

MAY BZA MAP



BIRMINGHAM BOARD OF ZONING APPEALS AGENDA

UPDATED: VIRTUAL MEETING DUE TO COVID-19 PANDEMIC

Go To: <https://zoom.us/j/96343198370>

Or Dial: 877 853 5247 US Toll-Free

Meeting Code: 963 4319 8370

May 11, 2021
7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE MINUTES

a) April 13, 2021

4. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	900 PURITAN	MARTIN/COPLEN	21-18	DIMENSIONAL
2)	1394 WESTWOOD	LABELLE	21-19	DIMENSIONAL
3)	689 WESTWOOD	MACKENZIE	21-20	DIMENSIONAL
4)	1016 PIERCE	EILANDER	21-21	DIMENSIONAL
5)	1301 FAIRWAY	WARG	21-22	DIMENSIONAL
6)	815 WOODLAND	TARVER	21-23	DIMENSIONAL
7)	670 S OLD WOODWARD	VIBE OF BIRMINGHAM LLC	21-24	WITHDRAWN

5. CORRESPONDENCE

6. GENERAL BUSINESS

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

8. 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.

**Birmingham Board Of Zoning Appeals Proceedings
Tuesday, April 13, 2021
Held Remotely Via Zoom And Telephone Access**

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, April 13, 2021. Chair Charles Lillie convened the meeting at 7:30 p.m.

2. Rollcall

Present: Chair Charles Lillie; Board Members Jason Canvasser, Kevin Hart, Richard Lilley, John Miller, Erik Morganroth; Alternate Board Member Ron Reddy (all located in Birmingham, MI.)

Absent: Board Member Francis Rodriguez; Alternate Board Member Erin Rodenhouse

Administration:

Bruce Johnson, Building Official
Laura Eichenhorn, City Transcriptionist
Mike Morad, Assistant Building Official
Jeff Zielke, Assistant Building Official

Chair Lillie explained the meeting was being held virtually due to the Covid-19 pandemic. He explained the procedures to be followed for the virtual meeting. He then assigned duties for running the evening's meeting to Vice-Chair Morganroth.

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.

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

T# 04-19-21

3. Approval Of The Minutes Of The BZA Meeting Of March 9, 2021

Mr. Canvasser said that on page ten "Variance B was withdrawn at the request of the applicant and therefore no vote was taken." should replace the entire paragraph beginning "Nota bene:".

Mr. Miller complimented the prose of the second paragraph on page six.

Motion by Mr. Lilley

Seconded by Mr. Canvasser to accept the Minutes of the BZA meeting of March 9, 2021 as amended.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Lilley, Canvasser, Lillie, Reddy, Morganroth, Hart, Miller

Nays: None

T# 04-20-21

4. Appeals

**1) 159 Baldwin
Appeal 21-17**

ABO Zielke presented the item, explaining that the owner of the property known as 159 Baldwin was requesting the following variances to construct a new single family home with an attached garage:

A. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 44.30 feet. The proposed is 11.00 feet. Therefore, a 33.30 foot variance is being requested.

B. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires the maximum eave height of a structure is 24.00 feet. The proposed eave height is 25.10 feet. Therefore, a 1.10 foot variance is being requested.

C. Chapter 126, Article 4, Section 4.30(C)(5) of the Zoning Ordinance limits porches and decks to one story in height in the rear open space. The proposed deck is to be constructed over one story in height and to project 1.50 feet into the rear open space. Therefore, a 1.50 foot variance is being requested.

ABO Zielke continued that the applicant was previously in front of the Board in August 2019 for identical variance requests. ABO Zielke explained that due to the pandemic and the time it took to receive the necessary permit from EGLE, the expiration date of the granted variances had been reached. As a result of the August 2019 variances' expiration, the applicant was again before the

Board to request the same variances to construct a new single family home with an attached garage on this irregular shaped lot with sloping grades and flood plain challenges.

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

ABO Zielke brought up the August 2019 minutes so the Board could review their previous discussion and decision.

Vice-Chair Morganroth asked Mr. Halprin questions about minimizing the proposed deck's size.

Building Official Johnson interceded in the discussion, noting that the proposed deck referenced in Variance C encroached into the rear open space but not the required rear setback.

ABO Zielke agreed that the proposed deck did not enter into the rear setback. He noted that if the proposed deck were counted towards the lot coverage it would still not bring the total lot coverage over the 30% maximum.

Building Official Johnson said that in light of those facts Variance C was not necessary.

The Board removed Variance C from consideration.

Motion by Mr. Miller

Seconded by Mr. Lillie with regard to Appeal 21-17, A. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 44.30 feet. The proposed is 11.00 feet. Therefore, a 33.30 foot variance is being requested; and, B. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires the maximum eave height of a structure is 24.00 feet. The proposed eave height is 25.10 feet. Therefore, a 1.10 foot variance is being requested.

Mr. Miller moved to approve both requested variances. He stated that strict compliance with the ordinance would unreasonably prevent the petitioner from using the property for the permitted purpose due to the very unique lot. He noted that the street is slightly curved at the front, that the lot has an extreme slope, that the shape of the lot is not rectangular, and that the Rouge River runs through the lot. He stated that the need for the variances requested are due to the unique circumstances of the property, and not self created.

Mr. Miller continued, noting that the proposed home would be in approximately same location as the existing home. He observed that the existing garage is well forward of the front of the house, and that the house currently lacks much of a front stoop or porch. The proposed home, in contrast, locates the garage ten feet back from the front of the home and has a 26-foot long colonnaded porch. He said these proposed changes would significantly improve both the front of the home and the neighborhood. He noted that moving the garage back would mitigate an extant non-

conformity. Based on these findings, Mr. Miller moved to approve and tied to plans as submitted.

Mr. Lillie concurred with Mr. Miller. He reiterated that compliance with the ordinance in this case would be unduly burdensome, that the existing house is more non-conforming than the proposed one, and that the need for the requested variances was not self-created.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Miller, Lillie, Morganroth, Canvasser, Hart, Reddy, Lilley

Nays: None

Mr. Halprin thanked the Board.

T# 04-21-21

5. Correspondence

Included in the agenda packet.

T# 04-22-21

6. General Business

None.

T# 04-23-21

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

None.

T# 04-24-21

8. Adjournment

Motion by Mr. Lilley

Seconded by Mr. Canvasser to adjourn the April 13, 2021 BZA meeting at 8:03 p.m.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Lilley, Canvasser, Reddy, Morganroth, Lillie, Miller, Hart

Nays: None

Bruce R. Johnson, Building Official

900 PURITAN MAP



CASE DESCRIPTION

900 Puritan (21-18)

Hearing date: May 11, 2021

Appeal No. 21-18: The owner of the property known as 900 Puritan, requests the following variances to construct new single-family home with an attached garage:

A. Chapter 126, Article 4, Section 4.30(C) (1) of the Zoning Ordinance states that covered or uncovered porches shall not project into the required side open space. The proposed 10.00 foot covered porch is to project 16.18 feet; therefore, a variance of 16.18 feet is being requested.

B. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires a corner lot which has on the side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required side yard setback for this property is 38.03 feet. The proposed setback is 31.85 feet; therefore, a variance of 6.18 feet is requested.

Staff Notes: The applicant proposes to construct a new home in place of the existing non-conforming home. Variance B is regarding the required street facing side yard setback and Variance A is regarding permitted a covered porch to be placed in the side yard as it is not permitted per the ordinance, just clarifying that it should be look in that order of request.

This property is zoned R1 – Single Family Residential.

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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 4-12-21

Received By: BM

Hearing Date: 5-11-21

Appeal #: 21-18

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: 900 Puritan	Lot Number: Part of #70, ALL Of 71	Sidwell Number: 19-26-276-024
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II. OWNER INFORMATION:

Name: Timothy Martin/Christina Coplen			
Address: 900 Puritan	City: Birmingham	State: MI	Zip code: 48009
Email: timothymartin77@gmail.com		Phone: 248-506-6645	

III. PETITIONER INFORMATION:

Name: Timothy Martin/Christina Coplen	Firm/Company Name: Home Owners		
Address: 900 Puritan	City: Birmingham	State: MI	Zip code: 48009
Email: timothymartin77@gmail.com and richardwiand@gmail.com		Phone: 248-506-6645 - 248-766-2275	

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 12th 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: <u>Timothy J. Ma</u>	Date: <u>4/8/2021</u>
Signature of Petitioner: <u>Christina E. Coplen</u>	Date: <u>4/8/2021</u>

CITY OF BIRMINGHAM
Date 04/12/2021 12:18:00 PM
Ref 00178936
Receipt 571993
Amount \$360.00

Timothy Martin and Christina Coplen

900 Puritan Street
Birmingham, MI 48009

To: Jeff Zielke - City of Birmingham
From: Tim Martin – Owner/Residence
Date: April 8, 2021
Re: Board of Zoning Appeals

We have owned and occupied 900 Puritan since 2013. Our current home was built in 1954 and is 74.8' wide. In 2019, we began designing a new home for our lot in which we intend to raise our three young children. This letter will explain why we are requesting a first dimensional variance of 6' from our Oak (south) side yard setback for the new house we intend to build an occupy, and a second dimensional variance of 10' from our Oak side yard setback for a side porch that is to extend along the Oak side of our new house.

Our home is at the corner of Oak and Puritan. Our current Oak side yard setback is 21.8' off of Oak. Under the current City of Birmingham Zoning ordinance, without the relief of our requested variances, we would have to increase that setback for a new home by an additional 16.23', creating a 38.03' Oak street setback. This setback is so large because (i) the two homes immediately to the east of our lot (1250 and 1200 Oak) face Oak and have abnormally large setbacks (51.8' and 51.5'), and (ii) while the homes immediately to the west of our lot (925 Puritan and 932 Pilgrim) have more typical setbacks (925 Puritan has a 10.8' setback), we can only use the setback of 925 Puritan when calculating our required setback since 932 Pilgrim is more than 200 feet away from our lot due to the presence of Puritan.

First Dimensional Variance of 6' for House

Our garage is located on the south side of our lot. Our entry and exit from our garage are onto Oak Street. When we exit our driveway onto Oak, we drive down a grade drop of 5' to 7' from our garage onto Oak, and we complete a 90-degree turn when doing so. There are several trees in the public right-of-way to the east and west of our driveway, which make it challenging to spot cross-traffic as we exit our driveway onto Oak. This is the case whether we drive in reverse or forward onto Oak, although we nearly always back out onto Oak since it is difficult to back up such a steep grade. We have had several near misses with cars rapidly driving westerly on Oak. The steep incline of Oak, our descent onto Oak, the 90-degree angle of our driveway, and the trees in the right-of-way create a difficult situation. We are concerned about the safety of our children and others when our children start driving, which is about two years away.

To address this concern, we are designing our new home with the garage on the north side of our lot so that we exit our driveway onto Puritan instead of Oak. In the attached site plan, we have a 31' setback on the north side of our lot, which should allow us to accommodate our driveway without cutting down or damaging trees between our lot and our neighbor's lot to the north. This latter concern is the reason that we withdrew our variance request that we were slated to discuss at the April ZBA meeting, and is the reason that we are now requesting this first dimensional variance.

Timothy Martin and Christina Coplen

900 Puritan Street
Birmingham, MI 48009

In preparation for the April ZBA meeting, we discussed our new home plans with our surrounding neighbors to ensure that the plans would benefit our community as a whole. While our neighbor immediately to the north of our lot (962 Puritan) supported our variance request, he expressed concern that our site plan would not avoid cutting down or damaging the trees on or near the line between our two lots. After a consultation with an arborist regarding those trees, we arrived at 6' for our first dimensional variance request to mitigate the risk of damaging those trees.

Second Dimensional Variance of 10' for Porch

However, between this north setback and the south setback at issue in this variance request, the allowable width of our new house is very limited, especially given the size of our lot. The table below illustrates one of the practical difficulties that we encountered when designing our new home – how to maintain the width of our house while adhering to the Oak setback.

	Current Ordinance	Current Ordinance Excluding 1200/1258 Oak Issue	Our Request With 10' Variance #2
Lot Width at Front Setback	138.05'	138.05'	138.05'
Oak Street - South Setback	38.03'	10'	22.03'
Proposed North Side Setback	31'	31'	31'
Combined Side Yards with New Garage Location	69.03'	41'	53.03'
House Width	69.02'	97.05'	85.02'

As indicated above, even with the proposed 31' north side setback to protect the trees, we would be allowed to build a home which was 97' on our lot if, for example, we were on the northwest corner of Puritan. But we are only seeking to build a home which is 85' wide while we increase the existing Oak setback from 21.8' to 22.03'. However, without the second variance we are requesting, when we move access off of Oak Street, we are limited to construction of a home which, at 69.02' wide, is significantly narrower than our existing home width of 74.8'.

We have attempted to design a home that is setback more than our current house and than we would be allowed if the homes to our east were not facing Oak. Our new home has approximately the same width as our existing home, but for the side porch the extends along Oak. While our new home has a total width of 85', the width of our new house is only 75' without the 10' deep side porch. The side porch is a continuation of the front porch and provides the same curb appeal on the Oak side of our home as the front (Puritan side) of our home. In addition, the side porch is an open structure that will not impede the sight line extending from the south ends of our neighbors immediately east and west of our lot. In any case, our new home will be further away from Oak than our current home and will be north of that site line, so the side porch should not be a concern.

Timothy Martin and Christina Coplen

900 Puritan Street
Birmingham, MI 48009

Notably, even if both our first and second variance requests are granted, the south wall of our house from which the side porch projects will still be 10.23' further away from Oak than the south wall of our current home.

We believe we understand why the current ordinance was created – to enhance sight lines in an urban environment where some structures are more closely grouped than in our area. With that in mind, we respectfully request that you consider conditions that were possibly not considered when the ordinance was created, including:

1. The hardship created by 1258 Oak and 1250 Oak having front setbacks of 51.8' and 51.5' respectively. When you consider the depth of those two lots, the front setbacks are very significant.
2. The elevation from the approximate location of our proposed new home is between 12' and 18' above the easterly houses and the corner of Oak and Lake Park where the sight line to our house might be a factor. But given this significant elevation difference, the sightline is not a factor until you approach our site, which is past the Oak facing houses.
3. The distance between our proposed home and the west edges of the houses to our east are between 140' and 250' away from our home.
4. Since the easterly homes are not exactly perpendicular to our home, the sightline may be best understood by the attached aerial view, which shows the true sightline from Lake Park to the far side of Puritan.

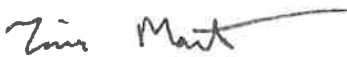
Summary of Variance

Requested Variance	Required	Existing	Proposed	Variance Amount #1 (for house)	Variance Amount #2 (for porch)
South side yard setback	38.03'	21.8'	22.03'	6'	10'

Given the details provided above and the information we will present during our appeal hearing, we are requesting first and second dimensional variances of 6' and 10' from the current required Oak Street side yard setback of 38.03' for the following reasons:

1. Not allowing the dimensional variances would present a practical difficulty that was not self-created.
2. The dimensional variances would provide substantial justice to us and our neighbors by decreasing the existing non-conforming condition with respect to our current side yard setback while preserving the trees on the north side of our lot.

Thank You,



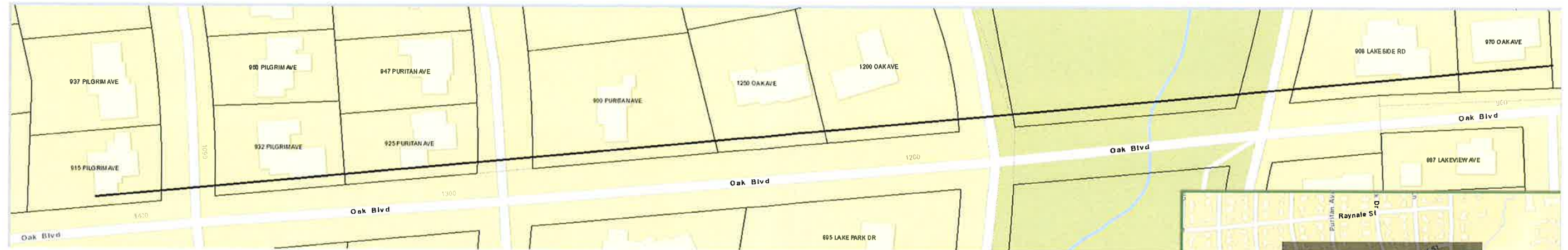
Tim Martin, Owner



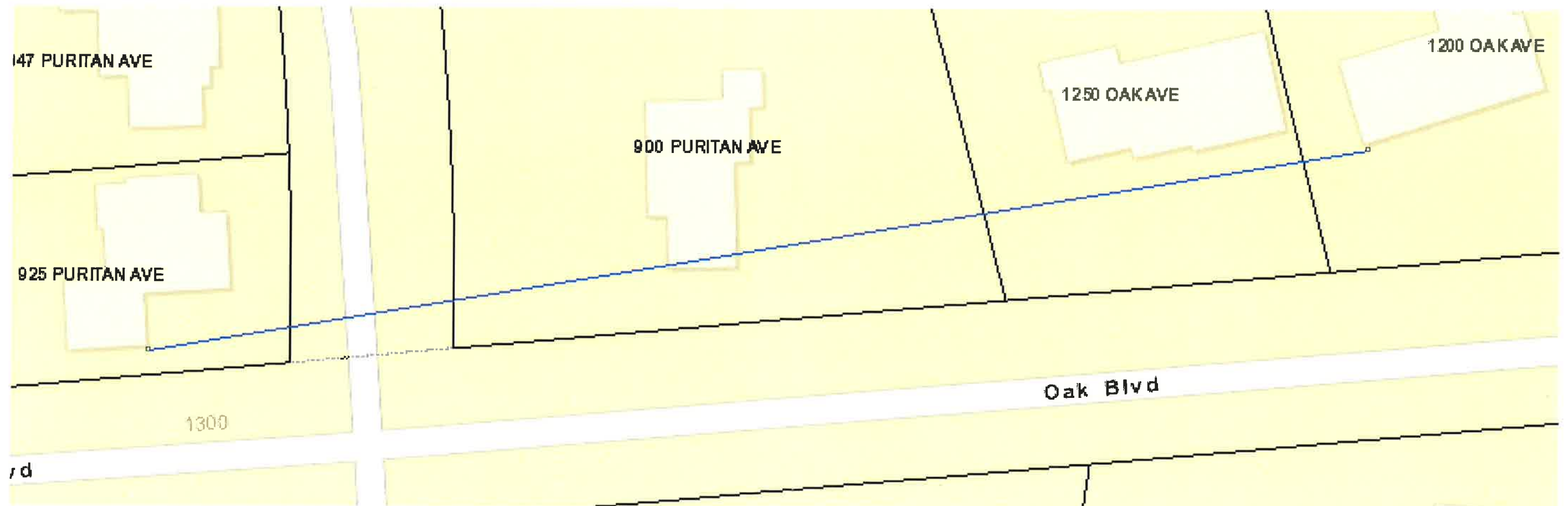
SIGHT LINE AT SOUTH ENDS OF HOMES ALONG NORTH SIDE OF OAK



SIGHT LINE EXTENDING FROM SOUTH END OF 1200 OAK TO SOUTH END OF 925 PURITAN



SIGHT LINE AT SOUTH ENDS OF HOMES ALONG NORTH SIDE OF OAK



SIGHT LINE EXTENDING FROM SOUTH END OF 1200 OAK TO SOUTH END OF 925 PURITAN

Fwd:

3 messages

Pat Beshouri <pbeshouri@gmail.com>

Sun, Mar 28, 2021 at 10:17 AM

To: Birmingham Jeff <jzielke@bhamgov.org>

Cc: timothymartin77@gmail.com, Rick Wiand <richardwiand@gmail.com>

Hi Jeff,

I hope all is well. As it happens, our neighbors, Tim Martin and Christie Coplen at 900 Puritan are requesting a variance with respect to the construction of their new home. We live directly across the street at 925 Puritan.

Tim shared the site plan showing their current and new home on their lot, front and side elevations of the new home, and a topological cross section showing how the grade changes along Oak impact the line of site from the two houses to the east of their home. Tim also explained that their current home is 21.8 feet from Oak, the required setback under the ordinance is 38.03 feet from Oak, and the setback from Oak they are requesting is 28.15 feet, which is 9.88 feet less than the required setback.

We agree with Tim's argument that the line of sight along Oak will not be adversely impacted if their variance request is granted - in fact the current side yard setback will be improved. We are confident that their new home will add to the beauty of Birmingham, and therefore support their variance request.

Best,

Pat and Jill Beshouri
248.330.3350

Sent from my iPhone



Jeff Zielke <jzielke@bhamgov.org>

Variance request for 900 Puritan Ave. (Martin House)

1 message

Jeffrey Schoenberg <schoenberg123@gmail.com>

Tue, Apr 6, 2021 at 4:59 PM

To: Jeff Zielke <jzielke@bhamgov.org>

Hi Jeff,

My name is Jeff Schoenberg and I am a direct neighbor (888 Puritan) of Tim Martin and Christie Coplen who are at 900 Puritan. I am writing to let you know that I am in total support of their variance request.

Tim shared with me the site plan showing their current home and new home on their lot. The front and Oak side elevation views of their new home, and a topological cross section showing how the grade changes along Oak affect the line of sight from the two houses to the east of their home. Tim also explained that their current home is 21.8 feet from Oak, the required setback under the ordinance is 38.03 feet from Oak, and the setback from Oak they are requesting is 28.15 feet, which is 9.88 feet less than the required setback.

We agree with Tim's argument that the line of sight along Oak St. will not be adversely affected if their variance request is granted, and we believe that the plans for their new home will be adversely affected if the variance request is not granted. We believe that their new home will add to the beauty of our neighborhood. We sincerely hope that his variance request is granted. To us, it's a win/win for everyone! Feel free to call me if you wish to discuss this further.

Best,
Jeff

--
Jeffrey Schoenberg
(248) 646-3066





Jeff Zielke <jzielke@bhamgov.org>

Variance Request for 900 Puritan Avenue

1 message

Joan Heinz <heinzj@me.com>

Mon, Mar 29, 2021 at 11:34 PM

To: jzielke@bhamgov.org

> Dear Jeff,

>

> I am a neighbor of Tim Martin and Christie Coplen at 900 Puritan, and I am writing to let you know that I support their variance request. My name is Joan Heinz and I live at 1250 Oak Avenue.

>

> Tim shared with me a site plan showing their current and new home on their lot, front and Oak side elevation views of their new home, and a topological cross section showing how the grade changes along Oak affect the line of site from the two houses to the east of their home. Tim also explained that their current home is 21.8 feet from Oak, the required setback under the ordinance is 38.03 feet from Oak, and the setback from Oak they are requesting is 28.15 feet, which is 9.88 feet less than the required setback.

>

> I agree with Tim that the line of sight along Oak will not be adversely affected if their variance request is granted, and I believe that the plans for their new home will be adversely affected if the variance request is not granted. I believe that their new home will add to the beauty of Birmingham, and

> support his variance request.

>

> Sincerely,

> Joan Heinz

1250

>



900 Puritan Variance Request

1 message

Steve Annear <steveannear@outlook.com>

Thu, Mar 25, 2021 at 3:44 PM

To: "jzielke@bhamgov.org" <jzielke@bhamgov.org>

Cc: Shawna Annear <embassyoz@hotmail.com>

Hi Jeff,

My name is Steve Annear and I am a neighbor of Tim Martin and Christie Coplen at 900 Puritan Ave. I am writing to let you know that I support their variance request. My family and I live at 947 Puritan Ave, directly across the road from 900.

Tim shared with me a site plan showing their current and new home on their lot, front and Oak side elevation views of their new home, and a topological cross section showing how the grade changes along Oak affect the line of site from the two houses to the east of their home. Tim also explained that their current home is 21.8 feet from Oak, the required setback under the ordinance is 38.03 feet from Oak, and the setback from Oak they are requesting is 28.15 feet, which is 9.88 feet less than the required setback.

We agree with Tim's position that the line of sight along Oak will not be adversely affected if their variance request is granted, and we believe that the plans for their new home will be adversely affected if the variance request is not granted. We believe that their new home will add to the beauty of Birmingham, our street and the outlook on Oak. We fully support the variance request and we hope that it is granted. We are happy to discuss this further if that would be helpful.

Very Best,
Steve

Copied, Shawna Annear

Steve Annear
248 567 9616



~~Joan Heinz~~ *HEATHER ARMBRUSTER*

1200 Oak Ave.

Birmingham, MI 48009

March 29, 2021



Jeff Zielke

Building Inspector/Plan Reviewer

City of Birmingham

151 Martin St.

Birmingham, MI 48012

Dear Jeff Zielke:

Tim Martin has reviewed with me the details of his variance request regarding the required setback of their home from Oak. After reviewing these details with Tim, I support his variance request.

Sincerely,

Heather Armbruster

~~Joan Heinz~~

Letter prepared by applicant on behalf of ~~Joan Heinz~~

Heather Armbruster

City of Birmingham City Clerk
151 Martin Street
Birmingham Michigan 48009
Jeff Zielke City Staff Contact
Birmingham Board of Zoning Appeals
Meeting date Tuesday April 13, 2021 at 7:30 pm
meeting code 96343198370 with Zoom

Property 900 Puritan Avenue
Birmingham, Michigan (corner of Oak and Puritan Ave.)

Dear Sirs,

My wife and I (Tom and Bonnie Sowden) are the owners of 962 Puritan Ave.. We own the adjoining property to the north of 900 Puritan. We are writing because of our concerns about the line of trees that are common to both ourselves and 900 Puritan and the effect to their health and preservation as a result of the construction that may occur from the site plan that we have been presented with. We believe that of all the properties within the 300-foot range, we are the only ones affected by this site plan. (exhibits B, C)

These Trees (approximately 15 yews and one 50-foot-tall pine, exhibit H) were first established well prior to our purchase of 962 Puritan on November 29, 1994. They lie within the boundaries of both properties. We believe they may have been planted as early as 1937 when our house was built. The trees are wrongly depicted on the original site plan (#21) along the property line as being approximately 1 foot in diameter. They are about 30 feet in diameter. The new site plan (#22) also has these defects. They have been allowed to grow naturally for all these years given little trimming by either party. This large growth has provided much privacy and protection from the elements as have the other enhancements to the landscape around the rest of our house. If you were to look around our property on the 3 external sides, you will notice that both of us, as well as our neighbors, have all added much to their landscapes to secure privacy and appearance.

Our concern is that the original site plan (#21), as shown, puts a concrete drive of some sorts that would be exactly on the property line. The new side Plan (#22) shows no driveway. We believe, from discussions with Tim Martin and the builder Hunter-Roberts, that the reason for asking for this variance is to make room for a driveway and allow for our common trees to survive the planned building process. We feel that if the driveway was next to these trees, it could easily cause damage to the root system causing them harm or to die. This would ruin the view and privacy that we currently have from our family room and have enjoyed for the last 27 years. It would be replaced with the view of a 3-car garage and concrete slab. Please see exhibit A from Ed Martin Certified Arborist MI-0051A.

We would like to suggest that any variance also include that any construction fences (exhibit G) be kept at a minimum of 8 feet south of the property line. This would prevent any construction vehicles, dumpsters or materials from doing damage to the root system of these trees (see exhibit of normal construction site). It is obvious from examination of all construction near our home that these sites use every inch of enclosure for their build. Discussions with the builder indicate that a driveway needs to be between 21-23 feet from the garage. A fence at 8 feet from property line leaves (31-8 feet) 23 feet for a driveway to be built.

If these trees can be protected, we are pleased to have this variance passed. It will allow Mr. Martin and his family to build their beautiful new home and both of us to retain our privacy and tree line that we both enjoy and value.

over

We believe that the trees on the property line are the responsibility of both parties to maintain, secure and enjoy. (exhibits E, F) Allowing construction that will compress the ground and destroy the root system as well as preventing water to the plants will cause permanent and irreparable damage. We think that any variance that is allowed must address the effects that the current site plan, or any changes to it, will do to preserve and prevent any damage to these trees. Please see the attachment from Allen's Tree service pointing out his evaluation of potential harm that could come to these plants if this site plan were to be approved.

Thank you very much for your consideration of this problem. We hope that your analysis of this problem will help us to save these trees for generations to come.

Sincerely
Tom & Bonnie Sowden

References and exhibits

NOTE

The location of the trees relative to the property line was established by staking a string parallel and offset by 12 inches from the property line. Each tree trunk was measured away from the string. Any measurement less than 12 inches puts the tree on both properties (900 & 962 Puritan)

REFERENCES

Allen's Tree Service ISA Certified Arborist MI-0051A
Timothy J. Hart Professional Surveyor No. 33136

EXHIBITS

- A. Allen's Tree Service Inc. letter of concern and description of trees
- B. View from 962 Puritan looking south from west side of house
- C. View from 962 Puritan looking south from east side of house
- D. View from Puritan looking east at 900 Puritan Ave.
- E. 1. Property stake north east corner (note encroachment approx. 3.5 inches)
- E. 2. Property stake north west corner + 12 inch offset and string
- E. 3. stake to support east end of string $8.5 + 3.5 = 12$ offset from property line
- F. 1-9 various measurements from string to tree trunks
NOTE ANYTHING LESS THAN 12 INCHES PUTS TREE ON BOTH SIDES OF PROPERTY LINE
- G. Typical fence line
- H. 50 Foot pine on property line



Alan's Tree Service, Inc.

Alan's Tree Service, Inc.
56 Florence St.
Clawson, MI 48017
Phone 248 – 588 – 5818
Fax 248 – 588 – 1333
alanstreeservice@yahoo.com
www.alanstreeservice.com

April 6th, 2021

Thomas Sowden
962 Puritan
Birmingham MI 48009

RE: property line plant inspection and discovery, property line 900&962 Puritan Birmingham MI

To Whom It May Concern,

An inspection and evaluation were performed by me on 04-05-2021 of the south property line of 962 Puritan, which borders the north property line of 900 Puritan. My inspection was of sixteen *Taxus* spp. Approximately twenty feet in height and thirty-four feet in crown width. Average trunk diameter at ground level was twelve inches, with three trunks at twenty inches in diameter. The *taxus* in this study were forty-five to fifty-five years old, plants had no sign of current insect or disease infestation or activity, the plants were vigorous with average growth for the past five seasons, including excellent new growth for the current year. The *taxus* that were studied were not competing with near plants, excluding one *Picea* spp. sixteen inches DBH (diameter breast height) and fifty-five feet in height. The *picea* (pine) was in good condition with no insects or disease present.

I was asked by Mr. and Mrs. Sowden of 962 Puritan Birmingham, residents of said address since 1994, to inspect the above-mentioned plants and determine what effect a proposed demolition and rebuild project of 900 Puritan would potentially have on the above-mentioned plants. The proposed driveway installation directly along the plants in my evaluation was most concerning. I was asked what damage if any would a project such as this would have on the above-mentioned plant material.

The *Taxus* spp. Would not tolerate grade change, root loss or soil compaction from this proposed project. Neither would the plants tolerate any type of pruning greater than three to five inches of exterior shearing. NO limb removal should be considered for the plants in this study. The *Picea* spp. (spruce) would certainly decline if a driveway were installed to the property line.

The plants in my study are a part of the historic beauty of the neighborhood, the type of construction that has been described to me should not be considered if the survival of the plants is of interest.

Edward A Martin
ISA Certified Arborist MI-0051A
President/General Manager
Alan's Tree Service Inc

B

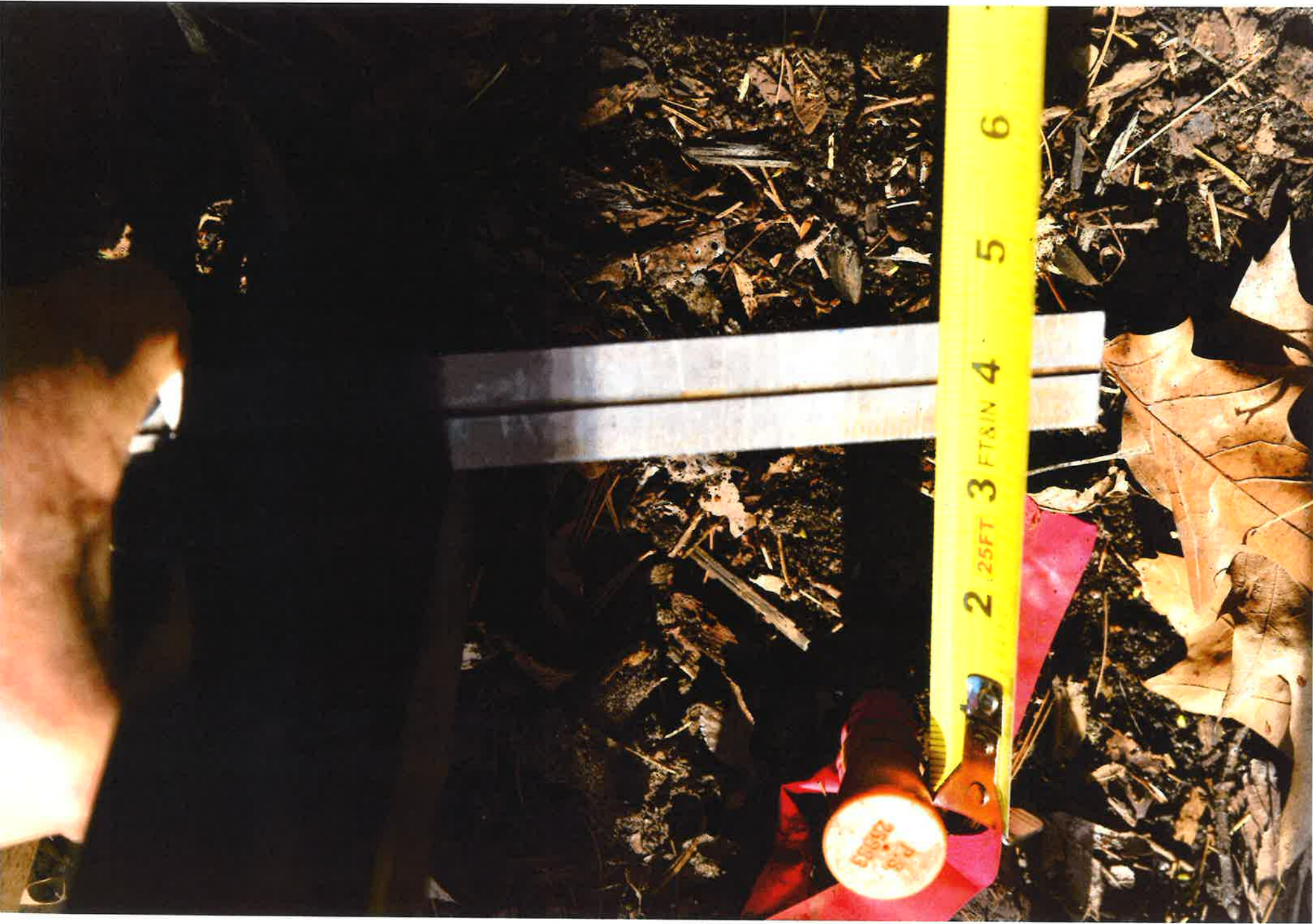


B C



D





13

E2



E 3



F 1



F2



F3



F4



F5



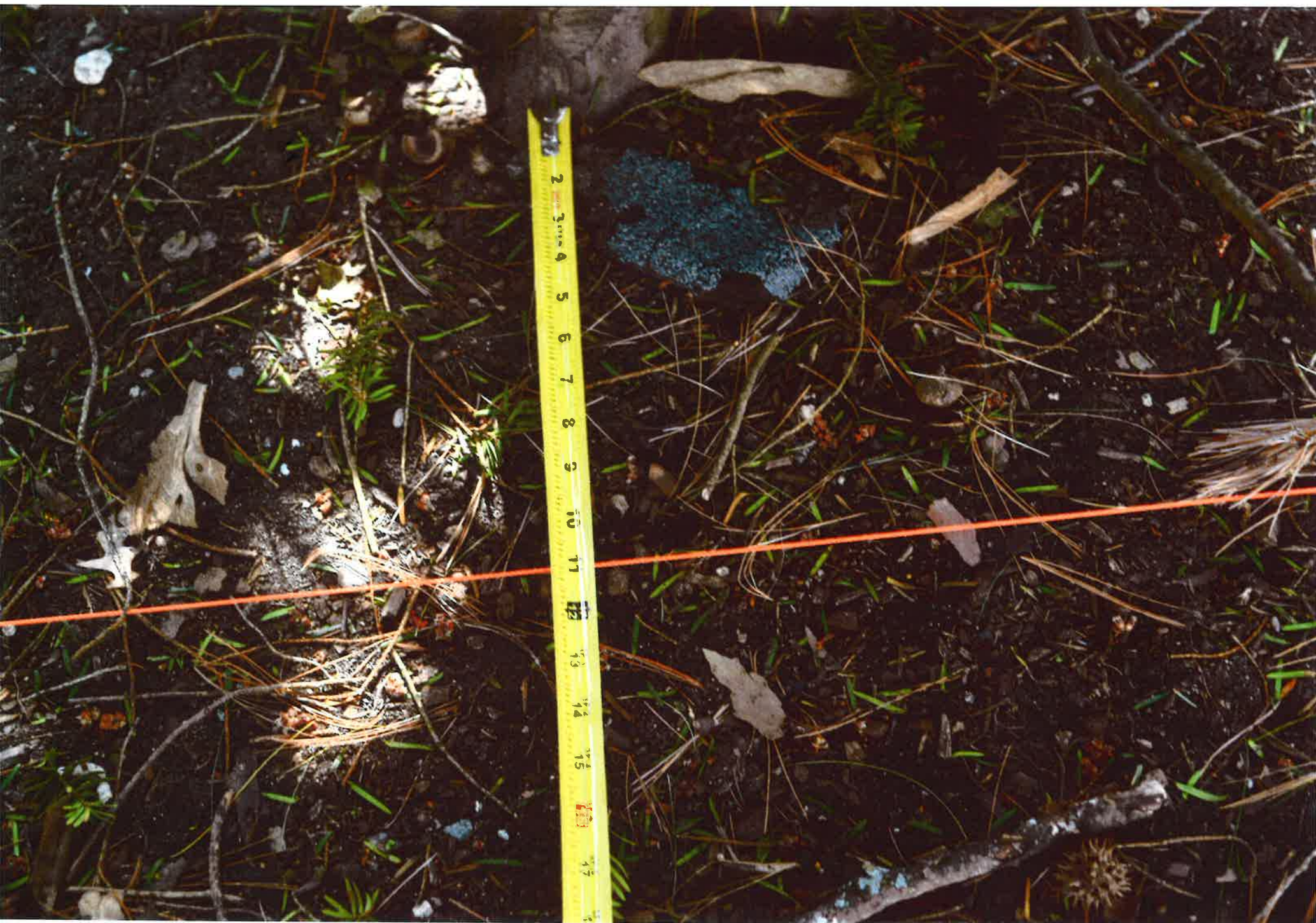
F6



F7



F8



F9



G



TYPICAL CONST. FENCE



1

1394 WESTWOOD MAP



CASE DESCRIPTION

1394 Westwood (21-19)

Hearing date: May 11, 2021

Appeal No. 21-19: The owner of the property known 1394 Westwood, requests the following variances to construct an addition to the existing home with an attached garage:

A. Chapter 126, Article 4, Section 4.61(A)(2) of the Zoning Ordinance requires that a corner lot where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 10.00 feet for the permitted principal building. The proposed is 7.69 feet. Therefore, a 2.31 foot variance is being requested.

B. Chapter 126, Article 4, Section 4.61(A)(2) of the Zoning Ordinance requires that a corner lot where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 15.00 feet for permitted attached garages with vehicle entry doors facing the side street. The proposed is 11.17 feet. Therefore, a 3.83 foot variance is being requested.

Staff Notes: The existing home was constructed in 1961 on a corner lot.

This property is zoned R1 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 4-12-20

Hearing Date: 5-11-21

Received By: BM

Appeal #: 21-19

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
-------------------	----------------------------------------------------	-------------------------------------------------	-----------------------------------	-------------------------------	---------------------------------------

I. PROPERTY INFORMATION:

Address: <u>1394 Westwood Drive</u>	Lot Number: <u>121</u>	Sidwell Number: <u>19-26-128-001</u>
-------------------------------------	------------------------	--------------------------------------

II. OWNER INFORMATION:

Name: <u>Jeff LaBelle</u>			
Address: <u>1394 Westwood Dr.</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>labejef@gmail.com</u>		Phone: <u>(312) 835-9287</u>	

III. PETITIONER INFORMATION:

Name: <u>Jeff LaBelle (owner)</u>	Firm/Company Name:		
Address:	City:	State:	Zip code:
Email:		Phone:	

IV. GENERAL INFORMATION:

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

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

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

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

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

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

Signature of Owner: Jeffrey LaBelle

Date: 4-8-21

Signature of Petitioner: Jeffrey LaBelle

Date: 4-8-21

CITY OF BIRMINGHAM
Date 04/12/2021 12:33:12 PM
Ref: 00178938
Receipt 571995
Amount \$360.00



CBI DESIGN PROFESSIONALS

April 9th, 2021

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

Re: Variance requests for 1394 Westwood Dr.

Dear Members of the Board,

On behalf of Mr. and Mrs. LaBelle we are submitting this request for 2 dimensional variances from your zoning ordinance requirements. The current residence is on a corner lot (Westwood Drive and Redding). The current garage faces Redding and is "existing non-conforming". The depth of the current garage is also dysfunctional making it very difficult to store a vehicle indoors. We are proposing to extend a portion of the garage toward the street by 2 feet to allow for room to store 2 normal family size vehicles inside and walk around them to get to the house door. This results in a variance request of 3.83 feet. The third bay will still be shallow but will allow for a more compact vehicle.

The property does not have a sidewalk on this side of the road and there is ample space for parking a vehicle between the garage door and the street (32.22 feet). The side of the garage on the home immediately adjacent to this home is 10.71 feet. We have also created this a stepped face on the home so that it is not simply a long flat wall facing the street.

The second variance is for the entry point to the garage from the house. It consists of a Mud Room and Laundry. Due to the angle of the property line in relationship to the house one corner of the room is compliant and the other requires a variance of 2.31 feet due to the angled property line.

Both variances are due to the unique circumstances of the property angle related to the existing home. The lack of a garage of reasonable depth prevents the homeowner from utilizing the property in a way that others in the neighborhood would be able to do.

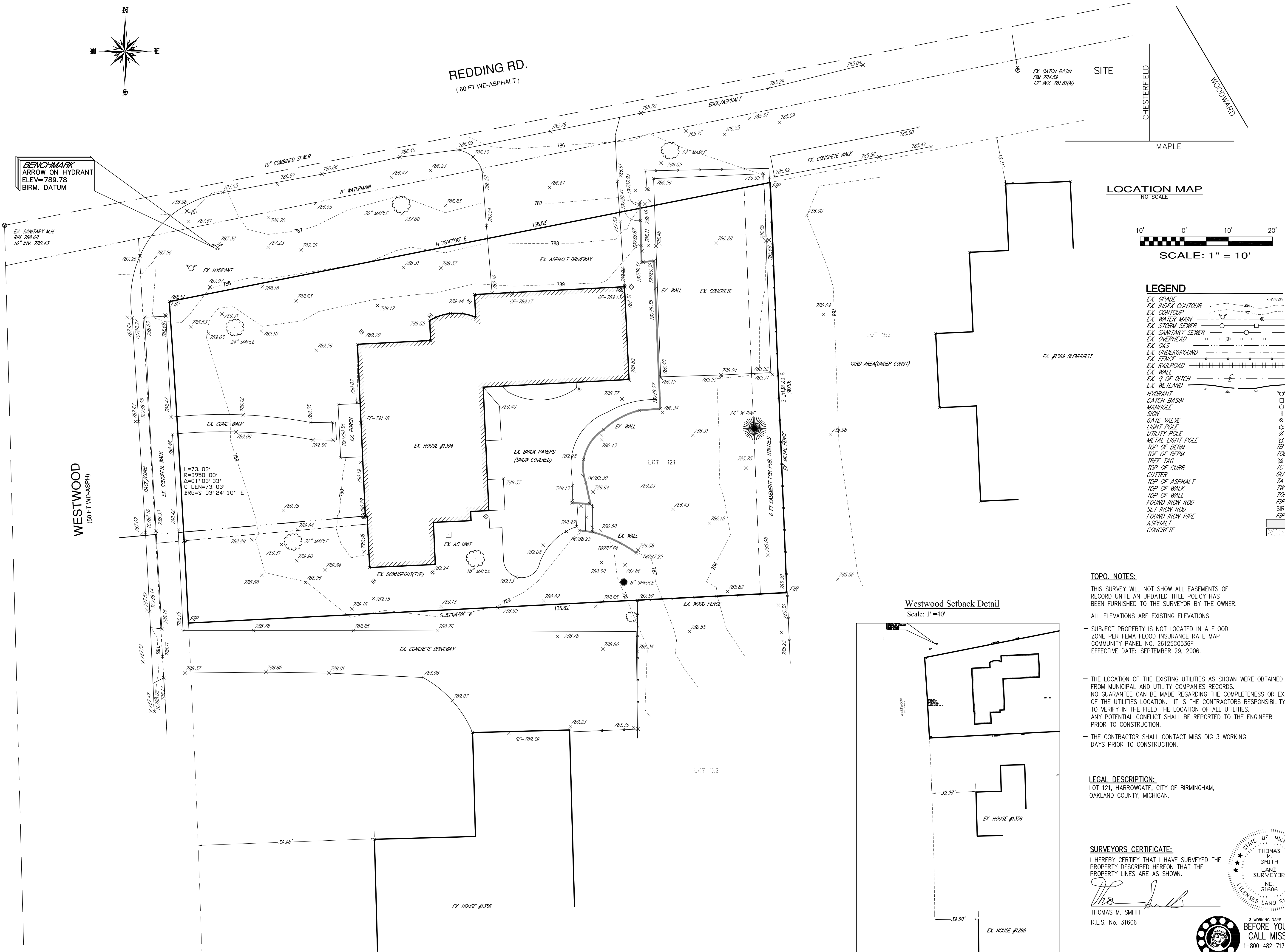
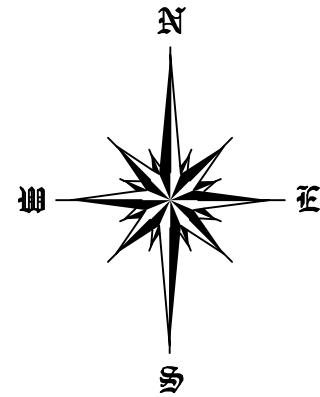
Thank you for your consideration of this request.

Sincerely,

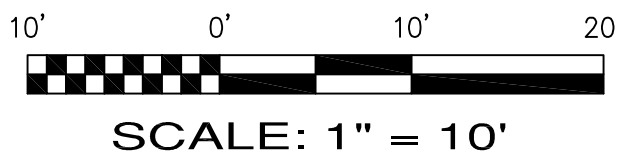

Robert G. Clarke, AIA
President







LOCATION MAP
NO SCALE



LEGEND

- EX. GRADE
- EX. INDEX CONTOUR
- EX. CONTOUR
- EX. WATER MAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- EX. OVERHEAD
- EX. GAS
- EX. UNDERGROUND
- EX. FENCE
- EX. RAILROAD
- EX. WALL
- EX. Q OF DITCH
- EX. WETLAND
- HYDRANT
- CATCH BASIN
- MANHOLE
- SIGN
- GATE VALVE
- LIGHT POLE
- UTILITY POLE
- METAL LIGHT POLE
- TOP OF BERM
- TOP OF WALK
- FOUND IRON ROD
- SET IRON ROD
- FOUND IRON PIPE
- ASPHALT
- CONCRETE

TOPO. NOTES:

- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD UNTIL AN UPDATED TITLE POLICY HAS BEEN FURNISHED TO THE SURVEYOR BY THE OWNER.
- ALL ELEVATIONS ARE EXISTING ELEVATIONS
- SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26125C0536F EFFECTIVE DATE: SEPTEMBER 29, 2006.
- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

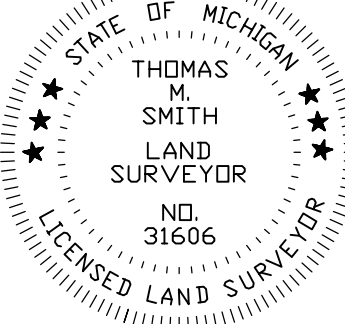
LEGAL DESCRIPTION:

LOT 121, HARROWGATE, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN.

SURVEYORS CERTIFICATE:

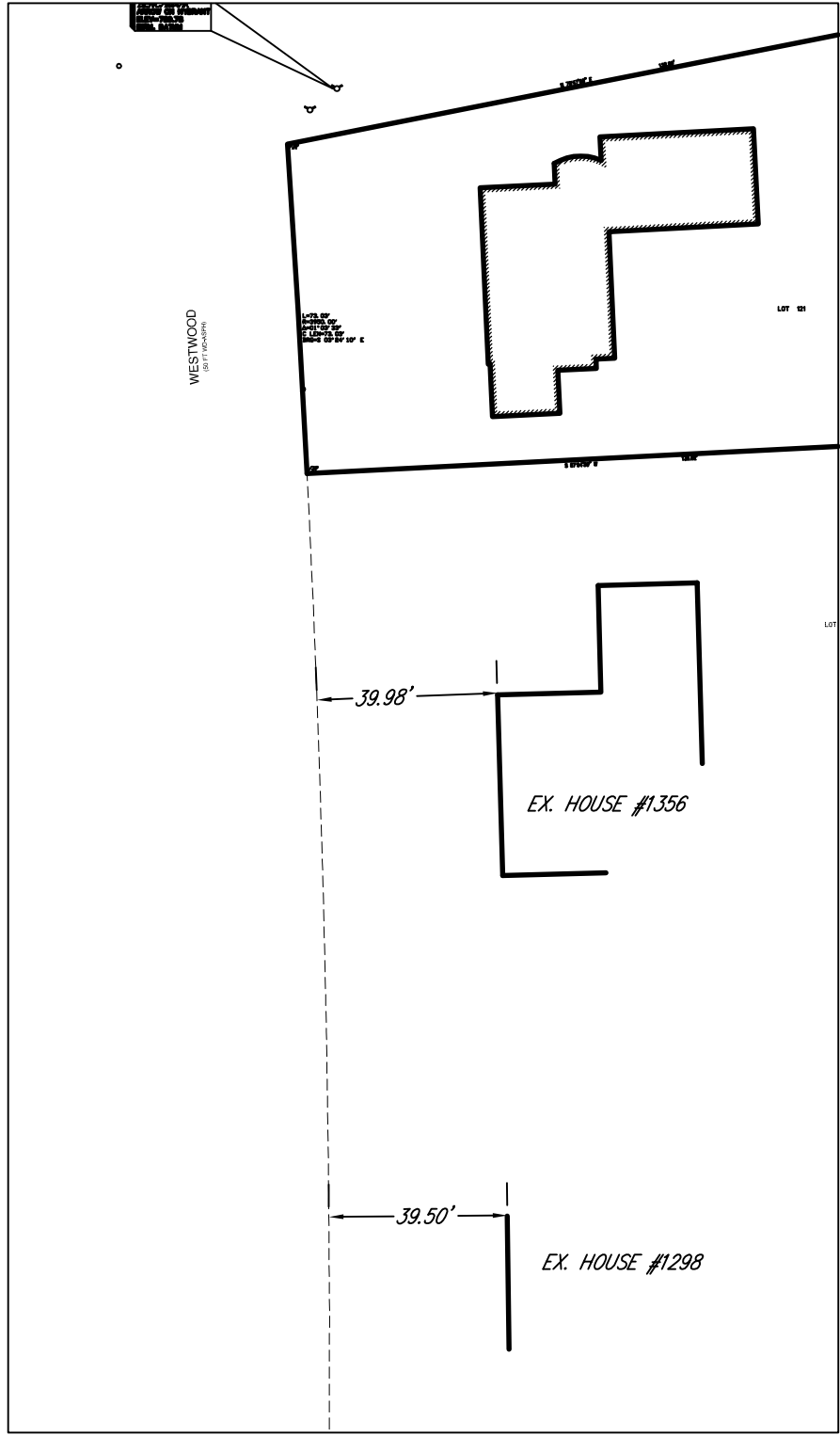
I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON THAT THE PROPERTY LINES ARE AS SHOWN.

THOMAS M. SMITH
R.L.S. No. 31606



Westwood Setback Detail

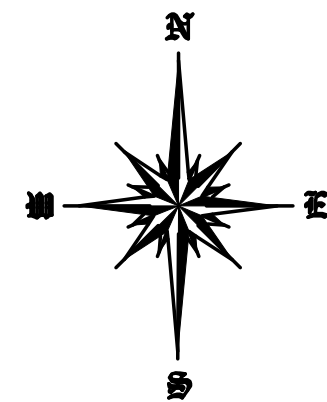
Scale: 1"=40'



SE Sujak Engineering PLC
CIVIL ENGINEERING \$ PLANNING \$ DESIGN \$
4031 Coolidge Highway
Troy, MI 48068
Phone: (248) 885-8431
Fax: (248) 885-8432
Email: SujakEngineering@Comcast.net

1394 Westwood Drive
Birmingham, MI 48009
Parcel # 19-26-128-001
Topographic Survey

Scale:	1"=10'
Drawn:	TMS
Checked:	TCS
Approved:	TMS
Date:	3/24/2021
Job no.	21-015
Sheet No.	CS1.0



BENCHMARK
ARROW ON HYDRANT
ELEV=789.78
BIRM. DATUM

REDDING RD.
(60 FT WD-ASPHALT)

LOCATION MAP
NO SCALE

10' 0' 10' 20'
SCALE: 1" = 10'

LEGEND

- EX. GRADE
EX. INDEX CONTOUR
EX. CONTOUR
EX. WATER MAIN
EX. STORM SEWER
EX. SANITARY SEWER
EX. OVERHEAD GAS
EX. UNDERGROUND EX. FENCE
EX. RAILROAD
EX. WALL
EX. Q OF DITCH
EX. METLAND
HYDRANT
CATCH BASIN
MANHOLE
SIGN
GATE VALVE
LIGHT POLE
UTILITY POLE
METAL LIGHT POLE
TOP OF BERM
TREE TAG
TOP OF CURB
GUTTER
TOP OF ASPHALT
TOP OF WALK
TOP OF WALK
FOUND IRON ROD
SET IRON ROD
FOUND IRON PIPE
ASPHALT
CONCRETE

TOPO. NOTES:

- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD UNTIL AN UPDATED TITLE POLICY HAS BEEN FURNISHED TO THE SURVEYOR BY THE OWNER.
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- SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26125C0336F EFFECTIVE DATE: SEPTEMBER 29, 2006.
- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

LEGAL DESCRIPTION:

LOT 121, HARROWGATE, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN.

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON THAT THE PROPERTY LINES ARE AS SHOWN.

THOMAS M. SMITH
R.L.S. No. 31606



SE Sujak Engineering PLC
CIVIL ENGINEERING \$ PLANNING \$ DESIGN \$
4031 Coolidge Highway
Troy, MI 48068
Phone: (248) 885-8431
Fax: (248) 885-8432
Email: SujakEngineering@Comcast.net

ORIGINAL
SIGNATURE IN
BLUE

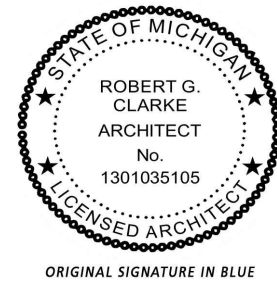
Team C. Sujak, P.E. No. 046896

1394 Westwood Drive
Birmingham, MI 48009
Parcel # 19-26-128-001
Topographic Survey
PRELIMINARY

Scale: 1"=10'
Drawn: TMS
Checked: TCS
Approved: TMS
Date: 3/24/2021
Job no: 21-015
Sheet No: CS1.0

REQUESTED VARIANCES	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT
VARIANCE A, SIDE SETBACK (CORNER LOT)	15.00'	11.89'	11.17'	3.83'
VARIANCE B, SIDE SETBACK (CORNER LOT)	10.00'	15.00'	7.69'	2.31'

LOT AREA = 11336 SF.
BLDG. AREA = 2735 SF.
LOT COVERAGE = 24.1%

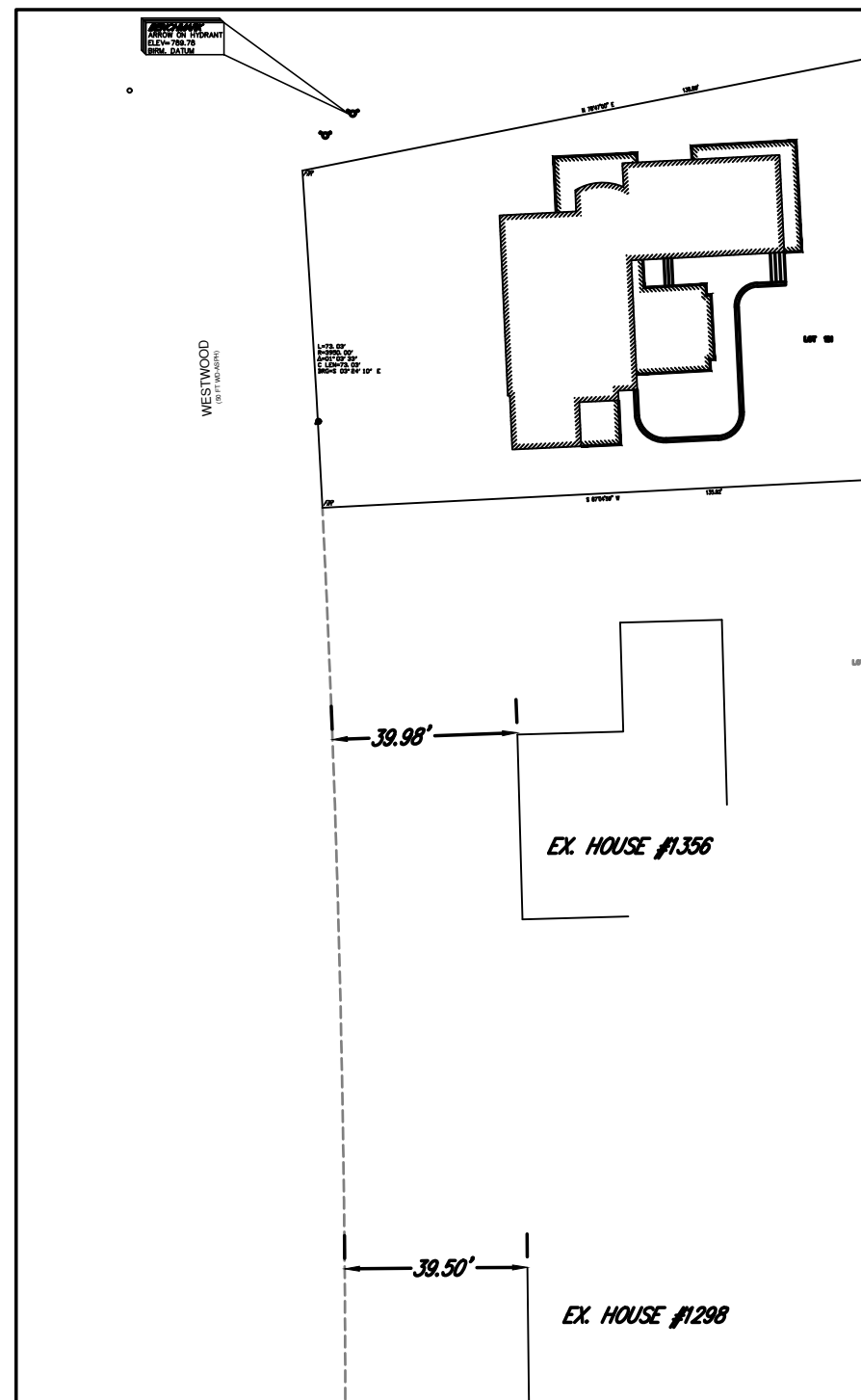


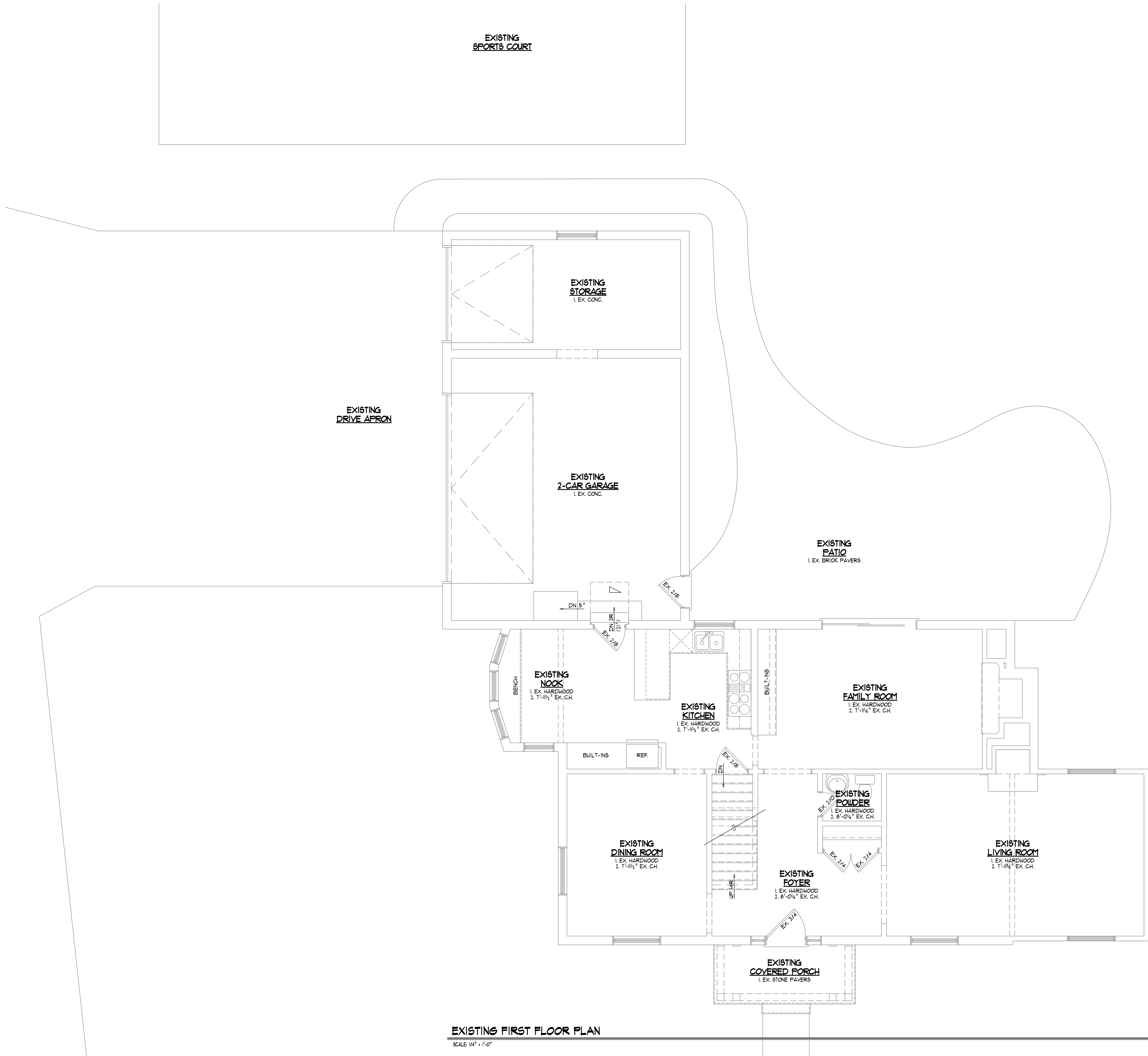
ORIGINAL SURVEY BY:
SUJAK ENGINEERING, PLC 03-24-2021

SITE PLAN:
REVISIONS TO ORIGINAL SURVEY BY:
CBI DESIGN PROFESSIONALS, INC. 04-09-2021

Westwood Setback Detail

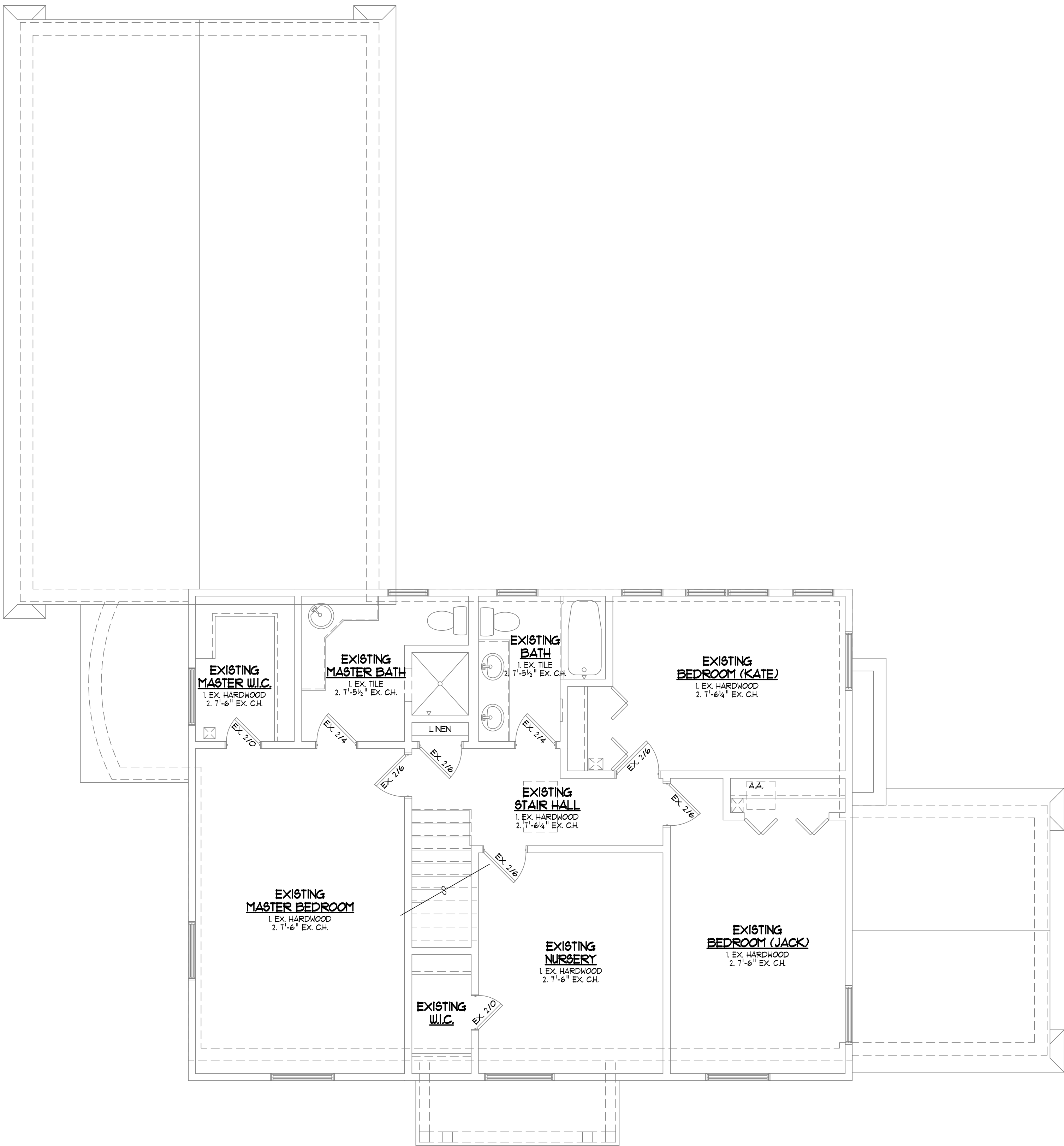
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EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"





EXISTING SECOND FLOOR PLAN

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

Existing Conditions for
the LaBelle Residence
1394 Westwood Dr., Birmingham, MI 48009

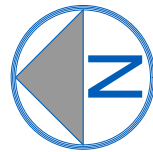
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21001
DRAWN BY
LIP
CDD BY
RGC
RELEASE DATE

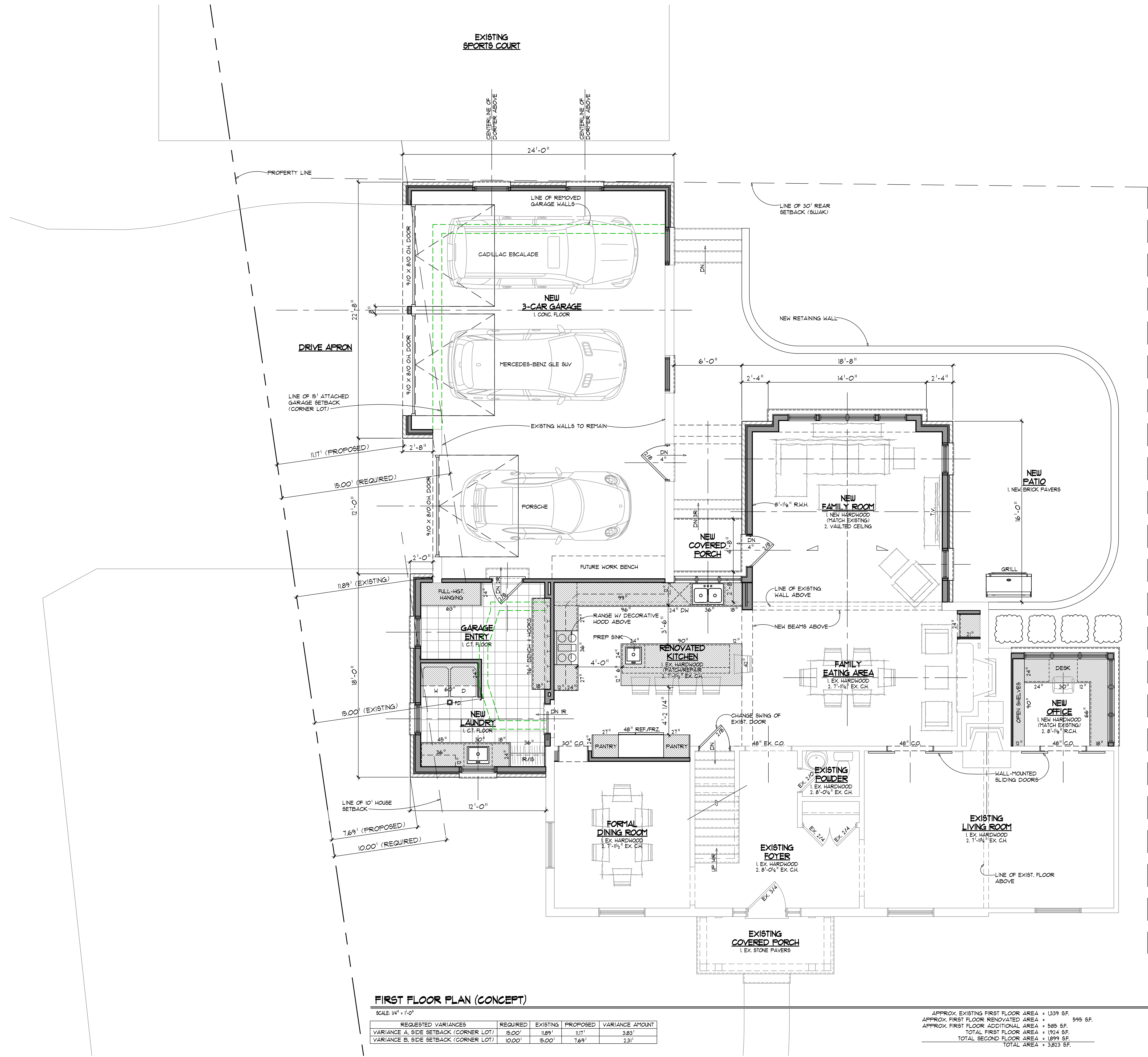
REVISION NO.

ARCHITECT'S SEAL

SHEET NO.
EX2

CBI Design Professionals
838 W. Long Lake, Suite 110
Bloomfield Hills, MI 48302
P: 248.645.2605
F: 248.647.7307
www.cbidesign.net
© COPYRIGHT 2021



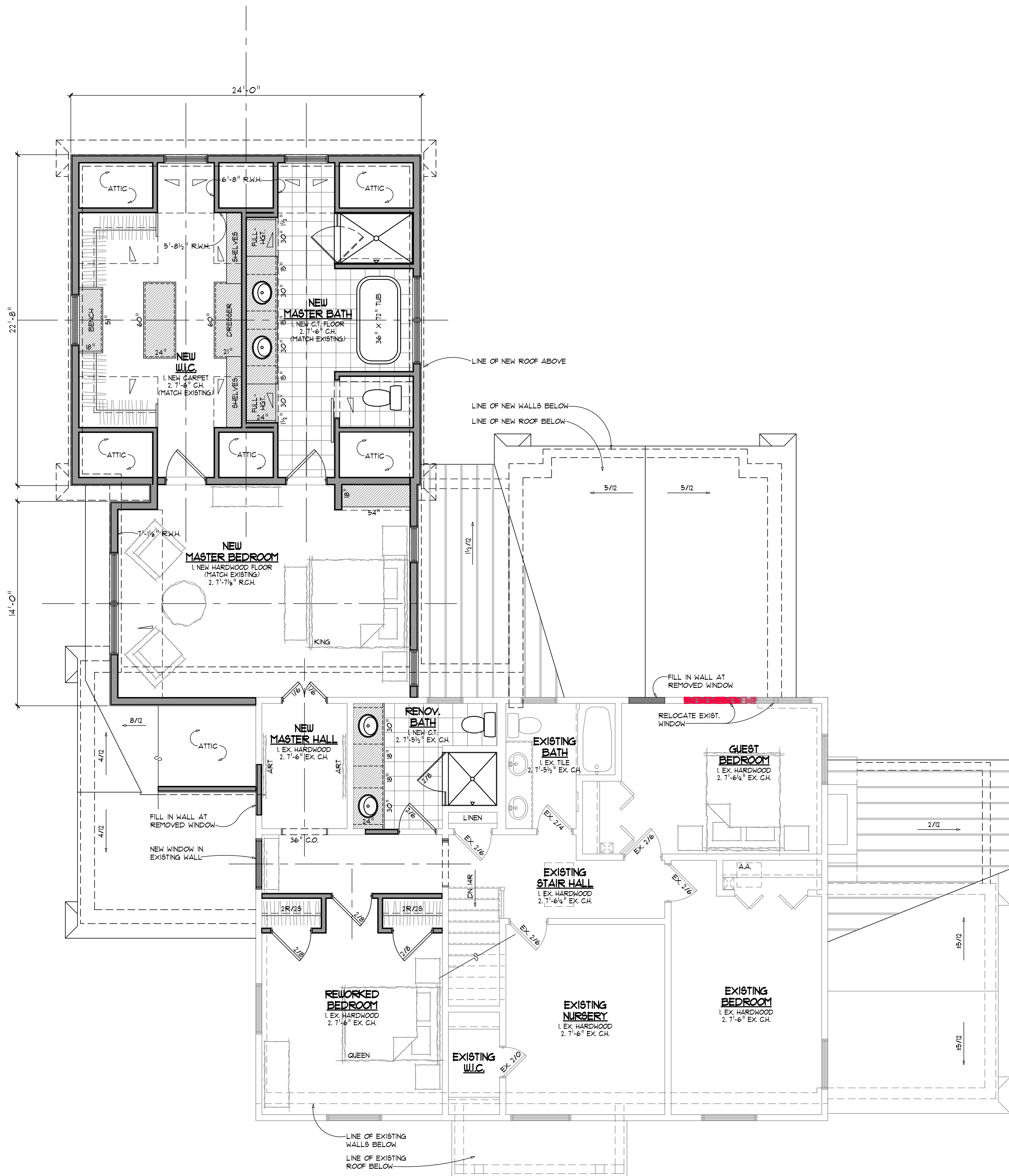


FIRST FLOOR PLAN (CONCEPT)

SCALE: 1/4" = 1'-0"				
REQUESTED VARIANCES	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT
VARIANCE A, SIDE SETBACK (CORNER LOT)	15.00'	11.89'	11.17'	3.83'
VARIANCE B, SIDE SETBACK (CORNER LOT)	10.00'	15.00'	7.69'	2.31'

APPROX. EXISTING FIRST FLOOR AREA = 1339 SF.
APPROX. FIRST FLOOR RENOVATED AREA = 595 SF.
APPROX. FIRST FLOOR ADDITIONAL AREA = 585 SF.
TOTAL FIRST FLOOR AREA = 1924 SF.
TOTAL SECOND FLOOR AREA = 1899 SF.
TOTAL AREA = 3823 SF.





SECOND FLOOR PLAN (CONCEPT)

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

APPROX. EXISTING SECOND FLOOR AREA = 1036 SF.
APPROX. SECOND FLOOR RENOVATED AREA = 321 SF.
APPROX. SECOND FLOOR ADDITIONAL AREA = 163 SF.
TOTAL SECOND FLOOR AREA = 1520 SF.

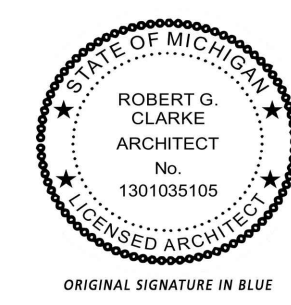
Addition/Renovation for
the LaBelle Residence
1394 Westwood Dr., Birmingham, MI 48009

JOB NO.
21001
DRAWN BY
LMF
CDD BY
RGC
RELEASE DATE

Client Review: 03.19.2021
Client Review: 03.19.2021
B2A Submission: 04.09.2021

REVISION NO.

ARCHITECTS SEAL



ORIGINAL SIGNATURE IN BLUE

SHEET NO.

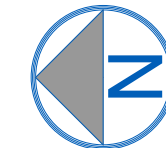
DD2

CBI Design Professionals
838 W. Long Lake, Suite 110
Bloomfield Hills, MI 48302

P: 248.645.2605
F: 248.647.7307

www.cbidesign.net

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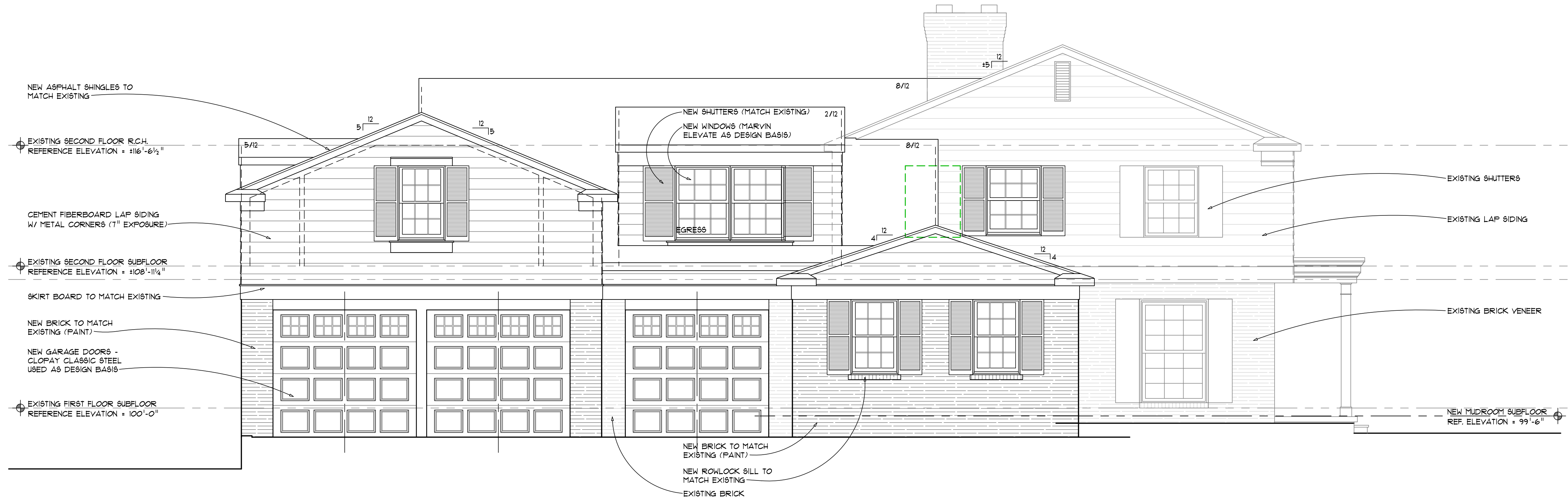
PROPOSED FRONT (WEST) ELEVATION

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



PROPOSED SIDE (SOUTH) ELEVATION

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



PROPOSED SIDE (NORTH) ELEVATION

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



PROPOSED REAR (EAST) ELEVATION

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

689 WESTWOOD MAP



CASE DESCRIPTION

689 Westwood (21-20)

Hearing date: May 11, 2021

Appeal No. 21-20: The owner of the property known 689 Westwood, requests the following variances to construct an addition 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 22.47 feet. The proposed is 17.78 feet. Therefore; a variance of 4.49 feet is being requested.

B. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires a 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 22.47 feet. The proposed is 21.40 feet. Therefore; a variance of 1.07 feet is being requested.

Staff Notes: The existing home was constructed in 1945 along with a small kitchen addition in 2014 in the rear of the home.

This property is zoned R1 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 4-12-21
 Received By: BM

Hearing Date: 5-11-21
 Appeal #: 21-20

Type of Variance:	<input type="checkbox"/> Interpretation	<input checked="" type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
I. PROPERTY INFORMATION:					
Address: <u>689 WESTWOOD</u>		Lot Number: <u>45 # Part 45</u>		Sidwell Number:	
II. OWNER INFORMATION:					
Name: <u>Mr. + Mrs. L. Mackenzie</u>					
Address: <u>689 Westwood</u>		City: <u>Birmingham</u>		State: <u>MI</u>	Zip code: <u>48009</u>
Email:				Phone:	
III. PETITIONER INFORMATION:					
Name: <u>owner</u>		Firm/Company Name:			
Address:		City:		State:	Zip code:
Email:				Phone:	
IV. GENERAL INFORMATION:					
<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 12th 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 \$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.</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	
V. REQUIRED INFORMATION CHECKLIST:					
<input checked="" type="checkbox"/> One original and nine copies of the signed application <input checked="" type="checkbox"/> One original and nine copies of the signed letter of practical difficulty and/or hardship <input checked="" type="checkbox"/> One original and nine copies of the certified survey <input checked="" type="checkbox"/> 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations <input type="checkbox"/> If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting					
VI. APPLICANT SIGNATURE					
By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.					
Signature of Owner: <u>Marianne Mackenzie</u>			Date: <u>4-11-2021</u>		
Signature of Petitioner: _____			Date: _____		

CITY OF BIRMINGHAM
 Date 04/12/2021 12:38:19 PM
 Ref 00178940
 Receipt 571926
 Amount \$360.00

April 9, 2021

Re: MacKenzie Residence
689 Westwood, Birmingham, MI

Dear Zoning Board Members:

We are seeking a dimensional variance to expand our existing garage and add a second floor room above. The current Garage has the appearance of a 2 car garage but is only 18'-4" wide and 2 car cannot be parked inside of it. We would like to expand the garage 4'-0" to the north which would provide 22'-4" clear inside the Garage which is still a modest 2 car dimension by current standards.

The 4' addition would put the north wall of our garage at 7.45' away from the Lot Line. The Side Setback requirements for our width lot require a minimum 5' however we need 2 other dimensional variances as follows:
1) The required Total Side Setback (25% of Lot Width) is 22.47'. Because the existing South Setback is 10.53' our total Side Setbacks will be 17.98' requiring a 4.49' dimensional variance.
2) The required Distance to Neighbor (25% of Lot Width) is 22.47'. The distance to neighbor to North would be 21.4' requiring a 1.07' dimensional variance.

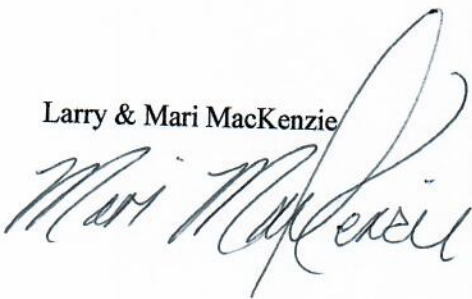
The current size of our garage poses a number of practical difficulties for getting a second car out of the driveway and into the garage and there is no storage. Additionally, the steps into our house at the front of the garage extend by code 30" into the driveway and overlap with the current garage door opening such that a second car could never fit without the requested variances.

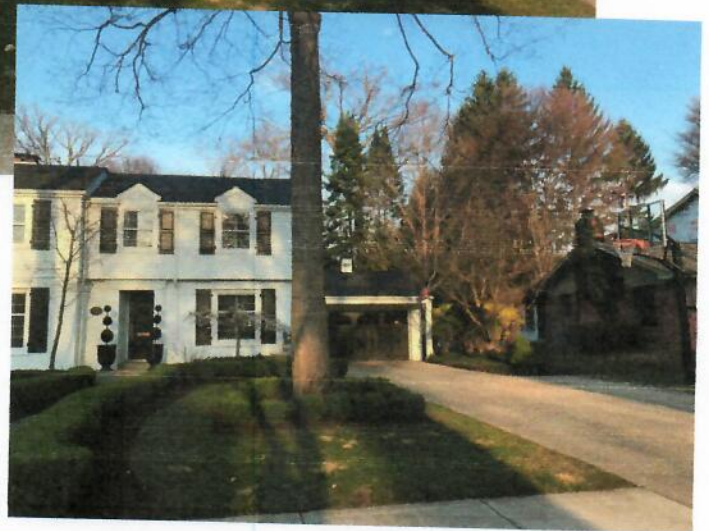
The original house was built prior to the total side setback requirement that is 25% of Lot Width so this need is not self-created. Given these pre-existing conditions and the practical difficulties they impose, literal enforcement of the ordinance would result in unnecessary hardship unreasonably preventing us from using our property for a permitted purpose, an attached garage.

All other elements of our additions meet all setback, lot coverage and open space required by the Ordinance and we would be installing 2 garage doors with a post in the middle per the ordinance and will result in substantial justice to us. We humbly request your approval of this garage expansion request.

Respectfully Submitted,

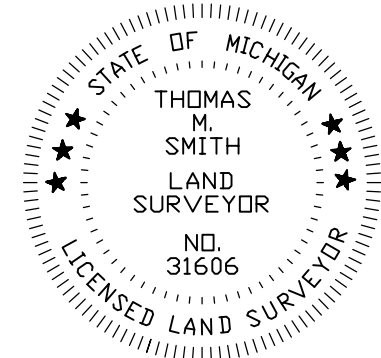
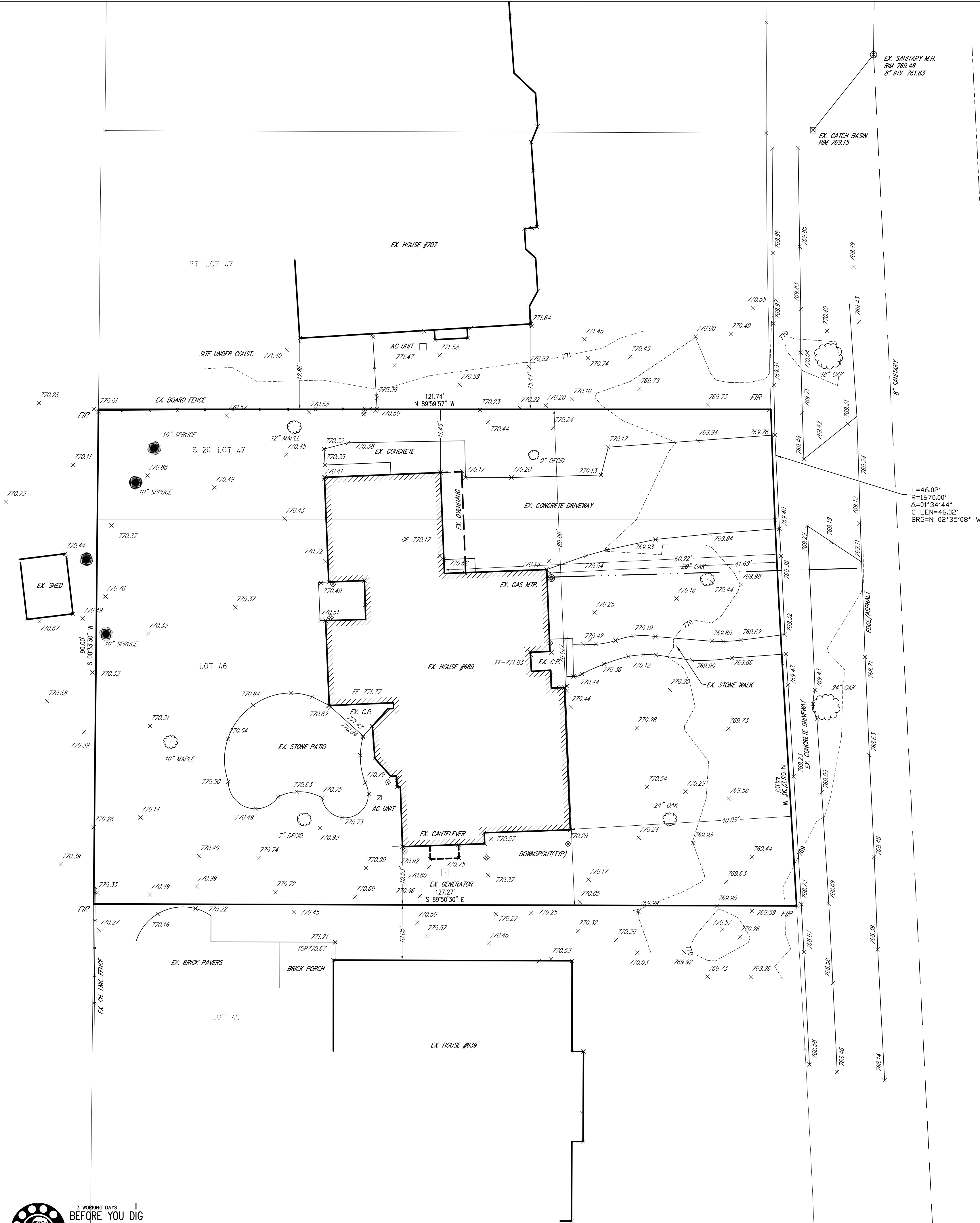
Larry & Mari MacKenzie

A handwritten signature in cursive script, appearing to read "Mari MacKenzie", written in dark ink.



MacKenzie Residence
689 Westwood





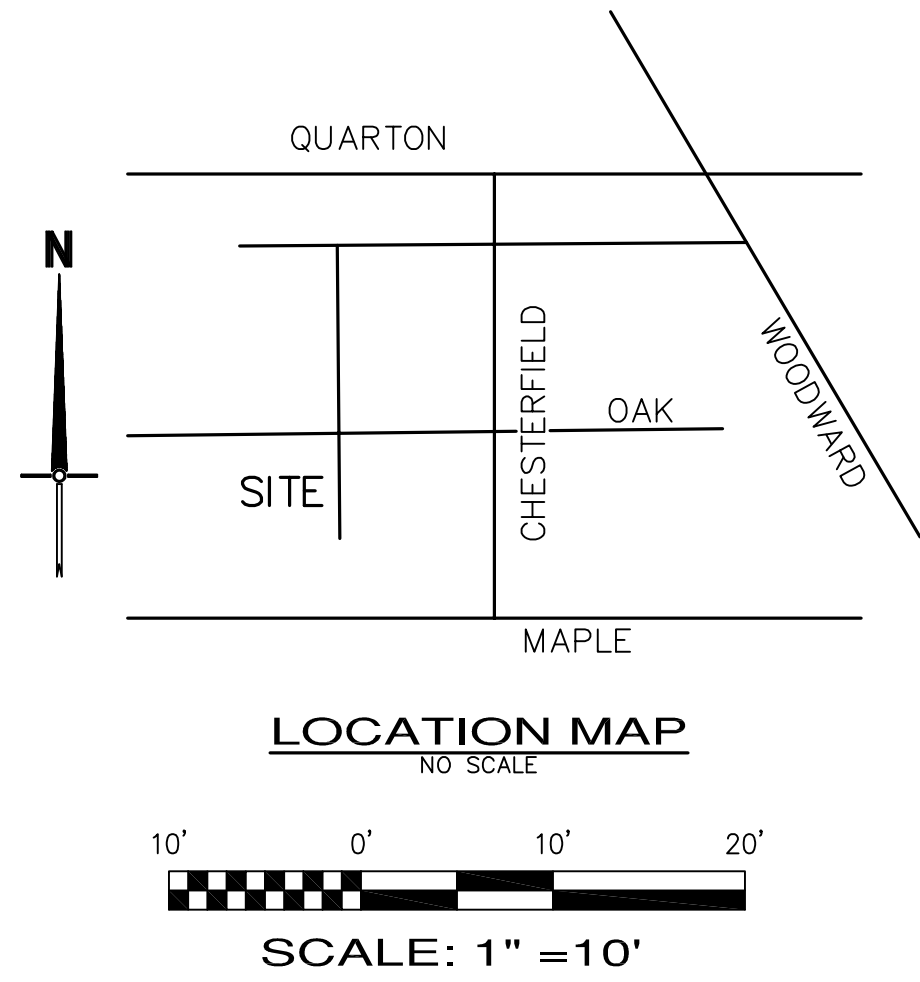
LEGAL DESCRIPTION:
LOT 46, ALSO THE SOUTH 20 FT OF LOT 47
, BLOOMFIELD WOODS, CITY OF BIRMINGHAM,
OAKLAND COUN TY, MICHIGAN

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT I HAVE SURVEYED THE
PROPERTY DESCRIBED HEREON THAT THE
PROPERTY LINES ARE AS SHOWN.

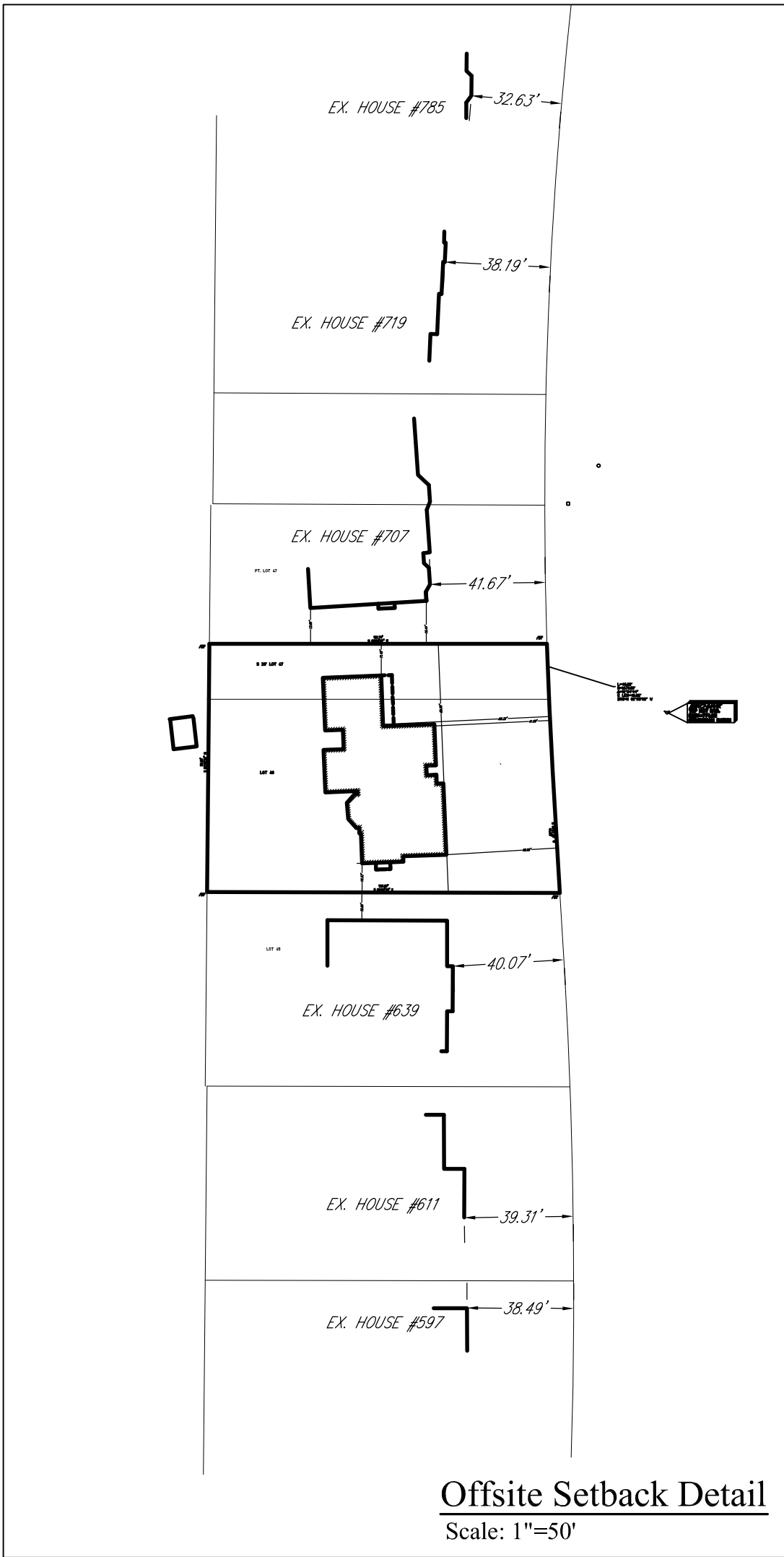
THOMAS M. SMITH
R.L.S. No. 31606

- TOPO. NOTES:**
- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD UNTIL AN UPDATED TITLE POLICY HAS BEEN FURNISHED TO THE SURVEYOR BY THE OWNER.
 - ALL ELEVATIONS ARE EXISTING ELEVATIONS
 - SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26125C0536F EFFECTIVE DATE: SEPTEMBER 29, 2006.
 - THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
 - THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

BENCHMARK
TOP NUT HYD.
ELEV= 771.62
BIRMINGHAM DATUM



- LEGEND**
- EX. GRADE
 - EX. INDEX CONTOUR
 - EX. CONTOUR
 - EX. WATER MAIN
 - EX. STORM SEWER
 - EX. SANITARY SEWER
 - EX. OVERHEAD
 - EX. GAS
 - EX. UNDERGROUND
 - EX. FENCE
 - EX. RAILROAD
 - EX. WALL
 - EX. Q OF DITCH
 - EX. WETLAND
 - HYDRANT
 - CATCH BASIN
 - MANHOLE
 - SIOW
 - GATE VALVE
 - LIGHT POLE
 - UTILITY POLE
 - METAL LIGHT POLE
 - TOP OF BERM
 - TOE OF BERM
 - TREE TAG
 - TOP OF CURB
 - GUTTER
 - TOP OF ASPHALT
 - TOP OF WALK
 - TOP OF WALL
 - FOUND IRON ROD
 - SET IRON ROD
 - FOUND IRON PIPE
 - ASPHALT
 - CONCRETE



SE

Sujak Engineering PLC

CIVIL ENGINEERING

401 Coolidge Highway
Troy, MI 48068

Phone: (248) 885-8431
Fax: (248) 885-8432
Email: SujakEngineering@Comcast.net

DESIGN

PLANNING

3/29/2021

DATE

Seal

ORIGINAL SIGNATURE IN BLUE

Tom C. Sujak, P.E. No. 046890

689 Westwood
Birmingham, MI 48008
Parcel # 19-26-326-009

Topographic Survey

Scale: 1"=10'

Drawn: TMS

Checked: TCS

Approved: TMS

Date: 3/22/21

Job no.

20-138

Sheet No.

CS1.0

MacKENZIE RESIDENCE

689 Westwood
Birmingham, MI

Glenda MEADS Architects

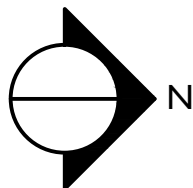
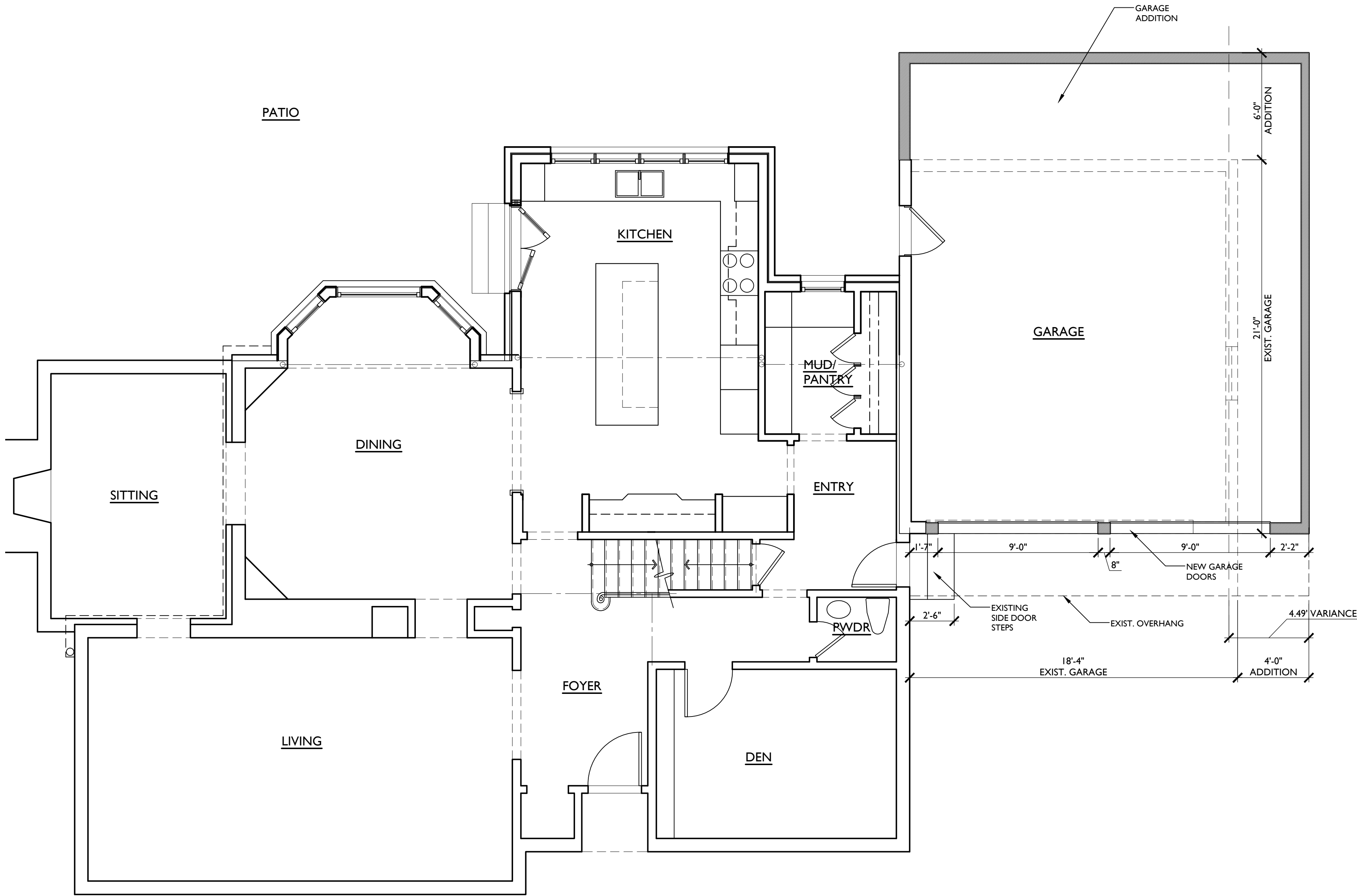
114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009
TELEPHONE: (248) 220-4998
MOBILE: (248) 514-2971
E-MAIL: glendameadsarchitects@comcast.net

Project Data:

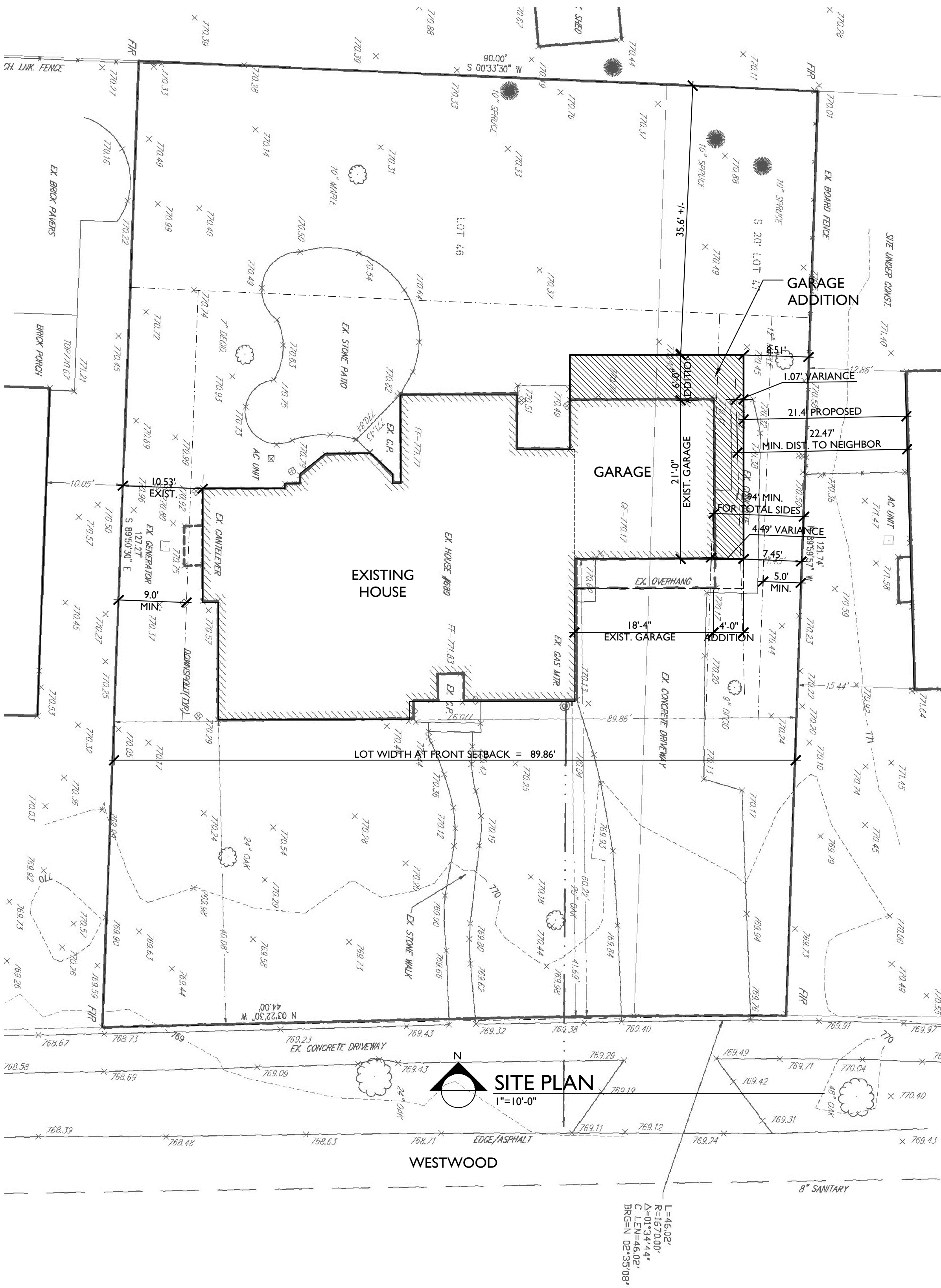
ADDRESS	689 WESTWOOD		
ZONED	R-1 (SINGLE FAMILY RESIDENTIAL)		
LOT AREA	22,414 +/- SF		
FRONTAGE	90'		
LOT WIDTH AT FRONT SETBACK	89.86'		
SITE DATA			
	REQUIRED	PROPOSED	
FRONT SETBACK	AVE OF HOUSES	38.39 (EXIST. TO REMAIN)	- OK
REAR SETBACK	30' MIN.	35.6' +/- TO ADD'N	- OK
LEAST SIDE SETBACK	5' MIN.	7.45' TO ADD'N NORTH SIDE	- OK
SIDE SETBACK	9' MIN. (10% LOT WIDTH)	10.53' EXIST. SOUTH SIDE	- OK
TOTAL SIDES SETBACK	25 % OF 89.86' = 22.47' MIN.	EXIST. SOUTH SIDE 10.53' ADD'N NORTH SIDE 7.45'	
		17.98'	- 4.49' VARIANCE
DIST. TO NEIGHBOR	25 % OF 89.86' = 22.47' MIN.	21.4' TO ADD'N NORTH SIDE	- 1.07' VARIANCE

VARIANCE SUMMARY CHART

ITEM	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT
VARIANCE 1:				
TOTAL SIDE SETBACK	22.47'	21.98'	17.98'	4.49'
VARIANCE 2:				
DISTANCE TO NEIGHBOR	22.47'	25.5'	21.4'	1.07'



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



MACKENZIE RESIDENCE

689 Westwood
Birmingham, Mi

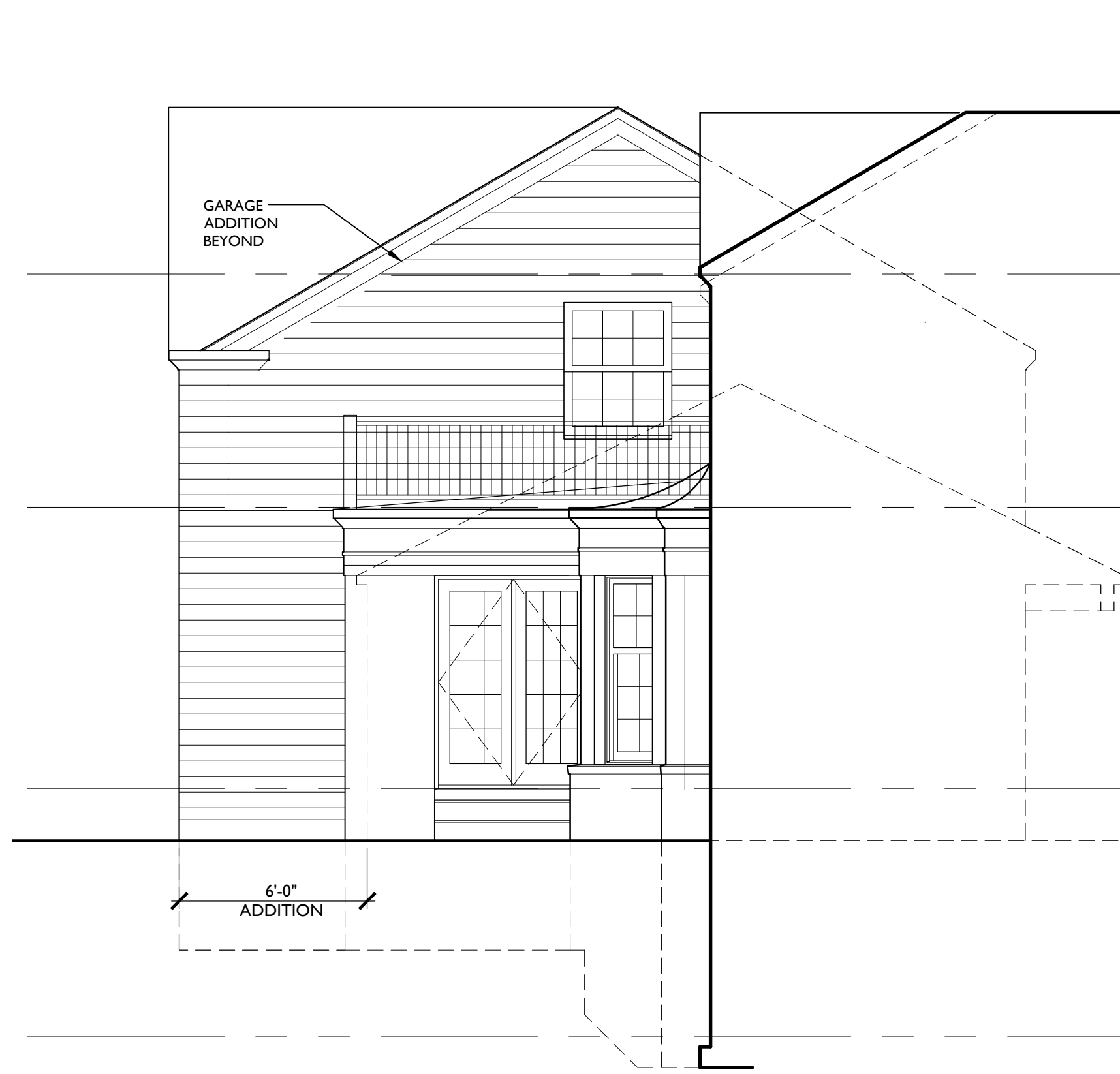
Glenda MEADS Architects

114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009
T (248) 220-4998 M (248) 514-2971 glenda@glendameads.com

SITE &
FOUNDATION
PLANS

4-8-21
ZONING APPEAL

A101



⊙ SOUTH (SIDE) ELEVATION
1/4"=1'-0"



⊙ EAST (FRONT) ELEVATION
1/4"=1'-0"



⊙ NORTH (SIDE) ELEVATION
1/4"=1'-0"



⊙ WEST (REAR) ELEVATION
1/4"=1'-0"

MACKENZIE RESIDENCE
689 Westwood
Birmingham, Mi

Glenda MEADS Architects
1114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009
T (248) 220-4998 M (248) 514-2971 glenda@glendameads.com

SITE &
FOUNDATION
PLANS

4-8-21
ZONING APPEAL

A101

Re: MacKenzie Residence
689 Westwood, Birmingham, MI

Dear Zoning Board Members:

Mr. & Mrs. MacKenzie have shown us their plans to expand their Garage and we have no objections to their proposed improvements.

Signed

Wc

5/8/2021

Date

Name

Wally Schwartz

Address

684 Whittington



Re: MacKenzie Residence
689 Westwood, Birmingham, MI

Dear Zoning Board Members:

Mr. & Mrs. MacKenzie have shown us their plans to expand their Garage and we have no objections to their proposed improvements.

Signed

Aaron Glaeser

Date

4-17-21

Name

AARON GLAESER

Address


639 WESTWOOD DR. BIRMINGHAM, MI 35209



Re: MacKenzie Residence
689 Westwood, Birmingham, MI

Dear Zoning Board Members:

Mr. & Mrs. MacKenzie have shown us their plans to expand their Garage and we have no objections to their proposed improvements.


Signed _____

5/1/2021
Date _____

Tara Klix
Name _____
680 ~~West~~ Westwood Dr. 48009
Address _____



Re: MacKenzie Residence
689 Westwood, Birmingham, MI

Dear Zoning Board Members:

Mr. & Mrs. MacKenzie have shown us their plans to expand their Garage and we have no objections to their proposed improvements.

Signed



4-17-21
Date

Name

THOMAS HINES

Address

707 WESTWOOD DRIVE



1016 PIERCE MAP



CASE DESCRIPTION

1016 Pierce (21-21)

Hearing date: May 11, 2021

Appeal No. 21-21: The owner of the property known 1016 Pierce, 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 a 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 17.25 feet. The proposed is 12.95 feet on the South side. Therefore; a variance of 4.30 foot is being requested.

Staff Notes: The proposed home meets the ordinance for the lot as proposed with the exception meeting the distance between principal structures.

This property is zoned R3 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 4-12-21
 Received By: BIM

Hearing Date: 5-11-21
 Appeal #: 21-21

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>1016 PIERCE ST</u>	Lot Number: <u>LOT 119</u>	Sidwell Number:
--------------------------------	----------------------------	-----------------

II. OWNER INFORMATION:

Name: <u>MR. + MRS. B. EILANDER</u>			
Address: <u>1485 CEDAR ST</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>eilander.brett@gmail.com</u>		Phone: <u>248-508-8630</u>	

III. PETITIONER INFORMATION:

Name: <u>SAME</u>	Firm/Company Name:		
Address:	City:	State:	Zip code:
Email:	Phone:		

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 12th 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: <u>[Signature]</u>	Date: <u>4-7-21</u>
Signature of Petitioner: <u>[Signature]</u>	Date: <u>4-7-21</u>

April 12, 2021

Re: EILANDER RESIDENCE
1016 Pierce Street, Birmingham, MI

Dear Zoning Board Members:

We are hereby applying for a single Dimensional Variance as part of the construction of a new home.

The existing 69' wide lot should, by zoning ordinance, permit a 51'-9" house by all setback standards including total side setbacks of 25%. Because the house to the north is at its minimum against our lot line, the distance to a neighbor house requirement is creating a hardship to our plans.

In order to have a sufficient size garage to park 2 cars and have accessible ramp along the side, we are requesting a variance to construct a 51'-6 1/2" wide house which would maintain the required distance to neighbor to the north, minimum side setback to the north lot line, minimum side setback to the south lot line, and required total side setback for both sides BUT will be 12.95' from existing neighbor house to the South requiring the requested 4.3' variance.

Granting this request would not be a detriment to the neighborhood due to the driveway location pattern in the area and would permit us substantial justice in full use of our 69' wide lot and accommodating a functional garage space.

Our proposed new house meets all other Height & Bulk requirements of the Zoning Ordinance, is in fact more modest in size than many others in the neighborhood and we humbly request your approval.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'B. Eilander', written in a cursive style.

Mr. & Mrs. B. Eilander



Neighbor House to
SOUTH



Eilander Residence
1016 Pierce Street

HOUSE TO BE
REPLACED

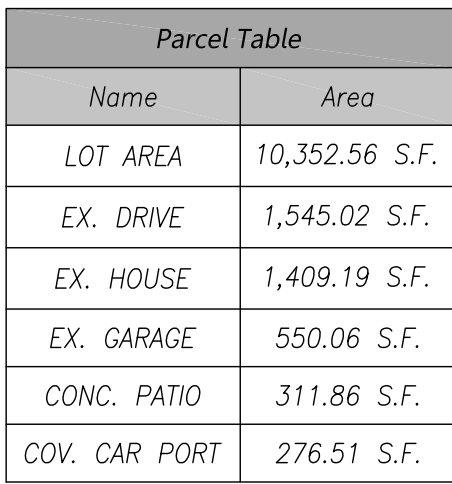


Neighbor House to
NORTH

LEGAL DESCRIPTION:
LOT 119 OF "ASSESSOR'S REPLAT OF PART OF TORREY'S ADDITION,
HOOD'S ADDITION AND SMITH ADDITION" PART OF THE N.W. 1/4 OF
SECTION 36, T.2N., R.10E., CITY OF BIRMINGHAM, OAKLAND COUNTY,
MICHIGAN AS RECORDED IN 141 OF PLATS, P.36, O.C.R.
ADDRESS: 1016 PIERCE ST., BIRMINGHAM, MI 48009
PARCEL ID#:19-36-185-031

BENCHMARK:
 WHITE BM: MAG NAIL IN WEST FACE OF
 UTILITY POLE ACROSS FROM EXISTING DRIVE
 OR HSE#1016, LOCATED ON THE EAST
 SIDE OF PIERCE ST. BEHIND BACK OF CURB
 ELEVATION: 768.17 CITY DATUM

 JOB BM: CITY BM #2 SOUTHEAST CORNER
 OF PIERCE & LINCOLN.
 ELEVATION: 767.438 CITY DATUM



LOT INFO:
 MAXIMUM LOT COVERAGE: 30%
 TOTAL LOT AREA: 10,352.56 S.F.
 MAXIMUM LOT COVERAGE:
 10,352.56*30% = 3,105.768 S.F.
 EXISTING HOUSE COVERAGE:
 EXISTING HOUSE: 1409.185 S.F.
 EXISTING GARAGE: 550.059 S.F.

EXISTING COVERAGE:
HOUSE & GARAGE
959.24 S.F./10,352.56 S.F.=18.92

$$\frac{5,657.94 \text{ S.F.}}{10,352.56 \text{ S.F.}} = 54.65\%$$


	FOUND IRON
	SET IRON
	RECORD DISTANCE
	MEASURED DISTANCE
	EXISTING GRAVEL
	EXISTING PAVER STONE
	EXISTING BUILDING
	EXISTING CONCRETE
	EXISTING ASPHALT
	EXISTING LANDSCAPED AREA
	EXISTING STORM SEWER
	EXISTING SANITARY SEWER
	EXISTING WATERMAIN
	EXISTING OVERHEAD WIRES
	EXISTING FENCE
	EXISTING UTILITY POLE
	EXISTING WATER SHUT OFF
	EXISTING GATE VALVE
	EXISTING HYDRANT
	EXISTING WELL
	EXISTING GAS SHUT OFF
	EXISTING SANITARY STRUCTURE
	EXISTING STORM STRUCTURE
	EXISTING DOWN SPOUT
	EXISTING UTILITY PEDESTAL
	EXISTING GRADE

TREE TABLE		
#	DESC.	ELEV.
1004	6" CHERRY	768.70
1024	6" CHERRY	769.46
1032	14" MAPLE	770.20
1040	5" CEDAR	768.83
1047	6" PINE	769.26
1088	6" CHERRY	769.20
1111	6" CEDAR	769.07
1149	6" MAPLE	768.56
1150	23" MAPLE	769.30

ZONING: R-3 - SINGLE FAMILY RESIDENTIAL
SETBACK:
FRONT: AVERAGE OF HOMES WITHIN
200 FEET, IF NO HOMES WITHIN
200 FEET, THEN 25 FEET
SIDE: 5 FT. MIN. / 14 FT. TOTAL
9 FEET OR 10% OF TOTAL LOT
WIDTH WHICHEVER IS LARGER
FOR ONE SIDE YARD
10 FEET OR 25% OF TOTAL
LOT WIDTH WHICHEVER IS
LARGER FOR BOTH SIDE YARDS
NO SIDE YARD SHALL BE LESS
THAN 5 FEET
REAR: 30 FT.
HEIGHT: 28 FT. TO MID ROOF
IF DETACHED GARAGE:
14.5 FT. TO MID ROOF
550 S.F. MAX. SIZE
SIDE: 3 FT.
REAR: 3 FT.
OUT OF UTILITY, ESMT.,
INCLUDING OVERHANG.

MINIMUM LOT AREA: 4,500 SQ FT PER UNIT
MINIMUM OPEN SPACE: 40%
MAXIMUM LOT COVERAGE: 30%

<u>PIERCE ST. AVERAGING</u>			
	SCALE: 1"=40'		
<u>HOUSE</u>	<u>USE</u>	<u>DIST.</u>	<u>POR. DIST.</u>
#1076	18.21'	11.88'	UN. COV.
#1048	16.74'	17.30'	
SITE	N/A	N/A	
#990	22.93'	15.20'	
#964	25.44'	18.79'	
#932	26.68'	23.10'	
#908	26.60'	19.77'	
#896	26.18'	N/A	
$\Sigma 162.78/7=23.25'$		$\Sigma 94.16/5=18.83'$	
		ALL PORCHES	
		$\Sigma 106.04/6=17.67'$	



REICHERT
SURVEYING INC.

P 248.651.0592
F 248.656.7099

Mail@ReichertSurveying.com
140 Flumerfelt Lane
Rochester, MI 48306

"ASSESSOR'S REPLAT OF PART OF TORREY'S ADDITION, HOOD'S SMITH ADDITION" PART OF THE N.W. 1/4 OF SECTION 36, T.2N., OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L.41 OF PLATS, P.36, O.C.R.
ADDRESS: 1016 PIERCE ST., BIRMINGHAM, MI 48009
PARCEL ID#:19-36-185-031

PREPARED FOR:
TEMPLETON BUILDING CO.
735 FOREST AVE., SUITE 204
BIRMINGHAM, MI 48009
(248) 642-5330

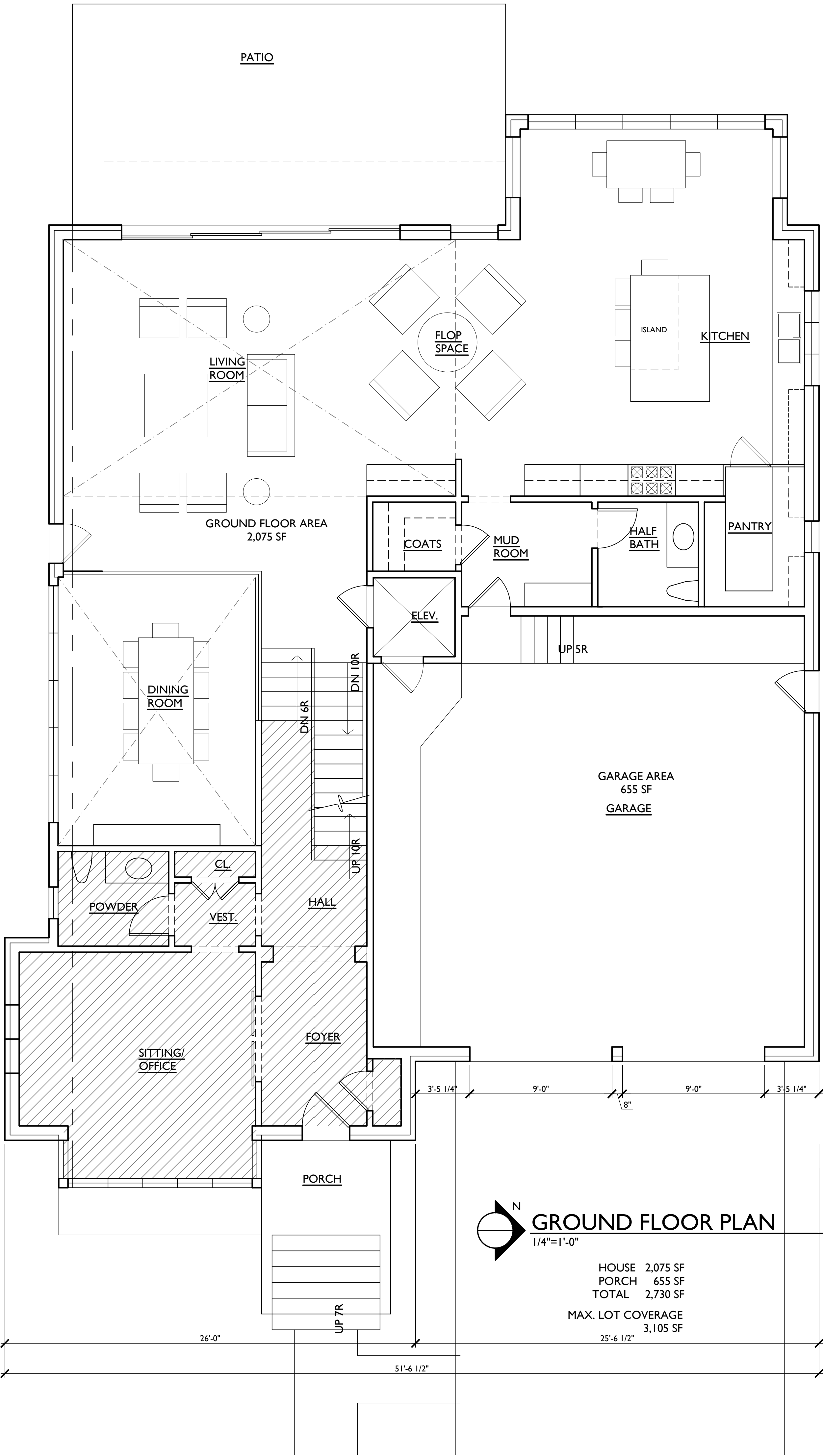
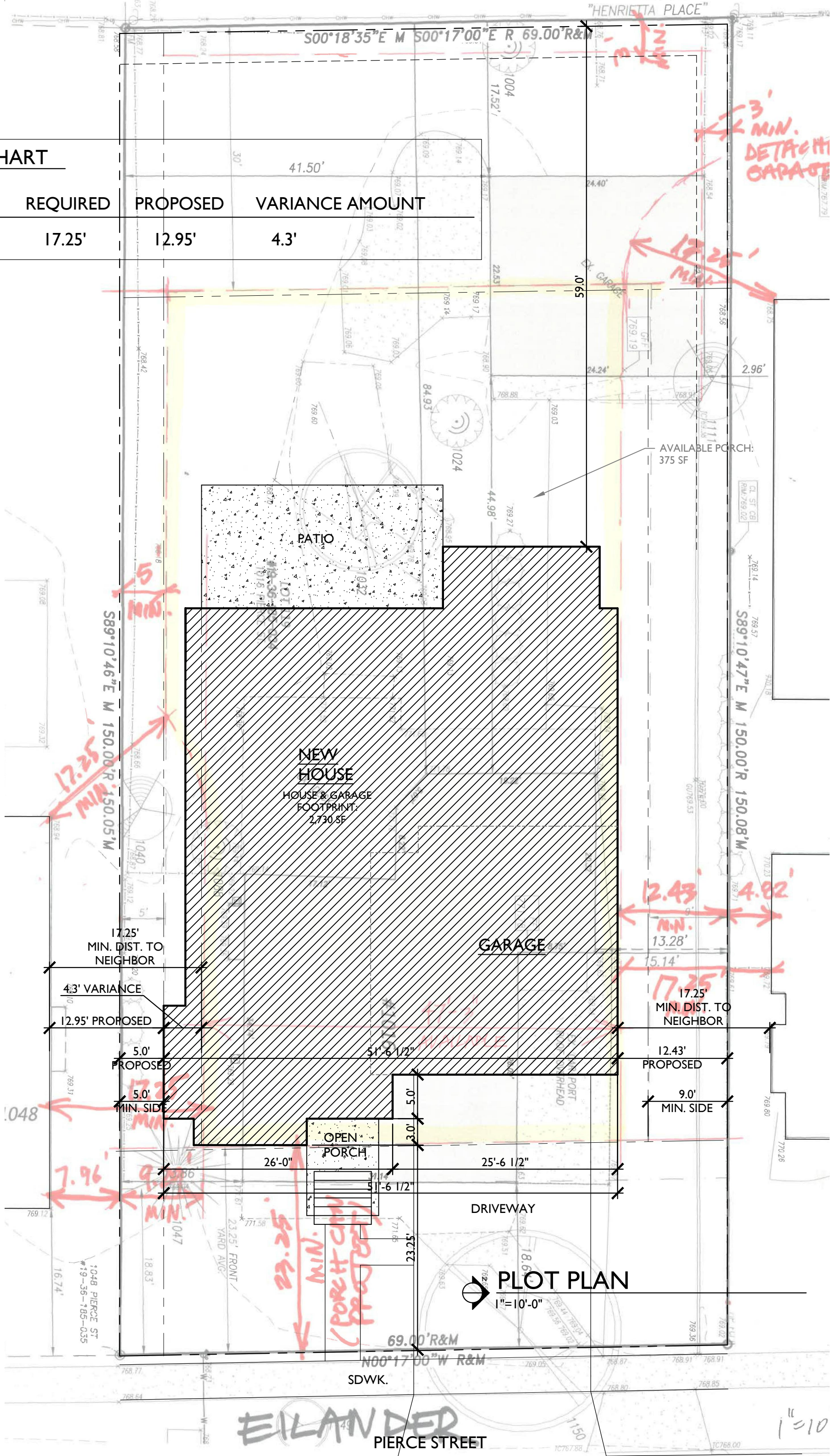
[illegible]

114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009
MOBILE: (248) 514-2971
E-MAIL: glendameadsarchitects@comcast.net

Project Data:

ADDRESS	1016 PIERCE STREET		
ZONED	R-2 (SINGLE FAMILY RESIDENTIAL)		
LOT AREA	10,350 SF		
FRONTAGE	69'		
LOT WIDTH AT FRONT SETBACK	69'		
SITE DATA			
	REQUIRED	PROPOSED	
FRONT SETBACK	23.25' (AVERAGE)	23.25'	- OK
REAR SETBACK	30' MIN.	59'	- OK
ONE SIDE SETBACK	9' MIN. (OR 10% LOT WIDTH)	12.43' NORTH SIDE	- OK
EAST SIDE SETBACK	5' MIN.	5.0' SOUTH SIDE	- OK
TOTAL SIDES SETBACK	25 % OF 89.86' = 17.25' MIN.	NORTH SIDE 12.43' SOUTH SIDE 5.0'	
		17.43'	- OK
DIST. TO NEIGHBOR	25 % OF 89.86' = 17.25' MIN.	17.25' TO NORTH NEIGHBOR	- OK
DIST. TO NEIGHBOR	25 % OF 89.86' = 17.25' MIN.	12.95' TO SOUTH NEIGHBOR	- 4.3' VARIANCE
FRONT FACING GARAGE WIDTH	< 50% HOUSE	HOUSE WIDTH 51'-6 1/2" GARAGE WIDTH 25'-6 1/2"	- OK

VARIANCE SUMMARY CHART			
ITEM	REQUIRED	PROPOSED	VARIANCE AMOUNT
DISTANCE TO NEIGHBOR	17.25'	12.95'	4.3'



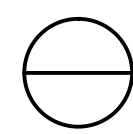
EILANDER RESIDENCE
1016 Pierce Street
Birmingham, Mi

Glenda MEADS Architects
114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009
T (248) 220-4998 M (248) 514-2971 glenda@glendameads.com

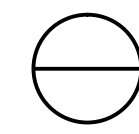
SITE INFO, SITE
PLAN & GROUND
FLOOR PLAN

1-18-21
PRE-LIM DESIGN
3-2-21
REVISED DESIGN
4-5-21
REVISED DESIGN
4-12-21
B.Z.A.

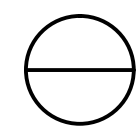
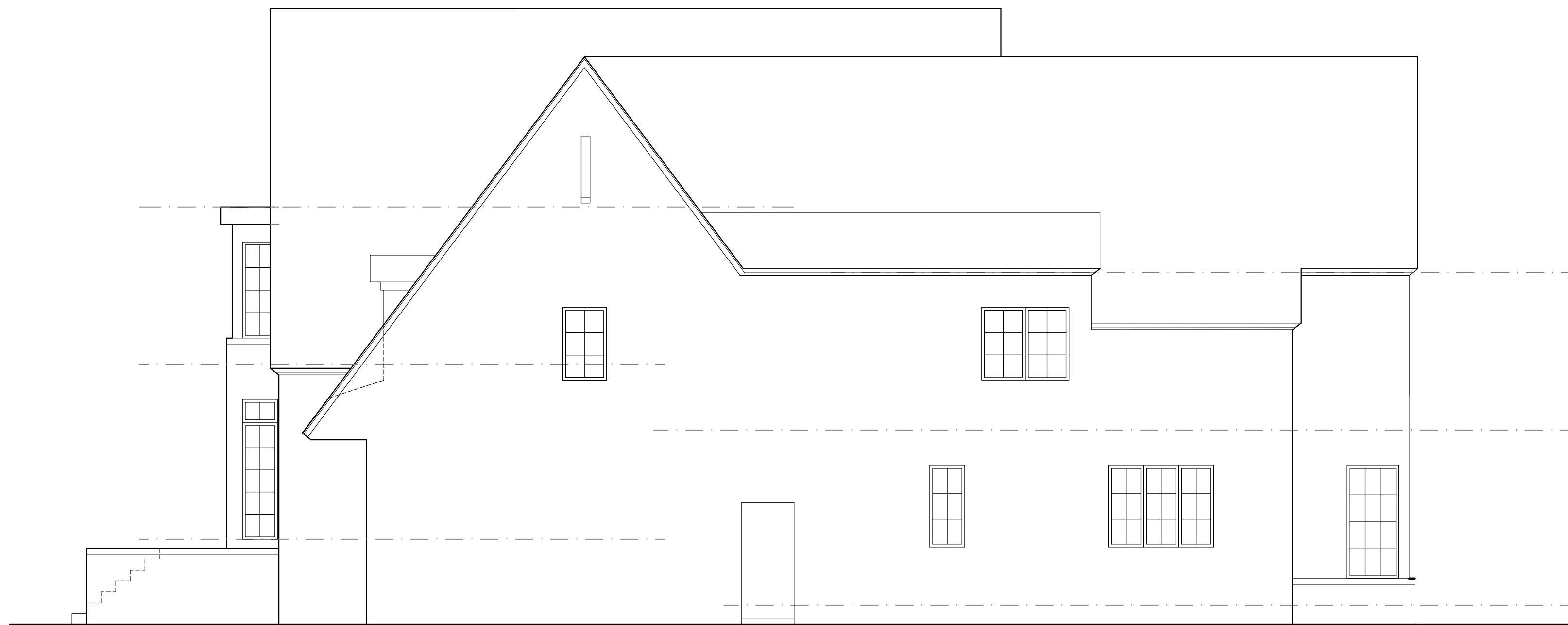
A001



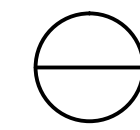
SOUTH (SIDE) ELEVATION
3/16"=1'-0"



FRONT (EAST) ELEVATION
3/16"=1'-0"



NORTH (SIDE) ELEVATION
3/16"=1'-0"



REAR (WEST) ELEVATION
3/16"=1'-0"

EILANDER RESIDENCE
1016 Pierce Street
Birmingham, Mi

Glenda MEADS Architects
114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009
T (248) 220-4998 M (248) 514-2971 glenda@glendameads.com

ELEVATIONS

1-18-21
PRE-LIM DESIGN
3-2-21
REVISED DESIGN
4-5-21
REVISED DESIGN
4-12-21
B.Z.A.

A002



CASE DESCRIPTION

1301 Fairway (21-22)

Hearing date: May 11, 2021

Appeal No. 21-22: The owner of the property known 1301 Fairway, requests the following variances to construct an addition to an existing non-conforming home:

- A. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 32.24 feet. The proposed is 25.34 feet. Therefore; a 6.90 foot variance is being requested.
- B. 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 28.12 feet. The existing is 16.14 feet and the proposed is 15.94 feet. Therefore; a variance of 9.18 feet is being requested.
- C. Chapter 126, Article 4.74(C)** of the Zoning Ordinance requires a 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 28.12 feet. The proposed is 21.90 feet on the South side Therefore; a variance of 6.22 foot is being requested.
- D. Chapter 126, Article 4.75(A)(1)** of the Zoning Ordinance requires that single-family attached garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The existing is 6.00 feet in front of the furthest setback portion. Therefore; a variance of 11.00 feet is being requested.
- E. Chapter 126, Article 4.75(A)(2)** of the Zoning Ordinance requires that garage doors on attached garages which facing a street may not exceed 9.00 feet in width. The existing is 16.00 feet. Therefore; a variance of 7.00 feet is being requested.

Staff Notes: The existing home constructed in 1960 is a non-conforming home and sits on an irregular shaped lot.

This property is zoned R1 – Single Family Residential.

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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 4-12-21

Received By: BH

Hearing Date: 5-11-21

Appeal #: 21-22

Type of Variance:	<input type="checkbox"/> Interpretation	<input checked="" type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
I. PROPERTY INFORMATION:					
Address: <u>1301 FAIRWAY</u>		Lot Number: <u>21</u>		Sidwell Number: <u>19.35.404.00</u>	
II. OWNER INFORMATION:					
Name: <u>DANA & BECKY WARG</u>					
Address: <u>1301 FAIRWAY DR.</u>		City: <u>BIRMINGHAM</u>		State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>dana.warge313presents.com</u>				Phone: <u>313, 303, 8544</u>	
III. PETITIONER INFORMATION:					
Name: <u>SAME AS OWNER</u>		Firm/Company Name:			
Address:		City:		State:	Zip code:
Email:				Phone:	
IV. GENERAL INFORMATION:					
<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 12th 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 <u>\$360.00</u> 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.</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	
V. REQUIRED INFORMATION CHECKLIST:					
<input checked="" type="checkbox"/> One original and nine copies of the signed application <input checked="" type="checkbox"/> One original and nine copies of the signed letter of practical difficulty and/or hardship <input checked="" type="checkbox"/> One original and nine copies of the certified survey <input checked="" type="checkbox"/> 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations <input checked="" type="checkbox"/> If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting					
VI. APPLICANT SIGNATURE					
By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.					
Signature of Owner: <u>Dana Warg</u>			Date: <u>4.12.2021</u>		
Signature of Petitioner: <u>SAME</u>			Date: _____		

CITY OF BIRMINGHAM
Date: 04/12/2021 3:38:54 PM
Ref: 00170955
Receipt: 5/12/2021
Amount: \$360.00

SUBJECT SITE
Warg Residence
1301 Fairway
Birmingham, Michigan

April 9, 2021

ZONING VARIANCE REQUEST

To the Board of Zoning Appeals Members:

It is our desire to add a small addition at the first floor and a Master Bedroom Suite to our house. The existing house, built over 50 years ago, does not conform with several current zoning requirements. Having to adapt to the placement, form, and interior layout of the existing house, the proposed addition requires several zoning variances. Refer to the attached drawings for reference and the facts stated below for why granting of these variances is valid.

SPECIFIC VARIANCE REQUEST

ATTACHED GARAGE – NO “FOOTPRINT” CHANGES PROPOSED (only new replacement overhead door in existing opening)

Front Yard Setback - Zoning Variance Request #1 (existing garage):

To maintain/build-over current non-conforming garage (front elevation placement relative to the primary front door of the house)

- Required (Minimum): 5.0 feet behind the house entrance door
- Existing (no change proposed): 6.0 feet in front of the house entrance door
- **Variance Required: 11.0 feet**

Front Yard Setback - Zoning Variance Request #2 (existing garage):

To maintain current non-conforming garage overhead door

- Maximum Allowable: 9.0'
- Existing (no change proposed): 16.0'
- **Variance Required: 7.0'**

HOUSE ADDITIONS

Front Yard Setback - Zoning Variance Request #3 (reverse gable roof over living room):

To allow a roof extension at the first floor to encroach into the required front yard setback

- Required Setback: 32.24'
- Existing: 25.34'
- Proposed: 25.34'
- **Variance Required: 6.9'**

Total Side Yard Setback - Zoning Variance Request #4 (floors 1 and 2 addition):

To allow a floor 1 and floor 2 addition such that it does not comply with the required total side yard setback

- Required Setback: 28.12'
- Existing: 16.14'
- Proposed: 15.94'
- **Variance Required: 9.18'**

Distance to Adjacent House - Zoning Variance Request #5 (reverse gable roof over living room):

To allow a roof extension at the first floor to encroach into the required distance to adjacent house

- Required: 28.12'
- Existing: 19.9' (non-conforming by 8.22')
- Proposed: 21.9"
- **Variance Required: 6.22'**

ARGUMENT FOR PRACTICAL DIFFICULTY

Special or Unique Conditions

- Existing house has small bedrooms and bathrooms, lacks clothing storage space
- Existing house is non-conforming relative to current zoning dimensional requirements
- The irregular shape of the lot and placement of the existing house limits areas for an addition without obtaining zoning variances
- Much of the existing site is within a "flood-way" limiting expansion of the house relative to what a typical lot would offer
- The bulk of the area for addition is generally adjacent to an open public park, not impacting a typical neighboring house

Literal Interpretation / Minimum Necessary

- The proposed addition is relatively small in area and is the minimum required to meet typical needs
- Literal interpretation or forcing complete compliance with the zoning requirements would be unduly burdensome

Not Self-Created

- Existing house must have complied with zoning requirements when built, therefore we assume Birmingham standards must have changed
- We are not the original owners and therefore had no prior involvement in any aspect of the existing house

Harmony with the Zoning Ordinance

- The proposed additions, we believe, enhance the quality of the existing house and therefore the general character of the neighborhood

No Adverse Effects

- Granting of the variances will in no way have any adverse effects on neighboring properties or the neighborhood

Spirit of the Ordinance, Health/Safety/Welfare, Substantial Justice

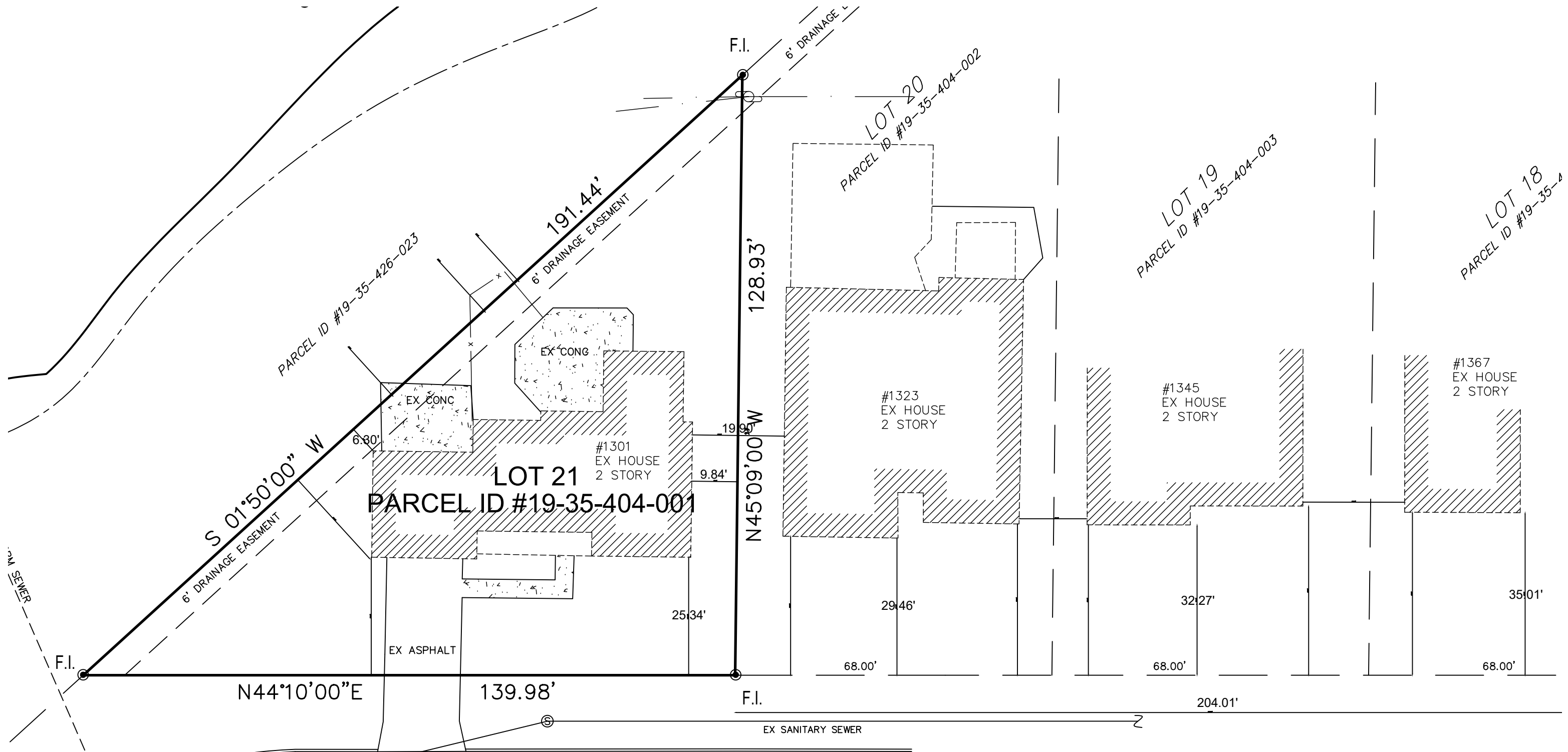
- The proposed addition complies with the "spirit and intent" of the zoning ordinance
- Unique existing conditions (irregular site, existing non-conforming house) make for unusually circumstances
- The proposed additions have no adverse impact on the health, safety, or welfare of the community
- Granting of the variances will provide substantial justice allowing us to reasonably expand our home, bring it up to current expectations for home living, and enhance the architecture which will benefit all

Thank you for your consideration.

Sincerely,



Dana and Becky Warg



SITE BENCHMARK 1
CENTER OF CATCH BASIN RIM
LOCATED ACROSS FROM THE
NORTH PROPERTY CORNER
ELEVATION = 711.50 NAVD88

Project:
Warg Residence
1301 Fairway Drive
Birmingham, Michigan

Phase:
Zoning Variance

Date:
April 9, 2021

Sheet: **survey**

ZONING DISTRICT: R-1 (SINGLE FAMILY RESIDENTIAL)

BUILDING SETBACKS

FRONT SETBACK

AVERAGE FRONT YARD SETBACK OF EXISTING HOMES 200' EITHER SIDE OF SUBJECT LOT OR 25', WHICHEVER GREATER - REFER TO SITE SURVEY

FRONT COVERED OPEN PORCH/STEPS ALLOWED 10.0' INTO REQUIRED FRONT YARD SETBACK

EXISTING HOMES TO THE SOUTH (200'):

1323 FAIRWAY: 29.46'

1345 FAIRWAY: 32.27'

1367 FAIRWAY: 35.01'

EXISTING HOMES TO THE NORTH:

NONE EXISTING (PUBLIC PARK)

TOTAL AVERAGE: $96.74/3 = 32.24'$

EXISTING HOUSE: 25.34' (NON-CONFORMING BY 6.9')

PROPOSED ADDITION (FLOOR 1 ROOF): 25.34' (REQUIRES 6.9' VARIANCE)

PROPOSED ADDITION (FLOOR 2): 29.5' (REQUIRES 2.74' VARIANCE)

PROPOSED ADDITION (FLOOR 2 BAY WINDOW): 28.0' (REQUIRES 4.24' VARIANCE) - for only a 12.3' length

SIDE YARD SETBACKS

SHORT SIDE (NORTH)

MINIMUM: 5.0'

EXISTING: 6.3'

PROPOSED: 6.1' (COMPLIES)

EAVE OVERHANG INTO SETBACK

ALLOWABLE: 2" PER FOOT OF REQUIRED SETBACK, THEREFORE 11"

EXISTING: 0"

PROPOSED: 10" (COMPLIES)

OPPOSITE SIDE

AT LEAST 9.0' OR 10% LOT WIDTH, WHICHEVER GREATER, $10\% \times 112.5' = 11.25'$

REQUIREMENT THEREFORE IS 11.25'

EXISTING: 9.84' (NON-CONFORMING BY 1.41')

PROPOSED - NO CHANGE (FLOOR 1 ROOF ADDITION OUTSIDE OF SETBACK)

TOTAL SIDE YARD SETBACK

14.0' OR 25% LOT WIDTH, WHICHEVER GREATER, $25\% \times 112.5' \text{ LOT WIDTH} = 28.12'$

REQUIREMENT THEREFORE IS 28.12'

EXISTING: $9.84' + 6.30' = 16.14'$ (NON-CONFORMING BY 11.98')

PROPOSED: $9.84' + 6.10' = 15.94'$ (REQUIRES 12.18' VARIANCE)

MINIMUM DISTANCE BETWEEN PRINCIPAL RESIDENTIAL BUILDINGS

14.0' OR 25% LOT WIDTH, WHICHEVER GREATER, $25\% \times 112.5' \text{ LOT WIDTH} = 28.12'$

REQUIREMENT THEREFORE IS 28.12'

SOUTH SIDE

EXISTING: 19.9' (NON-CONFORMING BY 8.22')

PROPOSED ADDITION (FLOOR 1 ROOF): 21.9' (REQUIRES 6.22' VARIANCE)

NORTH SIDE

NO HOUSE EXISTS (PUBLIC LAND)

REAR SETBACK

REQUIRED: 30.0'

EXISTING: 50.5'

PROPOSED: NO CHANGE

COMBINED FRONT AND REAR SETBACK

REQUIRED MINIMUM: 55.0'

EXISTING : $25.34' + 50.5' = 75.84'$

PROPOSED: NO CHANGE

BUILDING HEIGHT

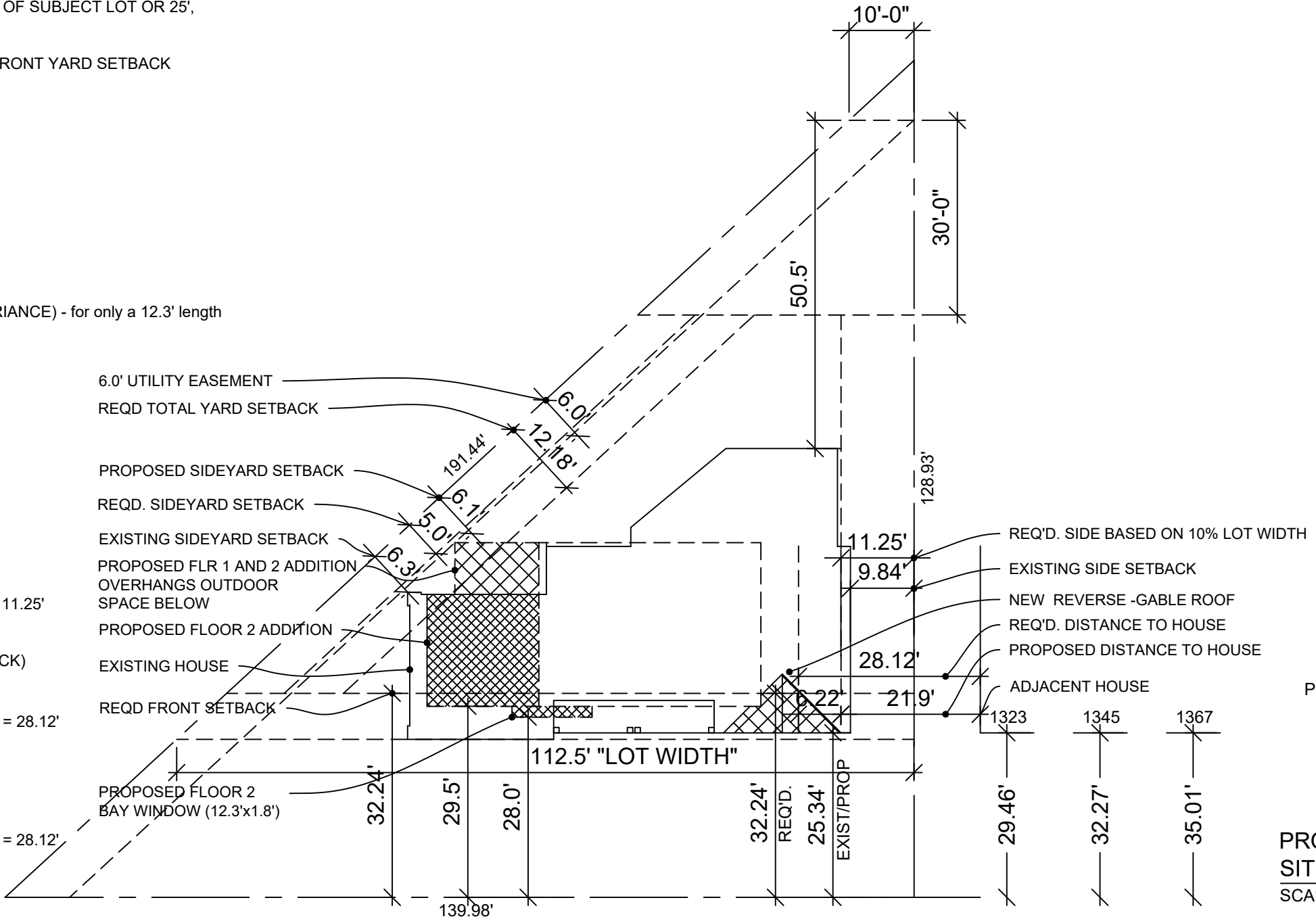
LOTS GREATER THAN 9,000 SF (LOT IS 9,024 SF)

ROOF (MAXIMUM ALLOWABLE): 24.0' TO MIDPOINT OF SLOPED ROOF

ROOF (PROPOSED): LESS THAN 23.0'

EAVE (MAXIMUM ALLOWABLE): 24.0'

EAVE (PROPOSED): LESS THAN 24.0'



PLAN NORTH



NORTH

PROPOSED
SITE PLAN

SCALE: 1"=20'

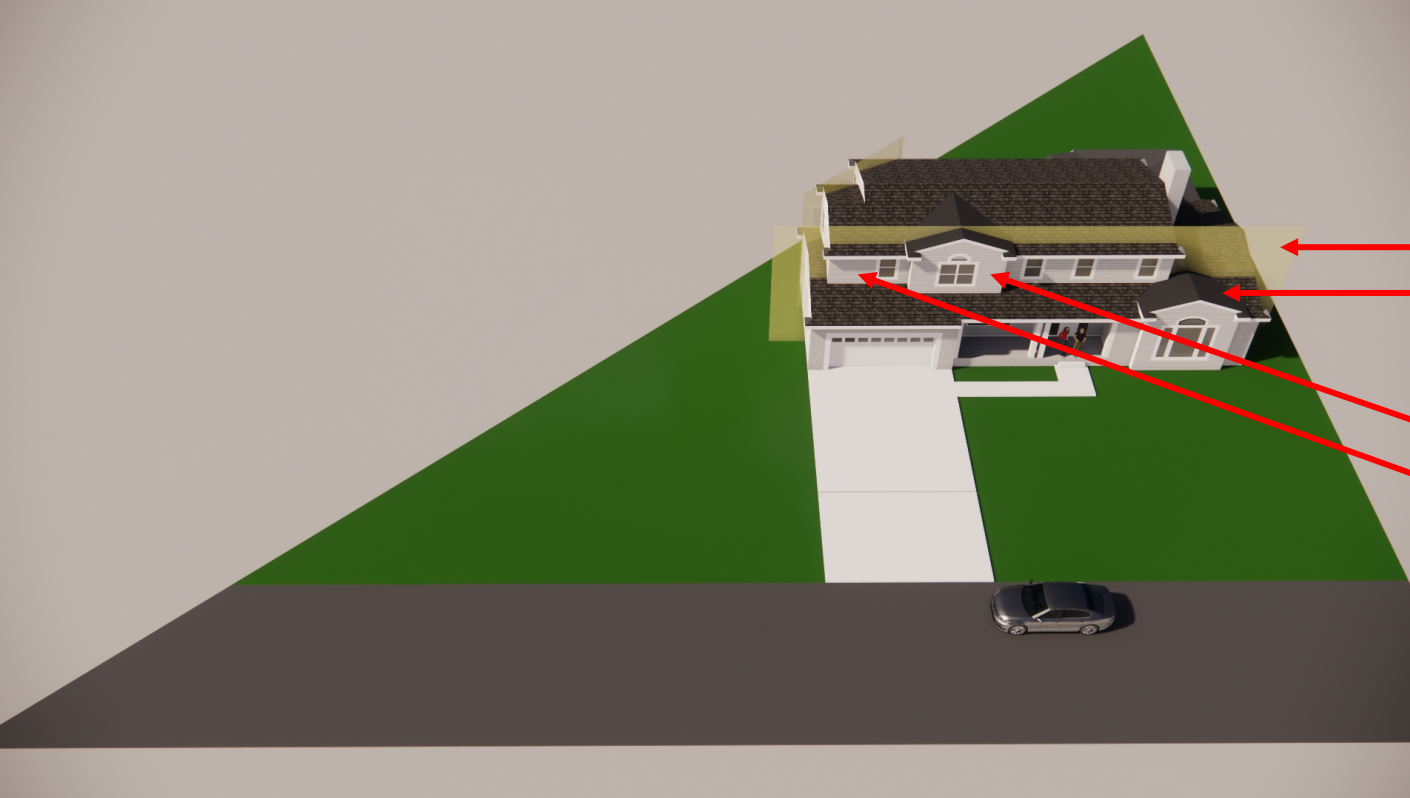
Project:
Warg Residence
1301 Fairway Drive
Birmingham, Michigan

Phase:
Zoning Variance

Date:
April 9, 2021

Sheet:

A.1

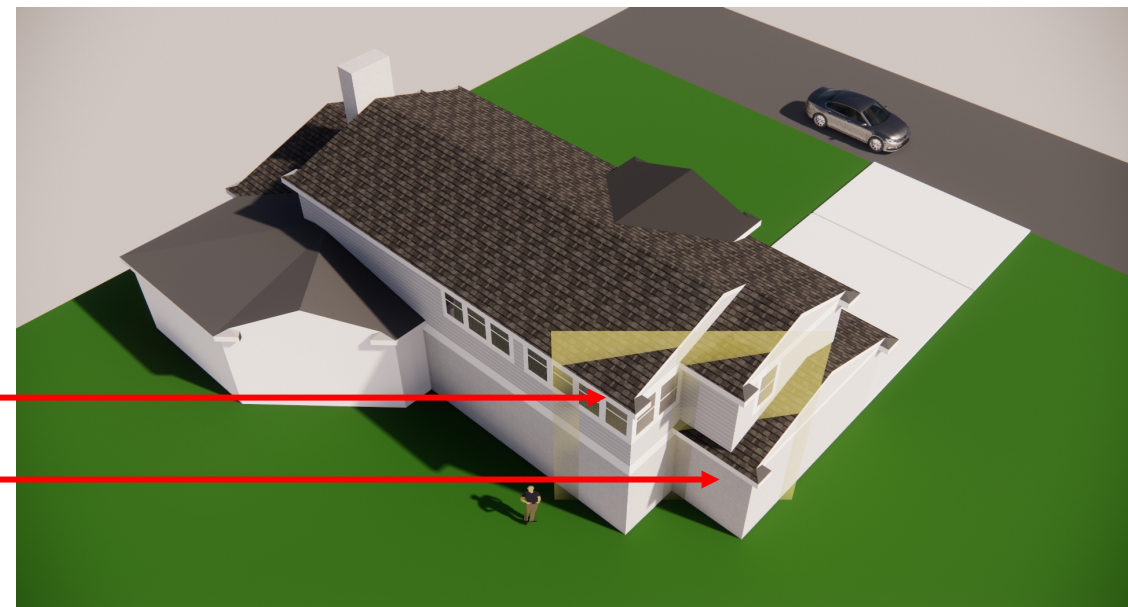


YELLOW ZONE – REQUIRED FRONT YARD SETBACK

PROPOSED REVERSE GABLE ROOF ON EXISTING ROOF

PROPOSED FLOOR 2 BAY WINDOW

PROPOSED FLOOR 2 ADDITION OVER EXISTING GARAGE

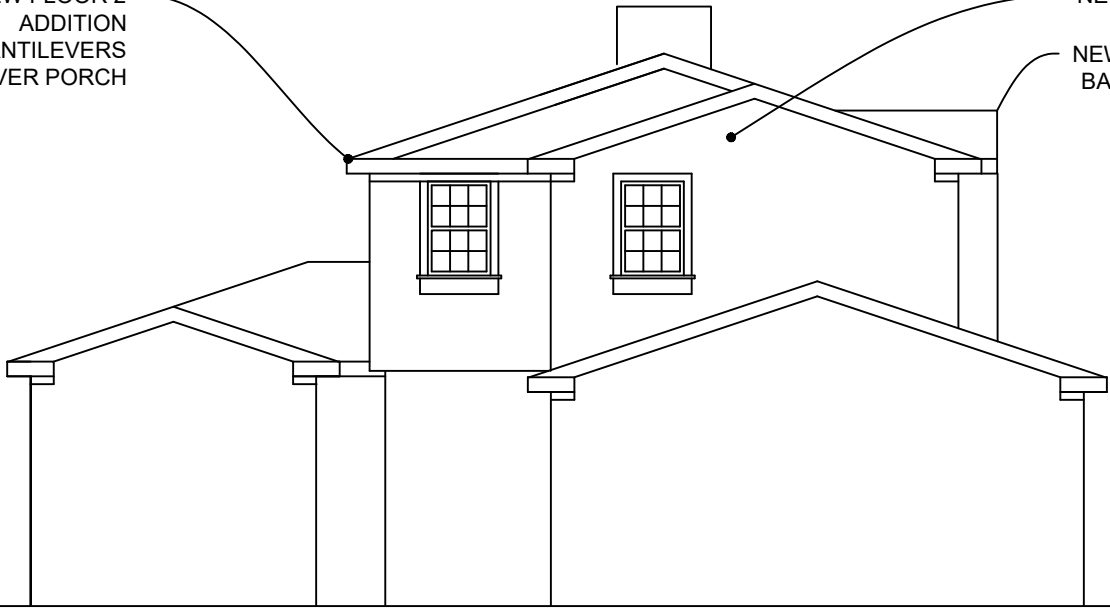


PROPOSED 2-STORY ADDITION

EXISTING 1-STORY GARAGE

NEW FLOOR 2
ADDITION
CANTILEVERS
OVER PORCH

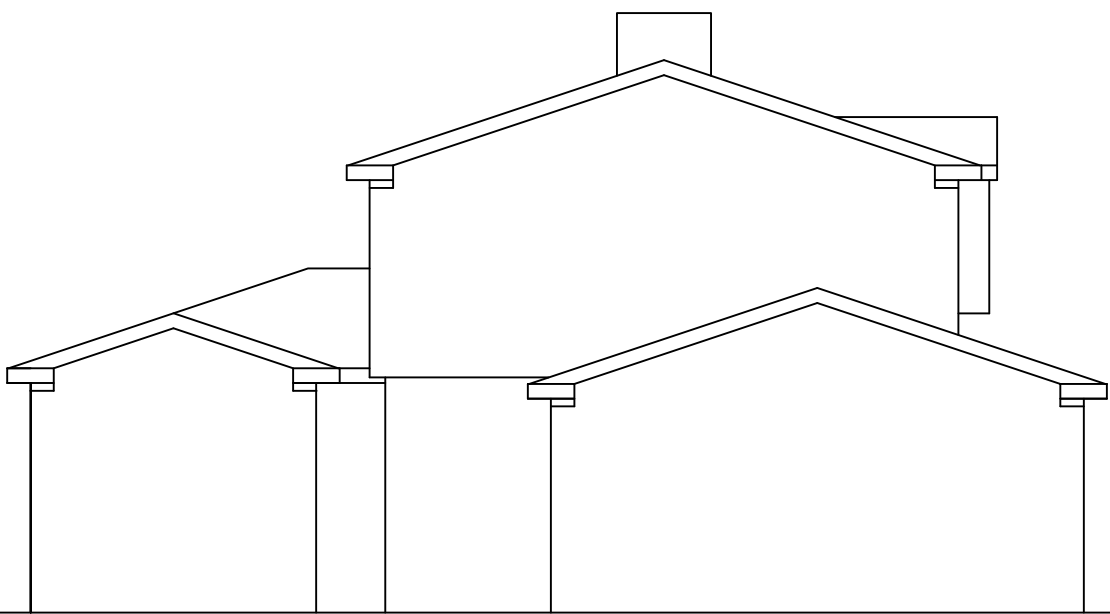
NEW FLOOR 2
ADDITION
NEW DORMER
BAY WINDOW



PROPOSED
NORTH ELEVATION



PROPOSED
WEST ELEVATION



EXISTING
NORTH ELEVATION



EXISTING
WEST ELEVATION

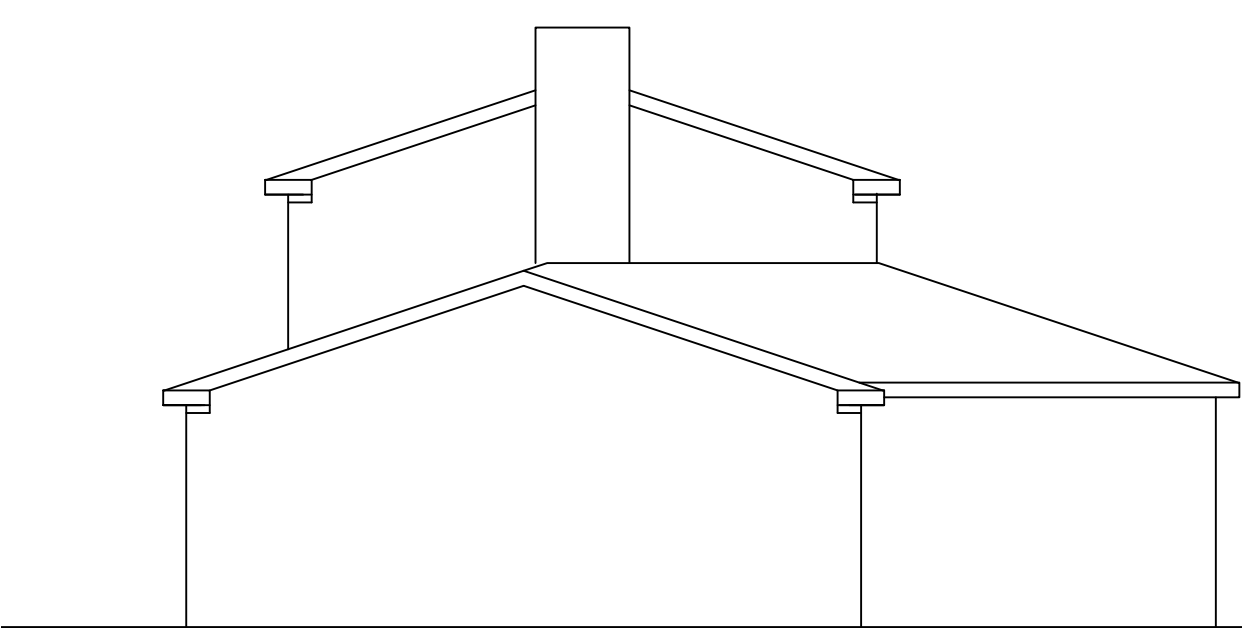
Project:
Warg Residence
1301 Fairway Drive
Birmingham, Michigan

Phase:
Zoning Variance

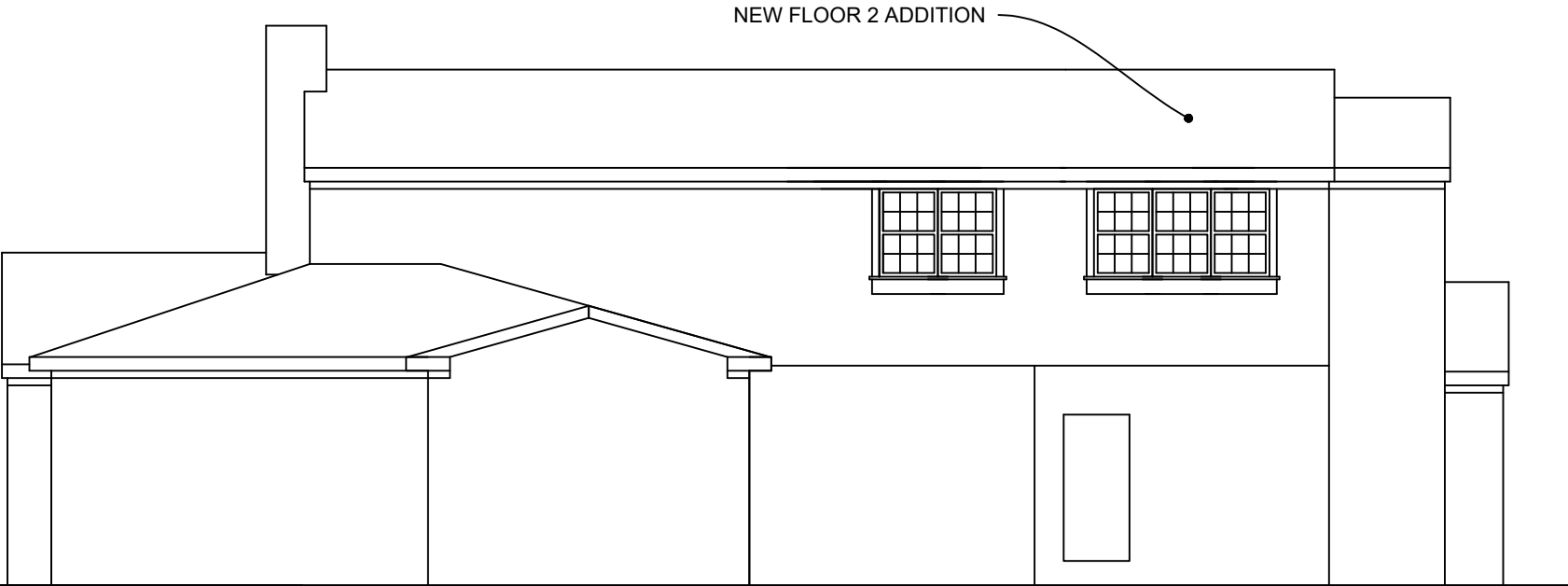
Date:
April 9, 2021

Sheet:

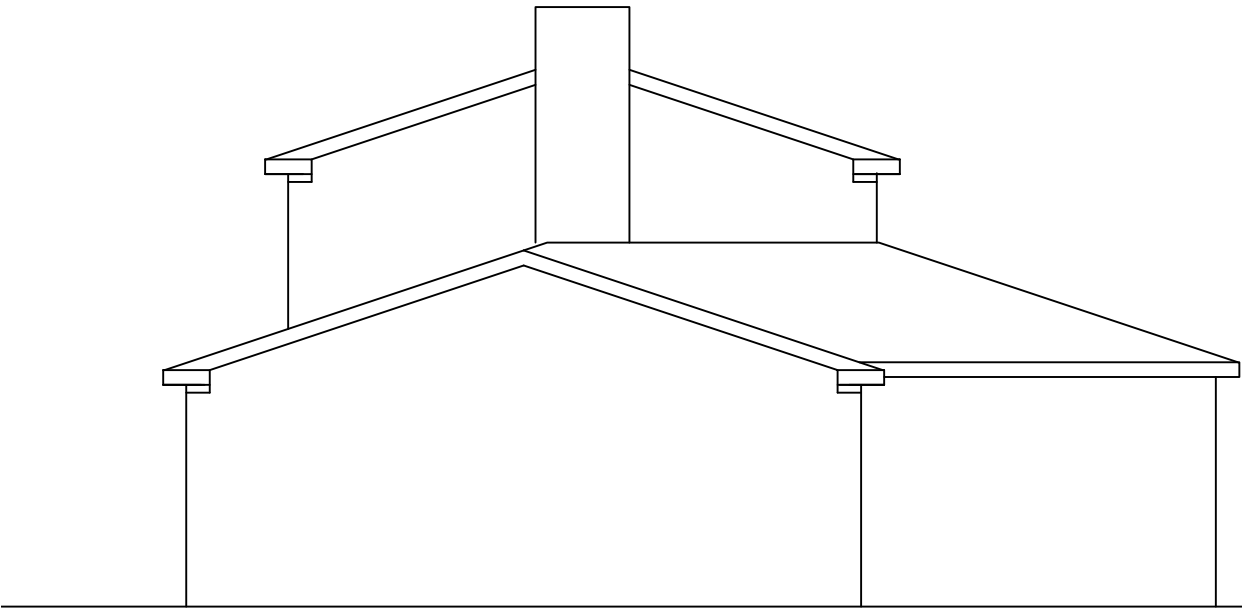
SCALE: $\frac{1}{8}$ "=1'-0"



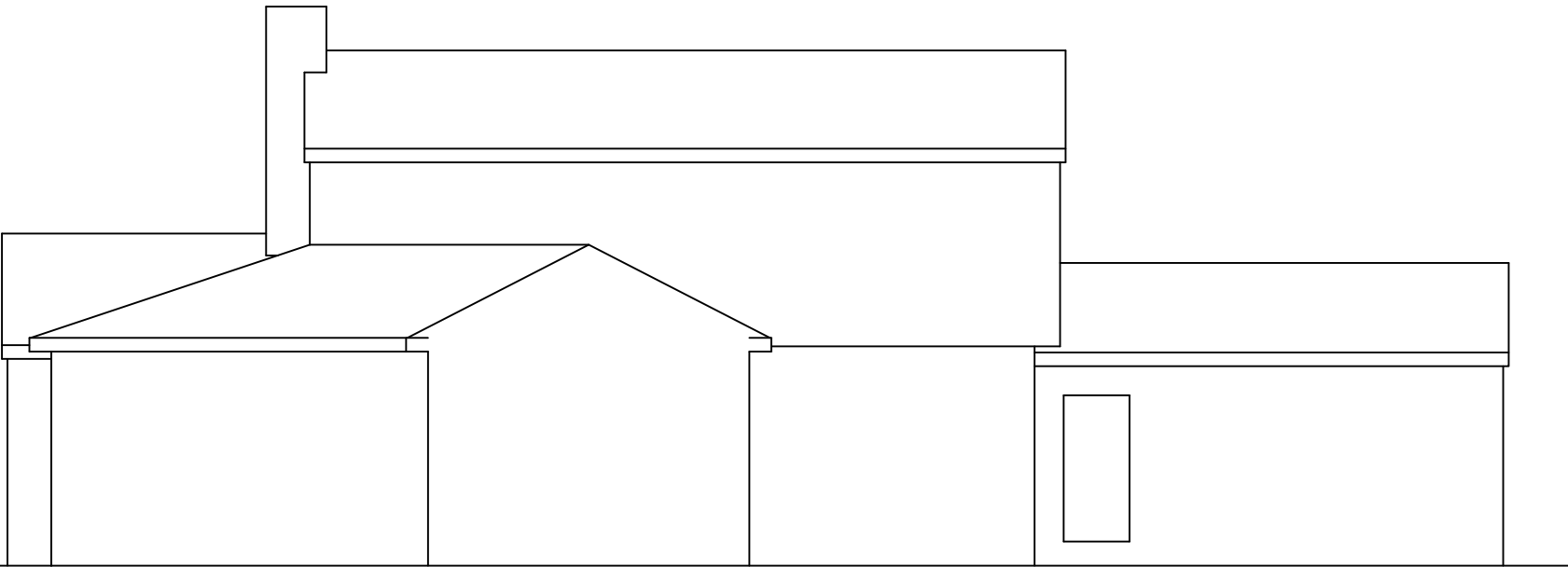
PROPOSED
SOUTH ELEVATION (NO CHANGE)



PROPOSED
EAST ELEVATION



EXISTING
SOUTH ELEVATION



EXISTING
EAST ELEVATION

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

Project:

Warg Residence
1301 Fairway Drive
Birmingham, Michigan

Phase:

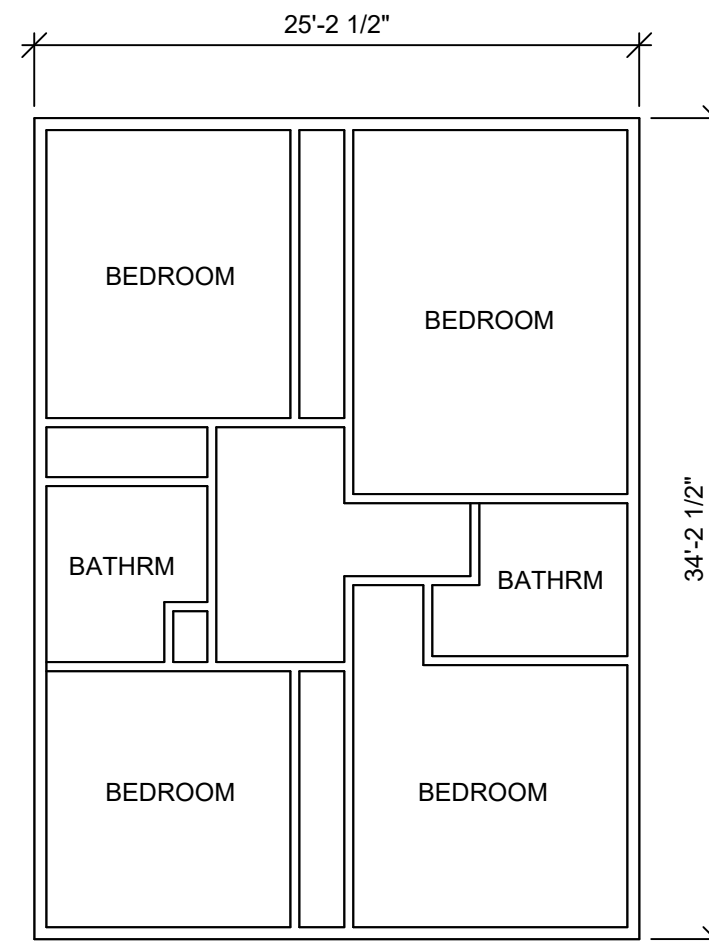
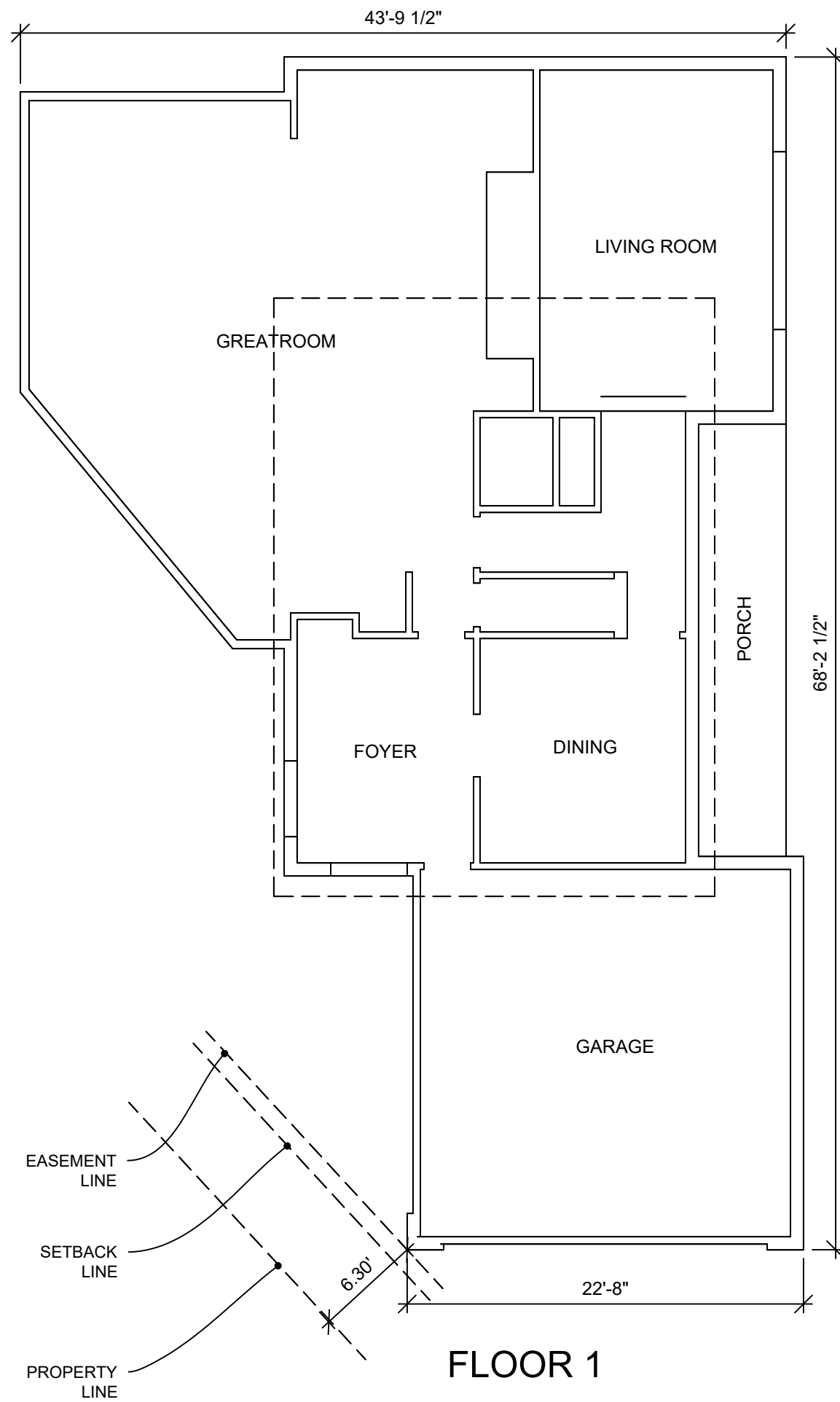
Zoning Variance

Date:

April 9, 2021

Sheet:

A.5



BUILDING FLOOR AREA

EXISTING
FLOOR 1: 1,528 SF
FLOOR 2: 862 SF
TOTAL: 2,390 SF



PLAN NORTH

EXISTING FLOOR PLANS

SCALE: $\frac{1}{8}" = 1'-0"$

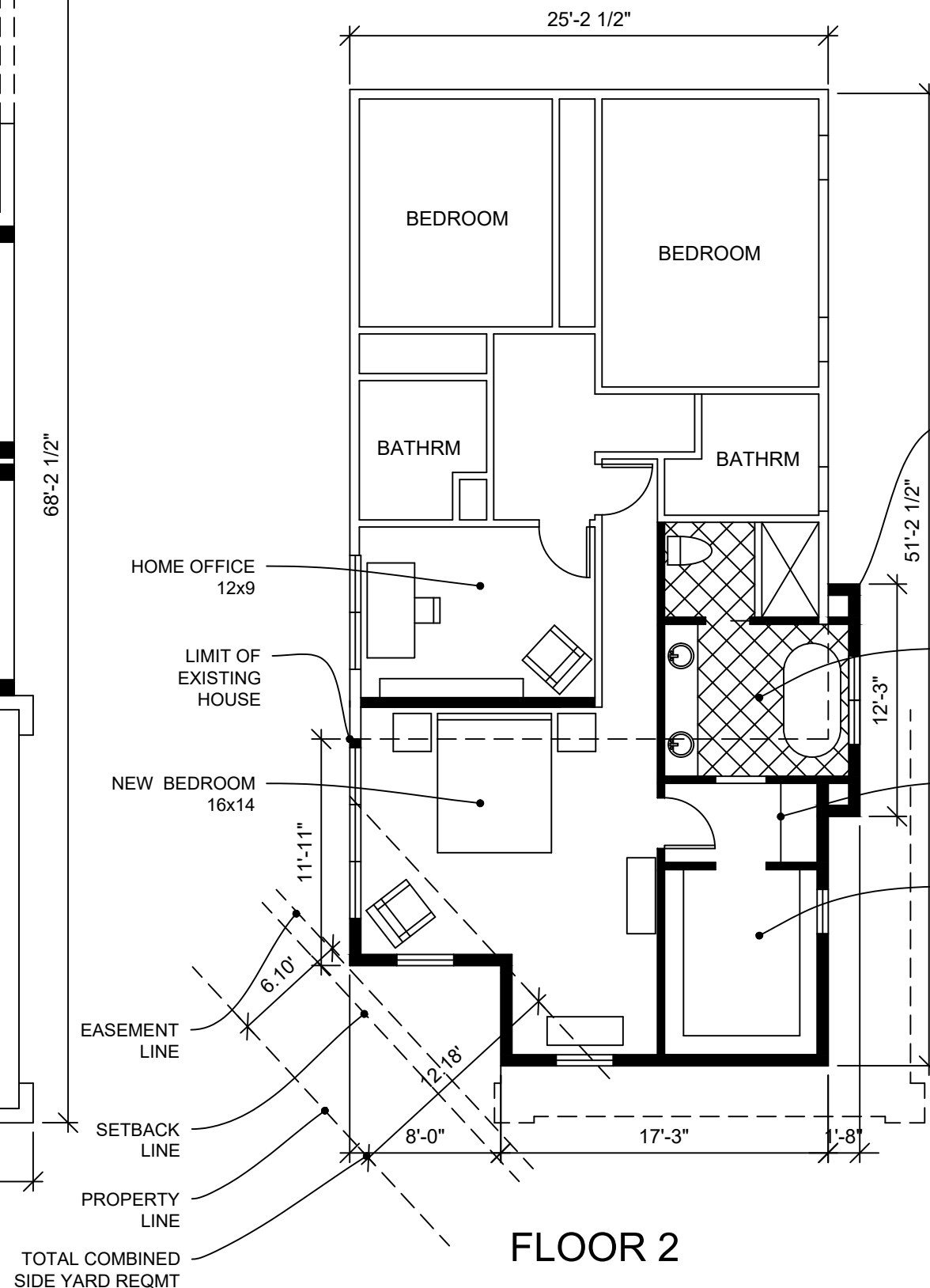
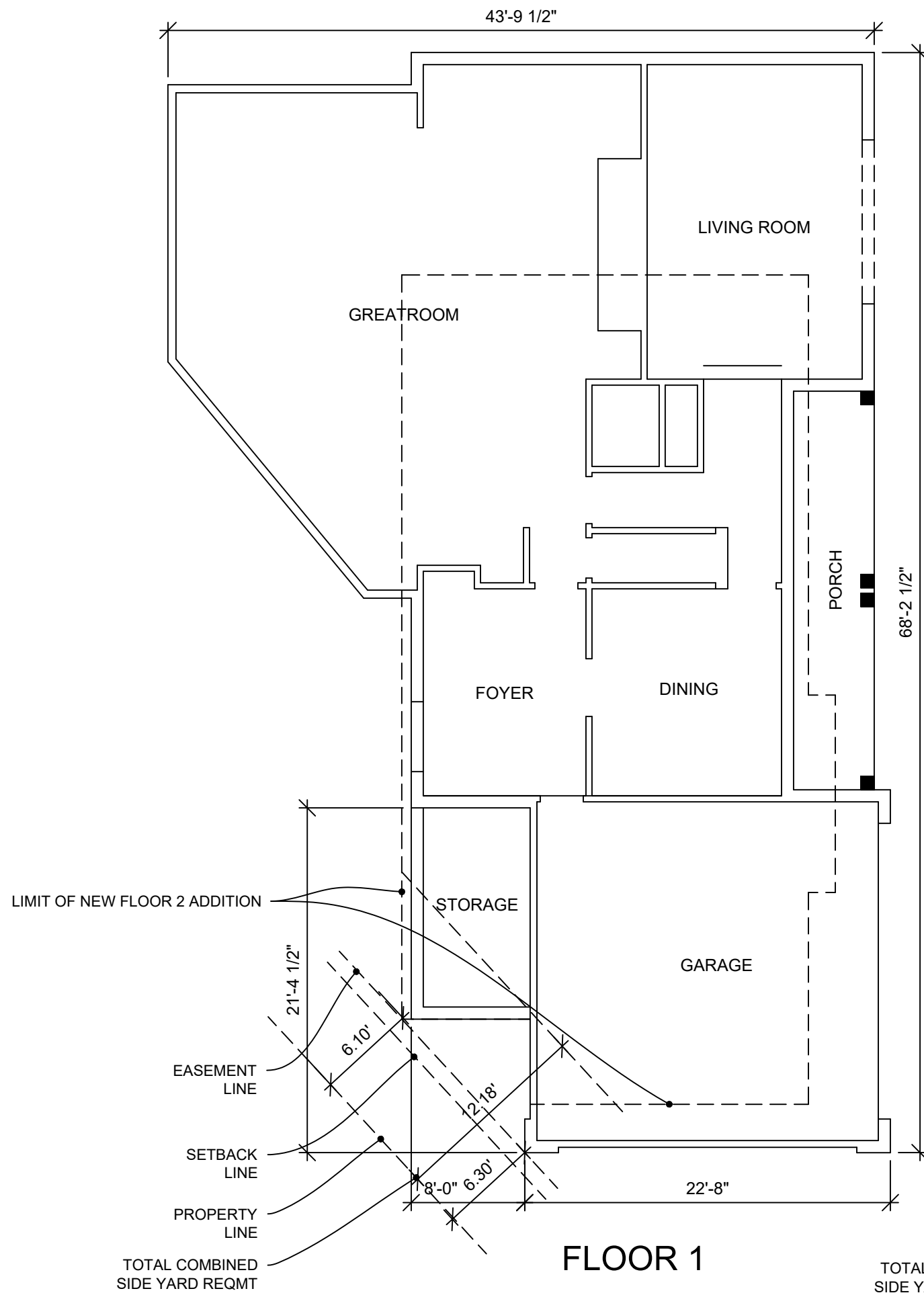
Project:
Warg Residence
1301 Fairway Drive
Birmingham, Michigan

Phase:
Zoning Variance

Date:
April 9, 2021

Sheet:

A.2



BUILDING FLOOR AREA

EXISTING
FLOOR 1: 1,528 SF
FLOOR 2: 862 SF
TOTAL: 2,390 SF

PROPOSED ADDITION
FLOOR 1: 0 SF
FLOOR 2: 389 SF
TOTAL: 389 SF

COMBINED EXISTING/NEW
FLOOR 1: 1,528 SF
FLOOR 2: 1,251 SF
TOTAL: 2,802 SF

NEW DORMER

NEW BATHROOM
(WITHIN EXISTING
BEDROOM)

NEW LINEN CLOSET

NEW CLOSET
8x9



PROPOSED
FLOOR PLANS
SCALE: 1/8"=1'-0"

Project:
Warg Residence
1301 Fairway Drive
Birmingham, Michigan

Phase:
Zoning Variance

Date:
April 9, 2021

Sheet:

A.3

815 WOODLAND MAP



CASE DESCRIPTION

815 Woodland(21-23)

Hearing date: May 11, 2021

Appeal No. 21-23: The owner of the property known 815 Woodland, requests the following variances to construct an addition to an existing non-conforming garage:

- A. Chapter 126, Article 4.03(G)** of the Zoning Ordinance limits the maximum eave height on accessory structures shall not exceed 12.00 feet. The proposed is 20.33 feet. Therefore; a variance of 8.33 feet is being requested.
- B. Chapter 126, Article 4.03(H)** of the Zoning Ordinance limits the maximum area of the first floor of any accessory structure in an R2 Zone district is 550 square feet. The existing and proposed is 564. Therefore a variance of 14 square feet is being requested.
- C. Chapter 126, Article 4.03(J)** of the Zoning Ordinance requires that dormers on accessory structures are limited to 50% or less of the width of the roof per elevation or 10.00 foot interior dimension, whichever is greater. The proposed is 100% of the roof width. Therefore; a variance of 50% is being requested.

Staff Notes: The existing detached structure footprint exceeds the allowable square footage permitted. The proposed renovation to the existing structure exceeds the eave height and the dormer width permitted.

This property is zoned R2 – Single Family Residential.

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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 2021/04/12

Received By: BM

Hearing Date: 5-11-21

Appeal #: 21-23

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

I. PROPERTY INFORMATION:

Address: 815 Woodland Street	Lot Number:	Sidwell Number:
-------------------------------------	-------------	-----------------

II. OWNER INFORMATION:

Name: William David and Kishna Sharif Tarver			
Address: 815 Woodland Street	City: Birmingham	State: MI	Zip code: 48009
Email: davidtarver@gmail.com		Phone: 248-495-4888	

III. PETITIONER INFORMATION:

Name: William David Tarver	Firm/Company Name:		
Address: 815 Woodland Street	City: Birmingham	State: MI	Zip code: 48009
Email: davidtarver@gmail.com		Phone:	

IV. GENERAL INFORMATION:

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

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

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

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

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

Signature of Owner: <u>William David Tarver</u>	Date: <u>2021-04-12</u>
Signature of Petitioner: <u>William David Tarver</u>	Date: <u>2021-04-12</u>



CITY OF BIRMINGHAM
 Date 04/14/2021 11:05:27 AM
 Ref 00178975
 Receipt # 572276
 Amount \$360.00

W. David Tarver

April 12, 2021

City of Birmingham
Zoning Board of Adjustment
151 Martin Street
Birmingham, MI 48009

Dear Board Members:

My wife and I are requesting a dimensional variance for a garage renovation we are planning for our property. We are undertaking the renovation for two primary reasons:

- 1) To provide additional usable heated and air-conditioned space and storage on the garage second floor.
- 2) To accommodate solar energy collection on an inconspicuous rear roof.

While we have sought to comply with existing zoning restrictions, we seek accommodation in two specific areas.

- 1) The existing garage footprint exceeds code by 14 square feet. This was the existing condition of the structure when we purchased the home in 2017. Reducing the footprint would result in significant additional cost that would make the project untenable.
- 2) Our design employs a gable roof structure that adheres to existing height restrictions while maximizing the internal usable space on the 2nd floor. The width of the gable exceeds the 10-foot allowable dormer width specified in the ordinance, but the ordinance applies to a shed-style dormer. Such a dormer would not yield enough usable space to make the project worthwhile.

Additional points relating to the project are as follows:

- A) Our garage sits on the alley that runs between Woodland and Greenwood streets. The garage structure is not visible from any of the surrounding streets: Woodland, Greenwood, Vinewood, or Oak.
- B) A higher garage structure sits directly across the alley from our garage.
- C) Three existing dilapidated garage structures sit adjacent to the alley. These structures, while quite unattractive, are also not visible from the surrounding streets.

We have included the required variance chart on the next page. In conclusion, our garage project adheres to the spirit of the ordinance while enhancing the general appearance of the area. The project does not affect or do harm to any of the surrounding properties, nor does it in any way decrease public safety. Please feel free to contact me with any questions you may have concerning this request.

Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A, square footage	625 sq ft	639 sq ft	639 sq ft	14 sq ft
Variance B, dormer width	10 ft*	N/A	13 ft*	3 ft

* Please note that the design does not call for a “dormer” in the classical sense. The design includes another roofline, an east-facing gable, that is in addition to the north/south roofline. The gable extends across the east face of the structure, approximately 25 ft. The interior wall dimension is 13 ft. The gable allows us to maximize the usable second-floor area while adhering to the overall height restriction in the ordinance.

I have attached a few pictures for context.

Thank you for your consideration of our variance request.



W. David Tarver - resident



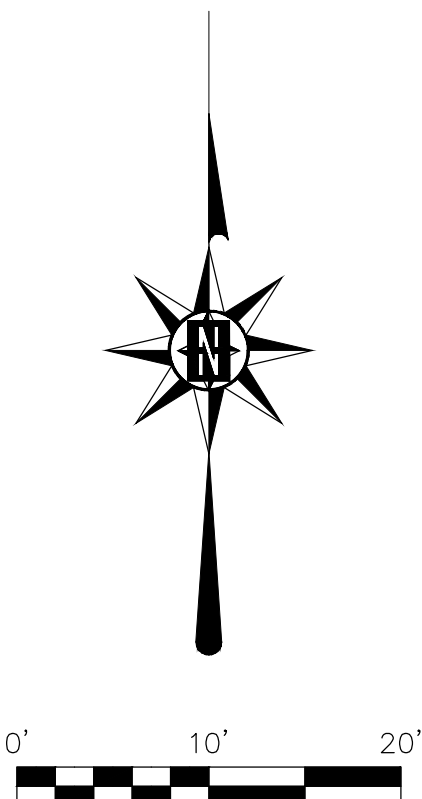
View into alley where garage structure is located from Woodland Street. Note that garage structure is not visible from this location.



View into alley where garage structure is located from Greenwood Street. Note that garage structure is not visible from this location.



In alley, looking toward Greenwood Street. Our existing garage roof is visible on the left. Note much taller existing structure directly across alley, on the right.



FUND MONUMENTATION	○
SET MONUMENTATION	●
SECTION	□
RECORD MEAS.	□
RECORD	P
RECUR	R
PROKATED DIST.	C
CALCULATED DIST.	C
PROPERTY LINE	—
SECTION LINE	—
EASEMENT LINE	—
ENCLOSURE	—
PLATTED LINE	—
FENCE LINE	—
SEWER	—
SANITARY SEWER	—
WATER MAIN	—
GAS LINE/MAIN	—
OVERHANGING LINES	—
CURB CABLE	—
BURIED CABLE	—
GAS METER	—
WATER METER	—
GAS MARKER/FLAG	—
WATER MARKER/FLAG	—
HYDRANT	—
WATER SHUT OFF	—
WATER SHUT OFF	—
WELL	—
WATER MARKER/FLAG	—
STORM MANHOLE	—
STORM BASIN	—
STORM BASIN	—
STORM OUTLET	—
SAN. MANHOLE	—
SAN. MANHOLE	—
COMM. MANHOLE	—
COMM. MANHOLE	—
COMM. MANHOLE	—
LIGHT POLE	—
TITLE POLE	—
GENERATOR	—
ELECT. METER/FLAG	—
ELECT. METER	—
GRND. WTR. MON. WELL	—
SIGN	—
COND. UNITING UNIT	—
FOUND IRON ROD	—
FOUND IRON PIPE	—
FOUND CAPPED IRON	—
FENCE CURB	—
SET CAPPED IRON	—
BACK OF CURB	—
CURB CUTTER	—
CURB CUTTER	—
HIGH POINT	—
LOW POINT	—
FINISHED GRADE	—
FINISHED GRADE	—
MATCH EX. GRADE	—
AS-BUILT MEAS.	—
POINT OF BEGIN.	—
POINT OF REV. CURVE	—
POINT OF COMP. CURVE	—
POINT OF BEGIN.	—
POINT OF BEGIN.	—
POINT OF CEMENTATION	—
EX. SPOT ELEVATION	—
EX. SPOT ELEVATION	—
DECIDUOUS TREE	—
EVERGREEN TREE	—

THERE IS NO EVIDENCE FOUND IN THE FIELD OR OF RECORD OF ANY REGULATED WETLAND, WATER COURSE WITHIN THE LIMITS OF THIS PROJECT.

THE SUBJECT PARCEL DOES NOT FALL
WITHIN THE 100 YEAR FLOODPLAIN.

ALL PROPOSED GRADING SHALL BE CONTAINED WITHIN THE PROPERTY LINES OF THIS LOT, AND SHALL NOT ENCROACH UPON ANY ADJACENT PROPERTIES

SOIL EROSION CONTROLS ARE
REQUIRED TO BE INSTALLED AROUND
THE ENTIRE PERIMETER OF SOIL
DISRUPTION PER THE TOWNSHIP.

SIDE YARD DRAINAGE SHALL NOT DRAIN ONTO ADJACENT LOTS.

OFFSITE
CITY OF BIRMINGHAM BENCHMARK # 25
THE SOUTHWEST CORNER OF GREENWOOD STREET
AND OAK AVENUE

ELEVATION = 763.883 (CITY OF BIRMINGHAM DATUM)

ONSITE
THE NORTH RIM OF A STORM MANHOLE LOCATED
30.2 FEET EAST AND 10.0 FEET NORTH OF THE
SOUTHEAST PROPERTY CORNER.

ELEVATION = 759.99 (CITY OF BIRMINGHAM DATUM)

R2 - SINGLE FAMILY RESIDENTIAL

LOT - MIN. AREA: 6,000 FT.²
 COVERAGE - MAX. TOTAL BLD.: 30%
 - MIN. OPEN SPACE: 40%
 - MAX ACC. BLD.: 550 FT.²
 ACCESSORY BLD. SETBACKS - SIDE YARD: 3 FT.
 - REAR YARD: 5 FT.
 - PRINCIPAL BLD.: 10 FT.
 ACCESSORY BLD. HEIGHT - MAX. BLD.: 15 FT.

EXISTING CONDITIONS
LOT - AREA: 8,850 FT.²
- WIDTH: 50 FT.
COVERAGE - HOUSE: 1,197 FT.²
- OVERHANG: 12 FT.²
- PORCH: 274 FT.²
- GARAGE: 639 FT.² 7.2%
- TOTAL: 2,122 FT.² 30.0%
- IMPERVIOUS: 1,595+2,122=3,717 FT.²
- OPEN SPACE: 8,850-3,717=5,133 FT.² 58%

PARCEL ID# 19-25-303-010
COMMONLY KNOWN AS: 815 WOODLAND STREET

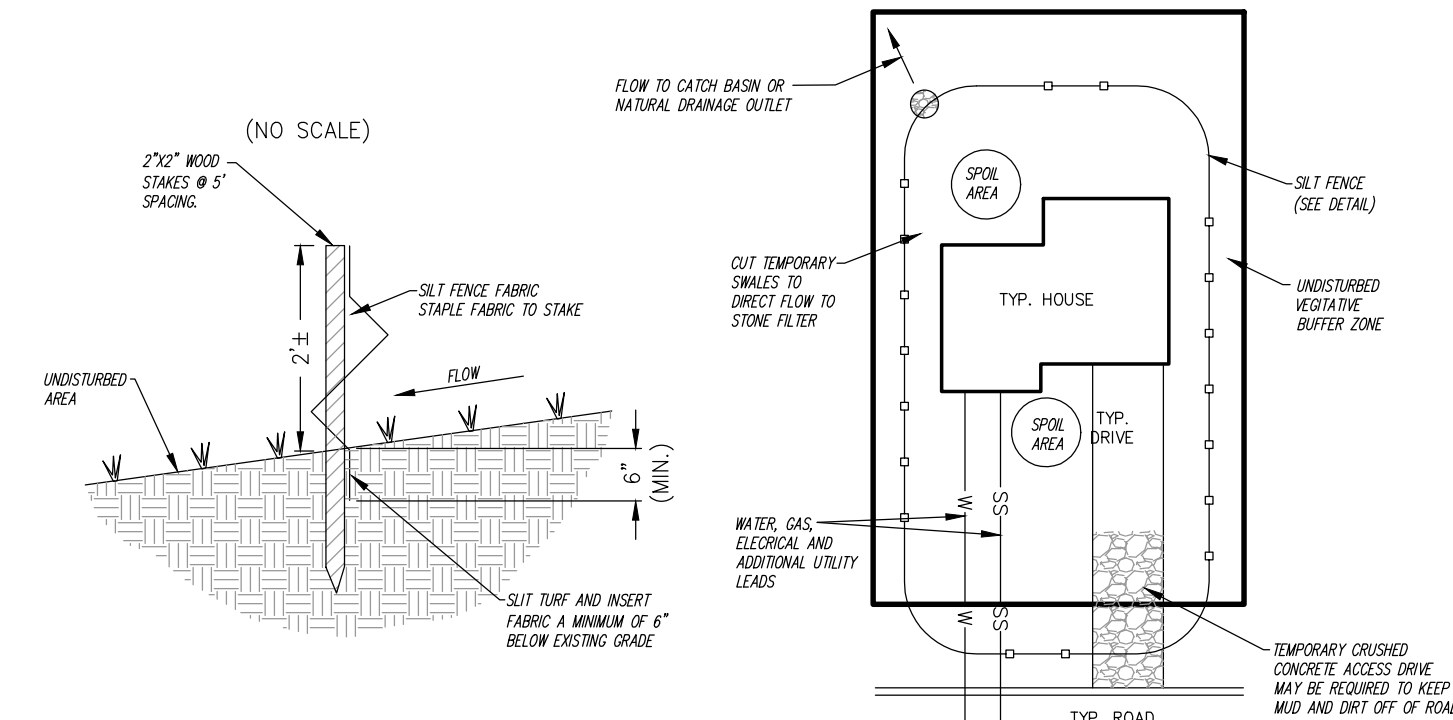
LOT 55, OF "BIRMINGHAM HEIGHTS", A SUBDIVISION OF LOT 62 OF NORTHERN ADDITION TO THE VILLAGE OF BIRMINGHAM, BEING PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 8 OF PLATS ON PAGE 1 OF OAKLAND COUNTY RECORDS, CONTAINING 0.20 ACRES OF LAND MORE OR LESS, ALSO SUBJECT TO ANY OTHER EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

FRONT & SIDE YARD VEGETATION IS REQUIRED TO BE ESTABLISHED PRIOR
TO ISSUING CERTIFICATE OF OCCUPANCY

SURFACE DRAINAGE IN NO WAY SHALL IMPACT THE ADJACENT PROPERTIES WITH A FLOODING CONDITION. SURFACE WATER SHALL BE DIVERTED TO A STORM SEWER OR OTHER APPROVED POINT OF COLLECTION SO AS NOT TO CREATE A FLOODING CONDITION

ALL CONSTRUCTION SITES ARE REQUIRED TO BE MAINTAINED IN A SAFE CONDITION AND BE PROTECTED FROM UNAUTHORIZED ENTRY. ALL EXCAVATIONS EXCEEDING 24 INCHES IN DEPTH, SUCH AS FOR BASEMENTS, CRAWL SPACES, POOLS AND SPAS MUST BE SECURED THROUGH THE USE OF 4 FT. HIGH FENCE. CONSTRUCTION TYPE FENCING WILL BE ALLOWED FOR A PERIOD NOT TO EXCEED 30 DAYS. AT SUCH TIME, SHOULD THE PERMITTED WORK STILL PHYSICALLY BE UNABLE TO BE PROTECTED AND SECURED, A CHAIN LINK FENCE IS REQUIRED TO BE INSTALLED AND MUST REMAIN IN PLACE UNTIL ITS REMOVAL HAS BEEN AUTHORIZED BY THE BUILDING OFFICIAL.

1. GEO-TEXTILE FILTER FABRIC FENCE AND TEMPORARY SWALES SHALL BE INSTALLED PRIOR TO BASEMENT EXCAVATION.
2. EXCAVATED MATERIAL WILL BE STOCKPILED BETWEEN THE EXCAVATION, THE SILT FENCE AND TEMPORARY SWALES AS SHOWN.
3. THE SEDIMENT CONTROL MEASURES WILL BE MAINTAINED, AS NEEDED, THIS WILL REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE AND THE DISTURBED AREAS ARE ESTABLISHED WITH VEGETATION.
4. DIRECT SURFACE RUNOFF TOWARDS CENTER OF SILT FENCE.
5. ALLOW OPENING IN SILT FENCE FOR CONSTRUCTION TRAFFIC.
6. PRIOR TO FINAL CERTIFICATE OF OCCUPANCY, ESTABLISH VEGETATION IN RIGHT OF WAY, SWALE AREAS, SLOPES GREATER THAN 1:5 AND 10' AROUND ANY CATCH BASINS.



NOWRY & HALE LAND SURVEYING ASSUMES NO RESPONSIBILITY FOR THE
GIVEN BUILDING DIMENSIONS. DIMENSIONS MUST BE VERIFIED BY
OWNER/BUILDER PRIOR TO CONSTRUCTION


THIS PLAN SHALL NOT BE USED TO SET FOUNDATIONS. ARCHITECTURAL
PLANS MUST BE USED FOR CONSTRUCTION OF THE FOUNDATION.

UPON ACCEPTANCE AND SUBMITTAL OF THIS PLAN FOR PERMITS, THE OWNER/BUILDER ACKNOWLEDGES HE HAS REVIEWED THE PLAN, AND THAT IT MEETS THE ESTABLISHED REQUIREMENTS.

APPROVAL OF THE SITE PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL CODES AND ORDINANCES THAT SHALL APPLY.

SETBACKS SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM THE MUNICIPALITY. ANY DEED OR SPECIAL RESTRICTIONS- (I.E. SUBDIVISION RESTRICTIONS, HOUSE SIZE, BUILDING LOCATION ECT.) MUST BE SUPPLIED TO NOWRY & HALE LAND SURVEYING IN WRITING WHEN SITE PLAN IS ORDERED. NOWRY & HALE LAND SURVEYING SHALL NOT BE RESPONSIBLE FOR INTERPRETING SUBDIVISION RESTRICTIONS.

UTILITY LEAD LOCATIONS ARE APPROXIMATE. AS BUILT LOCATIONS MUST BE OBTAINED FROM THE LOCAL MUNICIPALITY AND FIELD VERIFIED.

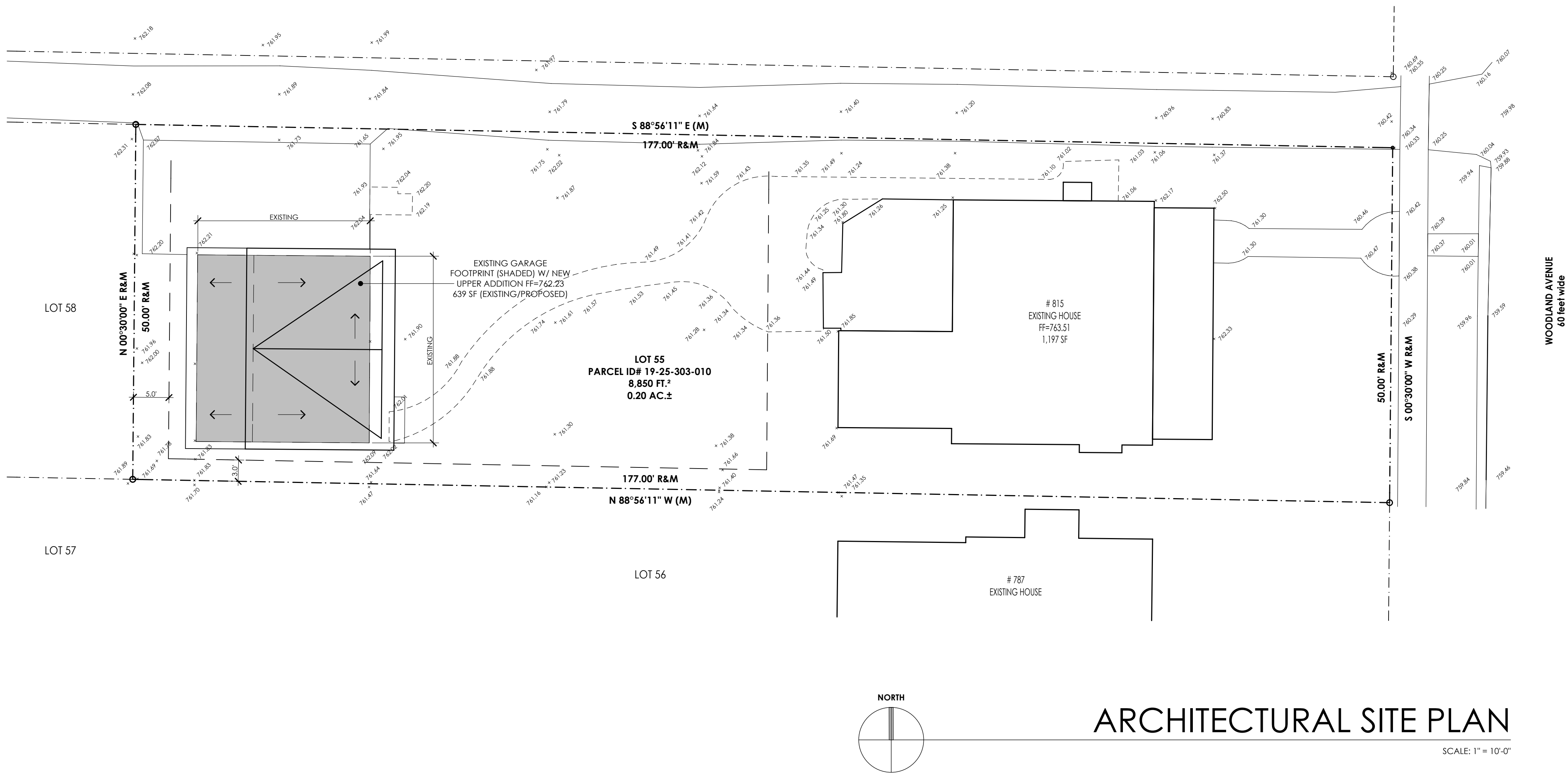
REVISIONS	Boundary & Topographic Survey			Newry & Hale Land Surveying LLC		SECTION: S.W. 1/4 Sec. 25		DATE: 02/04/20		CLIENT:		I, Michael J. Nowry, a Professional Surveyor in the State of Michigan do hereby Certify that the parcel of land described and delineated herein has been surveyed under my supervision, that the plot herein is a true representation of the survey as performed, that the error of closure is no greater than 1 in 5000 and that I have fully complied with the requirements of Sections 3, Public Act 132 of 1970.		Michael J. Nowry Professional Surveyor # 52472	
	LOT 55, OF "BIRMINGHAM HEIGHTS", BEING PART OF THE S.W. 1/4 SEC. 25, T.2N., R.10E., CITY OF BIRMINGHAM, OAKLAND CO., MICH.			152 N. Main St., Suite D, Plymouth, MI 48170 Office: (734)446-5501 Email: newry@nhsllc.com		TN./R.O.E.: 2N./10E. CITY/TWP.: Birmingham COUNTY: Oakland		PROJ. #: 020-008 DWG. BY: VP/JCP 1 INCH = 10 FEET		David Tanner 315 Woodland Street Birmingham, MI 48009 PAGE # 1 OF 9					

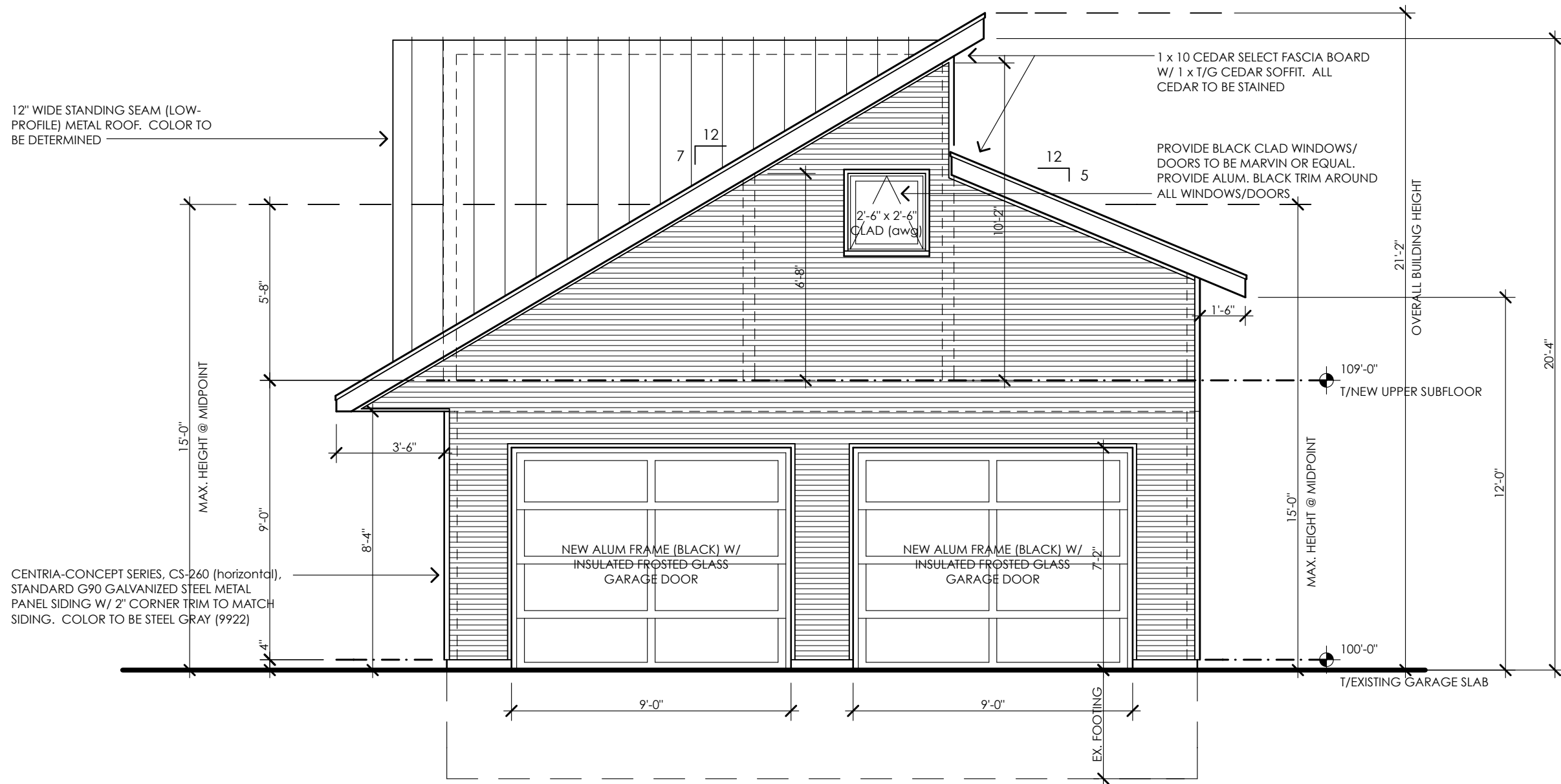
TARVER: GARAGE/STUDIO

815 WOODLAND STREET
BIRMINGHAM, MICHIGAN

ARCHITECTURAL SHEET INDEX:

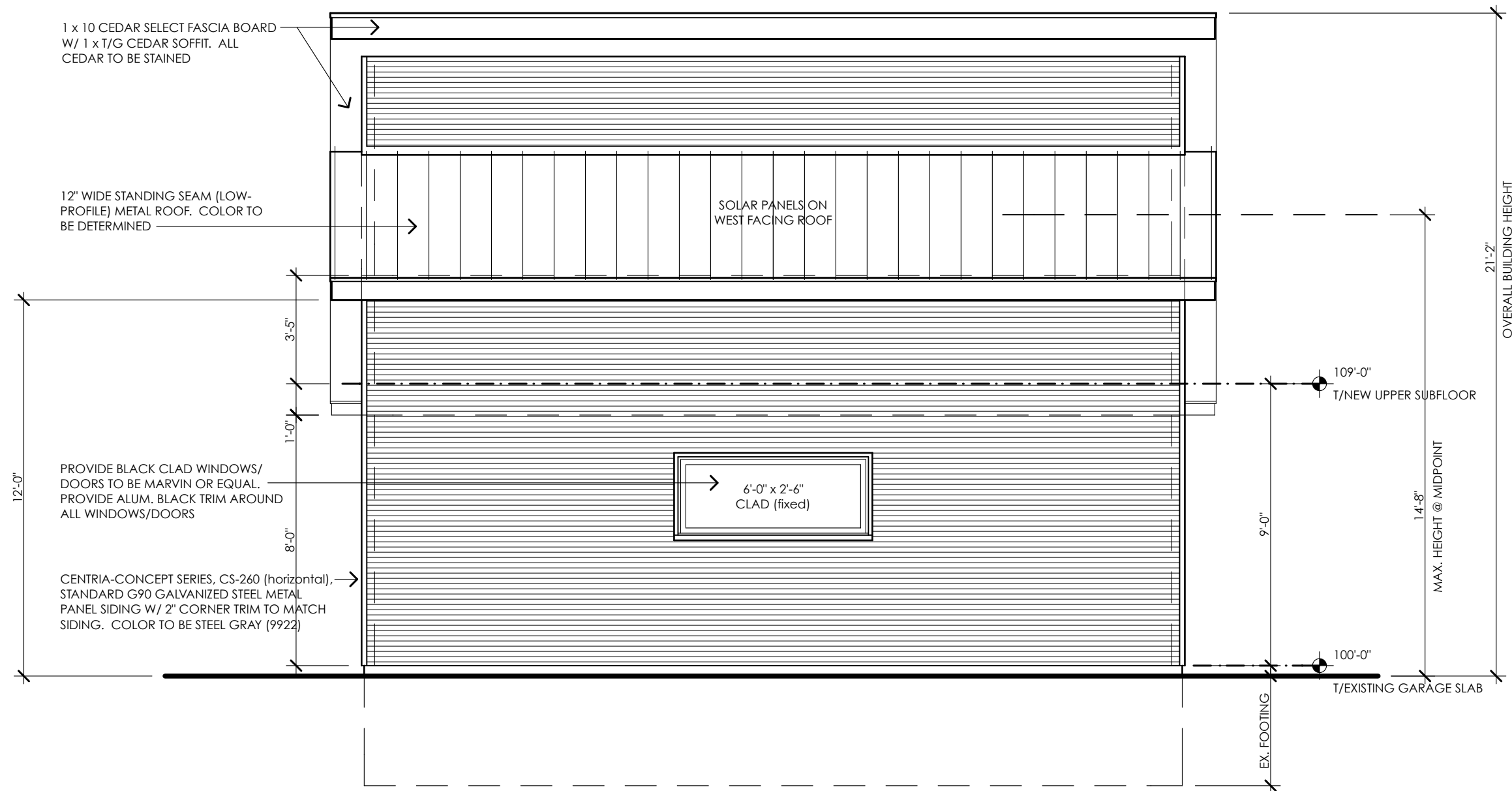
ARCHITECTURAL SITE PLAN	AS00
TOPOGRAPHIC SURVEY	
MAIN FLOOR + CEILING/LIGHTING PLAN	A101
UPPER FLOOR + CEILING/LIGHTING PLAN	A102
EXTERIOR ELEVATIONS	A200





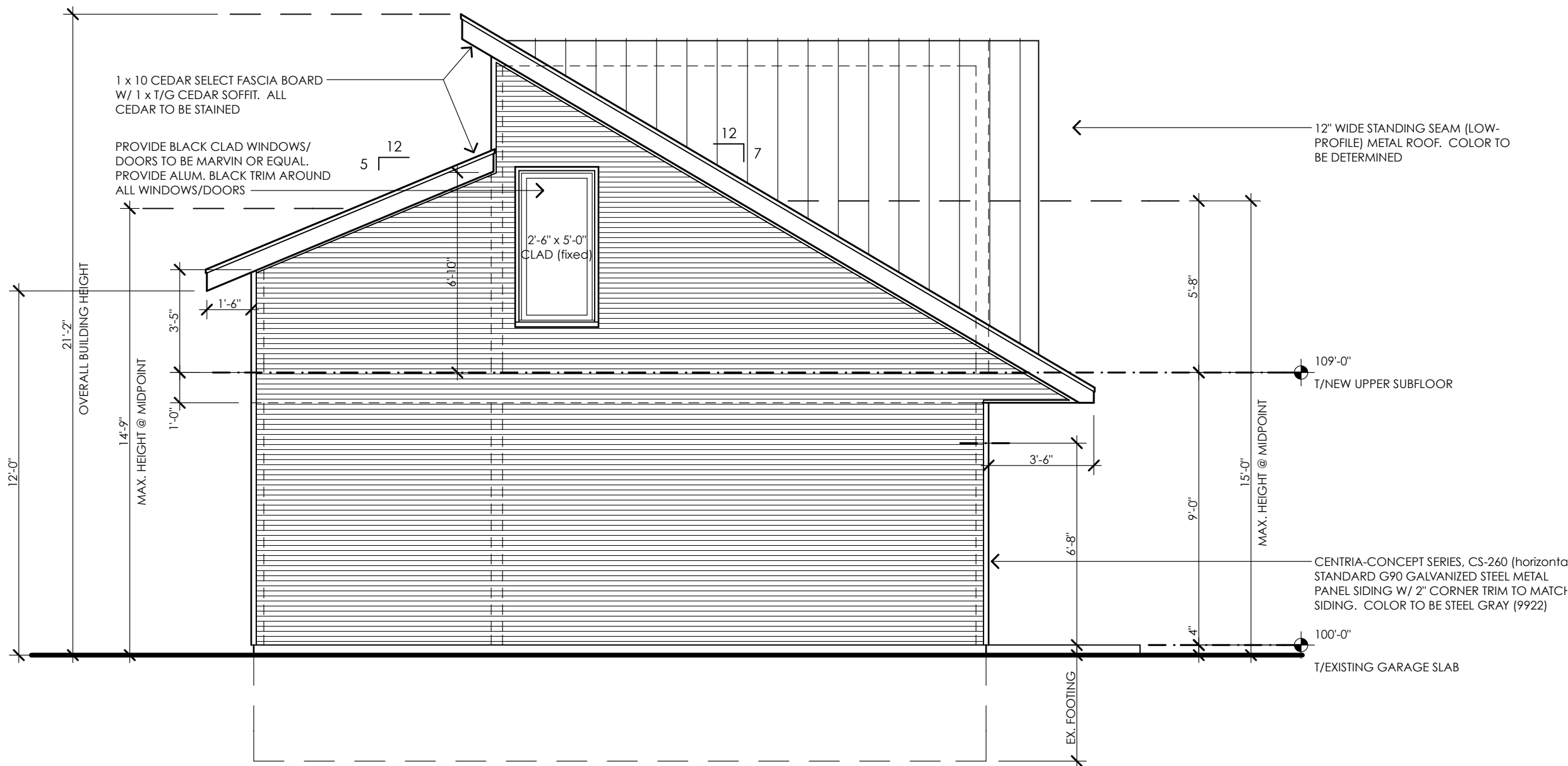
NORTH ELEVATION

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



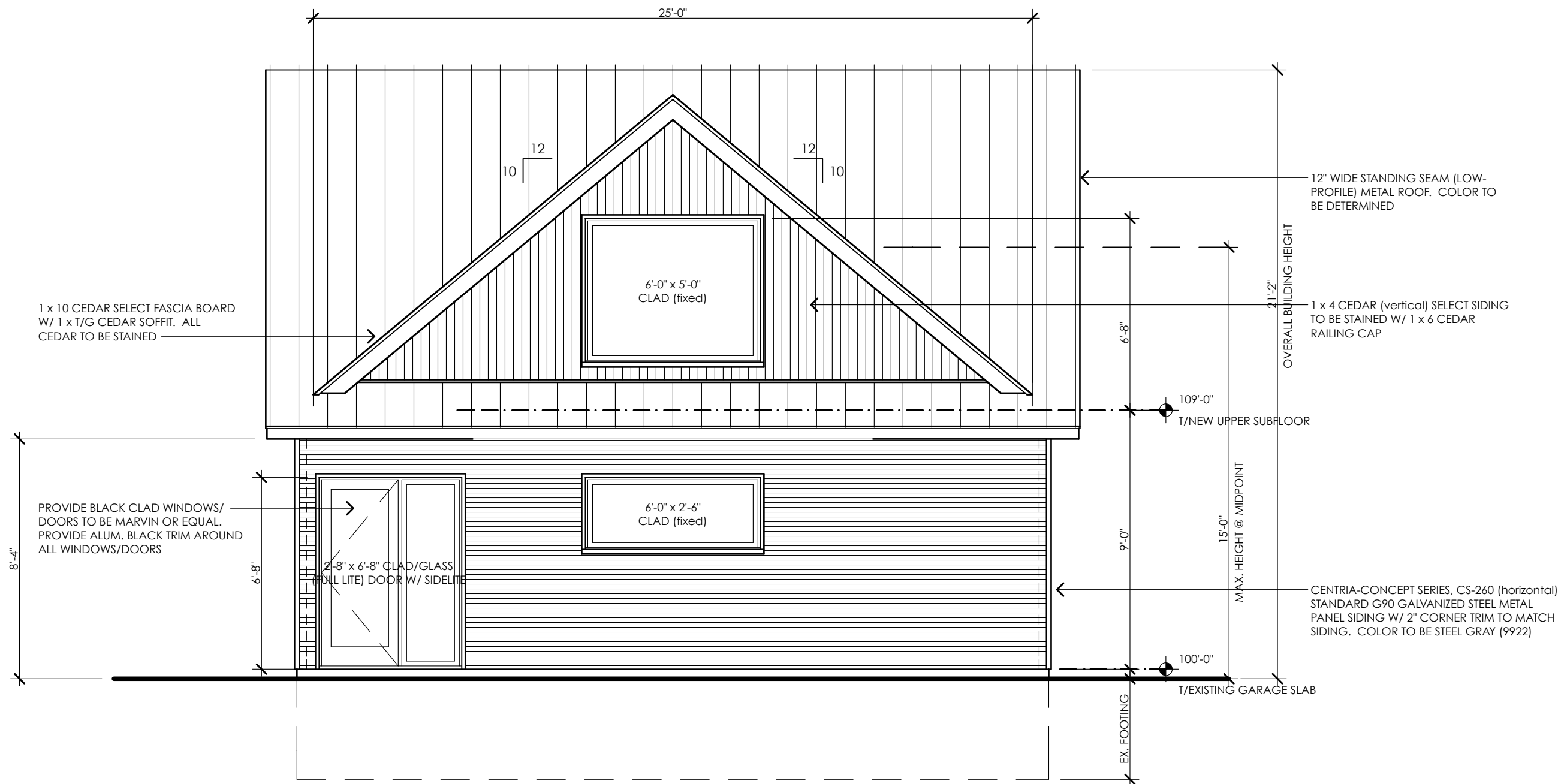
WEST ELEVATION

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



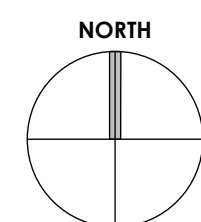
SOUTH ELEVATION

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

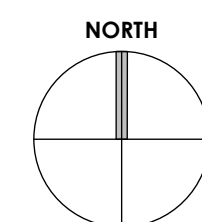


EAST ELEVATION

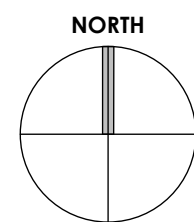
SCALE: 1/4" = 1'-0"



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

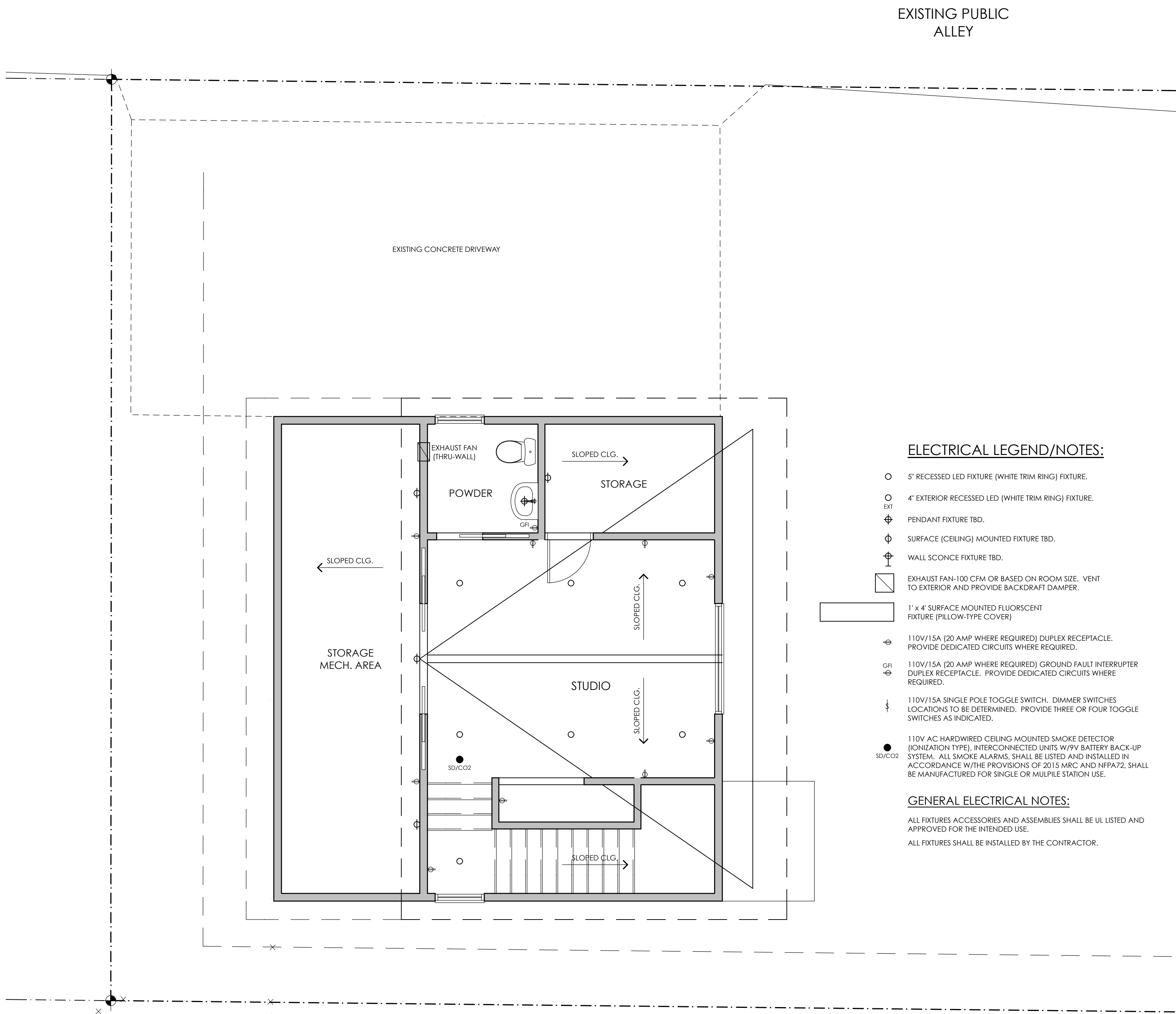


SCALE: 1/4" = 1'-0"



UPPER CEILING/LIGHTING PLAN

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

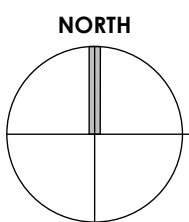


ELECTRICAL LEGEND/NOTES:

- 5" RECESSED LED FIXTURE (WHITE TRIM RING) FIXTURE.
- 4" EXTERIOR RECESSED LED (WHITE TRIM RING) FIXTURE.
- PENDANT FIXTURE TBD.
- SURFACE (CEILING) MOUNTED FIXTURE TBD.
- WALL SCONCE FIXTURE TBD.
- EXHAUST FAN-100 CFM OR BASED ON ROOM SIZE. VENT TO EXTERIOR AND PROVIDE BACKDRAFT DAMPER.
- 1' x 4' SURFACE MOUNTED FLUORESCENT FIXTURE (PILLOW-TYPE COVER)
- 110V/15A (20 AMP WHERE REQUIRED) DUPLEX RECEPTACLE. PROVIDE DEDICATED CIRCUITS WHERE REQUIRED.
- 110V/15A (20 AMP WHERE REQUIRED) GROUND FAULT INTERRUPTER DUPLEX RECEPTACLE. PROVIDE DEDICATED CIRCUITS WHERE REQUIRED.
- 110V/15A SINGLE POLE TOGGLE SWITCH. DIMMER SWITCHES LOCATIONS TO BE DETERMINED. PROVIDE THREE OR FOUR TOGGLE SWITCHES AS INDICATED.
- 110V A/C HARDWIRED CEILING MOUNTED SMOKE DETECTOR (IONIZATION TYPE). INTERCONNECTED UNITS W/9V BATTERY BACK-UP SYSTEM. ALL SMOKE ALARMS SHALL BE LISTED AND INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF 2015 IMC AND NFPA72. SHALL BE MANUFACTURED FOR SINGLE OR MULTIPLE STATION USE.

GENERAL ELECTRICAL NOTES:

ALL FIXTURES ACCESSORIES AND ASSEMBLIES SHALL BE UL LISTED AND APPROVED FOR THE INTENDED USE.
ALL FIXTURES SHALL BE INSTALLED BY THE CONTRACTOR.



UPPER FLOOR PLAN

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

