



Agenda
Board of Zoning Appeals Regular Meeting
Tuesday, February 10, 2026 - 7:30 PM
151 Martin Street, Birmingham, MI
City Commission Room 205

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ANNOUNCEMENTS**
- 4. APPROVAL OF THE MINUTES**
 - a) BZA Minutes 1-13-26
- 5. APPEALS**

Address	Petitioner	Appeal	Type/Reason
1420 W LINCOLN	Richard Rattner	26-06	Dimensional
551 S BATES	Frank Mocerri	26-07	Dimensional

- 6. CORRESPONDENCE**
- 7. GENERAL BUSINESS**
- 8. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**
- 9. ADJOURNMENT**

City boards and committees meet in person, and most have a virtual option available to the public. Members of the public may attend the Board of Zoning Appeals meeting in person at Birmingham City Hall or attend virtually.

Link to Access Virtual Meeting: [https://zoom.us/j/963 4319 8370](https://zoom.us/j/96343198370)
Telephone Meeting Access: 877 853 5247 US Toll-free
Meeting ID Code: 963 4319 8370

City Hall is open to the public during regular business hours, Monday through Friday from 8 a.m. – 5 p.m. The Police Department lobby entrance on the east side of City Hall on Pierce Street operates as the after-hours public entrance.

Individuals requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta Street.

Persons who require mobility, visual, hearing, or other assistance for effective participation in this public meeting should contact the City Clerk's Office at (248) 530-1880, or (248) 644-3405 (TDD) at least one day before the meeting to request help.

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) 644-3405 (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)

Title VI

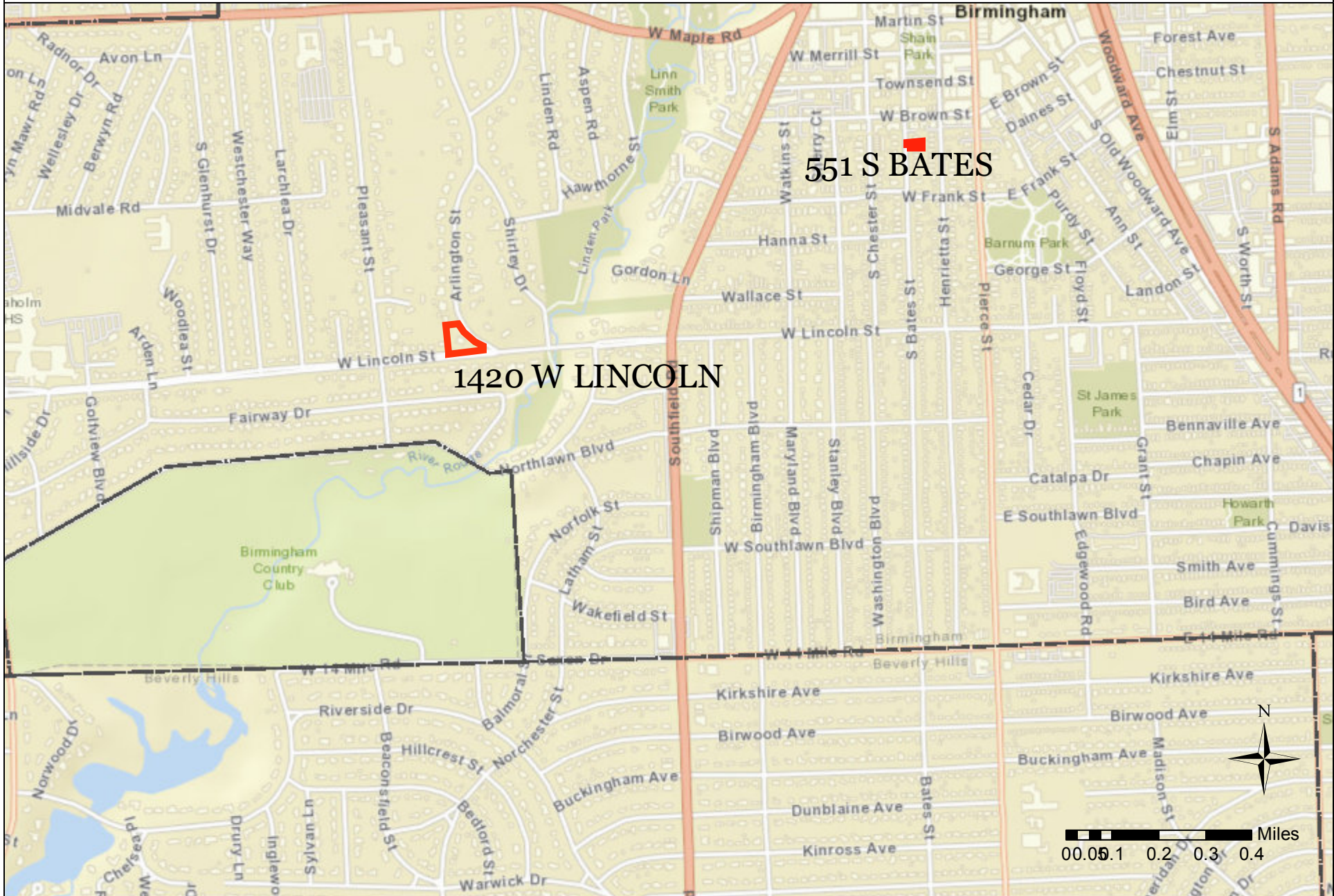
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-3405 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, 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) 644-3405 (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

FEBRUARY BZA MAP





**Board Of Zoning Appeals – Regular Meeting Minutes
January 13, 2026 – 7:30 p.m.
City Commission Room 205, 151 Martin Street, Birmingham, MI**

1. CALL TO ORDER

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals (“BZA”) held on January 13, 2026. The meeting was convened at 7:30 p.m.

2. ROLL CALL

Present: Chair Erik Morganroth, Vice Chair Jason Canvasser; Board Members Kevin Hart, Carl Kona, Richard Lilley, John Miller

Absent: Board Member Ron Reddy; Alternate Board Members Donald Rogers, Susan Shacket

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

3. ANNOUNCEMENTS

The City does not solicit fees through email. Emails requesting additional fees on behalf of City departments or staff are likely fraudulent, and should be verified directly with the requesting department.

Any additional announcements may be found in the evening’s agenda packet.

4. APPROVAL OF THE MINUTES OF THE BZA MEETINGS OF DECEMBER 9, 2025

Motion by Lilley

Seconded by Miller to approve.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

5. APPEALS

1) **655 Hawthorne Appeal 25-31**

ABO Morad presented the item, explaining that the owner of the property known as 655 Hawthorne was requesting the following variance to construct an addition on the rear of the home:

- A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 41.74 feet. The proposed is 38.30 feet. Therefore, a variance of 3.44 feet is requested on the east side.

Staff answered questions from the Board.

Lauren Freund, appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

Motion by Miller

Seconded by Kona with regard to A. Appeal 25-31, Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 41.74 feet. The proposed is 38.30 feet. Therefore, a variance of 3.44 feet is requested on the east side.

Mr. Miller moved to approve the variance, tying the approval to the submitted plans and noting that the unusual geometry of the lot resulted in the need for the variance. He continued that the variance would not affect the adjacent lot, that special conditions applicable to the property in question would mean that the provisions of the zoning ordinance, if strictly applied, would unreasonably prevent the property owner from using the property for the permitted purpose, that literal enforcement would result in an unnecessary hardship, that there is nothing that would be contrary to public health, safety or welfare, and that granting the variance would result in substantial justice to this property and the adjacent property owners.

Mr. Hart offered support for the motion, noting that if the lot were square at the southern property line this variance would not be necessary. He said the request was reasonable and appropriate. He complimented the design, the proposed garage, and the intent to maintain the home.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

2) **236 Pleasant**

Appeal 26-01

ABO Erickson presented the item, explaining that the owner of the property known as 236 Pleasant was requesting the following variances to construct an addition to the existing home:

- A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 11.20 feet. Therefore, a variance of 2.80 feet is requested on the north side.

Staff answered questions from the Board.

Victoria Policicchio, appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

Public Comment

David Lattie supported the appellant moving her generator to her rear yard.

Motion by Kona

Seconded by Miller with regard to A. Appeal 26-01, Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 11.20 feet. Therefore, a variance of 2.80 feet is requested on the north side.

Mr. Kona moved to approve the variance and tied approval to the plans, noting that the existing non-conformity would not be expanded. This would not result in a hardship for the neighbors, would not be contrary to the spirit or purpose of the zoning ordinance, and would not result in any injustice.

Mr. Miller said that reconsidering the position of the generator would likely be appropriate.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

**3) 6952 Brookwood
Appeal 26-03**

ABO Erickson presented the item, explaining that the owner of the property known as 6952 Brookwood was requesting the following variances to construct a covered patio on the rear of the house:

- A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet

or 25% of the lot width, whichever is larger. The required is 39.37 feet. The proposed is 27.40 feet. Therefore, a variance of 11.97 feet is requested on the east side.

Staff answered questions from the Board.

Taylor Calero, representative for the appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

Motion by Miller

Seconded by Canvasser with regard to Appeal 26-03, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 39.37 feet. The proposed is 27.40 feet. Therefore, a variance of 11.97 feet is requested on the east side.

Mr. Miller moved to approve, noting that the position of the house on the lot was necessitating the variance. The adjacent homes have their outdoor areas on the east side, and this proposal would replicate that condition on this lot. It should not cause harm to any of the neighbors. The zoning ordinance if strictly applied, would unreasonably prevent the property owner from using the property in a reasonable fashion, that it would result in an unnecessary hardship, that there is nothing contrary to spirit or purpose of the ordinance, and that it would do substantial justice to this house and the adjacent neighborhood.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

**4) 350 Shirley
Appeal 26-04**

ABO Morad presented the item, explaining that the owner of the property known as 350 Shirley was requesting the following variances to construct an addition to the second story of the existing home:

- A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 34.87 feet. The proposed is 26.38 feet. Therefore, a variance of 8.49 feet is requested on the north side.

Staff answered questions from the Board.

Paul San Martino, representative for the appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

Motion by Canvasser

Seconded by Kona with regard to Appeal 26-04, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal

residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 34.87 feet. The proposed is 26.38 feet. Therefore, a variance of 8.49 feet is requested on the north side.

Mr. Miller moved to approve the requested variance, tying approval to the plans and noting that the pre-existing non-conformity would be lessened by this variance. The appellant would be changing the configuration of the roof, not the dimensions. This is a special condition that is applicable to the property in question. The relevant provision of the zoning ordinance, if strictly applied, would unreasonably prevent the property owner from using the property for its permitted purpose and result in an unnecessary hardship. Granting a variance would not be contrary to the spirit and intent of the zoning ordinance, nor contrary to the public health, safety, and welfare. Granting the variance would also result in substantial justice to the property owners, the owners of the properties in the area, and the general public.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

**5) 550 S Glenhurst
Appeal 26-05**

ABO Ericksom presented the item, explaining that the owner of the property known as 550 Glenhurst was requesting the following variances to construct an addition to the right side of the existing home:

- A. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that a minimum total combined side yard setbacks to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 17.89 feet. The proposed is 14.51 feet. Therefore, a variance of 3.38 feet is being requested.

Staff answered questions from the Board.

Wyatt Gilbert, representative for the appellant, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Board members raised the following points during discussion:

- The one car garage included in the proposal has smaller dimensions than those of a typical one car garage.

Motion by Hart

Seconded by Kona with regard to A. Appeal 26-05, Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that a minimum total combined side yard setbacks to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 17.89 feet. The proposed is 14.51 feet. Therefore, a variance of 3.38 feet is being requested.

Mr. Hart moved to approve tied to the submitted plans, and stated that the appellant's presentation clearly stated the challenges of the home. He noted that the plan aims to reduce some of the pre-existing non-conformities, highlighting especially the decision to include a minimal one car garage. The impact to the neighboring properties would be minimal, and this would result in substantial justice to the neighboring properties and the homeowner.

Mr. Miller added this was a significant mitigation of the pre-existing non-conformity and offered support for the motion.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

6. CORRESPONDENCE

Any submitted correspondence was provided to the Board and the relevant appellants.

7. GENERAL BUSINESS

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

The Chair advised Sybil Kickham that the Building Department would be able to assist with her inquiries regarding as-builts, surveys, and site and drainage plans.

9. ADJOURNMENT

No further business being evident, the Board motioned to adjourn at 8:40 p.m.



eff Zielke, Building Official

.aura Eichenhorn, City Transcriptionist

CASE DESCRIPTION

1420 W Lincoln (26-06)

Hearing date: February 10, 2026

Appeal No. 26-06: The owner of the property known as **1420 W Lincoln**, requests the following variance to construct a new home:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that a minimum total combined side yard setbacks to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 68.25 feet. The proposed is 62.83 feet. Therefore, a variance of 5.42 feet is being requested.

Staff Notes: The applicant is looking to construct a new house with an attached garage on a corner lot.

This property is zoned R1A – Single family residential.

Andrew Erickson
Assistant Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

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

(EACH i-iv must be satisfied)

1420 W LINCOLN



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

Type of Variance: Dimensional	<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: 1420 W. LINCOLN AVE	Lot Number: Legal Description Attached	Sidwell Number: 08-19-35-202-055
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II. OWNER INFORMATION:

Name: William and sue Longfield			
Address: 1569 East Moore Road	City: Milford	State: MI	Zip code: 48381
Email: * slongfield333@gmail.com		Phone: 248-330-6626	

III. PETITIONER INFORMATION:

Name: Richard D. Rattner	Firm/Company Name: Williams, Williams, Rattner, and Plunkett, P.C.		
Address: 380 N. Old Woodward. Suite 300	City: Birmingham	State: MI	Zip code: 48009
Email: rdrattner@wwrplaw.com		Phone: 248-642-0333	

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. COMPLETE digital 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 \$750.00 for single family residential; \$950.00 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:

- Please provide the following in your electronic submission:**
- Completed and signed application
 - Signed letter of practical difficulty and/or hardship
 - Certified survey
 - Building plans including existing and proposed floor plans and elevations
 - If appealing a board decision, provide a copy 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: *William and Sue Longfield* Date: 1/8/26

Signature of Petitioner: *Richard D. Rattner* Date: 1/7/26

**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.
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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.

Richard D. Rafter

Signature of Applicant

Attorney for Applicants

SUE & BILL Longfield

February 2, 2026

Board of Zoning Appeals
City of Birmingham
151 Martin St.
Birmingham, MI 48012

Re: Supplemental Practical Difficulty Letter in Support of Hardship Application for Dimensional Variance (“Application”) for Property at 1420 W. Lincoln, Birmingham, Michigan (“Subject Property”) submitted by William and Susan Longfield (“Applicant”)

Dear Members of the Board of Zoning Appeals:

This letter supplements the above-referenced Application for Dimensional Variance for the Subject Property relating to the total side setback requirements of the R1-A Zone set forth below.

I. Introduction

Applicants Sue and Bill Longfield intend to construct a new residence on the subject property. This section of Lincoln, at the intersection of Arlington, consists of mostly flat, large, rectangular lots with large, stately homes. The Subject Property, by contrast, is on an unusually asymmetrical irregularly shaped corner lot with significant grade and elevation changes. This causes major construction complications in building a residence of similar size and scale to the surrounding neighborhood. The Applicants have worked for approximately a year and a half with their architects, surveyors, and the city administration to create building plans that would conform to the requirements of the City of Birmingham (“City”)’s Zoning Ordinance (the “Ordinance”), and their efforts were successful with the exception of one small, necessary deviation to the west side setback requirement.

The Subject Property is much wider at its Lincoln street frontage than at its rear lot line. The lot frontage width (273 feet) is more than twice the rear lot width (108.7). The site plan attached to the Application also details the substantial elevations of the lot, which is not practicably buildable on its eastern half (bordering Arlington Street), because it is so steep. Despite substantial

deference to the setback requirements, and every effort taken to comply with the Ordinance, given the asymmetrical shape of the Subject Property and the topography, which requires Applicant to build only on the western portion of the lot, Applicant is required to obtain an extremely modest variance to the overall setback requirements.

Applicants propose to construct a residence that is similar in size and scale to its neighbors. The substantial practical difficulties of constructing a residence on the Subject Property, given its asymmetrical shape and steep elevation, requires a modest variance of 5.42 feet to the overall setback requirement. The proposed structure complies with all other Ordinance requirements. The variance request is summarized as follows:

II. Zoning Board Appeals Standards

Section 2.04 R1A District Development Standards (emphasis added).

Minimum Side Yard Setback:

- 9 feet or 10% of total lot width whichever is larger for one side yard
- **14 feet or 25% of total lot width whichever is larger for both side yards**
- No side yard shall be less than 5 feet

Section 8.01(3)(a) of the Zoning Ordinance provides that the Board of Zoning Appeals “shall hear and grant or deny requests for variances from the strict application of the provisions of the Zoning Ordinance where there are practical difficulties or unnecessary hardships in carrying out the strict letter or such chapter.” Section 8.01(3)(a) further provides that the Board of Zoning Appeals shall not grant a variance unless it determines that:

- i. Because of special conditions applicable to the property in question, the provisions of the Zoning Ordinance, if strictly applied, unreasonably prevent the property owner from using the property for a permitted purpose;
- ii. Literal enforcement of the chapter will result in unnecessary hardship;
- iii. The granting of the variance will not be contrary to the spirit and purpose of the Zoning Ordinance nor contrary to the public health, safety and welfare; and
- iv. The granting of the variance will result in substantial justice to the property owner, the owners of property in the area and the general public.

Additionally, although not mentioned in the City Ordinance, this hardship is not being created by the applicant. It is caused by the natural features, shape, and topography of the property.

III. Calculation of Variance Requested:

Total of Both Side Yards:	68.25ft (273ft x 25%)
Less: Proposed East Side Yard	(57.1)
Less: Proposed West Side Yard	(5.73)
Variance Requested:	5.42ft

801(3)(a)(i) Strict Application of the Zoning Ordinance Unreasonably Prevents Applicant from Using the Property for its Permitted Use

The Applicant intends to construct a single-family residence on this uniquely shaped lot. The special condition of this lot is that it is much wider at its street frontage than at its rear lot line (the lot is almost triangular in shape). The lot frontage width (273 feet) used to calculate the required side setbacks is much more than twice the rear lot width (108.7), substantially limiting the size and shape of the structure and skewing the calculation to require substantially more setback than would be required for a rectangular lot like those surrounding the Subject Property. The lot is also burdened by a steep grade, which would require building on a hill, posing additional hardships of construction and siting of the building. These significant hardship difficulties require the Applicant to build the house as close as possible to the western lot line causing the applicant significant unfair hardships. To force this owner to build on the eastern portion, of the Subject Property, given the steep grade. Applicants have worked tirelessly with their consultants and the city administration to plan around most of the practical difficulties posed by this lot but are unable to overcome the difficulties caused by the overall setback requirement given the calculation methodology and the asymmetrical lot shape, as well as the limited construction locations because of the topography. As a result, Applicants request a minor reduction of the total side setback requirements of the Ordinance. Applicant is otherwise in compliance with all setback requirements, including the minimum side setback requirements for each side.

801(3)(a)(ii) Literal Enforcement of the Zoning Ordinance Will Result in Unnecessary Hardship

Because of the extremely wide frontage as compared to the rest of the lot, Applicant's total side setback requirements are disproportionately wide compared to the setback needs for a regularly shaped lot. It is clear that this setback ordinance is not written to apply strictly to a lot with this dramatically unusual lot size and shape. Further, this ordinance is and has always been used to apply to a lot that is more typically a large, rectangular lot in the R1A District. If the Zoning Ordinance was applied strictly and literally, Applicant would be required to construct around setbacks that are generally disproportionate to the average width of the Property given its asymmetric shape. The Applicant is severely limited in the design of their proposed structure

because of the unique topography and shape of the lot, which requires them to build only on the western portion of their lot, in a manner unique and different from the surrounding neighborhood of stately homes centered on large, rectangular lots. These hardships, created by the dramatic grading of the property and the property's unique shape, create substantial practical difficulties in construction, severely limiting what the Applicant can build, that other property owners in the same district and neighborhood can build. These hardships are not created by the applicant, but by the other condition of the land, its size, shape, and severe grade. The Applicant is put in an unfair position dealing with unreasonable setback requirements of an ordinance that was not written to apply to this unusual lot.

801(3)(a)(iii) Granting the Requested Variances Would Not Be Contrary to the Spirit and Purpose of the Zoning Ordinance, Nor Contrary to the Public Health, Safety, and Welfare

Granting Applicant the requested variance to allow a slightly reduced overall side setback (on the eastern portion of the property, with is already a substantial side setback) is not contrary to the spirit and purpose of the Ordinance. In addition, the variance would not be contrary to the public health, safety and welfare. The proposed side setback to the east is substantially at 57.1 feet, a similar distance from Arlington as all other residences on the street and therefore complies with the rhythm and harmony of this residential area. Because of the unique topography and lot shape, Applicant is required to build as close to the western lot line as possible. Applicant would be shaving a few feet off the eastern setback, already quite far from the proposed structure given the very large setback on the east side of the proposed structure, which borders a public right-of-way (Arlington Street), not another parcel.

801(3)(a)(iv) Granting the Requested Variances Will Result in Substantial Justice to Applicants, Owners of the Property in the Area, and to the General Public

Granting the requested variances will allow Applicant to build their dream home on a property that presents unique shape and topography challenges. Applicant has worked tirelessly to plan a structure that meets every other Ordinance requirement, but for the setback requirement, which is artificially inflated given the disproportionate front and rear lot lines. Applicant is also the owner of the lot to the west, and the Subject Property borders the public right-of-way to the east, and therefore this requested variance would have no effect on any other property owner in the community or the general public.

The Practical Difficulty is not Self-Created

The practical difficulty experienced by the Applicant is not self-created. The Property is much wider at its street frontage than at its rear lot line (the lot is almost triangular in shape). The frontage lot width (273 feet) used to calculate the required side setbacks is much more than twice the rear lot width (108.7), substantially limiting the size and shape of the structure. The lot is also

on a hill, which poses additional building difficulties and requires Applicant to build the house as close as possible to the western lot line. These factors are endemic to the lot as platted. Applicant has very carefully planned the structure, despite these practical difficulties, to otherwise conform with the Ordinance but is unable to fully comply with the overall setback requirement given the disproportionate total setback required as a result of the triangular lot shape. Applicant did not cause any of these practical difficulties.

Conclusion

Respectfully, Applicant requests the Board of Zoning Appeals grant the requested single variance allowing Applicant to very slightly reduce the overall side setback requirement by 5.42 feet.

Should you have any further questions or comments regarding the above, please do not hesitate to call.

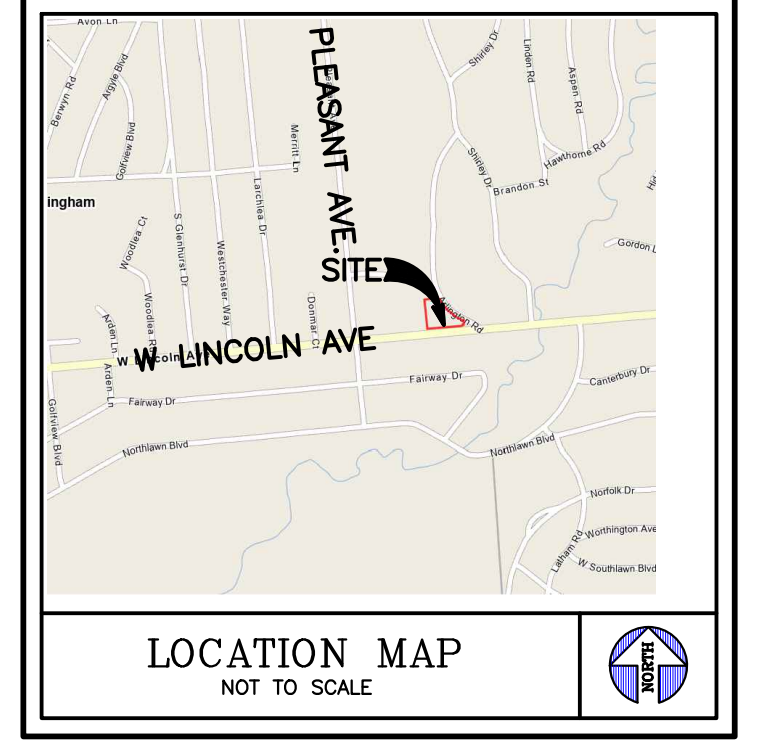
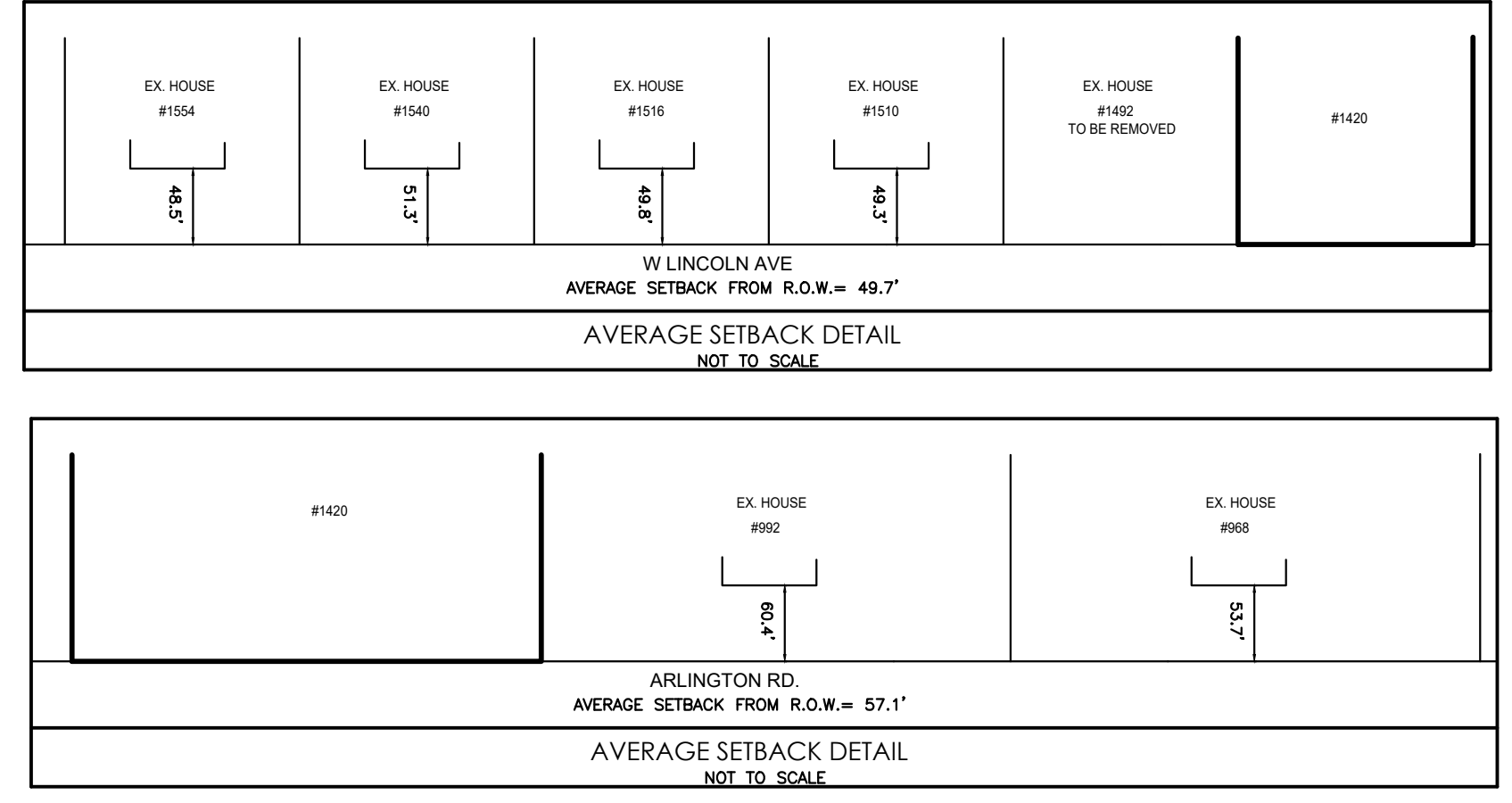
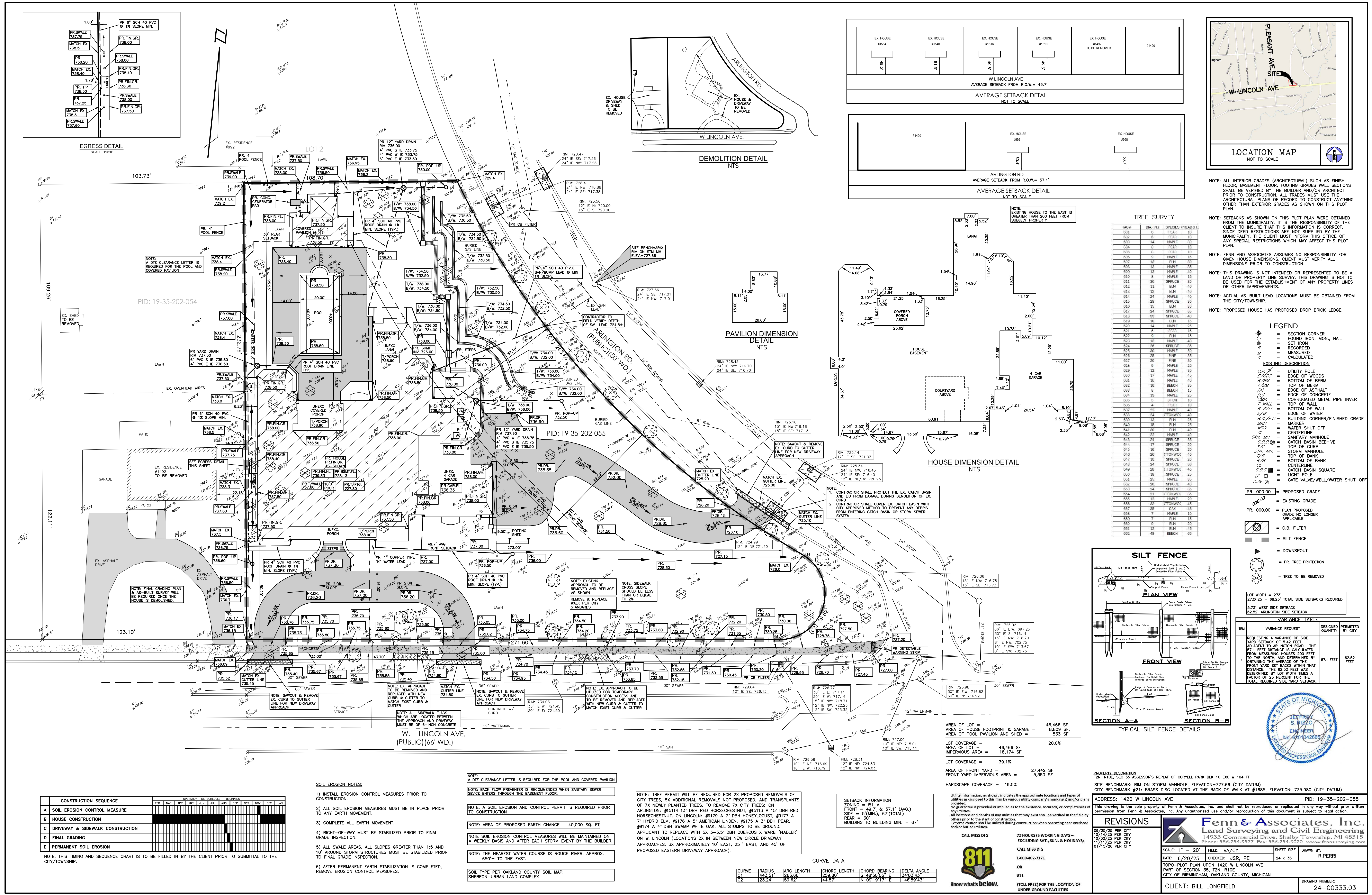
With kind regards, I am,

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner

Richard D. Rattner
Attorney for Applicant



TREE SURVEY

TAG #	DBH (IN)	SPECIES	HEIGHT (FT)
601	6	PEAR	10
602	6	PEAR	10
603	14	MAPLE	30
604	8	PEAR	10
605	8	PEAR	10
606	8	PEAR	10
607	13	ELM	30
608	13	MAPLE	30
609	13	MAPLE	30
610	8	MAPLE	15
611	30	SPRUCE	40
612	12	ELM	40
613	11	ELM	40
614	24	MAPLE	40
615	28	SPRUCE	40
616	15	ELM	35
617	24	SPRUCE	35
618	33	SPRUCE	40
619	19	ELM	35
620	14	MAPLE	25
621	6	PEAR	15
622	9	ELM	35
623	13	MAPLE	40
624	26	SPRUCE	35
625	30	MAPLE	50
626	25	PINE	35
627	20	PINE	30
628	9	MAPLE	25
629	12	MAPLE	30
630	17	MAPLE	45
631	16	MAPLE	40
632	16	BEECH	35
633	8	BEECH	15
634	13	MAPLE	40
635	5	BIRCH	10
636	4	PEAR	10
637	22	MAPLE	40
638	24	YITOWICK	45
639	13	ELM	25
640	15	ELM	25
641	30	ELM	40
642	22	MAPLE	40
643	24	SPRUCE	35
644	17	SPRUCE	20
645	16	SPRUCE	20
646	28	YITOWICK	45
647	16	SPRUCE	20
648	24	SPRUCE	30
649	28	YITOWICK	45
650	18	SPRUCE	25
651	25	MAPLE	35
652	20	SPRUCE	40
653	24	SPRUCE	35
654	21	YITOWICK	45
655	12	MAPLE	20
656	33	YITOWICK	45
657	35	OAK	45
658	7	MAPLE	10
659	7	ELM	15
660	9	ELM	20
661	12	ELM	45
662	48	BEECH	65

NOTE: ALL INTERIOR GRADES (ARCHITECTURAL) SUCH AS FINISH FLOOR, BASEMENT FLOOR, FOOTING GRADES WALL SECTIONS SHALL BE VERIFIED BY THE BUILDER AND/OR ARCHITECT PRIOR TO CONSTRUCTION. ALL TRADES MUST USE THE ARCHITECTURAL PLANS OF RECORD TO CONSTRUCT ANYTHING OTHER THAN EXTERIOR GRADES AS SHOWN ON THIS PLOT PLAN.

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

NOTE: FENN AND ASSOCIATES ASSUMES NO RESPONSIBILITY FOR GIVEN HOUSE DIMENSIONS. CLIENT MUST VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

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

NOTE: ACTUAL AS-BUILT LEAD LOCATIONS MUST BE OBTAINED FROM THE CITY/TOWNSHIP.

NOTE: PROPOSED HOUSE HAS PROPOSED DROP BRICK LEGGE.

LEGEND

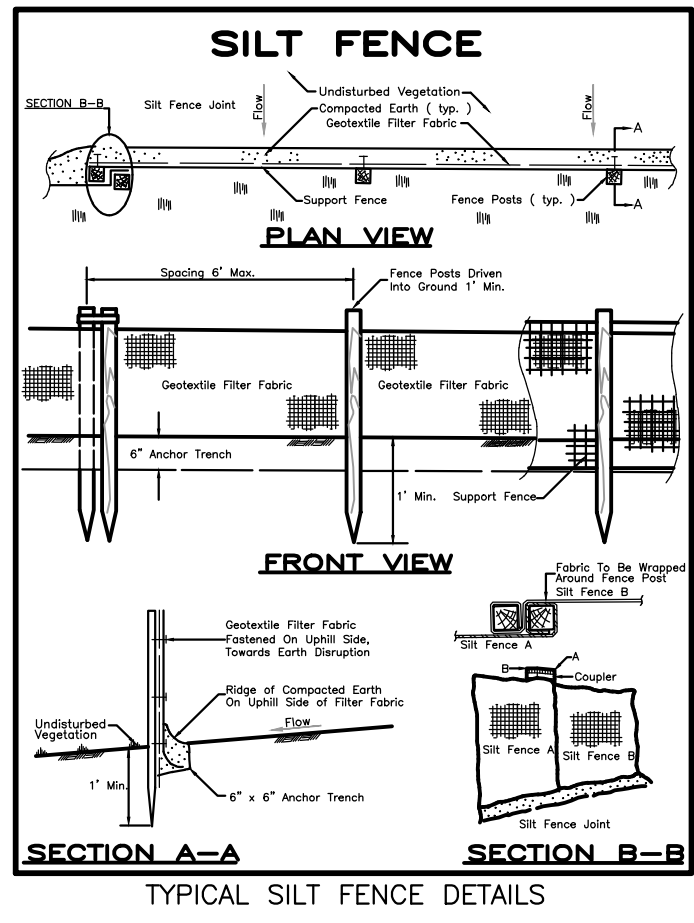
- SECTION CORNER
- FOUND IRON, MON, NAIL
- SET IRON
- RECORDED
- MEASURED
- CALCULATED

EXISTING DESCRIPTION

- UTILITY POLE
- EDGE OF WOODS
- BOTTOM OF BERM
- TOP OF BERM
- EDGE OF ASPHALT
- EDGE OF CONCRETE
- CORRUGATED METAL PIPE INVERT
- TOP OF WALL
- BOTTOM OF WALL
- EDGE OF WATER
- CENTERLINE
- MARKER
- WATER SHUT OFF
- SANITARY MANHOLE
- CATCH BASIN/BEEHIVE
- TOP OF CURB
- STORM MANHOLE
- TOP OF BANK
- BOTTOM OF BANK
- CENTERLINE
- CATCH BASIN SQUARE
- LIGHT POLE
- GATE VALVE/WELL/WATER SHUT-OFF

PROPOSED GRADE

- PROPOSED GRADE
- EXISTING GRADE
- PLAN PROPOSED GRADE NO LONGER APPLICABLE
- C.B. FILTER
- SILT FENCE
- DOWNSPOUT
- PR. TREE PROTECTION
- TREE TO BE REMOVED



VARIANCE TABLE

ITEM	VARIANCE REQUEST	DESIGNED QUANTITY	PERMITTED BY CITY
1	REQUESTING A VARIANCE OF SIDE YARD SETBACK OF 5.42 FEET FROM MEASURING HOUSE TO THE 57.1 FEET DISTANCE IS CALCULATED TO THE NORTH AND DETERMINED BY OBTAINING THE AVERAGE OF THE FRONT YARD SET BACKS WITHIN THAT DISTANCE. THE 62.52 FEET WAS DETERMINED BY LOT WIDTH TIMES A FACTOR OF 25 PERCENT OF THE TOTAL REQUIRED SIDE YARD SETBACK.	57.1 FEET	62.52 FEET



AREA OF LOT = 46,466 SF.
 AREA OF HOUSE FOOTPRINT & GARAGE = 8,809 SF.
 AREA OF POOL, PAVILION AND SHED = 533 SF.

LOT COVERAGE = 20.0%
 LOT AREA = 9,342 SF.
 IMPERVIOUS AREA = 18,174 SF.

LOT COVERAGE = 39.1%
 AREA OF FRONT YARD = 27,442 SF.
 FRONT YARD IMPERVIOUS AREA = 5,350 SF.

HARDSCAPE COVERAGE = 19.5%

PROPERTY DESCRIPTION
 TOWN, R10E, SEC 35, ASSESSOR'S REPEAT OF CORRELL PARK BLK 16 EXC W 104 FT

ADDRESS: 1420 W LINCOLN AVE
PID: 19-35-202-055

CLIENT: BILL LONGFIELD

REVISONS

DATE	BY	REVISION
09/25/25	PR	PER CITY
10/14/25	PR	PER CITY
10/22/25	PR	PER CITY
11/11/25	PR	PER CITY
01/15/26	PR	PER CITY

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

DATE: 6/20/25 **CHECKED:** JCY, PE **SHEET SIZE:** 24 x 36 **DRAWN BY:** R.PERRI

TOPO-LOT PLAN UPON 1420 W LINCOLN AVE
 PART OF SECTION 35, T2N, R10E
 CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

DRAWING NUMBER: 24-00333.03

CONSTRUCTION SEQUENCE

OPERATION	TIME	SCHEDULE - BEGINNING
A SOIL EROSION CONTROL MEASURE	1	1/15/2026 3:01:45 PM
B HOUSE CONSTRUCTION	2	
C DRIVEWAY & SIDEWALK CONSTRUCTION	3	
D FINAL GRADING	4	
E PERMANENT SOIL EROSION	5	

NOTE: THIS TIMING AND SEQUENCE CHART IS TO BE FILLED IN BY THE CLIENT PRIOR TO SUBMITTAL TO THE CITY/TOWNSHIP.

SOIL EROSION NOTES:

- INSTALL EROSION CONTROL MEASURES PRIOR TO CONSTRUCTION.
- ALL SOIL EROSION MEASURES MUST BE IN PLACE PRIOR TO ANY EARTH MOVEMENT.
- COMPLETE ALL EARTH MOVEMENT.
- RIGHT-OF-WAY MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
- ALL SWALE AREAS, ALL SLOPES GREATER THAN 1:5 AND 10' AROUND STORM STRUCTURES MUST BE STABILIZED PRIOR TO FINAL GRADE INSPECTION.
- AFTER PERMANENT EARTH STABILIZATION IS COMPLETED, REMOVE EROSION CONTROL MEASURES.

NOTE: A DTE CLEARANCE LETTER IS REQUIRED FOR THE POOL AND COVERED PAVILION

NOTE: BACK FLOW PREVENTER IS RECOMMENDED WHEN SANITARY SEWER SERVICE ENTERS THROUGH THE BASEMENT FLOOR.

NOTE: A SOIL EROSION AND CONTROL PERMIT IS REQUIRED PRIOR TO CONSTRUCTION

NOTE: AREA OF PROPOSED EARTH CHANGE = 40,000 SQ. FT.

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

NOTE: THE NEAREST WATER COURSE IS ROUGE RIVER, APPROX. 650' S TO THE EAST.

SOIL TYPE PER OAKLAND COUNTY SOIL MAP: SHEBOEN-URBAN LAND COMPLEX

NOTE: TREE PERMIT WILL BE REQUIRED FOR 2X PROPOSED REMOVALS OF CITY TREES, 5X ADDITIONAL REMOVALS NOT PROPOSED, AND TRANSPLANTS OF 7X NEWLY PLANTED TREES. TO REMOVE 7X CITY TREES: ON ARLINGTON: #15114 13" DBH RED HORSECHESNUT, #15113 A 15" DBH RED HORSECHESNUT, ON LINCOLN: #9179 A 7" DBH HONEYLOCUST, #9177 A 7" HYBRID ELM, #9176 A 5" AMERICAN LINDEN, #9175 A 3" DBH PEAR, #9174 A 4" DBH SWAMP WHITE OAK. ALL STUMPS TO BE GROUND.

APPLICANT TO REPLACE WITH 5X 3"-5" DBH QUERCUS X WARE 'NADLER' ON W. LINCOLN (LOCATIONS 2X W BETWEEN NEW CIRCLE DRIVEWAY APPROACHES, 3X APPROXIMATELY 10' EAST, 25' EAST, AND 45' OF PROPOSED EASTERN DRIVEWAY APPROACH).

SETBACK INFORMATION
 ZONING = R1-A
 FRONT = 49.7' & 57.1' (AVG.)
 SIDE = 5'(MIN.), 67'(TOTAL)
 REAR = 30'
 BUILDING TO BUILDING MIN. = 67'

CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	443.51	263.62	229.80	S 45.50° E	54°23'43"
C2	133.24	85.92	144.57	N 09°19' E	145°59'23"



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

CALL MISS DIG
 1-800-482-7171

OR
 811

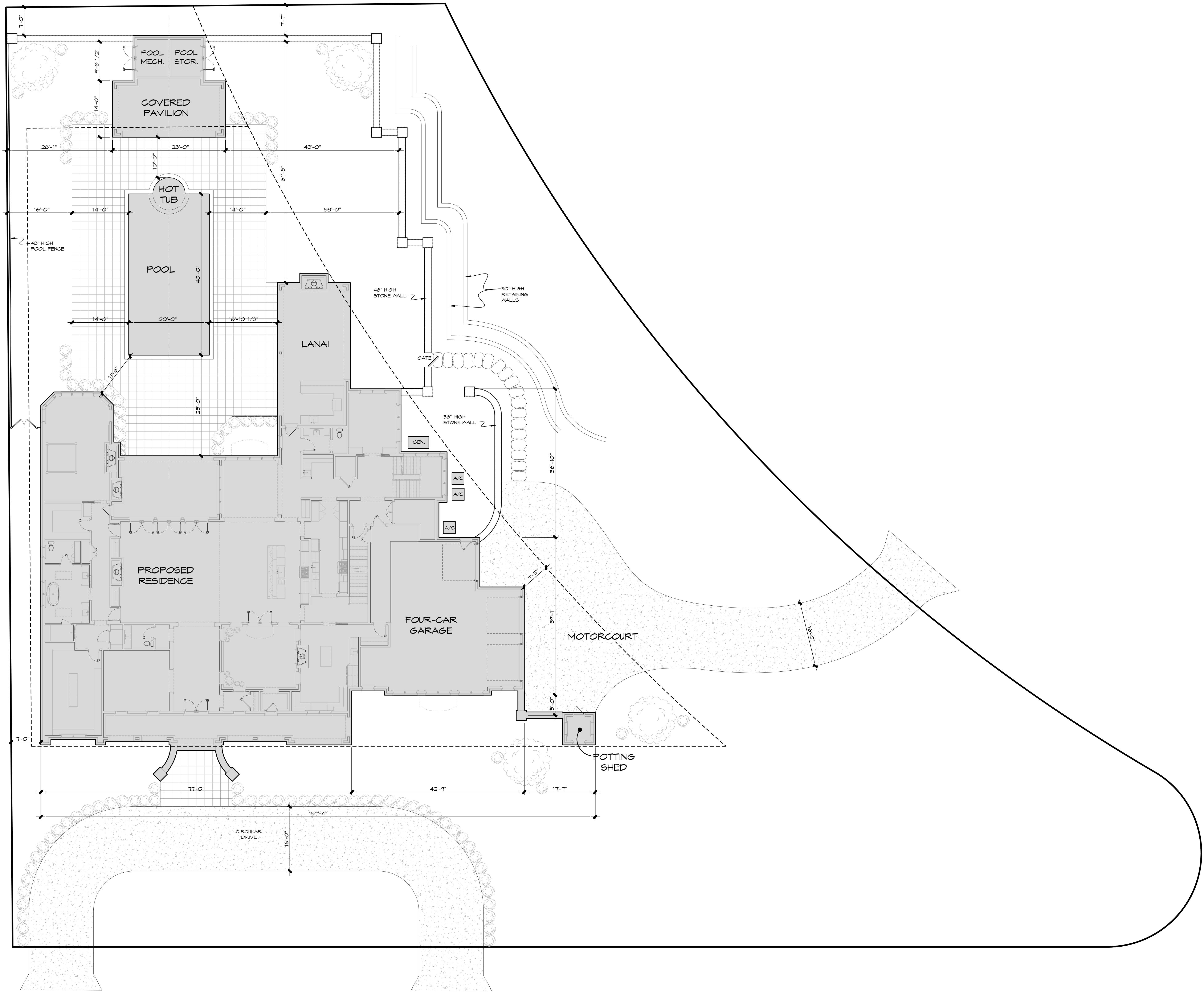
(TOLL FREE) FOR THE LOCATION OF UNDER GROUND FACILITIES



Proposed Rear Elevation



Proposed Front Elevation



CASE DESCRIPTION

551 S Bates (26-07)

Hearing date: February 10, 2026

Appeal No. 26-07: The owner of the property known as **551 S Bates**, requests the following variance to construct a front covered porch and steps:

- A. Chapter 126, Article 4.30(C)(1) of the Zoning Ordinance permits a covered or uncovered porch including the steps may project into a front open space for a maximum distance of 10.00 feet. The proposed is 15.00 feet. Therefore, a variance of 5.00 feet is being requested

Staff Notes: The applicant is seeking a variance to rebuild the existing non-conforming covered front porch and steps. A Variance was granted in 2021. See minutes attached.

This property is zoned R3 – Single family residential.

Andrew Erickson
Assistant Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

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

(EACH i-iv must be satisfied)

551 S BATES



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

Address: 551 S. Bates St.	Lot Number: 50	Sidwell Number: 19-36-178-005
------------------------------	-------------------	----------------------------------

II. OWNER INFORMATION:

Name: Jane Sunnestvedt			
Address: 551 S. Bates St.	City: Birmingham	State: MI	Zip code: 48009
Email: * janesharp551@gmail.com		Phone: 248-561-9309	

III. PETITIONER INFORMATION:

Name: Jeffrey S. Rizzo		Firm/Company Name: Fenn & Associates, Inc.	
Address: 14933 Commercial Drive	City: Shelby Township	State: MI	Zip code: 48315
Email: jeff@fennsurveying.com		Phone: 586-254-9577	

IV. GENERAL INFORMATION:

The Board of Zoning Appeals typically meets the second Tuesday of each month. COMPLETE digital 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 \$750.00 for single family residential; \$950.00 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:

Please provide the following in your electronic submission:


- Completed and signed application
- Signed letter of practical difficulty and/or hardship
- Certified survey
- Building plans including existing and proposed floor plans and elevations
- If appealing a board decision, provide a copy 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 of Petitioner: 

Date: January 12, 2026

Date: January 12, 2026

Digitally signed by Jeffrey S. Rizzo
DN: cn=Fenn & Associates, Inc., cn=Jeffrey S Rizzo, e=jrizzo@fennsurveying.com
Reason: I am the author of this document
Location:
Date: 2025.01.12 13:20:45-05'00'
Faxit PDF Editor Version: 2025.2.0

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

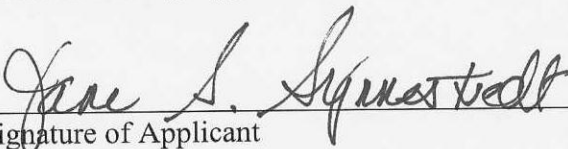
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration 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



FORGING DESIGN PARTNERSHIPS, THAT WITHSTAND THE TEST OF TIME.

Jane Synnestvedt
551 S. Bates St.
Birmingham, MI 48009

January 12th, 2026
For February 10th, BZA meeting

RE: Hardship letter for proposed front porch with steps coming straight out towards the city sidewalk.

I present my case with great passion, in attempt to refurbish my front porch and steps to it's original state and glory keeping in mind the historical aesthetic for a 1910 home which I love.

As we started to remove material to replace, it started reaching past the point of just replacing surface materials. Unfortunately, over 100 years of time has taken the best of it.

I am asking for exact replacement of my front porch with new finishes and cement steps. The steps will go past the porch line, less than one foot from previous. This increase is caused by increasing the depth of the steps to 12".

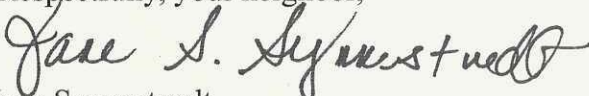
As I redo this house, I keep in mind of my aging in place, since I have no intention of moving out of this home. Every maintenance/replacement project I do, I try to select the best of materials for longevity, so I won't have to redo anything again, and it will be good for at least another 100 years.

The steps are of original design and location, with the exception mentioned about increasing the depth. My porch is small; there isn't enough room to safely bring the steps into the porch. There is no room on the left, as the driveway is right next to the porch. It would be architecturally incorrect to try and move them to the right side, not to mention a more difficult access point, in front of the windows.

My survey supports the required percentages, with compromises and changes to the rear patio. To meet these percentages, I have changed this patio concrete instead of wood.

I appreciate and thank you for your time reviewing the consideration of variance request, for the betterment of this street and community of homes with history.

Respectfully, your neighbor,


Jane Synnestvedt.

JANE SYNNESTVEDT
JANE SYNNESTVEDT INTERIOR DESIGN

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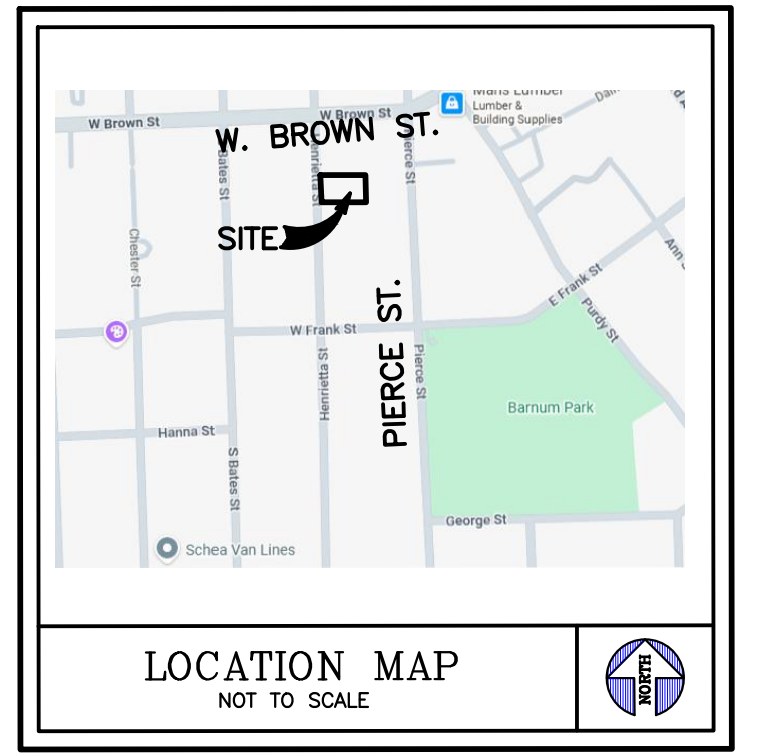
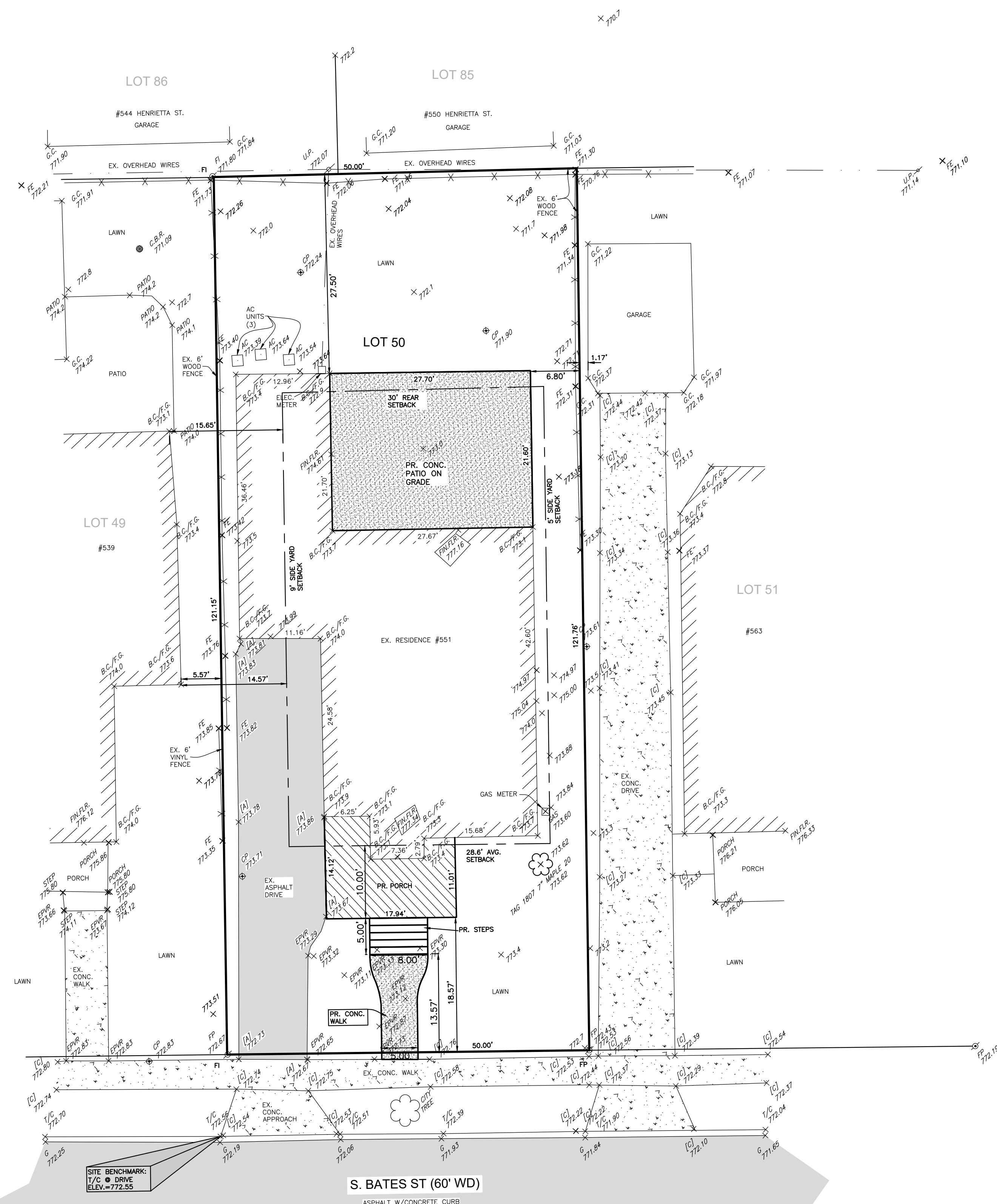


Find Us at /janesynnestvedt





SCALE: 1" = 10'
0 5' 10' 20'



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

LEGEND

- SECTION CORNER
FOUND IRON, MON., NAIL
RECORDED
MEASURED
CALCULATED
UTILITY POLE
EDGE OF WOODS
BOTTOM OF BERM
TOP OF BERM
EDGE OF ASPHALT
EDGE OF CONCRETE
CORRUGATED METAL PIPE INVERT
TOP OF WALL
BOTTOM OF WALL
EDGE OF WATER
BUILDING CORNER/FINISHED GRADE
WATER SHUT OFF
CENTERLINE
SANITARY MANHOLE
CATCH BASIN BEEHIVE
TOP OF CURB
STORM MANHOLE
TOP OF BANK
BOTTOM OF BANK
CENTERLINE
CATCH BASIN SQUARE
LIGHT POLE
GATE VALVE/WELL
PROPOSED GRADE
EXISTING GRADE
PLAN PROPOSED GRADE NO LONGER APPLICABLE
C.B. FILTER
SILT FENCE
TREE PROTECTION
CLEAN OUT
DOWNSPOUT

VARIANCE TABLE with columns: ITEM, VARIANCE REQUEST, DESIGNED QUANTITY, PERMITTED BY CITY. Item 1: REQUESTING A VARIANCE FOR 5.0 FEET PAST THE 10 FOOT ALLOWANCE FOR THE FRONT PORCH TO TO ENCRACH INTO THE FRONT SETBACK...

AREA CALCULATION NOTES:
1. TOTAL IMPERVIOUS AREA INCLUDES HOUSE FOOTPRINT, GARAGE, DRIVEWAY, PROPOSED FRONT PORCH & STEPS, PROPOSED CONCRETE PATIO, & PROPOSED CONCRETE SIDEWALK...
2. AREA OF HOUSE FOOTPRINT & GARAGE ONLY INCLUDE HOUSE AND GARAGE AREA.
3. FRONTAGE IMPERVIOUS AREA INCLUDE IMPERVIOUS AREAS LOCATED WITHIN THE FRONT YARD SETBACK...

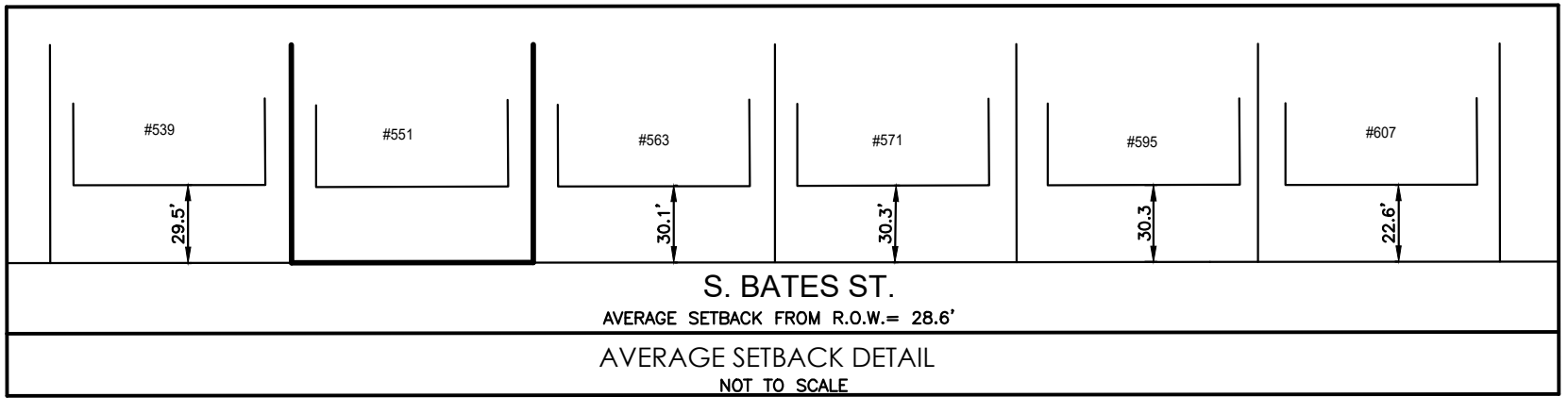
AREA OF LOT = 6,080 SF
TOTAL IMPERVIOUS AREA = 3,313 SF
LOT COVERAGE = 54.5%
OPEN SPACE = 45.5%
AREA OF LOT = 6,080 SF
AREA OF HOUSE FOOTPRINT & GARAGE = 1,706 SF
LOT COVERAGE = 28.1%
AREA OF FRONTAGE = 1,431 SF
FRONTAGE IMPERVIOUS AREA = 382 SF
LOT FRONTAGE COVERAGE = 26.7%
OPEN SPACE = 73.3%

PROPERTY DESCRIPTION: T2N, R10E, SEC 36 ASSESSOR'S REPLAT OF PART OF TORREY'S, HOOD'S & SMITH ADDS LOT 50
SITE BENCHMARK: TOP OF CURB AT NORTH EDGE OF DRIVE, ELEVATION: 772.55 (CITY DATUM)
CITY BENCHMARK: #329 BRASS DISC LOCATED AT SOUTHEAST CORNER OF CHESTER & MARTIN, ELEV. 783.35 (CITY DATUM)
ADDRESS: 551 S. BATES ST. PID: 19-36-178-005



Utility information, as shown, indicates the approximate locations and types of utilities as disclosed to this firm by various utility company's markings and/or plans provided. No guarantee is provided or implied as to the existence, accuracy, or completeness of any utilities. All locations and depths of any utilities that may exist shall be verified in the field by others prior to the start of construction. Extreme caution shall be utilized during construction when operating near overhead and/or buried utilities.
CALL MISS DIG 72 HOURS (3 WORKING DAYS - EXCLUDING SAT., SUN., & HOLIDAYS)
1-800-482-7171
OR 811 (TOLL FREE) FOR THE LOCATION OF UNDER GROUND FACILITIES

REVISIONS table and Fenn & Associates, Inc. Land Surveying and Civil Engineering logo and contact information.

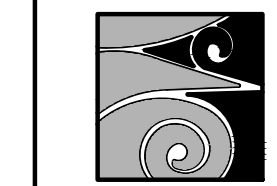




RECORD FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

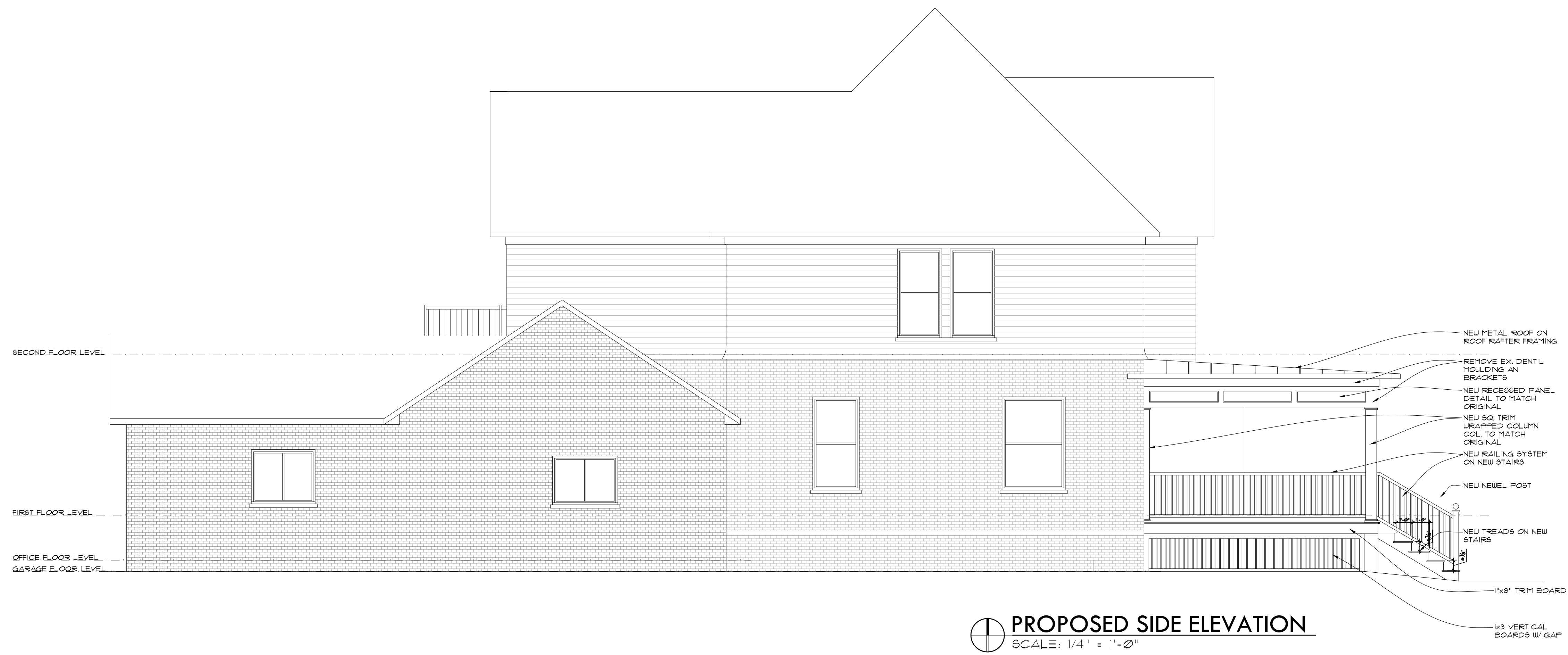
PERMIT ISSUE	08-25
BZA ISSUE	01-12-26

SYNNESTVEDT RESIDENCE
 551 BATES STREET
 BIRMINGHAM, MICHIGAN

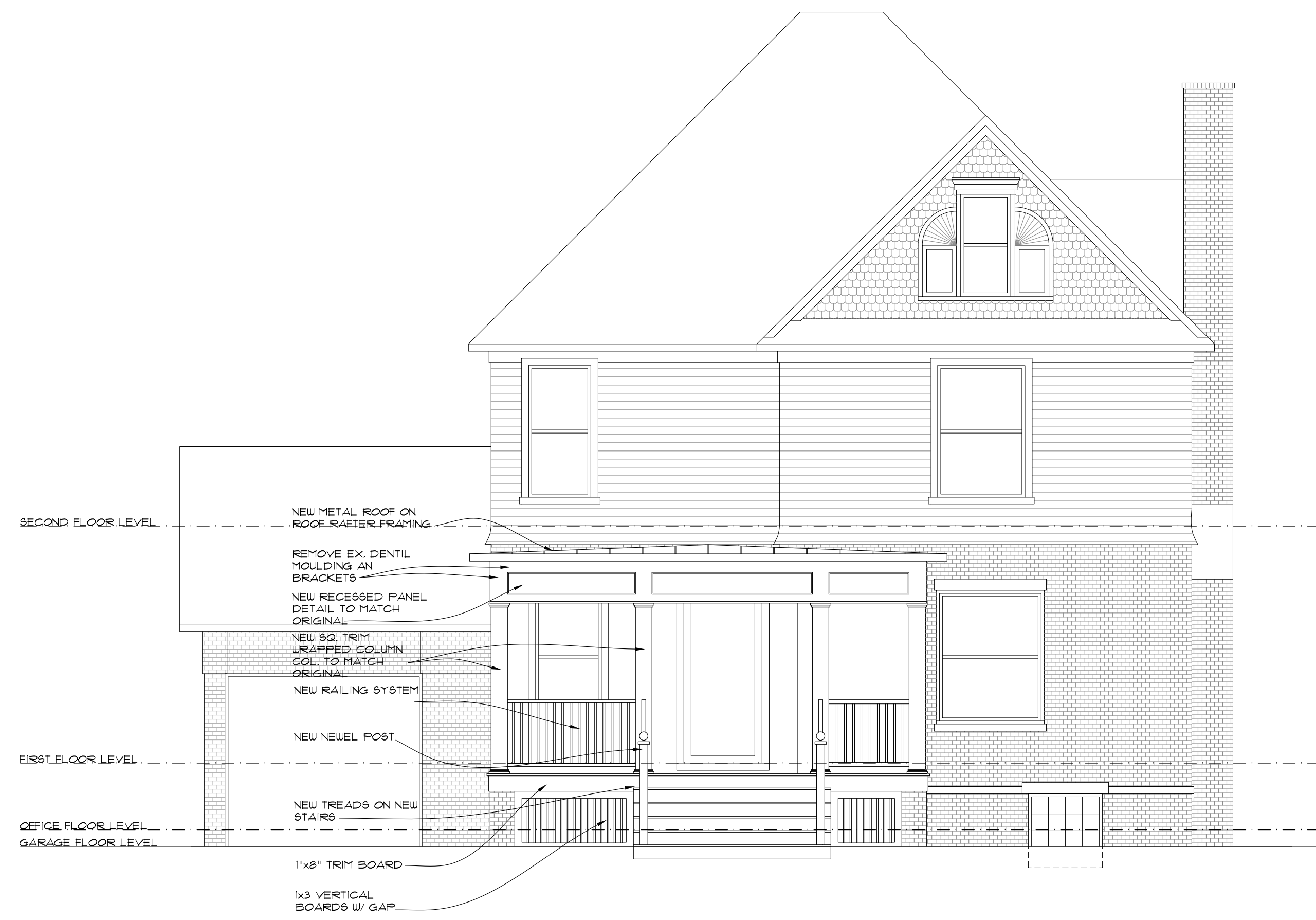


JOSEPH MOSEY ARCHITECTURE, Inc.
 108 CENTER ST., STE. 205, NORTHVILLE, MI. 48167
 248-515-4477 jmosey@josephmoseyarchitecture.com

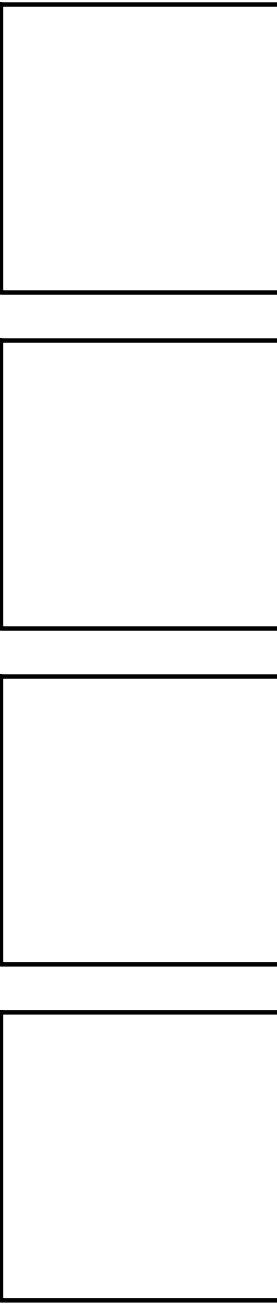
PROJECT #
 16-100
 SHEET #:
A-1



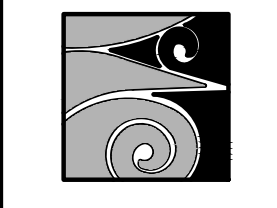
⊕ PROPOSED SIDE ELEVATION
SCALE: 1/4" = 1'-0"



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



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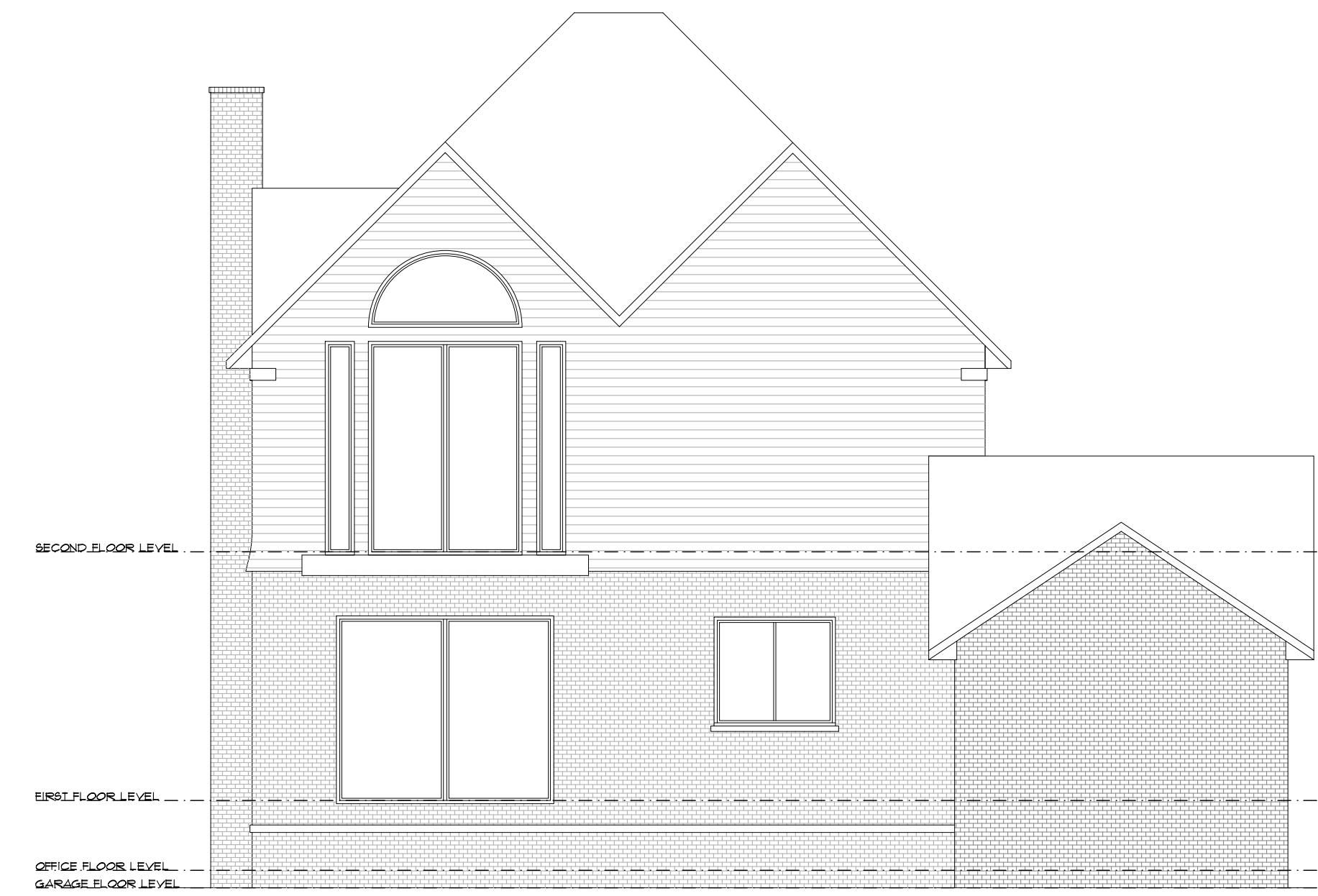
SYNNESTVEDT RESIDENCE
551 BAYTES STREET
BIRMINGHAM, MICHIGAN

PERMIT ISSUE	08-25
BVA ISSUE	01-12-26

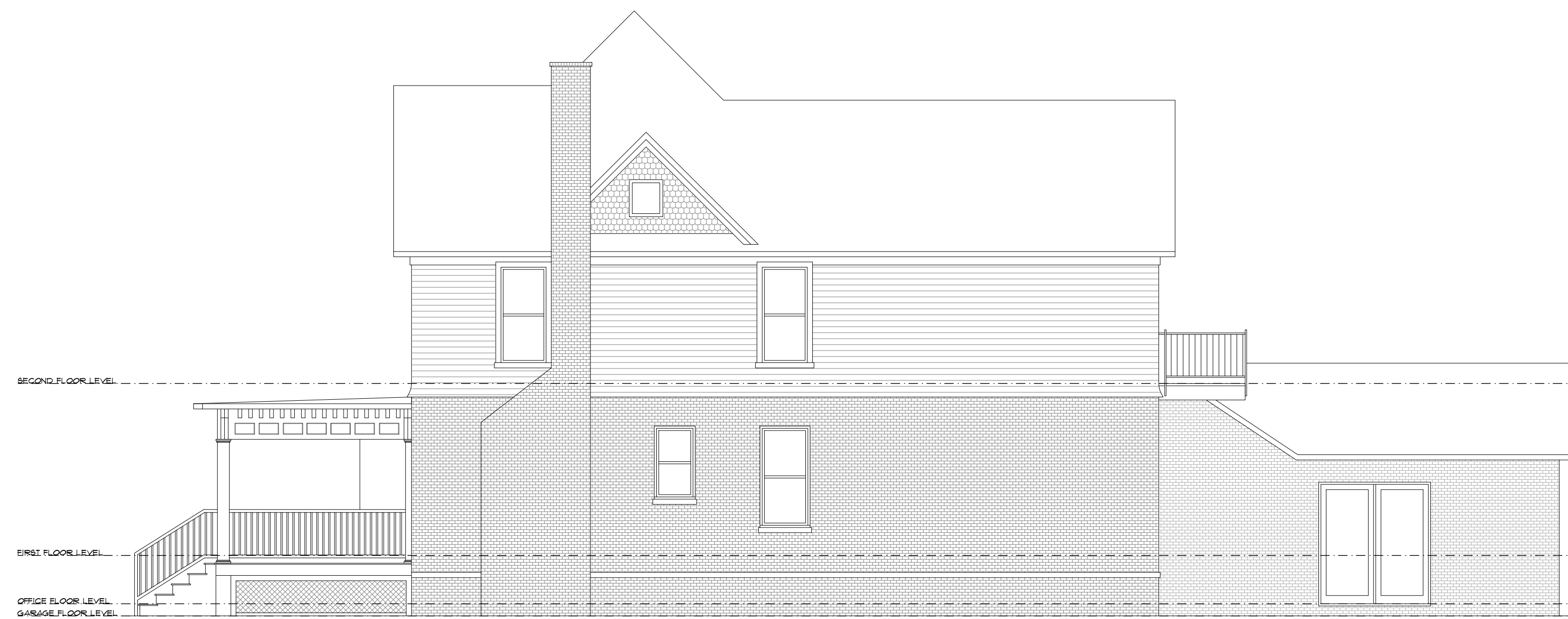
PROJECT #
16-100
SHEET #:
A-2



⊕ RECORD SIDE ELEVATION
SCALE: 3/16" = 1'-0"



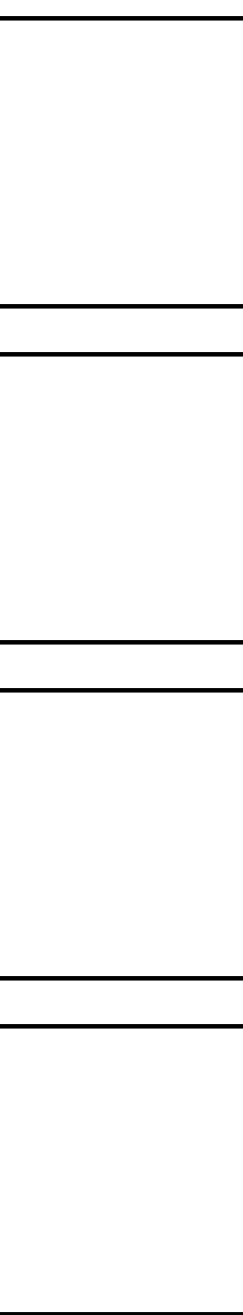
⊕ RECORD REAR ELEVATION
SCALE: 3/16" = 1'-0"



⊕ RECORD SIDE ELEVATION
SCALE: 3/16" = 1'-0"



⊕ RECORD FRONT ELEVATION
SCALE: 3/16" = 1'-0"



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SYNNESTVEDT RESIDENCE
551 BATES STREET
BIRMINGHAM, MICHIGAN

PERMIT ISSUE	08-2-20
REVISION	01-12-20

PROJECT #
16-00
SHEET #:
R-2

**6) 551 S. Bates
Appeal 21-50**

ABO Zielke presented the item, explaining that the owner of the property known as 551 S. Bates was requesting the following variances to construct a front and rear patio to an existing nonconforming home:

A. Chapter 126, Article 2.10.1 of the Zoning Ordinance requires that the maximum lot coverage is 30% (1826.40 SF) of the lot. The proposed is 35.82% (2181.00 SF). Therefore, a variance of 5.82% (354.60 SF) was being requested.

B. Chapter 126, Article 4.31(A) of the Zoning Ordinance requires that a minimum of 65% (958.75) of the front open space in all single family districts shall be free of paved surfaces. The proposed is 63.34% (935.00 SF). Therefore, a variance of 1.66% (23.75 SF) was being requested.

C. Chapter 126, Article 4.30(C)(1) of the Zoning Ordinance permits a covered or uncovered porch including the steps may project into a front open space for a maximum distance of 10.00 feet. The existing and proposed is 13.60 feet. Therefore, a variance of 3.60 feet was being requested.

Jane Synnesvedt, owner, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Motion by Mr. Hart

Seconded by Mr. Reddy with regard to Appeal 21-50, A. Chapter 126, Article 2.10.1 of the Zoning Ordinance requires that the maximum lot coverage is 30% (1826.40 SF) of the lot. The proposed is 35.82% (2181.00 SF). Therefore, a variance of 5.82% (354.60 SF) was being requested; B. Chapter 126, Article 4.31(A) of the Zoning Ordinance requires that a minimum of 65% (958.75) of the front open space in all single family districts shall be free of paved surfaces. The proposed is 63.34% (935.00 SF). Therefore, a variance of 1.66% (23.75 SF) was being requested; and, C. Chapter 126, Article 4.30(C)(1) of the Zoning Ordinance permits a covered or uncovered porch including the steps may project into a front open space for a maximum distance of 10.00 feet. The existing and proposed is 13.60 feet. Therefore, a variance of 3.60 feet was being requested.

Mr. Hart moved to approve the variances and tied them to the plans as submitted. He stated that the appellant has made several efforts to decrease the amount of hardscape and to increase the open space, and that the existing non-conforming property presented unique circumstances.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**7) 1679 Dorchester
Appeal 21-51**

Appeal 21-51 was postponed.

T# 11-63-21

6. Correspondence

All correspondence was included in the agenda packet.

T# 11-64-21

7. General Business

T# 11-65-21

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

None.

T# 11-66-21

8. Adjournment

Motion by Mr. Lillie

Seconded by Mr. Canvasser to adjourn the November 9, 2021 BZA meeting at 10:15 p.m.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None