

**CITY OF BIRMINGHAM
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, FEBRUARY 13, 2024
7:30 PM**

The meeting will be held in the City Commission Room at City Hall, 151 Martin St. Birmingham, MI 48009. 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

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

4. APPROVAL OF THE MINUTES

a) January 9, 2024

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	2428 NORTHLAWN	SHANITH JOHNSTON	24-01	DIMENSIONAL

6. CORRESPONDENCE

7. GENERAL BUSINESS

- a) Discussion on motions
- b) Election of Vice Chairperson

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

9. ADJOURNMENT

Title VI

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

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

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

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

FEBRUARY BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
Tuesday, January 7, 2024
City Commission Room
151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, January 7, 2024. The meeting was convened at 7:30 p.m.

2. Rollcall

Present: Chair Erik Morganroth; Board Members Richard Lilley, John Miller, Ron Reddy, Pierre Yaldo; Alternate Board Member Carl Kona

Absent: Board Member Kevin Hart

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

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

3. Announcements

Announcements can be found in the evening's agenda packet.

4. Approval Of The Minutes Of The BZA Meetings Of December 12, 2023

T# 01-01-24

Motion by Mr. Miller

Seconded by Mr. Reddy to approve the minutes of the BZA meeting of December 12, 2023 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Reddy, Miller, Yaldo, Kona, Morganroth, Lilley

Nays: None

5. Appeals

T# 01-02-24

**1) 631 Ruffner
Appeal 23-39**

ABO Zielke presented the item, explaining that the owner of the property known as 631 Ruffner was requesting the following variances to construct an addition:

A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that the minimum total side yard setbacks of 14.00 feet or 25% of total lot width, whichever is larger. The required is 14.00 feet. The proposed is 13.71 feet. Therefore, a variance of 0.29 feet is being requested.

B. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing is 4.87 and the proposed is 4.87 feet. Therefore, a variance of 0.13 feet is being requested.

C. 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. The existing and proposed is 10.59 feet on the west side. Therefore, a variance of 3.41 feet is being requested.

D. 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. The existing and proposed is 11.98 feet on the east side. Therefore, a variance of 2.02 feet is being requested.

E. Chapter 126, Article 4, Section 4.75(C) of the Zoning Ordinance requires that 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 a principal residential building that is setback from the front property line. The required is 35.32 feet. The existing garage is 30.32 feet in front of the furthest façade. The proposed is 19.66 feet in front of the furthest façade. Therefore, a variance of 24.66 feet is being requested.

Staff answered informational questions from the Board.

Robert Kozlowski, design professional, reviewed the letter describing why these variances were being sought and answered informational questions from the Board. The letter was included in the evening's agenda packet.

Public Comment

Staff and the Board advised the owner of 482 E. Lincoln that drainage on the site would be part of the City's review process.

Motion by Mr. Reddy

Seconded by Mr. Lilley with regard to Appeal 23-39, A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that the minimum total side yard setbacks of 14.00 feet or 25% of total lot width, whichever is larger. The required is 14.00 feet. The proposed is 13.71 feet. Therefore, a variance of 0.29 feet is being requested; B. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing is 4.87 and the proposed is 4.87 feet. Therefore, a variance of 0.13 feet is being requested; C. 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. The existing and proposed is 10.59 feet on the west side. Therefore, a variance of 3.41 feet is being requested; D. 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. The existing and proposed is 11.98 feet on the east side. Therefore, a variance of 2.02 feet is being requested; and, E. Chapter 126, Article 4, Section 4.75(C) of the Zoning Ordinance requires that 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 a principal residential building that is setback from the front property line. The required is 35.32 feet. The existing garage is 30.32 feet in front of the furthest façade. The proposed is 19.66 feet in front of the furthest façade. Therefore, a variance of 24.66 feet is being requested.

Mr. Reddy moved to approve the variances and tied approval to the plans, noting that this was a pre-existing non-conforming structure, that the non-conformity would not be expanded, and that the placement of the front door was reasonable. Mr. Reddy noted that the applicant made attempts at mitigating the variance requests.

The Chair voiced his support for the motion noting that four of the variances were nonconformities outside of the applicant's control, that the variances would do substantial justice to the neighbors, and that moving the front door closer to the street would reduce a presently extant nonconformity.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Reddy, Miller, Yaldo, Kona, Morganroth, Lilley

Nays: None

T# 01-03-24

**2) 1215 Cedar
Appeal 23-41**

ABO Zielke presented the item, explaining that the owner of the property known as 1215 Cedar was requesting the following variances to construct an addition:

A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that the minimum total combined side yard setbacks of 14.00 feet or 25% of total lot width, whichever is larger. The required is 14.00 feet. The proposed is 11.80 feet. Therefore, a variance of 2.20 feet is being requested.

B. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing is 3.90 feet and the proposed is 3.90 feet. Therefore, a variance of 1.10 feet for the addition is being requested.

C. 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. The existing and proposed is 8.0 feet on the north side. Therefore, a variance of 6.00 feet is being requested.

Staff answered informational questions from the Board.

A construction manager from Jack's Jobs Inc. reviewed the letter describing why these variances were being sought and answered informational questions from the Board. The letter was included in the evening's agenda packet.

Motion by Mr. Miller

Seconded by Mr. Kona with regard to Appeal 23-41, A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that the minimum total combined side yard setbacks of 14.00 feet or 25% of total lot width, whichever is larger. The required is 14.00 feet. The proposed is 11.80 feet. Therefore, a variance of 2.20 feet is being requested; B. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing is 3.90 feet and the proposed is 3.90 feet. Therefore, a variance of 1.10 feet for the addition is being requested; and, C. 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. The existing and proposed is 8.0 feet on the north side. Therefore, a variance of 6.00 feet is being requested.

Mr. Miller moved to approve the variances and tied approval to the plans as submitted. He said the proposed addition was reasonable within the context of the footprints and the setbacks. He said that the preexisting nonconformities amounted to a special condition in this case. He noted that many of the homes on the street were a bit closer together because of the street's age. Mr. Miller opined that the addition would add to the character of the street, and would positively impact the neighbors.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Reddy, Miller, Yaldo, Kona, Morganroth, Lilley

Nays: None

**3) 172 George
Appeal 23-43**

ABO Zielke presented the item, explaining that the owner of the property known as 172 George was requesting the following variance to construct a detached garage:

A. Chapter 126, Article 4, Section 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal building on an adjoining lot than the sum of the minimum required side setbacks as determined in Section 4.74(C). The required is 14.00 feet. The proposed is 10.00 feet. Therefore, a variance of 4.00 feet is being requested.

Staff answered informational questions from the Board.

Greg Aerts, architect and owner, reviewed the letter describing why this variance was being sought and answered informational questions from the Board. The letter was included in the evening's agenda packet.

Board members' comments were:

- The Board was tasked with determining whether an ordinance-compliant home could be built on the lot. Since the applicant would be starting with a blank lot, it was clear that would be possible;
- A home that is ordinance-compliant on this lot may not meet the applicant's preferences for marketability or profitability; and,
- The lot was a narrower one, and the neighboring house on Clark Street poses some difficulty to 172 George. That said, further mitigation could be done on the variance request, which would make it difficult to support the present variance.

Public Comment

Cindy Rose expressed a preference for 172 George to be a smaller home that complied with all the ordinances.

Gretchen Coulter summarized her letter to the Board.

Motion by Mr. Reddy

Seconded by Mr. Kona with regard to Appeal 23-43, A. Chapter 126, Article 4, Section 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal building on an adjoining lot than the sum of the minimum required side setbacks as determined in Section 4.74(C). The required is 14.00 feet. The proposed is 10.00 feet. Therefore, a variance of 4.00 feet is being requested.

Mr. Reddy moved to deny the variance. He said that while the lot posed some challenges, the applicable ordinance existed for a reason, some neighbors had

concerns about the variance, and that there were options for further mitigation of the requested variance.

The Chair noted that the Board was not empowered to change the ordinance, and that concerns regarding the ordinance could be raised with the Commission. He noted that the plans for the lot would be starting with a blank slate, and that resulted in the opportunity to comply with the ordinance.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Reddy, Miller, Yaldo, Kona, Morganroth, Lilley

Nays: None

T# 01-04-24

**4) 220 Lake Park
Appeal 23-44**

ABO Zielke presented the item, explaining that the owner of the property known as 220 Lake Park was requesting the following variance to construct an addition with an attached garage to the front of the existing house:

A. 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 garage is 95.00 feet in front of the furthest façade. Therefore, a variance of 100.00 feet is being requested.

Staff answered informational questions from the Board.

Scott Sawica, contractor, reviewed the letter describing why these variances were being sought and answered informational questions from the Board. The letter was included in the evening's agenda packet.

Board members' individual comments were:

- An individual Board member's previous vote opposing this request was because there was a lot of extra space, opportunities for mitigating the variance request, and because there was no perceived practical difficulty;
- A similarly-sized detached garage would also require variances;
- This lot is so unique in terms of the size of the front yard that alignment with adjacent houses would not be a concern. There would also not be a garage facing the street in the typical way if the variance was granted;
- The front door would not be seen from the street; and,
- The only variance required here regarded the relationship between the garage and the front door.

Motion by Mr. Miller

Seconded by Mr. Yaldo with regard to Appeal 23-44, A. 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 garage is 95.00 feet in front of the furthest façade. Therefore, a variance of 100.00 feet is being requested.

Mr. Miller moved to approve and tied approval to the plans, stating that the variance was necessary due to the unique circumstances of the property, that the need for the variance was not self-created, and that the ordinance in the matter was not applicable in any really practical sense. He concluded that strict compliance with the ordinance would be unreasonable.

Mr. Yaldo seconded, echoing Mr. Miller regarding the uniqueness of the lot. He noted that self-creation was not mentioned in the ordinance, and so the variance was not prohibited on that basis. He stated that the home and garage were built for a different time.

The Chair noted that there were two different perspectives expressed by Board members regarding the appeal, but that the Board remained open to seeing designs that contributed to the uniqueness of Birmingham.

Motion carried, 5-1.

ROLL CALL VOTE

Yeas: Miller, Yaldo, Kona, Morganroth, Lilley

Nays: Reddy

T# 01-05-24

**5) 460 Wimbledon
Appeal 23-45**

ABO Zielke presented the item, explaining that the owner of the property known as 460 Wimbledon was requesting the following variances to construct an addition:

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 on each direction. The required is 38.30 feet. The proposed is 35.70 feet. Therefore, a variance of 2.60 feet is being requested.

B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setbacks of 14.00 feet or 25% of total lot width, whichever is larger. The required is 15.00 feet. The proposed is 14.20 feet. Therefore, a variance of 0.80 feet is being requested.

Staff answered informational questions from the Board.

Matt Schwanitz of Giffels Webster reviewed the letter describing why these variances were being sought and answered informational questions from the Board. The letter was included in the evening's agenda packet.

Board members' individual comments were:

- This proposal would minimize an extant nonconformity and increase the aesthetic appeal of the house, which would be beneficial to the neighborhood. Mitigating a nonconformity would not be contrary to the spirit and intent of the ordinance; and,
- It would be more difficult to approve variance request B because there were more options for mitigation of that variance available.

Motion by Mr. Reddy

Seconded by Mr. Kona with regard to Appeal 23-45, 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 on each direction. The required is 38.30 feet. The proposed is 35.70 feet. Therefore, a variance of 2.60 feet is being requested.

Mr. Reddy moved to approve variance request A and tied approval to the plans, noting that this was a pre-existing non-conforming structure, that the variance request was minimal, and that there were some unique circumstances justifying the approval.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Reddy, Miller, Yaldo, Kona, Morganroth, Lilley

Nays: None

T# 01-06-24

Motion by Mr. Reddy

Seconded by Mr. Kona with regard to Appeal 23-45, B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum total side yard setbacks of 14.00 feet or 25% of total lot width, whichever is larger. The required is 15.00 feet. The proposed is 14.20 feet. Therefore, a variance of 0.80 feet is being requested.

Mr. Reddy moved to deny variance request B. He said there were options for mitigation and that he did not see a practical difficulty necessitating this variance.

The Chair supported the motion because variances for preexisting nonconformities usually do not entail the movement of outside walls or foundations. He opined that the ordinance should be complied with in this case. He noted that this request included a reduction of the nonconformity, but said that the blank slate in this area allowed for ordinance compliance.

Mr. Miller said that approval of variance B would set a negative precedent, and concurred with Mr. Reddy.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Reddy, Miller, Yaldo, Kona, Morganroth, Lilley

Nays: None

6. Correspondence

All correspondence was provided to the Board members and the relevant applicants.

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

8. Adjournment

The Board briefly discussed Board elections for the Vice Chair and potential upcoming appointments to the Board.

No further business being evident, the Board motioned to adjourn at 9:20 p.m.



Bruce R. Johnson, Building Official

Laura Eichenhorn, City Transcriptionist

CASE DESCRIPTION

2428 Northlawn (24-01)

Hearing date: February 13, 2024

Appeal No. 24-01: The owner of the property known **2428 Northlawn**, requests the following variance to construct a new home:

A. 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 30.00 feet. The proposed is 27.40 feet on the west side. Therefore, a variance of 2.60 feet is being requested.

Staff Notes: This applicant was before the board for variances on this lot. The variances were granted for this applicant in July 2022, January 2023 and December 2023 (minutes attached). All of these appeals were granted. The reason for the January 2023 appeal was that the allowable time to construct the project has pasted. The request for this month is that the required distance between structures on the adjacent lot was not measured correctly and is the reason that they are back in front of the board for this additional variance.

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP
Assistant Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

2428 NORTHLAWN 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

Received Date: _____

Hearing Date: 2/12/24

Received By: _____

Appeal #: _____

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

Address: <u>2428 Northlawn</u>	Lot Number: <u>13</u>	Sidwell Number: <u>Parcel 19 35305009</u>
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II. OWNER INFORMATION:

Name: <u>Kent Johnston</u>			
Address: <u>2428 Northlawn</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>KSLLT@mac.com</u>	Phone: <u>248-205-6218</u>		

III. PETITIONER INFORMATION:

Name: <u>Kent Johnston</u>		Firm/Company Name:	
Address: <u>2428 Northlawn</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>KSLLT@mac.com</u>	Phone: <u>248-205-6218</u>		

IV. GENERAL INFORMATION:

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

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

The BZA application fee is **\$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:

Please provide the following in your electronic submission:

- ☒ Completed and signed application
- ☒ Signed letter of practical difficulty and/or hardship
- ☐ Certified survey
- ☐ Building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, provide a copy of the minutes from any previous Planning, HDC, or DRB board meeting

VI. APPLICANT SIGNATURE

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

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

Signature of Owner: _____

Date: 2/5/24

Signature of Petitioner: _____

Date: 2/5/24

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

Kent & Shantih Johnston
2428 Northlawn Boulevard
Birmingham MI 48009

February 12, 2024

RE: Application for the BZA, 2428 Northlawn Blvd, Birmingham

Dear Board Members,

Rebuilding our house in the existing location has been approved three times. At our 3rd (last) variance meeting on 12DEC (pouring a new foundation due to water damage), we **retracted** the **South** front (shifting the house North) and **West** (shrinking the overall size of the building) variances. That decrease was in accordance with the previously cited distance between buildings.

The original 3 calculations were based on a property width dimension taken at the street line (120') but should have been directly between the property lines (109.46') and the updated 25%-of-total-property-width figure between buildings.

Our request is to maintain the house in the same position as presented 11DEC2023 - the same as the 12DEC2023 meeting, adjusted from the first 2 approved variances. We are not introducing a new non-conformance.

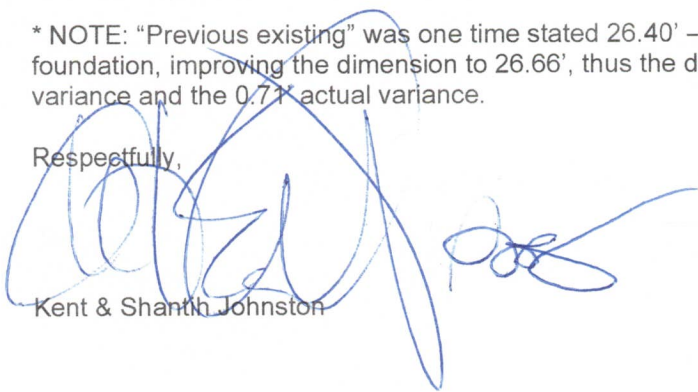
This new setback calculation would result in 3 very small rooms on the West side resulting in an additional narrowing of the house. The hardship is that the house is not at an angle relative to the unique property's rhombus shape on the corner lot. The house is proportional to the neighborhood and within the 0.51 acre lot size.

Table 1: 2428 Northlawn Blvd BZA Variance Request History – West Side

BZA Meeting	West Variance Requested?	Required West Setback	Previous Existing	Proposed	Variance
BZA Meeting #4 12FEB2024	YES	30.00'	26.66'	27.40'	2.60' (Calculation difference)
BZA Meeting #3 12DEC2023*	NO	27.37'	26.66'	27.40'	Not required (West wall moved East)
BZA Meeting #2 10JAN2023	YES	27.37'	26.66' (* 26.40')	26.66' (* 26.40')	0.71' (* 0.97' approved)
BZA Meeting #1 26JUL2022	YES	27.37'	26.66' (* 26.40')	* 26.66' (* 26.40')	0.71' (* 0.97' approved)

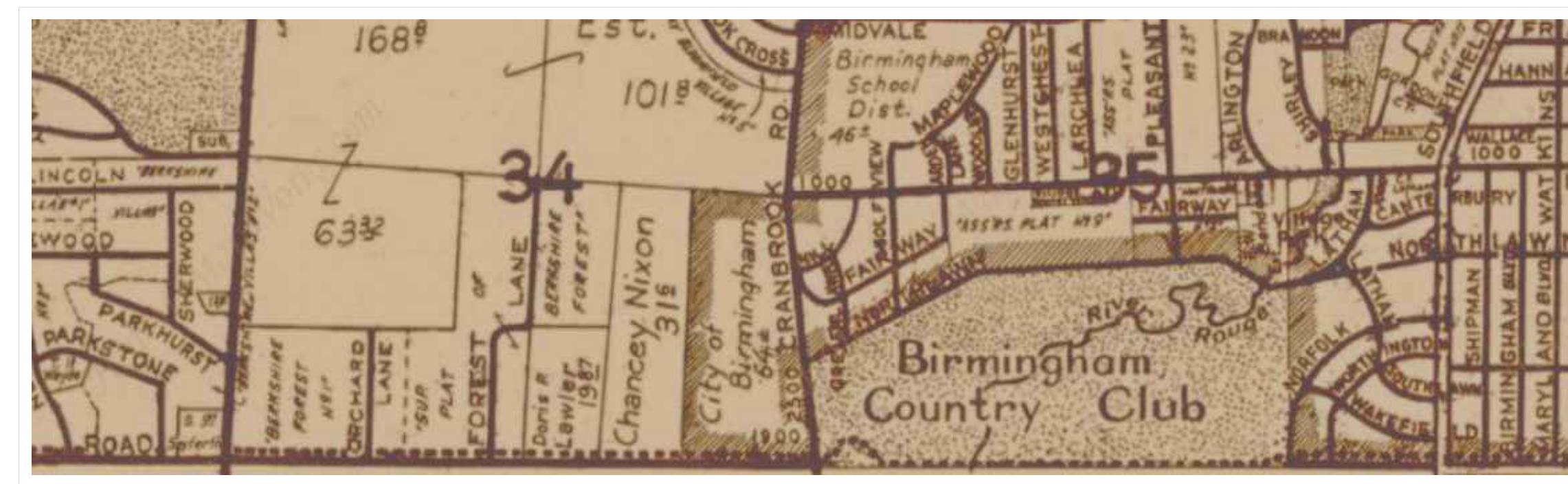
* NOTE: "Previous existing" was one time stated 26.40' – with a veneer, the setback is measured to the foundation, improving the dimension to 26.66', thus the difference between the approved 0.97' approved variance and the 0.71' actual variance.

Respectfully,



Kent & Shantih Johnston

JOHNSTON RESIDENCE



1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24
6. Zoning Revision	02/13/24
7. Building Dept. Revision	02/13/24

City of Birmingham Building Department

151 Martin Street

Birmingham, MI 48009

DESIGNER

Yamasaki Studio LLC

6377 West Echo Valley Road

Empire, MI 49663

Tel: 212-361-9463

STRUCTURAL ENGINEER

Boryn Engineering Company

4780 Birkdale Drive

Commerce Township, MI 48392

Tel: 248-310-6205

CIVIL ENGINEER

Land Development Services of Michigan LLC

48597 Hayes Road

Shelby Township, MI 48315

Tel: 586-854-7310

2015 Michigan Building Code

2015 Michigan Residential Code

2015 Michigan Mechanical Code

2018 Michigan Plumbing Code

2017 National Electrical Code & Michigan Part 8 Electrical Rules

2015 Michigan Uniform Energy Code

2015 Michigan Rehabilitation Code

A/C

- Air Conditioning

Adj.

- Adjustable

A.D.

- Area Drain

A.F.F.

- Above finish floor

B.F.

- Boiler Flue

B.O.

- Bottom Of

BR

- Bedroom

Bldg.

- Building

Blkg.

- Blocking

Bsmt.

- Basement

Fin.

- Finish

GWB

- Gypsum wall board

H.B.

- Hose bib

H.W.H.

- Hot water heater

Hdr.

- Header

Hdw.

- Hardware

H.P.

- High Point

H.T.

- House Trap

Ht.

- Height

H.T.B.

- Heated towel bar

Htg.

- Heating

HVAC

- Heat., Vent. & Air Cond.

I.D.

- Inside diameter

Kit.

- Kitchen

L.C.C.

- Lead coated copper

Lam.

- Laminate

Lav.

- Lavatory

Lib.

- Library

L.P.

- Low Point

M.O.

- Masonry opening

Max.

- Maximum

Min.

- Minimum

N/E

- Not Electrified

N/A

- Not Applicable

N.I.C.

- Not in Contract

N.T.S.

- Not to scale

O.C.

- On center

O.D.

- Outside diameter

Opg.

- Opening

Opp. Sim.

- Opposite Similar

Pl. Lam.

- Plastic laminate

Pol.

- Polished

Pwd.

- Plywood

R

- Radius

R.D.

- Roof drain

R.O.

- Rough opening

Req'd.

- Required

RM

- Room

SH.

- Shelf

SS

- Stainless steel

Sym.

- Symmetrical

T.B.

- Towel bar

T.B.D.

- To be determined

T.O.

- Top of

T.P.

- Toilet paper

TV

- Television

T & G

- Tongue & Groove

Tele.

- Telephone

Typ.

- Typical

U.O.N

- Unless otherwise noted

VIF

- Verify in field

Vert.

- Vertical

Vest.

- Vestibule

W/

- With

W/W

- Wall to wall

WP

- Waterproof

WWF

- Welded Wire Fabric

WC

- Water Closet

WD

- Wood

1. All new windows are to have a maximum U-factor of .30. Low-E coated, Argon filled insulated glazed units.

2. All glazing must be tempered glass when meeting the following conditions and any other conditions within CABO Section 308:

A. Side of glazing is within 24" of any door.

B. Bottom of glazing is within 18" of the floor

3. All glass shower enclosures must be tempered.

1. All electrical work shall be performed in strict accordance with the 2017 National Electrical Code & Michigan Part 8 Electrical Rules.

2. Unless dimensioned, all electrical layouts are schematic. Exact locations to be determined by field coordination with Architect's approval.

3. Electrical contractor shall obtain all inspection and approvals required by local building codes, state and national codes, and shall be responsible for all electrical work called for on drawings, specifications and other requirements.

4. Electrical contractor shall verify total electrical load for existing and proposed work and shall notify architect on service requirements, and additional services shall be installed in conformance with local codes.

5. All surface mounted light fixtures by owner - installed by contractor unless specified otherwise.

6. Electrical contractor to do all necessary wiring and connections for all mechanical equipment as required.

7. Thermostats to be supplied by HVAC contractor and installed by electrical contractor.

8. Contractor shall coordinate with owner and installer during construction to insure all wires are hidden in construction prior to installation of final finishes.

9. All new switches to be silent switches.

10. Distribution shall be circuit breakers type with minimum (2) extra circuits.

11. Dedicated circuits shall be provided for high equipment and appliance.

12. All electrical receptacles shall be duplex type, 15 amp minimum.

1. All plumbing work shall be installed in strict accordance with the 2018 Michigan Plumbing Code.

2. Plumbing fixtures shall be of type and manufacture approved for use in 2018 Michigan Plumbing Code and shall be BSA approved.

3. Work shall consist of furnishing all labor, materials and equipment necessary and required to complete all plumbing work as indicated on the drawings and specified herein, including but not limited to the following:

A. Rubbish removal.

B. A sanitary drainage and venting system conveying the waste from plumbing fixtures, to connect with the sanitary sewer, septic system, or existing system.

C. Cold water supply from the water main or existing system, distribution piping, and connections to all plumbing fixtures and equipment requiring cold water.

D. Hot water supply from new or existing hot water supply system, hot water supply piping, and connections to all piping fixtures and equipment requiring hot water.

E. Cleaning, adjusting and testing.

F. All plumbing fixtures and supports, trimmings, pipe fittings, hangers, valves, traps, vacuum breakers, insulation, and other accessories required to complete the work ready for operation.

4. All materials shall be new and installed with skilled labor in a first class manner.

5. All drainage piping shall pitch at a minimum of 1/8" per foot in direction of flow unless otherwise shown on plans.

6. The contractor shall apply for all necessary permits for plumbing work with the proper authorities, any changes requested or required to the drawings shall be updated by the engineer and all necessary forms & permits shall be updated by the contractor. Contractor to obtain and pay for all necessary approvals and permits for the plumbing systems required by local authorities, county, and/or the state; he shall pay for all the fees, changes etc., required by these authorities without any additional charge to the owner.

1. Contractor shall obtain full knowledge by personal and careful examination of all existing conditions at the site and of all requirements of the specifications and drawings. The contractor hereby accepts all such conditions and requirements and hereby accepts all responsibility and costs resulting from his failure to obtain knowledge of any of them. Any discrepancies between the drawings and the field conditions are to be reported to the architect prior to the commencement of the work.

2. The Contractor shall take care that all work and materials installed are in strict compliance with the Michigan State Residential Building Code, as well as the accepted industry standards for the various components of the project. Any test specified and/ or required under the laws, rules and regulations of such departments will be performed by the contractor, with reports forwarded to architect.

3. The areas of work shall be confined to those areas indicated on the contract drawings. Areas outside of and adjacent to construction area will be protected with adequate dust covers and barriers to prevent damage to finished areas of the building not included as part of the contract.

4. The general contractor shall notify the designer of any and all discrepancies between existing conditions and the contract documents before proceeding with that portion of the work. Failure to notify the designer will not relieve the contractor of responsibility to perform the work as intended by the contract documents. The contractor shall correct all work arising from such failure to coordinate discrepancies to the satisfaction of the designer.

5. The contractor shall coordinate the work of the various trades whether included in his contract or not. He shall make openings as required by other trades and close same. He shall schedule the work of the various trades so as not to impede the progress of the work.

6. Removal of debris and other materials shall be made as often as necessary to maintain a clean, safe and accessible site.

7. Contractor may store debris, building materials or equipment in designated areas only.

8. The contractor shall be responsible for the protection of all finishes, features and construction in areas traversed as a part of this work. These areas are to remain clean at all times. Contractor to verify floor as being level prior to installation of tile.

9. Contractor shall secure doors at every means of entrance to the work area.

10. Prior to commencement of the work contractor shall provide owner with evidence of Workmen's Compensation Insurance and a Certificate of Insurance covering public liability, personal injury and property damage with limits of not less than \$2,000,000.00 per incident and naming as additional named insured on said policy the owner and their agents. In addition contractor shall obtain \$3,000,000 comprehensive liability and \$3,000,000 property damage liability.

11. The contractor shall indemnify the owner and their agents for and against all suits, claims or liability on account of personal injuries or property damage arising out of the negligent acts of the contractor in the performance of the work covered under this contract.

12. All work included in these drawings and specifications shall be guaranteed by the contractor for a period of one (1) year from the date of acceptance by owner.

13. Contractor to provide owner and designer with a detailed schedule of the work prior to the execution of the Contract for Construction. Owner's contractor shall submit a copy of the building permit and certificates of insurance prior to commencing construction.

14. Contractor shall furnish a full strength crew at all times to ensure the completion of work according to the agreed schedule.

15. Contract shall consist of these documents and specifications and an AIA 201 Agreement between Owner and Contractor.

16. At the completion of the work contractor shall provide owner with a waiver of liens and shall certify that all suppliers and subcontractors have been paid in full.

Location:

2428 Northlawn Blvd.

Birmingham, MI 48009

(Oakland County) 19-35-305-009

Parcel Number:

R-1

Lot:

13 and ½ 14

Lot Size:

.51 acres

1333

1356

1375

2394

2428

2450

2490

Greenlawn St

Greenlawn St

Northlawn Blvd

Northlawn Blvd

DRAWING #

TITLE

SCALE

Cover

Index & Notes

N/A

N-1

Site Survey

N/A

EX-100

Existing Conditions - Basement Plan

1/4" = 1'-0"

EX-101

Existing Conditions - 1st Floor Plan

1/4" = 1'-0"

EX-102

Existing Conditions - 2nd Floor Plan

1/4" = 1'-0"

EX-103

Existing Conditions - Roof Plan

1/4" = 1'-0"

EX-104

Existing Conditions - Exterior Elevations

1/4" = 1'-0"

2

Proposed Site Plan

As Noted

A-100

Proposed Plans - New Foundation

1/4" = 1'-0"

A-101

Proposed Plans - Basement

1/4" = 1'-0"

A-102

Proposed Plans - 1st Floor

1/4" = 1'-0"

A-103

Proposed Plans - 2nd Floor

1/4" = 1'-0"

A-104

Proposed Plans - Roof

1/4" = 1'-0"

A-105

Exterior Elevations - South & North

1/4" = 1'-0"

A-106

Exterior Elevations - East & West

1/4" = 1'-0"

2

A-3

A1

A-100

C3

A-3

1-6

206

BEDROOM

123

Title

Scale

S/C

1 3/4"

SINK

A1 NORTH ELEVATION

1/4" = 1'-0"

Drawing title

Elevation reference: drawing and sheet number

Section reference: drawing and sheet number

Detail reference: drawing and sheet number

Partition Type

Door tag

Window tag: window number

Room name & number

Datum - control point

Smoke/Carbon Monoxide Detection Device

Project North arrow

Dimension

New Wall and Partition

Appliances

2015 International Energy Conservation Code. Prescriptive Building Envelope requirements from Code sections N1102.2 - N1102.4

CARBON MONOXIDE DETECTOR NOTES

1. The installation, wiring, and equipment shall be in accordance with the 2015 Michigan Residential Code.

2. Every dwelling unit / building where a fossil fuel - burning furnace or boiler is located, shall be equipped with an operable carbon monoxide detecting device approved in accordance with the rules promulgated by the commissioner in consultation with the fire department and the department of health and mental hygiene.

3. There shall be installed at least one approved and operational carbon monoxide detecting device within fifteen feet of each room lawfully used for sleeping purposes, or one per each dwelling unit, whichever may apply.

4. Such carbon monoxide detecting device may be combined with a smoke detecting device that complies with the provisions of this title and any applicable rules promulgated thereunder.

5. The carbon monoxide detecting device shall be kept and maintained in good repair and be replaced, in case such device is stolen, removed, missing or rendered inoperable.

6. It shall be unlawful for any person to tamper with or render inoperable carbon monoxide detecting device, except for replacing the batteries or for other maintenance purposes.

SMOKE DETECTORS NOTES

1. The installation, wiring, and equipment shall be in accordance with 2015 Michigan Residential Code.

2. Smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in the dwelling units and in basement and recreation rooms.

3. Each smoke detector shall have an integral test means to permit the occupant to check that it is operational, a continuous power display indicator light is recommended.

4. Smoke detectors shall be located on or near the ceiling and within fifteen feet of all rooms used for sleeping purposes.

5. If ceiling mounted the closest edge of detectors shall be minimum of four inches from any wall.

6. If wall mounted, the closest edge of the detectors shall be minimum of four inches and maximum of twelve inches from the ceiling.

Generated by REScheck-Web Software

Compliance Certificate

Project

2428 Northlawn Blvd.

Energy Code:

2015 IECC

Location:

Birmingham, Michigan

Construction Type:

Single-family

Project Type:

New Construction

Conditioned Floor Area:

4,203 ft2

Glazing Area

30%

Climate Zone:

5 (6653 HDD)

Permit Date:

Permit Number:

Construction Site:

2428 Northlawn Blvd.

Birmingham, MI 48009

Owner/Agent:

Designer/Contractor:

Compliance: Passes using UA trade-off

Compliance: 10.9% Better Than Code

Maximum UA: 698

Your UA: 622

The % Better or Worse Than Code Index reflects how close to compliance the build is based on code trade-off rules. It DOES NOT provide an estimate of energy use or cost relative to a minimum-code home.

Slab-on-grade tradeoffs are no longer considered in the UA or performance compliance path in REScheck. Each slab-on-grade assembly in the specified climate zone must meet the minimum energy code insulation R-value and depth requirements.

Envelope Assemblies

Assembly	Gross Area or Perimeter	Cavity R-Value	Cont. R-Value	Prop. U-Factor	Req. U-Factor	Prop. UA	Req. UA
Ceiling: Cathedral Ceiling	2,732	38.0	0.0	0.027	0.026	72	69
Skylight: Metal Frame w/ Thermal Break	68			0.440	0.550	30	38
Wall: Wood Frame, 16" o.c.	3,581	20.0	0.0	0.059	0.060	153	155
Door: Glass Door (over 50% glazing)	274			0.300	0.320	82	88
Door 1: Glass Door (over 50% glazing)	181			0.280	0.320	51	58
Window: Metal Frame w/ Thermal Break	539			0.300	0.320	162	172
Basement Wall: Solid Concrete or Masonry							
Wall height: 8.7'	1,956	28.0	14.0	0.026	0.050	49	94
Depth below grade: 7.8'							
Insulation depth: 8.7'							
Window: Metal Frame w/ Thermal Break	75			0.300	0.320	23	24

Compliance Statement:

The proposed building design described here is consistent with the building plans, specifications, and other calculations submitted with the permit application. The proposed building has been designed to meet the 2015 IECC requirements in REScheck Version : REScheck-Web and to comply with the mandatory requirements listed in the REScheck Inspection Checklist.

Takei Yamasaki - Designer

Signature

12/22/23

Name - Title

Signature

Date

Project Title: 2428 Northlawn Blvd.

Report date: 12/21/23

Data filename:

Page 1 of10

3. Building Dept.

08/24/23

4. Zoning Revision

12/12/23

5. Building Dept. Revision

01/02/24

6. Zoning Revision

02/13/24

7. Building Dept. Revision

02/13/24

Johnston Residence

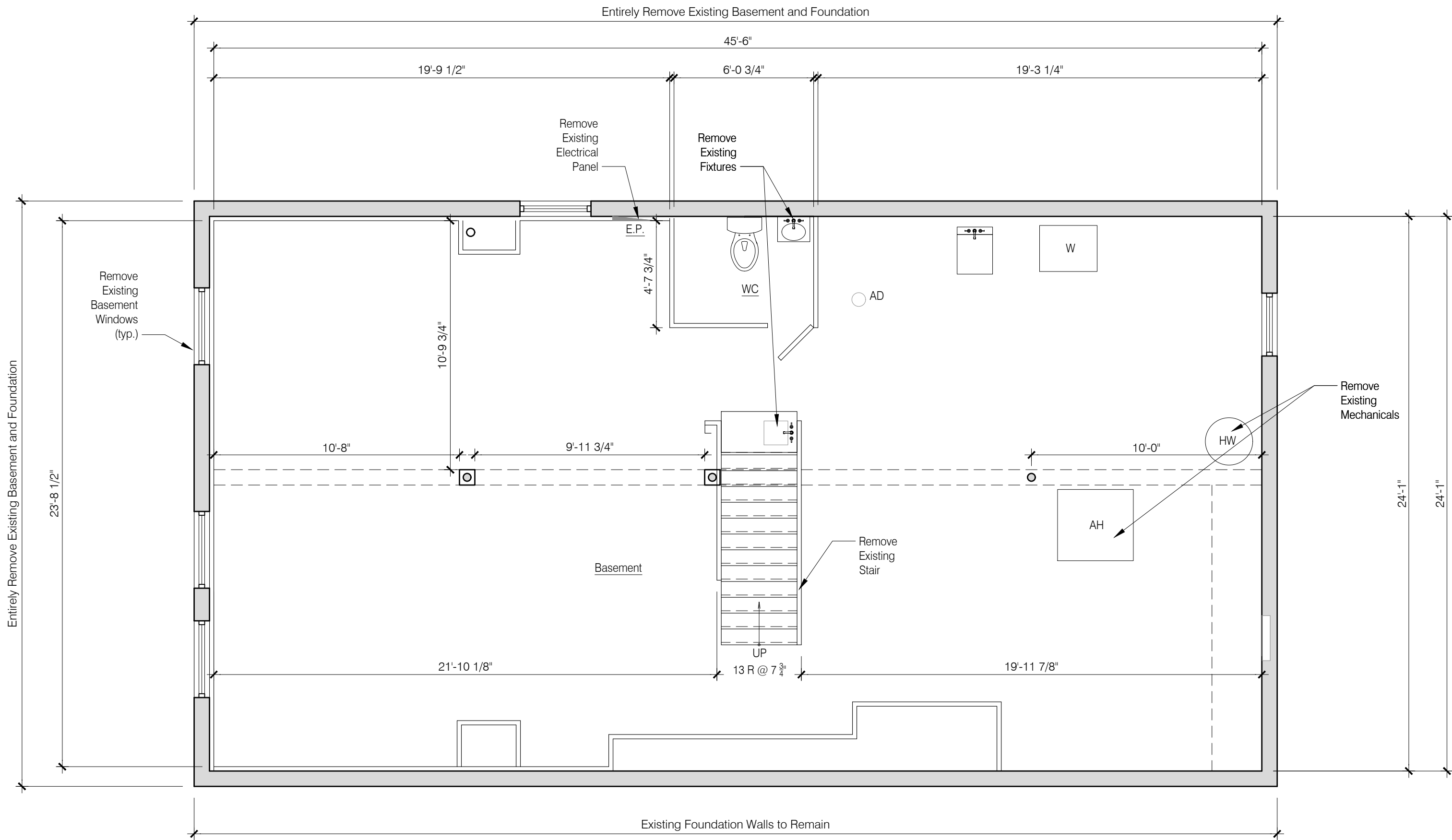
2428 Northlawn Boulevard

Birmingham, MI 48009

Index & Notes

N-1

13 February 2024

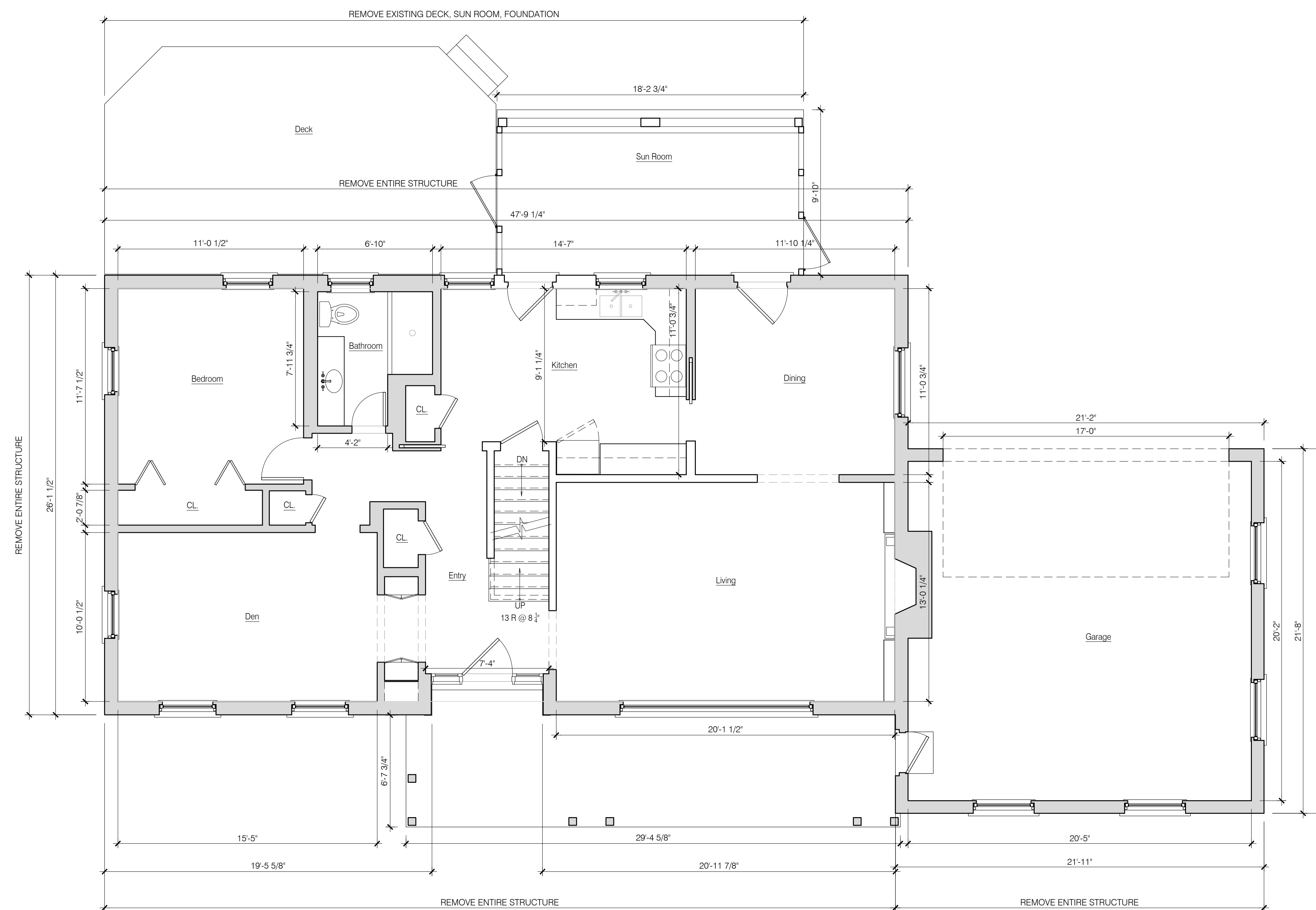


BASEMENT PLAN WITH DEMOLITION NOTES 1/4" = 1'-0"

3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24
6. Zoning Revision	02/13/24
7. Building Dept. Revision	02/13/24

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions
Basement Plan - Demo. Notes



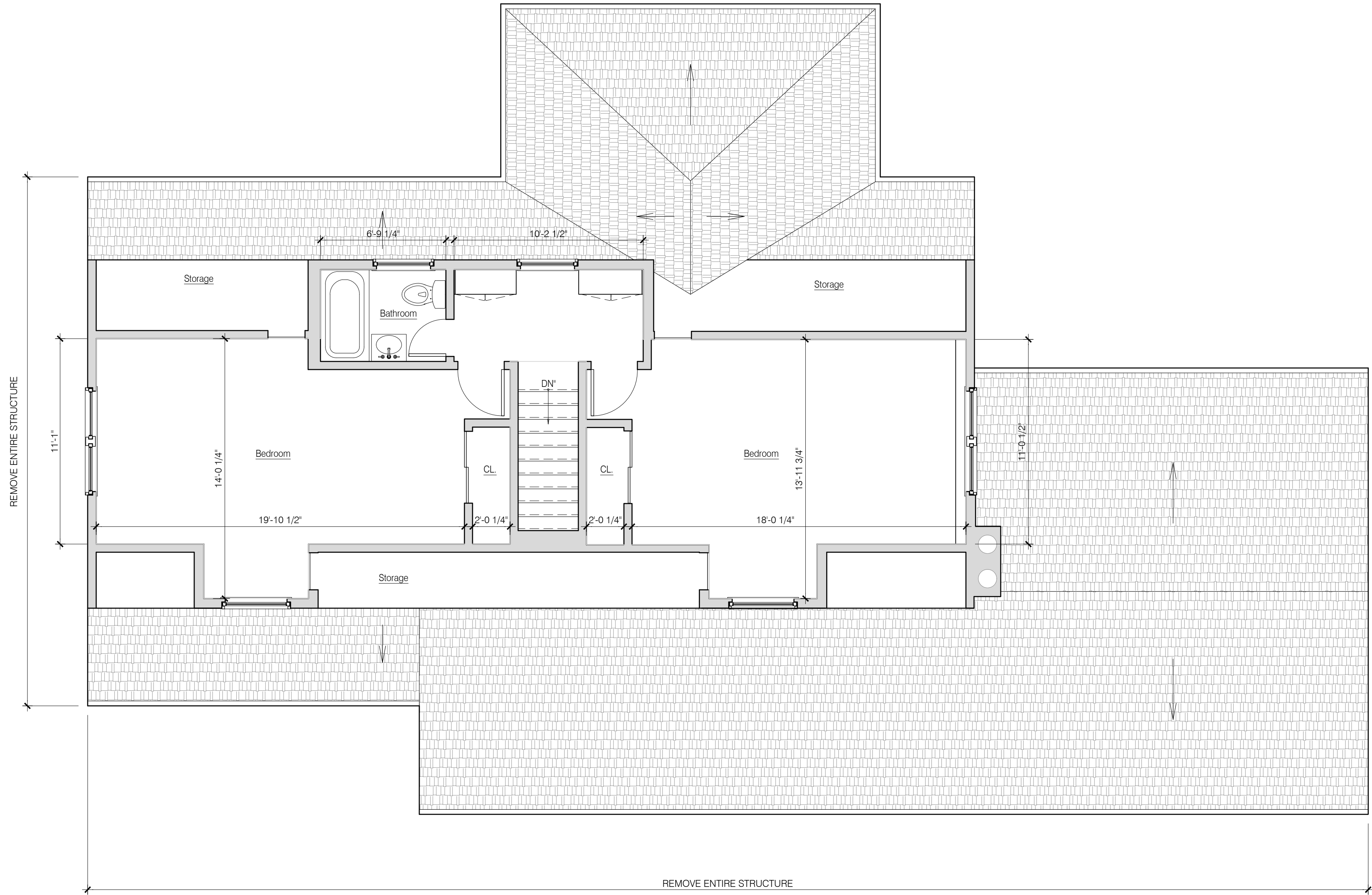
FIRST FLOOR PLAN WITH DEMOLITION NOTES 1/4" = 1'-0"

3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24
6. Zoning Revision	02/13/24
7. Building Dept. Revision	02/13/24

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions

1st Floor Plan - Demo. Notes

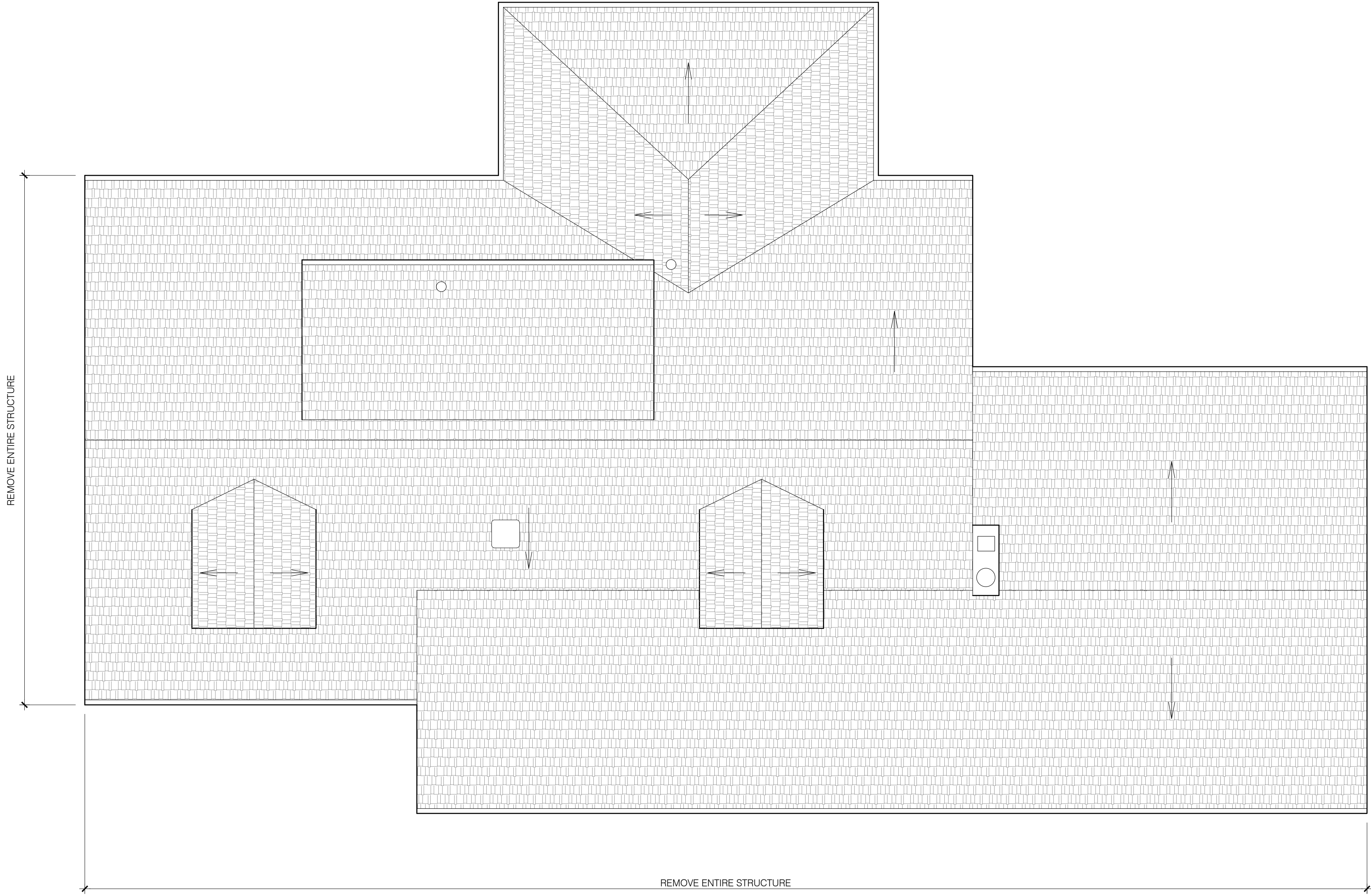


SECOND FLOOR PLAN WITH DEMOLITION NOTES 1/4" = 1'-0"

3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24
6. Zoning Revision	02/13/24
7. Building Dept. Revision	02/13/24

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions
2nd Floor Plan - Demo. Notes



ROOF PLAN WITH DEMOLITION NOTES 1/4" = 1'-0"

3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24
6. Zoning Revision	02/13/24
7. Building Dept. Revision	02/13/24

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions
Roof Plan - Demo. Notes





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



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



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



EAST ELEVATION 1/4" = 1'-0"

3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24
6. Zoning Revision	02/13/24
7. Building Dept. Revision	02/13/24

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Existing Conditions
Exterior Elev. - Demo. Notes

LOT 17
PARCEL# 19-35-305-005

10' EASEMENT
FOR UTILITIES

#1356
EX HOUSE
1 STORY
FF=744.04

EX DRIVEWAY

PARCEL# 19-35-305-009

LOT 15

PARCEL# 19-35-305-008

#2450
EX HOUSE
2 STORY
FF=745.12

Requested Variance	Requested Variance	Previous Variance	Proposed Variance	Variance Notes
30.00	28.00	27.40	2.60	

27'-4.8" or 27'-4.0"

10'-11.9"

EX PAVERS

7-HOLE VERTICAL LOOP GEOTHERMAL FIELD
TO BE SPECIFIED AND
COORDINATED BY ENGINEER

EX DRIVEWAY

N02°16'00"W

LOT 14

LOT 13

N63°33'00"E

120.00'

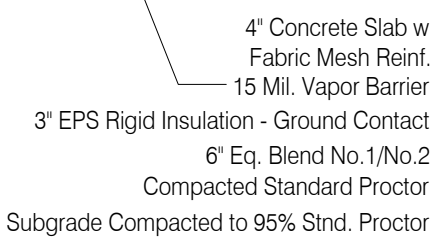
EX. STM CB
RIM= 741.51
12" INV. E= 737.60
15" INV. SW= 737.54
PR 8" INV. NW= 737.57

EX. STM CB
RIM= 741.38
12" INV. W= 737.68

SITE BENCHMARK
ARROW ON TOP OF HYDRANT
LOCATED EAST OF THE PROPERTY
NEAR INTERSECTION OF GREENLAWN
BLVD AND NORTHLAWN BLVD
GPS ELEVATION = 743.31 NAVD88
CITY DATUM = 744.32

GREENLAWN BLVD (68 FT R.O.W.)

LOT 12
PARCEL# 19-35-305-300



TYPICAL FOUNDATION WALL CONSTRUCTION
Dimple Mat & Vapor Membrane with Metal Flashing
Above Grade

10" conc. foundation wall
reinforced with #4 bars @
16" o.c. horiz. & #5 bars @
16" o.c. vert. (typ.)

10' x 20' conc. footing w/ (3) No. 5 Bars (T & B)
See Building Section A-301
Downspouts Connected to
Dedicated 4-in.
Continuous Perforated
Schedule 40 Drainpipe. See Drainage Plan.
4-in. Continuous Perforated
Schedule 40 Drainpipe
Sloped to New Culverts

Window Sill
Elevations Vary - See
Window Schedule

Corrugated
Window Well
with Gravel
Infill

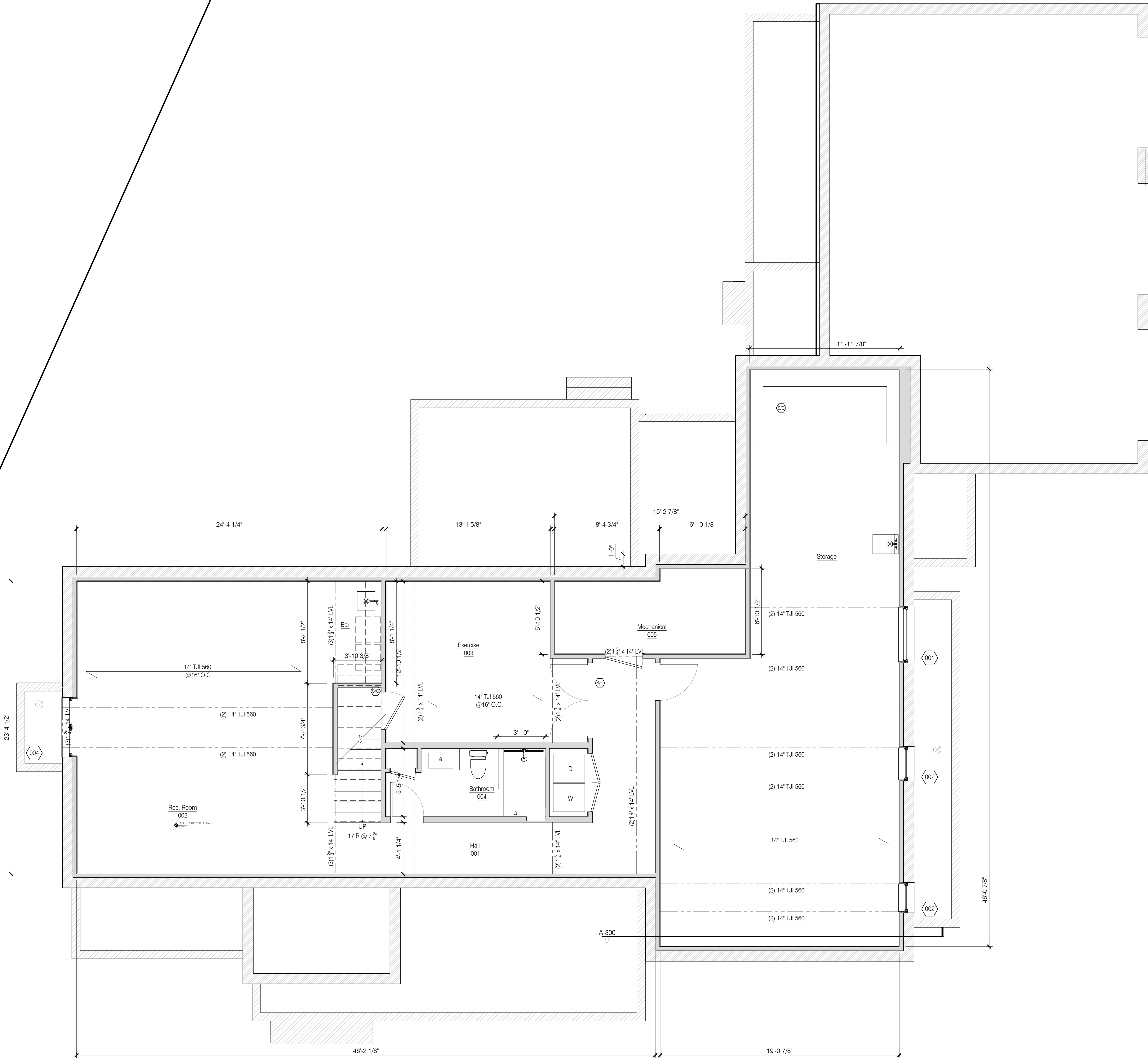
TYPICAL PLANTER / PORCH WALL CONSTRUCTION

8" conc. foundation wall
reinforced with #4 bars @
16" o.c. horiz. & #5 bars @
16" o.c. vert. (typ.)

10" x 20" conc. footing w/ (3) No. 5 Bars (T & B)
See Building Section A-301

FOUNDATION PLAN

$$1/4'' = 1'-0''$$



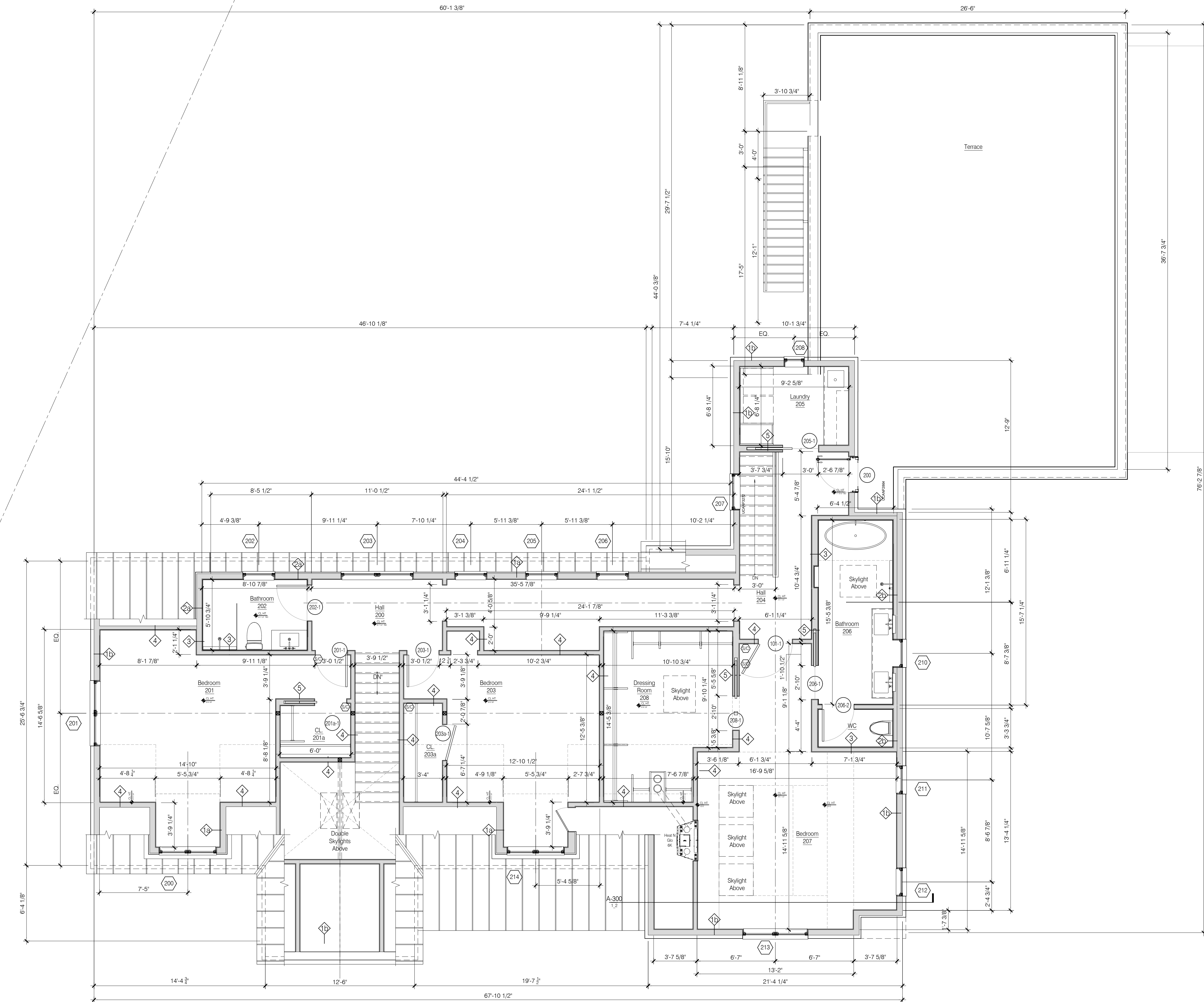
BASEMENT FLOOR / 1st FLOOR FRAMING PLAN 1/4" = 1'-0"

3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24
6. Zoning Revision	02/13/24
7. Building Dept. Revision	02/13/24

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Construction Plans
Basement - FUTURE BUILD



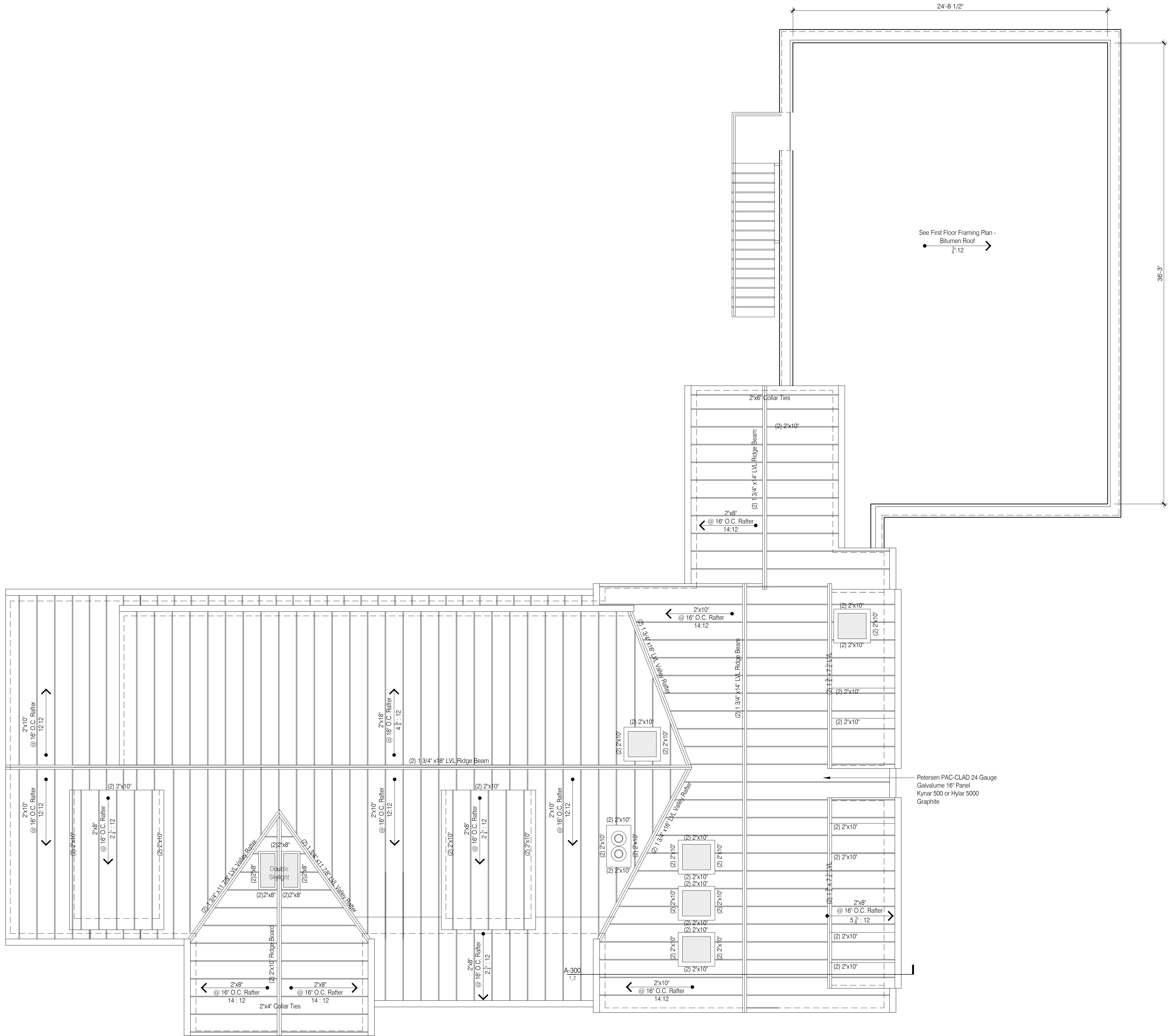


SECOND FLOOR PLAN 1/4" = 1'-0"

3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24
6. Zoning Revision	02/13/24
7. Building Dept. Revision	02/13/24

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

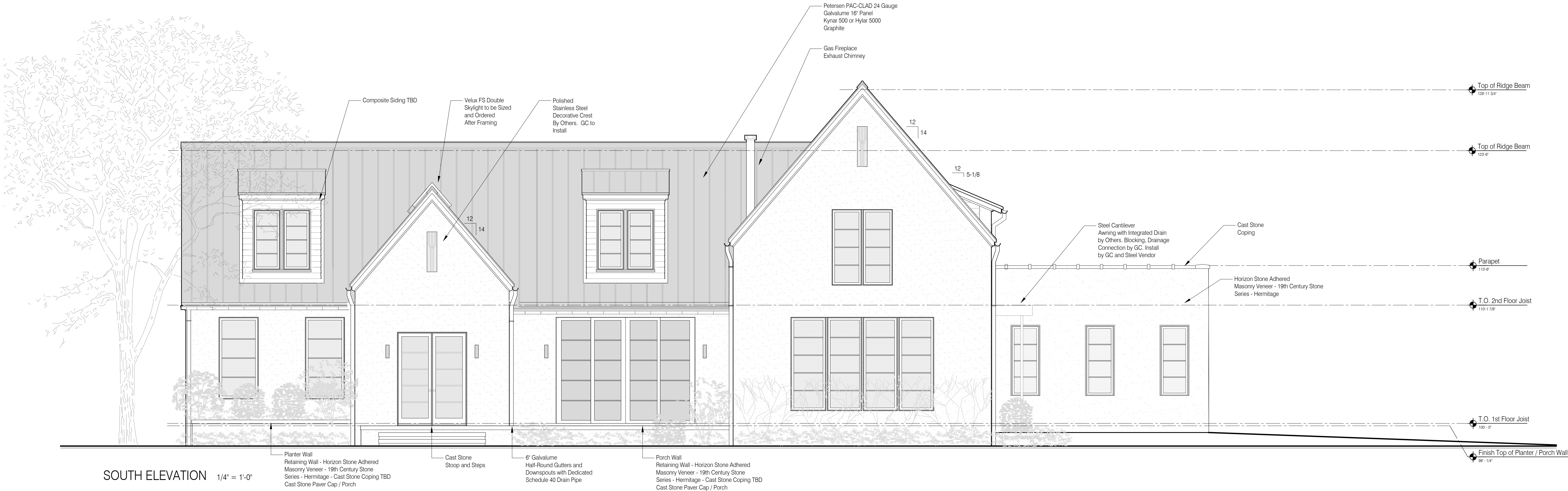
Construction Plans
2nd Floor



3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24
6. Zoning Revision	02/13/24
7. Building Dept. Revision	02/13/24

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Construction Plans
Roof

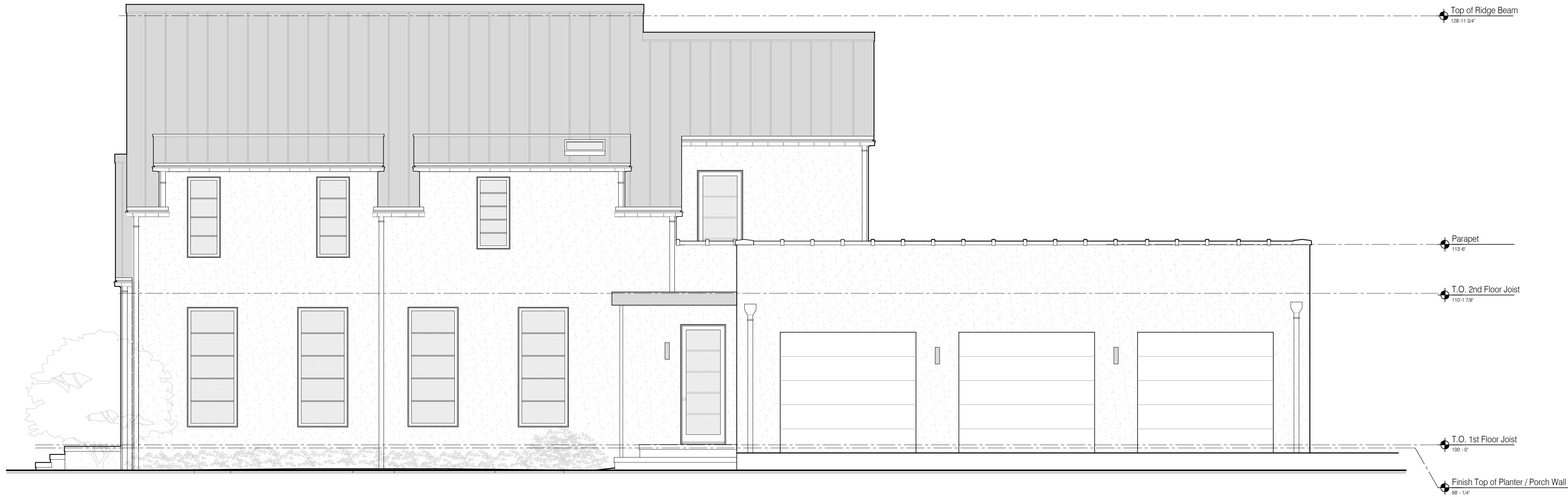


1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24

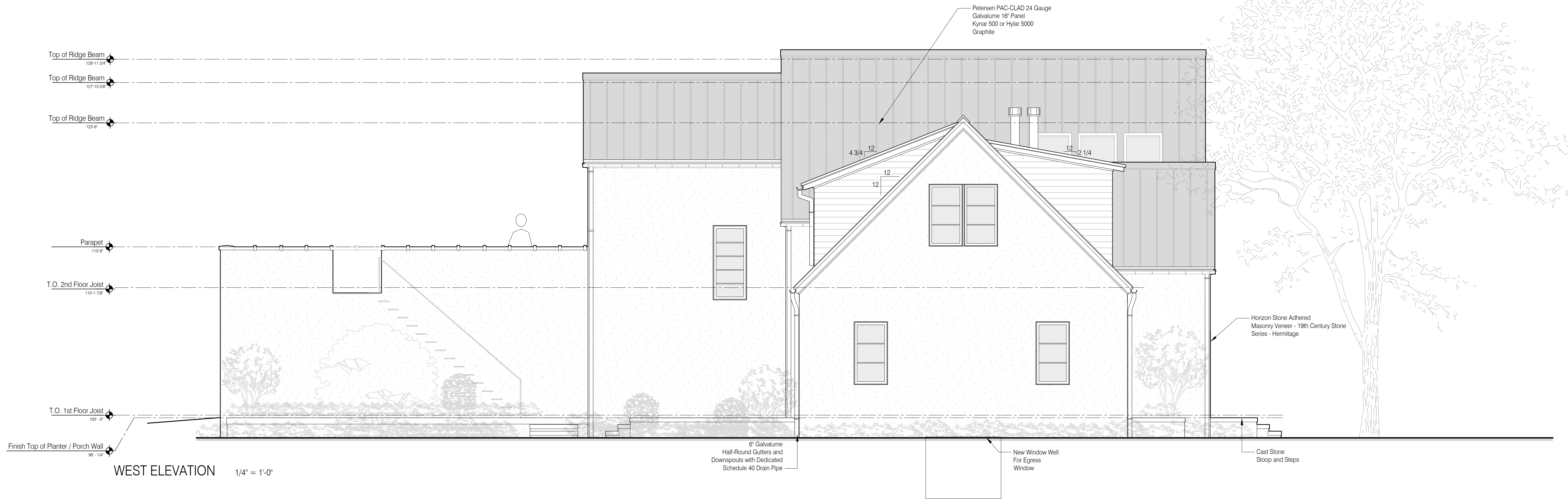
Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Exterior Elevations
South & North

A-105 13 November 2023



EAST ELEVATION 1/4" = 1'-0"



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

1. Zoning Review	07/26/22
2. Zoning Revision	01/10/23
3. Building Dept.	08/24/23
4. Zoning Revision	12/12/23
5. Building Dept. Revision	01/02/24

Johnston Residence
2428 Northlawn Boulevard
Birmingham, MI 48009

Exterior Elevations
East & West

distances between existing structures combined to create unusual circumstances on this lot. The neighboring property to the east created an addition that was in compliance but caused Mr. DePorre's garage to become out-of-compliance. Mr. Hart noted Mr. DePorre's compliance with DTE's easements, said the request was minimal and reasonable, and that it would be built on the foundation of the extant garage.

Mr. Miller said he initially expected to not support the request, but upon hearing the constraints believed it would be appropriate to grant the request.

The Chair said he would also support the motion, noting that the non-conformity was not being expanded and was not self-created.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 07-49-22

**6) 2428 Northlawn
Appeal 22-32**

ABO Zielke presented the item, explaining that the owner of the property known as 2428 Northlawn was requesting the following variances to construct an addition to an existing non-conforming home:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is being requested.

B. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested.

C. 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 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Staff answered informational questions from the Board.

Kent Johnston, homeowner, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

In reply to Board inquiry, Mr. Johnston stated variance A would allow the home to be more aesthetically pleasing than if that aspect of the home had to be ordinance-compliant. Allowing that variance would comply with the spirit of the ordinance since it would increase the aesthetic appeal of the front of the home. If the home were not set at an angle, he would not need to request variance A. He could still build the home without variance A if required.

Motion by Mr. Hart

Seconded by Mr. Yaldo with regard to Appeal 22-32, A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is being requested; B. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested; C. 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 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Mr. Hart moved to approve variances A, B, and C, and tied them to the plans as submitted. He said the appellant faced a number of challenges with the home given the way it is situated on the lot. He said the home being squared off to the street created difficult setback requirements on all four sides of the home. He said the requests were reasonable.

Mr. Miller said he would also support the motion, stating that variance A only was required because of the orientation of the house on the lot. He said that granting variance A also does not push that part of the home beyond the corner of the adjacent house, and so did not represent a detriment to the neighbor.

The Chair concurred with Mr. Miller.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

5. Correspondence

Mr. Reddy moved to approve the variance request and tied approval to the plans as submitted. He noted that the property in question had an existing non-conforming home. He noted it would not be encroaching any further to the south and that the setback did not appear to be an issue.

Motion carried, 6-1.

ROLL CALL VOTE

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

Nays: Kona

T# 01-03-23

**2) 2428 Northlawn
Appeal 23-03**

ABO Zielke presented the item, explaining that the owner of the property known as 2428 Northlawn was requesting the following variances to construct an addition to an existing non-conforming home:

- A. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is being requested.
- B. Chapter 126, Article 4, Section 4.61(A)(1)** of the Zoning Ordinance requires that a corner lot which has on its side street an abutting residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested.
- C. 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 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Staff answered informational questions from the Board.

Kent Johnston, homeowner, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 23-03, A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum front yard setback be the average of the homes within 200.00 feet in each direction. The required front yard setback is 59.13 feet. The proposed is 58.10 feet. Therefore, a 1.03 foot variance is

being requested; B. Chapter 126, Article 4, Section 4.61(A)(1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. The required is 47.25 feet on the east side. The existing and proposed is 24.97 feet. Therefore, a variance of 22.28 feet is being requested; and, C. 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 27.37 feet on the west side. The existing and proposed is 26.40 feet. Therefore, a variance of 0.97 feet is being requested.

Mr. Miller moved to approve the variance requests and tied approval to the plans as submitted. He noted the request was essentially the same as the July 2022 approval in regards to the critical aspects. He explained that since the changes were so minor and actually mitigated some of the previous issues, he believed the variances should be granted.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Miller, Canvasser, Reddy, Yaldo, Lilley, Hart, Kona

Nays: None

T# 01-04-23

**3) 300 S. Old Woodward
Appeal 23-05**

SP Cowan presented the item, explaining that the owner of the property known as 300 S. Old Woodward was requesting the following variances:

- A. Chapter 126, Article 3, Section 3.04 (E)(4)** requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed building contains a storefront on Daines with a transparency percentage of 62% (392 sq. ft.) where 70% (440 sq. ft.) is required. Therefore, a variance of 48 sq. ft. is requested for the Daines storefront.
- B. Chapter 126, Article 3, Section 3.04 (E)(4)** requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the facade between one and eight feet from the ground. The proposed building contains a storefront on S. Old Woodward with a transparency percentage of 60% (700 sq. ft) where 70% (812 sq. ft.) is required. Therefore, a variance of 112 sq. ft. is requested for the S. Old Woodward storefront.
- C. Chapter 126, Article 3, Section 3.04 (E)(4)** requires all buildings in the Downtown Overlay District to contain storefronts transparent areas equal to 70% of its portion of the