

**CITY OF BIRMINGHAM
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, SEPTEMBER 9, 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) August 12, 2025 minutes

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	495 Vinewood	Trellis Building Co.	25-24	Dimensional
2)	270 S Glenhurst	Great Oaks Landscape	25-25	Dimensional
3)	309 Arlington	Michael Yager	25-27	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.

SEPTEMBER BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
August 12, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on August 12, 2025. The meeting was convened at 7:30 p.m.

2. Rollcall

Present: Chair Erik Morganroth, Vice Chair Jason Canvasser; Board Members Kevin Hart, Carl Kona, Richard Lilley, John Miller, Ron Reddy; Alternate Board Member Donald Rogers (non-voting)

Absent: None

Staff: Building Official Zielke; City Transcriptionist Eichenhorn, Assistant Building Official Erickson, Assistant Building Official Morad, Fire Marshal Scaife

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

3. Announcements

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

4. Approval of the Minutes of the BZA Meetings of July 8, 2025

Motion by Canvasser

Seconded by Kona to approve as amended.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

5. Appeals

1) 1133 Latham Appeal 25-19

ABO Erickson presented the item, explaining that the owner of the property known as 1133 Latham was requesting 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 answered informational questions from the Board.

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

Board member comments were as follows:

- Information considered can include precedent, ordinance, ability to meet the ordinance, and the potential future owners of the home. While the present windows on the garage would not allow infiltration, future owners could modify the windows to allow infiltration.

Public Comment

FM Scaife opposed the variance request due to safety concerns about carbon monoxide.

Motion by Reddy

Seconded by Canvasser with regard to Appeal 25-19, 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.

Mr. Reddy moved to deny the variance request. There were not practical difficulties or unnecessary hardships presented by the appellant. A particular location for the generator does not prevent the applicant from using the property as intended. The Fire Marshal's comments highlighted the issue of unnecessary risk if the generator were installed in the proposed location. The Board has to be cognizant of the fact that this is a variance request for a generator that emits a toxic gas. Literal enforcement of the ordinance would not result in an unnecessary hardship. The property does have an ordinance-compliant location for the generator.

VC Canvasser supported the motion, adding this was not the type of variance the Board should be granting. He noted that the only factor making the variance

potentially necessary was costs, and the Board has noted a number of times in the past that costs are not a factor in granting or denying a variance. He noted that the gate could be moved or modified, and the path could be moved in order to install the generator in an ordinance-compliant location. Granting the variance would be contrary to the spirit and intent of the ordinance. The Fire Marshal raised concerns about potential fatalities. There were also concerns about installing the generator closer to the neighbor. Granting the variance would not result in substantial justice to the property owner, neighbors, or the general public.

Mr. Miller supported the motion, and said it would be inappropriate to deviate from City ordinance, manufacturer recommendations, and Fire Department recommendations.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**2) 1291 Washington
Appeal 25-21**

ABO Morad presented the item, explaining that the owner of the property known as 1291 Washington was requesting 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 answered informational questions.

Matt Whetstone, representative for the appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

Board discussion was as follows:

- There would be a number of ordinance-compliant options for accommodating the owners' preferences.
- When the plans were reviewed for the home, the only egress was in an area that was considered side yard and not rear yard. The City could have better noted that during plan review.

Motion by Kona

Seconded by Reddy with regard to Appeal 25-21, 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.

Mr. Kona moved to deny the variance, noting there were options for construction in the rear of the house and the location of the egress to achieve the owners' goals. A practical difficulty necessitating a variance was not established. Literal enforcement of the ordinance does not present a hardship. The granting of the variance would be contrary to the spirit of the zoning ordinance. Following the ordinance would provide substantial justice to the nearby owners.

Mr. Miller supported the motion, explaining that the original design of the house was contrary to the zoning ordinance. The Board could not support the variance in these circumstances.

The Chair noted there were ordinance-compliant solutions given the present conditions, and there were also options during the design phase that could have been implemented to accommodate the owners' preferences. Since there were ordinance-compliant solutions, it would be inappropriate to grant the variance.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**3) 640 Shirley
Appeal 25-22**

ABO Erickson presented the item, explaining that the owner of the property known as 640 Shirley was requesting 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 answered informational questions from the Board.

Board discussion was as follows:

- There were ordinance-compliant locations for the pool house.
- The proposed location was unaffected by the DTE lines.
- The pool house is a preference, not a necessity. This made it more challenging to establish a hardship.
- The neighboring house was conforming.
- The lot is uniquely shaped.

Sabrina Brown, representative for the appellant, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

Motion by Miller

Seconded by Lilley with regard to Appeal 25-22, 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.

Mr. Miller moved to approve the variance, explaining that the location was reasonable given the DTE lines and the utilities if the lot were shaped differently. The lot shape caused the need for the variance for the required distance from the adjacent house. This was a unique condition. Literal enforcement would cause a bit of an unnecessary hardship. The variance would not be contrary to the spirit of the ordinance or to public health, safety, or welfare. Granting the variance would do substantial justice to the owners and the owners of the adjacent properties.

Motion carried, 6-1.

ROLL CALL VOTE

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

Nays: Canvasser

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 8:43 p.m.

Jeff Zielke, Building Official



Laura Eichenhorn, City Transcriptionist

CASE DESCRIPTION

495 Vinewood (25-24)

Hearing date: September 9, 2025

Appeal No. 25-24: The owner of the property known **495 Vinewood**, requests the following variance to replace an existing driveway:

A. Chapter 126, Article 2, Section 2.08.1 of the Zoning Ordinance requires that a single family residential lot shall have a minimum open space of 40%. The minimum open space required is 5665.60 SF (40.00%). The proposed is open space is 4352.00 SF (32.00%). Therefore a variance of 1142.60. SF (8.00%).

Staff Notes: The applicant purchased this home in 2022 is requesting a variance to replace an existing driveway. The home was constructed in 2000 and a pool in 2001.

This property is zoned R2 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP, COSS
Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

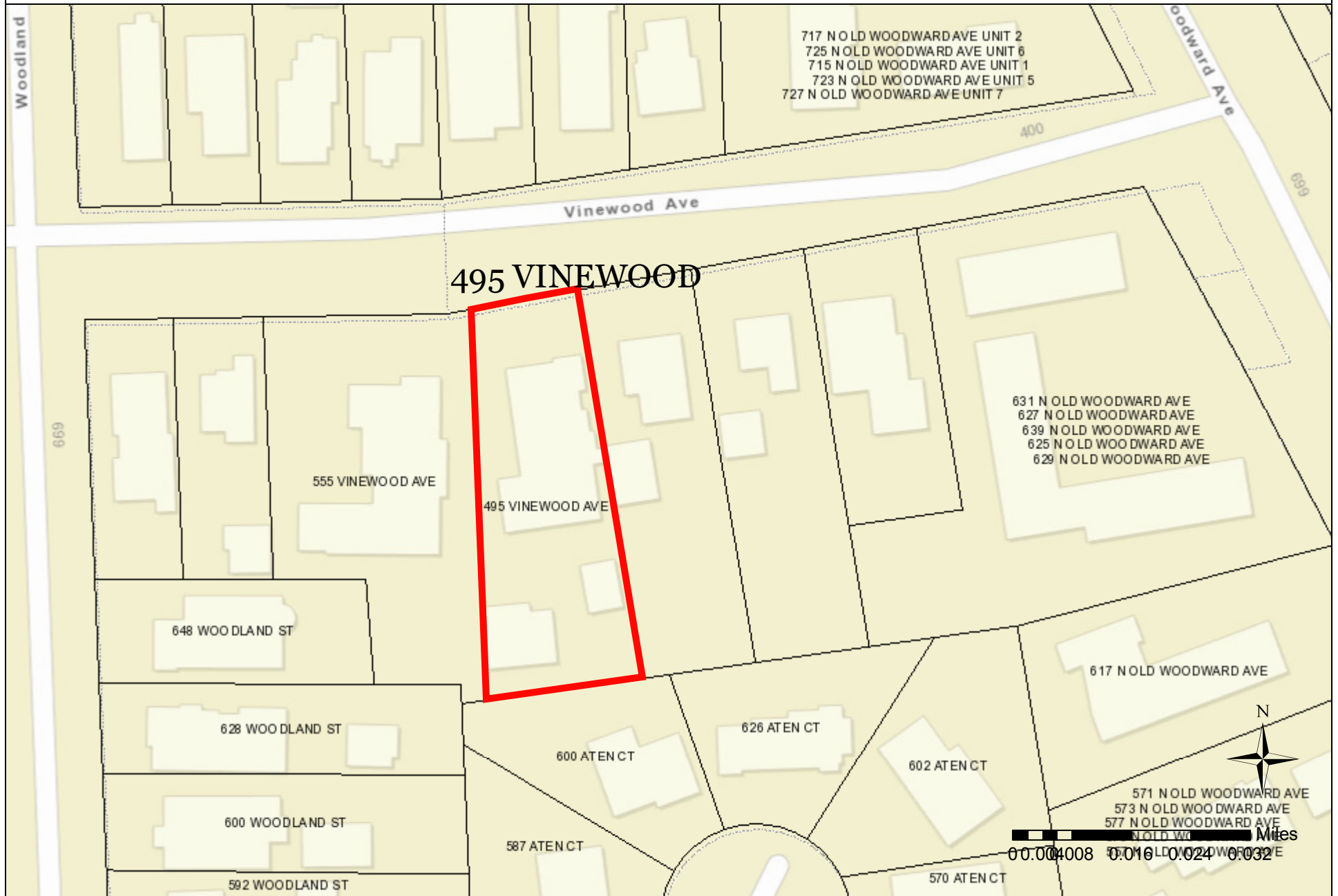
8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

495 VINEWOOD MAP



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

Address: <u>495 Vinewood</u>	Lot Number:	Sidwell Number:
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II. OWNER INFORMATION:

Name: <u>Rachel Bullmeyer</u>			
Address: <u>495 Vinewood</u>	City: <u>Birmingham</u>	State: <u>mi</u>	Zip code: <u>48009</u>
Email: * <u>Rbangel@Gmail.com</u>		Phone: <u>248-943-4666</u>	

III. PETITIONER INFORMATION:

Name: <u>Matthew Wlotkowski</u>	Firm/Company Name: <u>Trellis Building Co</u>		
Address: <u>1507 Old St. Telegraph</u>	City: <u>Bloomfield Hills</u>	State: <u>mi</u>	Zip code: <u>48302</u>
Email: <u>Matt@Fleurdetroit.com</u>		Phone: <u>248-506-5837</u>	

IV. GENERAL INFORMATION:

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

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

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

Please provide the following in your electronic submission:

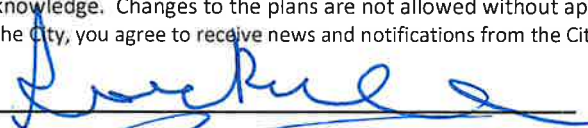
- ☐ Completed and signed application
- ☐ Signed letter of practical difficulty and/or hardship
- ☐ Certified survey
- ☐ Building plans including existing and proposed floor plans and elevations
- ☐ If appealing a board decision, provide a copy of the minutes from any previous Planning, HDC, or DRB board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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: <u></u>	Date: <u>8/12/25</u>
Signature of Petitioner: <u></u>	Date: <u>8-12-25</u>

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

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

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

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

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

A handwritten signature in blue ink, consisting of a stylized 'M' followed by a long horizontal line extending to the right.

Signature of Applicant

Trellis Building Co
Representing Jake Billmeyer
495 Vinewood
Birmingham, MI 48009

August 11, 2025

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

RE: Variance Request for Impervious Surface Coverage

Property Address: 495 Vinewood, Birmingham, MI 4809

Dear Members of the Zoning Board,

I am writing to formally request a variance from the City of Birmingham's zoning ordinance related to the maximum impervious surface coverage allowed for my property located at 495 Vinewood, Birmingham, MI 48009, which is zoned R1, Residential.

According to the current ordinance the maximum impervious surface coverage permitted for properties in this zoning district is 60%. Upon applying for the permit to repave the driveway as it currently sits, the client realized the lot doesn't meet the minimum impervious lot coverage requirements because of changes by the previous owner. We are requesting a variance to replace the existing driveway as it currently sits to increase our pervious area by adding green space in the highlighted areas on the attached site plan. This would take it from 26.6% pervious to a 32% pervious space.

We are requesting only to replace the driveway in its current formation as the current state of the driveway has degraded to a state in which it is causing possible hazards and liability to the owners. This variance would have limited impact on the neighborhood or the neighbors directly. We are asking to replace this driveway which is currently an eyesore in the neighborhood, to a clean and safe driveway. We will include photographs to show the current state of disrepair, and site plans to show the proposed mitigated efforts to facilitate the approval of the variance.

We greatly appreciate your time and consideration of this request and look forward to working with the City to achieve a thoughtful and sustainable solution.

Sincerely,

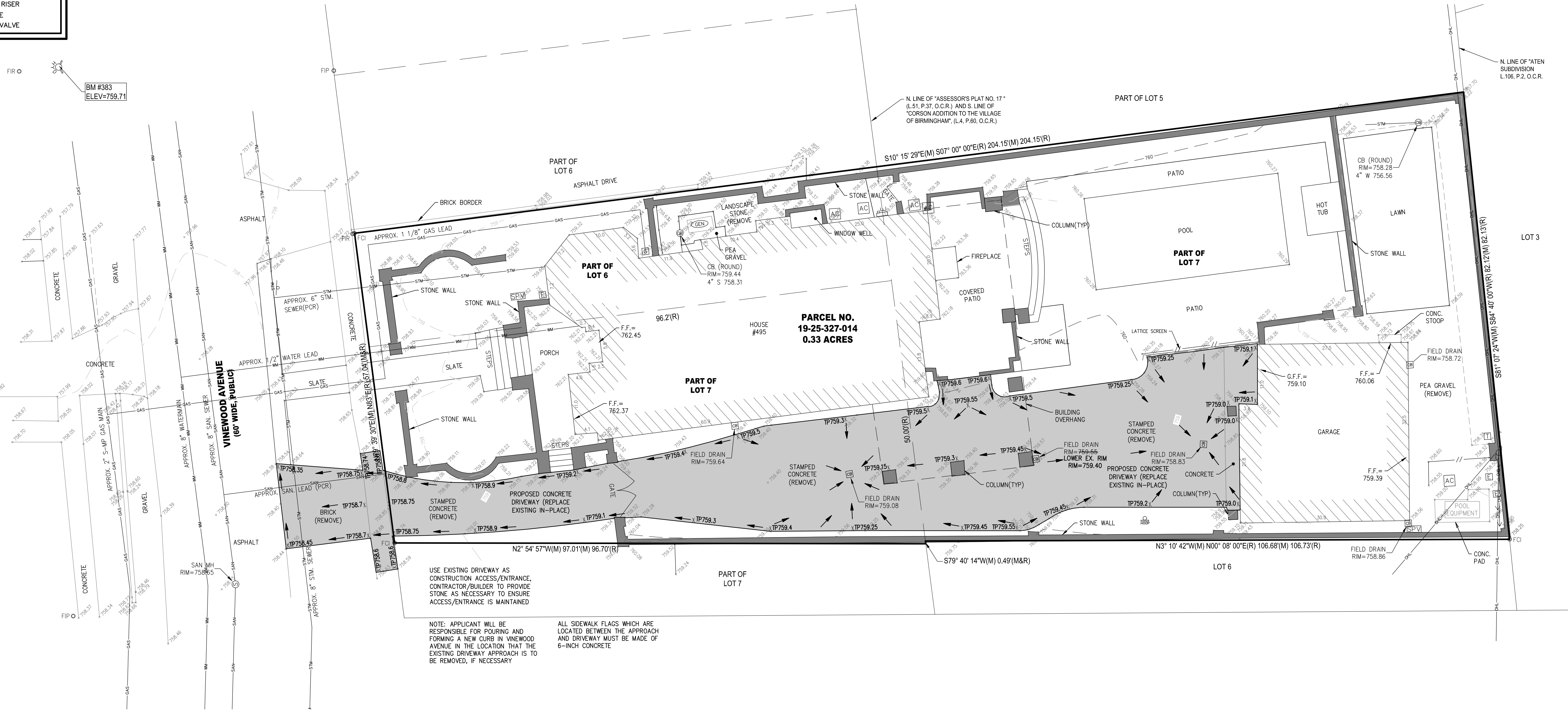
Matthew Wlotkowski
Representing Jake Billmeyer
495 Vinewood
Birmingham, MI 48009





LEGEND	
SYMBOL	DESCRIPTION
○ FCI	FOUND CAPPED IRON
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
(R)	RECORDED BEARING
(M)	MEASURED BEARING
---	EX. FENCE
--- OHL	EX. OVERHEAD ELECTRIC
--- SAN	EX. SANITARY SEWER
--- STM	EX. STORM SEWER
---	EX. UNDERGROUND GAS
---	EX. WATER MAIN
AC	EX. AIR CONDITIONER
BB	EX. B.B. HOOP
CB	EX. CATCH BASIN ROUND
CI	EX. STORM INLET/CATCH BASIN
EM	EX. ELECTRIC METER
ER	EX. ELECTRIC RISER
GM	EX. GAS METER
GEN	EX. GENERATOR
GA	EX. GUY ANCHOR
HY	EX. HYDRANT
SM	EX. SANITARY MANHOLE
SG	EX. SIGN
TR	EX. TELEPHONE RISER
UP	EX. UTILITY POLE
SPV	EX. SPRINKLER VALVE

PROPOSED LEGEND	
SYMBOL	DESCRIPTION
→	PRO. DRAINAGE ARROW
xTP750.0	PRO. TOP/PAVEMENT ELEV.
x750.0	PRO. SPOT ELEV.



LEGAL DESCRIPTION (BY OTHERS):
PART OF LOTS 6 & 7 OF "CORSON ADDITION TO THE VILLAGE OF BIRMINGHAM MICHIGAN", SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, AS RECORDED IN LIBER 4 OF PLATS, PAGE 60, OAKLAND COUNTY RECORDS, ALSO PART OF LOT 5 OF "ASSESSOR'S PLAT NO. 17", A REPLAT OF PART OF LOT 6 OF WILLIT'S NORTHERN ADDITION, SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM (FORMERLY VILLAGE OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 51 OF PLATS, PAGE 37, OAKLAND COUNTY RECORDS, ALL DESCRIBED AS BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 6 DISTANT WESTERLY 30 FEET FROM THE NORTHEAST CORNER OF SAID LOT 6, THENCE S83°00'00"W 57 FEET, THENCE S00°08'00"W 96.7 FEET, THENCE EASTERLY 0.49 FEET ALONG THE SOUTH LINE OF SAID LOT 7 TO THE NORTHWEST CORNER OF SAID LOT 5, THENCE S00°18'00"W 106.73 FEET TO THE SOUTHWEST CORNER OF SAID LOTS, THENCE N84°40'00"E 82.13 FEET, THENCE N07°00'00"W 204.15 FEET TO THE POINT OF BEGINNING.

FLOOD HAZARD STATEMENT:
THIS PROPERTY IS LOCATED WITHIN A FEMA DESIGNATED ZONE "X" FLOOD HAZARD AREA AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FOR MICHIGAN FLOOD INSURANCE RATE MAP (FIRM) #26125C0536F (COMMUNITY ID NO. 260168 - CITY OF BIRMINGHAM, MI) WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2006. THIS STATEMENT IS BASED ON THE RESULTS OF GRAPHIC PLOTTING ONTO THE ABOVE NAMED MAP AND PANEL, WHICH IS THE CURRENT MAP FOR THE COMMUNITY IN WHICH THE PROPERTY IS LOCATED. ZONE "X" INDICATES AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

ZONING:
R2, SINGLE-FAMILY RESIDENTIAL DISTRICT

SETBACKS:
FRONT: AVERAGE OF HOMES WITHIN 200'
REAR: 30 FEET MINIMUM (MINIMUM FRONT+REAR 55 FEET)
SIDES: 9 FEET ONE SIDE OR 10% OF TOTAL LOT WIDTH (WHICHEVER IS LARGER), 14 FEET TOTAL BOTH OR 25% OF TOTAL LOT WIDTH (WHICHEVER IS LARGER)

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

BENCHMARK(BM):
BM#383,
ARROW ON TOP OF THE HYDRANT ON THE NORTH SIDE OF VINEWOOD AVE. ACROSS FROM 487 VINEWOOD AVE.
ELEVATION: 759.71 (N.A.V.D. 88)

CITY OF BIRMINGHAM BENCHMARK #25:
SOUTHWEST CORNER OF GREENWOOD AND OAK.
ELEVATION: 763.883 CITY DATUM

SURVEY NOTES:
1. TITLE WORK WAS NOT PROVIDED. EXISTING EASEMENTS, IF ANY, HAVE NOT BEEN SHOWN.
2. A WETLAND AND TREE SURVEY WERE NOT PERFORMED AS PART OF THIS SURVEY.
3. BEARINGS ARE BASED ON MICHIGAN SOUTH STATE PLANE (N.A.D. 83)

EXISTING LOT COVERAGE
LOT AREA = 14,164 S.F. (0.33 ACRES)

LOT COVERAGE = EX. HOUSE (2,276 S.F.) + EX. GARAGE (971 S.F.) + EX. FRONT PORCH (INSIDE HOUSELINE) (106 S.F.) + EX. REAR COVERED PATIO (518 S.F.) + EX. SIDE COVERED CARPORT (411 S.F.) = 4,282 S.F. (30.2%)

EX. DRIVEWAY (2,510 S.F.) + EX. REAR PATIO/STEPS (1,363 S.F.) + EX. POOL (600 S.F.) + EX. HOT TUB (63 S.F.) + EX. SIDE YARD LANDSCAPE STONE (211 S.F.) + EX. REAR YARD PEA GRAVEL (550 S.F.) + EX. LANDSCAPE WALLS (634 S.F.) + EX. FRONT WALK (127 S.F.) + EX. POOL EQUIPMENT/UTILITY PADS (59 S.F.) = 6,117 S.F. (43.2%)

TOTAL IMPERVIOUS SURFACE AREA = 10,399 S.F. (73.4%), MAX. 60%
TOTAL OPEN SPACE = 3,762 S.F. (26.6%), MIN. 40%
TOTAL FRONT YARD OPEN SPACE = 1,430 (71.8%), MIN. 65%

NOTE: EX. FRONT PORCH/STEPS IS NOT INCLUDED IN THE OVERALL OPEN SPACE CALCULATION OR FRONT YARD OPEN SPACE CALCULATION, PER 4.30 OS-1 & CITY OF BIRMINGHAM, CITY TO PROVIDE DIRECTION, AS NECESSARY, TO SATISFY ORDINANCE REQUIREMENTS.

FOR CITY REFERENCE:
EX. FRONT PORCH/STEPS (OUTSIDE HOUSELINE) = 251 S.F. (1.8%)

PROPOSED LOT COVERAGE
LOT AREA = 14,161 S.F. (0.33 ACRES)

LOT COVERAGE = EX. HOUSE (2,276 S.F.) + EX. GARAGE (971 S.F.) + EX. FRONT PORCH (INSIDE HOUSELINE) (106 S.F.) + EX. REAR COVERED PATIO (518 S.F.) + EX. SIDE COVERED CARPORT (411 S.F.) = 4,282 S.F. (30.2%)

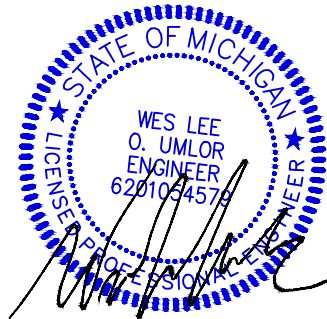
EX. DRIVEWAY (REMOVE & REPLACE) (2,510 S.F.) + EX. REAR PATIO/STEPS (1,363 S.F.) + EX. POOL (600 S.F.) + EX. HOT TUB (63 S.F.) + EX. SIDE YARD LANDSCAPE STONE (REMOVE) (211 S.F.) + EX. REAR YARD PEA GRAVEL (REMOVE) (550 S.F.) + EX. LANDSCAPE WALLS (634 S.F.) + EX. FRONT WALK (127 S.F.) + EX. POOL EQUIPMENT/UTILITY PADS (59 S.F.) = 5,356 S.F. (37.8%)

TOTAL IMPERVIOUS SURFACE AREA = 9,638 S.F. (68.0%), MAX. 60%
TOTAL OPEN SPACE = 4,523 S.F. (32.0%), MIN. 40%
TOTAL FRONT YARD OPEN SPACE = 1,430 (71.8%), MIN. 65%

NOTE: EX. FRONT PORCH/STEPS IS NOT INCLUDED IN THE OVERALL OPEN SPACE CALCULATION OR FRONT YARD OPEN SPACE CALCULATION, PER 4.30 OS-1 & CITY OF BIRMINGHAM, CITY TO PROVIDE DIRECTION, AS NECESSARY, TO SATISFY ORDINANCE REQUIREMENTS.

FOR CITY REFERENCE:
EX. FRONT PORCH/STEPS (OUTSIDE HOUSELINE) = 251 S.F. (1.8%)

SHEET INDEX:
1 ZBA PLAN
2 OPEN SPACE PLAN



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

Know what's below.
Call before you dig.

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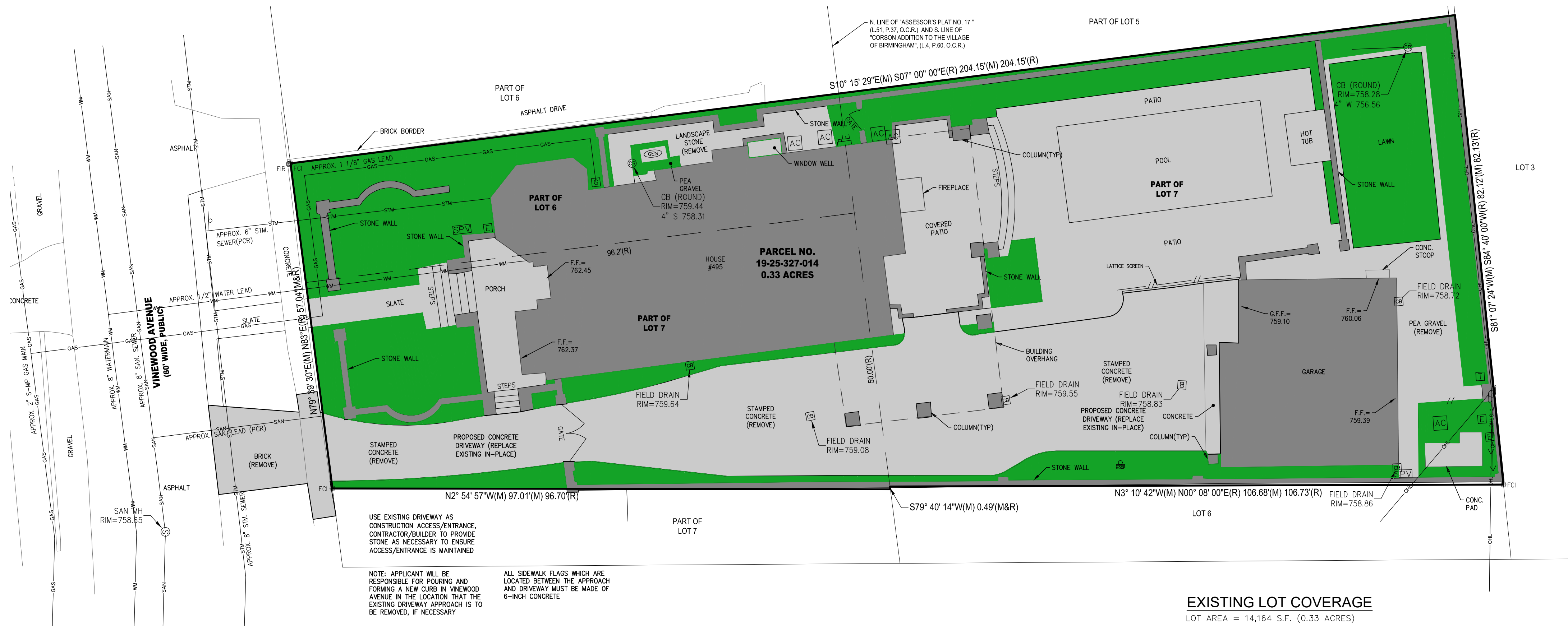
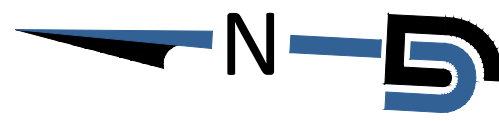
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UMLOR GROUP
495 VINEWOOD AVENUE
SECTION 25
TOWN 2 NORTH, RANGE 10 EAST
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

DATE: 08/08/2025
REVISIONS

495 VINEWOOD AVENUE
CLIENT: COUNTRYSIDE CONSTRUCTION CO., INC.
200 ELM STREET, SUITE 202
BIRMINGHAM, MI 48009
ZBA PLAN

DR BY: ACS/CEH
CK BY: CEG
P.M. CEH
SCALE: 0 5 10
JOB NO. 250710
SHEET NO. 1
SHEET 1 OF 2



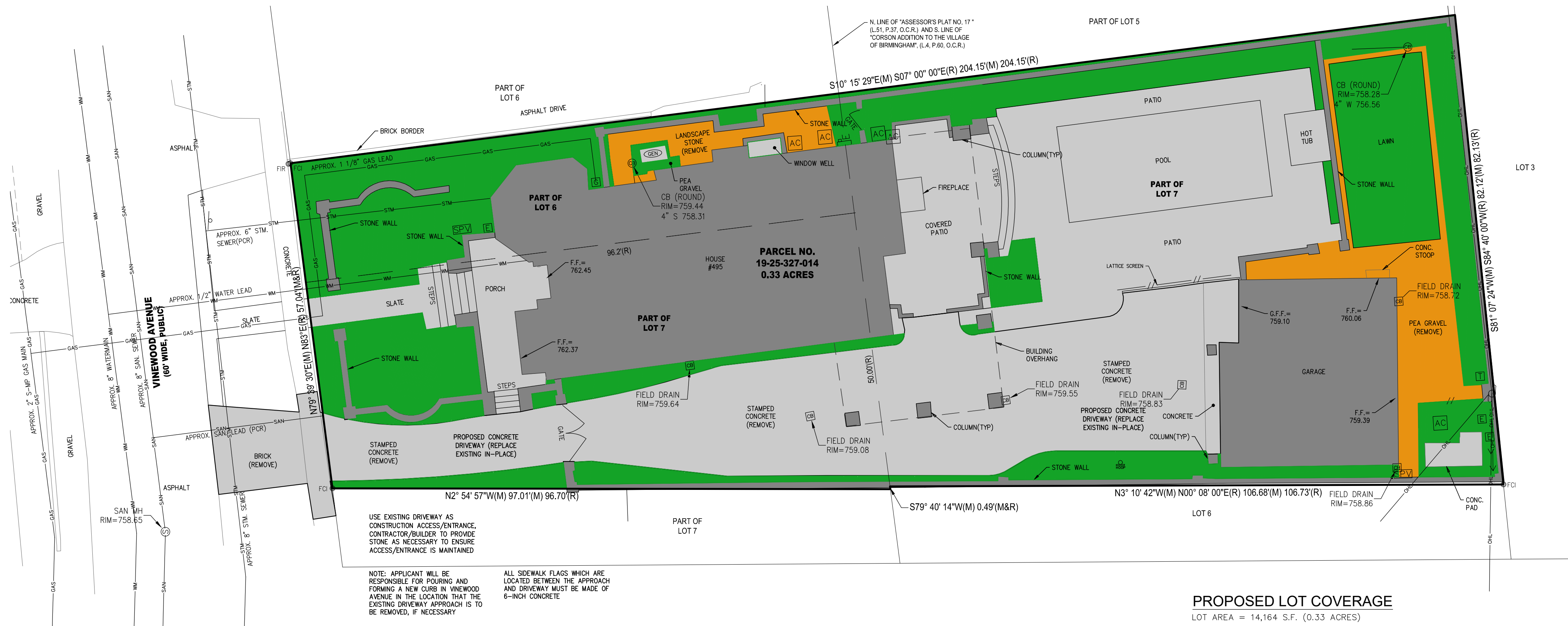
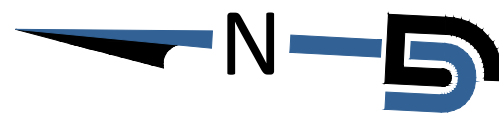
EXISTING IMPERVIOUS COVERAGE

SCALE: 1"=12'

EXISTING LOT COVERAGE

LOT AREA = 14,164 S.F. (0.33 ACRES)

TOTAL IMPERVIOUS SURFACE AREA = 10,399 S.F. (73.4%), MAX. 60%
TOTAL OPEN SPACE = 3,762 S.F. (26.6%), MIN. 40%



PROPOSED IMPERVIOUS COVERAGE

SCALE: 1"=12'

PROPOSED LOT COVERAGE

LOT AREA = 14,164 S.F. (0.33 ACRES)

TOTAL IMPERVIOUS SURFACE AREA = 9,638 S.F. (68.0%), MAX. 60%
TOTAL OPEN SPACE = 4,523 S.F. (32.0%), MIN. 40%

PROPOSED LEGEND	
SYMBOL	DESCRIPTION
	HOUSE\GARAGE\WALL
	PAVING\POOL
	EXISTING PERVIOUS AREA
	PROPOSED PERVIOUS AREA ADDED

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



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

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UMLOR GROUP
49287 WEST ROAD WIXOM, MI 48393
TEL 248.773.7666 - FAX 866.600.4307

SECTION 25
TOWN 2 NORTH, RANGE 10 EAST
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

DATE: 08/08/2025

REVISIONS

NO.	DESCRIPTION

495 VINWOOD AVENUE
CLIENT: COUNTRYSIDE CONSTRUCTION CO., INC.
200 ELM STREET, SUITE 202
BIRMINGHAM, MI 48009
OPEN SPACE PLAN

DR BY: ACS/CEH
CK BY: CEG
P.M. CEH
SCALE: 0 5 10
JOB NO. 250710
SHEET NO. 2
SHEET 2 OF 2

CASE DESCRIPTION

270 S Glenhurst (25-25)

Hearing date: September 9, 2025

Appeal No. 25-25: The owner of the property known **270 S Glenhurst**, requests the following variance to construct an attached pergola on the rear of the home:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires a minimum rear yard setback of 30.00 feet. The existing is 22.06 feet. The proposed is 7.50 feet. Therefore, a variance of 22.50 feet is being requested.

Staff Notes: The applicant is requesting a variance to construct an attached pergola on the rear of the home, which extends into the required rear yard setback. This house has an irregular shaped lot. A variance was granted in 2022. See minutes attached.

This property is zoned R1 – Single family residential.

Jeff Zielke, NCIDQ, LEED AP, COSS
Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

270 S GLENHURST MAP



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 270 S. Glenhurst Lot Number: 270 Sidwell Number: 19-35-127-033

II. OWNER INFORMATION:

Name: Damien Kavanaugh
Address: 270 S. Glenhurst City: Birmingham State: MI Zip code: 48009
Email: *DamienKav1024@gmail.com Phone: 248-303-1588

III. PETITIONER INFORMATION:

Name: Jason Armbruster Firm/Company Name: Great Oaks Landscape
Address: 28025 Samuel Linden Ct. City: NOVI State: MI Zip code: 48377
Email: jarmbruster@greatoakslandscape.com Phone: 248-225-2551

IV. GENERAL INFORMATION:

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

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

Please provide the following in your electronic submission:

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: Damien Kavanaugh

Date: 11/08/2025

Signature of Petitioner: Jason Armbruster

Date: 11/08/2025

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

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

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

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

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

Jason Armbruster

Jason Armbruster (Aug 11, 2025 15:02:00 EDT)

Signature of Applicant

To: City of Birmingham Board of Zoning Appeals

151 Martin St.

Birmingham, MI

From: Homeowners - Damien & Jennifer Kavanaugh

Subject: 270 S. Glenhurst Dr.

Patio & Outdoor Living Space Location Variance

Members of the board,

Thank you for your consideration regarding the variance at 270 S. Glenhurst Drive.

History

- Home is a reconstruction on the existing foundation of the previous home.

Rational

- Due to the angle of the back property line the home is already out of compliance, and this causes undue hardship for the homeowner as they are unable to use their backyard in a reasonable manner and implement design features that would otherwise be allowed or expected in the area.
 - o See page 5 of supporting documents that shows a diagram of where specific features are allowed while following the current zoning requirements.
- All improvements will be in compliance with side yard setbacks & lot coverage requirements.
- The lot to the north and west of the property is an irregular L shaped lot, leaving the portion of land behind the rear lot line unable to be constructed on. Due to that being a passive part of the adjacent property & that our proposed improvements are within all side lot line requirements, this project will not be creating any hardship to the neighboring properties. Furthermore, evergreen screening will be used on left side of property to further minimize the impact of our proposed additions on the neighbor to the south.

Variances Requested

- Pergola: 17' – ¾" variance into the rear yard setback
 - o We are looking to add a pergola adjacent to the rear wall of the home, therefore requiring it to follow the building setback requirements. As it will be abutting the home, it is considered an addition and will be 22'6" Ft out of compliance with the setback. However, with the home being out of compliance due to the shape of the lot & foundation of the previous home, the variance the pergola itself would require is 17' - ¾".

- Patio: 7' - 5¾" variance into the rear yard patio setback.
 - o We are installing a total of 980 SqFt of patio space with this project, and of that, 86.18 SqFt are out of compliance where it projects, at most, 7' - 5¾" into the setback. The majority of the patio complies with zoning ordinances. If the lot were squared off from the longest portion of the lot, the patio would be completely in compliance with the required setbacks.
- Outdoor Kitchen: 3' – 8½" FT variance of an accessory structure closer to the primary structure
 - o Accessory structures are required to be 10' from the home. Reasonable use of the yard would expect that to be covered by the pergola structure. Due to the narrow nature of the property & desire to have sufficient entertaining space, we are looking to have it be 6' – 3 ½" from the house at the closest point.

Noted Ordinances

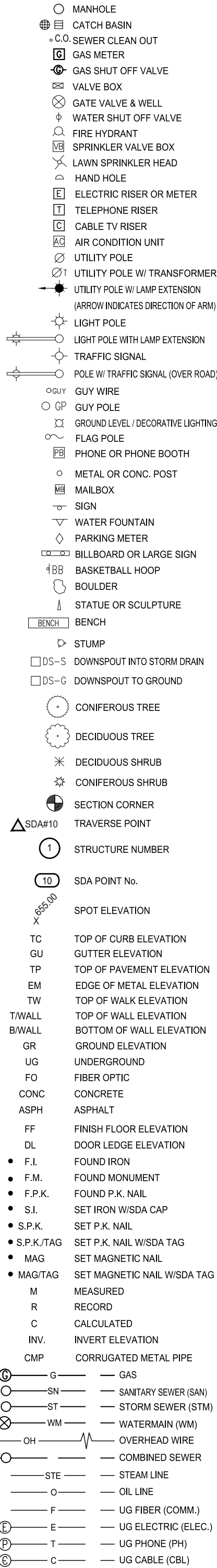
- Zoning: Article 2.05 – (R1 Single Family Residential) District Intent, Permitted Uses, and Special Uses
- Zoning: Article 2.06 – (R1 Single Family Residential) Development Standards
- Zoning: Article 4.30.C.5 – 15' Patio Setback

Thank you for your review of our project.

Damien Kavanaugh

Damien Kavanaugh
Damien Kavanaugh (Aug 11, 2025 14:09:32 EDT)

LEGEND



LOCATION MAP

NOT TO SCALE

BENCHMARK DESCRIPTIONS

DATUM: CITY OF BIRMINGHAM VERTICAL DATUM

SITE BM#100	CHISELED "X" ON NORTH RIM OF STORM MANHOLE (STR. #1) LOCATED ±50' NE OF THE NE BLDG COR OF #270 GLENHURST DR & ±3' EAST OF SIDEWALK.	ELEV. = 754.02
SITE BM#101	SET BENCH TIE IN SOUTH FACE OF UTILITY POLE LOCATED ±13' NORTH OF THE NW BLDG COR OF #270 GLENHURST DR & ±7' SOUTH OF CL FENCE.	ELEV. = 755.68

SURVEYOR'S COMMENTS

- THIS TOPOGRAPHICAL MAP IS BASED UPON A FIELD SURVEY PERFORMED BY SPALDING DEDECKER INC. DURING MARCH OF 2022.
- THE PROPERTY LINES/RIGHT-OF-WAY LINES SHOWN ON THIS TOPOGRAPHICAL SURVEY ARE INTENDED TO BE AN APPROXIMATE GRAPHICAL REPRESENTATION BASED UPON A COMBINATION OF A PROVIDED LEGAL DESCRIPTION, FOUND FIELD MONUMENTATION AND OCCUPATION. A COMPLETE PROPERTY LINE ANALYSIS HAS NOT BEEN PERFORMED AND PROPERTY CORNERS HAVE NOT BEEN SET IN THE FIELD PER THE AGREED TO SCOPE OF SERVICES.
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE SEARCH THAT WOULD IDENTIFY ANY RECORDED EASEMENTS THAT ENCUMBER THIS PROPERTY. THEREFORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHT-OF-WAY TAKINGS AND RESTRICTIVE COVENANTS THAT ARE NOT SHOWN.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS THE STATE PLANE GRID AND THE UNITS ARE INTERNATIONAL FEET AS ESTABLISHED WITH RTK GPS MEASUREMENTS USING A DATA LINK TO THE MDT CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS). THE COORDINATE SYSTEM FOR THIS SURVEY IS THE STATE PLANE COORDINATE SYSTEM, MICHIGAN SOUTH ZONE (2113) BASED ON NAD83 (2011).
- PROPERTY LINES HAVE BEEN ROTATED TO STATE PLANE GRID BEARINGS; THEREFORE, THE BEARINGS OF THE PROPERTY LINES ON THE DRAWING WILL NOT MATCH THOSE SHOWN IN THE LEGAL DESCRIPTION.
- THE VERTICAL DATUM OF THIS SURVEY IS BASED UPON THE CITY OF BIRMINGHAM VERTICAL DATUM AS ESTABLISHED WITH RTK GPS MEASUREMENTS USING A DATA LINK TO THE MDT CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS).
- SPALDING DEDECKER CONTACTED THE CITY OF BIRMINGHAM ENGINEERING DEPARTMENT TO GET COPIES OF BOTH THE WATER AND SEWER CARDS FOR THE SURVEYED PAREL. THE ENGINEERING DEPARTMENT RECOVERED INFORMATION FOR THE WATER LEAD, BUT THEY DID NOT HAVE INFORMATION FOR THE LOCATION OF THE SEWER LEAD TO THE HOUSE.

LEGAL DESCRIPTION

SOURCE: OAKLAND COUNTY
OWNER: HALPERT INVESTMENTS LLC
TAX PARCEL ID: 19-35-127-033
ADDRESS: 270 S GLENHURST DRIVE

T2N, R10E, SEC 35 THE MEYERING LAND COMPANY'S BIRMINGHAM HIGHLANDS SUB PART OF LOTS 51, 53 & 54 BEG AT SE COR OF LOT 51 TH S 88-59-11 W 93.84 FT ALG S LINE OF LOT 51, TH N 63-55-38 W 10.0 FT ALG S LINE OF LOT 54, TH N 15-00-41 E 103.70 FT, TH N 84-26-06 E 66.69 FT, TH S 04-54-30 E 113.10 FT ALG E LINE OF LOT 51 TO BEG

STRUCTURE TABLE

#	TYPE	RIM	SIZE	MTL	INVERT	DIRECTION	CONNECT
1	SEWER MANHOLE	754.00	10"	CLAY	747.96	EAST	2
			15"	CLAY	744.52	SOUTH	3
			15"	CLAY	744.62	NORTH	
2	SQUARE CATCH BASIN	753.09	10"	PVC	748.71	WEST	1
			10"	PVC	749.27	EAST	
3	SEWER MANHOLE	753.10	8"	PVC	743.76	WEST	
			10"	CLAY	747.50	EAST	
			15"	CLAY	743.38	NORTH	1
			15"	CLAY	743.30	SOUTH	

THE STRUCTURE TABLE ON THIS DRAWING IDENTIFIES THE AS-SURVEYED UNDERGROUND UTILITY MANHOLES THAT WERE FIELD MEASURED USING REASONABLE AND TRADITIONAL SURVEYING PRACTICES. PIPE SIZES, DIRECTIONS AND ELEVATIONS ARE INDICATED BY A COMBINATION OF FIELD EVIDENCE AND AVAILABLE RECORD INFORMATION. UNDERGROUND UTILITY PIPE SIZES AND CONNECTIONS ARE MANY TIMES AMBIGUOUS. SOME STRUCTURES MAY HAVE PIPES WITH UNKNOWN CONNECTIONS, SUMPS AND / OR PIPES THAT ARE FILLED WITH DEBRIS. IT WILL BE UP TO THE DESIGN ENGINEER TO LOOK AT THE PRESENTED SURVEY RESULTS AND DECIDE IF FURTHER INVESTIGATION BY OTHER METHODS SUCH AS VACUUM CLEAN OUT, UNDERGROUND RADAR, SMOKE TESTING AND PHYSICAL EXCAVATION IS REQUIRED AS AN ADDITIONAL SERVICE.

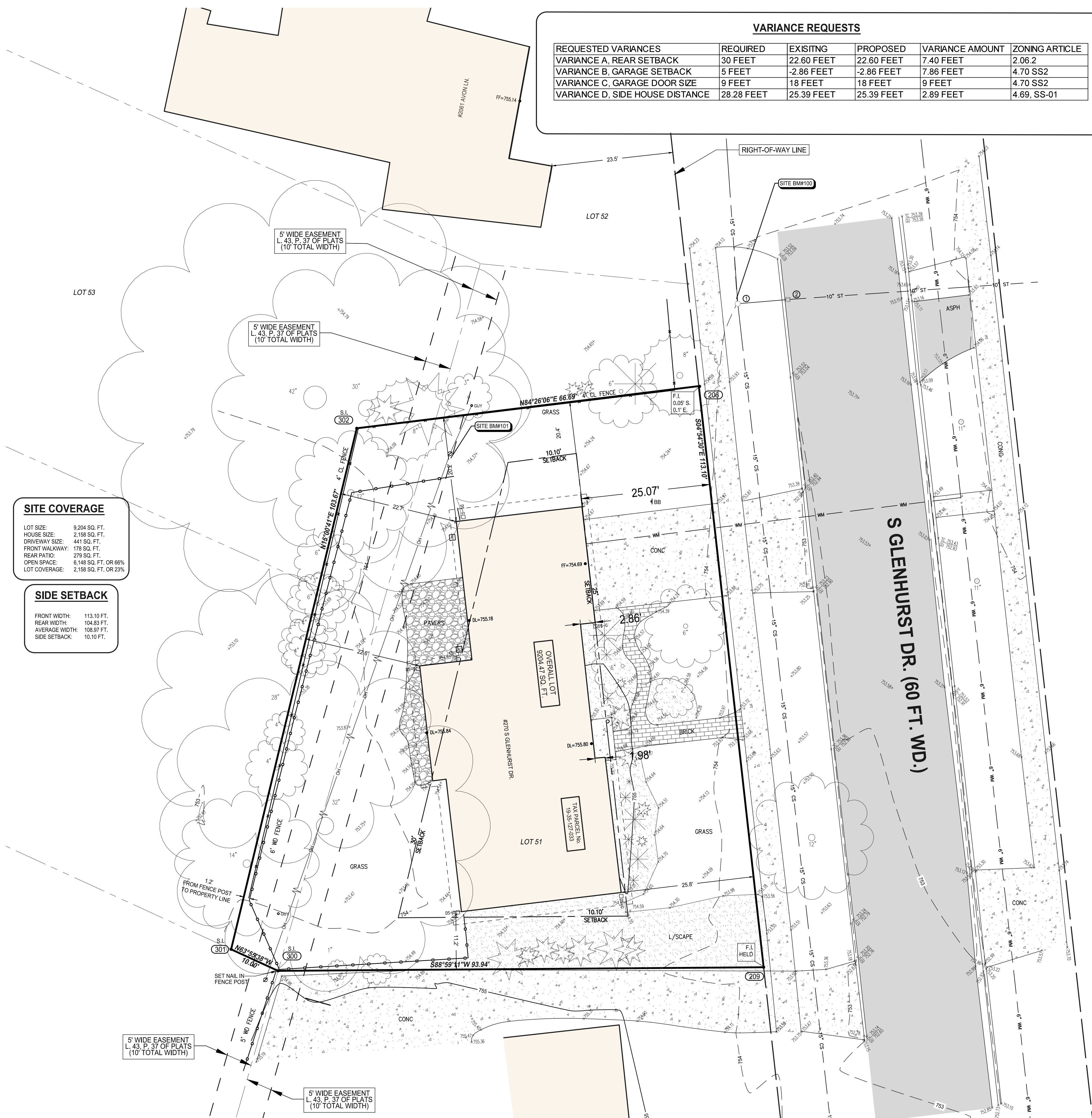
SURVEYOR'S STATEMENT

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SCOTT J. KEHRER
PROFESSIONAL SURVEYOR No. 4001052477

VARIANCE REQUESTS

REQUESTED VARIANCES	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT	ZONING ARTICLE
VARIANCE A, REAR SETBACK	30 FEET	22.60 FEET	22.60 FEET	7.40 FEET	2.06.2
VARIANCE B, GARAGE SETBACK	5 FEET	-2.86 FEET	-2.86 FEET	7.86 FEET	4.70 SS2
VARIANCE C, GARAGE DOOR SIZE	9 FEET	18 FEET	18 FEET	9 FEET	4.70 SS2
VARIANCE D, SIDE HOUSE DISTANCE	28.28 FEET	25.39 FEET	25.39 FEET	2.89 FEET	4.69, SS-01



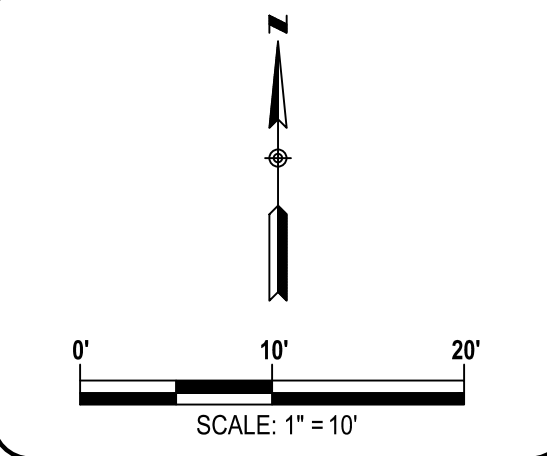
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CLIENT:

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SOUTHFIELD, MI 48076



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UTILITY NOTE

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#270 GLENHURST DR.

BIRMINGHAM, MI

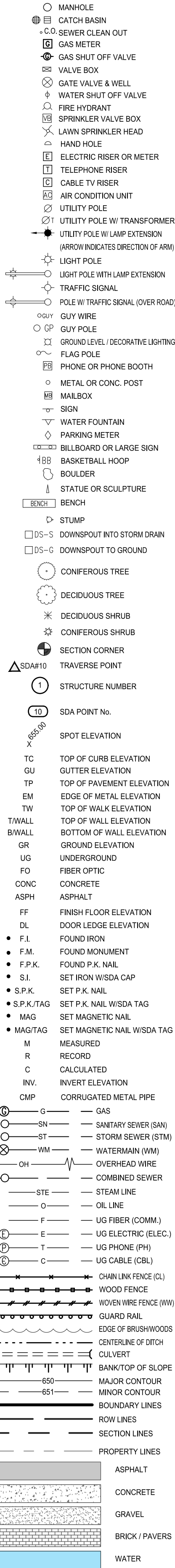
BOUNDARY AND TOPOGRAPHICAL SURVEY

SECTION 35
TOWN 02 NORTH RANGE 10 EAST
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

NO.	DATE	REVISION
1	3-12-22	ADDED VARIANCE INFORMATION

VERIFY SCALES	
BAR IS ONE INCH ON ORIGINAL DRAWING	
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
DRAFTER M.VAPHIADIS	DATE 03-11-2022
CHECKED S.KEHRER	DATE 03-11-2022
FIELD LEADER S.MAYER	PROJECT SURVEYOR S.DUNN
PROJECT MANAGER S.KEHRER	DEPARTMENT MANAGER C.PLATZ
JOB NO. SM22046TP	DRAWING NO. SM22046TPG-a
SCALE: 1" = 10'	SHEET NO. 1 OF 2

LEGEND



LOCATION MAP

NOT TO SCALE

BENCHMARK DESCRIPTIONS

DATUM: GPS-DERIVED NAVD88

SITE BM#100	CHISELED "x" ON NORTH RIM OF STORM MANHOLE (STR. #1) LOCATED ±50' NE OF THE NE BLDG COR OF #270 GLENHURST DR ±3' EAST OF SIDEWALK.	ELEV.≈754.02
SITE BM#101	SET BENCH TIE IN SOUTH FACE OF UTILITY POLE LOCATED ±13' NORTH OF THE NW BLDG COR OF #270 GLENHURST DR ±17' SOUTH OF CL FENCE.	ELEV.≈755.68

SURVEYOR'S COMMENTS

- THIS TOPOGRAPHICAL MAP IS BASED UPON A FIELD SURVEY PERFORMED BY SPALDING DEDECKER INC. DURING MARCH OF 2022.
- THE PROPERTY LINES/RIGHT-OF-WAY LINES SHOWN ON THIS TOPOGRAPHICAL SURVEY ARE INTENDED TO BE AN APPROXIMATE GRAPHICAL REPRESENTATION BASED UPON A COMBINATION OF A PROVIDED LEGAL DESCRIPTION, FOUND FIELD MONUMENTATION AND OCCUPATION. A COMPLETE PROPERTY LINE ANALYSIS HAS NOT BEEN PERFORMED AND PROPERTY CORNERS HAVE NOT BEEN SET IN THE FIELD PER THE AGREED TO SCOPE OF SERVICES.
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE SEARCH THAT WOULD IDENTIFY ANY RECORDED EASEMENTS THAT ENCUMBER THIS PROPERTY. THEREFORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHT-OF-WAY TAKINGS AND RESTRICTIVE COVENANTS THAT ARE NOT SHOWN.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS THE STATE PLANE GRID AND THE UNITS ARE INTERNATIONAL FEET AS ESTABLISHED WITH RTK GPS MEASUREMENTS USING A DATA LINK TO THE MDOT CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS). THE COORDINATE SYSTEM FOR THIS SURVEY IS THE STATE PLANE COORDINATE SYSTEM, MICHIGAN SOUTH ZONE (2113) BASED ON NAD83 (2011).
- PROPERTY LINES HAVE BEEN ROTATED TO STATE PLANE GRID BEARINGS; THEREFORE, THE BEARINGS OF THE PROPERTY LINES ON THE DRAWING WILL NOT MATCH THOSE SHOWN IN THE LEGAL DESCRIPTION.
- THE VERTICAL DATUM OF THIS SURVEY IS BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AS ESTABLISHED WITH RTK GPS MEASUREMENTS USING A DATA LINK TO THE MDOT CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS).

LEGAL DESCRIPTION

SOURCE: OAKLAND COUNTY
OWNER: HALPERT INVESTMENTS LLC
TAX PARCEL ID: 19-35-127-033
ADDRESS: 270 S GLENHURST DRIVE

T2N, R10E, SEC 35 THE MEYERLING LAND COMPANY'S BIRMINGHAM HIGHLANDS SUB PART OF LOTS 51, 53 & 54 BEG AT SE COR OF LOT 51 TH N 88-59-11 W 93.94 FT ALG S LINE OF LOT 51, TH N 63-55-38 W 10.0 FT ALG S LINE OF LOT 54, TH N 15-06-41 E 103.70 FT, TH N 84-26-06 E 66.69 FT, TH S 04-54-30 E 113.10 FT ALG E LINE OF LOT 51 TO BEG

STRUCTURE TABLE

#	TYPE	RIM	SIZE	MTL	INVERT	DIRECTION	CONNECT
1	SEWER MANHOLE	754.00	10"	CLAY	747.96	EAST	2
			15"	CLAY	744.52	SOUTH	3
			15"	CLAY	744.62	NORTH	
2	SQUARE CATCH BASIN	753.09	10"	PVC	748.71	WEST	1
			10"	PVC	749.27	EAST	
3	SEWER MANHOLE	753.10	8"	PVC	743.76	WEST	
			10"	CLAY	747.50	EAST	
			15"	CLAY	743.38	NORTH	1
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SCOTT J. KEHRER
PROFESSIONAL SURVEYOR No. 4001052477

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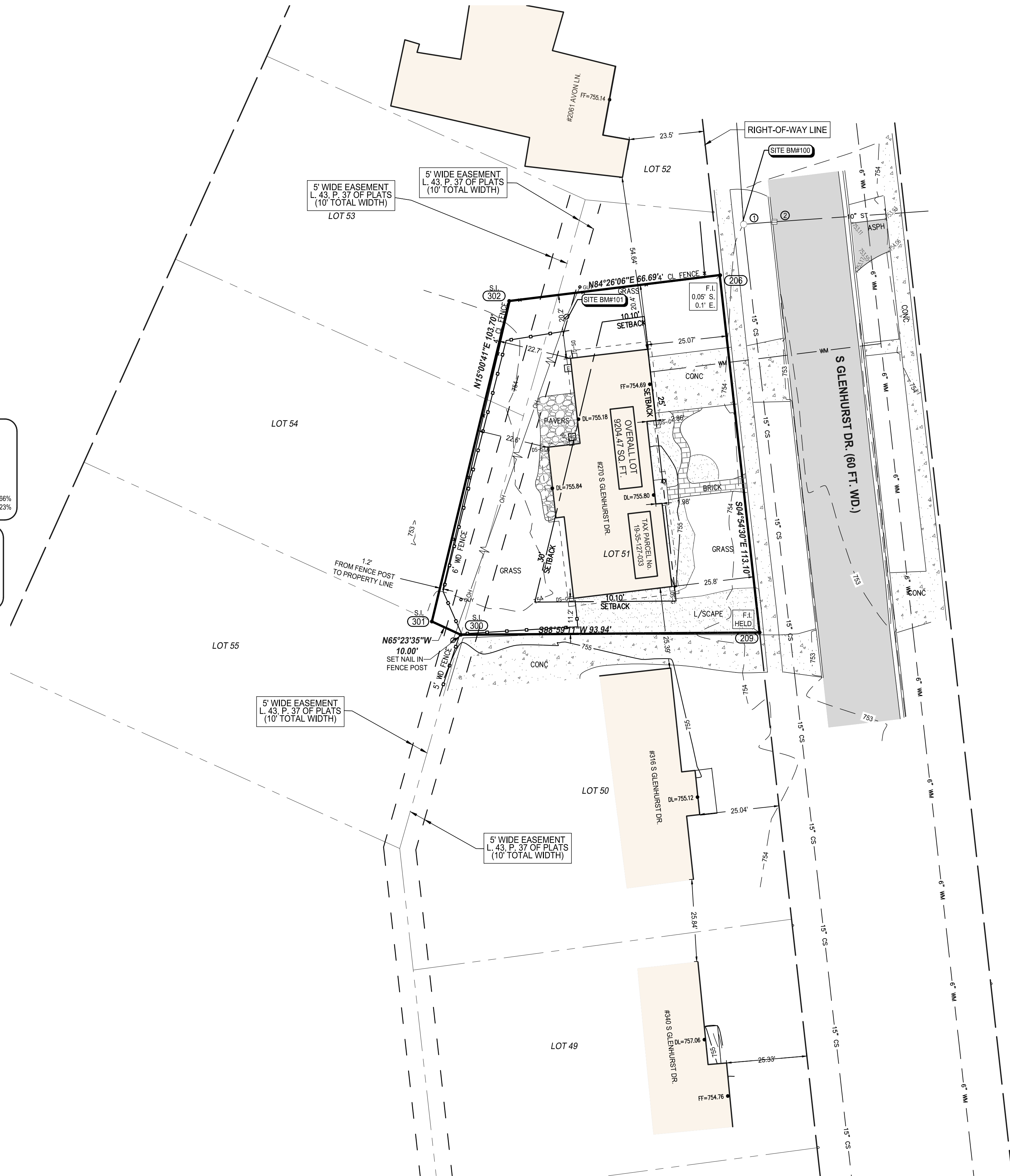
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VARIANCE C, GARAGE DOOR SIZE	9 FEET	18 FEET	18 FEET	9 FEET	4.70 SS2
VARIANCE D, SIDE HOUSE DISTANCE	28.28 FEET	25.39 FEET	25.39 FEET	2.89 FEET	4.69, SS-01

SITE COVERAGE

LOT SIZE:	9,204 SQ. FT.
HOUSE SIZE:	2,158 SQ. FT.
DRIVEWAY SIZE:	441 SQ. FT.
FRONT WALKWAY:	178 SQ. FT.
REAR PATIO:	279 SQ. FT.
OPEN SPACE:	6,148 SQ. FT. OR 66%
LOT COVERAGE:	2,158 SQ. FT. OR 23%

SIDE SETBACK

FRONT WIDTH:	113.10 FT.
REAR WIDTH:	104.83 FT.
AVERAGE WIDTH:	108.97 FT.
SIDE SETBACK:	10.10 FT.



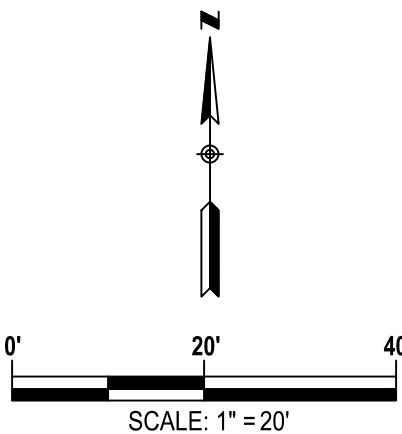
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#270 GLENHURST DR.

BIRMINGHAM, MI

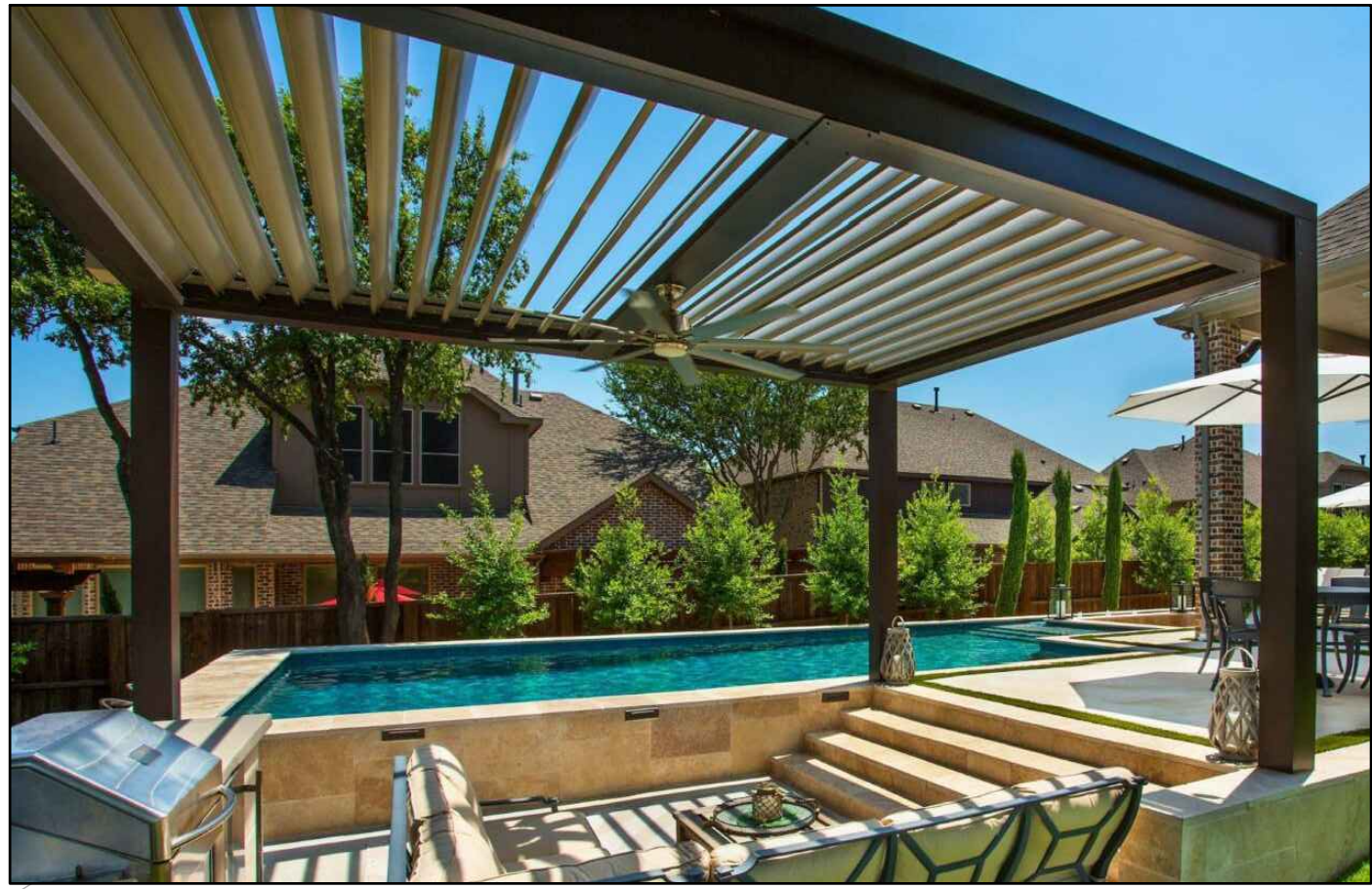
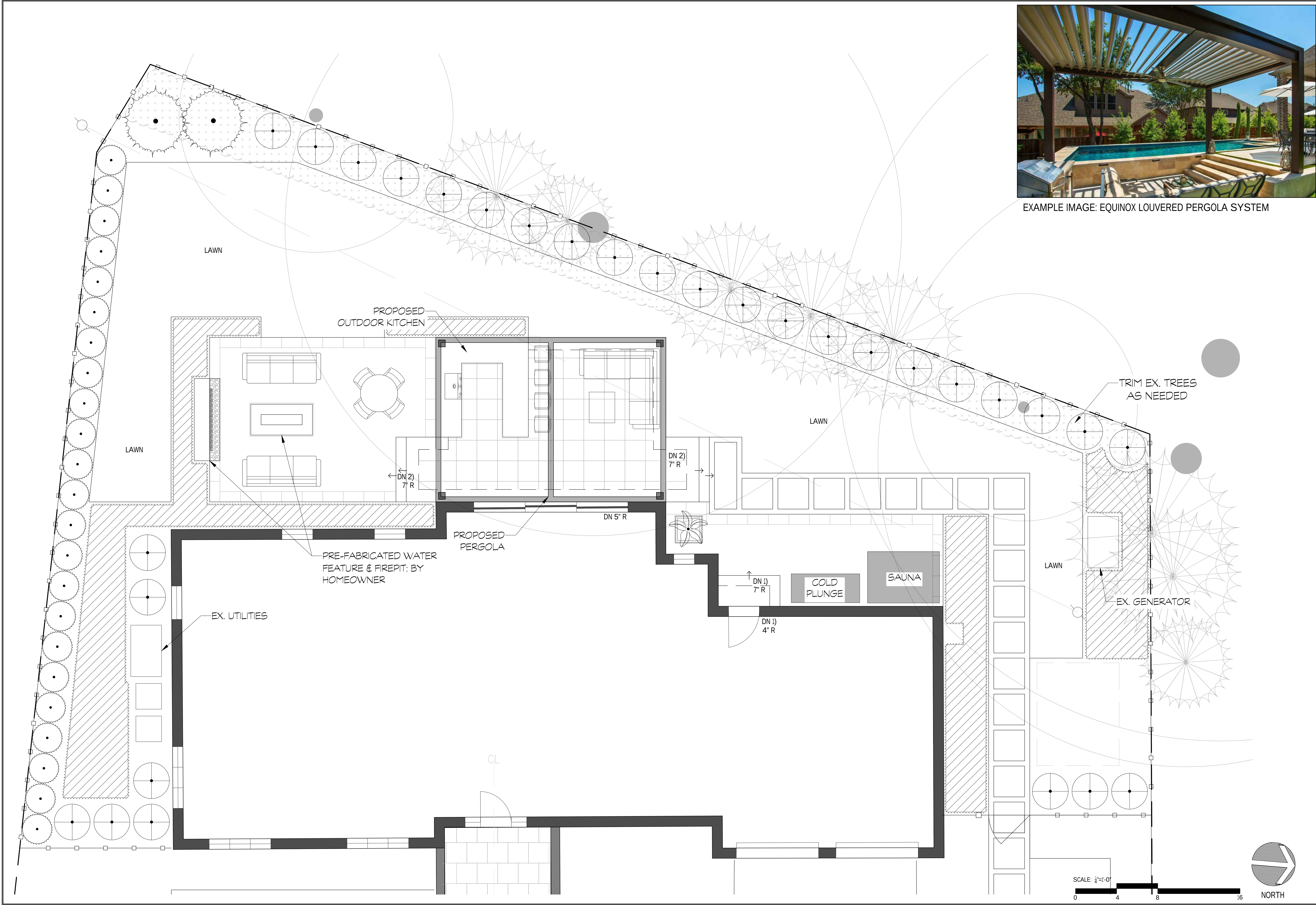
TOPOGRAPHICAL SURVEY

SECTION 35
TOWN 02 NORTH RANGE 10 EAST
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

NO.	DATE	REVISION
1	3-12-22	ADDED VARIANCE INFORMATION

VERIFY SCALES	
BAR IS ONE INCH ON ORIGINAL DRAWING	
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
DRAFTER M.VAPHIADIS	DATE 03-11-22
CHECKED S.KEHRER	DATE 03-11-2022
FIELD LEADER S.MAYER	PROJECT SURVEYOR S.DUNN
PROJECT MANAGER S.KEHRER	DEPARTMENT MANAGER C.PLATZ
JOB NO. SM22046TP	DRAWING NO. SM22046TPG-a
SCALE: 1" = 20'	SHEET NO. 2 OF 2

c:\users\bruce\great_oaks_landscape_team - landscape projects\design - kavanaugh_residence\layouts\2025.08.07 - landscapeplan-kavanaugh_residence.brdwg



GREAT OAKS
LANDSCAPE

5805 SAMUEL LINDEN COURT NEW, MICHIGAN 48377
PHONE 568 348 5555 • FAX 568 348 5555
• greatoakslandscapes.com

LANDSCAPE ARCHITECTURE
HORTICULTURAL SERVICES
ALL MAJOR MAINTENANCE
INTERIORS

KAVANAUGH RESIDENCE

PROJECT: 270 S. GLENHURST DRIVE BIRMINGHAM, MI 48009

SUBJECT: LANDSCAPE PLAN

Client: DAMIEN AND JENNIFER KAVANAUGH

Project #: _____

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

Drawn by: BR

Checked by: JA

Date:	JUNE 19, 2024
Revisions:	JUNE 30, 2024
	JULY 16, 2024
	AUGUST 08, 2025

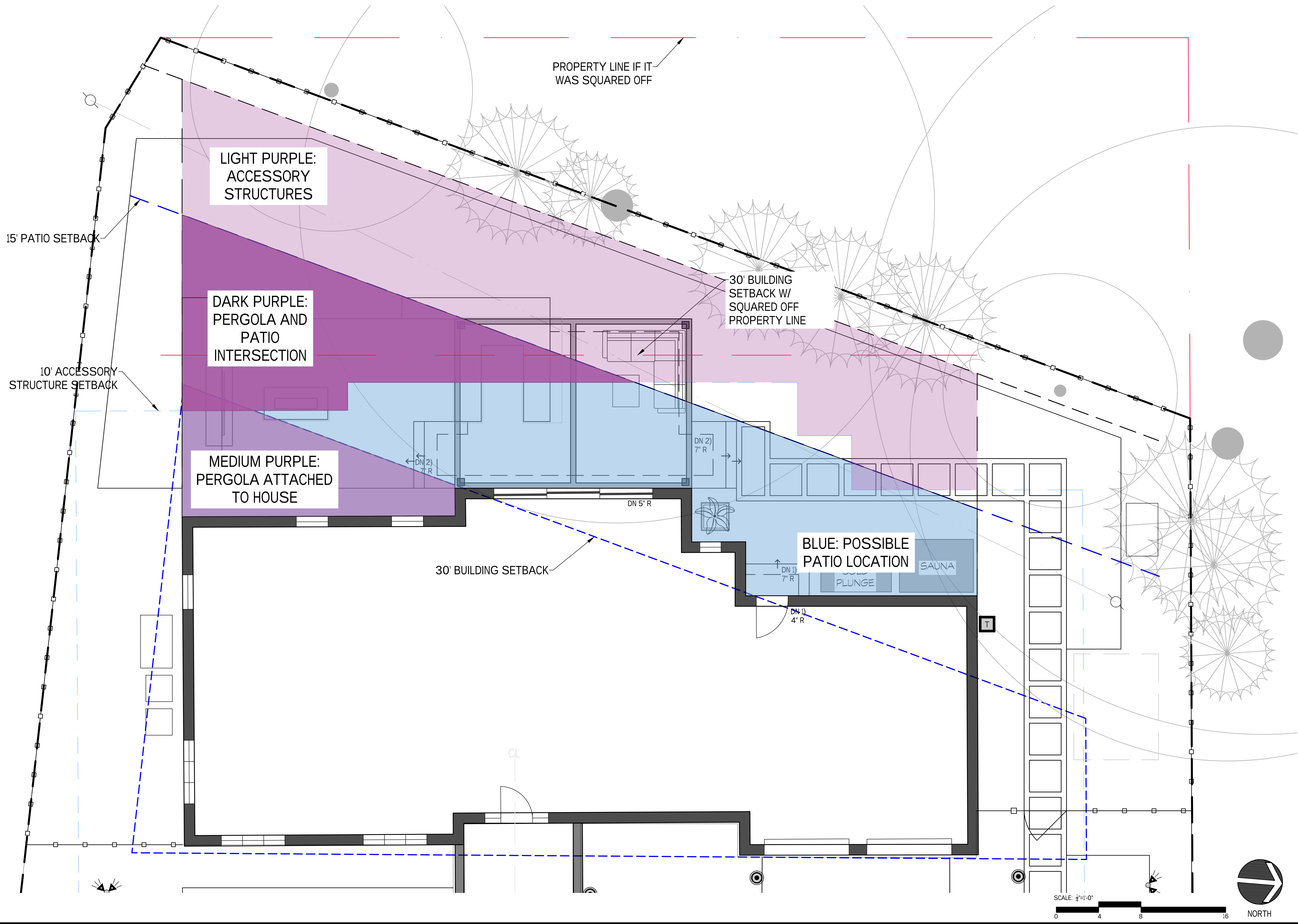
This plan is a landscape concept and it is intended that the designer be involved to consider on-site decisions. The plan's design is not to be used for construction without the approval of Great Oaks Landscape Associates, Inc. for its sole use. Unauthorized use of this plan is prohibited.

LANDSCAPE PLAN (EXIMAGES)



LOT COVERAGE DETAILS - KAVANAUGH RESIDENCE		
270 S. Glenhurst Drive		
R1 Zoning		
Minimum Lot Size 9000 sq ft		
Maximum Lot Coverage 30%		
Minimum Open Space = 40%		
Minimum Front Open Space = 65%		
LOT COVERAGE Description	Current Existing Conditions (sq ft)	Proposed Conditions (sq ft)
Lot Size	9208	9208
House Foot Print	2181	2181
Frontyard Steps and Walk (36" wide)	305.5	305.5
Driveway	451.3	451.3
Backyard Patio and Hardscape	0	1129.9
Sum of Above Less Lot Size	2937.8	4067.7
Lot Coverage	23.69%	23.69%
Percent Open Space	68.10%	55.82%

c:\users\bruce\great_oaks_landscape_team - landscape projects\design - kavanaugh_residence\layouts\2025.08.07 - landscapeplan-hz\plans_kavanaughres-br.dwg

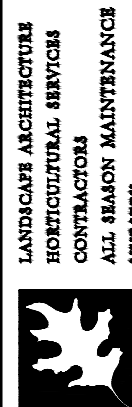


KAVANAUGH RESIDENCE

PROJECT: 270 S. GLENHURST DRIVE, BIRMINGHAM, MI 48009

SUBJECT: LANDSCAPE PLAN - SETBACK PLAN

Client: DAMIEN AND JENNIFER KAVANAUGH



GREAT OAKS
LANDSCAPE

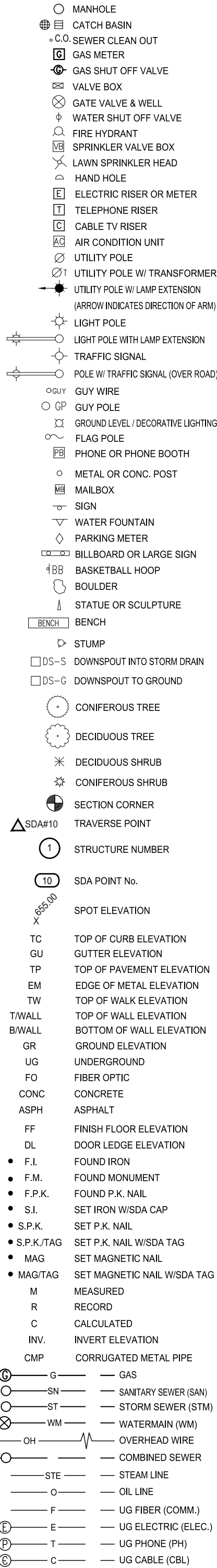
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PHONE 248.349.8355 ■ FAX 248.349.8356
■ greatoakslandscape.com

LANDSCAPE ARCHITECTURE
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INTERIORS

Project #:	JUNE 19, 2024
Scale:	1/4"=1'-0"
Drawn by:	BR
Checked by:	J.A
Date:	JUNE 30, 2024
Revisions:	JULY 16, 2024
	AUGUST 08, 2025

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LEGEND



LOCATION MAP

NOT TO SCALE

BENCHMARK DESCRIPTIONS

DATUM: CITY OF BIRMINGHAM VERTICAL DATUM

SITE BM#100	CHISELED "X" ON NORTH RIM OF STORM MANHOLE (STR. #1) LOCATED ±50' NE OF THE NE BLDG COR OF #270 GLENHURST DR & ±3' EAST OF SIDEWALK. ELEV. = 754.02
SITE BM#101	SET BENCH TIE IN SOUTH FACE OF UTILITY POLE LOCATED ±13' NORTH OF THE NW BLDG COR OF #270 GLENHURST DR & ±7' SOUTH OF CL FENCE. ELEV. = 755.68

SURVEYOR'S COMMENTS

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- SPALDING DEDECKER CONTACTED THE CITY OF BIRMINGHAM ENGINEERING DEPARTMENT TO GET COPIES OF BOTH THE WATER AND SEWER CARDS FOR THE SURVEYED PAREL. THE ENGINEERING DEPARTMENT RECOVERED INFORMATION FOR THE WATER LEAD, BUT THEY DID NOT HAVE INFORMATION FOR THE LOCATION OF THE SEWER LEAD TO THE HOUSE.

LEGAL DESCRIPTION

SOURCE: OAKLAND COUNTY
OWNER: HALPERT INVESTMENTS LLC
TAX PARCEL ID: 19-35-127-033
ADDRESS: 270 S GLENHURST DRIVE

T2N, R10E, SEC 35 THE MEYERING LAND COMPANY'S BIRMINGHAM HIGHLANDS SUB PART OF LOTS 51, 53 & 54 BEG AT SE COR OF LOT 51 TH S 88-59-11 W 93.84 FT ALG S LINE OF LOT 51, TH N 63-55-38 W 10.0 FT ALG S LINE OF LOT 54, TH N 15-00-41 E 103.70 FT, TH N 84-26-06 E 66.69 FT, TH S 04-54-30 E 113.10 FT ALG E LINE OF LOT 51 TO BEG

STRUCTURE TABLE

#	TYPE	RIM	SIZE	MTL	INVERT	DIRECTION	CONNECT
1	SEWER MANHOLE	754.00	10"	CLAY	747.96	EAST	2
			15"	CLAY	744.52	SOUTH	3
			15"	CLAY	744.62	NORTH	
2	SQUARE CATCH BASIN	753.09	10"	PVC	748.71	WEST	1
			10"	PVC	749.27	EAST	
3	SEWER MANHOLE	753.10	8"	PVC	743.76	WEST	
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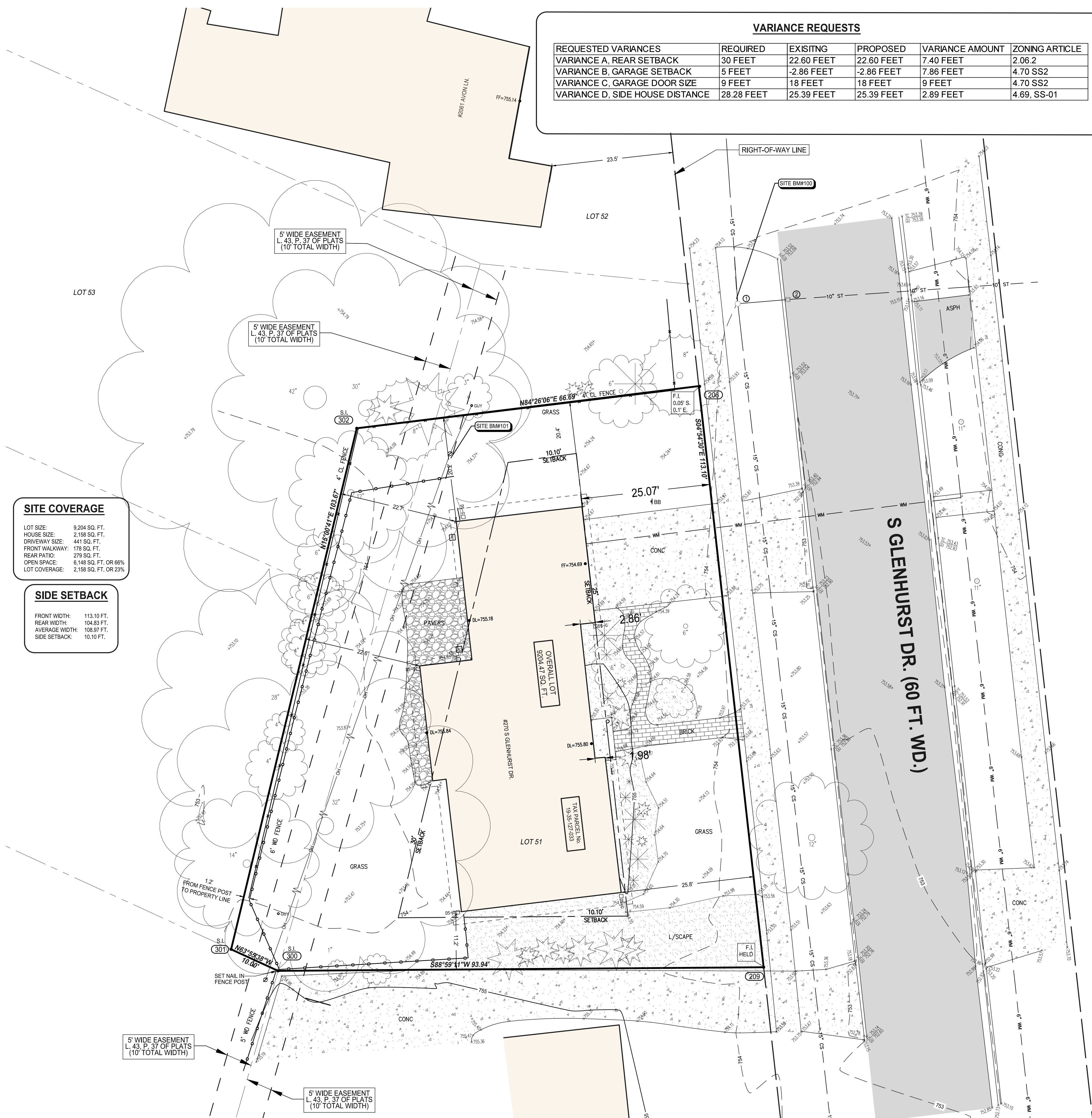
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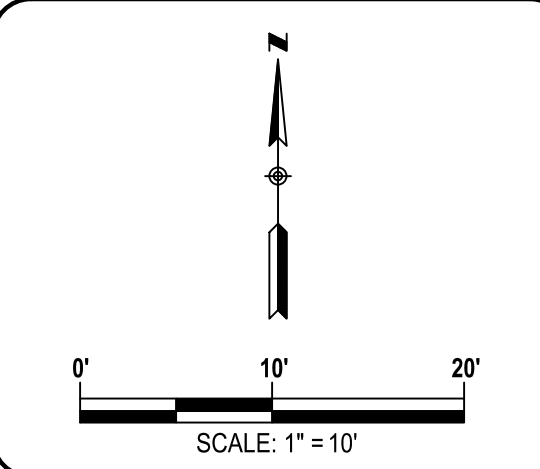
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#270 GLENHURST DR.

BIRMINGHAM, MI

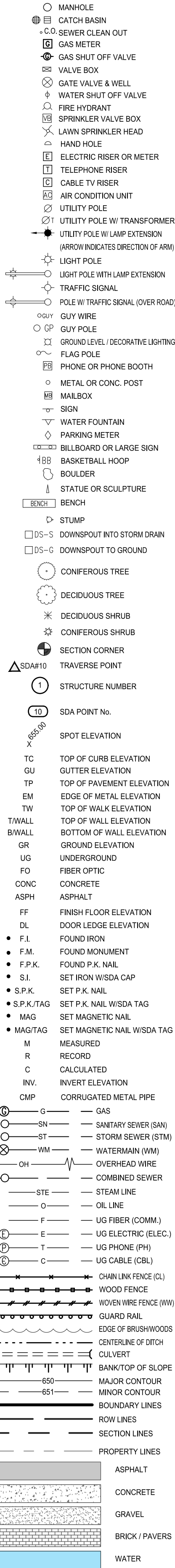
BOUNDARY AND TOPOGRAPHICAL SURVEY

SECTION 35
TOWN 02 NORTH RANGE 10 EAST
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN

NO.	DATE	REVISION
1	3-12-22	ADDED VARIANCE INFORMATION

VERIFY SCALES	
BAR IS ONE INCH ON ORIGINAL DRAWING	
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY	
DRAFTER M.VAPHIADIS	DATE 03-11-2022
CHECKED S.KEHRER	DATE 03-11-2022
FIELD LEADER S.MAYER	PROJECT SURVEYOR S.DUNN
PROJECT MANAGER S.KEHRER	DEPARTMENT MANAGER C.PLATZ
JOB NO. SM22046TP	DRAWING NO. SM22046TPG-a
SCALE: 1" = 10'	SHEET NO. 1 OF 2

LEGEND



LOCATION MAP

NOT TO SCALE

BENCHMARK DESCRIPTIONS

DATUM: GPS-DERIVED NAVD88

SITE BM#100	CHISELED "x" ON NORTH RIM OF STORM MANHOLE (STR. #1) LOCATED ±50' NE OF THE NE BLDG COR OF #270 GLENHURST DR ±3' EAST OF SIDEWALK.	ELEV.≈754.02
SITE BM#101	SET BENCH TIE IN SOUTH FACE OF UTILITY POLE LOCATED ±13' NORTH OF THE NW BLDG COR OF #270 GLENHURST DR ±17' SOUTH OF CL FENCE.	ELEV.≈755.68

SURVEYOR'S COMMENTS

- THIS TOPOGRAPHICAL MAP IS BASED UPON A FIELD SURVEY PERFORMED BY SPALDING DEDECKER INC. DURING MARCH OF 2022.
- THE PROPERTY LINES/RIGHT-OF-WAY LINES SHOWN ON THIS TOPOGRAPHICAL SURVEY ARE INTENDED TO BE AN APPROXIMATE GRAPHICAL REPRESENTATION BASED UPON A COMBINATION OF A PROVIDED LEGAL DESCRIPTION, FOUND FIELD MONUMENTATION AND OCCUPATION. A COMPLETE PROPERTY LINE ANALYSIS HAS NOT BEEN PERFORMED AND PROPERTY CORNERS HAVE NOT BEEN SET IN THE FIELD PER THE AGREED TO SCOPE OF SERVICES.
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE SEARCH THAT WOULD IDENTIFY ANY RECORDED EASEMENTS THAT ENCUMBER THIS PROPERTY. THEREFORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHT-OF-WAY TAKINGS AND RESTRICTIVE COVENANTS THAT ARE NOT SHOWN.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS THE STATE PLANE GRID AND THE UNITS ARE INTERNATIONAL FEET AS ESTABLISHED WITH RTK GPS MEASUREMENTS USING A DATA LINK TO THE MDOT CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS). THE COORDINATE SYSTEM FOR THIS SURVEY IS THE STATE PLANE COORDINATE SYSTEM, MICHIGAN SOUTH ZONE (2113) BASED ON NAD83 (2011).
- PROPERTY LINES HAVE BEEN ROTATED TO STATE PLANE GRID BEARINGS; THEREFORE, THE BEARINGS OF THE PROPERTY LINES ON THE DRAWING WILL NOT MATCH THOSE SHOWN IN THE LEGAL DESCRIPTION.
- THE VERTICAL DATUM OF THIS SURVEY IS BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AS ESTABLISHED WITH RTK GPS MEASUREMENTS USING A DATA LINK TO THE MDOT CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS).

LEGAL DESCRIPTION

SOURCE: OAKLAND COUNTY
OWNER: HALPERT INVESTMENTS LLC
TAX PARCEL ID: 19-35-127-033
ADDRESS: 270 S GLENHURST DRIVE

T2N, R10E, SEC 35 THE MEYERLING LAND COMPANY'S BIRMINGHAM HIGHLANDS SUB PART OF LOTS 51, 53 & 54 BEG AT SE COR OF LOT 51 TH N 88-59-11 W 93.94 FT ALG S LINE OF LOT 51, TH N 63-55-38 W 10.0 FT ALG S LINE OF LOT 54, TH N 15-06-41 E 103.70 FT, TH N 84-26-06 E 66.69 FT, TH S 04-54-30 E 113.10 FT ALG E LINE OF LOT 51 TO BEG

STRUCTURE TABLE

#	TYPE	RIM	SIZE	MTL	INVERT	DIRECTION	CONNECT
1	SEWER MANHOLE	754.00	10"	CLAY	747.96	EAST	2
			15"	CLAY	744.52	SOUTH	3
			15"	CLAY	744.62	NORTH	
2	SQUARE CATCH BASIN	753.09	10"	PVC	748.71	WEST	1
			10"	PVC	749.27	EAST	
3	SEWER MANHOLE	753.10	8"	PVC	743.76	WEST	
			10"	CLAY	747.50	EAST	
			15"	CLAY	743.38	NORTH	1
			15"	CLAY	743.30	SOUTH	

THE STRUCTURE TABLE ON THIS DRAWING IDENTIFIES THE AS-SURVEYED UNDERGROUND UTILITY MANHOLES THAT WERE FIELD MEASURED USING REASONABLE AND TRADITIONAL SURVEYING PRACTICES. PIPE SIZES, DIRECTIONS AND ELEVATIONS ARE INDICATED BY A COMBINATION OF FIELD EVIDENCE AND AVAILABLE RECORD INFORMATION. UNDERGROUND UTILITY PIPE SIZES AND CONNECTIONS ARE MANY TIMES AMBIGUOUS. SOME STRUCTURES MAY HAVE PIPES WITH UNKNOWN CONNECTIONS, SUMPS AND / OR PIPES THAT ARE FILLED WITH DEBRIS. IT WILL BE UP TO THE DESIGN ENGINEER TO LOOK AT THE PRESENTED SURVEY RESULTS AND DECIDE IF FURTHER INVESTIGATION BY OTHER METHODS SUCH AS VACUUM CLEAN OUT, UNDERGROUND RADAR, SMOKE TESTING AND PHYSICAL EXCAVATION IS REQUIRED AS AN ADDITIONAL SERVICE.

SURVEYOR'S STATEMENT

WE HEREBY STATE THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND IS FROM ACTUAL FIELD MEASUREMENTS UNLESS OTHERWISE NOTED.

SCOTT J. KEHRER
PROFESSIONAL SURVEYOR No. 4001052477

VARIANCE REQUESTS

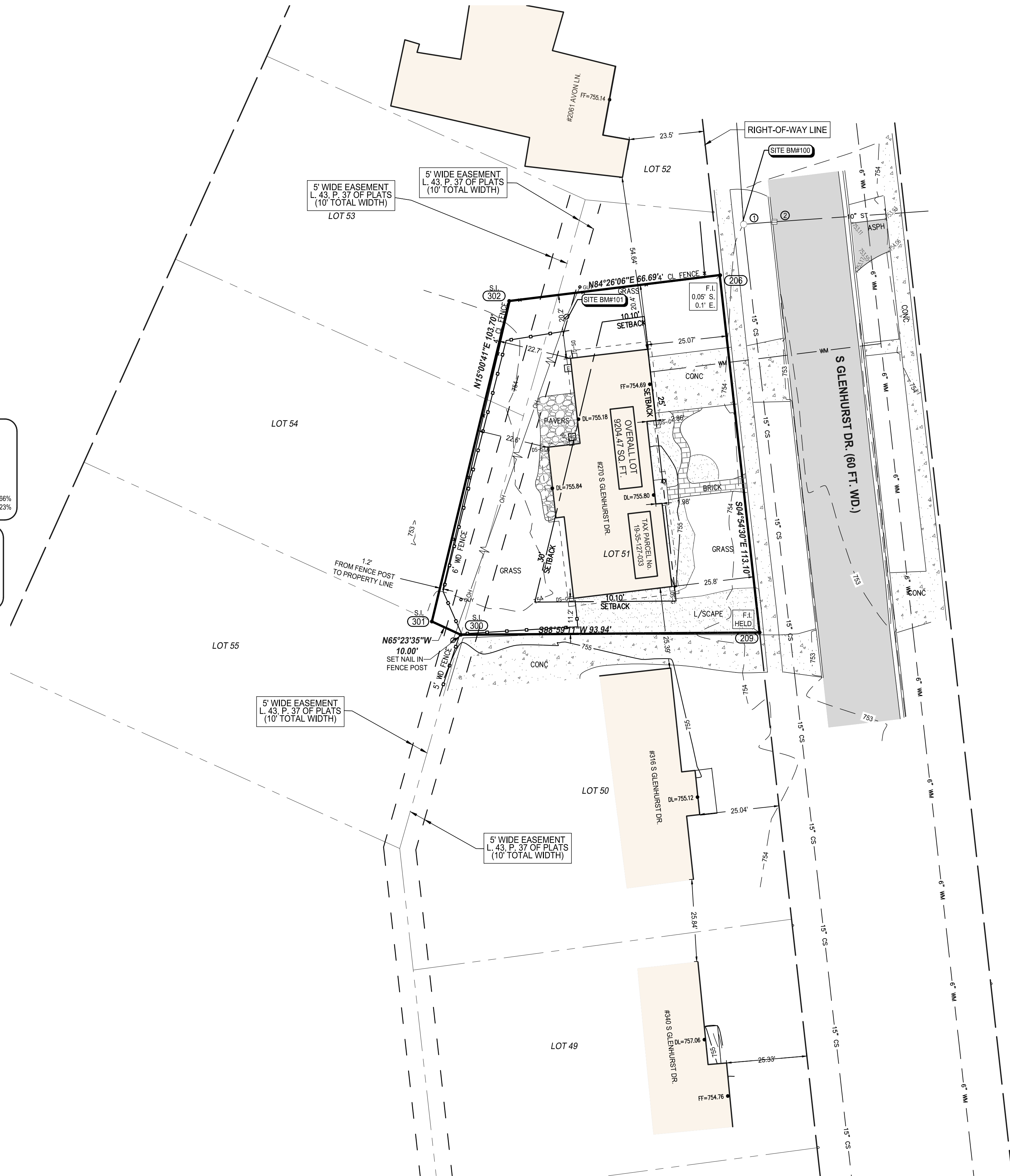
REQUESTED VARIANCES	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT	ZONING ARTICLE
VARIANCE A, REAR SETBACK	30 FEET	22.60 FEET	22.60 FEET	7.40 FEET	2.06.2
VARIANCE B, GARAGE SETBACK	5 FEET	-2.86 FEET	-2.86 FEET	7.86 FEET	4.70 SS2
VARIANCE C, GARAGE DOOR SIZE	9 FEET	18 FEET	18 FEET	9 FEET	4.70 SS2
VARIANCE D, SIDE HOUSE DISTANCE	28.28 FEET	25.39 FEET	25.39 FEET	2.89 FEET	4.69, SS-01

SITE COVERAGE

LOT SIZE:	9,204 SQ. FT.
HOUSE SIZE:	2,158 SQ. FT.
DRIVEWAY SIZE:	441 SQ. FT.
FRONT WALKWAY:	178 SQ. FT.
REAR PATIO:	279 SQ. FT.
OPEN SPACE:	6,148 SQ. FT. OR 66%
LOT COVERAGE:	2,158 SQ. FT. OR 23%

SIDE SETBACK

FRONT WIDTH:	113.10 FT.
REAR WIDTH:	104.83 FT.
AVERAGE WIDTH:	108.97 FT.
SIDE SETBACK:	10.10 FT.



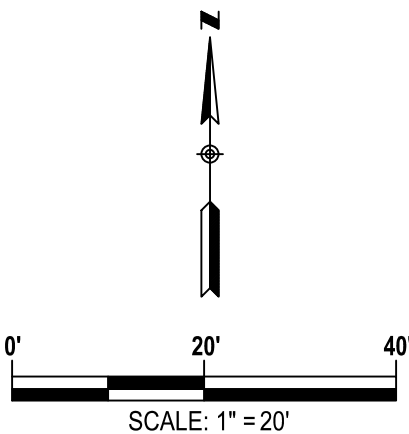
905 South Blvd. East
Rochester Hills, MI 48307
Phone (248) 844-5400
Fax (248) 844-5404

15 E. Baltimore St.
Detroit, MI 48202
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Fax (313) 305-9121

27333 Meadowbrook Rd., Suite 210
Novi, MI 48377
Phone (248) 844-6274

400 Ann St. NW, Suite 204
Grand Rapids, MI 49504
Phone (616) 885-5802

www.sda-eng.com
(800) 598-1600



CLIENT:

RUBICON CAPITAL
28575 GREENFIELD RD
SOUTHFIELD, MI 48076



PRIOR TO CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES (IN CONFLICT WITH PROPOSED IMPROVEMENTS) SHALL BE VERIFIED IN THE FIELD. CALL MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

UTILITY NOTE

UTILITY INFORMATION ON THIS DRAWING MAY BE FROM INFORMATION DISCLOSED TO THIS FIRM BY THE VARIOUS UTILITY COMPANIES, CITY/COUNTY AGENCIES AND OTHER VARIOUS SOURCES. UNDERGROUND UTILITIES WHICH ARE ON PRIVATE PROPERTY ARE USUALLY NOT DELINEATED UPON A UTILITY COMPANY'S PUBLISHED PLANS. THEIR LOCATION, IF SHOWN UPON THIS SURVEY, ARE APPROXIMATED FROM FOUND POINT MARKSTAKES, ETC. AS LOCATED BY THIS FIRM FROM SOURCES WHICH ARE UNKNOWN. NO GUARANTEE IS GIVEN AS TO THE COMPLETENESS OR ACCURACY THEREOF.

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#270 GLENHURST DR.

BIRMINGHAM, MI

TOPOGRAPHICAL SURVEY

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JOB NO. SM22046TP	DRAWING NO. SM22046TPG-a
SCALE: 1" = 20'	SHEET NO. 2 OF 2

**Birmingham Board Of Zoning Appeals Proceedings
Tuesday, April 12, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan**

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, April 12, 2022. Chair Charles Lillie convened the meeting at 7:30 p.m.

2. Rollcall

Present: Chair Charles Lillie; Board Members Jason Canvasser, Kevin Hart, John Miller, Erik Morganroth, Ron Reddy, Pierre Yaldo

Absent: None

Administration:

Bruce Johnson, Building Official
Laura Eichenhorn, City Transcriptionist
Mike Morad, Assistant Building Official
Jeff Zielke, Assistant Building Official

Chair Lillie welcomed those present and reviewed the meeting's procedures.

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

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

3. Announcements

Per the CDC, COVID-19 Community Level for Oakland County is currently Low. The City continues to recommend the public wear masks while attending city meetings. These precautions are recommended while risks for COVID-19 transmission remain from new variants. All City

employees, commissioners and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. The City continues to provide KN-95 respirators for all in-person meeting attendees.

BO Johnson introduced Heather Tolliver, a City employee who would be assisting with BZA correspondence moving forward.

T# 04-13-22

4. Approval Of The Minutes Of The BZA Meetings Of March 8, 2022

On page one, Mr. Canvasser recommended that 'interested in having' be replaced with 'agreed to have'.

Motion by Mr. Morganroth

Seconded by Mr. Reddy to accept the Minutes of the BZA meeting of March 8, 2022 as amended.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Lillie

It was noted by Mr. Canvasser and BO Johnson that Board members were now permitted to vote on meeting minutes even if they were absent from said meeting.

5. Appeals

T# 04-14-22

**1) 1748 Stanley
Appeal 22-08**

ABO Zielke presented the item, explaining that the owner of the property known as 1748 Stanley was requesting the following variance to construct a new detached garage:

A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal residential building on an adjoining lot than the sum of the minimum required side setbacks. The required is 14.00 feet. The proposed is 10.80 feet. Therefore; a variance of 3.20 feet is being requested.

Bruce Bloomingdale, representative for the builder, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Mr. Morganroth, Mr. Bloomingdale said the angle in the foundation was included in order to make a vehicle's entry into the garage easier.

In reply to Mr. Miller, Mr. Bloomingdale said the petitioner did not bring the request to the BZA earlier because the petitioner has generally avoided seeking variances. Mr. Bloomingdale said the petitioner became aware of a recent, similar variance that was granted to a different petitioner and consequently thought it might be worthwhile to request a variance in this case.

Motion by Mr. Hart

Seconded by Mr. Morganroth with regard to Appeal 22-08, A. Chapter 126, Article 4.03(B) of the Zoning Ordinance requires that an accessory building is not permitted to be closer to a principal residential building on an adjoining lot than the sum of the minimum required side setbacks. The required is 14.00 feet. The proposed is 10.80 feet. Therefore; a variance of 3.20 feet is being requested.

Mr. Hart moved to approve the variance and tied the approval to the plans as submitted. He said the appellant adequately described how the lot's circumstances impacted the petitioner's ability to build a two-vehicle garage. Mr. Hart noted that the dimensions of the proposed garage would still be austere and challenging. He said the diagonal cut out of the southwest corner of the house showed evidence of the petitioner's attempts to mitigate the extent of the variance request. He stated that strict compliance with the ordinance would make this lot unnecessarily difficult to navigate. Mr. Hart noted that no fire code issue would arise from granting the variance, that granting the variance would do substantial justice to the petitioner and the neighbors, and that the problem was not self-created. He concluded that easements with DTE are often difficult to determine since they are different for each property.

Mr. Morganroth concurred with Mr. Hart that even with the variance and the diagonal cut in the southwest corner of the house the garage would remain challenging to use. He said the petitioner demonstrated a practical difficulty, showed how the previous plans were inadequate, and showed how this variance was necessary. He said he was supporting the motion for those reasons.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 04-15-22

**2) 1687 Quarton
Appeal 22-09**

ABO Zielke presented the item, explaining that the owner of the property known as 1687 Quarton was requesting the following variances to construct a new home with attached garages with an existing accessory structure:

A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 70.00 feet. The proposed setback for the home is 48.50 feet; therefore, a variance of 21.50 feet is being requested.

B. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the front open space. The required front open space is 38.00 feet. The existing accessory structure is 36.90 feet. Therefore, a variance of 1.10 feet is being requested.

C. Chapter 126, Article 4.03(H) of the Zoning Ordinance requires the maximum area of an accessory structure of 600.00 SF (R1 Zone) and an additional 75 SF is permitted for an interior stairway. The required is 675.00 SF. The existing and proposed is 688.60 SF. Therefore, a variance of 13.60 SF is requested.

Adam Speck, owner, reviewed the letter describing why these variances was being sought. The letter was included in the evening's agenda packet. He added that a number of neighbors were supportive of his request.

In reply to Chair Lillie, Mr. Speck said that if he were to shrink the house to minimize the variance request it would result in approximately a quarter acre of unusable lot space.

Public Comment

David Bozynski, neighbor to the east, spoke against the requested variances with a specific focus on the proposed encroachment into the Quarton-side setback. He said it would be detrimental to his views from his side porch.

In reply to Mr. Canvasser, Mr. Speck said that using the south and southeast areas of the property as a play area would be difficult because of the grade change. He also said that area was less large than the north area of the property.

Chair Lillie noted that while neighbors are welcome to comment on variance requests, the BZA grants or denies variance requests based on whether the petitioner adequately demonstrates a practical difficulty.

Motion by Mr. Miller

Seconded by Mr. Hart with regard to Appeal 22-09, A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 70.00 feet. The proposed setback for the home is 48.50 feet; therefore, a variance of 21.50 feet is being requested; B. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the front open space. The required front open space is 38.00 feet. The existing accessory

structure is 36.90 feet. Therefore, a variance of 1.10 feet is being requested; and, C. Chapter 126, Article 4.03(H) of the Zoning Ordinance requires the maximum area of an accessory structure of 600.00 SF (R1 Zone) and an additional 75 SF is permitted for an interior stairway. The required is 675.00 SF. The existing and proposed is 688.60 SF. Therefore, a variance of 13.60 SF is requested.

Mr. Miller moved to approve the variances and tied the approval to the plans as submitted. He said that the reorientation of the house to face Chesterfield resulted in the existing garage being outside of the building envelope. He said he did not find the extant garage objectionable. He found that the unique circumstances of the property, combined with the reasonable request to reorient the house, were causing the issues being face by the petitioner. Mr. Miller stated that strict compliance with the ordinance would be unnecessarily burdensome and would require the petitioner to tear down the garage.

Mr. Reddy said that strict compliance with the ordinance in this case would not unreasonably prevent the petitioner from using the property. While he understood the desire to preserve the garage, in building a new home Mr. Reddy said it was incumbent upon the petitioner to also give consideration to the zoning requirements. He said he would not be supporting the motion.

Mr. Canvasser said he would not support the motion either. He praised the design, and said it would be an asset to the neighborhood if it was moved to better align with the ordinance. He said the topography remains consistent throughout the buildable envelope and would allow for the building of the proposed home if the extant garage is moved. He said the petitioner had an issue with self-creation that was not overcome.

Chair Lillie said that while he had no issue with the garage, there had been no showing by the petitioner that the house had to extend as far north as proposed. He said he had a problem more specifically with variance A. He said he would not vote to support the motion.

Mr. Morganroth expressed praise for the home's layout. He continued that the second two car garage could be designed smaller, which would help mitigate the variance requests. He said not doing so showed that the proposed plans represented an ideal scenario, not an attempt to resolve a practical difficulty. He said at minimum there could be a three-foot reduction in the variance request just by making the garages the same size.

Motion failed, 2-5.

ROLL CALL VOTE

Yeas: Miller, Hart

Nays: Morganroth, Canvasser, Reddy, Yaldo, Lillie

Chair Lillie advised the petitioner that he could return with another request if the subsequent request represented a substantial change from the previous variance request.

T# 04-16-22

**3) 633 W Frank
Appeal 22-10**

ABO Zielke presented the item, explaining that the owner of the property known as 633 W Frank was requesting the following variance to place A/C units in the required side yard:

A. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the side open space. There are three new A/C units located in the side open space. Therefore, a variance to have A/C units in the side open space is requested.

David Popelier, contractor, reviewed the letter describing why these variances was being sought. The letter was included in the evening's agenda packet.

In reply to Chair Lillie, Mr. Popelier said that the initial error in placement resulted from either the architect or the mechanical engineer. Mr. Popelier confirmed that once construction was started he was notified that there was an error in the placement of the A/C units.

In reply to Mr. Morganroth, Mr. Popelier said he did not realize there was an issue until notified because he had some confusion about the allowances for a regular side yard and the prohibitions in a required side yard. He said he was aware that many properties in the City have A/C units in the regular side yard, and did not realize that these proposed A/C units would be located in the required side yard in this case.

In reply to Mr. Canvasser, Mr. Popelier said he had been unable to source A/C units from his preferred manufacturer that would have more than an 80 foot run. He explained that if he had to place the A/C units in an ordinance-allowed area the run would be just over 100 feet and would not take into account where the furnace room is in relation to the outside wall.

In reply to Board inquiry, Mr. Popelier confirmed there would be five total A/C units.

In Board discussion, Messrs. Miller and Morganroth noted two potential areas where the requested three A/C units could be located that would comply with the ordinance.

Motion by Mr. Reddy

Seconded by Mr. Miller with regard to Appeal 22-10, A. Chapter 126, Article 4.03(A) of the Zoning Ordinance requires no accessory structures shall be located in the side open space. There are three new A/C units located in the side open space. Therefore, a variance to have A/C units in the side open space is requested.

Mr. Reddy moved to deny the variance. He said that strict compliance with the ordinance would not unreasonably prevent the petitioner from using his property for its permitted purposes.

Mr. Miller added there were ordinance-compliant options that would also have the benefit of not negatively impacting the neighbor to the west. He said the size of the lot, the fact that it would be new construction, and the availability of options compelled him to support Mr. Reddy's motion.

Mr. Canvasser said he would support the motion as well, noting that initially only three A/C units were included in the plans and that there were options for placement that would comply with the ordinance. He said the petitioner did not surmount the self-creation issue and so the variances were not justified in this case.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 04-17-22

**4) 270 S Glenhurst
Appeal 22-12**

ABO Zielke presented the item, explaining that the owner of the property known as 270 S Glenhurst was requesting the following variances to construct a second floor addition to an existing non-conforming home:

A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires a minimum rear yard setback of 30.00 feet. The existing and proposed is 22.60 feet. Therefore; a variance of 7.40 feet is being requested.

B. Chapter 126, Article 4.75 (A)1 of the Zoning Ordinance requires that a private attached, single family residential garage must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of a principal residential building that is furthest setback from the front property line. The existing and proposed is 2.86 feet behind the garage. Therefore; a variance of 7.68 feet is being requested.

C. Chapter 126, Article 4.75 (A)2 of the Zoning Ordinance requires garage doors on an attached garage which are facing a street may not exceed 9.00 feet in width. The existing and proposed is 18.00 feet. Therefore; a variance of 9.00 feet is being requested.

D. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots be 14.00 feet or 25% of the total lot width whichever is larger. The required is 28.28 feet. The existing and

proposed is 25.39 feet on the south side. Therefore; a variance of 2.89 feet is being requested.

Joseph Brown, representative for the petitioner, reviewed the letter describing why these variances was being sought. The letter was included in the evening's agenda packet.

In reply to Mr. Morganroth, Mr. Brown said he was not opposed to maintaining 18 inches between the two garage doors.

In reply to a question from Mr. Canvasser, BO Johnson stated that if the Board chose not to approve variance C Staff could handle variance C's omission during the review process.

Motion by Mr. Canvasser

Seconded by Mr. Morganroth with regard to Appeal 22-12, A. Chapter 126, Article 2.06.2 of the Zoning Ordinance requires a minimum rear yard setback of 30.00 feet. The existing and proposed is 22.60 feet. Therefore; a variance of 7.40 feet is being requested; B. Chapter 126, Article 4.75 (A)1 of the Zoning Ordinance requires that a private attached, single family residential garage must be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of a principal residential building that is furthest setback from the front property line. The existing and proposed is 2.86 feet behind the garage. Therefore; a variance of 7.68 feet is being requested; and, D. Chapter 126, Article 4.74(C) of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots be 14.00 feet or 25% of the total lot width whichever is larger. The required is 28.28 feet. The existing and proposed is 25.39 feet on the south side. Therefore; a variance of 2.89 feet is being requested.

Mr. Canvasser moved to approve variances A, B, and D and tied their approval to the plans as submitted with an exception depending on the outcome of Variance C. He noted that if the petitioner chose to create two garage doors, that exception to the plans should be approved at the City level. He continued that 270 S. Glenhurst is an existing non-conforming home, and that none of the non-conformities would be exacerbated by the requested variances. He praised the design, noted that the home would remain within its current footprint, and said it would do substantial justice to the neighborhood. He stated that there were practical difficulties due to some unique circumstances.

Mr. Miller offered support for the motion, stating that the surrounding properties would experience no negative impacts from the granting of the three variances.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Canvasser

Seconded by Mr. Reddy with regard to Appeal 22-12, C. Chapter 126, Article 4.75 (A)2 of the Zoning Ordinance requires garage doors on an attached garage which are facing a street may not exceed 9.00 feet in width. The existing and proposed is 18.00 feet. Therefore; a variance of 9.00 feet is being requested.

Mr. Canvasser moved to deny variance C. He noted the petitioner expressed willingness to comply with this aspect of the ordinance.

Mr. Yaldo said the BZA had not heard whether compliance with the ordinance would pose a practical difficulty, and asked the petitioner to comment.

Mr. Brown said they would work with their structural engineer and the City to comply with this aspect of the ordinance, and would come back to the Board if they found that compliance posed a practical difficulty.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

T# 04-18-22

**5) 1563 Lakeside
Appeal 22-13**

ABO Zielke presented the item, explaining that the owner of the property known as 1563 Lakeside was requesting the following variances to construct a new single-family home with an attached garage:

A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested.

B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested.

C. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

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

Motion by Mr. Hart

Seconded by Mr. Canvasser with regard to Appeal 22-13, A. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for the home is 33.40 feet; therefore, a variance of 13.00 feet is requested; B. Chapter 126, Article 4, Section 4.61(1) of the Zoning Ordinance requires the minimum street side yard setback for this property to be 46.40 feet. The proposed setback for a covered porch is 27.40 feet; therefore, a variance of 19.00 feet is requested; and, C. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios may not project into a required side open space. A proposed patio is projecting into the west required side open space 9.00 feet; therefore, a variance of 9.00 feet is requested.

Mr. Hart moved to approve the variances and tied approval to the plans as submitted. He noted that while the petitioner updated the design, the petitioner still faced the same conditions in this submittal as in an earlier, approved submittal. He said the same reasons for granting the variances in February 2022 remained true presently.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

6. Correspondence

A letter regarding Appeal 22-10 was provided to the BZA and to the petitioner.

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

None.

T# 04-19-22

8. Election of Chair and Vice-Chair

Mr. Hart nominated Mr. Morganroth to serve as Chair. Chair Lille then nominated Mr. Canvasser to serve as Chair.

Each nominee spoke briefly about his proposed approach to serving as Chair.

The Board decided that whoever received the most votes would serve as Chair, with the runner-up serving as Vice-Chair.

A vote on Mr. Morganroth's nomination was held first. The outcome led to Mr. Morganroth being appointed as Chair and Mr. Canvasser being appointed as Vice-Chair.

Nomination by Mr. Hart:

To appoint Erik Morganroth as the Chair of the Board of Zoning Appeals.

Motion carried, 5-2.

ROLL CALL VOTE

Yeas: Miller, Hart, Morganroth, Yaldo, Lillie

Nays: Canvasser, Reddy

T# 04-20-22

8. Adjournment

Motion by Chair Morganroth

Seconded by Vice-Chair Canvasser to adjourn the April 12, 2022 BZA meeting at 9:23 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None



Bruce R. Johnson, Building Official



Laura Eichenhorn
City Transcriptionist

CASE DESCRIPTION

309 Arlington (25-27)

Hearing date: September 9, 2025

Appeal No. 25-27: The owner of the property known **309 Arlington**, requests the following variance to install a generator in the side yard.

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 in the rear open space. A proposed side yard location is being requested.

Staff Notes: This was a new home constructed in 2023. There was an Interior renovation was completed in 2025. The applicant is now looking to install a generator to the home and is seeking a variance for locating it in the side yard.

This property is zoned R1A – Single family residential.

Jeff Zielke, NCIDQ, LEED AP, COSS
Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

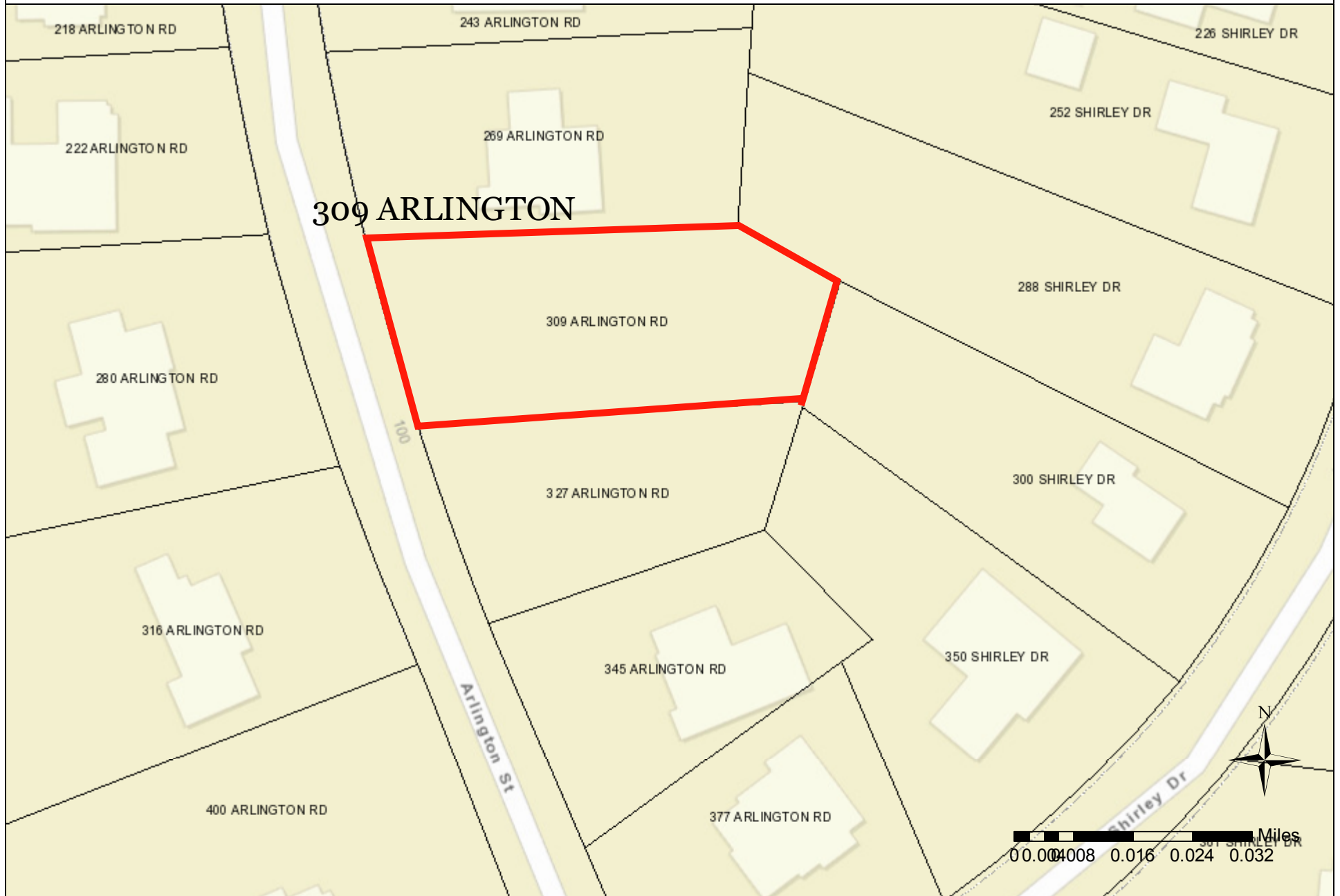
8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

309 ARLINGTON MAP



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 309 Arlington St Birmingham, MI 48009	Lot Number: Lot 1, Block 5	Sidwell Number: 19-35-226-018
---	-------------------------------	----------------------------------

II. OWNER INFORMATION:

Name: Jennifer Gilbert			
Address: 309 Arlington St	City: Birmingham	State: MI	Zip code: 48009
Email: * matthew.wizik@rockventures.com		Phone: 310-422-1929	

III. PETITIONER INFORMATION:

Name: Mike Yager		Firm/Company Name: Skilform Architects	
Address: 460 Hilton Rd	City: Ferndale	State: MI	Zip code: 48220
Email: myager@skilform.com		Phone: 248-761-6402	

IV. GENERAL INFORMATION:

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

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

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

Please provide the following in your electronic submission:

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: _____

Date: 8/8/25

Signature of Petitioner: _____

Date: 2025-08-08

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

ARTICLE I - Appeals

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

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

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

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

A handwritten signature in black ink, appearing to be "Jm [unclear]", written over a horizontal line.

Signature of Applicant

August 12, 2025

Variance: Practical Difficulty Request for Generator Location

Property Location:
309 Arlington Street
Birmingham, MI 48009

Prepared by: Michael Yager
Owner & Partner Skilform Architects (2017-Present)

To whom it may concern,

The homeowner located at 309 Arlington Street, Birmingham, Michigan is seeking a variance to keep the generator located within the side yard setback on the North side of the property.

During the permitting process and beginning of construction (February 2023) the generator location was allowed within the side yard setback. During construction the building contractor installed the electrical panel, electrical conduit and gas supply to the generator located within the side yard setback on North side of the property. Both electrical conduit and gas supply were tested, inspected & approved. This allowed the homeowner to design and install extensive landscaping to accommodate the generator in the proposed location.

The homeowner is requesting a variance to keep the generator located within the side yard setback as originally intended during the permitting and construction process.

Sincerely,



Michael J Yager
Owner & Partner Skilform Architects

LEGEND

	EXISTING GRADE		EXISTING ASPHALT PAVEMENT TO REMAIN
	EXISTING CONTOURS, 1' INTERVAL		PROPOSED NEW PAVEMENT AREAS
	PROPOSED GRADE		EXISTING TREE TO REMAIN
	AS-BUILT GRADE		DIRECTION OF SURFACE DRAINAGE

LOCATION MAP

SCALE: 1"=2000'

PROPERTY DESCRIPTION

THE LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOT 1, BLOCK 5, ASSESSOR'S REPLAT OF CORYELL PARK, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 48 OF PLATS, PAGE 38, OAKLAND COUNTY RECORDS.

BENCHMARKS

CITY BENCHMARK #20
CENTERLINE OF CHESTERFIELD AT THE SOUTH LINE OF MAPLE.
ELEVATION = 758.84 (CITY DATUM)

SITE BENCHMARK #1
NORTH RIM OF SEWER MANHOLE IN ARLINGTON ROAD IN FRONT OF RESIDENCE #345.
ELEVATION = 753.97 (CITY DATUM)

SITE CRITERIA

- ADDRESS: #309 ARLINGTON ROAD
- PARCEL ID NO.: 19-35-226-018
- ZONING: R1-A, SINGLE FAMILY RESIDENTIAL
- AVERAGE FRONT SETBACK AS SURVEYED = 67.74'
- REQUIRED REAR SETBACK = 30'
- REQUIRED MINIMUM COMBINED FRONT AND REAR SETBACK = 55'
- REQUIRED MINIMUM SIDE SETBACK = 5'
- LOT WIDTH, MEASURED AT FRONT SETBACK = 99.88'
- REQUIRED MINIMUM SIDE SETBACK, ONE SIDE = 99.88' x 10% = 9.99'
- REQUIRED MINIMUM SIDE SETBACK, ONE SIDE = 99.88' x 25% = 24.97'
- REQUIRED TOTAL SIDE SETBACK = 99.88' x 25% = 24.97'
- REQUIRED DISTANCE BETWEEN STRUCTURES = 24.97'
- PARCEL AREA: 21,102 S.F. (0.484 ACRE)
- LOT COVERAGE ALLOWED = 30% = 6,330 S.F.
- LOT COVERAGE PROPOSED = 4,544 S.F. (21.5%)
- OPEN SPACE REQUIRED = 40% = 8,440 S.F.
- OPEN SPACE PROPOSED = 12,995 S.F. (61.6%)
- FRONT YARD AREA = 6,787 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% = 4,412 S.F.
- FRONT YARD OPEN SPACE PROPOSED = 4,504 S.F. (66.4%)

NOTES

- SURVEY AND TOPOGRAPHY IS AS PERFORMED AND PROVIDED BY KEM-TEC & ASSOCIATES, PROJECT NO. 21-04004B, DATED JANUARY 7, 2022.
- 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.
- ALL RAIN GUTTER DOWNSPOUTS MUST BE CONSTRUCTED IN A MANNER THAT DIRECTS WATER FLOW TO THE FRONT OF SUBJECT PROPERTY WHENEVER POSSIBLE.
- ALL TREES IN THE EXISTING RIGHT OF WAY MUST BE PROTECTED DURING TIME OF CONSTRUCTION.
- ALL FOUNDATION DIMENSION AND FINISH FLOOR ELEVATIONS SHALL BE VERIFIED WITH THE FINAL APPROVED BUILDING PLANS PRIOR TO THE START OF CONSTRUCTION.

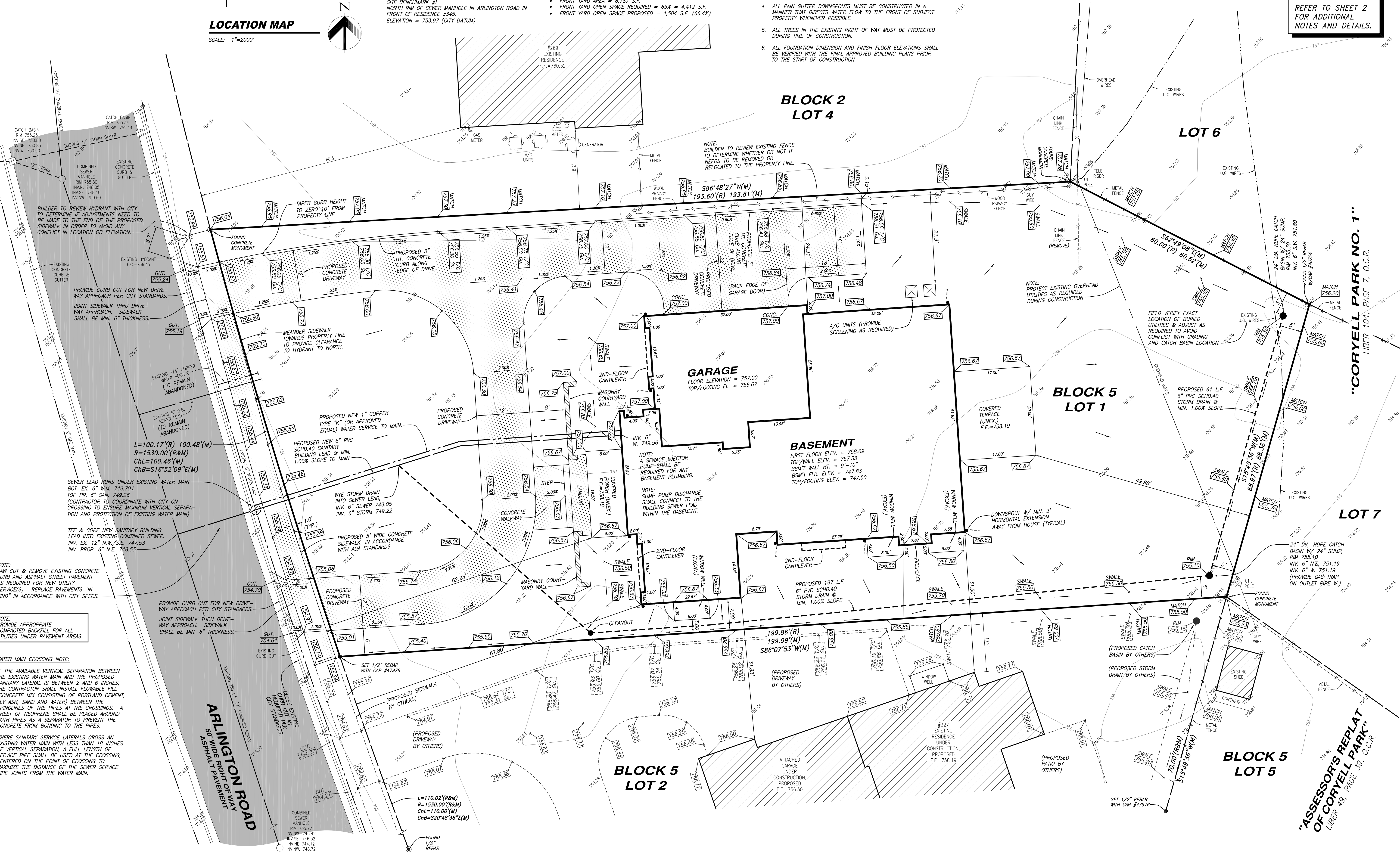
CONTRACTOR'S NOTE

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

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

NOTE

REFER TO SHEET 2 FOR ADDITIONAL NOTES AND DETAILS.



REVISIONS:

CLIENT:	MR. JAMES WISE	DATE:	21-120
DESIGNER:	GREAT LAKES CUSTOM BUILDER	DATE:	2-28-23
PROJECT NO.:	225 N INDUSTRIAL ROW	DATE:	N.P.R.
PROJECT NO.:	225 N INDUSTRIAL ROW	DATE:	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

PROJECT:
Lot 1, Block 5
"Assessor's Replat of Coryell Park"
#309 ARLINGTON ROAD
PARCEL NO. 19-35-226-018
PART OF THE N.E. 1/4 OF SECTION 35, T.2N., R.10E.,
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

PLAN:
SITE PLAN & DRAINAGE PLAN

SHEET:
1 OF **2**
MUNICIPAL REVIEW NUMBERS:

Please contact your salesperson for any questions.

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