

City of Birmingham
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, MAY 10, 2022

7:30 PM

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

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

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

MAY 10, 2022
7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

a) Michigan and Oakland County are at a substantial rate of COVID-19 community transmission. Per Occupational Safety and Health Administration (OSHA) mask guidance for areas of high or substantial community transmission levels, and to continue to protect essential government operations and functions, the city requires masks in City Hall for all employees, and for board and commission members. Masks are recommended for members of the public who attend city meetings. The city continues to provide KN-95 respirators for all in-person meeting attendees.

4. APPROVAL OF THE MINUTES

a) April 12, 2022

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	525 W MERRILL	SURNOW	22-14	DIMENSIONAL
2)	500 ARLINGTON	SWEENEY	22-15	DIMENSIONAL
3)	2225 E FOURTEEN MILE RD	OUR SHEPHERD LUTHERAN	22-16	DIMENSIONAL
4)	1061 FOREST	GREEN/EARLS	22-18	DIMENSIONAL
5)	36877 WOODWARD	ROMEO PLANK PROPERTIES	22-19	DIMENSIONAL
6)	201 SOUTHFIELD	CREATIVE BRICK	22-20	DIMENSIONAL

6. CORRESPONDENCE

7. GENERAL BUSINESS

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

ADJOURNMENT

Title VI

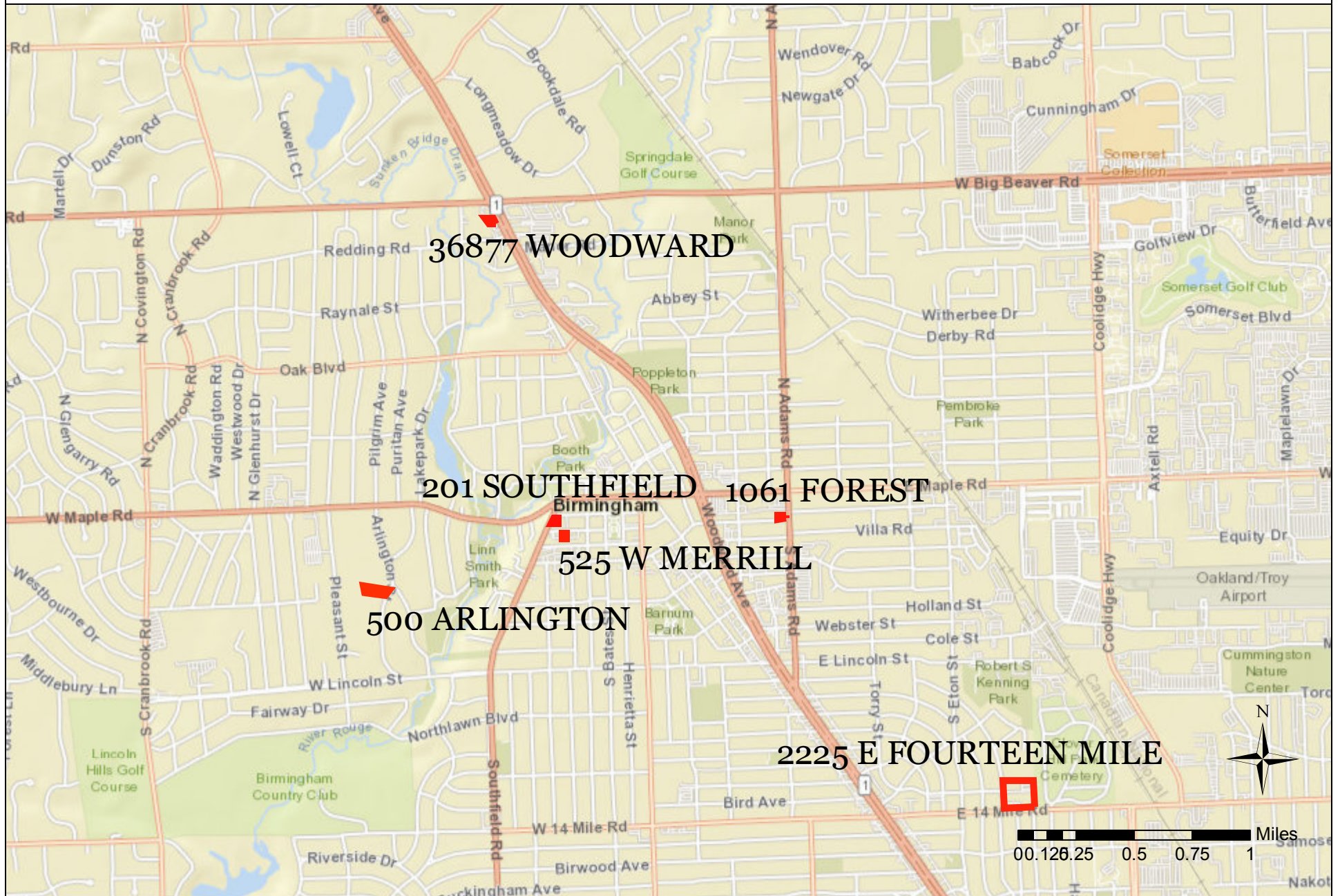
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

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

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

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

MAY BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
Tuesday, April 12, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, April 12, 2022. Chair Charles Lillie convened the meeting at 7:30 p.m.

2. Rollcall

Present: Chair Charles Lillie; Board Members Jason Canvasser, Kevin Hart, John Miller, Erik Morganroth, Ron Reddy, Pierre Yaldo

Absent: None

Administration:

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

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

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

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

3. Announcements

Per the CDC, COVID-19 Community Level for Oakland County is currently Low. The City continues to recommend the public wear masks while attending city meetings. These precautions are recommended while risks for COVID-19 transmission remain from new variants. All City

employees, commissioners and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. The City continues to provide KN-95 respirators for all in-person meeting attendees.

BO Johnson introduced Heather Tolliver, a City employee who would be assisting with BZA correspondence moving forward.

T# 04-13-22

4. Approval Of The Minutes Of The BZA Meetings Of March 8, 2022

On page one, Mr. Canvasser recommended that 'interested in having' be replaced with 'agreed to have'.

Motion by Mr. Morganroth

Seconded by Mr. Reddy to accept the Minutes of the BZA meeting of March 8, 2022 as amended.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Lillie

It was noted by Mr. Canvasser and BO Johnson that Board members were now permitted to vote on meeting minutes even if they were absent from said meeting.

5. Appeals

T# 04-14-22

**1) 1748 Stanley
Appeal 22-08**

ABO Zielke presented the item, explaining that the owner of the property known as 1748 Stanley was requesting the following variance to construct a new detached garage:

A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal residential building on an adjoining lot than the sum of the minimum required side setbacks. The required is 14.00 feet. The proposed is 10.80 feet. Therefore; a variance of 3.20 feet is being requested.

Bruce Bloomingdale, representative for the builder, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Mr. Morganroth, Mr. Bloomingdale said the angle in the foundation was included in order to make a vehicle's entry into the garage easier.

In reply to Mr. Miller, Mr. Bloomingdale said the petitioner did not bring the request to the BZA earlier because the petitioner has generally avoided seeking variances. Mr. Bloomingdale said the petitioner became aware of a recent, similar variance that was granted to a different petitioner and consequently thought it might be worthwhile to request a variance in this case.

Motion by Mr. Hart

Seconded by Mr. Morganroth with regard to Appeal 22-08, A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal residential building on an adjoining lot than the sum of the minimum required side setbacks. The required is 14.00 feet. The proposed is 10.80 feet. Therefore; a variance of 3.20 feet is being requested.

Mr. Hart moved to approve the variance and tied the approval to the plans as submitted. He said the appellant adequately described how the lot's circumstances impacted the petitioner's ability to build a two-vehicle garage. Mr. Hart noted that the dimensions of the proposed garage would still be austere and challenging. He said the diagonal cut out of the southwest corner of the house showed evidence of the petitioner's attempts to mitigate the extent of the variance request. He stated that strict compliance with the ordinance would make this lot unnecessarily difficult to navigate. Mr. Hart noted that no fire code issue would arise from granting the variance, that granting the variance would do substantial justice to the petitioner and the neighbors, and that the problem was not self-created. He concluded that easements with DTE are often difficult to determine since they are different for each property.

Mr. Morganroth concurred with Mr. Hart that even with the variance and the diagonal cut in the southwest corner of the house the garage would remain challenging to use. He said the petitioner demonstrated a practical difficulty, showed how the previous plans were inadequate, and showed how this variance was necessary. He said he was supporting the motion for those reasons.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 04-15-22

**2) 1687 Quarton
Appeal 22-09**

ABO Zielke presented the item, explaining that the owner of the property known as 1687 Quarton was requesting the following variances to construct a new home with attached garages with an existing accessory structure:

A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 70.00 feet. The proposed setback for the home is 48.50 feet; therefore, a variance of 21.50 feet is being requested.

B. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the front open space. The required front open space is 38.00 feet. The existing accessory structure is 36.90 feet. Therefore, a variance of 1.10 feet is being requested.

C. Chapter 126, Article 4.03(H) of the Zoning Ordinance requires the maximum area of an accessory structure of 600.00 SF (R1 Zone) and an additional 75 SF is permitted for an interior stairway. The required is 675.00 SF. The existing and proposed is 688.60 SF. Therefore, a variance of 13.60 SF is requested.

Adam Speck, owner, reviewed the letter describing why these variances was being sought. The letter was included in the evening's agenda packet. He added that a number of neighbors were supportive of his request.

In reply to Chair Lillie, Mr. Speck said that if he were to shrink the house to minimize the variance request it would result in approximately a quarter acre of unusable lot space.

Public Comment

David Bozynski, neighbor to the east, spoke against the requested variances with a specific focus on the proposed encroachment into the Quarton-side setback. He said it would be detrimental to his views from his side porch.

In reply to Mr. Canvasser, Mr. Speck said that using the south and southeast areas of the property as a play area would be difficult because of the grade change. He also said that area was less large than the north area of the property.

Chair Lillie noted that while neighbors are welcome to comment on variance requests, the BZA grants or denies variance requests based on whether the petitioner adequately demonstrates a practical difficulty.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 22-09, A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 70.00 feet. The proposed setback for the home is 48.50 feet; therefore, a variance of 21.50 feet is being requested; B. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the front open space. The required front open space is 38.00 feet. The existing accessory

structure is 36.90 feet. Therefore, a variance of 1.10 feet is being requested; and, C. Chapter 126, Article 4.03(H) of the Zoning Ordinance requires the maximum area of an accessory structure of 600.00 SF (R1 Zone) and an additional 75 SF is permitted for an interior stairway. The required is 675.00 SF. The existing and proposed is 688.60 SF. Therefore, a variance of 13.60 SF is requested.

Mr. Miller moved to approve the variances and tied the approval to the plans as submitted. He said that the reorientation of the house to face Chesterfield resulted in the existing garage being outside of the building envelope. He said he did not find the extant garage objectionable. He found that the unique circumstances of the property, combined with the reasonable request to reorient the house, were causing the issues being face by the petitioner. Mr. Miller stated that strict compliance with the ordinance would be unnecessarily burdensome and would require the petitioner to tear down the garage.

Mr. Reddy said that strict compliance with the ordinance in this case would not unreasonably prevent the petitioner from using the property. While he understood the desire to preserve the garage, in building a new home Mr. Reddy said it was incumbent upon the petitioner to also give consideration to the zoning requirements. He said he would not be supporting the motion.

Mr. Canvasser said he would not support the motion either. He praised the design, and said it would be an asset to the neighborhood if it was moved to better align with the ordinance. He said the topography remains consistent throughout the building envelope and would allow for the building of the proposed home if the extant garage is moved. He said the petitioner had an issue with self-creation that was not overcome.

Chair Lillie said that while he had no issue with the garage, there had been no showing by the petitioner that the house had to extend as far north as proposed. He said he had a problem more specifically with variance A. He said he would not vote to support the motion.

Mr. Morganroth expressed praise for the home's layout. He continued that the second two car garage could be designed smaller, which would help mitigate the variance requests. He said not doing so showed that the proposed plans represented an ideal scenario, not an attempt to resolve a practical difficulty. He said at minimum there could be a three-foot reduction in the variance request just by making the garages the same size.

Motion failed, 2-5.

ROLL CALL VOTE

Yeas: Miller, Hart

Nays: Morganroth, Canvasser, Reddy, Yaldo, Lillie

Chair Lillie advised the petitioner that he could return with another request if the subsequent request represented a substantial change from the previous variance request.

T# 04-16-22

**3) 633 W Frank
Appeal 22-10**

ABO Zielke presented the item, explaining that the owner of the property known as 633 W Frank was requesting the following variance to place A/C units in the required side yard:

A. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the side open space. There are three new A/C units located in the side open space. Therefore, a variance to have A/C units in the side open space is requested.

David Popelier, contractor, reviewed the letter describing why these variances was being sought. The letter was included in the evening's agenda packet.

In reply to Chair Lillie, Mr. Popelier said that the initial error in placement resulted from either the architect or the mechanical engineer. Mr. Popelier confirmed that once construction was started he was notified that there was an error in the placement of the A/C units.

In reply to Mr. Morganroth, Mr. Popelier said he did not realize there was an issue until notified because he had some confusion about the allowances for a regular side yard and the prohibitions in a required side yard. He said he was aware that many properties in the City have A/C units in the regular side yard, and did not realize that these proposed A/C units would be located in the required side yard in this case.

In reply to Mr. Canvasser, Mr. Popelier said he had been unable to source A/C units from his preferred manufacturer that would have more than an 80 foot run. He explained that if he had to place the A/C units in an ordinance-allowed area the run would be just over 100 feet and would not take into account where the furnace room is in relation to the outside wall.

In reply to Board inquiry, Mr. Popelier confirmed there would be five total A/C units.

In Board discussion, Messrs. Miller and Morganroth noted two potential areas where the requested three A/C units could be located that would comply with the ordinance.

Motion by Mr. Reddy

Seconded by Mr. Miller with regard to Appeal 22-10, A. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the side open space. There are three new A/C units located in the side open space. Therefore, a variance to have A/C units in the side open space is requested.

Mr. Reddy moved to deny the variance. He said that strict compliance with the ordinance would not unreasonably prevent the petitioner from using his property for its permitted purposes.

Mr. Miller added there were ordinance-compliant options that would also have the benefit of not negatively impacting the neighbor to the west. He said the size of the lot, the fact that it would be new construction, and the availability of options compelled him to support Mr. Reddy's motion.

Mr. Canvasser said he would support the motion as well, noting that initially only three A/C units were included in the plans and that there were options for placement that would comply with the ordinance. He said the petitioner did not surmount the self-creation issue and so the variances were not justified in this case.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 04-17-22

**4) 270 S Glenhurst
Appeal 22-12**

ABO Zielke presented the item, explaining that the owner of the property known as 270 S Glenhurst was requesting the following variances to construct a second floor addition to an existing non-conforming home:

A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires a minimum rear yard setback of 30.00 feet. The existing and proposed is 22.60 feet. Therefore; a variance of 7.40 feet is being requested.

B. Chapter 126, Article 4.75 (A)1 of the Zoning Ordinance requires that a private attached, single family residential garage must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of a principal residential building that is furthest setback from the front property line. The existing and proposed is 2.86 feet behind the garage. Therefore; a variance of 7.68 feet is being requested.

C. Chapter 126, Article 4.75 (A)2 of the Zoning Ordinance requires garage doors on an attached garage which are facing a street may not exceed 9.00 feet in width. The existing and proposed is 18.00 feet. Therefore; a variance of 9.00 feet is being requested.

D. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots be 14.00 feet or 25% of the total lot width whichever is larger. The required is 28.28 feet. The existing and

proposed is 25.39 feet on the south side. Therefore; a variance of 2.89 feet is being requested.

Joseph Brown, representative for the petitioner, reviewed the letter describing why these variances was being sought. The letter was included in the evening's agenda packet.

In reply to Mr. Morganroth, Mr. Brown said he was not opposed to maintaining 18 inches between the two garage doors.

In reply to a question from Mr. Canvasser, BO Johnson stated that if the Board chose not to approve variance C Staff could handle variance C's omission during the review process.

Motion by Mr. Canvasser

Seconded by Mr. Morganroth with regard to Appeal 22-12, A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires a minimum rear yard setback of 30.00 feet. The existing and proposed is 22.60 feet. Therefore; a variance of 7.40 feet is being requested; B. Chapter 126, Article 4.75 (A)1 of the Zoning Ordinance requires that a private attached, single family residential garage must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of a principal residential building that is furthest setback from the front property line. The existing and proposed is 2.86 feet behind the garage. Therefore; a variance of 7.68 feet is being requested; and, D. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots be 14.00 feet or 25% of the total lot width whichever is larger. The required is 28.28 feet. The existing and proposed is 25.39 feet on the south side. Therefore; a variance of 2.89 feet is being requested.

Mr. Canvasser moved to approve variances A, B, and D and tied their approval to the plans as submitted with an exception depending on the outcome of Variance C. He noted that if the petitioner chose to create two garage doors, that exception to the plans should be approved at the City level. He continued that 270 S. Glenhurst is an existing non-conforming home, and that none of the non-conformities would be exacerbated by the requested variances. He praised the design, noted that the home would remain within its current footprint, and said it would do substantial justice to the neighborhood. He stated that there were practical difficulties due to some unique circumstances.

Mr. Miller offered support for the motion, stating that the surrounding properties would experience no negative impacts from the granting of the three variances.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Canvasser

Seconded by Mr. Reddy with regard to Appeal 22-12, C. Chapter 126, Article 4.75 (A)2 of the Zoning Ordinance requires garage doors on an attached garage which are facing a street may not exceed 9.00 feet in width. The existing and proposed is 18.00 feet. Therefore; a variance of 9.00 feet is being requested.

Mr. Canvasser moved to deny variance C. He noted the petitioner expressed willingness to comply with this aspect of the ordinance.

Mr. Yaldo said the BZA had not heard whether compliance with the ordinance would pose a practical difficulty, and asked the petitioner to comment.

Mr. Brown said they would work with their structural engineer and the City to comply with this aspect of the ordinance, and would come back to the Board if they found that compliance posed a practical difficulty.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 04-18-22

**5) 1563 Lakeside
Appeal 22-13**

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

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

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

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

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

Motion by Mr. Hart

Seconded by Mr. Canvasser with regard to Appeal 22-13, A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested; B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested; and, C. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

Mr. Hart moved to approve the variances and tied approval to the plans as submitted. He noted that while the petitioner updated the design, the petitioner still faced the same conditions in this submittal as in an earlier, approved submittal. He said the same reasons for granting the variances in February 2022 remained true presently.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

6. Correspondence

A letter regarding Appeal 22-10 was provided to the BZA and to the petitioner.

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

None.

T# 04-19-22

8. Election of Chair and Vice-Chair

Mr. Hart nominated Mr. Morganroth to serve as Chair. Chair Lille then nominated Mr. Canvasser to serve as Chair.

Each nominee spoke briefly about his proposed approach to serving as Chair.

The Board decided that whoever received the most votes would serve as Chair, with the runner-up serving as Vice-Chair.

A vote on Mr. Morganroth's nomination was held first. The outcome led to Mr. Morganroth being appointed as Chair and Mr. Canvasser being appointed as Vice-Chair.

Nomination by Mr. Hart:

To appoint Erik Morganroth as the Chair of the Board of Zoning Appeals.

Motion carried, 5-2.

ROLL CALL VOTE

Yeas: Miller, Hart, Morganroth, Yaldo, Lillie

Nays: Canvasser, Reddy

T# 04-20-22

8. Adjournment

Motion by Chair Morganroth

Seconded by Vice-Chair Canvasser to adjourn the April 12, 2022 BZA meeting at 9:23 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Bruce R. Johnson, Building Official



Laura Eichenhorn

City Transcriptionist

CASE DESCRIPTION

525 W Merrill (22-14)

Hearing date: May 10, 2022

Appeal No. 22-14: The owner of the property known as 525 W Merrill requests the following variance to install a sign for a legal nonconforming commercial use in an R8 Attached Single Family residential zone:

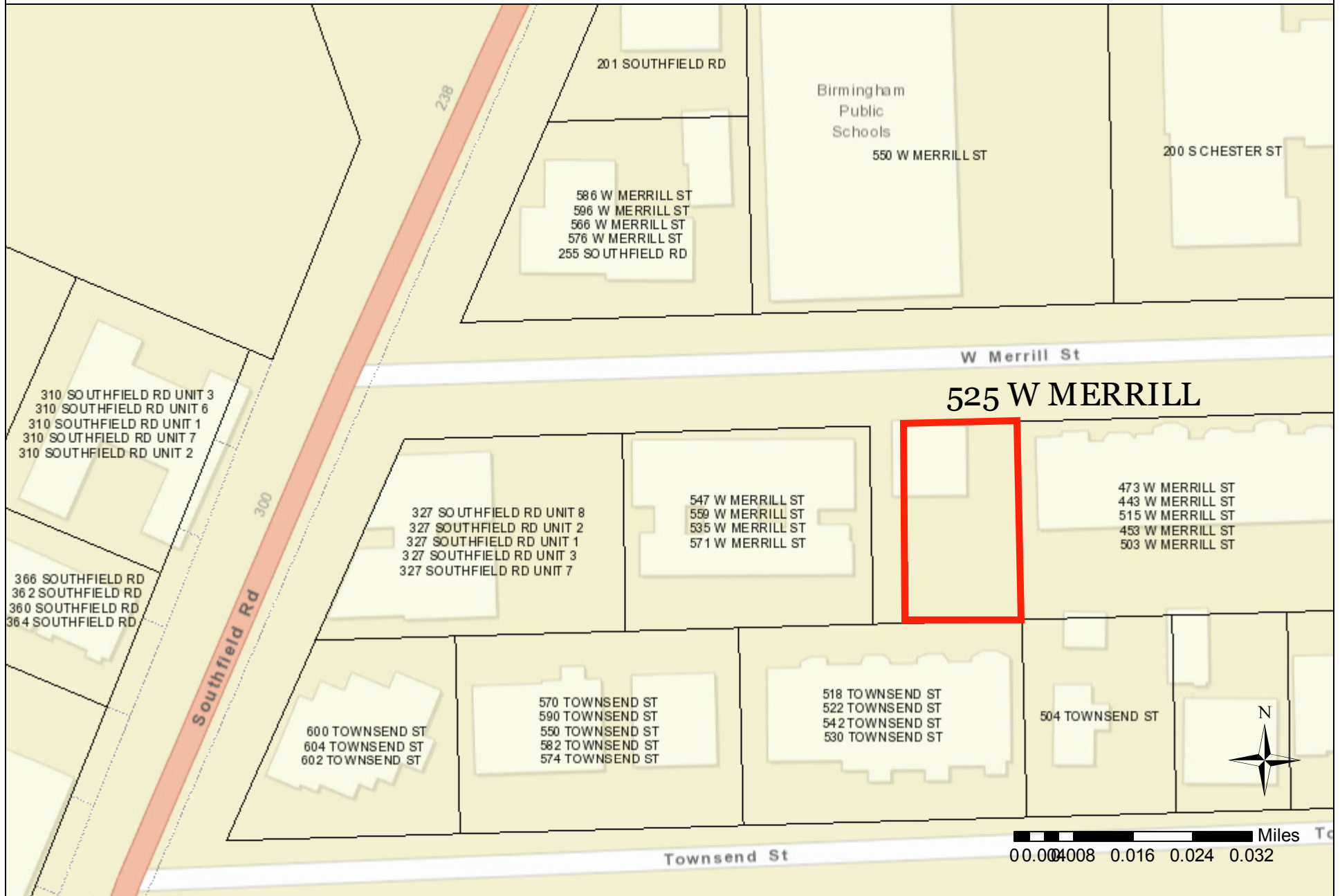
A. Article 1, Table B of the Sign Ordinance permits permanent business signs in commercial zones only. The applicant is applying to have a permanent business sign in an R8 Attached Single-Family zone, therefore a dimensional variance of 2.58 square feet is being requested.

Staff Notes: The applicant, Motive Wealth, occupies the space as an office use and is proposing a backlit wall mounted letter sign displaying the company name.

This property is zoned R8 – Attached Single Family Residential.

Brooks Cowan
Senior Planner

525 W MERRILL MAP



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 3.17.22

Hearing Date: 5.10.22

Received By: HT

Appeal #: 22-14

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

Address: 525 Merrill St. Lot Number: 23 Sidwell Number: 19.36.131.005

II. OWNER INFORMATION:

Name: Surnow Company
Address: 320 Martin St. City: Birmingham State: Mi Zip code: 48009
Email: sam@surnow.com Phone: 248.877.4000

III. PETITIONER INFORMATION:

Name: Sam Surnow Firm/Company Name: Surnow Company
Address: 320 Martin St. City: Birmingham State: Mi Zip code: 48009
Email: sam@surnow.com Phone: 248.877.4000

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

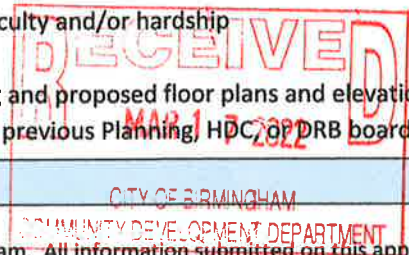
VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: [Signature] Date: 3/16/22
Signature of Petitioner: [Signature] Date: 3/16/22



CITY OF BIRMINGHAM
Date: 03/16/2022 2:21:00 PM
Ref: 00189148
Receipt# 618924
Amount: \$540.00

BIDDISON

ARCHITECTURE

Motive Wealth which resides at 525 Merrill is proposing a wall mounted sign which would consist of 1 ½" LED back lit stainless steel letters, stud mounted individually off the brick façade at 4'-6" above the grade.(refer to the attached images) We are asking for a variance from the allowed 1 s.f. sign allowance to 2.58 s.f.

The sign as shown within this request consists of (6) individual letters roughly 6 ¾" high and 36" wide equaling 1.68 s.f. the second element directly adjacent to the (6) letters is a small logo roughly 6" x 22" or 0.9 s.f. for a total of 2.58 s.f. of sign area. Since this logo and sign does not sit on a background panel the impact of these letters which are smaller in scale than the 8" address numbers above of the same material, we feel the overall impact will be very minimal.

Because this building is directly across the street from the 550 Merrill office building and it's parking lot there would be no visual impact on the direct visual neighbor across the street. Neither the adjacent Townhouses or Condominiums on either side will have view of this sign except from the street.

We feel the increase from 1 s.f. of sign area to 2.58 s.f. especially with this type of individual letter layout is not a visual burden to any of the surrounding neighbors or community at large that may use this 1 block section of Merrill Street, and are asking for your approval of this proposed variance.

Thank you

REFER TO THE
LANDSCAPE PLAN FOR
FINAL PLANTING AND
LANDSCAPE RETAINING
WALL DETAILS.

PROPOSED BUILD-OUT

525 W. MERRILL ST.
BIRMINGHAM, MICHIGAN

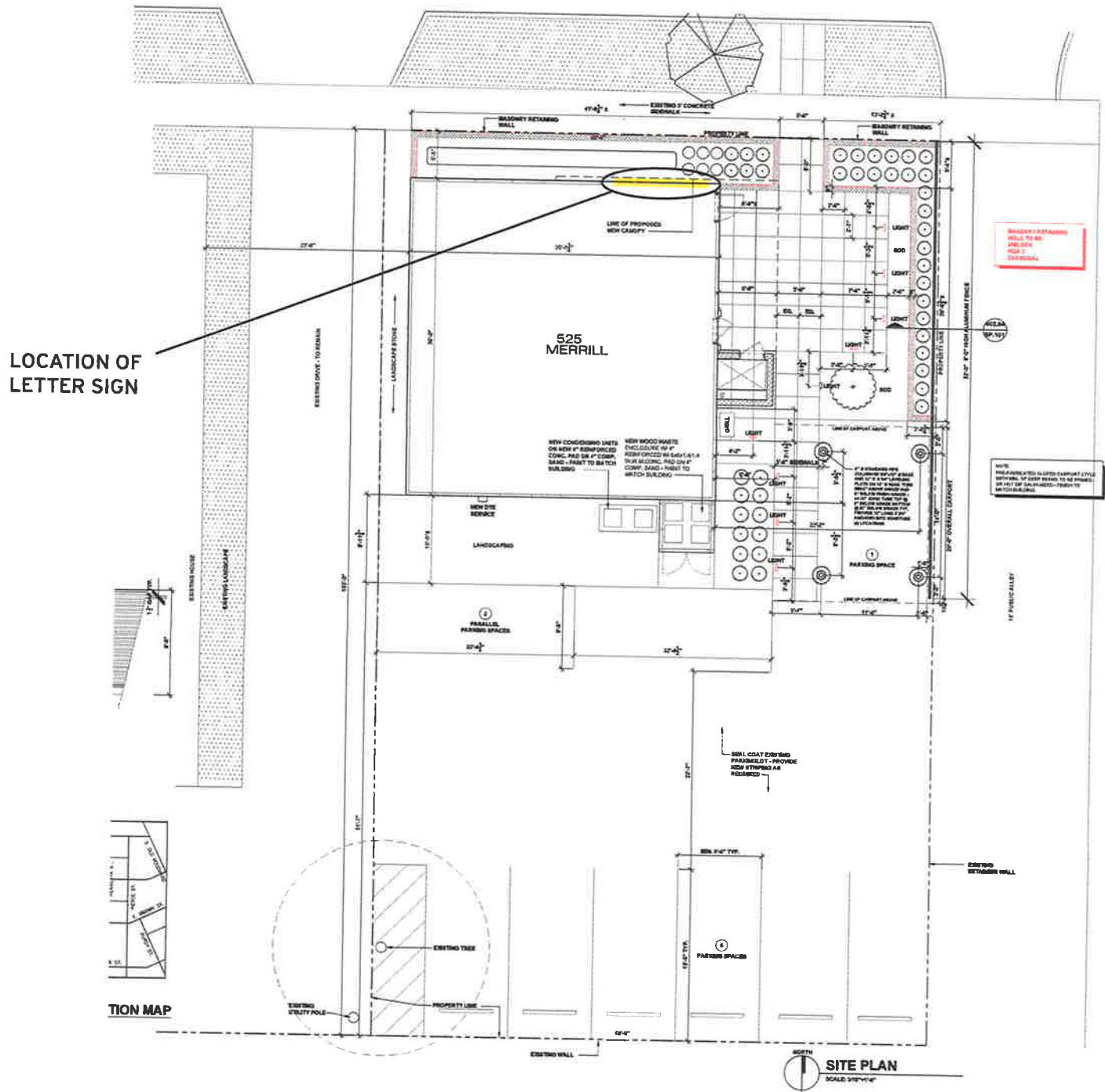
DESIGN REVIEW
BIDS & PERMITS
REVISIONS
REVISIONS
CARPORT REVISION
SITE REVISIONS
BULLETIN #3
ADMINISTRATIVE REVIEW
FENCE AND LANDSCAPE
1ST FLOOR TOWNH
PERMITS

SITE PLAN



2043.18

SP.101





525 W MERRILL STREET | street view before sign



- fabricated stainless steel letters with vertical hairline finish from Gemini
- 1-1/2" depth
- interior cans painted white to reflect internally mounted LED
- each letter backed with lexan facing wall for light diffusion
- white LED illumination, UL listed
- wet location rated, 100-277VAC input, 12VDC output, class 2 power supply
- weep holes
- stud mounted to brick with 1-1/2" standoff



525 W MERRILL STREET | street view with letter sign and building measurements



525 W MERRILL STREET | simulated day view



525 W MERRILL STREET | simulated night view of illumination

CASE DESCRIPTION

500 Arlington (22-15)

Hearing date: May 10, 2022

Appeal No. 22-15: The owner of the property known as 500 Arlington requests the following variance to construct a new home with attached garage:

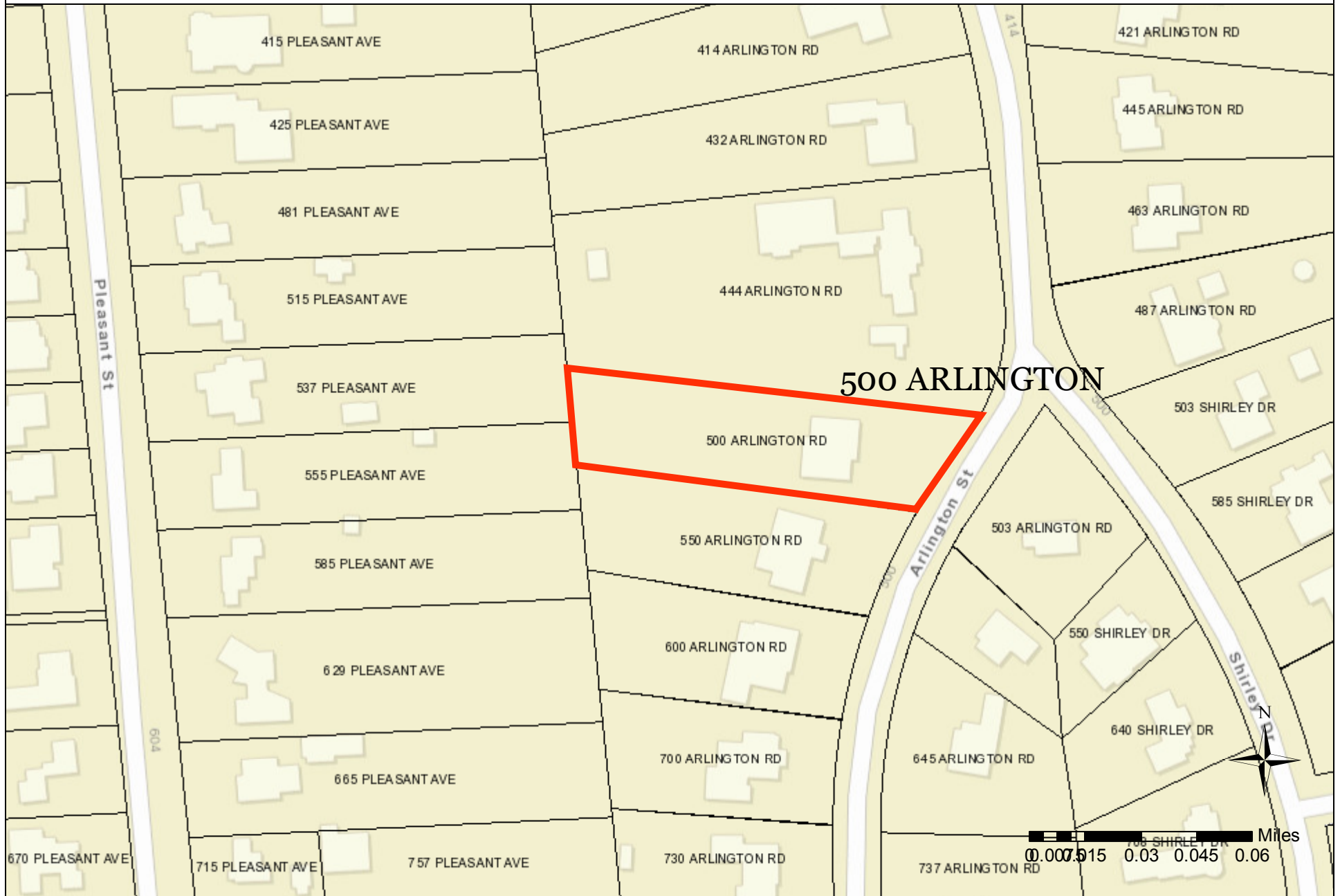
- A. Chapter 126, Article 4.75 (A)1 of the Zoning Ordinance requires that a private attached, single family residential garage be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property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

Staff Notes: The applicant is proposing to construct a new home with an attached garage on a lot that is irregular in shape.

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

500 ARLINGTON MAP



RECEIVED

MAR 31 2022

CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPT.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: 3/31/22Hearing Date: 5/10/22Received By: BMAppeal #: 22-0015

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>500 Arlington Road</u>	Lot Number:	Sidwell Number:
------------------------------------	-------------	-----------------

II. OWNER INFORMATION:

Name: <u>Ethan and Gretchen Davidson</u>			
Address: <u>444 Arlington Road</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>N/A</u>	Phone: <u>N/A</u>		

III. PETITIONER INFORMATION:

Name: <u>Gregory Sweeney, AIA</u>		Firm/Company Name: <u>ROSSETTI</u>	
Address: <u>160 West Fort, Suite 400</u>	City: <u>Detroit</u>	State: <u>MI</u>	Zip code: <u>48226</u>
Email: <u>gsweeney@rossetti.com</u>	Phone: <u>313-483-5151</u>		

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 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:

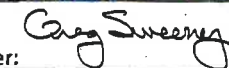
- ☐ One original and nine copies of the signed application
- ☐ One original and nine copies of the signed letter of practical difficulty and/or hardship
- ☐ One original and nine copies of the certified survey
- ☐ 10 folded copies of site plan and building plans including existing and proposed floor 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

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

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

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

Signature of Owner: Date: 03/31/22Signature of Petitioner: Date: 03/31/22

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

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal


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

ARTICLE III - Rehearings

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

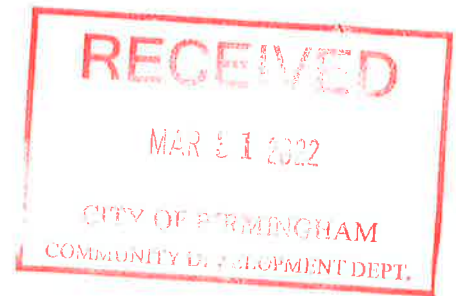
B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

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


Signature of Applicant



ROSSETTI



March 31, 2022

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

Dear Board Members,

We have been retained by the Owners to design a new home located at 500 Arlington Street.

Beginning in June of 2019, we have met with the City numerous times (in-person, phone calls and zoom) to review various zoning items as they pertain to this design, and after some delay due to COVID, we were finally able to submit the design for a Building Permit in November 2021. At that time, we believed all zoning issues had been addressed to the satisfaction of the City and no variances were needed for the project, which was our intent.

In February 2022, we were notified of a zoning issue. This was the first notification of this specific issue. After multiple follow-up conversations, it was noted that we had incorrectly applied the ordinance Article 4.75 SS-02. We were instructed to apply for a variance if the Owners wanted to continue with the current design with an attached garage.

Therefore: we are seeking a variance related to the following item:

Chapter 126, Article 4.75 SS-02 (A)- Private, Attached Single-Family Residential Garages.

1. A private, attached, single-family residential garage...**must be setback a minimum of 5 feet from the portion of the front facade on the first floor of a principal residential building that is furthest setback from the front property line.**

Per the recent direction from the City we are seeking a variance in the amount of 41'-11.5" (in front of this line, as noted on sheet A-005).

Due to the unique existing property shape and angle of the front property line along the street, we believe this creates a hardship on the Owner's ability to reasonably develop this property for a proposed house and attached garage.

The design proposed simply has the long axis of the house, parallel to the Northern property line and has a cross axis in approximately a North/South orientation. The intent is to align this cross axis with the neighboring house located to the North. This is also indicated on sheet A-005 attached.

By applying the ordinance as noted in the attached drawings, meaning applying the angle of the front property line across the proposed design, causes an immense hardship, without any benefit. The existing North and South property lines are about 70 feet different in overall length (427 feet long North, 357 feet long South), which indicates the impact of this front property line angle has, compared to a traditional rectangular property. We are only seeking a variance for a portion of this dimensional impact.

We cannot solve this simply by moving the entire house further back from the street, as this requirement travels with wherever we locate this design on the property. We also cannot solve by simply rotating the cross axis to be parallel with the northern property line, as this would still require a similar variance.

We already have a design that is well within the required setbacks, 13% lot coverage, 70%+ open space and the face of the garage is proposed to be over 125 feet from the street, and over 50 feet behind a major portion of the house.

Therefore, we are seeking approval of the stated variance setback amount to allow the proposed design with attached garage to proceed.

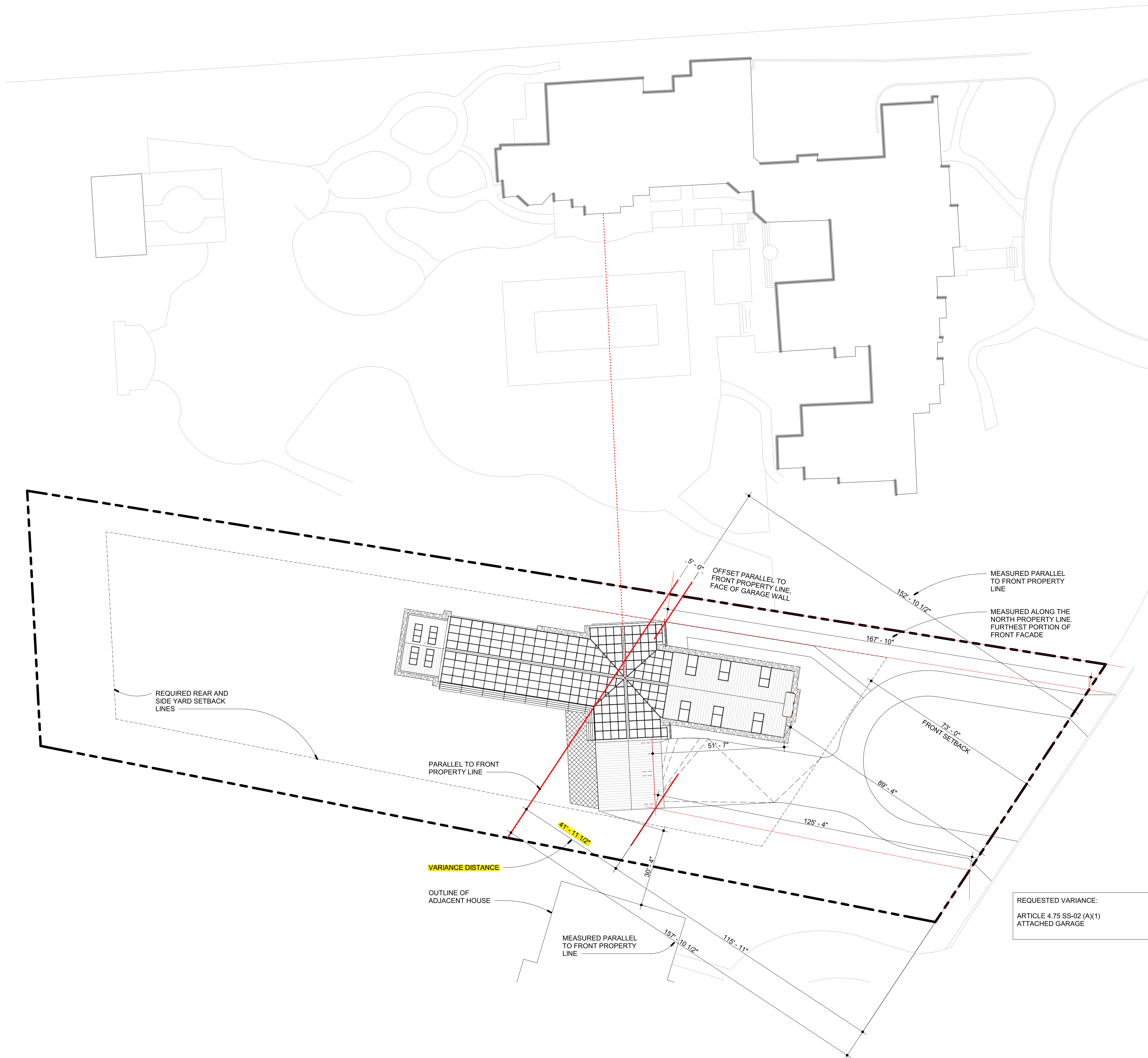
Sincerely,
Gregory T. Sweeney, AIA
Principal

500 Arlington
Birmingham, MI 48009

[illegible]

SHEET TITLE
BZA Site Plan

A-005



REQUESTED VARIANCE:	REQUIRED:	PROPOSED:	VARIANCE AMOUNT:
ARTICLE 4.75 SS-02 (A)(1) ATTACHED GARAGE	157'-10.5"	115'-11"	41'-11.5"

500 Arlington
Birmingham, MI 48009

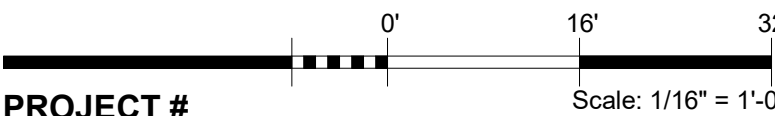
© 2021 ROSSETT

[illegible]

KEY PLAN

SHEET TITLE

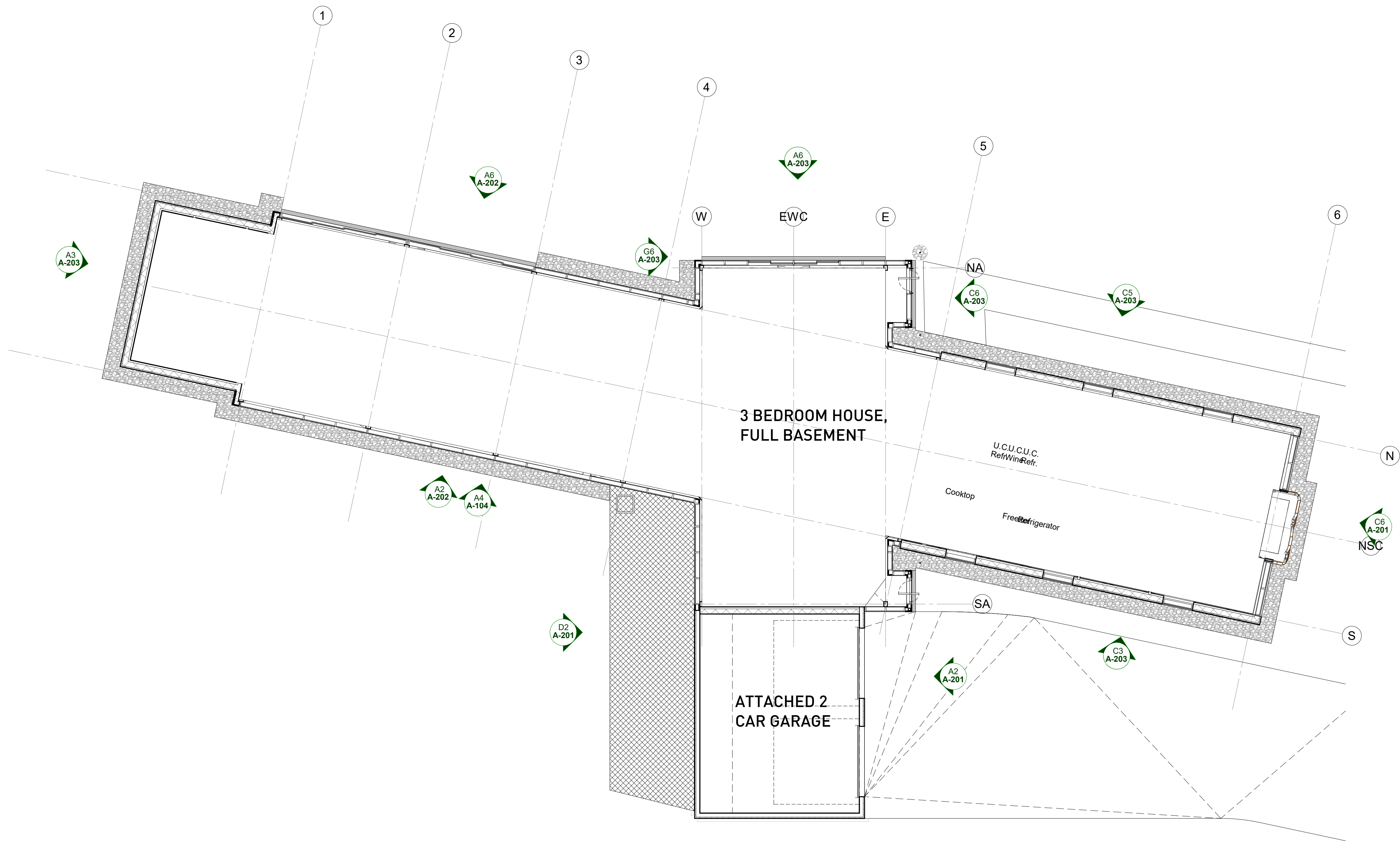
Ground Floor Plan- BZA



PROJECT #
2017-027

SHEET #

A-111



1 Floor Plan - Ground Level Plan- BZA
A-111 SCALE: 1/8" = 1'-0"

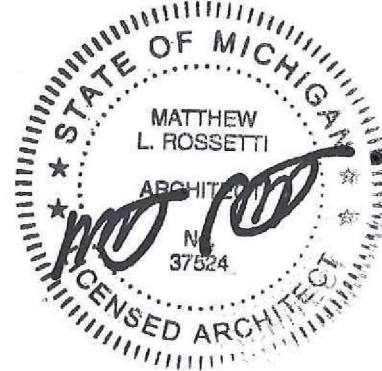
ROSSETTI

160 WEST FORT, SUITE 400
DETROIT, MICHIGAN 48226
ROSSETTI.COM 313.463.5151

Residence

500 Arlington
Birmingham, MI 48009

PROFESSIONAL SEAL



© 2021 ROSSETTI

#	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/27/21

2022-0331 BZA
DRAWINGS

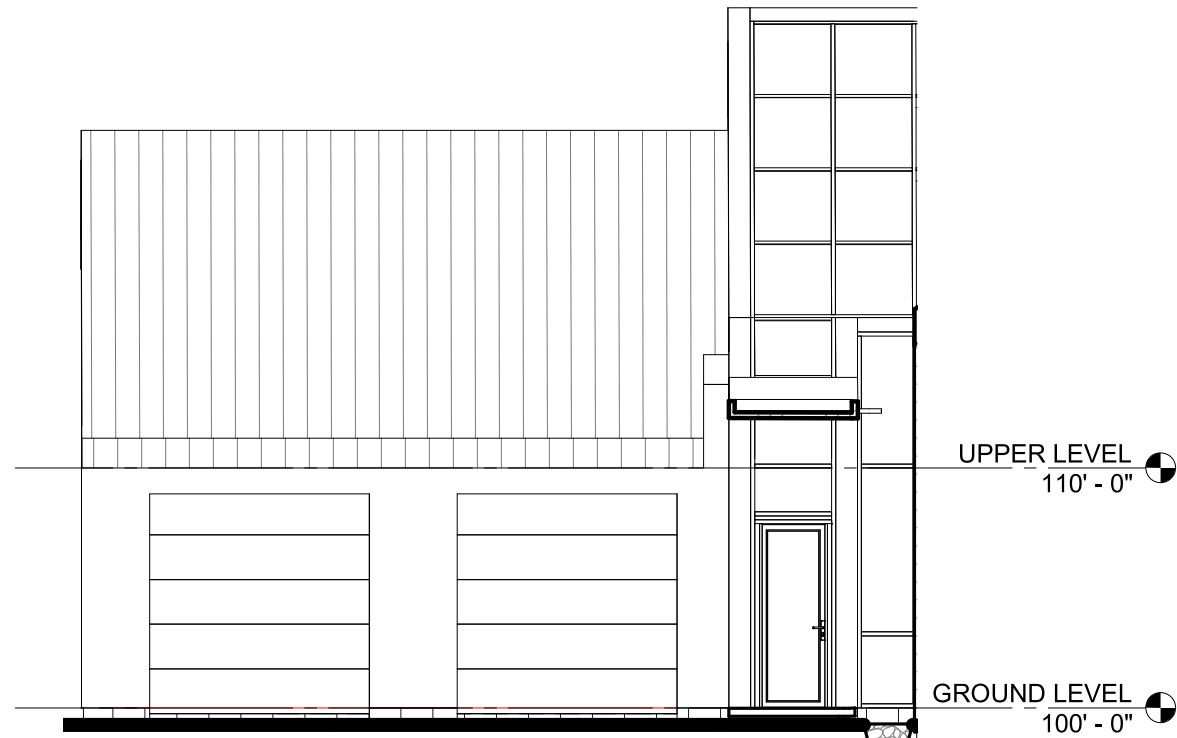
KEY PLAN

SHEET TITLE
Exterior Elevations

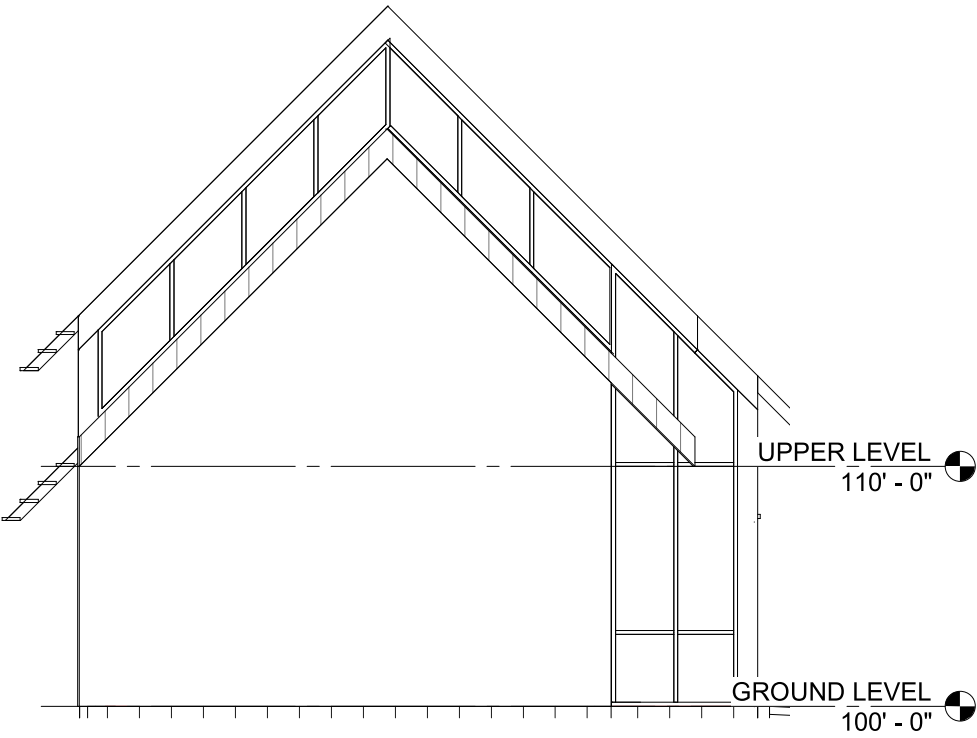
PROJECT #
2017-027

SHEET #

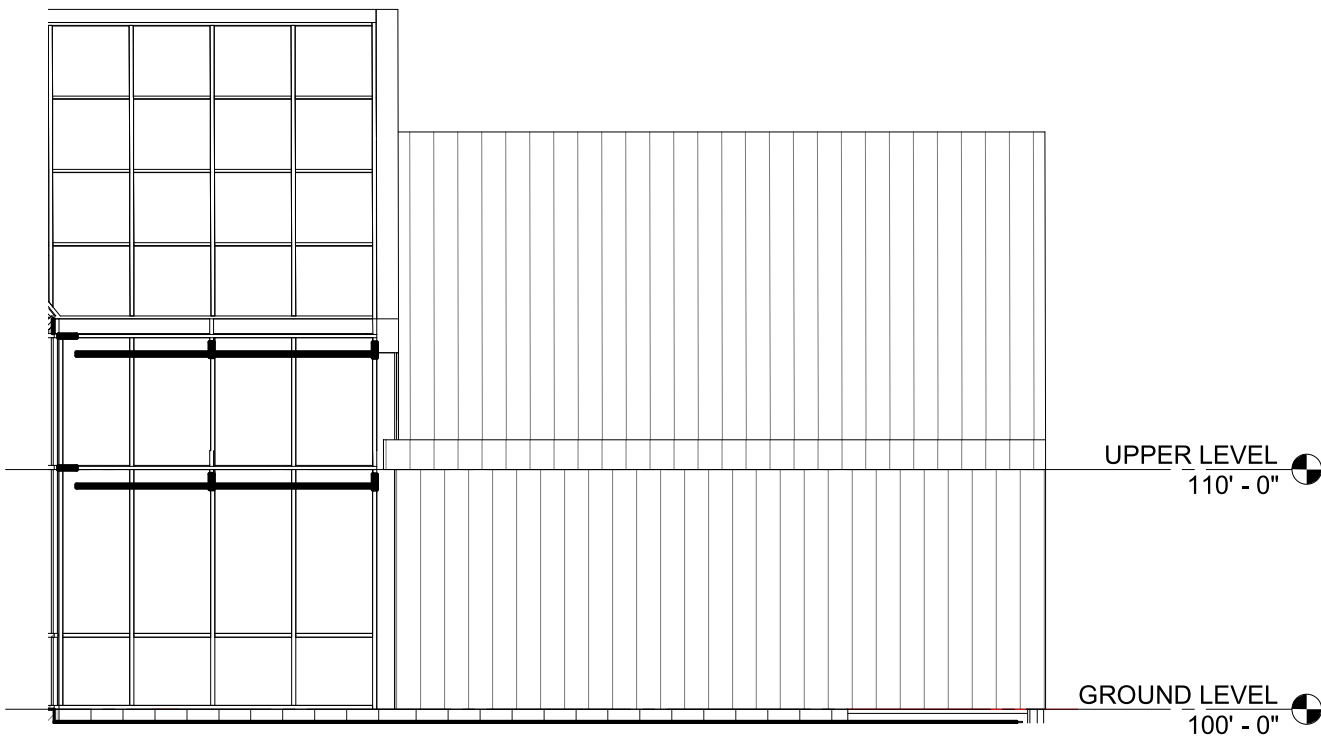
A-201



A2 East Garage Elevation
A-201 SCALE: 1/8" = 1'-0" REF: A-102



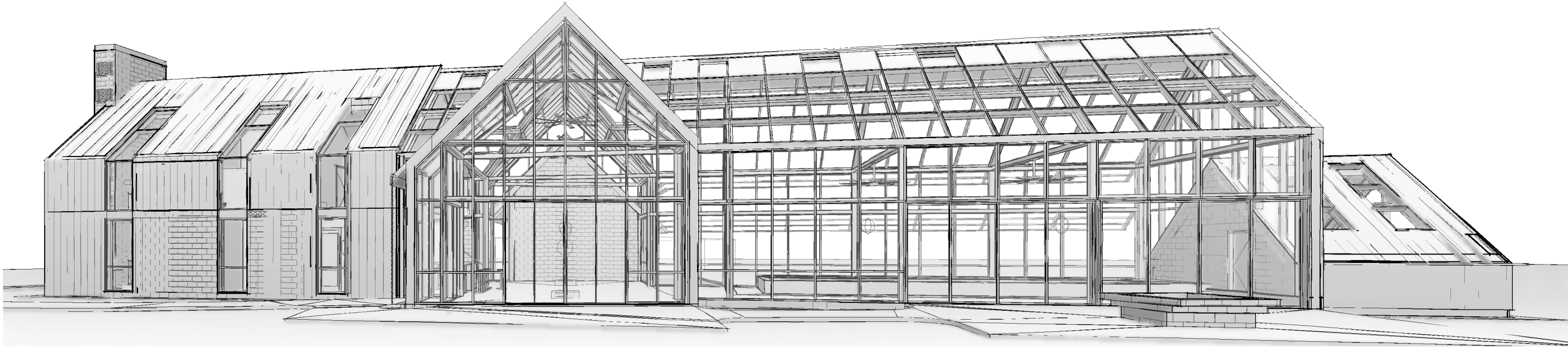
B2 South Garage Elevation
A-201 SCALE: 1/8" = 1'-0" REF: A-102



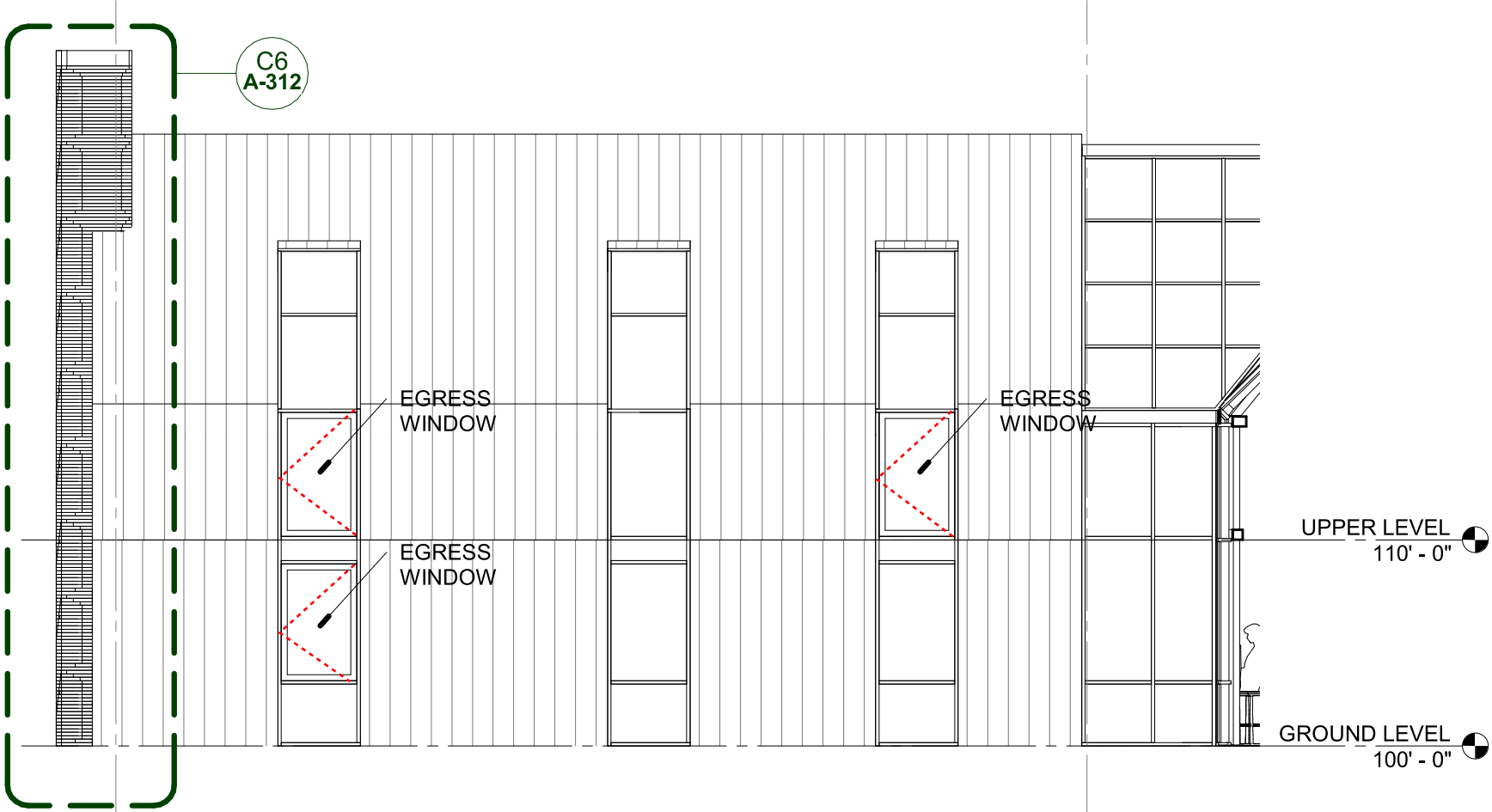
D2 West Garage Elevation
A-201 SCALE: 1/8" = 1'-0" REF: A-102



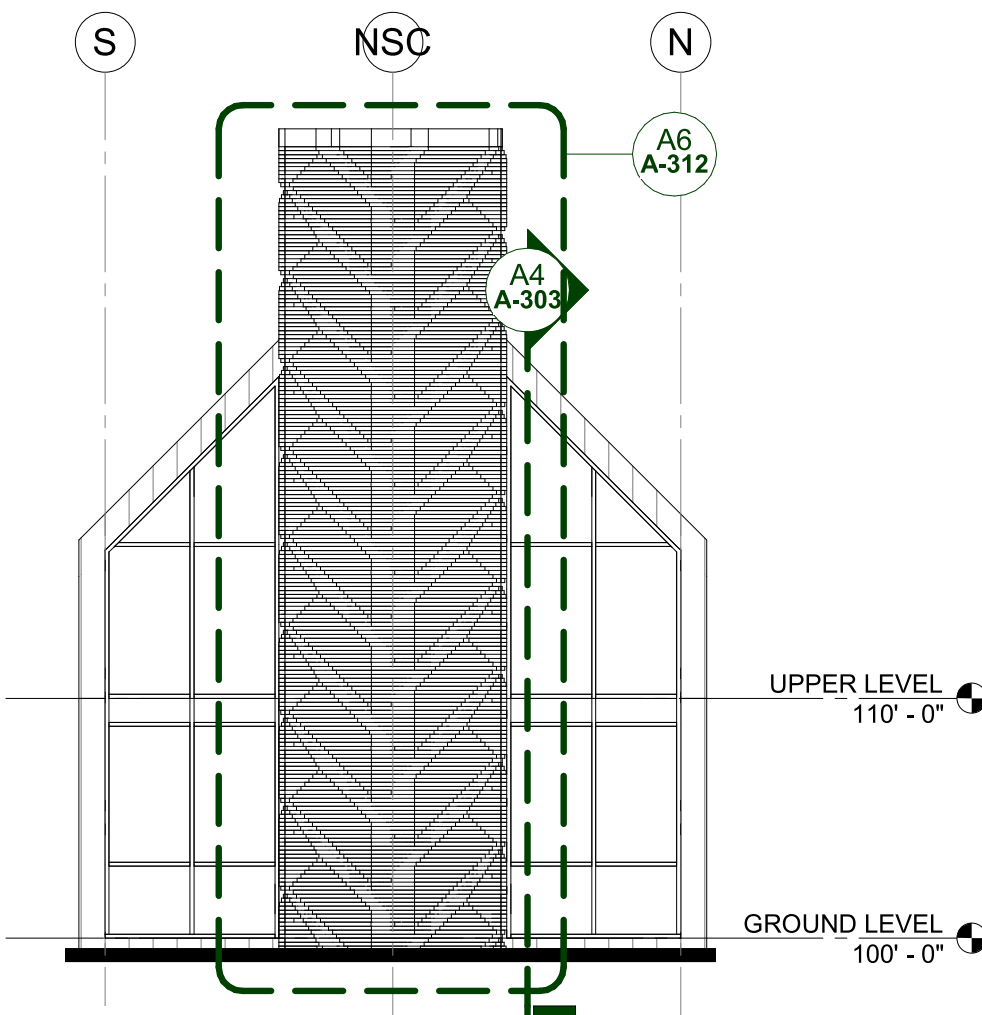
A4 3D- Garage, Southeast
A-201 SCALE:



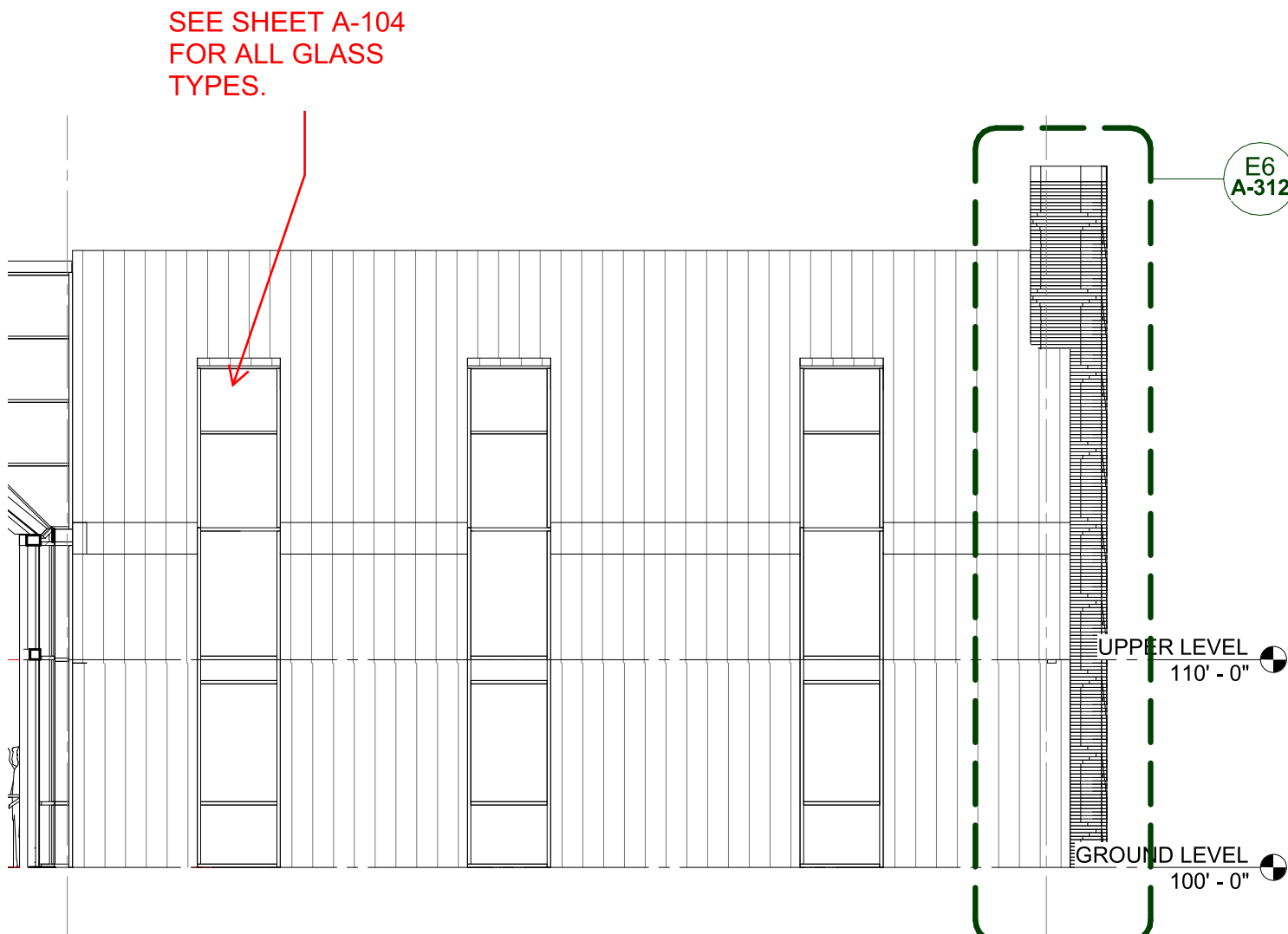
D4 3D- Pool North side
A-201 SCALE:



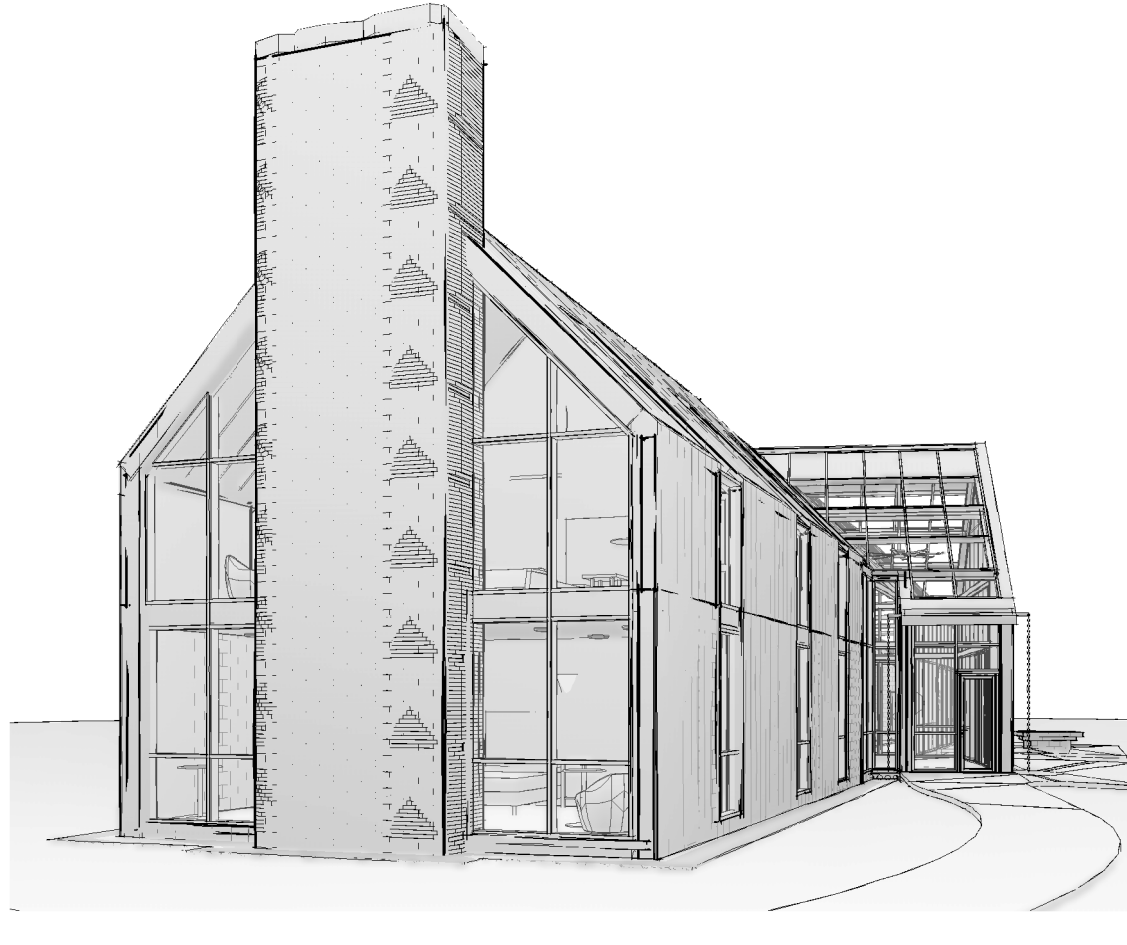
A6 North Bedroom Elevation
A-201 SCALE: 1/8" = 1'-0" REF: A-102



C6 East Bedroom Elevation
A-201 SCALE: 1/8" = 1'-0" REF: A-102



E6 South Bedroom Elevation
A-201 SCALE: 1/8" = 1'-0" REF: A-102



G6 3D- House, Northeast
A-201 SCALE:

ROSSETTI

160 WEST FORT, SUITE 400
DETROIT, MICHIGAN 48226
ROSSETTI.COM 313.463.5151

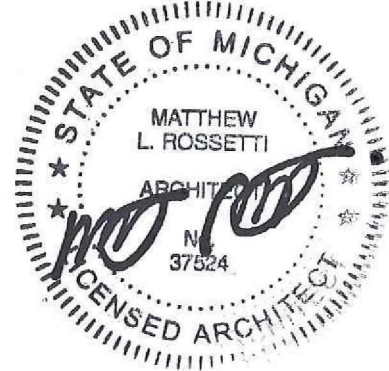
Residence

500 Arlington
Birmingham, MI 48009

GRADE CONVERSION

100'-0" DRAWING BASE ELEVATION ON
ARCHITECTURAL = 674.25' (SEE SHEET C-101)

PROFESSIONAL SEAL



© 2021 ROSSETTI

#	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/27/21

2022-0331 BZA
DRAWINGS

KEY PLAN

SHEET TITLE

Exterior Elevations

PROJECT

2017-027

SHEET

A-202

A2 South Pool Elevation

A-202 SCALE: 1/8" = 1'-0" REF: A-102

E2 West Pool Elevation

A-202 SCALE: 1/8" = 1'-0" REF: A-102

B4 3D- Pool, Southwest

A-202 SCALE:

F4 3D- Pool-Mikveh, West

A-202 SCALE:

A6 North Pool Elevation

A-202 SCALE: 1/8" = 1'-0" REF: A-102

D6 West Conservatory Elev.

A-202 SCALE: 1/8" = 1'-0" REF: A-102

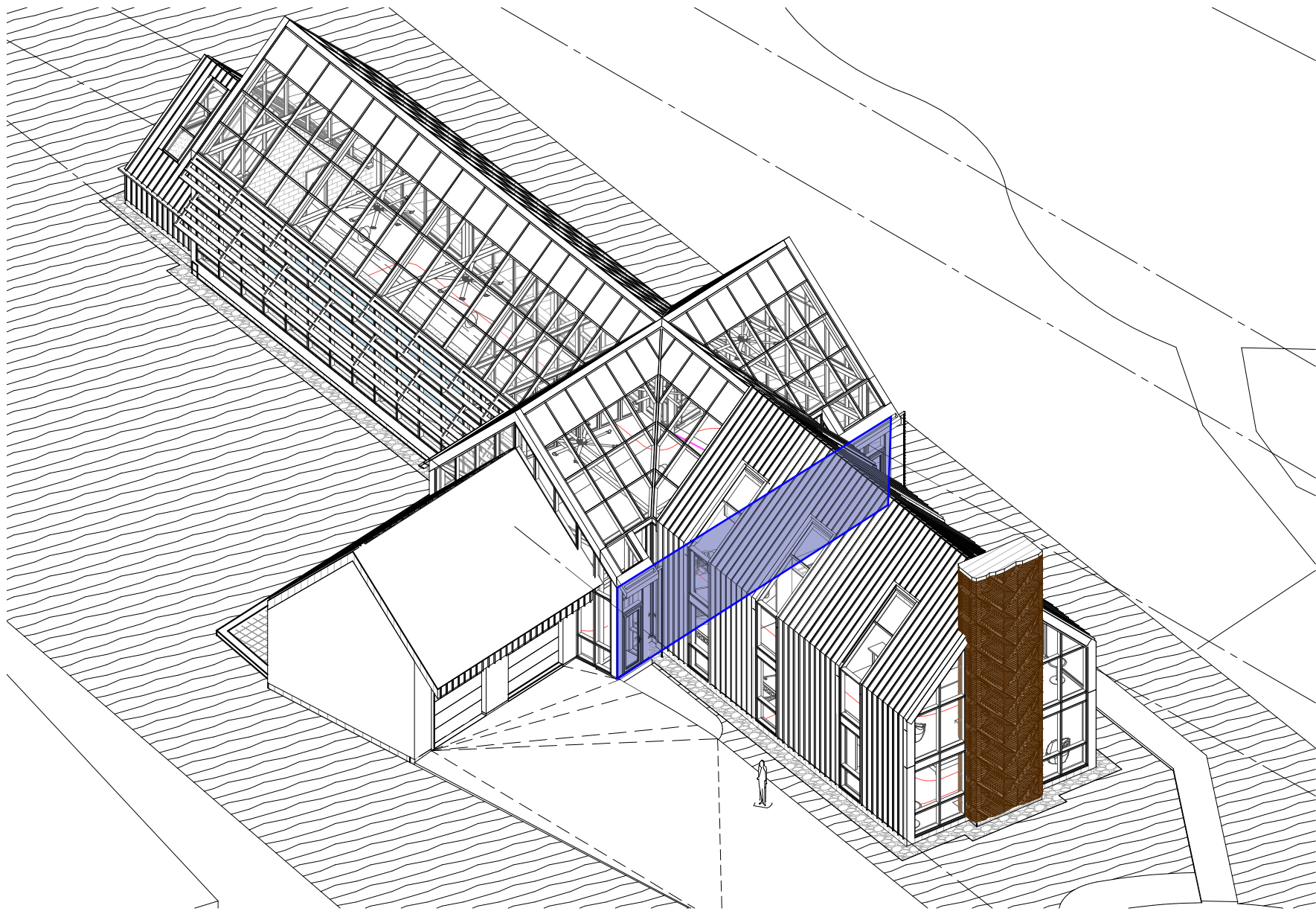
F6 North Conservatory Elevation

A-202 SCALE: 1/8" = 1'-0" REF: A-102

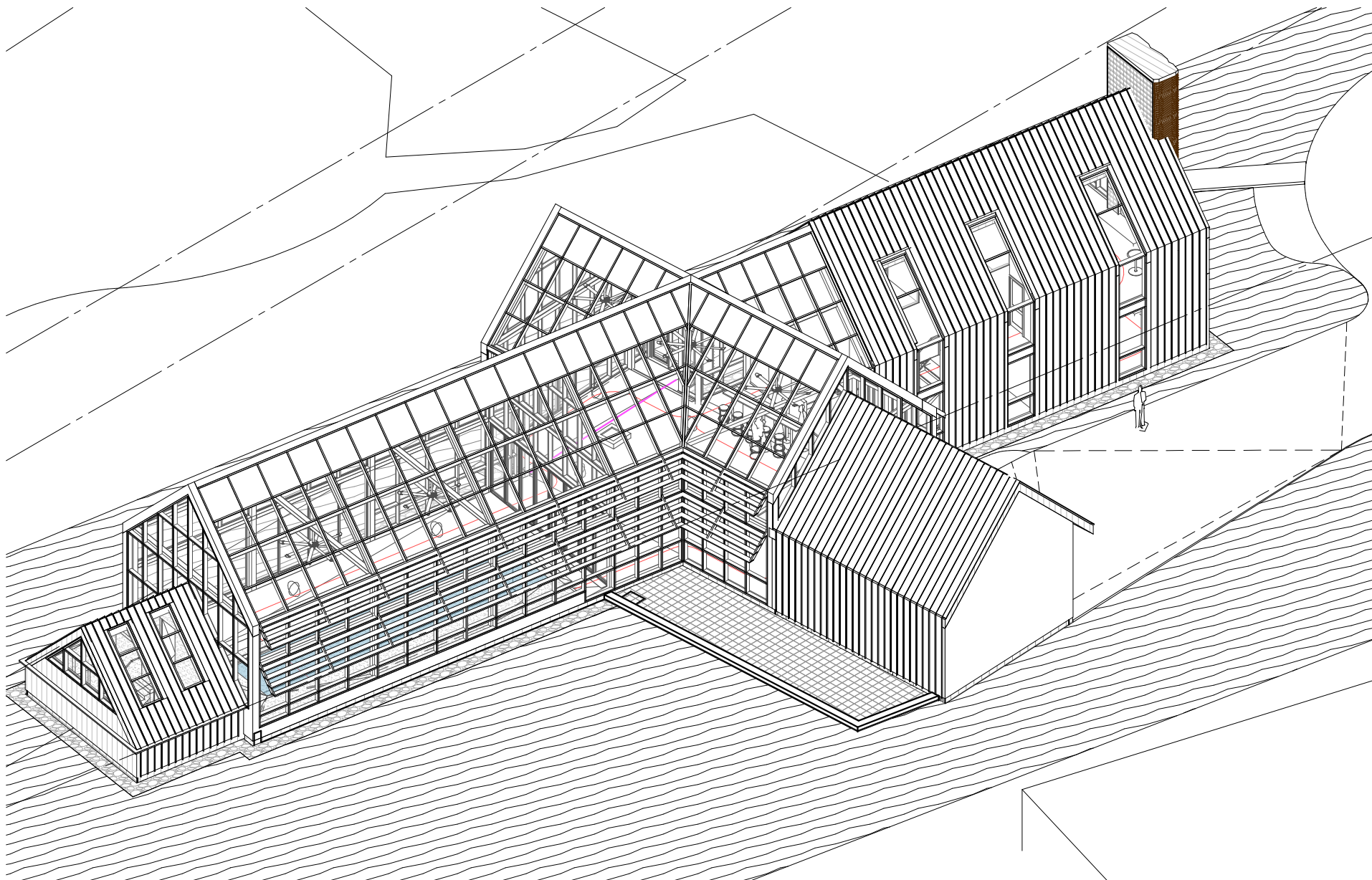
G6 East Conservatory Elev.

A-202 SCALE: 1/8" = 1'-0" REF: A-102

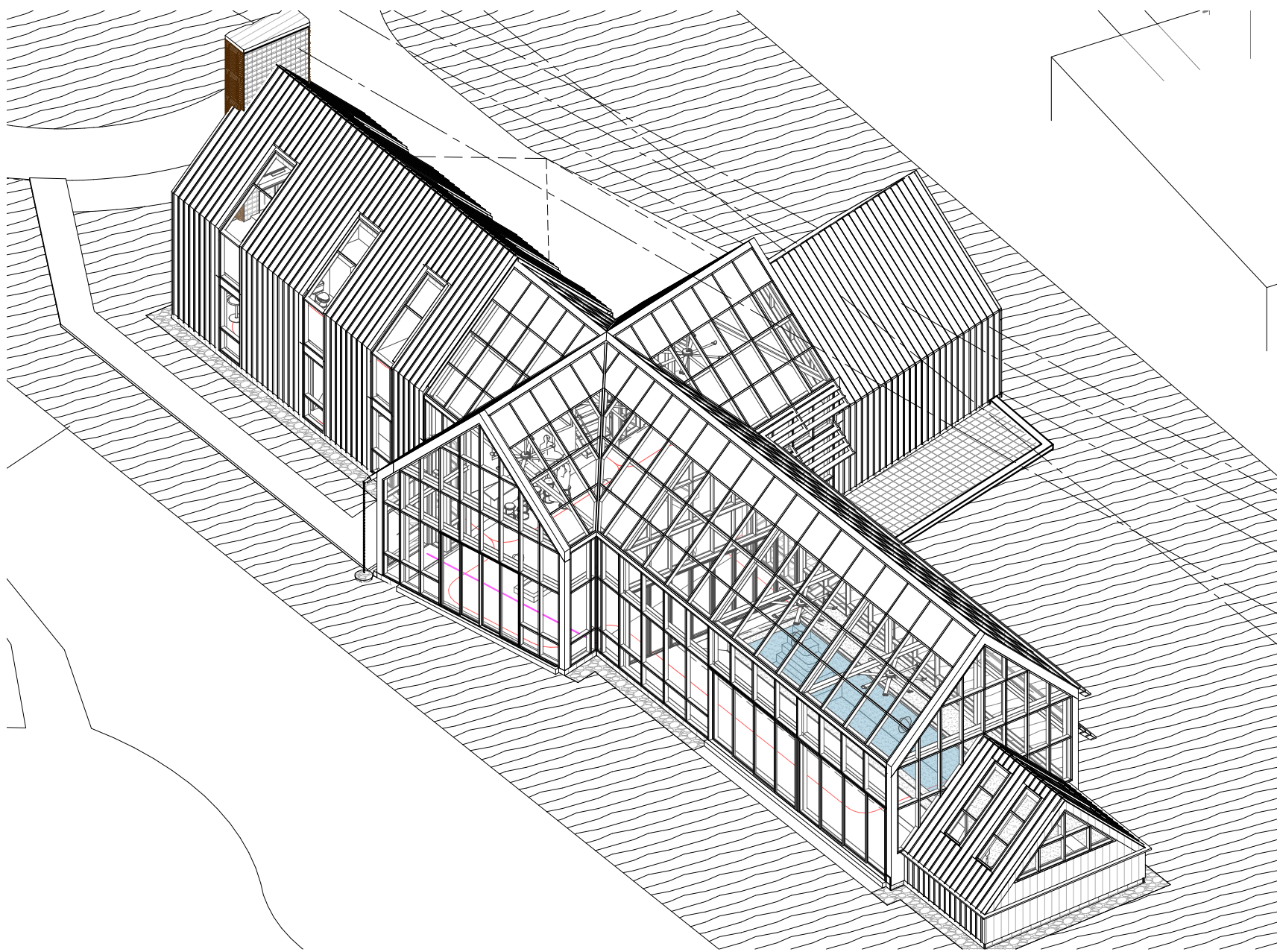
F:\2017-2027\Drawings\Arch\Revit\DAVRES-arch.rvt
3/24/2022 2:17:11 PM



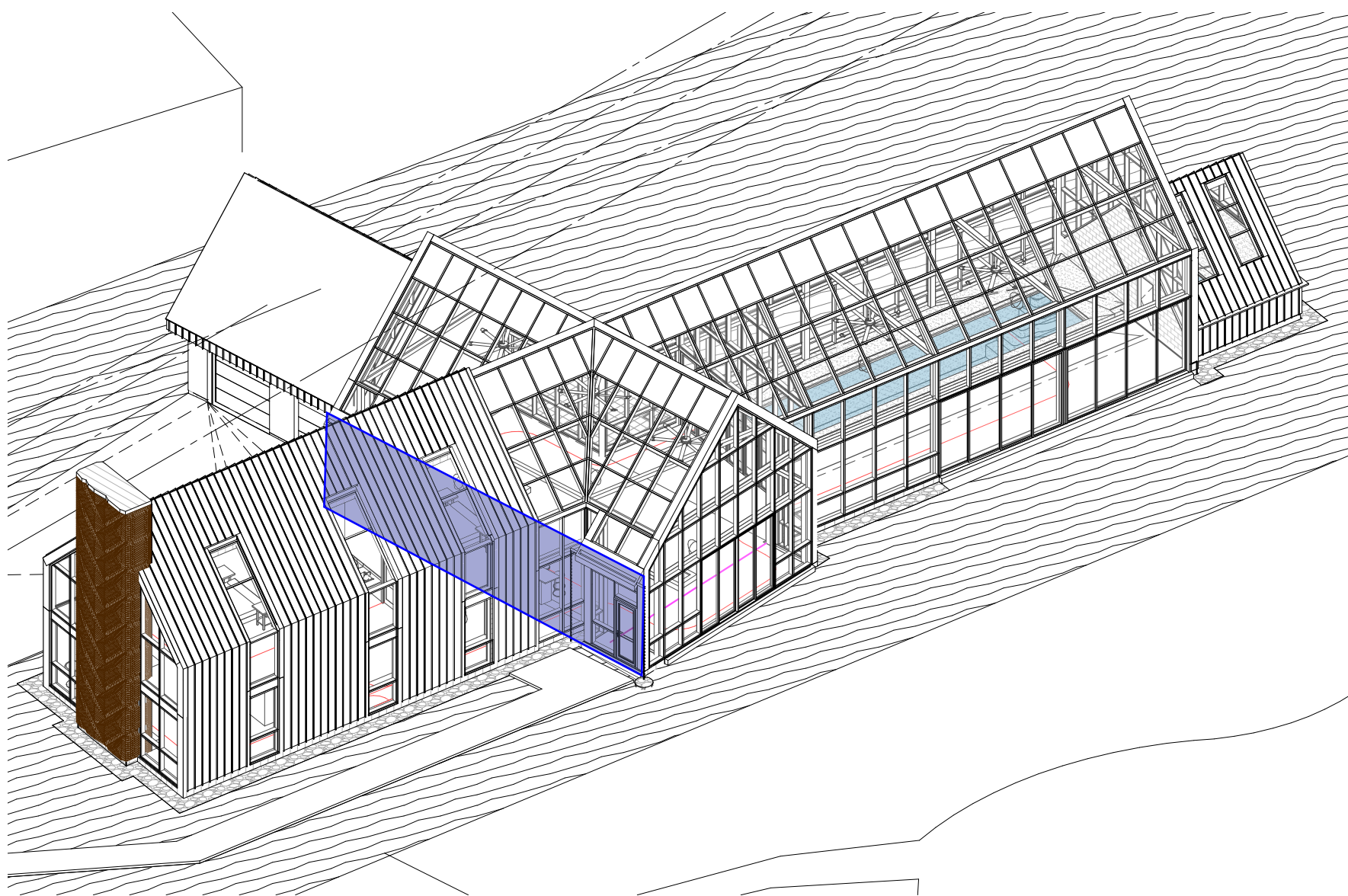
B3 South East Axo View
A-211 SCALE:



E3 South West Axo View
A-211 SCALE:



B6 North West Axo View
A-211 SCALE:



E6 North East Axo View
A-211 SCALE:

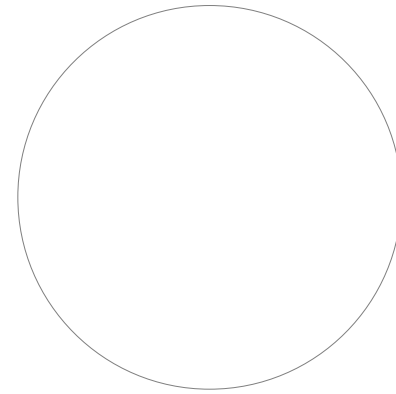
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Residence

500 Arlington
Birmingham, MI 48009

PROFESSIONAL SEAL



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#	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/27/21

2022-0331 BZA
DRAWINGS

KEY PLAN

SHEET TITLE
Axonometric Views

PROJECT #
2017-027

SHEET #

A-211

0' 16' 32'
Scale: 1/16" = 1'-0"

MATCHLINE - SEE SHEET X.1

05' (R&M)

PROPOSED BUILDING
5,050 SQ.FT. FOOTPRINT
REFER TO ARCH. PLANS
FOR EXACT DIMENSIONS

N80°51'31"W 427.79'

PROPERTY LINE

PAVER DRIVE AND WALKS, TYP.
REFER TO ARCHITECTURAL
PLANS FOR DETAILS

NOTE:
ALL WORK WITHIN THE ARLINGTON
AVENUE RIGHT-OF-WAY IS UNDER THE
JURISDICTION OF THE CITY OF
BIRMINGHAM AND REQUIRES A PERMIT.

PATCH ROW PAVEMENT
AND REPLACE CURB IN
ACCORDANCE WITH
CITY STANDARDS.

BM 301

PATCH ROW PAVEMENT
AND REPLACE CURB IN
ACCORDANCE WITH CITY
STANDARDS.

ARC = 13.39'(R) 14.27'(M)
 RADIUS = 643.14'(R&M)
 -DELTA = 1°16'16"
 CHORD = 14.27'
 CH. BRG. = S32°51'20"W

NOT FOR CONSTRUCTION

The logo for PEA GROUP features the letters 'PEA' in a large, stylized, bold font, with 'GROUP' in a smaller, sans-serif font below it. To the right of the text is a circular professional seal for the State of Michigan. The seal contains the text 'STATE OF MICHIGAN' at the top, 'EMIL S. BUNEK II' and 'ENGINEER' in the center, and 'LICENSED PROFESSIONAL ENGINEER' at the bottom. A signature is written across the seal. Below the seal is a north arrow pointing upwards, labeled 'NORTH'. At the bottom is a graphic scale bar with markings for 0, 5, 10, and 20 feet, with the text 'SCALE: 1" = 10\'' below it. To the left of the scale bar is the '811' logo, which includes the text 'Know what's below. Call before you dig.' and a graphic of a shovel.

CLIENT
ROSSETTI
160 WEST FORT SUITE 400
DETROIT, MI 48226

PROJECT TITLE

500 ARLINGTON STREET

PART OF THE NORTH 1/4 OF SECTION
35, T02N, R10E
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

REVISIONS	
REVISED PER CITY COMMENTS	12/3/21
REVISED PER CITY COMMENTS	12/22/21

ORIGINAL ISSUE DATE:
DECEMBER 3, 2021

DRAWING TITLE

**DIMENSION AND
PAVING PLAN-
EAST**

PEA JOB NO.	2019-0130
P.M.	BWJ
DN.	JRW
DES.	ESB
DRAWING NUMBER:	

C-2.2

CASE DESCRIPTION

2225 E Fourteen Mile (22-16)

Hearing date: May 10, 2022

Appeal No. 22-16: The owner of the property known 2225 E Fourteen Mile, requests the following variances to update the site's parking lot and landscaping:

- A. Chapter 126, Article 4, Section 4.54(C)(1) requires a screen wall along the side or rear line of any parking facility which immediately adjoins the side line of property zoned to a residential district. The subject property adjoins a school and a cemetery that are zoned R2 Single Family Residential for a total of 997 feet, therefore, a dimensional variance of 997 feet is being requested.
- B. Chapter 126, Article 4, Section 4.54(C)(3)(a) requires a screen wall along the front or side of any parking facility that abuts a street. The subject property has 441 feet of parking lot facing a street; therefore, a dimensional variance of 441 feet is being requested.
- C. Chapter 126, Article 4, Section 4.21(F)(1) requires maximum height for pole mounted luminaires to be 13' for parking lots adjacent to residential properties. The subject site is proposing 16' pole mounted luminaires; therefore, a dimensional variance of 3 feet is being requested.
- D. Chapter 1, Article 1, Table D of the Sign Ordinance permits religious institutions to have one sign at 20 square feet or less if less than 500 feet from occupied residential dwellings, or 40 square feet of signage if it is more than 500 feet from occupied residential dwelling units. The applicant is proposing three signs for a total of 104 square feet of signage, therefore a dimensional variance of 64 square feet is being proposed.

Staff Notes: The applicant, Our Shepherd Lutheran Church, is proposing to make updates to the church and the parking lot. The property is zoned R2 Single Family Residential which permits religious institutions with a Special Land Use Permit. The property is bound by the R2 Single-Family Residential zone to the north where Eton Academy is located, and Clover Cemetery to the east. The south and western portion of the property are along 14 Mile Road and Melton Road.

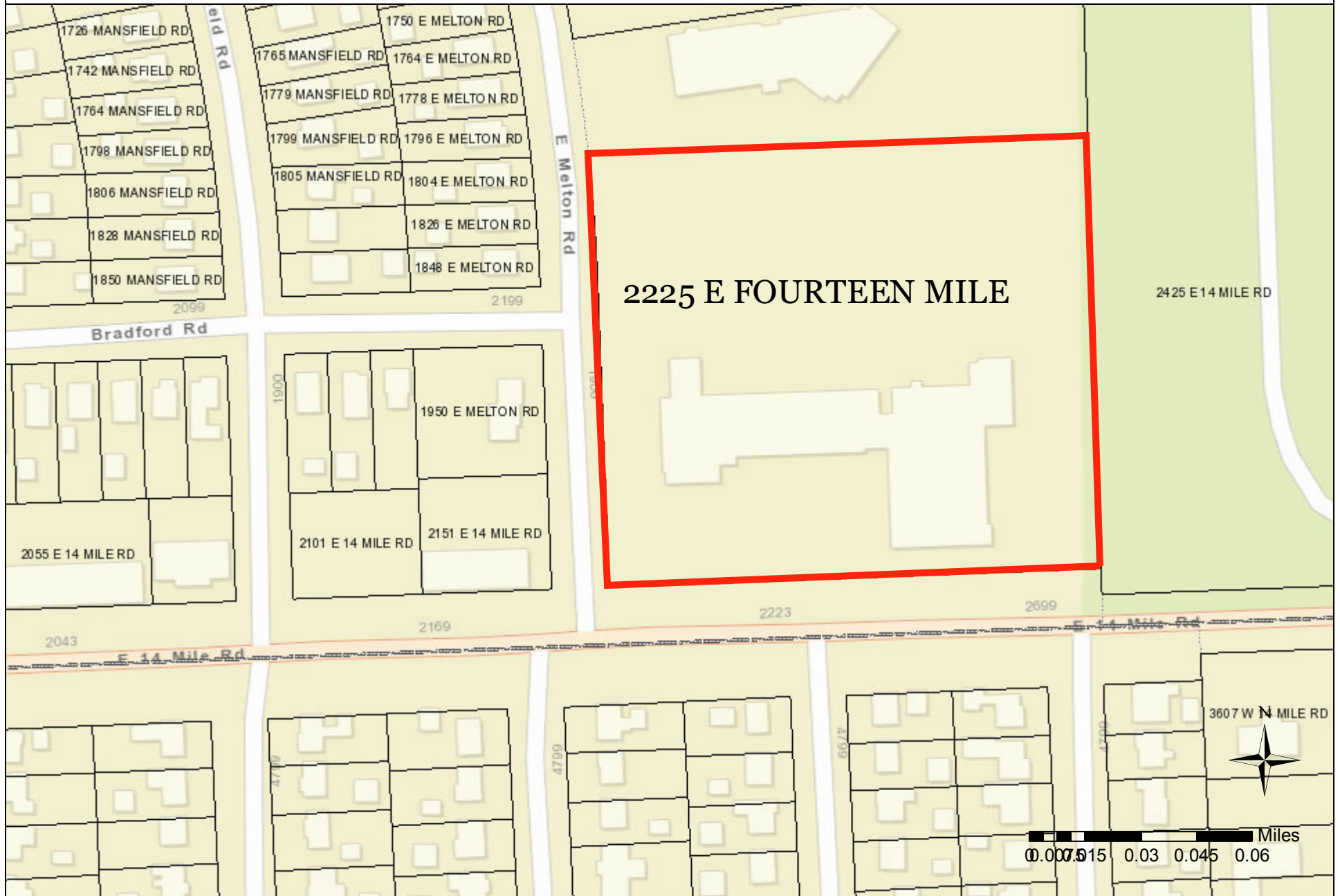
The applicant is proposing 200 parking spaces on-site which will be located in the front, side, and rear of the building. Parking facilities are required to be screened with a 32 masonry wall when facing a street. A 6 foot screenwall is required for parking facilities that are adjacent to residential zones, which are a school and a cemetery in this case.

Light poles 16 feet in height are proposed to illuminate the parking lot. 16 foot poles are allowed in commercial zones, however the Zoning Ordinance reduces the maximum light pole height to 13 feet for properties adjacent to single family residential zones which are adjacent to residential properties. The adjacent residential properties are a cemetery, a school, and 4 houses across the street on Melton Street.

Three monument signs are proposed for the subject site, one at the southeast entrance from 14 Mile, one at the northwest entrance from Melton, and one in the front lawn at the corner of 14 Mile and Melton. All three signs will display "Our Shepherd Lutheran Church". The sign in the front lawn will also display service times.

Brooks Cowan
Senior Planner

2225 E FOURTEEN MAP



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 4-7-22

Hearing Date: 5-10-22

Received By: _____

Appeal #: 22-16

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

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

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

III. PETITIONER INFORMATION:

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

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 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

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

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

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

Signature of Owner: <u>[Signature]</u>	Date: <u>4/6/2022</u>
Signature of Petitioner: _____	Date: _____

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

ARTICLE I - Appeals

A. Appeals may be filed under the following conditions:

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

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

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

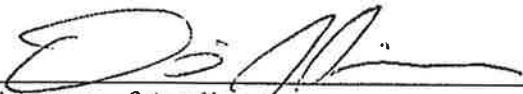
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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

ARTICLE III - Rehearings

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

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

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



Signature of Applicant



ALEXANDER V. BOGAERTS & ASSOCIATES, P.C.

Architecture

Planning

Interior Design

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

April 7, 2022

Board of Zoning Appeals
151 Martin Street
Birmingham, MI 48099

Re: Our Shepherd Lutheran Church
Waiver/variance request

Board Members,

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

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

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

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

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

Waiver/variance request no. 1.

Masonry screen wall

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

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

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

Parcel to the east is a cemetery

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

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

The south side of our property is 14 mile road

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

The West side of our property is Melton Rd

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

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

Waiver/variance request no. 2.

Lighting

We are proposing all new energy efficient lighting.

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

New ground lighting will light the proposed new monument signs.

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

Sign lighting variance

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

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

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

Pole lighting & recessed lighting variance

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

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

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

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

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

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

Waiver/variance request no. 3.

Sign ordinance - sign letter area

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

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

Large site: 5.3 acres

Large building with over 500' of frontage on 14 mi

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

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

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

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

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

Majority of the parking is at the rear of the building

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

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

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

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

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

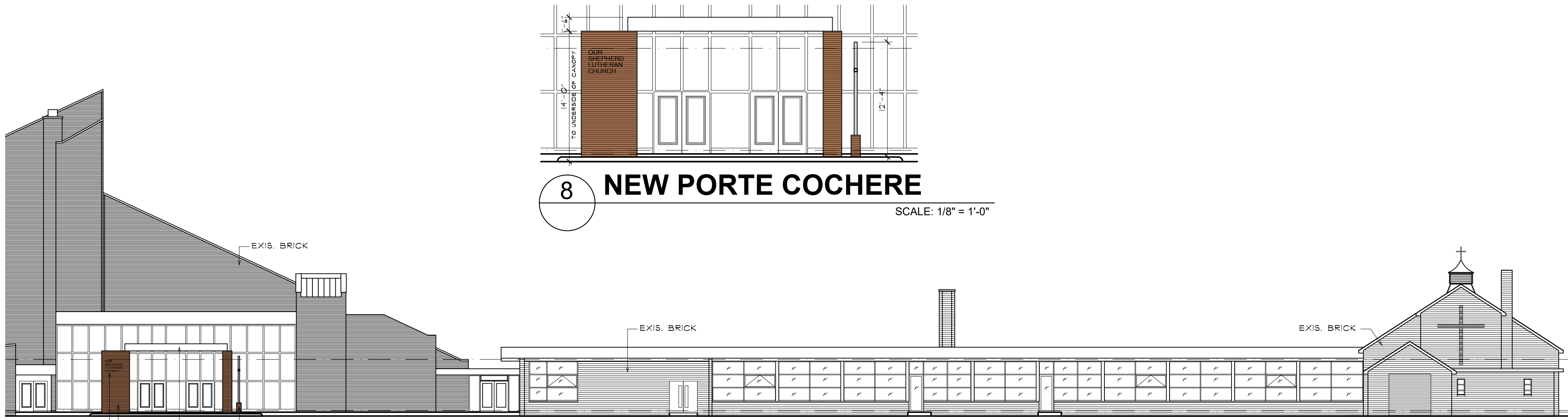
We look forward to presenting our project to the BZA at your May 10, 2022 meeting.

Sincerely

Mark Abanatha

Mark Abanatha

Architect



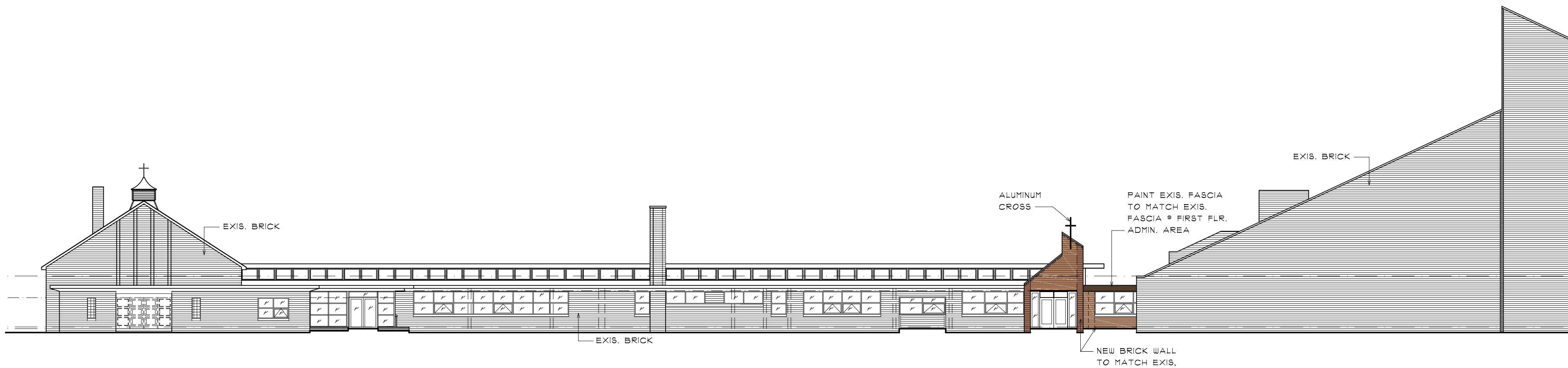
8 NEW PORTE COCHERE

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



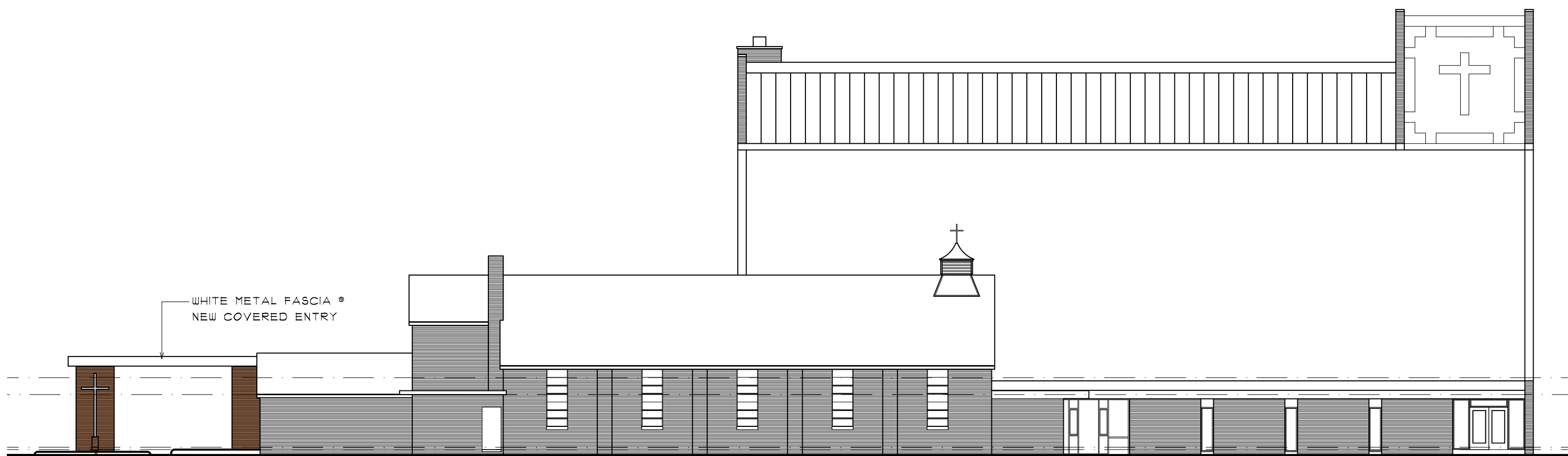
7 NORTH ELEVATION

SCALE: 1/16" = 1'-0"



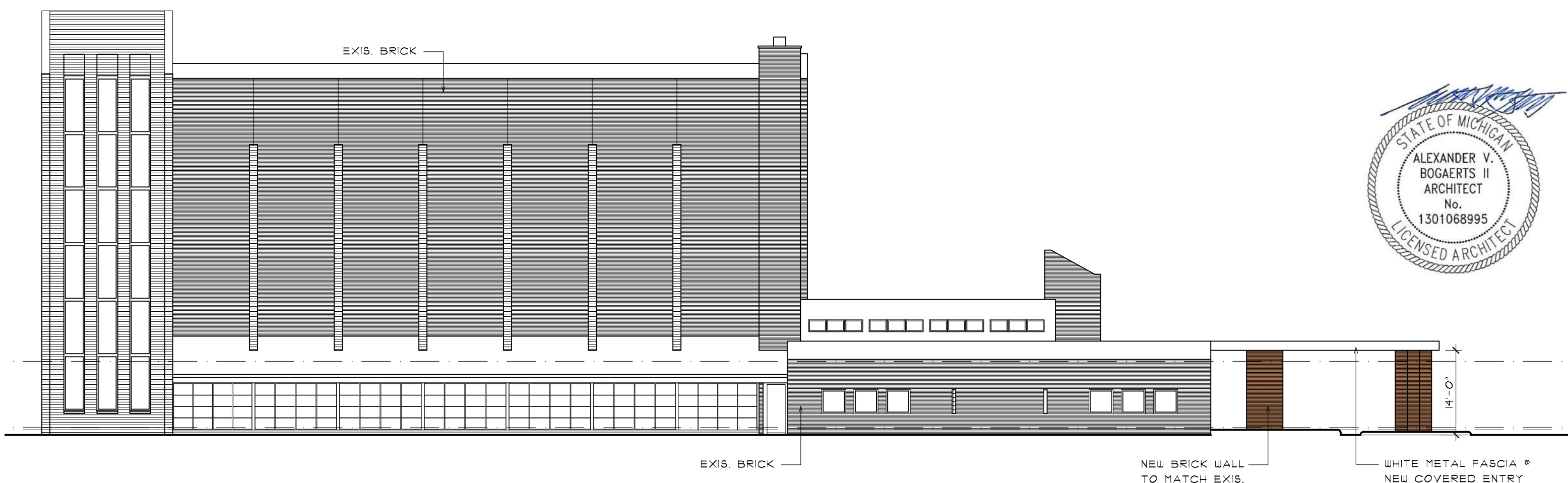
6 SOUTH ELEVATION

SCALE: 1/16" = 1'-0"



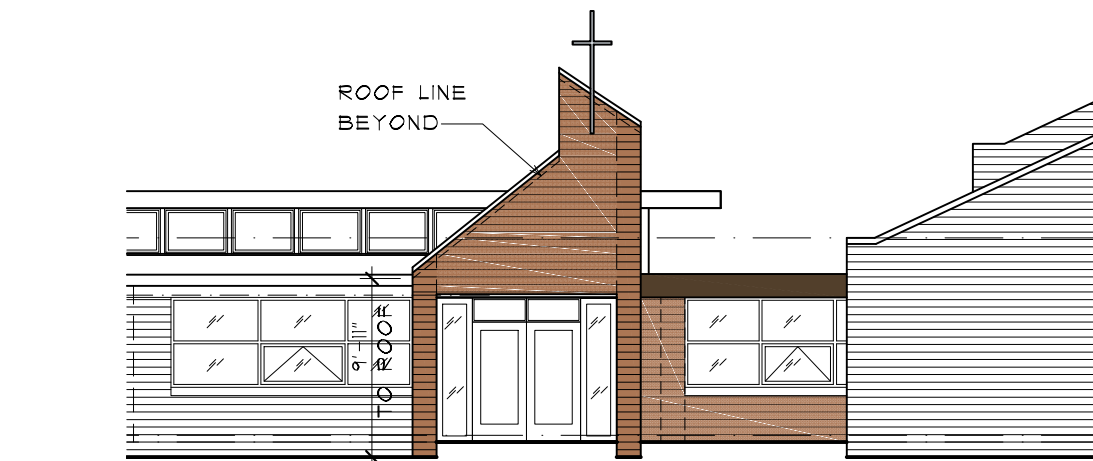
5 PARTIAL WEST ELEVATION

SCALE: 1/16" = 1'-0"



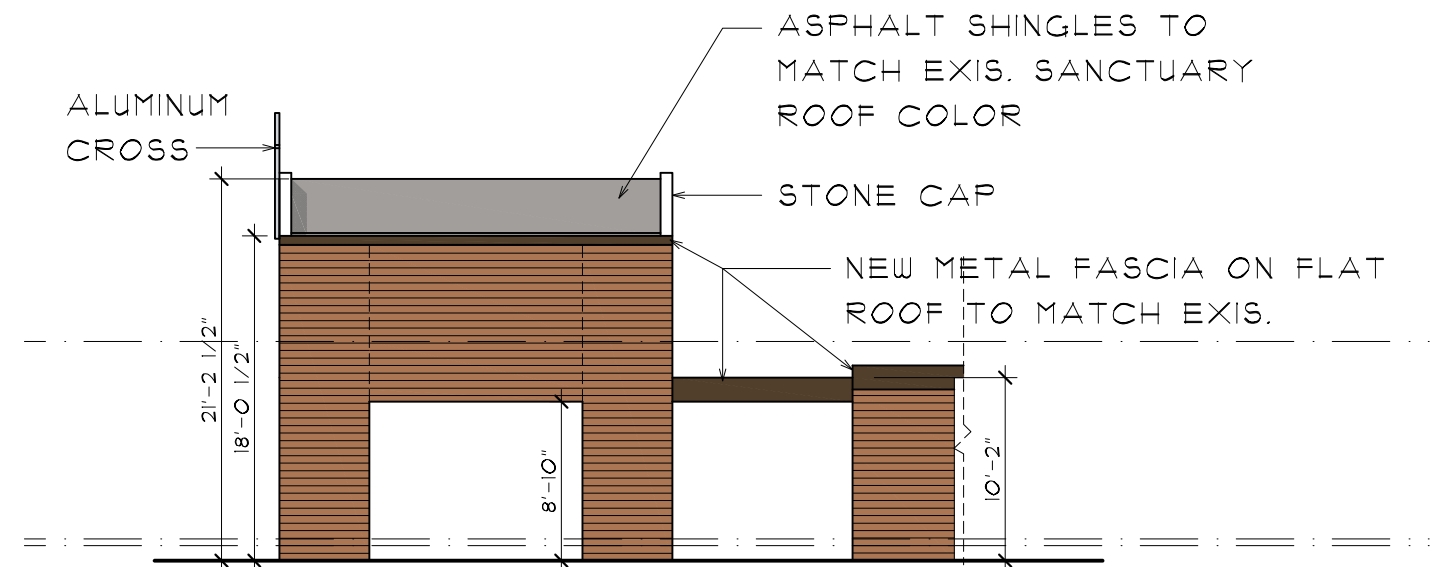
1 PARTIAL EAST ELEVATION

SCALE: 1/16" = 1'-0"



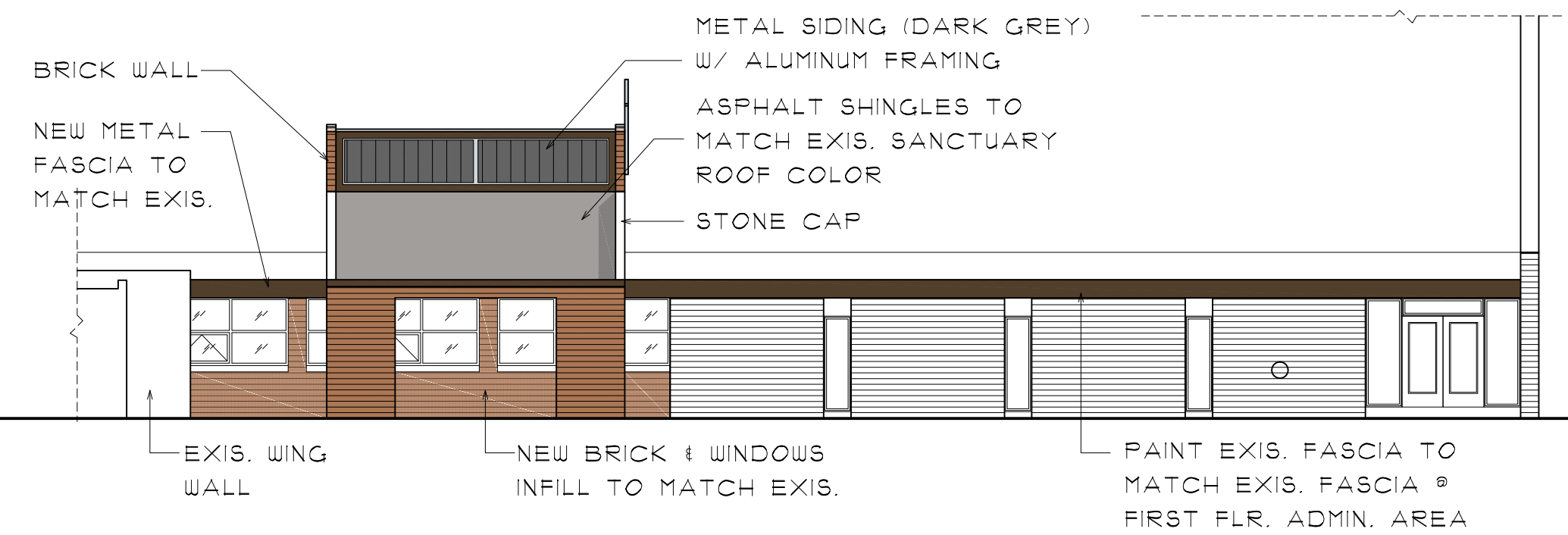
4 NEW COVERED ENTRY & DOOR

SCALE: 3/32" = 1'-0"



3 RIGHT SIDE OF NEW COVERED ENTRY

SCALE: 3/32" = 1'-0"



2 VIEW BEYOND @ NEW COVERED ENTRY

SCALE: 3/32" = 1'-0"

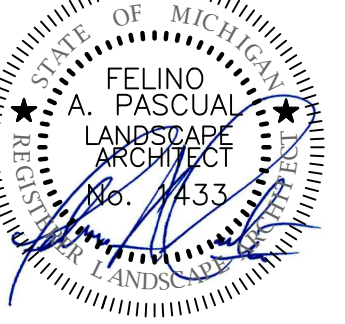
MECHANICAL NOTE:
ALL EXISTING MECH. EQUIPMENT TO REMAIN AS IS. NO NEW MECH. EQUIPMENT PROPOSED.
NO NEW SCREEN-WALL PROPOSED @ EXIS. MECH. EQUIPMENT. SEE LANDSCAPE FOR DUMPSTER ENCLOSURE DETAILS.

LIST OF PROP. DESIGN CHANGES:

1. NEW PARKING LOT DESIGN ON NORTH & EAST SIDE OF BLDG. W/ NEW LANDSCAPE & PEDESTRIAN ENTRY WALKS.
 2. NEW PORTE COCHERE ENTRY ADDITION @ NORTH ELEV.
 3. NEW COVERED ENTRY @ SOUTH ELEV. NEW INFILL/ ADDITION TO EXIS. BRICK COLUMN LINE @ SOUTH ELEV. ADJACENT TO NEW COVERED ENTRYWAY.
 4. NEW ADDITIONAL FOUNDATION LANDSCAPE AROUND BLDG.
 5. NEW SITE & BLDG. LIGHTING.
 6. THREE NEW GROUND SIGNS:
 - 6.1. AT N-W DRIVE ENTRY OFF OF MELTON RD.
 - 6.2. AT S-W CORNER OF SITE (MELTON & 14 MILE RD.)
 - 6.3. AT NEW BLVD. DRIVE ENTRY @ S-E CORNER OF SITE.
- *SMALL IDENTIFICATION SIGN @ NEW PORTE COCHERE.



seal:



client:

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

project:

**Our
Shepherd
Lutheran
Church**

project location:

City of Birmingham,
Michigan
14 Mile Road

sheet title:

**COLOR
LANDSCAPE PLAN**

job no./issue/revision date:

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

drawn by:

JP, DK, HP

checked by:

FP

date:

1-2-2022

notice:

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and Associates

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figured dimensions only



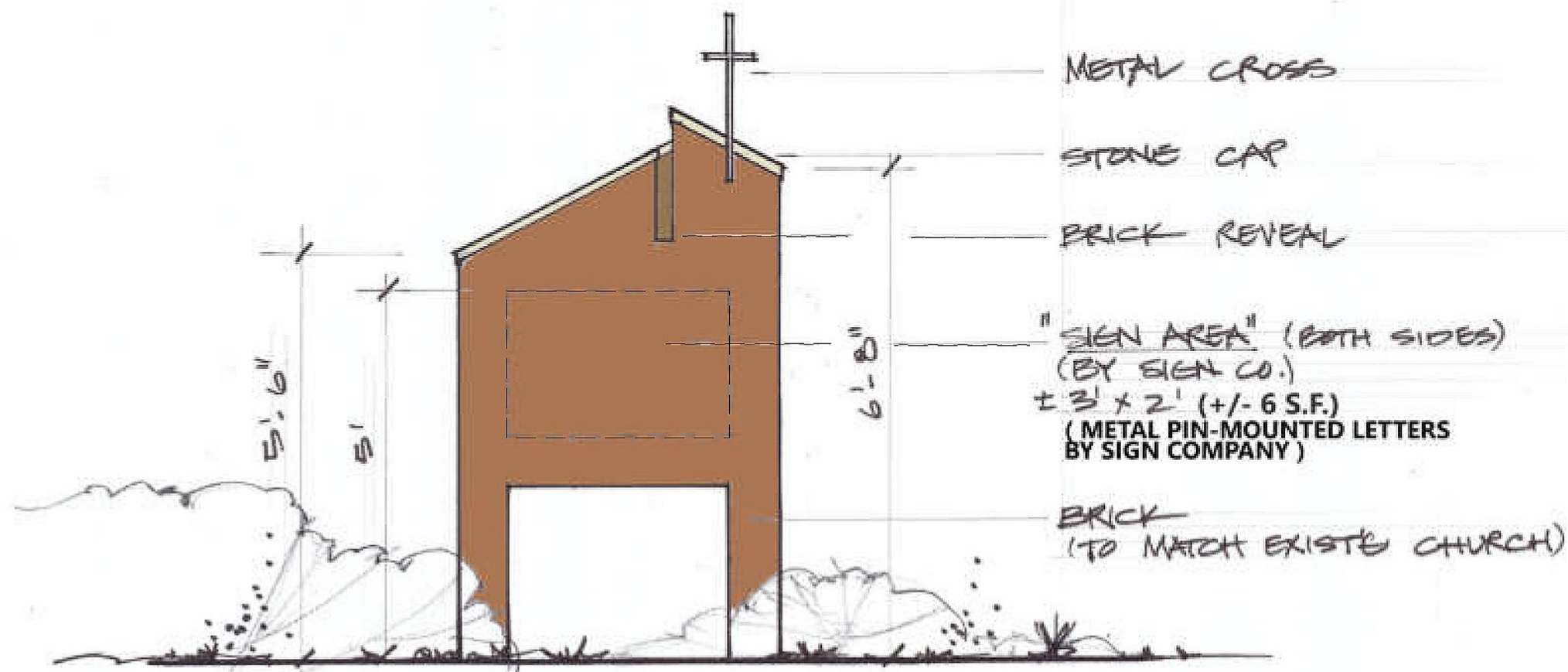
The location and elevations of existing
underground utilities as shown on this
drawing are only approximate. no guarantee
is either expressed or implied as to the
completeness of accuracy. contractor shall be
exclusively responsible for determining the
exact location and elevation prior to the start
of construction

project no:

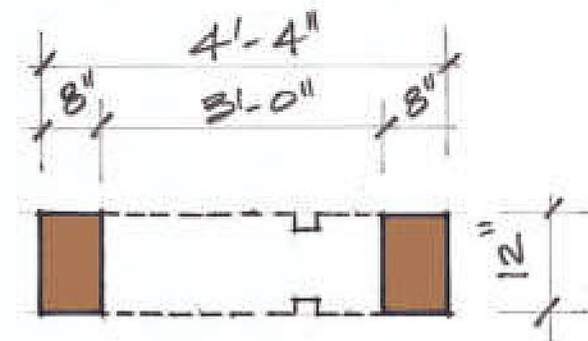
LS22.010.01

sheet no:

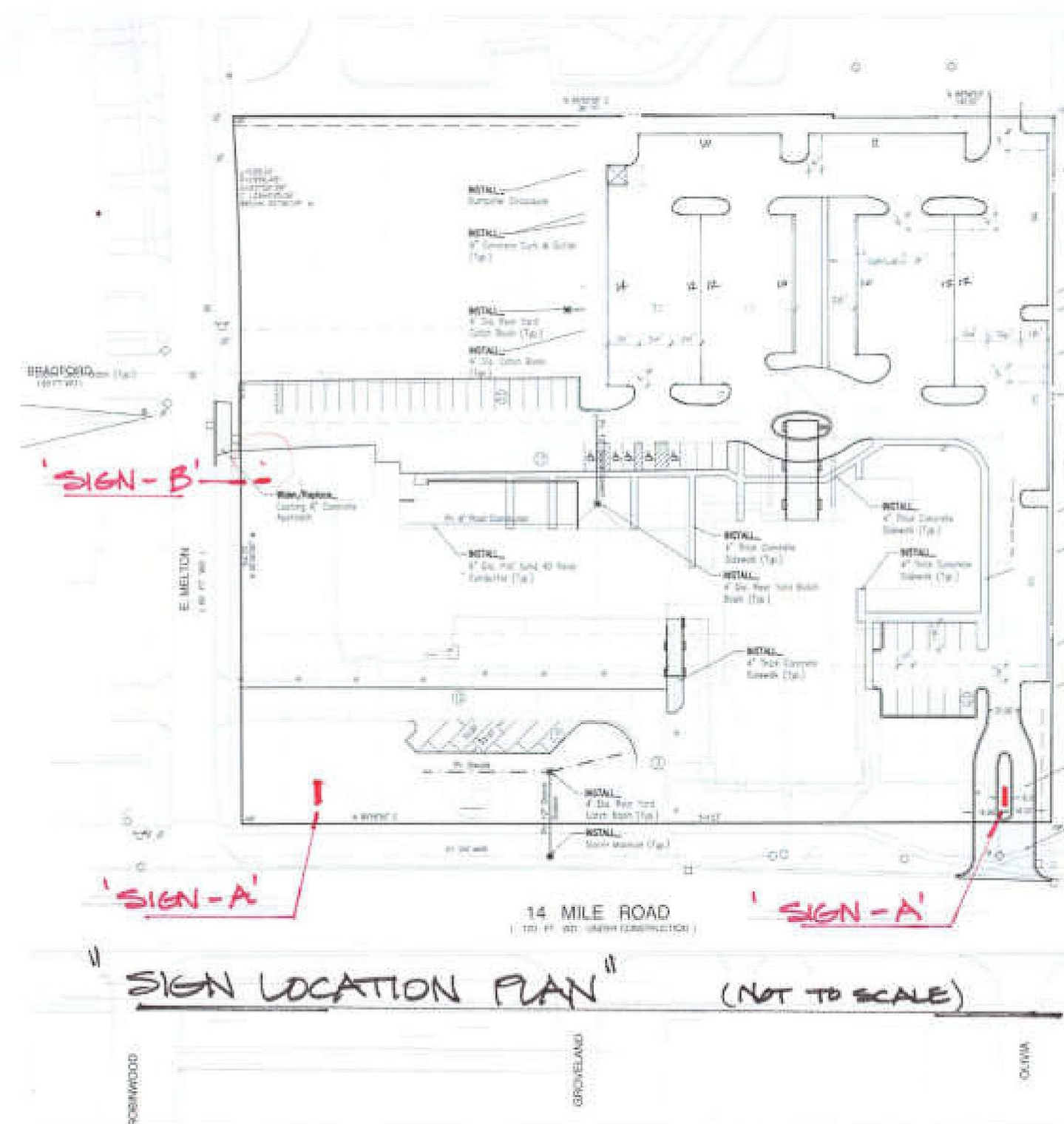
LSR-1



"SIGN ELEVATION" - 'B' 1/2" = 1'-0"
MELTON RD - WEST/NORTH PARKING DRIVE ACCESS



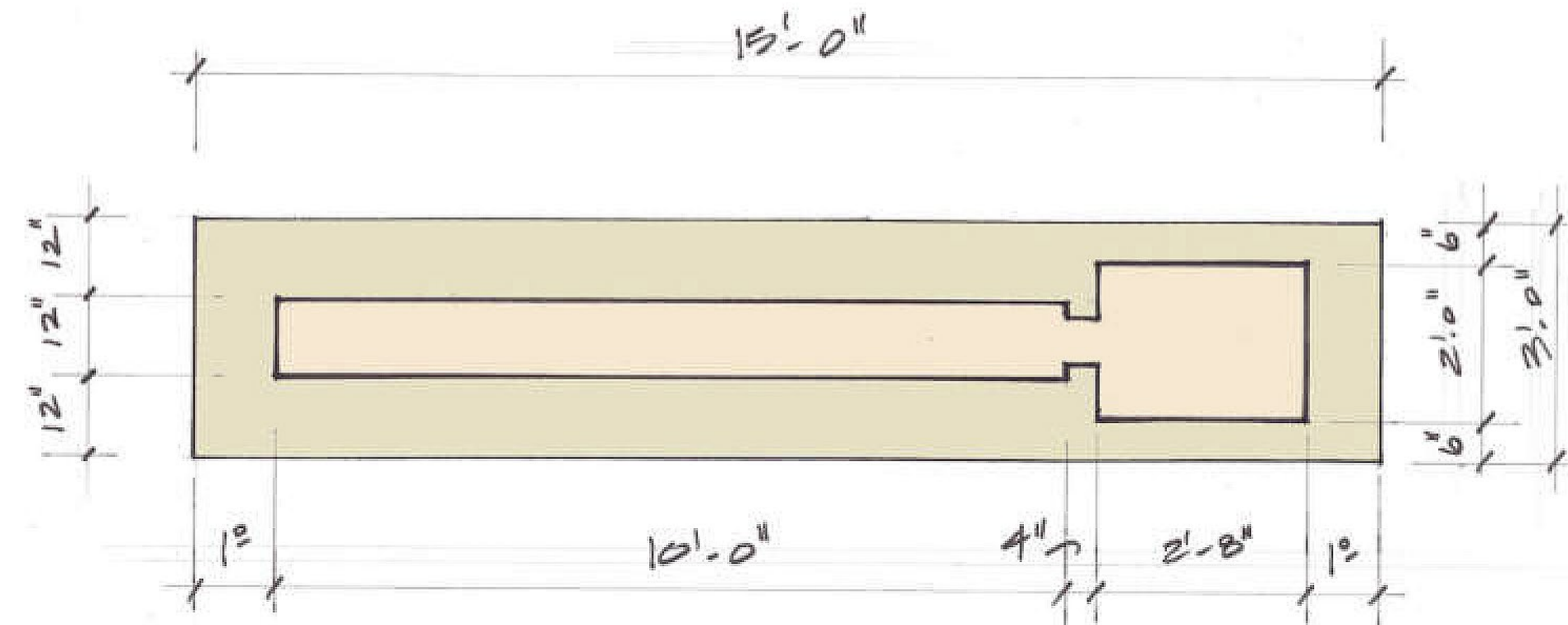
"SIGN - PLAN" 1/2" = 1'-0"



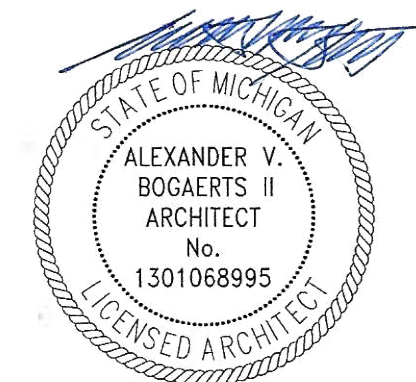
"SIGN LOCATION PLAN" (NOT TO SCALE)




"SIGN ELEVATION" - 'A' 1/2" = 1'-0"
14 MI RD - SW CORNER & EAST BOULEVARD ISLAND



"SIGN PLAN" - 'A' 1/2" = 1'-0"
14 MI RD - SW CORNER & EAST BOULEVARD ISLAND





d^{series}

D-Series Size 0
LED Area Luminaire

Specifications

EPA: 0.95 ft² (0.09 m²)

Length: 26" (660 mm)

Width: 13" (330 mm)


Height: 3" (76 mm)

Weight: 7" (1.7 kg)

Weight (max): 16 lbs (7.3 kg)

Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment. The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing up to 400W metal halide with typical energy savings of 70% and expected service life of over 100,000 hours.



WDGE2 LED
Architectural Wall Sconce

Specifications

Depth (D1): 7"

Depth (D2): 1.5"

Height: 8"


Width: 11.5"

Weight: 13.5 lbs (without options)

Introduction

The WDGE LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean rectilinear design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing a true site-wide solution. Embedded with nLight® AIR wireless controls, the WDGE family provides additional energy savings and code compliance.

WDGE2 delivers up to 6,000 lumens with a soft, non-pixelated light source, creating a visually comfortable environment. When combined with multiple integrated emergency battery backup options, including an 18W cold temperature option, the WDGE2 becomes the ideal wall-mounted lighting solution for pedestrian scale applications in any environment.



WDGE1 LED
Architectural Wall Sconce

Specifications

Depth (D1): 5.5"

Depth (D2): 1.5"

Height: 8"

Width: 9"

Weight: 9 lbs (without options)

Introduction

The WDGE LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean rectilinear design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing true site-wide solution.

WDGE1 delivers up to 2,000 lumens with a soft, non-pixelated light source, creating a visually comfortable environment. The compact size of WDGE1, with its integrated emergency battery backup option, makes it an ideal over-the-door wall-mounted lighting solution.

Ordering Information			EXAMPLE: DSX0 LED P6 40K T3M MVOLT SPA NLTAIR2 PIRHN DDBXD						
DSX0 LED									
Series	LEDs	Color temperature		Distribution		Voltage		Mounting	
DSX0 LED	Forward optics		30K 3000 K	T1S	Type I short (Automated)	T5S	Type V short ¹	MVOLT ¹⁴	Shipped included
	P1 P4 ¹ P7 ¹	40K 4000 K	T2S	Type II short	T5M	Type V medium ¹	SPA		
	P2 P5	50K 5000 K	T2M	Type II medium	T5W	Type V wide ¹	208 ¹		
	P3 P6		T3S	Type III short	BLC	Backlight control ¹	240 ¹		
	Retarded optics		T3M	Type III medium	LCCD	Left corner cutoff ¹	277 ¹		
	P10 ¹ P12 ¹		T4M	Type IV medium	RCCD	Right corner cutoff ¹	247 ¹	SPUMA	Square pole universal mounting adaptor ¹
	P11 ¹ P13 ¹		TF1M	Forward throw medium			480 ¹	PFUMA	Round pole universal mounting adaptor ¹
			T5VS	Type V very short ¹					Shipped separately
								KMA8 DDBXD U	Max. arm mounting bracket adaptor (specify finish) ¹
Control options						Other options		Finish ¹ selected	
Shipped installed						Shipped installed		DDBXD Dark bronze	
NLTAIR2	NLTAIR2 generation 2 module ¹⁵			PIR	High flow, motion/ambient sensor, 5-30 mounting height, ambient sensor enabled at 30-30 ¹⁶	HS	House-side shield ¹⁷	DDBLD	Black
PIRHN	New high flow motion/ambient sensor ¹⁸			PIRHN	High flow, motion/ambient sensor, 15-30 mounting height, ambient sensor enabled at 30-30 ¹⁶	SE	Sing-fuse (120, 277, 347V) ¹⁹	DDBAL	Natural aluminum
PER	PERM beam break receptacle only (control ordered separately) ¹⁸			PIRHNFCV	High flow, motion/ambient sensor, 15-30 mounting height, ambient sensor enabled at 30-30 ¹⁶	DF	Double fuse (208, 240, 480V) ¹⁹	DDBWH	White
PER	Five-pin receptacle only (control ordered separately) ^{18, 19}			PIRHNFCV	High flow, motion/ambient sensor, 5-30 mounting height, ambient sensor enabled at 30-30 ¹⁶	L50	Left rotated optics ¹	DDBT80	Textured dark bronze
PER8	Seven-pin receptacle only (leads exit future) (control ordered separately) ¹⁸			PIRHNFCV	High flow, motion/ambient sensor, 15-30 mounting height, ambient sensor enabled at 30-30 ¹⁶	R80	Right rotated optics ¹	DDBLD	Textured black
						DOL	Diffused drop optics ¹	DDBAT0	Textured natural aluminum
DAG	0-100V dimming end-on back of housing for external control (control ordered separately) ¹⁵			FAO	Field adjustable output ¹	HA	50% ambient operations ¹	DDBWHD	Textured white
						SHD	Shipped separately		
						BS	Bird spikes ¹		
						ECS	External glass shield		

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

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

A. Roll Call

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

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

Administration:

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

03-61-22

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

Motion by Mr. Share

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

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

03-62-22

C. Chair's Comments

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

03-63-22

D. Review Of The Agenda

03-64-22

E. Unfinished Business

None.

H. Special Land Use Permits

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

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

PD Dupuis reviewed the item.

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

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

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

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

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

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

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

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

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

Motion by Mr. Share

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

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

03-68-22

I. Site Plan & Design Reviews

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

Discussed during Item G1.

Motion by Mr. Koseck

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

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

Motion carried, 4-0.

ROLL CALL VOTE

Yeas: Share, Boyle, Whipple-Boyce, Koseck

Nays: None

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

Discussed during Item H1.

Motion by Mr. Boyle

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

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

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

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

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

SP Cowan presented the item.

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

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

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

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

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

CASE DESCRIPTION

1061 FOREST (22-18)

Hearing date: May 10, 2022

Appeal No. 22-18: The owner of the property known 1061 Forest, requests the following variance to construct a porch/patio in the required side yard of an existing home:

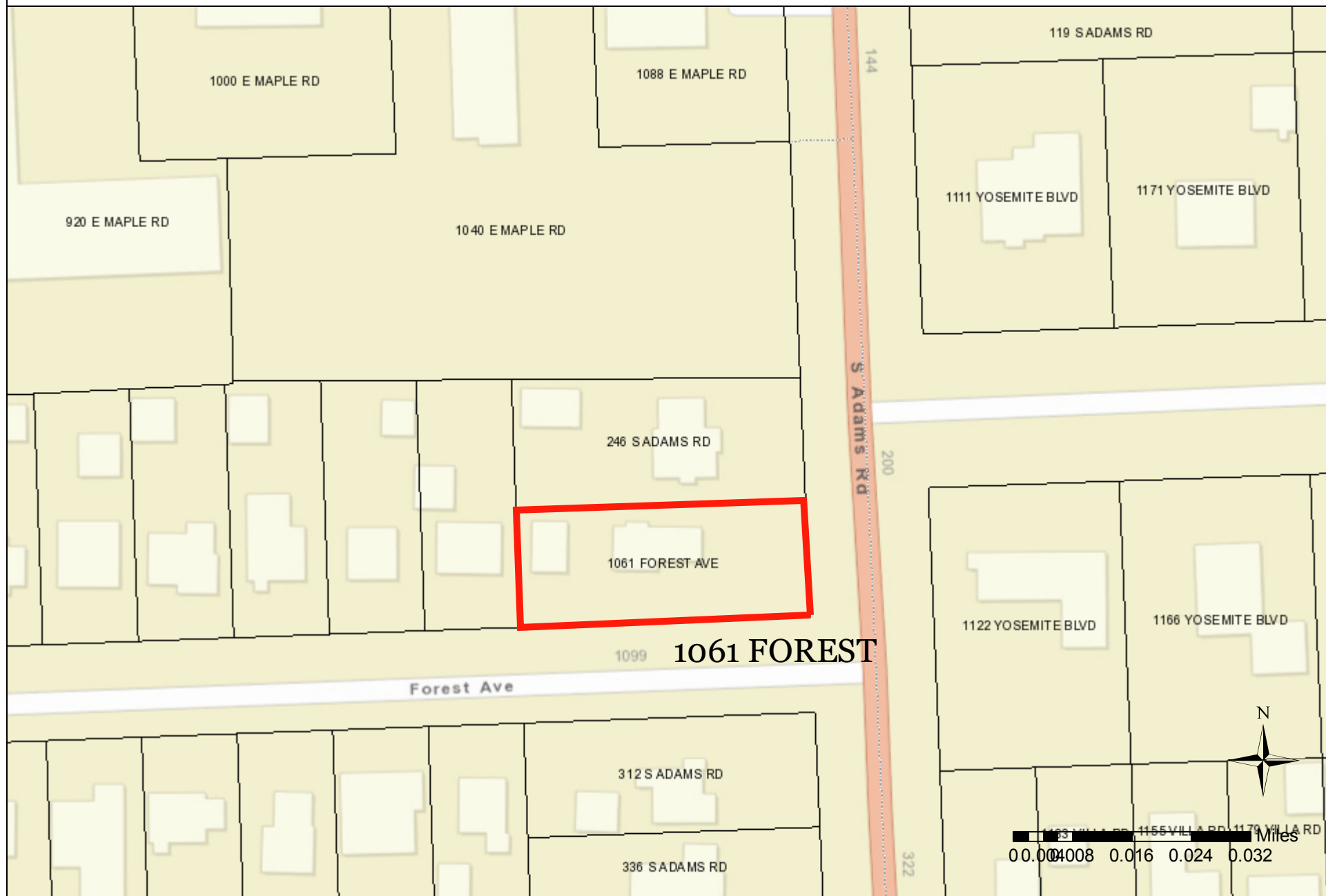
- A. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios do not project into a required side open space. A patio and stairs is being proposed to project 8.00 feet into the south side open space; therefore, a variance of 8.00 feet is being requested.

Staff Notes: The existing home was built in 1905 and was relocated to this site in 1984. The applicant is requesting to construct a patio in the required side yard and modify the existing steps and landing at the door of the home.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1061 FOREST MAP



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

Application Date: 4/11/2022

Received By: BW

Hearing Date: 5-10-22

Appeal #: 22-18

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

Address: 1061 Forest Avenue	Lot Number: 4	Sidwell Number: 08-19-36-227-026
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II. OWNER INFORMATION:

Name: Nicholas Green and Clodagh Earls			
Address: 1061 Forest Avenue	City: Birmingham	State: MI	Zip code: 48009
Email: clodagh.earls@gmail.com		Phone: 248-550-9505	

III. PETITIONER INFORMATION:

Name: Nicholas Green and Clodagh Earls	Firm/Company Name:		
Address: 1061 Forest Avenue	City: Birmingham	State: MI	Zip code: 48009
Email: clodagh.earls@gmail.com		Phone: 248-550-9505	

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: [Signature]

Date: 04-12-2022

Signature of Petitioner: [Signature]

Date: 04-12-2022

April 12, 2022

Board of Zoning Appeals
City of Birmingham
151 Martin St.
Birmingham, MI 48012
Attn: Bruce Johnson
Building Director

Re: 1061 Forest – Nicholas Green and Clodagh Earls, owners

Dear Members of the Board of Zoning Appeals,

Please accept the following as a practical difficulty/hardship letter requesting a variance regarding the rebuild/improvement of our preexisting, non-conforming side porch. Located at the South (main) entrance facing Forest Avenue, it functions as a front porch, though technically situated in the side yard and as such is subject to the requirements of sections 4.61(A)(1) and 4.30(C)(1) of the zoning ordinances.

We have occupied our home at 1061 Forest Avenue since November 13, 2013 and thoroughly enjoy living and raising our two young daughters in Birmingham. Last fall, we approached the Zoning Board to grant a variance for the replacement of our dilapidated 6' front fence. The Board graciously considered our case, thoughtfully discussing the issue, especially considering the unusual circumstances that surround our lot and approved our fence height variance (ref: PAPL21-0050). We are now seeking a variance to replace our masonry side porch and steps (becoming more dilapidated by the day) and add an additional low platform, to improve upon usage of the space and add general curb appeal.

We are seeking a variance because the technical orientation of our home on the lot remains in stark contrast to how our home is used in a functional, day to day sense. This disconnect creates challenges when dealing with zoning ordinances, as we experienced when renewing our fencing. To refresh the Boards memory, research shows that the home now located on 1061 Forest Ave was originally built in 1905 on Willits Street in Birmingham. In 1984, the home was relocated from Willits Street to the present location on the property and placed on a new concrete foundation. The front door and primary entrance of the home were oriented towards Forest Avenue to the South. However, the 1984 Permit notes that for purposes of zoning, the Adams Road (Eastern) frontage is the front lot line of the Property and the yard between Adams and the Eastern facade of the home is the front open space. The home on the Property has remained in its current location since 1984, with the side door (primary entrance) oriented toward Forest Avenue to the South. Nevertheless, it has been firmly established that the property is still subject to the Adams Road oriented frontage.

We have spoken at length with Mr. Jeff Zielke around the zoning ordinances that would be imposed upon our proposed side porch. The unusual circumstances of its use – especially its role as the primary entrance to the home – do not change the reality of it being in the 'side yard'. As such, it has been determined that we need a variance in order to construct the improved porch as "structures are not permitted in the side yard". Additionally, Mr. Zielke indicated that we would not need to provide the 200 ft setback average of the neighboring homes because the homes along Forest Avenue to our West are similarly aligned, making such detail unnecessary. We

have included the surveys, drawings, and additional photos for the Boards consideration. Therefore, we would request that the Board grants us the opportunity to build a simple low-porch and improve upon our steps, as we would like to continue to improve upon this historic Birmingham home.

Thank you for your careful consideration.

Nicholas Green and Clodagh Earls

The image shows two handwritten signatures in black ink. The signature on the left is for Nicholas Green, written in a cursive style. The signature on the right is for Clodagh Earls, also in a cursive style. The names are written in a fluid, connected manner.

Requested Variances	Required	Existing	Proposed	Variance Amount
Setback Standard Corner Lot (per 4.61 (A)1)	25.00 feet	23.50 feet (not including stairs – per 4.30 OS (C)1)	23.50 feet (not including stairs – per 4.30 OS (C)1)	1.50 feet

CERTIFICATE OF SURVEY

LEGAL DESCRIPTION:

LOT 4 EXCEPT THE NORTH 1.50 FEET, IN "SNOW SUBDIVISION", OF PART OF THE N.E. 1/4 OF SECTION 36, T. 2 N., R. 10 E., VILLAGE OF BIRMINGHAM (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 31 OF PLATS, PAGE 14, OAKLAND COUNTY RECORDS, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

LOT AREA

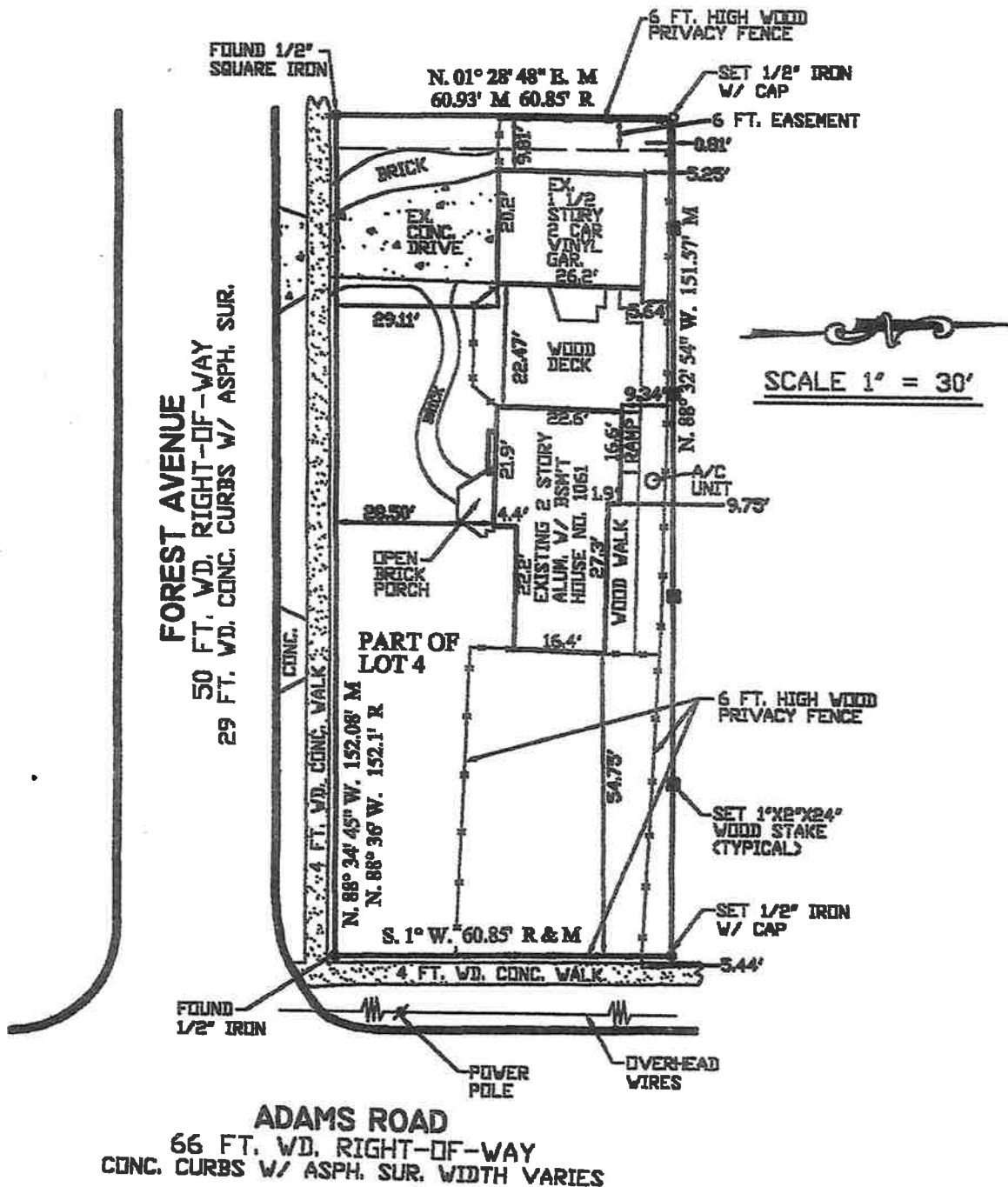
0.212 ACRES
9244 SQ. FT.

PROPERTY ADDRESS

1061 FOREST AVENUE

SIDWELL NO.

19-36-227-021



ADAMS ROAD

66 FT. WD. RIGHT-OF-WAY
CONC. CURBS W/ ASPH. SUR. WIDTH VARIES

□ = SET 1"X2"X24" WOOD STAKE ● = FOUND CONC. MON. W/ △ = SET NAIL
(R) = RECORDED (M) MEASURED (C) CALCULATED ○ = FOUND IRON ○ = SET IRON --- = FENCE

CERTIFIED EXCLUSIVELY TO: NANCY KORNFIELD

LOCATION: 1061 FOREST AVENUE ERROR OF CLOSURE: 1:78351

SCALE: 1" = 30' DATE: 4-16-03 BY: S.T. JOB# 03-1887 SH. 1 OF 1

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970 HAVE BEEN COMPLIED WITH.



TIGHE SURVEYING INC.
3852 CATALPA
BERKLEY, MI 48072

MICHAEL F. TIGHE #27462
MICHAEL F. TIGHE
PROFESSIONAL SURVEYOR
(248) 542-0002 FAX (248) 542-6351



1061 Forest Ave

Existing brick porch shown in light gray >

Main entrance

Side deck at height of
first step (7")

9.25'

8'

6.50'

5'

25' setback zone from Forest
Ave indicated in Red

19'

12'

Construction notes:

Trex decking : 6"

Joists: 2x6"

Joist spacing: 16" o.c.

(18" o.c. for upper entrance deck)

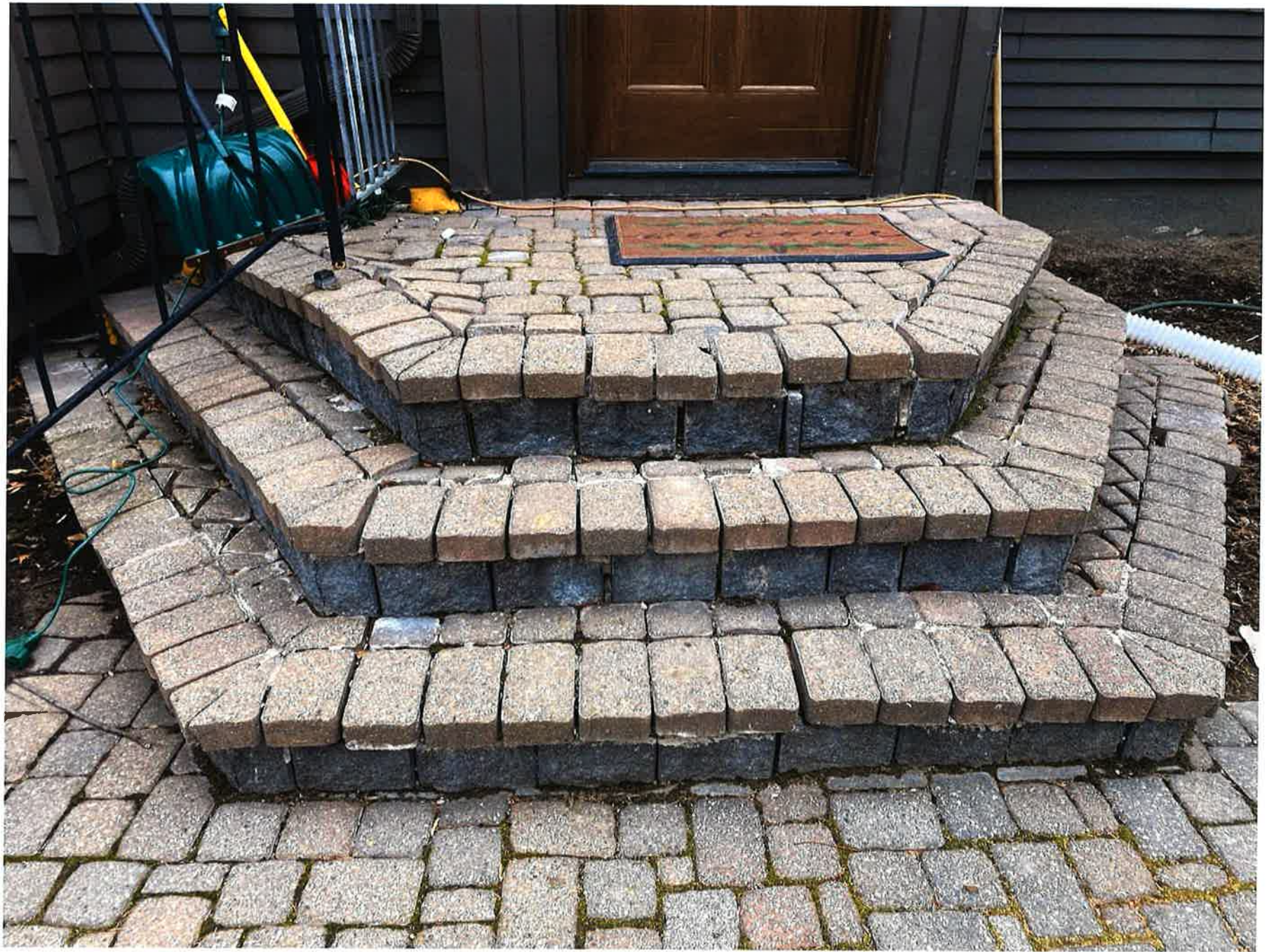
Beams: 2x10"

Drawing by Nicholas Green - Homeowner

04-12-2022

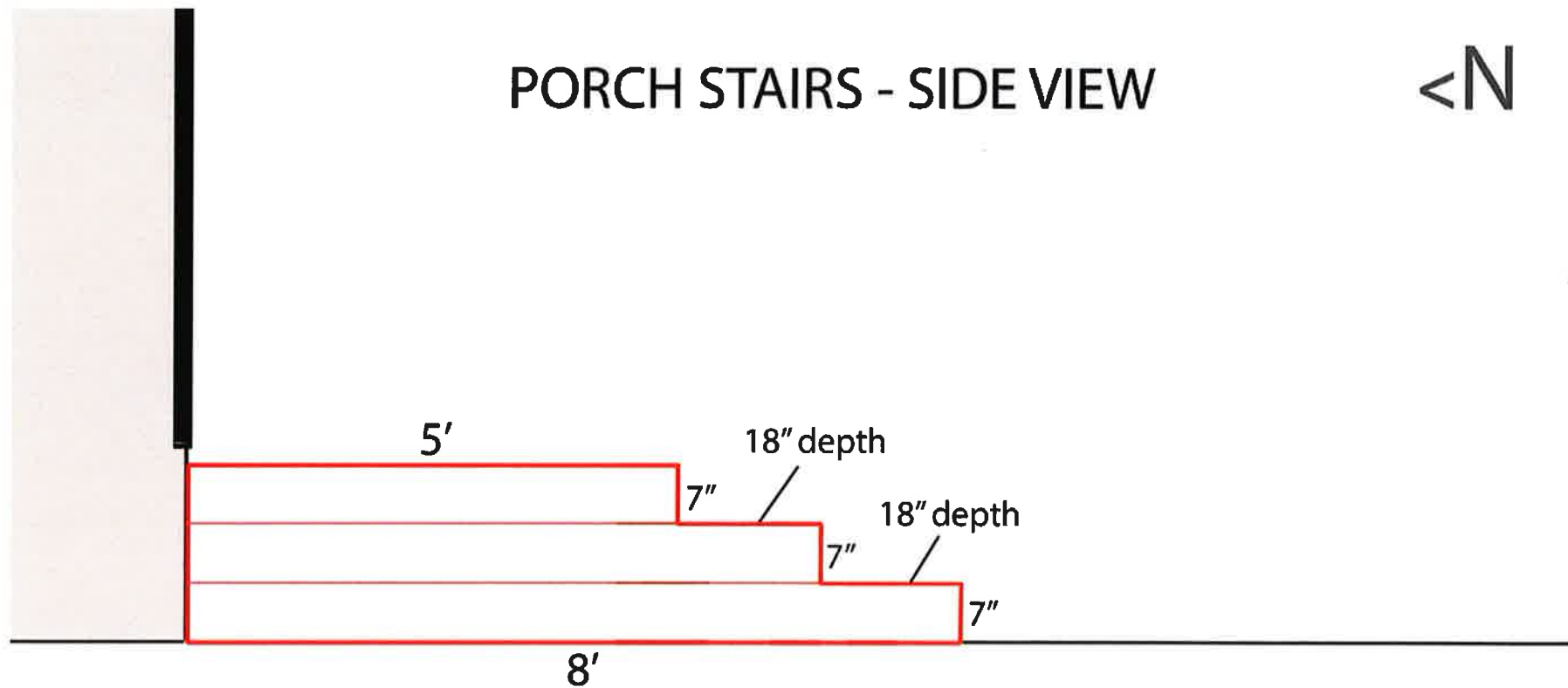




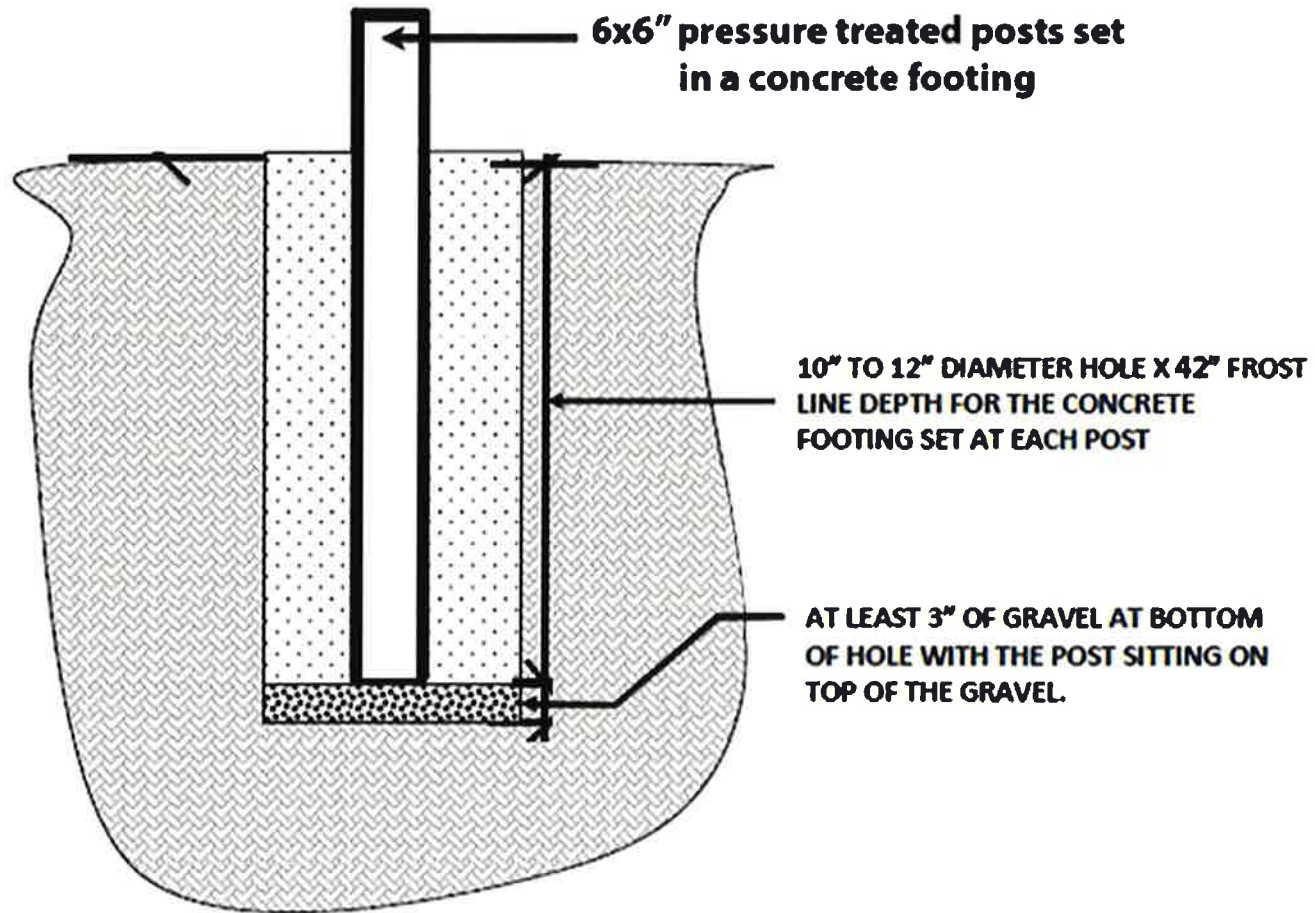


PORCH STAIRS - SIDE VIEW

<N



6x6" POSTS





CASE DESCRIPTION

36877 WOODWARD (22-19)

Hearing date: May 10, 2022

Appeal No. 22-19: The owner of the property known 36877 Woodward, requests the following variances to construct a new veterinary clinic in the TZ-3 Transition Zone.

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

Staff Notes: The applicant, Gasow Veterinary Clinic, is proposing to make updates to the building where they have operated in Birmingham since the 1960s. The TZ3 Transition Zone requires buildings to be at or near the frontage line for 75% of the lot width while also restricting the amount of parking lot space along the frontage line to no more than 25% of the lot width. The TZ3 Transition Zone also requires building entrances to be oriented towards the front of the building.

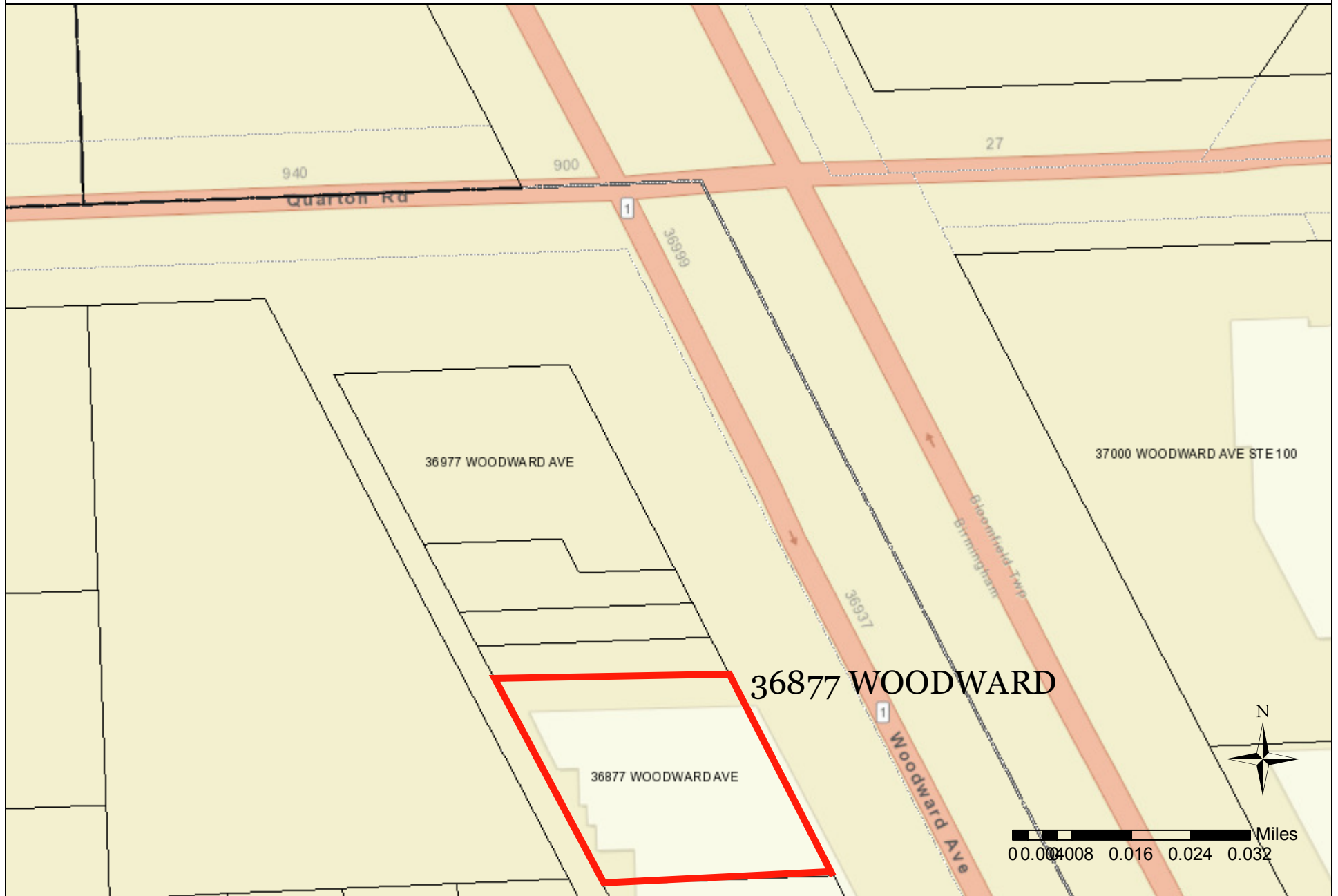
The applicant is proposing a building that is within 0-5 feet of the front lot line for 55% of the lot width in order to accomade space for on-site access and parking. This accomodation is also why they exceed the 25% maximum for parking lot frontage along the lot width.

In regards to the front door requirements, the applicant is required to have two doors facing the front given the 100 foot width of the building. The applicant is proposing a main door facing the front and another on the southeast corner of the building facing south that connects to the euthanization room.

This property is zoned TZ3 – Transition Zone.

Brooks Cowan
Senior Planner

36877 WOODWARD MAP



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



APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 4-13-22

Hearing Date: 5-10-22

Received By: BW

Appeal #: 22-0019

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

Address: 36877 WOODWARD AVENUE, BIRMINGHAM, MICHIGAN 48009	Lot Number: #19-27	Sidwell Number: 19-25-101-010
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II. OWNER INFORMATION:

Name: Mike Bailey, 36877 WOODWARD AVENUE LLC/ROMEO PLANK PROPERTIES,			
Address: 36877 WOODWARD AVENUE	City: BIRMINGHAM	State: MICHIGAN	Zip code: 48009
Email: mbailey@mtbpartnersllc.com		Phone: (248) 644-7171	

III. PETITIONER INFORMATION:

Name: Mike Bailey, 36877 WOODWARD AVENUE LLC/ROMEO PLANK PROPERTIES,		Firm/Company Name: 36877 WOODWARD AVENUE LLC/ROMEO PLANK PROPERTIES,	
Address: 36877 WOODWARD AVENUE	City: BIRMINGHAM	State: MI	Zip code: 48009
Email: mbailey@mtbpartnersllc.com		Phone: (248) 644-7171	

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

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.
By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.
*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: Michael T. Bailey Date: 4/12/22
Signature of Petitioner: Michael T. Bailey Date: 4/12/22

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

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

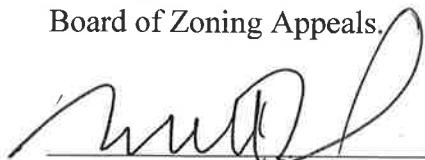
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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

ARTICLE III - Rehearings

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

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

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

A handwritten signature in black ink, appearing to be 'M. D.', written over a horizontal line.

Signature of Applicant



RE: Gasow Veterinary Hospital
Letter of practical Difficulty and/or Hardship

Gasow Veterinary Hospital - Variance Chart

Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A	75% of Frontage; With in 0-5 feet (135' required)	180' (Total Stree Frontage)	100'-0" (55%)	35'-0"
Variance B	Max 25% of Frontage parking lot (max 45')	180' (Total Stree Frontage)	57'-0" (32%)	12'-0"
Variance C	1 usable entrance for every 50' of frontage (2 required)	100'-8" wide building	1 entrance	1 entrance

Applicant is proposing the reconstruction of the existing Gasow Veterinary Hospital with a new 2 story 11,771 s.f. building. The submitted plans require the request of 3 variances as charted above.

Variance A:

Applicant is seeking variance from Article 2, section 2.46.2 of the zoning Ordinance that requires the minimum front yard setback for the building façade to be built within 0-5 feet of the front setback requirement for a minimum of 75% of the street frontage length. The site plan indicates a building façade of 100 feet within 0-5 feet of the front lot line that is 180 feet in length, totaling 55% of frontage. The particular site depth and trapezoid shape make it difficult to accommodate access and the required parking with out a single access lane and double loaded parking aisle from Woodward. The site plan has minimized the width required for parking to the proposed 57 feet with one way aisle and angled parking. It is also important to note the 100% of the building's frontage on Woodward is within the 0-5 feet set back.

Variance B:

Applicant is seeking Variance from Article 4, Section 4.53(A)(1) requires that no more than 25% of the total site's frontage, or 60 feet, whichever is less, shall be occupied by a parking lot. 25% of a 180 foot front lot line equates to 45 feet of permissible parking lot frontage on a public right-of-way. The site plan indicates 57 feet of parking lot frontage, exceeding the permissible amount by 12 feet. Note statement of hardship from variance A.

Variance C:

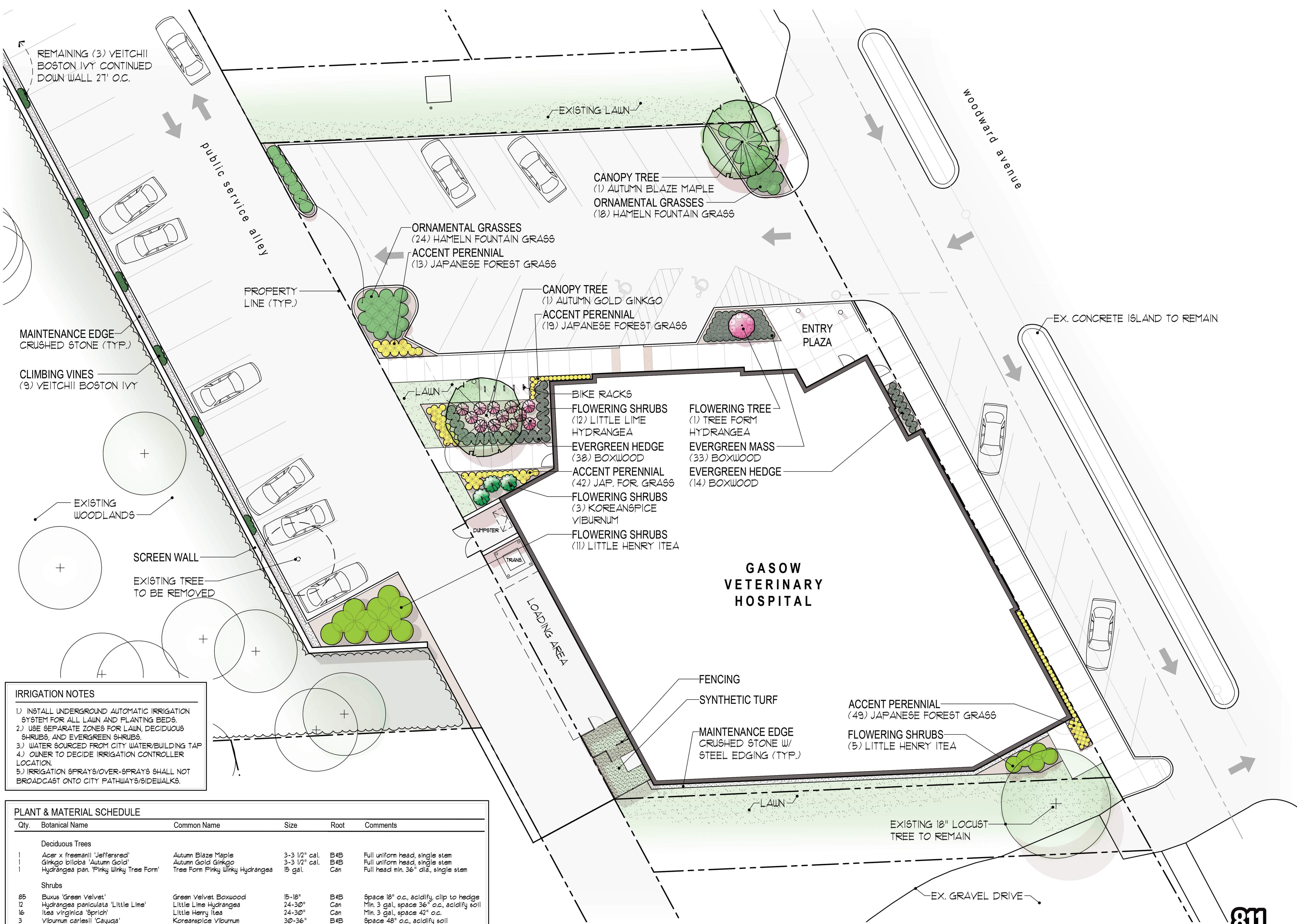
Applicant is seeking variance from Article 4, Section 4.83 requires main entrances to be located along the street frontage, and that buildings longer than 100 feet are required to have one (1) usable entrance for every 50 feet of frontage. The subject building is 100 feet long and therefore is required to provide 2 front entrances facing Woodward Ave. 1 entrance is provided along Woodward and 1 facing parking lot on the proposed plans North East Corner. Providing an additional entrance along Woodward heading south is practically difficult for two reasons as follows; 1. Public sidewalk grade drops below finish floor heading south. 2. The floor plan locates Client Exam room spaces along Woodward and an additional entrance is not practical. The plan does locate a door on the south face of the building adjacent to Woodward that provides private exit for Euthanasia clients.

Thank you for consideration of the above referenced Variations.

Sincerely



Michael Matthys



IRRIGATION NOTES

- 1) INSTALL UNDERGROUND AUTOMATIC IRRIGATION SYSTEM FOR ALL LAWN AND PLANTING BEDS.
- 2) USE SEPARATE ZONES FOR LAWN, DECIDUOUS SHRUBS, AND EVERGREEN SHRUBS.
- 3) WATER SOURCED FROM CITY WATER/BUILDING TAP
- 4) OWNER TO DECIDE IRRIGATION CONTROLLER LOCATION.
- 5) IRRIGATION SPRAYS/OVER-SPRAYS SHALL NOT BROADCAST ONTO CITY PATHWAYS/SIDEWALKS.

Qty.	Botanical Name	Common Name	Size	Root	Comments
Deciduous Trees					
1	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	3-3 1/2" cal.	B4B	Full uniform head, single stem
1	Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo	3-3 1/2" cal.	B4B	Full uniform head, single stem
1	Hydrangea pan. 'Pinky Winky Tree Form'	Tree Form Pinky Winky Hydrangea	15 gal.	Can	Full head min. 36" dia., single stem
Shrubs					
85	Buxus 'Green Velvet'	Green Velvet Boxwood	15-18"	B4B	Space 18" o.c., acidify, clip to hedge
12	Hydrangea paniculata 'Little Lime'	Little Lime Hydrangea	24-30"	Can	Min. 3 gal., space 36" o.c., acidify soil
16	Itea virginica 'Sprich'	Little Henry Itea	24-30"	Can	Min. 3 gal., space 42" o.c.
3	Viburnum carlesii 'Cayuga'	Korean Spice Viburnum	30-36"	B4B	Space 48" o.c., acidify soil
Perennials, Grasses & Vines					
123	Hakonechloa macra 'All Gold'	All Gold Japanese Forest Grass	1 gal.	Can	Space 15" o.c.
42	Fernisetum alopecuroides 'Hameln'	Hameln Fountain Grass	15 gal.	Can	Space 30" o.c.
9	Parthenocissus tricuspidata 'Veitchii'	Veitchii Boston Vly	3 gal.	Can	Stake, spacing varies 18' to 36' o.c.

LANDSCAPE ARCHITECTURE

MICHAEL J. DUL
& ASSOCIATES, INC

212 DAINES STREET
BIRMINGHAM
MICHIGAN 48009

P 248 644 3410
F 248 644 0819

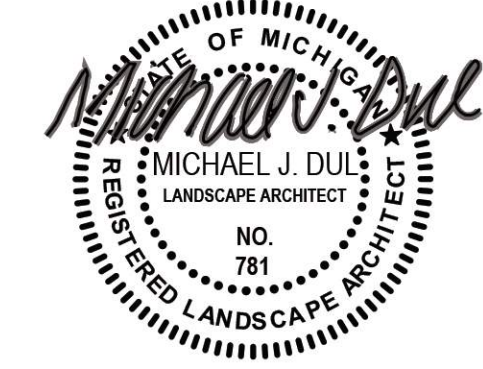
www.mjdul.com

Gasow Veterinary Hospital
36877 Woodward Avenue
Birmingham, Michigan 48009

PROJECT

Landscape Development
Preliminary
Landscape Plan

SHEET TITLE



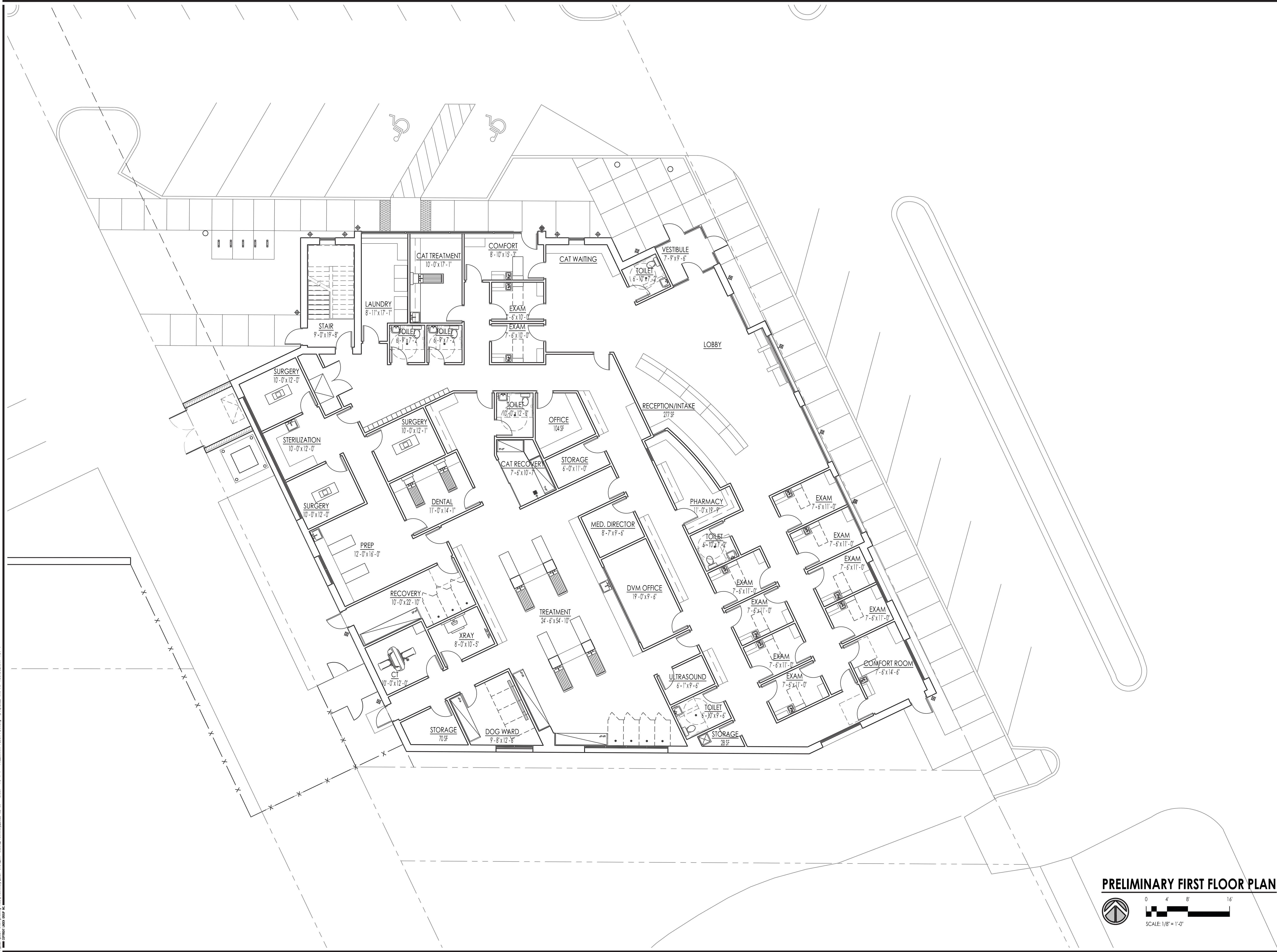
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SCALE

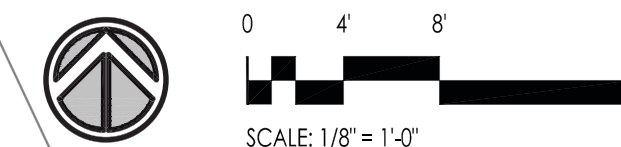
PROJECT NUMBER: 22106
DRAWN: T. Shoemaker
CHECKED: M. Dul
DATE: February 16, 2022
REVISIONS: February 22, 2022
April 11, 2022



P:\2021\2021-0131\Drawing Files\Preliminary\2021-0131_MAP_Site_Preliminary_2022-02-09 - Sheet - PD-1-1 - PRELIMINARY FLOOR PLAN.dwg 4/12/2022 4:19 PM ASDWGSD001 PD1-1
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PRELIMINARY FIRST FLOOR PLAN



ARCHITECTURE
LAND PLANNING
INTERIOR ARCHITECTURE
LANDSCAPE ARCHITECTURE
10100 ORLAND PARKWAY SUITE 110
ORLAND PARK, ILLINOIS 60467
(708) 799-4400
WWW.LINDENGROUPINC.COM

RWE
DESIGN BUILD
1303 Ogden Ave.
Downers Grove, IL 60515
(630) 734-0883

**GASOW VETERINARY
HOSPITAL**
36877 WOODWARD AVENUE
BIRMINGHAM, MICHIGAN 48009

DATE	DRAWN	DESCRIPTION
02-23-2022	AS	SITE PLAN REVIEW
04-12-2022	AS	SITE PLAN REVIEW REVISIONS

2021-0131
PROJECT NUMBER

04-12-2022
DATE

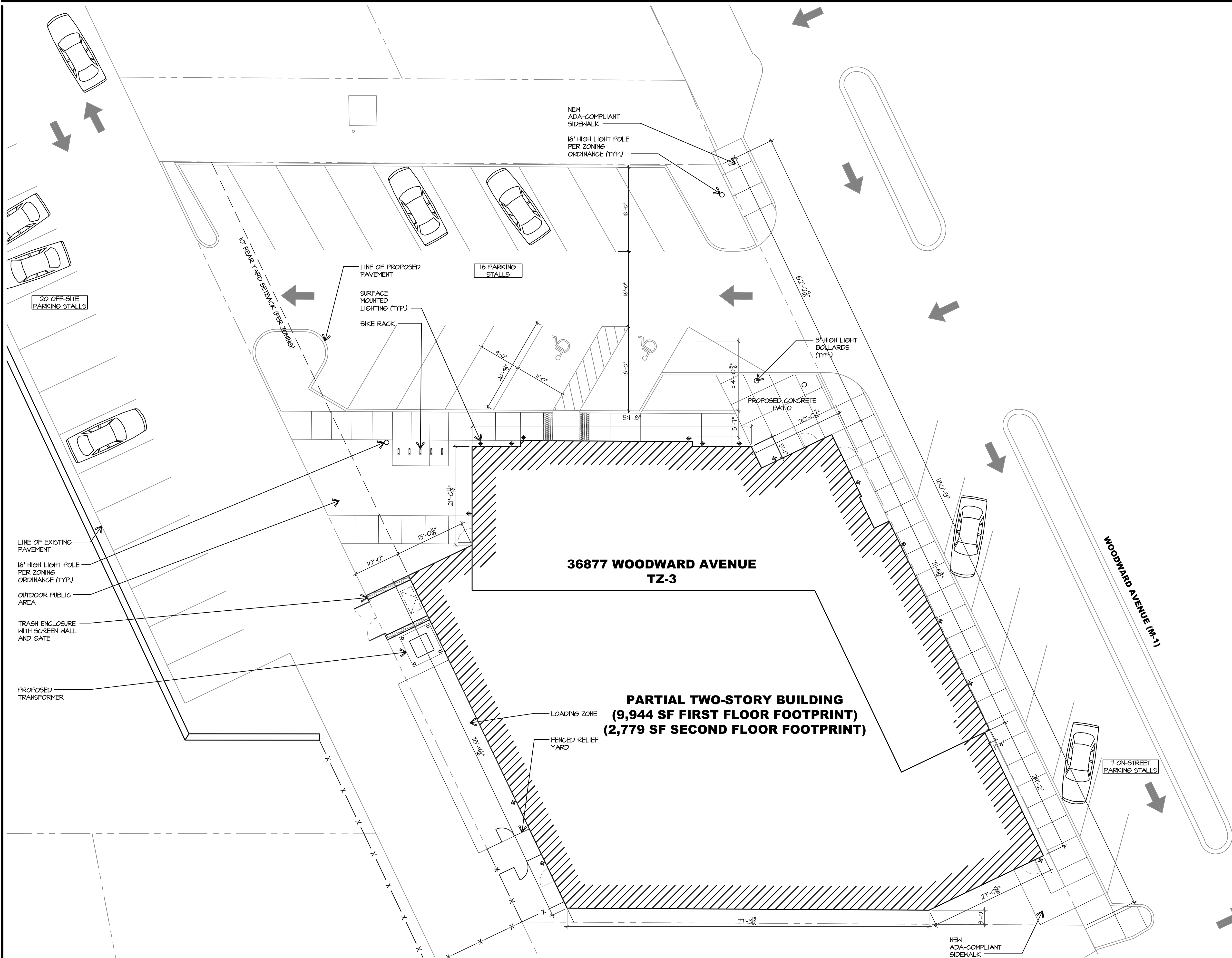
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DRAWN BY FINAL REVIEW

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SHEET TITLE
**FIRST
FLOOR PLAN**

SHEET NUMBER
PD1-1

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Gasow Veterinary Hospital - Variance Chart

Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A	75% of Frontage; With in 0-5 feet (135' required)	180' (Total Stree Frontage)	100'-0" (55%)	35'-0"
Variance B	Max 25% of Frontage parking lot (max 45')	180' (Total Stree Frontage)	57'-0" (32%)	12'-0"
Variance C	1 usable entrance for every 50' of frontage (2 required)	100'-8" wide building	1 entrance	1 entrance

ZONING DATA - 36877 WOODWARD AVENUE

36877 WOODWARD AVENUE, BIRMINGHAM, MICHIGAN
PER BIRMINGHAM ZONING ORDINANCE (AMENDED DECEMBER 13, 2021)
AND ZONING MAP (AMENDED AUGUST 2021)
TZ-3 TRANSITION ZONE DISTRICT (TZ3) - PROVIDES FOR A REASONABLE AND ORDERLY TRANSITION FROM, AND BUFFER BETWEEN, COMMERCIAL USES AND PREDOMINANTLY SINGLE-FAMILY RESIDENTIAL AREAS OR FOR PROPERTY WHICH EITHER HAS DIRECT ACCESS TO A MAJOR TRAFFIC ROAD OR IS LOCATED BETWEEN MAJOR TRAFFIC ROADS AND PREDOMINANTLY SINGLE-FAMILY RESIDENTIAL AREAS.

USES PERMITTED PER TABLE 5.1

VETERINARY CLINIC EXISTING ANIMAL HOSPITAL USE: 11,450 S.F.
PROPOSED ANIMAL HOSPITAL USE: 1,171 S.F.
EXISTING SPECIAL LAND USE: 1,171 S.F.

SETBACKS (PER 2.46, TZ3 DISTRICT STANDARDS)

	ALLOWED 0'-0" - 5'-0"	ACTUAL/PROPOSED PER PLAN
FRONT YARD	0'-0"	PER PLAN
SIDE YARD	0'-0"	PER PLAN
REAR YARD	10'-0"	PER PLAN
MAX. FLOOR AREA MAX. BUILDING HEIGHT (STORIES)	N/A 4 STORIES	12,123 SF 2 STORIES
MAX. BUILDING HEIGHT (FEET)	42 FEET	TBD
MIN. LOT AREA =	N/A	71,311 SF (PER ALTA)

OFF-STREET PARKING REQUIREMENTS (PER TABLE 5.2 AND CHAPTER III)

COMMERCIAL/PROFESSIONAL USE = 1,300 SF OF GROSS AREA (PER 4.52 OF ZONING ORDINANCE)

PARKING LOT SETBACKS =

PERMITTED IN SIDE AND REAR YARDS
PERMITTED ON ALL STREET FRONTAGES

SIZE =

9 FT WIDE X 18 FT LENGTH, 24 FT AISLES
(FOR 90 DEGREE PARKING)
18 FT AISLES FOR ONE-WAY

FIRE LANE

20 FEET WIDTH

SCREENING

REQUIRED WHERE VISIBLE FROM STREET
3 FEET MIN FENCE, HEDGE OR WALL

INTERIOR LANDSCAPING

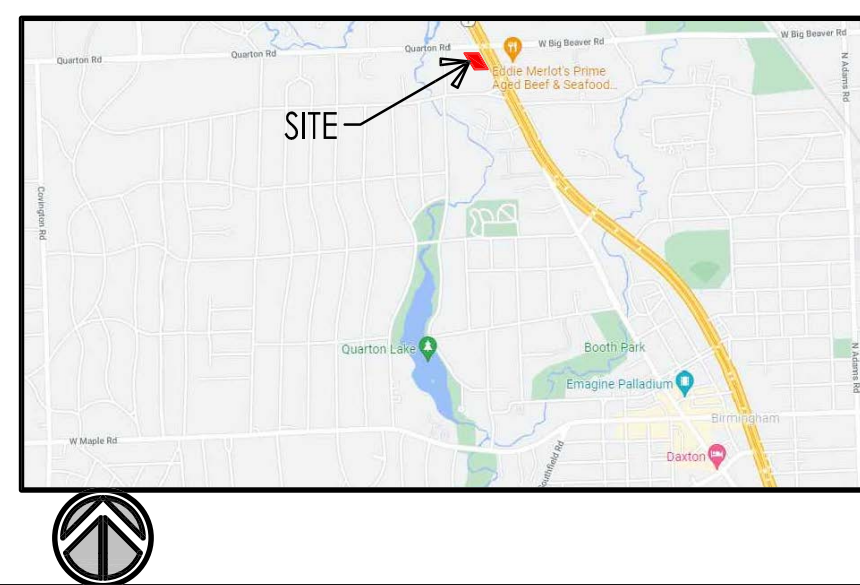
NO LESS THAN 5% OF TOTAL PARKING LOT
INTERIOR AREA
INTERIOR PLANTING AREA TO BE NO LESS
THAN 150 SF IN SIZE
AT LEAST ONE CANOPY TREE FOR EACH
150 SF IN EACH INTERIOR PLANTING AREA
INTERIOR PLANTING AREAS SHALL BE
LOCATED IN A MANNER THAT BREAKS UP
EXPANSE OF PAVEMENT

OFF-STREET PARKING CALCULATIONS

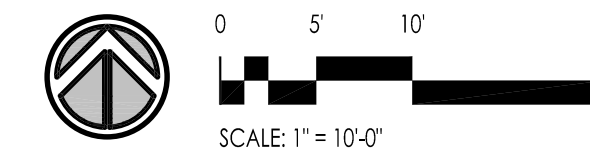
COMMERCIAL/PROFESSIONAL USE = 12,123 SF / 300 X 1 = 40 SPACES
REQUIRED

A. OFF STREET PARKING ON SITE =	16 PARKING SPACES
B. OFF STREET PARKING OFF SITE =	20 PARKING SPACES
C. STREET PARKING =	7 PARKING SPACES
ACTUAL PARKING PROVIDED =	43 PARKING SPACES

VICINITY MAP



ARCHITECTURAL SITE PLAN



ARCHITECTURE
LAND PLANNING
INTERIOR ARCHITECTURE
LANDSCAPE ARCHITECTURE
10100 ORLAND PARKWAY SUITE 110
ORLAND PARK, ILLINOIS 60467
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Downers Grove, IL 60515
(630) 734-0883

GASOW VETERINARY
HOSPITAL

36877 WOODWARD AVENUE
BIRMINGHAM, MICHIGAN 48009

DATE
02-23-2022 AS
04-12-2022 AS

DRAWN
DESCRIPTION
SITE PLAN REVIEW
SITE PLAN REVIEW REVISIONS

2021-0131
PROJECT NUMBER

04-12-2022
DATE

AS
DRAWN BY

MM
FINAL REVIEW

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SHEET TITLE
ARCHITECTURAL
SITE PLAN

SHEET NUMBER

SP-1

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

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

A. Roll Call

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

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

Administration:

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

03-61-22

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

Motion by Mr. Share

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

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

03-62-22

C. Chair's Comments

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

03-63-22

D. Review Of The Agenda

03-64-22

E. Unfinished Business

None.

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

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

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

SP Cowan presented the item.

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

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

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

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

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

this site does not have those conditions and so the requirement may not be as relevant in this case.

Public Comment

Brady Blaine, neighbor of Gasow, summarized his letter to the Board requesting a few areas of additional screening on-site.

Robert Runco, neighbor of Gasow, concurred with Mr. Blaine's comments. He added that the alley to the south should remain closed and that the 16-foot light should be shielded appropriately.

Messrs. Blaine and Runco were both in favor of the general designs and plans for the project.

Ms. Whipple-Boyce said that in this condition she understood why the plans did not comply with TZ-3, and expressed support for the planned improvements to the site. She continued that she would be supportive of having a six-foot masonry screening wall across the rear parking given the comments of the neighbors. She said some creativity would be required to create some screening beyond the parking to the south. She said it did make sense for the wall to be in the southwest portion of the main parking lot, but that landscaping would be adequate in the area facing Woodward.

In reply to an inquiry from Ms. Whipple-Boyce, the applicant confirmed that the lack of a sidewalk from the rear entry to the main parking lot is because only staff would be using the rear entry and would be parking in the alley.

In reply to Mr. Boyle, PD Dupuis noted the applicant would be obligated to improve the alley if they continue using it. He also acknowledged Mr. Boyle's recommendation that Staff see how they might facilitate other improvements to the area surrounding the property, including the utilities uses, in order to make the area to the north more attractive to potential tenants.

Mr. Koseck recommended the applicant consider eliminating a few of the parking spaces on-site in favor of increased landscaping if at all possible.

Chair Clein thanked the applicant for agreeing to install a screening wall according to the neighbors' requests, and advised the applicant that projects that work with the neighbors produce better results. The Chair continued that the screening in the rear will be useful and that he did not see a need to change the screening in the front. He said he would prefer to see evergreen screening along the north property line rather than a masonry wall. He said he felt to some extent that the applicant was trying to skirt the ordinance by characterizing the project as a rebuild. He said he was not sure whether he would support a variance relating to that.

Mr. Matthys said that given the feedback from the neighbors and the Board the applicant would not be seeking a variance for the screening wall. He said he would work with neighbors to design a screen wall they would support. He said the applicant would pursue a variance from the requirement that 75% of the building façade be within zero to five feet of the front lot line. He stated that if the variance is not granted the applicant would attempt to comply with the ordinance.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Share to approve the Preliminary Site Plan for 36877 Woodward Ave, Gasow Veterinary Clinic, with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;**
- 2. The applicant modify the site plan to have 75% of the building façade within 0-5 feet of the front lot line, or obtain a variance from the Board of Zoning Appeals;**
- 3. The applicant reduce the parking lot frontage to 25% or less of the front lot line, or obtain a from the Board of Zoning Appeals;**
- 4. The applicant satisfy all parking lot screening and buffer requirements of Article 4, Section 4.53 and 4.54 of the Zoning Ordinance for the proposed on-site and off-site parking lots through an understanding with the neighbors regarding satisfying to lot screening, or obtain a variance from the Board of Zoning Appeals;**
- 5. The applicant indicate materials and dimensions for mechanical units and refuse container screening;**
- 6. The applicant obtain approval from the Police Department to count on-street parking spaces towards their parking requirement;**
- 7. The applicant modify the site plan to have 6 foot wide sidewalks on-site and a 7 foot wide sidewalk along Woodward Ave;**
- 8. The applicant modify the site plan to incorporate two (2) entrances facing Woodward Ave;**
- 9. The applicant modify the site plan to eliminate large blank walls on both floors of the southern and western elevations;**
- 10. The applicant provide 5 bike racks to service the building;**
- 11. The applicant submit material specifications, samples, dimensions, and all other required information for the proposed building to complete the Design Review at Final Site Plan and SLUP review; and,**
- 12. The applicant comply with the requests of all City Departments.**

Ms. Whipple-Boyce said she was comfortable moving the item since discussion clarified that many of the items would either be resolved or addressed at the BZA.

Mr. Koseck said he would vote no on the motion until the Board can gain more insight on the curb cuts from Woodward and the related on-site traffic flow. He said he would like to hear from the City's traffic engineer on the safety of that aspect of the design.

Chair Clein directed Staff to ensure that all outstanding issues between the applicant and the City's traffic engineer, BZA, MDOT, neighbors, and other potentially relevant parties are resolved before the project returns to the Board for final site plan and design review.

Motion carried, 4-1.

ROLL CALL VOTE

Yeas: Share, Boyle, Whipple-Boyce, Clein

CASE DESCRIPTION

201 SOUTHFIELD (22-20)

Hearing date: May 10, 2022

Appeal No. 22-20: The owner of the property known 201 Southfield, requests the following variance to install additional bedrooms within the property's four multi-family units:

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

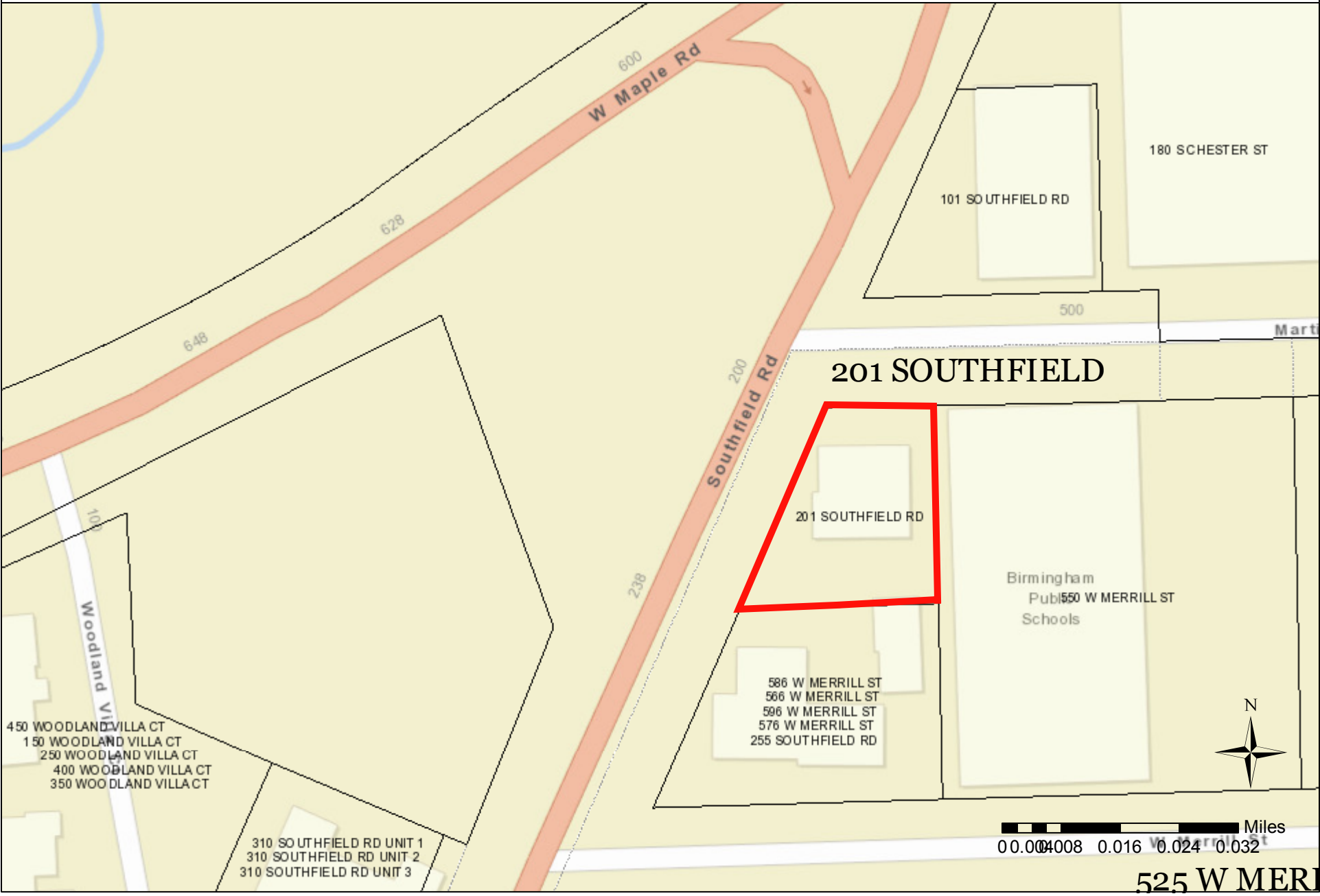
Staff Notes: The applicant is proposing to remodel two existing 1 bedroom apartments and convert them into 2 bedroom apartments. Parking requirements in the Zoning Ordinance counts "room units" which includes bedrooms and habitable space such as a living room. The addition of a 2nd bedroom increases the number of room units from 2 to 3 (2 bedrooms & a living room). Doing so increases the parking requirement from 1.5 spaces to 2 parking spaces for each of the apartments proposed to be remodeled.

The current configuration of the subject site is four apartments with two 2 bedrooms and 2 1 bedroom units. The current apartment setup requires 7 parking spaces, however only 4 parking spaces are on-site, therefore the property is legal non-conforming with a shortage of 3 parking spaces. Remodeling two apartments from 1 bedroom to 2 bedrooms each increases the total parking requirement from 7 spaces to 8 spaces and expands the non-conformity.

The 4 existing parking spaces on-site are located along the south side of the property with an access drive connecting to Southfield Road.

This property is zoned R7 – Multiple Family Residential.

201 SOUTHFIELD MAP



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 4.12.22

Hearing Date: 5.10.22

Received By: HT

Appeal #: 22-20

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

Address: 201 Southfield Road, Birmingham, MI 48009	Lot Number:	Sidwell Number: 19-36-126-006
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II. OWNER INFORMATION:

Name: John Ketty			
Address: 1937 Shipman Blvd	City: Birmingham	State: Michigan	Zip code: 48009
Email: * creativebrick@yahoo.com		Phone: 248-808-3300	

III. PETITIONER INFORMATION:

Name:	Firm/Company Name: Creative Brick Paving & Landscaping		
Address: 3195 Orchard Lake Road	City: Keego Harbor	State: Michigan	Zip code: 48320
Email: creativebrick@yahoo.com		Phone: 248-230-1600	

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

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

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

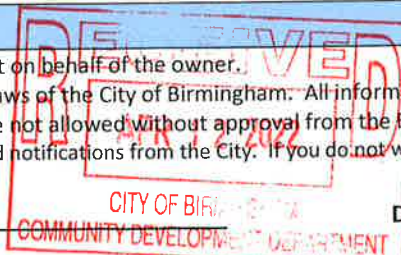
*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: [Signature]

Signature of Petitioner: [Signature]

Date: 4/12/22

Date: 4/12/22



Ref: 001P0043
Receipt: 622644
Amount: \$560.00

CITY OF BIRMINGHAM
Date: 04/14/2022 8:38:29 AM

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

ARTICLE I - Appeals

A. Appeals may be filed under the following conditions:

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

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

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

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

- A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.
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3195 Orchard Lake Rd.
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creative

POOLS & SPAS - BRICK PAVING - LANDSCAPING - CONSTRUCTION

To City of Birmingham Zoning Board,

Zoning Board of Appeals: on behalf of John Ketty,
201 Southfield Road, Birmingham, MI 48009

To whom it may concern,

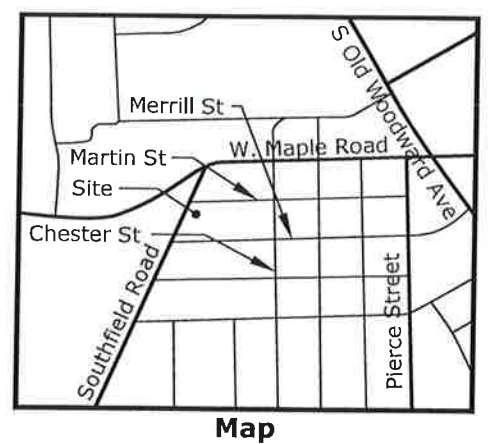
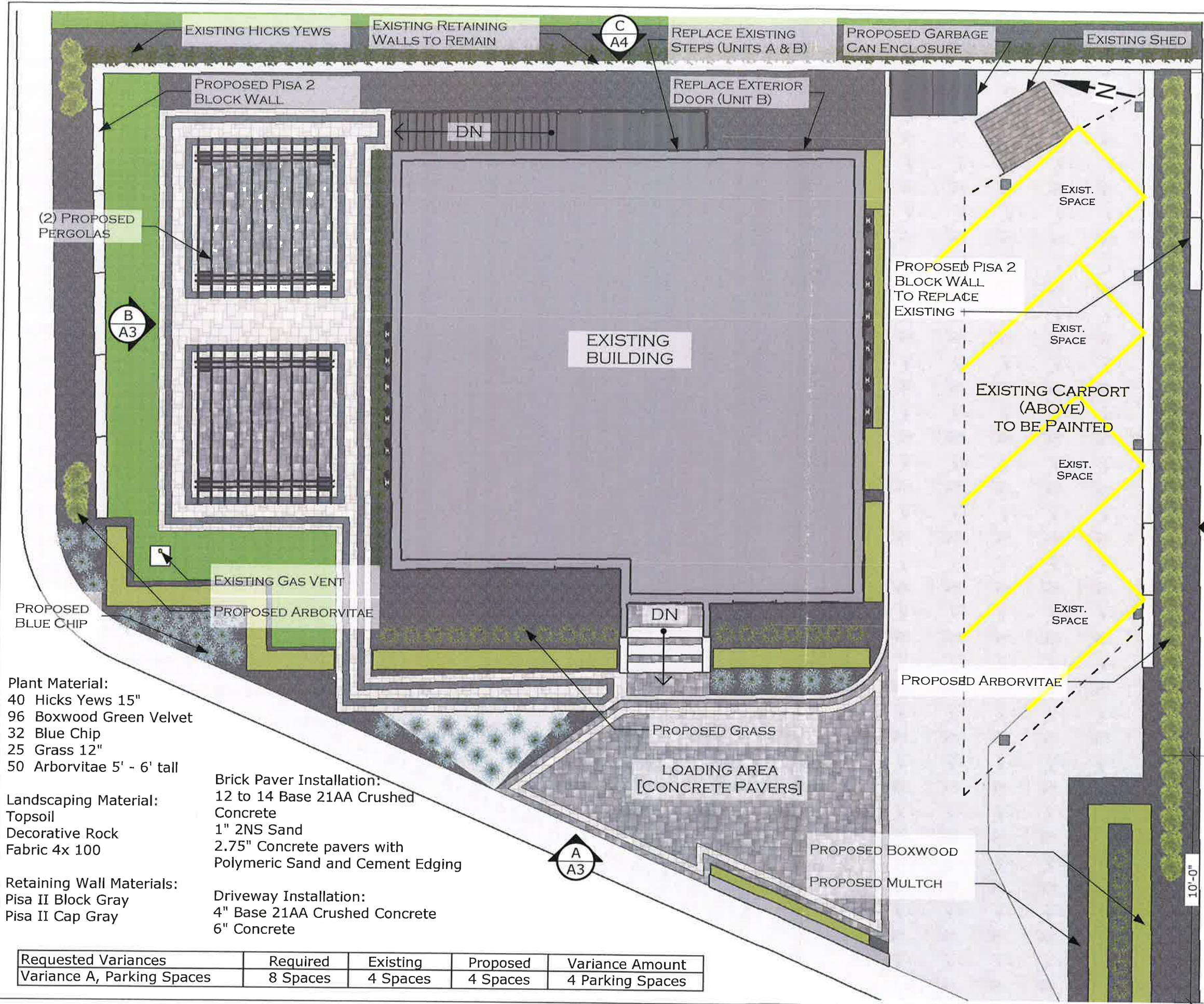
In order to improve the recently purchased property at 201 Southfield Road, existing open space was converted into an additional bedroom. Due to these improvements, the city requires additional parking per unit. There are only (4) existing parking spaces, which do not meet current size requirement if accounting for the aisle space required to access those spaces. Features of the lot, including the lot size, the fact that it is a corner lot, the existing natural gas utility vent, and the placement of the building on the site, make it extremely difficult, if not impossible, to fit 8 full size spaces on the property within applicable code.

We are requesting a dimensional variance for the number of spaces, from the 8 required down to the 7 spaces we can safely and reasonably fit. We are also requesting a reduction in the size of the spaces required for the existing spaces and one more on the South Side of the building. We would like to propose 156 sq. to allow more space for the access aisle.

We have worked with Nicholas Dupuis and others in the Building Department extensively to find a solution. After more than a dozen different layouts and alternatives, we believe this is the safest and most efficient way to maximize parking for the building.

Sincerely,


John Ketty
248.808.3300
creativebrick@yahoo.com



- Note:
- 1 - Remove Existing Brick and Install Limestone Veneer
 - 2 - Replace Existing Siding with Hardie Board Siding
 - 3 - Paint Exposed Exterior Brick
 - 4 - Build Soffit to square roofline
 - 5 - Remove part of Concrete Drive and replace with Concrete Pavers
 - 6 - Build Wooden Pergolas
 - 7 - Install Concrete Paver Patios
 - 8 - Build Wooden Steps on the East Side of the Building

- Note:
- 9 - Install Bluestone on top of Existing Entry Steps
 - 10 - Build 36" High Wall along the West Property Line and Install Signage
 - 11 - Install Landscape and Plant Proposed Vegetation

Note: All materials to be installed according to manufacturer specifications and local building codes.

- Plant Material:
- 40 Hicks Yews 15"
 - 96 Boxwood Green Velvet
 - 32 Blue Chip
 - 25 Grass 12"
 - 50 Arborvitae 5' - 6' tall
- Landscaping Material:
- Topsoil
 - Decorative Rock
 - Fabric 4x 100
- Retaining Wall Materials:
- Pisa II Block Gray
 - Pisa II Cap Gray

- Brick Paver Installation:
- 12 to 14 Base 21AA Crushed Concrete
 - 1" 2NS Sand
 - 2.75" Concrete pavers with Polymeric Sand and Cement Edging
- Driveway Installation:
- 4" Base 21AA Crushed Concrete
 - 6" Concrete

Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A, Parking Spaces	8 Spaces	4 Spaces	4 Spaces	4 Parking Spaces

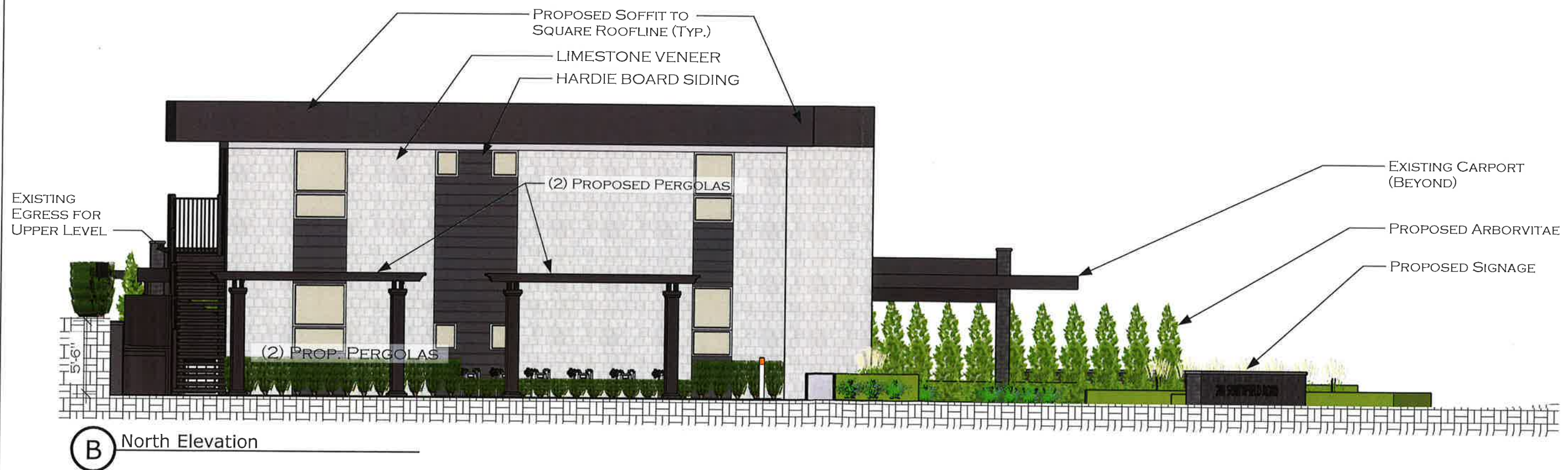
REVISIONS

MM/DD/YY	REMARKS
03/25/22	Revisions
03/31/22	Revisions
04/08/22	Revisions
04/12/22	ZBA
04/25/22	ZBA Revisions

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Keego Harbor, MI 48320
p.248 230 1600
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info@creativebrickpaving.com

John Ketty
201 Southfield Road
Birmingham, MI 48009

Site Plan
Scale: 1" = 30'-0"



REVISIONS

MM/DD/YY	REMARKS
03/08/22	Building Permit
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04/25/22	ZBA Revisions

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Elevations (N,W)
Scale: 1/4" = 1'-0"

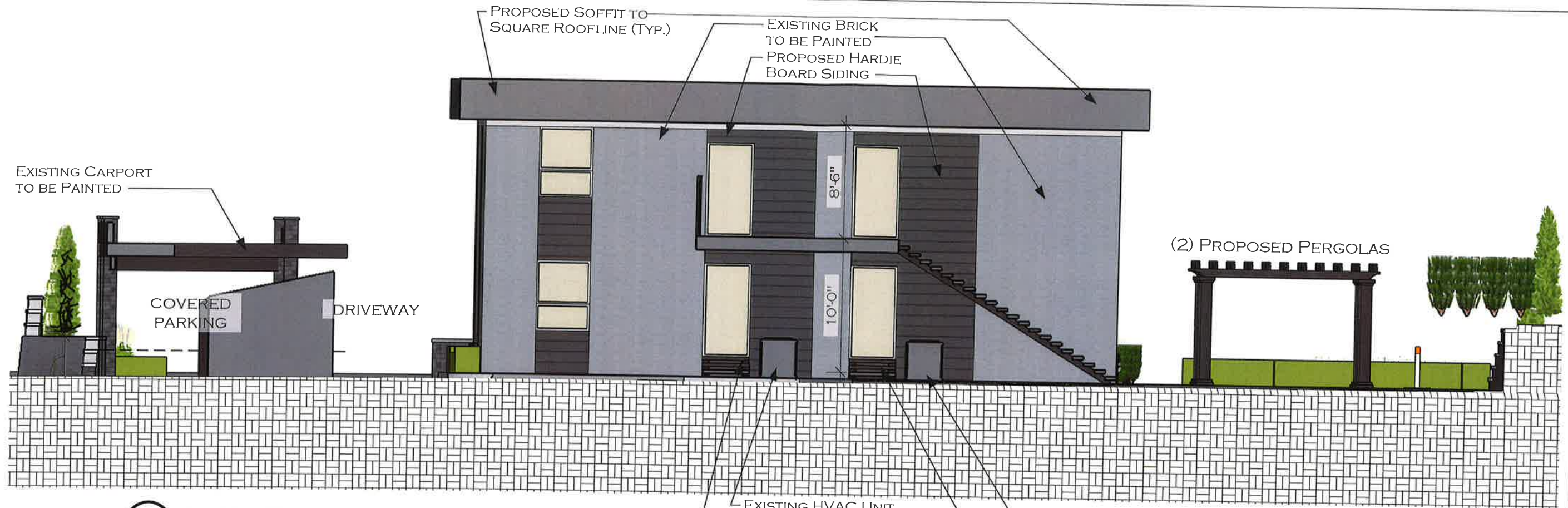
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client signature

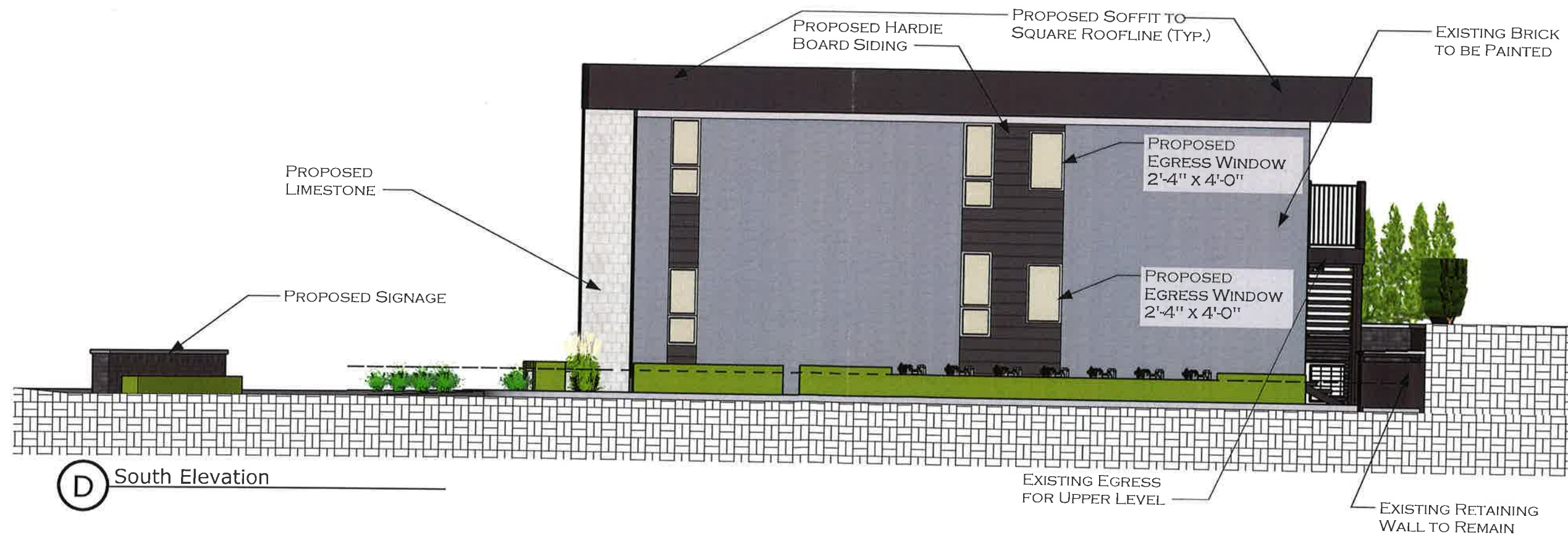
creative representative

Date

Date



C East Elevation



D South Elevation

REVISIONS

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1 03/08/22	Building Permit
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5 04/25/22	ZBA Revisions

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Elevations (S,E)
Scale: 1/4" = 1'-0"

A 003

client signature

Date

creative representative

Date