE = 4,088 S.F. (65.4%)

**VARIANCE REQUEST SUMMARY**

REQUESTED VARIANCE:	REQUIRED:	AS-BUILT:	VARIANCE AMOUNT:
OPEN SPACE	40%, 8,202 S.F.	35.3%, 7,234 S.F.	4.7%, 968 S.F.

CLIENT: MEL DEERE CASACCIO  
SAPPHIRE LANDSCAPING  
200 S. OLD WOODWARD AVE., STE. 200  
BIRMINGHAM, AL 35209  
(205) 446-5869

REVISIONS:

SEAL: NATHAN PAUL ROBINSON  
LICENSED PROFESSIONAL ENGINEER  
EXPIRATION DATE: 12/31/2024

JOB NO: 19-067  
DATE: 4-12-22  
DRAWN BY: N.P.R.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586-453-8097 Fax 586-580-0053

PROJECT: Lot 79 & North 15' of Lot 78  
"The Heights"

PLAN: #1029 LAKE PARK DRIVE  
PARCEL NO. 19-26-276-014  
PART OF THE NE 1/4 OF SECTION 26, T2N, R10E,  
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

Open Space Plan

PLAN: 1 OF 1

SHEET: 1

MUNICIPAL REVIEW NUMBERS:



## Photos of 1029 Lake Park - Lipari Residence





# **CASE DESCRIPTION**

## **338 PILGRIM (22-21)**

**Hearing date: June 14, 2022**

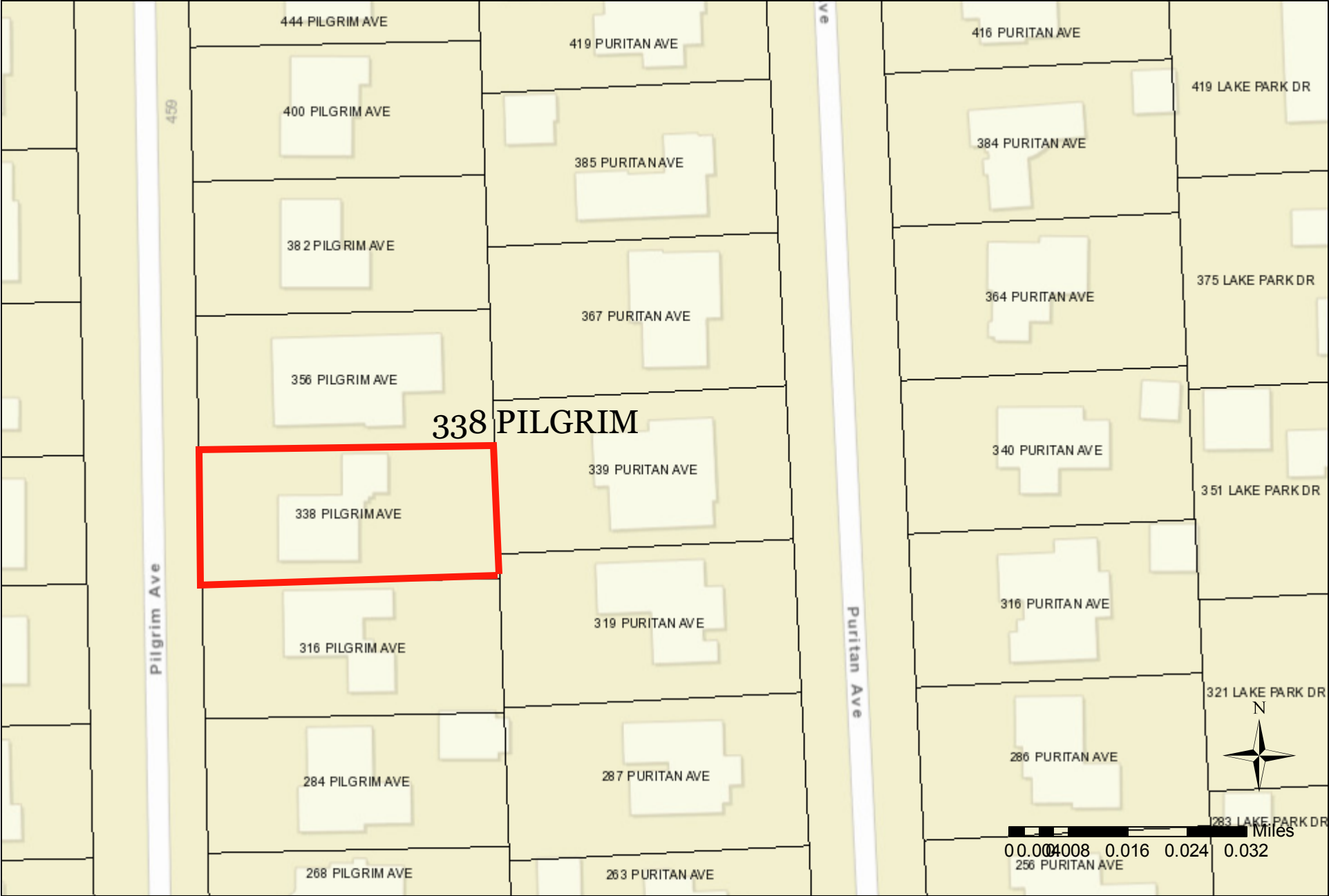
**Appeal No. 22-21:** The owner of the property known **338 Pilgrim**, requests the following variances to construct an addition to an existing non-conforming home:

- A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback is the average of homes within 200.00 feet in each direction. The required is 39.46 feet. The existing and proposed is 38.86 feet, therefore, a variance of 0.60 feet is being requested.
- B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the combined total side yard is 14 feet or 25 percent of lot width, which is greater. The required is 17.50 feet. The proposed 13.96 feet. Therefore, a variance of 3.54 feet is being requested.
- C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 17.50 feet on the north side. The proposed is 15.80 feet. Therefore, a variance of 1.70 feet is being requested.
- D. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 17.50 feet on the south side. The proposed is 16.08 feet. Therefore, a variance of 1.42 feet is being requested.

**Staff Notes:** The existing home was constructed in 1952, which is non-conforming with the zoning ordinance for the required front yard setback, total combined setbacks and the distance between structures on the south side.

This property is zoned R1 – Single family residential.

338 PILGRIM MAP



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

Application Date: 4/12/22

Hearing Date: 6-14-22

Received By: HT

Appeal #: 22-0021

Type of Variance:	<input checked="" type="checkbox"/> Interpretation	<input checked="" type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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<b>I. PROPERTY INFORMATION:</b>		
Address: 338 PILGRIM AVE	Lot Number: 226	Sidwell Number: 19-26-454-007

<b>II. OWNER INFORMATION:</b>			
Name: LISA FULGENZI			
Address: 338 PILGRIM AVE	City: BIRMINGHAM	State: MI	Zip code: 48009
Email:* JLFULGENZI@COMCAST.NET		Phone: 248-425-1844	

<b>III. PETITIONER INFORMATION:</b>			
Name: JOHN VANBROUCK		Firm/Company Name: VANBROUCK & ASSOCIATES	
Address: 360 HAMILTON ROW	City: BIRMINGHAM	State: MI	Zip code: 48009
Email: VANBROUCK@COMCAST.NET		Phone: 248-876-4233	

<b>IV. GENERAL INFORMATION:</b>
The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 12 <sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.
To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted. Staff will explain how all requested variances must be highlighted on the survey, site plan and construction plans. Each variance request must be clearly shown on the survey and plans including a table as shown in the example below. All dimensions to be shown in feet measured to the second decimal point.
The BZA application fee is <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.

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

<b>V. REQUIRED INFORMATION CHECKLIST:</b>
<ul style="list-style-type: none"><li><input type="checkbox"/> One original and nine copies of the signed application</li><li><input type="checkbox"/> One original and nine copies of the signed letter of practical difficulty and/or hardship</li><li><input type="checkbox"/> One original and nine copies of the certified survey</li><li><input type="checkbox"/> 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations</li><li><input type="checkbox"/> If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting</li></ul>

<b>VI. APPLICANT SIGNATURE</b>	
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: <u>[Signature]</u>	Date: <u>4/12/22</u>
Signature of Petitioner: <u>John Van Brouck</u>	Date: <u>4-12-22</u>

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

**ARTICLE I - Appeals**

**A. Appeals may be filed under the following conditions:**

1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.

**B. Procedures of the Board of Zoning Appeals (BZA) are as follows:**

1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
2. All applications for appeal shall be submitted to the Community Development Department on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. If the 12<sup>th</sup> falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

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

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

## **ARTICLE III - Rehearings**

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

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

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

  
Signature of Applicant

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

April 12, 2022

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

Subject: 338 Pilgrim Avenue-Side Yard Setback Dimensional Variance

Dear Members of the Board,

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

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

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

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

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

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

Sincerely,

John Van Brouck

**NORTH SIDE YARD SETBACK VARIANCE:**

REQUIRED	EXISTING	PROPOSED	VARIANCE
5.0'	7.08	4.79'	0.21'



GENERAL CONSTRUCTION NOTES

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

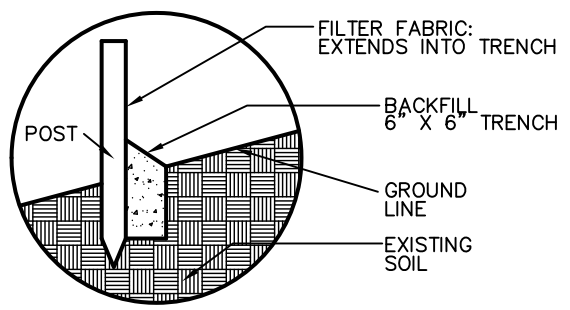
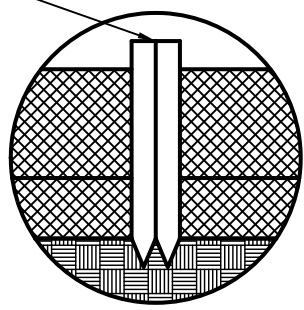
- ROOF TRUSSES:
- |              |           |        |
|--------------|-----------|--------|
| TOP CHORD    | LIVE LOAD | 30 PSF |
|              | DEAD LOAD | 7 PSF  |
| BOTTOM CHORD | LIVE LOAD | 0 PSF  |
|              | DEAD LOAD | 10 PSF |
|              | TOTAL     | 47 PSF |
- NAILING SCHEDULE FOR PLYWOOD SHEATHING; 10d NAILS AT 6" ON CENTER, AT DIAPHRAGM BOUNDARY AND ALONG END SUPPORTING MEMBERS, 10d NAILS AT 12" ON CENTER ALONG INTERMEDIATE FRAMING MEMBERS.
  - MICRO-LAM BEAMS (LVL'S) SHALL BE BY "TRUS JOIST MACMILLAN" OR EQUAL. ALL BEAMS JOINED TOGETHER SHALL BE PER MANUFACTURER'S SPECIFICATIONS. NO SUBSTITUTIONS SHALL BE ACCEPTABLE WITHOUT PRIOR APPROVAL OF THE ARCHITECT.
  - INSTALL DOUBLE FLOOR JOISTS UNDER ALL UPPER FLOOR LEVEL. PARALLEL PARTITIONS.
  - BUILDER SHALL PROVIDE METAL DIAGONAL CORNER AND WIND BRACING AT CORNERS PER CODE "X" AND "K" SHAPED BRACINGS ARE ACCEPTABLE.

- ALL WINDOW NUMBERS REFER TO MANUFACTURER INDICATED ON THE PLANS. IF AN ALTERNATE WINDOW MANUFACTURER IS USED, ALL SHAPES AND SIZES SHALL MATCH IN ALL DIMENSIONS. EVERY SLEEPING RM. SHALL BE PROVIDED WITH AN OPERABLE EGRESS WINDOW. THE SILL HEIGHT SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR. THE WINDOW, WHEN OPEN, SHALL HAVE A NET CLEAR OPENING AREA OF 5.7 SQ. FT. THE MINIMUM NET CLEAR OPENING WIDTH SHALL BE AT LEAST 20" AND MINIMUM NET CLEAR OPENING HEIGHT OF AT LEAST 24" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- ALL MASONRY VENER WALLS TO BE PROVIDED WITH WALL TIES AND WEEP HOLES PER CURRENT CODE. AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- ALL STAIRWAYS, STAIRWAY GUARDS, HANDRAILS, BALUSTERS, HEADROOM DIMENSIONS, RISERS AND TREADS SHALL COMPLY WITH ALL CODE REQUIREMENTS. AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- PROPERLY VENTILATE ROOF SO THERE IS A CROSS-VENTILATION WITH ROOF VENTS AND SOFFIT VENTS PER THE CURRENT MICHIGAN BUILDING CODE. CONTINUOUS ROOF VENT SHALL BE BY MID-AMERICA BUILDING PRODUCTS, PLYMOUTH, MICHIGAN (800) 521-8476. PROVIDE AN UNDERLAYMENT OF 15# FELT UNDER ASPHALT SHINGLES AND A LAYER OF GRACE ICE AND WATER SHIELD FROM EAVE TO ENTIRE LENGTH OF ROOF (100% OF ROOF ENTIRELY). SEE WALL SECTION FOR ICE SHIELD DETAIL. INSULATION IS TO BE PROVIDED WITH A VAPOR BARRIER ON THE WARM SIDE SURFACE. NET FREE VENTILATION AREA REQUIRED IS 1/300th OF THE AREA BEING VENTILATED. NS0% OF THAT AREA SHALL BE IN THE UPPER PORTION OF THAT SPACE. THE REMAINDER VENTILATION IS TO BE PROVIDED BY CONTINUOUS SOFFIT VENTS, EAVE VENTS AND CROSS VENTS.
- ALL CONCRETE FLAT WORK SHALL BE PLACED ON 4" OF COMPACTED SAND.
- PROVIDE ALL NECESSARY UNDERPINNING AND BRACING AS REQUIRED TO PROPERLY INSTALL NEW FOOTINGS.
- PROVIDE WATERPROOFING ASPHALTIC PARGING COATING BELOW GRADE IF REQUIRED.
- THE CONTRACTOR SHALL PROVIDE WRITTEN CHANGE ORDERS DOCUMENTING ADDITIONAL WORK, OR DELETION OF WORK, PRIOR TO THE CHANGE EFFORT ON THE JOB.
- LOTS AND STREET SHALL BE MAINTAINED FREE OF DIRT AND DEBRIS DURING CONSTRUCTION.
- PLASTER AND TAR ALL BRICK BELOW GRADE.
- PROPERLY VENT CRAWL SPACES PER STATE MECHANICAL CODE.
- BATH FANS TO BE VENTED TO EXTERIOR
- HANDRAIL GRIP SIZE SHALL NOT EXCEED A MAXIMUM HORIZONTAL CROSS-SECTIONAL DIMENSION OF 2 5/8" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- BALCONY GUARDS SHALL BE BALUSTERS SPACED NO FARTHER THAN 4" APART PER THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- PROVIDE 2X10 DOUBLE HEADER AT ALL INTERIOR DOOR OPENINGS AND 2X10 TRIPLE HEADER AT ALL EXTERIOR DOOR AND WINDOW OPENINGS (UNLESS OTHERWISE SPECIFIED)
- PROVIDE METAL STRAPPED WINDBRACING AT EACH END OF EXTERIOR WALLS (TYPICAL)
- PROVIDE ELECTRICALLY POWERED SMOKE DETECTORS ON EACH LEVEL, IN EACH BEDROOM, AND BEDROOM HALLWAYS. UNITS ARE TO BE WIRED SO IF ONE SOUNDS, THEY ALL SOUND. ALL SHALL HAVE BATTERY BACK UP PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE SECTION R317.
- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- FIRESTOP ALL DROPS & CHASES, ELECTRICAL, PLUMBING & HEATING, APPROVED FIRESTOP MATERIAL REQUIRED FOR ALL DROPS & FLOOR OR CEILING PENETRATIONS AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- DESIGN LOADS:

ROOF LIVE LOAD	= 25 P.S.F.
ROOF DEAD LOAD	= 15 P.S.F.
FLOOR LIVE LOAD	= 40 P.S.F.
FLOOR DEAD LOAD	= 15 P.S.F.
WIND LOAD	= 20 P.S.F.
- INSULATION "R" VALUES SHALL COMPLY WITH TABLE N1021.1 OF THE 2015 MICHIGAN RESIDENTIAL CODE, UNLESS OTHERWISE NOTED.
- PROVIDE ON-SITE DUMPSTER THROUGHOUT THE DURATION OF THE WORK.
- PROVIDE ON-SITE PORTABLE "PORT-A-JOHN" THROUGHOUT THE DURATION OF THE WORK.
- PAINT ENTIRE INTERIOR AND EXTERIOR OF HOME. EXTERIOR SIDING AND TRIM TO BE PAINTED WITH ONE COAT PRIMER AND TWO COATS FINISH WITH BENJAMIN MOORE PREMIUM PAINT OR OWNER'S EQUAL. SPECIFICATION SHOULD INCLUDE THREE COLORS AND COMPLETE CAULKING BOTH EXTERIOR AND INTERIOR. INTERIOR CEILINGS TO BE FLAT FINISH, WALLS IN EGG SHELL AND ALL TRIMS AND CASINGS IN HIGH GLOSS "PEARL" FINISH.
- ALL ENGINEERED WOOD PRODUCT DOCUMENTATION I.E. TRUSSES, I-JOIST ETC., WILL BE REQUIRED TO BE SUBMITTED PRIOR TO OR AT THE ROUGH FRAME INSPECTION.
- AN INSULATION CERTIFICATE IS REQUIRED TO BE SUBMITTED PRIOR TO THE CERTIFICATE OF OCCUPANCY INCLUDING ANY BLOWN IN PRODUCT.

GEOTEXTILE SILT FENCE

WHEN JOINING TWO OR MORE SILT FENCES THE TWO END POSTS TOGETHER WITH NYLON CORD.



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

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

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

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

NOTE: TYPE OF PERMANENT VEGETATIVE RESTORATION WILL BE SEED/MULCH PER BUILDER UNLESS SPECIFIED OTHERWISE.

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

SOIL EROSION AND SEDIMENTATION CONTROL PLAN NOTES:

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

REQUESTED VARIANCES

<b>TOTAL SIDEYARDS REQUIRED:</b>	<b>17.50'</b>
PROPOSED NORTH SIDEYARD:	5.0'
PROPOSED SOUTH SIDEYARD:	8.96'
PROPOSED TOTAL SIDEYARD:	13.96'

<b>SIDEYARD VARIANCE:</b>	<b>3.54'</b>
---------------------------	--------------

<b>DISTANCE BETWEEN STRUCTURES (NORTH SIDE) REQUIRED:</b>	<b>17.50'</b>
EXISTING BETWEEN:	17.88'
PROPOSED BETWEEN:	15.80'

<b>DISTANCE BETWEEN VARIANCE:</b>	<b>1.70'</b>
-----------------------------------	--------------

<b>DISTANCE BETWEEN STRUCTURES (SOUTH SIDE) REQUIRED:</b>	<b>17.50'</b>
EXISTING BETWEEN (NONCONFORMING):	16.08'
PROPOSED BETWEEN:	16.08'

<b>DISTANCE BETWEEN VARIANCE:</b>	<b>1.42'</b>
-----------------------------------	--------------

<b>FRONT SET BACK</b>
1. #400 Pilgrim Ave.: 40.43'
2. #382 Pilgrim Ave.: 38.97'
3. #350 Pilgrim Ave.: 39.52'
4. #356 Pilgrim Ave.: 38.86'
5. #316 Pilgrim Ave.: 39.20'
6. #284 Pilgrim Ave.: 39.59'
7. #268 Pilgrim Ave.: 39.65'
Total= 276.22
Average Front Set Back: 276.22 : 7 = 39.46'

SETBACKS: (R-1)

FRONT SETBACK: 39.46' (200' Avg.)

SIDE SETBACKS:

NORTH SIDE = 5.0'

SOUTH SIDE = 9.0'

REAR SETBACK: 30.0'

ZONE: R-1

CONSTRUCTION TYPE: 5B COMBUSTIBLE UNPROTECTED

LOT COVERAGES:

\*ALLOWABLE BUILDING COVERAGE = 30% MAXIMUM  
\*30% OF 10,839 SQ. FT. LOT = 3,251.70 SQ. FT.  
\*1,740 SQ. FT. PROVIDED OR 16.05% OVERALL  
\*2,675 SQ. FT. PROPOSED OR 24.68% OVERALL

\*ALLOWABLE OPEN SPACE = 40% MINIMUM  
\*40% OF 10,839 SQ. FT. LOT = 4,335.40 SQ. FT.  
\*9,099 SQ. FT. PROVIDED OR 83.95% OVERALL  
\*8,164 SQ. FT. PROPOSED OR 75.32% OVERALL

SITE PLAN

SCALE: 1" = 10'-0"



NORTH

LOCATION

N.T.S.



NORTH

FULGENZI RESIDENCE  
BIRMINGHAM, MICHIGAN

CLIENT:  
LISA AND JOHN FULGENZI  
338 PILGRIM  
BIRMINGHAM, MICHIGAN 48009  
(248) 425-1844

SHEET NO.

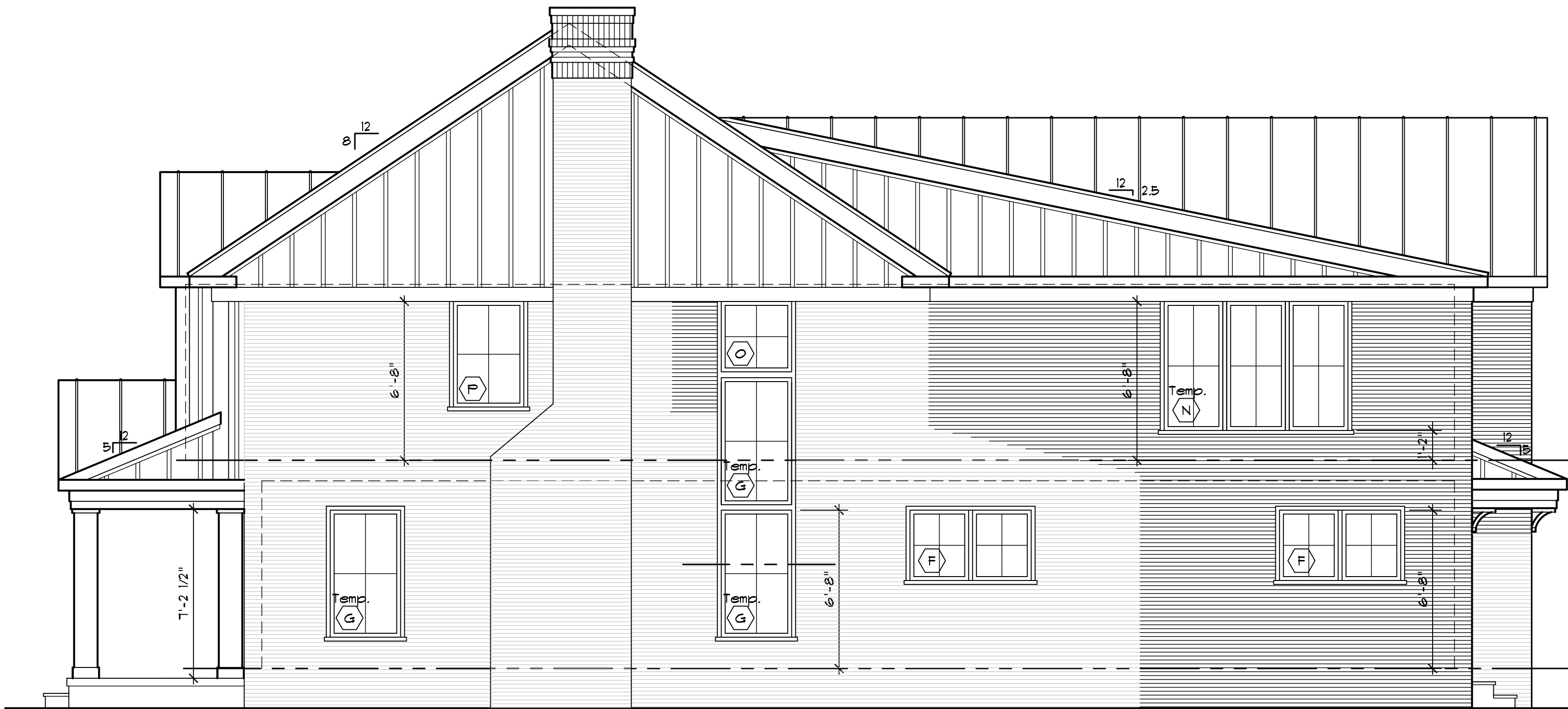
A-1

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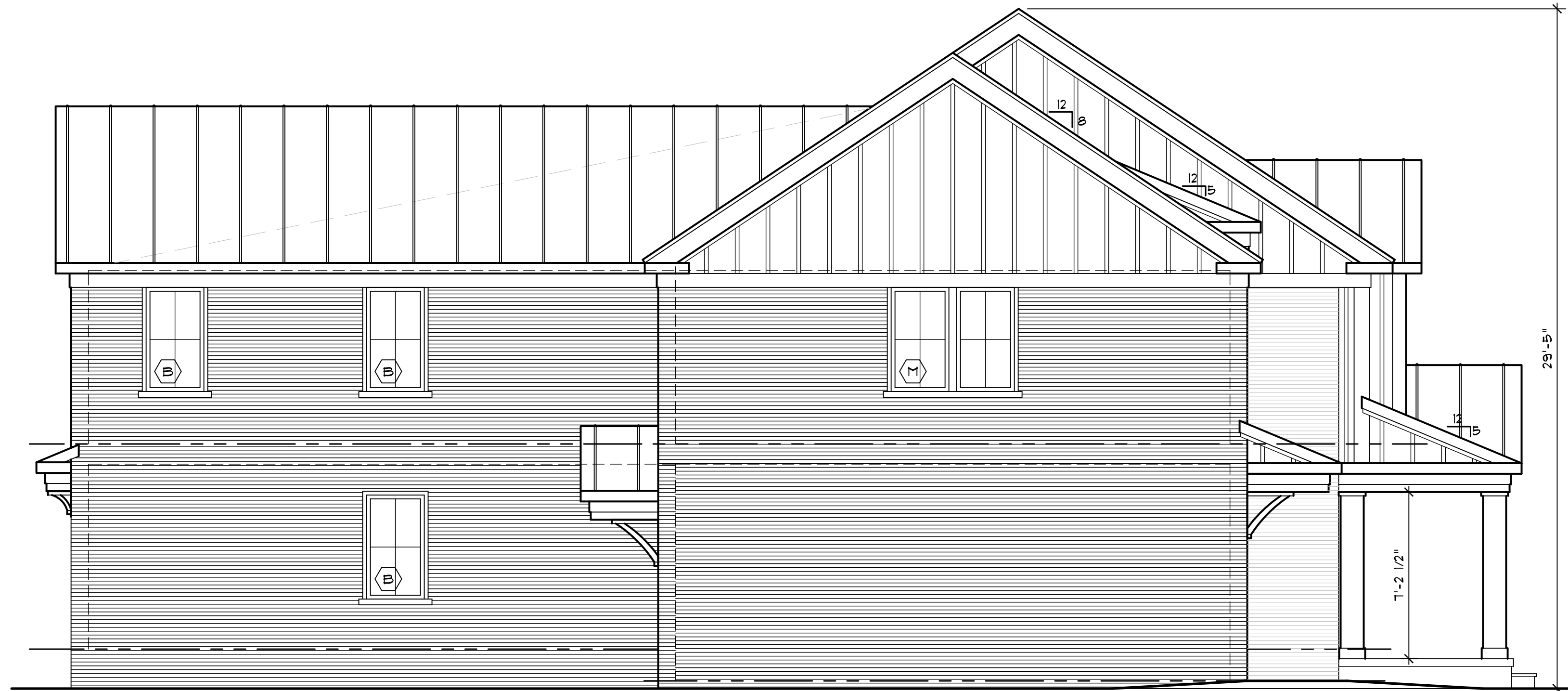
4-11-22  
5-26-22  
5-31-22



**PROPOSED SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**PROPOSED EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**PROPOSED NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**PROPOSED WEST ELEVATION**  
SCALE: 1/4" = 1'-0"

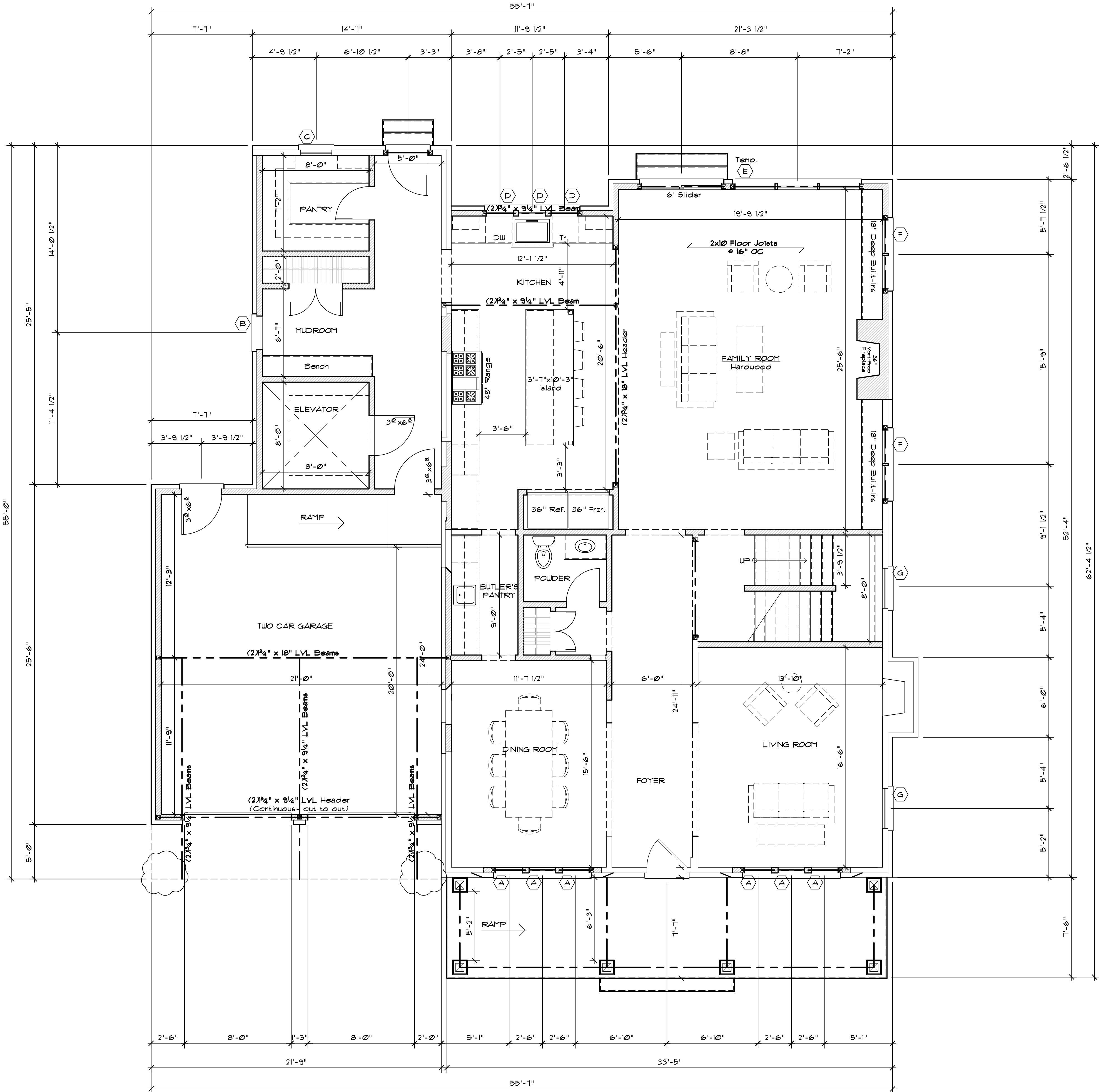
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5-4-22  
5-20-22

FULGENZI RESIDENCE  
BIRMINGHAM, MICHIGAN

CLIENT:  
LISA AND JOHN FULGENZI  
338 PILGRIM  
BIRMINGHAM, MICHIGAN 48009  
(248) 425-1844

SHEET NO.  
A-6



PROPOSED FIRST FLOOR PLAN

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

EXISTING: 1341 SQ. FT.  
PROPOSED ADDITION: 184 SQ. FT.  
PROPOSED FIRST FLOOR: 2131 SQ. FT.  
PROPOSED NEW TOTAL: 4,323 SQ. FT.



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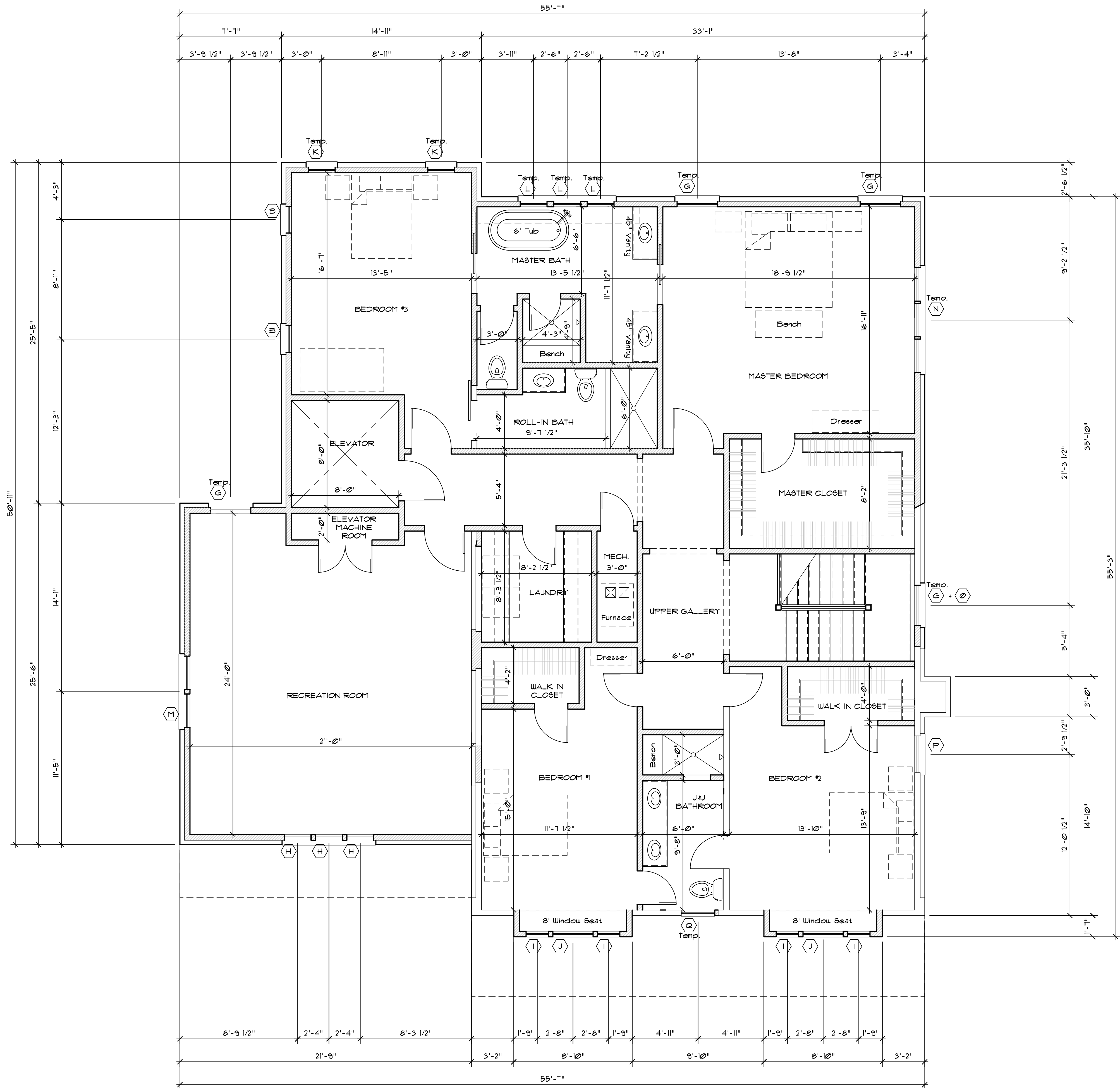
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4-4-22  
4-5-22  
4-12-22  
5-20-22  
5-31-22

FULGENZI RESIDENCE  
BIRMINGHAM, MICHIGAN

CLIENT:  
LISA AND JOHN FULGENZI  
338 PILGRIM  
BIRMINGHAM, MICHIGAN 48009  
(248) 425-1844

SHEET NO.

A-4



PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"  
EXISTING: 1,149 SQ. FT.  
PROPOSED ADDITION: 1,623 SQ. FT.  
PROPOSED SECOND FLOOR: 2,772 SQ. FT.  
PROPOSED NEW TOTAL: 4,903 SQ. FT.



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4-4-22  
4-5-22  
4-12-22  
5-4-22  
5-20-22

FULGENZI RESIDENCE  
BIRMINGHAM, MICHIGAN

CLIENT:  
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338 PILGRIM  
BIRMINGHAM, MICHIGAN 48009  
(248) 425-1844

KEVIN D. HART, AIA  
ARCHITECTURE  
PLANNING/DESIGN/ENGINEERING  
TELEPHONE: 248/640-9427  
700 EAST MAPLE, SUITE 101, BIRMINGHAM, MI 48009

SHEET NO.  
A-5





**EXISTING WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



**EXISTING NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**EXISTING SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**EXISTING EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

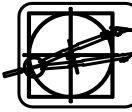
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ISSUED FOR:  
12-08-21

**FULGENZI RESIDENCE**  
BIRMINGHAM, MICHIGAN

CLIENT:  
LISA AND JOHN FULGENZI  
338 PILGRIM  
BIRMINGHAM, MICHIGAN 48009  
(248) 425-1844

KEVIN D. HART, AIA



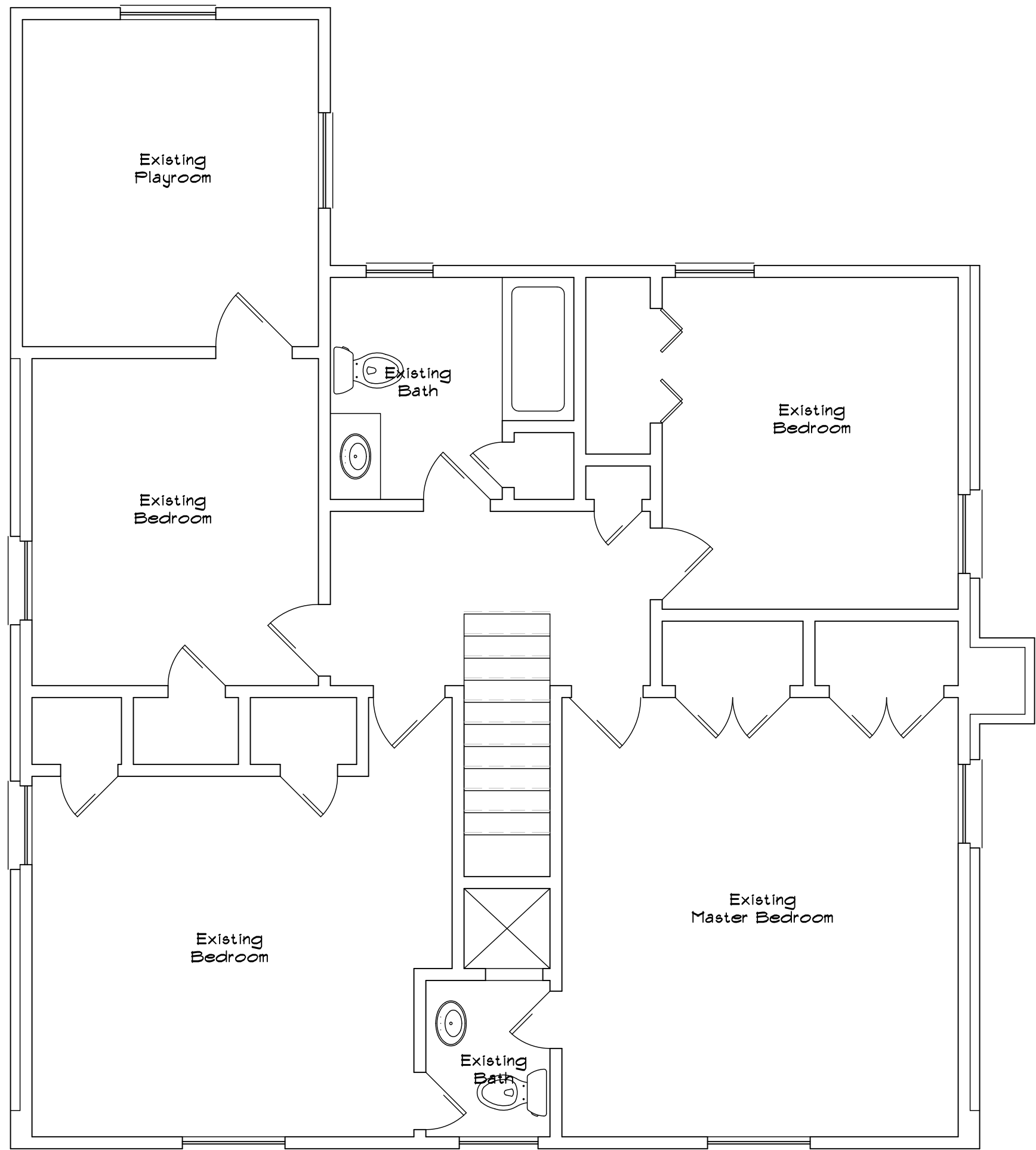
PLANNING DESIGN & RENDERING

TELEPHONE (248) 425-9427

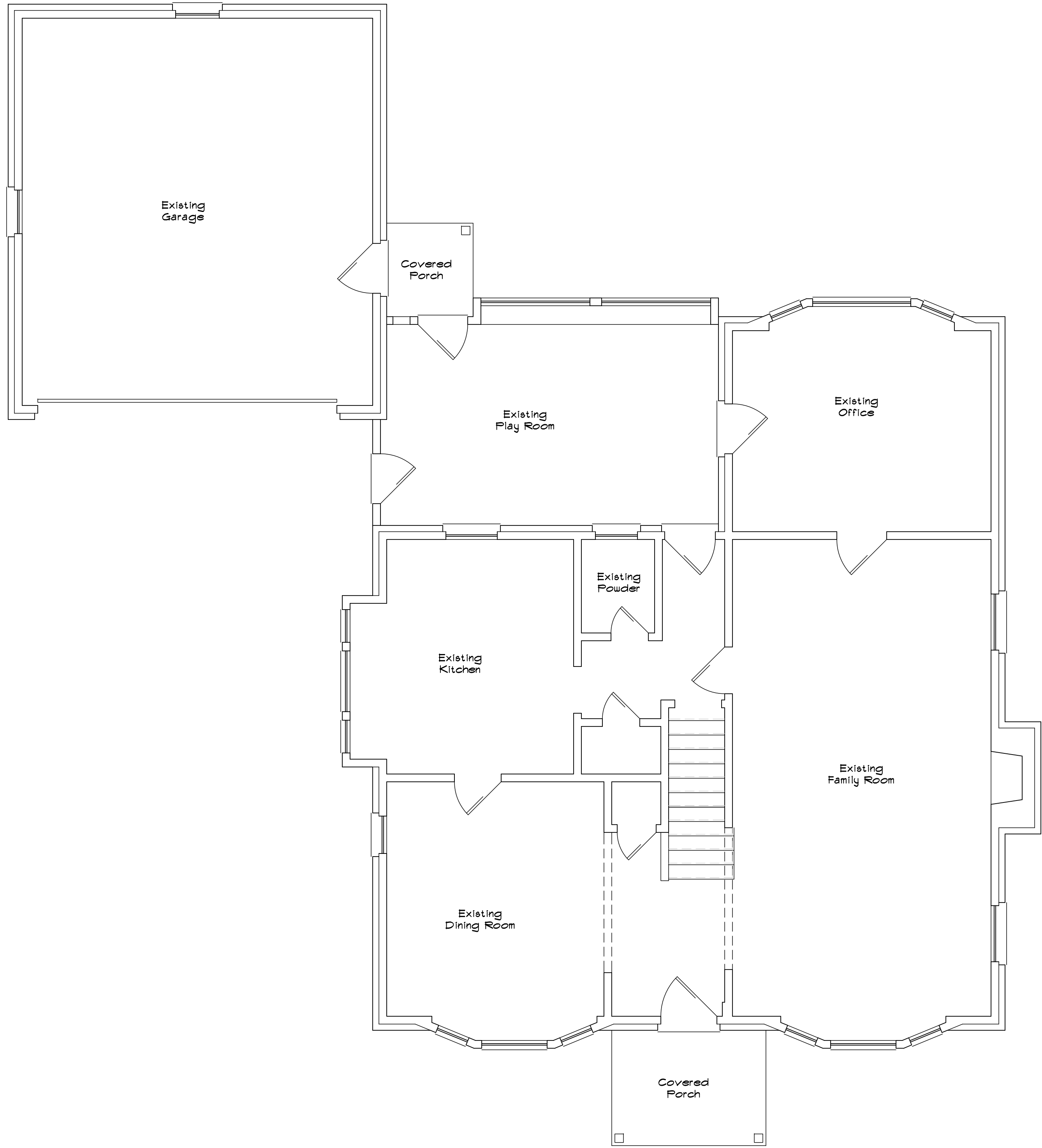
700 EAST MAPLE, SUITE 101, BIRMINGHAM, MI 48009

SHEET NO.

**A-3**



EXISTING SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"  
NORTH



EXISTING FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"  
NORTH

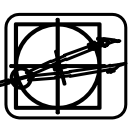
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ISSUED FOR:  
12-08-21

FULGENZI RESIDENCE  
BIRMINGHAM, MICHIGAN

CLIENT:  
LISA AND JOHN FULGENZI  
338 PILGRIM  
BIRMINGHAM, MICHIGAN 48009  
(248) 425-1844

KEVIN D. HART, AIA



PLANNING DESIGN BUILDING  
TELEPHONE (248) 425-9427  
700 EAST MAPLE, SUITE 101, BIRMINGHAM, MI 48009

SHEET NO.

A-2

# **CASE DESCRIPTION**

## **310 E MAPLE (22-22)**

**Hearing date: June 14, 2022**

**Appeal No. 22-22:** The owner of the property known **310 E Maple – Casa Pernoi**, requests the following variance to enclose a portion of their outdoor dining to facilitate year round outdoor dining.

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

**Staff Notes:** The subject site, 310 E. Maple - Casa Pernoi, obtained approval to operate as a Bistro on July 22<sup>nd</sup>, 2019. Establishments with a Bistro Liquor License are allowed a maximum of 65 seats indoor and 65 seats outdoor.

The prior bistro at 310 E Maple, Café Via, was approved for isinglass to enclose the outdoor dining in the private alley. At the time of approval, there were no regulations restricting enclosures for Bistro outdoor dining.

On September 17<sup>th</sup>, 2018, Article 3, Section 3.04(C)(10)(i) of the Zoning Ordinance’s Bistro regulations was created to prohibit the use of enclosure materials facilitating year round dining outdoors. Doing so created a legal non-conformity with what was then Café Via’s outdoor dining isinglass enclosure.

On April 8<sup>th</sup>, 2019, the City Commission reviewed a second round of bistro applications, and selected Casa Pernoi as one of the two bistros to move forward for consideration as a new Bistro proposing to occupy the former Café Via space.

On March 27<sup>th</sup>, 2019, the applicant – Casa Pernoi - first appeared before the Planning Board for a pre-application discussion. The Planning Board commented how the existing isinglass enclosure is now prohibited and the applicant will not be permitted to maintain the isinglass enclosure from Café Via.

On June 12<sup>th</sup>, 2019 the applicant appeared before the Planning Board for their SLUP and Final Site Plan review. The Planning Board recommended approval of the SLUP and Final Site Plan, pending receipt of the following items and approval of those items by the Planning Department and Chairman of the Planning Board which included *“removal of all isinglass and other enclosure systems from the outdoor dining area and the addition of a trash receptacle”*.

On July 22<sup>nd</sup>, 2019 the applicant appeared before City Commission and obtained approval for their SLUP and Final Site Plan review.

On March 9<sup>th</sup>, 2020, the applicant appeared before City Commission for their Liquor License renewal. City staff pointed out that the applicant had yet to remove their isinglass from the private alley area which was a condition of the SLUP & Final Site Plan approval. The applicant indicated that they would like to leave it up to protect the bar area from harsh weather conditions. It was suggested by the City Commission that the applicant apply for an amended SLUP agreement which would allow the use of the isinglass in the off season.

Covid-19 restrictions and temporary outdoor dining rules occurred shortly after where restaurants were allowed certain types of enclosures for outdoor dining. Such temporary allowances ended during the summer of 2021.

On March 28<sup>th</sup>, 2022 the applicant was once again cited for the isinglass enclosure as well as propane heaters being stored in the via during liquor license reviews with the City Commission. There was general consensus from City staff and City Commission that the applicant should be allowed to continue business operations so long as they committed to pursuing a SLUP amendment and variance for the isinglass.

On May 25<sup>th</sup>, 2022, the applicant appeared before the Planning Board for a SLUP and FSP amendment requesting to maintain the isinglass and to add additional chairs and tables to their outdoor dining plan.

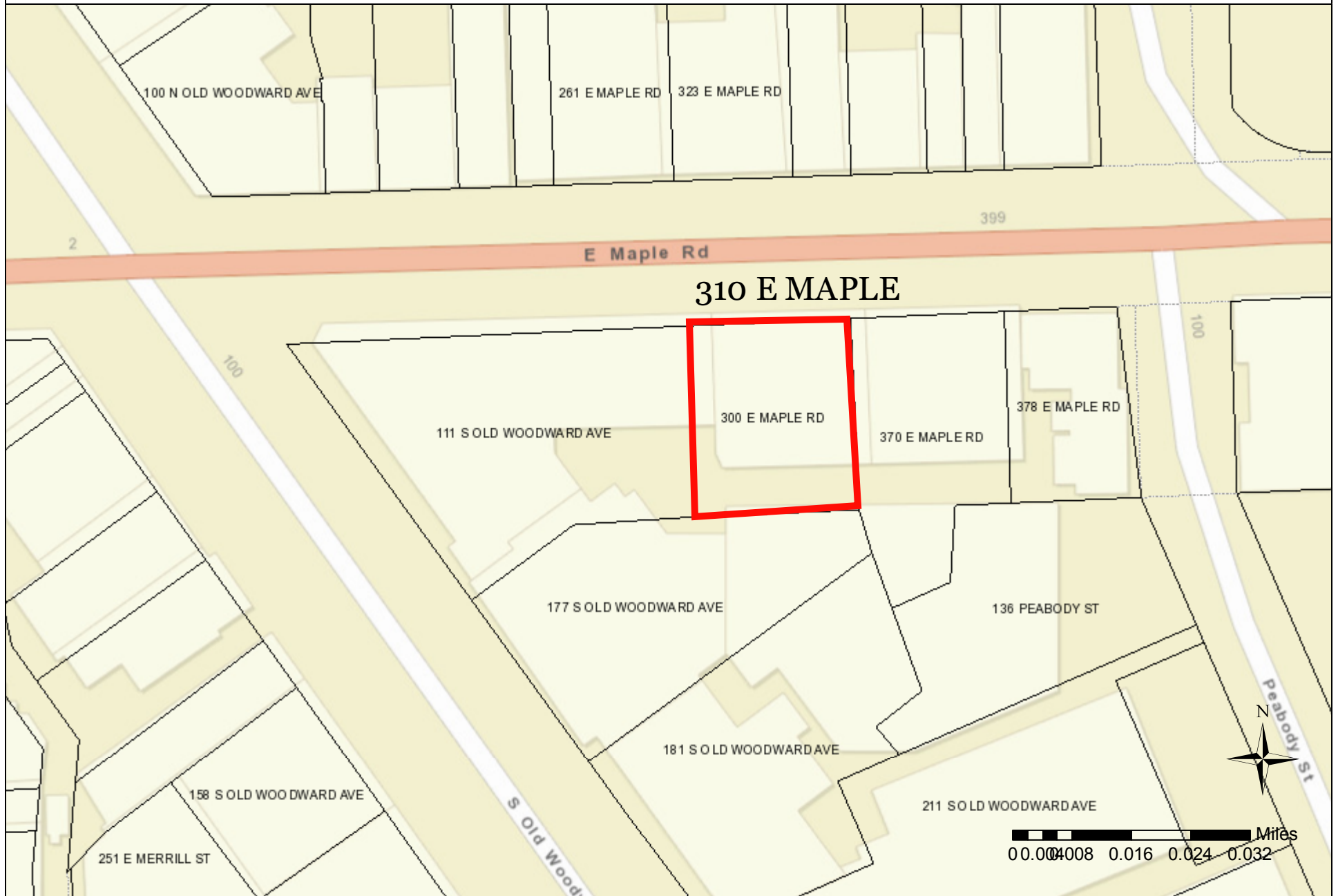
The Planning Board commented that Bistros are capped at 65 indoor seats, and that the isinglass encloses another 26 seats, giving the appearance of 91 indoor seats. The Planning Board was not in support of the isinglass enclosure, however they were in support of the additional seating proposed for the outdoor seating arrangement. The Planning Board motioned to recommend approval of the SLUP and FSP amendment with the condition that the applicant remove all isinglass and other enclosure systems from the outdoor dining area, or obtain a variance from the Board of Zoning Appeals.

---

Brooks Cowan  
**Senior Planner**



## 310 E MAPLE MAP



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

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

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

Received By: \_\_\_\_\_

Appeal #: \_\_\_\_\_

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

Address: 310 E. Maple (Casa Pernoi)	Lot Number:	Sidwell Number: 05-19-36-206-002
--	-------------	-------------------------------------

**II. OWNER INFORMATION:**

Name: Fuller Central Properties, LLC (Ted Fuller)			
Address: 112 Peabody	City: Birmingham	State: MI	Zip code: 48009
Email: * elizabeth@fullercentralpark.com		Phone: (248) 642-0224	

**III. PETITIONER INFORMATION:**

Name: Luciano DelSignore (Casa Pernoi)	Firm/Company Name: Nuevo Holdings, LLC		
Address: 310 E. Maple	City: Birmingham	State: MI	Zip code: 48009
Email: abruzzesboy@gmail.com		Phone: (248) 207-3700	

**IV. GENERAL INFORMATION:**

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

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

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

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

**V. REQUIRED INFORMATION CHECKLIST:**

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

**VI. APPLICANT SIGNATURE**

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

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

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

Signature of Owner: 

Date: 4/11/2022

Signature of Petitioner: 

Date: 4/12/2022

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

**ARTICLE I - Appeals**

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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



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

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

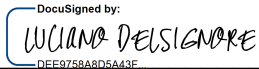
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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

## **ARTICLE III - Rehearings**

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

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

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

DocuSigned by:  
  
0EE9758A8D5A43E...

Signature of Applicant



LAW OFFICES

**ADKISON, NEED, ALLEN, & RENTROP**

PROFESSIONAL LIMITED LIABILITY COMPANY

KELLY A. ALLEN  
JESSICA A. HALLMARK  
JOHN W. KUMMER  
GREGORY K. NEED  
G. HANS RENTROP

39572 Woodward, Suite 222  
Bloomfield Hills, Michigan 48304  
Telephone (248) 540-7400  
Facsimile (248) 540-7401  
[www.ANAfirm.com](http://www.ANAfirm.com)

OF COUNSEL:

PHILLIP G. ADKISON  
KEVIN M. CHUDLER  
KATHERINE A. TOMASIK

June 8, 2022

*Via Electronic Mail and Hand Delivery*

Nicholas Dupuis, Planning Director  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48009

**Re: Variance Request for Casa Pernoï  
310 E Maple Rd.**

Dear Mr. Dupuis:

This is Casa Pernoï's application for a variance from Birmingham's Zoning Ordinance, Article 3 Section 3.04(c)(10)(i) which states "Enclosures facilitating year-round dining outdoors are not permitted." This ordinance sets forth the requirements and restrictions for Bistro licenses. Pernoï operates a Bistro License pursuant to a Special Land Use Permit, as amended ("SLUP"). As required, Pernoï operates with an outdoor dining area.

This request is for a dimensional variance of 767.25 square feet from the Board of Zoning Appeals.

The strict application of the above ordinance is causing the business practical difficulty and unnecessary hardship.

Attached for your review are the following:

1. Variance Application Form signed by the owner of the property, Mr. Ted Fuller, and the owner of Pernoï, Mr. Luciano Delsignore.
2. Site plans showing the outdoor dining with its canopy and isinglass enclosure.
3. Current photos of the outdoor dining with the canopy and clear isinglass enclosure system.

4. Letter setting forth the practical difficulty and unnecessary hardship the business will suffer if the ordinance is strictly applied.
5. Copy of City Commission Meeting minutes from March 9, 2020, at which the isinglass enclosure was discussed.

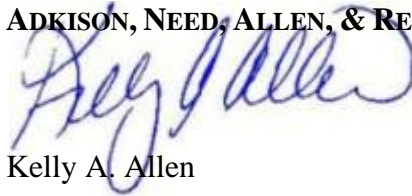
The fee for the application of \$560.00 was hand delivered to the Planning Division.

Please note that this application was originally submitted on April 12, 2022; this submission amends the Letter setting forth the practical difficulty and unnecessary hardship. Once you review this application, please call me to discuss any further information you deem necessary.

Thank you for your assistance.

Very truly yours,

**ADKISON, NEED, ALLEN, & RENTROP, PLLC**



Kelly A. Allen

KAA/kjp  
Enclosures

Cc: Luciano DelSignore





LAW OFFICES

# ADKISON, NEED, ALLEN, & RENTROP

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OF COUNSEL:

PHILLIP G. ADKISON  
KEVIN M. CHUDLER  
KATHERINE A. TOMASIK

June 8, 2022

Via Electronic Mail and Hand Delivery

Nicholas Dupuis, Planning Director  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48009

**Re: Casa Pernoï  
310 E Maple  
Variance Application  
Statement of Practical Difficulty and Undue Hardship**

Dear Mr. Dupuis:

Casa Pernoï (“Pernoï”) is applying for a variance from Birmingham’s Zoning Ordinance Article 3 Section 3.04(c)(10)(i), which states “Enclosures facilitating year-round dining outdoors are not permitted.” This ordinance sets forth the requirements and restrictions for Bistro licenses. Pernoï operates a Bistro License pursuant to a Special Land Use Permit, as amended (“SLUP”). The portion of the ordinance Pernoï is requesting a variance from will be referred to as the “Year-Round Enclosure Prohibition.” This letter is being submitted by Pernoï’s counsel, to comply with the City’s requirements on the variance application.

Specifically, Pernoï has an outdoor dining area which it seeks to have enclosed year-round. This request is based upon the history surrounding the outdoor dining on the private property, since its inception, and because a strict application of the “Year-Round Enclosure Prohibition” will result in practical difficulty and unnecessary hardship to the owner of the property and the owner of the business.

The prior bistro located at 310 E Maple Road, Café Via, was approved for isinglass to enclose the outdoor dining in the private alley. Pernoï wishes to continue this enclosure. Because of the City’s enactment prohibiting year-round enclosures, Pernoï’s enclosure is now considered non-conforming.

The variance being sought from the Board of Zoning Appeals is a “dimensional variance of 767.25 square feet.”

Pernoi has requested to amend its Special Land Use to allow for the year-round enclosure of 26 seats under the canopy and isinglass. The Planning Board, on May 25, 2022, denied this request. However, Pernoi also requested to amend its SLUP to add 38 outdoor seats (not placed under the canopy and isinglass) which request was recommended for approval by the Planning Board at the same meeting.

If the variance is granted, Pernoi would have 65 indoor seats and 64 outdoor seats, in compliance with the Bistro Ordinance.

Pernoi is owned by Nuovo Holdings, LLC, whose majority member is Luciano DelSignore (“Luciano”).

### **VARIANCE STANDARD**

Pernoi makes this application pursuant to Birmingham’s Zoning Ordinance, Article 8, Section 8.0(F)(3), which states:

#### *3. Variances.*

- A. The Board of Zoning Appeals shall hear and grant or deny requests for variances from the strict application of the provisions of the Zoning Ordinance where there are practical difficulties or unnecessary hardships in carrying out the strict letter of such chapter. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance. The Board of Zoning Appeals shall not grant any variance unless it first determines that:*
- i. Because of special conditions applicable to the property in question, the provisions of the Zoning Ordinance, if strictly applied, unreasonably prevent the property owner from using the property for a permitted purpose;*
  - ii. Literal enforcement of the chapter will result in unnecessary hardship;*
  - iii. The granting of the variance will not be contrary to the spirit and purpose of the Zoning Ordinance nor contrary to the public health, safety and welfare; and*
  - iv. The granting of the variance will result in substantial justice to the property owner, the owners of property in the area and the general public.*
- (the “Variance Ordinance”).*

### **FACTS AND HISTORY OF OUTDOOR DINING AT THE SITE**

The restaurant located at 310 E. Maple was one of the first Bistro licenses to be granted in the City. In 2007, Ted Fuller opened Café Via. He also owned the real estate and does so today. Café Via played a vital role in revitalizing the downtown and beautified the courtyard on its private property in the via. The development of passageways, such as this via, were recommended in the City’s 2016 Plan.

The ordinances allowing for Bistros in the City were adopted in 2005. One of the requirements of being approved as a Bistro was, and remains, the requirement for outdoor dining.

Café Via's site plan and special land use permit were approved by the City with a large outdoor dining area with 69 seats. A portion of the approved outdoor dining area was covered by a beautiful green canopy and enclosed with clear isinglass. Café Via operated in this outdoor via very successfully until late 2018 when Mr. Fuller entered discussions to sell the business and lease the space to Luciano.

On February 20, 2019, Luciano applied to the City to have the existing SLUP and the Bistro Contract assigned from Café Via. The letter making this request to the City spelled out the language of the Bistro Ordinance, the pertinent language in the SLUP and Bistro Contract as well as a memo from previous City Manager, Robert Bruner, which set forth the legality and process of having SLUP assigned to Pernoi. The site plan, including the outdoor dining area with 26 seats covered by the canopy and enclosed with the isinglass, was submitted with this application. This request was set for a City Commission Agenda for March 27, 2019.

However, after discussions with the City, through its then Planning Director, the City determined that an assignment and transfer of the SLUP was not the desired direction of the City. Rather, the City suggested that Pernoi apply for a new Bistro license. Therefore, on March 27, 2019, Pernoi withdrew its request to assign the SLUP and asked that the agenda item be considered at the City Commission Meeting as a "pre-qualification" discussion item.

Luciano, a renowned chef, proposed an upscale Italian cuisine set on the private via with a downsized outdoor dining area using the same canopy and enclosure system. Pernoi was well received by the City at the prequalification discussion.

Consequently, Pernoi's application for the new Bistro was considered and moved forward by the City Commission on April 8, 2019. At around that time the design plans were finalized and resubmitted submitted to the City for Planning Department review and Planning Board consideration of the site plan and SLUP. On July 22, 2019, the City Commission approved Pernoi's SLUP and final site plan.

Since 2005 the Bistros have been very successful in the City. The novel ordinance (which was copied by many municipalities across the State) accomplished the City's stated goals of allowing liquor licensure of small, eclectic restaurants which met certain requirements to activate the streets. Prior to the adoption of the Bistro Ordinance, the cost of Birmingham quota liquor licenses was out of reach for small restaurants.

However, as with any new plan, there were issues along the way with some Bistros increasing their outdoor dining capacity to be significantly more than the allowed seating indoors (65), and with some Bistros using a kind of plastic to enclose the outdoor dining areas year-round. Other plastic enclosures in the City were not comparable to the state-of-the-art enclosure used at Café Via and were on public rather than private property.

Therefore, the Zoning Ordinance pertaining to Bistros was amended to state that year-round enclosures of outdoor dining were prohibited and that no more than 65 outdoor seats would be allowed. The amendment prohibiting the year-round enclosure took place on September 17, 2018.

Pernoi's site plan and SLUP were approved with the stipulation that the isinglass enclosure be removed.

At that point Pernoi was committed to the project. Luciano had made a commitment to Mr. Fuller, and he accepted the City's requirement. Luciano knew that without the enclosure in the via his business model would suffer significantly. He decided that he had to try to make it work.

By the time the certificate of occupancy was issued for Pernoi in September of 2019, Luciano had removed the enclosure system.

Soon it became apparent that without the enclosure system, the main portion of the restaurant could not operate. It was at risk due to the wind and elements sweeping through the via into the front of the restaurant. Also, there was certain equipment stationed under the canopy in the outdoor dining area which was being damaged.

Therefore, Luciano came to the City Commission on March 9, 2020, requesting permission to use the isinglass. The City Commission for the most part was supportive of the use of the enclosure system. Therefore, the City Commission directed Luciano to go to the Planning Board to amend Pernoi's SLUP to allow the isinglass. The minutes of the City Commission on March 9, 2020 are included in this submission.

By March 17, 2020, the state's restaurants were closed by Emergency Order due to the Covid pandemic. Pernoi operated in accordance with the State's Orders and the City's Covid relief measures in the outdoor area for a period of time.

In March of 2022, Pernoi applied to amend its SLUP to allow for the isinglass enclosure. However, at the City Commission's Public Hearing for Liquor License review, the City indicated that a variance from the Zoning Ordinance would be required, rather than a SLUP Amendment.

### **PRACTICAL DIFFICULTY AND UNNECESSARY HARDSHIP**

Luciano purchased the beautiful Café Via, which was known for the fully enclosed area under the canopy. He tried to make it work. It is not working financially, operationally, or from the perspective of Pernoi's customers, or the public.

It is believed that Pernoi is the only licensee in the City to operate on a via on private property. Therefore, there are no issues with the public right of way. Further, if granted a variance from the "Year-Round Enclosure Prohibition," other licensees in the City would not be likely to claim any precedent because of Pernoi's unique situation. Granting a dimensional variance would not necessarily mean that Pernoi is increasing its indoor seating. The seating under the canopy as enclosed is still "outdoors" no matter how one views it. It is not in a building, it is outdoors but enclosed to protect the restaurant as set forth below, as was contemplated by the owners and approved by the City.



A review of the Variance Ordinance factors is as follows:

*B. The Board of Zoning Appeals shall not grant any variance unless it first determines that:*

- v. Because of special conditions applicable to the property in question, the provisions of the Zoning Ordinance, if strictly applied, unreasonably prevent the property owner from using the property for a permitted purpose;*

**RESPONSE:** The year-round enclosure for the property was permitted from 2007. The outdoor dining use was not only permitted but was required by the Bistro Ordinance. The property in question is unique in the City as stated above. If the “Year-round Enclosure Prohibition” is strictly applied, it will unreasonably prevent the owner and the operator from using the property for its intended use on private property as previously allowed by the City.

- vi. Literal enforcement of the chapter will result in unnecessary hardship;*

**RESPONSE:** Pernoi and Café Via before it operated the outdoor dining area under a canopy with enclosures for the following reasons:

1. The outdoor dining requirement and the mutual desire to beautify the private courtyard and via were shared by the City and the owner of the property and the operator.
2. The area which operates under the canopy leads from the interior of the restaurant to the outdoor area; the two areas are treated as one for operational purposes. The area under the canopy is fully heated, sprinkled, and certain equipment and operations take place in the outdoor area, including dish washing equipment, sinks, point of sale equipment, a computer, printer, and storage.
3. Without the enclosure, not only is the outdoor area open to the elements, but also, the interior area of the restaurant, specifically the bar area and front dining room areas are affected by wind, rain and snow. The enclosure acts as wind and weather protection for these areas.

If the “Year-Round Enclosure Prohibition” is strictly applied to the unique situation at this property, the via will not be utilized as originally intended by both the City and the owner, and the operations of the restaurant will be adversely affected, as will the interior of the restaurant.

- vii. The granting of the variance will not be contrary to the spirit and purpose of the Zoning Ordinance nor contrary to the public health, safety and welfare; and*

**RESPONSE:** The granting of this variance will not be contrary to the spirit and purpose of the Zoning Ordinance; in fact, the “Year-Round Enclosure Prohibition” seems to have been enacted to prohibit enclosures on City property in response to practices which were never attributable to this property. A variance in this situation will not adversely affect the public health, safety, and welfare of the public. In fact, the public, to the operator’s knowledge, is very much in favor of this use.

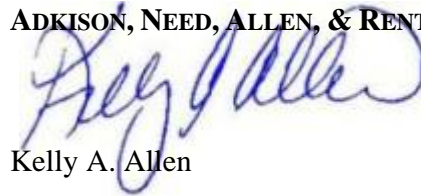
- viii. *The granting of the variance will result in substantial justice to the property owner, the owners of property in the area and the general public.*

**RESPONSE:** The granting of this variance will result in substantial justice to the property owner because the outdoor dining use with the enclosure was originally contemplated and allowed. The operator has found it very difficult to operate without the enclosure system for the reasons set forth herein. The owners of the property in the area will also be enriched because the via will remain active and available for use by neighboring businesses and residents. Finally, the granting of the variance will be a benefit to the public for the same reasons stated above.

If you have any questions or need any further information, please do not hesitate to contact my office.

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC



Kelly A. Allen

KAA/kjp

Cc: Luciano Delsignore

**BIRMINGHAM CITY COMMISSION MINUTES**  
**MARCH 9, 2020**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Pierre Boutros, Mayor, called the meeting to order at 7:30p.m.

**II. ROLL CALL**

ROLL CALL:	Present:	Mayor Boutros Mayor Pro Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
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Absent: None

ADMINISTRATION: City Manager Valentine, City Attorney Currier, City Attorney Kucharek, Human Resource Manager Myers, Finance Director Gerber, Planning Director Ecker, City Planners Fletcher, Dupuis, and Cowan, DPS Director Wood, Parks & Recreation Manager Laird, Police Chief Clemence, Commander Busen, and Cheryl Arft, Acting City Clerk

**III. PUBLIC COMMENT**

The City of Birmingham welcomes public comment limited at the Mayor's discretion on items that do not appear in the printed agenda in order to allow for an efficient meeting. The Commission will not participate in a question and answer session and will take no action on any item not appearing on the posted agenda. The public can also speak to agenda items as they occur when the presiding officer opens the floor to the public. When recognized by the presiding officer, please step to the microphone, state your name for the record, and direct all comments or questions to the presiding officer.

None

**IIII. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.**

**03-042-20 ANNOUNCEMENTS**

Mayor Boutros announced the following:

- The Presidential Primary is tomorrow, March 10<sup>th</sup>. The polls will be open from 7 AM to 8 PM. Voters are reminded to bring photo ID with them. If you are not registered to vote in Birmingham and wish to vote in this election, you may register tomorrow at the Clerk's Office between 7 AM and 8 PM, with acceptable residency verification. If you have questions, call the Clerk's Office at 248-530-1880.

VOTE:            Yeas,            7  
                     Nays,            0

La Strada Caffee, LLC

Commissioner Hoff asked about the advertised name change for this establishment.

John Henke, La Strada representative, affirmed that La Strada Caffee, LLC is the official name of the establishment. The addition of Italian Kitchen and Bar would only be a tag line.

Commissioner Hoff further asked about the temporary banner signs that did not have a permit.

Mr. Henke expressed that the building owner or contractor put it out as a directional sign since the building façade is under construction. It is a temporary situation and has been resolved.

**MOTION:**            Motion by Commissioner Hoff, seconded by Commissioner Nickita:  
To approve the renewal for the 2020 licensing period, of all Class B, Class C, and microbrewery liquor licenses for La Strada Caffee, LLC.

VOTE:            Yeas,            7  
                     Nays,            0

Pernoj

Commissioner Hoff asked for an explanation for the isinglass enclosure being lowered surrounding the outdoor dining area.

Rick Rattner, 380 Old Woodward, expressed that the isinglass was lowered recently in the dead of winter because the vortex of wind is too cold and the isinglass needed to be used to block the air from entering the bar area. There are no table or chairs on the patio.

Mr. Luciano, owner of Pernoj, confirmed that without it, the bar and dining room would be very uncomfortable in the winter. The heaters are also in use to temper the restaurant.

Commissioner Hoff reminded everyone that Café Via was approved to use the isinglass. Since then there are no allowances provided for isinglass. While she empathized with Mr. Luciano's reasons for lowering the isinglass, she also pointed out that using isinglass is in violation of the SLUP agreement. She suggested that the issue come back to the commission for discussion and a decision.

Mayor Boutros clarified that Mr. Luciano is not present to challenge any ordinances, but to explain his unique situation in the winter during inclement weather.

Commissioner Nickita expressed that his concern is making sure the establishment is adhering to the seating arrangement in the SLUP and since they are not using the patio year round, he does not see that there is a violation.



Mayor Pro Tem Longe concurred with Commissioner Nickita, and does not have an issue with Mr. Luciano using the isinglass.

City Manager Valentine felt that maybe there is an opportunity to correct the language in the SLUP agreement, with clarity, on how the isinglass could and should be used.

Commissioner Baller asked Mr. Luciano if using isinglass is the permanent solution to the problem.

Mr. Luciano expressed that it is a good solution.

Mayor Boutros felt that Pernoi adds value to the Maple Road pass through/corridor, and supports use of the isinglass.

Commissioner Sherman suggested that Mr. Luciano bring back an amended SLUP agreement allowing use of the isinglass in the off season. At the commission's discretion, the fees can be waived for the off season.

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Longe:  
To approve the renewal for the 2020 licensing period, of all Class B, Class C, and microbrewery liquor licenses for Pernoi.

VOTE:            Yeas,            7  
                     Nays,            0

#### Rojo Mexican Bistro and Side Car Slider Bar

Commissioner Hoff noted that Rojo is storing outdoor dining furniture on an outdoor dining platform and at Side Car, the window signage exceeds 12 feet. It should be noted that a payment plan is in place for delinquent property taxes.

City Planner Dupuis commented that he had the same problem with Rojo last year; but since they are moving he felt it was not an issue.

Mayor Boutros asked what is the time frame of the move.

City Attorney Currier and Commissioner Sherman suggested a public hearing.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita:  
To set a public hearing for 7:30 PM on Monday, March 23, 2020 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Rojo Mexican Bistro and Side Car Slider Bar** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the storage of outdoor seats number of seats in the restaurant is in non-compliance with the site plans;





MAP LOCATION



100 ft

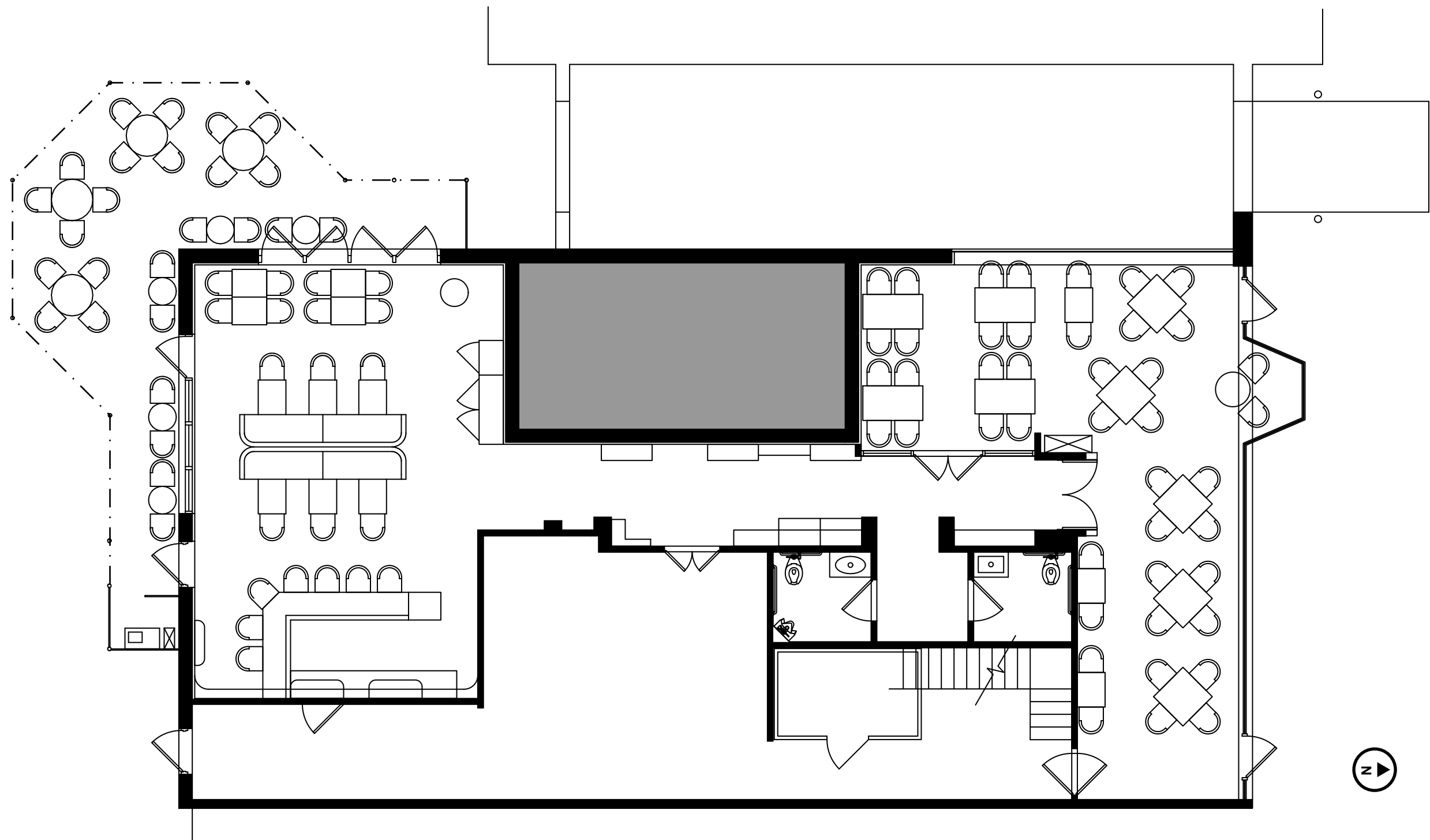
AERIAL PHOTOGRAPH OF SITE

PERNOI - LOCATION PLAN		
A	000	NTS
310 E. MAPLE ST BIRMINGHAM, MI 48009		

KYLE EVANS DESIGN  
NOT FOR CONSTRUCTION, DESIGN INTENT ONLY



Existing Indoor & Outdoor Dining Seating



PERNOI - SEATING PLAN

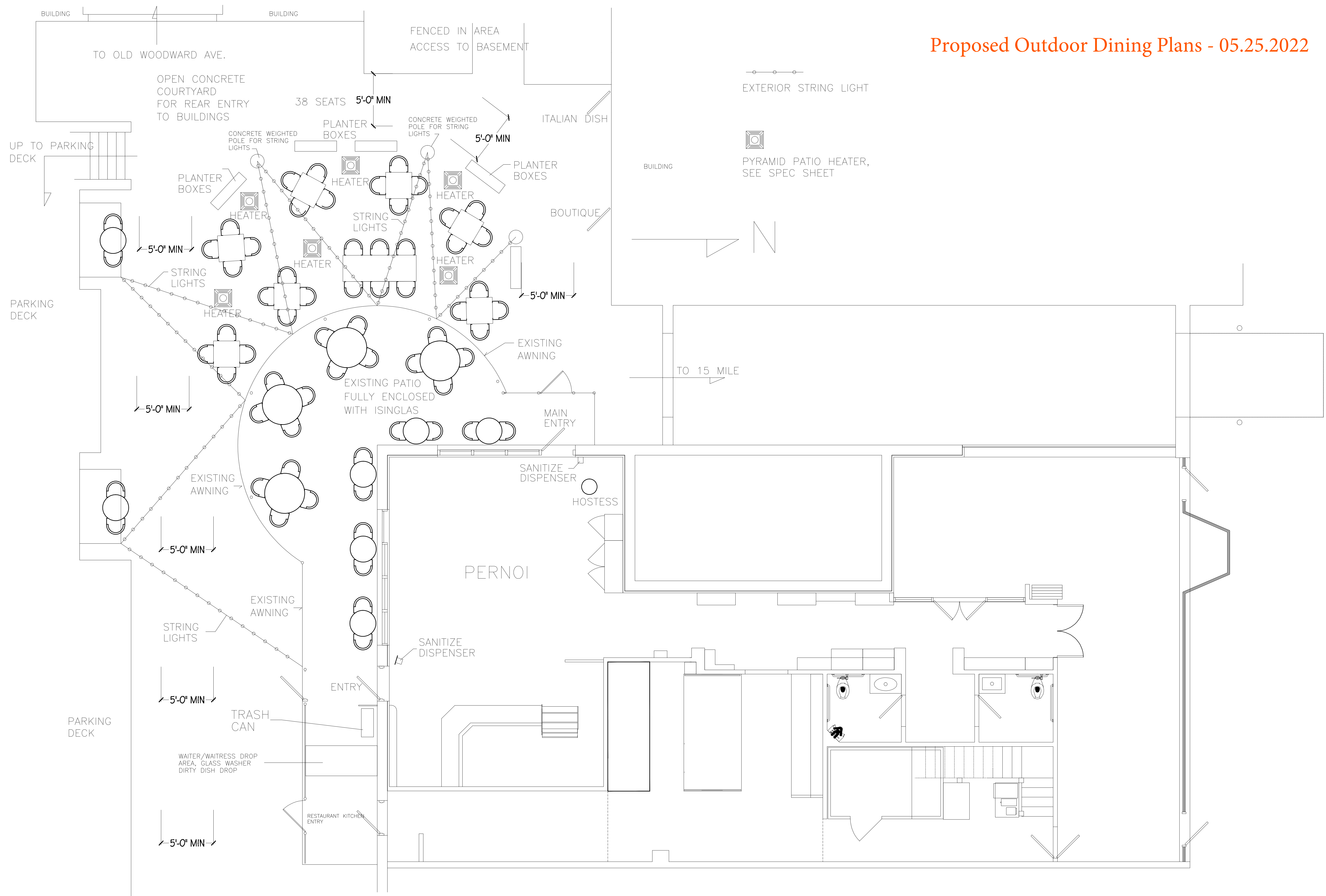
A 002 scale: 1/8"=1'

310 E. MAPLE ST  
BIRMINGHAM, MI  
48009

NOTES: MINIMAL CHANGES TO FLOOR PLAN, FRONT DINING AREA TO BE OPENED UP (REMOVAL OF FORMER FLORAL SHOP COOLERS, DEMISING WALL, AND INTERIOR ENTRY DOOR ONLY). DINING ROOMS TO RECEIVE NEW WALL FINISHES (SEE SPECIFICATIONS) AND CEILING CLOUDS.

KYLE EVANS DESIGN  
NOT FOR CONSTRUCTION, DESIGN INTENT ONLY

## Proposed Outdoor Dining Plans - 05.25.2022



CASA PERNOI PATIO SEATING PLAN

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$$1/4'' = 1'-0''$$

**PROJECT:**  
**CASA**  
**PERNOI**  
**310 E. MAPLE**  
**BIRMINGHAM, MI**

**SHEET TITLE:**

# FLOOR PLAN

**ISSUED FOR:**

**REVISION**  
**DATE:**  
**5.24.22**  
**5.25.22**

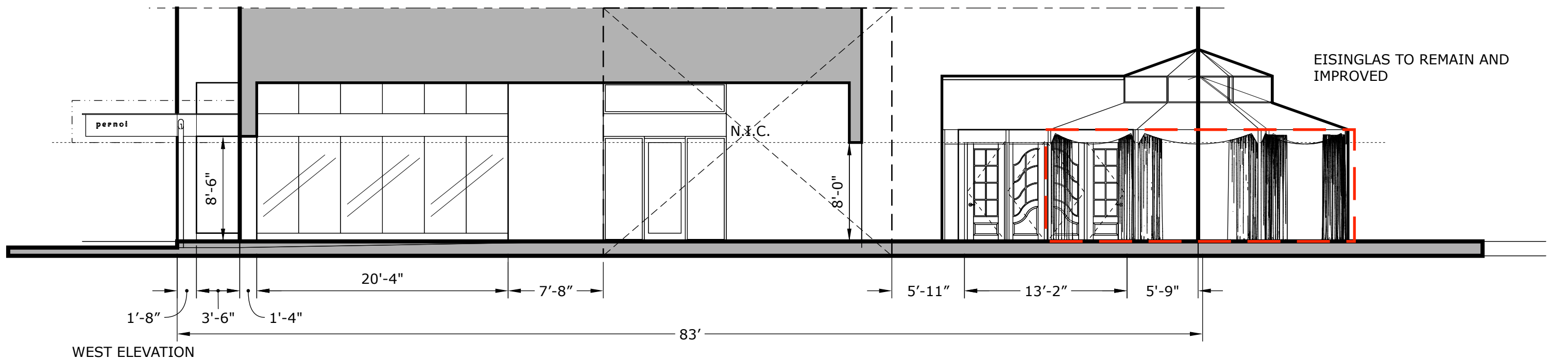
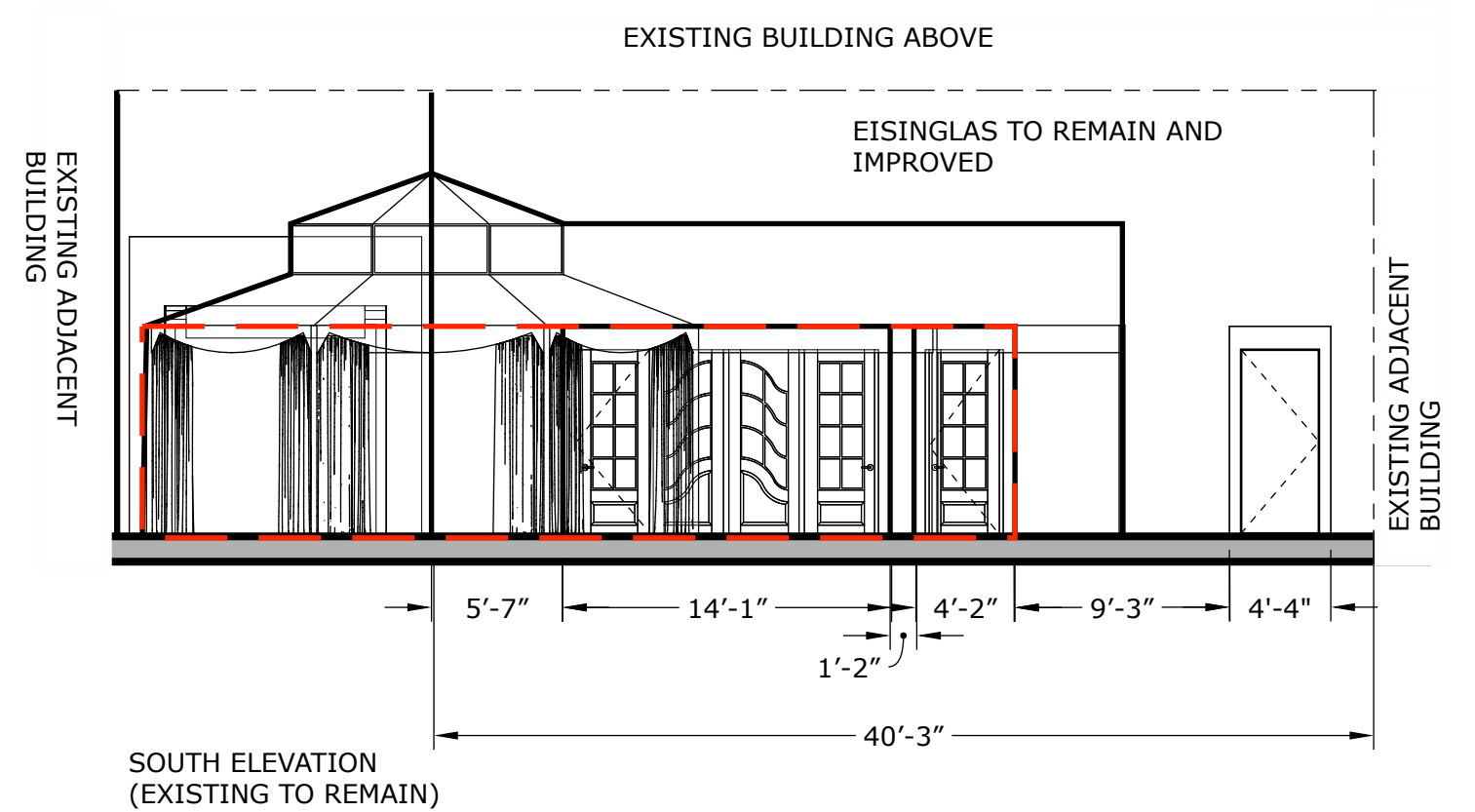
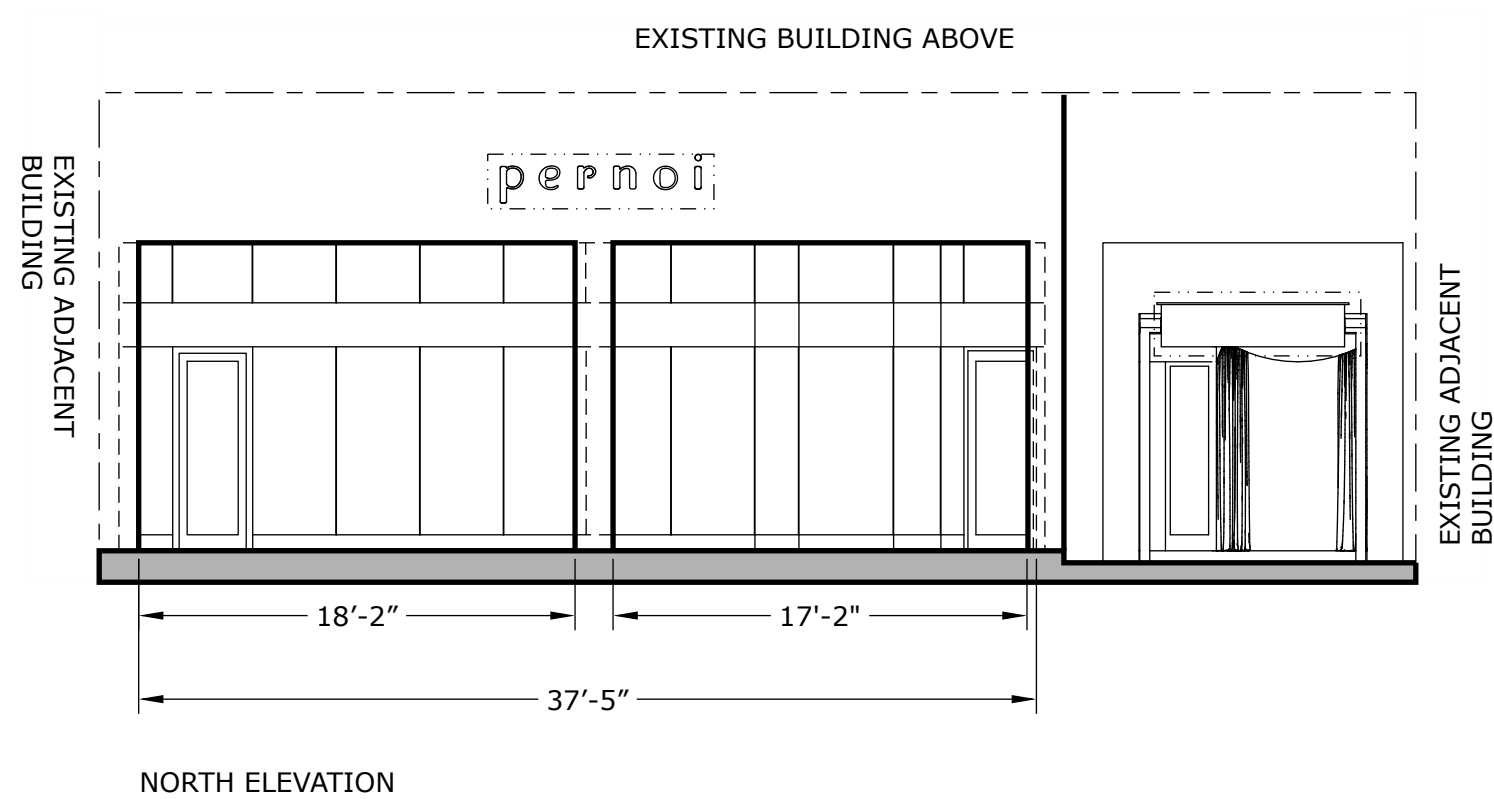
**DO NOT SCALE PRINTS  
USE FIGURED  
DIMENSIONS ONLY**

**JOB NO.**

01-01

**SHEET NO.**

# P1



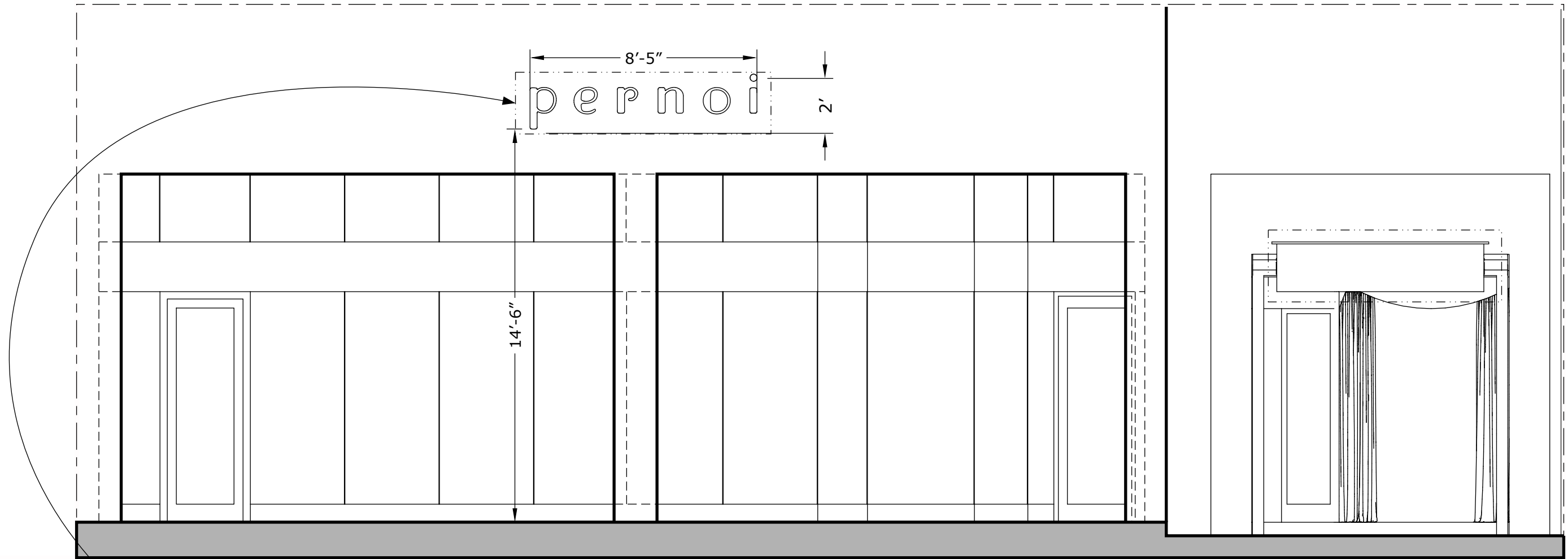
# PERNOI - ELEVATIONS

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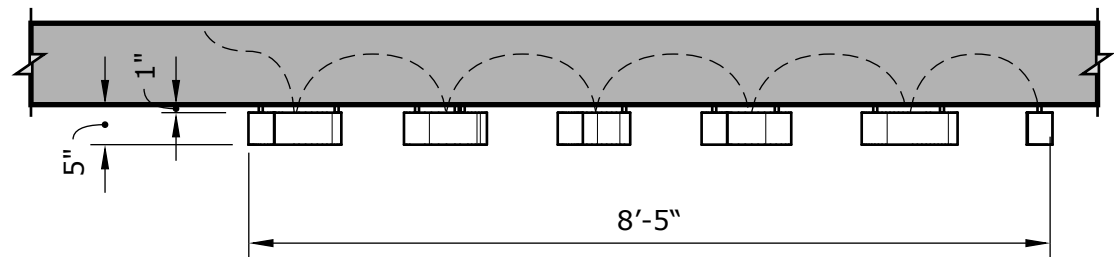
310 E. MAPLE ST  
BIRMINGHAM, MI  
48009

NOTES: ALL EXISTING LIGHTING AND EXTERIOR BUILDING FINISHES TO REMAIN WITH THE EXCEPTION OF NEW SIGNAGE.

KYLE EVANS DESIGN  
NOT FOR CONSTRUCTION, DESIGN INTENT ONLY

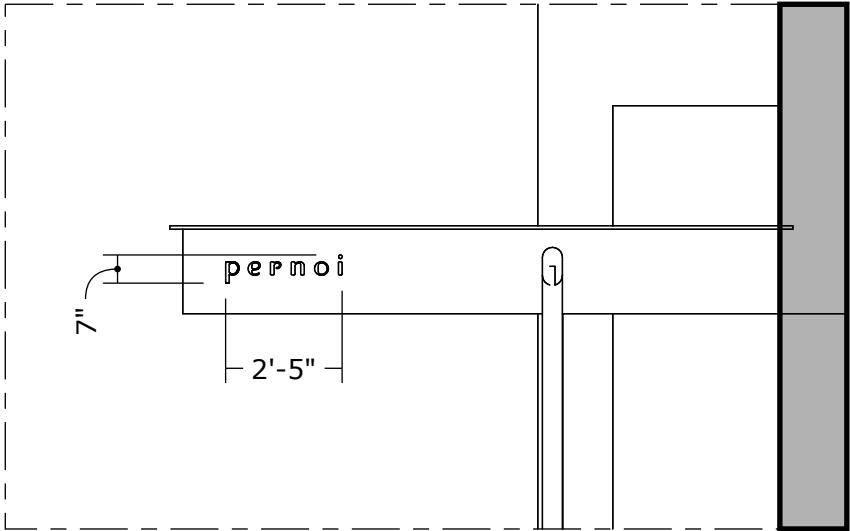


BUILDING SIGN: PIN-MOUNTED INDIVIDUAL CHANNEL LETTERS WITH HALO/BACKLIT LED ILLUMINATION (3000K). BLACK ANODIZED ALUMINUM FINISH WITH 1" STAND-OFF, ELECTRICAL TO BE RAN TO INDIVIDUAL LETTERS, NO EXTERIOR ELECTRICAL RACEWAY.

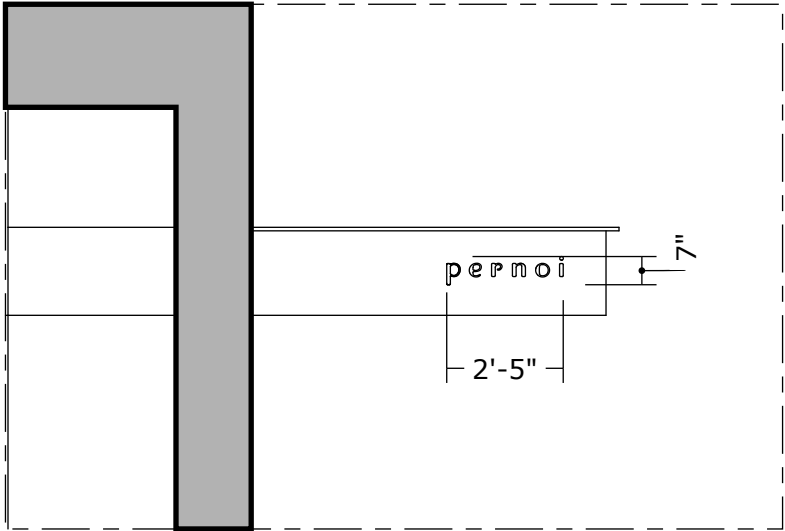


BUILDING SIGN PROTRUSION / TOP VIEW WITH DIMENSIONS

WEST ELEVATION



EAST ELEVATION



PERNOI - SIGNAGE DIMENSIONS

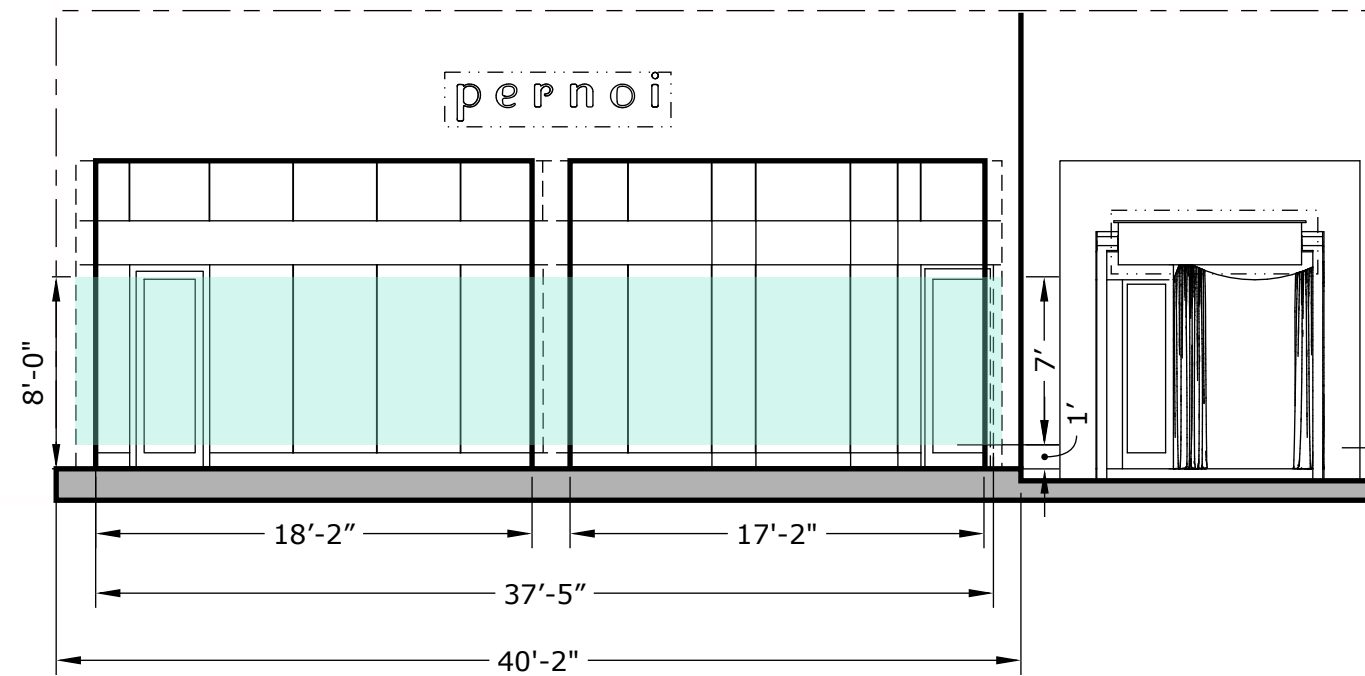
A 004 scale: 1/4"=1'

310 E. MAPLE ST  
BIRMINGHAM, MI  
48009

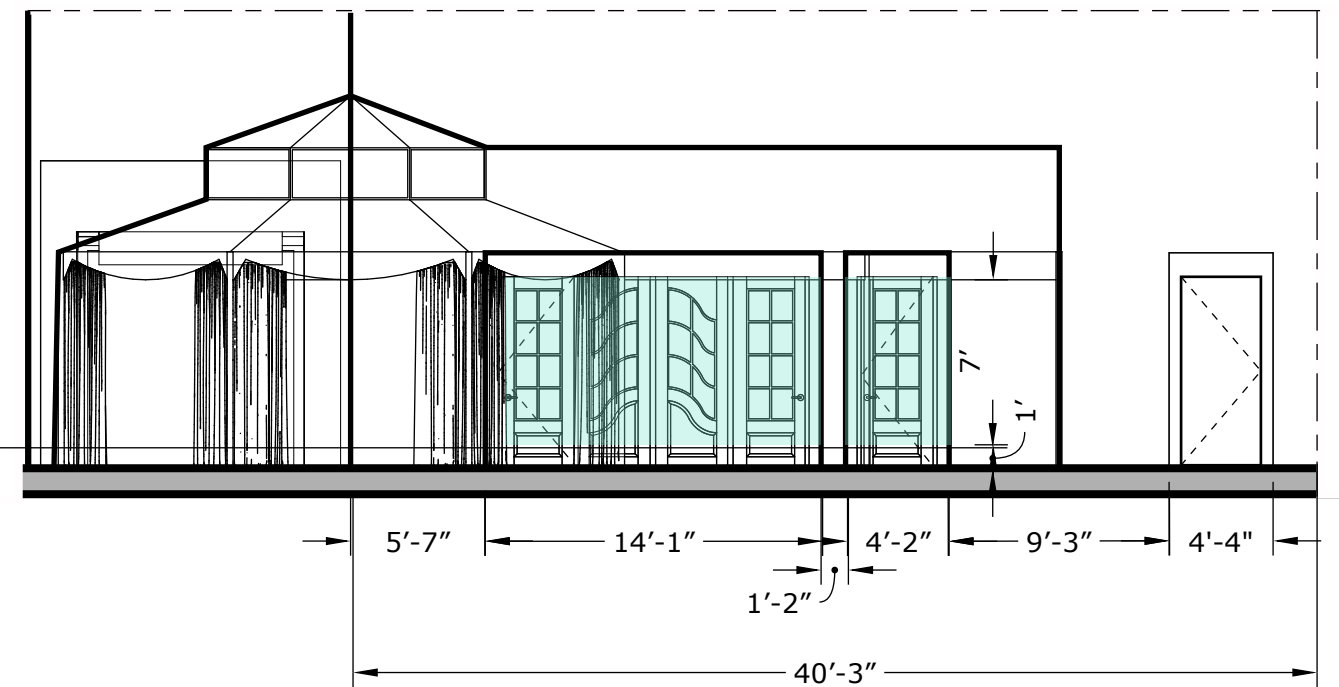
NOTES: NEW BUILDING SIGNAGE AREA: 16.8 Sq.Ft  
AWNING SIGNAGE REPLACEMENT (EAST & WEST SIDES ONLY): 2.81 Sq.Ft. (1.4 sq.ft per side)  
TOTAL SIGNAGE SQUARE FOOTAGE: 19.61 Sq.Ft.

AWNING SIGN TO BE REPLACED WITH BACKLIT PUSH-THROUGH FROSTED ACRYLIC LETTERS ON PAINTED METAL PANEL TO MATCH AWNING RE-CLAD MATERIAL. BACKLIGHT IN LED, 3000K COLOR TEMPERATURE.

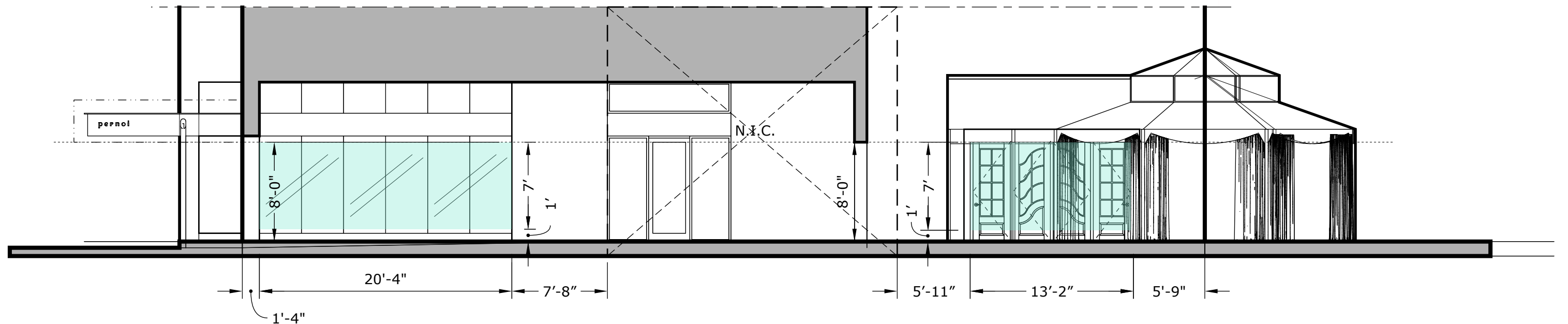




NORTH ELEVATION  
GLAZING CALCULATION: 93% OF BUILDING FACADE (IN CONTRACT, 37.4' OF 40.2' L/FT. CONTAINS GLAZING)



SOUTH ELEVATION  
GLAZING CALCULATION: 45.3% OF BUILDING FACADE (IN CONTRACT, 18.26' OF 40.25' L/FT. CONTAINS GLAZING)



WEST ELEVATION  
GLAZING CALCULATION: 72% OF BUILDING FACADE (IN CONTRACT, 33.5' OF 46.4' L/FT CONTAINS GLAZING)

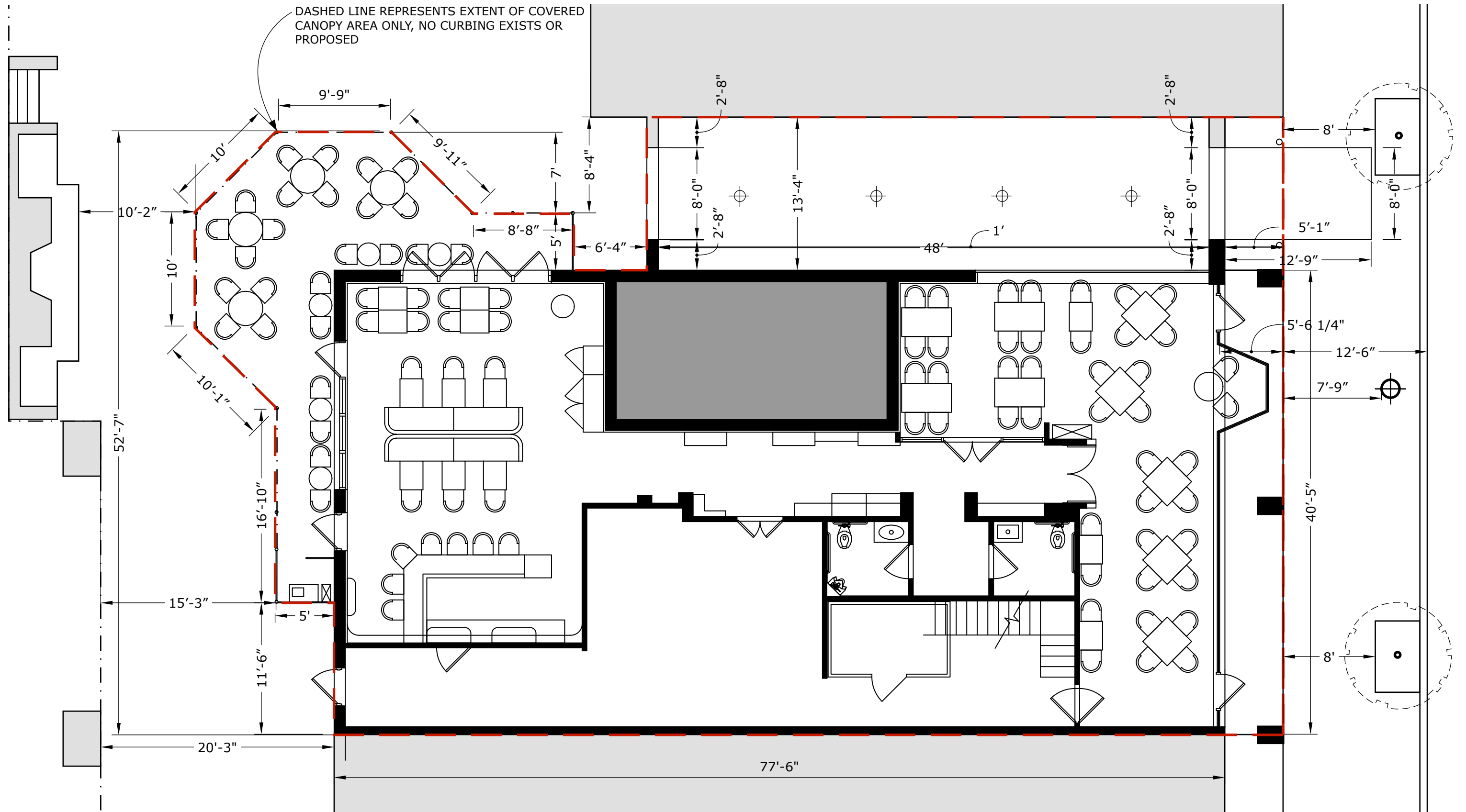
#### PERNOI - GLAZING CALCULATIONS

A 005 scale: 1/8"=1'

310 E. MAPLE ST  
BIRMINGHAM, MI  
48009

NOTES: GLAZING CALCULATED BY LINEAL FOOT IN LEASABLE SPACE,  
FROM 1' TO 8' (DEMARCATON LINE NOTATED PER CITY CODE)

KYLE EVANS DESIGN  
NOT FOR CONSTRUCTION, DESIGN INTENT ONLY



PERNOI - SITE PLAN

A 006 scale: 1/8"=1'

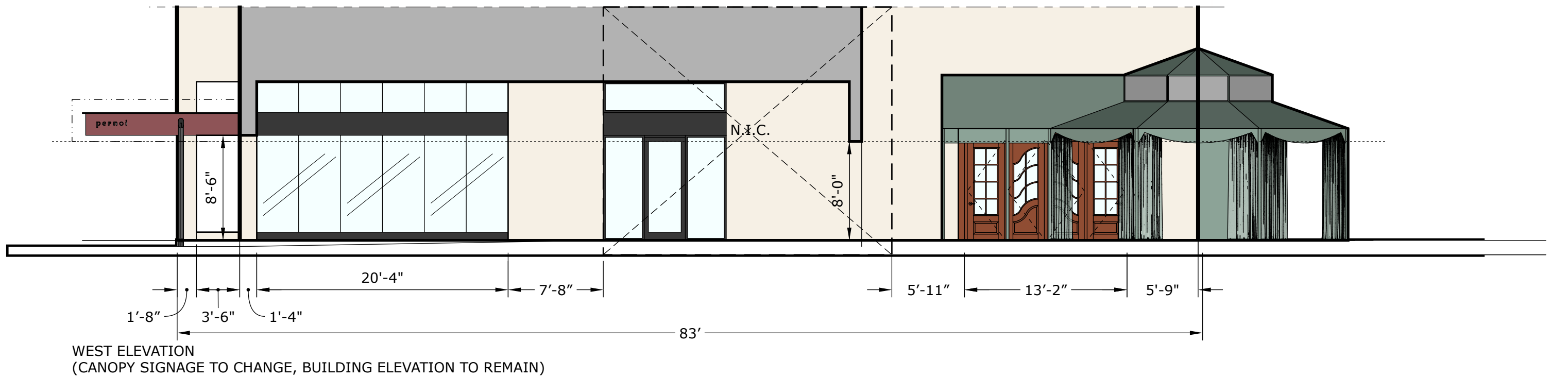
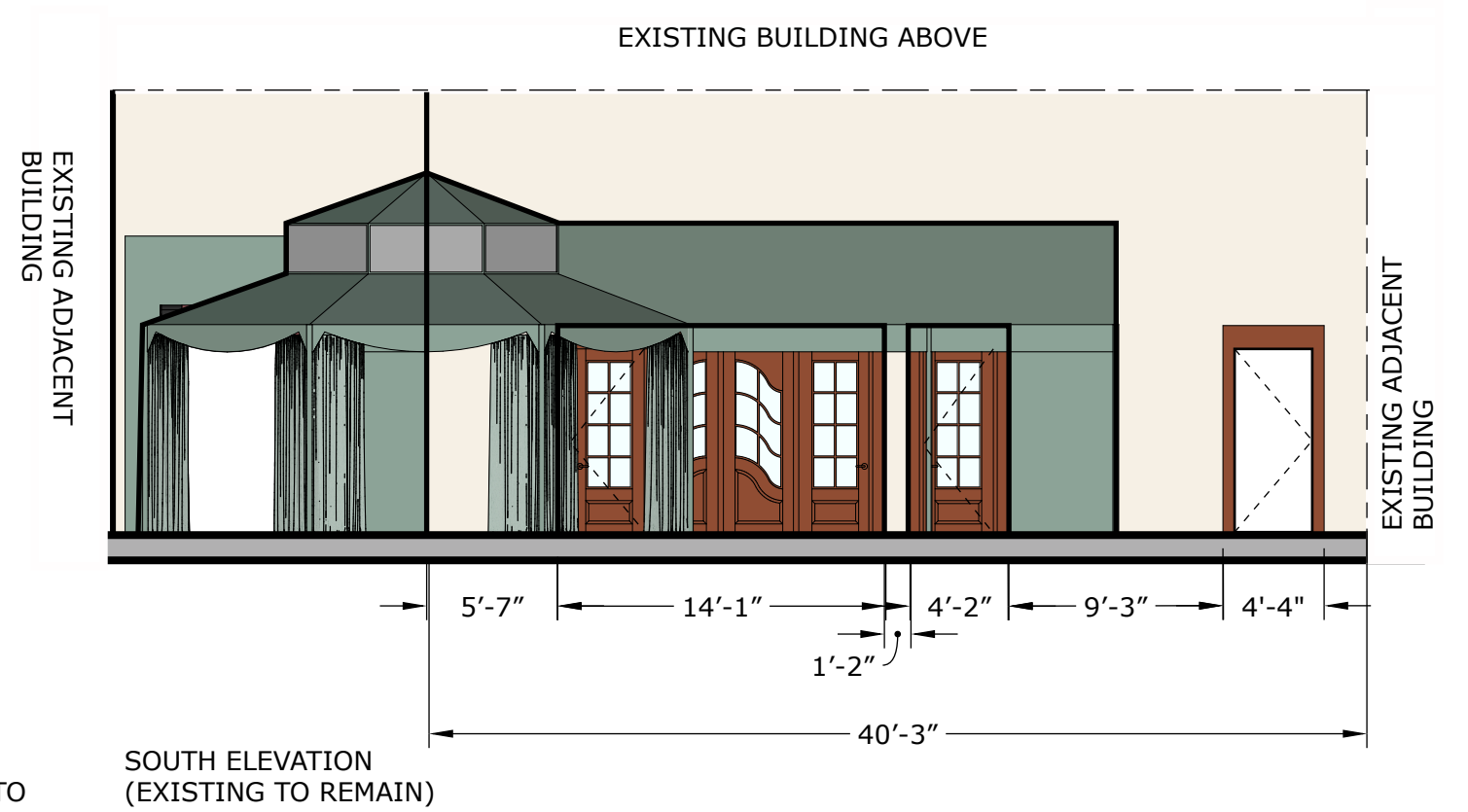
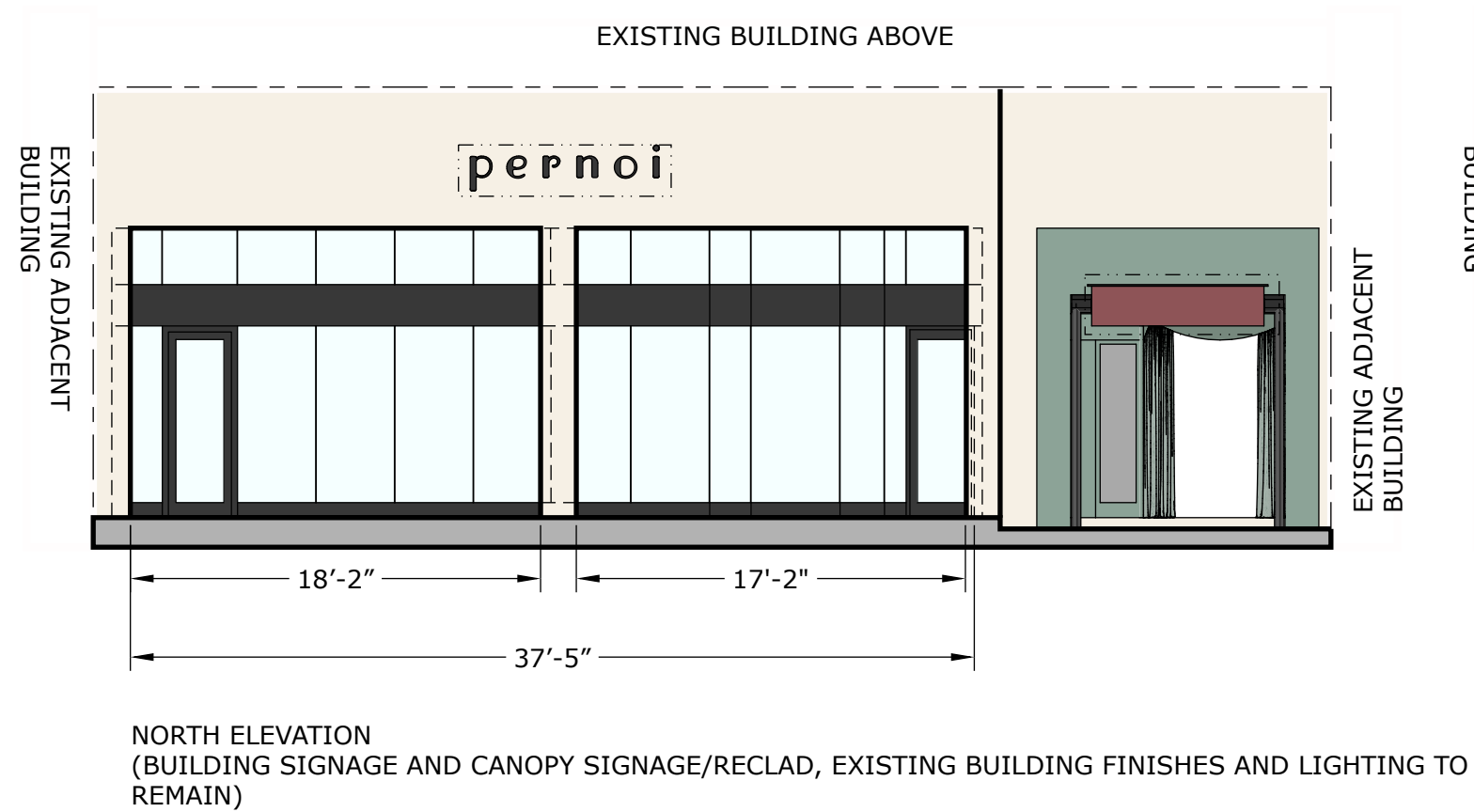
310 E. MAPLE ST  
BIRMINGHAM, MI  
48009

NOTES: NO CHANGES TO EXTERIOR AREAS, ALL EXISTING LIGHTING, SIDEWALKS, AND VIA ELEMENTS TO REMAIN AS-IS. PATIO CANOPY TO REMAIN.

KYLE EVANS DESIGN  
NOT FOR CONSTRUCTION, DESIGN INTENT ONLY

— — — — — PROPERTY LINE & LEASED AREA





# PERNOI - ELEVATIONS

A 001 scale: 1/8"=1'

310 E. MAPLE ST  
BIRMINGHAM, MI  
48009

NOTES: ALL EXISTING LIGHTING AND EXTERIOR BUILDING FINISHES TO REMAIN WITH THE EXCEPTION OF NEW SIGNAGE.

KYLE EVANS DESIGN  
NOT FOR CONSTRUCTION, DESIGN INTENT ONLY































**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**Wednesday, May 25, 2022**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on May 25, 2022.  
Vice-Chair Bryan Williams convened the meeting at 7:30 p.m.

**A. Roll Call**

**Present:** Vice-Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Nasseem Ramin; Student Representative Andrew Fuller

**Absent:** Chair Scott Clein; Board Member Bert Koseck; Alternate Board Member Jason Emerine; Student Representative MacKinzie Clein

**Administration:**

Nick Dupuis, Planning Director  
Brooks Cowan, Senior Planner  
Leah Blizinski, City Planner  
Laura Eichenhorn, City Transcriptionist



**2. 310 E. Maple – Pernoï – Request for eisenglass enclosure at existing outdoor dining patio.**

SP Cowan reviewed the item and noted that the new outdoor dining plans were available on the meeting room's projection screen.

Kelly Allen, attorney, and Luciano Delsignore, owner, spoke on behalf of the project.

In reply to Mr. Share, Mr. Delsignore said the establishment would use plywood planters with boxwoods to demarcate the five foot clear path through the via.

Mr. Jeffares spoke highly of the ambience created by Cafe Pernoï's operations in the via, and said he was highly supportive of allowing the ten new tables with 38 additional seats in the via.

Vice-Chair Williams and Ms. Whipple-Boyce concurred.

Ms. Whipple-Boyce said lowering the eisenglass results in the establishment having 91 indoor seats. She noted a bistro is only supposed to have 65 indoor seats. She said she would struggle with endorsing the use of the eisenglass for that reason.

Mr. Share stated that this establishment has an usual historical situation with the way the building was constructed. He said he could not say whether that amounted to a practical difficulty or an undue hardship. He agreed with Ms. Whipple-Boyce that the ordinance clearly does not allow 91 full-time indoor seats for a bistro. Mr. Share asked Mr. Delsignore to make sure that the boxwood planters maintained the five foot clear path.

In reply to PD Dupuis, Mr. Share said that in light of the building's construction he thought it would be reasonable for the applicant to be permitted the use of eisenglass in the winter months, with no additional tables or chairs in the vestibule, in order to maintain the indoor temperatures and to allow the restaurant to operate.

Vice-Chair Williams said that would be up to the applicant to pursue or not at a future date.

**05-122-22**

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Jeffares to recommend approval to the City Commission of the Special Land Use Permit for 310 E. Maple – Casa Perno – with the following conditions:**

- 1. The applicant remove all eisenglass and other enclosure systems from the outdoor dining area, or obtain a dimensional variance of 767.25 square feet from the Board of Zoning Appeals;**
- 2. The applicant submitted updated drawings dated May 25, 2022 for the outdoor dining plans showing a total of 64 seats and indicating the locations of all elements within the outdoor dining patio area;**
- 3. The Building Department and Fire Department inspect the canopy to determine that all life safety requirements remain in place and have not been altered;**
- 4. The Planning Board approves the tables and chairs consisting of woven plastic as a material of comparable quality to wood and metal as per the outdoor dining standards requirement of Article 4, Section 4.44(A)(5);**
- 5. The applicant meet all applicable fire codes regarding the locations of the proposed heaters and propane tanks; and,**
- 6. That the May 25, 2022 outdoor dining plans clearly identify the pedestrian clear path through the outdoor dining area.**

**Motion carried, 6-0**

**ROLL CALL VOTE**

**Yeas: Share, Ramin, Jeffares, Boyle, Whipple-Boyce, Williams**

**Nays: None**

**05-123-22**

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Jeffares to recommend approval to the City Commission of the Final Site Plan and Design Review for 310 E. Maple – Casa Perno – subject to the six conditions in the Special Land Use Permit approval.**

**Motion carried, 6-0**

**ROLL CALL VOTE**

**Yeas: Share, Ramin, Jeffares, Boyle, Whipple-Boyce, Williams**

**Nays: None**

**J. Study Session**

**K. Miscellaneous Business and Communications**

- 1. Pre-Application Discussions**
- 2. Communications**

### **3. Administrative Approval Correspondence**

The Board approved a request for an administrative approval from 460 N. Old Woodward to remove three windows from the rear of the establishment which would have otherwise shown back-of-house items.

#### **4. Draft Agenda**

#### **5. Other Business**

##### **i. Action List – 2022**

#### **M. Planning Division Action Items**

##### **a. Staff Report on Previous Requests**

##### **b. Additional Items from tonight's meeting**

Mr. Jeffares noted that the ordinance does not address the kind of parking system proposed as part of the 320 Martin St. project and said the Board should add the topic to its action list.

Ms. Whipple-Boyce concurred.

After brief discussion, the Board recommended that a discussion of the City's parking standards be considered for the June 2022 joint City Commission-Planning Board agenda.

#### **N. Adjournment**

No further business being evident, the Chair adjourned the meeting at 10:34 p.m.



Nick Dupuis  
Planning Director



Laura Eichenhorn  
City Transcriptionist

# **CASE DESCRIPTION**

## **843 TOTTENHAM (22-23)**

**Hearing date: June 14, 2022**

**Appeal No. 22-23:** The owner of the property known **843 Tottenham**, requests the following variances to reconstruct the existing front porch.

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

**Staff Notes:** The applicant is looking to reconstruct the failing covered porch on the existing non-conforming home which was constructed in 1954.

This property is zoned R1 – Single family residential.



# 843 TOTTENHAM MAP



## Community Development - Building Department

151 Martin Street, Birmingham, MI 48009

Community Development: 248-530-1850

Fax: 248-530-1290 / [www.changecity.org](http://www.changecity.org)

## APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 4-18-22Received By: HTHearing Date: 6-14-22Appeal #: 22-23

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

**I. PROPERTY INFORMATION:**  
 Address: 843 TOTTENHAM      Lot Number: 37      Sidewall Number: 19-25300-018  
 Parcel No.

**II. OWNER INFORMATION:**  
 Name: DANIELLE & STEVE RUMPLE  
 Address: 843 TOTTENHAM      City: BIRMINGHAM      State: MI      Zip code: 48009  
 Email: dme.young@gmail.com      Phone: 734 693-3861

**III. PETITIONER INFORMATION:**  
 Name: FRED DAWSON      Firm/Company Name: HABITAT ENHANCERS LLC  
 Address: 24482 GLEN ORCHARD DR      City: FARMINGTON HILLS      State: MI      Zip code: 48336  
 Email: habitatenhancers@gmail.com      Phone: 248 521-2339

**IV. GENERAL INFORMATION:**  

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

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

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

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

**V. REQUIRED INFORMATION CHECKLIST:**  

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

**VI. APPLICANT SIGNATURE**  

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

Signature of Owner: *[Signature]*  
 Signature of Petitioner: *[Signature]*

Date: 4/18/22  
 Date: 4-18-22

Amount \$360.00

Receipt 622984

Ref 00190115

Date 04/18/2022 1:15:38 PM

CITY OF BIRMINGHAM

### 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.

A handwritten signature in cursive script, appearing to read "Fred Dawson", written over a horizontal line.

Signature of Applicant

April 18, 2022

Danielle Rumble  
843 Tottenham Road  
Birmingham, MI 48009  
[dmeyoung@gmail.com](mailto:dmeyoung@gmail.com)  
734-693-3861

City of Birmingham – Building Department  
151 Martin Street  
Birmingham, MI 48009

Dear City of Birmingham Variance Committee,

I am writing to request a variance for our 1954 home in the Poppleton Park neighborhood. Our current porch is sinking and is beyond a simple jacking procedure to right the issue. Our home now requires the current porch to be removed and rebuilt. Our plan is to rebuild the porch exactly as it stands today – same size & dimensions. We are requesting an existing non-compliance variance as our home no longer meets the dimensional zoning ordinance that is in place today. Our house is now considered too close to our neighbors.

We hope you will consider our application and approve so we can once again have a solid porch to enjoy. We hope to maintain its original 1954 splendor.

Thank you for your time and consideration.

Sincerely,

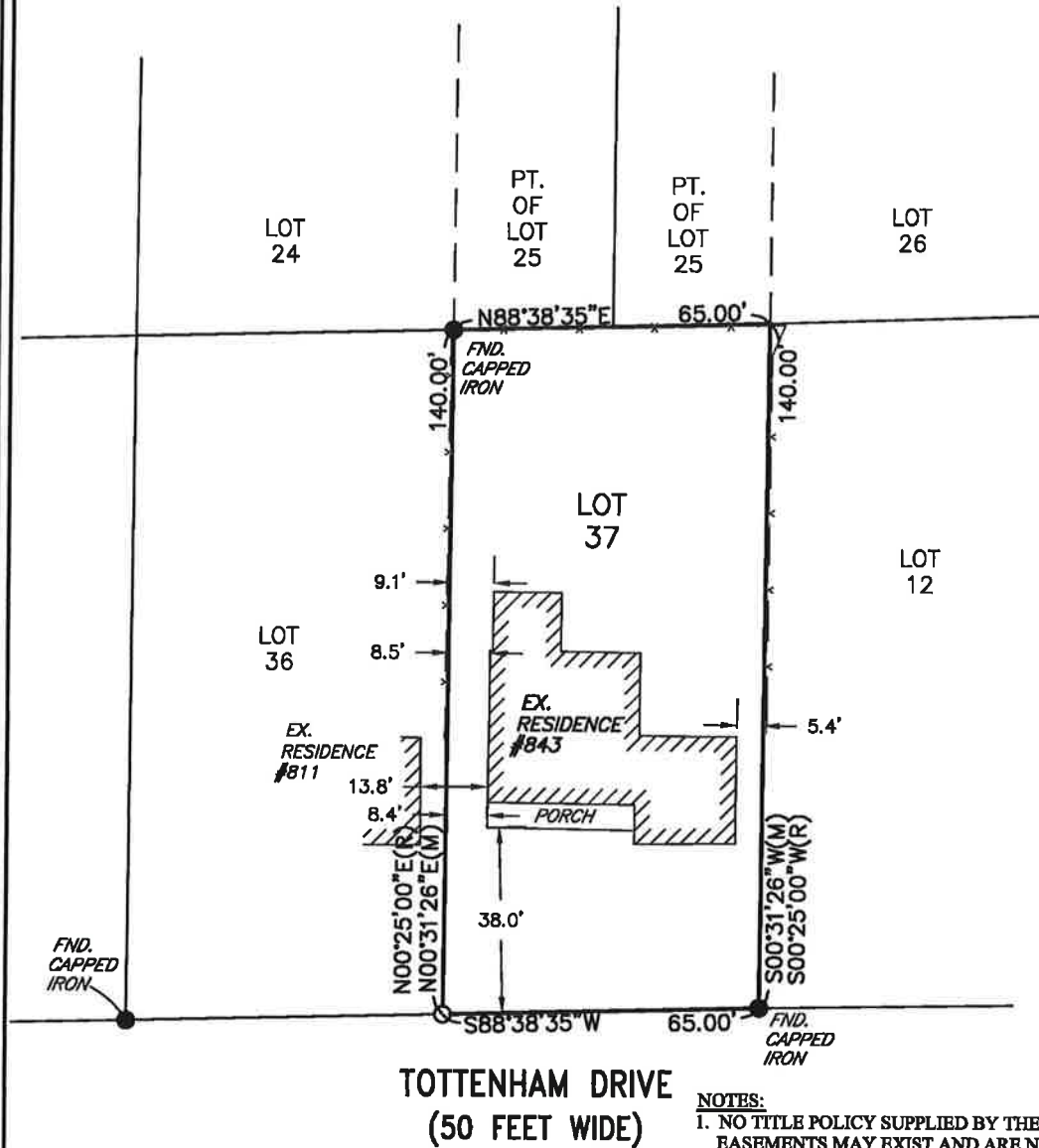
The block contains two handwritten signatures in cursive. The first signature is 'Danielle Rumble' and the second is 'Steve Rumble'. They are written in dark ink and are positioned side-by-side.

Danielle & Steve Rumble



# SKETCH OF SURVEY

PART OF THE NORTHEAST 1/4 SECTION 25, T. 2N, R. 10E.,  
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN.



## LEGEND

- (M) MEASURED
- (R) RECORDED
- (C) CALCULATED
- FOUND IRON
- SET IRON
- EX. FENCE

## PROPERTY DESCRIPTION:

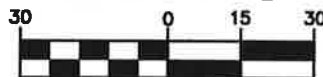
(PER CITY OF BIRMINGHAM ASSESSING)

PARCEL NO. 19-25300-018

#843 TOTTENHAM DRIVE

LOT 37 OF "BIRMINGHAM FOREST HILLS", SUBDIVISION  
AS RECORDED IN LIBER 38 OF PLATS, PAGE 28,  
OAKLAND COUNTY RECORDS, PART OF THE NORTHEAST  
1/4 SECTION 25, TOWN 2 NORTH, RANGE 10 EAST,  
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN.

## GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

N



## NOTES:

1. NO TITLE POLICY SUPPLIED BY THE CLIENT. EASEMENTS MAY EXIST AND ARE NOT SHOWN.
2. BEARINGS ARE BASED ON NORTH LINE TOTTENHAM DRIVE BEING S88°38'35"W.
3. BEARING AND DISTANCE NOT DENOTED WITH (M) OR (R), ARE RECORD & MEASURED VALUES.

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED  
THE LAND ABOVE PLATTED AND/OR DESCRIBED ON  
3/28/2022 AND THAT THE RATIO OF CLOSURE ON THE  
UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS  
LESS THAN 1/5000.



REV. 4/15/2022

PAUL W. KINNUNEN, P.S. #48781

## LINE & DISTANCE, LLC.

P.O. BOX 851122 WESTLAND, MI 48186 PH: 313.350.0412  
Email: pwk\_2190@yahoo.com

DATE: 4/4/2022

DRAWN BY: MCB

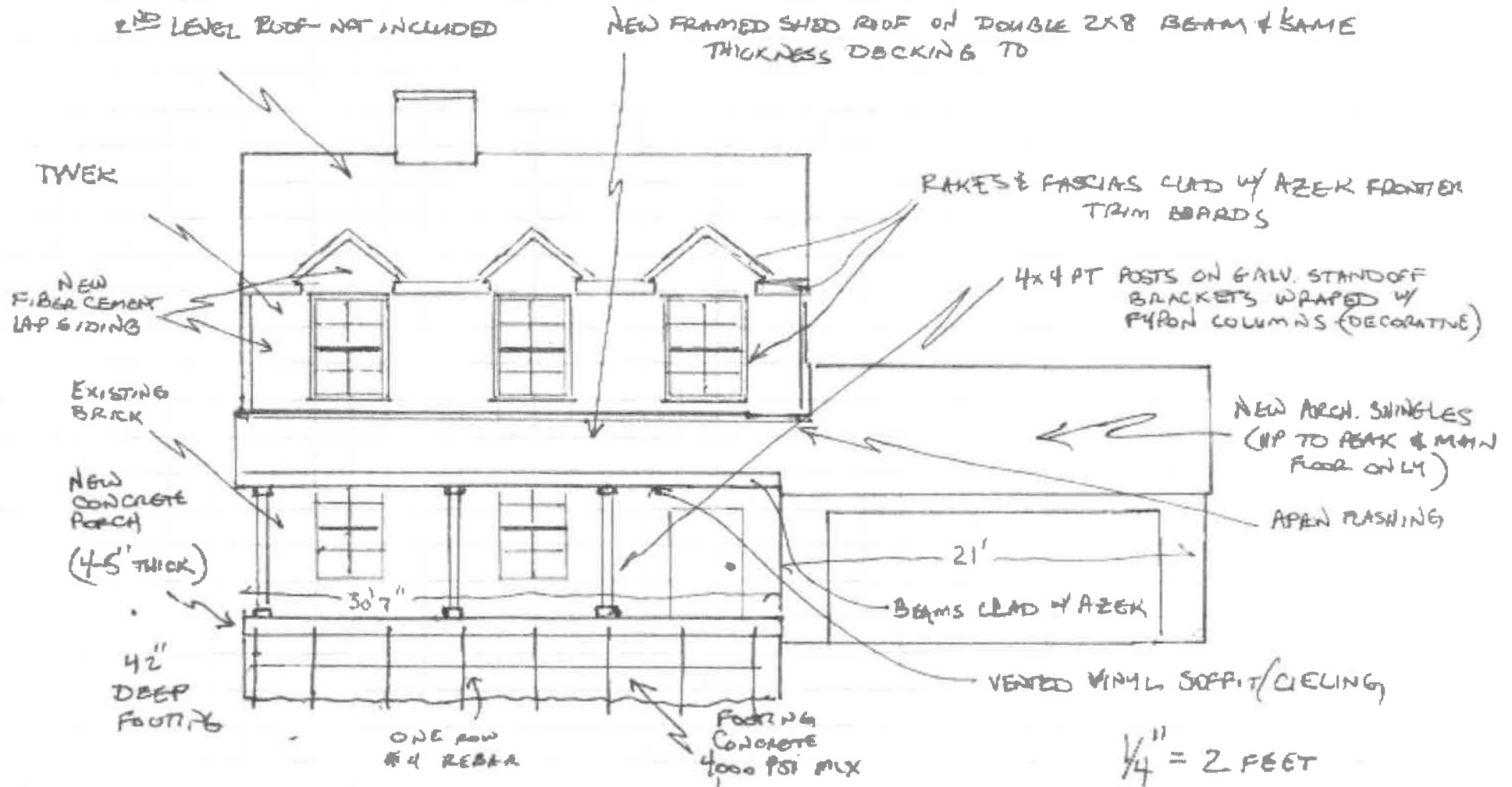
SCALE: 1" = 30'

DWG. NO.  
1 OF 1

RUMPLE  
FRONT RENOVATION / REPAIR  
843 TOTTENHAM

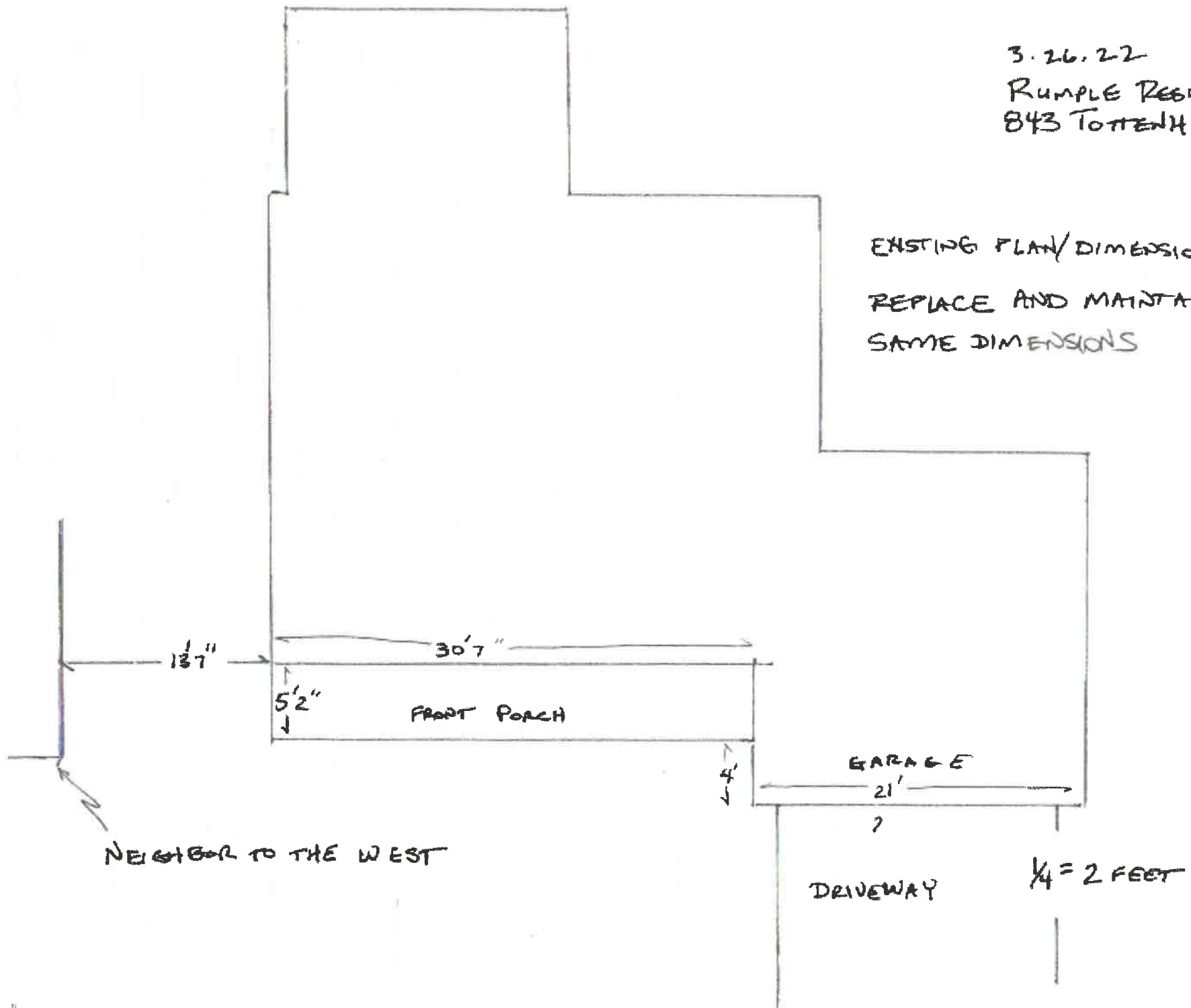
2-11-22

## REPAIR PLAN



3.26.22  
RUMPLE RESIDENCE  
843 TOTTENHAM

EXISTING PLAN/DIMENSIONS  
REPLACE AND MAINTAIN  
SAME DIMENSIONS



**843 Tottenham**

**Variance amount**









# **CASE DESCRIPTION**

## **843 CHESTNUT (22-24)**

**Hearing date: June 14, 2022**

**Appeal No. 22-24:** The owner of the property known **843 Chestnut**, requests the following variance to reconstruct the existing rear patio.

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

**Staff Notes:** The applicant is looking to rework the existing rear patio to create additional green space. The home was constructed in 2014. The patio was not on the approved plans when the home was constructed. The existing patio is non-conforming.

This property is zoned R2 – Single family residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

## 843 CHESTNUT MAP





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

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: 4.18.22  
Received By: HT

Hearing Date: 10.14.22  
Appeal #: 22-24

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

**I. PROPERTY INFORMATION:**  
Address: 843 Chestnut St      Lot Number:      Sidwell Number:

**II. OWNER INFORMATION:**  
Name: Mark Vinckier  
Address: 843 Chestnut St      City: Birmingham      State: MI      Zip code: 48009  
Email: mvinckie@gmail.com      Phone: 213-422-2814

**III. PETITIONER INFORMATION:**  
Name: Mark Vinckier      Firm/Company Name:  
Address: 843 Chestnut St      City: Birmingham      State: MI      Zip code: 48009  
Email: mvinckie@gmail.com      Phone: 213-422-2814

**IV. GENERAL INFORMATION:**  

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

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

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

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

**V. REQUIRED INFORMATION CHECKLIST:**  

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

**VI. APPLICANT SIGNATURE**  

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

Signature of Owner: [Signature]  
Signature of Petitioner: [Signature]

Date: 4-11-22  
Date: 4-11-22

Revised 12/12/2018

CITY OF BIRMINGHAM  
Date 04/18/2022 1:32:18 PM  
Ref 00190116  
Receipt 6222986  
Amount \$360.00

**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

Mark & Nicole Vinckier

843 Chestnut St.

Birmingham, MI 48009

April 11, 2022

Our family purchased our home at 843 Chestnut Street in 2019, and we are the second owners of the home. The raised patio in the backyard was put in by the previous owners and was existing to the home when we moved in. The patio has a built-in gas fireplace on one side of the patio, and a gas barbeque on the other side.

We have three young children and love being residents of the Birmingham community. We feel that the existing patio is too large for our backyard, and unfortunately, leaves our young kids with very little grass area to play. We had made the decision that we would like to remove some of the existing raised patio in order to obtain more grass area for our children to play. However, unfortunately, we recently learned while applying for a building permit, that this raised patio was put in by the previous owners without a permit and is currently installed against current ordinance/variance laws.

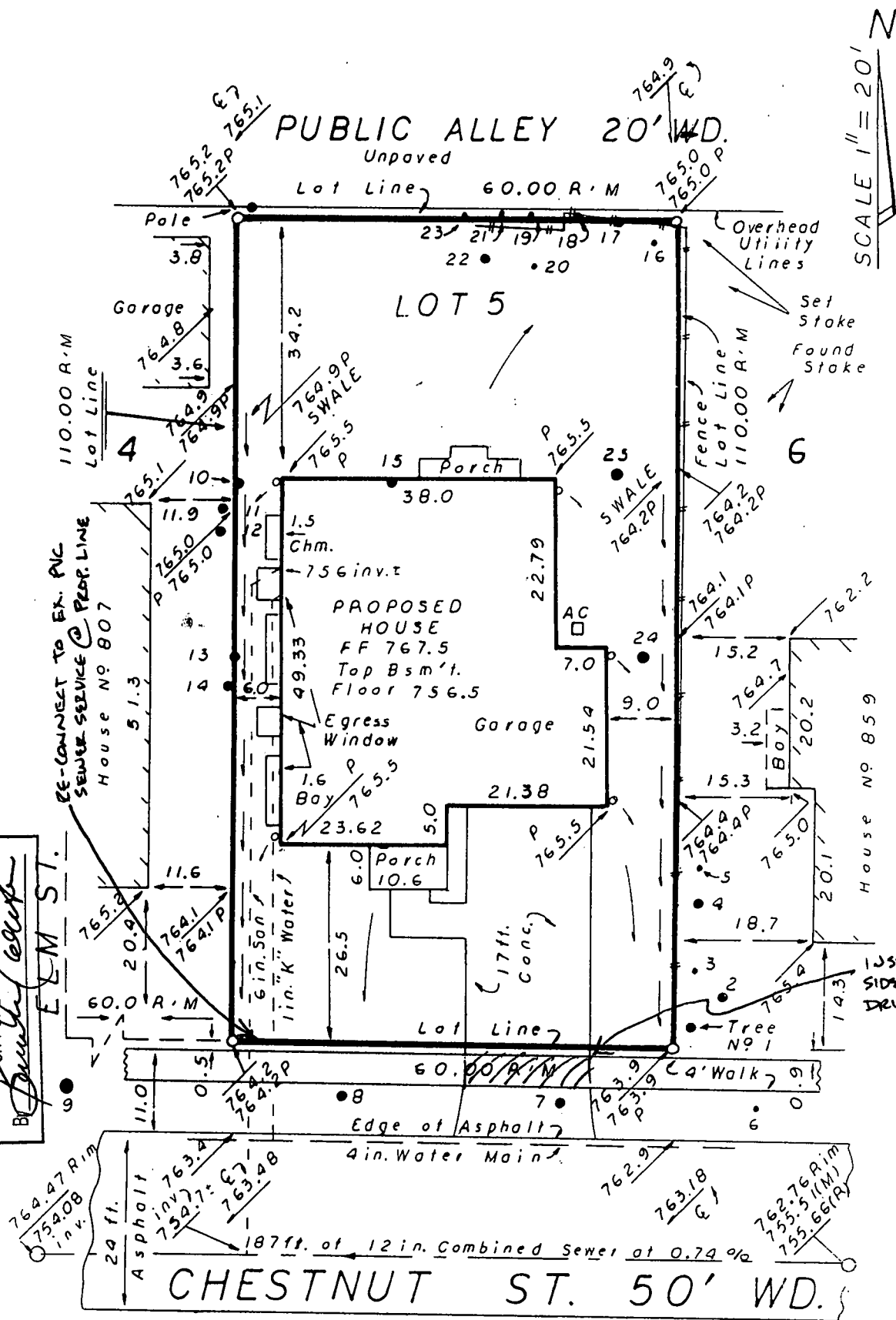
Our interest is to remove an area of the raised patio in order to obtain more safe play space for our children while leaving the gas fireplace and gas barbeque where they currently are. It is our understanding that the back side of the raised patio as it currently sits is against ordinance as it extends too far back towards the back property line. We are asking for a 1.05 ft variance from the back property line to one side of the existing patio, where the fireplace is. In order to maintain a safe space for our children and guests when the fireplace is lit, we need to keep the 6ft space around the fireplace. It is important to us to not reduce that space, creating a more dangerous/tighter distance from the outside of the patio to the fireplace.

We plan to remove 140 ft of raised patio to make room for more play space for our children. This will create a safe place for our kids to play and enjoy, while reducing the overall footprint of the patio by 140 ft in the one corner.

Thank you for considering our request, to create a safer and more enjoyable backyard for our family.

Mark & Nicole Vinckier

APPROVED  
ENGINEER VS DEPT.  
□ ASSUBMITTED □ AS NOTED  
APR 07 2014  
CITY OF BIRMINGHAM  
BY *Pitchford*



#### TREES:

No. 1	10" Spruce
2	10" Spruce
3	6" Spruce
4	12" Spruce
5	6" Spruce
6	4" Pear
7	10" Maple
8	12" Twin Maple
9	38" Maple
10	10" Box Elder
11	10" Box Elder
12	10" Box Elder
13	14" Twin Maple
14	6" Twin Box Elder
15	10" Twin Pine
16	4" Pine

17	8" Spruce
18	6" Spruce
19	6" Spruce
20	6" Spruce
21	6" Spruce
22	12" Spruce
23	8" Spruce
24	10" Spruce
25	12" Pine
Lot Area	6600 SF
House	1954 SF
Proposed Coverage	29.6%

Setbacks	
House No. 807	20.4 ft.
Subject House	
No. 859	14.3 ft.
No. 889	25.3 ft.
No. 909	35.2 ft.
No. 927	35.2 ft.
AVERAGE	26.1 ft.

\* NOTE: CITY TO INSTALL 1" WATER SERVICE TO FRONT PROPERTY LINE.

**GUARANTY SURVEY CO.**  
REGISTERED LAND SURVEYORS  
1660 ROCHESTER ROAD  
TROY, MI 48063  
ESTABLISHED 1939

RESIDENTIAL PLOT PLAN  
DATE: Feb. 24, 2014  
Job No. 190607

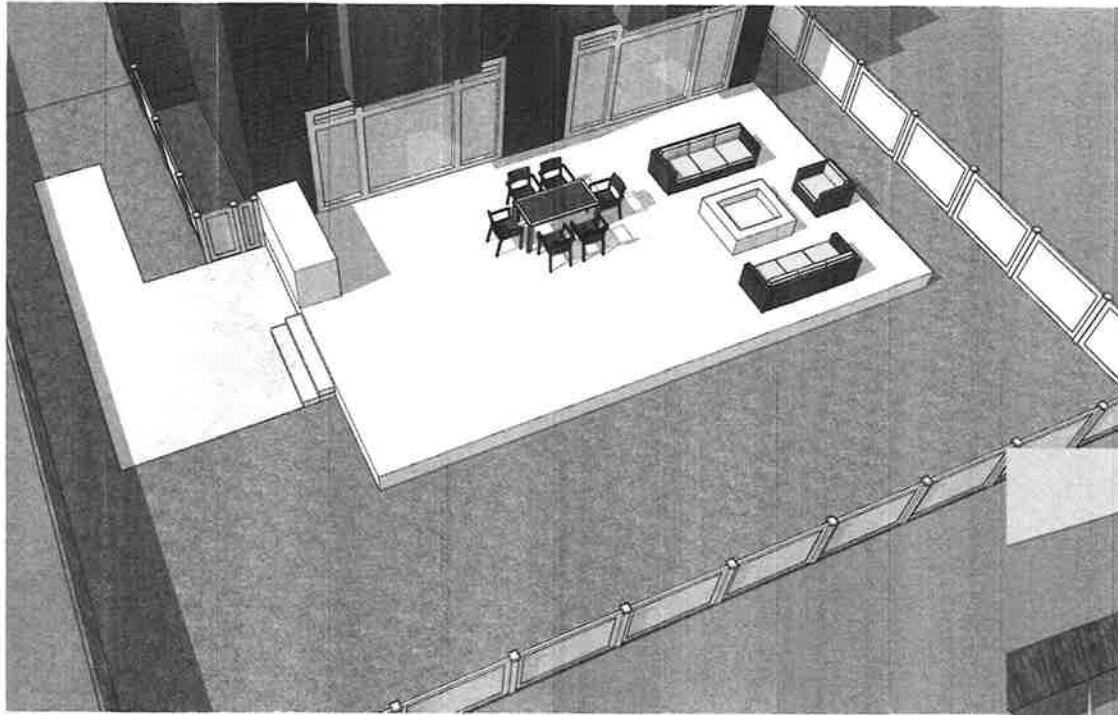
SHEET 2 of 2

House Proposed 3/7/14

PETER G. PITCHFORD  
TOM NORTHRUP

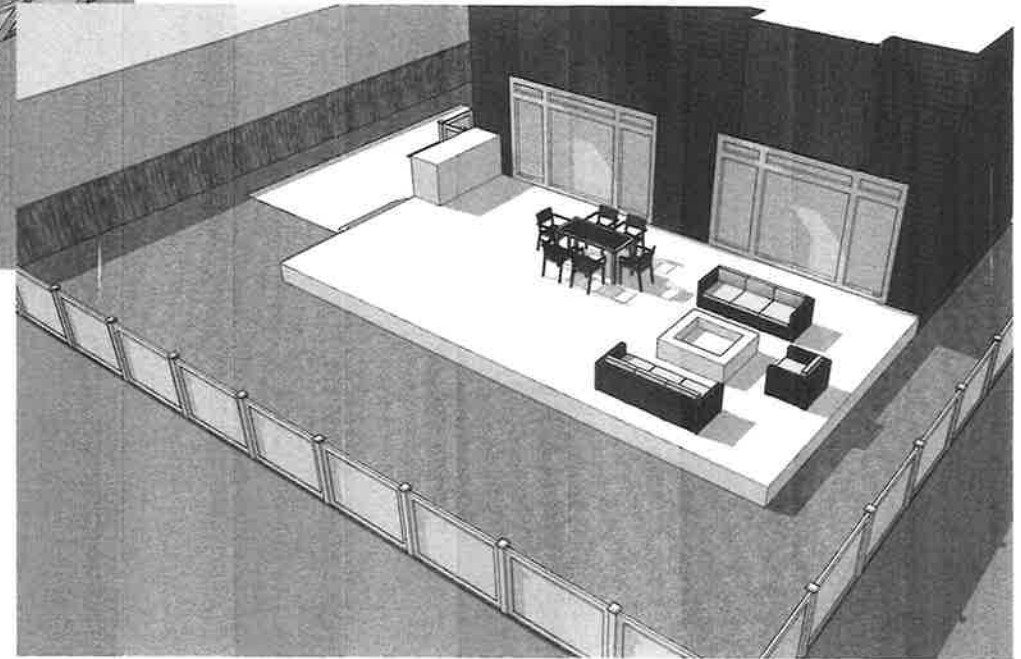
(248) 528-1717  
FAX (248) 528-1746

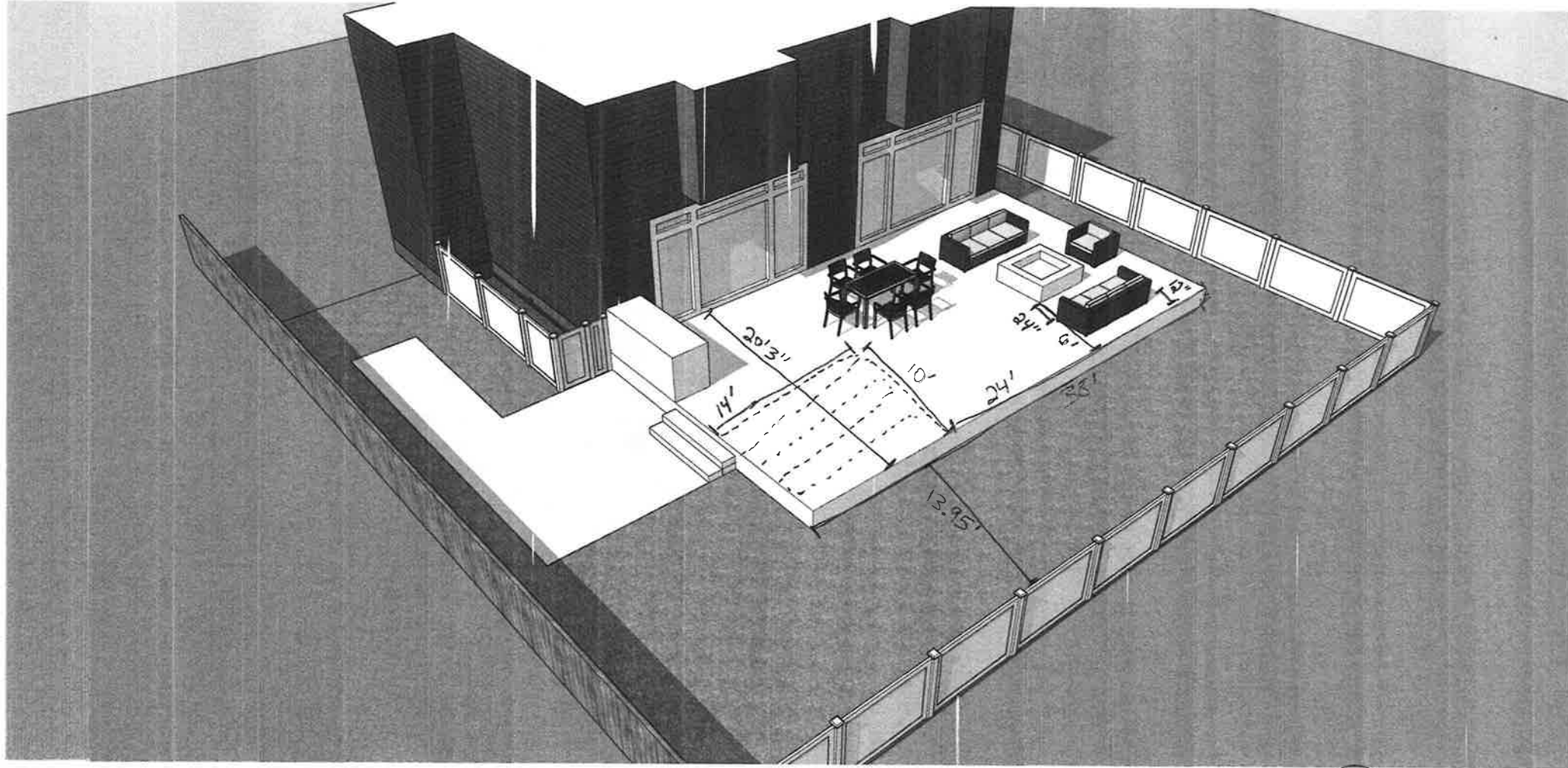




Nikki and Mark Vinckier - Backyard  
843 Chestnut Street

Existing

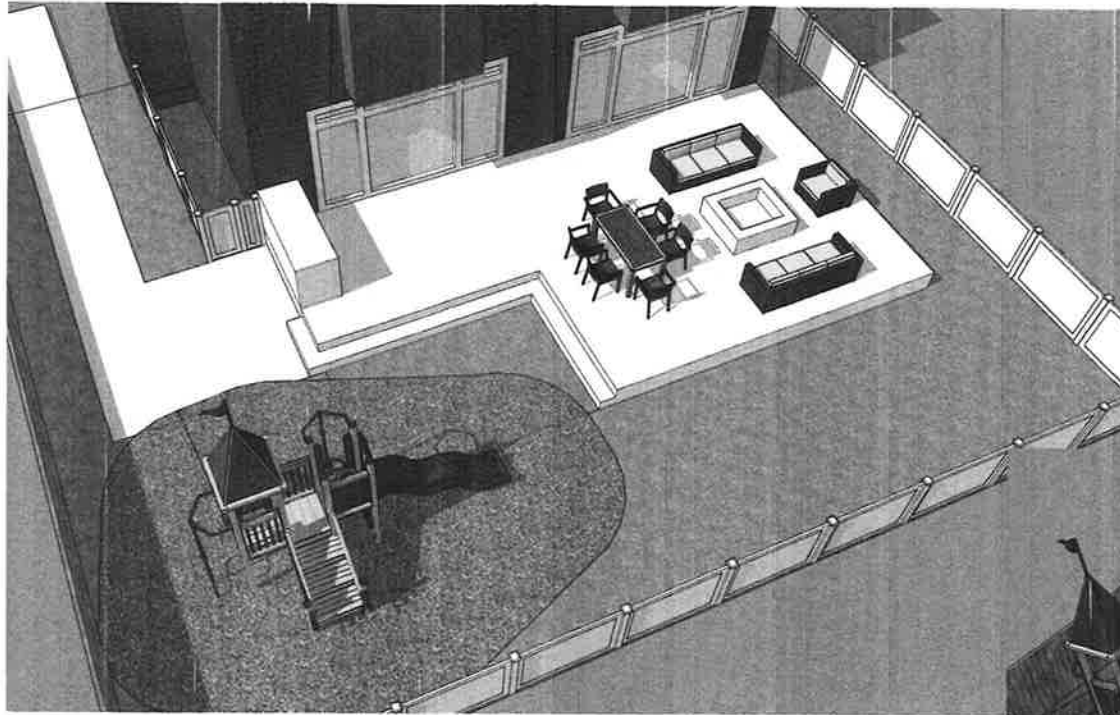




Required - 15'  
 Proposed - 13.95'  
 Variance Requested - 1.05'

Sq FT Removal - 140 ft<sup>2</sup>  
 Current height of patio - 16"

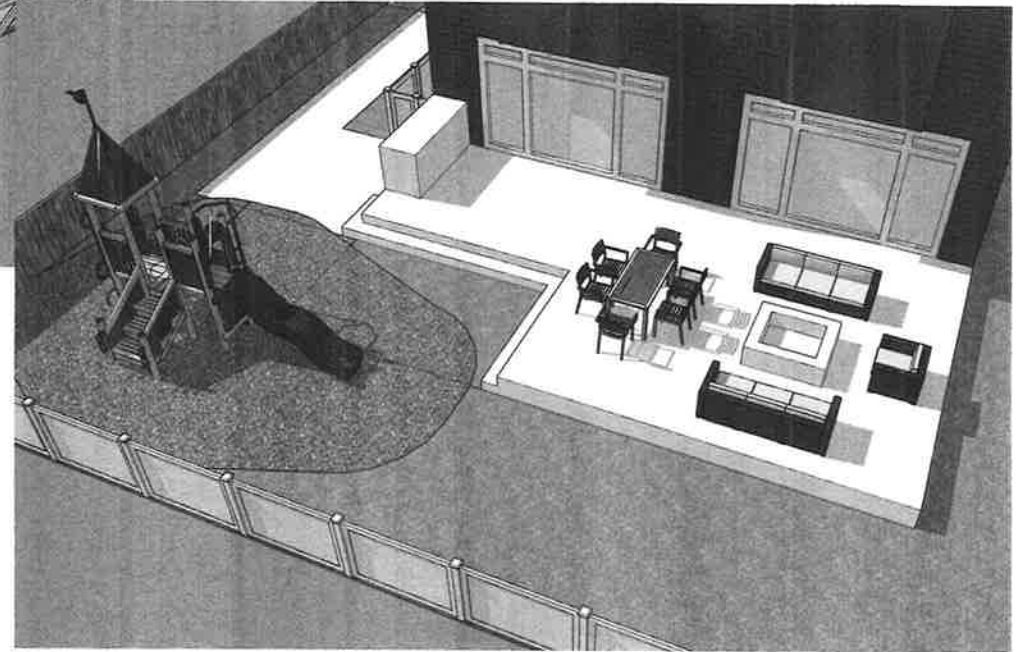
Proposed



Nikki and Mark Vinckier - Backyard  
843 Chestnut Street

Proposed

Modified Version 1  
Page 1











# **CASE DESCRIPTION**

**1511 E. MAPLE (22-25)**

**Hearing date: June 14, 2022**

**Appeal No. 22-25:** 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 19.20 feet. Therefore, a variance of 0.80 feet is being requested.

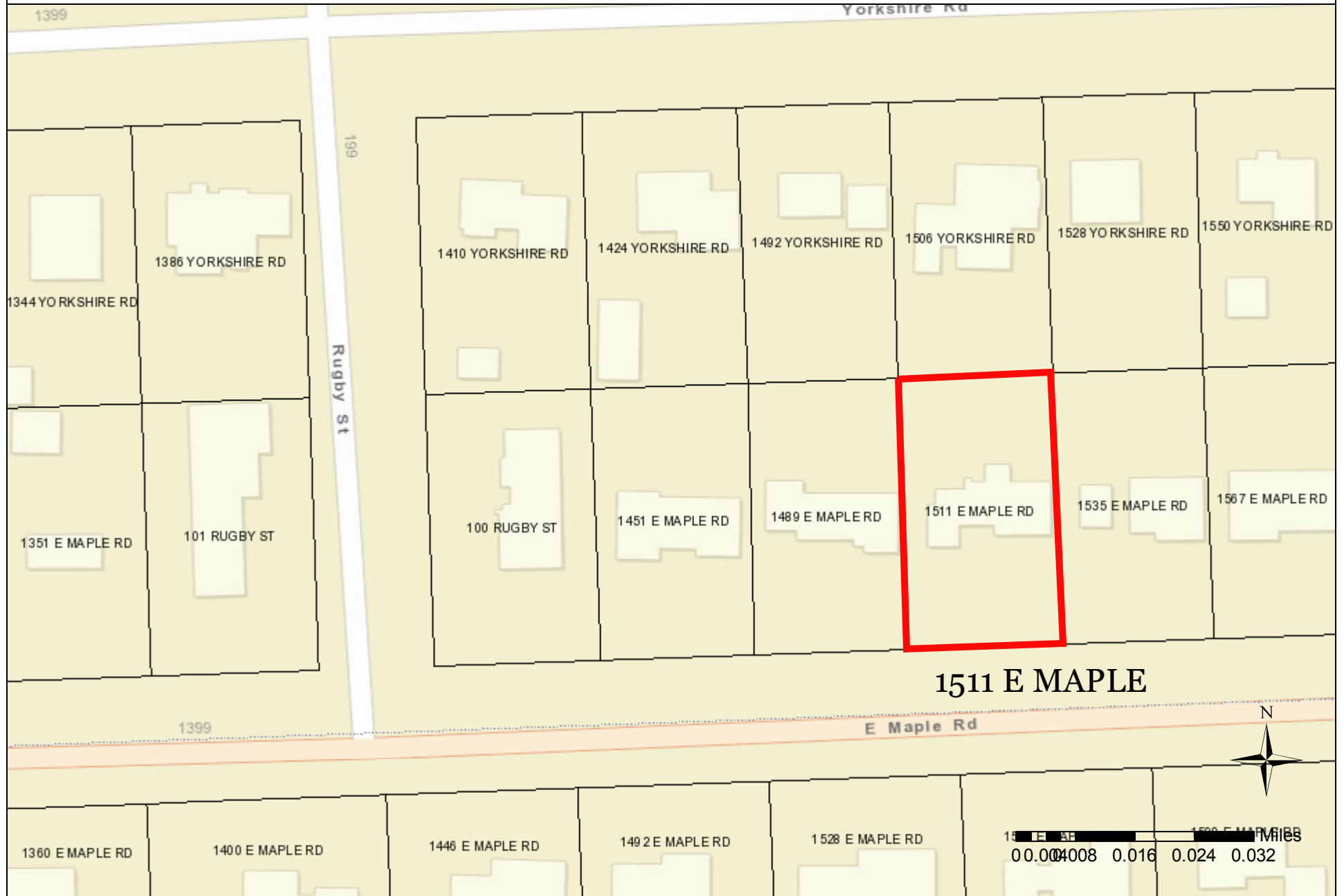
**Staff Notes:** The applicant is looking to construct a rear addition to the existing non-conforming home that was constructed in 1950.

This property is zoned R2 – Single family residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

# 1511 E MAPLE MAP





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

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: 4-22-22

Hearing Date: 10-14-22

Received By: HT

Appeal #: 22-25

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

Address: <u>1511 East Maple</u>	Lot Number:	Sidwell Number:
---------------------------------	-------------	-----------------

**II. OWNER INFORMATION:**

Name: <u>Adriana Liburdi / Jason Hurst</u>			
Address: <u>1511 East Maple</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: * <u>jasonhurst0331@gmail.com</u>		Phone: <u>734-771-0073</u>	

**III. PETITIONER INFORMATION:**

Name: <u>Jason Hurst</u>	Firm/Company Name: <u>N/A</u>		
Address: <u>Same</u>	City: <u>Same</u>	State: <u>Same</u>	Zip code:
Email:		Phone:	

**IV. GENERAL INFORMATION:**

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

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

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

*Variance Chart Example*

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

**V. REQUIRED INFORMATION CHECKLIST:**

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

**VI. APPLICANT SIGNATURE**

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

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

Signature of Owner: 

Date: 4/21/2022

Signature of Petitioner: 

Date: 4/22/22

Letter of Practical Difficulty

Address: 1511 E. Maple Birmingham, MI 48009

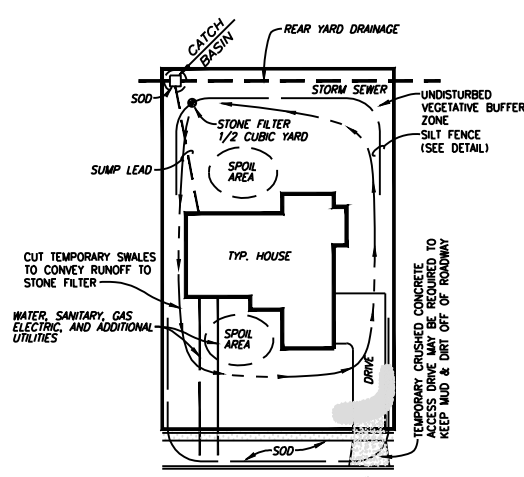
Owners: Adriana Liburdi / Jason Hurst

To facilitate a first-floor primary bedroom with walk in closet and bathroom, 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 addition will only follow the current fore-aft plane extending rearwards 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. The expansion is to allow more space and accessibility for handicapped family members and upcoming surgeries that are need of care on lower level and that climbing stairs during these times would cause a safety risk. Furthermore contracting / development of a second set of plans would cause financial hardship for the owners.

Thank you for your time and review.

Best Regards,

Adriana Liburdi and Jason Hurst



#### SEQUENCE OF CONSTRUCTION

1. EXISTING FENCE LINE SHALL BE REMOVED AND TEMPORARY SHAKES SHALL BE INSTALLED PRIOR TO EXCAVATION OF THE LOT.
2. EXISTING MATERIAL SHALL BE REMOVED FROM THE EXCAVATION, THE SILT FENCE, AND TEMPORARY SHAKES AS SHOWN.
3. THE TEMPORARY CONTROL MEASURES SHALL BE MAINTAINED AS REQUIRED. THIS WILL ALLOW A PLACE AND CONSTRUCTION IS COMPLETE, AND THE EXISTING AREA IS STABILIZED WITH VEGETATION.
4. DIRECT SURFACE RUN-OFF TOWARDS CENTER OF SILT FENCE.
5. ALLOW OPENING IN SILT FENCE FOR CONSTRUCTION TRAFFIC.
6. PRIOR TO FINAL FILL, FILLING OF EXCAVATION IN PLACE, FENCE AREA, SLOPE GREATER THAN 1% AND 10' AROUND CATCH BASINS.
7. AFTER EXCAVATION AND FILLING OF EXCAVATION, ALL SLOPES 1% OR GREATER WITH A VERTICAL OF 10' FOR TEMPORARY FILL SHALL BE STABILIZED WITH VEGETATION.

**NOTE:**  
MAY COUNTY 18 HOURS PRIOR TO EXCAVATION OF EXISTING

#### SILT FENCE DETAIL

(NO SCALE)

#### SOIL EROSION DETAILS

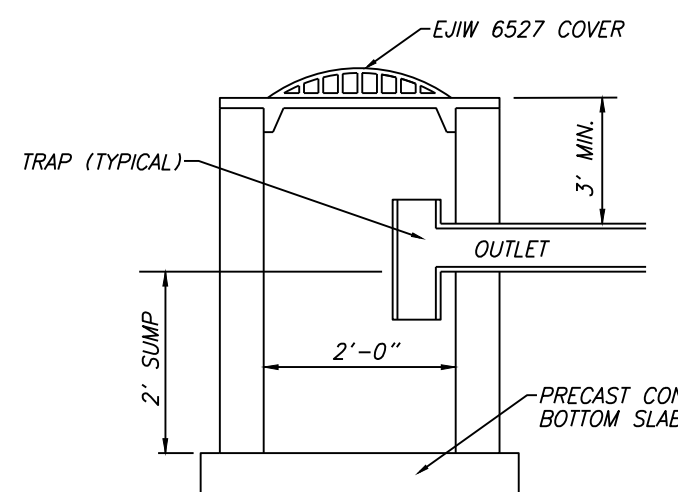
(NO SCALE)

#### NOTE:

THE CONTRACTOR IS REQUIRED TO INSPECT THE EROSION MEASURES ON A WEEKLY BASIS AND AFTER EVERY RAINSTORM

STREET NAME	HOUSE #	SETBACK	EAVE HT.	PEAK HT.
RUGBY ST.	100	49.1'	9.2'	17.5'
E. MAPLE RD.	1451	49.0'	9.4'	21.7'
E. MAPLE RD.	1489	50.6'	9.3'	17.8'
E. MAPLE RD.**	1511	51.4'	9.4'	20.3'
E. MAPLE RD.	1535	50.2'	9.5'	16.5'
E. MAPLE RD.	1567	50.4'	9.6'	17.4'
E. MAPLE RD.	1591	49.4'	9.8'	18.3'

AVERAGE SETBACK - 49.8' E. MAPLE RD.



#### 2' DIA. PRECAST INLET

(NO SCALE)

#### AREA COVERAGE

AREA OF LOT = 11,346.6 S.F.  
EX. AREA OF HOUSE = 1,637.8 S.F.  
LOT COVERAGE = 14.4%  
ARE OF DRIVE = 1,286.8 S.F.  
OPEN SPACE = 66.0%



3 WORKING DAYS  
BEFORE YOU DIG  
CALL MISS DIG  
1-800-482-7171  
(TOLL FREE) for the location  
of underground utilities

#### CAUTION

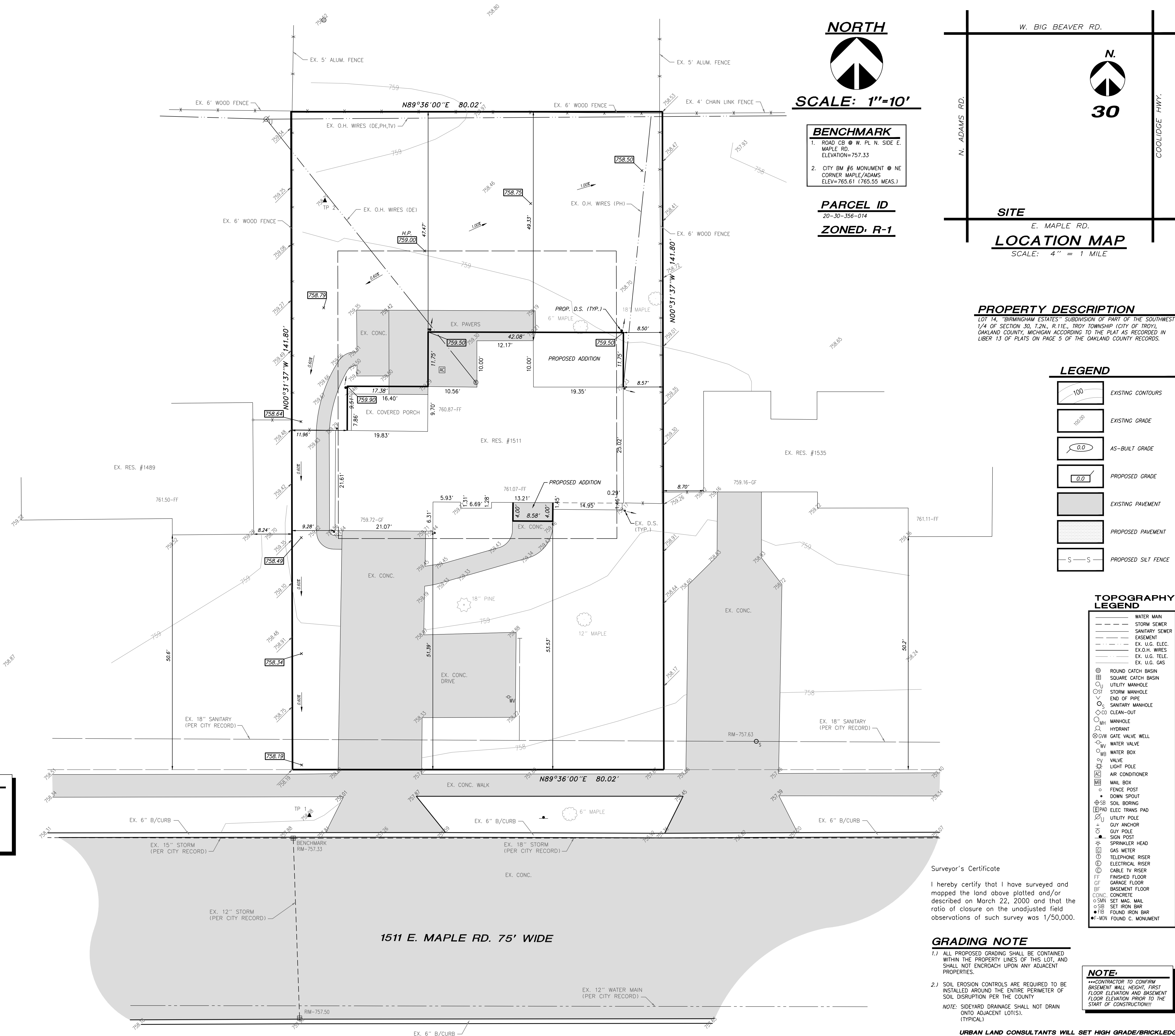
CONTRACTOR TO VERIFY GROUND WATER  
PRIOR TO CONSTRUCTION.

ULC RECOMMENDS SOIL ANALYSIS TO BE  
PERFORMED BY A PROFESSIONAL.

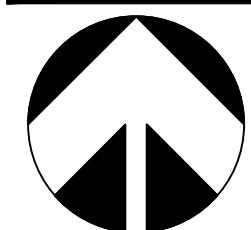
CONTRACTOR TO MONITOR EXCAVATION FOR  
SOIL/GROUND WATER CONDITIONS.

#### ATTENTION BUILDERS/CONTRACTORS

1. THIS DRAWING IS NOT INTENDED TO REPRESENT A BOUNDARY OR LOT SURVEY, AND SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES OR LOCATE IMPROVEMENTS.
2. U.L.C. ASSUMES NO RESPONSIBILITY FOR THE GIVEN BUILDING DIMENSIONS. DIMENSIONS MUST BE VERIFIED BY OWNER/BUILDER PRIOR TO CONSTRUCTION.
3. THIS PLAN SHALL NOT BE USED TO SET FOUNDATIONS. ARCHITECTURAL PLANS MUST BE USED FOR CONSTRUCTION OF FOUNDATION.
4. UPON ACCEPTANCE AND SUBMITTAL OF THIS PLAN FOR PERMITS, THE OWNER/BUILDER ACKNOWLEDGES HE HAS REVIEWED THE PLAN, AND THAT IT MEETS THE ESTABLISHED REQUIREMENTS.
5. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL CODES AND ORDINANCES THAT SHALL APPLY.
6. SETBACKS SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM THE MUNICIPALITY. ANY DEED OR SPECIAL RESTRICTIONS - (i.e. SUBDIVISION RESTRICTIONS, HOUSE SIZE, BUILDING LOCATION, etc.) MUST BE SUPPLIED TO U.L.C. IN WRITING WHEN PLOT PLAN IS ORDERED. U.L.C. WILL NOT BE RESPONSIBLE FOR INTERPRETING SUBDIVISION RESTRICTIONS.
7. U.L.C. RECOMMENDS A 50' EXTRA ALLOWANCE TO ALL MINIMUM SETBACKS. WHERE THE OWNER / BUILDER DOES NOT FOLLOW THIS RECOMMENDATION, THE OWNER / BUILDER AGREES TO HOLD U.L.C. HARMLESS FOR STRUCTURE ENCROACHMENT (S) INTO THE MINIMUM SETBACK.
8. UTILITY LEAD LOCATIONS AS SHOWN ARE APPROXIMATE. AS-BUILT LOCATIONS MUST BE OBTAINED FROM THE LOCAL MUNICIPALITY.



**NORTH**



**SCALE: 1"=10'**

#### BENCHMARK

1. ROAD CB @ W. PL. N. SIDE E. MAPLE RD. ELEVATION=757.33
2. CITY BM #6 MONUMENT @ NE CORNER MAPLE/ADAMS ELEV=765.61 (765.55 MEAS.)

#### PARCEL ID

20-30-356-014

#### ZONED: R-1

#### SITE

E. MAPLE RD.

#### LOCATION MAP

SCALE: 4" = 1 MILE

#### LEGEND

- 100 EXISTING CONTOURS
- 100.00 EXISTING GRADE
- 0.0 AS-BUILT GRADE
- 0.0 PROPOSED GRADE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PROPOSED SILT FENCE

#### TOPOGRAPHY LEGEND

- WATER MAIN
- STORM SEWER
- SANITARY SEWER
- EASEMENT
- EX. U.G. ELEC.
- EX. O.H. WIRES
- EX. U.G. TELE.
- EX. U.G. GAS
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- UTILITY MANHOLE
- STORM MANHOLE
- END OF PIPE
- SANITARY MANHOLE
- CLEAN-OUT
- MANHOLE
- HYDRANT
- GATE VALVE WELL
- WATER VALVE
- WATER BOX
- VALVE
- LIGHT POLE
- AIR CONDITIONER
- MAIL BOX
- FENCE POST
- DOWN SPOUT
- SOL. BORING
- ELEC. TRANS. PAD
- UTILITY POLE
- GUY ANCHOR
- GUY POLE
- SIGN POST
- SPRINKLER HEAD
- GAS METER
- TELEPHONE RISER
- ELECTRICAL RISER
- CABLE TV RISER
- FINISHED FLOOR
- BASMENT FLOOR
- CONC. CONCRETE
- SET MAG. MAIL
- SET IRON BAR
- FOUND IRON BAR
- FOUND C. MONUMENT

#### Surveyor's Certificate

I hereby certify that I have surveyed and mapped the land above plotted and/or described on March 22, 2000 and that the ratio of closure on the unadjusted field observations of such survey was 1/50,000.

#### GRADING NOTE

1. ALL PROPOSED GRADING SHALL BE CONTAINED WITHIN THE PROPERTY LINES OF THIS LOT, AND SHALL NOT ENCRUCH UPON ANY ADJACENT PROPERTIES.
2. SOIL EROSION CONTROLS ARE REQUIRED TO BE INSTALLED AROUND THE ENTIRE PERIMETER OF SOIL DISRUPTION PER THE COUNTY.

NOTE: SIDEYARD DRAINAGE SHALL NOT DRAIN ONTO ADJACENT LOT(S). (TYPICAL)

URBAN LAND CONSULTANTS WILL SET HIGH GRADE/BRICKLEDGE  
CONTRACTOR TO USE GRADE SET ON SITE.

#### NOTE:

CONTRACTOR TO CONFIRM  
BASEMENT WALL HEIGHT, FIRST  
FLOOR ELEVATION AND BASEMENT  
FLOOR ELEVATION PRIOR TO THE  
START OF CONSTRUCTION!!!

**PLOT PLAN**  
LOT 14  
BIRMINGHAM ESTATES  
PART OF THE S.W. 1/4 OF SECTION 30  
T.21N., R.11E., CITY OF BIRMINGHAM  
OAKLAND TOWNSHIP, MICHIGAN

BY: KG

ADDITIONS AND/OR REVISIONS

DATE 210228-10429

Job No. 210228-10429

Date 4-7-21

Scale 1" = 10'

Drawn CV

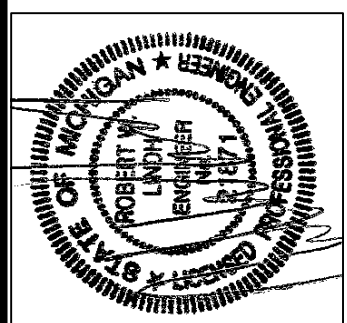
Check R. LINDH

Sheet 1 OF 1

REV. PER CITY REVIEW  
5-27-21

COMPLETED PLOT PLAN

**JASON HURST**  
1511 E. MAPLE ROAD  
BIRMINGHAM, MI 48009  
734-771-0073



PHONE 586 731-8030

URBAN LAND CONSULTANTS ©  
PLANNERS LAND SURVEYORS  
8800 23 MILE ROAD  
SHELBY TWP., MI 48316-4516



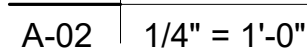








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[illegible]

OWNER

**ADRIANA  
& JASON**

1511 E. Maple St  
Birmingham, MI 48009

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Project	
1511 E. Maple St Birmingham, MI 48009	
Title	
EXISTING 2ND FLOOR PLAN	
Project number	20-01
Date	09/14/2020
Drawn by	ACS

# EXISTING 2ND FLOOR PLAN

Project number	20-01
Date	09/14/2020

Drawn by ACS

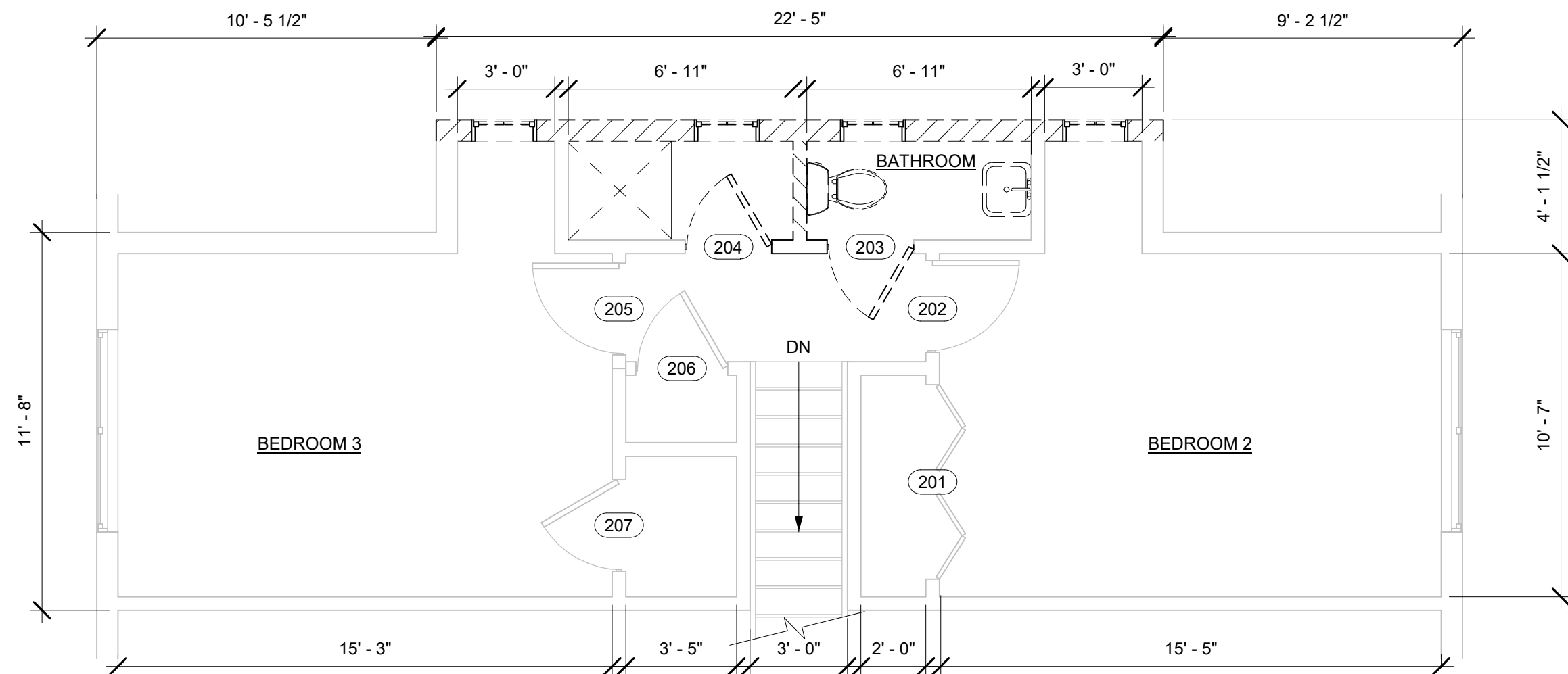
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A-03

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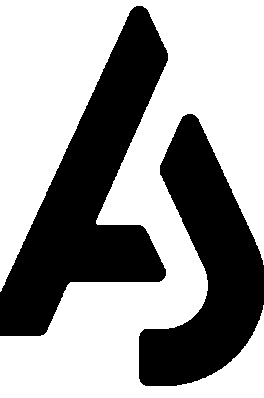
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## D1 | EXISTING 2ND FLOOR PLAN

A-03 | 1/4" = 1'-0"

[illegible]OWNER

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Birmingham, MI 48009

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Project

1511 E. Maple St  
Birmingham, MI  
48009

Title

EXISTING ROOF  
PLAN

Project number	20-01
Date	09/14/2020
Drawn by	ACS

# A-04

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☐ ☐ ☐ TO BE DEMOLISHED

 EXISTING BUILDING STRUCTURE  
TO BE DEMOLISHED



A-05	1/4" = 1'-0"
------	--------------



A-05	1/4" = 1'-0"
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OWNER

ADRIANA  
& JASON  
511 E. Maple St  
Birmingham, MI 48009

1511 E. Maple St  
Birmingham, MI 48009

Birmingham, MI 48009

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Project

1511 E. Maple St  
Birmingham, MI  
48009

Birmingham, MI

48009

Title

## EXISTING ELEVATIONS

Project number	20-01
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Date	09/14/2020
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Drawn by ACS

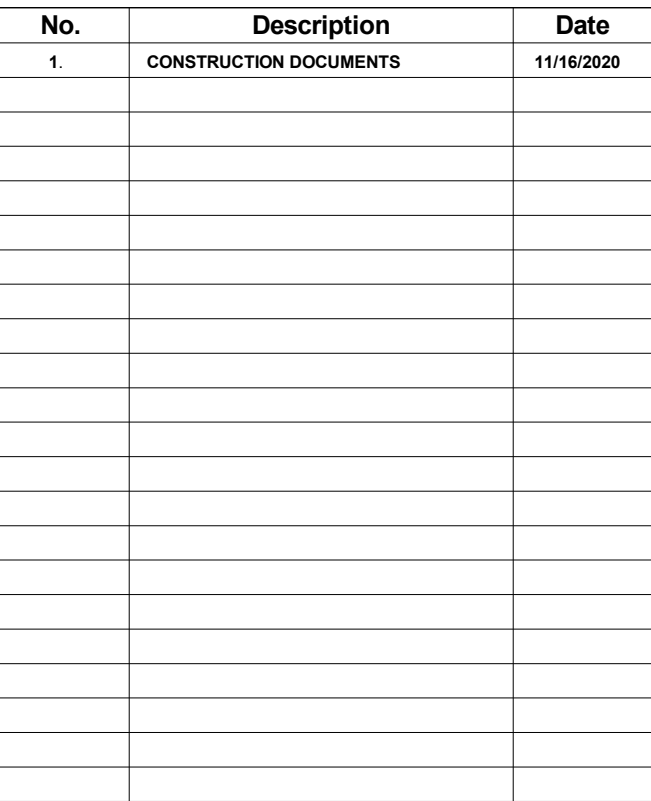
A-05

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OWNER

**ADRIANA  
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Project

1511 E. Maple St  
Birmingham, MI  
48009

EXISTING  
ELEVATIONS

Project number	20-01
Date	09/14/2020
Drawn by	ACS

A-06

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A-06	1/4" = 1'-0"
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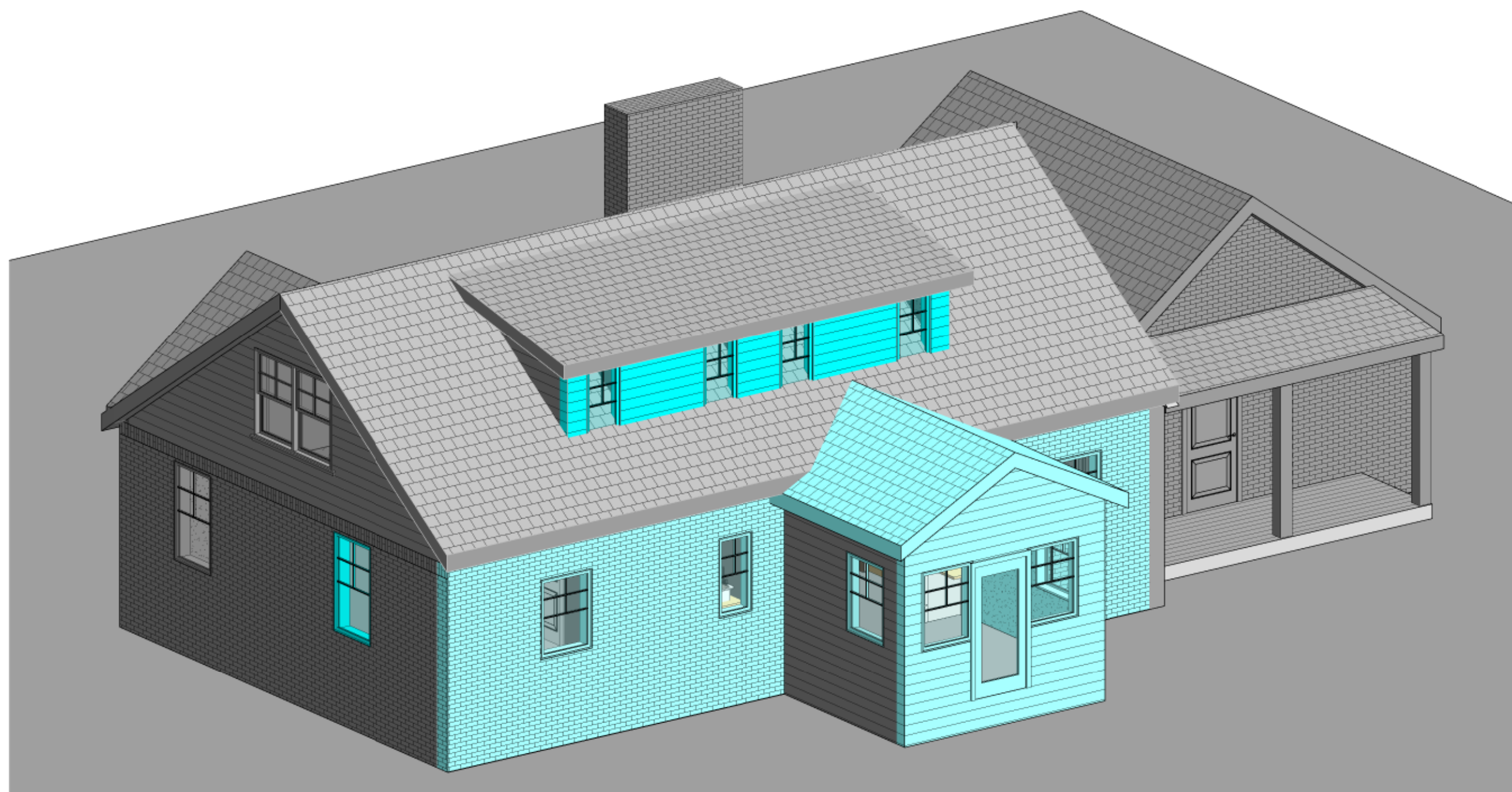
A-06	1/4" = 1'-0"
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DEMOLITION LEGEND

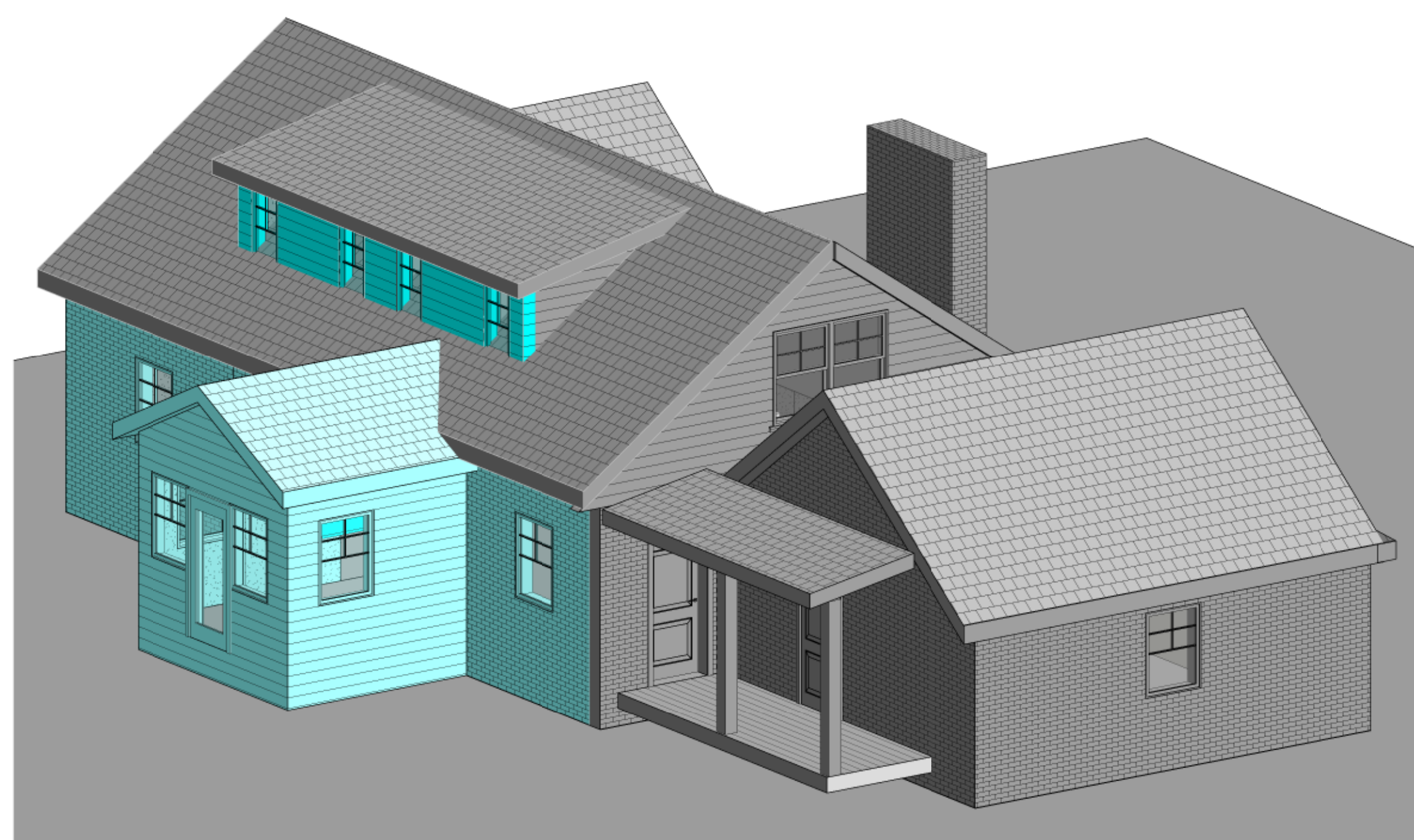
 EXISTING STRUCTURE TO REMAIN

 EXISTING STRUCTURE TO BE DEMOLISHED



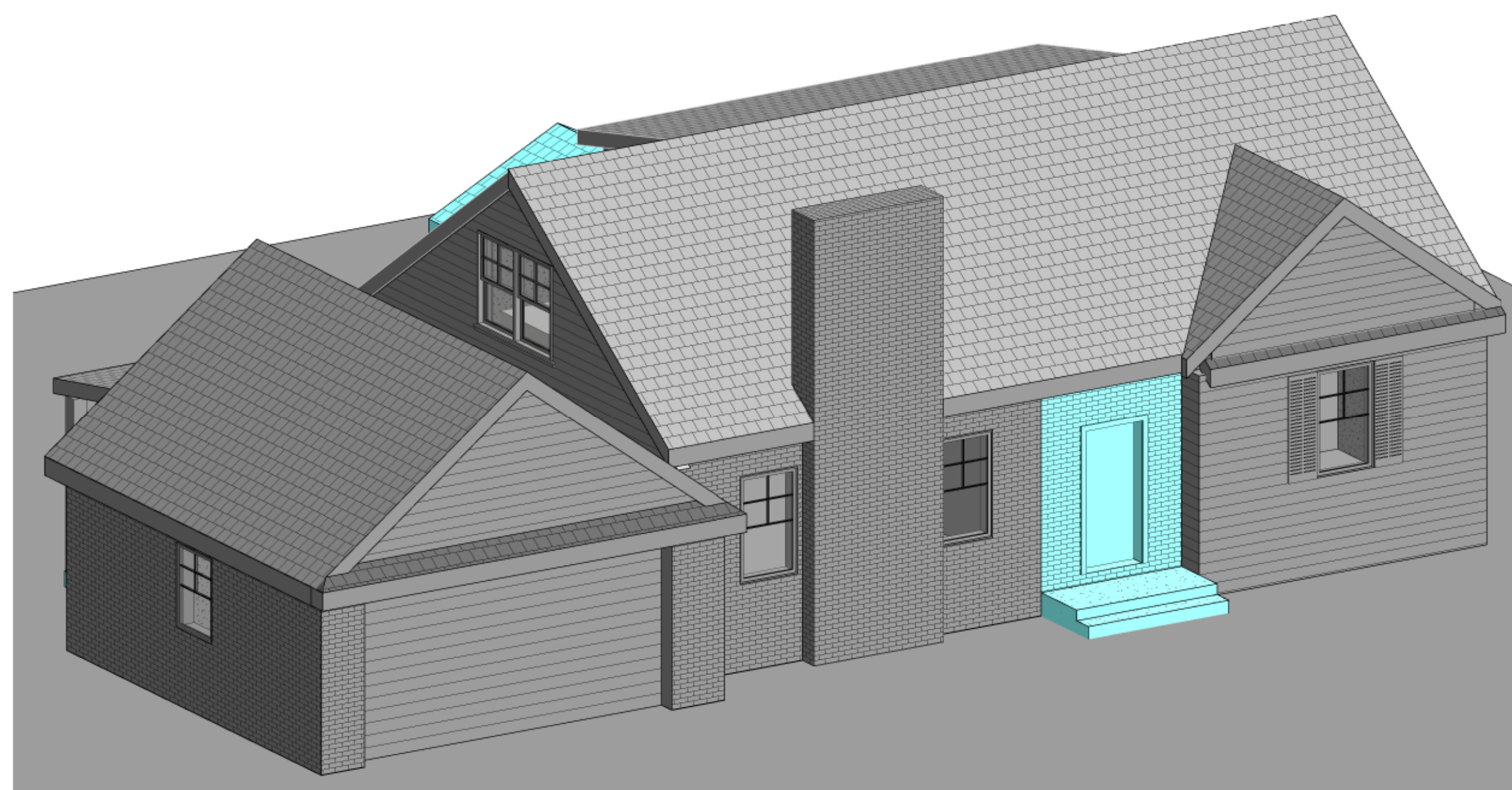
#### E4 | NORTH/EAST DEMO 3D VIEW

A-07



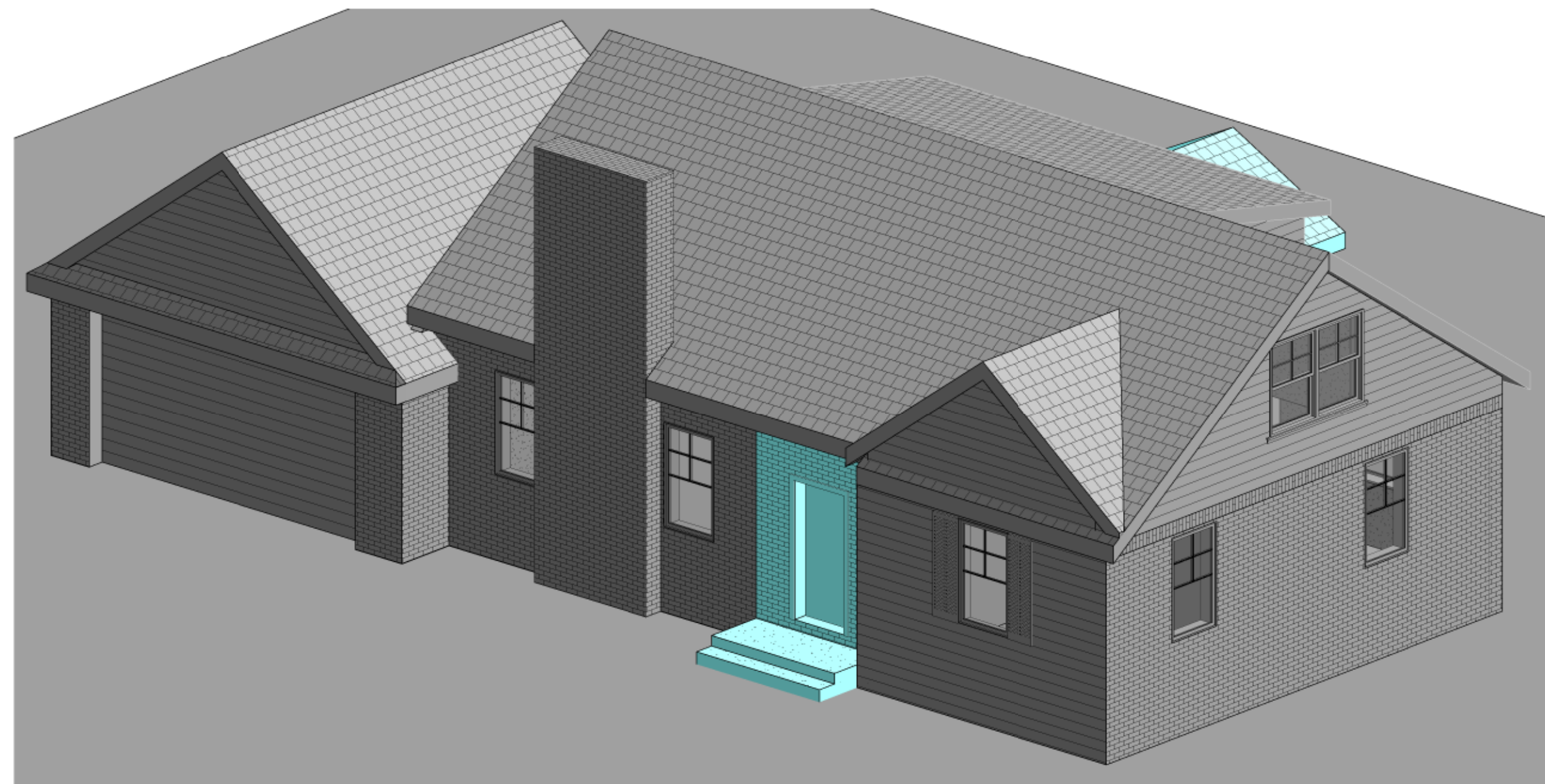
B4 | NORTH/WEST DEMO 3D VIEW

A-07



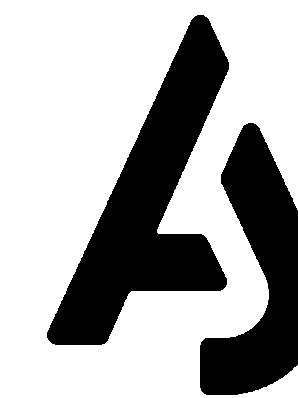
### E1 | SOUTH/WEST DEMO 3D VIEW

A-07



B1 | SOUTH/EAST DEMO 3D VIEW

A-07

[illegible]OWNER

ADRIANA  
& JASON

1511 E. Maple St  
Birmingham, MI 48009

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Project

1511 E. Maple St  
Birmingham, MI  
48009

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## DEMO 3D VIEWS

Project number

20-01

Date

09/14/2020

Drawn by

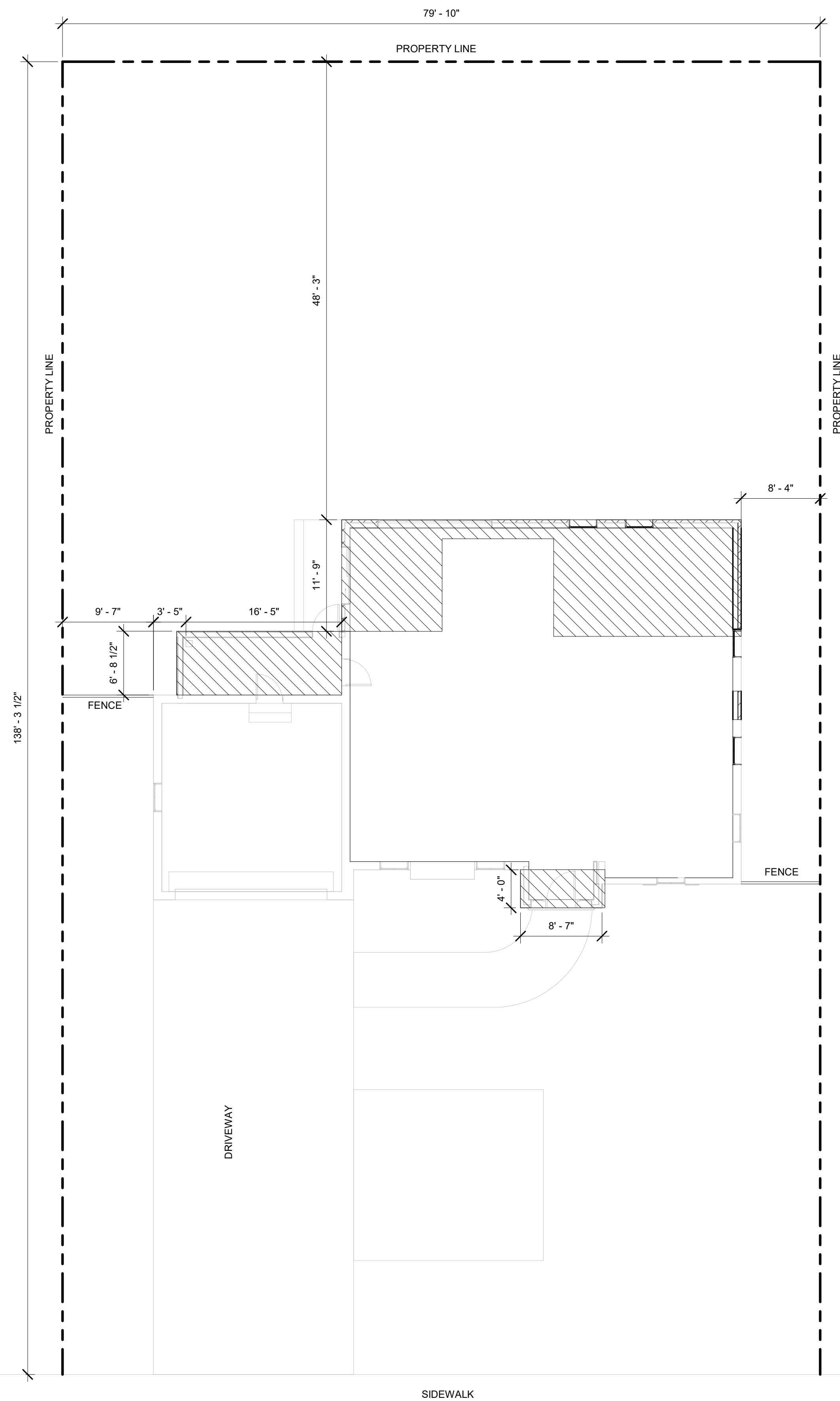
ACS

A-07

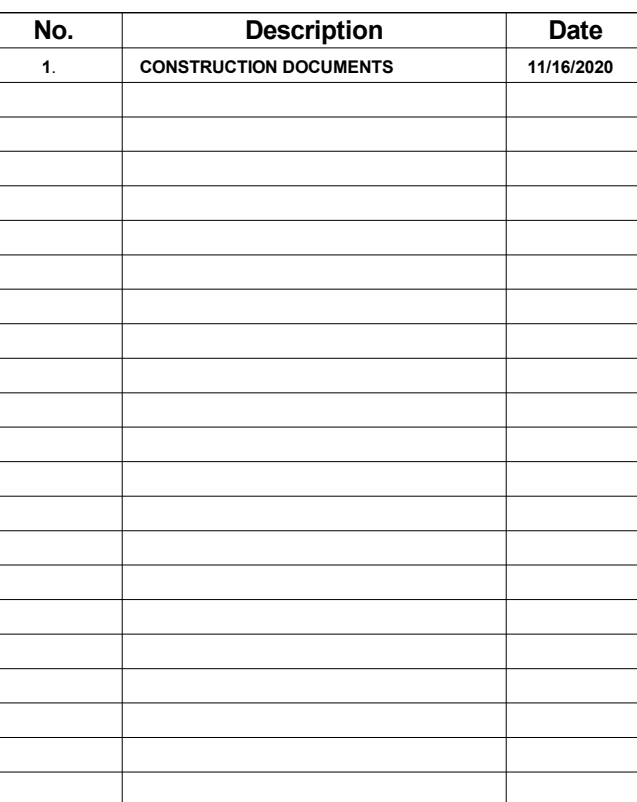
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B1	PROPOSED SITE PLAN
A-08	1/8" = 1'-0"



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& JASON  
1511 E. Maple St  
Birmingham, MI 48009

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1511 E. Maple St  
Birmingham, MI  
48009

## PROPOSED SITE PLAN

Project number	20-01
Date	09/14/2020
Drawn by	Author

A-08

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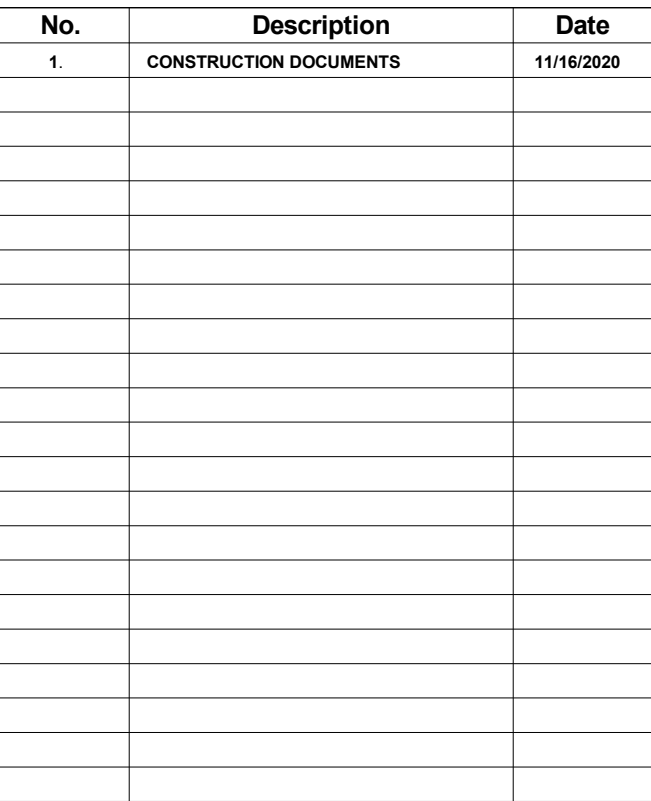
**PROPOSED 1ST FLOOR PLAN**

The plan shows a residential layout with the following rooms and features:

- Garage:** Located on the left side, measuring 21' - 7" by 21' - 1".
- Living Room:** Located in the center, measuring 17' - 11 1/2" by 26' - 2".
- Dining:** Located at the top center, measuring 10' - 0" by 10' - 0".
- Kitchen:** Located at the top right, measuring 10' - 0" by 10' - 0".
- Master Bedroom (M. Bedroom):** Located on the right side, measuring 14' - 8" by 14' - 8".
- Master Bathroom:** Located at the top right, measuring 10' - 0" by 10' - 0".
- Bathroom:** Located in the center right, measuring 10' - 0" by 10' - 0".
- Study:** Located at the bottom right, measuring 14' - 8" by 14' - 8".
- Laundry/Mud Room:** Located on the left side, measuring 10' - 0" by 10' - 0".
- Garage:** Located on the left side, measuring 21' - 7" by 21' - 1".

Other features include a new concrete floor, new tile floor, and new hardwood floor. The plan also shows various structural markers and dimensions for the overall layout.

A-09 | 1/4" = 1'-0"

[illegible]

ADRIANA  
& JASON  
511 E. Maple St  
Birmingham, MI 48009

Project	
1511 E. Maple St Birmingham, MI 48009	
Title	
PROPOSED 2ND FLOOR PLAN	
Project number	20-01
Date	09/14/2009
Drawn by	ACS

1511 E. Maple St  
Birmingham, MI  
48009

## PROPOSED 2ND FLOOR PLAN

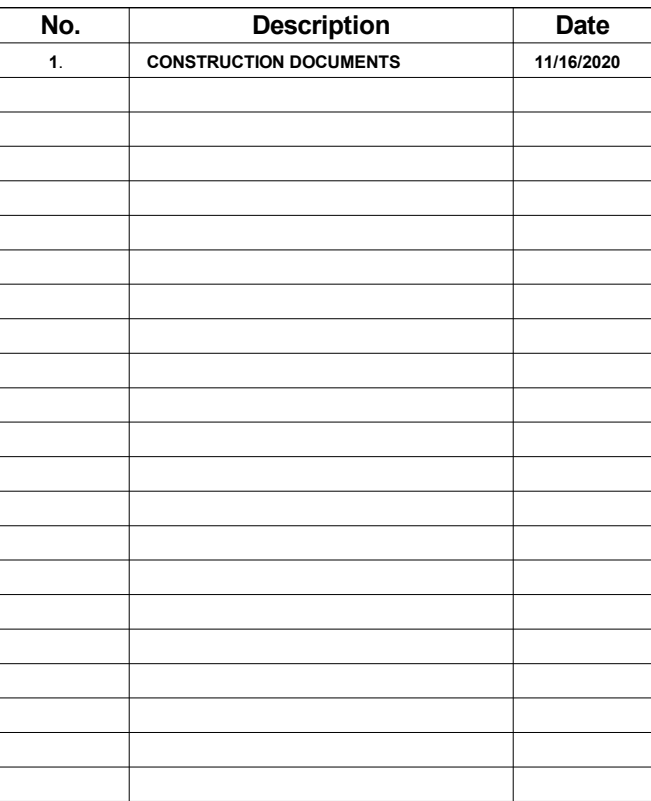
Project number	20-01
Date	09/14/2020
Drawn by	ACS

A-10

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ADRIANA  
& JASON  
1511 E. Maple St  
Birmingham, MI 48009

Project

1511 E. Maple St  
Birmingham, MI  
48009

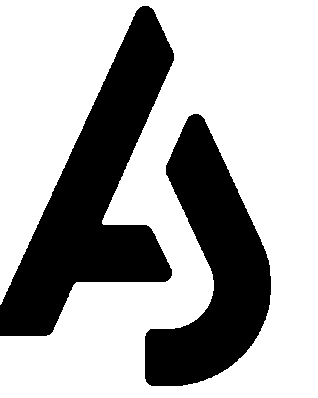
Project number	20-01
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DL: RECESSED DOWNLIGHT, CLG. MOUNTED  
PL: PENDANT LIGHT, CLG. MOUNTED  
LL: RECESSED LINEAR LIGHT, UNDER CABINETS  
SL: SCONE LIGHT, WALL MOUNTED  
EL: EXTERIOR LIGHT, WALL MOUNTED  
RL: ROUND LIGHT, CLG. MOUNTED

**NOTE:** FINAL LIGHTING LAYOUT WILL BE COORDINATED BY CONTRACTOR

[illegible]OWNER

ADRIANA  
& JASON  
1511 E. Maple St  
Birmingham, MI 48009

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Project

1511 E. Maple St  
Birmingham, MI  
48009

Title

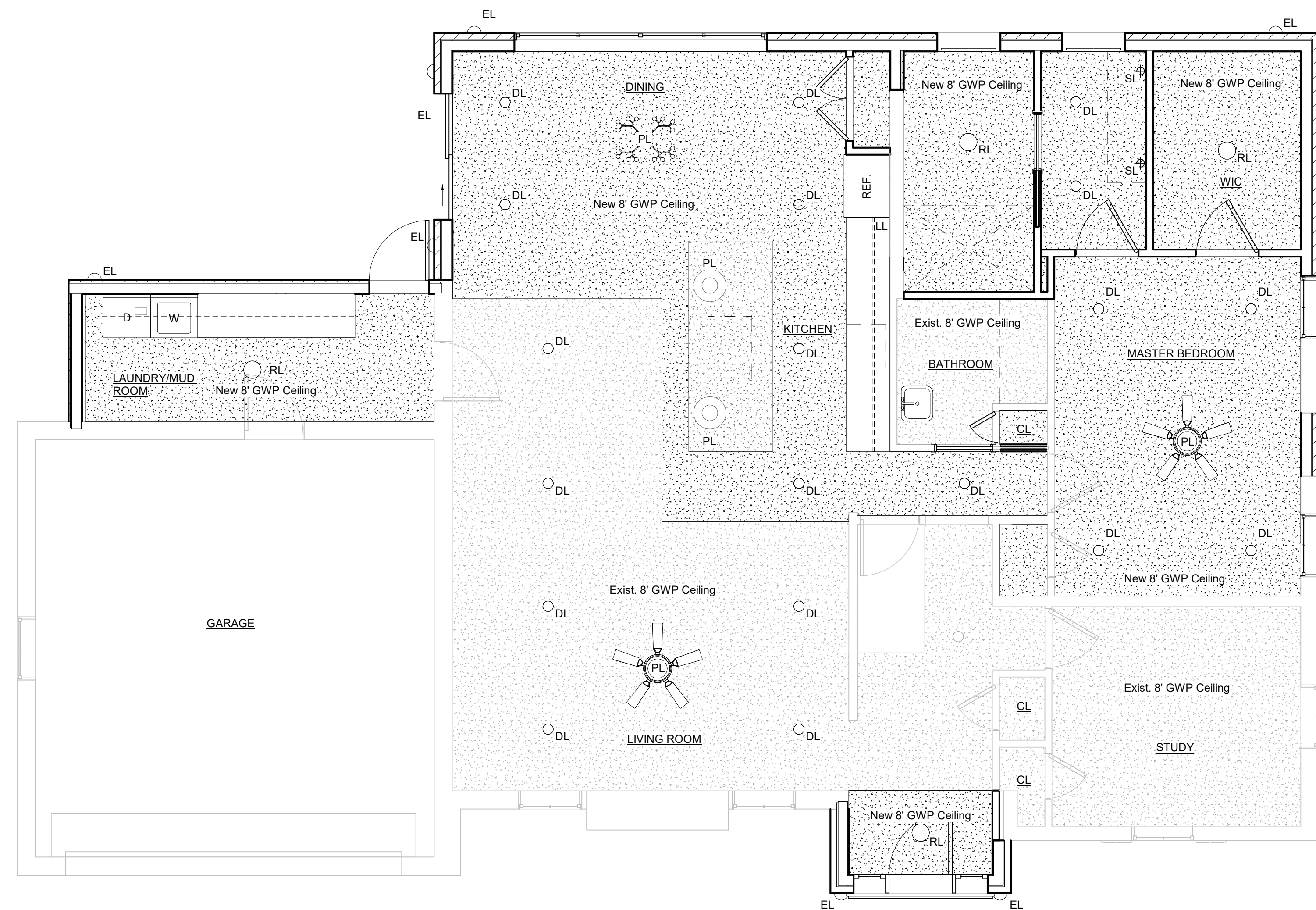
## REFLECTED CEILING PLANS

Project number	20-01
Date	09/14/2020
Drawn by	ACS

A-12

Scale:  $1/4" = 1'-0"$

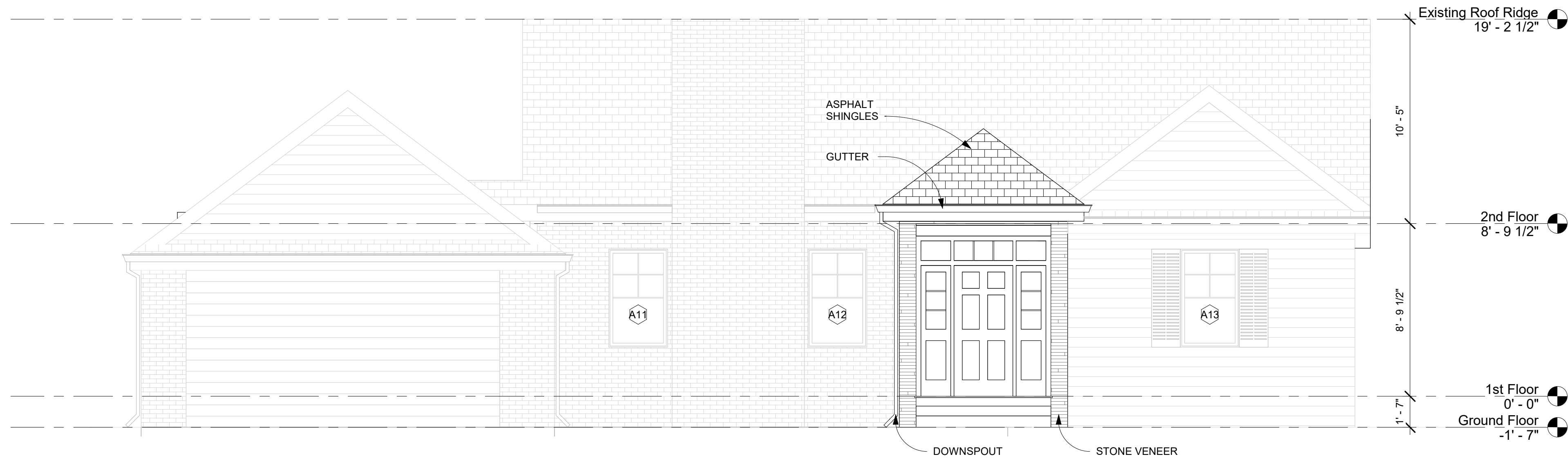
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D1 | 1ST FLOOR REFLECTED CEILING PLAN

A-12	1/4" = 1'-0"
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Architectural elevation drawing of the rear exterior of a two-story house. The drawing includes the following elements and dimensions:

- Roof:** Asphalt shingles with gutters. Existing roof ridge height is 19' - 2 1/2".
- Second Floor:** Height of 8' - 9 1/2". Features four windows labeled A27, A29, A28, and A26.
- Main Level:** Height of 8' - 9 1/2". Features three windows labeled A22, A23, and D1.
- Ground Floor:** Height of 0' - 0". Features a door and concrete steps.
- First Floor:** Height of -1' - 7". Features a downspout.
- Materials:** Brick, asphalt shingles, gutters, downspouts, concrete steps, and siding.

[illegible]

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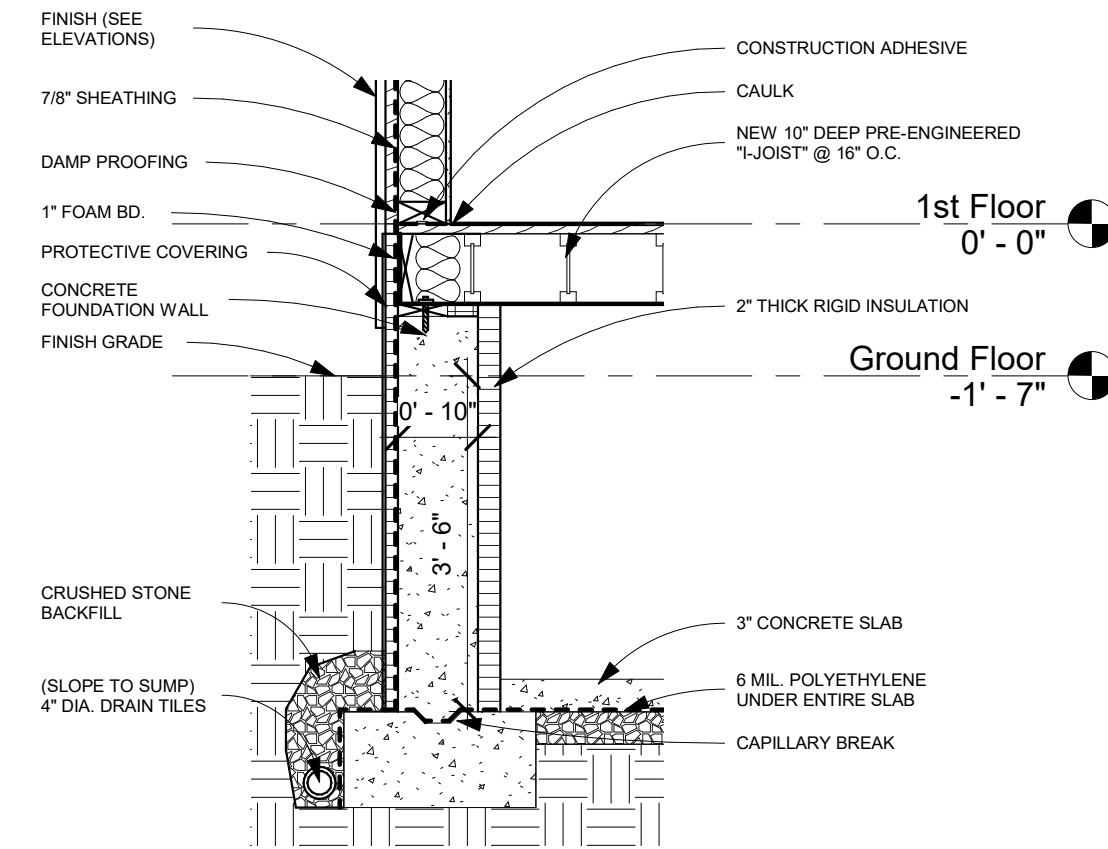
Project

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Birmingham, MI  
48009

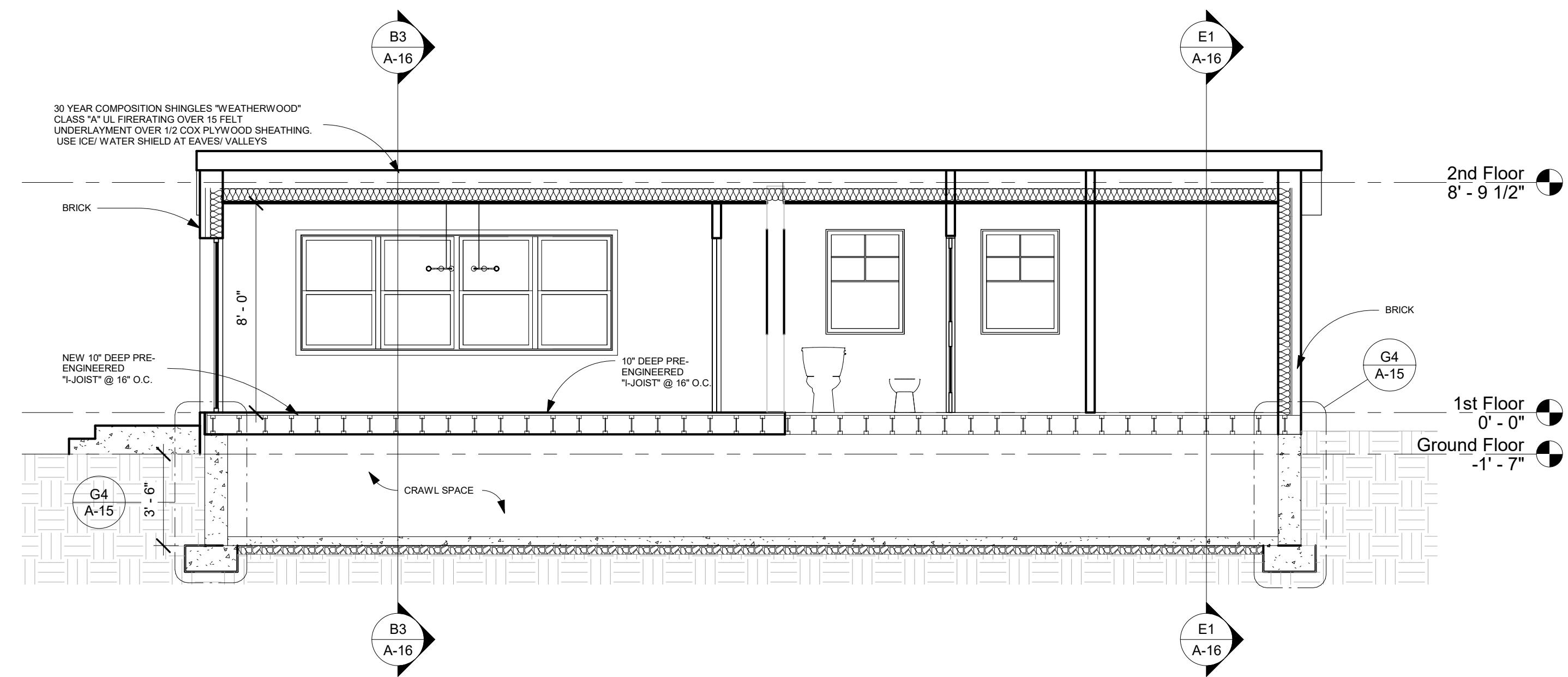
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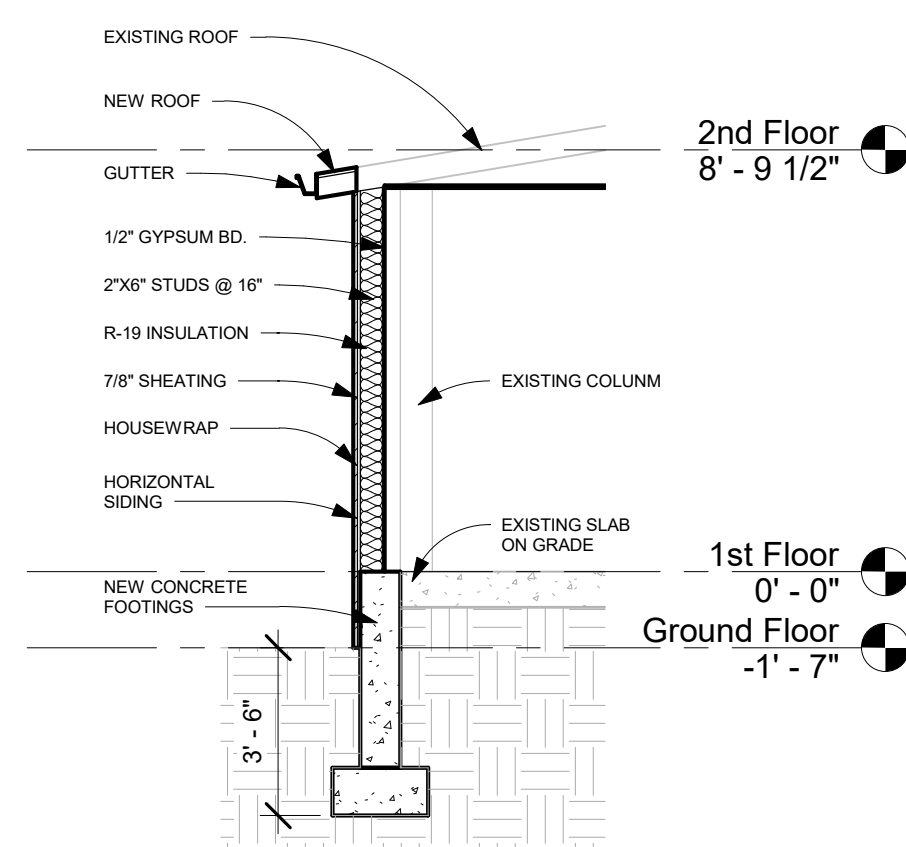




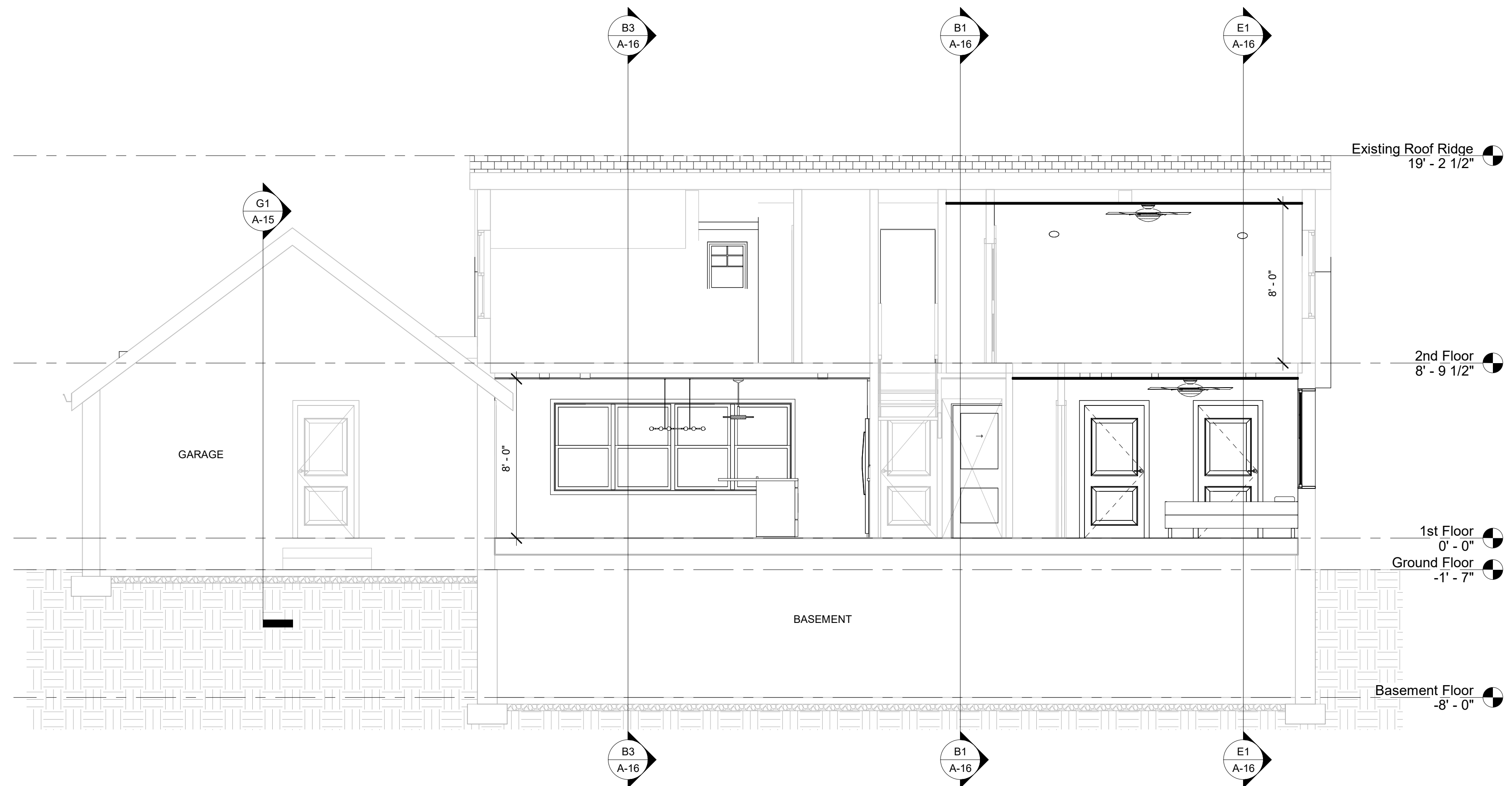
A-15	1/2" = 1'-0"
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A-15	$1/4" = 1'-0"$
------	----------------



A-15	1/4" = 1'-0"
------	--------------



A-15	1/4" = 1'-0"
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[illegible]

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Project

1511 E. Maple St  
Birmingham, MI  
48009

Title	
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## SECTIONS

Project number	20-01
Date	09/14/2020
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A-15

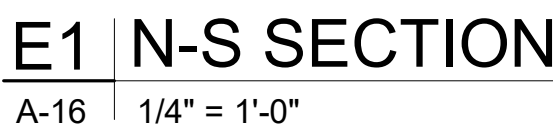
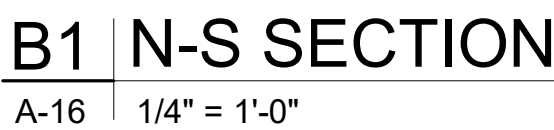
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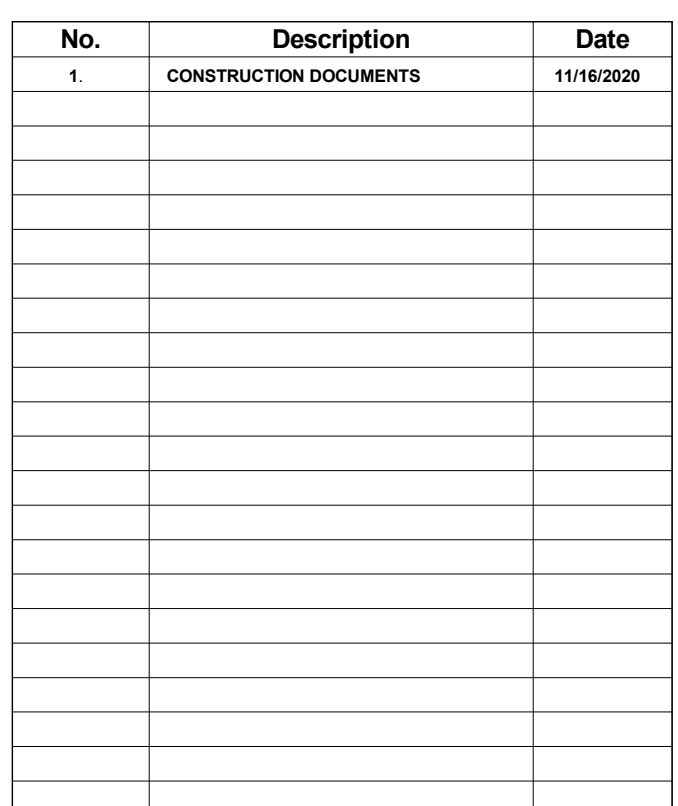
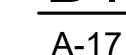
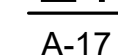
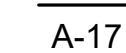
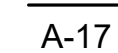
ADRIANA  
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511 E. Maple St  
Ann Arbor, MI 48106

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20-01	
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A-16	
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PROPOSED AREA 1ST FLOOR:	1,725 SF
PROPOSED AREA 2ND FLOOR:	612 SF
<u>GARAGE:</u>	<u>430 SF</u>
<b>TOTAL:</b>	<b>2,767 SF</b>



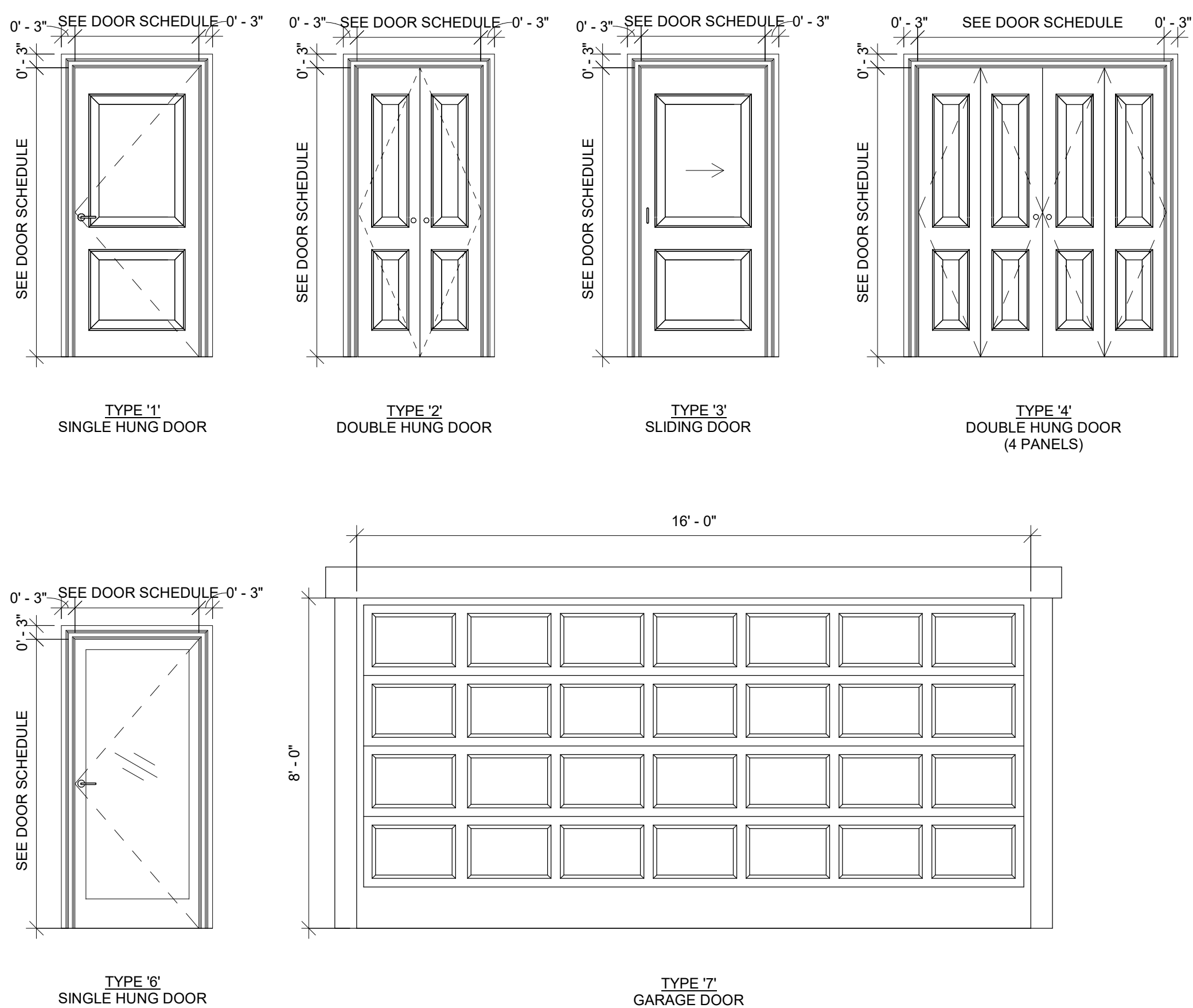
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## WINDOW TYPES



## DOOR TYPES



## WINDOW SCHEDULE

Mark	Family	Type	Height	Width	Sill Height	Material	Finish	Comments
A1	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	-	-	Existing window to be removed
A2	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	-	-	Existing window to be removed
A3	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	-	-	Existing window to be removed
A4	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	-	-	Existing window to be removed
A5	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	-	-	Existing window to be removed
A6	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	-	-	Existing window to be removed
A10	Single hung window	A	4' - 0"	3' - 0"	2' - 0"	-	-	Existing window to remain
A11	Single hung window	A	5' - 0"	3' - 0"	2' - 6"	-	-	Existing window to remain
A12	Single hung window	A	5' - 0"	3' - 0"	2' - 6"	-	-	Existing window to remain
A13	Single hung window	A	5' - 0"	3' - 0"	2' - 6"	-	-	Existing window to remain
A14	Single hung window	A	5' - 0"	3' - 0"	2' - 6"	-	-	Existing window to remain
A15	Single hung window	A	5' - 0"	3' - 0"	2' - 6"	-	-	Existing window to be removed
A16	Single hung window	A	3' - 0"	2' - 0"	3' - 6"	-	-	Existing window to be removed
A17	Single hung window	A	3' - 0"	2' - 0"	3' - 6"	-	-	Existing window to be removed
A18	Single hung window	A	3' - 0"	2' - 0"	3' - 6"	-	-	Existing window to be removed
A19	Single hung window	A	3' - 0"	2' - 0"	3' - 6"	-	-	Existing window to be removed
A21	Single hung window	A	4' - 0"	2' - 0"	3' - 0"	-	-	Existing window to be removed
A22	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	Fiberglass	Prefinished painted	
A23	Single hung window	A	4' - 0"	3' - 0"	3' - 0"	Fiberglass	Prefinished painted	
A24	Single hung window	A	5' - 0"	3' - 0"	2' - 6"	Fiberglass	Prefinished painted	
A25	Single hung window	A	5' - 0"	3' - 0"	2' - 6"	Fiberglass	Prefinished painted	
A26	Single hung window	F	2' - 6"	2' - 0"	3' - 7"	Fiberglass	Prefinished painted	
A27	Single hung window	F	2' - 6"	2' - 0"	3' - 7"	Fiberglass	Prefinished painted	
A28	Single hung window	F	2' - 6"	2' - 0"	3' - 7"	Fiberglass	Prefinished painted	
A29	Single hung window	F	2' - 6"	2' - 0"	3' - 7"	Fiberglass	Prefinished painted	
B1	Slider window (2 panels)	B	4' - 5"	6' - 3"	2' - 3"	-	-	Existing window to remain
B2	Slider window (2 panels)	B	4' - 5"	6' - 3"	2' - 3"	-	-	Existing window to remain
D1	Slider window (4 panels)	D	4' - 6"	12' - 0"	2' - 4"	Fiberglass	Prefinished painted	

## DOOR SCHEDULE

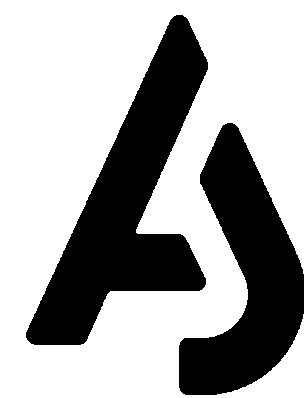
Mark	Family	Type Mark	Height	Width	Material	Finish	Comments
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### 1st Floor

101	Single door	1	6' - 8"	3' - 0"	-	-	Existing door to be removed
102	Garage door	7	8' - 0"	16' - 0"	-	-	Existing door to remain
103	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to remain
104	Single door	1	6' - 8"	2' - 10"	Wood	Stain	Existing door to be replaced
105	Double door	2	6' - 8"	3' - 0"	-	-	Existing door to be removed
106	Single Glass door	6	6' - 8"	3' - 0"	-	-	Existing door to be removed
107	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to remain
108	Single door	1	6' - 8"	2' - 8"	-	-	Existing door to be removed
109	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 remain
112	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to remain
113	Single door	1	6' - 8"	2' - 2"	-	-	Existing door to remain
114	Single door	1	6' - 8"	2' - 2"	-	-	Existing door to remain
115	Entrance door	5	6' - 8"	3' - 0"	Wood	Stain	
116	Single Glass door	6	6' - 8"	2' - 10"	Wood	Stain	
117	Sliding glass door	8	6' - 8"	6' - 0"	Fiberglass	Prefinished painted	
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	

## 2nd Floor

201	Bifold 4 panel door	4	6' - 0"	6' - 0"	-	-	Existing door to remain
202	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to remain
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 remain
206	Single door	1	6' - 8"	2' - 10"	-	-	Existing door to remain
207	Single door	1	6' - 0"	2' - 10"	-	-	Existing door to remain
208	Sliding door	3	6' - 8"	2' - 8"	Wood	Stain	

[illegible]

OWNER

ADRIANA  
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Project

1511 E. Maple St  
Birmingham, MI  
48009

Title

DOOR/ WINDOW  
SCHEDULES

Project number	20-01
Date	09/14/2020
Drawn by	ACS

A-18

Scale:  $\frac{3}{8}'' = 1'-0''$

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