

**CITY OF BIRMINGHAM  
MEETING OF THE BOARD OF ZONING APPEALS  
TUESDAY, AUGUST 12, 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) July 8, 2025 minutes

**5. APPEALS**

|    | Address         | Petitioner                | Appeal | Type/Reason |
|----|-----------------|---------------------------|--------|-------------|
| 1) | 1133 LATHAM     | JOHN GENTILE              | 25-19  | DIMENSIONAL |
| 2) | 1291 WASHINGTON | GREATER DETROIT LANDSCAPE | 25-21  | DIMENSIONAL |
| 3) | 640 SHIRLEY     | MOSHER DESIGNS            | 25-22  | 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) 644-3405 (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) 644-3405 (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.

# AUGUST BZA MAP



**Birmingham Board Of Zoning Appeals Proceedings**  
**July 8, 2025**  
**City Commission Room**  
**151 Martin Street, Birmingham, Michigan**

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**1. Call To Order**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on July 8, 2025. The meeting was convened at 7:30 p.m.

**2. Rollcall**

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

**Absent:** Chair Erik Morganroth; Board Members Kevin Hart; Alternate Board Members Donald Rogers

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

The Chair took rollcall of the petitioners. All petitioners were in attendance. Since five out of seven Board members were present, petitioners were given the option to postpone.

The appellants for Appeals 25-19 and 25-21 elected to postpone to the August 2025 meeting.

**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 June 10, 2025**

**Motion by Lilley**

**Seconded by Kona to approve.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Canvasser, Miller, Lilley, Kona, Reddy

Nays: None

## **5. Appeals**

### **1) 2630 Dorchester Appeal 25-15**

VC Canvasser disclosed a previous business relationship with the appellant. He said he did not believe that the previous business relationship necessitated recusal from this item.

ABO Morad presented the item, explaining that the owner of the property known as 2630 Dorchester was requesting the following variance to construct a new home:

**A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 12.23 feet. Therefore, a variance of 1.77 feet is requested on the west side.

Staff answered informational questions from the Board.

Debi Babi, representative from the appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

#### **Motion by Reddy**

**Seconded by Lilley with regard to Appeal 25-15, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 12.23 feet. Therefore, a variance of 1.77 feet is requested on the west side.**

**Mr. Reddy moved to approve, tying it to the plans. In Birmingham, it is not uncommon for a new home to be built within setbacks, and to still require a variance because of a neighboring home's position on its lot. He continued that literal enforcement of the chapter would result in unnecessary hardship and that the variance would not be contrary to the purpose of the ordinance.**

**Mr. Miller concurred, noting that this motion aligned with the Board's past approach to similar circumstances. He opined that this was a reasonable request.**

**Motion carried, 5-0.**

ROLL CALL VOTE

Yeas: Canvasser, Miller, Lilley, Kona, Reddy

### **2) 1998 Hazel**

## **Appeal 25-18**

BO Zielke presented the item, explaining that the owner of the property known as 1998 Hazel was requesting the following variance to construct a new home:

**A. Chapter 126, Article 4, Section 4.74(C)** of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 10.00 feet. Therefore, a variance of 4.00 feet is requested on the west side.

Staff answered informational questions from the Board.

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

### Public Comment

Clarification was provided for Michael Wilson. Mr. Wilson noted that a fence on his property, 1974 Hazel, was located approximately one foot closer to his home than the actual property line between his lot and 1998 Hazel.

### **Motion by Miller**

**Seconded by Reddy with regard to Appeal 25-18, A. Chapter 126, Article 4, Section 4.74(C) of the Zoning Ordinance requires that a minimum distance between principal residential buildings on adjacent lots to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 14.00 feet. The proposed is 10.00 feet. Therefore, a variance of 4.00 feet is requested on the west side.**

**Mr. Miller moved to approve 1998 Hazel and tied approval to the plans as submitted. He noted that the variance would allow the site to be buildable, and that the adjacent house received a variance for that house's position on its lot. This is a reasonable request, and the special conditions applicable to the property in question would make strict application of the ordinance would prevent the property owner from using it for its permitted purpose. Literal enforcement of the ordinance would create a hardship. Granting the variance would not be contrary to the spirit of the ordinance and would to substantial justice to the appellant. It is a similar condition to the across-the-street neighbors as well.**

**VC Canvasser concurred, emphasizing that without a variance a house could not be built on this lot. He said the request was very reasonable.**

**Motion carried, 5-0.**

### ROLL CALL VOTE

Yeas: Canvasser, Miller, Lilley, Kona, Reddy

### **3) 798 Redding Appeal 25-20**

ABO Erickson presented the item, explaining that the owner of the property known as 798 Redding was requesting the following variance to construct an addition of the east side of a nonconforming home:

**A. 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 54.54 feet behind the front of the garage. Therefore, a variance of 59.54 feet is requested.

Staff answered informational questions from the Board.

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

**Motion by Kona**

**Seconded by Miller with regard to Appeal 25-20, A. 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 54.54 feet behind the front of the garage. Therefore, a variance of 59.54 feet is requested.**

**Mr. Kona moved to approve the variance, tying approval to the plans, and noting the request was due to a pre-existing condition. The addition would neither change nor expand the pre-existing non-conformity. It would be an unnecessary hardship for the pre-existing condition to prevent this modification to the home. This would not impact the spirit or intent of the ordinance because of the pre-existing nature of the condition. This should result in justice to the property owner and the neighbors because the proposed change would be an enhancement to the property.**

**Mr. Miller noted this request was precipitated by an unintended consequence of the ordinance. He said it was a very unusual lot, and that the landscaping would make the addition invisible from the front of the home.**

**Motion carried, 5-0.**

**ROLL CALL VOTE**

Yeas: Canvasser, Miller, Lilley, Kona, Reddy

**6. Correspondence**

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

**7. General Business**

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

**9. Adjournment**

No further business being evident, the Board motioned to adjourn at 8:01 p.m.



Jeff Zielke, Building Official

Laura Eichenhorn, City Transcriptionist

DRAFT

# **CASE DESCRIPTION**

**1133 Latham (25-19)**

**Hearing date: August 12, 2025**

**Appeal No. 25-19:** The owner of the property known **1133 Latham**, requests the following variance to install a generator on a non-conforming lot:

A. Chapter 126, Article 4, Section 4.03(N)(1) of the Zoning Ordinance requires that the placement of standby generators shall be limited to the rear open space only at a location that is at least 5.00 feet from any principal building or accessory building with habitable space. The required is 5.00 feet. The proposed is 3.00 feet. Therefore, a variance of 2.00 feet is requested in the rear yard.

**Staff Notes:** The applicant is looking to place a generator in the rear yard of the home that was constructed in 1950.

This property is zoned R2 – Single family residential.

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

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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### 8.01 The Board of Zoning Appeals

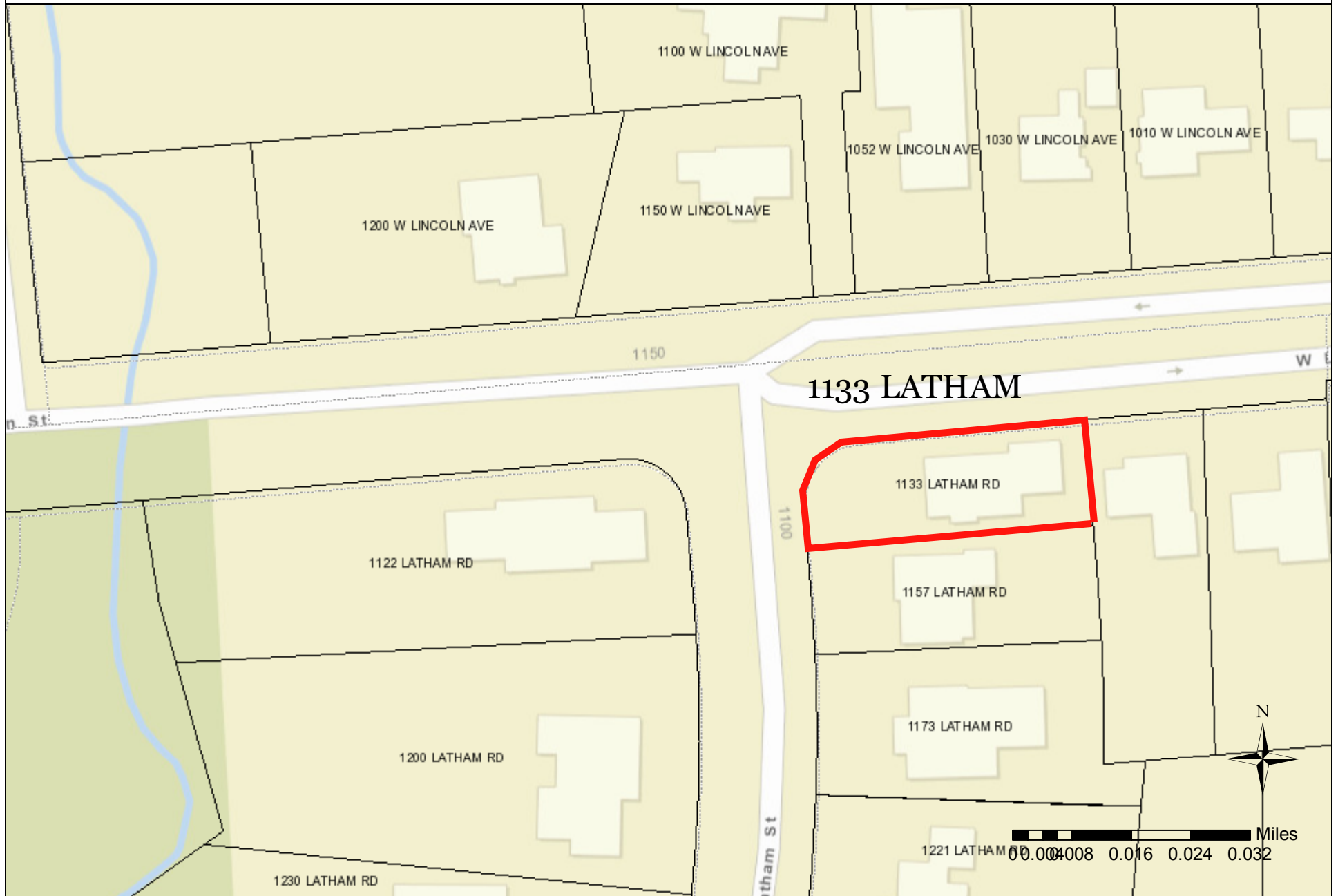
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3. Variances.

- 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)

# 1133 LATHAM 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](http://www.bhamgov.org)

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Received Date: \_\_\_\_\_

Hearing Date: 7/8/2025

Received By: \_\_\_\_\_

Appeal #: 25-19

|                          |                                                    |                                                 |                                              |                                          |                                                  |
|--------------------------|----------------------------------------------------|-------------------------------------------------|----------------------------------------------|------------------------------------------|--------------------------------------------------|
| <b>Type of Variance:</b> | <input checked="" type="checkbox"/> Interpretation | <input checked="" type="checkbox"/> Dimensional | <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Sign | <input checked="" type="checkbox"/> Admin Review |
|--------------------------|----------------------------------------------------|-------------------------------------------------|----------------------------------------------|------------------------------------------|--------------------------------------------------|

**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 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

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

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

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

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

**V. REQUIRED INFORMATION CHECKLIST:**

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

**VI. APPLICANT SIGNATURE**

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

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

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

|                                           |             |
|-------------------------------------------|-------------|
| Signature of Owner: <u>John G Gentile</u> | 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 12<sup>th</sup> day of the month preceding the next regular meeting. If the 12<sup>th</sup> 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.

*John G Gentile*

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Signature of Applicant

Date: June 2, 2025

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

From: Home Owners  
John & Dolores Gentile

Subject: 1133 Latham St.  
Standby Generator Location Variance

Members of the Board,

Thank you for your consideration of this variance request to reduce the location of a new Standby Generator from 5 feet to 3 feet from our existing garage.

**HISTORY:**

- Home owner approached Oak Electric in October 2024 for purchase and install of a 22kW Generac Standby Generator. Birmingham location requirement was 1.5' from building & 3.0' from fence, also per current Generac installation manual. These dimensions fit the generator nicely, adjacent to unoccupied garage and fence while not impacting existing walkway or garden aesthetics. See Layout and Photos.
- Delays with Consumers Energy for installation of higher capacity gas meter delayed Generator install until spring of 2025.
- City of Birmingham increased the Standby Generator location requirement from 1.5' to 5.0' from building in Spring 2025. This increase will push generator and pad into existing garden walkway and existing gate swing path. This position also looks out of place with existing garden and path.

**VARIANCE REQUEST:**

- Home owner proposes to place the standby generator 3.0' from garage. This is a 2.0' decrease from the exiting 5.0' current requirement. All other location dimensions would comply.

**RATIONAL:**

- Adjacent space is a non-habitable, unfinished garage. Brick frame construction with no overhang. Existing high attic gable vent is inoperable and sealed. Garage windows are fixed and inoperable.
- Generator and Pad will not intrude into the existing garden walkway or gate swing at 3.0' from garage, and look appropriately placed within the garden.
- Owner will install CO/Smoke detector in garage and include with existing 3rd party security contract, monitored 24/7. Birmingham Fire/Police are notified by 3rd party directly if alarm is triggered.
- Locations other than 3.0' from garage begin to intrude into 20.0' distance requirement (Zoning Ordinance 4.03 AS-02N2b) to neighboring habitable space (neighbor at 1025 W. Lincoln Ave). Generator exhausts to the south.
- Other locations not practical due to gas/electrical line trenching through mature trees/roots and proximity: to fence, existing gate swing & path. Small corner lot with very small side & back yards make generator placement difficult.

Thank you for your consideration,

John & Dolores Gentile

# MORTGAGE REPORT FOR:

**MIDWEST MORTGAGE GROUP, INC.**

## LEGAL DESCRIPTION:

LOT# 216, Birmingham Hills Sub'n.,  
City of Birmingham, Oakland County,  
Michigan. Rec'd L. 41, P. 40 Plats,  
O.C.R.

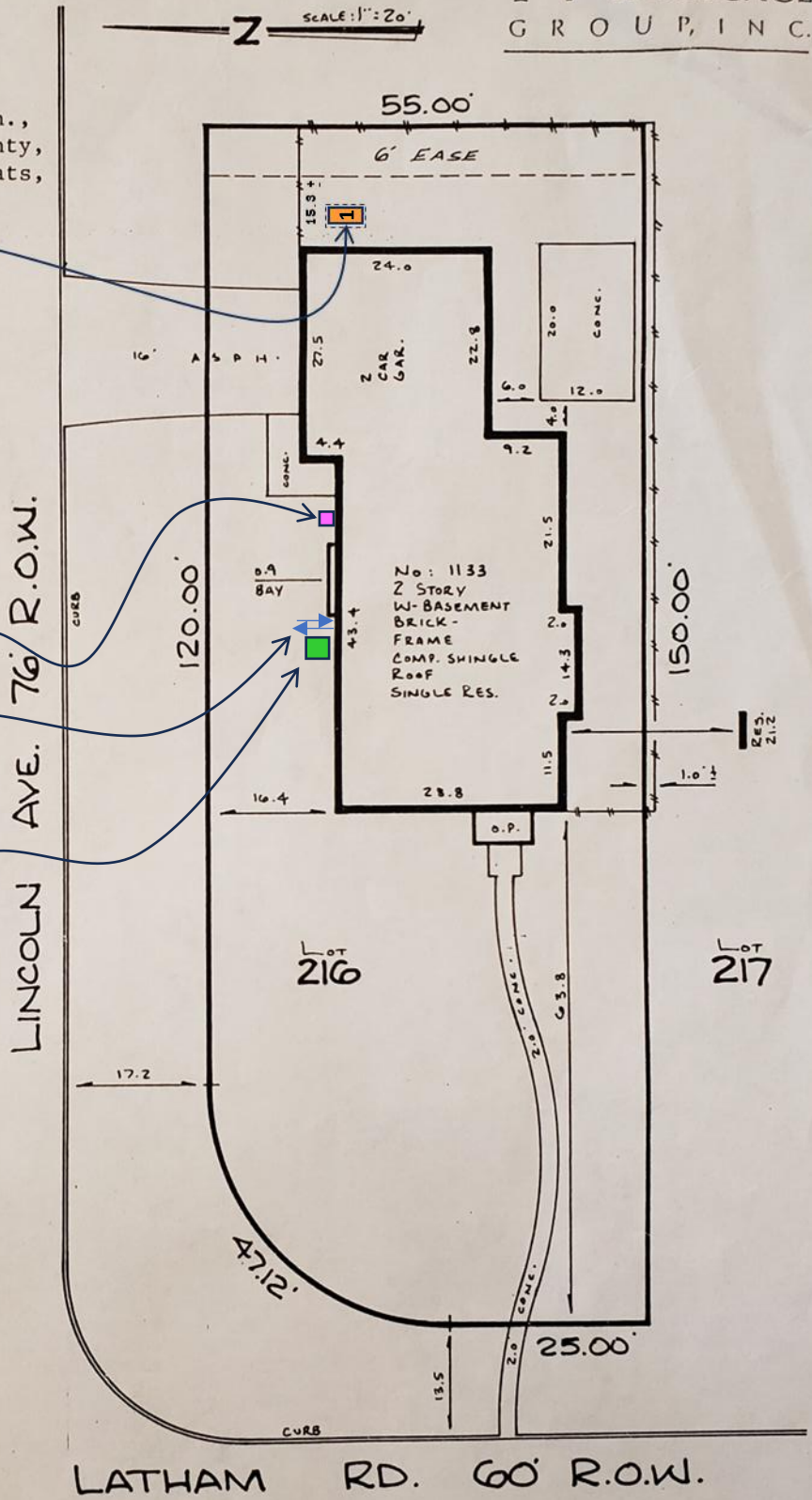
SCALE: 1" = 20'

Proposed location of  
new 22kW Generac  
Generator Installation  
by Oak Electric

Gas Meter

Furnace  
Intake & Exhaust

AC  
Condenser



FILE NO: 242767-64883

DATE: 7/2/98

APPLICANT: Barbara Porter & D. Victor Pytko

We hereby certify that we have inspected the property described in accordance with the Legal Description as furnished to us and should have been reviewed and confirmed by your Title Company prior to closing on your loan and that we assume no liability for discrepancies in the legal description. This report is strictly used for Mortgage purposes in connection with a new Mortgage loan and no other guarantees are either expressed or implied. The buildings and improvements are within the property lines as known to us unless otherwise noted, and that there are no observable encroachments upon the property heretofore described or disclosed within your Title policy and/or furnished to us. This Mortgage report was specifically prepared for identification purposes only for the applicants in connection with a new Mortgage loan within 120 days of the date shown, and should NOT be used or relied upon as a property line survey. No property lines were established and no corners were set. This cannot be used for refinance purposes or transferred to any future property owners. The above Company acknowledges that by the acceptance of the Mortgage Report, the liability of Metropolitan Survey, Inc., herein is limited to the total fees paid for the services rendered. This is not to be used to establish priority lines, easement lines, public right-of-way building lines, conformity or non-conformity to State, County or Local ordinances and/or codes; etc. Sheds, outbuildings, fences and driveway locations shown are approximate. To accurately locate the aforementioned structures and property corners, a certified Boundary Survey, not included in this report is necessary to accurately show these improvements and is recommended.

CERTIFIED TO ALL TITLE COMPANIES:

**METROPOLITAN SURVEY INC.**

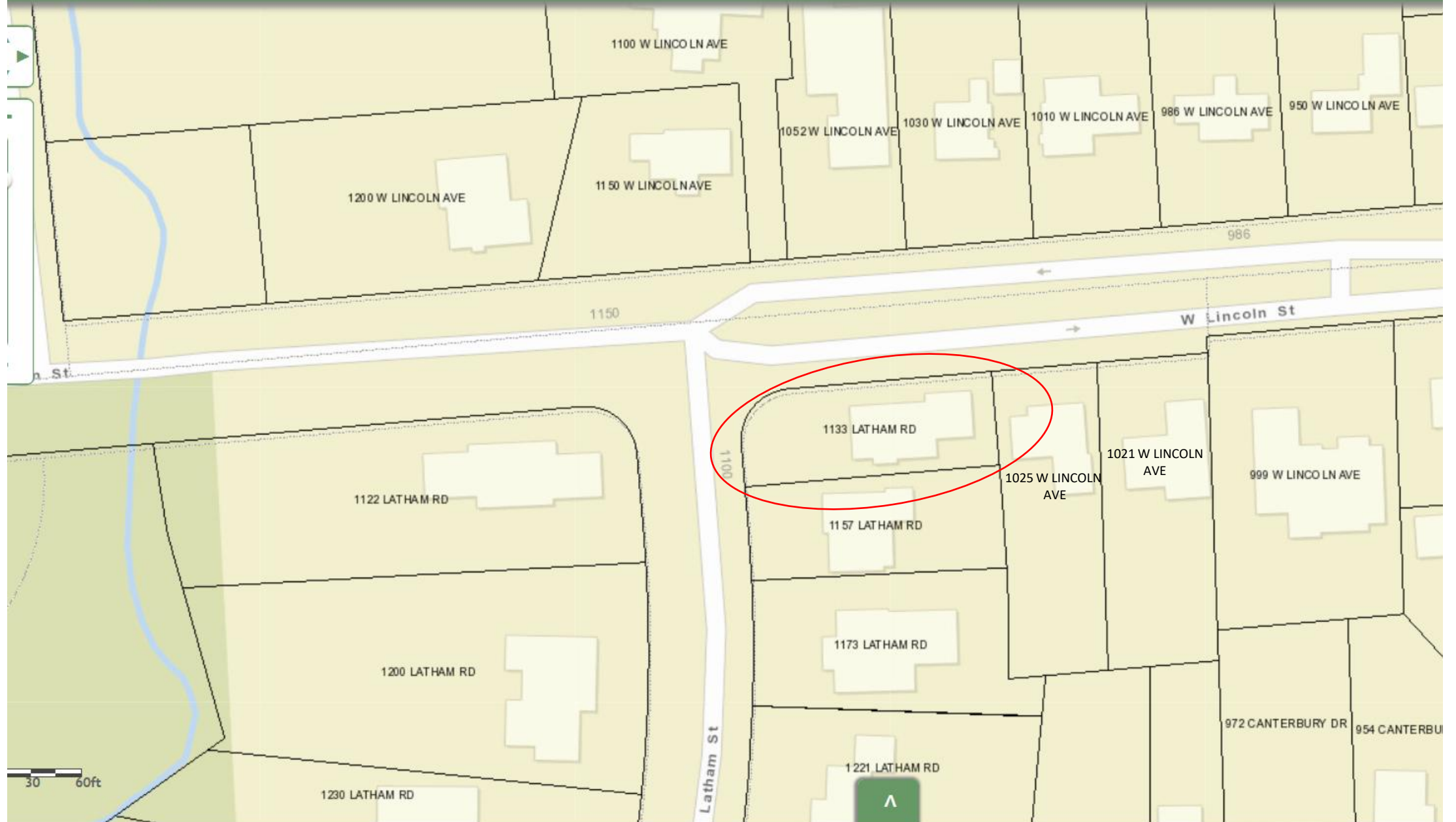
1915 E. NINE MILE ROAD, FERRDALE, MI 48220

FAX: (248) 547-3537 • PHONE: (248) 547-3077



# 1133 Latham

Request for Variance



# Proposed Variance for Standby Generator Setback

## HISTORY

- Home owner approached Oak Electric in October 2024 for purchase and install of a 22kW Generac Standby Generator. Birmingham location requirement was 1.5'\* from building & 3.0'\* from fence. These dimensions fit generator nicely, adjacent to unoccupied garage and fence while not impacting existing walkway or garden aesthetics. See Layout & Photos.
- Delays with Consumers Energy for installation of higher capacity gas meter delayed Generator install until spring 2025.
- City of Birmingham increased the Standby Generator location requirement from 1.5' to 5.0' from building in Spring 2025. This pushes generator and pad into existing garden walkway and existing gate swing. This position also looks out of place with existing garden and path.

\*also per current Generac Installation Manual

## VARIANCE REQUEST

- Home owner proposes to place the standby generator 3.0' from garage. This is a 2.0' decrease from the exiting 5.0' current requirement. All other location dimensions would comply.

## RATIONAL

- Adjacent space is a non-habitable, unfinished garage. Brick frame construction with no overhang. Existing high attic gable vent is inoperable and sealed. Garage windows are fixed and inoperable.
- Generator & pad will not intrude into existing garden walkway or gate swing @ 3.0' from garage, and look appropriately placed within garden.
- Owner will install CO/Smoke detector in garage and include with existing 3rd party security contract, monitored 24/7. Birmingham Fire/Police are notified by 3rd party directly if alarm is triggered.
- Locations other than 3.0' from garage begin to intrude into the 20.0' distance requirement (Zoning Ordinance 4.03 AS-02N2b) to neighboring habitable space (neighbor at 1025 W. Lincoln Ave). Generator exhausts to south.
- Other locations not practical due to gas/electrical line trenching through mature trees/roots and proximity: to fence, existing gate swing & path. Small corner lot with very small side & back yards make generator placement difficult.

# MORTGAGE REPORT FOR:

**MIDWEST MORTGAGE GROUP, INC.**

## LEGAL DESCRIPTION:

LOT# 216, Birmingham Hills Sub'n.,  
City of Birmingham, Oakland County,  
Michigan. Rec'd L. 41, P. 40 Plats,  
O.C.R.

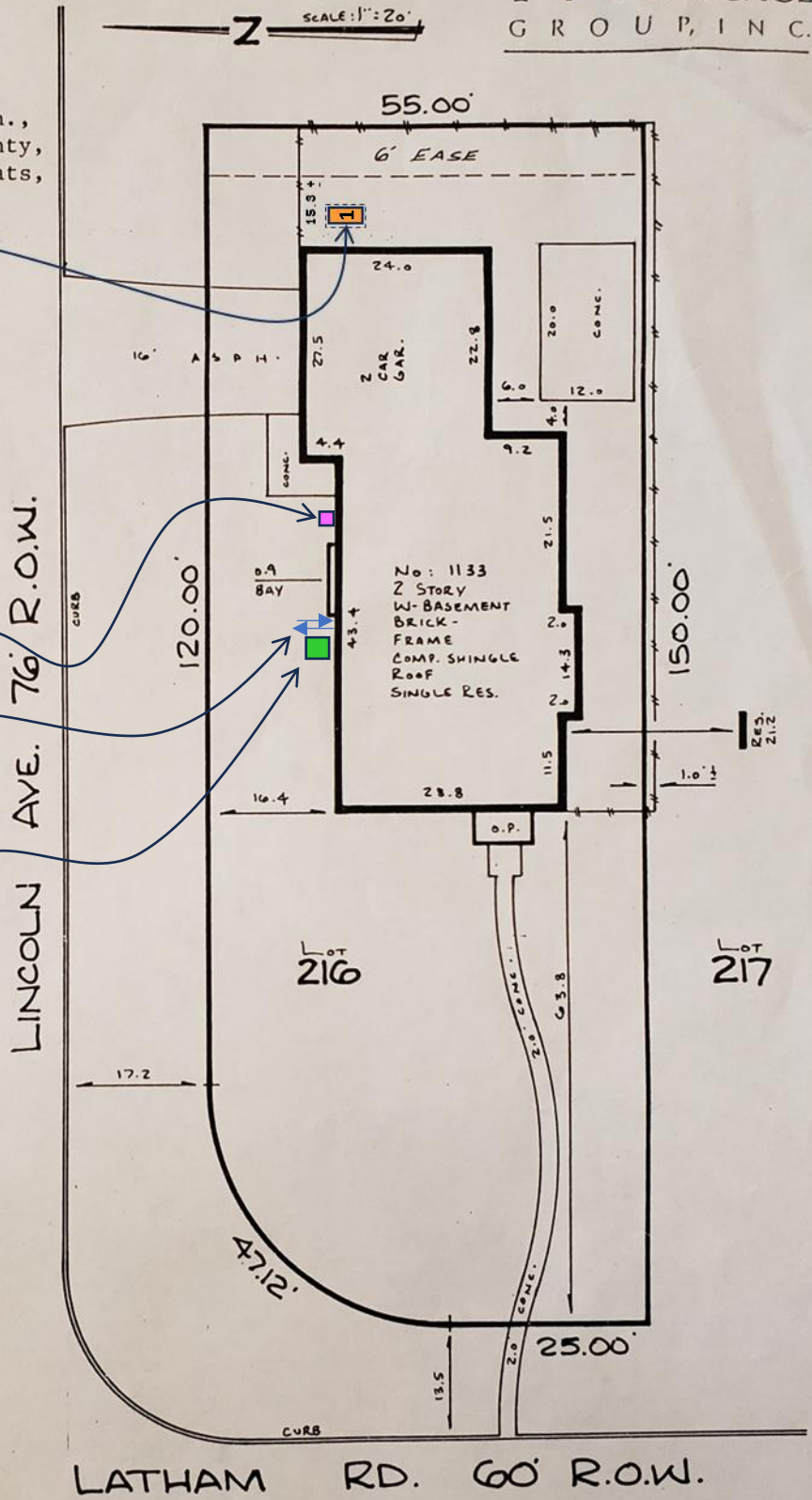
SCALE: 1" = 20'

Proposed location of  
new 22kW Generac  
Generator Installation  
by Oak Electric

Gas Meter

Furnace  
Intake & Exhaust

AC  
Condenser



FILE NO: 242767-64883

DATE: 7/2/98

APPLICANT: Barbara Porter & D. Victor Pytko

We hereby certify that we have inspected the property described in accordance with the Legal Description as furnished to us and should have been reviewed and confirmed by your Title Company prior to closing on your loan and that we assume no liability for discrepancies in the legal description. This report is strictly used for Mortgage purposes in connection with a new Mortgage loan and no other guarantees are either expressed or implied. The buildings and improvements are within the property lines as known to us unless otherwise noted, and that there are no observable encroachments upon the property heretofore described or disclosed within your Title policy and/or furnished to us. This Mortgage report was specifically prepared for identification purposes only for the applicants in connection with a new Mortgage loan within 120 days of the date shown, and should NOT be used or relied upon as a property line survey. No property lines were established and no corners were set. This cannot be used for refinance purposes or transferred to any future property owners. The above Company acknowledges that by the acceptance of the Mortgage Report, the liability of Metropolitan Survey, Inc., herein is limited to the total fees paid for the services rendered. This is not to be used to establish priority lines, easement lines, public right-of-way building lines, conformity or non-conformity to State, County or Local ordinances and/or codes; etc. Sheds, outbuildings, fences and driveway locations shown are approximate. To accurately locate the aforementioned structures and property corners, a certified Boundary Survey, not included in this report is necessary to accurately show these improvements and is recommended.

CERTIFIED TO ALL TITLE COMPANIES:

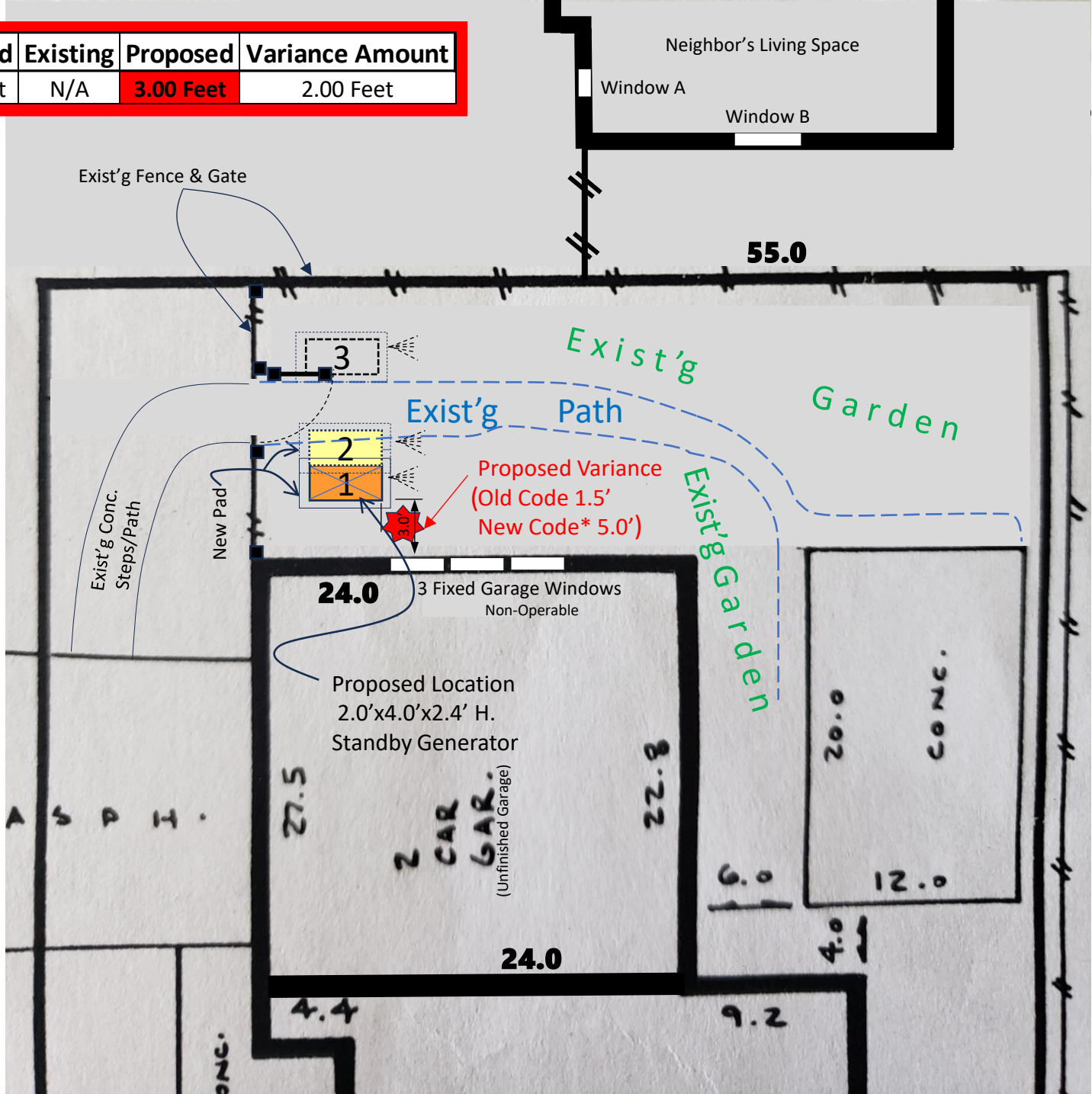
**METROPOLITAN SURVEY INC.**

1915 E. NINE MILE ROAD, FERRDALE, MI 48220

FAX: (248) 547-3537 • PHONE: (248) 547-3077



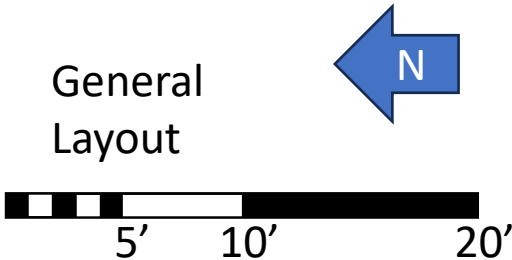
| Requested Variance    | Required  | Existing | Proposed  | Variance Amount |
|-----------------------|-----------|----------|-----------|-----------------|
| Generator from Garage | 5.00 Feet | N/A      | 3.00 Feet | 2.00 Feet       |



3. Alternate Location

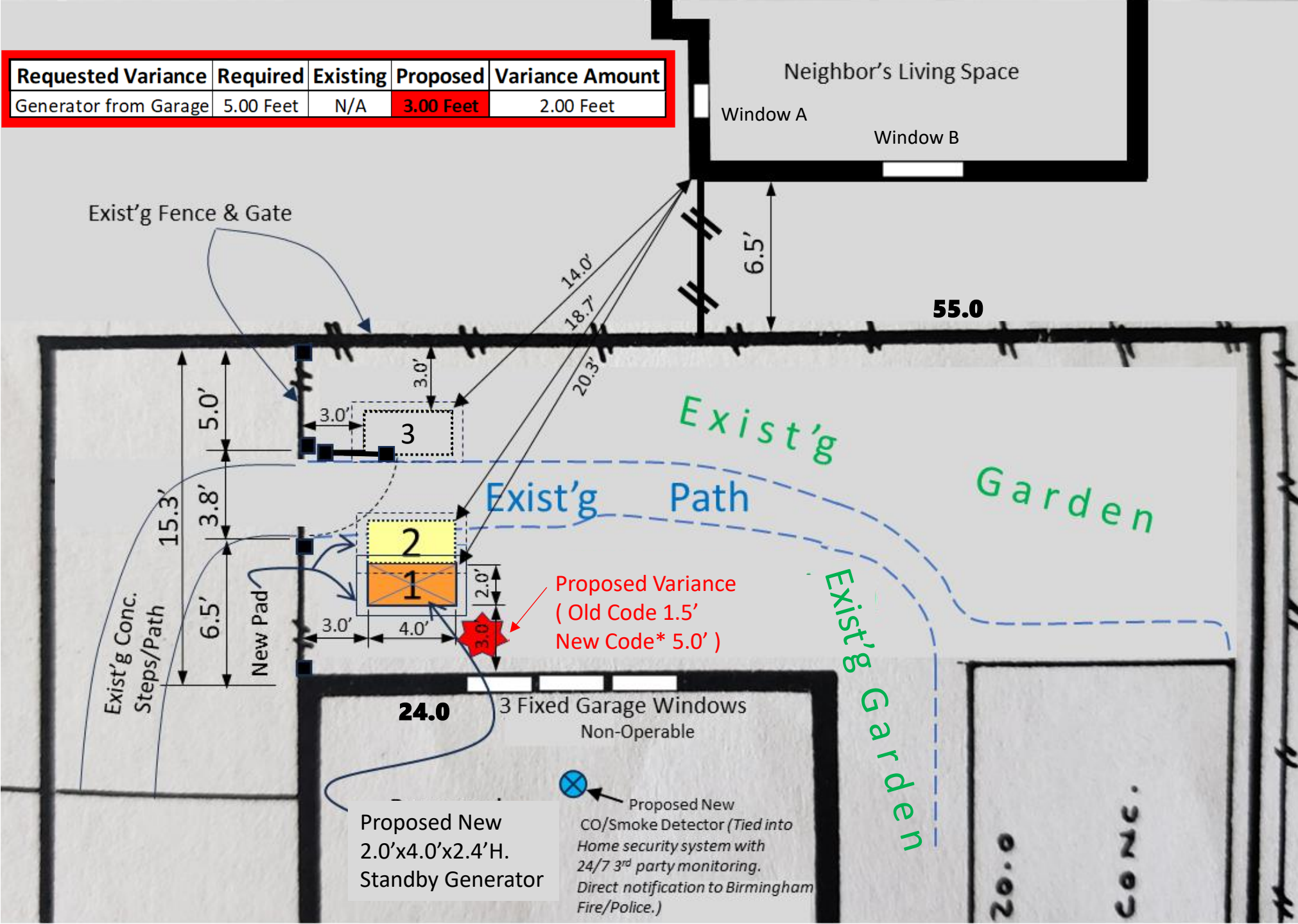
2. Current Code Location

1. Proposed Variance Location



\* Spring 2025

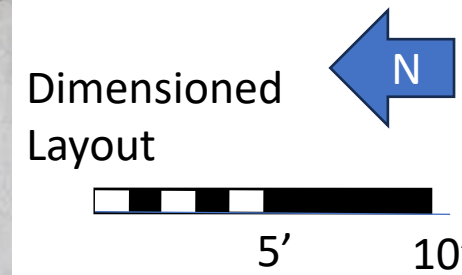
| Requested Variance    | Required  | Existing | Proposed  | Variance Amount |
|-----------------------|-----------|----------|-----------|-----------------|
| Generator from Garage | 5.00 Feet | N/A      | 3.00 Feet | 2.00 Feet       |



3. Alternate Location

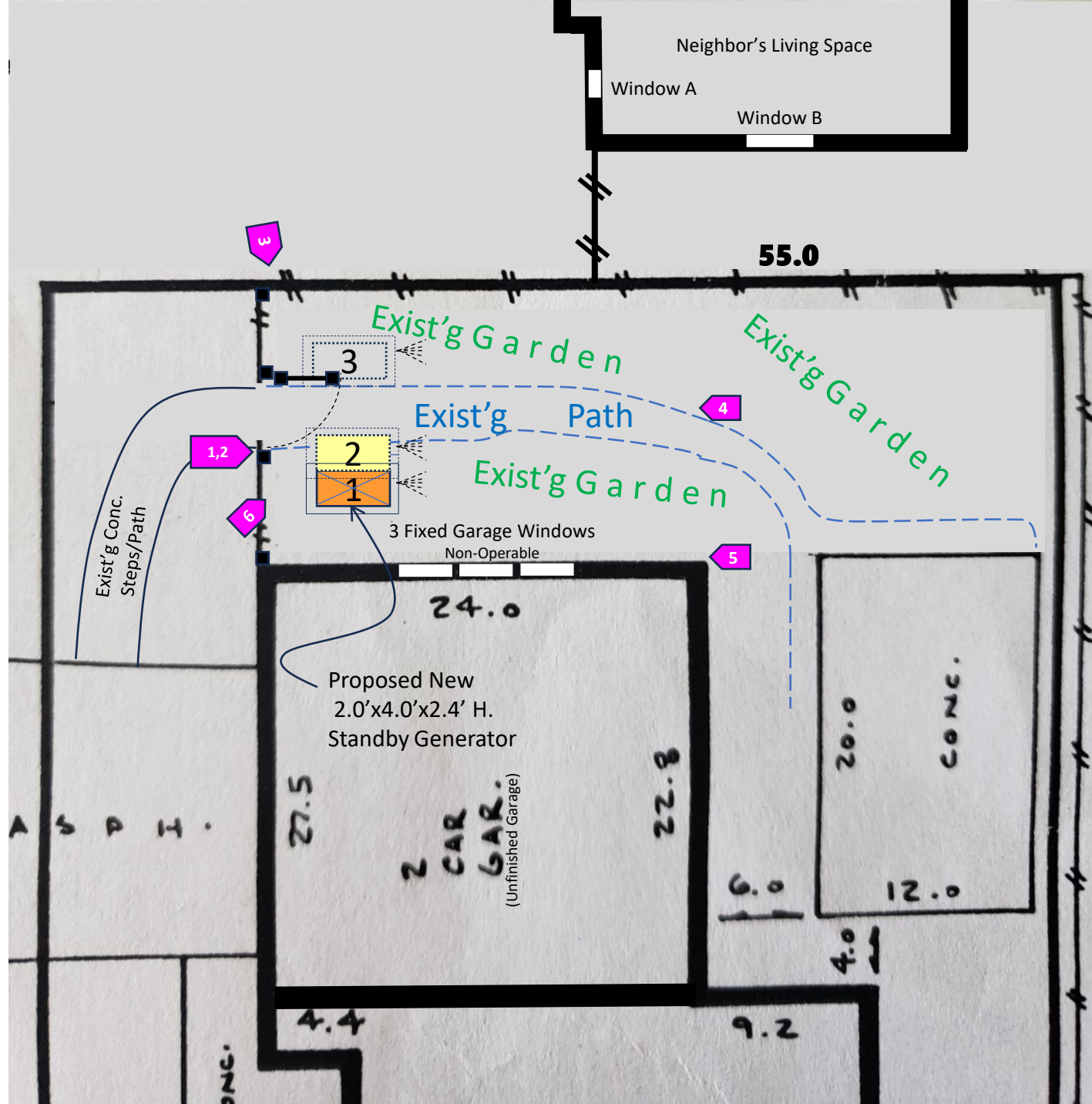
2. Current Code Location

1. Proposed Variance Location



Dimensioned Layout

\* Spring 2025



3. Alternate Location

2. Current Code Location

1. Proposed Variance Location

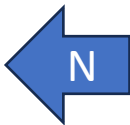


Photo Key

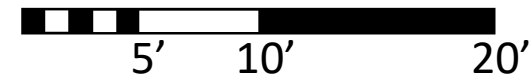




Photo 1

Location 2  
Current Code

Generator:  
5' from Garage  
3' from Fence

Location 1  
Proposed Variance

Generator:  
**3' from Garage\***  
3' from Fence

\*Variance Request:  
Reduction of distance  
from 5.0' to 3.0'



Photo 2



Gable Garage Attic Vent- Inoperable and sealed.

Brick Garage Wall

3 Fixed Garage Windows – Inoperable.



Photo 4



5/23/2025

Photo 5



Neighbor's  
Window B

Neighbor's  
Window A

Photo 6

## 16/20/22 kW

GENERAC®

## Specifications

## Generator

| Model                                                                                        | 16 kW                                                              | 20 kW         | 22 kW         |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------|---------------|---------------|
| Rated maximum continuous power capacity (LP)                                                 | 16,000 Watts*                                                      | 20,000 Watts* | 22,000 Watts* |
| Rated maximum continuous power capacity (NG)                                                 | 16,000 Watts*                                                      | 18,000 Watts* | 19,500 Watts* |
| Rated voltage                                                                                | 240                                                                | 240           | 240           |
| Rated maximum continuous load current – 240 volts (LP/NG)                                    | 66.7 / 66.7                                                        | 83.3 / 75.0   | 91.7 / 81.3   |
| Total Harmonic Distortion                                                                    | Less than 5%                                                       |               |               |
| Main line circuit breaker                                                                    | 70 amp                                                             | 90 amp        | 100 amp       |
| Phase                                                                                        | 1                                                                  |               |               |
| Number of rotor poles                                                                        | 2                                                                  |               |               |
| Rated AC frequency                                                                           | 60 Hz                                                              |               |               |
| Power factor                                                                                 | 1.0                                                                |               |               |
| Battery requirement (not included)                                                           | 12 Volts, Group 26R 540 CCA minimum or Group 35AGM 650 CCA minimum |               |               |
| Unit weight (lb / kg)                                                                        | 409 / 186                                                          | 448 / 203     | 466 / 211     |
| Dimensions (L x W x H) in / cm                                                               | 48 x 25 x 29 / 121.9 x 63.5 x 73.7                                 |               |               |
| Sound output in dB(A) at 23 ft (7 m) with generator operating at normal load**               | 67                                                                 | 67            | 67            |
| Sound output in dB(A) at 23 ft (7 m) with generator in Quiet-Test™ low-speed exercise mode** | 55                                                                 | 55            | 57            |
| Exercise duration                                                                            | 5 min                                                              |               |               |

## Engine

|                               |                                          |                    |                    |                    |
|-------------------------------|------------------------------------------|--------------------|--------------------|--------------------|
| Engine type                   | GENERAC G-Force 1000 Series              |                    |                    |                    |
| Number of cylinders           | 2                                        |                    |                    |                    |
| Displacement                  | 999 cc                                   |                    |                    |                    |
| Cylinder block                | Aluminum w/ cast iron sleeve             |                    |                    |                    |
| Valve arrangement             | Overhead valve                           |                    |                    |                    |
| Ignition system               | Solid-state w/ magneto                   |                    |                    |                    |
| Governor system               | Electronic                               |                    |                    |                    |
| Compression ratio             | 9.5:1                                    |                    |                    |                    |
| Starter                       | 12 VDC                                   |                    |                    |                    |
| Oil capacity including filter | Approx. 1.9 qt / 1.8 L                   |                    |                    |                    |
| Operating rpm                 | 3,600                                    |                    |                    |                    |
| Fuel consumption              |                                          |                    |                    |                    |
| Natural gas                   | ft <sup>3</sup> /hr (m <sup>3</sup> /hr) |                    |                    |                    |
|                               | 1/2 Load                                 | 218 (6.17)         | 204 (5.78)         | 228 (6.46)         |
|                               | Full Load                                | 309 (8.75)         | 301 (8.52)         | 327 (9.26)         |
| Liquid propane                | ft <sup>3</sup> /hr (gal/hr) [L/hr]      |                    |                    |                    |
|                               | 1/2 Load                                 | 74 (2.03) [7.70]   | 87 (2.37) [8.99]   | 92 (2.53) [9.57]   |
|                               | Full Load                                | 107 (2.94) [11.11] | 130 (3.56) [13.48] | 142 (3.90) [14.77] |

Note: **Fuel pipe must be sized for full load.** Required fuel pressure to generator fuel inlet at all load ranges - 3.5–7 in water column (0.87–1.74 kPa) for NG, 10–12 in water column (2.49–2.99 kPa) for LP gas. For BTU content, multiply ft<sup>3</sup>/hr x 2500 (LP) or ft<sup>3</sup>/hr x 1000 (NG). For Megajoule content, multiply m<sup>3</sup>/hr x 93.15 (LP) or m<sup>3</sup>/hr x 37.26 (NG).

## Controls

|                                                                         |                                                                                            |
|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Two-line plain text multilingual LCD                                    | Simple user interface for ease of operation.                                               |
| Mode buttons: AUTO                                                      | Automatic start on utility failure. 7 day exerciser.                                       |
| MANUAL                                                                  | Start with starter control, unit stays on. If utility fails, transfer to load takes place. |
| OFF                                                                     | Stops unit. Power is removed. Control and charger still operate.                           |
| Ready to Run/Maintenance messages                                       | Standard                                                                                   |
| Engine run hours indication                                             | Standard                                                                                   |
| Programmable start delay between 2–1500 seconds                         | Standard (programmable by dealer only)                                                     |
| Utility Voltage Loss/Return to Utility adjustable (brownout setting)    | From 140-171 V / 190-216 V                                                                 |
| Future Set Capable Exerciser/Exercise Set Error warning                 | Standard                                                                                   |
| Run/Alarm/Maintenance logs                                              | 50 events each                                                                             |
| Engine start sequence                                                   | Cyclic cranking: 16 sec on, 7 rest (90 sec maximum duration).                              |
| Starter lock-out                                                        | Starter cannot re-engage until 5 sec after engine has stopped.                             |
| Smart Battery Charger                                                   | Standard                                                                                   |
| Charger Fault/Missing AC warning                                        | Standard                                                                                   |
| Low Battery/Battery Problem Protection and Battery Condition indication | Standard                                                                                   |
| Automatic Voltage Regulation with Over and Under Voltage Protection     | Standard                                                                                   |
| Under-Frequency/Overload/Stepper Overcurrent Protection                 | Standard                                                                                   |
| Safety Fused/Fuse Problem Protection                                    | Standard                                                                                   |
| Automatic Low Oil Pressure/High Oil Temperature Shutdown                | Standard                                                                                   |
| Overcrank/Overspeed (@ 72 Hz)/rpm Sense Loss Shutdown                   | Standard                                                                                   |
| High Engine Temperature Shutdown                                        | Standard                                                                                   |
| Internal Fault/Incorrect Wiring protection                              | Standard                                                                                   |
| Common external fault capability                                        | Standard                                                                                   |
| Field upgradable firmware                                               | Standard                                                                                   |

Rating definitions - Optional Standby: Applicable for supplying backup power for the duration of the utility power outage with correct maintenance performed. No overload capability is available for this rating. (All ratings in accordance with BS5514, ISO3046, UL2200, and DIN6271).

\* Maximum kilovolt amps and current are subject to and limited by such factors as fuel BTU/megajoule content, ambient temperature, altitude, engine power and condition, etc. Maximum power decreases approximately 3.5% for each 1,000 ft (304.8 m) above sea level; and also will decrease approximately 1% for each 10 °F (6 °C) above 60 °F (16 °C).

\*\*Sound levels are taken from the front of the generator. Sound levels taken from other sides of the generator may be higher depending on installation parameters.

# **CASE DESCRIPTION**

**1291 Washington (25-21)**

**Hearing date: August 12, 2025**

**Appeal No. 25-21:** The owner of the property known **1291 Washington**, requests the following variance to construct a deck in the side yard:

A. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance allows a maximum of 30% of lot coverage. The required is 30.00% (2496.00 sq. ft.). The proposed is 31.83% (2648.75 sq. ft.). Therefore, a variance of 1.83% (152.75 sq. ft.) is requested.

**Staff Notes:** The applicant is seeking a variance to construct a proposed deck to the new home that is currently under construction which has reached the maximum permitted lot coverage.

This property is zoned R2 – Single family residential.

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

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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### 8.01 The Board of Zoning Appeals

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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)

# 1291 WASHINGTON 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](http://www.bhamgov.org)  
**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Received Date: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Received By: \_\_\_\_\_

Appeal #: \_\_\_\_\_

|                          |                                         |                                      |                                   |                               |                                       |
|--------------------------|-----------------------------------------|--------------------------------------|-----------------------------------|-------------------------------|---------------------------------------|
| <b>Type of Variance:</b> | <input type="checkbox"/> Interpretation | <input type="checkbox"/> Dimensional | <input type="checkbox"/> Land Use | <input type="checkbox"/> Sign | <input type="checkbox"/> Admin Review |
|--------------------------|-----------------------------------------|--------------------------------------|-----------------------------------|-------------------------------|---------------------------------------|

**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 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

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

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

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

***Variance Chart Example***

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

**V. REQUIRED INFORMATION CHECKLIST:**

**Please provide the following in your electronic submission:**

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

**VI. APPLICANT SIGNATURE**

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

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

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

|                                |             |
|--------------------------------|-------------|
| Signature of Owner: _____      | Date: _____ |
| Signature of Petitioner: _____ | Date: _____ |

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

**ARTICLE I - Appeals**

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

## **ARTICLE II - Results of an Appeal**

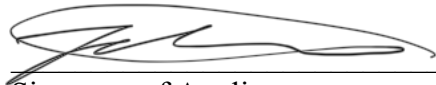
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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

## **ARTICLE III - Rehearings**

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

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

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



\_\_\_\_\_  
Signature of Applicant

G

D

L

## Greater Detroit Landscape Co.

21000 Fairfield • Warren, Michigan 48089 • (586) 777-2000 • Fax (586) 777-2095

June 9, 2025

To Birmingham BZA Board,

Donald and Jean Kunz at 1291 Washington, who are building a retirement home, have constructed the home with a first floor master bedroom, to create a home that they can age in. The home has only one egress door to the backyard off of the kitchen, this door exits onto what the city considers the side yard. We would also like to note that the proposed deck does not encroach into the 6.8' sideboard setback on the north side of the home.

We are requesting for approval from the BZA to construct a 16'x11'9" deck at 6" below the finish floor of their new home, of which 13'x11'9" is considered to be in the side yard.. The deck would be approximately 18" above finish grade.

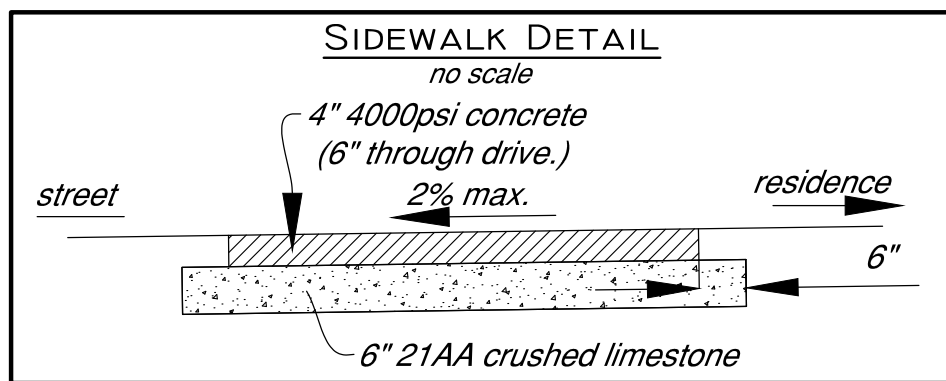
We have looked at several alternatives and have spoken with Jeff Zielke, in the Building Department. Although the deck requires your approval, it seems like the best option since it will require no drastic grade changes to the yard. We are also proposing to install a perimeter drain tile to pickup drainage towards the neighbors yards to the north and east and will be planting a hedge of 8/10' tall Arborvitae to screen this area from the neighbors. The deck would be constructed with a treated wood structure with post footings and surface will be of a synthetic material such as a TREX. The exact finish material has not been determined yet.

We appreciate you hearing our request.

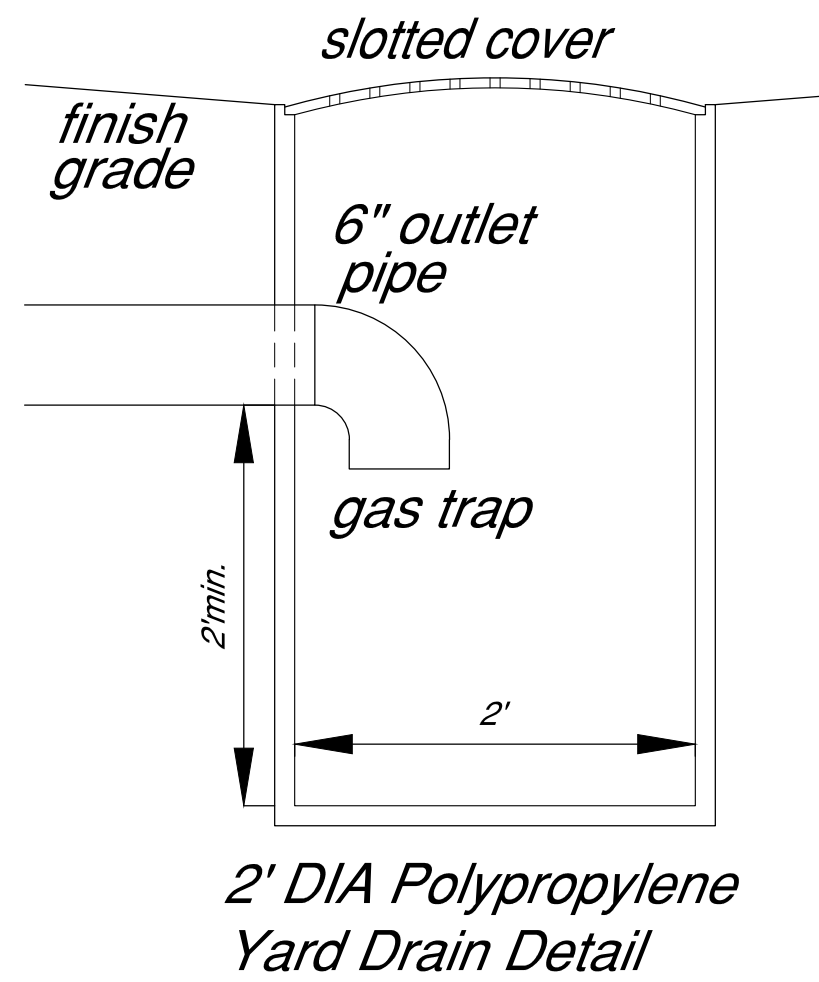
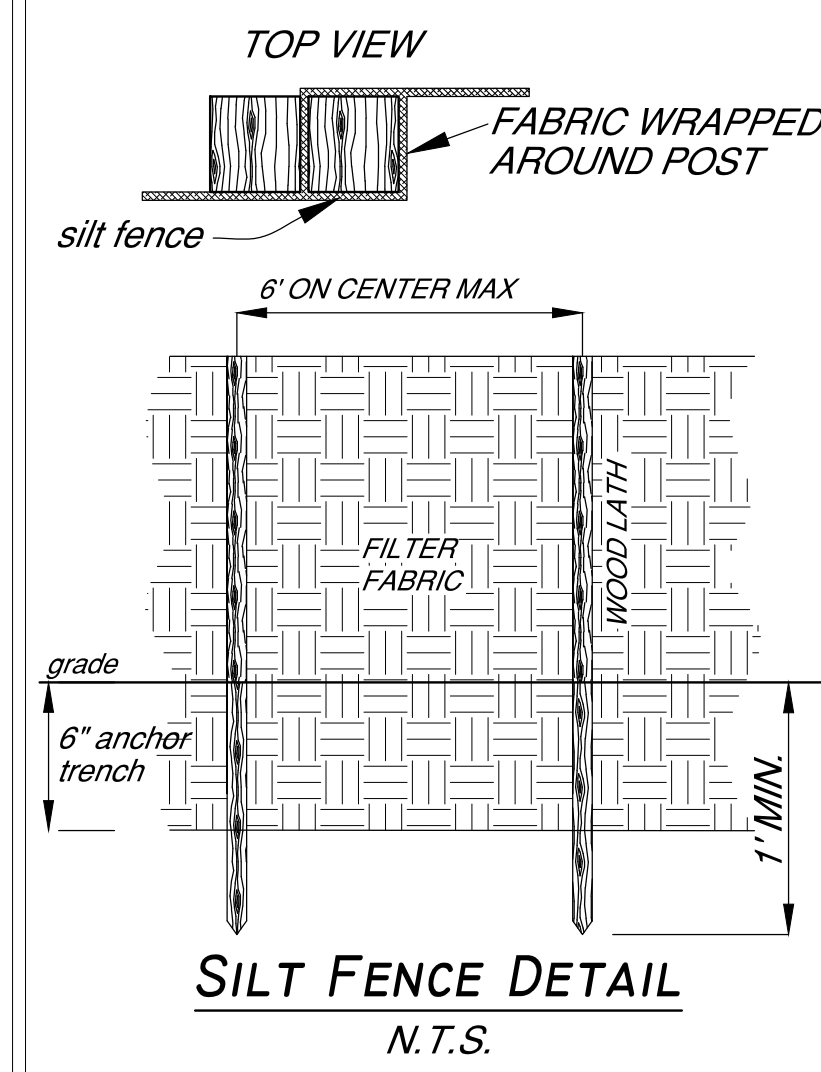
Respectfully,

Matt Whetstone

Note: Sidewalks must be constructed according to ADA Standards



Note:  
Fabric bag will be installed at nearest downstream catch basin during construction. It is the responsibility of the contractor to maintain that all soil erosion measures remain in good working condition throughout duration of project.



LOT 161

LOT 162

LOT 160

LOT 93

LOT 92

LEGEND

- 000.00 = Existing elevation
- 000.00 = Proposed elevation
- = Drainage course
- = Silt fence
- = Woodland Fence
- F.G. = Finish Grade
- = Existing contour
- (TBR) = To Be Removed
- 000.00 = As-Built Information

WASHINGTON BLVD (70' Wide)

confirm minimum setbacks  
with municipality

Zoning:  
R-2 Single-Family Residential

Setbacks:  
Front - 29.8'  
Side - 5'  
Side total - 16.0'  
Rear - 30'

\*Check title policy for subdivision deed restrictions that may affect setback requirements.\*

Front Yard Coverage:  
Front Yard = 1,932 Square Feet  
Pavement = 692 Square Feet or 35.8%

Lot Coverage:  
Lot = 8,320 Square Feet  
House & Porch = 2,567 Square Feet or 30.9%  
Deck & Patio = 491 Square Feet or 5.9%  
Driveway & Walk = 844 Square Feet or 10.1%  
Total Impervious = 3,902 Square Feet or 46.9%

Note:  
A tree permit will be required for removal of City tree in ROW (a 25" DBH Sugar Maple) and grind stump. Replacement tree should be a 3-3.5" DBH White Oak - location ~8' north of proposed driveway approach - following the majority of construction activities.

Note:  
The Builder is responsible for resolving any drainage problems on adjacent properties that are the result of construction activities.

Added Landscaping - 28 MAY 2025  
Revised - 12 JUNE 2025



PLOT PLAN

Prepared For: Vervisch Homes  
583 Madison  
Birmingham, MI 48009  
(248) 515-6730

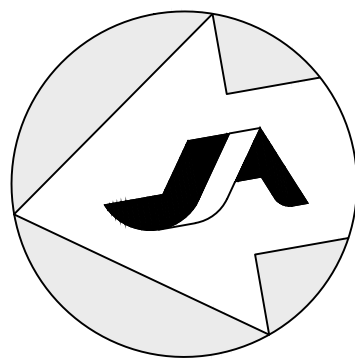
Jekabson & Associates, P.C.  
Professional Land Surveyors  
1320 Goldsmith, Plymouth, MI 48170  
(734) 414-7200 / (734) 455-8000

by: *[Signature]*

DATE  
08 Oct. 24  
JOB NO.  
24-02-007  
SCALE  
1" = 10'  
DRAWN  
AAH  
CHECKED  
JGE  
SHEET  
1 OF 1



Know what's below.  
Call before you dig.



Setback information on houses  
within 200' - on Washington BLVD.

| Address              | Setback |
|----------------------|---------|
| #1217 (under const.) | 30.5    |
| #1245                | 29.0    |
| #1253                | 30.0    |
| #1279                | 30.5    |
| #1323                | 30.5    |
| #1347                | 30.6    |
| #1391                | 27.8    |
| Average              | 29.8    |

CITY OF BIRMINGHAM DATUM  
TOP BOLT ON HYDRANT  
ELEVATION = 766.94  
REFERENCES BIRMINGHAM BENCHMARK #2  
ELEVATION = 767.438

LEGAL DESCRIPTION TAX ID - 19-36-327-009

LOT 92 OF "BIRMINGHAM-LINCOLN LOTS SUBDIVISION", PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, BLOOMFIELD TOWNSHIP, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 17 OF PLATS ON PAGE 19, AND IN LIBER 37 OF PLATS ON PAGE 5, OAKLAND COUNTY RECORDS. LOT CONTAINS 8,320 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



- PROJECT  
JEAN DONATO KUNZ  
1291 WASHINGTON  
BIRMINGHAM, MI

PROJECT

PROJECT  
JEAN & DONALD KUNZ

**G** **D** **Greater Detroit Landscape Co.**

21000 Fairfield - Warren, Michigan 48089

P. (586) 777-2000 F. (586) 777-2095

## ENHANCING ENVIRONMENTS SINCE 1932

REVISIONS

DRAWN BY /M JW

DATE MARCH 2025

SCALE  $\frac{1}{8}'' = 1'-0''$

PLAN # 00-06-25

# **CASE DESCRIPTION**

**640 Shirley (25-22)**

**Hearing date: August 12, 2025**

**Appeal No. 25-22:** The owner of the property known **640 Shirley**, requests the following variance to construct a pool house:

A. Chapter 126, Article 4, Section 4.03(B) of the Zoning Ordinance requires that an accessory building not to be permitted closer to a principal building on an adjoining lot than the sum of the minimum required side setbacks as determined in Section 4.74(C). The required is 31.50 feet. The proposed is 21.60 feet. Therefore, a variance of 9.90 feet is requested.

**Staff Notes:** The applicant is looking to construct a pool house that in the rear yard.

This property is zoned R1 – Single family residential.

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

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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### 8.01 The Board of Zoning Appeals

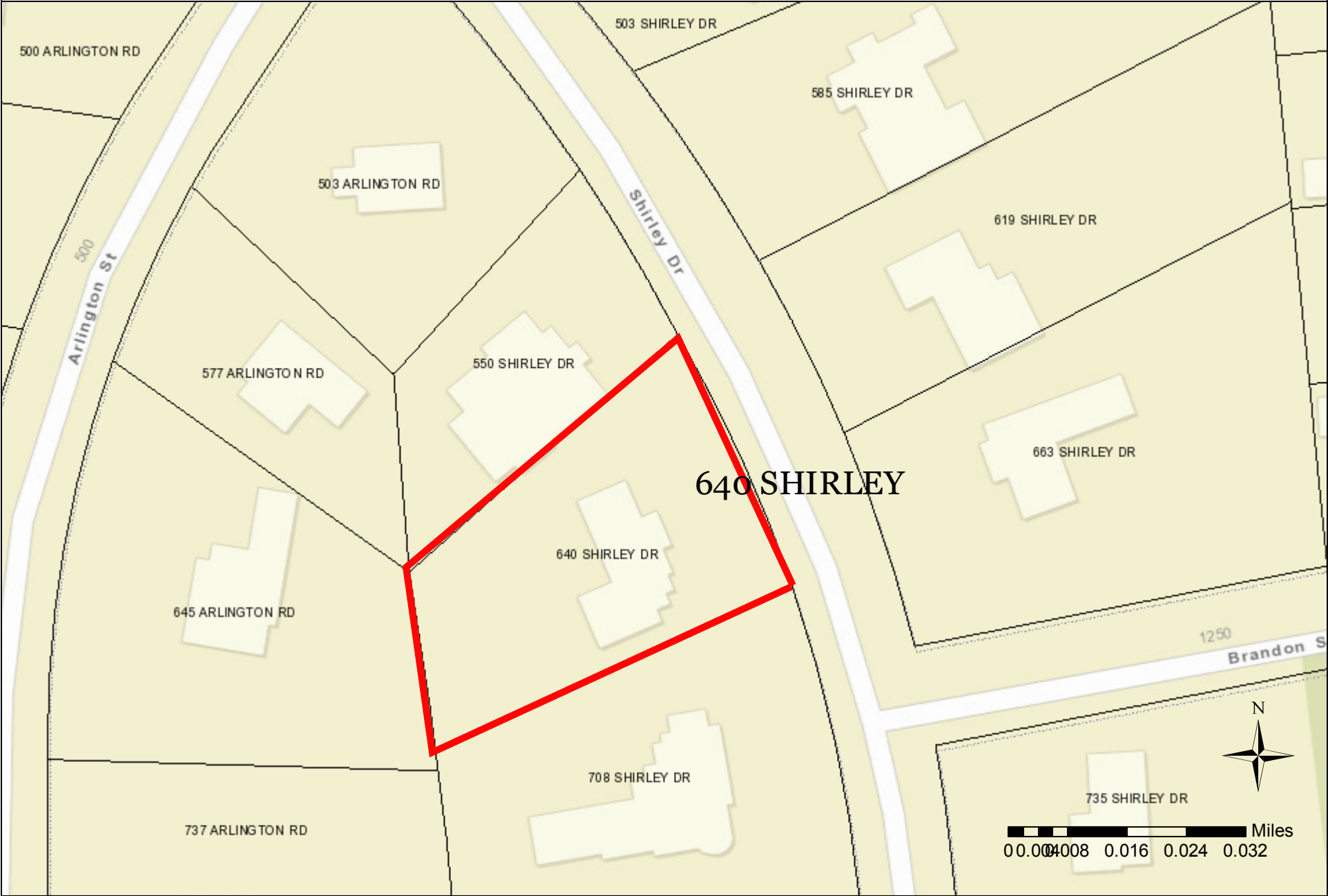
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3. Variances.

- 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)

640 SHIRLEY



**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](http://www.bhamgov.org)  
**APPLICATION FOR THE BOARD OF ZONING APPEALS**

Application Date: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Received By: \_\_\_\_\_

Appeal #: \_\_\_\_\_

|                          |                                                    |                                                 |                                              |                                          |                                                  |
|--------------------------|----------------------------------------------------|-------------------------------------------------|----------------------------------------------|------------------------------------------|--------------------------------------------------|
| <b>Type of Variance:</b> | <input checked="" type="checkbox"/> Interpretation | <input checked="" type="checkbox"/> Dimensional | <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Sign | <input checked="" type="checkbox"/> Admin Review |
|--------------------------|----------------------------------------------------|-------------------------------------------------|----------------------------------------------|------------------------------------------|--------------------------------------------------|

**I. PROPERTY INFORMATION:**

|                      |                            |                               |
|----------------------|----------------------------|-------------------------------|
| Address: 640 Shirley | Lot Number: N/A - BLOCK 29 | Sidwell Number: 19-35-276-013 |
|----------------------|----------------------------|-------------------------------|

**II. OWNER INFORMATION:**

|                                       |                  |                       |                 |
|---------------------------------------|------------------|-----------------------|-----------------|
| Name: Joe Carter                      |                  |                       |                 |
| Address: 640 Shirley                  | City: Birmingham | State: MI             | Zip code: 48009 |
| Email: * Joe.Carter@morganstanley.com |                  | Phone: (269) 341-2798 |                 |

**III. PETITIONER INFORMATION:**

|                                    |                                      |                      |                 |
|------------------------------------|--------------------------------------|----------------------|-----------------|
| Name: Brittany Mullins/Matt Mohser | Firm/Company Name: Mosher Design Co. |                      |                 |
| Address: 2725 Nakota Rd.           | City: Royal Oak                      | State: MI            | Zip code: 48009 |
| Email: brittany@mosherdesignco.com |                                      | Phone: (586)216-3279 |                 |

**IV. GENERAL INFORMATION:**

The Board of Zoning Appeals typically meets the second Tuesday of each month. Applications along with supporting documents must be submitted on or before the 12<sup>th</sup> 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 **\$360.00** for single family residential; **\$560.00** 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:**

- ☐ One original and nine copies of the signed application
- ☐ One original and nine copies of the signed letter of practical difficulty and/or hardship
- ☐ One original and nine copies of the certified survey
- ☐ 10 folded copies of site plan and building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, 10 copies 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:** 6/13/25

**Signature of Petitioner:** \_\_\_\_\_

**Date:** 6/13/25

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

**ARTICLE I - Appeals**

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

## **ARTICLE II - Results of an Appeal**

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

## **ARTICLE III - Rehearings**

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

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

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

  
\_\_\_\_\_  
Signature of Applicant

City of Birmingham  
Community Development - Building Department  
151 Martin Street, Birmingham MI 48009  
(248) 530-1850

**ATTN:** Board of Zoning Appeals; Jeff Zielke

**REGARDING:** 640 Shirley, Birmingham MI 48009

**DATE:** 6/16/25

Thank you for considering our request. We are seeking approval for a variance, identified as VARIANCE A', regarding the rear yard setback for a proposed pool cabana, to be constructed at the property mentioned above, as detailed in the accompanying plan.

We understand that accessory structures in a rear yard are generally permitted within 3 feet of the property line, with which we are in compliance. However, we also recognize the ordinance SECTION 4.74 C, specifying that when an adjacent residence exists, the rear yard setback must be 25% of the front lot width.

- For our property, this would necessitate a 31.50' setback.
- We are proposing a 21.60' setback, requesting a variance of 9.9 linear feet.

Our practical difficulty is due to the natural proximity of the existing trees, to the code compliant location. Strictly adhering to that location could cause damage to the property's mature trees. We have also considered the setback distance between the proposed location and proximity to overhead utilities. DTE typically requires a 7' minimum distance and our location is sitting at 7.53'. We have carefully considered an alternate location, outlined on page 2 of our plan, however this location and/or a lesser variance would not allow for the functionality the property owner needs while still protecting existing 24 and 18 inch caliper trees.

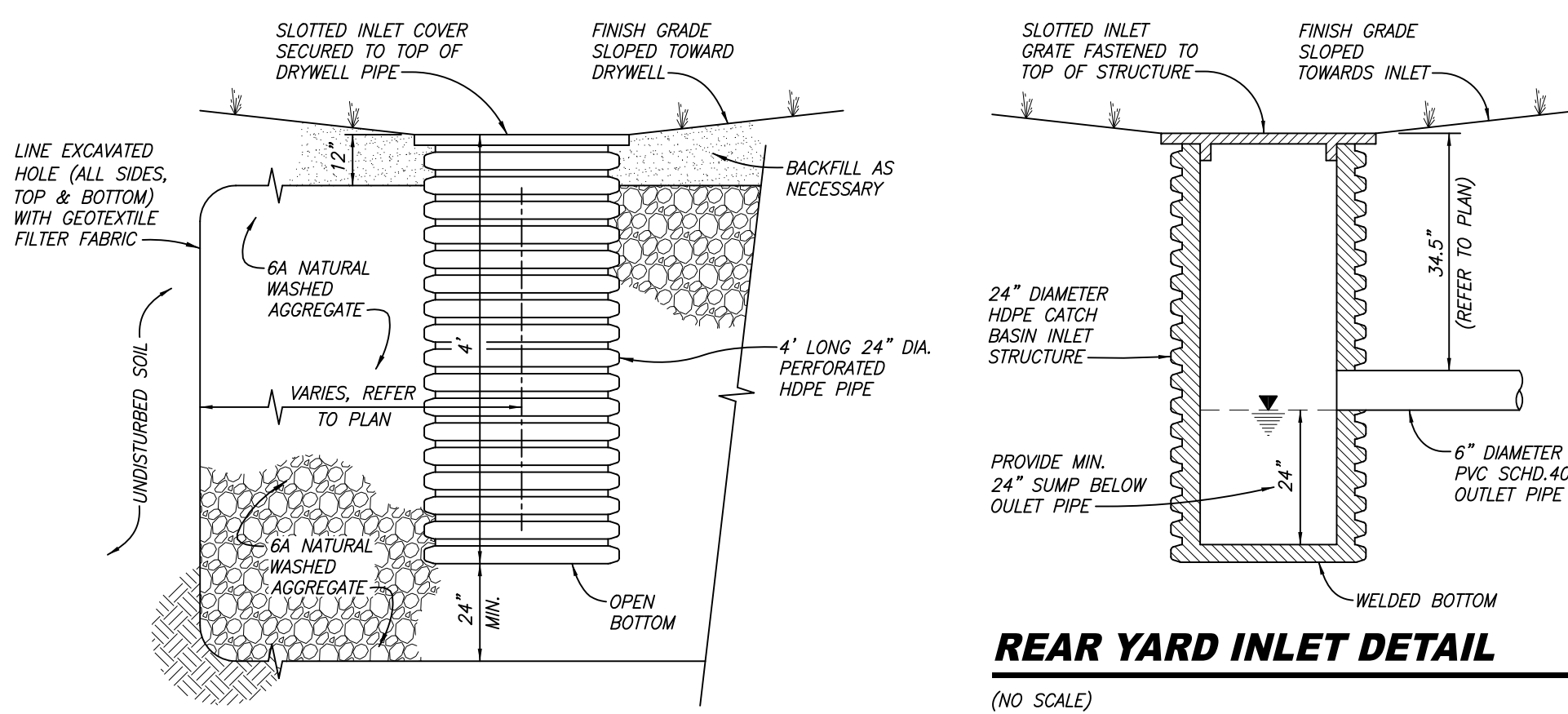
Thank you for your time and consideration of this project, we look forward to discussing our proposal with you and would greatly appreciate your feedback.

Sincerely,

  
APPLICANT: Mosher Design | B. Mullins



BRITTANY MULLINS  
PROJECT LEAD - PERMITTING & CREATIVE  
BRITTANY@MOSHERDESIGNCO.COM  
586.216.3279  
MOSHERDESIGNCO.COM  
2725 NAKOTA RD, ROYAL OAK, MI 48073



**REAR YARD INLET DETAIL**  
(NO SCALE)

**LEACHING BASIN DETAIL**  
(NO SCALE)

**LEACHING BASIN CALCULATIONS**

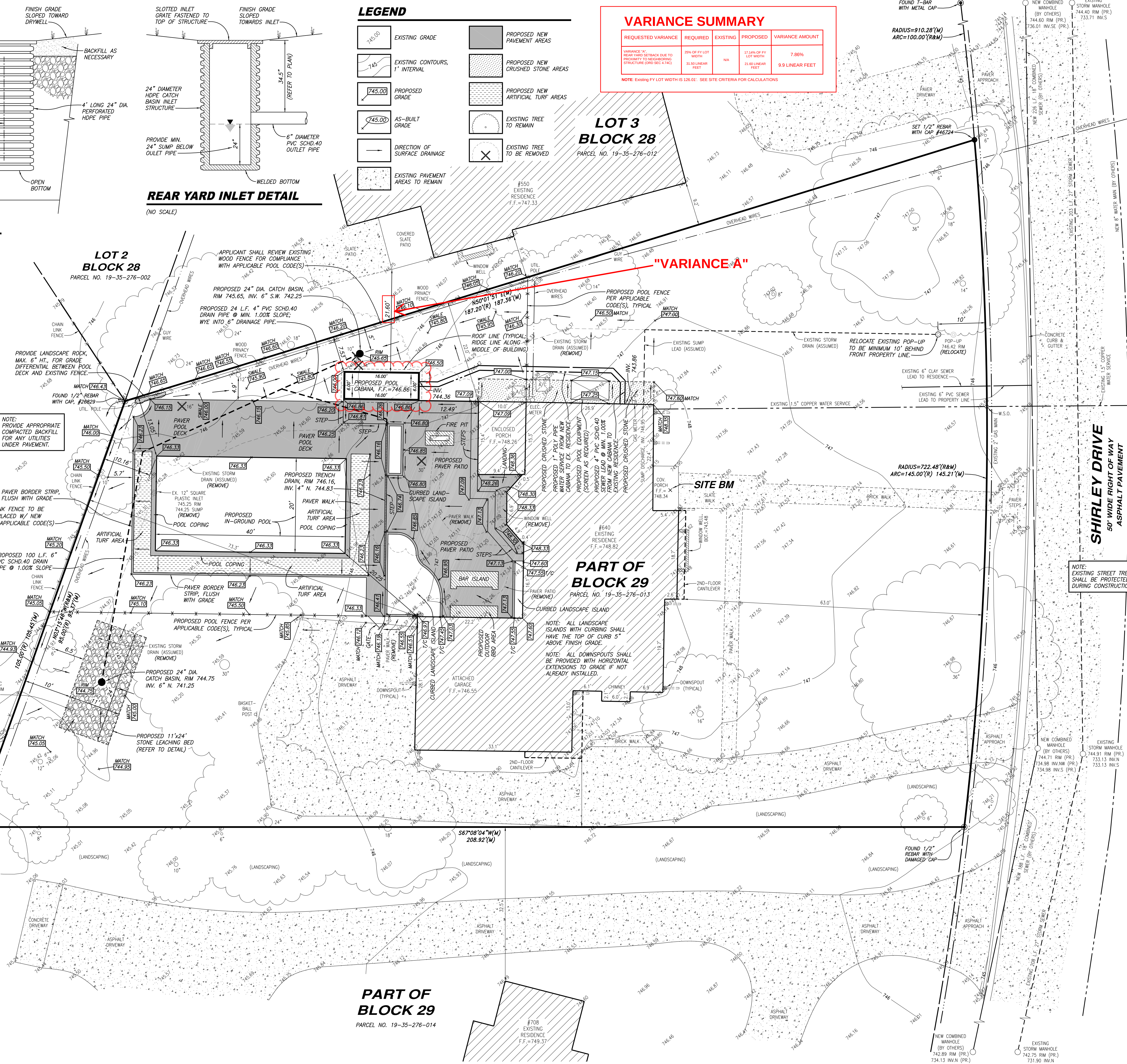
IMPERVIOUS AREA TRIBUTARY TO REAR YARD:  
EXISTING = 3,781 S.F.  
PROPOSED = 6,158 S.F.  
NET INCREASE = 2,377 S.F. (0.0546 ACRE)

LEACHING BASIN IS PROPOSED IN ORDER TO  
ACCOMMODATE INCREASE IN RUNOFF VOLUME FOR  
10-YEAR STORM.

STORAGE VOLUME REQUIRED:  
(10,500 C.F./ACRE) x (0.90 RUNOFF "C")  
x (0.0546 ACRE) = 516 C.F.

STORAGE VOLUME PROVIDED:  
VOLUME OF 24" DIA. DRYWELL PIPE, 4' LONG  
= 12.6 C.F.  
VOLUME OF STONE =  $\left[ \frac{(11' \times 24' \times 5')}{27} \right] - 12.6$   
C.F. FOR PIPE] x 40% VOID RATIO  
= 523 C.F.  
TOTAL VOLUME PROVIDED = 535.6 C.F.

NOTE: THE APPLICANT SHALL RETAIN THE  
SERVICES OF A GEOTECHNICAL ENGINEER DURING  
EXCAVATION OF THE LEACHING BASIN TO REVIEW  
SOIL AND WATER TABLE CONDITIONS AND  
DETERMINE SUITABILITY OF THE LEACHING BASIN AS  
PROPOSED. ANY DISCREPANCIES AND/OR  
DEVIATIONS SHALL BE REPORTED BACK TO  
HORIZON ENGINEERING, LLC IMMEDIATELY.



**LOT 3 & PART OF LOT 2 BLOCK 27**  
PARCEL NO. 19-35-276-023

**LOT 1 & PART OF LOT 2 BLOCK 27**  
PARCEL NO. 19-35-276-003

**LOT 2 BLOCK 28**  
PARCEL NO. 19-35-276-002

**LOT 3 BLOCK 28**  
PARCEL NO. 19-35-276-012

**PART OF BLOCK 29**  
PARCEL NO. 19-35-276-013

**PART OF BLOCK 29**  
PARCEL NO. 19-35-276-014

**LEGEND**

|  |                                   |  |                                    |
|--|-----------------------------------|--|------------------------------------|
|  | EXISTING GRADE                    |  | PROPOSED NEW PAVEMENT AREAS        |
|  | EXISTING CONTOURS, 1' INTERVAL    |  | PROPOSED NEW CRUSHED STONE AREAS   |
|  | PROPOSED GRADE                    |  | PROPOSED NEW ARTIFICIAL TURF AREAS |
|  | AS-BUILT GRADE                    |  | EXISTING TREE TO REMAIN            |
|  | DIRECTION OF SURFACE DRAINAGE     |  | EXISTING TREE TO BE REMOVED        |
|  | EXISTING PAVEMENT AREAS TO REMAIN |  |                                    |

**VARIANCE SUMMARY**

| REQUESTED VARIANCE                                                                      | REQUIRED            | EXISTING | PROPOSED              | VARIANCE AMOUNT |
|-----------------------------------------------------------------------------------------|---------------------|----------|-----------------------|-----------------|
| VARIANCE 1: REAR YARD SETBACK DUE TO PROXIMITY TO NEIGHBORING STRUCTURE (ORD SEC 4-14C) | 25% OF FY LOT WIDTH | N/A      | 17.0% OF FY LOT WIDTH | 7.86%           |
|                                                                                         | 33.95 LINEAR FEET   |          | 31.90 LINEAR FEET     | 9.9 LINEAR FEET |

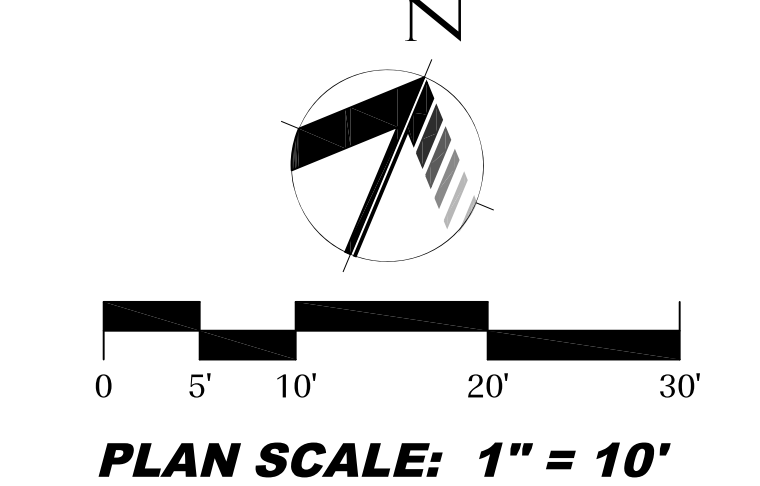
NOTE: Existing FY LOT WIDTH IS 126.01'. SEE SITE CRITERIA FOR CALCULATIONS.

**LOCATION MAP**

SCALE: 1"=2000'

**PROPERTY DESCRIPTION**

PARCEL NO. 19-35-276-013  
THE NORTHERLY PART OF BLOCK 29, MEASURING 145 FEET ON THE  
EASTERLY LOT LINE AND 95 FEET ON THE WESTERLY LOT LINE.  
"ASSESSOR'S REPLAT OF CORRELL PARK", VILLAGE OF BIRMINGHAM  
(NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN, AS  
RECORDED IN LIBER 49 OF PLATS, PAGE 39 OF OAKLAND COUNTY  
RECORDS.



**SITE CRITERIA**

- ADDRESS: #640 SHIRLEY DRIVE
- PARCEL ID NO.: 19-35-276-013
- ZONING: R1-A, SINGLE FAMILY RESIDENTIAL
- EXISTING FRONT SETBACK AS SURVEYED = 63.0'
- REQUIRED REAR SETBACK = 30'
- REQUIRED MINIMUM COMBINED FRONT AND REAR SETBACK = 55'
- LOT WIDTH, MEASURED AT FRONT SETBACK = 126.01'
- REQUIRED MINIMUM SIDE SETBACK = 5'
- REQ. MIN. SIDE SETBACK, ONE SIDE =  $10\% \times 126.01' = 12.60'$
- REQUIRED TOTAL SIDE SETBACK =  $25\% \times 126.01' = 31.50'$
- REQUIRED DISTANCE BETWEEN STRUCTURES = 31.50'
- PARCEL AREA AS SURVEYED = 22,656 S.F. (0.520 ACRE)
- LOT COVERAGE ALLOWED = 30% = 6,797 S.F.
- LOT COVERAGE PROPOSED = 2,987 S.F. (13.2%)
- OPEN SPACE REQUIRED = 40% = 9,082 S.F.
- OPEN SPACE PROPOSED = 14,028 S.F. (61.9%)
- FRONT YARD AREA = 8,543 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% = 5,553 S.F.
- FRONT YARD OPEN SPACE EXISTING = 7,597 S.F. (88.9%)

NOTE: Existing FY LOT WIDTH IS 126.01'

**BENCHMARKS**

CITY BENCHMARK #22  
ELEVATION = 753.76 (CITY DATUM)  
FOUND BRASS CAP IN CONCRETE WALK LOCATED AT THE NORTHWEST  
CORNER OF LAKE PARK DRIVE AND MAPLE ROAD.

SITE BENCHMARK  
ELEVATION = 748.34 (CITY DATUM)  
TOP OF FLOOR OF FRONT PORCH OF EXISTING RESIDENCE ON  
SUBJECT PROPERTY.

**NOTES**

- SURVEY AND TOPOGRAPHY IS AS PERFORMED AND PROVIDED BY  
ATZEC LAND SURVEYORS INC., JOB NO. 23-080, DATED APRIL  
18, 2023.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM  
FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE  
SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND  
UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA,  
EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER  
DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN  
ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES  
CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE  
FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT  
PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN  
THE STRUCTURE INVENTORY SHOWN HEREON.
- A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF  
SURVEY. THEREFORE EASEMENTS AND/OR ENCUMBRANCES  
AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
- RAIN GUTTER DOWNSPOUTS MUST BE CONSTRUCTED IN A MANNER  
THAT DIRECTS WATER FLOW TO THE FRONT OF SUBJECT  
PROPERTY WHENEVER POSSIBLE.
- ALL TREES IN THE EXISTING RIGHT-OF-WAY THAT ARE TO REMAIN  
MUST BE PROTECTED DURING TIME OF CONSTRUCTION.
- ALL FOUNDATION DIMENSION AND FINISH FLOOR ELEVATIONS  
SHALL BE VERIFIED WITH THE FINAL APPROVED BUILDING PLANS  
PRIOR TO THE START OF CONSTRUCTION.

**CONTRACTOR'S NOTE**

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

REVISIONS:  
4-29-25  
5-13-25  
6-11-25  
REVISED PER CITY ENGINEER.  
REV. FOR VARIANCE REQUEST.

CLIENT:  
MR. DATT MOSHER  
MOSHER ASSOC. LANDSCAPE DESIGN  
2725 N. OAKHURST  
(248) 670-0824

SCALE:  
STATE OF MICHIGAN  
NATHAN PAUL ROBINSON  
License No. 6201047468  
Professional Engineer

JOB NO: 23-022  
DATE: 24-25  
DRAWN BY: N.P.R.

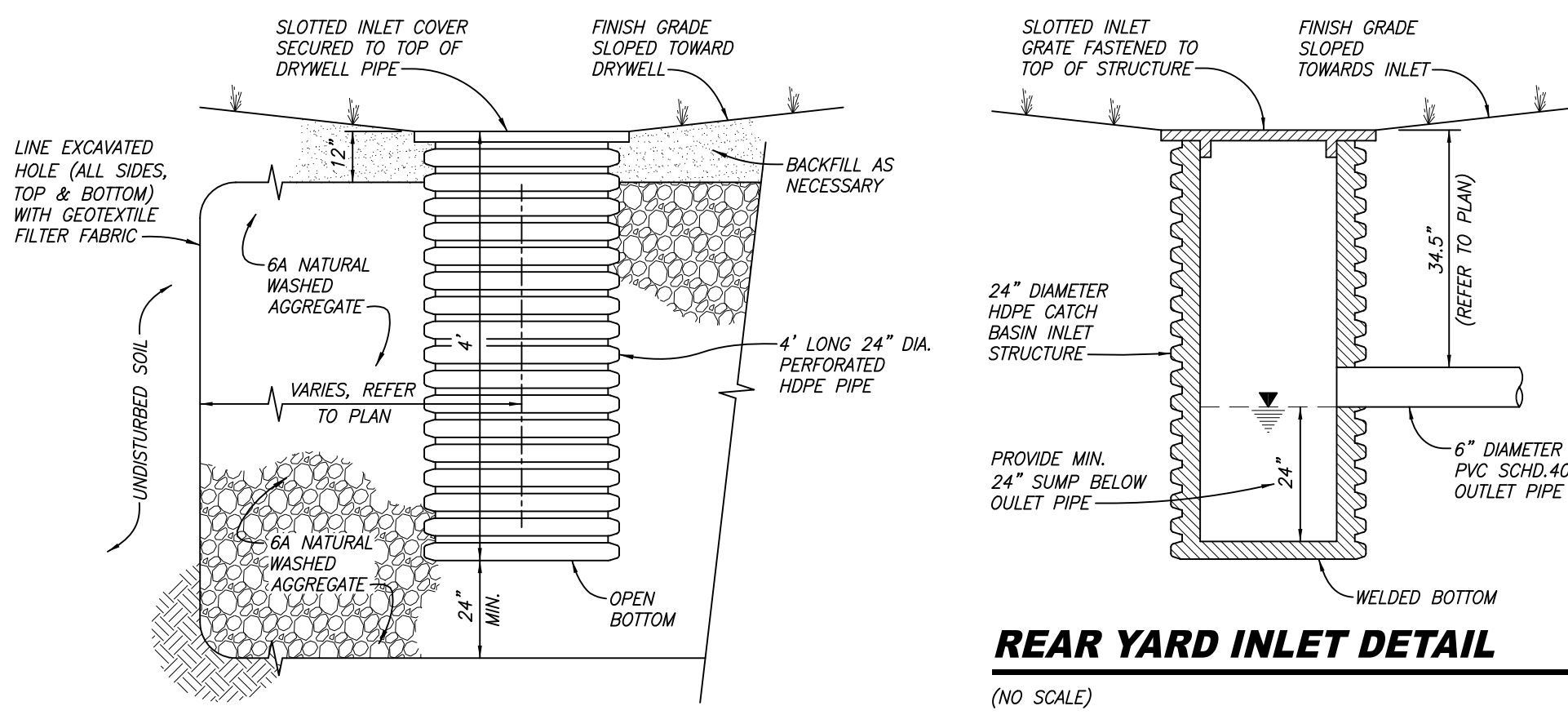
**HORIZON**  
ENGINEERING, LLC  
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586-453-8097

**Northerly Part of Block 29**  
"Assessor's Replat of Corryell Park"  
#640 SHIRLEY DRIVE  
PARCEL NO. 19-35-276-013  
PART OF THE NE 1/4 OF SECTION 35, T3N, R10E,  
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

**SITE PLAN & DRAINAGE PLAN**

PLANNING SHEET: **1** OF **1**

MUNICIPAL REVIEW NUMBERS:



### LEACHING BASIN DETAIL

(NO SCALE)

### LEACHING BASIN CALCULATIONS

IMPERVIOUS AREA TRIBUTARY TO REAR YARD:  
EXISTING = 3,781 S.F.  
PROPOSED = 6,158 S.F.  
NET INCREASE = 2,377 S.F. (0.0546 ACRE)

LEACHING BASIN IS PROPOSED IN ORDER TO ACCOMMODATE INCREASE IN RUNOFF VOLUME FOR 10-YEAR STORM.

STORAGE VOLUME REQUIRED:  
(10,500 C.F./ACRE) x (0.90 RUNOFF "C") x (0.0546 ACRE) = 516 C.F.

STORAGE VOLUME PROVIDED:  
VOLUME OF 24" DIA. DRYWELL PIPE, 4' LONG = 12.6 C.F.  
VOLUME OF STONE =  $\left[ \frac{(11' \times 24' \times 5')}{2} \right] \times 12.6$   
C.F. FOR PIPE] x 40% VOID RATIO = 523 C.F.  
TOTAL VOLUME PROVIDED = 535.6 C.F.

NOTE: THE APPLICANT SHALL RETAIN THE SERVICES OF A GEOTECHNICAL ENGINEER DURING EXCAVATION OF THE LEACHING BASIN TO REVIEW SOIL AND WATER TABLE CONDITIONS AND DETERMINE SUITABILITY OF THE LEACHING BASIN AS PROPOSED. ANY DISCREPANCIES AND/OR DEVIATIONS SHALL BE REPORTED BACK TO HORIZON ENGINEERING, LLC IMMEDIATELY.

PROVIDE LANDSCAPE ROCK, MAX. 6" HT., FOR GRADE DIFFERENTIAL BETWEEN POOL DECK AND EXISTING FENCE.

NOTE: PROVIDE APPROPRIATE COMPACTED BACKFILL FOR ANY UTILITIES UNDER PAVEMENT.

EXISTING CHAIN LINK FENCE TO BE REMOVED AND REPLACED W/ NEW POOL FENCE PER APPLICABLE CODE(S).

PROPOSED 100 L.F. 6" PVC SCHD.40 DRAIN PIPE @ 1.00% SLOPE

PROPOSED 11'x24' STONE LEACHING BED (REFER TO DETAIL)

PROPOSED 24" DIA. CATCH BASIN, RIM 744.75 INV. 6" N. 741.25

EXISTING 12" SQUARE PLASTIC INLET, 744.88 RIM 743.88 SUMP (REMOVE)

FOUND 1/2" REBAR WITH CAP, #27462

FOUND 1/2" REBAR WITH CAP, #19836

FOUND 1/2" REBAR WITH CAP, #27462

FOUND 1/2" REBAR WITH CAP, #27462

FOUND 1/2" REBAR WITH CAP, #27462

FOUND 1/2" REBAR WITH CAP, #27462

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FOUND 1/2" REBAR WITH CAP, #27462

| LEGEND |                                    |
|--------|------------------------------------|
|        | EXISTING GRADE                     |
|        | EXISTING CONTOURS, 1' INTERVAL     |
|        | PROPOSED GRADE                     |
|        | AS-BUILT GRADE                     |
|        | DIRECTION OF SURFACE DRAINAGE      |
|        | EXISTING PAVEMENT AREAS TO REMAIN  |
|        | PROPOSED NEW PAVEMENT AREAS        |
|        | PROPOSED NEW CRUSHED STONE AREAS   |
|        | PROPOSED NEW ARTIFICIAL TURF AREAS |
|        | EXISTING TREE TO REMAIN            |
|        | EXISTING TREE TO BE REMOVED        |

LOT 3  
BLOCK 28  
PARCEL NO. 19-35-276-012

PART OF  
BLOCK 29  
PARCEL NO. 19-35-276-013

NOTE: ALL LANDSCAPE ISLANDS WITH CURBING SHALL HAVE THE TOP OF CURB 5" ABOVE FINISH GRADE.

NOTE: ALL DOWNSPOUTS SHALL BE PROVIDED WITH HORIZONTAL EXTENSIONS TO GRADE IF NOT ALREADY INSTALLED.

NOTE: EXISTING STREET TREES SHALL BE PROTECTED DURING CONSTRUCTION.

NOTE: ALL DOWNSPOUTS SHALL BE PROVIDED WITH HORIZONTAL EXTENSIONS TO GRADE IF NOT ALREADY INSTALLED.

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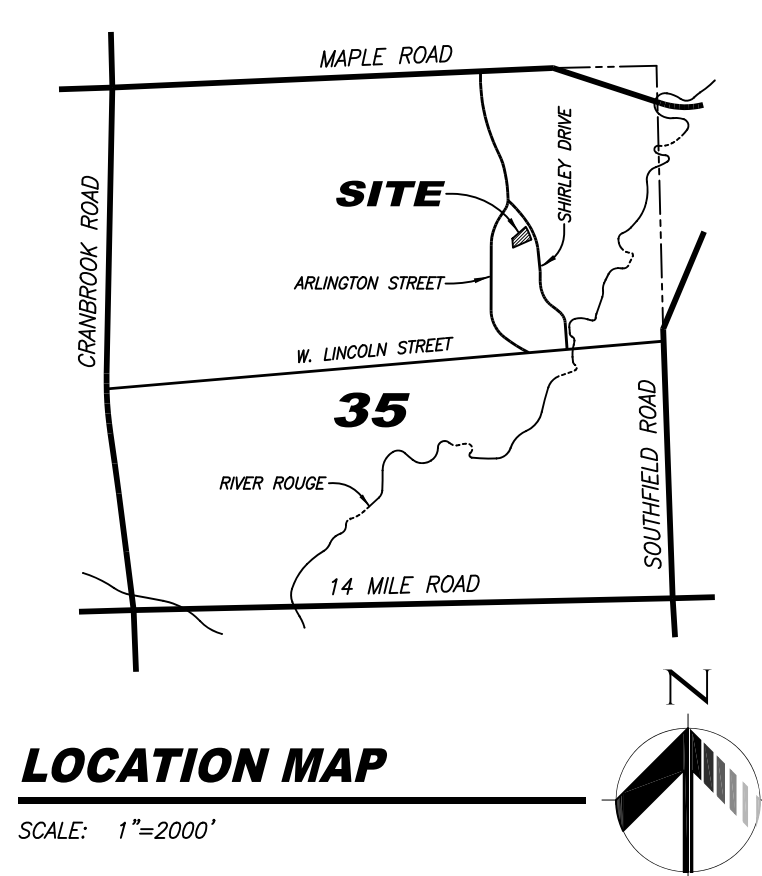
NOTE: ALL DOWNSPOUTS SHALL BE PROVIDED WITH HORIZONTAL EXTENSIONS TO GRADE IF NOT ALREADY INSTALLED.

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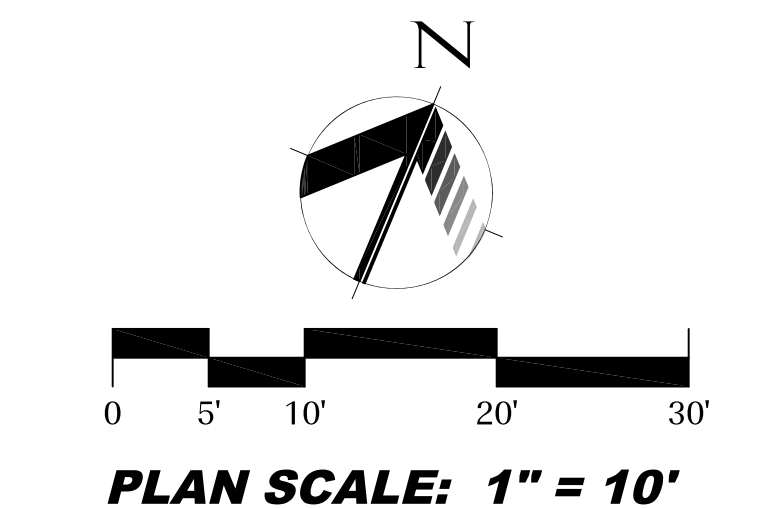


### LOCATION MAP

SCALE: 1"=2000'

### PROPERTY DESCRIPTION

PARCEL NO. 19-35-276-013  
THE NORTHERLY PART OF BLOCK 29, MEASURING 145 FEET ON THE EASTERLY LOT LINE AND 95 FEET ON THE WESTERLY LOT LINE, "ASSESSOR'S REPLAT OF CORRELL PARK", VILLAGE OF BIRMINGHAM (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 49 OF PLATS, PAGE 39 OF OAKLAND COUNTY RECORDS.



### SITE CRITERIA

- ADDRESS: #640 SHIRLEY DRIVE
- PARCEL ID NO.: 19-35-276-013
- ZONING: R1-A, SINGLE FAMILY RESIDENTIAL
- EXISTING FRONT SETBACK AS SURVEYED = 63.0'
- REQUIRED REAR SETBACK = 30'
- REQUIRED MINIMUM COMBINED FRONT AND REAR SETBACK = 55'
- LOT WIDTH, MEASURED AT FRONT SETBACK = 126.01'
- REQUIRED MINIMUM SIDE SETBACK = 5'
- REQ. MIN. SIDE SETBACK, ONE SIDE = 10% x 126.01' = 12.60'
- REQUIRED TOTAL SIDE SETBACK = 25% x 126.01' = 31.50'
- REQUIRED DISTANCE BETWEEN STRUCTURES = 31.50'
- PARCEL AREA AS SURVEYED = 22,656 S.F. (0.520 ACRE)
- LOT COVERAGE ALLOWED = 30% = 6,797 S.F.
- LOT COVERAGE PROPOSED = 2,987 S.F. (13.2%)
- GREEN SPACE REQUIRED = 40% = 9,062 S.F.
- OPEN SPACE PROPOSED = 14,028 S.F. (61.9%)
- FRONT YARD AREA = 8,543 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% = 5,553 S.F.
- FRONT YARD OPEN SPACE EXISTING = 7,597 S.F. (88.9%)

### BENCHMARKS

CITY BENCHMARK #22  
ELEVATION = 753.76 (CITY DATUM)  
FOUND BRASS CAP IN CONCRETE WALK LOCATED AT THE NORTHWEST CORNER OF LAKE PARK DRIVE AND MAPLE ROAD.

SITE BENCHMARK  
ELEVATION = 748.34 (CITY DATUM)  
TOP OF FLOOR OF FRONT PORCH OF EXISTING RESIDENCE ON SUBJECT PROPERTY.

### NOTES

- SURVEY AND TOPOGRAPHY IS AS PERFORMED AND PROVIDED BY AZTEC LAND SURVEYORS INC., JOB NO. 23-080, DATED APRIL 18, 2023.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.
- A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY. THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
- RAIN GUTTER DOWNSPOUTS MUST BE CONSTRUCTED IN A MANNER THAT DIRECTS WATER FLOW TO THE FRONT OF SUBJECT PROPERTY WHENEVER POSSIBLE.
- ALL TREES IN THE EXISTING RIGHT-OF-WAY THAT ARE TO REMAIN MUST BE PROTECTED DURING TIME OF CONSTRUCTION.
- ALL FOUNDATION DIMENSION AND FINISH FLOOR ELEVATIONS SHALL BE VERIFIED WITH THE FINAL APPROVED BUILDING PLANS PRIOR TO THE START OF CONSTRUCTION.

### CONTRACTOR'S NOTE

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

REVISIONS:  
4-29-25  
5-13-25  
6-11-25  
REVISED PER CITY ENGINEER.  
REV. FOR VARIANCE REQUEST.

CLIENT:  
MR. ADAM MOSHER  
MOSHER ASSOC. LANDSCAPE DESIGN  
2225 N. HARTLAND  
(248) 670-0824

SCALE:  
STATE OF MICHIGAN  
NATHAN PAUL ROBINSON  
Professional Engineer  
License No. 6201047468

HORIZON  
ENGINEERING, LLC  
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48318  
Phone 586-453-8097

PROJECT:  
Northernly Part of Block 29  
"Assessor's Replat of Corryell Park"  
#640 SHIRLEY DRIVE  
PARCEL NO. 19-35-276-013  
PART OF THE NE 1/4 OF SECTION 35, T3N, R10E,  
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

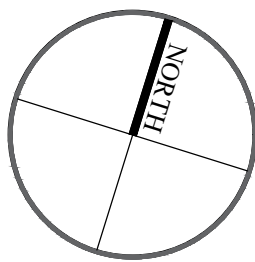
PLAN:  
SITE PLAN &  
DRAINAGE PLAN

SHEET:  
1 OF 1  
MUNICIPAL REVIEW NUMBERS:

PROJECT:  
**CARTER  
RESIDENCE**  
640 SHIRLEY RD  
BIRMINGHAM, MI

DATE & REVISIONS:  
MAY 28, 2025

SCALE & NORTH ARROW:



SCALE:



SHEET TITLE:  
**POOL HOUSE  
ELEVATIONS**

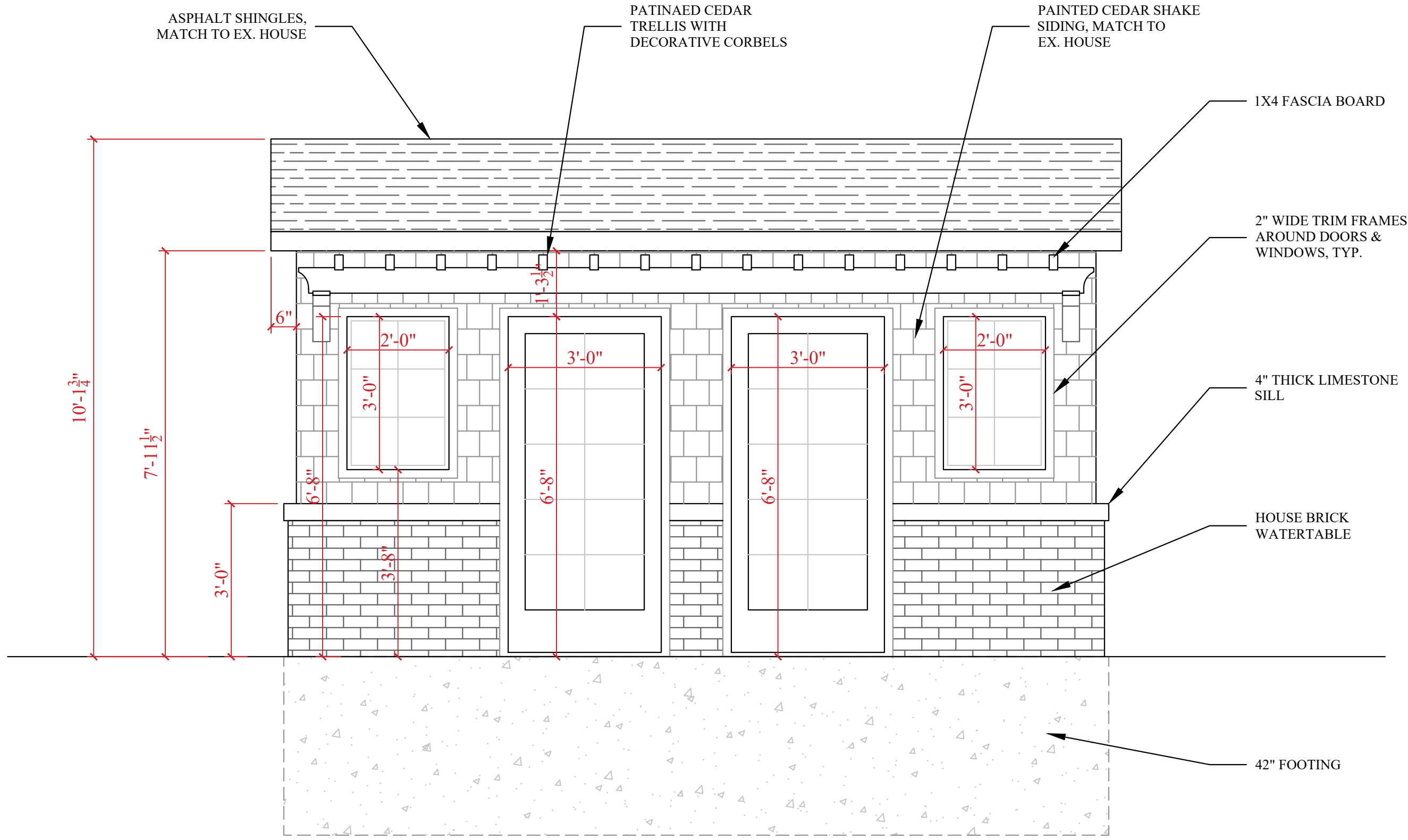
SHEET NO:  
**A.1**

DESIGNED BY:  
**M.M.**

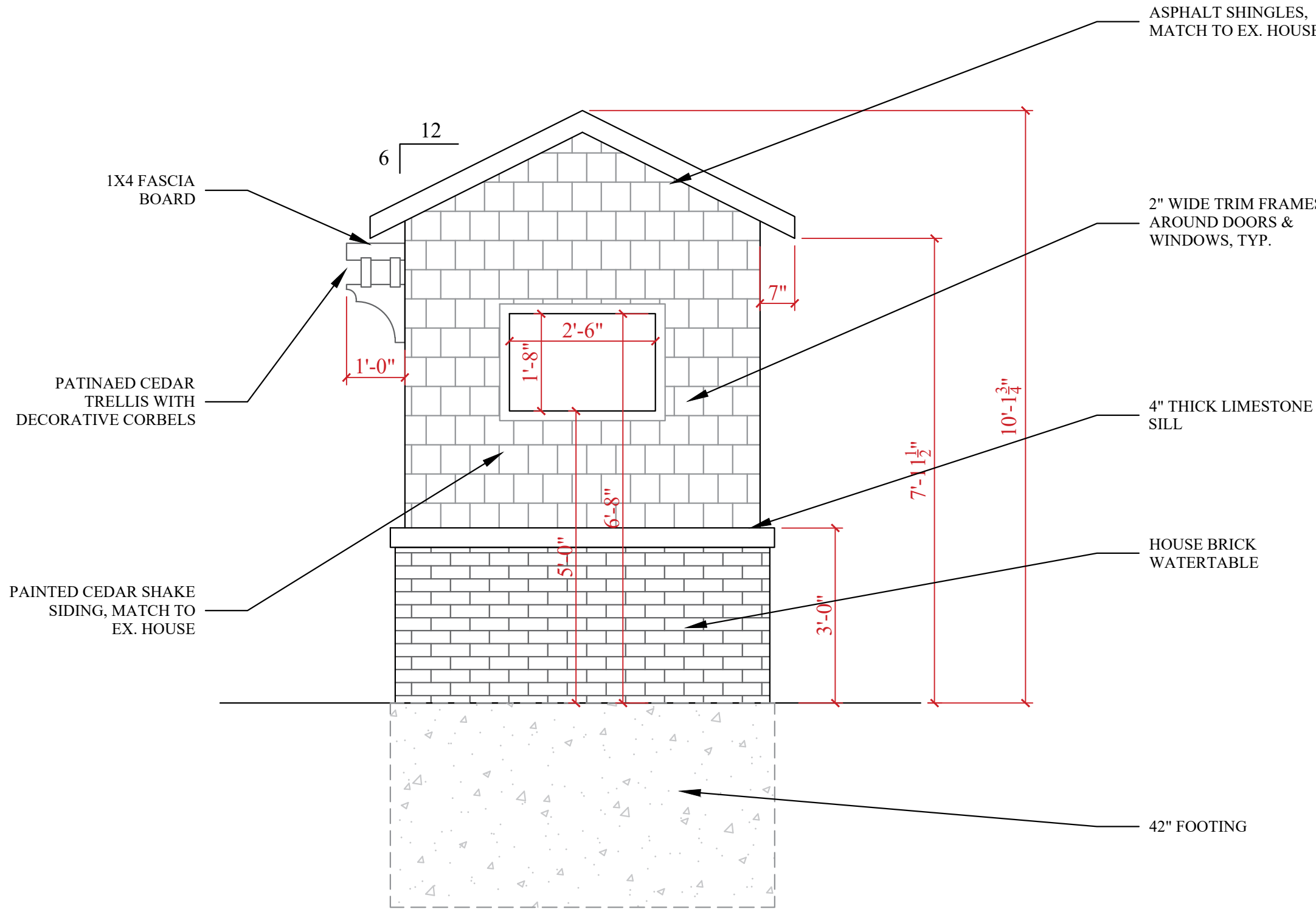
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required permitting of the project.

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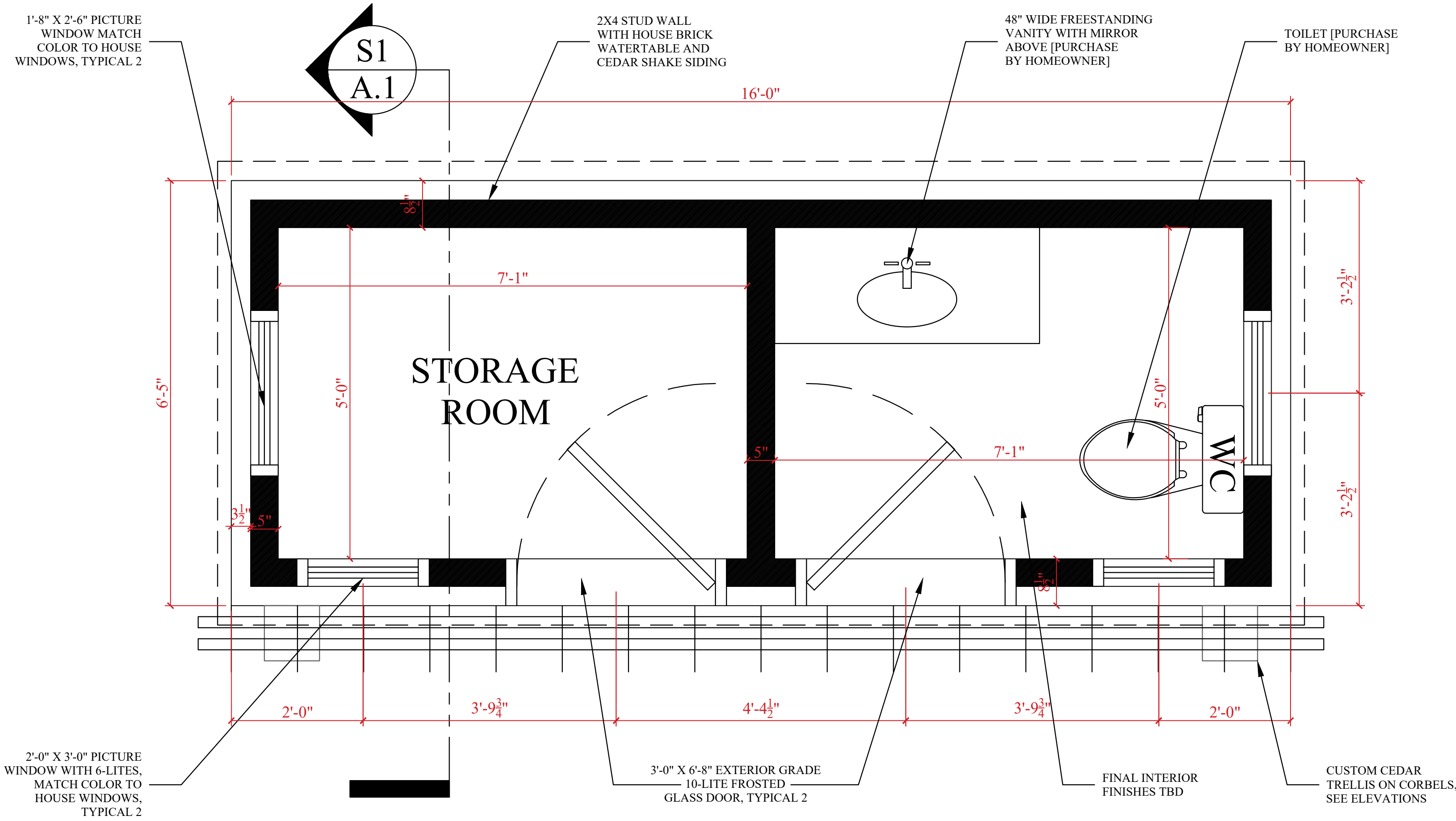
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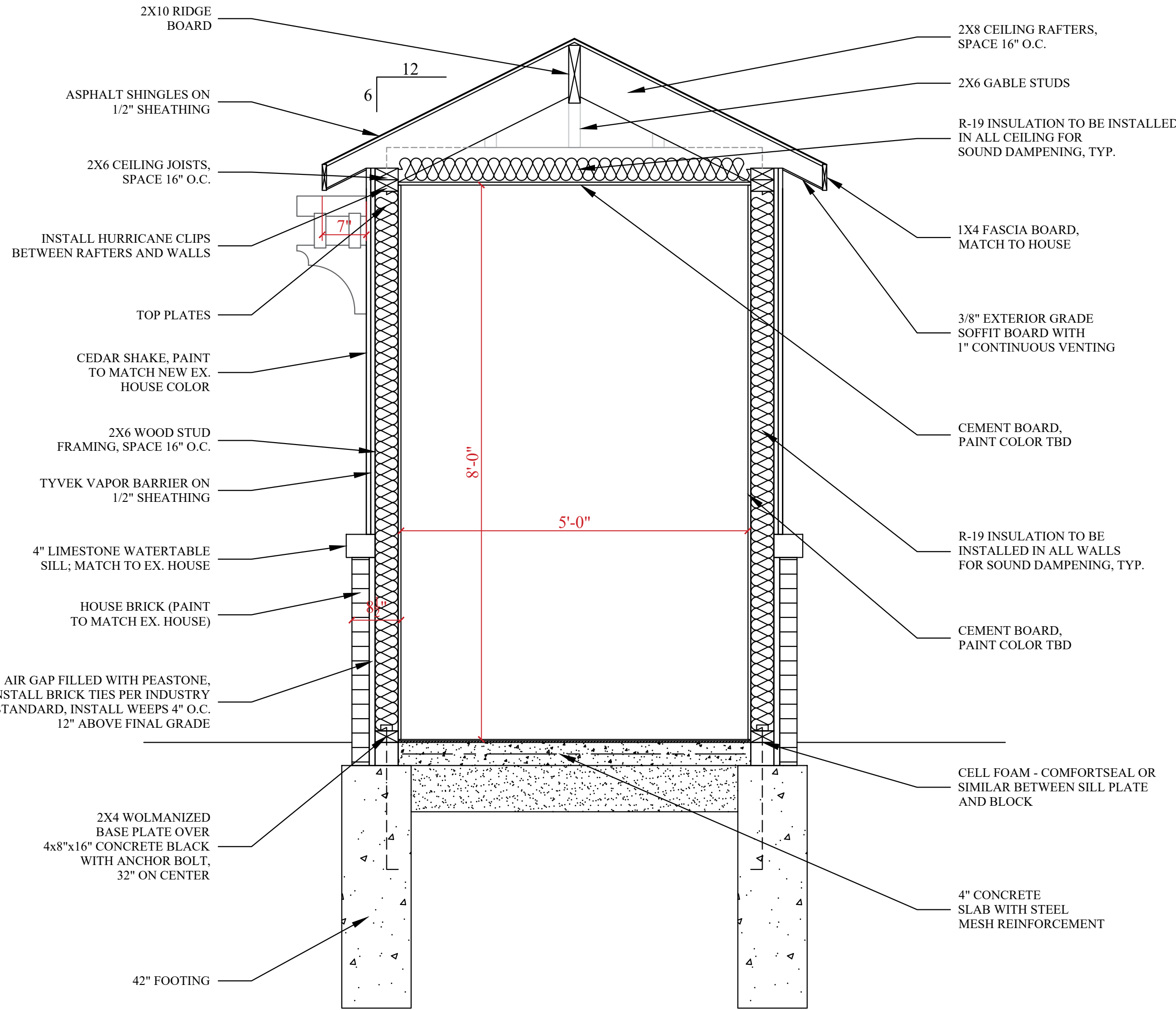
**POOL HOUSE - FRONT ELEVATION**  
SCALE: 1/2"=1'-0"



**POOL HOUSE - SIDE ELEVATION**  
SCALE: 1/2"=1'-0"



**POOL HOUSE - PLAN**  
SCALE: 3/4"=1'-0"

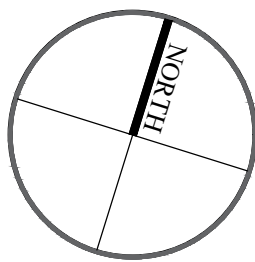


**S1 - SECTION CUT DETAIL**  
SCALE: 3/4"=1'-0"

PROJECT:  
**CARTER  
RESIDENCE**  
640 SHIRLEY RD  
BIRMINGHAM, MI

|                   |
|-------------------|
| DATE & REVISIONS: |
| MARCH 25, 2025    |
|                   |
|                   |
|                   |
|                   |
|                   |
|                   |
|                   |
|                   |
|                   |

SCALE & NORTH ARROW:



SCALE:



SHEET TITLE:  
**POOL HOUSE  
DETAILS**

SHEET NO:  
**A.1.1**

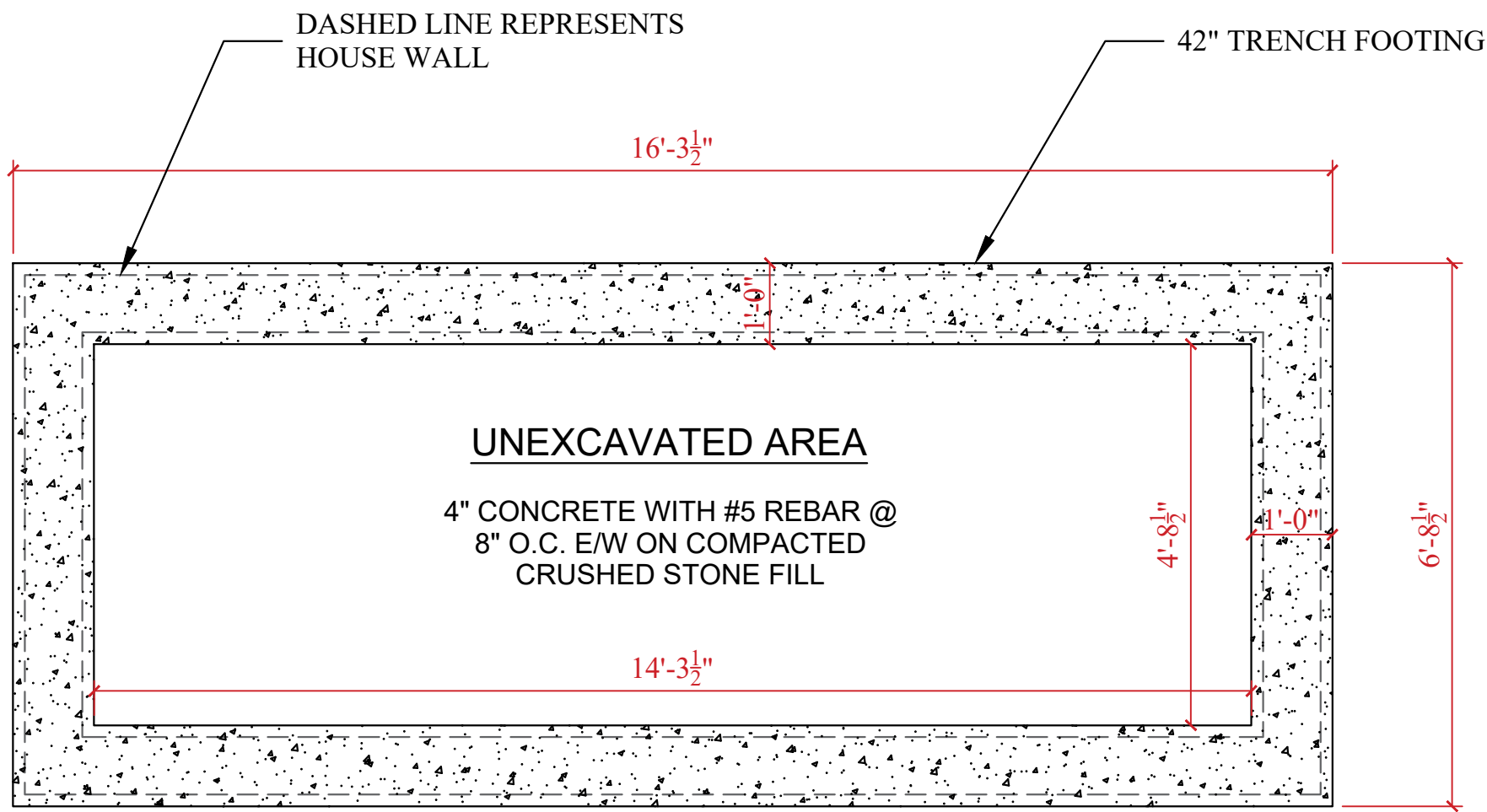
DESIGNED BY:  
**M.M.**

NOTE:  
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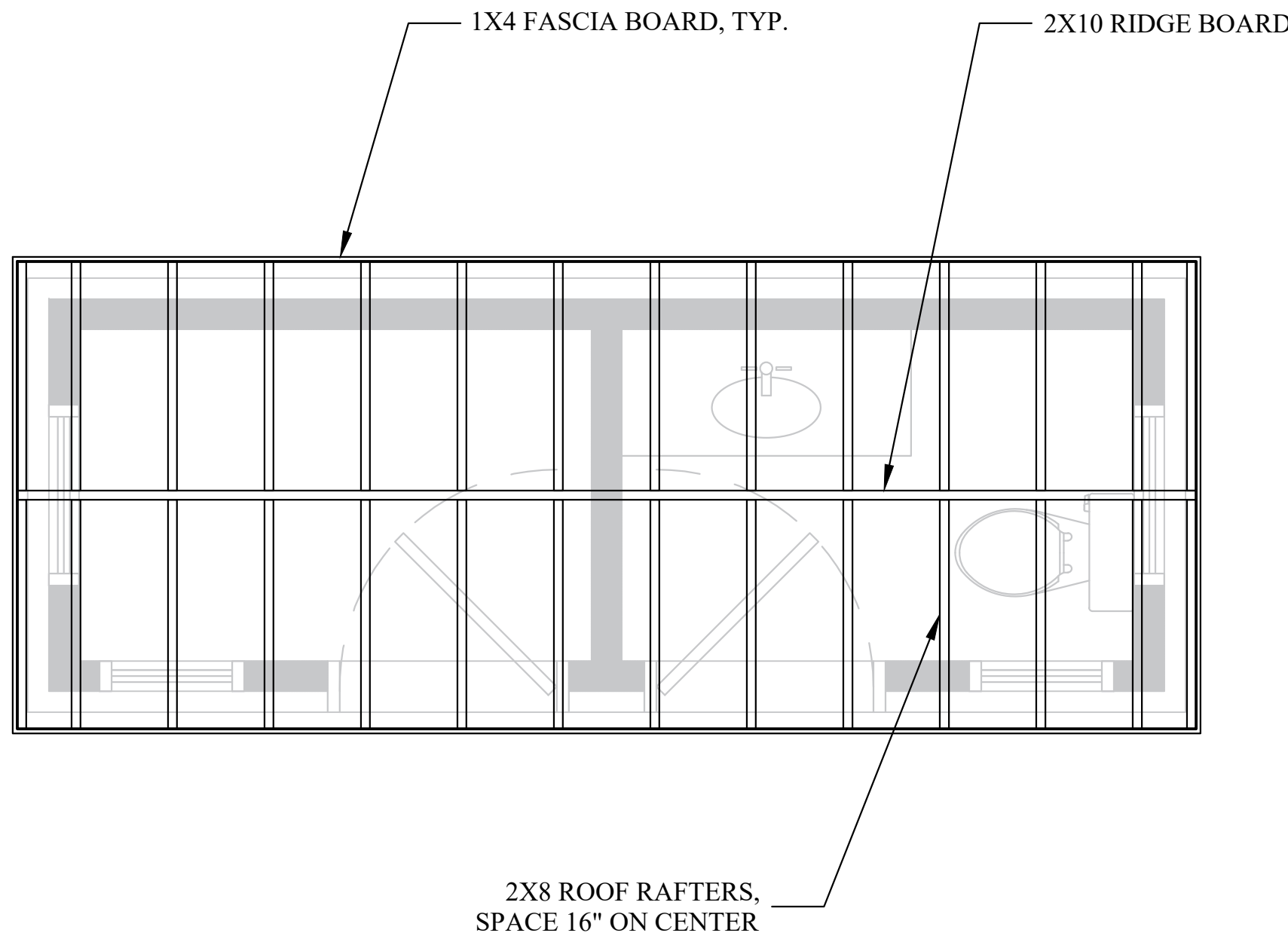
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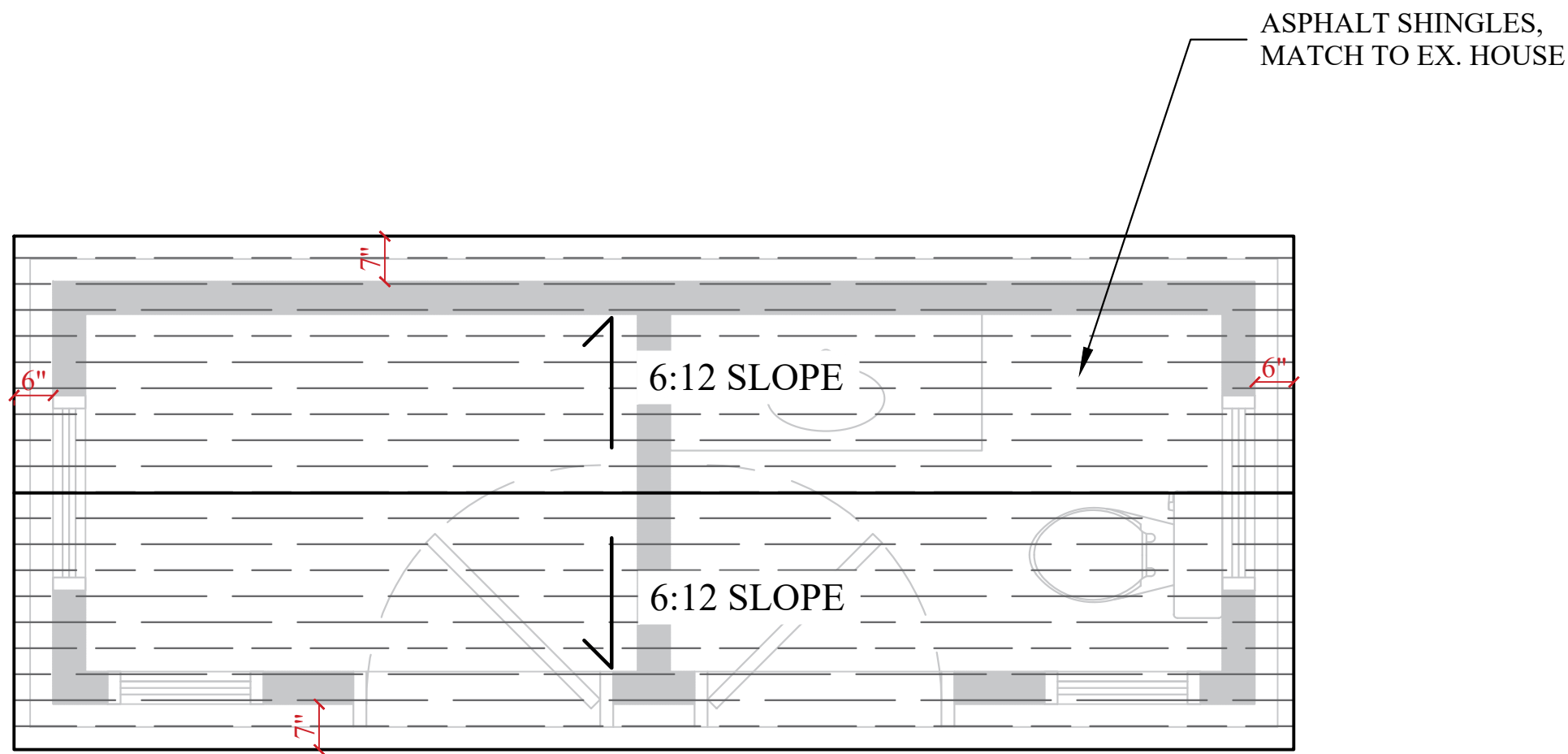
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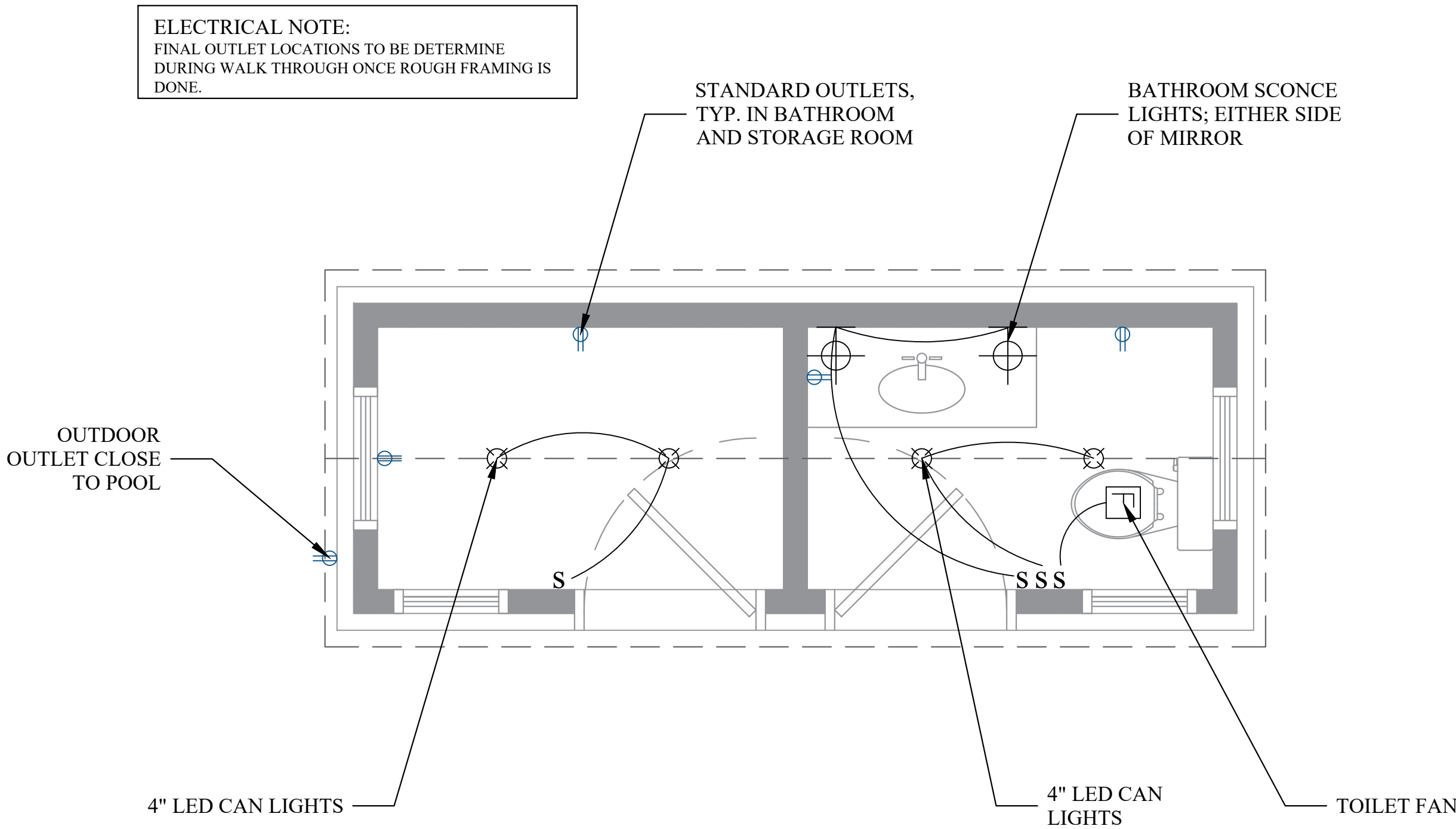
**FOUNDATION PLAN**  
SCALE: 1/2"=1'-0"



**STRUCTURAL PLAN**  
SCALE: 1/2"=1'-0"



**ROOF PLAN**  
SCALE: 1/2"=1'-0"



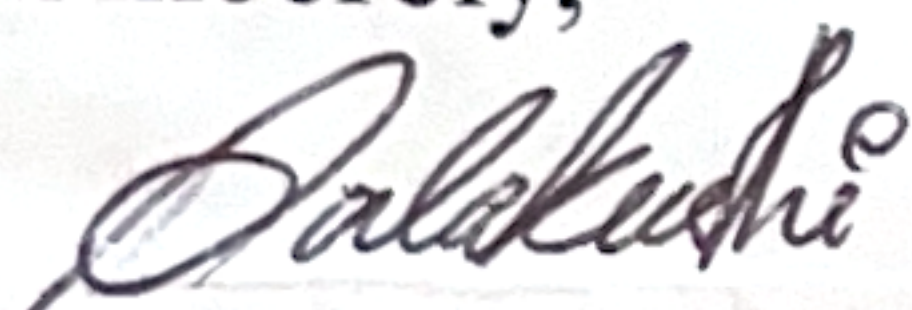
**ELECTRICAL PLAN**  
SCALE: 1/2"=1'-0"

City of Birmingham Officials,

I am signing this letter to confirm that my neighbor (640 Shirley Rd.) recently reached out to me regarding their proposed plans to add a cabana in their backyard. After reviewing the details of the project, I would like to say that I have no objections to the proposed design or construction.

Please feel free to contact me if you require any further information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Salakushi".

Homeowner at 550 Shirley Rd.