

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

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

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

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

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. ANNOUNCEMENTS**

a) The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple layered masks for attendees.

**4. APPROVAL OF THE MINUTES**

a) February 14, 2023

**5. APPEALS**

	Address	Petitioner	Appeal	Type/Reason
1)	592 W LINCOLN	MOSHER DESIGNS	23-07	DIMENSIONAL
2)	967 SOUTHFIELD	KETTY	23-09	DIMENSIONAL
3)	600 FAIRFAX	HRH DESIGN	23-10	DIMENSIONAL
4)	300 SHIRLEY	LEATHERMAN	23-11	DIMENSIONAL
5)	2648 DORCHESTER	BABI	23-12	DIMENSIONAL <b>POSTPONED</b>
6)	463 GOLFVIEW	BALLEW DESIGNS	23-13	DIMENSIONAL

**6. CORRESPONDENCE**

**7. GENERAL BUSINESS**

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

**9. ADJOURNMENT**

**Title VI**

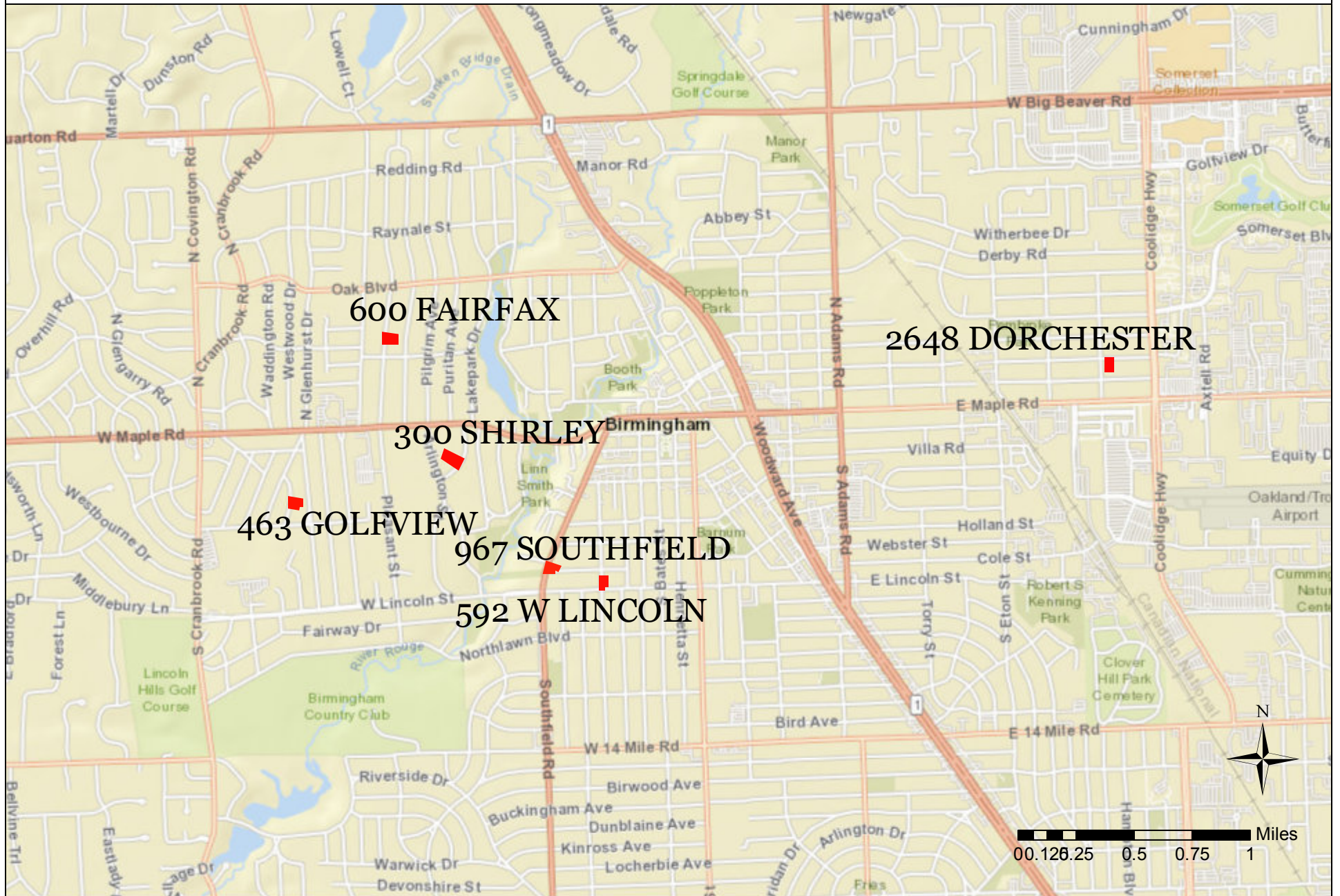
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

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

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

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

# MARCH BZA MAP



**Birmingham Board Of Zoning Appeals Proceedings  
Tuesday, February 14, 2023  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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**1. Call To Order**

Minutes of the special meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, February 14, 2023. Chair Morganroth convened the meeting at 7:30 p.m.

**2. Rollcall**

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

**Absent:** Board Member Richard Lilley

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

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

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

**3. Announcements**

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

**4. Approval Of The Minutes Of The BZA Meetings Of January 10, 2022**

**T# 02-07-23**

**Motion by VC Canvasser**

**Seconded by Mr. Reddy to accept the Minutes of the BZA meeting of January 10, 2022 as submitted.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**5. Appeals**

**T# 02-08-23**

**1) 832 Ann  
Appeal 23-08**

Toni Ratliff, appellant, requested that her appeal be postponed. She said she was recently made aware that a third variance would be necessary and needed more time to prepare.

**Motion by VC Canvasser**

**Seconded by Mr. Hart to adjourn 832 Ann to the April 2023 meeting.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**T# 02-09-23**

**2) 584 Tooting Lane  
Appeal 23-02**

ABO Zielke presented the item, explaining that the owner of the property known as 584 Tooting Lane was requesting the following variances to reconstruct the second floor and roof of an existing nonconforming detached garage:

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

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

Staff answered informational questions from the Board.



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

In reply to Board inquiry, Mr. Ableson stated:

- The driveway was removed since the angle at which it entered the garage made the driveway unusable;
- The pitch of the proposed design would be the same as the pitch of the roof; and,
- Adding an internal stairway would reduce the non-conformity by 75 sq. ft.

**Motion by Mr. Miller**

**Seconded by Mr. Kona with regard to Appeal 23-02, A. Chapter 126, Article 4, Section 4.03(H) of the Zoning Ordinance requires the maximum area of the first floor of any accessory structure in the R2 zoning district is 550.00 SF and per Section 4.30(C)(6) permits an additional 75.00 SF for having an interior staircase. Therefore, the accessory structure can be 625.00SF. The existing and proposed is 747.50 SF. Therefore, a variance of 122.50 SF is being requested; and, B. Chapter 126, Article 4, Section 4.03(B) of the Zoning Ordinance requires that accessory structures shall be at least 3.00 feet from any lot line. The existing and proposed on the southeast side is 0.00 feet. Therefore, a variance of 3.00 feet is being requested.**

**Mr. Miller moved to approve the variance requests and tied approval to the plans as submitted. He stated the problem was not self-created and was due to the unique circumstances of the property. He noted that the existing garage did not comply with the present ordinance. He noted that the garage was in need of maintenance, that the owner was making improvements to the garage, and that the owner was somewhat mitigating the variance in terms of the roof overhang. He said granting the variances would do substantial justice to the petitioner and to the neighborhood.**

**The Chair noted that the addition of the internal stairs also mitigated the non-conformity.**

**Mr. Miller concurred.**

**Motion carried, 7-0.**

**ROLL CALL VOTE**

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

Nays: None

**3) 1616 Croft  
Appeal 23-04**

ABO Zielke presented the item, explaining that the owner of the property known as 1616 Croft was requesting the following variances regarding a pergola and impervious surfaces to an existing non-conforming home:

- A. Chapter 126, Article 4, Section 4.03(H)** of the Zoning Ordinance requires the maximum area of the first floor of any accessory structure in the R2 zoning district is 550.00 SF. The existing detached garage is 528.00 SF. The constructed pergola brings the structures to 662.00 SF. Therefore, a variance of 112.00 SF is being requested.
- B. Chapter 126, Article 4, Section 4.03(D)** of the Zoning Ordinance requires that an accessory structure shall not be closer than 10.00 feet to the principal building located on the same lot. The constructed pergola is 4.50 feet away from principle house. Therefore, a variance of 5.50 feet is being requested.
- C. Chapter 126, Article 4, Section 4.03(A)** of the Zoning Ordinance requires that no accessory structure shall be erected in the required front or side open space. This is a corner lot and per Section 6.61(A)1; A Corner lot which has on its side street an abutting an interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 35.90 feet. The constructed pergola is 2.80 feet. Therefore, a variance of 33.10 feet is being requested.
- D. Chapter 126, Article 4, Section 4.30 (C) (3)** of the Zoning Ordinance requires that patios, porches or decks may not project into the required side open space. The patio is in the required side open space. Therefore, a variance to permit a patio in the side open space of 35.90 feet is being requested.

Staff answered informational questions from the Board.

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

In reply to Board inquiry, Mr. Sarna stated:

- If these variances were not approved, he might return with a smaller variance request for the left corner of the lot given the lot's shape; and,
- He had a dry fire extinguisher for the outdoor barbeque, and since the adjacent wall was brick it did not pose a risk of catching fire as long as the pergola was removed.

#### Public Comment

Mary Milton spoke on behalf of Bernice Betterndorf, neighbor at 1741 Tory.

In reply to Ms. Milton, the Chair noted that 1616 Croft did not exceed the allowed amount of impervious material on the property. He noted that if Ms. Milton had further concerns about water accumulation at 1741 Tory, she could contact the Building Department to discuss her concerns.

Seeing no further public comment, conversation returned to the Board.

Mr. Miller said there seemed to be two separate issues: the pergola and the paving plus the built-in barbeque. He said the pergola would be very difficult to allow, given its proximity to the house

and its non-conforming location. He said the paving may be somewhat different since it was invisible from the street by virtue of being fenced in.

The Chair noted that BO Johnson said the outdoor barbeque could possibly be preserved but might require variances because of the lot shape, size, or because it may exceed the amount of accessory structure allowed on the lot. He noted the Board was unlikely to approve an accessory structure in the setback.

Mr. Miller said he would be more comfortable with a more straightforward appeal that requested exactly what the owner was hoping to preserve, rather than the extraneous aspects included in the present appeal.

The Chair said the Board should opine on all four proposed variances since the work was already complete. He said the appellant could then return with a substantially different request once the Board had ruled on the present appeal.

**Motion by VC Canvasser**

**Seconded by Mr. Reddy with regard to Appeal 23-04, A. Chapter 126, Article 4, Section 4.03(H) of the Zoning Ordinance requires the maximum area of the first floor of any accessory structure in the R2 zoning district is 550.00 SF. The existing detached garage is 528.00 SF. The constructed pergola brings the structures to 662.00 SF. Therefore, a variance of 112.00 SF is being requested; B. Chapter 126, Article 4, Section 4.03(D) of the Zoning Ordinance requires that an accessory structure shall not be closer than 10.00 feet to the principal building located on the same lot. The constructed pergola is 4.50 feet away from principle house. Therefore, a variance of 5.50 feet is being requested; C. Chapter 126, Article 4, Section 4.03(A) of the Zoning Ordinance requires that no accessory structure shall be erected in the required front or side open space. This is a corner lot and per Section 6.61(A)1; A Corner lot which has on its side street an abutting an interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 35.90 feet. The constructed pergola is 2.80 feet. Therefore, a variance of 33.10 feet is being requested; and, D. Chapter 126, Article 4, Section 4.30 (C) (3) of the Zoning Ordinance requires that patios, porches or decks may not project into the required side open space. The patio is in the required side open space. Therefore, a variance to permit a patio in the side open space of 35.90 feet is being requested.**

**VC Canvasser moved to deny the variance requests. He expressed sympathy for the appellants and noted that any portion of the pavers that is allowed within the ordinance should be allowed to remain. He asked the City to provide a path towards compliance as opposed to requiring that everything non-compliant be removed immediately.**

**BO Johnson said the Building Department would work with the appellant to bring their lot into compliance, which could include redesigns and further variance requests.**

**Mr. Reddy commented that the homeowners made these changes to their lot in good faith and the contractor did not seek the required permits. He hoped the City would be tolerant in giving the appellant an opportunity to correct the issues.**

**Mr. Miller said that while sometimes limited allowances could be made for a corner lot, this request had too many complexities. He expressed sympathy for the appellants as well. He said he would support the motion.**

**In reply to Mr. Hart, it was confirmed that there were only four variance requests being considered: A, B, C, and D.**

**Mr. Hart said he would not support the motion.**

**The Chair said that while he had sympathy for the appellants, homeowners also have a responsibility to reach out to the City and to confirm that their planned work would be code and ordinance compliant. He said doing so was a means for homeowners to protect their own interests. He said he would support the motion.**

**Motion carried, 6-1.**

ROLL CALL VOTE

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

Nays: Hart

## **6. Correspondence**

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

## **8. Adjournment**

No further business being evident, the Board motioned to adjourn at 8:50 p.m.



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**

**592 W. Lincoln (23-07)**

**Hearing date: March 14, 2023**

**Appeal No. 23-07:** The owner of the property known **592 W. Lincoln**, requests the following variances for a constructed Pergola:

A. Chapter 126, Article 2, Section 2.10.1 of the Zoning Ordinance requires the maximum lot coverage of the lot is 30% (1936.92 SF). The existing is 30.80% (1989.00 SF). The proposed with the pergola is 32.80% (2120.55 SF). Therefore, a variance of 2.80% (183.63 SF) is being requested.

B. Chapter 126, Article 4, Section 4.61(A)(2) of the Zoning Ordinance requires corner lots where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 15.00 feet for permitted accessory structures. The pergola is 5.03 feet. Therefore, a variance of 9.97 feet is being requested.

C. Chapter 126, Article 4, Section 4.03(B) of the Zoning Ordinance states accessory structures may occupy a portion of the rear open space. They shall be at least 3.00 feet from any lot line. The pergola is 2.61 feet. Therefore, a variance of 0.39 feet is being requested.

**Staff Notes:** The applicant has constructed a pergola on this corner lot. The existing home that has an attached garage was constructed in 2005.

This property is zoned R2 – Single family residential.

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Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

# 592 W LINCOLN MAP



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

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: 12.14.22Hearing Date: 2.14.22Received By: HTAppeal #: 23.07

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: 592 W Lincoln	Lot Number: 9 & 1/2	Sidwell Number: 19-36-158-009
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**II. OWNER INFORMATION:**

Name: Bart Kupczyk			
Address: 592 W Lincoln	City: Birmingham	State: MI	Zip code: 48009
Email: * bkupczyk@gmail.com		Phone:	

**III. PETITIONER INFORMATION:**

Name: Brittany Mullins/Matt Mohser	Firm/Company Name: Mosher Design Co.		
Address: 2725 Nakota Rd.	City: Royal Oak	State: MI	Zip code: 48009
Email: brittany@mosherassociates.com		Phone: (586)216-3279	

**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:** PLEASE SEE ATTACHED FOR ORIGINAL SIGNATURE Date: 11/15/22

**Signature of Petitioner:**  Date: 11/15/22



**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



**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 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:**

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Address: 592 W Lincoln	City: Birmingham	State: MI	Zip code: 48009
Email: * bkupczyk@gmail.com		Phone:	

**III. PETITIONER INFORMATION:**

Name: Brittany Mullins/Matt Mohser	Firm/Company Name: Mosher Design Co.		
Address: 2725 Nakota Rd.	City: Royal Oak	State: MI	Zip code: 48009
Email: brittany@mosherassociates.com		Phone: (586)216-3279	

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Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A, Front Setback	25.00 Feet	23.50 Feet	23.50 Feet	1.50 Feet
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**V. REQUIRED INFORMATION CHECKLIST:**


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**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: 11/15/22
Signature of Petitioner:  _____	Date: 11/15/22

City of Birmingham  
Community Development – Building Department  
151 Martin Street, Birmingham, MI 48009  
(248) 530-1850

ATTN: Board of Zoning Appeals or Jeff Zielke

REGARDING: 592 W. Lincoln Avenue, submission version 1.0

DATE: 12-14-22

Dear board members,

We appreciate the opportunity to put this request before you. We have been hired to assist with this variance. On behalf of the homeowner, we are seeking approval for an existing residential front yard accessory structure (wood pergola), listed as 'Variance A'. The variance amount proposed is 9.97 feet outside of the required 15.00 foot setback.

We feel everything that has been built by the homeowner and their contractor is reasonable and harmonious to adjacent properties and the surrounding community. However the existing size and shape of the corner lot creates an unnecessary hardship for the property owners. Staging the pergola within the required setback would create an odd placement and reduce functionality of the already small yard. The proposed placement is also significantly further away from adjacent residences than the typical 3' setback, due to Watkins Street and West Lincoln Ave abutting both the front & rear yard.

We look forward to discussing our proposal with you and would appreciate your feedback.

Sincerely,

  
APPLICANT: Mosher Design | B. Mullins

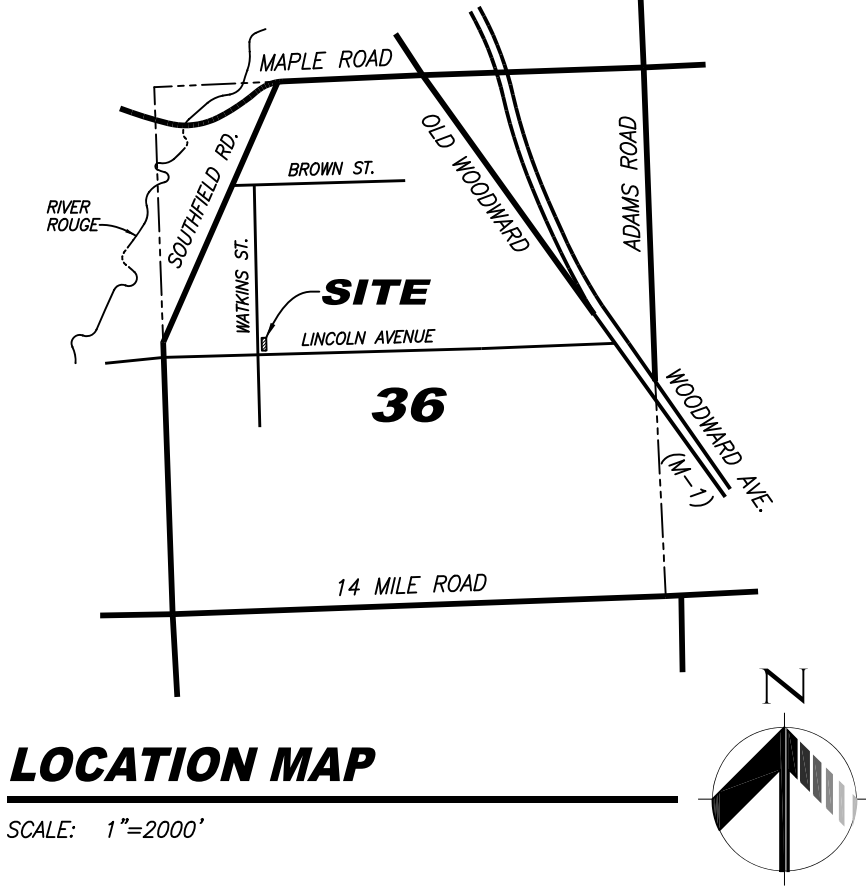
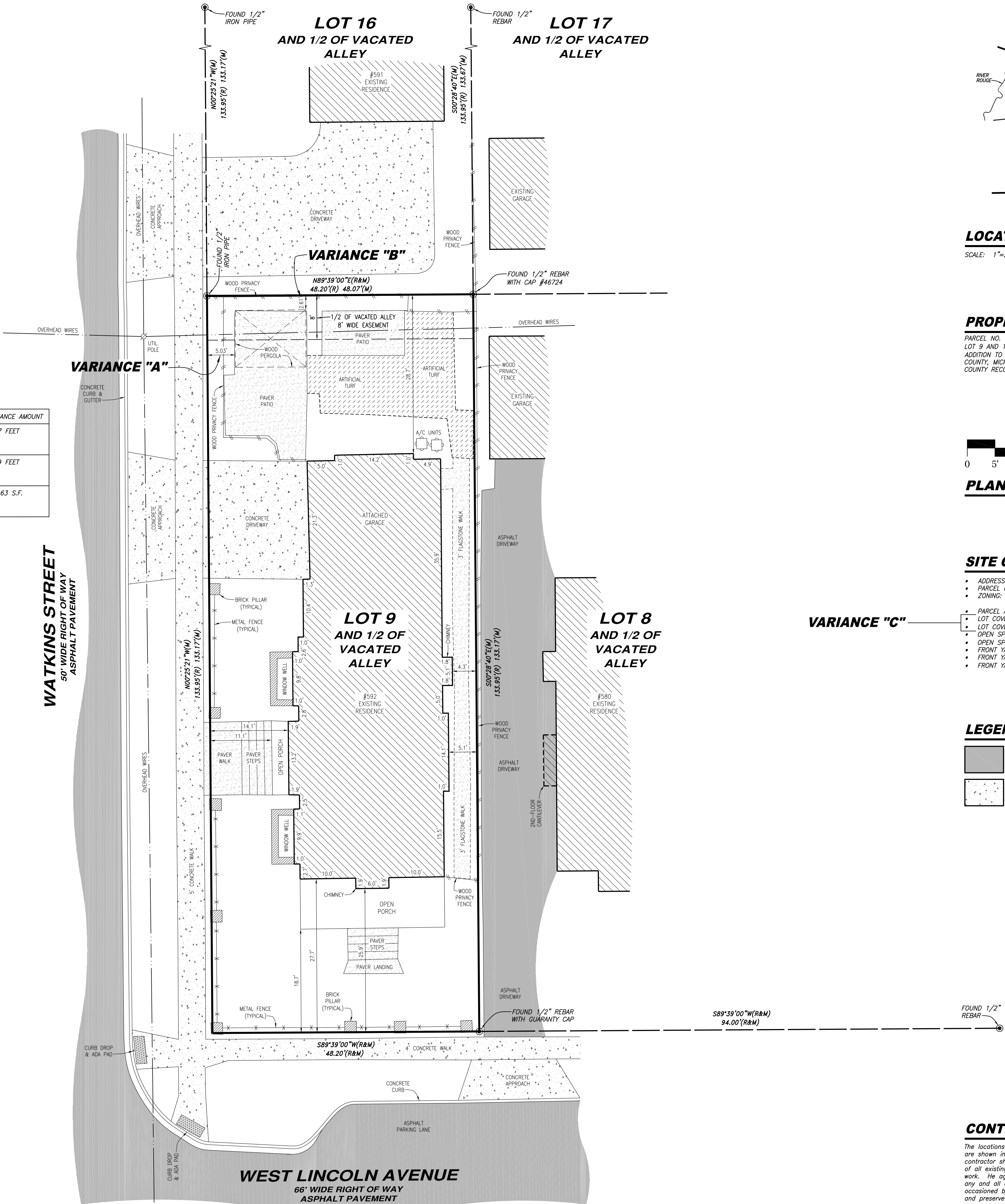
  
PROPERTY OWNER: Bart Kupczyk



BRITTANY MULLINS  
LANDSCAPE PROJECT COORDINATOR  
BRITTANY@MOSHERASSOCIATES.COM  
586.216.3279  
MOSHERDESIGNCO.COM  
2725 NAKOTA RD, ROYAL OAK, MI 48073

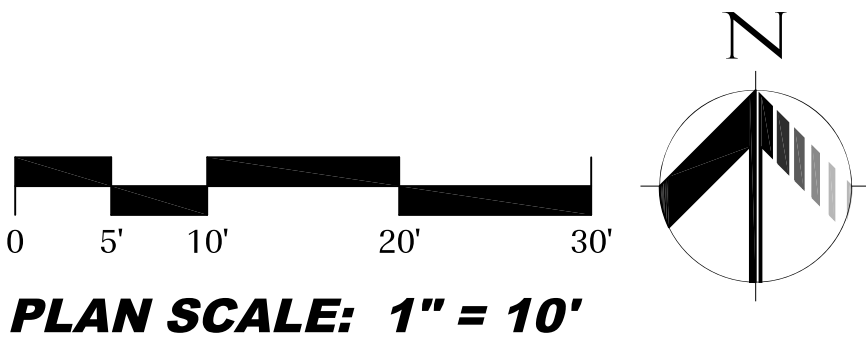
VARIANCE SUMMARY

REQUESTED VARIANCES	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT
VARIANCE "A" FRONT YARD SETBACK TO ACCESSORY STRUCTURE	15.00 FEET	5.03 FEET	5.03 FEET	9.97 FEET
VARIANCE "B" REAR YARD SETBACK TO ACCESSORY STRUCTURE	3 FEET	2.61 FEET	2.61 FEET	0.39 FEET
VARIANCE "C" LOT COVERAGE	1,936.92 S.F.	2,120.55 S.F.	2,120.55 S.F.	183.63 S.F.



PROPERTY DESCRIPTION

PARCEL NO. 19-36-158-009  
LOT 9 AND 1/2 OF THE VACATED ALLEY ADJACENT TO THE SAME, "SMITH ADDITION TO THE VILLAGE OF BIRMINGHAM", CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 9 OF PLATS, PAGE 16 OF OAKLAND COUNTY RECORDS.



SITE CRITERIA

- ADDRESS: #592 W. LINCOLN AVENUE
- PARCEL ID NO.: 19-36-158-009
- ZONING: R-2, SINGLE FAMILY RESIDENTIAL
- PARCEL AREA AS PLATTED = 6,456.39 S.F. (0.148 ACRE)
- LOT COVERAGE ALLOWED = 30% = 1,936.92 S.F.
- LOT COVERAGE AS-BUILT = 2,120.55 S.F. (32.8%)
- OPEN SPACE REQUIRED = 40% = 2,582 S.F. (45.5%)
- OPEN SPACE AS-BUILT = 2,935 S.F. (45.5%)
- FRONT YARD AREA = 1,336 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% = 868 S.F.
- FRONT YARD OPEN SPACE AS-BUILT = 1,268 S.F. (94.9%)

LEGEND

EXISTING ASPHALT PAVEMENT	EXISTING PAVERS
EXISTING CONCRETE PAVEMENT	EXISTING ARTIFICIAL TURF

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.

PROJECT: Lot 9 & 1/2 of Vacated Alley "Smith Addition"

PLANNING & LAND DEVELOPMENT CONSULTING

#592 W. LINCOLN AVENUE

PARCEL NO. 19-36-158-009

PART OF THE NW 1/4 OF SECTION 36, T.2N., R.10E., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

PLAN: SITE PLAN

SHEET:

1 OF 1

MUNICIPAL REVIEW NUMBERS:

HORIZON ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING

P.O. Box 182158, Shelby Township, Michigan 48318

Phone 586-453-8097

REVISIONS:

11-18-22	REVISED FOR VARIANCES
11-18-23	REVISED FOR VARIANCES

CLIENT: MR. MATT MOSHER  
MOSHER ASSOC. LANDSCAPE DESIGN  
2725 NAGATA RD.  
BIRMINGHAM, MI 48473  
(248) 670-0824

SEAL: NATHAN PAUL ROBINSON  
Professional Engineer  
License No. 6301047459

JOB NO: 22-092  
DATE: 10-27-22  
DRAWN BY: N.P.R.





11"

7'-3"

6'-5"

9'-11"





1'-0"

8'-0"

7'-3"

6'-5"













11"

7'-3"

6'-5"

9'-11"

The Terrace





1'-0"

8"

7'-3"

6'-5"











# **CASE DESCRIPTION**

## **967 Southfield (23-09)**

**Hearing date: March 14, 2023**

**Appeal No. 23-09:** The owner of the property known **967 Southfield**, requests the following variances to reconstruct a rear and side patio:

A. Chapter 126, Article 4, Section 4.03(A) of the Zoning Ordinance requires that no structure shall be erected in the required front or side open space. This is a corner lot and per Section 6.61(A)1; A Corner lot which has on its side street an abutting an interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 31.15 feet. The constructed rear porch is 14.24 feet. Therefore, a variance of 16.91 feet is requested.

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

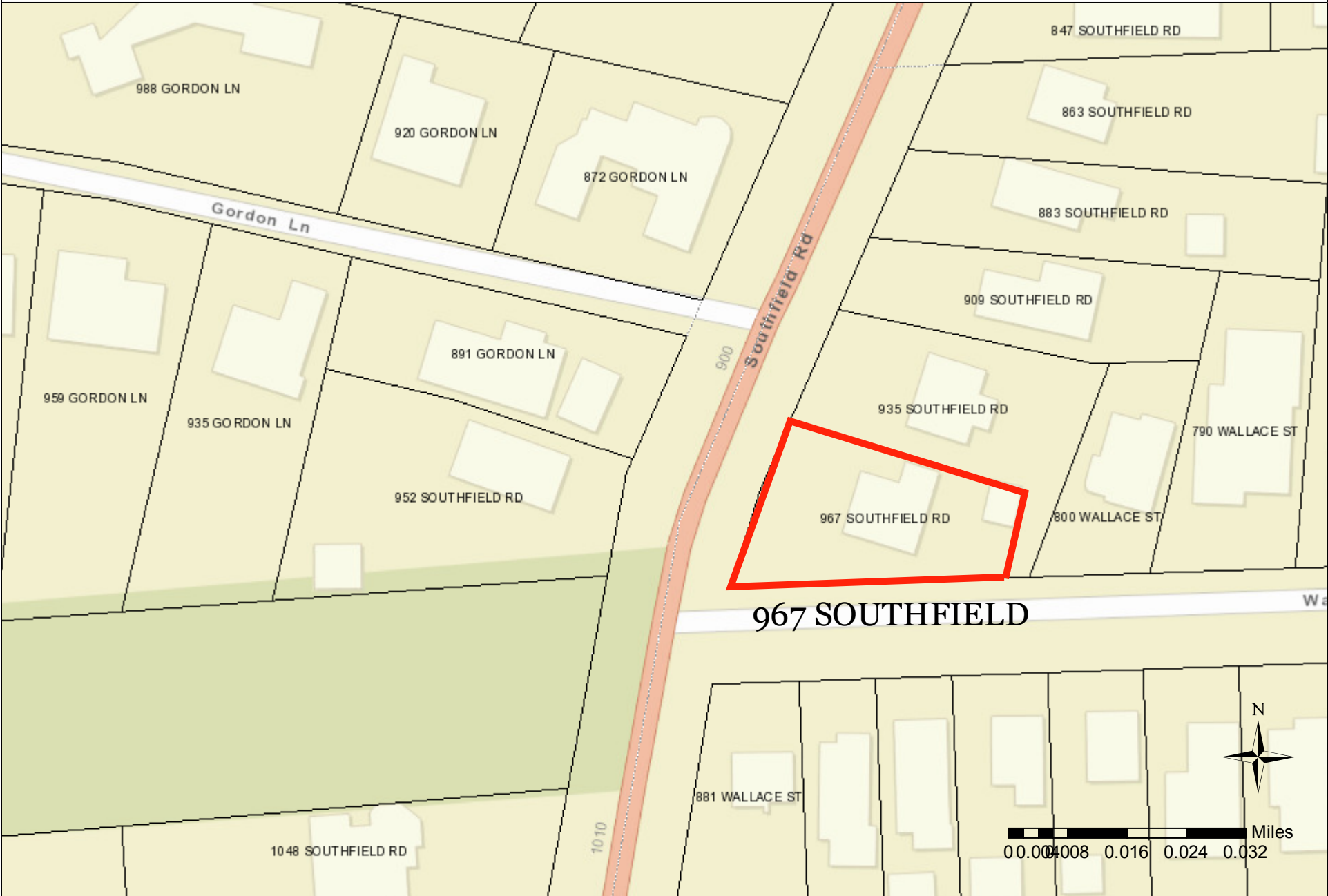
**Staff Notes:** The applicant's home was constructed in 1923 that is located on a corner lot that is abutting an interior lot with a rear deck permitted in 1988. The lot is irregular in shape.

This property is zoned R2 – Single family residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

967 SOUTHFIELD 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: 2.1.23

Hearing Date: 3.14.23

Received By: HT

Appeal #: 23-09

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
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**I. PROPERTY INFORMATION:**

Address: <u>907 SOUTHFIELD RD</u>	Lot Number: <u>7</u>	Sidwell Number: <u>08-19-36-155-008</u>
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**II. OWNER INFORMATION:**

Name: <u>JOHN KETTY</u>			
Address: <u>1937 SHIPMAN BLVD</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>JOHNNY KETTY@YAHOO.COM</u>		Phone: <u>248-8083300</u>	

**III. PETITIONER INFORMATION:**

Name: <u>JOHN KETTY</u>		Firm/Company Name:	
Address: <u>1937 SHIPMAN BLVD</u>	City: <u>BHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>JOHNNY KETTY@YAHOO.COM</u>		Phone: <u>248-8083300</u>	
<u>SBONAMY CREATIVE BRICK PAVING, COM</u>			

**IV. GENERAL INFORMATION:**

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

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

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

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

**V. REQUIRED INFORMATION CHECKLIST:**

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

**VI. APPLICANT SIGNATURE**

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

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

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

Signature of Owner: [Signature] Date: 1/26/2023

Signature of Petitioner: [Signature] Date: 1/26/2023

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

**ARTICLE I - Appeals**

A. Appeals may be filed under the following conditions:

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

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

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

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


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

3195 Orchard Lake Rd.  
Keego Harbor, MI 48320  
P 248.230.1600  
F 248.230.1601  
info@creativebrickpaving.com  
www.creativebp.com

*creative*

POOLS & SPAS - BRICK PAVING - LANDSCAPING - CONSTRUCTION

1.26.2023

To whom it may concern,

The property, 967 Southfield Road was purchased in Summer of 2022 and is currently undergoing restoration. The lot is on the corner of Southfield Rd and Wallace Street. The lot is a unique pie shape and currently has a non-conforming residence with detached garage. When the home was purchased, there was an existing dilapidated deck and pergola that extended into the Front yard setback (Wallace St). The deck and pergola were removed and a porch was added to provide egress from the existing doorways. On the North Side of the property an existing patio was removed and replaced with new pavers. In addition, a walkway was added to connect the two spaces.

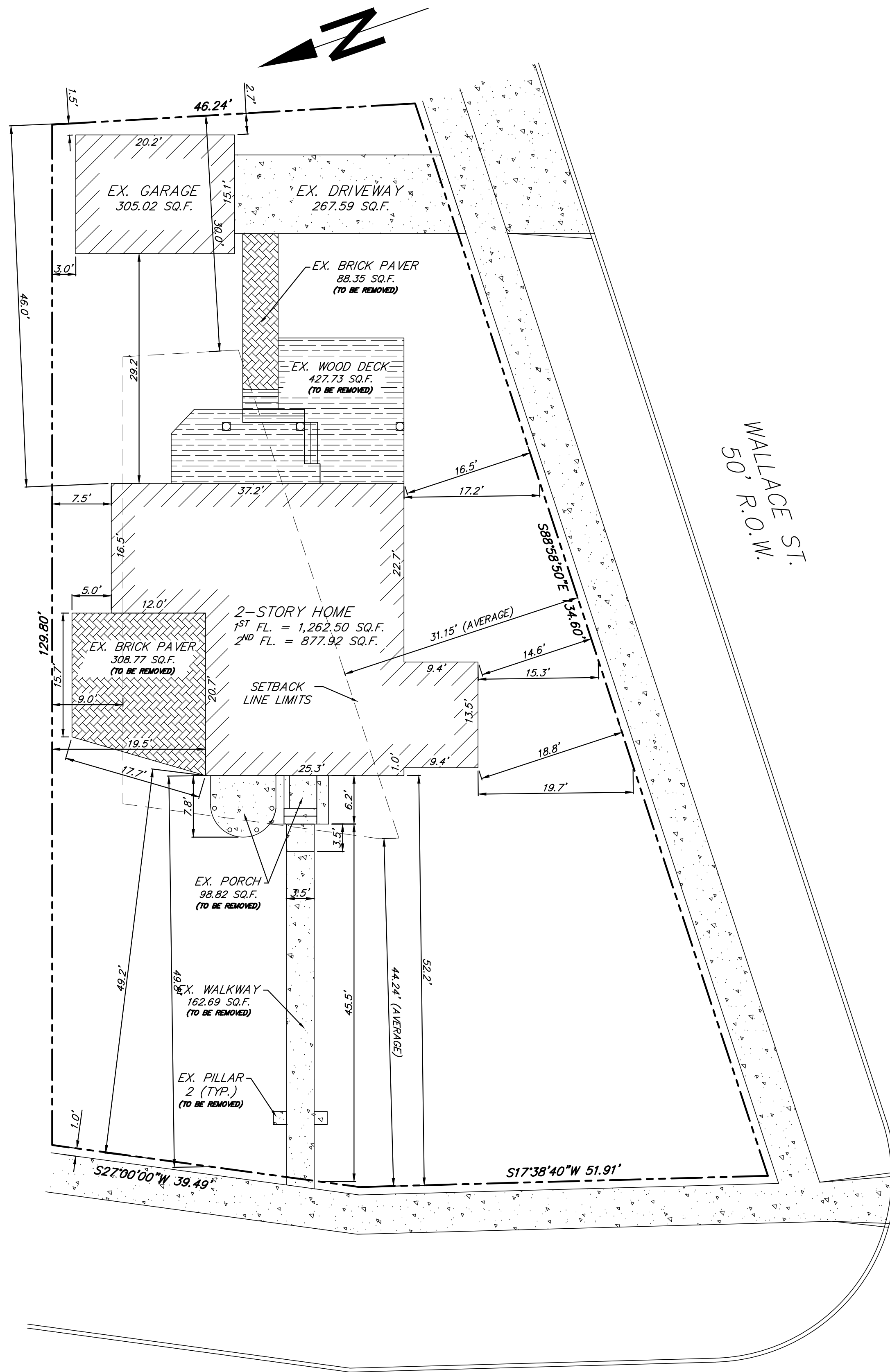
We are seeking a variance to encroach into the front yard setback (Wallace St) with the porch and feel it is justified based on the unique lot shape and elevation changes. The new design significantly reduces the setback encroachment and is made of quality materials. In addition, landscaping has been planted to shield from view. In addition, we are seeking a variance to maintain the existing patio in the side yard and the connecting walkway. The area is enclosed and shielded from view with a fence and landscaping. Due to the shape of the house on the lot this area is a nice and private area for the occupants to enjoy. The layouts are harmonious to the neighborhood and will not negatively impact neighboring properties. In addition, the lot coverage meets the open space requirement.

For these reasons we feel both variances are justified. Should any additional information be need please feel free to call or email.

Sincerely,

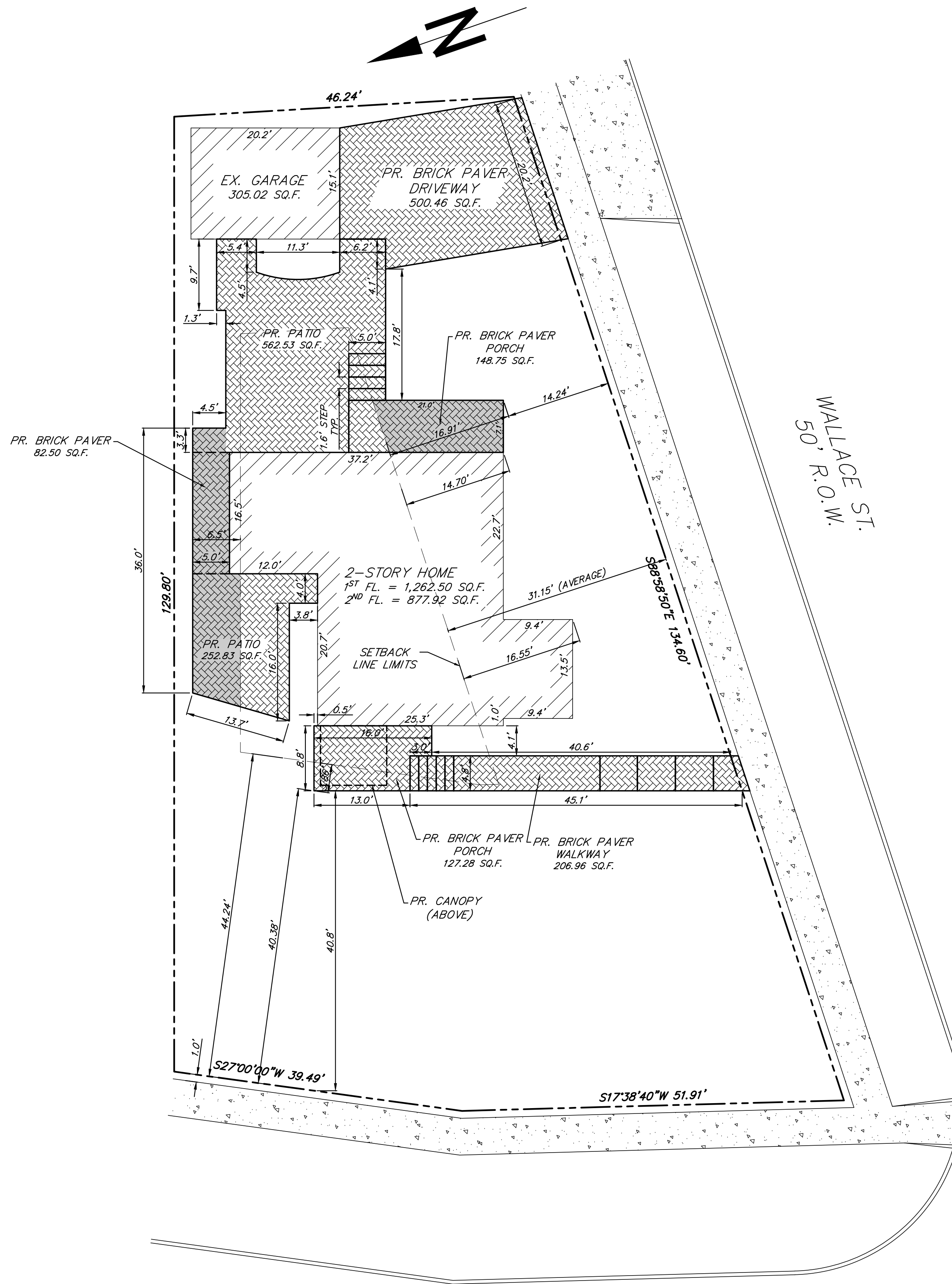
John Ketty  
Property Owner  
248.808.3300





SOUTHFIELD AVE  
66' R.O.W.

EX. SITE PLAN  
SCALE 1" = 10'-0"



SOUTHFIELD AVE  
66' R.O.W.

PR. SITE PLAN  
SCALE 1" = 10'-0"

PROPERTY INFORMATION  
LOTS 1 OF ASSESSOR'S REPLAT OF LOTS 1,2 & 50 VALENTINE  
ADDITION, VILLAGE OF BIRMINGHAM (CURRENTLY, CITY OF BIRMINGHAM),  
OAKLAND COUNTY, MICHIGAN.  
PARCEL # 08-19-36-155-008

LOT REGULATIONS  
LOT SIZE = 9,282.66 SQ.F.  
MAX. LOT COVERAGE = 0.30 X 9,282.66 = 2,784.80 SQ.F.  
MAX. IMPERVIOUS AREA = 0.6 X 9,282.66 = 5,569.60 SQ.F.

LOT COVERAGE  
EXIST. HOUSE = 1,262.50 SQ.F.  
EXIST. FRONT PORCH = 98.82 SQ.F. (TO BE REMOVED)  
EXIST. REAR WOOD DECK = 427.73 SQ.F. (TO BE REMOVED)  
EXIST. GARAGE = 305.02 SQ.F.

EXIST. TOTAL = 2,094.07 SQ.F. < 2,784.80 SQ.F. ----> O.K.

PROP. FRONT PORCH = 127.28 SQ.F.  
PROP. REAR PORCH = 148.75 SQ.F.

NEW TOTAL COVERAGE = 1,843.55 SQ.F. < 2,784.80 SQ.F. ----> O.K.

IMPERVIOUS AREA  
EXIST. DRIVEWAY = 267.59 SQ.F. (TO BE REMOVED)  
EXIST. REAR WALKWAY = 88.35 SQ.F. (TO BE REMOVED)  
EXIST. FRONT WALKWAY = 159.16 SQ.F. (TO BE REMOVED)  
EXIST. SIDE PATIO = 308.77 SQ.F. (TO BE REMOVED)  
EXIST. HOUSE, GARAGE & PORCHES = 2,094.07 SQ.F.  
TOTAL EX. IMPERVIOUS AREA = 2,917.94 SQ.F. < 5,569.60 SQ.F. ----> O.K.

PROP. DRIVEWAY = 500.46 SQ.F.  
PROP. SIDE WALKWAY (LEFT) = 82.50 SQ.F.  
PROP. SIDE WALKWAY (RIGHT) = 206.96 SQ.F.  
PROP. SIDE PATIO = 252.83 SQ.F.  
PROP. REAR PATIO = 562.53 SQ.F.

PROP. IMPERVIOUS NET ADD. (+) /REDUCTION (-) (FOR HOUSE & PORCHES) = -250.52 SQ.F.

NEW TOTAL IMPER. = 3,448.83 SQ.F. < 5,569.60 SQ.F. ----> O.K.

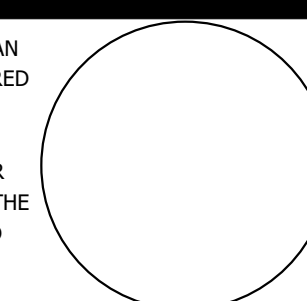
11/22/2022	PER OWNER		
11/14/2022	PER OWNER		
11/11/2022	PER CITY COMMENTS		
11/08/2022	PER CITY COMMENTS		
10/31/2022	FOR CITY BUILDING PERMIT APPLICATION	01/25/2023	PER OWNER
DATE	DESCRIPTION	DATE	DISCRPTION

KETTY FAMILY  
OWNER  
967 SOUTHFIELD RD.  
BIRMINGHAM, MI 48009  
(000) 000-0000

NOTE:  
OWNER AND THE CONTRACTORS ARE THE SOLELY  
RESPONSIBLE FOR THE PERFORMANCE AND THE EXECUTION  
OF THE PROJECT AND IT IS THEIR RESPONSIBILITY FOR THE  
SAFETY OF THE BUILDING STRUCTURE AND THE MATERIALS  
USED TO RENOVATE AND CONSTRUCT THE PROPOSED  
FACILITY SHOWN ON THE PLANS

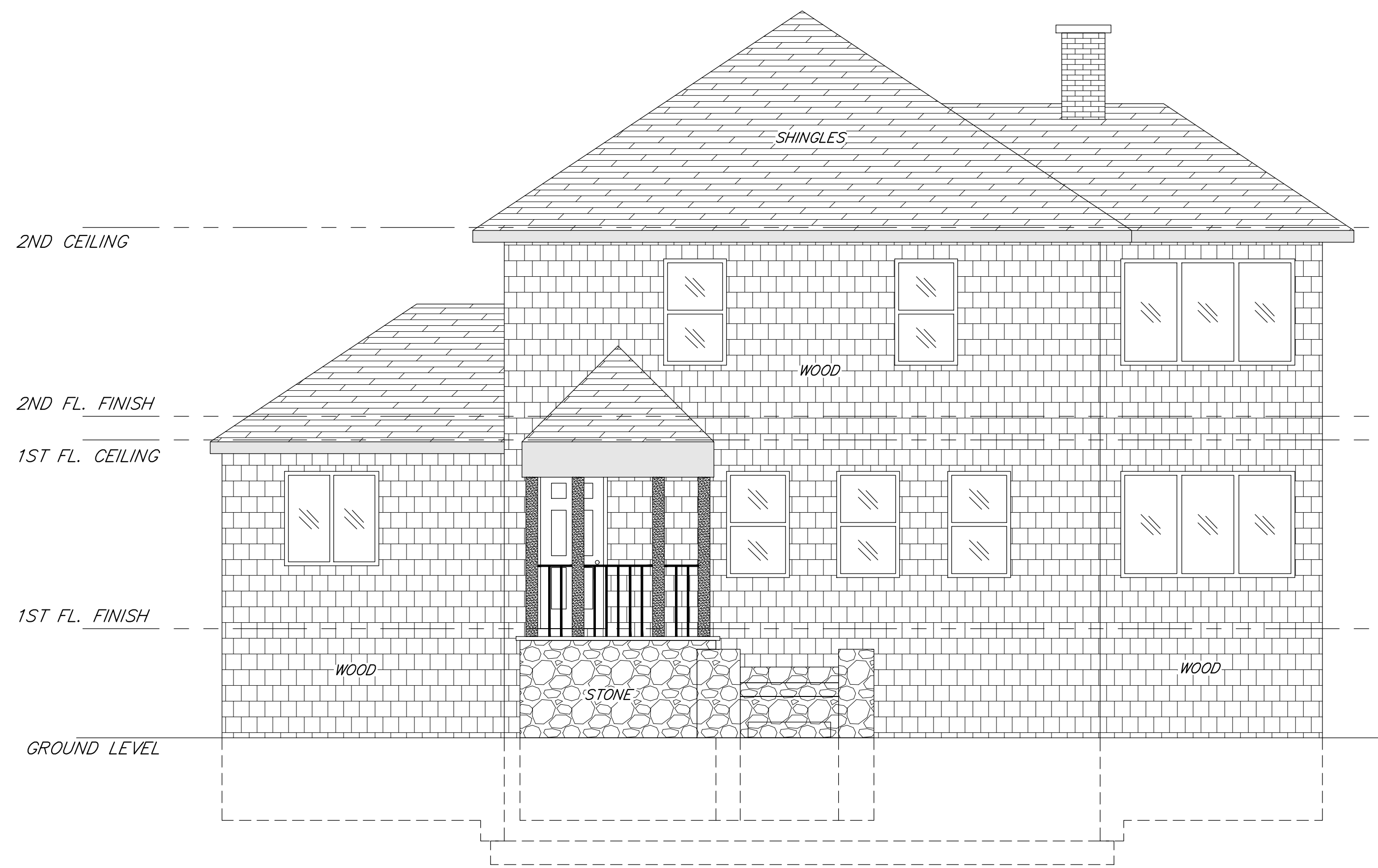
ALI ALJAWAD, P.E.  
DESIGNER  
(313) 399-1462

I HEREBY CERTIFY THAT THIS PLAN  
AND SPECIFICATION WAS PREPARED  
BY ME OR UNDER MY DIRECT  
SUPERVISION AND THAT I AM A  
DULY REGISTERED ARCHITECT OR  
ENGINEER UNDER THE LAWS OF THE  
STATE OF MICHIGAN BY MY HAND  
AND SEAL.

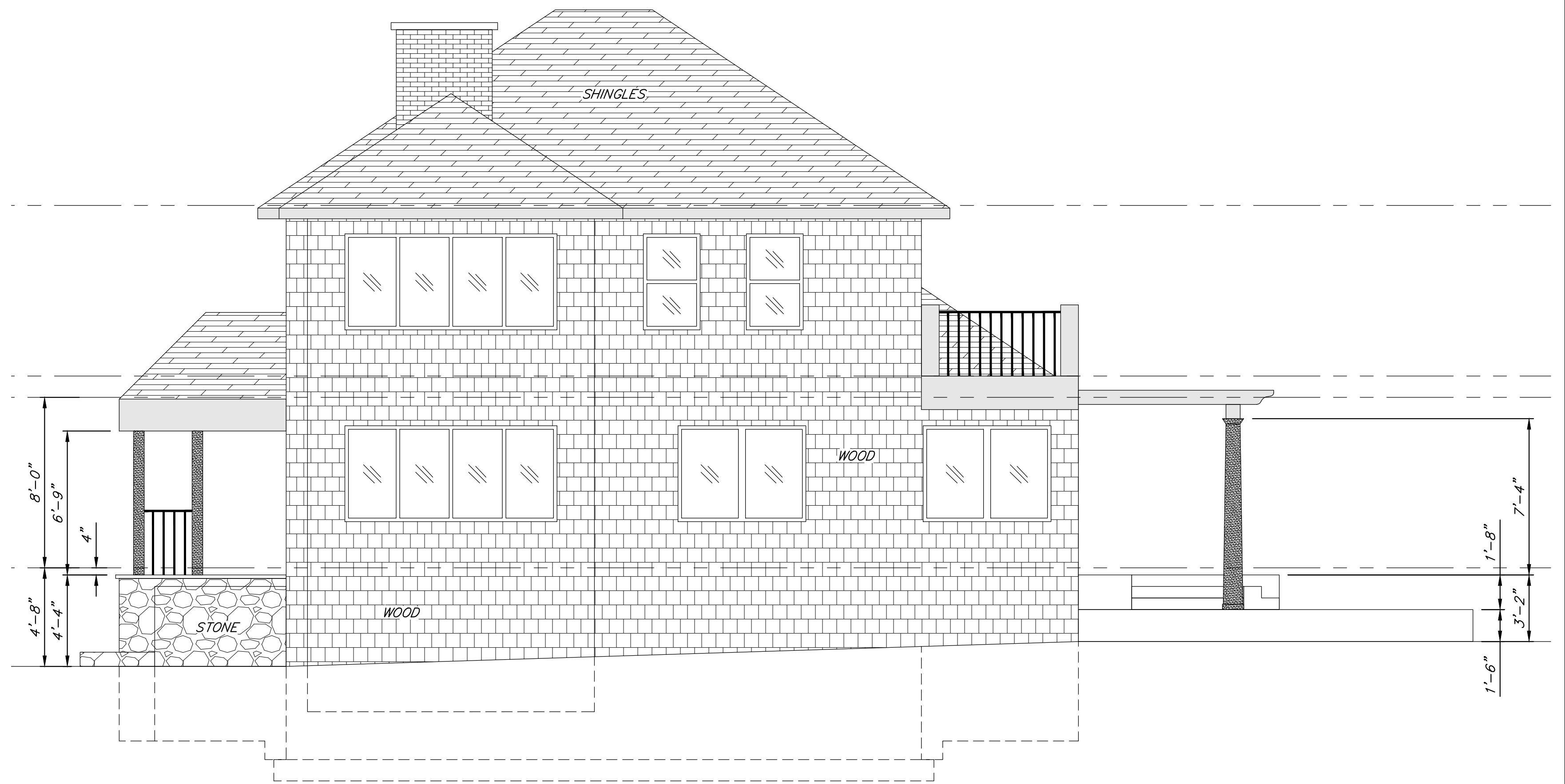


SITE PLAN & DETAILS  
PROP. RESIDENTIAL ALTERATION  
RESIDENTIAL PROPERTY  
967 SOUTHFIELD RD., BIRMINGHAM, MI 48009

SHEET  
01



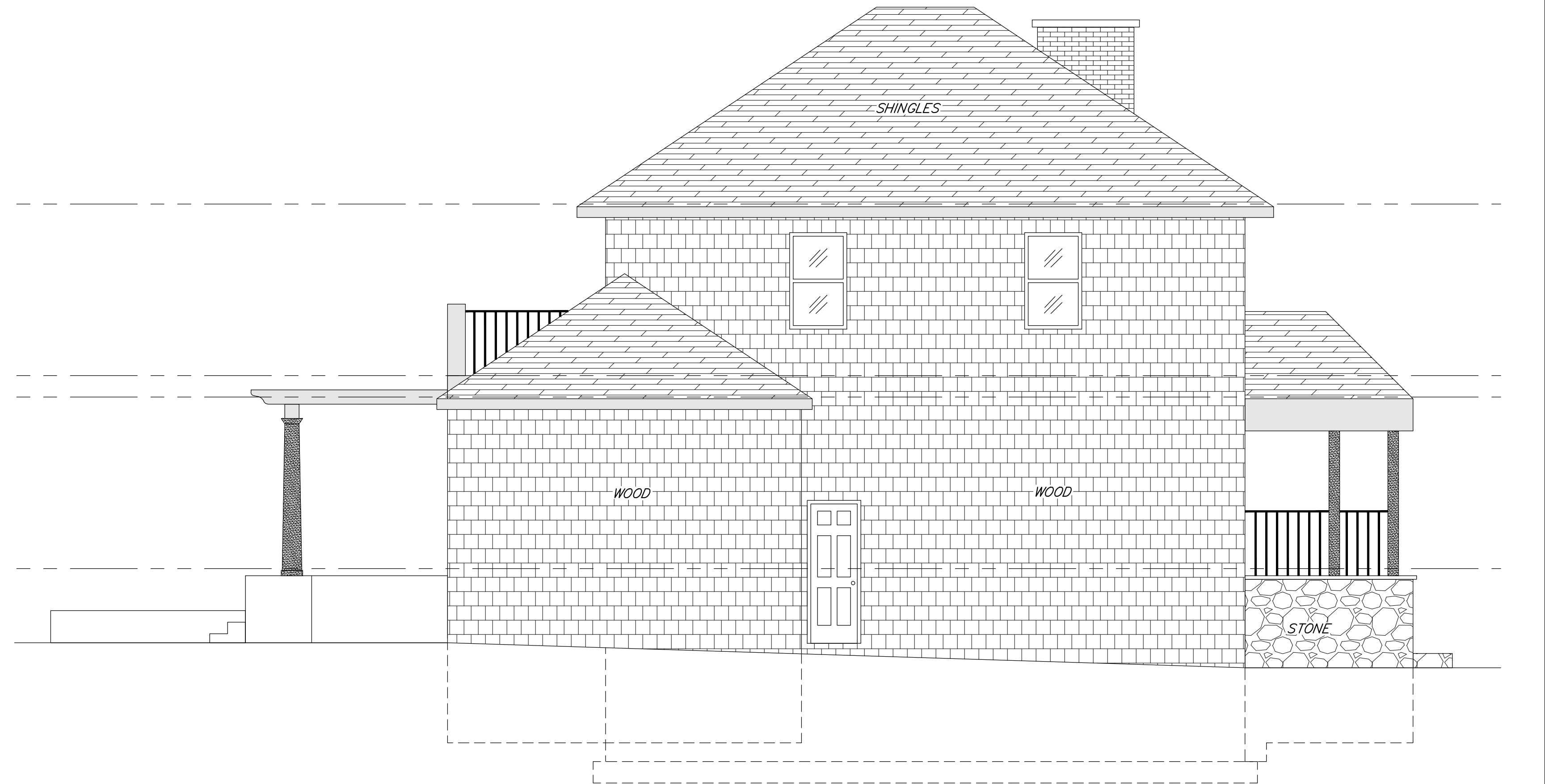
EXISTING FRONT ELEVATION  
SCALE 1/4" = 1'-0"



EXISTING RIGHT ELEVATION  
SCALE 1/4" = 1'-0"



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



EXISTING LEFT ELEVATION  
SCALE 1/4" = 1'-0"

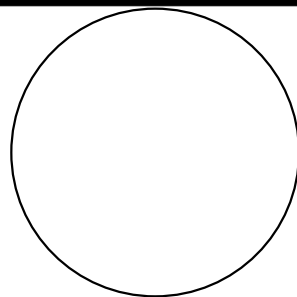
11/22/2022	PER OWNER		
11/14/2022	PER OWNER		
11/11/2022	PER CITY COMMENTS		
11/08/2022	PER CITY COMMENTS		
10/31/2022	FOR CITY BUILDING PERMIT APPLICATION	01/25/2023	PER OWNER
DATE	DESCRIPTION	DATE	DISRIPTION

**KETTY FAMILY**  
OWNER  
967 SOUTHFIELD RD.  
BIRMINGHAM, MI 48009  
(000) 000-0000

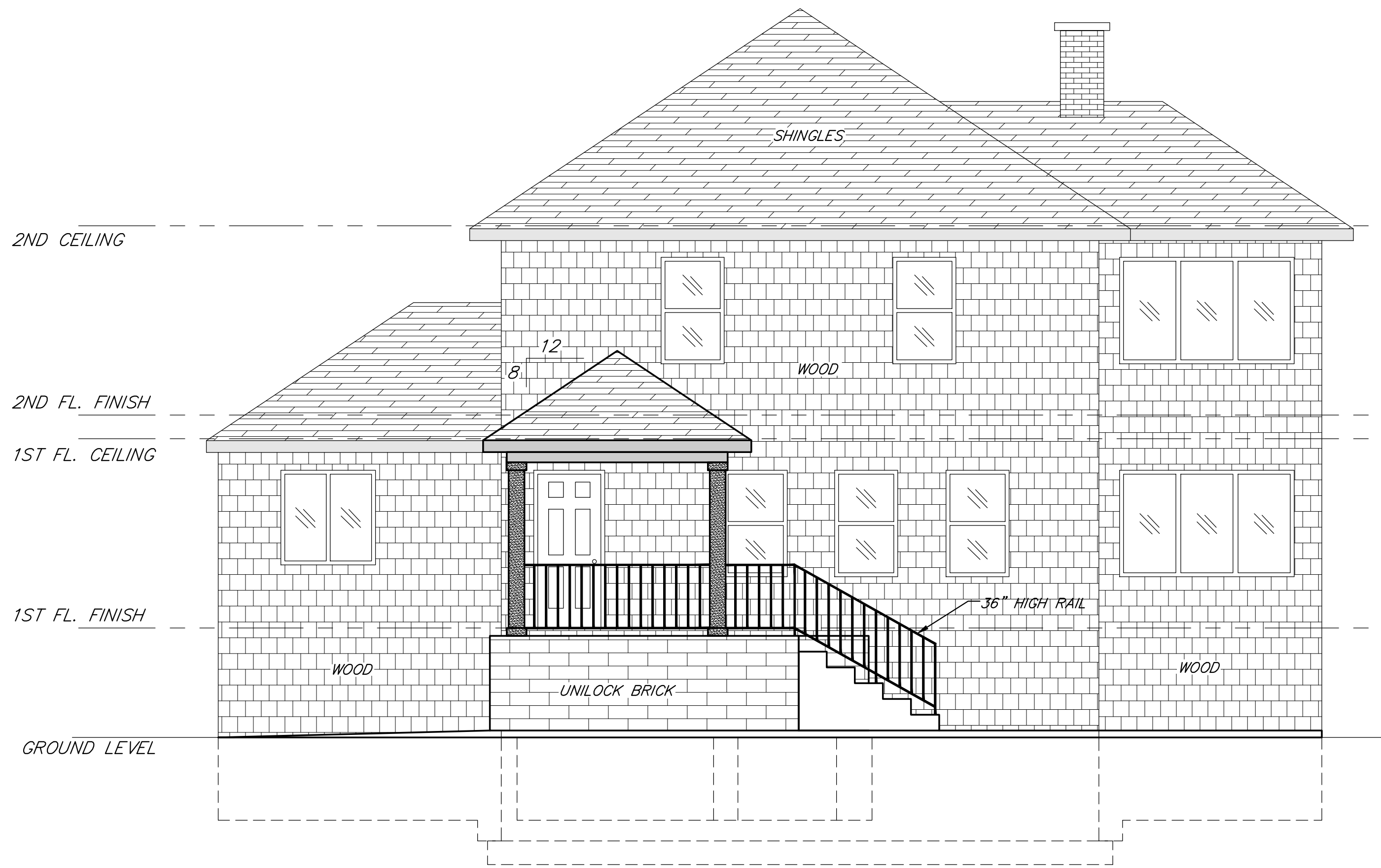
**NOTE:**  
OWNER AND THE CONTRACTORS ARE THE SOLELY RESPONSIBLE FOR THE PERFORMANCE AND THE EXECUTION OF THE PROJECT AND IT IS THEIR RESPONSIBILITY FOR THE SAFETY OF THE BUILDING STRUCTURE AND THE MATERIALS USED TO RENOVATE AND CONSTRUCT THE PROPOSED FACILITY SHOWN ON THE PLANS

**ALI ALJAWAD, P.E.**  
DESIGNER  
(313) 399-1462

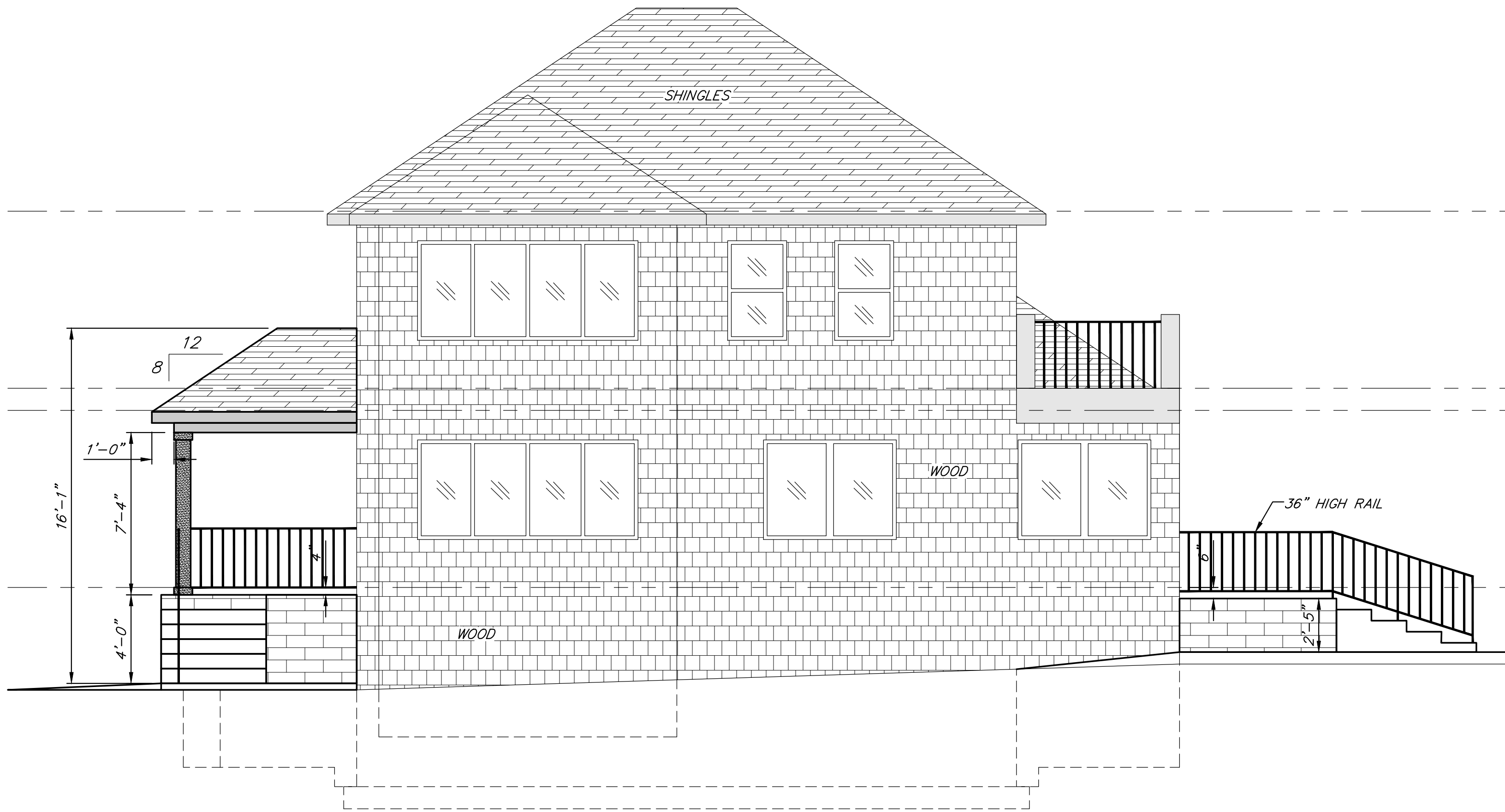
I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF MICHIGAN BY MY HAND AND SEAL.



**EXISTING ELEVATION**  
**PROP. RESIDENTIAL ALTERATION**  
RESIDENTIAL PROPERTY  
967 SOUTHFIELD RD., BIRMINGHAM, MI 48009



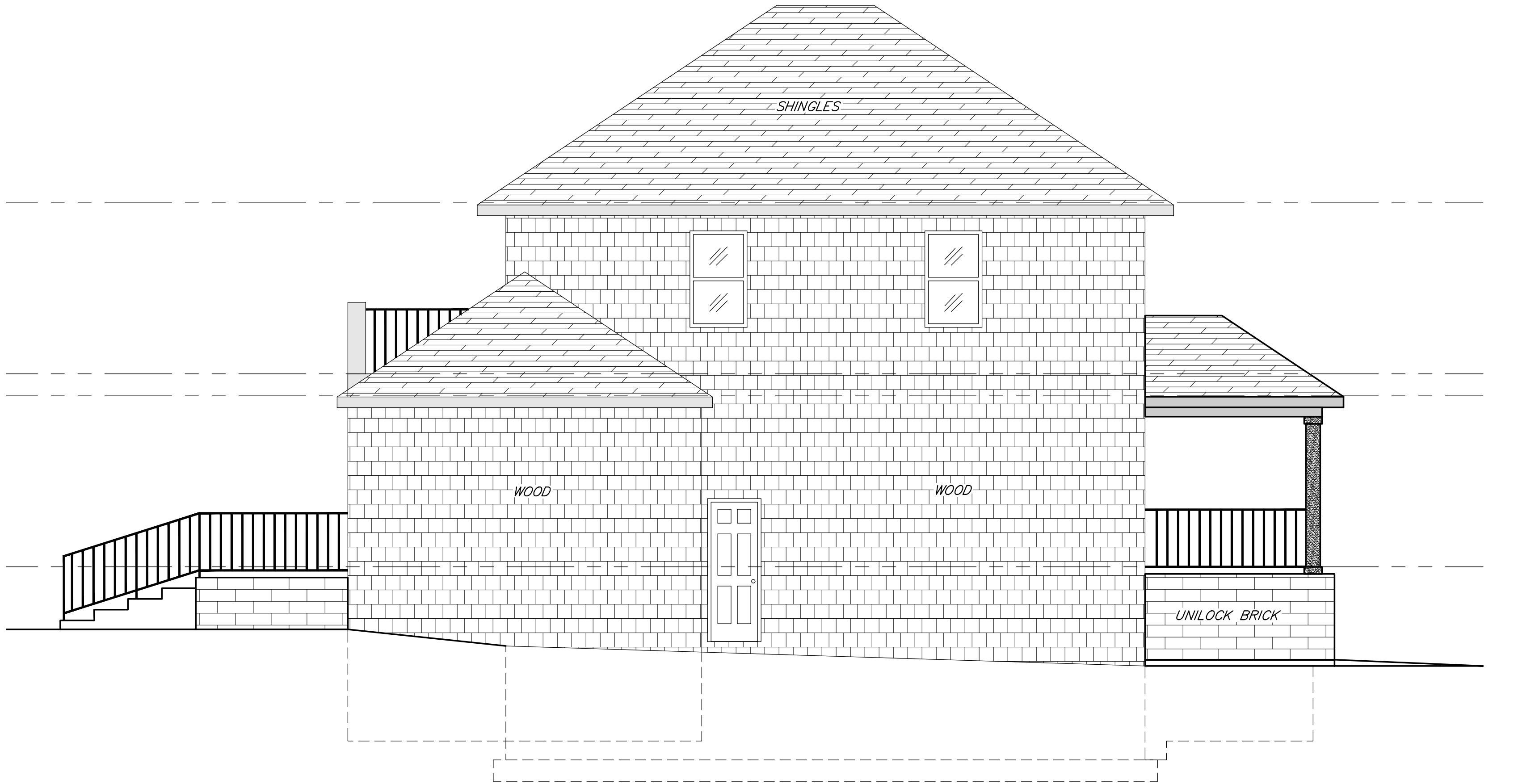
*PROPOSED FRONT ELEVATION*  
SCALE 1/4" = 1'-0"



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



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



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

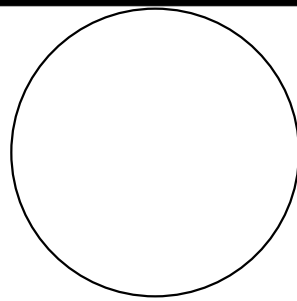
11/22/2022	PER OWNER		
11/14/2022	PER OWNER		
11/11/2022	PER CITY COMMENTS		
11/08/2022	PER CITY COMMENTS		
10/31/2022	FOR CITY BUILDING PERMIT APPLICATION	01/25/2023	PER OWNER
DATE	DESCRIPTION	DATE	DISRIPTION

**KETTY FAMILY**  
OWNER  
967 SOUTHFIELD RD.  
BIRMINGHAM, MI 48009  
(000) 000-0000

**NOTE:**  
OWNER AND THE CONTRACTORS ARE THE SOLELY RESPONSIBLE FOR THE PERFORMANCE AND THE EXECUTION OF THE PROJECT AND IT IS THEIR RESPONSIBILITY FOR THE SAFETY OF THE BUILDING STRUCTURE AND THE MATERIALS USED TO RENOVATE AND CONSTRUCT THE PROPOSED FACILITY SHOWN ON THE PLANS

**ALI ALJAWAD, P.E.**  
DESIGNER  
(313) 399-1462

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF MICHIGAN BY MY HAND AND SEAL.



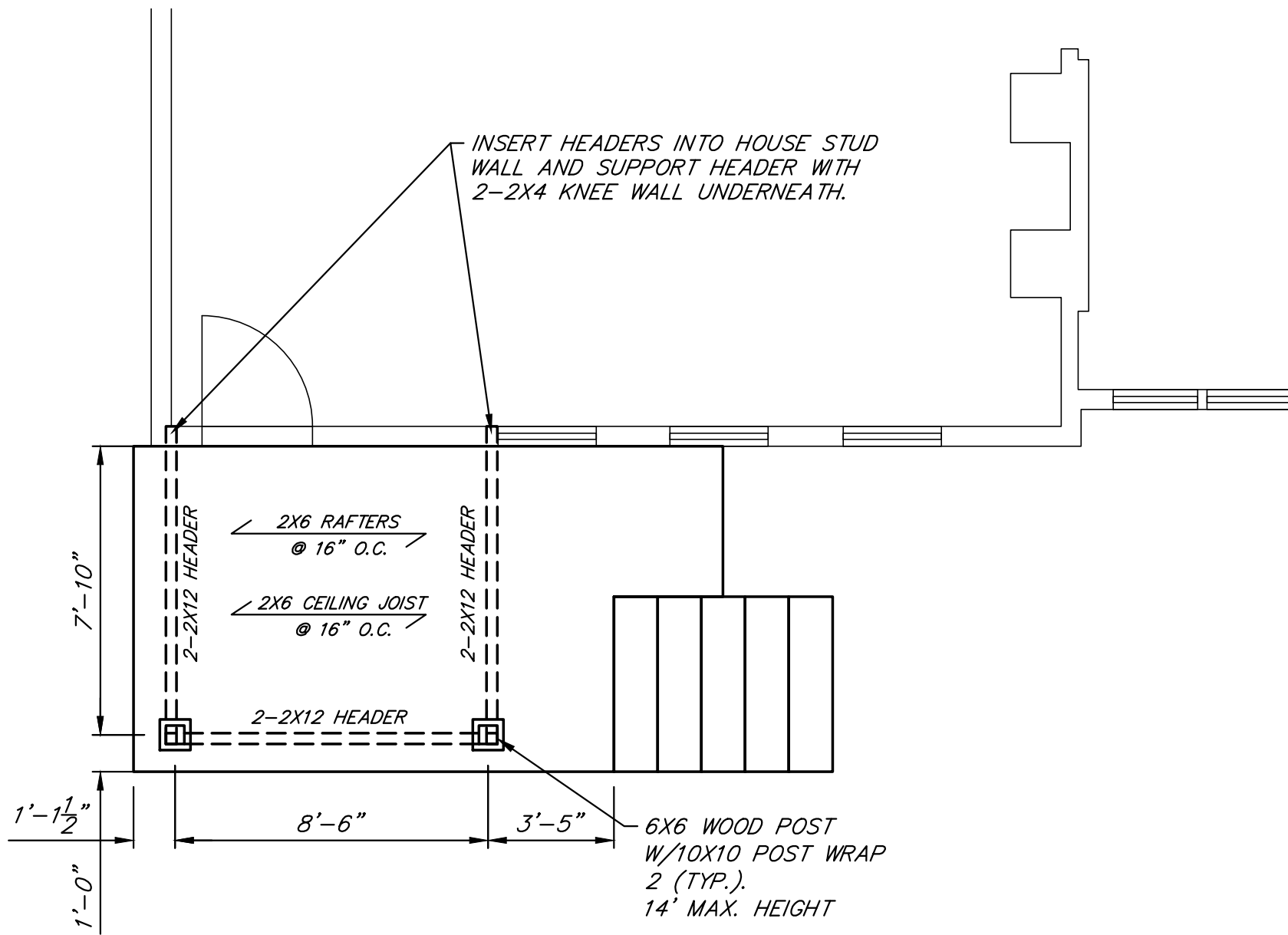
**PR. ELEVATION**  
**PROP. RESIDENTIAL ALTERATION**  
RESIDENTIAL PROPERTY  
967 SOUTHFIELD RD., BIRMINGHAM, MI 48009

GENERAL NOTES:

- CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- CONTRACTOR TO FIELD VERIFY DIMENSIONS PRIOR TO RAFTER/TRUSS FABRICATION.
- CONTRACTOR TO SECURE ALL REQUIRED PERMITS.
- CONTRACTOR TO CLEAN UP AND REMOVE DEBRIS.

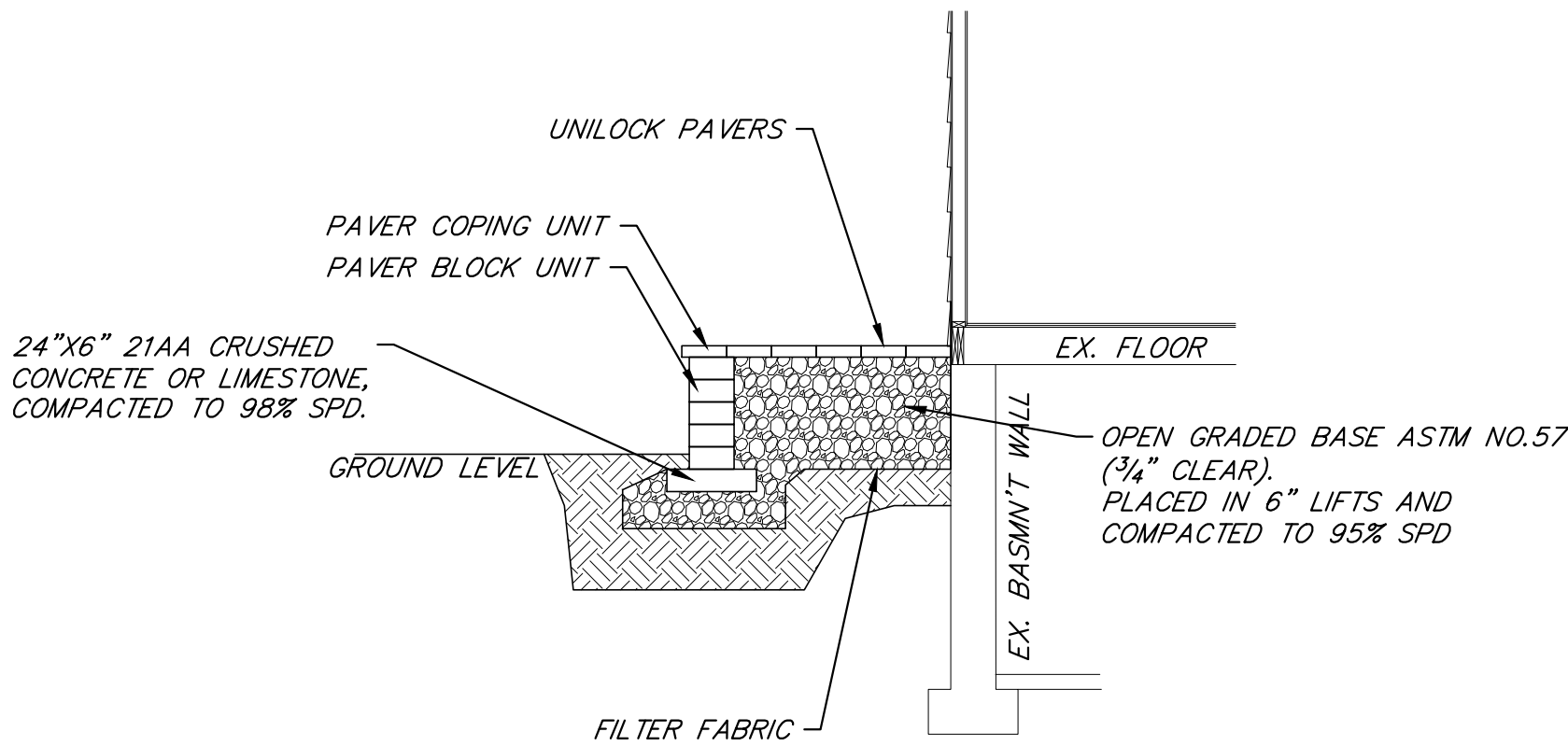
FRAMING GENERAL NOTES

- PROVIDE ONE ROW OF 1x3 CROSS BRIDGING AT CENTERS OF WOOD JOIST SPANS.
- ALL FRAMING LUMBER TO HAVE A RATED BENDING STRESS IN EXTREME FIBER OF 1,200 POUNDS PER SQUARE INCH.
- PREENGINEERED TRUSSES (ROOF & FLOOR) TO BE DESIGNED TO SUPPORT A MINIMUM SUPERIMPOSED LOAD OF 60 POUNDS PER SQUARE FOOT.
- DOUBLE FLOOR JOISTS BELOW ALL PARTITIONS PARALLEL TO JOIST SPANS.
- ALL HEADERS TO BE MIN. 2-2x12 ON ALL FLOORS.
- USE FIGURED DIMENSIONS – DO NOT SCALE PRINTS. CONTRACTOR MAY ADJUST DIMENSIONS AS DEEMED NECESSARY AFTER CONSULTING WITH THE DESIGNER.
- ALL RAFTERS, FLOOR JOISTS, AND CEILING JOISTS TO BE MINIMUM HEM FIR #2.
- STRUCTURALLY CONNECT THE PROPOSED ADDITION TO THE EXISTING HOUSE IN ACCORDANCE WITH LATEST EDITION OF MICHIGAN RESIDENTIAL CODE.
- WOOD FRAMING TO BE DONE IN ACCORDANCE TO NATIONAL LUMBER MANUFACTURER ASSOCIATION RECOMMENDED PRACTICE FOR WOOD FRAMING.
- GLUE LAM BEAMS SHALL BE FABRICATED IN ACCORDANCE WITH THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR STRUCTURAL GLUE LAMINATED TIMBER OF DOUGLAS FIR, WESTERN LARCH, SOUTHERN PINE, AND CALIFORNIA REDWOOD (A1TL 117) 2,000 F GRADE, DOUGLAS FIR (COAST REGION).
- TRUSS DESIGN, INSTALLATION AND BRACING SHALL BE PER TRUSS MANUFACTURER SHOP DRAWINGS AND SPECIFICATION.



PR. CANOPY FRAMING

SCALE 1/4" = 1'-0"



BRICK PAVER PORCH TYPICAL SECTION

N. T. S.

11/22/2022	PER OWNER		
11/14/2022	PER OWNER		
11/11/2022	PER CITY COMMENTS		
11/08/2022	PER CITY COMMENTS		
10/31/2022	FOR CITY BUILDING PERMIT APPLICATION	01/25/2023	PER OWNER
DATE	DESCRIPTION	DATE	DISCRPTION

KETTY FAMILY

OWNER  
967 SOUTHFIELD RD.  
BIRMINGHAM, MI 48009  
(000) 000-0000

NOTE:

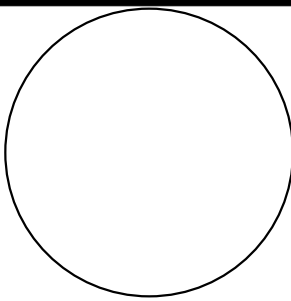
OWNER AND THE CONTRACTORS ARE THE SOLELY RESPONSIBLE FOR THE PERFORMANCE AND THE EXECUTION OF THE PROJECT AND IT IS THEIR RESPONSIBILITY FOR THE SAFETY OF THE BUILDING STRUCTURE AND THE MATERIALS USED TO RENOVATE AND CONSTRUCT THE PROPOSED FACILITY SHOWN ON THE PLANS

ALI ALJAWAD, P.E.

DESIGNER

(313) 399-1462

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF MICHIGAN BY MY HAND AND SEAL.



NOTES AND DETAILS

PROP. RESIDENTIAL ALTERATION  
RESIDENTIAL PROPERTY  
967 SOUTHFIELD RD., BIRMINGHAM, MI 48009

SHEET  
04

# **CASE DESCRIPTION**

## **600 Fairfax (23-10)**

**Hearing date: March 14, 2023**

**Appeal No. 23-10:** The owner of the property known **600 Fairfax**, requests the following variance to construct an attached garage to an existing non-conforming home:

A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setback are 14.00 feet or 25% of the total lot width whichever is larger. The required is 20.00 feet. The proposed is 16.80 feet. Therefore; a variance of 3.20 feet is being requested.

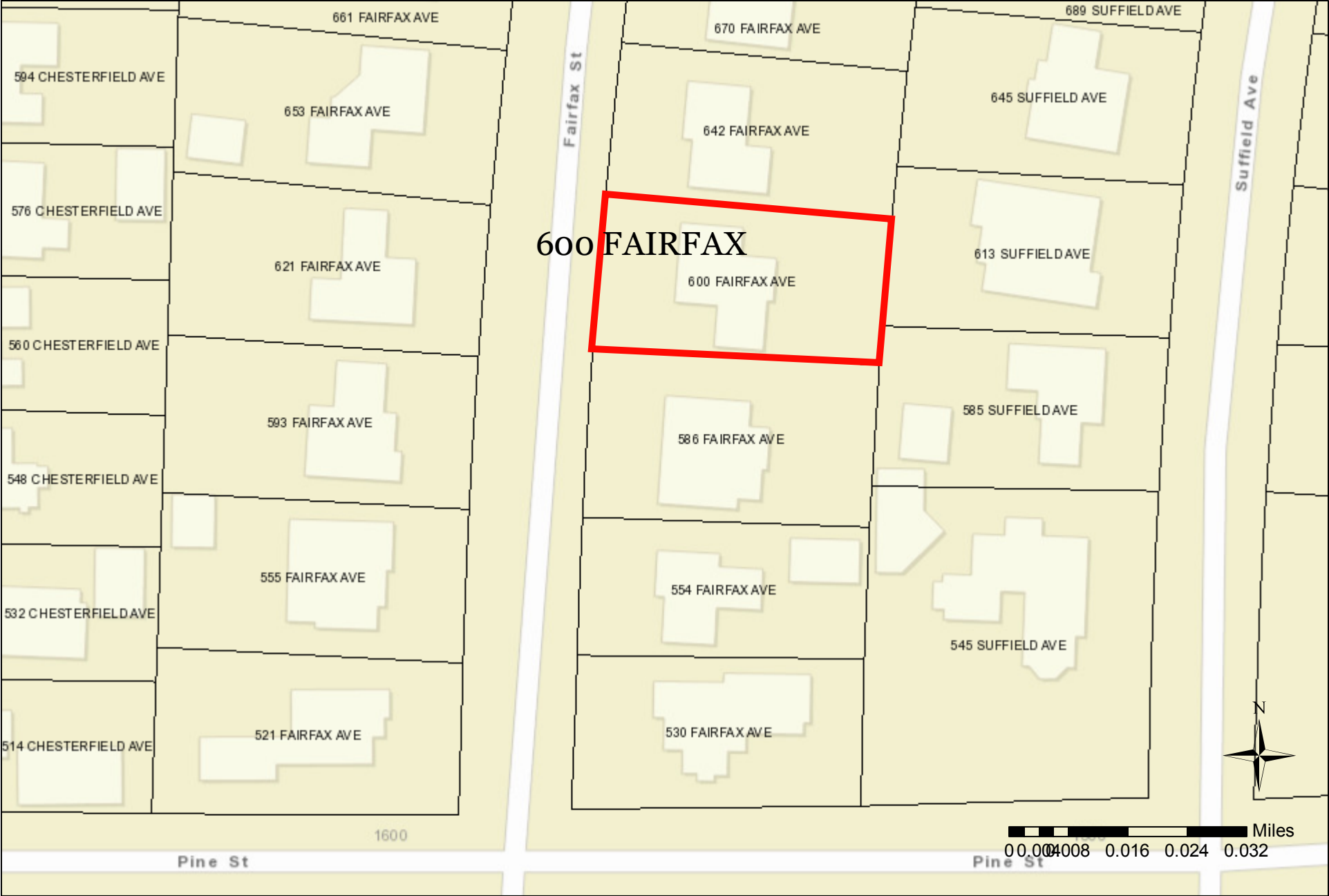
**Staff Notes:** The applicant has was in front of the board in December 2022 (Minutes attached) for this same request. The difference is that the applicant has made a significant change in the plans by adding a conforming second floor over the garage.

This property is zoned R1 – Single family residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

600 FAIRFAX 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: Jan 27

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

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

Appeal #: 23-10

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: <u>600 FAIRFAX AVE.</u>	Lot Number: <u>LOT 77</u>	Sidwell Number: <u>08-19-26-402-01</u>

<b>II. OWNER INFORMATION:</b>			
Name: <u>JASON AND MELISSA HOOVER</u>			
Address: <u>3307 WOODBINE</u>	City: <u>CHEVY CHASE</u>	State: <u>MD</u>	Zip code: <u>20815</u>
Email: <u>jhoover@penskeautomotive.com</u>		Phone: <u>248-860-3864</u>	

<b>III. PETITIONER INFORMATION:</b>			
Name: <u>DON WHEELER</u>			
Firm/Company Name: <u>HPH DESIGN GROUP INC.</u>			
Address: <u>PO BOX 7026</u>	City: <u>BLOOMFIELD HILLS</u>	State: <u>MI</u>	Zip code: <u>48302</u>
Email: <u>djw@home designer@hotmail.com</u>		Phone: <u>248-494-1544</u>	

**IV. GENERAL INFORMATION:**

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

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

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

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

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

<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>01/27/23</u>
Signature of Petitioner: <u>[Signature]</u>	Date: <u>JAN 27, 23.</u>

HRH Design Group Inc.

City of Birmingham  
Zoning Board of Appeals  
151 Martin Street  
Birmingham Mi. 48009

January 27, 2023

Dear Board Members,

On behalf of Melissa and Jason Hoover, who purchased 600 Fairfax in September of 2022, we applied for and were granted a variance in December 2022 for a south side yard dimensional variance of 3.2'. That variance was to allow us to build a one story attached garage on to the existing residence.

The Hoovers, former area residents currently living in Maryland returned to Michigan in January to view progress on their home. They noted many homes near them had 2 story garages. They noted the house immediately to the south had a recent 2<sup>nd</sup> story added to the garage and compared to previous photos of the house felt it was a significant architectural improve and provided desirable additional living space. Upon their request we are here seeking approval for the addition of a second story based on the following details.

Unlike the footprint of the garage below, the proposed south wall of the second story would be held 3.2' inside the south wall of the first story of the new garage we will be building. The side setback of the second story of the home plus the north side setback is 20.0' and would NOT encroach into the current side yard setback.

We are requesting the same 3.2' variance granted 12-22, but with a design inclusive of the upper-level living space proposed. In keeping with the spirit or our first proposal, we do not believe the addition of the upper-level space would be a detriment to the general welfare of the nearby properties nor conflict with the spirit of the zoning ordinance. In turn, it provides the Hoover's with necessary space for their growing family.

It was not our intention to burden the board with this addition to the original variance requested. We hope you appreciate this was the result a client who was anxious to return to Birmingham from out of state making decisions that might have been difference had they been living in state as their view of the property developed. Our detailed discussion presented in December still applies and is presented following this introduction.

Donald J. Wheeler  
Owner: HRH Design Group Inc.

HRH Design Group Inc.



1. Special or unique conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.

***"600 Fairfax was built in 1954 with a detached garage. The front of the garage extended in front of the rear of the house (westerly) creating an odd, angled condition of part of the northwest side of the where it extended in front of the rear of the house. Between 1980 and 1990 a Family Room was added to the rear of the house, the south wall of which was 5 ft from the north wall of the garage. Then in 2006 a section of roof was added between the Family Room and Garage which connected the two heretofore unconnected structures. The result was an odd condition, unsightly condition which includes a zig zag walk path from the front of the garage to the rear yard with structure that completely blocks southern sunlight from coming into the family room. In its current condition we believe the garage is a non-conforming attached garage which is 7.5' from the southern lot line, encroaching 4.2' into a required side yard setback."***

2. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance; and that the variance is the minimum necessary.

***"Attached, front facing garages are allowed and common in our zoning district. If the Board chooses to approve the requested dimensional variance the new homeowners of this property would be afforded the same rights enjoyed by other properties in the same zoning district."***

3. The special conditions and circumstances do not result from the actions of the applicant. ***"The new owners of 600 Fairfax did not create the existing conditions. They purchased the property in September 2022. To their credit they prefer to renovate the existing home rather than demolish it and build a new home."***

4. The granting of the variance will be in harmony with the general purpose and intent of this ordinance.

***"The granting of this variance would be consistent with the general purpose of the current zoning variance. It would also reduce the existing non-conform condition from 4.2' to 3.2'. While possibly not of interest to the Zoning Board, it would dramatically improve the flow of air and exposure to natural sunlight in the most used living space of this home."***

5. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.

***"We do not believe the variance, if granted would be detrimental to the general welfare of the nearby properties. The most impacted home is 586 Fairfax our neighbor immediately to the south. The proposed new garage would move forward about 9', but also move about 2' further from 586 Fairfax as we reduce the nonconforming condition. It would not block any direct sunlight as we are on the northerly side of 586 Fairfax. Additionally, there is a row of very tall cedars on the northern side of 586 Fairfax the length of which are parallel to the new location of the garage."***



MORTGAGE SURVEY

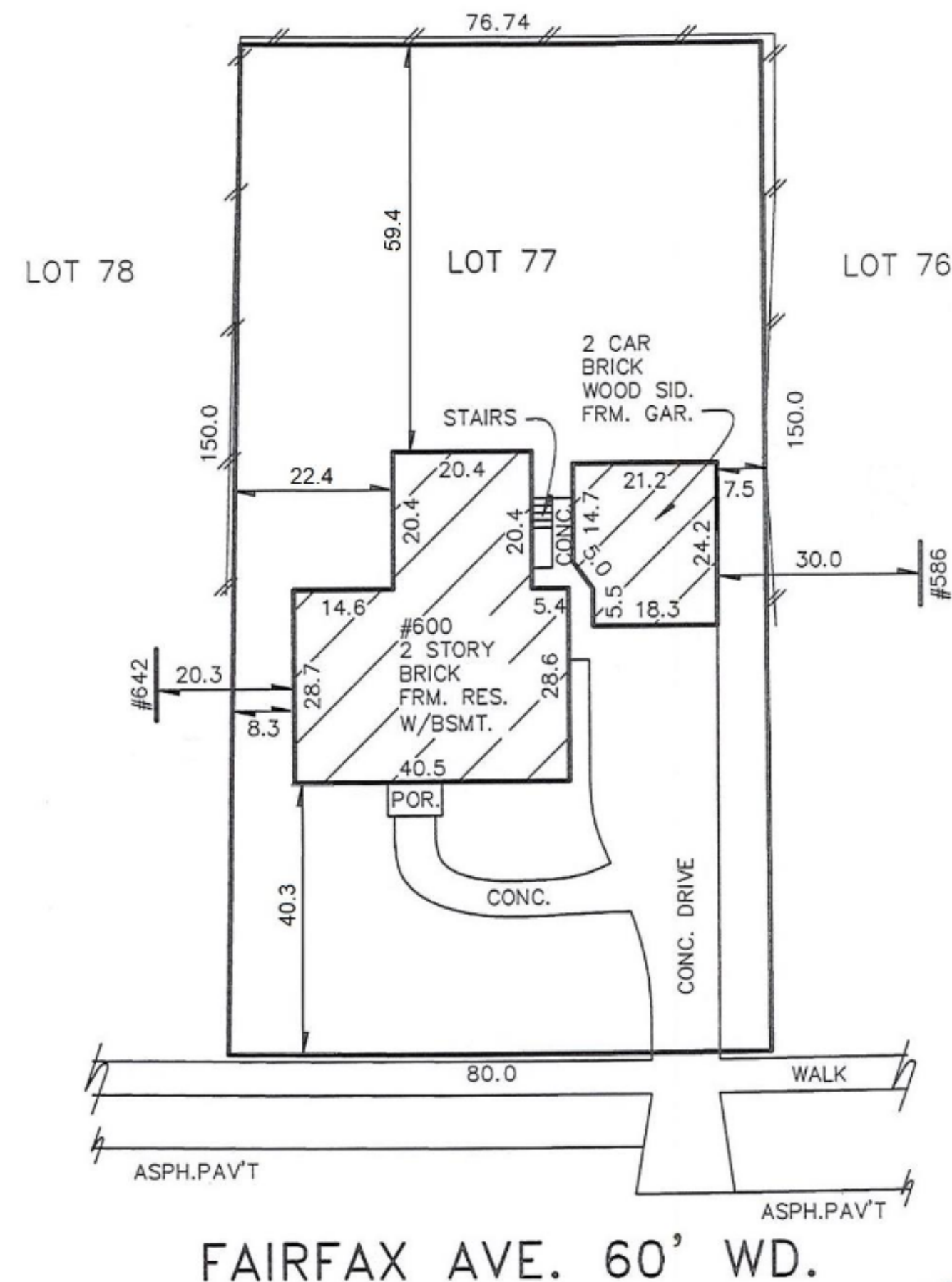
Certified to: FIRST MERCHANTS BANK

Applicant: JASON HOOVER

Property Description:

Lot 77; SUBDIVISION OF LOTS 1 TO 184 INCLUSIVE OF QUARTON LAKE ESTATES SUBDIVISION, Village of Birmingham (now City of Birmingham), Oakland County, Michigan, as recorded in Liber 32 of Plats, Page 40 of Oakland County Records.

NOTE: A BOUNDARY SURVEY IS NEEDED TO DETERMINE EXACT SIZE AND/OR LOCATION OF PROPERTY LINES, AND FENCE LOCATIONS.



FAIRFAX AVE. 60' WD.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.

*Anthony T. Sycko, Jr.*

JOB NO: 22-02877 SCALE: 1"=20'  
DATE: 09/20/22 DR BY: AJR



THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

**KEM-TEC** PROFESSIONAL ENGINEERING, SURVEYING & ENVIRONMENTAL SERVICES  
A GROUP OF COMPANIES  
Eastpointe (800) 295.7222 (313) 758.0677 (734) 994.0888 (888) 694.0001  
Detroit (800) 295.7222 (313) 758.0677 (734) 994.0888 (888) 694.0001  
Ann Arbor FAX: (586) 772.4048 FAX: (586) 772.4048 FAX: (734) 994.0667 FAX: (810) 694.9955  
Grand Blanc  
www.kemtecagroupofcompanies.com

SITE CRITERIA....

- ADDRESS: 600 FAIRFAX AVENUE
- PARCEL ID: 19-26-402-011
- ZONING: R-1
- AVERAGE FRONT SETBACK: 38.8'
- REQ. MIN. REAR SETBACK: 30.0'
- REQUIRED COMBINED SIDE SETBACKS: 20.0'
- EXISTING COMBINED SIDE SETBACKS: 15.8'
- EXISTING NON-CONFORMING ENCROACHMENT: 4.2'

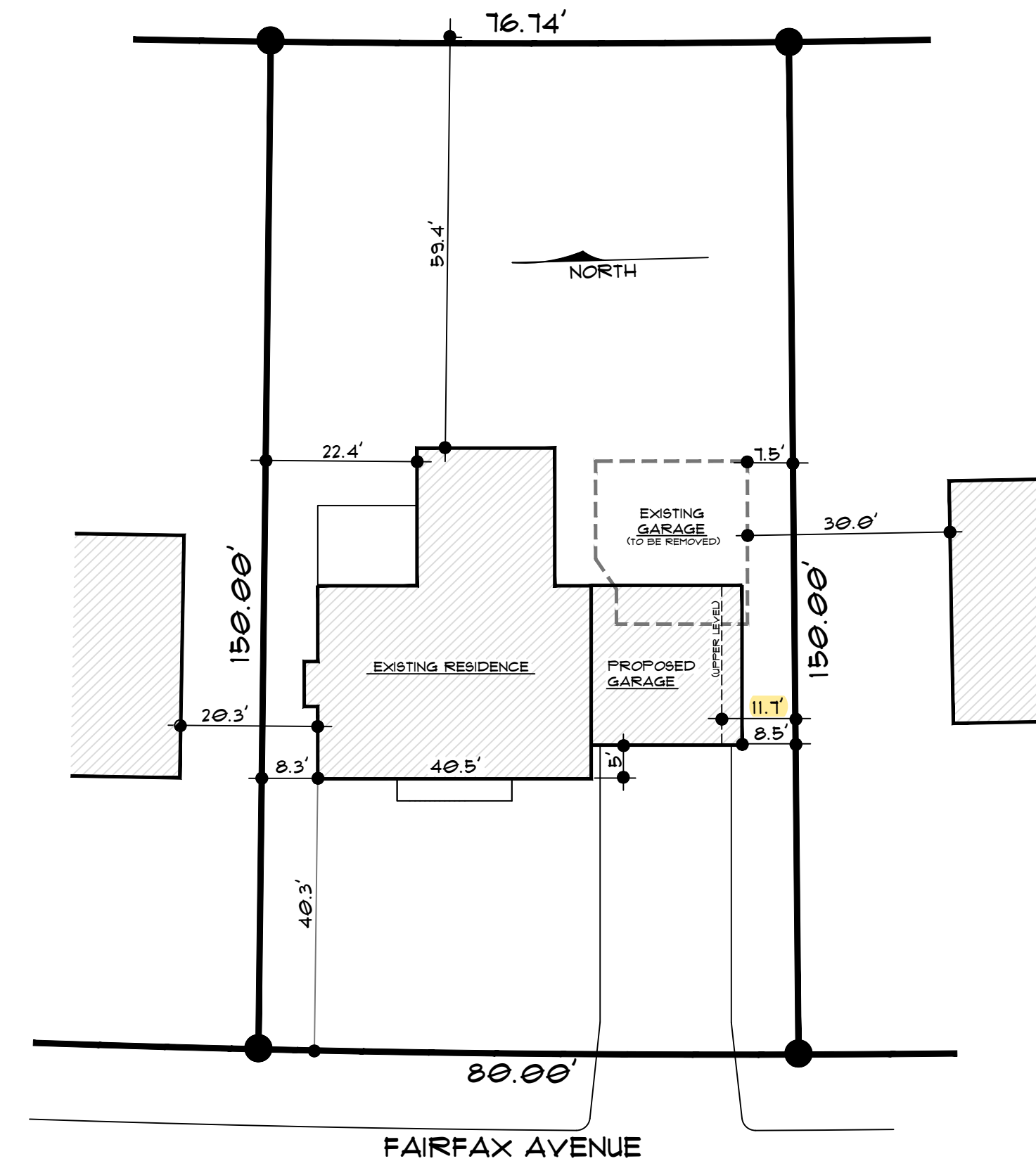
MAIN LEVEL GARAGE....

- PROPOSED COMBINED SIDE SETBACKS: 16.8'
- REDUCTION OF NON-CONFORMING CONDITION: 1.0'

VARIANCE REQUESTED: 3.2'

UPPER LEVEL OVER GARAGE....

- PROPOSED COMBINED SIDE SIDE SETBACK: 20.0'
- UPPER LEVEL DOES NOT ENCROACH INTO SETBACK



PROPOSED SITE PLAN

SCALE: 1"= 20'-0"

HRH Design Group Inc.  
"Designers of Extraordinary Custom Homes"  
P.O. BOX 7036, Bloomfield Hills, MI 48302  
(248) 494-1544

SW LUXURY HOMES  
SPAGNA + WIAND  
30150 Telegraph Road  
Birmingham, MI 48009

DATE	PERMIT-BUILD	DESCRIPTION OF PLAN
11-12-2022	VARIANCE PROPOSAL	SIDE YARD VARIANCE
12-07-22	VARIANCE PROPOSAL	REVISED PER CITY
01-27-23	SECOND VARIANCE	ADDITION OF UPPER BONUS SPACE

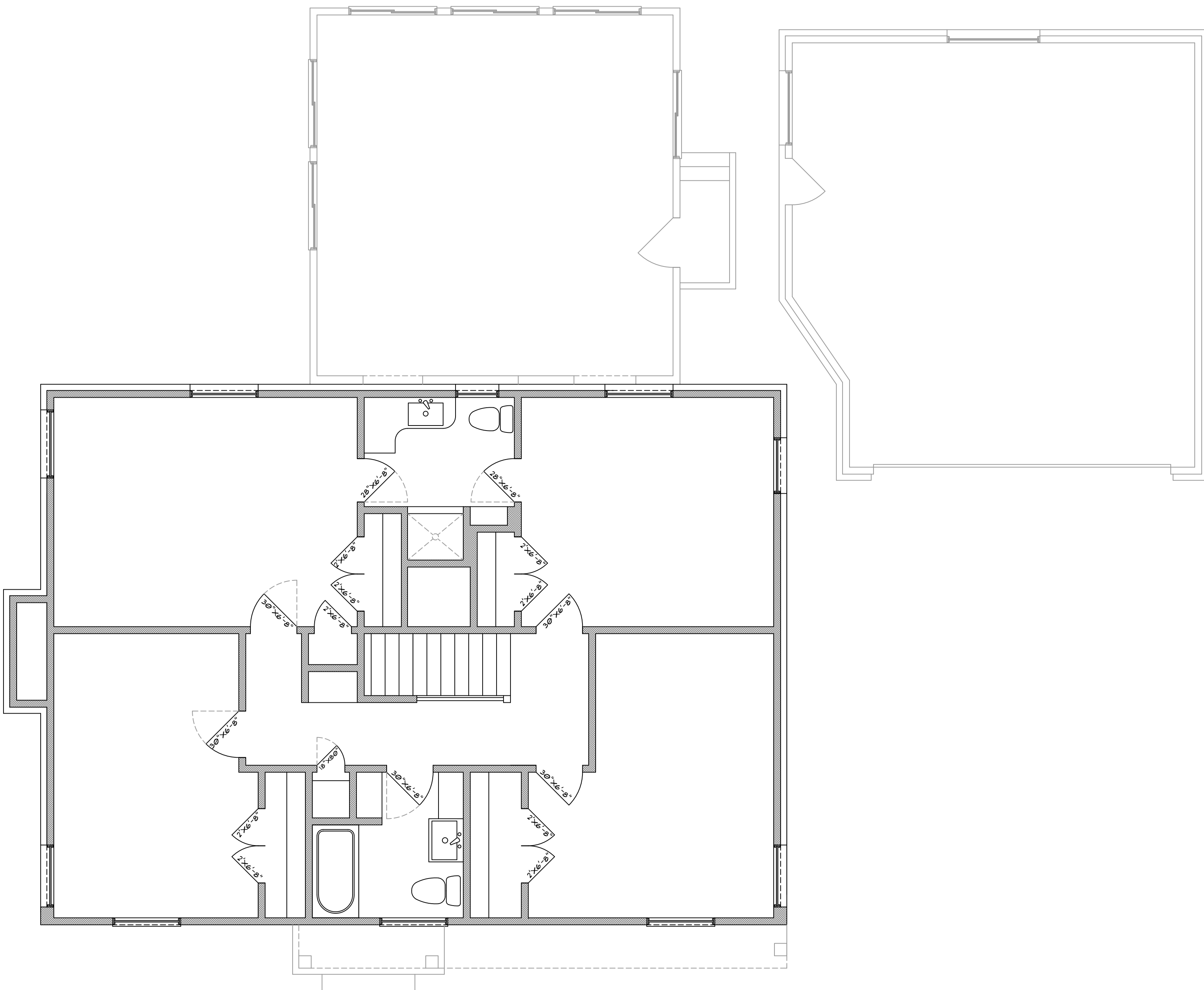
PROJECT DESCRIPTION:  
600 FAIRFAX AVENUE  
BIRMINGHAM, MI 48009  
SHEET TITLE:  
PROPOSED SITE PLAN

DATE OF PLAN:  
JAN 27, 2023  
JOB NUMBER:  
22-0908  
PAGE NUMBER:  
VARIANCE  
SHEET:  
S-1

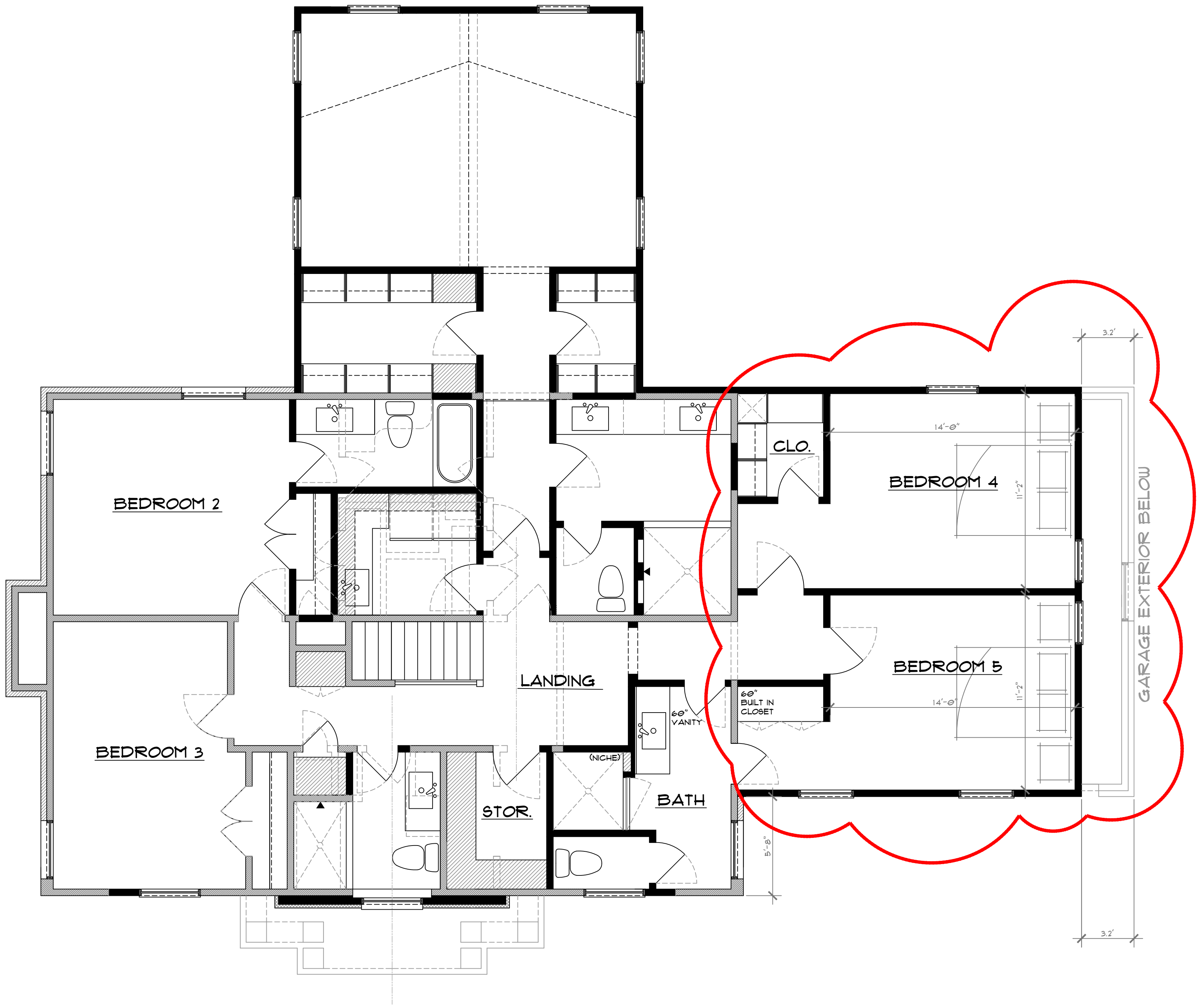




PROJECT DESCRIPTION: <b>600 FAIRFAX AVENUE</b> BIRMINGHAM, MI. 48003 SHEET TITLE: <b>PROPOSED GARAGE</b>		DATE OF PLAN: JAN. 27, 2023		JOB NUMBER: <b>22-0908</b>		PAGE NUMBER: <b>VARIANCE</b>		SHEET: <b>A-1</b>	
		DATE:		PERMIT-BUILD		DESCRIPTION OF PLAN:		<div>SW</div> <div>LUXURY HOMES</div> <div>SPAGNA &amp; WIAND</div> <div>P.O. BOX 7026, 801</div> <div>10150 Telegraph Road</div> <div>(248) 494-1344</div> <div>Birmingham, MI 48009</div> <div>hrh Design Group Inc.</div> <div>"Designers of Extraordinary Custom Homes"</div> <div>P.O. BOX 7026, 801</div> <div>10150 Telegraph Road</div> <div>(248) 494-1344</div> <div>Birmingham, MI 48009</div>	
		11-12-2022		ZBA PROPOSAL #1		SIDE YARD VARIANCE			
		01-27-2023		ZBA PROPOSAL #2		SIDE YARD PLUS ADDITION			



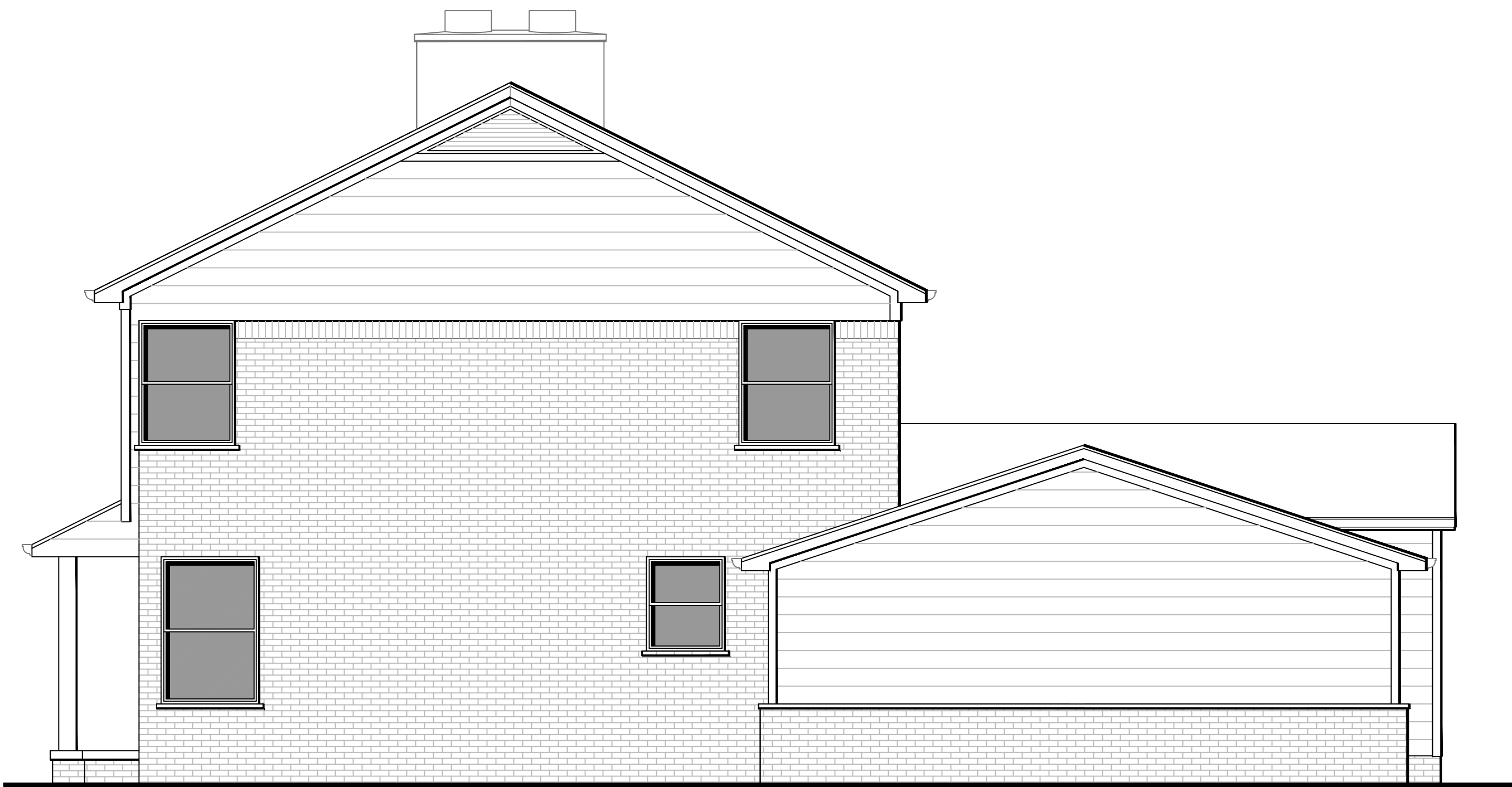
EXISTING UPPER LEVEL      SCALE: 1/4"=1'-0"



PROPOSED UPPER LEVEL      SCALE: 1/4"=1'-0"  
ADDENDUM TO ORIGINAL VARIANCE

<b>PROJECT DESCRIPTION:</b> 600 FAIRFAX AVENUE BIRMINGHAM, MI. 48009		<b>DATE:</b> 11-12-2022 01-27-2023		<b>PERMIT-BUILD</b> ZBA PROPOSAL #1 ZBA PROPOSAL #2		<b>DESCRIPTION OF PLAN:</b> SIDE YARD VARIANCE SIDE YARD PLUS ADDITION		<b>SW</b> LUXURY HOMES SPAGNA + WIAND 30150 Telegraph Road Birmingham, MI 48009		<b>HRH Design Group Inc.</b> "Designers of Extraordinary Custom Homes" P.O. BOX 7006, Bloomfield Hills, MI 48302 (248) 494-1544	
<b>SHEET TITLE:</b> ADDITION OVER GARAGE											
<b>DATE OF PLAN:</b> JAN. 27, 2023											
<b>JOB NUMBER:</b> 22-0908											
<b>PAGE NUMBER:</b> VARIANCE											
<b>SHEET:</b> A-2											





EXISTING SOUTH ELEVATION

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



EXISTING WEST ELEVATION

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



PROPOSED SOUTH ELEVATION

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



PROPOSED WEST ELEVATION

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

DATE	PERMIT-BUILD	DESCRIPTION OF PLAN
11-12-2022	ZBA PROPOSAL #1	SIDE YARD VARIANCE
01-27-2023	ZBA PROPOSAL #2	SIDE YARD PLUS ADDITION

# **CASE DESCRIPTION**

## **300 Shirley (23-11)**

**Hearing date: March 14, 2023**

**Appeal No. 23-11:** The owner of the property known as **300 Shirley**, requests the following variance to allow a basement to project into the required front open space:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback is the average of home within 200.00 feet in each direction. The required is 67.38 feet. The proposed is 62.88 feet. Therefore, a variance of 4.50 feet is requested.

**Staff Notes:** The applicant has a permit to construct the home on this lot. In the process of a foundation wall inspection it was noted that the permitted front porch has an access to the space underneath, per the ordinance this brings this area into the front yard setback. This is the variance which being requested.

This property is zoned R1 – Single family residential.

---

Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

# 300 SHIRLEY 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: 2/9/23

Hearing Date: 2/14/23

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

Appeal #: 23-001

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

Address: <u>300 Shirley</u>	Lot Number: <u>7</u>	Sidwell Number: <u>19-35-226-014</u>
-----------------------------	----------------------	--------------------------------------

**II. OWNER INFORMATION:**

Name: <u>David Mendelson</u>			
Address: <u>5017 Mohr Valley Ln.</u>	City: <u>Bloomfield Hills</u>	State: <u>MI</u>	Zip code: <u>48304</u>
Email: <u>dm@mendelsonlaw.net</u>		Phone: <u>248-953-1298</u>	

**III. PETITIONER INFORMATION:**

Name: <u>William Lethemon</u>		Firm/Company Name: _____	
Address: <u>337 Hillboro</u>	City: <u>Bloomfield Twp.</u>	State: <u>MI</u>	Zip code: <u>48301</u>
Email: <u>william@luxehomesdesignbuild.com</u>		Phone: <u>248-990-8083</u>	

**IV. GENERAL INFORMATION:**

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

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

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

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

**V. REQUIRED INFORMATION CHECKLIST:**

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

**VI. APPLICANT SIGNATURE**

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

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

Signature of Owner: \_\_\_\_\_

Date: 2/9/2023

Signature of Petitioner: William Lethemon

Date: 2/9/2023

RECEIVED

FEB 14 2023

CITY OF BIRMINGHAM  
COMMUNITY DEVELOPMENT DEPT.



**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.

William Lithman

Signature of Applicant

**The Mendelson Law Firm**  
*355 S. Old Woodward Avenue, Suite 100*  
*Birmingham, MI 48009*  
*(248) 646 8277 • (248) 646 8747 (fax)*

David S. Mendelson  
e-mail: dm@mendelsonlaw.net

February 8, 2023

City of Birmingham  
Attn: Codes and Ordinances  
151 Martin Street  
Birmingham, MI 48009

Re: 300 Shirley Street, Birmingham, MI

To Whom It May Concern:

I write this letter in furtherance of my request for a variance on my property located at 300 Shirley Street, Birmingham, MI. The variance requested has two components. First, I do not believe that the basement section at issue violates the Birmingham codes/ordinances. Second, to the extent you determine that the basement does encroach into the open space/front yard setback, I would request a variance to allow me to use this basement space as habitable area within my home.

The area at issue is a portion of my basement which extends underneath the front porch. That front porch extends approximately 4 feet into the front yard setback and is clearly allowed under 4.30 OS-1 (C)(1).

The area below the front porch currently has a basement wall, creating an additional area of basement below the front porch. That area was not originally intended to be established in that fashion in the original plans submitted. Unfortunately, and unbeknownst to either myself or my builder, the soil at 300 Shirley required additional foundation work in order to build the home. While I am not technically savvy in building techniques, from what I understand, it required "undercutting" and additional shoring, including the extension of the basement wall underneath the front porch to support the foundation. Undoubtedly, had we not extended the basement wall to its current location, we would not have been granted permission to proceed with the building of the home. While perhaps not relevant to your consideration, the additional cost to fortify the foundation was significant.

As noted, I do not believe that the area under the front porch violates the Birmingham Code. Open Space, as defined in 9.02 makes no mention of the area below the home. The front yard setback requirements refer to the front lot line of the home and requires "frontage" of a certain amount of feet. The basement underneath the front porch does not impact the frontage between the front of the home and front lot line. There is simply no prohibition in the code which would result in the front yard setback applying to an underground basement.

The absence of such a prohibition makes sense. From my understanding, the purpose of the setbacks is for aesthetics and community enjoyment. For instance, it makes perfect sense why the side of one house has to be a certain distance from your neighbor's home. Neighborhood aesthetics are impacted if the homes are too close together as is your neighbor's enjoyment of their home and property. The basement at issue, however, has no such impact. The view from the street is identical. The basement wall which forms the outside basement wall will be present, regardless of whether there is dirt filled in behind it or habitable space is allowed. Put simply, there is no prohibition against this space being used as habitable area, nor is there any impact on the community.

For the above reasons, I request this board determine that the basement area at issue be in compliance with Birmingham codes/ordinances.

Assuming this board declines to find this basement area to be in conformity with Birmingham codes/ordinances, I request a four-foot variance to allow me to utilize this space as habitable area within my home.

First, this was not a self-created problem. The soil condition, unknown at the time, required the additional excavation and the additional placement of the basement wall. Everyone agrees at this point that the wall must remain in order to establish an appropriate foundation. The only question is the use of the space behind the wall. Had I known that there was a soil issue, we might have placed the home differently on the lot. I had no intention to build anything in violation of Birmingham codes/ordinances. A situation which I would have preferred never to have occurred resulting in this additional space.

Second, there is a practical difficulty of remedying this situation. Despite there being no impact on the community, the recommendation to date is to close the outer basement wall off and fill in the area. I have already paid to excavate the area and haul the fill away. I would now have to "buy back" my own dirt/fill and pay to remedy the situation. Practically speaking, the wall will remain within the setback if you so determine that the setback extends underground.

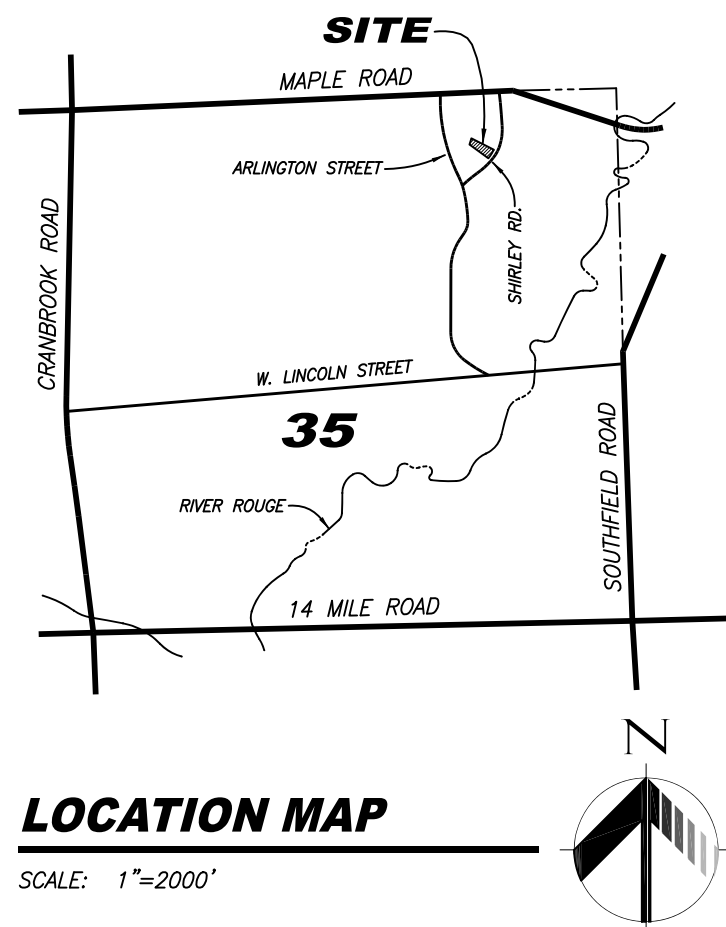
Given the zero impact on the neighborhood, safety, or any of my neighbors, and considering that I had no role in creating this situation, the idea of forcing perfectly usable space to be filled in, at significant expense makes little sense to me. I am requesting this board grant a four foot variance to allow use of this space as habitable area.

Very truly yours,



David S. Mendelson





## PROPERTY DESCRIPTION

PARCEL NO. 19-35-226-014  
LOT 7, "CORDELL PARK NO. 1", A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 35, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 104 OF PLATS, PAGE 7 OF OAKLAND COUNTY RECORDS.

## SITE CRITERIA

- ADDRESS: #300 SHIRLEY DRIVE
- PARCEL ID NO.: 19-35-226-014
- ZONING: R-1A, SINGLE FAMILY RESIDENTIAL
- AVERAGE FRONT SETBACK AS SURVEYED = 67.38'
- REQUIRED REAR SETBACK = 30'
- REQUIRED MINIMUM COMBINED FRONT AND REAR SETBACK = 55'
- REQUIRED MINIMUM SIDE SETBACK = 5'
- LOT WIDTH, MEASURED AT FRONT SETBACK = 96.00'
- REQUIRED MINIMUM SIDE SETBACK, ONE SIDE = 96.00' x 10% = 9.60'
- REQUIRED TOTAL SIDE SETBACK = 96.00' x 25% = 24.00'
- REQUIRED DISTANCE BETWEEN STRUCTURES = 24.00'
- PARCEL AREA: 21,955 S.F. (0.504 ACRE)
- LOT COVERAGE ALLOWED = 30% = 6,587 S.F.
- LOT COVERAGE PROPOSED = 4,732 S.F. (21.6%)
- OPEN SPACE REQUIRED = 40% = 8,792 S.F.
- OPEN SPACE PROPOSED = 14,684 S.F. (66.9%)
- FRONT YARD AREA = 6,844 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% = 4,449 S.F.
- FRONT YARD OPEN SPACE PROPOSED = 5,593 S.F. (81.7%)

## BENCHMARKS

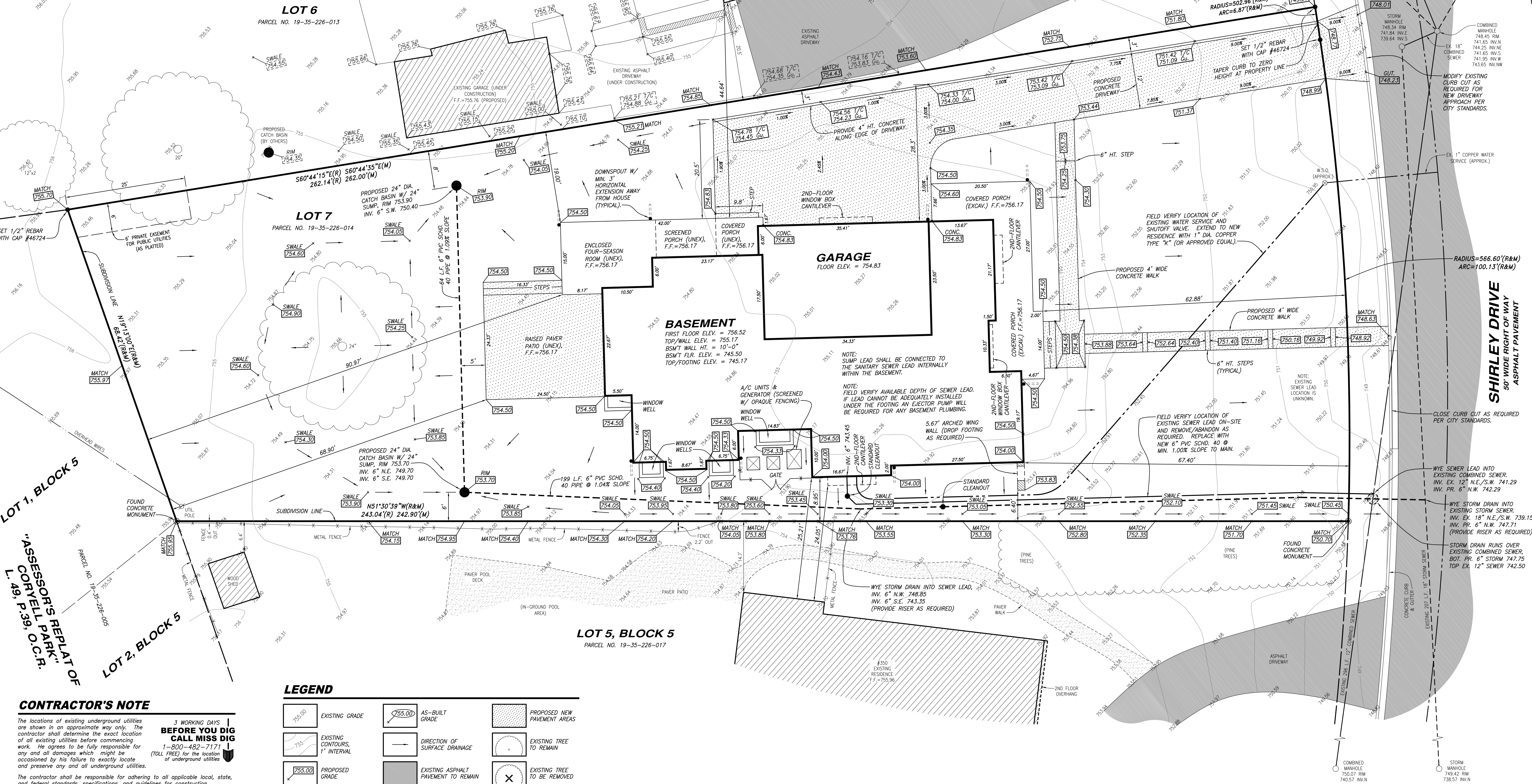
CITY BENCHMARK #22  
ELEVATION = 751.27 (CITY DATUM)  
FOUND BRASS CAP IN CONCRETE WALK  
LOCATED AT THE NORTHWEST CORNER OF  
LAKE PARK DRIVE AND MAPLE ROAD.

SITE BENCHMARK  
ELEVATION = 751.27 (CITY DATUM)  
TOP OF EXISTING HYDRANT LOCATED ON  
THE EAST SIDE OF SHIRLEY DRIVE ACROSS  
THE STREET FROM EXISTING RESIDENCE  
#288 (SUBJECT PROPERTY).

PLAN SCALE: 1" = 10'

## NOTE

REFER TO SHEET 2 FOR  
ADDITIONAL NOTES & DETAILS.



REVISIONS:  
7-18-22 REVISED PER CITY ENGINEER.

CLIENT:  
MR. BRYAN LEITH  
OLDE WORLD HOMES, LLC  
380 HAMILTON ROW  
BIRMINGHAM, MI 48209  
(248) 520-2579

SCALE:  
1"=10'



**HORIZON**  
ENGINEERING, LLC  
ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586.453.8097 Fax 586.580.0053

PROJECT:  
**Lot 7**  
"Cordey Park No. 1"

PLAN:  
**SITE PLAN & DRAINAGE PLAN**

SHEET:

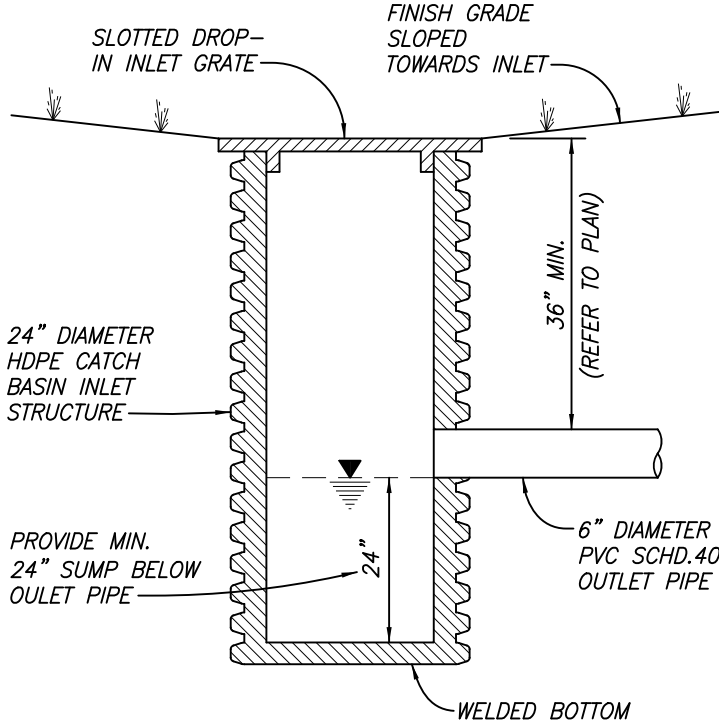
**1** OF **2**

MUNICIPAL REVIEW NUMBERS:



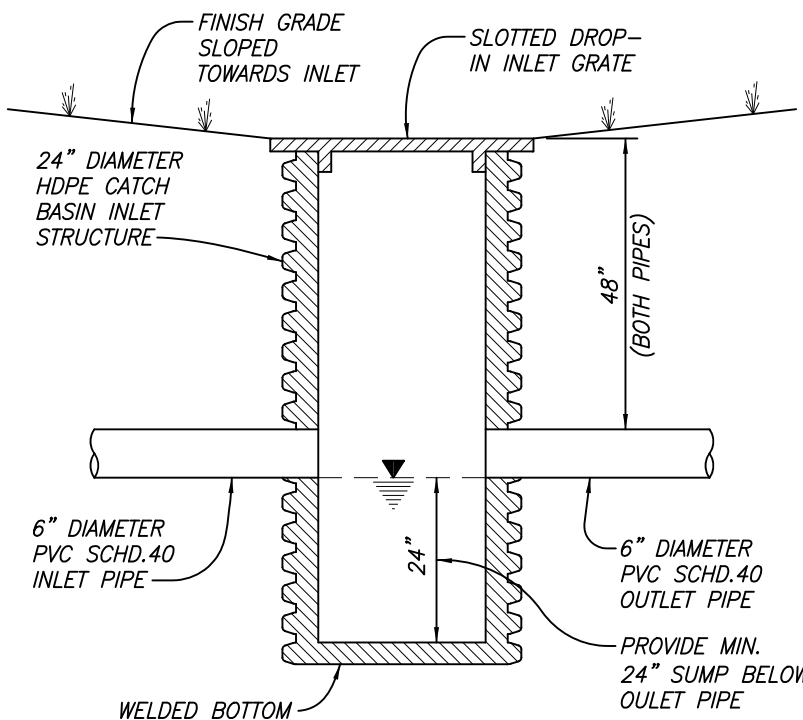
NOTES

- SURVEY AND TOPOGRAPHY IS AS PERFORMED AND PROVIDED BY AZTEC LAND SURVEYORS INC., JOB NO. 19-123 ON AUGUST 10, 2019, AND UPDATED AS NECESSARY PER CURRENT SITE AND SURROUNDING PROPERTY CONDITIONS.
- 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.
- A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
- SUBJECT PARCEL LIES WITHIN ZONE X; AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE (500-YEAR) FLOOD PLAN AS SHOWN ON FLOOD INSURANCE RATE MAP NO. 26129C05386, DATED SEPTEMBER 29, 2006, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- ALL RAIN GUTTER DOWNSPOUTS MUST BE CONSTRUCTED IN A MANNER THAT DIRECTS WATER FLOW TO THE FRONT OF SUBJECT PROPERTY WHENEVER POSSIBLE.
- ALL TREES IN THE EXISTING RIGHT OF WAY MUST BE PROTECTED DURING TIME OF CONSTRUCTION.
- ALL FOUNDATION DIMENSION AND FINISH FLOOR ELEVATIONS SHALL BE VERIFIED WITH THE FINAL APPROVED BUILDING PLANS PRIOR TO THE START OF CONSTRUCTION.



REAR YARD INLET DETAIL (1 PIPE)

(NO SCALE)

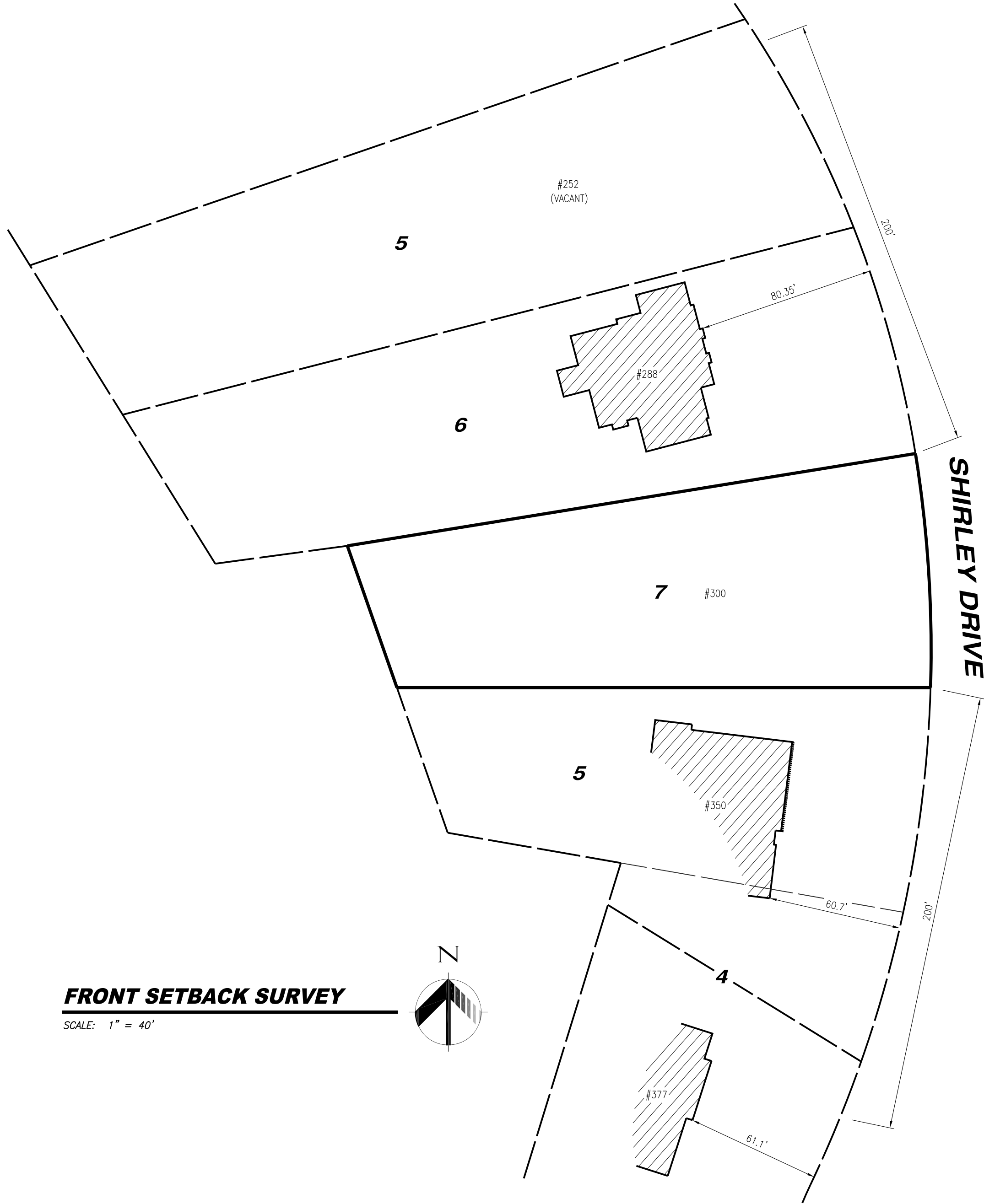
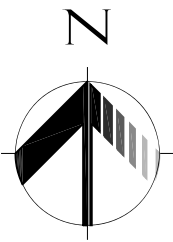


REAR YARD INLET DETAIL (2 PIPES)

(NO SCALE)

FRONT SETBACK SURVEY

SCALE: 1" = 40'



PROJECT:

Lot 7

"Coryell Park No. 1"

#300 SHIRLEY DRIVE

PARCEL NO. 19-35-226-014

PART OF THE N.E. 1/4 OF SECTION 35, T.2N., R.10E.,

CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

PLAN:

NOTES & DETAILS

SHEET:

2

OF: 2

MUNICIPAL REVIEW NUMBERS:

REVISIONS:  
7-18-22 REVISED PER CITY ENGINEER.

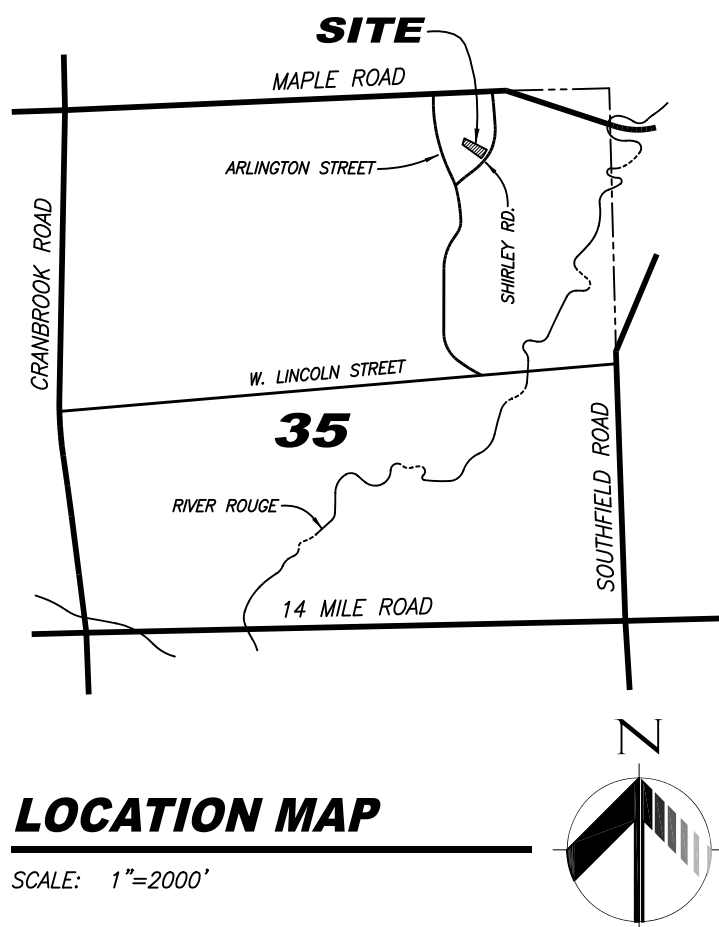
CLIENT:  
MR. BRYAN LEITH  
OLDE WORLD HOMES, LLC  
380 HAMILTON ROW  
BIRMINGHAM, AL 35202  
(205) 250-2579

JOB NO: 18-088  
DATE: 6-14-22  
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



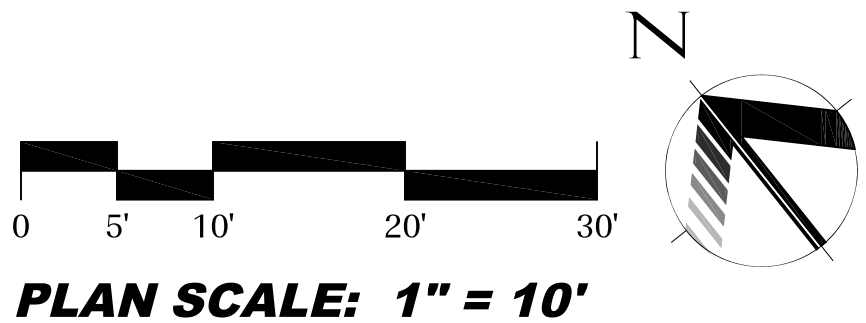


### PROPERTY DESCRIPTION

PARCEL NO. 19-35-226-014  
LOT 7, "CORYELL PARK NO. 1", A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 35, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 104 OF PLATS, PAGE 7 OF OAKLAND COUNTY RECORDS.

### SITE CRITERIA

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- AVERAGE FRONT SETBACK AS SURVEYED = 67.38'
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- REQUIRED MINIMUM COMBINED FRONT AND REAR SETBACK = 55'
- REQUIRED MINIMUM SIDE SETBACK = 5'
- LOT WIDTH, MEASURED AT FRONT SETBACK = 96.00'
- REQUIRED MINIMUM SIDE SETBACK, ONE SIDE = 96.00' x 10% = 9.60'
- REQUIRED TOTAL SIDE SETBACK = 96.00' x 25% = 24.00'
- REQUIRED DISTANCE BETWEEN STRUCTURES = 24.00'
- PARCEL AREA = 21,955 S.F. (0.504 ACRE)
- LOT COVERAGE ALLOWED = 30% = 6,587 S.F.
- LOT COVERAGE PROPOSED = 4,732 + 145 S.F. = 4,877 S.F. (22.2%)
- OPEN SPACE REQUIRED = 40% = 8,782 S.F.
- OPEN SPACE PROPOSED = 14,684 - 145 S.F. = 14,539 S.F. (66.2%)
- FRONT YARD AREA = 6,844 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% = 4,449 S.F.
- FRONT YARD OPEN SPACE PROPOSED = 5,593 - 145 S.F. = 5,448 S.F. (79.6%)

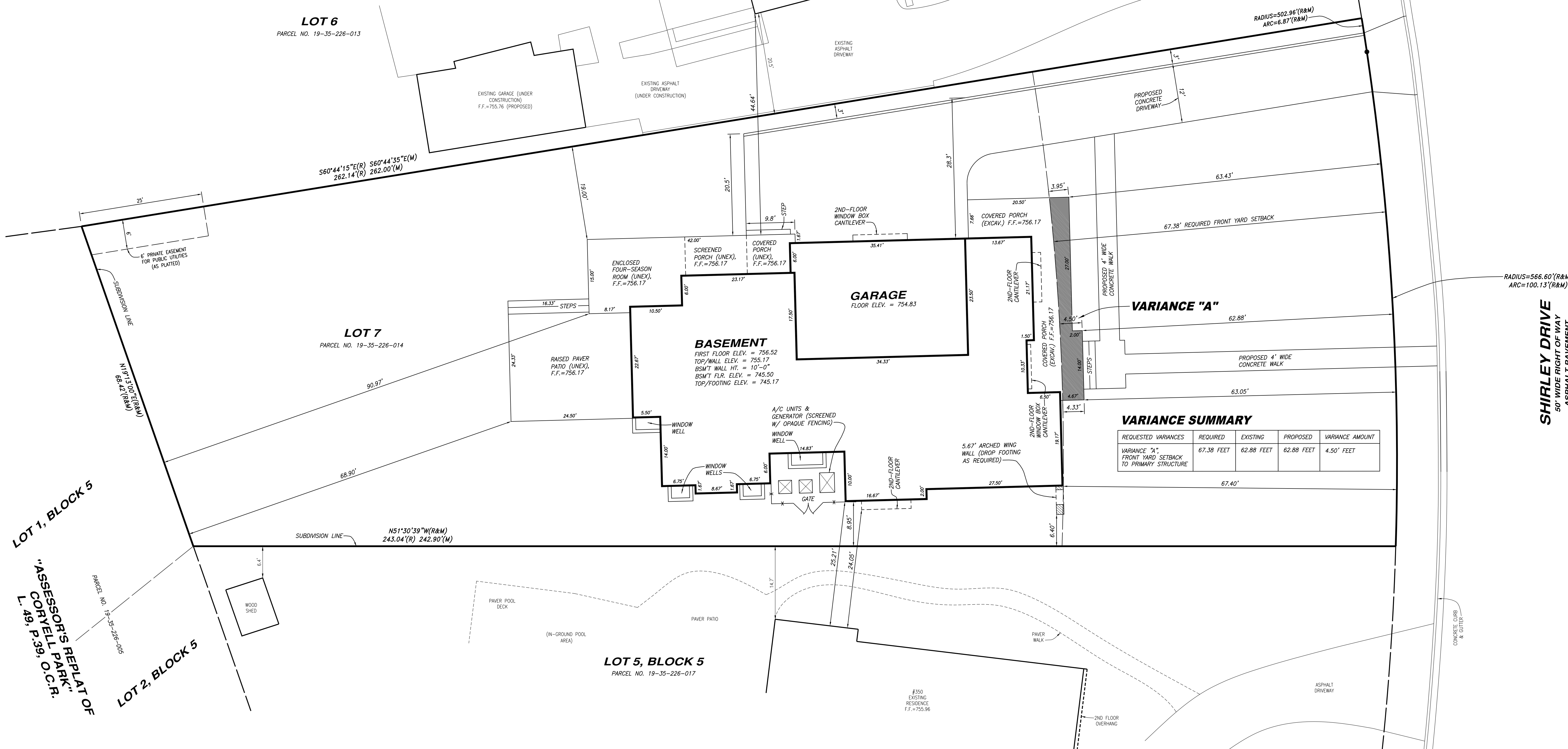


### NOTE

REFER TO SHEET 2 FOR  
ADDITIONAL NOTES & DETAILS.

### LEGEND

AREA OF PORCH WITHIN  
FRONT YARD SETBACK,  
145 S.F.



REVISIONS:

CLIENT: MR. BRYAN LEITH  
OLDE WORLD HOMES, LLC  
380 HAMILTON ROW  
BIRMINGHAM, MI 48209  
(248) 520-2579

SCALE:



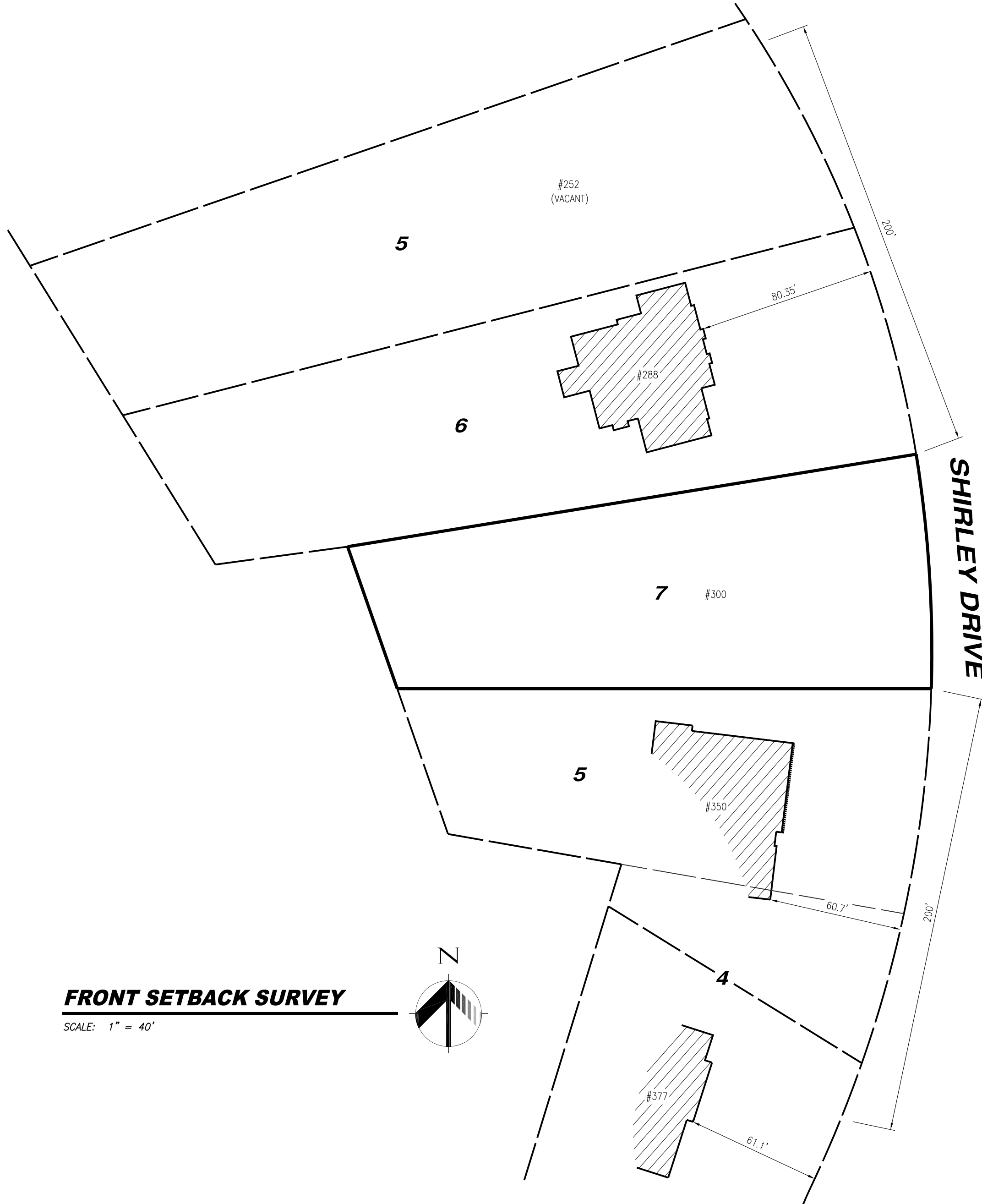
**HORIZON**  
ENGINEERING LLC  
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586-453-8097

PROJECT: **Lot 7**  
**"Coryell Park No. 1"**

PLAN: **SITE PLAN**  
**for Variance Request**

SHEET:

**1**  
OF: **2**  
MUNICIPAL REVIEW NUMBERS:



FRONT SETBACK SURVEY

SCALE: 1" = 40'

SHEET:

2 OF 2

MUNICIPAL REVIEW NUMBERS:

SITE PLAN  
for Variance Request

PROJECT:  
**Lot 7**  
**"Coryell Park No. 1"**  
#300 SHIRLEY DRIVE  
PARCEL NO. 19-35-226-014  
PART OF THE N.E. 1/4 OF SECTION 35, T.2N., R.10E.,  
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

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MR. BRYAN LEITH  
OLDE WORLD HOMES, LLC  
380 HAMILTON ROW  
BIRMINGHAM, MI 48409  
(248) 250-2579

JOB NO: 18-088  
DATE: 2-9-23  
DRAWN BY: N.P.R.

REVISIONS:



PROPOSED DESIGN FOR:

MENDELSON RESIDENCE

300 SHIRLEY DR., BIRMINGHAM, MI.

LOCATION MAP

LOCATION MAP

NTS



BUILDING CODE DATA

2015 MICHIGAN RESIDENTIAL CODE  
2015 MICHIGAN UNIFORM ENERGY CODE  
USE AND OCCUPANCY CLASSIFICATION: R-3

CONSTRUCTION TYPE: VB

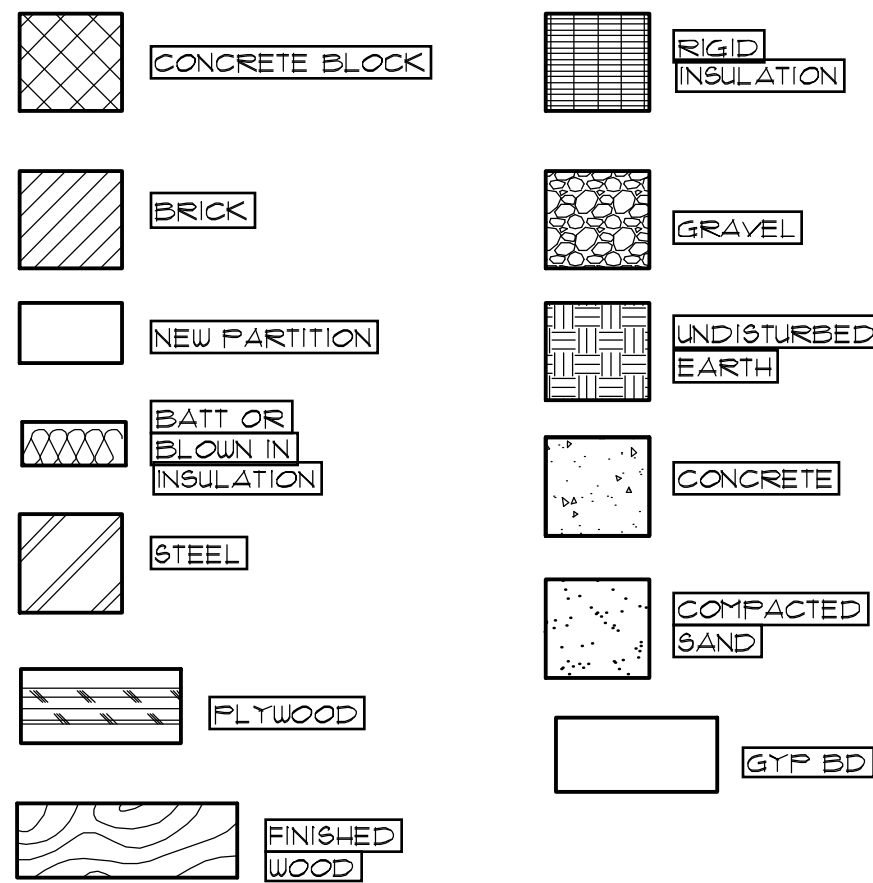
DRAWING SYMBOLS

INDEX OF DRAWINGS

T100 COVER SHEET  
L100 PROPOSED SITE PLAN

ARCHITECTURAL  
S100 PROPOSED FOUNDATION PLAN  
S101 PROPOSED FOUNDATION PLAN  
S101 PROPOSED FRAMING PLANS  
S102 PROPOSED FRAMING PLANS  
S103 PROPOSED FRAMING PLAN  
A100 PROPOSED FLOOR PLAN  
A101 PROPOSED FLOOR PLAN  
A102 PROPOSED FLOOR PLAN  
A103 PROPOSED FLOOR PLAN  
A200 PROPOSED ELEVATIONS  
A201 PROPOSED ELEVATIONS  
A300 PROPOSED BUILDING SECTIONS  
A301 PROPOSED BUILDING SECTIONS  
A302 PROPOSED BUILDING SECTIONS  
A303 PROPOSED BUILDING SECTIONS  
A400 PROPOSED WALL SECTIONS & DETAILS

MATERIAL SYMBOLS LIST



proposed design for:

MENDELSON RESIDENCE

300 Shirley Rd.  
Birmingham, Mi.

SHEET TITLE:  
PROPOSED  
TITLE SHEET

DATE: 11-17-22  
12-1-22  
12-19-22  
ISSUED FOR: revised  
revised  
revised

DRAWN BY: WJT

CHECKED BY: wjt

COMMISSION: Mendelson

SHEET NUMBER: T100

STRUCTURAL NOTES			BIDDING SPECIFICATIONS			GENERAL NOTES		
<p>1. SOILS, FOOTING AND SLABS</p> <p>The design soil bearing capacity is 2,500 PSF minimum for this structure. The footing sizes detailed herein were based on soils of this capacity or greater. If soils of lesser capacity are encountered at time of excavation, the general contractor/builder and Architect shall be promptly notified. The Architect shall re-design the footings based on the actual soil bearing capacity established by a soils test by a qualified professional. In the absence of a soils test, the soils bearing capacity and the footing design shall be established by Chapter 14 of the current Michigan Residential Code as noted in the Project Codes.</p> <p>All footing shall bear on undisturbed soils or engineered fill free from frost and/or organic matter.</p> <p>All concrete slabs shall be placed on compacted or self-compacting granular fill base.</p> <p>All metal strap sill plate anchors shall be placed and embedded in the trench footings and basement walls and be continuous through any block course(s) as shown in the exterior wall section details shown herein.</p>			<p>1. ARCHITECTURAL DRAWINGS</p> <p>The architectural drawings are intended to show the general scope and arrangement of spaces, design features, and note the extent of the work and are partly diagrammatic. The drawings are not intended to be scaled for measurements or estimating material quantities, use figured dimensions only. The drawings are not intended to replace detailed shop drawings, manufacturers installation instructions, and on site supervision, as required and/or referenced herein.</p> <p>In the case of an inconsistency between drawings and specifications, or between plans and details, the greater quantity and better quality shall be bid. The architectural drawings contemplate a finished work of the character and quality described, implied, or reasonably inferred by them. All sub-bidders are responsible for verifying all applicable requirements/conditions, and to coordinate with the work of others with the Client and/or the Prime Bidder as may be applicable. All sub-bidders agree that minor discrepancies or the failure to include repeated details and/or notations provided in one area and not in another, shall not be cause for a claim for additional charges.</p> <p>Correspondence regarding questions and interpretations from sub-bidders shall be in writing and directed through the Client and/or the Prime Bidder as may be directed by the Client. Architect shall correspond only with the Client and shall issue written responses, if any, to the Client for distribution to the Prime Bidder and/or sub-bidders. Any discrepancies, conflicts, and/or errors or omissions in the drawings and specifications shall be reported to the Prime Bidder and Client in order to notify the Architect. Architect, shall at its sole discretion, determine if an addendum need be issued.</p> <p>All bidders and sub-contractors shall be responsible for providing a firm bid that includes sufficient allowance to make their portion of the work complete and operable, fitting with the work of other contractors, and the Client and in compliance with the Performance Requirements below.</p>			<p>1. FOUNDATION DRAINAGE</p> <p>Provide a continuous 4" diameter perforated drain tile on each side of basement wall footings. Drain tiles shall discharge by gravity or by mechanical means into an approved drainage system. Provide gravel or crushed stone around all drains at least 12 inches beyond the edge of the footing. 6 inches of cover, and 2 inches below all drain tiles. For additional site specific requirements, see soils analysis and/or civil engineering plot plan by others.</p> <p>2. SITE GRADING</p> <p>The site shall be graded with a minimum of 6 inches of fall at a distance of ten feet from the foundation wall.</p> <p>3. INTERIOR ENVIRONMENT</p> <p>A. Natural light and ventilation, each habitable room shall be provided with glazing not less than 8% of the floor area and a minimum of 4% of the glazing able to open to the outdoors for ventilation, unless an approved mechanical ventilation system is provided.</p> <p>B. All habitable rooms shall have a heating system capable of maintaining a minimum room temperature of 68 degrees Fahrenheit at a point 3 feet above the floor and 2 feet from exterior walls.</p> <p>C. Bathrooms shall be provided with a minimum of 3 square feet of glazed window, of which 50% shall be able to open, except that artificial illumination and mechanical ventilation may be provided with lighting and ventilation in the amount of 50 CFM intermittent, or 20 CFM continuous, exhausted directly to the outdoors.</p> <p>D. Artificial lighting shall be provided with an average illumination of 6 foot-candles at 30 inches above the floor, stairways shall be illuminated at not less than 1 foot-candles at the center of the treads and at landings.</p> <p>4. FLAME SPREAD AND SMOKE DENSITY</p> <p>Wall and ceiling finishes shall have a flame spread classification not greater than 200 and a smoke developed index of not greater than 450. Testing shall be in accordance with ASTM 84.</p> <p>5. INSULATION</p> <p>A. The following are basic minimum R-values determined for this home using a PERFORMANCE BASED ANALYSIS in compliance with the 2015 MUEC to determine the required R values of the insulating components listed below. See complete and final analysis prepared by others for the applicant. Where conflicts or variations occur between the analysis and the information herein, the specifications of the analysis shall govern and prevail.</p> <p>Basement Wall: R-13 minimum where finished space, R-11 draped on top 4ft. of unfinished bsmt. Exterior Frame Wall: R-21 minimum Finished Walk-out: R-19-20 walls Rim Band Joist: R-13 minimum F.O.U.S. + Cantilevers: R-18 (floors over unconditioned space) Ceilings: R-38 minimum Windows: U-Value of 0.31 (Low E) Mech. Equipment: Furnace: 90% efficiency, AC condenser: 13 SEER, Water Heater, 0.62 Efficiency Slabs on Grade: R-10 heated</p> <p>B. Insulation materials shall have a flame spread index not to exceed 25 and a smoke developed index not to exceed 450 when tested in accordance with ASTM 84.</p> <p>C. Moisture vapor retarders shall be installed on the "warm-in-winter" side of the thermal envelope.</p> <p>6. ATTIC VENTILATION N/A</p> <p>7. ATTIC ACCESS</p> <p>A. A readily accessible opening not less than 22" x 30" shall be provided to any attic space having a clear height of over 30 inches and an area greater than 30 square feet.</p> <p>8. DOOR AND EMERGENCY WINDOW EGRESS</p> <p>A. One entry door into each dwelling unit shall be 3'-0" wide. All other doors shall be a minimum of 2'-0" wide except into spaces less than 10 square feet.</p> <p>B. Emergency Means of Egress from bedrooms shall be provided by a window with a net clear opening of 5.0 square feet (for grade floor bedroom windows only) or 5.7 square feet for second story bedroom windows. The clear opening shall be obtainable through normal operation of the window from the inside. The minimum clear height shall be 24 inches and the minimum clear width shall be 20 inches and maximum sill height shall be 44 inches above the floor.</p> <p>C. Basements with habitable space shall have one emergency egress window or a door from the habitable space. If the habitable space is a sleeping room, the emergency egress window or a door shall be located in the sleeping room, and all other adjacent habitable areas are not required to have emergency egress, except other sleeping rooms. All habitable sleeping rooms in a basement shall each have one emergency egress window or a door.</p> <p>D. All door and window sizes are approximate and must be verified with the door and window manufacturers for rough opening sizes and verification of compliance with the Project Codes indicated herein.</p> <p>E. All windows greater than 22" above grade and within 24 inches of the floor surface shall have either a fall prevention device per ASTM 2099 or be equipped with a self-acting, opening limiting device that prohibits the free passage of a 4 inch sphere. The opening limiting device shall releasable for emergency escape and rescue without the need for special keys, tools, or knowledge.</p> <p>9. 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INSTALLATION OF EQUIPMENT AND PRE-FAB UNITS</p> <p>The installation of equipment and pre-fab units such as, but not limited to: fireplaces, chimneys, mechanical and electrical equipment/accessories, and appliances shall be in accordance with manufacturer's specifications and applicable Project Codes. All pre-fab units, equipment, and appliances shall be new and in perfect condition when installed and put into service and shall be tested and bear the label of an approved testing agency such as, but not limited to: (UL) Underwriters Laboratory or as otherwise approved by the Project Codes.</p> <p>11. EXHAUST SYSTEMS</p> <p>The maximum length of a clothes dryer exhaust duct shall not exceed 25 feet from the dryer location to the exterior wall or roof termination point. The maximum length of duct shall be reduced 2.5 feet for each 45-degree bend and 6 feet for each 90-degree bend. The maximum length of exhaust duct does not include the transition duct.</p> <p>12. SMOKE DETECTORS AND CARBON MONOXIDE ALARM</p> <p>Smoke detectors shall be installed in all sleeping rooms and in the immediate "hall" area outside of the sleeping room(s). All smoke detectors shall be "hard-wired" to the electrical system and have battery back-up power.</p> <ul style="list-style-type: none"><li>Source: A minimum of one smoke detector shall be placed on each floor. A Carbon Monoxide Alarm shall be installed in homes with attached garages and/or gas fired appliances per MRC 315.2.1, see plans for proposed location.</li></ul> <p>13. GROUND-FAULT AND ARC-FAULT PROTECTION</p> <p>Ground fault circuit interrupters (GFI) are required for electrical safety in all bathrooms, kitchens, basements, garages, and outdoor receptacles.</p> <p>Arc fault circuit interrupters are required for each branch circuit in bedrooms.</p> <p>14. GROUNDING ELECTRICAL SYSTEM</p> <p>Provide bonding for all electrodes in the home used for grounding the electrical service including reinforcing steel (rebar) in accordance with the Project Code(s).</p>		
<p>2. CONCRETE</p> <p>All concrete work and placement shall conform to the latest recommendations of A.C.I.</p> <p>Minimum compressive strength (PSI) at 28 days shall be as follows:</p> <p>A. Basement Walls, Footings, and Concrete not exposed to the weather = 3,000 PSI</p> <p>B. Basement Slabs and other Interior Slabs on grade (except garage slabs) = 2,500 PSI</p> <p>C. Basement Walls, Foundation Walls, and other vertical concrete work exposed to weather = 3,000 PSI</p> <p>D. Porches, Carports, Garage Slabs, and Steps exposed to weather = 3,500 PSI</p> <p>NOTE: All concrete exposed to weather (including basement walls without brick) shall be air entrained. Air content shall be between 5 and 7 percent.</p> <p>All reinforcing bars, dowels, and ties shall conform to ASTM A615 Grade 60. Reinforcing steel shall be continuous and shall have a minimum 36 bar diameter overlap and be fabricated and placed in accordance with ACI recommendations.</p> <p>Reinforced concrete trench footings shall have corner bars at all intersections of the same size and spacing as the main horizontal reinforcing. Provide (2) #5 diagonal re-bars at corners of all wall openings.</p> <p>All concrete reinforcing shown in the plans and details herein is recommended to minimize differential settlement of the structure. Plain Concrete (un-reinforced) footings and walls may be permitted if constructed in accordance with the prescriptive requirements of the Michigan Residential Code, Section R403, Footings and Table 404.1(1) Plain Concrete Foundation Walls.</p>			<p>2. PERFORMANCE REQUIREMENTS</p> <p>All work shall be completed and installed in accordance with the applicable Project Codes and/or the latest accepted Residential Construction Performance Guidelines by the NARBA as applicable.</p> <p>All work and materials provided shall be designed and/or approved as may be applicable for the intended purpose and location of installation and shall accommodate without damage or failure, the weathering conditions and seasonal temperature cycles of the area.</p> <p>Moisture entering, or condensation occurring in any material and/or assembly shall be directed to the exterior.</p>			<p>2. SITE GRADING</p> <p>The site shall be graded with a minimum of 6 inches of fall at a distance of ten feet from the foundation wall.</p> <p>3. INTERIOR ENVIRONMENT</p> <p>A. 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If the habitable space is a sleeping room, the emergency egress window or a door shall be located in the sleeping room, and all other adjacent habitable areas are not required to have emergency egress, except other sleeping rooms. All habitable sleeping rooms in a basement shall each have one emergency egress window or a door.</p> <p>D. All door and window sizes are approximate and must be verified with the door and window manufacturers for rough opening sizes and verification of compliance with the Project Codes indicated herein.</p> <p>E. All windows greater than 22" above grade and within 24 inches of the floor surface shall have either a fall prevention device per ASTM 2099 or be equipped with a self-acting, opening limiting device that prohibits the free passage of a 4 inch sphere. The opening limiting device shall releasable for emergency escape and rescue without the need for special keys, tools, or knowledge.</p> <p>9. 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GROUNDING ELECTRICAL SYSTEM</p> <p>Provide bonding for all electrodes in the home used for grounding the electrical service including reinforcing steel (rebar) in accordance with the Project Code(s).</p>		
<p>3. MASONRY</p> <p>All masonry work shall be done in accordance with the latest ACI and NCMA recommendations and specifications.</p> <p>All block masonry shall conform to ASTM C90 or C145 Type-N-1. Mortar shall be Type-S.</p> <p>Provide flashing at top of windows and doors, window and door sills, chimneys, roof intersections, and at the first course above grade.</p> <p>Unless otherwise noted, use L 5x3-1/2x5/16 L.L.V. Steel Lintel for 4" nominal brick veneer spanning openings up to 6'-0" with two stories above and up to 8'-0" with one story above or up to 10'-0" with no story above.</p> <p>Weep holes shall be placed 32" on center maximum, 3/16" minimum diameter, and be located in the first course above grade and at all through wall flashing.</p> <p>Anchor masonry veneer with metal corrugated ties, minimum 7/8" wide and 22-gauge spaced not more than 24" on center each way, and within 12" of all openings.</p>			<p>3. QUALITY ASSURANCE</p> <p>Materials shall be obtained from reputable and experienced manufacturers of products that provide warranties to the Client. Sample warranty(s) shall be submitted with the bid.</p> <p>To ensure functionality, compatibility, and consistency in color, appearance, and installation, products shall be coordinated through a single source manufacturer where practical. Client reserves the right to accept or reject any proposed product and/or bidder and request a specific product or manufacturer to be re-bid.</p> <p>All products shall meet or exceed the requirements and standards of the Project Codes and Performance Guidelines noted herein.</p>			<p>2. SITE GRADING</p> <p>The site shall be graded with a minimum of 6 inches of fall at a distance of ten feet from the foundation wall.</p> <p>3. INTERIOR ENVIRONMENT</p> <p>A. Natural light and ventilation, each habitable room shall be provided with glazing not less than 8% of the floor area and a minimum of 4% of the glazing able to open to the outdoors for ventilation, unless an approved mechanical ventilation system is provided.</p> <p>B. All habitable rooms shall have a heating system capable of maintaining a minimum room temperature of 68 degrees Fahrenheit at a point 3 feet above the floor and 2 feet from exterior walls.</p> <p>C. Bathrooms shall be provided with a minimum of 3 square feet of glazed window, of which 50% shall be able to open, except that artificial illumination and mechanical ventilation may be provided with lighting and ventilation in the amount of 50 CFM intermittent, or 20 CFM continuous, exhausted directly to the outdoors.</p> <p>D. 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<p>4. DESIGN CRITERIA</p> <p>DESIGN LOADING</p> <p>Floor Loading: Live Load = 30 PSF (Second Floor Sleeping Rooms) Live Load = 40 PSF (All other Floors) Dead Load w/Carpet = 10 PSF (Second Floor) Dead Load w/Carpet = 15 PSF (First Floor) Dead Load Tile = 20 PSF</p> <p>Balcony Loading: Live Load = 60 PSF (Balconies are cantilevered and supported without posts)</p> <p>Deck Loading: Live Load = 40 PSF (Decks are supported by the building and posts on the opposite side)</p> <p>Roof Loading: Live Load = 30 PSF Dead Load = 17 PSF</p> <p>Deflection: Floors and Ceilings = L/360 Other Structural Members = L/240</p> <p>Engineering: Structural elements shall be designed in accordance with accepted engineering practice and shall be compatible with the performance of the conventional frame wood system shown herein.</p> <p>CLIMATIC and GEOGRAPHIC DESIGN CRITERIA</p> <p>Seismic: Seismic Design Criteria = B</p> <p>Snow: Ground Snow Load = 25 PSF</p> <p>Wind: Basic Wind Speed = 90 MPH Wind Load Importance Factor = 1 Wind Exposure Category = B</p> <p>Climate: Weathering = Severe Frost Line Depth = 42 inches Tempera = Slight to Moderate Decay = None to Slight Winter Design Temperature = 6-degrees Fahrenheit</p>			<p>4. PRODUCT HANDLING</p> <p>The delivery, storage, and handling of all products and/or materials shall be coordinated through the Client and the Clients General Contractor and shall be the responsibility of the sub-contractors unless otherwise stated in the bid.</p>			<p>2. SITE GRADING</p> <p>The site shall be graded with a minimum of 6 inches of fall at a distance of ten feet from the foundation wall.</p> <p>3. INTERIOR ENVIRONMENT</p> <p>A. Natural light and ventilation, each habitable room shall be provided with glazing not less than 8% of the floor area and a minimum of 4% of the glazing able to open to the outdoors for ventilation, unless an approved mechanical ventilation system is provided.</p> <p>B. All habitable rooms shall have a heating system capable of maintaining a minimum room temperature of 68 degrees Fahrenheit at a point 3 feet above the floor and 2 feet from exterior walls.</p> <p>C. 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Insulation materials shall have a flame spread index not to exceed 25 and a smoke developed index not to exceed 450 when tested in accordance with ASTM 84.</p> <p>C. Moisture vapor retarders shall be installed on the "warm-in-winter" side of the thermal envelope.</p> <p>6. ATTIC VENTILATION N/A</p> <p>7. ATTIC ACCESS</p> <p>A. A readily accessible opening not less than 22" x 30" shall be provided to any attic space having a clear height of over 30 inches and an area greater than 30 square feet.</p> <p>8. DOOR AND EMERGENCY WINDOW EGRESS</p> <p>A. One entry door into each dwelling unit shall be 3'-0" wide. All other doors shall be a minimum of 2'-0" wide except into spaces less than 10 square feet.</p> <p>B. Emergency Means of Egress from bedrooms shall be provided by a window with a net clear opening of 5.0 square feet (for grade floor bedroom windows only) or 5.7 square feet for second story bedroom windows. The clear opening shall be obtainable through normal operation of the window from the inside. The minimum clear height shall be 24 inches and the minimum clear width shall be 20 inches and maximum sill height shall be 44 inches above the floor.</p> <p>C. Basements with habitable space shall have one emergency egress window or a door from the habitable space. If the habitable space is a sleeping room, the emergency egress window or a door shall be located in the sleeping room, and all other adjacent habitable areas are not required to have emergency egress, except other sleeping rooms. All habitable sleeping rooms in a basement shall each have one emergency egress window or a door.</p> <p>D. All door and window sizes are approximate and must be verified with the door and window manufacturers for rough opening sizes and verification of compliance with the Project Codes indicated herein.</p> <p>E. All windows greater than 22" above grade and within 24 inches of the floor surface shall have either a fall prevention device per ASTM 2099 or be equipped with a self-acting, opening limiting device that prohibits the free passage of a 4 inch sphere. The opening limiting device shall releasable for emergency escape and rescue without the need for special keys, tools, or knowledge.</p> <p>9. SAFETY GLAZING</p> <p>Safety glazing shall be provided in the following areas:</p> <p>A. Doors and Sidelites, including all Doorwalls and/or French Doors.</p> <p>B. Tub and Shower enclosures and windows over tubs.</p> <p>C. Glazing in Skylights.</p> <p>D. Glazing in windows within 24 inches of a door.</p> <p>E. Glazing in windows meeting all of the following:</p> <ol style="list-style-type: none"><li>Individual pane of more than 9 square feet.</li><li>Bottom edge of glazing less than 18 inches above the floor.</li><li>Top edge of glazing more than 36 inches above the floor.</li><li>One or more walking surfaces within 36 inches horizontally of the plane of glazing.</li></ol> <p>For exceptions and/or additional requirements regarding glazing, refer to the Project Codes noted herein.</p> <p>10. INSTALLATION OF EQUIPMENT AND PRE-FAB UNITS</p> <p>The installation of equipment and pre-fab units such as, but not limited to: fireplaces, chimneys, mechanical and electrical equipment/accessories, and appliances shall be in accordance with manufacturer's specifications and applicable Project Codes. All pre-fab units, equipment, and appliances shall be new and in perfect condition when installed and put into service and shall be tested and bear the label of an approved testing agency such as, but not limited to: (UL) Underwriters Laboratory or as otherwise approved by the Project Codes.</p> <p>11. EXHAUST SYSTEMS</p> <p>The maximum length of a clothes dryer exhaust duct shall not exceed 25 feet from the dryer location to the exterior wall or roof termination point. The maximum length of duct shall be reduced 2.5 feet for each 45-degree bend and 6 feet for each 90-degree bend. The maximum length of exhaust duct does not include the transition duct.</p> <p>12. SMOKE DETECTORS AND CARBON MONOXIDE ALARM</p> <p>Smoke detectors shall be installed in all sleeping rooms and in the immediate "hall" area outside of the sleeping room(s). All smoke detectors shall be "hard-wired" to the electrical system and have battery back-up power.</p> <ul style="list-style-type: none"><li>Source: A minimum of one smoke detector shall be placed on each floor. A Carbon Monoxide Alarm shall be installed in homes with attached garages and/or gas fired appliances per MRC 315.2.1, see plans for proposed location.</li></ul> <p>13. GROUND-FAULT AND ARC-FAULT PROTECTION</p> <p>Ground fault circuit interrupters (GFI) are required for electrical safety in all bathrooms, kitchens, basements, garages, and outdoor receptacles.</p> <p>Arc fault circuit interrupters are required for each branch circuit in bedrooms.</p> <p>14. GROUNDING ELECTRICAL SYSTEM</p> <p>Provide bonding for all electrodes in the home used for grounding the electrical service including reinforcing steel (rebar) in accordance with the Project Code(s).</p>		
<p>5. WOOD FRAMING SYSTEM</p> <p>Bearing wall studs shall be 2X4 wd. studs @ 16" o.c. unless noted otherwise</p> <p>All wall plate material shall provide a minimum of 425 PSI (Fc) perpendicular to the grain.</p> <p>All wood in contact with concrete and/or within 8 inches of soils shall be preservative treated lumber and shall conform to ANPPA standards and be labeled.</p> <p>Provide continuous solid wood blocking to steel beam(s) and concrete foundation bearing at all point loads and/or built-up columns, see architectural plans and floor joist framing plans with TJI joists.</p>			<p>GENERAL CONDITIONS</p> <p>1. PROJECT CODES</p> <p>The architectural plans and specifications are intended to be consistent with the following codes, as may be applicable (collectively, the "Project Codes"):</p> <p>2015 MICHIGAN RESIDENTIAL CODE (MRC) for a SINGLE FAMILY DWELLING</p> <p>2. BUILDING OFFICIAL</p> <p>The Building Official is hereby requested (a) to confirm that these plans are consistent with the applicable Project Codes, and (b) to return a noted set of plans to the Applicant upon issuance of any permit, and (c) to promptly notify the Architect and the Applicant if these plans and specifications are suspected (or determined) to be inconsistent with the applicable Project Codes.</p> <p>3. SCOPE</p> <p>It is beyond the scope of the architectural plans and specifications to incorporate the full text of the applicable Project Codes and to otherwise detail every condition and/or aspect thereof. All persons, entities, contractors, trades, product suppliers, or others using and/or relying on these plans and specifications are encouraged to review and familiarize themselves with the Project Codes, and all such parties are directed to resolve any code question regarding these plans in favor of the applicable Project Codes.</p> <p>4. NOTES AND SPECIFICATIONS</p> <p>All notes and specifications contained herein, on the specifications sheet A 001, and/or on any other individual sheet, shall apply to all the architectural sheets listed in the sheet index on sheet T100</p> <p>5. CONFLICTING NOTATIONS</p> <p>If any general notation conflicts with any detail notation or note on a plan or elevation, then the strictest shall apply. Confirm all conflict resolutions with the on site supervisor and the Architect.</p> <p>6. SAFETY REQUIREMENTS</p> <p>The code requirements of MI OSHA, OSHA, and MI DEQ shall be determined and provided the by the Building Company and/or the General Contractor. These safety code requirements shall be enforced by the On-Site Supervisor and shall apply to all persons entering and/or working on the site. The Architect and the Architect's Consultants assume no responsibility for the absence, presence, or adequacy of any safety program, precaution and/or equipment.</p> <p>7. TEMPORARY STRUCTURAL BRACING</p> <p>Temporary bracing, guying, and/or tie-downs of the structure shall be determined, provided, and maintained by the erector, sub-contractor and/or the General Contractor and shall be monitored by the On-Site Supervisor. The Architect and the Architect's Consultants assume no responsibility for the absence, presence, or adequacy of any temporary bracing, guying, and/or tie-downs. All existing structures and/or new work in place that may be affected by the construction shall be adequately protected and/or braced as necessary to prevent any damage or settlement.</p> <p>8. CONSULTANT DOCUMENTATION</p> <p>The architectural plans and specifications may be supplemented with additional documentation provided by bidders/contractors and/or the Owner's consultants. Any additional consultant documentation (collectively, the "Consultant Documentation") shall be the sole responsibility of the consultant preparing the documentation, and when professional certification of performance criteria of materials, systems or equipment is required, the Architect shall be entitled to rely upon the accuracy, completeness, and authenticity of such calculations and certifications.</p> <p>The Architect may review and approve or take other appropriate action upon submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the architectural plans and specifications. The Architect's review of such submittals is not conducted for the purpose of determining the accuracy and completeness of other details such as dimensions and quantities, or for substantiating instructions for installation or performance of equipment or systems, all of which remain the responsibility of the Contractor. The Architect's approval of a specific item shall not indicate approval of an assembly of which the item is a component nor shall it constitute approval of any safety precautions, construction means, methods, techniques, sequences or procedures.</p>			<p>2. SITE GRADING</p> <p>The site shall be graded with a minimum of 6 inches of fall at a distance of ten feet from the foundation wall.</p> <p>3. INTERIOR ENVIRONMENT</p> <p>A. Natural light and ventilation, each habitable room shall be provided with glazing not less than 8% of the floor area and a minimum of 4% of the glazing able to open to the outdoors for ventilation, unless an approved mechanical ventilation system is provided.</p> <p>B. All habitable rooms shall have a heating system capable of maintaining a minimum room temperature of 68 degrees Fahrenheit at a point 3 feet above the floor and 2 feet from exterior walls.</p> <p>C. Bathrooms shall be provided with a minimum of 3 square feet of glazed window, of which 50% shall be able to open, except that artificial illumination and mechanical ventilation may be provided with lighting and ventilation in the amount of 50 CFM intermittent, or 20 CFM continuous, exhausted directly to the outdoors.</p> <p>D. Artificial lighting shall be provided with an average illumination of 6 foot-candles at 30 inches above the floor, stairways shall be illuminated at not less than 1 foot-candles at the center of the treads and at landings.</p> <p>4. FLAME SPREAD AND SMOKE DENSITY</p> <p>Wall and ceiling finishes shall have a flame spread classification not greater than 200 and a smoke developed index of not greater than 450. Testing shall be in accordance with ASTM 84.</p> <p>5. INSULATION</p> <p>A. The following are basic minimum R-values determined for this home using a PERFORMANCE BASED ANALYSIS in compliance with the 2015 MUEC to determine the required R values of the insulating components listed below. See complete and final analysis prepared by others for the applicant. Where conflicts or variations occur between the analysis and the information herein, the specifications of the analysis shall govern and prevail.</p> <p>Basement Wall: R-13 minimum where finished space, R-11 draped on top 4ft. of unfinished bsmt. Exterior Frame Wall: R-21 minimum Finished Walk-out: R-19-20 walls Rim Band Joist: R-13 minimum F.O.U.S. + Cantilevers: R-18 (floors over unconditioned space) Ceilings: R-38 minimum Windows: U-Value of 0.31 (Low E) Mech. Equipment: Furnace: 90% efficiency, AC condenser: 13 SEER, Water Heater, 0.62 Efficiency Slabs on Grade: R-10 heated</p> <p>B. Insulation materials shall have a flame spread index not to exceed 25 and a smoke developed index not to exceed 450 when tested in accordance with ASTM 84.</p> <p>C. Moisture vapor retarders shall be installed on the "warm-in-winter" side of the thermal envelope.</p> <p>6. ATTIC VENTILATION N/A</p> <p>7. ATTIC ACCESS</p> <p>A. 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GROUNDING ELECTRICAL SYSTEM</p> <p>Provide bonding for all electrodes in the home used for grounding the electrical service including reinforcing steel (rebar) in accordance with the Project Code(s).</p>		
<p>6. ENGINEERED LUMBER</p> <p>All laminated veneer lumber (LVL) shall be 1.9 E, 2600 Fb, 285 Fv or better. All Glue Lam Beams shall be 24F-V4 DF/DF or better. If a substitution is proposed that does not meet or exceed these specifications, it is the responsibility of the party proposing the substitution to provide documentation and engineering calculations showing sufficient structural capacity for the</p>								

proposed design for:

## MENDELSON RESIDENCE

300 Shirley Rd.  
Birmingham, Mi.

SHEET TITLE:  
PROPOSED  
SITE PLAN

DATE: 11-17-22  
12-1-22  
12-19-22

ISSUED FOR:  
revised  
revised  
revised

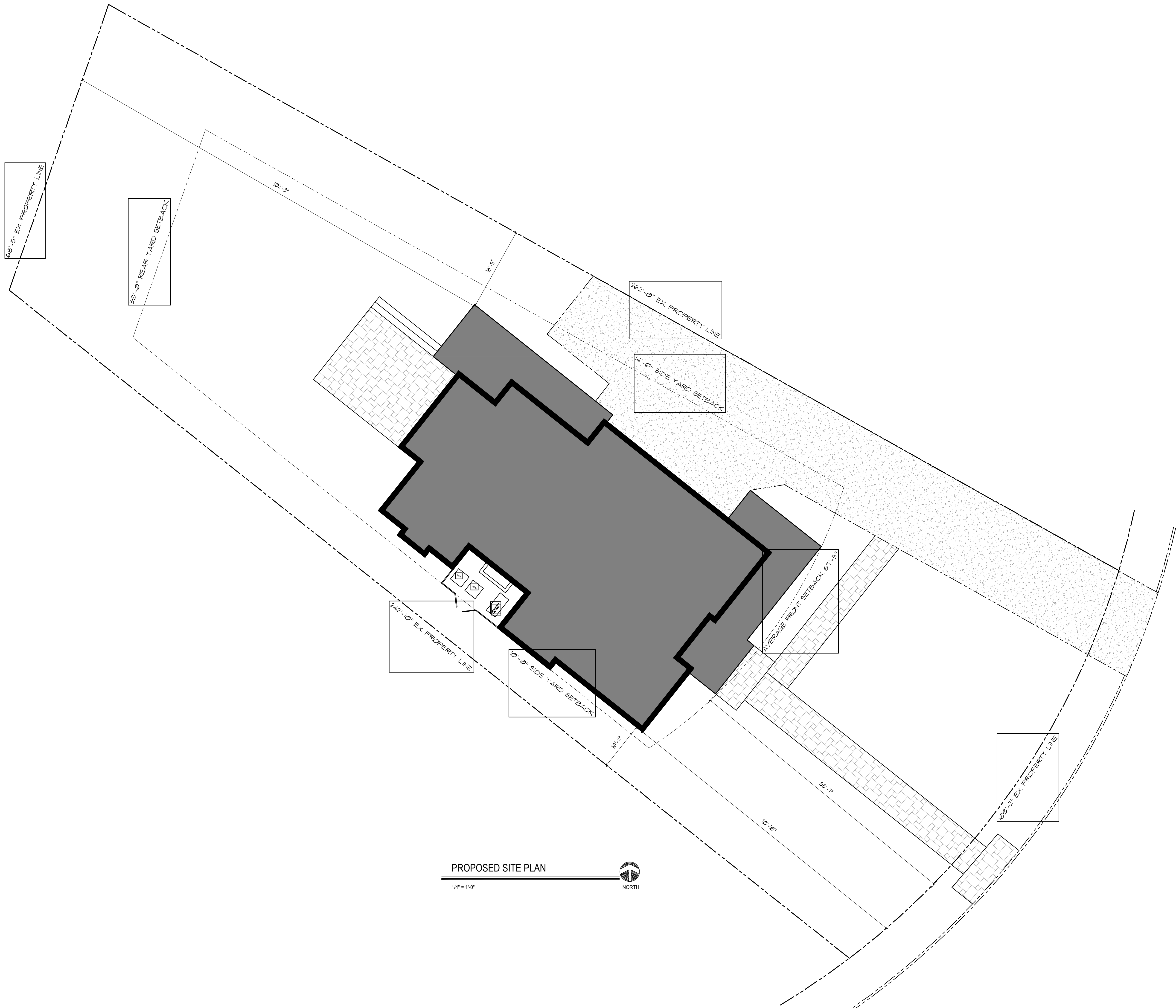
DRAWN BY: WJ.T

CHECKED BY: wjt

COMMISSION: Mendelson

SHEET NUMBER:

L100

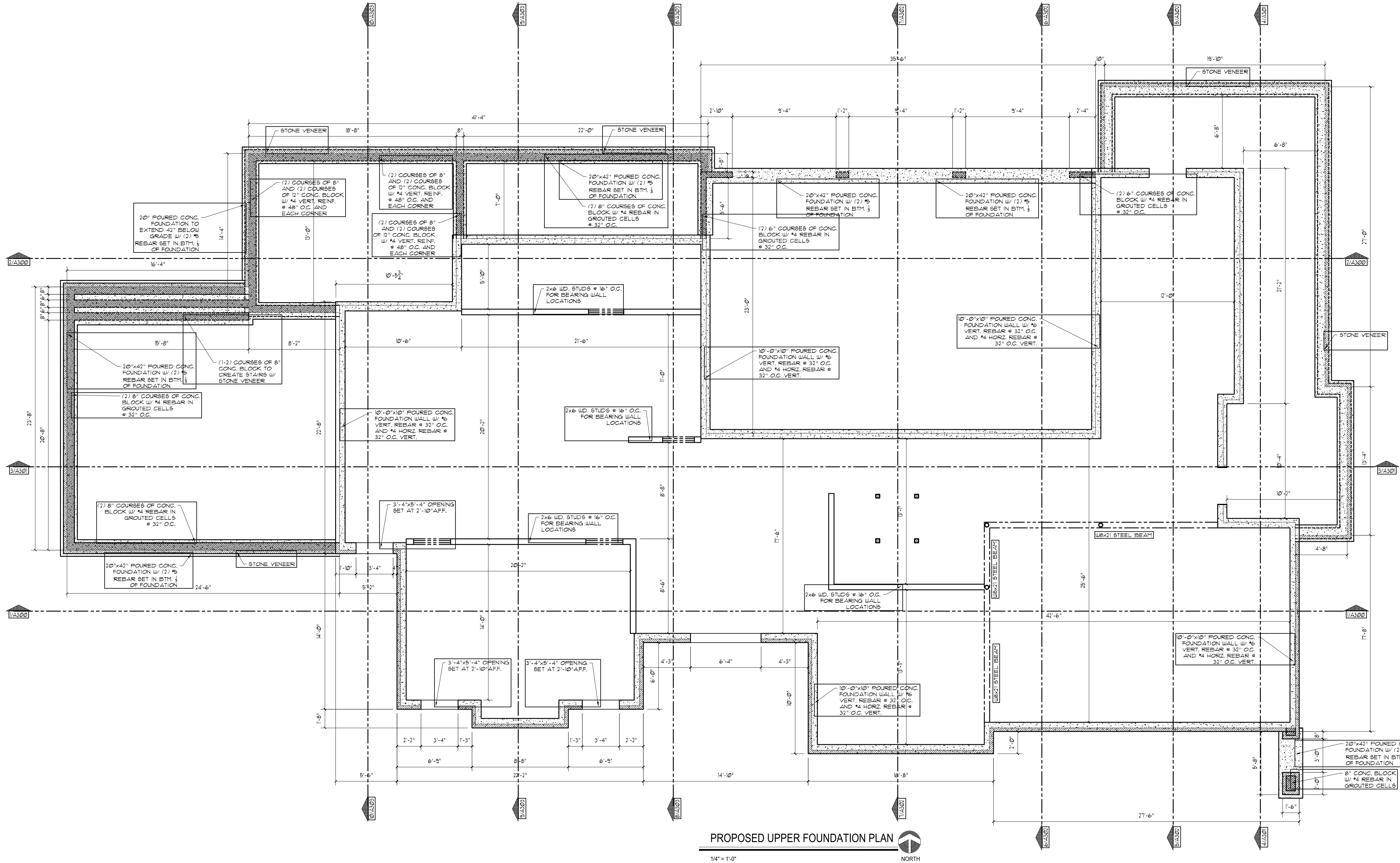


PROPOSED SITE PLAN

1/4" = 1'-0"







PROPOSED UPPER FOUNDATION PLAN

proposed design for:

MENDELSON  
RESIDENCE

300 Shirley Rd.  
Birmingham, Mi.

SHEET TITLE:  
PROPOSED  
UPPER  
FOUNDATION  
PLAN

DATE:  
11-17-22  
12-1-22  
12-19-22

ISSUED FOR:  
revised  
revised  
revised

DRAWN BY: WJT

CHECKED BY: wjt

COMMISSION: Mendelson

SHEET NUMBER:

S101

proposed design for:

## MENDELSON RESIDENCE

300 Shirley Rd.  
Birmingham, Mi.

SHEET TITLE:  
PROPOSED  
LOWER LEVEL  
FLOOR PLAN  
& ROOF PLAN

DATE: 11-17-22  
12-1-22  
12-19-22

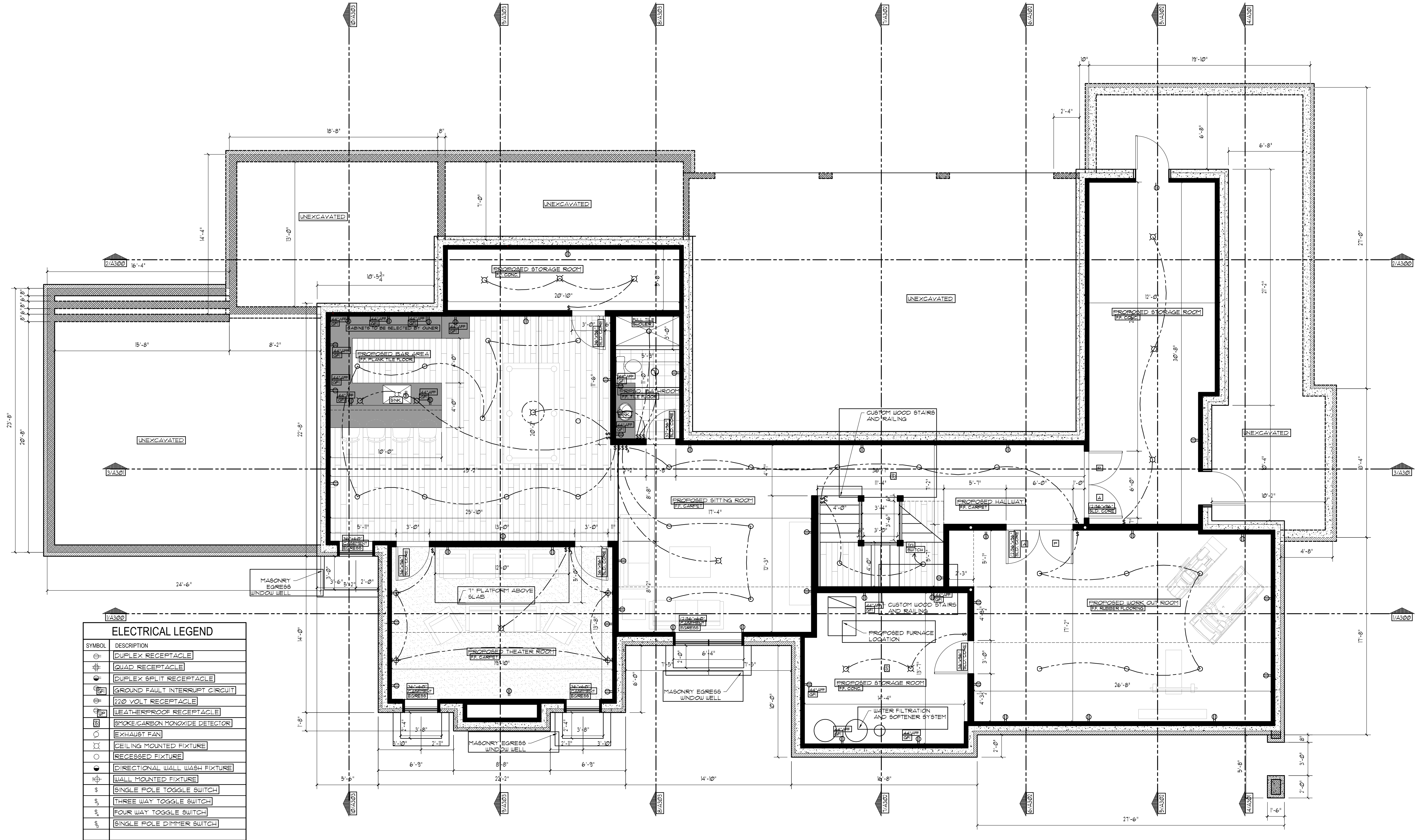
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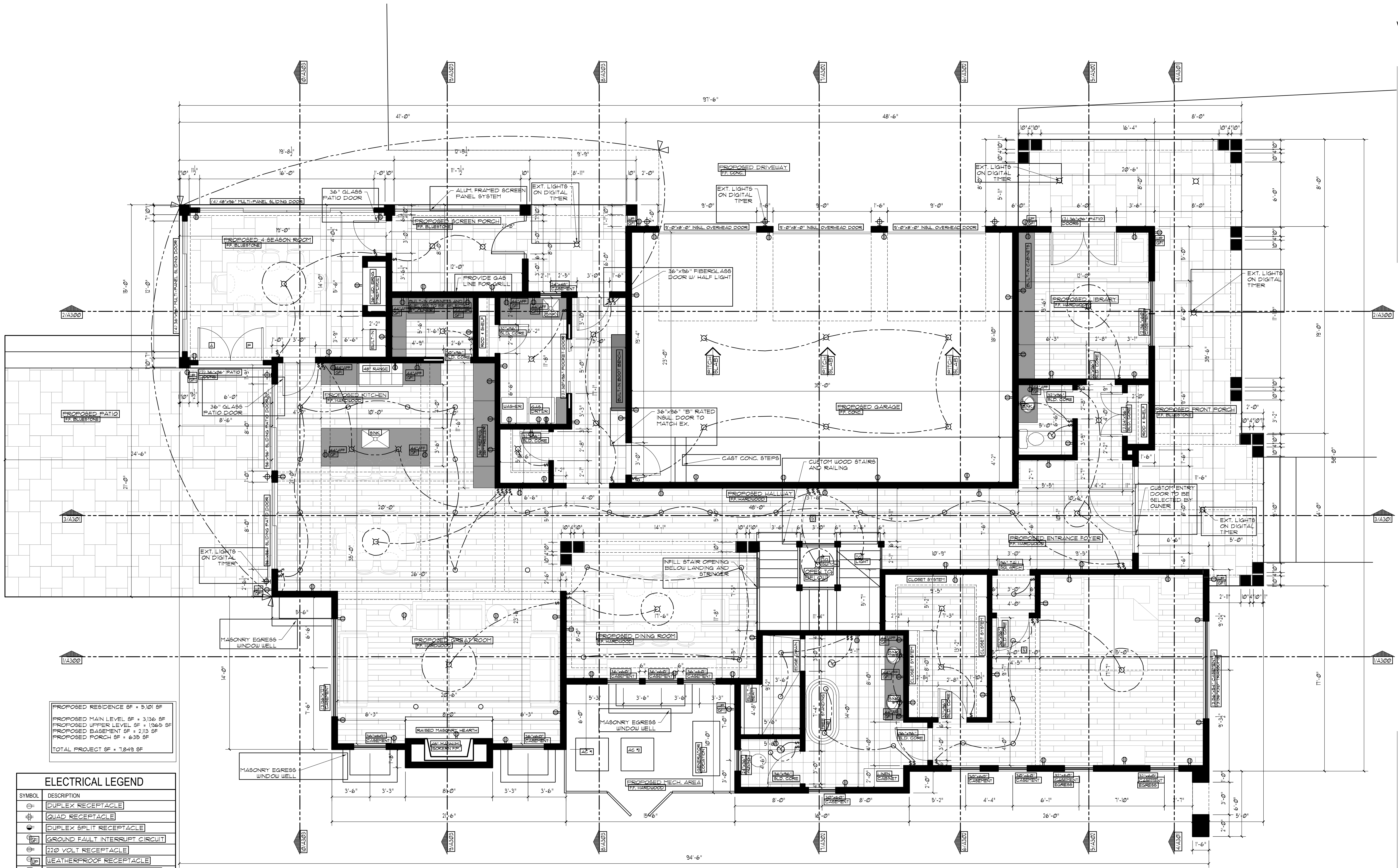
COMMISSION: Mendelson

SHEET NUMBER: A100



ELECTRICAL LEGEND	
	DUPLEX RECEPTACLE
	QUAD RECEPTACLE
	DUPLEX SPLIT RECEPTACLE
	GROUND FAULT INTERRUPT CIRCUIT
	220 VOLT RECEPTACLE
	WEATHERPROOF RECEPTACLE
	SMOKE/CARBON MONOXIDE DETECTOR
	EXHAUST FAN
	CEILING MOUNTED FIXTURE
	RECESSED FIXTURE
	DIRECTIONAL WALL WASH FIXTURE
	WALL MOUNTED FIXTURE
	SINGLE POLE TOGGLE SWITCH
	THREE WAY TOGGLE SWITCH
	FOUR WAY TOGGLE SWITCH
	SINGLE POLE DIMMER SWITCH





PROPOSED RESIDENCE SF = 5,101 SF  
PROPOSED MAIN LEVEL SF = 3,136 SF  
PROPOSED UPPER LEVEL SF = 1,965 SF  
PROPOSED BASEMENT SF = 2,113 SF  
PROPOSED PORCH SF = 635 SF  
TOTAL PROJECT SF = 7,849 SF

#### ELECTRICAL LEGEND

SYMBOL	DESCRIPTION
	DUPLEX RECEPTACLE
	QUAD RECEPTACLE
	DUPLEX SPLIT RECEPTACLE
	GROUND FAULT INTERRUPT CIRCUIT
	220 VOLT RECEPTACLE
	WEATHERPROOF RECEPTACLE
	SMOKE/CARBON MONOXIDE DETECTOR
	EXHAUST FAN
	CEILING MOUNTED FIXTURE
	RECESSED FIXTURE
	DIRECTIONAL WALL WASH FIXTURE
	WALL MOUNTED FIXTURE
	SINGLE POLE TOGGLE SWITCH
	THREE WAY TOGGLE SWITCH
	FOUR WAY TOGGLE SWITCH
	SINGLE POLE DIMMER SWITCH

#### PROPOSED MAIN LEVEL PLAN

1/4" = 1'-0"



proposed design for:

#### MENDELSON RESIDENCE

300 Shirley Rd.  
Birmingham, Mi.

SHEET TITLE:  
PROPOSED  
MAIN LEVEL  
FLOOR PLAN

DATE:  
11-17-22  
12-1-22  
12-19-22

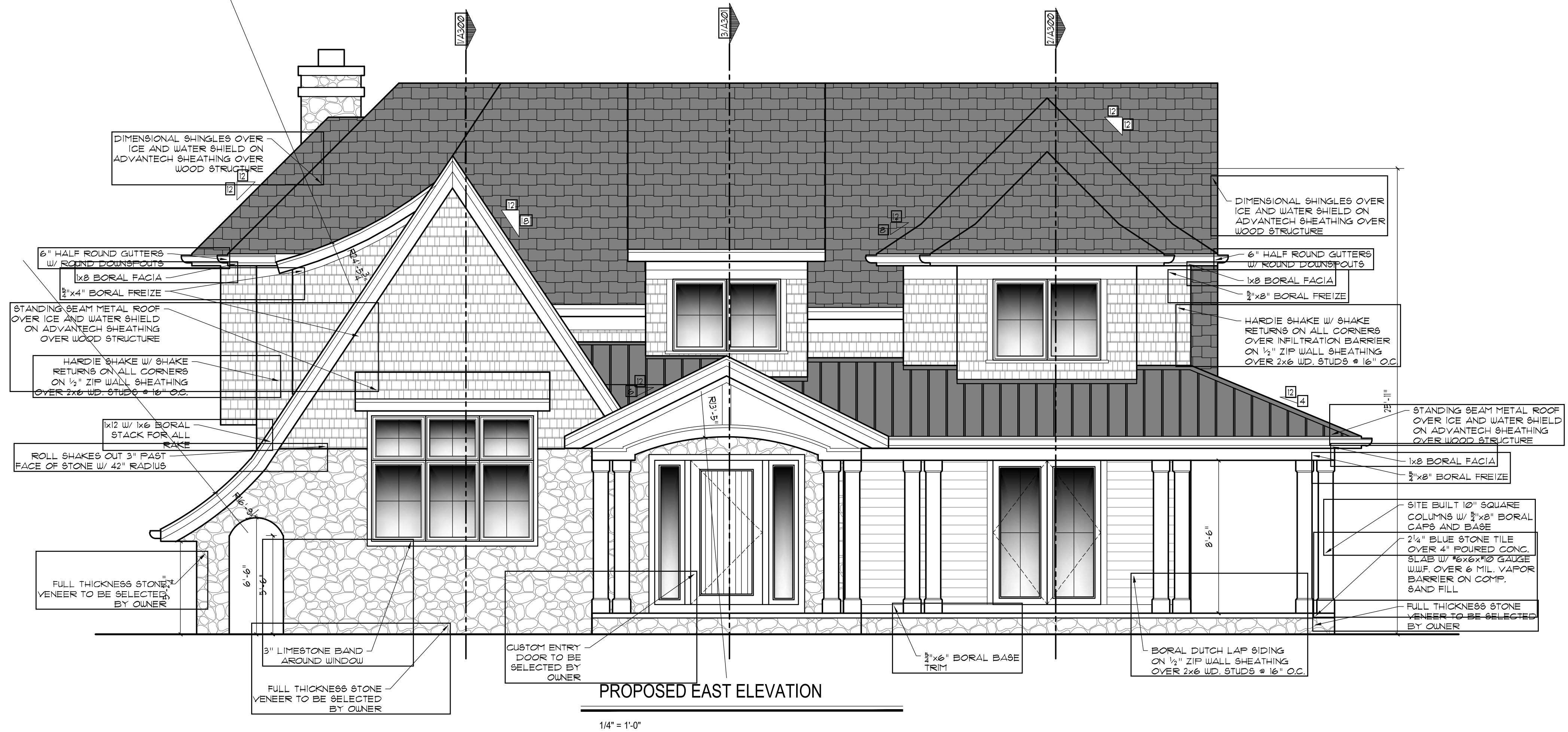
ISSUED FOR:  
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CHECKED BY: wjt

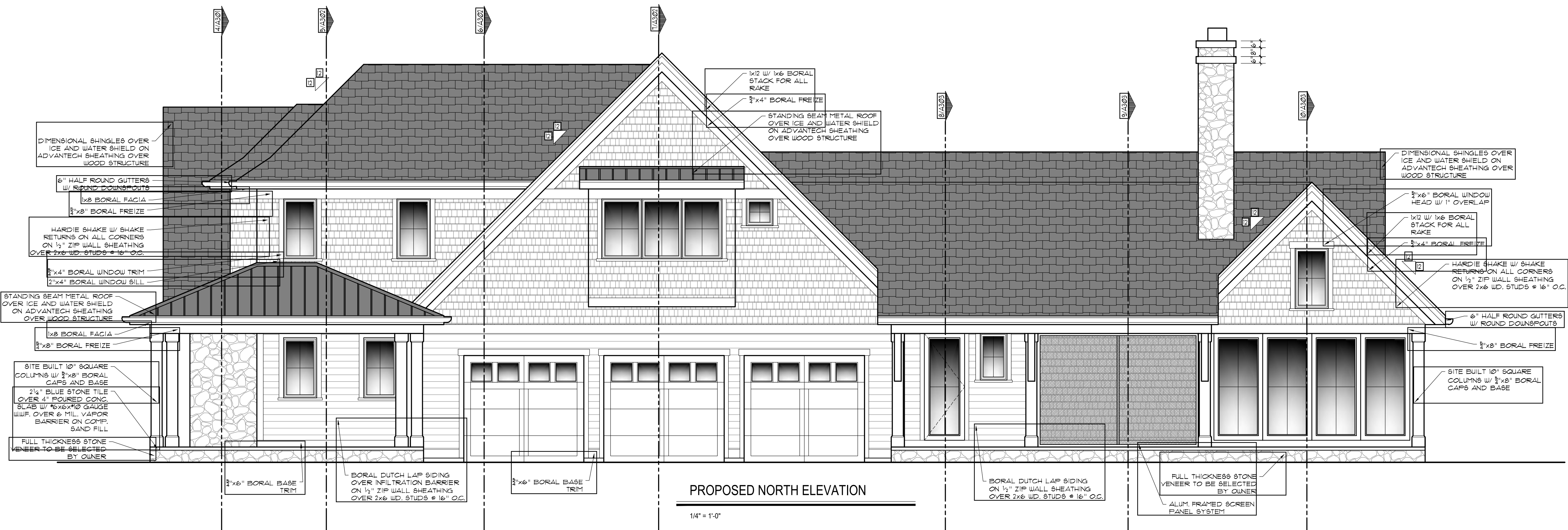
COMMISSION: Mendelson

SHEET NUMBER: A101



PROPOSED EAST ELEVATION

1/4\" = 1'-0"



PROPOSED NORTH ELEVATION

1/4\" = 1'-0"

proposed design for:

## MENDELSON RESIDENCE

300 Shirley Rd.  
Birmingham, Mi.

SHEET TITLE:  
**PROPOSED  
ELEVATIONS**

DATE: 11-17-22  
12-1-22  
12-19-22

ISSUED FOR:  
revised  
revised  
revised

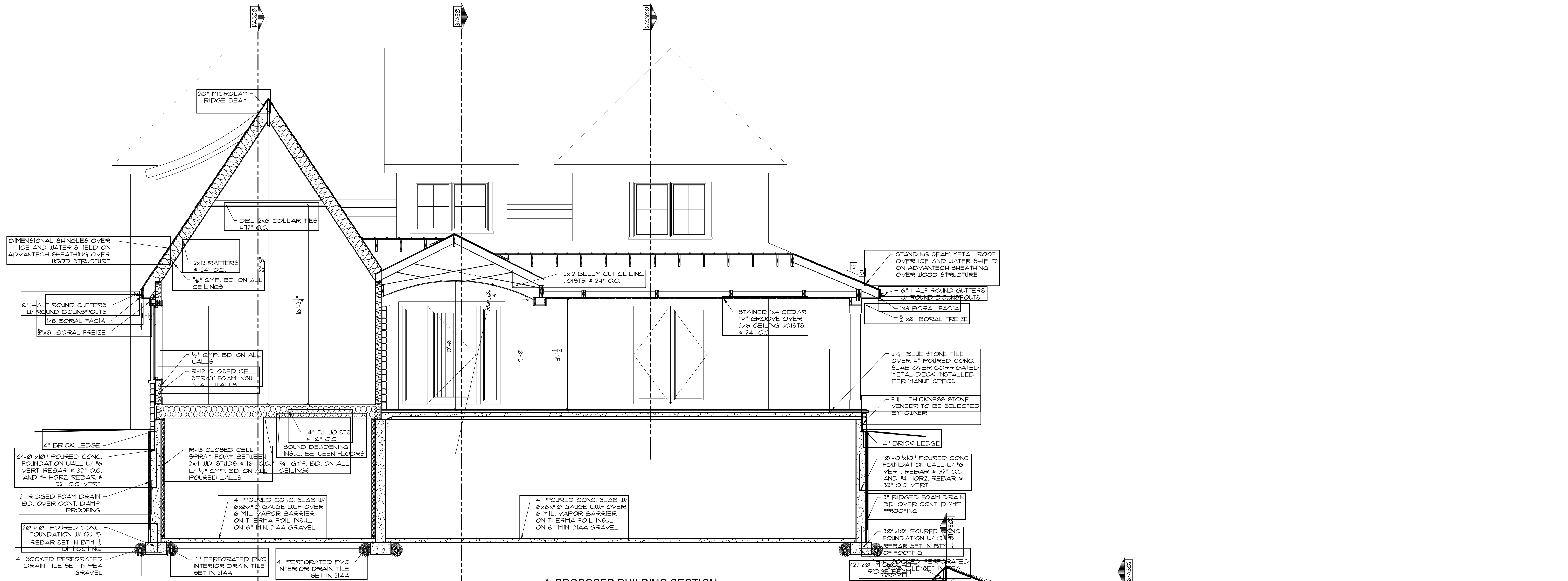
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CHECKED BY: wjt

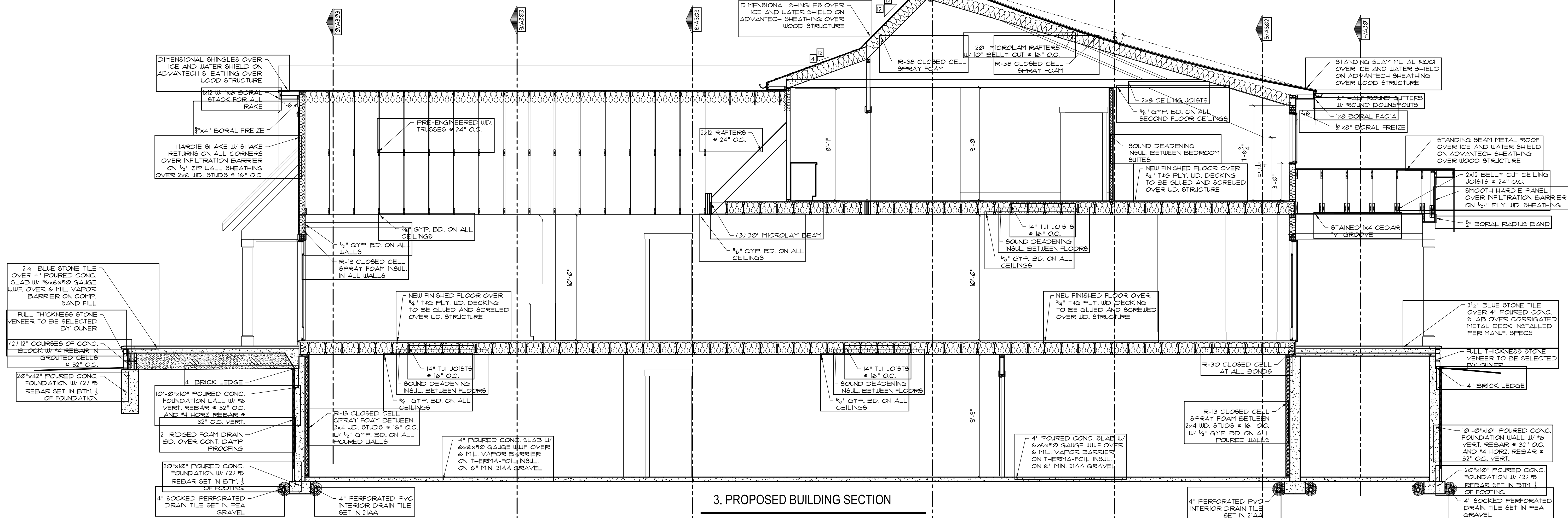
COMMISSION: Mendelson

SHEET NUMBER: A200





4. PROPOSED BUILDING SECTION



3. PROPOSED BUILDING SECTION

1/4" = 1'-0"

proposed design for:

## MENDELSON RESIDENCE

300 Shirley Rd.  
Birmingham, Mi.

SHEET TITLE:

PROPOSED  
BUILDING SECTIONS

DATE:  
11-17-22  
12-1-22  
12-19-22

ISSUED FOR:  
revised  
revised  
revised

DRAWN BY:

WJT

CHECKED BY:

wjt

COMMISSION:

Mendelson

SHEET NUMBER:

A301

# **CASE DESCRIPTION**

## **463 Golfview (23-13)**

**Hearing date: March 14, 2023**

**Appeal No. 23-13:** The owner of the property known as **463 Golfview**, requests the following variance to construct an addition to the existing non-conforming home:

A. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that private residential building with an attached garage that faces the street must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of a principal residential building. The proposed is 18.92 feet in front of the furthest front facade. Therefore, a variance of 23.92 feet is requested.

**Staff Notes:** The applicant is proposing to construct a rear addition to the existing home. The rear addition creates a condition where the attached garage will not be setback the required distance behind the furthest front façade.

This property is zoned R1 – Single family residential.

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Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official



463 GOLFVIEW 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: 2-13-23

Hearing Date: 3-14-23

Received By: HT

Appeal #: 23-13

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
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**I. PROPERTY INFORMATION:**

Address: 463 GOLFVIEW BLVD.	Lot Number: LOT 64 / 63	Sidwell Number: 08-19-35-127-011
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**II. OWNER INFORMATION:**

Name: Kristin Potter			
Address: 463 Golfview Blvd.	City: Birmingham	State: MI	Zip code: 48009
Email: * kristin.potter@yahoo.com		Phone: 248-909-2312	

**III. PETITIONER INFORMATION:**

Name: Robin Ballew	Firm/Company Name: Ballew Designs		
Address: 6523 Tamarack Dr.	City: Troy	State: MI	Zip code: 48098
Email: BallewDesigns@gmail.com		Phone: 248-854-0545	

**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: [Signature] Date: 2/12/23

Signature of Petitioner: [Signature] Date: 2/11/23



**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.

A handwritten signature in dark ink, consisting of a vertical line on the left and several sweeping, horizontal strokes to the right.

Signature of Applicant



**City of Birmingham BZA**, letter of hardship or practical difficulty.

Property located at  
**463 Golfview Blvd.**

Variance request is based on a practical difficulty based on the strict interpretation of the ordinance.

Existing home with a semi-attached garage is currently less than the 5' required setback from the front of the home to the front of the garage. The existing front facing garage also only has a single 16' wide garage door. The proposed design is removing the attached garage and covered entry and proposing a new garage that is set back 5' from the front of the existing home and updating the front facing garage door design to the required 8' double doors. This design improves the appearance of the home and is designed to meet the intent of the zoning ordinance.

The variance is required because we are also adding a family room addition to the rear of the home. This addition extends into the side yard to the south 4.91'. This one story addition is now considered the front of the house according to current code interpretations. This is creating a variance to the garage of 23.91'. The new front portion of the home is 24' to the east from the current front of the house.

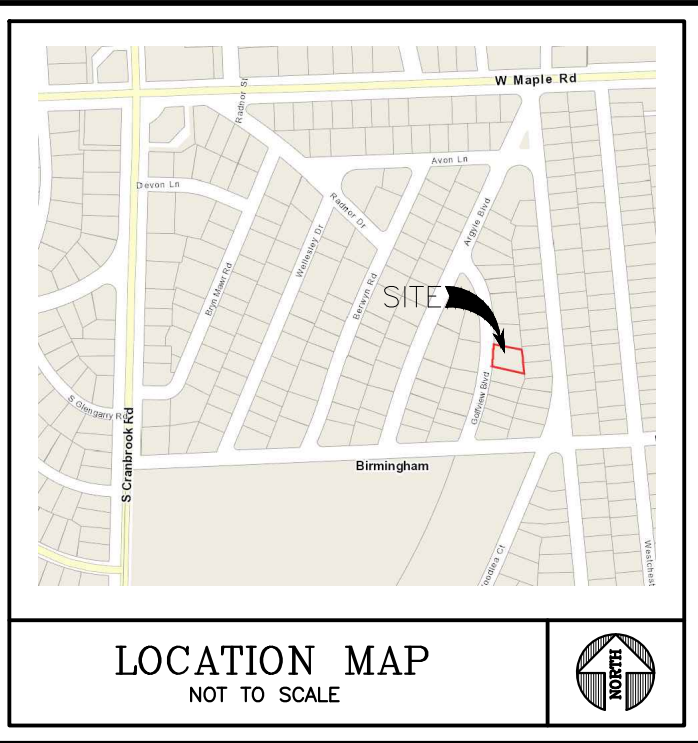
The intent of the setback to the front of the garage from the front of the home was to create a more pleasant and traditional streetscape. The proposed design is meeting the intent of the code while not meeting the strict letter of the code.



Robin Ballew  
Ballew Designs LLC.  
6523 Tamarack Dr.  
Troy, MI 48098



Kristen Potter  
436 Golfview Blvd.



NOTE: SETBACKS AS SHOWN ON THIS DRAWING WERE OBTAINED FROM THE MUNICIPALITY. IT IS THE RESPONSIBILITY OF THE CLIENT TO INSURE THAT THIS INFORMATION IS CORRECT. SINCE DEED RESTRICTIONS ARE NOT SUPPLIED BY THE MUNICIPALITY, THE CLIENT MUST INFORM THIS OFFICE OF ANY SPECIAL RESTRICTIONS WHICH MAY AFFECT THIS DRAWING.

#### LEGEND

- SECTION CORNER
- FOUND IRON, MON., NAIL
- SET IRON
- RECORDED
- MEASURED
- CALCULATED

#### EXISTING DESCRIPTION

- U.P. = UTILITY POLE
- E/W = EDGE OF WOODS
- B/BM = BOTTOM OF BERM
- T/BM = TOP OF BERM
- V/A = EDGE OF ASPHALT
- C/C = EDGE OF CONCRETE
- C/W = CORRUGATED METAL PIPE INVERT
- T WALL = TOP OF WALL
- B WALL = BOTTOM OF WALL
- E/W = EDGE OF WATER
- B.C./F.O. = BUILDING CORNER/FINISHED GRADE
- W/O = WATER SHUT OFF
- CL = CENTERLINE
- SAN. MH = SANITARY MANHOLE
- C.B.B. = CATCH BASIN BEEHIVE
- T/C = TOP OF CURB
- S/M. MH = STORM MANHOLE
- T/B = TOP OF BANK
- B/B = BOTTOM OF BANK
- C/L = CENTERLINE
- C.B.S. = CATCH BASIN SQUARE
- LP = LIGHT POLE
- GW = GATE VALVE/WELL

PR. 000.00 = PROPOSED GRADE

000.00 = EXISTING GRADE

PR. 000.00 = PLAN PROPOSED GRADE NO LONGER APPLICABLE

C.B. FILTER

SILT FENCE

DOWNSPOUT

TREE SURVEY			
TAG #	DIA. (IN.)	SPECIES	SPREAD (FT.)
1960	18	MAPLE	45
1961	15	TAMARACK	35
1962	16	MAPLE	45
1963	17	MAPLE	45
1964	8	ELM	15
1965	12	CRABAPPLE	30
1966	8	CRABAPPLE	20
1967	12	CRABAPPLE	25

EX. HOUSE #345	EX. HOUSE #385	EX. HOUSE #411	EX. HOUSE #463	EX. HOUSE #495	EX. HOUSE #521	EX. HOUSE #539	EX. HOUSE #559
20.3'	23.5'	22.8'	30.0'	31.6'	34.4'	31.4'	31.4'
GOLFVIEW BLVD.							
AVERAGE SETBACK FROM R.O.W. = 29.5'							
AVERAGE SETBACK DETAIL							
NOT TO SCALE							

CITY BENCHMARK #16: BRASS DISC LOCATED SOUTH OF MAPLE, 100' WEST OF RADNOR, ELEVATION: 767.494 (CITY DATUM)  
SITE BENCHMARK: RIM ON ROAD CATCH BASIN, ELEVATION: 749.67 (CITY DATUM)

ADDRESS: 463 GOLFVIEW BLVD

PID: 19-35-127-011

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#### REVISIONS

**Fenn & Associates, Inc.**  
Land Surveying and Civil Engineering  
14933 Commercial Drive, Shelby Township, MI 48315  
Phone: 586-254-9577 Fax: 586-254-9020 www.fennsurveying.com

SCALE: 1" = 10' FIELD: BH, VA SHEET SIZE: 24 x 36 DRAWN BY: R.PERRI

DATE: 1/5/23 CHECKED: JSR, PE TOPOGRAPHIC MAPPING UPON 463 GOLFVIEW BLVD  
PART OF SECTION 35, T2N, R10E  
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

CLIENT: BALLEW DESIGNS DRAWING NUMBER: 22-00337

Utility Information, as shown, indicates the approximate locations and types of utilities as disclosed to this firm by various utility company's marking(s) and/or plans provided.

No guarantee is provided or implied as to the existence, accuracy, or completeness of any utilities.

All locations and depths of any utilities that may exist shall be verified in the field by others prior to the start of construction. Extreme caution shall be utilized during construction when operating near overhead and/or buried utilities.

72 HOURS (3 WORKING DAYS - EXCLUDING SAT., SUN. & HOLIDAYS)

CALL MISS DIG

1-800-482-7171

OR

811

(TOLL FREE) FOR THE LOCATION OF UNDER GROUND FACILITIES





# PROPOSED RENOVATIONS POTTER - BOESON RESIDENCE

463 GOLF VIEW BLVD.  
BIRMINGHAM, MI

BUILDING DATA :

ZONED:	Single Family Residential
SITE SIZE:	12989 SF
USE GROUP:	SINGLE FAMILY
CONSTRUCTION TYP:	LIGHT FRAME WOOD
REVIEW UNDER:	2015 Michigan Residential Code

CONSTRUCTION NOTES:	
1. DRAFT STOPPING:	Mich. Res. Code Sec. R502.12
2. FLOOR LIVE LOAD SLEEPING AREAS:	30 psf
3. FLOOR LIVE LOAD OTHER AREAS:	40 psf
4. ROOF SNOW LOAD:	30 psf
5. WIND LOAD:	90 MPH
6. CONCRETE:	2000 psi
PER TABLE R402.2, SEVERE WEATHERING POTENTIAL	BASEMENT WALLS BASEMENT SLABS PORCHES, SLABS, STEPS EXPOSED TO THE WEATHER
7. SOIL CAPACITY (ASSUMED):	3000 2500 3500 2000 psi

BIRMINGHAM ZONING REQUIREMENTS

LOT AREA:	12989 SF	
MINIMUM OPEN SPACE:	5196 SF	40% of Lot Area
MAXIMUM LOT COVERAGE:	3897 SF	30% of Lot Area
EXISTING HOUSE:	831 SF	
EXISTING GARAGE:	408 SF	
PROPOSED ADDITION:	928 SF	
PROPOSED GARAGE:	569 SF	The sum total floor area of all accessory buildings shall not exceed 10% of the lot area, provided that in no case shall the total ground floor area of all accessory buildings exceed 500 square feet.
PROPOSED COVERED PATIO:	429 SF	
PROPOSED LOT COVERAGE:	2328 SF	
PROPOSED OPEN SPACE:	2877 SF	EXISTING HOUSE + PROPOSED ADDITION + PROPOSED GARAGE + PATIOS

SETBACKS

	FRONT YARD SETBACK	SIDE YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	GARAGE SETBACK
1. REQUIRED	29.50	19.50	5.00	30.00	5' - 0"
2. PROPOSED	25.87	26.72	5.47	53.26	23' - 11 1/32"
3. EXISTING	25.87	28.71	5.38	74.88	4' - 2 3/4"
4. CHANGE	0.00	3.00	0.09	21.62	23' - 11 1/32"
5. VARIANCE	0.00	0.00	0.00	0.00	23' - 11 1/32"



1 SITE PLAN  
C1 SCALE: 1" = 10'-0"



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TROY, MI 48068  
248-854-0545  
DALLEWDESIGNS@GMAIL.COM  
WWW.DALLEWDESIGNS.ILLC.COM

REVISION

S.	DATE	DESCRIPTION
1	2/13/23	BZA APPLICATION

PROJECT NAME

POTTER - BOESON RESIDENCE  
463 GOLF VIEW BLVD.  
BIRMINGHAM, MI

SHEET TITLE

COVER SHEET

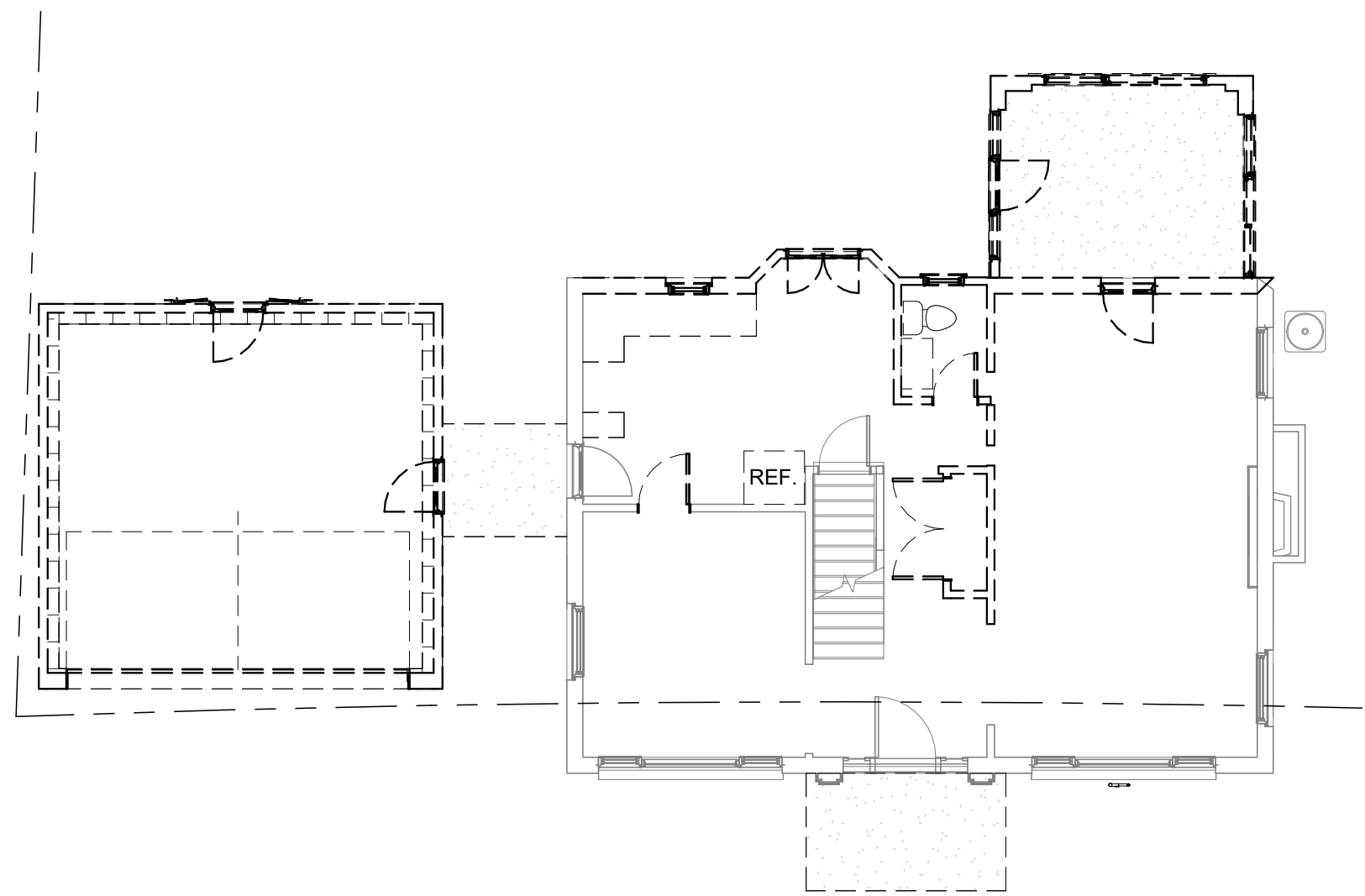
SHEET DATA

SCALE:	1" = 10'-0"
JOB:	20201
ISSUE DATE:	2/11/2023

SHEET NUMBER

C1



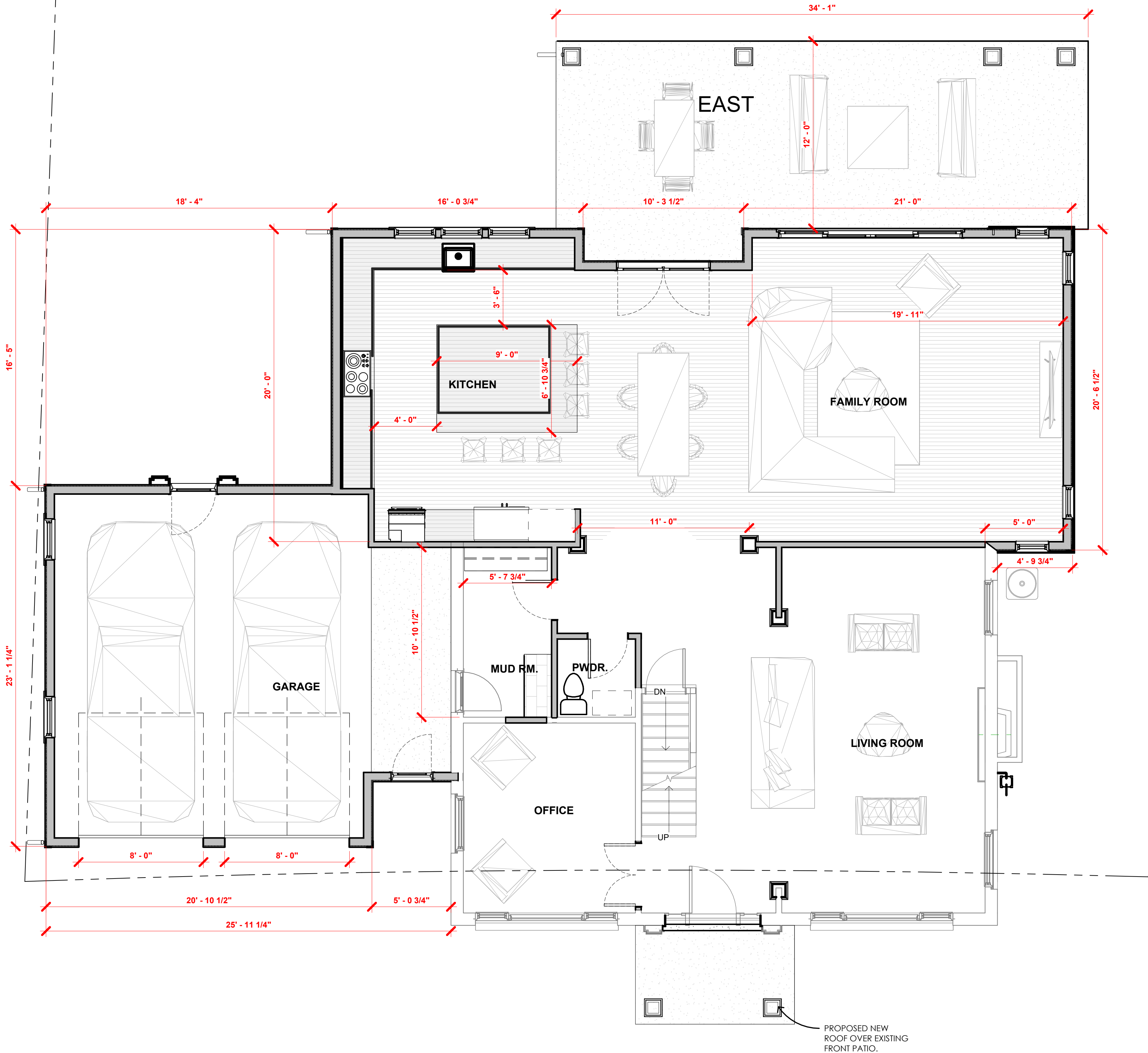


2 FIRST FLOOR EXISTING

SCALE: 1/8" = 1'-0"

EXISTING AREA	
Name	Area
SUNROOM	119 SF
EX. GARGE	341 SF
	460 SF
Heated	
FIRST FLOOR	831 SF
SECOND FLOOR	808 SF
	1639 SF

NORTH



WEST

SOUTH

1 FIRST FLOOR

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

PROPOSED AREA	
Name	Area
PROPOSED GARAGE	568 SF
BONUS ROOM	471 SF
	1040 SF
Heated	
PROPOSED FIRST FLOOR	848 SF
PROPOSED SECOND FLOOR	1666 SF
PROPOSED FIRST FLOOR	929 SF
	3443 SF
	4483 SF



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463 GOLF VIEW BLVD.  
BIRMINGHAM, MI

SHEET TITLE

FIRST FLOOR PLAN

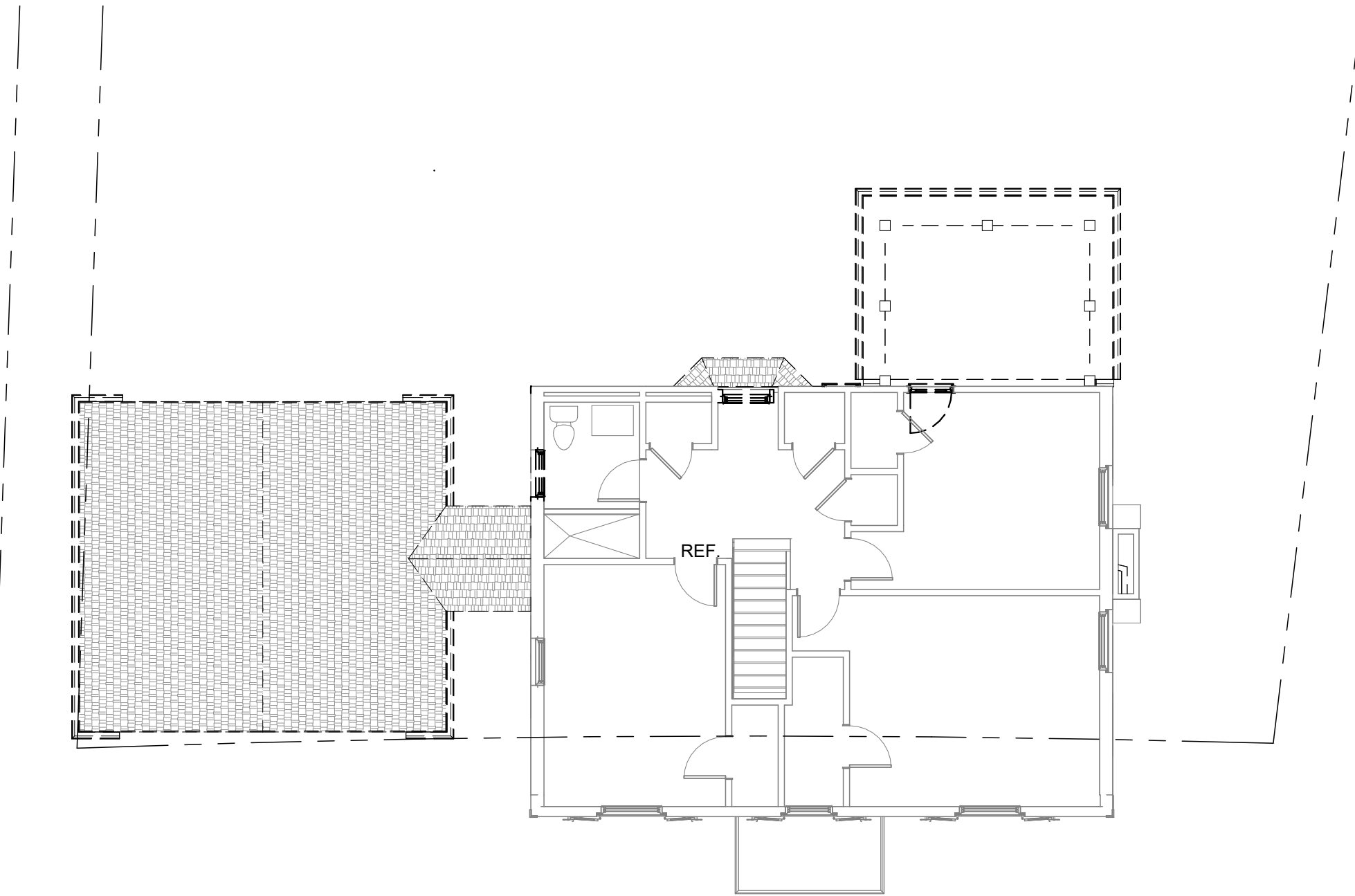
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SCALE: AS INDICATED  
JOB: 20201  
ISSUE DATE: 2/11/2023

SHEET NUMBER

A3

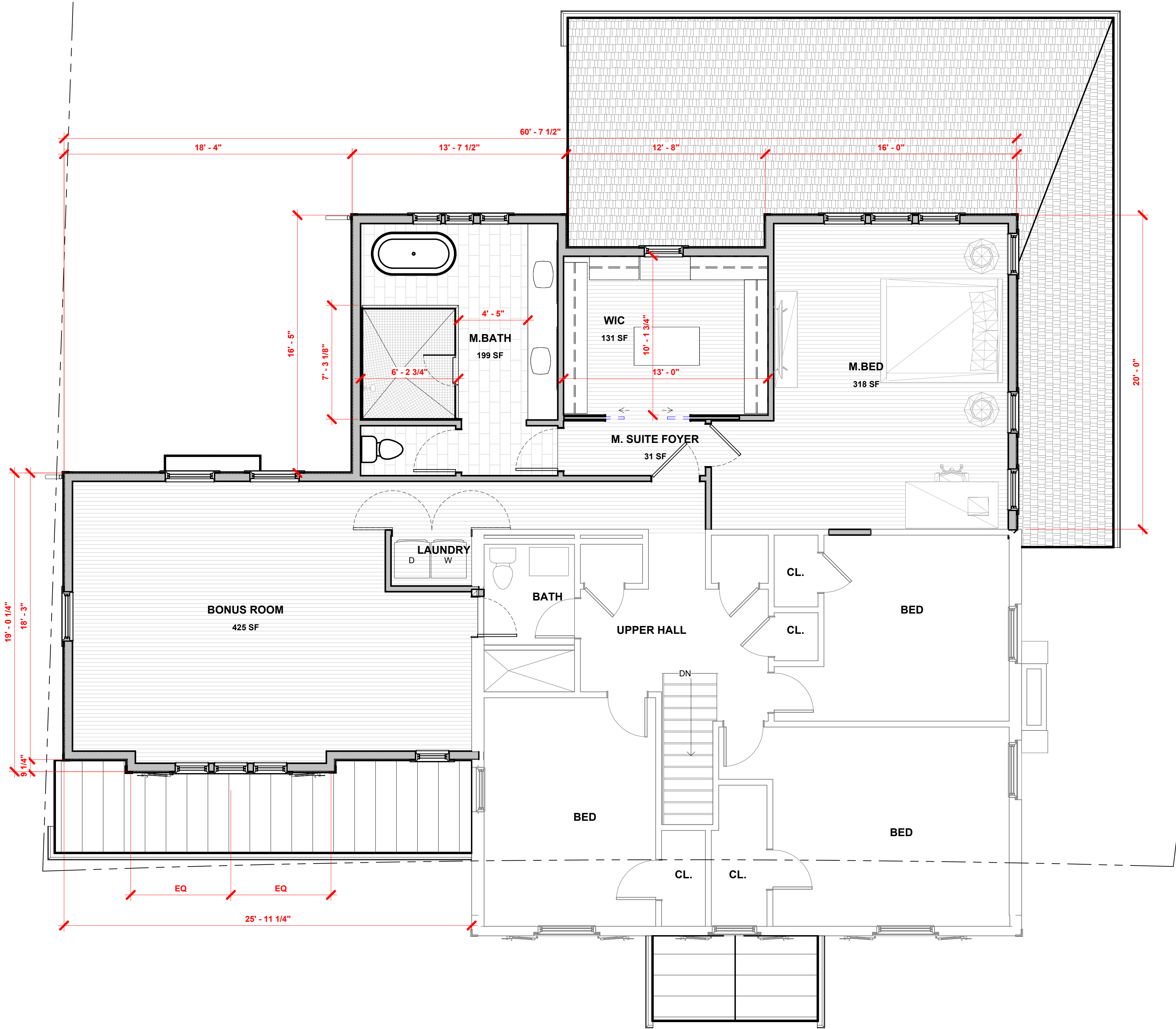




2 SECOND FLOOR EXISTING

SCALE: 1/8" = 1'-0"

EXISTING AREA	
Name	Area
SUNROOM	119 SF
EX. GARGE	341 SF
	460 SF
Heated	
FIRST FLOOR	831 SF
SECOND FLOOR	808 SF
	1639 SF



1 SECOND FLOOR

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

PROPOSED AREA	
Name	Area
PROPOSED GARAGE	568 SF
BONUS ROOM	471 SF
	1040 SF

Heated	
PROPOSED FIRST FLOOR	848 SF
PROPOSED SECOND FLOOR	1666 SF
PROPOSED FIRST FLOOR	929 SF
	3443 SF
	4483 SF



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1	2/13/23	BZA APPLICATION

PROJECT NAME

POTTER - BOESON RESIDENCE  
463 GOLF VIEW BLVD.  
BIRMINGHAM, MI

SHEET TITLE

SECOND FLOOR PLAN

SHEET DATA

SCALE:	AS INDICATED
JOB:	20201
ISSUE DATE:	2/11/2023

SHEET NUMBER

A4





2 SOUTH ELEVATION  
A7 SCALE: 1/4" = 1'-0"



1 WEST ELEVATION  
A7 SCALE: 1/4" = 1'-0"



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#### PROJECT NAME

POTTER - BOESON RESIDENCE  
463 GOLF VIEW BLVD.  
BIRMINGHAM, MI

#### SHEET TITLE

ELEVATIONS

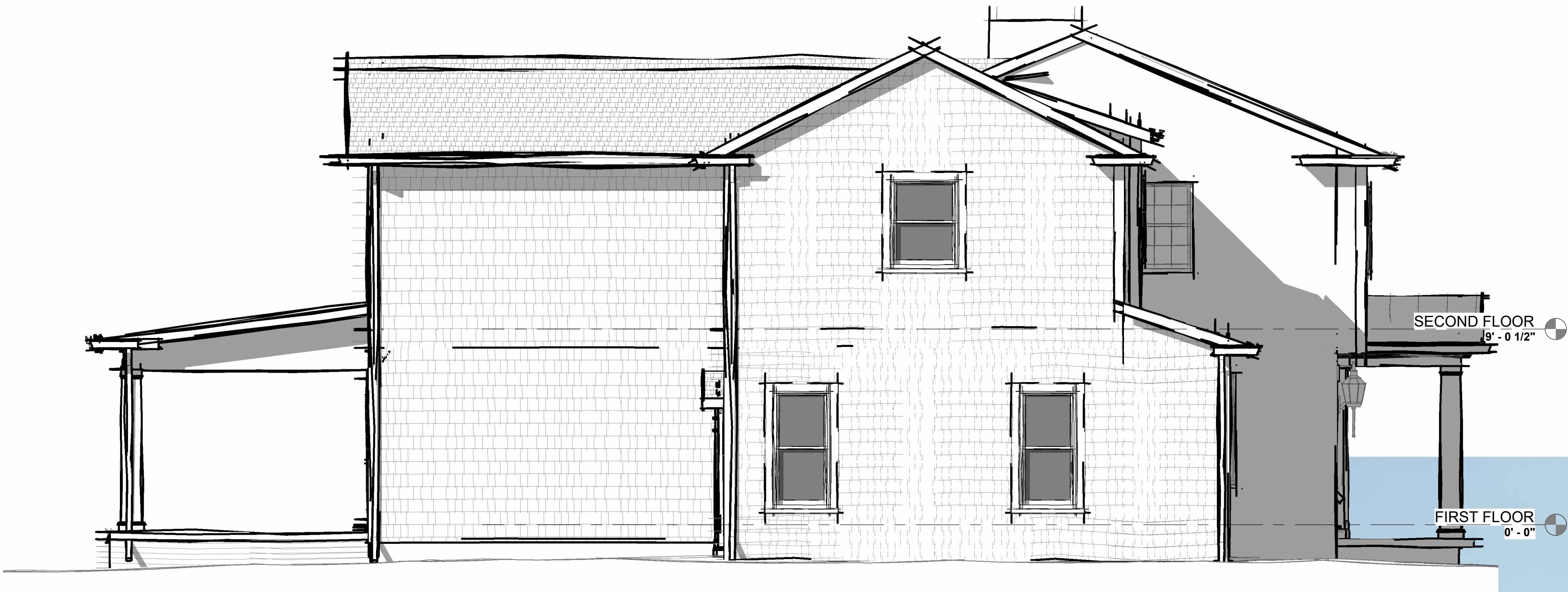
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SCALE: 1/4" = 1'-0"  
JOB: 20201  
ISSUE DATE: 2/11/2023

#### SHEET NUMBER

A7





2 NORTH ELEVATION  
A7.1 SCALE: 1/4" = 1'-0"



1 EAST ELEVATION  
A7.1 SCALE: 1/4" = 1'-0"



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463 GOLF VIEW BLVD.  
BIRMINGHAM, MI

#### SHEET TITLE

ELEVATIONS

#### SHEET DATA

SCALE: 1/4" = 1'-0"  
JOB: 20201  
ISSUE DATE: 2/11/2023

#### SHEET NUMBER

A7.1