

**CITY OF BIRMINGHAM
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, MAY 13, 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) April 8, 2025 minutes

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	2425 E 14 MILE	CLOVER HILL PARK CEMETERY	25-12	DIMENSIONAL
2)	280 E LINCOLN	GRACE BAPTIST CHURCH	25-13	DIMENSIONAL
3)	245 S ETON	METRO DETROIT SIGNS INC	25-14	DIMENSIONAL

6. CORRESPONDENCE

7. GENERAL BUSINESS

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

9. ADJOURNMENT

Title VI

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

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

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

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

MAY BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
April 8, 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, April 8, 2025. The meeting was convened at 7:30 p.m.

2. Rollcall

Present: Chair Erik Morganroth, Vice Chair Jason Canvasser; Board Members Kevin Hart (recused from Appeal 25-05), Richard Lilley, Ron Reddy, Pierre Yaldo; Alternate Board Members Carl Kona, Donald Rogers (only voting on Appeal 25-05)

Absent: Board Member John Miller

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

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

3. Announcements

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

4. Approval Of The Minutes Of The BZA Meetings Of March 11, 2025

Motion by Reddy

Seconded by Yaldo to approve the minutes from last month.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

5. Appeals

1) 774 Lakeside Appeal 25-05

Mr. Hart recused himself from Appeal 25-05, citing a potential conflict-of-interest due to professional involvement with the case, and left the room.

Mr. Rogers joined the Board for the hearing of Appeal 25-05.

BOD Zielke presented the item, explaining that the owner of the property known as 774 Lakeside was requesting 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 existing is 30.60% (3445.00 SF). The proposed is 31.1% (3501.00 SF). Therefore, a variance of 1.10% (128.10 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.

Informational questions from the Board were answered.

Eve Hadley, representative for the applicant, spoke regarding the appeal and noted the efforts at mitigation made since the last meeting.

Motion by Reddy

Seconded by Rogers with regard to Appeal 25-05, 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 existing is 30.60% (3445.00 SF). The proposed is 31.1% (3501.00 SF). Therefore, a variance of 1.10% (128.10 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; and, 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.

Mr. Reddy moved to approve variances A, B, and C, and tied approval to the plans. He noted the home was pre-existing non-conforming and that the mudroom was a modest addition. He noted that the mudroom and deck requests were reduced in size since the prior meeting, and that variance C did not expand the pre-existing non-conformity. He stated that there were enough special conditions applicable to the property that the Board could grant the three requested variances, that literal enforcement would otherwise result in some unnecessary hardship for the appellant, and that granting the variances would not be contrary to the spirit and purpose of the zoning ordinance.

The Chair expressed appreciation for the mitigation of the variance requests since the last meeting. He stated the reduction of the mudroom was reasonable and significant and that the removal of some of the deck was well-received. He said he would support the motion for those reasons.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**2) 1792 Banbury
Appeal 25-08**

Mr. Hart rejoined the Board for the remainder of the meeting, and Mr. Rogers returned to the audience.

BOD Zielke presented the item, explaining that the owner of the property known as 1792 Banbury was requesting the following variance to construct a detached garage:

A. Chapter 126, Article 4, Section 4.61(A)2 of the Zoning Ordinance requires on corner lots where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 15.00 feet for permitted accessory buildings. The proposed garage is 8.17 feet. Therefore, a variance of 6.83 feet is being requested.

Staff answered informational questions from the Board.

Mike Gordon, architect, 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 point in the course of discussion:

- The alternate possibilities considered and ruled out by the applicant would likely have been less functional and done less justice to the neighbors overall.

Motion by Kona

Seconded by Reddy with regard to Appeal 25-08, A. Chapter 126, Article 4, Section 4.61(A)2 of the Zoning Ordinance requires on corner lots where there is no abutting

interior residential lot on such side street, the minimum side street setback shall be 15.00 feet for permitted accessory buildings. The proposed garage is 8.17 feet. Therefore, a variance of 6.83 feet is being requested.

Mr. Kona moved to approve the variance and tied approval to the plans. He noted the lot was very challenging due to its narrowing at the back. He appreciated the applicant's bringing illustrations of the other evaluated options, and concurred that of the options, this seemed to be the best solution to provide a garage. Withholding approval of the variance would unreasonably prevent the property owner from using the property for a permitted purpose, literal enforcement of the ordinance would result in unnecessary hardship because it would prevent a garage from being built, granting this variance would not be contrary to the spirit of the ordinance, and granting the variance would provide substantial justice to the area.

The Chair concurred with Mr. Kona, noting that if the lot did not narrow a variance would not be necessary. He also expressed appreciation for the illustration of the other considered options.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**3) 719 Larchlea
Appeal 25-09**

BOD Zielke presented the item, explaining that the owner of the property known as 719 Larchlea was requesting the following variances to construct an addition to the existing home:

A. Chapter 126, Article 2, Section 2.06.2 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 22.50 feet. The proposed is 11.73 feet. Therefore, a variance of 10.77 feet is requested.

B. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 22.50 feet. The existing is 17.20 feet and the proposed is 15.23 feet. Therefore, a variance of 7.27 feet is requested on the south side.

C. Chapter 126, Article 4, Section 4.75 A(1) of the Zoning Ordinance requires that private attached garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The proposed is 2.00 feet behind the garage. Therefore, a variance of 7.00 feet is being requested.

Staff answered informational questions from the Board.

Don Wheeler, designer, 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:

- Every request in this appeal would expand a pre-existing non-conformity.
- The Board tends to have difficulty expanding non-conformities.

Mr. Hart moved to approve all three variances. The motion died for lack of a second.

Motion by Yaldo

Seconded by Kona with regard to Appeal 25-09, A. Chapter 126, Article 2, Section 2.06.2 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 22.50 feet. The proposed is 11.73 feet. Therefore, a variance of 10.77 feet is requested; B. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 22.50 feet. The existing is 17.20 feet and the proposed is 15.23 feet. Therefore, a variance of 7.27 feet is requested on the south side; and, C. Chapter 126, Article 4, Section 4.75 A(1) of the Zoning Ordinance requires that private attached garages must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The proposed is 2.00 feet behind the garage. Therefore, a variance of 7.00 feet is being requested.

Mr. Yaldo moved to deny the motion. He said a two car garage could be achieved on site if the proposed front of the garage were brought in by two feet, given the petitioner's indication that would be possible. Although the Board sometimes grants variances when there are special conditions applicable to the lot, these variances would expand the non-conformities in a way that would move the home closer o the neighbors and could set an inappropriate precedent.

Mr. Reddy concurred with Mr. Yaldo.

VC Canvasser noted that certain variances could impact future neighbors, even if the present neighbors are comfortable with the request. He said the request was self-created and that there was no circumstance unique to the property that necessitated the variances.

Mr. Kona said the encroachment closer to the neighbor was a larger concern than the addition two feet proposed for the front of the garage. He noted that if the variances were granted that could cause the neighbor to need a variance in the future.

The Chair concurred with his colleagues.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**4) 1000 Shirley
Appeal 25-10**

BOD Zielke presented the item, explaining that the owner of the property known as 1000 Shirley was requesting the following variance to construct an addition to the existing attached garage:

A. 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 26.50 feet. The proposed is 24.75 feet for the garage addition. Therefore, a variance of 5.25 feet is requested.

Staff answered informational questions from the Board.

Keith Logsdon, architect, 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:

- Wanting to maintain the character of a home cannot be considered a hardship in the context of a variance request.
- This is a well-known older house in Birmingham, and the stewardship the present owner has shown towards this home is significant. It is challenging to make changes and renovations to an older home like this.
- There is not a consistency in the number of columns along the front of the home. Making a change in the rear of the home in order to avoid a variance would not likely impact the character of the home any more than the different number of columns across the front of the home does.

Motion by Reddy

Seconded by Canvasser with regard to Appeal 25-10, A. 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 26.50 feet. The proposed is 24.75 feet for the garage addition. Therefore, a variance of 5.25 feet is requested.

Mr. Reddy moved to deny the variance request. There were not any special conditions that would prevent the appellant from using the property. Although the options may be aesthetically less preferable, the extant garage could be increased in size without the need for a variance. Expanding the pre-existing non-conformity did not seem necessary, and would set an inappropriate precedent. Literal enforcement of this chapter would not result in an unnecessary hardship for the petitioner, granting the variance would be contrary to the spirit and purpose of the zoning ordinance, and granting the variance would not do substantial justice to the appellant for the neighborhood.

The Chair concurred and supported the motion, noting that the home was beautiful and that he appreciated the appellant's intent. Concerns about turning radiuses or architectural consistencies are not factors for granting a variance. The Board also aims to avoid increasing non-conformities, and increasing the non-conformity in this case would be inconsistent with the intent of the ordinance.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**5) 488 Willits
Appeal 25-11**

BOD Zielke presented the item, explaining that the owner of the property known as 488 Willits was requesting the following variances to construct a new home with an attached garage:

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 28.00 feet for this property. The proposed roof height is 38.50 feet; therefore a variance of 10.50 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 32.96 feet; therefore a variance of 8.96 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 32.96 feet; therefore a variance of 8.96 feet is requested.

Staff answered informational questions from the Board.

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

Public Comment

The Board answered an informational question from Celeste Stewart.

Motion by Yaldo

Seconded by Lilley with regard to Appeal 25-11, 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 28.00 feet for this property. The proposed roof height is 38.50 feet; therefore a variance of 10.50 feet is requested; 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 32.96 feet; therefore a variance of 8.96 feet is requested; and, 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 32.96 feet; therefore a variance of 8.96 feet is requested.

Mr. Yaldo moved to approve the variances as requested and tied it to the plans as submitted. He said the architect thoroughly demonstrated that a variance would be required to construct a house on the property due to the unique slope of the lot. The development will do substantial justice to the neighbor and the property owner, granting the variance did not appear to conflict with the spirit or intent of the ordinance, and literal enforcement of the chapter would result in an unnecessary hardship due to the unique circumstances of the lot.

Mr. Hart concurred, and further commended the applicant on the thoroughness of the presentation.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

6. Correspondence

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

7. General Business

Mr. Yaldo announced his resignation from the Board.

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

9. Adjournment

No further business being evident, the Board motioned to adjourn at 9:24 p.m.

Bruce R. Johnson, Building Official



Laura Eichenhorn, City Transcriptionist

CASE DESCRIPTION

2425 E 14 Mile (25-12)

Hearing date: May 13, 2025

Appeal No. 25-12: The owner of the property known **2425 E 14 Mile**, requests the following variance for a nonconforming use in the R2 and MX zoning districts:

A. Chapter 126, Article 2, Section 2.39 of the Zoning Ordinance provides the District Intent, Permitted Uses, and Special Uses for the MX (Mixed-Use) zoning district. In addition, Chapter 126, Article 2, Section 2.07 of the Zoning Ordinance provides the District Intent, Permitted Uses, and Special Uses for the R2 (Single-Family) zoning district. The Clover Hill Park Cemetery is considered a Cemetery use. Cemetery uses are not permitted in either the MX or R2 zoning district. Therefore, a use variance to permit a Cemetery Use in the MX and R2 zoning districts is requested.

Staff Notes: The subject site, 2425 E. 14 Mile, is currently used as a cemetery with associated buildings, roads, landscaping and other typical features. The cemetery is located on the north side of 14 Mile between Coolidge and Melton. The applicant is requesting a renovation of the northernmost portion of the property that currently contains maintenance and storage facilities for the cemetery. The renovation proposes to completely redesign this portion of the site to provide space for future burials. The area would be landscaped and the existing road/access drive would be reworked.

The Chapel Hill Park Cemetery has existed in its current location since 1918 and is currently split between two zoning districts. The major portion of the site along 14 Mile is located in the R2 (Single-Family Residential) zoning district and the northernmost portion that is the subject of this review is located in the MX (Mixed Use) zoning district. There is a system of roadways within the cemetery that connect the two areas and permit patrons to circulate the site as well as support maintenance operations. At present, the Zoning Ordinance does not permit cemetery uses in the R2 or MX zones. Rather, cemetery uses are only permitted in the PP (Public Property) zoning district. Thus, the current use is considered pre-existing legal non-conforming.

In 2002, the cemetery added a building to the site and expanded a road into the northernmost portion of the site which necessitated a use variance from the Board of Zoning Appeals, which was ultimately granted. However, the variance granted was tied to the plans at the time. Thus, the proposed renovations require the applicant to obtain a new use variance.

On April 23, 2025 ([Agenda – Video](#)), the Planning Board reviewed and moved to approve a Final Site Plan and Design Review application for the proposed renovations with the condition that the applicant obtain a variance from the Board of Zoning Appeals to

continue the nonconforming use in the MX and R2 zoning districts.

This property is zoned MX (Mixed-Use) and R2 (Single-Family)

Nicholas 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)

2425 E 14 MILE 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:	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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I. PROPERTY INFORMATION:

Address:	Lot Number:	Sidwell Number:
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II. OWNER INFORMATION:

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

III. PETITIONER INFORMATION:

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

IV. GENERAL INFORMATION:

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

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

Owner hereby authorizes the petitioner designated below to act on behalf of the owner.
By signing this application, I agree to conform to all applicable laws of the City of Birmingham. All information submitted on this application is accurate to the best of my knowledge. Changes to the plans are not allowed without approval from the Building Official or City Planner.
*By providing your email to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

Signature of Owner: Kim Raznik Date: _____

Signature of Petitioner: Kim Raznik 3-25-2025

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.
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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.
-
-

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.

Kim Raznik

Signature of Applicant

April 4, 2025

VIA HAND DELIVERY

Mr. Nicholas Dupuis
Planning Director
City of Birmingham
151 Martin Street
Birmingham, Michigan 48009

Addressees

**Re: Application for Amendment to Board of Zoning Appeals Grant dated
September 10, 2002 (Appeal No. 02-97)
Applicant: Clover Hill Park Cemetery
Address: 2425 E. 14 Mile Rd. & 1175 Forest Hills Lane
Birmingham, Michigan 48009
Parcel Nos. 20-31-426-007 and 20-31-426-009**

Dear Mr. Dupuis,

This firm represents Clover Hill Park Cemetery, which was founded in 1918 by Congregation Shaarey Zedek. This historic cemetery located along E. 14 Mile has been an important part of the Metropolitan Detroit Jewish community for over three generations. In an effort to continuously upgrade and improve the cemetery, our client desires to relocate existing maintenance and storage buildings on the north end of the property to an eastern adjacent parcel within the City of Royal Oak. The northern portion of the property would be repurposed for future burials. Cemetery analysis shows that existing cemetery burial space will likely be exhausted in approximately 30 years. The opportunity to create additional burial space by relocating maintenance and storage buildings that are in need of repair, will extend the years that the cemetery will be able to provide burial space.

In order to remove the maintenance and storage buildings and repurpose this area for burials, our client is required to: (i) obtain site plan approval from the Birmingham Planning Board, and (ii) obtain an amendment to the Board of Zoning Appeals use variance that was granted by the Board of Zoning Appeals on September 10, 2022. We are simultaneously filing both applications, and will be requesting that the Planning Board approve the site plan subject to the Board of Zoning Appeals' approval of an amendment to the use variance.

City records reflect that the use variance was granted to legally establish the use of the property as a cemetery. In a 7-0 vote, the Board of Zoning Appeals ruled that the continuation of a legal non-confirming use (a cemetery) on parcels zoned R2 and MU was appropriate, and approved the construction of a new building and road on the site. The facts presented in this case are similar in that the Applicant desires to improve the property by placing a less intense use (burials) on the northern portion of the property, and moving the more intense operational and

April 4, 2025

Page 2

storage uses to an eastern adjacent parcel. These site modification require an amendment to the use variance.

Section 8.01(F)(3)(a) of the City of Birmingham Zoning Ordinance outlines the factors that the Board of Zoning Appeals must determine in order to grant a variance, or in this case – amend a variance. With respect to each of these factors, we submit the following:

DETERMINATION NO. 1: If the provisions of the Zoning Ordinance are strictly applied, is the property owner unreasonably prevented from using the property for a permitted purpose?

RESPONSE: Yes, the subject parcels are both approved for cemetery use pursuant to a use variance granted in 2002. If the provisions of the Zoning Ordinance are applied to the proposed modifications to the site, the property owner will be prevented from using the property for a use that has existing on the site since 1918. The City of Birmingham does not allow private cemeteries to exist in any zoning district. An amendment to the use variance is the only path forward to approving the proposed modifications to the cemetery.

DETERMINATION 2: Will literal enforcement of the chapter will result in unnecessary hardship?

RESPONSE: Yes, the cemetery use was established on the subject parcels in 1918, and there is no zoning district in the City of Birmingham that permits the operation of a private cemetery. This use was legally established pursuant to the approval of a use variance in 2002. An amendment to the use variance is appropriate to allow the Applicant to proceed with the proposed modifications to the cemetery. To strictly apply the provisions of the Zoning Ordinance and prohibit any further modifications to the cemetery, would result in an unnecessary hardship, and an unlawful taking of property.

DETERMINATION 3: Will the granting of the variance not be contrary to the spirit and purpose of the Zoning Ordinance, nor contrary to the public health, safety and welfare?

RESPONSE: Granting the variance will further the spirit and purpose of the Zoning Ordinance by allowing lawfully established uses to continue and improve. Granting an amendment to the use variance will: (i) improve the site, (ii) increase the longevity of the use by providing additional burial sites, and (iii) move intense operational and storage uses to an adjacent eastern parcel that is more appropriate for these uses than the northern location. These modifications will improve the

April 4, 2025

Page 3

areas around the cemetery, and are not contrary to the public health, safety and welfare.

DETERMINATION 4: Will the granting of the variance result in substantial justice to the property owner, the owners of property in the area, and the general public?

RESPONSE: Yes, granting the variance will result in substantial justice to the property owner by allowing the property owner to improve the site, and increase the longevity of the use by providing additional burial sites. The variance will also benefit the neighbors and general public by placing a less intense use on the northern portion of the property, and moving more intense operational and storage uses to an eastern adjacent parcel.

In connection with this application, we have submitted the following documents for your review:

1. Copy of September 10, 2002 Use Variance Grant (Appeal No. 02-97);
2. Board of Zoning Appeals Application;
3. Survey of the subject property;
4. Aerial photos of the subject property;
5. Photos of existing conditions of the subject property;
6. Site plan of the subject property showing the proposed layout of the burial area, proposed access to the subject property, and proposed landscaping for the subject property; and
7. Check payable to the City of Birmingham in the amount of \$950 to cover the application fee.

We look forward to appearing with our client before the Board of Zoning Appeals to discuss the proposed site modifications, and amendment to use variance requested herein. Should you have any questions or concerns regarding this application, or need any additional information or documents to process it, please do not hesitate to contact me.

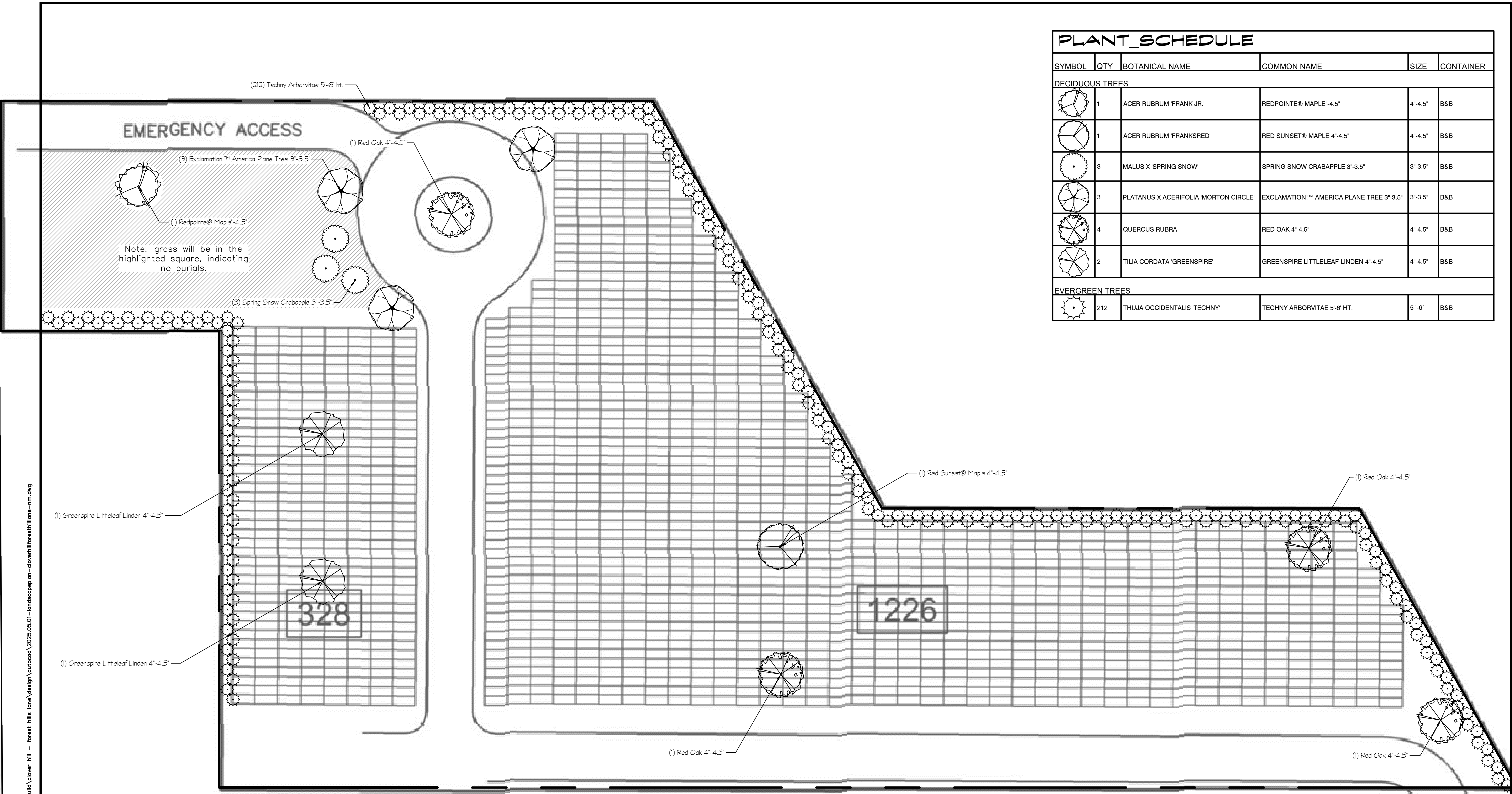
Very truly yours,

HONIGMAN LLP



J. Patrick Howe

c:\users\mate\great oaks landscape\team - landscape projects\design\build\clover hill - forest hills\one\design\outlook\2025.05.01-landscapeplan-cloverhillforesthills-nm.dwg



EMERGENCY ACCESS

Note: grass will be in the highlighted square, indicating no burials.

PLANT_SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
DECIDUOUS TREES					
	1	ACER RUBRUM 'FRANK JR.'	REDPOINTE® MAPLE 4'-4.5'	4'-4.5'	B&B
	1	ACER RUBRUM 'FRANKSRED'	RED SUNSET® MAPLE 4'-4.5'	4'-4.5'	B&B
	3	MALUS X 'SPRING SNOW'	SPRING SNOW CRABAPPLE 3'-3.5'	3'-3.5'	B&B
	3	PLATANUS X ACERIFOLIA 'MORTON CIRCLE'	EXCLAMATION!™ AMERICA PLANE TREE 3'-3.5'	3'-3.5'	B&B
	4	QUERCUS RUBRA	RED OAK 4'-4.5'	4'-4.5'	B&B
	2	TILIA CORDATA 'GREENSPIRE'	GREENSPIRE LITTLELEAF LINDEN 4'-4.5'	4'-4.5'	B&B
EVERGREEN TREES					
	212	THUJA OCCIDENTALIS 'TECHNY'	TECHNY ARBORVITAE 5'-6' HT.	5'-6'	B&B

This plan is a landscape concept and it is intended that the designer be involved to consider on-site conditions. The designer's specifications herein remain the property of Great Oaks Landscape Associates, Inc. for its sole use. Unauthorized use of this plan is prohibited.

Scale: 1" = 20'
 Date: May 05, 2025
 Drawn by: NM
 Checked by: GR
 Proposal:

PROJECT: CLOVER HILL PARK - FOREST HILL LANE
 1175 FOREST HILL LANE, BIRMINGHAM, MI 48009
 SUBJECT: PLANTING PLAN
 Client: CLOVER HILL PARK - KIM RAZNIK

GREAT OAKS
 LANDSCAPE
 LANDSCAPE ARCHITECTURE
 HORTICULTURAL SERVICES
 ALL SEASON MAINTENANCE
 TURF
 4809 MANUILL LINDEN COURT, HOVE, MICHIGAN 48377
 PHONE 248.949.8355 • FAX 248.949.8356
 www.greatoakslandscape.com



Clover Hill Park Cemetery
1175 Forest Hills Lane
Birmingham, MI 48009
April 4, 2025

Kim Raznik
248-723-8884































FD BROKEN MONUMENT W/BENT IRON
(MEASURED STRAIGHT SECTION OF
IRON ROD 1.5' BELOW GROUND)
N.E. CORNER LOT 832 REPLATTED
LINCOLN AVE SHEFFIELD ESTATES
NO. 1 SUBDIVISION
ONLINE

30 FT. WD. INGRESS EGRESS EASEMENT
PER LIBER 8926, PAGE 354, O.C.R.

25 FT. WD. INGRESS
EGRESS EASEMENT
PER LIBER 8926, PAGE 354, O.C.R.

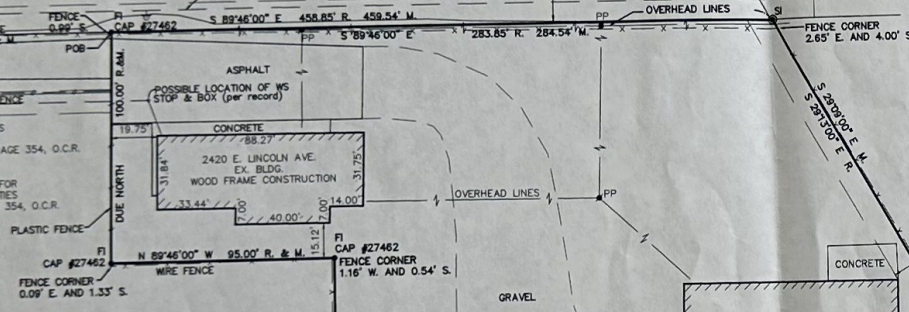
10 FT. WD. EASEMENT FOR
SEWER, WATER & UTILITIES
PER LIBER 8926, PAGE 354, O.C.R.

6 FT. WD. GAS EASEMENT
PER LIBER 2756, PAGE 443 - 451, O.C.R.

SWIM CLUB
PARCEL 20-31-426-006

PARCEL 20-31-426-013

12 FT. WD. EASEMENT
FOR WATERMAIN



PARCEL 20-31-426-009
CEMETERY

GRAND TRUNK WESTERN RAILROAD

LEGAL DESCRIPTION - As Surveyed

Land located in the City of Birmingham, being a part of the Northeast 1/4 of the Southeast 1/4 of Section 31, T.2N., R.11E., Troy Township, Oakland County, Michigan, being described as commencing at the South 1/4 corner of said Section 31; thence S. 89° 57' 51" E., 1311.96 feet measured (N. 89° 58' 50" E., 1311.85 feet record) along the South line of said Section 31; thence N. 00° 19' 55" E., 1728.49 feet measured (1728.80 feet record) along the South line of said Section 31; thence N. 00° 19' 55" E., 489.80 feet (record and measured); thence continuing along said Easterly line of said subdivision N. 00° 19' 55" E., 489.80 feet (record and measured); thence S. 89° 46' 00" E., 175.00 feet (record and measured) to the point of beginning; thence S. 89° 46' 00" E., 284.54 feet measured (283.85 feet record); and measured) to the point of beginning; thence S. 89° 46' 00" E., 203.60 feet (record); thence S. 89° 28' 00" E., 207.23 feet measured (207.90 feet record) to the Westerly line of the Grand Trunk Western Railroad; thence along said Westerly line S. 29° 10' 00" E., 139.66 feet measured (139.60 feet record); thence N. 89° 46' 00" W., 563.91 feet measured (565.65 feet record); thence due North, 100.00 feet (record and measured); thence N. 89° 46' 00" W., 95.00 feet (record and measured); thence due North, 100.00 feet (record and measured) to the point of beginning. Containing 116,772 square feet or 2.681 acres and subject to any easements of record.

LEGAL DESCRIPTION - per Title Commitment

A parcel of land in the Northeast 1/4 of the Southeast 1/4 of Section 31, Town 2 North, Range 11 East, Troy Township, Oakland County, Michigan, being described as commencing at the South 1/4 corner of said Section 31, T.2N., R.11E., Troy Township, Oakland County, Michigan, being described as commencing at the South 1/4 corner of said Section 31; thence S. 89° 57' 51" E., 1311.96 feet measured (N. 89° 58' 50" E., 1311.85 feet record) along the South line of said Section 31; thence N. 00° 19' 55" E., 1728.49 feet measured (1728.80 feet record) along the South line of said Section 31; thence N. 00° 19' 55" E., 489.80 feet (record and measured); thence continuing along said Easterly line of said subdivision N. 00° 19' 55" E., 489.80 feet (record and measured); thence S. 89° 46' 00" E., 175.00 feet (record and measured) to the point of beginning; thence S. 89° 46' 00" E., 284.54 feet measured (283.85 feet record); and measured) to the point of beginning; thence S. 89° 46' 00" E., 203.60 feet (record); thence S. 89° 28' 00" E., 207.23 feet measured (207.90 feet record) to the Westerly line of the Grand Trunk Western Railroad; thence along said Westerly line S. 29° 10' 00" E., 139.66 feet measured (139.60 feet record); thence N. 89° 46' 00" W., 563.91 feet measured (565.65 feet record); thence due North, 100.00 feet (record and measured); thence N. 89° 46' 00" W., 95.00 feet (record and measured); thence due North, 100.00 feet (record and measured) to the point of beginning. Containing 116,772 square feet or 2.681 acres and subject to any easements of record.

FLOOD HAZARD NOTE

This property is not within the flood hazard area as indicated by Flood Hazard Boundary Map 260168 0005 B, City of Birmingham, Oakland County, Michigan, as prepared by the Department of Housing and Urban Development, Federal Insurance Administration, identification date May 15, 1980.

SURVEYOR'S CERTIFICATE

The undersigned, being a registered surveyor of the State of Michigan certifies to Clover Hill Park Cemetery and First American Title Company as follows:

1. This map or plot and the survey on which it is based were made in accordance with the Minimum Standard Detail requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by the American Land Title Association and the American Congress on Surveying and Mapping in 1992 and amended in 1997 and this survey meets the requirements for an Urban Survey as defined therein.
2. The survey was made on the ground between March 26th and May 23rd, 2001 and then reconfirmed on October 15, 2001. The location and type of all buildings, structures and

CASE DESCRIPTION

280 E Lincoln (25-13)

Hearing date: May 13, 2025

Appeal No. 25-13: The owner of the property known as **280 E Lincoln**, requests the following variances to minimum required open space and side setbacks:

- A. Chapter 126, Article 2, Section 2.08.1 of the Zoning Ordinance requires minimum open space of 40.00%. The existing open space is nonconforming at 28.80%. The proposed site plan increases the nonconformity by 2.10% to 26.70%. Therefore, a variance of 13.30% is requested.
- B. Chapter 126, Article 4, Section 4.61 of the Zoning Ordinance requires that the minimum side street setback shall be 10.00 feet for the permitted principal building on a corner lot. The proposed is 4.80 feet for an exterior stairwell. Therefore, a variance of 5.20 feet is requested.

Staff Notes: The subject site, 280 E. Lincoln, is used as a religious institution with associated parking, landscaping, accessory building. The church is located on the south side of Lincoln between Cedar and Edgewood. Grace Baptist Church has inhabited this site since 1957, and has been operating under a Special Land Use Permit (SLUP) since 1987. On July 10, 2007, the applicant was heard at the Board of Zoning Appeals and received requested dimensional variances for proposed wood fence screening and for the parking facility to extend into the required front setback. Those variances remain as the conditions related to the existing variances are not proposed to change.

At this time, the applicant has submitted a Special Land Use Permit Amendment, Final Site Plan and Design Review application to renovate their church. The proposed alterations include removal of 2,650 sq. ft. of existing building to construct a 4,180 sq. ft. addition along with alteration of portions of the parking lot, walkways and landscaping. The applicant is requesting to demolish and replace an 1800's building with an addition that is ADA accessible and conforms to current building codes. Variances to the minimum open space requirement and side yard setback are needed due to existing nonconformity and accessible improvements.

On April 9, 2025 ([Agenda](#) – [Video](#)), the Planning Board moved to recommend approval with the condition that the applicant receive the necessary variances from the Board of Zoning Appeals. The discussion surrounded the Planning Board's appreciation for the added connection between the two portions of the parking lot their belief that the proposed site plan integrates well with the neighborhood and adjacent sites.

This property is zoned R2 – Single family residential.

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)

280 E LINCOLN 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:	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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I. PROPERTY INFORMATION:

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

II. OWNER INFORMATION:

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

III. PETITIONER INFORMATION:

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

IV. GENERAL INFORMATION:

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

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

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

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

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

V. REQUIRED INFORMATION CHECKLIST:

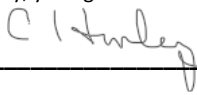
- Please provide the following in your electronic submission:**
- Completed and signed application
 - Signed letter of practical difficulty and/or hardship
 - Certified survey
 - Building plans including existing and proposed floor plans and elevations
 - If appealing a board decision, provide a copy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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: _____  _____ Date: _____

Signature of Petitioner: _____ Date: _____

CITY OF BIRMINGHAM
BOARD OF ZONING APPEALS
RULES OF PROCEDURE

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
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ARTICLE III - Rehearings

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

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

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

Signature of Applicant

<u>Requested Variances</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance Amount</u>
Variance A: Minimum Open Space	40%	28.80%	26.70%	13.30%
Variance B: Sideyard Setback	10ft (corner lot)	10'-1 1/2"	5.2 ft	4.8 ft



T. 920.426.4774 | F. 920.426.4788 | 4825 County Road A, Oshkosh, WI 54901 | Ganther.com

April 14, 2025

Board of Zoning Appeals
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Subject: Grace Baptist Church - 280 East Lincoln Street

Dear Members of Board,

Thank you for your consideration of our dimensional variance requests for Grace Baptist Church. Specifically, we are looking for relief in consideration of the minimum open space and side yard setback requirements of the ordinance.

Grace Baptist Church as it currently exists has severe deficiencies in handicap accessibility, both on site and in the building. By demolishing the oldest and most non-conforming portions of the church, we are looking to build back new with accessible and safe features for both the congregation and the public: accessible routes throughout both the building and the site, compliant restrooms that can accommodate all building users, vertical circulation between floors through the incorporation of an elevator, areas of refuge, and lastly spaces sized adequately to duplicate the programmatic uses of those being removed.

Consideration 1: Strict application of the zoning ordinance unreasonably prevents petitioner from using their property for a permitted use.

As is, the existing facility only has 28.8% open space and does not meet the 40% minimum requirement for the R-2 ordinance. While our proposed solution increases this deficiency by an additional 2.1%, these adjustments increase the public's access to the building and overall building safety.

- Parking requirements take up the greatest amount of potential open space. Per discussions with the Planning Board, additional connectivity, both circulation and drainage, was desired between the northern and southern parking areas. Incorporating this connection not only contributed to the loss of parking, but of existing open space. In all, 10 parking spaces have been removed from the site, leaving the church with the 44 minimum spaces required by code.
- Of the existing seven (7) building entrances and exits, due to either the existing grading or the need for stairs, only one is handicapped accessible. By reducing inaccessible entrances and incorporation of an accessible sidewalk to the public way at the south entrance, the two (2) main entries to the building have accessible routes to the public way, while the remaining three inaccessible routes are for emergency exiting.
- The proposed building footprint (16,576 sf) is greater than the existing footprint (13,360 sf). This extra 3,216 sf exists to address existing building deficiencies and provide proper functionality for code compliance without sacrificing existing program space.

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- Currently, the existing basement areas and its functions are only served by stairs. The proposed building design adds space for an elevator and an equipment room to access both floors.
- The existing building currently only has one single family restroom space that is compliant to ADA standards, however it is not located on an accessible route within the building. The new plans call for both men's and women's restrooms which are fully compliant, on an accessible route, and sufficiently sized for the building's occupant load.
- Several of the existing office spaces and the serving kitchen were inadequately sized to be considered accessible; and many of the routes to get to those spaces were also inaccessible. To remedy this, we did increase the size of certain rooms and the circulation paths to them.

At the east side yard, our proposed plan has set the main face of the building addition a compliant 10'-9" minimum from the property line; however, we are also requesting a below grade emergency egress stair from the basement. This second exit from the basement is required for the addition. Incorporation of the exterior stair as proposed provides egress from the basement without reducing programmed space.

- Currently, the exterior stair and the concrete retaining wall to form it is shown projecting 6 ft from the building, of which 4.8 ft is in the minimum side yard. Reducing the required side yard to 5.2 ft would accommodate the stair and add some construction tolerance.
- While not addressed in 4.30 OS-01; C; 3, article 4 identifies requirements for window well structures which would be similar to the sidewall structure for the stair. In the spirit of the code, the retaining wall for the stair is currently planned to be no more than 8 inches above the adjacent grade and the associated guard (fencing) will be limited to a height of 42" above the adjacent grade.

Consideration 2: Strict enforcement of the zoning ordinance will result in unnecessary hardship.

In consideration of minimum open space requirements, the owner is looking for relief to provide greater accessibility to a site that is already non-conforming. If strict enforcement of the zoning ordinance was taken, the owner would be unnecessarily burdened and required to relinquish programs and services that have existed prior to the development of the ordinance.

In regard to the side yard setback, without relief the owner would be looking at loss of program space on multiple levels. The only options would be increase the building setback from the property line or to move the stair completely interior to the building, reducing programmed space in the range of 330 - 760 sf.

Consideration 3: Granting the requested variances would not be contrary to the spirit and purpose of the zoning ordinance, nor contrary to the public health, safety, and welfare.

Granting of the variances would not be contrary to the spirit and purpose of the ordinance because while we are introducing development to an existing non-conformity, we are doing so to positively impact public health, safety, and welfare. Through the creation of safer and accessible routes; revising parking to be safer by reducing vehicle and pedestrian conflicts; and incorporating modifications to lessen the site's



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impact on city infrastructure; this project acknowledges an existing non-conformity and looks to make other conditions better with minimum amplification to the non-compliance.

When it comes to the side yard, we are looking for a modification that exists underground and mostly out of the view of the public. The main parts of the stair that would be visible, the portion of its supporting wall and guard fencing, offer little visual difference from installing a decorative fence on the site.

Consideration 4: Granting the requested variances will result in substantial justice to petitioner, owners of the properties in the area, and to the general public.

Granting these variances will result in substantial justice to the petitioner and owner because they will allow the safe and accessible modification of the site without being excessively burdened by open space non-conformities that existed before the adoption of the current code or the reduction of program spaces to provide such modifications. Provision of these variances are just in that they allow improvements for greater public accessibility, safe routes, and infrastructure interaction.

Thank you for considering our request. We are happy to provide further information or answer any questions you may have. We look forward to further discussions.

Sincerely,
GANTHER CONSTRUCTION | ARCHITECTURE, INC.

Andrew H. Iverson, AIA, ALEP, LEED AP
Architect



SITE PLAN

GRACE BAPTIST CHURCH

280 EAST LINCOLN STREET, BIRMINGHAM, OAKLAND COUNTY, MI

PROJECT CONTACTS

OWNER/APPLICANT

GRACE BAPTIST CHURCH
280 EAST LINCOLN STREET
BIRMINGHAM, MI 48009
PHONE: 248.646.2000

ARCHITECT/DESIGN BUILDER

GANTHER
CONSTRUCTION/ARCHITECTURE, INC.
CONTACT: ANDREW IVERSON, AIA, ALEP,
LEEP AP
4825 COUNTY ROAD A
OSHKOSH, WI 54901
PHONE: 920.426.4774 EXT. 132
EMAIL: AIVERSON@GANTHER.COM

SURVEYOR

SUJAK ENGINEERING, PLC
CONTACT: TEON SUJAK
4031 COLIDGE HWY
TROY, MI 48098
PHONE: 248.885.8431
EMAIL: SUJAKENGINEERING@COMCAST.NET

ENGINEER

METRO CONSULTING ASSOCIATES, LLC
CONTACT: ANDREW WALTERS, PE
45345 FIVE MILE ROAD
PLYMOUTH, MI 48170
PHONE: 800.525.6016
EMAIL: AWALTERS@METROCA.NET

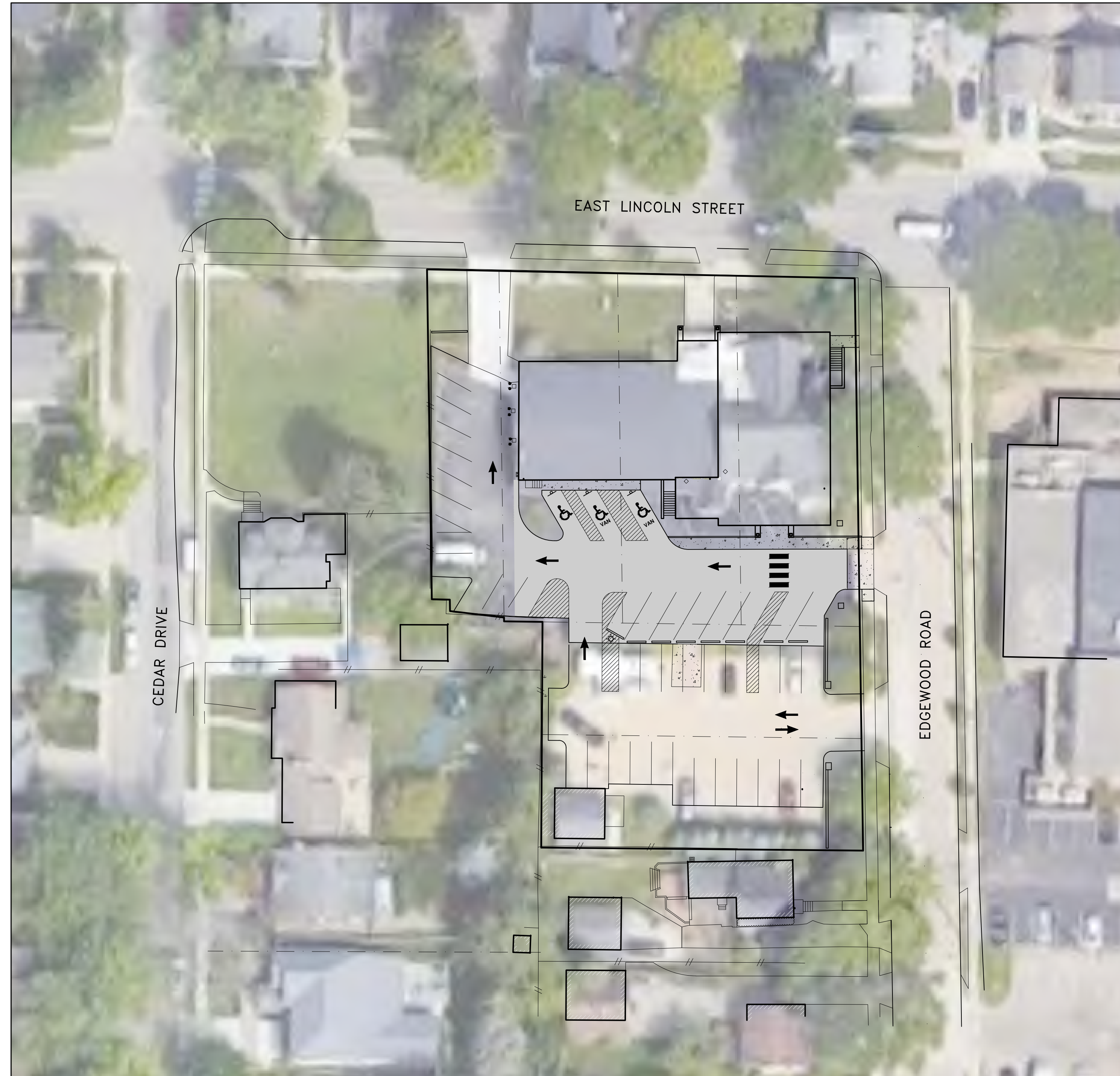
SITE PLAN PERMITTING

CITY OF BIRMINGHAM
PLANNING DIVISION
CONTACT: NICHOLAS DUPUIS, PLANNING
DIRECTOR
151 MARTIN STREET
BIRMINGHAM, MI 48009
PHONE: 248.530.1850

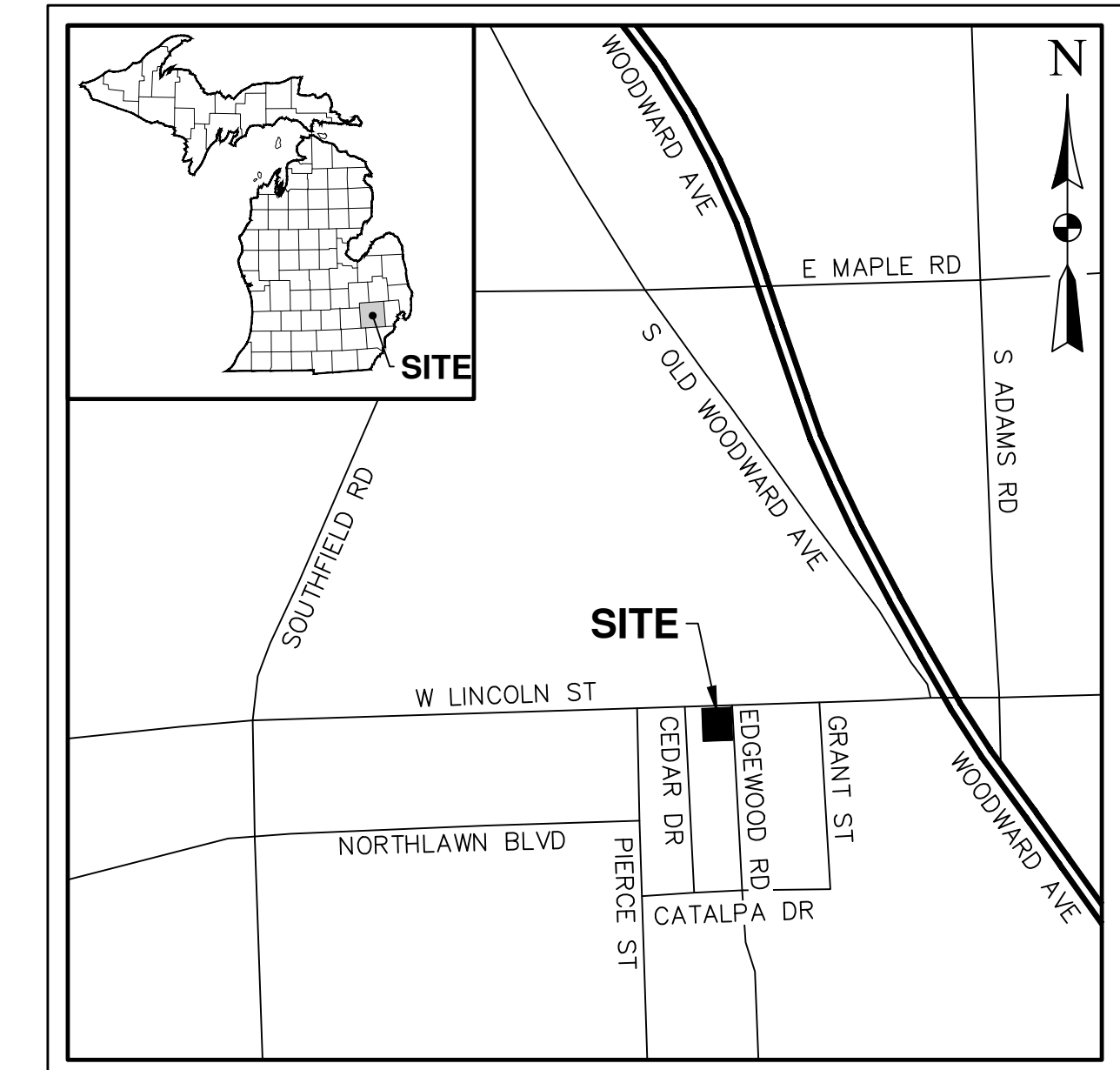
CITY OF BIRMINGHAM
ENGINEERING DEPARTMENT
CONTACT: MELISSA COATTA, PE
151 MARTIN STREET
BIRMINGHAM, MI 48009
PHONE: 248.530.1850
EMAIL: MCOATTA@BHAMGOV.ORG

SURVEY NOTES

- 1) THESE PLANS ARE BASED ON THE TOPOGRAPHIC AND BOUNDARY SURVEY PREPARED BY SUJAK ENGINEERING, PLC DATED NOVEMBER 16, 2024.
- 2) ELEVATIONS PROVIDED ARE ON THE CITY OF BIRMINGHAM DATUM.
- 3) THE SURVEY WAS PERFORMED ON NO KNOWN HORIZONTAL DATUM.
- 4) ACCORDING TO FEMA FIRM MAP 2612C0537F, EFFECTIVE SEPTEMBER 29, 2006, THE SITE IS NOT LOCATED IN AN AREA OF SPECIAL FLOOD HAZARD.



OVERALL AREA MAP



VICINITY MAP
NOT TO SCALE

SHEET INDEX

- | | |
|----|--|
| 01 | COVER SHEET |
| 02 | TOPOGRAPHIC AND BOUNDARY SURVEY |
| 03 | DEMOLITION PLAN |
| 04 | LAYOUT PLAN |
| 05 | GRADING AND UTILITY PLAN |
| 06 | LANDSCAPE PLAN |
| 07 | SOIL EROSION AND SEDIMENTATION CONTROL PLAN |
| 08 | SOIL EROSION AND SEDIMENTATION NOTES AND DETAILS |
| 09 | DETAILS |
| A1 | LOWER LEVEL FLOOR PLAN |
| A2 | MAIN FLOOR PLAN |
| A3 | EXTERIOR ELEVATIONS |
| A4 | EXTERIOR ELEVATIONS |

PROJECT NARRATIVE

GRACE BAPTIST CHURCH IS RESPECTFULLY REQUESTING THE NECESSARY PERMITS AND APPROVALS TO RENOVATE THEIR CHURCH AT 280 EAST LINCOLN STREET IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN. THE PROPOSED ALTERATIONS INCLUDE REMOVAL OF 2,650SF OF EXISTING BUILDING TO CONSTRUCT A 4,180SF ADDITION ALONG WITH ALTERATION OF PORTIONS OF THE PARKING LOT AND DRIVE, SIDEWALKS AND LANDSCAPING. ALL WORK INTERNAL TO THE EAST LINCOLN STREET AND/OR EDGEWOOD ROAD RIGHT-OF-WAY WILL BE PERFORMED IN ACCORDANCE WITH THE MOST CURRENT VERSION OF THE CITY OF BIRMINGHAM'S CODE OF ORDINANCES.

WATER: THE EXISTING WATER SERVICE TO THE BUILDING WILL BE UTILIZED. NO NEW CONNECTION TO OR EXTENSION OF THE PUBLIC WATERMAIN IS PROPOSED AS PART OF THIS PROJECT.

SANITARY: THE EXISTING SANITARY SERVICE WILL BE UTILIZED. NO NEW CONNECTION TO OR EXTENSION OF THE PUBLIC SANITARY SEWER IS PROPOSED AS PART OF THIS PROJECT.

STORM SEWER: SOME RUN-OFF FROM THE SITE DRAINS TO AN ON-SITE CATCH BASIN THAT DISCHARGES TO THE SEWER IN EDGEWOOD ROAD. THE MAJORITY OF THE SITE SHEET FLOWS TO THE EAST LINCOLN STREET OR EDGEWOOD ROAD RIGHT-OF-WAY. NO ALTERATION OF THE STORM SEWER IS PROPOSED AS PART OF THIS PROJECT.

SOIL EROSION: A SOIL EROSION PERMIT FROM THE CITY OF BIRMINGHAM WILL BE REQUIRED FOR THE PROJECT.



THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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

Revisions
4/4/2025
PER CITY OF BIRMINGHAM



Project Number	1051-25-13215	Date	3/6/2025
P.M.	AW	Checked by	AW
		Drawn by	WB
		Crew/Book	

Client: **GRACE BAPTIST CHURCH**

Project: **GRACE BAPTIST CHURCH**

Site Address
280 EAST LINCOLN STREET
BIRMINGHAM, MI 48009

County: OAKLAND Community: BIRMINGHAM

Township: 2N Range: 10E Section: 36

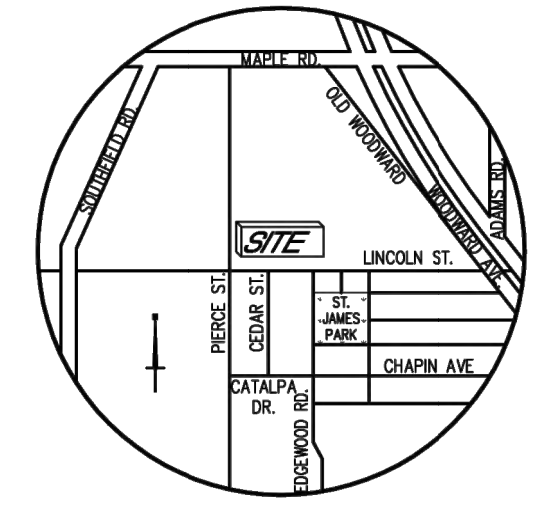


Professional Name: ANDREW WALTERS, PE Date: 4/4/2025

Title: **SITE PLAN**
COVER SHEET

Drawing Scale: Sheet Number: **01**

BIRM. BM #2
MONUMENT
ELEV=767.44
BIRM. DATUM



LOCATION MAP
NO SCALE
20' 0' 20' 40'
SCALE: 1" = 20'

LEGEND

- EX. GRADE
- EX. INDEX CONTOUR
- EX. CONTOUR
- EX. WATER MAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- EX. OVERHEAD
- EX. GAS
- EX. UNDERGROUND
- EX. FENCE
- EX. RAILROAD
- EX. WALL
- EX. Q. OF DITCH
- EX. WETLAND
- HYDRANT
- CATCH BASIN
- MANHOLE
- SIGN
- GATE VALVE
- LIGHT POLE
- UTILITY POLE
- METAL LIGHT POLE
- TOP OF BERM
- TOE OF BERM
- TREE TAG
- TOP OF CURB
- GUTTER
- TOP OF ASPHALT
- TOP OF WALK
- TOP OF IRON ROD
- FOUND IRON ROD
- FOUND IRON PIPE
- ASPHALT
- CONCRETE

TOPO. NOTES:

- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD UNTIL AN UPDATED TITLE POLICY HAS BEEN FURNISHED TO THE SURVEYOR BY THE OWNER.
- ALL ELEVATIONS ARE EXISTING ELEVATIONS
- SUBJECT PROPERTY IS LOCATED IN ZONE X. AREA OF MINIMAL FLOODING. PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26125C0537F. EFFECTIVE DATE: SEPTEMBER 29, 2006.
- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

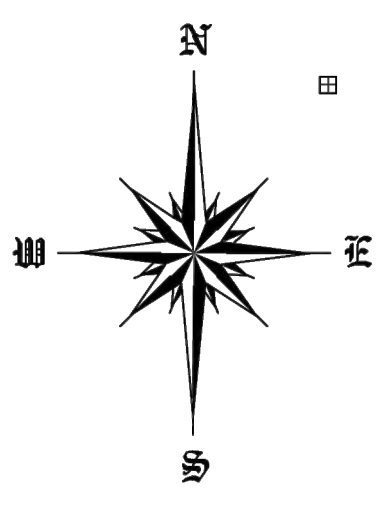
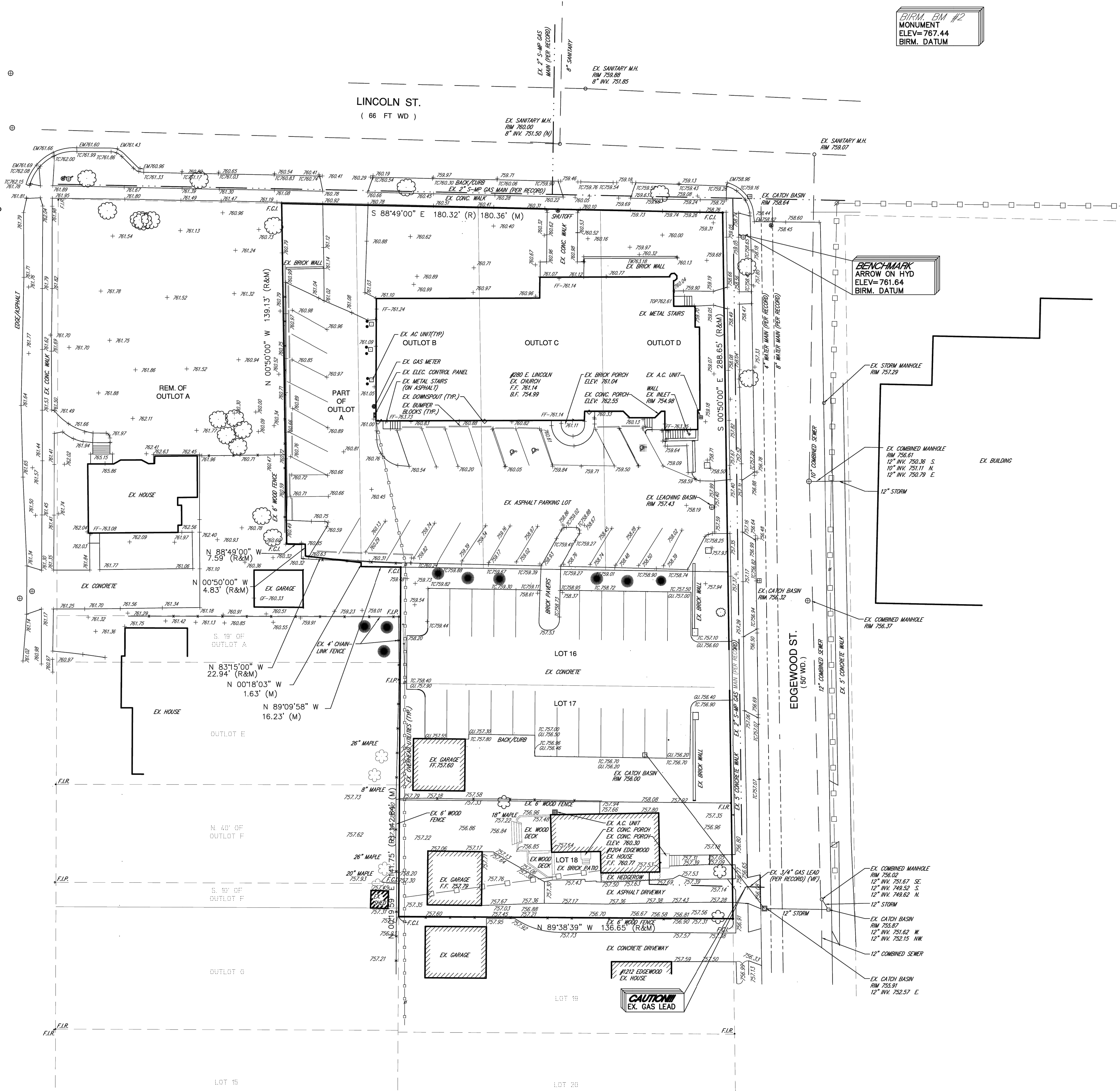
LEGAL DESCRIPTION:

LOTS 16 & 17, ALSO PART OF OUTLOT A, ALSO ALL OF OUTLOTS B, C & D, OAKLAND VILLAS ANNEX, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN. ALL DESCRIBED AS BEGINNING AT THE NE CORNER OF "SAID" OUTLOT D, THENCE S 00°50'00" E 241.40 FT, THENCE N 89°27'35" W 135.69 FT, THENCE N 00°19'59" E 95.16 FT, THENCE N 89°09'58" W 16.23 FT, THENCE N 00°18'03" W 1.63 FT, THENCE N 83°15'00" W 22.94 FT, THENCE N 00°50'00" W 4.83 FT, THENCE N 88°49'00" W 7.59 FT, THENCE N 00°50'00" W 139.13 FT, THENCE S 88°49'00" E 180.36 FT TO THE POINT OF BEGINNING.

CEDAR DRIVE
50' WD. R.O.W. & ASPHALT

EDGEWOOD ST.
(50' WD.)

LINCOLN ST.
(66 FT WD.)



SE Syjak Engineering PLC
CIVIL ENGINEERING 5 PLANNING 5 DESIGN 5
401 Coahiler Highway
Troy, MI 48068
Phone: (248) 885-8431
Fax: (248) 885-4432
Email: SyjakEngineering@Comcast.net

ORIGINAL
SIGNATURE IN
BLUE
Team C Syjak, P.E. No. 046898

280 E. Lincoln
Birmingham, MI 48009
Parcel # 19-36-402-049
Topographic & Boundary
Survey

Scale: 1" = 20'
Drawn: TMS
Checked: TCS
Approved: TMS
Date: 11/16/2024
Job No.: 24-085
Sheet No.: CS1.0 02





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Revisions
4/4/2025
PER. CITY OF BIRMINGHAM

Symbol	Description
⊗	EX. SPOT ELEVATION
—	EX. CONTOUR
—	EX. WETLAND LIMITS
—	EX. BOUNDARY LINE
—	EX. ADJACENT PROPERTY LINE
—	EX. RIGHT-OF-WAY
—	EX. SECTION LINE
—	EX. EASEMENT LINE
—	EX. CURB/PAVEMENT
—	EX. FENCE
—	EX. GRAVEL
—	EX. DITCH
—	EX. GUARDRAIL
—	EX. TREELINE
⊙	EX. TREE (CONIFEROUS)
⊙	EX. TREE (DECIDUOUS)
⊙	EX. SIGN
⊙	EX. MAILBOX
⊙	FOUND IRON PIPE
⊙	FOUND IRON ROD
⊙	FOUND PK NAIL
⊙	SET IRON ROD
⊙	FOUND CONC. MONUMENT
⊙	SET IRON ROD
⊙	SET MAG NAIL
⊙	EX. SECTION CORNER
⊙	SOIL BORING
⊙	EX. WATER MAIN
⊙	EX. WATER VALVE
⊙	EX. HYDRANT
⊙	EX. WATER MANHOLE
⊙	EX. WELL
⊙	EX. WATER METER
⊙	EX. STORM SEWER
⊙	EX. STORM INLET/CATCH BASIN
⊙	EX. STORM MANHOLE
⊙	EX. STORM END SECTION
⊙	EX. SANITARY SEWER
⊙	EX. SANITARY MANHOLE
⊙	EX. CLEAN OUT
⊙	EX. UNDERGROUND GAS
⊙	EX. GAS VALVE
⊙	EX. TEST STATION
⊙	EX. GAS METER
⊙	EX. UNDERGROUND CABLE
⊙	EX. UNDERGROUND FIBER
⊙	EX. UNDERGROUND TELEPHONE
⊙	EX. TELEPHONE MANHOLE
⊙	EX. TELEPHONE RISER
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⊙	PR. DEMO PAVEMENT AND CURB
⊙	PR. DEMO BUILDING
⊙	PR. DEMO EXISTING TREE
⊙	PR. SILT FENCE
⊙	PR. LIMITS OF DISTURBANCE
⊙	PR. INLET FILTER
⊙	PR. STONE/ RIP-RAP
⊙	PR. SOIL LIMITS
⊙	PR. SOIL TYPE

Symbol	Description
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Project Number	Date
1051-25-13215	3/6/2025

P.M.	Checked by	Drawn by	Crew/Book
AW	AW	WB	

Client
GRACE BAPTIST CHURCH

Project
GRACE BAPTIST CHURCH

Site Address
280 EAST LINCOLN STREET BIRMINGHAM, MI 48009

County	Community
OAKLAND	BIRMINGHAM

Township	Range	Section
2N	10E	36

Professional Name	Date
ANDREW WALTERS, PE	4/4/2025

The
SITE PLAN
DEMOLITION PLAN

Drawing Scale	Sheet Number
1" = 20'	03

LEGEND

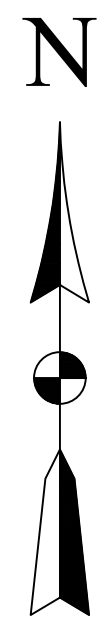
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⊙	PR. STONE/ RIP-RAP
⊙	PR. SOIL LIMITS
⊙	PR. SOIL TYPE

DEMOLITION NOTES:

1. THE CONTRACTOR SHALL CALL 811 "MISS DIG" AT LEAST THREE WORKING DAYS PRIOR TO CONSTRUCTION.
2. A SOIL EROSION CONTROL PERMIT FROM THE AUTHORITY HAVING JURISDICTION IS REQUIRED AND SOIL EROSION CONTROL BMP'S SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF DEMOLITION ACTIVITIES.
3. THE CONTRACTOR SHALL INDEPENDENTLY VERIFY THE LOCATION AND DEPTH OF EXISTING UTILITIES PRIOR TO DEMOLITION ACTIVITIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE TO DEMOLISH OR RELOCATE ANY SITE FEATURES AS ACCORDING TO PLAN AND/OR AS APPROPRIATE TO FACILITATE THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.
5. PRIOR TO REMOVING, RELOCATING, OR PERFORMING ANY WORK ON A UTILITY, THE CONTRACTOR SHALL COORDINATE WITH THE RESPECTIVE UTILITY OWNER.
6. ALL DEMOLISHED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGALLY DESIGNATED DISPOSAL AREA. PERMITS AND FEES FOR DISPOSAL OF DEMOLITION MATERIAL SHALL BE OBTAINED AND PAID FOR BY THE CONTRACTOR.
7. COORDINATE WITH THE UTILITY PLAN REGARDING DEMOLITION OR RELOCATION OF EXISTING UTILITIES.
8. REMOVE BUILDING FOOTINGS TO A MINIMUM OF TWO FEET BELOW FINISHED GRADE AND, WHERE UNDER PROPOSED BUILDINGS OF PAVED AREAS, BACKFILL WITH ENGINEERED MATERIAL.
9. REMOVAL OF EXISTING LIGHT POLES SHALL INCLUDE THE REMOVAL OF THE POLE BASE AND CONDUIT BETWEEN LIGHTS.
10. REMOVAL OF CONCRETE SIDEWALK AND/OR CURB SHALL BE TO THE NEAREST JOINT UNLESS OTHERWISE NOTED.
11. PAVEMENTS TO BE REMOVED SHALL BE SAW CUT TO THE FULL DEPTH OF THE PAVEMENT. THE CONTRACTOR SHALL TAKE CARE TO MAINTAIN A CLEAN EDGE OF PAVEMENT.

BENCHMARK LIST:

- BMRK#100**
ARROW ON HYDRANT
(CITY OF BIRMINGHAM DATUM)
ELEV = 761.64
- BMRK#101**
CITY OF BIRMINGHAM
BENCHMARK #2
SOUTHEAST CORNER OF PIERCE AND LINCOLN
ELEV = 767.44



LINCOLN STREET
(66' WD)

EDGEWOOD STREET
(50' WD)

CEDAR DRIVE
(50' WD)

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THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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Revisions
4/4/2025
PER. CITY OF BIRMINGHAM



Project Number 1051-25-13215 Date 3/6/2025
P.M. Checked by/Drawn by/ Crew/Book
AW AW WB

Client
GRACE BAPTIST CHURCH

Project
GRACE BAPTIST CHURCH

Site Address
280 EAST LINCOLN STREET
BIRMINGHAM, MI 48009
County OAKLAND Community BIRMINGHAM
Township 2N Range 10E Section 36

Professional Name Date
ANDREW WALTERS, PE 4/4/2025

Title
**SITE PLAN
LAYOUT PLAN**

Drawing Scale Sheet Number
1" = 20' **04**

LEGEND	
X 656.5	EX. SPOT ELEVATION
---	EX. CONTOUR
---	EX. WETLAND LIMITS
---	EX. ADJACENT PROPERTY LINE
---	EX. RIGHT-OF-WAY
---	EX. SECTION LINE
---	EX. EASEMENT LINE
---	EX. CURB/PAVEMENT
---	EX. FENCE
---	EX. GRAVEL
---	EX. DITCH
---	EX. GUARDRAIL
---	EX. TRELISE
---	EX. TREE (CONIFEROUS)
---	EX. TREE (DECIDUOUS)
---	EX. SIGN
---	EX. MAILBOX
---	FOUND IRON PIPE
---	FOUND IRON ROD
---	FOUND PK NAIL
---	FOUND CONC. MONUMENT
---	SET IRON ROD
---	SET MAG NAIL
---	EX. SECTION CORNER
---	SOIL BORING
---	EX. WATER MAIN
---	EX. WATER VALVE
---	EX. HYDRANT
---	EX. WATER MANHOLE
---	EX. WATER METER
---	EX. STORM SEWER
---	EX. STORM INLET/CATCH BASIN
---	EX. STORM MANHOLE
---	EX. STORM END SECTION
---	EX. SANITARY SEWER
---	EX. SANITARY MANHOLE
---	EX. CLEAN OUT
---	EX. UNDERGROUND GAS
---	EX. GAS VALVE
---	EX. TEST STATION
---	EX. GAS METER
---	EX. UNDERGROUND CABLE
---	EX. UNDERGROUND FIBER
---	EX. UNDERGROUND TELEPHONE
---	EX. TELEPHONE MANHOLE
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---	EX. ELECTRIC MANHOLE
---	EX. ELECTRIC METER/TRANSFORMER
---	EX. LIGHT POLE
---	EX. TRAFFIC SIGNAL POLE
---	EX. UTILITY POLE
---	EX. GUY WIRE
---	EX. TRAFFIC SIGNAL BOX
---	EX. UNIDENTIFIED MANHOLE
X 656.5	PR. SPOT ELEVATION
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---	PR. DRAINAGE ARROW
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---	PR. UTILITY CROSSING LOCATION
---	PR. UNDERGROUND GAS
---	PR. GAS VALVE
---	PR. LIGHT POLE

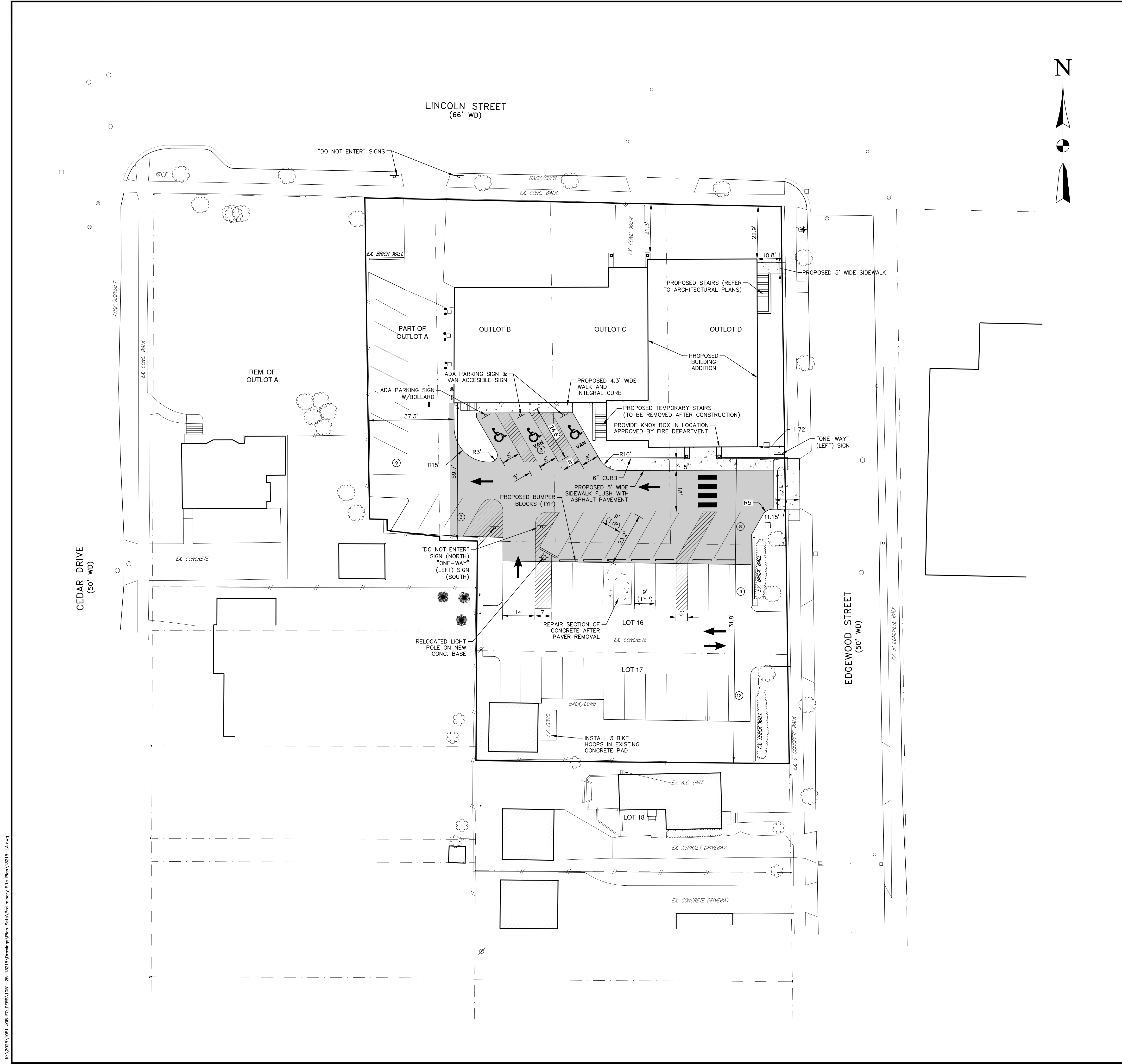
LAYOUT NOTES:

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CURRENT STANDARDS, SPECIFICATION, AND GENERAL CONDITIONS OF THE JURISDICTION HAVING AUTHORITY.
- ALL DIMENSIONS ARE MEASURED TO THE PAINT LINE OR FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL PARKING LOT STRIPING SHALL BE IN ACCORDANCE WITH THE "MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".
- ALL ACCESSIBLE PARKING, SIGNAGE AND STRIPING SHALL BE IN ACCORDANCE WITH THE "ADA STANDARDS FOR ACCESSIBLE DESIGN", CURRENT EDITION.
- PRIOR TO COMMENCING WORK, THE CONTRACTOR SHALL CONTACT THE OWNER AND/OR ENGINEER SHOULD THERE BE ANY FIELD CONFLICTS WITH THE DESIGN INTENT.
- REFER TO THE ARCHITECTURAL PLANS FOR COORDINATING THE SCOPE OF WORK RELATING TO THE BUILDING ELEVATIONS, INTERIOR, AND APPURTENANCES.
- EXISTING SIDEWALK FLAGS IN THE PUBLIC RIGHT-OF-WAY THAT HAS BEEN HEAVED OR DAMAGED BY TREE ROOTS SHALL BE REMOVED AND REPLACED.

SITE DATA:

GROSS LOT AREA	39,220 SF, 0.90 AC			
NET LOT AREA	0.90 AC			
ZONING	R-2			
LAND USE	RELIGIOUS			
SITE DEVELOPMENT DATA	REQUIRED	EXISTING	PROPOSED	
	FRONT	25'	21.3'/10.1'	21.3'/10.8'
	SIDE	9' ONE, 14' TOT.	37.3'/59.7'	59.7'/37.3'
BUILDING SETBACKS	REAR	N/A	197.13'	
	FLOOR AREA	N/A	7,081 SF	8,682 SF
BUILDING REQUIREMENTS	BUILDING HEIGHT	2 Stories/30'	N/A	28.79'
	LOT AREA	6,000 SF MIN.	39,220 SF	39,220 SF
LOT COVERAGE	MIN. OPEN SPACE	40.0%	28.8%	26.78%
	MAX. LOT COVERAGE	30.0%	18.1%	22.1%
	TOTAL SPACES*	44	54	44
PARKING	ADA SPACES	2	3	3
	BICYCLE SPACES**	5	0	6

*BASED ON ONE PARKING SPACE PER SIX SEATS (266 SEATS)
**BASED ON ONE BIKE SPACE PER TEN PARKING SPACES OR 1 BIKE SPACE PER 3,000 SF BLDG. (WHICHEVER IS GREATER)





THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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Revisions
4/4/2025
PER. CITY OF BIRMINGHAM

Symbol	Description
X 656.5	EX. SPOT ELEVATION
--- 652	EX. WETLAND LIMITS
---	EX. BOUNDARY LINE
---	EX. ADJACENT PROPERTY LINE
---	EX. RIGHT-OF-WAY
---	EX. SECTION LINE
---	EX. EASEMENT LINE
---	EX. CURB/PAVEMENT
---	EX. GRAVEL
---	EX. DITCH
---	EX. GUARDRAIL
---	EX. TREELINE
---	EX. TREE (CONIFEROUS)
---	EX. TREE (DECIDUOUS)
---	EX. SIGN
---	EX. MAILBOX
---	FOUND IRON PIPE
---	FOUND IRON ROD
---	FOUND PK NAIL
---	FOUND CONC. MONUMENT
---	SET IRON ROD
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---	EX. WATER VALVE
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Project Number: 1051-25-13215
Date: 3/6/2025
P.M. Checked by: AW
AW
WB
Crew/Book

Client: GRACE BAPTIST CHURCH

Project: GRACE BAPTIST CHURCH

Site Address: 280 EAST LINCOLN STREET
BIRMINGHAM, MI 48009
County: OAKLAND
Community: BIRMINGHAM
Township: 2N
Range: 10E
Section: 36

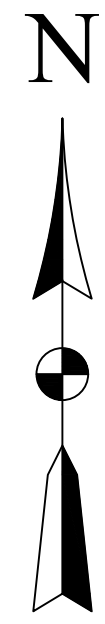
Professional Name: ANDREW WALTERS, PE
Date: 4/4/2025

Title: **SITE PLAN**
GRADING AND UTILITY PLAN

Drawing Scale: 1" = 20'
Sheet Number: 05

LEGEND

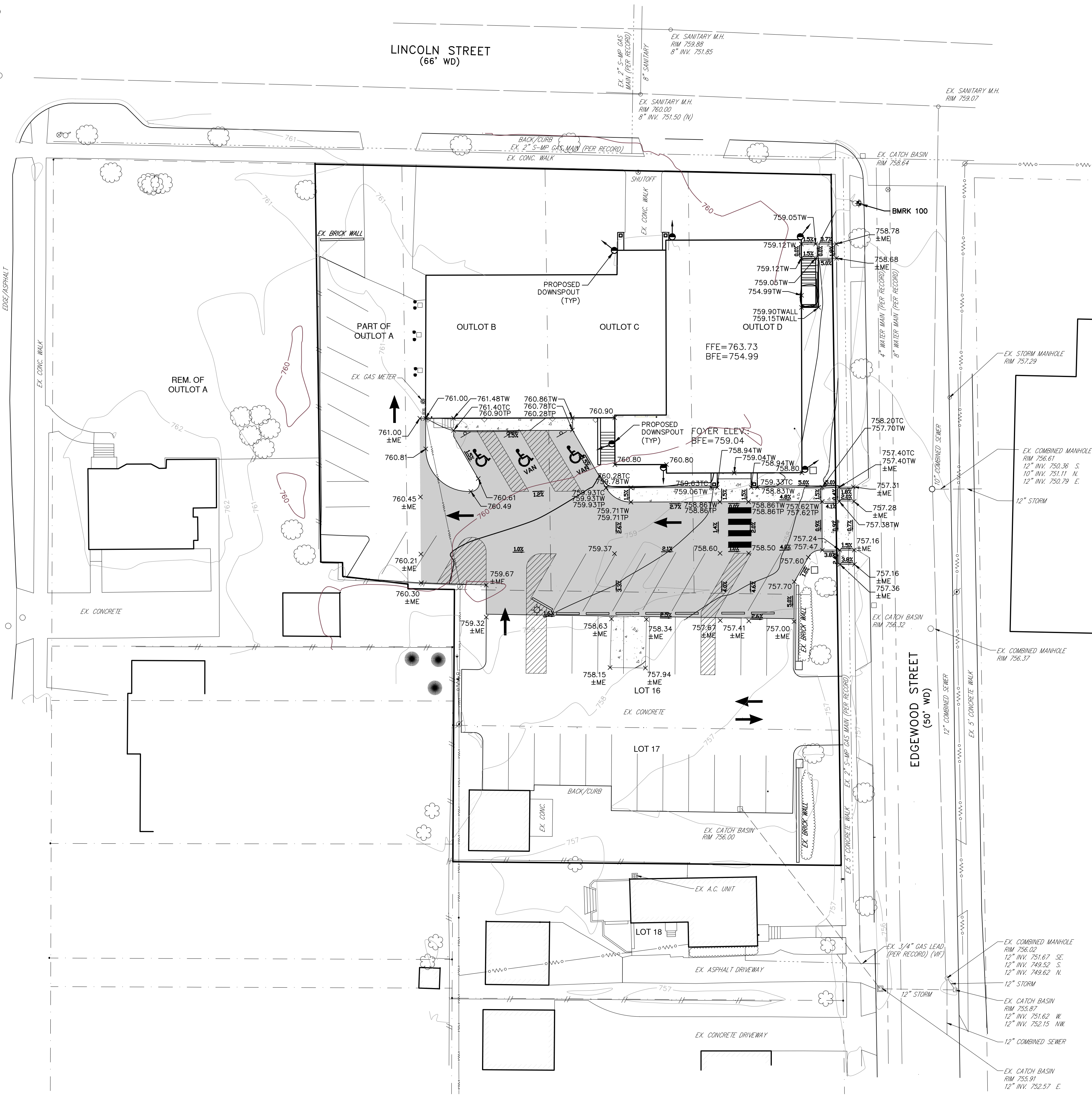
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---	PR. GAS VALVE
---	PR. LIGHT POLE



LINCOLN STREET
(66' WD)

CEDAR DRIVE
(50' WD)

EDGEWOOD STREET
(50' WD)



UTILITY NOTES:

GENERAL UTILITY NOTES

- CONTRACTOR IS RESPONSIBLE FOR OBTAINING COPIES OF ALL REQUIRED STATE AND LOCAL PERMITS PRIOR TO THE START OF CONSTRUCTION. COPIES OF THE REQUIRED PERMITS SHALL BE KEPT ON-SITE AT ALL TIMES.
- WHERE THESE PLANS MAY CONFLICT WITH THE REQUIREMENTS OF THE LOCAL JURISDICTION, THE LOCAL JURISDICTIONAL REQUIREMENTS SHALL GOVERN.
- ALL PROPOSED UTILITY MATERIALS AND INSTALLATION PROCEDURES SHALL BE IN ACCORDANCE WITH THE LATEST STANDARDS, SPECIFICATIONS AND CONSTRUCTION DETAILS OF THE AUTHORITY HAVING JURISDICTION.
- REFER TO THE STANDARD DETAILS OF THE AUTHORITY HAVING JURISDICTION REGARDING UTILITY TRENCH BEDDING AND BACKFILL REQUIREMENTS.
- REFER TO THE STANDARD DETAILS OF THE AUTHORITY HAVING JURISDICTION REGARDING REQUIRED MANHOLE AND CASTING DETAILS AND TYPES.
- CONTRACTOR SHALL COORDINATE SCHEDULING AND PROCEDURES WITH THE AUTHORITY HAVING JURISDICTION PRIOR TO PERFORMING THE PROPOSED CONNECTIONS TO THE EXISTING UTILITIES.
- UTILITY TESTING AS REQUIRED SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE IN ACCORDANCE WITH THE CURRENT STATE AND LOCAL REQUIREMENTS.
- A MINIMUM VERTICAL SEPARATION OF 18 INCHES SHALL BE MAINTAINED BETWEEN CROSSING UTILITIES, UNLESS OTHERWISE APPROVED.
- A MINIMUM HORIZONTAL SEPARATION OF 10 FEET SHALL BE MAINTAINED BETWEEN SANITARY AND STORM SEWER LINES AND POTABLE WATER LINES.
- THE CONTRACTOR SHALL CALL 811 'MISS DIG' AT LEAST THREE WORKING DAYS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL INDEPENDENTLY VERIFY EXISTING UTILITY LOCATIONS AND DEPTHS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL COORDINATE WITH ARCHITECTURAL DRAWINGS FOR ALL UTILITY CONNECTIONS TO THE BUILDING(S). CONTRACTOR SHALL CONFIRM ALL BUILDING CONNECTION LOCATIONS AND ELEVATIONS AND NOTIFY THE PROJECT TEAM OF ANY DISCREPANCIES PRIOR TO COMMENCING WORK.
- PRIVATE UTILITIES (INCLUDING ELECTRIC, GAS, PHONE, AND CABLE) SHOWN FOR SCHEMATIC PURPOSES ONLY. ALL PRIVATE UTILITY ROUTING AND INSTALLATION SHALL BE COORDINATED BY THE RESPECTIVE UTILITY COMPANY AND/OR THE CONTRACTOR.

BENCHMARK LIST:

- BMRK#100
ARROW ON HYDRANT
(CITY OF BIRMINGHAM DATUM)
ELEV = 761.64
- BMRK#101
CITY OF BIRMINGHAM
BENCHMARK #2
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Revisions
4/4/2025
PER. CITY OF BIRMINGHAM

Water	Water	EX. WATER MAIN
Storm	Storm	EX. WATER VALVE
San	San	EX. HYDRANT
Gas	Gas	EX. WATER MANHOLE
Cast	Cast	EX. WELL
Fiber	Fiber	EX. WATER METER
Tele	Tele	EX. STORM SEWER
elec	elec	EX. STORM INLET/CATCH BASIN
		EX. STORM MANHOLE
		EX. STORM END SECTION
		EX. SANITARY SEWER
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		PR. LIGHT POLE
		PR. TREE PROTECTION FENCE
		PR. DEMO UTILITY / CURB
		PR. DEMO PAVEMENT AND CURB
		PR. DEMO BUILDING
		PR. DEMO EXISTING TREE
		PR. LIMITS OF DISTURBANCE
		PR. INLET FILTER
		PR. STONE / RIP-RAP
		PR. SOIL LIMITS
		PR. SOIL TYPE

AW	AW	WB	WB
AW	AW	WB	WB



Project Number	1051-25-13215	Date	3/6/2025
P.M.	AW	Checked by	AW
Drawn by	WB	Crew/Book	WB

Client: **GRACE BAPTIST CHURCH**

Project: **GRACE BAPTIST CHURCH**

Site Address:
280 EAST LINCOLN STREET
BIRMINGHAM, MI 48009

County: OAKLAND
Community: BIRMINGHAM

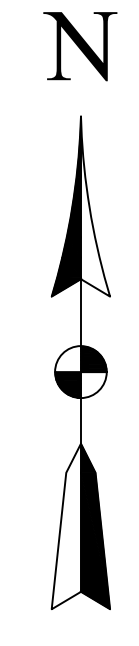
Township: 2N
Range: 10E
Section: 36

Professional Name: ANDREW WALTERS, PE
Date: 4/4/2025

Title: **SITE PLAN**

SOIL EROSION AND SEDIMENTATION CONTROL PLAN

Drawing Scale: 1" = 20'
Sheet Number: **07**

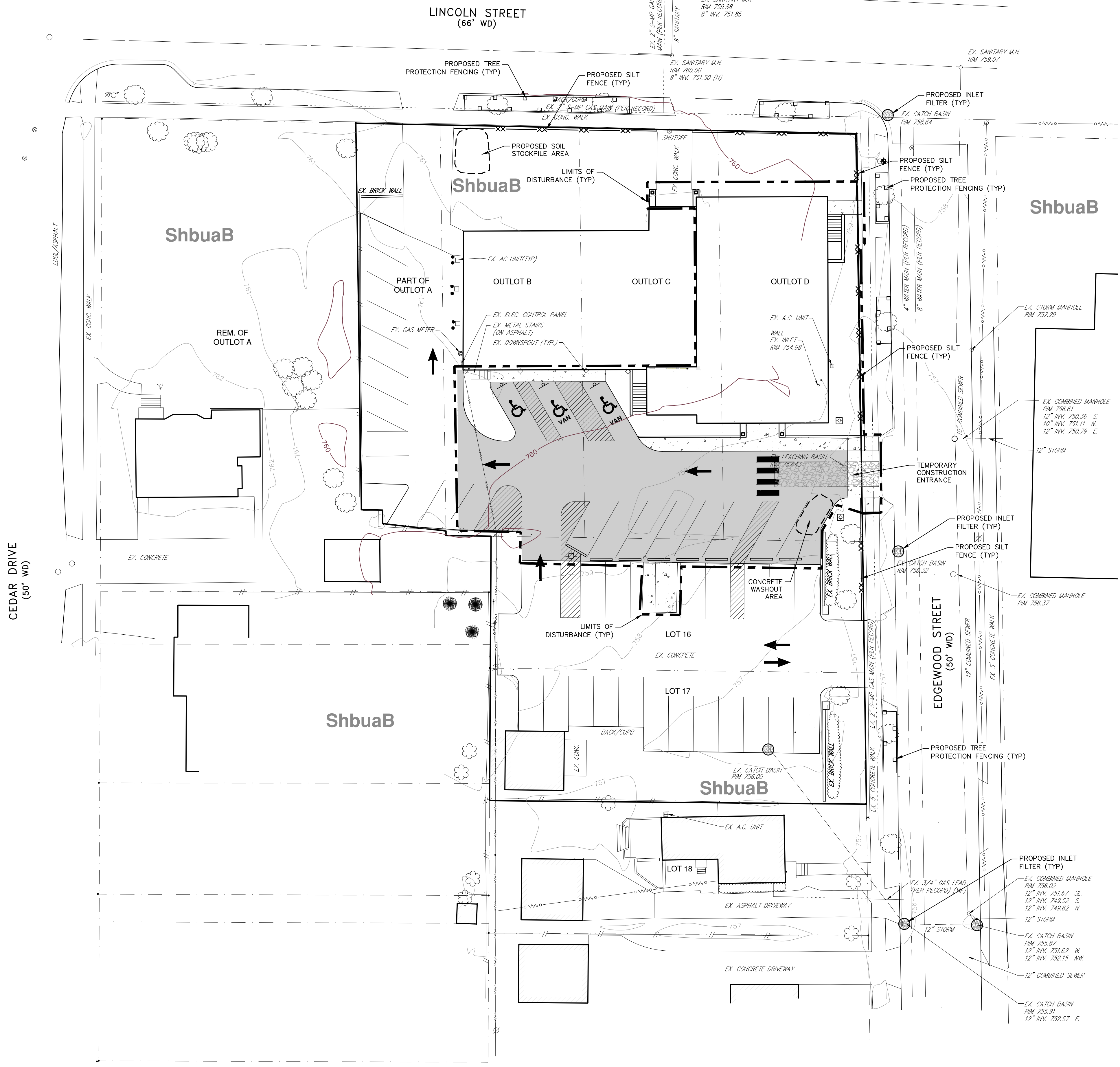


LEGEND

X 656.5	EX. SPOT ELEVATION
---	EX. CONTOUR
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---	EX. WATER METER
---	EX. STORM SEWER
---	EX. STORM INLET/CATCH BASIN
---	EX. STORM MANHOLE
---	EX. STORM END SECTION
---	EX. SANITARY SEWER
---	EX. SANITARY MANHOLE
---	EX. CLEAN OUT
---	EX. UNDERGROUND GAS
---	EX. GAS VALVE
---	EX. TEST STATION
---	EX. GAS METER
---	EX. UNDERGROUND CABLE
---	EX. UNDERGROUND FIBER
---	EX. UNDERGROUND TELEPHONE
---	EX. TELEPHONE MANHOLE
---	EX. TELEPHONE RISER
---	EX. OVERHEAD ELECTRIC
---	EX. UNDERGROUND ELECTRIC
---	EX. ELECTRIC MANHOLE
---	EX. ELECTRIC METER/TRANSFORMER
---	EX. LIGHT POLE
---	EX. TRAFFIC SIGNAL POLE
---	EX. UTILITY POLE
---	EX. GUY WIRE
---	EX. TRAFFIC SIGNAL BOX
---	EX. UNIDENTIFIED MANHOLE
X 656.5	PR. SPOT ELEVATION
---	PR. CONTOUR
---	PR. DRAINAGE ARROW
---	PR. EASEMENT LINE
---	PR. SETBACK LINE
---	PR. CURB/PAVEMENT
---	PR. FENCE
---	PR. SIDEWALK RAMP
---	PR. ASPHALT PAVEMENT
---	PR. CONCRETE
---	PR. GUARDRAIL
---	PR. SIGN
---	PR. WATER MAIN
---	PR. WATER VALVE
---	PR. HYDRANT
---	PR. WATER VALVE IN MANHOLE
---	PR. WELL
---	PR. REDUCER
---	PR. STORM SEWER
---	PR. STORM INLET/CATCH BASIN
---	PR. STORM MANHOLE
---	PR. STORM END SECTION
---	PR. SANITARY SEWER
---	PR. SANITARY MANHOLE
---	PR. CLEANOUT
---	PR. UTILITY CROSSING LOCATION
---	PR. UNDERGROUND GAS
---	PR. GAS VALVE
---	PR. LIGHT POLE
---	PR. TREE PROTECTION FENCE
---	PR. DEMO UTILITY / CURB
---	PR. DEMO PAVEMENT AND CURB
---	PR. DEMO BUILDING
---	PR. DEMO EXISTING TREE
---	PR. LIMITS OF DISTURBANCE
---	PR. INLET FILTER
---	PR. STONE / RIP-RAP
---	PR. SOIL LIMITS
---	PR. SOIL TYPE

SITE SOILS INFORMATION

Shbuab: SHEBON-URBAN LAND COMPLEX, 0 TO 4 PERCENT SLOPES



SITE LOCATION: SECTION 36, TOWNSHIP 2N, RANGE 10E; (OAKLAND COUNTY, MICHIGAN)

RECEIVING WATER: RED RUN

SITE SOILS INFORMATION: SHUBB: SHIEBON-URBAN LAND COMPLEX, 0 TO 4 PERCENT SLOPES PER THE NATIONAL RESOURCES CONSERVATION SERVICE (NRCS) SOIL SURVEY APPROXIMATE AREA OF DISTURBANCE: ±0.335 ACRES PERSON RESPONSIBLE FOR ON-SITE SOIL EROSION CONTROL CONTRACTOR: PHONE: FAX:

Table with 2 columns: AREA REQUIRING TEMPORARY STABILIZATION, TIME FRAME TO APPLY EROSION CONTROLS. Rows include any disturbed area within 50 feet of a stream, for all construction activities, and disturbed areas that will be idle over the winter.

"TEMPORARY SEEDING" NO AREA FOR WHICH GRADING HAS BEEN COMPLETED SHALL BE LEFT UNSEEDED OR UNMULCHED FOR LONGER THAN 21 DAYS. SEED: OATS 2 LBS./1,000 SQ.FT. FERTILIZER: (12-12-12) 12 1/2 LBS./1,000 SQ.FT. MULCH: (STRAW OR HAY) 2 TONS/ACRE

CONSTRUCTION SCHEDULE:

APPROXIMATE CONSTRUCTION SCHEDULE IS AS FOLLOWS:

- JUN 2025 (1) PROJECT START DATE
JUN 2025 (2) TEMPORARY EROSION CONTROL MEASURES INSTALLED
JUN 2025 (3) GRAVEL DRIVE/ENTRANCE INSTALLED
JUL 2025 (4) DEMOLITION ACTIVITIES
JUL 2025 (5) LAND CLEARED OR EXCAVATION STARTED
AUG 2025 (7) MASS GRADING
AUG 2025 (8) UTILITIES/STORM SEWER/INLET FILTERS INSTALLED
SEP 2025 (9) PAVING INSTALLED/INITIAL CONCRETE WORK
SEP 2025 (10) TEMPORARY SEEDING/WINTER STABILIZATION
SEP 2025 (11) CONCRETE WORK COMPLETE
SEP 2025 (12) LANDSCAPE SCREENING PLANTED
OCT 2025 (13) FINAL GRADING/SEEDING
OCT 2025 (14) CATCH BASINS/PONDS CLEANED
OCT 2025 (15) PERMANENT EROSION CONTROL MEASURES IN PLACE
NOV 2025 (16) TEMPORARY EROSION CONTROL MEASURES REMOVED
NOV 2025 (17) PROJECT END DATE

GENERAL SOIL EROSION CONTROL NOTES:

- 1. THE CONTRACTOR SHALL CONFORM TO PART 91 OF ACT 451 OF THE PUBLIC ACTS OF 1994; EROSION AND SEDIMENT CONTROL OF RUNOFF DURING CONSTRUCTION (AS AMENDED) AND CURRENT LOCAL ORDINANCES FOR EROSION AND SEDIMENTATION CONTROL.
2. PRIOR TO ANY EARTH CHANGE, THE DEVELOPER SHALL SUBMIT A DETAILED EROSION CONTROL PLAN, COMPLETED APPLICATION AND CHECKLIST FORMS, PAY ALL FEES AND POST AN EROSION CONTROL PERFORMANCE BOND, AS REQUESTED.
3. CONSTRUCTION OPERATION SHALL BE SCHEDULED AND PERFORMED SO THAT PREVENTATIVE SOIL EROSION CONTROL MEASURES ARE IN PLACE PRIOR TO EXCAVATION IN CRITICAL AREAS AND TEMPORARY STABILIZATION MEASURES ARE IN PLACE IMMEDIATELY FOLLOWING BACKFILLING OPERATIONS.
4. SPECIAL PRECAUTIONS WILL BE TAKEN IN THE USE OF CONSTRUCTION EQUIPMENT TO PREVENT SITUATIONS THAT PROMOTE EROSION.
5. CLEANUP WILL BE DONE IN A MANNER TO ENSURE THAT EROSION CONTROL MEASURES ARE NOT DISTURBED.
6. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR STORM WATER DISCHARGE FROM THE CONSTRUCTION ACTIVITIES IS REQUIRED PRIOR TO ANY EARTH CHANGE ON SITE WITH DISTURBANCE GREATER THAN 5 ACRES.
7. THE CONTRACTOR IS REQUIRED TO KEEP A COPY OF THE APPROVED SOIL EROSION AND SEDIMENT CONTROL PLAN AND PERMIT AT THE CONSTRUCTION SITE.
8. ALL SOIL EROSION CONTROL PRACTICES TO BE INSTALLED PRIOR TO ANY MAJOR SOIL DISTURBANCE, OR IN THEIR PROPER SEQUENCE, AND MAINTAINED UNTIL SUCH MEASURES ARE PERMANENTLY STABILIZED AS DETERMINED BY THE SOIL EROSION INSPECTOR.
9. DURING CONSTRUCTION, ANY ADDITIONAL CONTROL MEASURES AS DEEMED NECESSARY TO PREVENT EROSION OR CONTROL SEDIMENT BEFORE THOSE MEASURES SHOWN ON THE APPROVED PLANS ARE INSTALLED OR EMPLOYED AT THE DIRECTION OF THE LOCAL JURISDICTION OR THE SOIL EROSION INSPECTOR.
10. TEMPORARY AND PERMANENT STABILIZATION SHALL BE CONDUCTED PER THE TABLE BELOW.
11. TRENCH AND GROUND WATER MUST PASS THROUGH A SEDIMENT POND, FILTER BAG OR OTHER COMPARABLE METHOD PRIOR TO DISCHARGING FROM THE SITE. IF USING A FILTER BAG, IT SHOULD BE PLACED ON FLAT GROUND TO ENSURE EFFICIENCY. THE FILTER BAG SHOULD BE LOCATED A SUFFICIENT DISTANCE FROM THE EXISTING WATERCOURSE OR WETLAND TO ALLOW PROPER SETTLING OR FILTERING THROUGH NATURAL VEGETATION. DEWATERING DISCHARGE SHALL BE MONITORED FOR ANY EROSION CONDITIONS. IF EROSION OCCURS, DEWATERING OPERATIONS MUST CEASE AND THE ERODED AREA MUST BE STABILIZED IMMEDIATELY, AND MAY RESUME ONLY AFTER STABILIZATION IS COMPLETE.
12. ANY TEMPORARY SOILS STOCKPILE SHALL OCCUR WITHIN THE LIMITS OF THE SILT FENCE. STOCKPILES TO BE GRADED TO A MAXIMUM OF 3:1 SIDE SLOPE.
13. A CONCRETE WASHOUT AREA SHALL BE DESIGNATED AND UTILIZED AS NECESSARY. CONCRETE TRUCKS ARE NOT PERMITTED TO WASH OUT DIRECTLY INTO STORM SEWERS, STREAMS, OR CHANNELS.
14. GRADING SHALL BE DONE AS TO NOT DISRUPT THE STORM WATER FROM ADJACENT PROPERTIES.
15. NO SOLID OR LIQUID WASTE, INCLUDING BUILDING MATERIALS OR THEIR PACKAGING, SHALL DISCHARGE INTO STORM WATER RUN OFF.
16. CONTAMINATED SOILS WHERE CONSTRUCTION SITE CHEMICALS HAVE BEEN SPILLED MUST BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS.

STABILIZED CONSTRUCTION ENTRANCE NOTES:

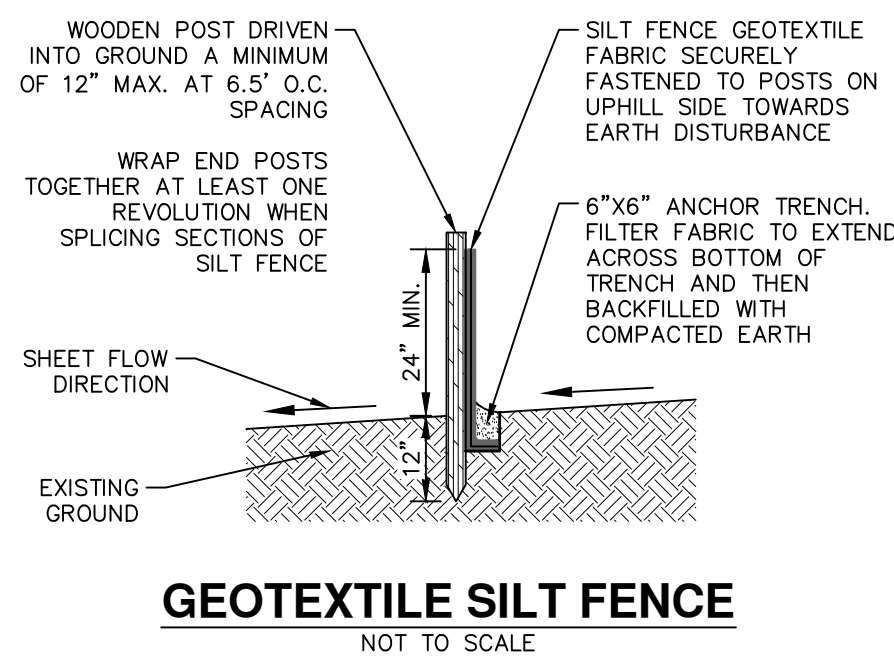
- 1. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION ENTRANCE AND PUBLIC R.O.W.
2. DESIGN CRITERIA FOR STABILIZED CONSTRUCTION ENTRANCE:
2.1. STONE SIZE - USE ASTM C-33, SIZE NO. 2 OR 3, USE CRUSHED STONE
2.2. THICKNESS - NOT LESS THAN 8 INCHES
2.3. WIDTH - NOT LESS THAN FULL WIDTH OF POINTS OF INGRESS OR EGRESS
2.4. LENGTH - 50' MINIMUM WHERE THE SOILS ARE SAND OR GRAVEL OR 100 FEET MINIMUM WHERE SOILS ARE CLAYS OR SILTS, EXCEPT WHERE THE TRAVELED LENGTH IS LESS THAN 50 TO 1 FEET RESPECTIVELY. THESE LENGTHS MAY BE INCREASED WHERE FIELD CONDITIONS DICTATE.
2.5. FILTER CLOTH - WILL BE PLACED OVER ENTIRE AREA PRIOR TO PLACING OF STONE
2.6. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ON TO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDITIONAL LENGTH AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.

TEMPORARY CONSTRUCTION ACCESS DETAIL

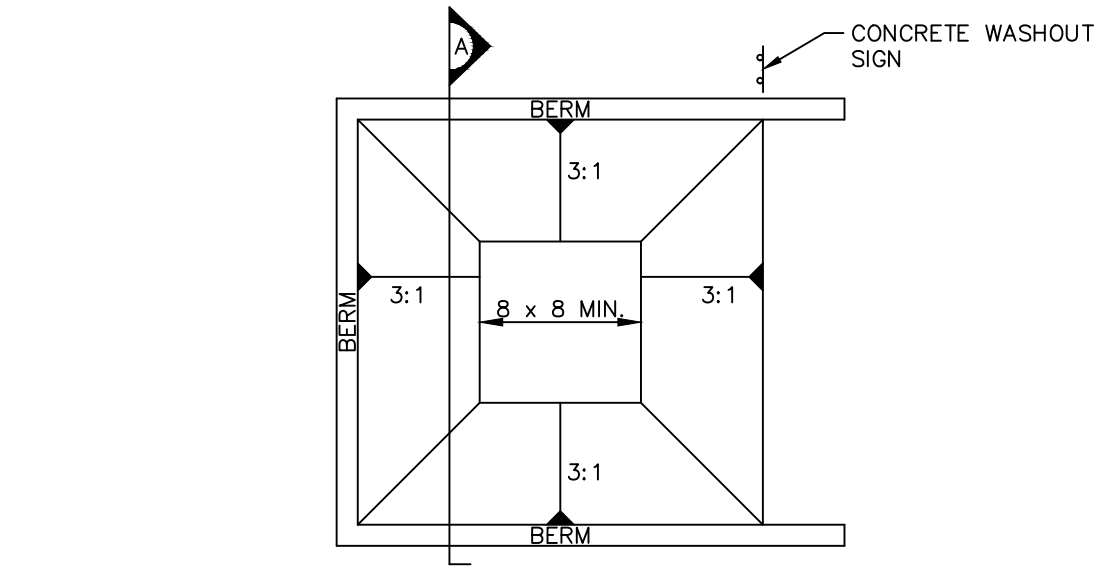
NOT TO SCALE

MAINTENANCE REQUIREMENTS:

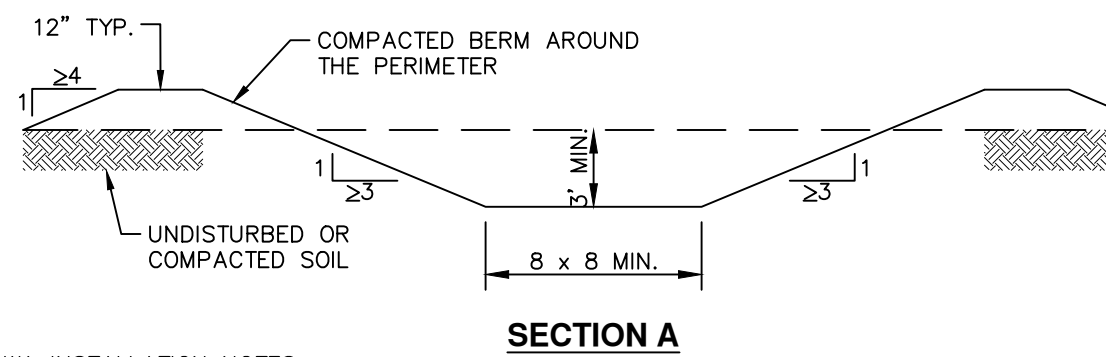
- 1. ALL BMPs MUST BE MAINTAINED IN A FUNCTIONAL CONDITION UNTIL ALL UPSLOPE AREAS THEY CONTROL ARE PERMANENTLY RESTABILIZED.
2. QUALIFIED PERSONNEL (PROVIDED BY THE DEVELOPER) MUST INSPECT ALL BMPs AT LEAST ONCE EVERY 7 DAYS AND WITHIN 24 HOURS OF A 0.5" OR GREATER RAINFALL WITHIN ANY 24-HOUR PERIOD AND DETERMINE IF THE SWP3 HAS BEEN PROPERLY IMPLEMENTED.
3. WRITTEN REPORTS SUMMARIZING INSPECTION RESULTS MUST BE MADE AVAILABLE UPON REQUEST. REPORTS MUST INCLUDE DATE OF INSPECTION, NAME AND QUALIFICATIONS OF THE INSPECTOR, WEATHER CONDITIONS, LOCATIONS WHERE IN-STREAM OR OFF-SITE SEDIMENTATION WAS OBSERVED, LOCATION OF BMPs NEEDING MAINTENANCE, LOCATIONS OF BMPs FAILING TO OPERATE CORRECTLY OR PROVIDE ADEQUATE PROTECTION, OR LOCATION OF AREAS IN NEED OF ADDITIONAL BMPs NOT IN PLACE AT THE TIME OF INSPECTION.
4. THE REPORTS MUST IDENTIFY INCIDENTS OF NON-COMPLIANCE WITH THE NPDES PERMIT. WHERE A REPORT DOES NOT IDENTIFY INCIDENTS OF NON-COMPLIANCE, THE REPORT MUST CONTAIN A CERTIFICATION THAT THE SITE IS IN COMPLIANCE AT THE TIME OF INSPECTION.
5. MAINTENANCE OR REPAIR OF BMPs MUST BE COMPLETED WITHIN 3 DAYS OF THE DATE OF THE INSPECTION THAT REVEALED THEY WERE DEFICIENT. FOR SEDIMENT PONDS, REPAIR OR MAINTENANCE IS REQUIRED WITHIN 10 DAYS OF THE INSPECTION.
6. WHEN INSPECTIONS REVEAL THAT A BMP IS NOT EFFECTIVE AND THAT ANOTHER, MORE APPROPRIATE BMP IS REQUIRED, THE SWP3 MUST BE AMENDED AND THE MORE APPROPRIATE BMP MUST BE INSTALLED WITHIN 10 DAYS OF THE INSPECTION THAT REVEALED THE DEFICIENCY.
7. WHEN THE INSPECTION REVEALS THAT A BMP DEPICTED ON THE SWP3 HAS NOT BEEN INSTALLED, BUT IS REQUIRED TO PROVIDE ADEQUATE CONTROL AT THE SITE, IT MUST BE INSTALLED PRIOR TO THE NEXT STORM EVENT, WHICH PRODUCES RUNOFF, BUT IN NO CASE LATER THAN 10 DAYS FROM THE DATE OF INSPECTION, WHICH REVEALED THE DEFICIENCY.
8. THE REPORTS MUST BE MAINTAINED FOR THREE (3) YEARS FOLLOWING THE SUBMITTAL OF A NOTICE OF TERMINATION.



GEOTEXTILE SILT FENCE NOT TO SCALE



CONCRETE WASHOUT AREA PLAN

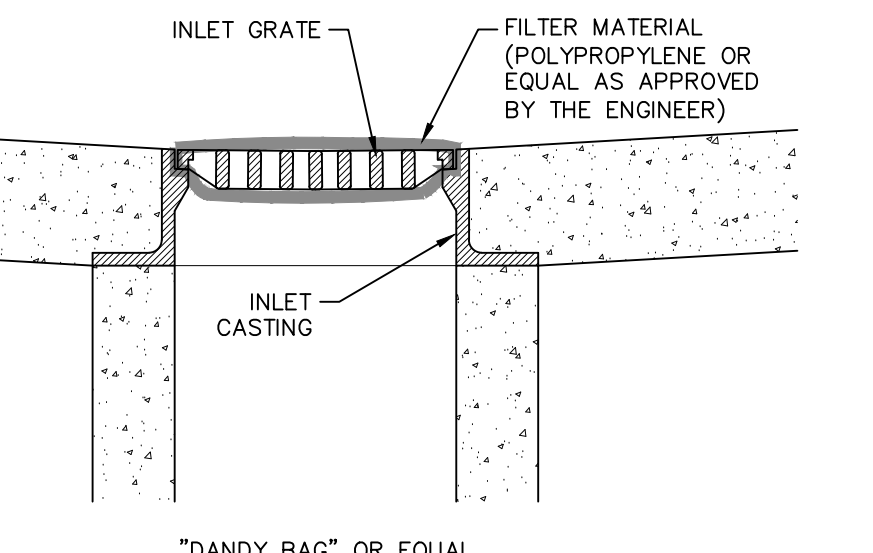


SECTION A

- CWA INSTALLATION NOTES:
1. SEE PLAN VIEW FOR INSTALLATION LOCATION. SEE NOTE 2 FOR LINER.
2. DO NOT LOCATE ANY UNLINED CWA WITHIN 400' OF ANY NATURAL DRAINAGE PATHWAY OR WATERBODY. DO NOT LOCATE WITHIN 1,000' OF ANY WELLS OR DRINKING WATER SOURCES. IF SITE CONSTRAINTS MAKE THIS INFEASIBLE, OR IF HIGHLY PERMEABLE SOILS EXIST ON SITE, THE CWA MUST BE INSTALLED WITH AN IMPERMEABLE LINER (16 MIL MIN. THICKNESS) OR SURFACE STORAGE ALTERNATIVES USING PREFABRICATED CONCRETE WASHOUT DEVICES OR A LINED ABOVE GROUND STORAGE AREA SHOULD BE USED.
3. THE CWA SHALL BE INSTALLED PRIOR TO CONCRETE PLACEMENT ON SITE.
4. CWA SHALL INCLUDE A FLAT SUBSURFACE PIT THAT IS AT LEAST 8' BY 8'. SLOPES LEADING OUT OF THE SUBSURFACE PIT SHALL BE 3:1 OR FLATTER. THE PIT SHALL BE AT LEAST 3' DEEP.
5. BERM SURROUNDING SIDES AND BACK OF THE CWA SHALL HAVE A MINIMUM HEIGHT OF 1'.
6. SIGNS SHALL BE PLACED AT THE CONSTRUCTION ENTRANCE, AT THE CWA, AND ELSEWHERE AS NECESSARY TO CLEARLY INDICATE THE LOCATION OF THE CWA TO OPERATORS OF CONCRETE TRUCKS AND PUMP RIGS.
7. USE EXCAVATED MATERIAL FOR PERIMETER BERM CONSTRUCTION.

CONCRETE WASHOUT AREA

NOT TO SCALE



LOW POINT INLET FILTER NOT TO SCALE

SOIL EROSION CONTROL MAINTENANCE TASKS AND SCHEDULE

DURING CONSTRUCTION TO BE PERFORMED BY CONTRACTOR

Table with columns: COMPONENTS (PAVED AREAS, PERVIOUS AREAS, STORM DRAINAGE SYSTEM, OUTLET CONTROL STR., DETENTION POND), TASKS, SCHEDULE. Tasks include inspect for sediment accumulation, removal of sediment, cleaning for floatables, etc.

LONG TERM STORM WATER MAINTENANCE PLAN & BUDGET TO BE PERFORMED BY OWNER OR OWNER'S REP.

Table with columns: COMPONENTS, TASKS, SCHEDULE, ANNUAL COST. Tasks include inspect for sediment accumulation, removal of sediment, cleaning for floatables, etc.

811 Know what's below. Call before you dig. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

Revisions: 4/4/2025 PER CITY OF BIRMINGHAM



Project Number: 1051-25-13215 Date: 3/6/2025

Client: GRACE BAPTIST CHURCH

Project: GRACE BAPTIST CHURCH

Site Address: 280 EAST LINCOLN STREET BIRMINGHAM, MI 48009 County: OAKLAND Community: BIRMINGHAM Township: 2N Range: 10E Section: 36

Professional Name: ANDREW WALTERS, PE Date: 4/4/2025

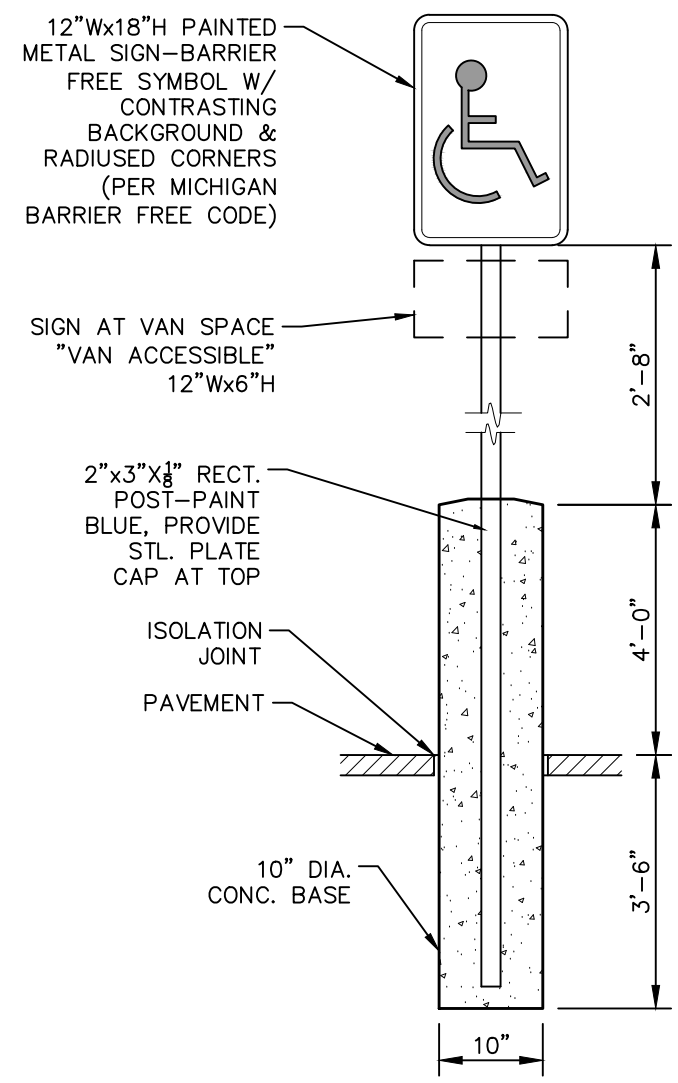
Title: SITE PLAN SOIL EROSION AND SEDIMENTATION NOTES AND DETAILS

Drawing Scale: Sheet Number: 08

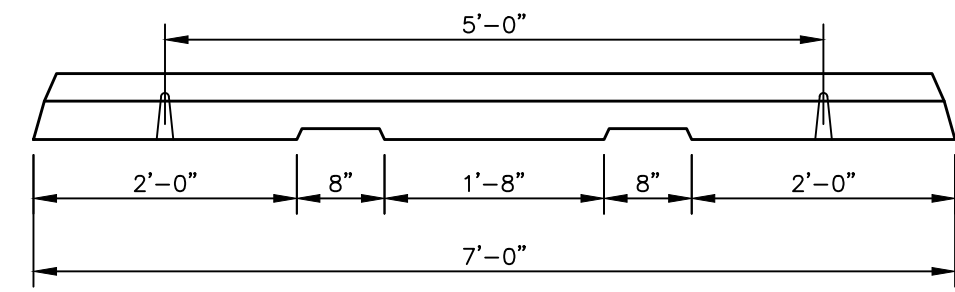
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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

Revisions
 4/4/2025
 PER. CITY OF BIRMINGHAM



ADA SIGN WITH BOLLARD
NOT TO SCALE

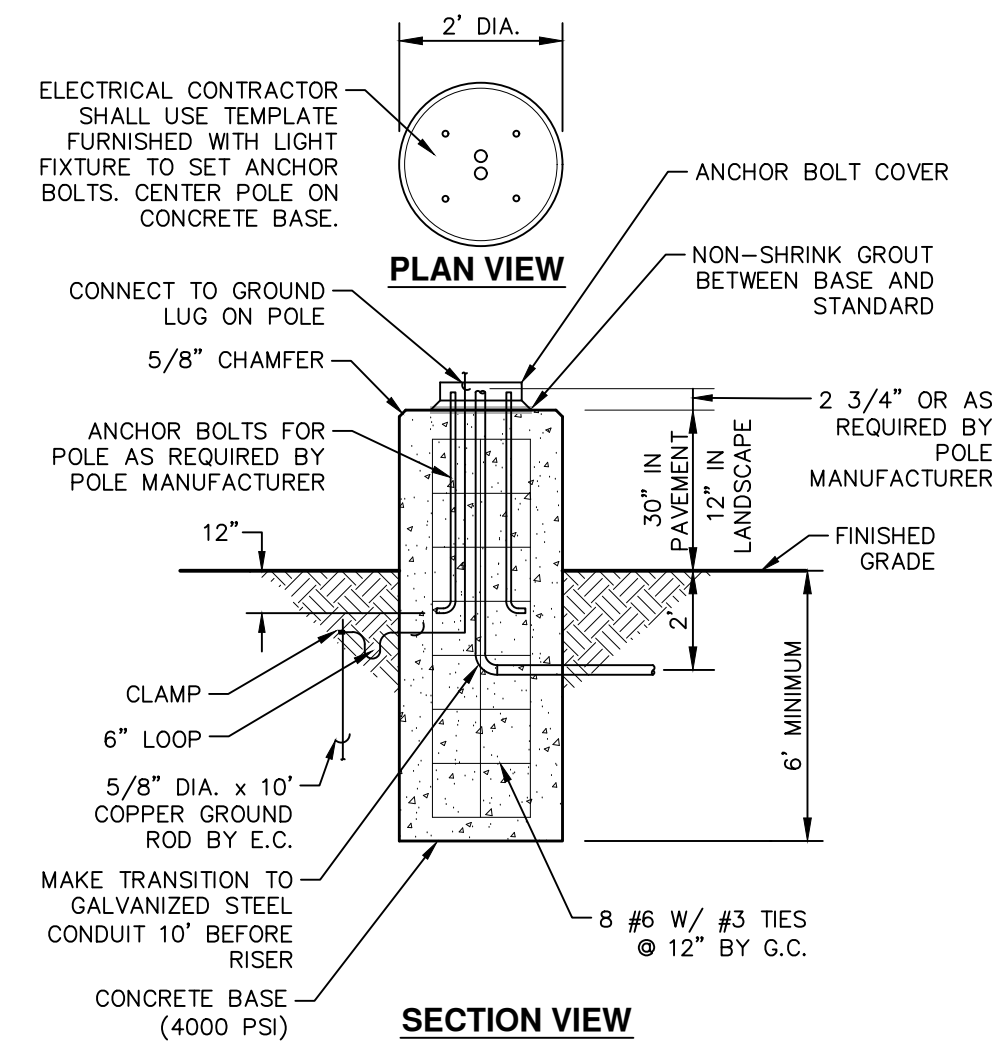


NOTES:
 MATERIALS:
 WHEEL STOPS: PRECAST 4000 PSI MINIMUM COMPRESSIVE STRENGTH. EACH STOP SHALL BE REINFORCED WITH TWO NO. 4 DEFORMED CHAMFERED CORNERS AND DRAINAGE SLOTS ON UNDERSIDE, AND PROVIDE HOLES FOR DOWEL-ANCHORING TO SUBGRADE.

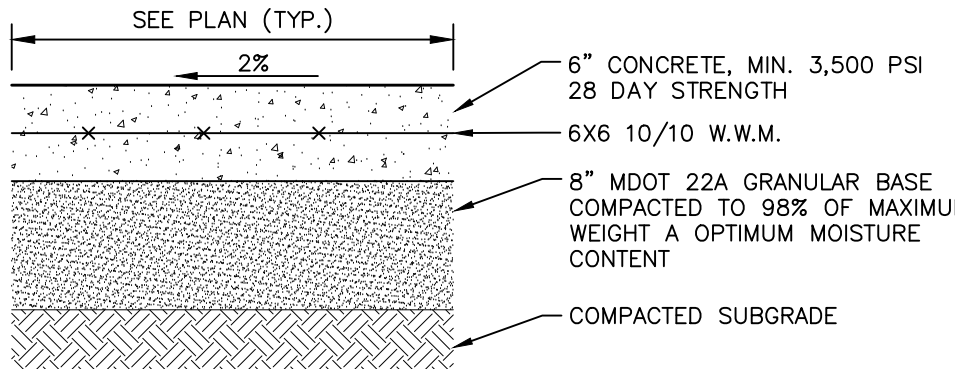
STEEL BARS FOR INSTALLATION: GALVANIZED #4 STEEL DOWELS OR GALVANIZED NO. 5 STEEL REINFORCING BARS, 18" LONG.

INSTALLATION:
 WHEEL STOPS TO BE CENTERED IN WIDTH OF PARKING STALL.
 SECURELY ATTACH WHEEL STOPS INTO AT-GRADE PAVEMENT WITH NOT LESS THAN TWO GALVANIZED STEEL DOWELS EMBEDDED IN HOLES CAST INTO WHEEL STOPS. FIRMLY BOND EACH DOWEL TO WHEEL STOP AND TO PAVEMENT.

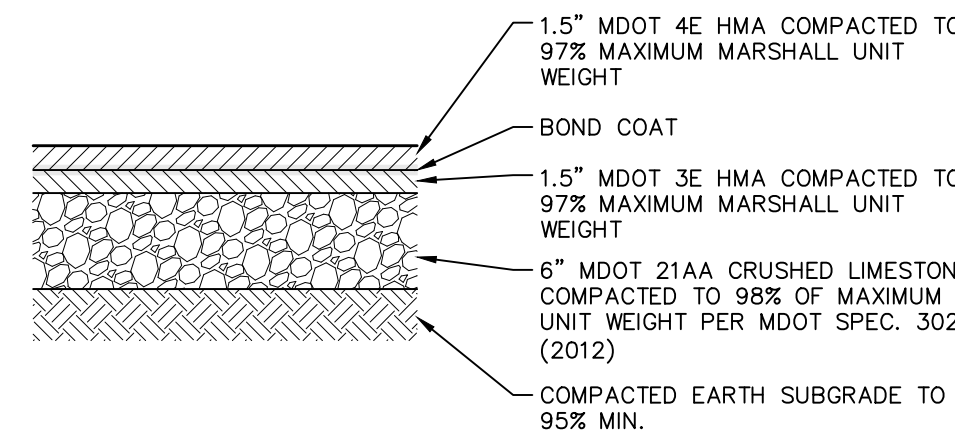
CONCRETE WHEEL STOP
NOT TO SCALE



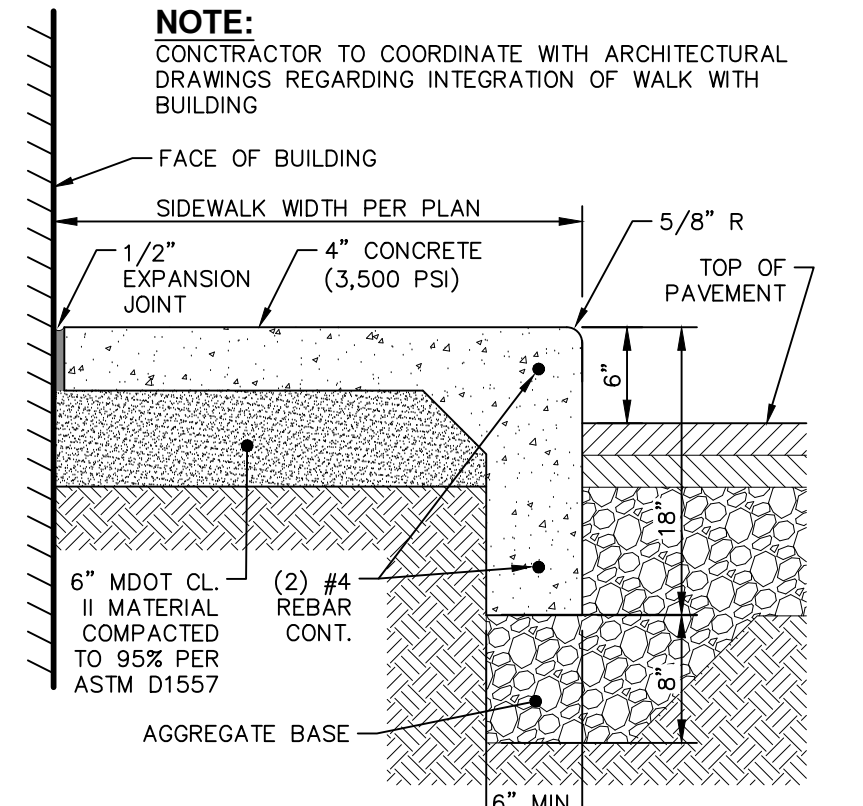
LIGHT POST BASE
NOT TO SCALE



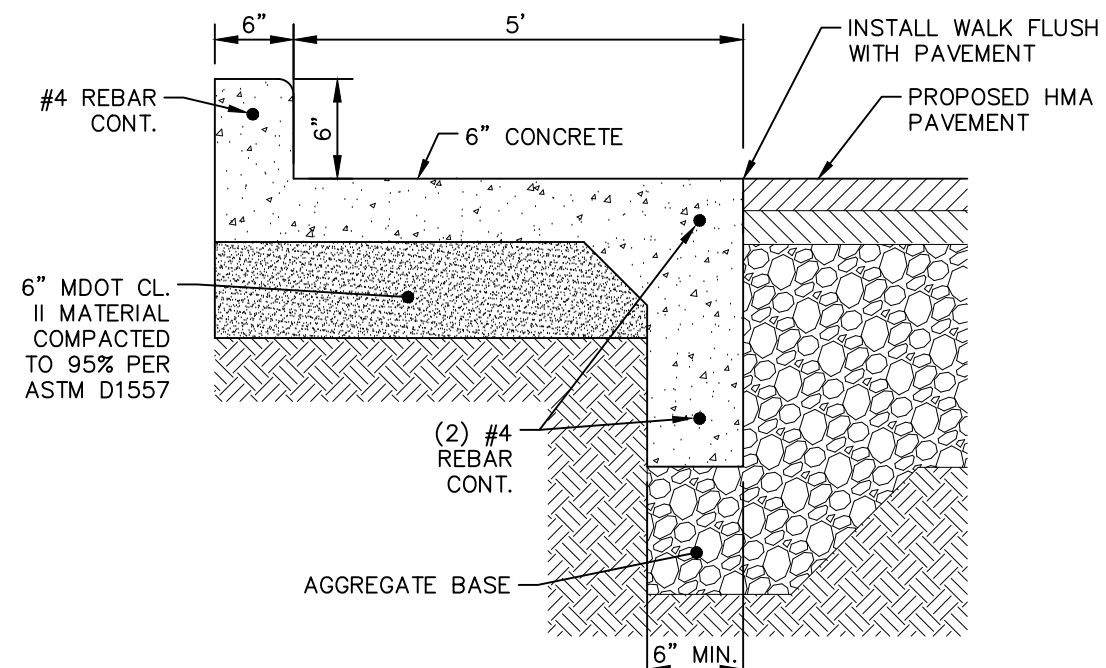
REINFORCED CONCRETE PAVEMENT
NOT TO SCALE



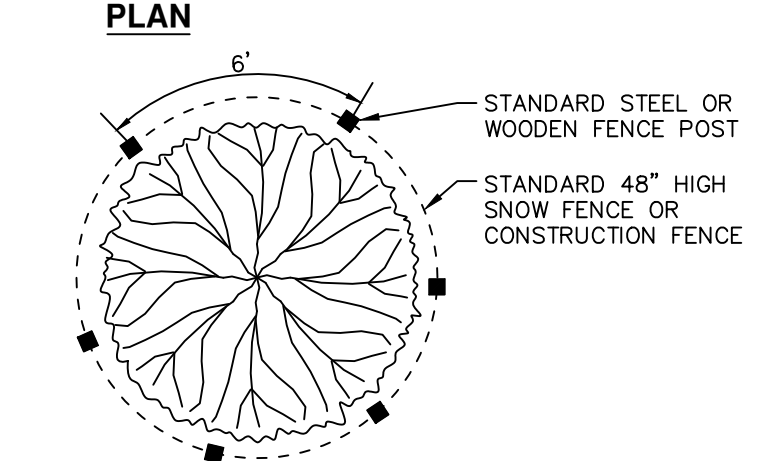
ASPHALT PAVEMENT - STANDARD DUTY
NOT TO SCALE



INTEGRAL CURB AND WALK AT BUILDING
NOT TO SCALE

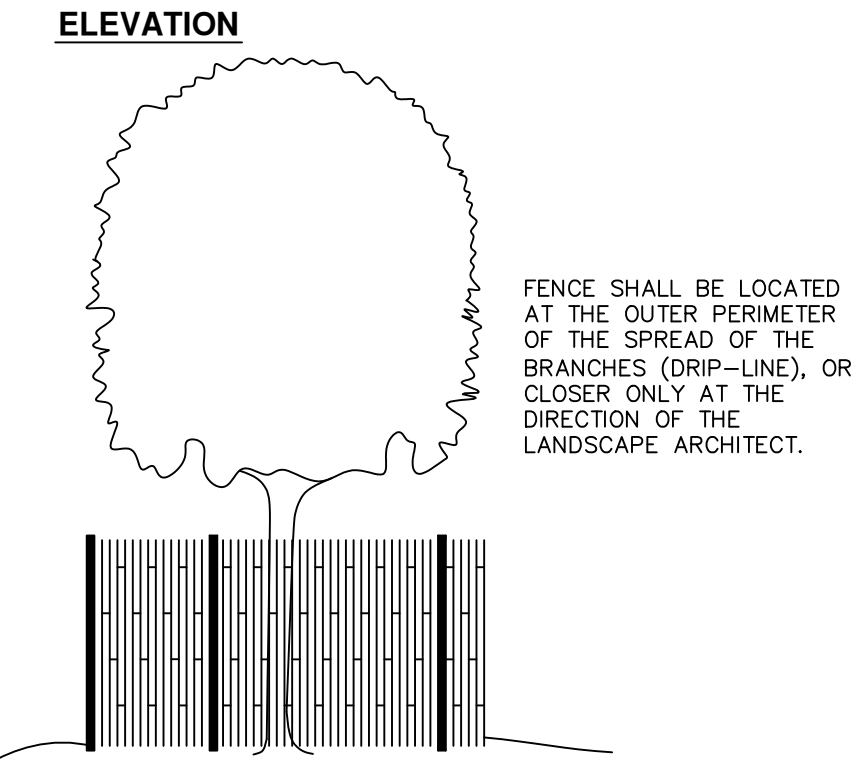


SIDEWALK ADJACENT TO DRIVE
NOT TO SCALE

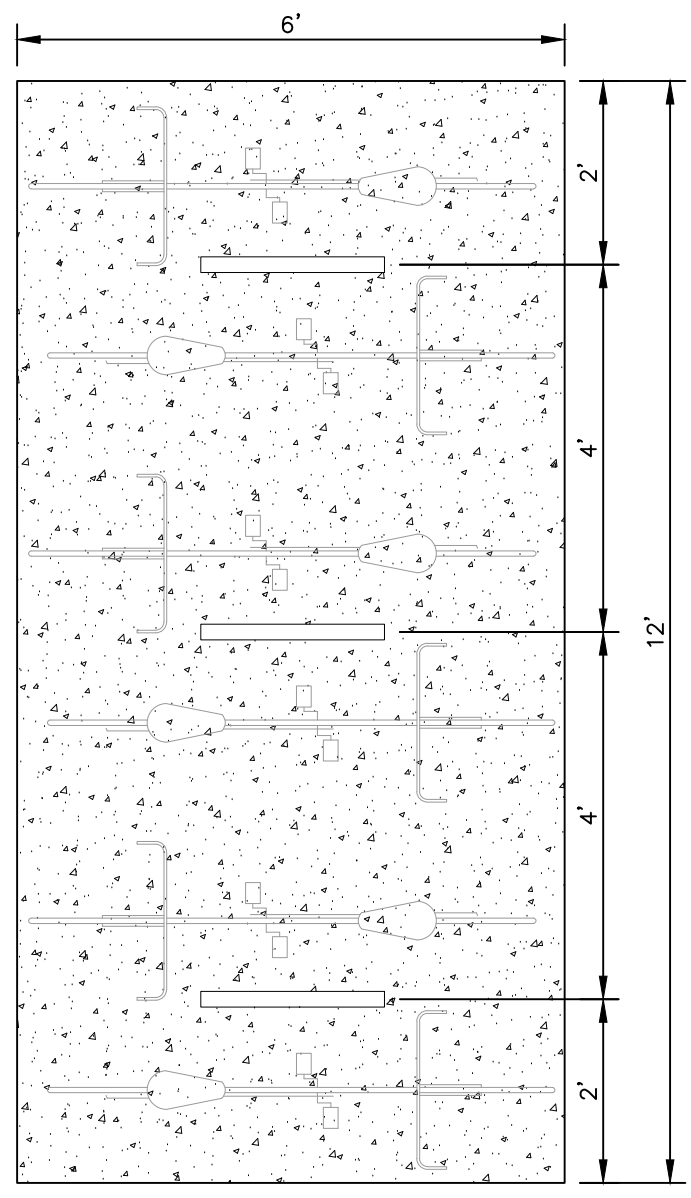
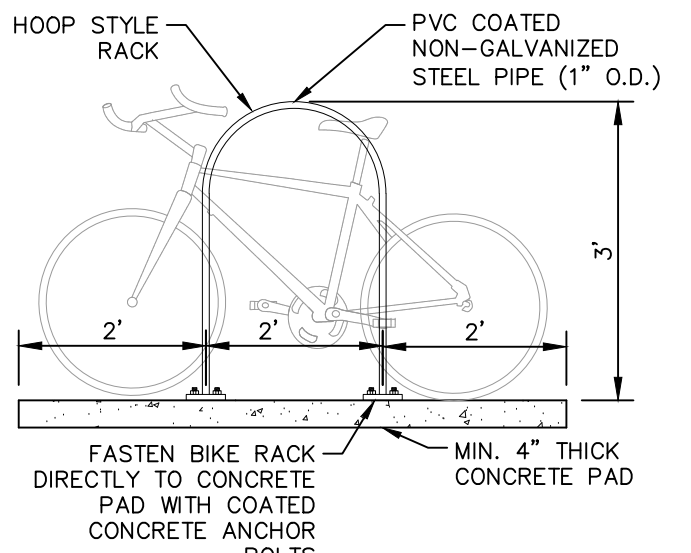


NOTES:

- ALL TREES TO BE REMOVED WILL BE IDENTIFIED BY RED FLAGGING.
- TREE PROTECTION FENCING IS TO BE ERRECTED PRIOR TO ANY EARTHWORK OR CONSTRUCTION AND IS TO REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETE.
- ALL DEBRIS, FILL, EQUIPMENT OR MATERIAL IS TO BE KEPT CLEAR OF AREA WITHIN PROTECTIVE FENCE. NO CLEANING OF EQUIPMENT OR MATERIAL OR STORAGE OR DISPOSAL OF ANY MATERIAL WITHIN THE DRIP LINE OF ANY TREES TO BE SAVED.



TREE PROTECTION FENCE
NOT TO SCALE



BICYCLE PARKING DETAIL
NOT TO SCALE



Project Number: 1051-25-13215
 Date: 3/6/2025
 P.M. AW
 Checked by: AW
 Drawn by: WB
 Crew/Book: ---

Client: **GRACE BAPTIST CHURCH**
 Project: **GRACE BAPTIST CHURCH**

Site Address: 280 EAST LINCOLN STREET, BIRMINGHAM, MI 48009
 County: OAKLAND
 Community: BIRMINGHAM
 Township: 2N
 Range: 10E
 Section: 36

Professional Name: ANDREW WALTERS, PE
 Date: 4/4/2025

Title: **SITE PLAN**
DETAILS

Drawing Scale: Sheet Number: **09**



**Ganther Construction
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PROPOSED PROJECT FOR:
GRACE BAPTIST CHURCH
280 E. LINCOLN STREET, BIRMINGHAM, MI 48009

REVISIONS

#	DATE

Project Number 24-1037

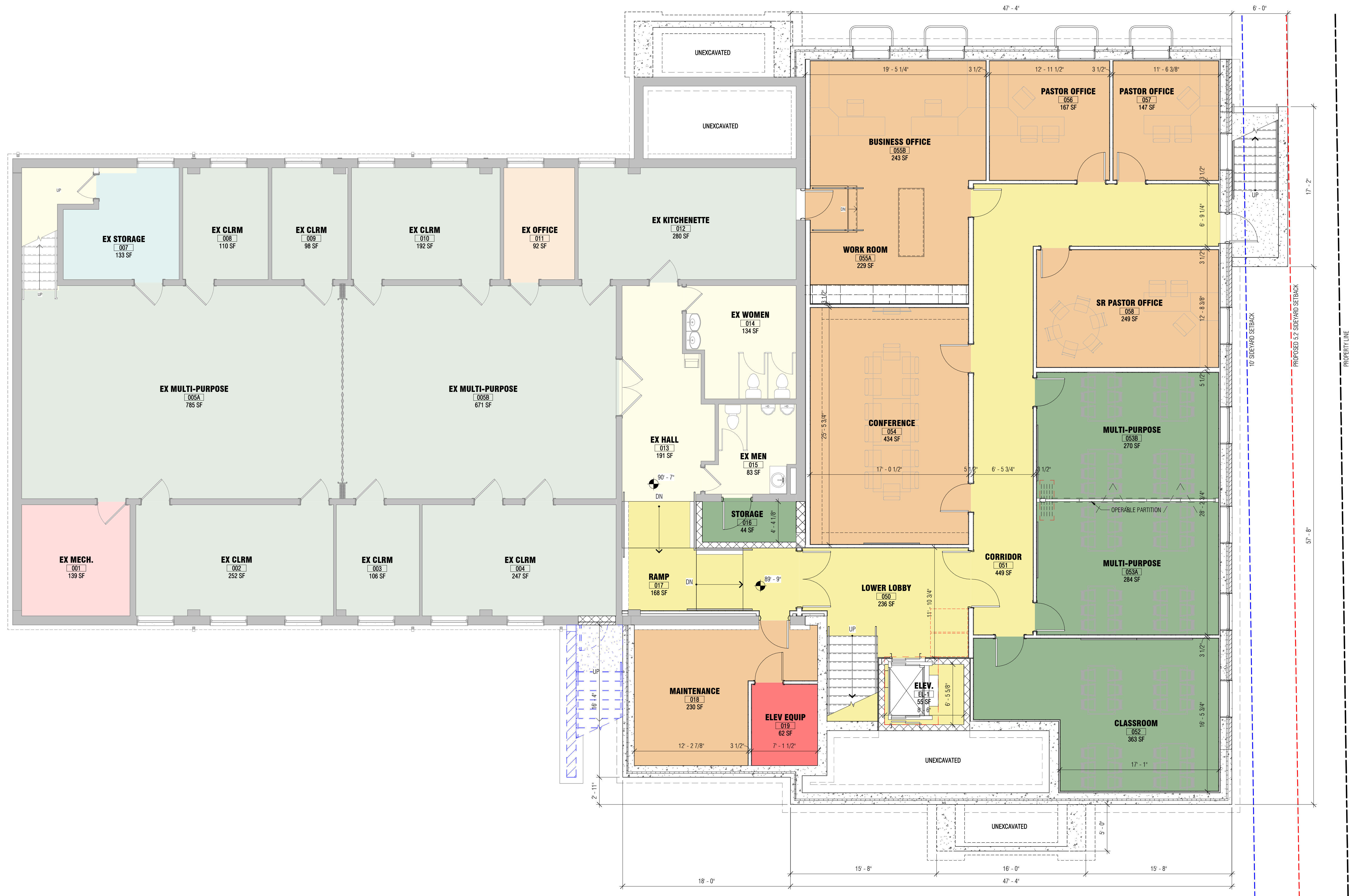
Date 4/28/2025

Drawn By JJR

Checked By AHI

PROPOSED LOWER LEVEL FLOOR PLAN

A1



PROPOSED LOWER LEVEL FLOOR PLAN
SCALE: 3/16" = 1'-0"

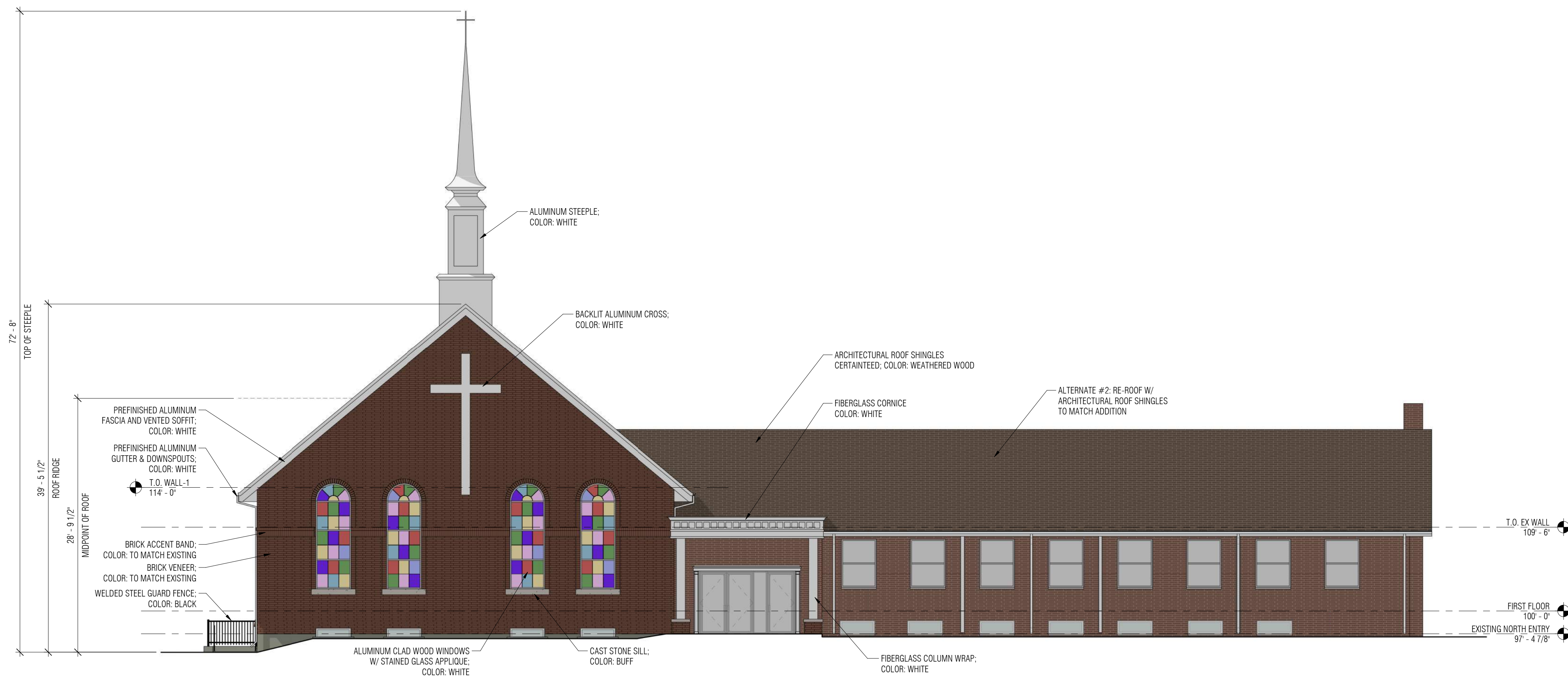
FINAL SITE PLAN REVIEW



**Ganther Construction
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EXTERIOR NORTH ELEVATION

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



EXTERIOR SOUTH ELEVATION

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

PROPOSED PROJECT FOR:
GRACE BAPTIST CHURCH
280 E. LINCOLN STREET, BIRMINGHAM, MI 48009

REVISIONS	
#	DATE

Project Number 24-1037
Date 4/16/2025
Drawn By JJR
Checked By AHI

EXTERIOR ELEVATIONS

A3

FINAL SITE PLAN REVIEW



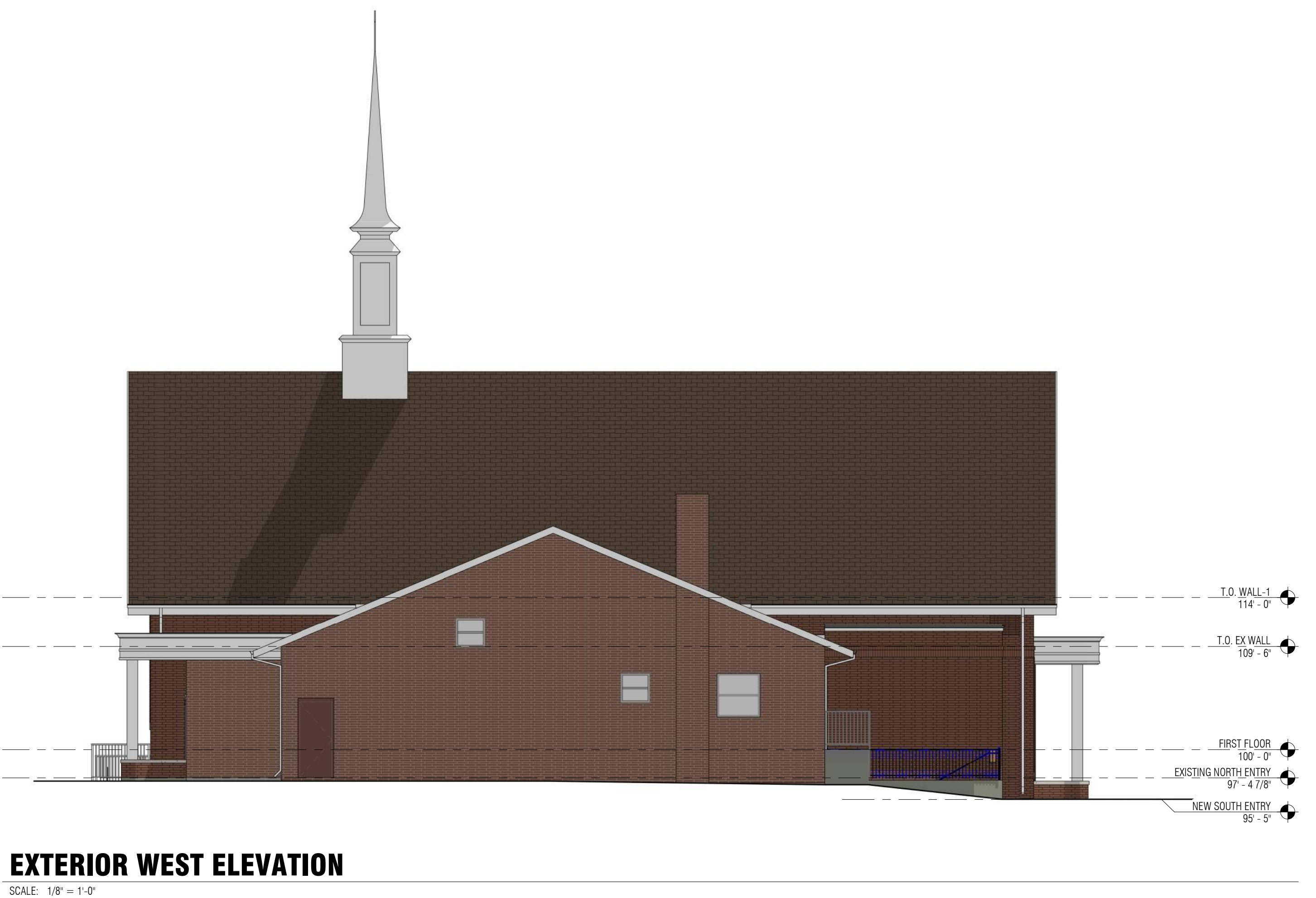
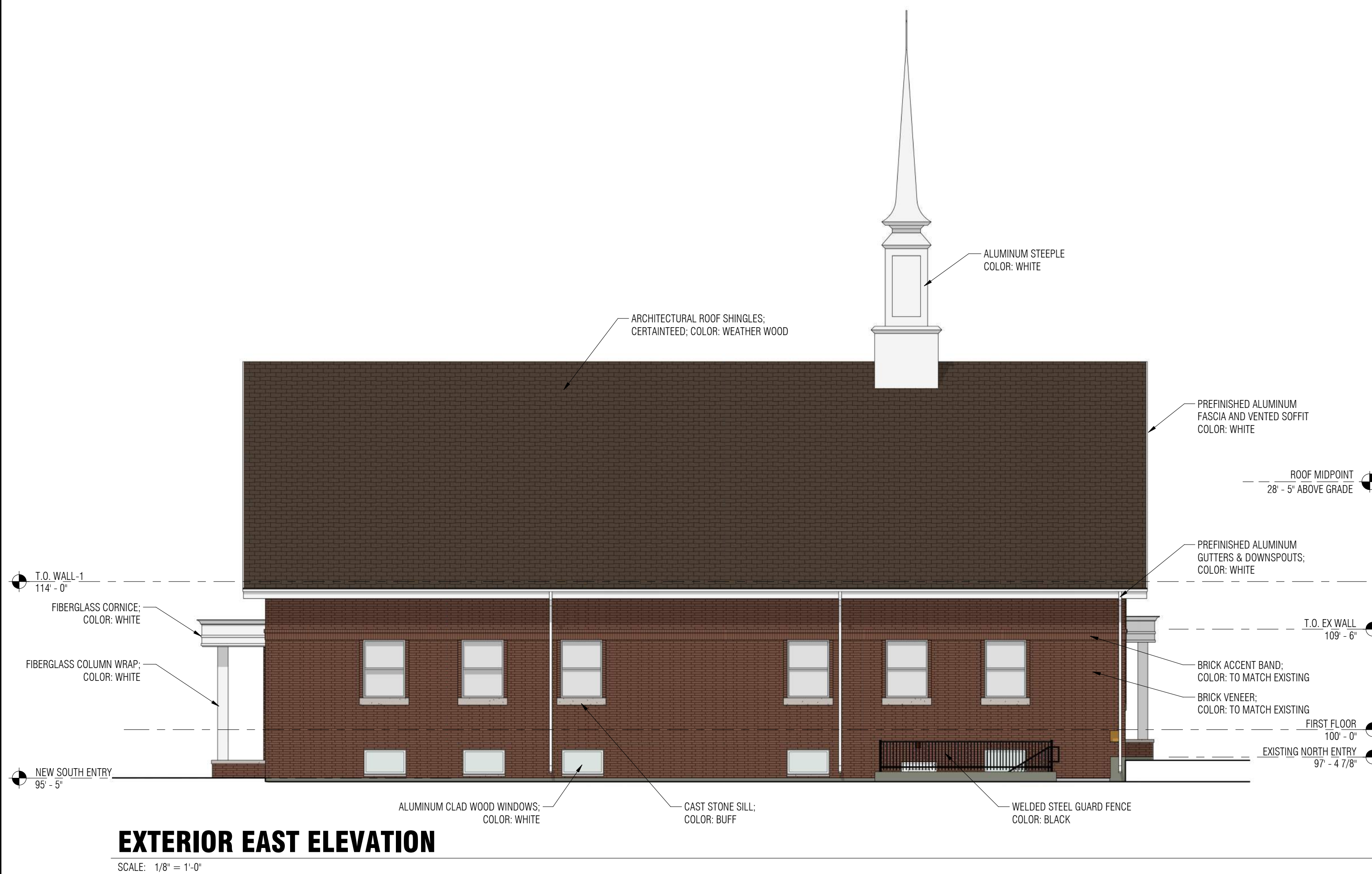
**Ganther Construction
Architecture, Inc.**

4825 County Road A
Oshkosh, Wisconsin 54901
tel. 920.426.4774 fax
920.426.4788 www.ganther.com

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PROPOSED PROJECT FOR:
GRACE BAPTIST CHURCH

280 E. LINCOLN STREET, BIRMINGHAM, MI 48009



EXTERIOR EAST ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR WEST ELEVATION
SCALE: 1/8" = 1'-0"

REVISIONS	
#	DATE

Project Number 24-1037
Date 4/16/2025
Drawn By JJR
Checked By AHI

EXTERIOR ELEVATIONS

A4

FINAL SITE PLAN REVIEW



VARIANCE REQUEST FOR:
280 EAST LINCOLN STREET

Ganther SINCE 1900
CONSTRUCTION ARCHITECTURE
you got it.

VARIANCE REQUESTS

REQUEST #1

MINIMUM OPEN SPACE REQUIREMENT

- 40% REQUIRED
- 28.8% EXISTING NON-CONFORMING
- 26.7% PROPOSED (13.3% variance required)

REQUEST #2

REDUCED SIDE YARD SETBACK

- REQUEST OF 5.2 FT SETBACK (4.8 ft variance required)

ZONING SUMMARY

OPEN SPACE

- Min. Required: 40%
- Existing: 28.8% (non-conforming)
- Proposed: 26.7%

LOT COVERAGE

- Max Allowed: 30%
- Proposed: 22.1%

FRONT SETBACK

- Min. Required: 25 ft11
- Proposed North: 21.3 ft (existing non-conforming)

SIDE SETBACK

- Min. Required: 25% total; 10 ft for corner lot
- Proposed West: 35 ft
- Proposed East: 5.2 ft

REAR SETBACK

- Min. Required: 30 ft
- Proposed South: 131.8 ft

FRONT + REAR SETBACK

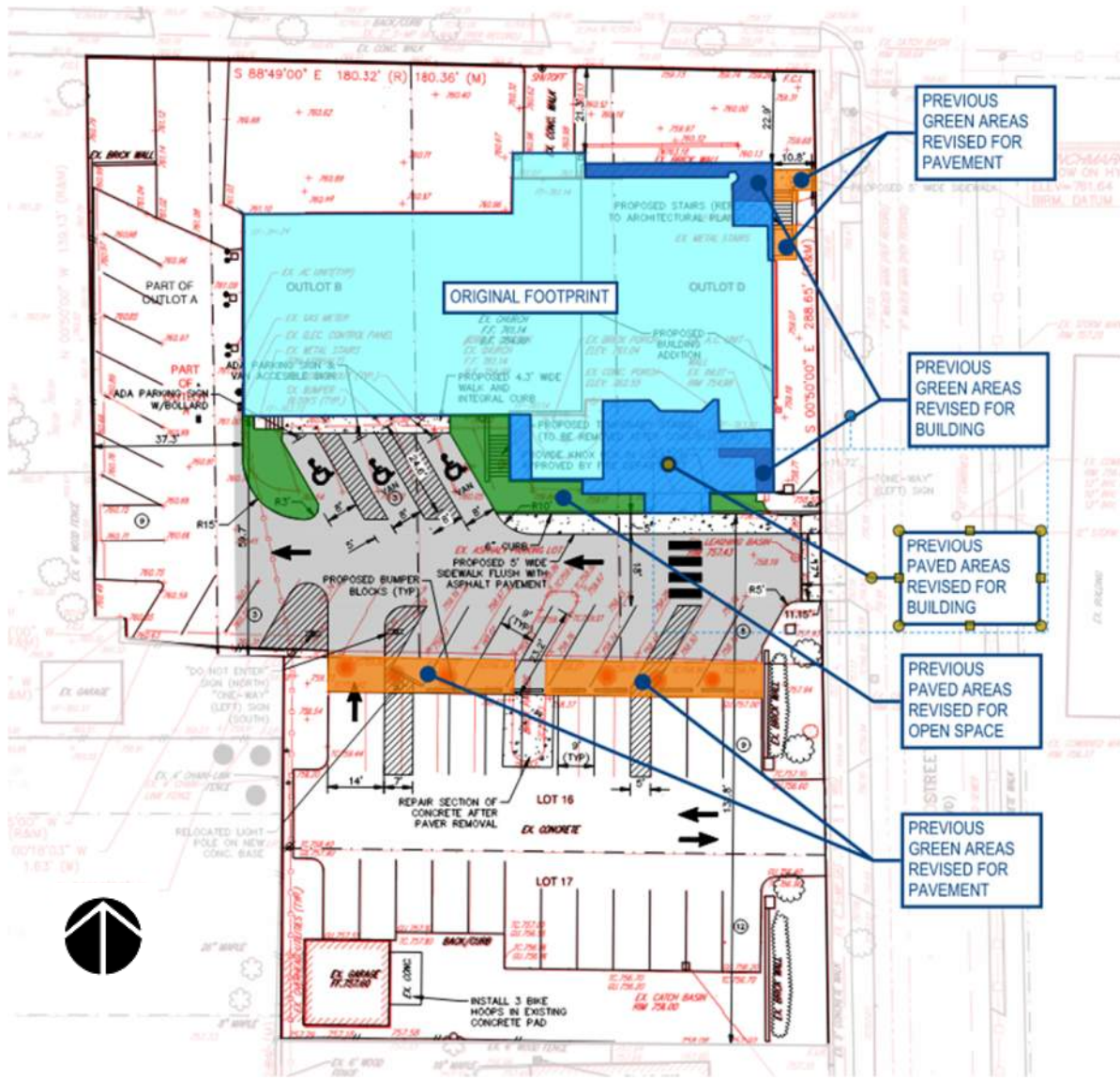
- Min. Required: 55 ft
- Proposed Combined: 153.1 ft

BUILDING HEIGHT

- Max Allowed: 30 ft to midpoint (sloped roofs)
- Proposed: 28.8 ft to midpoint (sloped roof)

EAVE HEIGHT

- Max Allowed: 24 ft
- Proposed: 16 ft



PREVIOUS GREEN AREAS REVISED FOR PAVEMENT

PREVIOUS GREEN AREAS REVISED FOR BUILDING

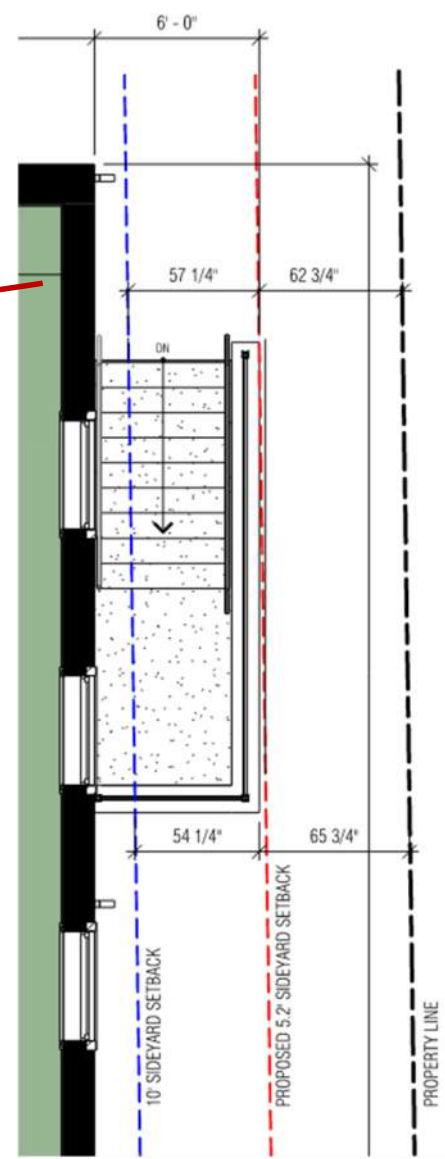
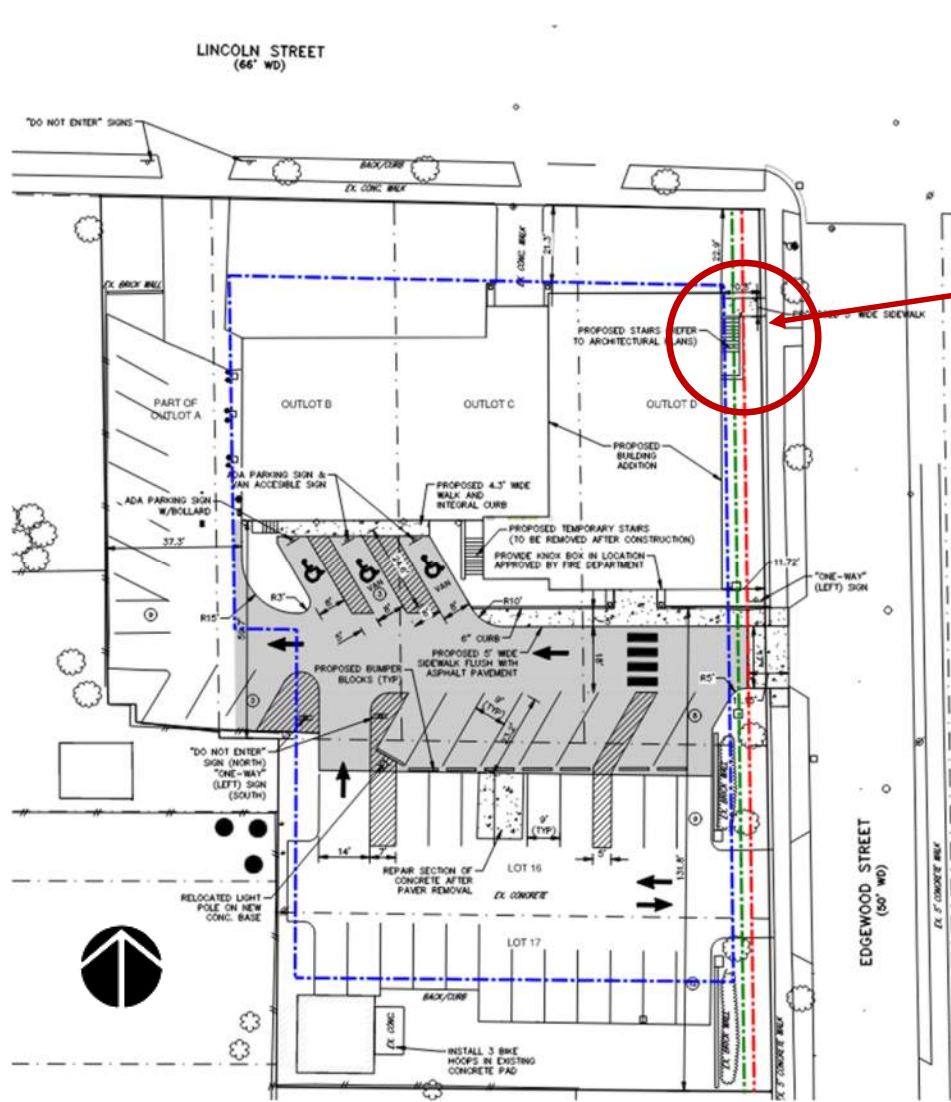
PREVIOUS PAVED AREAS REVISED FOR BUILDING

PREVIOUS PAVED AREAS REVISED FOR OPEN SPACE

PREVIOUS GREEN AREAS REVISED FOR PAVEMENT

CHANGES TO MINIMUM OPEN SPACE

- 252.7 sf Open Space to Building Area
- 968.3 sf Open Space to Paving Area
- + 779.7 sf Paving Area to Open Space
- Net Change: - 441.3 sf Open Space



SIDE YARD SETBACK CONSIDERATIONS

- Building is not parallel to property line, resulting in minor dimensional variations
- A 5.2 ft side yard setback variance would accommodate the stair construction

SUMMARY OF VARIANCES REQUESTED

REQUEST #1

MINIMUM OPEN SPACE REQUIREMENT

- 40% REQUIRED
- 28.8% EXISTING NON-CONFORMING
- 26.7% PROPOSED (13.3% variance required)

REQUEST #2

REDUCED SIDE YARD SETBACK

- REQUEST OF 5.2 FT SETBACK (4.8 ft variance required)



THANK YOU FOR YOUR CONSIDERATION

CASE DESCRIPTION

245 S Eton (25-14)

Hearing date: May 13, 2025

Appeal No. 25-14: The owner of the property known **245 S Eton**, requests the following variance for new signage above the entrance:

A. Chapter 86, Article 1, Table B of the Sign Ordinance requires that a canopy sign may not exceed an area of no more than 0.33 square feet for each linear foot of canopy length of the canopy upon which the sign will be placed. The linear footage of the canopy upon which the proposed sign will be placed measures 25 feet 6 inches. Thus, the maximum permitted area of a canopy sign placed on the subject canopy is 8.4 square feet. The proposed canopy sign measures 24.4 square feet in area. Therefore, a variance of 16 square feet is requested.

Staff Notes: The applicant is looking to provide this new signage at the entranceway of the newly renovated Big Rock Italian Chophouse restaurant. The new restaurant is located within the historic Birmingham Grand Trunk Western Railroad Depot, which is also listed on the National Register of Historic Places. At present, the applicant is approved to have two other small ground signs, one at the north side of the property along E. Maple, and one within the island in the parking lot off of Eton.

On May 7, 2025 ([Agenda](#)), the Historic District Commission moved to approve the proposal with the condition that the applicant obtain a variance from the Board of Zoning Appeals. The discussion and eventual decision was heavily focused on the limited opportunity to place signage elsewhere on the building, as it is a designated historic resource.

This property is zoned B2B – General Business.

Nicholas 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)

245 S ETON 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:	<input checked="" type="checkbox"/> Interpretation	<input checked="" type="checkbox"/> Dimensional	<input checked="" type="checkbox"/> Land Use	<input checked="" type="checkbox"/> Sign Canopy Sign	<input checked="" type="checkbox"/> Admin Review
--------------------------	--	---	--	--	--

I. PROPERTY INFORMATION:

Address: 245 S. Elon	Lot Number: 08-20-31-207-001	Sidwell Number:
-------------------------	---------------------------------	-----------------

II. OWNER INFORMATION:

Name: <small>Elon Station LLC c/o John F. Kelly, Manager</small>			
Address: 2051 Villa Suite 106	City: Birmingham	State: MI	Zip code: 48009
Email: * <small>jkelly@kellybuildingcompany.com</small>		Phone: 248-258-6663	

III. PETITIONER INFORMATION:

Name: <small>Paul Deters</small>	Firm/Company Name: <small>Metro Signs & Lighting</small>		
Address: 11444 Kaitz Ave	City: Warren	State: MI	Zip code: 48069
Email: <small>pdeters@metrosal.com</small>		Phone: 586-759-2700	

IV. GENERAL INFORMATION:

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

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

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

VI. APPLICANT SIGNATURE

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

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

Signature of Owner: _____	Date: _____
Signature of Petitioner: Paul Deters	Date: 4/10/25

Digitally signed by Paul Deters
Date: 2025.04.10 15:07:05 -04'00'

**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.

Paul Deters Digitally signed by Paul Deters
Date: 2025.04.10 15:07:59 -04'00'

Signature of Applicant



CONSENT OF PROPERTY OWNER

I. John F Kelly OF THE STATE OF Michigan AND COUNTY OF Washtenaw
(Name of property owner)

0 STATE THE FOLLOWING:

1. That I am the owner of real estate located at 245 S ETOW ST
(Address of affected property)
2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by:
Please Remove Signs
(Name of applicant)
3. That I have no objections to, and consent to the request(s) described in the Application made to the City of Birmingham.

Dated: 9/26/14

John F Kelly
Owner's Name (Please Print)

[Signature]
Owner's Signature



4/10/25

Board of Zoning Appeals
City of Birmingham

Re: Big Rock Italian Chophouse - 245 S. Eton St.
Canopy Sign Hardship

Please allow this letter to serve as the letter of practical difficulty and/or hardship for the proposed canopy sign at the Big Rock Italian Chophouse. This is a very unique, historic location with a rich history in the community. It is currently undergoing an extensive renovation with the intent to open in the summer of 2025. With 210 feet of frontage, the site would be allowed 210 square feet of signage by code. The historic designation and unique architectural features of the facade severely limit the available areas to place a wall sign, however. The natural and most practical placement for an understated wall sign is on the projecting semicircle canopy above the front entrance. The sign ordinance permits the area of canopy signs to be up to .33x the length of the canopy. If the circumference of the canopy were "flattened out", it would be 25'6" in length. As such, the maximum permitted wall sign would be 8.4 square feet.

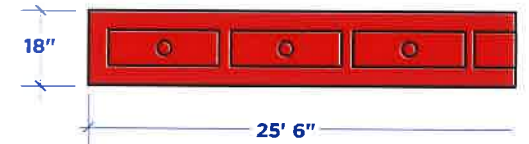
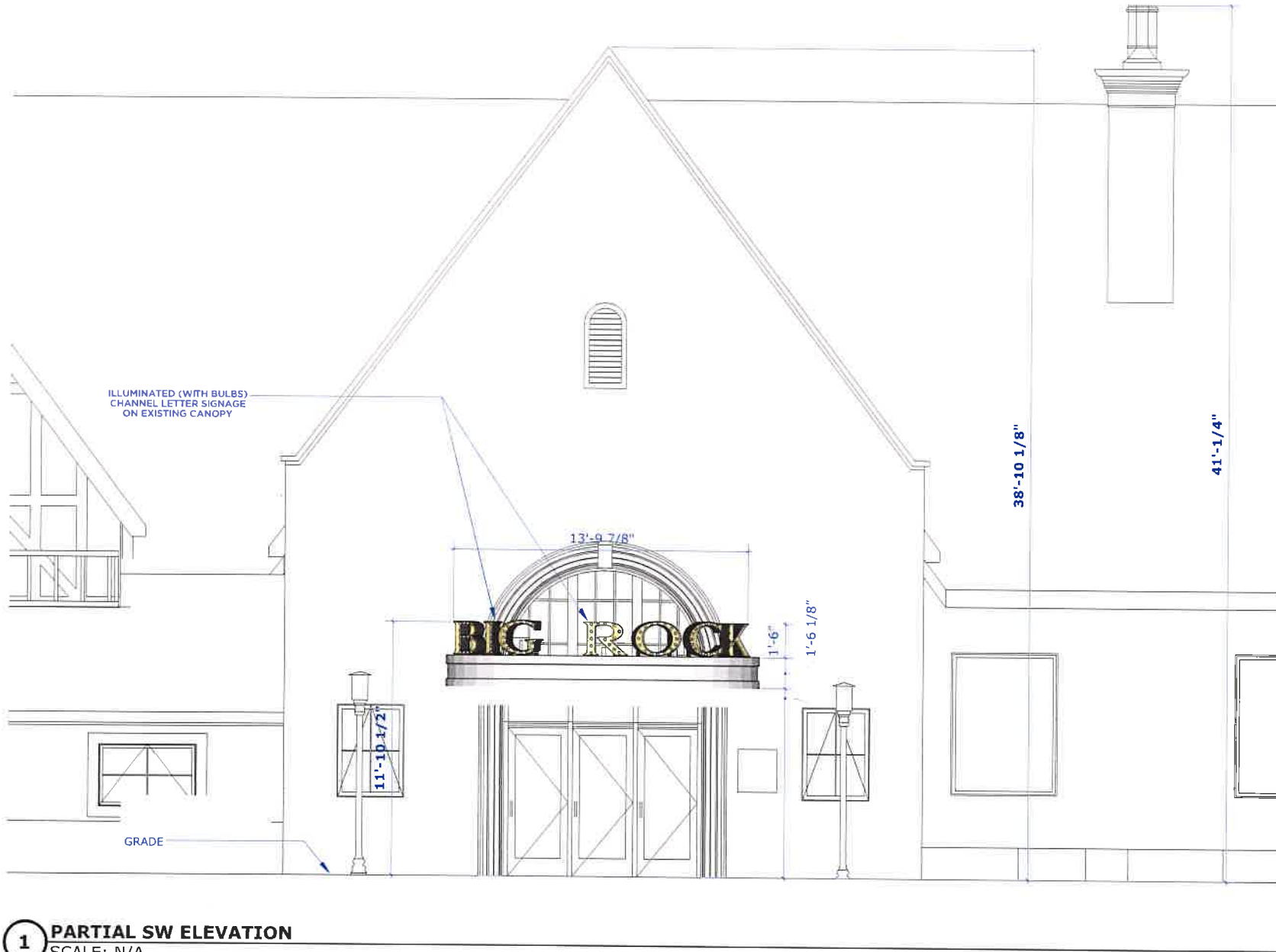
We are proposing 18" tall BIG ROCK open faced letters with nostalgic frosted mini LED bulbs (foot candle < .080) for a total area of 25.11 square feet. Given the size of the building and the owner's determination not to diminish its architectural character, we feel the proposed sign is within the spirit of the ordinance and warrants consideration for a variance.

The two ground signs that are being reviewed administratively, as they are a reduction from previously approved ground signs and total a combined 18.26 square feet in area. If the proposed 25.11sf canopy sign is approved, the total sign area for the site will be 43.37sf, or 20.6% of the total 210sf allowed for the site.

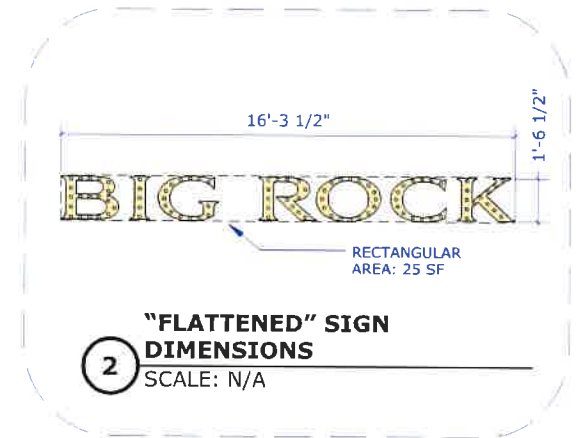
Thank you for your consideration.

Paul Deters

NAME LETTER SIGN



FLATTENED CANOPY DIMENSIONS



"FLATTENED" SIGN DIMENSIONS

SCALE: N/A

01/15/2025

1 PARTIAL SW ELEVATION
SCALE: N/A

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**EXTERIOR SIGNAGE PACKAGE
FABRICATION / INSTALLATION DOCUMENT**
08/14/2023, 11/28/2023, 12/11/2023, 02/29/2024, 08/15/2024,
09/26/2024, 10/11/2024, 01/15/2025, 03/19/2025

BIG ROCK ITALIAN CHOPHOUSE
245 S ETON ST
BIRMINGHAM, MI 48009

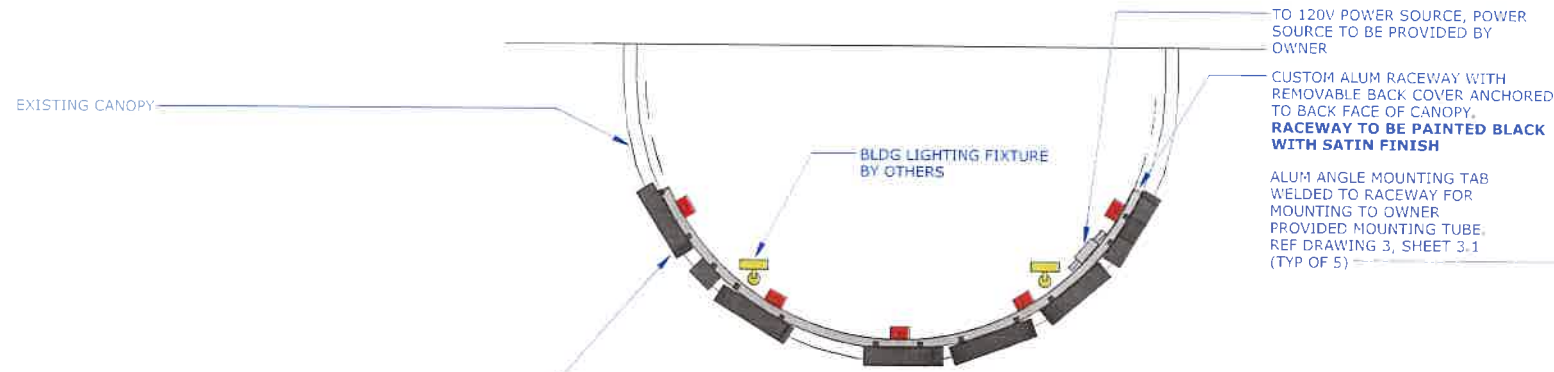
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 APPROVED
 APPROVED AS NOTED

APPROVAL SIGNATURE

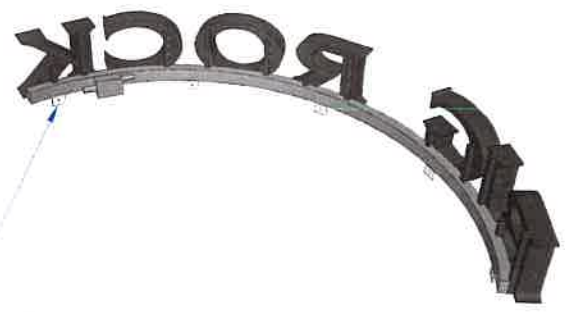
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Design: BAY
Dwg: 23_090

UL:
 YES NO
INSTALL PER
NEC 600
-GROUNDING
-BONDING

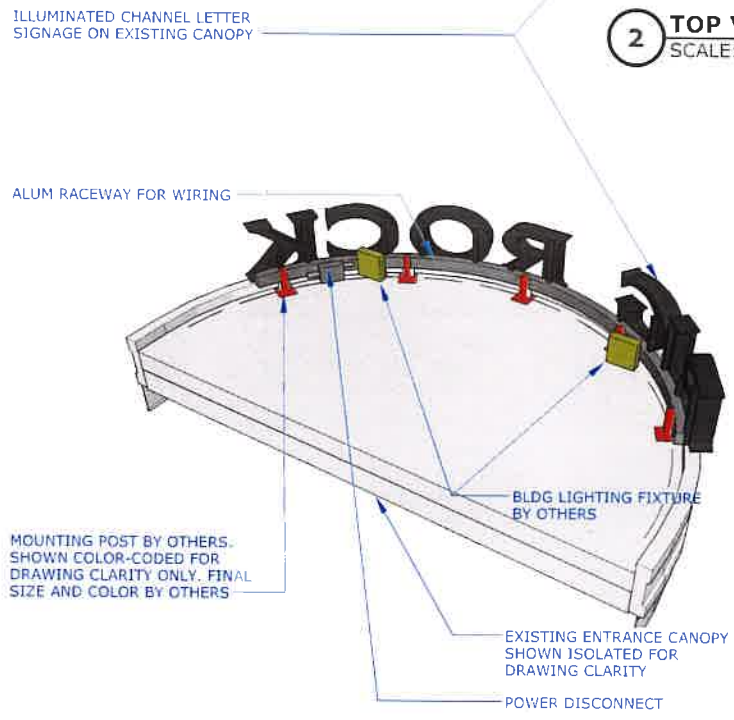
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2 TOP VIEW
SCALE: N/A



3 ISOLATED VIEW OF SIGN ASSEMBLY
SCALE: N/A



BACK PERSPECTIVE VIEW

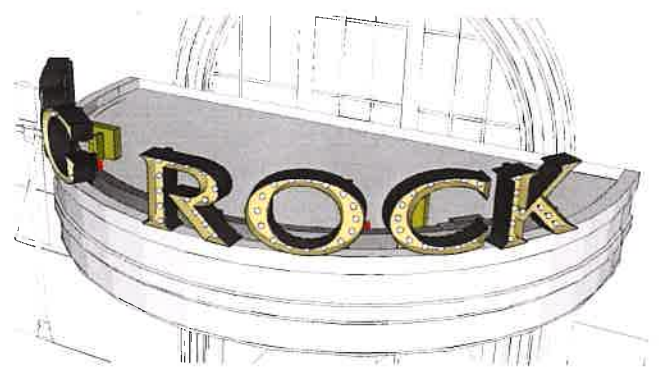
1 ISOLATED VIEWS
SCALE: N/A



COLOR: GOLD LEAF
 SELECTION PER CMR 12/04/2023

 PAINT EQUIVALENT: MATTHEWS PAINT MP20509
 "FORTY-NINER GOLD METALLIC"

LEFT FRONT PERSPECTIVE VIEW



RIGHT FRONT PERSPECTIVE VIEW



EXTERIOR SIGNAGE PACKAGE
FABRICATION / INSTALLATION DOCUMENT
 08/14/2023, 11/28/2023, 12/11/2023, 02/29/2024, 08/15/2024,
 09/26/2024, 10/11/2024, 01/15/2025, 03/19/2025

BIG ROCK ITALIAN CHOPHOUSE

 245 S ETON ST
 BIRMINGHAM, MI 48009

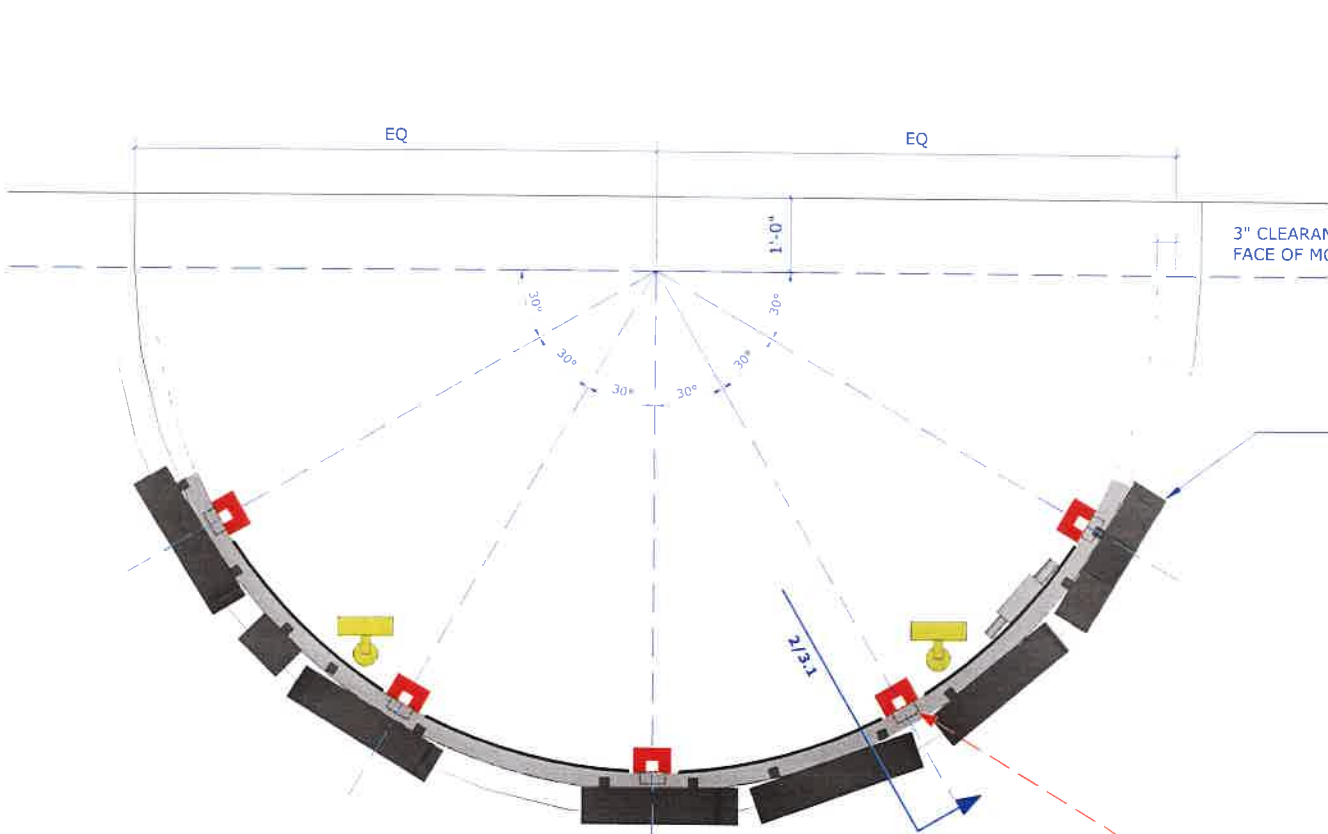
PROJECT LAYOUT
 APPROVED
 APPROVED AS NOTED

APPROVAL SIGNATURE _____

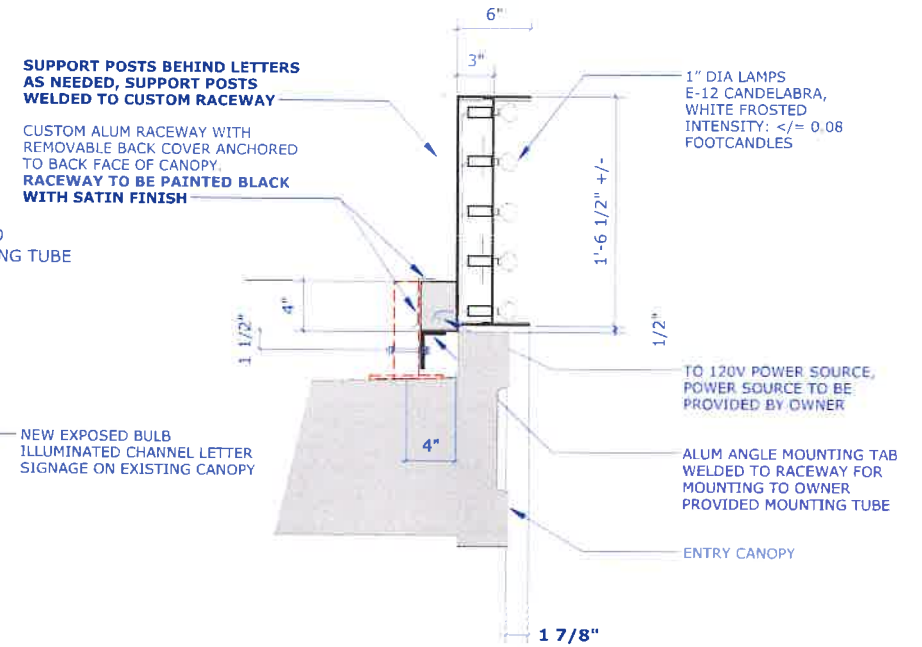
Sales: EH
 Design: BAY
 Dwg: 23_090

UL:
 YES NO
 INSTALL PER
 NEC 600
 -GROUNDING
 -BONDING

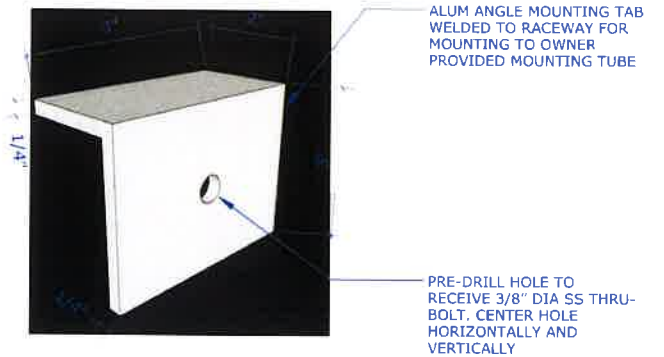
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1 TOP PLAN VIEW: MOUNTING POST LOCATIONS
SCALE: N/A



2 SECTION DETAIL
SCALE: N/A



3 ALUM MOUNTING TAB DETAIL
SCALE: N/A



**EXTERIOR SIGNAGE PACKAGE
FABRICATION / INSTALLATION DOCUMENT**
08/14/2023, 11/28/2023, 12/11/2023, 02/29/2024, 08/15/2024,
09/26/2024, 10/11/2024, 01/15/2025, 03/19/2025

BIG ROCK ITALIAN CHOPHOUSE
245 S ETON ST
BIRMINGHAM, MI 48009

PROJECT LAYOUT
 APPROVED
 APPROVED AS NOTED

APPROVAL SIGNATURE _____

Sales: EH
Design: BAY
Dwg: 23_090

UL:
 YES NO
INSTALL PER
NEC 600
-GROUNDING
-BONDING

3.1

