

**CITY OF BIRMINGHAM
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, JULY 9, 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) MAY 14, 2024

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	200 S CHESTER	R GARI SIGN	24-06	DIMENSIONAL
2)	1556 EMMONS	BRIAN LEE	24-10	DIMENSIONAL
3)	1001 FAIRFAX	BRIAN NEEPER	24-13	DIMENSIONAL
4)	611 RUFFNER	FRAM HOLDINGS	24-14	POSTPONED

6. CORRESPONDENCE

7. GENERAL BUSINESS

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

9. ADJOURNMENT

Title VI

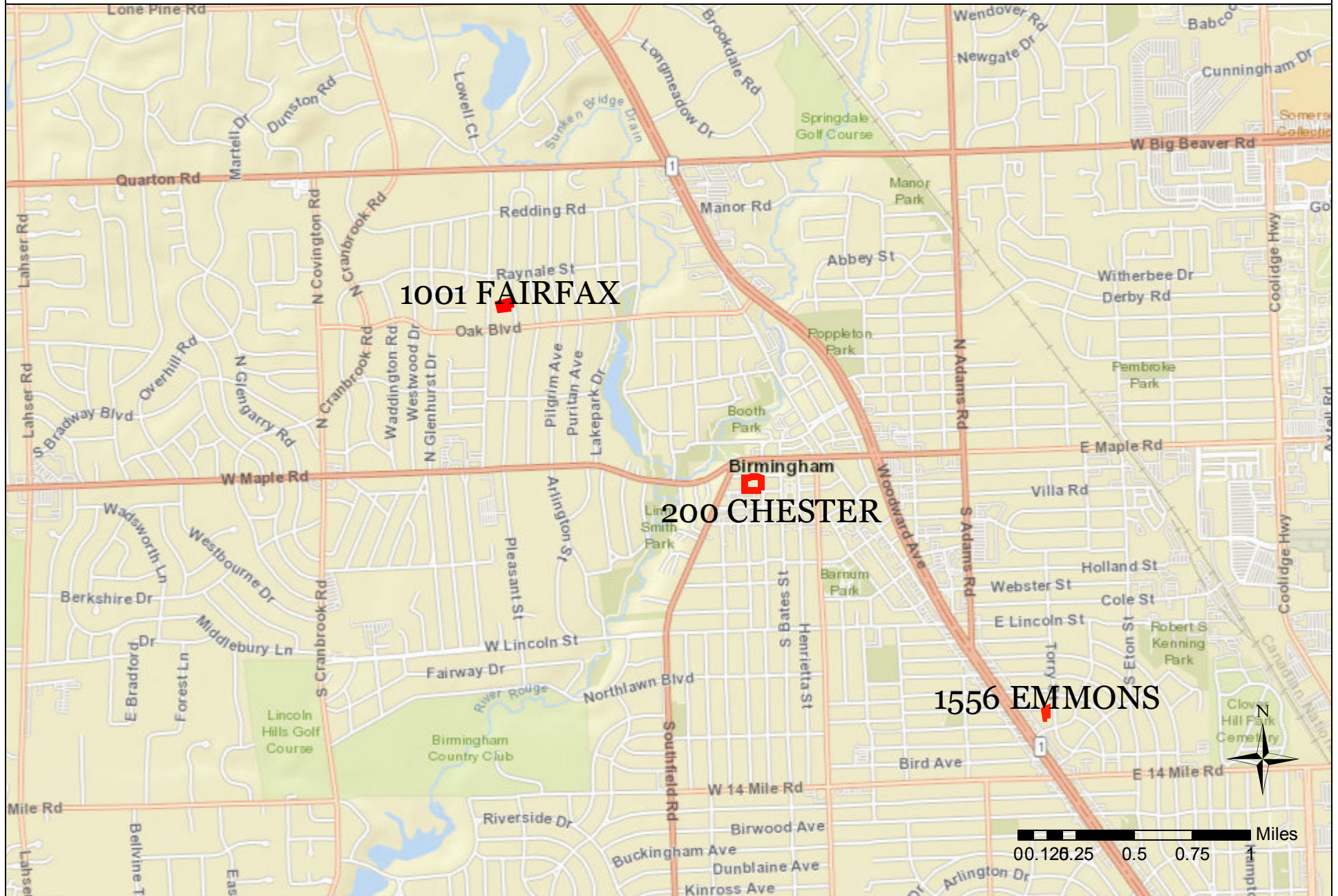
People with disabilities needing accommodations for effective participation in this meeting should contact the Clerk's Office at 248-530-1880 (voice) or 248-644-5115 (TDD) at least one day in advance to request mobility, visual, hearing, or other assistance.

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.

JULY BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
Tuesday, May 14, 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, May 14, 2024. The meeting was convened at 7:30 p.m.

2. Rollcall

Present: Vice Chair Jason Canvasser; Board Members Richard Lilley, John Miller, Ron Reddy, Pierre Yaldo; Alternate Board Member Carl Kona

Absent: Chair Erik Morganroth; Board Member Kevin Hart

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

The Vice Chair 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.

The Vice Chair took rollcall of the petitioners. All petitioners were in attendance.

3. Announcements

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

4. Approval Of The Minutes Of The BZA Meetings Of April 16, 2024

T# 05-16-24

Motion by Mr. Lilley

Seconded by Mr. Kona to approve the minutes of the BZA meeting of April 16, 2024 as submitted.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

5. Appeals

T# 05-17-24

1) 849 Henrietta Appeal 24-07

ABO Zielke presented the item, explaining that the owner of the property known as 849 Henrietta was requesting the following variance to construct a front porch to the existing home:

- A. Chapter 126, Article 2, Section 2.10.1** of the Zoning Ordinance requires that lot coverage on a residential lot is a maximum of 30%. The required 30% is 1944.60 SF. The proposed is 30.71% (1990.89 SF). Therefore, a variance of 0.71% (46.29 SF) is being requested.

Staff answered informational questions from the Board.

Pat Beshouri, 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.

Motion by Mr. Yaldo

Seconded by Mr. Miller with regard to Appeal 24-07, A. Chapter 126, Article 2, Section 2.10.1 of the Zoning Ordinance requires that lot coverage on a residential lot is a maximum of 30%. The required 30% is 1944.60 SF. The proposed is 30.71% (1990.89 SF). Therefore, a variance of 0.71% (46.29 SF) is being requested.

Mr. Yaldo moved to approve and tied approval to the plans as submitted. He noted that building a porch is generally allowable, and that the appellant was being prevented from doing so due to the shape of the property and the width of the existing house. He said that granting the variance would not be contrary to the spirit or intent of the ordinance as written, would not be contrary to health, safety, and welfare, and that granting it would result in substantial justice to the property owner and the public.

Mr. Miller said he was supportive of the motion due to the unique circumstances of the property. He noted that the home is a converted duplex from the 1920s, and that the intent of the ordinance is to promote porches.

Mr. Kona noted that while the appellant could built an ordinance-compliant porch if there were a gap between the porch and the home, that would not do substantial justice to the rest of the neighborhood. He said he supported the motion for that reason.

The Vice Chair voiced his support for the motion, and said he appreciated the appellant's efforts at mitigating the variance request.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

T# 05-18-24

**2) 1011 Pierce
Appeal 24-08**

ABO Zielke presented the item, explaining that the owner of the property known as 1011 Pierce was requesting the following variance to construct a rear covered patio to the existing home:

- A. Chapter 126, Article 2, Section 2.10.1** of the Zoning Ordinance requires that lot coverage on a residential lot is a maximum of 30%. The required 30% is 2110.40 SF. The proposed is 35.19% (2477.00 SF). Therefore, a variance of 5.19% (365.60 SF) is being requested.

Staff answered informational questions from the Board.

Kirk Rasch, representative for the applicant, 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.

Motion by Mr. Reddy

Seconded by Mr. Miller with regard to Appeal 24-08, A. Chapter 126, Article 2, Section 2.10.1 of the Zoning Ordinance requires that lot coverage on a residential lot is a maximum of 30%. The required 30% is 2110.40 SF. The proposed is 35.19% (2477.00 SF). Therefore, a variance of 5.19% (365.60 SF) is being requested.

Mr. Reddy moved to deny the variance request. While he expressed sympathy for the appellant's concerns, he noted there were a number of options that would largely work for the appellant, including engineering changes, umbrellas, or a reduction in the size of the coverage. He continued that literal enforcement would not result in an unnecessary hardship in this case.

Mr. Miller supported the motion. He specified that he appreciated Mr. Rasch's presentation and the candor in his responses. While Mr. Miller also expressed sympathy for the appellant's concerns, he noted that approval of the variance, given the lot coverage and positioning of the home and garage, would set a difficult precedent for future appeals.

Mr. Yaldo said there might be a way for the variance request to be reduced significantly enough that the Board could grant approval. He said he hoped Mr. Rasch

and the appellant could work together to find a solution that will work for the appellant.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

6. Correspondence

7. General Business

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

Mr. Rasch thanked the Board for their feedback and professionalism.

9. Adjournment

No further business being evident, the Board motioned to adjourn at 8:20 p.m.



Bruce R. Johnson, Building Official

Laura Eichenhorn, City Transcriptionist

CASE DESCRIPTION

200 S Chester (24-06)

Hearing date: July 9, 2024

Appeal No. 24-06: The owner of the property known **200 S Chester**, requests the following variances to install a ground sign on the corner of Martin Street and Chester Street:

A. Article 1, Section 1.08(D), Table D of the Sign Ordinance requires that Multiple-Family Residential Signs have a maximum area of 10 square feet. The applicant is proposing four signs totaling 32.7 square feet of signage. Therefore, a variance of 22.7 square feet is being requested.

Staff Notes:

The applicant is proposing a total of four signs; one 19.5 sq. ft. ground sign at the corner of Martin and Chester that reads "The Baldwin on Chester," a 1.6 sq. ft. "B" on the canopy face (North) and two 5.8 sq. ft. signs that read "The Baldwin" on the East and West sides of the canopy. There is an existing ground sign that is proposed to be replaced. The existing ground sign was approved in error in 2017 as it exceeds the permitted sign area by 9.5 sq. ft. The signage restrictions for the R7 zone limits the property to one sign and 10 sq. ft. of signage. Outside of residential zones (B1-B4, MX, etc), the number of signs is not limited and the combined sign area is determined by the principal building frontage (linear building length = total combined sign square footage allowed). Outside of a residential zone, the proposed signage would be approvable.

Baldwin House operates under a SLUP within the R7 zone as "special purpose housing". On May 1, 2024, the Design Review Board reviewed the signage proposal for Baldwin House and approved a motion for the changes with the following conditions:

1. The applicant must submit revised sign plans demonstrating a combined sign area of 10 sq. ft. or less, or obtain a variance from the Board of Zoning appeals for 22.7 sq. ft. of signage; and,
2. To interpret the structure at the entrance to be a portico not a canopy.

This property is zoned R7

Leah Blizinski
City Planner

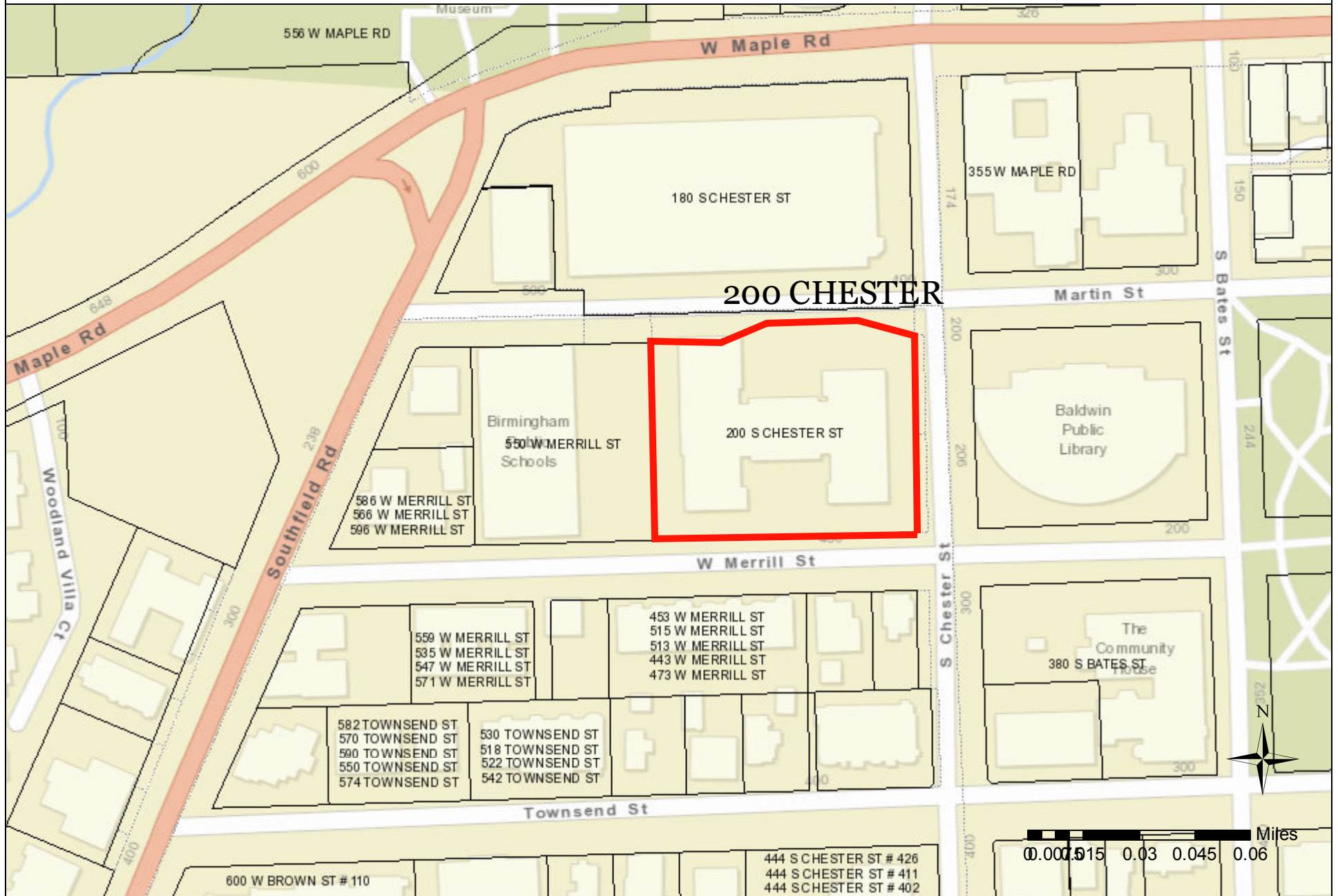
CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

- c. **Sign Variance** Procedure. Any person who feels aggrieved by a decision of the City Planner or Design Review Board may have the sign reviewed by the Board of Zoning Appeals. A variance may be granted by the Board of Zoning Appeals **only** in cases involving **practical difficulties** when the evidence in the official record of the appeal supports **all** the following affirmative findings:
- i. That the alleged practical difficulties are **peculiar to the property** of the person requesting the variance by reasons of the physical and/or dimensional constraints of the building and/or site, and result from conditions which **do not exist generally throughout the City**;
 - ii. That the granting of the requested variance would **not be materially detrimental** to the property owners in the immediate vicinity;
 - iii. That the granting of the variance would not be contrary to the general objectives of this Chapter and is in **keeping with the spirit and intent of this ordinance; and**
 - iv. That granting the variance will result in **substantial justice** being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board of Zoning Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
 - v. 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 and the conditions specified in the sign ordinance, Chapter 86, Article 02, Section 2.06.

200 CHESTER 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: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 200 Chester St.	Lot Number:	Sidwell Number:
-----------------------------	-------------	-----------------

II. OWNER INFORMATION:

Name: J. Schwartz			
Address: 200 Chester St.	City: Birmingham	State: MI	Zip code: 48009
Email: birminghammgr@continentalmtg.com			Phone: 248-540-4555

III. PETITIONER INFORMATION:

Name: Ronald Gari		Firm/Company Name: R. Gari Sign & Display, Inc.	
Address: 10098 Imus Rd.	City: Pinckney	State: MI	Zip code: 48169
Email: rgari@rgari.com			Phone: 810-355-1245 office 517-861-0329 cell

IV. GENERAL INFORMATION:

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

To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted.

Staff will explain how all requested variances must be highlighted on the survey, site plan and construction plans. Each variance request must be clearly shown on the survey and plans including a table as shown in the example below. All dimensions to be shown in feet measured to the second decimal point.

The BZA application fee is **\$750.00** for single family residential; **\$950.00** for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

Please provide the following in your electronic submission:

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: _____ Please see attached

Date: _____

Signature of Petitioner:  RONALD S. GARI

Date: 7-3-24

**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.

 RONALD J. CAREY 7-3-24
Signature of Applicant

Birmingham LDHA LP
200 Chester St.
Birmingham, MI. 48009

March 21, 2024

To Whom It May Concern:

We hereby grant R. Gari Sign & Display, Inc., authorization to pull permits on our behalf for a new entrance sign at the following property:

Baldwin on Chester
200 Chester St.
Birmingham, MI 48009

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Schwartz", with a stylized flourish extending to the right.

J. Schwartz
248-540-4555
birminghambhmgr@continentalmgmt.com



R. Gari Sign & Display, Inc.
10098 Imus Rd.
Pinckney, MI 48169
(810) 355-1245
rgari@rgari.com
www.rgari.com

July 3, 2024

TO: City of Birmingham
Community Development – Building Department

SUBJECT: Request for sign variance at 200 Chester St.

To Whom It May Concern:

We request a sign variance at 200 Chester St. to overcome the viewing hardships noted below, and facilitate accurate and timely recognition of the building name by viewers traveling east and west past the main entrance on Martin St.

We request additional square footage of signs on the projecting portico area off the main entrance on Martin St. (see submitted layouts). Loading and drop-off of patrons and visitors at the entrance currently obscures the existing ground sign.

We request allowance of 10 sq. ft. of signage on each side of the existing ground sign. The code states 10 sq. ft. total. Typically, that means 10 sq. ft. on each side of a double-sided sign. A viewer can only see one side at a time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald Gari', written over a horizontal line.

Ronald Gari
R. Gari Sign & Display, Inc.
810-355-1245 office
517-861-0329 cell



Dimensional logo and address

- Logo is approx. 13" wide x 18" tall
- Address is approx. 14" wide x 5.5" tall



200

Remove existing "200", patch & paint
Install new signage with stud mounting

*Creative and intellectual property as represented by the attached is the property of R. Gari Sign & Display, Inc., as presented on this date 2-28-24 to infinity.
The intellectual property and creative art cannot be duplicated in any facet without explicit written consent of R. Gari Sign & Display, Inc.*



810-355-1245
rgari@rgari.com
www.rgari.com

DATE
2-28-24

APPROVED BY

CLIENT / CONTACT INFO.

The Baldwin On Chester



(2) sets of 9" tall acrylic dimensional letters
Stud mounting to both facades

- Square footage: 6sq ft per side
- Approx. 93" wide x 9" tall

THE BALDWIN

*Creative and intellectual property as represented by the attached is the property of R. Gari Sign & Display, Inc., as presented on this date 2-28-24 to infinity.
The intellectual property and creative art cannot be duplicated in any facet without explicit written consent of R. Gari Sign & Display, Inc.*



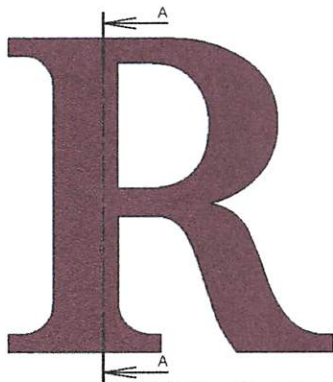
810-355-1245
rgari@rgari.com
www.rgari.com

DATE
2-28-24

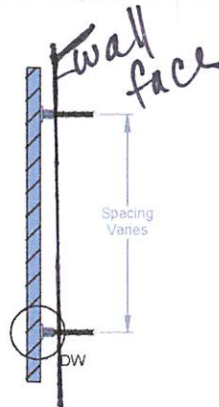
APPROVED BY

CLIENT / CONTACT INFO.

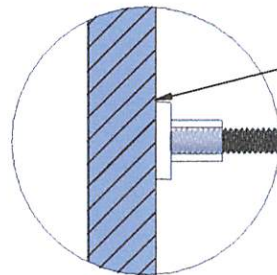
The Baldwin On Chester



FRONT VIEW II SCALE 1:5

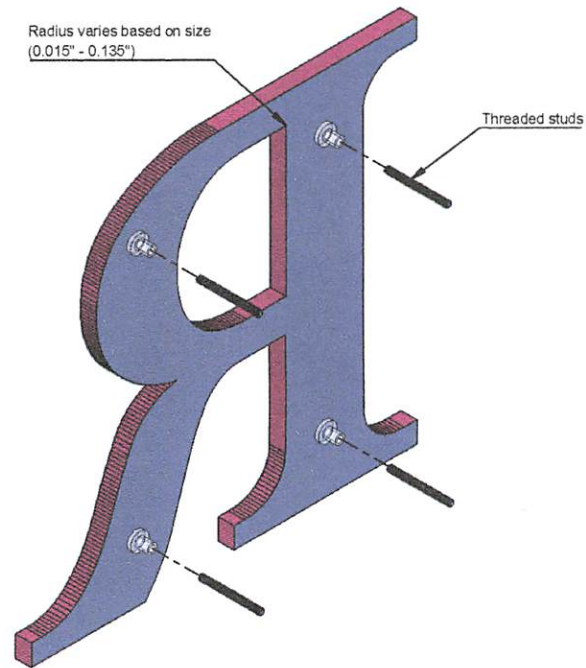


SECTION VIEW A-A II SCALE 1:5



DETAIL DW II SCALE 1:1

- NOTES:**
- Laser Cut Acrylic
 - Min. .40" stroke
 - Available Gauges: 1/8", 3/16", 1/4", 3/8" and 1/2"
 - Pigmented Acrylic or sprayed with Acrylic Polyurethane Paint
 - Standard Gemini letter styles or per vector art
 - Gemini recommends Flush Stud in gauges 1/4" or thicker



ISOMETRIC BACK VIEW II SCALE 1:3

TITLE:

FLAT CUT ACRYLIC - STUD MOUNT

MATERIAL:

**IMPACT MODIFIED
ACRYLIC**

PRODUCT TYPE:

FLAT CUT ACRYLIC

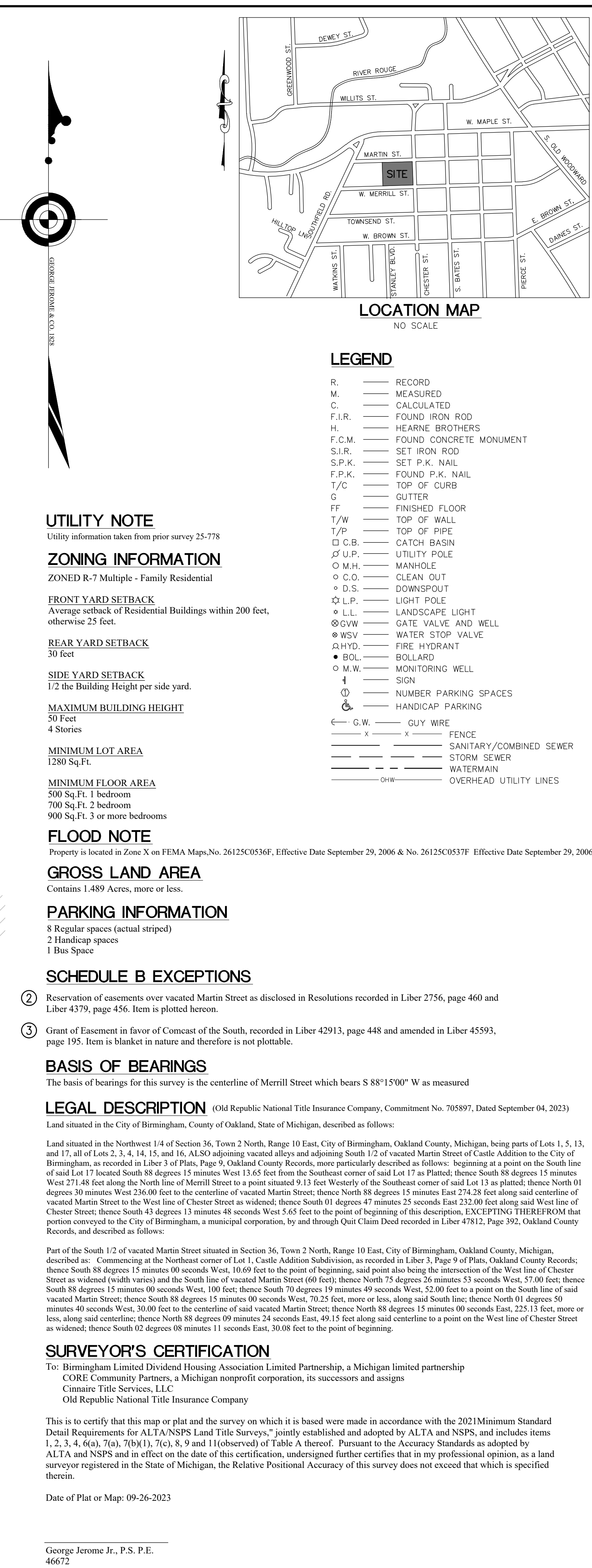
DWG NO. LASR10

REV 02/16/2022

SCALE: AS INDICATED

SHEET 1 OF 1





ALTA/NSPS LAND TITLE SURVEY
200 SOUTH CHESTER ST., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

7



MEMORANDUM

Planning Division

DATE: April 17, 2024

TO: Design Review Board

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 200 Chester – The Baldwin on Chester – Design Review

The applicant has submitted a Design Review application for four new signs on the existing 5-story Baldwin House Senior Living building. The signage proposal intends to introduce a new branding scheme to the building/property and will be concentrated at the entrance facing Martin St. Three of the signs will be brand new, while the fourth is a re-facing of the existing ground sign at the corner of Martin and Chester.

Signage

The following table summarizes the general placement and size of each of the signs:

Content	Type	Location	Area (sq. ft.)
The Baldwin on Chester	Ground	Corner of Martin and Chester	19.5
"B"	Canopy	Face of Entrance Canopy	1.6
The Baldwin	Canopy	West Side of Canopy	5.8
The Baldwin	Canopy	East Side of Canopy	5.8
Total Proposed	-	-	32.7
Total Permitted	-	-	10

All of the signs as designed meet the maximum height, projection and illumination requirements of the Sign Ordinance.

The uniqueness of this proposal is due to its location within the R7 (Multiple-Family) zoning district, which limits the property to 10 sq. ft. of combined sign area. The existing ground sign, which was approved in 2017, appears to have been approved in error, as the existing sign exceeds the permitted combined sign area by 9.5 sq. ft. The current proposal of 32.7 sq. ft. exceeds the combined sign area by 22.7 sq. ft. Thus, **the applicant must submit revised sign plans demonstrating a combined sign area of 10 sq. ft. or less, or obtain a variance from the Board of Zoning appeals for 22.7 sq. ft. of signage.**

Aside from the combined sign area issue, there exists a separate issue related to canopy signage. The Planning Department has interpreted the structure over the walkway to the main entrance of the building to be an entrance canopy, which would subject the applicant to the standards related to canopy signs. The Design Review Board should discuss the structure and the interpretation as an entrance canopy. Please see relevant standards from the Sign Ordinance below:

- Canopy signs shall be placed on the canopy valence or on the top of the canopy only, but not both. Canopy signs placed on the top of the canopy shall conform to the same height and area requirements as signs placed on the canopy valence.
- Canopy: An architectural structure made of permanent materials, mounted on the face of a building above a window, entrance, or storefront opening, providing weather and/or sun protection.
- Canopy Valance: The vertical front face of a canopy parallel to the face of the building to which it is mounted.
- Maximum Number: One per canopy.
- Maximum Area: No more than 0.33 square feet for each linear foot of canopy length of the canopy upon which the sign will be placed.

Considering these standards, the proposal as designed violates several of the standards for canopy signs. Thus, **the applicant must submit revised sign plans that meet the requirements of the Sign Ordinance for canopy signs, or obtain a variance from the Board of Zoning Appeals.**

Lighting

There are no new light fixtures proposed as a part of the Design Review application submitted.

Required Attachments

	Submitted	Not Submitted	Not Required
Detailed and Scaled Site Plan	☐	☐	☒
Interior Floor Plans	☐	☐	☒
Landscape Plan	☐	☐	☒
Photometric Plan	☐	☐	☒
Colored Elevations	☒	☐	☐
Material Specification Sheets	☒	☐	☐
Material Samples	☐	☐	☒
Site & Aerial Photographs	☒	☐	☐

Sign Review Requirements

Article 2, Section 2.02 of the Sign Ordinance states that sign review approval shall be granted only upon determining the following:

1. The scale, color, texture and materials of the sign being used will identify the business succinctly, and will enhance the building on which it is located, as well as the immediate neighborhood.
2. The scale, color, texture and materials of the sign will be compatible with the style, color, texture and materials of the building on which it is located, as well as neighboring buildings.
3. The appearance of the building exterior with the signage will preserve or enhance, and not adversely impact, the property values in the immediate neighborhood.
4. The sign is neither confusing nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety.
5. The sign is consistent with the intent of the Master Plan, Urban Design Plan(s), and/or Downtown Birmingham 2016 Report, as applicable
6. The sign otherwise meets all requirements of this Chapter.

Design Standards

Article 7, Section 7.09 states that the Design Review Board shall review all documents submitted pursuant to this section and shall determine the following:

1. All of the materials required by this section have been submitted for review.
2. All provisions of this Zoning Ordinance have been complied with.
3. The appearance, color, texture and materials being used will preserve property values in the immediate neighborhood and will not adversely affect any property values.
4. The appearance of the building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate neighborhood.
5. The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.
6. The appearance of the building exterior will tend to minimize or prevent discordant and unsightly properties in the City.
7. The total design, including but not limited to colors and materials of all walls, screens, towers, openings, windows, lighting and signs, as well as treatment to be utilized in concealing any exposed mechanical and electrical equipment, is compatible with the intent of the urban design plan or such future modifications of that plan as may be approved by the City Commission.

Planning Division Analysis

Based on the requirements of Article 2, Section 2.02 of the Sign Ordinance and Article 7, Section 7.09 of the Zoning Ordinance, the Planning Division recommends that the Design Review Board **APPROVE** the Design Review application for 200 Chester – The Baldwin – with the conditions

listed below. The signage overall is minimal and is concentrated in an area that does not face any other residential zoning districts, and is compatible with the neighboring buildings.

1. The applicant must submit revised sign plans demonstrating a combined sign area of 10 sq. ft. or less, or obtain a variance from the Board of Zoning appeals for 22.7 sq. ft. of signage; and
2. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance for canopy signs, or obtain a variance from the Board of Zoning Appeals.

Sample Motion Language

Motion to **APPROVE** the Design Review application for 200 Chester – The Baldwin – with the following conditions:

1. The applicant must submit revised sign plans demonstrating a combined sign area of 10 sq. ft. or less, or obtain a variance from the Board of Zoning appeals for 22.7 sq. ft. of signage; and
2. The applicant must submit revised sign plans that meet the requirements of the Sign Ordinance for canopy signs, or obtain a variance from the Board of Zoning Appeals.

Motion to **POSTPONE** the Design Review application for 200 Chester – The Baldwin – pending receipt of the following:

1. _____
2. _____
3. _____

OR

Motion to **DENY** the Design Review application for 200 Chester – The Baldwin – for the following reasons:

1. _____
2. _____
3. _____

**Design Review Board
Minutes Of May 1, 2024**

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the Design Review Board ("DRB") held May 1, 2024. The meeting was called to order at 8:19 p.m.

1) Roll Call

Present: Vice Chair Dustin Kolo; Board Members Keith Deyer, Natalia Dukas, Patricia Lang, Michael Willoughby

Absent: Chair John Henke; Board Members Julie Rasawehr; Alternate Board Members Samantha Cappello, Sam Lanfear

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn

2) Approval of the DRB Minutes of March 6, 2024

05-04-24

Motion by Ms. Dukas

Seconded by Ms. Lang to approve the March 6, 2024 minutes as submitted.

Motion carried, 5-0.

VOICE VOTE

Yeas: Dukas, Lang, Willoughby, Deyer, Kolo

Nays: None

3) Public Hearing

4) Design Review

5) Sign Review

A. 200 Chester – The Baldwin

PD Dupuis presented the item and answered informational questions from the DRB.

DRB member comments were as follows:

- The potential location of the 'B' would be better described as a portico than a canopy. The applicant should pursue a variance from the BZA for the ground sign because it was well done.
- The ground sign was facing a garage and the library, meaning it would not impact nearby residents. Allowing it would enhance the building. Having the 'B' on the portico would also be beneficial and not garish in any way.
- The ground sign was much improved over the present signage.

05-05-24

Motion by Mr. Deyer

Seconded by Mr. Willoughby to approve the Design Review application for 200 Chester – The Baldwin – with the following conditions:

- 1. The applicant must submit revised sign plans demonstrating a combined sign area of 10 sq. ft. or less, or obtain a variance from the Board of Zoning appeals for 22.7 sq. ft. of signage; and,**
- 2. To interpret the structure at the entrance to be a portico not a canopy.**

Motion carried, 5-0.

VOICE VOTE

Yeas: Dukas, Lang, Willoughby, Deyer, Kolo

Nays: None

6) Study Session

A. Religious Institution Signs in Residential Districts

PD Dupuis presented the item and answered informational questions from the DRB.

Howard Adams of Our Shepherd Lutheran was present on behalf of the request.

DRB member comments were as follows:

- Ground signs could likely be limited to being a bit shorter than six feet. Reconfigurable signs with LEDs would be undesirable.
- Alternatively, a six foot height limit for ground signs might remain appropriate.
- In the maximum area category, 'one foot' should be changed to 'one linear foot'.
- If significant comment is received regarding the 'maximum number' category at the public hearings, changes to the wording could be considered at that time.

05-06-24

Motion by Ms. Dukas

Seconded by Mr. Deyer for the Design Review Board set a public hearing date of May 15, 2024 to consider amendments to the Sign Ordinance to amend the standards for Religious Institution Signs.

Motion carried, 5-0.

VOICE VOTE

Yeas: Dukas, Lang, Willoughby, Deyer, Kolo

Nays: None

7) Miscellaneous Business And Communications

A. Pre-Application Discussions

B. Draft Agenda

C. Staff Reports

- 1. Administrative Sign Approvals**
- 2. Administrative Approvals**

3. Action List 2024

D. Communications

1. Birmingham Green: Healthy Climate Plan

8) Adjournment

No further business being evident, the Board motioned to adjourn at 8:57 p.m.

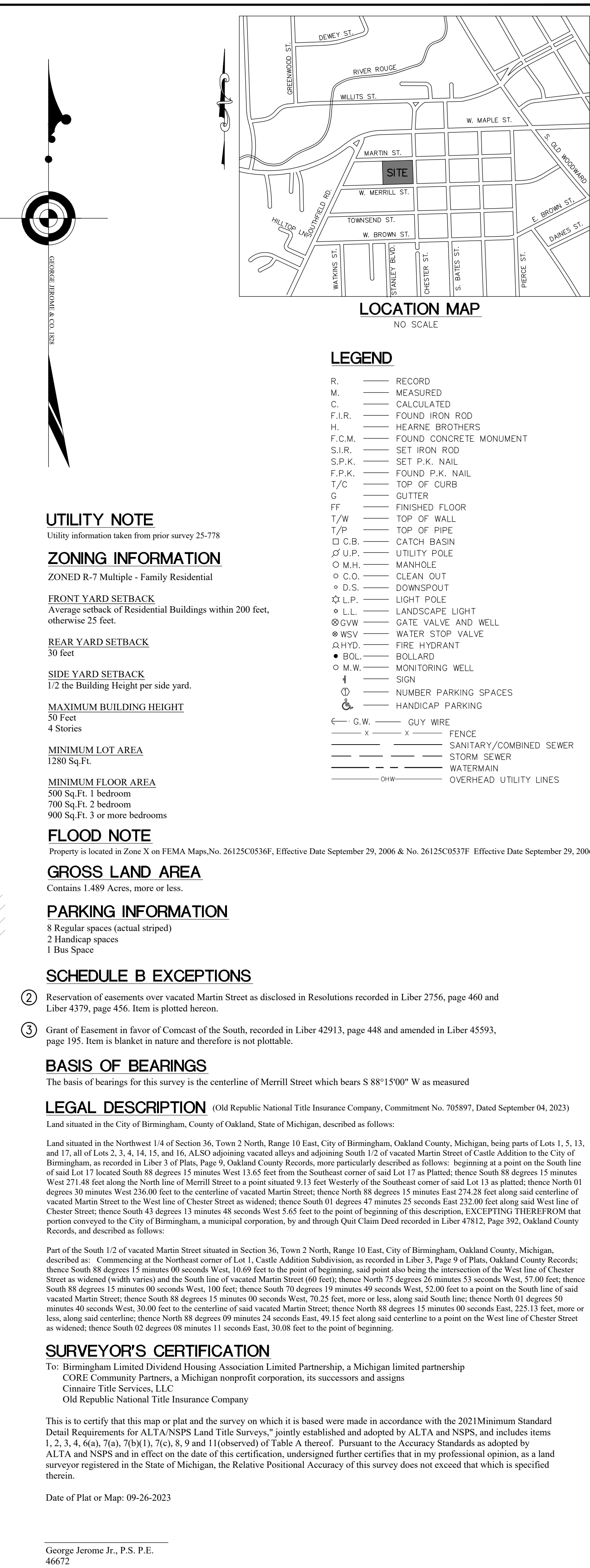


Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist

DRAFT



ALTA/NSPS LAND TITLE SURVEY
200 SOUTH CHESTER ST., CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

7

CASE DESCRIPTION

1556 Emmons (24-10)

Hearing date: July 9, 2024

Appeal No. 24-10: The owner of the property known **1556 Emmons**, requests the following variances to construct a second floor rear addition to the existing non-conforming home:

A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard shall be less than 5.00 feet. The existing and proposed is 3.61 feet. Therefore, a variance of 1.39 feet 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 existing and proposed is 11.10 feet. Therefore, a variance of 2.90 feet is being requested.

Staff Notes: This applicant is requesting variances to construct a second floor addition on the rear of the existing non-conforming home that was constructed in 1947.

This property is zoned R3 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP, COSS
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)

1556 EMMONS 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: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: <u>1556 EMMONS</u>	Lot Number:	Sidwell Number:
-----------------------------	-------------	-----------------

II. OWNER INFORMATION:

Name: <u>AARON McNAMARA</u>			
Address: <u>1556 EMMONS</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: <u>themetrompanies@gmail.com</u>		Phone:	

III. PETITIONER INFORMATION:

Name: <u>BRIAN S. LEE</u>	Firm/Company Name: <u>METRO HOME IMPROVEMENTS LLC</u>		
Address: <u>48542 VANDYKE AVE, SUE 212</u>	City: <u>SHELBY TWP</u>	State: <u>MI</u>	Zip code: <u>48317</u>
Email: <u>themetrompanies@gmail.com</u>		Phone: <u>586-929-0224</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 \$750.00 for single family residential; \$950.00 for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

Please provide the following in your electronic submission:

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: _____

Date: _____

Signature of Petitioner: [Signature]

Date: 05/10/2024

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

**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.
-

Aaron McNamara
1556 Emmons
Birmingham, Michigan 48009

May 2, 2024

To whom it may concern:

I am writing this letter to outline the reasons why we are seeking a variance to be able to construct an off the ridge rear dormer on our home.

Currently the home is occupied by my wife and myself and the home is a 3 bedroom bungalow with only one (3pc) bathroom to share.

The bathroom is located on the main floor of the house and our bedroom is on the upper level of the home.

We are trying to start a family and we need an additional bathroom as our new baby would be upstairs in our master bedroom with no access to a bathroom while the baby is in our room.

Notwithstanding, in starting a family and raising a family in our home and when we have (2) or more children having only one bathroom puts a tremendous strain on us as we all would have to share one bathroom.

Our contention now is to get this new bathroom constructed prior to us having a child so there's no issues while going thru a pregnancy and then ultimately bringing home a new baby to a home that would be under construction.

Looking at the blue prints as you can see we are not exceeding the construction of the dormer over the footprint of the home and our overall request would be for a variance of 1.49 feet to satisfy the side yard setback of 5.0 ft overall however the house still would remain at 3.51 ft from the lot line as built currently.

By holding the wall in 1.49ft on the new build and measuring from the new upper outside wall that's where the 5.0 ft on setback would be obtained however looking at the dormer from the rear there would not be that seamless wall transition from house to new structure by doing this.

This dormer would be built directly on top of the existing home with no overhanging outside of the existing home.

We are asking for a variance to construct simply due to the fact that the existing home when constructed was built non conforming to today's lot setbacks which we were unaware of until we purchased a survey to provide to the city on our blueprints.

We hope that the letter explains the situation we're in and we are hopeful that the city does take this into account and grants us the required variance to be able to proceed forward with building our addition as we have invested quite a bit of money and time into the project so far.

By making the dormer smaller by 1.49 ft on the side will completely throw off the aesthetics of the build and would make the rear of the addition look out of place.

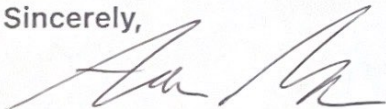
Living in Birmingham the homes are for the most part very well kept up and have a nice pleasing look to them where this would look very much out of place and like an add on for which we're trying to avoid.

We love the fact that this build looks seamless and not like an add on as you see in some of these builds.

If you drive thru our neighborhood there are a very large amount of these built on existing homes and we're just following suit with what the neighborhood has.

Thank you for your time and we look forward to being life long residents in the city!

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron McNamara', with a stylized, cursive script.

Aaron McNamara
1556 Emmons
Birmingham, Mich 48009

BOUNDARY & LOCATION SURVEY

© #1556 EMMONS AVE.
EX. SAN. MH

EX. STORM MH

EMMONS AVE. (50' R.O.W.)

REQUESTED VARIANCES	REQUIRED	PROPOSED	VARIANCE AMOUNT
A) MINIMUM SIDEYARD SETBACK	5.00 FEET	3.61 FEET	1.39 FEET
B) DISTANCE BETWEEN STRUCTURES	14.00 FEET	11.10 FEET	2.90 FEET

LEGEND

- F.I. FOUND IRON
- F.P. FOUND PIPE
- F.M. FOUND MONUMENT
- F.P.K. FOUND P.K. NAIL
- S.P.K. SET P.K. NAIL
- S.I. SET IRON

LEGAL DESCRIPTION

A PARCEL OF LAND OF PART OF THE SOUTHWEST 1/4 OF SECTION 31, T.2N, R.11E, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING FURTHER DESCRIBED AS FOLLOWS:
LOT 602 OF LEINBACH-HUMPHREY'S WOODWARD AVENUE SUBDIVISION. (L17, P.5 O.C.R.); ALSO INCLUDING
LOT 6 OF ASSESSOR'S PLAT NO. 32, BEING A REPLAT OF LOT 605 OF LEINBACH-HUMPHREY'S WOODWARD AVENUE SUBDIVISION. (L114, P.9 O.C.R.)
CONTAINING 0.13 ACRES OF LAND SUBJECT TO ALL RIGHTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

1556 Emmons Ave.
Birmingham, MI, 48009

CLIENT: Aaron McNamara

DATED 4/11/2024

JOB NO. 24133

SCALE 1" = 20'-0"

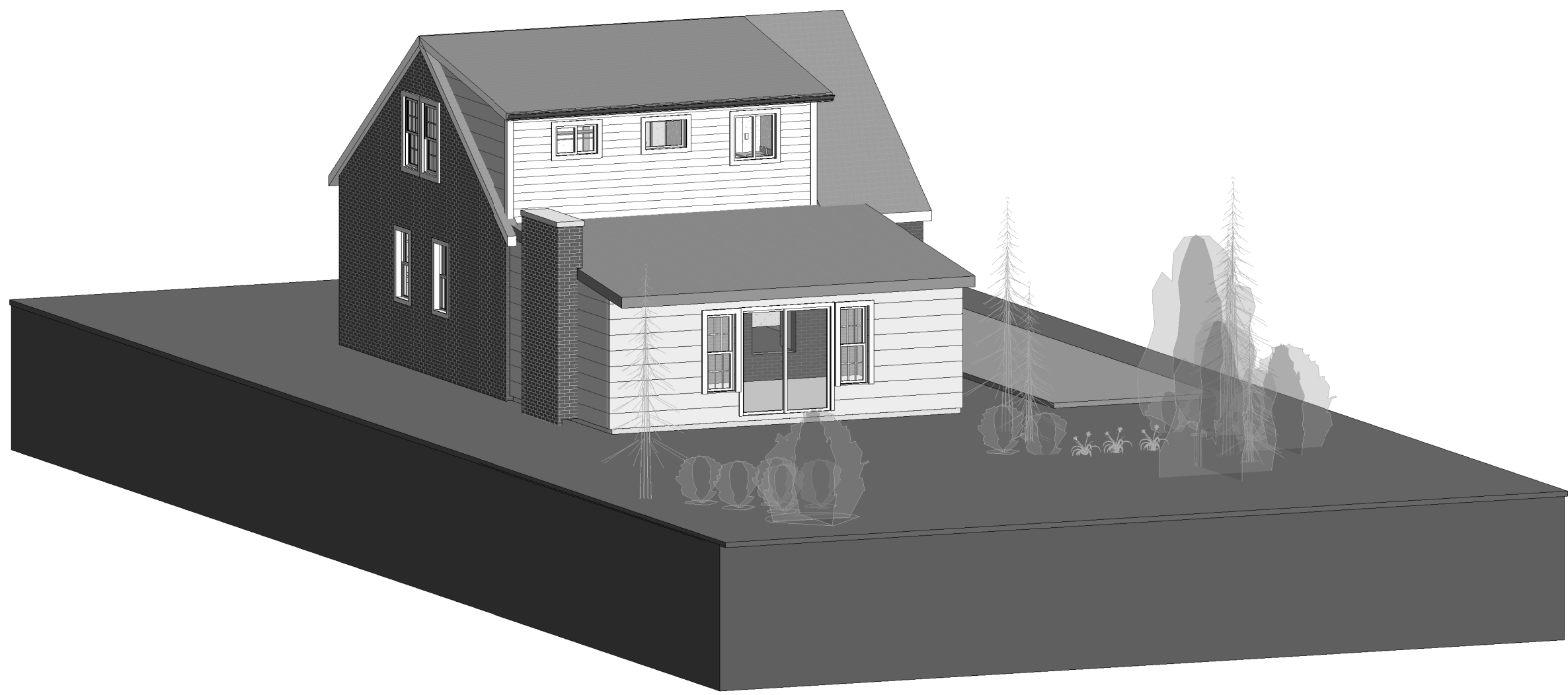


LAND DEVELOPMENT SERVICES
of Michigan L.L.C.

Civil, Construction Management
& Surveying Services

Land Development Services
of Michigan LLC
48597 Hayes
Shelby Twp, MI 48315
P: 586.854.7310

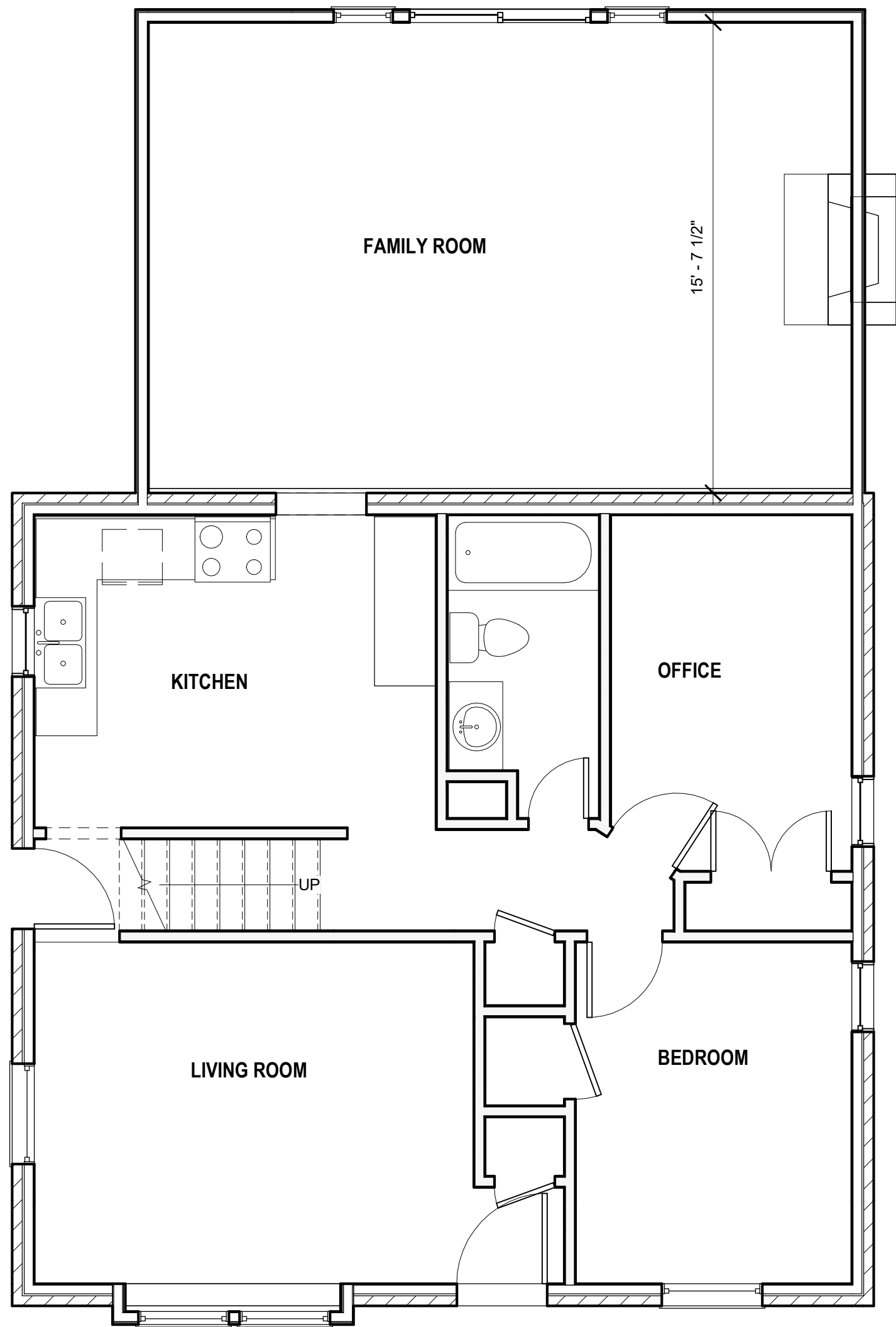
E: David@LDSofMichigan.com



1 Rear Perspective

- MINIMUM UNFORMLY DISTRIBUTED LIVE LOADS SHALL COMPLY WITH MICHIGAN RESIDENCE CODE 2015
- EGRESS-EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR EXTERIOR DOOR APPROVED FOR EMERGENCY EGRESS OR RESCUE IN ACCORDANCE WITH MICHIGAN BUILDING CODE 2015 SEC. R.310 THE WINDOW SILL HEIGHT SHALL NOT BE MORE THAN 44 INCHES ABOVE THE FLOOR. THE WINDOW, WHEN OPEN SHALL HAVE A NET CLEAR OPENING AREA OF 5.7 SQUARE FEET. THE MINIMUM NET CLEAR OPENING WIDTH SHALL BE AT LEAST 20 INCHES AND MINIMUM NET CLEAR OPENING HEIGHT OF AT LEAST 24 INCHES.
- ALL GLASS WITHIN 24" OF A DOOR SHALL BE APPROVED SAFTY GLASS
- ALL GLASS ADJACENT TO TUB AND SHOWER AREA SHALL BE SAFTY GLASS
- ALL GLAZING MORE THAN 9 SQUARE FEET ANS 18 INCHES OR LESS ABOVE ADJACENT WALKING SURFACES SHALL BE APPROVED SAFTY GLASS.
- APPROVED SMOKE DETECTORS SHALL BE INSTALLED IN ACCORDANCE WITH MICHIGAN RESIDENTIAL CODE SECTION R-313.1
- PRIVATE GARAGES LOCATED BENEATH OR ADJACENT TO HABITABLE ROOMS SHALL HAVE WALL ASSEMBLIES AND FLOOR-CEILING ASSEMBLIES SEPARATING GARAGE SPACE CONSTRUCTED OF NOT LESS THAN 1-HOUR FIRE RESISTANCE RATING DOOR PENETRATING RATED WALL CONSTRUCTION SHALL BE 1/3-HOUR RATED ASSEMBLY WITH DOOR CLOSER.
- MAINTAIN ONE-HOUR FIRE SEPARATION BETWEEN GARAGE AND LIVING SPACES.
- FRAMING COMPONENTS IN CONTACT WITH CONCRETE, MASONRY OR EXPOSED TO WEATHER SHALL BE PRESSURE TREATED
- EXTERIOR FOOTINGS AND FOUNDATIONS SHALL EXTEND 42" (MIN) BELOW FINISH GRADE AND SHALL BEAR ON UNDISTURBED SOIL OR ENGINEERED FILL
- SILL PLATES OR FLOOR SYSTEM SHALL BE ANCHORED TO THE FOUNDATION WALL WITH 1/2" DIAMETER BOLTS EMBEDDED 8" INTO CONCRETE AND 15" INTO BLOCK AT 6'-0 O.C. AND NOT MORE THAN 12" FROM CORNERS OR METAL STRAPS AT 3'-0" ON CENTER.
- FOUNDATION DRAINAGE SHALL BE PROVIDED CONSISTING OF 4" PVC DRAIN TILE WITH FILTER FABRIC IN 12" PEA GRAVEL AROUND ALL FOUNDATIONS ENCLOSING HABITABLE SPACES BELOW GRADE IN ACCORDANCE WITH MICHIGAN RESIDENTIAL CODE SEC. 405.
- A 6-MIL POLETHYLENE MOISTURE BARRIER SHALL BE INSTALLED UNDER ALL CONCRETE SLABS IN HABITABLE SPACES AND IN ALL CRAWL SPACES.
- EXPOSED FOUNDATION INSULATION SHALL BE DOW "BLUE BOARD" OR APPROVED EQUAL.
- ROOF VENTILATION SHALL BE PROVIDED IN ACCORDANCE WITH MICHIGAN RESIDENTIAL CODE 2015
- MECHANICAL MEANS OF VENTILATION SHALL BE PROVIDED IN ALL BATHROOMS WITHOUT AN OPERABLE WINDOW.
- ACCESS TO CRAWL SPACES SHALL BE PROVIDED (MINIMUM 18"x24").
- ACCESS TO ATTICS HAVING A CLEAR HEIGHT OVER 30" SHALL BE PROVIDED (MINIMUM 22"x30")
- ALL STRUCTURAL FRAMING SHALL HAVE DIRECT BEARING BELOW OR USE APPROVED METAL HANGERS.
- MAINTAIN 2" CLEARANCE FROM ALL MASONRY CHIMNEYS AND FIREPLACES TO COMBUSTIBLE MATERIAL.
- FIREPLACES HEARTHIS TO BE CONSTRUCTED WITH NON-COMBUSTIBLE MATERIAL. THE HEARTH SHALL EXTEND OUT 20" BEYOND OPENING AND 12" OVER EACH SIDE OF OPENING.
- DOOR LEADING INTO HOUSE FROM GARAGE SHALL HAVE DOOR SILLS MINIMUM 4" ABOVE GARAGE FLOOR.
- FIRESTOPPING SHALL BE IN SUCH PLACES AS STUD SPACES, STAIRS, FLOOR, CEILING DROPS, ETC.
- DO NOT SCALE DRAWINGS, USE CALCULATED DIMENSIONS ONLY.
- THESE PLANS REPRESENT A GENERAL ARRANGEMENT . DIMENSIONS MAY VARY AND SHOULD BE DETERMINED ON SITE BY BUILDER AND HOME OWNER
- SOIL BEARING CAPACITY OF 2500 P.S.F.

General notes
1/4" = 1'-0"



3 Existing Floor Plan
1/4" = 1'-0"

Sheet List	
Sheet Name	SHEET NO.
Floor Plans	A1.1
Proposed Second Floor Plan	A1.2
Elevations	A2.0

PERSCRIPTIVE ENERGY PATH	
WINDOWS	U - .30
WALLS	R - 20
CEILING	R - 38

4 Perscriptive Energy Path
1/2" = 1'-0"

THE CONTRACTOR SHALL
VERIFY ALL
DIMENSIONS AND EXISTING
CONDITIONS
AT THE SITE BEFORE
PROCEEDING WITH
EACH PHASE OF THEIR
WORK

THIS DRAWING IS AN
INSTRUMENT OF SERVICE
AND SHALL REMAIN THE
PROPERTY OF THE
DESIGNER
AND SHALL NOT BE USED IN
ANY OTHER WAY WITHOUT
PERMISSION OF THE
DESIGNER

CONTRACTOR

PROPOSED DORMER
FOR :
Arron McNamara
1556 Emmons
Birmingham, Mi.

A I
B D

DENNIS BERRY AND ASSOCIATES

RESIDENTIAL DESIGNING / PLANNING
CERTIFIED BUILDING DESIGNER
MEMBER AMERICAN INSTITUTE
OF BUILDING DESIGNERS

PH. 1 - 313 - 407 - 8027
FAX. 1 - 720 - 4756 - 1644
EMAIL - dberry412@yahoo.com

WATERFORD, MI. 48327

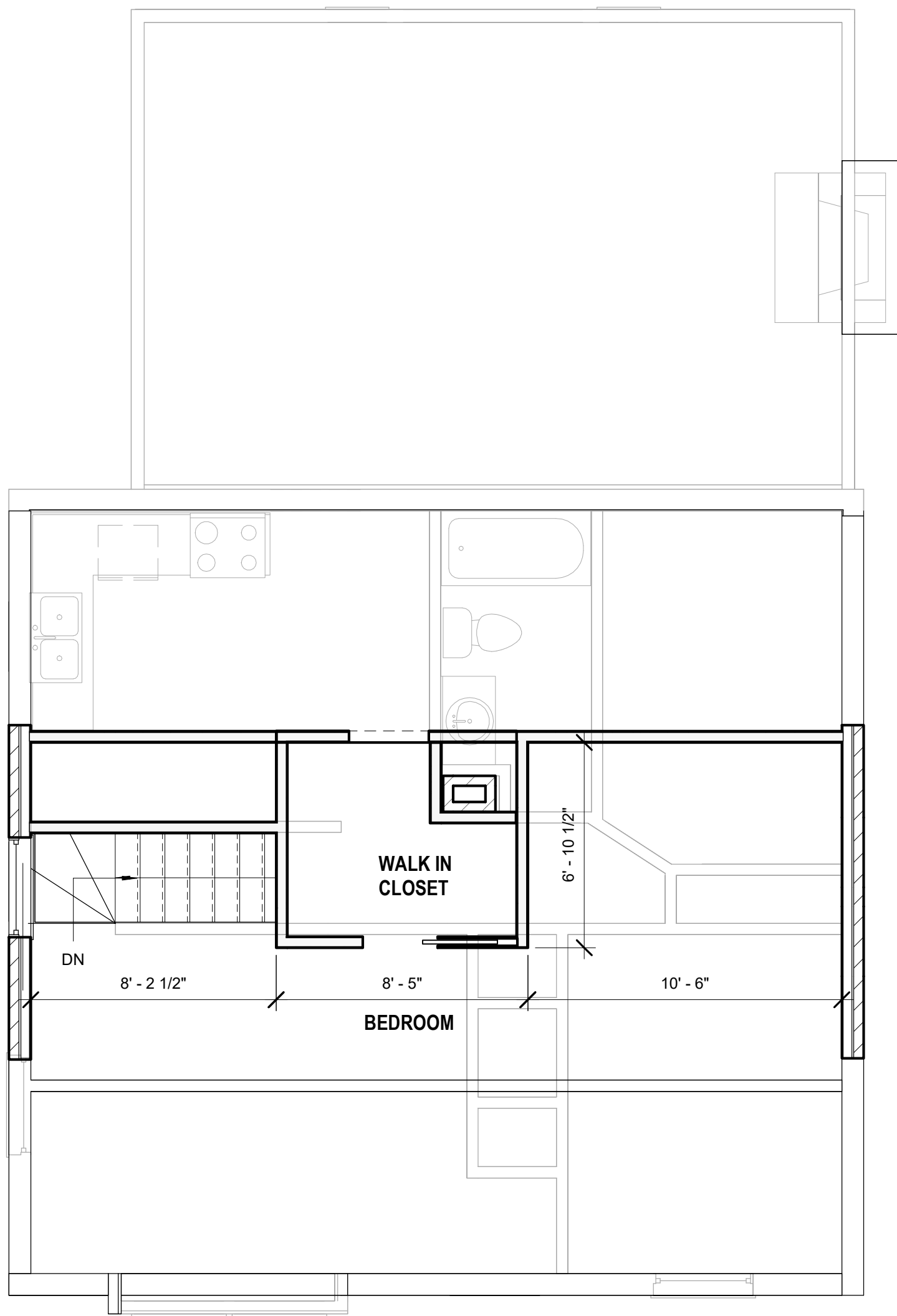


Floor Plans

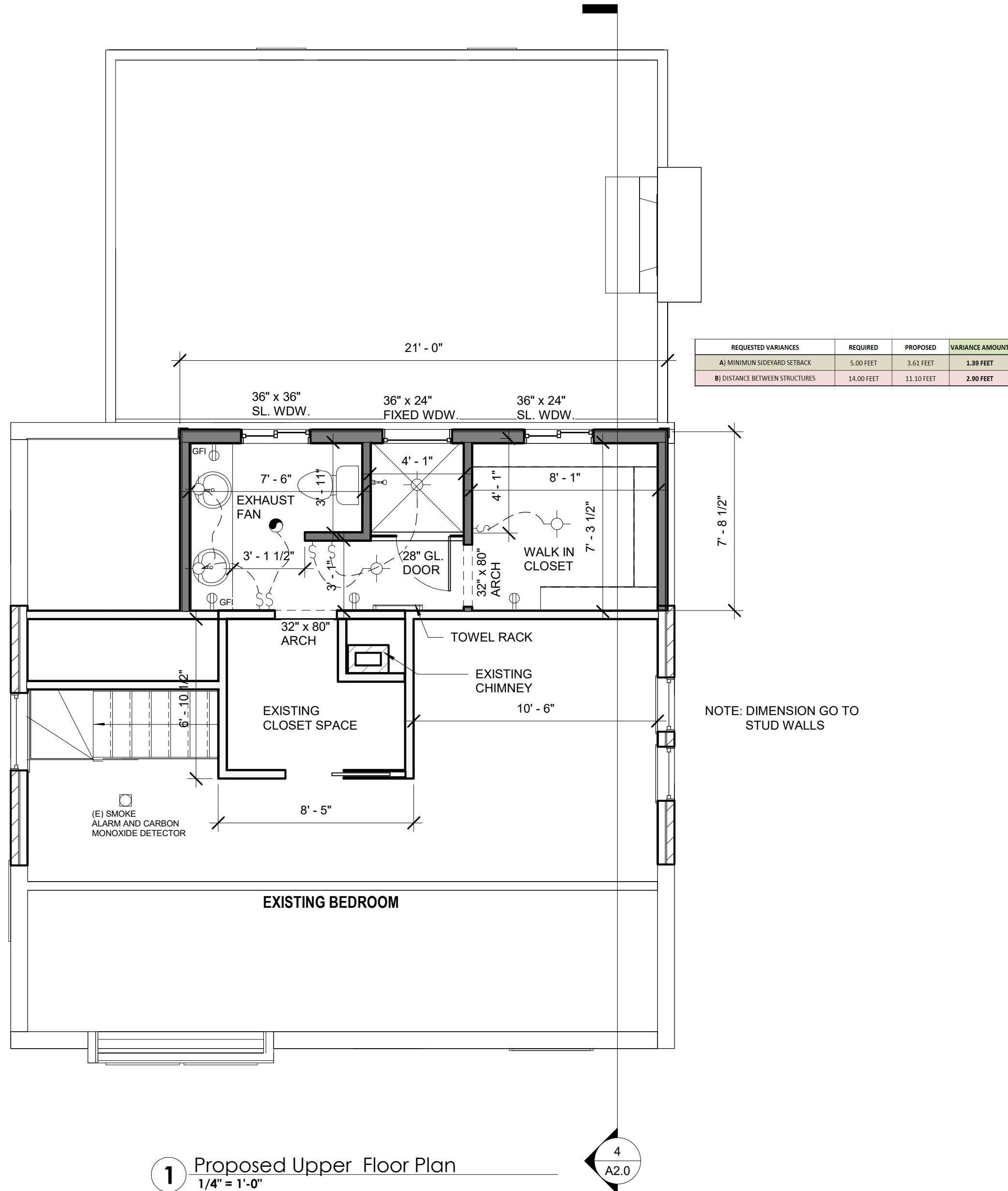
Date 3 - 11 - 2024

Sheet

A1.1



2 Existing Upper Floor Plan
1/4" = 1'-0"



1 Proposed Upper Floor Plan
1/4" = 1'-0"

REQUESTED VARIANCES	REQUIRED	PROPOSED	VARIANCE AMOUNT
A) MINIMUM SIDEYARD SETBACK	5.00 FEET	3.63 FEET	1.39 FEET
B) DISTANCE BETWEEN STRUCTURES	\$4.00 FEET	\$1.50 FEET	2.50 FEET

THE CONTRACTOR SHALL
VERIFY ALL
DIMENSIONS AND EXISTING
CONDITIONS
AT THE SITE BEFORE
PROCEEDING WITH
EACH PHASE OF THEIR
WORK

THIS DRAWING IS AN
INSTRUMENT OF SERVICE
AND SHALL REMAIN THE
PROPERTY OF THE
DESIGNER
AND SHALL NOT BE USED IN
ANY OTHER WAY WITHOUT
PERMISSION OF THE
DESIGNER

CONTRACTOR

PROPOSED DORMER
FOR : Arron McNamara
1556 Emmons
Birmingham, Mi.

A I
B D

DENNIS BERRY AND ASSOCIATES

RESIDENTIAL DESIGNING / PLANNING
CERTIFIED BUILDING DESIGNER
MEMBER AMERICAN INSTITUTE
OF BUILDING DESIGNERS

PH: 1 - 313 - 407 - 8027
FAX: 1 - 720 - 4756 - 1644
EMAIL: dberry412@yahoo.com

WATERFORD, MI 48327



Proposed Second Floor
Plan

Date 3 - 11 - 2024

Sheet

A1.2

THE CONTRACTOR SHALL
VERIFY ALL
DIMENSIONS AND EXISTING
CONDITIONS
AT THE SITE BEFORE
PROCEEDING WITH
EACH PHASE OF THEIR
WORK

THIS DRAWING IS AN
INSTRUMENT OF SERVICE
AND SHALL REMAIN THE
PROPERTY OF THE
DESIGNER
AND SHALL NOT BE USED IN
ANY OTHER WAY WITHOUT
PERMISSION OF THE
DESIGNER

CONTRACTOR

PROPOSED DORMER
FOR :
Arron McNamara
1556 Emmons
Birmingham, Mi.

A I
B D

DENNIS BERRY AND ASSOCIATES

RESIDENTIAL DESIGNING / PLANNING
CERTIFIED BUILDING DESIGNER
MEMBER AMERICAN INSTITUTE
OF BUILDING DESIGNERS

PH: 1-313-407-8027
FAX: 1-720-4756-1644
EMAIL: dberry412@yahoo.com

WATERFORD, MI 48327

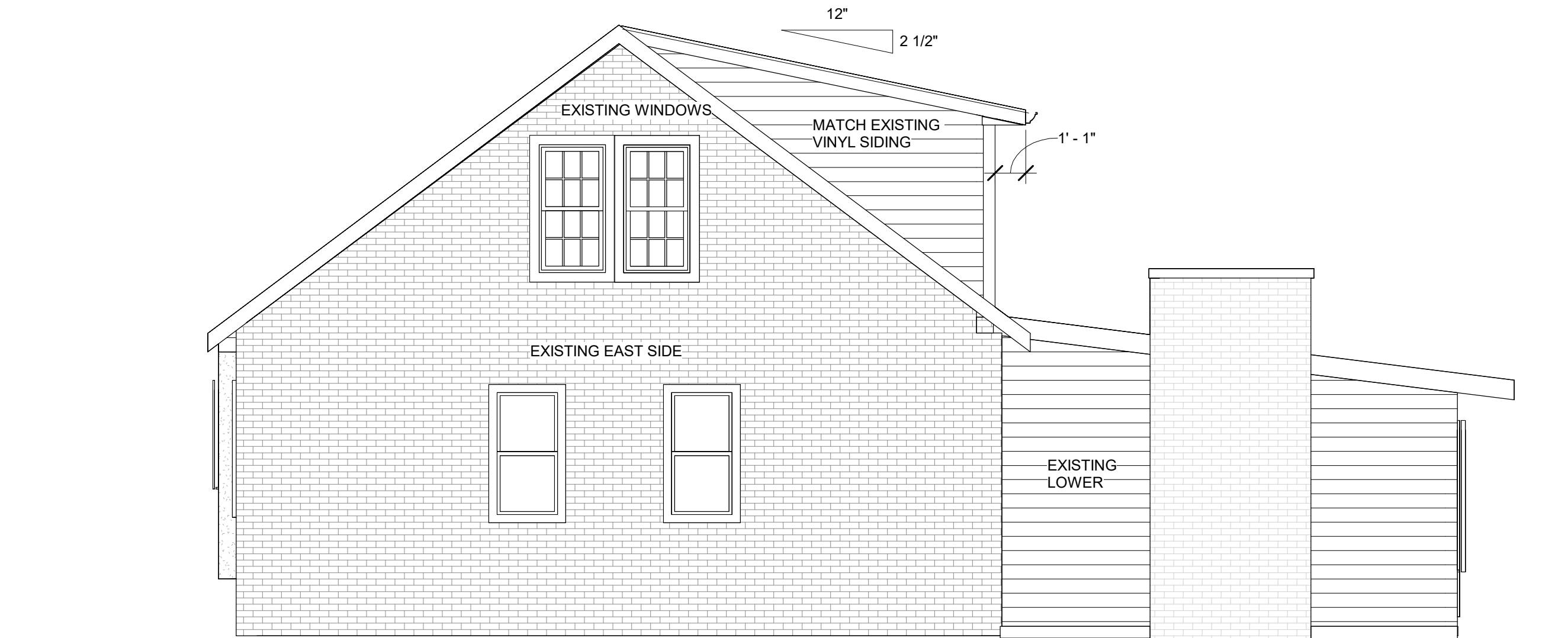


Elevations

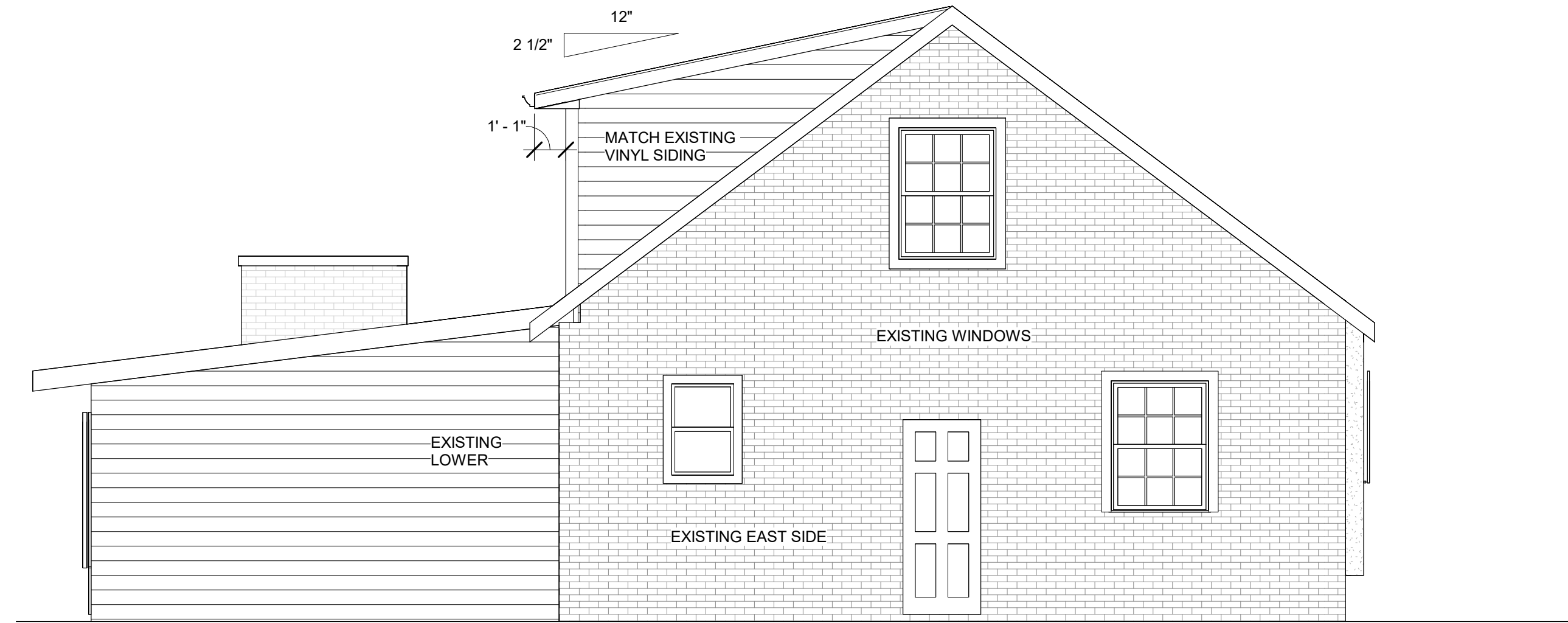
Date 3-11-2024

Sheet

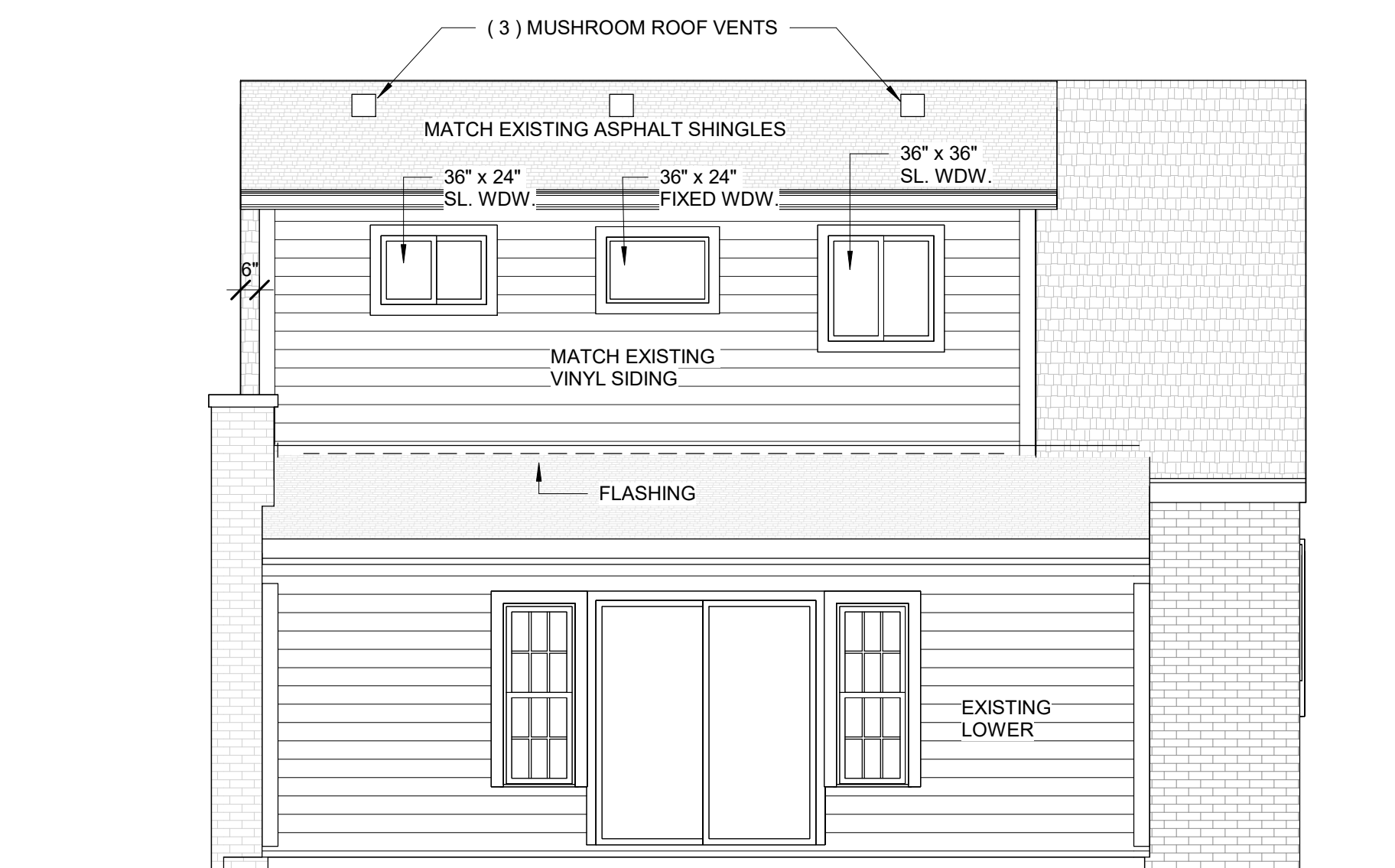
A2.0



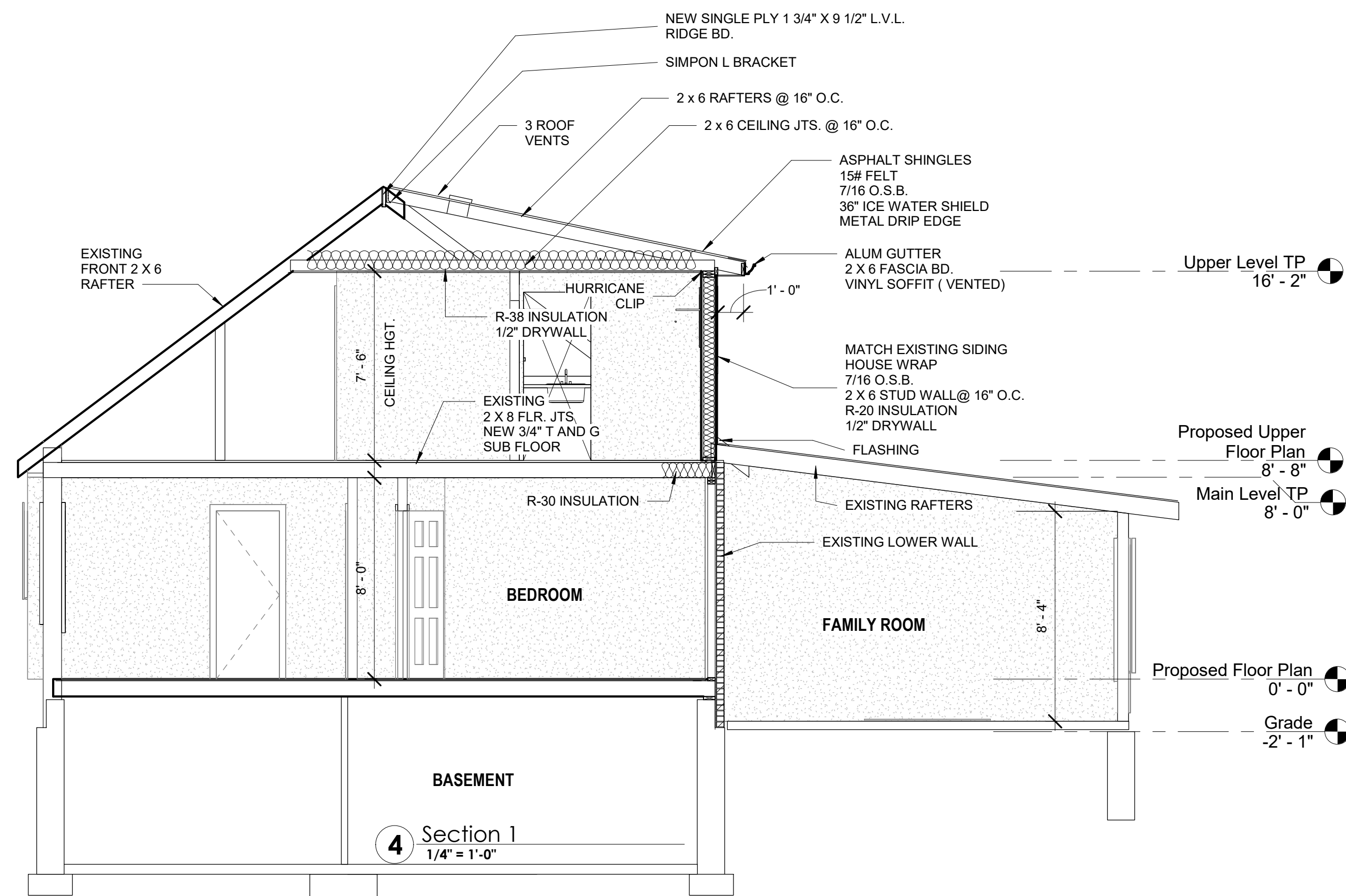
1 West Elevation
1/4" = 1'-0"



3 East Elevation
1/4" = 1'-0"



2 South Elevation
1/4" = 1'-0"



4 Section 1
1/4" = 1'-0"

CASE DESCRIPTION

1001 Fairfax (24-13)

Hearing date: July 9, 2024

Appeal No. 24-13: The owner of the property known **1001 Fairfax**, requests the following variances to construct a rear addition to the existing non-conforming home:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum total combined setbacks be 14 feet or 25% of the lot width, whichever is greater. The required is 26.29 feet. The proposed is 23.80 feet. Therefore, a variance of 2.49 feet 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 26.29 feet on the north side. The proposed is 23.29 feet. Therefore, a variance of 3.00 feet is being requested.

Staff Notes: This applicant is requesting variances to construct a rear addition on the existing non-conforming home that was constructed in 1936.

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP, COSS
Assistant Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

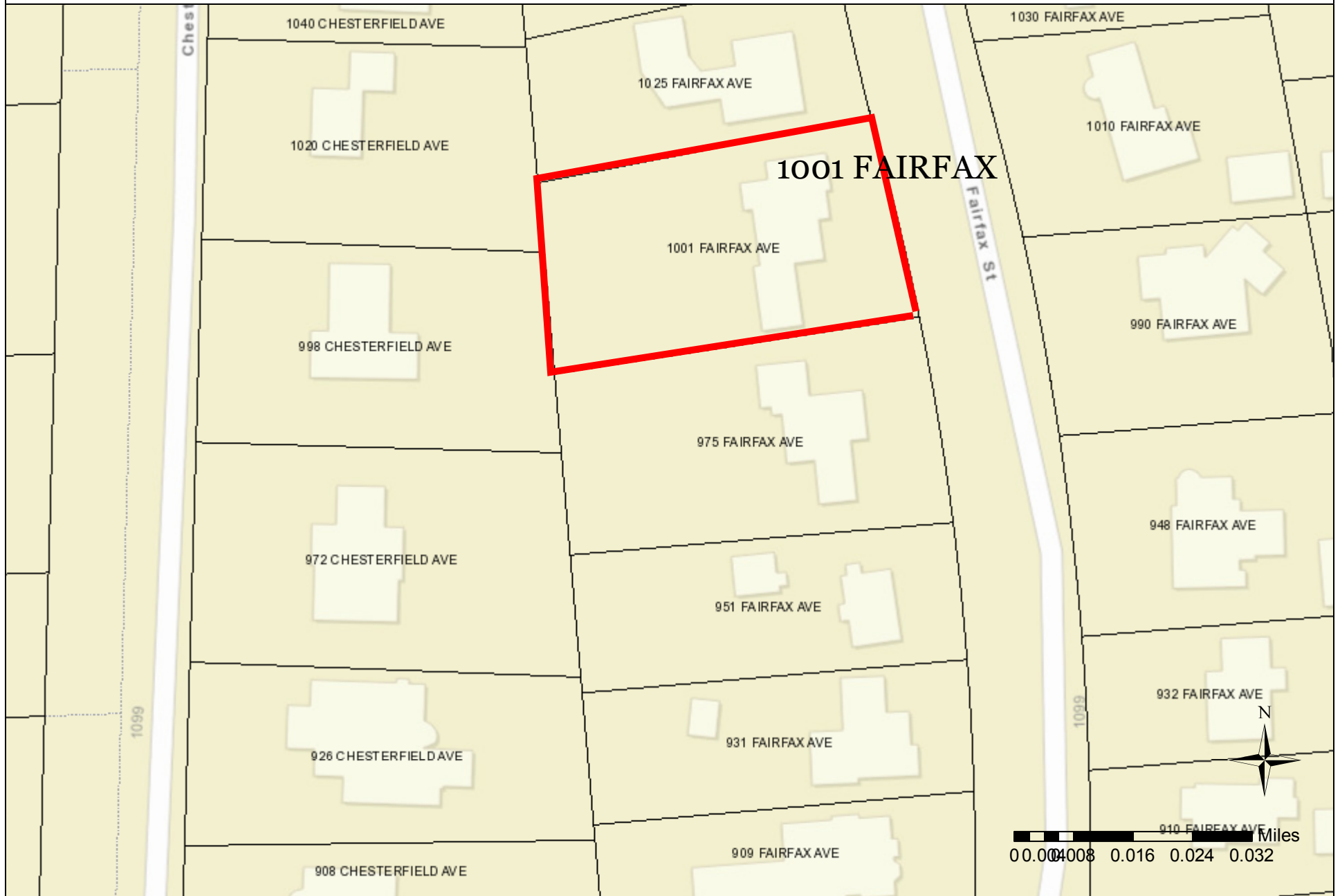
8.01 The Board of Zoning Appeals

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)

1001 FAIRFAX 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: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 1001 Fairfax	Lot Number: 114/115	Sidwell Number: 19-26-251-014
---------------------------------	-------------------------------	---

II. OWNER INFORMATION:

Name: Gail & Mike Disner			
Address: 1001 Fairfax	City: Birmingham	State: MI	Zip code: 48009
Email: * Gail.disner@gmail.com		Phone: 601 917 3100	

III. PETITIONER INFORMATION:

Name: Brian neeper		Firm/Company Name: Brian Neeper Architecture P.C.	
Address: 259 E Frank Street	City: Birmingham	State: MI	Zip code: 48009
Email: Brian@brianneeper.com		Phone: 248 259 1784	

IV. GENERAL INFORMATION:

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

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

The BZA application fee is **\$750.00** for single family residential; **\$950.00** for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

Please provide the following in your electronic submission:

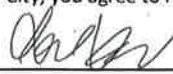
- ☐ Completed and signed application
- ☐ Signed letter of practical difficulty and/or hardship
- ☐ Certified survey
- ☐ Building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, provide a copy of the minutes from any previous Planning, HDC, or DRB board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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: 	Date: <u>6/11/24</u>
Signature of Petitioner: 	Date: <u>6/11/24</u>

**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

Brian Neeper Architecture P.C.
259 E Frank Street Birmingham, MI 48009
248. 259. 1784 brianneeper.com



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

Re: 1001 Fairfax, Disner Residence

June 12, 2024

Members of the Board,

On behalf of my clients, Gail and Mike Disner, I respectfully request your consideration for the approval of the required dimensional variances to allow the construction of the proposed kitchen and terrace additions to the ground level of their existing residence. 1001 Fairfax is one of the oldest existing homes on the street and its existing side yard setbacks do not meet the current requirements of the ordinance. The home's non-conforming position and the neighboring home's position provide some exceptional and unique challenges which make it substantially more difficult to meet all the zoning requirements of the current ordinance.

The proposed design sets all the additions in alignment with the existing main house structure on the north side. The new additions will be set 4.2' further back from the side property line than the current closet existing structure. The existing newer home to the north at 1025 Fairfax is a narrower lot, thus the distances between structures is met from the perspective of 1025 Fairfax (75' lot width requiring 18.9' between structures, 19.0' is existing). Our additions will not create any further limitations to 1025 Fairfax's development.

The goal of the design is to create a seamless and highly functional addition in line with the existing home.

Variance A– Total Side Yard Setback

The required setback is 26.29'

The existing setback is 19.6' (non-conforming by 6.69')

The proposed setback is 23.8'

We are requesting a 2.49' variance.

Variance B– Distance Between Principal Structures (North)

The required setback is 26.29'

The existing setback is 19.0' (non-conforming by 7.29')

The proposed setback is 23.29'

We are requesting a 3.0' variance.

The design will be compliant with all other setback, lot coverage, open space and ordinance requirements.

We believe the variances are not self created. The existing conditions of the non-conforming house positions are causing the need for our small variances.

We believe a strict enforcement of the ordinance in this location would result in an unnecessary hardship.

We believe the approval of this variance request will allow for the construction of additions without any adverse impact to the adjacent neighbors or the neighborhood as a whole. The shape and design of the home will meet the spirit of the ordinance by allowing the project to continue the existing form of the home, without any adverse affect on the public health, safety or welfare.

We believe you will be doing substantial justice to my client and the neighbors with the approval of this variance by allowing a residence with seamless additions within its existing pattern.

Thank you for your consideration.

Sincerely,

Brian Neeper
AIA, NCARB, Architect

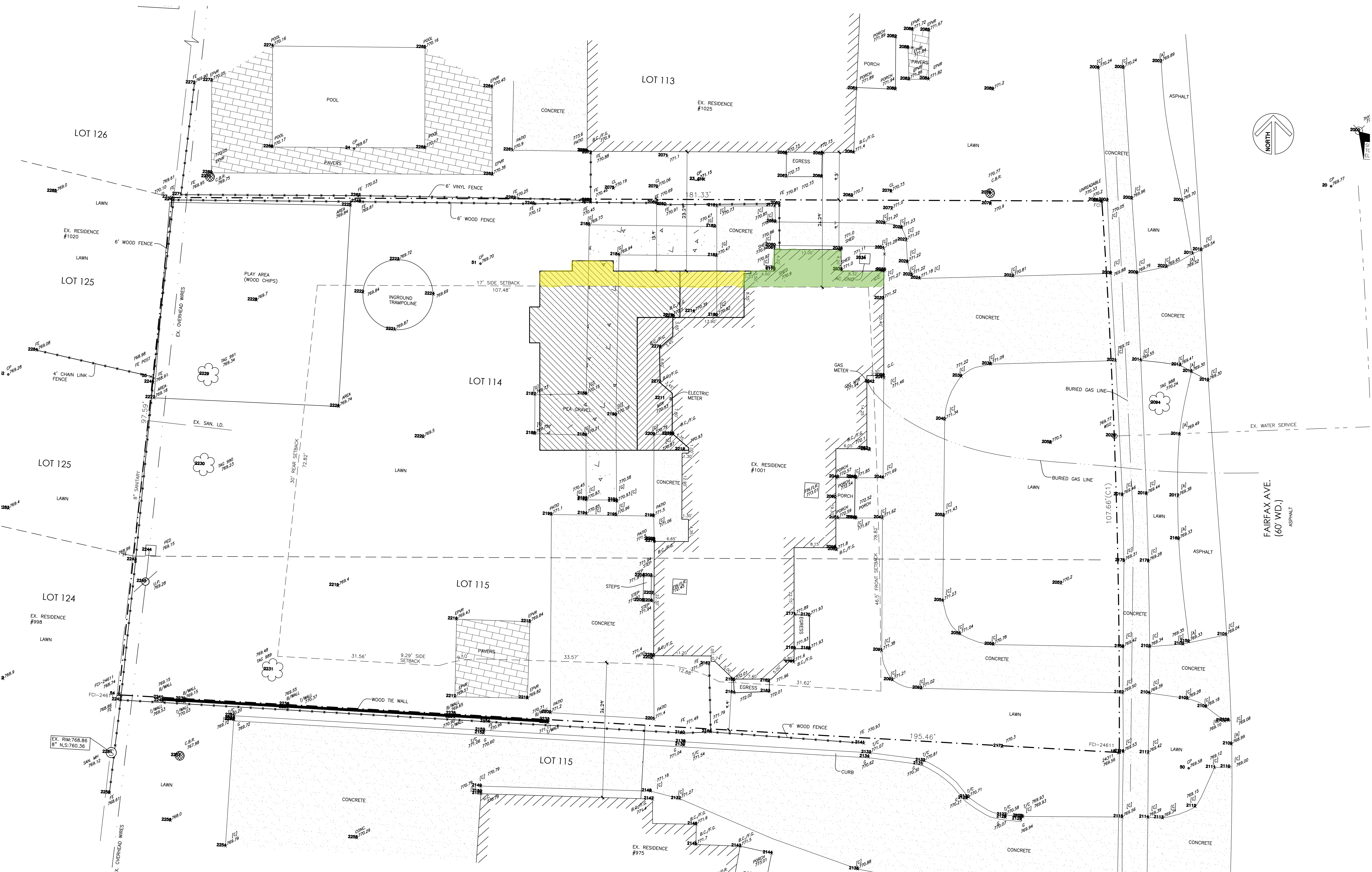
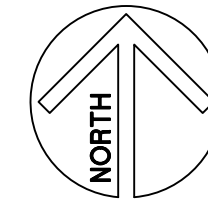


BRIAN NEEPER ARCHITECTURE P.C.
DESIGN - PLANNING - INTERIORS
BIRMINGHAM, MICHIGAN
BRIANNEEPER.COM
248.259.1784

SHEET TITLE
SITE PLAN

CLIENT / PROJECT
DISNER RESIDENCE
RENOVATIONS / BUILDING ADDITION
1001 FAIRFAX
BIRMINGHAM, MICHIGAN

PRELIMINARY	5-29-24
BIDS	
PERMITS	
FINAL	
REVISIONS	BZA 6-11-24
COPYRIGHT 2024 BRIAN NEEPER ARCHITECTURE P.C.	
JOB NUMBER	22015
DRAWN BY	BN / RR
CHECKED BY	
SHEET NUMBER	S-1



VARIANCE CHART					
		REQUIRED	EXISTING	NEW	VARIANCE
A		26.29'	19.6'	23.8'	2.49'
B		26.29'	19.0'	23.29'	3.0'

Description
TOTAL SIDE YARD SETBACKS EXISTING NON-CONFORMING
DISTANCE BETWEEN PRINCIPLE STRUCTURES EXISTING NON-CONFORMING

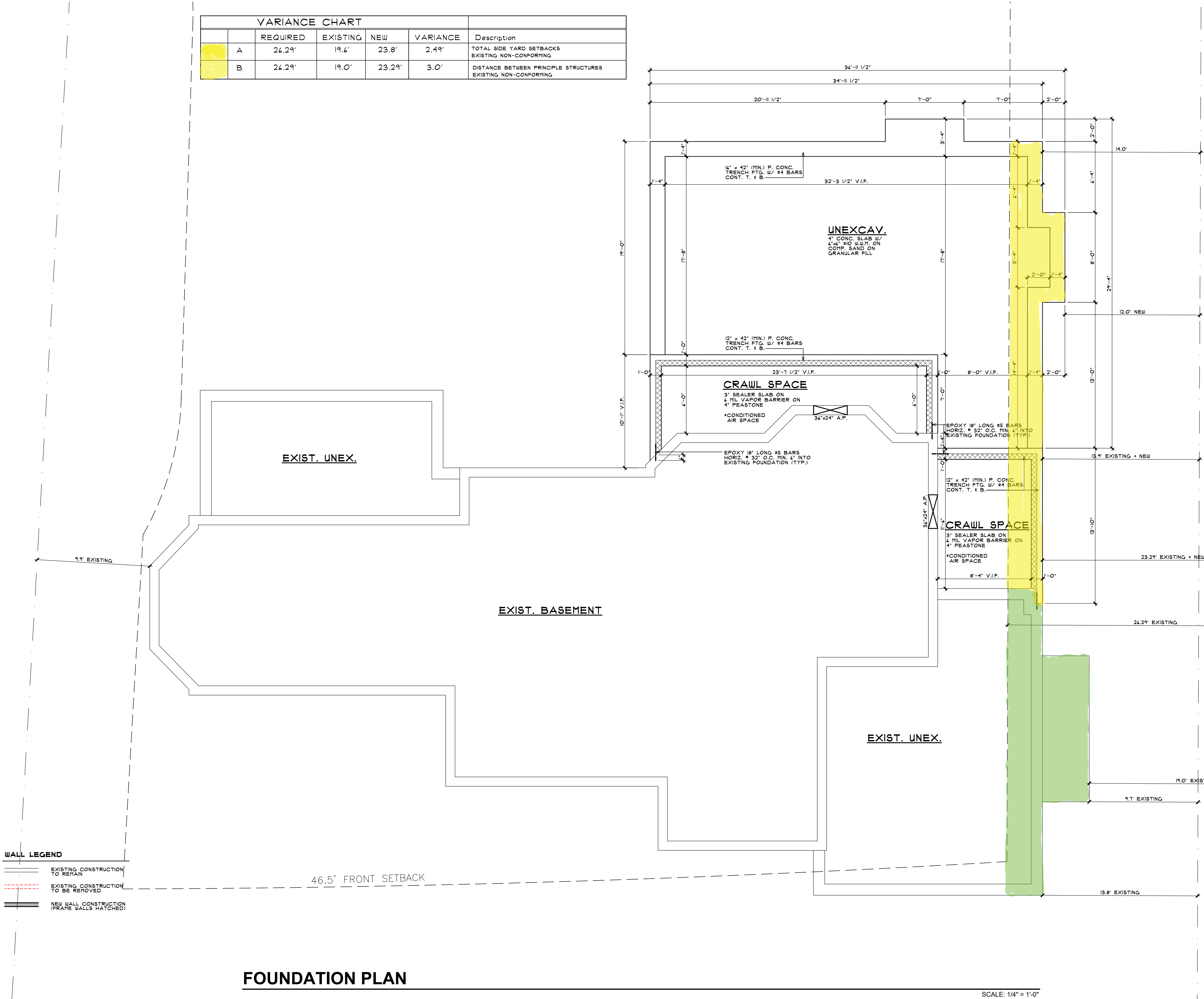
SITE PLAN

LOT AREA = 19,350.3 S.F. x 30% ALLOWABLE COVERAGE = 5,805.09 S.F.
TOTAL PROPOSED BUILDING COVERAGE = 3,520 S.F.

*FENN & ASSOCIATES JOB #24-00145

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

VARIANCE CHART					
		REQUIRED	EXISTING	NEW	VARIANCE
A		24.29'	19.6'	23.8'	2.49'
B		24.29'	19.0'	23.29'	3.0'
		Description			
		TOTAL SIDE YARD SETBACKS			
		EXISTING NON-CONFORMING			
		DISTANCE BETWEEN PRINCIPLE STRUCTURES			
		EXISTING NON-CONFORMING			



BRIAN NEEPER ARCHITECTURE P.C.
DESIGN - PLANNING - INTERIORS
BIRMINGHAM, MICHIGAN
BRIANNEEPER.COM
248.259.1784

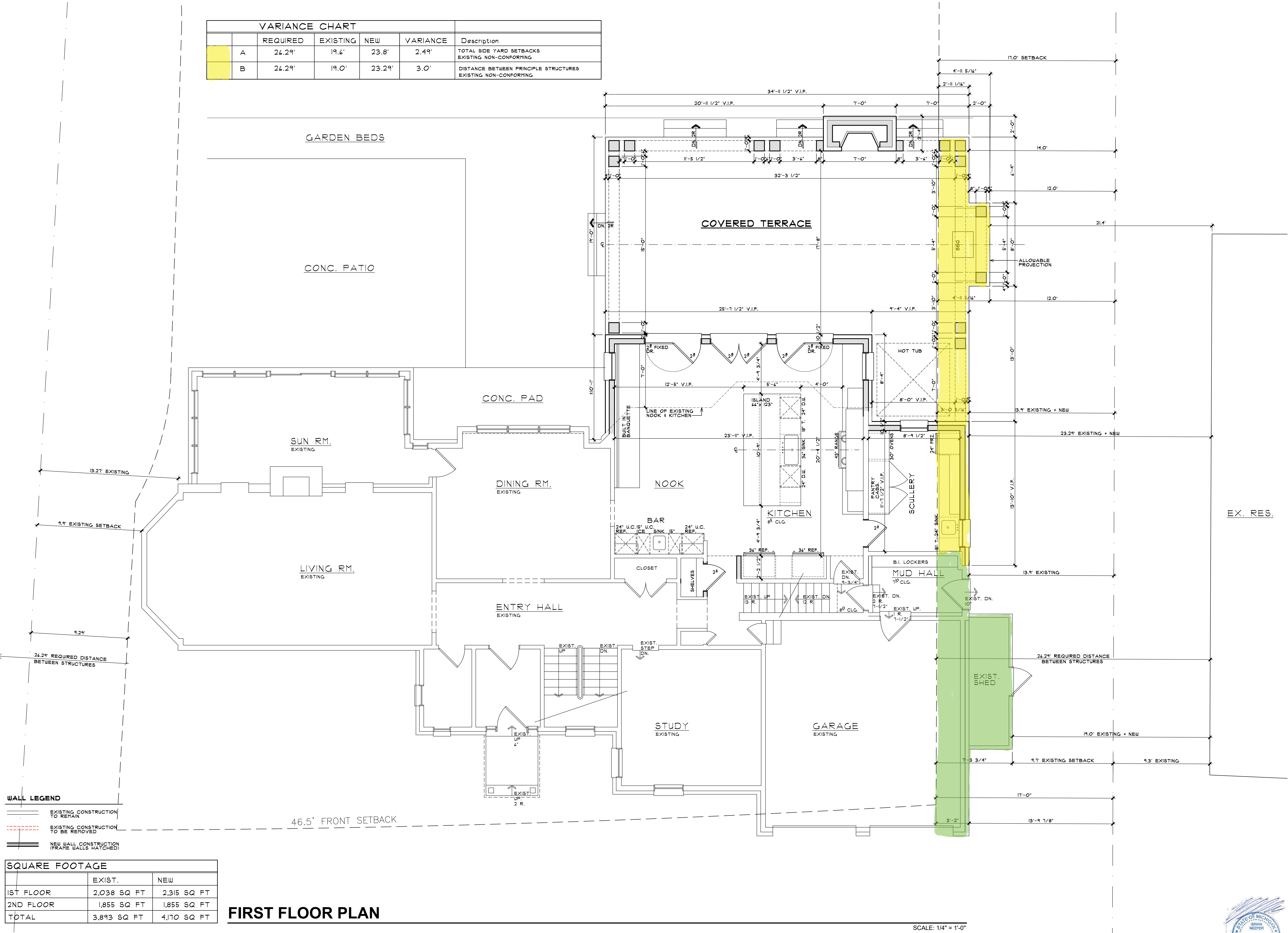
SHEET TITLE
FOUNDATION PLAN

CLIENT / PROJECT
DISNER RESIDENCE
RENOVATIONS / BUILDING ADDITION
1001 FAIRFAX
BIRMINGHAM, MICHIGAN

PRELIMINARY	5-29-24
BIDS	
PERMITS	
FINAL	
REVISIONS	BZA 6-11-24

COPYRIGHT 2024
BRIAN NEEPER
ARCHITECTURE P.C.
JOB NUMBER
22015
DRAWN BY
BN / RR
CHECKED BY
SHEET NUMBER
A-1

VARIANCE CHART						Description
		REQUIRED	EXISTING	NEW	VARIANCE	
A		26.29'	19.6'	23.8'	2.49'	TOTAL SIDE YARD SETBACKS EXISTING NON-CONFORMING
B		26.29'	19.0'	23.29'	3.0'	DISTANCE BETWEEN PRINCIPLE STRUCTURES EXISTING NON-CONFORMING



BRIAN NEEPER ARCHITECTURE P.C.
DESIGN - PLANNING - INTERIORS
BIRMINGHAM, MICHIGAN
BRIANNEEPER.COM
248.259.1784

SHEET TITLE
FIRST FLOOR PLAN

CLIENT / PROJECT
**DISNER RESIDENCE
RENOVATIONS / BUILDING ADDITION
1001 FAIRFAX
BIRMINGHAM, MICHIGAN**

PRELIMINARY 5-29-24
BIDS
PERMITS
FINAL

REVISIONS
BZA 6-11-24

COPYRIGHT 2024
BRIAN NEEPER
ARCHITECTURE P.C.
JOB NUMBER 22015
DRAWN BY BN / RR
CHECKED BY
SHEET NUMBER

A-2



PARTIAL LEFT SIDE ELEVATION

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



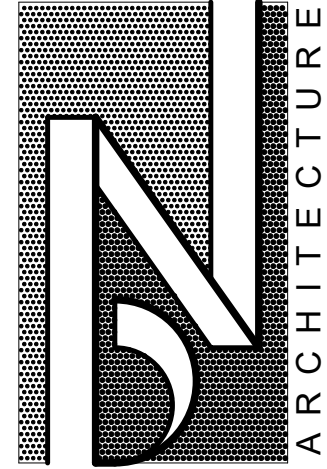
RIGHT SIDE ELEVATION

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



REAR ELEVATION

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

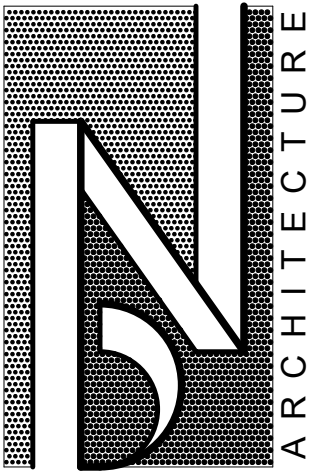


BRIAN NEEP ARCHITECTURE P.C.
DESIGN - PLANNING - INTERIORS
250 E. FRANK STREET
BIRMINGHAM, MICHIGAN
BRIANNEEP.COM
248. 259. 1784

SHEET TITLE
ELEVATIONS

CLIENT / PROJECT
DISNER RESIDENCE
RENOVATIONS / BUILDING ADDITION
1001 FAIRFAX
BIRMINGHAM, MICHIGAN

PRELIMINARY	5-29-24
BIDS	
PERMITS	
FINAL	
REVISIONS	BZA 6-11-24
COPYRIGHT 2024 BRIAN NEEP ARCHITECTURE P.C.	
JOB NUMBER	22015
DRAWN BY	BN / RR
CHECKED BY	
SHEET NUMBER	A-3



BRIAN NEEPER ARCHITECTURE P.C.
DESIGN - PLANNING - INTERIORS
CONSTRUCTION MANAGEMENT
BIRMINGHAM, MICHIGAN
BRIANNEEPER.COM
248.259.1784

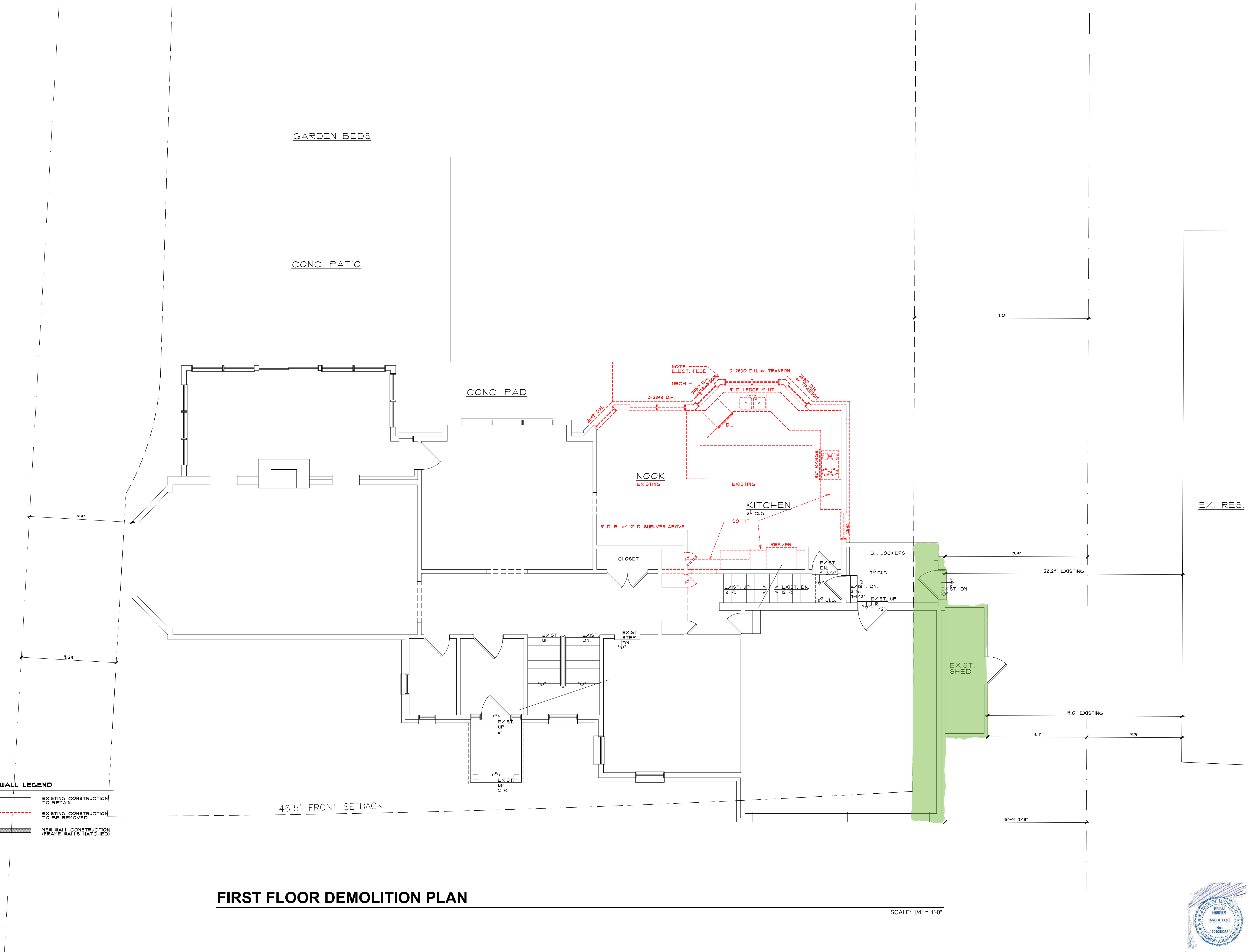
SHEET TITLE
**FIRST FLOOR
DEMOLITION PLAN**

CLIENT / PROJECT
**DISNER RESIDENCE
RENOVATIONS / BUILDING ADDITION
1001 FAIRFAX
BIRMINGHAM, MICHIGAN**

PRELIMINARY	5-29-24
BIDS	
PERMITS	
FINAL	
REVISIONS	BZA 6-11-24

COPYRIGHT 2024
BRIAN NEEPER
ARCHITECTURE P.C.
JOB NUMBER
22015
DRAWN BY
BN / RR
CHECKED BY
SHEET NUMBER

AD-2



Variance for 1001 Fairfax

1 message

Eric Davidson <ericmdavidson@gmail.com>

Wed, Jun 26, 2024 at 4:30 PM

To: "jzielke@bhamgov.org" <jzielke@bhamgov.org>

Mr Zielke

I received a mailing today regarding the board of zone appeals hearing for Mike and Gail Disner's home at 1001 Fairfax Street. Gail described their project recently and nothing sounds objectionable. I may not be able to attend this meeting but wanted to pass my thoughts along to you.

I am a neighbor who lives two doors north on the same side of Fairfax. The Disners are fantastic neighbors and take excellent care of their home and yard. Their backyard is quite large given the curvature of the road in front and the existing footprint of their home. There should be plenty of room for this addition. Due to their existing fencing and trees, there is very little visibility into their backyard, so any addition would not likely be noticeable even by immediate neighbors.

I am hoping that this project can be approved. Feel free to contact me if you have any questions.

Eric Davidson

248.535.0431

[1043 Fairfax St, Birmingham, MI 48009](#)