

City of Birmingham
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, October 11, 2022
7:30 PM

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

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

Meeting Code: 963 4319 8370

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

October 11, 2022
7:30 PM

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

a) The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. The cases of COVID-19 are increasing in the area. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

4. APPROVAL OF THE MINUTES

a) September 9, 2022

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	600 ATEN CT	GGA SERVICES	22-40	DIMENSIONAL
2)	1998 BOWERS	BOGOSIAN	22-43	DIMENSIONAL
3)	547 BLOOMFIELD CT	ALEXANDER	22-44	DIMENSIONAL
4)	1016 PIERCE	EILANDER	22-45	DIMENSIONAL

6. CORRESPONDENCE

7. GENERAL BUSINESS

OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

ADJOURNMENT

Title VI

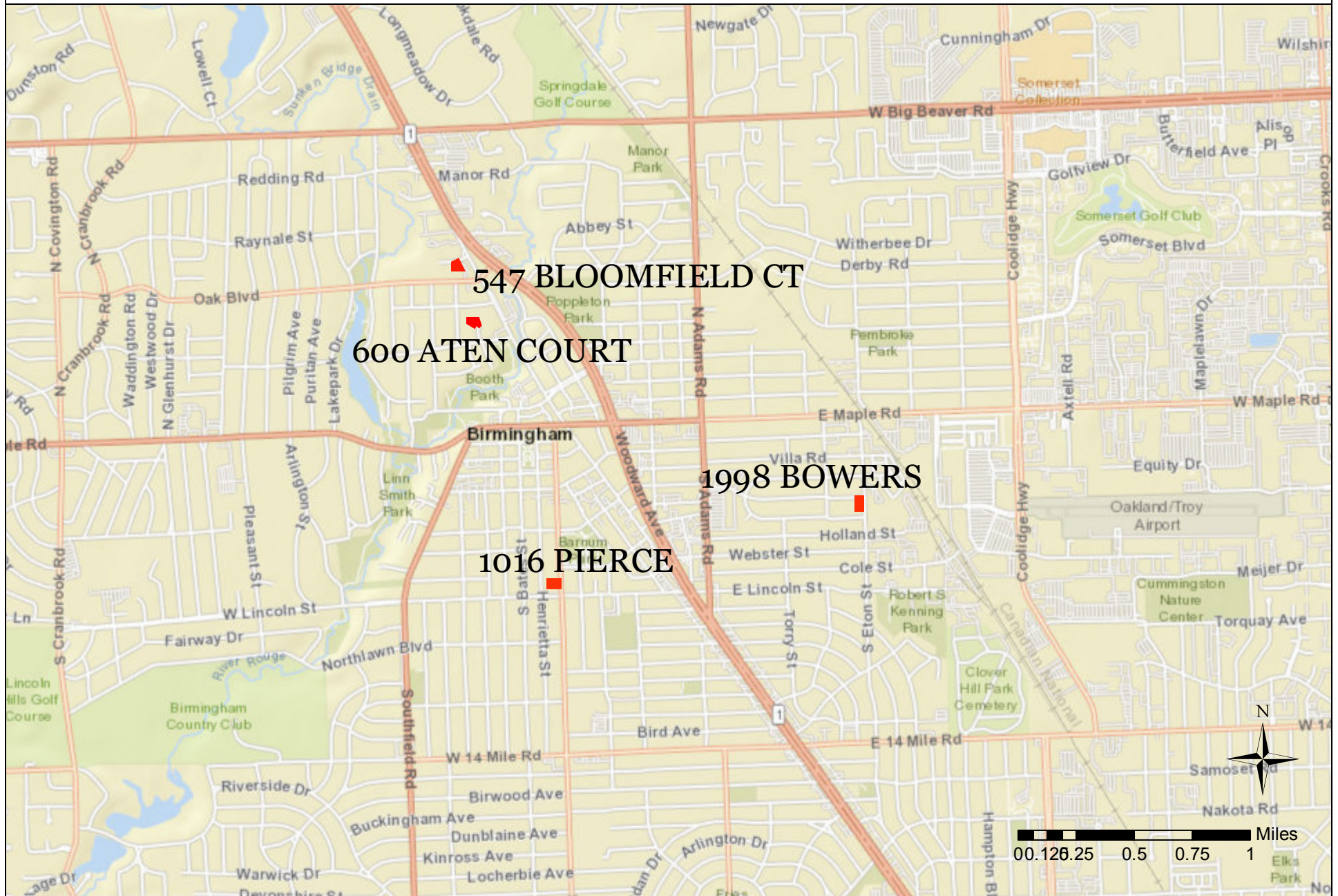
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing,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

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

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

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

OCTOBER BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
Tuesday, September 13, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the special meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, September 13, 2022. Chair Erik Morganroth convened the meeting at 7:30 p.m.

2. Rollcall

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

Absent: Alternate Board Member Carl Kona

Staff: Senior Planner Cowan, City Transcriptionist Eichenhorn, Assistant Building Official Morad, Assistant Building Official Zielke

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

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

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

3. Announcements

The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. The cases of COVID-19 are increasing in the area. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

4. Approval Of The Minutes Of The BZA Meetings Of July 26, 2022 and August 9, 2022

T# 09-58-22

Motion by Mr. Lillie

Seconded by VC Canvasser to accept the Minutes of the BZA meeting of July 26, 2022 as amended.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

T# 09-59-22

Motion by VC Canvasser

Seconded by Mr. Lillie to accept the Minutes of the BZA meeting of August 9, 2022 as submitted.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

5. Appeals

T# 09-60-22

**1) 600 Aten Ct
Appeal 22-40**

ABO Zielke presented the item, explaining that the owner of the property known as 600 Aten Ct was requesting the following variances to construct a new single family home with an attached garage:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback is the average of homes within 200.00 feet in each direction. The required is 32.40 feet. The proposed is 27.83 feet, therefore, a variance of 4.57 feet is being requested.

B. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that private, attached, single-family residential garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal building that is

furthest setback from the front property line. The proposed is the garage is 0.23 feet in behind the furthest façade. Therefore, a variance of 4.77 feet is being requested.

Staff answered informational questions from the Board.

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

In reply to the Chair, Mr. Aerts confirmed that variance B was necessary because the garage would not function because of the angles of the garage doors and the depth of the garage.

Mr. Miller asked for further clarification regarding the necessity of variance B since the home would be entirely new construction.

Mr. Aerts said the odd-shaped lot and the curved setback would cause difficulty for vehicles backing out of the garage if variance B were not granted. He explained that the garage doors would not be squared to the curb without the variance.

Mr. Miller said it seemed the garage could maintain its angle and be pulled straight back by 4.77 feet to remedy that issue.

Mr. Aerts said that would result in one part of the garage meeting the five foot setback requirement but the middle part of the house would be ten feet from the setback requirement. He said he thought variance B met the spirit of the ordinance for the offset of the garage doors and the house.

Mr. Miller said it was still not clear to him why Mr. Aerts believed that the garage could not maintain its angle and be pulled straight back by 4.77 feet.

Public Comment

Ronald Houseman and Samuel Alsawah, neighbors, both said they wanted to better understand how the proposed home would sit on the lot versus the present home.

The Chair said the proposed home would be a similar distance from the street as Mr. Alsawah's home at 626 Aten.

Phyllis Clark, neighbor, said she would like the plans to be reconfigured.

Seeing no further public comment, the Chair returned discussion to the Board.

Mr. Hart said that the home at 626 Aten was before the Board in November or December 1999 for a similar issue and was granted a variance at that time.

The Chair noted that information showed that there was a previous variance granted for a similar issue.

Mr. Miller said it would have been helpful to see how the proposed home would sit in relation to the other homes in the circle. He said it also would have been helpful to see where the proposed home would sit in relation to the existing home. He said that information likely would have helped Mr. Houseman and Dr. Alsawah better understand the proposal as well.

The Chair noted for Mr. Houseman and Dr. Alsawah that the proposed home would meet the rear setback requirement, unlike the present home on the lot. He noted that the proposed home would also be further from the street than the present home.

Mr. Hart said the plan did not show where the southeast corner of the home was in relation to the property line. He said the dimensions of the existing survey would have been helpful for review.

In reply to the Chair, Mr. Aerts said that, at the corner of the garage, the proposed home would be four feet further from the street than the present home.

The Chair offered Mr. Aerts the opportunity to table this appeal to the next month's hearing, given a number of comments from Board members about the desire for more information on the plans.

The Chair asked the Board members whether they felt they had sufficient information to vote on the appeal.

Mr. Miller noted that granting encroachments into front yard setbacks is uncommon. He also noted that there were concerns from the neighbors. He said that the appellant's submittal was minimal and that the dimensions described by the appellant could not be entirely substantiated by the plans provided. Mr. Miller reiterated his preferred information from his prior comment.

Mr. Aerts replied that he would accept the Chair's offer to table the appeal.

Motion by Mr. Lillie

Seconded by Mr. Reddy to table Appeal 22-40 to the next regularly scheduled Board of Zoning Appeals meeting and that the present additional information as requested by Board members.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

The Chair said it would be helpful to see all the homes within 200 feet and the home that is 60 feet back so the neighbors see that the proposed home at 600 Aten would align with the other homes.

The Chair also advised Ms. Clark to have her daughter resubmit her letter in regards to 600 Aten since the letter was not yet received by the Board.

T# 09-61-22

**2) 588 S Old Woodward
Appeal 22-41**

SP Cowan presented the item, explaining that the owner of the property known as 588 S Old Woodward was requesting the following variance:

A. Chapter 126, Article 4, Section 4.46(A) Table A of the Zoning Ordinance requires that eating establishments provide 1 parking space for each 75 square feet of floor area. The applicant, Phoenicia, is proposing a 1,381 square foot addition to their restaurant, which will total 4,081 square feet; therefore, 54 parking spaces will be required. The applicant is proposing 34 parking spaces on-site; therefore, a variance of 20 parking spaces is being requested.

Staff answered informational questions from the Board.

Mr. Lillie said he would not have a problem approving a variance for the increase in parking spaces resulting from the increase in the kitchen area. He said he had more concerns about granting a variance for the parking space requirements stemming from the dining areas since those will increase traffic to the establishment and parking is already being lost from the street due to the S. Old Woodward project.

The Chair noted that there tends to be much less demand for parking in the area around Phoenicia during the establishment's hours of operation.

Mr. Hart noted that, per the City's data, the 555 Building offers sufficient public parking during Phoenicia's hours of operation to accommodate Phoenicia's increased parking requirements, even if a parking lease agreement was not reached between Phoenicia and the 555 Building.

Richard Russell, attorney, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet. Mr. Russell introduced Sameer (Samy) Eid, owner of Phoenicia, Victor and Alex Saroki, architects for the project, and John Kelly, general contractor for the project.

Mr. Russell stated that earlier in the day on September 13, 2022, Mr. Eid had been able to reach a parking agreement with Birmingham Place's management for ten parking spaces for Phoenicia employees. Mr. Russell noted that Birmingham Place was approximately 400 feet away from Phoenicia, and offered to distribute to the Board a letter from Birmingham Place confirming the agreement.

Given the newness of the shared parking proposal with Birmingham Place, SP Cowan noted that Staff had not conducted a formal analysis to determine whether Birmingham Place had an available ten parking spaces to offer Phoenicia's employees.

The Chair noted that the ten parking spaces being offered by Birmingham Place would usually be used by a real estate office, which would have different peak hours than Phoenicia.

Mr. Russell said the appellant team would work with City Staff to show that the ten parking spaces would be and remain available for Phoenicia's employees' use.

The Chair observed that since the ordinance does not specify whether the parking requirements are for patrons or employees, the ten parking spaces assigned to employees could be considered to offset the 20 parking space variance being requested.

In reply to an inquiry from the Chair, Mr. Russell said the need for the variance was not self-created by the addition of the private dining room. He explained that the need for the variance was driven entirely by the addition of the non-patron-seating areas. He noted that if only the private dining room were being added, Phoenicia's present 34 parking spots would be more than sufficient to meet the establishment's parking requirements.

In reply to Mr. Russell's statement that many of Phoenicia's patrons walk to the establishment, the Chair noted that the Board's review of a variance request from the Whistle Stop Diner was a similar case.

In reply to a question from VC Canvasser, Mr. Eid stated that prior to the S. Old Woodward project all employees were parked on-site.

The Chair noted if the parking agreement with Birmingham Place were allowed to be a factor in the present appeal, the Board would also likely have to consider a future variance for the distance of the parking location since it exceeds the 100 feet allowed by the ordinance.

SP Cowan said that if the appellant wanted the parking agreement with Birmingham Place to be considered, that proposal would first have to be reviewed by the Planning Board and the City Commission because it would represent a change to Phoenicia's Special Land Use Permit (SLUP) agreement.

VC Canvasser recommended that the parking agreement with Birmingham Place not be considered as part of the present appeal unless the appellant wanted to go through another review with the Planning Board and City Commission first.

The Chair concurred, saying that the Board would vote on the variance request without reference to the parking agreement with Birmingham Place. He noted that, in the case of a denial, an appellant is allowed to submit a new appeal so long as the new appeal is substantially different from the prior, denied appeal. He observed that a proposal for a shared parking agreement could likely meet the requirement of being substantially different from the present appeal.

In reply to Mr. Lillie, Mr. V. Saroki stated that the addition to the kitchen would be 724 sq. ft.

Mr. Russell noted the kitchen addition accounted for nine of the additional required parking spaces. He said the parking agreement with Birmingham Place should be understood not as an alternative to the variance request but rather as a sign of Mr. Eid's good-faith efforts to mitigate any potential parking concerns.

Mr. Lillie noted that the business owner at 670 S. Old Woodward previously submitted a similar request for a parking variance that was not granted.

Mr. V. Saroki stated that there is abundant parking available on S. Old Woodward in the evenings.

Public Comment

Tricia Stanton, resident of Chester, and Wendy Zabriskie, resident of Watkins, said their families and their neighbors regularly patronize Phoenicia and walk to the establishment instead of driving.

In reply to the Chair, Ms. Stanton said walking to Phoenicia and other City businesses was due to preference and not due to parking difficulties.

Ms. Zabriskie also reiterated her comments from the April 27, 2022 Planning Board review of this item where she stated that the City's parking requirements are archaic and should be modified.

Seeing no further public comment, the Chair returned discussion to the Board.

Motion by Mr. Hart

Seconded by Mr. Yaldo with regard to Appeal 22-41, A. Chapter 126, Article 4, Section 4.46(A) Table A of the Zoning Ordinance requires that eating establishments provide 1 parking space for each 75 square feet of floor area. The applicant, Phoenicia, is proposing a 1,381 square foot addition to their restaurant, which will total 4,081 square feet; therefore, 54 parking spaces will be required. The applicant is proposing 34 parking spaces on-site; therefore, a variance of 20 parking spaces is being requested.

Mr. Hart moved to approve the variance request and tied approval to the plans as submitted. He explained that the appellant appropriately outlined the issues arising from the establishment's location and improvements. He said the improvements to the building, which include the kitchen, bathrooms, storage areas, and locker room for employees, would not increase vehicular traffic to the establishment. He said the loss of on-street parking was also impacting the establishment and causing a practical difficulty. He said that granting the variance would do substantial justice to the neighborhood by allowing Phoenicia to continue operation. He said that the improvements would also increase the safety of the building. Mr. Hart said the need for a variance was not a self-created issue.

Mr. Yaldo said he would support the motion in part because the request aligns with the City's draft 2040 Master Plan. He said other arguments were made that

demonstrated a practical difficulty. He said allowing Phoenicia to make necessary upgrades was important as well.

Mr. Miller concurred with Mr. Yaldo regarding the alignment between the present request and the draft 2040 Master Plan.

Mr. Miller also lent his support to the motion. He contrasted this request from some other parking variance requests by noting that this request stemmed from a continuing operation and not from a new function on-site. He said the improvements would benefit the operator and patrons. He noted that the proposed upgrades would bring Phoenicia into alignment with the City's code requirements, which help protect the health, safety, and welfare of the community. He stated that the Board should generally encourage operators to make these kinds of upgrades. In this case, bringing the building into alignment with the City's codes created the need for the parking variance. He said the addition of the small private dining room was incidental. He said Phoenicia's location was unique and that approving the variance would be doing a service to the City.

VC Canvasser noted that the draft 2040 Master Plan was not yet adopted, and stated that neither the present or the draft Master Plan would be the basis for his vote. He said he would also not support the motion on the basis of Phoenicia's excellent reputation. VC Canvasser said he would support the motion since the ordinance requires parking for interior spaces with no seating, but does not require parking for exterior spaces with seating. He said that given these incongruities, granting the variance would do substantial justice to the appellant. He said the four factor test for granting the variance had been met.

The Chair said he would also support the motion. He said he lives nearby Phoenicia and usually walks, and noted that he regularly sees residents getting carry-out from the establishment and walking more than 100 feet to their vehicles. He concurred with VC Canvasser's comment about the incongruity in the ordinance. He said the proposed improvements to the restaurant were necessary given that presently some of the storage is in the exterior rear of the building, and said the improvements would benefit the City. He said he could not think of a reason to require more parking for interior spaces that will not add more patrons. He said that while the private dining room would generate the need for some additional parking, it would likely be offset by the number of patrons who walk to the establishment.

Mr. Lillie noted that a number of comments were made regarding the present parking ordinance. He explained that resolving potential issues with the present ordinance was a matter for the City Commission, and not for the BZA.

Motion carried, 6-1.

ROLL CALL VOTE

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

Nays: Lillie

T# 09-62-22

**3) 167 N Old Woodward
Appeal 22-42**

SP Cowan presented the item, explaining that the owner of the property known as 167 N Old Woodward was requesting the following variance:

A. Chapter 126, Article 4, Section 4.54(C)(8) of the Zoning Ordinance requires that rooftop mechanical and other equipment be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way. The applicant is proposing two new rooftop mechanical units without a screen wall, therefore a variance of 342 square feet (171 square feet per unit) is being requested.

Mr. Yaldo stated that he had a familial relationship with the principal/owner of the property. He said he had no financial interest, direct or indirect, in the matter and did not believe that the relation would impact his ability to hear the matter or vote on it fairly. He said he was willing to provide further information to the Board and/or step out of the room if necessary.

The Board raised no concerns in reply to Mr. Yaldo. The Chair stated that Mr. Yaldo's disclosure would be noted.

Staff answered informational questions from the Board.

Mike Klingl, of JSD Professional Services, Inc, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet. Mr. Klingl added his contention that the mechanical units would not be viewable from the street, from the nearby two-story buildings, or from the more-distant, taller buildings, which made screening the mechanical units unnecessary.

The Chair explained that the other non-screened mechanical units on the roof of this and other buildings are pre-existing non-conforming. He noted that the City generally expects pre-existing non-conforming conditions to come into compliance with the ordinance when changes or updates to those conditions are made. Consequently, Mr. Klingl's client was being asked to screen their new mechanical units while other, older units on the same roof were not yet required to be screened.

In reply to Mr. Lillie, Mr. Klingl stated that the drawings with the screened mechanical units were not part of the original submittal. He stated that screens were added to the drawings when he was notified by the City that the screens would be required.

Mr. Miller asked Mr. Klingl if the new mechanical units would have been installed had he been initially aware of the screening requirements.

Mr. Klingl said he was not sure.

Mr. Yaldo asked if the fact that the mechanical units could not be viewed could cause a unique circumstance of the property that lead to a practical difficulty.

Mr. Klingl reiterated his contention that his client's mechanical units were not visible from the street or from other buildings.

The Chair said that basing whether to screen mechanical units on mechanical unit visibility would require a change to the ordinance, which would be a matter for the City Commission.

Motion by Mr. Miller

Seconded by VC Canvasser with regard to Appeal 22-42, A. Chapter 126, Article 4, Section 4.54(C)(8) of the Zoning Ordinance requires that rooftop mechanical and other equipment be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way. The applicant is proposing two new rooftop mechanical units without a screen wall, therefore a variance of 342 square feet (171 square feet per unit) is being requested.

Mr. Miller moved to deny the variance request. He said that screening of mechanical units in the downtown is a positive element in the ordinance, and noted that as mechanical units are updated more screening would occur. He said it was difficult for the Board to determine where sightlines from the street and adjacent buildings could be vis-a-vis the appellant's mechanical units.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

6. Correspondence

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

T# 09-63-22

8. Adjournment

Motion by VC Canvasser

Seconded by Mr. Yaldo to adjourn the September 13, 2022 BZA meeting at 9:55 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Bruce R. Johnson, Building Official

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

Laura Eichenhorn

City Transcriptionist

CASE DESCRIPTION

600 Aten Court (22-40)

Hearing date: October 11, 2022

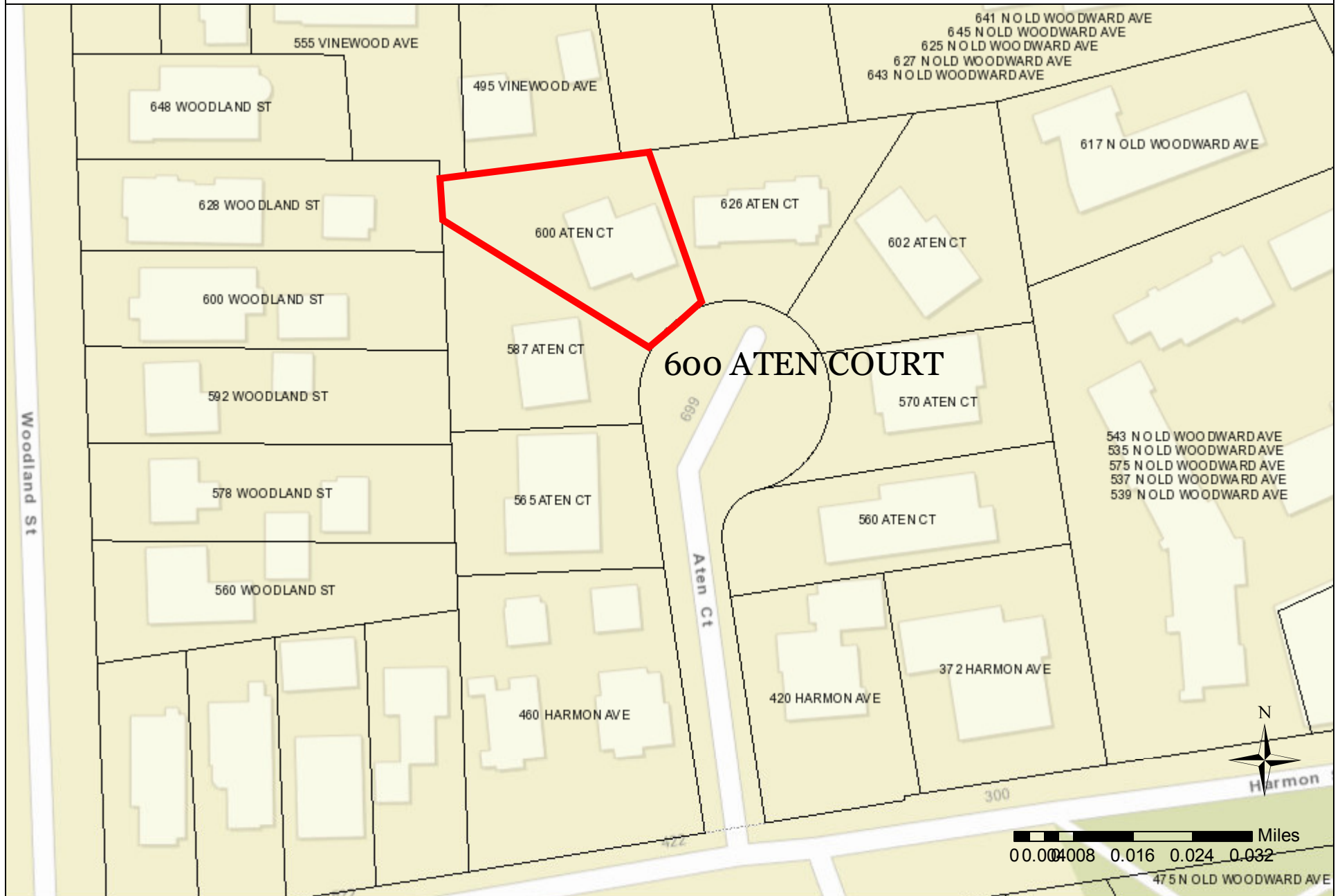
Appeal No. 22-40: The owner of the property known **600 Aten Court**, requests the following variances to construct a new single family home with an attached garage:

- A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback is the average of homes within 200.00 feet in each direction. The required is 32.40 feet. The proposed is 27.83 feet, therefore, a variance of 4.57 feet is being requested.
- B. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that private, attached, single-family residential garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The proposed is the garage is 0.23 feet in behind the furthest façade. Therefore, a variance of 4.77 feet is being requested.

Staff Notes: The applicant was in front of the board last month (see minutes) looking for a variance to construct a new home with an attached garage on an irregular shaped lot. This appeal got tabled until this month for some clarity and additional details.

This property is zoned R2 – Single family residential.

600 ATEN COURT 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: 7.12.22

Hearing Date: _____

Received By: HT

Appeal #: 220040

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

Address: <u>600 ATEN CT.</u>	Lot Number: _____	Sidwell Number: <u>19-25-327-022</u>
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II. OWNER INFORMATION:

Name: <u>1844 COLE STREET LLC.</u>			
Address: <u>787 GREENWOOD ST.</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>greg@gaerts.com</u>		Phone: <u>248-622-6263</u>	

III. PETITIONER INFORMATION:

Name: <u>GREGORY AERTS</u>	Firm/Company Name: <u>66A SERVICES, LLC.</u>		
Address: <u>787 GREENWOOD ST.</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>greg@gaerts.com</u>		Phone: <u>248-622-6263</u>	

IV. GENERAL INFORMATION:

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

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

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

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

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

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

Signature of Owner: <u>[Signature]</u>	RECEIVED JUL 12 2022	Date: <u>7/11/22</u>
Signature of Petitioner: <u>[Signature]</u>		Date: <u>7/11/22</u>

CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPT.

LETTER OF DIFFICULTY & HARDSHIP

PROJECT: 600 ATEN COURT, BIRMINGHAM, MI.

09.28.22

VARIANCE A: FRONT SETBACK.

The Subject Property is on a cul-de-sac, with an unusual curved front property line and trapezoidal lot shape. We are proposing to build a new home on the property. When calculating the average front setback, seven (7) other homes are within the required 200-foot distance. One property, 602 Aten Court, has a setback that is far greater than all the other properties, at 60.0 feet, approximately double all the other homes in the calculation. This creates an average setback of 32.4 feet. Since 602 Aten Court is not among the homes directly around the cul-de-sac, we feel that this is in excess of what is adequate to provide a consistent front setback on the street and creates hardship. We propose to eliminate the 60-foot setback from the average; in doing so, the resulting calculation would make the required setback for the Subject Property 27.83 feet. It is important to note that the existing home on the property has a front setback of 23.67 feet; therefore, our proposal will mitigate the existing non-conforming front setback by 4.16 feet.

VARIANCE B: GARAGE SETBACK FROM HOUSE.

The unique shape of the lot and curved front setback line creates a very unusual difficult condition for the design of the house. In order to meet the ordinance requirement, we would need to provide a much greater offset then required where the garage meets the house. We are proposing a design that provides a 5-foot setback from the proposed front house setback line to the front wall of the garage, where the garage meets the house, which we believe meets the spirit of the ordinance. Because of the odd shape of the lot, and unusually restrictive lot depth on the east side, we are proposing a garage front wall that maintains an appropriate square angle to the side lot line, while effectively providing the 5-foot offset at the house.

Respectfully Submitted:



Gregory Aerts, AIA



LETTER OF DIFFICULTY & HARDSHIP

PROJECT: 600 ATEN COURT, BIRMINGHAM, MI.

07.12.22

VARIANCE A: FRONT SETBACK.

The Subject Property is on a cul-de-sac, with an unusual curved front property line and trapezoidal lot shape. We are proposing to build a new home on the property. When calculating the average front setback, seven (7) other homes are within the required 200-foot distance. One property, 602 Aten Court, has a setback that is far greater than all the other properties, at 60.0 feet, approximately double all the other homes in the calculation. This creates an average setback of 32.4 feet. Since 602 Aten Court is not among the homes directly around the cul-de-sac, we feel that this is in excess of what is adequate to provide a consistent front setback on the street and creates hardship. We propose to eliminate the 60-foot setback from the average; in doing so, the resulting calculation would make the required setback for the Subject Property 27.83 feet. It is important to note that the existing home on the property has a front setback of 23.67 feet; therefore, our proposal will mitigate the existing non-conforming front setback by 4.16 feet.

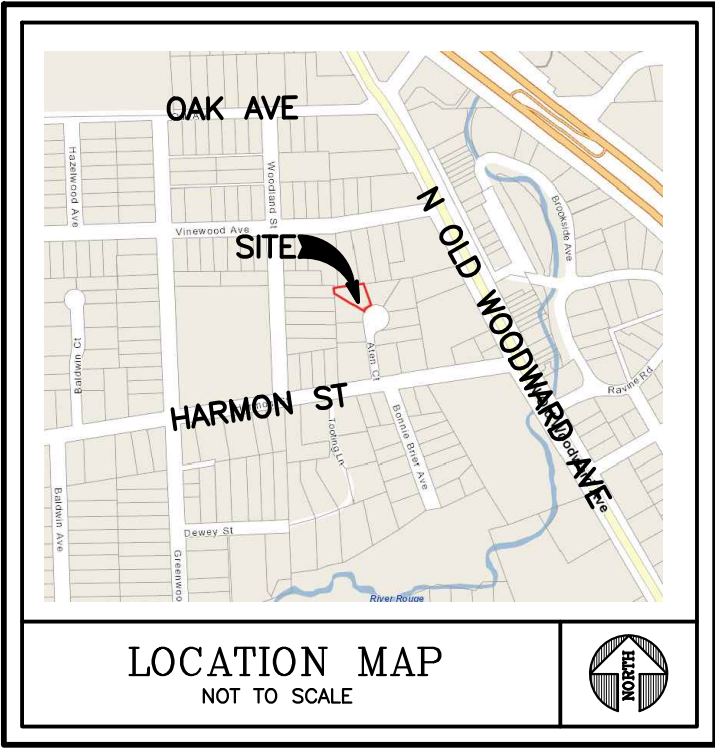
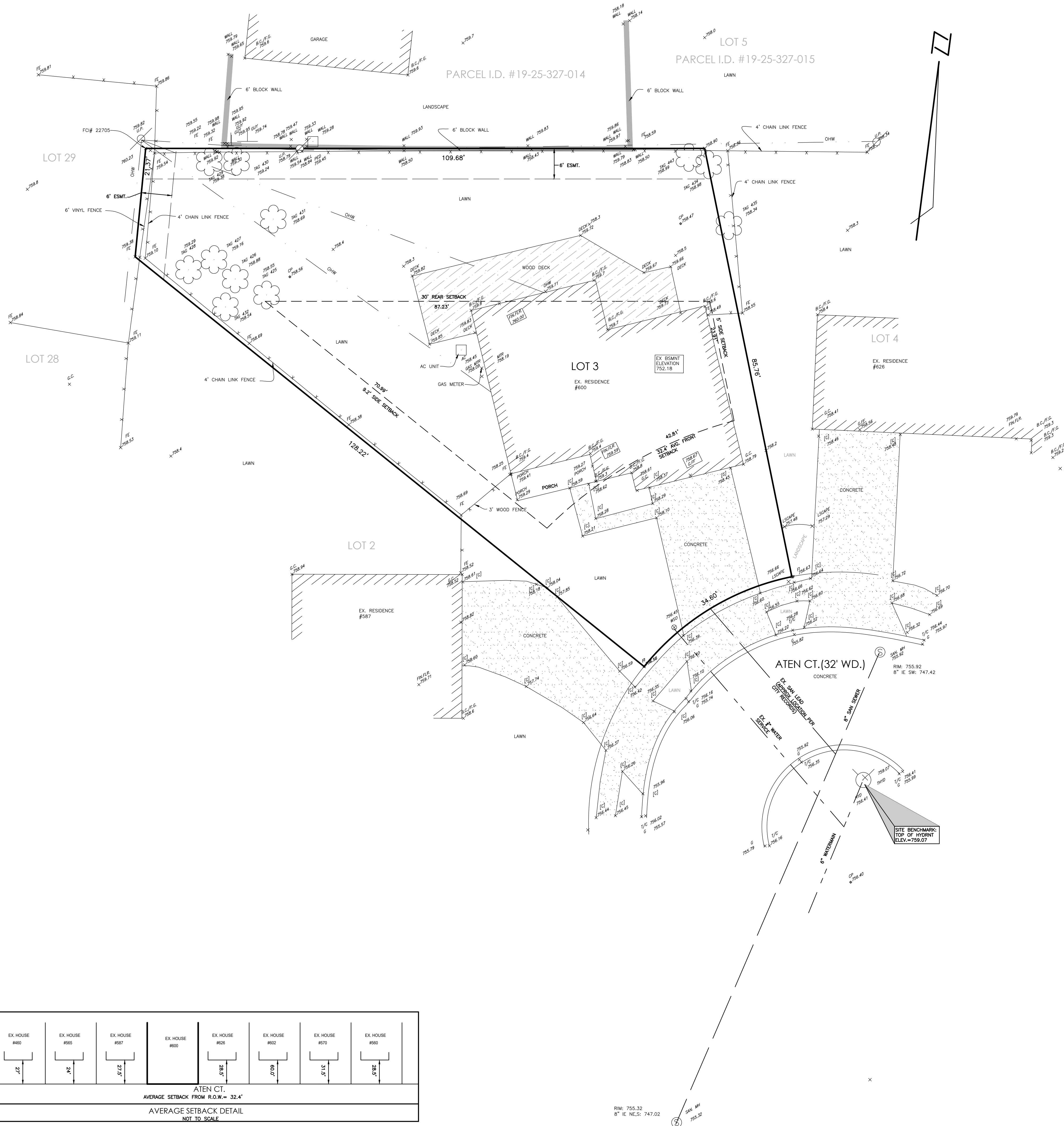
VARIANCE B: GARAGE SETBACK FROM HOUSE.

The unique shape of the lot and curved front setback line creates a very unusual difficult condition for the design of the house. We are proposing a design that provides a 5-foot setback from the proposed front house setback line to the front wall of the garage, where the garage meets the house, which we believe meets the spirit of the ordinance. Because of the odd shape of the lot, and unusually restrictive lot depth on the east side, we are proposing a garage front wall that maintains an appropriate square angle to the side lot line, while effectively providing the 5-foot offset at the house.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Gregory Aetis', is written over a horizontal line.

Gregory Aetis, AIA



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

- LEGEND**
- SECTION CORNER
 - FOUND IRON, MON., NAIL
 - SET IRON
 - RECORDED
 - MEASURED
 - CALCULATED
- EXISTING DESCRIPTION**
- U.P.B. = UTILITY POLE
 - E.WOODS = EDGE OF WOODS
 - B/BM = BOTTOM OF BERM
 - T/BM = TOP OF BERM
 - A/P = EDGE OF ASPHALT
 - (C) = EDGE OF CONCRETE
 - C.M.P. = CORRUGATED METAL PIPE INVERT
 - T.WALL = TOP OF WALL
 - B.WALL = BOTTOM OF WALL
 - E.W. = EDGE OF WATER
 - B.C.F.G. = BUILDING CORNER/FINISHED GRADE
 - MCR = MARKER
 - W.S.O. = WATER SHUT OFF
 - CL = CENTERLINE
 - SAN. MH = SANITARY MANHOLE
 - C.B.B. = CATCH BASIN BEEHIVE
 - T/C = TOP OF CURB
 - STM. MH. = STORM MANHOLE
 - T/B = TOP OF BANK
 - B/B = BOTTOM OF BANK
 - CL = CENTERLINE
 - C.B.S. = CATCH BASIN SQUARE
 - LP = LIGHT POLE
 - GW = GATE VALVE/WELL
- PR. 000.00 = PROPOSED GRADE
000.00 = EXISTING GRADE
PR-000.00 = PLAN PROPOSED GRADE NO LONGER APPLICABLE
- = C.B. FILTER
 = SILT FENCE

TREE SURVEY			
TAG #	DIA (IN.)	SPECIES	SPREAD (FT.)
425	13	PINE	20
426	10	ELM	25
427	19	BLACK WALNUT	45
428	20	BLACK WALNUT	45
429	9	BLACK WALNUT	35
430	9	BLACK WALNUT	35
431	4	PINE	10
432	6	MULBERRY	10
434	8	BLACK WALNUT	10
435	7	ORNAMENTAL	15
443	15	BLACK WALNUT	40

SETBACK INFORMATION
ZONING = R2
FRONT = 30.4' (AVG.)
SIDE = 5'(MIN.), 14.2'(TOTAL)
REAR = 30'
BUILDING TO BUILDING MIN. = 14.2'

PROPERTY DESCRIPTION:
T2N, R10E, SEC 25 ATEN SUB LOT 3

EX. HOUSE #600	EX. HOUSE #555	EX. HOUSE #587	EX. HOUSE #600	EX. HOUSE #626	EX. HOUSE #602	EX. HOUSE #570	EX. HOUSE #560
27'	24'	27.5'		28.5'	60.0'	31.5'	28.5'
ATEN CT. AVERAGE SETBACK FROM R.O.W. = 32.4'							
AVERAGE SETBACK DETAIL NOT TO SCALE							

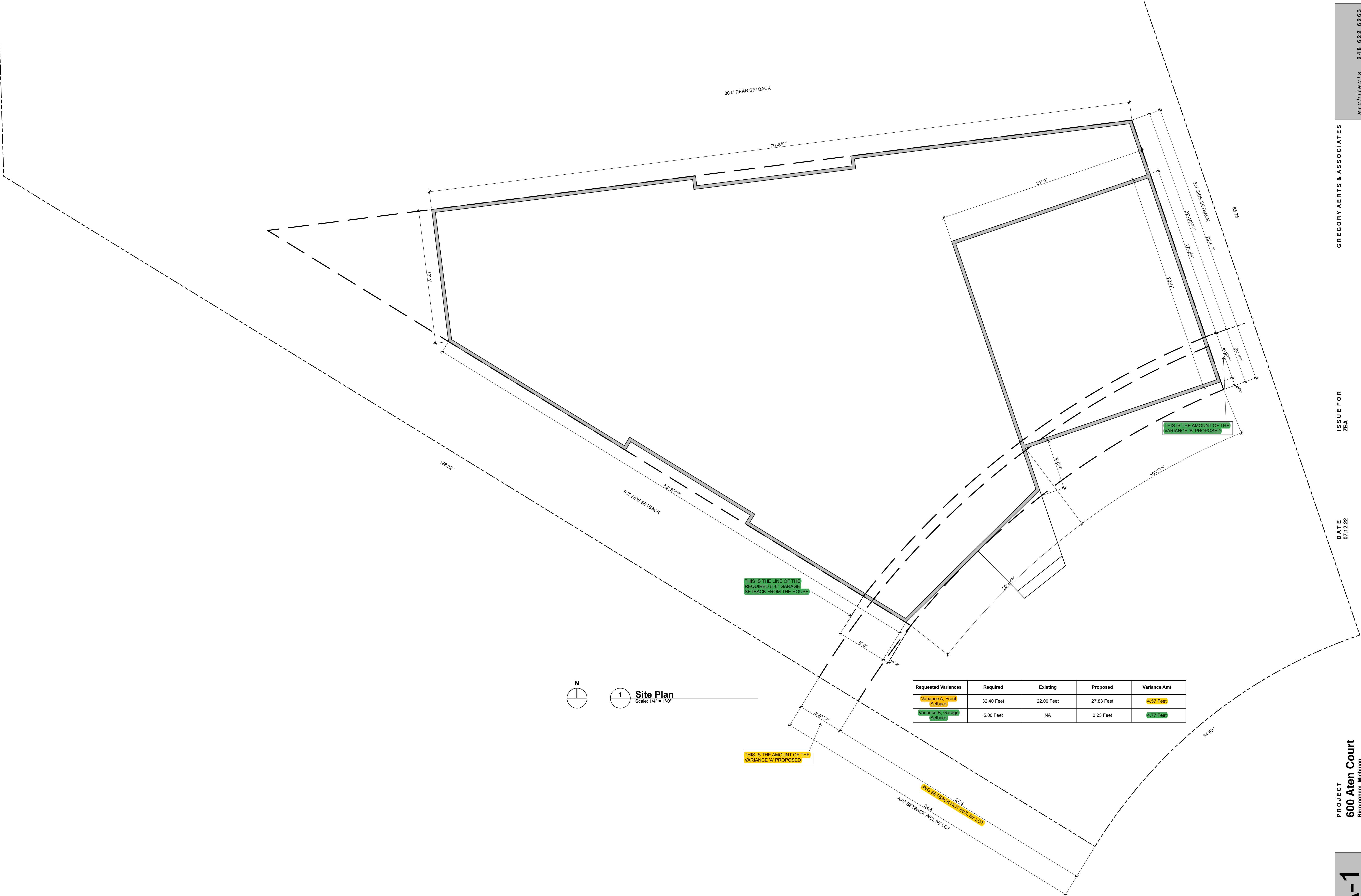
811
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE)

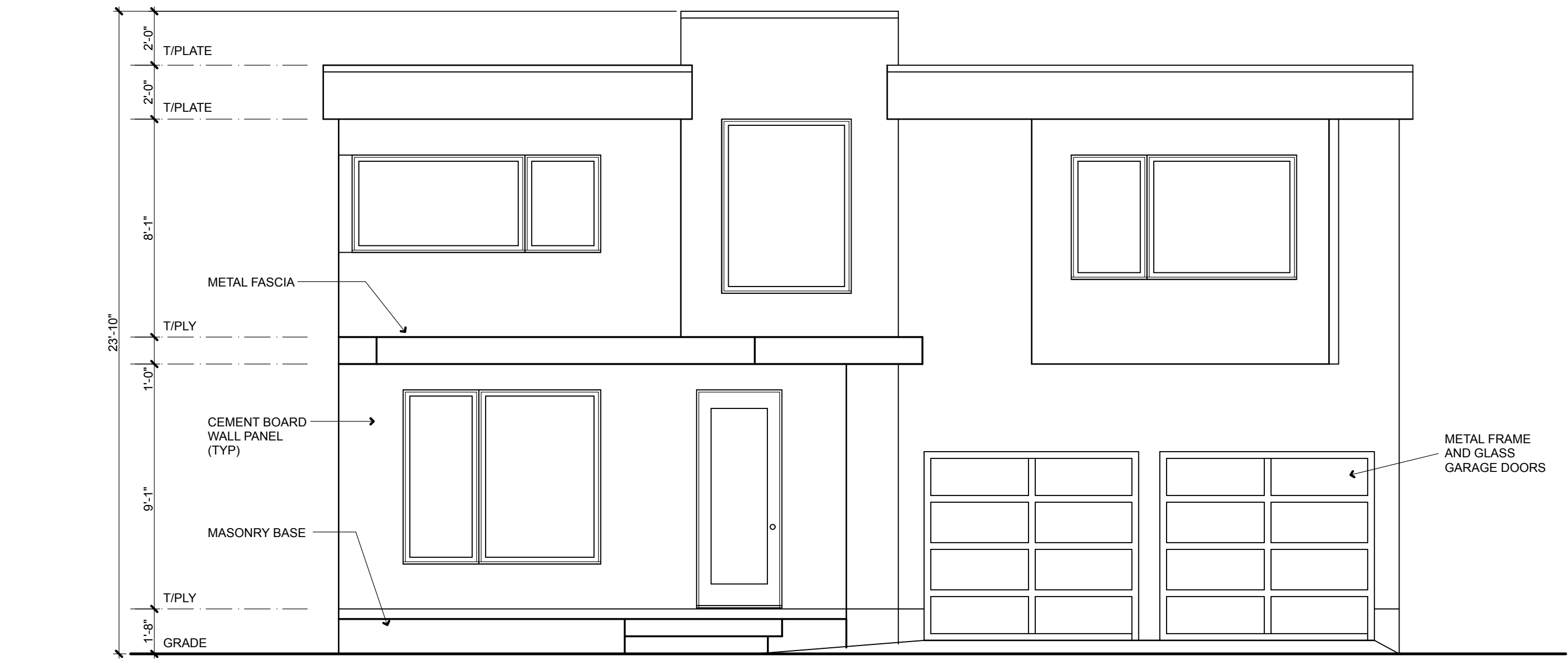
ADDRESS: 600 ATEN CT
PARCEL I.D. #19-25-327-022

CITY BENCHMARK #25: BRASS DISC LOCATED AT SW CORNER OF GREENWOOD & OAK, ELEVATION: 763.883 (CITY DATUM)
SITE BENCHMARK: TOP OF HYDRANT, ELEVATION: 759.07 (CITY DATUM)

REVISIONS			
SCALE: 1" = 10'	FIELD: B.J.H.	SHEET SIZE: 24 x 36	DRAWN BY: R.PERRI
DATE: 5/6/22	CHECKED: J.S.R., P.E.		
TOPOGRAPHIC MAPPING UPON 600 ATEN CT PART OF SECTION 25, T2N, R10E CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN			
CLIENT: GREGORY AERTS ARCHITECTURE, INC.			DRAWING NUMBER: 22-00220

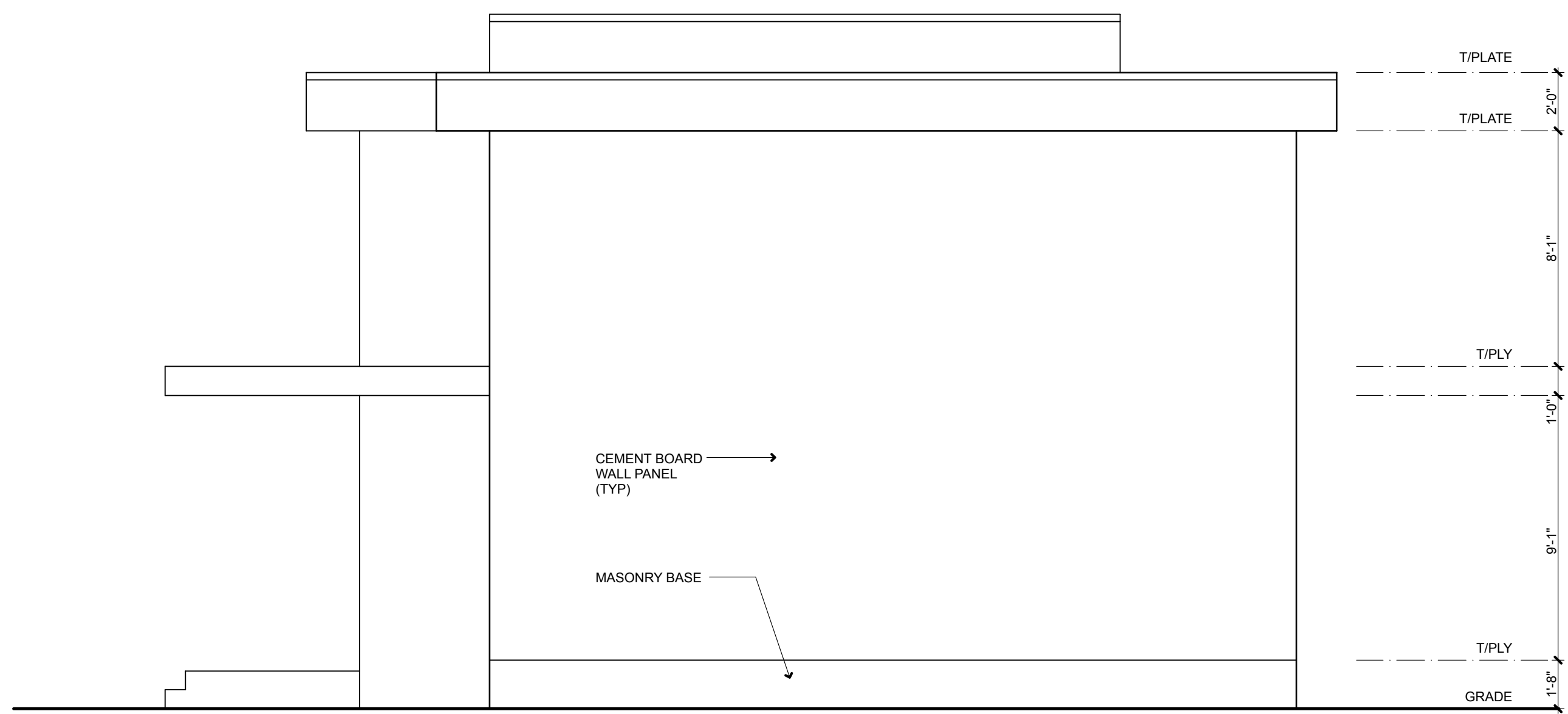
Fenn & Associates, Inc.
Land Surveying and Civil Engineering
14933 Commercial Drive, Shelby Township, MI 48315
Phone: 586-254-9577 Fax: 586-254-9020 www.fennsurveying.com





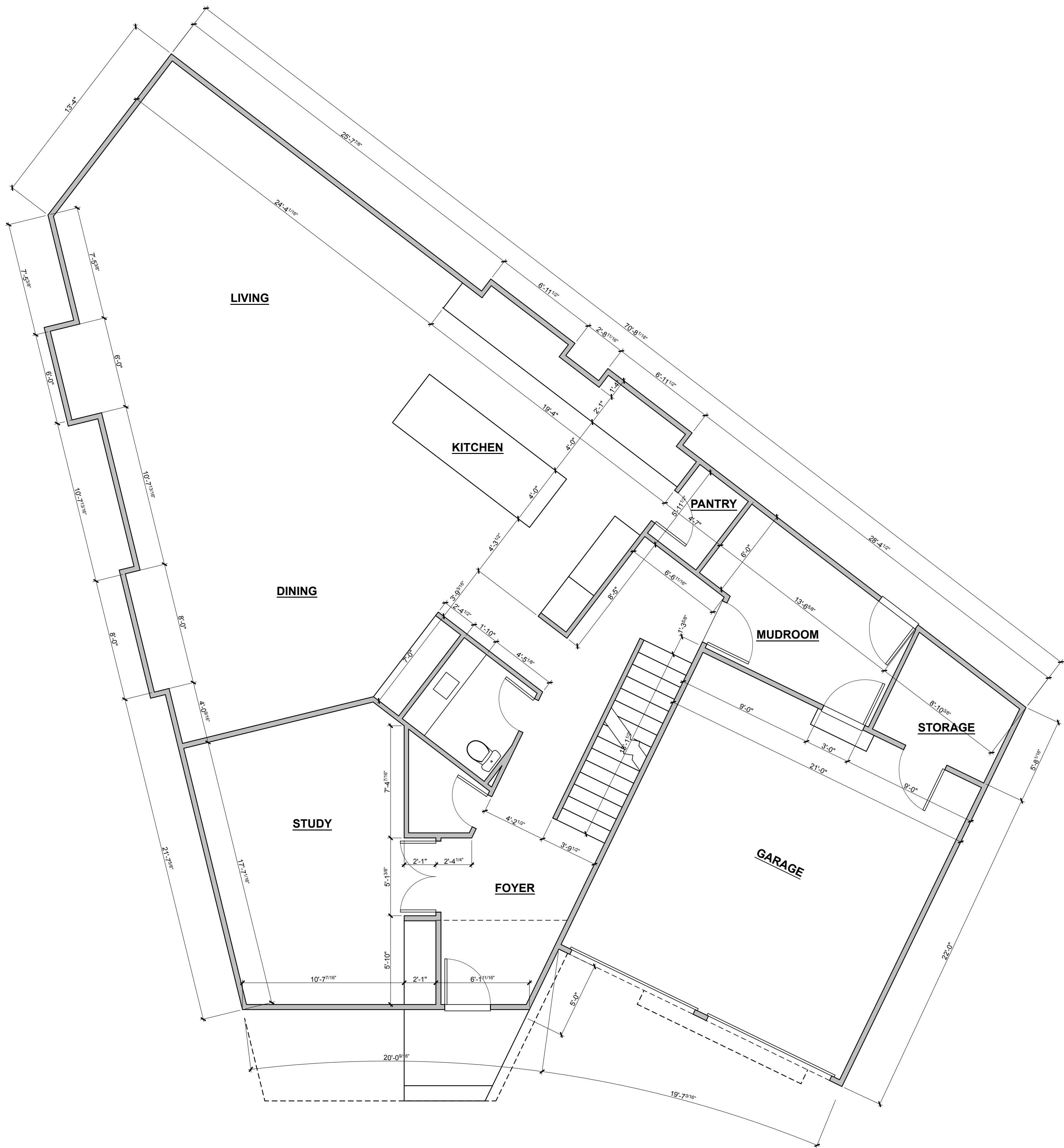
1 South (Front) Elevation

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



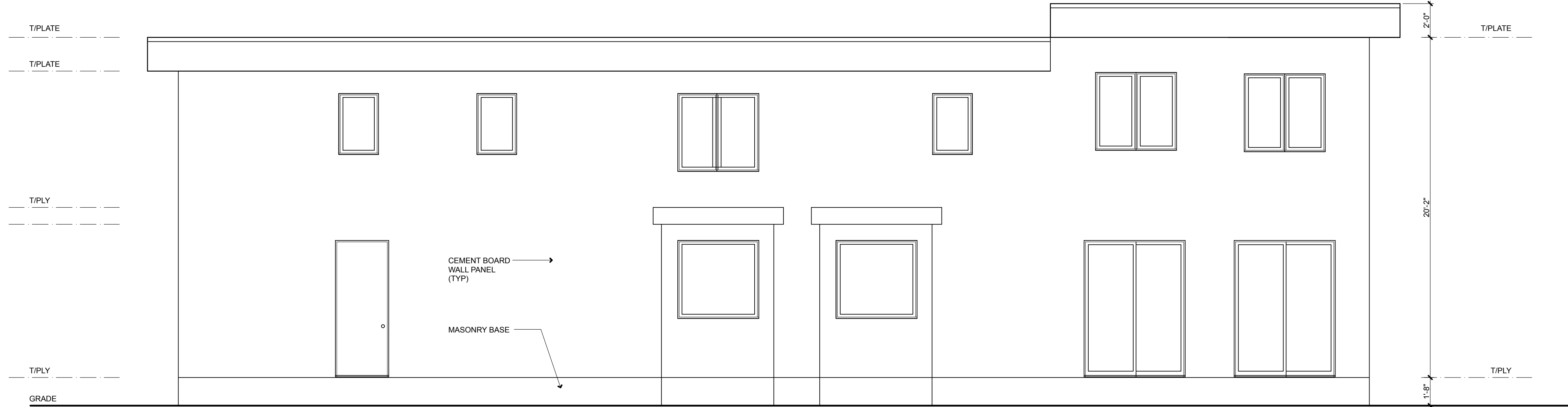
2 East Elevation

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

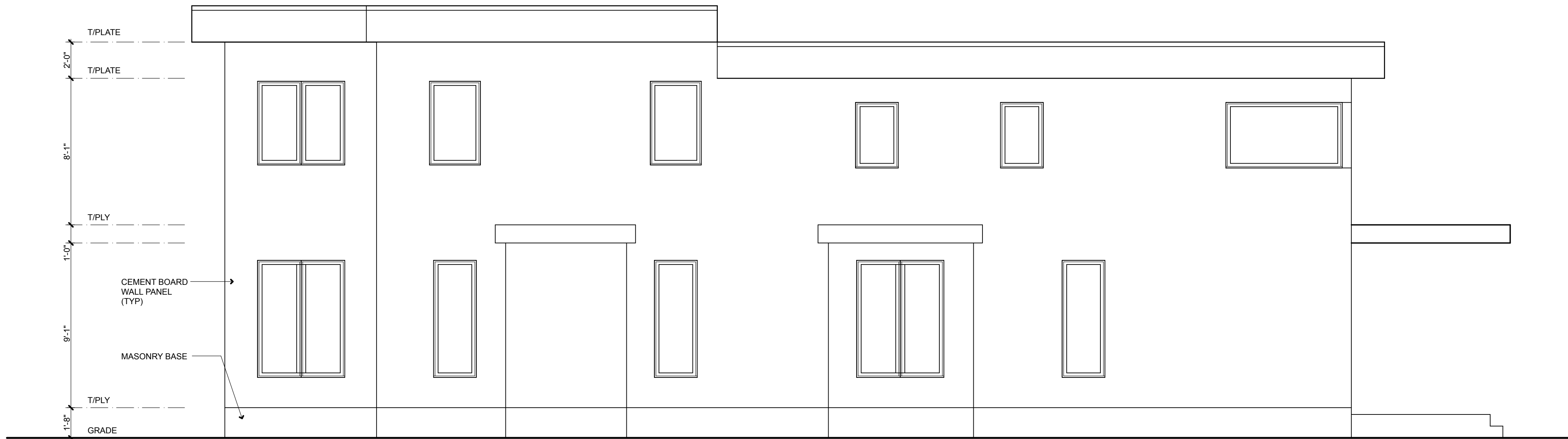


1 First Floor Plan

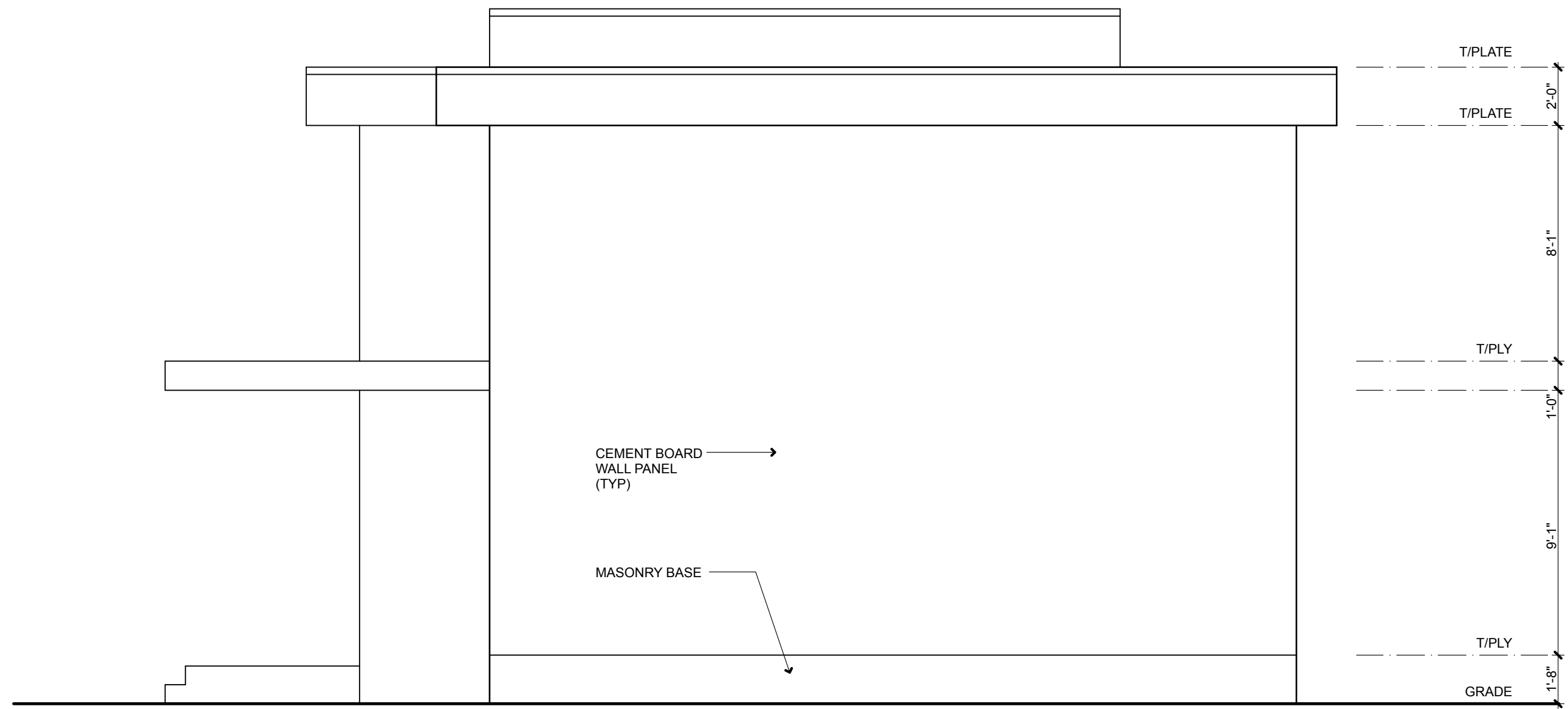
Scale: 1/4" = 1'-0"



3 North Elevation
Scale: 1/4" = 1'-0"

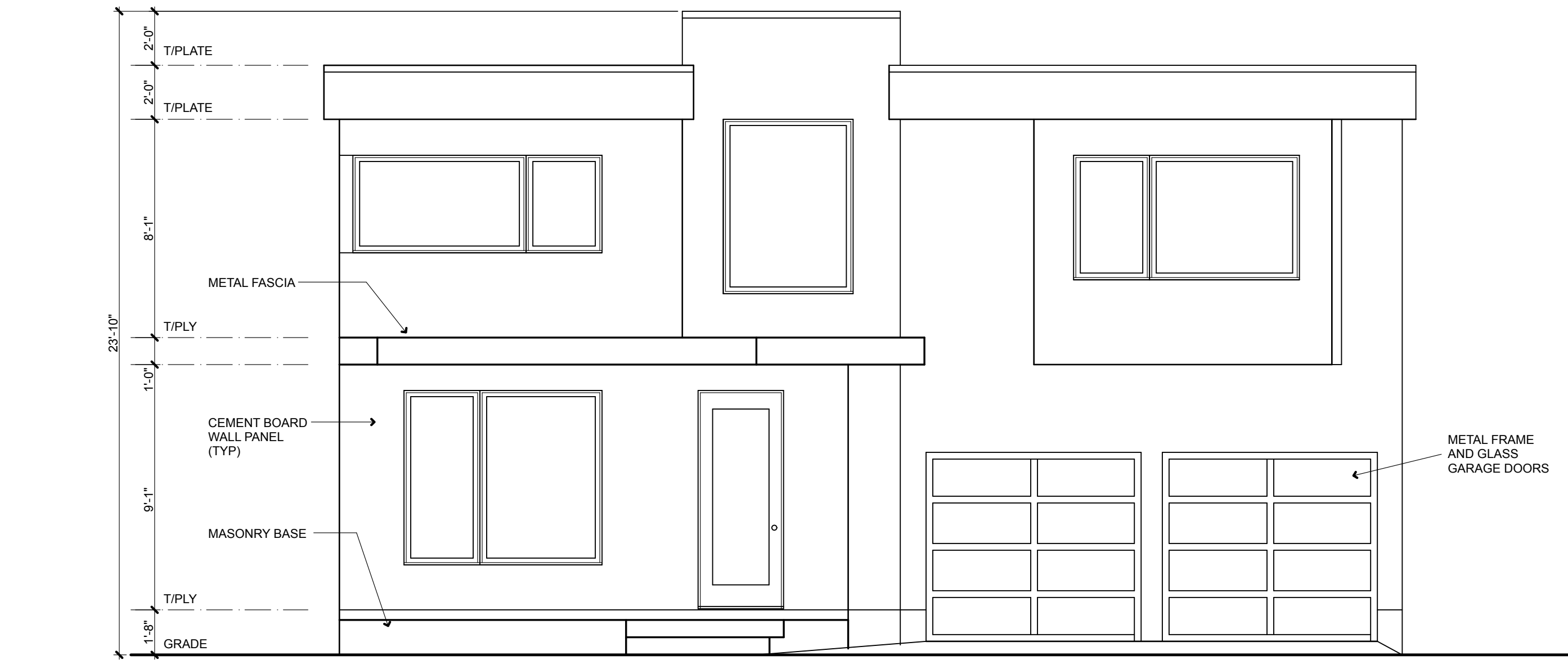


4 West Elevation
Scale: 1/4" = 1'-0"



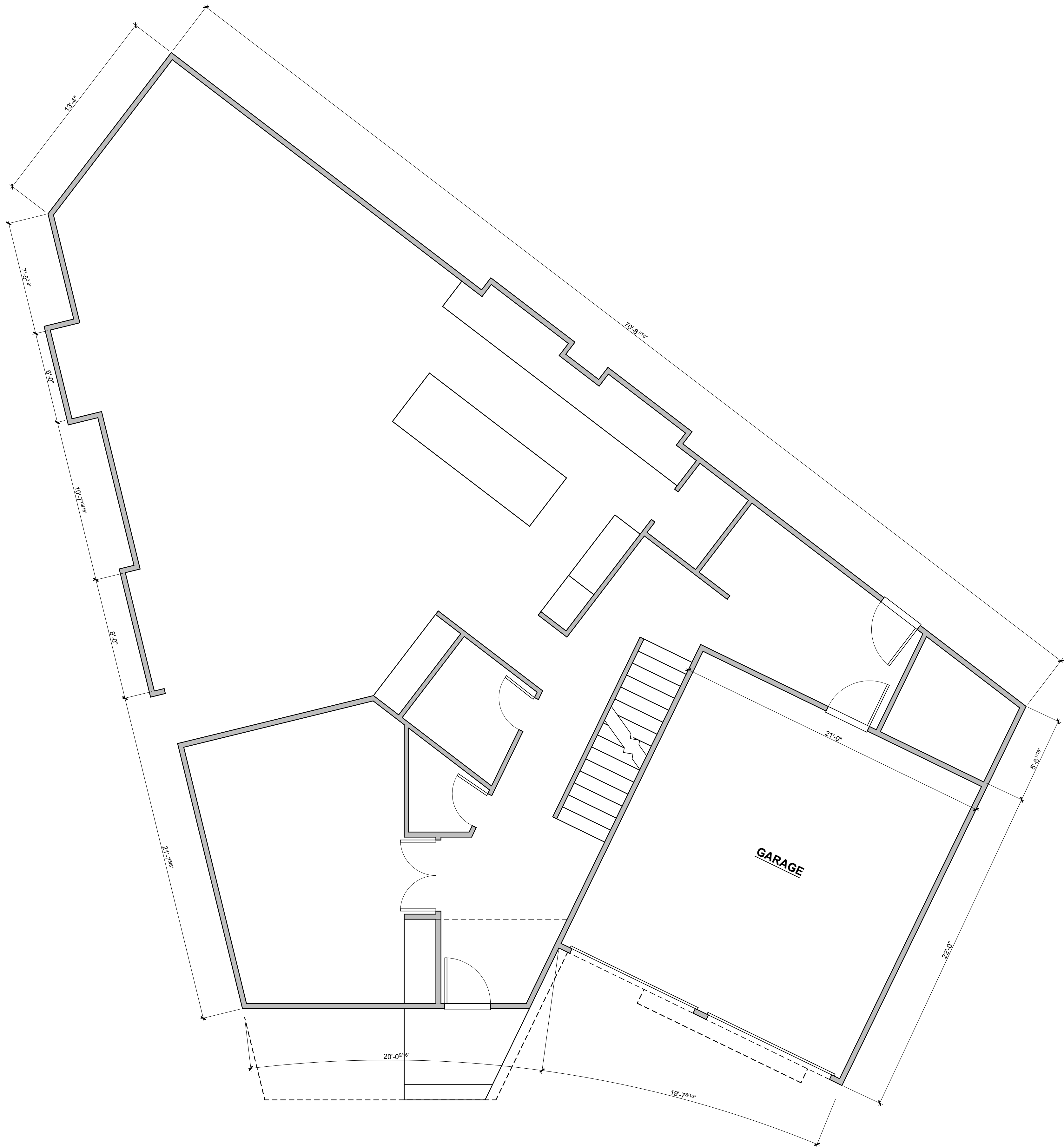
2 East Elevation

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



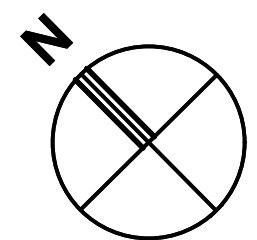
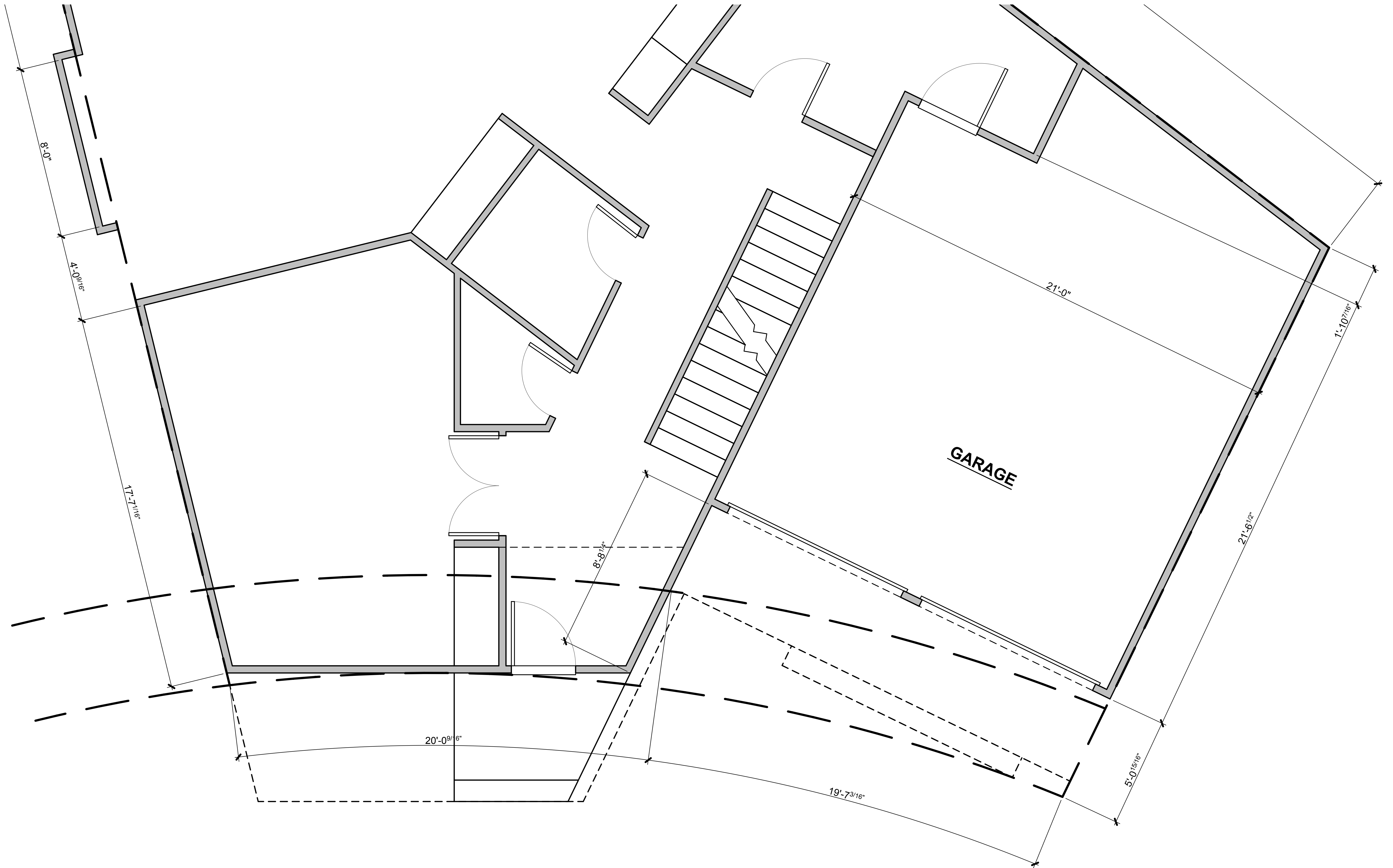
1 South (Front) Elevation

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



1 First Floor Plan

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



1

Alternate First Floor Plan

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

CASE DESCRIPTION

1998 Bowers (22-43)

Hearing date: October 11, 2022

Appeal No. 22-43: The owner of the property known as **1998 Bowers**, requests the following variances to construct a covered porch.

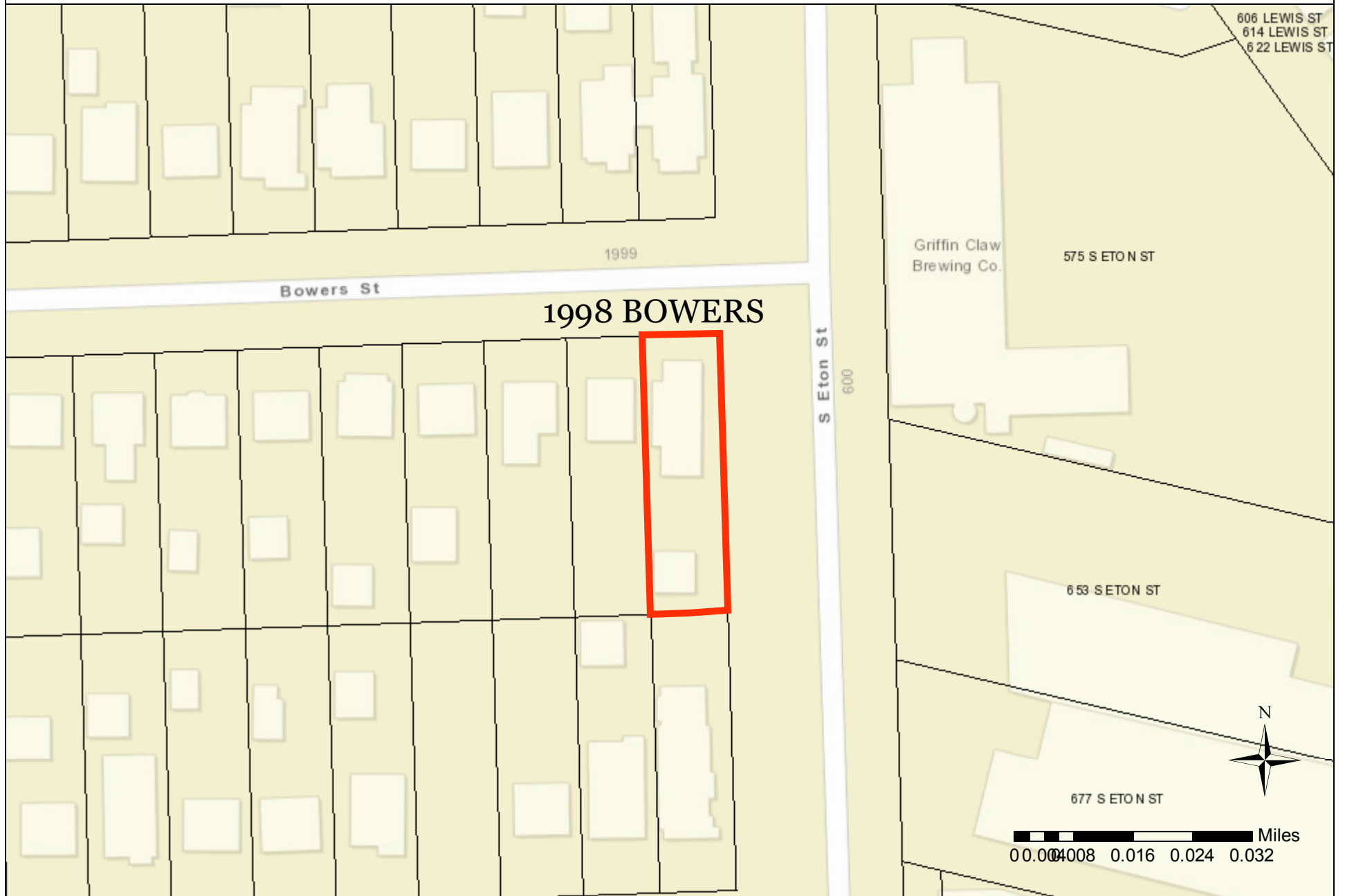
- A. Chapter 126, Article 2, Section 2.08.1 of the Zoning Ordinance states that the maximum lot coverage is 30% for any lot. The maximum for this property is 1740.00 SF (30%). The existing is 1917.00 SF (33.00%). The proposed is 1929.00 SF (33.25%). Therefore, a variance of 189.00 SF (3.25%) is being requested.
- B. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 14.00 feet on the west side. The proposed is 10.70 feet. Therefore, a variance of 3.30 feet is being requested.

Staff Notes: The applicant is looking to construct a new front porch to an existing non-conforming home which had a variance granted in May 2005 (minutes attached) for the distance between structures.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1998 BOWERS 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: 8.23.22

Hearing Date: 10.11.22

Received By: HT

Appeal #: 22-0043

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

Address: <u>1998 BOWERS ST.</u>	Lot Number:	Sidwell Number:
---------------------------------	-------------	-----------------

II. OWNER INFORMATION:

Name: <u>AMIE + MICHAEL SWEET</u>			
Address: <u>1998 BOWERS ST.</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>MARVINAM32@gmail.com</u>		Phone: <u>577-331-1758</u> <u>248-961-3412</u>	

III. PETITIONER INFORMATION:

Name: <u>RAFFI BOGOSIAN</u>	Firm/Company Name: <u>MAIN STREET DESIGN BUILD</u>		
Address: <u>555 S. OLD WOODWARD</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>RAFFI@MAINSTREETDESIGNBUILD.COM</u>		Phone: <u>248-385-0948</u>	

IV. GENERAL INFORMATION:

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

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

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

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: [Signature]

Date: 7/20/22

Signature of Petitioner: [Signature]

Date: 7/20/22

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

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

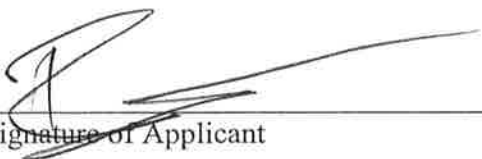
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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

ARTICLE III - Rehearings

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

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

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



Signature of Applicant



MainStreet — DESIGN BUILD —

August 19th, 2022

Zoning Board of Appeals
City of Birmingham

To whom it may concern:

With respect to the city codes, we are asking for a variance to add onto the existing covered front porch that will require an additional 12sqft of total structure coverage on the lot and a structure to structure side setback allowance of 1'8 ½" for the following residence:

Michael & Amie Sweet
1998 Bowers St.
Birmingham, MI. 48009

Mr. & Mrs. Sweet currently have a covered front porch on a lot that has a restricted side setback due to the neighboring residence being closer to the property line than city planning proposes. The existing neighbor is setback +/-5'-6" on the left side instead of the 9ft typical for the area. The only option to extend the front porch to align with the existing house corner would be this variance. As a result, they would like to improve not only their porch, but the living conditions on a lot that does not allow for any front yard activity due to the shallow porch setbacks. There will be 12 total sqft (0.25%) added to the structure coverage on the lot which puts the owner over the 30% structure coverage allowed.

As you will see in the attached prints, the proposed new porch addition is completely within the lot setback requirements of the city code. The variance would be for the 1'-8 ½" closer to the neighboring structure and only 12 sqft of the rear right porch corner. This covered porch addition will allow the Sweet family the opportunity to gather comfortably with family and friends in a social space that they do not currently have during these Covid times.

Additionally, by having this porch and not allowing comfortable seating area whatsoever, the homeowners do not use this space at all. They want their porch to me more than just an entry and walkway. It will become a social area to visit with neighbors in an outdoor safe envirnment.

Thank you for your consideration.

Steven A Ramaekers, CR
President

Enclosures: property photos



**FRONT ELEVATION OF PROPOSED
AND NEIGHBORING HOUSE.**



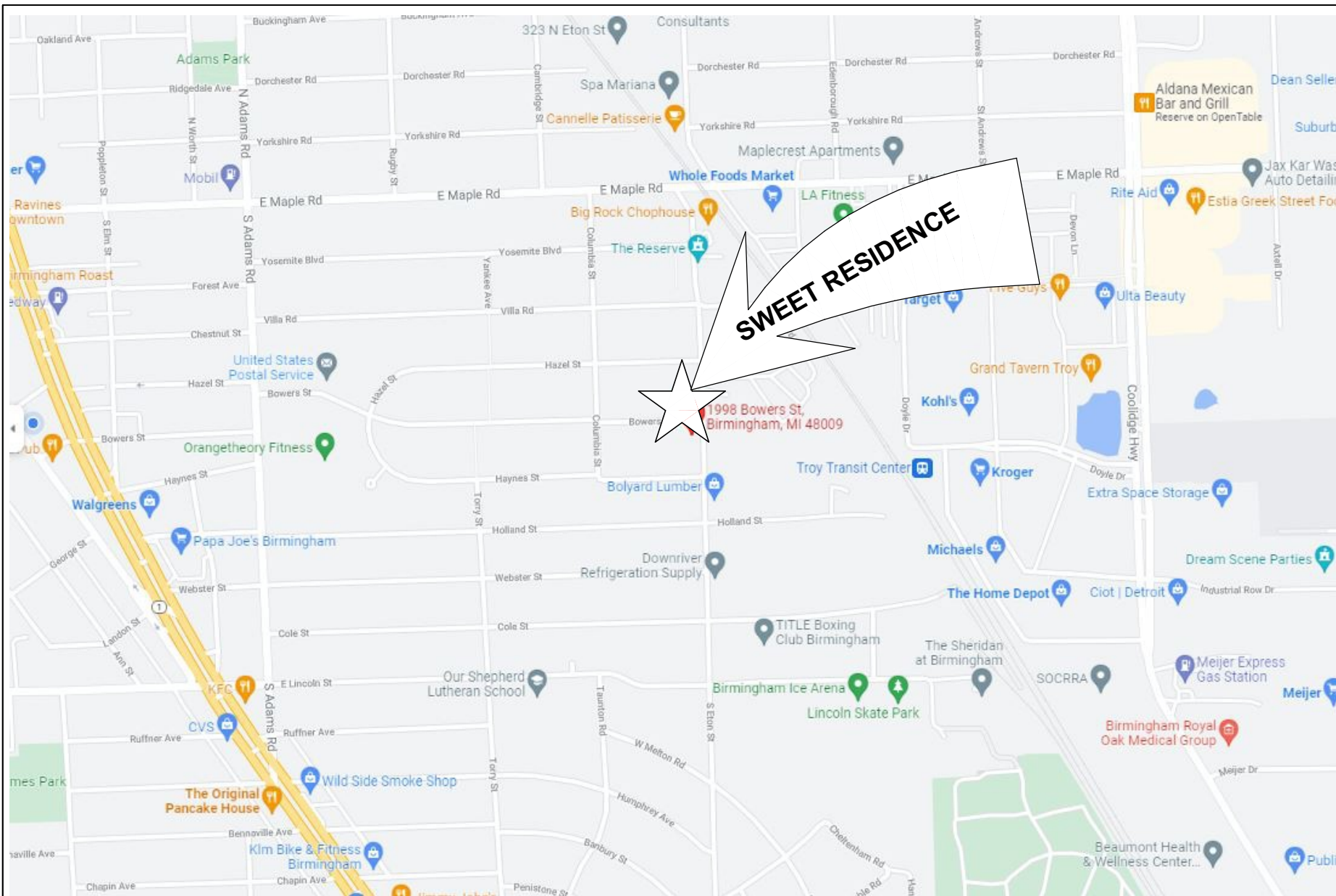
**EXISTING SPACE BETWEEN
2 RESIDENCES**

Amie & Michael Sweet Residence

1998 Bowers Street, Birmingham, MI. 48009



PROPOSED 3D PERSPECTIVE
NOT TO SCALE



VICINITY MAP
CITY OF BIRMINGHAM
ZONE: R1

GENERAL NOTES

- WHEN INTERPRETING THE DRAWINGS, PREFERENCE SHALL BE GIVEN IN ALL CASES TO DIMENSIONS OVER MEASUREMENTS BY SCALE, AND TO DETAIL DRAWINGS OVER THOSE DRAWINGS OF A SMALLER SCALE.
- DETAIL DRAWINGS AND SCHEDULES DESCRIBE CONSTRUCTION AT GIVEN AREAS. THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS SHALL UTILIZE EQUIVALENT CONSTRUCTION METHODS IN ALL AREAS NOT DETAILED.
- ALL NOTES ON THE DRAWINGS SHALL BE ASSUMED AS TYPICAL UNLESS OTHERWISE SHOWN OR NOTED ON THE DRAWING OR SPECIFICATIONS.
- ALL FINISHED DIMENSIONS, UNLESS NOTED OTHERWISE, ARE TO FACE OF STUD, SHEATHING, FACE OF MASONRY, FACE OF CONCRETE, OR CENTERLINE OF STRUCTURE, BEAMS, OR WINDOWS.

SYMBOL LEGEND

- W# Window Symbol
D# Door Symbol
Cabinet Tag
Construction Keynote
Detail/ Page No.
Revision Area
Grade Datum Point
- Downspout & Run Off Direction
Appliance I.D.
Plumbing I.D.

ABBREVIATIONS

A.F.F.	ABOVE FINISHED FLOOR	F.O.B.	FACE OF BRICK
BM.	BEAM	F.O.M.	FACE OF MASONRY
BLD'G	BUILDING	F.O.S.	FACE OF SHEATHING
BR'G	BEARING	HT.	HEIGHT
CAB.	CABINET	INSUL.	INSULATION
CL'G	CEILING	LVL / ML.	LAMINATED VENEER LUMBER
CONC.	CONCRETE	MAX.	MAXIMUM
C.M.U.	CONCRETE MASONRY UNIT	MIN.	MINIMUM
DIM.	DIMENSION	O.C.	ON CENTER
DN	DOWN	REQ'D	REQUIRED
ELECT.	ELECTRICAL	R.O.	ROUGH OPENING
ELEV.	ELEVATION	SQFT.	SQUARE FOOT
EX/EXT'G	EXISTING	T.M.E.	TO MATCH EXISTING
FIN.	FINISHED	TYP.	TYPICAL
FLR. JST.	FLOOR JOIST	SHT'G.	SHEATHING

SCOPE OF WORK

RENOVATE EXISTING PORCH.
BUILD NEW 5'-9" X 8'-6" PORCH ADDITION TO EXISTING RIGHT SIDE

ZONING AND BUILDING CODE INFORMATION

ZONE:	R-1	REQ'D:	EXISTING:	PROPOSED:
BUILDING CODE:	2015 Mich. Res. Code	LOT AREA:	40' W X 145' DP.	5800 SF
MECHANICAL CODE:	2015 Mich. Res. Code	FRONT YARD SETBACK:	25'-0"	25'-0"
PLUMBING CODE:	2015 Mich. Res. Code	REAR YARD SETBACK:	30'-0"	NA
ELECTRICAL CODE:	2015 Mich. Res. Code	SIDEYARD SETBACK:	9'-0" & 5'-0"	9'-0" & 7'-4"
FUEL CODE:	2015 Mich. Res. Code	SIDEYARD SETBACK/ TOTAL:	14'-0"	16'-4"
ENERGY CODE:	2015 Mich. Uniform Code	STRUCTURE HEIGHT:	NA	NA
SQUARE FOOTAGE:		STRUC. LOT COVERAGE:	30%	1,917SF(33%) 1,654 SF(28.52%)
SQUARE FOOTAGE		CERTIFICATION STATEMENT:		
FIRST FLOOR:	1150 SF	I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED UNDER MY SUPERVISION AND THAT TO THE BEST OF MY KNOWLEDGE COMPLY WITH THE BUILDING CODES AND ORDINANCES OF BLOOMFIELD HILLS, MI.		
SECOND FLOOR:	1181 SF	BUILDERS LICENSE: 2102104372, EXP. 05/31/2023		
		FED ID: 38-303-2635, MESC: 1199107		
		WORKMAN COMP. ALLIED INSURANCE ~ EXP. 1/1/2023		

SHEET LEGEND

SHT:	DESCRIPTION:	PAGE TITLES
A-1	COVER SHEET & SITE INFORMATION	
A-2	SITE PLAN, EXISTING DEMO & NEW PORCH PLAN	
A-3	EXISTING DEMO & NEW EXTERIOR ELEVATIONS	
A-4	PORCH SECTIONS & DETAILS	

MainStreet
— DESIGN BUILD —
585 COLONY DRIVE
BIRMINGHAM, MI 48004
PHONE (248) 444-4320 FAX (248) 444-2595



OWNER:
SWEET RESIDENCE
1998 BOWERS STREET
BIRMINGHAM, MI. 48009

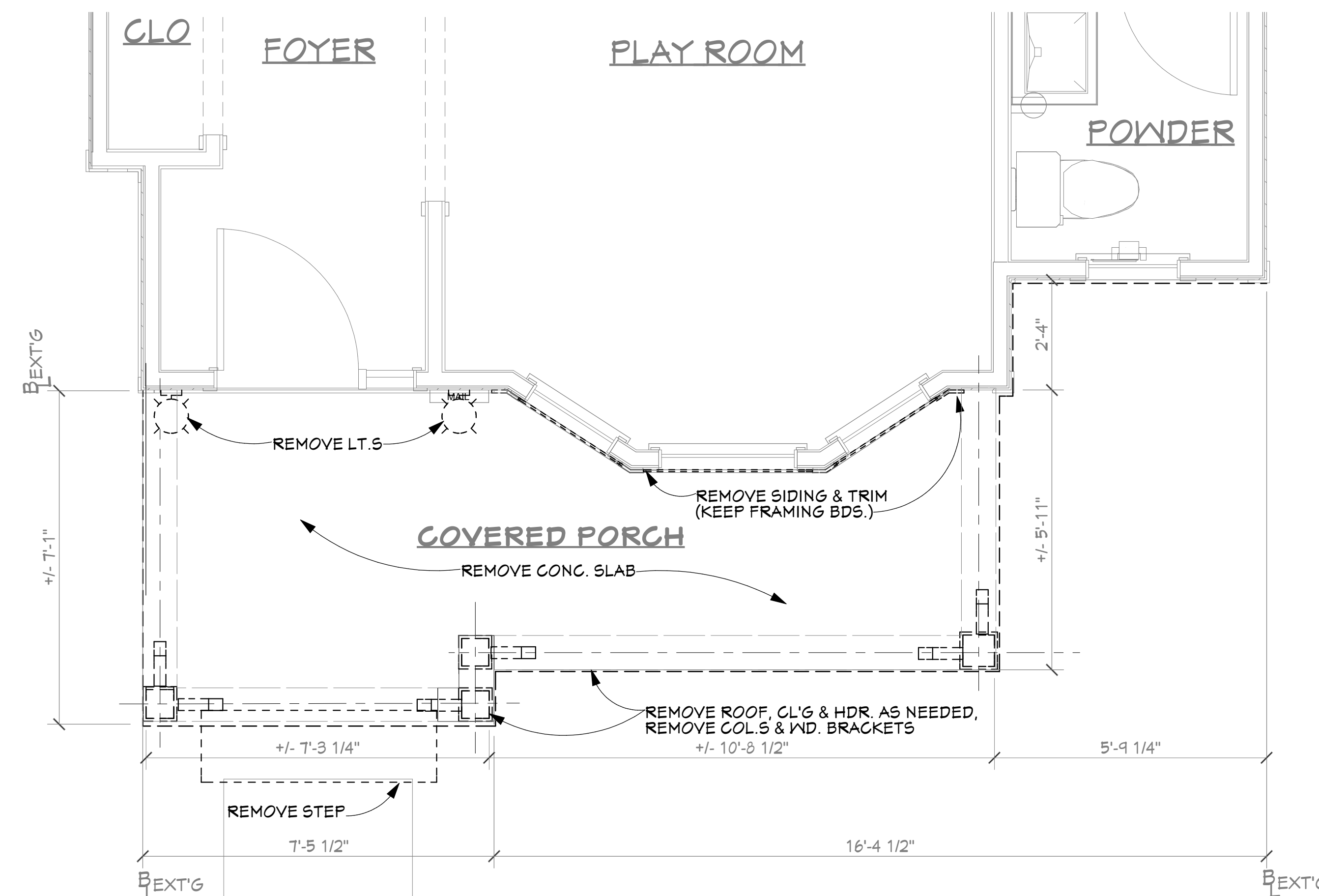
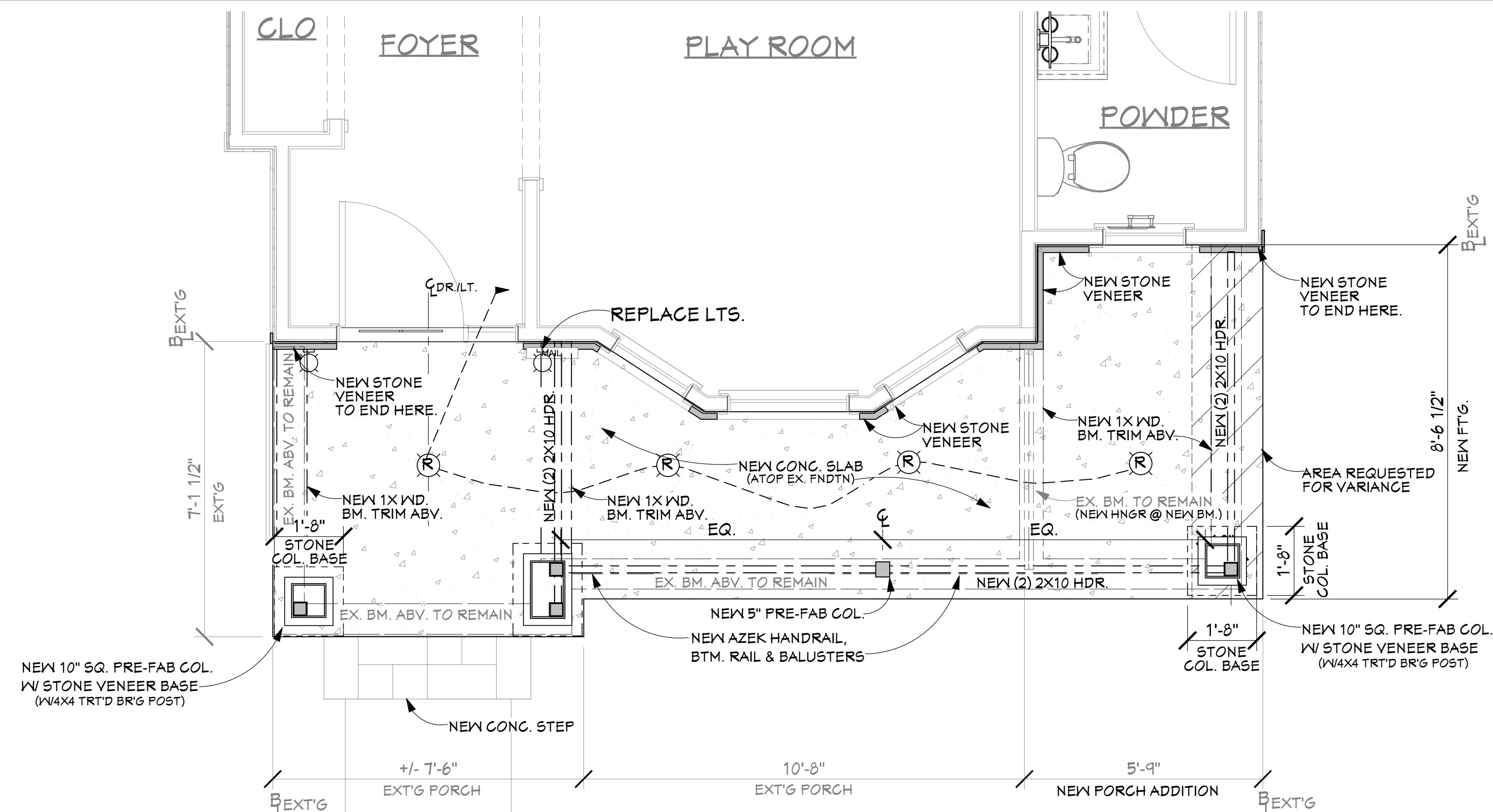
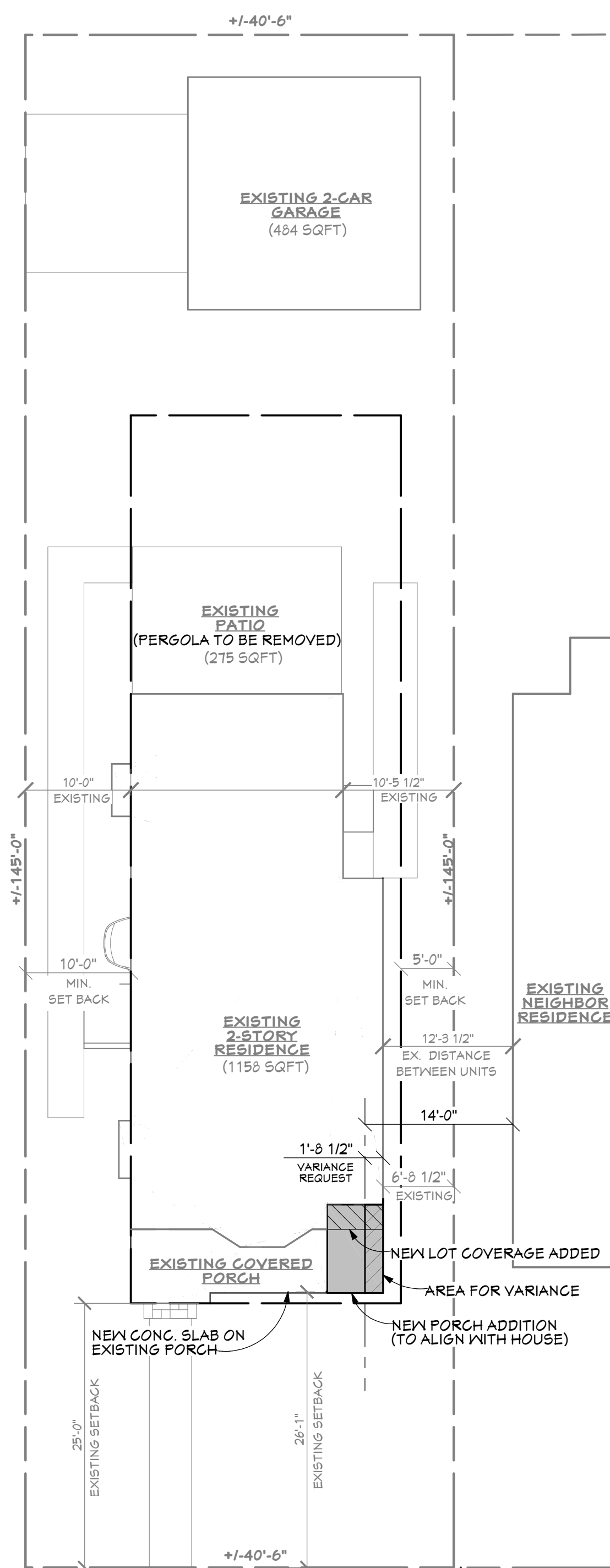
PROJECT:
RESIDENTIAL EXTERIOR
FRONT PORCH ADDITION

JOB NO.
4866

Issue Date: 1-27-2022
Issued For: CONTRACT SIGNED

SHEET NO.
A-1

VARIANCE SET 7/26/2022



TYP. WALL KEY / LEGEND

	EXISTING EXTERIOR WALLS TO REMAIN
	EXISTING 2X4 EXTERIOR WALL REMOVED
	NEW EXTERIOR STUD WALLS
	EXISTING 2X4 INTERIOR WALLS TO REMAIN
	EXISTING INTERIOR STUD WALLS REMOVED
	NEW INTERIOR STUD WALLS

CONSTRUCTION NOTES:
ALL WINDOW AND DOOR DIMENSIONS REFER TO WIDTH &
HEIGHTS (I.E. 2460 DOOR IS A 2'-4" WIDE X 6'-8" HIGH DOOR;
2859 WINDOW IS A 2'-8" WIDE X 5'-9" HIGH WINDOW.
DOUBLE HUNG WINDOW SIZES REFER TO SASH SIZE.
CASEMENT AND AWNING WINDOW SIZES REFER TO FRAME SIZE.
(COORDINATE ROUGH OPEN SIZE WITH WINDOW MANUFACTURER USED)

ELECTRICAL LEGEND/KEY	
SYMBOL	DESCRIPTION
	Ceiling Mounted Light Fixtures: Recessed 6"
	Ceiling Mounted Light Fixtures: Surface Mount Pendant
	Ceiling Mounted Light Fixtures: Surface Mount
	Wall Mounted Light Fixtures: Flush Wall Mounted
	Ventilation Fans: Ceiling Mounted
	220V Receptacle
	110V Receptacles: GFCI
	110V Receptacles: Weather Protected
	110V Receptacles: Duplex
	Switches: Single Pole
	Switches: 3-Way
	Wall Jacks: TV/Cable

ELECTRICAL NOTES	
1.	COORDINATE HOME OWNER SUPPLIED LIGHTS AND FIXTURES WITH DESIGNER BEFORE START OF INSTALL.
2.	ANY CHANGES REQUESTED BY OWNER ARE TO BE REVIEWED WITH DESIGNER BEFORE INSTALLATION.
3.	TYPICAL OUTLETS(DUPLEX) AND SWITCHES(2066LE) ARE TO BE WHITE WITH WHITE COVER PLATES.
4.	TYPICAL OUTLETS ON OPEN WALL TO BE +12" ABOVE F.F. TO CENTER, UNLESS NOTED OTHERWISE.
5.	TYPICAL OUTLETS OVER COUNTERTOPS TO BE +42" ABV. F.F. TO CENTER, UNLESS NOTED OTHERWISE.



MainStreet
— DESIGN BUILD —
555 S. OLD WOODWARD AVE. BIRMINGHAM, MI 45009
PHONE: (249) 644-6930 FAX: (249) 644-2965



SWEET RESIDENCE
1998 BOWERS STREET
BIRMINGHAM, MI. 48009

RESIDENTIAL EXTERIOR FRONT PORCH ADDITION

JOB NO.

4866

Date:	Issued For:
22	CONTRACT SIGNED

SHEET NO.

A-2

OWNER:

PROJECT:

VARIANCE SET 7/26/2022



VARIANCE SET 7/26/2022



SWEET RESIDENCE
1998 BOWERS STREET
BIRMINGHAM, MI. 48009

RESIDENTIAL EXTERIOR FRONT PORCH ADDITION

DB NO.

866

Date:	Issued For:
22	CONTRACT SIGNED

HEET NO.

A-3



**EXISTING SPACE BETWEEN
2 RESIDENCES**



**FRONT ELEVATION OF PROPOSED
AND NEIGHBORING HOUSE.**

CASE DESCRIPTION

547 Bloomfield Court (22-44)

Hearing date: October 11, 2022

Appeal No. 22-44: The owner of the property known as **547 Bloomfield Court**, requests the following variance to construct a second floor addition to an existing non-conforming home.

- A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that the minimum rear yard setback is 30.00 feet. The existing and proposed is 7.20 feet. Therefore, a variance of 22.80 feet is being requested.

Staff Notes: The applicant is looking to construct a second floor addition to an existing non-conforming home that was constructed in 1943. This parcel is zoned R6 (Multiple-family residential) which permits a single-family residential home constructed in accordance with the R3 (Single-family residential) standards.

This property is zoned R6 – Multiple-family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

547 BLOOMFIELD CT MAP

620 BLOOMFIELD CT # 102
620 BLOOMFIELD CT # 101
620 BLOOMFIELD CT # 204
620 BLOOMFIELD CT # 203
622 BLOOMFIELD CT STE 1

500 BLOOMFIELD CT
528 BLOOMFIELD CT
556 BLOOMFIELD CT
542 BLOOMFIELD CT
516 BLOOMFIELD CT

36101 WOODWARD AVE

500

999

Bloomfield Ct

547 BLOOMFIELD CT

665 BLOOMFIELD CT

623 BLOOMFIELD CT

583 BLOOMFIELD CT

517 BLOOMFIELD CT

961 N OLD WOODWARD AVE
531 BLOOMFIELD CT
529 BLOOMFIELD CT
525 BLOOMFIELD CT
521 BLOOMFIELD CT

692 OAK AVE

680 OAK AVE

670 OAK AVE

640 OAK AVE

608 OAK AVE

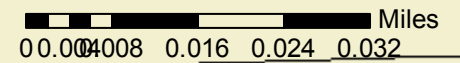
556 OAK AVE

520 OAK AVE

450 OAK AVE # 302 450 OAK AVE # 301
450 OAK AVE # 103 450 OAK AVE # 303
450 OAK AVE # 201 450 OAK AVE # 202
450 OAK AVE # 101 450 OAK AVE # 102
450 OAK AVE # 203 450 OAK AVE # 100

N

Miles
0.004 0.008 0.016 0.024 0.032



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: 9.12.22

Hearing Date: 10.11.22

Received By: YHT

Appeal #: 22-0044

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

I. PROPERTY INFORMATION:

Address: 547 BLOOMFIELD CT Lot Number: 1 Sidwell Number: 19-25-151-035

II. OWNER INFORMATION:

Name: MARIA MARCOTE
Address: 547 BLOOMFIELD CT City: BIRMINGHAM State: MI Zip code: 48009
Email: MMARCOTE@BROGAN.COM Phone: 313 319 9913

III. PETITIONER INFORMATION:

Name: MARC ALEXANDER Firm/Company Name: STERLING DEVELOPMENT.
Address: 2382 FRANKLIN RD City: BLOOMFIELD HILLS MI State: MI Zip code: 48302
Email: MARC@SDC.BUILD Phone: 248.914.7894

IV. GENERAL INFORMATION:

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

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: Maria Marcote

Date: 9/9/22

Signature of Petitioner: [Signature]

Date: 9/9/2022



STERLING CUSTOM HOMES & RENOVATIONS

September 12, 2022

City of Birmingham
Community Development- Building Department
151 Martin Street
Birmingham, MI 48009

RE: 547 Bloomfield Court BZA Application Summary

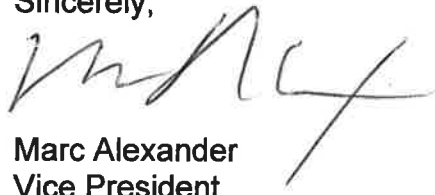
Dear Board of Zoning Appeals,

This letter is intended to summarize the variance being requested/applied for as it relates to the subject property, 547 Bloomfield Court. The home is being renovated and expanded on to, however we are not constructing any addition to the home that will be closer to any adjacent property. The scope of the addition will be to utilize the footprint of the existing home. The variance being applied for all pre-date this work.

Variance, Rear Setback – The existing home was constructed with a 7.2' rear setback. We are applying for a variance of 22.8' to have the home comply with the current 30'-0" setback.

Thank you for the opportunity to apply for this variance and we look forward to your review of the request. Please let me know if you have any questions on the variances noted above, as we look forward to moving ahead with the improvement to this home.

Sincerely,



Marc Alexander
Vice President

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

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

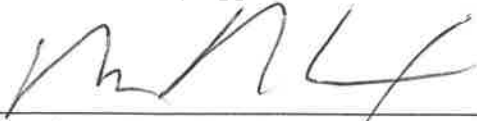
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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

ARTICLE III - Rehearings

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

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

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



Signature of Applicant



LEGEND	
○ FIB	FOUND IRON BAR
○ FCI	FOUND CAPPED IRON
(M)	MEASURED
(R)	RECORDED
---	EX. GAS MAIN
---	EX. OVERHEAD LINES
---	EX. SANITARY SEWER
---	EX. WALL
---	EX. WATER MAIN
---	EX. SANITARY SEWER
---	EX. FENCE
---	EX. AIR CONDITIONER
---	EX. ELECTRIC METER
---	EX. GAS METER
---	EX. GENERATOR
---	EX. GUY ANCHOR
---	EX. PEDESTAL
---	EX. POST
---	EX. SANITARY MANHOLE
---	EX. SIGN
---	EX. STORM MANHOLE
---	EX. UTILITY POLE
---	EX. WATER SHUT OFF
○	EX. DECIDUOUS TREE
○	EX. CONIFEROUS TREE

ZONING:

R6, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SETBACKS:

FRONT: 25 FEET, MINIMUM
REAR: 30 FEET, MINIMUM
SIDES: 9 FEET, ONE SIDE.
64.10' LOT WIDTH X 25% = 16.0', BOTH SIDES
5 FEET, MINIMUM

*ARCHITECT OR DESIGN INDIVIDUAL TO VERIFY SETBACKS WITH THE CITY OF BIRMINGHAM AND/OR ANY HOMEOWNER'S ASSOCIATION ORDINANCE PRIOR TO DESIGN.

BENCHMARKS:

CITY OF BIRMINGHAM BENCHMARK #25:
SOUTHWEST CORNER OF GREENWOOD AND OAK.
ELEVATION: 763.883 CITY DATUM.

SITE BENCHMARK:
RIM ON SANITARY MANHOLE IN BLOOMFIELD COURT, NORTH OF
PROPERTY (547 BLOOMFIELD COURT).
ELEVATION: 761.04 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 (BY OTHERS):

LOT 1, EXCEPT WEST 70 FEET AS MEASURED ON NORTH AND SOUTH LOT LINES, ALSO EXCEPT THAT PART TAKEN FOR WOODWARD AVENUE, ALSO EXCEPT EASTERLY PART OF BALANCE MEASURING 151.85 FEET ON NORTH LOT LINE AND 170.65 FEET ON SOUTH LOT LINE OF "SUNNY CREST SUBD", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, TOWNSHIP OF BLOOMFIELD (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 21 OF PLATS, PAGE 2, OAKLAND COUNTY RECORDS.

FLOOD HAZARD STATEMENT:

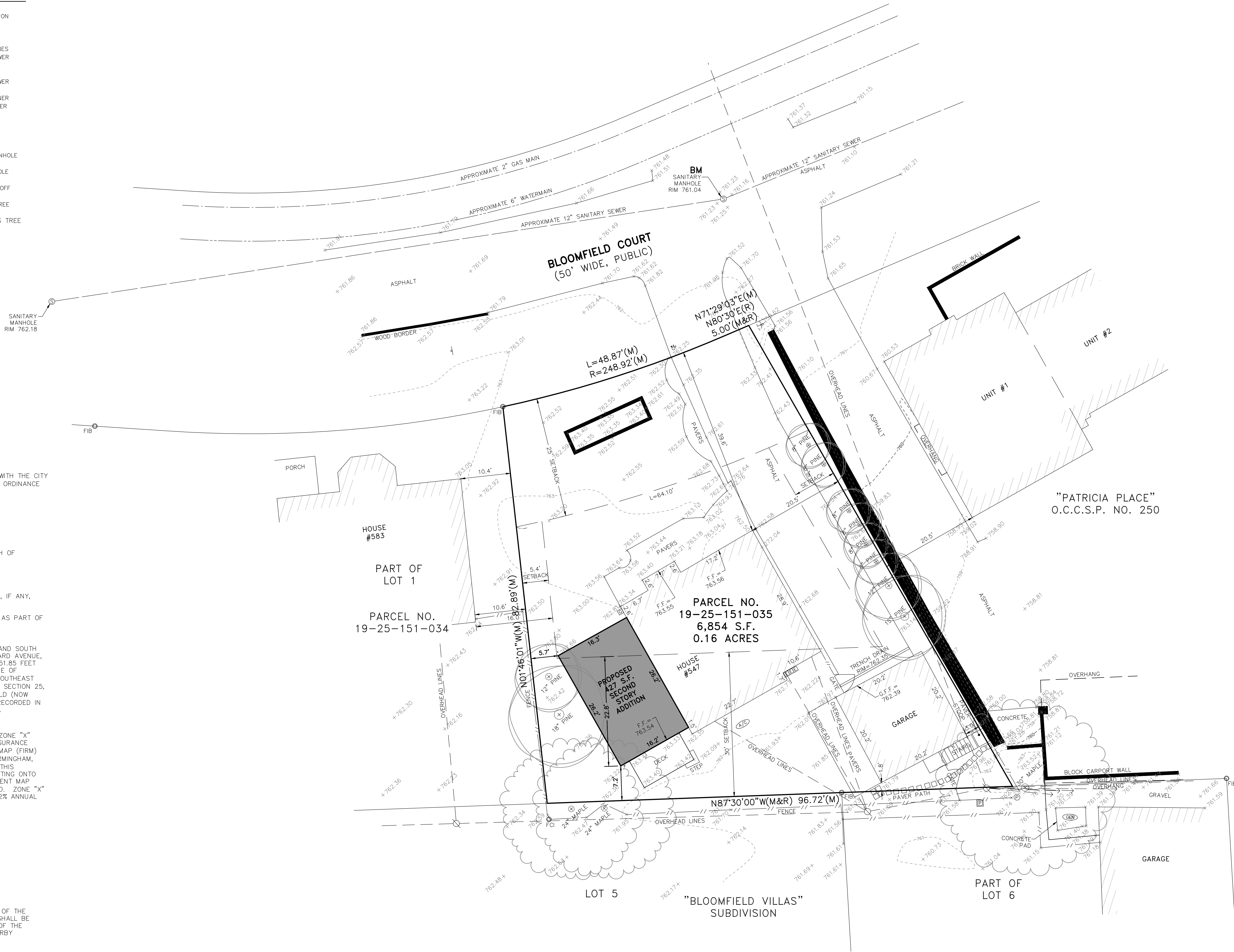
THIS PROPERTY IS LOCATED WITHIN A FEMA DESIGNATED ZONE "X" FLOOD HAZARD AREA AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FOR MICHIGAN FLOOD INSURANCE RATE MAP (FIRM) #26125C0536F (COMMUNITY ID NO. 260168 - CITY OF BIRMINGHAM, MI) WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2006. THIS STATEMENT IS 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: STERLING DEVELOPMENT CORPORATION

ZBA PLAN

547 BLOOMFIELD COURT - PARCEL NO. 19-25-151-035
SECTION: 25 TOWNSHIP: 2 N RANGE: 10 E.
CITY OF BIRMINGHAM
OAKLAND COUNTY
MICHIGAN

REVISED

DATE: 9-9-2022

DRAWN BY: ACS/JPP

CHECKED BY: JPP/DJL

FBK: --

CHF:RG

SCALE HOR 1"=10 FT.
VER 1"=-- FT.

1

22-369



MARCOTTE ADDITION

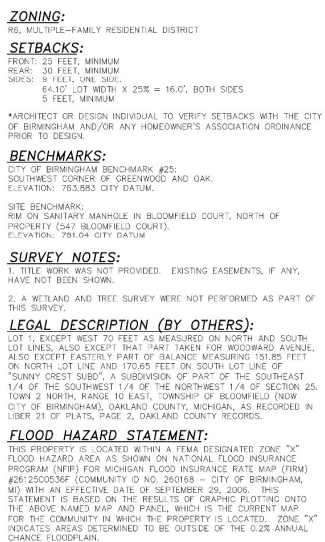
MARCOTTE RESIDENCE

*547 BLOOMFIELD COURT
BIRMINGHAM, MI 48009*

SURVEY

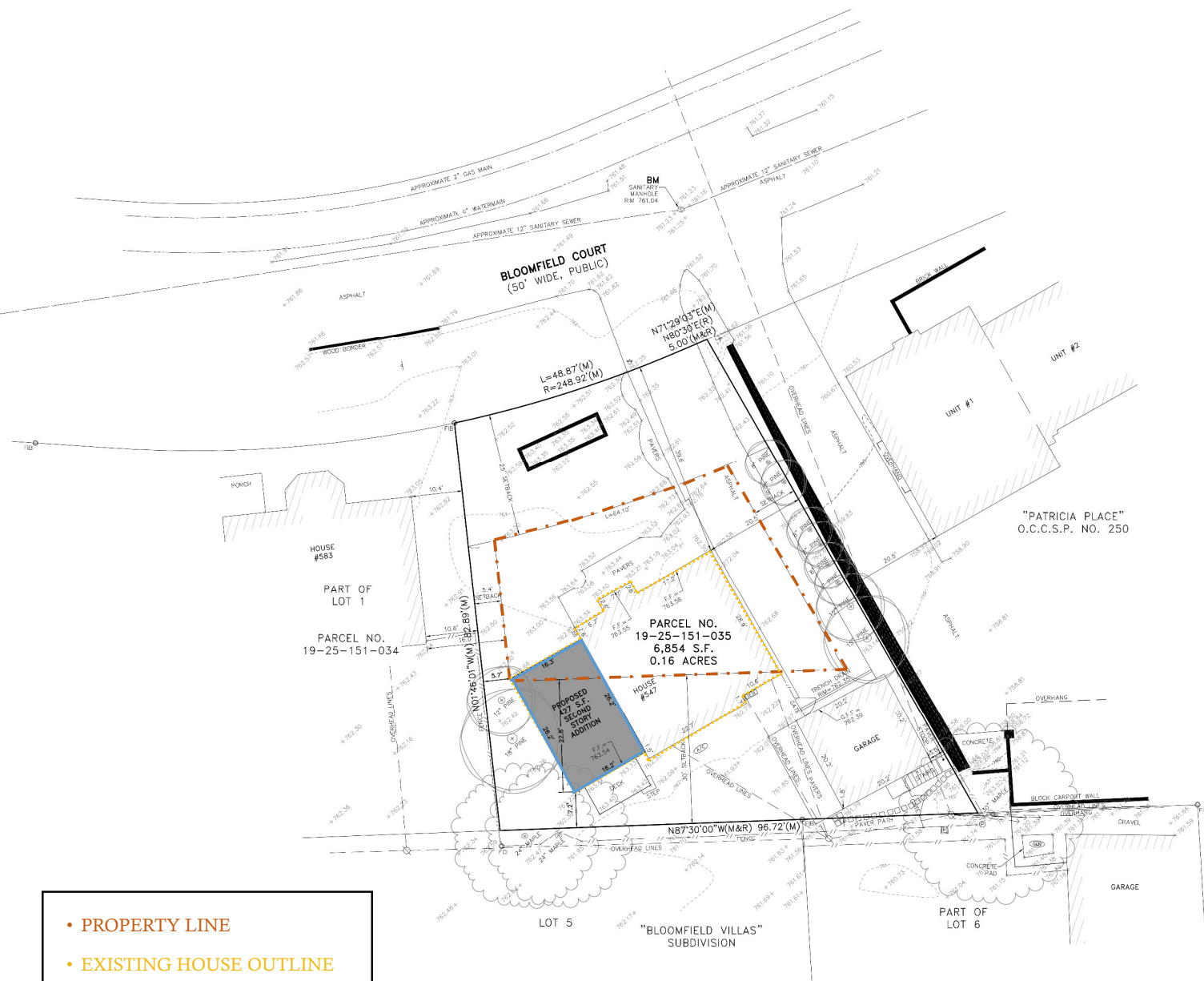
MARCOTTE RESIDENCE

*547 BLOOMFIELD COURT
BIRMINGHAM, MI 48009*



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. PERSONS ENGAGED IN THE CONSTRUCTION OF ANY HEAVY 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 ENGINEER. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.



- PROPERTY LINE
- EXISTING HOUSE OUTLINE
- PROPOSED 2ND STORY ADDITION

ARCHITECTURAL PLANS

MARCOTTE RESIDENCE

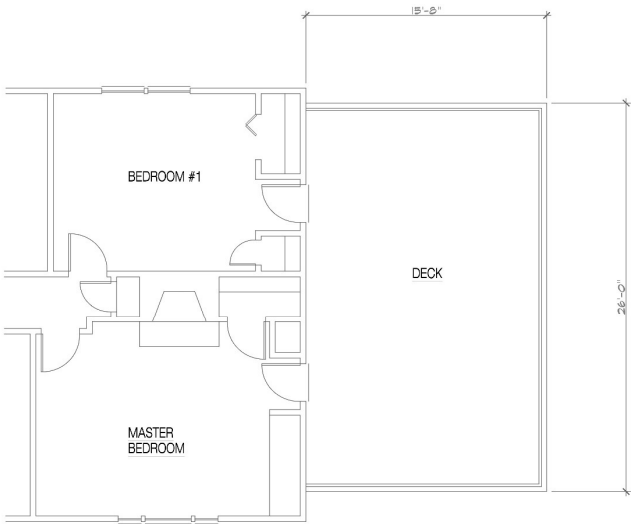
*547 BLOOMFIELD COURT
BIRMINGHAM, MI 48009*

REVIEWED UNDER:
2015 MICHIGAN RESIDENTIAL CODE &
2015 MICHIGAN UNIFORM ENERGY CODE

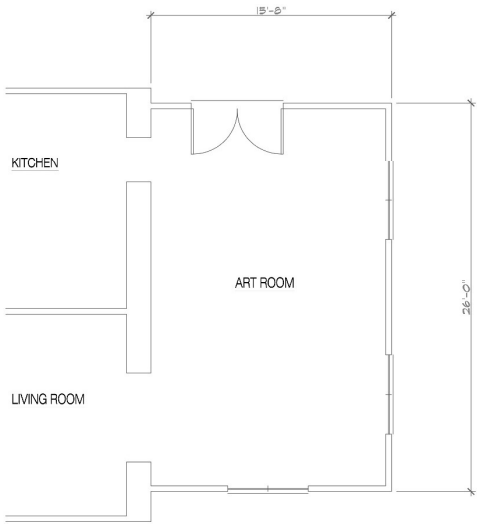
NOTES:

1. SMOKE ALARMS TO CODE: ALL SMOKE ALARMS TO BE ELECTRONICALLY INTERCONNECTED WITH A BATTERY BACKUP
2. R315.1 Carbonmonoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in *dwelling units* within which fuel-fired *appliances* are installed and in dwelling units that have attached garages.
3. ELECTRICAL TO CODE

WALL LEGEND	
EXISTING WALL	----
DEMOLITION WALL	- - - - -
NEW WALL	=====
BRICK	=====
MASONRY BLOCK	=====



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



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

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION & RENOVATION FOR:
MARCOTTE RESIDENCE
567 BLOOMFIELD COURT
BIRMINGHAM, MICHIGAN 48009

ZACK M OSTROFF & ASSOCIATES
RESIDENTIAL/COMMERCIAL DESIGNER/PLANNER
MEMBER
AIA
BD
web: www.zackmarchitecture.com
email: zack@zackmarchitecture.com
PH: 248 425 4190

THIS DRAWING IS AN INSTRUMENT
OF SERVICE IS AND SHALL REMAIN
THE PROPERTY OF THE DESIGNER
AND SHALL NOT BE USED IN ANY
WAY WITHOUT THE PERMISSION OF
THE DESIGNER.
THE CONTRACTOR SHALL VERIFY ALL
DIMENSIONS AND EXISTING CONDITIONS
AT THE SITE BEFORE PROCEEDING
WITH EACH PHASE OF HIS WORK.

SHEET TITLE
EXISTING FLOOR PLANS
SHEET SCALE
AS NOTED
PROJECT NO.
22-137
DATE
08.08.22
SHEET NUMBER
A-1

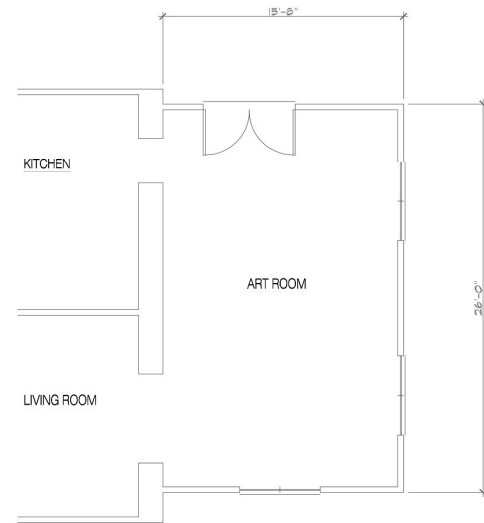
DRAFT -- NOT FOR CONSTRUCTION

WALL LEGEND	
EXISTING WALL	=====
DEMOLITION WALL	- - - - -
NEW WALL	=====
BRICK	=====
MASONRY BLOCK	=====



UPPER LEVEL
PROPOSED FLOOR PLAN

408 SF



MAIN LEVEL
PROPOSED FLOOR PLAN

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

DRAFT -- NOT FOR CONSTRUCTION

REVISIONS		
NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION & RENOVATION FOR:
MARCOTTE RESIDENCE
547 BLOOMFIELD COURT
BIRMINGHAM, MICHIGAN 48009

ZACK M OSTROFF & ASSOCIATES
RESIDENTIAL COMMERCIAL DESIGNER/PLANNER
MEMBER
AIA
BD
web: www.zoaarchitecture.com
email: zack@zoaarchitecture.com
PH: 248 425 4190

THIS DRAWING IS AN INSTRUMENT
OF SERVICE IS AND SHALL REMAIN
THE PROPERTY OF THE DESIGNER
AND SHALL NOT BE USED IN ANY
WAY WITHOUT THE PERMISSION OF
THE DESIGNER.
THE CONTRACTOR SHALL VERIFY ALL
DIMENSIONS AND EXISTING CONDITIONS
AT THE SITE BEFORE PROCEEDING
WITH EACH PHASE OF HIS WORK.

SHEET TITLE
**PROPOSED
FLOOR PLANS**

SHEET SCALE
AS NOTED

PROJECT NO.
22-137

DATE
08.08.22

SHEET NUMBER
A-2



 NORTH (FRONT) ELEVATION
SCALE: 1/4"=1'-0"



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



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

REVISIONS

NO.	DATE	ADDENDUM/BULLETIN

A PROPOSED ADDITION & RENOVATION FOR:
MARCOTTE RESIDENCE
567 BLOOMFIELD COURT
BIRMINGHAM, MICHIGAN 48009

ZACK M OSTROFF & ASSOCIATES
RESIDENTIAL COMMERCIAL DESIGNER/PLANNER
MEMBER
AIA
BD
web: www.zoaarchitecture.com
email: zack@zoaarchitecture.com
PH: 248 425 4190

THIS DRAWING IS AN INSTRUMENT OF SERVICE IS AND SHALL REMAIN THE PROPERTY OF THE DESIGNER AND SHALL NOT BE USED IN ANY WAY WITHOUT THE PERMISSION OF THE DESIGNER.
THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF HIS WORK.

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET SCALE
AS NOTED

PROJECT NO.
22-137

DATE
08.08.22

SHEET NUMBER
A-3

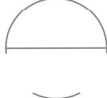
EXTERIOR RENDERINGS

MARCOTTE RESIDENCE

*547 BLOOMFIELD COURT
BIRMINGHAM, MI 48009*



LEGEND	
	EXISTING
	PROPOSED

 NORTH (FRONT) ELEVATION

BEFORE



AFTER



PROPOSED INTERIOR RENDERINGS

MARCOTTE RESIDENCE

*547 BLOOMFIELD COURT
BIRMINGHAM, MI 48009*

PROPOSED MASTER BATH



PROPOSED KITCHEN



PROPOSED DINING



PROPOSED MAIN LIVING



PROPOSED OFFICE



CASE DESCRIPTION

1016 Pierce (22-45)

Hearing date: October 11, 2022

Appeal No. 21-45: The owner of the property known as **1016 Pierce**, requests the following variance to construct a new single-family home with an attached garage:

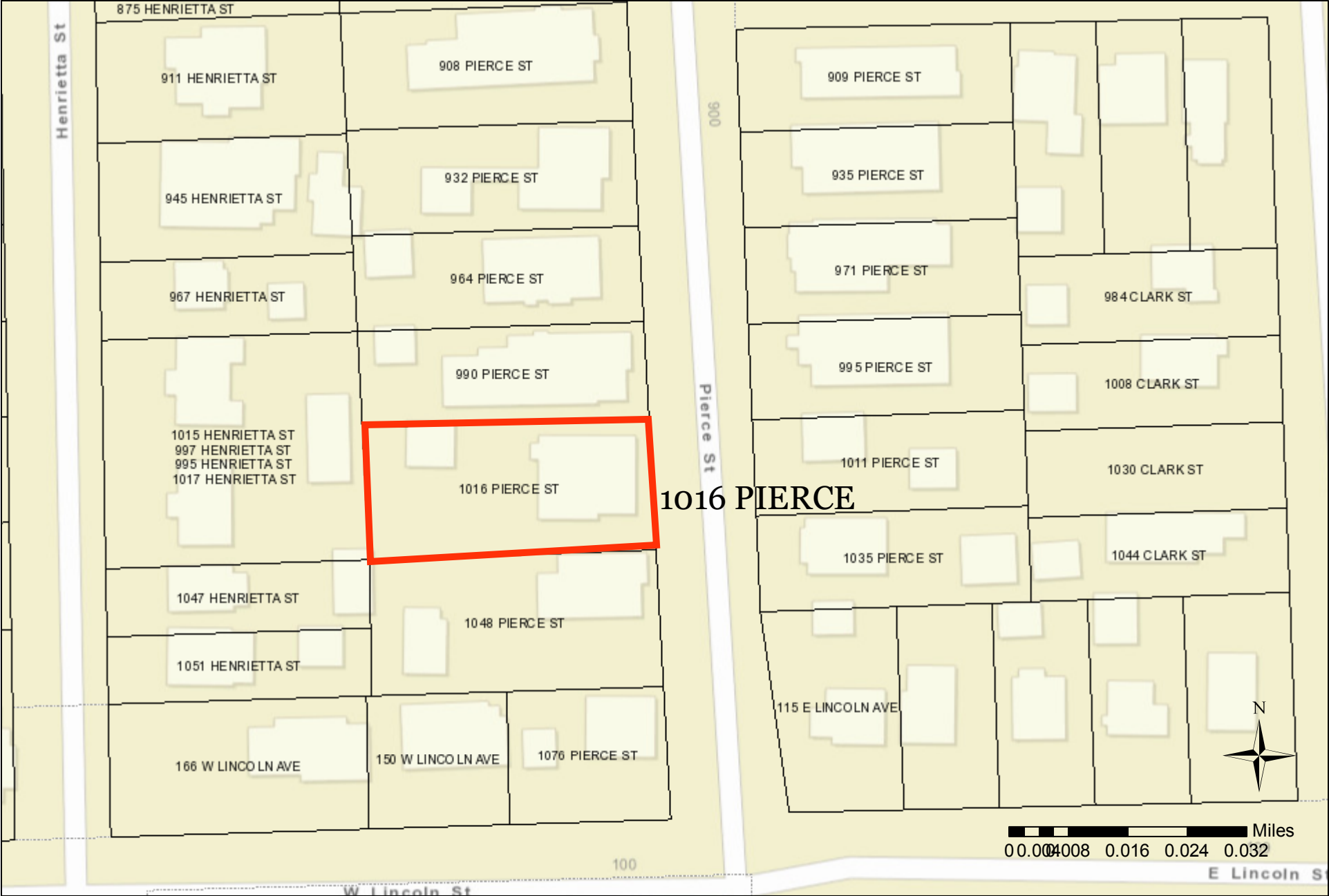
- A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width, whichever is larger. The required is 17.25 feet. The proposed is 14.00 feet on the North side Therefore; a variance of 3.25 feet is being requested.

Staff Notes: This address location was in front of the board in June 2021 (minutes attached). Due to the time limit and contractor change, the new applicant is looking to get the appeal approved for the same variance requested to construct a new single family home with an attached garage.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

1016 PIERCE 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: 9.12.22
 Received By: MT

Hearing Date: 10.11.22
 Appeal #: 22-45

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

I. PROPERTY INFORMATION:

Address: 1016 PIERCE ST. Lot Number: 119 Sidwell Number: M-36-185-034

II. OWNER INFORMATION:

Name: BRETT & ANN EILANDER
 Address: 1485 CEDAR City: BIRMINGHAM State: MI Zip code: 48009
 Email: eilander.brett@gmail.com Phone: 248-508-8630

III. PETITIONER INFORMATION:

Name: OWNER Firm/Company Name: _____
 Address: SEE ABOVE City: _____ State: _____ Zip code: _____
 Email: _____ Phone: _____

IV. GENERAL INFORMATION:

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

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

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

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

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

Signature of Owner: [Signature]

Date: 9/12/22

Signature of Petitioner: (same as owner)

Date: _____

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

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

1. A motion is made to either grant or deny a petitioner's request
 - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
 - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
 - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.

2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.
3. When there are less than seven (7) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity at the beginning of the meeting to elect to have it heard at the next regularly scheduled meeting.
4. When there are less than six (6) members present for a meeting, then all petitioners shall be given an opportunity at the beginning of the meeting to elect to have the request heard at the next regularly scheduled meeting.

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

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

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

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



Signature of Applicant

Sept. 8, 2022

Re: EILANDER RESIDENCE
1016 Pierce Street, Birmingham, MI

Dear Zoning Board Members:

In the past 6-9 months, we have been evaluating the best situation for scope of work, budget, supply chain pressures, and timing to start construction on our new home and assembling the best team to accomplish the vision. In the course of doing that, we did not secure a building permit in the allotted one-year time frame and are hereby requesting the same Distance to Neighbor variance approved June or July 2021.

Our original hardship remains: In order to have a sufficient size garage to park 2 cars and have access walking space to small, required ramp to Elevator along the side, we are requesting a variance to construct a 50'-4" wide house. We proposed the north wall of house 14.0' from existing neighbor house to the NORTH (in lieu of the 25% of 17.25') requiring the requested 3.25' variance.

Because that Lot to the North is 50' Wide, their 'distance to neighbor' requirement is only 14' meaning that locating our house at this 14' distance would never impact development on their property while alleviating the practical difficulty that it poses to us.

Granting this request would not be a detriment to the neighborhood in that all 3 houses would be placed to provide the 'distance to neighbor' required relative to each adjoining Lot Width and permit us substantial justice in full use of our 69' wide lot and accommodating a functional garage space.

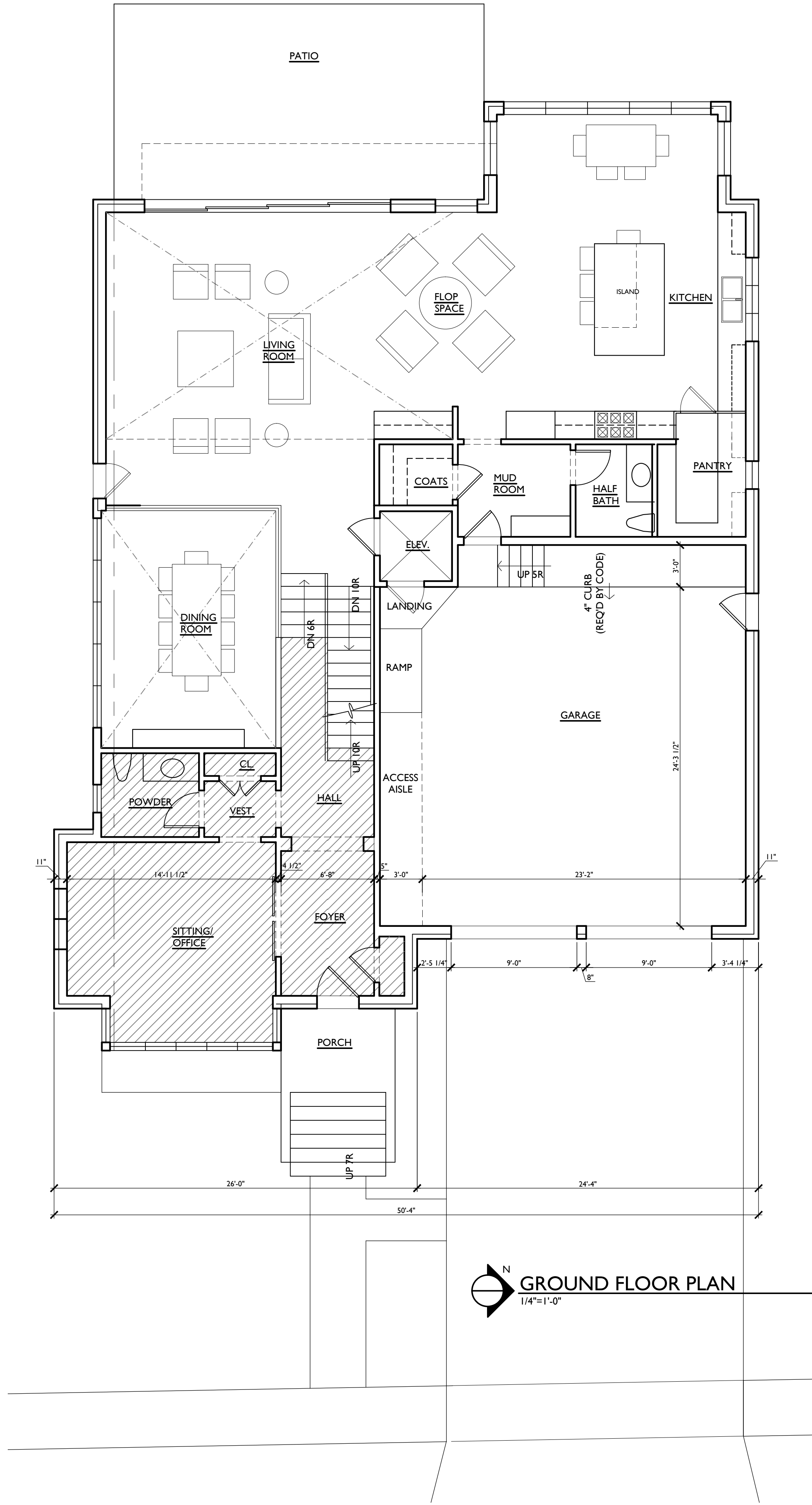
Our proposed new house meets all other Height & Bulk requirements of the Zoning Ordinance, is in fact more modest in size than many others in the neighborhood, AND in the course of fleshing-out final design, we have moved the Garage front wall and a portion of the north side wall to the rear back away from Lot Line so that those areas are LESS than originally approved.

We humbly request your RE-APPROVAL of this appeal.

Respectfully Submitted,



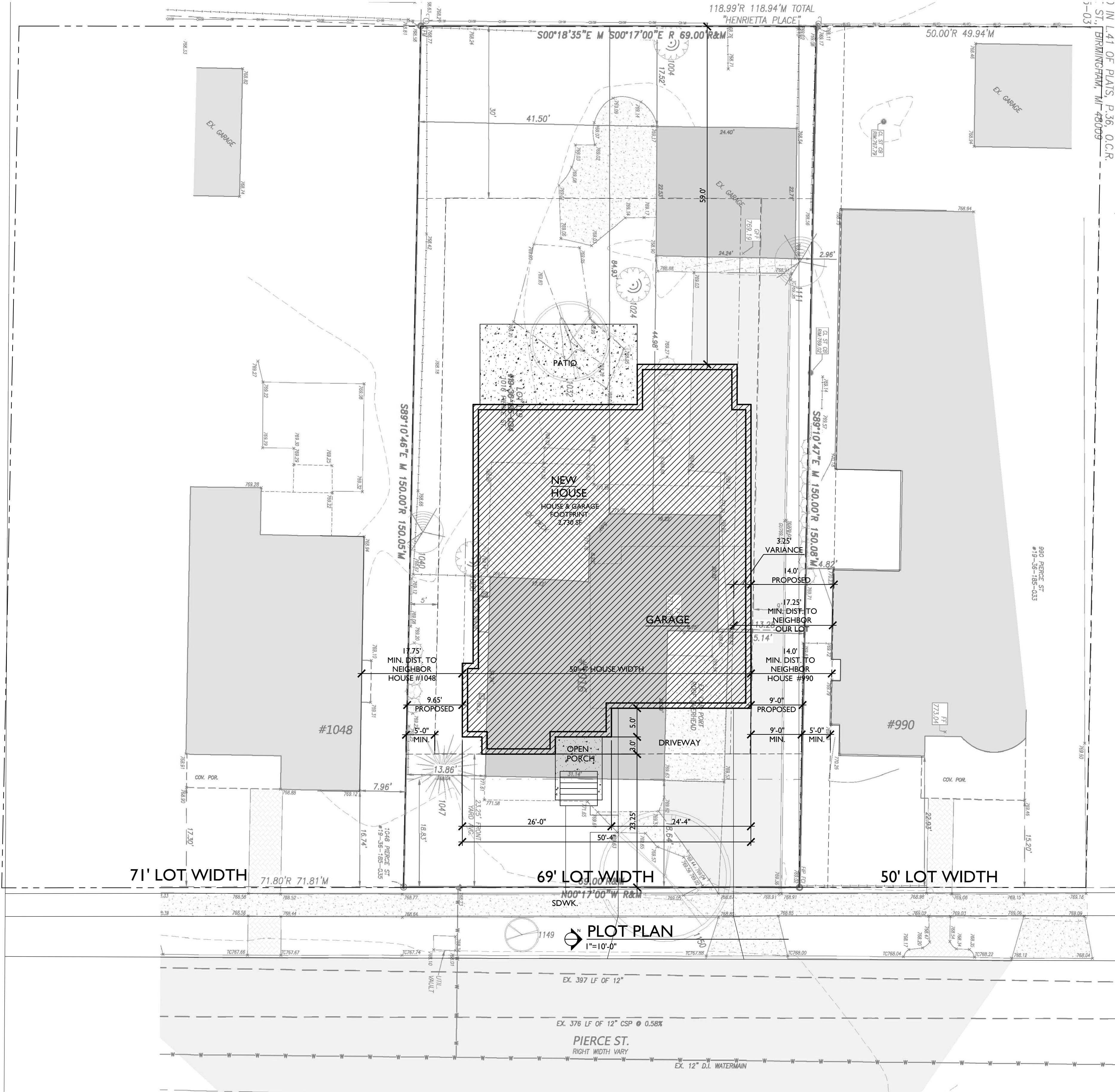
Mr. & Mrs. B. Eilander



VARIANCE SUMMARY CHART			
ITEM	REQUIRED	PROPOSED	VARIANCE AMOUNT
DISTANCE TO NORTH NEIGHBOR	17.25'	14.0'	3.25'

Project Data:

ADDRESS	1016 PIERCE STREET		
ZONED	R-2 (SINGLE FAMILY RESIDENTIAL)		
LOT AREA	10,350 SF		
LOT WIDTH AT FRONT SETBACK	69'		
SITE DATA			
	REQUIRED	PROPOSED	
FRONT SETBACK	23.25' (AVERAGE)	23.25'	- OK
REAR SETBACK	30' MIN.	59'	- OK
ONE SIDE SETBACK	9' MIN. (OR 10% LOT WIDTH)	9.0' NORTH SIDE	- OK
LEAST SIDE SETBACK	5' MIN.	9.65' SOUTH SIDE	- OK
TOTAL SIDES SETBACK	25 % OF 69' = 17.25' MIN.	NORTH SIDE 9.0' SOUTH SIDE 9.65'	
		18.65'	- OK
DIST. TO NEIGHBOR	25 % OF 69' = 17.25' MIN.	17.25' TO SOUTH NEIGHBOR	- OK
DIST. TO NEIGHBOR	25 % OF 69' = 17.25' MIN.	14.0' TO SOUTH NEIGHBOR	- 3.25' VARIANCE
FRONT FACING GARAGE WIDTH	< 50% HOUSE	HOUSE WIDTH 50'-4" GARAGE WIDTH 24'-4"	- OK



EILANDER RESIDENCE
1016 Pierce Street
Birmingham, Mi

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

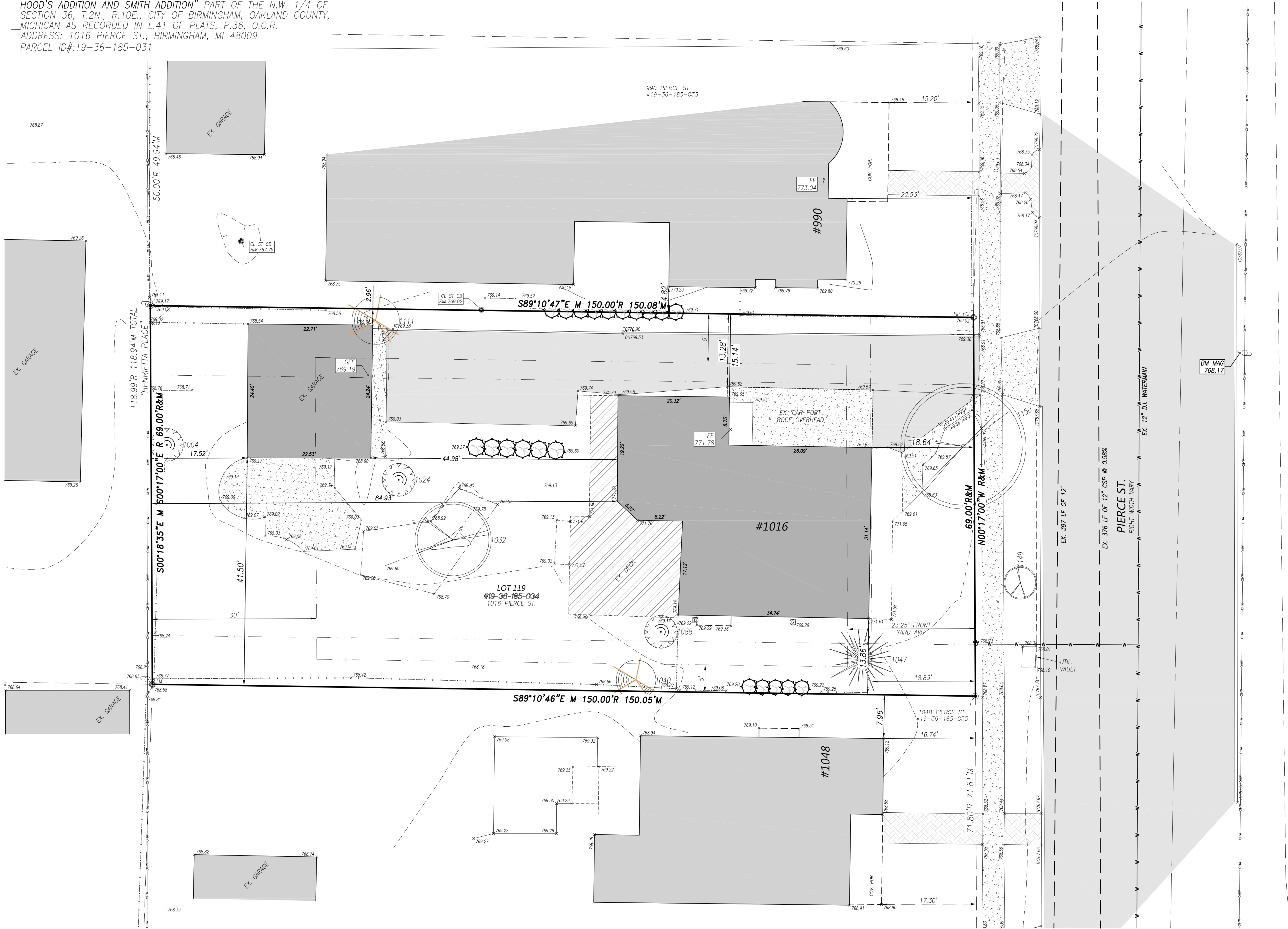
SITE INFO, SITE
PLAN & GROUND
FLOOR PLAN

1-18-21
PRE-LIM DESIGN
3-2-21
REVISED DESIGN
4-5-21
REVISED DESIGN
5-14-21
B.Z.A. REVISED

A001

SITE SURVEY

LEGAL DESCRIPTION:
LOT 119 OF "ASSESSOR'S REPLAT OF PART OF TORREY'S ADDITION, HOOD'S ADDITION AND SMITH ADDITION" PART OF THE N.W. 1/4 OF SECTION 36, T.2N., R.10E., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L.41 OF PLATS, P.36, O.C.R. ADDRESS: 1016 PIERCE ST., BIRMINGHAM, MI 48009 PARCEL ID#:19-36-185-031



Parcel Table	
Name	Area
LOT AREA	10,352.56 S.F.
EX. DRIVE	1,545.02 S.F.
EX. HOUSE	1,409.19 S.F.
EX. GARAGE	550.06 S.F.
CONC. PATIO	311.86 S.F.
COV. CAR PORT	276.51 S.F.

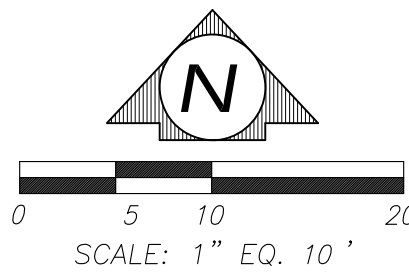
LOT INFO:
MAXIMUM LOT COVERAGE: 30%
TOTAL LOT AREA: 10,352.56 S.F.
MAXIMUM LOT COVERAGE:
10,352.56*30% = **3,105.768 S.F.**

EXISTING HOUSE COVERAGE:
EXISTING HOUSE: 1409.185 S.F.
EXISTING GARAGE: 550.059 S.F.

EXISTING COVERAGE:
HOUSE & GARAGE
1,959.24 S.F./10,352.56 S.F.=**18.92%**

OPEN SPACE CAL'S:
5,657.94 S.F.
10,352.56 S.F. = 54.65%

3 FULL WORKING DAYS
BEFORE YOU DIG CALL
811
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Call before you dig
MISSDIG System, Inc.
1-800-482-7171 www.missdig.net
(TOLL FREE)



LEGEND:

- FOUND IRON
- SET IRON
- RECORD DISTANCE
- MEASURED DISTANCE
- EXISTING GRAVEL
- EXISTING PAVER STONE
- EXISTING BUILDING
- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING LANDSCAPED AREA
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- EXISTING WATERMAIN
- EXISTING OVERHEAD WIRES
- EXISTING FENCE
- EXISTING UTILITY POLE
- EXISTING WATER SHUT OFF
- EXISTING GATE VALVE
- EXISTING HYDRANT
- EXISTING WELL
- EXISTING GAS SHUT OFF
- EXISTING SANITARY STRUCTURE
- EXISTING STORM STRUCTURE
- EXISTING DOWN SPOUT
- EXISTING UTILITY PEDESTAL
- x 655.00 EXISTING GRADE

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

ZONING INFO:

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

IF DETACHED GARAGE:
14.5 FT. TO MID ROOF
550 S.F. MAX. SIZE
SIDE: 3 FT.
REAR: 3 FT.
OUT OF UTIL. ESMT., INCLUDING OVERHANG.

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

PIERCE ST. AVERAGING

HOUSE #	SCALE: 1"=40'	
	HSE. DIST.	POR. DIST.
#1076	18.21'	11.88' UN. COV.
#1048	16.74'	17.30'
SITE	N/A	N/A
#990	22.93'	15.20'
#964	25.44'	18.79'
#932	26.68'	23.10'
#908	26.60'	19.77'
#896	26.18'	N/A
Σ162.78/7= 23.25'		Σ94.16/5= 18.83'
		ALL PORCHES
		Σ106.04/6= 17.67'

BENCHMARK:

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

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

REICHERT SURVEYING INC.
P 248.651.0592
F 248.656.7099
Mail@ReichertSurveying.com
140 Flumerfelt Lane
Rochester, MI 48306

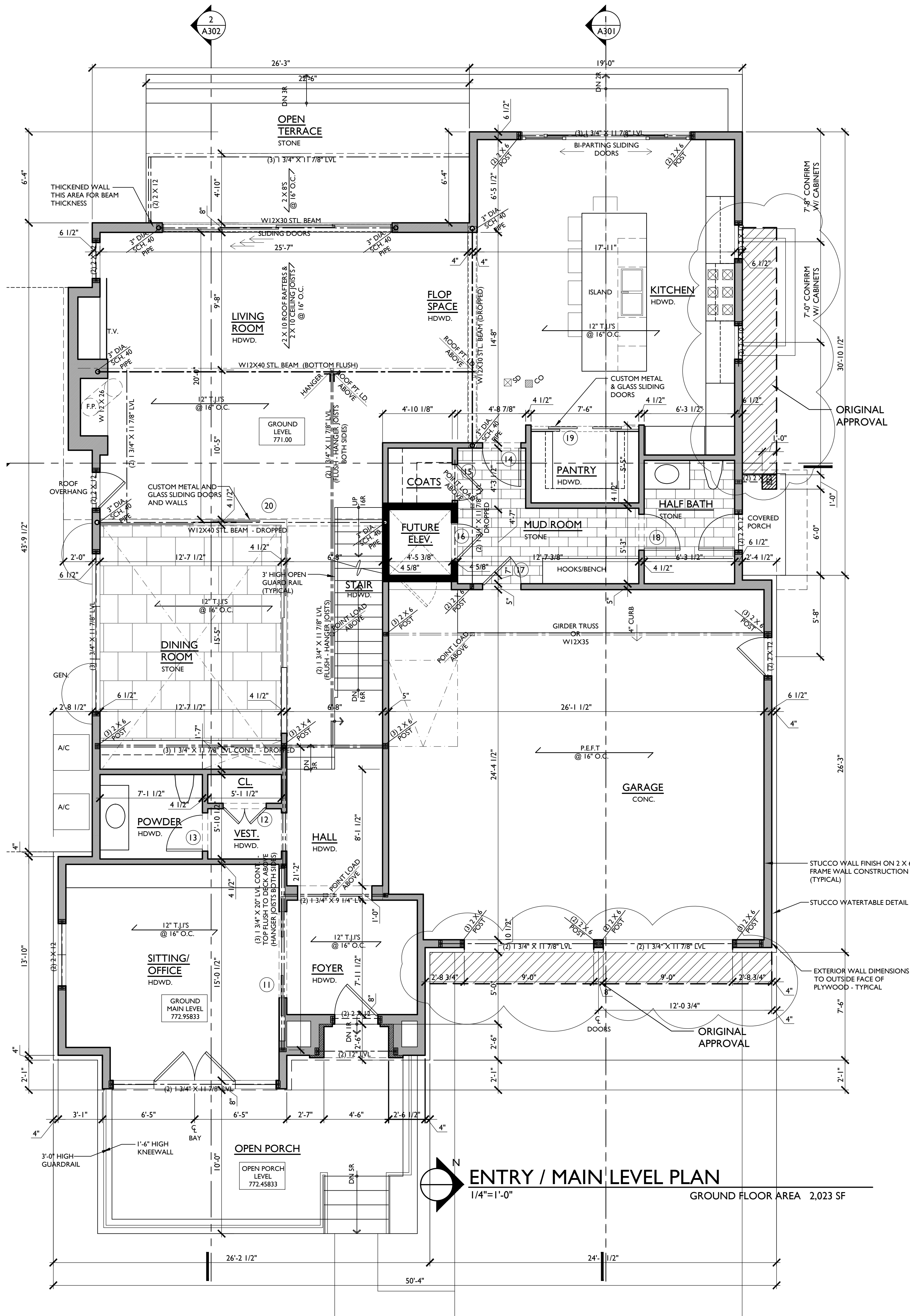
SITE SURVEY
LOT 119 OF "ASSESSOR'S REPLAT OF PART OF TORREY'S ADDITION, HOOD'S ADDITION AND SMITH ADDITION" PART OF THE N.W. 1/4 OF SECTION 36, T.2N., R.10E., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN AS RECORDED IN L.41 OF PLATS, P.36, O.C.R. ADDRESS: 1016 PIERCE ST., BIRMINGHAM, MI 48009 PARCEL ID#:19-36-185-031

PREPARED FOR:
KELLY BUILDING CO. LLC
2051 VILLA, SUITE 106
BIRMINGHAM, MI 48009
(248) 642-5330



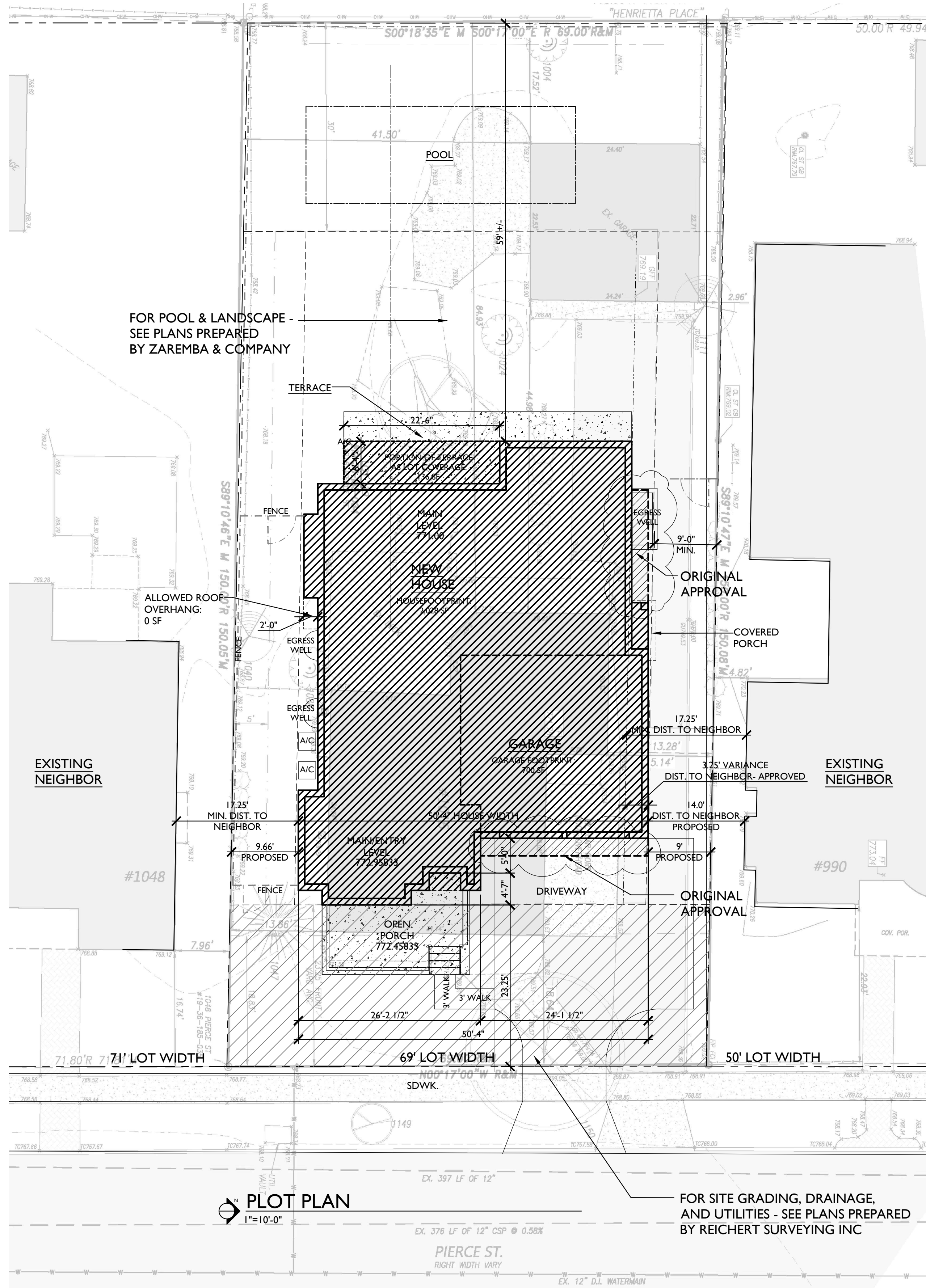
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SCALE: 1"=10'	DRAWN: B.G.R.
DATE: 2/1/21	CHECK: G.H.R.
JOB # 20-218	SHEET: 1 OF 1



VARIANCE CHART			
ITEM	REQUIRED	PROPOSED	VARIANCE AMOUNT
DISTANCE TO NEIGHBOR	17.25'	14'	3.25'

SITE DATA		REQUIRED	PROPOSED
FRONT SETBACK	23.25' (AVERAGE)	23.25'	23.25'
REAR SETBACK	30' MIN.	59'	59'
ONE SIDE SETBACK	9' MIN. (OR 10% LOT WIDTH)	9.0' NORTH SIDE	9.0' NORTH SIDE
LEAST SIDE SETBACK	5' MIN.	9.66' SOUTH SIDE	9.66' SOUTH SIDE
TOTAL SIDES SETBACK	25 % OF 69' = 17.25' MIN.	NORTH SIDE 9.0'	SOUTH SIDE 9.66'
		18.66'	
DIST. TO NEIGHBOR	25 % OF 69' = 17.25' MIN.	17.25' TO SOUTH NEIGHBOR	
DIST. TO NEIGHBOR	25 % OF 69' = 17.25' MIN.	14.0' TO SOUTH NEIGHBOR - 3.25' VARIANCE APPROVED	
FRONT FACING GARAGE WIDTH	< 50% HOUSE	HOUSE WIDTH 50'-4"	GARAGE WIDTH 24'-4"
BUILDING HEIGHT	30' TO MIDPOINT	29'-5" TO MIDPOINT - TALLEST GABLE SEE A-201	
LOT COVERAGE	30% MAXIMUM	HOUSE UNDER ROOF 2,028 SF	ATTACHED GARAGE 700 SF
		SIDE ROOF OVERHANG 32 SF	PORTION OF REAR TERRACE (COUNTED AS LOT COVERAGE) 136 SF
		TOTAL 2,896 SF	
		LOT COVERAGE 2,896 SF / 10,352.56 SF = 27.97 %	



EILANDER RESIDENCE
1016 Pierce Street
Birmingham, Mi

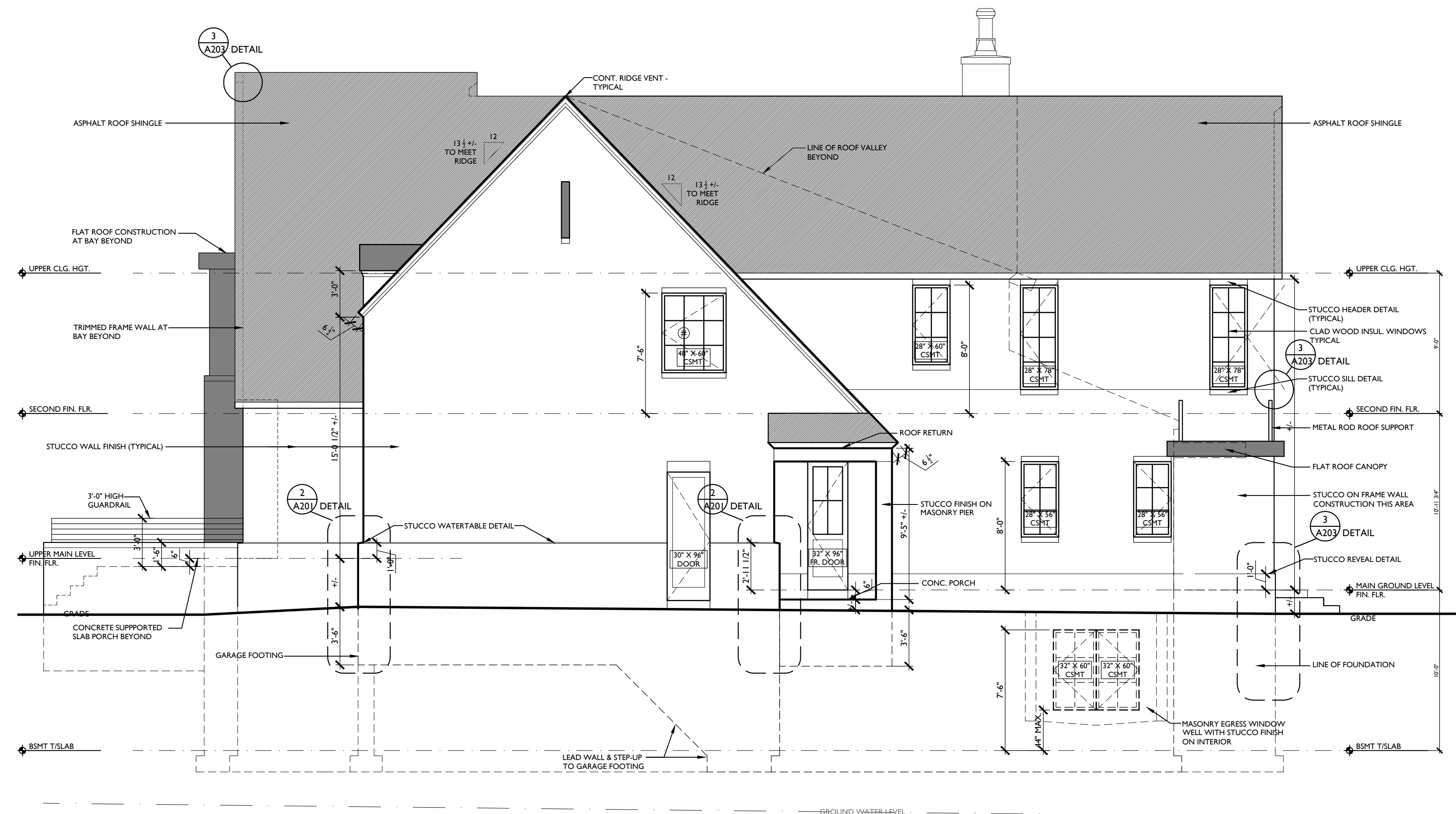
Glenda MEADS Architects
114 S. OLD WOODWARD AVE, SUITE 5, BIRMINGHAM, MI 48009
T (248) 220-4998 M (248) 514-2971 glenda@glendameads.com

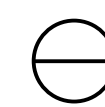
SITE, DATA, &
GROUND FLOOR
PLAN

1-18-21
PRE-LIM DESIGN
4-5-21
REVISED DESIGN
5-14-21
B.Z.A. REVISED
7-23-21
DESIGN DEV.
7-29-21
DESIGN DEV. REV.
8-22-21
FINAL DESIGN DEV.
11-9-21
BLDG PERMIT
8-10-22
BLDG PERMIT REV.

9-12-22
BLDG PERMIT REV.

A001

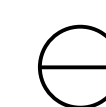


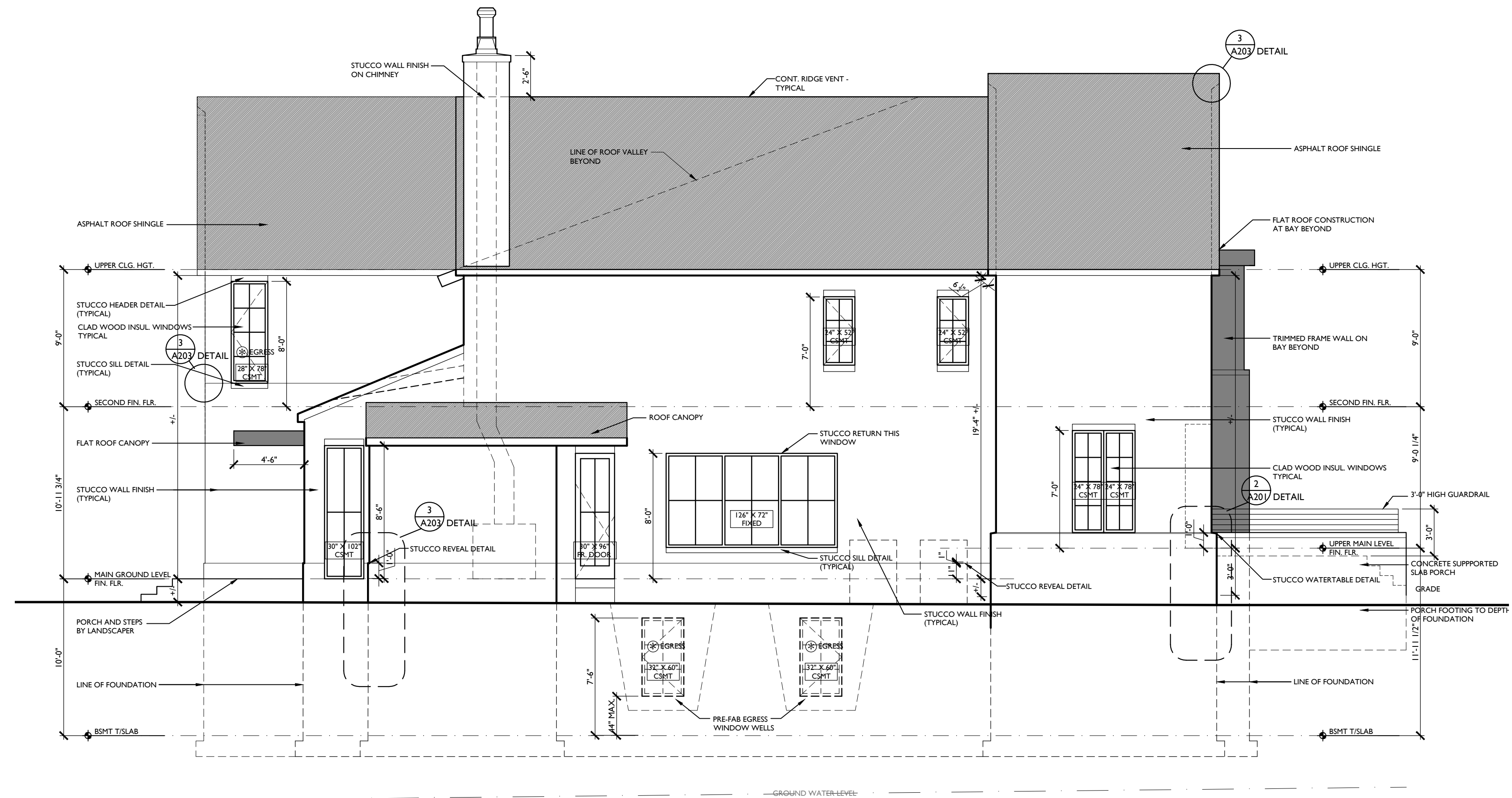
 NORTH SIDE ELEVATION
1/4"=1'-0"



 FRONT (EAST) ELEVATION
1/4"=1'-0"



 REAR (WEST) ELEVATION
1/4"=1'-0"



 SOUTH SIDE ELEVATION
1/4"=1'-0"

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NORTH
ELEVATION

1-18-21
PRE-LIM DESIGN
4-5-21
REVISED DESIGN
5-14-21
B.Z.A. REVISED
7-23-21
DESIGN DEV.
7-29-21
DESIGN DEV. REV.
8-22-21
FINAL DESIGN DEV.
11-9-21
BLDG PERMIT
8-10-22
BLDG PERMIT REV.

9-12-22
BLDG PERMIT REV.

A002



Neighbor House to
SOUTH



Eilander Residence
1016 Pierce Street

HOUSE TO BE
REPLACED



Neighbor House to
NORTH

Birmingham Board Of Zoning Appeals Proceedings
Tuesday, June 8, 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, June 8, 2021. Chair Charles Lillie convened the meeting at 7:31 p.m.

2. Rollcall

Present: Chair Charles Lillie; Board Members Jason Canvasser, Kevin Hart, John Miller, Erik Morganroth, Francis Rodriguez; Alternate Board Member Erin Rodenhouse

All located in Birmingham, MI.

Absent: Board Member Richard Lilley; Alternate Board Member Ron Reddy

Administration:

Jeff Zielke, Assistant Building Official
Brooks Cowan, City Planner
Laura Eichenhorn, City Transcriptionist
Mike Morad, Assistant Building Official

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

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

Vice-Chair Morganroth took rollcall of the petitioners. All petitioners were present except for Appeal 21-27 for 1220 Bird.

T# 06-31-21

3. Approval Of The Minutes Of The BZA Meeting Of May 11, 2021

Mr. Rodriguez asked that 'extant' be changed to 'existing' on page four.

Motion by Mr. Lillie

Seconded by Mr. Miller to accept the Minutes of the BZA meeting of May 11, 2021 as amended.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Lillie, Morganroth, Canvasser, Rodriguez, Miller

Nays: None

Abstain: Hart, Rodenhouse

T# 06-32-21

4. Appeals

**1) 1016 Pierce
Appeal 21-21**

ABO Zielke presented the item, explaining that the owner of the property known as 1016 Pierce was requesting the following variance to construct a new single-family home with an attached garage:

A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width, whichever is larger. The required is 17.25 feet. The proposed is 14.00 feet on the North side therefore; a variance of 3.25 foot is being requested.

ABO Zielke continued that this appeal was in front of the board in May 2021. The applicant reduced the variance request based on the comments from the May meeting.

In reply to Ms. Rodenhouse, ABO Zielke confirmed that a new home could be built on this lot that would not require any variances.

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

In reply to Vice-Chair Morganroth, Mr. Eilander said the sitting office bump out could not be reduced since the width as-proposed prevented the need for another variance.

Vice-Chair Morganroth noted that with the variance request the garage would be almost 27 feet wide, with almost seven feet of non-vehicle space. He observed that many garages in Birmingham are only 21 feet wide.

Mr. Eilander said that without the variance they could not fit a ramp.

Vice-Chair Morganroth said he was unsure that was the case.

In reply to Ms. Rodenhouse, Mr. Eilander said that with a 23-foot garage there would only be room for the ramp and two vehicles, with no room for storage.

Ms. Eilander said that the only prohibitive issue here is the distance between principal residential buildings. She said that if that were not the case there would be no need for a variance.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 21-21, A. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires a minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width, whichever is larger. The required is 17.25 feet. The proposed is 14.00 feet on the North side. Therefore a variance of 3.25 foot is being requested.

Mr. Miller moved to approve the appeal and tied it to the plans as submitted. He said it was a reasonable request given the location of the adjacent homes on the lots to the north and south and that strict compliance with the ordinance would prevent the petitioner from fully using their lot. He said that approving the appeal would do substantial justice and would not effect the property owners to the north or south of this home.

Mr. Lillie offered his support for the motion, explaining that the BZA has run into similar issues on a number of occasions where adjoining lots are not the same width. He noted that if the lot to the north were also approximately 70 feet there would be no need for the variance request in this case. He confirmed Ms. Eilander's contention that all the other ordinance requirements in this case were being met.

Mr. Rodriguez and Vice-Chair Morganroth concurred with Mr. Miller and Mr. Lillie.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**2) 815 Woodland
Appeal 21-23**

ABO Zielke presented the item, explaining that the owner of the property known as 815 Woodland was requesting the following variances to construct an addition to an existing non-conforming garage:

B. Chapter 126, Article 4.03(H) of the Zoning Ordinance limits the maximum area of the first floor of any accessory structure in an R2 Zone district is 550 square feet. The existing and proposed is 564. Therefore a variance of 14 square feet is being requested.

ABO Zielke continued that this appeal was in front of the board in May 2021. Based on the comments from the May meeting, the applicant withdrew two of the three variances previously requested.

Mr. Lillie noted for the record that the appellant was not tearing the garage down, and was only adding on to the second floor.

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

Motion by Mr. Rodriguez

Seconded by Mr. Miller with regard to Appeal 21-23, B. Chapter 126, Article 4.03(H) of the Zoning Ordinance limits the maximum area of the first floor of any accessory structure in an R2 Zone district is 550 square feet. The existing and proposed is 564. Therefore a variance of 14 square feet is being requested.

Mr. Rodriguez moved to approve variance B and to tie it to the plans as submitted. He noted that the garage was existing non-conforming and that the appellant would not be expanding the non-conformity. He stated it was not self-created and would not impact any of the adjacent properties.

Mr. Rodriguez confirmed that, per ABO Zielke's presentation, the appellant would be required to consult with the City regarding the window on the dormer before receiving final approval.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**3) 856 N. Old Woodward, Suite 101
Appeal 21-25**

CP Cowan presented the item, explaining that the owner of the business known as Fruition, located at 856 N. Old Woodward, Suite 101, was requesting the following dimensional variance to operate a food & beverage use in the O2-Office zone:

A. Chapter 126, Article 4, Section 4.46(A), Table A of the Zoning Ordinance requires that an eating establishment for indoor or combined indoor-outdoor consumption requires 1 parking space for every 75 square feet of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining. 856 N. Old Woodward "The Pearl" is a mixed-use building with three first floor tenant spaces, residential units on floors 2-4, and 70 parking spaces total. Fruition is a 1,227 square foot tenant space that requires 16 parking spaces as a food & beverage use with indoor dining, increasing the total parking requirement to 82 parking spaces for 856 N. Old Woodward, therefore a variance of 12 parking spaces is being requested.

Mr. Lillie noted that the landlord was obligated to make sure that the tenants would be able to run their businesses in adherence with the parking requirements. He observed that there was already an issue with too little parking in the area, and that if the BZA were to grant this variance it could both create a deleterious precedent for future businesses wanting to be granted parking spaces in excess of their allotment. He said it would also contribute to further parking issues in the area.

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

Ms. Cason confirmed for the Board that the majority of business at the Grand Rapids location of Fruition is takeout. She said that was true both before Covid-19 and after the Covid-19 restrictions were lifted.

In reply to Vice-Chair Morganroth, CP Cowan said that bartop tables without seating would be a grey area between dine-in and carryout. He said the impact on parking requirements would have to be determined by Planning Director Ecker and Building Official Johnson.

Motion by Mr. Canvasser

Seconded by Mr. Lillie with regard to Appeal 21-25, A. Chapter 126, Article 4, Section 4.46(A), Table A of the Zoning Ordinance requires that an eating establishment for indoor or combined indoor-outdoor consumption requires 1 parking space for every 75 square feet of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining. 856 N. Old Woodward "The Pearl" is a mixed-use building with three first floor tenant spaces, residential units on floors 2-4, and 70 parking spaces total. Fruition is a 1,227 square foot tenant space that requires 16 parking spaces as a food & beverage use with indoor dining, increasing the total parking requirement to 82 parking spaces for 856 N. Old Woodward, therefore a variance of 12 parking spaces is being requested.

Mr. Canvasser moved to deny the variance request. He said that the issue the appellant was facing was a private contractual matter. He explained that the landlord was approved for a certain number of parking spaces, and that the landlord should have divvied up the retail spaces based on the approved parking spaces and based on the concepts of each of the tenants. He said he agreed with Mr. Lillie's caution that approving this variance could establish damaging precedent in terms of future

requests for parking spaces. Mr. Canvasser said he was strongly urging the appellant to consult with an appropriate person about the appellant's remedies and rights because there may have possibly been some representations made that were not appropriate. He said that he was sympathetic to the appellant, and wanted to see her succeed, but noted that within the specific charge of the BZA they had no choice but to deny the request.

Ms. Rodenhouse concurred with Mr. Canvasser. She stated that the appellant's remedy would be found with the landlord and not with the BZA.

Mr. Lillie concurred with Mr. Canvasser.

Mr. Miller concurred with Mr. Canvasser, stating that while he wanted to see the business succeed that the BZA was not the right instrument for trying to gain additional parking in this case.

Vice-Chair Morganroth concurred with Mr. Canvasser. He stated that while he would support Fruition as a member of the public, he explained that the BZA could not be used to resolve tenant-landlord issues.

Motion carried, 6-1.

ROLL CALL VOTE

Yeas: Canvasser, Lillie, Morganroth, Rodriguez, Miller, Rodenhouse

Nays: Hart

**4) 555 S. Old Woodward, Suite 100
Appeal 21-26**

CP Cowan presented the item, explaining that the owner of the business known as Birmingham Pub, located at 555 S. Old Woodward, Suite 100, was requesting the following variance to have an illuminated building identification sign:

A. Article 1, Section 1.05(K)(2) of the Sign Ordinance states that non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor in accordance with Section 2.02(C) Requirements. The applicant is proposing a 42-square foot illuminated building identification sign above the second floor, therefore a variance to allow the illumination of a 42-square foot sign is requested.

CP Cowan continued that the applicant received Final Site Plan and SLUP approval to operate an establishment with an Economic Development Liquor License on March 22nd, 2021. Neither the Planning Board nor the City Commission voiced concern or opposition to the signage. The previous restaurant tenant Triple Nickel received a variance for an illuminated building identification sign in December of 2016.

Vice-Chair Morganroth and Mr. Lillie asked how the color-changing lights visible from the railing of this establishment might factor into this variance request.

CP Cowan said that since the color-changing lights were already approved they were not being considered as a factor in the present variance request.

In reply to a question from Mr. Canvasser, CP Cowan said that the City had no concerns about the amount of illumination since the signage would have to comply with all other photometric requirements.

Timothy Muller, representing the appeal, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Mr. Canvasser, Mr. Muller stated that the Birmingham Pub signage letters were the same 10-inch height as the signage letters previously used for Triple Nickel.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 21-26, A. Article 1, Section 1.05(K)(2) of the Sign Ordinance states that non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor in accordance with Section 2.02(C) Requirements. The applicant is proposing a 42 square foot illuminated building identification sign above the second floor, therefore a variance to allow the illumination of a 42 square foot sign is requested.

Mr. Miller moved to approve the variance and tied it to the plans as submitted. He noted that the same issue arose in consideration of the previous Triple Nickel signage, which the Board approved, and added that the Birmingham Pub signage only had one additional letter. He noted that the height of the Birmingham Pub signage and the height of the Triple Nickel signage were the same. Mr. Miller continued that the signage was unlikely to have a negative impact. Describing the the properties to the north and south as 'blighted' in terms of urban design, Mr. Miller stated that given the environs locating Birmingham Pub would be difficult without illuminated signage. He said the circumstances of the property made it unique, that granting the variance would benefit both the owner and the surrounding property owners, and that the need for the variance was not self-created.

Mr. Lillie explained that while he had previously opposed Triple Nickel's similar request he did not think it would be fair to deny Birmingham Pub's request since Triple Nickel's request had ultimately been approved. Given that, Mr. Lillie said he would support the motion.

Vice-Chair Morganroth concurred with Mr. Miller. He said that he had concerns about the illuminated railing and hoped that the City was looking at that.³

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**5) 1220 Bird
Appeal 21-27**

Vice-Chair Morganroth asked again if the appellants were present. Since they were not, the Board moved to reschedule the hearing for Appeal 21-27 to the next regular BZA meeting.

Motion by Mr. Lillie

Seconded by Mr. Rodriguez to reschedule the hearing for Appeal 21-27 to the July 2021 BZA meeting.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**6) 2351 Buckingham
Appeal 21-28**

ABO Zielke presented the item, explaining that the owner of the property known 2351 Buckingham was requesting the following variance to construct a rear second floor addition to an existing non-conforming single-family home:

A. Chapter 126, Article 4.03(D) of the Zoning Ordinance requires that an accessory building shall not be closer than 10.00 feet to the principal building located on the same lot. The existing and proposed is 9.00 feet. Therefore; a variance of 1.00 feet is being requested.

Stephanie Choate, appellant, and John Choate, contractor, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Ms. Choate stated that she did explore stepping in the second floor. She explained that doing so would cause the bedroom to be prohibitively constrained.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 21-28, A. Chapter 126, Article 4.03(D) of the Zoning Ordinance requires that an accessory building shall not be closer than 10.00 feet to the principal building located on the same lot. The existing and proposed is 9.00 feet. Therefore; a variance of 1.00 feet is being requested.

Mr. Miller moved to approve the plans and tied it to the plans as submitted. He said the need for the variance arose as a result of the position of the two existing buildings

on the site. He said the issue was not self-created and that it arose from the unique circumstances of the site. He stated that strict compliance with the ordinance in this case would prevent the petitioner from reasonably improving their property.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 06-33-21

5. Correspondence

Included in the agenda packet.

T# 06-34-21

6. General Business

Mr. Miller and Vice-Chair Morganroth thanked the City for the token of appreciation given to each BZA member as an acknowledgment of their volunteer service on the Board.

T# 06-35-21

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

None.

T# 06-36-21

8. Adjournment

Motion by Mr. Canvasser

Seconded by Mr. Lillie to adjourn the June 8, 2021 BZA meeting at 9:31 p.m.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

A handwritten signature in blue ink, appearing to read "Bruce R. Johnson", is positioned above a horizontal line.

Bruce R. Johnson, Building Official