

**City of Birmingham**  
**MEETING OF THE BOARD OF ZONING APPEALS**  
**TUESDAY, MARCH 8, 2022**  
**7:30 PM**

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

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

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

March 8, 2022  
7:30 PM

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. ANNOUNCEMENTS**

- a) The CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public. KN-95 respirators and 3 ply masks will be provided to everyone attending public meetings.

**4. APPROVAL OF THE MINUTES**

- a) February 8, 2021

**5. APPEALS**

	Address	Petitioner	Appeal	Type/Reason
1)	1572 HOLLAND	BABI CONSTRUCTION	22-03	DIMENSIONAL
2)	1001 WILLOW	DELONG	22-06	DIMENSIONAL
3)	680 BROOKSIDE	BONGIOVANNI	22-07	DIMENSIONAL

**6. CORRESPONDENCE**

**7. GENERAL BUSINESS**

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

**ADJOURNMENT**

**Title VI**

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

*Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un 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 8, 2022**  
**City Commission Room**  
**151 Martin Street, Birmingham, Michigan**

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**1. Call To Order**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, February 8, 2022. Vice-Chair Erik Morganroth convened the meeting at 7:30 p.m.

**2. Rollcall**

**Present:** Board Members Jason Canvasser, Kevin Hart, John Miller, Erik Morganroth; Alternate Board Member Erin Rodenhouse

**Absent:** Chair Charles Lillie; Alternate Board Member Ron Reddy,

**Administration:**

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

Vice-Chair Morganroth welcomed those present and reviewed the meeting's procedures. He noted that only five board members were present, and that dimensional variances require four affirmative votes. Consequently, Vice-Chair Morganroth offered each petitioner the opportunity to postpone their petition to the next regularly scheduled BZA meeting.

In regards to Appeal 22-03, Vice-Chair Morganroth noted that Mr. Canvasser would be recusing. As a result, too few regular Board members were present to hear the appeal. Vice-Chair Morganroth stated that Staff would contact the appellant to reschedule the appeal.

Vice-Chair Morganroth took rollcall of the petitioners with the exception of Appeal 22-03. All remaining petitioners were present and interested in their appeals being heard at the present meeting.

Vice-Chair Morganroth described BZA procedure to the audience. He noted that the members of the Board of Zoning Appeals are appointed by the City Commission and are volunteers who serve staggered three-year terms. They are a quasi-judicial board and sit at the pleasure of the City Commission to hear appeals from petitioners who are seeking variances from the City's Zoning Ordinance. Under Michigan law, a dimensional variance requires four affirmative votes from this board, and the petitioner must show a practical difficulty. A land use variance requires five affirmative votes and the petitioner has to show a hardship. He pointed out that this board does

not make up the criteria for practical difficulty or hardship. That has been established by statute and case law. Appeals are heard by the board as far as interpretations or rulings. In that type of appeal the appellant must show that the official or board demonstrated an abuse of discretion or acted in an arbitrary or capricious manner. Four affirmative votes are required to reverse an interpretation or ruling.

**T# 02-01-22**

**3. Announcements**

The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. Oakland County is now at the HIGH level of community transmission for COVID-19. The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.

**4. Approval Of The Minutes Of The BZA Meetings Of December 14, 2021**

**Motion by Mr. Canvasser**

**Seconded by Ms. Rodenhouse to accept the Minutes of the BZA meeting of December 14, 2021 as submitted.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Canvasser, Rodenhouse, Miller, Hart, Morganroth

Nays: None

**T# 02-02-22**

**5. Appeals**

**1) 1217 Washington  
Appeal 20-05**

ABO Zielke presented the item, explaining that the owner of the property known as 1217 Washington was requesting the following variance for the total side yard setback to construct an addition to the existing non-conforming home:

**A. Chapter 126, Article 2, Section 2.08.2** of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.0 feet or 25% of the lot width whichever is greater. The required total is 16.25 feet. The existing and proposed total is 12.40 feet. Therefore, a variance of 3.85 feet is being requested.



L. Scott Grant, owner, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

**Motion by Mr. Miller**

**Seconded by Mr. Canvasser with regard to Appeal 20-05, A. Chapter 126, Article 2, Section 2.08.2 of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.0 feet or 25% of the lot width whichever is greater. The required total is 16.25 feet. The existing and proposed total is 12.40 feet. Therefore, a variance of 3.85 feet is being requested.**

**Mr. Miller moved to approve the variance and to tie the approval to the plans as submitted. He noted that the appeal regards a proposed addition to an existing non-conforming home and that the need for the variance was due to the unique circumstances of the property. He said it was reasonable for the addition to line up with the existing construction and said the proposal was a modest overlap of the setback.**

**Ms. Rodenhouse said she would support the motion for the reasons stated by Mr. Miller and to align with the Board's previous approval of the appeal.**

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**2) 1230 Latham  
Appeal 21-53**

ABO Zielke presented the item, explaining that the owner of the property known as 1230 Latham was requesting the following variance for the total side yard setback to construct an addition to the existing non-conforming home:

**A. Chapter 126, Article 2.06.2** of the Zoning Ordinance requires that a minimum front yard setback is the average of homes within 200 feet each way. The required is 65.30 feet. The proposed is 50.50 feet. Therefore a variance of 14.80 feet is being requested.

**B. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.0 feet or 25% of the lot width whichever is greater. The required total is 16.45 feet. The proposed is 10.55 feet. Therefore, a variance of 5.90 feet is being requested.

**C. Chapter 126, Article 2.06.4** of the Zoning Ordinance requires a maximum building height is 30.00 feet. The proposed height is 35.33 feet; Therefore a variance of 5.33 feet is being requested.

**D. Chapter 126, Article 2.06.4** of the Zoning Ordinance requires a maximum eave height is 24.00 feet. The proposed height is 31.92 feet; Therefore a variance of 7.92 feet is being requested.

Bruce Bloomingdale, co-owner of the building company, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Mr. Bloomingdale confirmed that the building company was, at the time of purchase, aware of the lot's drastic change in grade front the front to the rear.

Mr. Miller noted that Variance A would align this house in the front with the adjacent houses and that Variances C and D were related to the drop off in the rear of the lot. He said the slope in the rear yard would make it prohibitive to put a garage in the rear of the lot. He said was having more difficulty rationalizing Variance B.

Mr. Bloomingdale drew the meeting's attention to Exhibit B, specifically the part circled in red. He said part of that area would be retained in some way, and said it was 'in the wrong area'. He asked ABO Zielke to help clarify.

ABO Zielke clarified that a few feet of the area in discussion was not behind the home directly, so it is more in the side yard, hence the request for Variance B.

Vice-Chair Morganroth noted locating the staircase off the terrace was dictating the location of that wall. He said if the staircase were located elsewhere Variance B might not be needed.

Mr. Bloomingdale, and his brother, John Bloomingdale, also a co-owner of the building company, both concurred that the staircase could be brought within the building envelope in order to eliminate the need for Variance B.

The appellant thanked ABO Zielke for his assistance with the appeal.

#### Public Comment

In reply to Fadi Nassar, Vice-Chair Morganroth stated that any concerns about water drainage between properties and retaining wall materials could be addressed to the Building Department.

#### **Motion by Mr. Canvasser**

**Seconded by Mr. Hart with regard to Appeal 21-53, A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires that a minimum front yard setback is the average of homes within 200 feet each way. The required is 65.30 feet. The proposed is 50.50 feet. Therefore a variance of 14.80 feet is being requested; B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.0 feet or 25% of the lot width whichever is greater. The required total is 16.45 feet. The proposed is 10.55 feet. Therefore, a variance of 5.90 feet is being requested; C. Chapter 126, Article 2.06.4 of the Zoning Ordinance requires a maximum building height is 30.00 feet. The proposed height is 35.33 feet; Therefore**

a variance of 5.33 feet is being requested; and, D. Chapter 126, Article 2.06.4 of the Zoning Ordinance requires a maximum eave height is 24.00 feet. The proposed height is 31.92 feet; Therefore a variance of 7.92 feet is being requested.

Mr. Canvasser moved to approve Variances A, C, and D, and to deny Variance B. He tied approval of Variances A, C, and D, to the plans as submitted. Mr. Canvasser stated that the retaining wall should be changed to not require a variance, and that appropriate drawings should be provided to the City.

He noted that the lot is an irregularly-shaped property with a steep slope. Because of the characteristics of this property, Mr. Canvasser stated that strict compliance with the ordinance would be unnecessarily burdensome. He stated that granting the petition would do substantial justice to the property owner and to the other property owners in the area. Mr. Canvasser stated that the problem was not self-created.

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**3) 1563 Lakeside  
Appeal 22-01**

ABO Zielke presented the item, explaining that the owner of the property known as 1563 Lakeside was requesting the following variances to construct a new single-family home with an attached garage:

**A. Chapter 126, Article 4, Section 4.61(1)** of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested.

**B. Chapter 126, Article 4, Section 4.61(1)** of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested.

**C. Chapter 126, Article 4, Section 4.30(C)(3)** of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

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

**Motion by Mr. Hart**

Seconded by Mr. Miller with regard to Appeal 22-01, A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested; B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested; and, C. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

Mr. Hart moved to approve the variance requests and to tie them to the plans as submitted. He stated that strict compliance with the ordinance would be very difficult for the permitted use. He stated that the appellant demonstrated that a detached garage would not work on this property for several reasons, including the difficulty of moving some of the DTE lines. He said granting the variance would provide substantial justice to the neighboring properties and to the homeowner. He stated that the problem was not self-created.

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**4) 1690 Fairway  
Appeal 22-02**

ABO Zielke presented the item, explaining that the owner of the property known as 1690 Fairway was requesting to construct an addition to an existing non-conforming single-family home with a detached garage:

**A. Chapter 126, Article 4.74(C)** of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 20.00 feet. The existing and proposed is 18.70 feet. Therefore; a variance of 1.30 feet is being requested.

ABO Zielke noted that the work on this home was started without a permit, and that once code enforcement was made aware the work was stopped.

In reply to Mr. Canvasser, ABO Zielke confirmed that if the variance was granted it would not affect the neighbors.

In reply to Mr. Canvasser, BO Johnson confirmed that granting the appeal would not affect the City's ability to ensure that the structure would be safe.

Vic Ventimiglia, fiancé of the homeowner, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Mr. Ventimiglia confirmed that if construction had not been started the addition could have been designed to comply with the ordinance. He opined that aesthetically it looks better for the addition to align with the rest of the existing non-conforming home.

Mr. Ventimiglia thanked the Board for their time.

#### Public Comment

Margaret Dufault, neighbor, said she had no problem with the variance.

In reply to further comments by Ms. Dufault, Vice-Chair Morganroth stated that any concerns about the appellant being on Ms. Dufault's property without her permission should be directed to the Building Department and code enforcement.

Ms. Dufault thanked ABO Zielke for his help with her concerns.

Charles Gleeson, builder working with the appellant, said he would be happy to post a bond to ensure Ms. Dufault that the construction equipment and staff for 1690 Fairway would not cross onto her property. He spoke in support of the variance.

#### **Motion by Ms. Rodenhouse**

**Seconded by Mr. Miller with regard to Appeal 22-02, A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 20.00 feet. The existing and proposed is 18.70 feet. Therefore; a variance of 1.30 feet is being requested.**

**Ms. Rodenhouse moved to deny the variance, stating that the Board has denied variances for this very issue in order to maintain conformity with the ordinance's requirements for the side setback. She said that while it was regrettable that construction was already started, it should not have a bearing on the Board's findings.**

**Mr. Miller said he supported the motion because Messrs. Ventimiglia and Gleeson both stated that the addition was designed as it was for reasons of aesthetics. He said he did not see the aesthetic value. He said he could not agree with the reasoning and did not think it justified granting the appeal. He said that while there might be reasons of constructability neither Mr. Ventimiglia or Mr. Gleeson mentioned that as a reason.**

**Mr. Canvasser said he would not support the motion. He noted that while there is precedent for the Board denying already-built variances, there is also precedent for approving the type of variance being requested here. He added that even though precedent was being discussed, the Board should look at each request on its own**



merits. He stated that this house is pre-existing non-conforming and that the variance only proposes to extend the sight-line without adding to the non-conformity. He said that despite the improper steps that occurred to date, he would support a motion granting this variance.

Mr. Hart said he would not support the variance either. He said that while appellant's building without permits showed disrespect for the process and the neighboring properties, the appeal itself fulfills the requirements of not being self-created, and of doing substantial justice to the neighboring properties. He said that drawing out this process could serve to inconvenience the neighbor.

Vice-Chair Morganroth noted that while Messrs. Ventimiglia and Gleeson both acknowledged that permits should have been pulled for the construction on this home, permitting matters would be handled by the Building Department and not by the Board. He said that if the variance request had been submitted properly before construction began, he likely would have supported the request to align the new construction with the existing wall.

**Motion failed, 2-3.**

VOICE VOTE

Yeas: Miller, Rodenhouse

Nays: Morganroth, Canvasser, Hart

**Motion by Ms. Canvasser**

**Seconded by Mr. Hart with regard to Appeal 22-02, A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 20.00 feet. The existing and proposed is 18.70 feet. Therefore; a variance of 1.30 feet is being requested.**

Ms. Canvasser moved to approve the variance and to tie it to the plans as submitted. He said it was not a self-created problem since the house is pre-existing non-conforming which qualifies as unique circumstances. He said compliance with the ordinance would be unnecessarily burdensome. He concurred with Mr. Hart that granting the variance would do both substantial justice to the property owner and to the neighbor, since if the variance is denied Ms. Dufault would have to now deal with demolition at 1690 Fairway. He said the majority of similar appeals in the past have been approved by the Board.

Mr. Hart said he was supporting the motion, describing it as the lesser of two evils. He said that since the appeal meets the criteria for approval, it should be granted.

Vice-Chair Morganroth reminded all present that four affirmative votes would be required and that the chance to postpone being heard was offered at the beginning of the meeting.

Ms. Rodenhouse said she wanted the record clear that she was against the variance because similar variances have been denied by the Board, citing appeals in July 2021 as examples. She said she was not against the variance because the construction was improperly done, though she described that as unsavory. She said the appellants for July 2021 would have cause to wonder if this current appeal was approved because construction was already started or because it would cause the neighbor inconvenience via demolition. She said the City has an obligation to treat neighbors alike, and that since neighbors in the same exact scenario have been denied in the past she would not be supporting this motion to approve.

Mr. Miller said he would also not support the motion. He said the Board needs the opportunity to explore alternatives to plans and elevations and that here the Board has none. He said the house did not have to be built as it was and that there were other options.

**Motion failed, 3-2.**

VOICE VOTE

Yeas: Morganroth, Canvasser, Hart

Nays: Miller, Rodenhouse

**5) 1572 Holland  
Appeal 22-03**

Mr. Canvasser stated he would have to recuse himself from Appeal 22-03. With Mr. Canvasser's recusal there would have been too few regular Board members to hear the appeal. Staff will contact the appellant to reschedule the appeal.

**6) 1572 Humphrey  
Appeal 22-04**

ABO Zielke presented the item, explaining that the owner of the property known as 1572 Humphrey was requesting the following variance to construct a detached garage:

**A. Chapter 126, Article 4.03(B)** of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal residential building on an adjoining lot than the sum of the minimum required side setbacks. The required is 14.00 feet. The proposed is 8.30 feet. Therefore; a variance of 5.70 feet is being requested.

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

In reply to Vice-Chair Morganroth, Mr. Potash said the resident of 1572 Humphrey would back out of their garage and down the driveway.

**Motion by Mr. Hart**

**Seconded by Mr. Miller with regard to Appeal 22-04, A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal residential building on an adjoining lot than the sum of the minimum required side setbacks. The required is 14.00 feet. The proposed is 8.30 feet. Therefore; a variance of 5.70 feet is being requested.**

Mr. Hart moved to approve the variance and to tie the approval to the plans as submitted. He noted that the current garage was one of the smaller ones in Birmingham and stated that the appellant proved the practical difficulty of the current garage configuration. Mr. Hart said strict compliance with the ordinance would prevent the appellant from proper use of the property, that compliance with the ordinance would be unduly burdensome, and that granting the variance would do substantial justice to the neighboring properties. He said the problem was due to the unique circumstances of the overhead DTE lines and that the problem was not self-created.

Mr. Miller noted that the non-conformity of the adjacent house was also a reason to grant the variance.

Mr. Hart concurred.

**Motion carried, 5-0.**

**VOICE VOTE**

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**7) 839 Ridgedale  
Appeal 22-05**

ABO Zielke presented the item, explaining that the owner of the property known as 839 Ridgedale, was requesting the following variance to construct a second floor addition to an existing non-conforming home:

**A. Chapter 126, Article 2.08.2** of the Zoning Ordinance requires that a minimum front yard setback is the average of homes within 200 feet each way. The required is 32.70 feet. The existing and proposed is 28.30 feet. Therefore a variance of 4.40 feet is being requested.

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

**Motion by Mr. Miller**

**Seconded by Mr. Canvasser with regard to Appeal 22-05, A. Chapter 126, Article 2.08.2 of the Zoning Ordinance requires that a minimum front yard setback is the**

average of homes within 200 feet each way. The required is 32.70 feet. The existing and proposed is 28.30 feet. Therefore a variance of 4.40 feet is being requested.

Mr. Miller moved to approve the variance and to tie the approval to the plans as submitted. He said that since the appeal regards an addition to an existing non-conforming home the problem was not self-created. He said there were also unique circumstances to the property. He said the proposed remodeling will mitigate an existing non-conformity.

Mr. Hart said that while the Board does not usually comment on topics outside the Board's purview, he said that this was a good example of stewardship of an old home and he commended Mr. Lang on his work. Mr. Hart said the City would like to see more projects similar to this one. Mr. Hart said he would be supporting the motion.

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

**T# 02-03-22**

## **6. Correspondence**

All correspondence was included in the agenda packet.

**T# 02-04-22**

## **7. General Business**

**T# 02-05-22**

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

None.

**T# 02-06-22**

## **8. Adjournment**

**Motion by Mr. Canvasser**

**Seconded by Ms. Rodenhouse to adjourn the February 8, 2022 BZA meeting at 9:31 p.m.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Morganroth, Rodenhouse, Canvasser, Miller, Hart

Nays: None

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Bruce R. Johnson, Building Official

A handwritten signature in black ink, appearing to read 'Laura Eichenhorn', with a stylized, flowing script.

Laura Eichenhorn

City Transcriptionist



# **CASE DESCRIPTION**

**1572 Holland (22-03)**

**Hearing date: January 11, 2022**

**Appeal No. 22-03:** The owner of the property known as 1572 Holland requests the following variance to construct a new single-family home with an attached garage:

A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 19.20 feet. The proposed is 14.61 feet. Therefore; a variance of 4.59 feet is being requested.

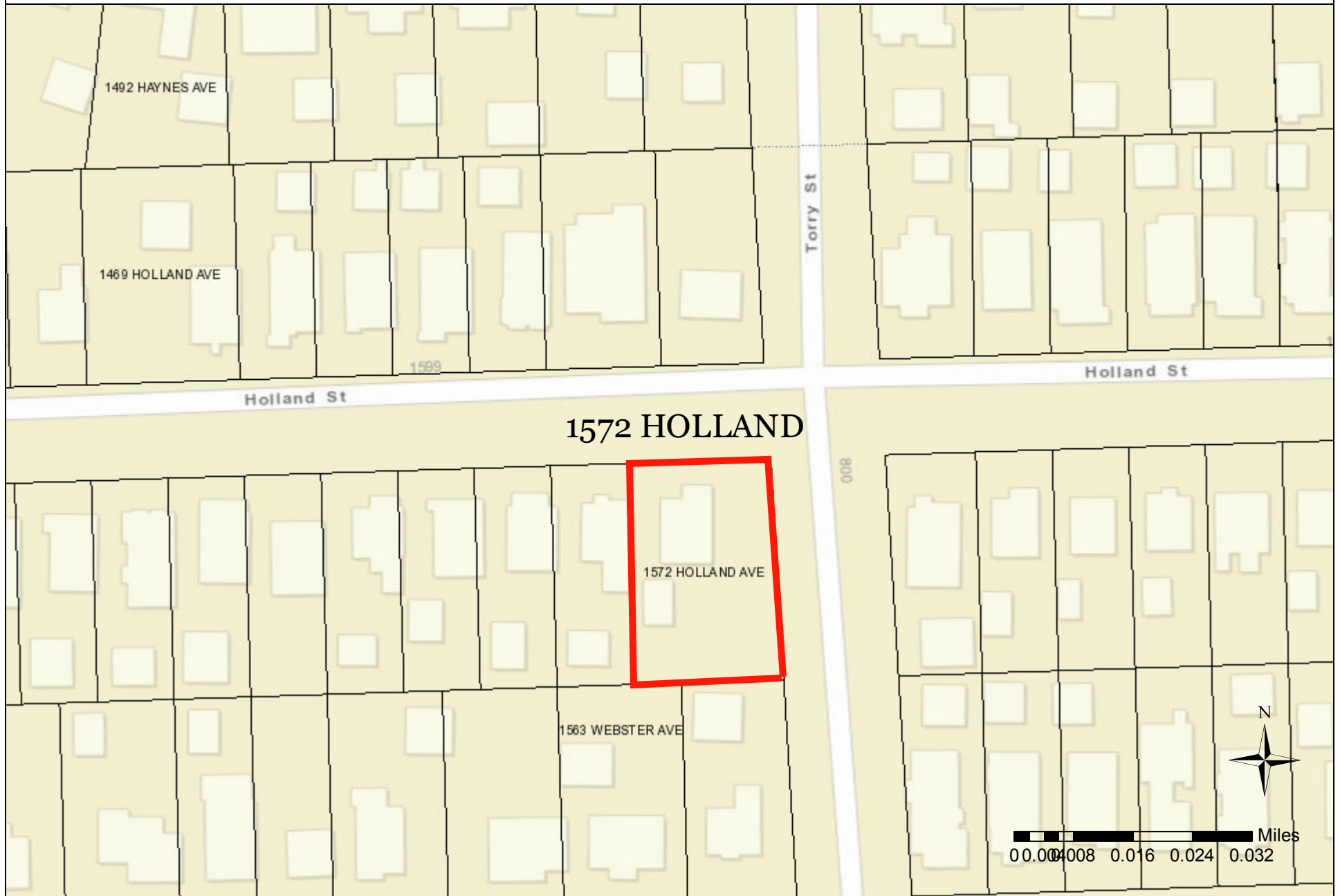
**Staff Notes:** The applicant is proposing to construct a new home on a corner parcel consisting of two platted lots.

This property is zoned R3 – Single family residential.

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Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

# 1572 HOLLAND 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 Date: 12/13/21

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Hearing Date: 1.11.22

Received By: HT

Appeal #: 22-0003

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: 1572 Holland Lot Number: 78 & 79 Sidwell Number: 20-31-153-067

**II. OWNER INFORMATION:**

Name: Babi Construction Inc.

Address: PO Box 974 City: Birmingham State: MI Zip code: 48012

Email: \* Babibuilders@yahoo.com Phone: 248-217-2224

**III. PETITIONER INFORMATION:**

Name: MICHAEL J. GORDON RA Firm/Company Name: MOISSEV / GORDON ASSOCIATES, INC

Address: 4351 DELEMERIE COURT City: ROYAL OAK State: MI Zip code: 48073

Email: michaelg @ mga - architects. net Phone: 248.549.4500

**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: 12/13/21

Signature of Petitioner: [Signature]

Date: 12/13/21



13 December 2021

City of Birmingham  
Community Development – Building Department  
151 Martin Street  
Birmingham, Michigan 48009

Re: 1572 Holland, Birmingham, MI  
Architect Job Number: 21114

Dear Sir or Madam:

We are applying for a Zoning Board of Appeals to reduce a required side yard from 19.2 feet to 14 feet 5 ½ inches or a reduction of 4 feet 9 inches.

This corner lot was studied in multiple ways; including what's being presented, a front facing garage, a side street facing garage and a rear yard facing garage.

The side street facing garage was rejected since it pushed the garage deep into the lot due to the need for a driveway the depth to park a car without blocking the sidewalk.

The rear facing garage was rejected since it would create a driveway covering about half the backyard reducing usable yard space and increasing impervious surface.

The forward facing garage seemed to put the garage in the best location and allow for outdoor covered entertaining space as well as multiple rooms opening onto the private backyard.

The need for the variance grows out of the difficulty in keeping a functioning garage that is less than half of the buildable envelope facing the street. The additional frontage allows for more house with functional room sizes addressing Holland.

Further, the amount requested maintains the house to house separation of fourteen feet and even if the house to the west is torn down and the site is redeveloped the minimum setback required would maintain the same fourteen foot separation required.

We hope you look favorably upon this request and grant the variance for this property.

Sincerely,  
MOISEEV/GORDON ASSOCIATES, INC.



Michael J. Gordon, RA

MJG/em

Moiseev/Gordon Associates, Inc.  
4351 Delemere Court Royal Oak, MI 48073

www.mga-architects.net  
248.549.4500 voice 248.549.7300 faxes

3 FULL WORKING DAYS  
BEFORE YOU DIG CALL



Know what's below  
Call before you dig  
Miss DIG System, Inc.

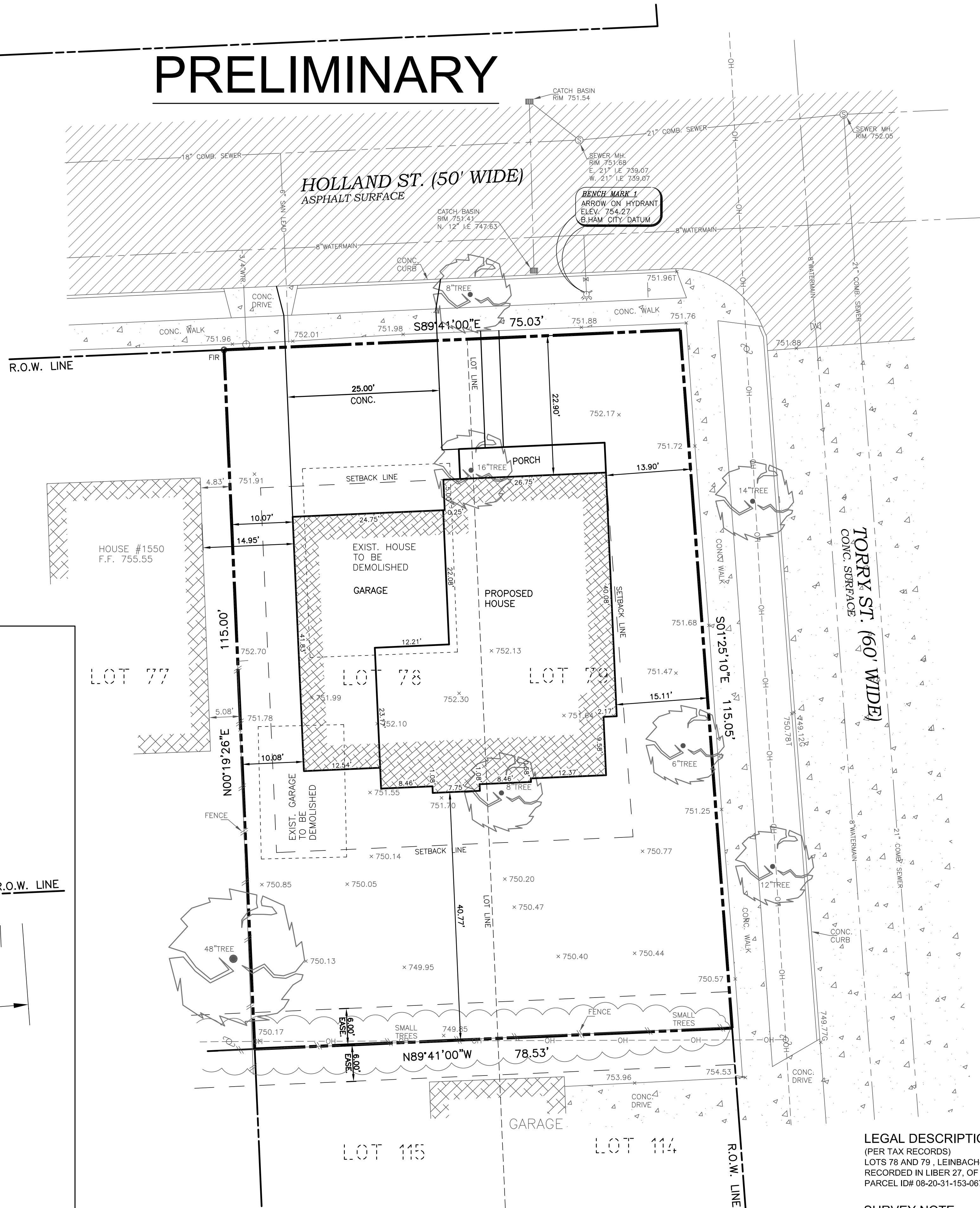
1-800-482-7171 www.missdig.net  
(TOLL FREE)

SAFETY NOTE:  
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT LIMITED TO NORMAL WORKING HOURS.

UTILITIES NOTE:  
THE LOCATION AND ELEVATION OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS PLAN ARE ONLY APPROXIMATE. THEY ARE SHOWN PER INFORMATION DISCLOSED BY AVAILABLE PUBLIC RECORDS, AND BY FIELD DATA WHENEVER POSSIBLE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES IN THE FIELD BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.



PRELIMINARY



LEGAL DESCRIPTION:

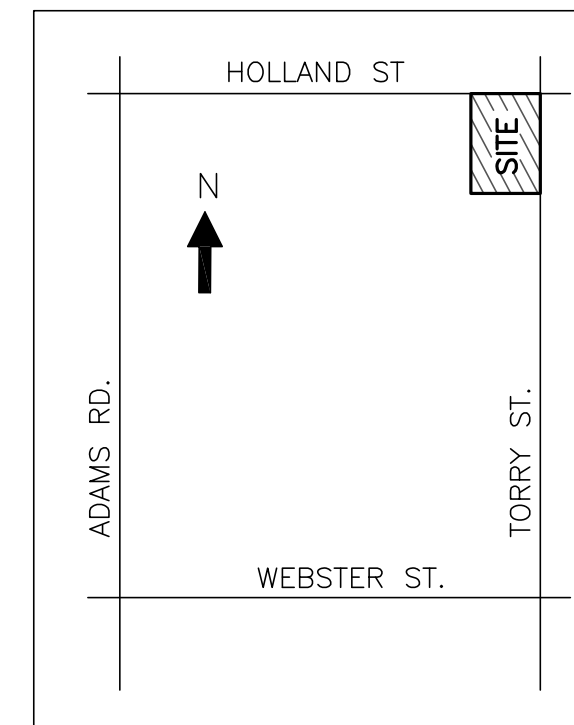
(PER TAX RECORDS)  
LOTS 78 AND 79, LEINBACH-HUMPHREY'S WOODWARD AVE SUB, T2N, R11E, SEC 31, AS  
RECORDED IN LIBER 27, OF PLATS, PAGE 5, OAKLAND COUNTY RECORDS.  
PARCEL ID# 08-20-31-153-067

SURVEY NOTE:

NO TITLE POLICY WAS PROVIDED BY THE CLIENT, MORE EASEMENTS  
AND RETRACTIONS MAY EXIST ON THE PROPERTY BUT HAVE NOT  
BEEN SHOWN ON THIS PLAN.

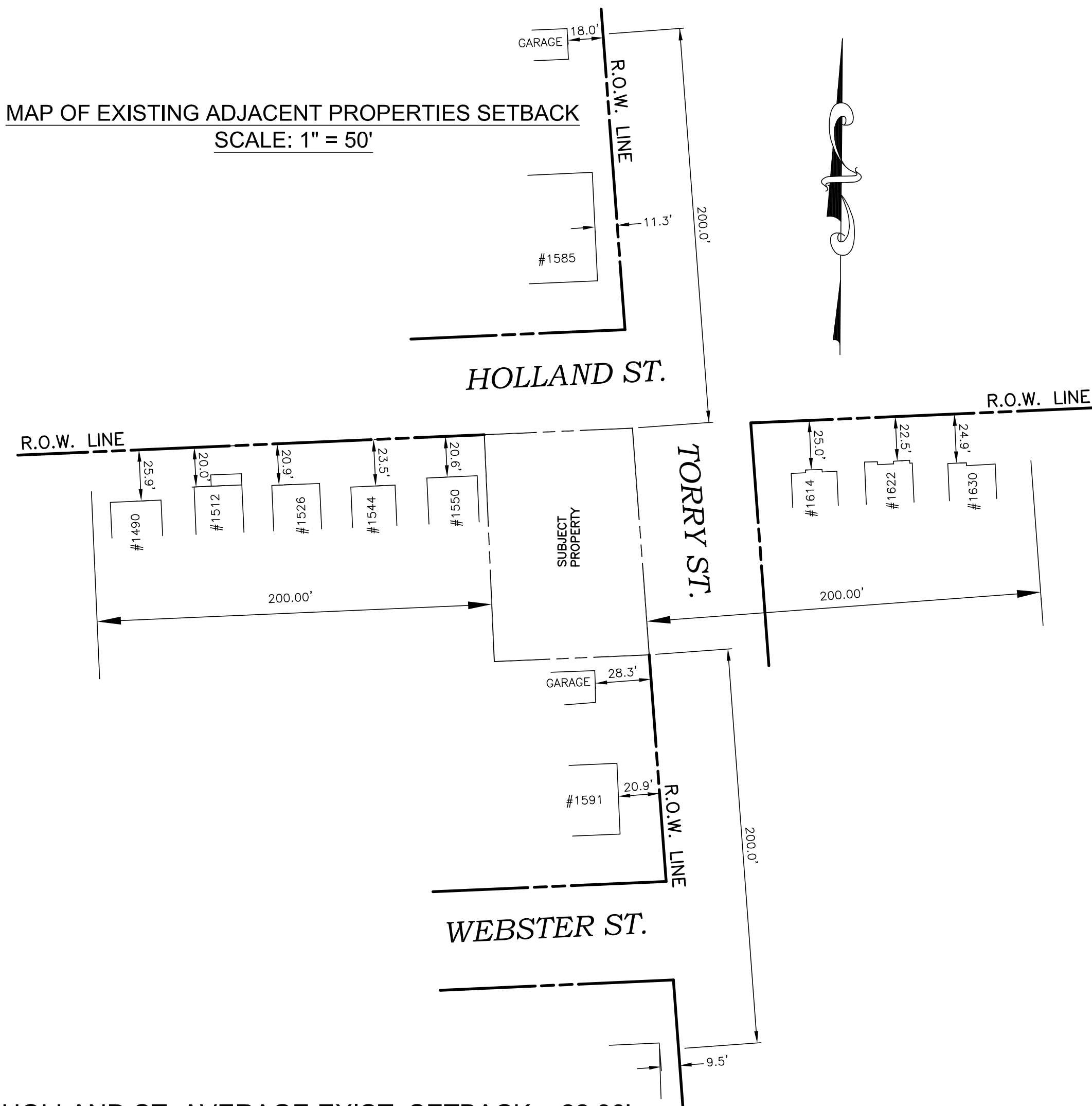
REFERENCE CITY BENCHMARK:

TOP OF DISK IN HAND HOLE LOCATED AT NORTHEAST CORNER OF LINCOLN AND  
ADAMS, (CITY BM#7)  
ELEVATION: 752.11 (CITY OF BIRMINGHAM DATUM)



VICINITY MAP  
NO SCALE

MAP OF EXISTING ADJACENT PROPERTIES SETBACK  
SCALE: 1" = 50'



HOLLAND ST. AVERAGE EXIST. SETBACK = 22.90'  
TORRY ST. AVERAGE EXIST. SETBACK = 13.9' (EXCLUDING GARAGES)

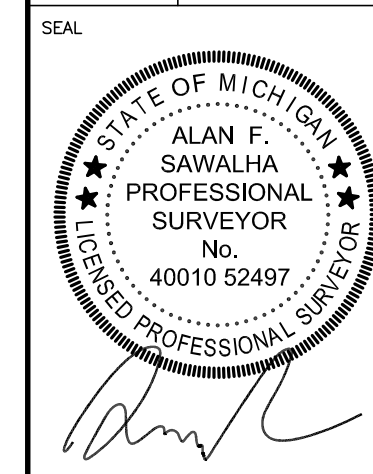
PRELIMINARY

Landwise  
Civil Engineers - Land Surveyors

P.O. Box 1952, Dearborn, MI 48121  
Tel: 248-257-5700, Fax: 248-257-5555  
email: info@landwiseinc.com

This drawing, design, concepts, ideas, and specifications, are property of LANDWISE, INC. and must be returned to LANDWISE, INC. immediately upon request. They are submitted for the purpose of presentation / or construction of this specific project on the condition that they are not to be used, reproduced, or copied, in whole or in part, or used for other projects or for furnishing information to others, without prior written consent of LANDWISE, INC.

ISSUE / REVISIONS	
DATE	REMARKS
5/28/2021	ORIGINAL ISSUE
12/13/2021	REVISED



SCALE 1" = 10 FEET  
CLIENT: BABI CONSTRUCTION

PLOT PLAN  
1572 HOLLAND ST.  
BIRMINGHAM, MICHIGAN

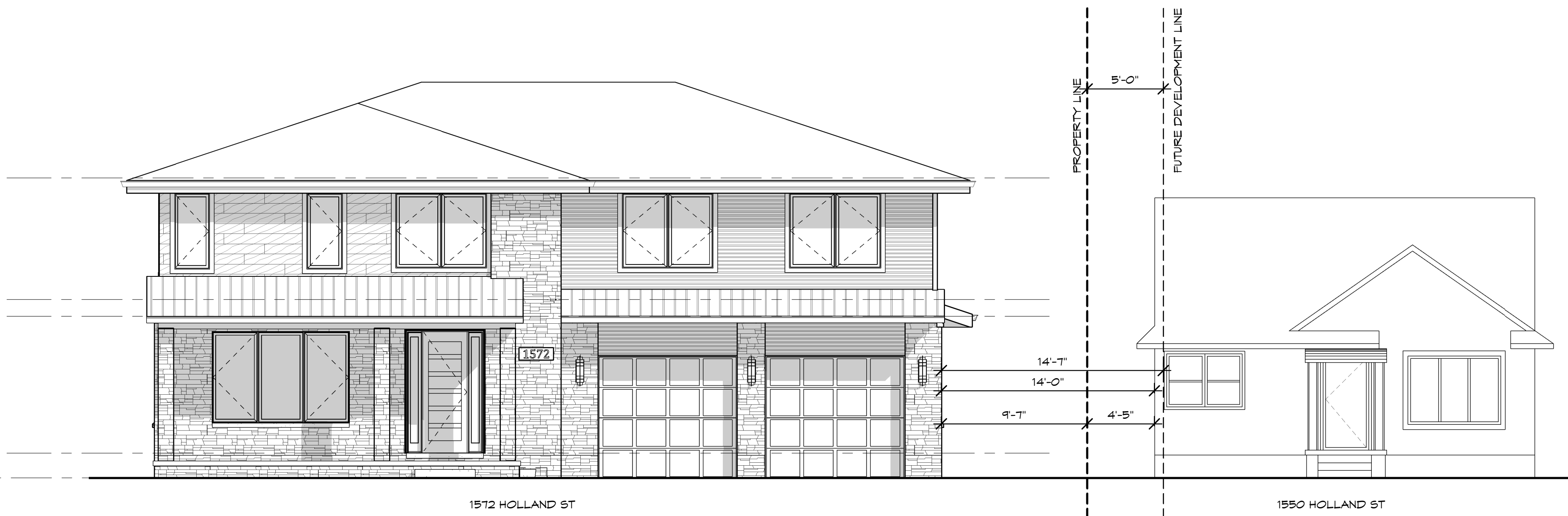
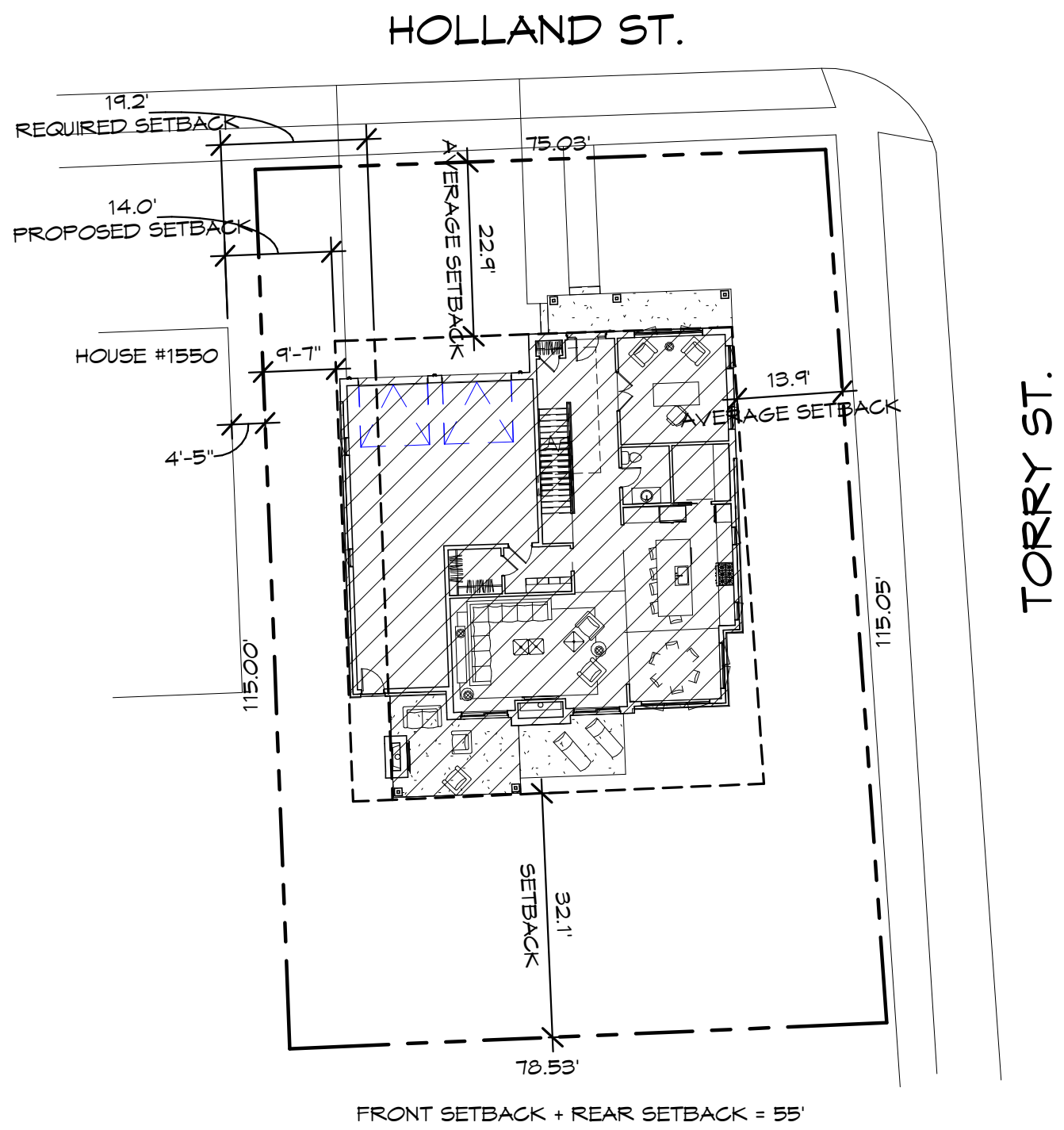
DRN: A.S. CHKD: A.S.  
FILE NO. 21-135PP01.dwg  
SHEET NO. 1 OF 1



# Birmingham, Michigan

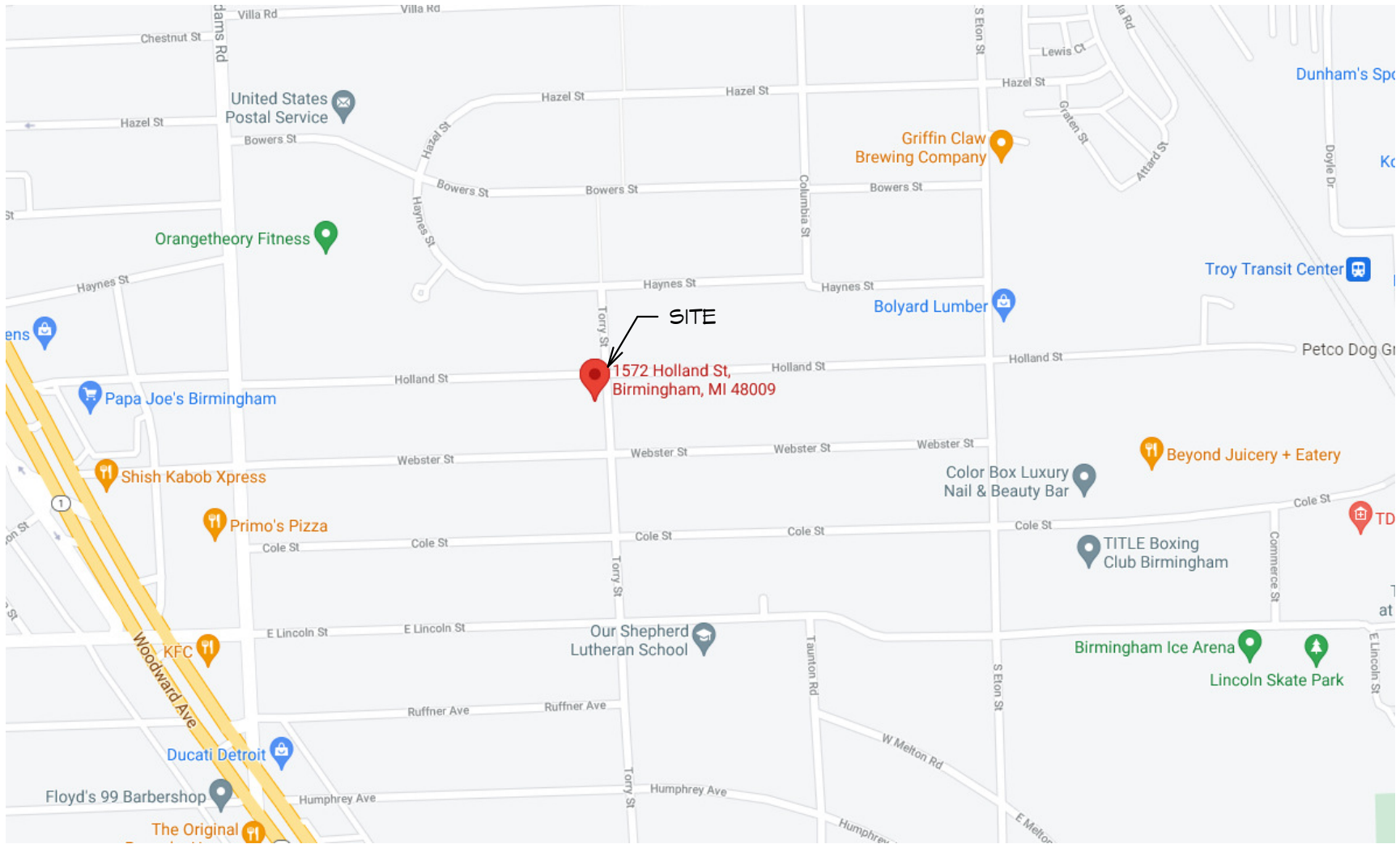
[illegible]

ZONING R-3  
MAXIMUM HEIGHT: 24' TO MID POINT  
MAXIMUM LOT COVERAGE: 30%  
MINIMUM OPEN SPACE: 40%  
PROPOSED LOT COVERAGE: 29%  
PROPOSED OPEN SPACE: 64.5%

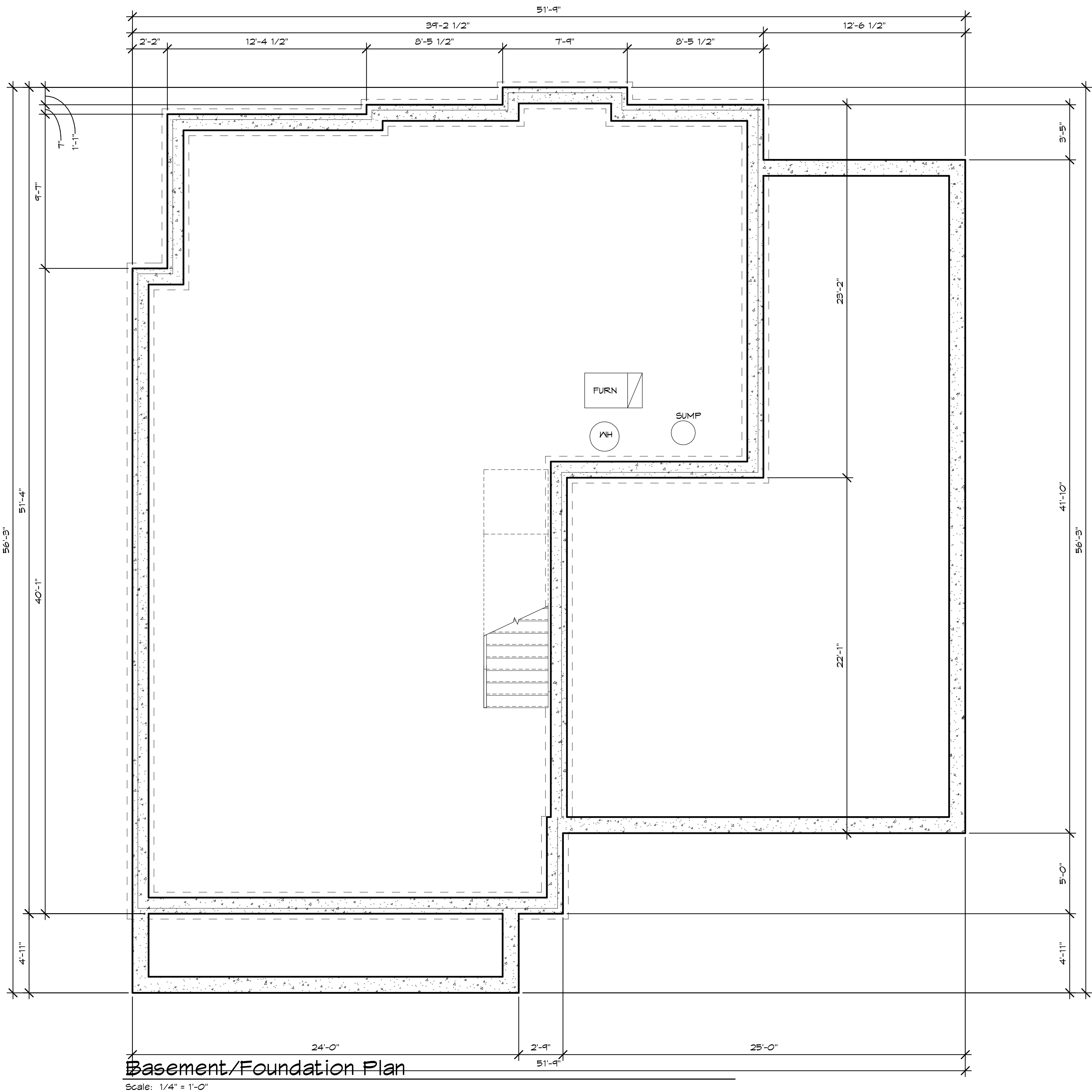


# STREET VIEW

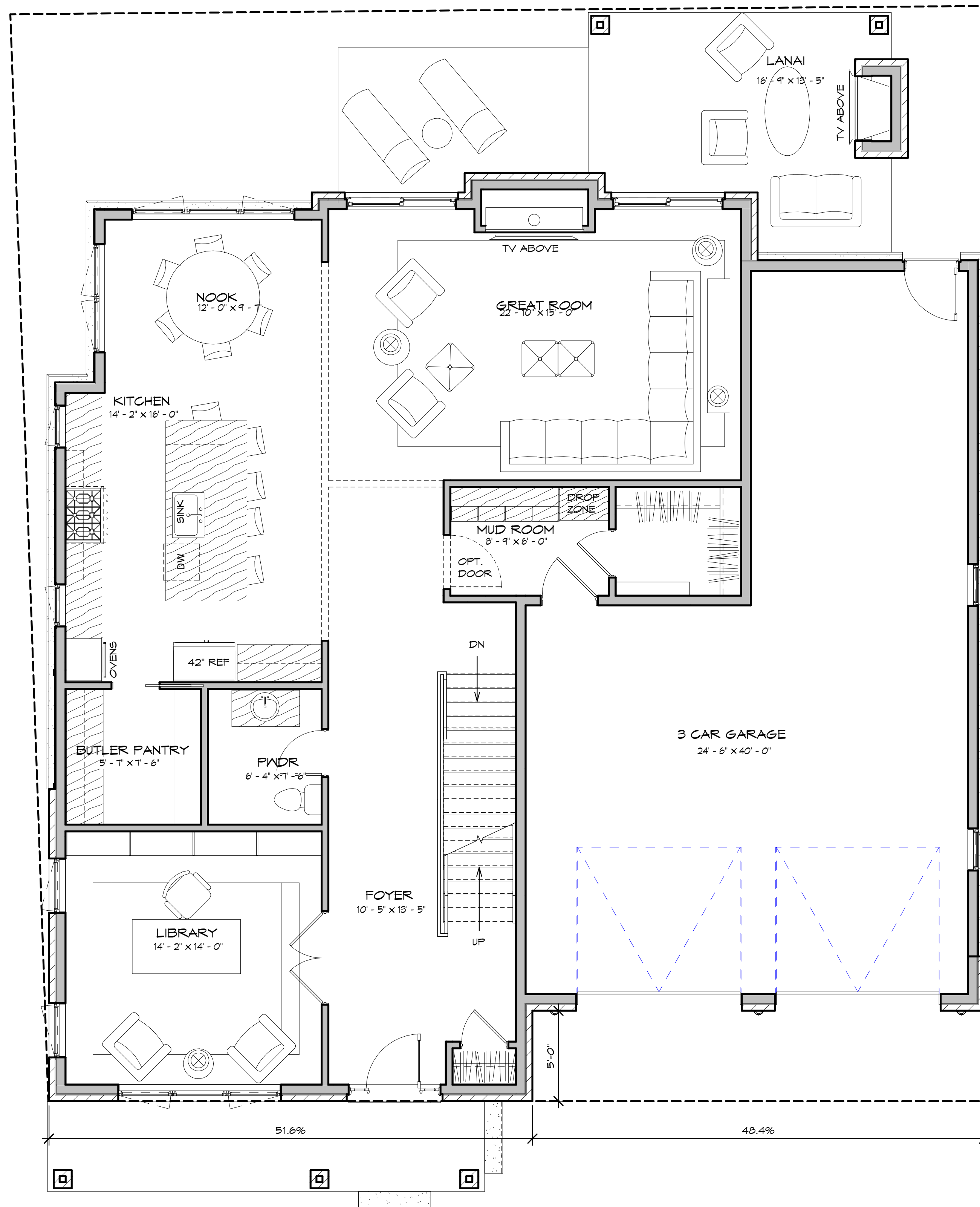
Scale: 3/16" = 1'-0"



 LOCATION MAP  
SCALE: N.T.S.



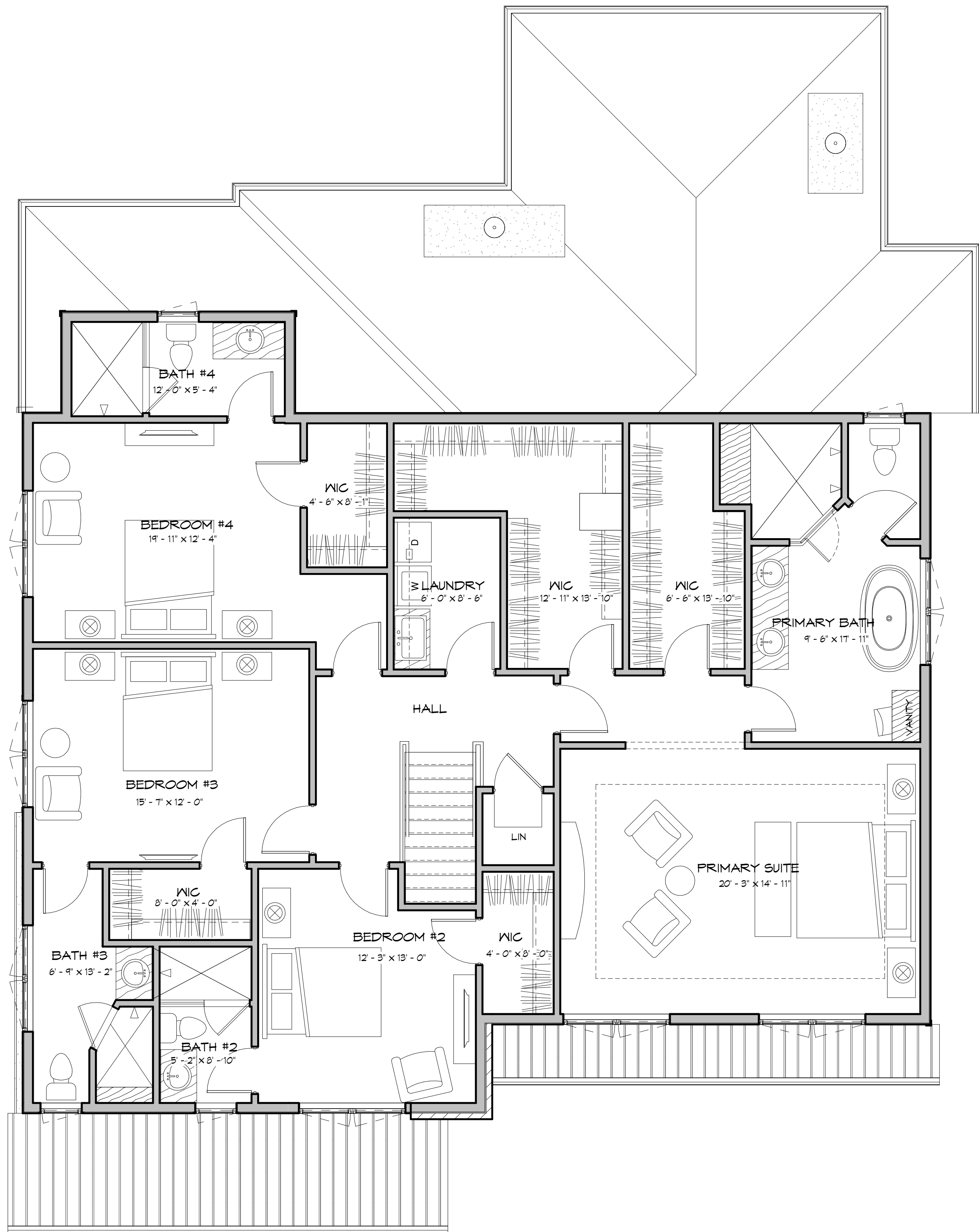




First Floor

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

FIRST FLOOR AREA: 1,589 SQFT  
SECOND FLOOR AREA: 1,961 SQFT  
TOTAL: 3,550 SQFT



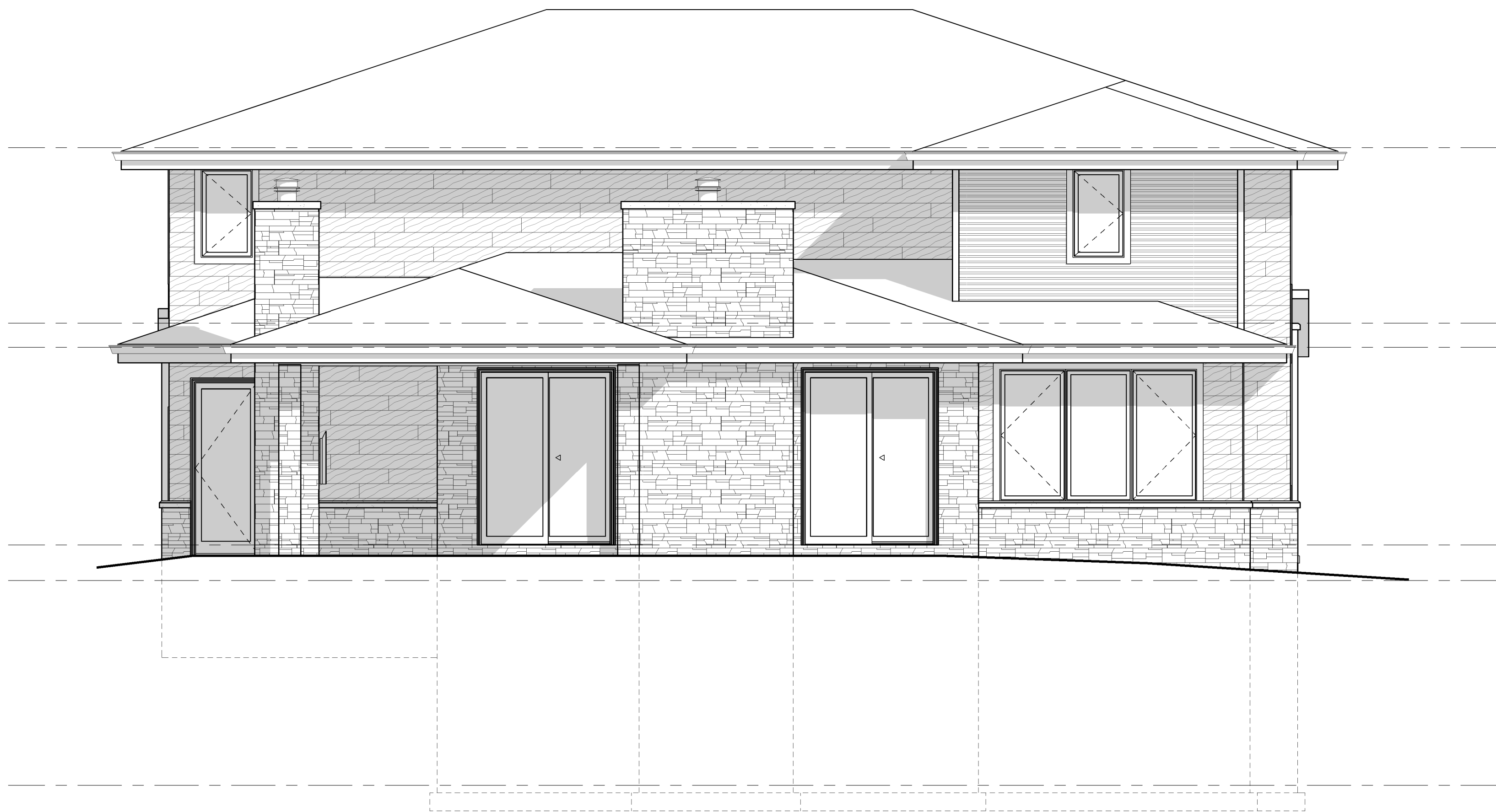
Second Floor

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



Front Elevation

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



Rear Elevation

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





Left Elevation

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



Right Elevation

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

# **CASE DESCRIPTION**

## **1001 Willow (22-06)**

**Hearing date: March 8, 2022**

**Appeal No. 22-06:** The owner of the property known as **1001 Willow** requests the following variances regarding the height of a fence in the side yard and open space to install artificial turf in the rear open space:

A. Chapter 126, Article 4.11(A)1 of the Zoning Ordinance requires that fences shall not exceed 6.00 feet in height above grade when located in any portion of the required side or rear open space. The proposed fence located in the side yard is 7.00 feet in height. Therefore; a variance of 1.00 feet is being requested.

B. Chapter 126, Article 2.06.1 of the Zoning Ordinance requires that a lot maintain a minimum open space of 40% (5422.80 SF). The proposed is 37% (5023.00 SF). Therefore; a variance of 3% (399.80 SF) is being requested.

**Staff Notes:** The applicant's lot is irregular in shape and has the frontage on two streets. This existing home was constructed in 2008

This property is zoned R1 – Single family residential.

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Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

# 1001 WILLOW 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: 2/2/2022

Received By: BM

Hearing Date: 3/8/22

Appeal #: 23-06

<b>Type of Variance:</b>	<input type="checkbox"/> Interpretation	<input checked="" type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
<b>I. PROPERTY INFORMATION:</b>					
Address:		Lot Number:		Sidwell Number:	
<b>II. OWNER INFORMATION:</b>					
Name: Calvin Johnson Jr.					
Address: 1001 Willow		City: Birmingham		State: MI	Zip code: 48009
Email: cjjr@me.com				Phone: 248-390-9309	
<b>III. PETITIONER INFORMATION:</b>					
Name: Jason DeLong		Firm/Company Name: DeLong Landscaping, LLC			
Address: 2564 Windemere		City: Birmingham		State: MI	Zip code: 48009
Email: jdelong17@comcast.net				Phone: 248-390-9309	
<b>IV. GENERAL INFORMATION:</b>					
<p>The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.</p> <p>To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted. Staff will explain how all requested variances must be highlighted on the survey, site plan and construction plans. Each variance request must be clearly shown on the survey and plans including a table as shown in the example below. All dimensions to be shown in feet measured to the second decimal point.</p> <p>The BZA application fee is <b>\$360.00</b> for single family residential; <b>\$560.00</b> for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.</p>					
<i>Variance Chart Example</i>					
Requested Variances	Required	Existing	Proposed	Variance Amount	
Variance A, Front Setback	25.00 Feet	23.50 Feet	23.50 Feet	1.50 Feet	
Variance B, Height	30.00 Feet	30.25 Feet	30.25 Feet	0.25 Feet	
<b>V. REQUIRED INFORMATION CHECKLIST:</b>					
<ul style="list-style-type: none"><li><input type="checkbox"/> One original and nine copies of the signed application</li><li><input type="checkbox"/> One original and nine copies of the signed letter of practical difficulty and/or hardship</li><li><input type="checkbox"/> One original and nine copies of the certified survey</li><li><input type="checkbox"/> 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations</li><li><input type="checkbox"/> If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting</li></ul>					
<b>VI. APPLICANT SIGNATURE</b>					
By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.					
Signature of Owner: 			Date: <u>2/8/22</u>		
Signature of Petitioner: 			Date: <u>2/2/2022</u>		

ZBA Appeals Letter  
Landscapes Improvements-1001 Willow

February 8<sup>th</sup>, 2022

City of Birmingham Zoning Board of Appeals  
151 Martin St.  
Birmingham, MI 48009

***Re: Request Zoning Adjustments for Impervious Surfaces and Height of Fencing***

1001 Willow  
Birmingham, MI 48009

Dear ZBA Commission and Board Members,

We are requesting two separate zoning variances to make our clients backyard more usable, and functional for years to come. These landscape enhancements will improve an already beautiful house and beautiful front yard landscape on a unique property in Birmingham. While making the backyard usable with the conditions present.

**Variance A:**

We are requesting a variance to get an additional 850 sq ft of 'impervious surface' to allow for artificial turf to be used in a very small backyard, on a unique property in Birmingham. Previously a maze of brick paver walkways, fire pits, and large overgrown maple trees consumed my client's backyard was not functional and unusable most of the year. The maple trees planted when the house was constructed, overtook the entire backyard. The mulch that was there (where pavers were not) made an absolute mess of everything. Rainwater would disperse mulch and litter all over pavers. Our proposed plan is to simplify the entire back yard. Eliminating the maze brick walkways and patio areas and consolidating them into their own distinct areas for more functionality of the backyard.

While decreasing the patio/walkway sizes substantially and installing an extremely small sport court into the far North side of the backyard, the remaining area of the backyard that is left, is in an area where no grass, including the shadiest tolerant grass or vegetation will grow. Due to height of my client's house, and the tall hedge of trees along the North and West property line, it reduces the sun exposure on the back yard immensely. With all the shade, the remaining area in the backyard is a maintenance issue and our plan offers a solution to alleviate the said maintenance issue for our client, and for the next owner of this house if my client ever decides to relocate.

Our plan to alleviate this shady area would be to use an artificial material that will alleviate any mulch erosion. It will also let water pass through and percolate well, with an open grade base that properly drains into the present drainage system. The setting of the backyard is much lower than the surrounding areas, with a present 2' retaining wall along the entire back and side of the property lines along both neighboring properties. This allows for the water to stay on the property and be contained into my client's drainage system, so no issues of water running off would be apparent or ever possible.

The material we propose to use is a 1.5" tall, artificial turf. This synthetic turf will allow water to pass through it fast enough to never let anything puddle above the surface of the ground. All products we propose to use are non-toxic, and do not use rubber granular infills to keep the product grounded. But clean, washed sand. It has been known that artificial turf fields that use the rubber granular crumbs from used tires, produce a negative impact on the environments. Modern artificial turf products do not use these, and there is a negative stigma surrounding these new products, because of this.

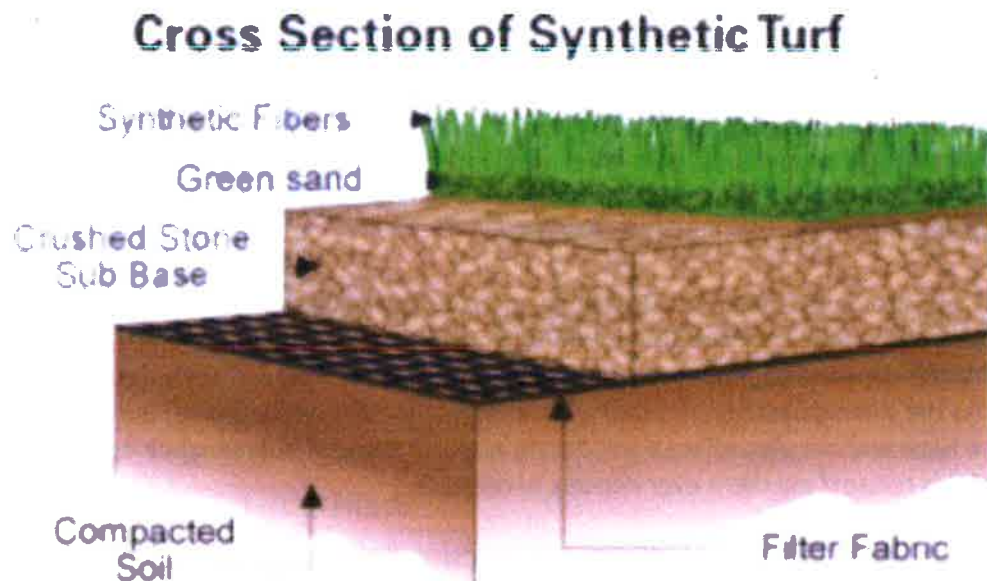


We are asking for an increase in impervious surface square footage on this property, by using a pervious product to allow water to pass through to natural sub soils. By the definition of impervious surface itself, this material used will allow water to do what it needs to do naturally and will not "prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development". The base will help water percolate through natural sub soils vs washing off on the surface during heavy rains.

#### **Variance B: Fence**

We are requesting a variance to add an additional 12" of fence allowed over the allowed 6' privacy fence. The fence is situated between the driveway and backyard (internal fence- not along property edge) The fence is setback off of a 14" tall retaining wall with the lower side of the wall the driveway. There is two steps up into the backyard from the driveway. This elevation makes the fence along the driveway appear much taller, but from the backyard, 6 feet tall would be extremely short offering little privacy, lower than shoulder height. We are requesting that the fence be able to be measured from the top of the retaining wall vs the bottom. We are asking for the allowed height from the backyard to be a total of 84".

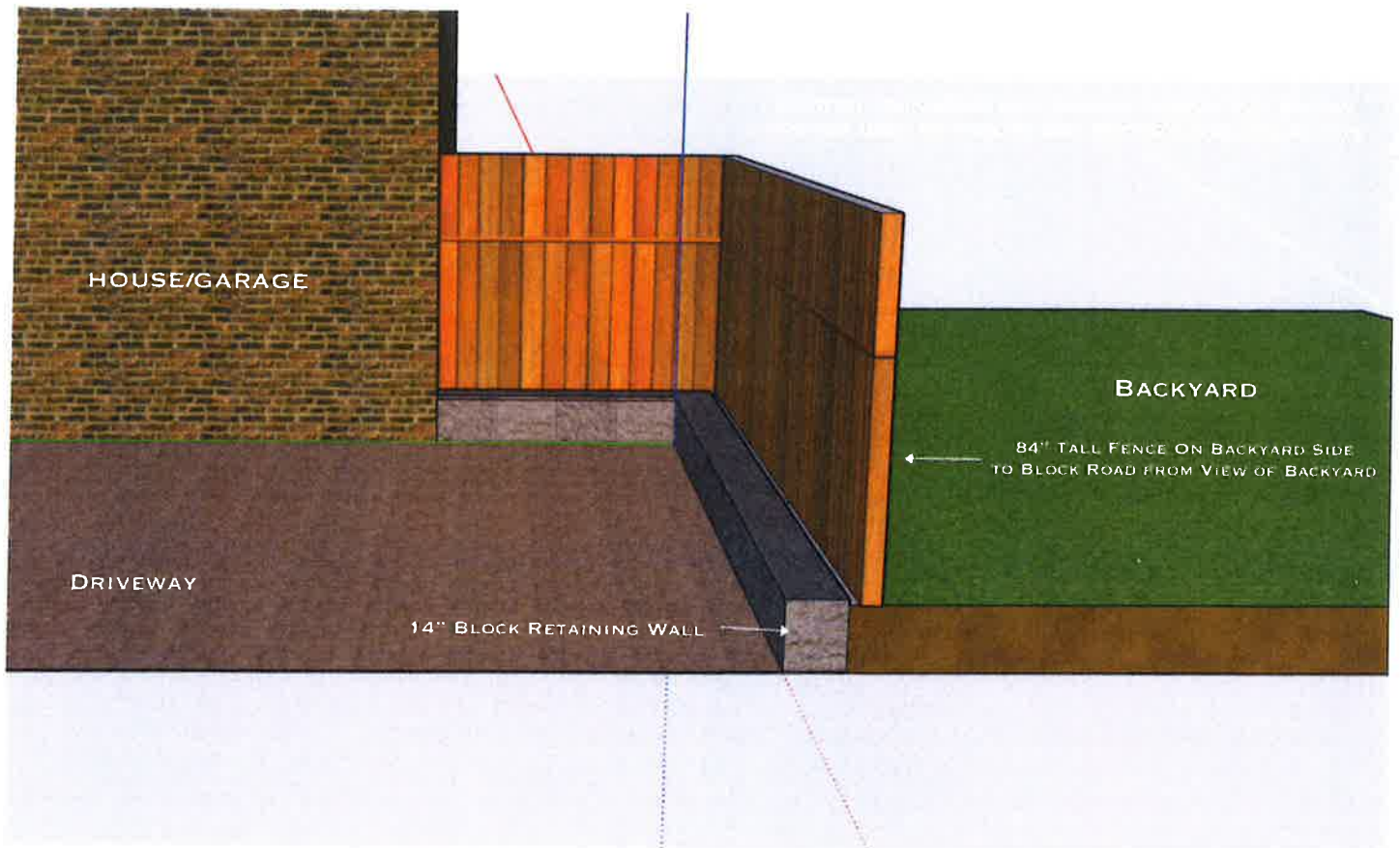
#### **Exhibit A: Artificial Turf Cross Section**

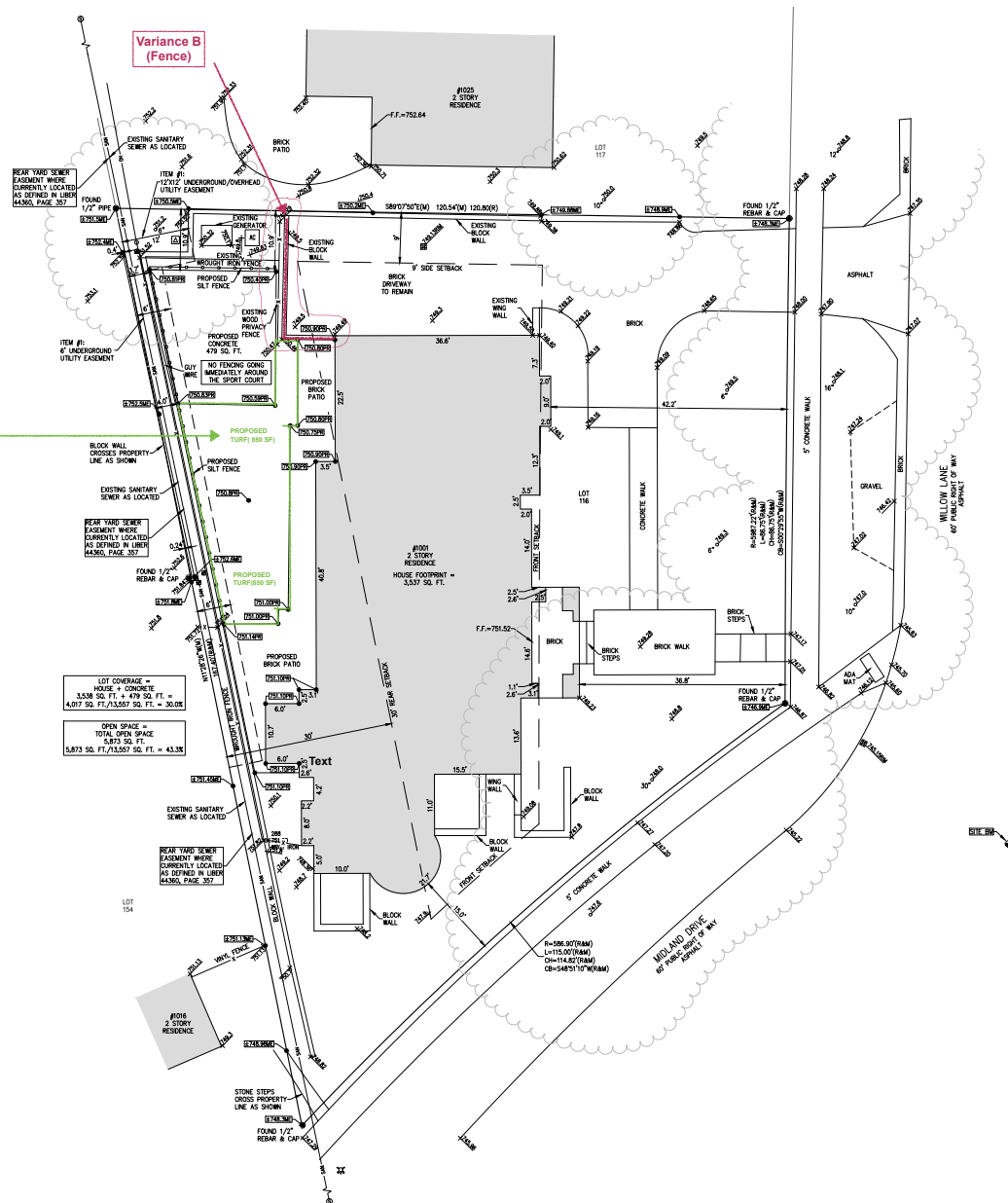


#### **Notes:**

- Crushed Stone sub-Base Material: Ohio 9 (angular 3/8" stone)
- Drain tile ran throughout the sub-base layer

**Exhibit B: Fence Detail with Retaining Wall**





●	FOUND MONUMENT (AS NOTED)
●	SET PROPERTY CORNER
■	SQUARE CATCH BASIN
XX	FIRE HYDRANT
—	SEWER MANHOLE
120.00	EXISTING ELEVATION
102.02	PROPOSED ELEVATION
102.05	MATCH EXISTING ELEVATION
	TREE
○	UTILITY POLE
○	ELECTRIC TRANSFORMER
●	TELEPHONE RISER
—	EDGE OF ASPHALT
—	BOUNDARY LINE
—	BUILDING
—	BUILDING OVERHANG
—	EDGE OF CONCRETE
OH	OVERHEAD UTILITY LINE
X	FENCE (AS NOTED)
---	EDGE OF GRAVEL
---	PLATTED SUBDIVISION
---	EDGE OF SIDEWALK



5. BY GRAPHIC PLOTTING ONLY, THIS PARCEL IS LOCATED WITHIN A FEDERAL DESIGNATED FLOOD HAZARD AREA ZONE X - OTHER AREAS (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) OF THE FLOOD INSURANCE RATE MAP, MAP NUMBER 28125C053M, EFFECTIVE DATE OF SEPTEMBER 28, 2006. NO FIELD SURVEYS WAS PERFORMED TO DETERMINE THE ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

6. SUBJECT PARCEL AS DESCRIBED CONTAINS ±13,357 SQUARE FEET OF LAND BEING ±0.31 ACRES OF LAND.

1  
SHEET 1 OF 1



# **CASE DESCRIPTION**

## **680 Brookside (22-07)**

**Hearing date: March 8, 2022**

**Appeal No. 22-07:** The owner of the property known **680 Brookside**, requests the following variances to construct a new single family home with a detached garage:

A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires if a lot has frontage on two streets so that the rear lot line abuts the street, accessory structures shall be set back from the rear lot line the same distance required as a front setback for lots fronting on the street. The required is 54.80 feet. The proposed is 25.50 feet. Therefore; a variance of 29.30 feet is requested.

B. Chapter 126, Article 4.30(C)1 of the Zoning Ordinance allows covered porches to project into the required front open space and shall not be higher than the floor of the first story. The proposed porch is higher than the floor of the first story. Therefore: a variance for the porch is being requested.

**Staff Notes:** This lot has frontage on two streets and slopes at the front of the property.

This property is zoned R2 – Single family residential.

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Jeff Zielke, NCIDQ, LEED AP  
Assistant Building Official

## 680 BROOKSIDE 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**

FEB 11 2022

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

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

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

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

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

**I. PROPERTY INFORMATION:**

Address: <b>680 BROOKSIDE</b>	Lot Number: <b>84</b>	Sidwell Number: <b>08-19-25-328-04</b>
-------------------------------	-----------------------	--

**II. OWNER INFORMATION:**

Name: <b>JOE BANGIOVANNI</b>			
Address: <b>583 N. ALD WOODWARD</b>	City: <b>BIRMINGHAM</b>	State: <b>MI</b>	Zip code: <b>48009</b>
Email: <b>jbangi05@gmail.com</b>		Phone: <b>248.425.4395</b>	

**III. PETITIONER INFORMATION:**

Name: <b>JOE BANGIOVANNI</b>		Firm/Company Name:	
Address: <b>583 N. ALD WOODWARD</b>	City: <b>BIRMINGHAM</b>	State: <b>MI</b>	Zip code: <b>48009</b>
Email: <b>jbangi05@gmail.com</b>		Phone: <b>248.425.4395</b>	

**IV. GENERAL INFORMATION:**

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

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

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

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

**V. REQUIRED INFORMATION CHECKLIST:**

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

**VI. APPLICANT SIGNATURE**

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

Signature of Owner: _____	Date: <b>2/12/22</b>
Signature of Petitioner: _____	Date: <b>2/11/22</b>

# R O N A N D R O M A N

## M E M O R A N D U M

**To:** City of Birmingham  
Community Development,  
Building Department

**Address:** 151 Martin Street  
Birmingham, MI 48009

**From:** Ron and Roman

**Date:** February 11, 2022

**Re:** 680 Brookside, New Residence, Application for the Board of Zoning Appeals,  
Letter of Practical Difficulty and Hardship

### Setback Variance

*The property fronts on two streets at opposite ends – Woodward to the east and Brookside to the west. We propose to follow the former site layout scheme; with our proposed site layout the vehicular access remains from Woodward with only pedestrian access from Brookside. This preserves as much as possible the existing topography of the site and re-uses the existing Woodward curb cut. In following the standard front and rear combined setback of 55', our front (Brookside) setback is 22.1' based upon the average of homes within 200'. This would normally allow a 32.9' setback along Woodward Avenue. However, because the property faces two streets at opposite ends, the accessory building must also meet an average setback of properties within 200', which is 54.8'. Please see this setback line shown on the Site Plan – it makes for a very difficult site to build upon.*

*Even with our modest plan (footprint of the house is 1,682 square feet) and the required 10' separation for a detached garage, the garage encroaches completely into the Woodward setback due to the angular configuration of the site. In addition, the northeast corner of the principal structure (to which this does not apply) encroaches upon such a stringent setback requirement, though the standard is only for the accessory building.*

*Please see highlighted areas on the Site Plan – and how the angle of Woodward Avenue impacts the setback across the property. So we ask that the front of the property continue to be assigned to Brookside, with the rear assigned to Woodward to allow the accessory building (garage) to be built in the rear yard facing Woodward. Further, we ask that the garage be allowed to encroach into the setback as described and shown on the proposed site plan. Note that the northeast corner of the garage does meet the standard 25' front setback, if it were applied here. We believe this request is*

*not injurious to adjacent property owners, and is in keeping with the purpose and intent of the ordinance and addresses the unique condition of the Woodward Avenue access to the property.*

Variance Chart

<u>Requested Variance</u>	<u>Required</u>	<u>Proposed</u>	<u>Variance Amount</u>
Rear Setback	54.8'	25.5' (worst corner)	29.3'

Porch/Patio Variance

*To take advantage of the nature of the site and views of the river tributary, we are proposing a west facing porch the full width (29') of the house that projects 10' into the front open space as allowed. The main floor of the house is the grade level floor and we propose this covered wooden front porch at this level. In conjunction with this porch, we are proposing an outdoor patio within the same boundaries of the first floor porch, as a "walk-out" patio from the lower level of the house, screened on the north and south by the structure of the porch above, and on the west by a partial height retaining wall (at 3' above the floor) that largely meets and retains the current topography, and allows for additional natural light and outdoor access for the lower level. This provides for a better, more attractive façade for passersby than if there were no patio area below, as well as a more functional lower level in this rather modestly proposed home. Additionally, while the lower level floor is not exposed to view, the proposed home meets the height restriction of 24'-0" maximum. It is an unusual situation due to the topography at the front of the house, preserves a majority of the topography, and is not injurious to adjacent property owners, and is in keeping with the purpose and intent of the ordinance.*

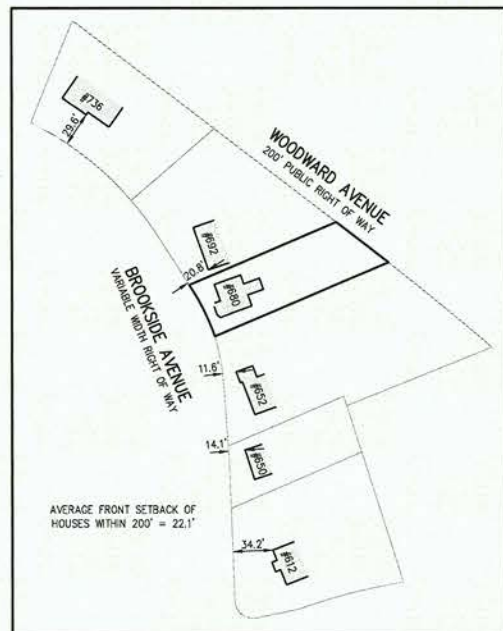
*Thank you for considering these Variance requests. We are available to answer any questions prior to the meeting if necessary.*



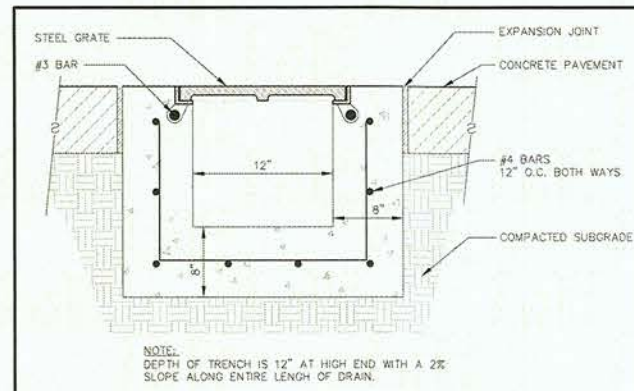
Roman Bonislowski

Ron And Roman





SETBACK DETAIL  
SCALE: 1" = 80'

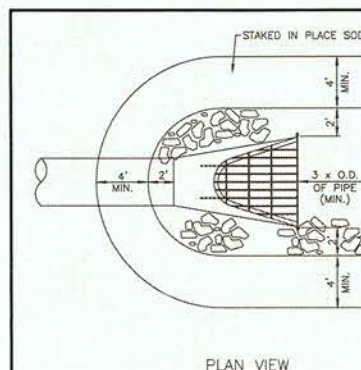
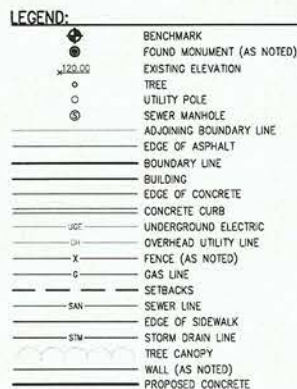
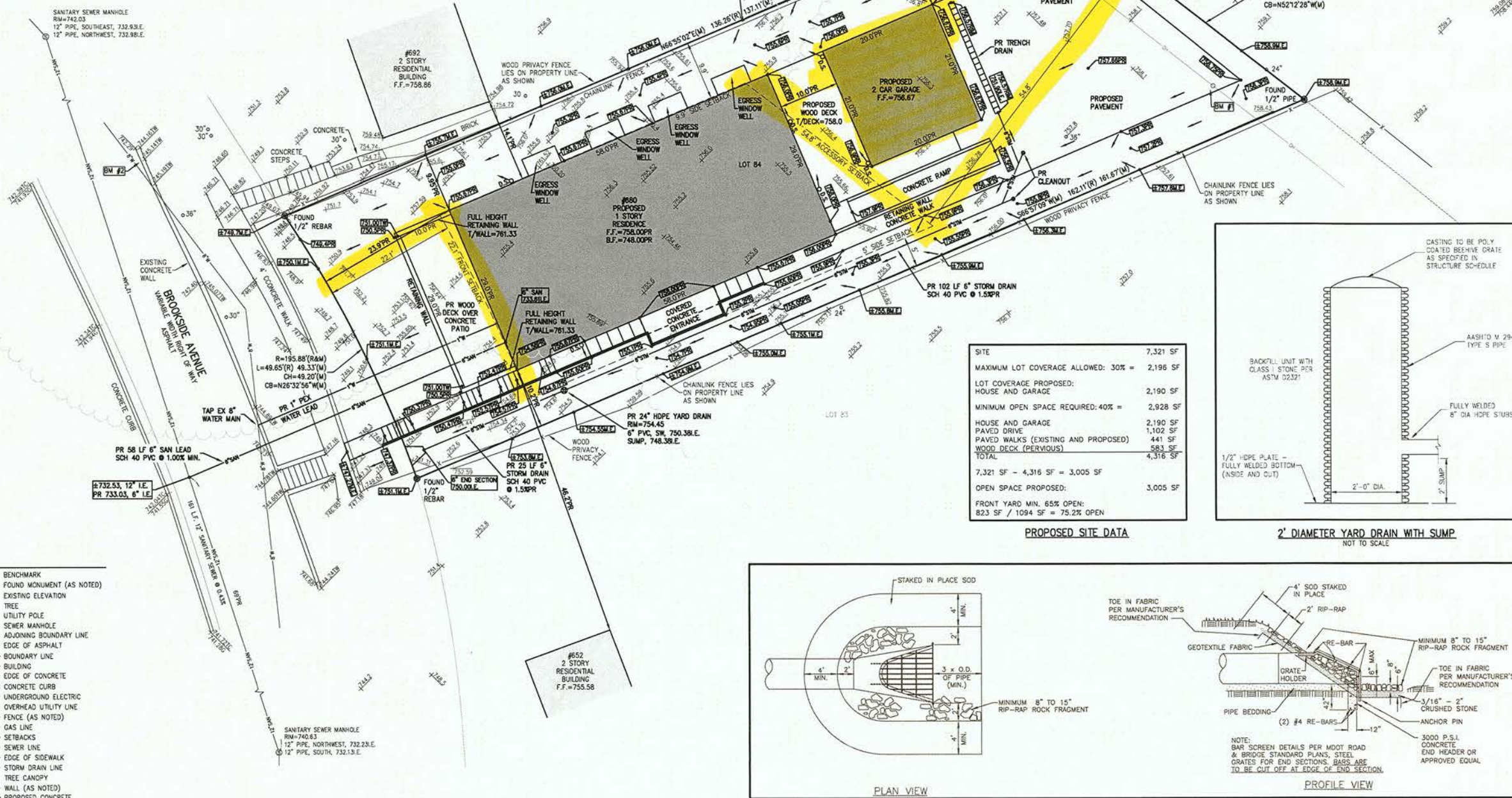


CONCRETE TRENCH DRAIN  
NOT TO SCALE

#### BENCHMARK DATA:

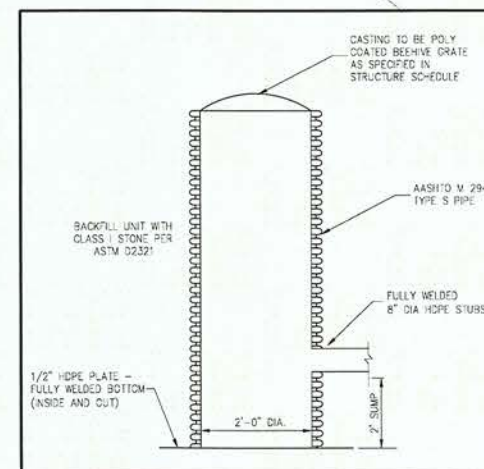
SITE BENCHMARK #1 (BM #1)  
BENCH TIE IN THE SOUTHEAST CORNER OF THE PROPERTY ON THE EXISTING UTILITY POLE.  
ELEVATION = 759.32 CITY OF BIRMINGHAM DATUM

SITE BENCHMARK #2 (BM #2)  
ANGLE POINT ON THE TOP SIDE OF THE NORTHWEST END OF THE RETAINING WALL NEAR THE NORTHWEST CORNER OF THE PROPERTY.  
ELEVATION = 744.96 CITY OF BIRMINGHAM DATUM

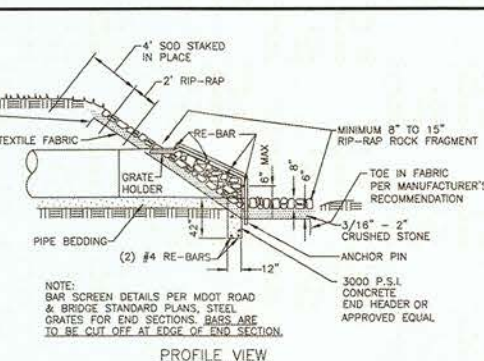


PLAN VIEW

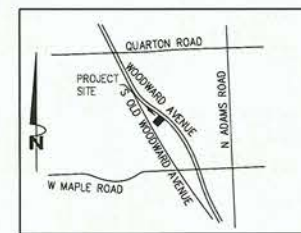
END SECTION DETAIL  
NOT TO SCALE



2' DIAMETER YARD DRAIN WITH SUMP  
NOT TO SCALE



PROFILE VIEW



LOCATION MAP  
(NOT TO SCALE)

#### LEGAL DESCRIPTION

(PARCEL ID: 08-19-25-328-041)  
LOT 84, ASSessor's PLAT NO. 29, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 6 OF PLATS, PAGE 45, OAKLAND COUNTY RECORDS.

#### UTILITY NOTES:

- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE 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.
- PRIOR TO ANY BUILDING IMPROVEMENTS, AND/OR CONSTRUCTION, THE RESPECTIVE UTILITY COMPANIES MUST BE NOTIFIED TO STAKE THE PRECISE LOCATION OF THE UTILITIES.

#### NOTES:

- TELEPHONE, GAS, AND ELECTRIC UTILITY MAPS WERE NOT AVAILABLE AT THE TIME OF SURVEY.
- TREE SIZES ARE THE BEST ESTIMATION OF THE FIELD SURVEYOR. SPECIFIC QUESTIONS REGARDING INDIVIDUAL TREES SHOULD BE DIRECTED TO A QUALIFIED FORESTER.
- THE BASIS OF BEARING IS THE SOUTH LINE OF WOODWARD AVENUE.
- A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
- BY GRAPHIC PLOTTING ONLY, THIS PARCEL IS LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA ZONE X - OTHER AREAS (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) OF THE FLOOD INSURANCE RATE MAP, MAP NUMBER 28125C00337, EFFECTIVE DATE OF SEPTEMBER 9, 2006. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THE ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- SUBJECT PARCEL AS DESCRIBED CONTAINS 7,297 SQUARE FEET OF LAND BEING 10.17 ACRES OF LAND.

#### ZONING INFORMATION:

THE ZONING INFORMATION WAS ACQUIRED FROM WWW.BHAMGOV.ORG ON APRIL 02, 2021. DUE TO THE NEED FOR INTERPRETATION OF THE APPLICABLE ZONING CODE RESTRICTIONS ALL DATA REGARDING ZONING MUST BE VERIFIED WITH THE GOVERNING JURISDICTION. THE SURVEYOR DOES NOT MAKE ANY CERTIFICATION ON THE BASIS OF INTERPRETATION OR OPINION.

THE SUBJECT PARCEL IS ZONED R-2, SINGLE-FAMILY RESIDENTIAL.

- MINIMUM LOT AREA: 6,000 SQ. FT.
- MINIMUM OPEN SPACE: 40%
- MINIMUM LOT COVERAGE: 30%
- MINIMUM FLOOR AREA: 1,000 SQ. FT. (1 STORY)
- 2 STORIES: 1,200 SQ. FT. (> 1 STORY)
- MAXIMUM BUILDING HEIGHT: 30 FEET TO MIDPOINT FOR SLOPED ROOFS; 24 FEET FOR FLAT ROOFS ONLY
- 24 FEET FOR EAVES
- AVERAGE OF HOMES WITHIN 200 FEET
- 9 FEET OR 10% OF TOTAL LOT WIDTH WHICHEVER IS GREATER FOR ONE SIDE YARD.
- 14 FEET OR 25% OF TOTAL LOT WIDTH WHICHEVER IS GREATER FOR BOTH SIDE YARDS.
- NO SIDE YARD SHALL BE LESS THAN 5 FEET
- 30 FEET
- MINIMUM SETBACKS REAR: 30 FEET

DISTANCE BETWEEN BUILDINGS: EACH RESIDENTIAL LOT SHALL HAVE A MINIMUM DISTANCE BETWEEN PRINCIPAL RESIDENTIAL BUILDINGS ON ADJACENT LOTS OF 14 FEET OR 25% OF THE TOTAL LOT WIDTH, WHICHEVER IS LARGER.



#### CLIENT:

JOB BONGIOVANNI

#### PROJECT LOCATION:

680 BROOKSIDE AVENUE  
CITY OF BIRMINGHAM  
OAKLAND COUNTY, MICHIGAN

#### DRAWN BY:

CLG

#### CHECKED BY:

MDL

#### FIELD WORK BY:

RG



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#### SHEET:

SITE PLAN

DATE: 04/05/2021

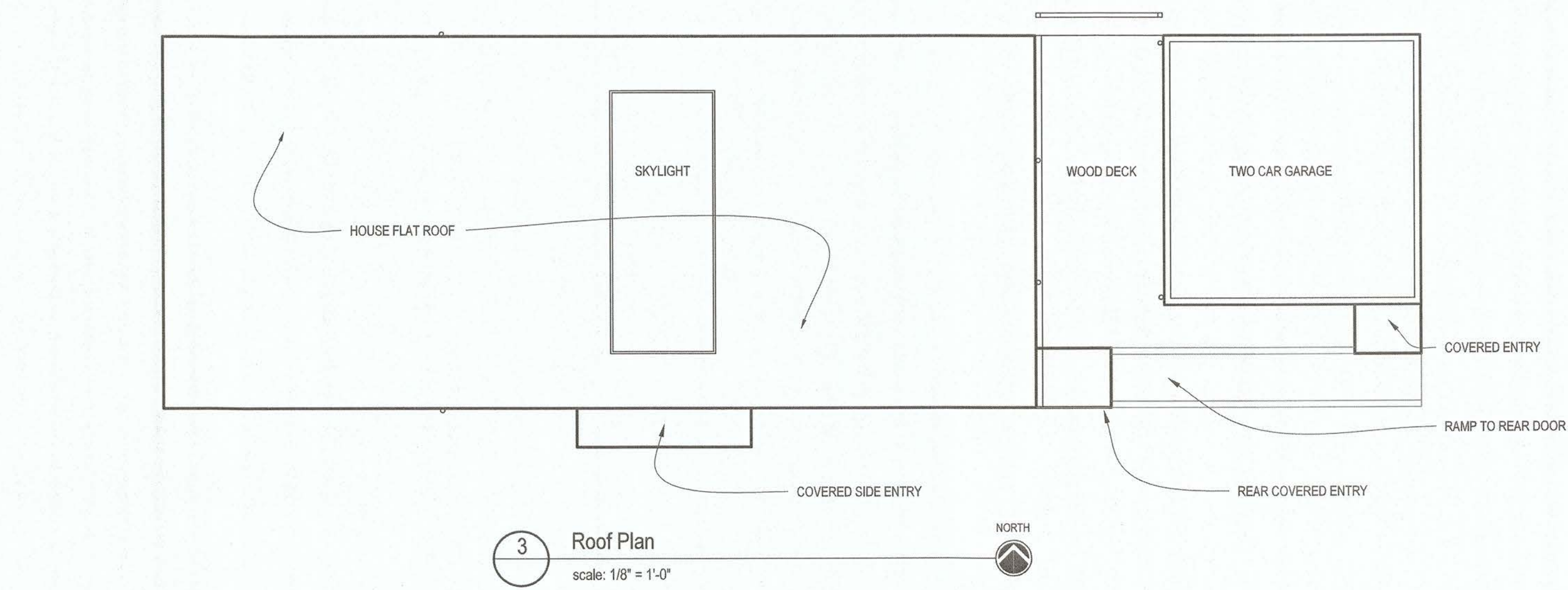
SCALE: 1" = 30'

PROJECT NO: 3343-09

1

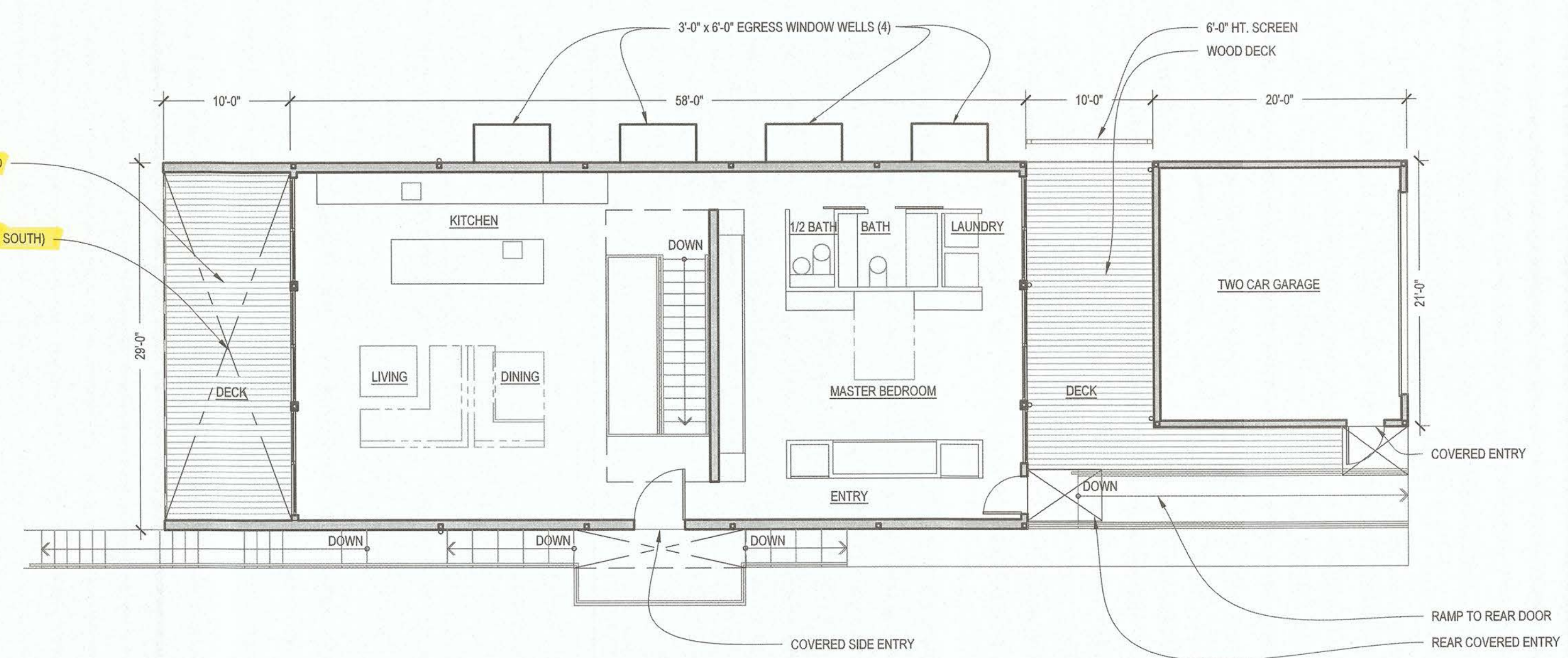
SHEET 1 OF 1





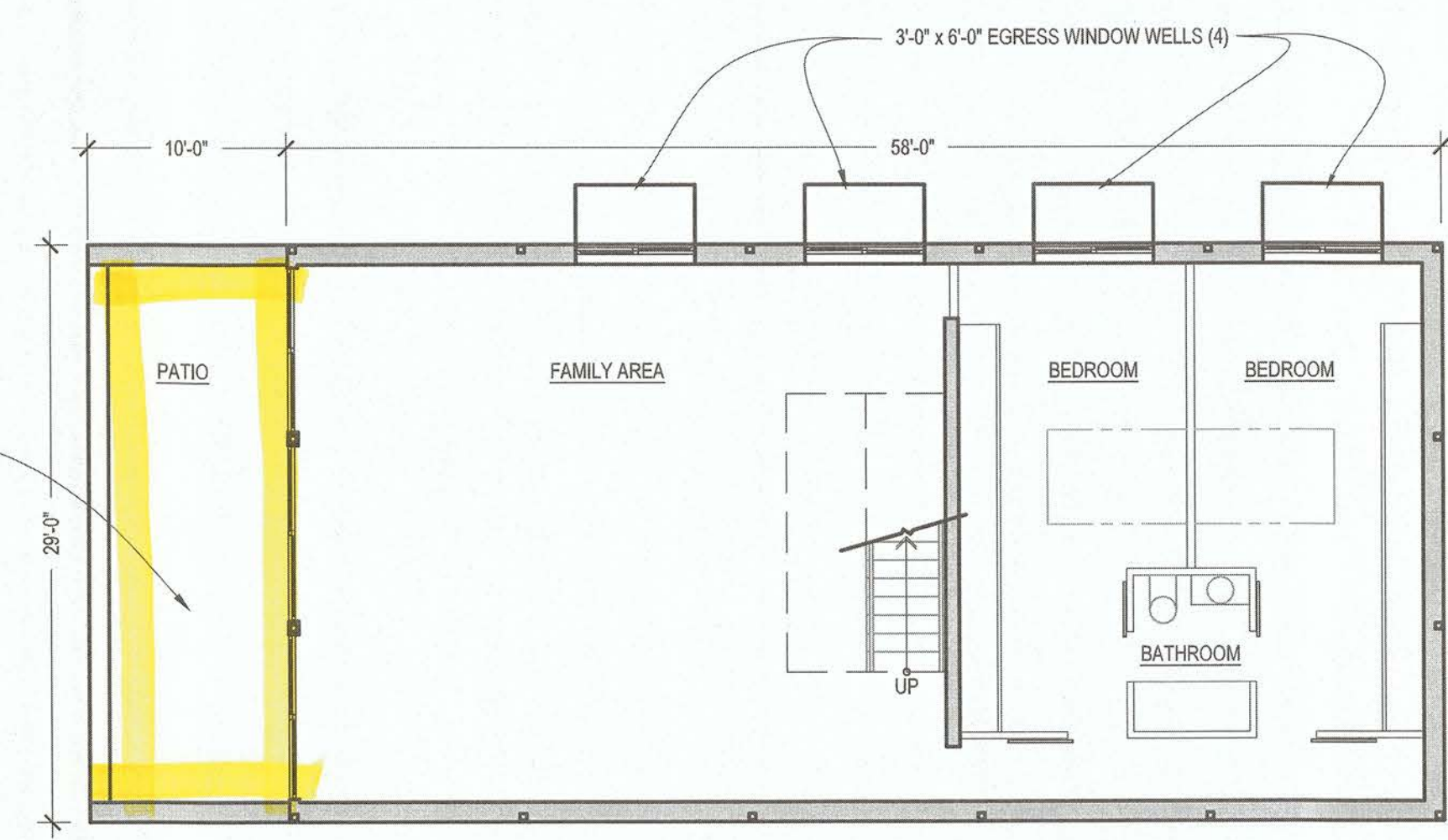
3 Roof Plan  
scale: 1/8" = 1'-0"

PROPOSED FIRST FLOOR PORCH  
ABOVE LOWER LEVEL WALK-OUT PATIO  
PROPOSED WALK-OUT PATIO BELOW  
(SCREENED BY PARTIAL HEIGHT  
RETAINING WALL TO WEST,  
FULL HEIGHT RETAINING TO NORTH AND SOUTH)



2 Main (First Floor) Level Floor Plan  
scale: 1/8" = 1'-0"

PROPOSED WALK-OUT PATIO  
(SCREENED BY PARTIAL HEIGHT  
RETAINING WALL TO WEST,  
FULL HEIGHT RETAINING TO NORTH AND SOUTH)



1 Lower Level Floor Plan  
scale: 1/8" = 1'-0"

R O M A N A N D R O M A N  
architects et al.  
275 E. Frank St. Birmingham MI 48009  
o) 248.723.5790 f) 248.723.5795

Project:

Bongiovanni Residence  
New Construction  
660 Brookside, Birmingham, MI 48009

Seal:

STATE OF MICHIGAN  
ROMAN  
BONIGLIANSKI  
ARCHITECT  
No.  
1301037397  
LICENSED ARCHITECT

*Roman Boniglianski*

Issue Date:

BZA APPLICATION 02.10.2022

Sheet Title:

Proposed  
Floor Plans

Sheet Number:

A-1



Project:

Bongiovanni Residence  
New Construction  
680 Brookside, Birmingham, MI 48009

Seal:



Issue Date:

BZA APPLICATION 02.10.2022

Sheet Title:

Proposed  
Exterior Elevations

Sheet Number:

