

**CITY OF BIRMINGHAM
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, FEBRUARY 11, 2025
7:30 PM**

The meeting will be held in the City Commission Room at City Hall, 151 Martin St. Birmingham, MI 48009. Should you have any statement regarding any appeals, you are invited to attend the meeting in person or virtually through ZOOM:

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

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

1. CALL TO ORDER

2. ROLL CALL

3. ANNOUNCEMENTS

4. APPROVAL OF THE MINUTES

a) January 14, 2025 Minutes

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	550 Henley	Jeff Heichel	24-32	Dimensional
2)	1511 E Maple	Jason Hurst	25-01	Dimensional
3)	1845 Humphrey	Halpert Investments LLC	25-02	Dimensional
4)	468 Willits	Brian Neeper	25-03	Dimensional
5)				
6)				
7)				

6. CORRESPONDENCE

7. GENERAL BUSINESS

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

9. ADJOURNMENT

Title VI

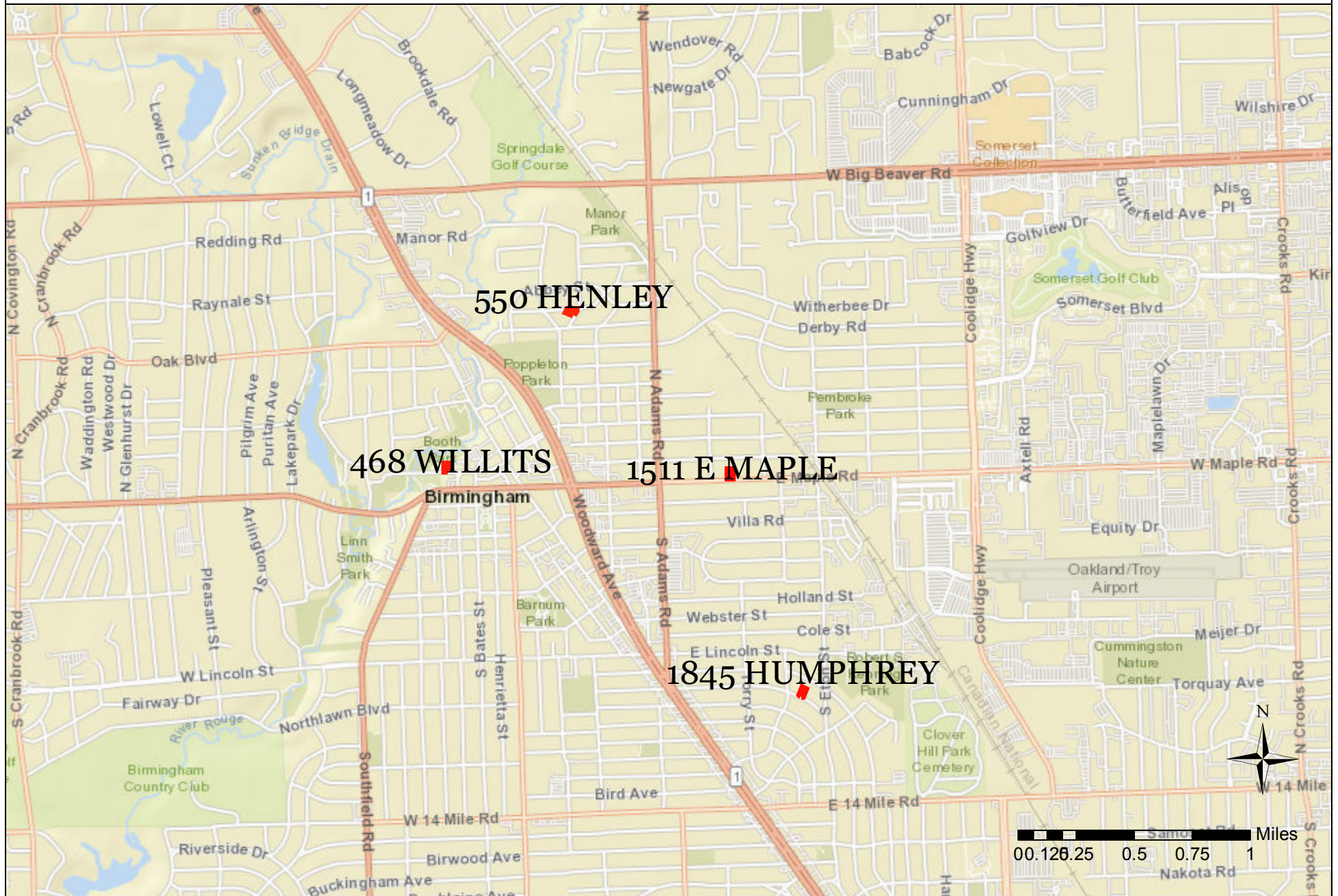
People with disabilities needing accommodations for effective participation in this meeting should contact the Clerk's Office at 248-530-1880 (voice) or 248-644-5115 (TDD) at least one day in advance to request mobility, visual, hearing, or other assistance.

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.

FEBRUARY BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
Tuesday, January 14, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, January 14, 2025. The meeting was convened at 7:30 p.m.

2. Rollcall

Present: Chair Erik Morganroth, Vice Chair Jason Canvasser; Board Members Kevin Hart, Richard Lilley, Ron Reddy, Pierre Yaldo; Alternate Board Member Carl Kona (arrived 7:44 p.m.)

Absent: Board Member John Miller; Alternate Board Member Donald Rogers

Staff: Building Official Johnson; City Transcriptionist Eichenhorn, Building Official Designee 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.

4. Approval Of The Minutes Of The BZA Meetings Of December 10, 2024

Motion by Lilley

Seconded by Yaldo to approve the minutes of the BZA meeting of December 10, 2024.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

5. Appeals

1) 732 Westchester Way Appeal 24-30

BOD Zielke presented the item, explaining that the owner of the property known as 732 Westchester Way was requesting the following variances to construct a front and second floor addition to the existing nonconforming home:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that front yard setback is the average of homes within 200.00 feet in each direction. The required is 33.20 feet. The existing and proposed is 32.34 feet. Therefore, a variance of 0.86 feet is being requested.

B. Chapter 126, Article 4, Section 4.75 A (1) of the Zoning Ordinance requires that private attached garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The existing façade is 10.15 feet behind the garage. The proposed is 5.09 feet behind the garage. Therefore, a variance of 10.09 feet is being requested.

Staff answered informational questions from the Board.

Robin Ballew, designer, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Motion by Reddy

Seconded by Lilley with regard to Appeal 24-30, A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that front yard setback is the average of homes within 200.00 feet in each direction. The required is 33.20 feet. The existing and proposed is 32.34 feet. Therefore, a variance of 0.86 feet is being requested; and, B. Chapter 126, Article 4, Section 4.75 A (1) of the Zoning Ordinance requires that private attached garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The existing façade is 10.15 feet behind the garage. The proposed is 5.09 feet behind the garage. Therefore, a variance of 10.09 feet is being requested.

Mr. Reddy moved to approve both variances, tied to the plans. He explained that this is a pre-existing non-conforming home, and that doing a renovation constrains the appellant to the present footprint of the home. He continued that the proposal was reasonable, that denial of the variances would unreasonably prevent the appellant from using the property, and that a denial would cause an unnecessary hardship.

Mr. Hart supported the motion. He noted that the plans contained two mitigations of the pre-existing non-conformities, and that those were benefits to the appellant's proposal. He opined that the plans were aesthetically pleasing as well.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

**2) 1817 Sheffield
Appeal 24-31**

BOD Zielke presented the item, explaining that the owner of the property known as 1817 Sheffield was requesting the following variances to construct a rear addition, bay window and front porch to the existing non-conforming home:

- A. Chapter 126, Article 4, Section 4.61 A (1)** of the Zoning Ordinance requires that a corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district which such building is located. This requirement shall not reduce the buildable width of any lot to less than 25.00 feet. The side setback required to maintain the 25.00 foot rule is 16.25 feet. The existing and proposed is 14.30 feet; therefore a variance of 1.95 feet is requested.
- B. As stated in variance A above, Chapter 126, Article 4, Section 4.61 A (1)** of the Zoning Ordinance requires a street side yard setback of 16.25 feet. The proposed second floor box bay projection has a proposed setback of 13.00 feet; therefore a variance of 3.25 feet is requested.
- C. As stated in variance A above, Chapter 126, Article 4, Section 4.61 A (1)** of the Zoning Ordinance requires a street side yard setback of 16.25 feet. The proposed front porch has a proposed setback of 15.50 feet; therefore a variance of 0.75 feet is requested.

Staff answered informational questions from the Board.

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

Motion by Hart

Seconded by Lilley with regard to Appeal 24-31, A. Chapter 126, Article 4, Section 4.61 A (1) of the Zoning Ordinance requires that a corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district which such building is located. This requirement shall not reduce the buildable width of any lot to less than 25.00 feet. The side setback required to maintain the 25.00 foot rule is 16.25 feet. The existing and proposed is 14.30 feet; therefore a variance of 1.95 feet is requested; and, B. As stated in variance A above, Chapter 126, Article 4, Section 4.61

A (1) of the Zoning Ordinance requires a street side yard setback of 16.25 feet. The proposed second floor box bay projection has a proposed setback of 13.00 feet; therefore a variance of 3.25 feet is requested; and, C. As stated in variance A above, Chapter 126, Article 4, Section 4.61 A (1) of the Zoning Ordinance requires a street side yard setback of 16.25 feet. The proposed front porch has a proposed setback of 15.50 feet; therefore a variance of 0.75 feet is requested.

Mr. Hart moved to approve all three variances. He expressed appreciation for the appellant's explanation of the property's unique circumstances. He continued that the approval would not adversely affect any neighboring properties, that it would provide substantial justice to the homeowner and the neighboring properties, that it was not contrary to the spirit or purpose of the zoning ordinance, and that it was not contrary to public health, safety, or welfare. He added that conformity would be unreasonably burdensome to require on some of the smaller sections.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**3) 550 Henley
Appeal 24-32**

BOD Zielke presented the item, explaining that the owner of the property known as 550 Henley was requesting the following variances to construct an addition to the existing non-conforming home:

- A. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that front yard setback is the average of homes within 200.00 feet in each direction. The required is 34.60 feet. The existing and proposed is 24.50 feet. Therefore, a variance of 10.10 feet is being requested.
- B. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that the rear yard setback is a minimum of 30.00 feet. The existing is 12.10 feet and proposed is 7.40 feet. Therefore, a variance of 22.60 feet is being requested on the addition.
- C. Chapter 126, Article 2, Section 2.06.2** of the Zoning Ordinance requires that the minimum combined front and rear setback is 55.00 feet. The existing is 36.60 feet and proposed is 31.90 feet. Therefore, a variance of 23.10 feet is being requested.

Staff answered informational questions from the Board.

Jeff Heichel, appellant, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Board members raised the following points during discussion:

- Variances that increase a pre-existing non-conformity tend to be challenging to approve.

- This request would result in a significant addition compared to the scale of the home.
- There are options for reducing the requested variances.
- This is a uniquely shaped lot with a number of challenges present, including being triangular with less than 1500 square feet of buildable area.
- While this proposal would result in substantial justice for the appellant, the Board must also consider whether it would result in substantial justice for the neighbors and the general public.
- The Board is bound by the ordinances when considering whether to approve variances. Residents can pursue changes to an ordinance via the Commission.
- It is useful to hear about any efforts an appellant makes to reduce variance requests.
- These variances would impact what could be done on the neighboring property in the future.
- While this proposal would be an ideal scenario for the appellant, the lot does not accommodate the proposal. Granting variances that allow for expanded non-conformities could also result in other property owners seeking the same result.
- It is likely that the owner would require a number of variances even if the proposal were to change significantly.
- If the appellant were to build a new, ordinance-compliant home on this lot, it would likely reduce the value of the neighbors' home. That would not do substantial justice to the neighboring property owners.
- If the appellant chose to delay this appeal to the next Board meeting, it could be useful for the appellant to explore potential ways of reducing the variance requests.

It was recommended that staff be permitted to review how the setbacks were calculated for this lot, and that this appeal be adjourned to the next meeting.

Motion by Canvasser

Seconded by Kona to adjourn request 24-32 to the next regularly scheduled meeting in order to allow the City time to look at the setbacks.

Board comments on the motion were as follows:

- **Having the architect present at the next review of this appeal could be helpful.**
- **Other options for making the home more accessible could also be considered, and described to the Board at the next review.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

6. Correspondence

Any 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 8:40 p.m.



Bruce R. Johnson, Building Official

Laura Eichenhorn, City Transcriptionist

DRAFT

CASE DESCRIPTION

550 Henley (24-32)

Hearing date: February 11, 2025

Appeal No. 24-32: The owner of the property known **550 Henley**, requests the following variances to construct an addition to the existing non-conforming home:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that front yard setback is the average of homes within 200.00 feet in each direction. The required is 34.60 feet. The existing and proposed is 24.50 feet. Therefore, a variance of 10.10 feet is being requested.

B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the minimum side yard setback on the west side is to be 12.90 feet. The existing is 12.10 feet and proposed is 7.40 feet. Therefore, a variance of 5.50 feet is being requested on the addition.

Staff Notes: This applicant is seeking to construct an addition to an existing non-conforming home that was constructed in 1959 on an irregular shaped lot. This applicant was in front of the board last month and it was adjourned to this meeting. This was to allow a further review by city staff on how the setbacks were calculated for this lot.

This property is zoned R1 – Single family residential.

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

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

550 HENLEY MAP



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

Address: 550 Hanley Street	Lot Number: Birmingham Forest Hills, Lot 141	Sidwell Number: 08-19-25-256-010
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II. OWNER INFORMATION:

Name: JEFF HENRICH			
Address: 550 Hanley Street	City: Birmingham	State: MI	Zip code: 48009
Email: jhenrich@bhamgov.org		Phone: 313 418 6099	

III. PETITIONER INFORMATION:

Name: Same as owner	Firm/Company Name:		
Address:	City:	State:	Zip code:
Email:	Phone:		

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

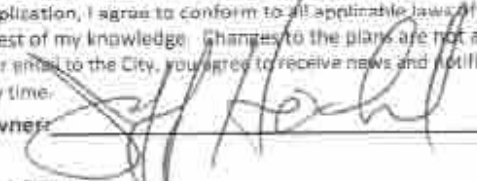
V. REQUIRED INFORMATION CHECKLIST:

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: 12/11/24
Signature of Petitioner: _____	Date: _____

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

ARTICLE I - Appeals

A. Appeals may be filed under the following conditions:

1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
2. A property owner may appeal for variance, modification or adjustment of the requirements of the Sign Ordinance.
3. Any aggrieved party may appeal the decision of the Planning Board and/or the Building Official in accordance with the City of Birmingham Zoning Ordinance, Article Eight, Section 8.01 (D) Appeals. If an appellant requests a review of any determination of the Building Official, a complete statement setting forth the facts and reasons for the disagreement with the Building Official's determination shall include the principal point, or points on the decision, order or section of the ordinance appealed from, on which the appeal is based.

B. Procedures of the Board of Zoning Appeals (BZA) are as follows:

1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
2. All applications for appeal shall be submitted to the Community Development Department on or before the 12th day of the month preceding the next regular meeting. If the 12th falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

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



Signature of Applicant

February 1, 2025

Board of Zoning Appeals
Community Development – Building Department
151 Martin Street
Birmingham, MI 48009

Thank you for your comments on January 14 when you reviewed our variance request for 550 Henley to add a one story master suite and laundry. We have conferred with the city regarding how they view our non-conforming lot in terms of rear and side yards. They have now confirmed we are asking for a variance to our side yard, not our rear yard. Our rear yard is in compliance.

After relistening to the meeting video and reflecting on the discussion, I met again with my architect and am submitting a revised plan for your approval.

Our plan now correctly identifies our existing side variance non-conformity. For clarity, we have shown as a “MEMO ITEM” on the chart below what the variance request actually was in our original request and have also shown our variance request now that we have updated our submission.

From a square footage perspective, the area of non-conformity in our initial submission was ~41 square feet; that has now been reduced to 11 square feet (see ZBA plan from Greentech Engineering) and only 5 square feet vs. the existing side non-conformity. Substantive design changes were made in an effort to gain concurrence with our plan. Our architect was able to redesign the bathroom while maintaining our 3’ doorways, handicap-size access to the toilet area and “no door, no sill” access to the shower by reconfiguring interior and exterior space. This was primarily accomplished by recessing the exterior rear wall of the bathroom to better “fit” the property.

- Front and Side variances required for revised build plan:

Variance Chart

Requested Variance	Required	Existing	Proposed	Variance Amount
Variance A, Front Setback	34.60 feet	24.50 feet (existing non-conformity=10.10’)	24.50 feet	10.10 feet

Variance B, Side Setback REVISED REQUEST	37.80 feet $24.90' + 12.90' = 37.8'$	37.00 feet $(24.90' + 12.1' = 37.0')$ (existing non- conformity=0.80')	35.00 feet $24.9' + 10.1' = 35'$ REVISED REQUEST	2.80 feet
MEMO ORIGINAL REQUEST: Variance B, Side Setback	MEMO: 37.80 feet	MEMO: 37.00 feet	MEMO ORIGINAL REQUEST: 32.30 feet $24.9 + 7.4 = 32.3$	MEMO ORIGINAL REQUEST: 5.50 feet

We hope that our revised floor plans sufficiently demonstrates that we have, as suggested by the Board, seriously reviewed all alternatives to our plan and have tried to address the stated concerns by redesigning the addition to reflect a smaller footprint at the most significant pinch point while still addressing our needs.

There was also a question about substantial justice to us and our neighbors at the January meeting. To that point, as we review the allowable footprint on this lot, a compliant rebuild here would result in a very small home that would adversely affect not only us as the current homeowners, but any future homeowners of our property and our neighbors by reducing the home values with the relatively small home that could be rebuilt here.

I changed my travel plans by a week so I could personally attend the BZA meeting to review these changes and answer any further questions. My architect, Greg Stafford, sends his apologies but he has been in Florida for some time and will remain there for the rest of the snow season. He did note the significant challenges this lot has presented as we contemplated what we could do to address the Board's concerns.

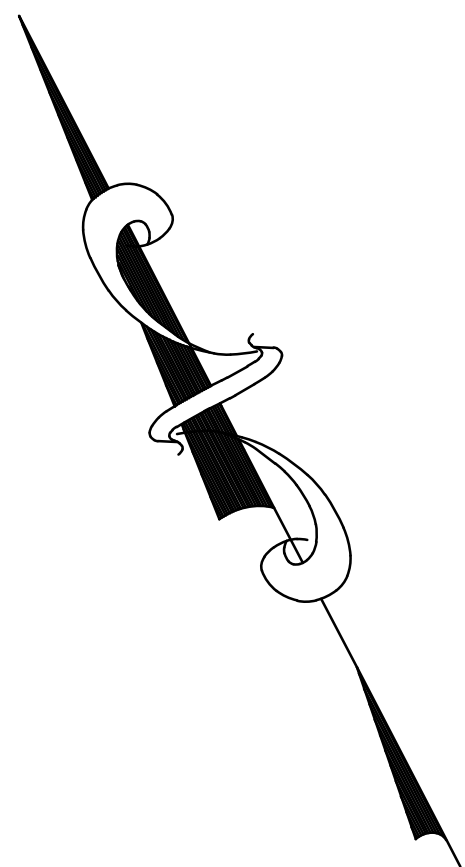
A final note from my perspective in support of our request. Our combined side lot at 35.0' (shortest point) is actually quite a bit larger than many of the side lots on our street where the lots are much closer together. I think this is another example where the well-intentioned requirements for combined side lot size is exacerbated by the unusual shape of our lot. In particular, the fact that our lot measures 151.1' across drives a sizeable required combined side lot,

especially considering the entire lot is < .25 of an acre. I think we can all agree that there are certainly a confluence of unusual circumstances related to this property.

We sincerely appreciate your consideration,

Jeff Heichel

Julie Heichel



	FOUND IRON BAR
	FOUND CAPPED IRON
(M)	MEASURED
(R)	RECORD
---	EX. GAS MAIN
---	EX. SANITARY SEWER
---	EX. STORM SEWER
---	EX. WALL
---	EX. WATER MAIN
---	EX. FENCE
	EX. AIR CONDITIONER
	EX. ARBORVITAE
	EX. CATCH BASIN
	EX. ELECTRIC METER
	EX. GAS METER
	EX. GENERATOR
	EX. HYDRANT
	EX. SANITARY MANHOLE
	EX. SIGN
	EX. WATER SHUT OFF
	EX. UTILITY POLE
	EX. DECIDUOUS TREE
	EX. CONIFEROUS TREE

FRONT:
HENLEY DRIVE: *24.5 FEET (SAME AS EXISTING HOUSE)
WARWICK DRIVE: 24.9 FEET (EXISTING HOUSE)
SIDE (SOUTH):
*10.1 FEET (EXISTING HOUSE IS 12.1 FEET)
WEST SIDE:
13.3 FEET

*VARIANCE REQUESTED

LOT AREA: 10,646 S.F. (0.24 ACRES)

EXISTING HOUSE: 1,899 S.F. (17.84%)
PROPOSED ADDITION: 585 S.F. (5.50%)
PROPOSED LOT COVERAGE: 2,484 S.F. / 10,646 S.F. (23.33%)
30% MAXIMUM ALLOWABLE

IMPERVIOUS COVERAGE:
EXISTING HOUSE: 1,899 S.F. (17.84%)
PROPOSED ADDITION: 585 S.F. (5.50%)
EXISTING PAVED/GRAVEL SURFACES: 1,861 S.F. (17.48%)
PROPOSED IMPERVIOUS COVERAGE: 4,345 S.F. / 10,646 S.F. (40.81%)
60% MAXIMUM ALLOWABLE

R2. SINGLE-FAMILY RESIDENTIAL DISTRICT

FRONT:

HENLEY DRIVE: 34.6 FEET (SEE CALCULATIONS)
WARWICK DRIVE: 33.5 FEET (SEE CALCULATIONS)
REAR: 30 FEET, MINIMUM
55 FEET, TOTAL FRONT AND REAR

HENLEY DRIVE LOT WIDTH IS 151.1 FEET AT THE FRONT SETBACK:
 $(151.1 \text{ FEET} \times 10\%) = 15.1 \text{ FEET}$, ONE SIDE
 $(151.1 \text{ FEET} \times 25\%) = 37.775 \text{ FEET}$, TOTAL OF BOTH
 5 FEET, MINIMUM

*GREATER OF 9 FEET OR 10% OF LOT WIDTH, ONE SIDE
GREATER OF 14 FEET OR 25% OF LOT WIDTH, TOTAL OF BOTH

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

<u>HENLEY DRIVE:</u>		<u>WARWICK DRIVE:</u>	
<u>HOUSE NO.</u>	<u>FRONT SETBACK</u>	<u>HOUSE NO.</u>	<u>FRONT SETBACK</u>
460 HENLEY	35.2 FEET	541 WIMBLETON	33.8 FEET
510 HENLEY	34.8 FEET	921 WARWICK	33.6 FEET
550 HENLEY	SITE	963 <u>WARWICK</u>	<u>33.0 FEET</u>
968 WARWICK	NOT USED	AVERAGE	33.5 FEET
640 HENLEY	31.1 FEET		
678 HENLEY	37.3 FEET		
AVERAGE	34.6 FEET		

CITY BENCHMARK #5:
SOUTHEAST CORNER OF LAWNDALE AND OAKLAND.
ELEVATION: 778.576 CITY DATUM

SITE BENCHMARK(BM):
TOP OF NUT ON THE HYDRANT ON THE WEST SIDE OF WARWICK DRIVE
NEAR THE SOUTHWEST CORNER OF WARWICK DRIVE AND HENLEY DRIVE.
ELEVATION: 779.49 CITY DATUM

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

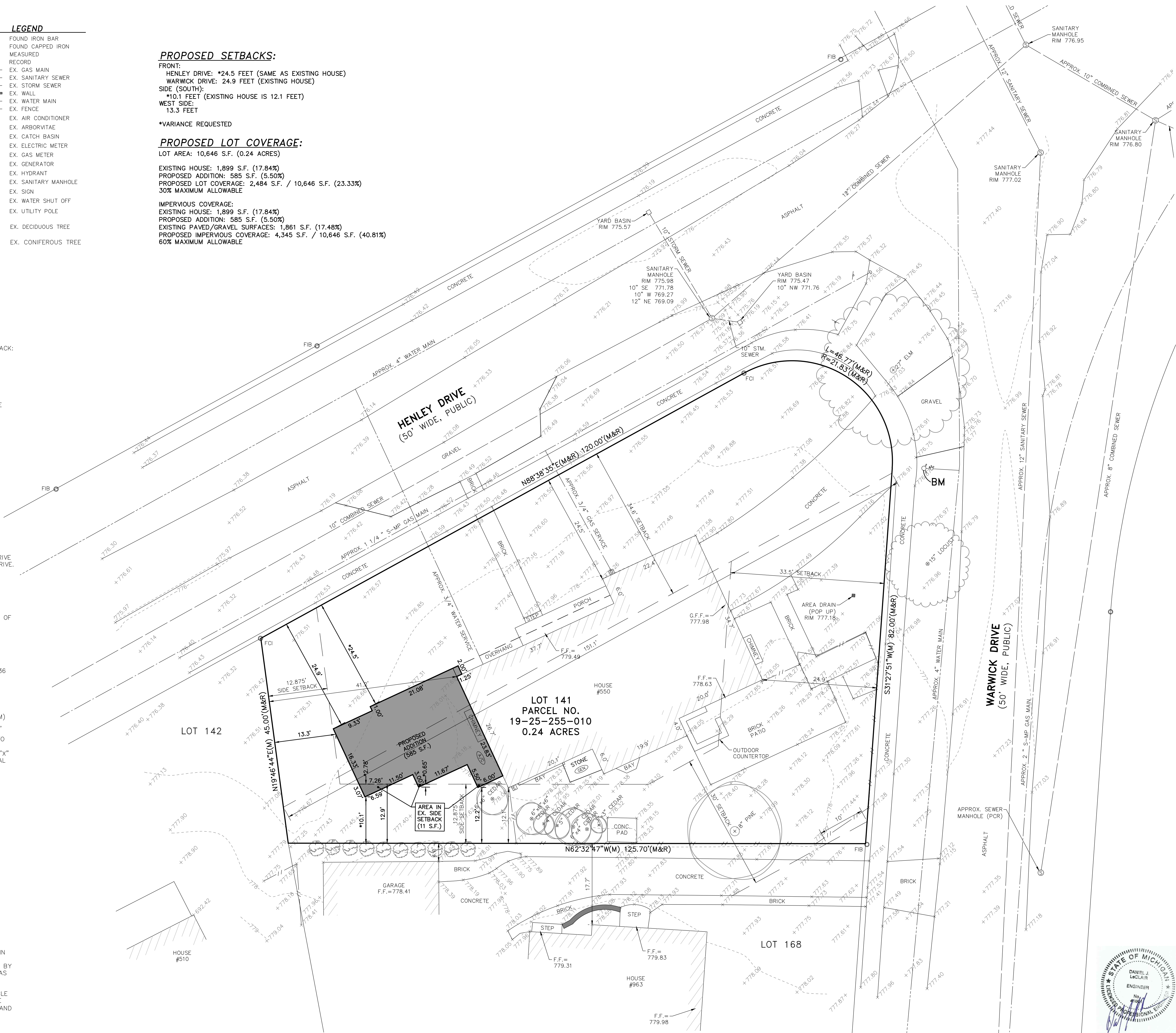
2. A WETLAND AND TREE SURVEY WERE NOT PERFORMED AS PART OF THIS SURVEY.

LOT 141 OF "BIRMINGHAM FOREST HILLS", A SUBDIVISION OF A PORTION OF THE NORTHEAST 1/4 OF SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM (FORMERLY BLOOMFIELD TOWNSHIP), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 36 OF PLATS, PAGE 26, OAKLAND COUNTY RECORDS.

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

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

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 ANY EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREE TO BE 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.



RESIDENTIAL
Subdivisions
Site Condominium
Multi-Family
Plot Plans

COMMERCIAL
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Site Engineering
Industrial & Multi-Unit
Land Surveying

SURVEYING
ALTA Surveys
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Construction Staking

GREENTECH
ENGINEERING, INC.



Know what's **below**
Call before you dig.

CLIENT: JEFFREY & JULIE HEICHEL

ZBA PLOT PLAN

550 HENLEY DRIVE - PARCEL NO. 19-25-255-010
SECTION: 25 TOWNSHIP: 2 N.
CITY OF BIRMINGHAM
OAKLAND COUNTY
MICHIGAN
RANGE: 10 E.

REVISED

DATE: 1-31-2025

DRAWN BY: ACS/JPP

CHECKED BY: JPP/DJ

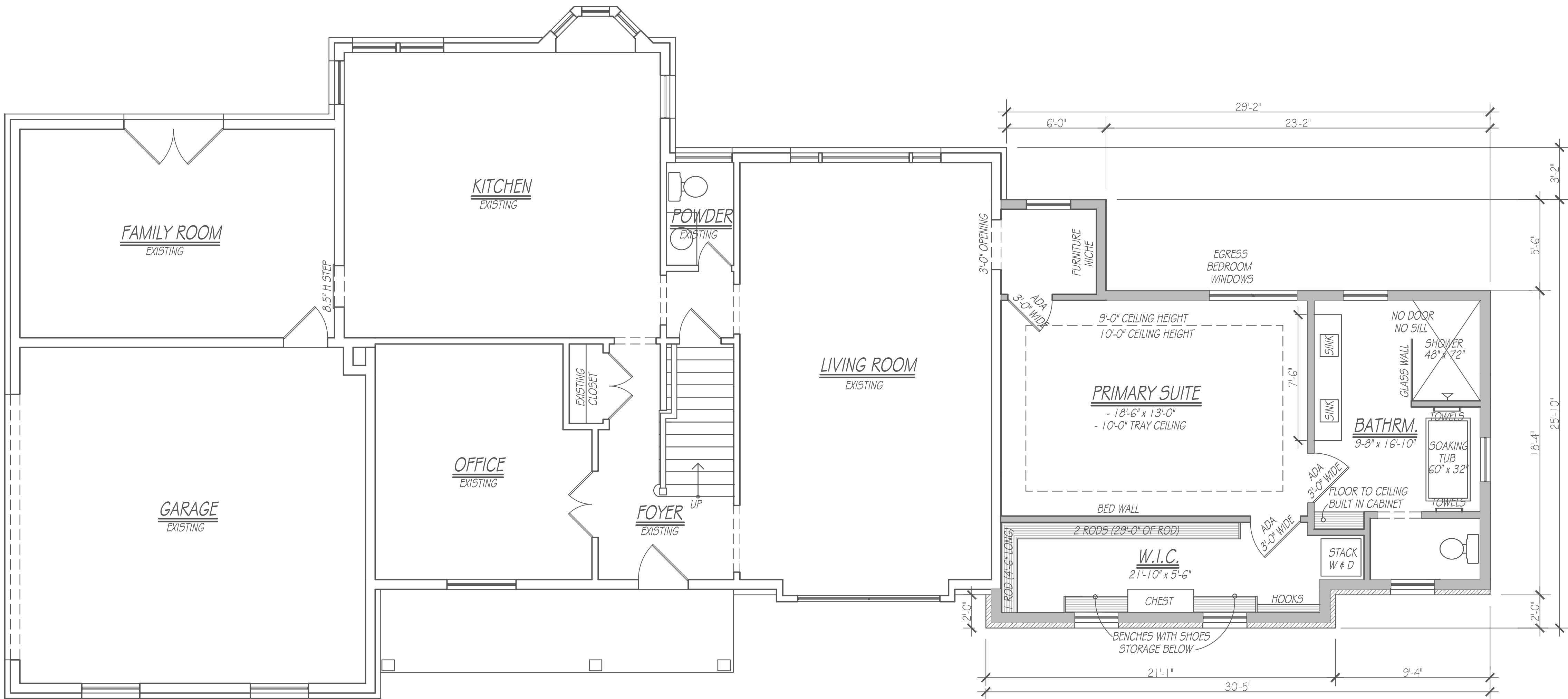
FBK: --

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

1



PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

SCOPE OF WORK:

TO EXPAND AN EXISTING TWO STORY COLONIAL HOUSE BY BUILDING A FIRST FLOOR PRIMARY SUITE BEDROOM WITH A NEW ADJOINING BATHROOM WHICH WILL ALSO INCLUDE LAUNDRY. PURPOSE OF THE EXPANSION IS TO CREATE AN AGE IN PLACE HOME FOR THE HOMEOWNERS.

PROJECT LOCATION: 550 HENLEY, BIRMINGHAM, MI 48009.
OWNERS ARE: JEFF & JULIE HEICHEL

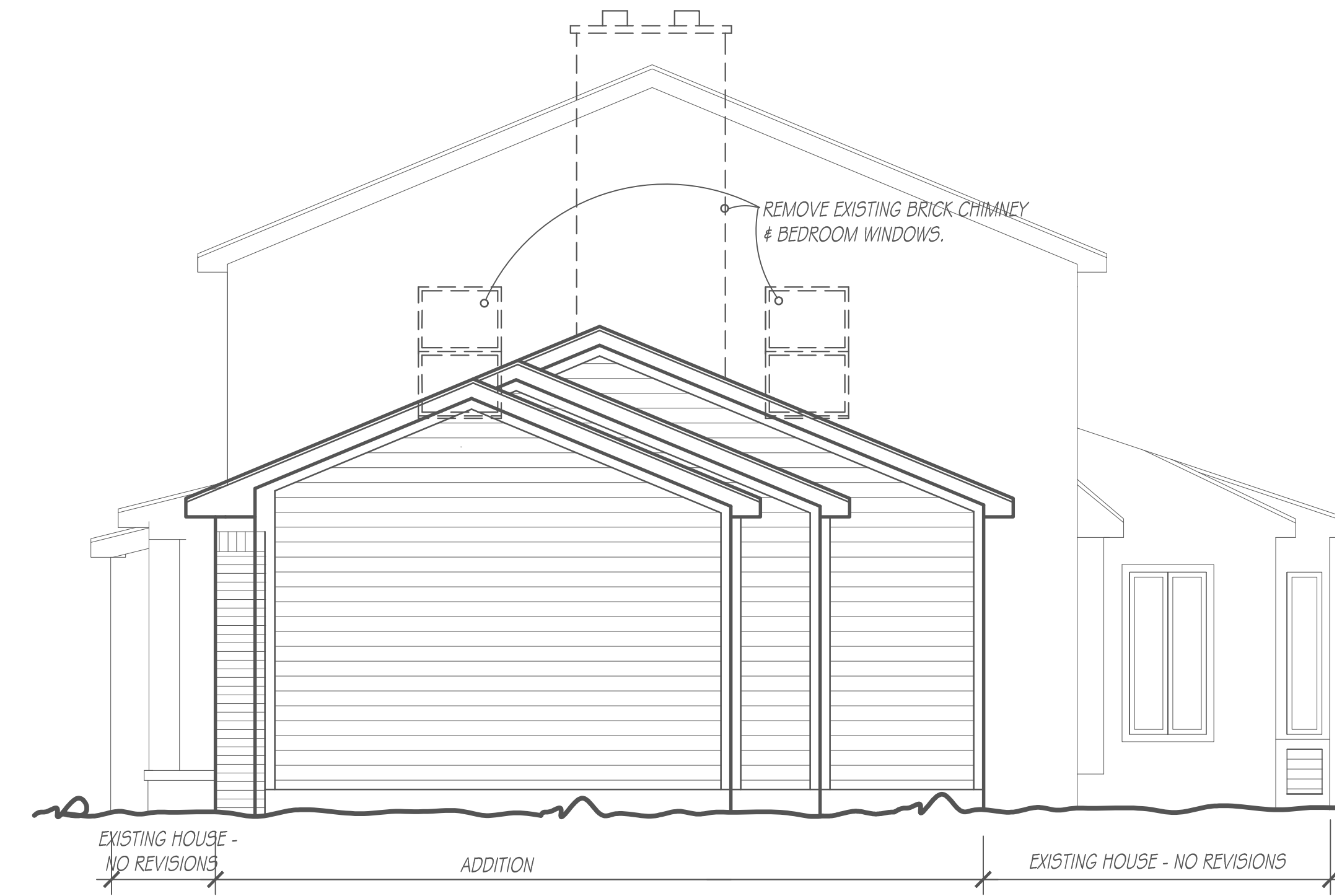
- GENERAL PROGRESSION OF CONSTRUCTION:
- 1) REMOVE ANY AND ALL ENCUMBRANCES TO NEW CONSTRUCTION. CLEAN REMAINING BUILDING SPACE AND SURFACES AS NECESSARY.
 - 2) PRIOR TO CONSTRUCTION, SAFELY DETACH AND / OR CAP ANY AND ALL UTILITY LEADS TO EXISTING STRUCTURE AND REATTACH WHEN PERMITTED.
 - 3) INSTALL NEW CONC. TRENCH FOOTINGS AS PER PLAN.
 - 4) CONSTRUCT NEW WALL FRAMING AS PER PLAN.
 - 5) INSTALL / REVISE NEW ELECTRICAL & MECHANICAL SYSTEMS AS PER PLAN & BUILDER.
 - 6) FINALIZE INTERIOR SPACE WITH MATERIALS AS PER PLAN AND OWNER'S SPECIFICATIONS.
 - 7) ALL CONSTRUCTION MUST CONFORM TO MINIMUM OF MICHIGAN RESIDENTIAL BUILDING CODE YEAR 2015 AND ALL STATE OF MICHIGAN REGULATORY LICENSING AND PERMITS THAT MAY BE REQUIRED FOR SAID RESIDENTIAL CONSTRUCTION.
 - 8) THIS LIST IS NOT EXHAUSTIVE NOR DOES IT INCLUDE EVERY NUANCE OF CONSTRUCTION BUT INSTEAD ENTAILS A GENERAL DESCRIPTION FOR CONSTRUCTION AS A "SCOPE OF WORK" OUTLINE. REFER TO CONSTRUCTION PLANS, BUILDER OF RECORD, LICENSED SUB CONTRACTORS, AND ALL MANUFACTURERS' SPECIFICATIONS FOR FURTHER INFORMATION, DETAIL, AND DIRECTION THAT MAY BE REQUIRED OR NECESSARY.

**PROPOSED DESIGN
NOT FOR CONSTRUCTION
DECEMBER 4, 2024**

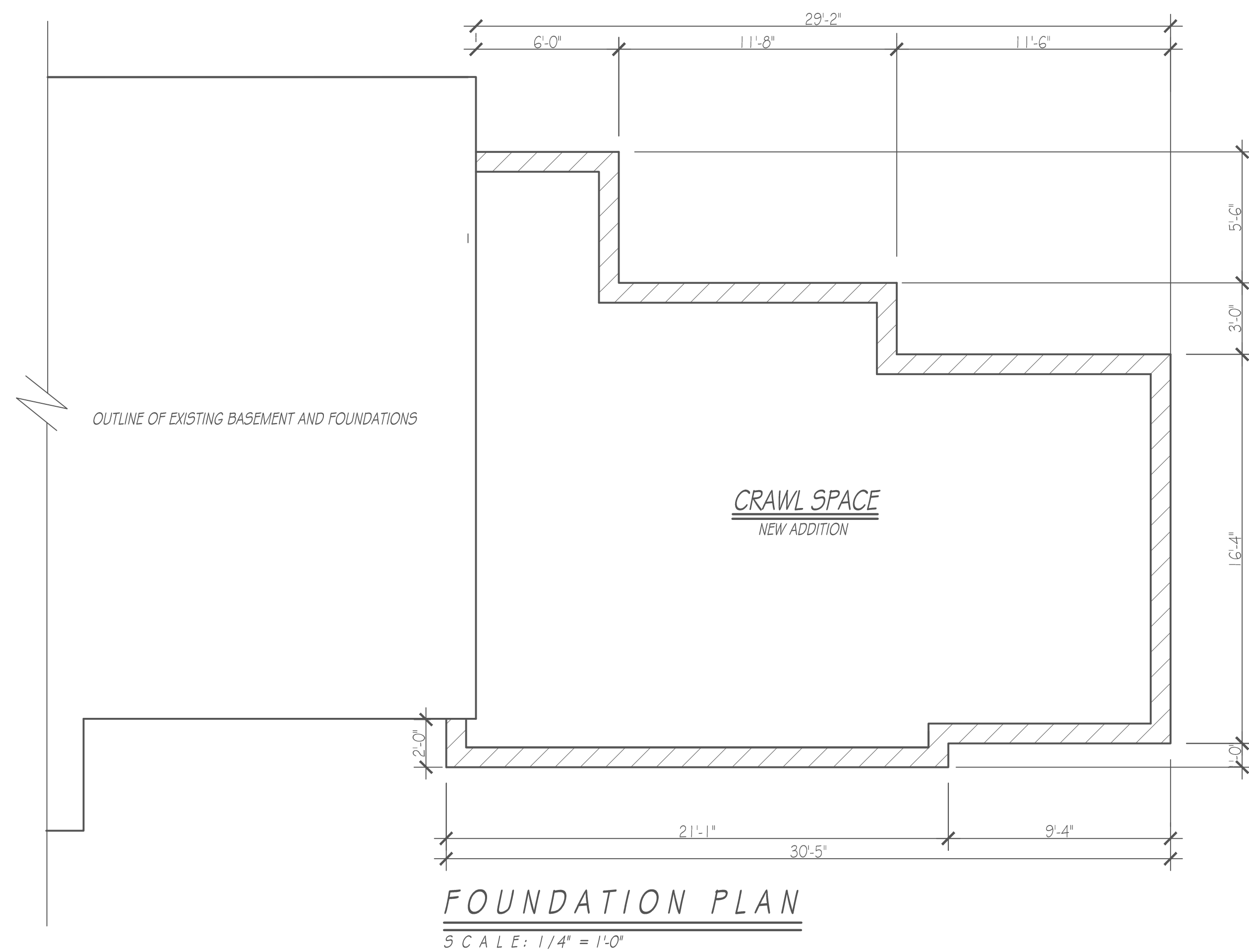
G R E G S T A F F O R D		
# A S S O C I A T E S		
BLOOMFIELD HILLS, MICHIGAN		
SCALE: SHOWN	248.318.4811	DRAWN: G.S.
DATE: 11/7/2024	GSASSOCIATES@ATT.NET	CHECKED: G.S.
RESIDENCE FOR: JEFF & JULIE HEICHEL		
PROJECT: 610 SQ.FT. FIRST FLOOR ADDITION	PROJECT NO. 10221	of 3



PROPOSED-
REAR (SOUTH) ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED-
RIGHT (WEST) ELEVATION
SCALE: 1/4" = 1'-0"



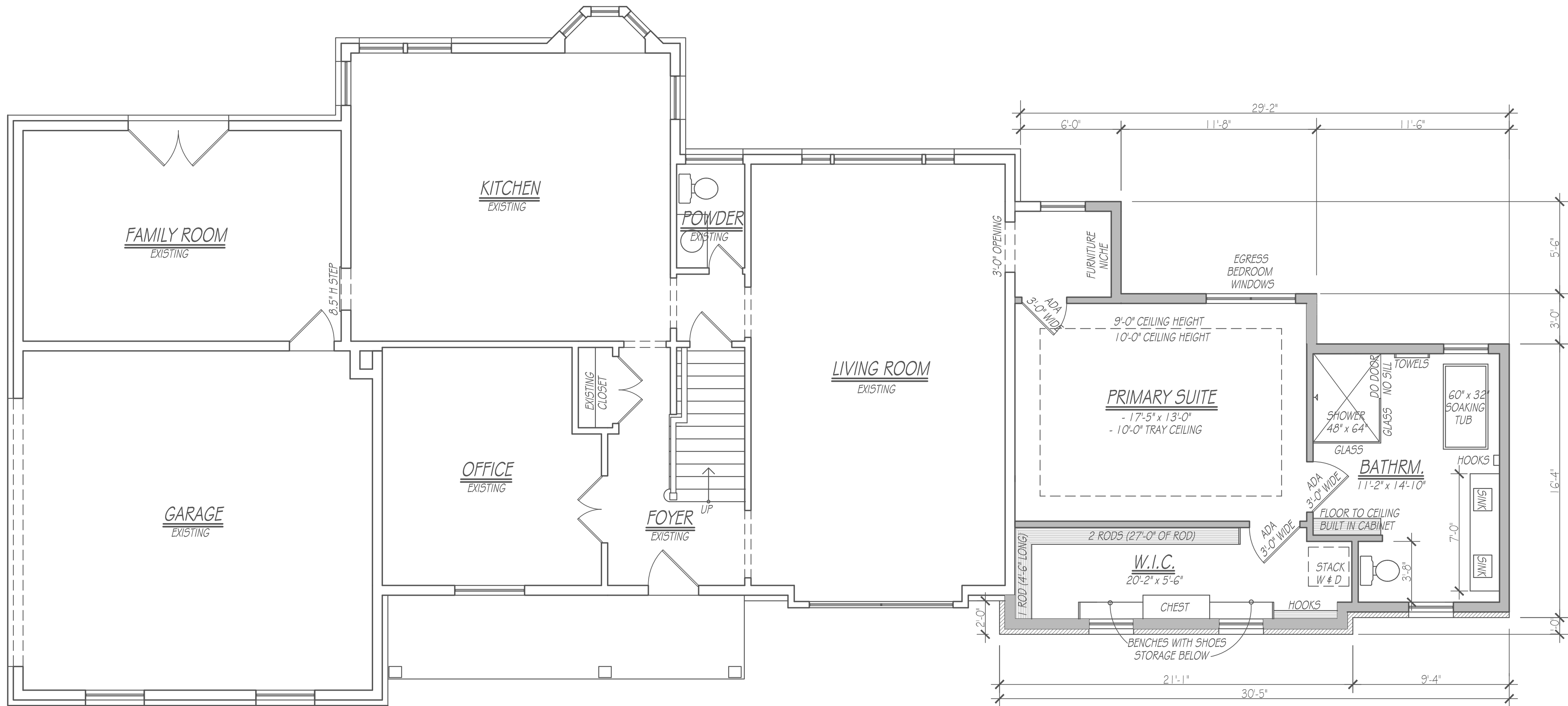
FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

PROPOSED DESIGN
NOT FOR CONSTRUCTION
JANUARY 29, 2025

G R E G S T A F F O R D									
# A S S O C I A T E S									
248.318.4811 G S A S S O C I A T E S @ A T T . N E T									
PROJECT NO. 10221					SHEET NO. 2 of 3				



PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

SCOPE OF WORK:

TO EXPAND AN EXISTING TWO STORY COLONIAL HOUSE BY BUILDING A FIRST FLOOR PRIMARY SUITE BEDROOM WITH A NEW ADJOINING BATHROOM WHICH WILL ALSO INCLUDE LAUNDRY. PURPOSE OF THE EXPANSION IS TO CREATE AN AGE IN PLACE HOME FOR THE HOMEOWNERS.

PROJECT LOCATION: 550 HENLEY, BIRMINGHAM, MI 48009.
OWNERS ARE: JEFF & JULIE HEICHEL

- GENERAL PROGRESSION OF CONSTRUCTION:
- 1) REMOVE ANY AND ALL ENCUMBRANCES TO NEW CONSTRUCTION. CLEAN REMAINING BUILDING SPACE AND SURFACES AS NECESSARY.
 - 2) PRIOR TO CONSTRUCTION, SAFELY DETACH AND / OR CAP ANY AND ALL UTILITY LEADS TO EXISTING STRUCTURE AND REATTACH WHEN PERMITTED.
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**PROPOSED DESIGN
NOT FOR CONSTRUCTION
JANUARY 29, 2025**

G R E G S T A F F O R D		
# A S S O C I A T E S		
BLOOMFIELD HILLS, MICHIGAN		
SCALE: SHOWN	248.318.4811	DRAWN: G.S.
DATE: 11/2024	GSA55OCIATES@ATT.NET	CHECKED: G.S.
RESIDENCE FOR: JEFF & JULIE HEICHEL		
PROJECT: 586 SQ.FT. FIRST FLOOR ADDITION	PROJECT NO. 10221	of 3

REVISED Request to Build a First Floor Primary Suite and Laundry Reflects City Clarifications on Variances and Design Revisions

Submission for BZA Meeting

Jeff Heichel

550 Henley Street

February 11, 2025

Homeowner Actions Taken Since January 14 Meeting

- Full review of video, Clarification from City on what Variances are required, architectural discussions resulting in new drawings and updated plot plan
- Architect reconfigured interior and exterior space, primarily by recessing the southwest corner of the addition to better “fit” the property thereby substantially reducing the variance being requested
- Architect reconfiguration focused on the bathroom to achieve our “had to haves” as that is where the exterior dimensions were revised
 - Had to haves included 3’ doorways, handicap-size access to the toilet area and “no door, no sill” access to shower
 - Architect, Greg Stafford, winters in Florida and sends his regrets
 - Changed my schedule to be here in person

Front and Side Variances Required for Build Plan

Requested Variance	Required	Existing	Proposed	Variance Amount
Variance A, Front Setback	34.60 feet	24.50 feet (existing non- conformity=10.10')	24.50 feet	10.10 feet
Variance B, Side Setback REVISED REQUEST	37.80 feet $24.90' + 12.90' =$ 37.8'	37.00 feet $(24.90' + 12.1' = 37.0')$ (existing non- conformity=0.80')	35.00 feet $24.9' + 10.1' = 35'$ REVISED REQUEST	2.80 feet
MEMO ORIGINAL REQUEST: Variance B, Side Setback	MEMO: 37.80 feet	MEMO: 37.00 feet	MEMO ORIGINAL REQUEST: 32.30 feet $24.9 + 7.4 = 32.3$	MEMO ORIGINAL REQUEST: T: 5.50 feet

Updated Proposed Setbacks and Lot Coverage
Existing **Side** Variance is 0.8'; Requested Is
Now 2.8'

Total Area Inside Existing Variance is ~5 sq
ft

Setbacks and Lot Coverage

PROPOSED SETBACKS:

FRONT:

HENLEY DRIVE: *24.5 FEET (SAME AS EXISTING HOUSE)

WARWICK DRIVE: 24.9 FEET (EXISTING HOUSE)

SIDE (SOUTH):

*10.1 FEET (EXISTING HOUSE IS 12.1 FEET)

WEST SIDE:

13.3 FEET

*VARIANCE REQUESTED

PROPOSED LOT COVERAGE:

LOT AREA: 10,646 S.F. (0.24 ACRES)

EXISTING HOUSE: 1,899 S.F. (17.84%)

PROPOSED ADDITION: 585 S.F. (5.50%)

PROPOSED LOT COVERAGE: 2,484 S.F. / 10,646 S.F. (23.33%)

30% MAXIMUM ALLOWABLE

IMPERVIOUS COVERAGE:

EXISTING HOUSE: 1,899 S.F. (17.84%)

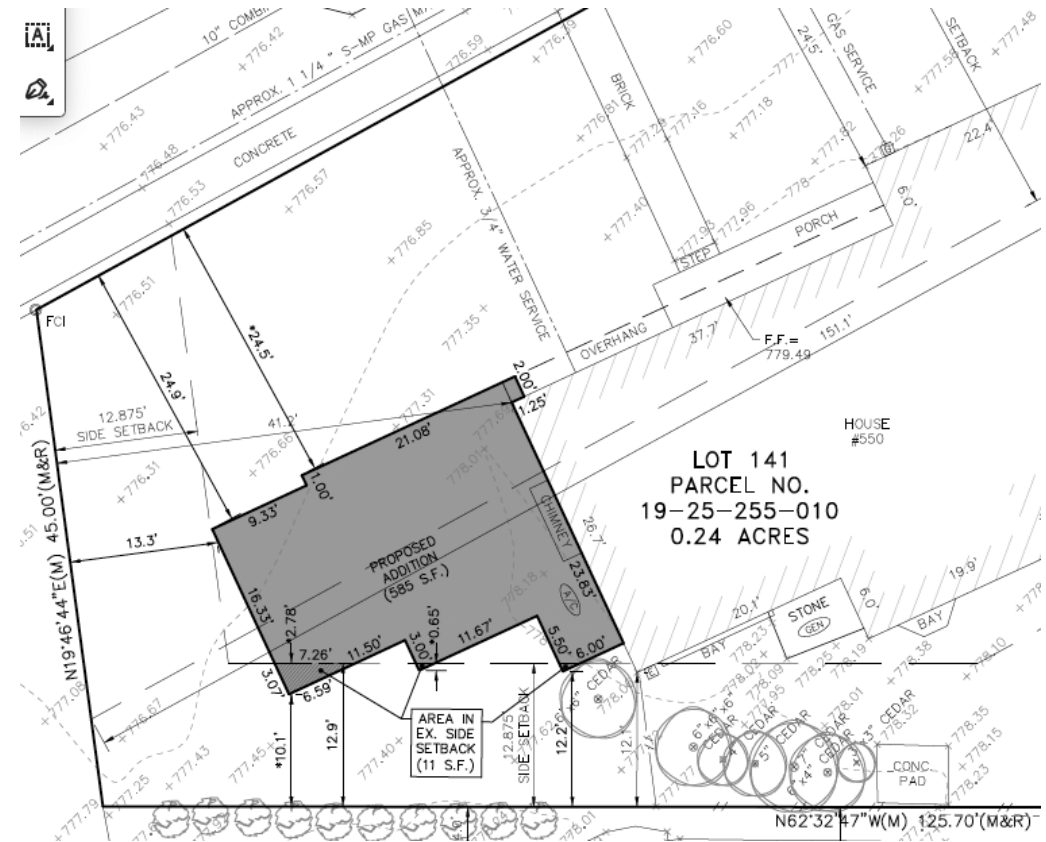
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PROPOSED IMPERVIOUS COVERAGE: 4,345 S.F. / 10,646 S.F. (40.81%)

60% MAXIMUM ALLOWABLE

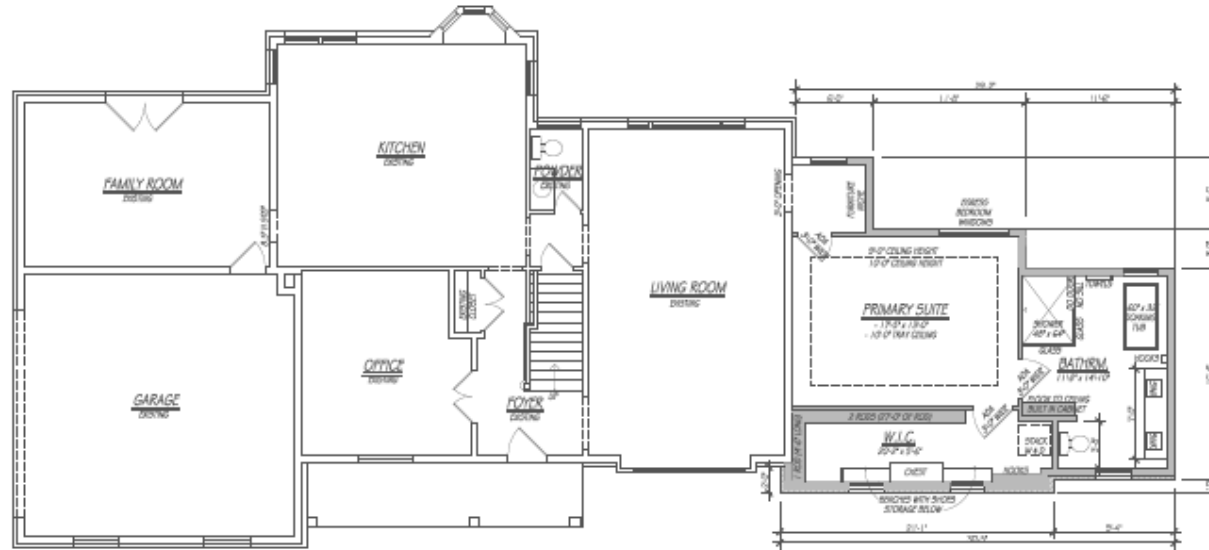
**Side Setback in SW Corner of
Addition Would Be 10.1' vs.
Current 12.1'**



Front Elevation and Floor Plan - REVISION REQUEST



PROPOSED FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

SCOPE OF WORK:

TO EXPAND AN EXISTING TWO STORY COLONIAL HOUSE BY BUILDING A FIRST FLOOR PRIMARY SUITE BEDROOM WITH A NEW ADJOINING BATHROOM WHICH WILL ALSO INCLUDE LAUNDRY. PURPOSE OF THE EXPANSION IS TO CREATE AN AGE IN PLACE HOME FOR THE HOMEOWNERS.

PROJECT LOCATION: 550 HENRY, BIRMINGHAM, AL 35208
OWNER: JEFF & JULIE HEICHEL

GENERAL PROGRESSION OF CONSTRUCTION:

- 1) REMOVE ANY AND ALL OBSTRUCTIONS TO NEW CONSTRUCTION
- 2) FLOOR TO CONSTRUCTION, SAFETY STAYS AND / OR CAP ANY AND ALL EXISTING WALLS TO EXISTING STRUCTURE AND REINFORCE WHEN PERMITTED.
- 3) INSTALL NEW CONCRETE FOUNDATION FOOTINGS AS PER PLAN.
- 4) CONSTRUCT NEW WALL FRAMING AS PER PLAN.
- 5) INSTALL / REPAIR NEW ELECTRICAL & MECHANICAL SYSTEMS AS PER PLAN & BUILDERS.
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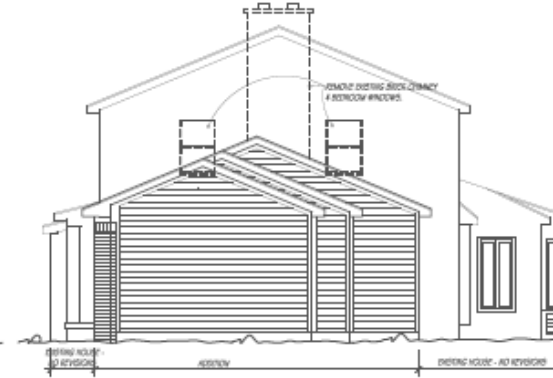
**PROPOSED DESIGN
NOT FOR CONSTRUCTION
JANUARY 29, 2025**

GREG STAFFORD			
BLOOMFIELD HILLS, MICHIGAN			
SCALE: 3/8" = 1'-0"	DATE: 11/1/2024	DESIGN: G.S.	CHECKED: G.S.
REFERENCE FOR: JEFF & JULIE HEICHEL		PROJECT NO: 10221	
PROJECT: 506 SQ. FT. FIRST FLOOR ADDITION		SHEET NO: 1 of 3	

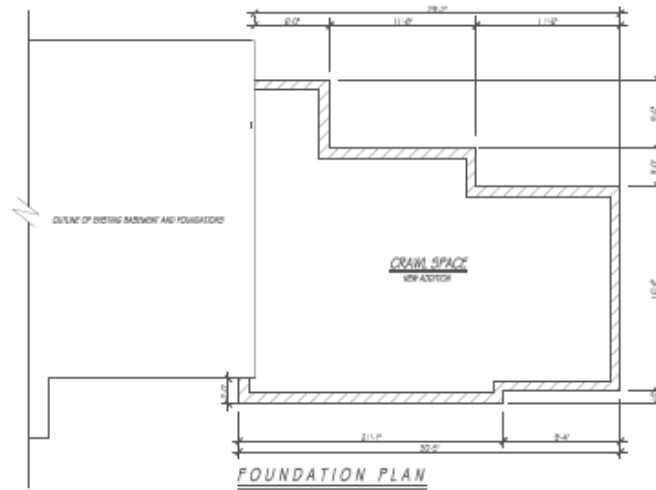
Rear and Side Elevation and Crawl Space - REVISED Request



PROPOSED-
REAR (SOUTH) ELEVATION
SCALE: 1/4"=1'-0"



PROPOSED-
RIGHT (WEST) ELEVATION
SCALE: 1/4"=1'-0"



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

PROPOSED DESIGN
NOT FOR CONSTRUCTION
JANUARY 29, 2025

G R E G S T A F F O R D	
P R O J E C T A R C H I T E C T P C	
PROJECT NO. 10221	SHEET NO. 2 of 3

Existing Home – Elevations and Floor Plan – No Change



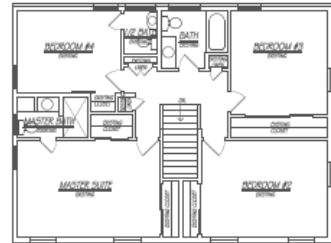
EXISTING-
FRONT (NORTH) ELEVATION
SCALE: 3/8"=1'-0"



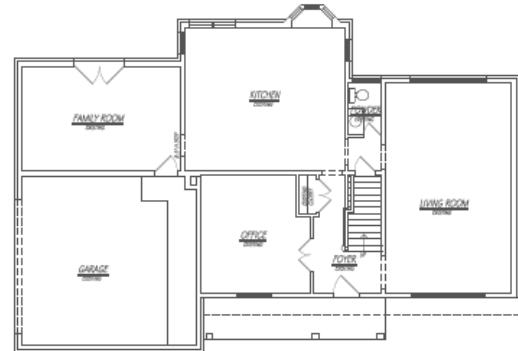
EXISTING-
RIGHT (WEST) ELEVATION
SCALE: 3/8"=1'-0"



EXISTING-
REAR (SOUTH) ELEVATION
SCALE: 3/8"=1'-0"



EXISTING-
SECOND FLOOR PLAN
SCALE: 3/8"=1'-0"



EXISTING-
FIRST FLOOR PLAN
SCALE: 3/8"=1'-0"

PROPOSED DESIGN
NOT FOR CONSTRUCTION
DECEMBER 4, 2024

G R E G S T A F F O R D	
A R C H I T E C T S	
11111 11111 - BETHLEHEM, PA	
PROJECT NO. 10221	SHEET NO. 3 of 3

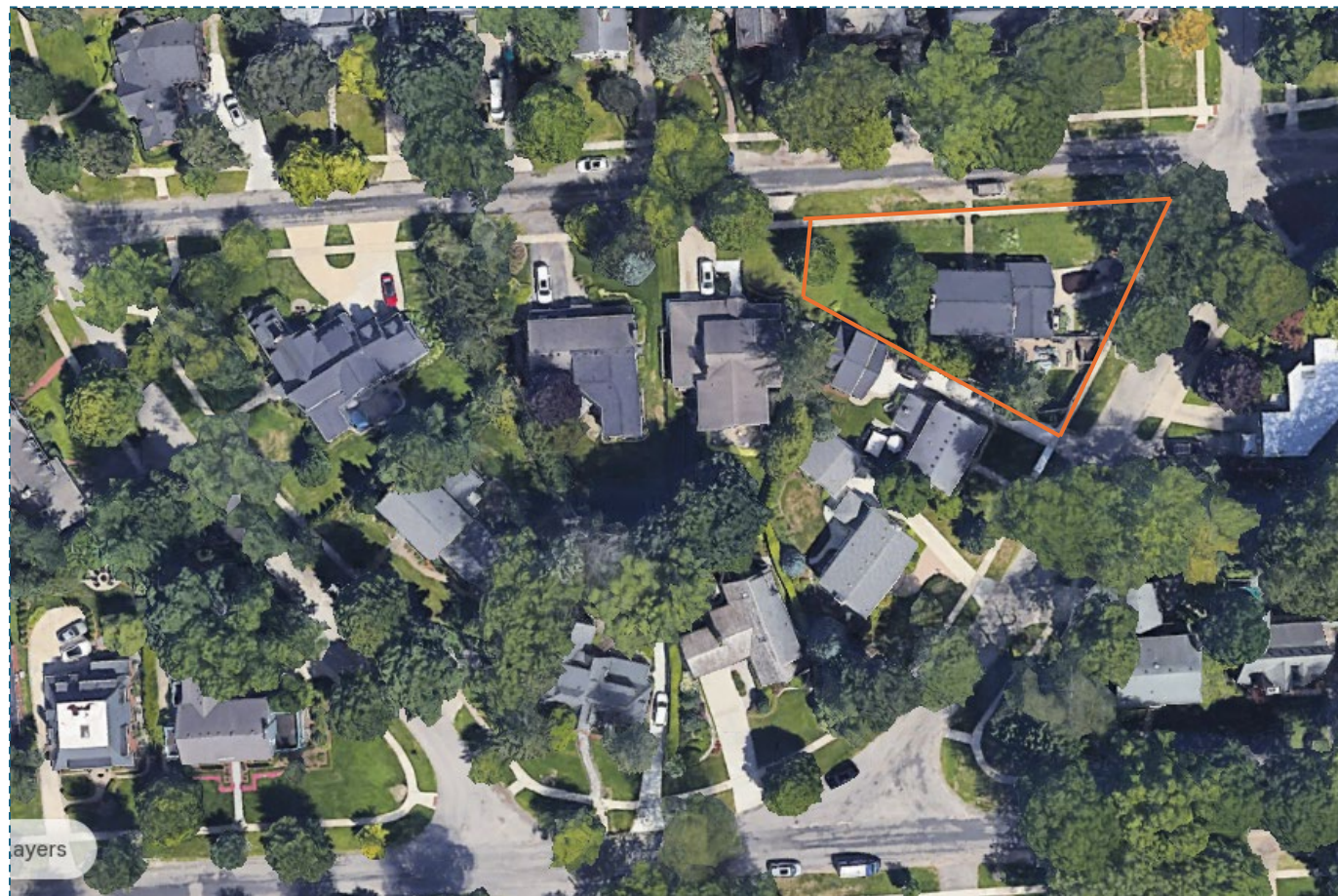
Final Thoughts

- Substantial Justice: There was a comment made about substantial justice to us and our neighbors at the January Meeting
 - The allowable footprint for this lot shows a compliant rebuild would result in a substantially smaller home that would adversely affect both the homeowner and surrounding neighbors by reducing home values
- 550 Henley is a unique piece of property with a confluence of unusual circumstances
 - Well-intentioned requirements for combined side lot amount is exacerbated by the unusual shape of lot – 151.1' across drives a sizeable required combined side lot, especially given entire lot is <.25 of an acre
 - Our property, after the addition, would still have quite a bit more side lot space (35.0') than many lots in our neighborhood
- We sincerely appreciate your consideration and I welcome your comments

BACK UP
Revised Plot Plan and
Select Charts from Jan 14
Meeting

Aerial View of 550 Henley and Surrounding Area

Reflects Irregular Lot Shape and Orientation of Home (Red Lines Approximate)



1st Floor Primary Suite & Laundry

– Summary

See Homeowner's Letter for Additional Details –

- ~~Revised Situation:~~ Irregular shaped lot with non-conforming 1959-era Colonial with significant green space in Poppleton Park
- Objective: Add 1st floor primary suite and laundry for daily living on first floor
- Practical Difficulty: Current zoning regulations preclude any reasonable addition to property because existing home is already non-conforming
- Hardship: Zoning regulations eliminates ability of owners to utilize property to meet legitimate current and future health and safety needs
- Public Interest: Orientation of home on irregular lot allows addition to harmonize with neighboring homes. The one area with a setback < existing is immediately adjacent to detached garage. Immediate neighbors have indicated support. We are active initiators and participants in neighborhood events
- Substantial Justice 1: Birmingham and, more specifically, Poppleton Park are destination locations for us; 3 of 5 grandkids live within .5 mile; aligning our home to current and future health and safety needs should not be unduly constrained by zoning regulations imposing requirements not in place when neighborhood was developed
- Substantial Justice 2: The allowable footprint for this lot shows a compliant rebuild would result in a substantially smaller home that would adversely affect both the homeowner and surrounding neighbors by reducing home values

550 Henley Addition – Options Considered

- Home was built 65 years ago and is non-conforming with current zoning requirements. Given placement, form and layout of existing home, various options were considered:
 1. A traditional rectangle shape in line with existing setbacks. To do this, the rear of addition would be pulled forward to match rear setback of 12.1' along entire south side of addition. The result was an addition ~15' wide which is not sufficient
 2. Extending the front of addition to match the front of the garage (6' forward of the house) to get sufficient square footage. Ultimately discarded this approach b/c the front setback would be reduced to 20.5' vs. current 24.5'.
 3. Utilize more space at the rear of the house – option selected because...
 1. Added a foyer “cut-in” to transition from house to addition that met current 12.1' setback.
 2. Added a rectangular structure in line with current 12.1' rear setback in most all respects.
 3. SW corner of addition < current rear 12.1' setback at point where 3 lots converge. No negative impact on neighboring properties. Letters of support attached from both neighbors.

Letters of Support

We have included letters of support from our neighbors indicating they have no objection to the plans we have to add on to our home at 550 Henley Street

- Nick and Lauren Freund – 963 Warwick Street
- Pete and Chris Glasier – 510 Henley Street



550 Henley Addition Located in
Area With No Impact on

~~Adjacent Home~~
632 Warwick Has No Usable
Space on North Side of
Detached Garage

Addition Would be ~42' From
510 Henley Structure



Proposed Setbacks and Lot Coverage – Original Request

Setbacks and Lot Coverage

PROPOSED SETBACKS:

FRONT:

HENLEY DRIVE: *24.5 FEET (SAME AS EXISTING HOUSE)

WARWICK DRIVE: 24.9 FEET (EXISTING HOUSE)

REAR:

*7.4 FEET (EXISTING HOUSE IS 12.1 FEET)

FRONT + REAR:

*31.9 FEET (EXISTING HOUSE FRONT + REAR IS 36.7 FEET)

WEST SIDE:

13.3 FEET

*VARIANCE REQUESTED

PROPOSED LOT COVERAGE:

LOT AREA: 10,646 S.F. (0.24 ACRES)

EXISTING HOUSE: 1,899 S.F. (17.84%)

PROPOSED ADDITION: 610 S.F. (5.73%)

PROPOSED LOT COVERAGE: 2,509 S.F. / 10,646 S.F. (23.57%)

30% MAXIMUM ALLOWABLE

IMPERVIOUS COVERAGE:

EXISTING HOUSE: 1,899 S.F. (17.84%)

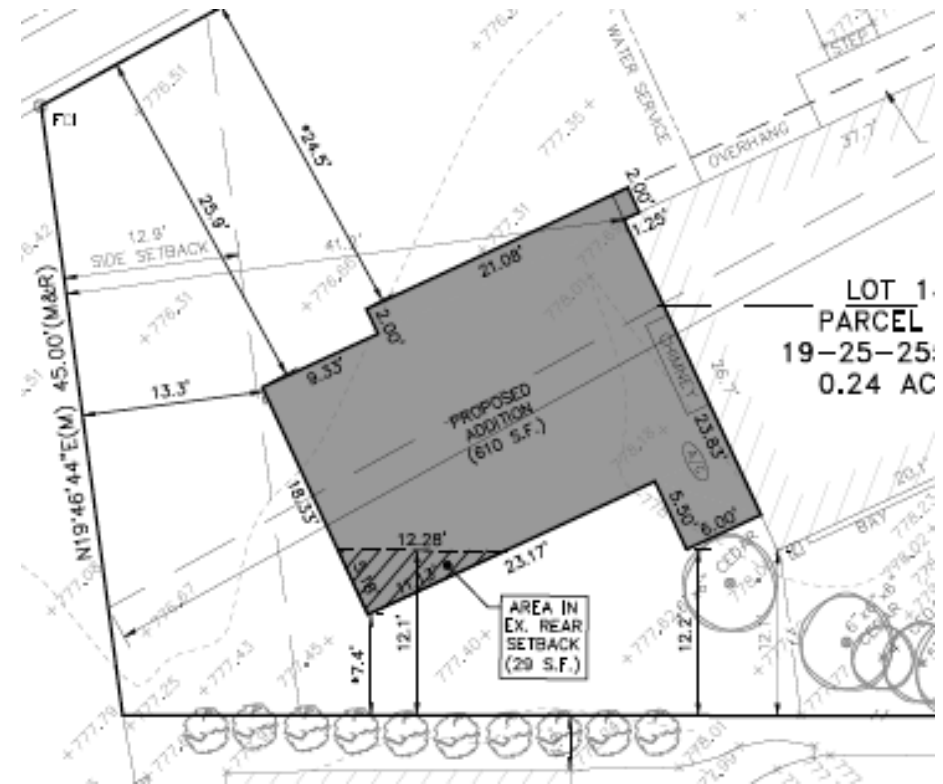
PROPOSED ADDITION: 610 S.F. (5.73%)

EXISTING PAVED/GRAVEL SURFACES: 1,861 S.F. (17.48%)

PROPOSED IMPERVIOUS COVERAGE: 4,370 S.F. / 10,646 S.F. (41.05%)

60% MAXIMUM ALLOWABLE

**Setback in Small SW Corner
of Addition is < Current
12.1' Setback**



This architectural drawing shows the exterior elevation of a two-story house and its addition. The existing house, on the left, features a gabled roof with a brick chimney on the left side. The second story has four multi-paned windows, and the first story has a central entrance with a small porch and two large windows. The addition, on the right, is a single-story structure with a gabled roof and three multi-paned windows. The drawing includes dimension lines indicating the height of the existing house (10'-0" and 8'-0") and the addition (8'-0"). The text 'EXISTING HOUSE - NO REVISIONS' is written below the existing house, and 'ADDITION' is written below the addition.

This floor plan shows a 3,000 sq. ft. house with a two-car garage. The layout includes a family room with a fireplace, a kitchen with a breakfast bar, a living room with a fireplace, an office, a powder room, a primary suite with a walk-in closet, and a bathroom. The plan also features a foyer, stairs, and various closets. Dimensions for rooms and overall exterior measurements are provided.

Rooms and Dimensions:

- FAMILY ROOM:** 12'-0" x 12'-0"
- KITCHEN:** 10'-0" x 10'-0"
- LIVING ROOM:** 12'-0" x 12'-0"
- OFFICE:** 10'-0" x 10'-0"
- POWDER:** 5'-0" x 5'-0"
- PRIMARY SUITE:** 10'-0" x 10'-0"
- BATHROOM:** 5'-0" x 5'-0"
- GARAGE:** 12'-0" x 12'-0"

Other Features:

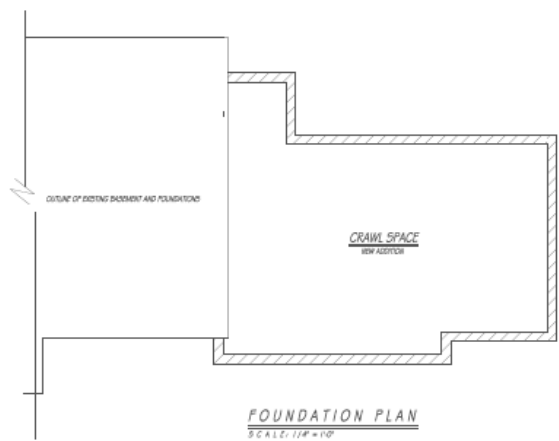
- Stairs:** Up and Down
- Foyer:** 10'-0" x 10'-0"
- Walk-in Closet (W.I.C.):** 10'-0" x 10'-0"
- Storage:** Various closets and storage areas throughout the house.

Dimensions:

- Overall Dimensions:** 30'-0" x 30'-0"
- Room Dimensions:** As listed above.

G R E G S T A F F O R
A 3 5 O C I A T 2
BLOOMFIELD HILLS, MICHIGAN
SCALE SHOWN 240, 310, 481
DATE 7/7/2004 894890C1A725#A71.821 DRAWING 61
RESIDENCE FOR: JEFF & JULIE HEIGHEL
PROJECT: 610 SQ.FT. FIRST FLOOR ADDITION PROJECT NO 10221

Rear and Side Elevation and Crawl Space - Original Request



PROPOSED DESIGN
NOT FOR CONSTRUCTION
DECEMBER 4, 2024

G R E G S T A F F O R D	
A R C H I T E C T	
PROJECT NO. 10221	SHEET NO. 2 of 3

CASE DESCRIPTION

1511 E Maple (25-01)

Hearing date: February 11, 2025

Appeal No. 25-01: The owner of the property known **1511 E Maple**, requests the following variance regarding the front open space impervious requirements:

A. Chapter 126, Article 4.31(A) of the Zoning Ordinance requires that a minimum of 65% (2831.34 sf) of the front open space in all single-family districts shall be free of paved surfaces. The proposed is 53.70% (2339.12 SF). Therefore a variance of 11.30% (492.22 SF) is being requested.

Staff Notes: This applicant is seeking a variance for the amount of permitted paving in the front open space. This applicant was granted a variance in 2022 for an addition to the existing home (minutes attached).

This property is zoned R1 – Single family residential.

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

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

1511 E MAPLE MAP



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 1511 E Maple	Lot Number: 014	Sidwell Number: 20-30-356-014
---------------------------------	---------------------------	---

II. OWNER INFORMATION:

Name: Jason Hurst / Adriana Liburdi			
Address: 1511 E Maple	City: Birmingham	State: MI	Zip code: 48009
Email:* j0331@hotmail.com		Phone: 734-771-0073	

III. PETITIONER INFORMATION:

Name: Jason Hurst		Firm/Company Name: N/A	
Address: 1511 E Maple	City: Birmingham	State: MI	Zip code: 48009
Email: j0331@hotmail.com		Phone: 734-771-0073	

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: <u>Jason Hurst</u>	Digitally signed by Jason Hurst Date: 2025.01.09 13:57:26 -05'00'	Date: <u>1/9/2025</u>
Signature of Petitioner: <u>Jason Hurst</u>	Digitally signed by Jason Hurst Date: 2025.01.09 13:57:37 -05'00'	Date: <u>1/9/2025</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.

Jason Hurst Digitally signed by Jason Hurst
Date: 2025.01.09 13:58:01 -05'00'

Signature of Applicant

Impervious surface variance request
New area coverage – 2,019.3 S.F (46.3%) of 4,355.9 S.F
Variance request for ~11.3% over ordinance/code

Owners: Jason Hurst / Adriana Liburdi
1511 E Maple
Birmingham, MI 48009
1/8/2025

To Whom It May Concern,

I am writing to express our concerns regarding the safety issues at our residence located on Maple Rd. The primary concern is the safety of both our family and individuals who are coming and going from our home. Maple Rd is a busy main road with high traffic volume, which makes navigating in and out of our driveway extremely difficult and hazardous.

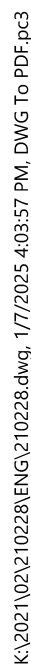
As there is no parking on the street, and without proper allocation for parking, the situation becomes even more dangerous. The lack of space forces us and visitors to navigate tight areas when entering and exiting our driveways. This situation creates a significant risk of accidents, as backing onto the road is particularly dangerous due to speeding of passing vehicles.

To address this issue, we are requesting an increase of ~11.3% over the code of 35% in surface coverage at our residence to facilitate additional parking. This would also provide a designated "turn-around" area that would make pulling forward onto Maple Rd safer for everyone. Having a safer space to maneuver would significantly reduce the risk of accidents and prevent potential collisions with speeding vehicles.

Moreover, allowing this expansion would also help delivery vehicles safely park on our property instead of blocking traffic while unloading. This would not only improve safety for our family but also for other drivers on Maple Rd.

We respectfully request that you consider our hardship and the safety benefits that this change would provide to both our household and the community. Thank you for your time and understanding. We hope to find a resolution that prioritizes the safety of all who use Maple Rd.

Sincerely,
Jason Hurst
734-771-0073
j.0331 Hotmail.com



AREA COVERAGE

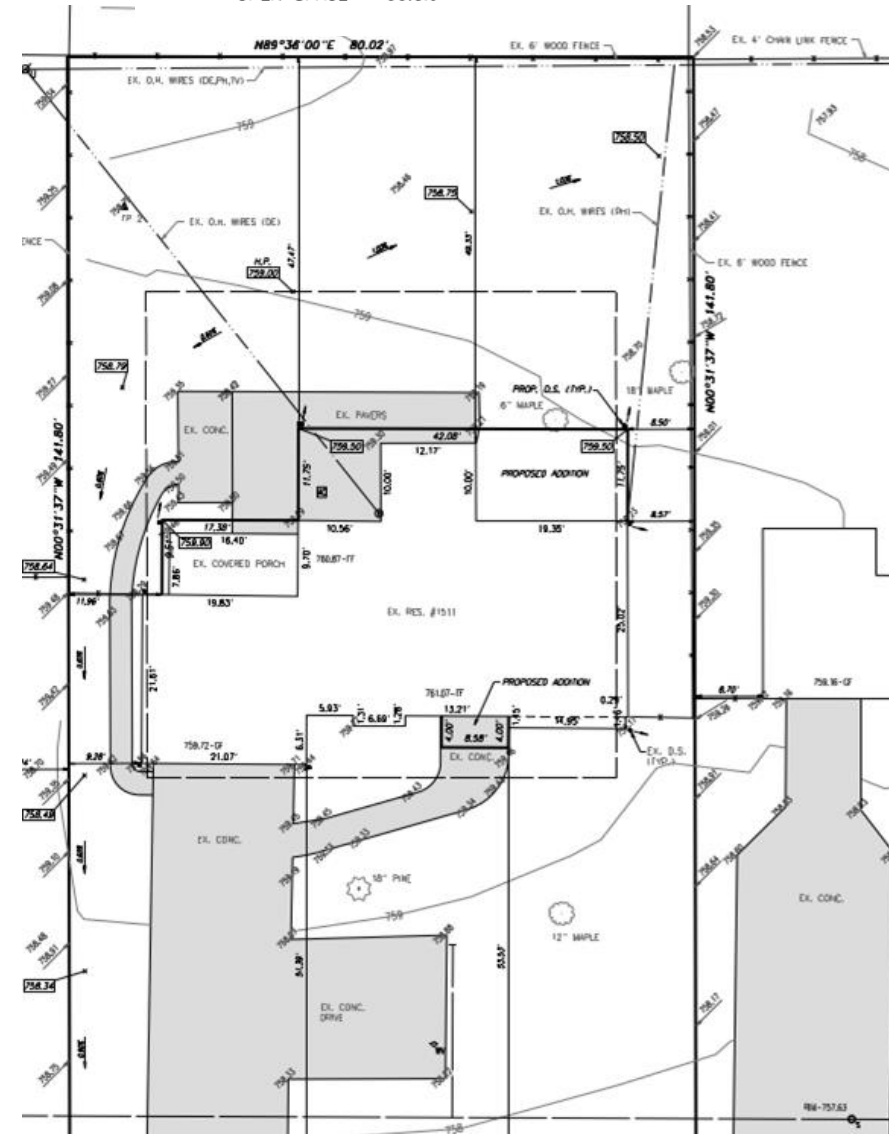
AREA OF LOT = 11,346.6 S.F.

EX. AREA OF HOUSE = 1,637.8 S.F.

LOT COVERAGE = 14.4%

ARE OF DRIVE = 1,286.8 S.F.

OPEN SPACE = 66.0%



AREA COVERAGE

AREA OF LOT = 11,346.6 S.F.

EX. AREA OF HOUSE = ~~1,637.8~~ S.F. 2,214

LOT COVERAGE = ~~14.4%~~ 19.5%

ARE OF DRIVE = ~~1,286.8~~ S.F. 1,873

OPEN SPACE = ~~66.0%~~ 56.2%

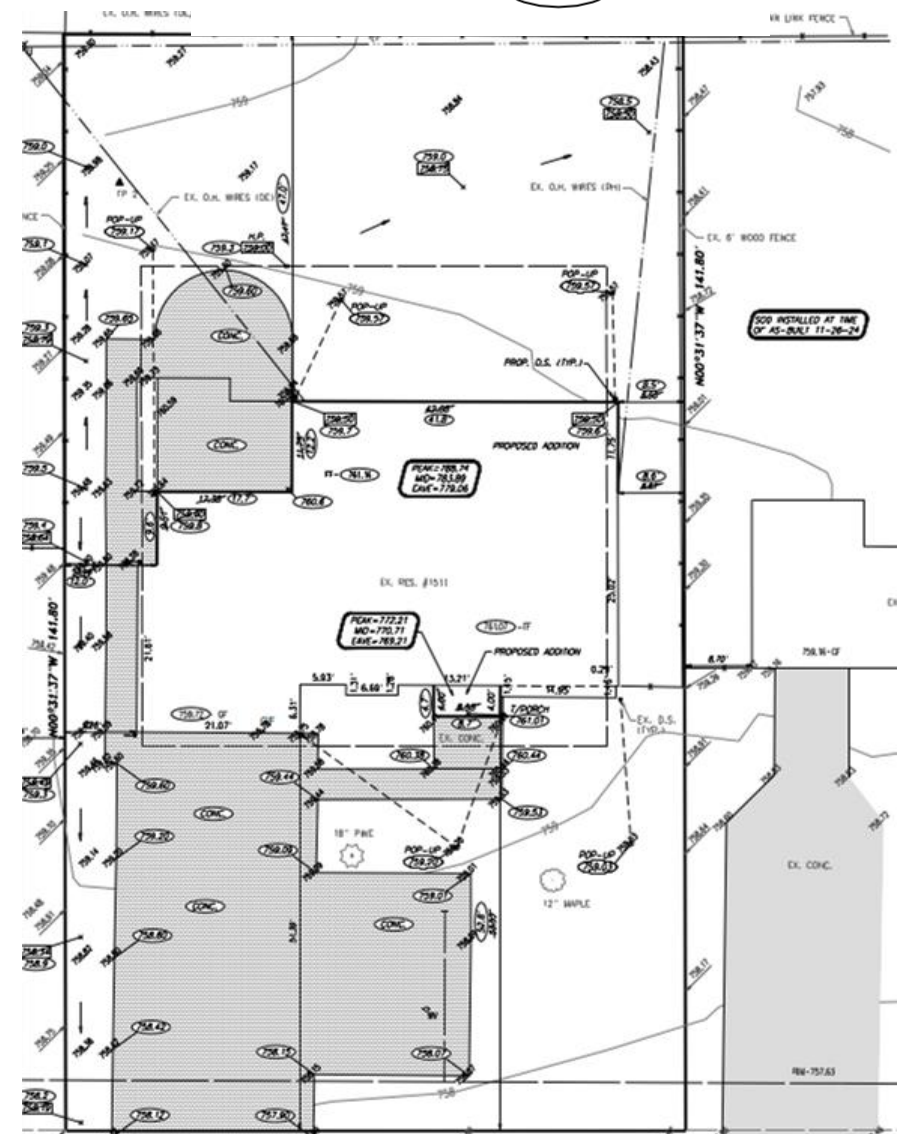
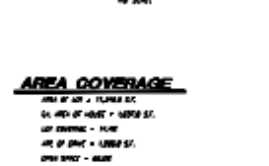


Figure 1. Schematic diagrams of the experimental setup. (a) Top view of the experimental setup showing the subject, the target, and the force sensor. (b) Side view of the experimental setup showing the subject, the target, and the force sensor.

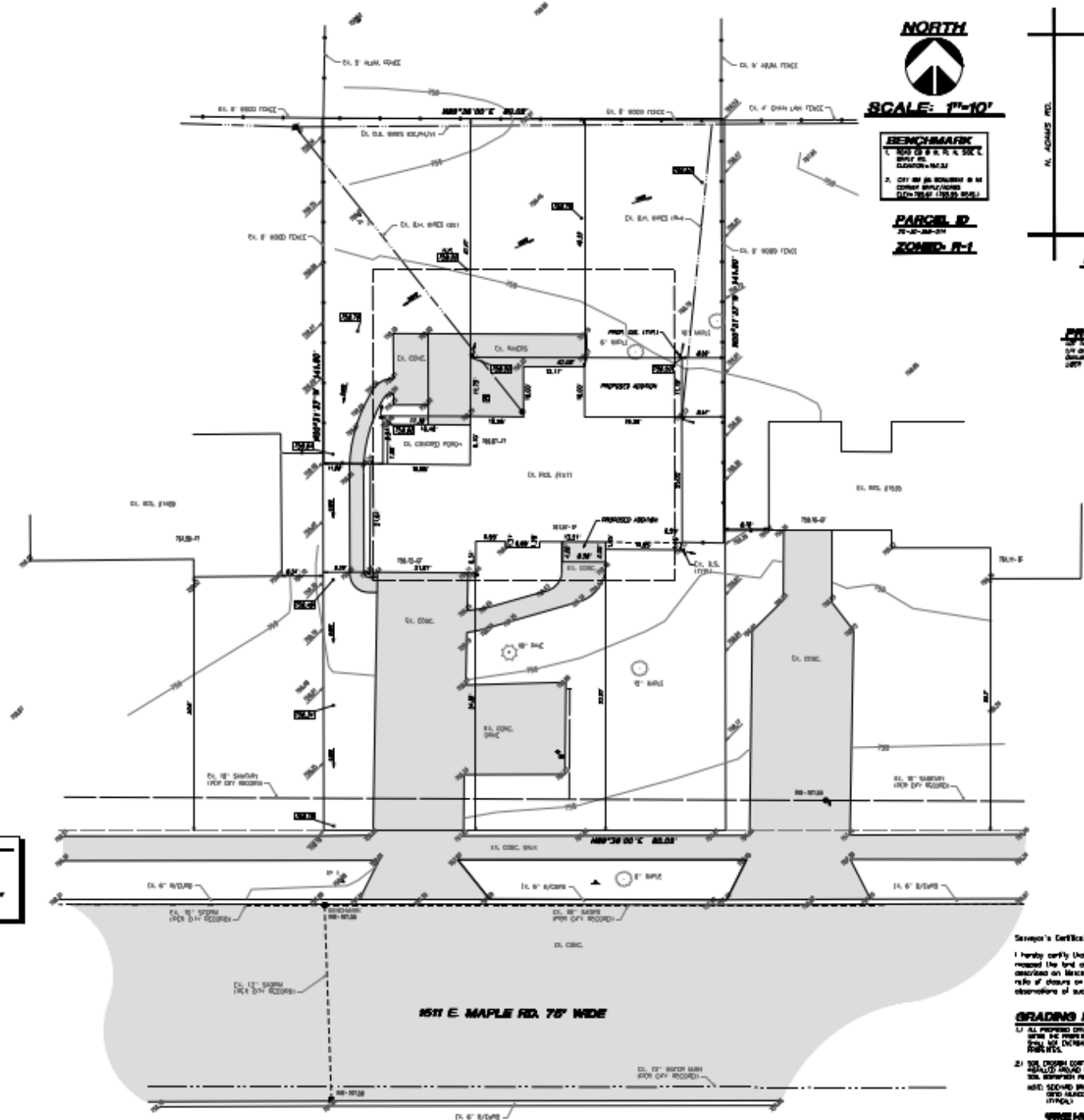
SOL EROSION DETAILS
(NO SOL.)

SPECIES NAME	HOUSE #	SCREENED	ONE W.	PEAK WT.
ROBIN ST.	108	48.1	9.3	17.5
C. WAPLE NO.	1131	48.3	9.4	24.3
C. WAPLE NO.	1181	50.8	9.5	17.6
C. WAPLE NO.**	1211	51.4	9.4	20.9
C. WAPLE NO.	1235	50.3	9.5	16.5
C. WAPLE NO.	1281	50.4	9.6	17.4
C. WAPLE NO.	1341	48.4	9.8	18.2



Contractor Note:
The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. The contractor is fully responsible for any and all damages which might be occasioned by his failure to identify, locate and protect any and all underground utilities.

ATTENTION BUILDERS/CONTRACTORS

[illegible]

PROPERTY DESCRIPTION
 A 10.00 ACRES TRACT, SITUATED IN PART OF THE SOUTHWEST
 1/4 SECTION 10, T10N, R10E, N4TH JOURNAL (2015) OF BENTON
 COUNTY, INDIANA, ACCORDING TO THE PLAT AS RECORDED IN
 12 OF PLATS ON PAGE 3 OF THE JOURNAL COUNTY RECORDS.

LIFEBOAT	
	EXISTING CONSUMER
	EXISTING BUYER
	JO-BUYER ORDER
	PROPOSED ORDER
	EXISTING PAYMENT
	PROPOSED PAYMENT
	PROPOSED SELL FENCE

[illegible]

NOTE
 BIDDING SHALL BE CONSIDERED
 BY LETTER OF THIS LET. AND
 IN WRITING AND RECEIVED
 BY THE PUBLIC ENGINEER OF
 THE COUNTY
 BIDDING SHALL NOT BE
 BE OPENED



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LAND
CONSULTANTS®**

CIVIL ENGINEERS

PLANNING
LAND SURVEYING
ARCHITECTURE

8000 33rd Ave. S.W. • Seattle, WA 98148 • 206-465-1100

Circle 58 on Reader Service Card

2022-2023 • 10/28/23

DATE: 4-2-23

SCALE: 1" = 30'

BY: J. HURST

CHECKED: J. HURST

DATE: 1-27-23

FIG. 1 OF 1



JASON HURST
REGISTERED PROFESSIONAL ENGINEER
NO. 14512 - WASH. STATE

LOT 14

BIRMINGHAM ESTATES

PLOT PLAN

PART OF THE S.W. 1/4 OF SECTION 30
T.2N., R.1E., CITY OF BIRMINGHAM
DAKOTA TOWNSHIP, WASHINGTON

[illegible]

NOTE:
 THE CONTRACTOR IS REQUIRED TO
 RESPECT THE DISCRETION MEASURES ON
 A WEEKLY BASIS AND AFTER EVERY
 RAINFALL

AVERAGE SETBACK = 49.5 F. MAPLE RD.

**3 WORKING DAYS
BEFORE YOU
CALL NEWS**
1-800-482-7171
STILL FREE! for the leader
of on-demand satellite

CAUTION
CONTRACTOR TO VERIFY GROUND WATER
PRIOR TO CONSTRUCTION.
GEC RECOMMENDS SOIL ANALYSIS TO BE
PERFORMED BY A PROFESSIONAL.
CONTRACTOR TO MONITOR EXCAVATION FOR
SOIL/GROUND WATER CONDITIONS.

[illegible]

BENCHMARK
1. 1030 CH @ E. PL. N. SEC. 1
IMPLE. RD.
CLF#1034-797.33
2. CITY BN @ MONUMENT @ N.
CORNER IMPLE./HOMES
CLF#1034-798.55, 798.55, 798.55

PARCEL ID
R-50-24-314
ZONED R-1



CO# 14, "BIRMINGHAM 25000'S" SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 30, T.24N. R.12E., TROY TOWNSHIP (CITY OF) AND DAVENPORT COUNTY, INDIANA ACCORDING TO THE PLAT AS RECORDED IN LIBRY 13 OF PLATS ON PAGE 5 OF THE DAVENPORT COUNTY RECORDS.

	EXISTING CONTOURS
	EXISTING GRADE
	AS-BUILT GRADE
	PROPOSED GRADE
	EXISTING PAVEMENT
	PROPOSED PAVEMENT
	PROPOSED SALT FENCE

[illegible]

I hereby certify that I have surveyed and mapped the land above plotted and/or described on March 22, 2000 and that the ratio of closure on the unadjusted field observations of such survey was 1/50,000.

2) ALL PROPOSED GRADING SHALL BE CONTAINED WITHIN THE PROPERTY LINES OF THIS LOT, AND SHALL NOT ENROACH UPON ANY ADJACENT PROPERTIES.

2.) SOIL EROSION CONTROLS ARE REQUIRED TO BE
INSTALLED AROUND THE DRAIN PERIMETER OF
SOIL DISRUPTION FOR THE COUNTY

NOTE: SPECIAL INSURANCE SHALL BE OBTAIN
FROM ABRAHAM LUTHER.
(TYPICAL)

NOTE
---CONTRACTOR TO CONFIRM
BASEMENT WALL METHOD, FIRST
FLOOR (CLAYTON AND BRIDGEMAN
FLOOR ELEVATION) PRIOR TO THE
START OF CONSTRUCTION.



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LAND
CONSULTANTS®**

ENR. CHARTERS PUBLISHERS LAND SURVEYORS
 4800 33 MILE ROAD S.W. 43161-1516
 MIAMI, FL 33155

PHONE 598 731-8030



JASON HURST
 1511 E. MARLE BLVD
 SUITE 1000
 MIAMI, FL 33139
 734-777-2079

210228-10439
 .400 AC.
 DATE 4-2-79
 DRAWN BY
 CHECKED BY
 SCALE 1" = 10'
 DIST. 10'

JASON HURST
 1511 E. MARLE BLVD
 SUITE 1000
 MIAMI, FL 33139
 734-777-2079

STATE OF FLORIDA
 WARREN C. SAWYER
 PROFESSIONAL ENGINEER
 NO. 14009
 EXPIRATION DATE 12-31-80

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 CHECKED BY
 SCALE 1" = 10'
 DIST. 10'

STATE OF FLORIDA
 WARREN C. SAWYER
 PROFESSIONAL ENGINEER
 NO. 14009
 EXPIRATION DATE 12-31-80

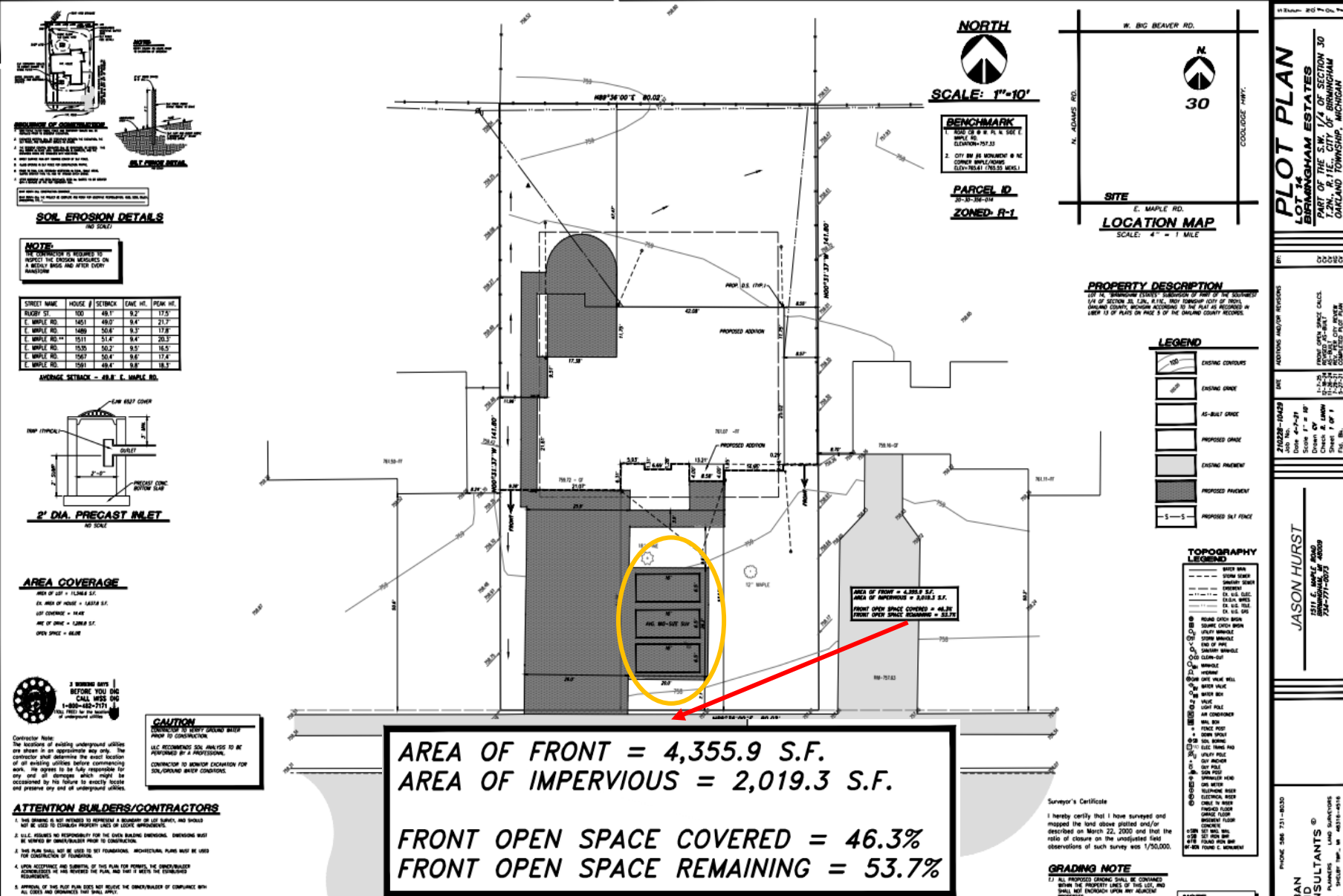
210228-10439
 .400 AC.
 DATE 4-2-79
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 SCALE 1" = 10'
 DIST. 10'

JASON HURST
 1511 E. MARLE BLVD
 SUITE 1000
 MIAMI, FL 33139
 734-777-2079

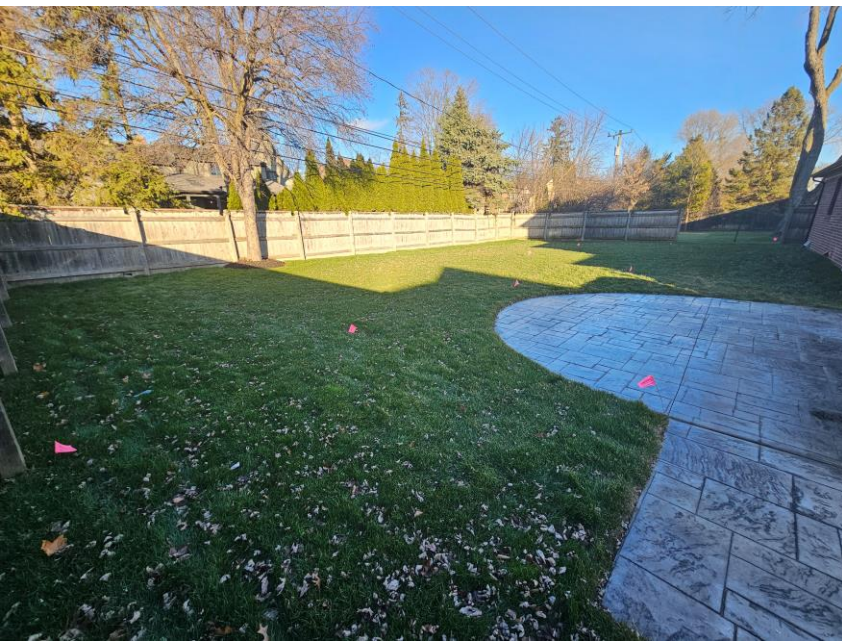
STATE OF FLORIDA
 WARREN C. SAWYER

Shown is the percentage of impervious being requested.

We've included average sized SUV "Boxes" in parking area to shown the need for the increase in area.







Birmingham Board Of Zoning Appeals Proceedings
Tuesday, November 8, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the special meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, November 8, 2022. Chair Erik Morganroth convened the meeting at 7:30 p.m.

2. Rollcall

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

Absent: Alternate Board Member Carl Kona

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

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

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

3. Announcements

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

4. Approval Of The Minutes Of The BZA Meetings Of October 11, 2022

T# 11-72-22

Motion by Mr. Reddy

Seconded by Mr. Lilley to accept the Minutes of the BZA meeting of October 11, 2022 as amended.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

5. Appeals

T# 11-73-22

**1) 1511 E. Maple
Appeal 22-50**

ABO Zielke presented the item, explaining that the owner of the property known as 1511 E. Maple was requesting the following variance to construct a rear addition to the existing non-conforming house:

A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 20.00 feet on the east side. The proposed is 17.20 feet. Therefore, a variance of 2.80 feet is being requested.

Staff answered informational questions from the Board.

It was noted that the appellant was granted an incorrect variance in June 2022 due to a clerical error, and was before the BZA presently to request that the variance be changed from .80 feet to 2.80 feet.

In reply to the Chair, Jason Hurst, co-owner, explained that mitigating the requested variance would have introduced issues with the gutters and the foundation.

Motion by Mr. Reddy

Seconded by Mr. Yaldo with regard to Appeal 22-50, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of total lot width, whichever is larger. The required is 20.00 feet on the east side. The proposed is 17.20 feet. Therefore, a variance of 2.80 feet is being requested.

Mr. Reddy moved to approve the requested variance, stating that the request was largely similar to the variance granted by the BZA in June 2022, and that it did not

appear to be the appellant's fault that the correct variance amount was not noted at the June 2022 meeting. He tied approval to the plans as submitted.

Mr. Yaldo seconded the motion because granting the variance did substantial justice to the owner and neighboring properties, the issue was not self-created, and it was not contrary to the spirit or intent of the ordinance.

The Chair noted he would support the motion because the property was existing non-conforming, and the variance did not add to the non-conformity. He agreed with Mr. Yaldo that the variance would do substantial justice since it did not expand the non-conformity.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 11-74-22

**2) 220 Lake Park
Appeal 22-48**

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

A. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that private, attached, single-family residential garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The proposed is the garage is 95.00 feet in front of the furthest façade. Therefore, a variance of 100.00 feet is being requested.

Staff answered informational questions from the Board.

Gayle McGregor, attorney for the appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

The Chair noted that while the stated issue was replacing a non-functional garage, the request went beyond what would be needed to create a functional garage.

Mr. Reddy noted that a 100-foot variance request was particularly large. He said there was likely opportunity to at least partially mitigate the variance request.

Mr. Yaldo concurred with his colleagues' comments, asking whether the requested variance was the minimum required to add a functional garage.

Mr. Hart said he visited the property and that the addition would not be visible from the street as proposed. He said that given the floodplain and the drop from the front of the property to the rear, the appellant would have to seek approval from the Michigan Department of Natural Resources to add a garage in the rear of the home.

BO Johnson noted that a detached accessory structure could be built without a variance.

In reply to Board comment, Ms. McGregor stated:

- The ordinance would allow an addition of the same size and height if it were not a garage. For that reason, the appellant should be able to create a garage as part of the addition;
- While the variance requested was significant, the addition would still allow for the required distances between structures and would not enter into the required setbacks. Consequently, granting the variance would not cause the property to be inconsistent with the neighborhood or the neighboring properties;
- The norm in the neighborhood is three-vehicle attached garages;
- One of the mitigating factors was that the home cannot be viewed from the street. The addition would be in-line with the size of the home and the size of the lot;
- Granting the variance would be substantially just because none of the neighbors would be able to view the addition from the street;
- The concept drawing was not meant to be a to-scale rendering; and,
- Putting the garage in the rear of the property would change the character of the lakefront for the neighbors.

VC Canvasser said he lived in the same neighborhood as the appellants and was unsure if three-vehicle attached garages were the norm.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 22-48, A. Chapter 126, Article 4, Section 4.75(A)(1) of the Zoning Ordinance requires that private, attached, single-family residential garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal building that is furthest setback from the front property line. The proposed is the garage is 95.00 feet in front of the furthest façade. Therefore, a variance of 100.00 feet is being requested.

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

VC Canvasser said he would not support the motion. He stated that strict compliance with the ordinance would not be unnecessarily burdensome, since the structure could be built as long as it was detached from the home. He explained there had also been an insufficient showing of attempts to mitigate the variance request.

Mr. Yaldo noted that only 50% of the requested variance would be used as a garage, and that the non-garage space would be above the garage. He noted that the variance was not being expanded by adding non-garage space. He added that it was important that the concept drawing did not show the proposal to scale.

The Chair said he would support the motion. He said that the addition could be built without a variance, but that it would look substantially similar to the present proposal. He said it would not do substantial justice to the appellant to force them to walk to a detached structure that would otherwise largely look the same as the present proposal. He stated that the ordinance did not contemplate a lot of this size and shape where the proposed garage would be invisible from the street. He noted that the topography of the lot was also prohibitive for building a garage in the rear. He said that while he had some concern about providing a 100-foot variance, the lot was unique enough to merit his support of the motion.

Motion carried, 5-2.

ROLL CALL VOTE

Yeas: Morganroth, Hart, Yaldo, Lilley, Miller

Nays: Reddy, Canvasser

T# 11-75-22

**3) 839 Ridgedale
Appeal 22-49**

ABO Zielke presented the item, explaining that the owner of the property known as 839 Ridgedale was requesting the following variance to construct a second floor addition to an existing non-conforming home:

A. Chapter 126, Article 2.08.2 of the Zoning Ordinance requires that a minimum front yard setback is the average of homes within 200 feet each way. The required is 32.70 feet. The existing and proposed is 28.30 feet. Therefore a variance of 4.40 feet is being requested.

Staff answered informational questions from the Board.

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

Mr. Miller noted that he had moved to approve the February 2022 variance request for this property because the proposed remodeling would mitigate an existing non-conformity.

The Chair noted that the main bedroom had a number of closets, one of which would be in the expanded dormer. While the Chair praised the aesthetics of the design, he said he did not see the practical difficulty that necessitated the expanded dormer.

In reply to Board comment, Mr. Lang stated:

- The proposed shed roof dormer would be equally as appropriate as a gable dormer for the home's overall bungalow style;
- If he did not expand the dormer, he could not provide all of the features the homeowners requested; and,
- The appellant considered every option for mitigating the variance request.

In reply to the Chair, Mike Treash, co-owner, said it would not presently be financially feasible to reopen the porch as a partial mitigation of the variance request.

Motion by Mr. Miller

Seconded by Mr. Reddy with regard to Appeal 22-49, A. Chapter 126, Article 2.08.2 of the Zoning Ordinance requires that a minimum front yard setback is the average of homes within 200 feet each way. The required is 32.70 feet. The existing and proposed is 28.30 feet. Therefore a variance of 4.40 feet is being requested.

Mr. Miller moved to approve the requested variance, stating the need for the variance stems from an older, non-conforming house that sits too far forward on the lot. While acknowledging some concerns about the removal of the mitigation, Mr. Miller explained that the request was reasonable in the context of the home. He said the basic need for the variance was not self-created. He noted that the present dormer was being expanded, rather than a new dormer being added. He said granting the variance would not do any harm and would enhance the neighborhood. He tied the approval to the plans as submitted.

Mr. Reddy concurred, saying that the lot provided enough unique circumstances that he was comfortable seconding the motion.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 11-76-22

**4) 479 S Old Woodward
Appeal 22-47**

PD Dupuis presented the item, explaining that the owner of the property known as 479 S Old Woodward was requesting the following appeal and the following variance:

A. The applicant is requesting an appeal of the Planning Board's decision on September 28th, 2022 to deny the revised Final Site Plan and Design Review application for 479 S. Old Woodward.

AND

B. Chapter 126, Article 4, Section 4.46(A) Table A requires the off-street parking total for a site to be based on the land uses. Furthermore, Chapter 126, Article 4, Section 4.50(D) enables parking requirement reductions for a property in the B3 Zone when there is combined within a single building an office use, a residential use, and a restaurant use. The applicant is required to provide 113 parking spaces on-site. The amended site plan provides 39 parking spaces on-site. Therefore, a variance of 74 parking spaces is being requested.

Staff answered informational questions from the Board.

Stephen Estey, attorney for the appellant, reviewed the letter describing why this appeal and variance were being sought. The letter was included in the evening's agenda packet.

The Chair said he could not determine the intent or purpose of an appeal in this matter.

In reply to Board comment, Mr. Estey stated:

- The appellant would withdraw the request for the appeal, leaving only the variance to be considered;
- The appellant believed at the time of purchase of the property that there was a compelling reason and precedent for being allowed into the expired Parking Assessment District (PAD). It was only after purchase that it became clear that the appellant would not be able to follow the precedent for being admitted to the PAD;
- The appellant chose to file with the BZA before coming before the City Commission for this matter because of timing rules for filing with the BZA;
- It was uncertain why this property was excluded from the PAD when all other D4 zoned properties were included;
- The appellant would be willing to pay the requisite fees for admission to the PAD if given the opportunity;
- The request could be partially mitigated without the mezzanines or the higher intensity use of the whiskey bar;
- Any commercial use of the first floor would still require a significant variance for parking because the property was not in the PAD;
- There would be sufficient capacity in the structures to accommodate the requested parking variance; and,
- The possibility of a parking agreement was explored, but was deemed not possible with the neighbors within the required distance.

In reply to an inquiry from the Chair, PD Dupuis said that a regular commercial use of the first floor would still require a variance of approximately 62 parking spaces, though he noted that certain combinations of uses could allow for a lower number.

Public Comment

Lee Steinberg, neighboring business owner, said that while he supported development of the property, increasing the parking demand in the area via this variance was inappropriate given the recent removal of a number of street parking spaces on S. Old Woodward. He said he was supportive of the previously approved plans for the site.

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

Mr. Miller said he believed he liked the project, but said it was very difficult for the Board to determine the appropriateness of the project within the context of the City. He said that given the variables, the Board would need additional study, information, and expertise to make a determination on this variance request.

Motion by VC Canvasser

Seconded by Mr. Miller with regard to Appeal 22-47, B. Chapter 126, Article 4, Section 4.46(A) Table A requires the off-street parking total for a site to be based on the land uses. Furthermore, Chapter 126, Article 4, Section 4.50(D) enables parking requirement reductions for a property in the B3 Zone when there is combined within a single building an office use, a residential use, and a restaurant use. The applicant is required to provide 113 parking spaces on-site. The amended site plan provides 39 parking spaces on-site. Therefore, a variance of 74 parking spaces is being requested.

VC Canvasser moved to deny the requested variance, noting that the request for an appeal was withdrawn by the appellant. He said that while the property needed redevelopment, the difficulty was the size of the variance. He said it was not clear that 74 parking spaces was the minimum number required to allow this property to be redeveloped. He said that strict compliance with the ordinance would not prevent the appellant from using the property for a permitted purpose, even if it would not allow the appellant to use the property to the extent they hope to use it. VC Canvasser acknowledged that there were some difficulties complying with the ordinance. He noted that it was unclear that granting the variance would do substantial justice to other property owners in the area, noting an alleged parking issue in the area.

Mr. Miller noted he supported the previous variance request for the site because he wanted to see the site developed. He said the issue here was the enormity of the variance request. He said he was also unclear that 74 parking spaces was the minimum number required to allow the property to be developed.

Mr. Reddy said he felt the Board had sufficient evidence for him to vote in support of the motion.

Mr. Hart said a project like this would be a great enhancement to the City. He noted the difficulties of doing extensive construction adjacent to aging buildings. He said he would not support the motion because this property needed to be developed.

The Chair said he was also unclear whether 74 parking spaces was the minimum number required to appropriately develop the property. He said voting for a variance

for that number of spaces in a City with a perceived parking issue would be irresponsible without more information. He noted that the City Commission may be able to resolve the issue via Special Land Use Permit or other options. He said he would support the motion.

Motion carried, 6-1.

ROLL CALL VOTE

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

Nays: Hart

6. Correspondence

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

8. Adjournment

No further business being evident, the Board motioned to adjourn at 9:52 p.m.

Bruce R. Johnson, Building Official



Laura Eichenhorn

City Transcriptionist

CASE DESCRIPTION

1845 Humphrey (25-02)

Hearing date: February 11, 2025

Appeal No. 25-02: The owner of the property known **1845 Humphrey**, requests the following variances to construct an addition and to rebuild the existing non-conforming home:

A. Chapter 126, Article 2, Section 2.08.2 of the Zoning Ordinance requires that front yard setback is the average of homes within 200.00 feet in each direction. The required is 27.00 feet. The existing and proposed is 25.04 feet. Therefore, a variance of 1.96 feet is being requested.

B. Chapter 126, Article 2, Section 2.08.2 of the Zoning Ordinance requires that a minimum total combined side yard setbacks 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 13.00 feet. Therefore, a variance of 1.00 feet is requested.

Staff Notes: This applicant is seeking to construct a new home on the existing non-conforming foundation from 1948. The existing home is to be deconstructed down the first floor structure and with a new rear addition which is to extend out following the existing line of the foundation to construct a new two story home.

This property is zoned R2 – Single family residential.

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

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

1845 HUMPHREY MAP



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

Address:	Lot Number:	Sidwell Number:
----------	-------------	-----------------

II. OWNER INFORMATION:

Name:			
Address:	City:	State:	Zip code:
Email:*		Phone:	

III. PETITIONER INFORMATION:

Name:	Firm/Company Name:		
Address:	City:	State:	Zip code:
Email:		Phone:	

IV. GENERAL INFORMATION:

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

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

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

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

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: _____	Date: _____
Signature of Petitioner: _____	Date: _____

CITY OF BIRMINGHAM
BOARD OF ZONING APPEALS
RULES OF PROCEDURE

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

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

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

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

A handwritten signature in black ink, consisting of a stylized 'h' followed by a loop and a short horizontal stroke.

Signature of Applicant

January 12, 2025

City of Birmingham

Community Development – Building Department

151 Martin Street, Birmingham, MI 48009

RE: 1845 Humphery Ave, BZA Application Summary

Dear Board of Zoning Appeals,

This letter is intended to summarize the variance's being requested/applied for as it relates to the subject property, 1845 Humphery Ave. The home is being renovated and expanded on to, building up and adding addition on the back of the house. But keeping the same foundation envelope on front, and both sides of the existing house.

however, we are not constructing any addition to the home that will be closer to any adjacent property. The scope of the addition will be to utilize the footprint of the existing home and addition on the back yard as well as improvements to the façade. The variances being applied for all pre-date the purchase of the home by the current owner, as variances were not applied for or the ordinances have been updated since it's construction.

Variance A, Front Setback – the existing home was constructed with a 25' front setback. We are applying for a variance of 2' to have the home comply with the current 27' average setback. We will remove the brick so it will save 4 inches and help to mitigate the non-compliance part above ground. We are asking for 2 feet since the foundation wall underground will not be remove but above ground we will reduce it by 4 inches.

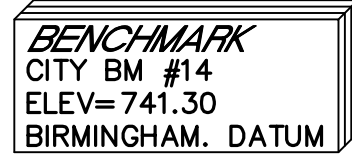
Please note that the 27 setback calculated base of the houses that are 200 feet from the property but the last one (1291 Taunton) is not on the same block and the front yard facing a different street but because it in the 200 feet range we had to include it. Further, it has been explained that the corner lot has 2 front yards, unlike many corner homes in the immediate neighborhood. Without that corner house's garage being in the average, the alleged non compliance is less than 4 inches, and when the brick is removed, we are compliant. So when you will look on Humphrey street the non compliance will not be seen at all (considering we removing the brick).

Variance B, combined side yard Setback – the combined side yard should be 14'. On the back side of the house (the addition) combined set back are more than 14' (confirming with the current ordinance) however, the current front combined sides of the house is less than 14' and we are applying of a variance of 1 feet to comply with the ordinance of having 14 combined side yards.

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

Sincerely, Ori Halpert

Existing Water & Sanitary Services are to be Reused. Contractor shall verify location of all utility services prior to construction to ensure there are no conflicts.

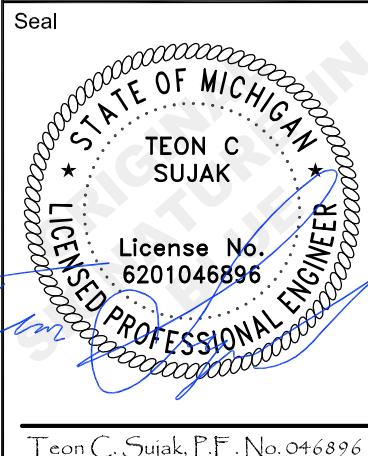
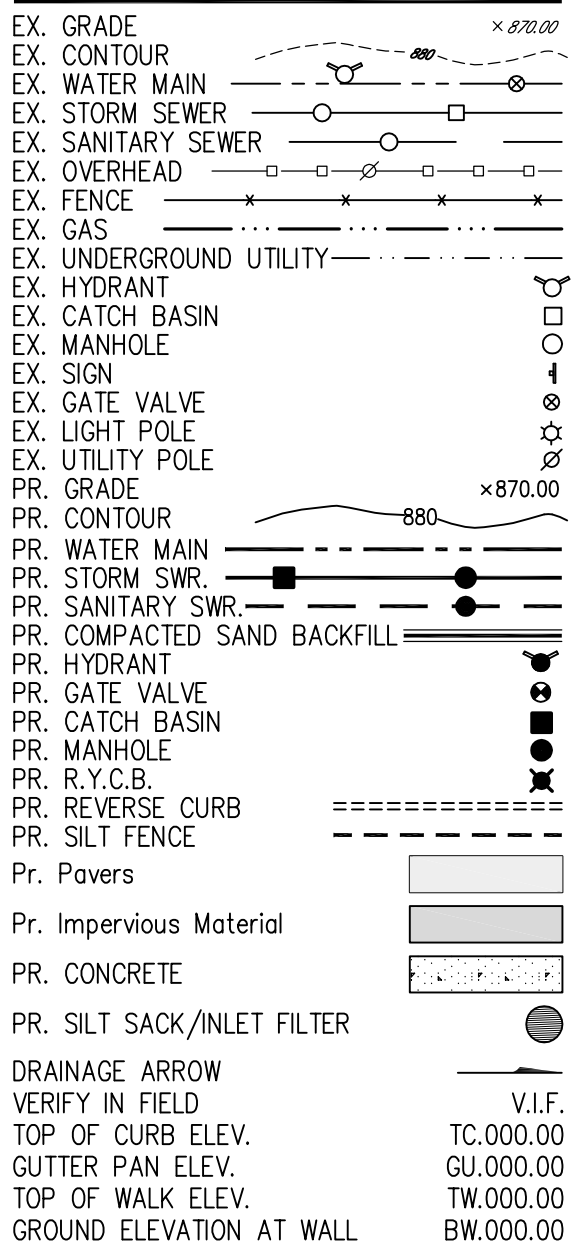


Total	189.03
Average	27.00
Avg. Excluding 1291	26.06

Offsite Setback Diagram
 SCALE: 1" = 40'

Offsite Setback Diagram
SCALE: 1" = 40'

Impervious Item	Area Square Feet
Existing House	93
Pr. Addition	58
Pr. Detached Garage	52
Existing Front Porch	3
Driveway	52
Proposed Rear Patio & Driveway	72
Excluding Rear Patio within 15' of House	46
Existing Font Sidewalk	7
Excluding Walkways under 36" Wide	
Total	3,86
Area of Lot	6,95
% of Impervious Area	55.55
% of Lot Coverage	29.49
% Open Space	44.55
% Open Space Required	40.55
Max. Lot Coverage %	30



Site Plan

Sheet No.

C1.0

GENERAL NOTES MRBC 2015

ANY DISCREPANCIES, ERRORS, AND/OR OMISSIONS IN THE DRAWINGS ARE TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/DESIGNER. FAILURE TO DO SO MAY RESULT IN FUTURE CHANGES, THE COST OF WHICH WILL BE BORNE BY THE APPROPRIATE TRADE.

DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS!

PROVIDE TEMPORARY BRACINGS AS REQUIRED, TO INSURE THE STABILITY OF THE STRUCTURE UNTIL THE PERMANENT FRAMING IS IN PLACE.

ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE ICC BASIC BUILDING CODE AND ALL THE CITY AND LOCAL ORDINANCES AS ADOPTED BY THE STATE OF MICHIGAN.

CONTRACTOR SHALL EXERCISE EXTREME CARE IN SETTING GRADES FOR NEW CONSTRUCTION AS THESE GRADES ARE CRITICAL.

FOUNDATIONS SHALL BE CARRIED DOWN (MIN. 3'-6" DEEP) TO NATURAL UNDISTURBED SOILS CAPABLE OF SUPPORTING A 3,000 P.S.F. BEARING CAPACITY, OR ENGINEERED FILL. IF POORLY CONSOLIDATED SOILS ARE ENCOUNTERED AT THE DEPTHS SHOWN, THE ARCHITECT/DESIGNER SHALL BE NOTIFIED AND THE FOUNDATIONS WILL BE MODIFIED ACCORDINGLY.

SAND FILL UNDER SLABS SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.

CONCRETE SHALL HAVE COMPRESSIVE STRENGTH OF 2,500 P.S.I. FOR FOUNDATION WORK AND FLOOR SLABS WITH 4,000 P.S.I. FOR WALKS AND STEPS. REINFORCING STEEL = 40KSI, ASTM A615.

STRUCTURAL STEEL = 36 KSI ASTM GRADE 36.

ALL WOOD FLOORS SHALL BE A.P.A. GLUED FLOOR SYSTEMS. FLOOR JOISTS SHALL BE DOUGLAS FIR NO. 1 OR BETTER, OR ENGINEERED FLOOR JOISTS (T.J.I.'S). FRAMING SHALL BE S.P.F. #2 OR BETTER. USE PRESSURE TREATED LUMBER WHEN IN CONTACT WITH MASONARY AND/OR CONCRETE.

GLUE LAMINATED TIMBERS FD = 2400 P.S.I.

THE OWNER IS NOT RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION, NOR FOR THE SAFETY ON THE JOBSITE, AND THAT THESE RESPONSIBILITIES ARE INTENDED TO BE AND TO REMAIN SOLELY THOSE OF THE GENERAL CONTRACTOR.

THE INTENT IS TO UTILIZE ALL EXISTING UTILITIES: i.e. PHONE, ELEC, GAS, WATER, AND SEWER.

UNLESS NOTED OTHERWISE, CONTRACTOR SHALL PROVIDE & INSTALL THE FOLLOWING: TYPICAL HEADERS FOR OPENINGS AS REQUIRED:

- (2)- 2x6's = OPENINGS TO 6'-0" W.
- (2)- 2x8's = OPENINGS TO 8'-0" W.
- (2)- 2x10's = OPENINGS TO 10'-0" W.
- (2)- 2x12's = OPENINGS TO 12'-0" W.

OWNER OR INTERIOR DESIGNER TO SUPPLY ALL FINAL FINISH & FIXTURE SCHEDULES. ALL INTERIOR DETAILS ON THESE PLANS ARE PLACEHOLDERS. IF OWNER DOES NOT HAVE ANY INPUT, THE CONTRACTOR SHALL PROVIDE FINISHES THAT MATCH EXISTING CONDITIONS TO THE BEST OF HIS/HER ABILITY.

CONTRACTOR TO SUBMIT SHOP DRAWINGS OF FURNACE PLACEMENT AND NEW DUCT WORK TO OWNER FOR APPROVAL PRIOR TO PERMIT APPLICATION, AND APPROVED DRAWINGS WILL BECOME PART OF THE CONTRACT/PERMIT SET.

PROVIDE SHOP DRAWINGS AND ENGINEERING DATA ON ALL STRUCTURAL STEEL AND PREFABRICATED TRUSSES, INCLUDING GIRDER TRUSSES. TOP CHORD = S.L. = 25 psf (TYP.) BOTTOM CHORD = LL = 30 psf

LEGAL DESCRIPTION

T2N, R1E, SEC 31, SHEFFIELD ESTATES LOT 348 EXC W 25 FT, ALSO W 35 FT LOT 349

R2-SINGLE FAMILY RESIDENTIAL

LOT AREA:
REQUIRED = 6,000 SQ. FT.
PROVIDED = 1,088 SQ. FT. (0.16 ACRES)

SETBACKS:
FRONT SETBACK:
REQUIRED = 25'-0" (MIN)
PROVIDED = 25'-0" (EXISTING)

SIDE YARD(S):
(1) @ REQUIRED = 4'-0" (MIN)
(1) @ PROVIDED = 5'-0" (EXISTING)
(2) @ REQUIRED = 10'-0" (MIN. COMB.)
(1) @ PROVIDED = 8'-9" (EXISTING)

REAR SETBACK:
REQUIRED = 30'-0" (MIN)
PROVIDED = 84'-1" (EXISTING)
PROVIDED = 61'-8" (PROPOSED)

BUILDING HEIGHT:
REQUIRED = 28'-0" (MIN. 24' FOR FLAT)
PROVIDED = (PROPOSED)

GARAGE:
MAX HEIGHT = 12'-0" (12'-0" PROVIDED)
SETBACKS = MIN. 3'-0" FROM ANY LOT LINE (5'-0" PROVIDED)
MIN. 10' FROM PRINCIPAL (20'-0" PROVIDED)

LOT AREA CALCULATIONS

LOT SIZE (SINGLE LOT) = 1,088 SQ. FT.

30% MAX. LOT COVERAGE = 2,26 SQ. FT. (MAX.)

LOT COVERAGE (30% MAX.):

RESIDENCE 1310 SQ. FT. (PROPOSED)
GARAGE 528 SQ. FT. (PROPOSED)
COVERAGE 1,838 SQ. FT. (25.9%)

IMPERVIOUS SURFACE:

FRONT DECK 54 SQ. FT.
REAR DECK 200 SQ. FT.
COVERAGE 254 SQ. FT. (3.6%)

OPEN SPACE:

OPEN AREA 4,996 SQ. FT. (70.5%)
TOTAL (LOT AREA) 1,088 SQ. FT.

SQUARE FOOTAGE

EXISTING SQUARE FEET:

INTERIOR: 948 SQ. FT.
GARAGE: 0 SQ. FT.
TOTAL: 948 SQ. FT.

PROPOSED SQUARE FEET:

INTERIOR: 1310 SQ. FT.
GARAGE(NEW): 528 SQ. FT.
TOTAL: 1,838 SQ. FT.

TOTAL SQUARE FEET: 3,338 SQ. FT.
INTERIOR: 2,810 SQ. FT.

RAIN GARDEN:

MATH/CONTAINMENT:

2.1"/HR
1991# X 2.1" = 5,376 IN
2.1" X 1991# X 144 = 741,100
741,100/1728 = 441 CU. FT.

441 CU. FT. REQUIRED
ACTUAL AS DRAWN = 462 CU. FT.

SCOPE OF WORK:

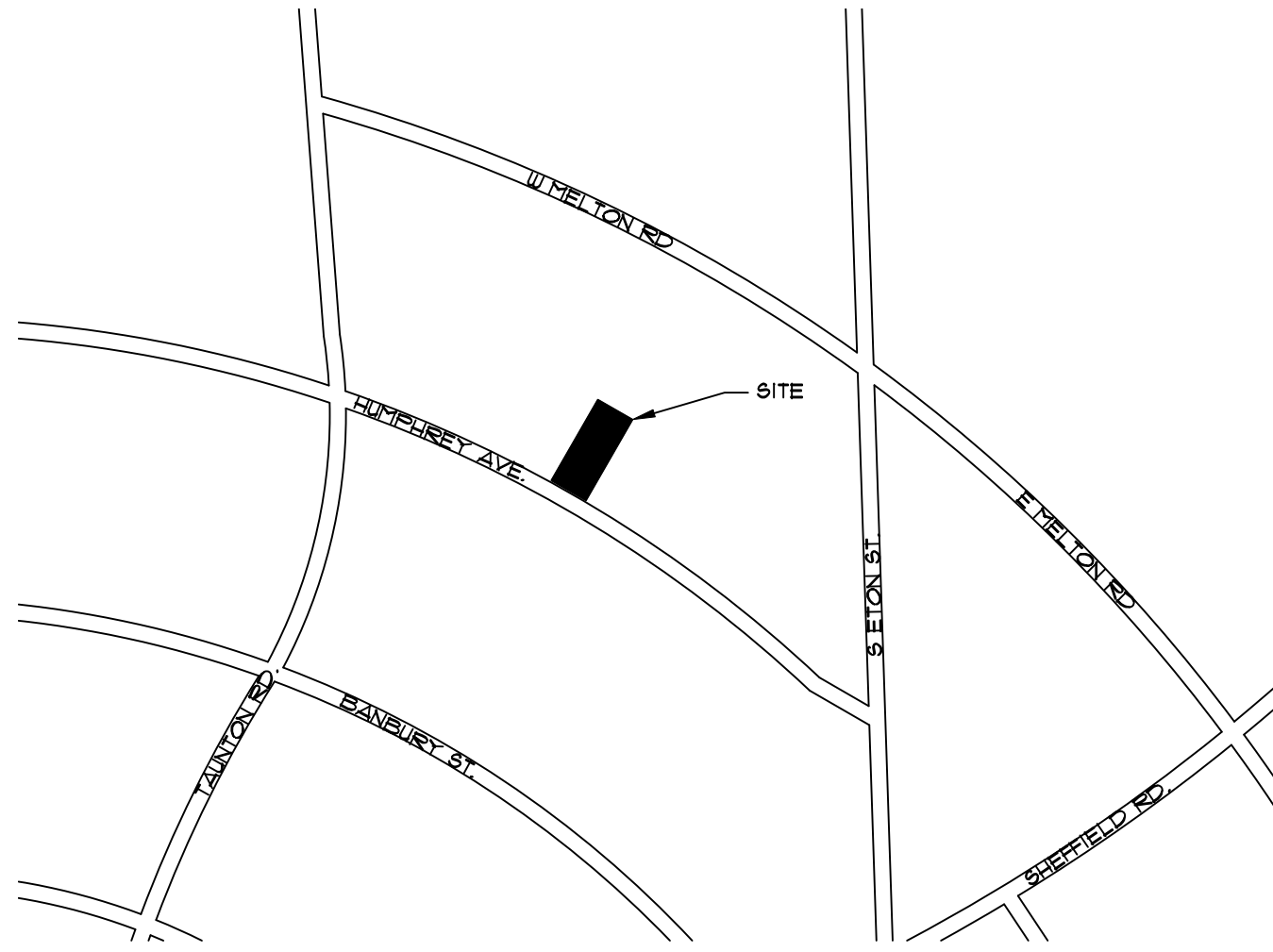
ADDITION ONTO BACK OF EXISTING HOUSE, ADDED UPPER FLOOR, NEW 2 CAR GARAGE IN REAR OF HOME

3"Ø PVC DRAIN
PIPE TO SWALE
NEW BRICK PATIO

RETENTION BASIN @ 1':4' SLOPE -
462 CU. FT. (MIN 441 CU. FT.)
3"Ø PVC DRAIN
D.S. PIPE TO SWALE

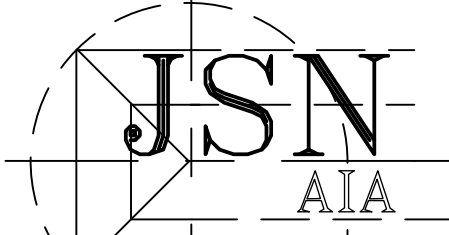
DIFFERED SUBMITTALS:

- HEAT LOSS CALC'S
- LANDSCAPE



LOCATION MAP

SCALE: N.T.S.



Joseph S. Novitsky
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3856 12 Mile Road
Berkley, MI 48072
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Seal:



Revisions:

DATE	DESCRIPTION
01/09/2024	EXISTING CONDITIONS
01/12/2024	REVIEW
01/16/2024	REVISIONS
08/12/2024	PRELIMINARY
10/24/2024	BIDS AND PERMITS
12/12/2024	PERMITS REVIEW

Project Name:
1845 HUMPHREY AVE
BIRMINGHAM MI, 48009

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ORI HALPERT (HALPERT INVESTMENTS LLC)
24739 MIDDLEBELT FARMINGTON HILLS MI 48331
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Sheet Title:

**SITE PLAN
ZONING &
GENERAL
NOTES**

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Date: 07/09/2024
Drawn by: EAJC

Project Number:
2024-70

Sheet Number:

S-1



PROPOSED SITE PLAN

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

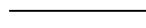
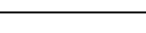


EXISTING SITE PLAN

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



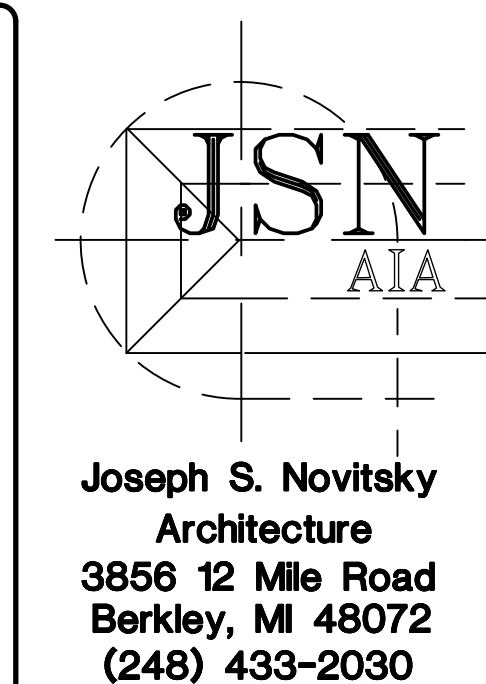
WINDOW SCHEDULE									
ALL NEW WINDOWS ON ANDERSEN WINDOWS 400 SERIES									
NO.	QUAN.	ROUGH OPENING	UNIT SIZE	UNIT #	FRAME		TRIM		NOTES
					MAT'L	FIN.	EXT.	INT.	
A	(13)	3'-0" 1/2" X 4'-0" 1/2"	2'-11" 5/8" X 4'-0"	CXU4	NOTE 4	NOTE 4	NOTE 1	NOTE 2	CASEMENT WINDOW (EGRESS)
B	(5)	3'-0" X 1'-6"	2'-11" 1/2" X 1'-5 1/2"	3016	NOTE 4	NOTE 4	NOTE 1	NOTE 2	PICTURE WINDOW (100 SERIES)
C	(4)	1'-6" X 1'-6"	1'-5 1/2" X 1'-5 1/2"	1616	NOTE 4	NOTE 4	NOTE 1	NOTE 2	PICTURE WINDOW (100 SERIES)
D	(10)	1'-6" X 4'-0"	1'-5 1/2" X 3'-11" 1/2"	1640	NOTE 4	NOTE 4	NOTE 1	NOTE 2	PICTURE WINDOW (100 SERIES)
E	(2)	4'-6" X 1'-6"	4'-5 1/2" X 1'-5 1/2"	4616	NOTE 4	NOTE 4	NOTE 1	NOTE 2	PICTURE WINDOW (100 SERIES)
F	(2)	4'-6" X 4'-0"	4'-5 1/2" X 3'-11" 1/2"	4640	NOTE 4	NOTE 4	NOTE 1	NOTE 2	PICTURE WINDOW (100 SERIES)
G	(4)	2'-0" 5/8" X 4'-0"	2'-0" 1/8" X 4'-0"	C14	NOTE 4	NOTE 4	NOTE 1	NOTE 2	CASEMENT WINDOW
H	(4)	2'-0" X 1'-6"	1'-11" 1/2" X 1'-5 1/2"	2016	NOTE 4	NOTE 4	NOTE 1	NOTE 2	PICTURE WINDOW (100 SERIES)

WALL SCHEDULE	
SYMBOL	DESCRIPTION
	EXISTING INTERIOR WALL TO REMAIN
	EXISTING EXTERIOR WALL: EXISTING BRICK TO BE REMOVED, METAL PANEL ATTACHED TO STUD WITH CUPK PL-WOOD, DRYWALL, INTERIOR TO REMAIN
	NEW INTERIOR PARTITION WALL: 2"x4" STUD WALL @ 16" O.C. W/ DRY WALL FINISH BOTH SIDES
	NEW INTERIOR BEARING WALL: 2"x4" STUD WALL @ 16" O.C. W/ DRY WALL FINISH BOTH SIDES
	NEW EXTERIOR PARTITION WALL: 2"x4" STUD WALL @ 16" O.C. W/ INSULATED METAL PANEL SIDING AS SHOWN ON ELEVATION, FINISH DRYWALL, INTERIOR
	NEW EXTERIOR BEARING WALL: 2"x4" STUD WALL @ 16" O.C. W/ INSULATED METAL PANEL SIDING AS SHOWN ON ELEVATION, FINISH DRYWALL, INTERIOR
	NEW TRENCH FOOTING: 12" WIDE BY 42" BELOW GRADE TRENCH FOOTING WITH (2) #4 BARS @TOP AND BOTTOM AND 3" MINIMUM COVER

ELECTRICAL & LIGHTING LEGEND	
	NEW DUPLEX
	NEW GFI DUPLEX
	NEW LIGHT SWITCH
	NEW THREE-WAY LIGHT SWITCH
	NEW CEILING MOUNTED LIGHT FIXTURE
	NEW WALL MOUNTED LIGHT FIXTURE
	NEW SMOKE DETECTOR
	NEW EXHAUST FAN

ELECTRICAL/LIGHTING NOTES:

ALL FIXTURES TO BE CHOSEN BY OWNER/INTERIOR DESIGNER
 MODIFICATIONS TO THE LIGHTING LAYOUT MAY OCCUR BY THE
 OWNER & INTERIOR DESIGNER, CONSULT WITH THEM BEFORE RE-WIRING



Revisions:	
DATE	DESCRIPTION
07/09/2024	EXISTING CONDITIONS
07/12/2024	REVIEW
10/24/2024	BIDS AND PERMITS
12/12/2024	PERMITS/REVIEW

Project Name: **1845 HUMPHREY AVE**
BIRMINGHAM MI, 48009

OWNER: **GREAT LAKE STRATEGIES LLC**
5621 LANE LAKE CT BLOOMFIELD HILLS MI 48302
ORI HALPERT (HALPERT INVESTMENTS LLC)
24739 MIDDLEBELT FARMINGTON HILLS MI 48331

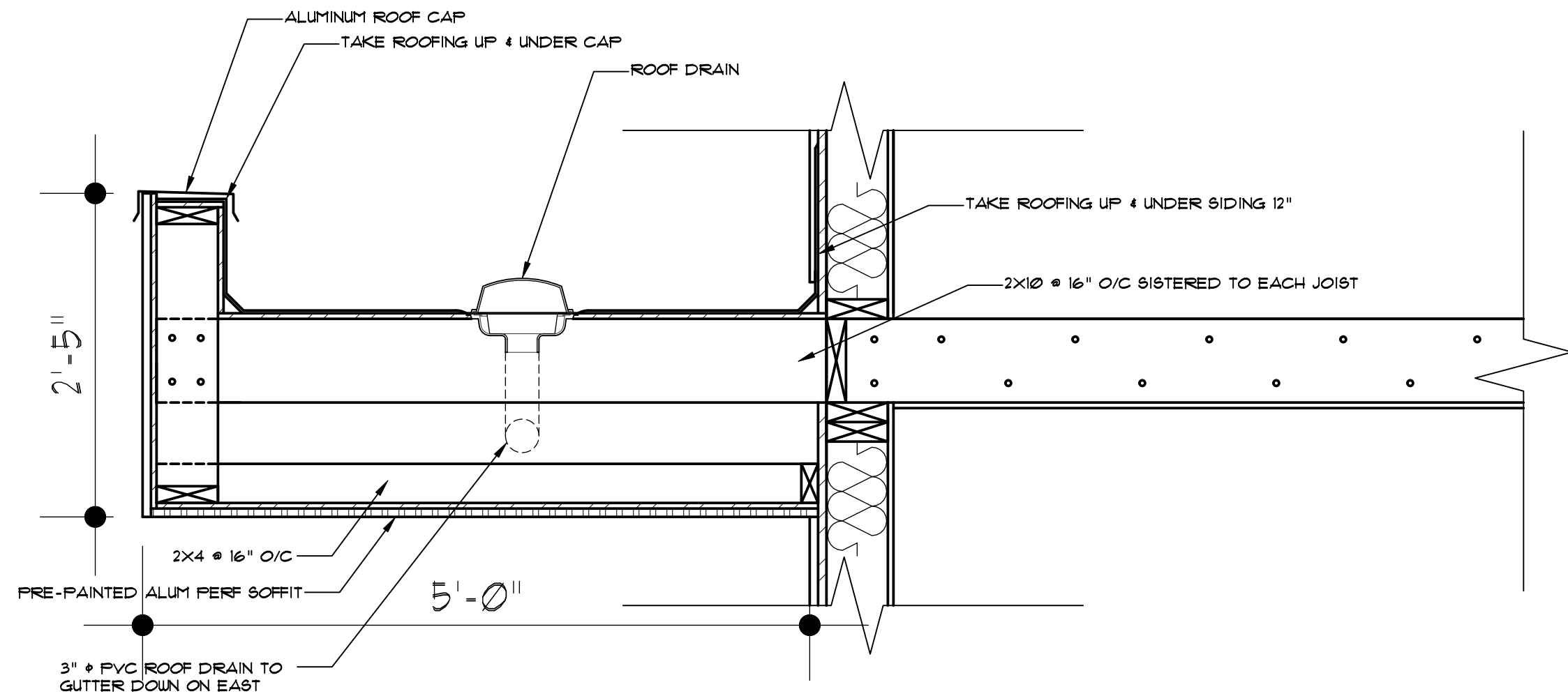
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**EXISTING
CONDITIONS**

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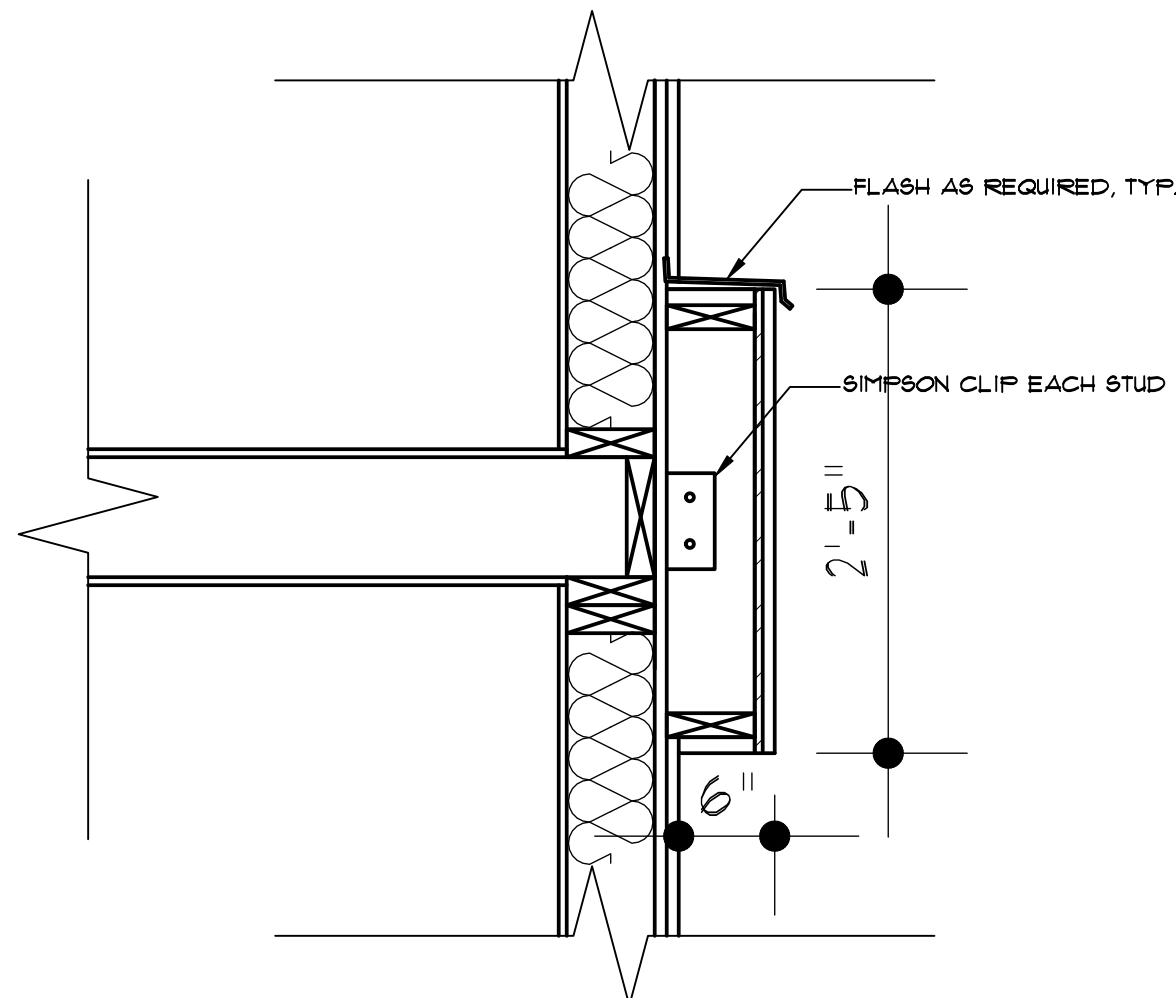
Date: 07/09/2024
Drawn by: EAJC

Project Number:
2024-70

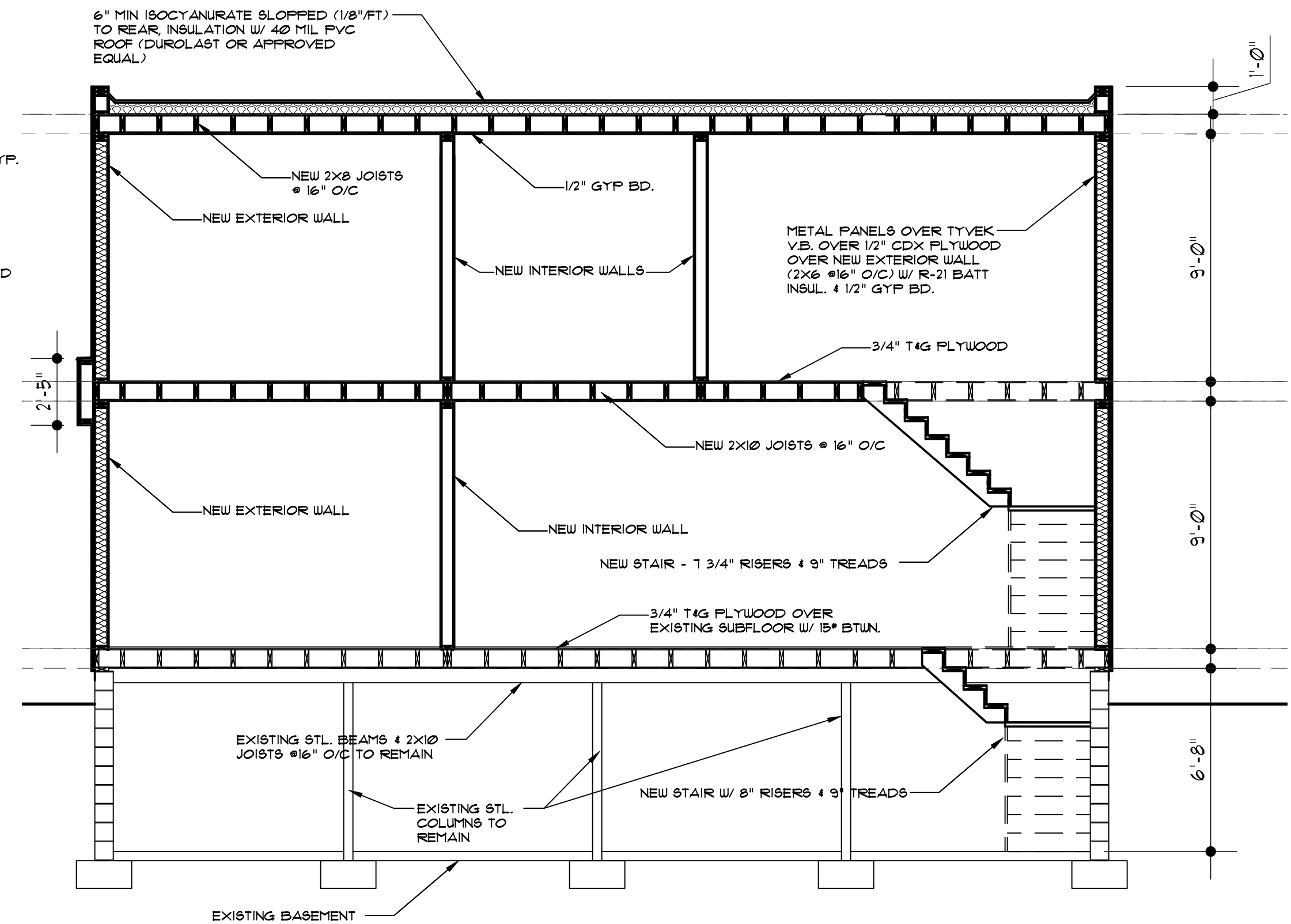
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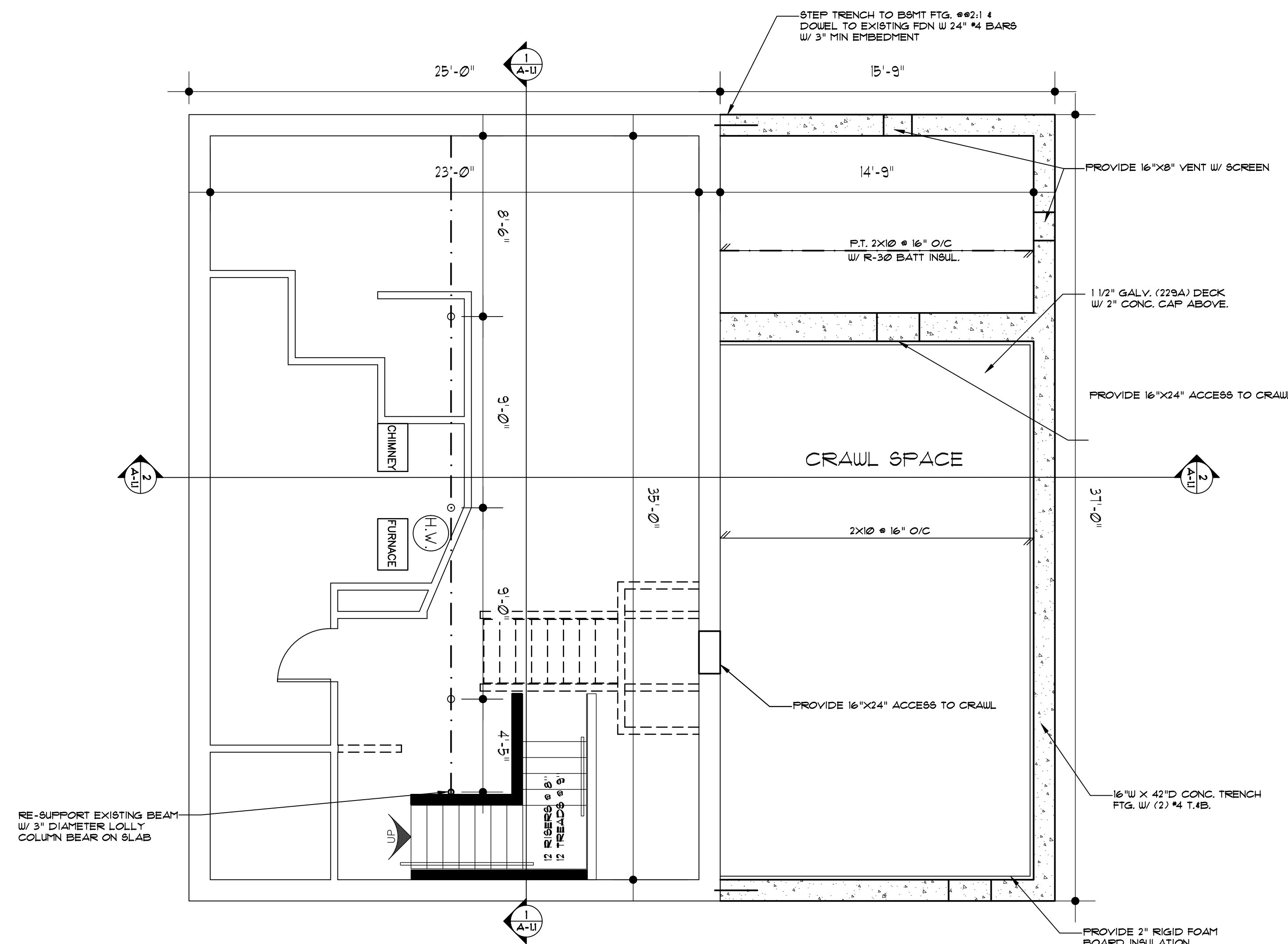
DETAIL #1
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DETAIL #2
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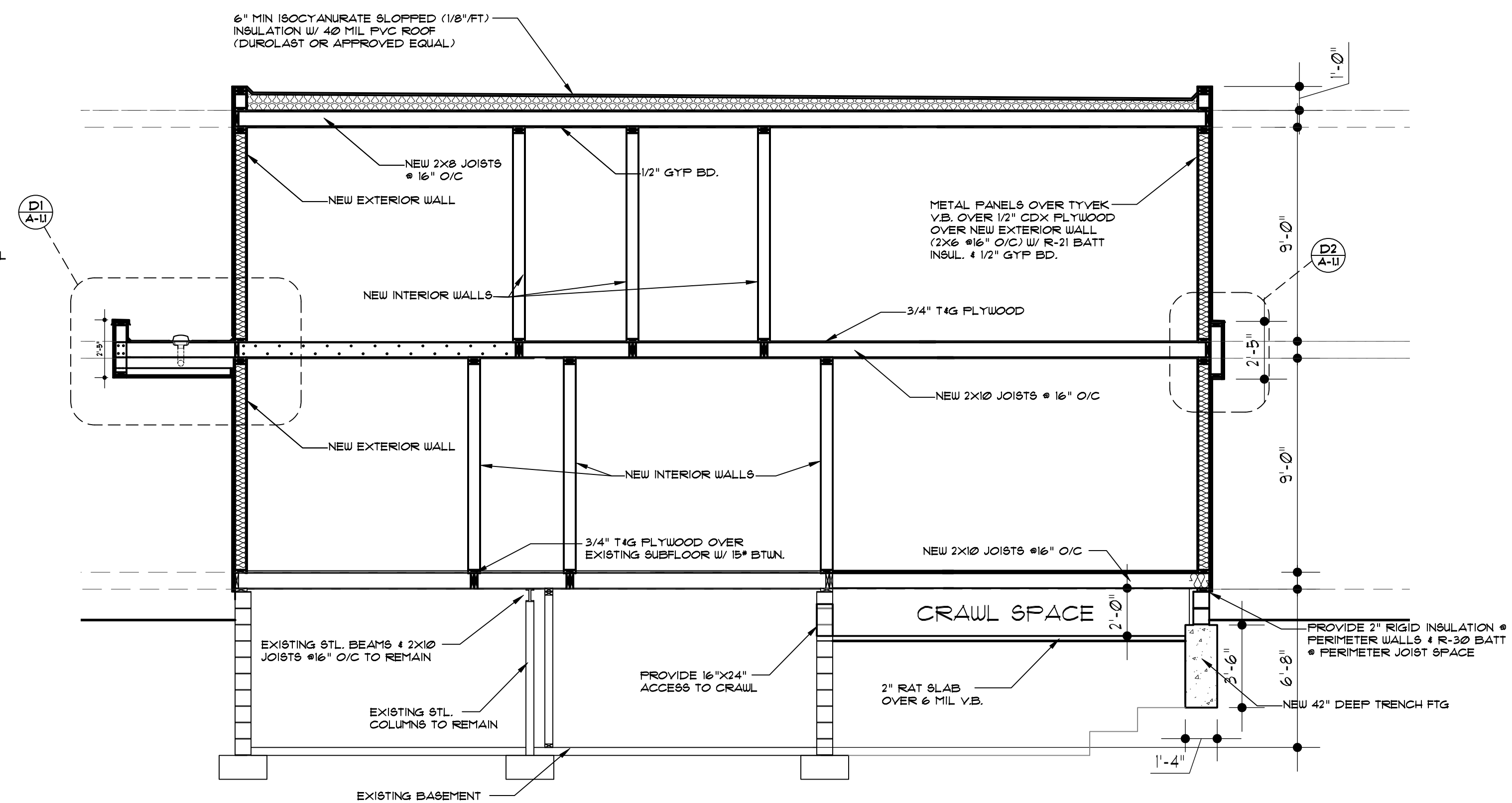


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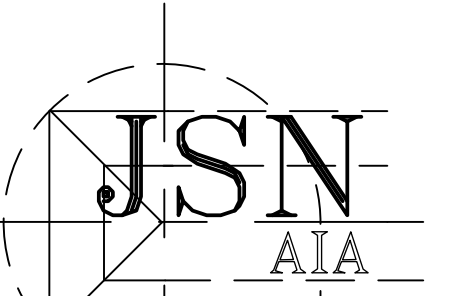


PROPOSED BASEMENT/FOUNDATION PLAN

SCALE: 1/4" = 1'-0"
9256F



SECTION #2
SCALE: 1/4" = 1'-0"



Joseph S. Novitsky
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3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal:



Revisions:

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Sheet Title:

EXISTING CONDITIONS

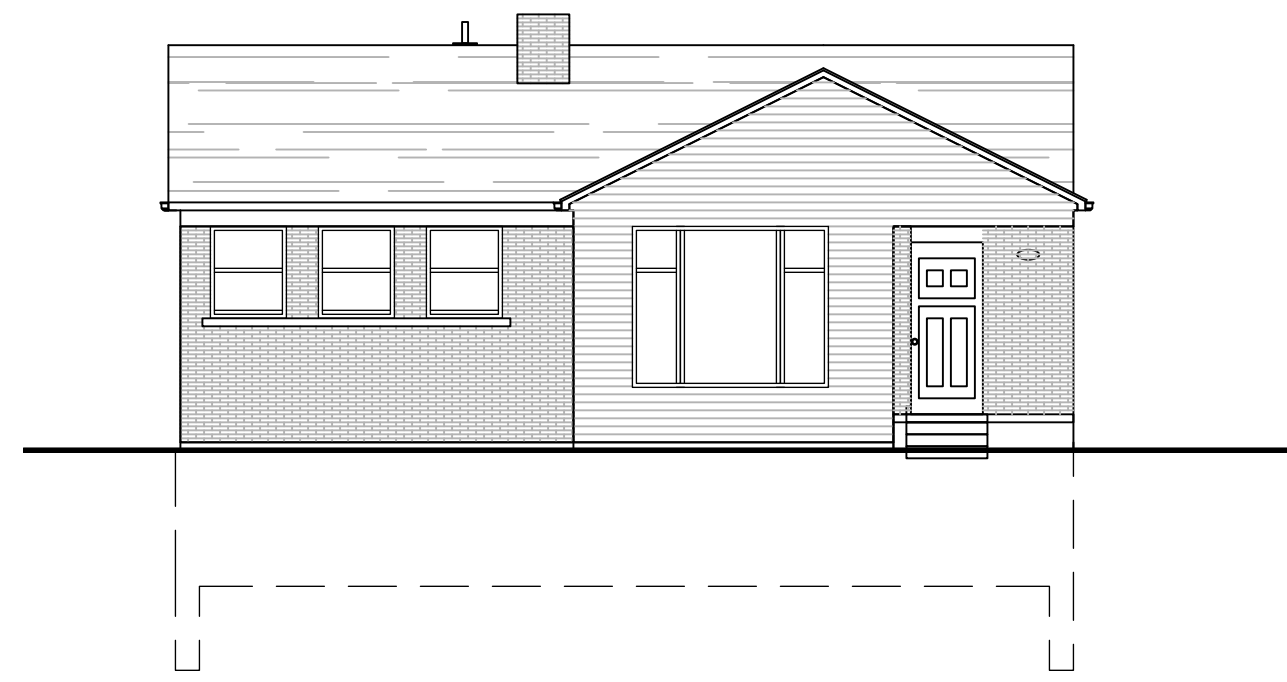
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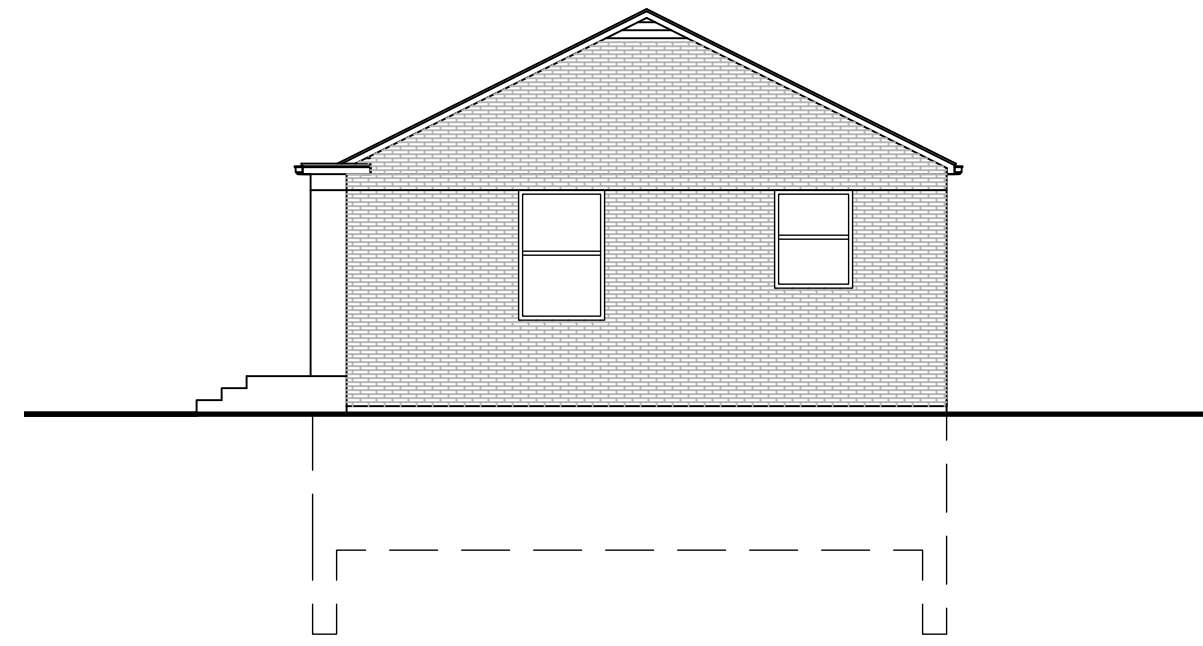
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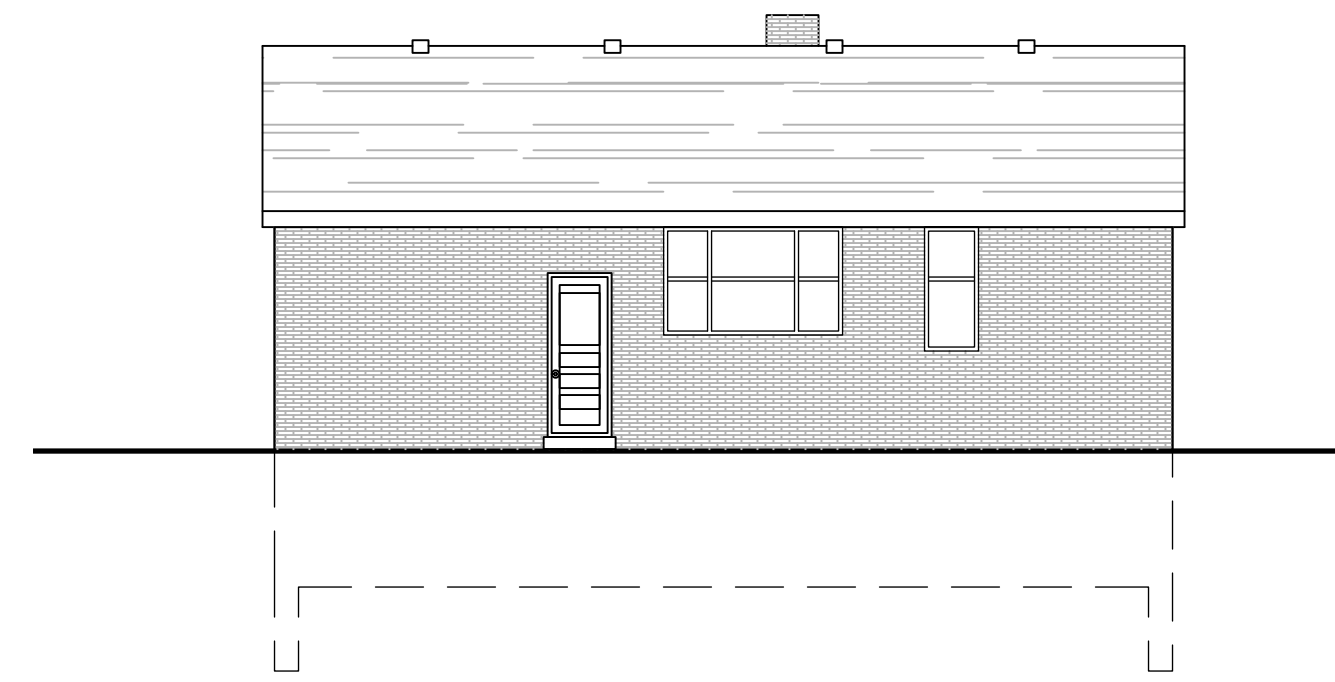
EXISTING SOUTH ELEVATION

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



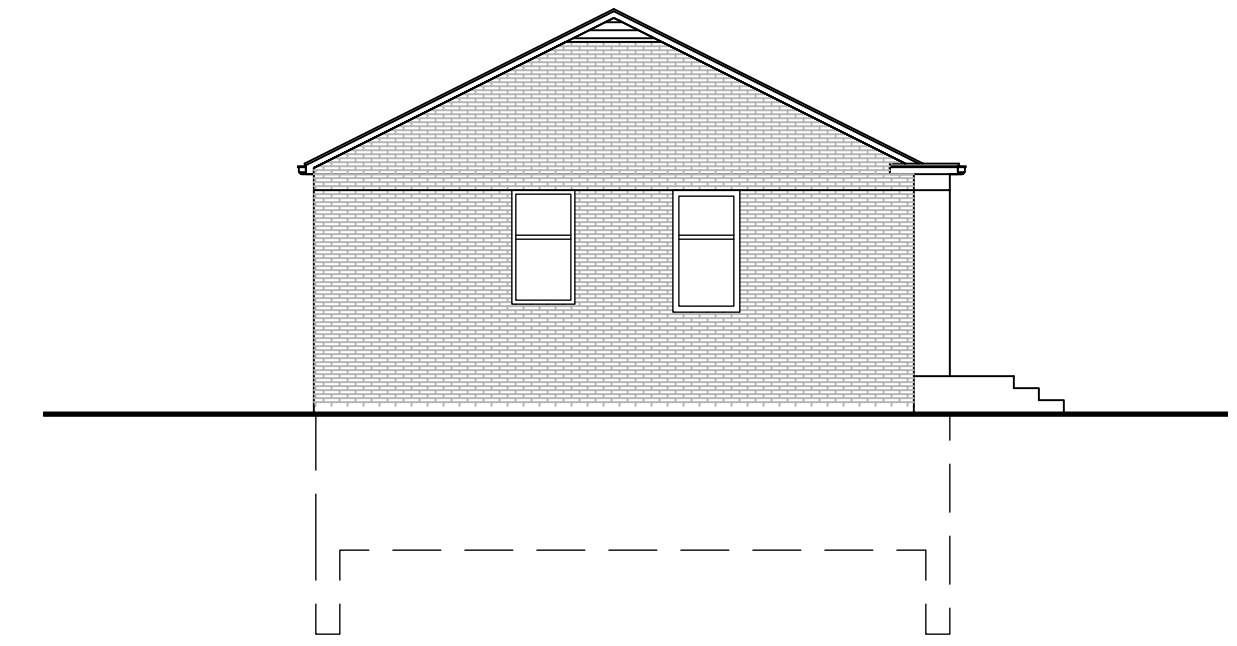
EXISTING EAST ELEVATION

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



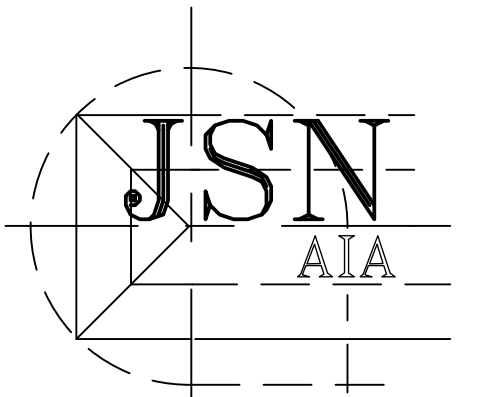
EXISTING NORTH ELEVATION

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



EXISTING WEST ELEVATION

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



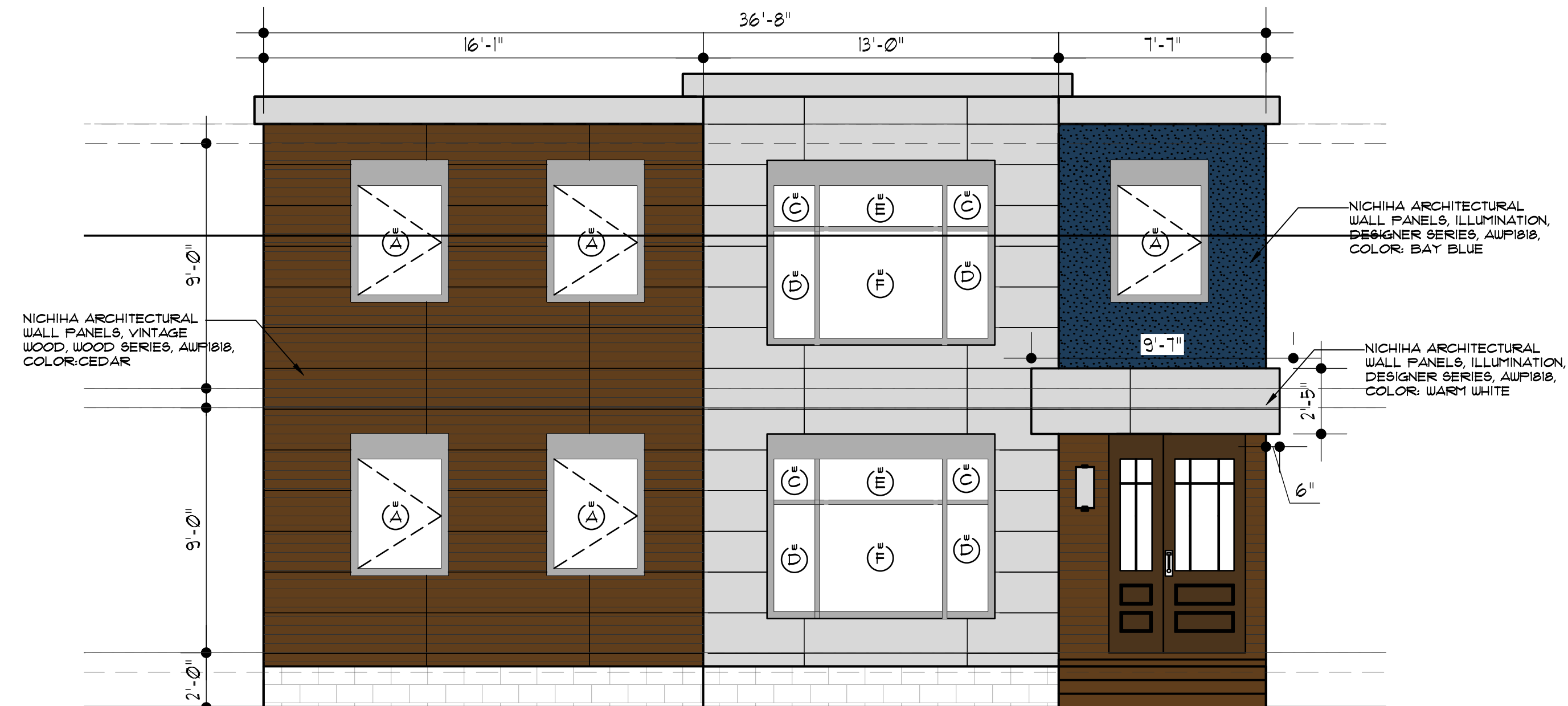
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Berkley, MI 48072
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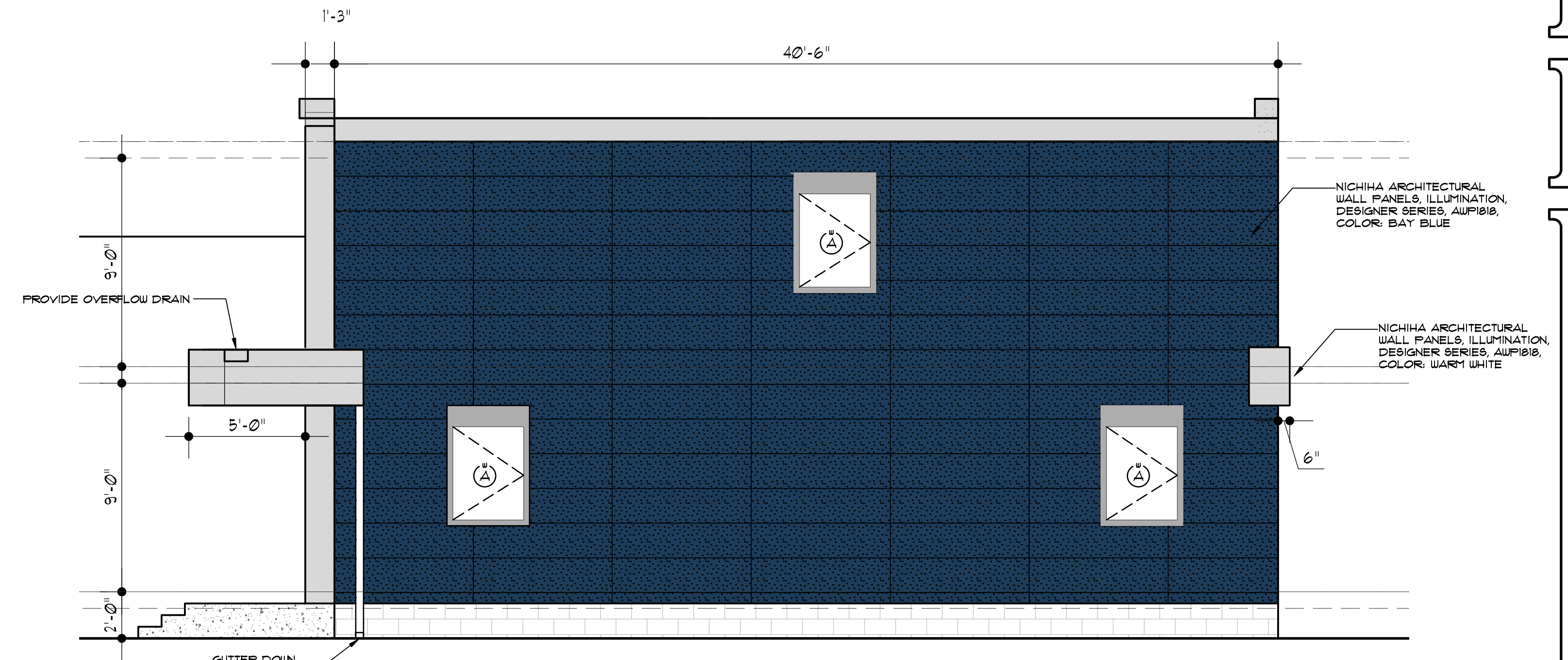
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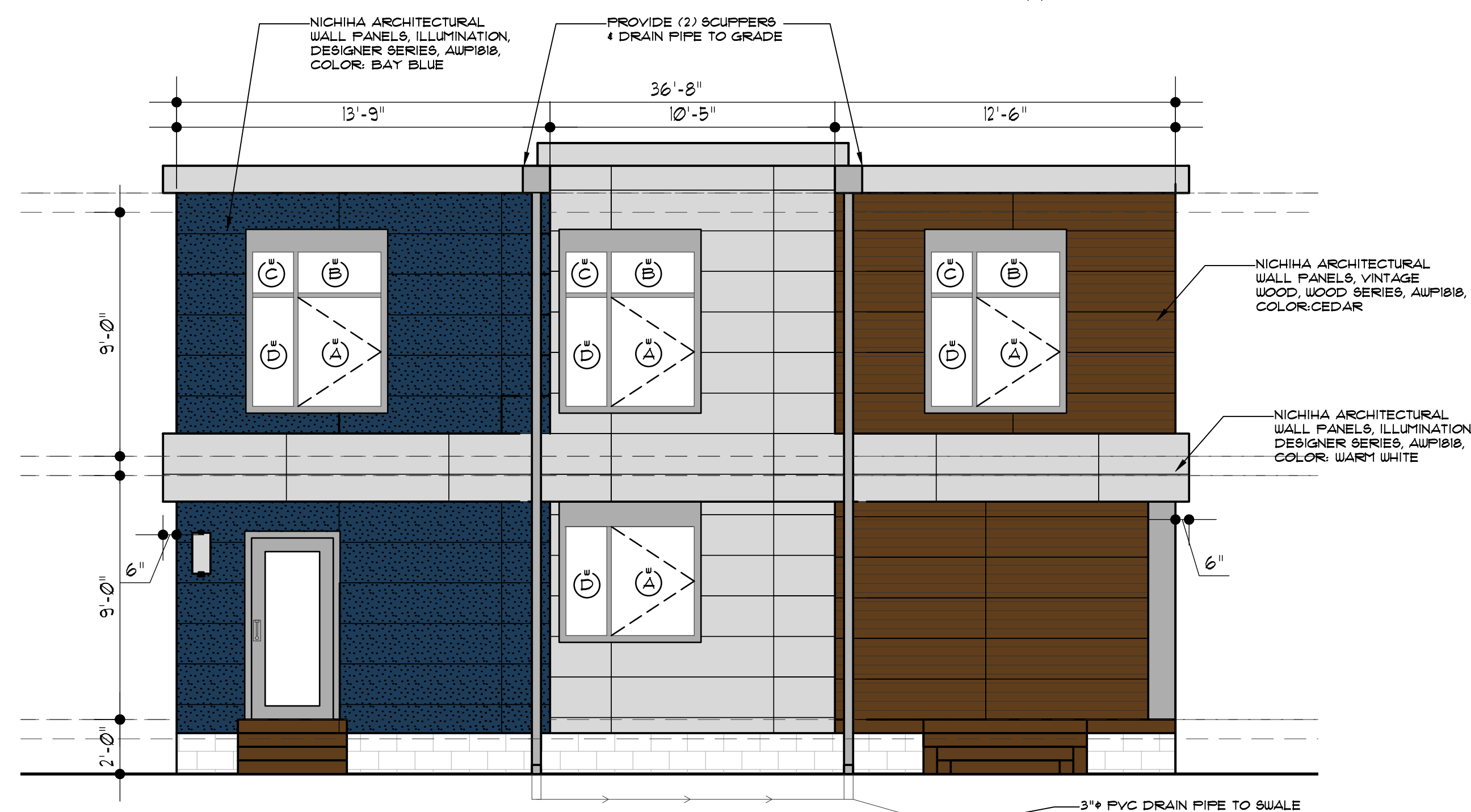
SOUTH ELEVATION

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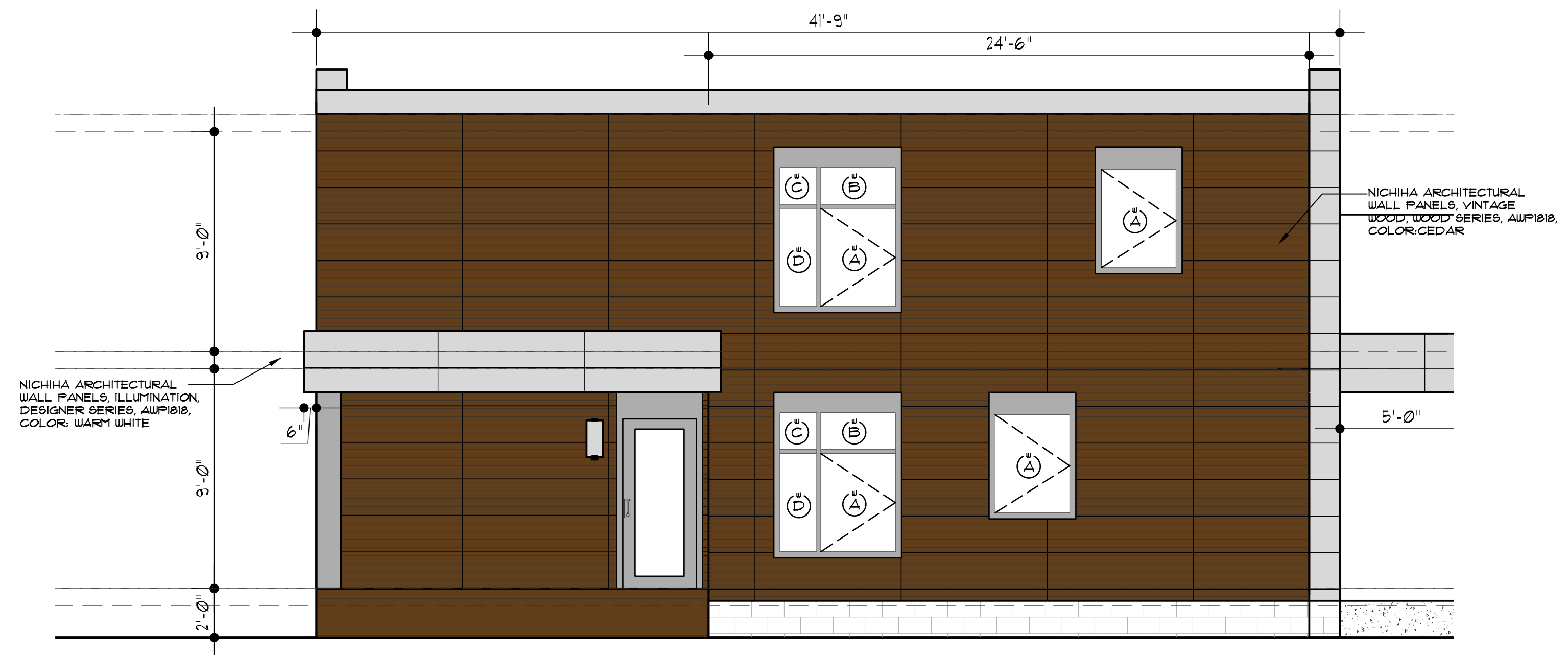
EAST ELEVATION

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



NORTH ELEVATION

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



WEST ELEVATION

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

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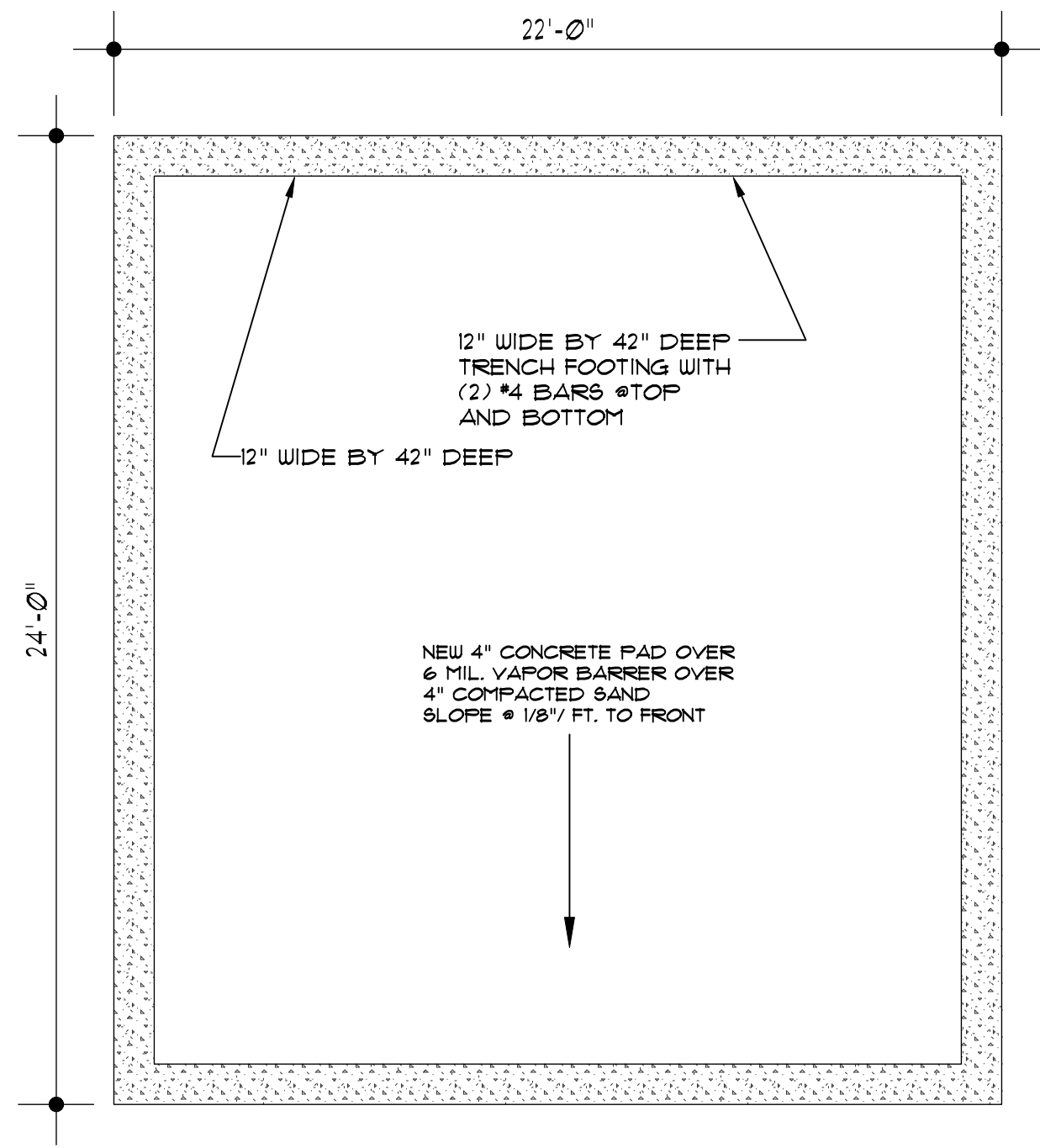
Sheet Title:
EXISTING ELEVATIONS

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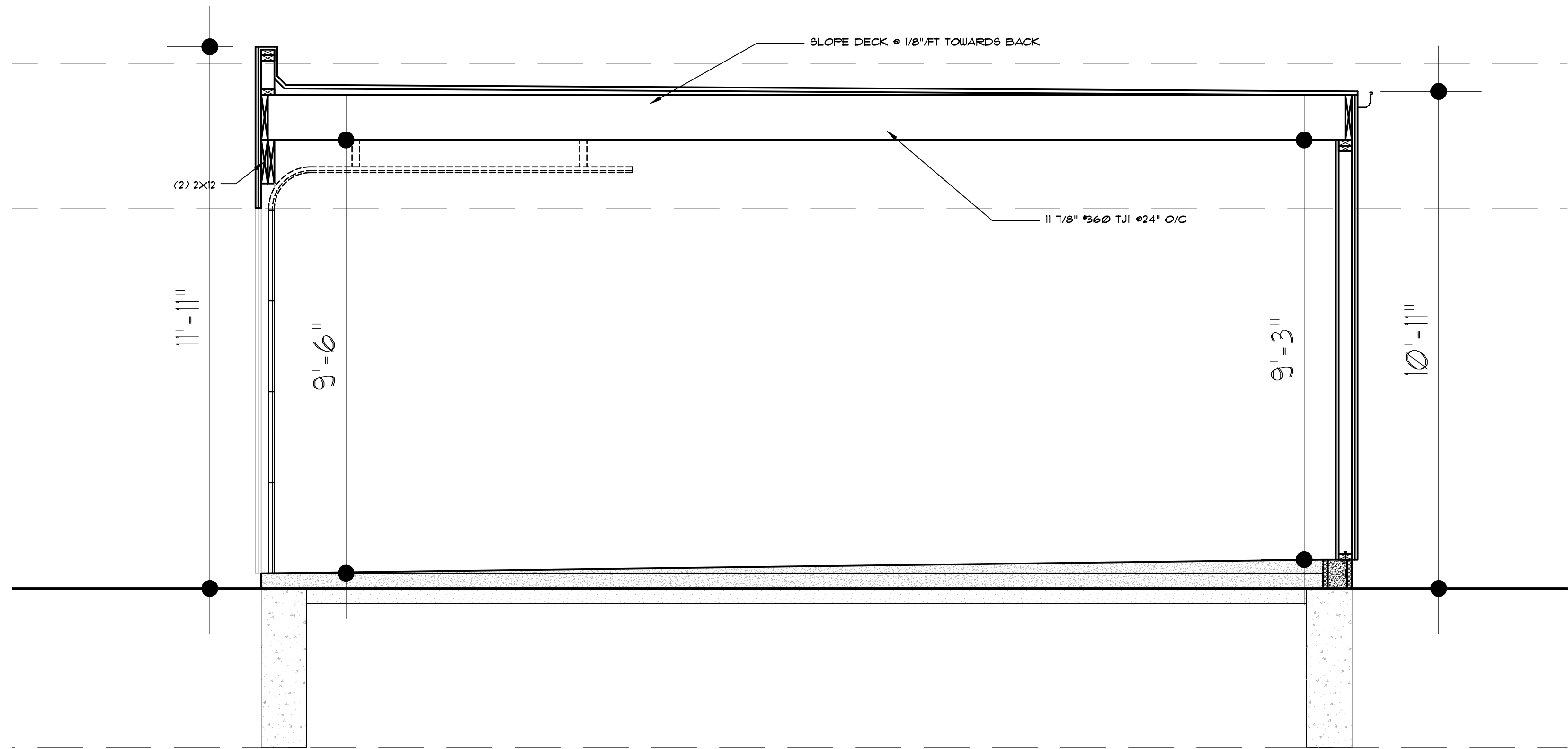
Date: 07/09/2024
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2024-70

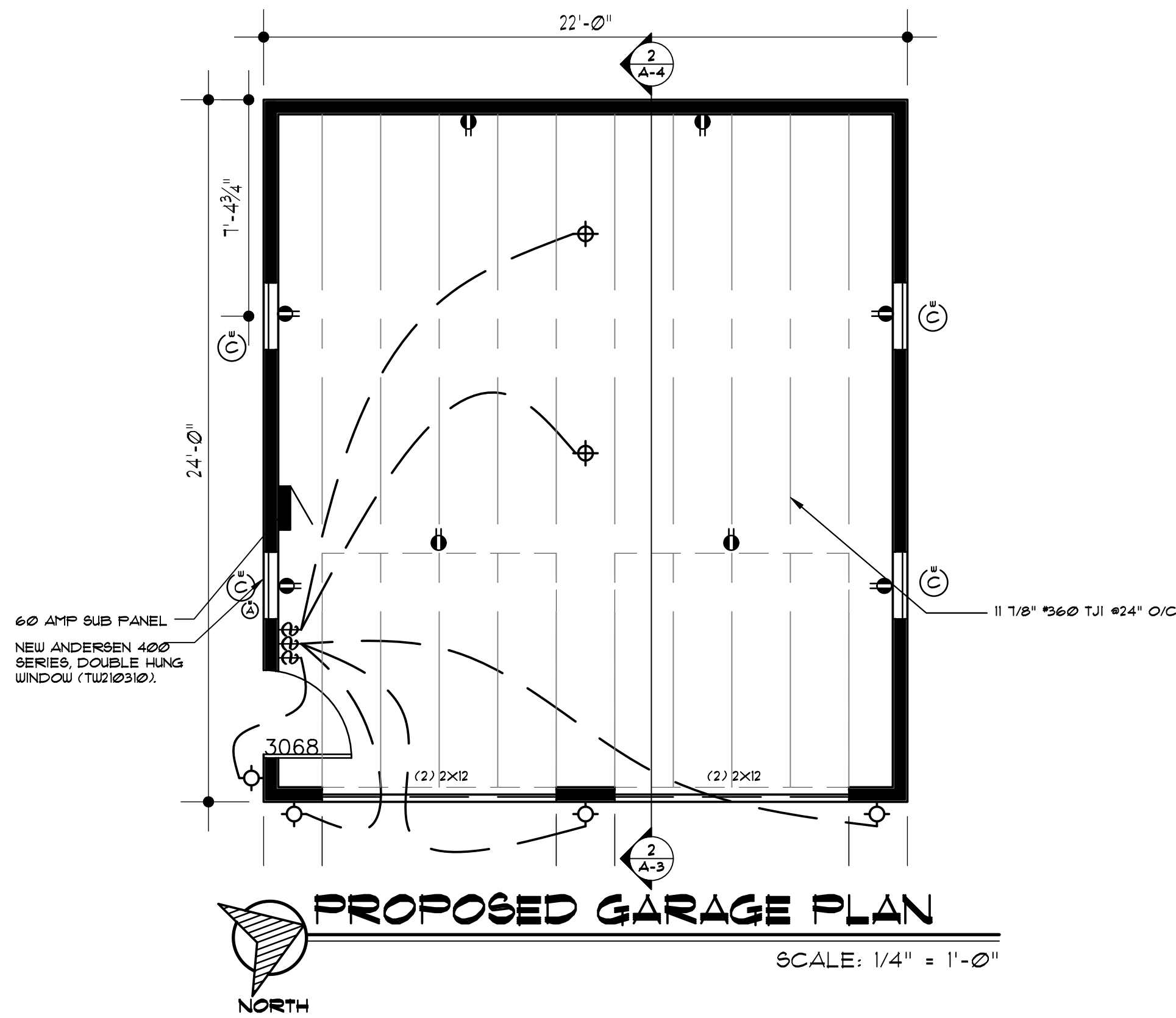
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A-2.0



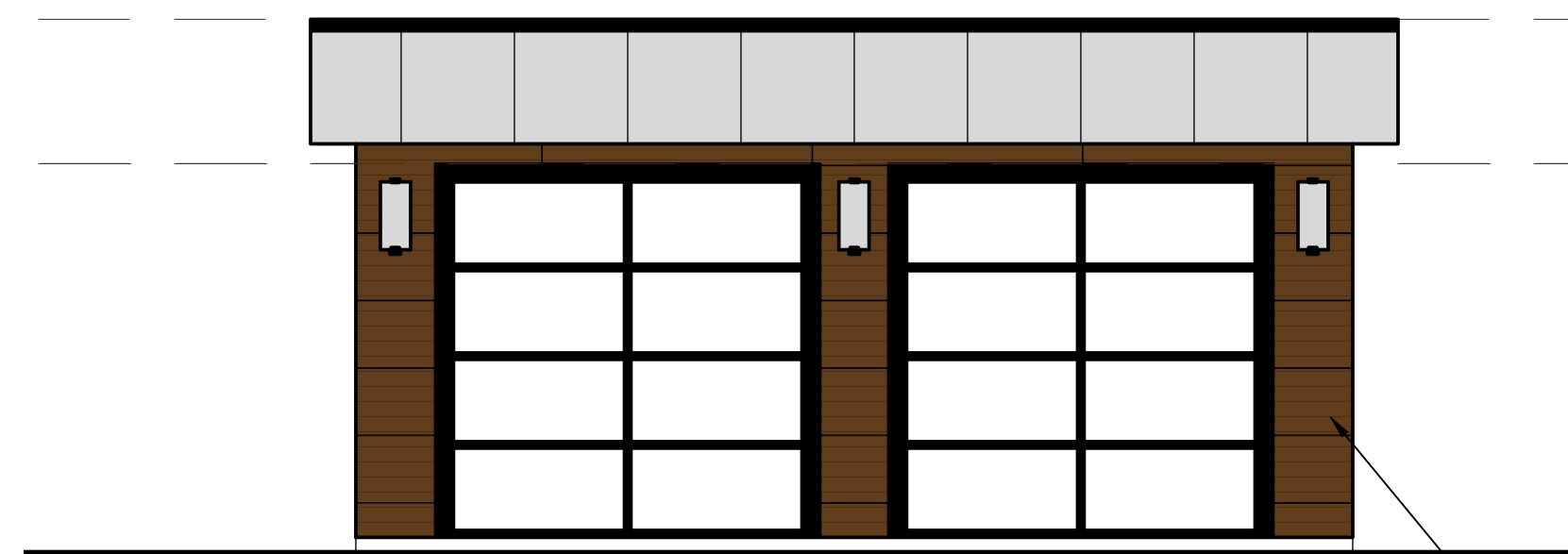
GARAGE FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



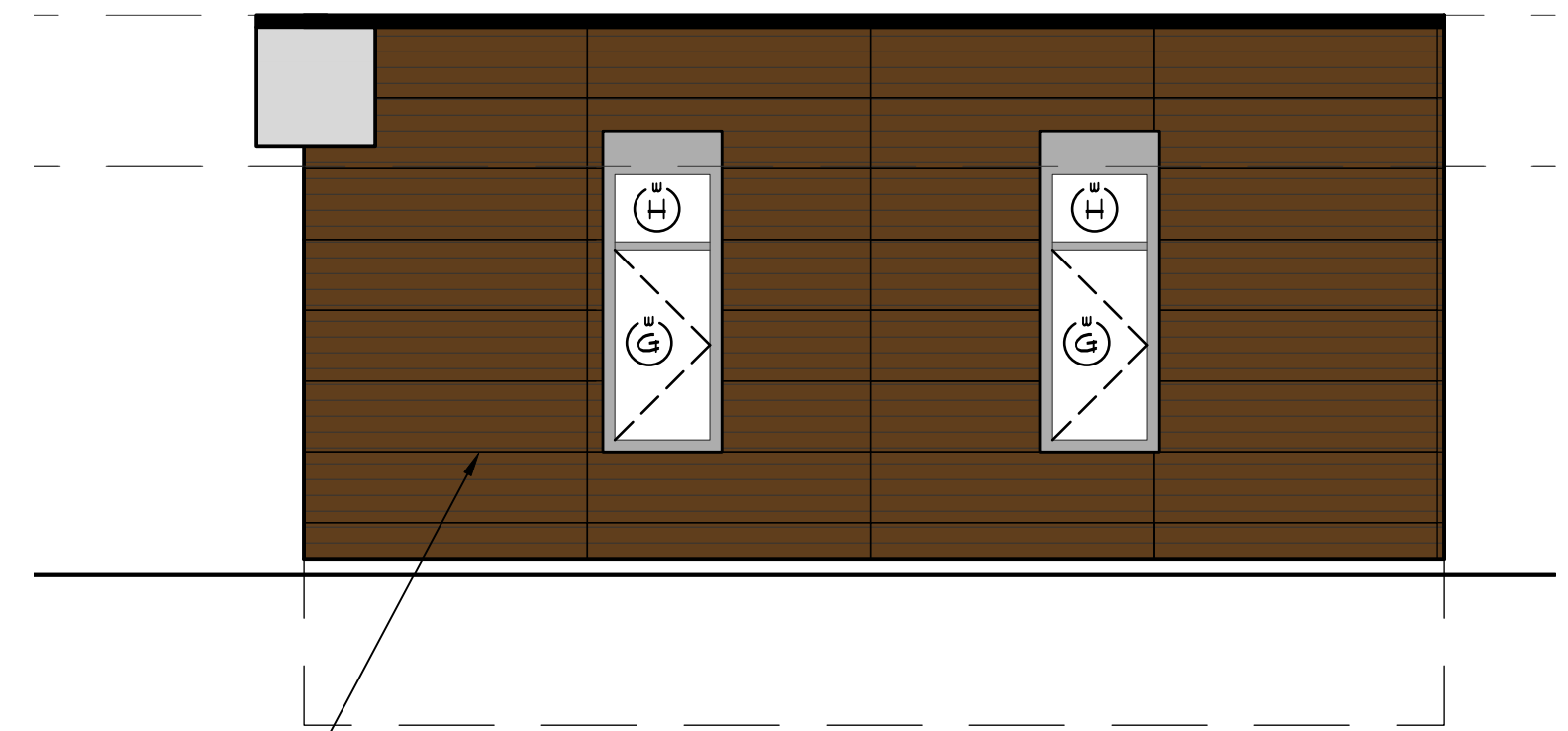
GARAGE SECTION
SCALE: 1/2" = 1'-0"



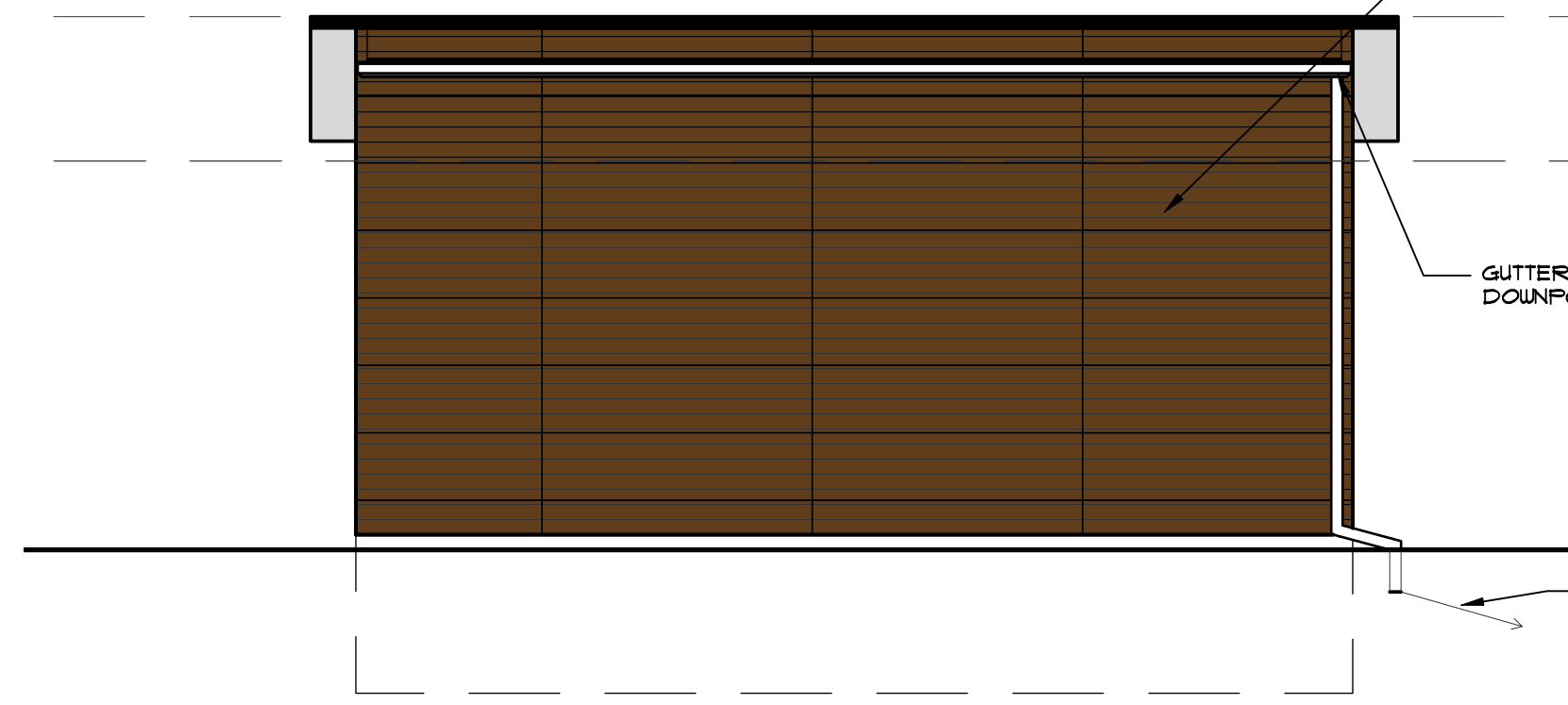
PROPOSED GARAGE PLAN
SCALE: 1/4" = 1'-0"



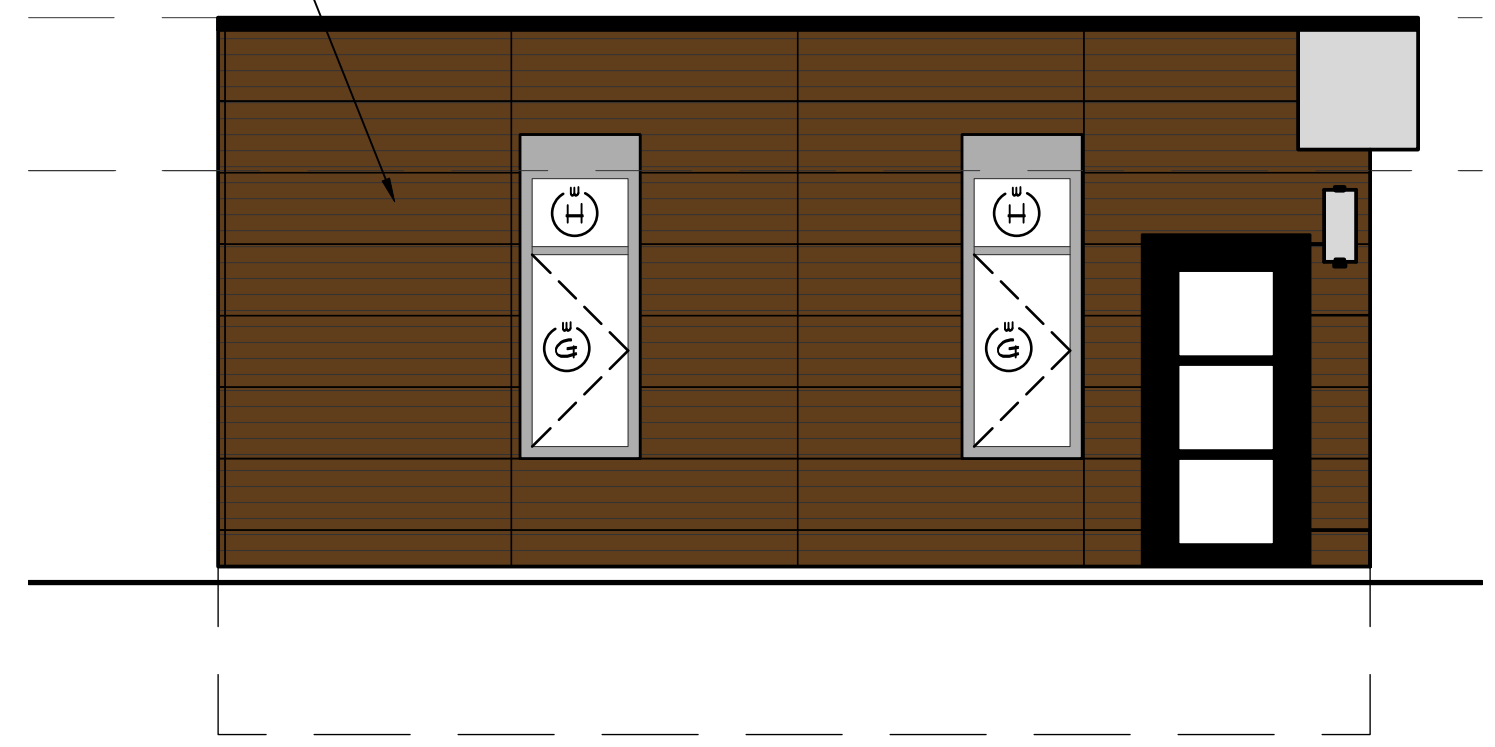
PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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

JSN
AIA
Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal



Revisions:

DATE	DESCRIPTION
07/09/2024	EXISTING CONDITIONS
07/12/2024	REVIEW
08/12/2024	PRELIMINARY PACKAGE
08/20/2024	REVISIONS
10/14/2024	BIDS AND PERMITS
12/12/2024	PERMITS/REVIEW

Project Name:
1845 HUMPHREY AVE
BIRMINGHAM MI, 48009

OWNER:
GREAT LAKE STRATEGIES LLC
5621 LAKE LAKE CT BLOOMFIELD HILLS MI 48302
ORI HALPERT (HALPERT INVESTMENTS LLC)
24739 MIDDLEBELT FARMINGTON HILLS MI 48331
OH@OTRINVESTMENT.COM

Sheet Title:

**PROPOSED
GARAGE**

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THIS DOCUMENT AND ANY SUBJECT MATTER
CONTAINED HEREIN IS PROPRIETARY AND MAY
NOT BE REPRODUCED WITHOUT THE EXPLICIT
WRITTEN CONSENT OF JSN ARCHITECTURE

Date: 07/09/2024
Drawn by: EAJC

Project Number:
2024-70

Sheet Number:
A-3.0

CASE DESCRIPTION

468 Willits (25-03)

Hearing date: February 11, 2025

Appeal No. 25-03: The owner of the property known **468 Willits**, requests the following variances to construct a new home:

A. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires a maximum roof height for a pitched roof in an R-2 zoning district of 30.00 feet for this property. The proposed roof height is 35.66 feet; therefore a variance of 5.66 feet is requested.

B. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires a maximum roof height for a flat roof in an R-2 zoning district of 24.00 feet for this property. The proposed roof height is 24.84 feet; therefore a variance of 0.84 feet is requested.

C. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires a maximum eave height for the building for an R-2 zoning district of 24.00 feet for this property. The proposed eave height is 33.38 feet; therefore a variance of 9.38 feet is requested.

Staff Notes: This applicant is seeking height variances to construct a new home with an attached garage. The grades on this lot slopes to the rear.

This property is zoned R2 – Single family residential.

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

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

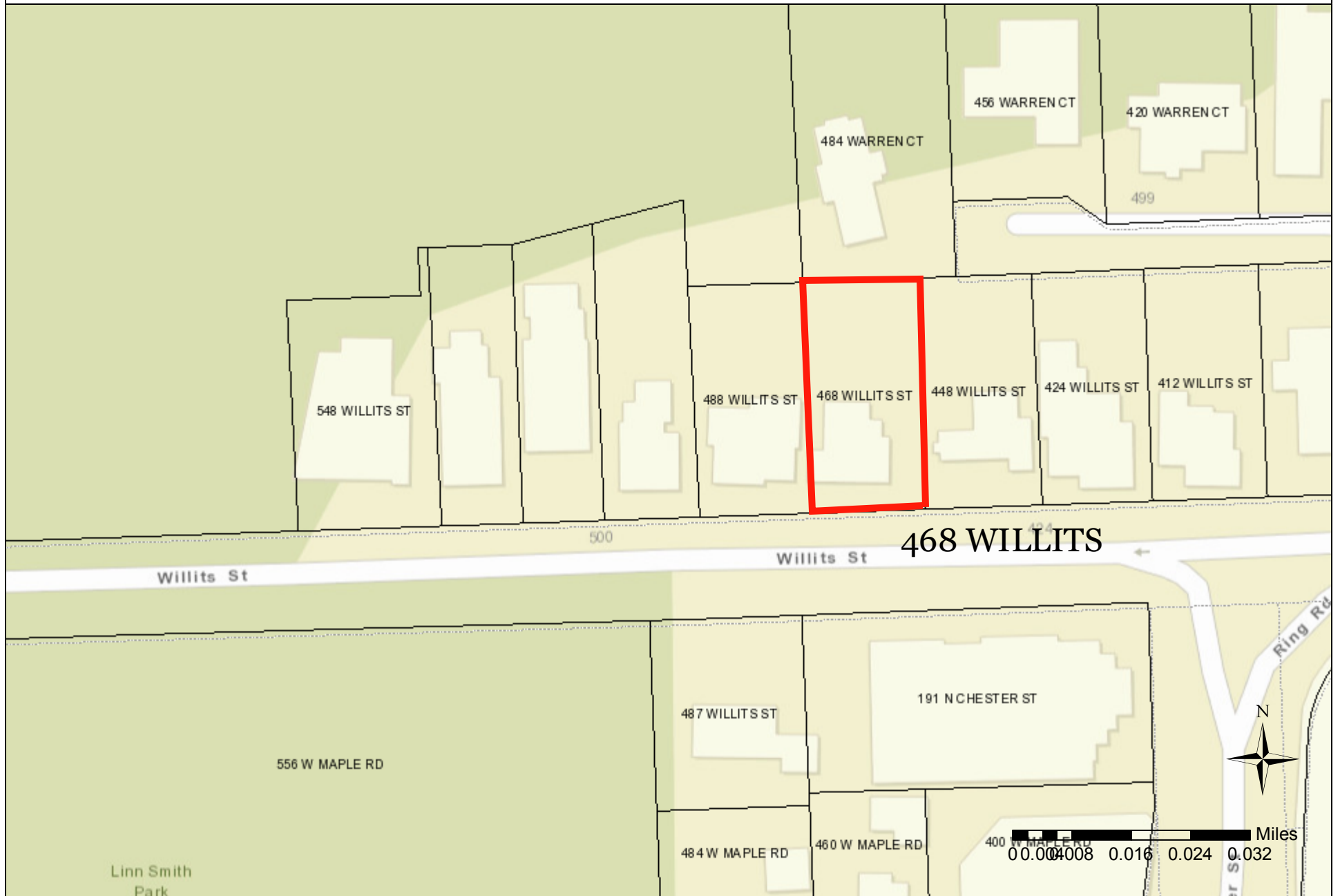
8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

468 WILLITS MAP



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

Type of Variance:	☐ Interpretation	☐ Dimensional	☐ Land Use	☐ Sign	☐ Admin Review
I. PROPERTY INFORMATION:					
Address: 468 Willits St.		Lot Number:		Sidwell Number: 08-19-25-376-041	
II. OWNER INFORMATION:					
Name: 468 Willits LLC					
Address: 36800 Woodward #200		City: Bloomfield Hills		State: MI	Zip code: 48304
Email: * Kwurn@hrhbuild.com				Phone: 8168139826	
III. PETITIONER INFORMATION:					
Name: Brian Neeper		Firm/Company Name: Brian Neeper Architecture			
Address: 259 E Frank		City: Birmingham		State: MI	Zip code: 48009
Email: Brian@brianneeper.com				Phone: 2482591784	
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. <i>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.</i> 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:					
<u>Please provide the following in your electronic submission:</u> ☐ Completed and signed application ☐ Signed letter of practical difficulty and/or hardship ☐ Certified survey ☐ Building plans including existing and proposed floor plans and elevations ☐ If appealing a board decision, provide a copy of the minutes from any previous Planning, HDC, or DRB board meeting					
VI. APPLICANT SIGNATURE					
Owner hereby authorizes the petitioner designated below to act on behalf of the owner. By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner. *By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.					
Signature of Owner: _____			Date: _____		
Signature of Petitioner: 			Date: 1-12-25		

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

ARTICLE I - Appeals

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

6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
 7. An aggrieved party may appeal a Planning Board decision. Such appeal must be made within 30 days of the date of the decision. The BZA, in its discretion, may grant additional time in exceptional circumstances.
 8. Appeals from a decision of the Building Official shall be made within 30 days of the date of the order, denial of permit, or requirement or determination contested. The BZA, in its discretion, may grant additional time in exceptional circumstances.
 9. An appeal stays all proceedings in accordance with Act #110, Public Acts of 2006, Article VI, Section 125.3604 (3).
- C. The order of hearings shall be:
1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
 2. Applicant's presentation of his/her case—the applicant or his/her representative must be present at the appeal hearing.
 3. Interested parties' comments and view on the appeal.
 4. Rebuttal by applicant.
 5. The BZA may make a decision on the matter or request additional information.
- D. Motions and Voting
1. A motion is made to either grant or deny a petitioner's request
 - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
 - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
 - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.
 2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.
-

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

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

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

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



Signature of Applicant

Brian Neeper Architecture P.C.

259 E Frank Birmingham, MI 48009
248. 259. 1784 brianneeper.com



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

Re: 468 Willits

January 12, 2025

Members of the Board,

On the behalf of my client, Hunter Roberts Homes, I respectfully request your consideration for the approval of the required dimensional variances to allow the construction of the proposed new single-family residence. The existing property is zoned R2. The property has some exceptional grading challenges, unique to this site, which make it substantially more difficult to achieve a typical 2-story residence with a pitched roof, within the requirements of the ordinance.

The site's grade falls roughly 15' from the front to the rear of the property. The interpretation of the required heights for this site are taken from the lowest existing grade at the proposed structure. Thus, our base line (764.08') for the required height calculations is 10.5' lower than the proposed high grade at the front (774.58'). The Building, Eave and Flat Roof heights for the proposed house will need variances as indicated below.

Variance A - Building Height

The required building height is 28'-0". We are requesting a 7.67' variance for a building height of 35.67' from the low grade.

Variance B – Eave Height

The required eave height is 24'-0". We are requesting a 9.375' variance for an eave height of 33.375' from the low grade.

Variance C – Flat Roof Height

The required height is 24'-0". We are requesting a 0.84' variance for a flat roof height of 24.84' from grade at the front of the home.

I have taken care in the architectural design to set the roof to a low profile so that most of the building heights and eave heights on the front of the house fall within in the allowable heights as measured from the proposed grade at the street front. The roof lines and massing at the tallest walls of the structure have been designed to step into a courtyard design which breaks up the massing. The existing natural grades on the site will be maintained therefore the height issues are not self-created. The natural grade will be reestablished along the West side during demolition of existing walkways and retaining walls adjacent to the existing house. I believe the architecture of the proposed home will fit the scale of the site and the surrounding neighborhood's eclectic architecture. We believe the approval of this variance request will allow my client to build an attractive and functional 2 story single-family residence without any negative impact to the adjacent neighbors or the neighborhood as a whole.

Thank you for your consideration.

Sincerely,

Brian Neeper, AIA

LEGEND

	EXISTING GRADE		EXISTING ASPHALT PAVEMENT TO REMAIN
	EXISTING CONTOURS, 1' INTERVAL		EXISTING CONCRETE PAVEMENT TO REMAIN
	PROPOSED GRADE		EXISTING PAVER AREAS TO REMAIN
	AS-BUILT GRADE		PROPOSED NEW PAVEMENT AREAS
	DIRECTION OF SURFACE DRAINAGE		EXISTING TREE TO REMAIN
	SILT FENCE & LIMITS OF EARTH DISTURBANCE		EXISTING TREE TO BE REMOVED

BENCHMARKS

CITY BENCHMARK #29
ELEVATION = 783.33 (CITY DATUM)
FOUND BRASS CAP ON THE SOUTHEAST CORNER OF MARTIN STREET AND SOUTH CHESTER STREET, 1 FOOT SOUTH OF THE BACK OF WALK.

SITE BENCHMARK
ELEVATION = 771.09 (CITY DATUM)
EXISTING STREET CATCH BASIN ON THE NORTH SIDE OF WILLITS STREET IN FRONT OF EXISTING RESIDENCE #468 (SUBJECT PROPERTY).

"RIVERSIDE PARK"

PARCEL NO. 19-25-376-078

"PARK SUB." L.8, P.13, O.C.R.

LOT 1

PARCEL NO. 19-25-376-040

"WARRENS REPLAT OF PART OF WILLITS NORTHERN ADDITION" L.47, P.22, O.C.R.

LOT 1

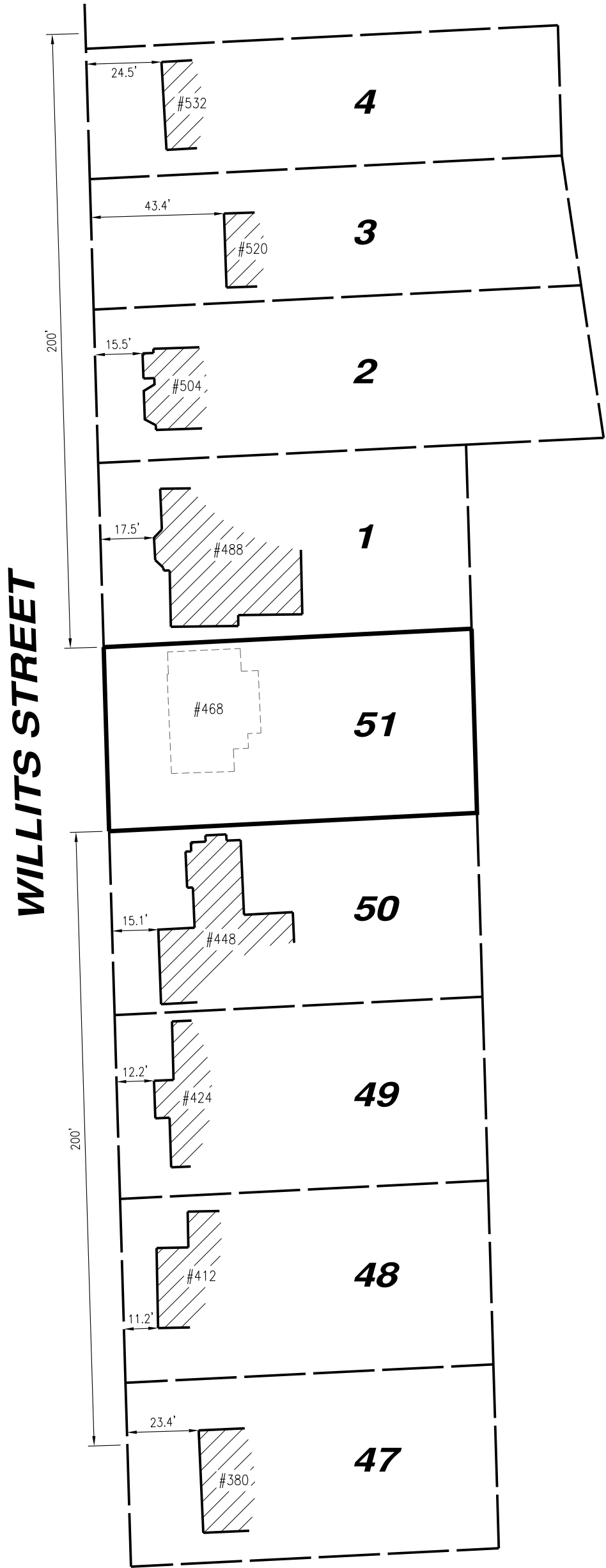
PARCEL NO. 19-25-376-030

LOT 51

PARCEL NO. 19-25-376-041

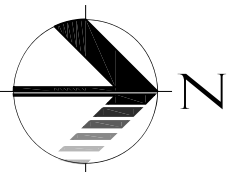
LOT 50

PARCEL NO. 19-25-376-042



FRONT SETBACK SURVEY

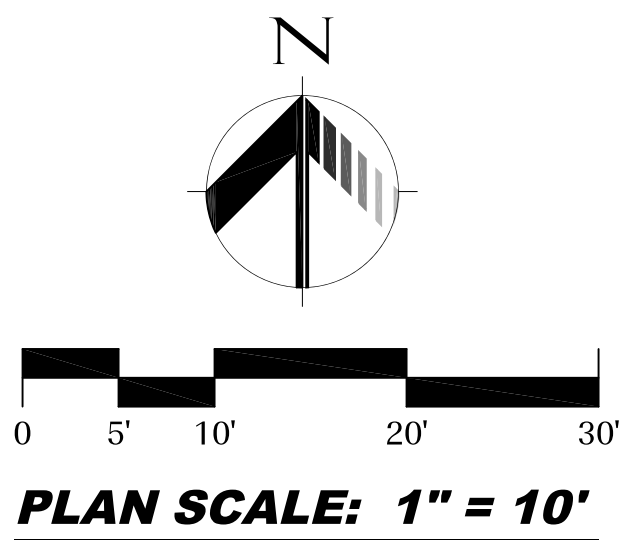
SCALE: 1" = 40'



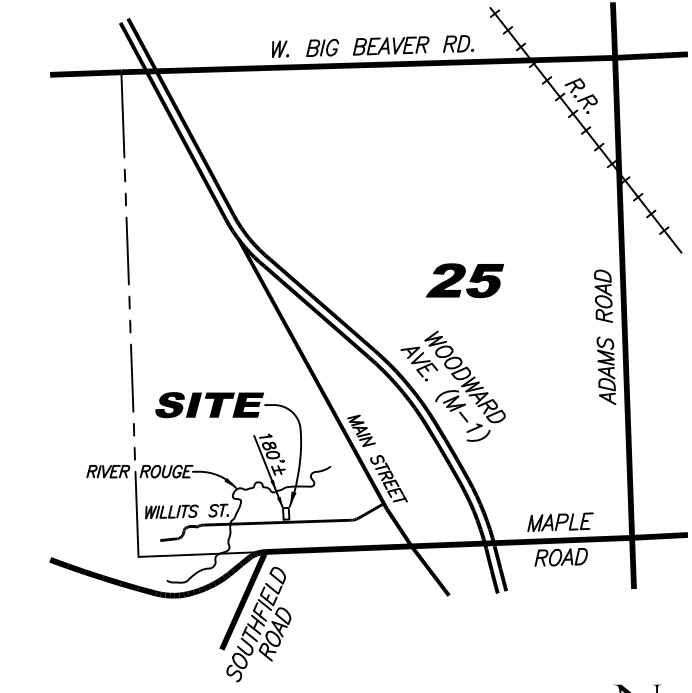
WILLITS STREET 50' WIDE RIGHT OF WAY ASPHALT PAVEMENT

SITE BENCHMARK

ELEVATION = 771.09 (CITY DATUM)
EXISTING STREET CATCH BASIN ON THE NORTH SIDE OF WILLITS STREET IN FRONT OF EXISTING RESIDENCE #468 (SUBJECT PROPERTY).



PLAN SCALE: 1" = 10'



LOCATION MAP

SCALE: 1"=2000'

PROPERTY DESCRIPTION

PARCEL NO. 19-25-376-041
LOT 51, "WILLIT'S NORTHERN ADDITION", PART OF THE SOUTHWEST 1/4 OF SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, OKLAHOMA COUNTY, MICHIGAN AS RECORDED IN LIBER 3 OF PLATS, PAGE 10 OF OKLAHOMA COUNTY RECORDS.

SITE CRITERIA

- ADDRESS: 468 WILLITS STREET
- PARCEL ID NO.: 19-25-376-041
- ZONING: R-2, SINGLE FAMILY RESIDENTIAL
- AVERAGE FRONT SETBACK AS SURVEYED = 20.35'
- REQUIRED REAR SETBACK = 30'
- REQUIRED MIN. COMBINED FRONT AND REAR SETBACK = 55'
- REQUIRED MINIMUM SIDE SETBACK = 5'
- REQUIRED MINIMUM SIDE SETBACK, ONE SIDE = 9'
- REQUIRED TOTAL SIDE SETBACK = 25% x 60.00' = 15'
- REQUIRED DISTANCE BETWEEN STRUCTURES = 15'
- PARCEL AREA AS SURVEYED = 7,201 S.F. (0.165 ACRE)
- LOT COVERAGE ALLOWED = 30% = 2,160 S.F.
- LOT COVERAGE PROPOSED = 2,160 S.F. (30.0%)
- OPEN SPACE REQUIRED = 40% = 2,880 S.F.
- OPEN SPACE PROPOSED = 4,563 S.F. (63.4%)
- FRONT YARD AREA = 1,221 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% = 794 S.F.
- FRONT YARD OPEN SPACE PROPOSED = 812 S.F. (66.5%)
- AREA OF EARTH DISTURBANCE = 0.20 ACRE
- DISTANCE TO NEAREST BODY OF WATER = APPROX. 180 FEET TO THE RIVER ROUGE TO THE NORTHWEST (REFER TO LOCATION MAP).

NOTES

- SURVEY AND TOPOGRAPHY IS AS PERFORMED AND PROVIDED BY AZTEC LAND SURVEYORS INC., JOB NO. 24-118, DATED OCTOBER 25, 2024.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.
- A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
- RAIN GUTTER DOWNSPOUTS MUST BE CONSTRUCTED IN A MANNER THAT DIRECTS WATER FLOW TO THE FRONT OF SUBJECT PROPERTY WHENEVER POSSIBLE.
- ALL TREES IN THE EXISTING RIGHT OF WAY MUST BE PROTECTED DURING TIME OF CONSTRUCTION.
- ALL FOUNDATION DIMENSION AND FINISH FLOOR ELEVATIONS SHALL BE VERIFIED WITH THE FINAL APPROVED BUILDING PLANS PRIOR TO THE START OF CONSTRUCTION.

CONTRACTOR'S NOTE

The locations of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by his failure to exactly locate and preserve any and all underground utilities.

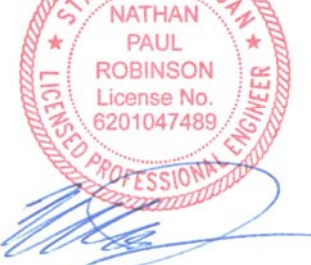
3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE) for the location of underground utilities

The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.

REVISIONS:

CLIENT: HUNTER ROBERTS HOMES
SUITE 115
3800 WOODWARD AVENUE
BIRMINGHAM, AL 35244
(205) 944-4010

SCALE:



HORIZON
ENGINEERING LLC
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586-653-8097

PROJECT: **Lot 51 "Willit's Northern Addition"**
#468 WILLITS STREET
PARCEL NO. 19-25-376-041
PART OF THE SW 1/4 OF SECTION 25 T.2N. R.10E., CITY OF BIRMINGHAM, OKLAHOMA COUNTY, MICHIGAN

PLAN: **PRELIMINARY & SITE PLAN & GRADING PLAN**

SHEET:

1 OF **1**
MUNICIPAL REVIEW NUMBERS:

PROPOSED VENT AREA
 VENT AREA RATIO 1:150
 ATTIC AREA = 4,112 SQ.FT. (1/150)
 VENT AREA = 31.8 SQ.FT. x 144 = 4,580 SQ.IN.
 50% SOFFIT AND 50% RIDGE = 2,290 SQ.IN. EACH

VENT AREA PROVIDED @ SOFFIT
CONTINUOUS SOFFIT TYPE @ 9 SQ.IN. PER FT. = 255 LIN.FT.
TOTAL VENTING AT SOFFIT = 2,295 SQ.IN.

PROVIDE GUTTERS & DOWNSPOUTS FOR DRAINAGE OF ROOF WATER. DOWNSPOUTS ARE TO BE LOCATED SO THAT THE DISCHARGE WILL NOT SPILL ON OR FLOW ACROSS ANY PORCHES, WALKS OR DRIVES.

STRUCTURAL NOTES:

(2) 2x8 HEADERS TO BEAR ON (1) ONE JACK STUD UNLESS NOTED OTHERWISE.

(2) 2x10 & LARGER HEADERS TO BEAR ON (2) TWO JACK STUDS UNLESS NOTED OTHERWISE.

ALL PRE-ENGINEERED HEADERS FRAMED PERPENDICULAR TO WALL LINE SHALL BEAR ON REQUIRED NUMBER OF STUDS TO MATCH WIDTH OF HEADER MATERIAL.

ALL PRE-ENGINEERED HEADERS FRAMED PARALLEL TO WALL
LINE SHALL BEAR ON A MINIMUM (2) TWO JACK STUDS UNLESS
NOTED OTHERWISE.

ALL PRE-ENGINEERED LUMBER HEADERS SHALL BE BUILT-UP FROM THE NUMBER OF HEADERS INDICATED ON DRAWINGS. ALL MEMBERS SHALL BE SECURED WITH NAILS OR BOLTS AS SPECIFIED BY THE MANUFACTURER FOR SIZES INDICATED.

ALL GIRDER TRUSSES TO BEAR ON (2) TWO STUDS MINIMUM
OR AS REQUIRED TO MATCH NUMBER OF TRUSS PLYS, WHICH
EVER IS GREATER.

TRUSS FABRICATOR/CONTRACTOR TO PROVIDE ALL
HANGERS W/ MODEL No. CLEARLY STAMPED & LAYOUT
DRAWINGS CLEARLY INDICATING LOCATION OF VARIOUS
HANGERS REQUIRED.

CARPENTER CONTRACTOR TO INSTALL NAIL SIZES & NUMBER
REQ'D. AS SPECIFIED FOR EACH TYPE OF HANGER.

LYL DESIGN VALUES FOR MODULUS OF ELASTICITY (E)
SHALL BE 2,000,000 PSI (2.0 E)

WALL DIMENSION NOTE:
ALL WALL DIMENSIONS ARE TO THE ROUGH, INTERIOR PARTITIONS ARE 3 1/2" (2x4) UNLESS NOTED OR DIMENSIONED OTHERWISE. EXTERIOR FRAME WALLS INCLUDE 1/2" NOMINAL DIMENSION FOR EXTERIOR SHEATHING. EXTERIOR FRAME WALLS ARE 4" (2x4) UNLESS NOTED OR DIMENSIONED OTHERWISE. "BRICK LEDGE" BRICK OR STONE EXTERIOR WITH AIR SPACE IS 4 1/2" UNLESS NOTED OR DIMENSIONED OTHERWISE.



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



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

STRUCTURAL NOTES:

(2) 2x8 HEADERS TO BEAR ON (1) ONE JACK STUD UNLESS NOTED OTHERWISE.

(2) 2x10 (1) LARGER HEADERS TO BEAR ON (2) TWO JACK STUDS UNLESS NOTED OTHERWISE.

ALL PRE-ENGINEERED HEADERS FRAMED PERPENDICULAR TO WALL LINE SHALL BEAR ON REQUIRED NUMBER OF STUDS TO MATCH WIDTH OF HEADER MATERIAL.

ALL PRE-ENGINEERED HEADERS FRAMED PARALLEL TO WALL LINE SHALL BEAR ON A MINIMUM (2) TWO JACK STUDS UNLESS NOTED OTHERWISE.

ALL PRE-ENGINEERED LUMBER HEADERS SHALL BE BUILT-UP FROM THE NUMBER OF HEADERS INDICATED ON DRAWINGS. ALL MEMBERS SHALL BE SECURED WITH NAILS OR BOLTS AS SPECIFIED BY THE MANUFACTURER FOR SIZES INDICATED.

ALL GIRDER TRUSSES TO BEAR ON (2) TWO STUDS MINIMUM OR AS REQUIRED TO MATCH NUMBER OF TRUSS PLYS, WHICH EVER IS GREATER.

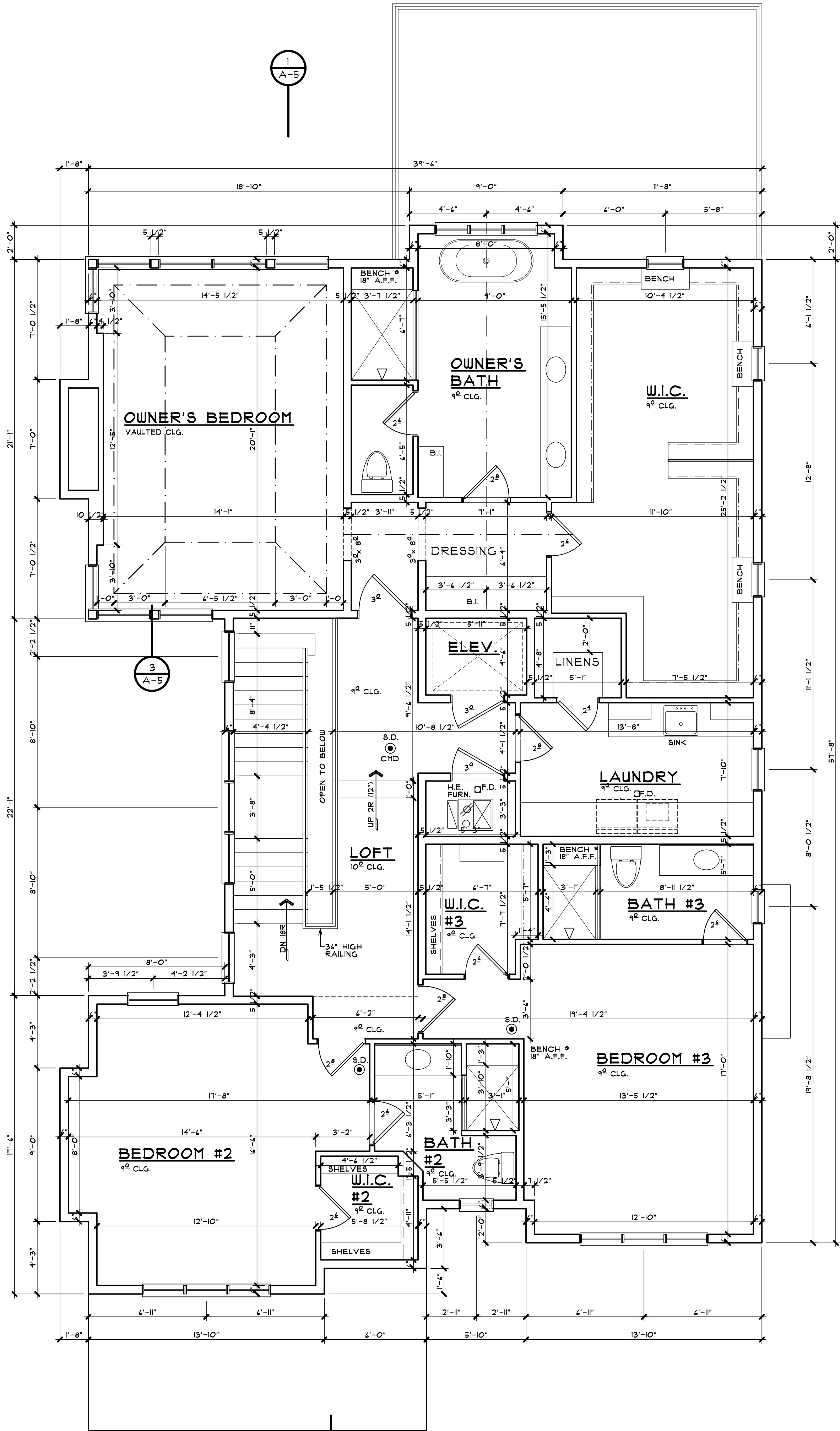
TRUSS FABRICATOR/CONTRACTOR TO PROVIDE ALL HANGERS W/ MODEL No. CLEARLY STAMPED I LAYOUT DRAWINGS CLEARLY INDICATING LOCATION OF VARIOUS HANGERS REQUIRED.

CARPENTER CONTRACTOR TO INSTALL NAIL SIZES & NUMBER REQ'D. AS SPECIFIED FOR EACH TYPE OF HANGER.

LVL DESIGN VALUES FOR MODULUS OF ELASTICITY (E) SHALL BE 2,000,000 PSI (2.0 E)

WALL DIMENSION NOTE:

ALL WALL DIMENSIONS ARE TO THE ROUGH, INTERIOR PARTITIONS ARE 3/2" (2x4) UNLESS NOTED OR DIMENSIONED OTHERWISE. EXTERIOR FRAME WALLS INCLUDE 1/2" NOMINAL DIMENSION FOR EXTERIOR SHEATHING. EXTERIOR FRAME WALLS ARE 4" (2x4) UNLESS NOTED OR DIMENSIONED OTHERWISE. "BRICK LEDGE" BRICK OR STONE EXTERIOR WITH AIR SPACE IS 4 1/2" UNLESS NOTED OR DIMENSIONED OTHERWISE.

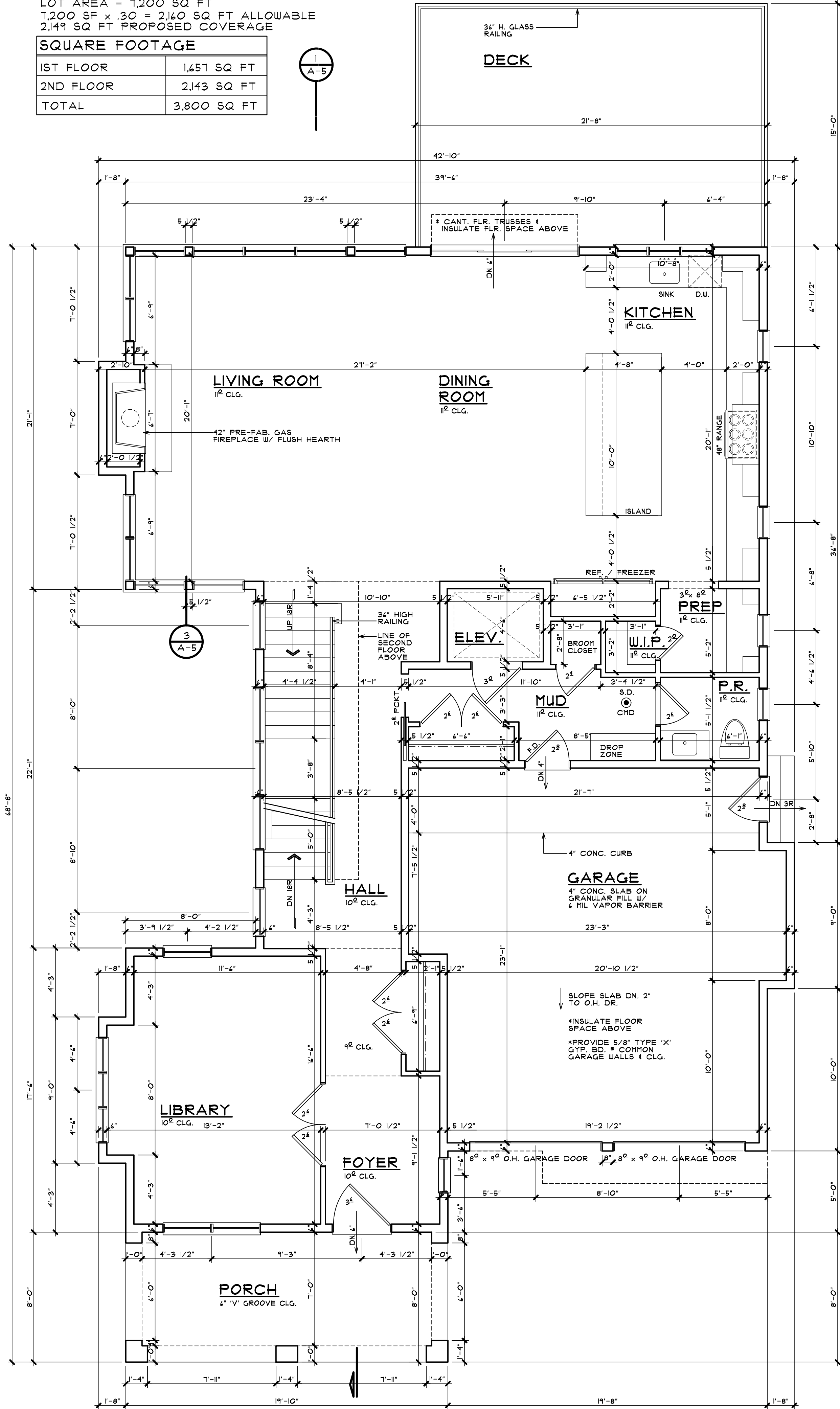


SECOND FLOOR PLAN

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

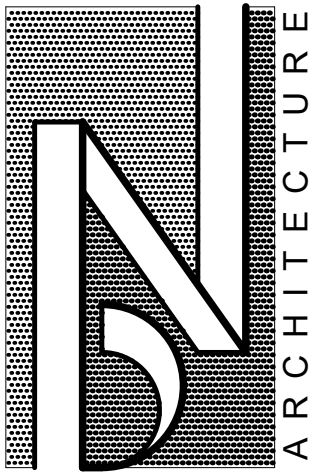
LOT AREA = 7,200 SQ FT
1,200 SF x .30 = 2,140 SQ FT ALLOWABLE
2,149 SQ FT PROPOSED COVERAGE

SQUARE FOOTAGE	
1ST FLOOR	1,651 SQ FT
2ND FLOOR	2,143 SQ FT
TOTAL	3,800 SQ FT



FIRST FLOOR PLAN

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



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248.259.1784

SHEET TITLE
FIRST FLOOR PLAN
PRELIMINARY

CLIENT / PROJECT
HUNTER ROBERTS HOMES
CUSTOM RESIDENCE
468 WILLITS
BIRMINGHAM, MICHIGAN

PRELIMINARY	01-07-25
BIDS	
PERMITS	
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REVISIONS	
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WINDOW SILLS

IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 7" ABOVE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF THE WINDOW SHALL BE A MINIMUM OF 24 INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED. GLAZING BETWEEN THE FLOOR AND 24" SHALL BE FIXED OR HAVE OPENINGS THROUGH WHICH A 4 INCH DIAMETER SPHERE CANNOT PASS. EXCEPTIONS:

1. WINDOWS WHOSE OPENINGS WILL NOT ALLOW A 4" DIA. SPHERE TO PASS THROUGH THE OPENING WHERE THE OPENING IS IN ITS LARGEST OPENED POSITION.
2. OPENINGS THAT ARE PROVIDED WITH WINDOW GUARDS THAT COMPLY WITH ASTM F 2004 OR F 2090.

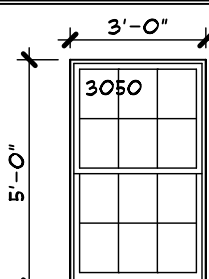
OVERHANGS & DRAINAGE

PROVIDE GUTTERS & DOWNSPOUTS FOR DRAINAGE OF ROOF WATER. DOWNSPOUTS ARE TO BE LOCATED SO THAT THE DISCHARGE WILL NOT SPILL ON OR FLOW ACROSS ANY PORCHES, WALKS OR DRIVES.

UNLESS NOTED OTHERWISE OVERHANG DIMENSIONS ARE 18" FROM FRAME. RAKE DIMENSIONS ARE 6" AT STUCCO.

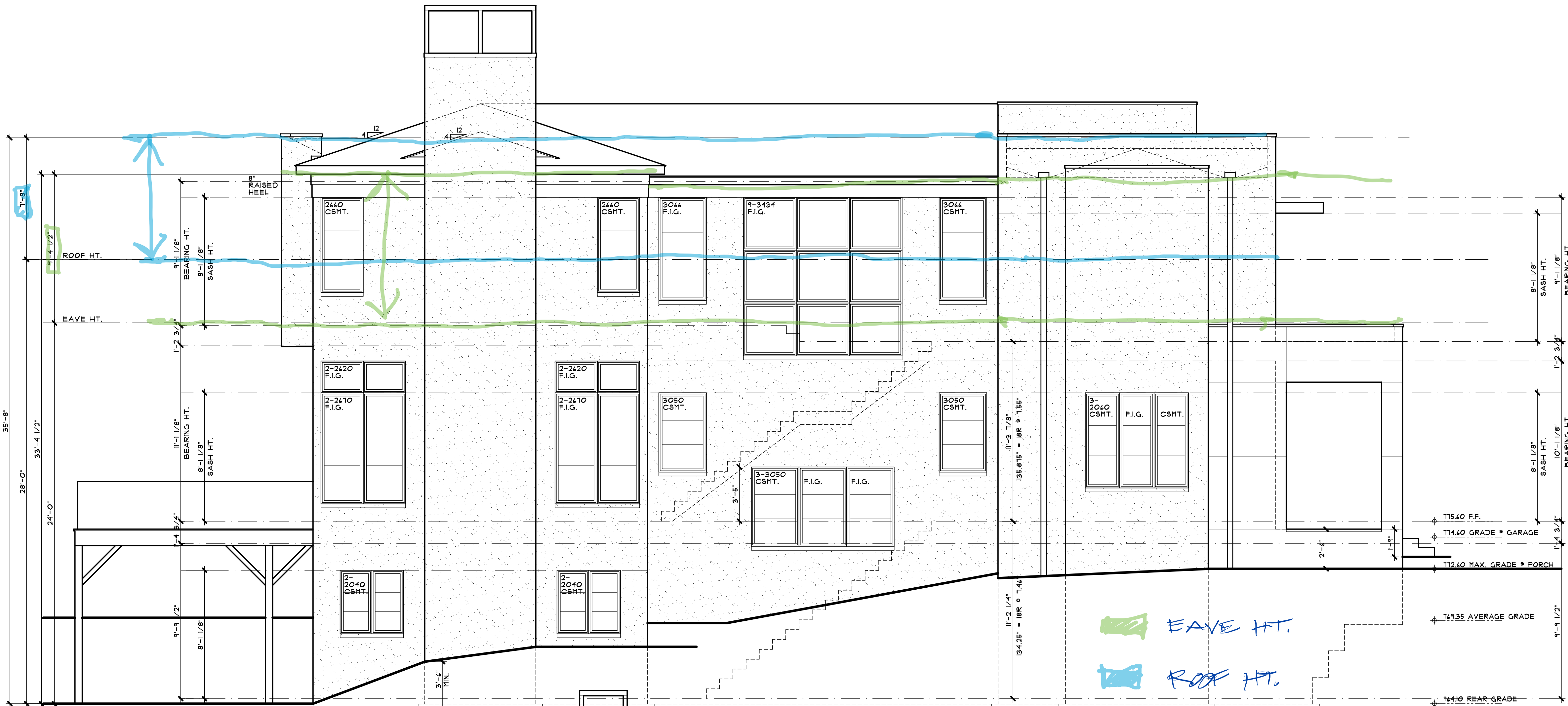
TYP. WINDOW DESIGNATION

GENERAL REFERENCE FOR WINDOW OPENING SIZES ONLY. CONSULT WITH WINDOW MANUFACTURER FOR EXACT WINDOW SIZES & REQUIREMENTS.

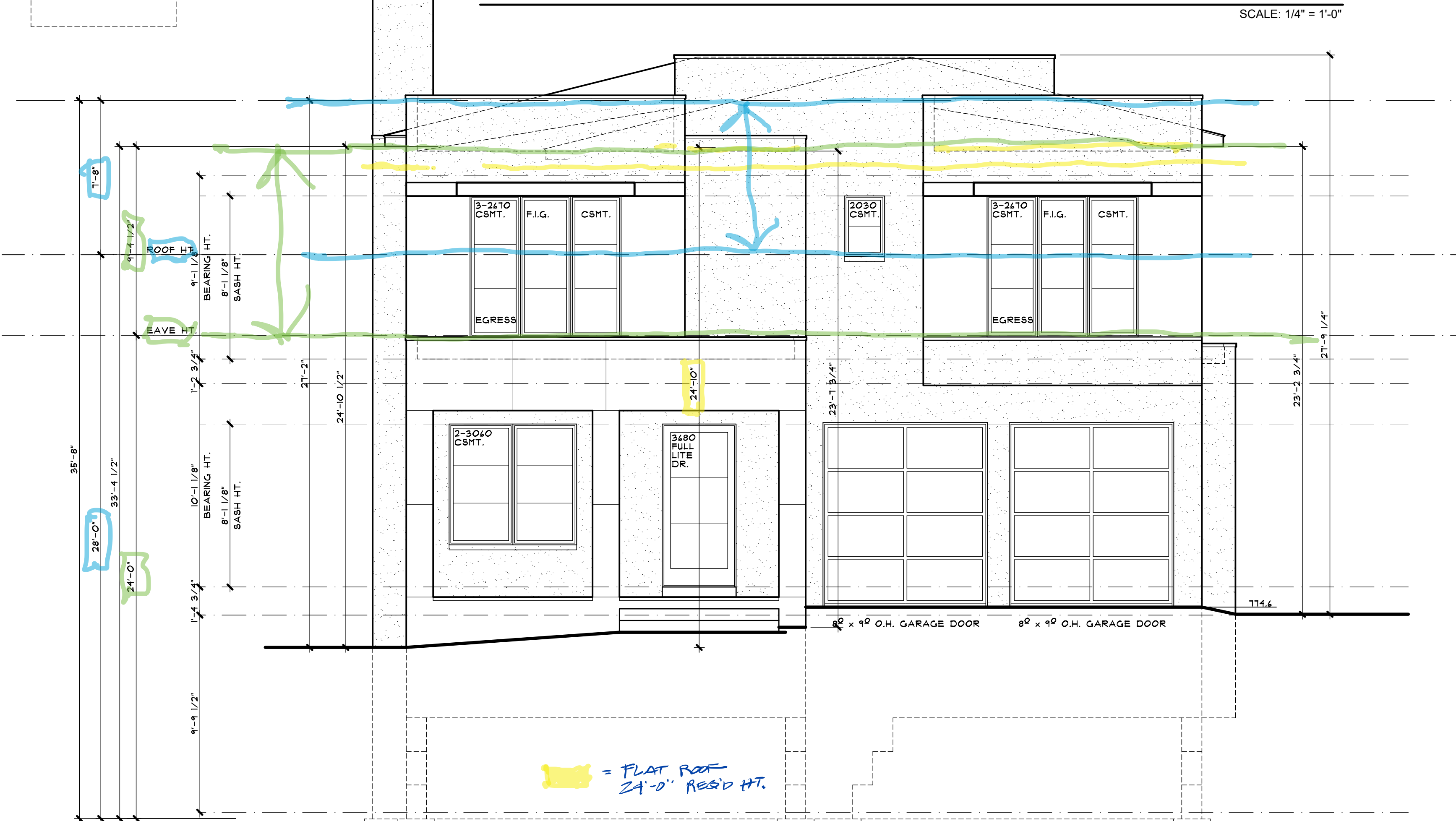


EGRESS WINDOW

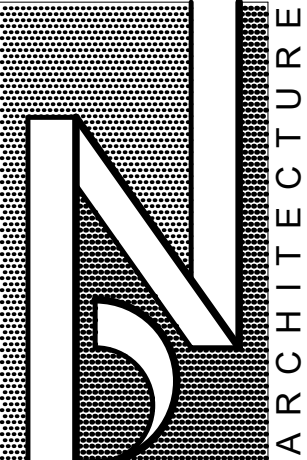
EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR EXTERIOR DOOR APPROVED FOR EMERGENCY EGRESS OR RESCUE. THE UNIT(S) MUST BE OPERABLE FROM THE INSIDE TO A FULL CLEAR OPENING WITHOUT THE USE OF SEPARATE TOOLS. WHERE WINDOWS ARE PROVIDED AS A MEANS OF EGRESS OR RESCUE, THEY SHALL HAVE SILL HEIGHT OF NOT MORE THAN 44 INCHES ABOVE THE FLOOR. ALL EGRESS OR RESCUE WINDOWS FROM SLEEPING ROOMS MUST HAVE A MINIMUM NET CLEAR OPENING HEIGHT DIMENSION SHALL BE 24 INCHES AND WIDTH OF 20 INCHES.



LEFT SIDE ELEVATION



FRONT ELEVATION



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SHEET TITLE
FRONT ELEVATION
LEFT SIDE ELEVATION
PRELIMINARY

CLIENT / PROJECT
HUNTER ROBERTS HOMES
CUSTOM RESIDENCE
468 WILLITS
BIRMINGHAM, MICHIGAN

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A-3

WINDOW SILLS

IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 12" ABOVE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF THE WINDOW SHALL BE A MINIMUM OF 24 INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED. GLAZING BETWEEN THE FLOOR AND 24" SHALL BE FIXED OR HAVE OPENINGS THROUGH WHICH A 4 INCH DIAMETER SPHERE CANNOT PASS. EXCEPTIONS:

1. WINDOWS WHOSE OPENINGS WILL NOT ALLOW A 4" DIA. SPHERE TO PASS THROUGH THE OPENING WHERE THE OPENING IS IN ITS LARGEST OPENED POSITION.
2. OPENINGS THAT ARE PROVIDED WITH WINDOW GUARDS THAT COMPLY WITH ASTM F 2004 OR F 2090.

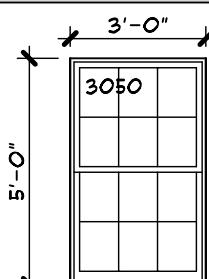
OVERHANGS & DRAINAGE

PROVIDE GUTTERS & DOWNSPOUTS FOR DRAINAGE OF ROOF WATER. DOWNSPOUTS ARE TO BE LOCATED SO THAT THE DISCHARGE WILL NOT SPILL ON OR FLOW ACROSS ANY PORCHES, WALKS OR DRIVES.

UNLESS NOTED OTHERWISE OVERHANG DIMENSIONS ARE 18" FROM FRAME. RAKE DIMENSIONS ARE 6" AT STUCCO.

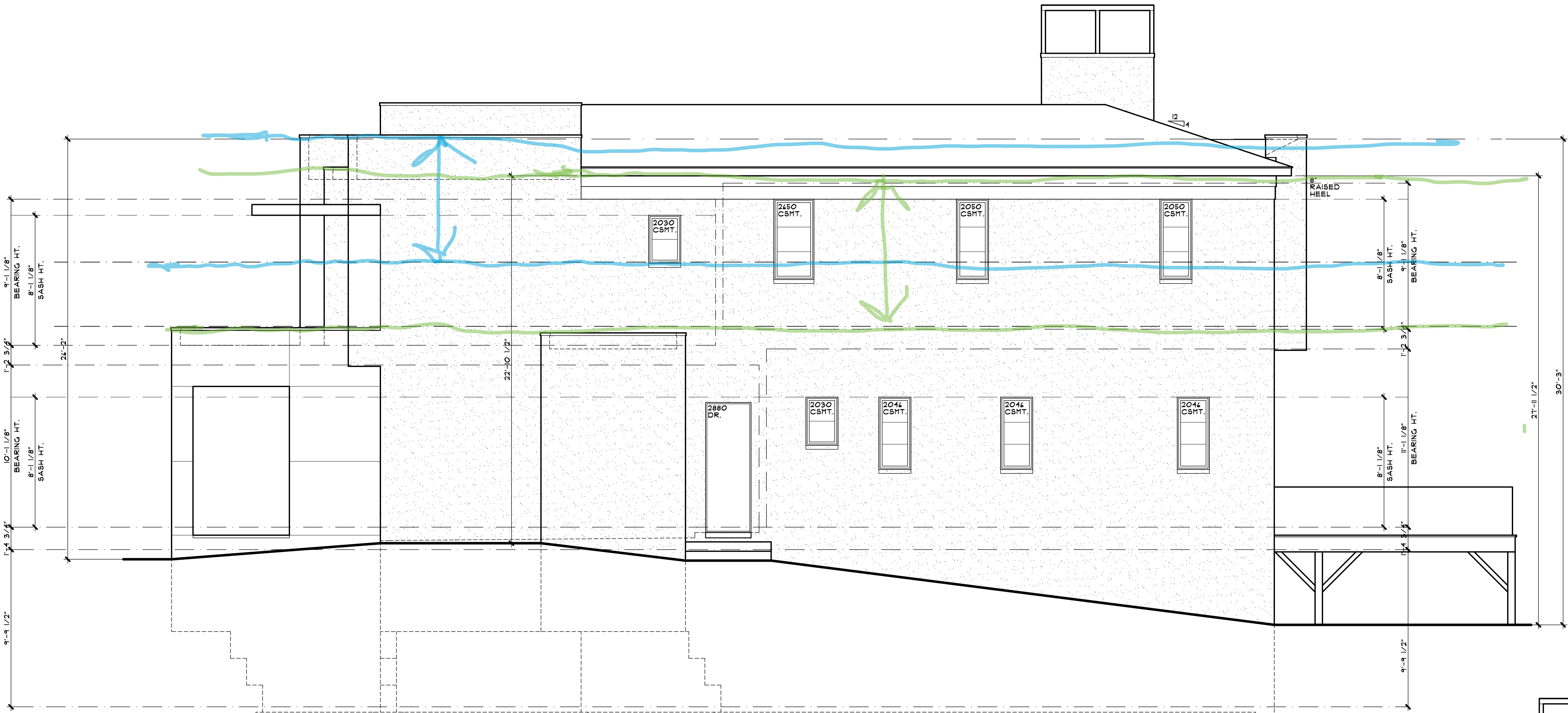
TYP. WINDOW DESIGNATION

GENERAL REFERENCE FOR ROUGH OPENING SIZES ONLY. CONSULT WINDOW MANUFACTURER FOR EXACT WINDOW SIZES & REQUIREMENTS.



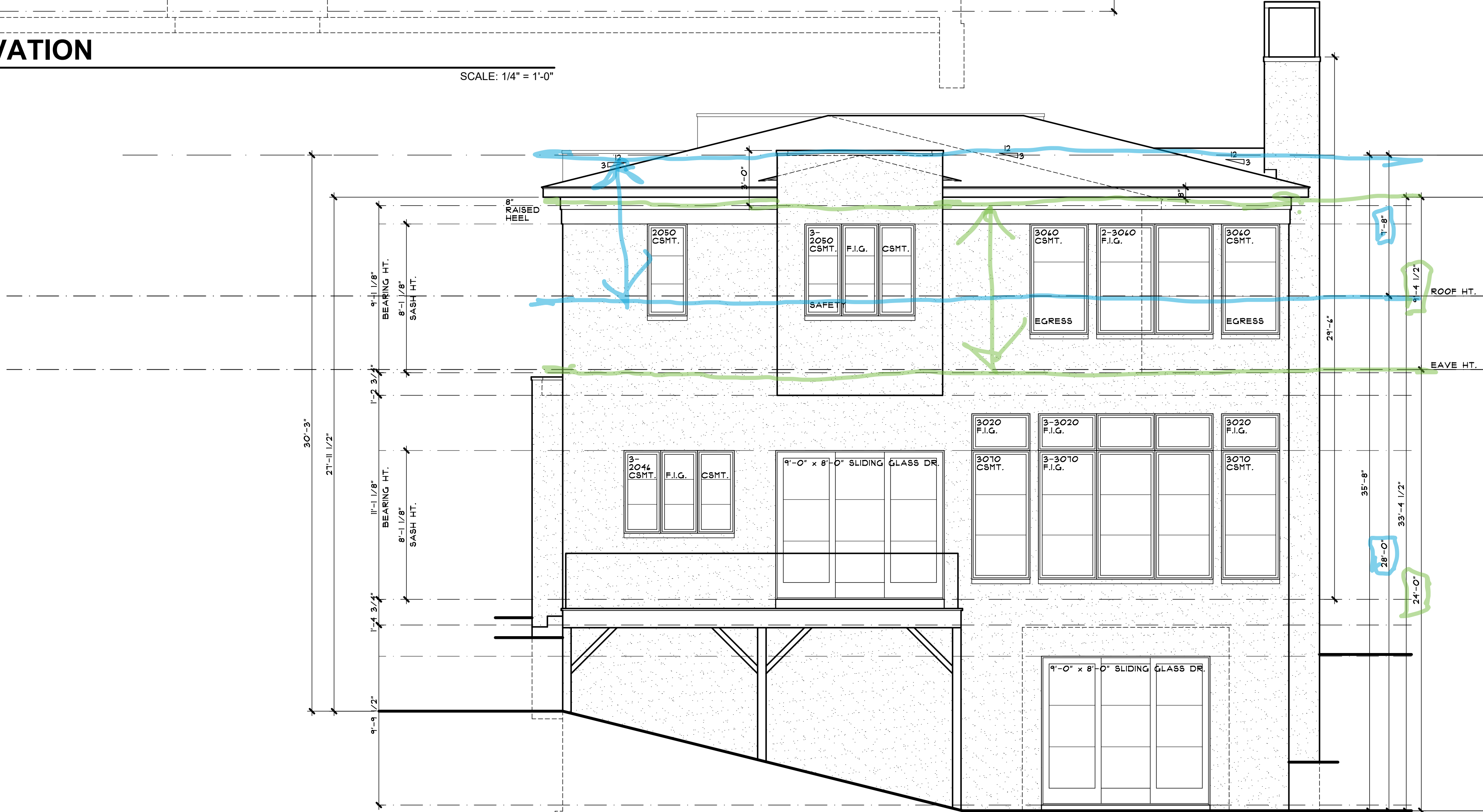
EGRESS WINDOW

EVERY SLEEPING ROOM SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR EXTERIOR DOOR APPROVED FOR EMERGENCY EGRESS OR RESCUE. THE UNIT(S) MUST BE OPERABLE FROM THE INSIDE TO A FULL CLEAR OPENING WITHOUT THE USE OF SEPARATE TOOLS. WHERE WINDOWS ARE PROVIDED AS A MEANS OF EGRESS OR RESCUE, THEY SHALL HAVE SILL HEIGHT OR NOT MORE THAN 44 INCHES ABOVE THE FLOOR. ALL EGRESS OR RESCUE WINDOWS FROM SLEEPING ROOMS MUST HAVE A MINIMUM NET CLEAR OPENING HEIGHT DIMENSION SHALL BE 24 INCHES AND WIDTH OF 20 INCHES.



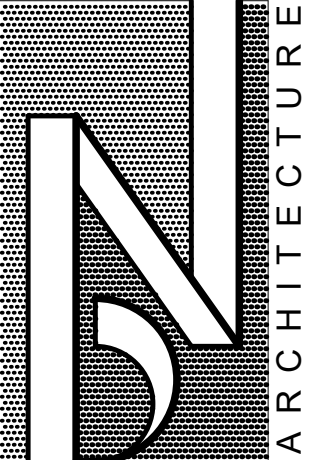
RIGHT SIDE ELEVATION

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



REAR ELEVATION

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

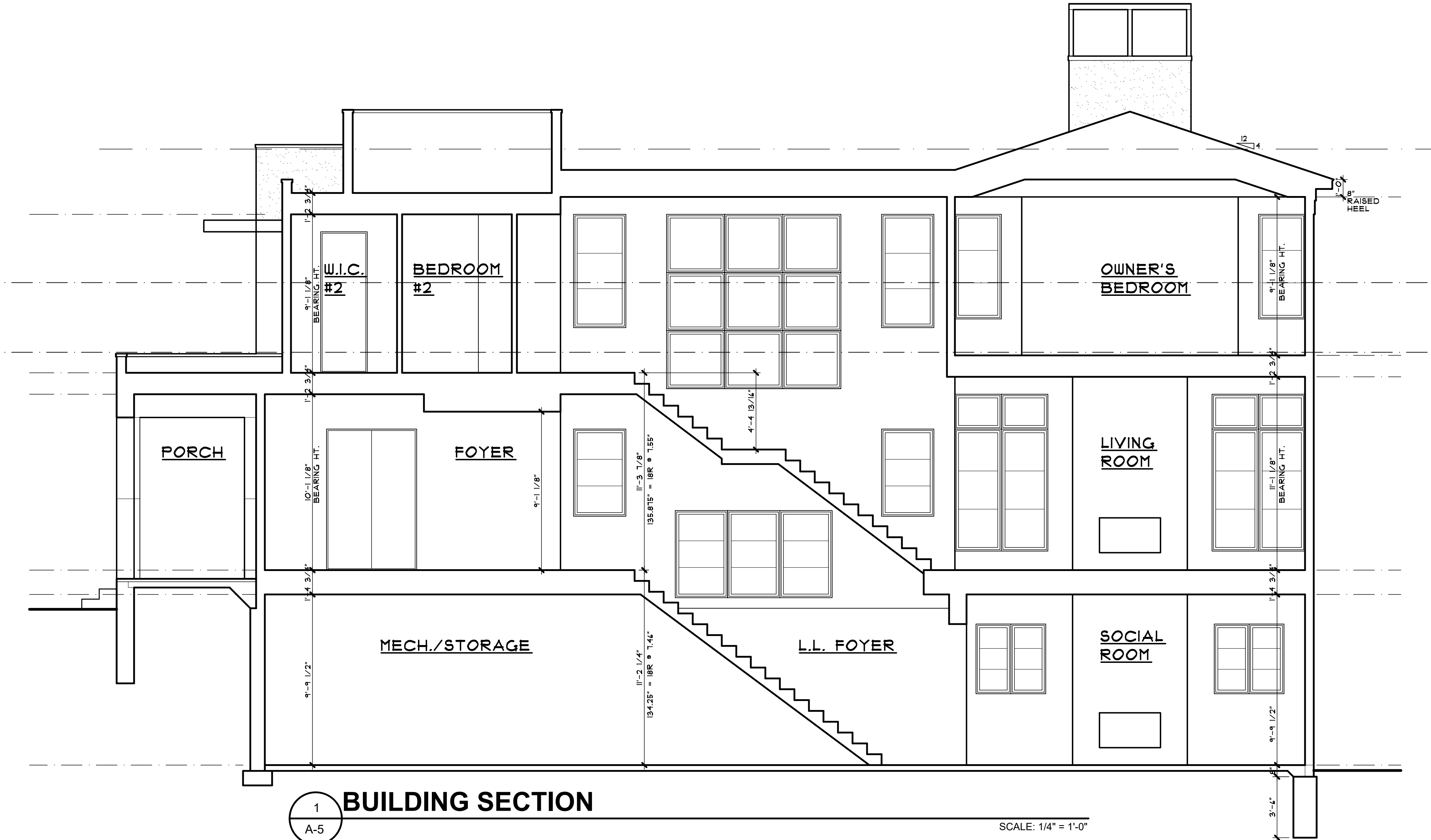


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REAR ELEVATION
RIGHT SIDE ELEVATION
PRELIMINARY

HUNTER ROBERTS HOMES
CUSTOM RESIDENCE
468 WILLITS
BIRMINGHAM, MICHIGAN

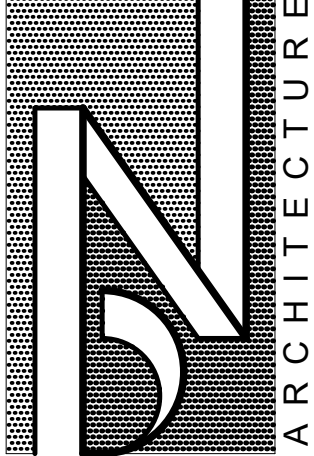
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1
A-5

BUILDING SECTION

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



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BIRMINGHAM, MICHIGAN
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248.259.1784

SHEET TITLE
BUILDING SECTIONS
PRELIMINARY

CLIENT / PROJECT
HUNTER ROBERTS HOMES
CUSTOM RESIDENCE
468 WILLITS
BIRMINGHAM, MICHIGAN

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