

**CITY OF BIRMINGHAM
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, MARCH 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) February 11, 2025 Minutes

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	1511 E. Maple	Jason Hurst	25-01	Dimensional
2)	225 E. Maple	Rabbit Holdings LLC	25-04	Dimensional
3)	774 Lakeside	Eve Hadley	25-05	Dimensional
4)	1408 Villa	Frances Moceri	25-06	Dimensional
5)	283 E. Frank	Tiffany Danyal	25-07	Dimensional

6. CORRESPONDENCE

7. GENERAL BUSINESS

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

9. ADJOURNMENT

Title VI

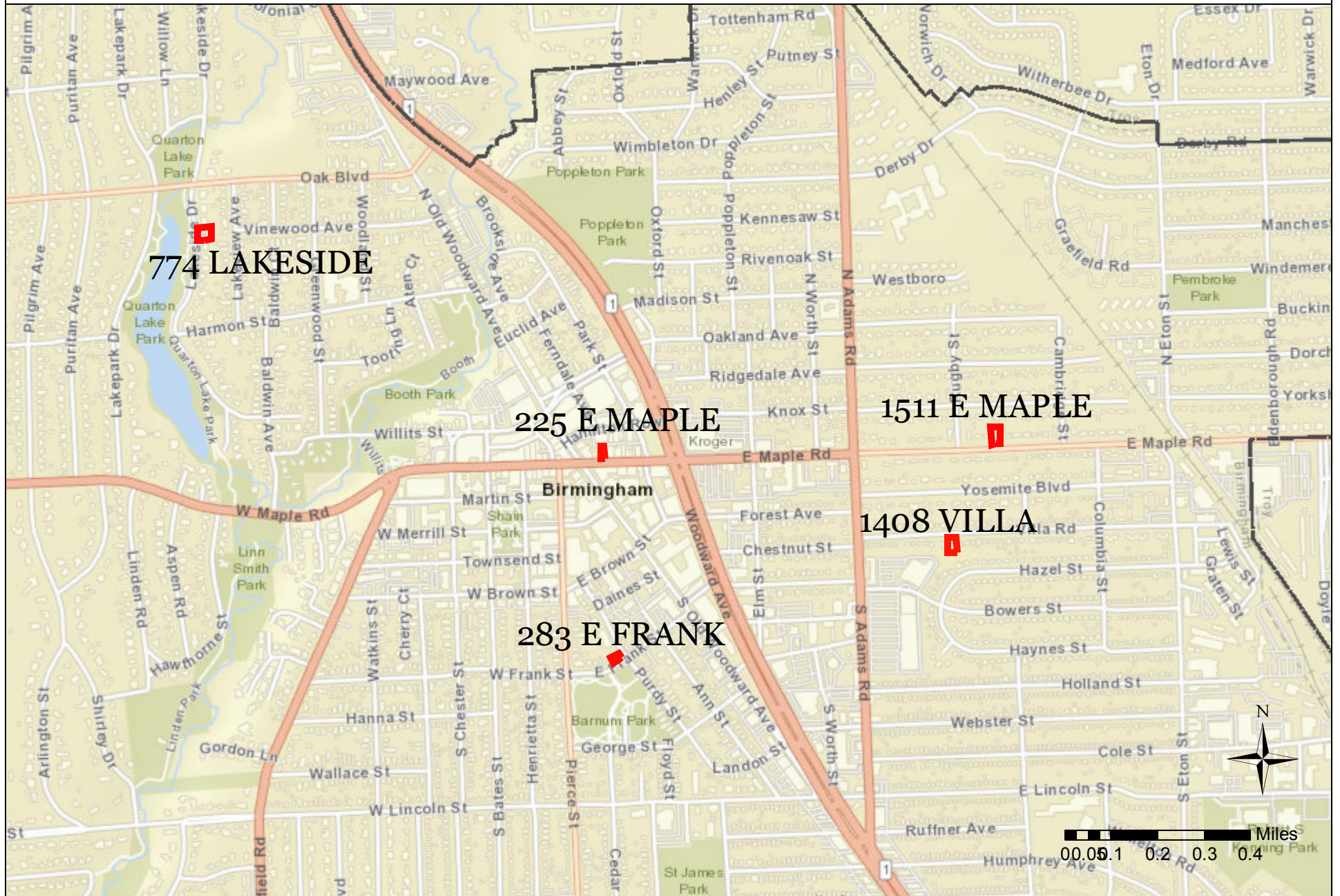
People with disabilities needing accommodations for effective participation in this meeting should contact the Clerk's Office at 248-530-1880 (voice) or 248-644-5115 (TDD) at least one day in advance to request mobility, visual, hearing, or other assistance.

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

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

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

MARCH BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
February 11, 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, February 11, 2025. The meeting was convened at 7:30 p.m.

2. Rollcall

Present: Chair Erik Morganroth, Vice Chair Jason Canvasser; Board Members Kevin Hart (arrived 8:45 p.m.), John Miller, Ron Reddy; Alternate Board Member Carl Kona

Absent: Board Members Richard Lilley, Pierre Yaldo; Alternate Board Member Donald Rogers

Staff: Building Official Johnson; City Transcriptionist Eichenhorn, Assistant Building Official Erickson, 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 January 14, 2025

Motion by Canvasser
Seconded by Kona to approve.

Motion carried, 5-0.

VOICE VOTE

Yeas: Kona, Miller, Canvasser, Reddy, Morganroth

Nays: None

5. Appeals

1) 1511 E. Maple Appeal 25-01

BOD Zielke presented the item, explaining that the owner of the property known as 1511 E. Maple was requesting 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 answered informational questions from the Board.

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

Board members raised the following points in the course of discussion:

- It may be prudent for the applicant to return with a proposal to remove some of the pavers in order to request a smaller variance.
- Financial or logistical hardships are not the types of hardship the Board can consider in granting a variance.
- The Board is constrained by the four factor test in granting a variance.
- The present request is reasonable, given the traffic conditions of the neighborhood and the location of the garage on the property.
- The pavers improve the safety and aesthetics of this home and the neighborhood.
- Alternatively, there are more pavers than necessary around the driveway than required just to address the safety concerns.
- While the applicant may have additional reasons of convenience to desire more pavers, those are not factors the Board can consider either.
- The applicant could also delay the vote to consider all of the options, and could return with the same proposal if desired as long as the Board does not vote on the proposal presently.

Mr. Hurst asked to postpone to the next regular meeting.

Motion by Canvasser

Seconded by Reddy to adjourn to the next regular meeting.

Motion carried, 5-0.

VOICE VOTE

Yeas: Kona, Miller, Canvasser, Reddy, Morganroth

Nays: None

**2) 1845 Humphrey
Appeal 25-02**

BOD Zielke presented the item, explaining that the owner of the property known as 1845 Humphrey was requesting 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 answered informational questions from the Board.

Joseph Novitsky, architect, 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 in the course of discussion:

- With the proposed addition, ingress and egress to the garage may be challenging.
- The Board sometimes allows non-conformities to be maintained under certain conditions. Suggesting that a non-conforming home should be permissible because the pre-existing foundation would be maintained is more questionable.
- Building within the ordinance is feasible in this circumstance.

Motion by Reddy

Seconded by Miller with regard to Appeal 25-02, 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; and, 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.

Mr. Reddy moved to deny variance requests A and B. No practical difficulties or unnecessary hardships prevented the appellant from building a home on the lot as it currently exists. Removing the foundation and building anew would allow the appellant to meet the requirements of the zoning ordinance.

Mr. Miller supported the motion, and added that the proposal did not align with the ordinance.

VC Canvasser supported the motion, and said there were no conditions that necessitated a non-conforming home be built on the site. Additionally, certain features could be removed to avoid a variance. The requested variances seemed to be a way to avoid building an ordinance-compliant, modern home. It did not seem that this proposal would do substantial justice to the neighboring properties.

The Chair supported the motion, and said he appreciated the appellant's idea of maintaining pre-existing homes. He said that demolishing a house to the deck and foundation and rebuilding the rest of the home would result in a substantially new home, and would require compliance with the ordinance in most circumstances. Consequently, this home should also comply with the current zoning. Concerns about making the home more marketable were not circumstances the Board could consider in its decision.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Kona, Miller, Canvasser, Reddy, Morganroth

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 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 answered informational questions from the Board.

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

Board comment was as follows:

- The appellant took steps to reduce the prior variance request.

Motion by Miller

Seconded by Canvasser with regard to Appeal 24-32, 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; and 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.

Mr. Miller moved to approve and tied approval to the plans as submitted, stating that the shape and location of the property unreasonably would prevent the property owner from using the property for its permitted purpose. He continued that literal enforcement would make improving the property difficult, and that the variances were not contrary to the zoning ordinance in terms of health, safety, and welfare. He said it was a reasonable request, and that the proposal would do substantial justice to the street and the neighborhood. He said this lot in effect had two front yards and two side yards, which made the ordinance more challenging to apply to this property. He noted this would not negatively affect the adjacent properties.

Mr. Hart concurred, adding this was a particularly difficult, non-conforming structure, and that nearly any attempt to improve the home would have likely required several variances. He said the proposal aligned with the spirit of the ordinance, and that it would do substantial justice to neighboring properties.

The Chair supported the motion as well, noting that the City altered the way it was analyzing the lot which changed the required variances, and that the appellant made meaningful efforts to minimize the non-conformities. He said this proposal was reasonable and provided substantial justice.

Motion carried, 6-0.

ROLL CALL VOTE

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

Nays: None

**4) 468 Willits
Appeal 25-03**

BOD Zielke presented the item, explaining that the owner of the property known as 468 Willits was requesting 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 answered informational questions from the Board.

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

Board comment was as follows:

- This proposal reflected a reasonable limitation on the height of the home.

Motion by Miller

Seconded by Reddy with regard to Appeal 25-03, 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; and, 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.

Mr. Miller moved to approve the three variances, noting that there is an 11 foot decline from the front to the rear of the property, and a five foot slope from the east to the west, which makes this property very unique. He noted that, strictly applied, the zoning ordinance would prevent the owner from reasonable use of the property, that literal enforcement of the chapter would result in unnecessary hardship, and that the variances would be contrary to neither the spirit or intent of the ordinance. He concluded that the variances would result in substantial justice to the property owner and the neighborhood.

Mr. Kona concurred, noting that the house would be conforming if it were on a flat lot, which demonstrated that the variances were necessitated by the property.

The Chair also supported the motion, noting that the ordinance does not take into account a natural drop in grade.

Motion carried, 6-0.

ROLL CALL VOTE

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

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 9:18 p.m.



Bruce R. Johnson, Building Official

Laura Eichenhorn, City Transcriptionist

DRAFT

CASE DESCRIPTION

1511 E Maple (25-01)

Hearing date: March 11, 2025

Appeal No. 25-01: The owner of the property known as **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 appeal was adjourned last month to this meeting where the applicant is seeking a variance for the amount of permitted paving in the front open space.

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
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I. PROPERTY INFORMATION:

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

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.

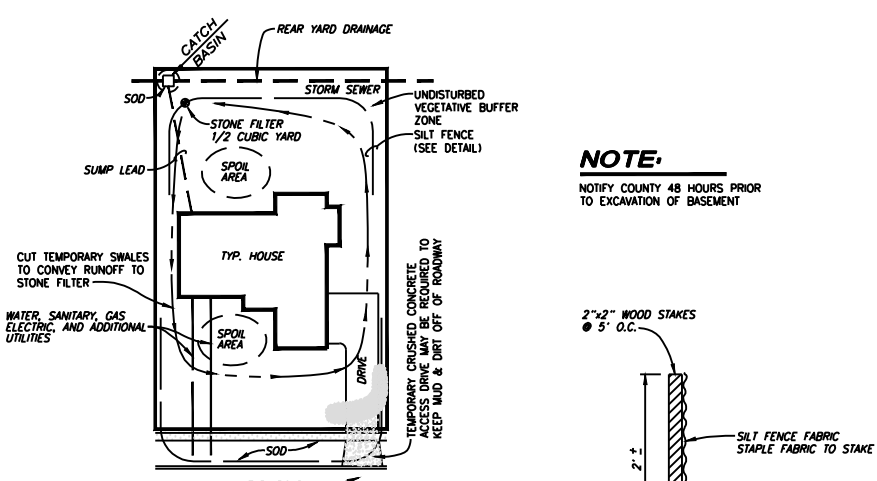
As there is no parking on the street, and without proper allocation for parking, the situation becomes even more dangerous. The lack of space forces us and visitors to navigate tight areas when entering and exiting our driveways. This situation creates a significant risk of accidents, as backing onto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



SEQUENCE OF CONSTRUCTION

1. CONSTRUCT FENCE LINE. THE FENCE SHALL BE INSTALLED PRIOR TO ANY EXCAVATION.
2. EXCAVATED MATERIAL SHALL BE DEPOSITED WITHIN THE SALT FENCE. THE FENCE SHALL BE MAINTAINED AT ALL TIMES. THE FENCE SHALL BE MAINTAINED AT ALL TIMES. THE FENCE SHALL BE MAINTAINED AT ALL TIMES.
3. THE SALT FENCE SHALL BE MAINTAINED AT ALL TIMES. THE FENCE SHALL BE MAINTAINED AT ALL TIMES. THE FENCE SHALL BE MAINTAINED AT ALL TIMES.
4. DIRECT SURFACE RUN-OFF TOWARDS CENTER OF SALT FENCE.
5. ALLOW OPENING IN SALT FENCE FOR CONSTRUCTION TRAFFIC.
6. PRIOR TO FINAL FILL, FILLING MATERIAL SHALL BE DEPOSITED WITHIN THE SALT FENCE. THE FENCE SHALL BE MAINTAINED AT ALL TIMES. THE FENCE SHALL BE MAINTAINED AT ALL TIMES. THE FENCE SHALL BE MAINTAINED AT ALL TIMES.
7. AFTER EXCAVATION AND FILLING MATERIAL IS DEPOSITED WITHIN THE SALT FENCE, THE FENCE SHALL BE MAINTAINED AT ALL TIMES. THE FENCE SHALL BE MAINTAINED AT ALL TIMES. THE FENCE SHALL BE MAINTAINED AT ALL TIMES.

NOTE:

NEED COUNTY 18 HOURS PRIOR TO EXCAVATION OF BASEMENT

SILT FENCE DETAIL

NO SCALE

SOIL EROSION DETAILS

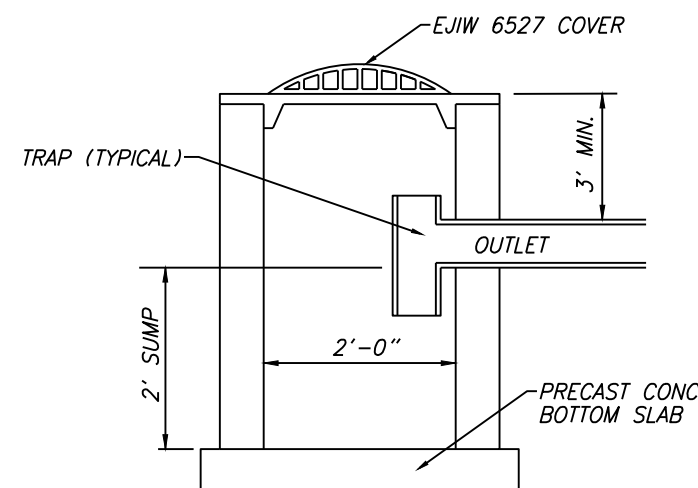
(NO SCALE)

NOTE:

THE CONTRACTOR IS REQUIRED TO INSPECT THE EROSION MEASURES ON A WEEKLY BASIS AND AFTER EVERY RAINSTORM

STREET NAME	HOUSE #	SETBACK	EAVE HT.	PEAK HT.
RUGBY ST.	100	49.1'	9.2'	17.5'
E. MAPLE RD.	1451	49.0'	9.4'	21.7'
E. MAPLE RD.	1489	50.6'	9.3'	17.8'
E. MAPLE RD.**	1511	51.4'	9.4'	20.3'
E. MAPLE RD.	1535	50.2'	9.5'	16.5'
E. MAPLE RD.	1567	50.4'	9.6'	17.4'
E. MAPLE RD.	1591	49.4'	9.8'	18.3'

AVERAGE SETBACK - 49.8' E. MAPLE RD.



2' DIA. PRECAST INLET

NO SCALE

AREA COVERAGE

AREA OF LOT = 11,346.6 S.F.

EX. AREA OF HOUSE = 1,639.8 S.F. (2.21%)

LOT COVERAGE = 14.4% (19.5%)

ARE OF DRIVE = 1,286.8 S.F. (1.87%)

OPEN SPACE = 86.0% (56.2%)



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. He agrees to be fully responsible for any and all damages which may be occasioned by his failure to exactly locate and preserve any and all underground utilities.

CAUTION

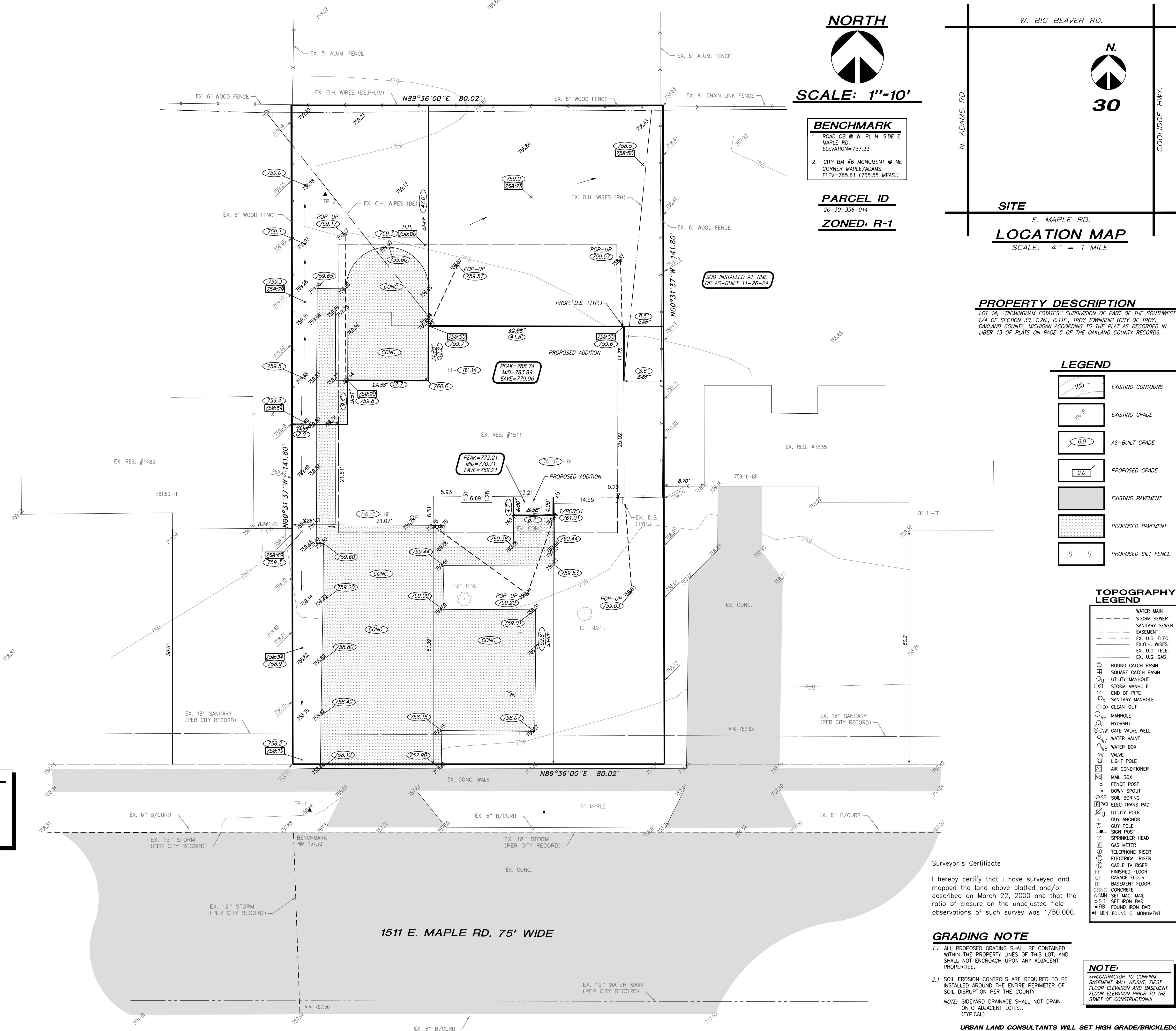
CONTRACTOR TO VERIFY GROUND WATER PRIOR TO CONSTRUCTION.

U.L.C. RECOMMENDS SOIL ANALYSIS TO BE PERFORMED BY A PROFESSIONAL.

CONTRACTOR TO MONITOR EXCAVATION FOR SOIL/GROUND WATER CONDITIONS.

ATTENTION BUILDERS/CONTRACTORS

1. THIS DRAWING IS NOT INTENDED TO REPRESENT A BOUNDARY OR LOT SURVEY, AND SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES OR LOCATE IMPROVEMENTS.
2. U.L.C. ASSUMES NO RESPONSIBILITY FOR THE GIVEN BUILDING DIMENSIONS. DIMENSIONS MUST BE VERIFIED BY OWNER/BUILDER PRIOR TO CONSTRUCTION.
3. THIS PLAN SHALL NOT BE USED TO SET FOUNDATIONS. ARCHITECTURAL PLANS MUST BE USED FOR CONSTRUCTION OF FOUNDATION.
4. UPON ACCEPTANCE AND SUBMITTAL OF THIS PLAN FOR PERMITS, THE OWNER/BUILDER ACKNOWLEDGES HE HAS REVIEWED THE PLAN, AND THAT IT MEETS THE ESTABLISHED REQUIREMENTS.
5. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL CODES AND ORDINANCES THAT SHALL APPLY.
6. SETBACKS SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM THE MUNICIPALITY. ANY DEED OR SPECIAL RESTRICTIONS - (i.e. SUBDIVISION RESTRICTIONS, HOUSE SIZE, BUILDING LOCATION, etc.) MUST BE SUPPLIED TO U.L.C. IN WRITING WHEN PLOT PLAN IS ORDERED. U.L.C. WILL NOT BE RESPONSIBLE FOR INTERPRETING SUBDIVISION RESTRICTIONS.
7. U.L.C. RECOMMENDS A 50' EXTRA ALLOWANCE TO ALL MINIMUM SETBACKS. WHERE THE OWNER / BUILDER DOES NOT FOLLOW THIS RECOMMENDATION, THE OWNER / BUILDER AGREES TO HOLD U.L.C. HARMLESS FOR STRUCTURE ENCRoACHMENT (S) INTO THE MINIMUM SETBACK.
8. UTILITY LEAD LOCATIONS AS SHOWN ARE APPROXIMATE. AS-BUILT LOCATIONS MUST BE OBTAINED FROM THE LOCAL MUNICIPALITY.



Surveyor's Certificate

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.

GRADING NOTE

1. ALL PROPOSED GRADING SHALL BE CONTAINED WITHIN THE PROPERTY LINES OF THIS LOT, AND SHALL NOT ENCRoACH UPON ANY ADJACENT PROPERTIES.
2. SOIL EROSION CONTROLS ARE REQUIRED TO BE INSTALLED AROUND THE ENTIRE PERIMETER OF SOIL DISRUPTION PER THE COUNTY.

NOTE: SIDEYARD DRAINAGE SHALL NOT DRAIN ONTO ADJACENT LOT(S). (TYPICAL)

URBAN LAND CONSULTANTS WILL SET HIGH GRADE/BRICKLEDGE CONTRACTOR TO USE GRADE SET ON SITE.

NOTE:

CONTRACTOR TO CONFIRM BASEMENT WALL HEIGHT, FIRST FLOOR ELEVATION AND BASEMENT FLOOR ELEVATION PRIOR TO THE START OF CONSTRUCTION!!!

PLOT PLAN

LOT 14 BIRMINGHAM ESTATES

PART OF THE S.W. 1/4 OF SECTION 30 T.21N., R.11E., CITY OF BIRMINGHAM OAKLAND TOWNSHIP, MICHIGAN

BY: CV CV CV

ADDITIONS AND/OR REVISIONS

DATE

210228-10429

Job No.

Date

4-7-21

Scale

1" = 10'

Drawn

CV

Check

R. LINDH

Sheet

1 OF 1

Fld. Bk.

REVISED AS-BUILT

7-26-21

5-27-21

COMPLETED PLOT PLAN

REVISIONS

DATE

210228-10429

Job No.

Date

4-7-21

Scale

1" = 10'

Drawn

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Check

R. LINDH

Sheet

1 OF 1

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7-26-21

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COMPLETED PLOT PLAN

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DATE

210228-10429

Job No.

Date

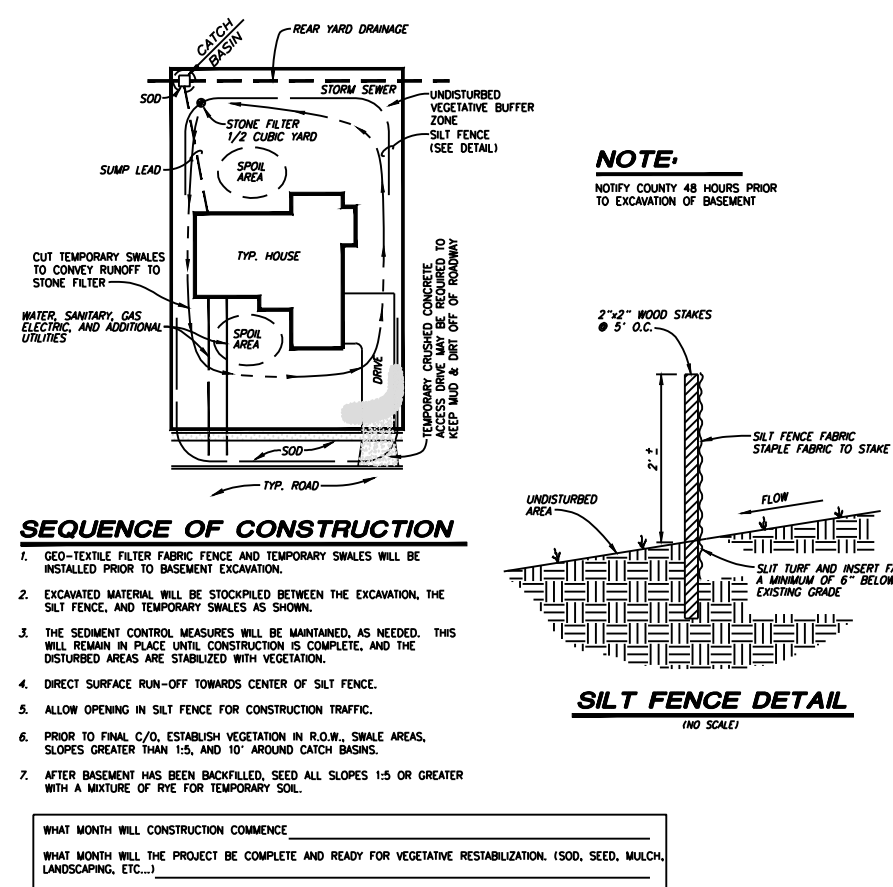
4-7-21

Scale

1" = 10'

Drawn

CV



SOIL EROSION DETAILS

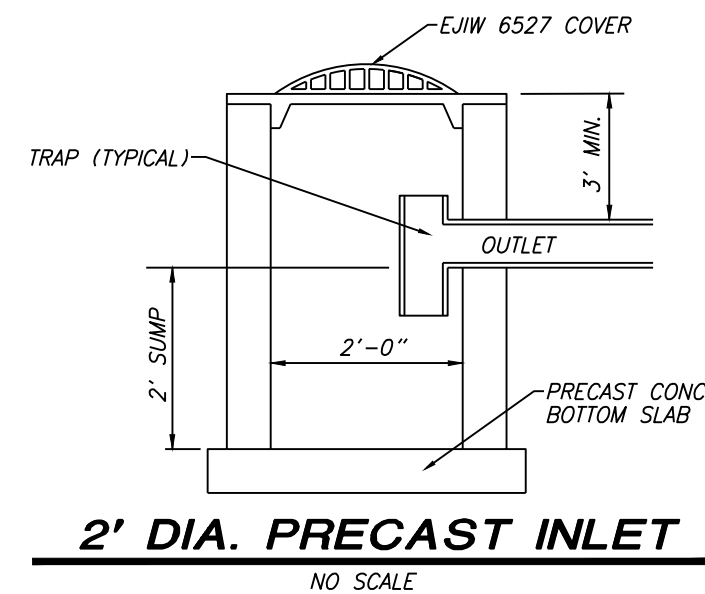
(NO SCALE)

NOTE:

THE CONTRACTOR IS REQUIRED TO INSPECT THE EROSION MEASURES ON A WEEKLY BASIS AND AFTER EVERY RAINSTORM

STREET NAME	HOUSE #	SETBACK	EAVE HT.	PEAK HT.
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E. MAPLE RD.	1489	50.6'	9.3'	17.8'
E. MAPLE RD.**	1511	51.4'	9.4'	20.3'
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AVERAGE SETBACK = 49.8' E. MAPLE RD.



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%



Contractor Note:

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ATTENTION BUILDERS/CONTRACTORS

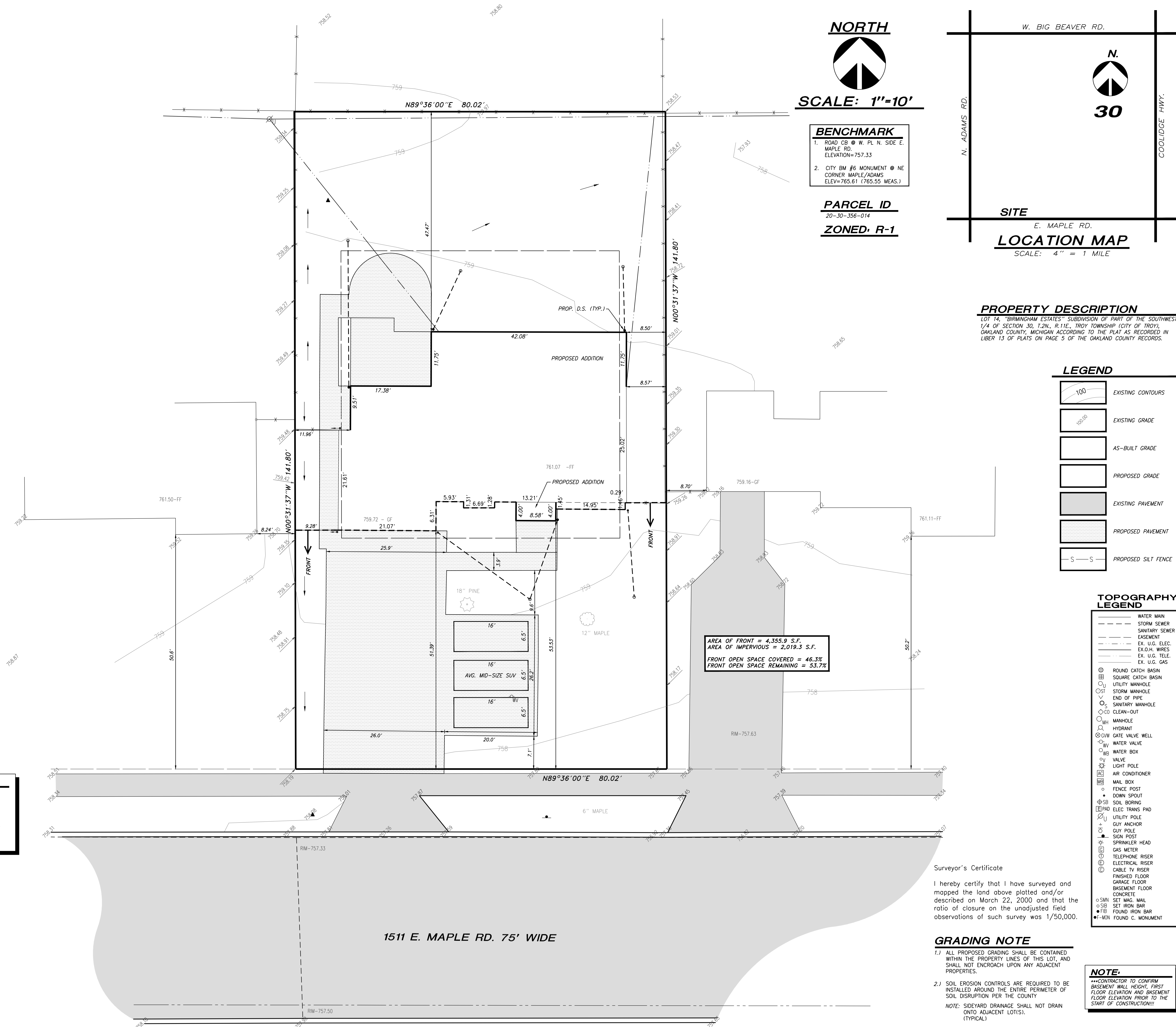
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U.L.C. RECOMMENDS SOIL ANALYSIS TO BE PERFORMED BY A PROFESSIONAL.

CONTRACTOR TO MONITOR EXCAVATION FOR SOIL/GROUND WATER CONDITIONS.



PLOT PLAN

LOT 14
BIRMINGHAM ESTATES
PART OF THE S.W. 1/4 OF SECTION 30
T2N., R.11E., CITY OF BIRMINGHAM
OAKLAND TOWNSHIP, MICHIGAN

BY: CCG KCC

ADDITIONS AND/OR REVISIONS

DATE

210228-10429

Job No.

Date 4-7-21

Scale 1" = 10'

Drawn CV

Check R. LINDH

Sheet 1 OF 1

Fld. Bk.

FRONT OPEN SPACE CALCS.
REVISED AS-BUILT
REVISED PER CITY REVIEW
5-27-21

JASON HURST

1511 E. MAPLE ROAD
BIRMINGHAM, MI 48009
734-771-0073

PHONE 586 731-8030

URBAN
LAND
CONSULTANTS ©

CIVIL ENGINEERS PLANNERS LAND SURVEYORS
8800 23 MILE ROAD
SHELLEY TWP., MI 48316-4516

AREA COVERAGE

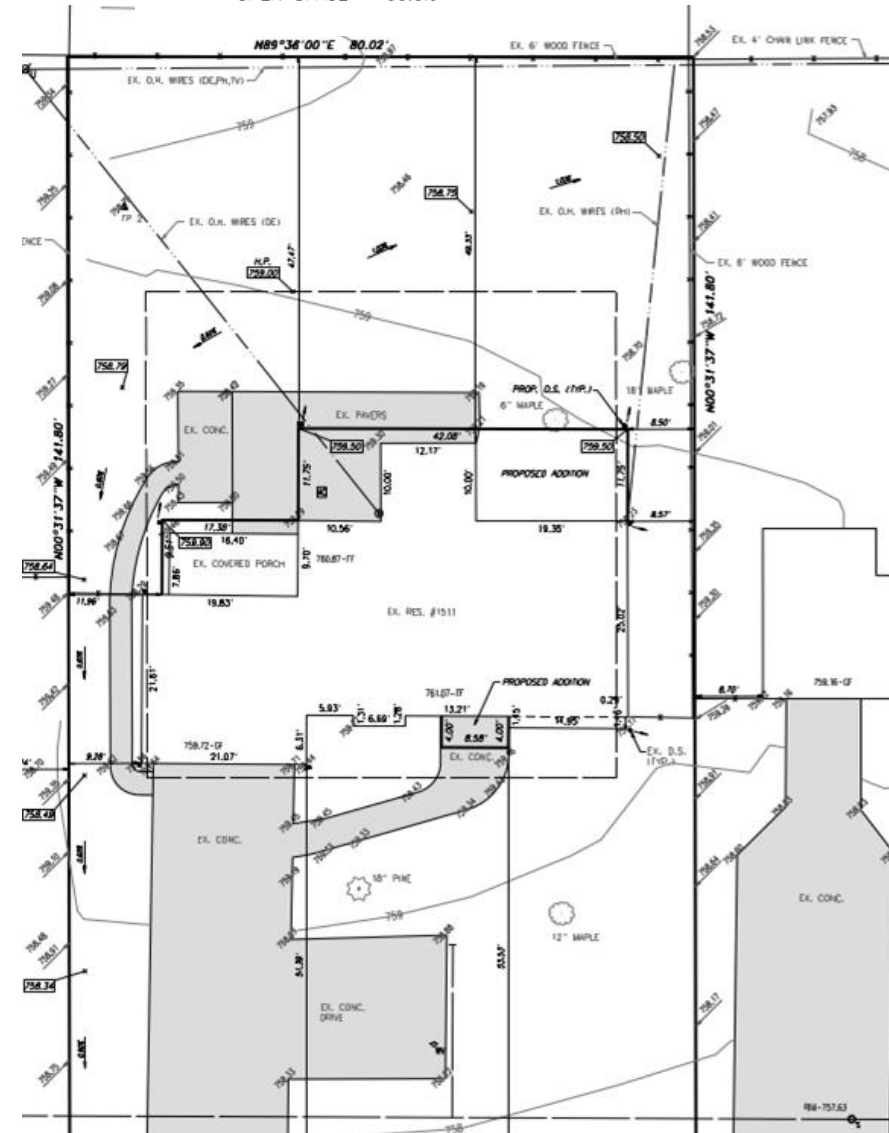
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EX. AREA OF HOUSE = 1,637.8 S.F.

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%

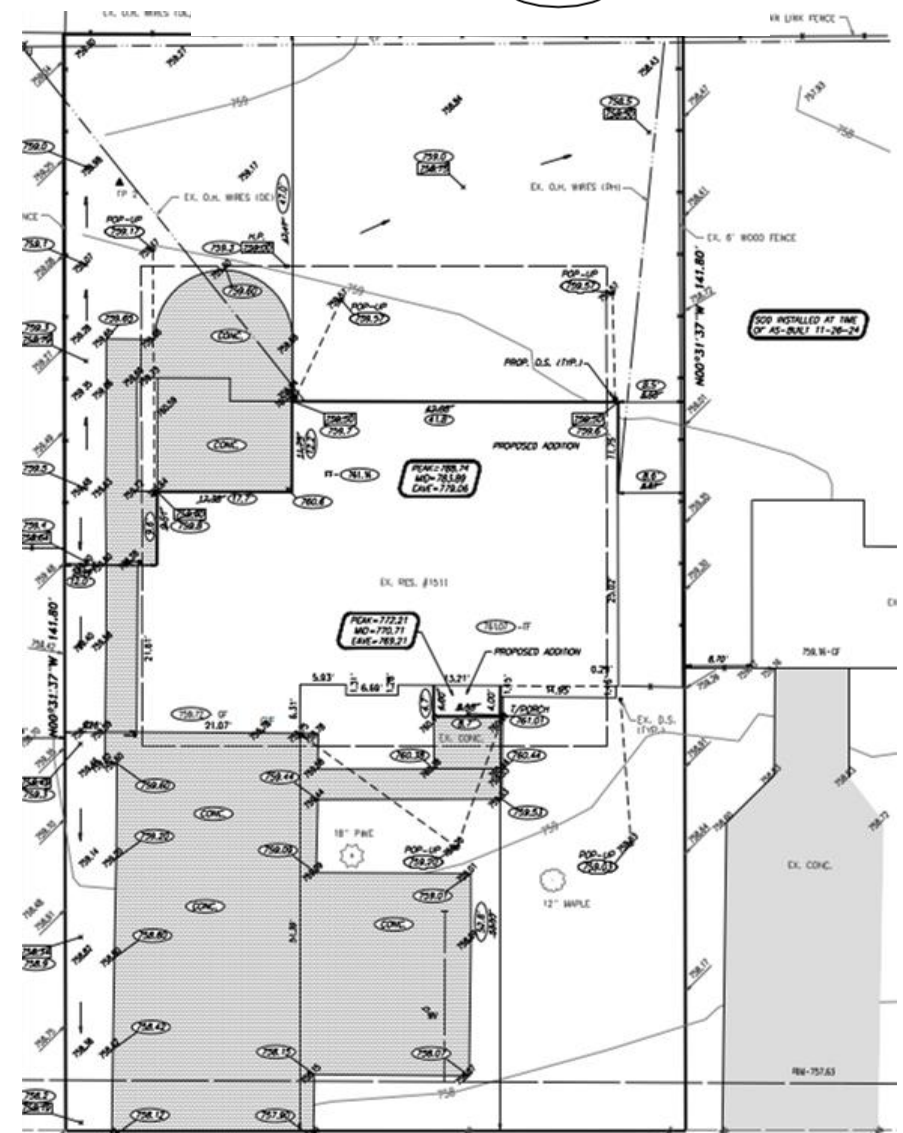
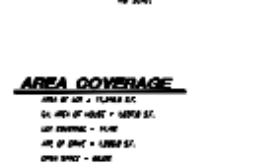


Figure 1 Schematic diagrams of the experimental setup. (a) Top view of the experimental setup showing the subject, the target, and the force sensor. (b) Side view of the experimental setup showing the subject, the target, and the force sensor.

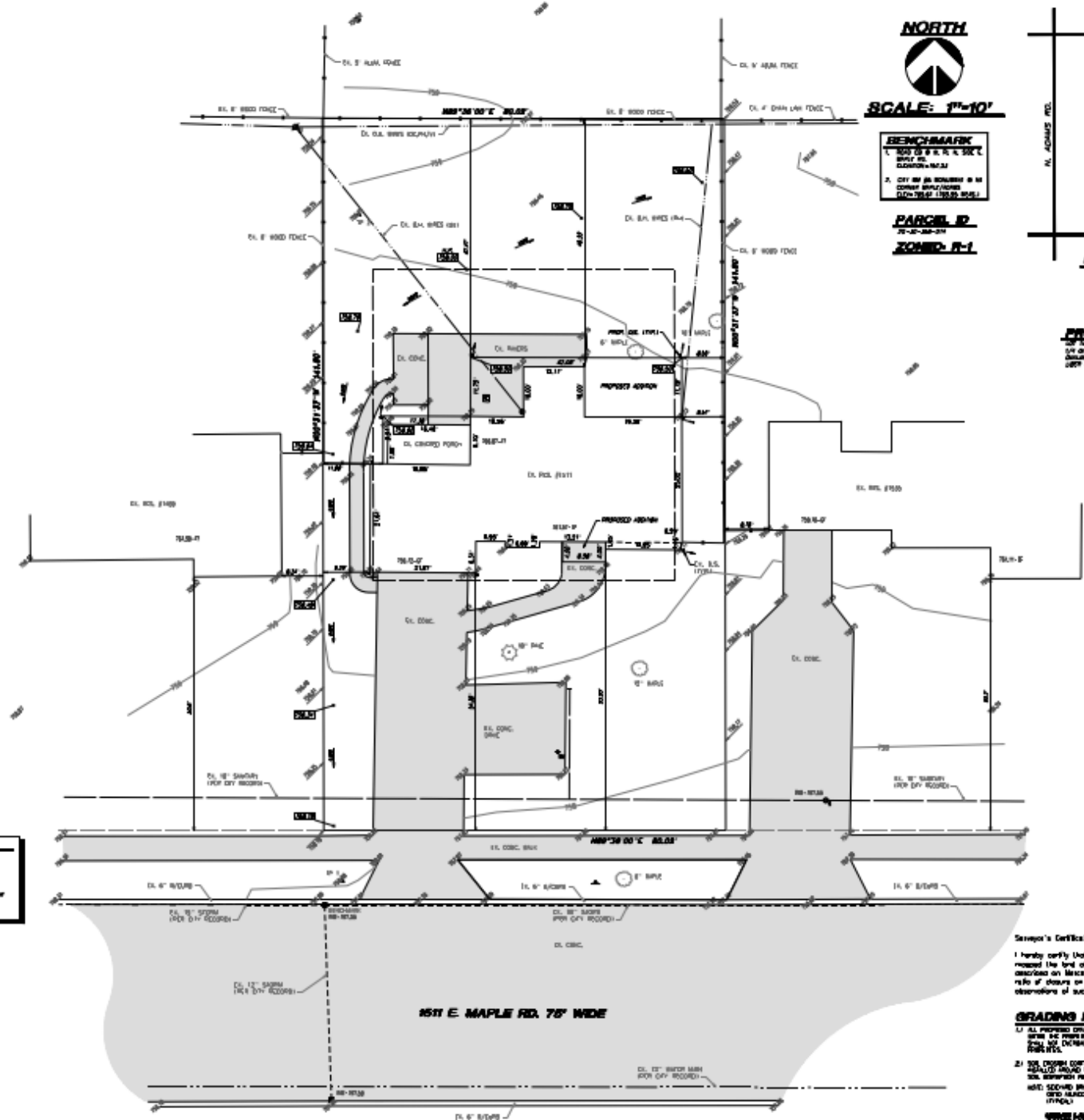
SOL EROSION DETAILS
(NO SOL.)

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	50.5	9.5	16.5
C. WAPLE NO.	1281	50.4	9.6	17.4
C. WAPLE NO.	1341	49.4	9.8	18.5



Contractor Note:
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ATTENTION BUILDERS/CONTRACTORS

[illegible]

PROPERTY DESCRIPTION
 THE SOUTHERN TRUSTEES' EASEMENT OF RIGHT OF WAY, 1/4 SECTION 36, T10N, R10E, N40TH, MECH. JUDICIAL (2015) OF SHELBY AND CLAY COUNTIES, INDIANA, ACCORDING TO THE PLAN AS RECORDED IN 12 OF PLATS ON PAGE 3 OF THE CLAY 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



**URBAN
LAND
CONSULTANTS®**

CIVIL ENGINEERS

PLANNING
LAND SURVEYING
8800 33 Ave Road
P.O. Box 100
+ (416) 441-4040

0-004 S86 731-8030



REGISTERED PROFESSIONAL ENGINEER
No. 10000
JASON HURST
1978-1983

JASON HURST

REGISTERED PROFESSIONAL ENGINEER
No. 10000
1978-1983

210228-10439

Date: 4-2-83

Scale: 1" = 30'

Drawn: J. HURST

Checked: J. HURST

Plot Size: 1' 0" x 1'

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210228-10439

[illegible]

NOTE:
 THE CONTRACTOR IS REQUIRED TO
 RESPECT THE DISCHARGE 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
PROF. TO DETERMINE
GOC RECOMMENDS SOIL ANALYSIS TO BE
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5. APPEALS OF THIS PATENT FOR INVENTION ARE REPRESENTED BY THE SIGN AND THE INVENTOR'S SIGNATURE. INVENTORS MUST BE HELD TO BE RESPONSIBLE FOR ANY LAWS OF ECONOMIC ENCOURAGEMENT.
6. INVENTORS SHOULD NOT BE HELD TO BE RESPONSIBLE FOR ANY LAWS OF ECONOMIC ENCOURAGEMENT, BUT SHOULD BE HELD TO BE RESPONSIBLE FOR ANY LAWS OF ECONOMIC ENCOURAGEMENT. INVENTORS SHOULD NOT BE HELD TO BE RESPONSIBLE FOR ANY LAWS OF ECONOMIC ENCOURAGEMENT, BUT SHOULD BE HELD TO BE RESPONSIBLE FOR ANY LAWS OF ECONOMIC ENCOURAGEMENT.
7. ALL RIGHTS RESERVED ARE REPRESENTED BY THE SIGN AND THE INVENTOR'S SIGNATURE. INVENTORS MUST BE HELD TO BE RESPONSIBLE FOR ANY LAWS OF ECONOMIC ENCOURAGEMENT.
8. UPON RECEIVING AND EXAMINATION OF THIS PATENT FOR INVENTION, THE INVENTOR'S RIGHTS ARE REPRESENTED BY THE SIGN AND THE INVENTOR'S SIGNATURE. INVENTORS MUST BE HELD TO BE RESPONSIBLE FOR ANY LAWS OF ECONOMIC ENCOURAGEMENT.
9. APPEALS OF THIS PATENT FOR INVENTION ARE REPRESENTED BY THE SIGN AND THE INVENTOR'S SIGNATURE. INVENTORS MUST BE HELD TO BE RESPONSIBLE FOR ANY LAWS OF ECONOMIC ENCOURAGEMENT.



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

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



LOTS 14, "BIRMINGHAM ESTATES" SUBDIVISION OF PART OF THE SOUTHWEST
1/4 OF SECTION 36, T.2N., R.12E., TWP. ROMANSHIP (CITY OF) MOBILE,
DAKOTA COUNTY, MINNESOTA ACCORDING TO THE PLAT AS RECORDED IN
BOOK 13 OF PLATS ON PAGE 9 OF THE DAKOTA COUNTY RECORDS.

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

[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 GROWING 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
 (BY ABANDON LOTTER)
 (TYPICAL)

NOTE
---CONTRACTOR TO CONFORM
AGREEMENT WITH ADOPTED, POST
FLOOD ELEVATION AND PROPOSED
FLOOD ELEVATION ROAD TO THE
START OF CONSTRUCTION



URBAN LAND CONSULTANTS®

CHS, LINDEN CO., IN

4800 S. 11th Road, Suite 100

Indianapolis, IN 46219-1516

PLANNING

LAND ACQUISITION

PHONE 506 731-8530



JASON HURST

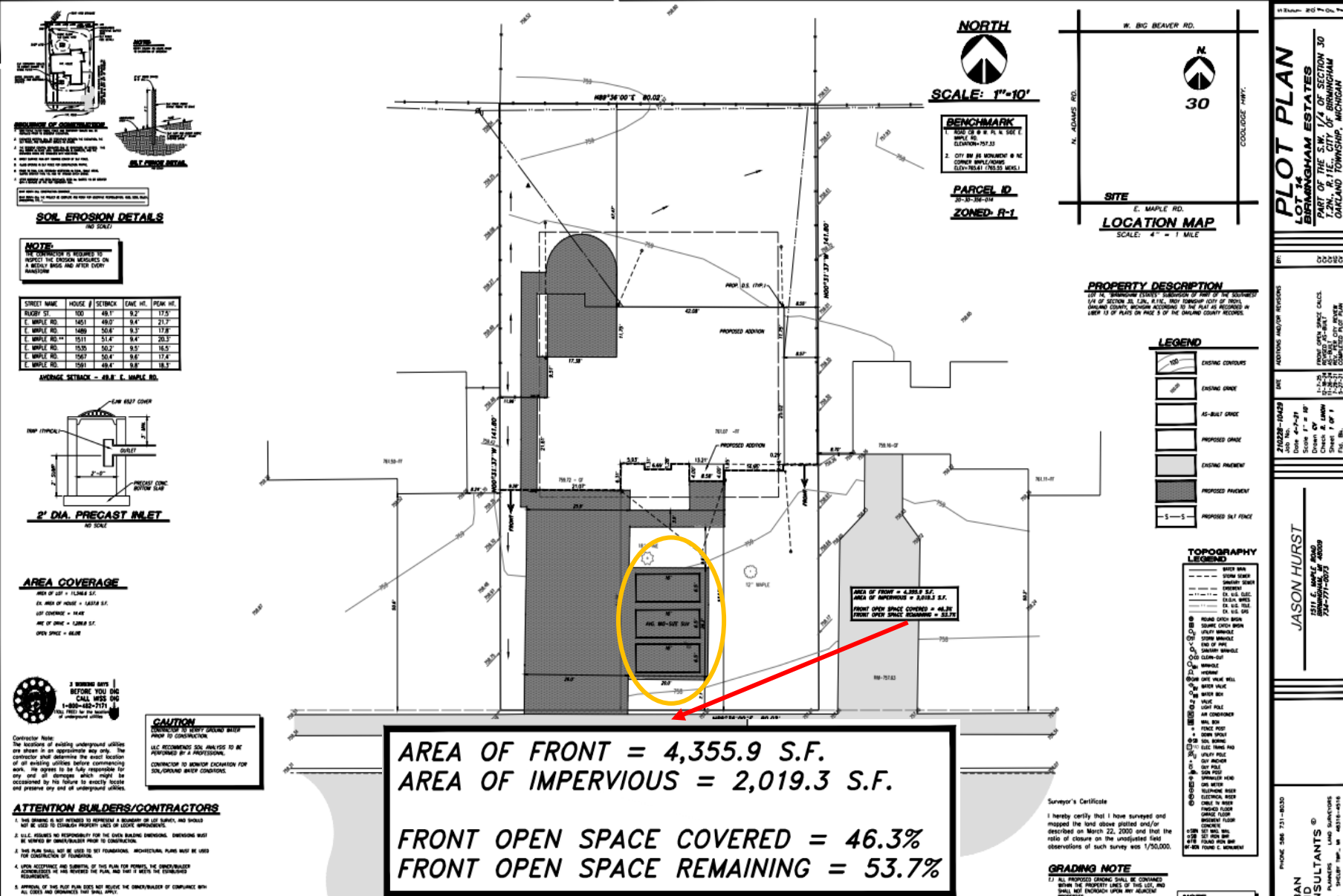
1511 E. MAPLE ROAD

INDIANAPOLIS, IN 46209

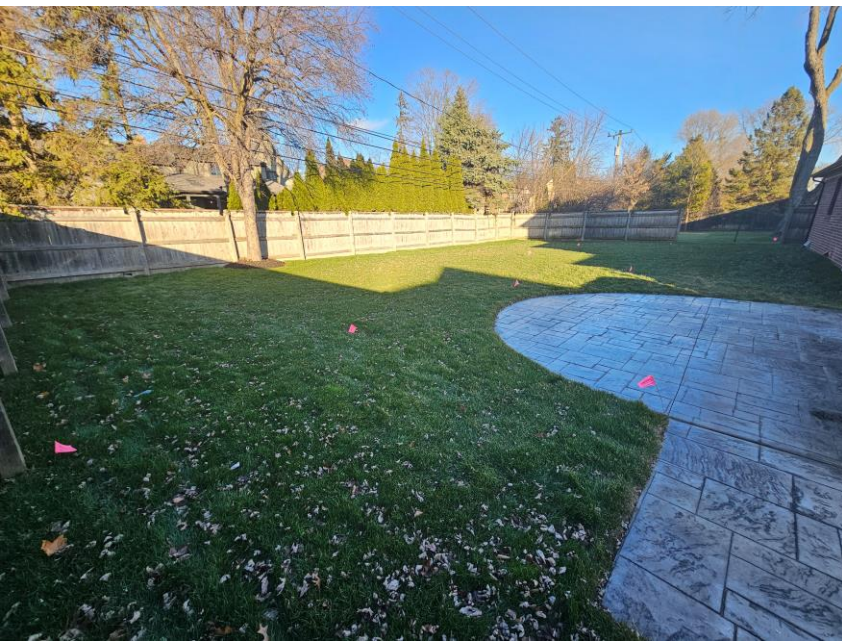
317-771-2074

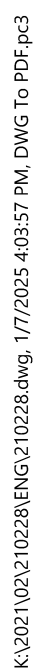
Shown is the percentage of impervious being requested.

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

Revised permeable surface variance request

1 message

Jason Hurst <jason.hurst@gm.com>
To: "jzielke@bhamgov.org" <jzielke@bhamgov.org>
Cc: Jason Hurst <jasonhurst0331@gmail.com>

Thu, Mar 6, 2025 at 9:18 AM

Good morning Jeff,

Please see attached for the updated variance request.

Initial request 11.3% over.

New request 6.2% over

Jason Hurst

DRE – Front Seat Core Engineering

SYN – Cushion Lead

Email: Jason.Hurst@gm.com

Cell phone: +1 (248) 706-8216

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

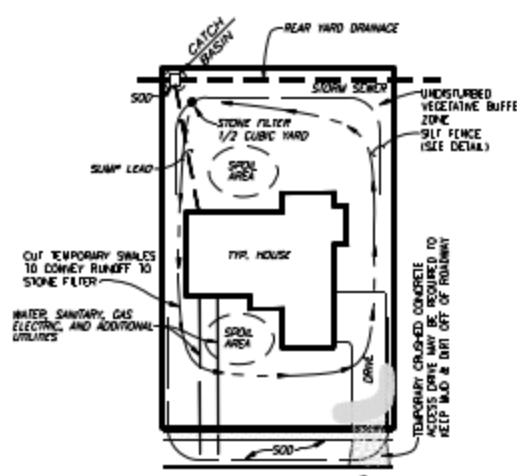
Confidentiality Note: This message is intended only for the person or entity to which it is addressed. It may contain confidential and/or privileged material. Any review, transmission, dissemination or other use, or taking of any action in reliance upon this message by persons or entities other than the intended recipient is prohibited and may be unlawful. If you received this message in error, please contact the sender and delete it from your computer.

3 attachments

 **1511 E. Maple Revise paver coverage.pdf**
2130K

 **Benefit Summary and Service Verification Letter.pdf**
41K

 **Additional Hardship Letter.pdf**
23K



NOTE:
SILT FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION OF BASEMENT.

SEQUENCE OF CONSTRUCTION

1. CONSTRUCT FENCE FROM THE NORTH PROPERTY LINE TO THE SOUTH PROPERTY LINE. THE FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION OF BASEMENT.
2. EXCAVATE BASEMENT. THE FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION OF BASEMENT.
3. THE FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION OF BASEMENT. THE FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION OF BASEMENT.
4. EXCAVATE BASEMENT. THE FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION OF BASEMENT.
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6. EXCAVATE BASEMENT. THE FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION OF BASEMENT.
7. EXCAVATE BASEMENT. THE FENCE SHALL BE INSTALLED PRIOR TO EXCAVATION OF BASEMENT.

SILT FENCE DETAIL

NO SCALE

SOIL EROSION DETAILS

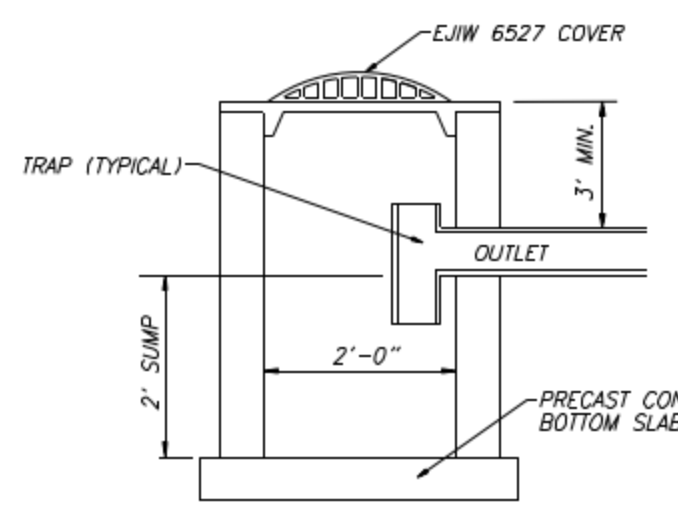
(NO SCALE)

NOTE:

THE CONTRACTOR IS REQUIRED TO INSPECT THE EROSION MEASURES ON A WEEKLY BASIS AND AFTER EVERY RAINSTORM.

STREET NAME	HOUSE #	SETBACK	EAVE HT.	PEAK HT.
RUGBY ST.	100	49.1'	9.2'	17.5'
E. MAPLE RD.	1451	49.0'	9.4'	21.7'
E. MAPLE RD.	1489	50.6'	9.3'	17.8'
E. MAPLE RD.**	1511	51.4'	9.4'	20.3'
E. MAPLE RD.	1535	50.2'	9.5'	16.5'
E. MAPLE RD.	1567	50.4'	9.6'	17.4'
E. MAPLE RD.	1591	49.4'	9.8'	18.3'

AVERAGE SETBACK = 49.8' E. MAPLE RD.



2' DIA. PRECAST INLET

NO SCALE

AREA COVERAGE

AREA OF LOT = 11,346.6 S.F.
EX. AREA OF HOUSE = 1,637.8 S.F.
LOT COVERAGE = 14.4%
AREA OF DRIVE = 1,286.8 S.F.
OPEN SPACE = 66.0%



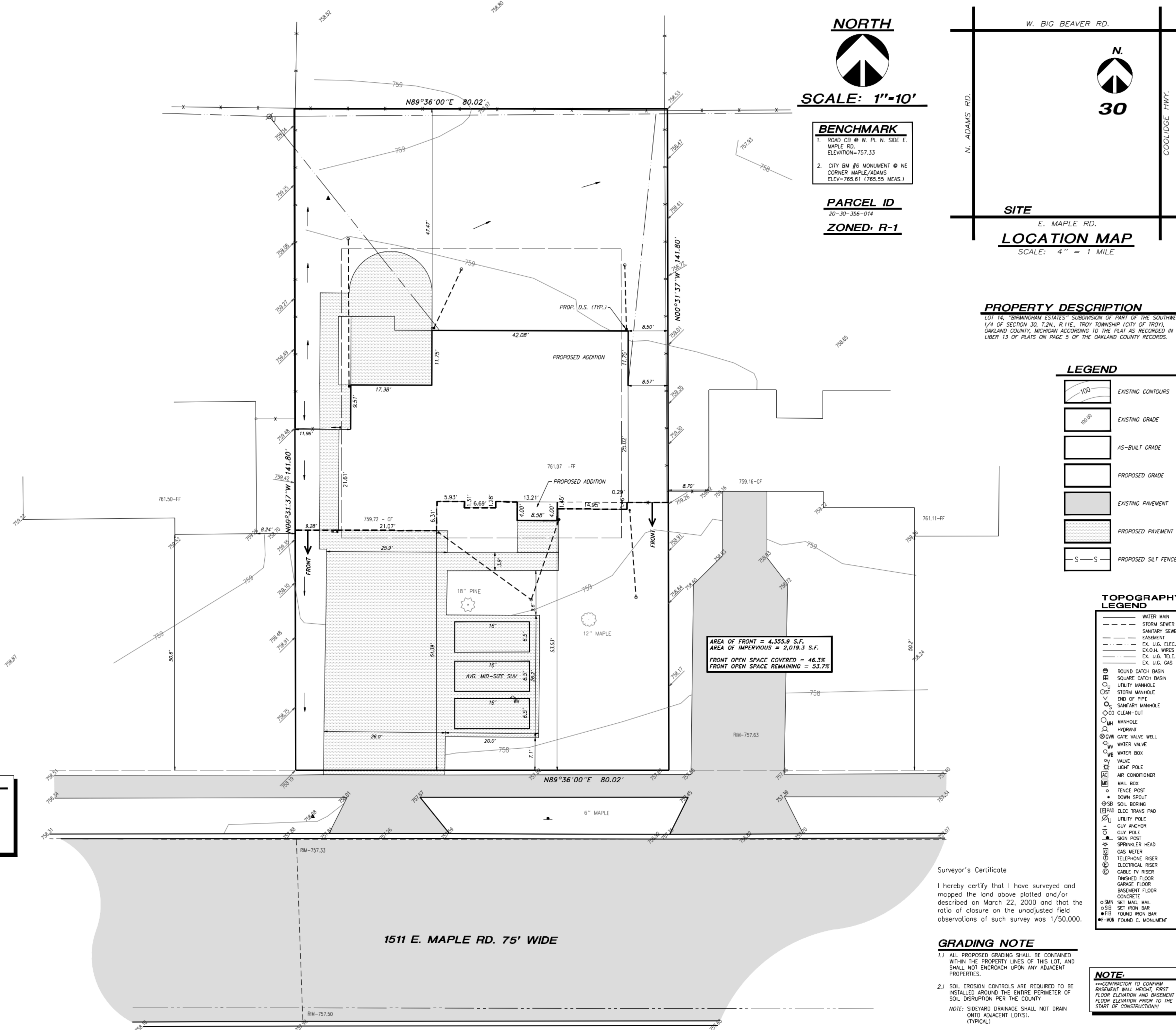
3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE) for the location
of underground utilities

CAUTION

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

ATTENTION BUILDERS/CONTRACTORS

1. THIS DRAWING IS NOT INTENDED TO REPRESENT A BOUNDARY OR LOT SURVEY, AND SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES OR LOCATE IMPROVEMENTS.
2. U.L.C. ASSUMES NO RESPONSIBILITY FOR THE GIVEN BUILDING DIMENSIONS. DIMENSIONS MUST BE VERIFIED BY OWNER/BUILDER PRIOR TO CONSTRUCTION.
3. THIS PLAN SHALL NOT BE USED TO SET FOUNDATIONS. ARCHITECTURAL PLANS MUST BE USED FOR CONSTRUCTION OF FOUNDATION.
4. UPON ACCEPTANCE AND SUBMITTAL OF THIS PLAN FOR PERMITS, THE OWNER/BUILDER ACKNOWLEDGES HE HAS REVIEWED THE PLAN, AND THAT IT MEETS THE ESTABLISHED REQUIREMENTS.
5. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL CODES AND ORDINANCES THAT SHALL APPLY.
6. SETBACKS SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM THE MUNICIPALITY. ANY DEED OR SPECIAL RESTRICTIONS - (i.e. SUBDIVISION RESTRICTIONS, HOUSE SIZE, BUILDING LOCATION, etc.) MUST BE SUPPLIED TO U.L.C. IN WRITING WHEN PLOT PLAN IS ORDERED. U.L.C. WILL NOT BE RESPONSIBLE FOR INTERPRETING SUBDIVISION RESTRICTIONS.
7. U.L.C. RECOMMENDS A 50' EXTRA ALLOWANCE TO ALL MINIMUM SETBACKS, WHERE THE OWNER / BUILDER DOES NOT FOLLOW THIS RECOMMENDATION, THE OWNER / BUILDER AGREES TO HOLD U.L.C. HARMLESS FOR STRUCTURE ENCROACHMENT (S) INTO THE MINIMUM SETBACK.
8. UTILITY LEAD LOCATIONS AS SHOWN ARE APPROXIMATE. AS-BUILT LOCATIONS MUST BE OBTAINED FROM THE LOCAL MUNICIPALITY.



NORTH



SCALE: 1"=10'

BENCHMARK

1. ROAD CB @ W. PL. N. SIDE E. MAPLE RD. ELEVATION=757.33
2. CITY BM #6 MONUMENT @ NE CORNER MAPLE/ADAMS ELEV=765.61 (765.55 MEAS.)

PARCEL ID

20-30-356-014

ZONED: R-1

SITE

E. MAPLE RD.

LOCATION MAP

SCALE: 4" = 1 MILE

PROPERTY DESCRIPTION

LOT 14, "BIRMINGHAM ESTATES" SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 30, T.2N., R.11E., TROY TOWNSHIP (CITY OF TROY), OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT AS RECORDED IN LIBER 13 OF PLATS ON PAGE 3 OF THE OAKLAND COUNTY RECORDS.

LEGEND

- 100 EXISTING CONTOURS
- 100.00 EXISTING GRADE
- AS-BUILT GRADE
- PROPOSED GRADE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PROPOSED SILT FENCE

TOPOGRAPHY LEGEND

- WATER MAIN
- STORM SEWER
- SANITARY SEWER
- EASEMENT
- EX. U.G. ELEC.
- EX. O.H. WIRES
- EX. U.G. TELE.
- EX. U.G. GAS
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- UTILITY MANHOLE
- STORM MANHOLE
- END OF PIPE
- SANITARY MANHOLE
- CLEAN-OUT
- MANHOLE
- HYDRANT
- GATE VALVE WELL
- WATER VALVE
- WATER BOX
- VALVE
- LIGHT POLE
- AIR CONDITIONER
- MAIL BOX
- FENCE POST
- DOWN SPOUT
- SOIL BORING
- GROUND ELEC. TRANS. PAD
- UTILITY POLE
- GUY ANCHOR
- GUY POLE
- SIGN POST
- SPRINKLER HEAD
- GAS METER
- TELEPHONE RISER
- ELECTRICAL RISER
- CABLE TV RISER
- FINISHED FLOOR
- GARAGE FLOOR
- BASCHMENT FLOOR
- CONCRETE
- 3" MIN. SET MAG. MAIL
- 3" MIN. SET IRON BAR
- 3" MIN. FOUND. IRON BAR
- 3" MIN. FOUND. C. MONUMENT

NOTE:

**CONTRACTOR TO CONFIRM BASEMENT WALL HEIGHT, FIRST FLOOR ELEVATION AND BASEMENT FLOOR ELEVATION PRIOR TO THE START OF CONSTRUCTION!!

Surveyor's Certificate

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.

GRADING NOTE

1. ALL PROPOSED GRADING SHALL BE CONTAINED WITHIN THE PROPERTY LINES OF THIS LOT, AND SHALL NOT ENCROACH UPON ANY ADJACENT PROPERTIES.
2. SOIL EROSION CONTROLS ARE REQUIRED TO BE INSTALLED AROUND THE ENTIRE PERIMETER OF SOIL DISRUPTION PER THE COUNTY

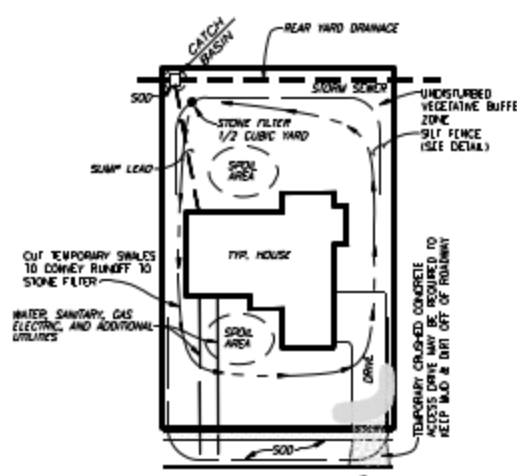
NOTE: SIDEYARD DRAINAGE SHALL NOT DRAIN ONTO ADJACENT LOT(S). (TYPICAL)

URBAN LAND CONSULTANTS WILL SET HIGH GRADE/BRICKLEDGE CONTRACTOR TO USE GRADE SET ON SITE

BY:	000000
ADDITIONS AND/OR REVISIONS	
DATE	1-7-25
Job No.	210228-10429
Date	4-7-21
Scale	1" = 10'
Drawn by	Check R. LINDH
Sheet	1 OF 1
Fld. Bk.	

JASON HURST
1511 E. MAPLE ROAD
BIRMINGHAM, MI 48009
734-771-0073

PHONE 586 731-8030
URBAN LAND CONSULTANTS ©
PLANNERS LAND SURVEYORS
CIVIL ENGINEERS
8800 23 MILE ROAD
SHELBY TWP., MI 48316-4516

**NOTE:**

NOTE: SLOPE OR GRADE PRIOR TO CONSTRUCTION OF SILT FENCE.

SEQUENCE OF CONSTRUCTION

1. CONSTRUCT SILT FENCE FROM THE DRIVE TO THE HOUSE. THE SILT FENCE SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF THE HOUSE.
2. EXISTING DRIVE SHALL BE MAINTAINED BETWEEN THE CONSTRUCTION OF THE SILT FENCE AND THE HOUSE. THE DRIVE SHALL BE MAINTAINED AT ALL TIMES.
3. THE DRIVEWAY SHALL BE MAINTAINED BETWEEN THE CONSTRUCTION OF THE SILT FENCE AND THE HOUSE. THE DRIVEWAY SHALL BE MAINTAINED AT ALL TIMES.
4. DIRECT SURFACE RUN-OFF FORMS CENTER OF SILT FENCE.
5. ALLOW OPENING IN SILT FENCE FOR CONSTRUCTION TRUCK.
6. PRIOR TO STARTING CONSTRUCTION OF THE HOUSE, THE DRIVEWAY SHALL BE MAINTAINED BETWEEN THE CONSTRUCTION OF THE SILT FENCE AND THE HOUSE. THE DRIVEWAY SHALL BE MAINTAINED AT ALL TIMES.
7. AFTER CONSTRUCTION OF THE HOUSE, THE DRIVEWAY SHALL BE MAINTAINED BETWEEN THE CONSTRUCTION OF THE SILT FENCE AND THE HOUSE. THE DRIVEWAY SHALL BE MAINTAINED AT ALL TIMES.

SILT FENCE DETAIL

NO SCALE

SOIL EROSION DETAILS

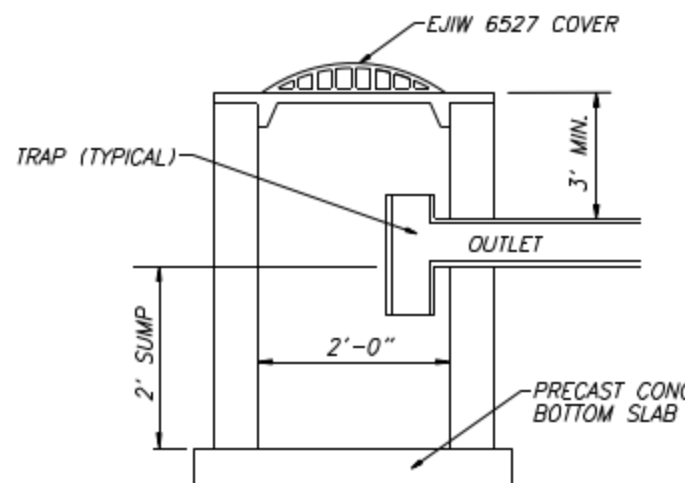
(NO SCALE)

NOTE:

THE CONTRACTOR IS REQUIRED TO INSPECT THE EROSION MEASURES ON A WEEKLY BASIS AND AFTER EVERY RAINSTORM.

STREET NAME	HOUSE #	SETBACK	EAVE HT.	PEAK HT.
RUGBY ST.	100	49.1'	9.2'	17.5'
E. MAPLE RD.	1451	49.0'	9.4'	21.7'
E. MAPLE RD.	1489	50.6'	9.3'	17.8'
E. MAPLE RD.**	1511	51.4'	9.4'	20.3'
E. MAPLE RD.	1535	50.2'	9.5'	16.5'
E. MAPLE RD.	1567	50.4'	9.6'	17.4'
E. MAPLE RD.	1591	49.4'	9.8'	18.3'

AVERAGE SETBACK = 49.8' E. MAPLE RD.

**2' DIA. PRECAST INLET**

NO SCALE

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%



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

CAUTION

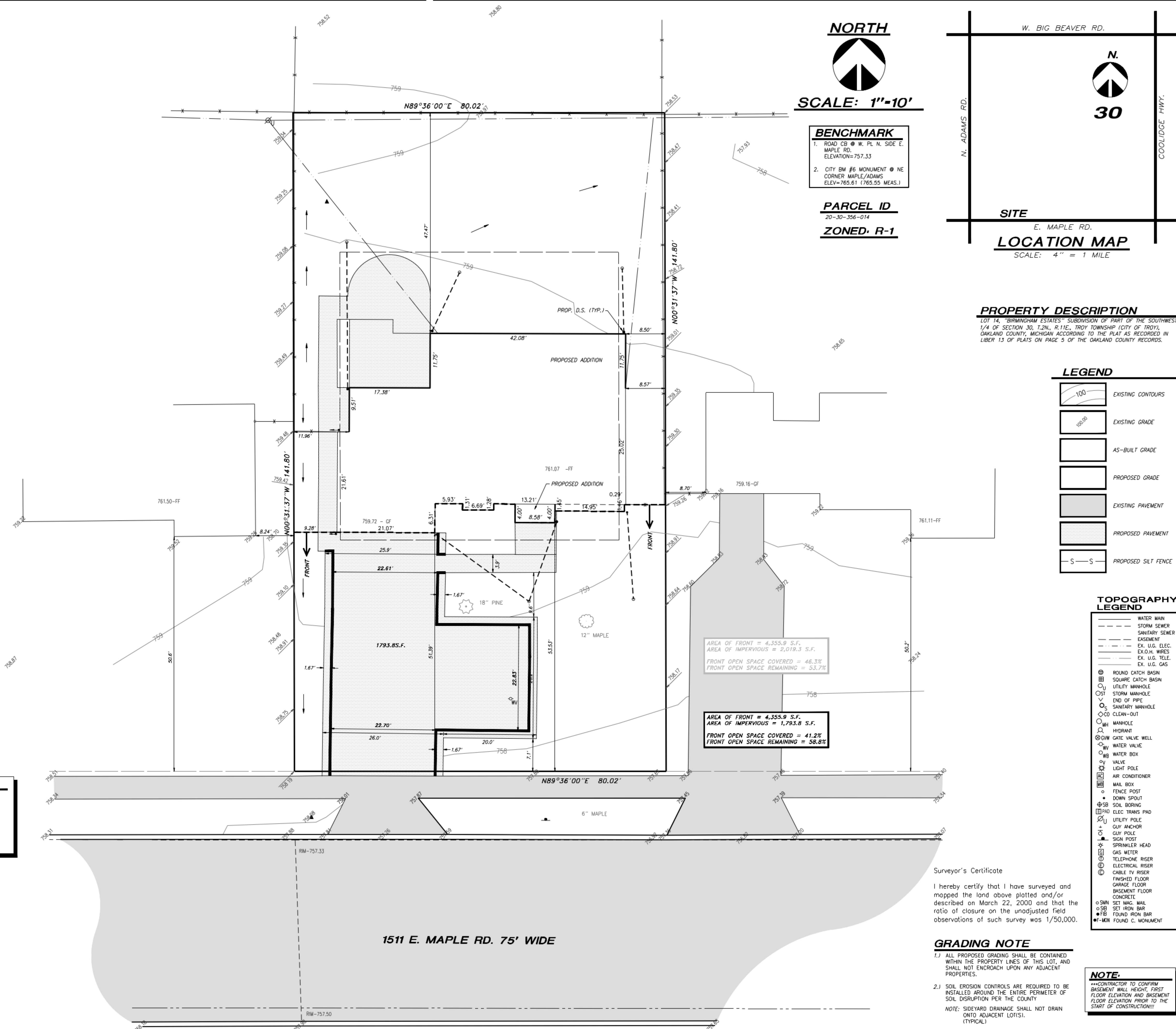
CONTRACTOR TO VERIFY GROUND WATER PRIOR TO CONSTRUCTION.

U.L.C. RECOMMENDS SOIL ANALYSIS TO BE PERFORMED BY A PROFESSIONAL.

CONTRACTOR TO MONITOR EXCAVATION FOR SOIL/GROUND WATER CONDITIONS.

ATTENTION BUILDERS/CONTRACTORS

1. THIS DRAWING IS NOT INTENDED TO REPRESENT A BOUNDARY OR LOT SURVEY, AND SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES OR LOCATE IMPROVEMENTS.
2. U.L.C. ASSUMES NO RESPONSIBILITY FOR THE GIVEN BUILDING DIMENSIONS. DIMENSIONS MUST BE VERIFIED BY OWNER/BUILDER PRIOR TO CONSTRUCTION.
3. THIS PLAN SHALL NOT BE USED TO SET FOUNDATIONS. ARCHITECTURAL PLANS MUST BE USED FOR CONSTRUCTION OF FOUNDATION.
4. UPON ACCEPTANCE AND SUBMITTAL OF THIS PLAN FOR PERMITS, THE OWNER/BUILDER ACKNOWLEDGES HE HAS REVIEWED THE PLAN, AND THAT IT MEETS THE ESTABLISHED REQUIREMENTS.
5. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL CODES AND ORDINANCES THAT SHALL APPLY.
6. SETBACKS SHOWN ON THIS DRAWING HAVE BEEN OBTAINED FROM THE MUNICIPALITY. ANY DEED OR SPECIAL RESTRICTIONS - (i.e. SUBDIVISION RESTRICTIONS, HOUSE SIZE, BUILDING LOCATION, etc.) MUST BE SUPPLIED TO U.L.C. IN WRITING WHEN PLOT PLAN IS ORDERED. U.L.C. WILL NOT BE RESPONSIBLE FOR INTERPRETING SUBDIVISION RESTRICTIONS.
7. U.L.C. RECOMMENDS A 50' EXTRA ALLOWANCE TO ALL MINIMUM SETBACKS, WHERE THE OWNER / BUILDER DOES NOT FOLLOW THIS RECOMMENDATION, THE OWNER / BUILDER AGREES TO HOLD U.L.C. HARMLESS FOR STRUCTURE ENCRoACHMENT (S) INTO THE MINIMUM SETBACK.
8. UTILITY LEAD LOCATIONS AS SHOWN ARE APPROXIMATE. AS-BUILT LOCATIONS MUST BE OBTAINED FROM THE LOCAL MUNICIPALITY.



SHEET 201 OF 1

PLOT PLAN
LOT 14
BIRMINGHAM ESTATES
PART OF THE S.W. 1/4 OF SECTION 30
T.2N., R.11E., CITY OF BIRMINGHAM
OAKLAND TOWNSHIP, MICHIGAN

BY: 000000

ADDITIONS AND/OR REVISIONS

DATE	1-2-25	FRONT OPEN SPACE CAUCS. PER CLIENT
DATE	1-7-25	FRONT OPEN SPACE CAUCS.
DATE	12-18-24	REVISED AS-BUILT
DATE	1-7-25	REVISED AS-BUILT
DATE	1-7-25	REVISED AS-BUILT
DATE	5-27-21	COMPLETED PLOT PLAN

DATE 210228-10429

Job No. 210228-10429

Date 4-7-21

Scale 1" = 10'

Drawn BY CY

Check BY R. LINDH

Sheet 1 OF 1

Fld. Bk.

JASON HURST

1511 E. MAPLE ROAD
BIRMINGHAM, MI 48009
734-771-0073

PHONE 586 731-8030

URBAN LAND CONSULTANTS

CIVIL ENGINEERS PLANNERS LAND SURVEYORS

8800 23 MILE ROAD
SHELBY TWP., MI 48316-4516

Reduced paver border by 20 inches





DEPARTMENT OF VETERANS AFFAIRS

March 05, 2025

Jason Hurst
1511 E Maple Rd
Birmingham, MI 48009

In Reply Refer to:
27/eBenefits

Dear Mr. Hurst:

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as state or local property or vehicle tax relief, civil service preference, to obtain housing entitlements, free or reduced state park annual memberships, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter is considered an official record of your VA entitlement.

Our records contain the following information:

Personal Claim Information

Your VA claim number is:

You are the Veteran.

Military Information

Your most recent, verified periods of service (up to three) include:

Branch of Service	Character of Service	Entered Active Duty	Released/Discharged
Marine Corps	Under Honorable Conditions	September 10, 2001	November 06, 2001
Marine Corps	Honorable	February 07, 2005	February 06, 2009

(There may be additional periods of service not listed above.)

VA Benefit Information

You have one or more service-connected disabilities:	Yes
Your combined service-connected evaluation is:	100%
You are considered to be totally and permanently disabled due solely to your service-connected disabilities:	Yes
The effective date of when you became totally and permanently disabled due to your service-connected disabilities:	July 13, 2023

Sincerely Yours,

Regional Office Director



I am writing to respectfully request your consideration and support for the approval of additional driveway and parking pad surface area at my property, located at 1511 E. Maple. I would like to provide context for this request based on my unique circumstances and specific needs.

I am a 100% Permanent and Total (P&T) disabled veteran, and my disability significantly impacts my mobility and daily activities. As a result of my service-connected disabilities, I rely heavily on accessible and sufficient parking space to ensure that I can enter and exit my home safely and comfortably. At present, the existing driveway and parking area at my residence do not adequately accommodate my needs, particularly in terms of maneuvering my vehicle and meeting my medical requirements.

Specifically, I often find it challenging to park and access my vehicle, which is necessary for my mobility. As my condition continues to impact my physical abilities, I am in need of additional space to facilitate not only the parking of my vehicle but also to ensure that I can do so without risking my safety or exacerbating my condition. With adequate parking and driveway space, I will be able to move around my property with greater independence and security.

I kindly ask that you consider this request as an essential modification to ensure my quality of life and continued independence. I am more than willing to discuss this matter further and provide any supporting documentation regarding my disability or the specific requirements for my parking area.

Thank you very much for your time and consideration. I look forward to your understanding and support in this matter.

CASE DESCRIPTION

225 E. Maple (25-04)

Hearing date: March 11, 2025

Appeal No. 25-04: The owner of the property known as **225 E Maple**, requests the following variances to replace a non-conforming outdoor dining facility with a new outdoor dining facility that contains enclosures:

A. Chapter 126, Article 4, Section 4.44(C)(3) of the Zoning Ordinance requires that outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance. The proposed enclosure measures 723 square feet between three sides. Therefore, a variance of 723 square feet is requested.

B. Chapter 126, Article 9, Section 9.02 of the Zoning Ordinance defines Bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining of no more than 65 people. The proposed outdoor dining facility contains 86 outdoor dining seats. Therefore, a variance of 21 outdoor dining seats is requested.

Staff Notes: The applicant is seeking variances to enable a significant renovation of a pre-existing legal nonconforming outdoor dining facility in Downtown Birmingham. Article 4, Section 4.44 (D)(2) of the Zoning Ordinance requires that at the time that a non-conforming outdoor dining facility is replaced, renovated, or otherwise changed, the facility must be brought into compliance with the requirements of the current applicable codes and ordinances. The current outdoor dining facility contains an enclosure system comprised of clear vinyl panels that may be raised/lowered as needed by the operator. Social Kitchen & Bar was established in 2010 with the current condition, and enclosure systems for outdoor dining facilities were formally prohibited by the City in 2018. The proposed renovated outdoor dining facility would not modify the footprint of the patio, but would reintroduce 723 sq. ft. of enclosure system that remains prohibited in the Outdoor Dining Standards of the Zoning Ordinance. In addition to containing an enclosure system, Social Kitchen & Bar currently contains a total of 86 outdoor dining seats, 30 on the rooftop and 56 on the at-grade patio that is proposed to be renovated. This condition is also considered a pre-existing legal nonconformity that was approved as a part of the original Special Land Use Permit. The Zoning Ordinance was updated in 2019 to cap outdoor dining seats at bistro establishments to 65, which has remained unchanged to date. Although the variance request was advertised as requesting a variance of 21 outdoor dining seats, the applicant has since reduced the request to a variance of 11 seats, which would result in a total outdoor dining seat count of 76.

On January 22, 2025 ([Agenda](#) - [Video](#)), the Planning Board moved to recommend approval to the City Commission the Special Land Use Permit Amendment, Final Site

Plan & Design Review application for 225 E. Maple – Social Kitchen & Bar – subject to the following conditions:

1. The applicant must resubmit plans that do not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance, or obtain a variance from the Board of Zoning Appeals;
2. The applicant must comply with the requests of all City Departments; and
3. The applicant understands that site plan approval shall be valid for a period of one year from the date it is granted. Upon request, the appropriate reviewing body may grant an extension of not in excess of one year to the applicant prior to the expiration date in accordance with Article 7, Section 7.28 of the Zoning Ordinance.

This property is zoned B4 (Business-Residential) and D4 (Downtown Overlay)

Nick Dupuis,
Planning Director

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)

225 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	☒ Land Use	☒ Sign	☒ Admin Review
--------------------------	--	--	--	--	--

I. PROPERTY INFORMATION:

Address: 225 E Maple Rd	Lot Number:	Sidwell Number:
----------------------------	-------------	-----------------

II. OWNER INFORMATION:

Name: Rabbit Holdings LLC			
Address: 126 Brattle St.	City: Cambridge	State: MA	Zip code: 02138
Email:* <u>Stephene Frank@yahoo.com</u>		Phone:	

III. PETITIONER INFORMATION:

Name: Josh Humphrey		Firm/Company Name: Peas and Carrots Hospitality, LLC	
Address: 22812 Woodward Ave	City: Ferndale	State: MI	Zip code: 48220
Email: josh@peasandcarrotshospitality.com		Phone: 2019120404	

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: Stephen Frank Digitally signed by Stephen Frank
Date: 2025.01.30 11:05:47 -05'00'

Date: _____

Signature of Petitioner: [Signature]

Date: 01/30/2025

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.
-

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.

 1-30-25
Signature of Applicant

Hardship Letter for Variance Request

Subject: Request for Variance to Replace and Enhance Existing Patio at Social Kitchen & Bar
Property Address: Social Kitchen & Bar, 225 E Maple Rd, Birmingham, MI 48009

Dear Members of the Board of Zoning Appeals,

On behalf of Social Kitchen & Bar, we respectfully submit this request for a variance to replace and enhance the existing enclosed patio at **225 E Maple Rd, Birmingham, MI 48009**. This letter outlines how our request satisfies the criteria for a non-use (dimensional) variance, based on practical difficulties. The property owner has reviewed and approved this proposal and fully supports our efforts to modernize the patio.

1. Unique Circumstances

The property's current patio presents unique circumstances that prevent strict compliance with the updated Zoning Ordinance:

- The existing patio is a **legal nonconforming use**, originally approved under previous regulations. It serves as a critical extension of the restaurant's dining space and contributes to its functionality and appeal.
 - The proposed improvements are designed to address safety, energy efficiency, and aesthetic concerns without altering the patio's footprint or function.
-

2. Hardship Not Self-Created

The practical difficulties in this case are not self-created:

- The patio became a legal nonconforming use due to changes in zoning regulations after its original approval.
- Social Kitchen & Bar, as the lessee, seeks to enhance the patio to meet operational needs and modern expectations for year-round dining. These improvements are necessary to maintain the business's competitiveness and customer satisfaction but are hindered by strict enforcement of the current ordinance.
- Without the ability to modernize and maintain the current enclosure, the restaurant may be forced to remove the covering, leaving the space unusable during inclement weather. This would significantly impact profitability and jeopardize the long-term viability of Social Kitchen & Bar. As the patio is a critical component of the restaurant's business model,

the loss of this space would severely limit its capacity to serve patrons and remain competitive in Birmingham's dining scene.

3. Minimum Variance Necessary

The requested variance represents the minimum action required to alleviate the hardship:

- The improvements will maintain the patio's current size and use while modernizing its structure and design.
 - These upgrades are essential to ensure the patio remains functional, safe, and visually appealing for customers and the community.
-

4. Public Welfare and Neighboring Properties

Granting this variance will not negatively impact public welfare or neighboring properties:

- The improved patio will align with the character of downtown Birmingham, contributing to the vibrancy of the area and enhancing the customer experience.
 - The enclosed design minimizes noise and disruption to neighboring businesses and residents, maintaining harmony in the surrounding community.
-

5. Substantial Justice

Approving this variance ensures fairness and equity:

- Social Kitchen & Bar is a valued member of the Birmingham dining scene, and granting the variance will support its continued contribution to the local economy.
- Several other establishments in Birmingham have recently undergone renovations to modernize their facilities, demonstrating consistency with the city's trend of supporting upgrades to maintain a thriving commercial district. Examples include:
 - **Bell Bistro (formerly Mad Hatter Bistro)** at 185 N. Old Woodward, which modernized its outdoor dining area and facade.
 - **Sprazzo (formerly Mare Mediterranean)** at 115 Willits, which renovated its exterior with modern features, including plans to add accordion doors.
 - **Hazel's** at 1 Peabody St., which recently redesigned its interior and exterior to align with its focus on fresh seafood.

By granting this variance, the Board will provide Social Kitchen & Bar the opportunity to modernize its patio and align with the evolving standards for dining facilities in Birmingham, ensuring long-term viability and community benefit.

Conclusion

Social Kitchen & Bar is committed to investing in this improvement to better serve the community, patrons, and the broader Birmingham area. We respectfully request the Board's approval of this variance, which will allow us to replace and enhance the existing patio while preserving its functionality and alignment with the intent of the Zoning Ordinance.

Thank you for your time and consideration. We look forward to the opportunity to collaborate with the Board to achieve a solution that benefits all parties involved.

Best Regards,

Josh Humphrey
COO
Peas & Carrots Hospitality

Social Kitchen & Bar

December 10, 2024

date issued

225 E. Maple Road

address

- A 101 Cover Page
- A 102 Top View
- A 103 Seating Plan
- A 104 Section A-A/Elevation
- A 105 Section B-B
- A 106 Corner Detail
- A 107 Footer Detail
- A 108 Post Detail
- A 109 Wall Attach

table of contents

241210

project #

01

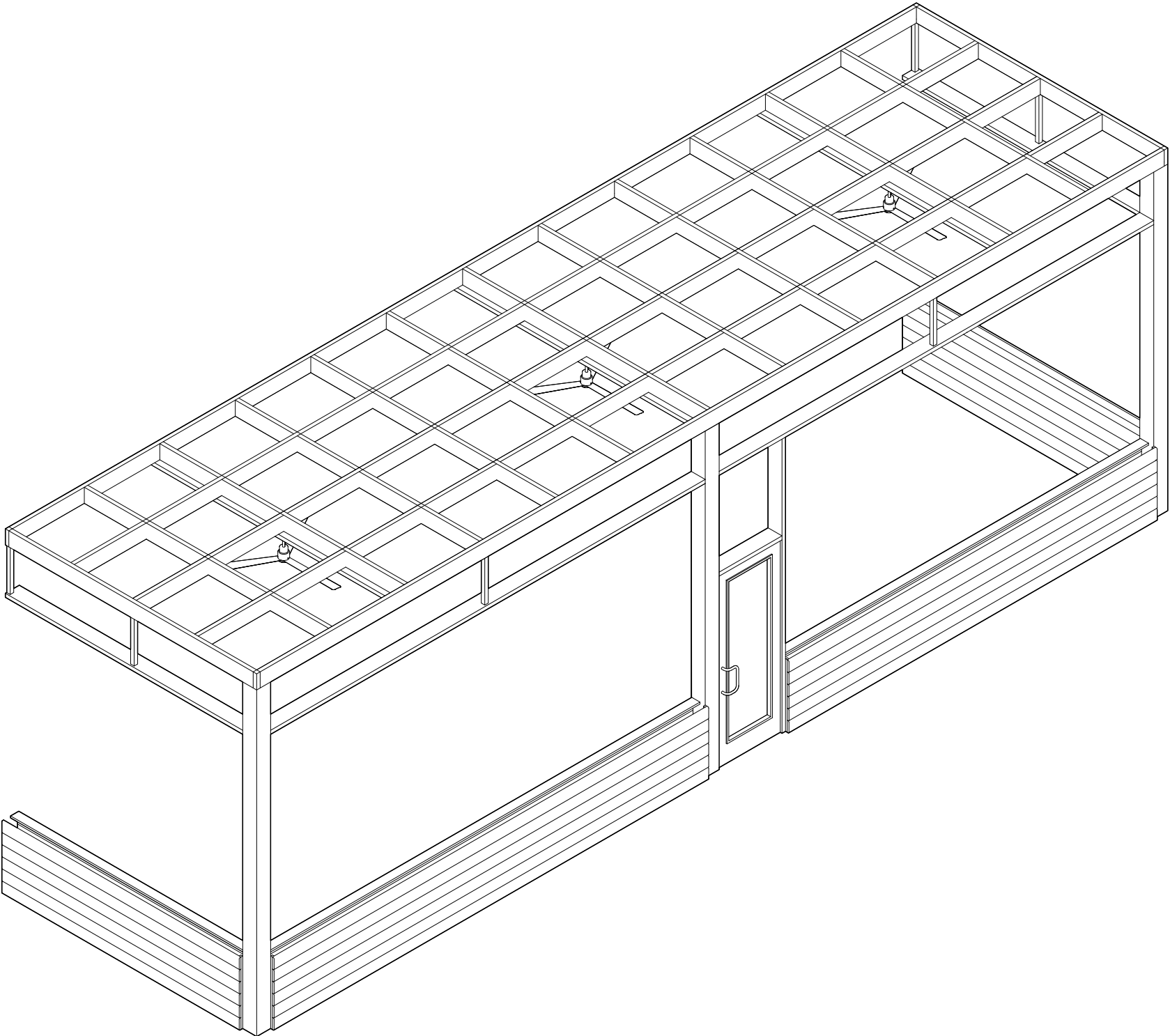
drawing #

Cover Page

page name

A101

page #



Social Birmingham



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cCommerce Charter Twp, MI 48390
presented by

December 10, 2024
date issued

225 E Maple Rd.
address

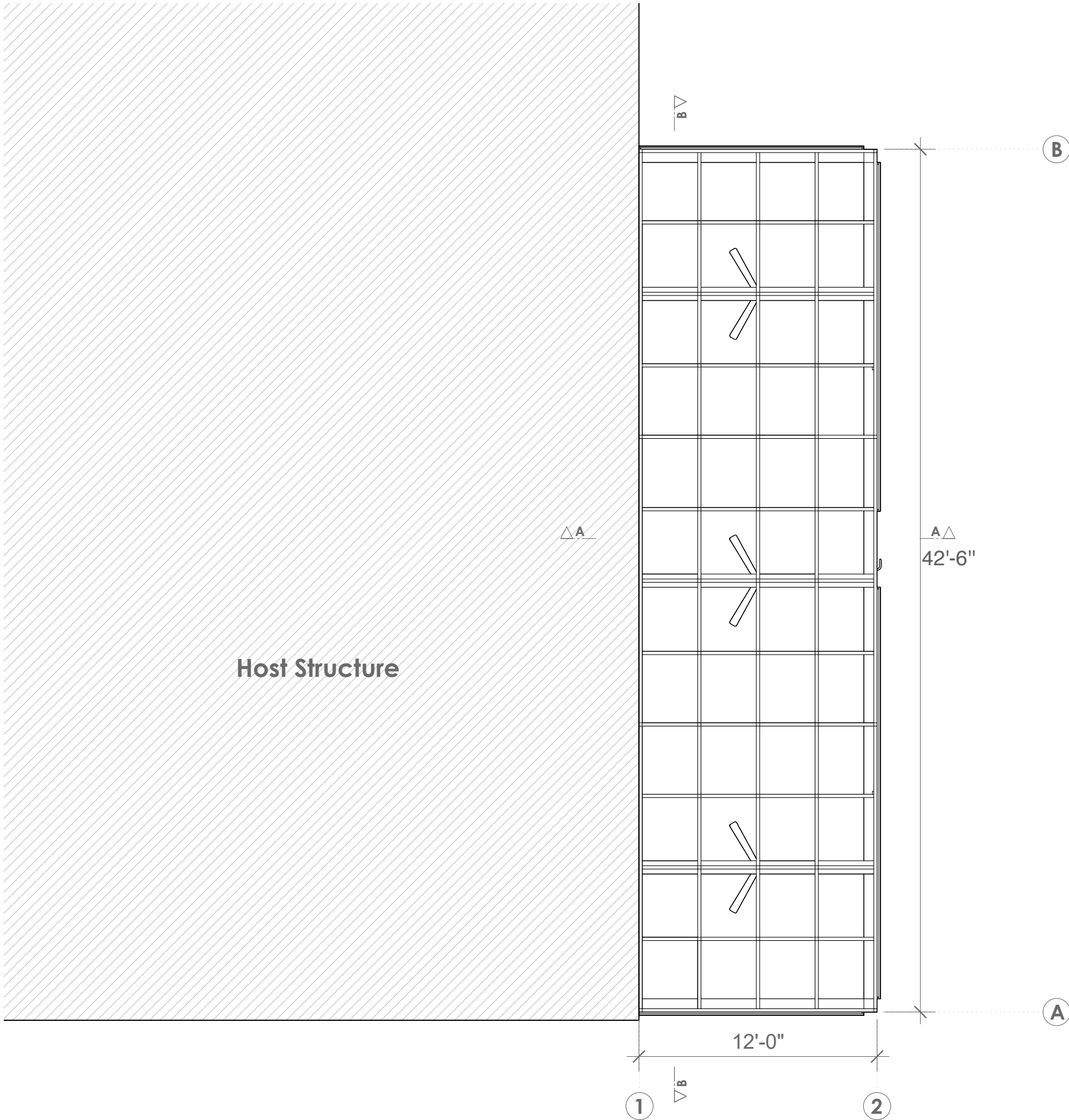
241210
project #

02
drawing #

Top View
page name

A102
page #

Louvers 6063-T5
All others components 6063-T6
aluminium type



Top View
Scale: 1" = 6' 0"

Social Birmingham



2605 Oakley Park Rd,
cCommerce Charter Twp, MI 48390
presented by

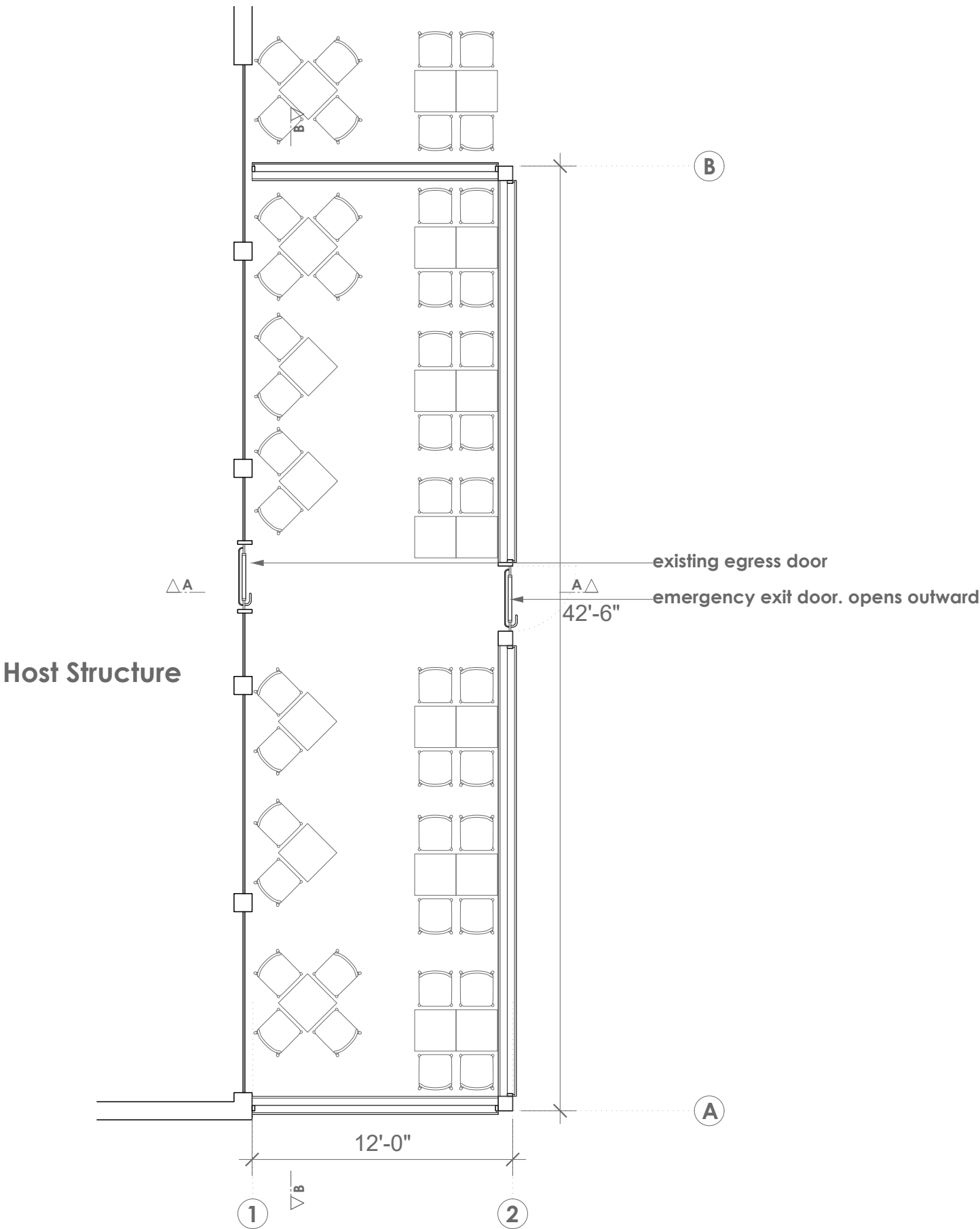
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date issued

225 E Maple Rd
address

0010 project # 02 drawing #

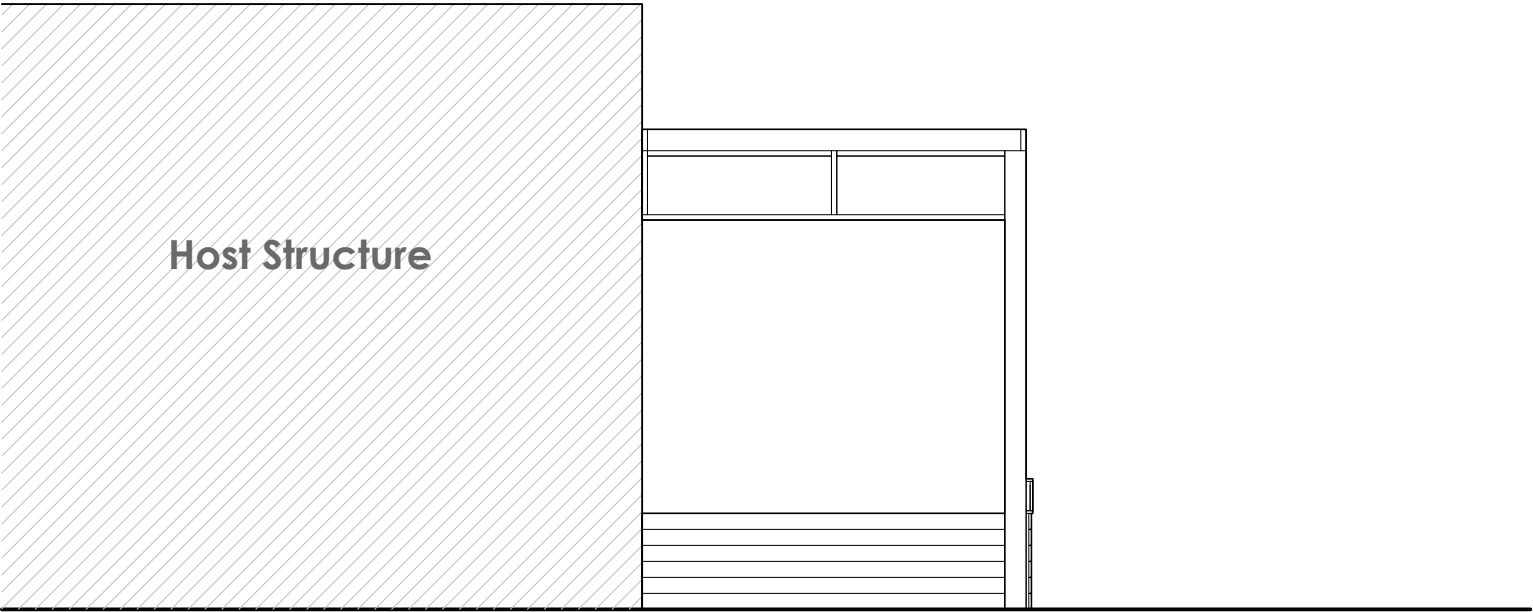
Seating Plan page name A102 page #

Louvers 6063-T5
All others components 6063-T6
aluminium type

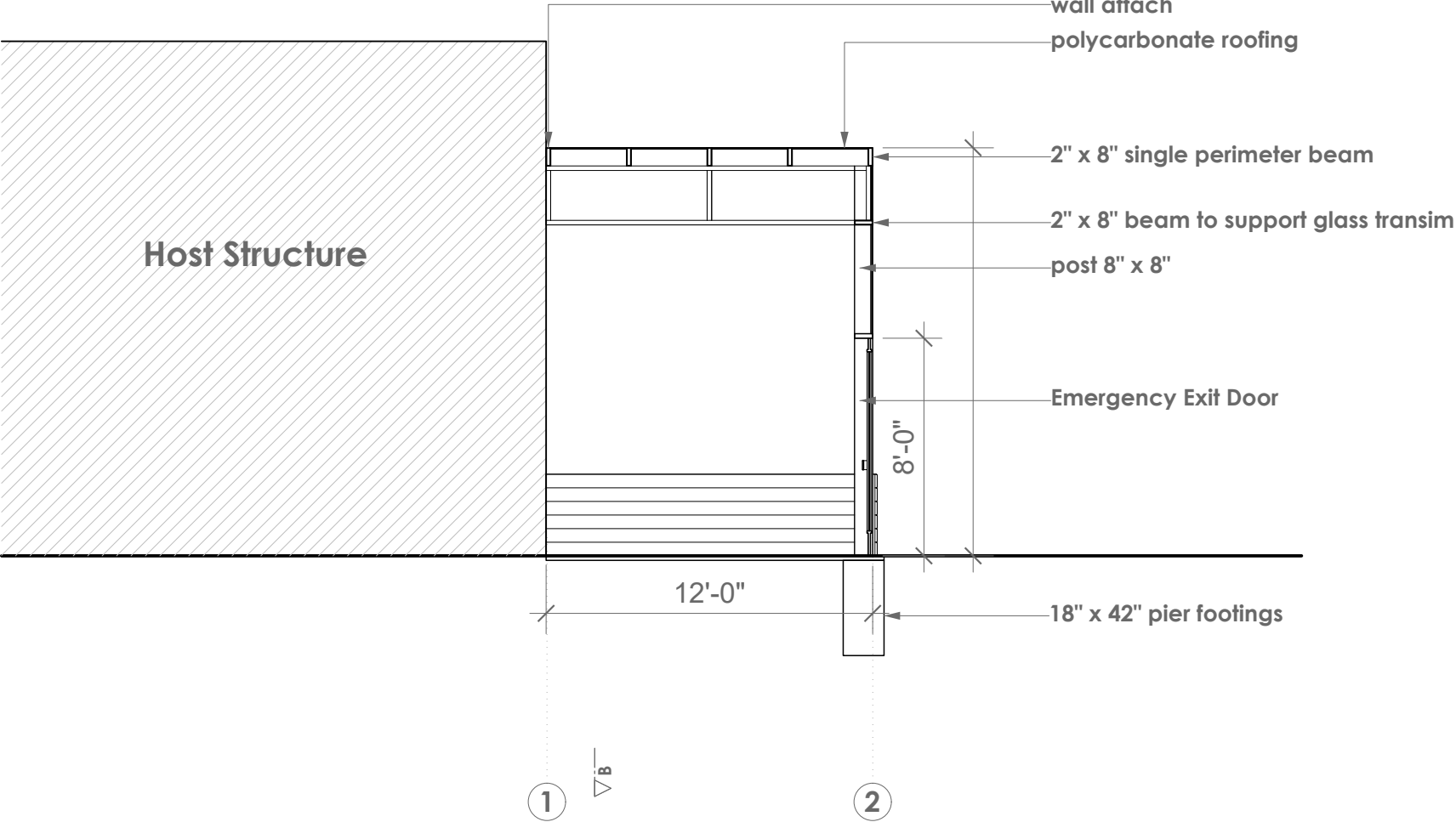


Seating Plan
Scale: 1" = 6' 0"

Social Birmingham



South Elevation
Scale: 1" = 6' 0"



Section A-A
Scale: 1" = 6' 0"

**SKYVIEW**
DETROIT

2605 Oakley Park Rd,
cCommerce Charter Twp, MI 48390
presented by

December 10, 2024
date issued

225 E Maple Rd.
address

241210
project #

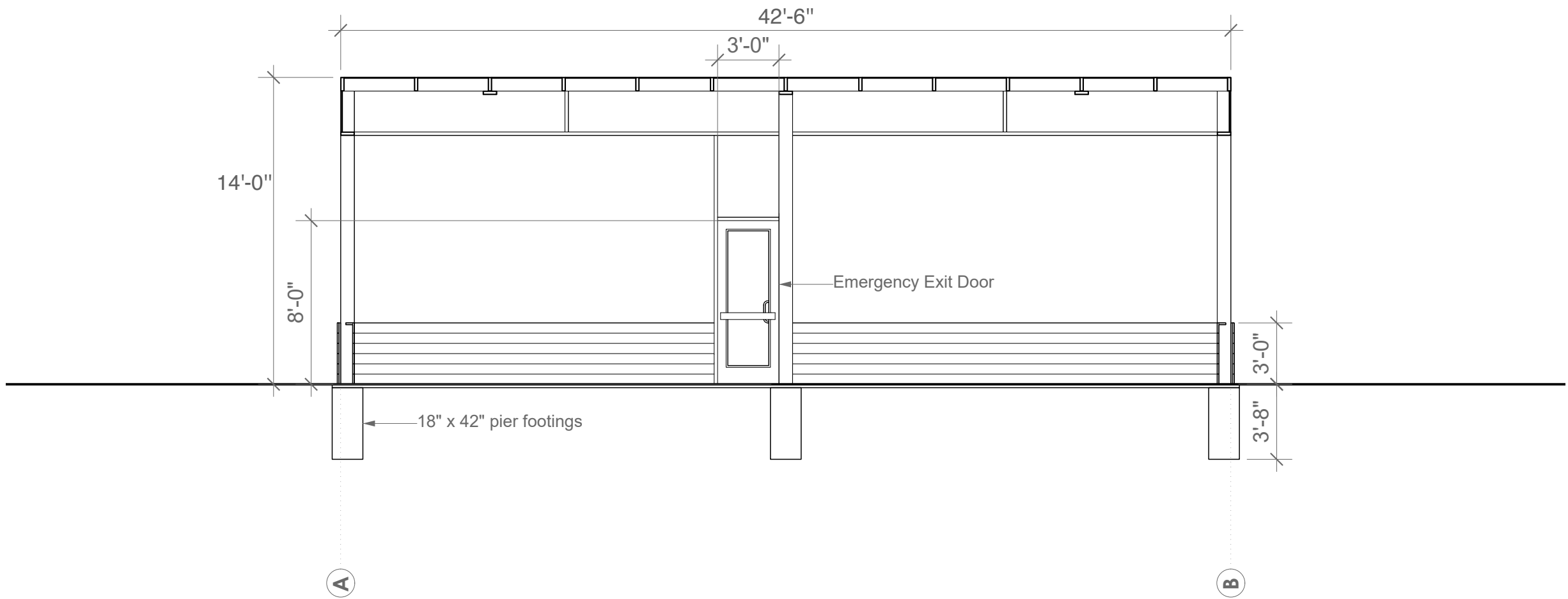
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drawing #

Section A-A
page name

A104
page #

Louvers 6063-T5
All others components 6063-T6
aluminium type

Social Birmingham



2605 Oakley Park Rd,
cCommerce Charter Twp, MI 48390
presented by

December 10, 2024
date issued

225 E Maple Rd.
address

241210
project #

05
drawing #

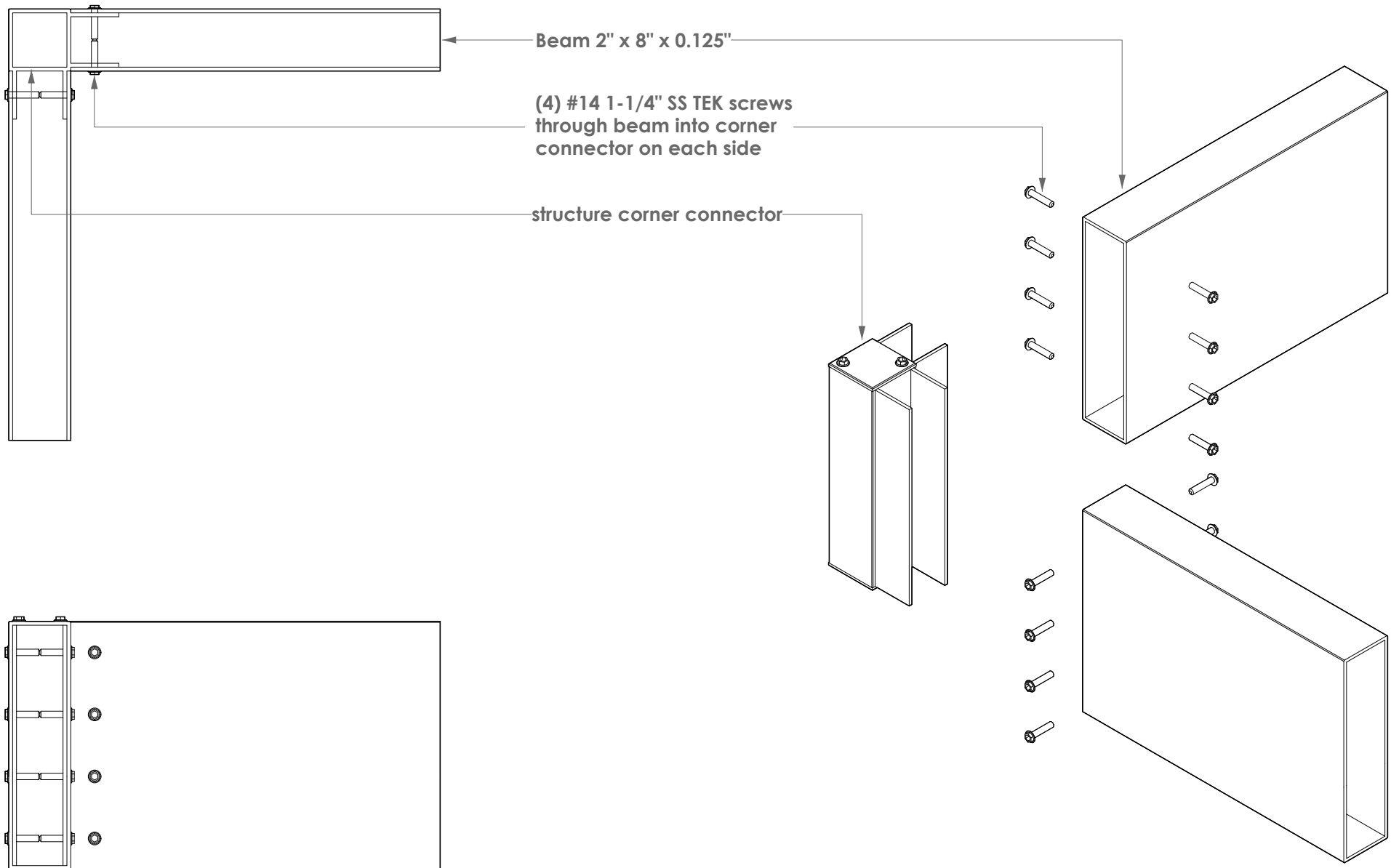
Section B-B
page name

A105
page #

Louvers 6063-T5
All others components 6063-T6
aluminium type

Section B-B
Scale: 1" = 6' 0"

Social Birmingham



SKYVIEW
DETROIT
2605 Commercial Park Rd,
Commerce Charter Twp, MI 48390
presented by,

December 10, 2024
date issued

225 E Maple Rd.
address

241210
project #

06
drawing #

Corner Detail
page name

A106
page #

Louvers 6063-T5
All others components 6063-T6
aluminium type

○ Corner Detail

Social Birmingham



2605 Oakley Park Rd,
cCommerce Charter Twp, MI 48390
presented by

December 10, 2024
date issued

225 E Maple Rd.
address

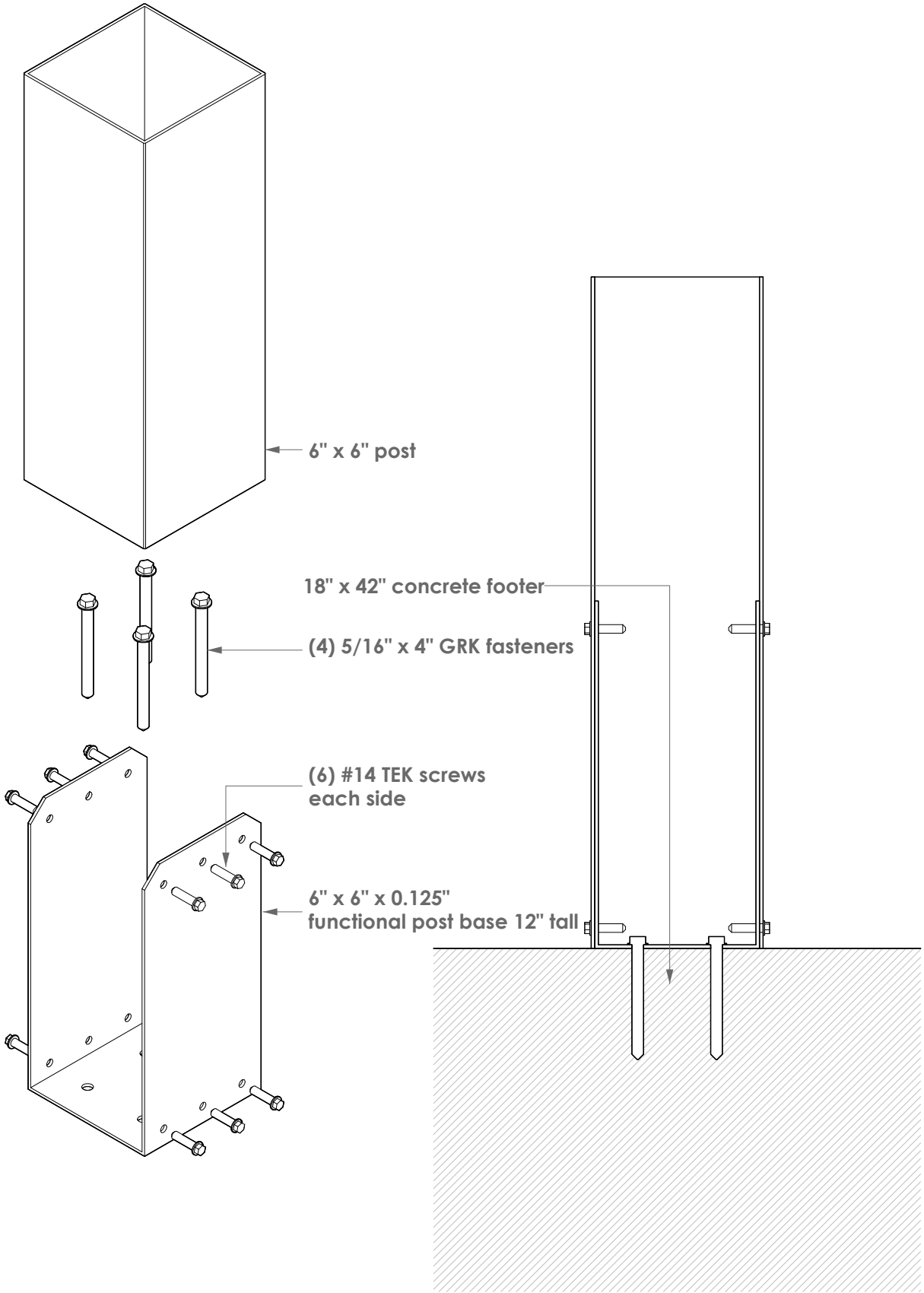
241210
project #

07
drawing #

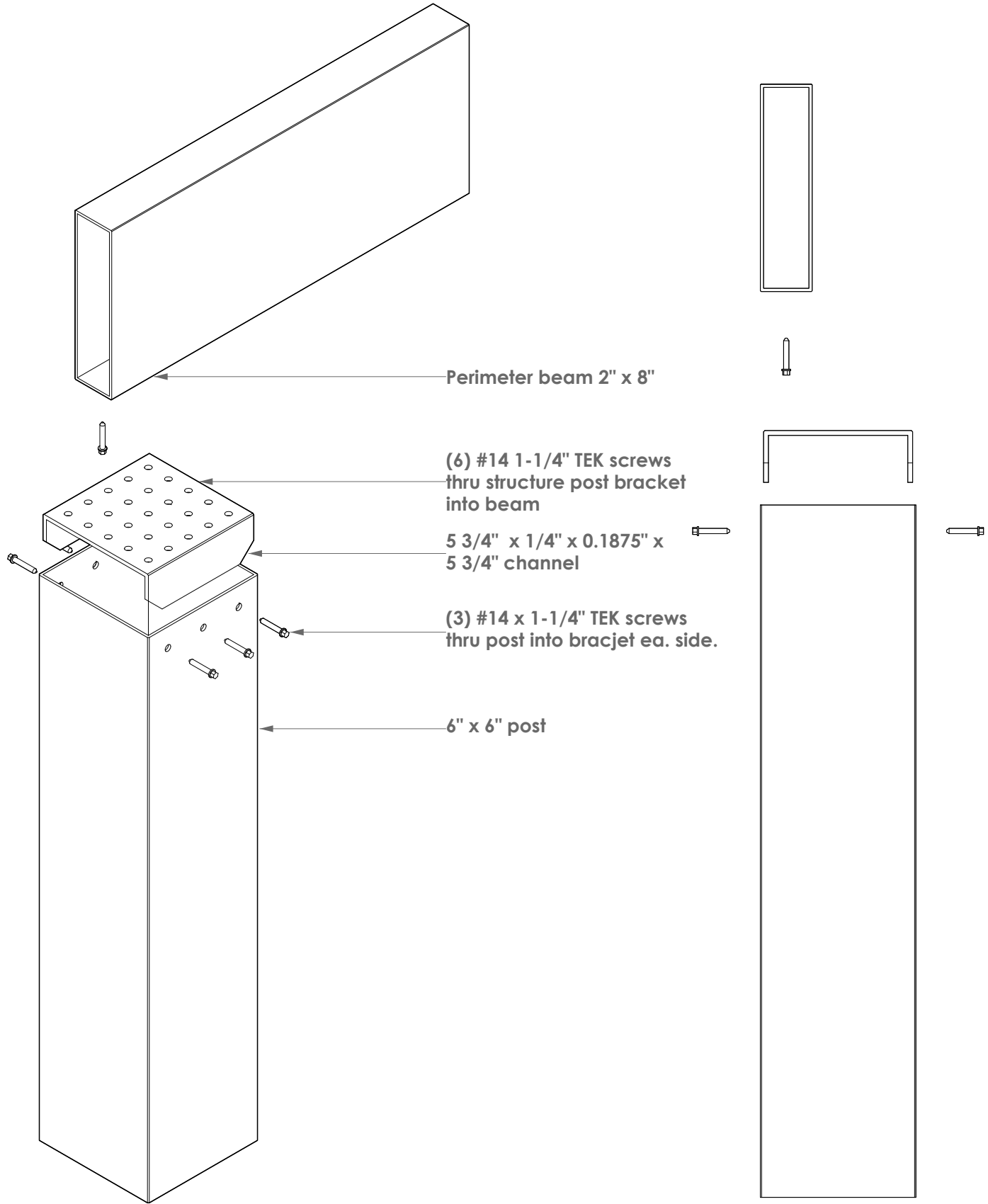
Footer Detail
page name

A107
page #

Louvers 6063-T5
All others components 6063-T6
aluminium type



Social Birmingham



SKYVIEW
DETROIT

2605 Oakley Park Rd,
cCommerce Charter Twp, MI 48390
presented by

December 10, 2024
date issued

225 E Maple Rd.
address

241210
project #

08
drawing #

Post Detail
page name

A108
page #

Louvers 6063-T5
All others components 6063-T6
aluminium type

Post Detail

Social Birmingham

For concret attachment:

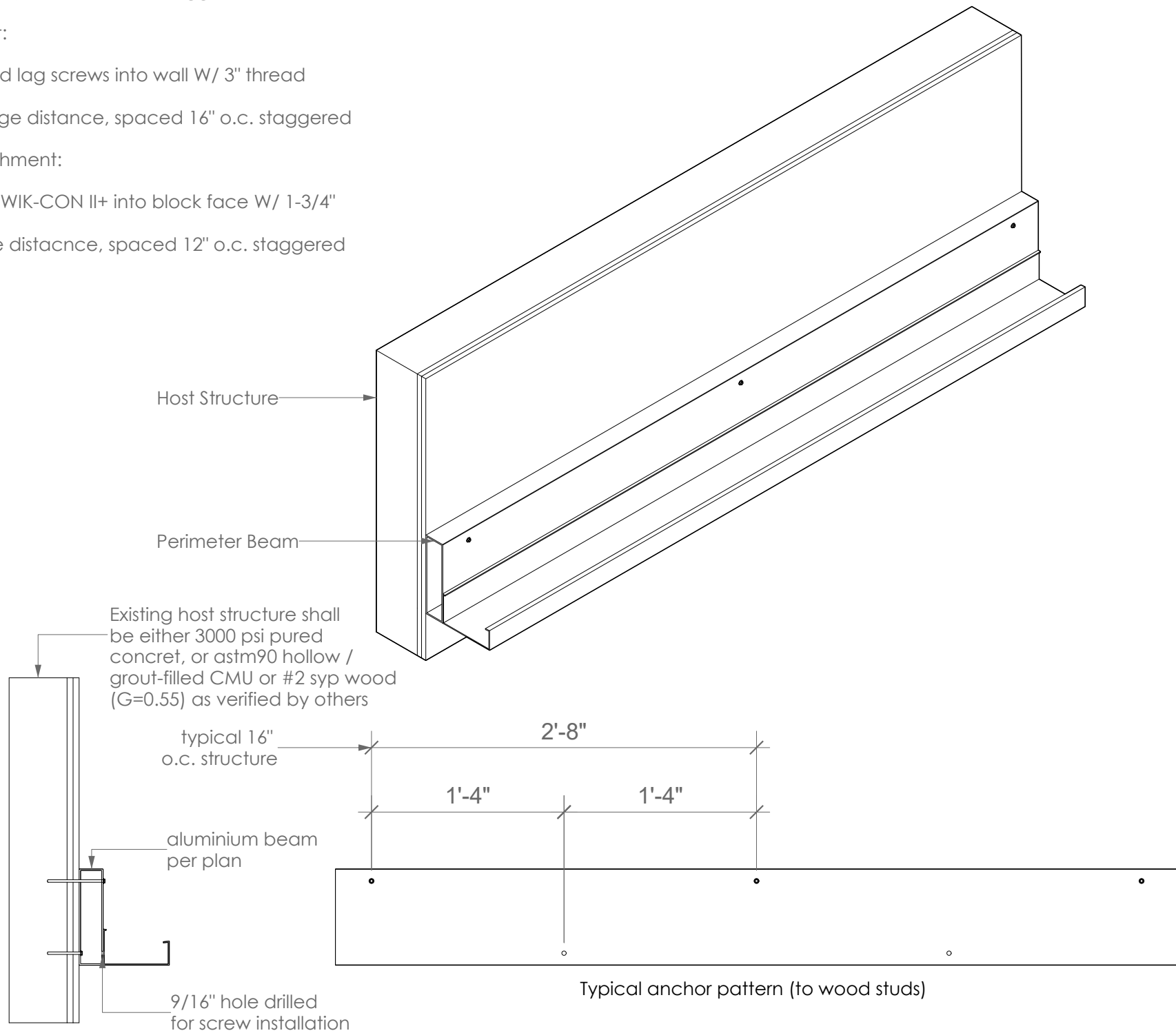
(2) 1/4" diam. ITW stainless steel tapcon into wall W/ 3" embedment
and 3" Edge distance, spaced 12" O.C. staggered

For wood attachment:

(2) 1/4" diam. s.s. wood lag screws into wall W/ 3" thread
engagement
and 3/4" minimum edge distance, spaced 16" o.c. staggered

For hollow CMU attachment:

(2) 1/4" diam s.s. Hilti KWIK-CON II+ into block face W/ 1-3/4"
embedment
and 3" minimum edge distance, spaced 12" o.c. staggered



2605 Oakley Park Rd,
cCommerce Charter Twp, MI 48390
presented by

December 10, 2024

date issued

225 E Maple Rd.

address

241210
project #

09
drawing #

Wall Attach
page name

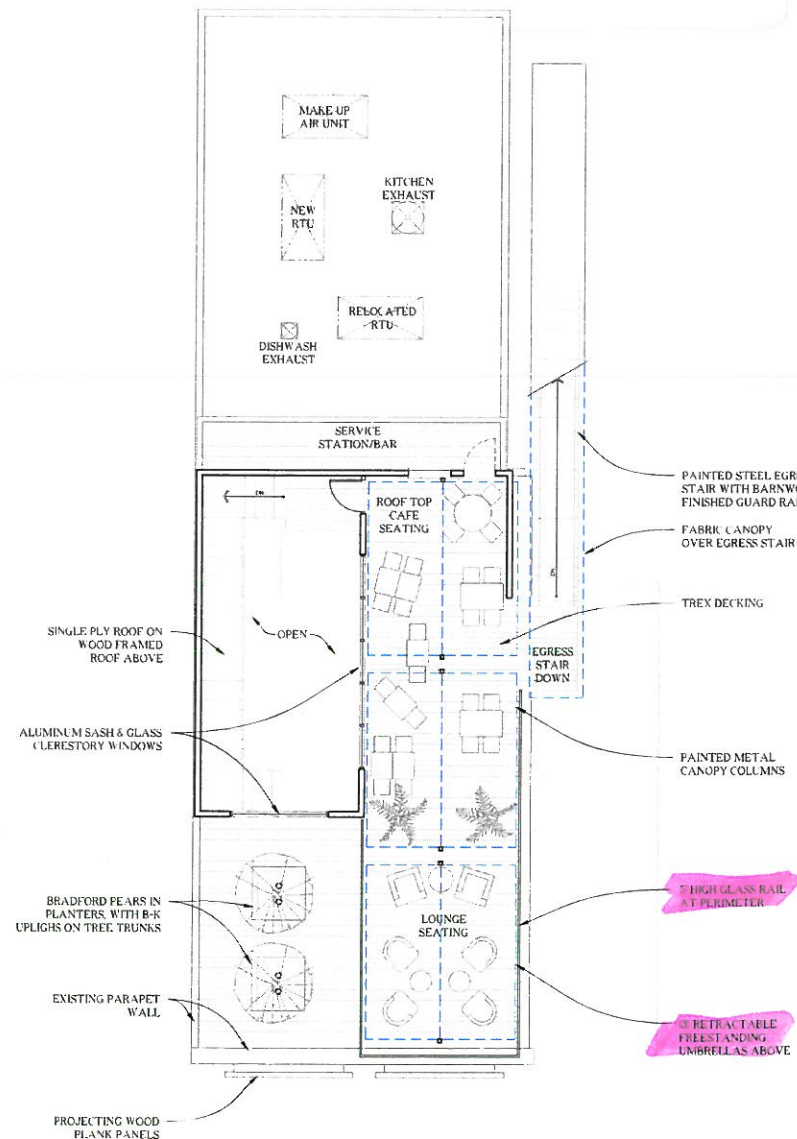
A109
page #

Louvers 6063-T5
All others components 6063-T6
aluminium type

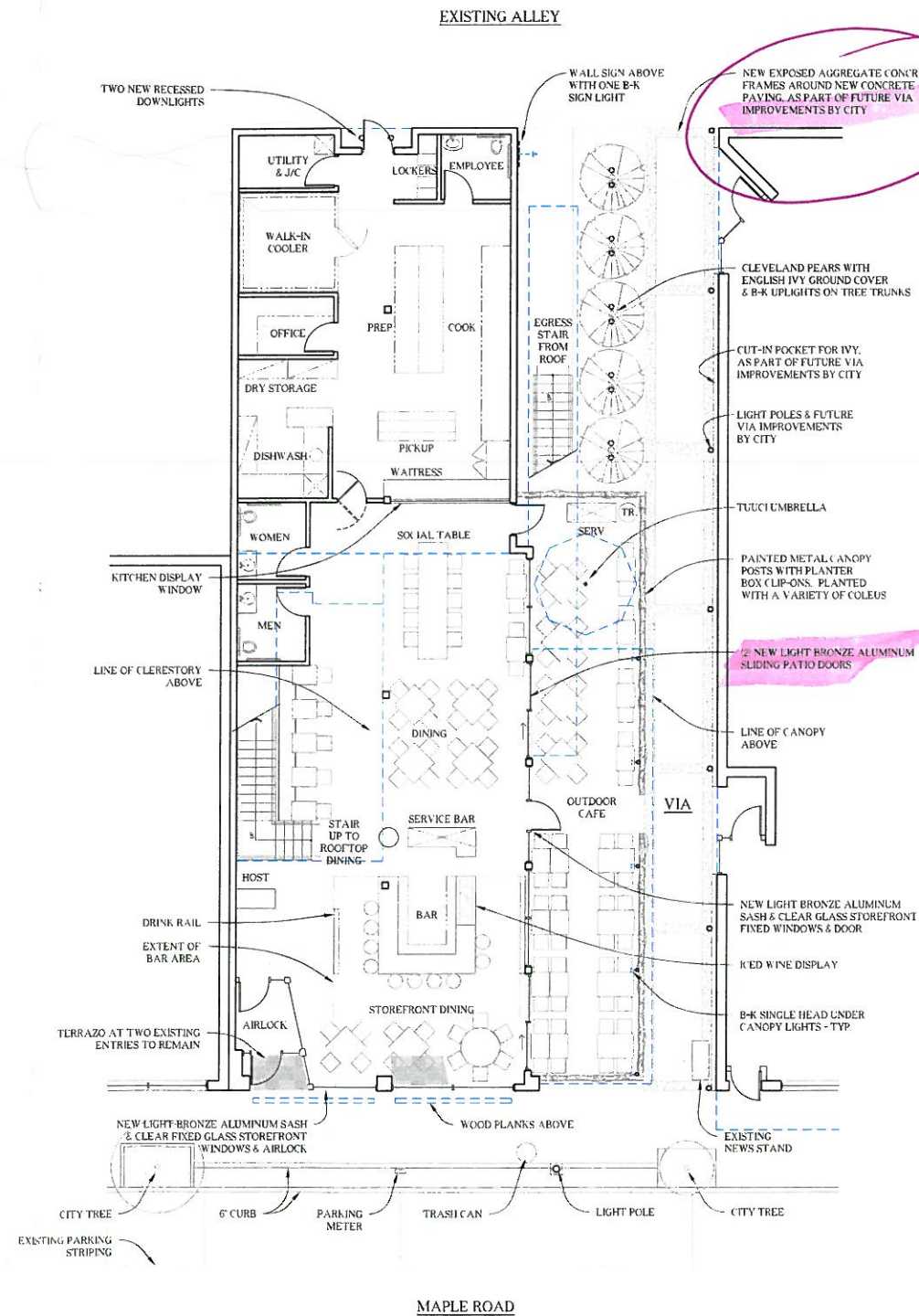
Wall Attach Detail



3 Location Map
NTS



2 Roof Plan
scale: 1/8" = 1'-0"



1 Ground Floor Plan
scale: 1/8" = 1'-0"



SEATING DATA

BAR STOOLS	10
DINING SEATS	54
TOTAL INTERIOR	64
SEASONAL VIA CAFE SEATS	56
SEASONAL ROOFTOP CAFE SEATS	30
TOTAL SEASONAL	86
GRAND TOTAL SEATS	150

APPROVED by CC on 1/9/12
w/conditions noted
in SLUP resolution
SLUP + FSP
JFK

Ronand Roman
architects et al.
275 E. Frank St. Birmingham, MI 48009
o) 248.723.5790 f) 448.723.5793

Project:

Social
Bistro SLUP
225 Maple Rd., Birmingham, MI 48009

Seal:

Issue Date:

SLUP	11/4/11
Revision	11/9/11
Revision	11/18/11
Revision	1/5/12

Sheet Title:

Floor Plan &
Roof Plan

Sheet Number:

A-1

Project:

Social Kitchen & Bar
Bistro SLUP
225 Maple Rd., Birmingham, MI 48009

Seal:

Issue Date:

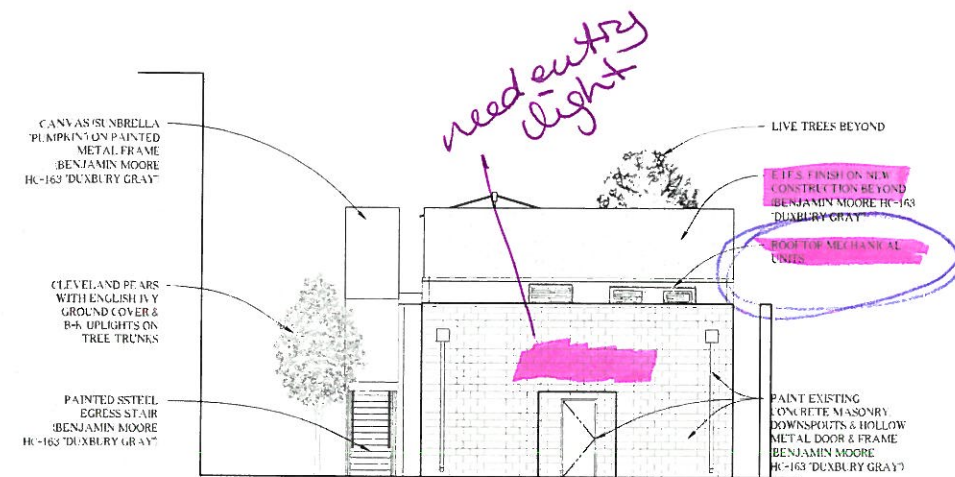
SLUP	11/4/11
Revision	11/9/11
Revision	11/18/11
Revision	1/5/12

Sheet Title:

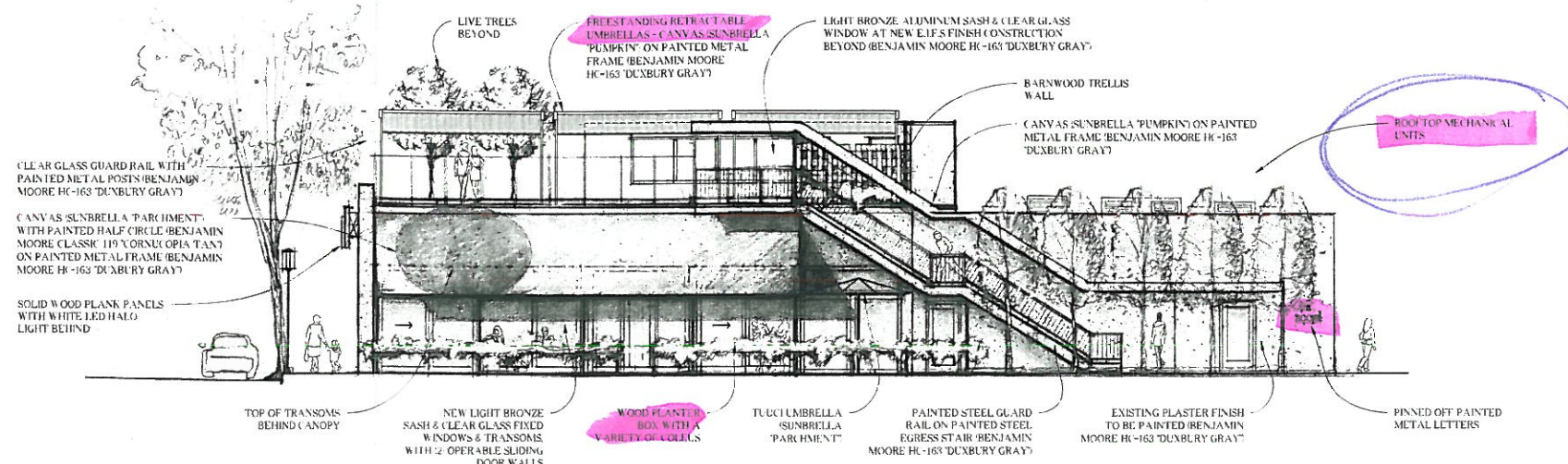
Exterior Elevations

Sheet Number:

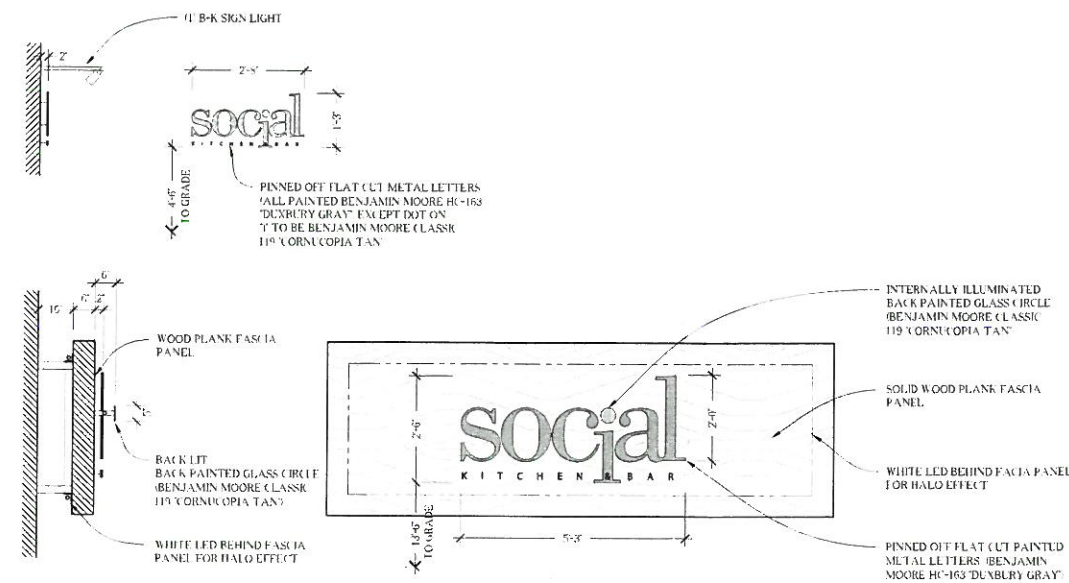
A-2



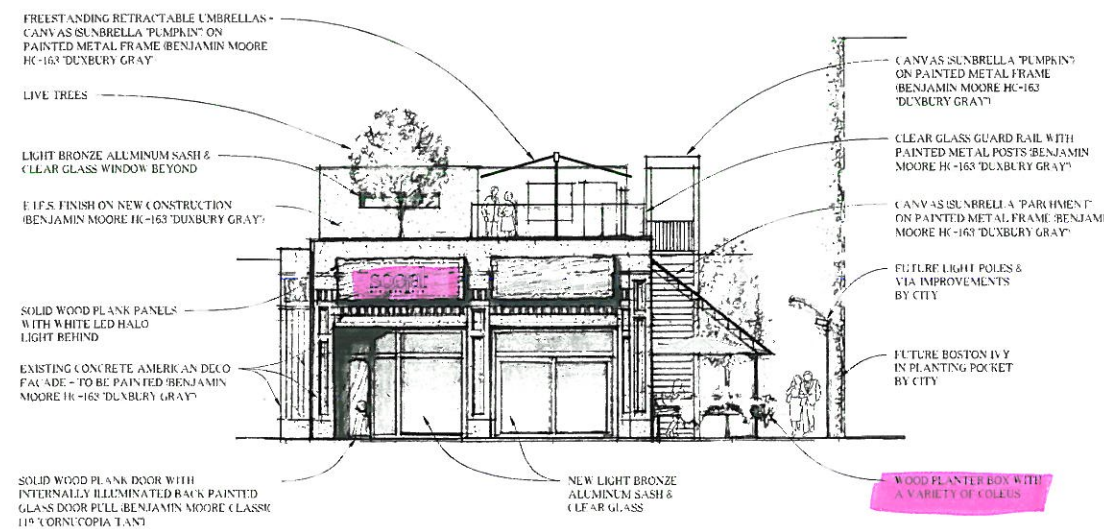
4 Exterior Elevation Facing the Alley
scale 1/8" = 1'-0"



2 Exterior Elevation Facing the Via
scale 1/8" = 1'-0"



3 Sign Details
scale 1/2" = 1'-0"



1 Exterior Elevation Facing Maple
scale 1/8" = 1'-0"

CASE DESCRIPTION

774 Lakeside (25-05)

Hearing date: March 11, 2025

Appeal No. 25-05: The owner of the property known as **774 Lakeside**, requests the following variances for a single story rear addition and a second floor addition:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that the maximum lot coverage is 30% of the lot in the residential zones. The required amount for this lot of 30% is 3372.90 SF. The proposed is 33.1% (3721.80 SF). Therefore, a variance of 3.10% (348.90 SF) is being requested.

B. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that a minimum rear yard setback is 30.00 feet. The existing rear yard at the garage is 10.70 feet. The proposed is 20.90 feet for the mud room on the first floor. Therefore, a variance of 9.10 feet is requested.

C. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that a minimum rear yard setback is 30.00 feet. The existing rear yard at the existing home is 24.25 feet. The proposed is 20.90 feet for the second floor addition. Therefore, a variance of 5.75 feet is requested.

Staff Notes: The applicant is seeking a variances to construct a single story addition and a second floor rear addition to the existing non-conforming home built in 1948.

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)

774 LAKESIDE 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: 774 LAKESIDE DRIVE	Lot Number: 160	Sidwell Number: 19.26+27.004
------------------------------------	------------------------	-------------------------------------

II. OWNER INFORMATION:

Name: JOHN AND PHILIP FRACASSA			
Address: 774 LAKESIDE DRIVE	City: BIRMINGHAM	State: MI	Zip code: 48009
Email: PHILLIP.FRACASSA@GMAIL.COM		Phone: (419) 345.1839	

III. PETITIONER INFORMATION:

Name: EVE HADLEY	Firm/Company Name: BIRMINGHAM RESIDENT		
Address: 4602 PILGRIM AVE.	City: BIRMINGHAM	State: MI	Zip code: 48009
Email: KHARTASSOCIATES@AOL.COM		Phone: (248) 981.3118	

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

N/A → ☒ 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: **1/21/25**

Signature of Petitioner:

Date: **01/20/25**

Eve Hadley
462 Pilgrim Avenue
Birmingham, Michigan 48009

January 22, 2025

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

Subject: Fracassa Residence-774 Lakeside Drive

Dear Members of the Board,

Thank you for your review of this variance request. The Fracassa Family residence is an existing, non-conforming home located at 774 Lakeside Drive in Birmingham. The home was originally built in the 1940's and its construction preceded the existing ordinance by several decades. The current house is a legal, non-conforming structure with encroachments of 1'-1" into the front setback, and 19'-2" into the rear yard setback. The current lot coverage is also non-conforming with a 30.6% lot coverage at 0.6% above the allowable 30% coverage.

The Fracassa Family is proposing to build an austere 794 square foot addition to their home. The first floor addition would be a new 78 square foot, safe entry way into the house from the garage to the mud room. The existing entry does not allow safe egress to the garage and out of the house with the very narrow 18 foot width of the garage. The second floor addition would construct a new 716 square foot master suite directly above the support walls on the first floor below. The proposed construction will not extend beyond the current lines of structure. The design sensibly stacks the new walls over the existing walls below seamlessly. It was determined that the new structure would not build 5.75' outward to the West because of the high coffered ceiling in the existing library below. That construction above would require substantial demolition of that existing library ceiling/roof structure.

The unique circumstance for the house is its age. The home is an existing, non-conforming structure. The non-conformity was not self created. The proposed addition is a sensible approach enlarging the structure without adverse effects on the neighboring properties. Forcing the homeowners to adhere to the rear yard setback requirement would create an undue hardship with a complicated structure that would require an expensive, disjointed and improper geometry. The proposed addition would be harmonious to the existing structure and would appear to have been part of the original construction. It will not be visible, with the positioning of the new structure at the back of the house. The work will be attractive to the homeowners and to the neighbors. The mud room entry addition would provide safer access and egress to and from the narrow width garage and the house.

The Fracassa Family respectfully requests relief from the 30% lot coverage requirement with a 3.1% variance due to the first floor mud room extension (Variance A), a first floor rear yard dimensional setback of 9.1 feet (Variance B), and a second floor rear yard dimensional variance of 5.75' (Variance C).

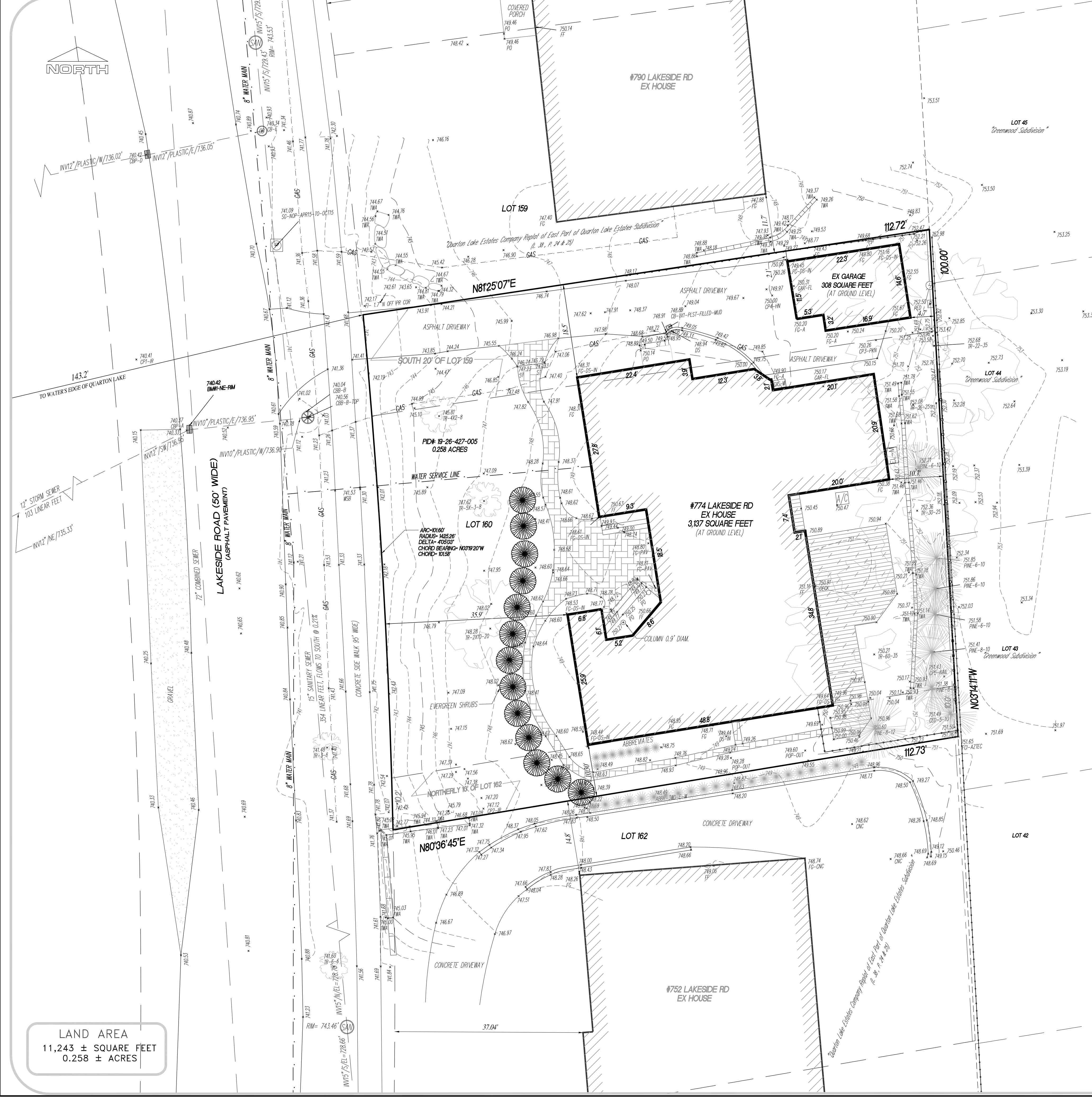
Please feel free to contact me if you have any questions or concerns.

Again, thank you for considering these variance requests.

Sincerely,

Eve Hadley

TOPOGRAPHIC SURVEY



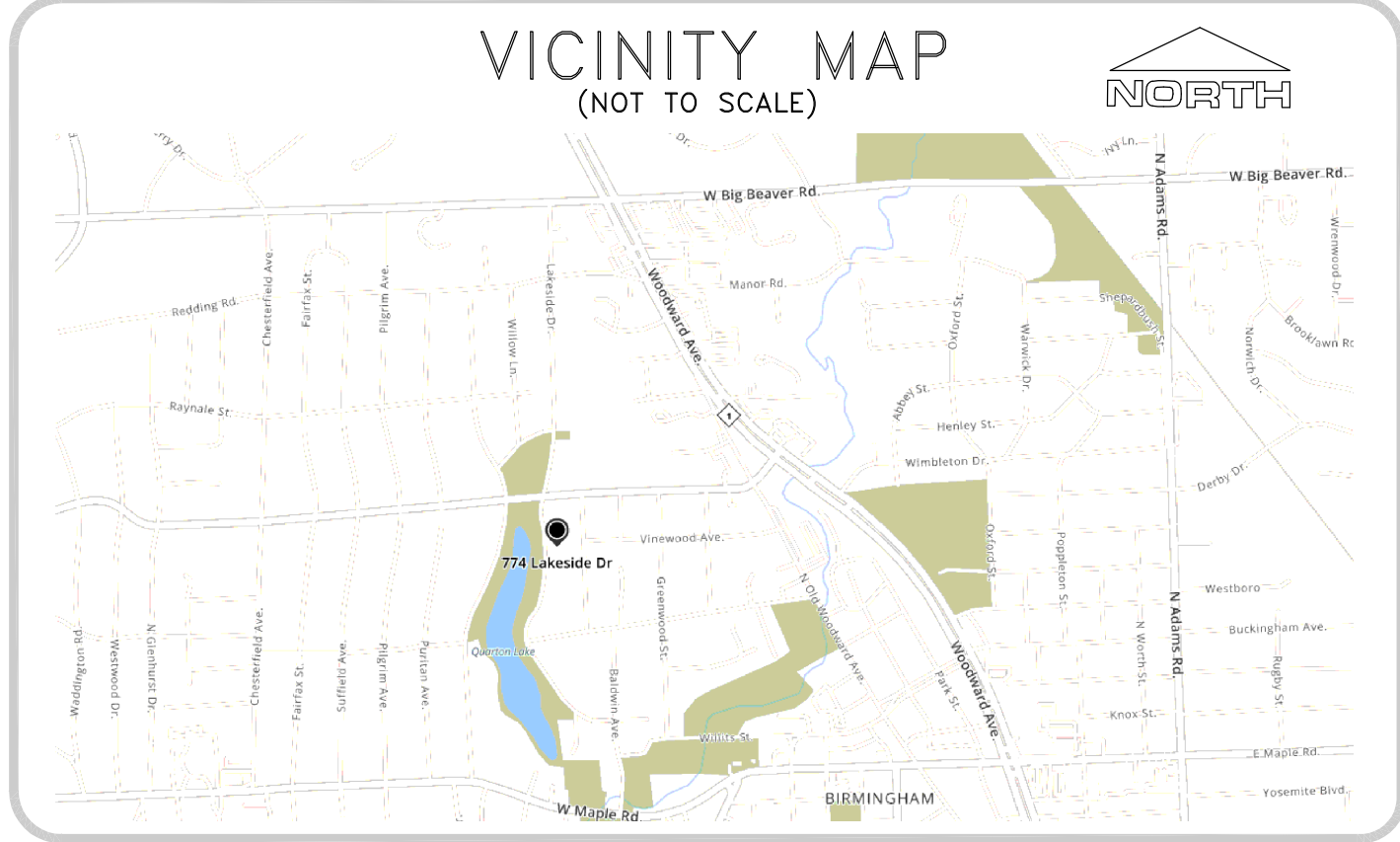
LAND AREA
11,243 ± SQUARE FEET
0.258 ± ACRES

AVERAGE FRONT SET BACKS
ALONG LAKESIDE DRIVE
#840 LAKESIDE DR: 42.1'
#790 LAKESIDE DR: 37.8'
#774 LAKESIDE DR: 35.9'
#752 LAKESIDE DR: 37.0'
#726 LAKESIDE DR: 32.4'
TOTAL: 185.2'
185.2' / 5= 37.0'
AVERAGE FRONT SET BACK: 37.0'

BENCH MARK INFORMATION
BENCH MARK # 19:
Found brass disc at the NE corner of Chesterfield
Avenue and Oak Avenue.
EL=767.494' (City of Birmingham Vertical Datum)
Site Bench Mark No. 1:
NE Rim of pavement catch basin the the West edge
of Lakeside Road and across of the subject property.
EL=740.42' (City of Birmingham Vertical Datum)

FLOOD NOTE
Subject property as depicted herein,
DOES NOT LIE in a Special Flood
Hazard Area (SFHA), according to Flood
Insurance Rate Map (FIRM) No. 260168,
Panel No. 0536, Suffix "F", being
effective as of September 28, 2006.

- LEGEND
- UTILITY POLE
 - OVER HEAD WIRE
 - PRIVACY FENCE
 - CHAIN LINK FENCE
 - PAVEMENT CATCH BASIN/CBP
 - EX. CATCH BASIN BEEHIVE
 - EX. SANITARY M.H.
 - EX. HYDRANT
 - EX. WATER SHUT OFF
 - DECIDUOUS TREE
 - EVERGREEN TREE
 - EVERGREEN BRUSH
 - GRAVEL
 - PAVERS
 - WOODEN DECK
 - EX SPOT ELEV.
 - EX CONTOUR
 - ELEVATION
 - FINISH FLOOR
 - FINISH GRADE
 - PARCEL IDENTIFICATION NUMBER
 - TREE-8" TRUNK-8FT SPREAD
 - FOUND MONUMENT
 - FOUND IRON/PIPE
 - DOWN SPOUT
 - DOWN SPOUT IN GROUND
 - INVERT
 - GAS-METER
 - ELECTRIC METER
 - TOP OF WALL
 - BENCH MARK
 - CONTROL POINT
 - HILTY NAIL IN ASPHALT
 - IRON ROD
 - PORCH
 - STEPS
 - CONCRETE
 - PLSTIC



GENERAL NOTES

- Utility information as shown herein are compilation of field observation and City's records, therefore no guarantee could be given as to their exact location and depth. An excavation might be needed in order to determine utility position.
- All measurements as shown herein are existing.
- All symbols as shown herein are not to scale.
- Client/contractor shall obtain all pertinent permits when connecting to public utilities and comply to City's requirements.
- All measured elevations are expressed in City of Birmingham Vertical Datum.
- AB-SB Land Survey, P.C. retains the sole ownership of this document as an instrument of service and it can not be reused nor reproduced without written permission and additional compensation.
- Copyright © 2024 AB-SB Land Survey, P.C.

LEGAL DESCRIPTION

#774 Lakeside Road, Birmingham, MI, 48009

Part of the SE 1/4 of Section 26, Town 2 North, Range 10 East, City of Birmingham, Oakland County, Michigan, being more particularly described as follows:
South 20 feet of LOT 159, ALL of LOT 160 and NORTHERLY part of LOT 161, measured 10.2 feet on front line and 10.00 feet at rear line of "Quarton Lake Estates Company Replat of East Part of Quarton Lake Estates Subdivision", as being recorded in Liber 38 of Plats, on Page 24 & 25, Oakland County Records. Containing: 11,243 Square Feet--0.258 Acres, more or less. Parcel Identification Number: # 19-26-427-004. Subject to the rights of a public and any easements and/or restrictions of record or otherwise.

Note: Since our survey DOES NOT include a Title Search there could be easements and/or encumbrances upon the subject property that are not shown at this time.

Mende Bezanovski, P.S.#4001049430
State of Michigan



Know what's below.
Call before you dig.



36636 North Pointe Dr. New Baltimore, MI 48047
TEL: (586) 822-4964, FAX: (586) 591-5930
info@ab-sb-landsurvey.com;
www.ab-sb-landsurvey.com

SCALE: 1" = 10'

JOB NUMBER: 2024-12-09-272-KH

FIELD: MB

REVISIONS:

CLIENT: Mr. & Mrs. Philip & Joan Fracassa

ADDRESS:
774 Lakeside Road
Birmingham, MI, 48009

PAGE: 1 OF 1

DRAWN: MB

CHECKED: MB

DATE: 12-15-2024

TEL:
FAX:

GENERAL CONSTRUCTION NOTES

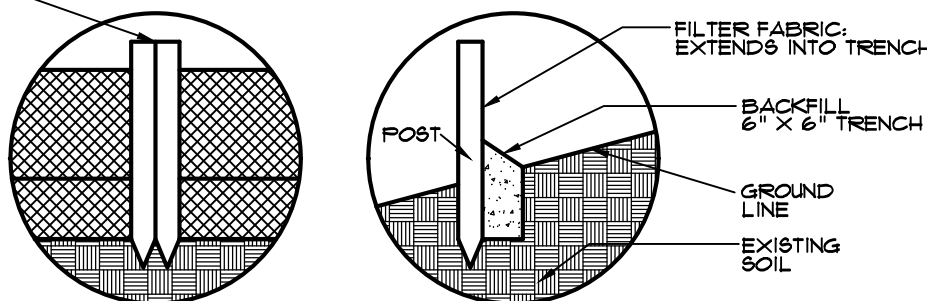
- DO NOT SCALE DRAWINGS, USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS NOTIFY THE ARCHITECT IMMEDIATELY FOR DIRECTION.
- CONTRACTOR SHALL VERIFY ALL CONDITIONS, INCLUDING UNDERGROUND UTILITIES AND FIELD MEASUREMENTS AT THE JOB SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING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

TOP CHORD	LIVE LOAD	30 PSF
	DEAD LOAD	7 PSF
BOTTOM CHORD	LIVE LOAD	0 PSF
	DEAD LOAD	10 PSF
	TOTAL	41 PSF

- NAILING SCHEDULE FOR PLYWOOD SHEATHING: 10d NAILS AT 6" ON CENTER, AT DIAPHRAGM BOUNDARY AND ALONG END SUPPORTING MEMBERS, 10d NAILS AT 12" ON CENTER ALONG INTERMEDIATE FRAMING MEMBERS.
- MICRO-LAM BEAMS (LVL'S) SHALL BE BY "TRUSS JOIST MACMILLAN" OR EQUAL. ALL BEAMS JOINED TOGETHER SHALL BE PER MANUFACTURER'S SPECIFICATIONS. NO SUBSTITUTIONS SHALL BE ACCEPTABLE WITHOUT PRIOR APPROVAL OF THE ARCHITECT.
- INSTALL DOUBLE FLOOR JOISTS UNDER ALL UPPER FLOOR LEVEL. PARALLEL PARTITIONS.
- BUILDER SHALL PROVIDE METAL DIAGONAL CORNER AND WIND BRACING AT CORNERS PER CODE 'X' AND 'K' SHAPED BRACINGS ARE ACCEPTABLE.
- ALL WINDOW NUMBERS REFER TO MANUFACTURER INDICATED ON THE PLANS. IF AN ALTERNATE WINDOW MANUFACTURER IS USED, ALL SHAPES AND SIZES SHALL MATCH IN ALL DIMENSIONS. EVERY SLEEPING RM. SHALL BE PROVIDED WITH AN OPERABLE EGRESS WINDOW. THE SILL HEIGHT SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR. THE WINDOW WHEN OPEN, SHALL HAVE A NET CLEAR OPENING AREA OF 5.7 SQ. FT. THE MINIMUM NET CLEAR OPENING WIDTH SHALL BE AT LEAST 20" AND MINIMUM NET CLEAR OPENING HEIGHT OF AT LEAST 24" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- ALL MASONRY VENEER WALLS TO BE PROVIDED WITH WALL TIES AND WEEP HOLES PER CURRENT CODE, AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- ALL STAIRWAYS, STAIRWAY GUARDS, HANDRAILS, BALUSTERS, HEADROOM DIMENSIONS, RISERS AND TREADS SHALL COMPLY WITH ALL CODE REQUIREMENTS, AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- PROPERLY VENTILATE ROOF SO THERE IS A CROSS-VENTILATION WITH ROOF VENTS AND SOFFIT VENTS PER THE CURRENT MICHIGAN BUILDING CODE. CONTINUOUS ROOF RIDGE VENT SHALL BE BY MID-AMERICA BUILDING PRODUCTS, PLYMOUTH, MICHIGAN (800) 521-8476. PROVIDE AN UNDERLAYMENT OF 3/4" FELT UNDER ASPHALT SHINGLES AND A LAYER OF GRACE ICE AND WATER SHIELD FROM EAVE TO ENTIRE LENGTH OF ROOF (100% OF ROOF ENTIRELY). SEE WALL SECTION FOR ICE SHIELD DETAIL. INSULATION IS TO BE PROVIDED WITH A VAPOR BARRIER ON THE WARM SIDE SURFACE. NET FREE VENTILATION AREA REQUIRED IS 1/300th OF THE AREA BEING VENTILATED. 50% OF THAT AREA SHALL BE IN THE UPPER PORTION OF THAT SPACE. THE REMAINDER VENTILATION IS TO BE PROVIDED BY CONTINUOUS SOFFIT VENTS, EAVE VENTS AND CROSS VENTS.
- ALL CONCRETE FLAT WORK SHALL BE PLACED ON 4" OF COMPACTED SAND.
- PROVIDE ALL NECESSARY UNDERPINNING AND BRACING AS REQUIRED TO PROPERLY INSTALL NEW FOOTINGS.
- PROVIDE WATERPROOFING ASPHALTIC PARKING COATING BELOW GRADE IF REQUIRED.
- THE CONTRACTOR SHALL PROVIDE WRITTEN CHANGE ORDERS DOCUMENTING ADDITIONAL WORK, OR DELETION OF WORK, PRIOR TO THE CHANGE EFFORT ON THE JOB.
- LOTS AND STREET SHALL BE MAINTAINED FREE OF DIRT AND DEBRIS DURING CONSTRUCTION.
- PLASTER AND TAR ALL BRICK BELOW GRADE.
- PROPERLY VENT CRAWL SPACES PER STATE MECHANICAL CODE.
- BATH FANS TO BE VENTED TO EXTERIOR.
- HANDRAIL GRIP SIZE SHALL NOT EXCEED A MAXIMUM HORIZONTAL CROSS-SECTIONAL DIMENSION OF 2 5/8" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- BALCONY GUARDS SHALL BE BALUSTERS SPACED NO FARTHER THAN 4" APART PER THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- PROVIDE 2X10 DOUBLE HEADER AT ALL INTERIOR DOOR OPENINGS AND 2X10 TRIPLE HEADER AT ALL EXTERIOR DOOR AND WINDOW OPENINGS (UNLESS OTHERWISE SPECIFIED)
- PROVIDE METAL STRAPPED UNDERBRACING AT EACH END OF EXTERIOR WALLS (TYPICAL)
- PROVIDE ELECTRICALLY POWERED SMOKE DETECTORS ON EACH LEVEL, IN EACH BEDROOM, AND BEDROOM HALLWAYS. UNITS ARE TO BE WIRED 80 IF ONE SOUND, THEY ALL SOUND. ALL SHALL HAVE BATTERY BACK UP PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE SECTION R311.
- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- FIRESTOP ALL DROPS + CHASES, ELECTRICAL, PLUMBING + HEATING, APPROVED FIRESTOP MATERIAL REQUIRED FOR ALL DROPS + FLOOR OR CEILING PENETRATIONS AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- DESIGN LOADS:
 - ROOF LIVE LOAD = 25 P.S.F.
 - ROOF DEAD LOAD = 15 P.S.F.
 - FLOOR LIVE LOAD = 40 P.S.F.
 - FLOOR DEAD LOAD = 15 P.S.F.
 - WIND LOAD = 20 P.S.F.
- INSULATION 'R' VALUES SHALL COMPLY WITH TABLE N1021, OF THE 2015 MICHIGAN RESIDENTIAL CODE, UNLESS OTHERWISE NOTED.
- PROVIDE ON-SITE DUMPSTER THROUGHOUT THE DURATION OF THE WORK.
- PROVIDE ON-SITE PORT-A-JOHN THROUGHOUT THE DURATION OF THE WORK.
- PAINT ENTIRE INTERIOR AND EXTERIOR OF HOME. EXTERIOR SIDING AND TRIM TO BE PAINTED WITH ONE COAT PRIMER AND TWO COATS FINISH WITH BENJAMIN MOORE PREMIUM PAINT OR OWNER'S EQUAL. SPECIFICATION SHOULD INCLUDE THREE COLORS AND COMPLETE CAULKING BOTH EXTERIOR AND INTERIOR. INTERIOR CEILINGS TO BE FLAT FINISH, WALLS IN EGG SHELL, AND ALL TRIMS AND CABINETS IN HIGH GLOSS "PEARL" FINISH.
- ALL ENGINEERED WOOD PRODUCT DOCUMENTATION (IE. TRUSSES, I-JOIST ETC., WILL BE REQUIRED TO BE SUBMITTED PRIOR TO OR AT THE ROUGH FRAME INSPECTION.
- AN INSULATION CERTIFICATE IS REQUIRED TO BE SUBMITTED PRIOR TO THE CERTIFICATE OF OCCUPANCY INCLUDING ANY BLOWN IN PRODUCT.

GEOTEXTILE SILT FENCE

WHEN JOINING TWO OR MORE SILT FENCES TIE THE TWO END POSTS TOGETHER WITH NYLON CORD.



NOTE:
THIS PLOT PLAN WAS PREPARED BASED ON INFORMATION PROVIDED BY THE OWNER, CONTRACTOR AND OR CIVIL ENGINEER, AND IS SCHEMATIC ONLY. FOR DEFINITIVE INFORMATION SEE CIVIL DRAWINGS (BY OTHER)

NOTE:
KEVIN HART AND ASSOCIATES ASSUMES NO RESPONSIBILITY FOR ANY CHANGES MADE TO THIS DRAWING IN THE FIELD.

NOTE:
THIS DRAWING IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY. THIS DRAWING IS NOT TO BE USED FOR THE ESTABLISHMENT OF ANY PROPERTY LINES OR OTHER IMPROVEMENTS.

NOTE:
THIS PLOT PLAN WAS PREPARED IN THE OFFICE. FIELD WORK WAS PERFORMED. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL APPLICABLE CODES AND OR ORDINANCES.

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

SOIL EROSION AND SEDIMENTATION CONTROL PLAN NOTES:

- SOIL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF THE STATE AND COUNTY BUILDING OFFICIALS.
- DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE EFFECTIVENESS OF EROSION AND SEDIMENTATION CONTROL MEASURES, AND NECESSARY REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
- EROSION AND SEDIMENTATION FROM WORK ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON OFF-SITE AREAS OR IN WATERWAYS. WATERWAYS SHALL MEAN BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM SEWER DRAINS, LAKES, PONDS, AND WETLANDS.
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PLACED PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION. SEDIMENTATION CONTROL MEASURES SHALL BE PROVIDED AS A DEFENSE AGAINST TRANSPORTING OF SILT OFF THE SITE.
- CONTRACTOR SHALL APPLY FOR TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED AND AS DIRECTED ON THESE PLANS. CONTRACTOR SHALL REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, DITCHES, AND OTHER EARTH CHANGES HAVE BEEN ACCOMPLISHED.
- PERMANENT SOIL EROSION CONTROL MEASURES FOR SLOPE, CHANNELS, DITCHES OR DISTURBED LAND AREAS SHALL BE COMPLETED WITHIN 5 CALENDAR DAYS AFTER FINAL GRADING OF THE FINAL EARTH CHANGES HAVE BEEN COMPLETED. WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA AFTER AN EARTH CHANGE HAS BEEN COMPLETED OR WHEN SIGNIFICANT EARTH CHANGE ACTIVITY CEASES, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTED. PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AND ESTABLISHED BEFORE A CERTIFICATE OF COMPLIANCE IS ISSUED.
- MUD/DIRT TRACKED ONTO EXISTING TOWNSHIP/COUNTY ROADS FROM THIS SITE, DUE TO CONSTRUCTION, SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
- MUD /DIRT TRACKED OR SPILLED ON PAVED ROADS/SURFACES WITHIN THIS SITE SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
- VEGETATION MUST BE ACCEPTABLY ESTABLISHED PRIOR TO FINAL RELEASE OF THE CONSTRUCTION DEPOSIT BY THE CITY AND BY THE COUNTY IF APPLICABLE.
- SOIL BORING REPORTS ARE TO ACCOMPANY THIS APPLICATION FOR SOIL EROSION SEDIMENTATION CONTROL PERMIT.

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

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

SEQUENCE OF EROSION AND SEDIMENTATION CONTROL OPERATIONS

- PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION, A DEFENSE AGAINST EROSION AND SEDIMENTATION SHALL BE INSTALLED AS INDICATED ON DRAWINGS. DEFENSE SHALL CONSIST OF STONE FILTERS OR SILT FENCE AS SHOWN. AFTER TREE REMOVAL ADDITIONAL SILT FENCE SHALL BE INSTALLED IF REQUIRED, AS DIRECTED BY THE MUNICIPALITY.
- DURING CONSTRUCTION OF THE STORM SEWER SYSTEM, THE END OF OPEN-END PIPES SHALL BE PROTECTED WITH STORM FILTERS. SILT FENCE OR OTHER APPROVED METHOD.
- PROMPTLY UPON BACKFILLING OF STORM STRUCTURES, INLET FILTERS SHALL BE REPLACED AROUND THE STRUCTURE PER DETAIL.
- WHEN INLET FILTERS ARE REMOVED FROM AROUND PAVEMENT CATCH BASINS TO ALLOW FOR STRIPPING, GRADING AND PAVING, STORM SEWER STRUCTURES SHALL BE PROTECTED FROM ERODING EARTH AND SEDIMENT AT ALL TIMES.
- WITHIN 30 DAYS AFTER COMPLETION OF PAVING GAS, ELECTRICAL TELEPHONE AND SANITARY SEWER INSTALLATION, A 10 FOOT STRIP AROUND PAVED AREAS SHALL BE PROTECTED FROM EROSION BY AN APPROVED METHOD CONSISTENT WITH THE GROWING SEASON. SEED + MULCH FOR PERMANENT CONTROL WITH A SUGGESTED MIXTURE OF:
 - 50% PERENNIAL RYE
 - 15% KENTUCKY BLUEGRASS
 - 35% CREEPING RED FESCUE
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SEQUENCE OF CONSTRUCTION:
 - A. INSTALL SILT FENCE AS SHOWN ON PLANS.
 - B. STRIP AND STOCKPILE TOPSOIL AND GRADE SITE.
 - C. INSTALL STORM SEWERS.
 - D. INSTALL PAVEMENT, REPAIR STORM FILTERS AS REQUIRED.
 - E. INSTALL PUBLIC UTILITIES (GAS, TELEPHONE, ELECTRICAL).
 - F. FINISH GRADE, REDISTRIBUTE TOP SOIL, ESTABLISH VEGETATION + LANDSCAPE.
 - G. CLEAN PAVEMENT, CULVERTS, DITCHES, WATERCOURSES, AND STORM SEWER SYSTEMS OF ACCUMULATED SEDIMENT IN CONSTRUCTION WITH REMOVAL OF TEMPORARY DEVICES.
- PERMANENT STABILIZATION OF THE SITE IS TO BE ACCOMPLISHED WITHIN (5) DAYS OF FINAL GRADING.

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ISSUED FOR:

12-20-24
12-27-24
01-20-25

FRONT SETBACKS: (200')

*240 Lakeside Dr.: 42.1'

*190 Lakeside Dr.: 37.8'

*174 Lakeside Dr.: 35.9'

*152 Lakeside Dr.: 37.0'

*126 Lakeside Dr.: 32.4'

TOTAL: 1892'5" = 37.0' (200' Average)

SETBACKS: (R-2)

FRONT SETBACK: 37.0' (200' Avg.)
PORCH SETBACK: 27.0' (10' Allowance)

SIDE SETBACKS:

NORTH SIDE = 5.0'
SOUTH SIDE = 9.0'

REAR SETBACK: 30.0'

ZONE: R-1

USE GROUP: R-3

CONSTRUCTION TYPE: 5B COMBUSTIBLE UNPROTECTED

EXISTING LOT COVERAGES:

* BUILDING COVERAGE = 11243 SQ. FT. LOT
+ 3,445 SQ. FT. PROVIDED OR 30.6% OVERALL

* OPEN AREA = 11243 SQ. FT. LOT
+ 7,198 SQ. FT. PROVIDED OR 69.4% OVERALL

PROPOSED LOT COVERAGES:

* BUILDING COVERAGE = 11243 SQ. FT. LOT
+ 3,721.8 SQ. FT. PROVIDED OR 33.1% OVERALL

* OPEN AREA = 11243 SQ. FT. LOT
+ 7,521.2 SQ. FT. PROVIDED OR 66.9% OVERALL

ZONING BOARD OF APPEALS NOTES

	VARIANCE	DESCRIPTION
1	LOT COVERAGE	*11243 SQ. FT. EXISTING *ALLOWABLE LOT COVERAGE: 30% = 3,372.9 SQ. FT. *PROPOSED LOT COVERAGE: 33.1% = 3,721.8 SQ. FT. *VARIANCE REQUESTED: 3.1% OR 348.9 SQ. FT.
2	FIRST FLOOR REAR YARD SETBACK	*EXISTING REAR YARD DIMENSION: 10.7' *REQUIRED REAY YARD SETBACK: 30.0' *PROPOSED REAR YARD DIMENSION: 20.9' *VARIANCE REQUESTED: 9.1'
3	SECOND FLOOR REAR YARD SETBACK	*EXISTING REAR YARD DIMENSION: 24.25' *REQUIRED REAY YARD SETBACK: 30.0' *PROPOSED REAR YARD DIMENSION: 24.25' *VARIANCE REQUESTED: 5.75'

VARIANCE CHART

REQUESTED VARIANCES	REQUIRED (ALLOWED)	EXISTING (NON-CONFORMING)	PROPOSED	VARIANCE AMOUNT
VARIANCE A, LOT COVERAGE	3,372.9 Sq. Ft. (30%)	3,445 Sq. Ft. (30.6%)	3,721.8 Sq. Ft. (33.1%)	348.9 Sq. Ft. (3.1%)
VARIANCE B, REAR SETBACK FIRST FLOOR	30.0'	10.7'	20.9'	9.1'
VARIANCE C, REAR SETBACK SECOND FLOOR	30.0'	24.25'	24.25'	5.75'

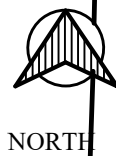
FRACASSA RESIDENCE
BIRMINGHAM, MICHIGAN

CLIENT:
JOAN AND PHILIP FRACASSA
1714 LAKESIDE DR
BIRMINGHAM, MI 48009
(330) 284-2741

SHEET NO.

BZA-1

SITE PLAN
SCALE: 1" = 20'-0"



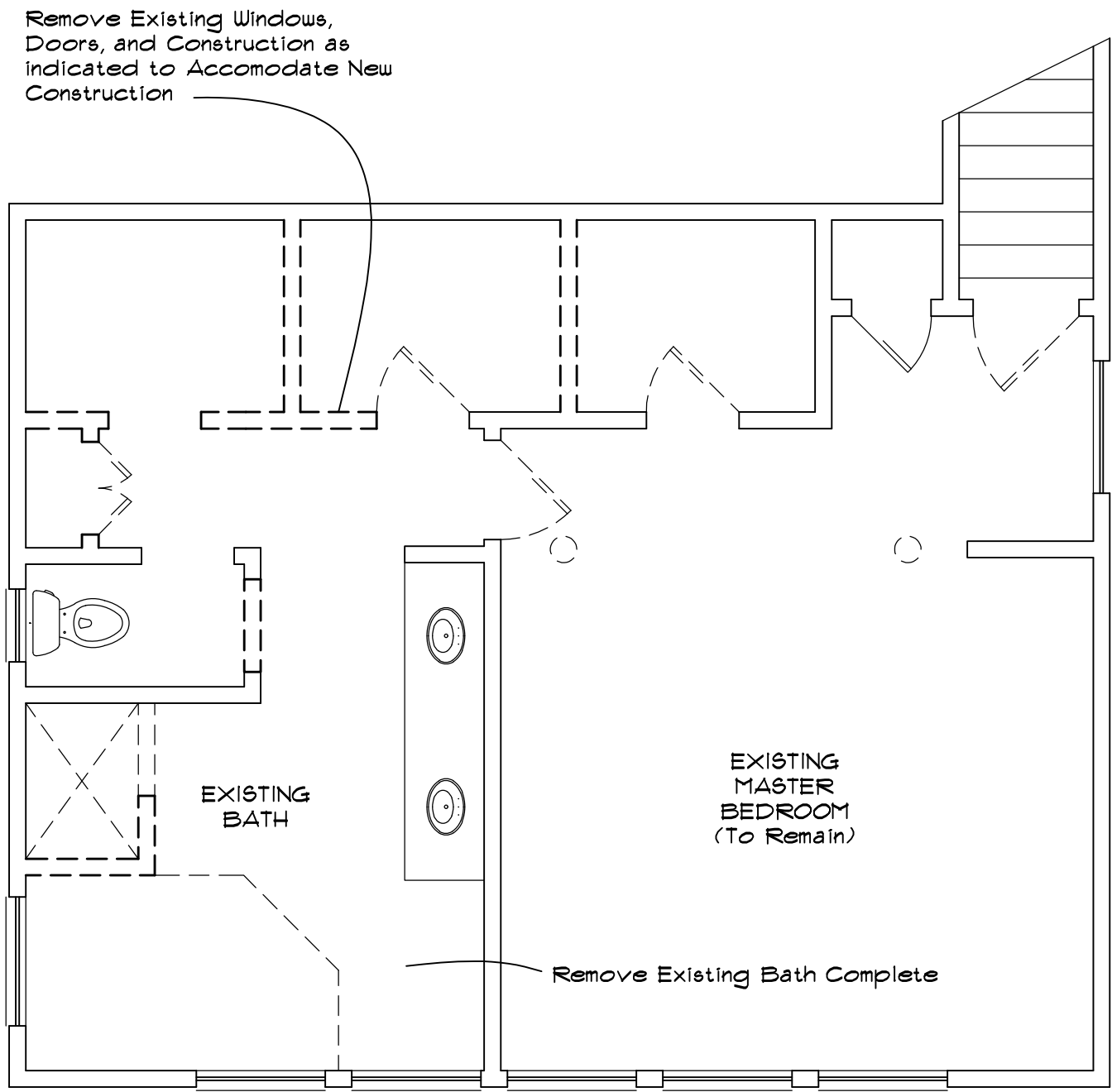
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12-06-24
12-16-24
12-20-24
01-05-25
01-20-25

CLIENT:
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BIRMINGHAM, MI 48009
(330) 284-2141

SHEET NO.
BZA-2

FRACASSA RESIDENCE
BIRMINGHAM, MICHIGAN

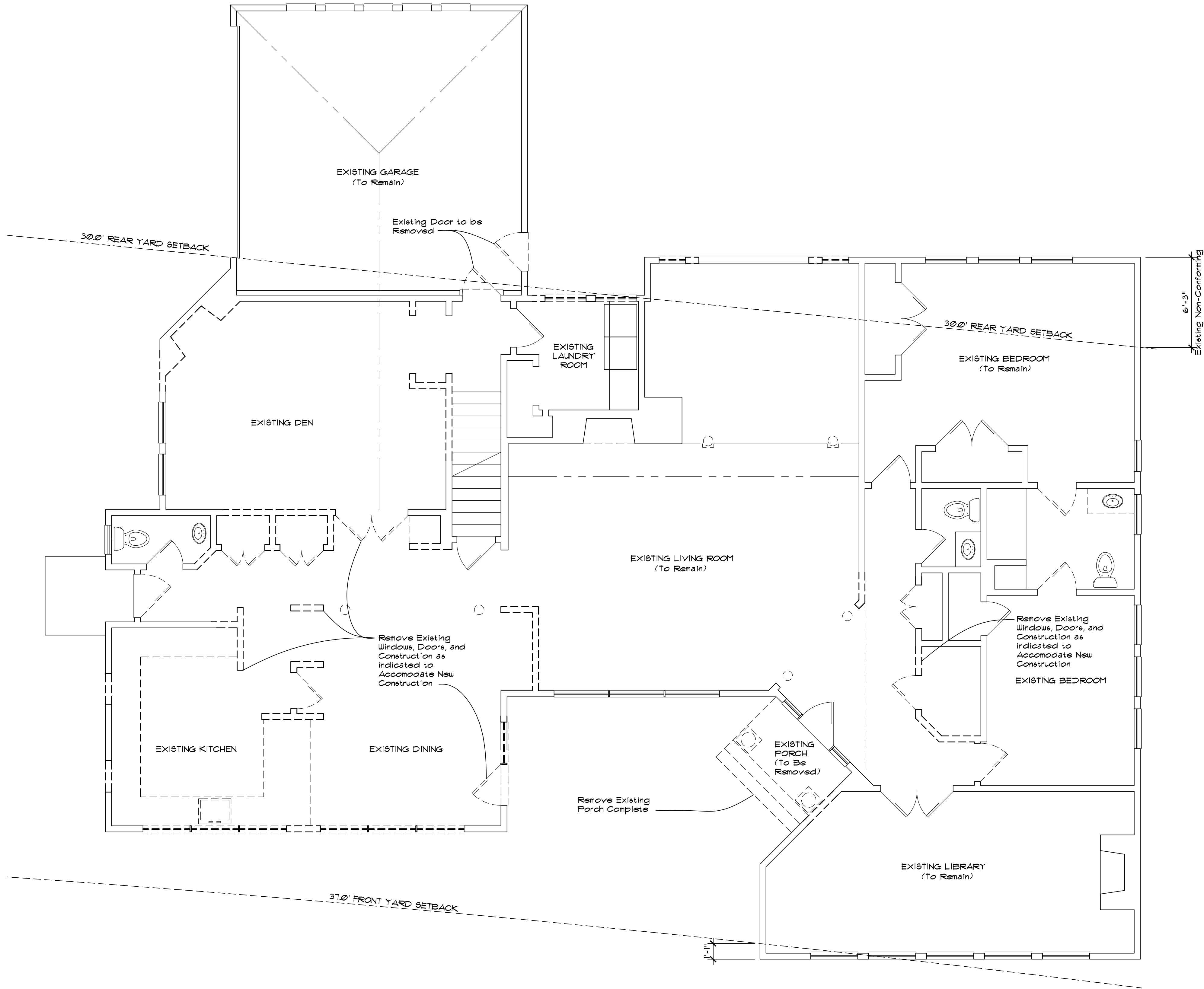


EXISTING SECOND FLOOR FLOOR PLAN

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



NORTH

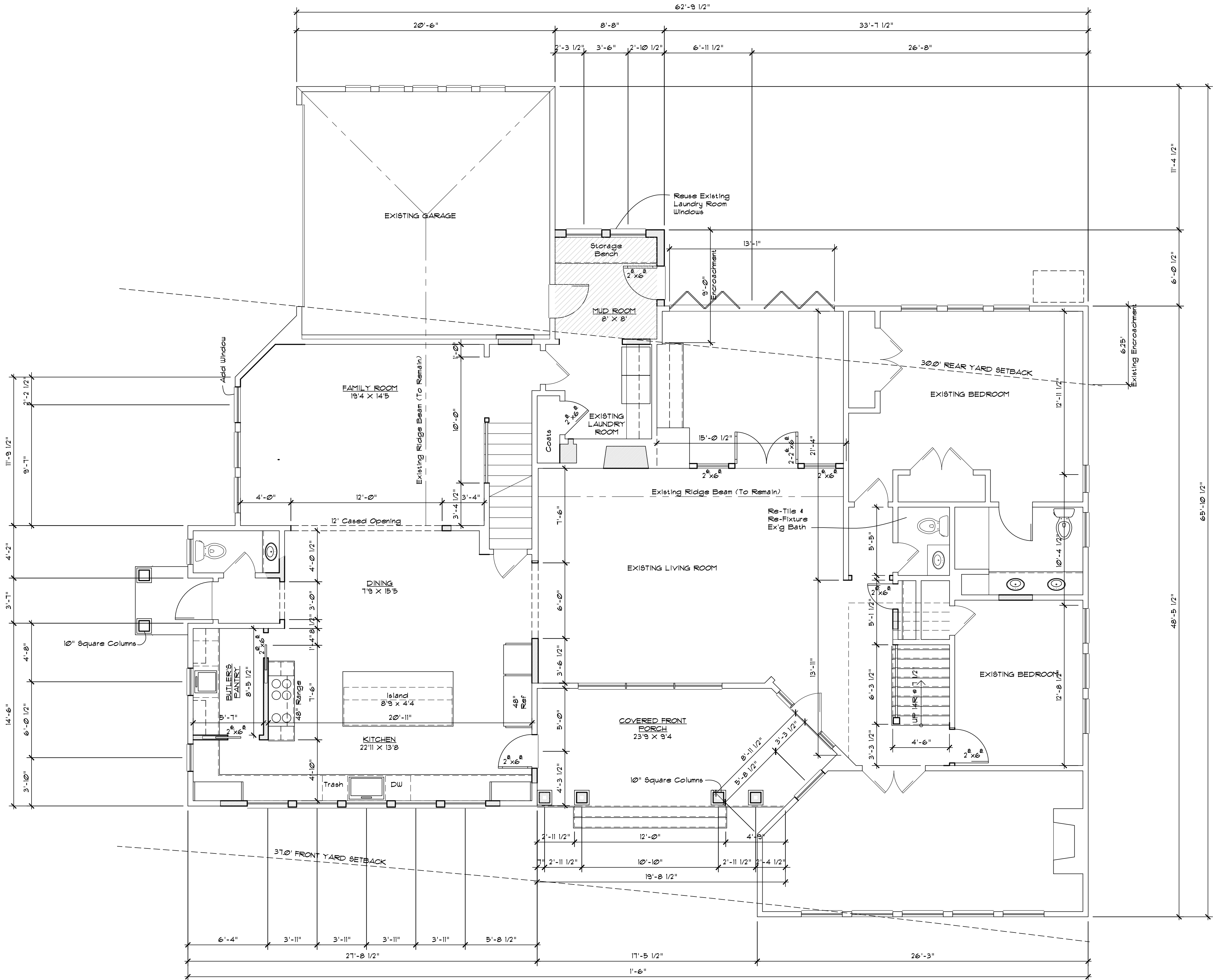


EXISTING FIRST FLOOR FLOOR PLAN

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



NORTH



PROPOSED FIRST FLOOR FLOOR PLAN

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

Existing: 2,696 SF
Addition: 18 SF
Proposed: 2,714 SF

NORTH

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10-23-24
10-31-24
12-06-24
12-16-24
12-20-24
01-05-25
01-20-25

FRACASSA RESIDENCE

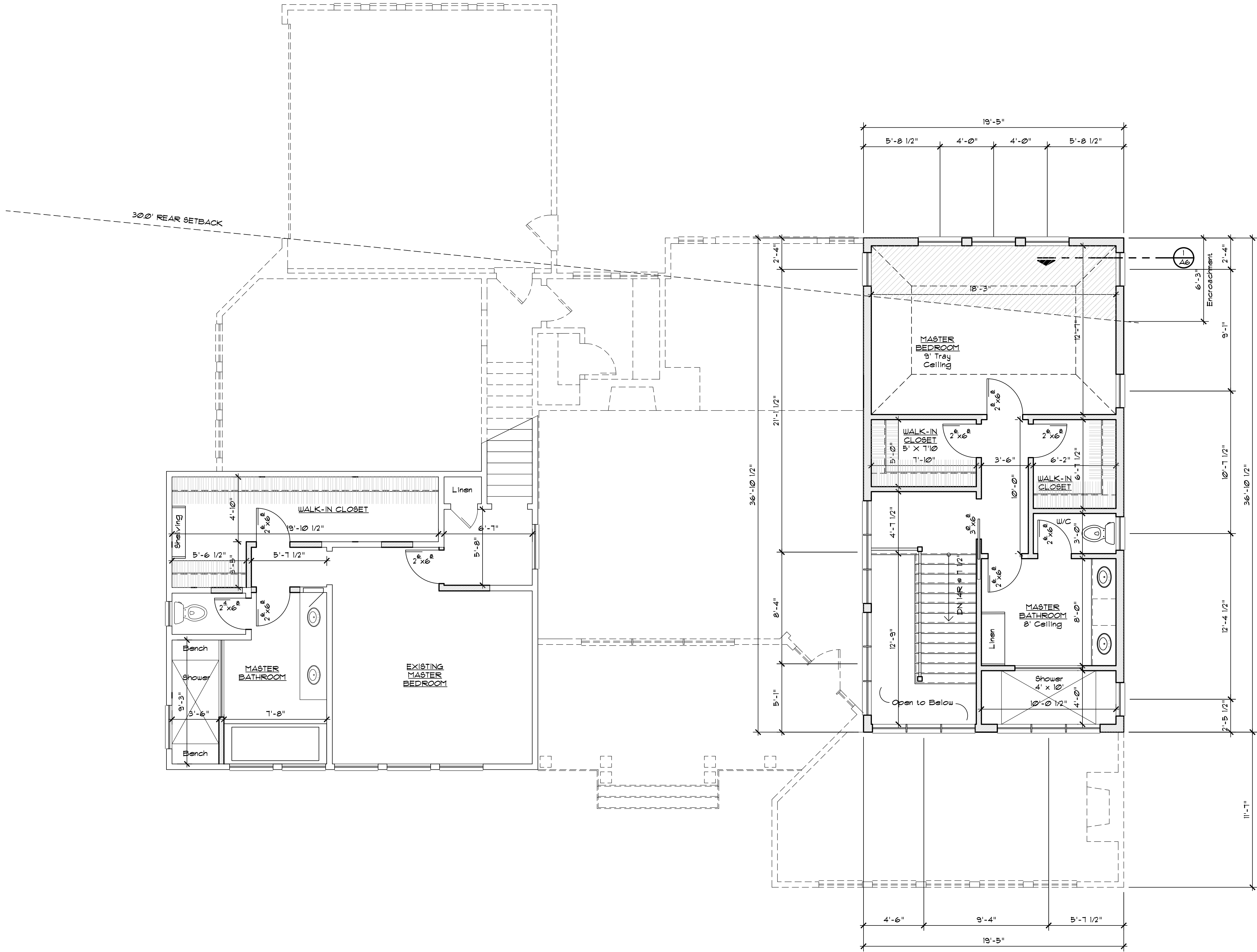
BIRMINGHAM, MICHIGAN

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114 LAKESIDE DR
BIRMINGHAM, MI 48009
(330) 284-2141

SHEET NO.

BZA-3



PROPOSED SECOND FLOOR FLOOR PLAN
SCALE: 1/4" = 1'-0"
Existing: 617 SF
Addition: 116 SF
Proposed: 1,333 SF
Total Proposed 1st & 2nd: 4,107 SF
NORTH

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03-24-24
10-23-24
12-06-24
12-16-24
12-20-24
01-06-25
01-20-25

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SHEET NO.
BZA-4

FRACASSA RESIDENCE
BIRMINGHAM, MICHIGAN

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10-07-24
10-15-24
10-23-24
11-25-24
12-16-24
12-20-24
01-06-25
01-20-25

FRACASSA RESIDENCE
BIRMINGHAM, MICHIGAN

CLIENT:
JOAN AND PHILIP FRACASSA
114 LAKESIDE DR
BIRMINGHAM, MI 48009
(330) 284-2141

SHEET NO.

BZA-5

40 Year Dimensional Asphalt Shingles on 15#
Felt Paper on "Grace" Ice and Watershield
Over Entire Roof on 1/2" Ext. Grade Plywood

2x12 Rafters @ 16" OC w/ R-68
Closed Cell Insulation (Typ.)

Metal Drip Edge

Aluminum Gutter on 1x6
Fascia Board (Typ.)

1/2" Exterior Grade Plywood
Soffit, Verify Size in Field,
Match Existing

1x12 Frieze

HardiShake Siding to Match
Existing on 1/2" Exterior Grade
Plywood w/ Tyvek Vapor
Barrier on 2x6 Wood Stud
Framing @ 16" OC w/ R-21
Open Cell Insulation

NEW BEDROOM

1/2" Drywall on 2x6
Wood Stud Framing @
16" OC w/ R-21 Open
Cell Insulation

Existing Rafters to
be Removed

1/2" Plywood Subfloor
on 2x12's @ 16" OC

R-19 Sound Batt
Insulation

Line of Existing
Structure (To Remain)

Existing 2x4 Double
Top Plate

EXISTING
BEDROOM

3" Limestone Cap

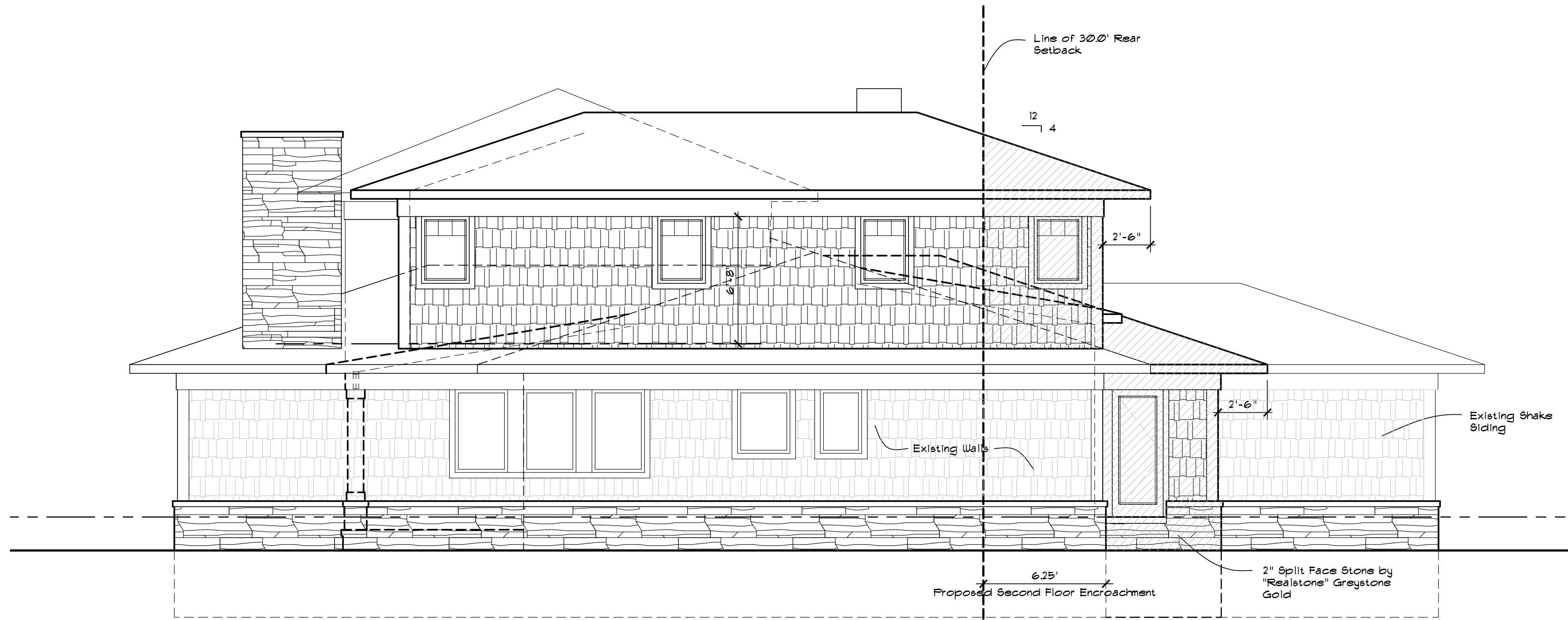
2" Split Face Stone by
"Realstone" Graystone
Gold

KCH A-1 Site Plan

6/4/2007 9:13 AM

118 Keller

1 WALL SECTION
A2-A5 SCALE: 1/2" = 1'-0"



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



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

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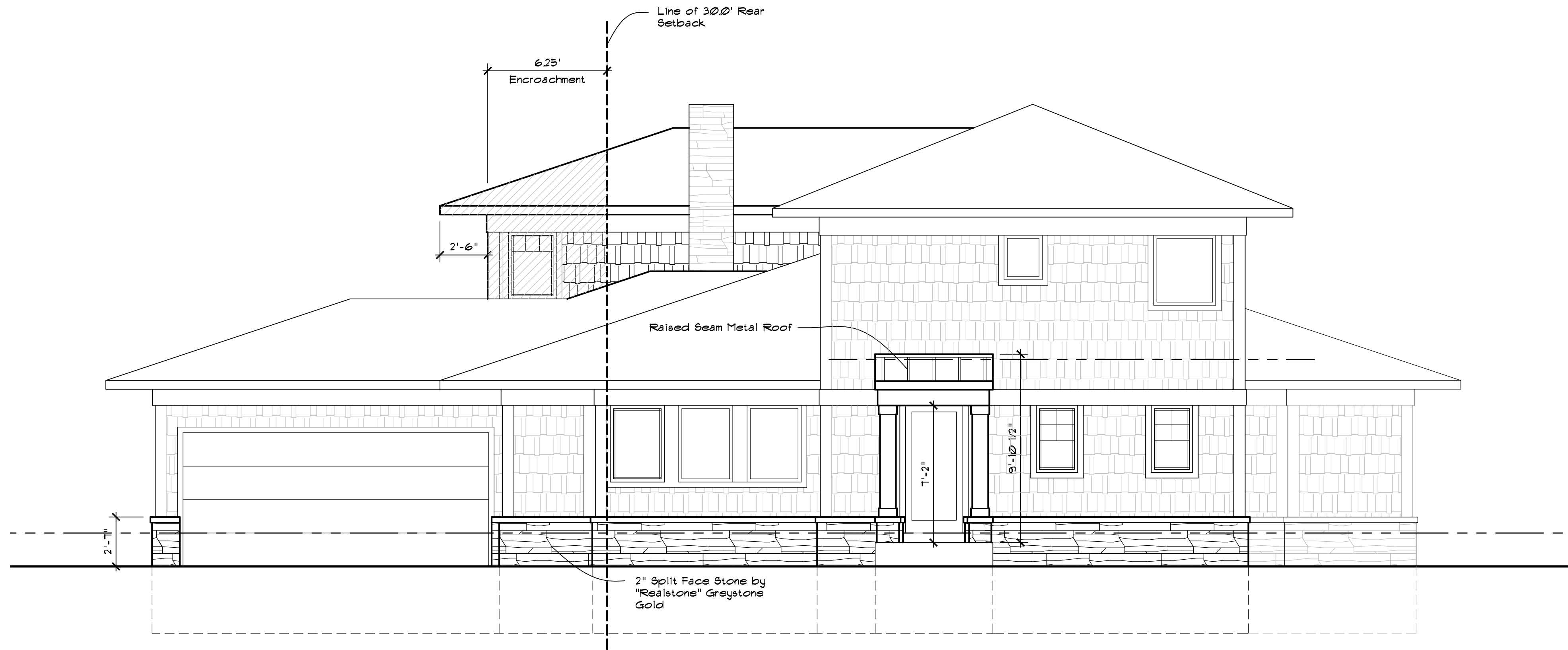
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11-25-24
12-06-24
12-20-24
01-06-25
01-20-25

FRACASSA RESIDENCE
BIRMINGHAM, MICHIGAN

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(330) 284-2141

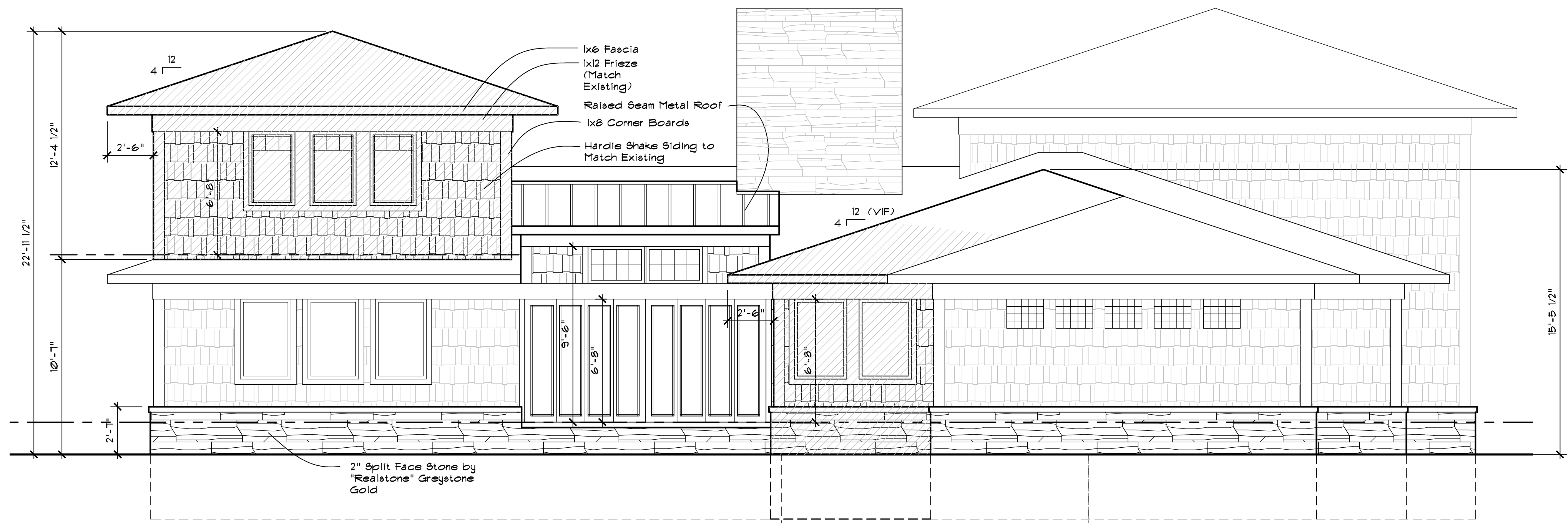
SHEET NO.

BZA-6



PROPOSED NORTH ELEVATION

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



PROPOSED EAST ELEVATION

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

40 Year Dimensional Asphalt Shingles on 15#
Felt Paper on "Grace" Ice and Watershield
Over Entire Roof on 1/2" Ext. Grade Plywood

2x10 Rafters @ 16" OC w/ R-68
Closed Cell Insulation (Typ)

Metal Drip Edge

Aluminum Gutter on 1x6
Fascia Board (Typ)

1/2" Exterior Grade
Plywood Soffit, Verify
Size in Field, Match
Existing

1x12 Frieze

HardiShake Siding to Match
Existing on 1/2" Exterior Grade
Plywood w/ Tyvek Vapor
Barrier on 2x6 Wood Stud
Framing @ 16" OC w/ R-21
Open Cell Insulation

3" Limestone Cap

2x6 CCA Treated Sill Plate
bolted to 1-2 Courses 8" W X 8" H
Conc. Block and 12" W X 42" H
Poured Conc. Trench Footing w/
15 Rebars Top & Bottom & #4
Dowels @ 16" OC Vertically (Typ)

2" Split Face Stone by
'Realstone' Greystone
Gold

MUDROOM

1/2" Drywall on 2x6
Wood Stud
Framing @ 16" OC
w/ R-21 Open
Cell Insulation

Porcelain Tile on 1/2"
Plywood Subfloor
on 2x12 @ 16" OC

HEATED
CRAWL

2 WALL SECTION
A2-A5 SCALE: 1/4" = 1'-0"

CASE DESCRIPTION

1408 Villa (25-06)

Hearing date: March 11, 2025

Appeal No. 25-06: The owner of the property known as **1408 Villa**, requests the following variance to construct an addition to the existing non-conforming home:

A. Chapter 126, Article 4, Section 4.03(D) of the Zoning Ordinance requires that an accessory building shall not be closer than 10.00 feet to the principal building located on the same lot. The existing is 6.67 feet. The proposed addition is 5.83 feet. Therefore, a variance of 4.17 feet is being requested.

Staff Notes: The applicant is seeking a variance to construct rear addition to the existing non-conforming home that was constructed in 1946.

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)

1408 VILLA MAP



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: <u>1408 Villa Rd.</u>	Lot Number: <u>lot 124</u>	Sidwell Number: <u>2031103015</u>
--------------------------------	----------------------------	-----------------------------------

II. OWNER INFORMATION:

Name: <u>Frances Mocerì</u>			
Address: <u>1408 Villa Rd.</u>	City: <u>Birmingham</u>	State: <u>MI</u>	Zip code: <u>48009</u>
Email: * <u>Francesm@mocerì.com</u>		Phone: <u>248-997-6196</u>	

III. PETITIONER INFORMATION:

Name: <u>Dominick Tringali</u>	Firm/Company Name: <u>Mocerì Custom Homes</u>		
Address: <u>3005 University Dr.</u>	City: <u>Auburn Hills</u>	State: <u>MI</u>	Zip code: <u>48326</u>
Email: <u>dtringali@mocerì.com</u>		Phone: <u>248-961-9641</u>	

IV. GENERAL INFORMATION:

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

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

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

Please provide the following in your electronic submission:

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: _____

Date: 1/29/25

Signature of Petitioner: _____

Date: 2/4/25

Project Description:

1408 Villa

Birmingham , MI

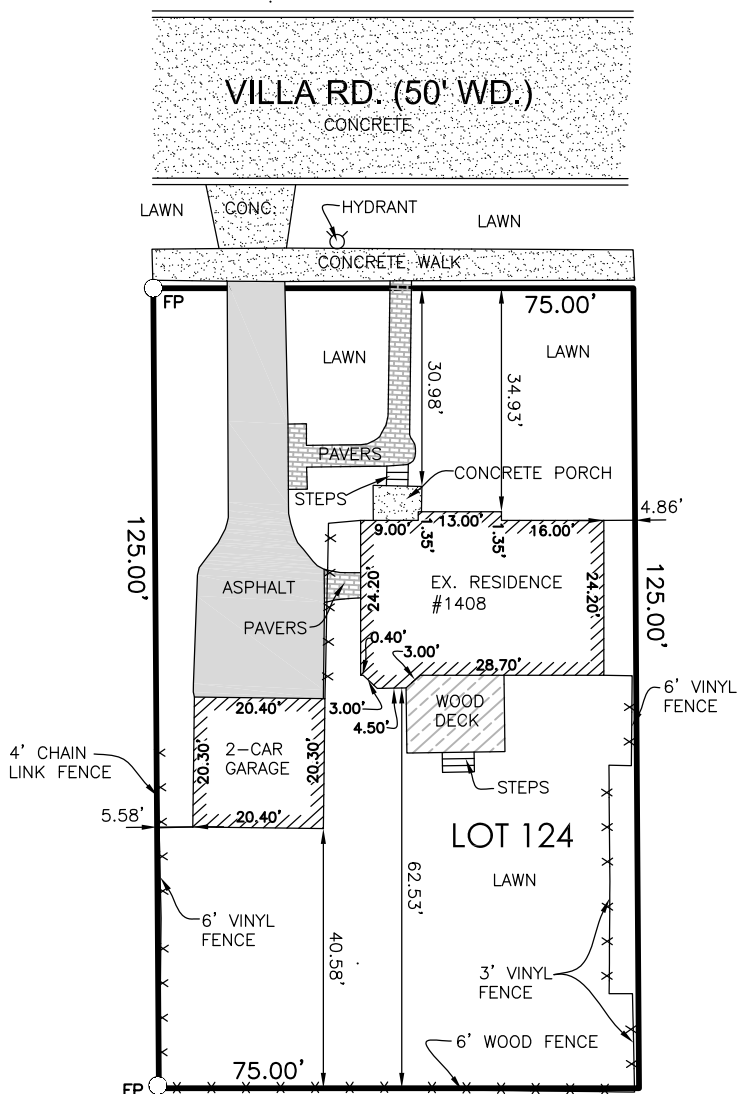
Rear addition and front porch addition, The front porch addition and new side laundry room meets all city setbacks and requirements.

No variance is needed.

Currently the existing garage is 6'-8" from the corner of the home on a angle and is 5'-7" in distance on a parallel dimension from the home. This is currently a legal non-conforming condition. A 10' distance is required by the city, these is not a firer or safety condition.

The rear dining room and second floor owners suite addition does encroach approximately 1'-1' into the existing legal non-conforming area. (See attached drawing) Since the existing bay window has a foundation, the best construction methodology is to start the addition off the corner of the home. This leaves a distance of 5'-7 from the garage to the addition, we are therefore requesting a 4'-5" variance from the cities 10' requirement. Once again the current condition from the garage to the home in 6'-8" so we are requesting a 1'-1" encroachment to the current condition.

SURVEY OF EXISTING CONDITIONS



PROPERTY DESCRIPTION:

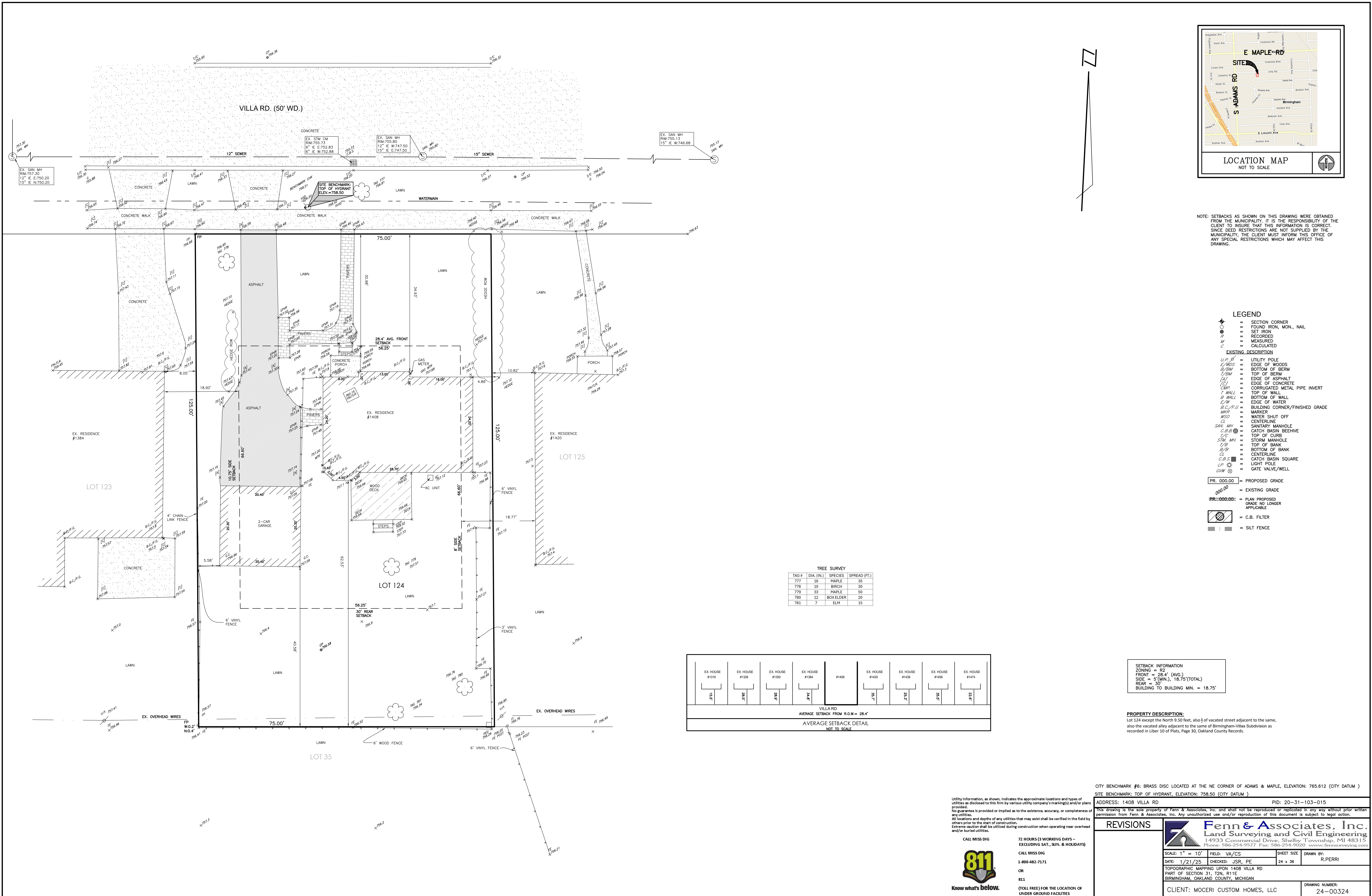
Lot 124 except the North 9.50 feet, also $\frac{1}{2}$ of vacated street adjacent to the same, also the vacated alley adjacent to the same of Birmingham-Villas Subdivision as recorded in Liber 10 of Plats, Page 30, Oakland County Records.

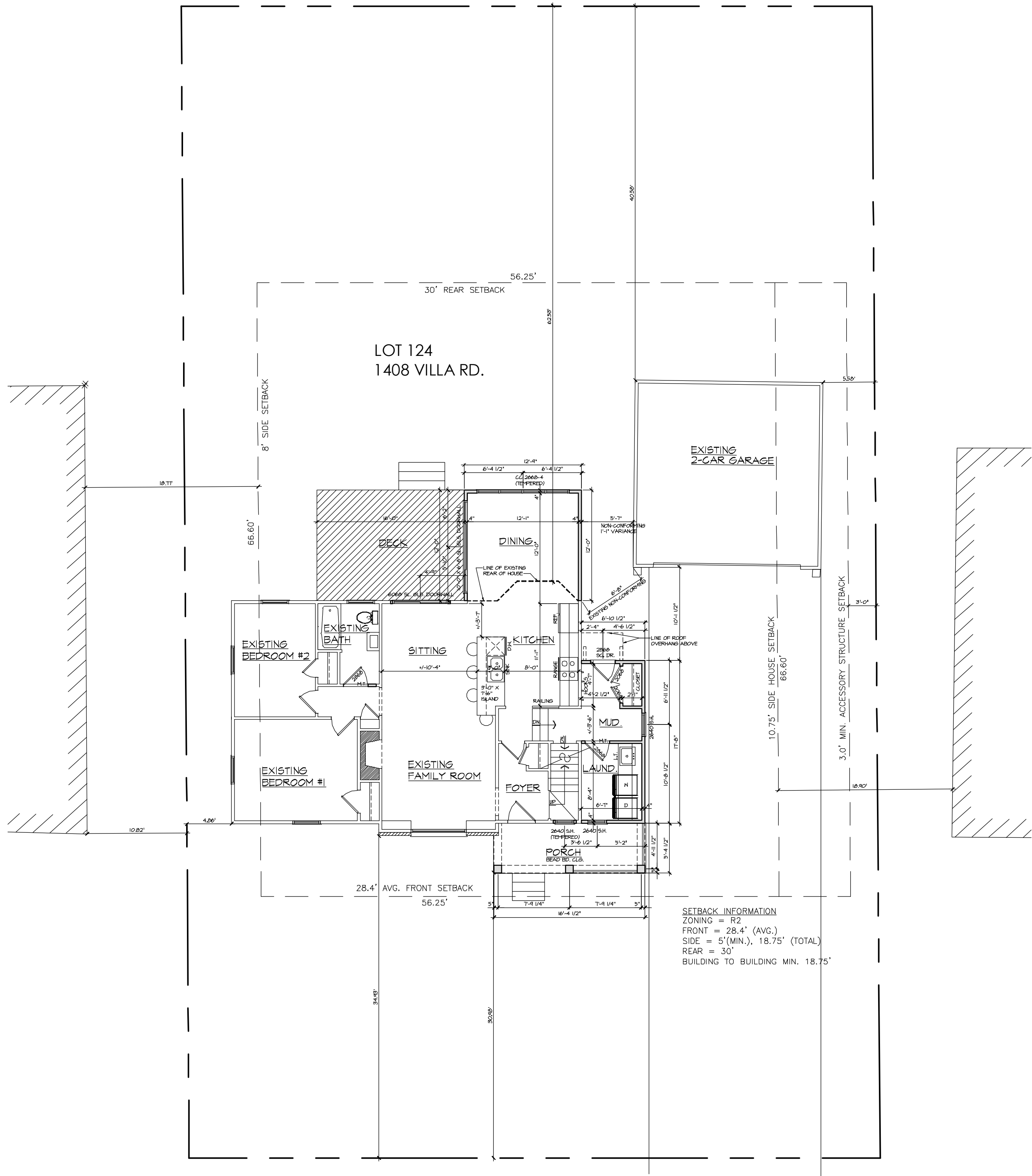
LEGEND

- SET IRON/NAIL
- FOUND IRON/PIPE/MON/NAIL
- x SET LATHE
- ⊕ SECTION CORNER
- R RECORDED
- M MEASURED
- C CALCULATED
- ① ESMT NUMBER
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- SCALE: 1" = 30'
- 0 15' 30' 60'



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





PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"

REQUESTED VARIANCE				
REQUESTED VARIANCE	REQUIRED	EXISTING (NON CONFORMING)	PROPOSED	VARIANCE AMOUNT
DISTANCE BETWEEN HOUSE ADDITION AND EXISTING GARAGE	10.00 FEET	6.61 FEET (6'-8")	5.58 FEET (5'-7")	1.09 FEET (1'-1")

FOR REVIEW
01/31/25

MOCERI

STRUCTURE-INTegrity-TRADITION®

DOMINICKTRINGALI

ARCHITECTS

3005 University Suite 100

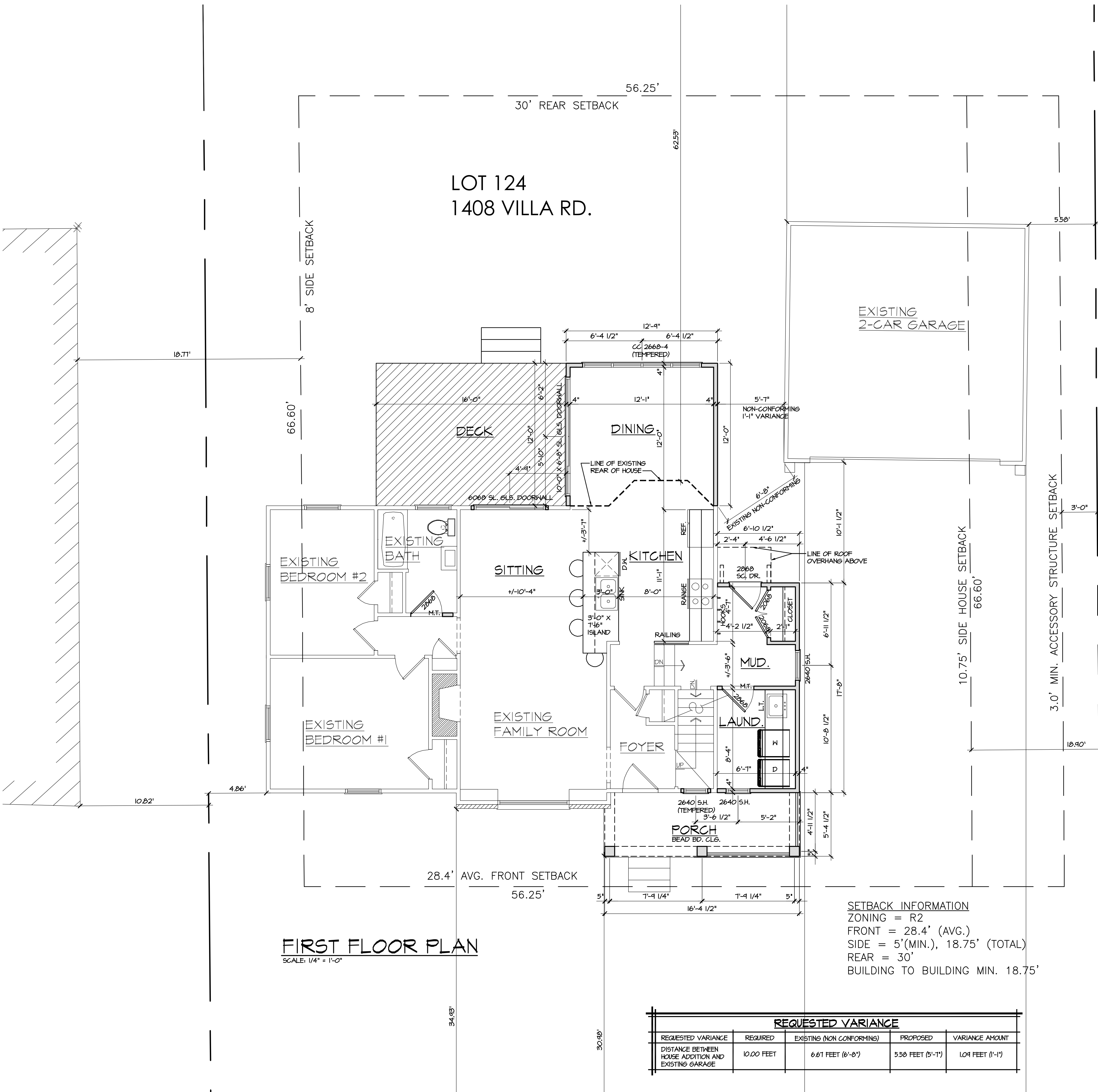
Auburn Hills MI 48326

www.DTArchitects.com

Tel 248 340 9400

FRANKIE MOCERI RESIDENCE
1408 VILLA RD.
CITY OF BIRMINGHAM,
MICHIGAN

Review Set:	01/31/25
Permit:	
Final Set:	
Revisions:	
Drwn:	B.H.
Chkd:	
Job No.	25002
Sheet No.	1 OF 3



FOR REVIEW
01/31/25

ALL WINDOW NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)
EXAMPLE:
2040-2 = 2'-0" X 4'-0", 2-WIDE WINDOW UNIT

ALL DOOR NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)
EXAMPLE:
3080 = 3'-0" X 8'-0"

NOTE:
ALL FIRST FLOOR CEILING HEIGHTS TO BE 8'-1 1/8" HIGH UNLESS NOTED OTHERWISE.

EXISTING SQUARE FOOTAGE
1ST FLOOR = 451 SQUARE FEET
2ND FLOOR = 443 SQUARE FEET
TOTAL = 1344 SQUARE FEET

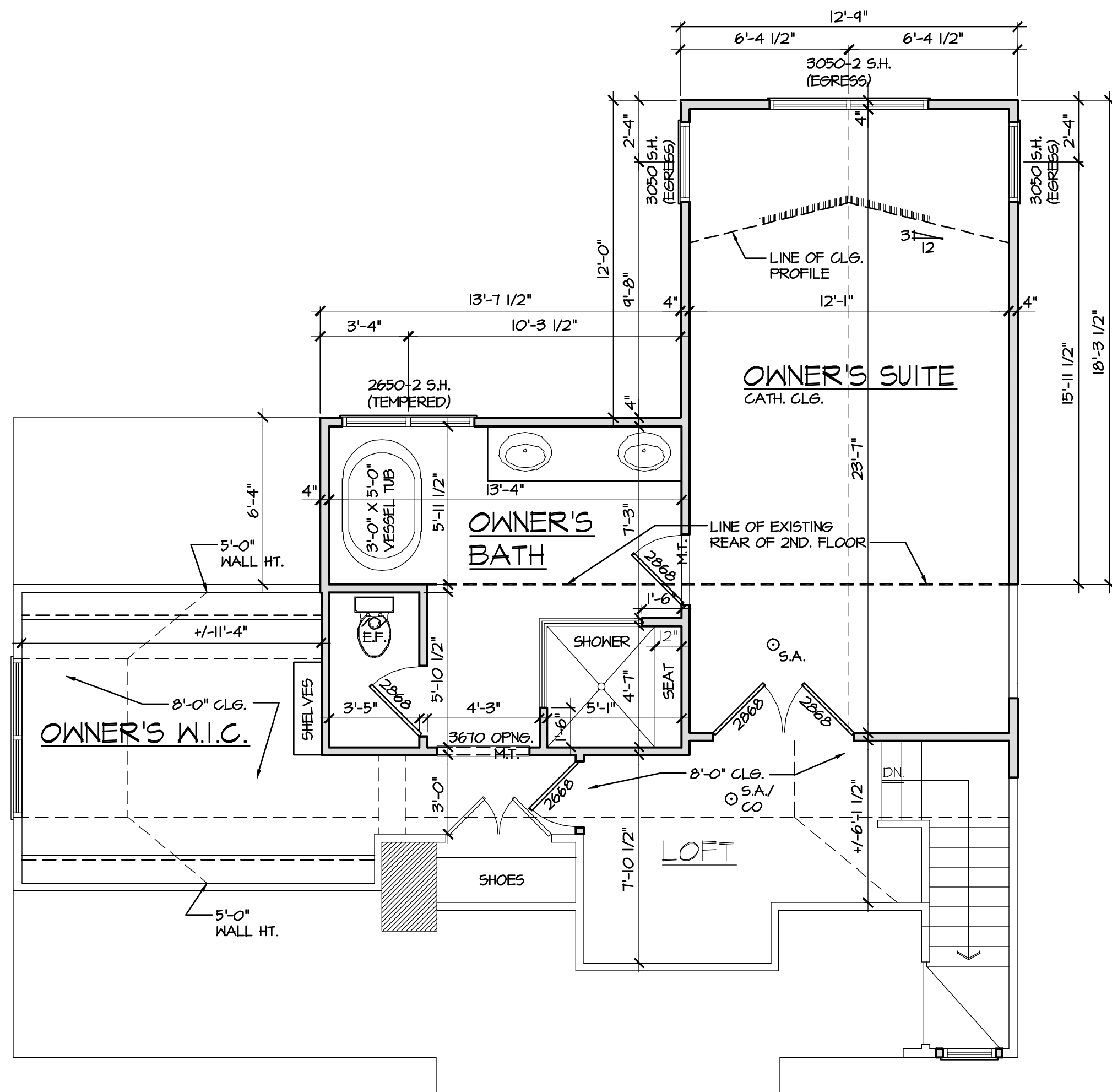
NEW SQUARE FOOTAGE
1ST FLOOR = 1212 SQUARE FEET
2ND FLOOR = 163 SQUARE FEET
TOTAL = 1475 SQUARE FEET

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Auburn Hills MI 48326
Tel 248 340 9400
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FRANKIE MOCERI RESIDENCE
1408 VILLA RD.
CITY OF BIRMINGHAM,
MICHIGAN

Review Set: 01/31/25
Permit:
Final Set:
Revisions:
Dwn: B.H.
Chk:
Job No. **25002**
Sheet No. **2 OF 3**
LIFESTYLE BY DESIGN



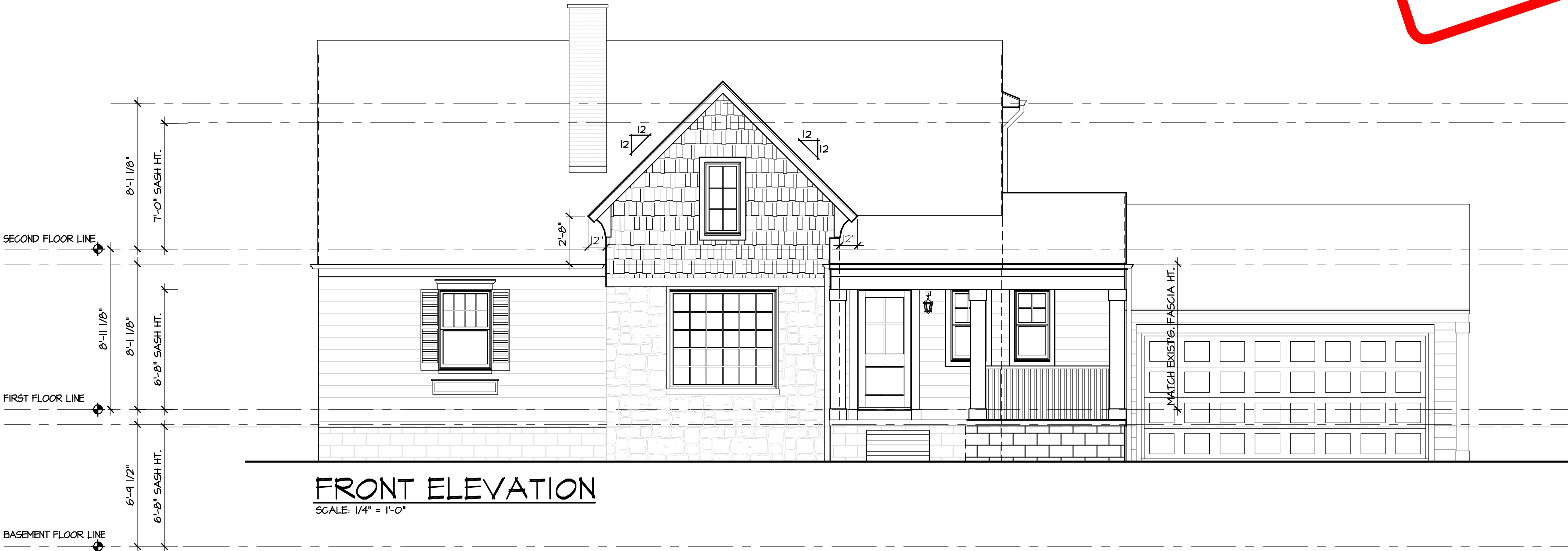
SECOND FLOOR PLAN

FOR REVIEW
01/31/25

ALL WINDOW NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)
EXAMPLE:
2040-2 = 2'-0" X 4'-0", 2-WIDE WINDOW UNIT

ALL DOOR NUMBERS REFER TO GENERIC SIZES (NO SPECIFIC MANUFACTURER)
EXAMPLE:
3080 = 3'-0" X 8'-0"

NOTE:
ALL SECOND FLOOR CEILING
HEIGHTS TO BE 8'-1 1/8" HIGH
UNLESS NOTED OTHERWISE.



FOR REVIEW
01/31/25

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STRUCTURE-INTEGRITY-TRADITION®

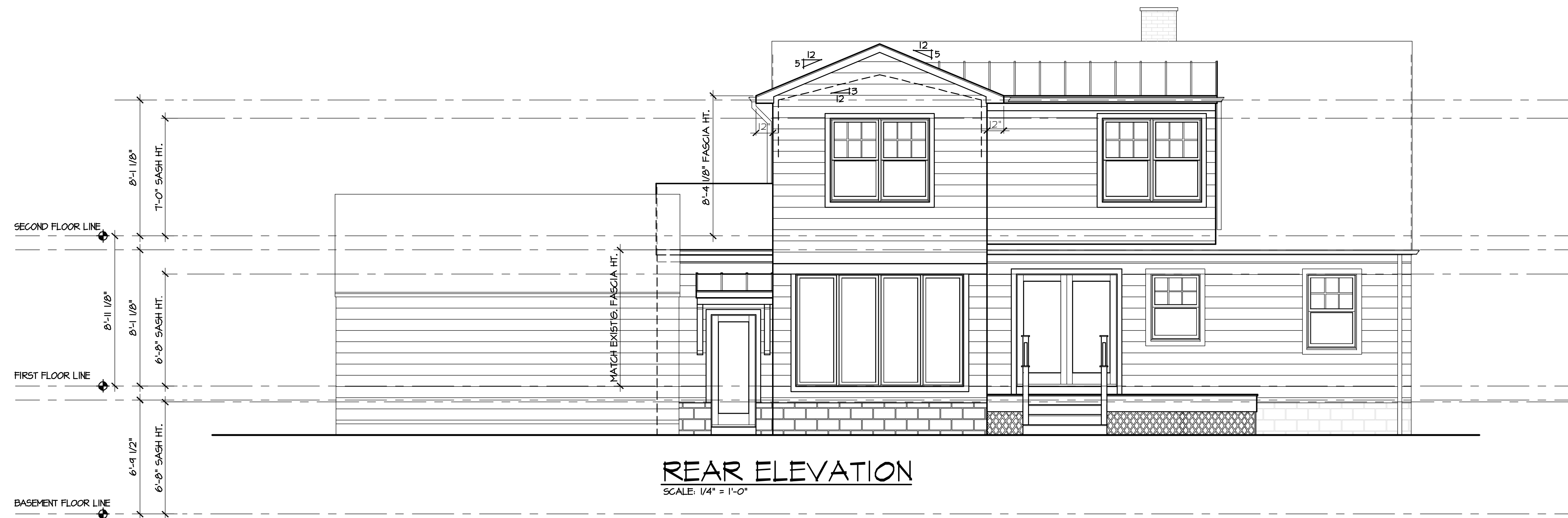
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Auburn Hills MI 48326
Tel 248 340 9400
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FRANKIE MOCERI RESIDENCE
1408 VILLA RD.
CITY OF BIRMINGHAM,
MICHIGAN

Review Set: 01/31/25
Permit:
Final Set:
Revisions:
Dwn: B.H.
Chkd:
Job No.

25002
6 OF 3

LIFESTYLE BY DESIGN



CASE DESCRIPTION

283 E. Frank (25-07)

Hearing date: March 11, 2025

Appeal No. 25-07: The owner of the property known as **283 E Frank**, requests the following variance to expand a pre-existing legal non-conformity regarding required off-street parking for a new proposed dental office:

A. Chapter 126, Article 4, Section 4.45 of the Zoning Ordinance requires medical office uses to provide a minimum of 1 off-street parking space for each 150 square feet of floor area. The proposed medical office contains 974 square feet of floor area, which would require 7 off-street parking spaces. Therefore, a variance of 7 parking spaces is requested.

Staff Notes: The applicant is seeking a variance to introduce a new medical office tenant in an existing office space in a pre-existing legal nonconforming commercial building. In addition to the building and its uses being pre-existing legal nonconforming, the off-street parking requirements are also considered as such. The site currently contains no off-street parking spaces. On-street parking is available directly adjacent to the subject site on Frank St. Although the applicant is permitted to maintain the pre-existing legal non-conforming office use in the subject building, the parking requirements for medical offices are greater than those of traditional offices. Thus, the non-conformity is being enlarged, which necessitates a variance request from the Board of Zoning Appeals. Medical office uses are required to provide one off-street loading space for each 150 square feet of floor area. The subject site is 974 square feet, which would require 7 off-street parking spaces.

This property is zoned R3 (Single-Family Residential)

Nick Dupuis,
Planning Director

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)

283 E FRANK 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: 259 E. Frank Street	Lot Number: 22	Sidwell Number: 19-36-203-023
------------------------------	----------------	-------------------------------

II. OWNER INFORMATION:

Name: BWC or Holdings			
Address: 24500 Telegraph, STE 250	City: Southfield	State: MI	Zip code: 48034
Email: Marvin@karanalaw.com	Phone: 248-755-7727		

III. PETITIONER INFORMATION:

Name: Tiffany Danyal	Firm/Company Name: Brush Rinse Floor LLC		
Address: 1615 Birmingham Blvd	City: Birmingham	State: MI	Zip code: 48029
Email: Tiffanydanyal@yahoo.com	Phone: 586-216-5888		

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: 2/11/2025

Signature of Petitioner: _____

Date: 2-1-2025

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 'J' followed by a series of loops and a final horizontal stroke.

Signature of Applicant

Applicant Letter

To Zoning Board of Appeals:

I would like to address the concern for parking for the proposed dental space.

The first point I would like to bring up regarding parking is that this building has existed in the neighborhood for over fifty years being used as a professional work place. My business would be a high end and niche dental business with low traffic. In addition, if literal enforcement of the parking requirement were enforced, it would involve significant site changes that are virtually impossible to create seven parking spaces required according to the ordinance. The cosmetic dental clinic itself would provide high quality services that will bring people into the city to support the city and nearby businesses.

1. Substantial Justice to the Property Owner

Granting the variance would allow the utilization of the property in a way that is consistent with its highest and best use. Establishing a high-end cosmetic dental office, which is a professional and valuable use of the space. Without the variance, the existing zoning restrictions would significantly limit owners ability to operate the property in a manner that aligns with its potential. The variance will allow for the property to be used in a way that is fair and reasonable under the circumstances, providing me with the opportunity to operate a business consistent with the character of the area.

2. Substantial Justice to the Owners of Property in the Area

The variance will also benefit the surrounding property owners. A high-end dental office will enhance the neighborhood by introducing a well-maintained, professional establishment that complements the area's character. The office will provide a valuable service to the community and maintain the integrity of the neighborhood. The presence of such a business will likely support and increase the property values of nearby homes and businesses, fostering a positive environment for local investment and growth.

3. Substantial Justice to the General Public

For the general public, the variance will result in the addition of an important healthcare service to the community. The proposed dental office will increase access to dental care for residents of the area and improve overall health services. Additionally, the dental office will likely create local employment opportunities, contributing positively to the local economy. The project will adhere to all necessary safety, design, and environmental standards to ensure it is a positive addition to the City of Birmingham.

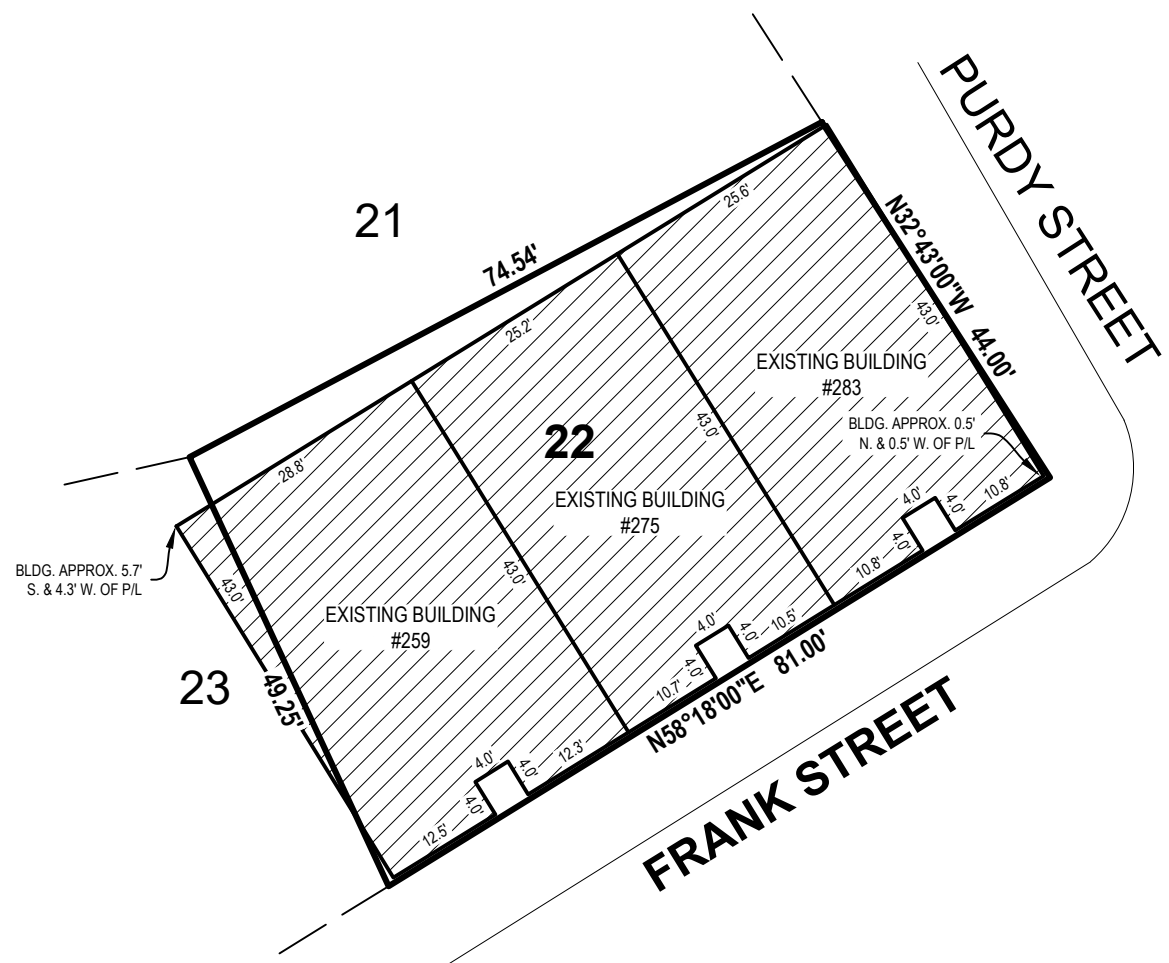
As a resident of the city, I live just a few blocks away from the proposed location. Therefore, I will be commuting to work by walking or riding my bike, which eliminates any concerns regarding parking for myself. Additionally, I currently operate 11 dental practices in the Metro Detroit area, 3 of which are extremely close to the Birmingham area in Berkley, Clawson, and Franklin. These practices provide general dentistry services while I intend for the Birmingham location to focus exclusively on cosmetic dentistry. This means the office will be limited to seeing only one patient at a time, typically 1-2 patients per day without overlap. Moreover, I believe the business will bring positive economic benefits to the city by attracting visitors from outside the area! To ensure parking is not an issue for the small staff, it will be mandatory for the team members to park in a nearby parking structure.

Thank you for your time and consideration.

Best regards,

Tiffany Danyal

MORTGAGE REPORT



DESCRIPTION

Lot 22, ASSESSOR'S PLAT NO 6, according to the recorded plat thereof, as recorded in Plat Liber 46, Page 32, Oakland County Records

Commonly known as 259 E Frank St, Birmingham, MI 48009

Tax Parcel No 19-36-203-023

(Warranty Deed, Dated May 16, 2018, as recorded in Liber 51815, Page 269, Oakland County Register of Deed)

BASIS OF BEARING: ASSESSOR'S PLAT NO 6, as recorded in Liber 46, Page 32, Oakland County Records

This report was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

This report, prepared for mortgage purposes only, does not represent a property line survey; no property corners were set; and is not to be used for the establishment of any fence, building, or other improvements. The location of fences, walls, or other indications of occupancy along or near boundary lines are not shown.

We hereby certify that we have examined the premises herein described, that the buildings are located entirely thereon as shown and that they do not encroach except as shown hereon.

LEGEND

[Hatched Box] Existing Building

By: *Brandon G. Parrent*

Brandon G. Parrent Licensed Professional Surveyor No. 4001063096

SCALE: 1" = 20' 0' 10' 20' NORTH

Ordered by: Karana Law, PLLC.
Marvin Karana
29500 Telegraph Rd Ste 250
Southfield, MI 48034

Report for:
Blue Ox Holdings, LLC
Devon Title,
Community Choice Credit Union

259 E Frank Street

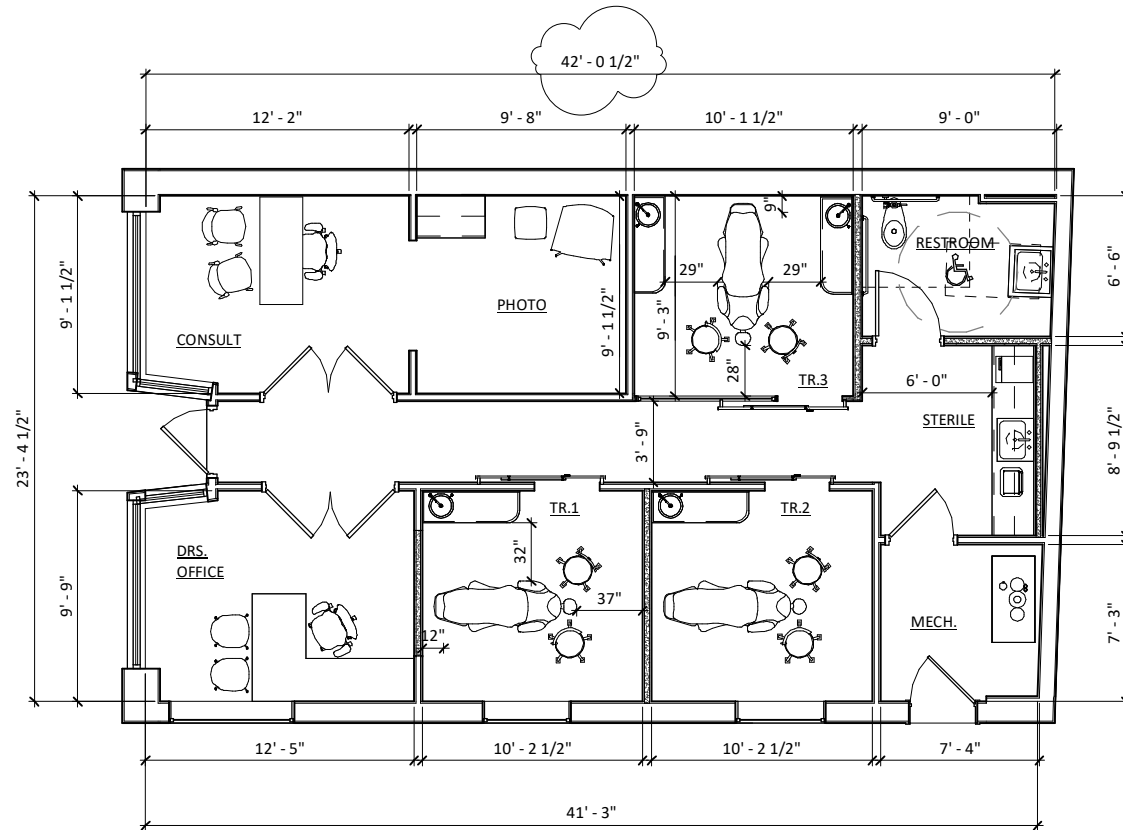
DRAWN BY: RP
REV. BY:
REV.:

DATE: 11.24.21
REV. DATE:

PRJ #: 21500263

1 OF 1

NEDERVELD
www.nederveld.com • 800.222.1868
Grand Rapids
217 Grandville Ave., Suite 302
Grand Rapids, MI 49503
Ann Arbor, Chicago, Columbus,
Holland, Indianapolis, St. Louis



Design Schematic

PROJECT #	DATE:
GL28883-AG	02.05.2025
DRAWN BY:	REVIEWED BY:
AG	RL
SCALE: 1/8" = 1'-0"	

CLARKSTON VILLAGE DENTAL

275 EAST FRANK ST. BIRMINGHAM, MI

Usable Square Footage: 946

BencoDental Practice Design

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Nicholas Dupuis <ndupuis@bhamgov.org>

283 E. Frank Street - Variance Request

Christopher Kojaian <ckojaian@kojaian.com>
To: Nicholas Dupuis <ndupuis@bhamgov.org>
Cc: BCowan@bhamgov.org

Tue, Mar 4, 2025 at 8:06 PM

Nick,

I live at 311 E Frank St, across the street from 283 where the public notice was issued. I have major concerns with the possibility of a variance to expand the street parking for the proposed dental office at 283 E Frank. Before getting this notice, my wife and I recently reached out to the Police Department and Parking Enforcement with constant parking issues on Frank Street and Purdy Street (emails below).

Our house is on the hard corner and we have been having issues here that have become worse over the past year or so. During the week, we are not able to park outside of our own house (or on our street further down) since many people park their cars there for the day and walk into town for work. We frequently call police dispatch to ask for parking enforcement to come by, but it doesn't seem to help much. I am very worried that allowing a dental office to open in this residential area would create an even larger parking issue than we currently have. Of all "office" type uses, a dentist office has a high patient count / traffic. Has there been a parking study performed for this site? If so, can you share it?

I am unable to attend the meeting on the 11th due to a prior engagement, but I would like to formally oppose this variance. Please let me know if I need to do anything else.

There are a lot of other places in Birmingham where a dental office can go, no need to put it in a residential neighborhood. I understand the small office building exists, but it should only really be permitted for a small private office use that does not draw a large number of customers / clients.

Additionally, I have attached the city's zoning map from your website. The subject site appears to be zoned R3. I understand the buildings are existing, but I can't find anywhere that allows medical in this area. Are they seeking an additional variance for the use?

Thank you,

Chris Kojaian

Begin forwarded message:

From: Ryan Kearney <RKearney@bhamgov.org>
Subject: Re: 311 E Frank St Parking Issue
Date: February 27, 2025 at 12:59:58 PM EST
To: Kate Kojaian <ronnischk@gmail.com>
Cc: Christopher Kojaian <ckojaian@kojaian.com>

Good afternoon, Kate,

I received your email about parking issues on Purdy. We can start by having parking enforcement patrol the area to enforce the 2-hour parking zone. If you would like to seek a change to a different parking restriction, the city requires a petition for all addresses on the block, including corner residences that may have an address on another street. For the petition, write a short paragraph of your concern and clearly state the suggested change. Create a spreadsheet of all addresses; if someone does not want to sign, you will leave their slot blank. Only one signature per address is allowed, and if 75% of the addresses are in favor, we can move the petition forward to seek approval from the Multi-Modal Transportation Board and the city commission.

I looked at Google Maps. It's hard to tell what is currently in place. It appears there may be 2-hour parking from 8 AM - 6 PM and then permit parking from 6-9 PM, at least on part of the street. I'll drive by later today to check it out. Feel free to reach out with any questions, and we can discuss.

Thanks,

On Wed, Feb 26, 2025 at 12:48 PM Kate Kojaian <ronnischk@gmail.com> wrote:

Hello Ryan,

My name is Kate Kojaian, my husband and I live at 311 E Frank St in Birmingham. My husband has called the parking enforcement many times regarding the parking situation on our street, specifically on Purdy street, the side where our garage is.

People park in the morning for the work day and take up all our street parking for the day.

The area is 2 hour parking but is rarely enforced unless we call.

Your parking enforcement officer, 502, just stopped to give us a ticket for parking outside the parking zone because all of the spaces are taken.

She said she did not know why it is not permit parking at that location as it is residential.

This has been an ongoing issue since we bought the house.

I know it can't be changed overnight, however, we would like that parking to be changed to residential permit parking.

We really appreciate your assistance in this matter, please let us know what we can do to help make this happen.

Thank you.

Kate and Chris Kojaian

--

Ryan Kearney
Operations Captain
Birmingham Police Dept.
151 Martin St.
Birmingham, MI. 48009
(248) 530-1768



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Zoning Map - August 2021.pdf

1289K



Nicholas Dupuis <ndupuis@bhamgov.org>

Frank/Purdy variance

Patricia B. Shayne <pattishayne@gmail.com>
To: Nick Dupuis City Bham <ndupuis@bhamgov.org>

Wed, Mar 5, 2025 at 10:50 AM

Hi Nick.

I live at the condo beside the property requesting the parking variance. I can't attend the meeting.

Major concerns:

People will in our parking lot. We don't have

Density -too much traffic

in the area (for parking) especially with restoration hardware opening, as well as other new buildings in the area.

Sincerely,
Patti Shayne