

**CITY OF BIRMINGHAM
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, OCTOBER 8, 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) September 10, 2024 Minutes

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	2136 W LINCOLN	ROLF QUISLING	24-23	DIMENSIONAL
2)	695 E 14 MILE	JON KALAJ	24-24	DIMENSIONAL
3)	303 GREENWOOD	JENNIFER HAMILTON	24-25	DIMENSIONAL
4)	1155 E LINCOLN	MAJDOLIN SHISHA	24-26	DIMENSIONAL

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.

OCTOBER BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
Tuesday, September 10, 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, September 10, 2024. The meeting was convened at 7:30 p.m.

2. Rollcall

Present: Chair Erik Morganroth, Vice Chair Jason Canvasser; Board Members Richard Lilley, John Miller, Board Member Ron Reddy, Pierre Yaldo; Alternate Board Members Carl Kona, Donald Rogers (not voting)

Absent: Board Member Kevin Hart

Staff: Building Official Johnson; City Transcriptionist Eichenhorn, City Attorney Marku (left 8:29 p.m.), Assistant Building Official Zielke

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

3. Announcements

The 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 Board welcomed new alternate Board member Donald Rogers.

4. Approval Of The Minutes Of The BZA Meetings Of August 13, 2024

T# 09-29-24

Motion by Lilley

Seconded by Kona to approve the minutes of the BZA meeting of August 13, 2024 as amended.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

5. Appeals

T# 09-30-24

**1) 1115 Chapin
Appeal 24-19**

BO Johnson introduced the item. CA Marku presented the item, explaining that the Board should conduct a rehearing of the appellant's variance request, originally heard on October 10, 2023, and that the BZA should state its findings as to each factor set forth in Chapter 126, Section 8.01F.3.a and should connect those findings to the record before it.

Staff answered informational questions from the Board.

Daniel Christ, attorney for the appellant, described why this variance was being sought and answered informational questions from the Board.

Board members raised the following points during discussion:

- The request exceeded a standard two vehicle garage.
- If the appellant wants at least one of their vehicles to be a sports utility vehicle, it would be unlikely to fit in the garage as-proposed because of the staircase.
- While Mr. Christ noted some other properties in Birmingham that exceed 30% lot coverage, Board members said they were not provided with enough information to know whether those were fully appropriate comparisons to 1115 Chapin.
- It was not clear what hardship necessitated a larger-than-standard two-car garage on this property.
- Board members might be willing to consider the minimum variance necessary to achieve a two-car garage on the property.

Motion by Miller

Seconded by Kona with regard to Appeal 24-19, A. Chapter 126, Article 2, Section 2.10.1 of the Zoning Ordinance limits the lot coverage to a maximum of 30% of the lot. The required 30% is 1440.00 SF. The proposed is 32.95% (1581.90 SF). Therefore, a variance of 2.95% (141.90 SF) is being requested.

Mr. Miller moved to deny the appeal because the provisions of the zoning ordinance, if strictly applied to the property in question, would not unreasonably prevent the property owner from using the property for a permitted purpose. He noted that a garage that accommodates two vehicles and complies with the zoning ordinance could be built on the property. He continued that literal enforcement would not result in an unnecessary hardship because the site was not unique and would accommodate a two vehicle garage. Granting of the variance would be contrary to the spirit and intent of the ordinance, and would be contrary to public health, safety, and welfare because it would reduce the site's water percolation and the neighborhood's intended

density. He concluded that granting the variance would not do substantial justice to the property owners, the neighboring property owners, or the general public because it would compromise the scale, uniformity, and building massing dictated by the ordinance.

VC Canvasser concurred, and specified that the site lacked any topography, water table, tree, or other issues that could be described as special conditions unique to the site. He noted that while the Board was asked to compare 1115 Chapin to some nearby properties, the record was devoid of information indicating whether those properties received variances or whether they were compliant at the time they were built. The lack of that information meant the Board could not determine whether those other properties should influence the consideration of this request. Many homes in Birmingham have garages that cannot fit all of the household's vehicles, and many homes in Birmingham have to park some of their vehicles on the street.

Mr. Kona reiterated that if the request was for a two vehicle garage, one could be built on the property without a variance.

Mr. Yaldo said that while there are some circumstances where the size of a lot might influence the granting of a variance, in this case the design of the garage itself was causing the issue on this particular lot.

The Chair concurred with the motion, and noted that the desire for a structure too large for the lot was not a hardship.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 09-31-24

**2) 160 Baldwin
Appeal 24-09**

ABO Zielke presented the item, explaining that the owner of the property known as 160 Baldwin was requesting the following variance to construct a new home with an attached garage:

- A. Chapter 126, Article 2, Section 2.08.2** 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 53.54 feet. The proposed is 25.00 feet. Therefore, a 28.54 feet variance is being requested.

Staff answered informational questions from the Board.

Alexander Bogaerts, architect for the appellant, 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 raised the following points during discussion:

- This presentation included the information Board members sought at the prior meeting.
- The habitable space was not excessive. Some of the rooms could be a bit smaller, but given the constraints on the site, the proposed changes were well-done and appropriate.
- The home complied with the allowable setback and the distance between primary structures.
- The appellant's team reduced the width of the home out of respect for the neighbor to the north's concerns, which increased the need for the variance in the front yard.

Public Comment

Kim Cramer, neighbor to the north, commented that she did not receive notice of this hearing and summarized her concerns as detailed in her correspondence to the Board.

Motion by Miller

Seconded by Canvasser with regard to Appeal 24-09, A. Chapter 126, Article 2, Section 2.08.2 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 53.54 feet. The proposed is 25.00 feet. Therefore, a 28.54 feet variance is being requested.

Mr. Miller moved to approve the requested variance and tied approval to the plans as submitted. He noted that the unique site geometry and the floodway made the variance request reasonable. Strict compliance with the ordinance would result in unnecessary hardship, and granting the variance was not contrary to the spirit or intent of the ordinance. He said granting the variance would allow the floodway to become cleared and fully functional, which would benefit this lot and the adjacent homes. The proposed home would also align with all the adjacent homes to the north, and the side setback to the north was beyond the minimum requirement. Granting this variance would result in substantial justice to the property owner, the neighbors, and the community.

Mr. Kona concurred, and added that the average frontage on the street was skewed by unusual circumstances with two other homes on the street.

The Chair concurred and noted that the plans complied with the average setback on the street excluding the outliers.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

The Chair recommended this presentation from the appellants be used as a model for guiding future appellant submissions.

T# 09-32-24

**3) 999 Twin Oaks
Appeal 24-18**

ABO Zielke presented the item, explaining that the owner of the property known as 160 Baldwin was requesting the following variance to replace the existing driveway:

- A. Chapter 126, Article 4.31(A)** of the Zoning Ordinance requires that a minimum of 65% (1356.00) of the front open space in all single-family districts shall be free of paved surfaces. The proposed is 42.40% (884.00 SF). Therefore a variance of 22.60% (472.00 SF) is being requested.

Staff answered informational questions from the Board.

Matt Mohser, representative for the appellant, 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 Reddy

Seconded by Miller with regard to Appeal 24-18, A. Chapter 126, Article 4.31(A) of the Zoning Ordinance requires that a minimum of 65% (1356.00) of the front open space in all single-family districts shall be free of paved surfaces. The proposed is 42.40% (884.00 SF). Therefore a variance of 22.60% (472.00 SF) is being requested.

Mr. Reddy moved to approve the requested variance and tied approval to the plans as submitted. He said there were enough practical difficulties and unique circumstances to make granting the variance appropriate. He noted the shape of the lot and the possibilities for locating the driveway were unusual. He said that efforts were made to minimize the variance request, and that literal enforcement would result in unnecessary hardship. The variance would not contradict the spirit or intent of the ordinance, and granting the variance would result in substantial justice to the property owner.

Mr. Miller concurred, and emphasized the lot's unusual circumstances.

The Chair said he did not support increasing the non-conformity since some of the hardscape could be replaced with landscaping without increasing the hardship for the appellant. He said a design that did not expand the non-conformity was possible.

Motion carried, 5-2.

ROLL CALL VOTE

Yeas: Reddy, Yaldo, Miller, Canvasser, Lilley

Nays: Kona, Morganroth

T# 09-33-24

4) 1587 S. Bates

Appeal 24-20

ABO Zielke presented the item, explaining that the owner of the property known as 1587 S. Bates was requesting the following variance to construct a new single-family home with a detached garage:

- A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 13.22 feet on the south side. Therefore, a variance of 0.78 feet is requested.

Staff answered informational questions from the Board.

Nadim Yachouchi, representative for the appellant, 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.

Public Comment

Michael Rich commented that he objected to this home being built closer to his home than would otherwise be allowed by ordinance.

Motion by Kona

Seconded by Lilley with regard to Appeal 24-20, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 13.22 feet on the south side. Therefore, a variance of 0.78 feet is requested.

Mr. Kona moved to approve the requested variance and tied approval to the plans as submitted. He noted that the property was a standard lot and that the appellant was meeting all of the requirements of the ordinance and that the need for the variance was necessitated by the neighboring lot. He said literal enforcement of the ordinance would result in hardship for the property owner, and granting the variance would not be contrary to the spirit or purpose of the ordinance. Granting the variance would result in substantial justice to the property owners, neighbors, and community.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 09-34-24

**5) 1407 Ruffner
Appeal 24-21**

ABO Zielke presented the item, explaining that the owner of the property known as 1407 Ruffner was requesting the following variance to construct a covered rear porch:

- A. Chapter 126, Article 2, Section 2.10.1** of the Zoning Ordinance limits the lot coverage to a maximum of 30% of the lot. The required 30% is 1440.00 SF. The proposed is 30.68% (1472.62 SF). Therefore, a variance of 0.68% (32.62 SF) is being requested.

Staff answered informational questions from the Board.

Brian Castillo, appellant, 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 raised the following points during discussion:

- Cost is not a factor the Board is permitted to consider in its deliberations.

Motion by Canvasser

Seconded by Kona with regard to Appeal 24-21, A. Chapter 126, Article 2, Section 2.10.1 of the Zoning Ordinance limits the lot coverage to a maximum of 30% of the lot. The required 30% is 1440.00 SF. The proposed is 30.68% (1472.62 SF). Therefore, a variance of 0.68% (32.62 SF) is being requested.

Mr. Canvasser moved to approve deny the requested variance. He said there were no special conditions to the property that necessitated the variance. He said that literal enforcement would not result in an unnecessary hardship, and that Board members discussed a number of options that could address the appellant's concerns. Granting the variance would be contrary to the spirit and intent of the ordinance, since the variance would expand the lot coverage. Denying the variance would not cause any injustice to the property owner, neighbors, or community.

Mr. Miller and the Chair noted options that would be ordinance-compliant and would address the appellant's concerns.

The Chair noted that lot coverage variances are often requested and often not granted.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 09-35-24

**6) 1410 Cole
Appeal 24-22**

ABO Zielke presented the item, explaining that the owner of the property known as 1410 Cole was requesting the following variance to construct a second floor 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 3.90 feet on the east side. Therefore, a variance of 1.10 feet is being requested.

Daniel Zwolak, appellant, 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 Reddy

Seconded by Kona with regard to Appeal 24-22, 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 3.90 feet on the east side. Therefore, a variance of 1.10 feet is being requested.

Mr. Reddy moved to approve the variance and tied approval to the plans as submitted. He noted the home was pre-existing non-conforming, and that asking the appellant to adjust their load-bearing walls to comply with the setback was an unreasonable request. He said that the appellant's request for a second story was reasonable. Literal enforcement would result in an unnecessary hardship and granting the variance would not be contrary to the spirit or purpose of the zoning ordinance. He concluded that the variance would do justice to the property owner, neighbors, and community.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

6. Correspondence

All correspondence was provided to the Board and the relevant appellants.

7. General Business

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

9. Adjournment

No further business being evident, the Board motioned to adjourn at 10:18 p.m.



Bruce R. Johnson, Building Official

Laura Eichenhorn, City Transcriptionist

CASE DESCRIPTION

2136 W LINCOLN (24-23)

Hearing date: October 8, 2024

Appeal No. 24-23: The owner of the property known **2136 W Lincoln**, requests the following variance to install a single garage door to an attached garage:

A. Chapter 126, Article 4, Section 4.75 A (2) of the Zoning Ordinance requires that garage doors on an attached garage which are facing a street may not exceed 9.00 feet in width. The proposed is 17.00 feet. Therefore, an 8.00 foot variance is being requested.

Staff Notes: This applicant is seeking to install a single garage door to the existing non-conforming home that was constructed in 1947.

This property is zoned R1 – Single family residential.

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

2136 W LINCOLN MAP



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)

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 Replace existing double garage doors with a single garage door	☒ Dimensional	☒ Land Use	☒ Sign	☒ Admin Review
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I. PROPERTY INFORMATION:

Address: 2136 W Lincoln	Lot Number:	Sidwell Number:
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II. OWNER INFORMATION:

Name: Rolf and Ann Quisling			
Address: 57166 Stonebriar	City: Washington TWP	State: MI	Zip code: 48094
Email: *		Phone:	

III. PETITIONER INFORMATION:

Name: Eugen Muntean	Firm/Company Name: Rochester Investment Homes		
Address: 3678 Heron Ridge DR	City: Rochester Hills	State: MI	Zip code: 48309
Email: munteaneugen@yahoo.com		Phone: {248}-702 5610	

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

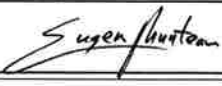
Owner hereby authorizes the petitioner designated below to act on behalf of the owner.

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: 8/26/2024

Signature of Petitioner:  _____

Date: 8/26/2024

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

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

- A. No rehearing of any decision of the Board shall be considered unless new evidence is submitted which could not reasonably have been presented at the previous hearing or unless there has been a material change of facts or law.
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B. Application or rehearing of a case shall be in writing and subject to the same rules as an original hearing, clearly stating the new evidence to be presented as the basis of an appeal for rehearing.

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

A handwritten signature in black ink, appearing to read "Eugene Phurtean", is written over a horizontal line.

Signature of Applicant

Letter of Difficulty

Dear Members of The Board,

on behalf of my clients, Rolf and Ann Quisling, I am kindly requesting to allow us to convert the existing double garage door facing Woodlea St. to a single garage door. The main reason for this request is, because of clients' age and health, they are really uncomfortable and feel that is really difficult to drive their car through an 8' wide garage door. Besides being technically difficult, the driver will also end up too close to the wall and would not be able to open the car door all the way for comfortable exit and entry into the vehicle.

I tested this myself and can attest to the overall difficulty. The clearance between car mirrors and opening is about 2", not enough for every day, comfortable, safe access. The clients feel very stressed by this situation and hope for a positive resolution.

At a quick drive on Westchester, Glenhurst, Woodlea and Lincoln I was able to find countless houses with garages with single doors facing the street, please see the pictures. The very house across the street on Woodlea has a single garage door.

With hope that the response will be positive, sincerely yours,

Eugen Muntean, General Contractor

9/09/2024

A handwritten signature in black ink that reads "Eugen Muntean". The signature is written in a cursive, flowing style.

248.702.5610



The map shows the houses with single garage doors in the same neighborhood.



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Screenshot
2024-09-10
082717.jpg



CASE DESCRIPTION

695 E 14 MILE (24-24)

Hearing date: October 8, 2024

Appeal No. 24-24: The owner of the property known **695 E 14 Mile**, requests the following variances to construct a second floor 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 3.90 feet on the east side. Therefore, a variance of 1.10 feet is being requested.

B. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.00 feet or 25% of lot width, whichever is larger. The required is 14.00 feet. The existing and proposed is 11.30 feet. Therefore, a variance of 2.70 feet is being requested.

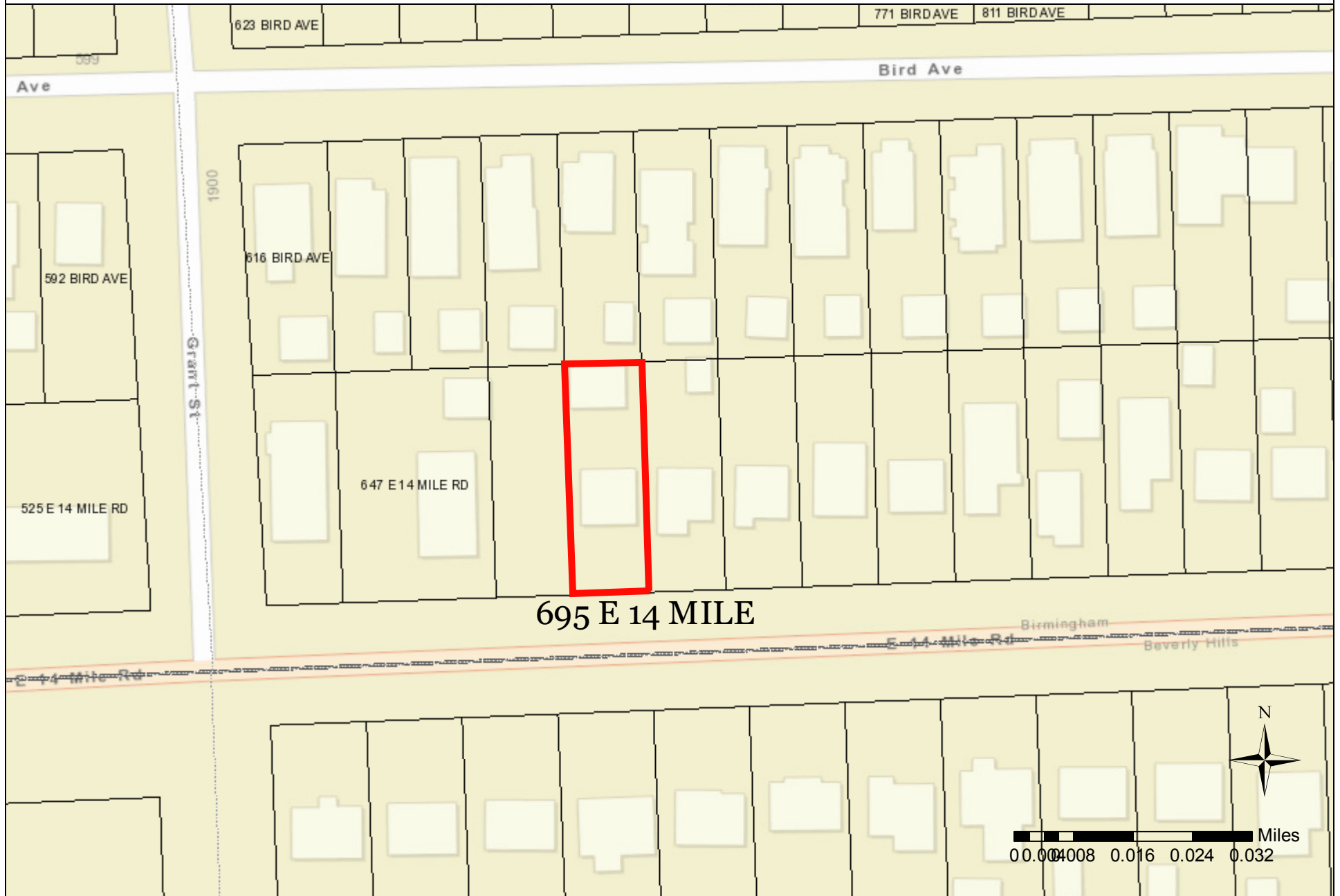
C. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The existing and proposed is 12.30 feet. Therefore, a variance of 1.70 feet is requested on the east side.

Staff Notes: This applicant is seeking to construct a second floor on an existing non-conforming home that was constructed in 1953.

This property is zoned R3 – Single family residential.

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

695 E 14 MILE MAP



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)

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
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I. PROPERTY INFORMATION:

Address: 695 e 14 mile rd	Lot Number:	Sidwell Number:
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II. OWNER INFORMATION:

Name: Jon Kalai			
Address: 695 e 14 mile rd	City: Birmingham	State: MICHIGAN	Zip code: 48009
Email: jonkalai1@gmail.com		Phone: 5867079142	

III. PETITIONER INFORMATION:

Name: Jon Kalai		Firm/Company Name:	
Address: 695 e 14 mile rd	City: Birmingham	State: MICHIGAN	Zip code: 48009
Email: Jonkalai1@gmail.com		Phone: 5867079142	

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>Oct-01-2024</u>
Signature of Petitioner: _____	Date: <u>Oct-01-2024</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.

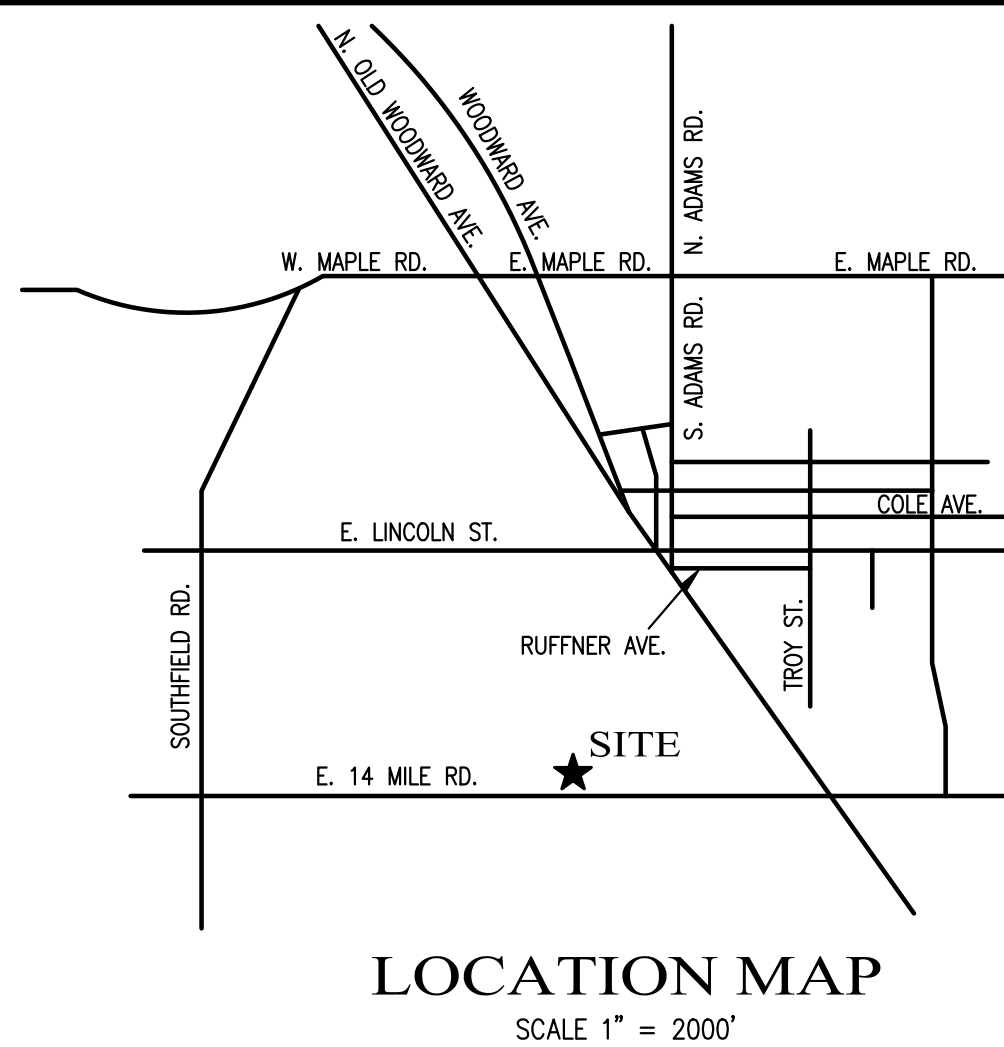
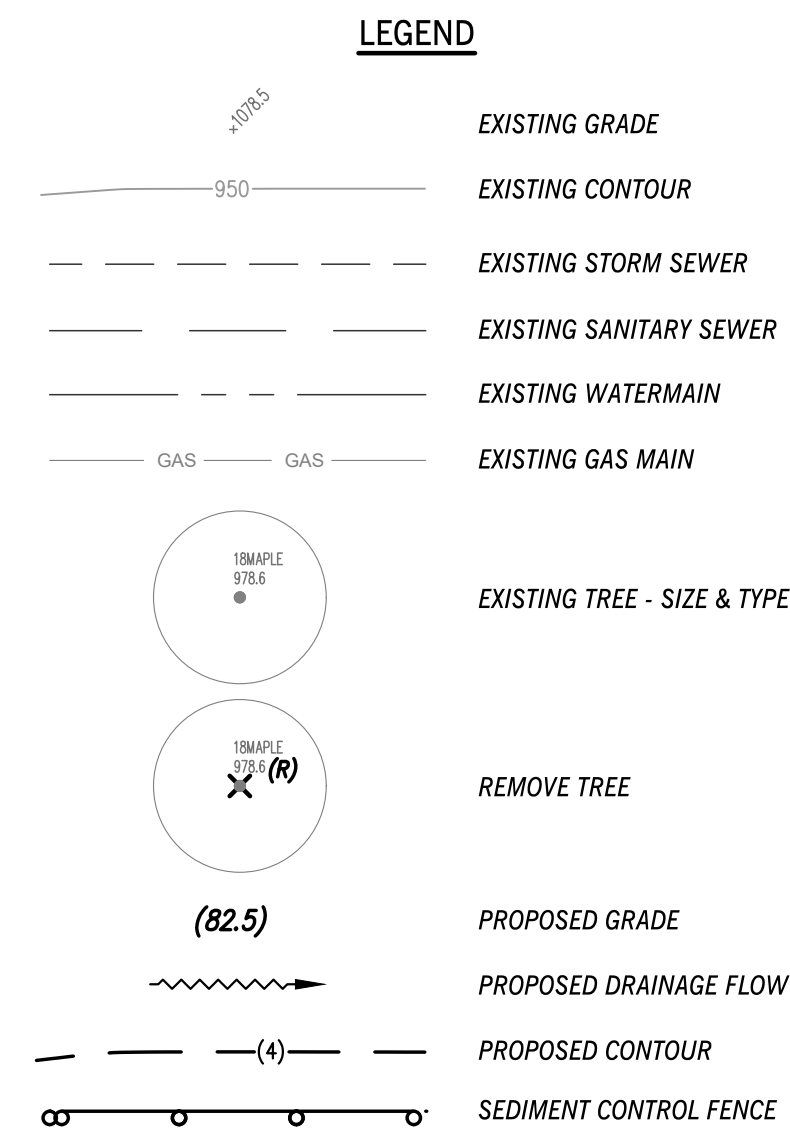
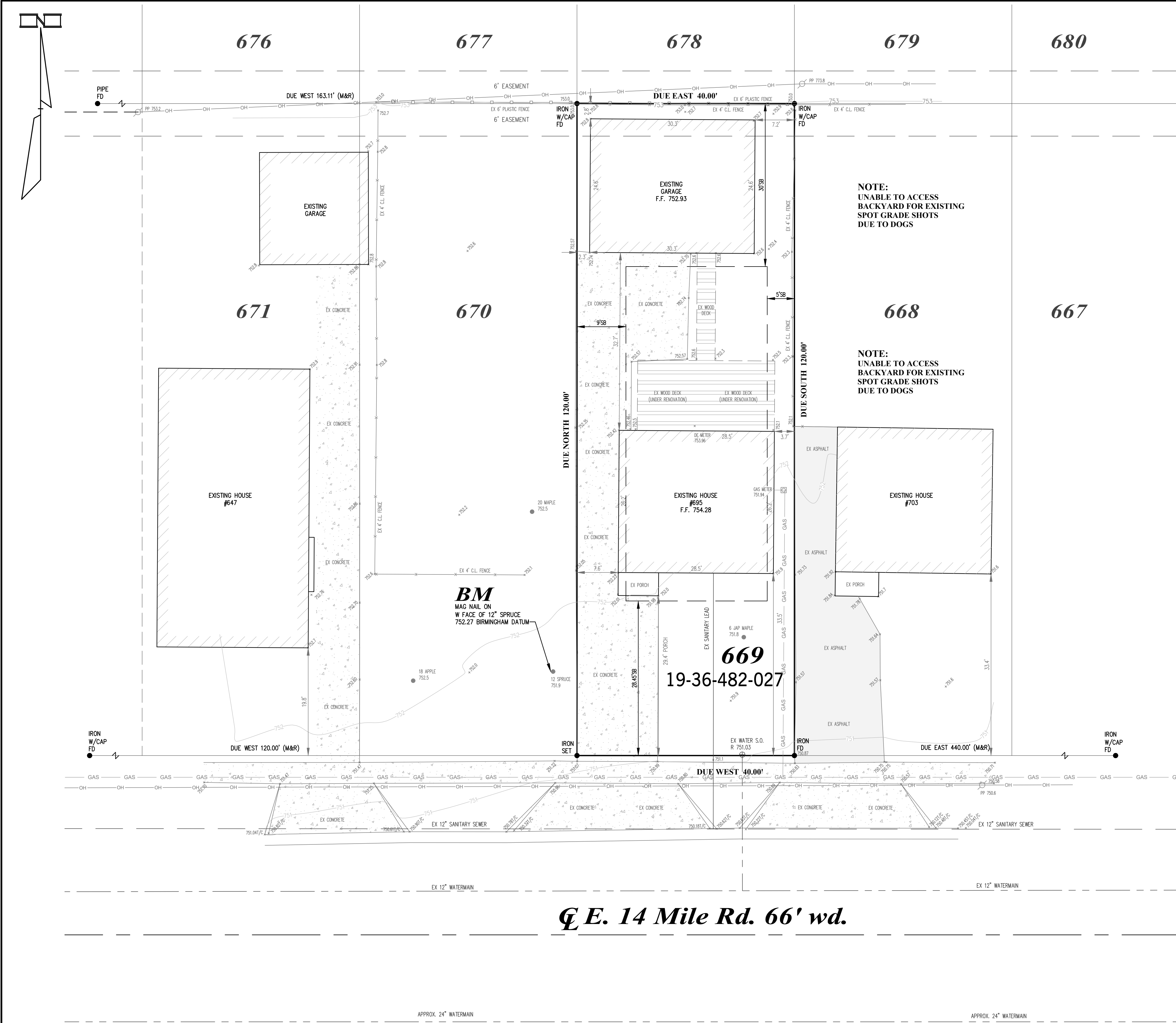


Signature of Applicant

ATTN:
BIRMINGHAM ZONING BOARD OF APPEALS

RE:
JON KALAJ
695 E. 14 MILE RD
BIRMINGHAM, MI

IN RELATION TO THE ABOVE MENTIONED ADDRESS, WE ARE REQUESTING TWO SIDE YARD VARIANCES TO AN EXISTING NON-COMFORMING RESIDENCE. THE HOUSE IS IN NEED OF A RENOVATION AND WE SUBMITTED AN ARCHITECTURAL PLAN THAT DEPICTES A MAJOR RENOVATION TO THE INTERIOR AND EXTERIOR OF THE STRUCTURE. WE PLAN ON REMOVING THE EXISTING ROOF AND INSTALLING A NEW MODERN STYLE ROOF THAT WILL REFLECT THE NEIGHBORHOOD IN AN UPDATED STYLE. OUR PRACTICAL DIFFICULTY IS THE HOUSE IS ON A NARROW LOT. THE HOUSE IS SITUATED TO CLOSE TO THE SIDE PROPERTY TO EXPAND ANY ALTERATIONS WHICH WOULD REFLECT ANY COMPLIANCE WITH THE ZONING ORDINANCE SETBACK REQUIREMENTS WITHOUT A VARIANCE SINCE IT IS ALREADY ENCROACHING ON THE PROPERTY. THE OWNER RECENTLY PURCHASED THE PROPERTY AS IS WITH EXISTING CONDITIONS THAT WERE NOT SELF CREATED. A NEW FRONT COVERED PORCH HAS BEEN DESIGNED THAT IS INSET FROM THE ORIGINAL WIDTH OF THE HOUSE SO AS TO NOT EXPAND THE NON-CONFORMITY AND ENCROACHMENTS. WE ASK THE BOARD FOR SIDEYARD SETBACK WAIVERS TO CONFORM THE STRUCTURE AND INSTALL A NEW ROOF DESIGN



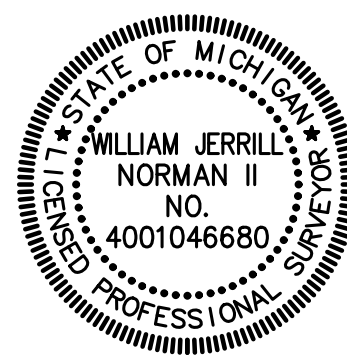
- Notes:**
- ALL EXISTING UTILITIES SHOWN ON THIS TOPOGRAPHIC SURVEY HAVE BEEN TAKEN FROM VISUAL OBSERVATION, AND RECORD MAPPING, WHERE AVAILABLE. NO GUARANTEE IS MADE, OR SHOULD BE ASSUMED, AS TO THE COMPLETENESS OR ACCURACY OF THE UTILITIES SHOWN ON THIS DRAWING. PARTIES UTILIZING THIS INFORMATION SHALL FIELD VERIFY THE ACCURACY AND COMPLETENESS OF OVERHEAD AND UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION ACTIVITIES.
 - ARCHITECT / BUILDER IS RESPONSIBLE FOR CONFIRMING BUILDING SETBACKS.

**PROPERTY IS ZONED R-3
SINGLE-FAMILY RESIDENTIAL:**
SETBACKS: (PER CITY OF BIRMINGHAM ZONING)
FRONT - AVERAGE SETBACK OF HOMES WITHIN 200 FEET WEST:
#647 - 19.8 FEET
#1985 - 29.9 FEET
EAST: (WENT 240 FEET EAST PER CLIENT)
#703 - 33.4 FEET
#731 - 33.2 FEET
#755 - 33.0 FEET
#779 - 33.3 FEET
#787 - 32.0 FEET
#807 - 13.0 FEET
227.6 FEET
227.6 / 8 = 28.45 FEET
USE 28.45 FEET AS FRONT SETBACK
SIDE - 9 FEET OR 10% OF TOTAL LOT WIDTH WHICHEVER IS LARGER FOR ONE SIDE
40.0' x 0.10 = 4 FEET
USE 9 FEET
14 FEET OR 25% OF TOTAL LOT WIDTH WHICHEVER IS LARGER FOR BOTH SIDE YARDS
40.0' x 0.25 = 10 FEET
USE 14 FEET
NO SIDE YARD SHALL BE LESS THAN 5 FEET
REAR - 30 FEET MINIMUM
MINIMUM COMBINED FRONT & REAR - 55 FEET
MINIMUM OPEN SPACE - 40%
MAXIMUM LOT COVERAGE - 30%

CITY OF BIRMINGHAM BENCHMARK NO. 3:
NORTHEAST CORNER OF PIERCE & BIRD
ELEVATION - 753.56 BIRMINGHAM DATUM

SITE BENCHMARK:
MAG NAIL ON WEST FACE OF 12" SPRUCE
ELEVATION - 752.27 BIRMINGHAM DATUM

This is to certify that I, William J. Norman II, a Professional Land Surveyor, have this date made a survey of a parcel of land described as follows:
PARCEL 19-36-482-027
LOT 669, "LEINBACH-HUMPHREY'S WOODWARD AVENUE SUB." OF THE EAST 1/2 OF THE SE 1/4 OF SECTION 36, T2N, R10E, BLOOMFIELD TOWNSHIP AND PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 31, AND PART OF THE NW 1/4 OF SECTION 31, T2N, R11E, TROY TOWNSHIP (NOW CITY OF BIRMINGHAM). AS RECORDED IN LIBER 27 OF PLATS, PAGE 5, OAKLAND COUNTY RECORDS.



DATE	ISSUE	PROPRIETOR: JON KALAJ 695 E. 14 MILE RD. BIRMINGHAM, MI 48009 (586) 707-9142	THIS DRAWING IS THE PROPERTY OF KIEFT ENGINEERING, INC. AND MAY NOT BE USED, REPRODUCED OR PUBLISHED, IN PART OR IN WHOLE, WITHOUT EXPRESSED WRITTEN PERMISSION FROM KIEFT ENGINEERING, INC.	 KIEFT ENGINEERING, INC. PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS 5852 SOUTH MAIN STREET, SUITE 1, CLARKSTON, MICHIGAN 48346 PHONE (248) 625-5251 www.kiefteng.com FAX (248) 625-7110	DATE 7-29-2024 DRAWN JM DESIGN WJN SECTION 36	CKD. BY DATE T- 2 -N, R- 10 -E	 72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG (800) 482-7171 OR 811	BOUNDARY / TOPOGRAPHIC SURVEY PARCEL NO. 19-36-482-027 CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN	SCALE 1" = 10' SHEET 1 OF 1 KE 2024.152
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DEMOLITION PLAN

1. VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO DEMOLITION
2. CONTRACTOR SHALL BE RESPONSIBLE FOR INSPECTING THE SITE AND BUILDING WITH RESPECT TO THE REMOVAL OR RELOCATION OF ALL MECHANICAL, ELECTRICAL, STRUCTURED, UTILITY OR ARCHITECTURAL ITEMS (NOT SPECIFICALLY INDICATED ON THE DRAWINGS) WHICH WOULD INTERFERE WITH THE INTENT AND COMPLETION OF THE DEMOLITION WORK.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD LOCATING ALL EXISTING CONCEALED BUILDING ELEMENTS INCLUDING PLUMBING, MECHANICAL RUNS AND LINES, STRUCTURAL FRAMING AND ELECTRICAL SERVICES AND PROVIDING PROTECTION FROM DAMAGE.
4. PROVIDE APPROPRIATE BARRICADES, SIGNAGE, DUCT CONTROL, SECURITY AND OTHER SAFETY PRECAUTIONS SO AS TO PROTECT RESIDENTS, VISITORS, TRADESMAN, AND ALL EXISTING REMAINING CONDITIONS
5. CONTRACTORS SHALL PROVIDE PROPER TEMPORARY OR PERMANENT SHORING, BRACING, AND SUPPORT UNTIL PERMANENT CONSTRUCTION IS IN PLACE
6. CONTRACTOR IS TO COORDINATE WITH MECHANICAL AND ELECTRICAL TRADES FOR THE REMOVAL OF CEILINGS, WALLS, ETC, AS TO THE EXTENT OF STRUCTURE TO BE SAVED AND PROTECTED
7. REMOVE EXISTING FINISHES AS NECESSARY TO EXPOSE STRUCTURE. VERIFY CONDITIONS WITH OWNER BEFORE CONTINUING WORK. RESTORE EXISTING AREAS WHICH ARE DAMAGED DURING CONSTRUCTION. MATCH EXISTING MATERIALS AND FINISHES WHERE DEEMED NECESSARY.
8. NEW OPENINGS SHALL BE CUT IN EXISTING WALLS, CEILINGS, AND FLOORS AS REQUIRED FOR THE INSTALLATION OF NEW WORK. OPENINGS SHALL BE CUT CLEAN AND ACCURATELY, SO AS NOT TO DISTURB EXISTING WALLS, FLOORS, PARTITIONS, CEILINGS, ETC. WHICH ARE TO REMAIN. MAINTAIN STRUCTURAL SOUNDNESS OF REMAINING WALLS.
9. CONTRACTOR TO TAKE EXTRA PRECAUTIONS IN PRESERVING ALL EXISTING BASEMENT AND FOUNDATION CONSTRUCTION, INCLUDING ALL EXPOSED WATERPROOFING DURING DEMOLITION AND CONSTRUCTION.
10. VERIFY WITH OWNER ALL EQUIPMENT AND FIXTURES TO BE REMOVED AND REUSED OR DISCARDED
11. ALL EXISTING WALLS, DOORS, FRAMES, AND RELATED HARDWARE ASSEMBLIES DESIGNATED AS "TO BE REMOVED" SHALL BE COMPLETELY REMOVED AND DISPOSED OF AS DESIGNATED BY OWNER. ALL EXISTING WALLS NOT DESIGNATED SHALL TO REMAIN "AS IS"
12. REFER TO SPECIFICATIONS ON DRAWINGS FOR EXACT DEMOLITION INFORMATION.
13. CONTRACTOR SHALL DESIGN, PROVIDE, BUILDING ASSEMBLY AND OR ANY SYSTEMS AND OR ANY SUB-ASSEMBLIES ARE COMPLETE. SUPPORTING AND OR STABLE INSTALL AND MAINTAIN ANY AND ALL TEMPORARY BRACING AS REQUIRED TO ENSURE THE STABILITY OF THE STRUCTURE

SHEETING, SHORING AND BRACING

1. TEMPORARY SHEETING, SHORING, GUTING AND TIEDOWNS OF THE WORK AND STRUCTURE DURING ERECTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE ENGINEER AND OR ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ABSENCE, PRESENCE OR ADEQUACY OF ANY TEMPORARY BRACING. ALL EXISTING STRUCTURES THAT MAY BE AFFECTED BY THE NEW CONSTRUCTION SHALL BE BRACED AND PROTECTED AS REQUIRED.
2. THE STRUCTURAL DRAWINGS ARE THE PLACEMENT AND SIZE OF THE STRUCTURAL COMPONENTS ONLY. COMPLIANCE WITH OSHA AND SAFETY CODE REQUIREMENTS ARE THE RESPONSIBILITY OF THE CONTRACTOR.

NOTE:

REVIEW EXISTING CONDITIONS IN FIELD PRIOR TO WORK. ANY FIELD CHANGES IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ARCHITECT AND OR ENGINEER PRIOR TO WORK TO BE COMPLETED

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 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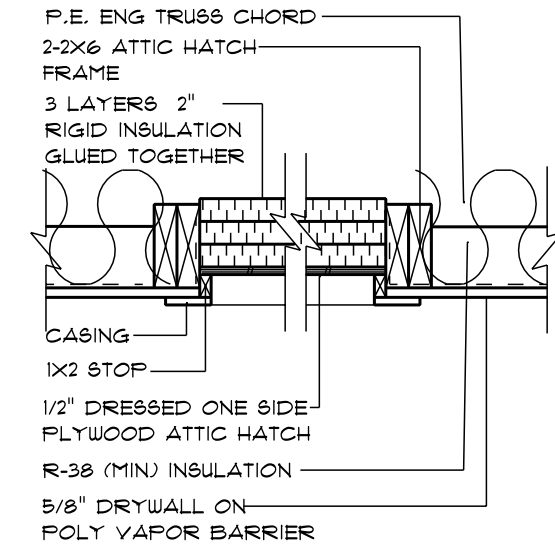
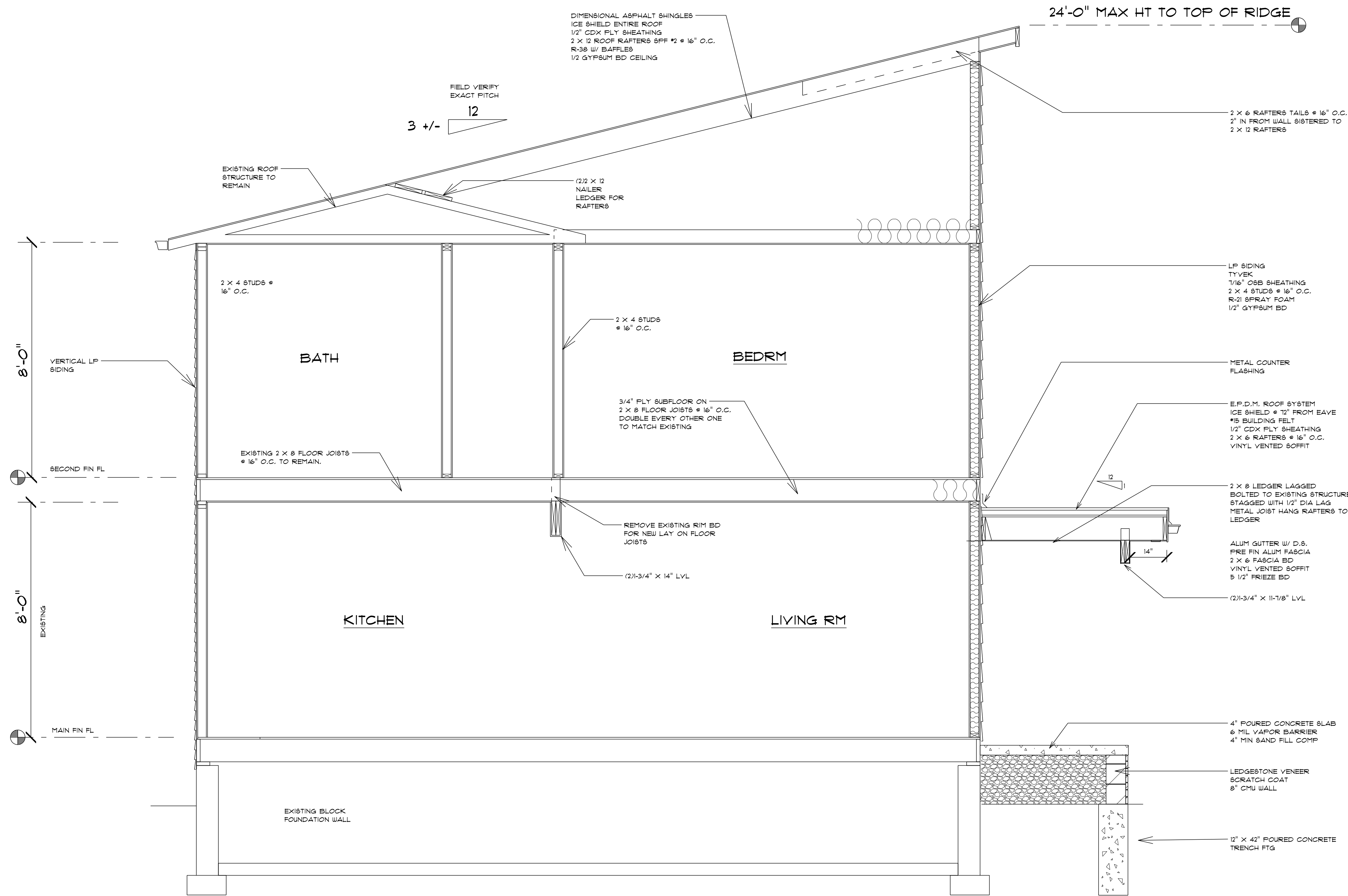
ENGINEER:

PROJECT: SECOND STORY ADDITION AND
INTERATION RENOVATION TO AN
EXISTING RESIDENCE

DATE:	6-17-24
PROJECT NO.	24-104
DRAWN BY:	EKH
CHECKED BY:	
REVISION DATE:	8-10-24
	8-19-24

SHEET #

A-3



ATTIC HATCH

A BUILDING SECTION
A-2 SCALE: 1/2" = 1'-0"

POLYARCH INC.

44045 N. GRATIOT AVE.

CLINTON TWP., MI 48036

(O)586.468.4190 (F)586.468.1859

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FOR ALL DAMAGES, INCLUDING ATTORNEY'S FEES, AND ANY ALTERATIONS, ADDITIONS, DELETIONS,
DUPLICATIONS, REPRODUCTIONS, AND/OR SALES OF THESE DOCUMENTS.

ENGINEER:

CLIENT: JON KALAJ
695 E. 14 MILE RD
BIRMINGHAM, MI

PROJECT: SECOND STORY ADDITION AND
INTERIOR RENOVATION TO AN
EXISTING RESIDENCE

DATE:	6-17-24	PROJECT NO:	24-104
DRAWN BY:	EKH	CHECKED BY:	
REVISION DATE:	8-10-24	8-19-24	

SHEET •

A-4

CASE DESCRIPTION

303 GREENWOOD (24-25)

Hearing date: October 8, 2024

Appeal No. 24-25: The owner of the property known as **303 Greenwood**, requests the following variance to construct a new detached garage:

A. Chapter 126, Article 2, Section 2.08.1 of the Zoning Ordinance requires a maximum 30% lot coverage for residential lots. The required 30% coverage for this lot is 1452 SF. The proposed is 32.7% (1584 SF). Therefore, a variance of 2.70% (132 SF) is requested.

Staff Notes: This applicant is seeking to construct a new detached garage. This property is zoned R2 – Single family residential.

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

303 GREENWOOD MAP



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)

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
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I. PROPERTY INFORMATION:

Address: 303 GREENWOOD STREET	Lot Number:	Sidwell Number: 19-25-353-032
--------------------------------------	-------------	--------------------------------------

II. OWNER INFORMATION:

Name: JENNIFER HAMILTON			
Address: 303 GREENWOOD STREET	City: BIRMINGHAM	State: MI	Zip code: 48009
Email: * JENNIFER@OPH-MI.COM		Phone: 248.346.7444	

III. PETITIONER INFORMATION:

Name: KEVIN HART	Firm/Company Name: KEVIN HART ASSOCIATES		
Address: 405 SOUTH ETON STREET	City: BIRMINGHAM	State: MI	Zip code: 48009
Email: KEVINHART@SOCIALGLOBAL.NET		Phone: 248.885.8897	

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: 9/11/24
Signature of Petitioner: _____	Date: 9.11.24

**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

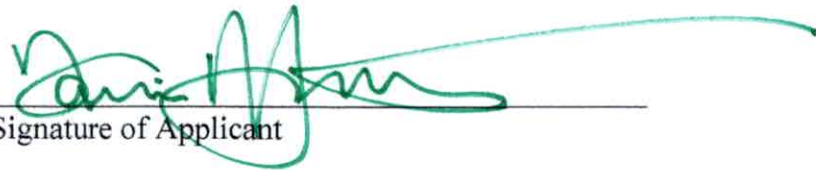
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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


Signature of Applicant

KEVIN D. HART, AIA



**ARCHITECTURE
PLANNING / DESIGN / ENGINEERING**

September 11, 2024

City of Birmingham Board of Zoning Appeals
151 Martin Street
Birmingham, Michigan 483009

Subject: Hamilton Residence 303 Greenwood-Garage Replacement

Dear Members of the Board,

Thank you for your review of this variance request. Jennifer Hamilton Family is planning to replace a badly deteriorated garage at her home on Greenwood in Birmingham. The existing garage is a non-conforming structure that encroaches into the North Side Yard Setback by 2.0 feet. The existing North side fence is less than a foot from the garage wall creating a dangerous condition with animals and people getting wedged in and trapped within that tight area. The garage structure is also in a failing condition with rotted stud walls and foundation failures in several locations. The existing garage also puts the property in a non-conforming lot coverage of 35%, which is currently 5% over the allowable coverage of 30%.

Jennifer Hamilton plans to replace the existing 432 square foot garage with a new, austere 308 square foot garage that would be placed outside of the 3.0' North Side Yard Setback.

The requirements for variances were not self-created. The current detached garage is non-conforming in its current state. The new garage will bring the property within the setback requirements and will reduce the current lot coverage down by 2.3%. Allowing the variances will not adversely effect neighboring properties and strict compliance to the ordinance will cause an undue hardship with a unusable garage configuration. The new garage structure was designed to provide a modest and practical solution to a necessary component of the residence. It also reflects a mitigation with a coverage reduction. We respectfully request your approval for a lot coverage variance of 2.7%.

Thank you for your review of this request.

Sincerely,

Patricia Keller

CERTIFIED SURVEY

PROPERTY DESCRIPTION:

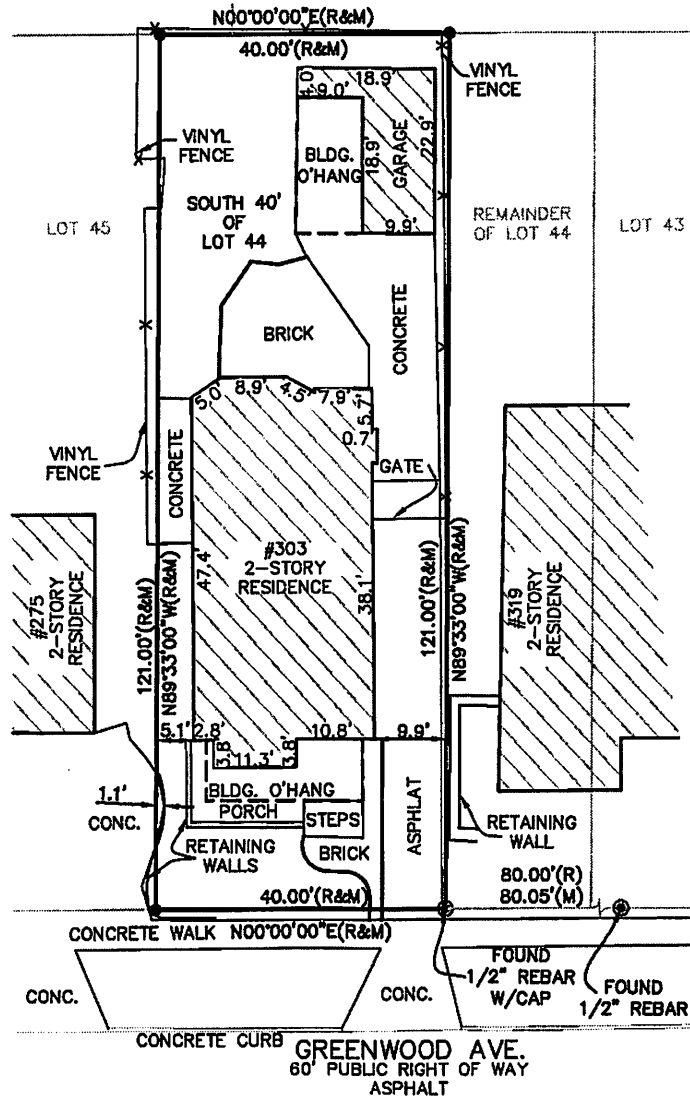
THE SOUTH 40 FEET OF LOT 44; RANDALL ADDITION TO THE VILLAGE OF BIRMINGHAM, (NOW THE CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 4 OF PLATS, PAGE 65 OF OAKLAND COUNTY RECORDS.

NOTE:

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



SCALE: 1"=20'



LEGEND

- SET 1/2" REBAR WITH CAP, #47978
- ⊙ FOUND MONUMENT (AS NOTED)
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED AND THAT THE RATIO OF CLOSURE MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970.

ANTHONY T. SYCKO, JR., P.S. NO. 47978



KEM-TEC & ASSOCIATES

22556 GRATIOT AVE. EASTPOINTE, MI 48021
PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS
(586)772-2222 * FAX (586)772-4048

CERTIFIED TO: JENNIFER HAMILTON

FIELD SURVEY: MP ZM

DATE: JUNE 15, 2017

DRAWN BY: MRJ

SHEET: 1 OF 1

SCALE: 1" = 20'

JOB NO.: 17-01968

GENERAL CONSTRUCTION NOTES

- DO NOT SCALE DRAWINGS, USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS NOTIFY THE ARCHITECT IMMEDIATELY FOR DIRECTION.
- CONTRACTOR SHALL VERIFY ALL CONDITIONS, INCLUDING UNDERGROUND UTILITIES AND FIELD MEASUREMENTS AT THE JOB SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK.
- ALL POURED CONC. FOOTINGS TO BE A MINIMUM OF 3'-6" BELOW PROPOSED FINISH GRADE, AND SHALL BEAR ON UNDISTURBED SOIL. ADDITIONAL DEPTH MAY BE REQUIRED BY SOIL CONDITIONS. ALLOWABLE SOIL BEARING PRESSURE OF 3000 PSF IS ASSUMED FOR FOOTING SIZES INDICATED ON THE PLANS. VERIFICATION OF ALLOWABLE SOIL BEARING PRESSURE OF 3000 PSF IS THE RESPONSIBILITY OF THE CONTRACTOR. QUESTIONABLE CONDITIONS TO BE INVESTIGATED BY A QUALIFIED SOILS ENGINEER.
- PROVIDE NECESSARY SHEATHING, SHORING, BRACING, AND ALL TEMPORARY SUPPORTS AS REQUIRED DURING EXCAVATIONS TO PROPERLY SUPPORT SIDES OF EXCAVATIONS.
- PROTECT ALL EXISTING WORK AND WORK IN PROGRESS.
- COMPLY FULLY WITH REQUIREMENTS OF OSHA AND OTHER REGULATORY AGENCIES FOR ALL SAFETY PROVISIONS.
- ALL CONCRETE TO ACHIEVE COMPRESSIVE STRENGTH OF 3000 PSI AT 28-DAY TEST. EXTERIOR CONCRETE SHALL BE AIR ENTRAINED 5% PLUS OR MINUS 1%.
- CONCRETE WORK AND PLACEMENT SHALL CONFORM TO THE LATEST SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTION. PLACE ALL CONCRETE WITHOUT ADDING WATER TO THE TRANSIT MIX CONCRETE. SLUMP = 3" - 4".
- ALL REINFORCING SHALL CONFORM TO ASTM A-615 GRADE 60, FABRICATED AND ERECTED ACCORDING TO ACI STANDARDS.
- WELDED WIRE FABRIC SHALL BE FURNISHED IN FLAT SHEET AND SHALL CONFORM TO ASTM A-185 AND SHALL HAVE A MINIMUM SIDE AND END LAP OF 8".
- THE ROUGH CARPENTRY CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO THE START OF FABRICATION OR CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
- ALL LUMBER AND FRAMING TECHNIQUES SHALL CONFORM TO AFFICABLE SECTIONS OF THE LATEST SPECIFICATIONS FOR STRESS GRADE LUMBER AND ITS FASTENERS. ALL WORK SHALL CONFORM WITH THE TRUSS PLATE INSTITUTE, AMERICAN PLYWOOD ASSOCIATION, TRUSS JOIST MANUFACTURER AND THE NATIONAL FOREST PRODUCTS ASSOCIATION.
- ALL FLUSH BEAMS AND JOIST CONNECTIONS SHALL BE FASTENED WITH AN APPROPRIATE CAPACITY METAL HANGER OR STRAP (NO JOIST ANGLE) OR EQUIVALENT METAL PRODUCT AS APPROVED BY A STRUCTURAL ENGINEER AND (1) TOE NAIL (16d) FOR EACH 1000 LBS. OR AXIAL LOAD OR EACH SUPPORT STUD. POST BASE AND SUPPORT SHALL PROVIDE SUFFICIENT BEARING WITH ENGINEER APPROVED METAL CONNECTOR AND/OR TWO (2) TOE NAILS FOR EACH 1000 LBS. OF AXIAL LOAD OR SUPPORT STUD.
- ALL LUMBER BEARINGS SHALL PROVIDE SUFFICIENT AREAS SO AS NOT TO EXCEED 430 PSI.
- ALL SHEATHED STUDS SHALL BE LIMITED TO 2250 LBS. OF AXIAL LOAD.
- ALL FLOOR JOISTS, RAFTERS, STUDS, CEILING JOIST, AND BLOCKING TO BE #2 OR BETTER HEM FIR UNLESS OTHERWISE NOTED. FLOOR JOISTS TO HAVE 1 X 3 CROSS BRIDGING 8'-0" ON CENTER.
- ALL BUILT UP WOOD POSTS, BEAMS AND GIRDERS SHALL BE NAILED AND/OR BOLTED PER NDS.
- ROOF TRUSS MANUFACTURER TO SUPPLY THE ARCHITECT WITH TRUSS SHOP DRAWINGS PRIOR TO FABRICATION.
- ROOF TRUSS FRAMING INDICATED ON THE DRAWINGS IS AN ASSUMED LAYOUT. TRUSS MANUFACTURER SHALL REVIEW THE DRAWINGS AND INDICATE TO THE ARCHITECT, PRIOR TO FABRICATION, ANY CHANGE IN BEARING CONDITION THAT WOULD REQUIRE RE-FRAMING THE STRUCTURE TO ACCOMMODATE THE TRUSSES.
- ROOF TRUSS DESIGN SHALL BE BY TRUSS MANUFACTURER AND SHALL CONFORM TO DESIGN LOAD REQUIREMENTS LISTED BELOW. BRACE ALL ROOF TRUSSES PER MANUFACTURER'S SPECIFICATIONS.

- ROOF TRUSSES:
- | | | |
|--------------|-----------|--------|
| TOP CHORD | LIVE LOAD | 30 PSF |
| | DEAD LOAD | 1 PSF |
| BOTTOM CHORD | LIVE LOAD | 0 PSF |
| | DEAD LOAD | 10 PSF |
| | TOTAL | 41 PSF |
- NAILING SCHEDULE FOR PLYWOOD SHEATHING: 12d NAILS AT 6" ON CENTER, AT DIAPHRAGM BOUNDARY AND ALONG END SUPPORTING MEMBERS, 16d NAILS AT 12" ON CENTER ALONG INTERMEDIATE FRAMING MEMBERS.
 - MICRO-LAM BEAMS (LVL'S) SHALL BE BY TRUSS JOIST MANUFACTURER OR EQUAL. ALL BEAMS JOINED TOGETHER SHALL BE PER MANUFACTURER'S SPECIFICATIONS. NO SUBSTITUTIONS SHALL BE ACCEPTABLE WITHOUT PRIOR APPROVAL OF THE ARCHITECT.
 - INSTALL DOUBLE FLOOR JOISTS UNDER ALL UPPER FLOOR LEVEL PARALLEL PARTITIONS.
 - BUILDER SHALL PROVIDE METAL DIAGONAL CORNER AND END BRACING AT CORNERS PER CODE 'X' AND 'K' SHAPED BRACINGS ARE ACCEPTABLE.
 - ALL WINDOW NUMBERS REFER TO MANUFACTURER INDICATED ON THE PLANS. IF AN ALTERNATE WINDOW MANUFACTURER IS USED, ALL SHAPES AND SIZES SHALL MATCH IN ALL SIZES. EVERY SLEEPING ROOM SHALL BE PROVIDED WITH AN OPERABLE EGRESS WINDOW. THE SILL HEIGHT SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR. THE WINDOW WHEN OPEN SHALL HAVE A NET CLEAR OPENING AREA OF 5.7 SQ. FT. THE MINIMUM NET CLEAR OPENING WIDTH SHALL BE AT LEAST 20" AND MINIMUM NET CLEAR OPENING HEIGHT OF AT LEAST 24" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - ALL MASONRY VENEER WALLS TO BE PROVIDED WITH WALL TIES AND WEEP HOLES PER CURRENT CODE, AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - ALL STAIRWAYS, STAIRWAY GUARDS, HANDRAILS, BALUSTERS, HEADROOM DIMENSIONS, RISERS AND TREADS SHALL COMPLY WITH ALL CODE REQUIREMENTS, AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - PROPERLY VENTILATE ROOF SO THERE IS A CROSS-VENTILATION WITH ROOF VENTS AND SOFFIT VENTS PER THE CURRENT MICHIGAN BUILDING CODE. CONTINUOUS ROOF RIDGE VENT SHALL BE BY MID-AMERICA BUILDING PRODUCTS, PLYMOUTH, MICHIGAN (800) 521-8416. PROVIDE AN UNDERLAYMENT OF 3/4" FELT UNDER ASPHALT SHINGLES AND A LAYER OF GRACE ICE AND WATER SHIELD FROM EAVE TO ENTIRE LENGTH OF ROOF (100% OF ROOF ENTIRELY). SEE W/1 SECTION FOR ICE SHIELD DETAIL.
 - INSULATION IS TO BE PROVIDED WITH A VAPOR BARRIER ON THE WARM SIDE SURFACE. NET FREE VENTILATION AREA REQUIRED IS 1/300th OF THE AREA BEING VENTILATED. NONE OF THAT AREA SHALL BE IN THE UPPER PORTION OF THAT SPACE.
 - THE REMAINDER VENTILATION IS TO BE PROVIDED BY CONTINUOUS SOFFIT VENTS, EAVE VENTS AND CROSS VENTS.
 - ALL CONCRETE FLAT WORK SHALL BE PLACED ON 4" OF COMPACTED SAND.
 - PROVIDE ALL NECESSARY UNDERPINNING AND BRACING AS REQUIRED TO PROPERLY INSTALL NEW FOOTINGS.
 - PROVIDE WATERPROOFING ASPHALTIC FARGING COATINGS BELOW GRADE IF REQUIRED.
 - THE CONTRACTOR SHALL PROVIDE WRITTEN CHANGE ORDERS DOCUMENTING ADDITIONAL WORK, OR DELETION OF WORK, PRIOR TO THE CHANGE EFFORT ON THE JOB.
 - LOTS AND STREET SHALL BE MAINTAINED FREE OF DIRT AND DEBRIS DURING CONSTRUCTION.
 - PLASTER AND TAR ALL BRICK BELOW GRADE.
 - PROPERLY VENT CRAWL SPACES PER STATE MECHANICAL CODE.
 - BATH FANS TO BE VENTED TO EXTERIOR.
 - HANDRAIL GRIP SIZE SHALL NOT EXCEED A MAXIMUM HORIZONTAL CROSS-SECTIONAL DIMENSION OF 2 5/8" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - BALCONY GUARDS SHALL BE BALUSTERS SPACED NO FARTHER THAN 4" APART PER THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - PROVIDE 2X10 DOUBLE HEADER AT ALL INTERIOR DOOR OPENINGS AND 2X10 TRIPLE HEADER AT ALL EXTERIOR DOOR AND WINDOW OPENINGS (UNLESS OTHERWISE SPECIFIED).
 - PROVIDE METAL STRAPPED UNDERBRACING AT EACH END OF EXTERIOR WALLS (TYPICAL).
 - PROVIDE ELECTRICALLY POWERED SMOKE DETECTORS ON EACH LEVEL, IN EACH BEDROOM, AND BEDROOM HALLWAYS. UNITS ARE TO BE WIRED SO IF ONE SOUNDS, THEY ALL SOUND. ALL SHALL HAVE BATTERY BACK UP PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE SECTION R311.
 - ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - FIRESTOP ALL DROPS & CHASES, ELECTRICAL, PLUMBING & HEATING. APPROVED FIRESTOP MATERIAL REQUIRED FOR ALL DROPS & FLOOR OR CEILING PENETRATIONS AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - DESIGN LOADS:
ROOF LIVE LOAD = 20 PSF
ROOF DEAD LOAD = 10 PSF
FLOOR LIVE LOAD = 40 PSF
FLOOR DEAD LOAD = 10 PSF
WIND LOAD = 20 PSF
 - INSULATION 'R' VALUES SHALL COMPLY WITH TABLE N102.1, OF THE 2003 MICHIGAN UNIFORM ENERGY CODE, UNLESS OTHERWISE NOTED.
 - PROVIDE ON-SITE DUMPSTER THROUGHOUT THE DURATION OF THE WORK.
 - PROVIDE ON-SITE PORTABLE "PORT-A-JOHN" THROUGHOUT THE DURATION OF THE WORK.
 - PAINT ENTIRE INTERIOR AND EXTERIOR OF HOME. EXTERIOR SIDING AND TRIM TO BE PAINTED WITH ONE COAT PRIMER AND TWO COATS FINISH WITH BENJAMIN MOORE PREMIUM PAINT OR EQUIV. EQUAL. SPECIFICATION SHOULD INCLUDE THREE COLORS AND COMPLETE CAULKING BOTH EXTERIOR AND INTERIOR. INTERIOR CEILINGS TO BE FLAT FINISH. WALLS IN ESSG SHELL AND ALL TRIMS AND CASINGS IN HIGH GLOSS "PEARL" FINISH.
 - ALL ENGINEERED WOOD PRODUCT DOCUMENTATION (IE TRUSSES, I-JOIST ETC.) WILL BE REQUIRED TO BE SUBMITTED PRIOR TO OR AT THE ROUGH FRAME INSPECTION.
 - AN INSULATION CERTIFICATE IS REQUIRED TO BE SUBMITTED PRIOR TO THE CERTIFICATE OF OCCUPANCY INCLUDING ANY BLOUIN PRODUCT.

SOIL EROSION AND SEDIMENTATION CONTROL PLAN NOTES:

- SOIL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF THE STATE AND COUNTY BUILDING OFFICIALS.
- DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE EFFECTIVENESS OF EROSION AND SEDIMENTATION CONTROL MEASURES, AND NECESSARY REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
- EROSION AND SEDIMENTATION FROM WORK ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON OFF-SITE AREAS OR IN WATERWAYS. WATERWAYS SHALL MEAN BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM SEWER DRAINS, LAKES, PONDS, AND WETLANDS.
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PLACED PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION. SEDIMENTATION CONTROL MEASURES SHALL BE PROVIDED AS A DEFENSE AGAINST TRANSPORTING OF SILT OFF THE SITE.
- CONTRACTOR SHALL APPLY FOR TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED AND AS DIRECTED ON THESE PLANS. CONTRACTOR SHALL REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, DITCHES, AND OTHER EARTH CHANGES HAVE BEEN ACCOMPLISHED.

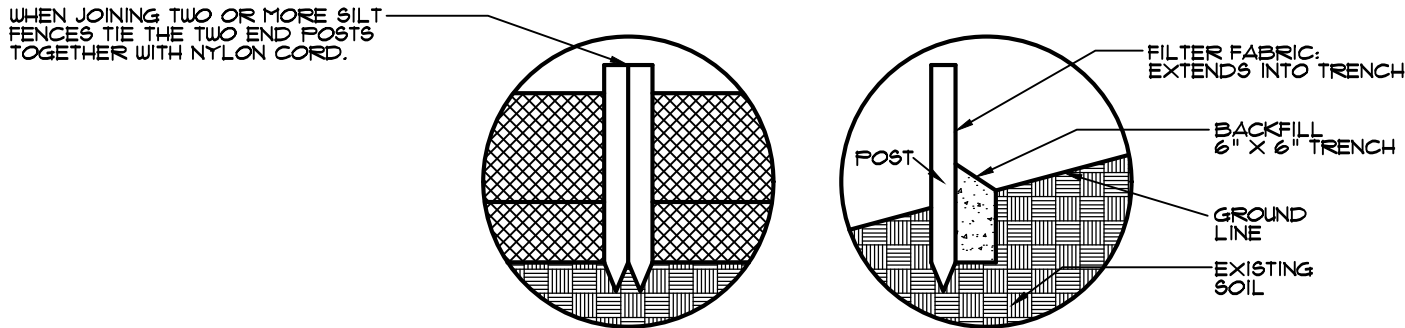
SEQUENCE OF EROSION AND SEDIMENTATION CONTROL OPERATIONS

- PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION, A DEFENSE AGAINST EROSION AND SEDIMENTATION SHALL BE INSTALLED AS INDICATED ON DRAWINGS. DEFENSE SHALL CONSIST OF STONE FILTERS OR SILT FENCE AS SHOWN. AFTER TREE REMOVAL, ADDITIONAL SILT FENCE SHALL BE INSTALLED IF REQUIRED, AS DIRECTED BY THE MUNICIPALITY.
- DURING CONSTRUCTION OF THE STORM SEWER SYSTEM, THE END OF OPEN-END PIPES SHALL BE PROTECTED WITH STORM FILTERS, SILT FENCE OR OTHER APPROVED METHOD.
- PROMPTLY UPON BACKFILLING OF STORM STRUCTURES, INLET FILTERS SHALL BE REPLACED AROUND THE STRUCTURE PER DETAIL.
- WHEN INLET FILTERS ARE REMOVED FROM AROUND PAVEMENT CATCH BASINS TO ALLOW FOR STRIPPING, GRADING AND PAVING, STORM SEWER STRUCTURES SHALL BE PROTECTED FROM ERODING EARTH AND SEDIMENT AT ALL TIMES.
- WITHIN 30 DAYS AFTER COMPLETION OF PAVING GAS, ELECTRICAL, TELEPHONE AND SANITARY SEWER INSTALLATION, A 15 FOOT STRIP AROUND PAVED AREAS SHALL BE PROTECTED FROM EROSION BY AN APPROVED METHOD CONSISTENT WITH THE GROWING SEASON.
- WITHIN 5 DAYS AFTER COMPLETION OF FINAL GRADING, DENUDEED AREA SHALL BE PROTECTED BY AN APPROVED METHOD CONSISTENT WITH THE GROWING SEASON. SEED & MULCH FOR PERMANENT CONTROL WITH A SUGGESTED MIXTURE OF:
50% PERENNIAL RYE
15% KENTUCKY BLUEGRASS
35% CREEPING RED FESCUE
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SEQUENCE OF CONSTRUCTION:
 - INSTALL SILT FENCE AS SHOWN ON PLANS.
 - STRIP AND STOCKPILE TOPSOIL AND GRADE SITE.
 - INSTALL STORM SEWERS.
 - INSTALL PAVEMENT, REPAIR STORM FILTERS AS REQUIRED.
 - INSTALL PUBLIC UTILITIES (GAS, TELEPHONE, ELECTRICAL).
 - FINISH GRADE, REDISTRIBUTE TOP SOIL, ESTABLISH VEGETATION & LANDSCAPE.
 - CLEAN PAVEMENT, CULVERTS, DITCHES, WATERCOURSES, AND STORM SEWER SYSTEMS OF ACCUMULATED SEDIMENT IN CONSTRUCTION WITH REMOVAL OF TEMPORARY DEVICES.
- PERMANENT STABILIZATION OF THE SITE IS TO BE ACCOMPLISHED WITHIN (5) DAYS OF FINAL GRADING.

NOTE:
TYPE OF PERMANENT VEGETATIVE RESTORATION WILL BE SEED/MULCH PER BUILDER UNLESS SPECIFIED OTHERWISE.

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

GEOTEXTILE SILT FENCE



SOIL EROSION AND SEDIMENTATION CONTROL PLAN NOTES: Cont.

- PERMANENT SOIL EROSION CONTROL MEASURES FOR SLOPE, CHANNELS, DITCHES OR DISTURBED LAND AREAS SHALL BE COMPLETED WITHIN 5 CALENDAR DAYS AFTER FINAL GRADING OF THE FINAL EARTH CHANGES HAVE BEEN COMPLETED. WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA AFTER AN EARTH CHANGE HAS BEEN COMPLETED OR WHEN SIGNIFICANT EARTH CHANGE ACTIVITY CEASES, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTED. PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AND ESTABLISHED BEFORE A CERTIFICATE OF COMPLIANCE IS ISSUED.
- MUD/DIRT TRACKED ONTO EXISTING TOWNSHIP/COUNTY ROADS FROM THIS SITE, DUE TO CONSTRUCTION, SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
- MUD/DIRT TRACKED OR SPILLED ON PAVED ROADS/SURFACES WITHIN THIS SITE SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR AND BY THE COUNTY IF APPLICABLE.
- VEGETATION MUST BE ACCEPTABLY ESTABLISHED PRIOR TO FINAL RELEASE OF THE CONSTRUCTION DEPOSIT BY THE CITY AND BY THE COUNTY IF APPLICABLE.
- SOIL BORING REPORTS ARE TO ACCOMPANY THIS APPLICATION FOR SOIL EROSION SEDIMENTATION CONTROL PERMIT.

SETBACKS: (R2) One Family

FRONT SETBACK: 200' Avg = 212'

SIDE SETBACKS & BETWEEN: 40.0' x 25% = 10.0' or 14' Minimum Total = Between

SIDE SETBACKS:
NORTH SIDE = 9.0' Required, 9.9' Provided
SOUTH SIDE = 5.0' Required, 5.2' Provided

REAR SETBACK: 30.0'

ZONE: R2

USE GROUP: R-3

CONSTRUCTION TYPE: 5B COMBUSTIBLE UNPROTECTED

ALLOWABLE MIDPOINT: 15'

200' AVERAGE:

710' = 35.2'
755' = 44.2'
715' = 25.6'
719' = 17.2'
723' = 25.6'
735' = 20.6'
741' = 25.5'
759' = 23.9'

217.8/8 = 27.23'

VARIANCE: BUILDING COVERAGE

BUILDING COVERAGE:			
Required	Existing	Proposed	Amt. of Variance
30% Max	35%	32.1%	2.1% (132 s.f.)

EX'G COVERAGES

* EX. BUILDING COVERAGE 4,840 s.f. Lot x 30% = 1,452 s.f. Allowed

Ex. House = 1,264 S.F.
Ex. Garage/Carport = 432 S.F. (DEMOLISH)
TOTAL = 1,696 S.F.

EXISTING TOTAL COVERAGE = 1,696 S.F./4,840 S.F. = 35.0%

* IMPERVIOUS COVERAGE Impervious = 1,290 s.f. (1,452 Allowed) - 26.6%

* OPEN SPACE Pervious = 1,854 s.f. (1,936 Required) - 38.3%

NEW COVERAGES

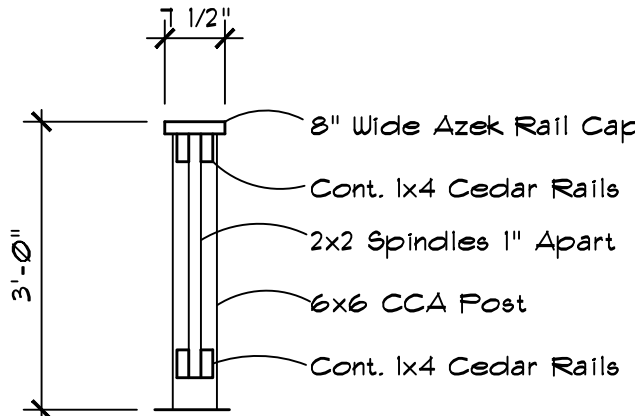
* NEW BUILDING COVERAGE 4,840 s.f. Lot x 30% = 1,452 s.f. Allowed

Ex. House = 1,264 S.F.
NEW Garage = 395 s.f.-15s.f. (Free Stairs) + 320 S.F.
NEW TOTAL = 1,584 S.F.

* NEW TOTAL COVERAGE = 1,584 S.F./4,840 S.F. = 32.7% (2.1% VARIANCE)

* NEW IMPERVIOUS COVERAGE Impervious = 1,290 + 30 s.f. = 1,320 s.f. (1,452 Allowed) = 27.3%

* OPEN SPACE Pervious = 1,936 s.f. (1,936 Required) - 40.0%



EX. RAILING

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



GREENWOOD STREET (60' Wide)

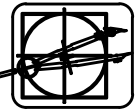
SITE PLAN
SCALE: 1" = 10'-0"



HAMILTON GARAGE
BIRMINGHAM, MICHIGAN

CLIENT:
JENNIFER HAMILTON
303 GREENWOOD
BIRMINGHAM, MICHIGAN 48009
248-

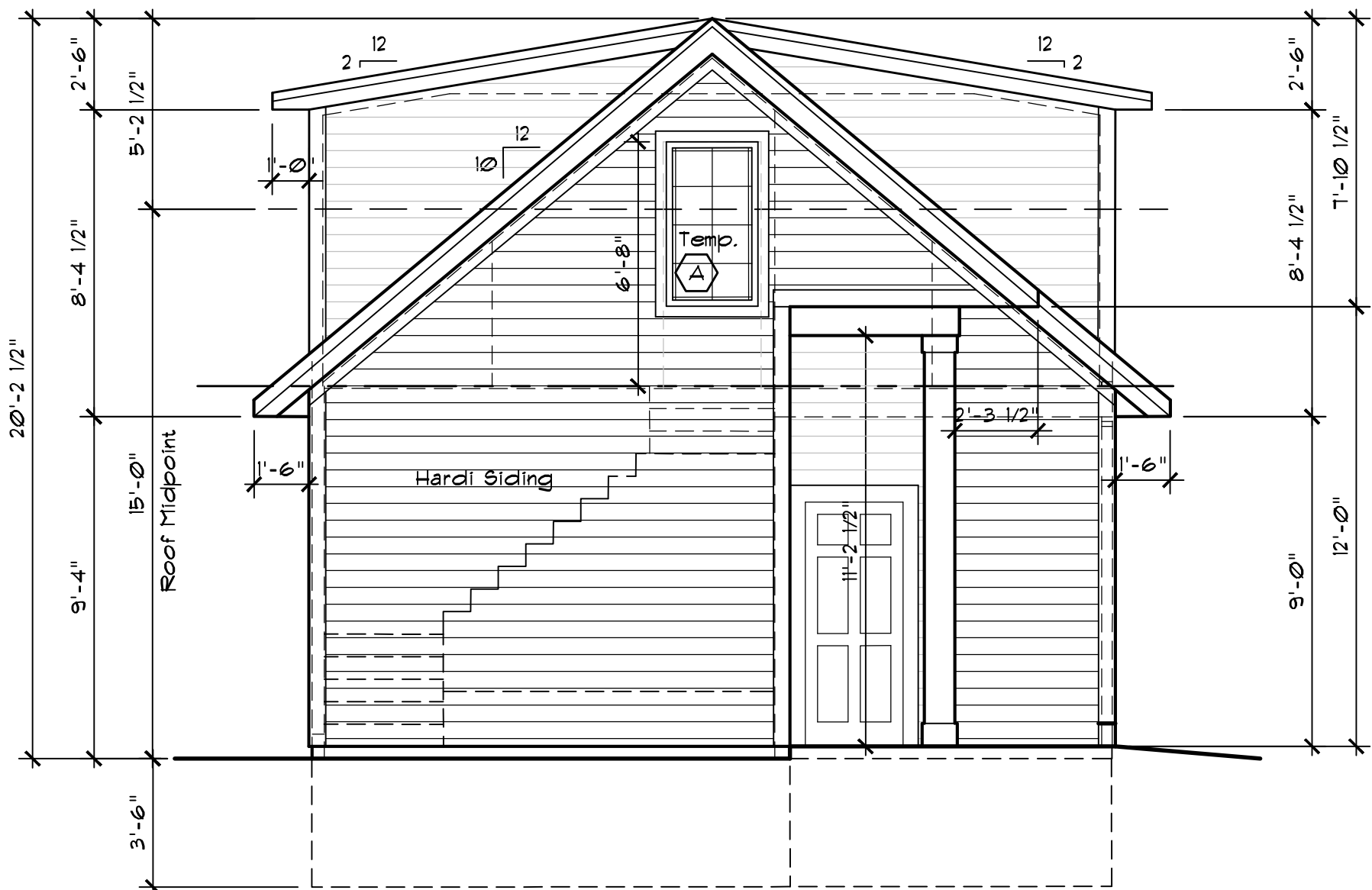
KEVIN D. HART, AIA



PLANNING DESIGN ENGINEERING
TELEPHONE (248) 462-9427
700 EAST MAPLE STREET, SUITE 101, BIRMINGHAM, MI 48009

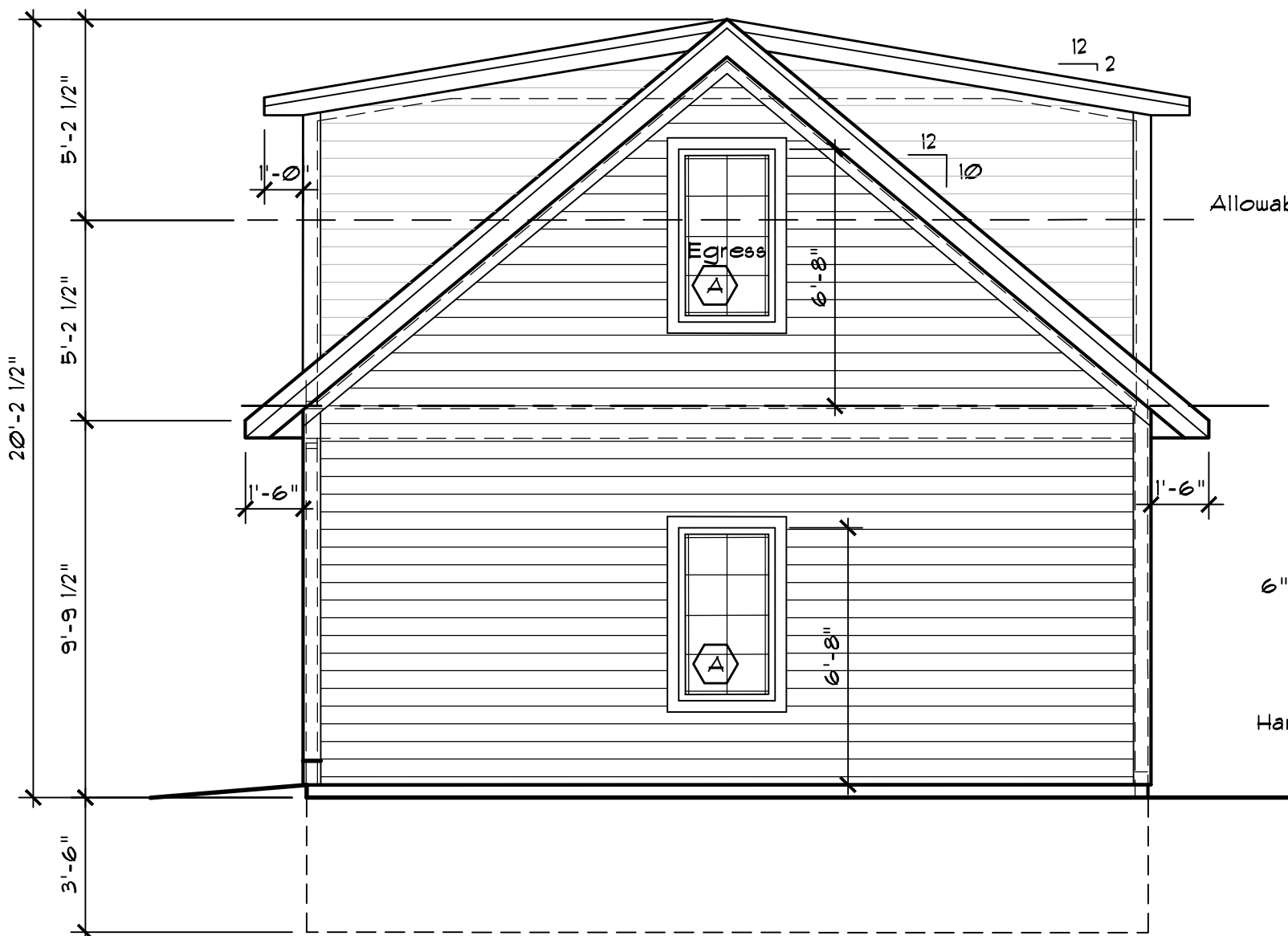
SHEET NO.

A-1



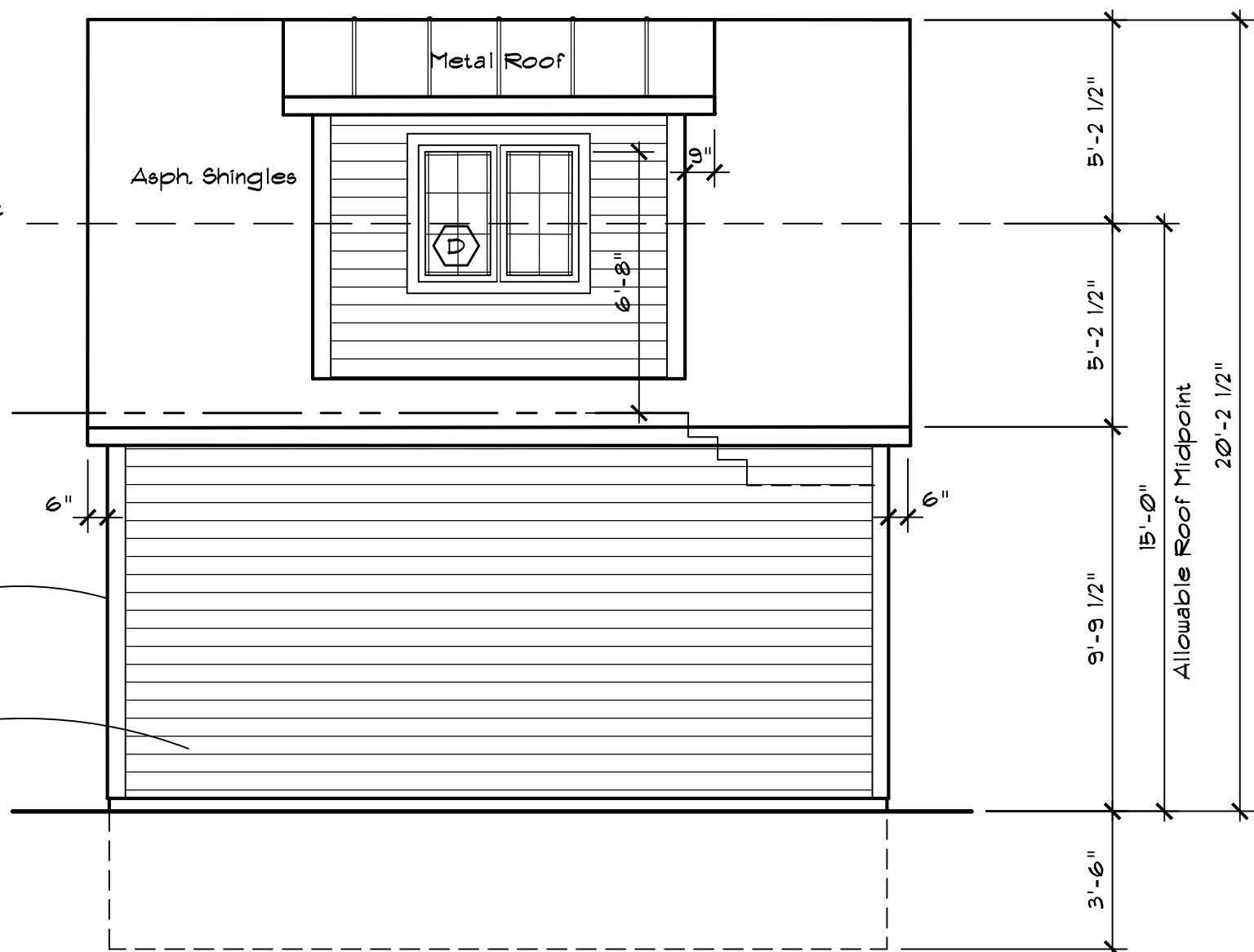
NORTH ELEVATION

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



SOUTH ELEVATION

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



WEST ELEVATION

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

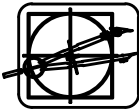
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5-9-24
5-20-24
8-10-24
9-11-24

HAMILTON GARAGE
BIRMINGHAM, MICHIGAN

CLIENT:
JENNIFER HAMILTON
303 GREENWOOD
BIRMINGHAM, MICHIGAN 48009
248-

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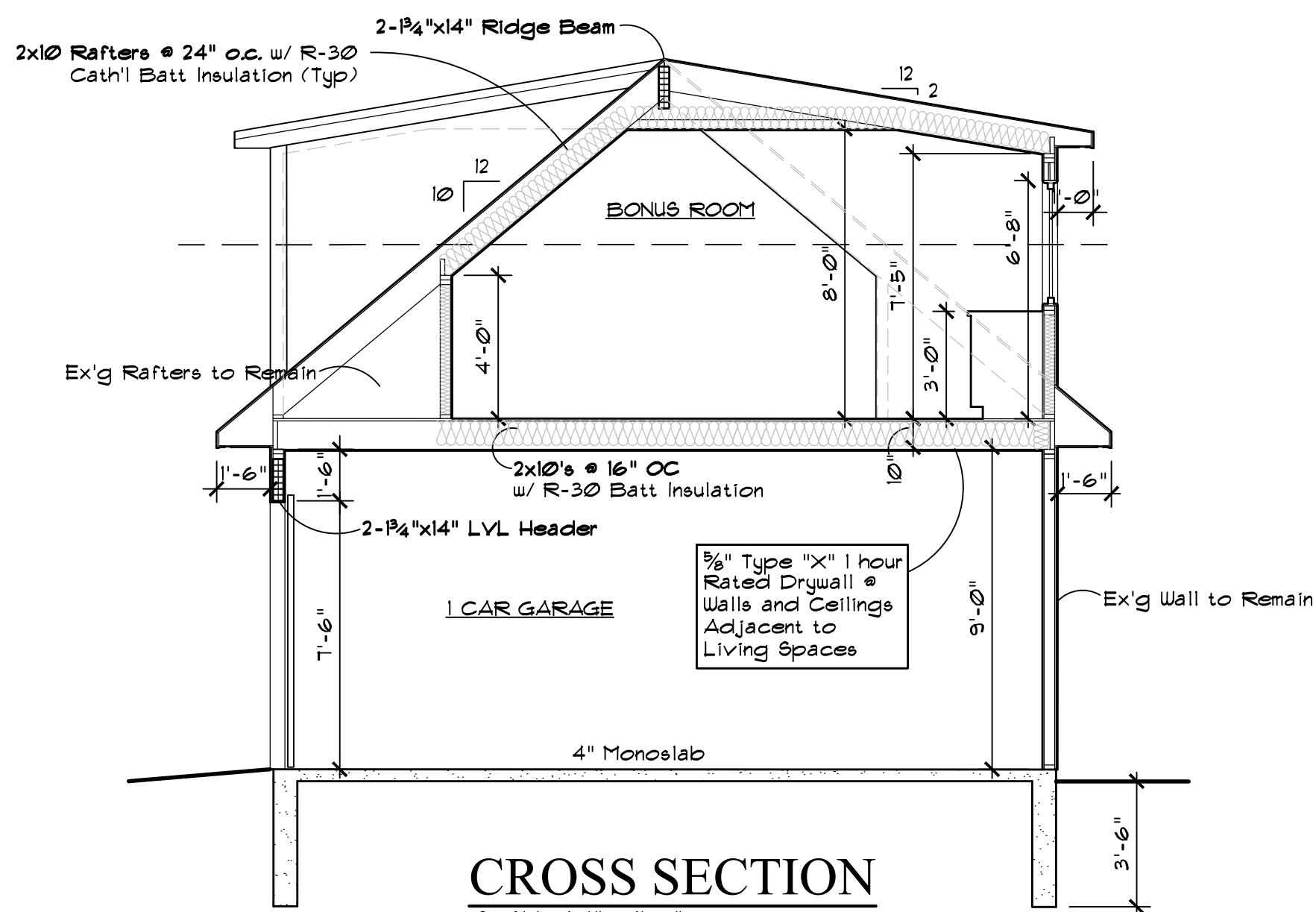
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G-1



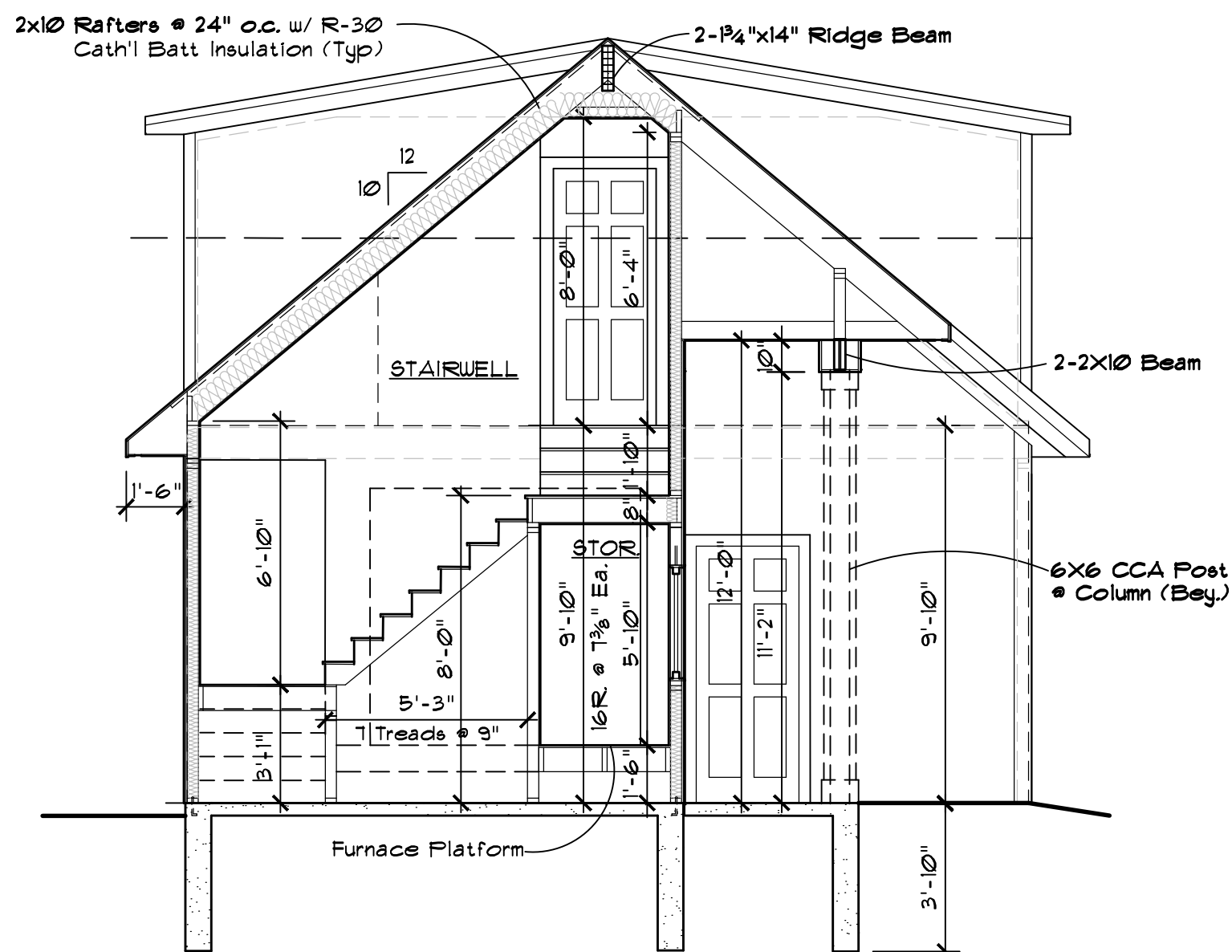
FRONT/EAST ELEVATION

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



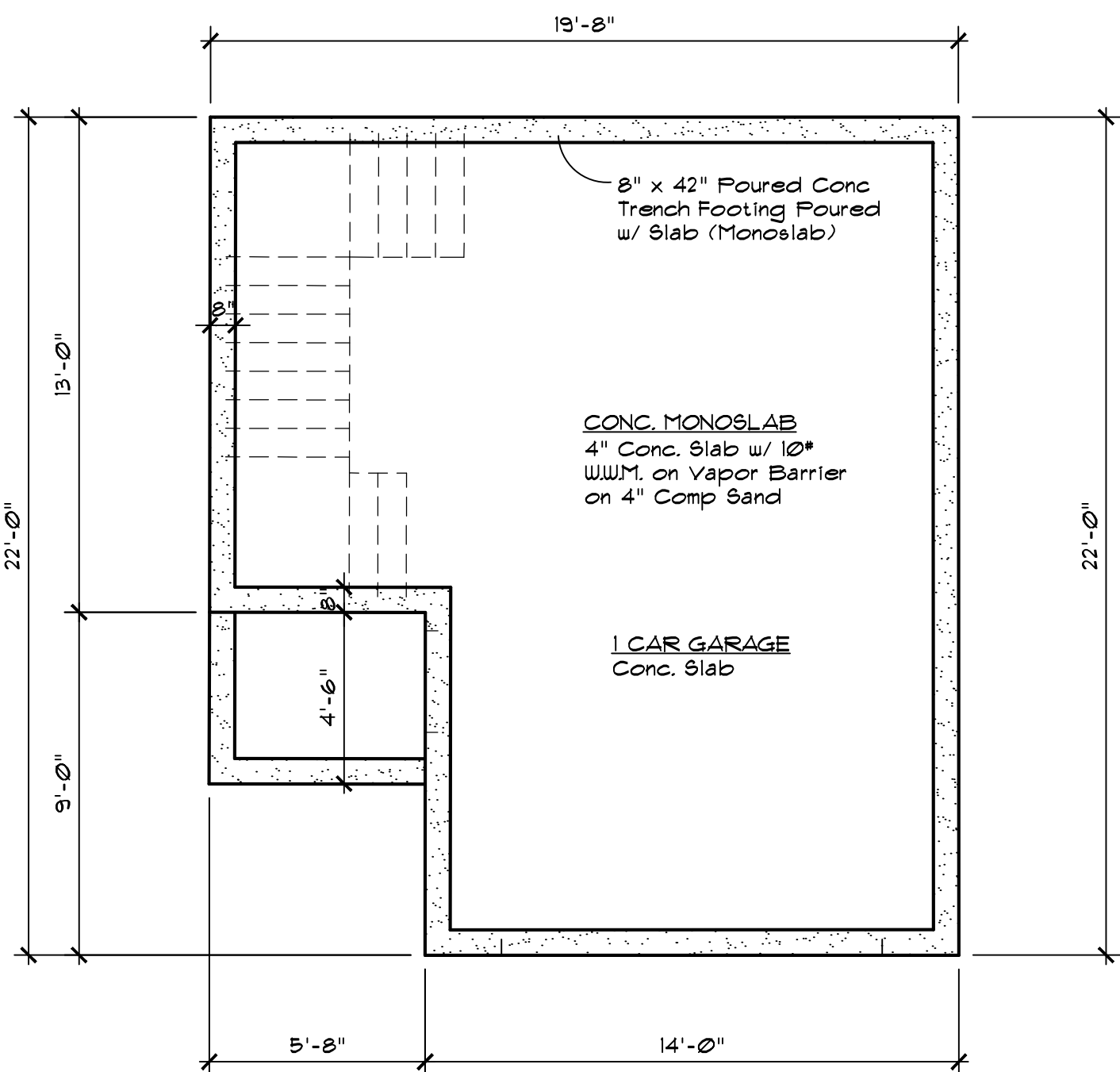
CROSS SECTION

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



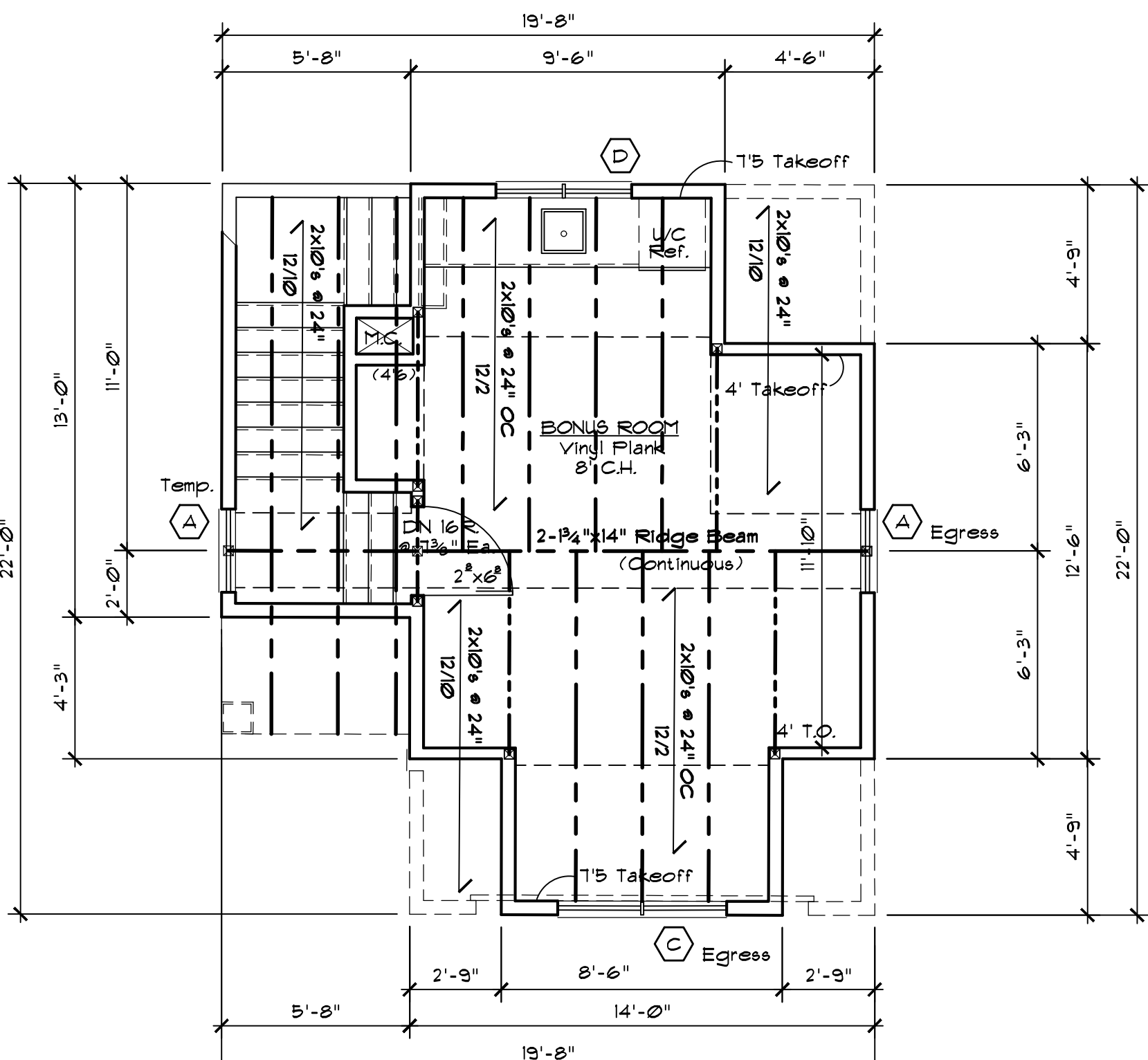
STAIR CROSS SECTION

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



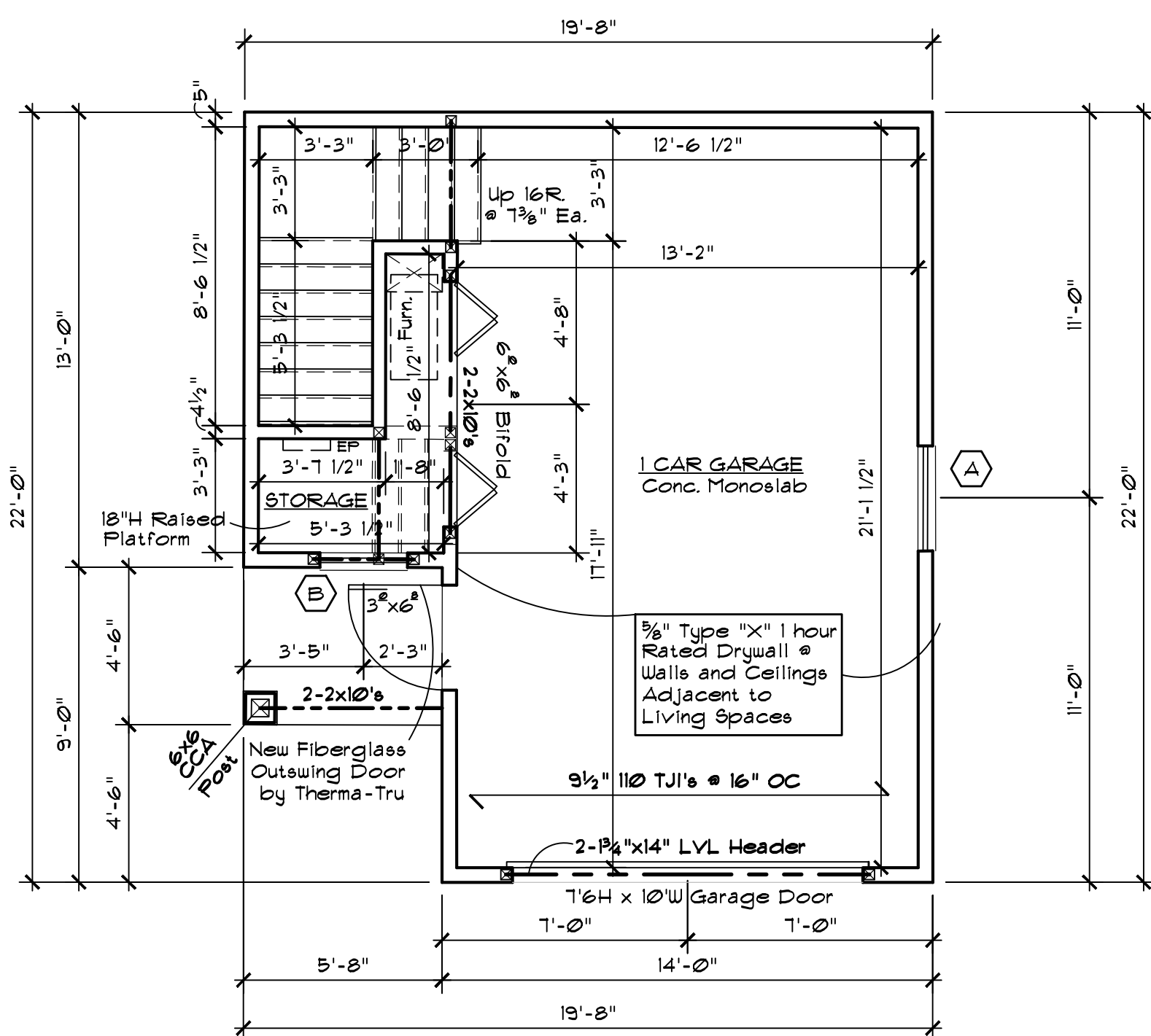
PROPOSED FOUNDATION PLAN

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



PROPOSED 2nd FLOOR PLAN

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

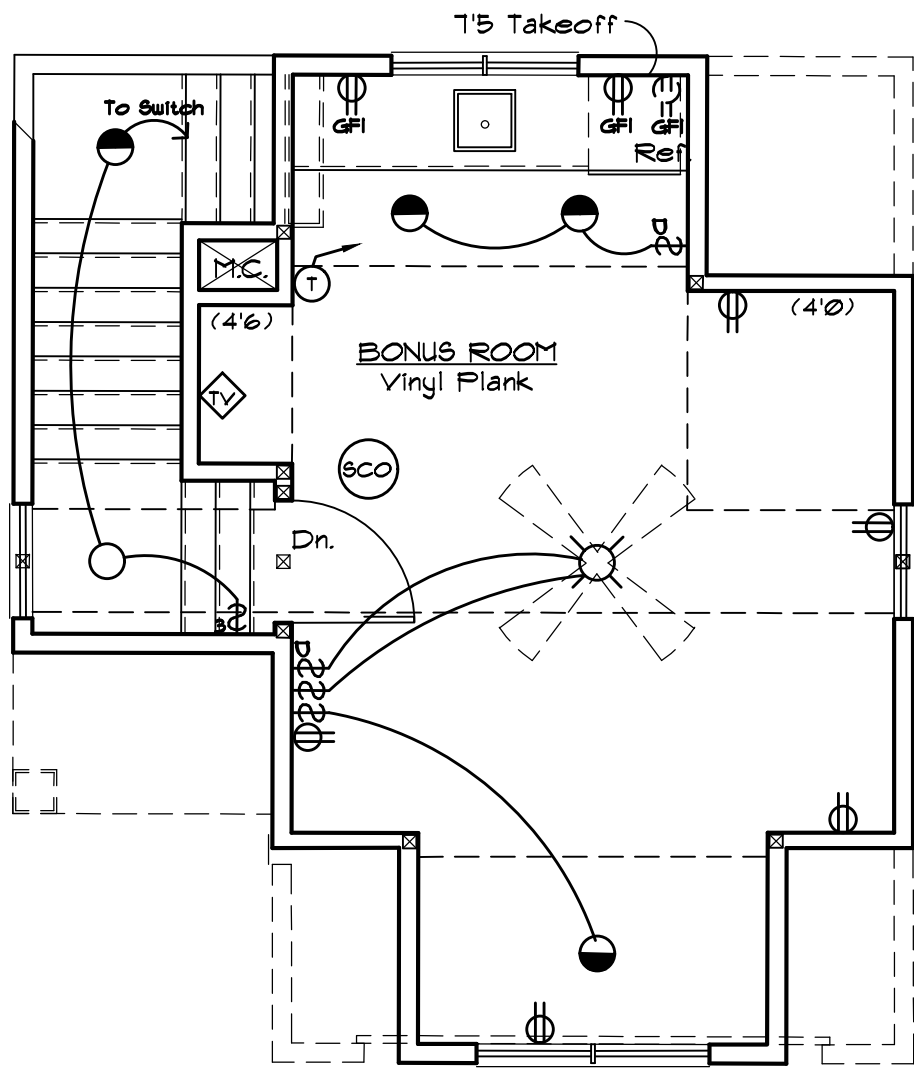


PROPOSED GARAGE FLOOR PLAN

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

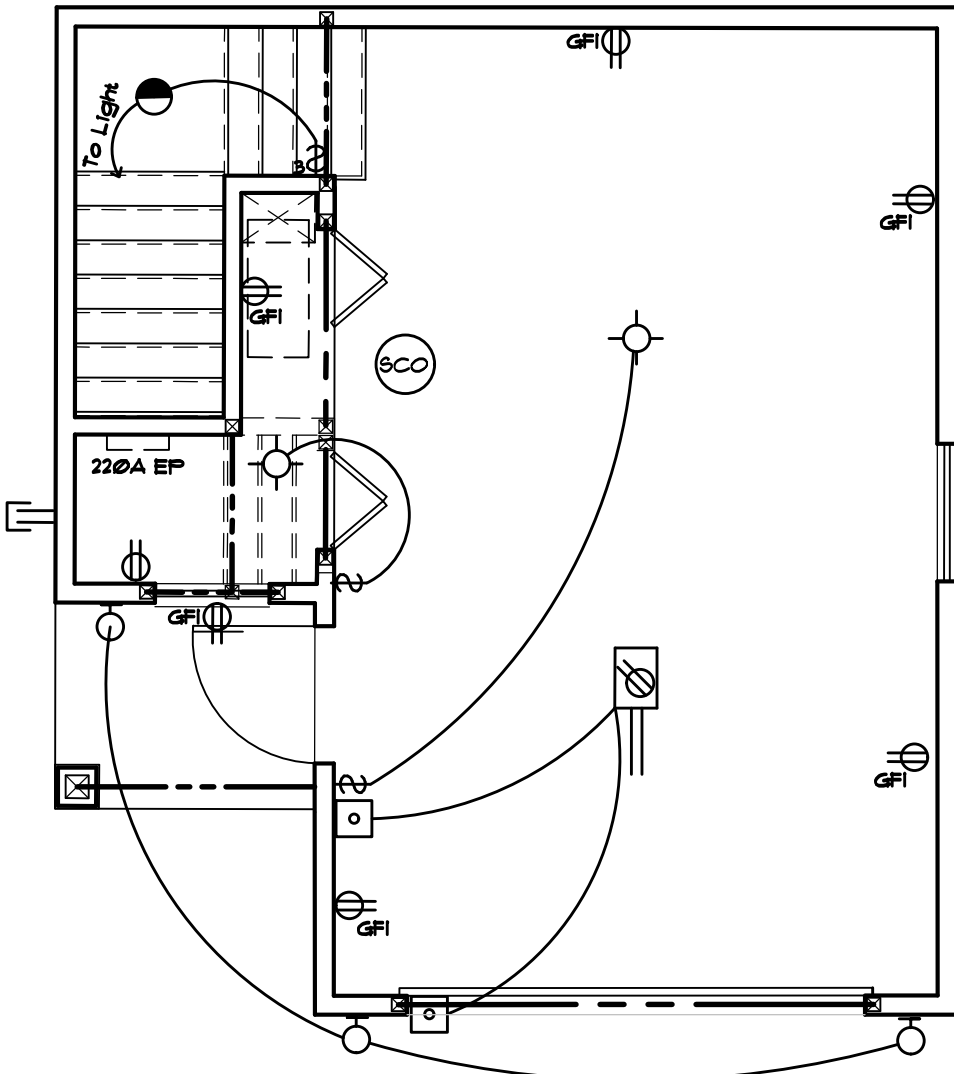


ELECTRICAL LEGEND

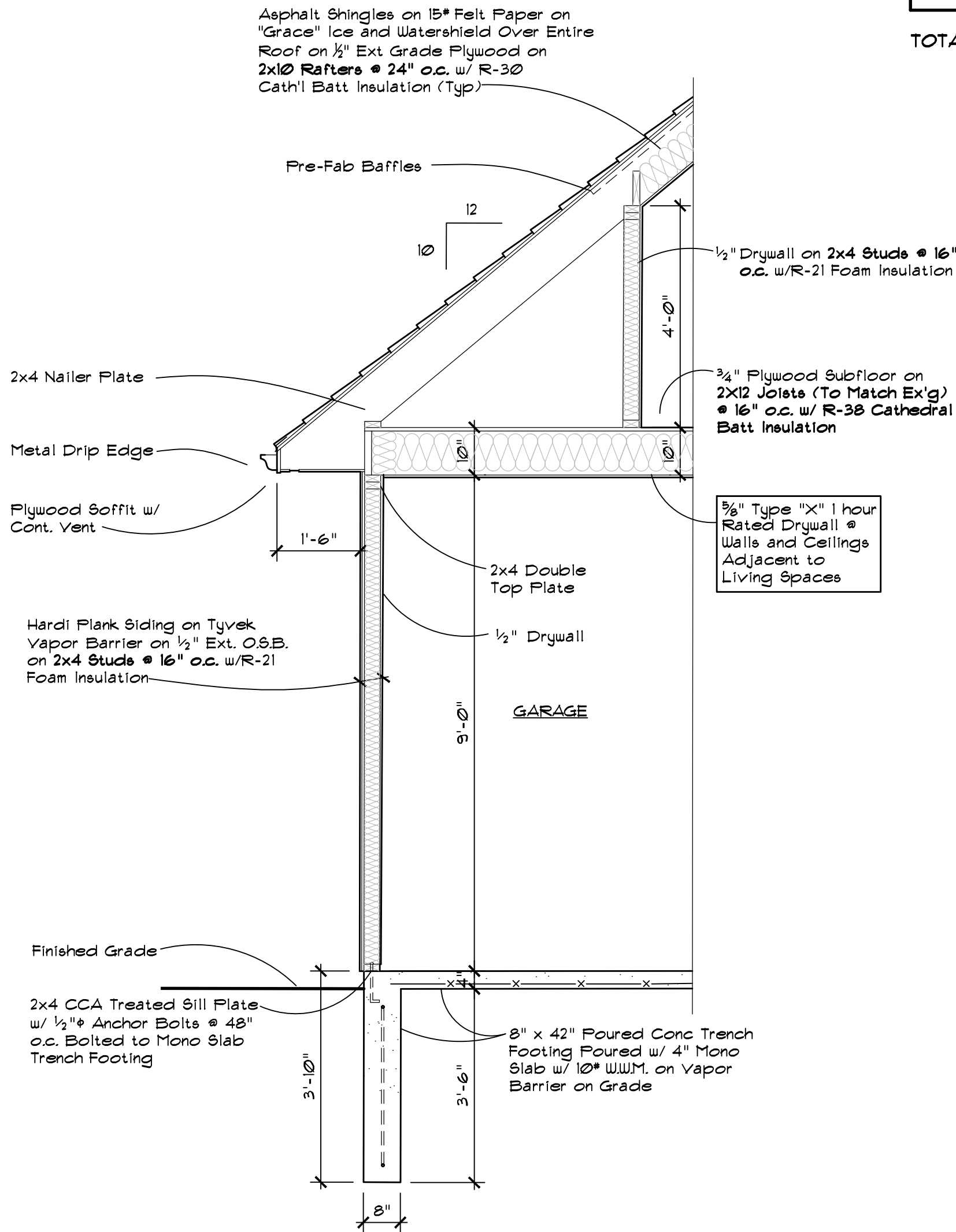


2nd FLOOR ELECTRICAL
SCALE: 1/4" = 1'-0"

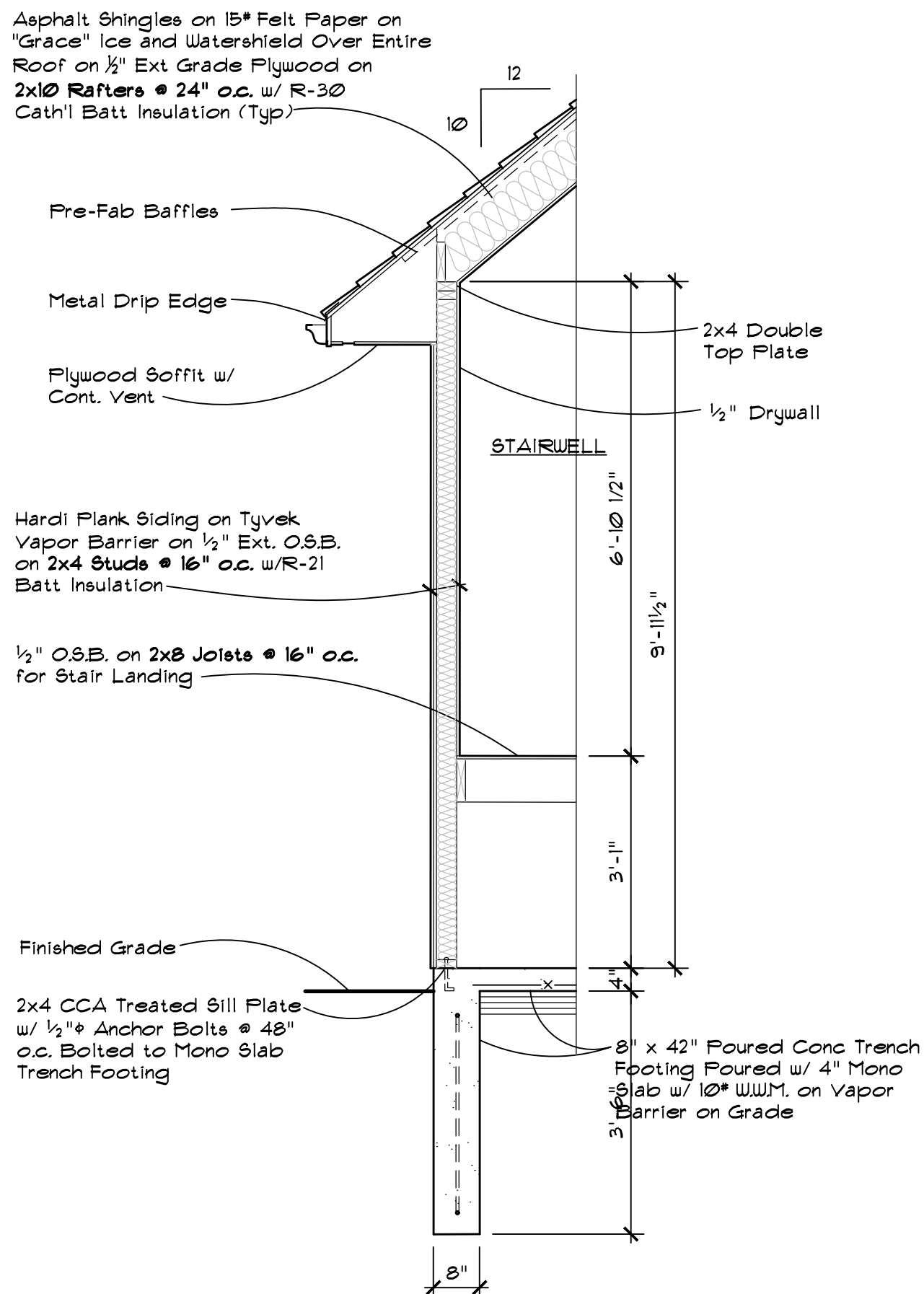
Internet Service to
be Brought In



1st FLOOR ELECTRICAL
SCALE: 1/4" = 1'-0"



NEW WALL SECTION @ Garage
SCALE: 1/2" = 1'-0"



NEW WALL SECTION @ Stair
SCALE: 1/2" = 1'-0"

WINDOW SCHEDULE					
ANDERSON					
Type	Quan.	SIZE R.O. (Unit)	WINDOW NO.	TYPE	REMARKS
A	3	2'-6" X 4'-6"	C-2646-EGRE88-1 Temp	Fiberglass Casement	WHITE Fiberglass
B	1	2'-6" X 3'-0"	C-2630	Fiberglass Casement	WHITE Fiberglass
C	1	2-2'-6" X 4'-6"	C-2646-2	Fiberglass Double Casement	WHITE Fiberglass
D	1	2-2'-0" X 3'-6"	C-2036-2	Fiberglass Double Casement	WHITE Fiberglass

TOTAL = 6 WINDOWS

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ISSUED FOR:
8-9-24
8-10-24
9-11-24

HAMILTON GARAGE
BIRMINGHAM, MICHIGAN

CLIENT:
JENNIFER HAMILTON
303 GREENWOOD
BIRMINGHAM, MICHIGAN 48009
248-

KEVIN D. HART, AIA



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700 EAST MAPLE, SUITE 101, BIRMINGHAM, MI 48009

SHEET NO.

G-2

CASE DESCRIPTION

1155 E LINCOLN (24-26)

Hearing date: October 8, 2024

Appeal No. 24-26: The owner of the property known **1155 E Lincoln**, requests the following variances to construct a second floor and 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 4.50 feet on the east side. Therefore, a variance of 0.50 feet is being requested.

B. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that the minimum total side yard setbacks are 14.00 feet or 25% of lot width, whichever is larger. The required is 14.00 feet. The existing and proposed is 11.92 feet. Therefore, a variance of 2.08 feet is being requested.

C. Chapter 126, Article 4, Section 4.31 A (1) of the Zoning Ordinance requires that a minimum of 65% of the front open space in all single-family districts shall be free of paved surfaces. The required 65% is 575.25 SF. The existing and proposed is 48.9% (433.00 SF). Therefore, a variance of 16.10% (142.25 SF) is being requested.

Staff Notes: This applicant is seeking to construct a second floor along with a rear addition to the existing non-conforming home that was constructed in 1946. This property is zoned R3 – Single family residential.

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

1155 E LINCOLN MAP



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)

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
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I. PROPERTY INFORMATION:

Address: 1155 E Lincoln	Lot Number:	Sidwell Number:
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II. OWNER INFORMATION:

Name: Majdolin Shisha			
Address: 8242 Lake Pine Dr	City: Commerce Twp	State: MI	Zip code: 48382
Email: * maggieshisha10@yahoo.com		Phone: 248-252-1580	

III. PETITIONER INFORMATION:

Name: Majdolin Shisha		Firm/Company Name:	
Address: 8242 Lake Pine Dr	City: Commerce Twp	State: MI	Zip code: 48382
Email: maggieshisha10@yahoo.com		Phone: 248-252-1580	

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: 09-11-2024

Signature of Petitioner: _____

Date: 09-11-2024

**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

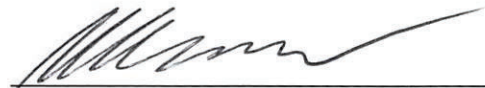
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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

Majdolin shisha
1155 e Lincoln s
Birmingham MI 48009
August 28th,2024

Dear Zoning board of appeals

I am writing to request a variance A and B so that I may build up at my home at 1155 Lincoln and variance C for my driveway to be kept as is with surface improvement . As a resident and a realtor in the community I am deeply invested in maintaining and improving my property to better accommodate me and the city of Birmingham, the variance I am requesting is so that I am able to build up and keep my driveway the way it is, there is barley any room on my driveway and no where to park on the street, it will make it very hard to even fit just one car on there if needed to cut it off from existing place my driveway that would make it not feasible for me to be living there if I cannot fix it, it's a very small driveway and I am hoping that I could just keep it as is and resurface it, to close it off will make it so I could barely fit in there with a car. In addition, I am looking for approval for a variance to build up on a nonconforming second story over the existing footprint of the first floor. This edition will enable us to expand the house and make it comparable to the rest of the new homes in the community, it being a cornerstone home that's been abandoned for quite a while and I plan to change that but because I am short 2 feet on one side and about a foot and a half on the other it's making it so I need to make a variance,I believe granting this variance will achieve substantial justice and fairness fitting both my family and the community. Thank you for considering my request.

Best regards

Majdolin shisha
Max broock Realty
248-252-1580



1155 E LINCOLN ST
BIRMINGHAM, MI 48009

OWNER:
MAJDOLIN SHISHA

PROJECT:
SINGLE FAMILY RESIDENCE

LOCATION:
155 E LINCOLN ST
BIRMINGHAM, MI
48009

OWNER:
MAJDOLIN SHISHA
8242 LAKE PINE DR
COMMERCE TWP. MI 48382
(248)252-1580
aggieshishal0@yahoo.com

SCOPE OF WORK

STRUCTURAL EVALUATION AND COMPLIANCE: PERFORM A COMPREHENSIVE STRUCTURAL ASSESSMENT OF THE EXISTING WOOD-FRAMED STRUCTURE TO ENSURE IT MEETS THE LOAD REQUIREMENTS FOR THE PROPOSED SECOND-FLOOR ADDITION AS PER IBC STANDARDS.

INTEGRATE NECESSARY STRUCTURAL REINFORCEMENTS OR MODIFICATIONS TO ENSURE COMPLIANCE WITH THE IBC'S STRUCTURAL REQUIREMENTS FOR THE NEW CONSTRUCTION.

CODE-COMPLIANT PREPARATIONS: REVIEW AND CONFIRM THAT THE ARCHITECTURAL PLANS AND ENGINEERING DESIGNS COMPLY WITH THE PROVISIONS OUTLINED IN THE INTERNATIONAL BUILDING CODE.

OBTAIN ALL REQUISITE PERMITS AND APPROVALS IN ADHERENCE TO IBC REGULATIONS AND LOCAL BUILDING AUTHORITY REQUIREMENTS.

PREPARE THE CONSTRUCTION SITE, FACTORING IN EXISTING FOUNDATION AND FRAMEWORK, WHILE ADHERING TO IBC STANDARDS FOR SITE ACCESS, SAFETY, AND ENVIRONMENTAL CONSIDERATIONS.

IMPLEMENT NECESSARY PRECAUTIONS TO PROTECT THE EXISTING STRUCTURE DURING THE CONSTRUCTION PROCESS, ADHERING TO IBC GUIDELINES FOR SAFETY MEASURES.

CONSTRUCTION MEETING IBC AND MICHIGAN RESIDENTIAL BUILDING CODE CRITERIA

INTERIOR AND EXTERIOR WORKS: ERECT EXTERIOR WALLS AND INSTALL WINDOWS, DOORS, SIDING, AND ROOFING MATERIALS CONSISTENT WITH IBC AND MI BLDG CODE STANDARDS FOR WEATHERPROOFING, ENERGY EFFICIENCY, AND DURABILITY.

FOLLOW IBC AND MI BLDG CODE REQUIREMENTS FOR INTERIOR WALL FRAMING, ELECTRICAL, PLUMBING, HVAC INSTALLATION, INSULATION, AND FIRE SAFETY MEASURES WITHIN THE NEW ADDITION.

SEAMLESS INTEGRATION: INTEGRATE THE NEW CONSTRUCTION SEAMLESSLY WITH THE EXISTING STRUCTURE IN COMPLIANCE WITH IBC AND MI BLDG CODE REGULATIONS, ENSURING UNIFORMITY IN APPEARANCE AND STRUCTURAL STABILITY.

ENSURE THAT ALL FINISHING DETAILS AND ARCHITECTURAL ELEMENTS COMPLY WITH IBC AND MI BLDG CODE STANDARDS FOR SAFETY, ACCESSIBILITY, AND FUNCTIONALITY.

COMPLIANCE VERIFICATION AND QUALITY CONTROL: CONDUCT REGULAR INSPECTIONS
THROUGHOUT THE PROJECT TO VERIFY COMPLIANCE WITH THE IBC AND MI BLDG CODE
ENSURING ALL WORK MEETS OR EXCEEDS THE PRESCRIBED STANDARDS.

ADDRESS ANY NON-COMPLIANCE ISSUES PROMPTLY, RECTIFYING THEM TO MAINTAIN THE HIGHEST QUALITY AND SAFETY STANDARDS AS PER THE IBC AND MI BLDG CODE

SITE CLEANUP AND IBC-COMPLIANT RESTORATION: REMOVE CONSTRUCTION DEBRIS AND SURPLUS MATERIALS FROM THE SITE UPON PROJECT COMPLETION, ENSURING COMPLIANCE WITH IBC GUIDELINES FOR ENVIRONMENTAL AND SAFETY CONSIDERATIONS.

RESTORE THE SITE TO ITS ORIGINAL OR IMPROVED CONDITION IN ALIGNMENT WITH IBC REGULATIONS, ADDRESSING ANY LANDSCAPING OR EXTERNAL ALTERATIONS MADE DURING CONSTRUCTION

FINAL CODE COMPLIANT INSPECTION AND HANDOVER: COORDINATE FINAL INSPECTIONS WITH THE RELEVANT AUTHORITIES TO OBTAIN CERTIFICATIONS CONFIRMING COMPLIANCE WITH THE INTERNATIONAL BUILDING CODE FOR THE COMPLETED SECOND-FLOOR ADDITION.

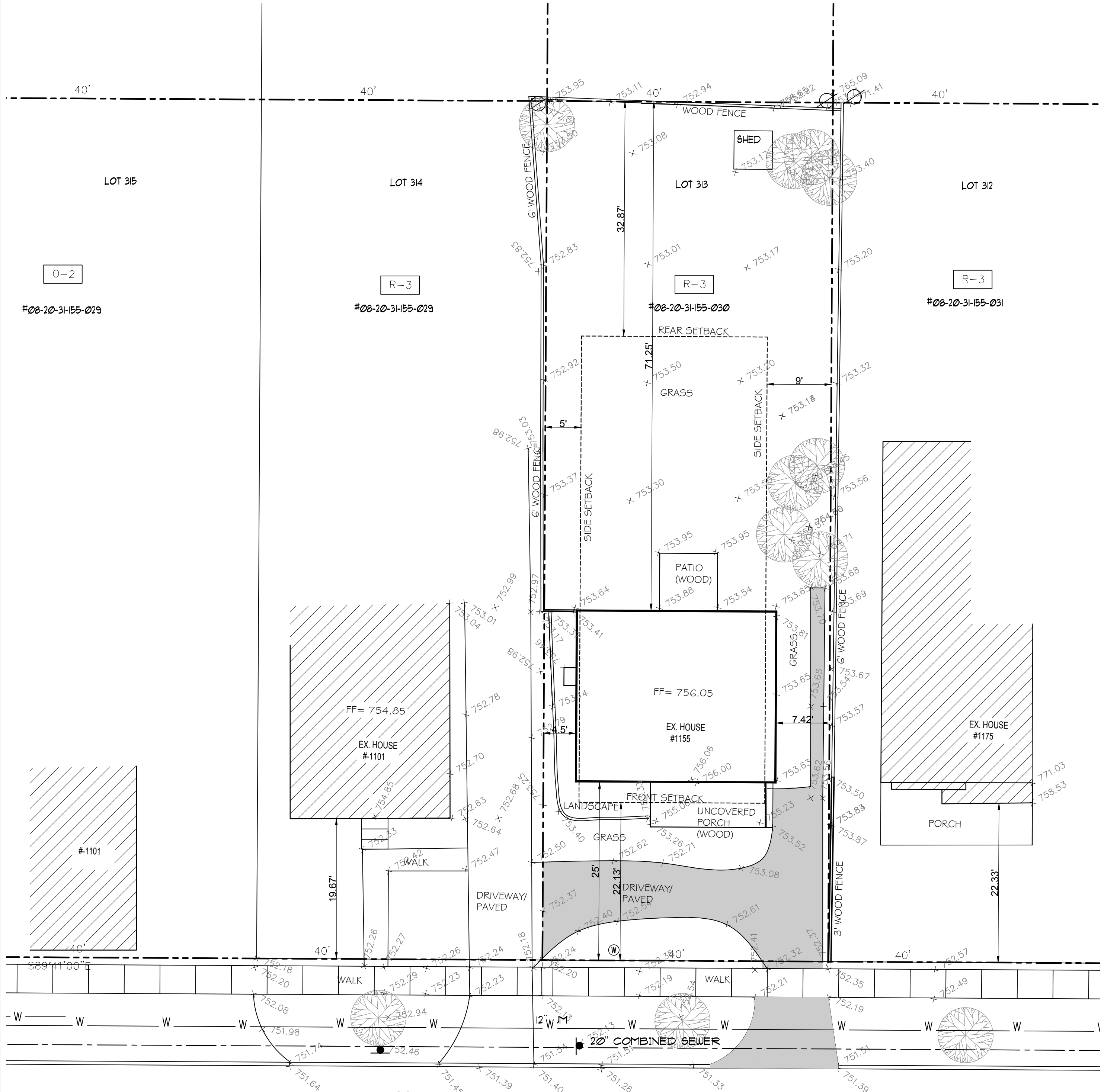
HAND OVER THE FINISHED ADDITION TO THE HOMEOWNER, ENSURING FULL COMPLIANCE WITH CODE AND SATISFACTION WITH THE PROJECT'S OUTCOME.

Drawing Index

SHEET	TITLE
-	COVER SHEET
SP-1	SURVEY/ EXISTING PLOT PLAN
SP-2	PROPOSED PLOT PLAN
A-1	EXISTING FLOOR PLANS
A-2	EXISTING ELEVATIONS
A-3	PROPOSED FLOOR PLANS
A-4	PROP. ELEVATIONS
A-5	ROOF PLAN , SECTION & DETAILS
S-1	STRUCTURAL PLANS



DATE: 07/12/2024		COVER SHEET
REVISIONS		
09/07/2024		

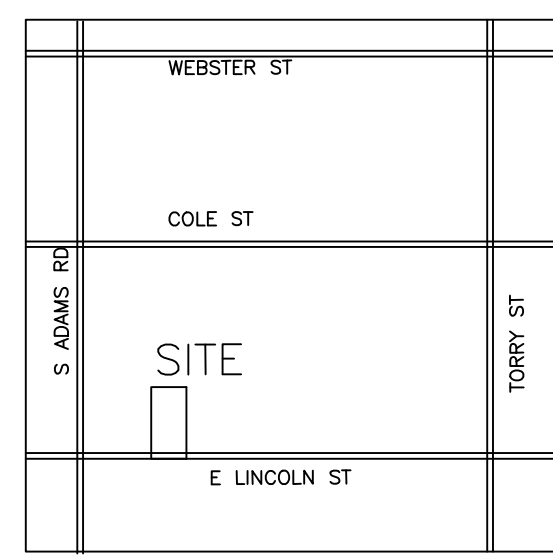


N
SURVEY/ EXISTING
SCALE: 1" = 10'

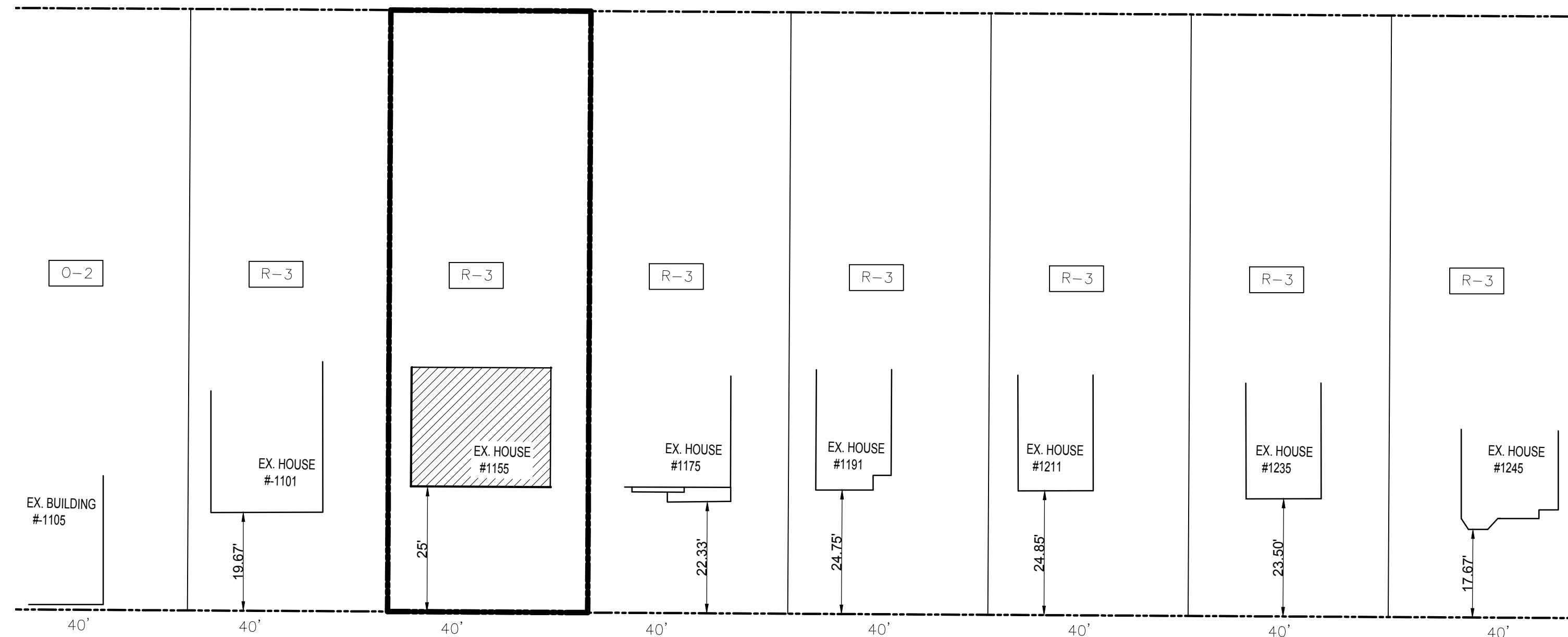
LINCOLN STREET
60' WD

BENCHMARK:
CITY OF BIRMINGHAM BENCHMARK #7,
T NORTH-EAST CORNER OF ADAMS
AND LINCOLN ELEVATION: 752.13

LEGAL DESCRIPTION:
T2N, R1E, SEC 31E BACH-HUMPHREY'S
WOODWARD AVE SUB LOT 313.



LOCATION MAP
SCALE: NONE



LINCOLN STREET
60' WD

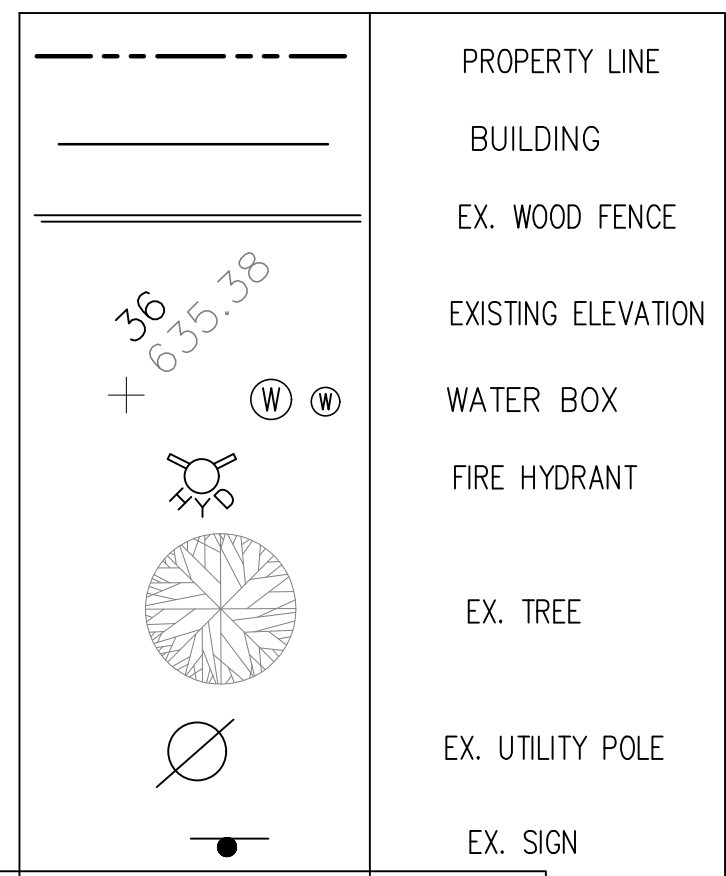
AVERAGE SETBACK OF HOUSES WITHIN
200' EACH SIDE = 22.13'

REQUIRED SETBACKS CALCULATIONS

ADDRESS	FRONT LOT LINE TO HOUSE (ft)	DISTANCE FROM THE HOUSE # 1155 (ft)
1175	22.33	40
1191	24.75	80
1211	24.85	120
1235	23.50	160
1245	17.67	200
1101	19.67	40

AVERAGE FRONT SETBACK = 22.13'
MIN. COMBINED FRONT AND REAR SETBACK = 55'
MIN. REQUIRED REAR SETBACK = 55-22.13 = 32.87'
MIN. EAST SETBACK = GREATER OF 40'X10% = 4.0' OR 5' = 5'
MIN. WEST SETBACK = 14-5 = 9'

LEGEND:



MAXIMUM BUILDING HEIGHT:
LOTS <6,000 SQ.FT IN AREA:

- 26 feet to midpoint for sloped roofs (14.5' PROVIDED/EXISTING)
- 2 stories; (1 STORY PROVIDED/EXISTING)
- 24 feet for eaves (10.25' PROVIDED/EXISTING)

THIS PROPERTY IS ZONED AS:
(R-3) SINGLE FAMILY RESIDENTIAL

- MINIMUM LOT AREA: (4,500 SQ.FT) (4,812 SQ.FT. PROVIDED/EXISTING)
- MINIMUM OPEN SPACE: (40%) (71.27% PROVIDED/EXISTING)
- MAXIMUM LOT COVERAGE: (30%) (14.1% PROVIDED/EXISTING)

MINIMUM FRONT YARD:
Average distance from the front lot line of homes on lots with frontage on the same side of the street within 200 feet, if no homes within 200 feet, then 25 feet

AVERAGE = 22.13' (25' PROVIDED/EXISTING)

MINIMUM REAR YARD: 30 FT (71.25' PROVIDED/EXISTING)

MINIMUM COMBINED FRONT & REAR YARDS: 55 FT (25+71.25= 96.25' PROVIDED/EXISTING)

MINIMUM SIDE YARDS:
-9 feet or 10% of total lot width whichever is larger for one side Yard. = 9' (7.46' PROVIDED/EXISTING)

-14 feet or 25% of total lot width whichever is larger for both side Yard. = 14' (7.42+4.50' = 11.92' PROVIDED/EXISTING)

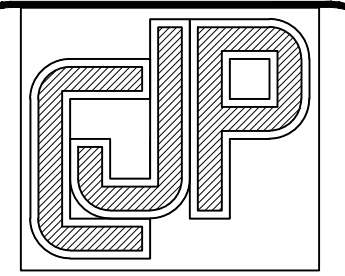
-No side yard shall be less than 5 ft (4.50' PROVIDED/EXISTING)

USE: RESIDENTIAL
ZONING R-3
AREA CALCULATIONS:
LOT AREA = 480 SQ.FT.
EXISTING COVERAGE AREA:
HOUSE = 680.5 SQ.FT.
TOTAL COVERAGE = 680.5 SQ.FT.
= 680.5/480x100% = 14.1%
ALLOWED COVERAGE: 30%

EXISTING OPEN SPACE COVERAGE:
HOUSE: 680.5 SF
EX. WOOD PORCH AND PATIO: 164.9 SF
IMPERVIOUS SURFACE: 537.1 SF
TOTAL: 1382.5 SF
LOT AREA+480 SF
OPEN SPACE AREA = 480-1382.5 = 3429.5 SF

3492.5/480x100% = 71.27%
MINIMUM OPEN SPACE = 40%

FRONT OPEN SPACE PERCENTAGE:
FRONT YARD AREA+885 SF
P.V.M.T, EXCLUDING UNCOVERED PORCH: 452 SF
885-452=433 SF
433/885x100%=48.9% (EXISTING)
MINIMUM FRONT OPEN SPACE=65%



CJP
ENGINEERING & DESIGN, LLC
30411 W 12 MILE RD.
FARMINGTON HILLS, MI 48334
Office (248)747-4562
Fax (248)297-6121
Cell (248)376-5006
harishakim@yahoo.com

PROJECT:
SINGLE FAMILY RESIDENCE

OWNER:
MAJIDOLIN SHISHA
8242 LAKE PINE DR
COMMERCE TWP. MI 48302
(248)252-1580
maggleshisha@yahoo.com

SUBMITTAL:
☐ OWNER
☐ BIDDING
☒ MUNICIPAL
☐ CONSTRUCTION
☐ OTHER

DATE: 07/12/2024

REVISIONS:
09/07/2024

DESIGNED BY:
DRAWN BY:
REVIEWED BY: HARIS HAKIM, P.E.



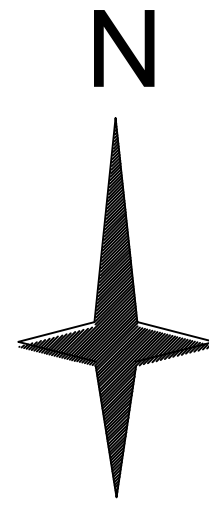
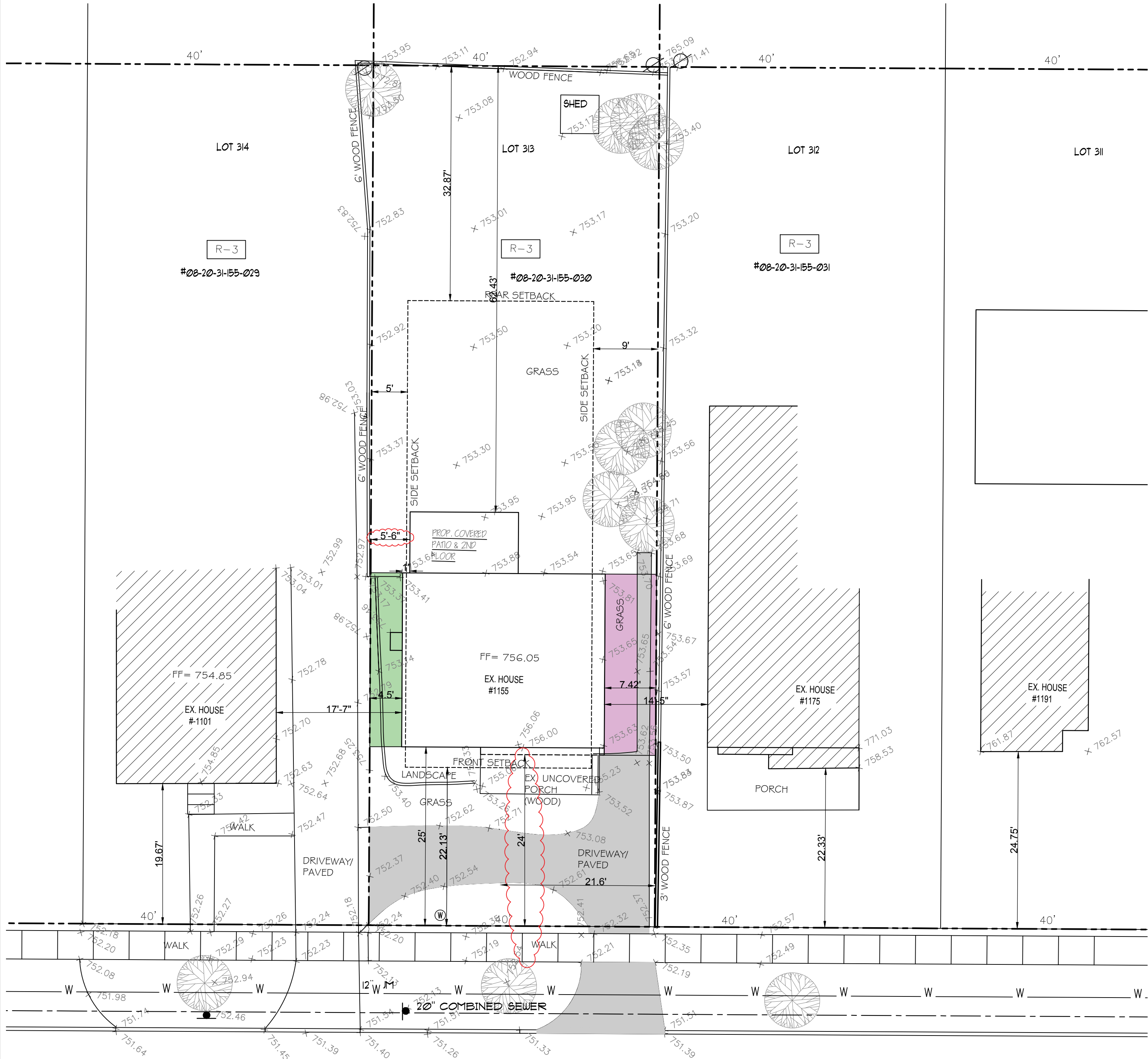
NOTES:
ALL CONSTRUCTION METHODS AND MATERIALS SHALL COMPLY WITH THE CURRENT CODES, ORDINANCES AND REQUIREMENTS AS ADOPTED BY THE LOCAL GOVERNING BODY WHERE THE BUILDING IS TO BE LOCATED.

DO NOT SCALE DRAWINGS: USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS, NOTIFY THE DESIGNER IMMEDIATELY FOR CLARIFICATION. CONTRACTOR TO VERIFY AND COORDINATE ALL DIMENSIONS PRIOR TO CONSTRUCTION. DIMENSIONS SHOWN ARE FINISHED SURFACES TO FINISHED SURFACES UNLESS NOTED OTHERWISE.
ALL FORTIFIED CONCRETE FOOTINGS SHALL EXTEND TO A MINIMUM DEPTH OF 8" BELOW PROPOSED FINISHED GRADE, AND SHALL BE AS BUILT, UNDISTURBED SOIL. ADDITIONAL DEPTH MAY BE REQUIRED AS DICTATED BY SOIL CONDITIONS. ALLOWABLE SOIL BEARING PRESSURE OF 2500 P.S.F. IS ASSUMED IF NOT SPECIFIED FOR FOOTING SIZES SHOWN ON DRAWING. VERIFICATION OF ALLOWABLE SOIL BEARING CAPACITY OF 2500 P.S.F. AT EACH JOB SITE IS RESPONSIBILITY OF CONTRACTOR. ALL SOIL CONDITIONS ARE TO BE INVESTIGATED BY A QUALIFIED SOILS ENGINEER.

SHEET TITLE
SURVEY/ EX. SITE PLAN

SHEET #
SP-1

SCALE: 1" = 10'



PROP. PLOT PLAN
SCALE: 1" = 10'

BENCHMARK:
CITY OF BIRMINGHAM BENCHMARK #7,
T NORTH-EAST CORNER OF ADAMS
AND LINCOLN ELEVATION: 752.113

LEGAL DESCRIPTION:
T2N, R1E, SEC 31, E1BACH-HUMPHREY'S
WOODWARD AVE SUB LOT 31.

REQUIRED SETBACKS CALCULATIONS

ADDRESS	FRONT LOT LINE TO HOUSE (ft)	DISTANCE FROM THE HOUSE # 1155 (ft)
1175	22.33	40
1191	24.75	80
1211	24.85	120
1235	23.50	160
1245	17.67	200
1101	19.67	40

AVERAGE FRONT SETBACK = 22.13'
MIN. COMBINED FRONT AND REAR SETBACK = 55'
MIN. REQUIRED REAR SETBACK = 55-22.13 = 32.87'
MIN. EAST SETBACK = GREATER OF 40% X 10' = 4.0' OR 5' = 5'
MIN. WEST SETBACK = 14-5 = 9'

- MAXIMUM BUILDING HEIGHT:
LOTS 4,500 SQ. FT. - 6,000 SQ. FT. IN AREA:
- 26 feet to midpoint for sloped roofs (24'-5" PROP.)
 - 2 stories: (2 STORY PROP.)
 - 24 feet for eaves (19'-1" PROP.)

THIS PROPERTY IS ZONED AS:
(R-3) SINGLE FAMILY RESIDENTIAL

- MINIMUM LOT AREA: (4,500 SQ. FT.) (4,812 SQ. FT. PROVIDED/EXISTING)
- MINIMUM OPEN SPACE: (40%) (68% PROPOSED)
- MAXIMUM LOT COVERAGE: (30%) (17.3% PROPOSED)

MINIMUM FRONT YARD:
Average distance from the front lot line of homes on lots with frontage on the same side of the street within 200 feet, if no homes within 200 feet, then 25 feet

AVERAGE = 22.13' (24' PROP.)

MINIMUM REAR YARD: 30 FT (62.43' PROPOSED)
MINIMUM COMBINED FRONT & REAR YARDS: 55 FT (24'+62.43'= 86.43' PROPOSED)

MINIMUM SIDE YARDS:
-9 feet or 10% of total lot width whichever is larger for one side Yard. = 9' (7.46' PROVIDED/EXISTING)

-14 feet or 25% of total lot width whichever is larger for both side Yard. = 14' (7.42+4.50' = 11.92' PROVIDED/EXISTING)

-No side yard shall be less than 5 ft (4.50' PROVIDED/EXISTING)

LEGEND:

---	PROPERTY LINE
---	BUILDING
---	EX. WOOD FENCE
---	EXISTING ELEVATION
---	WATER BOX
---	FIRE HYDRANT
---	EX. TREE
---	EX. UTILITY POLE
---	EX. SIGN

USE: RESIDENTIAL
ZONING R-3
AREA CALCULATIONS:
LOT AREA: = 4,812 SQ. FT.
PROPOSED COVERAGE AREA:
HOUSE = 836 SQ. FT.
TOTAL COVERAGE = 836 SQ. FT.
= 836/4,812 X 100% = 17.3%
ALLOWED COVERAGE: 30%

PROPOSED OPEN SPACE COVERAGE:
HOUSE: 836 SF
EX. WOOD PORCH AND PATIO: 164.5 SF
IMPERVIOUS SURFACE: 537.1 SF
TOTAL: 1,538 SF
LOT AREA = 4,812 SF
OPEN SPACE AREA = 4,812 - 1,538 = 3,274 SF

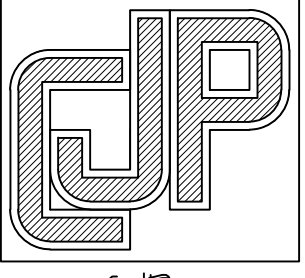
3,274/4,812 X 100% = 68%
MINIMUM OPEN SPACE = 40%

FRONT OPEN SPACE PERCENTAGE:
FRONT YARD AREA = 885 SF
FYMNT. EXCLUDING UNCOVERED PORCH: 452 SF
885-452 = 433 SF
433/885 X 100% = 48.9% (EXISTING)
MINIMUM FRONT OPEN SPACE = 65%

NOTE:

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

VARIANCE CHART					DESCRIPTION
	REQUIRED	EXISTING & NEW	VARIANCE		
A	≥ 5'	4.5'	0.5'		NO SIDE YARD SHALL BE LESS THAN 5 FT
B	14'	11.92'	2.08'		14 FEET OR 25% OF TOTAL LOT WIDTH WHICHEVER IS LARGER FOR BOTH SIDE YARD.
C	65%	48.9%	16.1%		MINIMUM FRONT OPEN SPACE=65%



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PROJECT:
SINGLE FAMILY RESIDENCE

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BIRMINGHAM, MI 48004

OWNER:
MAJIDOLIN SHISHA
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maggleshishia@yahoo.com

SUBMITTAL:
☐ OWNER
☐ BIDDING
☒ MUNICIPAL
☐ CONSTRUCTION
☐ OTHER

DATE: 09/07/2024

REVISIONS:

DESIGNED BY:
DRAWN BY:
REVIEWED BY: HARIS HAKIM, P.E.



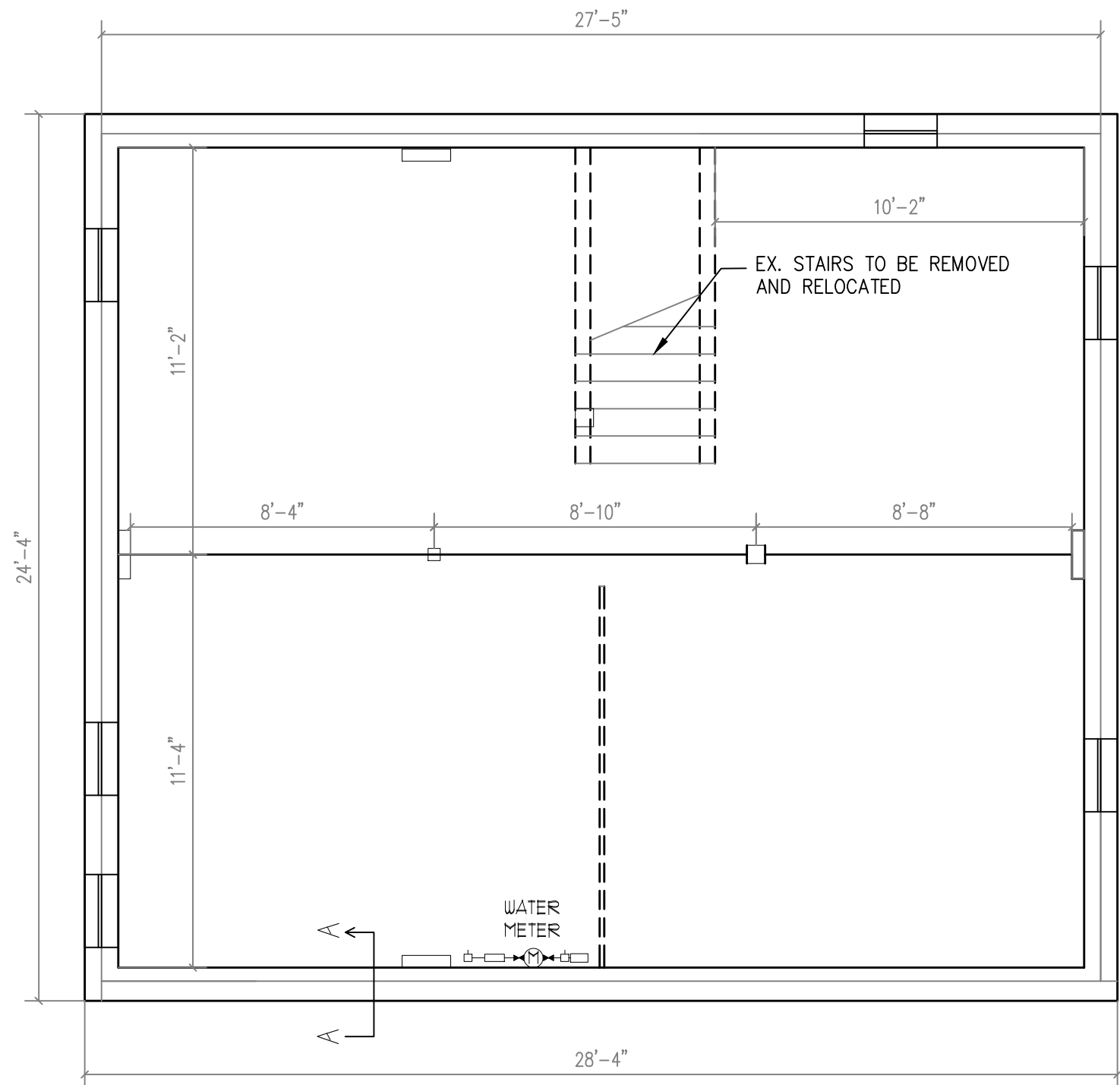
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ALL FORTIFIED CONCRETE FOOTINGS SHALL EXTEND TO A MINIMUM DEPTH OF 8" BELOW PROPOSED FINISHED GRADE, AND SHALL BE ON VIRGIN, UNDISTURBED SOIL. ADDITIONAL DEPTH MAY BE REQUIRED AS DICTATED BY SOIL CONDITIONS. ALLOWABLE SOIL BEARING PRESSURE OF 2500 P.S.F. IS ASSUMED IF NOT SPECIFIED FOR FOOTING SIZES SHOWN ON DRAWING. VERIFICATION OF ALLOWABLE SOIL BEARING CAPACITY OF 2500 P.S.F. AT EACH JOB SITE IS RESPONSIBILITY OF CONTRACTOR. ALL SOIL CONDITIONS ARE TO BE INVESTIGATED BY A QUALIFIED SOILS ENGINEER.

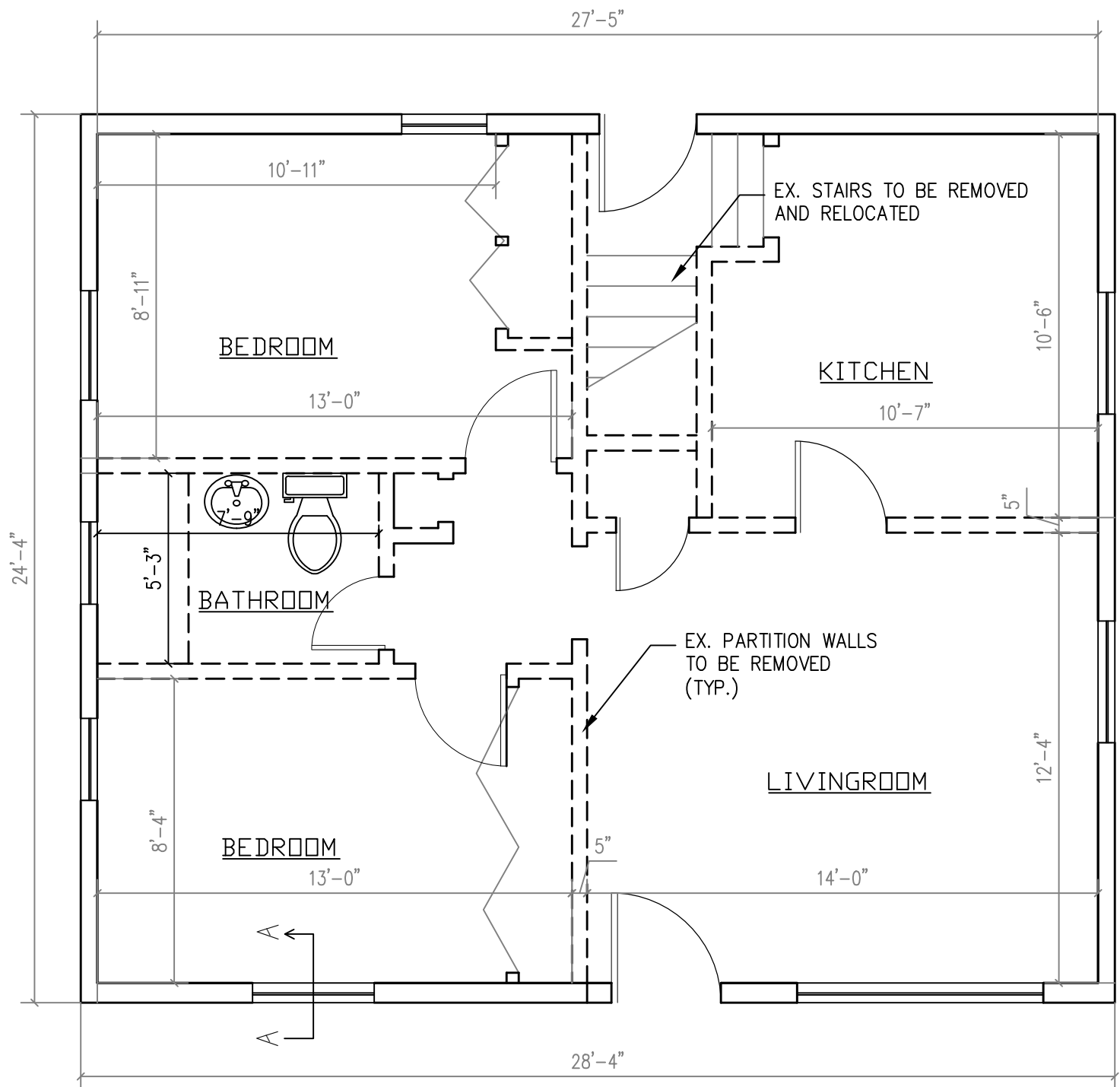
SHEET TITLE
PROP. PLOT PLAN

SCALE: 1" = 10'

SHEET #
SP-2



EX. BASEMENT PLAN
SCALE: 1/4" = 1'-0"



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

NOTE:
CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.

ALL CONSTRUCTION METHODS AND MATERIALS WILL COMPLY WITH THE CURRENT 2015 MICHIGAN RESIDENTIAL CODE, AND TOWNSHIP ORDINANCES.

GENERAL:

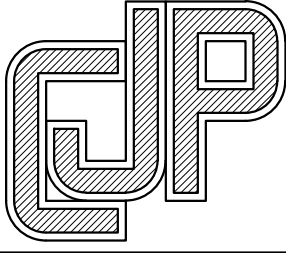
ALL CONSTRUCTION METHODS AND MATERIALS SHALL COMPLY WITH THE CURRENT MICHIGAN RESIDENTIAL CODE, ORDINANCES AND REQUIREMENTS AS ADOPTED BY THE LOCAL GOVERNING BODY WHERE THE BUILDING IS TO BE LOCATED.

THESE NOTES ARE FOR GENERAL REFERENCE ONLY; WHERE CONFLICTS EXIST BETWEEN THESE NOTES AND CURRENT CODES THE MORE STRINGENT REQUIREMENTS SHALL PREVAIL.

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ALL CONSTRUCTION SITES ARE REQUIRED TO BE MAINTAINED IN A SAFE CONDITION AND TO BE PROTECTED FROM UNAUTHORIZED ENTRY. ALL EXCAVATIONS EXCEEDING 24 INCHES IN DEPTH, SUCH AS FOR BASEMENTS, CRAWL SPACES, POOLS AND SPAS MUST BE SECURED THROUGH THE USE OF A 4' HIGH FENCE, CONSTRUCTION TYPE FENCING WILL BE ALLOWED FOR A PERIOD NOT TO EXCEED 30 DAYS. AT SUCH TIME, SHOULD THE PERMITTED WORK STILL PHYSICALLY BE UNABLE TO BE PROTECTED AND SECURED, A CHAIN LINK FENCE IS REQUIRED TO BE INSTALLED AND MUST REMAIN IN PLACE UNTIL ITS REMOVAL HAS BEEN AUTHORIZED BY THE BUILDING OFFICIAL. (2009 MRC-R 104.1 & 2012 MBC-CHAPTER 33)



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☐ BIDDING
☒ MUNICIPAL
☐ CONSTRUCTION
☐ OTHER

DATE: 07/12/2024

REVISIONS:

09/07/2024

DESIGNED BY:	HALALEM
DRAWN BY:	HALALEM
REVIEWED BY:	HARIS HAKIM, P.E.



SEAL

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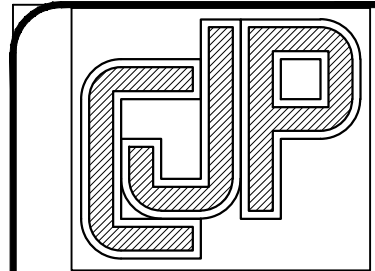
SHEET TITLE

FLOOR PLANS

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

SHEET #

A-1



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09/07/2024

DESIGNED BY:	H.ALALEM
DRAWN BY:	H.ALALEM
REVIEWED BY:	HARIS HAKIM, P.E.



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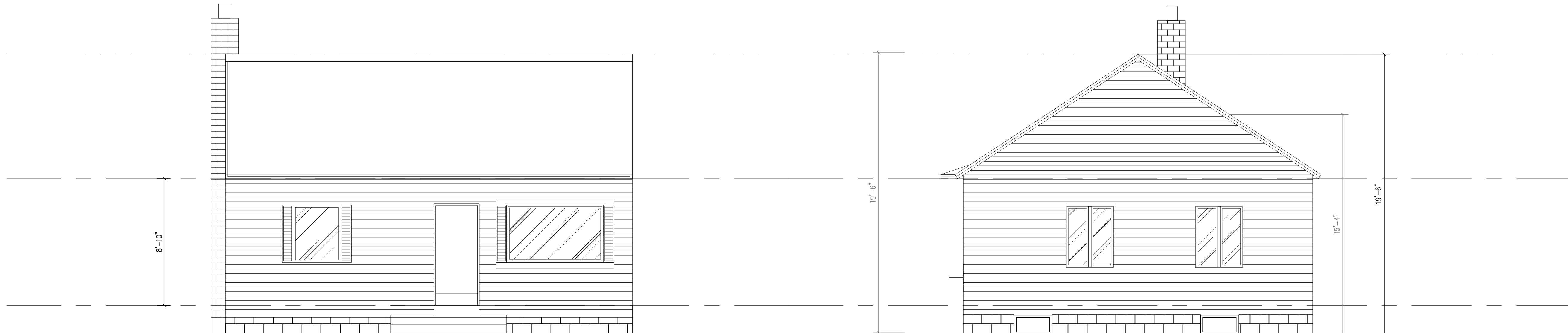
SHEET TITLE

EX. ELEVATIONS

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

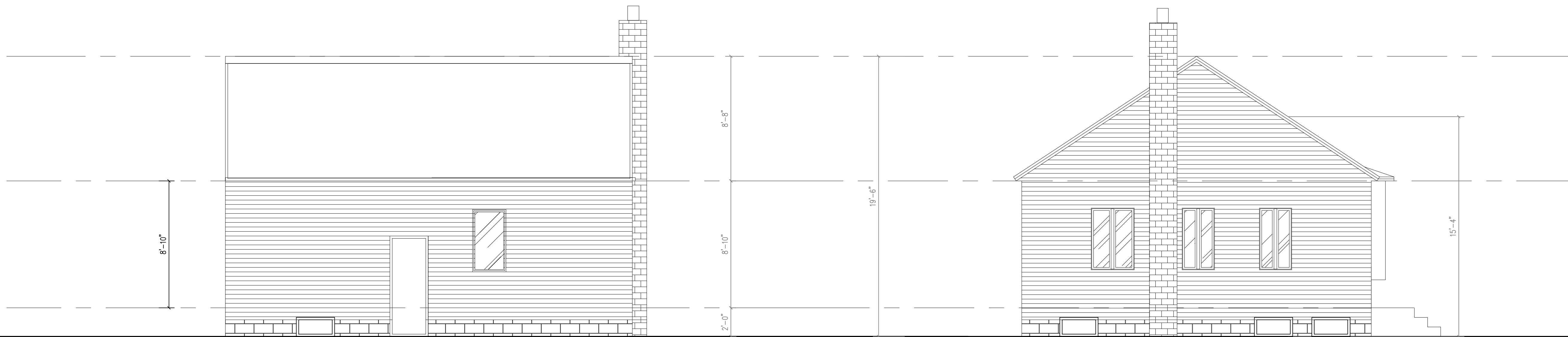
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A-2



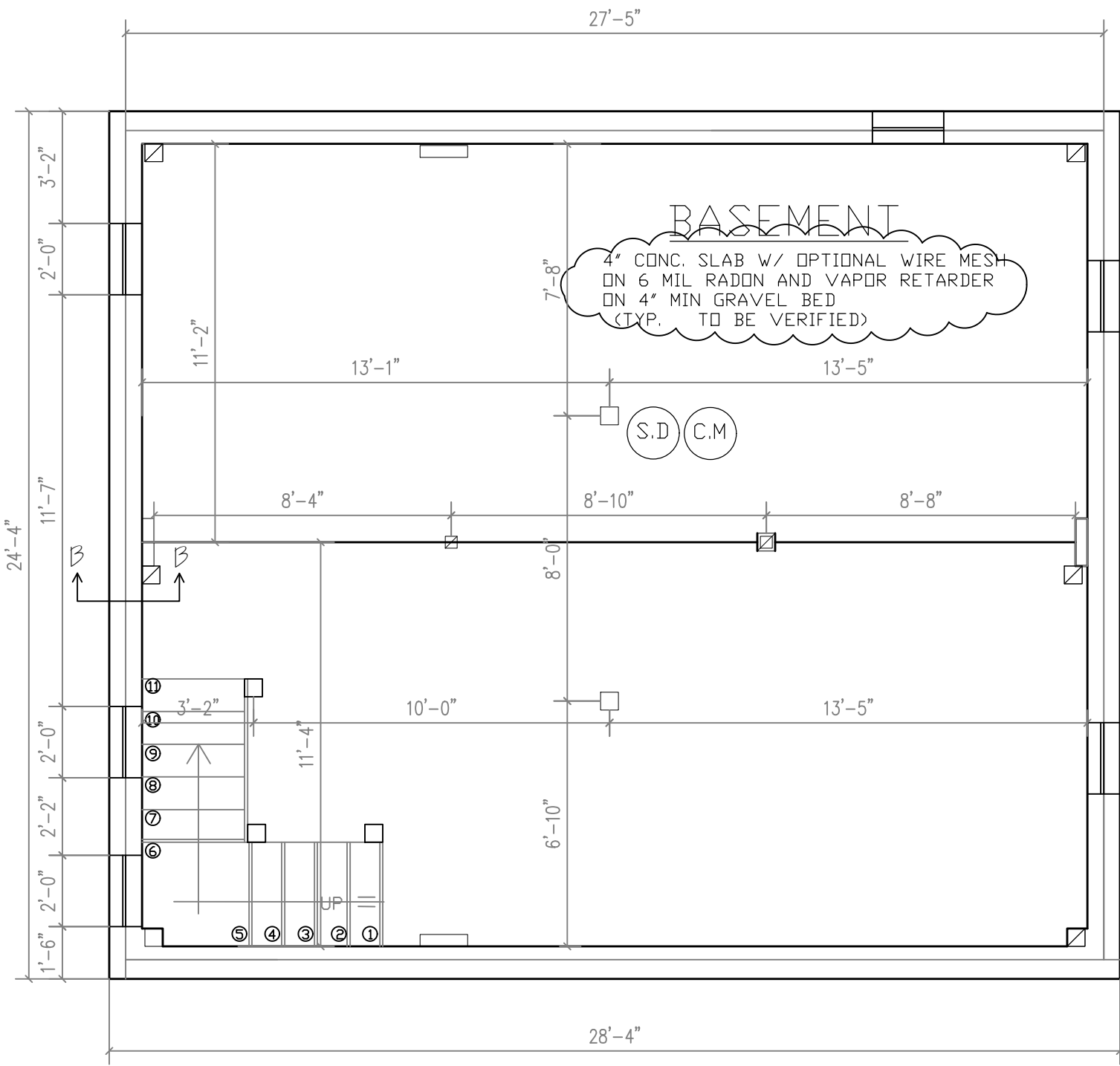
EX. FRONT ELEVATION
SCALE 1/4" = 1'

EX. RIGHT ELEVATION
SCALE 1/4" = 1'



EX. REAR ELEVATION
SCALE 1/4" = 1'

EX. LEFT ELEVATION
SCALE 1/4" = 1'



PROP. BASEMENT PLAN
SCALE: 1/4" = 1'-0"

DOORS:

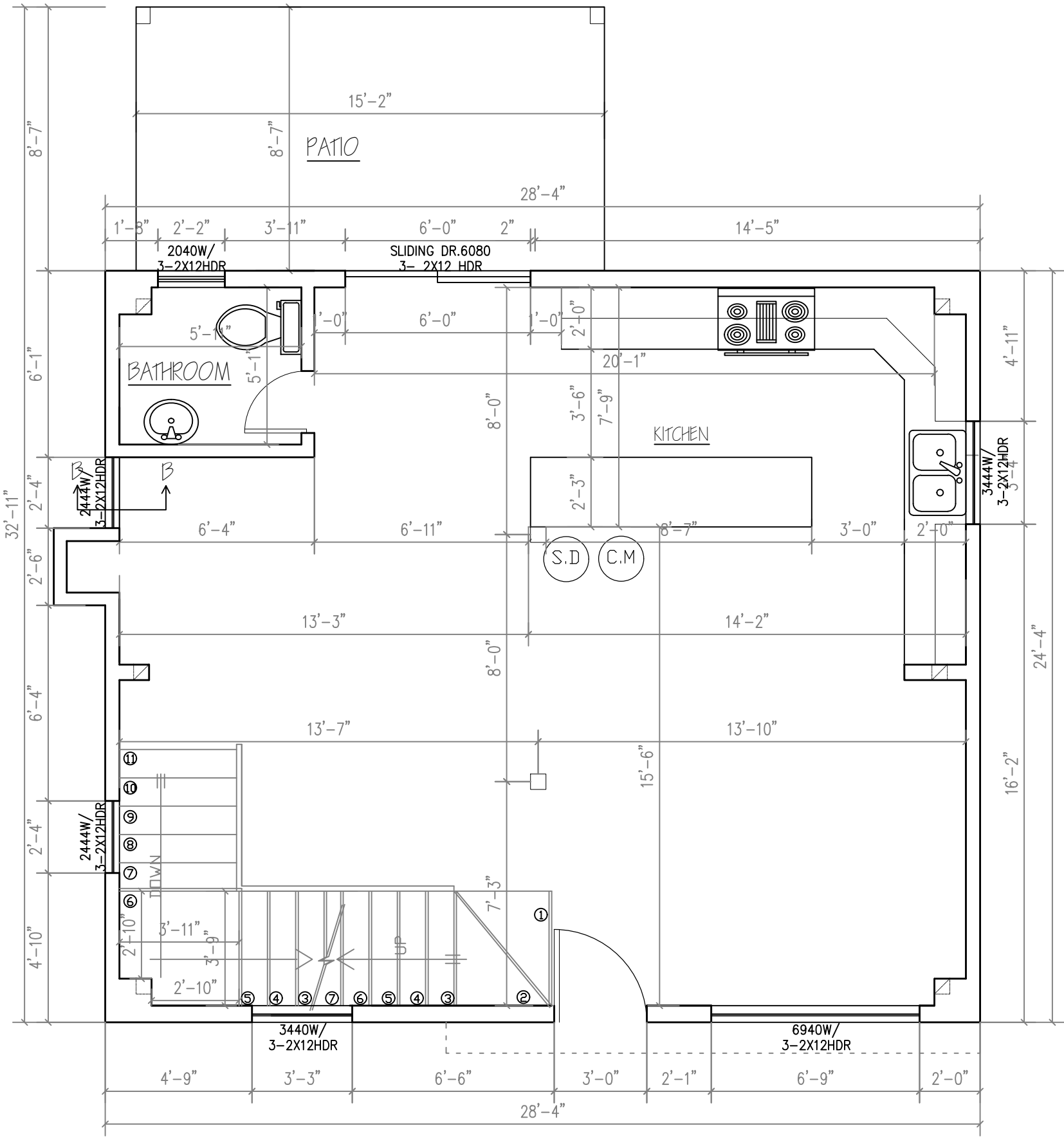
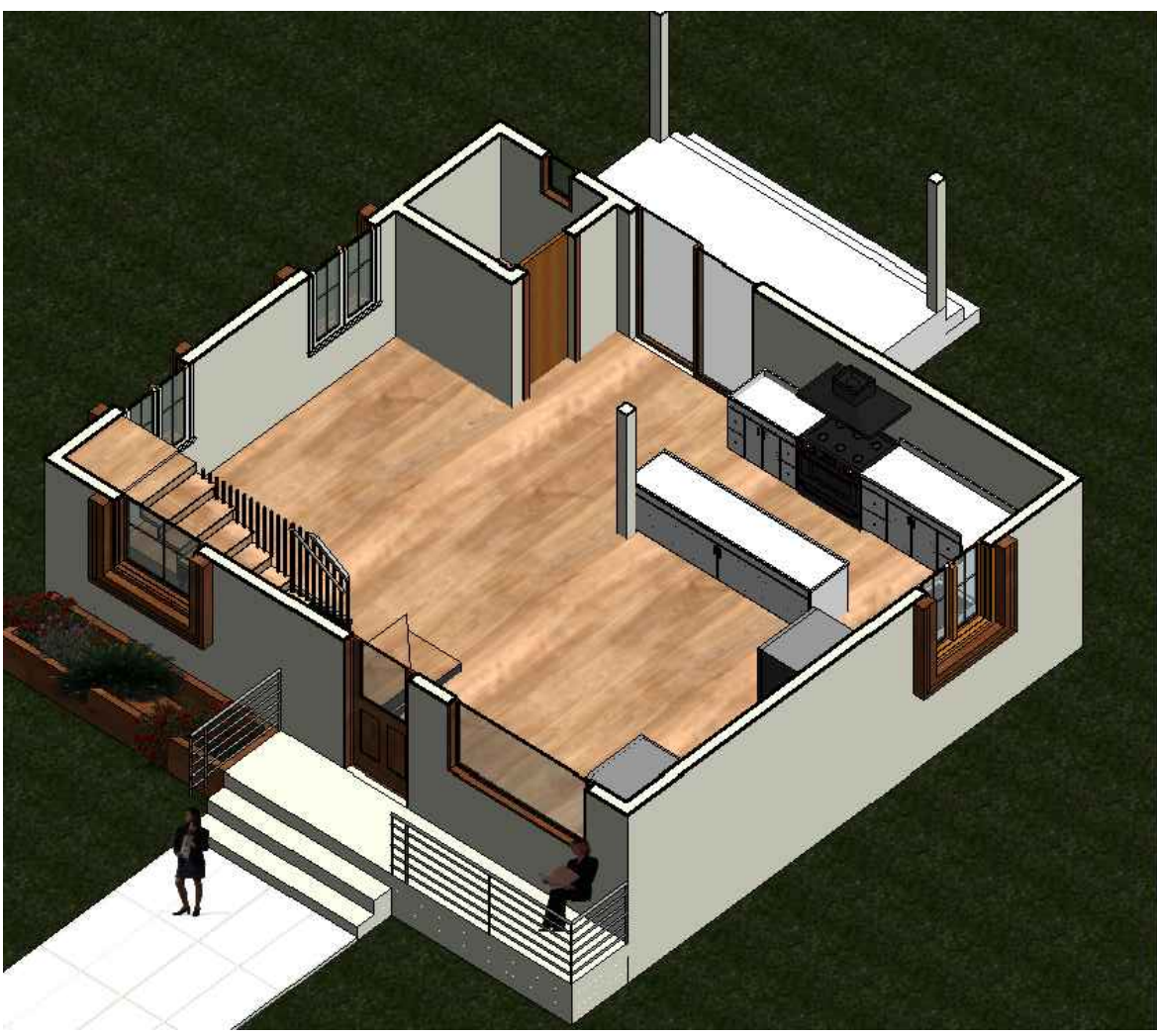
DOORS BETWEEN HOUSE AND GARAGE TO BE SOLID CORE FIRE RATED STEEL DOOR WITH AUTOMATIC CLOSER.

WINDOWS AND GLAZING:

A MINIMUM OF ONE (1) WINDOW IN EACH SLEEPING AREA SHALL MEET EMERGENCY EGRESS REQUIREMENTS. WINDOW CONTRACTOR SHALL PROVIDE EGRESS HARDWARE NECESSARY TO ALLOW WINDOWS TO MEET APPLICABLE EGRESS REQUIREMENTS.

PROVIDE FLASHING AT ALL WINDOW HEAD, JAMB, AND SILL CONDITIONS.

FIXED GLASS SIZES SHOWN ARE FOR REFERENCE ONLY. GLAZING CONTRACTOR SHALL FIELD MEASURE ALL ROUGH OPENINGS FOR FIXED GLASS PRIOR TO FABRICATION.



PROP. FIRST FLOOR PLAN
A= 689 SF SCALE: 1/4" = 1'-0" A= 1,525 SF (TOTAL)

INSULATION:

PROVIDE 24" WIDE RIGID INSULATION AT ALL PERIMETER SLAB ON GRADE CONDITIONS. SEE DRAWINGS FOR THICKNESS.

PROVIDE MINIMUM 6" BATT INSULATION AT ALL BOND CONDITIONS (R=21)

PROVIDE MINIMUM 3 1/2" BATT INSULATION AROUND ALL SKYLIGHT SHAFTS (R=21)

FLOOR OVER UNCONDITIONED SPACES (R=21)

THERMAL BATT AND BLANKET INSULATION SHALL HAVE A KRAFT FACED VAPOR BARRIER.

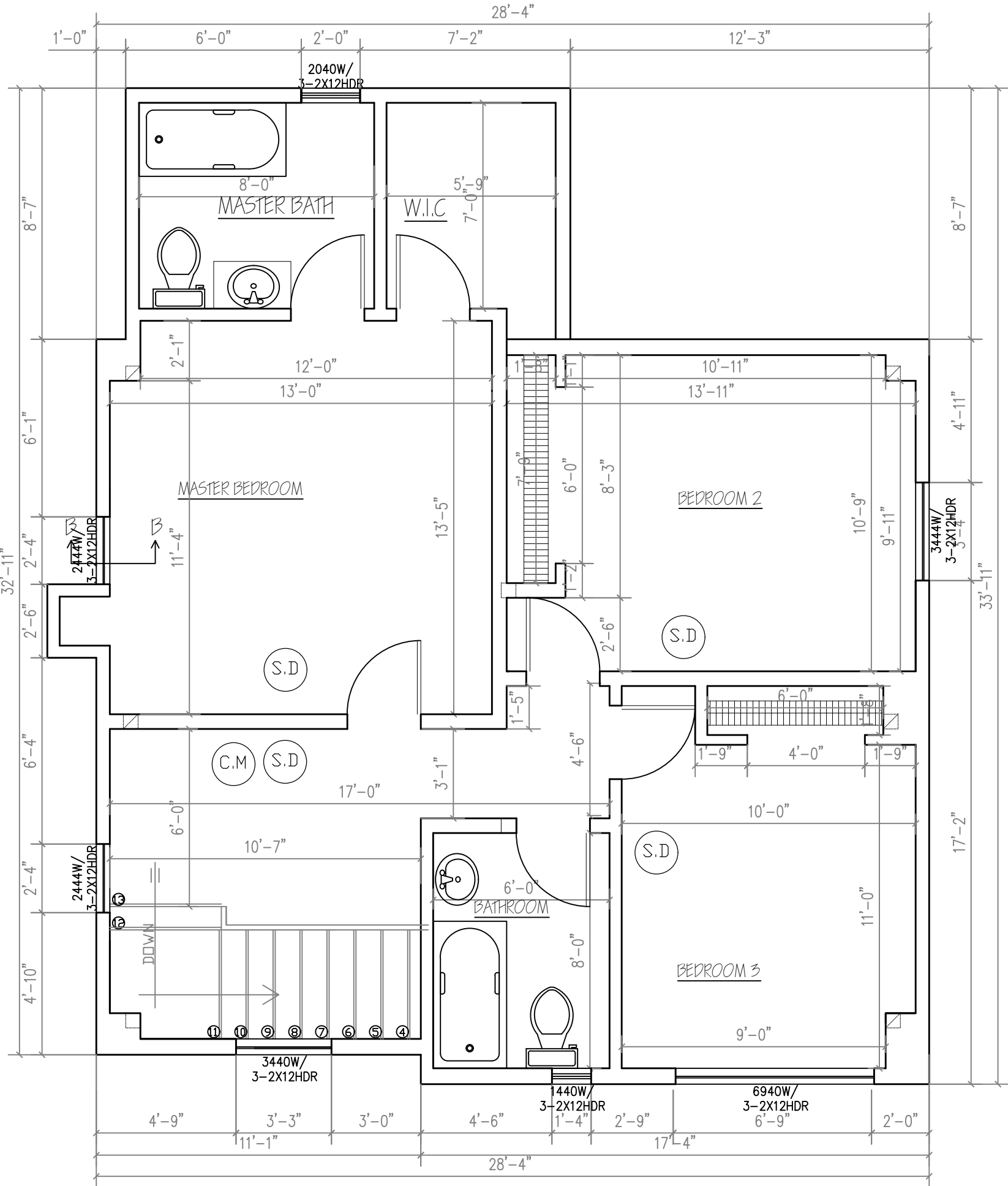
INSULATION SHALL BE INSTALLED IN SUCH A MANNER AS TO ALLOW FREE AIR FLOW FROM THE SOFFIT TO THE ROOF SPACE.

VENTILATION OF CONCEALED ROOF SPACES SHALL BE MAINTAINED.

GYPSUM BOARD:

THE GARAGE SHALL BE COMPLETELY SEPARATED FROM THE RESIDENCE AND ITS ATTIC AREA BY MEANS OF 1/2" GYPSUM BOARD APPLIED TO THE GARAGE SIDE.

GARAGES BENEATH HABITABLE ROOMS SHALL BE SEPARATED FROM ALL HABITABLE ROOMS ABOVE BY NOT LESS THAN 5/8"-INCH TYPE-X GYPSUM BD. OR EQUIVALENT.



PROP. SECOND FLOOR PLAN
A= 836 SF SCALE: 1/4" = 1'-0" A= 1,525 SF (TOTAL)

STAIRS:

REFERENCE (MRC. 2015 R311.7)

ALL STAIRS SHALL CONFORM TO CODE FOR ALLOWABLE RISER HEIGHT AND TREAD DEPTH. (MINIMUM 9" TREADS AND MAXIMUM 8 1/4" RISERS IN SINGLE FAMILY DWELLINGS.)

HANDRAILS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF STAIRWAYS OF EACH CONTINUOUS RUN OF TREADS OR FLIGHT WITH FOUR OR MORE RISERS. (MRC. 2015 R311.5.6)

HANDRAIL TO HAVE A DIAMETER SIZE OF 1 1/2" MIN, 2" MAX.(MRC.R311.5.6.3)

ALL HANDRAILS SHALL BE LOCATED AT A HEIGHT OF 34" MIN. AND 38" MAX. ABOVE NOSE OF TREAD. THE SIZE AND SHAPE OF HANDRAILS SHALL CONFORM TO CURRENT CODE REQUIREMENTS.

PROVIDE UNDERSTAIR PROTECTION AS REQUIRED PER MRC. 2015 R311.2.2

GUARD RAIL:

BALUSTERS SHALL BE SPACED SO THAT A SPHERE WITH A DIAMETER OF 4 INCHES CANNOT PASS THROUGH THE OPENING.

TOP OF RAILINGS SHALL BE A MINIMUM OF 36" HIGH ABOVE FINISHED FLOOR OR NOSE OF STAIR TREAD. THE SPACE BELOW A GUARD RAIL SHALL BE CONSTRUCTED SUCH THAT A SPHERE WITH A DIAMETER OF 6 INCHES SHALL NOT BE ABLE TO PASS THROUGH ANY OPENING.

(S.D.)

SMOKE DETECTORS:

SINGLE AND MULTIPLE STATION SMOKE ALARM SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS:

- 1- IN EACH SLEEPING ROOM.
- 2- OUTSIDE OF EACH SEPARATE SLEEPING AREA MAXIMUM TEN-FOOT FROM THE BEDROOM DOOR.
- 3- ON EACH ADDITIONAL STORY OF THE DWELLING, INCLUDING BASEMENTS AND CELLARS BUT NOT INCLUDING CRAWL SPACES AND UNINHABITABLE ATTICS OR DWELLING UNITS WITH SPLIT LEVELS AND WITHOUT AN INTERVENING DOOR BETWEEN THE ADJACENT LEVELS. A SMOKE ALARM INSTALLED ON THE UPPER LEVEL SHALL SUFFICE FOR THE ADJACENT LOWER LEVEL PROVIDED THAT THE LOWER LEVEL IS LESS

(C.M.)

CARBON MONOXIDE DETECTORS:

FOR NEW CONSTRUCTION, AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITHIN WHICH FUEL FIRED APPLIANCES ARE INSTALLED AND IN DWELLING UNITS THAT HAVE ATTACHED GARAGES. WHERE WORK REQUIRING A BUILDING PERMIT OCCURS IN EXISTING DWELLINGS THAT HAVE ATTACHED GARAGES OR IN EXISTING DWELLING (WHERE REQUIRED IN EXISTING DWELLINGS) WITHIN WHICH FUEL FIRED APPLIANCES EXIST, CARBON MONOXIDE ALARMS SHALL BE PROVIDED IN ACCORDANCE WITH SECTION R315.1

(ALARM REQUIREMENTS) SINGLE STATION CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH UL 2034 AND SHALL BE INSTALLED IN ACCORDANCE WITH THIS CODE AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

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DESIGNED BY:

H.ALALEM

DRAWN BY:

H.ALALEM

REVIEWED BY:

HARIS HAKIM, P.E.

STATE OF MICHIGAN
HARIS HAKIM
License No. 6201061468
PROFESSIONAL ENGINEER
SEAL

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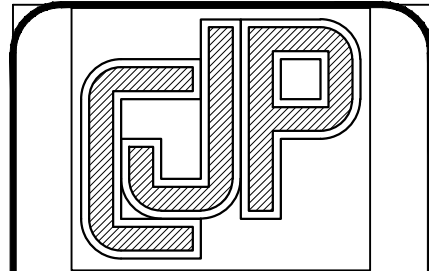
SHEET TITLE

PROPOSED FLOOR PLANS

SHEET #

A-3

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



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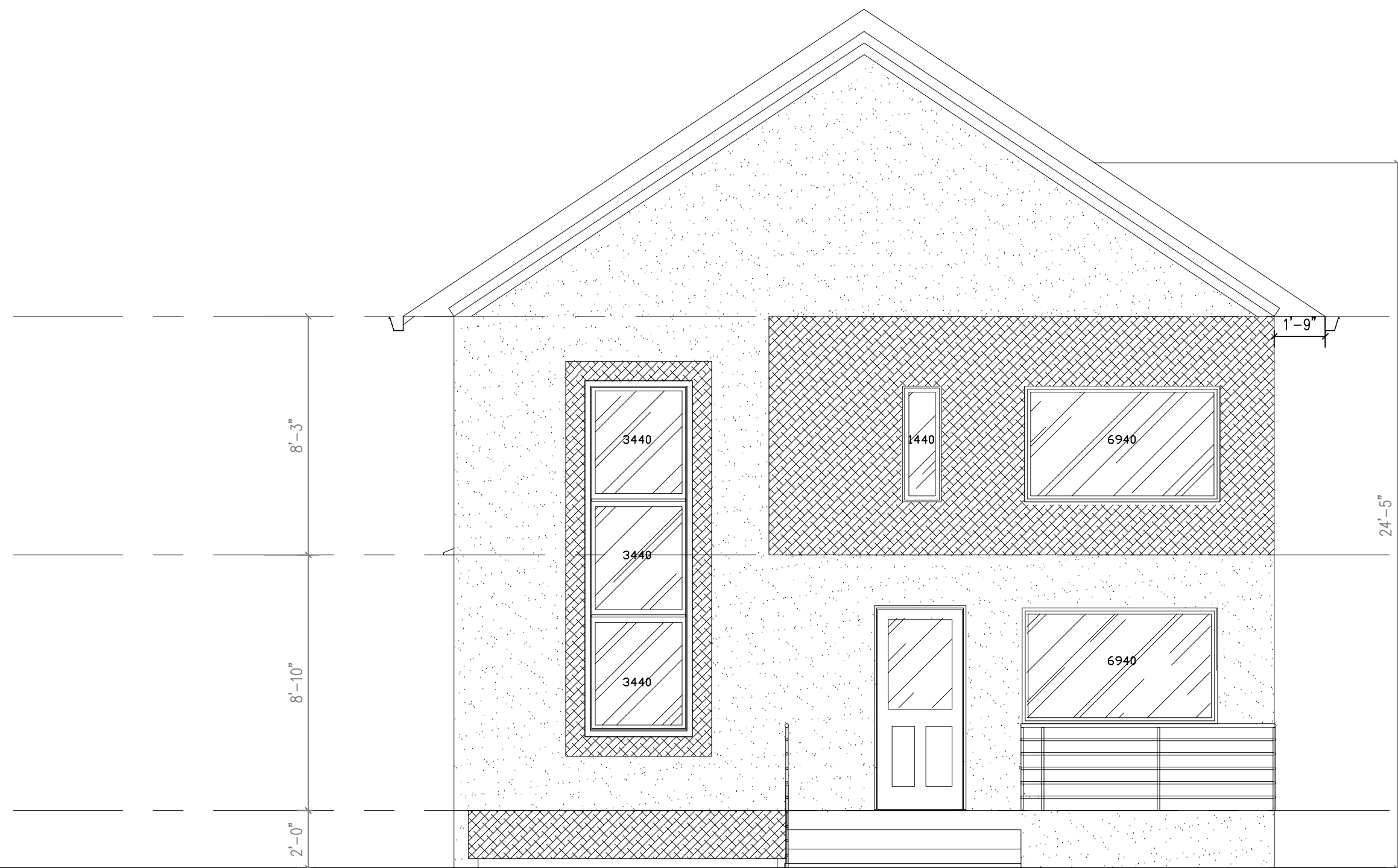
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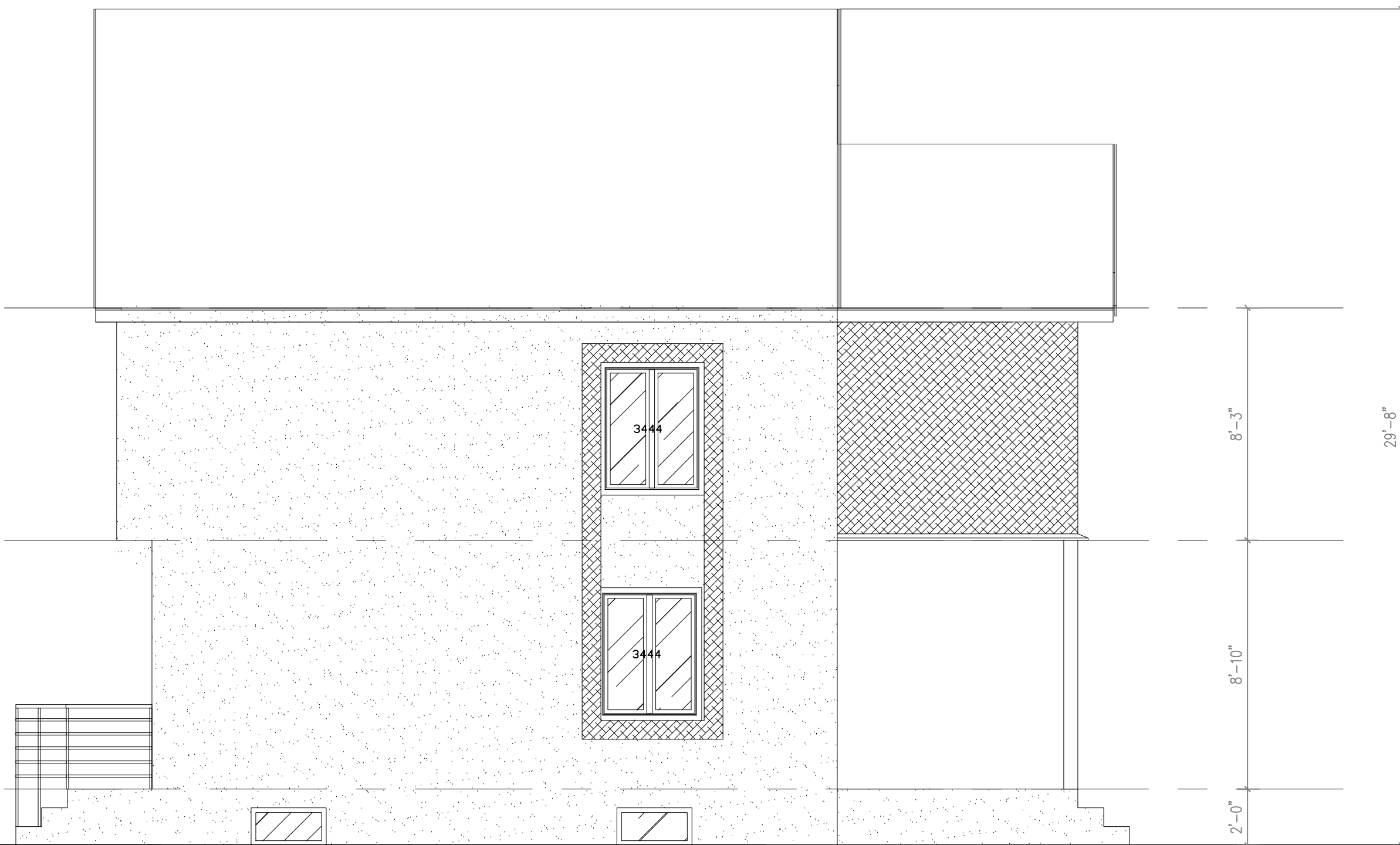
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PROP. ELEVATIONS
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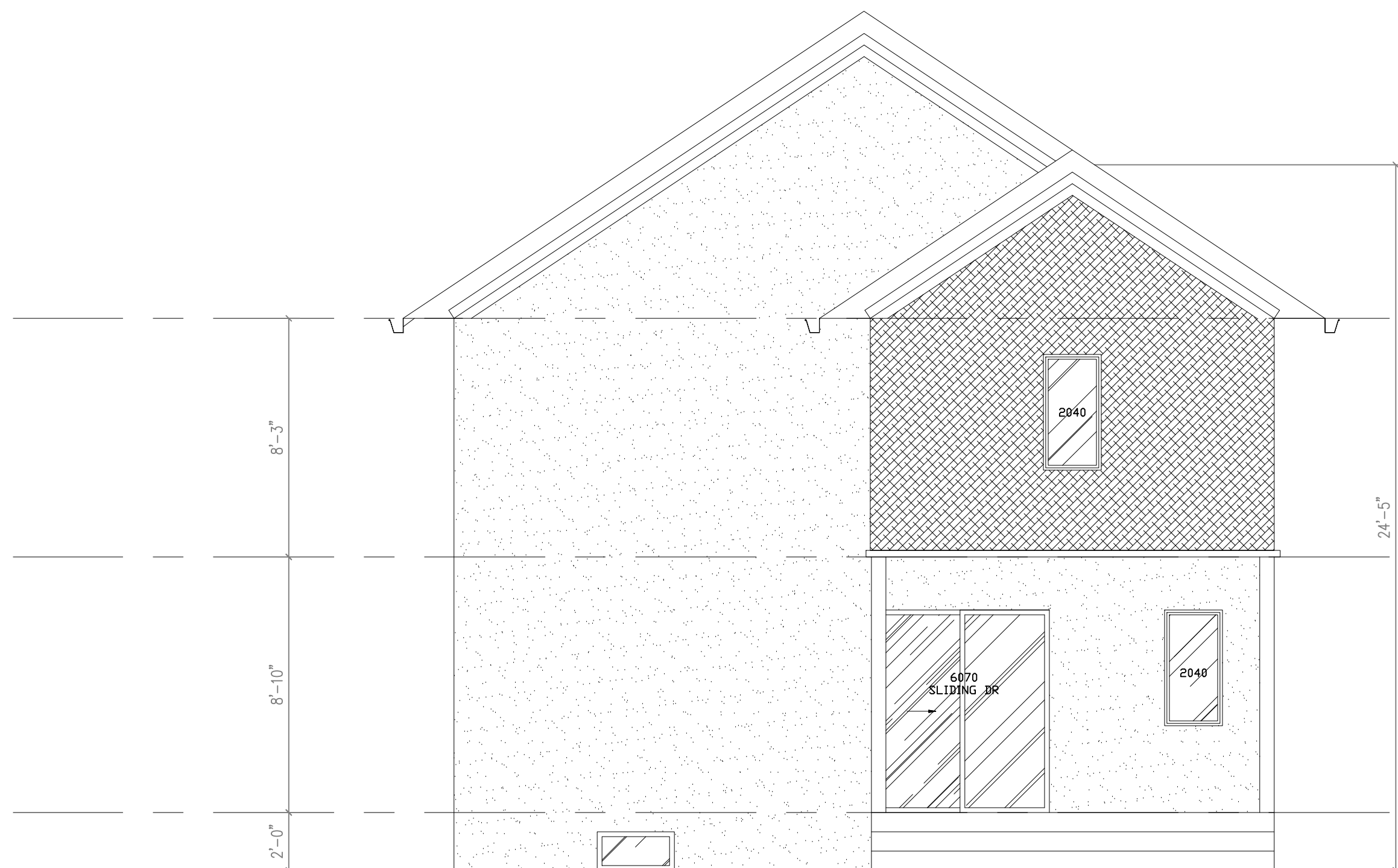
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A-4



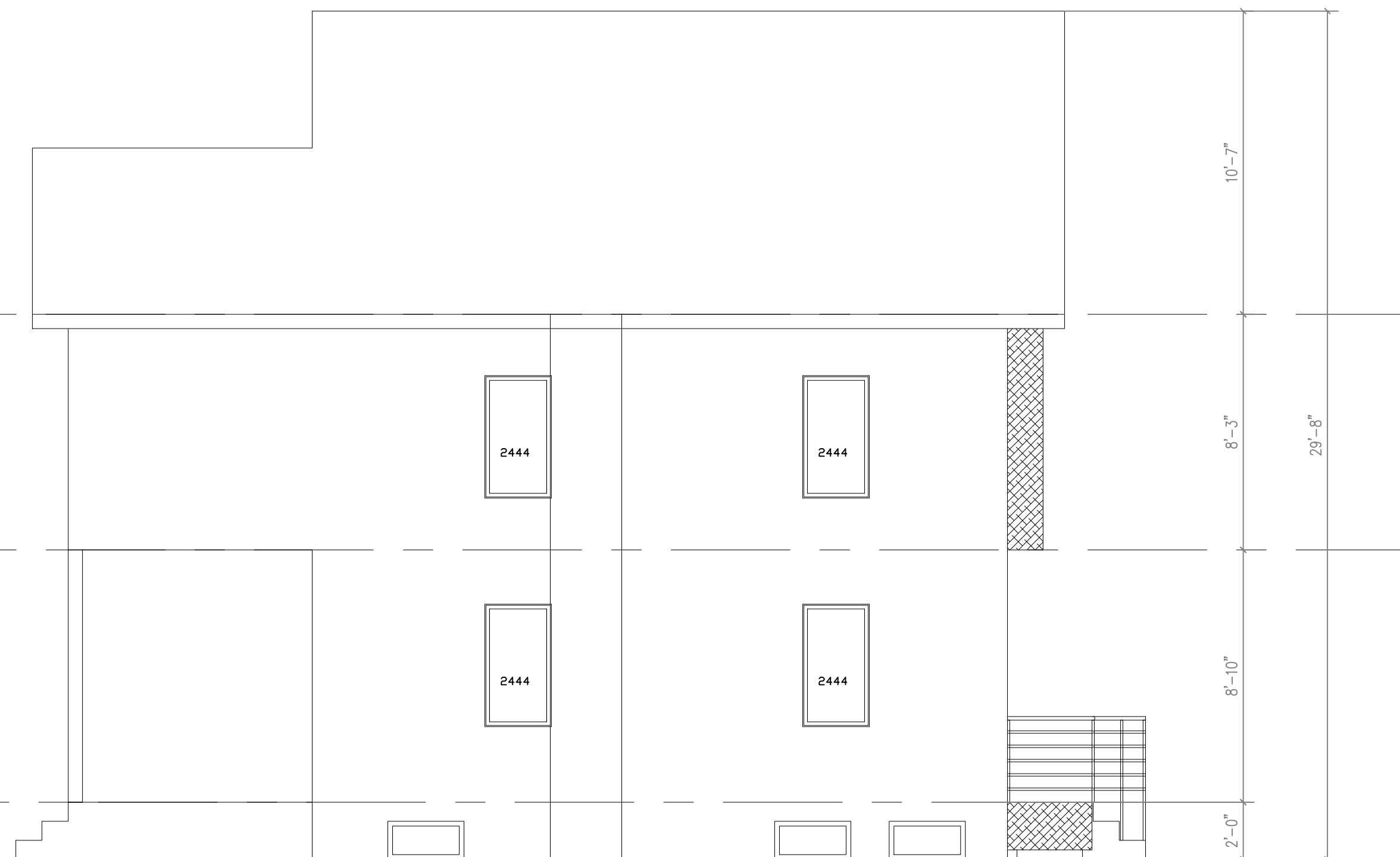
PROPOSED FRONT ELEVATION
SCALE 1/4" = 1'



PROPOSED RIGHT ELEVATION
SCALE 1/4" = 1'



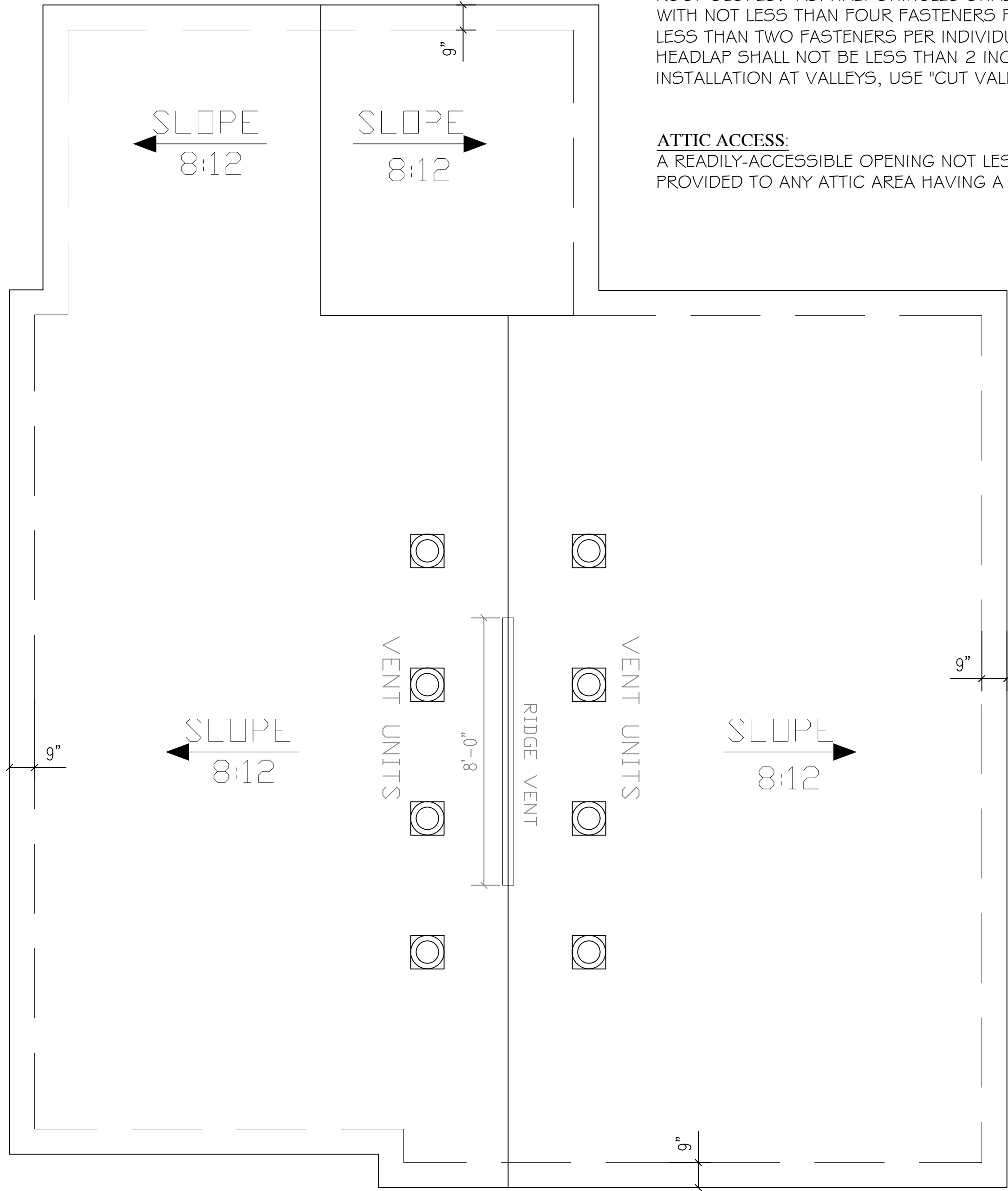
PROPOSED REAR ELEVATION
SCALE 1/4" = 1'



PROPOSED LEFT ELEVATION
SCALE 1/4" = 1'

ROOF PLAN

SCALE 3/8" =1'



TOP ROOF AREA = 931.5 SQ. FT.
VENT AREA REQUIRED =931.5 /150= 6.21 SQ. FT.

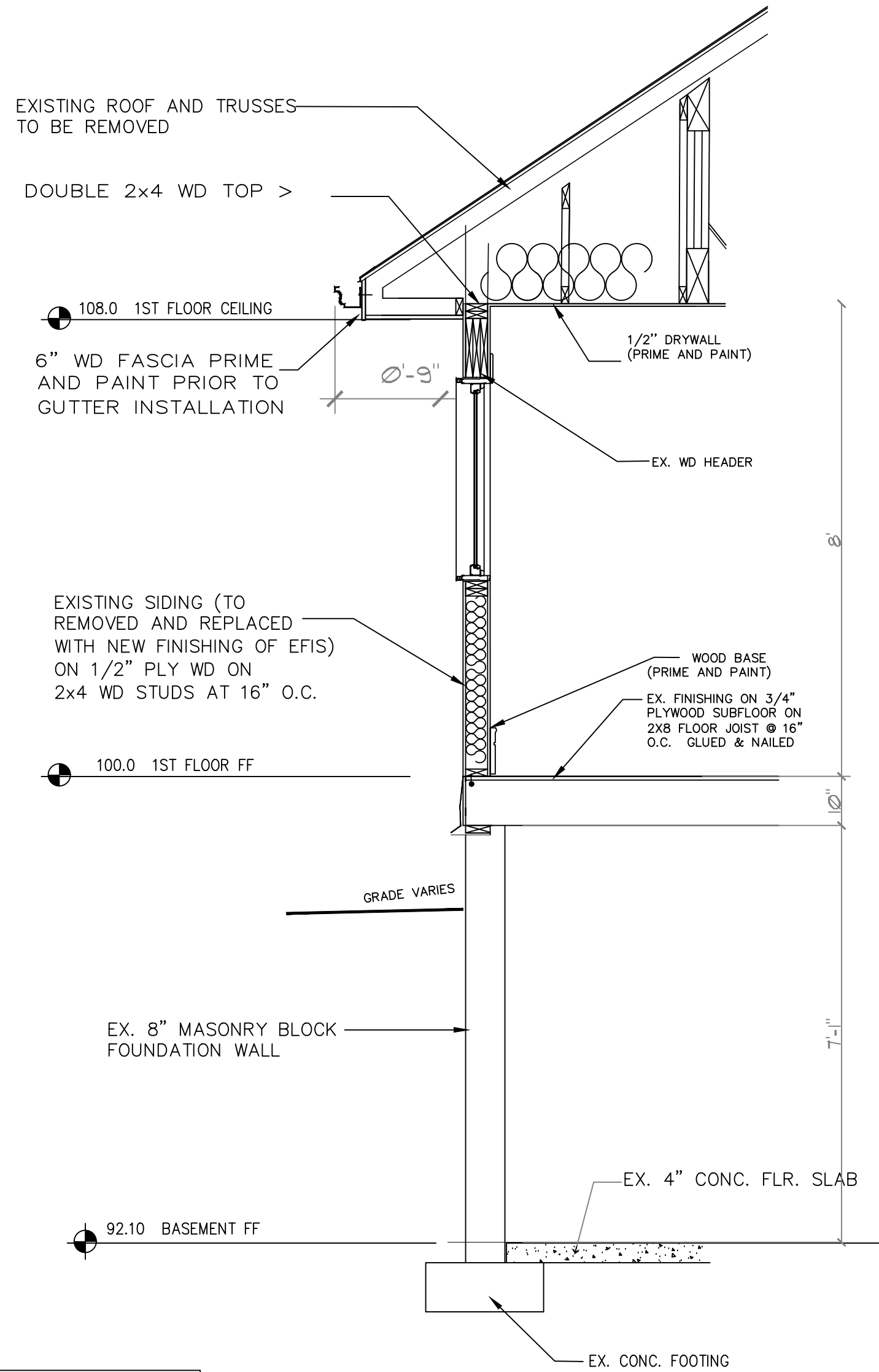
RIDGE VENT = 4"x8 =0.33'X8'=2.64 SQ.FT
VENT UNITS PROVIDED=8
0.55X8=4.4 SQ.FT
TOTAL VENT AREA PROVIDED =2.64+4.4=7.04 SQ.FT OK

ROOFING:

ASPHALT SHINGLES SHALL NOT BE INSTALLED ON ROOF SLOPES BELOW TWO UNITS VERTICAL IN 12 UNITS HORIZONTAL (2:12). DOUBLE-LAYER UNDERLAYMENT SHALL BE REQUIRED ON ROOF SLOPES BELOW FOUR UNITS VERTICAL IN 12 UNITS HORIZONTAL (4:12). SINGLE-LAYER UNDERLAYMENT IS REQUIRED ON ALL OTHER ROOF SLOPES. ASPHALT SHINGLES SHALL BE SECURED TO THE ROOF WITH NOT LESS THAN FOUR FASTENERS PER STRIP SHINGLE, OR NOT LESS THAN TWO FASTENERS PER INDIVIDUAL SHINGLE. SHINGLE HEADLAP SHALL NOT BE LESS THAN 2 INCHES (51 MM). INSTALLATION AT VALLEYS, USE "CUT VALLEY" METHOD.

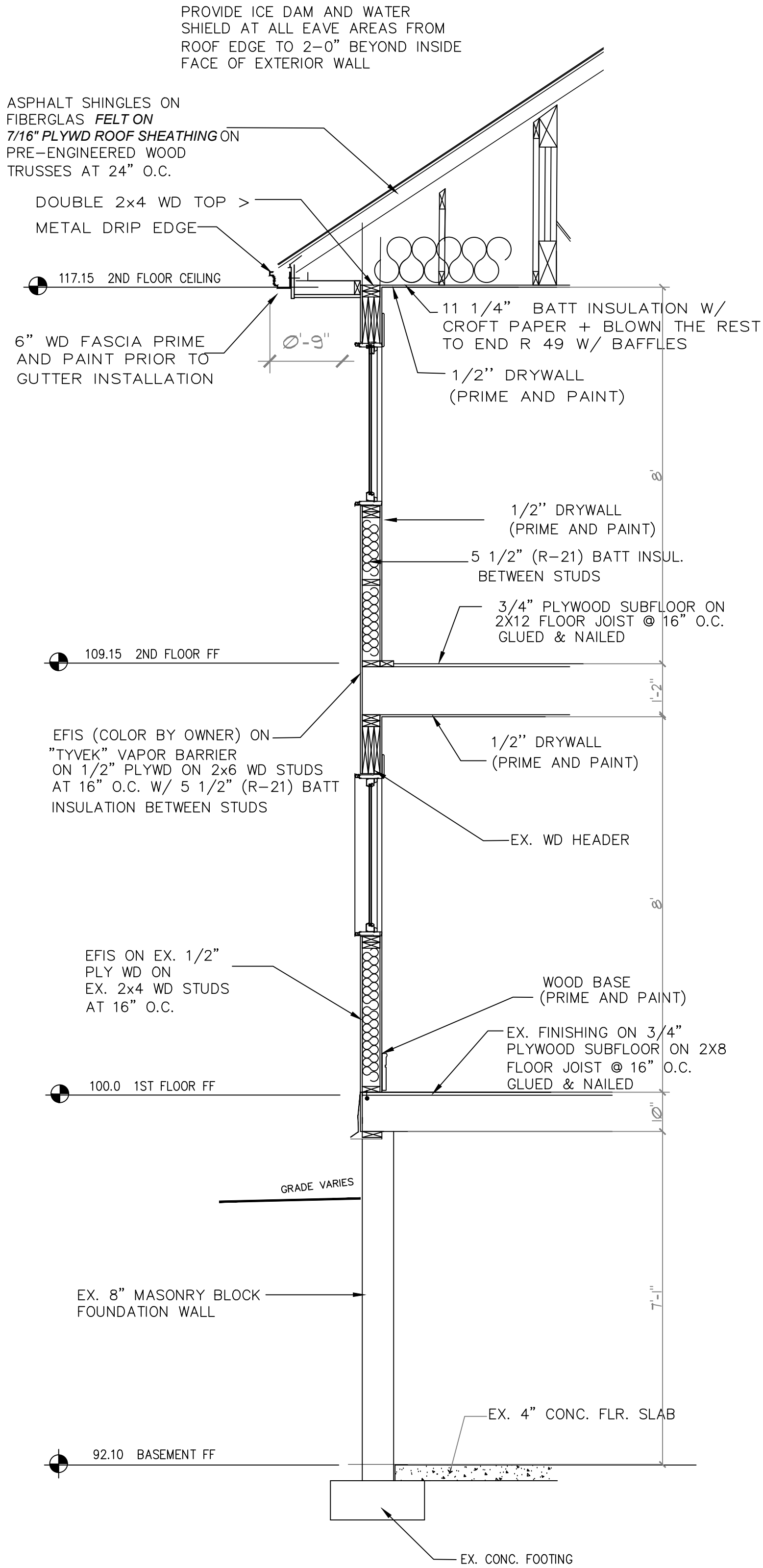
ATTIC ACCESS:

A READILY-ACCESSIBLE OPENING NOT LESS THAN 22" X 30" SHALL BE PROVIDED TO ANY ATTIC AREA HAVING A CLEAR HEIGHT OF OVER 30".



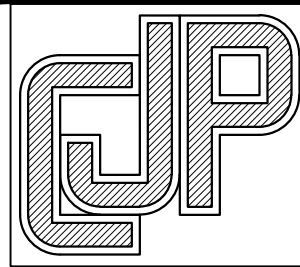
TYPICAL EXISTING WALL SECTION A-A

SCALE 1/2" =1'



TYPICAL PROP. WALL SECTION B-B

SCALE 1/2" =1'



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harishakim@yahoo.com

PROJECT:
SINGLE FAMILY RESIDENCE

1155 E LINCOLN ST.
BIRMINGHAM, MI 48004

OWNER:
MAJDOLIN SHISHA
8242 LAKE PINE DR
COMMERCE TWP, MI 48382
(248)252-1580
maggieshishal@yahoo.com

SUBMITTAL:
☐ OWNER
☐ BIDDING
☒ MUNICIPAL
☐ CONSTRUCTION
☐ OTHER

DATE: 07/12/2024

REVISIONS:
09/07/2024

DESIGNED BY:	HALALEM
DRAWN BY:	HALALEM
REVIEWED BY:	HARIS HAKIM, P.E.



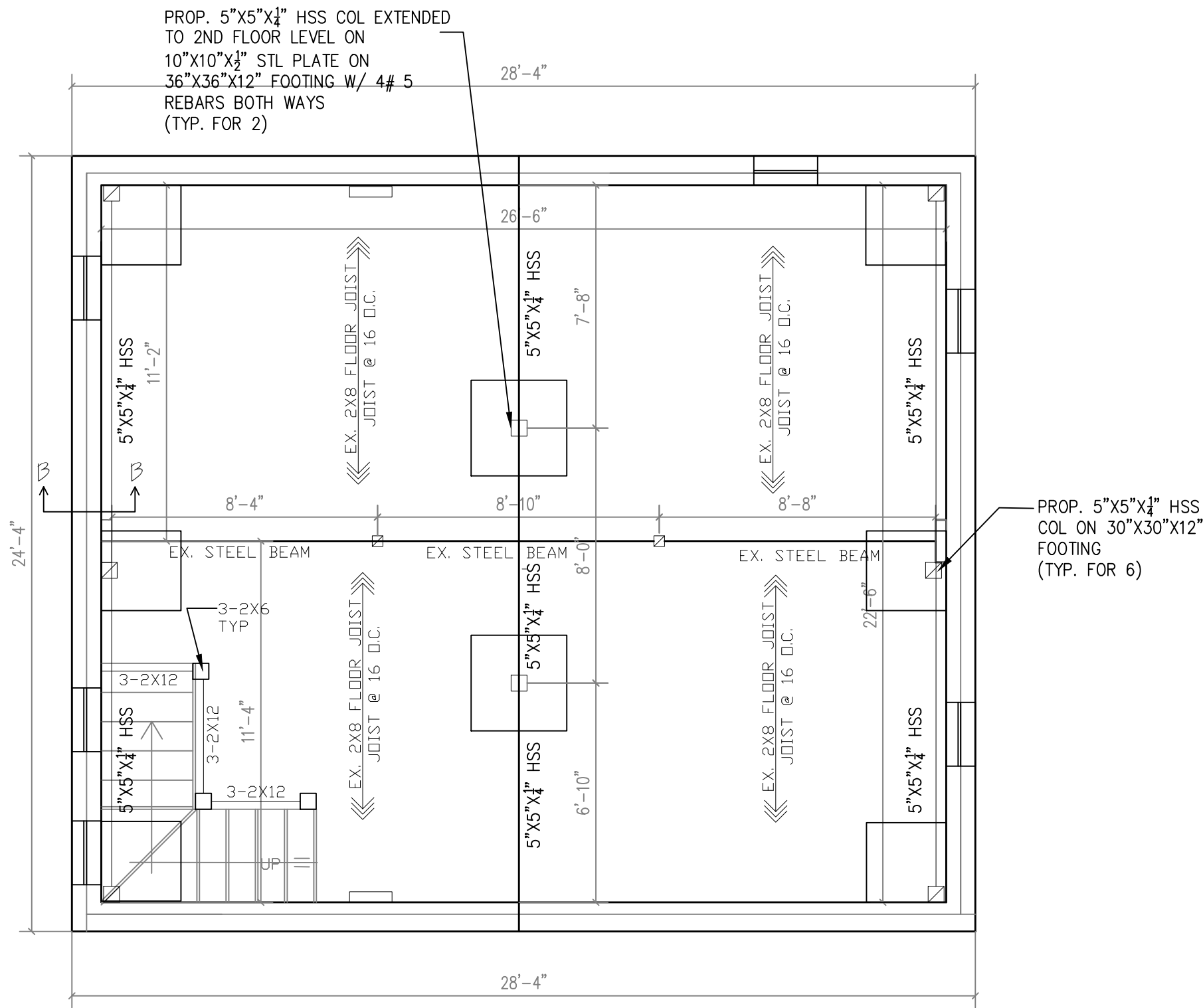
NOTES:
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DO NOT SCALE DRAWINGS. USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS, NOTIFY THE DESIGNER IMMEDIATELY FOR CORRECTION. CONTRACTOR TO VERIFY AND COORDINATE ALL DIMENSIONS PRIOR TO CONSTRUCTION. DIMENSIONS SHOWN ARE FINISHED SURFACES TO FINISHED SURFACES UNLESS NOTED OTHERWISE.

ALL POURED CONCRETE FOOTINGS SHALL EXTEND TO A MINIMUM DEPTH OF 42" BELOW PROPOSED FINISHED GRADE, AND SHALL BEAR ON VIRGIN, UNDISTURBED SOIL. ADDITIONAL DEPTH MAY BE REQUIRED AS DICTATED BY SOIL CONDITIONS. ALLOWABLE SOIL BEARING PRESSURE OF 2500 P.S.F. IS ASSUMED IF NOT SPECIFIED FOR FOOTING SIZES SHOWN ON DRAWING. VERIFICATION OF ALLOWABLE SOIL BEARING CAPACITY OF 2500 P.S.F. AT EACH JOB SITE IS RESPONSIBILITY OF CONTRACTOR. ALL SOIL CONDITIONS ARE TO BE INVESTIGATED BY A QUALIFIED SOILS ENGINEER.

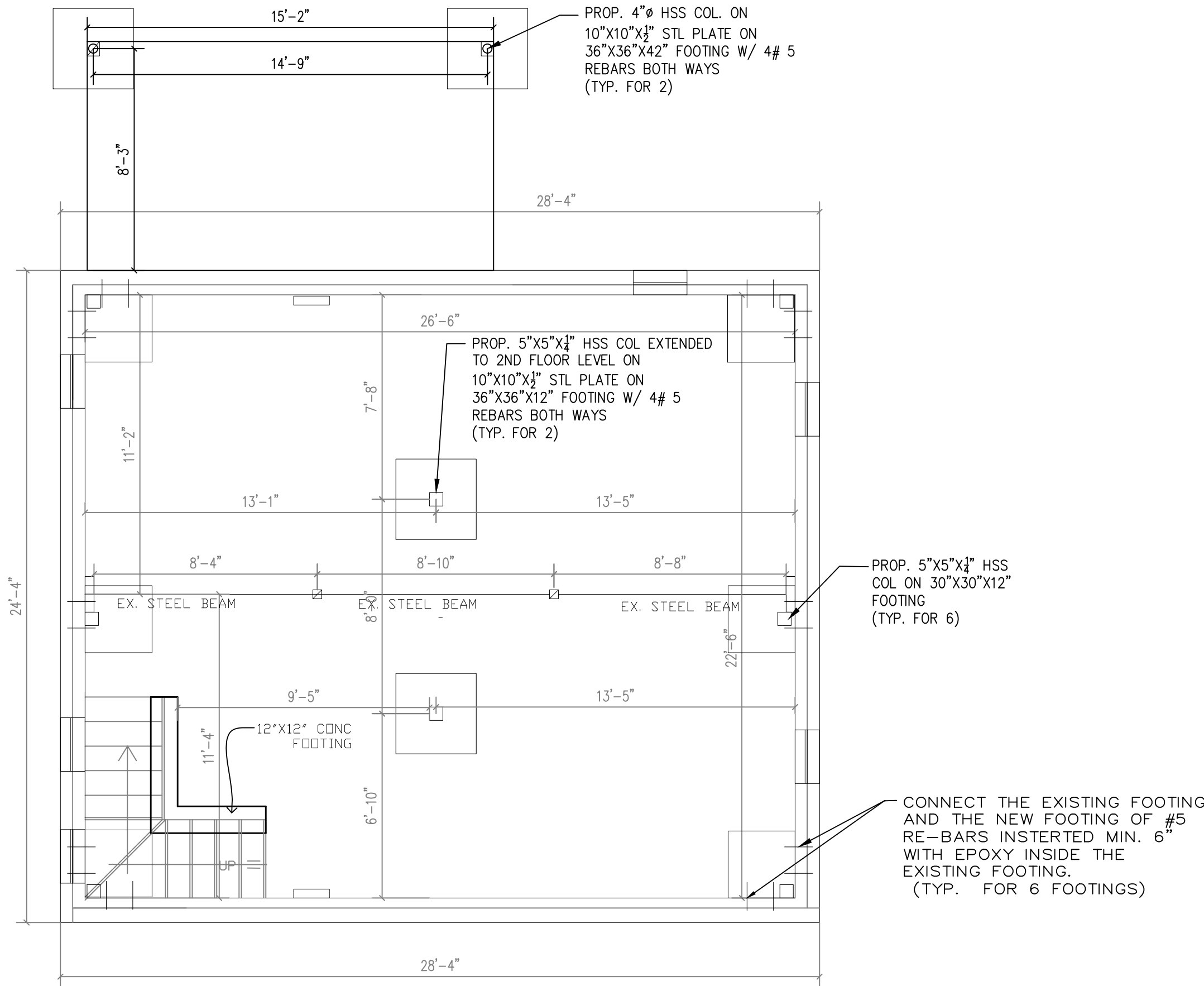
SHEET TITLE
PROP. ROOF PLAN
WALL SECTION
SCALE: 1/4" = 1'-0"

SHEET #
A-5



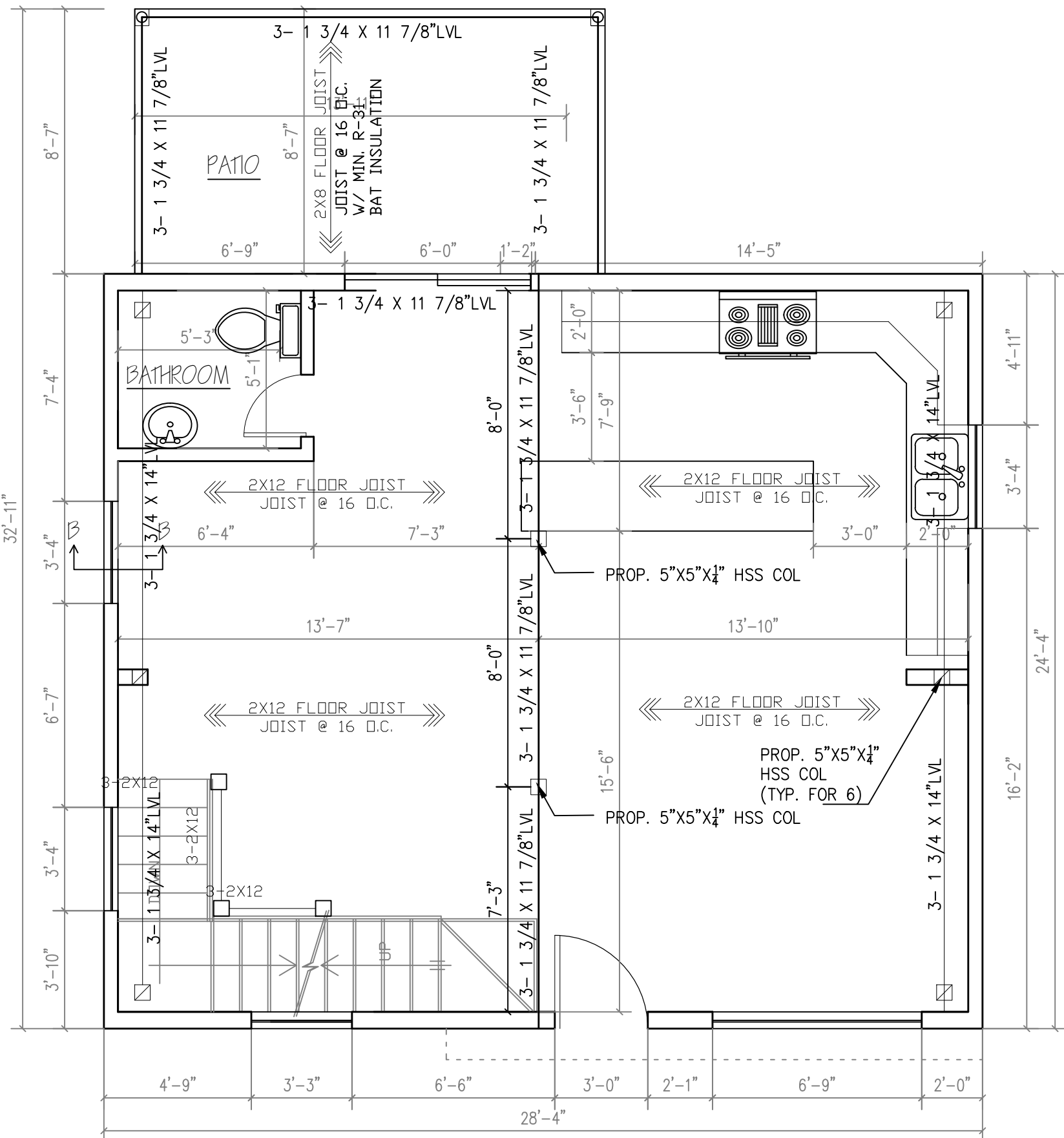
BASEMENT STRUCTURAL PLAN

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



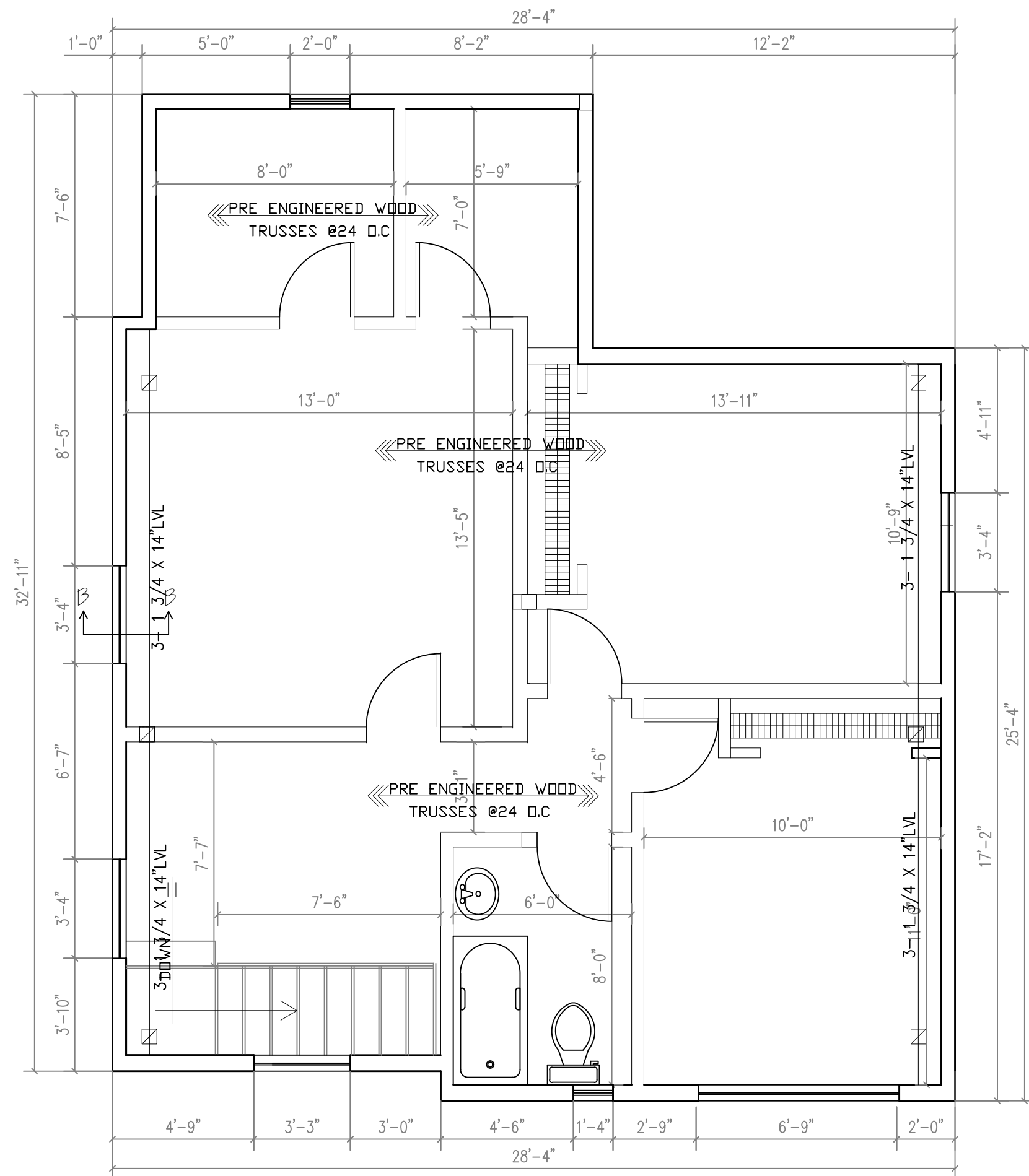
FOUNDATION PLAN

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



FIRST FLOOR STRUCTURAL PLAN

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



2ND FLOOR STRUCTURAL PLAN

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

BEARING WALLS:

PROVIDE 2 X 4 SOLID BLOCKING AT 16" O.C. ON 2 X 4 LEDGER BOARDS BETWEEN HEADER JOISTS (SEE DRAWINGS FOR SIZE OF MEMBER) UNDER ALL IN-LINE BEARING PARTITIONS FROM FLOOR ABOVE.

FIREBLOCKING - PROVIDE FIREBLOCKING AS REQUIRED PER (MRC. 2015 - R602.8)

PROVIDE SOLID BLOCKING AT ALL POINT LOAD CONDITIONS CONTINUOUS TO SOLID BEARING AT HEADERS OR FOUNDATION.

PROVIDE SOLID BLOCKING AT ALL BEARING WALLS PERPENDICULAR TO FRAMING DIRECTION. WALL FRAMING:

DRAFTSTOPPING REQUIRED- (MRC.- R502.12) WHEN THERE IS USABLE SPACE BOTH ABOVE AND BELOW THE CONCEALED SPACE OF A FLOOR/ CEILING ASSEMBLY, DRAFTSTOPS SHALL BE INSTALLED SO THAT THE AREA OF THE CONCEALED SPACE DOES NOT EXCEED 1,000 SQUARE FEET (92.9M2). DRAFTSTOPPING SHALL DIVIDE THE CONCEALED SPACE INTO APPROXIMATELY EQUAL AREAS. WHERE THE ASSEMBLY IS ENCLOSED BY A FLOOR MEMBRANE ABOVE AND A CEILING MEMBRANE BELOW DRAFTSTOPPING SHALL BE PROVIDED IN FLOOR/CEILING ASSEMBLIES UNDER THE FOLLOWING CIRCUMSTANCES:

1. CEILING IS SUSPENDED UNDER THE FLOOR FRAMING
2. FLOOR FRAMING IS CONSTRUCTED OF TRUSS-TYPE OPEN-WEB OR PERFORATED MEMBERS.

EXTERIOR WOOD FRAMED WALLS OVER 9'-0" IN HEIGHT SHALL BE OF MINIMUM 2 X 6 CONSTRUCTION. ALL STUDS SHALL BE CONTINUOUS FROM FLOOR TO UNDERSIDE OF FLOOR OR ROOF FRAMING ABOVE.

ALL STRUCTURAL MULLIONS TO HAVE MINIMUM DOUBLE STUD CONSTRUCTION CONTINUOUS FROM FLOOR TO UNDERSIDE OF FLOOR OR ROOF FRAMING ABOVE. WINDOW TRANSOM HEADERS SHALL SPAN BETWEEN CONTINUOUS STUDS WITH FLUSH HANGER BRACKETS AS REQUIRED.

PROVIDE CONTINUOUS STUDS TO UNDERSIDE OF ROOF FRAMING AT ALL SLOPED CEILING CONDITIONS. (BALLOON CONSTRUCTION.)

LOWER LEVEL (BASEMENT) EXTERIOR FRAME WALLS SHALL BE MINIMUM 2 X 6 FRAMING AT 16" O.C. WITH PRESSURE TREATED BASE PLATE. INTERIOR LOWER LEVEL BEARING WALLS SHALL BE 2 X 6 FRAMING AT 16" O.C. WALL SHEATHING:

STRUCTURAL GRADE FOR LATERAL LOADING. WHEN NON-STRUCTURAL SHEATHING IS USED PROVIDE LET-IN DIAGONAL WIND BRACING OR OTHER TYPE OF BRACING AT ALL EXTERIOR CORNERS OF STRUCTURE.

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REVIEWED BY:	HARIS HAKIM, P.E.

SEAL

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SHEET TITLE

STRUCTURAL PLANS

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

SHEET #

S-1