

**CITY OF BIRMINGHAM  
MEETING OF THE BOARD OF ZONING APPEALS  
TUESDAY, OCTOBER 28, 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**

	<b>Address</b>	<b>Petitioner</b>	<b>Appeal</b>	<b>Type/Reason</b>
1)	<a href="#">495 Vinewood</a>	Trellis Building Co.	25-24	Dimensional
2)	<a href="#">270 S Glenhurst</a>	Great Oaks Landscape	25-25	Dimensional
3)	<a href="#">1155 Webster</a>	Larry Bertollini	25-26	Dimensional
4)	<a href="#">309 Arlington</a>	Michael Yager	25-27	Dimensional
5)	<a href="#">1061 Forest</a>	John Van Brouck	25-28	Dimensional

**6. CORRESPONDENCE**

**7. GENERAL BUSINESS**

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

**9. ADJOURNMENT**

**Title VI**

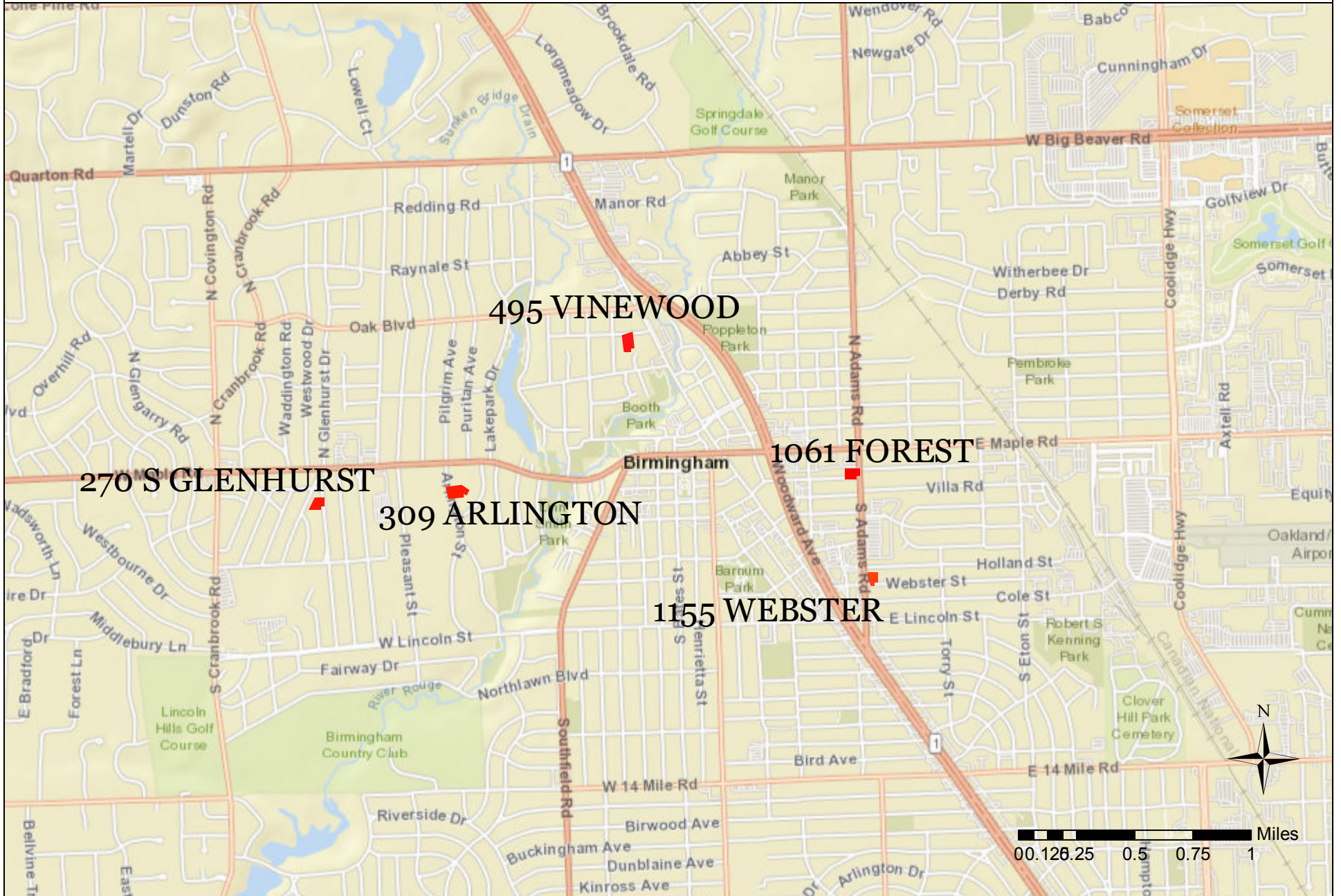
Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-3405 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, 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.

# OCTOBER BZA MAP



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

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**1. Call To Order**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on 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.

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

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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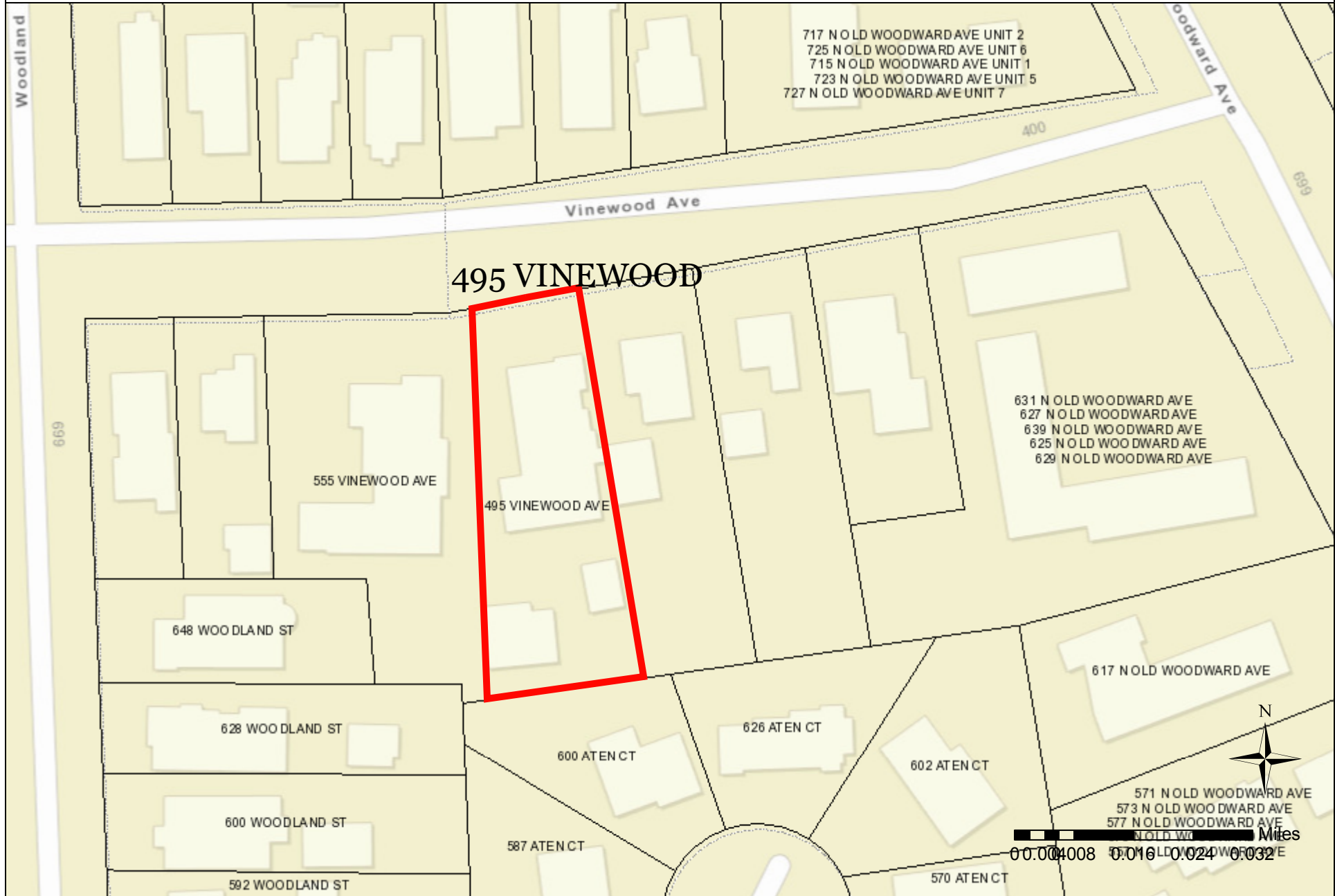
### 8.01 The Board of Zoning Appeals

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

(EACH i-iv must be satisfied)

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

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

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

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

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

<b>Type of Variance:</b>	<input checked="" type="checkbox"/> Interpretation	<input checked="" type="checkbox"/> Dimensional	<input checked="" type="checkbox"/> Land Use	<input checked="" type="checkbox"/> Sign	<input checked="" type="checkbox"/> Admin Review
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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@FleurdeLait.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 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

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

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

*Variance Chart Example*

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

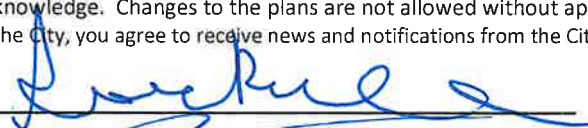
**V. REQUIRED INFORMATION CHECKLIST:**


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

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

**VI. APPLICANT SIGNATURE**

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

Signature of Owner:  Date: 8/12/25

Signature of Petitioner:  Date: 8-12-25

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

**ARTICLE I - Appeals**

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

1. A motion is made to either grant or deny a petitioner's request
    - a) For a motion to grant or deny a non-use variance request, the motion must receive four (4) affirmative votes to be approved.
    - b) For a motion to grant or deny a use variance request, the motion must receive five (5) affirmative votes to be approved.
    - c) For a motion to grant or deny an appeal of a decision or order by an administrative official or board, the motion must receive four (4) affirmative votes to be approved.
  2. When a motion made is to approve or deny a petitioner's request and if there is a tie vote, then the vote results in no action by the board and the petitioner shall be given an opportunity to have his or her request heard the next regularly scheduled meeting when all the members are present.
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3. When there are less than seven (7) members of the board present for a meeting, then a petitioner requesting a use variance shall be given an opportunity at the beginning of the meeting to elect to have it heard at the next regularly scheduled meeting.
4. When there are less than six (6) members present for a meeting, then all petitioners shall be given an opportunity at the beginning of the meeting to elect to have the request heard at the next regularly scheduled meeting.

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

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

## **ARTICLE III - Rehearings**

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

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

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

A handwritten signature in blue ink, consisting of a large, stylized initial 'A' 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





SYMBOL	DESCRIPTION
○ FCI	FOUND CAPPED IRON
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
(R)	RECORDED BEARING
(M)	MEASURED BEARING
---	EX. FENCE
OH	EX. OVERHEAD ELECTRIC
SN	EX. SANITARY SEWER
SM	EX. STORM SEWER
---	EX. UNDERGROUND GAS
---	EX. WATER MAIN
AC	EX. AIR CONDITIONER
⊙	EX. B.B. HOOP
⊙	EX. CATCH BASIN ROUND
⊙	EX. STORM INLET/CATCH BASIN
⊙	EX. ELECTRIC METER
⊙	EX. ELECTRIC RISER
⊙	EX. GAS METER
⊙	EX. GENERATOR
⊙	EX. GUY ANCHOR
⊙	EX. HYDRANT
⊙	EX. SANITARY MANHOLE
⊙	EX. SIGN
⊙	EX. TELEPHONE RISER
⊙	EX. UTILITY POLE
⊙	EX. SPRINKLER VALVE

SYMBOL	DESCRIPTION
→	PRO. DRAINAGE ARROW
TP750.0	PRO. TOP/PAVEMENT ELEV.
X750.0	PRO. SPOT ELEV.



**811**  
Know what's below.  
Call before you dig.

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 866.690.4307

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

DATE: 08/08/2025

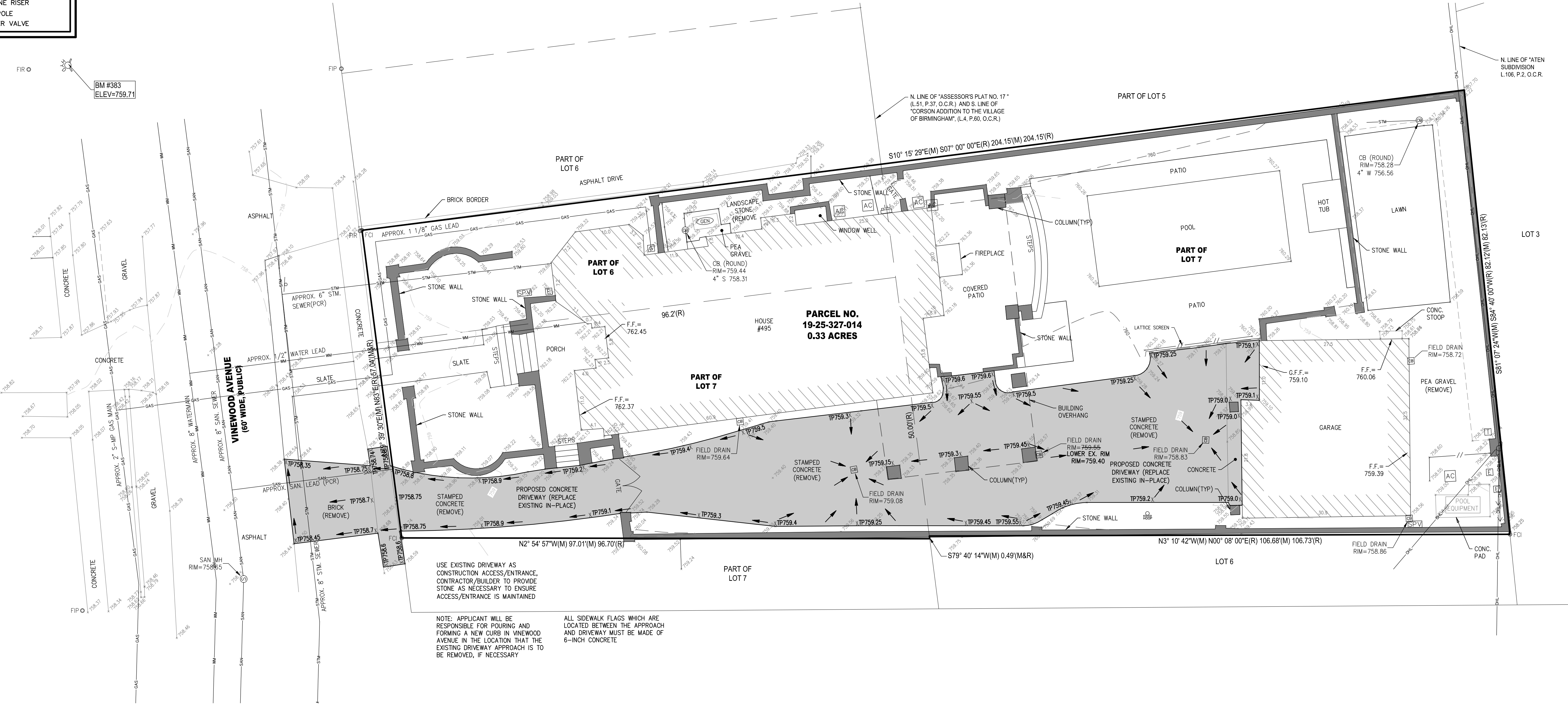
REVISIONS

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

**ZBA PLAN**

**SHEET INDEX:**  
1 ZBA PLAN  
2 OPEN SPACE 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 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%

**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%

**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. 177, A REPLAT OF PART OF LOT 6 OF WILLITS' 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.

**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

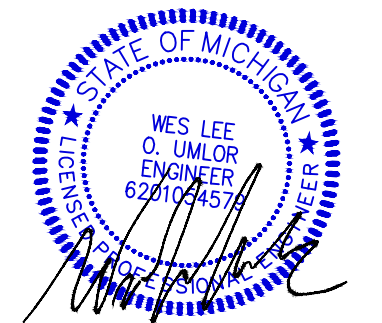
**SURVEY NOTES:**  
1. TITLE WORK WAS NOT PROVIDED. EXISTING EASEMENTS, IF ANY, HAVE NOT BEEN SHOWN.  
2. A WETLAND AND TREE SURVEY WERE NOT PERFORMED AS PART OF THIS SURVEY.  
3. BEARINGS ARE BASED ON MICHIGAN SOUTH STATE PLANE (N.A.D. 83)

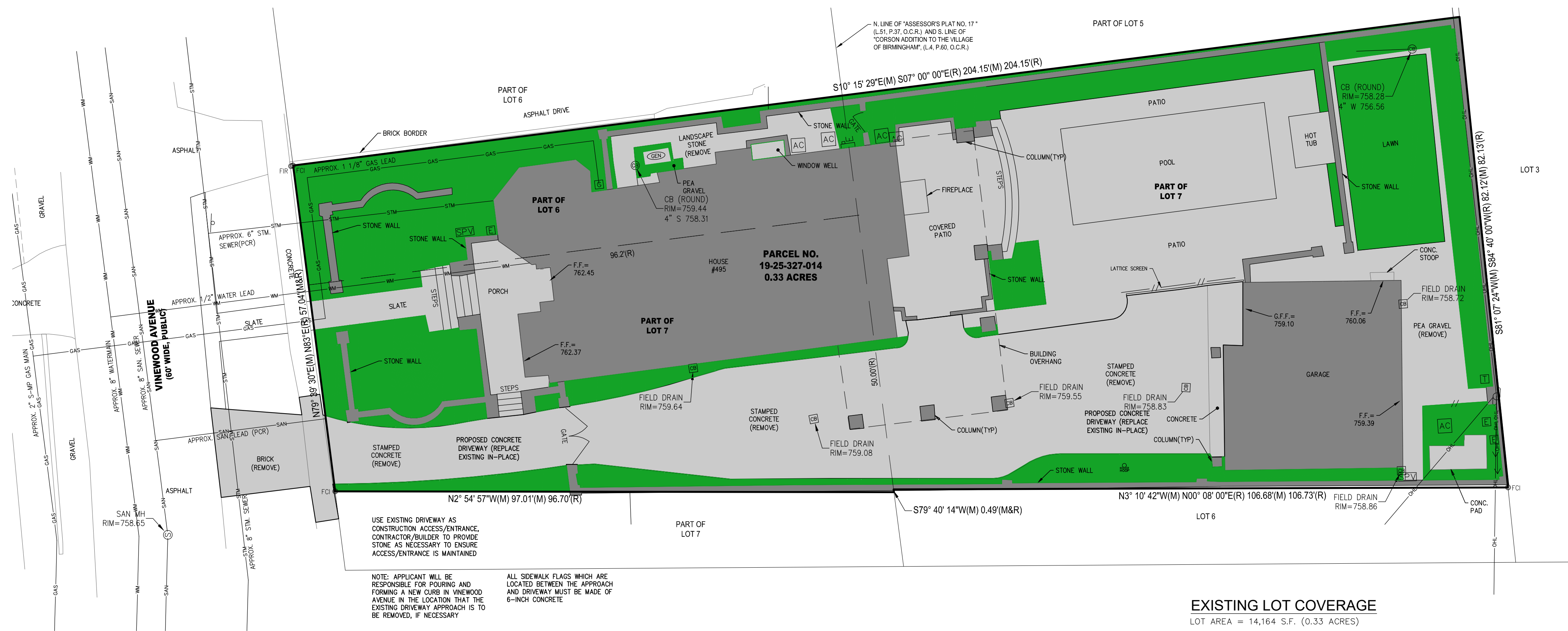
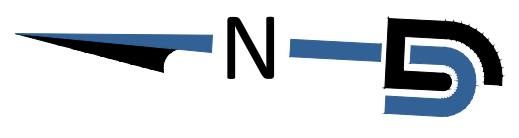
NOTE: APPLICANT WILL BE RESPONSIBLE FOR POURING AND FORMING A NEW CURB IN VINEWOOD AVENUE IN THE LOCATION THAT THE EXISTING DRIVEWAY APPROACH IS TO BE REMOVED, IF NECESSARY

ALL SIDEWALK FLAGS WHICH ARE LOCATED BETWEEN THE APPROACH AND DRIVEWAY MUST BE MADE OF 6-INCH CONCRETE

USE EXISTING DRIVEWAY AS CONSTRUCTION ACCESS/ENTRANCE. CONTRACTOR/BUILDER TO PROVIDE STONE AS NECESSARY TO ENSURE ACCESS/ENTRANCE IS MAINTAINED

**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.



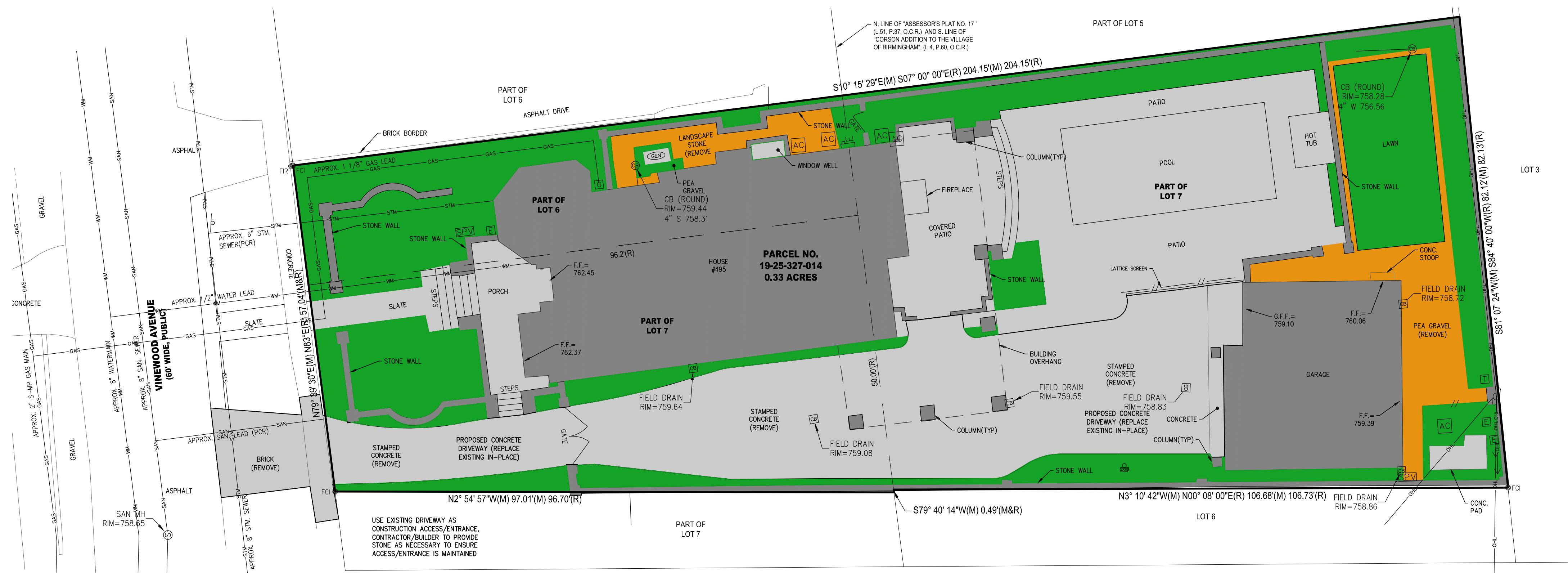
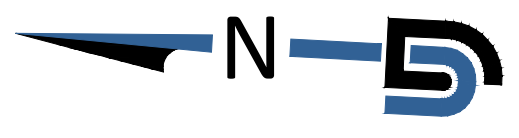


**EXISTING IMPERVIOUS COVERAGE**

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%

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

W. UMLOR GROUP PROJECT FILES\COASTSIDE CONSTRUCTION CO., INC.\250710 - 495 VINEWOOD, BIRMINGHAM\DRAWINGS\TOPCO\250710 - 495 VINEWOOD AVE. PLOT PLANNING

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.

These documents are instruments of service in respect of the Project and any reuse without written verification or adaptation by The Umlor Group (UG) for the specific purposes intended will be at Users sole risk and without liability or legal exposure to UG and User shall indemnify and hold harmless UG from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle UG to further compensation at rates to be agreed upon by User and UG.

**UMLOR GROUP**  
 49287 WEST ROAD WIXOM, MI 48393  
 TEL 248.773.7656 - FAX 866.690.4307

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

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

**OPEN SPACE PLAN**

# **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.

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

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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### 8.01 The Board of Zoning Appeals

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3. Variances.

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

(EACH i-iv must be satisfied)

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

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

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

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

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

<b>Type of Variance:</b>	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input checked="" type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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**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: \* Damien Kav 1024@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@greatoaklandscape.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 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.  
**To insure complete applications are provided, appellants must schedule a pre-application meeting with the Building Official, Assistant Building Official and/or City Planner for a preliminary discussion of their request and the documents that will be required to be submitted.** Staff will explain how all requested variances must be highlighted on the survey, site plan and construction plans. Each variance request must be clearly shown on the survey and plans including a table as shown in the example below. All dimensions to be shown in feet measured to the second decimal point.  
The BZA application fee is \$750.00 for single family residential; \$950.00 for all others. This amount includes a fee for a public notice sign which must be posted at the property at least 15-days prior to the scheduled hearing date.

*Variance Chart Example*

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

**V. REQUIRED INFORMATION CHECKLIST:**

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

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

**VI. APPLICANT SIGNATURE**

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

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

Signature of Owner: Damien Kavanaugh  
D:\Users\Damien.Kavanaugh\Documents\Aug 11, 2025 14:04:27 EDT

Date: 11/08/2025

Signature of Petitioner: Jason Armbruster  
D:\Users\jarmbruster\My Documents\Aug 11, 2025 1:02:03 EDT

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 12<sup>th</sup> day of the month preceding the next regular meeting. If the 12<sup>th</sup> falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
  3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
  4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
  5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

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

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

#### **ARTICLE III - Rehearings**

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

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

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

*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.

### **Variations Requested**

- Pergola: 17' -  $\frac{3}{4}$ " 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' -  $\frac{3}{4}$ ".

- 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

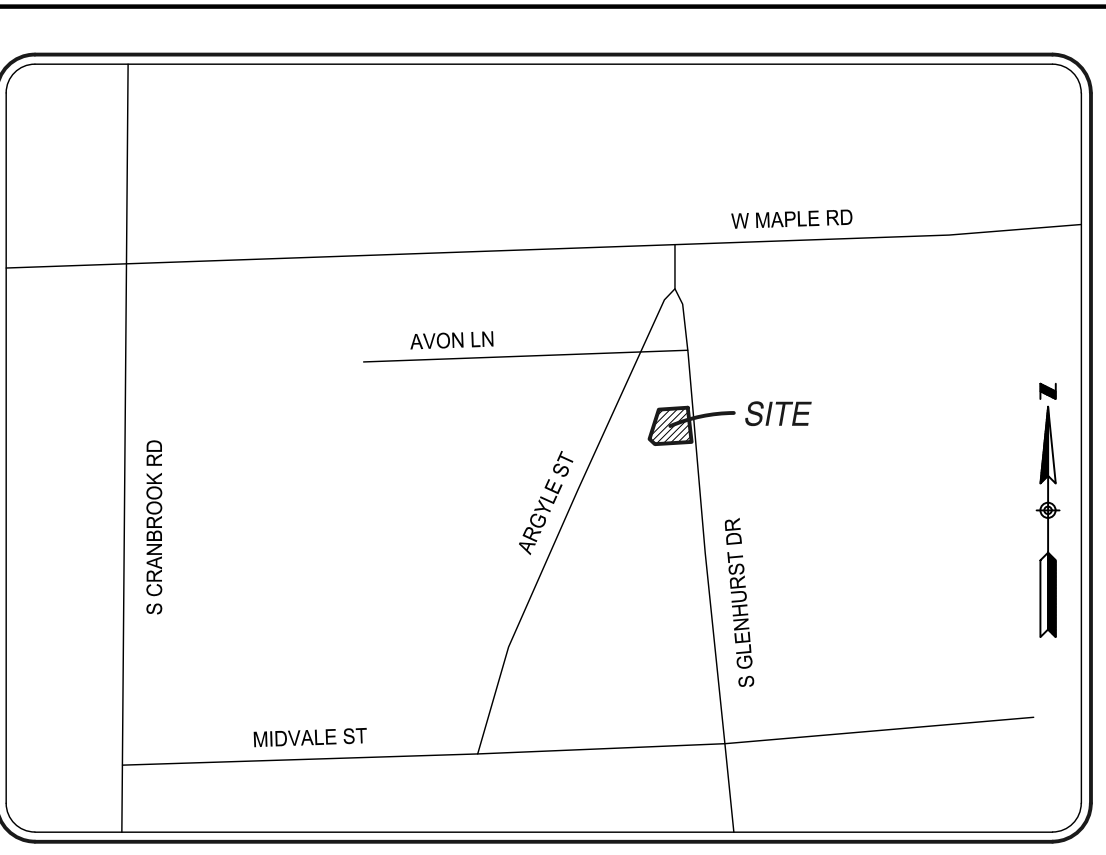
*Damien Kavanaugh*  
Damien Kavanaugh (Aug 11, 2025 11:09:12 EDT)

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Plotted: Mar 14, 2022, 7:49 AM by user: 634 - Saved: 3/14/2022 by user: 634  
 J:\SM\22046 - 270 Glenhurst - Birmingham\DWG\SM22046TPG-a.dwg

### LEGEND

- MANHOLE
- ⊕ CATCH BASIN
- ⊕ GAS METER
- ⊕ GAS SHUT OFF VALVE
- ⊕ VALVE BOX
- ⊕ GATE VALVE & WELL
- ⊕ WATER SHUT OFF VALVE
- ⊕ FIRE HYDRANT
- ⊕ SPRINKLER VALVE BOX
- ⊕ LAWN SPRINKLER HEAD
- ⊕ HAND HOLE
- ⊕ ELECTRIC RISER OR METER
- ⊕ TELEPHONE RISER
- ⊕ CABLE TV RISER
- ⊕ AIR CONDITION UNIT
- ⊕ UTILITY POLE
- ⊕ UTILITY POLE W/ TRANSFORMER
- ⊕ UTILITY POLE W/ LAMP EXTENSION (ARROW INDICATES DIRECTION OF ARM)
- ⊕ LIGHT POLE
- ⊕ LIGHT POLE WITH LAMP EXTENSION
- ⊕ TRAFFIC SIGNAL
- ⊕ POLE W/ TRAFFIC SIGNAL (OVER ROAD)
- ⊕ GUY WIRE
- ⊕ GUY POLE
- ⊕ GROUND LEVEL / DECORATIVE LIGHTING
- ⊕ FLAG POLE
- ⊕ PHONE OR PHONE BOOTH
- ⊕ METAL OR CONC. POST
- ⊕ MAILBOX
- ⊕ SIGN
- ⊕ WATER FOUNTAIN
- ⊕ PARKING METER
- ⊕ BILLBOARD OR LARGE SIGN
- ⊕ BASKETBALL HOOP
- ⊕ BOULDER
- ⊕ STATUE OR SCULPTURE
- ⊕ BENCH
- ⊕ STUMP
- ⊕ DOWNSPOUT INTO STORM DRAIN
- ⊕ DOWNSPOUT TO GROUND
- CONIFEROUS TREE
- DECIDUOUS TREE
- DECIDUOUS SHRUB
- CONIFEROUS SHRUB
- SECTION CORNER
- TRAVERSE POINT
- STRUCTURE NUMBER
- SDA POINT No.
- SPOT ELEVATION
- TC TOP OF CURB ELEVATION
- GU GUTTER ELEVATION
- TP TOP OF PAVEMENT ELEVATION
- EM EDGE OF METAL ELEVATION
- TW TOP OF WALK ELEVATION
- TWALL BOTTOM OF WALL ELEVATION
- BWALL BOTTOM OF WALL ELEVATION
- GR GROUND ELEVATION
- UG UNDERGROUND
- FO FIBER OPTIC
- CONC CONCRETE
- ASPH ASPHALT
- FF FINISH FLOOR ELEVATION
- DL DOOR LEDGE ELEVATION
- FI FOUND IRON
- F.M FOUND MONUMENT
- F.P.K FOUND P.K. NAIL
- S.I SET IRON WISDA CAP
- S.P.K SET P.K. NAIL
- S.P.K/TAG SET P.K. NAIL WISDA TAG
- MAG SET MAGNETIC NAIL
- MAG/TAG SET MAGNETIC NAIL WISDA TAG
- M MEASURED
- R RECORD
- C CALCULATED
- INV. INVERT ELEVATION
- CMP CORRUGATED METAL PIPE
- G GAS
- SN SANITARY SEWER (SAN)
- ST STORM SEWER (STM)
- WM WATERMAIN (WM)
- OH OVERHEAD WIRE
- CS COMBINED SEWER
- STE STEAM LINE
- O OIL LINE
- F UG FIBER (COMM.)
- E UG ELECTRIC (ELEC.)
- T UG PHONE (PH)
- C UG CABLE (CBL)
- CHAIN LINK FENCE (CL)
- WOOD FENCE
- WIRE FENCE (WF)
- GUARD RAIL
- EDGE OF BRUSHWOODS
- CENTERLINE OF DITCH
- CULVERT
- BANKTOP OF SLOPE
- 650 MAJOR CONTOUR
- 600 MINOR CONTOUR
- BOUNDARY LINES
- ROW LINES
- SECTION LINES
- PROPERTY LINES
- ASPHALT
- CONCRETE
- GRAVEL
- BRICK / PAVERS
- WATER



### 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 MOST 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 MOST 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 93.94 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°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

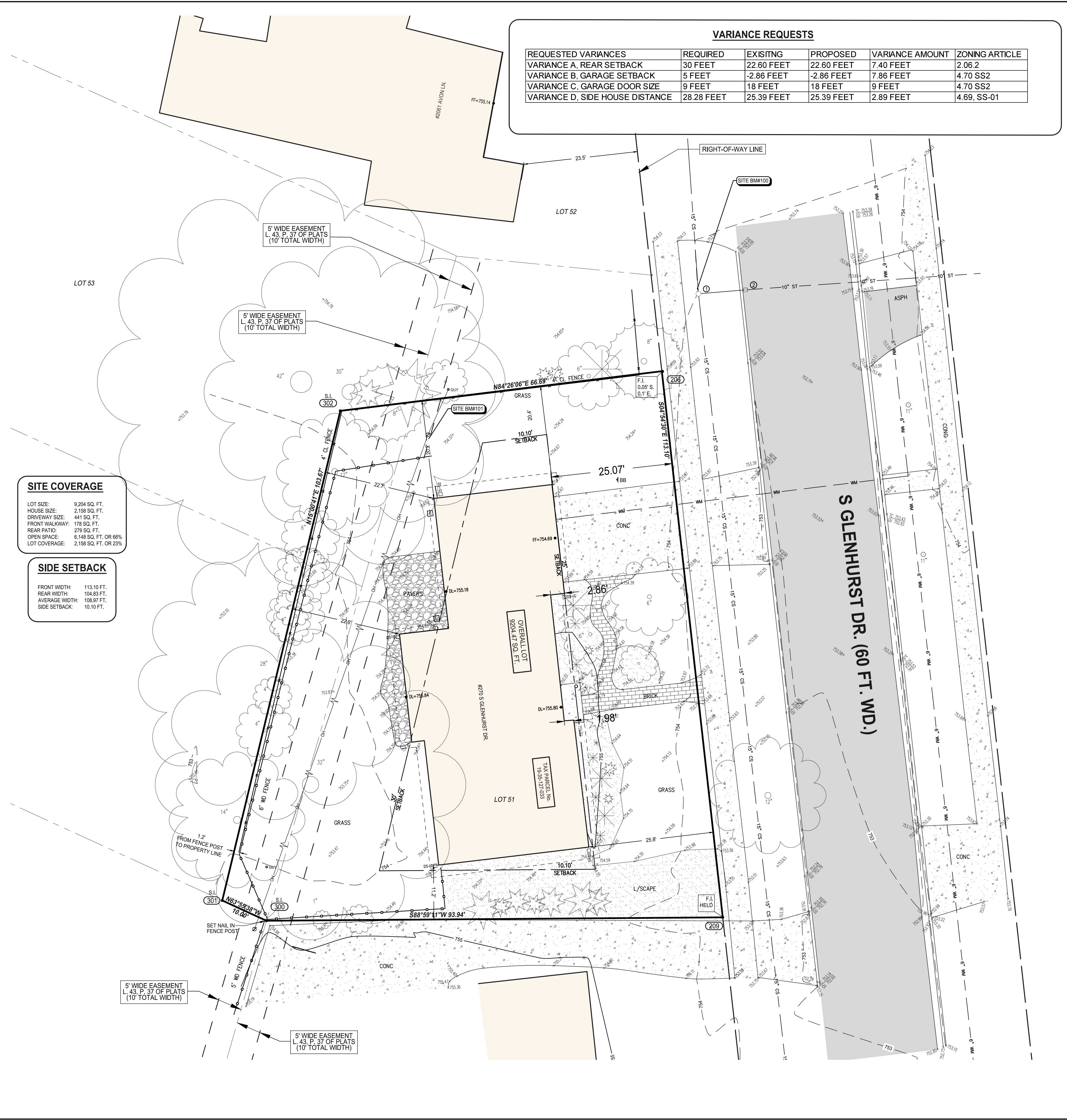
#	TYPE	RIM	SIZE	MTRL	INVERT	DIRECTION	CONNECT
1	SEWER MANHOLE	754.00	10"	CLAY	747.96	EAST	2
			15"	CLAY	744.52	SOUTH	3
			15"	CLAY	744.62	NORTH	
2	SQUARE CATCH BASIN	753.09	10"	PVC	748.71	WEST	1
			10"	PVC	749.27	EAST	
3	SEWER MANHOLE	753.10	8"	PVC	743.76	WEST	
			10"	CLAY	747.50	EAST	
			15"	CLAY	743.38	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, SLUMPS 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. 400105247



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 Engineering and Surveying  
 Excellence Since 1954

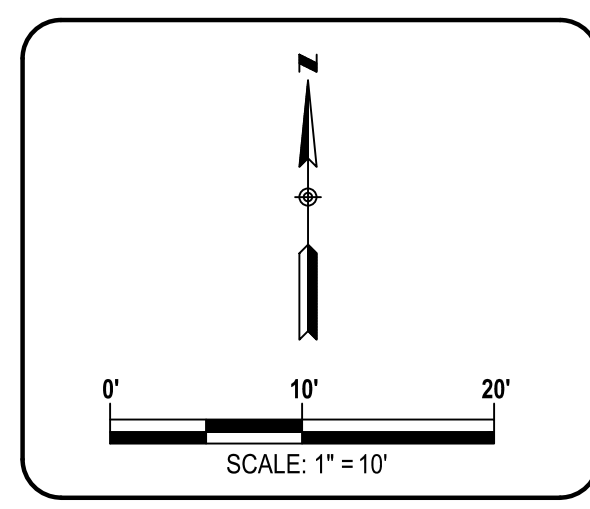
905 South Blvd. East  
 Rochester Hills, MI 48307  
 Phone (248) 844-5400  
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15 E. Baltimore St.  
 Detroit, MI 48202  
 Phone (313) 305-9120  
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27333 Meadowbrook Rd., Suite 210  
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 (800) 598-1600



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**811**  
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 Call before you dig.

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

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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	3-11-22	ADDED VARIANCE INFORMATION

VERIFY SCALES  
 BAR IS ONE INCH ON ORIGINAL DRAWING  
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DRAFTER	DATE
M. VAPHADIS	03-11-2022

CHECKED	DATE
S. KEHRER	03-11-2022

FIELD LEADER	PROJECT SURVEYOR
S. MAYER	S. DUNN

PROJECT MANAGER	DEPARTMENT MANAGER
S. KEHRER	C. PLATZ

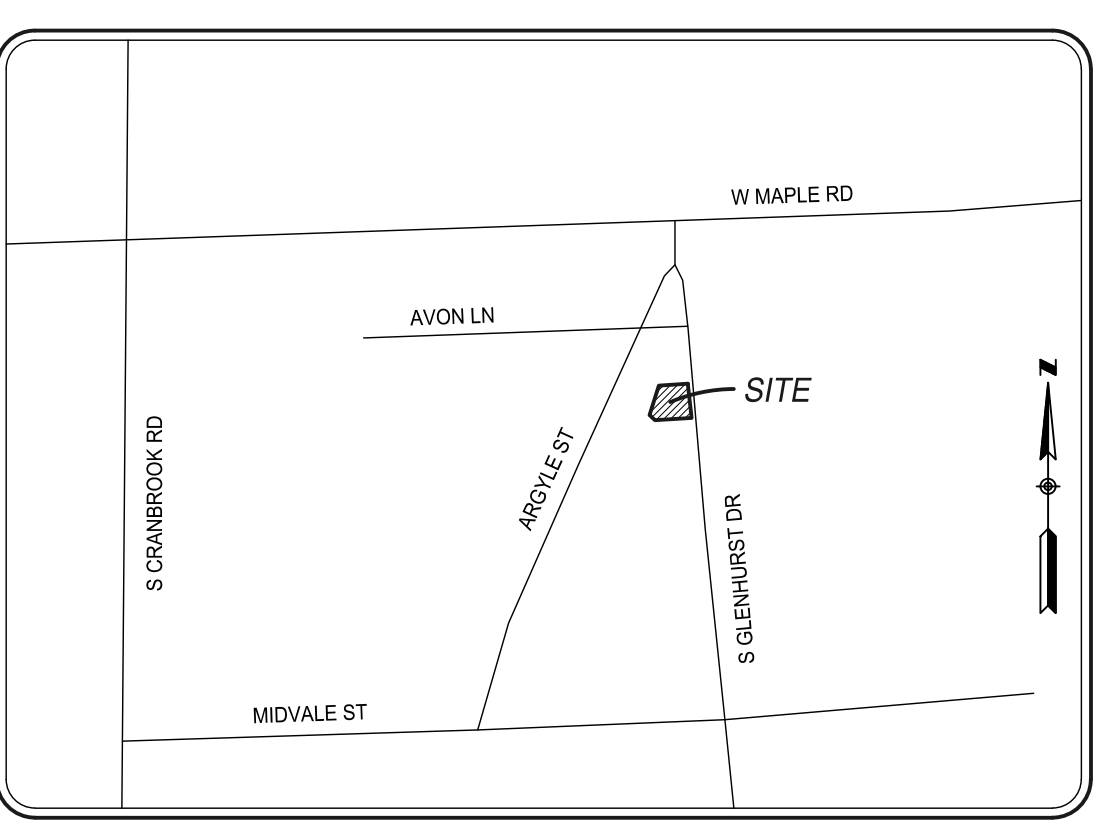
JOB NO.	DRAWING NO.
SM22046TP	SM22046TPG-a

SCALE: 1" = 10' 1 OF 2

Plotted: Mar 14, 2022, 7:49 AM by user: 634 - Saved: 3/14/2022 by user: 634  
 J:\SM\SM22046 - 270 Glenhurst - Birmingham.DWG SM22046TPG-a.dwg

**LEGEND**

- MANHOLE
- CATCH BASIN
- SEWER CLEAN OUT
- GAS METER
- GAS SHUT OFF VALVE
- VALVE BOX
- GATE VALVE & WELL
- WATER SHUT OFF VALVE
- FIRE HYDRANT
- SPRINKLER VALVE BOX
- LAWN SPRINKLER HEAD
- HAND HOLE
- ELECTRIC RISER OR METER
- TELEPHONE RISER
- CABLE TV RISER
- AIR CONDITION UNIT
- UTILITY POLE
- UTILITY POLE W/ TRANSFORMER
- UTILITY POLE W/ LAMP EXTENSION (ARROW INDICATES DIRECTION OF ARM)
- LIGHT POLE
- LIGHT POLE WITH LAMP EXTENSION
- TRAFFIC SIGNAL
- POLE W/ TRAFFIC SIGNAL (OVER ROAD)
- QUIP WIRE
- QUIP POLE
- GROUND LEVEL / DECORATIVE LIGHTING
- FLAG POLE
- PHONE OR PHONE BOOTH
- METAL OR CONC. POST
- MAILBOX
- SIGN
- WATER FOUNTAIN
- PARKING METER
- BILLBOARD OR LARGE SIGN
- BASKETBALL HOOP
- BOULDER
- STATUE OR SCULPTURE
- BENCH
- STUMP
- DOWNSPUT INTO STORM DRAIN
- DOWNSPUT TO GROUND
- CONIFEROUS TREE
- DECIDUOUS TREE
- DECIDUOUS SHRUB
- CONIFEROUS SHRUB
- SECTION CORNER
- TRAVERSE POINT
- STRUCTURE NUMBER
- SDA POINT No.
- SPOT ELEVATION
- TOP OF CURB ELEVATION
- GUTTER ELEVATION
- TOP OF PAVEMENT ELEVATION
- EDGE OF METAL ELEVATION
- TOP OF WALK ELEVATION
- TOP OF WALL ELEVATION
- BOTTOM OF WALL ELEVATION
- GROUND ELEVATION
- UNDERGROUND
- FIBER OPTIC
- CONCRETE
- ASPHALT
- FINISH FLOOR ELEVATION
- DOOR LEDGE ELEVATION
- FOUND IRON
- FOUND MONUMENT
- FOUND P.K. NAIL
- SET IRON W/ SDA CAP
- SET P.K. NAIL
- SET P.K. NAIL W/ SDA TAG
- MAG
- SET MAGNETIC NAIL W/ SDA TAG
- MEASURED
- RECORD
- CALCULATED
- INVERT ELEVATION
- CORRUGATED METAL PIPE
- GAS
- SANITARY SEWER (SAN)
- STORM SEWER (STM)
- WATERMAIN (WM)
- OVERHEAD WIRE
- COMBINED SEWER
- STEAM LINE
- OIL LINE
- UG FIBER (COMM.)
- UG ELECTRIC (ELEC.)
- UG PHONE (PH)
- UG CABLE (CBL)
- CHAIN LINK FENCE (CL)
- WOOD FENCE
- WIRE FENCE (WH)
- GUARD RAIL
- EDGE OF BRUSHWOODS
- CENTERLINE OF DITCH
- CULVERT
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- BOUNDARY LINES
- ROW LINES
- SECTION LINES
- PROPERTY LINES
- ASPHALT
- CONCRETE
- GRAVEL
- BRICK / PAVERS
- WATER



**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 & ±7' SOUTH OF CL FENCE.	ELEV. = 755.68

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  - 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 MEYERING 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 15-09-41 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	MTRL	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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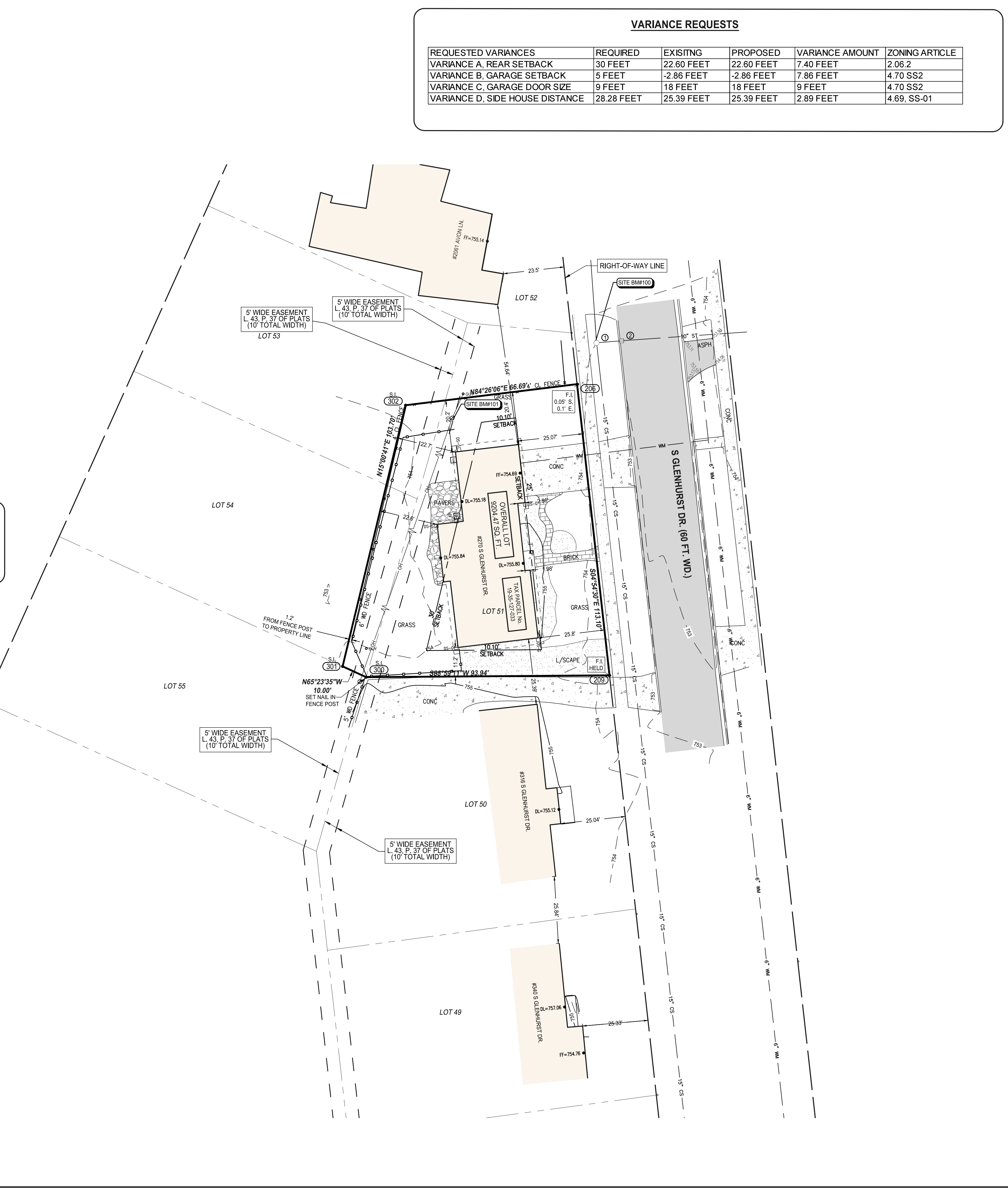
SCOTT J. KEHRER  
 PROFESSIONAL SURVEYOR No. 400105247

**SITE COVERAGE**

LOT SIZE: 9,204 SQ. FT.  
 HOUSE SIZE: 2,168 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.



**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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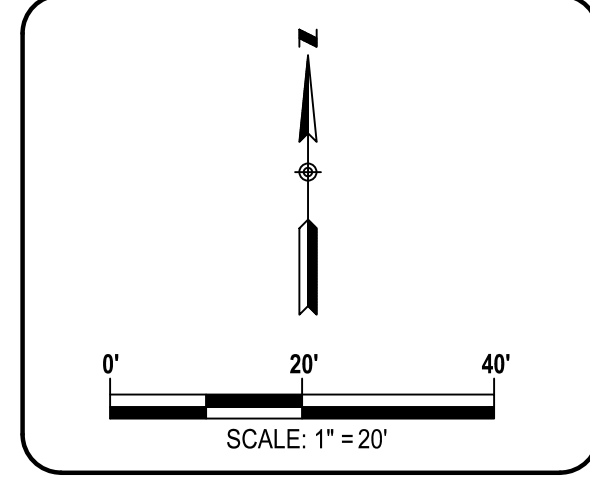
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**#270 GLENHURST DR.**

BIRMINGHAM, MI

TOPOGRAPHICAL SURVEY

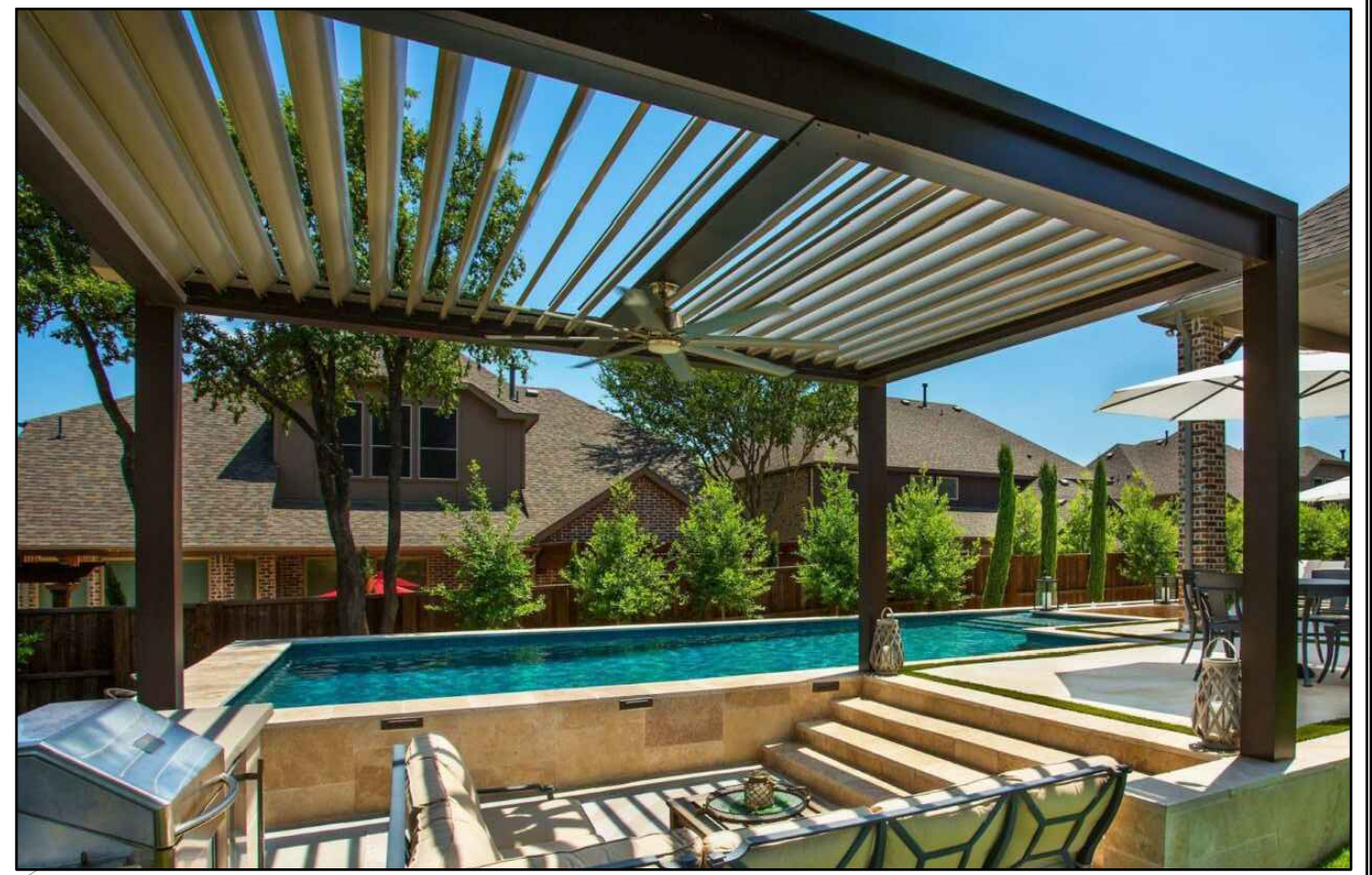
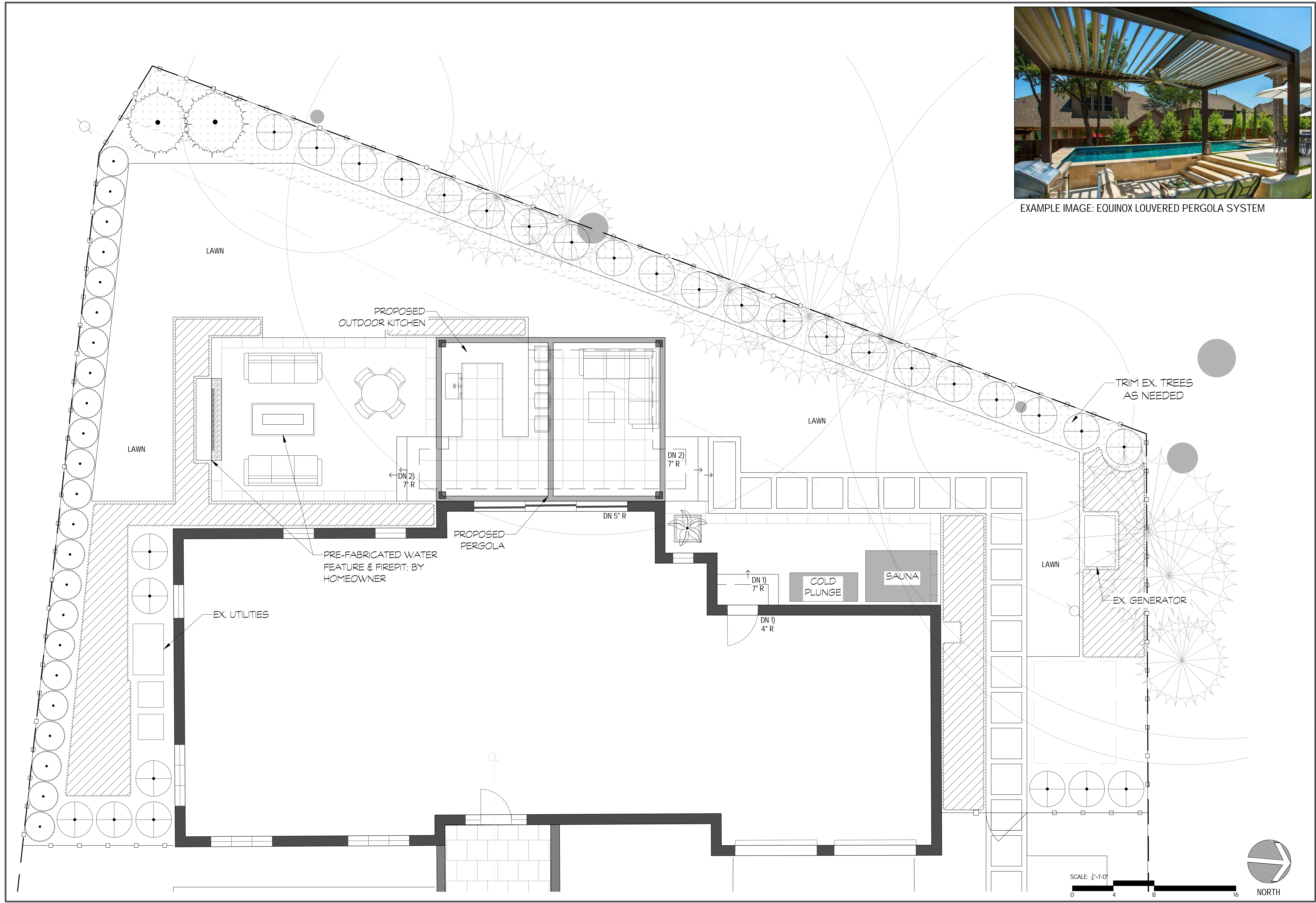
SECTION 35  
 TOWN 02 NORTH RANGE 10 EAST  
 CITY OF BIRMINGHAM  
 OAKLAND COUNTY, MICHIGAN

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	DATE
M.VAPHADIS	03-11-22
CHECKED	DATE
S.KEHRER	03-11-2022
FIELD LEADER	PROJECT SURVEYOR
S.MAYER	S.DUNN
PROJECT MANAGER	DEPARTMENT MANAGER
S.KEHRER	C.PLATZ
JOB NO.	DRAWING NO.
SM22046TP	SM22046TPG-a
SCALE:	SHEET NO.
1" = 20'	2 OF 2

c:\users\bruce\great\_oaks\_landscape\team - landscape projects\design\land\kavanaugh\ms\design\plan\0225.08.07 - landscape\plan\kavanaugh\kavanaugh\res.br.dwg



EXAMPLE IMAGE: EQUINOX LOUVERED PERGOLA SYSTEM

This plan is a landscape concept and it is intended that the designer be involved to consider on-site conditions. The plan 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.

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

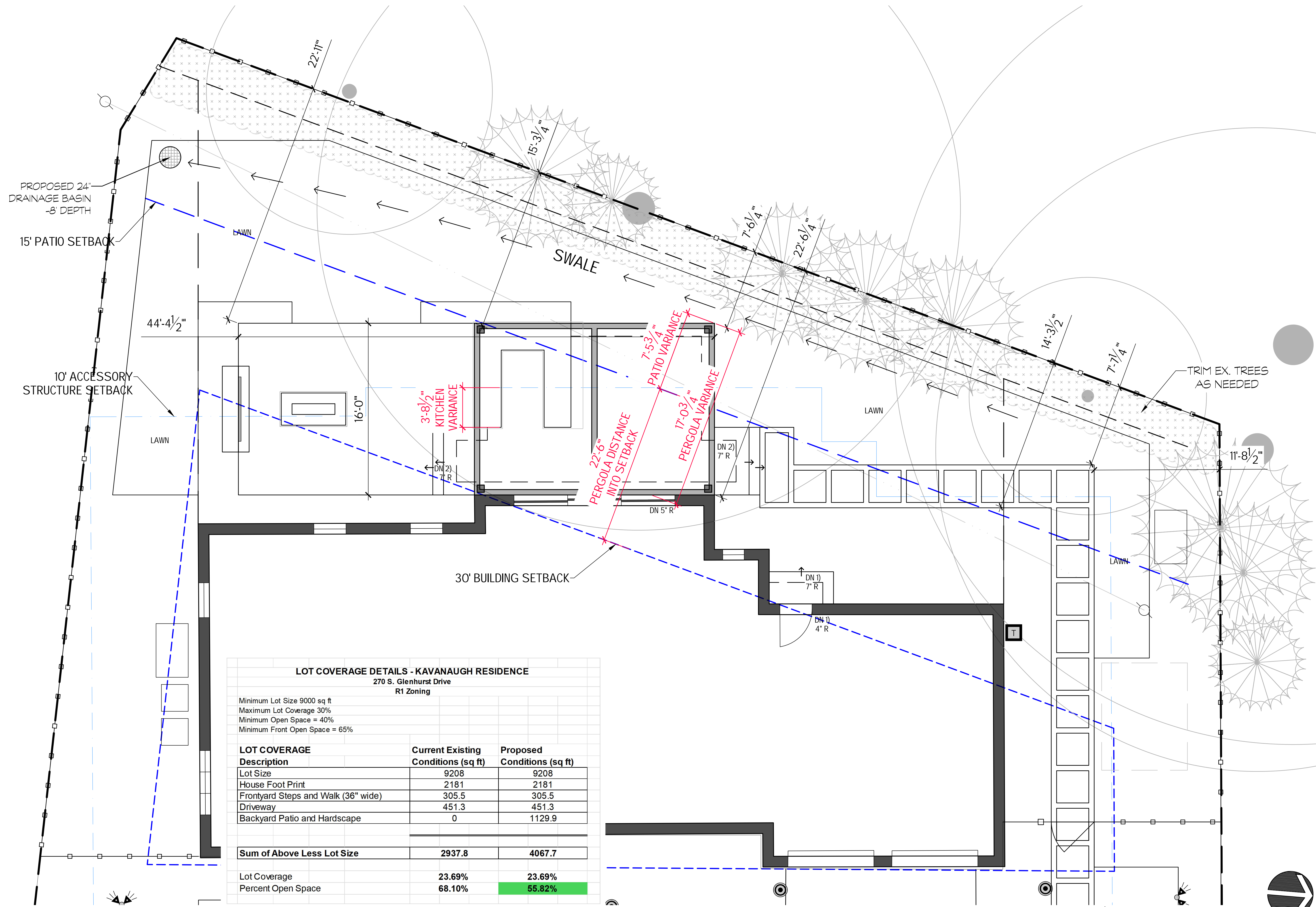
**KAVANAUGH RESIDENCE**  
 PROJECT: 270 S. GLENHURST DRIVE, BIRMINGHAM, MI 48009  
 SUBJECT: LANDSCAPE PLAN  
 Client: DAMIEN AND JENNIFER KAVANAUGH

LANDSCAPE ARCHITECTURE  
 HORTICULTURAL SERVICES  
 ALL SEASON MAINTENANCE  
 VISITORS

**GREAT OAKS**  
 LANDSCAPE  
 5805 MANULIN COURT, HOW, MICHIGAN 48377  
 PHONE 248 349 5355 • FAX 248 349 5356  
 greatoakslandscape.com

LANDSCAPE PLAN (EXIMAGES)

c:\users\bruce\great\_oaks\_landscape\projects\design\kavanaugh\res\landscapeplan\0225.08.07\_landscapeplan.kavanaugh.kavanaugh.jr.dwg



**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
<b>Sum of Above Less Lot Size</b>	<b>2937.8</b>	<b>4067.7</b>
Lot Coverage	23.69%	23.69%
Percent Open Space	68.10%	55.82%



**KAVANAUGH RESIDENCE**

PROJECT: 270 S. GLENHURST DRIVE, BIRMINGHAM, MI 48009  
SUBJECT: LANDSCAPE PLAN - DIMENSIONED VARIANCE PLAN  
Client: DAMIEN AND JENNIFER KAVANAUGH

LANDSCAPE ARCHITECTURE  
HORTICULTURAL SERVICES  
ALL MAJOR MAINTENANCE  
UTILITY

**GREAT OAKS**  
LANDSCAPE  
5805 MANULIN COURT, HOW, MICHIGAN 48377  
PHONE 248 349 5355 FAX 248 349 5356  
greatoakslandscape.com

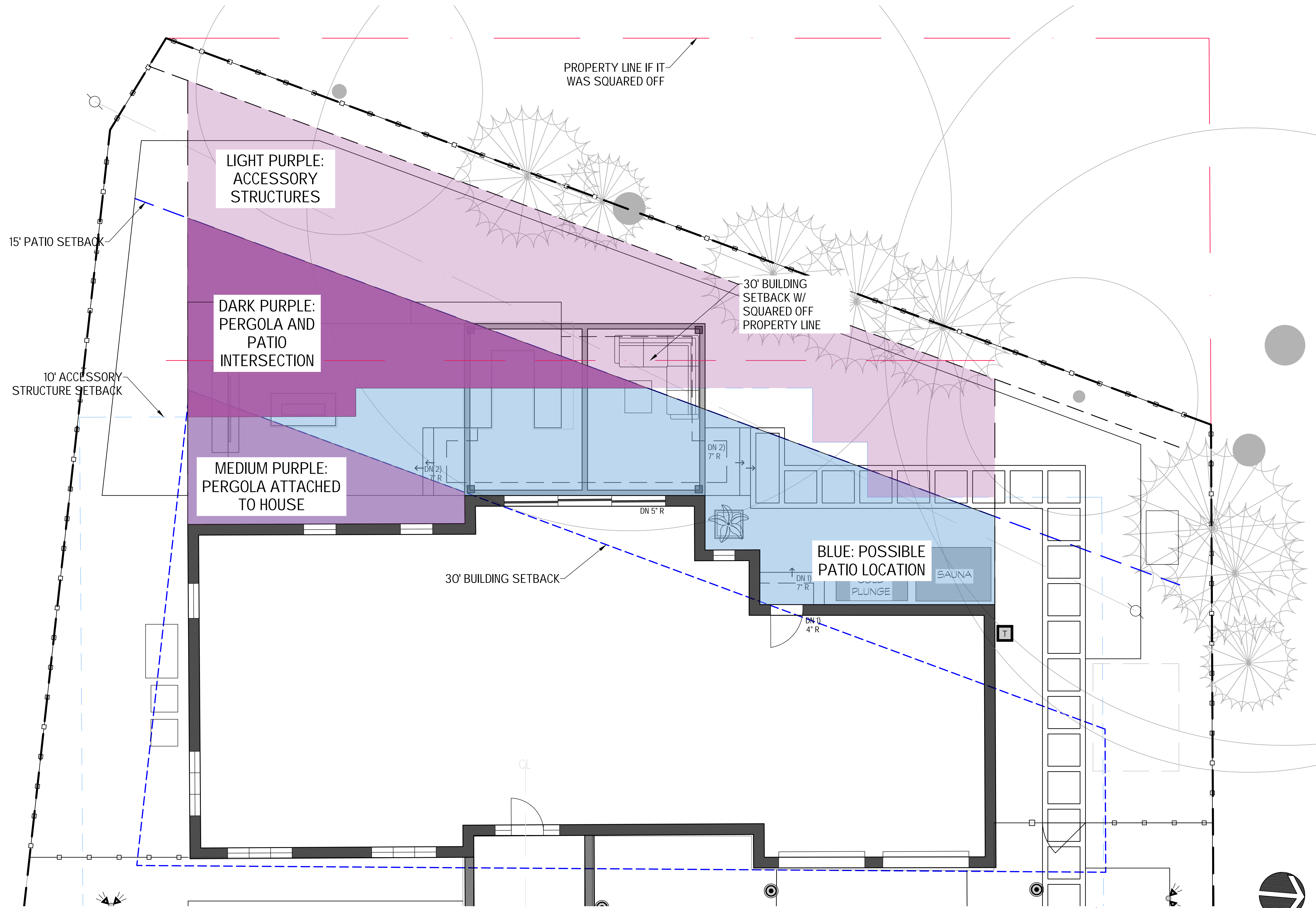
This plan is a landscape concept and it is intended that the designer be involved to consider on-site conditions and site specific details. Great Oaks Landscape Associates, Inc. for its sole use. Unauthorized use of this plan is prohibited.

Project #: \_\_\_\_\_  
Date: \_\_\_\_\_  
Scale: 1/4"=1'-0"  
Drawn by: BR  
Checked by: JA

Date: JUNE 19, 2024  
Revisions: JUNE 30, 2024  
JULY 16, 2024  
AUGUST 08, 2023

LANDSCAPE PLAN  
24X36 (DIMENSIONED  
PLAN)

c:\users\bruce\great\_oaks\_landscape\projects\design\kavanaugh\ms\display\plan\0225.08.07\_landscapeplan.kavaugh.msx



This plan is a landscape concept and it is intended that the designer be involved to consider on-site conditions and site-specific details. The designer shall remain the sole user of this plan. Unauthorized use of this plan is prohibited.

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

**KAVANAUGH RESIDENCE**  
 PROJECT: 270 S. GLENHURST DRIVE, BIRMINGHAM, MI 48009  
 SUBJECT: LANDSCAPE PLAN - SETBACK PLAN  
 Client: DAMIEN AND JENNIFER KAVANAUGH

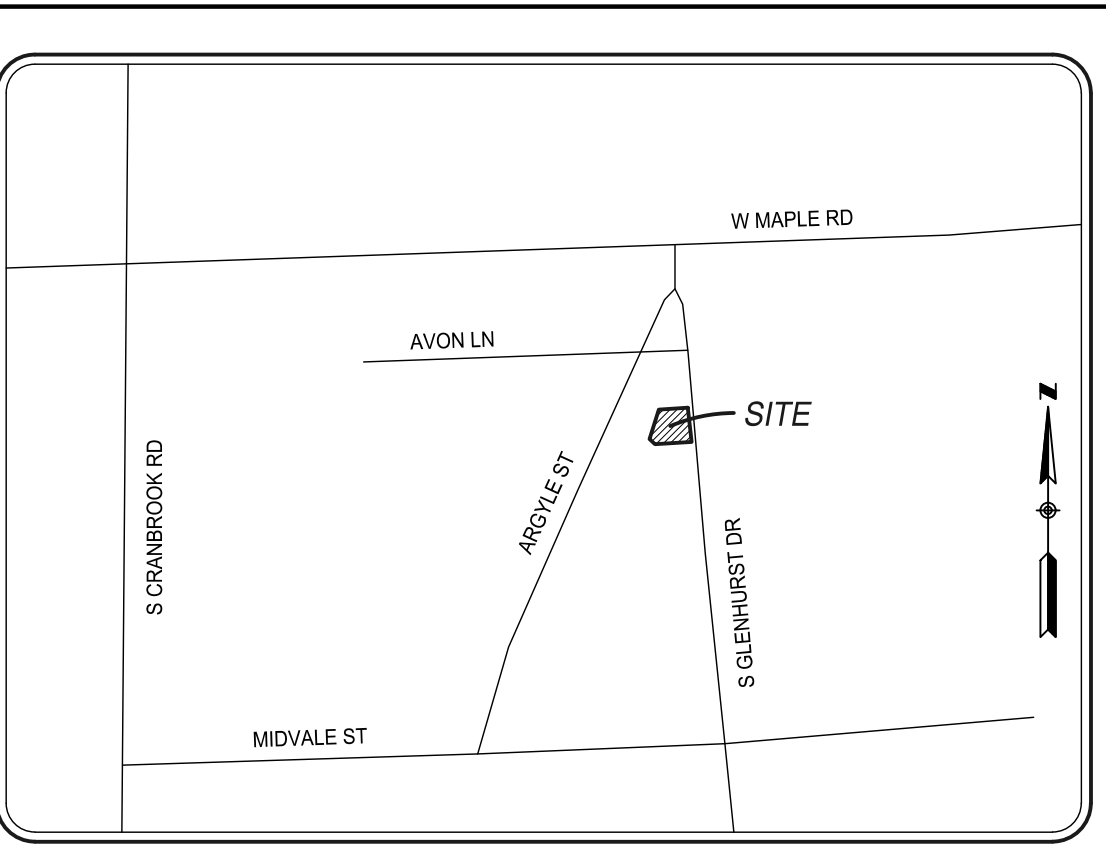
LANDSCAPE ARCHITECTURE  
 HORTICULTURAL SERVICES  
 ALL SEASON MAINTENANCE  
 VISITATION

**GREAT OAKS**  
 LANDSCAPE  
 5805 MANULIN COURT, HOWLAND, MICHIGAN 48377  
 PHONE 248.349.8335 • FAX 248.349.8336  
 @greatoakslandscape.com

Plotted: Mar 14, 2022, 7:49 AM by user: 634 - Saved: 3/14/2022 by user: 634  
 J:\SM\22046 - 270 Glenhurst - Birmingham\DWG\SM22046TPG-a.dwg

**LEGEND**

- MANHOLE
- CATCH BASIN
- SEWER CLEAN OUT
- GAS METER
- GAS SHUT OFF VALVE
- VALVE BOX
- GATE VALVE & WELL
- WATER SHUT OFF VALVE
- FIRE HYDRANT
- SPRINKLER VALVE BOX
- LAWN SPRINKLER HEAD
- HAND HOLE
- ELECTRIC RISER OR METER
- TELEPHONE RISER
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- ASPHALT
- FINISH FLOOR ELEVATION
- DOOR LEDGE ELEVATION
- FOUND IRON
- F.M. FOUND MONUMENT
- F.P.K. FOUND P.K. NAIL
- S.I. SET IRON WISDA CAP
- S.P.K. SET P.K. NAIL
- S.P.K./TAG SET P.K. NAIL WISDA TAG
- MAG. SET MAGNETIC NAIL WISDA TAG
- M. MEASURED
- R. RECORD
- C. CALCULATED
- INV. INVERT ELEVATION
- CMP. CORRUGATED METAL PIPE
- G. GAS
- SN. SANITARY SEWER (SAN)
- ST. STORM SEWER (STM)
- WM. WATERMAIN (WM)
- OH. OVERHEAD WIRE
- CS. COMBINED SEWER
- STE. STEAM LINE
- O. OIL LINE
- F. UG FIBER (COMM.)
- E. UG ELECTRIC (ELEC.)
- T. UG PHONE (PH)
- C. UG CABLE (CBL)
- CHAIN LINK FENCE (CL)
- WOOD FENCE
- WIRE FENCE (WF)
- GUARD RAIL
- EDGE OF BRUSHWOODS
- CENTERLINE OF DITCH
- CULVERT
- BANKTOP OF SLOPE
- MAJOR CONTOUR
- MINOR CONTOUR
- BOUNDARY LINES
- ROW LINES
- SECTION LINES
- PROPERTY LINES
- ASPHALT
- CONCRETE
- GRAVEL
- BRICK / PAVERS
- WATER



**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 MOST 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 MOST 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 93.94 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°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**

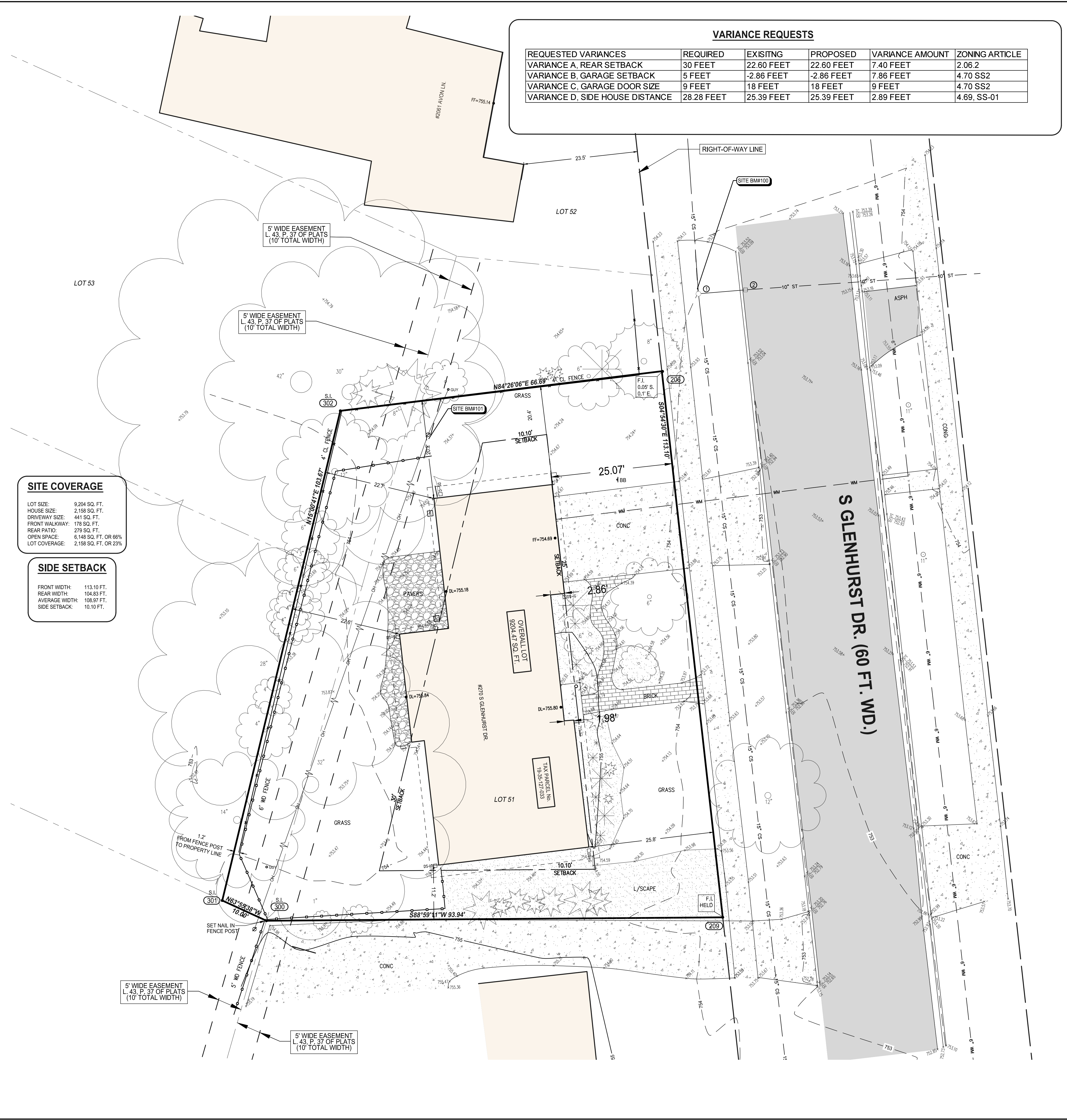
#	TYPE	RIM	SIZE	MTRL	INVERT	DIRECTION	CONNECT
1	SEWER MANHOLE	754.00	10"	CLAY	747.96	EAST	2
			15"	CLAY	744.52	SOUTH	3
			15"	CLAY	744.62	NORTH	
2	SQUARE CATCH BASIN	753.09	10"	PVC	748.71	WEST	1
			10"	PVC	749.27	EAST	
3	SEWER MANHOLE	753.10	8"	PVC	743.76	WEST	
			10"	CLAY	747.50	EAST	
			15"	CLAY	743.38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



**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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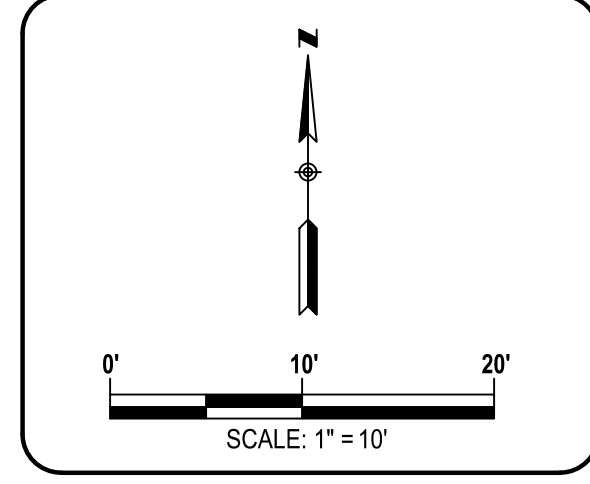
905 South Blvd. East  
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 Fax (248) 844-5404

15 E. Baltimore St.  
 Detroit, MI 48202  
 Phone (313) 305-9120  
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27333 Meadowbrook Rd., Suite 210  
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**811**  
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PRIOR TO CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES IN CONFLICT WITH PROPOSED IMPROVEMENTS SHALL BE VERIFIED IN THE FIELD. CALL MISS DIG'S 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 DEPICTED UPON A UTILITY COMPANY'S PUBLISHED PLANS. THEIR LOCATION, IF SHOWN UPON THIS SURVEY, ARE APPROXIMATED FROM FOUND PAINT MARKERS, 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

**BOUNDARY AND TOPOGRAPHICAL SURVEY**

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

NO.	DATE	REVISION
1	3-11-22	ADDED VARIANCE INFORMATION

VERIFY SCALES  
 BAR IS ONE INCH ON ORIGINAL DRAWING  
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DRAFTER	DATE
M. VAPHADIS	03-11-2022

CHECKED	DATE
S. KEHRER	03-11-2022

FIELD LEADER	PROJECT SURVEYOR
S. MAYER	S. DUNN

PROJECT MANAGER	DEPARTMENT MANAGER
S. KEHRER	C. PLATZ

JOB NO.	DRAWING NO.
SM22046TP	SM22046TPG-a

SCALE: 1" = 10' 1 OF 2

Plotted: Mar 14, 2022, 7:49 AM by user: 634 - Saved: 3/14/2022 by user: 634  
 J:\SM\SM22046 - 270 Glenhurst - Birmingham.DWG SM22046TPG-a.dwg

**LEGEND**

- MANHOLE
- CATCH BASIN
- SEWER CLEAN OUT
- GAS METER
- GAS SHUT OFF VALVE
- VALVE BOX
- GATE VALVE & WELL
- WATER SHUT OFF VALVE
- FIRE HYDRANT
- SPRINKLER VALVE BOX
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- TELEPHONE RISER
- CABLE TV RISER
- AIR CONDITION UNIT
- UTILITY POLE
- UTILITY POLE W/ TRANSFORMER
- UTILITY POLE W/ LAMP EXTENSION (ARROW INDICATES DIRECTION OF ARM)
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- TRAFFIC SIGNAL
- POLE W/ TRAFFIC SIGNAL (OVER ROAD)
- QUIP WIRE
- QUIP POLE
- GROUND LEVEL / DECORATIVE LIGHTING
- FLAG POLE
- PHONE OR PHONE BOOTH
- METAL OR CONC. POST
- MAILBOX
- SIGN
- WATER FOUNTAIN
- PARKING METER
- BILLBOARD OR LARGE SIGN
- BASKETBALL HOOP
- BOULDER
- STATUE OR SCULPTURE
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- STUMP
- DOWNSPUT INTO STORM DRAIN
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- DOOR LEDGE ELEVATION
- FOUND IRON
- FOUND MONUMENT
- FOUND P.K. NAIL
- SET IRON W/SDA CAP
- SET P.K. NAIL
- SET P.K. NAIL W/SDA TAG
- MAG
- SET MAGNETIC NAIL W/SDA TAG
- MEASURED
- RECORD
- CALCULATED
- INVERT ELEVATION
- CORRUGATED METAL PIPE
- GAS
- SANITARY SEWER (SAN)
- STORM SEWER (STM)
- WATERMAIN (WM)
- OVERHEAD WIRE
- COMBINED SEWER
- STEAM LINE
- OIL LINE
- UG FIBER (COMM.)
- UG ELECTRIC (ELEC.)
- UG PHONE (PH)
- UG CABLE (CBL)
- CHAIN LINK FENCE (CL)
- WOOD FENCE
- WIRE FENCE (WH)
- GUARD RAIL
- EDGE OF BRUSHWOODS
- CENTERLINE OF DITCH
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- BOUNDARY LINES
- ROW LINES
- SECTION LINES
- PROPERTY LINES
- ASPHALT
- CONCRETE
- GRAVEL
- BRICK / PAVERS
- WATER

**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 & ±7' SOUTH OF CL FENCE. ELEV = 755.68

**SURVEYOR'S COMMENTS**

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- 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 MEYERING 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 15-09-41 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

**SITE COVERAGE**

LOT SIZE: 9,204 SQ. FT.  
 HOUSE SIZE: 2,168 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.

**STRUCTURE TABLE**

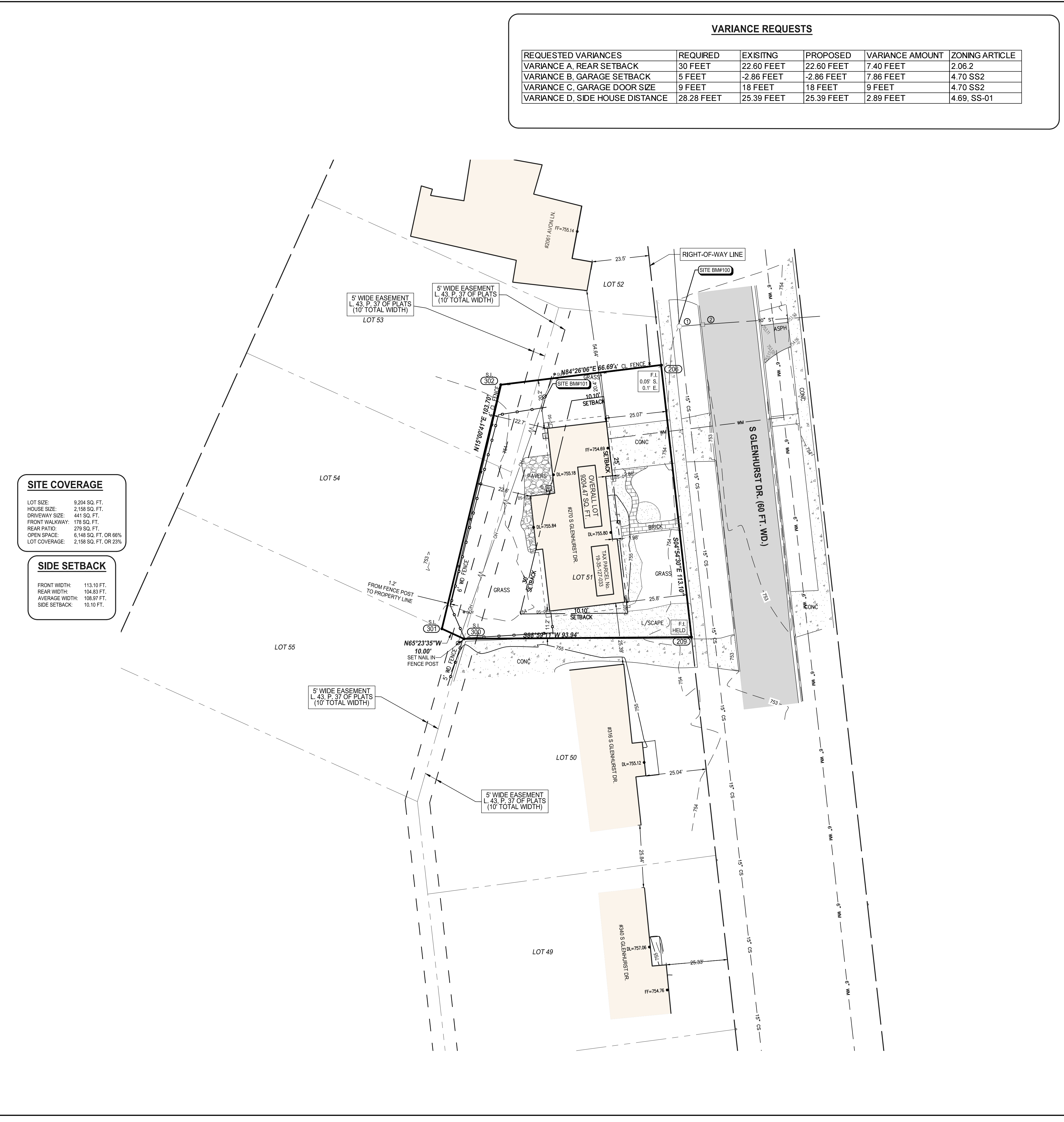
#	TYPE	RIM	SIZE	MTRL	INVERT	DIRECTION	CONNECT
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			10"	CLAY	747.50	EAST	
			15"	CLAY	743.38	NORTH	1
			15"	CLAY	743.30	SOUTH	

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, SLUMPS 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.

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SCOTT J. KEHRER  
 PROFESSIONAL SURVEYOR No. 400105247



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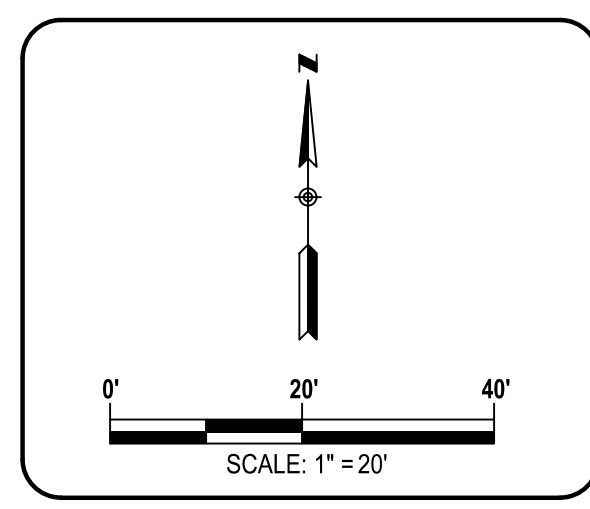
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**UTILITY NOTE**

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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	DATE
M.VAPHADIS	03-11-22
CHECKED	DATE
S.KEHRER	03-11-2022
FIELD LEADER	PROJECT SURVEYOR
S.MAYER	S.DUNN
PROJECT MANAGER	DEPARTMENT MANAGER
S.KEHRER	C.PLATZ
JOB NO.	DRAWING NO.
SM22046TP	SM22046TPG-a
SCALE:	SHEET NO.
1" = 20'	2 OF 2

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

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**1. Call To Order**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on 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



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Bruce R. Johnson, Building Official



Laura Eichenhorn  
City Transcriptionist

# **CASE DESCRIPTION**

**1155 Webster (25-26)**

**Hearing date: October 28, 2025**

**Appeal No. 25-26:** The owner of the property known **1155 Webster**, requests the following variance to construct an addition on the rear of the existing home:

A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires that no side yard setback shall be less than 5.00 feet. The existing is 4.70 and the proposed is 4.50 feet on the west side. Therefore, a variance of 0.50 feet is being requested.

**Staff Notes:** The applicant is seeking a variance to construct rear addition to the existing non-conforming home that was constructed in the 1940's

This property is zoned R3 – Single family residential.

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

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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### 8.01 The Board of Zoning Appeals

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

(EACH i-iv must be satisfied)

1155 WEBSTER MAP



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

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

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

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

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

<b>Type of Variance:</b>	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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**I. PROPERTY INFORMATION:**

Address: <u>1155 WEBSTER, B'ham, MI</u>	Lot Number: <u>141</u>	Sidwell Number: <u>08-20-31*153-03A</u>
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**II. OWNER INFORMATION:**

Name: <u>BYRON &amp; LAURIE WOODARD</u>				
Address: <u>1155 WEBSTER</u>	City: <u>BIRMINGHAM</u>	State: <u>MI</u>	Zip code: <u>48009</u>	
Email: * <u>funkie777@aol.com</u>			Phone: <u>512-560-4988</u>	

**III. PETITIONER INFORMATION:**

Name: <u>LARRY BERTOLLINI</u>	Firm/Company Name: <u>LARRY BERTOLLINI ARCHITECT</u>			
Address: <u>1275 WEBSTER</u>	City: <u>BIRMINGHAM</u>	State:	Zip code: <u>48009</u>	
Email: <u>lbertollini@att.net</u>			Phone: <u>248 6466677</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 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

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

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

*Variance Chart Example*

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

**V. REQUIRED INFORMATION CHECKLIST:**

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


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

**VI. APPLICANT SIGNATURE**

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

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

Signature of Owner:  Date: 08.11.2025

Signature of Petitioner:  Date: 08.11.2025

**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 12<sup>th</sup> day of the month preceding the next regular meeting. If the 12<sup>th</sup> falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
  3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
  4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
  5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

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


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

#### **ARTICLE III - Rehearings**

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

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

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

 9.12.2015  
Signature of Applicant  
LARRY BERTOLINI ARCHITECT PC

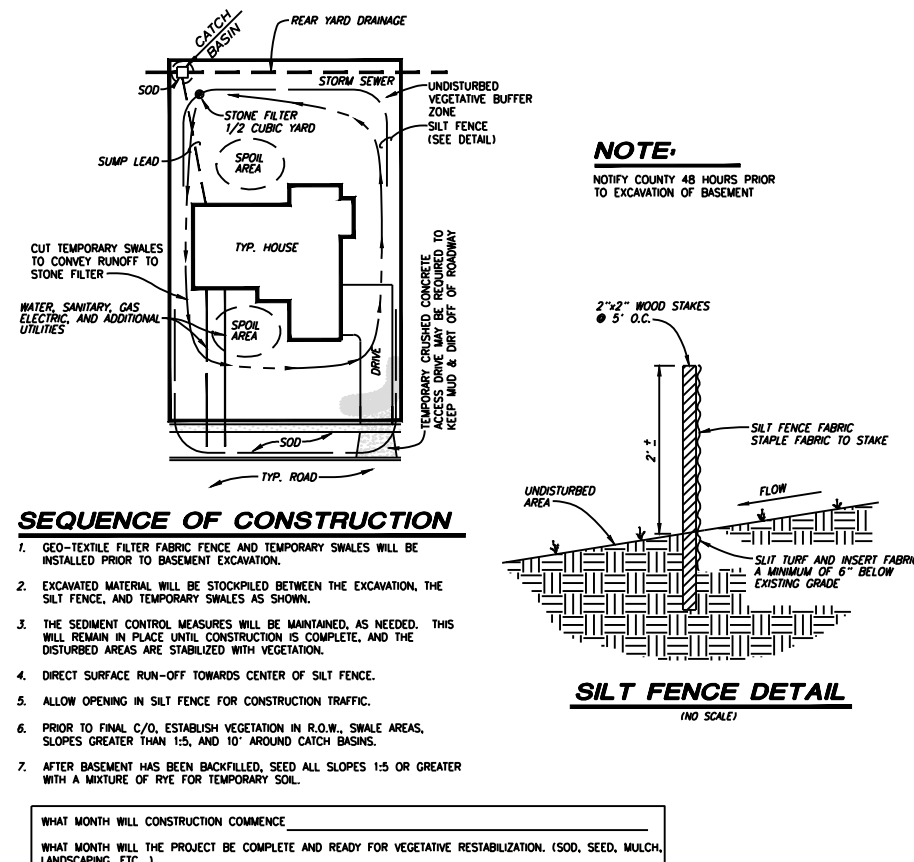
1155 Webster , Birmingham MI 48009

BZA Chair & Board Members

The property owners of 1155 Webster Street, Birmingham MI, are requesting a side setback dimensional variance, to construct a single-story addition in line with the existing house's west wall. The land survey indicates that the existing west wall of the house projects slightly into the required side setback because the lot is on a slight angle. The front of the west wall of the existing house nearly meets the setback. As the existing west wall heads further north the existing side setback is 4.7' from the westerly property line (.3' into the setback). The proposal indicates demolition of the back 7'-6" section of the existing house (due to foundation depth) & re-building that area to expand the existing bedroom 7'-6" (.35' variance needed). This results with an interior dimension of approximately 9'-6" wide X 14'-1". The owners also wish to extend the west wall further north by 23'-0" for the Kitchen / family room addition. Maintaining the existing west wall's alignment will require a .50' side-yard variance. The practical difficulty includes maintaining the continuity of the existing house wall. The neighbor to the west is an existing non-conforming commercial building & parking lot that would not be affected by allowing the requested variance. The proposed addition, as submitted, will add value to the house & to the surrounding residences. Strict adherence to the skew 5' setback requirement poses hardship due to the existing house location on the site. Not permitting the expansion of the back bedroom with a 9'-7" width is a unique hardship & practical difficulty. Voting in favor of the dimensional variance allows the property owners freedom to expand the square footage on the first floor to enjoy in their aging years in a reasonable way. Thank you for your consideration with this variance request.

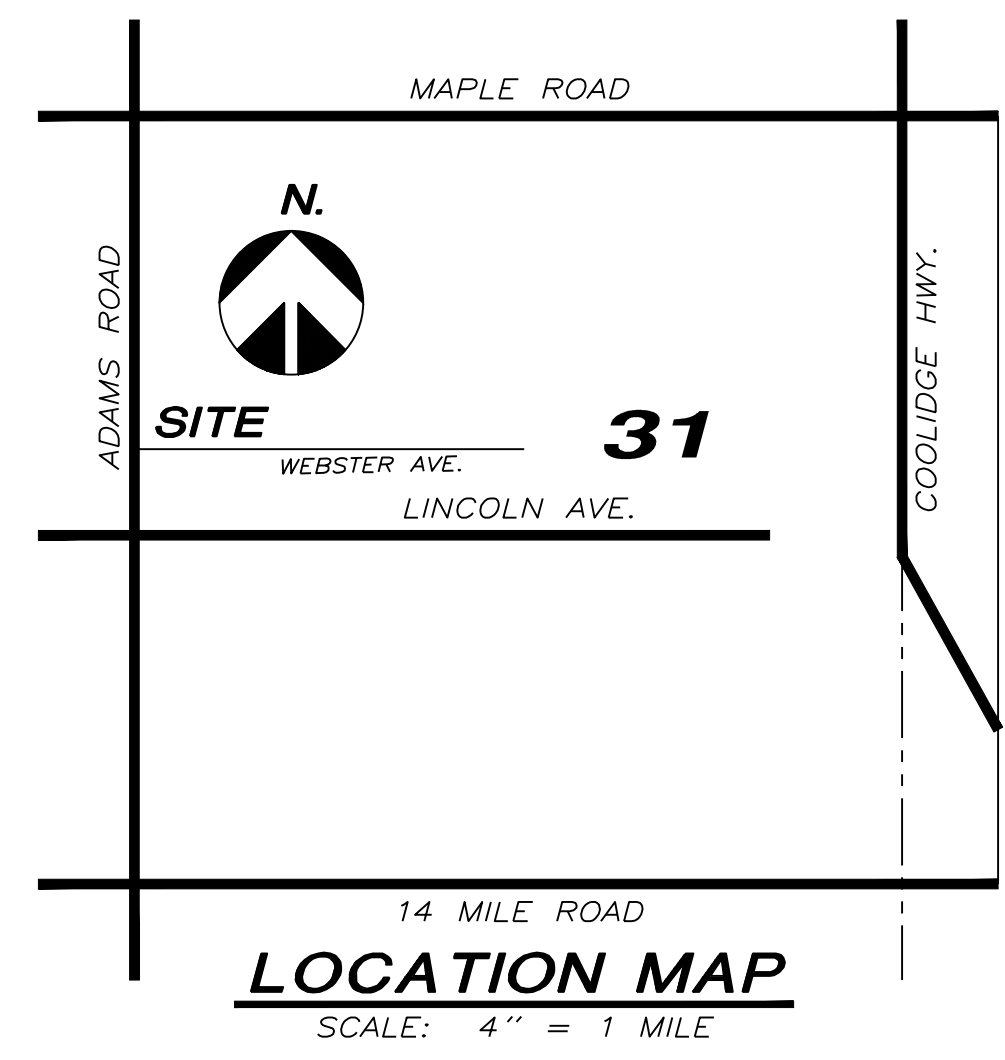
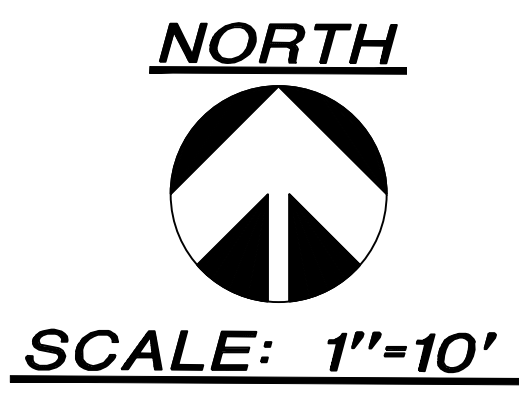
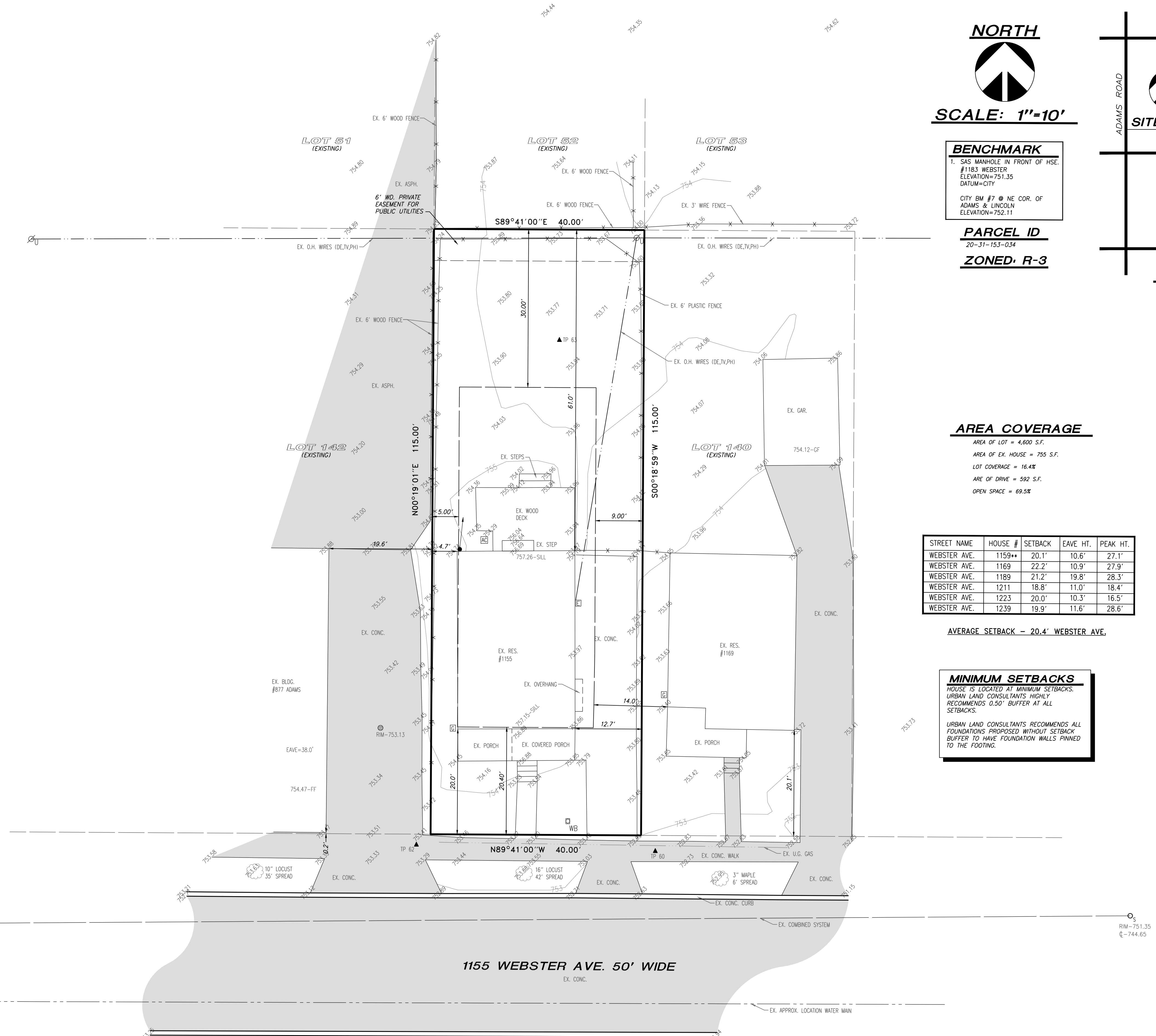
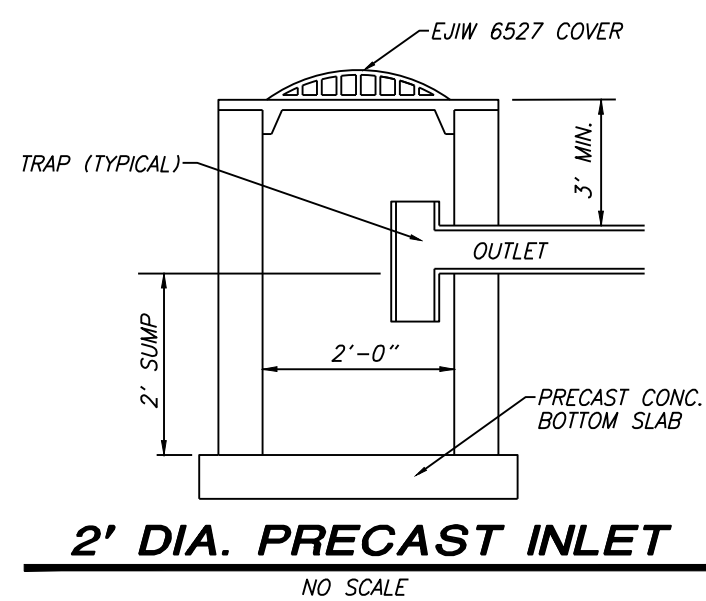
Respectfully,

Larry Bertollini Architect



**SOIL EROSION DETAILS**  
(NO SCALE)

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



**BENCHMARK**

1. SAS MANHOLE IN FRONT OF HSE.  
#1183 WEBSTER  
ELEVATION=751.35  
DATUM=CITY

CITY BM #7 @ NE COR. OF ADAMS & LINCOLN  
ELEVATION=752.11

**PARCEL ID**  
20-31-153-034

**ZONED: R-3**

**AREA COVERAGE**

AREA OF LOT = 4,600 S.F.  
AREA OF EX. HOUSE = 755 S.F.  
LOT COVERAGE = 16.4%  
AREA OF DRIVE = 592 S.F.  
OPEN SPACE = 69.5%

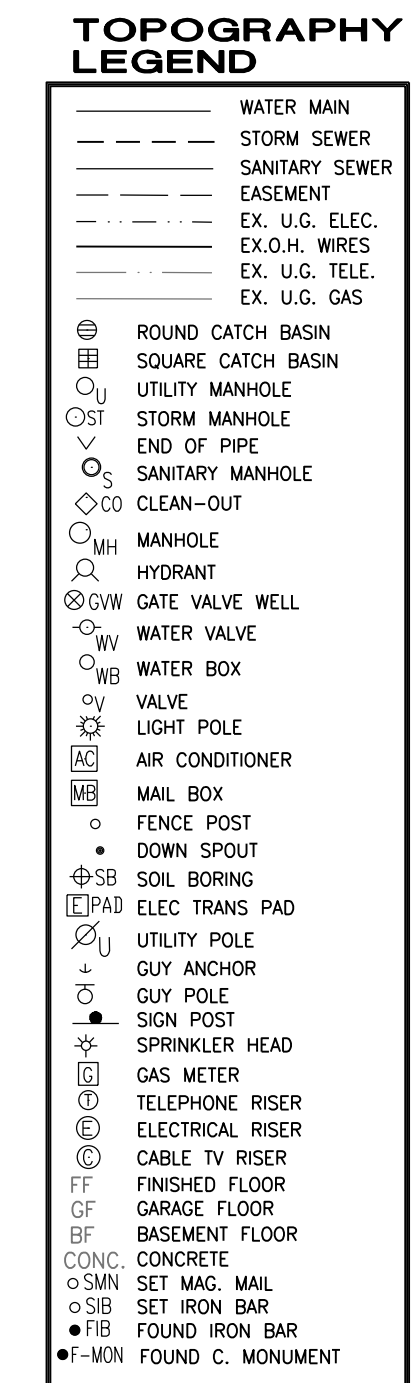
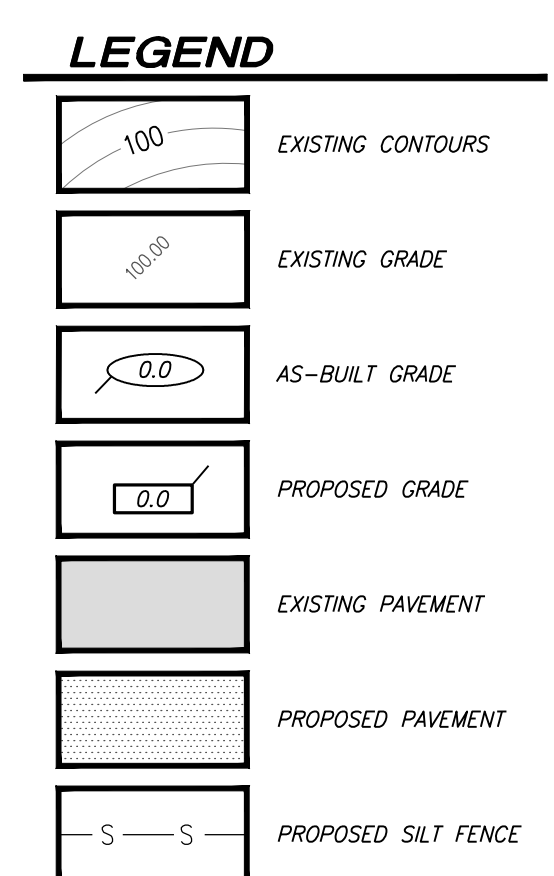
STREET NAME	HOUSE #	SETBACK	EAVE HT.	PEAK HT.
WEBSTER AVE.	1159**	20.1'	10.6'	27.1'
WEBSTER AVE.	1169	22.2'	10.9'	27.9'
WEBSTER AVE.	1189	21.2'	19.8'	28.3'
WEBSTER AVE.	1211	18.8'	11.0'	18.4'
WEBSTER AVE.	1223	20.0'	10.3'	16.5'
WEBSTER AVE.	1239	19.9'	11.6'	28.6'

AVERAGE SETBACK - 20.4' WEBSTER AVE.

**MINIMUM SETBACKS**

HOUSE IS LOCATED AT MINIMUM SETBACKS. URBAN LAND CONSULTANTS HIGHLY RECOMMENDS 0.50' BUFFER AT ALL SETBACKS.

URBAN LAND CONSULTANTS RECOMMENDS ALL FOUNDATIONS PROPOSED WITHOUT SETBACK BUFFER TO HAVE FOUNDATION WALLS PINNED TO THE FOOTING.



**GRADING NOTE**

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

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

**ATTENTION BUILDERS/CONTRACTORS**

1. THIS DRAWING IS NOT INTENDED TO REPRESENT A BOUNDARY OR LOT SURVEY, AND SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES OR LOCATE IMPROVEMENTS.
2. U.L.C. ASSUMES NO RESPONSIBILITY FOR THE GIVEN BUILDING DIMENSIONS. DIMENSIONS MUST BE VERIFIED BY OWNER/BUILDER PRIOR TO CONSTRUCTION.
3. THIS PLAN SHALL NOT BE USED TO SET FOUNDATIONS. ARCHITECTURAL PLANS MUST BE USED FOR CONSTRUCTION OF FOUNDATION.
4. UPON ACCEPTANCE AND SUBMITTAL OF THIS PLAN FOR PERMITS, THE OWNER/BUILDER ACKNOWLEDGES HE HAS REVIEWED THE PLAN, AND THAT IT MEETS THE ESTABLISHED REQUIREMENTS.
5. APPROVAL OF THIS PLOT PLAN DOES NOT RELIEVE THE OWNER/BUILDER OF COMPLIANCE WITH ALL CODES AND ORDINANCES THAT SHALL APPLY.

**NOTE:**

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

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

**PLOT PLAN**

LOT 141  
LEINBACH-HUMPHREY'S  
PART OF THE N.W. 1/4 OF SECTION 31  
T.21N. R.11E, CITY OF BIRMINGHAM  
OAKLAND COUNTY, MICHIGAN

DATE: 250114-11197

Job No. 2-27-25

Date 2-27-25

Scale 1"=10'

Drawn CV

Check J. MORRIS

Sheet 1 of 1

Fld. Bk.

**Laurie Woodard**

6804 GARDON DRIVE  
AUSTIN, TX 78749  
512-560-4958



PHONE 586 731-8030

**URBAN LAND CONSULTANTS**

PLANNERS LAND SURVEYORS

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

**811**

KNOW WHAT'S BELOW.  
CALL BEFORE YOU DIG.

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

**CAUTION**

CONTRACTOR TO VERIFY GROUND WATER PRIOR TO CONSTRUCTION.

ULC RECOMMENDS SOIL ANALYSIS TO BE PERFORMED BY A PROFESSIONAL.

CONTRACTOR TO MONITOR EXCAVATION FOR SOIL/GROUND WATER CONDITIONS.

**NOTE:**

SANITARY SEWER 4" PVC SCH 40 OR APPROVED EQUAL @ 1.00% MIN.

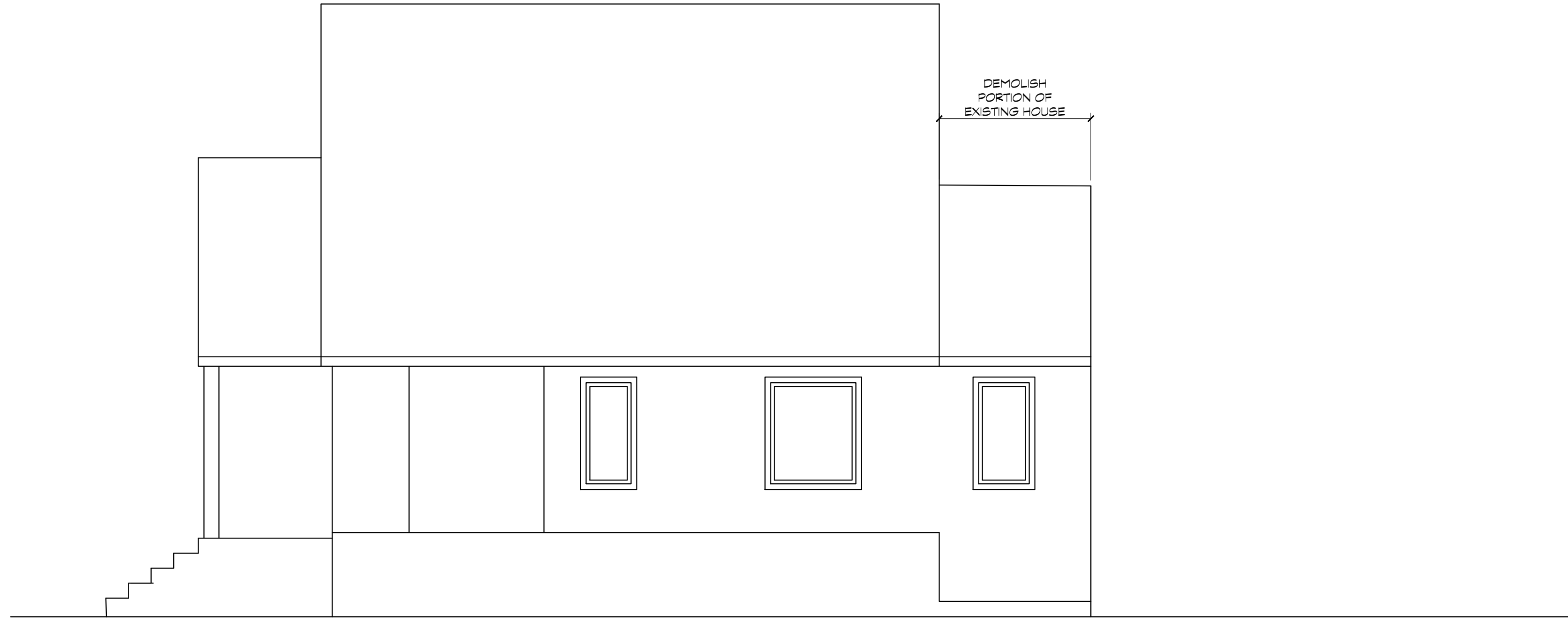
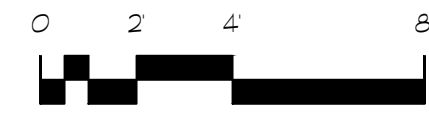
SUMP LEAD TO BE 3" 4" PVC SCH 40 OR APPROVED EQUAL.

WATER SERVICE TO BE 1" 1.5" 2" TYPE "K" COPPER OR APPROVED EQUAL.





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



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



BZA 08-12-2025

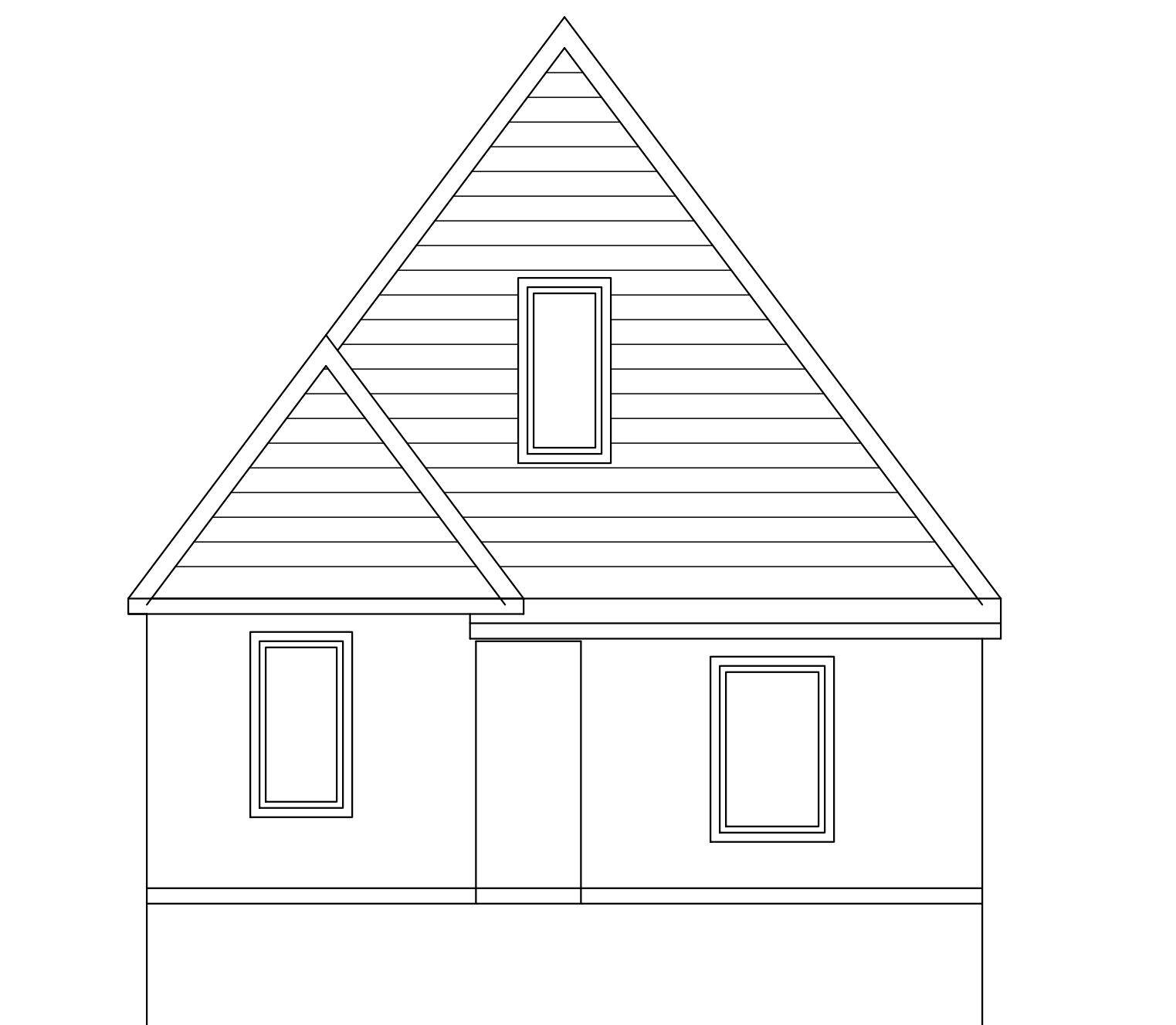
WOODARD  
RESIDENCE

ADDITION

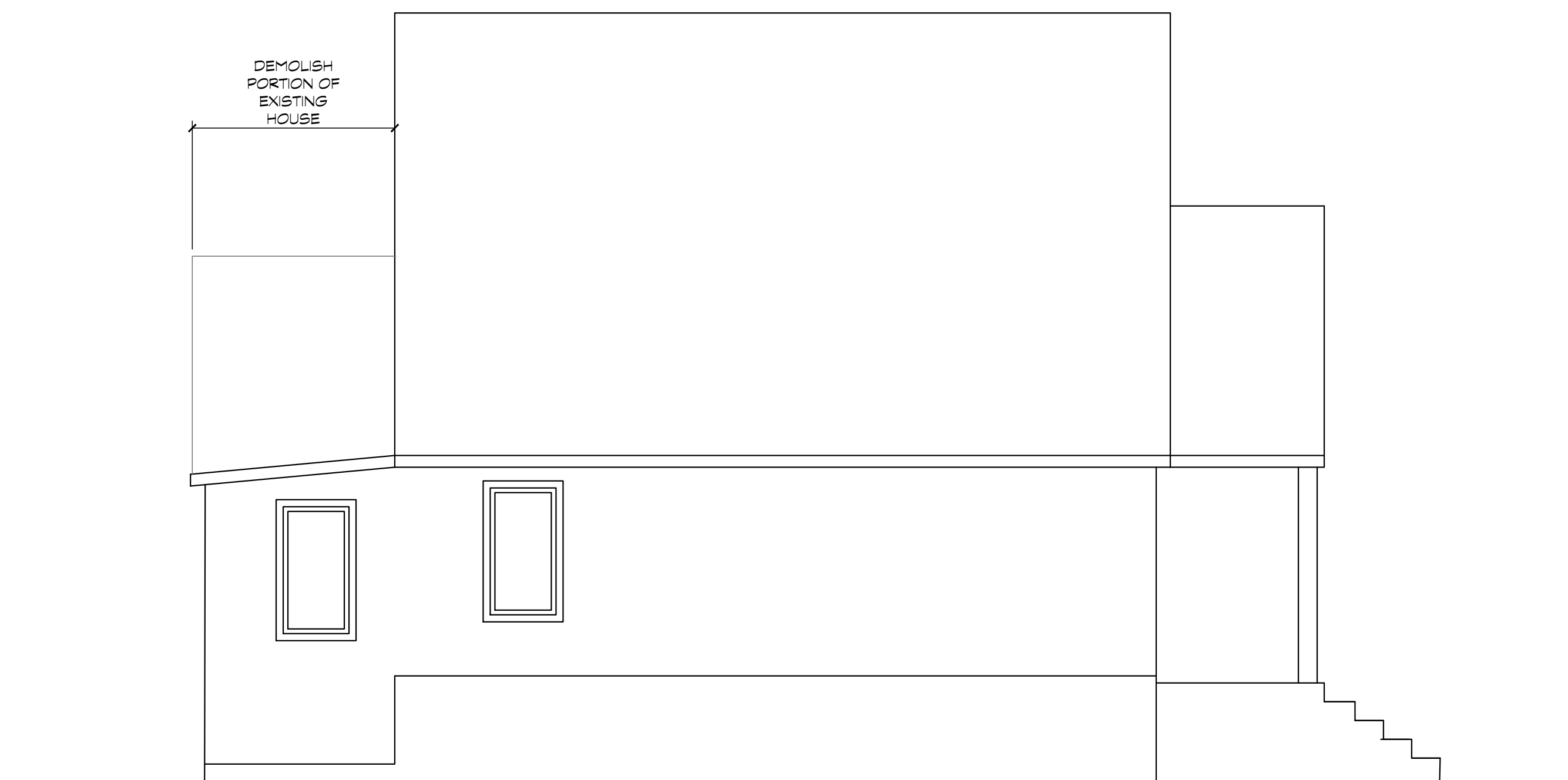
1155 WEBSTER  
BIRMINGHAM, MICHIGAN 48009  
**2515**

L BERTOLLINI  
ARCHITECT  
248-638-7777

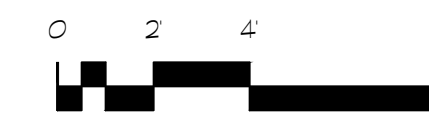
EXISTING  
ELEVATIONS

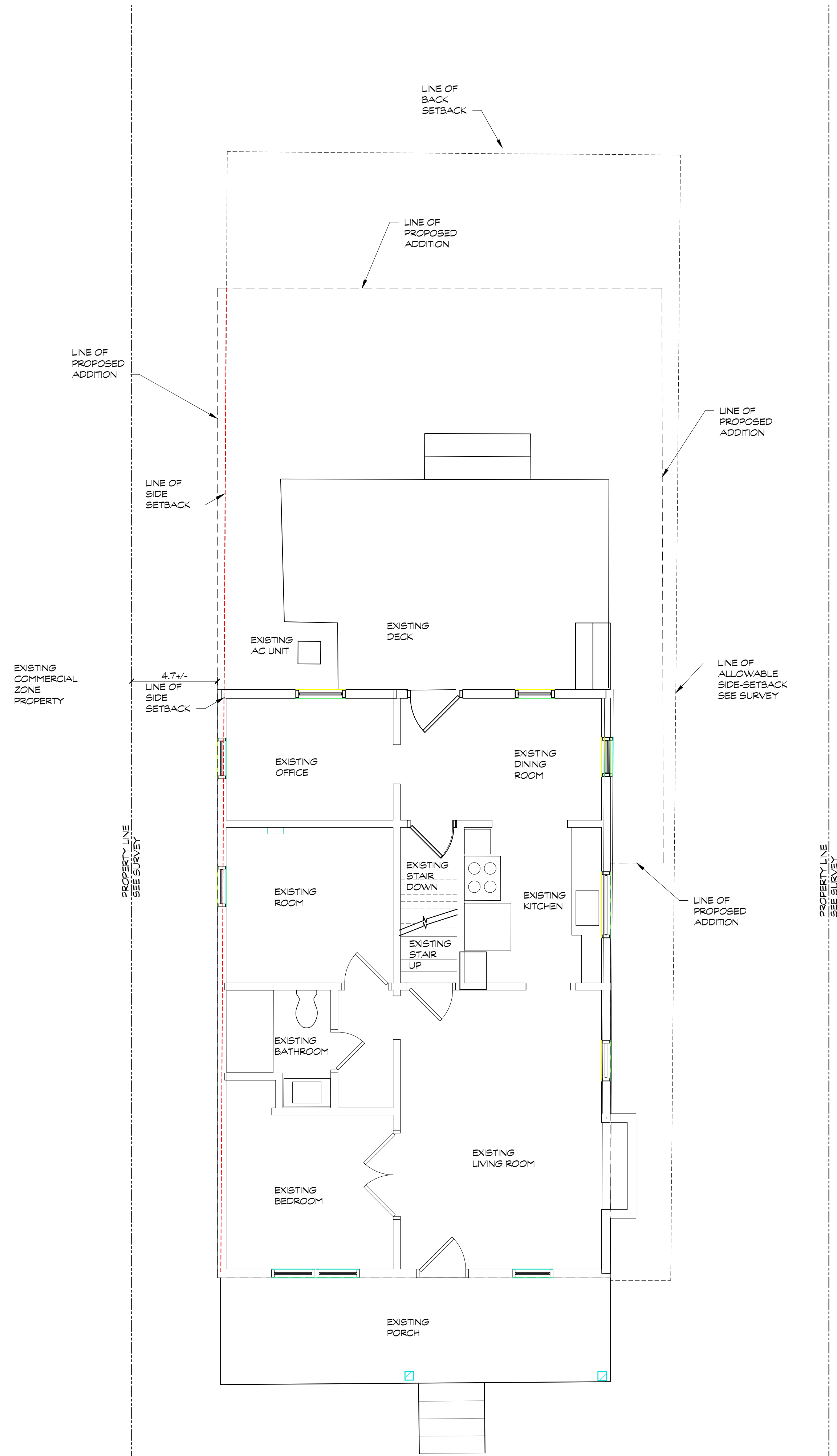


**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



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



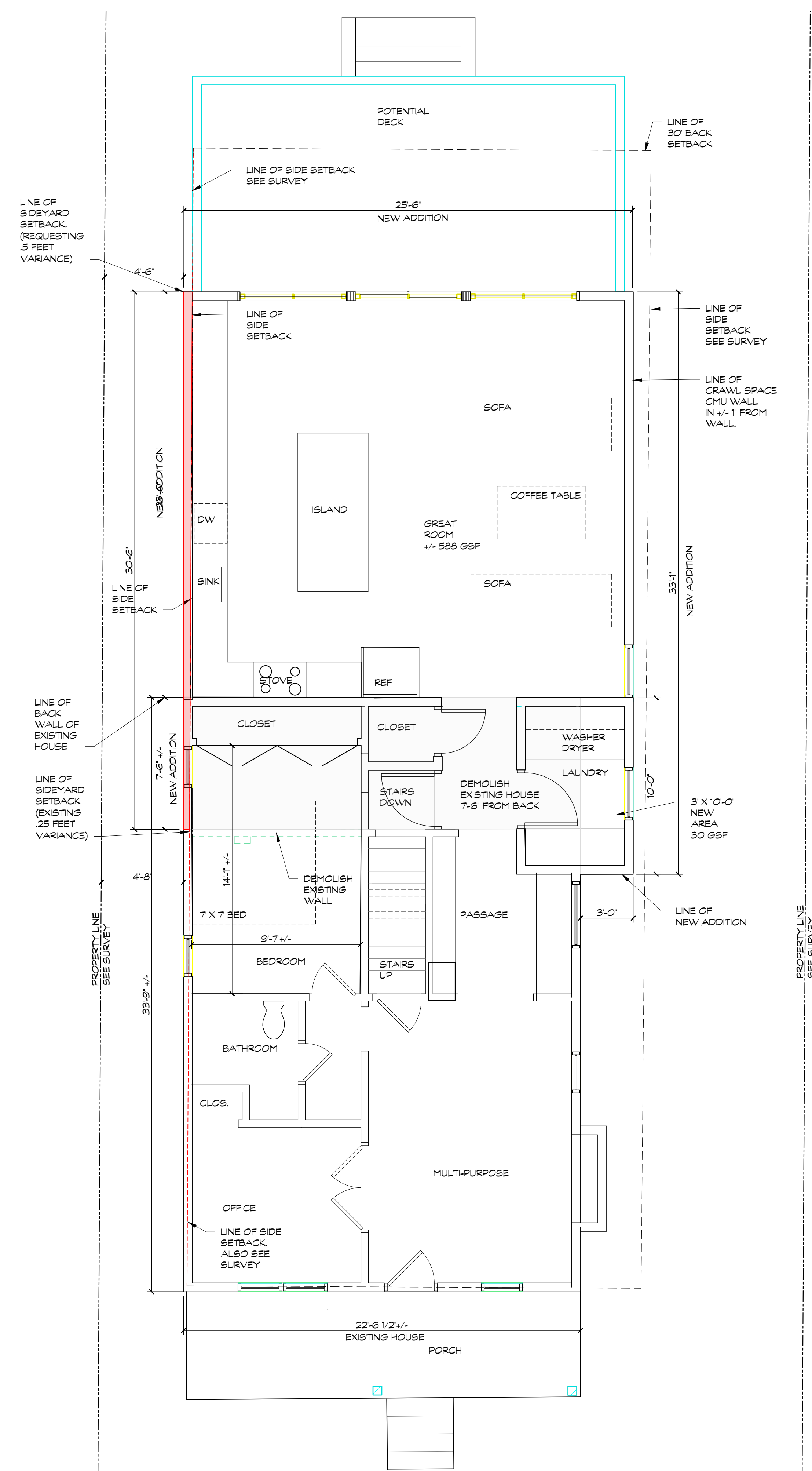
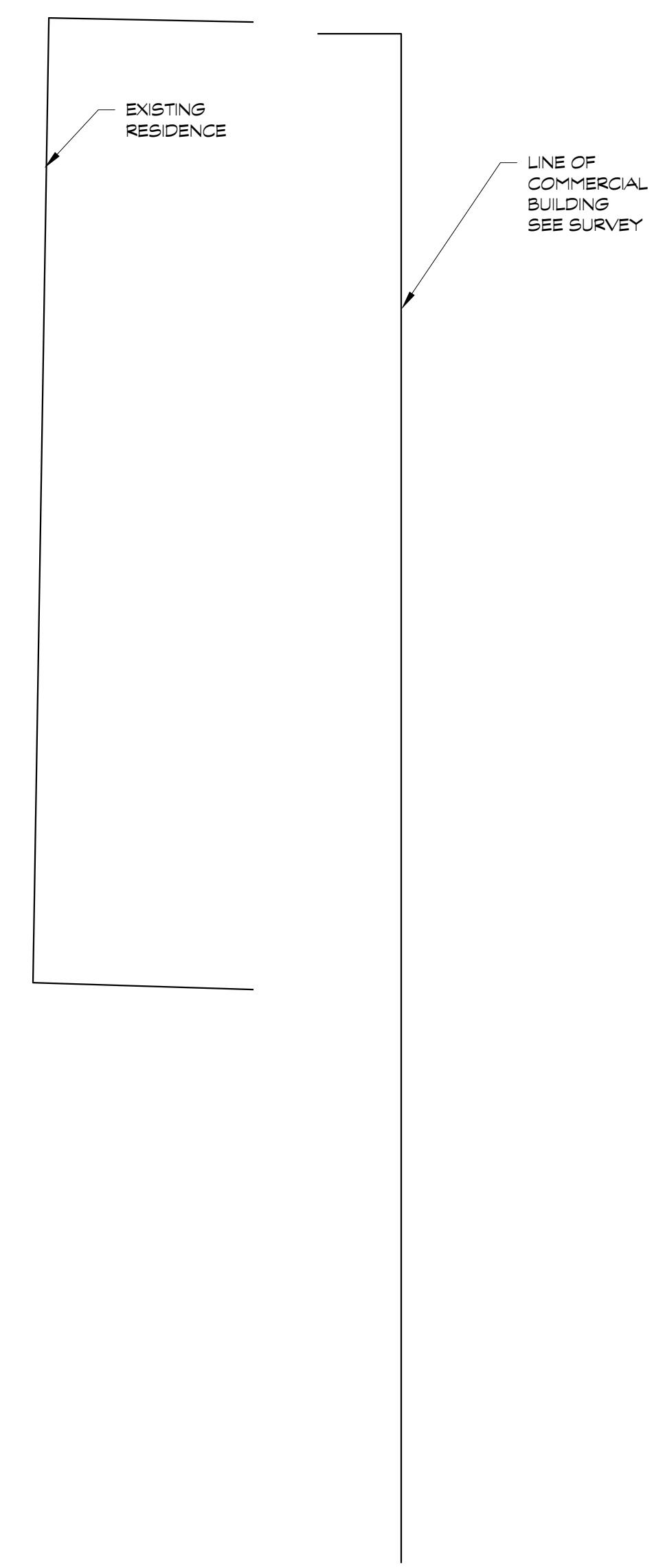


NORTH

EXISTING FIRST FLOOR PLAN

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

0 2 4 6



NORTH

FLOOR PLAN

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

0 2 4 6

BZA 09-12-2025

WOODARD RESIDENCE

ADDITION

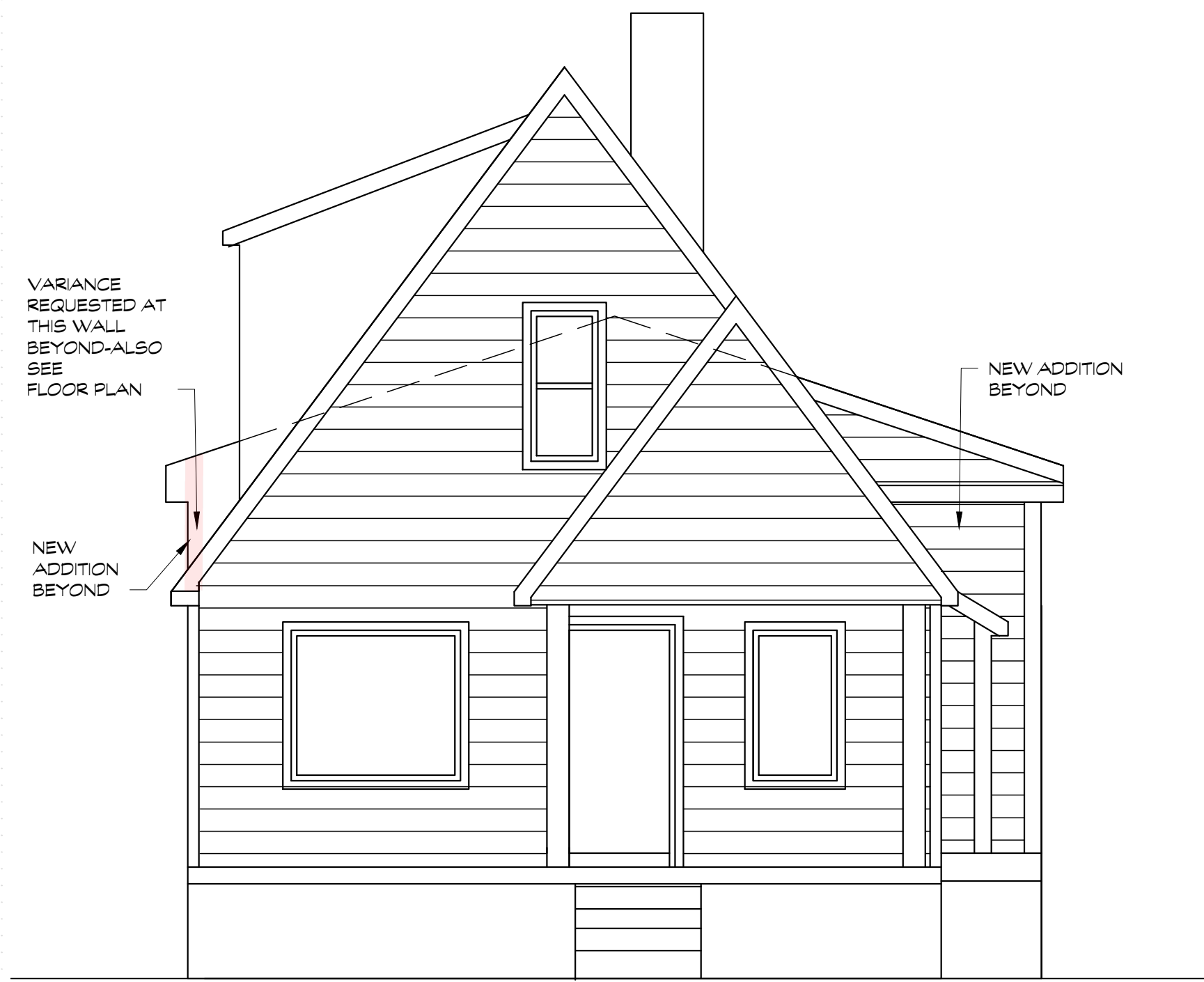
1155 WEBSTER  
BIRMINGHAM, MICHIGAN 48009

2515

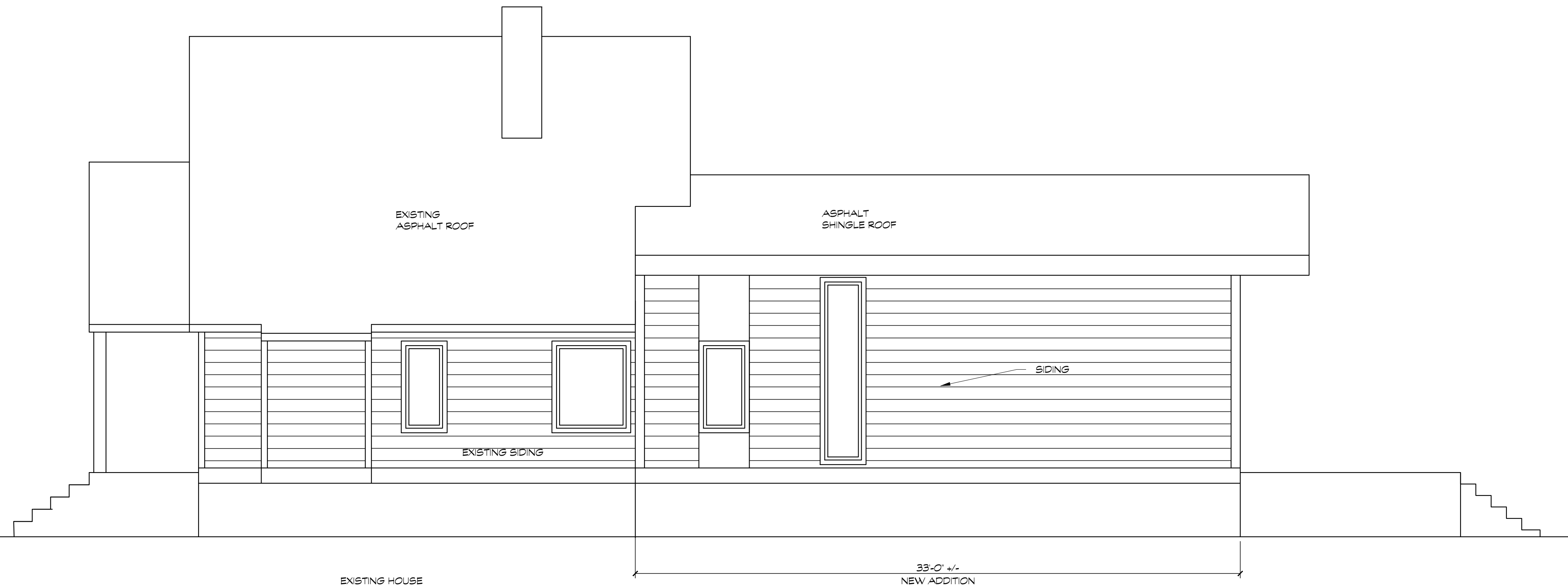
L BERTOLLINI  
ARCHITECT

248-619-7717

FLOOR PLAN  
EXISTING FLOOR PLAN



**SOUTH ELEVATION (FRONT)**  
SCALE: 1/4" = 1'-0"



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



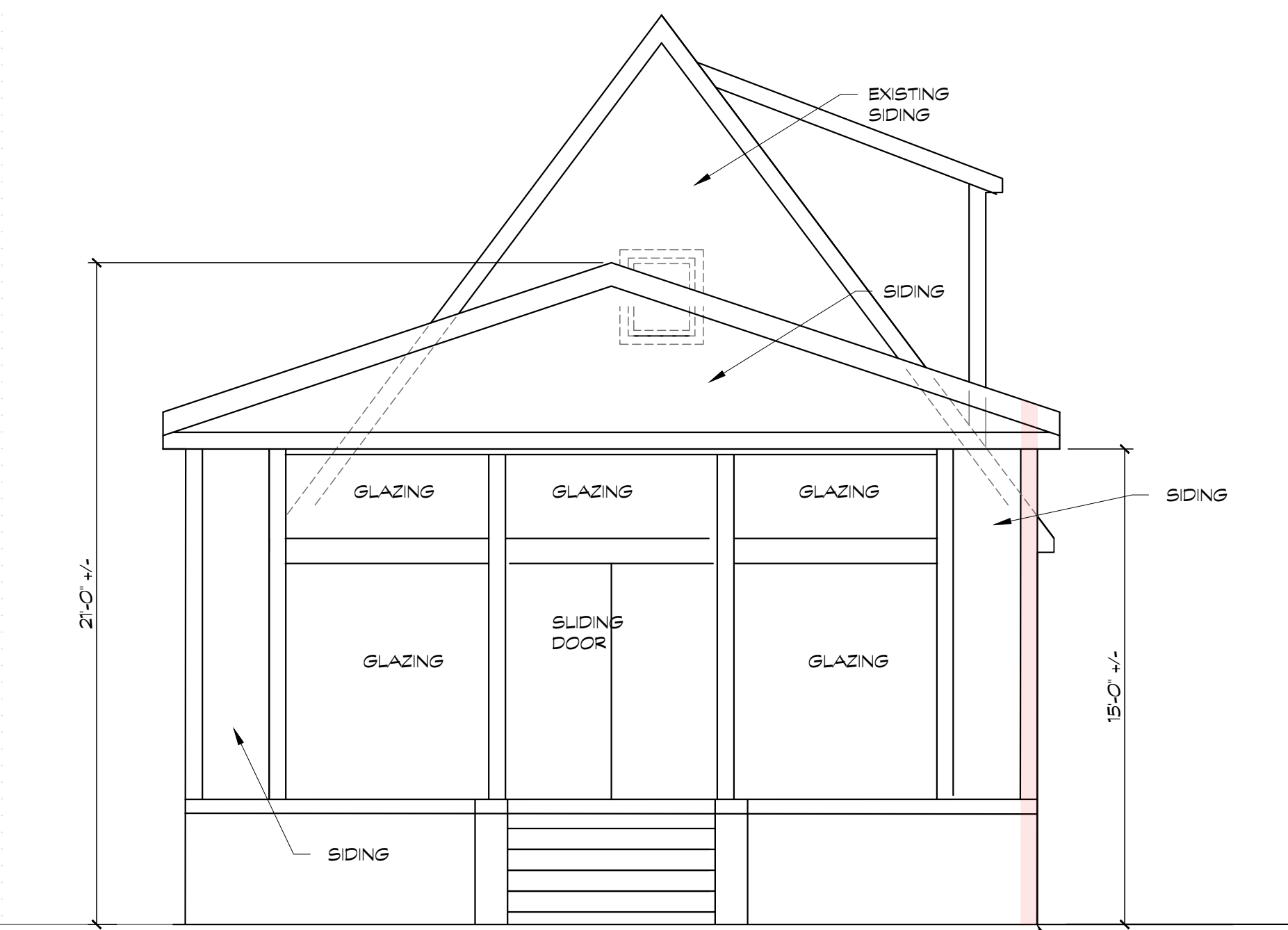
BZA 09-12-2025

WOODARD  
RESIDENCE

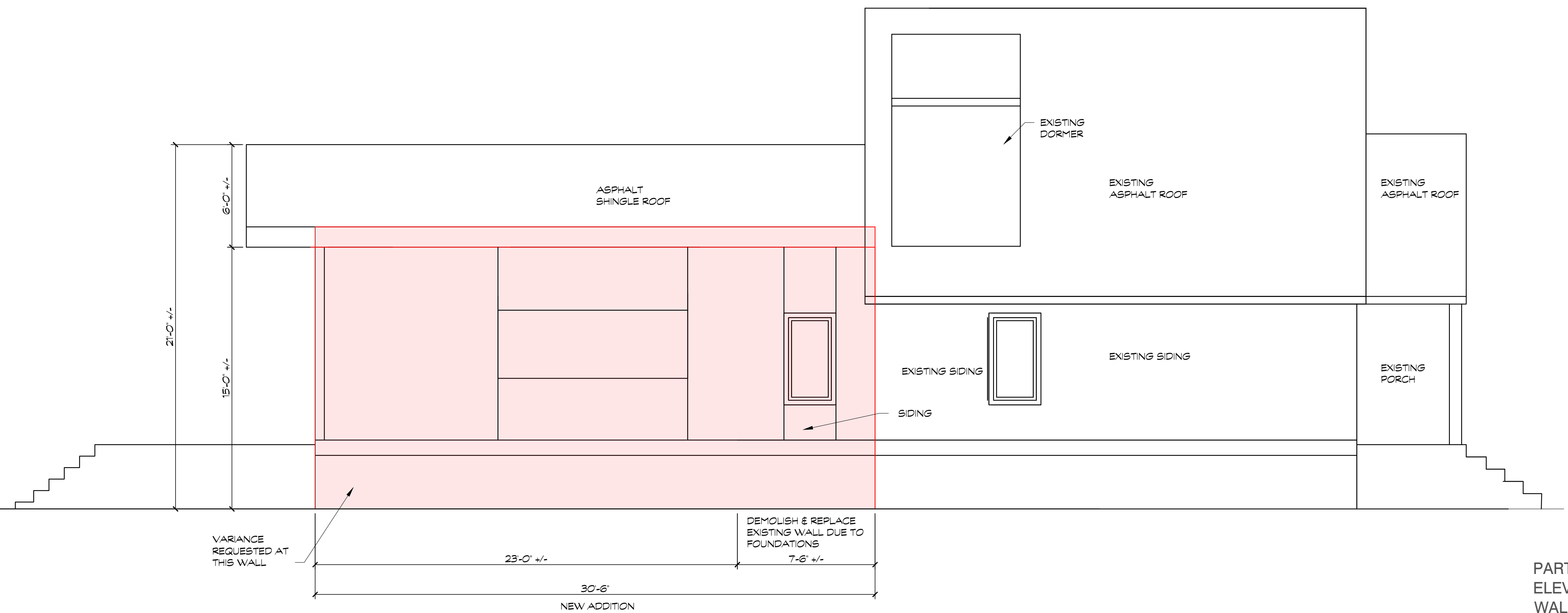
ADDITION

1155 WEBSTER  
BIRMINGHAM, MICHIGAN 48009

**2515**



**NORTH ELEVATION (BACK)**  
SCALE: 1/4" = 1'-0"



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



L BERTOLLINI  
ARCHITECT

248458-7717

PARTIAL FLOOR PLAN  
ELEVATIONS  
WALL SECTION  
DETAILS

# **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.

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

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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### 8.01 The Board of Zoning Appeals

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

(EACH i-iv must be satisfied)

# 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](http://www.bhamgov.org)**

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

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

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

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

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

<b>Type of Variance:</b>	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Dimensional	<input type="checkbox"/> Land Use	<input type="checkbox"/> Sign	<input type="checkbox"/> Admin Review
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**I. PROPERTY INFORMATION:**

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

Name: Jennifer Gilbert			
Address: 309 Arlington St	City: Birmingham	State: MI	Zip code: 48009
Email: * matthew21k@rockventures.com		Phone: 310-422-1929	

**III. PETITIONER INFORMATION:**

Name: Mike Yeager		Firm/Company Name: Skilform Architects	
Address: 400 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 12<sup>th</sup> day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

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

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

*Variance Chart Example*

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

**V. REQUIRED INFORMATION CHECKLIST:**

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

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

**VI. APPLICANT SIGNATURE**

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

Signature of Owner: \_\_\_\_\_

Date: 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 12<sup>th</sup> day of the month preceding the next regular meeting. If the 12<sup>th</sup> falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
  3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
  4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
  5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

6. Where the Birmingham Zoning Ordinance requires site plan approval of a project by the City Planning Board before the issuance of a building permit, applicants must obtain preliminary site plan approval by the Planning Board before appeal to the BZA for a variance request. If such appeal is granted by the BZA, the applicant must seek final site plan and design review approval from the Planning Board before applying for a building permit.
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1. Presentation of official records of the case by the Building Official or City Planner as presented on the application form.
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-

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

#### **ARTICLE III - Rehearings**

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

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

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



Signature of Applicant

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.

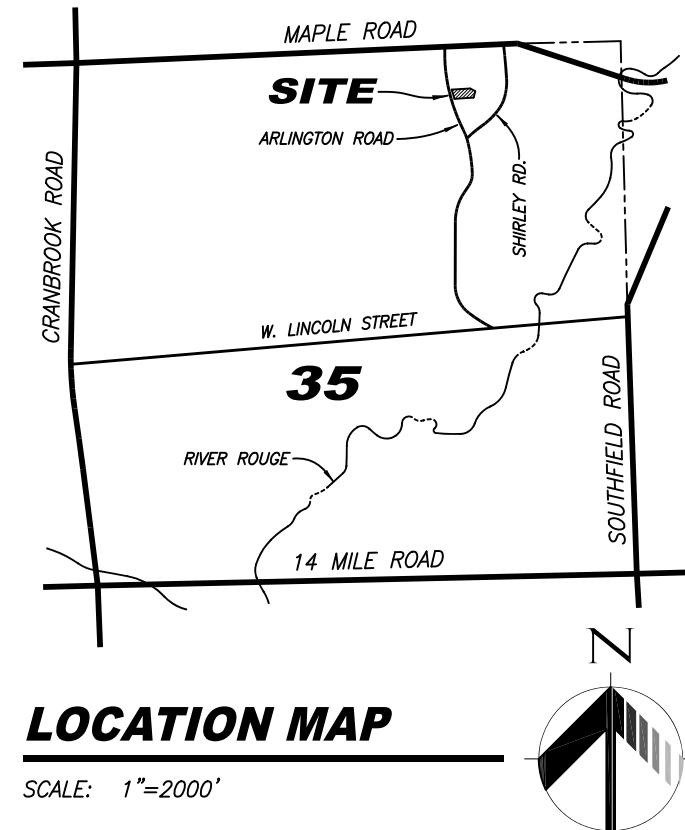
The homeowner is requesting a variance to keep the generator located within the side yard setback as originally intended during the permitting and construction process.

Sincerely,



Michael J Yager  
Owner & Partner Skilform Architects

LEGEND	
	EXISTING GRADE
	EXISTING ASPHALT PAVEMENT TO REMAIN
	EXISTING CONTOURS, 1' INTERVAL
	PROPOSED GRADE
	AS-BUILT GRADE
	PROPOSED NEW PAVEMENT AREAS
	EXISTING TREE TO REMAIN
	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 49 OF PLATS, PAGE 39, OAKLAND COUNTY RECORDS.

**BENCHMARKS**

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

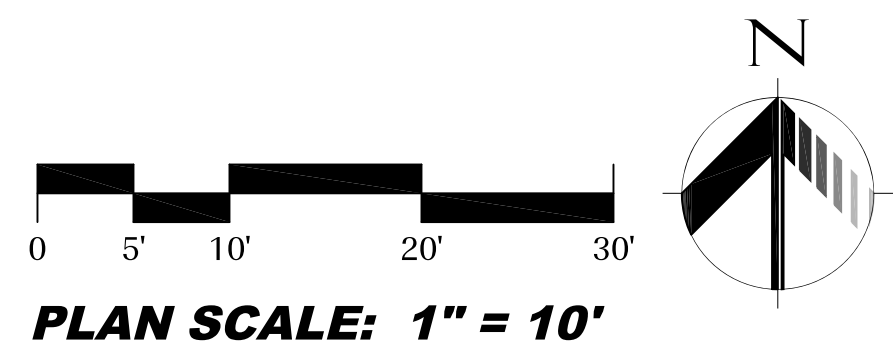
SITE BENCHMARK #1  
NORTH RIM OF SEWER MANHOLE IN ARLINGTON ROAD IN FRONT OF RESIDENCE #345.  
ELEVATION = 753.97 (CITY DATUM)

**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'
- OPEN SPACE PROPOSED = 12,995 S.F. (61.6%)
- FRONT YARD AREA = 6,787 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% x 4,412 S.F.
- FRONT YARD OPEN SPACE PROPOSED = 4,504 S.F. (66.4%)

**NOTES**

1. SURVEY AND TOPOGRAPHY IS AS PERFORMED AND PROVIDED BY KEM-TEC & ASSOCIATES, PROJECT NO. 21-04004B, DATED JANUARY 7, 2022.
2. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE 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.
3. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
4. ALL RAIN CUTTER DOWNSPOUTS MUST BE CONSTRUCTED IN A MANNER THAT DIRECTS WATER FLOW TO THE FRONT OF SUBJECT PROPERTY WHENEVER POSSIBLE.
5. ALL TREES IN THE EXISTING RIGHT OF WAY MUST BE PROTECTED DURING TIME OF CONSTRUCTION.
6. ALL FOUNDATION DIMENSION AND FINISH FLOOR ELEVATIONS SHALL BE VERIFIED WITH THE FINAL APPROVED BUILDING PLANS PRIOR TO THE START OF CONSTRUCTION.



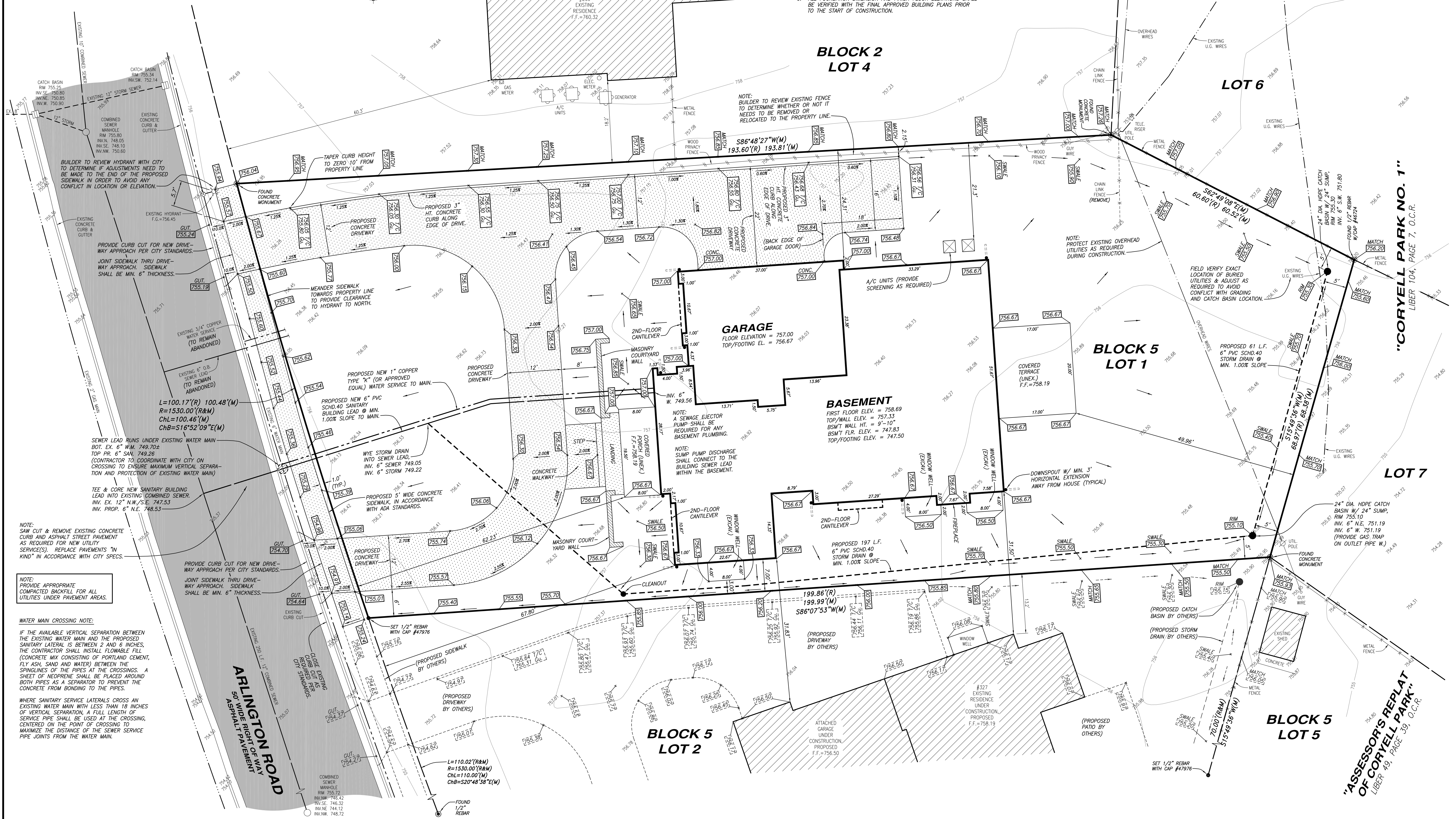
**CONTRACTOR'S NOTE**

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

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

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

**NOTE**  
REFER TO SHEET 2 FOR ADDITIONAL NOTES AND DETAILS.



CLIENT: MEL JAMES WISE  
GREAT LAKES CUSTOM BUILDER  
2525 INDUSTRIAL ROW  
BIRMINGHAM, MI 48205  
(586) 868-8935

STATE OF MICHIGAN  
NATHAN PAUL ROBINSON  
Licenses No. 031047458  
REGISTERED PROFESSIONAL ENGINEER

JOB NO: 21-120  
DATE: 2-28-23  
DRAWN BY: N.P.R.

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

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

PLANNING: **SITE PLAN & DRAINAGE PLAN**

SHEET: **1** OF: **2**

MUNICIPAL REVIEW NUMBERS:

# IMPORTANT!

## FUEL SUPPLY REQUIREMENTS

Fuel Source: Natural Gas

Fuel Consumption at Full Load: 1072.00 SCFH

Required Operating Fuel Pressure: 6-13 in H<sub>2</sub>O  
(fuel pressure required while the generator set is in operation at running pressure to engine mounted regulator, no load to full load)

Required Fuel Pressure and Volume MUST be available under ALL operating conditions at the generator set location.

All generator sets must be installed with a flexible fuel line and fuel strainer prior to the engine connection:

Flexible Fuel Line:  included loose accessory  
 included engine mounted

Fuel Strainer:  included loose accessory

Please contact your salesperson for any questions.

Model	Dis "A" mm (in.)	Dis "B" mm (in.)	Dis "C" mm (in.)	Set weight kg (lbs.)
<b>Open set</b>				
C45 NE	2489 (98)	1016 (40)	1473 (58)	988 (2180)
C50 NE	2489 (98)	1016 (40)	1473 (58)	989 (2180)
C60 NE	2489 (98)	1016 (40)	1473 (58)	1102 (2431)
C70 NE	2489 (98)	1016 (40)	1473 (58)	1111 (2449)
C80 NE	2489 (98)	1016 (40)	1473 (58)	1172 (2587)
C100 NE	2489 (98)	1016 (40)	1473 (58)	1333 (2978)
<b>Weather protective enclosure</b>				
C45 NE	2489 (98)	1016 (40)	1473 (58)	1070 (2359)
C50 NE	2489 (98)	1016 (40)	1473 (58)	1070 (2359)
C60 NE	2489 (98)	1016 (40)	1473 (58)	1184 (2610)
C70 NE	2489 (98)	1016 (40)	1473 (58)	1187 (2629)
C80 NE	2489 (98)	1016 (40)	1473 (58)	1256 (2784)
C100 NE	2489 (98)	1016 (40)	1473 (58)	1515 (3346)
<b>Sound attenuated enclosure Level 1</b>				
C45 NE	3023 (119)	1016 (40)	1473 (58)	1114 (2455)
C50 NE	3023 (119)	1016 (40)	1473 (58)	1114 (2455)
C60 NE	3023 (119)	1016 (40)	1473 (58)	1227 (2736)
C70 NE	3023 (119)	1016 (40)	1473 (58)	1236 (2754)
C80 NE	3023 (119)	1016 (40)	1473 (58)	1306 (2912)
C100 NE	3023 (119)	1016 (40)	1473 (58)	1528 (3384)
<b>Sound attenuated enclosure Level 2</b>				
C45 NE	3454 (136)	1016 (40)	1473 (58)	1127 (2486)
C50 NE	3454 (136)	1016 (40)	1473 (58)	1127 (2486)
C60 NE	3454 (136)	1016 (40)	1473 (58)	1241 (2759)
C70 NE	3454 (136)	1016 (40)	1473 (58)	1249 (2754)
C80 NE	3454 (136)	1016 (40)	1473 (58)	1312 (2902)
C100 NE	3454 (136)	1016 (40)	1473 (58)	1537 (3404)
<b>Winter protective enclosure</b>				
C45 NE	3781 (149)	1016 (40)	1473 (58)	1152 (2555)
C50 NE	3781 (149)	1016 (40)	1473 (58)	1152 (2555)
C60 NE	3781 (149)	1016 (40)	1473 (58)	1266 (2795)
C70 NE	3781 (149)	1016 (40)	1473 (58)	1275 (2804)
C80 NE	3781 (149)	1016 (40)	1473 (58)	1337 (2942)
C100 NE	3781 (149)	1016 (40)	1473 (58)	1567 (3454)

\*Weights shown are average. Actual weight varies with product configuration.

Our energy modeling for pro...  
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### Generator set data sheet

Model: **C80 NE**  
Frequency: **60 Hz**  
Fuel type: **Natural gas/propane**  
KW rating: **80 propane Standby**  
Emissions level: **EPA Emissions**

Fuel consumption	Natural gas Standby				Propane Standby				
	kW (kVA)	1/4	1/2	3/4	Full	1/4	1/2	3/4	Full
Load	61 (100)	121	177	232	1114 (2455)	1114 (2455)	1114 (2455)	1114 (2455)	1114 (2455)
with	108	171	232	292	1919	1919	1919	1919	1919
at full	127	192	257	317	2114	2114	2114	2114	2114

Engine	Natural gas Standby rating		Propane Standby rating		
	kW (kVA)	1/4	1/2	3/4	Full
Engine model	6000-05-03				
Configuration	6000-05-03				
Aspirator	Turbocharged and after-cooled				
Stroke/cylinder	4/100				
Stroke (mm/in.)	102/4.02				
Stroke (mm/in.)	118/4.67				
Rated speed (rpm)	1800				
Compression ratio	16.5:1				
Lube oil capacity (L/US)	14.2 (15)				

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460 Hilton Road  
Ferndale, Michigan 48220  
Phone: 248-761-6402

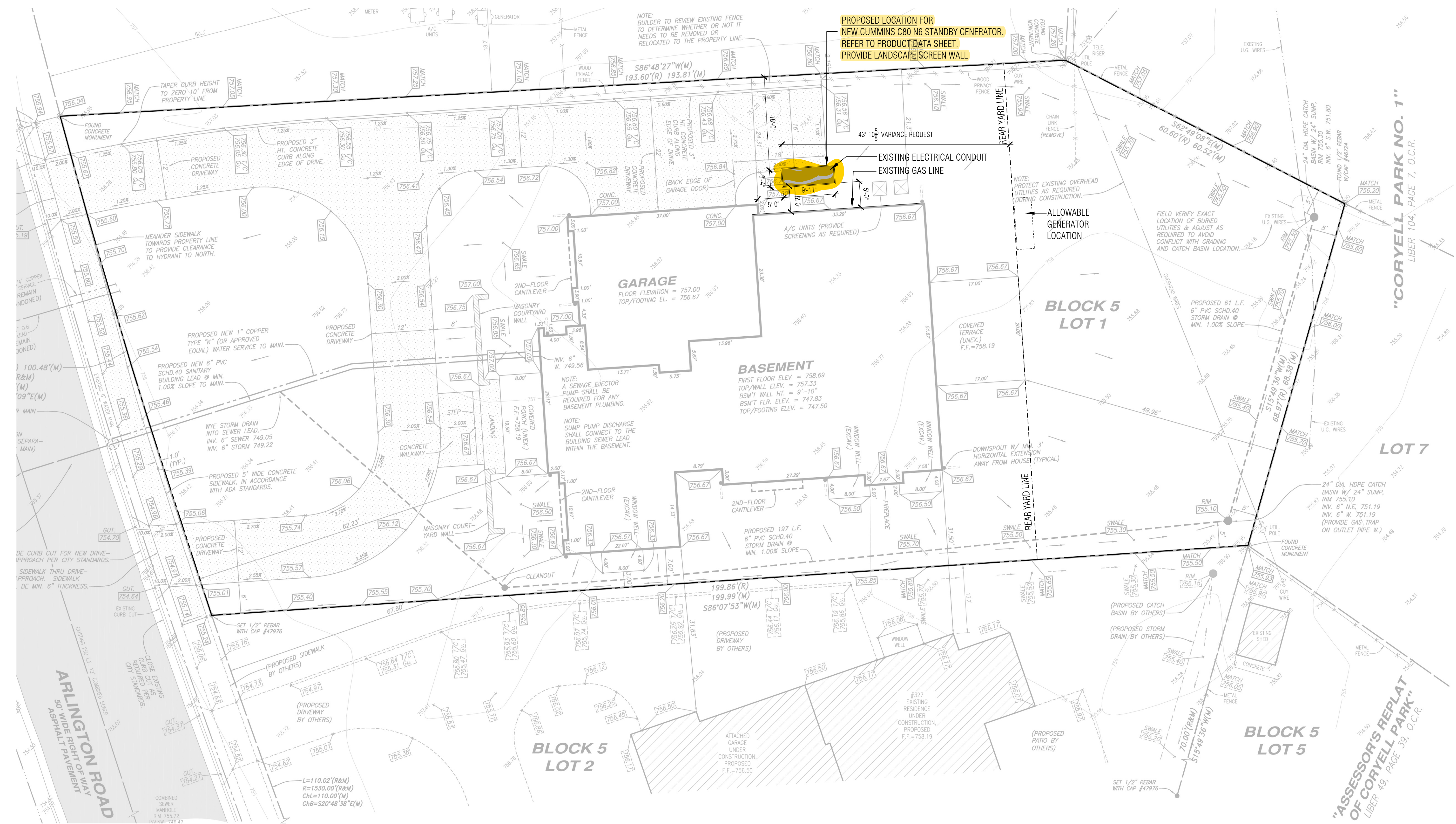
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PROJECT:  
**Arlington Residence**  
309 Arlington Street  
Birmingham, Michigan 48009

# ARCHITECTURAL SITE PLAN

PROJECT NUMBER: 2025-09

PROFESSIONAL SEAL:  
TO THE BEST OF MY KNOWLEDGE THESE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODES AND FIRE SAFETY STANDARDS AS DETERMINED BY THE AUTHORITY HAVING JURISDICTION IN ACCORDANCE WITH THE CURRENT MBC.



NOTE:  
SITE BACKGROUND PROVIDED BY HORIZON ENGINEERING LLC. SITE PLAN DATED 02-23-2023

NOTE:  
DO NOT SCALE DRAWINGS; CONTRACTOR TO NOTIFY ARCHITECT FOR MISSING DIMENSIONS.

NOTE:  
CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS, HEIGHTS, AND ELEVATIONS AND MUST NOTIFY ARCHITECT OF ANY DISCREPANCIES.

CODE:  
DESIGNED IN ACCORDANCE WITH ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS IN EFFECT AT THE TIME OF DESIGN.

DATE:  
2025-04-15: PERMIT SET  
2025-08-06: SITE PLAN FOR ZBA APPROVAL

ZBA

# **CASE DESCRIPTION**

**1061 Forest (25-28)**

**Hearing date: October 28, 2025**

**Appeal No. 25-28:** The owner of the property known **1061 Forest**, requests the following variance to construct an addition on the rear of the home: The proposed addition will be attached to the rear of the home and connected to the existing detached garage:

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 55.57 feet. The proposed is 9.80 feet. Therefore, a variance of 20.20 feet is being requested.

**Staff Notes:** The existing home was built in 1905 and was relocated to this site in 1984. The applicant is requesting to construct an addition on the rear of the home. Variances were granted in both 2021 and 2022. See minutes attached.

This property is zoned R2 – Single family residential.

---

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

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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### 8.01 The Board of Zoning Appeals

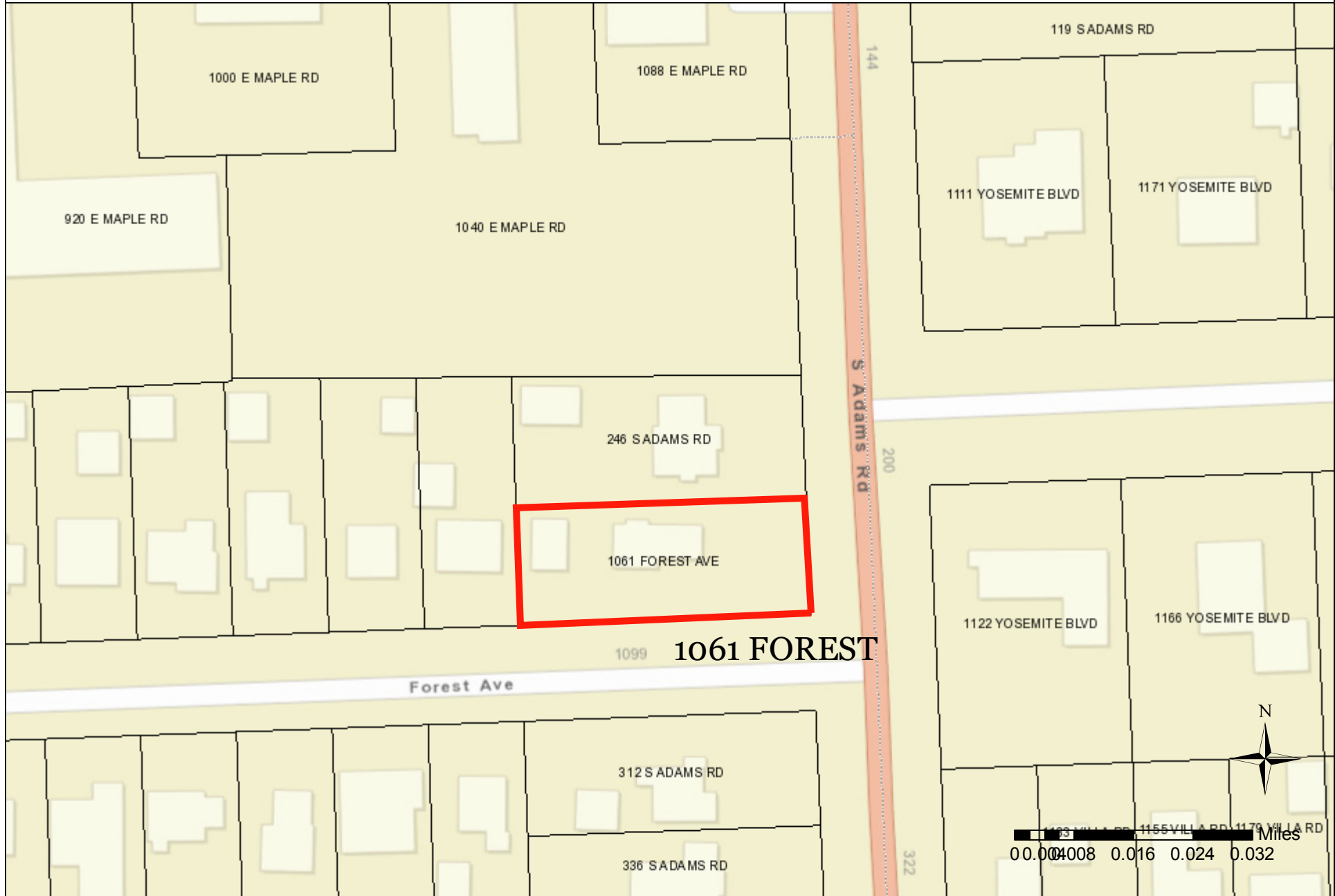
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3. Variances.

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

(EACH i-iv must be satisfied)

# 1061 FOREST MAP



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

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

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

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

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

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

I. PROPERTY INFORMATION:

Address: 1001 FOREST LANE	Lot Number: #4	Sidwell Number: 19-36-227-026
---------------------------	----------------	-------------------------------

II. OWNER INFORMATION:

Name: CLODAGH NICK GREEN				
Address: 1001 FOREST LANE	City: BIRMINGHAM	State: MI	Zip code: 48009	
Email: CLODAGH.EARLS@GMAIL.COM		Phone: (248) 550-9505		

III. PETITIONER INFORMATION:

Name: JOHN VAN BROUCK		Firm/Company Name:		
Address: 462 PILGRIM AVE.	City: BIRMINGHAM	State: MI	Zip code: 48009	
Email: EVEHADLEY1@GMAIL.COM		Phone: (248) 981-3118		

IV. GENERAL INFORMATION:

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

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

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

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: 

Date: 8-01-25

Signature of Petitioner: 

Date: 8/01/25

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

**ARTICLE I - Appeals**

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

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


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

#### **ARTICLE III - Rehearings**

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

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

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

  
Signature of Applicant

## VanBrouck & Associates

360 Hamilton Row  
Birmingham, Michigan 48009

September 25, 2025

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

Subject: Letter of Explanation: Green Residence-1061 Forest Lane

Dear Members of the Board,

Thank you for your review of the variance request for the Green Residence, located at 1061 Forest Lane. The existing non-conforming home is located at the Northeast corner of Adams Road and Forest Lane. Through careful study, along with the City of Birmingham Building Department, it has been determined that the house has two front yard setbacks, one side yard setback and one rear yard setback. The North side yard setback is 5.0' from the property line, while the West rear yard setback is 30.0'. The South front setback, facing Forest Avenue, is 29.6', using the average front set back measurements of the neighboring properties to the West of the house. The East front setback, facing Adams Road is 43.0'. There is an existing South setback encroachment of 0.6' along the Forest Avenue side of the property.

The Green Family is planning to construct an austere two story, 1,115 square foot addition to their 1911 home. The addition adds much needed space to a growing family with a new family room, mud room, front porch, two additional bedrooms and a hall bathroom.

The Green Family asks the Board to consider the following:

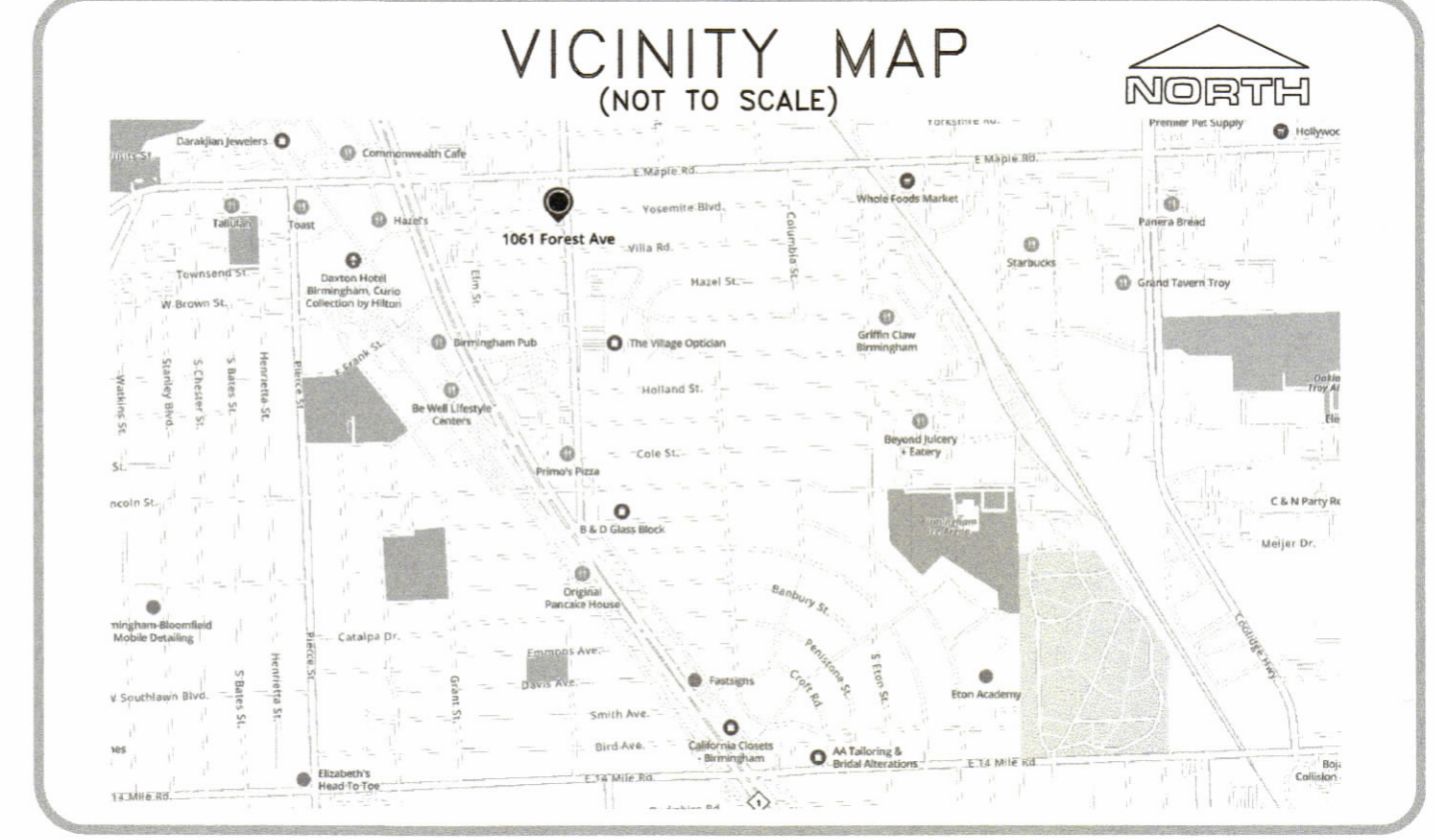
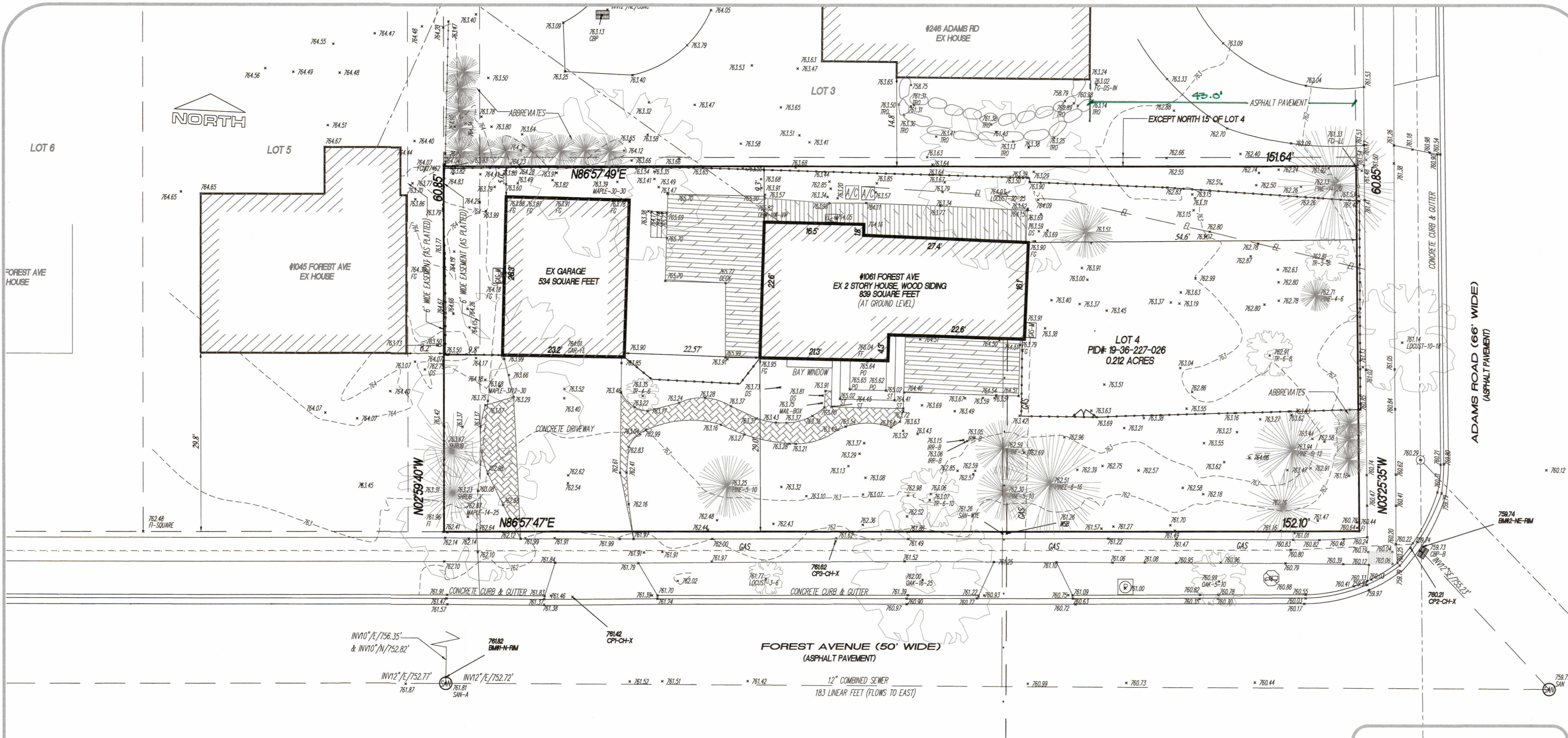
- A. Unique Circumstances. This property has a unique configuration with the two front yard setbacks and no back yard in its current configuration. The house and the existing detached garage are both non-conforming with their position set roughly 7" within the South Front setback. The back yard of the house is essentially in the Adams Road front setback.
- B. Substantial Justice. The chosen location for this proposed addition is in the least obtrusive area of the property. The new improvements stay inside the existing structures without projecting or crowding the property. It does not project closer to neighboring properties or to the street. The neighboring properties would benefit with this low impact approach to the expansion. The expansion would not adversely effect the West neighbor's ability to improve his property because the West side of the garage is also conforming to the 25% Distance Between Structures requirement. This solution provides substantial justice to the owners and to the neighbors.
- C. Practical Difficulty. There are very few other options for expansion that would allow the sensible improvement of this home. A variance would be required in any direction that we attempt. This addition, thoughtfully placed, between the two existing structures is clearly the most effective and has the least impact on the neighborhood.

The Green Family respectfully requests relief from the 30.0' rear yard setback, with a variance of 20.2'. We appreciate the board allowing us to clarify and clearly state the details of this modest addition. Please feel free to contact me if you have any additional questions or concerns. Thank you for your continued good work, serving this community.

Best Wishes,

John VanBrouck

# TOPOGRAPHIC SURVEY



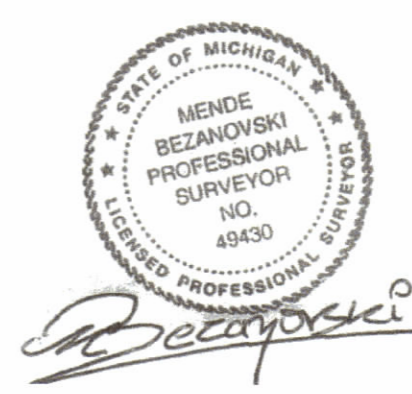
### GENERAL NOTES

- Utility information as shown herein are compilation of field observation and City's records, therefore no guarantee could be given as to their exact location and depth. An excavation might be needed in order to determine utility position.
- Client/contractor shall obtain all pertinent permits when connecting to public utilities and comply to City's requirements.
- All measurements as shown herein are existing.
- All symbols as shown herein are not to scale.
- All measured bearings are related to TRUE NORTH
- All measured elevations are expressed in City of Birmingham Vertical Datum which is higher for 1 foot than North American Vertical Datum as of 1988. (NAVD88)
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### LEGAL DESCRIPTION

#1061 Forest Avenue, Birmingham, MI, 48009  
 Part of the NE 1/4 of Section 36, Town 2 North, Range 9 East, City of Birmingham, Oakland County, Michigan, being more particularly described as follows:  
 Lot 4, EXCEPT the NORTH 1.5 feet, thereof of "Snow Subdivision", as being recorded in Liber 31 of Plats, on Page 14, Oakland County Records.  
 Containing: 9,241 Square Feet---0.212 Acres, more or less. Parcel Identification Number: # 19-36-227-026.  
 Subject to the rights of a public and any easements and/or restrictions of record or otherwise.

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



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

#### BENCH MARK INFORMATION

**Primary Bench Mark: BM#19 (Per City of Birmingham):**  
 Top of Brass Disc at the NE Corner of Oak Street and Chesterfield Avenue.  
 EL=767.49' (City of Birmingham Vertical Datum)

**Site Bench Mark No. 1:**  
 North rim of a sanitary manhole in the middle of Forest Avenue and in front of the subject property.  
 EL=761.82' (COBVD).

**Site Bench Mark No. 2:**  
 NE rim of a pavement catch basin at the NW intersection of Forest Avenue and Adams Road.  
 EL=759.54' (COBVD).

#### AVERAGE FRONT SET BACK

- #1061 Forest Ave.: 29.0'
- #1045 Forest Ave.: 29.8'
- #1027 Forest Ave.: 29.8'
- #1011 Forest Ave.: 29.9'
- #967 Forest Ave.: 29.7'

Total= 148.2'  
 Average 148.2 : 5 = 29.6'

#### FLOOD NOTE

Subject property as depicted herein, DOES NOT LIE in a Special Flood Hazard Area (SFHA), according to Flood Insurance Rate Map (FIRM) No. 260168, Panel No. 00537, Suffix "F", being effective as of September 29, 2006.

#### LAND AREA

9,241 ± SQUARE FEET  
 0.212 ± ACRES

### LEGEND

	= UTILITY POLE
	= OVER HEAD WIRE
	= PRIVACY FENCE
	= WATER STOP BOX
	= SANITARY M.H.
	= PAVEMENT CATCH BASIN
	= GAS METER
	= ELECTRIC METER
	= PAVERS
	= DECK
	= AIR CONDITION UNIT
	= EX SPOT ELEV.
	= EX CONTOUR
	= NO THROUGH TRUCKS
	= PARKING
	= ELEVATION
	= FINISH FLOOR
	= FINISH GRADE
	= GARAGE FLOOR
	= PARCEL IDENTIFICATION NUMBER
	= TREE - 8' TRUNK - 8FT SPREAD
	= TOWN RANGE
	= LIBER/PAGE
	= FOUND IRON/CAPPED IRON
	= BENCH MARK
	= CITY OF BIRMINGHAM
	= VERTICAL DATUM
	= CONTROL POINT
	= CHISELED "X" IN CONCRETE
	= DOWNSPOUT
	= INVERT
	= EXISTING
	= PORCH
	= STEP
	= DECK
	= AMERICAN DISABILITY ACT
	= TOP/BOTTOM OF ROCKS

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

SCALE: 1" = 10'  
 JOB NUMBER: 2025-05-17-162-CE  
 FIELD: MB  
 REVISIONS: 09-25-25  
 CLIENT: Mr. & Mrs. Nick & Clodagh Green  
 ADDRESS: 1061 Forest Avenue, Birmingham, MI, 48009

PAGE: 1 OF 1  
 DRAWN: MB  
 CHECKED: MB  
 DATE: 1-20-2023  
 TEL: (248)-550-9505  
 FAX:

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

**GENERAL CONSTRUCTION NOTES**

- DO NOT SCALE DRAWINGS, USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS NOTIFY THE ARCHITECT IMMEDIATELY FOR DIRECTION.
- CONTRACTOR SHALL VERIFY ALL CONDITIONS, INCLUDING UNDERGROUND UTILITIES AND FIELD MEASUREMENTS AT THE JOB SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK.
- ALL POURED CONC. FOOTINGS TO BE A MINIMUM OF 3'-4" BELOW PROPOSED FINISH GRADE, AND SHALL BEAR ON UNDISTURBED SOIL. ADDITIONAL DEPTH MAY BE REQUIRED BY SOIL CONDITIONS. ALLOWABLE SOIL BEARING PRESSURE OF 3000 PSF IS ASSUMED FOR FOOTING SIZES INDICATED ON THE PLANS. VERIFICATION OF ALLOWABLE SOIL BEARING PRESSURE OF 3000 PSF IS THE RESPONSIBILITY OF THE CONTRACTOR. QUESTIONABLE CONDITIONS TO BE INVESTIGATED BY A QUALIFIED SOILS ENGINEER.
- PROVIDE NECESSARY SHEATHING, BRACING, AND ALL TEMPORARY SUPPORTS AS REQUIRED DURING EXCAVATIONS TO PROPERLY SUPPORT ADJACENT EXISTING EXCAVATIONS.
- PROTECT ALL EXISTING WORK AND WORK IN PROGRESS.
- COMPLY FULLY WITH REQUIREMENTS OF OSHA AND OTHER REGULATORY AGENCIES FOR ALL SAFETY PROVISIONS.

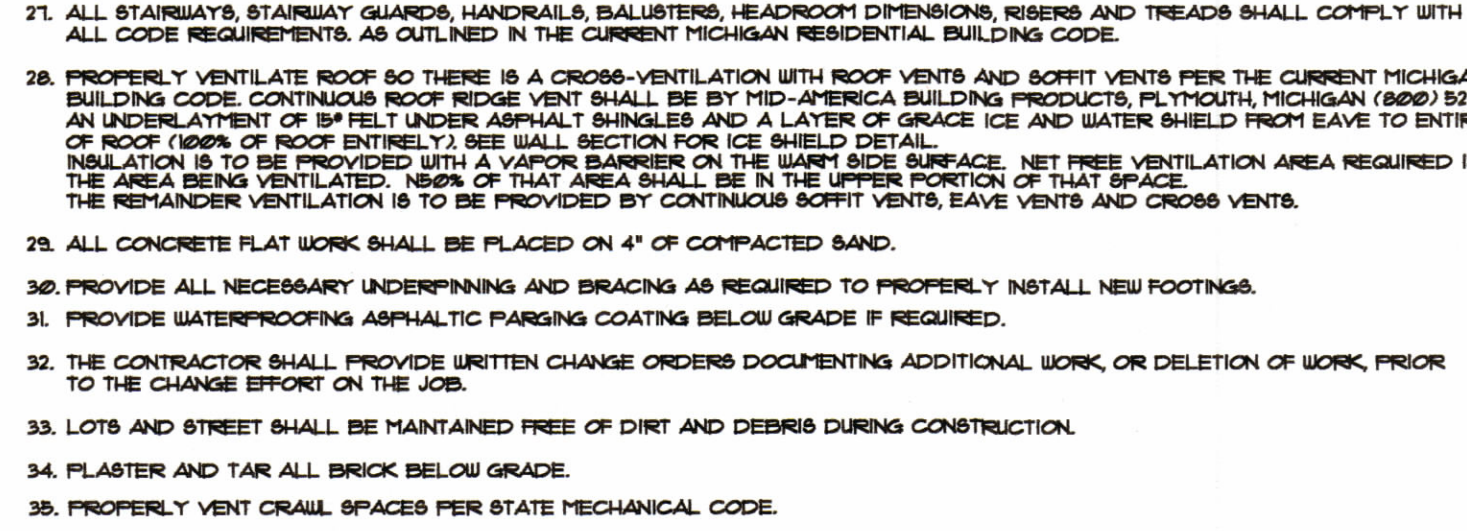
- ALL CONCRETE TO ACHIEVE COMPRESSIVE STRENGTH OF 3000 PSI AT 28-DAY TEST. EXTERIOR CONCRETE SHALL BE AIR ENTRAINED 5% PLUS OR MINUS 1%.
- CONCRETE WORK AND PLACEMENT SHALL CONFORM TO THE LATEST SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE. PLACE ALL CONCRETE WITHOUT ADDING WATER TO THE TRANSIT MIX CONCRETE SLUPP + 3" - 4".
- ALL REINFORCING SHALL CONFORM TO ASTM A-618 GRADE 60, FABRICATED AND ERECTED ACCORDING TO ACI STANDARDS.
- WELDED WIRE FABRIC SHALL BE FURNISHED IN FLAT SHEET AND SHALL CONFORM TO ASTM A-185 AND SHALL HAVE A MINIMUM SIZE AND END LAP OF #1.
- THE ROUGH CARPENTRY CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO THE START OF FABRICATION OR CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.

- ALL LUMBER AND FRAMING TECHNIQUES SHALL CONFORM TO APPLICABLE SECTIONS OF THE LATEST SPECIFICATIONS FOR STRUSS GRADE LUMBER AND ITS FASTENERS. ALL WORK SHALL CONFORM WITH THE TRUSS PLATE INSTITUTE, AMERICAN PLYWOOD ASSOCIATION, TRUSS JOIST MACMILLAN AND THE NATIONAL FOREST PRODUCTS ASSOCIATION.
- ALL FLUSH BEAMS AND JOIST CONNECTIONS SHALL BE FASTENED WITH AN APPROPRIATE CAPACITY METAL HANGER OR STRAP (NO JOIST ANGLE) OR EQUIVALENT METAL PRODUCT AS APPROVED BY A STRUCTURAL ENGINEER AND (1) ONE NAIL (16d) FOR EACH 1000 LBS. OR AXIAL LOAD ON EACH SUPPORT STUD. POST BASE AND SUPPORT SHALL PROVIDE SUFFICIENT BEARINGS WITH ENGINEER APPROVED METAL CONNECTOR AND/OR TWO (2) TOE NAILS FOR EACH 1000 LBS. OF AXIAL LOAD OR SUPPORT STUD.
- ALL LUMBER BEARINGS SHALL PROVIDE SUFFICIENT AREAS SO AS NOT TO EXCEED 430 PSI.
- ALL SHEATHED STUDS SHALL BE LIMITED TO 2250 LBS. OF AXIAL LOAD.
- ALL FLOOR JOISTS, RAFTERS, STUDS, CEILING JOIST, AND BLOCKING TO BE 9 OR BETTER HEM FIR UNLESS OTHERWISE NOTED. FLOOR JOISTS TO HAVE 1 X 3 CROSS BRIDGING 6" ON CENTER.
- ALL BUILT UP WOOD POSTS, BEAMS AND GIRDERS SHALL BE NAILED AND/OR BOLTED PER NDS.
- ROOF TRUSS MANUFACTURER TO SUPPLY THE ARCHITECT WITH TRUSS SHOP DRAWINGS PRIOR TO FABRICATION.
- ROOF TRUSS FRAMING INDICATED ON THE DRAWINGS IS AN ASSUMED LAYOUT. TRUSS MANUFACTURER SHALL REVIEW THE DRAWINGS AND INDICATE TO THE ARCHITECT, PRIOR TO FABRICATION, ANY CHANGE IN BEARING CONDITION THAT WOULD REQUIRE RE-FRAMING THE STRUCTURE TO ACCOMMODATE THE TRUSSES.
- ROOF TRUSS DESIGN SHALL BE BY TRUSS MANUFACTURER AND SHALL CONFORM TO DESIGN LOAD REQUIREMENTS LISTED BELOW BRACE ALL ROOF TRUSSES PER MANUFACTURER'S SPECIFICATIONS.

ROOF TRUSSES:

TOP CHORD	LIVE LOAD	30 PSF
	DEAD LOAD	1 PSF
BOTTOM CHORD	LIVE LOAD	0 PSF
	DEAD LOAD	10 PSF
	TOTAL	41 PSF

- NAILING SCHEDULE FOR PLYWOOD SHEATHING: 16d NAILS AT 6" ON CENTER, AT DIAPHRAGM BOUNDARY AND ALONG END SUPPORTING MEMBERS, 16d NAILS AT 12" ON CENTER ALONG INTERMEDIATE FRAMING MEMBERS.
- MICRO-LAM BEAMS (LVL'S) SHALL BE BY TRUSS JOIST MACMILLAN OR EQUAL. ALL BEAMS JOINED TOGETHER SHALL BE PER MANUFACTURER'S SPECIFICATIONS. NO SUBSTITUTIONS SHALL BE ACCEPTABLE WITHOUT PRIOR APPROVAL OF THE ARCHITECT.
- INSTALL DOUBLE FLOOR JOISTS UNDER ALL UPPER FLOOR LEVEL PARALLEL PARTITIONS.
- BUILDER SHALL PROVIDE METAL DIAGONAL CORNER AND WIND BRACING AT CORNERS PER CODE 'X' AND 'Y' SHAPED BRACINGS ARE ACCEPTABLE.
- ALL WINDOW MEMBERS REFER TO MANUFACTURER INDICATED ON THE PLANS. IF AN ALTERNATE WINDOW MANUFACTURER IS USED, ALL SHAPES AND SIZES SHALL MATCH IN ALL DIMENSIONS. EVERY SLEEPING ROOM SHALL BE PROVIDED WITH AN OPERABLE EGRESS WINDOW. THE SILL HEIGHT SHALL NOT BE MORE THAN 44" ABOVE THE FLOOR. THE WINDOW WHEN OPEN SHALL HAVE A NET CLEAR OPENING AREA OF 5.7 SQ. FT. THE MINIMUM NET CLEAR OPENING WIDTH SHALL BE AT LEAST 20" AND MINIMUM NET CLEAR OPENING HEIGHT OF AT LEAST 24" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- ALL MASONRY VENEER WALLS TO BE PROVIDED WITH WALL TIES AND WEEP HOLES PER CURRENT CODE AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- ALL STAIRWAYS, STAIRWAY GUARDS, HANDRAILS, BALUSTERS, HEADROOM DIMENSIONS, RISERS AND TREADS SHALL COMPLY WITH ALL CODE REQUIREMENTS AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- PROPERLY VENTILATE ROOF 80% THERE IS A CROSS-VENTILATION WITH ROOF VENTS AND SOFFIT VENTS PER THE CURRENT MICHIGAN BUILDING CODE. CONTINUOUS ROOF ROOF VENT SHALL BE BY MID-AMERICA BUILDING PRODUCTS, FLYSOUTH MICHIGAN (800) 531-8416. PROVIDE AN UNDERLAYMENT OF 1/4" FELT UNDER ASPHALT SHINGLES AND A LAYER OF GRACE ICE AND WATER SHIELD FROM EAVE TO ENTIRE LENGTH OF ROOF (80% OF ROOF ENTIRE LENGTH SHALL BE COVERED WITH INSULATION). INSULATION IS TO BE PROVIDED WITH A VAPOR BARRIER ON THE WARM SIDE SURFACE. NET FREE VENTILATION AREA REQUIRED IS 1/200th OF THE AREA BEING VENTILATED. INSULATION AREA SHALL BE IN THE UPPER PORTION OF THAT SPACE. THE REMAINDER VENTILATION IS TO BE PROVIDED BY CONTINUOUS SOFFIT VENTS, EAVE VENTS AND CROSS VENTS.
- ALL CONCRETE FLAT WORK SHALL BE PLACED ON 4" OF COMPACTED SAND.
- PROVIDE ALL NECESSARY UNDERPINNINGS AND BRACINGS AS REQUIRED TO PROPERLY INSTALL NEW FOOTINGS.
- PROVIDE WATERPROOFING ASPHALTIC PARKING COATINGS BELOW GRADE IF REQUIRED.
- THE CONTRACTOR SHALL PROVIDE WRITTEN CHANGE ORDERS DOCUMENTING ADDITIONAL WORK OR DELETION OF WORK, PRIOR TO THE CHANGE EFFORT ON THE JOB.
- LOTS AND STREET SHALL BE MAINTAINED FREE OF DIRT AND DEBRIS DURING CONSTRUCTION.
- PLASTER AND TAR ALL BRICK BELOW GRADE.
- PROPERLY VENT CRAIL SPACES PER STATE MECHANICAL CODE.
- BATH FANS TO BE VENTED TO EXTERIOR.
- HANDRAIL GRIP SIZE SHALL NOT EXCEED A MAXIMUM HORIZONTAL CROSS-SECTIONAL DIMENSION OF 2 5/8" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- BALCONY GUARDS SHALL BE BALUSTERS SPACED NO FARTHER THAN 4" APART PER THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- PROVIDE 2X10 DOUBLE HEADER AT ALL INTERIOR DOOR OPENINGS AND 2X10 TRIPLE HEADER AT ALL EXTERIOR DOOR AND WINDOW OPENINGS (UNLESS OTHERWISE SPECIFIED).
- PROVIDE METAL STRAPPED UNDERBRACINGS AT EACH END OF EXTERIOR WALLS (TYPICAL).
- PROVIDE ELECTRICALLY POWERED SMOKE DETECTORS ON EACH LEVEL, IN EACH BEDROOM, AND BEDROOM HALLWAYS. UNITS ARE TO BE WIRED SO IF ONE SOUNDS, THEY ALL SOUND. ALL SHALL HAVE BATTERY BACK UP PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE SECTION R311.
- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- FIRESTOP ALL DROPS + CHASES, ELECTRICAL, PLUMBING + HEATING APPROVED FIRESTOP MATERIAL REQUIRED FOR ALL DROPS + FLOOR OR CEILING PENETRATIONS AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
- DESIGN LOADS:  
ROOF LIVE LOAD + 20 PSF.  
ROOF DEAD LOAD + 10 PSF.  
FLOOR LIVE LOAD + 40 PSF.  
FLOOR DEAD LOAD + 10 PSF.  
WIND LOAD + 20 PSF.
- INSULATION 'R' VALUES SHALL COMPLY WITH TABLE N1021 OF THE 2018 MICHIGAN RESIDENTIAL BUILDING CODE, UNLESS OTHERWISE NOTED.
- PROVIDE ON-SITE DUMPSTER THROUGHOUT THE DURATION OF THE WORK.
- PROVIDE ON-SITE PORTABLE "PORT-A-JOHN" THROUGHOUT THE DURATION OF THE WORK.
- PAINT ENTIRE INTERIOR AND EXTERIOR OF HOME EXTERIOR SIDING AND TRIM TO BE PAINTED WITH ONE COAT PRIMER AND TWO COATS FINISH WITH BENJAMIN MOORE PREMIUM PAINT OR OWNER'S EQUAL. SPECIFICATION SHOULD INCLUDE THREE COLORS AND COMPLETE CAULKING BOTH EXTERIOR AND INTERIOR. INTERIOR CEILING TO BE FLAT FINISH, WALLS IN EGG SHELL, AND ALL TRIMS AND CASINGS IN HIGH GLOSS 'PEARL' FINISH.
- ALL ENGINEERED WOOD PRODUCT DOCUMENTATION I.E. TRUSSES, I-JOIST ETC, WILL BE REQUIRED TO BE SUBMITTED PRIOR TO OR AT THE ROUGH FRAME INSPECTION.
- AN INSULATION CERTIFICATE IS REQUIRED TO BE SUBMITTED PRIOR TO THE CERTIFICATE OF OCCUPANCY INCLUDING ANY BLOWN IN PRODUCT.



WHEN JOINING TWO OR MORE SILT FENCES AT THE TWO END POSTS TOGETHER WITH WIND LOAD.

GEOTEXTILE SILT FENCE

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**SOIL EROSION AND SEDIMENTATION CONTROL PLAN NOTES:**

- SOIL EROSION AND SEDIMENT CONTROL WORK SHALL CONFORM TO THE CURRENT STANDARDS AND SPECIFICATIONS OF THE STATE AND COUNTY BUILDING OFFICIALS.
- DAILY INSPECTIONS SHALL BE MADE BY THE CONTRACTOR TO DETERMINE EFFECTIVENESS OF EROSION AND SEDIMENTATION CONTROL MEASURES, AND NECESSARY REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
- EROSION AND SEDIMENTATION FROM WORK ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT ALLOWED TO COLLECT ON OFF-SITE AREAS OR IN WATERWAYS. WATERWAYS SHALL MEAN BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM SEWER DRAINS, LAKES, PONDS, AND WETLANDS.
- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE PLACED PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION. SEDIMENTATION CONTROL MEASURES SHALL BE PROVIDED AS A DEFENSE AGAINST TRANSPORTING OF SILT OFF THE SITE.
- CONTRACTOR SHALL APPLY FOR TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED AND AS DIRECTED ON THESE PLANS. CONTRACTOR SHALL REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, DITCHES, AND OTHER EARTH CHANGES HAVE BEEN ACCOMPLISHED.
- PERMANENT SOIL EROSION CONTROL MEASURES FOR SLOPE, CHANNELS, DITCHES OR DISTURBED LAND AREAS SHALL BE COMPLETED WITHIN 90 CALENDAR DAYS AFTER FINAL GRADING OF THE FINAL EARTH CHANGES HAVE BEEN COMPLETED. WHEN IT IS NOT POSSIBLE TO PERMANENTLY STABILIZE A DISTURBED AREA AFTER AN EARTH CHANGE HAS BEEN COMPLETED OR WHEN SIGNIFICANT EARTH CHANGE ACTIVITY CEASES, TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTED. PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AND ESTABLISHED BEFORE A CERTIFICATE OF COMPLIANCE IS ISSUED.

- MUD/DIRT TRACKED ONTO EXISTING TOWNSHIP/COUNTY ROADS FROM THIS SITE, DUE TO CONSTRUCTION, SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
- MUD/DIRT TRACKED OR SPILLED ON PAVED ROADS/SURFACES WITHIN THIS SITE SHALL BE PROMPTLY REMOVED BY THE CONTRACTOR.
- VEGETATION MUST BE ACCEPTABLY ESTABLISHED PRIOR TO FINAL RELEASE OF THE CONSTRUCTION DEPOSIT BY THE CITY AND BY THE COUNTY IF APPLICABLE.
- SOIL BORING REPORTS ARE TO ACCOMPANY THIS APPLICATION FOR SOIL EROSION SEDIMENTATION CONTROL PERMIT.

NOTE: TYPE OF PERMANENT VEGETATIVE RESTORATION WILL BE DETERMINED PER BUILDER UNLESS SPECIFIED OTHERWISE.

NOTE: TYPE OF PERMANENT VEGETATIVE RESTORATION WILL BE DETERMINED PER BUILDER UNLESS SPECIFIED OTHERWISE.

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

**AVERAGE FRONT SET BACK**

- #1061 Forest Ave.: 29.0'
- #1045 Forest Ave.: 29.8'
- #1027 Forest Ave.: 29.8'
- #1011 Forest Ave.: 29.8'
- #987 Forest Ave.: 29.7'

Total = 148.2'  
Average 148.2 : 5 = 29.6'

**SEQUENCE OF EROSION AND SEDIMENTATION CONTROL OPERATIONS**

- PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION, A DEFENSE AGAINST EROSION AND SEDIMENTATION SHALL BE INSTALLED AS INDICATED ON DRAWINGS. DEFENSE SHALL CONSIST OF STONE FILTERS OR SILT FENCE AS SHOWN. AFTER TREE REMOVAL ADDITIONAL SILT FENCE SHALL BE INSTALLED IF REQUIRED, AS DIRECTED BY THE MUNICIPALITY.
- DURING CONSTRUCTION OF THE STORM SEWER SYSTEM, THE END OF OPEN-END PIPES SHALL BE PROTECTED WITH STORM FILTERS, SILT FENCE OR OTHER APPROVED METHOD.
- PROMPTLY UPON BACKFILLING OF STORM STRUCTURES, INLET FILTERS SHALL BE REPLACED AROUND THE STRUCTURE PER DETAIL.
- WHEN INLET FILTERS ARE REMOVED FROM AROUND PAVEMENT CATCH BASINS TO ALLOW FOR STRIPPING, GRADING AND PAVING, STORM SEWER STRUCTURES SHALL BE PROTECTED FROM ERODING EARTH AND SEDIMENT AT ALL TIMES.
- WITHIN 30 DAYS AFTER COMPLETION OF PAVING, GAS, ELECTRICAL TELEPHONE AND SANITARY SEWER INSTALLATION, A 10 FOOT STRIP AROUND PAVED AREAS SHALL BE PROTECTED FROM EROSION BY AN APPROVED METHOD CONSISTENT WITH THE GRADING SEASON.
- WITHIN 90 DAYS AFTER COMPLETION OF FINAL GRADING, DENIED AREA SHALL BE PROTECTED BY AN APPROVED METHOD CONSISTENT WITH THE GRADING SEASON. SEED + MULCH FOR PERMANENT CONTROL WITH A SUGGESTED MIXTURE OF:  
50% PERENNIAL RYE  
25% KENTUCKY BLUEGRASS  
25% CREEPING RED FESCUE

- EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SEQUENCE OF CONSTRUCTION:  
A. INSTALL SILT FENCE AS SHOWN ON PLANS.  
B. STRIP AND STOCKPILE TOPSOIL AND GRADE SITE.  
C. INSTALL STORM SEWERS.  
D. INSTALL PAVEMENT, REPAIR STORM FILTERS AS REQUIRED.  
E. INSTALL PUBLIC UTILITIES (GAS, TELEPHONE, ELECTRICAL).  
F. FINISH GRADE, REDISTRIBUTE TOP SOIL, ESTABLISH VEGETATION + LANDSCAPE.  
G. CLEAN PAVEMENT, CURBENTS, DITCHES, WATERCOURSES, AND STORM SEWER SYSTEMS OF ACCUMULATED SEDIMENT IN CONSTRUCTION WITH REMOVAL OF TEMPORARY DEVICES.
- PERMANENT STABILIZATION OF THE SITE IS TO BE ACCOMPLISHED WITHIN (90) DAYS OF FINAL GRADING.

**SETBACKS: (R-1)**

EAST SETBACK: 43.0'  
NORTH SETBACK: 5.0'  
SOUTH SETBACK: 26.6' (200' Avg.)  
WEST SETBACK: 30.0'

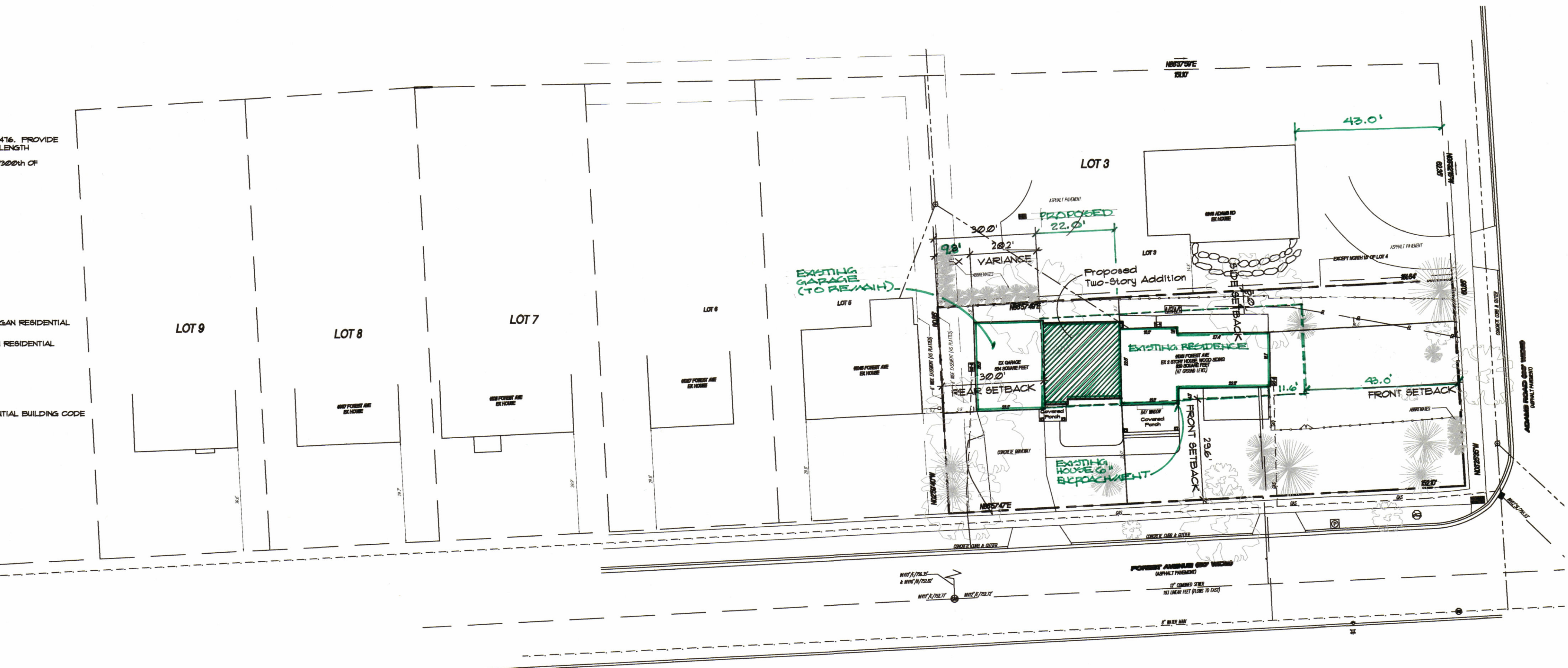
ZONE: R-1  
USE GROUP: R-3  
CONSTRUCTION TYPE: 5B COMBUSTIBLE UNPROTECTED

**LOT COVERAGES:**

\* BUILDING COVERAGE = 9241 SQ. FT. LOT  
= 1841 SQ. FT. PROVIDED OR 19.9% OVERALL  
\* OPEN AREA = 9241 SQ. FT. LOT  
= 7,400 SQ. FT. PROVIDED OR 80.1% OVERALL

**VARIANCE CHART**

REQUESTED VARIANCES	REQUIRED (ALLOWED)	PROPOSED	VARIANCE AMOUNT
VARIANCE A, REAR SETBACK	30.0'	9.8'	20.2'



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

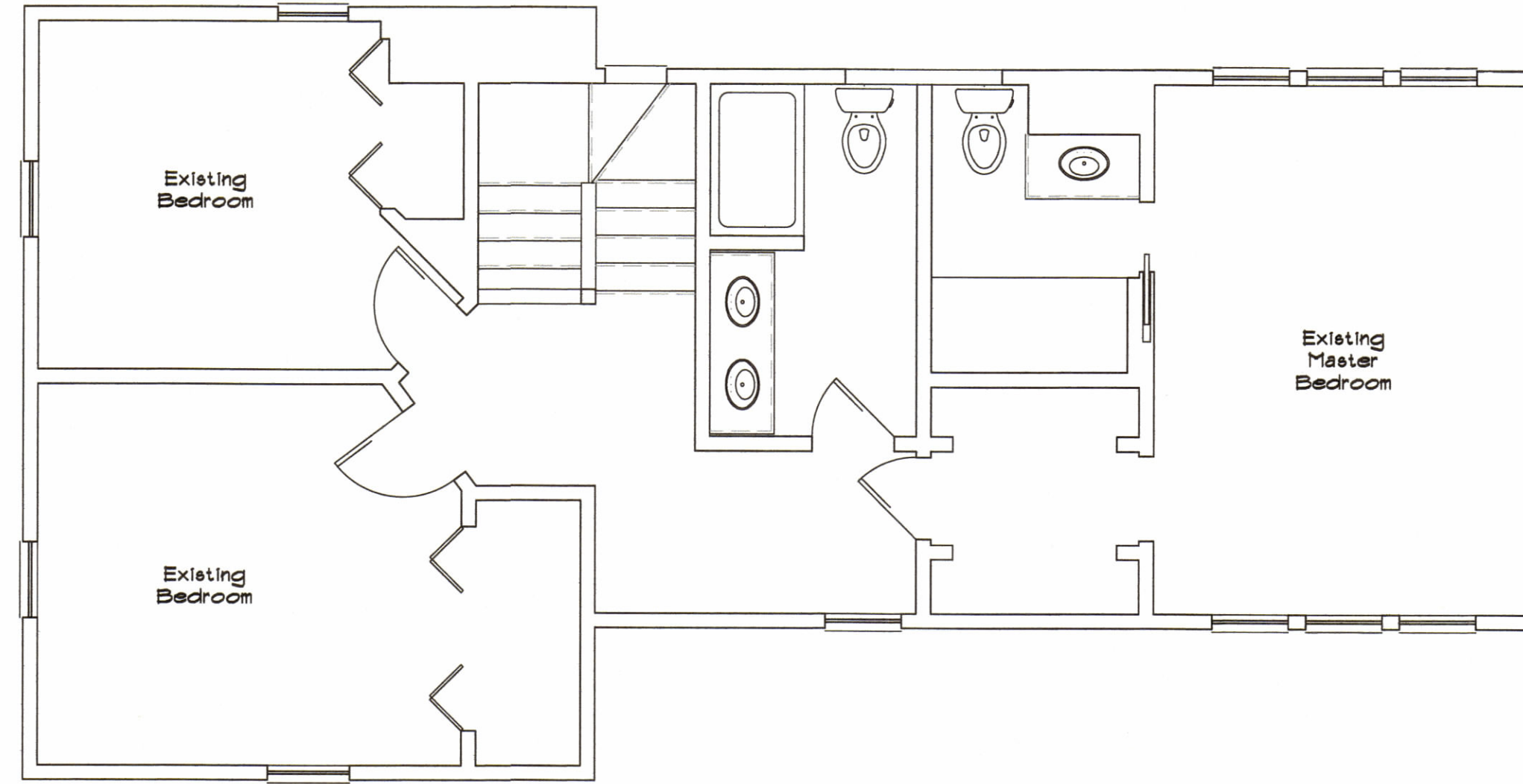
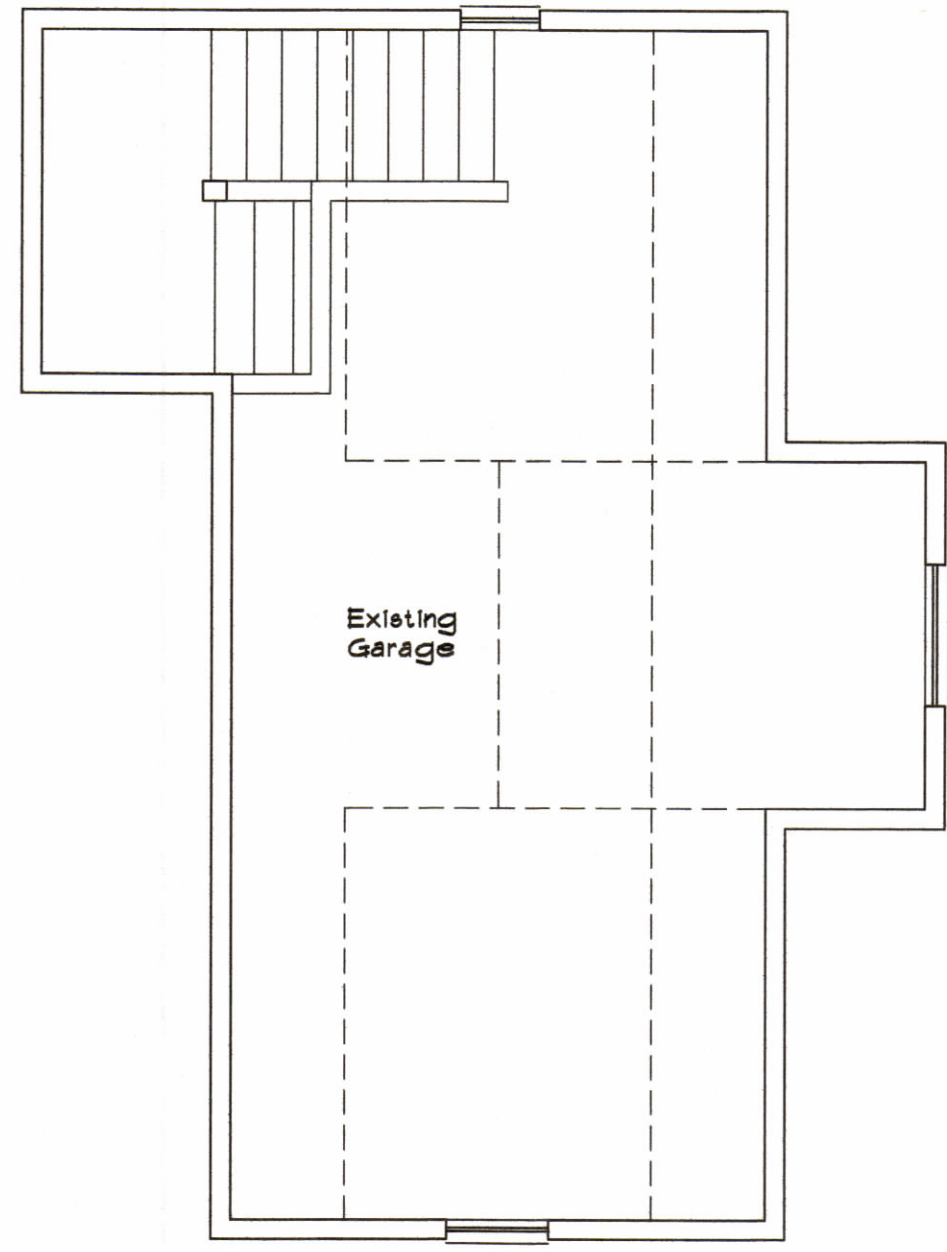
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ISSUED FOR:  
08-01-2025  
03-24-2025  
04-25-2025

**GREEN RESIDENCE**  
BIRMINGHAM, MICHIGAN

CLIENT:  
CLODAGH AND NICHOLAS GREEN  
1061 FOREST LANE  
BIRMINGHAM, MI 48009  
248-550-9505

PLANNING ARCHITECTURE  
700 EAST MAPLE STREET, 101, BIRMINGHAM, MI 48009

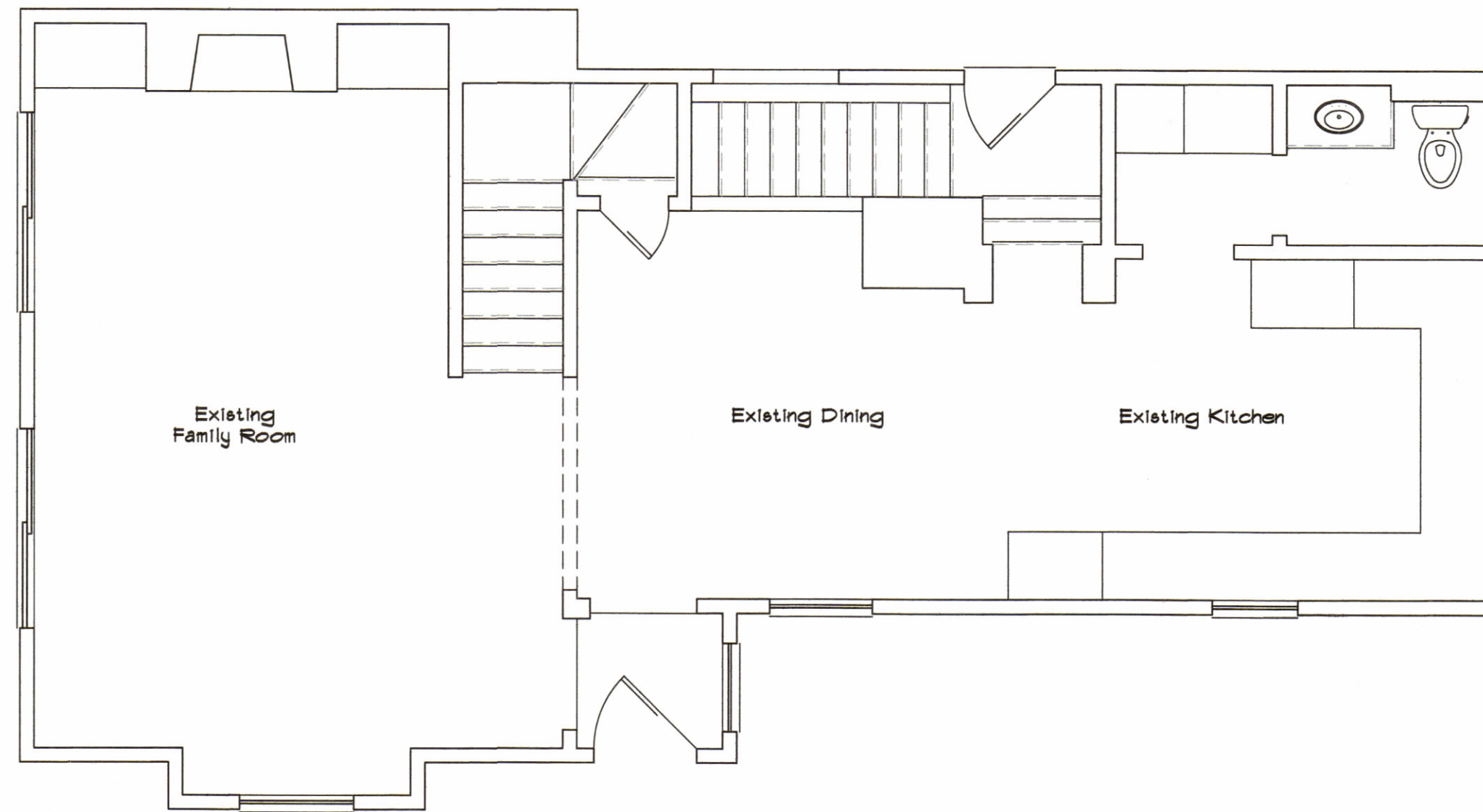
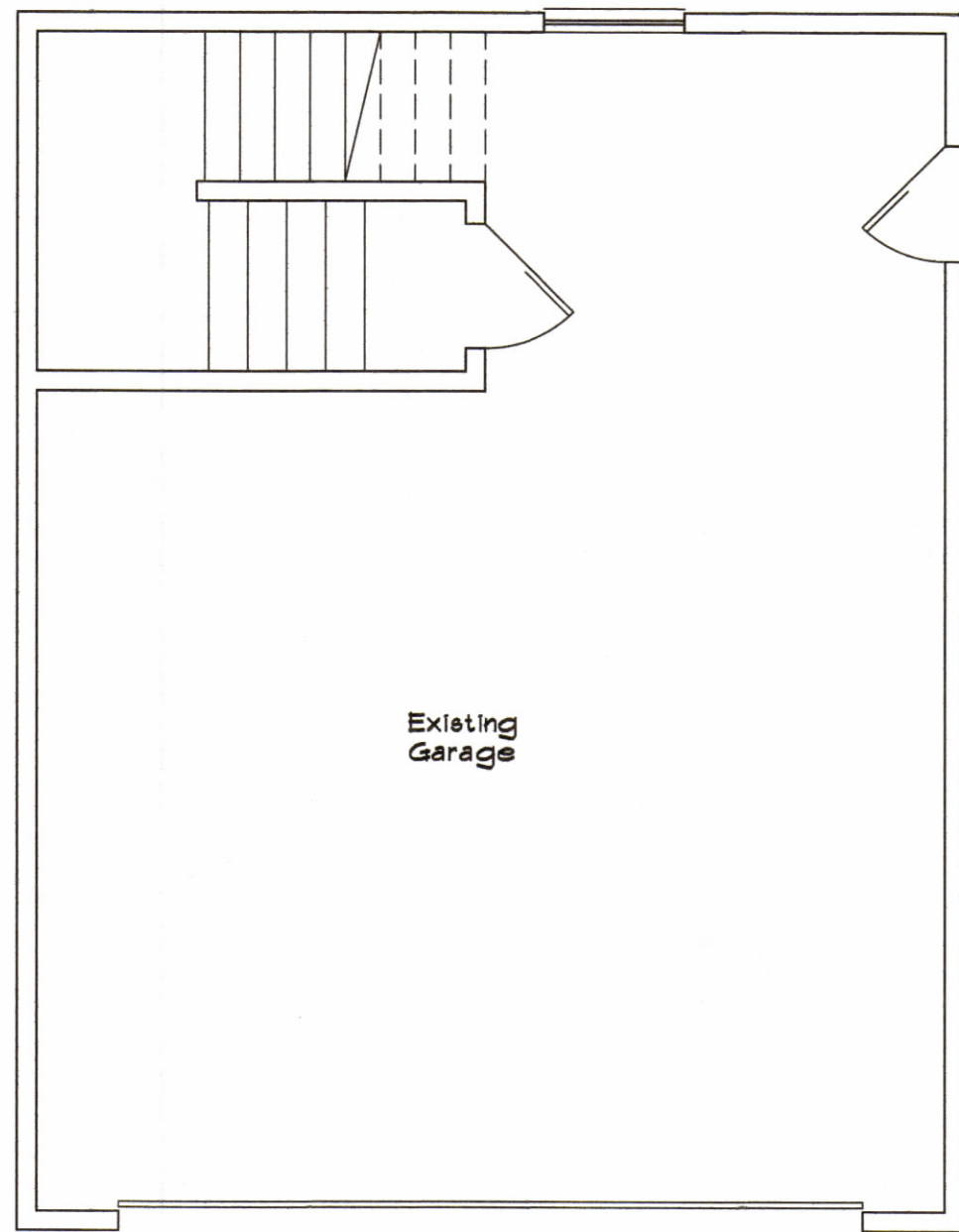
SHEET NO.  
**BZA-1**



**EXISTING SECOND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



NORTH



**EXISTING FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



NORTH

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ISSUED FOR:  
05-29-25  
08-11-25  
01-25-25

GREEN RESIDENCE

CLIENT:  
CLODAGH AND NICHOLAS GREEN  
1061 FOREST LANE  
BIRMINGHAM, MI 48003  
248-550-9505



ARCHITECTURE  
PLANNING/DESIGN/ENGINEERING  
TELEPHONE (248) 885-8877  
465 SOUTH EIGHTH STREET, BIRMINGHAM, MI 38209

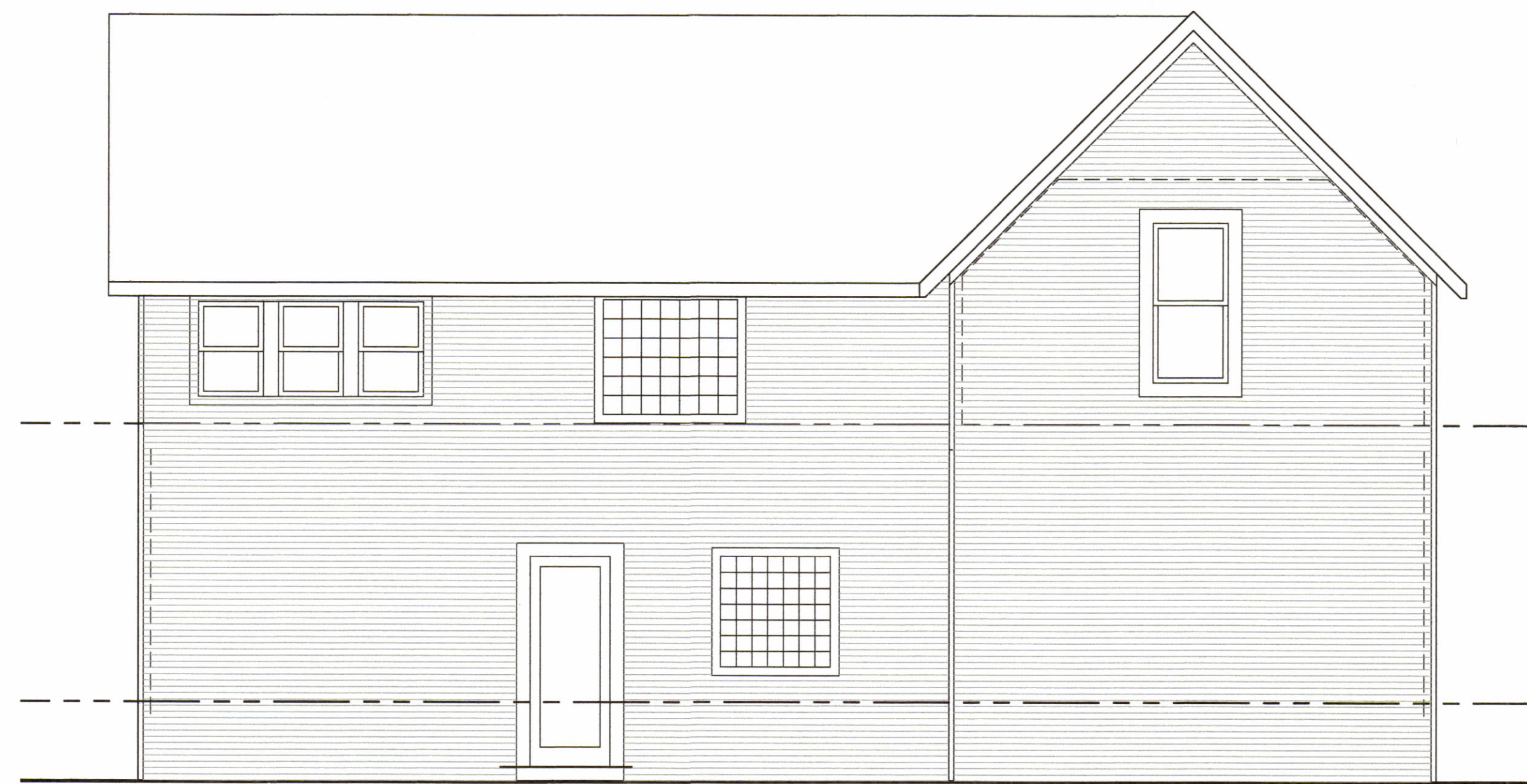
SHEET NO.  
**BZA-2**

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ISSUED FOR:  
 05-29-25  
 01-25-25



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



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



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



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

GREEN RESIDENCE

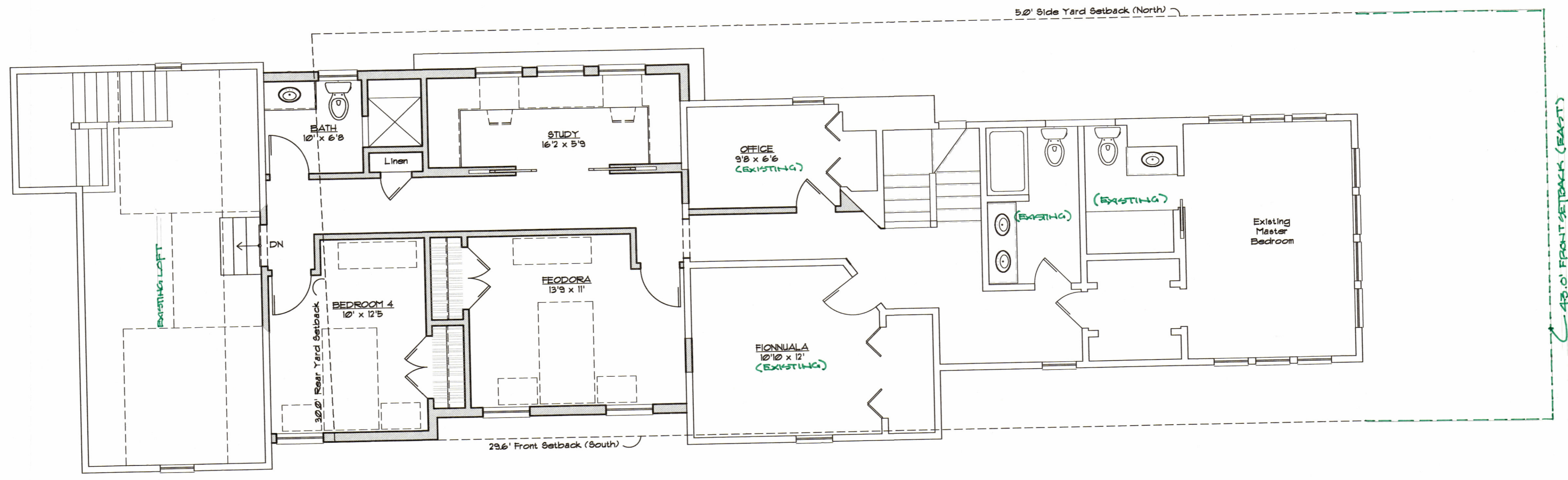
CLIENT:  
 CLODAGH AND NICHOLAS GREEN  
 1061 FOREST LANE  
 BIRMINGHAM, MI 48009  
 248-550-9505

ARCHITECTURE  
 PLANNING INTERIOR DESIGN  
 TELEPHONE (248) 852-8977  
 465 SOUTH EATON STREET, BIRMINGHAM, MI 48009

SHEET NO.  
**BZA-3**

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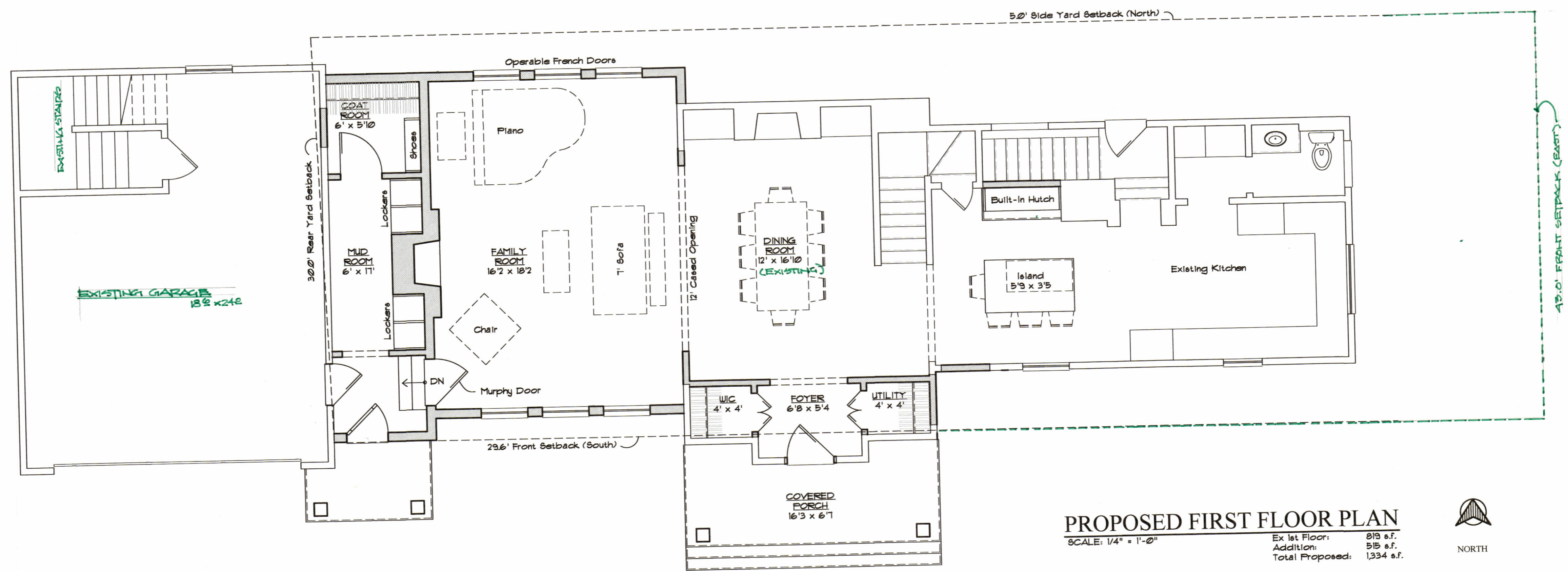
ISSUED FOR:  
 06-10-25  
 06-16-25  
 06-18-25  
 07-11-25  
 08-11-25  
 08-24-25  
 09-25-25



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

Ex 2nd Floor:	109 s.f.
Addition:	609 s.f.
Total Proposed:	1,398 s.f.

NORTH



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

Ex 1st Floor:	819 s.f.
Addition:	515 s.f.
Total Proposed:	1,334 s.f.

NORTH

Total Proposed 1st and 2nd: 2,732 s.f.  
 \*Does Not Include Garage 2nd Floor Square Footage (350 s.f.)

**GREEN RESIDENCE**

CLIENT:  
 CLOUGH AND NICHOLAS GREEN  
 1061 FOREST LANE  
 BIRMINGHAM, MI 48009  
 248-550-9505

ARCHITECTURE  
 PLANNING/ENGINEERING  
 TELEPHONE (248) 884-8897  
 400 SOUTH EAST STREET, BIRMINGHAM, AL 35202

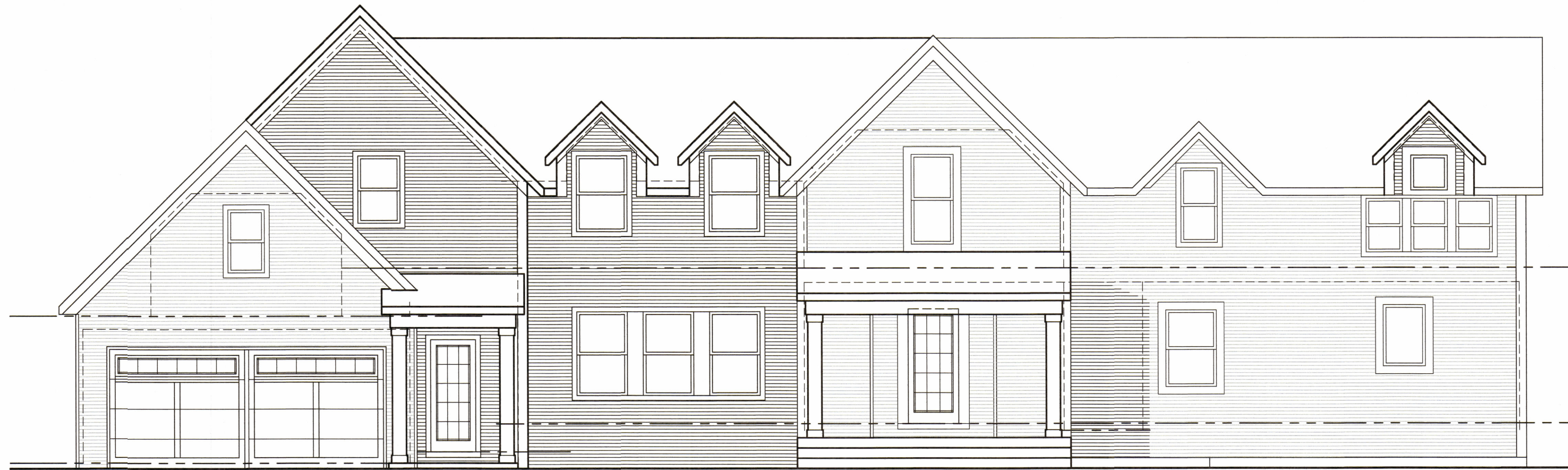
SHEET NO.  
**BZA-4**

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ISSUED FOR:  
06-16-25  
06-18-25  
07-10-25  
07-21-25  
09-25-25



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



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

**GREEN RESIDENCE**

CLIENT:  
CLODAGH AND NICHOLAS GREEN  
1061 FOREST LANE  
BIRMINGHAM, MI 48009  
248-550-9505

  
KCH ARCHITECTURE  
INC.  
PLANNING/DESIGN/ENGINEERING  
TELEPHONE: (248) 550-9507  
465 SECURITY LANE STREET BIRMINGHAM, MI 48009

SHEET NO.  
**BZA-5**

**Birmingham Board Of Zoning Appeals Proceedings**  
**Tuesday, November 9, 2021**  
**City Commission Room**  
**151 Martin Street, Birmingham, Michigan**

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**1. Call To Order**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, November 9, 2021. 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; Alternate Board Members Ron Reddy, Erin Rodenhouse

**Absent:** Board Members Richard Lilley, Francis Rodriguez

**Administration:**

Bruce Johnson, Building Official  
Brooks Cowan, Senior Planner  
Laura Eichenhorn, City Transcriptionist  
Mike Morad, Assistant Building Official  
Jeff Zielke, Assistant Building Official

Chair Lillie welcomed those present, reviewed the meeting's procedures, and assigned duties for running the evening's meeting to Vice-Chair Morganroth.

Vice-Chair Morganroth 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.

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

**T# 11-61-21**

**3. Announcements**

The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. Oakland County is now at the HIGH level of community transmission for COVID-19. The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.

**4. Approval Of The Minutes Of The BZA Meetings Of October 12, 2021**

Mr. Canvasser asked that on page nine 'hew', meaning 'conform or adhere', be changed to 'adhere'.

Mr. Lillie wanted it made more clear, beyond the statement on page 11 that "After discussion, Mr. Labelle said he would be willing to just pursue variance A," that the appellant in Appeal 21-46 withdrew their request for variance B.

Mr. Miller expressed appreciation of the use of the word 'disjuncture' in the minutes on page three.

**Motion by Mr. Lillie**

**Seconded by Mr. Canvasser to accept the Minutes of the BZA meeting of October 12, 2021 as amended.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**T# 11-62-21**

**5. Appeals**

**1) 791 N. Eton  
Appeal 21-42**

ABO Zielke presented the item, explaining that the owner of the property known as 791 N. Eton was requesting the following variance to construct a new single-family home with an attached garage:

**A. Chapter 126, Article 2.08.2** of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 17.50 feet. The proposed is 12.70 feet. Therefore, a variance of 4.80 feet was being requested.

ABO Zielke noted that Appeal 21-42 was also before the Board in October 2021 and was tabled at that time.

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

In reply to Ms. Rodenhouse, Mr. Badrak explained that the appellants could not comply with the ordinance even though it was a new building being proposed because they did not want to have to cross the driveway to reach their garage. He also stated that it made the back yard more usable for the appellants' young daughter.

**Motion by Mr. Miller**

**Seconded by Mr. Reddy with regard to Appeal 21-42, A. Chapter 126, Article 4, Section 4.03(H) of the Zoning Ordinance requires that the maximum area of an accessory structure in an R3 zone not exceed 500 square feet. The applicant is proposing a 1,177 square foot solar panel car port, therefore a dimensional variance of 677 square feet was requested.**

**Mr. Miller moved to approve the variance and to tie it to the plans as submitted. He stated the problem was the result of the house next door and therefore was not self-created by the appellants. He said conformity with the ordinance in this case would be unnecessarily burdensome.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**2) 157 E. Frank  
Appeal 21-37**

ABO Zielke presented the item, explaining that the owner of the property known as 157 E. Frank was requesting the following variances to replace the existing driveway:

**A. Chapter 126, Article 2.10.1** of the Zoning Ordinance requires that a minimum open space of 40% (2440.00 SF), shall be maintained. The proposed is 33.52% (2045.00 SF). Therefore, a variance of 6.48% (395.00 SF) was being requested.

**B. Chapter 126, Article 4.31(A)** of the Zoning Ordinance requires that a minimum of 65% (1034.40) of the front open space in all single-family districts shall be free of paved surfaces. The proposed is 45.83% (729.43 SF). Therefore a variance of 19.17% (304.99 SF) was being requested.

ABO Zielke noted that Appeal 21-37 was also before the Board in September 2021 and was tabled at that time.

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

A few hypothetical methods for reducing the variance requests were proposed by Board members. The appellant explained why those strategies would not be feasible.

**Motion by Ms. Rodenhouse**

**Seconded by Mr. Reddy with regard to Appeal 21-37, A. Chapter 126, Article 2.10.1 of the Zoning Ordinance requires that a minimum open space of 40% (2440.00 SF), shall be maintained. The proposed is 33.52% (2045.00 SF). Therefore, a variance of 6.48% (395.00 SF) was being requested; and, B. Chapter 126, Article 4.31(A) of the Zoning Ordinance requires that a minimum of 65% (1034.40) of the front open space in all single-family districts shall be free of paved surfaces. The proposed is 45.83% (729.43 SF). Therefore a variance of 19.17% (304.99 SF) was being requested.**

**Ms. Rodenhouse moved to approve the variances and tied them to the plans as submitted. She said the appellant established a practical difficulty. She stated that there were unique circumstances about the property, that the appellant's driveway was in disrepair, that the matter was not self-created and that the variances requested were the minimum necessary to remedy the situation.**

**Mr. Lillie said he would support the motion. He concurred with Ms. Rodenhouse that the appellant established a practical difficulty and noted that the appellant reduced the overall variance request compared to his previous submittal to the Board.**

**Mr. Reddy said this was one of the rare cases where compliance with the ordinance would be unduly burdensome. He said he would support the motion.**

**Mr. Canvasser said he understood the need to replace the driveway and could support a variance for the back of the radius. He said, however, that the circular driveway was a self-created issue and a pre-existing non-conforming use. He said he would want to see part of the driveway replaced with green space. For that reason, he said he could not support the motion.**

**Motion carried, 6-1.**

ROLL CALL VOTE

Yeas: Rodenhouse, Reddy, Lillie, Morganroth, Hart, Miller

Nays: Canvasser

**3) 1061 Forest  
Appeal 21-47**

BO Johnson presented the item, explaining that the owner of the property known as 1061 Forest was requesting the following variance to construct a fence in the required front open space:

**A. Chapter 126, Article 4.1(A)(1)** of the Zoning Ordinance states that fences in the front open space shall not exceed 3.00 feet in height. The proposed is 6.00 feet. Therefore, a variance of 3.00 feet was being requested.

BO Johnson confirmed for the Board that while technically the front open space is along Adams, the Forest side of the house has the address, the front door, and what would visually seem to be the front yard of the house.

Richard Rassel, attorney, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to Vice-Chair Morganroth, Mr. Rassel contended that the six foot fence would better ensure the appellants' childrens' safety and the appellants' privacy better than a three foot fence would.

In reply to Mr. Canvasser, Nicholas Green, co-owner, confirmed that both the neighbors directly adjacent to 1061 Forest and the neighbors in-view of the potential six foot fence had assented to its proposed installation.

Mr. Canvasser noted that while appeals do not function as popularity contests, it was useful to know whether the neighbors that would be most directly impacted by the fence were supportive of the request.

In reply to Board inquiry, BO Johnson confirmed that while the ordinance regarding fences has not changed since 1997, the original approval issued by the City for the six foot fence at this property may have been in error.

Public Comment

Eric Milton, neighbor to the west, said he strongly supported the appellants' request.

Saverio Bitonti said he was supportive of the appellants' request.

**Motion by Mr. Lillie**

**Seconded by Mr. Canvasser with regard to Appeal 21-47, A. Chapter 126, Article 4.1(A)(1) of the Zoning Ordinance states that fences in the front open space shall not exceed 3.00 feet in height. The proposed is 6.00 feet. Therefore, a variance of 3.00 feet was being requested.**

**Mr. Lillie moved to approve the variance and tied it to the plans as submitted. He noted unique circumstances of the property included that functionally the front of the house is along Forest while the City determined the front to be along Adams, and that the yard area used by the appellants' children is consequently also along Adams. He noted that Adams is a busy thoroughfare and the neighbor at 246 Adams is now**

**commercial, whereas the property used to be residential, both of which contribute to the reasonableness of the request. He said that while not every property on a busy street should get a similar variance, 1061 Forest does not seem to front on Adams and has had a similar six foot fence since 1997.**

**Mr. Miller expressed his support for the motion, saying that a six foot fence for a side or rear yard is reasonable for any Birmingham resident. Since Adam functions as the side yard, he said granting the request was appropriate in this case.**

**Vice-Chair Morganroth said he had a challenge with the idea that busier roads require fences higher than three feet. He said in his experience that a three foot fence plus landscaping is more than sufficient to maintain childrens' safety. He said that if main roads require an exception to the ordinance's requirements for fence heights that the Commission would need to determine that. He said this appellant established a practical difficulty by showing that the front and side of the property are determined differently from how they function, and that he would support the motion for that reason.**

**Mr. Lillie concurred with Vice-Chair Morganroth. He also stated that neighbors' support for a request does not prove a practical difficulty, just as a lack of neighbors' support does not negate the existence of a practical difficulty.**

**Mr. Reddy said he would support the motion, but noted that the appellants removing the original six foot fence was the reason the need for this request arose. He recommended that other homeowners facing similar issues reach out to the City before taking action.**

**Ms. Rodenhouse contended that the previous allowance of the six foot tall fence at the property, even if it was allowed in error by the City, established a precedent for this property that should be weighed heavily. She said that not granting the variance in this case would be an unreasonable restraint on this property.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**4) 670 S. Old Woodward  
Appeal 21-48**

SP Cowan presented the item, explaining that the owner of the property known as 670 S. Old Woodward was requesting one of the following variances to satisfy parking requirements in order to operate a salon/spa with 23 service chairs:

**A. Chapter 126, Article 4, Section 4.45(G)(2)** of the Zoning Ordinance requires that off-street parking be provided within 100 feet of the building being served, distance being measured along the most direct line of public pedestrian access. The applicant is proposing a shared parking agreement with Adams Square Shopping Center, which is 1,300 feet away from the subject property. Therefore, a variance of 1,200 feet was requested.

OR

**B. Chapter 126, Article 4, Table A** of the Zoning Ordinance requires that beauty salon uses provide 2 parking spaces per service chair, or 1 parking space per 300 square feet of floor area, whichever is greater. The applicant is proposing 23 service chairs and is required to provide 46 parking spaces. The subject property has 24 parking spaces on-site. Therefore, a variance of 22 parking spaces was requested.

Dennis Cowan, attorney, reviewed the letter describing why one of these two variances was being sought. The letter was included in the evening's agenda packet. He also noted he was of no relation to SP Cowan. Mr. Cowan also stated that SP Cowan, PD Dupuis, and ACE Ecker had been very helpful in the preparation of this request and asked that fact be noted.

In reply to Board inquiry, Mr. Cowan stated:

- The 23 chairs were being proposed in order to best utilize the 7000 sq. ft. facility, and the request for 23 chairs had been reduced from the original request of 36 chairs;
- Due to significant competition for real estate in Birmingham, the appellant had to purchase the property at 670 S. Old Woodward quickly and became aware of the parking issue after the fact;
- For variance A, the customers would be parking on-site and the stylists would be parking off-site at Adams Square;
- He and the appellant looked into potential parking agreements with a number of smaller, closer buildings, but many were uninterested and it was ultimately decided that it would be most practical to find space for all stylist parking in one location; and,
- The six-minute walk to Adams Square would not be prohibitive for the stylists, and that stylists that work in an urban setting are accustomed to having to walk some amount to their workplace.

Mr. Reddy and Ms. Rodenhouse both said they saw the matter as self-created. Mr. Reddy opined this was the case because the appellant had the opportunity to know the potential parking issues both before and after signing the lease. Ms. Rodenhouse opined this was the case since the business could function and provide parking for eleven chairs and the appellant wanted to exceed that amount. She said she found no unique circumstances about the property that would merit the granting of either variance.

Ms. Rodenhouse also noted that if the Board were to grant variance A the City would have to be presented with a signed, written parking agreement.

Frank Jarbou, owner and appellant, responded to Board inquiry that:

- The business would not be able to operate with 11 chairs to begin and a gradual increase in chairs as more parking becomes available;
- The chairs and associated suites are rented out to each individual stylist, not shared between stylists. This means that even though most of the time the building would be at 25% capacity, and 11 chairs is 50% of the requested capacity, 11 chairs would ultimately not accommodate 23+ stylists because the spaces are not shared. Potential timing or booking issues would result from trying to share the chairs and suites;
- It is written into the stylists' leases that the business would pay for stylists to get rides via rideshares from the business to the stylists' vehicles; and,
- The on-site manager of the business would enforce the requirement that the stylists park at Adams Square.

#### Public Comment

Saverio Bitonti said he recently closed his salon at the 555 Building and recommended that the appellant re-assess whether space for parking would be available there.

#### **Motion by Mr. Canvasser**

**Seconded by Mr. Lillie with regard to Appeal 21-48, A. Chapter 126, Article 4, Section 4.45(G)(2) of the Zoning Ordinance requires that off-street parking be provided within 100 feet of the building being served, distance being measured along the most direct line of public pedestrian access. The applicant is proposing a shared parking agreement with Adams Square Shopping Center, which is 1,300 feet away from the subject property. Therefore, a variance of 1,200 feet was requested. OR B. Chapter 126, Article 4, Table A of the Zoning Ordinance requires that beauty salon uses provide 2 parking spaces per service chair, or 1 parking space per 300 square feet of floor area, whichever is greater. The applicant is proposing 23 service chairs and is required to provide 46 parking spaces. The subject property has 24 parking spaces on-site. Therefore, a variance of 22 parking spaces was requested.**

**Mr. Canvasser moved to deny the variance. He stated that strict compliance with the ordinance would not unreasonably prevent the petitioner from using the property for its permitted purpose, noting that the business could have 11 chairs. He said compliance with the ordinance was not demonstrated to be unnecessarily burdensome and that the variance would not do substantial justice to property owners in the area. He said that distance, inclement weather, temperatures, and time of day could all dissuade people from actually using Adams Square for parking, which would result in increased parking pressures around 670 S. Old Woodward. He stated the City was not provided with specific ways the requirement for stylists to park at Adams Square would be enforced, and noted that the City was also not provided with any examples of leases between the business and the stylists that would require that or would provide penalties for failure to comply. He said he found no unique circumstances, that the issue seemed self-created, and that the appellant could have done more due diligence to avoid this issue. He stated that the distance between the business and the stylist parking would also present potential safety issues for the stylists, especially in light of the necessity to cross Woodward.**

**Vice-Chair Morganroth concurred with Mr. Canvasser. He suggested that the appellant consider using 11 chairs and find another way to use the balance of the space. He stated that having to cross Woodward would likely deter stylists from using Adams Square for parking, which would then result in stylists parking closer to 670 S. Old Woodward, which would then result in decreased parking available for other retailers and possibly residents near 670 S. Old Woodward.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**5) 1759 Henrietta  
Appeal 21-49**

ABO Zielke presented the item, explaining that the owner of the property known as 1759 Henrietta was requesting the following variances to construct a second floor addition to an existing non-conforming single-family home:

**A. Chapter 126, Article 2.08.2** of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 14.00 feet. The proposed is 12.50 feet. Therefore, a variance of 1.50 feet was being requested.

**B. Chapter 126, Article 4.30(C)(1)** of the Zoning Ordinance permits a covered or uncovered porch including the steps may project into a front open space for a maximum distance of 10.00 feet. The existing and proposed is 13.59 feet. Therefore, a variance of 2.5 feet was being requested.

ABO Zielke noted the request for variance B was revised down after the agenda was published from 3.59 feet to 2.55 feet.

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

**Motion by Mr. Miller**

**Seconded by Mr. Hart with regard to Appeal 21-49, A. Chapter 126, Article 2.08.2 of the Zoning Ordinance requires that the minimum distance between principal residential buildings on adjacent lots of 14.00 feet or 25% of the total lot width whichever is larger. The required is 14.00 feet. The proposed is 12.50 feet. Therefore, a variance of 1.50 feet was being requested; and, B. Chapter 126, Article 4.30(C)(1) of the Zoning Ordinance permits a covered or uncovered porch including the steps may project into a front open space for a maximum distance of 10.00 feet. The**

**existing and proposed is 13.59 feet. Therefore, a variance of 2.55 feet was being requested.**

**Mr. Miller moved to approve the variances and to tie them to the plans largely as submitted, with the clarification that variance B was being amended to a 2.55 foot request. He said the request was reasonable and fit with the character of the neighborhood. He noted that the pre-existing, older home was not situated in accordance with the City's current requirements for the building envelope, and so the problem was not self-created.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**6) 551 S. Bates  
Appeal 21-50**

ABO Zielke presented the item, explaining that the owner of the property known as 551 S. Bates was requesting the following variances to construct a front and rear patio to an existing non-conforming home:

**A. Chapter 126, Article 2.10.1** of the Zoning Ordinance requires that the maximum lot coverage is 30% (1826.40 SF) of the lot. The proposed is 35.82% (2181.00 SF). Therefore, a variance of 5.82% (354.60 SF) was being requested.

**B. Chapter 126, Article 4.31(A)** of the Zoning Ordinance requires that a minimum of 65% (958.75) of the front open space in all single family districts shall be free of paved surfaces. The proposed is 63.34% (935.00 SF). Therefore, a variance of 1.66% (23.75 SF) was being requested.

**C. Chapter 126, Article 4.30(C)(1)** of the Zoning Ordinance permits a covered or uncovered porch including the steps may project into a front open space for a maximum distance of 10.00 feet. The existing and proposed is 13.60 feet. Therefore, a variance of 3.60 feet was being requested.

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

**Motion by Mr. Hart**

**Seconded by Mr. Reddy with regard to Appeal 21-50, A. Chapter 126, Article 2.10.1 of the Zoning Ordinance requires that the maximum lot coverage is 30% (1826.40 SF) of the lot. The proposed is 35.82% (2181.00 SF). Therefore, a variance of 5.82% (354.60 SF) was being requested; B. Chapter 126, Article 4.31(A) of the Zoning Ordinance requires that a minimum of 65% (958.75) of the front open space in all**

**single family districts shall be free of paved surfaces. The proposed is 63.34% (935.00 SF). Therefore, a variance of 1.66% (23.75 SF) was being requested; and, C. Chapter 126, Article 4.30(C)(1) of the Zoning Ordinance permits a covered or uncovered porch including the steps may project into a front open space for a maximum distance of 10.00 feet. The existing and proposed is 13.60 feet. Therefore, a variance of 3.60 feet was being requested.**

**Mr. Hart moved to approve the variances and tied them to the plans as submitted. He stated that the appellant has made several efforts to decrease the amount of hardscape and to increase the open space, and that the existing non-conforming property presented unique circumstances.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None

**7) 1679 Dorchester  
Appeal 21-51**

Appeal 21-51 was postponed.

**T# 11-63-21**

**6. Correspondence**

All correspondence was included in the agenda packet.

**T# 11-64-21**

**7. General Business**

**T# 11-65-21**

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

None.

**T# 11-66-21**

**8. Adjournment**

**Motion by Mr. Lillie**

**Seconded by Mr. Canvasser to adjourn the November 9, 2021 BZA meeting at 10:15 p.m.**

**Motion carried, 7-0.**

ROLL CALL VOTE

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

Nays: None



---

Bruce R. Johnson, Building Official

**Birmingham Board Of Zoning Appeals Proceedings**  
**Tuesday, May 10, 2022**  
**City Commission Room**  
**151 Martin Street, Birmingham, Michigan**

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**1. Call To Order**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on Tuesday, May 10, 2022. Chair Erik Morganroth convened the meeting at 7:30 p.m.

**2. Rollcall**

**Present:** Chair Erik Morganroth; Vice-Chair Jason Canvasser; Board Members Kevin Hart, John Miller, Ron Reddy; Alternate Board Member Carl Kona

**Absent:** Board Members Charles Lillie, Pierre Yaldo

**Administration:**

Bruce Johnson, Building Official  
Brooks Cowan, Senior Planner  
Laura Eichenhorn, City Transcriptionist  
Mike Morad, Assistant Building Official  
Jeff Zielke, Assistant Building Official

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

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

**3. Announcements**

Michigan and Oakland County are at a substantial rate of COVID-19 community transmission. Per Occupational Safety and Health Administration (OSHA) mask guidance for areas of high or

substantial community transmission levels, and to continue to protect essential government operations and functions, the city requires masks in City Hall for all employees, and for board and commission members. Masks are recommended for members of the public who attend city meetings. The city continues to provide KN-95 respirators for all in-person meeting attendees.

**T# 05-21-22**

**4. Approval Of The Minutes Of The BZA Meetings Of April 12, 2022**

Vice-Chair Canvasser said that on page five, the third full paragraph, 'orginance' should be changed to 'ordinance', and 'building' should be changed to 'buildable' in the same line.

**Motion by Mr. Reddy**

**Seconded by Vice-Chair Canvasser to accept the Minutes of the BZA meeting of April 12, 2022 as amended.**

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None

**5. Appeals**

**T# 05-22-22**

**1) 525 W. Merrill  
Appeal 22-14**

SP Cowan presented the item, explaining that the owner of the property known as 525 W Merrill was requesting the following variance to install a sign for a legal nonconforming commercial use in an R8 Attached Single Family residential zone:

**A. Article 1, Table B of the Sign Ordinance** permits permanent business signs in commercial zones only. The applicant is applying to have a permanent business sign in an R8 Attached Single-Family zone, therefore a dimensional variance of 2.58 square feet is being requested.

In reply to Vice-Chair Canvasser, BO Johnson stated that tying an approval to the present plans as submitted would prevent the variance from transferring to any potential future owner of 525 W. Merrill.

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

In reply to Chair Morganroth, Mr. Biddison said the aim was to make the business a little bit easier to find since it is residential in appearance.

In reply to Mr. Kona, Mr. Biddison said clients are both walk-in and by-appointment. He noted that there are also new clients to the business and the sign helps those clients locate the business.

**Motion by Mr. Miller**

**Seconded by Vice-Chair Canvasser with regard to Appeal 22-14, A. Article 1, Table B of the Sign Ordinance permits permanent business signs in commercial zones only. The applicant is applying to have a permanent business sign in an R8 Attached Single-Family zone, therefore a dimensional variance of 2.58 square feet is being requested.**

**Mr. Miller moved to approve the variance and tied the approval to the plans as submitted. He said he saw no negative impacts in allowing the signage given its subtlety and said it would be helpful in locating the business. He said the need for the variance was not self-created and is due to the unique circumstances of the business being legally non-conforming in the R8 zone.**

**Mr. Hart said he was supportive of the motion. He said allowing the sign would prevent this business' clients from accidentally knocking on residential neighbors' doors when trying to find the business. He said it was a reasonable request, not really a change in use, and fitting in the context.**

**Mr. Kona said he would not support the motion because the area was predominantly residential, with the commercial building across the street having no signage. He said that residents of the Baldwin House would be able to see 525 W. Merrill's illuminated sign at night.**

**Mr. Reddy said he would also not support the motion, stating that strict compliance with the ordinance would not prevent the petitioner from using the property as it was designed to be used.**

**Chair Morganroth said he would support the motion. He said that if the City aimed to phase out legally non-conforming parcels, then the City would not allow a six-month gap in occupancy during which the legally non-conforming status can transfer to a new occupant. Since the City does allow this, he said the City is encouraging this legally non-conforming use, and thus this use deserves the right to a regular sign.**

**Vice-Chair Canvasser reiterated BO Johnson's statement that this variance would be limited to the present occupant and any future occupant would have to seek a new variance if they desired a sign. He said the variance did not enlarge an existing non-conformity, that there was a practical difficulty, and that granting the variance would help reduce potential disruptions to the residential surroundings. He said there was a benefit to both the neighborhood and owners of 525 W. Merrill. For these reasons, Vice-Chair Canvasser said he would support the motion.**

**In reply to the Chair, SP Cowan confirmed that the illuminance of the sign is regulated by the sign ordinance and would be reviewed as part of the final application.**

**Motion carried, 4-2.**

ROLL CALL VOTE

Yeas: Miller, Morganroth, Canvasser, Hart

Nays: Reddy, Kona

**T# 05-23-22**

**2) 500 Arlington  
Appeal 22-15**

ABO Zielke presented the item, explaining that the owner of the property known as 500 Arlington was requesting the following variance to construct a new home with attached garage:

**A. Chapter 126, Article 4.75 (A)1** of the Zoning Ordinance requires that a private attached, single family residential garage be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The proposed garage is 36.96 feet in front of the portion of the front façade. Therefore, a variance of 41.96 feet is being requested.

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

In reply to the Chair, Mr. Sweeney said:

- If he had to comply with the ordinance the home would not be able to have an attached garage without going 40 feet further into the backyard;
- It would be an odd location for the garage and would cause it to be facing the neighboring home;
- It would also be possible that they would have to eliminate the garage entirely;
- He could move the house forward a bit under 20 feet and remain within the setbacks;
- Locating the house further from the street made the variance request larger;
- The variance could be half the requested amount if the house were moved closer to the street;
- The intention was to avoid having the angle of the street dictate the design of the house; and,
- He created the volume where the house could be built, and he did not feel that the house was required to be parallel to the property line or to the street at the front of the house.

In reply to Mr. Miller, Mr. Sweeney stated:

- He only became aware that he was not meeting the ordinance in March 2022;
- When the home was being designed he thought he was meeting the ordinance;
- A facade is a plane, not a point, and so the plane of the glass on the front of the home was being treated as the front facade when he met with the City two years ago;
- The garage was placed about 6.5 feet behind that plane of glass;
- Whether the garage had to be moved another foot or had to be shrunken a bit remained up for debate because the definition of 'facade' in this case was still being discussed. The

ordinance is not clear on what length of a building qualifies as a 'facade', and he has no vertical surface parallel to the setback line;

- He believed the interpretation took this long because he and the City agree on what would be allowed on a rectilinear lot, but diverge on what is allowed on an angular lot; and,
- The City's interpretation created a line, parallel to the front property line, that passes through the building and behind which the garage must be located.

Mr. Miller said:

- The project began as a large lot and new construction, and that one of the more simple aspects of the ordinance is that the garage must be located five feet back from the face of the house. In those circumstances it is usually not difficult to meet that aspect of the ordinance;
- The BZA would need to see a hardship or uniqueness in this case to grant the variance;
- If the two axes of the home had been angled to the front of the lot, the applicant likely could have met the zoning ordinance;
- He was sure that the applicant could still locate a two-vehicle garage on the lot; and,
- The applicant's contention seemed to be that the design was very far along, and the City's interpretation of the ordinance is what is causing the hardship.

Mr. Sweeney said he did not know of many houses that have an approximately 2400 sq. ft. area in front of the garage, where the garage is still considered not far enough back. He said the matter arose because measuring the front facade was not clear in the ordinance or in this case, and was not communicated to the applicant until March 2022. He said the issue was not simple since the applicant met with the City two years prior and was not informed of the present expectation. He said a case similar to this one has probably not arisen before, which likely complicated the interpretation.

Mr. Miller asked if Mr. Sweeney's description of the chronology of events aligned with the City's.

ABO Zielke said once the item was submitted, there was some back-and-forth regarding where the facade would be located on the plans. He said that because of the uniqueness of the angles, it took the City some time to conclude how it should be measured.

Vice-Chair Canvasser noted that the variance request before the BZA was a dimensional variance, and not an appeal of an interpretation. He said the BZA should be focused on the present request. He asked BO Johnson if he concurred.

BO Johnson said in response to Mr. Miller's inquiry, he believes the chronology as presented by Mr. Sweeney is accurate. BO Johnson said he was not involved early on or with the concluding decision about where the facade should be located on the drawings.

Mr. Hart said he believed the City interpreted the ordinance correctly, and provided an example where the BZA has required a garage to be located five feet behind a front door that was inset three feet from a front facade. He said this case was similar, in that part of the house is approximately 51 feet in front of the front door. He said the BZA exists because of situations like

this, however, to also consider the spirit of the law, and that it was clear in this case that the front door is far behind the front of the house.

Chair Morganroth concurred, saying that the City seeks to avoid a form where a garage is the leading facade instead of the front door. He said in this case there is a lot of massing in front of the garage, and so the question becomes whether this unique design adequately meets the spirit of the ordinance or not.

The Chair reminded the BZA that they had received three letters of support for the variance request.

**Motion by Mr. Reddy**

**Seconded by Mr. Miller with regard to Appeal 22-15, A. Chapter 126, Article 4.75 (A)1 of the Zoning Ordinance requires that a private attached, single family residential garage be setback a minimum of 5.00 feet from the portion of the front façade on the first floor of the principal residential building that is furthest setback from the front property line. The proposed garage is 36.96 feet in front of the portion of the front façade. Therefore, a variance of 41.96 feet is being requested.**

**Mr. Miller said because of the unique circumstances of this request he would move to approve the variance and to tie it to the plans as submitted. He noted that there is a 24-foot wide portion of the building that is approximately 40 feet in front of the garage door. He said the ten foot area on the far north side of the door could be considered the facade and that the applicant could be seen as attempting to meet the spirit of the ordinance.**

**Mr. Miller said much of the issue stems from the front angle of the street line of the lot. He said it was a unique lot with a unique condition. He said approval in this case should establish no precedent and that keeping the garage five feet behind the front facade is important on typical residential streets. He said the garage in this case is far behind the east wing of the house, and so given that he supported the motion.**

**Vice-Chair Canvasser said he would not support the motion, stating that supporting the motion would be a reinterpretation of the City's interpretation. He said that while there is an avenue to challenge the City's interpretation, such a request was not presently before the BZA. He echoed Mr. Miller's prior observation that this would be new construction with no particular topographical issues or other issues that would establish a practical difficulty. He stated that a substantially similar house could be built on this lot. The Vice-Chair concluded that the appeal did not surmount the self-creation issue.**

**Mr. Hart said he would support the motion. He said it was an extremely unique circumstance, and said supporting the motion reflects not on the City's interpretation but on the spirit and intent of the ordinance. He noted that the BZA exists specifically for cases like this, and that this project meets the intent of the ordinance. He said the**

**unique design of the home should be encouraged and that the garage was well behind the front facade.**

**The Chair said he would be supporting the motion. He said the unique angles of the lot and the architecture require a more unique analysis. He concurred with Mr. Hart that there is a large massing in front of the garage, and that if not for the unique angles that make this structure notable the home could likely comply with the ordinance but would also eliminate the uniqueness of the design. The home is set back far from the street so any concern about the garage facing the street and being visually unattractive does not apply to this particular home. He would like to encourage unique structures like this to beautify the community.**

**Motion carried, 5-1.**

ROLL CALL VOTE

Yeas: Morganroth, Hart, Reddy, Miller, Kona

Nays: Canvasser

**T# 05-24-22**

**3) 2225 E. Fourteen Mile Rd  
Appeal 22-16**

SP Cowan presented the item, explaining that the owner of the property known as 2225 E. Fourteen Mile Rd was requesting the following variances to update the site's parking lot and landscaping:

**A. Chapter 126, Article 4, Section 4.54(C)(1)** requires a screen wall along the side or rear line of any parking facility which immediately adjoins the side line of property zoned to a residential district. The subject property adjoins a school and a cemetery that are zoned R2 Single Family Residential for a total of 997 feet, therefore, a dimensional variance of 997 feet is being requested.

**B. Chapter 126, Article 4, Section 4.54(C)(3)(a)** requires a screen wall along the front or side of any parking facility that abuts a street. The subject property has 441 feet of parking lot facing a street; therefore, a dimensional variance of 441 feet is being requested.

**C. Chapter 126, Article 4, Section 4.21(F)(1)** requires maximum height for pole mounted luminaires to be 13' for parking lots adjacent to residential properties. The subject site is proposing 16' pole mounted luminaires; therefore, a dimensional variance of 3 feet is being requested.

**D. Chapter 1, Article 1, Table D of the Sign Ordinance** permits religious institutions to have one sign at 20 square feet or less if less than 500 feet from occupied residential dwellings, or 40 square feet of signage if it is more than 500 feet from occupied residential

dwelling units. The applicant is proposing three signs for a total of 104 square feet of signage, therefore a dimensional variance of 64 square feet is being proposed.

It was noted by Staff that the 64 feet requested in variance D was incorrect, and should have been noticed as 84 feet.

Since variance D was noticed improperly, the BZA proceeded with variances A, B, and C and postponed hearing variance D until it could be appropriately noticed.

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

In reply to Mr. Bogaerts, SP Cowan said the intent of Chapter 126, Article 4, Section 4.54(C)(3)(a) was likely to ensure that a vehicle would be impeded from accidentally entering a street or sidewalk from the parking lot, and to screen vehicle headlights and taillights.

In reply to Chair Morganroth, Mr. Bogaerts said variance B was being requested because the parking is at least 60 feet back from the property line and is parallel parking. He noted that meant there is no risk of a vehicle accidentally entering a street or sidewalk from the parking area, and noted that vehicle headlights or taillights would not be effectively obscured by the screening wall in this case.

Regarding variance C, Mr. Reddy said he would be concerned about the impact of the requested taller light poles on the single family residences north of Bradford on the west side of Melton.

Mr. Bogaerts estimated that the impact on those residences would be similar between a 13-foot light pole and a 16-foot light pole. He noted that there would be at least 200 feet of green space and two layers of trees between the parking area near Melton and Melton Road itself, which he said would prevent the residences from being impacted. He noted that the lights are shielded to point downward. Mr. Bogaerts added that none of the residents on Melton had voiced concern either during the Planning Board's review of the item or during the present BZA review of the item.

**Motion by Mr. Miller**

**Seconded by Vice-Chair Canvasser with regard to Appeal 22-16, A. Chapter 126, Article 4, Section 4.54(C)(1) requires a screen wall along the side or rear line of any parking facility which immediately adjoins the side line of property zoned to a residential district. The subject property adjoins a school and a cemetery that are zoned R2 Single Family Residential for a total of 997 feet, therefore, a dimensional variance of 997 feet is being requested; and, C. Chapter 126, Article 4, Section 4.21(F)(1) requires maximum height for pole mounted luminaries to be 13' for parking lots adjacent to residential properties. The subject site is proposing 16' pole mounted luminaires; therefore, a dimensional variance of 3 feet is being requested.**

**Mr. Miller moved to approve variances A and C and tied them to the plans as submitted. He said those two variances were unique in that they are triggered by the**

**residential zoning designation of Eton Academy to the north and the cemetery to the east, neither of which are actually residential. The need for variances A and C, then, was not self-created and was due to the unique circumstances of the property.**

**Chair Morganroth asked it be noted that Mr. Bogaerts said that if either Eton Academy or the cemetery did become residential in the future that Our Shepherd Lutheran would be open to meeting the ordinance.**

**Motion carried, 6-0.**

ROLL CALL VOTE

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

Nays: None

**T# 05-25-22**

**Motion by Mr. Hart**

**Seconded by Vice-Chair Canvasser with regard to Appeal 22-16, B. Chapter 126, Article 4, Section 4.54(C)(3)(a) requires a screen wall along the front or side of any parking facility that abuts a street. The subject property has 441 feet of parking lot facing a street; therefore, a dimensional variance of 441 feet is being requested.**

**Mr. Hart moved to approve variance B and tied it to the plans as submitted. He said the appellant submitted a responsible design of the property, with particular attention to the perviousness of the site through the inclusion of the bioswale and landscape islands. He said the variance would have little to no impact on the neighboring properties. He said granting the variance would do substantial justice both to the owner and to the neighbors.**

**Mr. Miller said he would not support the motion because of the importance of screening parking.**

**Chair Morganroth said he also would not support the motion because the appellant did not establish why they could not include the screening walls required by the ordinance. He said the assumption of the intent of the ordinance as occurred during the item's discussion is not established fact. He said that this variance is not related to the residential zoning of the parcels adjacent to the property and no hardship was established. He said the screening walls in this case would have both benefit and purpose.**

**Mr. Kona said he also would not support the motion. He noted the appellant has the option to use greenery to replace the screening wall, and said screening parking is as much an aesthetic issue as it is an issue of safety or an issue of obscuring headlights or taillights. He stated that 60 feet is only about three car lengths away and a lack of a screening wall in this case would result in a lot of additional illumination of 14 Mile.**

**Motion failed, 3-3.**

ROLL CALL VOTE

Yeas: Canvasser, Hart, Reddy

Nays: Morganroth, Miller, Kona

BO Johnson asked the Board to retain their materials for this appeal.

**T# 05-26-22**

**4) 1061 Forest  
Appeal 22-18**

ABO Zielke presented the item, explaining that the owner of the property known as 1061 Forest was requesting to construct a porch/patio in the required side yard of an existing home:

**A. Chapter 126, Article 4, Section 4.30(C)(3)** of the Zoning Ordinance requires that patios do not project into a required side open space. A patio and stairs is being proposed to project 8.00 feet into the south side open space; therefore, a variance of 8.00 feet is being requested.

Nicholas Green, representative for the petitioner, reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

In reply to the Chair, Mr. Green stated that the distance from the last step to the front door would be further than it presently is. The porch and steps will be Trex composite decking.

**Motion by Vice-Chair Canvasser**

**Seconded by Mr. Kona with regard to Appeal 22-18, A. Chapter 126, Article 4, Section 4.30(C)(3) of the Zoning Ordinance requires that patios do not project into a required side open space. A patio and stairs is being proposed to project 8.00 feet into the south side open space; therefore, a variance of 8.00 feet is being requested.**

**Vice-Chair Canvasser moved to approve the variance and tied it to the plans as submitted. He said it was not a self-created issue and that the property had very unique circumstances including how the house is angled, where the front of the home is, and how those do not align. He said the steps are a safety issue and that the applicant would not be going substantially larger than the current steps. He said he saw effort at mitigating the request. The Vice-Chair stated the variance would do substantial justice to the petitioner as well as other property owners, and strict compliance with the ordinance would render conformity unnecessarily burdensome.**

**Motion carried, 6-0.**

ROLL CALL VOTE

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

Nays: None

**T# 05-27-22**

**5) 36877 Woodward  
Appeal 22-19**

SP Cowan presented the item, explaining that the owner of the property known as 36877 Woodward was requesting the following variances to construct a new veterinary clinic in the TZ-3 Transition Zone:

**A. Chapter 126, Article 4, Section 2.46.2** of the Zoning Ordinance requires the minimum front yard setback for the building façade to be built within 5 feet of the front lot line for a minimum of 75% of the street frontage length. The applicant is proposing a building façade within 5 feet of the front lot line for 55% of the street frontage length, therefore a dimensional variance of 35 feet is being requested.

**B. Chapter 126, Article 4, Section 4.53(A)(1)** of the Zoning Ordinance requires that no more than 25% of a property's frontage, or 60 feet, whichever is less, shall be occupied by parking lot. The applicant is proposed 32% of their frontage line to be occupied by parking a parking lot; therefore, a dimensional variance of 12 feet is being requested.

**C. Chapter 126, Article 4, Section 4.83(B)(3)** of the Zoning Ordinance requires that buildings longer than 100 feet to have one (1) usable entrance for every full 50 feet of frontage along the front public sidewalk. The applicant is proposing a building width of 100'8" with one door facing the frontage, therefore a dimensional variance of 1 door is being requested.

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

In reply to Chair Morganroth, Mr. Matthys said variance A was being sought because complying with the ordinance would make the building less architecturally pleasant, especially when viewed from Woodward heading north. He added that meeting the ordinance and maintaining the extant access points would also be problematic. He said he was unsure if he could move the parking to the building's rear if he lengthened the building to the north while making the building shallower.

Chair Morganroth noted that the petitioner was not restrained by the existing footprint since the proposal was for a complete demolition and rebuild.

Mr. Matthys acknowledged that to be the case, but said the plans were constrained by efforts to maintain the same access points, efforts to maximize parking on-site, and the utility on the southern boundary of the site. He said the petitioner has pushed to meet the intent of the ordinance while accommodating the restraints of the site.

In reply to the Chair, Mr. Matthys said variance A could be lessened by approximately 15 feet if the southern trapezoidal corner were eliminated.

BO Johnson confirmed for Mr. Reddy that the locations of the site's curb cuts are determined by MDOT.

**Motion by Vice-Chair Canvasser**

**Seconded by Mr. Hart with regard to Appeal 22-19, A. Chapter 126, Article 4, Section 2.46.2 of the Zoning Ordinance requires the minimum front yard setback for the building façade to be built within 5 feet of the front lot line for a minimum of 75% of the street frontage length. The applicant is proposing a building façade within 5 feet of the front lot line for 55% of the street frontage length, therefore a dimensional variance of 35 feet is being requested; B. Chapter 126, Article 4, Section 4.53(A)(1) of the Zoning Ordinance requires that no more than 25% of a property's frontage, or 60 feet, whichever is less, shall be occupied by parking lot. The applicant is proposed 32% of their frontage line to be occupied by parking a parking lot; therefore, a dimensional variance of 12 feet is being requested; and, C. Chapter 126, Article 4, Section 4.83(B)(3) of the Zoning Ordinance requires that buildings longer than 100 feet to have one (1) usable entrance for every full 50 feet of frontage along the front public sidewalk. The applicant is proposing a building width of 100'8" with one door facing the frontage, therefore a dimensional variance of 1 door is being requested.**

**Vice-Chair Canvasser moved to approve all three variances and tied the approvals to the plans as submitted. He stated that the property had unique circumstances that would render compliance with the ordinance unnecessarily burdensome. He said the plans would do substantial justice to other property owners and to the City as a whole, especially given the site's gateway location.**

**Vice-Chair Canvasser said that while the petitioner could meet the ordinance instead of seeking variance C, he noted that asking the petitioner to do so would have cascading effects that would change the entire proposal. He said he found the proposed plans reasonable overall, that the door is almost on the frontage, and that the grade of the property also impacted this aspect of the plans.**

**Mr. Hart said the petitioner worked to make the plans as ordinance-compliant as possible. He noted that there are specific architectural challenges with veterinary medicine that the plans address.**

**Chair Morganroth said he would not support the motion. He said the requirements of TZ-3 zoning were designed intentionally, and that this proposal could do more to come closer to compliance. He noted that removing the trapezoidal design of the southern corner could lower the request for Variance A to about 20 feet.**

**Motion carried, 4-2.**

ROLL CALL VOTE

Yeas: Canvasser, Hart, Reddy, Miller

Nays: Kona, Morganroth

**T# 05-28-22**

**6) 201 Southfield  
Appeal 22-20**

SP Cowan presented the item, explaining that the owner of the property known as 201 Southfield was requesting the following variance to install additional bedrooms within the property's four multi-family units:

**A. Chapter 126, Article 4, Section 4.46, Table A** of the Zoning Ordinance requires 2 parking spaces per residential unit with 3 or more room units in an R7 Zone. The applicant is proposing four multi-family units with three room units each, therefore requiring eight parking spaces. The subject site has four parking spaces; therefore, a dimensional variance of four parking spaces is being requested.

Stephen Bonamy with Creative Brick reviewed the letter describing why this variance was being sought. The letter was included in the evening's agenda packet.

The Chair explained that there is a history of parking variance requests coming before the BZA. He noted that it is difficult for the BZA to consider approving a variance if the parking spaces needed are not provided elsewhere, possibly through on-street parking or leasing parking from another owner. He asked whether the applicant had pursued any such options.

John Ketty, owner of Creative Brick, stated he had not checked with the parking structure across the street about leasing four parking spaces to meet the ordinance.

**Motion by Mr. Miller**

**Seconded by Mr. Reddy with regard to Appeal 22-20, A. Chapter 126, Article 4, Section 4.46, Table A of the Zoning Ordinance requires 2 parking spaces per residential unit with 3 or more room units in an R7 Zone. The applicant is proposing four multi-family units with three room units each, therefore requiring eight parking spaces. The subject site has four parking spaces; therefore, a dimensional variance of four parking spaces is being requested.**

**Mr. Miller moved to deny the variance request. He said that while there are challenges given the size of the site, in similar circumstances there have always been attempts to supply parking spaces in other ways, as the Chair previously stated. Mr. Miller said he had heard no attempts at mitigating the variance request on the part of the applicant. He said the situation was self-created since the applicant was undertaking the work that would require the increase in parking spaces.**

**Mr. Kona concurred with Mr. Miller. He said the applicant could also not control how the two-bedroom units would be used, and noted that he could not support increasing the demand on the available parking.**

**Mr. Reddy said the parking ordinances exist to maintain sufficient parking, and noted that there are already challenges in parking on residential streets in the area near 201 Southfield.**

**Vice-Chair Canvasser said he would not support the motion. He said two adults renting an apartment with one parking spot would determine for themselves how to navigate the lack of an additional parking space. He said that the pre-existing non-conformity and some self-creation made the decision a close one, but that he was ultimately all right with granting the variance.**

**Mr. Hart said he would not support the motion either. He said that putting two more parking spaces in place of the proposed pergola would reduce the value and aesthetic of the property. He stated that this is an urban setting and noted that the draft 2040 Plan has discussed increasing density. He said he did not believe that the additional bedrooms would increase the occupancy of the building and said that adding more parking spaces in this situation was not justified.**

**Motion carried, 4-2.**

ROLL CALL VOTE

Yeas: Morganroth, Reddy, Miller, Kona

Nays: Canvasser, Hart

## **6. Correspondence**

Three letters regarding Appeal 22-15 were provided to the BZA and to the petitioner.

BO Johnson also summarized a memorandum from the City Attorney regarding the Open Meetings Act.

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

**T# 05-29-22**

## **8. Adjournment**

**Motion by Vice-Chair Canvasser**

**Seconded by Mr. Kona to adjourn the May 10, 2022 BZA meeting at 10:22 p.m.**

**Motion carried, 6-0.**

VOICE VOTE

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

Nays: None



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Bruce R. Johnson, Building Official



Laura Eichenhorn

City Transcriptionist