

BIRMINGHAM BOARD OF ZONING APPEALS AGENDA

UPDATED: VIRTUAL MEETING DUE TO COVID-19 PANDEMIC

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

Or Dial: 877 853 5247 US Toll-Free

Meeting Code: 963 4319 8370

FEBRUARY 09, 2021

7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE MINUTES

a) January 12, 2021

4. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	1208 BIRD	LIVE WELL CUSTOM HOMES	20-02	DIMENSIONAL
2)	646 CHAPIN	LIVE WELL CUSTOM HOMES	20-03	DIMENSIONAL
3)	1021 PLEASANT	MOSHER & ASSOC.	20-04	DIMENSIONAL
4)	1264 BIRD	ALIMOV BUILDING	20-05	DIMENSIONAL
5)	2282 W LINCOLN	KENDALL DESIGN & BUILD	20-06	DIMENSIONAL
6)	798 N OLD WOODWARD	ADKISON, NEED, ALLEN & RENTROP, PLLC	20-07	USE

5. CORRESPONDENCE

6. GENERAL BUSINESS

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

8. ADJOURNMENT

Title VI

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

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

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

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

FEBRUARY BZA MAP



**Birmingham Board of Zoning Appeals Proceedings
Tuesday, January 12, 2021
Held Remotely Via Zoom and Telephone Access**

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, January 12, 2021. Chair Charles Lillie convened the meeting at 7:30 p.m.

2. Rollcall

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

Absent: Board Member Kevin Hart; Alternate Board Member Erin Rodenhouse

Administration:

Bruce Johnson, Building Official
Brooks Cowan, City Planner
Laura Eichenhorn, City Transcriptionist
Eric Brunk, IT Manager

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

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

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

T# 01-01-21

3. Approval Of The Minutes Of The BZA Meeting Of December 8, 2020

Vice-Chair Canvasser said that in the second full paragraph of the motion, in the third line, he wanted 'petition' changed to 'petitioner'.

On page six, in the first paragraph of the first motion, in the fourth line, Mr. Lillie said 'is the' should be removed from after 'existing/proposed'. In the same paragraph, second to last line, 'is the' should also be removed from after 'existing/proposed'.

Motion by Mr. Lillie

Seconded by Mr. Lilley to accept the Minutes of the BZA meeting of December 8, 2020 as amended.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 01-02-21

4. Appeals

**1) 469 & 479 N. Old Woodward
Appeal 21-01**

CP Cowan presented the item, explaining that the owner of the property known as 469 & 479 S. Old Woodward Avenue was requesting the following dimensional variances to construct a 5-story mixed-use building:

A. Chapter 126, Article 3, Section 3.04(D)(5) of the Zoning Ordinance requires that off-street parking contained in the first story shall not be permitted within 20.00 feet of any building façade on a frontage line or between the façade and the frontage line. The owner has proposed 7 parking spaces within 20.00 feet of the building frontage facing Hazel Street, therefore, a dimensional variance of 20.00 feet is being requested.

B. Chapter 126, Article 4, Section 4.25(LD)(02)(1) of the Zoning Ordinance requires that each building used for mixed commercial and residential use shall supply, on the site of the building, a minimum of 2 off-street loading zones and 2 refuse storage areas. Loading Spaces are required to be 40 feet long, 12 feet wide and 14 feet high in dimension. The owner has proposed one loading space on-site, therefore, a dimensional variance of one loading space is being requested.

Richard Rassel, attorney, reviewed the letters describing why these two variances were being sought. The letters were included in the evening's agenda packet.

Some informational questions were asked of CP Cowan and Mr. Rassel by the Board members.

In reply to Mr. Morganroth, Mr. Rassel explained that the petitioner strongly felt that in order to service the retail and residential guests that the 84 spots must be provided in the proposed locations. He said the petitioner believed it to be much more reasonable to provide parking on-site rather than off-site. He said the project has taken great pains to create an attractive facade along Hazel.

Chris Longe, architect for the project, explained that most of the mechanicals will be on the roof for the purpose of hiding it. The parking on Hazel will be screened for at least the first 30 inches and up to the first 36 inches.

In reply to Vice-Chair Canvasser, Mr. Longe said that retail or office would be unlikely to last in the frontage along Hazel. He said that the petitioner would be unlikely to rent out the space for an office or retail use even in the case of the variances being denied because additional parking would have to be provided.

Public Comment

Patrick Howe, attorney for Birmingham Place Condominium Assn. asked the BZA to think carefully about whether one loading zone would be sufficient in a time of increased deliveries due to the pandemic. He asked that the BZA also weigh whether the parking proposal would be appropriate for the broader neighborhood context in their deliberations. He thanked the BZA for their work.

In reply to Vice-Chair Canvasser, Mr. Rassel confirmed it was his understanding that packages and mail would come into the building off of Old Woodward.

Motion by Mr. Lillie

Seconded by Mr. Morganroth with regard to Appeal 21-01, A. Chapter 126, Article 3, Section 3.04(D)(5) of the Zoning Ordinance requires that off-street parking contained in the first story shall not be permitted within 20.00 feet of any building façade on a frontage line or between the façade and the frontage line. The owner has proposed 7 parking spaces within 20.00 feet of the building frontage facing Hazel Street, therefore, a dimensional variance of 20.00 feet is being requested. and B. Chapter 126, Article 4, Section 4.25(LD)(02)(1) of the Zoning Ordinance requires that each building used for mixed commercial and residential use shall supply, on the site of the building, a minimum of 2 off-street loading zones and 2 refuse storage areas. Loading Spaces are required to be 40 feet long, 12 feet wide and 14 feet high in dimension. The owner has proposed one loading space on-site, therefore, a dimensional variance of one loading space is being requested.

Mr. Lillie moved to grant both variances as advertised and tied them to the plans as presented, conditioned upon the petitioner establishing the seven parking spaces

along Hazel. Before going into his reasons for supporting the variances, he noted that the Planning Board's endorsement of the project does not alone establish a practical difficulty. Mr. Lillie said the petitioner, however, did establish a practice difficulty in this case. He noted that the existing building already has parking within 20 feet of the building currently facing Hazel. This property is the only one zoned D4 not included in the Parking Assessment District (PAD). He also said there were some efforts at mitigation along Hazel. He said requiring the petitioner to comply with the ordinance would be unduly burdensome, granting the variances would do substantial justice to the petitioner and the surrounding neighbors, and the need for the variances is not self-created.

Mr. Morganroth said being zoned D4 without access to the PAD is a unique burden on this property. He said that Hazel tends to function as more of a cut-through between downtown and Woodward, and that the proposed plans would be a significant improvement compared to the existing building and the amount of currently visible parking. He said that while the single loading zone does not meet the ordinance requirements, making the single zone wider to accommodate the size of two more residentially-scaled trucks is an interesting mitigation. He said for those reasons he would support the motion.

Mr. Miller noted that at the Planning Board's September 23, 2020 meeting they specified that having 14 to 15 spaces on grade and the rest of the parking below allowed for commercial and residential spaces to be separated, which provides added security to the residents. Mr. Miller said this was an added benefit of the proposed design.

Vice-Chair Canvasser said adding additional parking on Hazel, when parking is in such shortage in the City and office and retail is not required on Hazel, is a benefit of this project. He said the drawing of the loading spaces showed the practicality of how they will be best used. He said the reality is that there will be loading on Hazel, Woodward, and in the MDOT right-of-way. He said the unique circumstances of the building merit his support of the motion.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 01-03-21

5. Correspondence

Included in the agenda packet.

T# 01-04-21

6. General Business

None.

T# 01-05-21

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

None.

T# 01-06-21

8. Adjournment

Motion by Mr. Lilley

Seconded by Mr. Reddy to adjourn the January 12, 2021 BZA meeting at 8:37 p.m.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Bruce R. Johnson, Building Official

CASE DESCRIPTION

1208 Bird (21-02)

Hearing date: February 9, 2021

Appeal No. 21-02: The owner of the property known as 1208 Bird, requests the following variance to construct a new home with a detached garage:

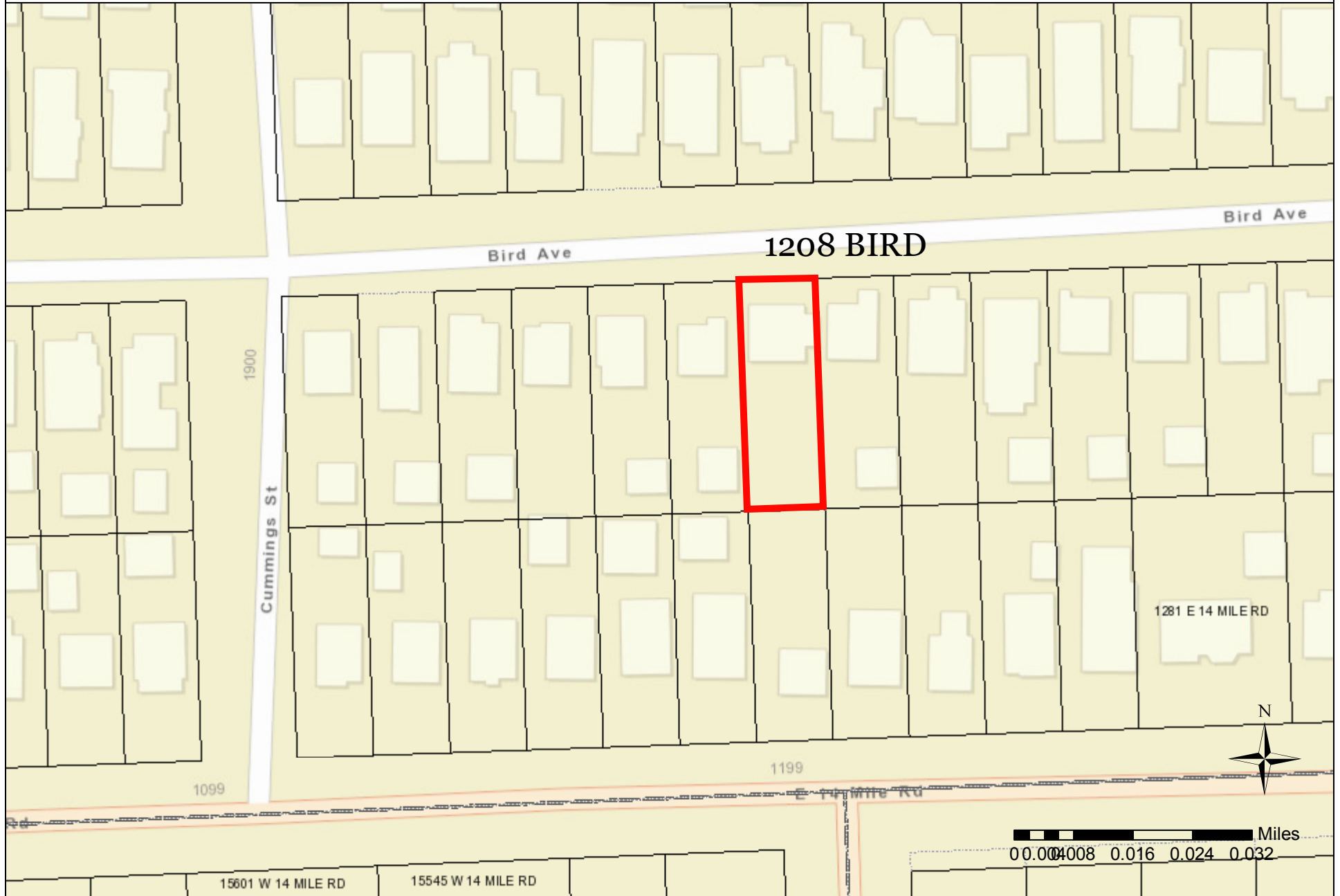
A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum total distance between principle residential buildings on adjacent lots be 14.0 feet or 25% of the lot width whichever is greater. The required total is 14.00 feet. The proposed is 13.53 feet on the east side. Therefore, a variance of 0.47 feet is being requested.

Staff Notes: The applicant is requesting this variance due to the existing home at the east, which constructed in 1926, is located 3.36 feet to the lot line. The proposed home complies with the ordinance otherwise.

This property is zoned R3 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1208 BIRD 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: 1-7-21
Received By: BM

Hearing Date: 2-9-21
Appeal #: 21.02

Type of Variance:	☐ Interpretation	☒ Dimensional	☐ Land Use	☐ Sign	☐ Admin Review															
I. PROPERTY INFORMATION:																				
Address: <u>1208 BIRD</u>		Lot Number: <u>704</u>		Sidwell Number:																
II. OWNER INFORMATION:																				
Name: <u>LIVE WELL CUSTOM HOMES.</u>																				
Address: <u>626 E. 4TH STREET</u>		City: <u>ROYAL OAK</u>		State: <u>MI</u>	Zip code: <u>48067</u>															
Email: <u>RIK @ LIVEWELLCUSTOMHOMES.COM</u>				Phone: <u>248-677-8484</u>																
III. PETITIONER INFORMATION:																				
Name: <u>RICK MERLINI</u>		Firm/Company Name: <u>LIVE WELL</u>																		
Address: <u>SAME AS ABOVE.</u>		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.																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <caption>Variance Chart Example</caption> <thead> <tr> <th>Requested Variances</th> <th>Required</th> <th>Existing</th> <th>Proposed</th> <th>Variance Amount</th> </tr> </thead> <tbody> <tr> <td>Variance A, Front Setback</td> <td>25.00 Feet</td> <td>23.50 Feet</td> <td>23.50 Feet</td> <td>1.50 Feet</td> </tr> <tr> <td>Variance B, Height</td> <td>30.00 Feet</td> <td>30.25 Feet</td> <td>30.25 Feet</td> <td>0.25 Feet</td> </tr> </tbody> </table>						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
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V. REQUIRED INFORMATION CHECKLIST:																				
☐ One original and nine copies of the signed application ☐ One original and nine copies of the signed letter of practical difficulty and/or hardship ☐ One original and nine copies of the certified survey ☐ 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations ☐ If appealing a board decision, 10 copies of the minutes from any previous Planning, HDC, or DRB board meeting																				
VI. APPLICANT SIGNATURE																				
By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.																				
Signature of Owner: <u>[Signature]</u>				Date: <u>12-23-20</u>																
Signature of Petitioner: <u>[Signature]</u>				Date: _____																



CITY OF BIRMINGHAM
Date 01/11/2021 1:19:47 PM
Ref 00175230
Receipt 959301
Amount \$360.00

ZBA Request for 1208 Bird Birmingham

I am requesting dimensional variances of .47' on the East side yard setback.

My hardship is that the house to the east is only 3.36' from the shared lot line. If the home to the east was complying to the existing side yard required, I would not be here today asking for a variance.

To minimize my variances request I have reduced the home width to less the variance need.

I would like to thank the board for their consideration of this matter.

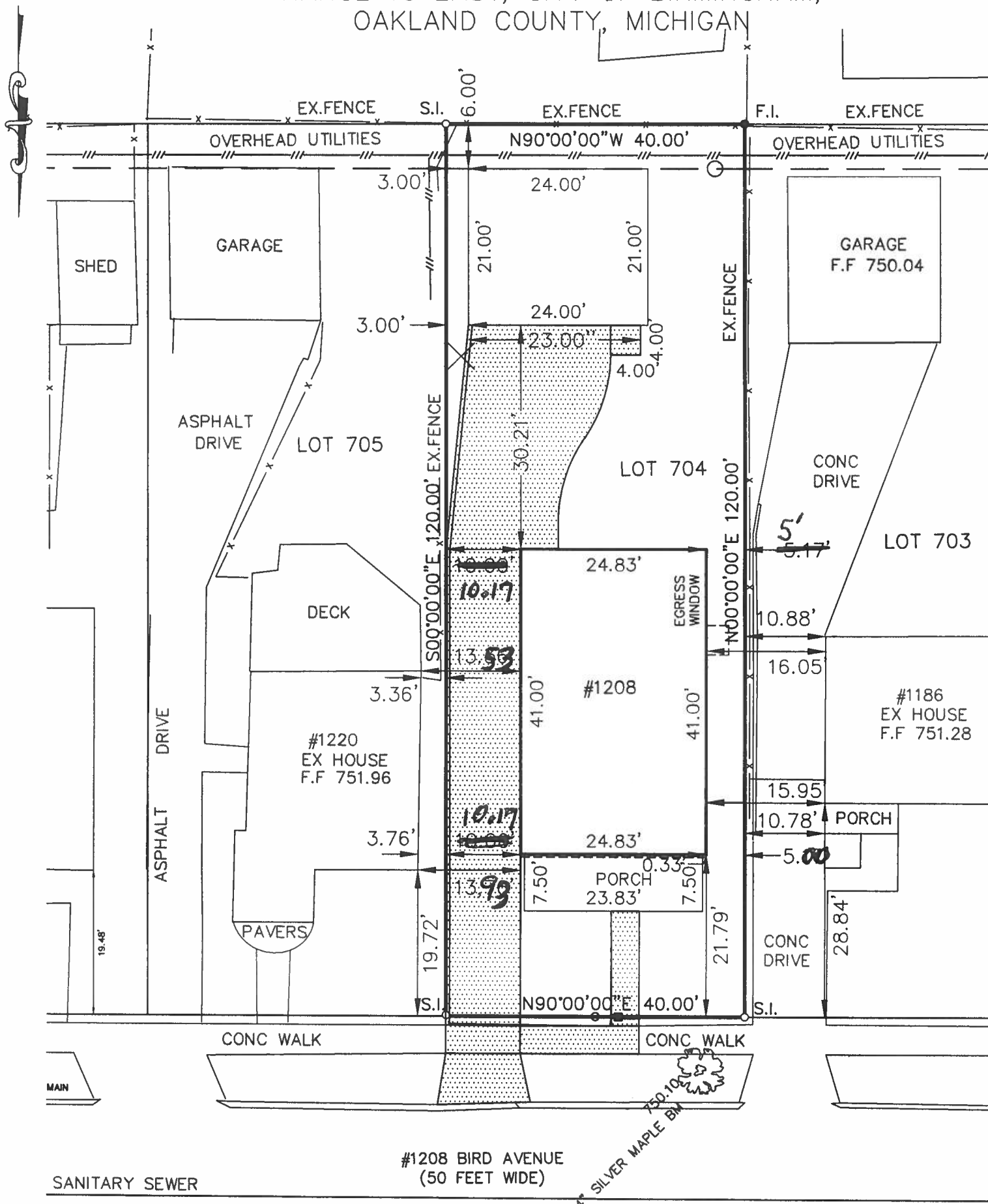


Rick Merlini

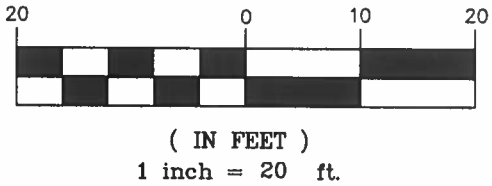
Live Well Custom Homes

BOARD OF ZONING APPEALS PLAN
LOT 704

LEINBACH-HUMPHREY'S WOODWARD AVENUE SUBDIVISION
PART OF SECTION 36, TOWN 2 NORTH,
RANGE 10 EAST, CITY OF BIRMINGHAM,
OAKLAND COUNTY, MICHIGAN



GRAPHIC SCALE



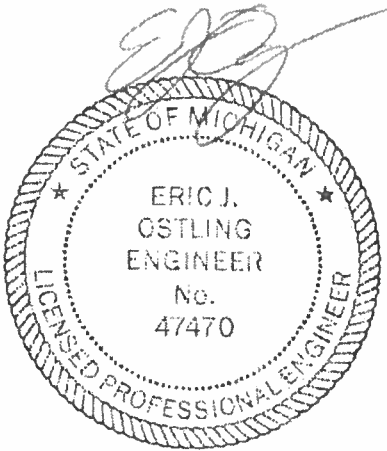
SITE BENCHMARK
MAG NAIL IN SOUTH FACE
24" SILVER MAPLE
ELEV. 750.10 (NAVD88)

LEGEND

- OVERHEAD UTILITY LINES
- EXISTING FENCE
- UTILITY POLE
- F.I. FOUND IRON
- S.I. SET IRON

LIVE WELL CUSTOM HOMES
626 E. 4-TH STREET
ROYAL OAK., MI, 48067
586-201-2500

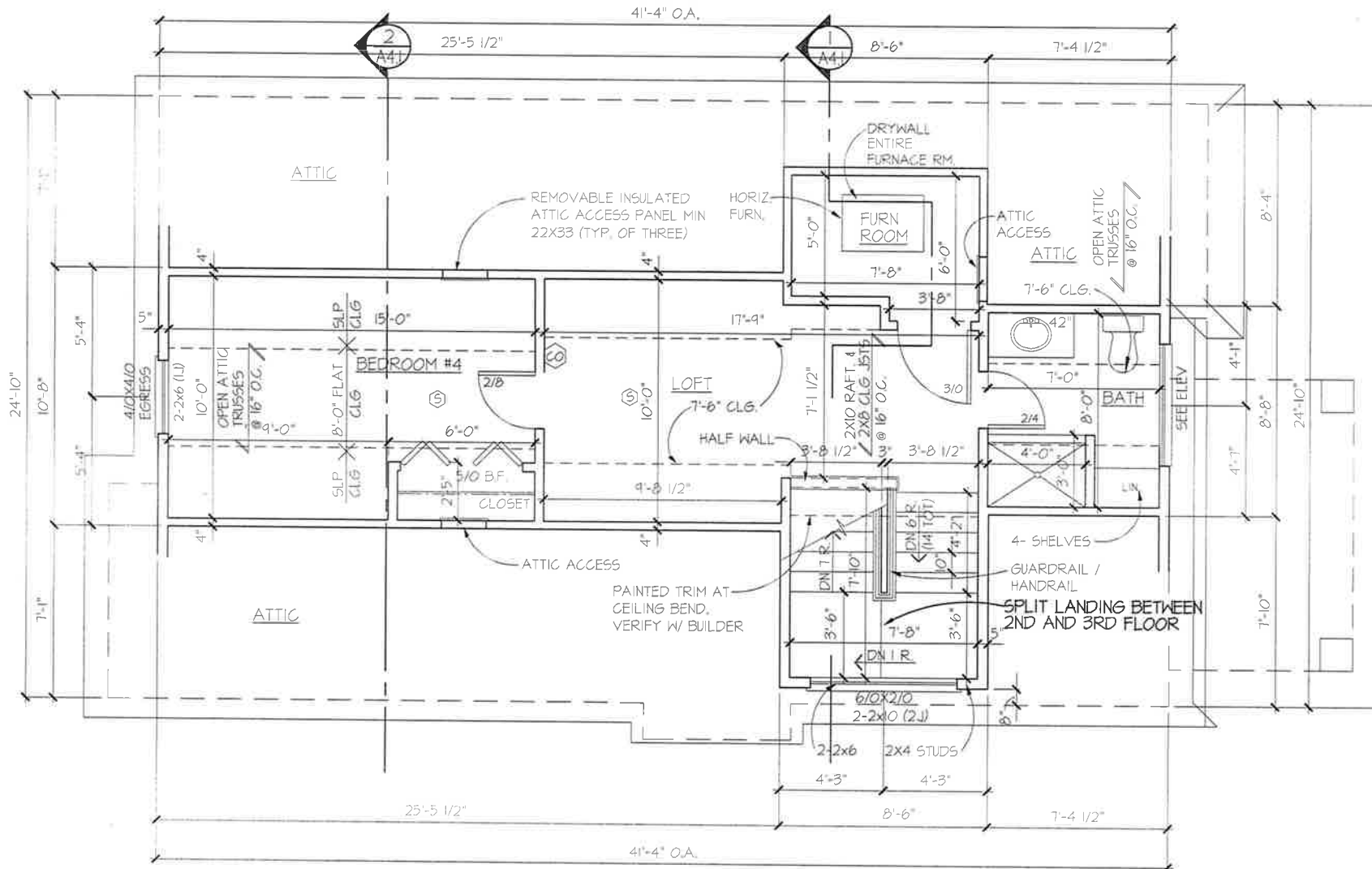
SHEET 1 OF 1



SCALE: 1"=20' JOB#: 20-275
DATE: 12-18-2020 DRAWN BY: E.A.

LEHNER ASSOCIATES, INC.
PROFESSIONAL ENGINEERS & SURVEYORS
17001 19 MILE ROAD - SUITE 3
CLINTON TOWNSHIP, MICHIGAN 48038
PHONE: (586) 412-7050
FAX: (586) 412-7114
www.lehnerassociates.com

REVISIONS



FINISHED ATTIC PLAN

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

553 S.F. GROSS, OF WHICH 317 S.F. (29.9% OF 2ND FLOOR) IS MEASURED TO CEILING OF 7'-4" OR GREATER (MAX 30% PER BIRMINGHAM ORD.)

DALE A. STUDNICKA
ARCHITECTS, P.C.
7341 Triangle Drive
Scotling Heights, MI 48314
(586)803-1410
www.dasarchpc.com



DATE	DESCRIPTION	BY	DATE

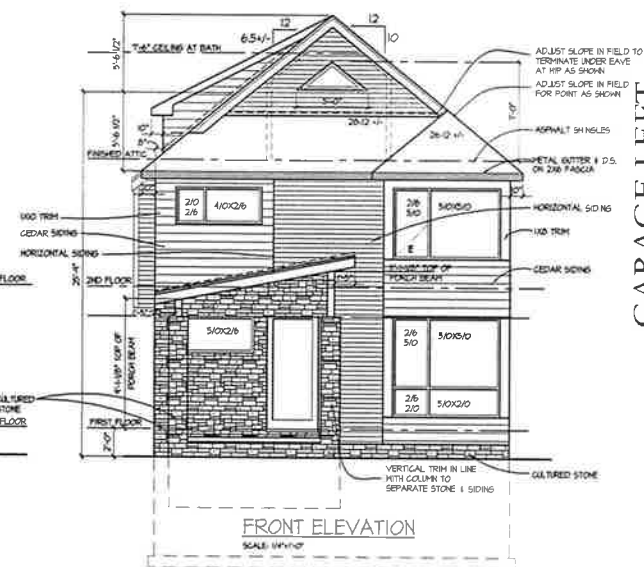
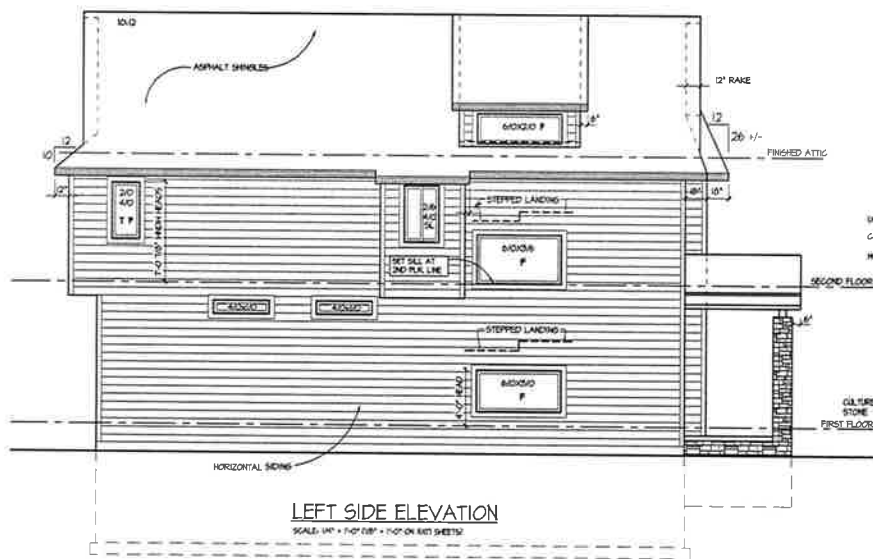
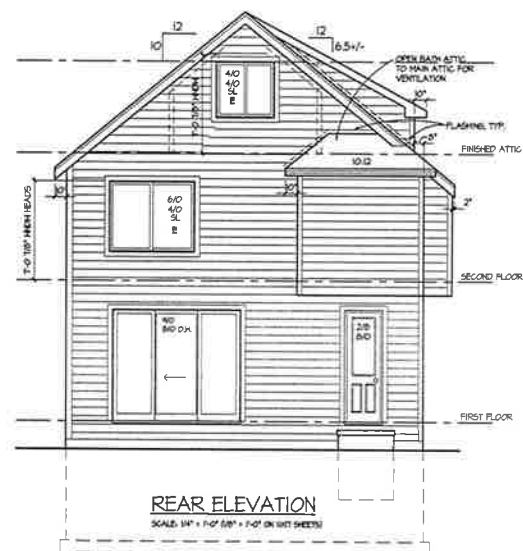
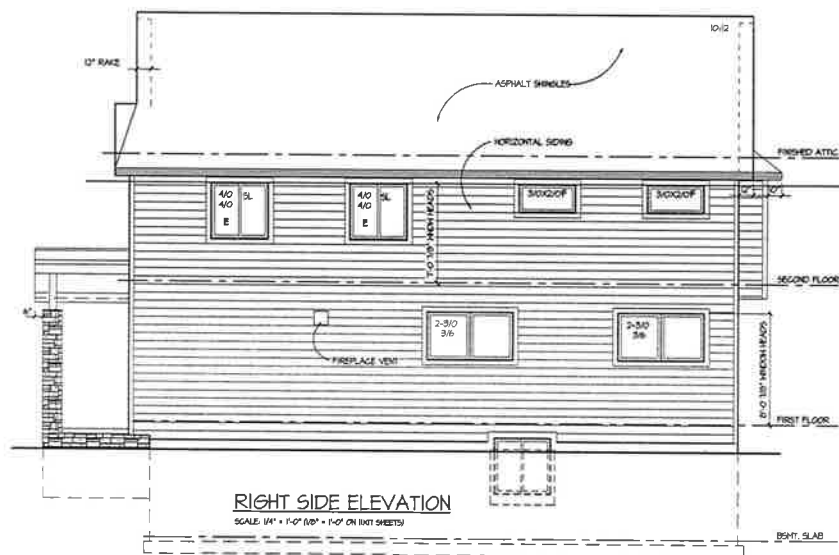
DATE	DESCRIPTION	BY	DATE

GARAGE LEFT

DATE	DESCRIPTION	BY	DATE



JOB NUMBER
5718-1120
SHEET NO.
A23



DALE A. STUDNICKA
ARCHITECTS, P.C.
7341 Triangle Drive
Sterling Heights, MI 48314
(586)803-1410
www.dasarchpc.com

[illegible]

GARAGE LEFT

PROJECT
20201 COURTLAND
LIVE WELL CUSTOM HOMES
526 E. 4TH STREET
ROYAL OAK, MI. 48067 (248) 671-8484



JOB NUMBER
5718-1120

SHEET NO
A3.9

CASE DESCRIPTION

646 Chapin (21-03)

Hearing date: February 9, 2021

Appeal No. 21-03: The owner of the property known as 646 Chapin, requests the following variance to construct a new home with an attached garage:

A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum total distance between principle residential buildings on adjacent lots be 14.0 feet or 25% of the lot width whichever is greater. The required total is 14.25 feet. The proposed is 11.57 feet on the west side. Therefore, a variance of 2.68 feet is being requested.

Staff Notes: The applicant is requesting this variance due to the existing homes that are both existing non-conforming on either side of the property, These homes were both constructed between 2005 and 2008. The proposed home complies with the ordinance on the lot. The distance from the home at the west that is located 4.97 feet to the lot line is where the variance is being requested.

This property is zoned R3 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

646 CHAPIN 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: 1-11-20
 Received By: BM

Hearing Date: 2-9-21
 Appeal #: 21.03

Type of Variance:	☐ Interpretation	☒ Dimensional	☐ Land Use	☐ Sign	☐ Admin Review
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I. PROPERTY INFORMATION:		
Address: <u>646 CHAPIN</u>	Lot Number: <u>1077 & 1078</u>	Sidwell Number:

II. OWNER INFORMATION:		
Name: <u>LIVE WELL CUSTOM HOMES.</u>		
Address: <u>626 E. 4TH STREET</u>	City: <u>ROYAL OAK</u>	State: <u>MI</u> Zip code: <u>48067</u>
Email: <u>RICK @ LIVEWELLCUSTOMHOMES.COM</u>	Phone: <u>248-677-8484</u>	

III. PETITIONER INFORMATION:		
Name: <u>RICHARD MERLIN</u>	Firm/Company Name: <u>SAME AS ABOVE</u>	
Address:	City:	State: Zip code:
Email:	Phone:	

IV. GENERAL INFORMATION:

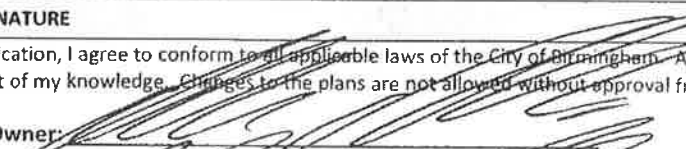
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The BZA application fee is \$360.00 for single family residential; \$560.00 for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.

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: 	Date: <u>1-4-21</u>
Signature of Petitioner: 	Date: <u>1-4-21</u>

CITY OF BIRMINGHAM
 Date 01/11/2021 1:47:57 PM
 Ref 00175731
 Receipt 559302
 Amount \$360.00



ZBA Request for 646 Chapin Birmingham

I am requesting dimensional variances of 2.68 on the West side yard setback requirement.

My hardship is based on the grounds that the ordinances requiring me to maintain 14.25' between house is also based on the premises that at least one of the two homes that would side my home would have at least a 9' driveway to help me maintain this distance.

To minimize my variances request I have reduced the home width to less the variance need.

I would like to thank the board for their consideration of this matter.

Rick Merlini

Live Well Custom Homes

[illegible]

EX. CONC.

ERIC J. OSTLING
ENGINEER
No. 47470
MICHIGAN PROFESSIONAL ENGINEER

E.J.O.

SHEET 1 OF 1

626 E. 4TH STREET
ROYAL OAK, MICHIGAN 48067
(248) 677-8484

HOMESITE:
646 CHAPIN
BIRMINGHAM, MI 48009

2015 MICHIGAN RESIDENTIAL CODE
2015 MICHIGAN UNIFORM ENERGY CODE

[RES. MBC TABLE 301.2(1)]

AIR FREEZING INDEX: 1500 OR LESS
ANNUAL MEAN TEMP. (BY BUILDING DEPT.)
ASSUMED SOIL BEARING CAPACITY: 1500 PSF

[illegible]

<u>INSULATION SUMMARY - ZONE 5A</u> (PER 2015 MUEC TABLE 402.1.1)	
<u>REQUIRED</u>	<u>PROVIDED</u>
CEILING = MIN. R-38	R-38
WALLS = MIN. R-20 OR R-13 + 5	R-13
FLOOR OVER GARAGE = R-30	R-30
BASEMENT = MIN R-10 CONTIN.,	R-11

- SEE REPORT BY D. E. NELSON FOR PERFORMANCE ANALYSIS OF BUILDING ENVELOPE.
- PROVIDE COMPLETE SEALING OF BUILDING ENVELOPE PER MUEC SEC. 402.4

- PROGRAMMABLE THERMOSTAT
- SEAL ALL DUCTWORK, AIR HANDLERS, FILTER BOXES AND RETURN AIR CAVITIES

-AT LEAST 75% OF LAMPS IN PERMANENT FIXTURES SHALL BE HIGH EFFICACY LAMPS.

A VISUAL 'AIR LEAKAGE TEST' SHALL BE PERFORMED PER
2015 MUEC SEC 402.4.2.2

CVR	CODE DATA
A1.0	FOUNDATION PLAN, EGRESS WINDOW DETAILS
A1.1	FIRST FLOOR PLAN, STAIR SECTION (CODE DATA) & NOTES
A2.1	SECOND FLOOR PLAN
A3.1	FRONT & SIDE ELEVATIONS, ROOF PLAN
A3.2	REAR & SIDE ELEVATIONS
A4.1	BUILDING SECTIONS
A5.1	GENERAL NOTES, WALL SECTION

1. FIREPLACE SIZE, TYPE AND VENTING REQUIREMENTS.
2. FIREBOX OPENING, HEARTH SIZE & MATERIAL, RAISED OR FLUSH.
3. JACUZZI OR WHIRLPOOL, TYPE, SIZE & ACCESS REQUIREMENTS.
4. FURNACE & WATER HEATER EFFICIENCY RATING & VENT REQUIREMENTS & LOCATIONS.
5. WINDOW STYLE, SCENERY VIEW, OPERABLE OR FIXED.
6. CLOSET SHELF TYPE, QUANTITY & LAYOUT.
7. SKYLIGHT LOCATION & CEILING FLAIR, IF ANY.
8. FINAL APPLIANCE TYPE, SIZE & LOCATION.
9. CABINET STYLE, SIZE & FEATURES.
10. ENERGY SOURCE FOR APPLIANCES & FIREPLACE.
11. FLOOR, CABLE TV, THERMOSTAT, DOORBELLS, SECURITY ALARM, LIGHT & RECEPTIONAL LOCATIONS.
12. PLANT FINISHES

1ST FLOOR:	1307 S.F.
2ND FLOOR:	<u>1590 S.F.</u>
TOTAL:	2897 S.F.



DATE	MISCELLANEOUS SHEETS ISSUED	BY
DRAWN	DAS	

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PROJECT
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LIVE WELL CUSTOM HOMES
626 E. 4TH STREET, SUITE 101B
ROYAL OAK, MI. 48067 (248) 677-8484

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JOB NUMBER
5745-1220

SHEET NO.
CVR

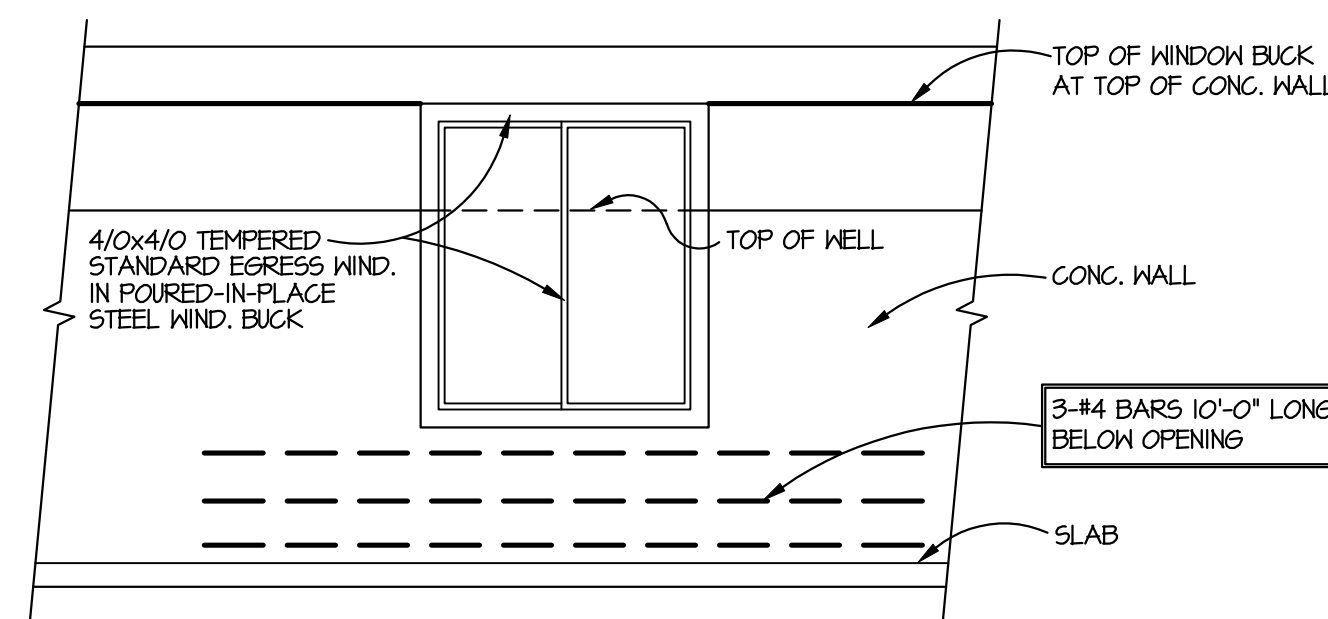
GROUNDING ELECTRODE SYSTEM NOTE:
PER MRC SECTION E3508, AT LEAST ONE OF THE FOUR FOLLOWING
ELECTRODES MUST BE PROVIDED. IF ANY OF THESE FOUR ARE
PRESENT, THEY "SHALL BE BONDED TOGETHER TO FORM A GROUNDING
ELECTRODE".

1. E3508.1.1 METAL UNDERGROUND WATER PIPE. (IF PLASTIC WATER
SERVICE PIPE IS USED, METHOD #2, 3, or 4 MUST BE PROVIDED)
2. E3508.1.2 CONCRETE ENCASED ELECTRODE. (#4 RE-BARS OR
LARGER IN THE FOOTING, OR MIN 4 AWG COPPER)
3. E3508.1.3 GROUND RINGS
4. E3508.1.4 ROD AND PIPE ELECTRODES. (MIN. 8 FEET LONG)

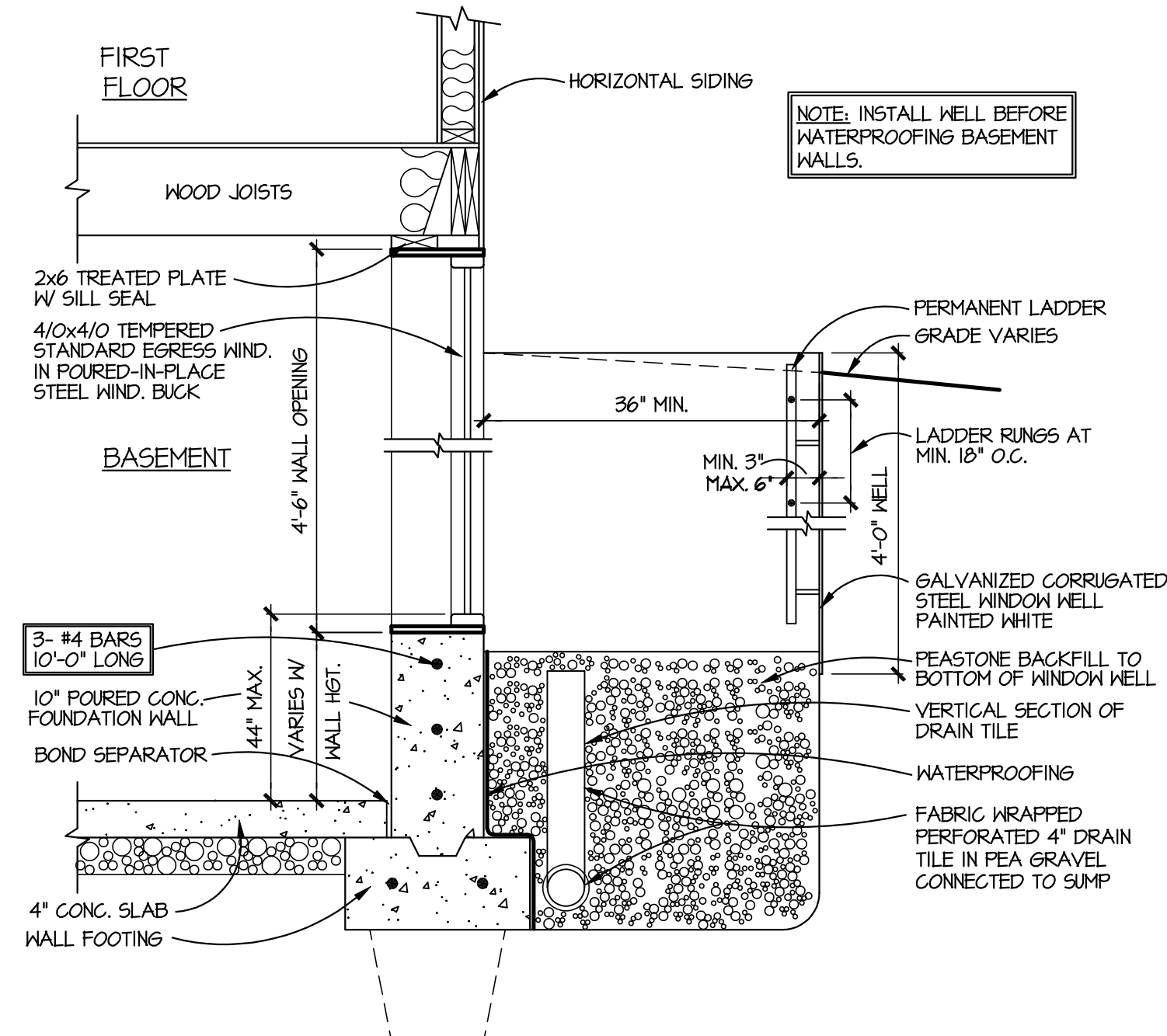
Diagram illustrating the installation of a window unit into a wall opening. The window unit is shown with dimensions and clearances:

- Overall width: 52"
- Overall height: 52"
- Clearance from the wall: MIN. 3" FROM WALL
- Clearance into the wall: 6" MAX INTO 3X3 CLEAR SPACE
- Clearance from the ladder: 12" MIN CLEAR
- Clearance from the well: 36" MIN
- Clearance from the well: 36" MIN
- Attachment: WELL ATTACHES TO WINDOW BUCK
- Sealant: POLYURETHANE SEALANT
- Window type: TEMPERED STANDARD EGRESS WINDOW
- Wall opening: 54" WALL OPENING
- Foundation: POURED-IN-PLACE WINDOW BUCK

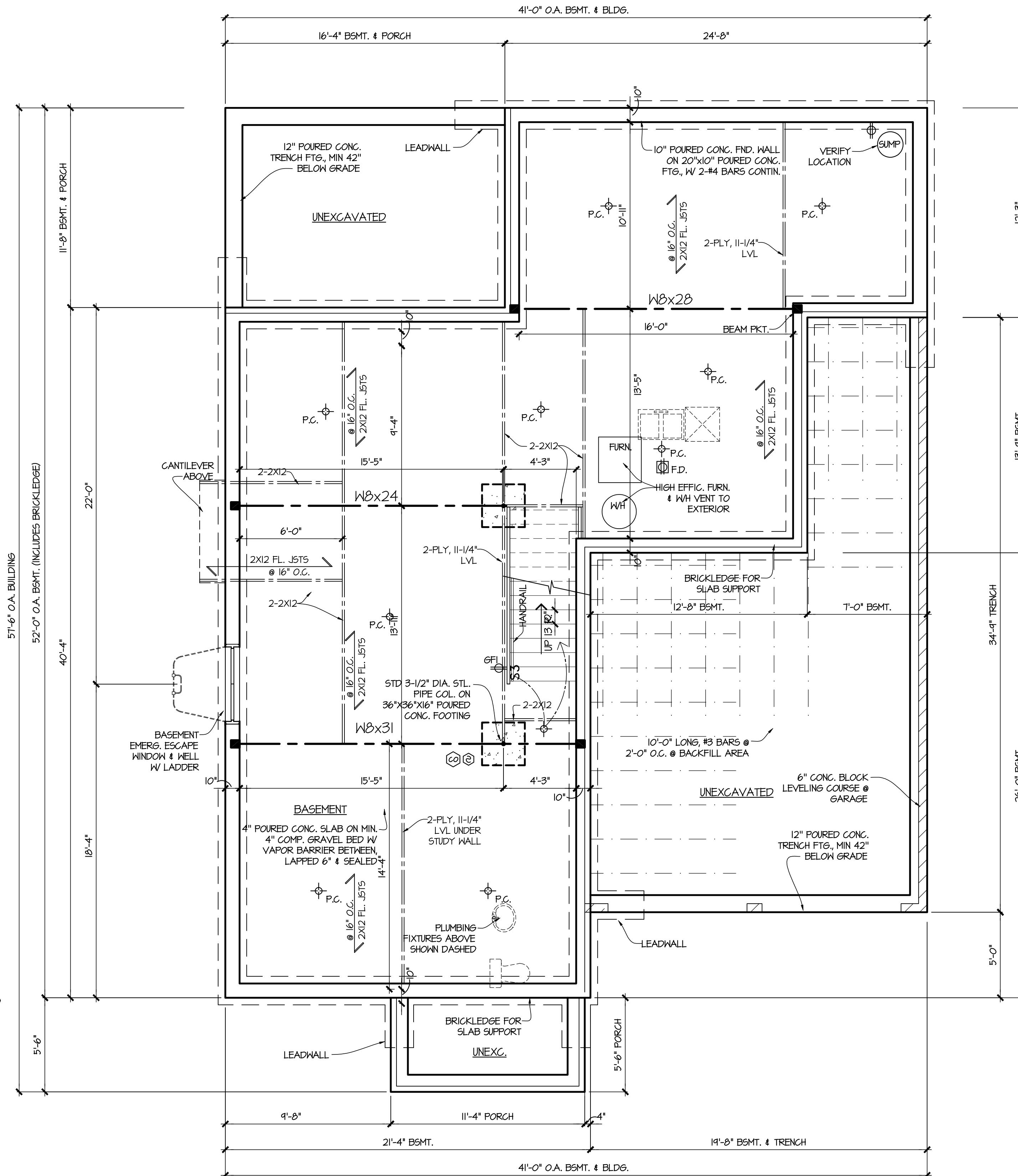
SCALE: 1/2" = 1'-0"



NO SCALE



SCALE: 3/4" = 1'-0"

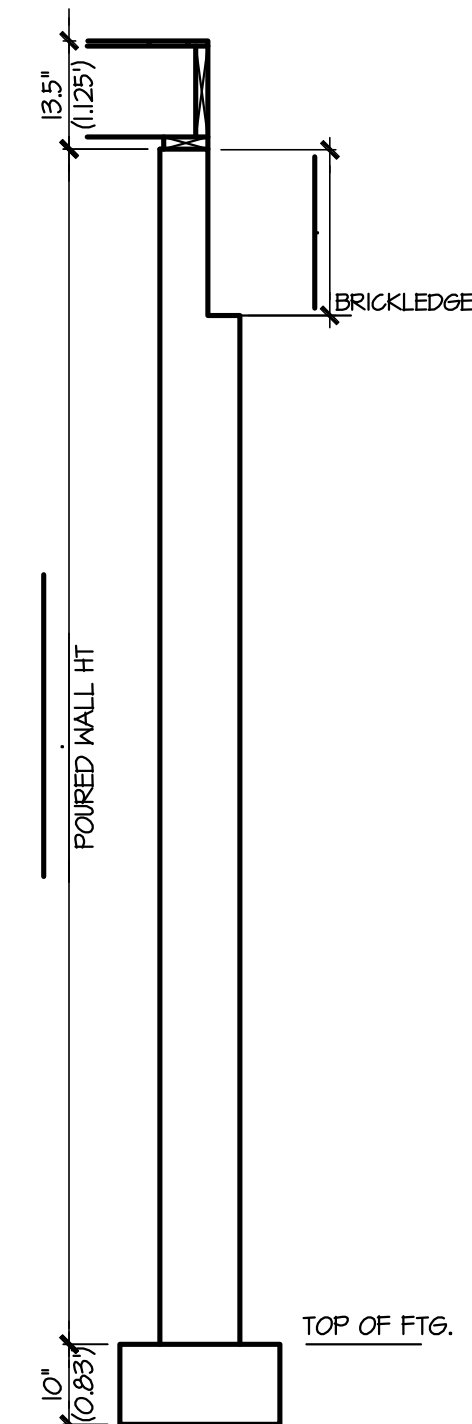


**DO NOT SCALE DRAWINGS
USE FIGURE DIMENSIONS ONLY.**

**THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR
WORK THAT DEVIATES FROM THESE DOCUMENTS. ALL
SUBCONTRACTORS SHALL OBTAIN A COMPLETE SET
OF CONSTRUCTION DOCUMENTS TO PERFORM THEIR
WORK. CONTRACTOR SHALL NOTIFY ARCHITECT OF
ANY DISCREPANCIES IN THESE DOCUMENTS BEFORE
PROCEEDING WITH ANY RELATED WORK.**

SCALE: 1/4" = 1'-0" (1/8" = 1'-0" ON XIX17 SHEETS)

NOTES:
1) 7'-10" POURED WALLS



SCALE: NO SCALE

[illegible]

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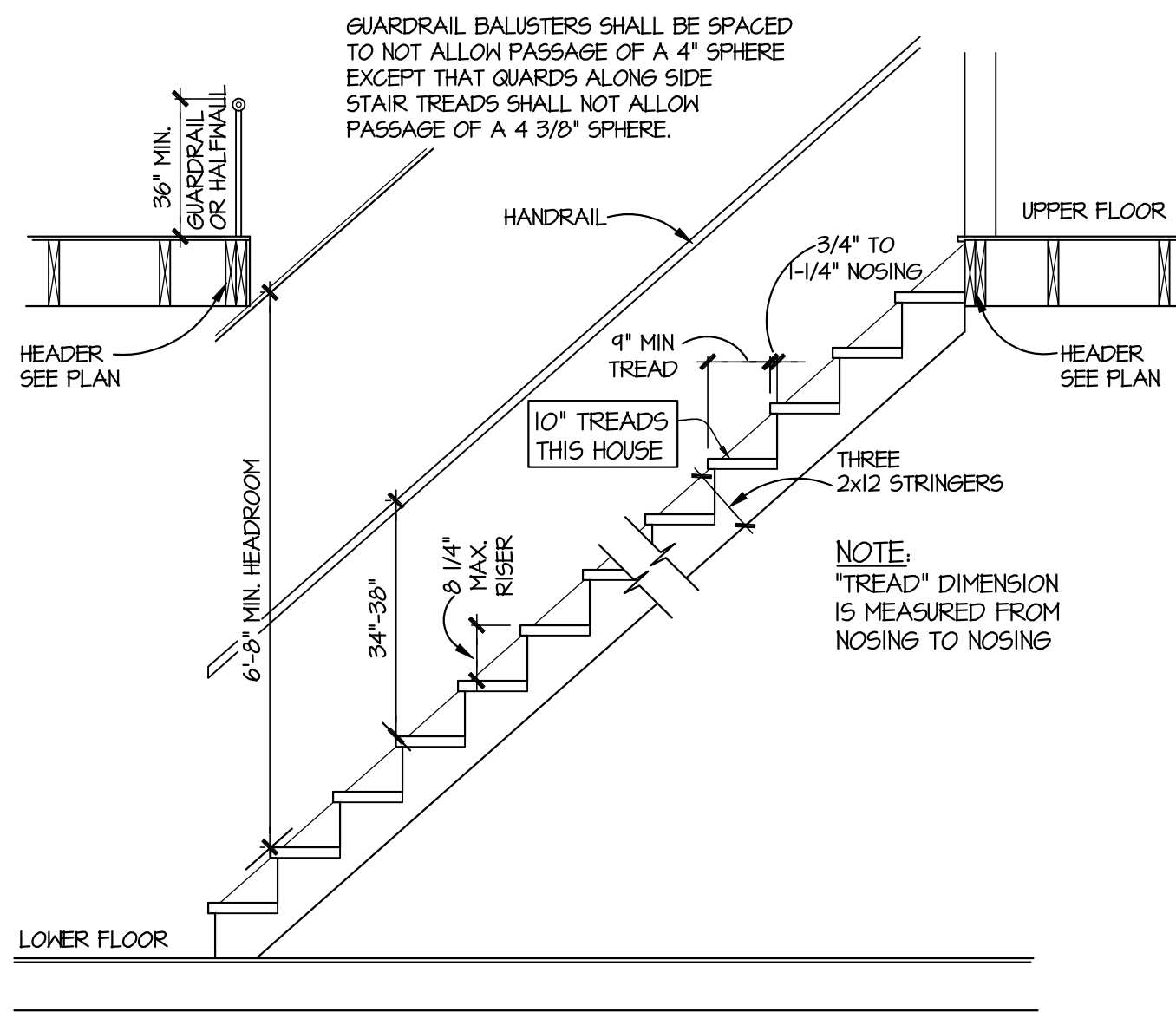
PROJECT
646 CHAPIN
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626 E. 4TH STREET, SUITE 101B
ROYAL OAK, MI. 48067 (248) 677-8484



JOB NUMBER 5745-1220
SHEET NO. A1.0

PLUMBING NOTES

1. ALL PLUMBING AND PIPING SYSTEMS AND EQUIPMENT SHALL CONFORM TO ALL NATIONAL, STATE & LOCAL BUILDING CODES.
2. THE PLUMBING AND PIPING CONTRACTOR SHALL COORDINATE LOCATIONS OF HIS EQUIPMENT AND WORK WITH OTHER BUILDING TRADES TO AVOID ANY INTERFERENCE BETWEEN HIS WORK AND THE WORK OF OTHER TRADES.
3. ALL PIPING SHALL BE CONCEALED UNLESS OTHERWISE NOTED.
4. THE PLUMBING CONTRACTOR SHALL VERIFY EXACT LOCATIONS & PROVIDE ROUGH-INS FOR ALL EQUIPMENT FURNISHED BY OTHERS.
5. PIPING SHALL BE SUPPORTED FROM HANGERS AT AN ADEQUATE DISTANCE WITH ADEQUATE SUPPORTING RODS FASTENED TO THE BUILDING FRAMING WHENEVER POSSIBLE.
6. ISOLATE PIPING AND EQUIPMENT FROM THE BUILDING STRUCTURE WITH INSULATING HANGERS AND FITTINGS AS REQUIRED TO PREVENT GALVANIC CORROSION OF THE BUILDING PIPING SYSTEM.
7. THE PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER PITCH OF PIPE FOR DRAINAGE AND VENTING OF PIPING SYSTEM.
8. THE PLUMBING CONTRACTOR SHALL COORDINATE ELECTRICAL CHARACTERISTICS OF HIS EQUIPMENT WITH THE ELECTRICAL CONTRACTOR.
9. PROVIDE BRANCH LINE SHUT-OFF VALVES ON DOMESTIC WATER PIPING TO EACH PLUMBING FIXTURE.
10. WATER HAMMER ARRESTORS OR 15" HIGH AIR CHAMBER SHALL BE INSTALLED ON BOTH HOT AND COLD WATER LINES. INSTALL IN AN UPRIGHT POSITION AT ALL QUICK CLOSING VALVES, SOLENOIDS, AND PLUMBING FIXTURES.
11. DOMESTIC WATER HEATERS SHALL BE EQUIPPED WITH A.S.M.E. RATED TEMPERATURE AND PRESSURE RELIEF VALVES.
12. TAG AND LABEL ALL VALVES INDICATING FUNCTION & EQUIPMENT SERVED.

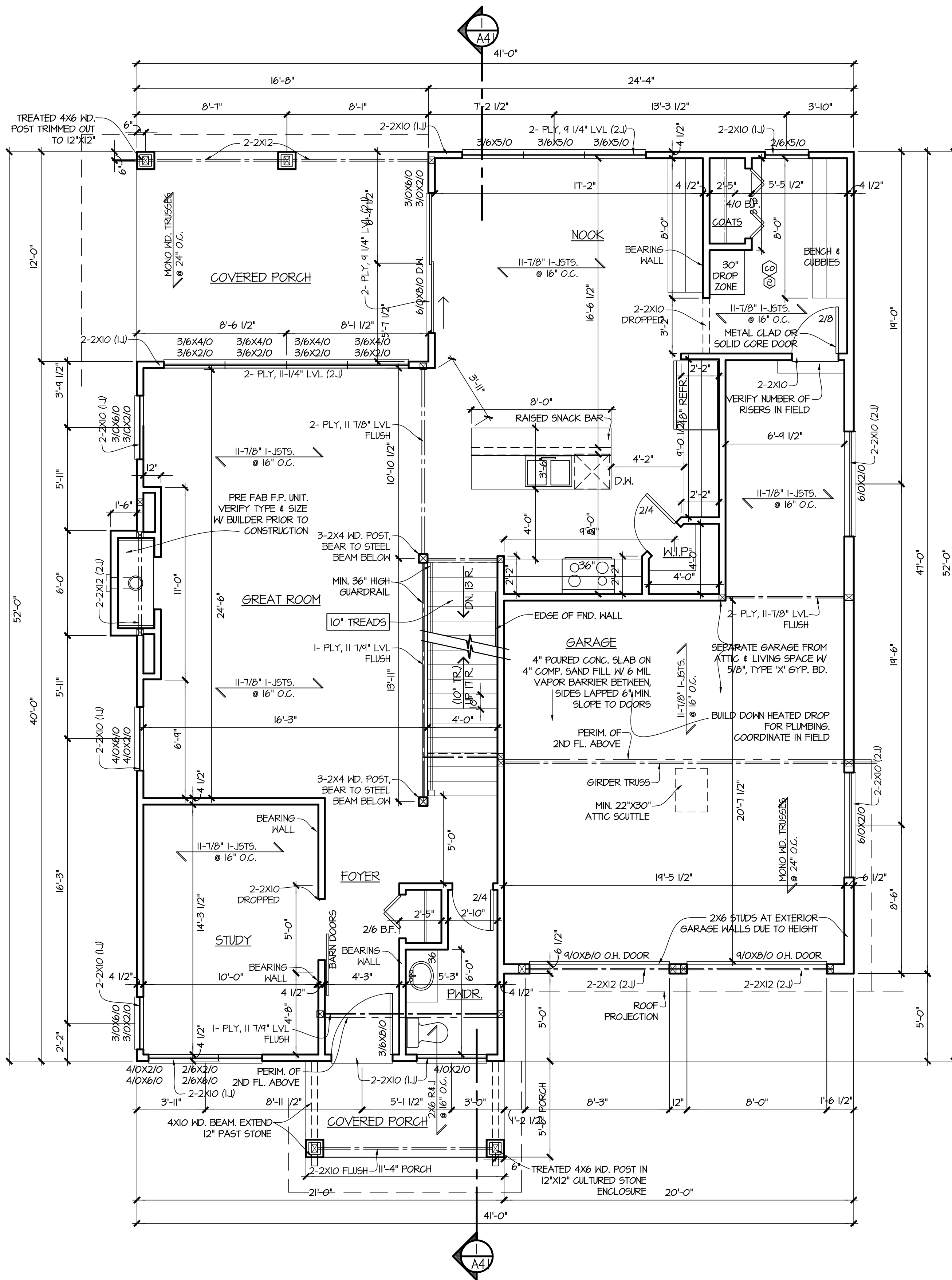


SCHEMATIC STAIR SECTION FOR CODE DATA

SEE PLAN FOR SPECIFIC DIMENSIONS
& PROPOSED NUMBER OF RISERS
(061614)

DO NOT SCALE DRAWINGS
USE FIGURE DIMENSIONS ONLY.

THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR WORK THAT DEVIATES FROM THESE DOCUMENTS. ALL SUBCONTRACTORS SHALL OBTAIN A COMPLETE SET OF CONSTRUCTION DOCUMENTS TO PERFORM THEIR WORK. CONTRACTOR SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES IN THESE DOCUMENTS BEFORE PROCEEDING WITH ANY RELATED WORK.



FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0" (1/8" = 1'-0" ON 11X17 SHEETS)

NOTES:

1. 10'-0" CEILINGS EVERYWHERE UNLESS NOTED OTHERWISE.
2. 2x4 EXTERIOR STUDS EVERYWHERE UNLESS NOTED OTHERWISE.
3. ALL FIRST FLOOR INTERIOR AND EXTERIOR DOORS ARE 8'-0" TALL.

DALE A. STUDNICKA
ARCHITECTS, P.C.
7341 Triangle Drive
Sterling Heights, MI 48314
(586)803-1410
www.dasarchpc.com



PROJECT	DATE	MISC. SHEETS ISSUED BY
646 CHAPIN		
LIVE WELL CUSTOM HOMES		
626 E. 4TH STREET, SUITE 101B		
ROYAL OAK, MI. 48067 (248) 671-0484		

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JOB NUMBER
5745-1220
SHEET NO.
A.I.



NOTES:

1. 9'-0" CEILINGS EVERYWHERE UNLESS NOTED OTHERWISE.
2. 2x4 EXTERIOR STUDS EVERYWHERE UNLESS NOTED OTHERWISE

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ARCHITECTS, P.C.

A2.1

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Extreme
MAKEOVER
HOME EDITION
Architect for Gilliam Home 2006



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JOB NUMBER
5745-1220

SHEET NO.
A2.1

DESIGN INFORMATION

HANDLING AND ERECTION

1. ALL TRUSSES AND OTHER ROOF STRUCTURAL COMPONENTS SHALL BE FABRICATED IN A PROPERLY EQUIPPED MANUFACTURING FACILITY OF A FIRM THAT HAS BEEN PROVEN TO BE CAPABLE OF BEING MANUFACTURED BY EXPERIENCED WORKMEN, USING PRECISION CUTTING AND TRUSS FABRICATING EQUIPMENT, UNDER THE REQUIREMENTS SET FORTH BY THE AISC STEEL INSTITUTE (T.P.I.), AND AS LOCAL CODE MAY REQUIRE OVER AND ABOVE THAT OF T.P.I., AND OPEN TO INSPECTION BY CONTRACTOR AND OWNERS REPRESENTATIVE DURING BUSINESS HOURS.
2. EACH TRUSS SHALL BE PERMANENTLY STAMPED WITH THE NAME AND ADDRESS OF THE TRUSS FABRICATOR.
3. EACH TRUSS SHALL BE CLEARLY MARKED AND/OR FLAGGED INDICATING THE POINTS OF PICK-UP AND BEARING
4. ALL TRUSSES SHALL BE Banded TOGETHER FOR SHIPMENT TO THE JOB SITE.
5. CAREFUL HANDLING IS ESSENTIAL AND ERECTION BRACING IS ALWAYS REQUIRED.
6. TEMPORARY BRACING DURING INSTALLATION INCLUDES CROSS BRACING BETWEEN TRUSSES TO AVOID TOPPLING AND DOMING.
7. THE SUPERVISION OF ERECTION OF TRUSSES SHALL BE UNDER THE CONTROL OF PERSONS EXPERIENCE IN THE INSTALLATION OF TRUSSES. PROFESSIONAL ADVICE SHALL BE SOUGHT IF NEEDED.
8. CONCENTRATION OF CONSTRUCTION LOADS GREATER THAN THE DESIGN LOADS SHALL NOT BE APPLIED TO TRUSSES AT ANY TIME
9. NO LOADS OTHER THAN THE WEIGHT OF THE ERECTORS SHALL BE APPLIED TO TRUSSES UNTIL AFTER ALL FASTENINGS AND BRACING IS COMPLETED.
10. PERMANENT BRACING: THE TOP CHORD MUST BE BRACED BY ROOF SHEATHING. THE BOTTOM CHORD MUST BE BRACED BY RIGID GIRDERS. AND OTHER BRACING AS SPECIFIED BY TRUSS MANUFACTURER MUST BE INSTALLED BY THE CONTRACTOR AS PART OF THE PERMANENT STRUCTURE.
11. LIFTING OF TRUSSES: DURING ERECTION CARE SHALL BE EXERCISED TO KEEP HORIZONTAL BENDING OF THE TRUSSES TO A MINIMUM. ALL TRUSSES ARE TO BE LIFTED IN A VERTICAL POSITION AND IN A MANNER DESCRIBED HEREIN. EXCESSIVE FLANGING BENDING OF TRUSSES IS NOT PERMISSIBLE. TRUSSES ARE NOT TO BE LIFTED BY THE TOP CHORDS AND DAMAGE MAY RESULT IN CHORD SPLITTING AND/OR CONNECTOR PLATE PULL-OUT. A SPREADER BAR AT LEAST EQUAL TO ONE HALF (1/2) OF THE TRUSS CHORD LENGTH SHALL BE USED FOR LIFTING SLING. SLING LINES SHALL CONNECT VERTICALLY DOWNWARD FROM THE TWO ENDS AND THE MIDPOINT OF THE SPREADER BAR TO TRUSSES TO BE LIFTED FORMING A 3-POINT PICK-UP OF THE TRUSS.

MATERIALS AND FABRICATION

400 PSI HOLDING CAPACITY IN SOUTHERN PINE
428 PLI SHEAR RESISTANCE
800 PLI TENSION VALUE
FOR A PAIR OF PLATES WITH TEETH PROPERLY EMBEDDED

- I. TRUSS PLATES TO BE 1/3 OVERSIZE AT ALL CONNECTIONS.

TRUSS NOTE - WARNING!

FINAL TRUSS LAYOUT MAY VARY WITH TRUSS ENGINEERS,
MANUFACTURER SHALL DETERMINE GIRDER LOCATIONS
AND ENGINEER ACCORDING TO POTENTIAL LOADING,
NOTIFY THE ARCHITECT OF ANY SIGNIFICANT DEVIATIONS
THAT MAY REQUIRE REVISIONS OF THE LOAD CARRYING
MEMBERS OF THE STRUCTURE. VERIFY INSULATION, FRIEZE
BOARD AND TRIMS, BOTTOM BEARING HEADERS ETC. THAT
MAY EFFECT HUEI HEIGHT AND ADJUST ACCORDINGLY TO
ACCOMMODATE.
PLEASE PROVIDE ARCHITECT WITH A RECORD COPY OF
COMPLETE TRUSS DRAWINGS.
EMAIL PDFs TO: PARSARCHITECTS@SPRGLGLOBAL.NET



NOTE:
AT ALL OPERABLE WINDOWS, WHERE THE OPENING IS MORE THAN 72 INCHES ABOVE THE FINISHED GRADE, OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING SHALL BE A MINIMUM OF 24 INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IT IS IN.

SCALE: 1/4" = 1'-0" (1/8" = 1'-0" ON 11X17 SHEETS)



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SCALE: 1/4" = 1'-0" (1/8" = 1'-0" ON 11X17 SHEETS)



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626 E. 4TH STREET, SUITE 101B
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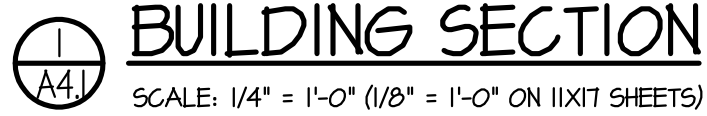


JOB NUMBER
5745-1220

SHEET NO.
A3.2

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**Extreme
MAKEOVER
HOME EDITION**
Architect for Gilliam Home 2006



JOB NUMBER
5745-1220
SHEET NO.
A4.1

CASE DESCRIPTION

1021 Pleasant (21-04)

Hearing date: February 9, 2021

Appeal No. 21-04: The owner of the property known as 1021 Pleasant, requests the following variance to construct an addition to the existing accessory structure:

A. Chapter 126, Article 4, Section 4.03(H) of the Zoning Ordinance requires that the maximum area of the first floor of any accessory structure or accessory structures in combination shall not exceed 10% of the lot area or 600 square feet in R1, whichever is less. The required total is 600 square feet. The existing is 945.70 square feet. The proposed is 1703.70 square feet. Therefore, a variance of 1103.70 feet is requested.

Staff Notes: The applicant is requesting a variance to construct an addition to the existing detached garage (permitted in 2003) and the other accessory structure that was constructed sometime between 2008 and 2010 (no permit on record).

This property is zoned R1 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1021 PLEASANT 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: 1-11-21

Hearing Date: 2/9/21

Received By: BN

Appeal #: 21-04

Type of Variance:	☒ Interpretation	☒ Dimensional	☒ Land Use	☐ Sign	☐ Admin Review
-------------------	--	---	--	-------------------------------	---------------------------------------

I. PROPERTY INFORMATION:		
Address: <u>1021 PLEASANT AVE.</u>	Lot Number: <u>13</u>	Sidwell Number: <u>08-19-35-202-025</u>

II. OWNER INFORMATION:			
Name: <u>PHILIP ORIANI</u>			
Address: <u>1021 PLEASANT AVE.</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>ROBP@MOSHERASSOCIATES.COM</u>		Phone: <u>248.675.5444</u>	

III. PETITIONER INFORMATION:			
Name: <u>Rob Prycma</u>		Firm/Company Name: <u>MOSHER & ASSOCIATES</u>	
Address: <u>2725 NAKOTA</u>	City: <u>ROYAL OAK</u>	State: <u>MI</u>	Zip code: <u>48073</u>
Email: <u>ROBP@MOSHERASSOCIATES.COM</u>		Phone: <u>248 391 3095</u>	

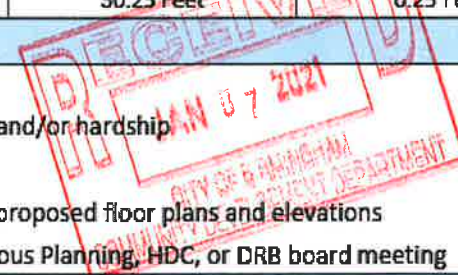
IV. GENERAL INFORMATION:

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	
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>1/6/21</u>
Signature of Petitioner: <u>[Signature]</u>	Date: <u>1/7/21</u>

CITY OF BIRMINGHAM
 Date 01/11/2021 2:04:28 PM
 Receipt #59304
 Amount \$360.00
 Ref 00175733



January 7, 2021

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

RE: 1021 Pleasant Street Proposed Pool Cabana

Dear Zoning Board of Appeals Members:

On behalf of Mr. and Mrs. Oriani, the homeowners at 1021 Pleasant St., we appreciate the opportunity to bring our variance request to you for consideration.

The Oriani's are the second residence of this property. Their intention was to buy a large lot in Birmingham that had opportunity for expansion of a pool space and associated pool cabana. When this lot became available, they immediately purchased it based on the features it had and ability to expand.

Besides the home, there is a main detached garage and a smaller second detached garage with an awkward space between the two. Naturally they thought connecting the two garages with a pool house enclosure would be ideal to complete the architecture and provide the functionality they need.

The current home on the lot is vastly smaller than the buildable allowance per the city's 30% coverage ordinance. Rather than expand their home, they would like to do what makes most sense architecturally and functionally by adding a small cabana (relative to lot coverage) between the two garages.

It is our opinion that based on the circumstances of this property that was not self created by the Oriani's and the blanket ordinances that cover lot use, our request is reasonable. We look forward to discussing our request with you and your consideration.

Kind Regards,

A handwritten signature in blue ink, appearing to read "Matt Mosher", is written over a horizontal line.

Matt Mosher

2725 Nakota Road . Royal Oak . Michigan
248-391-3095
www.mosherandassociates.com



44,662± SQUARE FEET = 1.02± ACRES

SPIKE IN UTILITY POLE AT SOUTHWEST CORNER OF LOT 13.
ELEVATION = 740.49' (CITY OF BIRMINGHAM DATUM)

BACK OF WALK AT #1685 LINCOLN.
ELEVATION = 735.98' (CITY OF BIRMINGHAM DATUM)

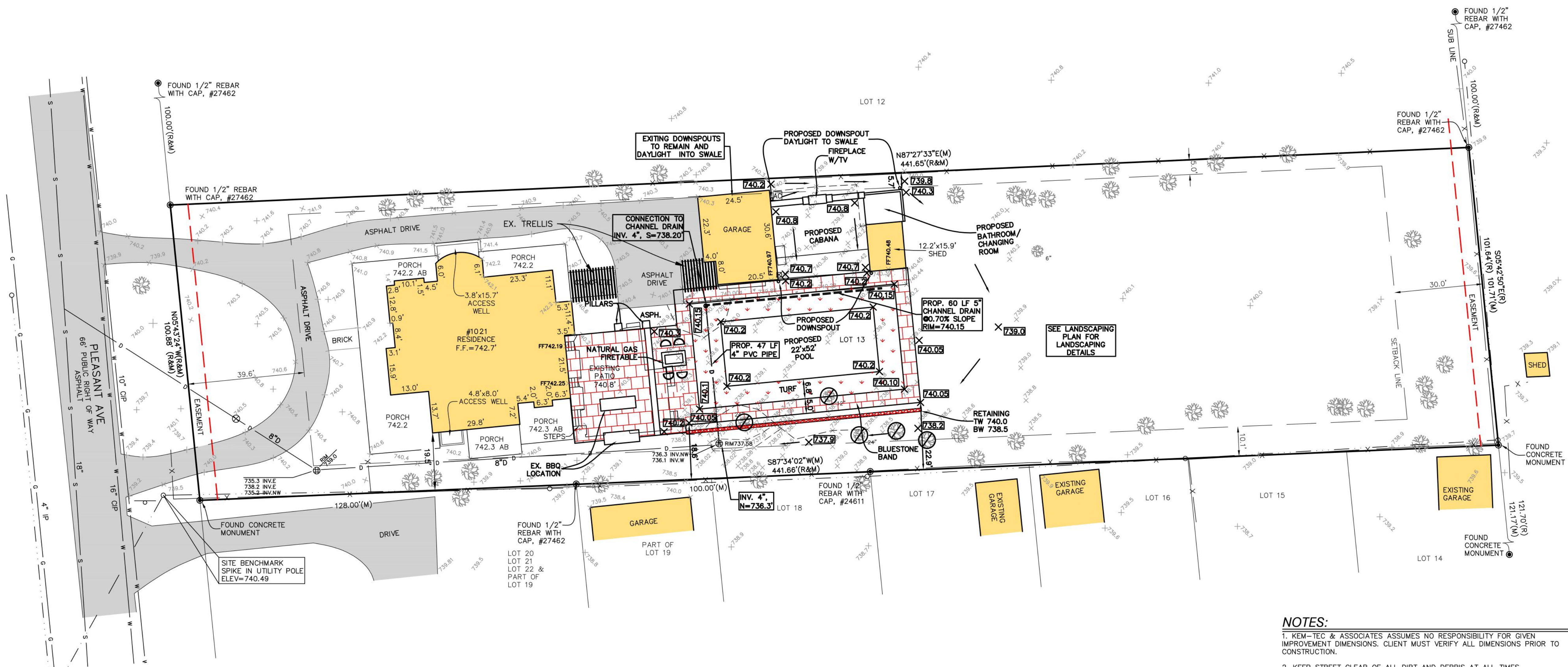
1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE THE ONLY SUCH UTILITIES IN THE AREA. THE UNDERGROUND UTILITIES SHOWN ARE NOT NEARER THAN THE STRUCTURE INVENTORY SHOWN HEREIN.

2. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.

LOT AREA = 44,662 SF (1.03 AC)
BUILDING (HOUSE/GARAGE AREA) = 3,629 SF (8.1 %)
DRIVEWAY = 3,916 SF (8.8 %)
POOL = 1,147 SF (2.6 %)
PATIO = 3,949 SF (8.8 %)
PR. CABANA/CHANGING ROOM = 758 SF (1.7 %)
SHED = 195 SF (0.4 %)

TOTAL IMPERVIOUS AREA = 13,594 SF (30.4 %)
TOTAL OPEN SPACE AREA = 31,068 SF (69.6%)

	FOUND MONUMENT (AS NOTED)
	RECORD AND MEASURED DIMENSION
	RECORD DIMENSION
	MEASURED DIMENSION
	GROUND ELEVATION
	ELECTRIC METER
	UTILITY POLE
	CLEANOUT
	ROUND CATCH BASIN
	AIR CONDITIONING UNIT
	SINGLE STOP SIGN
	DECIDUOUS TREE (AS NOTED)
	PARCEL BOUNDARY LINE
	PLATTED LOT LINE
	ADJOINER PARCEL LINE
	EASEMENT (AS NOTED)
	BUILDING
	EDGE OF CONCRETE (CONC.)
	EDGE OF ASPHALT (ASPH.)
	EDGE OF BRICK
	RIPRAP
	FENCE (AS NOTED)
	EDGE OF LANDSCAPING
	OVERHEAD UTILITY LINE
	GAS LINE
	SEWER LINE
	STORM LINE
	WATER LINE
	MINOR CONTOUR LINE
	MAJOR CONTOUR LINE
	BUILDING AREA
	ASPHALT
	CONCRETE



1. KEM-TEC & ASSOCIATES ASSUMES NO RESPONSIBILITY FOR GIVEN IMPROVEMENT DIMENSIONS. CLIENT MUST VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
2. KEEP STREET CLEAR OF ALL DIRT AND DEBRIS AT ALL TIMES.
3. ALL WORK TO BE PERFORMED IN COMPLIANCE WITH ALL APPLICABLE CODES, STATE AND LOCAL STANDARDS AND ORDINANCES.
4. ALL DEMOLISHED MATERIALS SHALL BE DISPOSED OF OFF SITE PER LOCAL CODES AND REGULATIONS.
5. ALL ZONING CODES RELATING TO THE SITE INCLUDING BUT NOT LIMITED TO: EASEMENTS, LOT COVERAGE, ETC., SHALL BE REVIEWED AND APPROVED BY THE MUNICIPALITY PRIOR TO CONSTRUCTION.

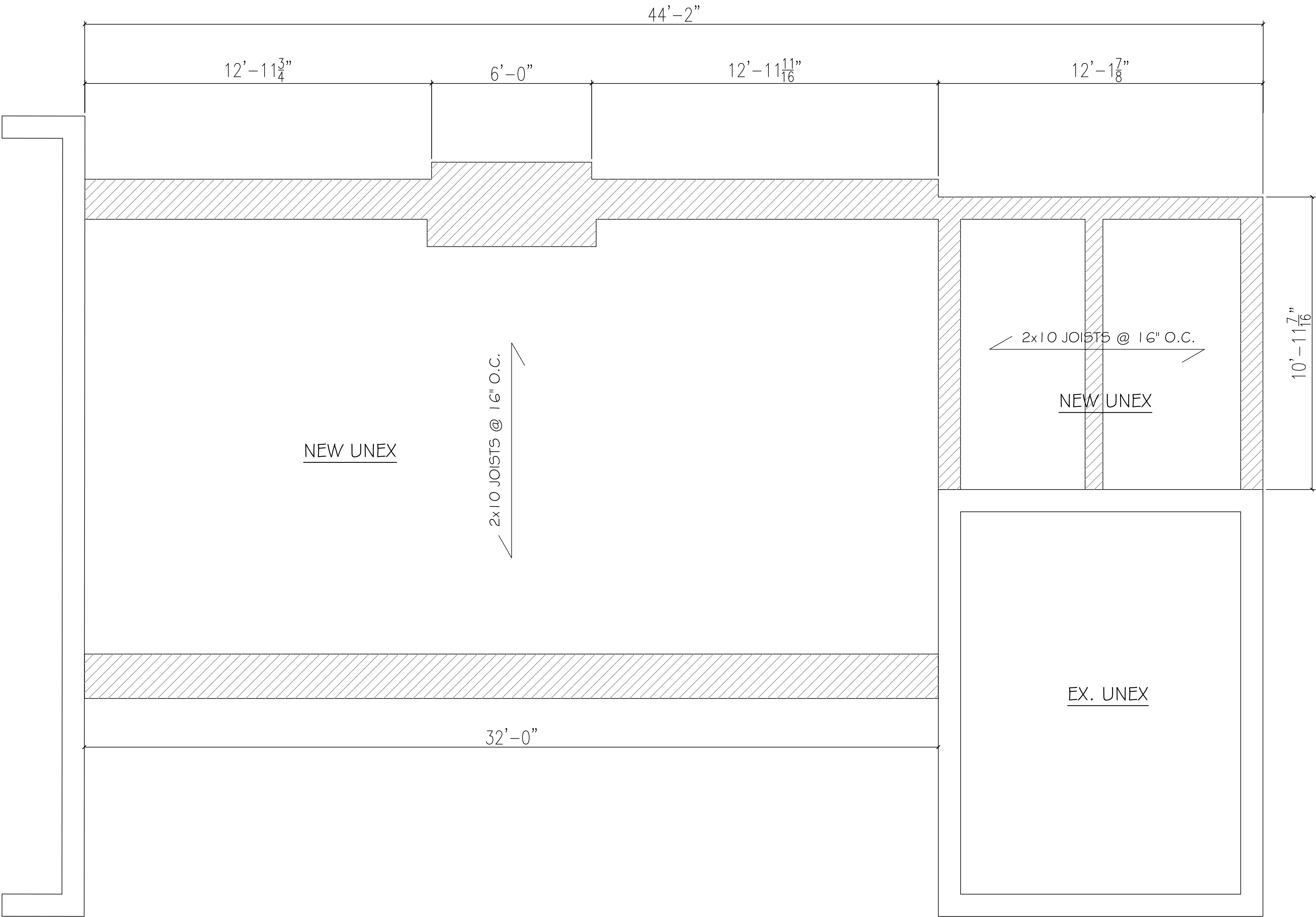
I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED. THE ELEVATIONS SHOWN HEREON ARE BASED ON A FIELD SURVEY AND THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME.

ANTHONY T. SYCKO, JR., P.S.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47976
22556 GRATIOT AVE., EASTPOINTE, MI 48021
TSycko@kemtec-survey.com



PREPARED FOR: MATT MOSHER
1021 PLEASANT AVE, BIRMINGHAM, MICHIGAN,
PART OF SECTION 35,
TOWN 2 NORTH, RANGE 10 EAST

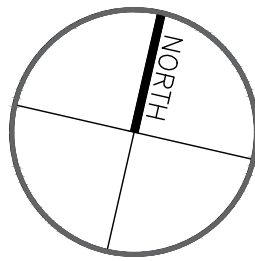
EXAMIN BY:	MRJ	10/30/20						
CHECKED BY:	ATS	10/30/20						
DATE:	OCTOBER 30, 2020							
PRODUCT NO:	20-02720	SCALE:	1"	=	20'			
			2	11/11/20	ATS			PER REVIEW COMMENTS
			1	11/02/20	MRJ			PER REVIEW COMMENTS
				DATE	BY			DESCRIPTION



PROJECT:
ORIANI
RESIDENCE
1021 PLEASANT ST
BIRMINGHAM, MI

DATE & REVISIONS:
OCTOBER 30, 2020
NOVEMBER 13, 2020

SCALE & NORTH
ARROW:



SCALE:



SHEET TITLE:
FOUNDATION
PLAN

SHEET NO:
A-0

DESIGNED BY:
M.M.

DRAWN BY:
C.A.

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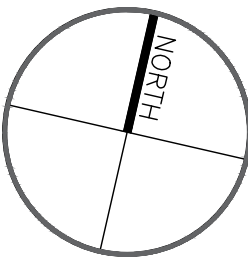
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PROJECT:
ORIANI
RESIDENCE
1021 PLEASANT ST
BIRMINGHAM, MI

DATE & REVISIONS:
OCTOBER 30, 2020
NOVEMBER 13, 2020

SCALE & NORTH
ARROW:



SCALE:



Know what's below.
Call before you dig.

SHEET TITLE:
POOL HOUSE
FLOOR PLAN

SHEET NO:
A-1

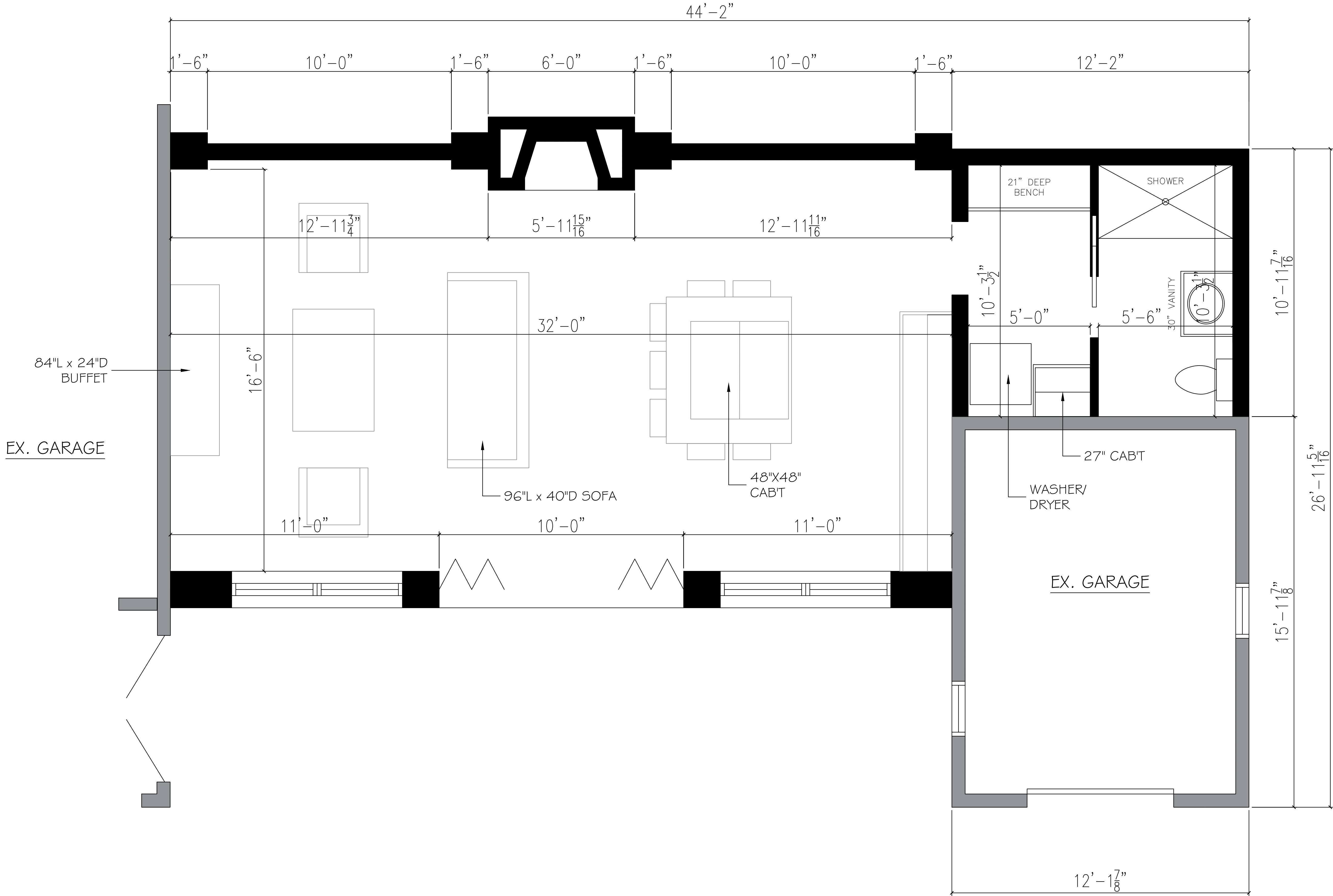
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M.M.

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C.A.

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DATE & REVISIONS:
OCTOBER 30, 2020
NOVEMBER 13, 2020



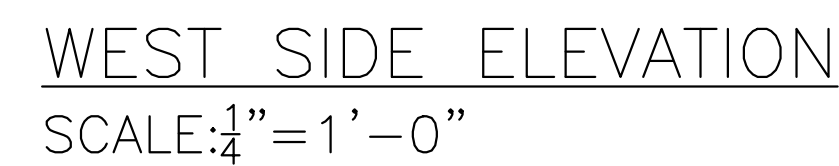
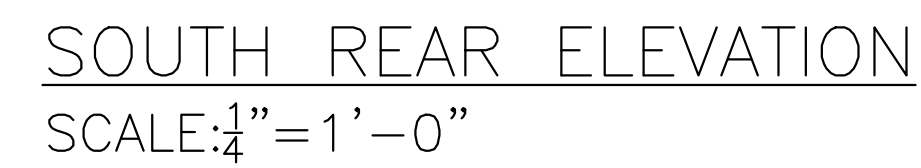
SHEET TITLE:
ELEVATION
PLAN

DESIGNED BY:
M.M.

DRAWN BY:
C.A.

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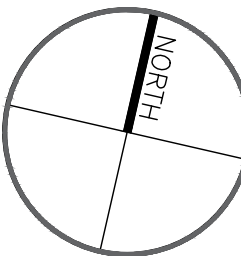
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PROJECT:
ORIANI
RESIDENCE
1021 PLEASANT ST
BIRMINGHAM, MI

DATE & REVISIONS:
OCTOBER 30, 2020
NOVEMBER 13, 2020

SCALE & NORTH
ARROW:



SCALE:



SHEET TITLE:
ROOF PLAN

SHEET NO:
A-3

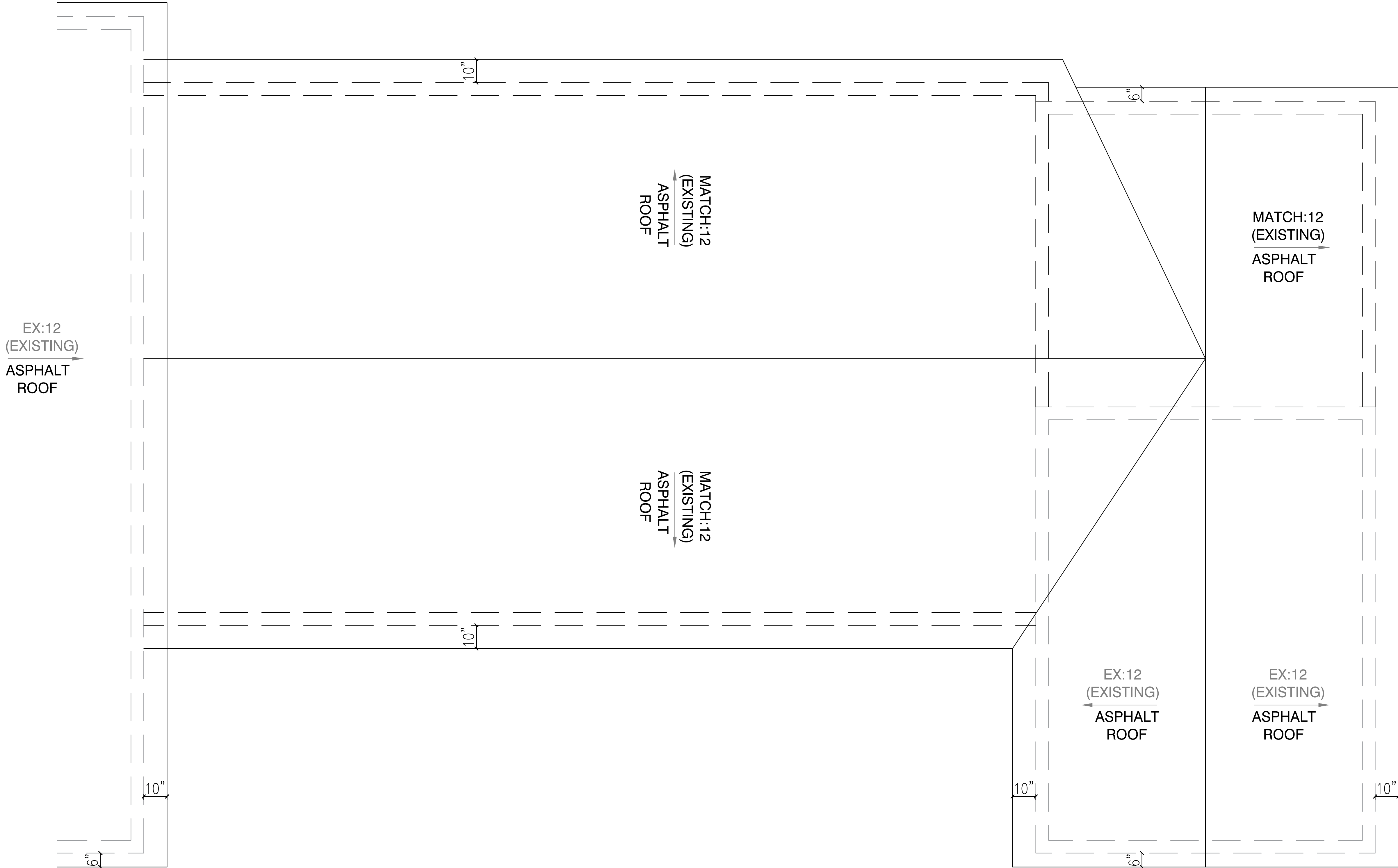
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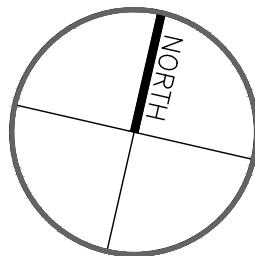
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SCALE & NORTH
ARROW:



SCALE:



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SHEET TITLE:
DETAILS
PLAN

SHEET NO:
A-4

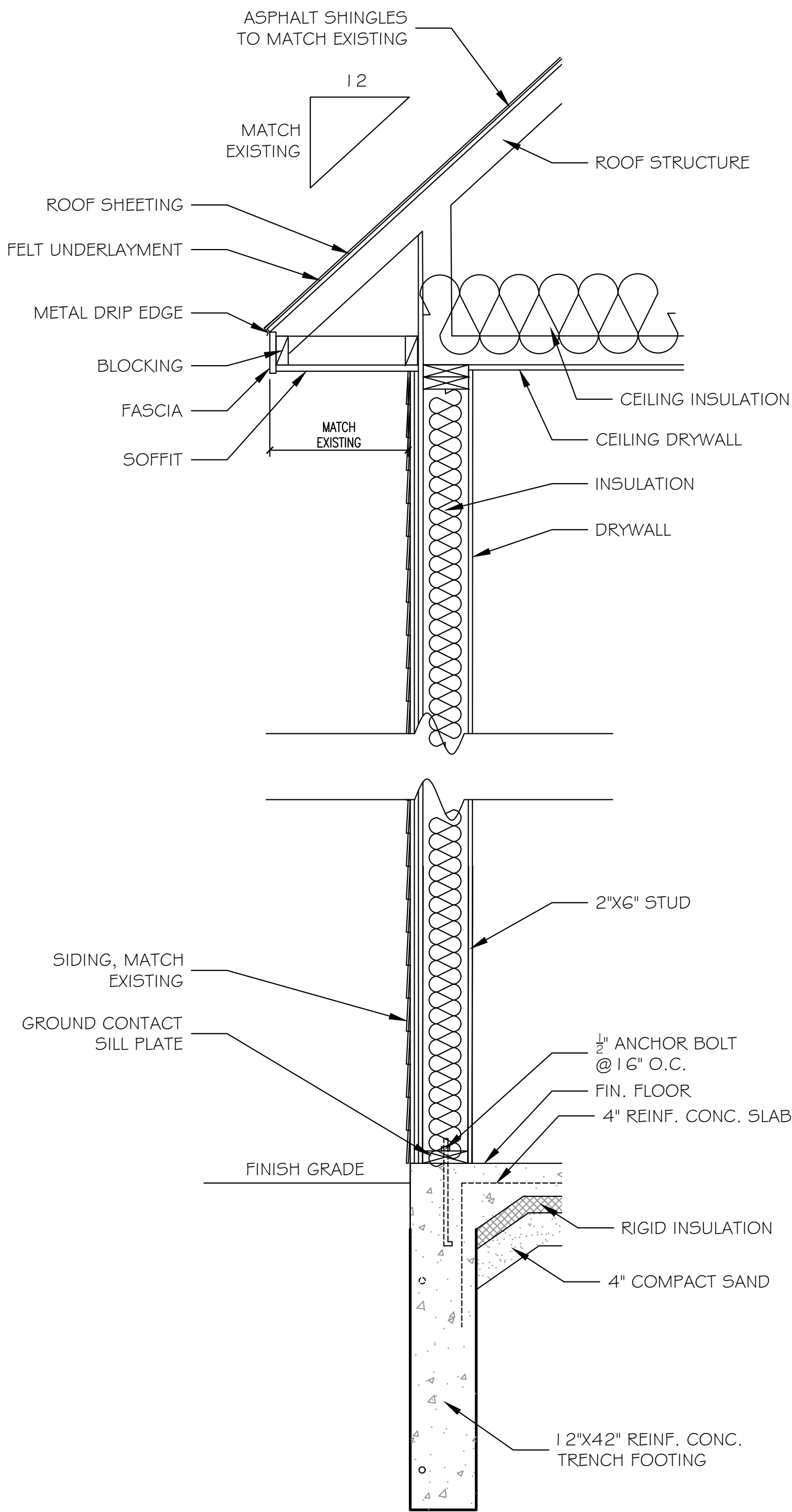
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TYPICAL WALL SECTION
SCALE: 1" = 1'-0"

James J. Surhigh, P.E., Consulting City Engineer

February 1, 2021

Bruce Johnson, Building Official

Jeff Zielke, Building Inspector/Plan Reviewer

James, Bruce and Jeff,

We are writing regarding any future construction or City approval of building permits for 1021 Pleasant. This would include any new construction, building renovations and recreational projects (ex. installation of pool, landscaping, etc). I would like to share information relative to the flooding which occurs on 1021 Pleasant. During moderate to heavy rainfall, flooding occurs in the areas marked below in Exhibit A. During the construction of properties 1510 W. Lincoln and 1516 W. Lincoln, drain basins were required to be installed and connected to the city sewers to manage any water retention issues on these properties at owners' expense. The flooding that occurs in Exhibit A results from water collection areas on 1021 Pleasant that does not have proper drainage as required by the City.

The areas of flooding on 1021 Pleasant, spreads into neighboring properties leaving adjacent properties flooded, unusable and damaged. We ask that before any new construction, building renovations and recreational projects (ex. installation of pool, landscaping, etc) is approved on 1021 Pleasant all water retention areas have a solution in place to prevent the encroachment onto neighboring properties. Any changes to the property will only lead to additional problems that already require a remedy.

We are asking that **no building permits or construction approvals for projects mentioned above** be granted on 1021 Pleasant without a plan and review by the homeowners listed on this letter to solve the current water issues that exist on the property. **In summary, we are not against any variance approvals on the subject property. However, with any approvals there must be a plan agreed upon with neighboring properties to solve the flooding issues.** We are happy to work jointly on a plan with our neighbors and the city to solve this problem. A simple solution does exist, several solutions have been proposed in the past without consideration. We look forward to hearing from you prior to any permits or approvals being granted.

Thank you.

Neighboring Properties; 1510 W. Lincoln, 1492 W. Lincoln, 1516 W. Lincoln & 1540 W. Lincoln

Exhibit A – Flooding Occurs in Circled Areas in Time of Moderate to Heavy Rainfall



CASE DESCRIPTION

1264 Bird (21-05)

Hearing date: February 9, 2021

Appeal No. 21-05: The owner of the property known as 1264 Bird, requests the following variance to construct a new home with a detached garage:

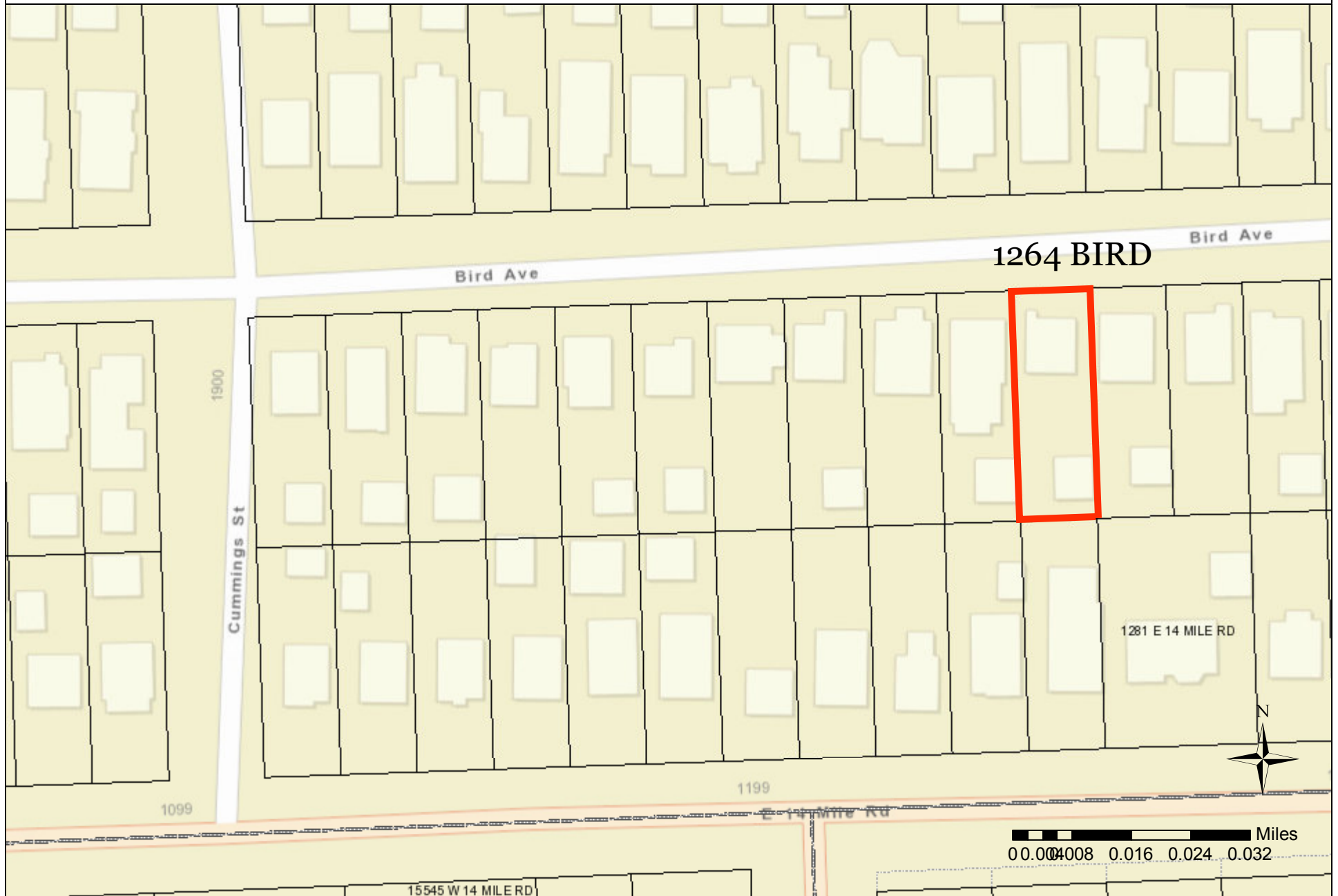
A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum total distance between principle residential buildings on adjacent lots be 14.0 feet or 25% of the lot width whichever is greater. The required total is 14.00 feet. The proposed is 13.30 feet on the east side. Therefore, a variance of 0.70 feet is being requested

Staff Notes: The applicant was previous granted variance to construct a new single-family home with a detached garage, which was in front of the board on August 14, 2018 (Minutes attached). There was a slight modification to the plans, which reduced the requested variance by 0.20 feet and is seeking to reinstate the variance with a modification in the requested amount was previously granted.

This property is zoned R3 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1264 BIRD 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: 1-11-21
 Received By: BW

Hearing Date: 2-9-21
 Appeal #: 21-05

Type of Variance:	☐ Interpretation	☒ Dimensional	☐ Land Use	☐ Sign	☐ Admin Review
-------------------	---	---	-----------------------------------	-------------------------------	---------------------------------------

I. PROPERTY INFORMATION:

Address: <u>1264 Bird</u>	Lot Number: <u>708</u>	Sidwell Number: <u>20-31-358-008</u>
---------------------------	------------------------	--------------------------------------

II. OWNER INFORMATION:

Name: <u>AB Homes LLC</u>			
Address: <u>4852 Leatdale</u>	City: <u>Royal Oak</u>	State: <u>MI</u>	Zip code: <u>48073</u>
Email: <u>alimoffhomes.com</u>		Phone: <u>248-775 1111</u>	

III. PETITIONER INFORMATION:

Name: <u>Brian Alimov</u>	Firm/Company Name: <u>Alimoff Building & Dev</u>		
Address: <u>P.O. Box 281</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48012</u>
Email: <u>alimoffhomes.com</u>		Phone: <u>248-775 1111</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

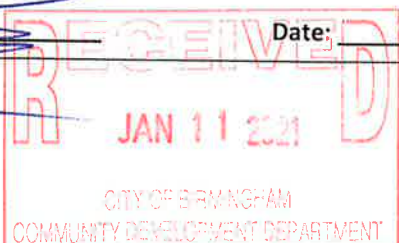
V. REQUIRED INFORMATION CHECKLIST:

- ☒ 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

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

Signature of Owner: <u>[Signature]</u>	Date: <u>01/08/21</u>
Signature of Petitioner: <u>[Signature]</u>	Date: <u>01/08/21</u>



CITY OF BIRMINGHAM
 Date: 01/11/2021 2:12:56 PM
 Ref: 00175734
 Receipt: 559305
 Amount: \$360.00

AB Homes LLC / Alimoff Building
PO Box 281
Birmingham, MI, 48012
248-775-1111

01/10/2021
City of Birmingham
Board OF Zoning Appeals
151 Martin St
Birmingham, MI, 48009

Dear Board of Zoning Appeals,

My name is Brian Alimov, I am licensed residential builder in Michigan and my company name is Alimoff Building & Development. I've been building homes along the "Woodward corridor" for several years now so I came across this parcel, 1264 Bird, back in the winter of 2018. Even though the parcel is fairly tight to begin with (40ft wide lot) I decided to purchase it anyway and proceed with the site plan and architectural plans. About 2 months after I purchased the lot, my civil engineer called me to inform that the neighboring house to the East (1276 Bird) was non-conforming to the current Birmingham side yard setbacks and it was sitting just over 3 ft away from the property line. After a few different sit downs with my architect, I was still struggling to come up with a nice and functional layout to fit into the current building envelope.

I went in front of the BZA back in the August 2018 and asked for a dimensional variance and got it approved however due to my first child who was born just a couple of months after, I wasn't able to submit the building plans within the time frame given so unfortunately the variance expired.

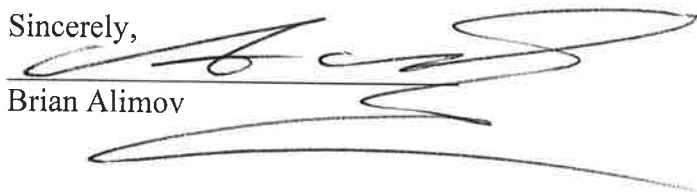
I am here again in front of BZA because I believe that I still have the same hardship that I didn't create. As I stated above, the house to the East of me sits 3.1ft away from the property line instead of 5ft minimum allowed in the current code which doesn't allow me to build a 25ft house and still be complaint with all the side yard setbacks requirements that the City of Birmingham requires nowadays. Then neighboring house that I believe is creating my hardship, "1276 Bird" is "1927" constructed home that I believe currently serves as a "rental property". In my opinion, with the current "trend" of "Big Foot Homes" coming into the neighborhood over the last decade if not more, it is only a matter of time before the house will be bought by a developer/builder to be demolished and the new home instead of it will have to be complaint with the current setback requirements. Unfortunately, until then I am stuck in the situation where it does create a problem for me.

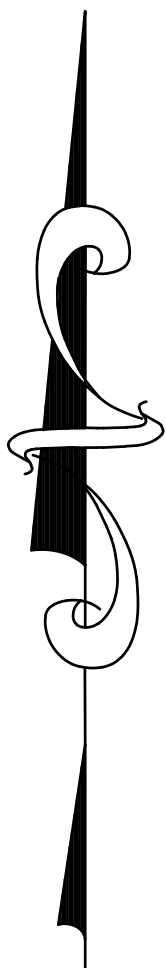
I am asking BZA to kindly consider granting me a side yard variance of 0.7ft in order for me to be able to build a modern and functional floor plan.

Thank you for your time and consideration.

Sincerely,

Brian Alimov

A handwritten signature in dark ink, appearing to read 'Brian Alimov', is written over a horizontal line. Below the signature, there is a long, horizontal, wavy line that spans the width of the signature area.



LEGEND:

- FIP FOUND IRON PIPE
- FIB FOUND IRON BAR
- (R) RECORDED
- (M) MEASURED
- ⊕ EX. POST
- ⊗ EX. UTILITY POLE
- ☆ EX. LIGHTPOLE
- ⊙ EX. SANITARY MANHOLE
- ⊕ EX. GATE VALVE
- ⊕ EX. CATCH BASIN
- ⊕ EX. AIR CONDITIONER
- ⊕ EX. PEDESTAL
- ⊕ EX. IRRIGATION CONTROL VALVE
- ⊕ EX. HYDRANT
- ⊕ EX. SIGN
- EX. WATER MAIN
- EX. SANITARY SEWER
- EX. STORM SEWER
- EX. OVERHEAD LINES
- EX. FENCE
- EX. DECIDUOUS TREE
- EX. CONIFEROUS TREE

PROPOSED IMPERVIOUS AREAS:

LOT AREA= 4,810 S.F. (0.11 ACRES)
HOUSE/GARAGE LOT COVERAGE= 1,435 S.F. (29.83%)
IMPERVIOUS PORCH/STEPS AREA= 120 S.F. (2.50%)
IMPERVIOUS DRIVEWAY AREA= 1,164 S.F. (24.20%)
TOTAL IMPERVIOUS SURFACE AREA= 2,719 S.F. (56.53%)
TOTAL OPEN SPACE= 2,091 S.F. (43.47%)

ZONING:

R3, SINGLE-FAMILY RESIDENTIAL

SETBACKS:

FRONT: (SEE CALCULATIONS)
REAR: 30 FEET
SIDES:
ONE SIDE = 9 FEET
MINIMUM = 5 FEET
TOTAL = 14 FEET

AVERAGE FRONT SETBACK:

HOUSE NO.	FRONT SETBACK
1186	28.9 FEET
1208	20.2 FEET
1220	20.0 FEET
1226	19.7 FEET
1240	24.8 FEET
SITE	
1276	19.6 FEET
1288	16.0 FEET
304	25.1 FEET
1324	20.3 FEET
1332	21.5 FEET
AVG.	21.6 FEET

BENCHMARKS:

CITY OF BIRMINGHAM BENCHMARK #B:
NORTHWEST CORNER OF CUMMINGS AND DAVIS.
ELEVATION: 748.568 CITY DATUM

SITE BM:
NORTH SANITARY SEWER MANHOLE RIM, CENTERLINE
OF BIRD AVENUE, IN FRONT OF HOUSE #1276.
ELEVATION: 746.11 CITY DATUM

SURVEY NOTES:

1. TITLE WORK WAS NOT PROVIDED. EXISTING
EASEMENTS, IF ANY, HAVE NOT BEEN SHOWN.

2. A WETLAND AND TREE SURVEY WERE NOT
PERFORMED AS PART OF THIS SURVEY.

LEGAL DESCRIPTION:

LOT 708 OF "LEINBACH - HUMPHREY'S WOODWARD AVENUE
SUB" OF PART OF THE SOUTHWEST 1/4 OF SECTION 36, TOWN
2 NORTH, RANGE 11 EAST, CITY OF BIRMINGHAM, OAKLAND
COUNTY, MICHIGAN, AS RECORDED IN LIBER 27, PAGE 5,
OAKLAND COUNTY RECORDS.

FLOOD HAZARD STATEMENT:

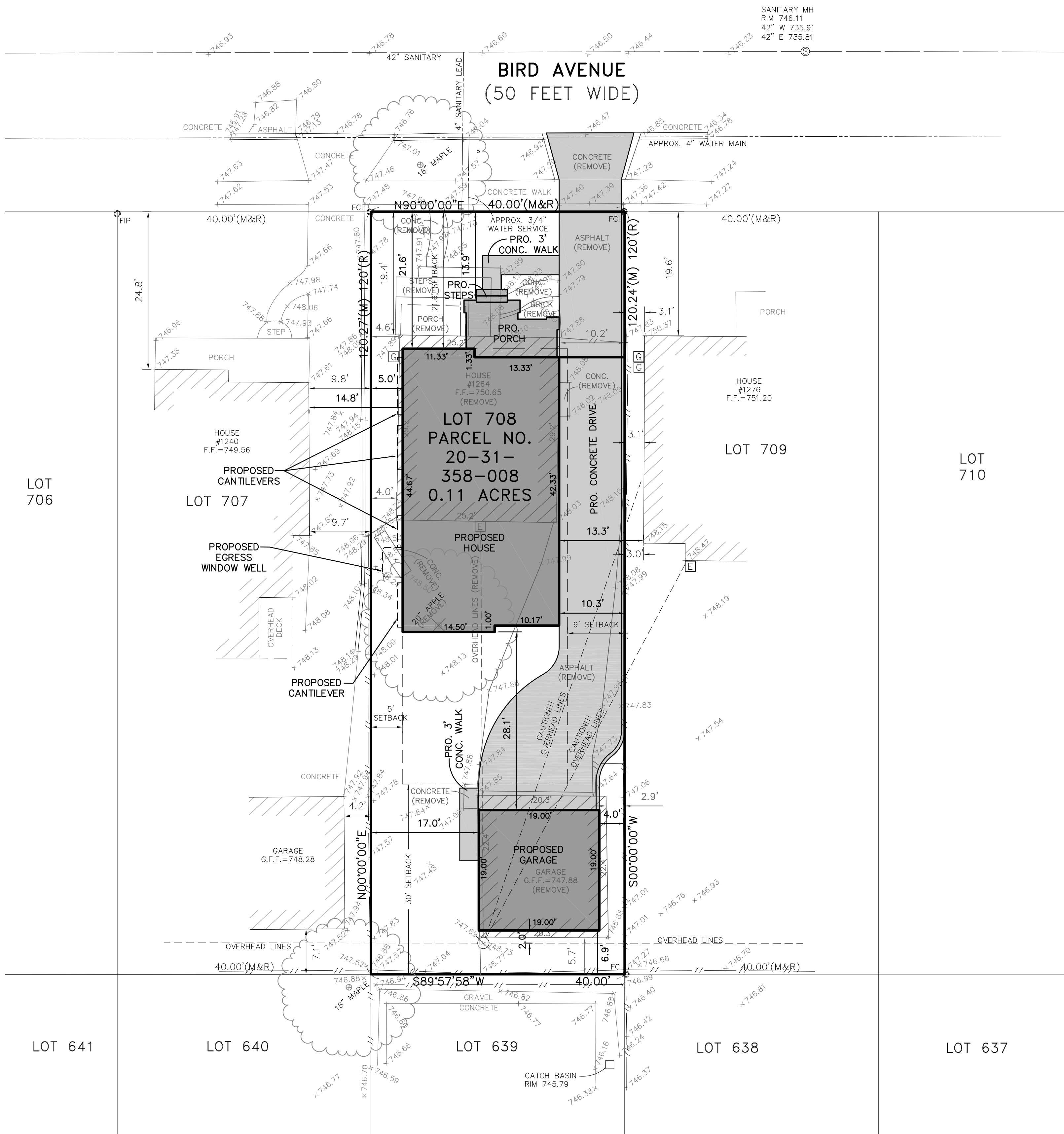
THIS PROPERTY IS LOCATED WITHIN A FEMA DESIGNATED ZONE
"X" FLOOD HAZARD AREA AS SHOWN ON NATIONAL FLOOD
INSURANCE PROGRAM (NFIP) FOR MICHIGAN FLOOD INSURANCE
RATE MAP (FIRM) #26125C0537F (COMMUNITY ID NO. 260168 -
CITY OF BIRMINGHAM, MI) WITH AN EFFECTIVE DATE OF
SEPTEMBER 29, 2006. THIS STATEMENT IS BASED ON THE
RESULTS OF GRAPHIC PLOTTING ONTO THE ABOVE NAMED MAP
AND PANEL, WHICH IS THE CURRENT MAP FOR THE COMMUNITY
IN WHICH THE PROPERTY IS LOCATED. ZONE "X" INDICATES
AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL
CHANCE FLOODPLAIN.

NOTICE:

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF
THE CONTRACTOR NEITHER THE OWNER NOR THE ENGINEER
SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR
SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK,
OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

NOTE:

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE
SHOWN IN AN APPROXIMATE WAY ONLY AS DISCLOSED BY
AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN
INDEPENDENTLY VERIFIED BY THE COMPANY. NO GUARANTEE IS
EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR
ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE
EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE
COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE
FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY
THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND
PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE
CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY
IF A CONFLICT IS APPARENT.



CLIENT: AB HOMES, L.L.C.

ZBA PLAN

1264 BIRD AVENUE - PARCEL NO. 20-31-358-008
TOWNSHIP 2 N RANGE: 11 E.
SECTION: 31
CITY OF BIRMINGHAM
OAKLAND COUNTY
MICHIGAN

REVISED
8-23-2018 GARAGE LOCATION
1-6-2021 HOUSE & GARAGE

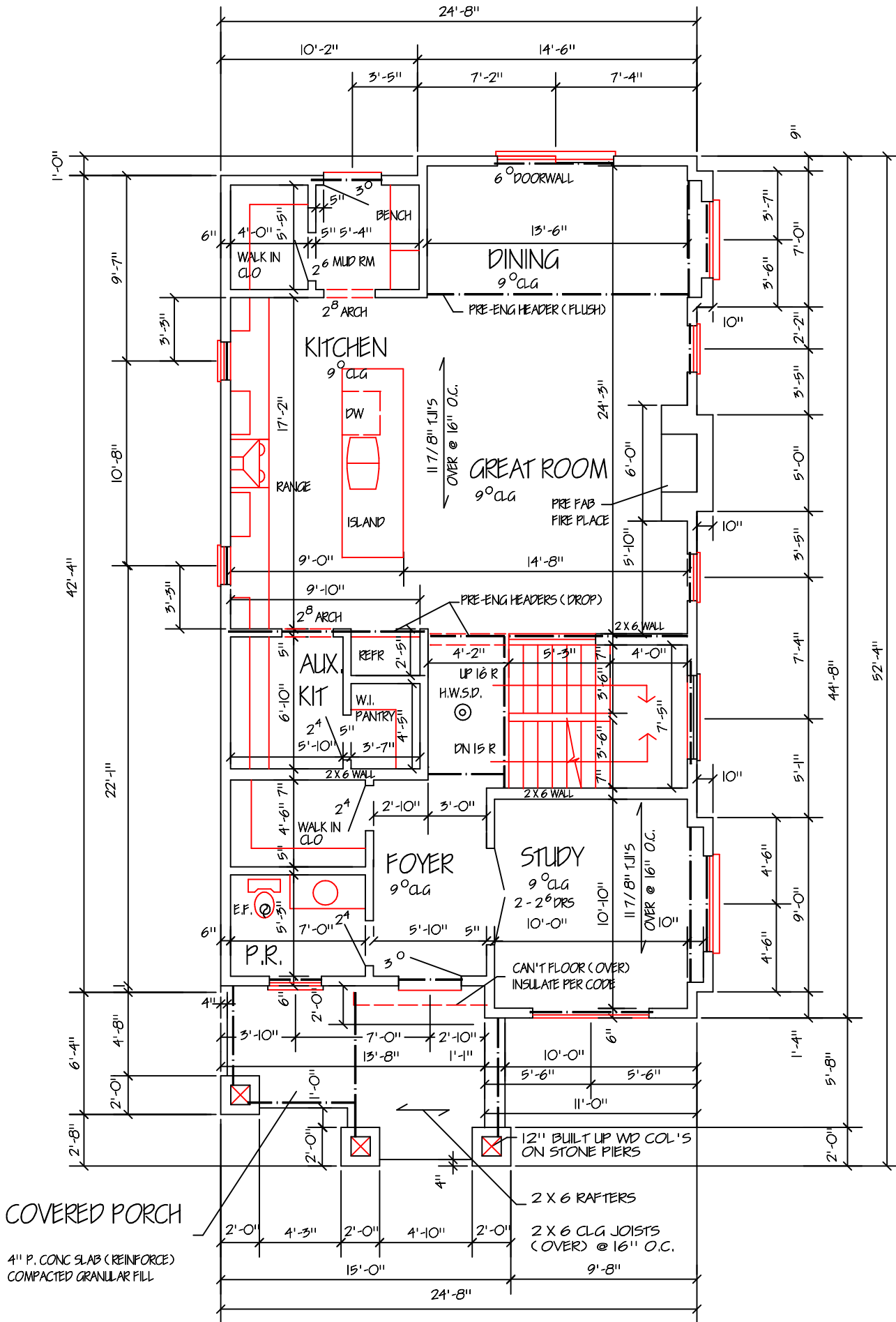
DATE: 6-13-2018

DRAWN BY: CEH/JPP

CHECKED BY: DJL

FBK: --
CHF: PWK
SCALE HOR 1"=10 FT.
VER 1"= -- FT.

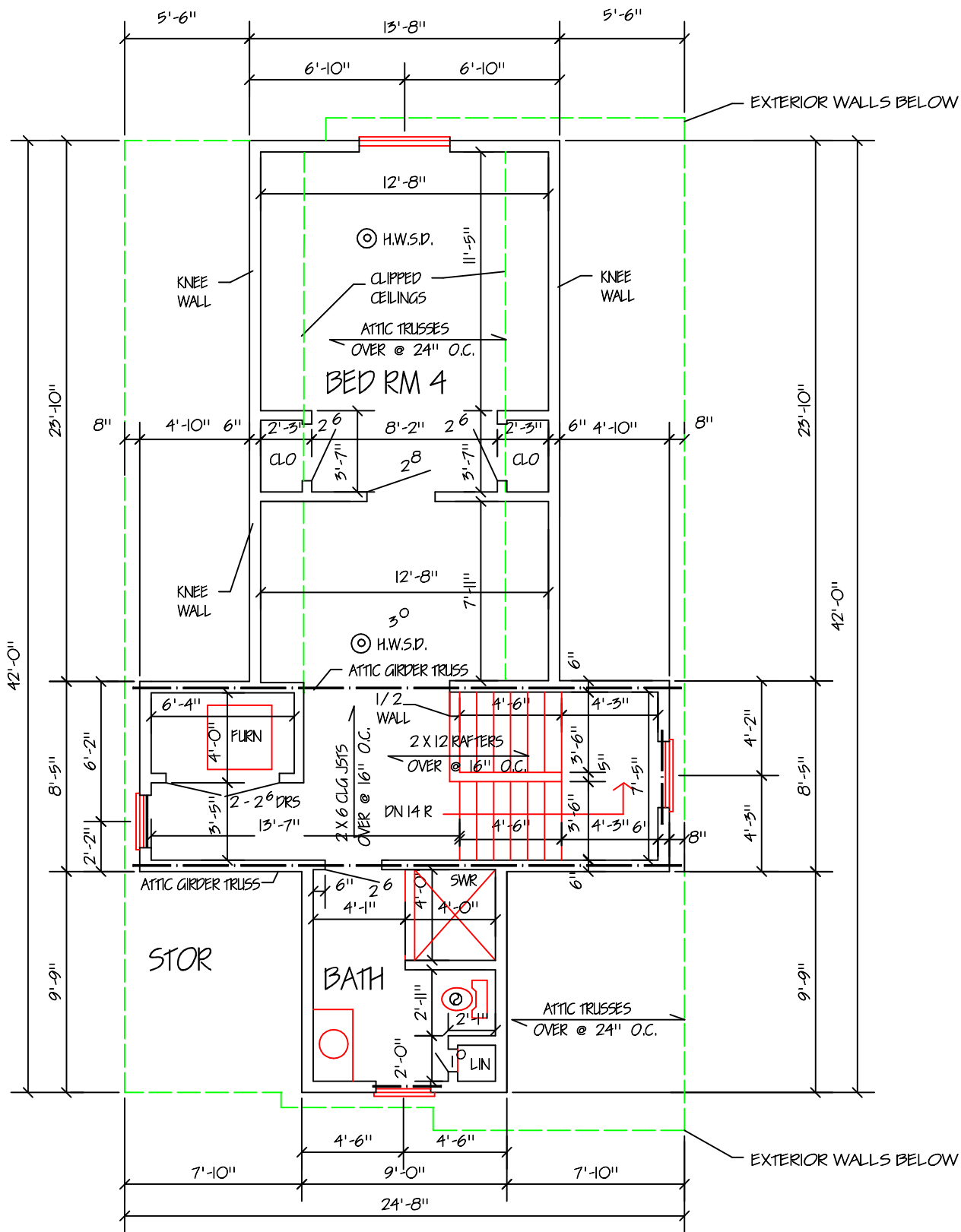
1
16-372



FIRST FLOOR PLAN

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

1097 SQ. FT.



THIRD FLOOR PLAN

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

537 SQ. FT.

DATE:	REV'S:
6-2-2018	12-21-20
6-15-2018	1-4-2021
6-25-2018	
7-6-2018	
7-11-2018	
8-23-2018	

CLIENT:

ALIMOFF BUILDING & DEVELOPMENT, LLC
LOT 708 BIRD AVE
BIRMINGHAM, MI

COPYRIGHT NOTICE

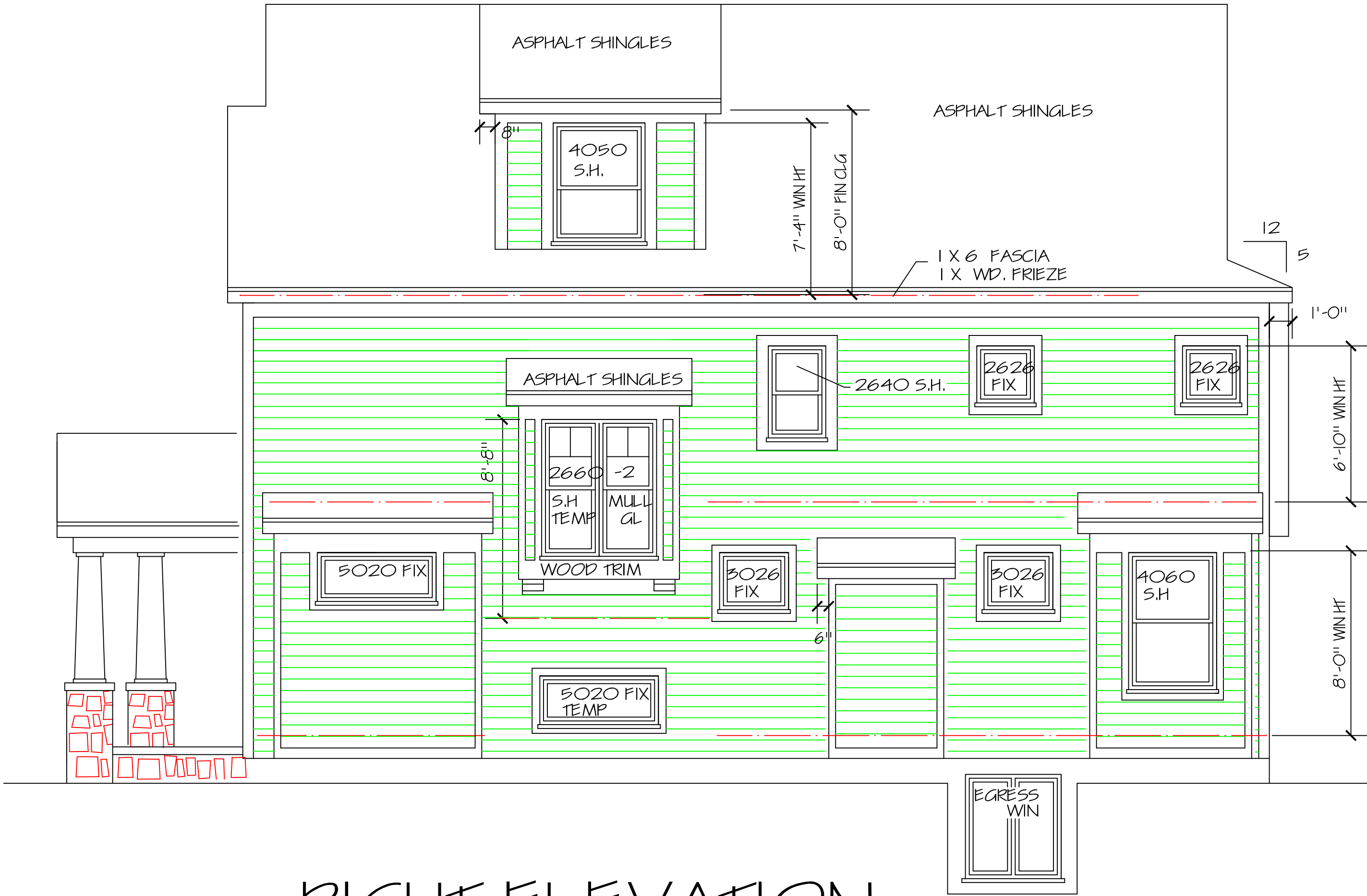
ALL MATERIAL CONTAINED HEREIN IS THE PROPERTY OF ROBERT KOZLOSKI AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF ROBERT KOZLOSKI

PROFESSIONAL BUILDING DESIGNERS

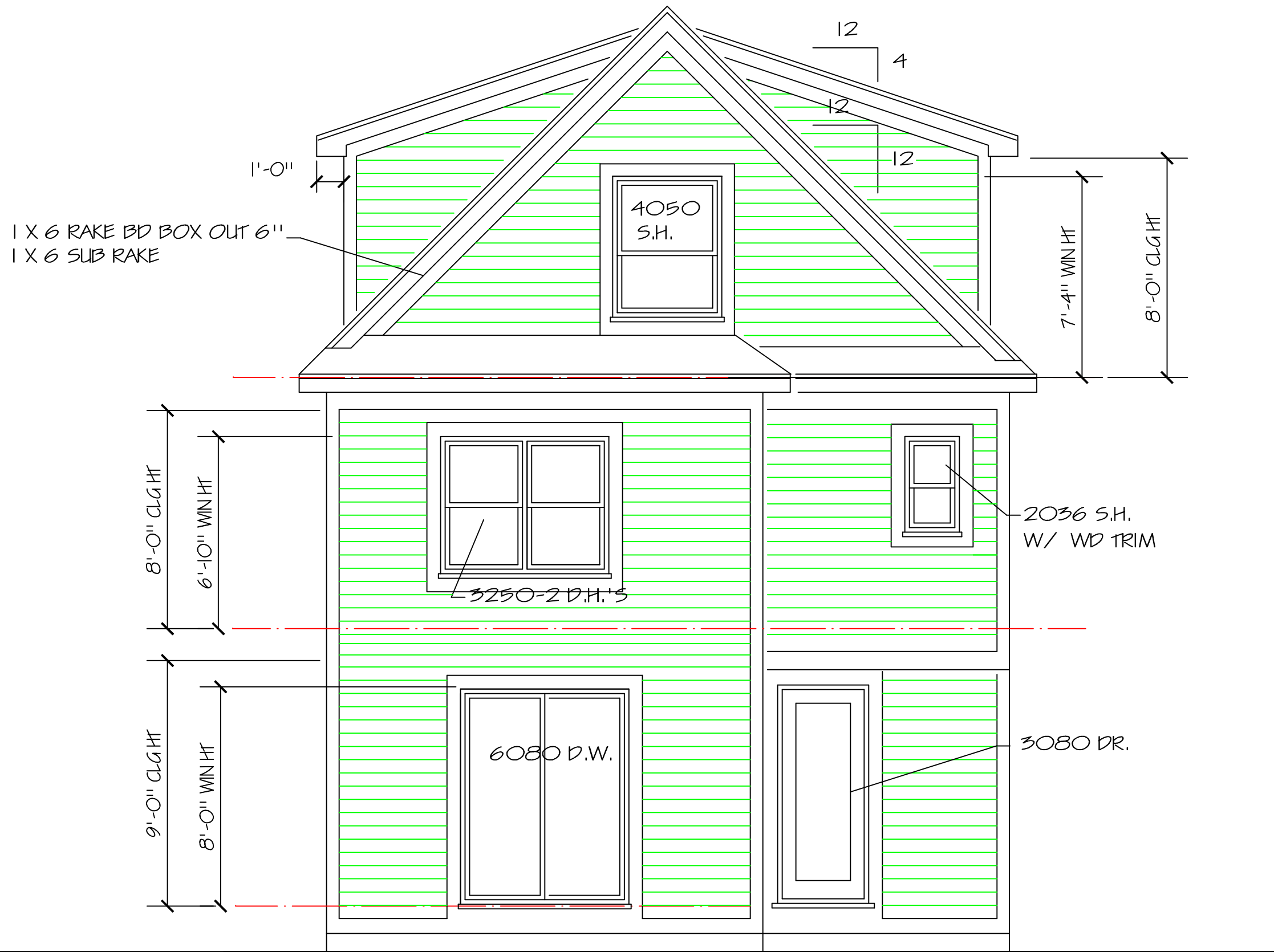
970-471-6089

ROBERT KOZLOSKI & ASSOCIATES
5406 SEA VIEW
WATERFORD, MI 48327

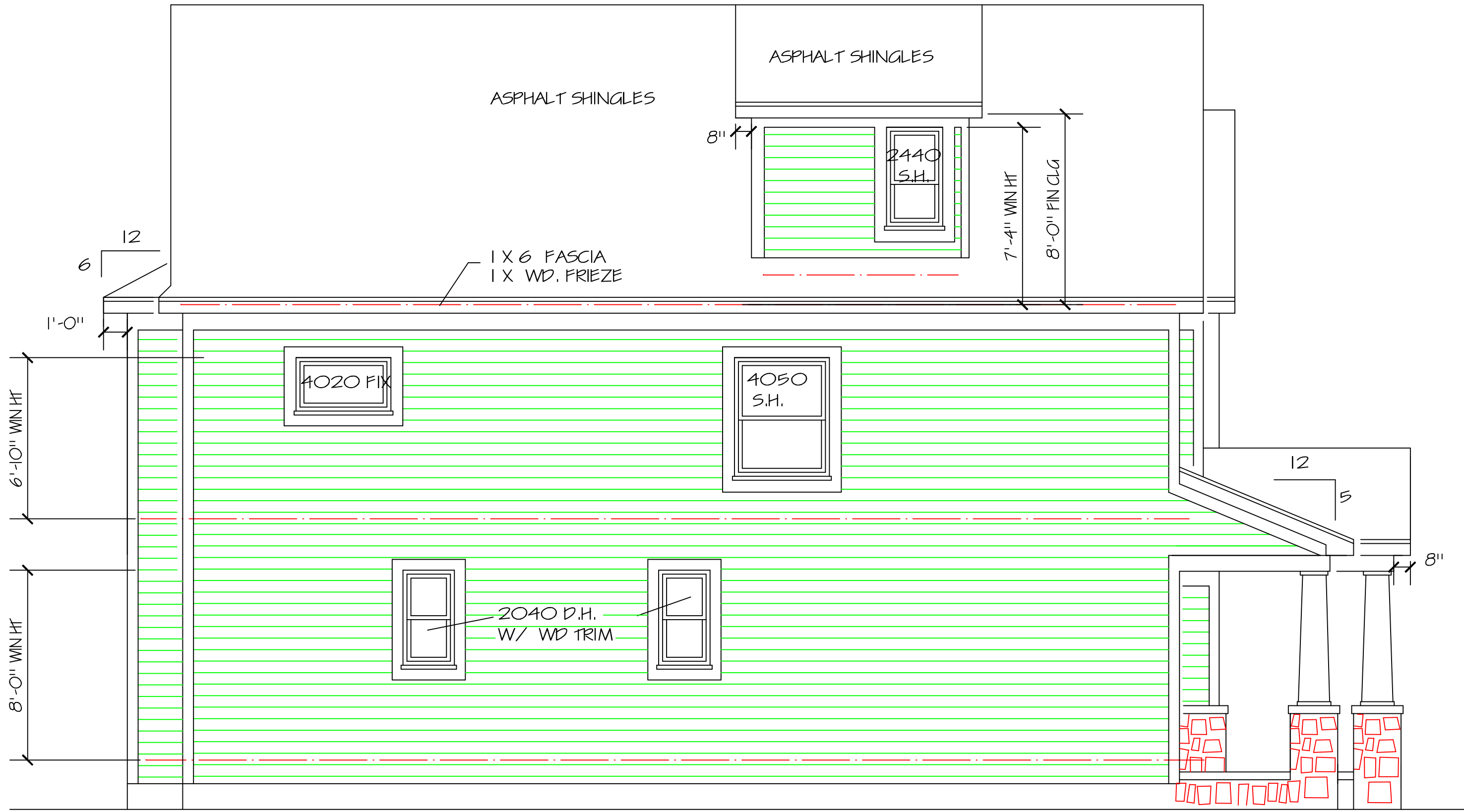
PLAN NO.	C-2651-4
SHEET NO.:	4
OF:	5



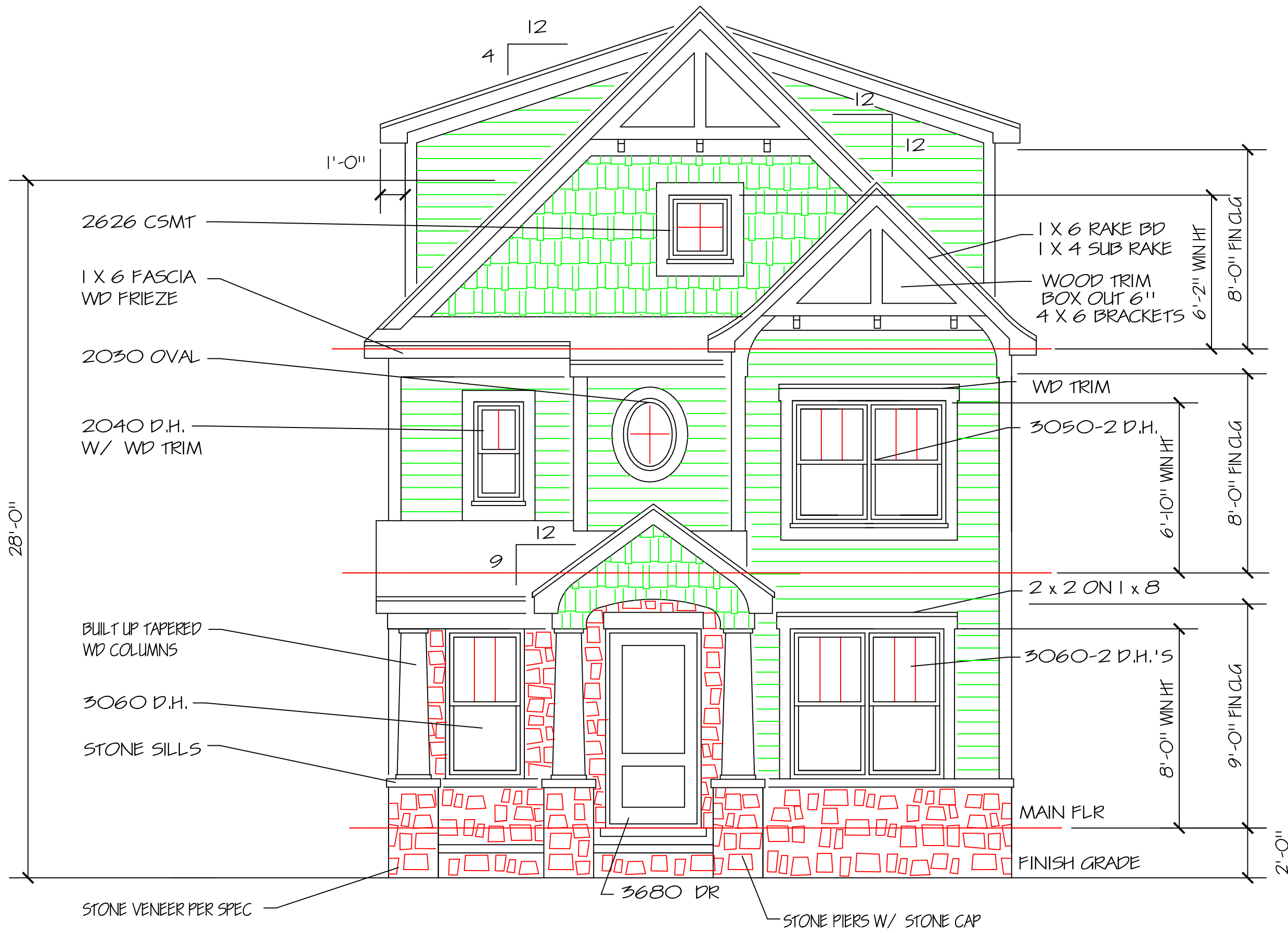
RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



FRONT ELEVATION

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

**BIRMINGHAM BOARD OF ZONING APPEALS PROCEEDINGS
TUESDAY, AUGUST 14, 2018
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, July 10, 2018. Chairman Charles Lillie convened the meeting at 7:30 p.m.

Present: Chairman Charles Lillie; Board Members Jason Canvasser, Kevin Hart, Jeffery Jones, Vice- Chairman Randolph Judd, John Miller; Alternate Board Member Francis Rodriguez (arrived at 8 p.m.)

Absent: Board Member Erik Morganroth

Administration: Bruce Johnson, Building Official
Mike Morad, Asst. Building Official
Carole Salutes, Recording Secretary
Jeff Zielke, Building Inspector

The Chairman welcomed everyone and explained the BZA procedure to the audience. Additionally, he noted that the members of the Zoning Board are appointed by the City Commission and are volunteers who serve staggered three-year terms. They 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. There are no land use variances called for this evening. Also, appeals are heard by the board as far as interpretations or rulings. Four affirmative votes are required to reverse an interpretation or ruling. There are two interpretations on this evening's agenda.

T# 08-62-18

APPROVAL OF THE MINUTES OF THE BZA MEETING OF JULY 10, 2018

Mr. Judd corrected the following:

Page 9 - Second sentence in Appeal 18-25 should be credited to Mr. Morganroth.

Mr. Canvasser asked that throughout, the reference to the Chairman to changed to Temporary Chairman.

Motion by Mr. Canvasser

Seconded by Mr. Jones to approve the Minutes of the BZA meeting of July 10, 2018 as amended.

Motion carried, 6-0.

VOICE VOTE

Yeas: Canvasser, Jones, Hart, Judd, Lillie, Miller

Nays: None

Absent: Morganroth, Rodriguez

T# 08-63-18

**1370 LATHAM
Appeal 18-25**

Chairman Lillie established that this matter was previously before the Board before and it was turned down. The board doesn't usually allow petitioners to come back unless there has been a substantial change in their request. In this case there has not been a substantial change.

Mr. Roger Young, Young & Young Architects, represented Dr. Paul Gradolph, the homeowner at 1370 Latham. Mr. Young was not aware that his currently proposed variances failed at a previous meeting and tonight's proposal has not changed materially. He indicated that he would be grateful if the Board would consider a lesser variance this evening than what was advertised.

Chairman Lillie tabled this appeal for a short time so that Mr. Young could have a chance to confer with his client and decide what they want to do.

After the next appeal was heard, the Chairman recalled Appeal 18-25.

Mr. Young indicated he has discussed the matter with his client and they would ask the Board's consideration of an additional reduction of 1 ft. 6 in. of the proposed garage extension so that the overall addition would be 4 ft. 9 in. from the previous 6 ft. 3 in. Variance A would be 16.47 ft.

Variance B would work out at 16.08 ft.

Board members unanimously agreed this is a sufficient change to hear the appeal.

The owner(s) of the property known as 1370 Latham request the following variance(s) to construct a garage addition on an existing non-conforming home:

A. **Chapter 126, Article 2, section 2.08** of the Zoning Ordinance requires the front yard setback is the average of homes within 200 ft. The required front yard setback for this property is 58.97 ft. The proposed setback is 42.50 ft.; therefore, a variance of 16.47 ft. is requested.

B. **Chapter 126, Article 4, section 4.75 A (1)** of the Zoning Ordinance requires that attached garages be set back a minimum of 5.00 ft. from the portion of the front façade that is furthest setback from the front property line. The proposed garage is 11.08 ft. in front of the furthest front facade. Therefore, a variance of 16.08 ft. is requested.

This property is zoned R-1.

Mr. Zielke explained this non-conforming home has an existing front street-facing garage with a single 16.00 ft. garage door. The existing garage also is non-conforming to being 5.00 ft. behind the furthest front façade. The applicant is proposing an addition to the existing garage which will expand the non-conforming structure. The applicant is proposing to correct the widths of the garage door(s).

Mr. Jones pointed out that the nature of the street has some play in this from a visual aspect because it is curved.

Mr. Young recapped that they are proposing an addition onto an existing garage that is inadequate by any standard of modern construction. Inside it is roughly 15.50 ft. to the face of the cabinetry. Dr. Gradolph is unable to park a second vehicle in the garage. The proposed addition would really provide substantial relief so that he could pull both vehicles in and just have the bare minimum amount to exit the vehicle and enter his home. They are not extending the width of the garage and they are reducing an existing non-conforming single overhead garage door by installing two individual overhead garage doors. Mr. Young concluded by saying they are requesting a minimum change to the non-conforming conditions of the home.

Mr. Jones noticed that two addresses, 1360 and 1330, are much closer to the street. Going east, 1362, 1344 and 1340 are all substantially further away from the street. Mr. Young added that the average residential setback is unique on this street. It is not a straight road, the homes are not in single-file, and heading southward they become closer to the road.

Responding to Mr. Canvasser, Mr. Young stated the existing internal dimensions of the garage are at 17 ft. 2 in. With the current numbers the greatest internal dimension would be just under 22 ft. If they demolish the curb stop and take out the cabinets there would be room for two cars.

No one in the audience wished to comment on this appeal at 8:20 p.m.

Motion by Mr. Miller

Seconded by Mr. Jones to support variances A and B for Appeal 18-5, 1370 Latham with the dimensions as stated and confirmed by the City. He believes that compliance is unnecessarily burdensome in that the current garage is just not functional by today's standards.

He does not think the variances would negatively affect the neighborhood or the surrounding property owners. It is an unusual lot and the house is pretty far back. He thinks that the requested variances would be unnoticeable once the garage is built and given the proposed architecture of the extension of the garage.

The problem is certainly due to the unique circumstances of the way the existing garage is built and he believes that it was not self-created.

In terms of empathy, he is also a Corvette owner and to pull his car that close to the garage door on one side and a curb on the other side is terrifying to him.

So, Mr. Miller would tie the approval to the materials and the architectural expression of the exterior with the dimensions that were stated and confirmed by the City as follows:

Variance (A) - 16.47 ft. with the proposed front yard setback of 42.5 ft.;

Variance (B) - 16.08 ft. with the proposed garage setback of 11.08 ft.

Mr. Rodriguez indicated he would support the motion because of the unique circumstances coupled with the fact that the variance requests have been reduced.

Mr. Jones said he does not know of an area in the City with this configuration of a curve with the houses set in the manner that they are because of the roadway and because of the Rouge. Therefore he thinks the variances do substantial justice to the area and that is why he supported the motion.

Mr. Hart said he will be supporting the motion, again reiterating the unique circumstances of the site, this is not self-created, it is an existing non-conforming home and the curve of the street is unique. The conformity of two garage doors is one thing that will really be noticeable and it is actually being improved.

Mr. Judd also stated his support for the motion.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Miller, Jones, Canvasser, Hart, Judd, Lillie, Rodriguez

Nays: None

Absent: Morganroth

T# 08-64-18

**1264 BIRD
Appeal 18-26**

The owner(s) of the property known as 1264 Bird request the following variance(s) to construct a new single-family home with a detached garage:

A. **Chapter 126, Article 4, section 4.74 (C)** of the Zoning Ordinance requires the minimum distance between principal structures on adjacent lots to be 14.00 ft. or 25% of the total lot width, whichever is greater. The required distance between is 14.00 ft. The proposed is 13.10 ft.; therefore, a variance of .90 ft. is requested.

This property is zoned R-3.

Mr. Morad advised the applicant's new single-family home and detached garage as proposed will meet all the zoning requirements on their lot with the exception of the distance between principal structures. The existing home to the east was constructed in 1927 and is nonconforming as it is constructed too close to the lot line.

Chairman Lillie summarized that if the house on the east was not there a variance would not be needed. Mr. Morad added that the subject house would be 10 ft. from the property line and it would meet the Ordinance. If a new home were to be built to the east it would be a minimum of 5 ft. from the property line and the homes would be in conformance.

Mr. Robert Kozlovski, Design Professional, said he is working with Mr. Brian Alimov who is the applicant. Having to take .90 ft. off the home will really impede the sizes of the rooms, particularly the bedrooms. Lenders want to see 10 ft. bedrooms before they will make a loan. These bedrooms are right at 10 ft.. They could keep the same footprint but punch out rooms to maximize their sizes. However, to him that is not a good look. It is not as attractive as having the house match the foundation.

No one in the audience wished to comment on this appeal.

Motion by Mr. Canvasser

Seconded by Mr. Judd in regard to Appeal 18-26, 1264 Bird, the request is for a variance of .90 ft. pursuant to Chapter 126, Article 4, section 4.74 (C). Mr. Canvasser would move to approve the variance and tie it to the plans. In so doing he finds that the problem is not self-created; it is due to a unique circumstance of the property, being the non-conforming, pre-existing property to the east. Had that property been conforming, no variance would be necessary.

Mr. Canvasser thinks the variance would do substantial justice to the petitioner as well as to the other property owners, and he finds that strict compliance with the Ordinance would render conformity unnecessarily burdensome.

So, for those reasons he would tie the motion to the plans and move to approve.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Canvasser, Judd, Hart, Jones, Lillie, Miller, Rodriguez

Nays: None

Absent: Morganroth

T# 08-65-18

320 LAKESIDE

Appeal 18-27

The owner(s) of the property known as 320 Lakeside request the following variance(s) to replace an existing patio in a required side yard open space:

A. 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 north required side open space 18.00 ft.; therefore, a variance of 18.00 ft. is requested.

This property is zoned R-1.

Mr. Morad noted the existing home was constructed in 1939 on this property that is a pie shaped lot. There is an existing patio behind the home that is nonconforming because it is partially located in a required side yard. The owners are proposing to remove and replace the existing patio with a new one along with an outdoor fireplace. As proposed, the new construction would reduce the existing nonconformity.

Mr. Jones pointed out this is a pie-shaped lot and a variance is needed because of the way the side lot is configured.

Mr. Matt Whetstone, Greater Detroit Landscape Co. explained the existing back patio is currently free form in shape. They are looking to square the patio by eliminating in some areas and adding in others. They propose to increase the overall patio by 100 sq. ft. as well. Also, they are asking for permission to install an outdoor gas fireplace adjacent to the patio. Both the patio and fireplace will maintain the 5 ft. backyard setback of a typical lot.

The Chairman asked for comments from the audience on this appeal at 8:30 p.m.

Ms. Mia Woodward, 370 Lakeside, said their property is two houses to the north and they just purchased the property in between. She wanted clarification whether any of the proposed modifications will affect any future development of that land. Mr. Johnson assured her that he doesn't see anything the applicant is doing that would interfere with the existing home or future development on that site.

Motion by Mr. Hart

Seconded by Mr. Canvasser with regard to Appeal 18-27, 320 Lakeside, to approve the variance request to Chapter 126, Article 4, Section 4.30 C (3) of the Zoning Ordinance requiring patios not to project into the side open yard space. This proposed patio is projecting into the north side space by 18 ft. and therefore an 18 ft. variance is requested.

Mr. Hart thinks the appellant has demonstrated that he is doing as best he can with this uniquely configured lot. The geometry of the lot is challenging and is a hardship.

The side yard setback with the triangular shape is also going to be very difficult, again because of the geometry of the property. It is an existing non-conforming situation and the applicant is doing his best to mediate as much as possible. After cleaning up the plantings, Mr. Hart thinks it should be a very attractive outcome. The motion is tied to the drawings as presented this evening.

Chairman noted this is a classic example of a unique property.

Motion carried, 6-0.

ROLLCALL VOTE

Yeas: Hart, Canvasser, Jones, Judd, Lillie, Miller, Rodriguez

Nays: None

Absent: Morganroth

T# 08-66-18

1245 COLE

Appeal 18-28

The owner(s) of the property known as 1245 Cole request the following variance(s) to construct a new single-family home with a detached garage:

A. **Chapter 126, Article 4, section 4.74 (C)** of the Zoning Ordinance requires the minimum distance between structures on adjacent lots to be 14.00 ft. or 25% of the total lot width, whichever is greater. The required distance between is 14.00 ft. The proposed distance between on the west side is 12.40 ft.; therefore, a variance of 1.60 ft. is requested.

B. **Chapter 126, Article 4, section 4.74 (C)** of the Zoning Ordinance requires the minimum distance between structures on adjacent lots to be 14.00 ft. or 25% of the total lot width, whichever is greater. The required distance between is 14.00 ft. The proposed distance between on the east side is 9.90 ft.; therefore, a variance of 4.10 ft. is requested.

This property is zoned R-3.

Mr. Morad noted there are no elevations in the packet. He passed around a copy of the front elevation. He explained the applicant's new single-family home and detached garage as proposed will meet all the zoning requirements on their lot with the exception of the distance between the principal structures on both sides. The survey provided with this application indicates that the existing homes on either side were constructed too close to the property line.

Chairman Lillie summarized that the houses on either side are causing the problem. The house on the west side looks fairly new and he wondered how it got so close to the lot line. Mr. Johnson noted he researched that and found the survey that was submitted to construct the home, along with the as-built survey that was provided when it was finished, show it at 5 ft. from the property line.

Mr. Miller said he would like to see the side elevations because that is where the concern is when talking about substantial justice to the neighbors. Other board members shared that concern.

Chairman Lillie made the decision to table this matter to next month when the applicant can come back with all of the elevations and dimensions.

T# 08-67-18

**428 GEORGE
Appeal 18-29**

The owner(s) of the property known as 428 George request the following variance(s) to construct an addition to an existing home:

A. **Chapter 126, Article 2, Section 2.10** of the Zoning Ordinance requires that the maximum lot coverage for residential lots is 30.0% of the lot area. The maximum

allowable coverage for this lot is 1200.00 sq. ft. The proposed coverage is 1319.40 sq. ft. (32.90%); therefore a variance of 119.40 sq. ft. (2.90%) is being requested.

This property is zoned R-3.

Mr. Zielke explained the existing two-story home at this location was constructed in 1923. The owners are proposing to construct a two-story addition to the rear of their home that will increase the lot coverage over the maximum allowable per the Zoning Ordinance. Responding to the Chairman, he established the existing house and detached garage cover 1,020 sq. ft. (25.5%) of the lot area.

Mr. Michael Gordon, Architect, was present with the homeowners, Ronald Lewis and Stephanie Olen. He submitted a letter signed by the neighbors saying they have reviewed the drawings and understand that the variance is required. The homeowners are looking to remain in their home as they age, and the addition of a first-floor bedroom and bath is necessary to achieve that goal.

The existing house is only 1,500 sq. ft. and the proposed new house would be 1,900 sq. ft. They do not think this is a self-created situation. Additionally, neighbors support the variance request and hope the Board looks favorably on it.

Chairman Lillie noted that getting a variance is not a popularity contest with the neighbors. A practical difficulty must be shown. He has concerns with the request, because basically the applicants are saying that no matter what the Ordinance states, they just want to add on because they have these problems. He inquired why they can't add on 180 sq. ft.. Mr. Gordon explained that there is not enough square footage on the first floor to carve out a fully functioning master suite. The configuration of the structure of the building doesn't lend itself to that.

Mr. Judd said he wondered as he read this how aging is a practical difficulty. One of the most important elements in obtaining a variance is whether the plight of the owner is due to unique circumstances of the property and not to the general conditions in the area. He doesn't see any problem with the property. Mr. Gordon responded the practical difficulty is that his clients would be forced into a situation where they have to move because the house cannot accommodate their specific needs. They have looked at all of the practical solutions to make this house functional for the owners. He agreed there is nothing unique about the property.

Mr. Judd concluded that the engine driving this is not the property, but Mr. Gordon's clients.

Chairman Lillie received clarification from Mr. Gordon that this lot is not unique, in that it is flat and rectangular and the houses on either side are not too close to the lot line.

At 8:55 p.m. there was no one in the audience who wanted to speak to this issue.

In response to Mr. Miller, Mr. Gordon said he has looked at all of the ways they can conform but was unable to accommodate his clients' needs on this small lot.

Motion by Mr. Judd

Seconded by Mr. Rodriguez on Appeal 18-28, 428 George, the petitioner presents us with a rather unique problem, for him. They want us to grant a variance to Chapter 126, Article 2, section 2.10 in that the petitioner wishes to exceed the allowable lot coverage for a particular piece of property. The question is whether this is a practical difficulty. He has to say that it is not a practical difficulty.

There are four issues that the board needs to consider:

One, whether strict compliance with the ordinances, setbacks, heights, density would unreasonably prevent the owner from using the property for a permitted purpose, in this case a home, and would render conformity unnecessarily burdensome. Mr. Judd does not feel that the petitioner has adequately proven that point.

Second, whether it would do substantial justice to the applicant or other property owners. While it might provide substantial justice to the petitioner, Mr. Judd does not feel it would provide substantial justice to other property owners in the district or within the City.

The third issue is the one that Mr. Judd brought to the petitioner's attention: Whether the plight of the owner is due to unique circumstances of the property. He does not feel that there are unique circumstances of this property. The Chair and he both examined the representative of the petitioner as to that and they are dealing with a rectangular piece of property, flat, and small.

And lastly is whether the problem is self-created. That certainly is a tough call in this case because really his question is whether aging is a substantial or a practical difficulty. Mr. Judd does not feel that it is. The board is in effect being asked to create a new element to the accepted standards of practical difficulty. In this case he is not willing to do so.

For those reasons he would move to deny the appeal.

Chairman Lillie indicated that he will support the motion. He agrees with Mr. Judd that there has been no showing of a practical difficulty. If the Board were to grant this variance he feels they would be setting a very bad precedent because petitioners could come in and say they just want a bigger house - the heck with the Ordinance.

Mr. Jones said he will support the motion regrettably because he understands the circumstances motivating the petitioner to request the variance. The problem is that this board deals with its requirements. This request doesn't meet the requirements of the Ordinance and what this board's mandates are to grant a variance.

Mr. Hart stated he will not be supporting the motion because he thinks this falls under the hardship of the size of the property. The house is existing non-conforming because it projects into the eastern setback. That makes it difficult without tearing the house down to conform because the existing home has certain dimensions and certain characteristics that make it difficult to add on. So he thinks there is a built-in hardship because of the existing non-conformity. He feels the appellant has done a very good job. This is a very austere plan and a sensible approach.

Chairman Lillie said they have to remember that by granting this variance the Board would be legislating.

Motion to deny carried, 6-1.

ROLLCALL VOTE

Yeas: Judd, Rodriguez, Canvasser, Jones, Lillie, Miller

Nays: Hart

Absent: Morganroth

r

08-68-18

CORRESPONDENCE (none)

T# 08-69-18

GENERAL BUSINESS

T# 08-70-18

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

Mr. Jim Charles, Charles Design and Build, said he is certified by the National Home Builders Assoc. as an Aging in Place Specialist. He predicted this board will be seeing a lot more cases similar to the last appeal. He thought it would behoove the Board to investigate the Ordinance relating to this. If houses like this are torn down it will totally change the look of this community.

Chairman Lillie thanked Mr. Charles for his comments and advised that he talk with the City Commission because this board does not legislate.

T# 08-71-18

ADJOURNMENT

No further business being evident, the board members passed a motion to adjourn at 9:10 p.m.

Bruce R. Johnson, Building Official

CASE DESCRIPTION

2282 West Lincoln (21-06)

Hearing date: February 9, 2021

Appeal No. 21-06: The owner of the property known as 2282 West Lincoln, requests the following variance to construct an addition to an existing non-conforming home:

- A. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that the minimum combined total side yard setback for residential lots are 14.0 feet or 25% of the lot width whichever is greater. The required total is 20.00 feet. The proposed is 15.50 feet. Therefore, a variance of 4.50 feet is being requested.

Staff Notes: The applicant's variance request is to add a roof structure over an existing patio in the rear of the home. The existing home constructed in 1951 is a legal non-conforming home, as it does not comply with the total required combined side yards.

This property is zoned R1 – Single Family Residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

2282 W. LINCOLN MAP



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Application Date: 1-18-21
 Received By: BM

Hearing Date: 1-18-2021
 Appeal #: 21-0006

Type of Variance:	☐ Interpretation	☒ Dimensional	☐ Land Use	☐ Sign	☐ Admin Review
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I. PROPERTY INFORMATION:

Address: 2282 W. Lincoln Lot Number: _____ Sidwell Number: 081935152008

II. OWNER INFORMATION:

Name: Roger & Karisma Marchetti
 Address: 2282 W. Lincoln City: Birmingham State: MI Zip code: 48009
 Email: roger.marchetti@gmail.com Phone: 858-344-0601

III. PETITIONER INFORMATION:

Name: Meghan Faught Firm/Company Name: Kendall Design + Build
 Address: 1606 Rochester City: Royal Oak State: MI Zip code: 48067
 Email: mcf.kpms@gmail.com Phone: 248-930-9098

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: 1/11/2021

Signature of Petitioner: [Signature]

Date: 1/18/2021

CITY OF BIRMINGHAM
 Date: 01/13/2021 12:00:28 PM
 Ref: 00171750
 Receipt: 659504
 Amount: \$560.00



Letter of Practical Difficulty
In Support of Request for Variance
2282 West Lincoln, Birmingham, Michigan 48009

Dear Members of the Zoning Board of Appeals,

This letter is in support of my request for a variance to the sideyard setback requirement for an existing non-conforming lot. The intention is to add a covered and enclosed sunroom to the back of the house. The proposed addition is 17'4" wide by 20'1" long. As it stands, the total sideyard setback for the house is only 14.5' with a 5.5' variance, and with this addition, we are requesting a 4.5' sideyard setback variance because we are holding the new addition back from the existing house line by 1'.

By building this addition, we would not be making the existing, non-conforming structure's sideyard setback any smaller or encroaching any further on neighboring properties. There is an existing deck in the footprint of the proposed addition, and this deck needs some repairs, which would be taken care of by building the new sunroom instead. What is perhaps most relevant here, and what I would ask the board to consider the fact that as requested the new footprint of the addition, even with the variance, would actually be an increase to the setbacks from what currently exists with the main house structure. Because of this, this variance would create no undue burden on any neighboring residences.

The hope by building this addition is to create an outdoor living space on the property, that will not only increase the current homeowner's use of the property but would also increase the overall property value. Usable outdoor living space is in keeping with the properties in the community with all new construction and renovated homes in Birmingham, and it is a necessary feature to keep up with the competitive market of Birmingham. We hope that you agree that our request would not infringe any further than the already non-conforming property and would also add value and use to this property. Thank you for your thoughtful consideration of this request.

Respectfully,
Teresa Bailey

A handwritten signature in black ink that reads "Teresa L. Bailey". The signature is written in a cursive, flowing style.

Owner, Kendall Design + Build
Property Owner's Representative

CERTIFIED SURVEY

PROPERTY DESCRIPTION:

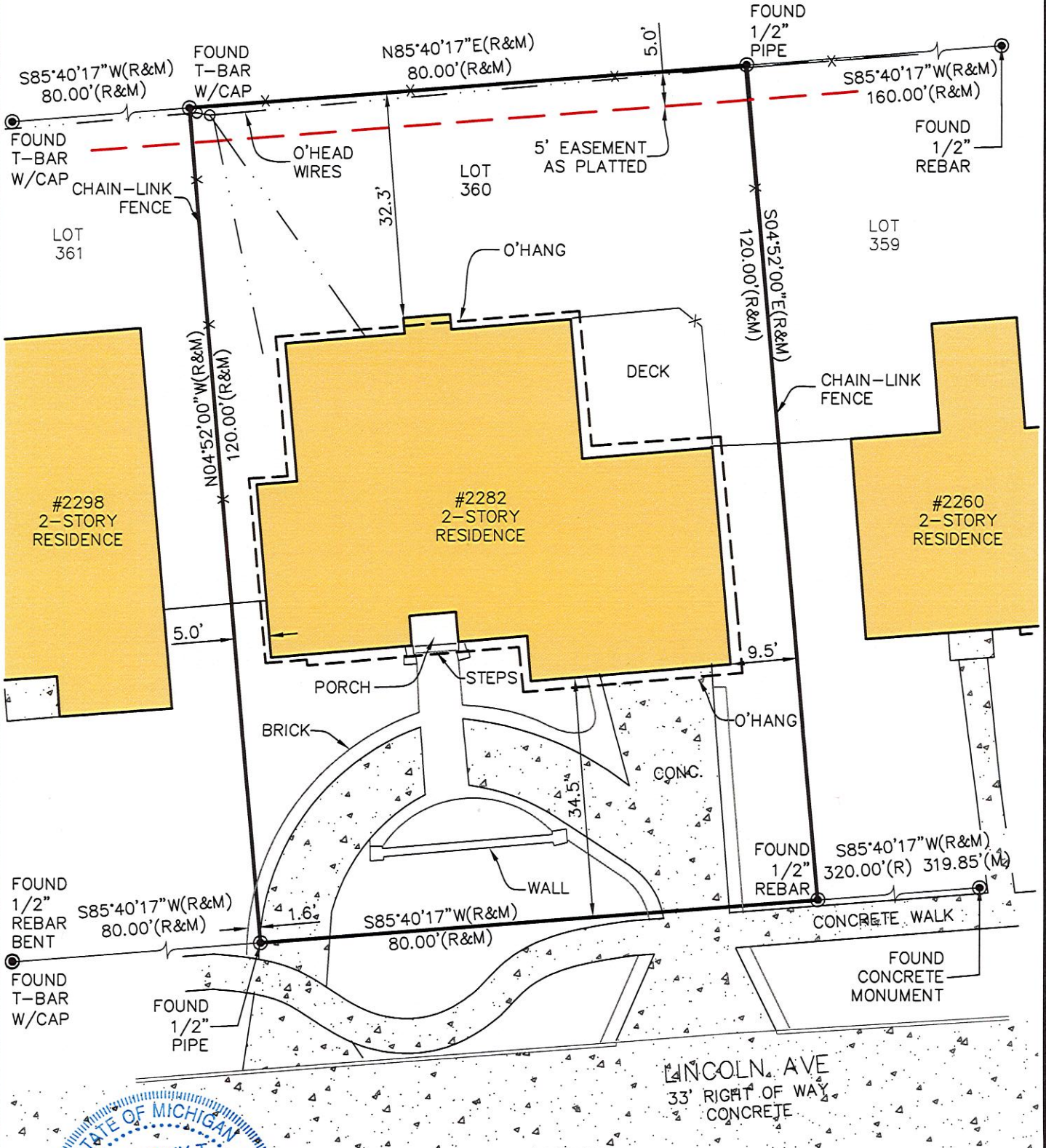
LOT 360 OF "THE MEYERING LAND COMPANY'S BIRMINGHAM HIGHLANDS SUBDIVISION No. 2, PART OF THE NORTHWEST 1/4 OF SECTION 35, TOWN 2 NORTH, RANGE 10 EAST, VILLAGE OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 49, PAGE 5 OF PLATS, OAKLAND COUNTY RECORDS.

NOTE:

A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.



SCALE: 1"=20'



I CERTIFY THAT THE REQUIREMENTS FOR 1970 PA 132, MCL 54.213 HAVE BEEN MET, AND THAT THE RELATIVE POSITIONAL PRECISION IDENTIFIED FOR THIS SURVEY AND SHOWN ON THE MAP ARE WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING.

[Signature]

ANTHONY T. SYCKO, JR., P.S. NO. 47976

LEGEND

- FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION



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www.kemtecagroupofcompanies.com

CERTIFIED TO: TERESA BAILEY

FIELD SURVEY: DF KG

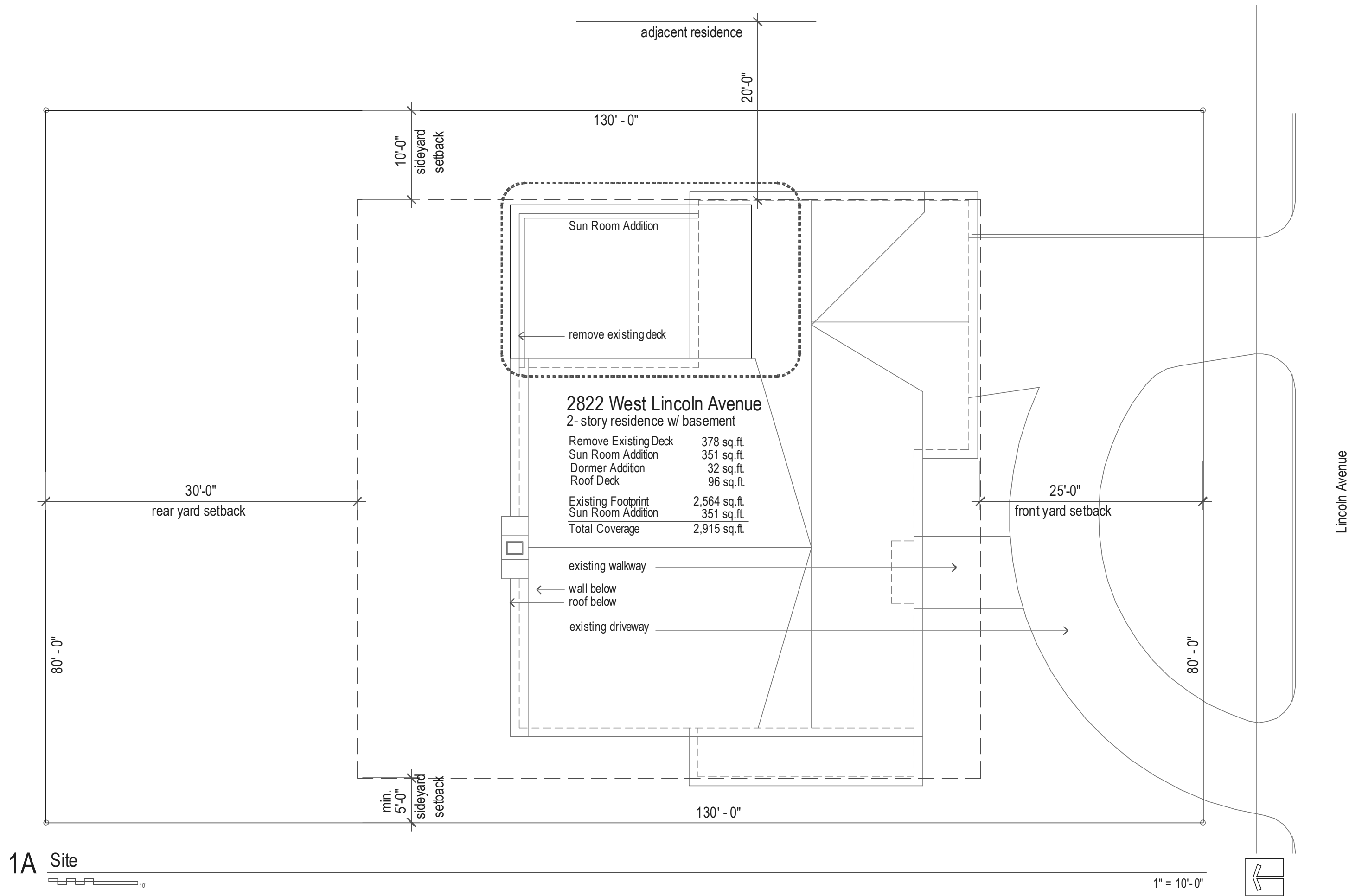
DATE: DECEMBER 30, 2020

DRAWN BY: JWH

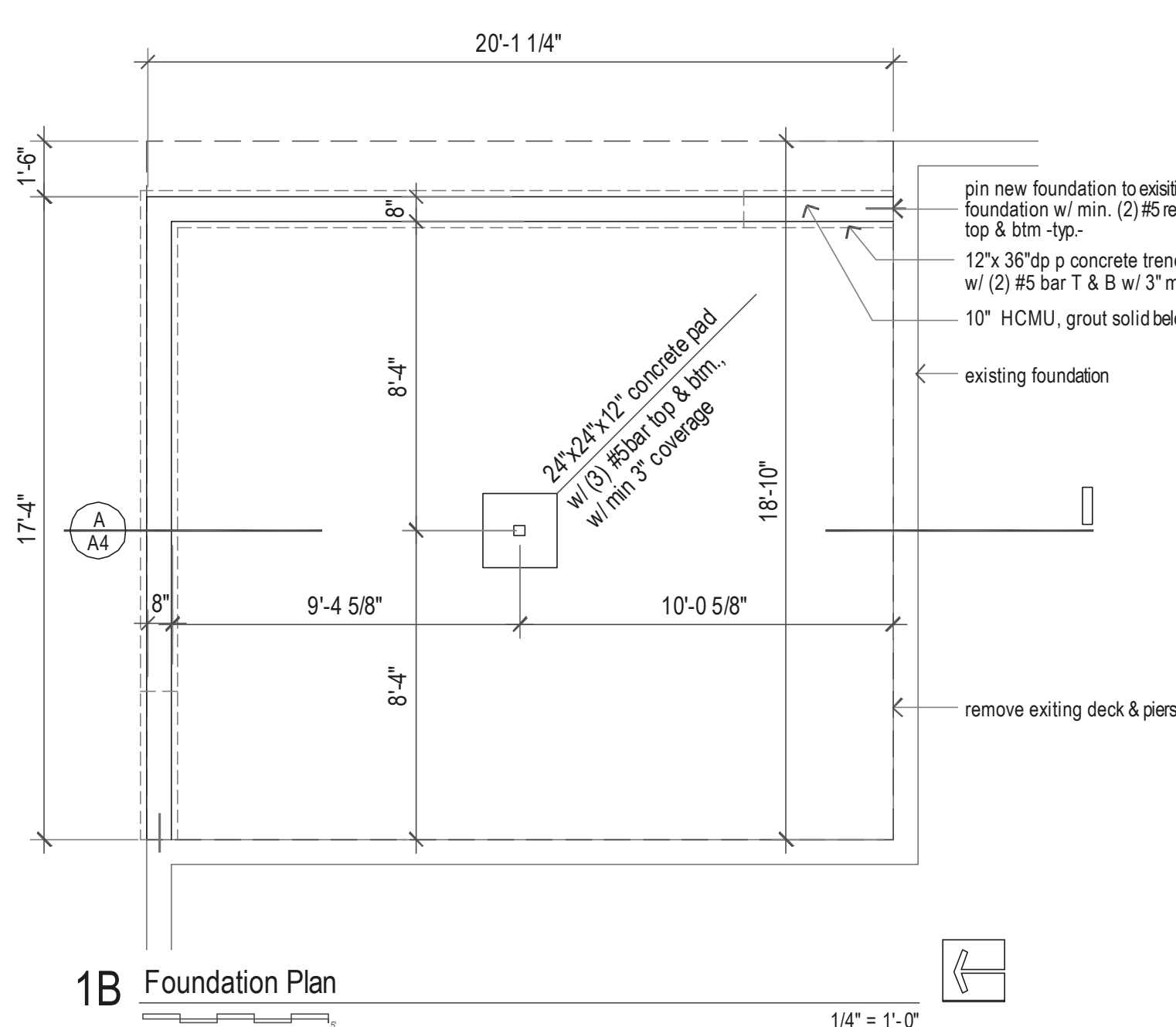
SHEET: 1 OF 1

SCALE: 1" = 20'

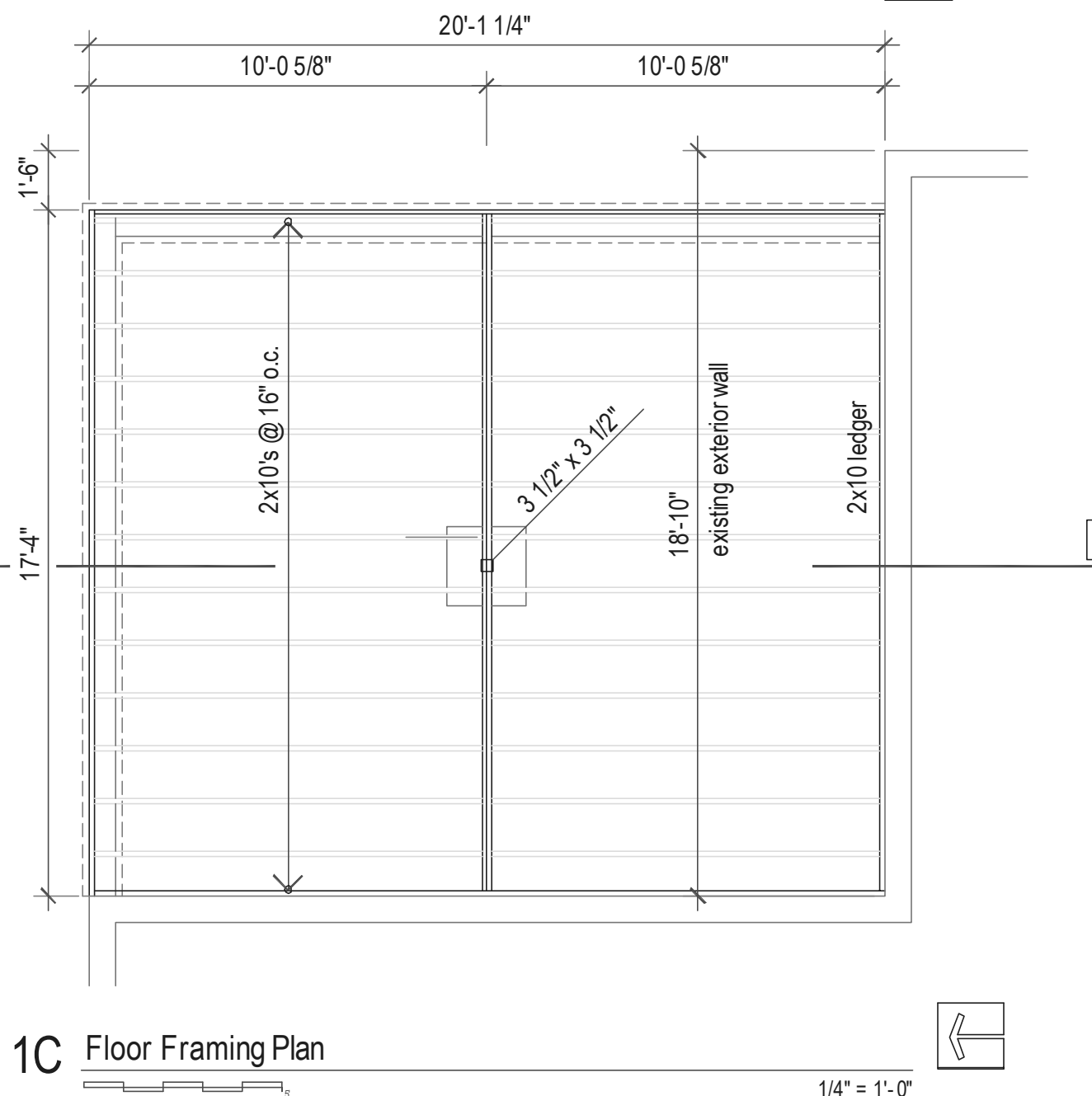
JOB NO.: 20-03575



1A Site



1B Foundation Plan



1C Floor Framing Plan

BUILDING CODE: 2015 Michigan Residential Code

Summary

Remove existing 378 sq.ft. deck, replace with 378 sq.ft. sunroom, with 32 sq.ft. dormer & 96 sq.ft. roof deck addition

Drawing Index

sheet	drawing title
A1	Site, Notes, Foundation Plan, Floor Framing Plan
A2	North Elevation, Sunroom Plan, Roof Framing Plan
A3	Section A, East Elevation

Grading Notes

Majority of existing site grading to remain as is, except at areas of new work. Revised grading shall be developed as to drain surface water away from the face of buildings and in a manor as to prevent surface water from flowing onto adjacent parcels.

A minimum slope of 1/4" per 1' shall be provided away from all building faces.

Site Notes

Protect existing landscaping, trees, ornamental fencing, brick pavers, concrete walkways, etc. which are to remain.

If items are to be relocated for new construction, carefully remove and inventory for owner's re-use.

Zoning Notes

		R-1 : single residential district
Lot Size	minimum req. - 9,000 sq.ft. min. lot width req. - 80'	actual - 10,400 sq.ft. actual - 80'
Lot Coverage	max. 30%	2915 $\div$ 10,400 $\div$ = 28%
Setbacks	front yard - min. 25' rear yard - min. 30' side yard - one side 9' / total 14' no side yard under 5'	rear yard - 5'2" +/- west side yard 14'8 1/2" +/- exist. total
Building Height	maximum building height - 30 ft. midpoint pitched roofs	21'10" +/-

Framing General Notes

- Provide temporary and/or permanent shoring or bracing as required for demolition of exist. structure and placement of new structure.
- Provide temporary weather protection to prevent water leakage and damage to exist. structure and interior elements to remain.
- Protect surfaces, materials and items that are to remain. Patch, repair and/or replace surfaces, materials and items disturbed by demolition and/or construction to match the intended new condition.
- Notify Designer immediately of discrepancies between drawing and field conditions for resolution, prior to proceeding w/ work.

General Notes

- All work shall be completed per 2015 Michigan Residential Code.
- All wood exposed to weather, in contact with the ground or entering exterior masonry walls shall be preservative treated (P.T.)
- All fasteners for preservative treated wood shall be hot-dipped galvanized steel or stainless steel.
- All structural connections & hangers shall be hot-dipped galvanized or stainless steel.
- The Contractor shall be responsible for securing and paying for all permits.
- Project Live Loads (pounds per square foot), Attics with storage 10, Rooms other than sleeping rooms 40, Sleeping rooms 30, Stairs 40, Guardrails and Hand rails 200 pound concentrated load.
- Contractor shall review these plans thoroughly, make a detailed site visit and shall immediately bring any discrepancy if discovered, coordinate with designer to resolve discrepancy and achieve the intent of the drawings.
- Coordinate with owner all finishes and materials samples.
- Electrical shall be design/build per latest NEC. Coordinate fixtures, special receptacles and requirements with owner.
- Data shall be design/build, coordinate special receptacles and requirements with owner.
- During Demolition and Construction activities the Contractor shall protect all areas and surfaces to remain. The Contractor shall dispose of all demolition material off site in an approved manner.
- Heating Ventilation Air Conditioning shall be Design/Build per latest codes. Coordinate system types and performance specifications with owner.
- Plumbing shall be Design/Build per latest codes. Coordinate system types and performance specifications with owner.
- Dimensional framing lumber shall be #2 Douglas Fir- Larch surfaced dried, #1 Hem-Fir (North) surface dry or #2 Southern Pine kiln dried. Minimum extreme fiber bending stress 1,200 psi.
- Interior wood trim to be pine suitable for paint. Profile and installation to match existing
- All dimensions are to face of studs (rough framing), face of sheathing, face of existing finish walls to remain, centerline of openings for doors and windows.
- All window sizes shown on plans are for estimating. All new widow sizes to be field verified by Window Manufacturer/Installer as required.



7425 parkstone
bloomfield hills
michigan 48301
solstudio@earthlink.net
970.846.2147

Sunroom Addition
Machetti Residence
2282 w. lincoln ave.
Birmingham . Michigan . 48009

sheet title

site
notes
foundation/ floor
framing plan
main level plan

date

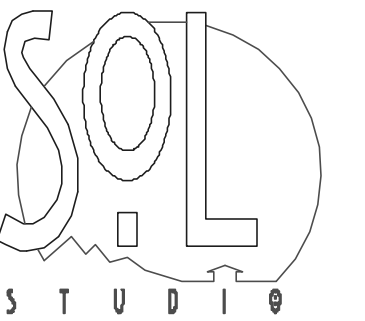
Oct. 9. 2020
Nov 16. 2020 - revised
Nov 27. 2020 - revised

job no.

2025

sheet

A1



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bloomfield hills
michigan 48301
solstudio@earthlink.net
970.846.2147

Sunroom Addition
Machetti Residence
2282 w. lincoln ave.
Birmingham . Michigan . 48009

sheet title

north elevation
sunroom plan
roof framing plan

date

Oct 9, 2020
Nov 16, 2020 - revised
Nov 27, 2020 - revised

job no.

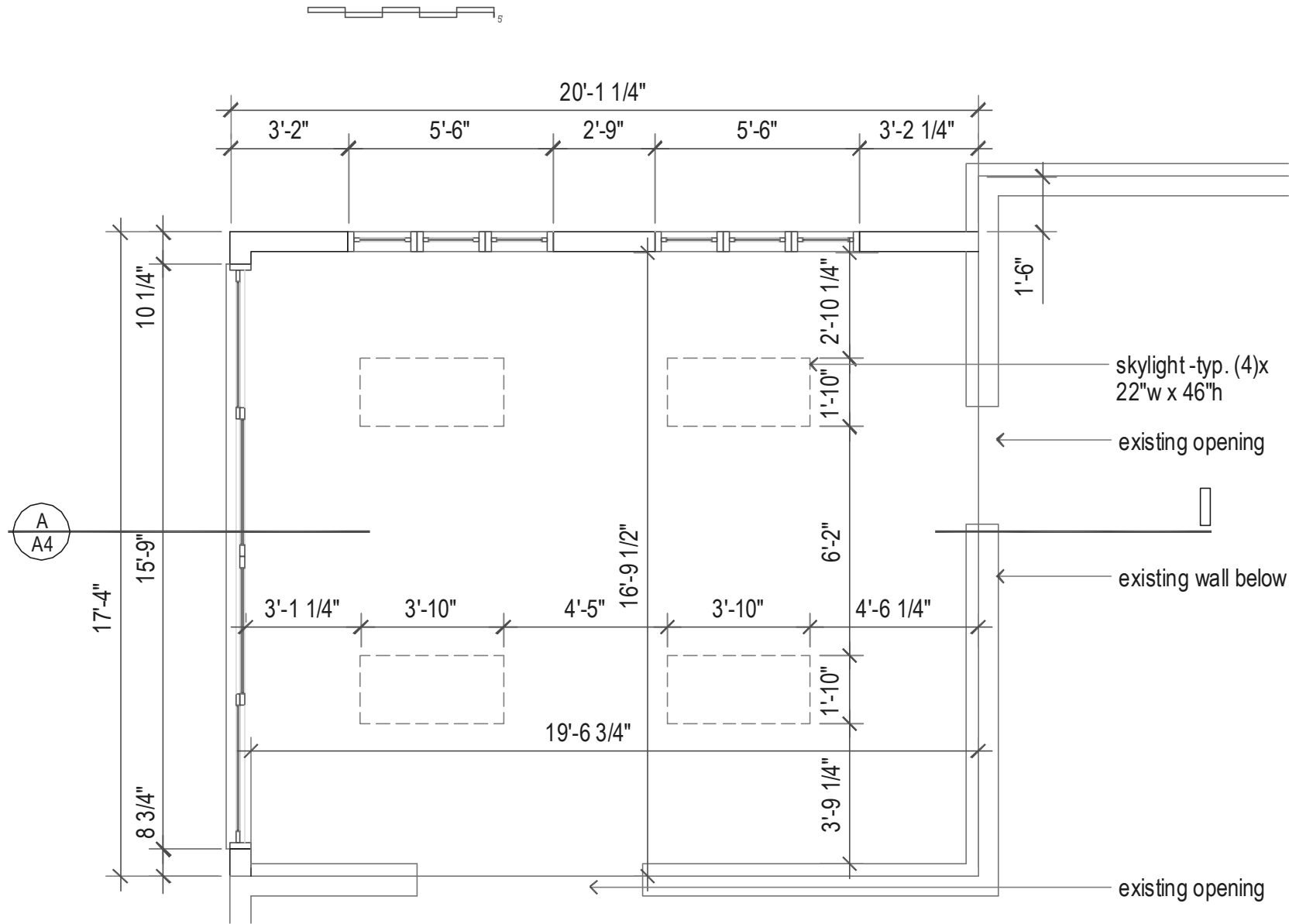
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A2

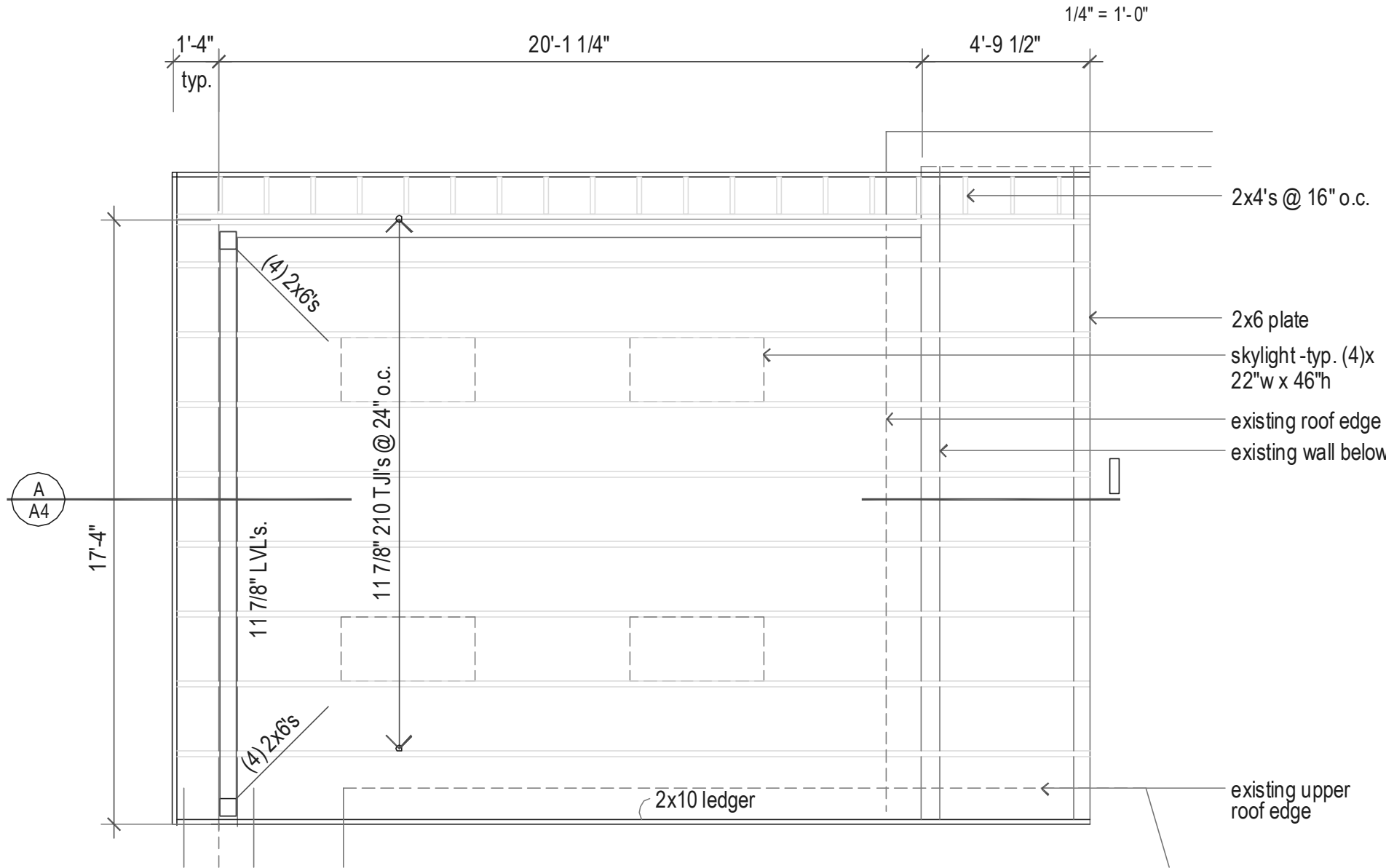


2A North Elevation



2B Sunroom Plan

1/4" = 1'-0"



2C Roof Framing Plan

1/4" = 1'-0"



7425 parkstone
bloomfield hills
michigan 48301
solstudio@earthlink.net
970.846.2147

Sunroom Addition
Machetti Residence
2282 w. lincoln ave.
Birmingham . Michigan . 48009

sheet title

section A
east elevation

date

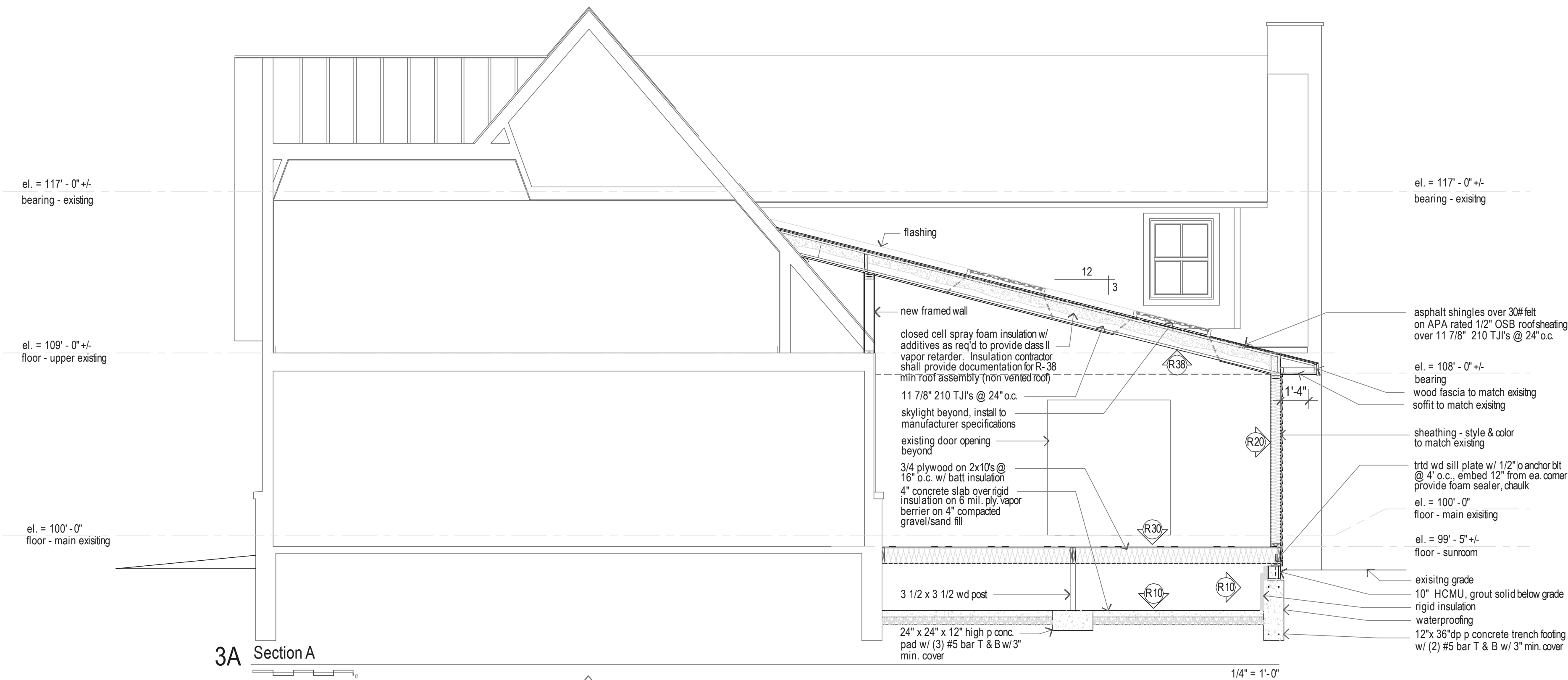
Oct 9, 2020
Nov 16, 2020 - revised
Nov 27, 2020 - revised

job no.

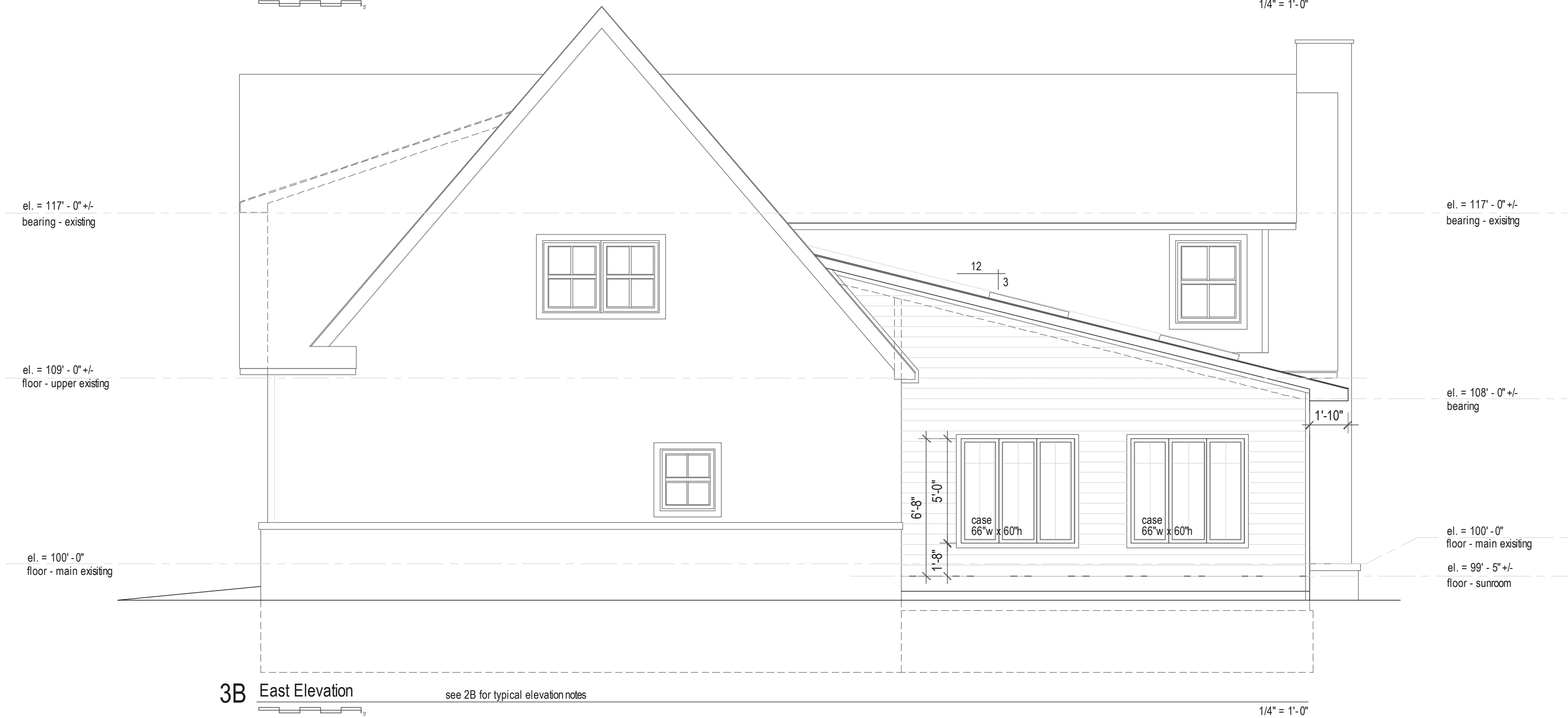
2025

sheet

A3



3A Section A



3B East Elevation

see 2B for typical elevation notes

CASE DESCRIPTION

798 N Old Woodward (21-07)

Hearing date: February 9, 2021

Appeal No. 21-07: The owner of the property known as 798 N Old Woodward requests a use variance in the O2 Office-Commercial district to permit the sale of alcoholic beverages for off-premise consumption:

A. Chapter 126, Article 2, Section 2.23(B)(4) specifies Commercial Permitted Uses, **Section 2.23(C)(1)** specifies Accessory Permitted Uses, and **Section 2.23(C)(2)** specifies Uses requiring a Special Land Use Permit. Alcoholic beverages for off-premise consumption is not listed as a permitted use, an accessory permitted use or a use requiring a Special Land Use Permit within Section 2.23 for the O2 Office-Commercial zone, therefore a use variance for alcoholic beverage sales for off-premise consumption is being requested.

Staff Notes:

In regards to the subject site, 798 N. Old Woodward is a 20' by 140' lot that fronts along the N. Old Woodward Lot 6 access drive and backs up to City property along the Rouge River. The subject site consists of a 1,538 square foot single story brick building that was built in 1959. The building has been partitioned into two tenant spaces, one on the east side of the building and one on the west side of the building, with a narrow walkway providing access to each space. The subject use, Birmingham Wine, has applied to occupy the eastern tenant space that is oriented towards the Rouge River and is only accessible via the walkway extending from the access drive sidewalk.

It is of note that the single story brick property adjacent to the south, 794 N. Old Woodward, was built in 1960 and was also partitioned into two tenant spaces which are currently occupied by Esquire Cleaners and Lori's Salon. The eastern tenant space of 794 N. Old Woodward can only be accessed through the walkway that extends through 798 N. Old Woodward.

In regards to use, this property is zoned O2 Office-Commercial, D2 in the Downtown Overlay and is along the Retail Frontage line. Alcoholic beverage sales for off-premise consumption is not specifically listed within the use categories of Article 2 for the O2 Office-Commercial zone. The Zoning Ordinance does permit alcoholic beverage sales for off-premise consumption as an accessory permitted use in zones B2, B2-B, B2-C, B4 and MX. The Zoning Ordinance also permits alcoholic beverage sales for off-premise consumption as a use requiring a Special Land Use Permit in zones B1, MU-3, MU-5, and MU-7.

The subject use, Birmingham Wine, has existed in Birmingham since 2014. The former location was 588 N. Old Woodward which is along the south end of the Parking Lot 6 entrance. The former location is also within the O2 Office-Commercial zone. An oversight by the City was made in 2014 when Birmingham Wine was approved as a retail classification and not correctly classified as alcoholic beverage sales for off-premise consumption.

In regards to the surrounding area, the North Old Woodward commercial strip from Ravine to the end of the Lot 6 access drive is comprised of one and two story buildings that were mostly built in the 1950s and early 60s. The area was zoned B2 Neighborhood-Business at the time. In 1983, the N. Old Woodward commercial strip from Ravine to 856 N. Old Woodward was re-zoned to O2 Office-Commercial. The O2 zones generally abut single family residential zones on their rear property line throughout the City, though in this particular area it backs up to the Rouge River and public property. In 1996, the Downtown Overlay D2 zone was approved for this area along with the Retail Frontage Line requirements. Since then, the N. Old Woodward commercial area has been zoned O2 Office-Commercial in the underlying zone but regulated by the overlay district to not be allowed to have office on the first floor. This area is the only O2 zone subject to both the Downtown Overlay zone and the Retail Frontage Line.

798 N OLD 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: 01-12-2021

Hearing Date: 2/9/21

Received By: [Signature]

Appeal #: 21-0007

Type of Variance:	☒ Interpretation	☐ Dimensional	☐ Land Use Use variance in O-2 district	☐ Sign	☐ Admin Review
-------------------	--	--------------------------------------	--	-------------------------------	---------------------------------------

I. PROPERTY INFORMATION:

Address: 798 N. Old Woodward	Lot Number: 6	Sidwell Number: 08-19-25-328-005
------------------------------	---------------	----------------------------------

II. OWNER INFORMATION:

Name: 794 Old Woodward LLC - Hunter Korth, its Manager			
Address: PO Box 1514	City: Birmingham	State: MI	Zip code: 48012
Email: *hkorth@gmail.com		Phone:	

III. PETITIONER INFORMATION:

Name: Birmingham Wine c/o Gregory K. Need	Firm/Company Name: Adkison, Need, Allen & Rentrop, PLLC		
Address: 39572 Woodward Avenue, Suite 222	City: Bloomfield Hills	State: MI	Zip code: 48304
Email: GNeed@ANAFirm.com		Phone: (248) 540-7400	

IV. GENERAL INFORMATION:

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

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

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

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

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

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

Signature of Owner: <u>[Signature]</u>	Date: <u>01/12/2021</u>
Signature of Petitioner: <u>[Signature]</u>	Date: <u>01/12/2021</u>



LAW OFFICES

ADKISON, NEED, ALLEN, & RENTROP

PROFESSIONAL LIMITED LIABILITY COMPANY

PHILLIP G. ADKISON
KELLY A. ALLEN
ROBERT M. GOLDMAN
JESSICA A. HALLMARK
GREGORY K. NEED
G. HANS RENTROP

39572 Woodward, Suite 222
Bloomfield Hills, Michigan 48304
Telephone (248) 540-7400
Facsimile (248) 540-7401
www.ANAfirm.com

OF COUNSEL:
KEVIN M. CHUDLER
KATHERINE A. TOMASIK

January 12, 2021

VIA HAND DELIVERY

Board of Zoning Appeals
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, Michigan 48012

**Re: 798 Rear Old North Woodward
Birmingham Wine Shop**

Dear Board Members:

I represent H     Fertal, and her company Winesense, LLC, doing business as the Birmingham Wine Shop ("Birmingham Wine"), located in the rear of 798 N. Old Woodward Avenue, Suite B. Birmingham Wine has been serving customers in Birmingham since 2013, and in its current location since 2019. We are applying for a variance to allow continued use of the property in the O-2 zoning district. While we recognize that use variances require a showing of unnecessary hardship, a different showing than for a dimensional variance, we strongly believe that the existing circumstances warrant granting our request.

A. History of the Property

The property is owned by 794 Old Woodward, LLC. Hunter Korth is the manager of the LLC. The space occupied by Birmingham Wine, known as "798 Rear N. Old North Woodward", was, prior to Birmingham Wine, last rented in July of 2013, when the prior tenant, Modern Monogram, closed their business and vacated the property.

Thereafter, Mr. Korth continuously made efforts to lease the space. He spoke to many interested parties and showed the property continuously in 2013 through 2015. However, the consistent negative factors referenced by prospective tenants for their lack of interest in leasing the property were lack of visibility and parking. The space has no visibility on Old Woodward. Customers must use a walkway on the side of the building from Old Woodward to access the wine shop. Photographs of the walkway are included with this submission, along with a survey showing

the location of the wine shop within the building, and the walkway. On the survey, the wine shop is the eastern part of Parcel 2, marked with a bold cross-hatch. The walkway is marked in yellow.

Having been unsuccessful in leasing the property for two and a half years, the owner completely renovated the space to a white box condition during 2016, at a cost of \$101,500. During those construction efforts, there were several showings of the property to prospective tenants but, again, the lack of visibility and parking was continuously referenced and no tenant was secured.

During 2017, after the construction was completed, several prospective tenants throughout the year viewed the space but, again, no lease was secured.

In 2018, the owner engaged CBRE as its broker to market the space. While some prospective tenants demonstrated interest, it was not until Birmingham Wine contacted CBRE in early 2019 that the space was finally leased, Birmingham Wine executing the lease in July of 2019.

The property owner has spent a considerable sum of money during the six years that the property was vacant, including renovation costs in excess of \$100,000, utilities, and taxes during that time period attributable to the vacant space, along with some attorney fees.

B. History of Birmingham Wine

Birmingham Wine has operated within the City since 2014, beginning with its original location at 588 N. Old Woodward, also in the O-2 zoning district. In December of 2013, under its prior ownership, Birmingham Wine submitted an Initial Merchant Application and received approved by the City's Building Department, Treasurer, and Public Safety Department. An occupancy permit application was submitted and the permit issued in February, 2014. In March and April of 2014, an application for signage was submitted and approved, and the occupancy permit was finalized on April 15, 2014. An administrative application for a goose neck sign lighting was submitted and approved in October of 2014.

During this entire period of time, the property was located in the O-2 zoning district, yet these permits were granted.

Ms. Fertal purchased Birmingham Wine in 2017. In 2019, because the 588 location was inadequate, they sought new space. She visited and toured the property about two blocks to the north at 798 N. Old Woodward, and, because it met all of Birmingham Wine's needs, a lease was executed in July of 2019. As noted, this property is also in the O-2 zoning district. Prior to executing the lease, Ms. Fertal called the City and the person who answered indicated that if she was staying in the same zoning district she would be able to move the shop from 588 to 798.

In September of 2019, administrative approval was given for a sign at the location. A sign permit application was submitted and, ultimately, approved in November, 2019.

On February 21, 2020, City officials spoke with an employee of Birmingham Wine and informed her that an occupancy and merchant license was required at the new location. Up until that time, Birmingham Wine was unaware that its occupancy of the property was contrary to the Zoning Ordinance, given the fact that the property was in the same zoning district as its previous location, Ms. Fertil's call with the City, and that the sign application had been issued and approved several months before. Shortly after this contact, on February 25, Birmingham Wine applied for its Initial Merchant License, which was recommended for approval by the City Clerk, Planning Department, Public Safety Department, and Treasurer. The Building Department indicated that it could not approve the merchant license application because an occupancy permit was required.

At this point, the COVID-19 pandemic hit and Birmingham Wine was affected. With encouragement from the Michigan Liquor Control Commission, it remained open as an essential business, though with some difficulty. . In September of 2020, a violation notice was sent. Hélène Fertil and Hunter Korth immediately contacted the City to determine what would be required for Birmingham Wine to lawfully remain in operation. They were advised that a variance from the Board of Zoning Appeals would be required, but that the City would conditionally issue a merchant license and occupancy permit. Those permits were ultimately issued in December 2020. Upon receipt, Birmingham Wine contacted my office to represent them in making this request before the BZA. Having spoken with my clients, I can assure the BZA that until this year they were not aware that they were in violation of the Zoning Ordinance, based upon the permits previously issued by the City going back to 2014, and the fact that their change of location was to a property in the same zoning classification. Upon being contacted by the City, they immediately took steps to request the required permits to lawfully remain in operation.

C. Standards for Variance

The City's Zoning Ordinance lists the following criteria and standards which the BZA must find to grant a variance:

- I. Because of special conditions applicable to the property in question, the conditions of the Zoning Ordinance, if strictly applied, unreasonably prevent the property owner from using the property for a permitted purpose.** The special circumstances applicable to this property revolve around the location of this space in the rear of the 798 N. Old Woodward building. This location has a significant lack of visibility for traffic on Old Woodward, together with parking issues. The impact of this lack of visibility is demonstrated by the fact that the property was vacant for six years before Birmingham Wine became a tenant. The allowed uses within the O-2 zoning district require prospective tenants in the allowed service and retail businesses to have that visibility, which has prevented the owner from leasing the space for six years and thus prevents the owner from using that portion of the property for a permitted use.
- II. Literal enforcement of the chapter will result in unnecessary hardship.** The unnecessary hardship has been demonstrated by the fact that the property was

vacant for a period of six years, notwithstanding consistent efforts by the property owner to lease the space, including the investment of over \$100,000 of renovations to attempt to make the space more marketable to prospective tenants. It simply was impossible for the property to be leased to a tenant consistent with the O-2 zoning classification.

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.

This variance will certainly be consistent with the spirit and purpose of the Zoning Ordinance. As noted, Birmingham Wine has always been operating within the O-2 zoning district, which does not allow sales of alcoholic beverages for off premise consumption. It does allow bakeries, banks without drive thru facilities, flower and gift shops, specialty food stores (defined as allowing sale of food and beverages), and tobacconists, among others, as permitted uses, and bistros and food and drink establishments as special land uses. Sales of alcoholic beverages for off premise consumption are allowed in other zoning districts, such as the B-1 district. We understand that the BZA has recently affirmed an administrative interpretation of the City that off premise alcoholic beverage sales are not a permitted use in the O-2 district. While we recognize the City's apparent intent and desire to separate sale of alcoholic beverage for off premise consumption from residential areas in its Zoning Ordinance, Birmingham Wine is a specialty store, not the typical off premise store selling a high volume of beer, wine, or hard liquors. All the properties in close proximity to 798 along its side of Old Woodward are in the O-2, PP, or B2B zoning districts. While there is residential zoning across the street, these properties are located in a multiple family residential district. While Birmingham Wine is not a specific permitted use in the O-2 zoning district, it certainly is a reasonable use of its space, given the location of the building on a well-traveled road and the uses of the surrounding properties. It is popular in its current location and meets a significant market demand within the area.

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. As noted above, the requested variance is absolutely necessary to allow the property owner to make a reasonable use of its land. As noted in section III above, this use will not be detrimental to owners of other property in the area. It will, in fact, enhance the area by drawing customers to Birmingham Wine, who could be potential customers for the service and retail uses nearby.

In addition, one of the tests for a zoning variance is that the problem not be self-created. This certainly is not the case in this particular circumstance; the property owner did not create the issues with regard to visibility, nor, of course, did the property owner self-create a situation where it could not lease its space to prospective tenants.

For all the forgoing reasons, we respectfully request that the variance be granted. I look forward to discussing these matters with you at the BZA meeting. Please feel free to contact me in advance with any questions or if you need any additional information

Very truly yours,

ADKISON, NEED, ALLEN, & RENTROP, PLLC

A handwritten signature in black ink, appearing to read 'G. K. Need', with a stylized flourish at the end.

Gregory K. Need

/mms

January 12, 2021

VIA HAND DELIVERY

Board of Zoning Appeals
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, Michigan 48012

**Re: 798 Rear Old North Woodward
Birmingham Wine Shop**

Dear Board Members:

I have reviewed the letter of Mr. Need with regard to the request for variance. I provided most of the information contained in section B of the letter "History of Birmingham Wine" and I affirm that those statements are true and accurate.

Winesense LLC d/b/a Birmingham Wine Shop

A handwritten signature in black ink, appearing to be 'H. Fertal', with a long horizontal stroke extending to the right.

Helene Fertal, Member

/mms

January 12, 2021

VIA HAND DELIVERY

Board of Zoning Appeals
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, Michigan 48012

**Re: 798 Rear Old North Woodward
Birmingham Wine Shop**

Dear Board Members:

I have reviewed the statement of Mr. Need with regard to the request for variance. I provided the information contained in section A of the letter "History of the Property" and I affirm that those statements are true and accurate.

794 Old Woodward, LLC

A handwritten signature in black ink, appearing to read "Hunter Korth", written over a horizontal line.

Hunter Korth, Managing Member

/mms

Google Maps Birmingham Wine



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 Helene Fertal

Photo - Jul 2020

